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HOUSE OF REPRESENTATIVES—*Tuesday, October 7, 2003*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ADERHOLT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 7, 2003.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 2152. An act to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program.

H. Con. Res. 282. Concurrent resolution honoring the life of Johnny Cash.

The message was announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1642. An act to extend the duration of the immigrant investor regional center pilot program for 5 additional years, and for other purposes.

S. Con. Res. 66. Concurrent resolution commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy.

The message also announced that pursuant to Public Law 103–296, the Chair, on behalf of the President pro tempore, and in consultation with the Chairman and the Ranking Minority Member of the Finance Committee, appoints Sylvester J. Schieber, of Maryland, as a member of the Social Security Advisory Board for a six-year term.

The message also announced that pursuant to Public Law 99–498, the Chair, on behalf of the President pro tempore, appoints Rene Drouin, of New Hampshire, vice Charles Terrell, of Massachusetts, to the Advisory Committee on Student Financial Assistance for a three-year term.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PALLONE) for 5 minutes.

THE HARM OF MEANS TESTING THE MEDICARE PROGRAM

Mr. PALLONE. Mr. Speaker, I rise on the House floor to express my concern regarding an agreement that is being sought by the Medicare conference committee on means testing the Medicare program. Accepting a provision that will allow means testing of Medicare beneficiaries will in time only lead to the destruction of the Medicare program that seniors rely on and that we as Democrats have worked on preserving since its days of inception nearly 40 years ago.

The House Republican bill means tests the protection against high drug costs. Seniors who earn more than $60,000, or $120,000 for couples, will not have the $4,900 catastrophic protection, and instead they will have to pay more out of pocket before they get catastrophic protection because of their income. Means testing the catastrophic protection will force many seniors to pay more for their drug coverage.

This provision in the House Republican Medicare legislation for the first time in the history of Medicare taxes middle class, or I should say the middle class seniors, twice for their benefits. Today Medicare is available to all who are eligible. Everyone pays the same percentage in payroll taxes and gets the same benefits out. Universality is the central theme of the Medicare program, and all Americans who contribute taxes during their working years are eligible for the full package of Medicare benefits when they retire.

The House Republicans, however, are taking the first steps to turning Medicare into what is essentially or what could become a welfare program, making higher-income seniors pay more for their Medicare benefits. What this amounts to is an additional Medicare tax on higher-income seniors who have already paid more money in Medicare taxes because of their higher earnings. Now they are getting hit again through this drug benefit and are being asked to pay another tax to pay more money for their drugs than other seniors. They basically are paying twice for their benefits. Keep in mind that in many localities a $60,000 income does not make you wealthy, and that once the precedent is set, there will likely be a domino effect with the cutoff reaching lower and lower, affecting more and more middle class seniors. Right now the Republicans are talking $60,000, but that could change to $50,000 or $40,000; and as it goes down, more middle income seniors will be impacted.

It is unclear how the provision in the House Republican bill is going to work, or whether it will even work. The Medicare administrator will send the names of seniors to the IRS, and the IRS will send back the senior's income for the previous year. Medicare will then send this very private information to private health insurance companies, and seniors' confidential information will be sent all across the country, a situation ripe for abuse.

Medicare currently does not means test benefits, and it does not have staff

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to deal with this complicated matter. The Republican bill will increase government bureaucracy in both Medicare and the IRS to administer the provision. And under the Republican bill, Medicare is supposed to have a process for seniors who have seen their incomes decline to come in and get an adjustment; and because we know seniors' income declines as they age, Medicare would need to be able to deal with millions of people coming in every year to have their income information reevaluated.

Mr. Speaker, private plans will have a hard time administering this means test provision as well. They will have different catastrophic levels for every senior making above $60,000 in income. More importantly, with this income information, the provision to allow means testing of catastrophic levels will also enable plans to risk-select and pick out other seniors to be in their plans. Private insurance companies will have incentives to seek out only higher-income seniors to make their premiums lower. Because higher-income seniors will have a higher catastrophic level, plan premiums will be lower because the plan will be paying less of beneficiaries' drug costs. And seniors living in low-income areas may find that plans do not want to come there because these seniors will make the plan premiums more expensive.

Mr. Speaker, all in all the provision in the House Republican bill is a bad idea for Medicare. It increases government bureaucracy, injects the IRS into Medicare, and it will be unworkable for plans and seniors. The approach taken in the Republican bill is wrong. We should not be taxing middle class seniors twice for Medicare benefits or because they have retiree coverage. This threatens the program's broad support and popularity, fragmenting public support and confidence in the Medicare program and making it easier to end the program once and for all.

I urge my colleagues on the conference committee to eliminate the means testing of catastrophic drug coverage and all Medicare benefits. Means testing will destroy the universality of Medicare and will destroy the Medicare program altogether.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HEFLEY) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Blessed are You, Lord, God of mercy. Throughout the ages You have sustained and guided Your people. In the darkest hours You have come to our aid. In the bright shining moments of our history Your love and goodness have flourished.

Guide the Nation at this moment in history. Strengthen the Members of this, the people's House. May they be forthright and defiant against evil and accomplish what is best for Your people.

In time of need may they prove themselves Your servants.

This we pray, in this we trust, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUPPORTING ISRAEL'S FIGHT AGAINST TERRORISM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in support of Israel's actions to destroy terrorist training camps in Syria, sending a message that terrorists cannot hide and will be destroyed wherever they are found. As the United States has defended itself against terrorism in Afghanistan and Iraq, Israel is defending itself against further attacks by the terrorist group Islamic Jihad. This violent group's latest attack came on Saturday, before Yom Kippur, at a Haifa restaurant, killing 19 innocent people and injuring 55.

As President Bush has said, "Israel's got a right to defend herself, that Israel must not feel constrained in terms of defense of the homeland." No nation would sit by as their civilians are killed and terrorized, and Israel has a duty to protect its people. Palestinians that desire peace must work to dismantle the terror networks, and so must the people of Syria. As United States U.N. Ambassador John Negroponte said, "Syria is on the wrong side of the War on Terrorism." Syria has harbored and supported terrorists and this must end.

Israel is in the midst of a battle in the War on Terrorism and America stands with her.

In conclusion, God bless our troops.

IMMIGRANT WORKERS FREEDOM RIDE

(Mr. FILNER asked and was given permission to address the House for 1 minute.

Mr. FILNER. Mr. Speaker, when I was a college student over 40 years ago, I was one of the first Freedom Riders in Mississippi. With fellow students, we went to jail to spotlight for Americans the injustice and inhumanity of racial segregation.

Last week as a Congressman, I was able to meet and make personal the historical connection with the Immigrant Workers Freedom Ride. Tens of thousands of immigrants rode across our great Nation to spotlight for Americans the injustices and inhumanity of our current immigration laws.

The Freedom Rides in the early 1960s did lead to the elimination of the laws of segregation. Let us work today to protect the rights of immigrants in the workplace, to ensure their civil liberties and civil rights, to reunite immigrant workers with their families, and to create a path to citizenship for those who work hard every day, pay their taxes, and support their families.

Let us truly salute the Immigrant Workers Freedom Ride with real congressional action.

IN MEMORY OF THE HONORABLE DONALD MITCHELL

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, the Honorable Donald J. Mitchell passed away on Saturday, September 27, 2003. He is gone, but his life's work and patriotism will never be forgotten.

The life of Donald Mitchell is that of an all-American patriot. In times of war, he served his country as a carrier-based naval aviator in World War II and as a flight instructor during the Korean War.

In times of peace, he served his community. He was an optometrist by profession, but a public servant at heart as a Herkimer town councilman from 1954 to 1957, as mayor of the village from 1957 to 1960. From 1964 to 1972, during times of great change, he served as a New York State Assemblyman. Always a leader, he was there too as the majority whip. And from 1972 to 1982, during times of great debate and political uncertainty, he served his country once again as one of the most effective members of this great institution, the people's House.

While in Congress, he was progressive and steady. He always took the high road and served his constituents with honor. I should know. During those 7 years, I proudly served as a member of Congressman Don Mitchell's staff. And after his retirement, I was elected to the seat he held.

For me, he was always a role model. Every day since, I have made it my goal as Representative Mitchell's successor in Congress to serve my constituents with the honor and dignity that Don Mitchell brought to the job. Don Mitchell left an indelible mark on the fabric of our society.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

E-GOVERNMENT ACT OF 2002 AMENDMENTS

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1303) to Amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference, as amended.

The Clerk read as follows:

H.R. 1303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RULEMAKING AUTHORITY OF JUDICIAL CONFERENCE.

Section 205(c) of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note) is amended by striking paragraph (3) and inserting the following:

"(3) PRIVACY AND SECURITY CONCERNS.—

"(A)(i) The Supreme Court shall prescribe rules, in accordance with sections 2072 and 2075 of title 28, United States Code, to protect privacy and security concerns relating to electronic filing of documents and the public availability under this subsection of documents filed electronically or converted to electronic form.

"(ii) Such rules shall provide to the extent practicable for uniform treatment of privacy and security issues throughout the Federal courts.

"(iii) Such rules shall take into consideration best practices in Federal and State courts to protect private information or otherwise maintain necessary information security.

"(iv) Except as provided in clause (v), to the extent that such rules provide for the redaction of certain categories of information in order to protect privacy and security concerns, such rules shall provide that a party that wishes to file an otherwise proper document containing such protected information may file an unredacted document under seal, which shall be retained by the court as part of the record, and which, at the discretion of the court and subject to any applicable rules issued in accordance with chapter 131 of title 28, United States Code, shall be either in lieu of, or in addition to, a redacted copy in the public file.

"(v) Such rules may require the use of appropriate redacted identifiers in lieu of protected information described in clause (iv) in any pleading, motion, or other paper filed with the court (except with respect to a paper that is an exhibit or other evidentiary matter, or with respect to a reference list described in this subclause), or in any written discovery response—

"(I) by authorizing the filing under seal, and permitting the amendment as of right under seal, of a reference list that—

"(aa) identifies each item of unredacted protected information that the attorney or, if there is no attorney, the party, certifies is relevant to the case; and

"(bb) specifies an appropriate redacted identifier that uniquely corresponds to each item of unredacted protected information listed; and

"(II) by providing that all references in the case to the redacted identifiers in such reference list shall be construed, without more, to refer to the corresponding unredacted item of protected information.

"(B)(i) Subject to clause (ii), the Judicial Conference of the United States may issue interim rules, and interpretive statements relating to the application of such rules, which conform to the requirements of this paragraph and which shall cease to have effect upon the effective date of the rules required under subparagraph (A).

"(ii) Pending issuance of the rules required under subparagraph (A), any rule or order of any court, or of the Judicial Conference, providing for the redaction of certain categories of information in order to protect privacy and security concerns arising from electronic filing or electronic conversion shall comply with, and be construed in conformity with, subparagraph (A)(iv).

"(C) Not later than 1 year after the rules prescribed under subparagraph (A) take effect, and every 2 years thereafter, the Judicial Conference shall submit to Congress a report on the adequacy of those rules to protect privacy and security.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1303 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1303 amends the E-Government Act to require the Judicial Conference of the United States to promulgate national rules to address privacy and security concerns relating to the electronic filing of court documents and the public availability of documents filed electronically.

To the extent any rules provide for the redaction of certain information in order to protect privacy, this bill requires that the rules allow litigants to file and access unredacted documents under seal for evidentiary purposes in addition to a redacted version for public use.

H.R. 1303 addresses the concerns of both the Department of Justice and the judiciary. The Department of Justice was concerned that the privacy policy of the Judicial Conference could impede the legal introduction into evidence of information it deemed necessary to prove the elements of certain cases, such as bank account numbers in a fraud prosecution. The judiciary was concerned that a privacy policy allowing parties to file unredacted and sealed documents and a redacted public version could result in confusion, error, privacy risks, and reduction in access to public documents. H.R. 1303 requires the enactment of national rules to protect privacy and security concerns. However, such rules permit the filing of one "reference list," to be kept under seal, that would include a complete version of each personal data identifier and a corresponding partially redacted version of each identifier. Only the partially redacted version may be used in future filings.

The bill encourages uniformity in all jurisdictions and empowers and Department of Justice to access the information necessary to prosecute crimes. The Judicial Conference will retain the authority to enact rules that comply with case law, provide the greatest public access to information possible, and protect the privacy of all participants in the Federal judicial system.

This is a good bill and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1303, and ask my colleagues to vote for it. H.R. 1303 will address serious concerns expressed by the U.S. courts about the E-Government Act of 2002. I believe the legislation will address these concerns while still serving the worthwhile purposes of the E-Government Act.

In the wee hours of the last day of the 107th Congress, the House and Senate both passed the E-Government Act of 2002 by unanimous consent. The President later signed the act into law as Public Law 107-347.

Section 205 of that legislation required the U.S. courts to establish and maintain Web sites containing a variety of information. Required information includes access to docket information for each case, access to the substance of all written opinions issued by the court, and access to documents filed with the courthouse in electronic form.

The legislation wisely recognized that the public interests in access to court documents and the protection of privacy must be balanced. Many court documents contain a variety of personal information, including bank account numbers, tax returns, and home addresses. Unrestricted Internet access to all court documents in their entirety might, therefore, seriously compromise the privacy of certain individuals.

In acknowledgment of these serious privacy concerns, section 205 requires the U.S. Supreme Court to prescribe rules "to protect privacy and security concerns relating to electronic filing of documents and the public availability under this subsection of documents filed electronically." The Supreme Court is required to submit its prescribed rules to Congress, and the prescribed rules would be adopted if Congress failed to act to amend or reject them within 6 months.

Section 205 also further dictates the substance of the rules that the U.S. Supreme Court must prescribe. Most relevant to the legislation before us, section 205 requires that the privacy rules adopted by the courts allow parties to file unredacted versions of court documents under seal.

□ 1415

This language addressed Justice Department concerns that the privacy rules could impede the introduction into evidence of information it deemed necessary to prove the elements of certain cases.

Because of the last-minute nature of the E-Government Act, neither the Committee on the Judiciary nor the U.S. Courts had adequate opportunity to review the final text of Section 205 before passage. Having now reviewed and reflected on Section 205, the Committee on the Judiciary had some concerns about the language. It is those concerns that H.R. 1303 addresses today.

In allowing parties to file both redacted and sealed, unredacted sets of court documents, the U.S. courts believe Section 205 creates needless potential for confusion and error. In particular, the Courts assert Section 205 will needlessly complicate the process of making appropriate versions of documents available to juries and to the public, and for certifying appropriate versions of the documents for purposes of appeal.

These concerns have been addressed in the legislation before us today. H.R. 1303 addresses the concerns of the courts, while accomplishing the objectives of the Department of Justice. In fact, H.R. 1303 as adopted by the Committee on the Judiciary represents a negotiated compromise between the Department of Justice and the U.S. courts.

H.R. 1303 requires the courts to prescribe rules that allow parties to file a reference list with the court. This reference list would include both a complete and partially-redacted version of each personal data identifier. The redacted version would be used in lieu of, and be construed to refer to, the complete version in subsequent filings in the case. The list, which would be maintained under seal, would, therefore, serve as a type of key.

This approach resolves the concerns of the courts by eliminating the need to file two versions of a court document. It meets the needs of the Department of Justice by allowing for the filing of unredacted identifiers where necessary to accomplish the elements of a case.

In conclusion, Mr. Speaker, I believe this legislation is a proportionate cure for a previously-overlooked defect in the E-Government Act of 2002. Therefore, I ask my colleagues to support this legislation today.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH) who is the chairman of the Subcommittee on Courts, the Internet, and Intellectual Property of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for yielding me time.

Mr. Speaker, the E-Government Act I introduced improves the information management of the Federal Government by authorizing upgrades to enhance systems management, information technology, and security. It also includes provisions that ensure greater citizen access to Federal Government information.

Section 205 of the Act instructs the Federal courts to establish and maintain a Web site with information such as courthouse locations, relevant telephone numbers, court rules, docket listings, written opinions, and case filings.

In addition, it requires the Judicial Conference to prescribe rules to protect privacy and security concerns relating to electronic filing of documents and the public availability of documents filed electronically.

After the Subcommittee on Courts, the Internet, and Intellectual Property marked up H.R. 1303, the Department of Justice raised concerns that under H.R. 1303, the Judicial Conference could adopt rules that might prevent the Department from using certain information necessary to prosecute cases, such as credit card numbers in a fraud prosecution.

At the Committee on the Judiciary markup of H.R. 1303, I offered an amendment in the nature of a substitute that addressed the concerns of both the Department of Justice and the Judiciary.

H.R. 1303 will protect privacy of Federal litigants, provide for public access to information, limit party error, and ensure the introduction of evidence necessary for the prosecution of certain cases.

Mr. Speaker, H.R. 1303 is a good bill, and I urge my colleagues to support it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1303 which will amend Section 205 of the existing and codified "E-Government Act." The operative language of the bill with the Amendment offered by Representative Howard L. Berman and adopted by the Judiciary Committee will restore order to the electronic infrastructure that serves the federal court system.

The primary goals of the "E-Government Act," namely to (1) improve the "information management" of the Federal Government by authorizing upgrades to improve systems management, information technology, and security, and (2) to insure greater citizen access to Federal Government information serve the interest of the public by way of making the government's electronic infrastructure more "user friendly and useful overall. However, in light of the import of the existing codified language of the relevant provision, Section 205 of the E-Government Act," namely the hortatory "shall" reveals a problem that is addressed by H.R. 1303:

> "[t]he Judicial Conference of the United States shall prescribe rules . . . to protect privacy and security concerns relating to electronic filing of documents and the public availability under this subsection of documents filed electronically."

While the overt intent of the hortatory language suggests a legislative benefit to the public and to the electronic infrastructure, by implication, the provision waters down the discretion of the Federal Courts to determine the sealability of court documents as well as restrict public access to certain case information.

In the wake of 9/11 and the mounting death toll that is ever-escalating even in the aftermath of war, it is vital that we keep our secure information secure and less vulnerable to negligent or abusive acts, as the net effect could lead to larger problems. Allowing carte blanche access to certain court electronic court documents allowing the manipulation of the sealability of those documents is a disaster waiting to happen. The type of crimes to be controlled by the bill introduced in the Subcommittee on Crime, Terrorism, and Homeland Security, namely H.R. 1678, the "Anti-Hoax Terrorism Act of 2003" could create an administrative nightmare for the federal court system. The cost, time, and energy expenditure that could come about absent the protections of H.R. 1303 would only make our government even more vulnerable to real terrorist attacks. As a Member of the Select Committee on Homeland Security, I am particularly interested in preventing terrorism hoaxes and holding criminal transgressors accountable. Allowing parties access to freely manipulate certain electronic litigation documents will lead to severe administrative backlog and the concomitant vulnerability of other areas of our critical infrastructure. Problems never stop where they begin. Homeland security funds and resources are both scarce and precious. During my work on the Select Committee on Homeland Security, I have spoken with numerous fire departments, police departments, hazardous materials teams, and other first responders across the country that are not receiving the funding, equipment, and other resources they need to adequately protect their communities.

Mr. Speaker, for the reasons set forth above, I support H.R. 1303, the "E-Government Act of 2003" and thank you for this opportunity to consider it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further request for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1303, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONDEMNING BIGOTRY AND VIOLENCE AGAINST ARAB-AMERICANS, MUSLIM-AMERICANS, SOUTH ASIAN-AMERICANS, AND SIKH-AMERICANS

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 234) condemning bigotry and violence against Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans.

The Clerk read as follows:

H. RES. 234

Whereas all Americans are united in supporting American men and women who protect our Nation abroad and at home;

Whereas thousands of Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans serve in the military and in law enforcement, working to protect all Americans;

Whereas the Arab-American, Muslim-American, South Asian-American, and Sikh-American communities are vibrant, peaceful, and law-abiding, and have greatly contributed to American society; and

Whereas all Americans, including Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans, condemn acts of violence and prejudice: Now, therefore, be it

Resolved, That the House of Representatives—

(1) is concerned by the number of bias-motivated crimes against Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans, and other Americans in recent months;

(2) declares that the civil rights and civil liberties of all Americans, including Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans, should be protected;

(3) condemns bigotry and acts of violence against any American, including Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans;

(4) calls upon local, State, and Federal law enforcement authorities to work to prevent bias-motivated crimes against all Americans, including Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans; and

(5) calls upon local, State, and Federal law enforcement authorities to investigate and prosecute vigorously all such crimes committed against Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 234.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, introduced by the gentleman from California (Mr. ISSA), House Resolution 234 condemns bigotry and violence against individuals of Arab, Muslim, South Asian and Sikh-Americans dissent. It was introduced in response to concerns about an increase in discriminatory backlash crimes following the commencement of military action in Iraq in March 2003. Specifically, House Resolution 234 recognizes the many contributions of Arab-, Muslim-, South Asian-, and Sikh-Americans to our culture and society, calls upon law enforcement authorities to work to vigorously prevent, investigate and prosecute discriminatory backlash crimes, and reaffirms the House of Representatives' commitment to assuring that the civil rights and civil liberties of all Americans are protected.

The weeks and months following the terrorist attacks of September 11, 2001, saw a significant increase in the number of crimes committed against those perceived to be of Arab- Muslim-, South Asian-, and Sikh-American descent. Take, for example, the FBI's hate crime statistics for 2001. According to this report, the number of anti-Islamic incidents grew 1,600 percent between 2000 and 2001 taking such incidents from the second-least reported category of reported religious-bias incidents in 2000 of the second-highest reported category of religious-bias incidents in 2001.

The oversight work of the Subcommittee on the Constitution has revealed a significant effort on the part of the Department of Justice to address this alarming increase in discriminatory backlash crimes. Shortly after the September 2001 terrorist attacks, former Assistant Attorney General for the Civil Rights Division, Ralph Boyd, instructed the U.S. Department of Justice, Civil Rights Division's National Origin Working Group to help combat violations of federal civil rights laws involving individuals perceived to be of Arab-, Muslim-, South Asian-, or Sikh-American origin.

Specifically, the Working Group now receives reports of violations based upon national origin, citizenship status, and religion; conducts outreach to vulnerable communities; and works with other Civil Rights Division components and governmental agencies to ensure accurate referral, effective outreach, and provision of services to victims of civil rights violations.

In addition, the Civil Rights Division continues to spearhead the criminal investigations and prosecutions of hundreds of backlash crimes. In April, Attorney General John Ashcroft announced that approximately 400 incidents of backlash discrimination have been investigated since September 2001 by the Civil Rights Division, the FBI and the U.S. Attorneys' Offices. Of these investigations, approximately 70 State and local criminal prosecutions were initiated and Federal charges were brought in ten cases. It is my hope that the Civil Rights Division continues to vigilantly investigate and prosecute those crimes.

Similar to House Concurrent Resolution 227, which was approved by the House just days after the terrorist attacks of 2001, House Resolution 234 will again express this body's appreciation for the contributions of Arab-, Muslim-, South Asian-, and Sikh-Americans to the Nation and condemnation of all actions of bigotry and violence towards such individuals. I applaud the gentleman from California (Mr. ISSA) for his leadership on this issue and urge my colleagues to strongly support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 234. H. Res. 234 condemns bigotry and violence against Arab-Americans, Muslim-Americans, South Asian-Americans and Sikh-Americans, and I urge all of my colleagues to support it.

This resolution condemns bigotry and violence against individuals of Arab-American, Muslim-American, South Asian-American, and Sikh-American dissent. It was introduced in response to concerns about an increase in discriminatory backlash crimes following the commencement of military action in Iraq in March of 2003. Specifically, House Resolution 234 recognizes the many contributions of Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans to the Nation and calls upon law enforcement authorities to work vigorously to prevent discriminatory backlash crimes against such persons and to investigate such crimes that do occur and reaffirms the House of Representative's commitment to assuring that civil rights of all Americans, including individuals of Arab-American, Muslim-American, South Asian-American, and Sikh-American dissent, be protected.

In the weeks and months following the terrorist attacks of September 11, 2001, this Nation saw a significant increase in the number of crimes committed against those perceived to be Arab-Americans, Muslim-American, South Asian-American, and Sikh-American descent.

According to hate crimes statistics compiled by the Federal Bureau of Investigation, criminal acts motivated by bias against ethnicity/national origin were the second-most frequently reported bias in 2001, more than doubling the number of incidents, offenses, victims and known offenders from 2000 data and the anti-other ethnicity/national origin category quadrupled in incidents, offenses, victims, and known offenders.

Similarly, the number of anti-Islamic incidents grew 1,600 percent between the year 2000 and 2001, taking such incidents from the second-least reported category of reported religious-bias incidents in 2000 to the second-highest category of religious-bias in 2001.

Mr. Speaker, there can be no room for hatred and bigotry in America. Our history has taught us that when we rise above such hatred, we are stronger as a Nation. Too often in our history, fear and panic have resulted in discrimination and even oppression by our government of groups perceived to be a threat. Invariably, when things calm down and cooler heads prevail, there is a great sense of national shame at the injustices perpetuated against innocent people whose only crime was their race, religion, national origin or ethnicity.

It is important that this House go on record as condemning these reprehensible acts which betray what is best about our Nation. We are a diverse Nation, and we are the stronger for it. We are we cannot permit blind hatred to destroy that.

In addition to this resolution, I would hope that this House will also turn its attention to the extent to which the government has assaulted the rights of innocent individuals simply because of their race, religion or national origin. In addition to the hate crimes perpetuated by individuals, we must be vigilant that the power of government not be abused and that people not be targeted by law enforcement even if they have done nothing wrong.

The right to live free from violence and discrimination is a fundamental right of all Americans. So long as one American is denied that right, no one can truly be free. I urges all my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1430

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I am honored to join my good friend and colleague, the gentleman from California (Mr. ISSA), to sponsor this important resolution in condemning violence against South Asians in America.

As the Republican co-chair of the caucus on India and Indian Americans, I am very concerned about the weekly occurrences of violence committed against Indian Americans, especially Sikhs. Every week in national newspapers like India Abroad and News India-Times, I read reports of violence and even homicides committed against Indian Americans working in gas stations, convenience stores, food delivery positions, or driving taxis. I am concerned some of these attacks are motivated by ignorance and fear. These hardworking citizens perform some of the most thankless jobs in America. They are also vulnerable to physical harm due to their solitary conditions and late work hours.

There can be no justification for attacking a fellow American simply because of their skin color or religion. Americans understand we feel anger toward the terrorists who murdered our countrymen on September 11. However, we must not rush to judgment and display prejudice or bias against those Americans of South Asian descent, people who are just as angered about the attack on our country and just as eager to defeat terrorism. We must rally together as a Nation to prevent bias-motivated crimes against Indian Americans.

Schools must continue to educate student bodies so that harassment and violence against Sikh boys no longer occur. Further, we must vigorously prosecute these crimes when they do happen.

I want to commend Attorney General John Ashcroft because he is taking the necessary steps to aggressively root out those who seek to harm this Nation, yet maintain the civil rights of those citizens who are here legally and abide by our laws.

I want to again thank the gentleman from California (Mr. ISSA) for his leadership in introducing this important resolution, and I urge my colleagues to vote in favor of it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise in support of H. Res. 234, a resolution to condemn bigotry and violence against many vital ethnic communities in the United States; and I want to say, unfortunately, many individuals including South Asian Americans, Arab Americans, Sikh Americans, and Muslim Americans have been targets of hate crimes for decades, being subject to assault, verbal slurs and property damage; but since the 9/11 attacks, there has been a significant backlash against men and women from all of these communities.

In my own district in New Jersey, I represent a number of Indian Americans, both Hindu, Muslim and Sikh, who have been targets of violence and discrimination. To my knowledge, eating establishments and places of worship have been damaged and vandalized as a result of systematic bigotry and racism. Moreover, South Asian Americans are specifically being targeted with violence because in the minds of some they had been inaccurately associated with those responsible for the 9/11 attacks.

Mr. Speaker, I wanted to mention specifically the Sikh American community because at several forums that I held after 9/11 two years ago, they in particular came to the forums. I remember one specifically at Rutgers University in my district where many of them had talked personally about the problems that they had. The Sikhs, as many of my colleagues know, wear the turbans usually, and they also carry a symbolic, although it is not a real knife, a symbolic sort of something that looks like a knife; and they in particular I know have been the subject of many of these attacks. We need to be very clear about the fact that the Sikh American community in no way was responsible for anything related to 9/11.

In addition to that, I know that the gentleman from New Jersey (Mr. HOLT) and I at the time of 9/11 two years ago, just a few days later, there was one of our constituents from Milltown, I represented Milltown at the time. My colleague represents Milltown now, but we had one of the most reprehensible of these attacks that was perpetrated on Waqar Hasan, a resident of Milltown who had recently moved to Texas. This was only 4 days after 9/11 on September 15. He was shot to death in his Texas grocery store in the most extreme form of misplaced revenge since the 9/11 tragedy.

Mr. Hasan, his wife and four daughters are Muslims who emigrated to the United States in 1990, full of the hope and excitement that many new immigrants feel as they begin their lives afresh in America as Americans. But that happiness was cut short not by terrorists a million miles away but by a fellow American who felt justified in taking the life of an innocent man and destroying the lives of a wife and four children out of bigotry and hatred.

This spate of attacks on innocent Americans like Mr. Hasan around the country is a reprehensible reaction to a tragedy that befell all of America on 9/11, and they must not be tolerated.

Let me just say, Mr. Speaker, I support this resolution. It condemns such acts of hatred against innocent individuals. I also believe that Congress must support the enforcement of hate crime laws, provide support and protection to targeted ethnic communities, and reject policies that are inherently biased against South Asian Americans and Arab Americans.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, I stand in support of this resolution and congratulate the gentleman from California (Mr. ISSA), who could not be here this afternoon for consideration of the resolution. I know it was his idea to have this resolution offered. As someone who represents a district with a large Arab American population, I can tell my colleagues that they contribute mightily to our community in so many different ways.

My grandparents came to Peoria, Illinois, in 1895 from a region of Lebanon and settled in Peoria; and as a result of their being the first Lebanese Americans to settle in our neck of the woods, they were able to persuade others to come over. In those days, I am sure they were not known as Arab Americans. They were known as immigrants who came to America seeking the American Dream, and I think that has been true for decades of Arab Americans who have come to this country and contributed an awful lot to our society and contributed a lot to the growth of our country and the stability of our country.

It was not till 9/11, I think, until maybe people had a different point of view about Arab Americans and also perhaps Muslims; but these people have contributed so much, and I think it is important for Congress to speak out in a way that says that these folks are good Americans, they are good citizens. They contribute a great deal to our country.

I might make note, too, of the fact that there are Arab Americans serving in this body, including the gentleman from West Virginia (Mr. RAHALL), the gentleman from Louisiana (Mr. JOHN), John Sununu who once served in the House and now is in the other body, and of course, the gentleman from California (Mr. ISSA), and also in the administration Spencer Abraham who was also a member of the other body. So not only have Arab Americans contributed a great deal to the country and to the greatness of this country but have contributed also to the great body that we call the House of Representatives and to the other body.

So I think it is worth noting the contribution of Arab Americans and the fact that 9/11 has made a little different way of life for them and that Congress recognizes their contribution; and I appreciate the fact that this resolution recognizes that and appreciate the fact that the chairman has allowed me to recognize their contributions.

I thank the chairman for his indulgence.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentlewoman from Texas for yielding me this time.

I rise today to speak in strong support of this resolution. We have all seen the rise in violence against our fellow Americans, whether they are of Arab, Muslim, South Asian or Sikh descent, since the September 11 attack upon our Nation. Our Nation must not allow these attacks to continue. We need to work together to ensure that these types of crimes no longer occur.

A family in my district in Queens fell victim to a hate crime of this nature in August of this year. The Singh family, a proud Sikh American family of Woodside, Queens, my hometown, was attacked simply because of the way they looked. I am proud that the neighbors of the Singh family called the police when this hate crime was occurring and even came to their assistance during the attacks. That is the neighborhood of Woodside that I know and love.

A strong community is what it will take to stop these horrendous crimes from occurring in the future. It is hard for all of us to understand how people have so much hate in them, and we need to all work together to ensure that hate crimes stop. Whether they are against Sikhs, Blacks, Muslims, Jews or gays, hate crimes need to be stopped.

The best way, I believe, to stop hate crimes is through education. By bringing this problem out in the open, we can start to solve it by educating our population.

During July, I held a congressional briefing as the co-chair of the Caucus on India and Indian American Affairs about the rise of hate crimes against the South Asian population here in the United States. A representative of Sikh Mediawatch and Resource Task Force, also known as SMART, attended this briefing and spoke with Members of the Congress on the importance of educating people so they understand the culture and will be less likely to participate in hate crimes. I commend SMART's efforts to work not only within the Sikh community but with all communities affected by hate crimes. We all must work together to ensure that these types of crimes no longer occur.

I urge all of my colleagues to support this important resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank my friend from Texas for the time.

I rise today to voice my strong support to House Resolution 234, introduced in a bipartisan way by the gentleman from California (Mr. ISSA) and the gentlewoman from Ohio (Ms. KAPTUR). House Resolution 234 condemns bigotry and violence against Arab Americans, Muslim Americans, South Asian Americans, and Sikh Americans at a time when Americans in these communities are facing unprecedented levels of discrimination and abuse.

We cannot stand by and allow the ignorance of a few to overcome the tradition of tolerance in this Nation of Nations. I urge my colleagues to vote unanimously for this important resolution and, in so doing, send a clear and bipartisan message to all Americans that Congress will not accept, condone, or ignore acts of hatred.

Although the tragic events of September 11, 2001, united most Americans, some misguided individuals in our society have taken their anger and directed it at their neighbors because they look different or subscribe to a different religion.

We Americans have struggled throughout our history to purge ourselves of crippling stereotypes that spread a cloud of ignorance and despair on our otherwise great society. Members of this Congress and of the larger American community fought valiantly in the 1960s to end legal racial discrimination against African Americans. We have come a long way since the days of sanctioned racism, but we still have miles to go to eradicate the vestiges of bigotry that from time to time consume the ignorant among us.

In my home State of New Jersey, many of my constituents of Asian descent, many of Muslim religion or Sikh religion have suffered acts of violence simply due to their religion or the color of their skin. One of the most tragic cases involved the murder 4 days after September 11, 2001, of Waqar Hasan who was shot to death in his convenience store by a man who said he did it to retaliate against "Arab Americans or whatever you want to call them." Hasan was a Pakistani immigrant who was murdered for no other reason than that he was a Muslim with a Middle Eastern face.

When Mr. Hasan was murdered, the visas and applications for permanent residency of his wife and four daughters died with him. After building lives in America for 9 years, the Hasan family has gone from being one step away from permanent residency to one step away from deportation.

Earlier this year, I introduced legislation, H.R. 867, to prevent the deportation of Waqar's wife and four daughters, who without this would be forced to leave America. I have been working closely with my colleagues on both sides of the aisle, and I am grateful to the chairman and ranking member of the Committee on the Judiciary and its Subcommittee on Immigration, Border Security, and Claims for their bipartisan support of the Hasan family. I look forward to continue to work with them in the coming weeks to pass H.R. 867.

Today, Congress can take a step to help the Hasan family and immigrant families like them and any other families who are victims of racism and bigotry by passing House Resolution 234. We will be making a promise to the American people and all who seek a new life of opportunity on our shores that here in America we treat each other with dignity and respect.

Mr. RAHALL. Mr. Speaker, Arab-Americans, Muslim-Americans, South Asian-Americans and Sikh-Americans are a vital part of America. These communities join other ethnic and religious groups as they and their ancestors came to this nation in search of political freedom and economic opportunity. They have flourished in this nation and have made great contributions to our society. They have joined the ranks of service-members, law enforcement officers, teachers, doctors, lawyers, and business people. They also hold positions of leadership in this society, including members of Congress and Cabinet members.

But, tragically in the aftermath of the September 11th terrorist attacks, some bigots turned against Arab-Americans, Muslim-Americans, Sikh-Americans, and South Asian-Americans, and singled them out as targets for violence and threats of violence. Hate crimes against these communities, including violent physical assaults, increased sharply. The FBI reported that the number of anti-Muslim incidents increased by 1600 percent from 2001 to 2002, largely in response to this post 9/11 backlash. Obviously this kind of increase has only added evermore to the awesome responsibilities facing law enforcement offices. Therefore, it is unfortunate that their resources must be directed to the unreasonable few rotten applies that take out their vengeance on the unsuspecting innocent.

Most Americans all over responded and came to the support of Arab-Americans, Muslim-Americans, Sikh-Americans, and South Asian-Americans, condemning the attacks and embracing these communities. A resolution at that time, which I cosponsored, was passed that condemned violence against these groups.

But, now again Arab-Americans, Muslim-Americans, Sikh-Americans, and South Asian-Americans are suffering, and it is again time to express support for them. Since the time when the war in Iraq began, hate crimes have seen another hike. There was a man who law enforcement believes was motivated by anti-Arab sentiment, when he allegedly shot four people to death in New York City during February and March. Even after President Bush declared that major combat operations had ended, the hate crimes against Arab, Muslim, South Asian and Sikh-Americans have continued.

These crimes are wrong and are opposed to the values of American society. We must condemn them in the most serious and strongest terms, and law enforcement must investigate and vigorously prosecute the perpetrators.

By the same token, we must pay close attention to the concerns of Arab-Americans, Muslim-Americans, Sikh-Americans and South Asian-Americans, that the federal government views them with suspicion, and they are being subjected to grossly heightened levels of surveillance as a result of their national or religious origins. Counter-terrorism efforts must not discriminate on the basis of national origin or religion or violate the civil liberties of innocent Americans. The government's efforts to combat terrorism must focus on criminal or terrorist behavior, not ethnicity or creed.

Discriminatory counter-terrorism tactics and those that violate civil liberties are wrong and do not make the country safer. We must look to history, which has shown us that respect for individual rights enhances our stability and security. Singling out mostly innocent Arab, Muslim, South Asian and Sikh Americans runs counter to the principle of rejecting the use of racial and ethnic profiling, while we need to focus on building trust and respect by working cooperatively with community members.

The resolution before us today, H. Res. 234, recognizes that Arab-Americans, Muslim-Americans, Sikh-Americans, and South Asian-Americans greatly contribute to American society and serve honorably in the military or law enforcement and it urges respect for civil rights and liberties, condemns bias-motivated crimes against members of these communities, and calls upon federal and local law enforcement to prosecute such crimes vigorously. I strongly urge all of my colleagues to support it.

Mr. SCHIFF. Mr. Speaker, I rise to today in support of H. Res. 234—legislation condemning bigotry and violence against Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans. I am proud to be a cosponsor of this important legislation.

After the tragic events of September 11th, the Muslim community became the target of a major upsurge in hate crimes and discrimination. In just the first nine weeks after the attacks, over 700 violent incidents occurred targeting Arab Americans, Muslims, and others perceived to be such. These same citizens faced a four-fold increase in employment discrimination.

Crimes and incidents driven by bias and hatred must not be tolerated in a peaceful democracy. Our position of power and influence also brings a responsibility to celebrate our diversity and protect the rights of all in our nation.

As we continue to fight a war against terrorism and hatred, we have a golden opportunity to show the world that we celebrate our diversity; that every American citizen and everyone who visits here will not be in danger because of their national origin or religious faith; that we will not stand for bigotry and other divisive actions; that we are a Nation united as one.

Mr. Speaker, this important legislation received unanimous support from the Judiciary Committee, on which I sit, and I urge my colleagues to overwhelmingly support its passage by the full House.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 234 concerning the condemnation of bigotry and violence against Arab, Muslim, South Asian, and Sikh-Americans. As a co-sponsor of this resolution, I won't hesitate to vocalize my support for it and echo its import.

RACIAL PROFILING AND TERRORISM

The events of September 11, 2001 have had a profound impact on racial profiling. Following the terrorist attacks, law enforcement agents have subjected individuals of Arab or South Asian descent, Muslims, and Sikhs to racial profiling. While national and local statistics are not yet available, anecdotal accounts of how Arabs, Muslims, and Sikhs have endured racial profiling abound the informational resources.

For example, in the months following September 11th, a new type of racial profiling has developed: "driving while Arab." Arabs, Muslim, and Sikhs across the country were subjected to traffic stops and searches based in whole or part on their ethnicity or religion. On October 4, 2001 in Gwinnett, Georgia an Arab motorist's car was stopped, he was approached by a police officer whose gun was drawn, and he was called a "bin Laden supporter" all for making an illegal U-turn. On October 8, 2001, two Alexandria, VA police officers stopped three Arab motorists. The officers questioned the motorists about a verse of the Koran hanging from the rear view mirror, and asked about documents in the back seat. The police officer confiscated the motorists' identification cards and drove off without explanation. He returned 10 minutes later, and claimed he had had to take another call. On December 5, 2001, a veiled Muslim woman in Burbank, Illinois was stopped by a police officer for driving with suspended plates. The officer asked the woman when Ramadan was over, asked her offensive question about her hair, and pushed her into his patrol car as he arrested her for driving with suspended plates. The woman was released from custody later that day.

A particularly egregious form of terrorism profiling occurs when Arab men and women are detained and deported without due process. Since September 11th, hundreds of Arab and Muslim individuals have been detained on suspicion of terrorist activity. Practically none of these individuals was involved with terrorism. However, many were detained for weeks and eventually charged with minor immigration violations. Based on these minor immigration violations some were deported. In one case, two Pakistani immigrants were arrested and detained 45 days for allegedly overstaying their visas. In another case an Israeli was detained for 66 days before being charged with entering the United States unlawfully. In a particularly shocking case, a French teacher from Yemen, who was married to an American citizen and therefore eligible to become a citizen himself, was reporting for duty as an army recruit at Fort Campbell, Kentucky on September 15, 2001. The man was apprehended by federal agents, separated from his wife and interrogated for 12 hours. The agents accused him of violating immigration laws, conspiring with Russian terrorists, spousal abuse, and threatened him with beatings. The man was given a lie detector test which proved he was telling the truth when he denied being associated with terrorists.

Expounding upon the above issue is a trend of ethnic profiling against South Asian-Americans relative to the SARS pandemic. People have been treated with indifference and hostility because of their racial background. This treatment is simply founded upon ignorance. Human rights and the principles of due process, freedom of expression, and freedom of association should not be compromised by ignorance.

THE CONSEQUENCES OF RACIAL PROFILING

The consequences of racial profiling for minority groups in the United States, for Arab, Muslim, South Asian, and Sikh groups, and in the immigrations context are dire for individuals who are both innocent and guilty of criminal activity. In the case of the innocent, for every person in possession of drugs apprehended through profiling, many more law-abiding minorities are treated as if they are criminals. A 1999 Gallup Poll revealed that 42 percent of African Americans, and 72 percent of African American males between the ages of 18 and 34, believe they have been stopped by police because of their race. In fact, many minorities choose to drive certain cars, on certain routes, wearing certain clothes, to avoid drawing attention from police.

For those individuals who have been convicted of felonies, racial profiling contributes to the disparity in arrest and crime rates that leads to the minority-majority prison population. Blacks are just 12 percent of the U.S. population and 11 percent of drug users, but Blacks are 38 percent of those arrested for drug offenses and 59 percent of those convicted for drug offenses. Hispanics make up 13 percent of the population and 10 percent of illicit drug users, but they are 37 percent of the overall prison population. Racial profiling increases the stops and arrests of minority groups. Frequent stops and arrests of minorities generate more extensive criminal histories, and result in longer sentences. Nearly one in three Black males aged 20–29 on any given day is either in prison, on probation, or on parole. As of 1995, one in 14 adult Black males was in prison or jail on any given day. A Black male born in 1991 has a 33 percent chance of spending part of his life in prison. A Hispanic male has a one in six chance.

Racial profiling results in increased arrests and convictions of minorities. In many States, a felony conviction can impact a person's ability to exercise their basic social rights. In 46 States and the District of Columbia, convicted adults cannot vote. Thirty-two States disenfranchise felons on parole, while 29 States disenfranchise felons on probation. In part due to racial profiling, 1.4 million Black men, 13 percent of all adult Black males, are denied the right to vote. In two States, 31 percent of all adult Black males are permanently disenfranchised.

For the reasons stated above, Mr. Speaker and Ranking Member, I support the Resolution condemning bigotry and violence against Arab, Muslim, South Asian, and Sikh-Americans that I have co-sponsored. I would ask that my Colleagues join my fellow sponsors in fighting bigotry with H. Res. 234.

Ms. KAPTUR. Mr. Speaker, There is no room for bias-motivated or hate crimes against fellow Americans. As America fights to defend the values of tolerance and freedom abroad, we must also work vigorously to ensure these values are protected at home.

Mr. Speaker, I rise in support of H.R. 256, condemning bigotry and violence against Arab Americans, Muslim Americans, South Asian Americans and Sikh Americans.

I want to thank Congressman ISSA, along with Congressman LAHOOD, Congressman CONYERS, Congressman DINGELL, Congressman RAHALL and Congressman HONDA for their help on this legislation, along with approximately 50 other colleagues—from both sides of the aisle and all parts of the country—who co-sponsored this measure.

The resolution is straightforward. It acknowledges the contributions to our Nation that have been made by Arab Americans, Muslim Americans, South Asian Americans, and Sikh Americans.

This measure notes that members of these groups have served honorably in our military and in law enforcement, working every day to protect the American people.

The measure also affirms that we as a Congress are concerned by the incidents of bias-motivated crimes against Muslim Americans, Sikh Americans, Arab Americans and South Asian Americans.

And we condemn any acts of bigotry or violence directed against Americans of these groups.

We call upon law enforcement officials throughout America to investigate thoroughly and prosecute vigorously any crimes committed against Arab Americans, Muslim Americans, Sikh Americans or South Asian Americans.

There is a place in America for people of all races, creeds and colors.

There is no place in America for bigotry, prejudice and violence.

Mr. ISSA. Mr. Speaker, I rise today to express my support for H. Res. 234. I am delighted to have had the honor of authoring this resolution with my friend and colleague, the gentlelady from Ohio, MARCY KAPTUR. I also am grateful to the gentleman from Wisconsin, Chairman JIM SENSENBRENNER, for his fine work in moving this bill through his Committee to the House floor.

I am pleased to be joined by over 52 Members who co-sponsored this resolution. Twenty other Members have also expressed their strong support for the resolution since it passed out of the Judiciary Committee on the 25th of July. ALCEE HASTINGS, JAN SCHAKOWSKY, BOB FILNER, MARTIN SABO, MAURICE HINCHEY, DENISE MAJETTE, CHRIS SHAYS, NEIL ABERCROMBIE, LEE TERRY, HENRY WAXMAN, JOHN OLVER, JUDY BIGGERT, ROD KIND, LLOYD DOGGETT, CIRO RODRIGUEZ, BILL PASCRELL, and ROBERT MATSUI have all told me that they would like to be formally recognized for their support of this resolution. I thank them for their support.

This is an important moment for Arab-American, Muslim American, Sikh-American, and South Asian American communities throughout the United States. These communities have experienced increased levels of bigotry and violence since the terrorist attacks of September 11, 2001.

In the first nine weeks following the September 11 tragedy, there were about 700 violent incidents directed at Arab-Americans or those perceived to be Arab-Americans, like Sikh Americans and South Asian Americans. Fortunately, this rate dropped very quickly after those first nine weeks, thanks in large part to President Bush's repeated calls for tolerance.

The President's leadership on this issue prompted thousands of state and local officials, community leaders, and private citizens across the country to reach out to these minority groups with voices of compassion and support. I am delighted that Congress can now formally join them in standing by our fellow Americans who have unfairly had to live a cloud of suspicion.

Arab-Americans, Muslim Americans, Sikh Americans and South Asian Americans have all contributed greatly to this nation. Many serve in elected office, law enforcement agencies, or the military. The Commanding General of CENTCOM, John Abizaid, is an American of Arab ancestry. These men and women are part of the kaleidoscope of cultures that makes up this country. While they come from many diverse backgrounds, all of them traveled to America for one main reason: to taste freedom. We treat them as brothers and sisters because they share our desire to live in a nation that is tolerant, just, and free.

Again, thank you, Mr. Chairman, for your fine work on this effort.

Mr. WU. Mr. Speaker, I rise today in support of H. Res. 234, a bill condemning bigotry and violence against Arab-Americans, Muslim-Americans, South Asian-Americans and Sikh-Americans.

More than 2 years after the terrorist attacks of September 11th, the backlash of vandalism, harassment and violence perpetrated against members of these peaceful communities continues. This treatment is the result of misguided fear and resentment, and it is unconscionable.

This legislation before the House sends an unequivocal message that the United States does not condone prejudice or violence. It also encourages victims of hate crimes to step forward and report the incidents that affect them so that we can prosecute the perpetrators of these inexcusable acts.

Unfortunately, the fear of retaliation often prevents victims from reporting hate crimes. For example, the National Asian Pacific American Legal Consortium has uncovered the case of an Islamic South Asian family in Southern California that received threatening phone calls and accusations of being terrorists after the September 11th attacks. One day the family returned home to find that their house had been burned down, but they did not report the arson to the police for fear of further backlash.

We in Congress have the responsibility to protect hate crime victims and to do everything in our power to prevent hate crimes in the future.

Mr. Speaker, America draws its strength from its tremendous diversity. In order to remain strong and united, we must work to eliminate hate crimes and replace suspicion with understanding so that all Americans can live without fear.

I urge my colleagues in Congress to join me in working to promote domestic peace and cultural understanding by supporting H. Res. 234.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in support of H. Res. 234, a resolution that calls for the condemnation of prejudice and violence against Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans, and which recognizes the contributions that these groups have made to American society. The resolution also calls upon Federal, State and local law enforcement agencies to work to prevent bias-motivated crimes and to investigate and prosecute such crimes vigorously.

Shortly after the events of September 11, 2001, I introduced a similar resolution with Congressman David Bonior. H. Con. Res. 227 condemned bigotry and violence against Arab-Americans, Muslim-Americans, and South Asian-Americans, and declared that the civil liberties of these and all other Americans should be protected during our efforts to bring the perpetrators and sponsors of the terrorist acts to justice.

I commend Representative DARRELL ISSA for introducing H. Res. 234. This resolution sends a strong and clear message that we will not condone prejudiced and violent crimes against any Americans. We must remember that many individuals in the Arab, Muslim, South Asian and Sikh-American communities came to the United States seeking freedom and democracy, and they fled oppressive regimes that lack freedom of speech and religion and in some cases support terrorism. I am pleased that the House of Representatives is once again taking a firm stand on this issue, which is so important to all Americans.

I strongly support H. Res. 234 and encourage my colleagues in the House to vote in favor of this important resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time as well.

□ 1445

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 234.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDING AND EXTENDING IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM ACT OF 1998

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2655) to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998, as amended.

The Clerk read as follows:

H.R. 2655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT AND EXTENSION OF IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM.

(a) IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM ACT.—

(1) PROGRAM PARTICIPANT REQUIREMENTS.—Section 2(a) of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended by adding at the end the following:

“(5) PROGRAM PARTICIPANT REQUIREMENTS.—An alien entering the United States as a participant in the program shall satisfy the following requirements:

“(A) The alien shall be a citizen of the United Kingdom or the Republic of Ireland.

“(B) The alien shall be between 21 and 35 years of age on the date of departure for the United States.

“(C) The alien shall have resided continuously in a designated county for not less than 6 months before such date.

“(D) The alien shall have been continuously unemployed for not less than 6 months before such date.

“(E) The alien may not have a degree from an institution of higher education.”.

(2) EXTENSION OF PROGRAM.—Section 2 of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended—

(A) in subsection (a)(3), by striking “the third program year and for the 4 subsequent years,” and inserting “each program year,”;

(B) by amending subsection (d)(1) to read as follows:

“(1) Effective October 1, 2008, this Act is repealed, except for subsection (a)(3), which is repealed effective October 1, 2009.”; and

(C) in subsection (d)(2), by striking “2006,” and inserting “2008,”.

(3) TECHNICAL AMENDMENTS.—The Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended—

(A) by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security”; and

(B) by striking “Immigration and Naturalization Service” each place such term appears and inserting “Department of Homeland Security”.

(b) IMMIGRATION AND NATIONALITY ACT.—

(1) REQUIREMENTS FOR NONIMMIGRANT STATUS.—Section 101(a)(15)(Q) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Q)) is amended—

(A) by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security”; and

(B) in clause (ii)(I)—

(i) by striking “35 years of age or younger having a residence” and inserting “citizen of the United Kingdom or the Republic of Ireland, 21 to 35 years of age, unemployed for not less than 6 months, and having a residence for not less than 6 months”; and

(ii) by striking “36 months)” and inserting “24 months)”.

(2) FOREIGN RESIDENCE REQUIREMENT.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(A) by redesignating the subsection (p) as added by section 1505(f) of Public Law 106-386 (114 Stat. 1526) as subsection (s); and

(B) by adding at the end the following:

“(t)(1) Except as provided in paragraph (2), no person admitted under section 101(a)(15)(Q)(ii)(I), or acquiring such status after admission, shall be eligible to apply for nonimmigrant status, an immigrant visa, or permanent residence under this Act until it is established that such person has resided and been physically present in the person's country of nationality or last residence for an aggregate of at least 2 years following departure from the United States.

“(2) The Secretary of Homeland Security may waive the requirement of such 2-year foreign residence abroad if the Secretary determines that—

“(A) departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or an alien lawfully admitted for permanent residence); or

“(B) the admission of the alien is in the public interest or the national interest of the United States.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2655, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2655 would extend the Irish Peace Process Cultural and Training Program for 2 years, from 2006 to 2008. It would also modify the provisions of the program to ensure that those aliens receiving visas are those the program was designed to benefit.

In 1998, the gentleman from New York (Mr. WALSH) guided the Irish Peace Process Cultural and Training Program Act to enactment. The purpose of this program is to allow young adults who live in disadvantaged areas of Northern Ireland and designated border counties of the Irish Republic that are suffering from sectarian violence and high unemployment to enter the United States to develop job skills and conflict resolution abilities in a diverse, cooperative, peaceful and prosperous environment. They can then return to their homes better able to contribute toward economic regeneration and the Irish peace process.

Up to 4,000 qualifying aliens, and their spouses and minor children, can be admitted each year, and they can stay in the United States for up to 3 years. The program was set to sunset on October 1, 2005. In the 107th Congress, this program was extended until October 1, 2006.

The bill of the gentleman from New York (Mr. WALSH), H.R. 2655, would extend the program for another 2 years until October 1, 2008. It would also make a number of changes to the program to ensure that the aliens granted admission are truly the economically disadvantaged young adults the program was designed to help. These changes include requirements that program participants not have degrees from institutions of higher education; that they be at least 21 years of age; that they be nationals of the United Kingdom or the Republic of Ireland; and that they have been unemployed and resident in Northern Ireland or the designated border counties for at least 6 months.

The bill would also make changes to the program to help ensure that the aliens return to Ireland to foster economic development and peace. The bill would reduce the duration of the visa term from 3 years to 2 years, and this change would discourage visa holders from remaining in the United States by reducing the amount of time they would have to establish roots here. The bill would also require that aliens admitted under this program return home for 2 years before they could apply for an immigrant visa, permanent residence, or another nonimmigrant visa.

I urge my colleagues to vote for this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 2655.

Mr. Speaker, H.R. 2655 amends the Irish Peace Process Cultural and Training Program Act of 1998 to extend through fiscal year 2008. The Irish Peace Process Cultural and Training Program provides for admission into the United States each fiscal year of up to 4,000 young, disadvantaged aliens from designated countries in Northern Ireland and the Republic of Ireland. These youths suffer from sectarian violence and high unemployment. This program helps these youth develop job skills and conflict resolution skills in a diverse and peaceful environment so that they can return to their homes better able to contribute toward economic regeneration and a lasting peace in Ireland.

This bill also makes a few changes to the program to ensure that the disadvantaged youth are those who benefit from the program. H.R. 2655 clarifies that a qualifying alien must be a citizen of the United Kingdom or the Republic of Ireland. It also clarifies that no qualifying candidate may have a degree from an institution of higher education. All participants in the program must also return home for 2 years, rather than 1, at the conclusion of the visa term.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. WALSH), who is the principal author of this bill.

Mr. WALSH. Mr. Speaker, I thank the gentleman for yielding me this time and also for providing for speedy consideration of this bill. The gentleman from Wisconsin takes remarkable interest in all of this legislation, has a thorough understanding of it, and I very much appreciate his interest.

I rise in strong support of the reauthorization of the Northern Ireland Peace Process and Cultural Training Program. A long time ago, as a Peace Corps volunteer in Nepal, I was given the opportunity at a tender young age to broaden my horizons and in a short 2-year period of time step out of my role in traditional American society and immerse myself into a culture that opened my eyes to a new world and new perspective on life. This experience inspired me to help create a similar program that could be applied to those living in Northern Ireland and the border counties.

As chairman of the Friends of Ireland and a member of the Ad Hoc Committee on Irish Affairs, I have traveled annually to Ireland, both with the President and leading my own CODELs, and through these experiences have had a firsthand opportunity to watch the peace process evolve. Through these experiences, I felt a program of this nature could be applied to people on both sides of the conflict.

The program was first enacted by Congress in October of 1998 and is up for reauthorization this year. Since the program's infancy, approximately 1,000 men and women between the ages of 18 and 35 have traveled from disadvantaged areas of Northern Ireland and the Republic of Ireland, the border counties bordering Northern Ireland. This program provides unemployed members from different communities, of varying educational level levels and religious backgrounds the opportunity to work in the United States for up to 2 years in our society, a society where it does not matter what religion you practice or what street you live on.

This program creates 4,000 temporary nonimmigrant working visas per year and targets men and women from these disadvantaged areas. Moving forward, we have tailored the program slightly so that it truly applies to disadvantaged people residing in areas of Northern Ireland where there are deep pockets of unemployment. This program is not intended or structured to be a work visa program for college graduates looking to gain work experience, but rather a program to give those without an education, without a job, without the skills the opportunity to gain experience and expertise and overall self-confidence before they return.

There have been several questions raised regarding the new unemployment and educational restrictions placed on the applicants. The reasoning behind limiting the program to those without a degree of higher education is to target the truly underprivileged and, more specifically, those susceptible to paramilitary recruitment.

Participants go through an 8-week predeparture training period during which time they research and secure employment in the United States prior to their arrival. As a result, they are gainfully employed before they reach the U.S. The program continues to give participants practical training experience during the time they are here as well as the opportunity to coexist and experience conflict resolution training in a diverse society. Therefore, we have changed the education requirements in order to better target those who deserve to participate in the skills-based opportunity that this program provides.

We have also placed a requirement that the participants must be unemployed for at least 6 months prior to departure to the U.S. In previous years, the requirement was 3 months. Recruiters in Dublin and Belfast ran into a problem when college-level graduates began staying purposefully unemployed for 3 months in order to qualify for the program. Therefore, the 6-month time frame creates a more extreme period in which they must be unemployed. The legislation now states that it is mandatory for the participants to return home for at least 2 years following their stay in the United States.

Politically, the island of Ireland has been relatively stable, and we are seeing positive changes unfold as the peace process continues to work. The results and return rates of the Walsh visa program have been terrific. The program will continue to support this transition by providing new potential leaders with valuable job skills and a demonstrated ability to live and work with people of diverse views.

I hope all members will join me in supporting this low-risk, high-return investment to support the continuing movement towards peace in Northern Ireland. Through programs like this, we will be able to solidify the steps toward a permanent peace.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, as cochair of the Ad Hoc Committee on Irish Affairs, I am pleased to rise in strong support of the Walsh visa program. This program helps the truly disadvantaged of Northern Ireland and the six border counties of the Republic of Ireland by allowing them to live and work here in the United States for a short period of time.

While in the United States, these young men and women are given the training they need to become skilled workers. At the completion of this short-term job training program, the participants return to their homeland and put into practice the skills they have learned here in the United States. These skills will help them to build a better life for themselves, a life that they may not have had but for this program and its opportunities.

We are not just discussing job opportunities, but rather life opportunities and the ability to look to a brighter future. We all know the reality that Northern Ireland still faces is a very difficult one. The assembly is still dissolved and the elections look as if they will be further postponed. But this program provides hope to these people for a better future for themselves and their families.

The United States needs to continue this program for the good people of the island of Ireland. I urge all of my colleagues to support this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. KING).

Mr. KING of New York. Mr. Speaker, I thank the gentleman for yielding me this time, and I am proud to rise in support of this legislation.

At the outset, Mr. Speaker, let me extend my sincerest thanks and gratitude to the gentleman from New York (Mr. WALSH) for the leadership he has shown on this issue and being in the forefront of putting forth the Walsh visas, which have done so much, not just on a very practical level of providing training and opportunity for Catholics and Protestants, Republicans and Loyalists, Nationalists and Unionists from the north of Ireland and also from the border counties on the northern border, but also for making it clear the United States retains a lasting commitment to the peace process in the north of Ireland.

Several years ago, none of us would have thought that we would see the resolution, or almost the resolution, of the centuries-old struggle that has been going on among the Irish and the British and so many of the forces on the island of Ireland. But today we have gone so far. We are approaching what I believe will be the ultimate resolution of the struggle in Northern Ireland. This legislation, providing the Walsh visas, providing economic opportunity, and letting the people in those areas know that the United States remains committed to peace and justice and to the peace process really is worth its weight in gold.

The gentleman from New York (Mr. WALSH) referred to this as low-risk, high-investment. That could not be more true. This is so important to the peace process. It is so important, really, to the image of the United States around the world. It is so important to the people who have suffered for so many years on both sides of the divide, on both sides of the border, those who have lived in poverty, those who are struggling to work their way up. This is such an important symbol to them. It also has the practical effect of providing the training they need.

So, Mr. Speaker, with that, I am proud to support it, and I urge its adoption.

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Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I want to lend my support to the initiative which has been so successful and to point out on the island of Ireland, the dispute represents the longest standing political divide in the history of the Western world. It is most extraordinary; and today in contrast to the turbulence that we witness in the rest of the world, the reach of the United States is so apparent in the successful diplomatic efforts which have occurred in Ireland over this past decade.

I would remind Members it was not that long ago when this issue seemed to defy solution. Today the face of Ireland is changed. I do not know anybody on either side of the border or in either of the two communities that would argue that we ought to return to such a tragic history. Instead, Ireland is a vibrant international economy, the second largest producer of software in the world, a population that is educated as well as any and all of Europe, a people that are confident and in large measure they were willing to take that risk for peace because of the support that was generated in the Congress of the United States by both political parties, two successive administrations who said that this issue deserved the same sort of attention that other international events had reached.

Today, we reap the reward of that success. It has been initiatives like this from the gentleman from New York (Mr. WALSH), and it is a fact that Members on both sides of the aisle meet faithfully and regularly in an effort to demonstrate that America still cares.

Is there a way to go? There certainly is. It is still a long road, but contrast what we have today with what we had just a few years ago, and I think members of the American community as well as other international partners can all take the necessary satisfaction from the success that the world is witnessing, and it is thanks to initiatives like this that have ensured that path forward.

Ms. JACKSON-LEE of Texas. Mr. Speaker, H.R. 2655 would extend the excellent Irish Peace Process Cultural and Training Program. This program provides employment and vocational training for young people from disadvantaged areas of Northern Ireland and the 6 border counties of the Republic of Ireland. The goal of the program is to help the participants to develop and enhance their personal and professional skills and then return to their own communities as productive and skilled members of the workforce.

The program has focused on business sectors in which personnel or skills shortages exist in Ireland and Northern Ireland, or where strong future growth and/or new investment is expected. The business sectors include hospitality and tourism; customer service; information and communications technologies; pharmaceuticals; engineering; sales, marketing and promotion; agriculture and horticulture diversification; food processing, and furniture.

The experience this program provides enables the participants to return to their communities better able to contribute to economic regeneration and a lasting peace in Ireland. I urge you to vote for H.R. 2655 to extend the Irish Peace Process Cultural and Training Program.

Mr. DOYLE. Mr. Speaker, I rise today in support of H.R. 2655, legislation reauthorizing the Walsh Visa program. This program provides U.S. work visas to young people from economically disadvantaged communities in Northern Ireland.

The City of Pittsburgh, which I have the honor of representing, is one of the hub cities for the Walsh Visa program. Consequently, I have had the opportunity to see first-hand the impressive accomplishments of this important program.

Nearly 250 young men and women, Protestant and Catholic, have participated in the Walsh Visa Program in Pittsburgh since the city was selected as a hub city for this initiative. This program promotes tolerance in Northern Ireland by bringing unemployed Protestant and Catholic youth from economically disadvantaged areas to work and live together in a vibrant multicultural community. These young people learn first-hand about the benefits of tolerance and diversity as they develop useful job skills and important work habits.

The Walsh Visa program literally transforms the lives of many of its participants, ending their dependence on government hand-outs and returning them to their communities as valuable economic assets—as well as advocates of tolerance and peaceful coexistence in their deeply divided communities. Their new work skills reinforce their status and influence in their communities, and that gives their message of tolerance and peaceful co-existence added weight.

And that brings me to the bigger picture. The Walsh Visa programs doesn't just benefit a few thousand individuals. It also benefits the hundreds of thousands of people in their communities in Northern Ireland.

When these young people go home, they take back much-needed job skills, and they serve as important role models for the other young people in their community—not just in terms of promoting religious tolerance, but also in terms of encouraging participation in the workforce in communities where unemployment has historically been depressingly high and many young people have developed an unhealthy dependency on government welfare programs.

After completing the Walsh Visa Program, one of the Pittsburgh hub participants stated that, having lived and worked in America, she would never consider being without a job again back in Belfast.

The Walsh Visa Program is administered in Pittsburgh by the Ireland Institute, a non-profit organization which has a mission to promote mutual understanding between the Catholic and Protestant communities in Northern Ireland and job creation throughout all of Ireland.

More than 100 local companies have signed on in support of this program, and thousands of dollars in in-kind contributions have been received from the community. If, as I believe, widespread public support indicates the merit of a government program, then private support for the Walsh Visa Program in Pittsburgh represents a ringing endorsement of this international initiative.

Mr. Speaker, the Walsh Visa Program is helping the people of Northern Ireland move beyond the sectarian strife that has divided them for far too long. I urge my colleagues to join me in supporting H.R. 2655 and reauthorizing this important program.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of H.R. 2655, which would extend and enhance the Walsh Visa Program—a critical effort in the drive for peace in Northern Ireland.

There is still a great deal of work to be done to realize the vision we all share of a peaceful and prosperous Northern Ireland. The Walsh Visa Program is a critical part of this effort, providing disadvantaged young adults from Northern Ireland and border counties with job skills and conflict resolution training in the United States. When they return home, these young people play a positive role in their communities, helping along the economy and the peace process. I cannot stress enough the importance of this program.

H.R. 2655 would extend this vital program for two years and would also ensure that the people who benefit from it are the truly economically disadvantaged young adults the program was designed to help. They come from areas that have been gravely affected by conflict, suffering from intense violence and high levels of unemployment.

As we strive for peace and prosperity in Northern Ireland, we must remember that while leaders may make peace, people make peace flourish. This program would support the everyday people who are the foundation of peace in future generations.

I strongly support H.R. 2655, and I thank my colleague Mr. Walsh for his important contribution to the peace effort.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today in strong support of H.R. 2655, a bill which establishes a cultural training program for young people from disadvantaged areas in Northern Ireland and other areas in Ireland.

This bill will extend a very successful program for two years, and makes a few other changes which will improve the program.

The changes include requiring that only 20 percent of the program participants may have a higher education degree, that they must be at least 21 years old, and that they must be an unemployed resident for at least 6 months.

One of the main goals of the program is a better educated Irish citizenry. Not only do the participants personally benefit from the program, but because of the improved contributions participants can make, so do the people of Ireland. Participants are required to return home after the program, which fosters economic development and peace. This requirement is waived however, if returning home would impose certain hardships on a participant or his family, or if it is of national interest to keep the alien here.

When I traveled to Ireland earlier this year, I saw first hand how such a program would help the Irish people. A well-educated society is a successful, productive, and peaceful society.

I am proud to be an original cosponsor of this bill, and am sure that the improvements made by it will benefit not only individuals participating in the program, but also the Irish people.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2655, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AWARDING CONGRESSIONAL GOLD MEDAL TO JACKIE ROBINSON IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE NATION

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1900) to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of the Congress that there should be a national day in recognition of Jackie Robinson.

The Clerk read as follows:

H.R. 1900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) Jackie Roosevelt Robinson was born on January 31, 1919, in Cairo, Georgia, and was the youngest of 5 children.

(2) Jackie Robinson attended the University of California Los Angeles where he starred in football, basketball, baseball, and track. His remarkable skills earned him a reputation as the best athlete in America.

(3) In 1947, Jackie Robinson was signed by the Brooklyn Dodgers and became the first black player to play in Major League Baseball. His signing is considered one of the most significant moments in the history of professional sports in America. For his remarkable performance on the field in his first season, he won the National League's Rookie of the Year Award.

(4) In 1949, Jackie Robinson was voted the National League's Most Valuable Player by the Baseball Writers Association of America.

(5) In 1962, Jackie Robinson was elected to the Baseball Hall of Fame.

(6) Although the achievements of Jackie Robinson began with athletics, they widened to have a profound influence on civil and human rights in America.

(7) The signing of Jackie Robinson as the first black player in Major League Baseball occurred before the United States military was desegregated by President Harry Truman, before the civil rights marches took place in the South, and before the Supreme Court issued its historic ruling in Brown v. Board of Education, 347 U.S. 483 (1954).

(8) The American public came to regard Jackie Robinson as a person of exceptional fortitude, integrity, and athletic ability so rapidly that, by the end of 1947, he finished ahead of President Harry Truman, General Dwight Eisenhower, General Douglas MacArthur, and Bob Hope in a national poll for the most popular person in America, finishing only behind Bing Crosby.

(9) Jackie Robinson was named vice president of Chock Full O' Nuts in 1957 and later co-founded the Freedom National Bank of Harlem.

(10) Leading by example, Jackie Robinson influenced many of the greatest political leaders in America.

(11) Jackie Robinson worked tirelessly with a number of religious and civic organizations to better the lives of all Americans.

(12) The life and principles of Jackie Robinson are the basis of the Jackie Robinson Foundation, which keeps his memory alive by providing children of low-income families with leadership and educational opportunities.

(13) The legacy and personal achievements of Jackie Robinson, as an athlete, a business leader, and a citizen, have had a lasting and positive influence on the advancement of civil rights in the United States.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to the family of Jackie Robinson, a gold medal of appropriate design in recognition of the many contributions of Jackie Robinson to the Nation.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2 at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 4. STATUS AS NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medal authorized under section 2.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

SEC. 6. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) there should be designated a national day for the purpose of recognizing the accomplishments of Jackie Robinson; and

(2) the President should issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. KING).

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1900, and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a piece of legislation which is long overdue. If there was anyone over the past half century that has warranted the Congressional Gold Medal, it is Jackie Robinson. The reason this legislation is on the floor today, the reason it has advanced this far is because of the efforts of the gentleman from Massachusetts (Mr. NEAL), the man who initiated this legislation, who has worked relentlessly to get the amount of support necessary to bring it to the floor. I commend the gentleman for it, and I thank him for giving me an opportunity to sign onto the bill as the lead cosponsor.

I have a personal interest because as a young kid growing up in New York, Jackie Robinson was certainly one of my heroes. I was a Brooklyn Dodgers fan, I attended many games at Ebbets Field, and the gentleman from Massachusetts (Mr. NEAL) thinks I fantasize these things, but these are true. As a kid, there is probably no ball player who excited New York in that era more than Jackie Robinson. He really just caused all attention to be focused on himself, both through his ability and also because of his dynamism. The first game I went to, Jackie Robinson scored the winning run in the 10th inning. I saw him play a number of positions. He was on six World Series teams with the Brooklyn Dodgers. He was a major player when they won the World Series in 1955, he was a perennial All-Star in the National League, and he really excelled as a ball player. And after he retired, he was elected to the Hall of Fame.

Of course, he was not just an outstanding ball player; he will go down in history for the fact and what he did in breaking the color barrier in the United States. When he broke into organized baseball in 1946 in the minor leagues and in 1947 in the major leagues with the Brooklyn Dodgers, baseball truly was the national pastime. All attention was focused on organized baseball, and there were no African Americans whatsoever allowed into organized baseball.

When Jackie Robinson broke that barrier, he really broke barriers throughout the country and set an example and a standard that our country has been attempting to live up to ever since.

I mentioned that as a kid I used to follow Jackie Robinson as a ball player. It is only as I became older that I realized the solitary anguish he must have been going through as a ball player during those years for a while when he was the only African American ball player at all. And even after other black players came into the major leagues, it was Jackie Robinson against whom so much of the hatred and venom was aimed. What he had to go through, the way he was attacked and criticized in stadium after stadium, it took enormous courage on his part to stand up to that, and he did. He always showed class and dignity. He was always tough, but he always lived up to the highest ideals of Americanism. Because of that our society has advanced as much as it has.

In awarding the Congressional Gold Medal, we try to single out those individuals who have really made special contributions; and I cannot think of anyone, whether in the world of sports, the civil rights movement, or emerging American society, who has done more to make contributions than Jackie Robinson.

On a personal note, as great as it was for me to watch Jackie Robinson, I also had the anguish as a high school student from my high school window watching them tear down Ebbets Field. To many people, that marked the destruction of the Brooklyn Dodger image and tradition.

Mr. Speaker, the fact is, they could tear everything down, but no one could ever tear down the image of Jackie Robinson; no one could ever tear down the lasting impact that he has had on American society. So this is, as I said, a resolution which is long overdue. It is legislation that is long overdue, but it is something which is fully warranted and deserved.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, let me state how proud I am to stand here and manage the time on this important piece of legislation as a New Yorker. Jackie Robinson, as the gentleman from New York (Mr. KING) pointed out, was as much a New Yorker as he was a baseball player.

I also want to state my admiration for the gentleman from Massachusetts (Mr. NEAL). The gentleman and I have had the opportunity to work on many pieces of legislation during my 5 years here in Congress; and I want to suggest that it takes a tremendous amount of courage for a man from Massachusetts at this time, when a New York team is poised to defeat a Massachusetts team in a playoff series which is about to take place in a couple of days, to have the gentleman from Massachusetts (Mr. NEAL) offer this bill here today to honor someone who became an honorary New Yorker we all appreciate. We really appreciate the motivation and the efforts of the gentleman from Massachusetts (Mr. NEAL) to Jackie Robinson.

Baseball player Jack Roosevelt Robinson, who is popularly known as Jackie Robinson, was born on January 31, 1919, in Cairo, Georgia, the youngest of five children. He spent his formative years living in near poverty in Pasadena, California, and later went on to attend the University of California in Los Angeles. His athletic gifts came to the fore when Jackie became the first athlete in UCLA history to letter in four sports: baseball, football, basketball and track. As a result, Jackie Robinson was considered one of the most versatile athletes of his generation and went on to prove it when he played for the Kansas City Monarchs in the Negro leagues and later signed a contract with the Brooklyn Dodgers in 1945, the first African American to do so for the majors in the 20th century.

With the Dodgers, Jackie excelled in his game and inspired a generation of American fans and baseball players alike. The great home-run hitter of the Atlanta Braves, Hank Aaron, once remembered Jackie Robinson as an important influence in his life: "I had just turned 20, and Jackie told me the only way to be successful at anything was to go out and do it. He said baseball was a game you played every day, not once a week."

Jackie's career statistics tell a remarkable story. He helped the Brooklyn Dodgers win six pennants in 10 seasons. He was named Most Valuable Player in 1949 when he scored 108 runs, 203 hits, 16 home runs, and 124 RBIs. Jackie led the National League in stolen bases in 1947 and 1949 for a total career of 197. His career batting average was .311.

For his achievements in the sport, he was inducted into the National Baseball Hall of Fame in 1962. Despite his remarkable achievements on the baseball field, Jackie still had to contend with the insidious racist environment of his time. While traveling with the Dodgers, he could not always stay in the same hotels, nor eat at the same restaurants as his white teammates.

One park in Florida barred the Dodgers from playing an exhibition game because of their inclusion of Robinson on their roster.

At another point, the Cardinals threatened to strike rather than play against Robinson and the Dodgers, but the National League president intervened and the Cardinals capitulated.

Jackie Robinson received hate mail with death threats. Given the racial injustices in America at the time and the racial injustices he was subjected to as a black baseball player, it is no surprise that Jackie Robinson would later turn his attention to fostering racial justice in America. He urged Major League Baseball club owners to hire African Americans to serve as managers, coaches, and administrators in front-office positions. He traveled extensively to raise funds for the NAACP and was a strong supporter of the Anti-Defamation League of B'nai Brith.

After retiring from baseball, Jackie became a businessman. He was vice president of Chock Full O'Nuts, chairman of the board and co-founder of Freedom National Bank of Harlem between 1962 and 1972, and founded a construction company in 1970.

In both banking and construction, he sought to improve the living conditions of African Americans in urban areas. He also spoke out against drug abuse in America. He was one of the great heroes of the storied history of our national pastime. He was an inspiration to his generation, and his pioneer spirit and legacy are an inspiration to all of us and will be for many generations to come. His legacy continues to be honored by the good work of the Jackie Robinson Foundation, which his wife, Rachel, founded in 1973, one year after his death, which helps college-bound minority youth in developing their potential. I urge Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, regarding the gentleman from Massachusetts (Mr. NEAL) and the courage he has shown, I think it is important for the record to state that back in the years when Jackie Robinson was playing in the World Series against the New York Yankees, I was rooting for Jackie Robinson, the gentleman from Massachusetts (Mr. NEAL) was rooting for the New York Yankees.

In spite of that, we do believe in the ultimate power of redemption; we are glad the gentleman is attempting to atone for his sins today by advancing this legislation, and we certainly welcome him as we welcome all sinners who return to the fold.

Seriously, Mr. Speaker, the gentleman from New York (Mr. CROWLEY) touched on many of these issues regarding Jackie Robinson. He was a man who served the United States Army during World War II, he was an All-American athlete in a number of sports at UCLA. He played any number of positions, and started all of them. He showed enormous talent and ability while he had this tremendous burden on him, the incredible pressures, the hatred being launched against him; but despite that, he continued to excel as an outstanding ball player throughout his career.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield 7 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from New York (Mr. KING) and the gentleman from New York (Mr. CROWLEY) for the effort that they extended on the floor in getting the signatures to bring us to this moment.

Mr. Speaker, our friend and colleague and hero, the gentleman from Georgia (Mr. LEWIS), noted just a few months ago that before there was an integrated American military, there was Jackie Robinson.

□ 1515

Before Brown v. Board of Education, there was Jackie Robinson. Before the trauma and turbulence of events at the Edmond Pettus Bridge, there was Jackie Robinson. Before there was a Civil Rights Act of 1964, there was Jackie Robinson. And before the Voting Rights Act of 1965, there was Jackie Robinson. I think that this House tries to honor those who break a barrier, and that is precisely what we are doing today in honoring Jackie Robinson.

Jackie Robinson noted that the great thing about athletics is that you learn to act democracy, not just talk about it. I think he would in some small degree take satisfaction today knowing that this House of Representatives is not going to talk any longer about its legacy; we are going to act on it.

For his many contributions to sports, to civil rights, and to our Nation, Jackie Robinson deserves this important recognition. His remarkable life transcended baseball and helped to transform a Nation in the process.

As a baseball fan since my youth, I always admired his great talent. He was, and by all objective measurements, a true American hero. I am proud to be able to author this bipartisan legislation honoring a trailblazing legend.

The leadership of Major League Baseball and in particular its Commissioner, Bud Selig, and its President, Bob DuPuy, they also deserve special recognition today as well as the many Members of this House who faithfully secured the signatures to bring this matter up in deserving recognition for Jackie Robinson. And I want to acknowledge the role of Major League Baseball in the passage of this legislation.

And since I represent a portion of Massachusetts, let me recognize the Boston Red Sox today who held a symposium on the life of Jackie Robinson in January at Fenway Park, and it was the Red Sox who gave me the enthusiasm and presented themselves as a consistent partner in our efforts to pass this legislation.

Also, I want to thank the family of Jackie Robinson for their unyielding support of this endeavor. Many of us had the opportunity just a few weeks ago to meet Jackie's daughter, Sharon, and we came away from that meeting knowing that she possessed the same qualities as her dad: strength, courage and conviction. I want to thank the members of that family and particularly Sharon for helping with this historic achievement.

The Nation that we live in today, Mr. Speaker, is much more egalitarian. Our sense of justice which we talked about for decades is much closer to the truth today than it was when Jackie Robinson walked to home plate. America has a much better vision of fairness today than it did when Jackie Robinson stole home plate. He helped to transform that game, but in the midst of transforming that game, just as importantly, he helped to transform America.

Think of the legions of people who successfully play baseball today who cannot imagine a nation where the premier player on the team could not eat in the same restaurant with his teammates, could not secure a reservation in the same hotel as his teammates, and yet on the next day be the star and central attraction of that team. He not only changed the game; he successfully changed the complexion of the game and thereby helped change the complexion of America.

America, as I have indicated, has a much better sense of itself today because of the barriers that were broken. We serve in a Congress that is much more reflective today of this Nation than it would have been when Jackie Robinson broke the barrier. Congress takes this rightful moment, I think, to ensure that as we have deliberatively and time and again created a bit of an obstacle to getting these things done so that those who are undeserving might not secure this honor that we are going to bestow on Jackie Robinson, and rightly so. But I thank Members on both sides, the gentleman from New York (Mr. KING) in particular, and the gentleman from Ohio (Mr. OXLEY) as well; and on our side the people who went out and got these signatures day in and day out to bring us to this moment.

This is a really nice thing for the Robinson family. It is a great thing for this Congress of the United States. But most importantly, it is a great thing for the country we all love, the United States of America.

Mr. KING of New York. Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman from New York (Mr. CROWLEY) for yielding me this time.

It is a special honor and privilege today to rise in support of H.R. 1900, legislation sponsored by the gentleman from Massachusetts (Mr. NEAL) to award a Congressional Gold Medal to the late, great Jackie Robinson in recognition of his many contributions to the Nation, and to express a sense of Congress that there should be a national day of recognition in his name. I applaud my colleague for sponsoring the bill which should be supported by everyone in this body.

Mr. Speaker, in the spring of 1947, Jackie Roosevelt Robinson played his first game with the Brooklyn Dodgers, breaking down baseball's decades-old color line and changing the face of baseball forever. Over the past few years, I too have had the pleasure of working with Jackie Robinson's older daughter, Sharon Robinson, on a number of activities and programs of the Jackie Robinson Foundation, which continue his legacy for our children and which has brought to my and many of my colleagues' districts.

On a broader note, my constituents and I owe a debt of gratitude to Jackie Robinson for opening the door and paving the way for all of us, but especially for several Virgin Islands major leaguers like Valmy Thomas, Elrod Hendricks, Al McBean, Elmo Plaskett, Horace Clarke, Jerry Browne, Joe Christopher, Henry Cruz, Midre Cummings, Jose Morales, and Calvin Pickering, as well as Bernie Williams whom we share with Puerto Rico.

Mr. Speaker, the bill before us is a long overdue tribute, and I rise on their behalf and on behalf of all Virgin Islanders. I only wish it had been bestowed on Jackie Robinson while he was still alive.

I urge my colleagues to support H.R. 1900.

Mr. CROWLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have listened to statements today in support of this legislation, in support of this great honor being awarded to a great man, Jackie Robinson, with number 42 on his uniform, but who certainly was first in the hearts of so many Americans.

I want to again emphasize my gratitude to the gentleman from Massachusetts (Mr. NEAL) for his efforts in bringing this forward and also express the personal honor it is to me. When I was a kid growing up in New York, I never thought I would have the opportunity to be supporting legislation for one of my childhood heroes. So it really is a great moment for this country, and I can speak on behalf of the many millions of New Yorkers who lived during the 1940s and 1950s who were thrilled by Jackie Robinson's excellence on the ball field.

But more important than that, I can speak for tens of millions of Americans who will always be in his debt and will always have tremendous gratitude to him for being such a pathfinder, for being so courageous, for having the guts to go forward when very few others would. I ask that this bill be passed.

I include in the RECORD a statement of Baseball Commissioner Bud Selig.

STATEMENT OF BASEBALL COMMISSIONER ALAN H. SELIG

I have often said that Jackie Robinson's entry into the Big Leagues was Baseball's proudest moment and most powerful social statement.

Today, the United States House of Representatives codifies the historic importance of Jackie Robinson's legacy by awarding, posthumously, its prestigious Congressional Gold Medal to Jackie.

On behalf of Major League Baseball, I express my gratitude to the House of Representatives for enacting this legislation, to Congressmen Neal (D-MA) and King (R-NY) for proposing the bill, to the nearly 300 House co-sponsors, and especially to those members who worked hard to achieve the bill's passage.

Before America's Armed Forces were integrated and before the United States Supreme Court struck down segregation, Jackie Robinson became the first black man to step onto a Major League ball field. That memorable day in 1947, in Brooklyn, New York, our National Pastime truly achieved greatness. And people of color felt the promise of greater freedoms to come.

In April of 1997, it was my great honor to retire Jackie Robinson's Number 42 in perpetuity. It was the first time in any sport that such a gesture was bestowed upon an athlete. It was a recognition that Jackie Robinson was an exceptional man who fought racism by exhibiting athletic greatness on the ball field and grace off the field.

On behalf of Major League Baseball, Jackie's wife, Rachel, his children Sharon and David, and Jackie's millions of fans, I thank the United States House of Representatives for this special and appropriate tribute to a great ballplayer and an even greater human being.

Mr. LEWIS of California. Mr. Speaker, I rise today to honor the accomplishments of Jackie Robinson, who richly deserves the award of a Congressional Gold Medal as a pioneer in opening professional sports to all Americans. Like my colleagues, I am proud to remember him as an American hero.

But as a proud graduate of the University of California at Los Angeles, I wanted to remind my colleagues that Jackie Robinson was already known to American sports fans even before he made history by joining the Brooklyn Dodgers. In fact, he is one of UCLA's most distinguished alumni and was considered one of our nation's most important athletes during his college days.

Robinson's true passion was athletics and he excelled at every sport he tried. Regarded as the finest all-around athlete in the United States during his lifetime, he was the only Bruin to earn varsity letters in four sports: football, basketball, track, and baseball.

As a football player, at UCLA Robinson led the nation in punt return average in 1939 (16.5 yards) and 1940 (21.0 yards) and his career average of 18.8 yards ranks fourth in NCAA history. During his senior year he led UCLA in rushing (383 yards), passing (444 yards), total offense (827 yards), scoring (36 points) and punt returns (21.0 yards). In his career, he rushed for 954 yards (5.9 average) and passed for 449 yards.

As a basketball player, Robinson led Pacific Coast Conference's Southern Division in scoring in both 1940 (12.4 average in 12 league games) and 1941 (11.1 average in 12 league games) and was named All-PCC Southern Division in 1940.

Robinson's UCLA track career was abbreviated because he missed most of the 1940 season while playing baseball, but he still managed to win the NCAA title in the broad jump (24′ 10¼″) as well as the broad jump at the Pacific Coast Conference meet with a leap of 25′ 0″.

He did not even consider baseball his best sport, but in his first collegiate game, he totaled four hits and stole four bases, including home base.

Despite his achievements in the realm of sports, Robinson, like other black athletes, was often confronted by the harsh realities of the times. I am proud to say that race was not an issue on Bruin teams, but in those days much of the rest of the nation wasn't as accepting. Ned Mathews, a football teammate of Robinson, recalled an incident at Stanford University where black athletes were turned away from dining in a restaurant. The Bruins left. "If they didn't fit, we didn't fit," Mathews told the UCLA faculty newspaper, "and that's the way it went."

The support of his UCLA teammates and the heroism Jackie Robinson showed in facing this early discrimination would provide the foundation for his history-making career in major-league baseball. Shortly after his time in college, Robinson signed a contract with the Brooklyn Dodgers, ending decades of discrimination against blacks in the major leagues. In spite of enduring torment and abuse through much of his professional career, he remains one of the sport's all-time athletic stars. Robinson was posthumously named a charter member of UCLA's Athletic Hall of Fame in 1984.

Robinson once said "A life is not important except in the impact it has on other lives." His impact on the sporting world and our nation cannot be overstated. By showing us that athletes—and indeed all Americans—should be judged by their talent and character rather than their skin color, Jackie Robinson's life has brought us closer to fulfilling our creed that "all men are created equal."

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1900, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of the Congress that there should be a national day in recognition of Jackie Robinson. Mr. Robinson was not only an amazing athlete he was a man of unsurpassed character and an agent of social change. On behalf of the people of the 18th Congressional District of Texas, I am pleased to be an original cosponsor of this bill. By posthumously awarding the congressional gold medal to Jackie Robinson, we are recognizing the achievements and the life of an exceptional man.

Mr. Robinson was born in 1919 in the state of Georgia. His parents were sharecroppers and he was the youngest of five children. During his rise as a student, an athlete, and a national hero, he would travel from coast to coast and from north to south across the country. While attending the University of California Los Angeles he was the first student to earn varsity letters in four sports; baseball, football, basketball, and track.

In 1947, Jackie Robinson signed with the Brooklyn Dodgers and became the first African American to play in Major League Baseball. During his first season, he won the National League's Rookie of the Year Award. In 1949, Jackie Robinson was also voted the National League's Most Valuable Player by the Baseball Writers Association of America.

Mr. Speaker, I would like to note that a few weeks ago this body had occasion to honor Larry Doby. He was the second African American to play Major League baseball and the first to play in the American League. It is wonderful that people's House should take time to honor both of these national heroes.

Now, after the 1956 season, Mr. Robinson retired from the game of baseball. In 1962, he was inducted into the National Baseball Hall of Fame. He was the first African American player to receive that honor. Clearly, none can question Jackie Robinson's contributions to America's greatest pastime but many are unfamiliar with his achievements off the field of play.

Before entering Major League Baseball Jackie Robinson joined the United States Army. He earned the rank of first lieutenant in the Army, which was still segregated at that time. Mr. Robinson did not quietly accept such segregation. Rather he protested the Army's discriminatory practices. In fact, while stationed at Fort Hood, in Texas, Jackie Robinson was arrested when he refused a bus driver's order to move to the back of a bus. After court-martial, he was acquitted. Then, in 1944, Mr. Robinson received an honorable discharge from the Army.

Years later, after his career in baseball, Mr. Robinson dedicated himself full-time to the cause of civil rights. In fact, from 1964 to 1968 he served as special assistant for civil rights to Governor Nelson Rockefeller of New York. Mr. Robinson also worked to promote African American business in Harlem. He even cofounded the Freedom National Bank of Harlem.

Sadly, Mr. Robinson passed away in 1972. He was survived by family, friends, and millions of fans. The epitaph inscribed on Mr. Robinson's gravestone is one that he wrote himself. It reads: "A life is not important except in the impact it has on other lives." We thank Jackie Robinson for his selflessness, for the permanent impact he made upon our lives, and upon the basic fabric of this country. Mr. Speaker, we thank Mr. Robinson and we honor him.

Mr. SCHIFF. Mr. Speaker, I rise today to honor Jackie Robinson for his contributions to this country. The grandson of a slave, Jackie Robinson used his unmatched athletic talent to clear a path toward equality. As the first African-American to play in Major League Baseball, Mr. Robinson faced virulent opposition and oppressive racism. Through the passion and excitement of excellent athletic performance, Mr. Robinson carried the United States one step closer to racial parity.

I am particularly proud of Jackie Robinson's connection to the city of Pasadena. Mr. Robinson moved to Pasadena as a toddler, and grew up in the shadow of the Rose Bowl. He was an exceptional teammate on the sandlots, and a multi-sport standout at John Muir Technical High School. At Pasadena Junior College and UCLA, he broke records in basketball, baseball, football and track.

Jackie's older brother Mack was also a treasured citizen of Pasadena; the Post Office on Lincoln Avenue bears his name. The Robinson family's contributions to Pasadena echo beyond the realm of athletics to the model they set for the community and the nation.

It seems fitting to honor Jackie Robinson in October, as competition intensifies for the American and National League pennant races. Mr. Speaker I urge passage of H.R. 1900, to award a Congressional Gold Medal to Jackie Robinson, to recognize his powerful contributions to the nation, and to express support for a national day in recognition of one of Pasadena's greatest stars.

Mr. KING of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 1900.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FHA MULTIFAMILY LOAN LIMIT ADJUSTMENT ACT OF 2003

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1985) to amend the National Housing Act to increase the maximum mortgage amount limit for FHA-insured mortgages for multifamily housing located in high-cost areas, as amended.

The Clerk read as follows:

H.R. 1985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "FHA Multifamily Loan Limit Adjustment Act of 2003".

SEC. 2. MAXIMUM MORTGAGE AMOUNT LIMIT FOR MULTIFAMILY HOUSING IN HIGH-COST AREAS.

In the National Housing Act, sections 207(c)(3), 213(b)(2)(B)(i), 220(d)(3)(B)(iii)(II), 221(d)(3)(ii)(II), 221(d)(4)(ii)(II), 231(c)(2)(B), and 234(e)(3)(B) (12 U.S.C. 1713(c)(3), 1715e(b)(2)(B)(i), 1715k(d)(3)(B)(iii)(II), 1715l(d)(3)(ii)(II), 1715l(d)(4)(ii)(II), 1715v(c)(2)(B)), and 1715y(e)(3)(B)) are each amended—

(1) by striking "110 percent" and inserting "170 percent"; and

(2) by striking "140 percent" and inserting "170 percent".

SEC. 3. CATCH-UP ADJUSTMENTS TO CERTAIN MAXIMUM MORTGAGE AMOUNT LIMITS.

(a) SECTION 207 LIMITS.—Section 207(c)(3) of the National Housing Act (12 U.S.C. 1713(c)(3)) is amended by striking "$11,250" and inserting "$17,460".

(b) SECTION 213 LIMITS.—Section 213(b)(2)(A) of the National Housing Act (12 U.S.C. 1715e(b)(2)(A)) is amended—

(1) by striking "$38,025", "$42,120", "$50,310", "$62,010", and "$70,200" and inserting "$41,207", "$47,511", "$57,300", "$73,343", and "$81,708", respectively; and

(2) by striking "$49,140", "$60,255", "$75,465", and "$85,328" and inserting "$49,710", "$60,446", "$78,197", and "$85,836", respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Today I rise in support of H.R. 1985, the FHA Multifamily Loan Limit Adjustment Act of 2003. This important piece of legislation introduced by the gentleman from California (Mr. GARY G. MILLER) and the gentleman from Massachusetts (Mr. FRANK) amends the National Housing Act to increase the maximum mortgage amount limit for FHA-insured mortgages for multifamily housing located in high-cost areas.

The Federal Housing Administration is one of the most effective programs in helping low-to-middle-income buyers purchase their first home. It was originally designed to encourage lenders to make credit more readily available and at lower rates. Through FHA programs, HUD insures mortgages and loans made by HUD-approved lenders for a wide variety of purposes including new construction, rehabilitation, property improvement, and refinancing in connection with a wide variety of types of property. FHA programs include all types of residential property (multifamily, single family, manufactured homes), nonresidential commercial property, hospitals, and certain other health care facilities.

The FHA multifamily mortgage insurance program is a critical source of financing for affordable multifamily rental housing. During the previous 2 years, Congress supported and implemented improvements to the program, including increasing the base loan limits by 25 percent and indexing the loan limits to inflation, which begins in 2004. As a result, loan values have increased significantly in many areas of the country where the program previously, frankly, was not working.

However, there are a number of high-cost urban markets such as New York, Boston, San Francisco, Chicago, and Los Angeles where construction costs are significantly higher than other areas of the country, and the high-cost factors have not been sufficient to allow the use of FHA multifamily mortgage insurance programs. The FHA Multifamily Loan Limit Adjustment Act of 2003 will give the HUD Secretary the discretion to increase the maximum mortgage amount limit for FHA-insured mortgages for multifamily houses located in high-cost areas. In addition, it would change the statutory maximum adjustment percentage for geographic areas from 110 to 170 percent, which would change HUD's maximum high-cost percentage to 270 percent.

Providing the HUD Secretary additional flexibility to increase the maximum loan limits in high-cost areas would greatly improve the FHA multifamily mortgage insurance programs. With severe shortages of affordable rental housing in most of the high-cost markets, this change would enable developers to provide much-needed new affordable housing to low- and moderate-income families.

This is a tremendous bill, Mr. Speaker, and I want to give credit again to the gentleman from California (Mr. GARY G. MILLER) and the gentleman from Massachusetts (Mr. FRANK), the gentleman from Ohio (Chairman OXLEY) and the staff on both sides of the aisle. It is a good bill. It is a bill that will definitely help people in the United States, and I would urge all of my colleagues to support this vital housing initiative.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I am particularly appreciative of the efforts of the gentleman from Ohio, the chairman of the Subcommittee on Housing and Community Opportunity and the other gentleman from Ohio, who chairs the full committee, for helping us bring this bill forward.

The gentleman from California and I began our collaboration on this issue in a previous Congress when this came up as part of an omnibus housing bill, and while we bogged down on that omnibus bill because of some differences between the parties and ideological concerns, it struck us that there was no reason to hold back on something that ought to be, and we believe is, in fact, in everybody's interest with no downside.

I would note that this is one of those times when we can bring forward a bill that will advance an important social purpose dealing with our housing affordability crisis, and this is not for subsidized housing, but as we build housing, multifamily housing, as we increase the housing stock, we deal with the affordability problem because there is a problem here of supply and demand. The affordability program is exacerbated by a shortage of supply, and as we increase the supply even of conventional housing, we are dealing with that.

This also has the unusual aspect of probably helping to reduce the Federal deficit. FHA premiums, given the repayment rate, particularly when we are dealing at this end of the spectrum, make money for the Federal Government. So if this has any impact on the Federal budget, it will be a directly positive one, not simply an economic activity that will be generated, that housing will be built, but specifically in the collections that will come from the FHA.

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We do not have a single housing market in this country. We have, for a variety of reasons, some areas which cost more than others. Those are both supply- and demand-related factors. We should not, therefore, have a single FHA rule. Where we are dealing with high-cost areas, given the value that the FHA has as a financing mechanism for housing, we ought to take advantage of that.

I want to express my appreciation also to the gentleman from California (Mr. GARY G. MILLER) for his consistent leadership on this issue. I would also like to acknowledge the role that the National Association of Homebuilders played in helping educate all the Members to the importance of this and to the benefit which we will all receive from it.

So I again express my appreciation to Members on the majority side, the lead sponsor of the bill, the gentleman from California (Mr. GARY G. MILLER), the chairman of the subcommittee, the gentleman from Ohio (Mr. NEY), and the chairman of the full committee, the gentleman from Ohio (Mr. OXLEY).

I am very pleased we will be moving this bill, and I hope that it is one that can be signed before the end of the year. I reserve the balance of my time.

Mr. NEY. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. GARY G. MILLER), the sponsor of this bill, who has literally traveled 2000 miles to be here for this bill today.

Mr. GARY G. MILLER of California. Madam Speaker, I rise in support of H.R. 1985, the FHA Multifamily Loan Limit Adjustment Act of 2003. This legislation is really critical to make sure we provide affordable rental housing in this country.

I applaud the gentleman from Massachusetts (Mr. FRANK). He and I have a passion on this issue. We have been working on this for a while, and we continue to look for areas that we can impact in this country to make sure that housing is available to those who need housing most. I think our goal is to make sure that everybody in this Nation has an opportunity to own or rent their own home, a place they can call theirs.

I would like to commend the chairman of the Committee on Financial Services, the gentleman from Ohio (Mr. OXLEY), for his efforts in this. The gentleman from Ohio (Chairman NEY) has been very, very good about making sure that this was diligently processed through the committee, and I want to thank him very much for that.

When it comes to high-cost markets, where land and construction costs are significantly higher than in other areas in the country, there is no question that FHA multifamily mortgage insurance limits are not keeping pace. The fact is that in high-cost areas, the land is continually growing in value. People are actually able to auction it off, and the rates they are getting for it are increasing rapidly, and the construction costs are increasing the same way.

The slowdown in affordable rental housing production has resulted in a significant gap between the demand for and the supply of rental housing. This is a problem we have to come together to solve today.

The FHA Multifamily Program provides mortgage insurance for multifamily developments, particularly serving low- and moderate-income families. In our most expensive cities, it is very difficult for these families to find affordable rental housing in the communities where they work. Today, many public servants in my district, police officers, firefighters and teachers, are not able to live in the community in which they grew up and work today. And if Congress does not act to promote affordable rental housing, things will not get easier for families in my district and the Nation as a whole.

Orange County, California, had the third largest rent increases out of 25 of the largest metropolitan areas in 11 Western States. Thirty-three percent of the renters in Orange County sent 35 percent or more of their income to their landlord.

The FHA Multifamily Mortgage Insurance Program has operated for over 65 years, working with private sector partners to expand the supply of rental housing. This public-private partnership has leveraged more than $100 billion of private sector investments to provide rental housing for more than 4 million families and the elderly throughout this country.

The problem is that, according to HUD's data, no multifamily loans were FHA insured in high-cost cities such as New York, Philadelphia, Seattle or Los Angeles in 2003. The entire State of California only had one multifamily development that has been built and insured by FHA. These are the same areas of the country in which there exists a wide availability gap of affordable rental housing.

The problem is in California and many high-cost States, Massachusetts is a great example, you cannot find a rental available. They are just not available. The costs are escalating so rapidly.

The developers are simply unable to provide affordable housing units in these areas because the current statutory mortgage limits for FHA mortgage insurance are unrealistically low. We have to get the rates up to keep up with the demand out there.

I have a letter from an individual who is a developer in the Boston area, and this gives you an example of what developers are going through today in this country.

He said, "I am currently in the planning stages of developing 180-unit, garden-style, walk-up apartments located in Burlington. Twenty percent of the units will be affordable to seniors with incomes of 80 percent of the area median, and the rest will be at market rate. The units range in size from 700 square feet, one-bedroom units to 1,200 square foot, two-bedroom units."

He has been planning this for quite a few years.

"However, I may not be able to actually obtain the FHA-insured loan. My total development costs are $176,000 per unit, which exceeds the high-cost limits. The figure is actually somewhat low because I bought the lands many years ago for $15,000 per unit. The land is currently worth $50,000 per unit."

In nexus, what this gentleman is saying is if he cannot get this loan, which is not competing with the private sector, it is a loan for FHA for these income houses, he is likely to have to sell this property off to a developer who will not build it for low-income people, who will build it for at-market rates, whether it be multifamily, condos or townhomes. The problem is that does not do anything to remove the problem we face today, but makes it worse.

We are not giving grants and that is the key, the gentleman from Massachusetts (Mr. FRANK) tried to say. This is not a government giveaway. Whether you are a conservative or a liberal should not impact anybody. This is a loan that is made to an individual that is a very safe loan. In fact, the government makes money off these loans.

It is very seldom we can bring a bill to this floor that not only deals with the housing crisis we face in this country, but actually does not cost the government a dime. Nobody is given anything, it is just a conduit between the builder and the people who need a place to live.

This is a good bill, I see no objection to it, and I ask for unanimous approval of this.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself 1 minute to make one other point.

Even with regard to Section 8, this is helpful legislation, because the Section 8 cost is based on the cost of the housing. To the extent we can get multifamily housing built more efficiently with financing help, then the Section 8 rent, even in one of those units, which could happen, would be nice. So this is a bill which, as I said, has no downside.

I appreciate the gentleman from California noting he and I will continue to look for ways without regard to ideological party differences, which will remain and which are legitimate and which we will debate, but aside from those, we can find ways to move this along.

So, again, with thanks, particularly to the gentleman from Ohio who worked very hard on this, I urge passage of the bill.

Madam Speaker, I yield back the balance of my time.

Mr. NEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in closing, I want to again commend the gentleman from California (Mr. GARY G. MILLER) and the gentleman from Massachusetts (Mr. FRANK), who worked together on a very important piece of legislation, our ranking member, the gentlewoman from California (Ms. WATERS), and the gentleman from Ohio (Chairman OXLEY). Our Subcommittee on Housing and Community Opportunity put this straight to the full committee so we did not delay on it.

I also want to note something, and the gentleman from Massachusetts (Mr. FRANK) talked about it, omnibus bills. I think the approach we are taking on the committee, both the subcommittee and the full committee, is the right approach. We are looking at high-cost. Somebody said, what are you doing for rural? We are doing things for rural. We are discussing everything on the table.

Avoiding an omnibus bill, that everybody works a year on and then it does not pass both Chambers, has been an approach we have taken so we can get bits and pieces of bills that are good bills.

Mr. FRANK of Massachusetts. Madam Speaker, will the gentleman yield?

Mr. NEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Madam Speaker, I thank the gentleman very much, and I agree with almost everything he said today, but only almost. I would still like to see an omnibus bill.

Mr. NEY. Madam Speaker, reclaiming my time, we can still work an omnibus bill, and we can still continue to do these. These are probably going a little faster, I hope. But an omnibus will keep us all busy.

With that, I urge support of the bill.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 1985, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TRANSFER TO PUBLIC PRINTER OF AUTHORITY OVER INDIVIDUALS RESPONSIBLE FOR PREPARING CONGRESSIONAL RECORD INDEXES

Mr. NEY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3229) to amend title 44, United States Code, to transfer to the Public Printer the authority over the individuals responsible for preparing indexes of the CONGRESSIONAL RECORD, and for other purposes.

The Clerk read as follows:

H.R. 3229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER TO PUBLIC PRINTER OF AUTHORITY OVER INDIVIDUALS RESPONSIBLE FOR PREPARING CONGRESSIONAL RECORD INDEXES.

(a) IN GENERAL.—Section 902 of title 44, United States Code, is amended to read as follows:

"§ 902. Congressional Record: Indexes

"The Public Printer shall prepare the semimonthly and the session index to the Congressional Record. The Joint Committee on Printing shall direct the form and manner of its publication and distribution.".

(b) TRANSITION RULE FOR CURRENT EMPLOYEES.—

(1) IN GENERAL.—Any individual who is an employee of the Congressional Record Index Office as of the effective date of this Act shall be transferred to the Government Printing Office, subject to the provisions of this title governing the selection and appointment of employees of the Government Printing Office and any applicable regulations.

(2) TREATMENT OF ACCRUED LEAVE.—Any annual and sick leave accrued by such an individual prior to such date shall be transferred and made available to the individual as an employee of the Government Printing Office, subject to applicable regulations of the Government Printing Office governing the use of such leave.

SEC. 2. EFFECTIVE DATE.

This Act and the amendments made by this Act shall apply with respect to pay periods beginning on or after October 1, 2003 (or, if later, the first day of the first month which begins after the date of the enactment of this Act).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is a pleasure to be here today with my colleague, our esteemed ranking member of the Committee on House Administration.

I rise here today in support of H.R. 3229, a bill to amend title 44, United States Code, to transfer to the Public Printer the authority over the individuals responsible for preparing indexes of the CONGRESSIONAL RECORD. The indexes create the semimonthly and session indexes to the CONGRESSIONAL RECORD.

Under the Printing Act of 1895, the Joint Committee on Printing, known as JCP, designates to the Public Printer persons to prepare the index and fixes the compensation to be paid by the Public Printer for their work. Their compensation, benefits, and related office expenses are charged directly to the Congressional Printing and Binding Appropriation.

Although the indexers have long been recognized as Congressional employees, their daily work is supervised by the GPO, the Government Printing Office. Therefore, we are here today to make this change to title 44.

GPO provides administrative support for the indexers; pays the indexers from the GPO revolving fund, which is then reimbursed by the Congressional Printing and Binding Appropriation; and maintains employment records for the indexers. The indexers are housed in buildings under GPO's control and subject to GPO's rules and regulations regarding security and other related matters. GPO provides equipment for the indexers, who work on a day-to-day basis directly with GPO's production staff in compiling and publishing the CONGRESSIONAL RECORD Index.

Prior to 1999, the JCP managed the indexers. However, in 1999 the funding for the JCP ended. The employee transfer that this legislation will provide will relieve the JCP of the administrative burden of managing a daily production activity that more appropriately belongs, frankly, in the Government Printing Office. At the same time, it will preserve the JCP's control over the CONGRESSIONAL RECORD Index itself, which is important.

Most importantly, however, it will correct an employment situation. The JCP, in conjunction with GPO, has crafted legislative language to accomplish the transfer with minimal impact on office employees. The JCP and the GPO have ensured that despite the transfer accomplished by this legislation, the format and substance of the CONGRESSIONAL RECORD will remain the same as before, which, of course, is very important to many people in the country.

With the transfer, the employees will be placed in the civil service and will be covered by the laws and regulations covering GPO employment. Their contributions and service time accumulated under retirement systems as Congressional employees will be fully credited. They will retain their current rates of pay and their future pay will be subject to pay systems governing other GPO employees. They will be allowed to carry accumulated annual and sick leave with them, with subsequent use subject to GPO regulations.

The CONGRESSIONAL RECORD Index Office will be assigned to the appropriate GPO organization, subject to GPO management direction, although any future changes to the form and production of the CONGRESSIONAL RECORD Index will be subject to the review and approval of the JCP.

The indexers will continue to be funded by the Congressional Printing and Binding Appropriation. This change will not interrupt their work on the index. Consequently, the effects of the transfer will have no impact to CONGRESSIONAL RECORD Index users in Congress, the government or the public.

As a request from the JCP, the GPO has briefed the Index Office employees on this legislative proposal. No objection was raised to the JCP.

The indexer employment situation has been in flux since 1999, and I commend the JCP and the GPO for working through this fluid situation and also for helping us bring this resolution to the floor.

The Public Printer, Bruce James, is to be commended also. He has done an excellent job and I think has really brought the Government Printing Office into the 21st century. I am going to be urging full support of this resolution.

I look forward to our ranking member, who is a definite student of history, and I am sure he is going to provide, Madam Speaker, a historical perspective to this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Madam Speaker, I yield myself such time as I may consume, and I thank the chairman for his historical reference.

I am pleased to join with the chairman in support of this legislation to transfer control of the CONGRESSIONAL RECORD Index Office to the Government Printing Office.

The gentleman has ably explained the bill. The Public Printer, who asked for this legislation, has submitted a detailed justification that the chairman has included in the RECORD.

I want to thank the chairman and the Joint Committee on Printing and particularly the gentleman from Ohio (Chairman NEY) for his thorough explanation of the bill, the staff director of our joint committee, Maria Robinson, for her hard work, and my joint committee staff director, who I am pleased to have back, Michael Harrison, for his detailed work on this job.

I would also like to thank the director of the Office of Congressional Affairs at the GPO, Mr. Andrew Sherman, who was so helpful in putting this legislation together, as well as so many other projects.

I am pleased to join the distinguished chairman in support of this legislation to transfer control of the Congressional Record Index Office to the Government Printing Office. The gentleman has ably explained the bill. The Public Printer, who asked for this legislation, has submitted a detailed justification that the chairman will include in the RECORD.

Suffice it to say that circumstances have changed in recent years, creating a need for the modification recommended in this bill. A law dating back to the mid-19th Century, now codified as Section 902 of Title 44, United States Code, gives the Joint Committee on Printing the duty to appoint and fix the pay of "competent persons" to prepare a periodic index to the CONGRESSIONAL RECORD. In addition to appointing the indexers and fixing their pay, the joint committee for many years actively supervised and directed the indexers' day-to-day work.

The indexers have been treated as congressional employees for leave and retirement purposes. However, unlike other congressional staff, whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House, the Public Printer pays the indexers out of the GPO revolving fund, and is reimbursed from the Congress's appropriation for its own printing and binding. The Public Printer provides supplies and equipment for the indexers' use, also on a reimbursable basis. The indexers perform their work on GPO premises, some distance from the Capitol, and naturally their work is closely linked to the production of the CONGRESSIONAL RECORD itself.

Madam Speaker, if it ever made sense for the Joint Committee on Printing to have the responsibility to appoint the indexers, set their pay, and provide day-to-day supervision for the Index Office, that day ended in 1998 when the 105th Congress chose not to provide further appropriations for the JCP. That decision deprived the JCP of its separate professional staff, which had previously supported the joint committee in the discharge of its responsibilities, including management of the Index Office. Now those responsibilities fall upon our Committee on House Administration and the Senate Committee on Rules and Administration, both of which are responsible for many matters in addition to printing. Under these circumstances, it makes sense to transfer the Index Office to the Public Printer, as he has proposed, leaving the JCP to establish policy to guide the Public Printer's exercise of his responsibility.

The bill does that and nothing else. The Public Printer has assured our committee that the transfer's effect on those now employed as indexers will be minimal, and on the thousands who use the index, invisible. For me, this is key. The CONGRESSIONAL RECORD is a linchpin of Congress's ongoing effort to "keep America informed," which phrase is GPO's slogan. Readers of the RECORD know it is the Index that makes the RECORD a truly useful research tool. Congress could not properly keep America informed without the dedicated professionals of the Congressional Record Index Office. It is fitting that upon enactment of this bill, they will join the many dedicated professionals of the GPO.

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Madam Speaker, I know of no opposition to this bill, and I urge a "yes" vote.

Madam Speaker, I yield back the balance of my time.

Mr. NEY. Madam Speaker, I want to again thank my colleague, our ranking member, the gentleman from Connecticut (Mr. LARSON), for handling this bill with me on the floor today. This is a very important bill.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 3229.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

RECOGNIZING THE DR. SAMUEL D. HARRIS NATIONAL MUSEUM OF DENTISTRY AS THE OFFICIAL NATIONAL MUSEUM OF DENTISTRY IN THE UNITED STATES

Mr. NEY. Madam Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 52) recognizing the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution in Baltimore, Maryland, as the official national museum of dentistry in the United States.

The Clerk read as follows:

H.J. RES. 52

Whereas the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution, is an international resource with the primary mission of educating people, especially children, about the history of dentistry and the importance of good oral care;

Whereas the museum is the most comprehensive museum of dentistry in the Nation, showcasing the people, objects, and events that have created and defined the dental profession;

Whereas the museum is located on the campus of the University of Maryland in Baltimore, home of the world's first dental school, founded in 1840;

Whereas the museum educates the public about the importance of oral health in overall health through exciting, interactive exhibitions and the careful preservation and creative presentation of significant dental artifacts;

Whereas the museum is a national center for both the public and the profession to obtain information concerning historical aspects of oral health and preventive care, for scholars to study the evolution of dental treatment, and for dental practitioners to take pride in the accomplishments of their profession: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the museum, known as the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution, located at 31 South Greene Street in Baltimore, Maryland, is recognized as the official national museum of dentistry in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Madam Speaker, I yield myself such time as I may consume.

I am pleased to rise today to offer for this body's consideration House Joint Resolution 52 to recognize the Dr. Samuel D. Harris National Museum of Dentistry located in Baltimore, Maryland, as the official national museum of dentistry in the United States. I want to thank the gentleman from Maryland (Mr. CUMMINGS) for introducing the bill.

This museum is the most comprehensive dental museum in the world. It is a resource whose primary mission is to educate people, especially children, about the history of dentistry and the importance of good oral hygiene. It uses state-of-the-art interactive exhibitions and expert presentations to deliver the message that oral health is important to achieve overall health.

The museum is affiliated with the University of Maryland at Baltimore, home of the world's first dental school, founded in 1840. It contains hundreds of interesting and significant dental artifacts, including George Washington's dentures. It also serves as a national center of learning with an extensive library from which scholars may study the evolution of dental treatment and learn of the numerous accomplishments of the dental treatment and learn of the numerous accomplishments of the dental profession over the years.

Most importantly, this museum is a reminder to all of us that oral and general health are inseparable and that good dental care is critical to our overall physical health and well-being. While oral health in America has improved dramatically over the last 50 years, these improvements have not occurred evenly across all sectors of our population. Too many Americans today lack access to dental care, particularly in rural communities. According to the report, "Oral Health in America: A Report of the Surgeon General," an estimated 25 million Americans live in areas lacking adequate dental services.

Passage of this resolution to make the Dr. Samuel D. Harris National Museum of Dentistry the official national museum of dentistry in the United States will shed light on the problem many Americans face in accessing dental care.

The museum is endorsed by the American Dental Association, the National Dental Association, the American Dental Education Association, the American College of Dentists, the International College of Dentists, and the American Academy of the History of Dentistry, as well as 50 State dental associations. So we can see it has great support.

Madam Speaker, I want to thank the gentleman from Connecticut (Mr. LARSON) for supporting this important measure. I should also note, Madam Speaker, that the gentleman from Georgia (Mr. LINDER) has been not only a coauthor but a great supporter of this bill and was scheduled to actually manage the bill today, but our schedule went more quickly than we thought, so I just wanted to mention his support of the bill.

In closing, I cannot help but say also, I hope that someday the staff of the U.S. House of Representatives has a dental plan.

Madam Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Madam Speaker, I yield myself such time as I may consume, and I concur with the chairman's sentiments about a dental plan.

Madam Speaker, I rise today in support of House Joint Resolution 52, which recognizes the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution in Baltimore, Maryland, as the official national museum of dentistry in the United States.

Let me acknowledge from the outset the hard work of the gentleman from Maryland (Mr. CUMMINGS), who is the primary introducer of this bill, along with all of the members of the Maryland delegation. The gentleman from Maryland (Mr. CUMMINGS) is unable to be here this afternoon. He is attending the funeral services of Mervyn Jones, the husband of our beloved colleague and dear friend and classmate of mine, the gentlewoman from Ohio (Mrs. JONES).

Madam Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Madam Speaker, let me thank the gentleman from Connecticut (Mr. LARSON) for yielding me this time and for the work that he has done on this resolution in pointing out that the principal sponsor, the gentleman from Maryland (Mr. CUMMINGS), who introduced this resolution, could not be here today because of attending the funeral for the spouse of one of our colleagues. Let me also thank the gentleman from Ohio (Mr. NEY) for his leadership on this issue.

Madam Speaker, I rise in support of H.J. Res. 52, which recognizes the Dr. Samuel D. Harris National Museum of Dentistry as the official national museum of dentistry in the United States.

For many years, the importance of oral health has been underestimated. Only in recent years have we recognized that, in the words of the former Surgeon General, C. Everett Koop, "There is no health without oral health."

We have learned the important linkage between plaque and heart disease; that chewing stimulates brain cell growth; and that gum disease can signal diabetes, liver ailments, and hormone imbalances. Yet many Americans are still unaware of how critical oral health hygiene is to good health care. Despite our advances in reducing dental disease, one in five American children still suffer the devastating effects of severe tooth decay. I am proud that in Baltimore, Maryland, the Dr. Samuel D. Harris Museum of Dentistry is helping to reverse this epidemic by spreading the message that preventive dental health for children is key.

Dr. Samuel Harris is a retired pediatric dentist who was born in the Ukraine and educated at the University of Michigan. He once said of the museum he helped found, "Our main purpose must be to educate, to teach people, especially children, something important about themselves. That way they live not only longer, but better, healthier lives. I think that is a noble goal."

One visit to the National Museum of Dentistry in Baltimore is proof that Dr. Harris's goal has not only been met, it has been surpassed.

Located at the University of Maryland School of Dentistry in Baltimore, the first dental school in the Nation, the Dr. Samuel D. Harris National Museum of Dentistry opened in 1996. The museum's permanent exhibits feature a display of historic dental tools, including the first known toothbrush made out of twigs. Among its most famous artifacts, as pointed out by the gentleman from Ohio (Mr. NEY), are several sets of George Washington's ivory dentures and Queen Victoria's personal dental instruments.

The museum also contains the actual office of Dr. G. V. Black, who is known as the "father of American dentistry." Children especially like the tooth-shaped jukebox that plays vintage toothpaste commercials, computers that teach tooth anatomy, several interactive displays on oral health, and an extensive library of children's books, including several histories about the tooth fairy. One of my favorite exhibits is the scaled-down dentistry office where children can don smocks and review an x-ray panel as they play dentist and examine each other's or their parents' teeth.

Each year, more than 10,000 visitors pass through its doors, including 4,000 schoolchildren. In addition to school and family programs, the museum hosts a variety of symposia for adults and dental health professionals, attracting visitors from across the Nation. Over the years, it has become an invaluable resource for understanding the history of dentistry and the importance of oral care.

I want to thank the House for considering this resolution, which recognizes the museum, an affiliate of the Smithsonian Institution, as the Official National Museum of Dentistry in the United States. I urge all of my colleagues to visit the museum in nearby Baltimore or its Web site at www.dentalmuseum.org, and to support this resolution.

Mr. LARSON of Connecticut. Madam Speaker, I thank the distinguished gentleman from Maryland and the former Speaker of their House for his insight and elaborating on the history of this outstanding museum.

Madam Speaker, I yield myself such time as I may consume.

The Dr. Samuel D. Harris National Museum of Dentistry is a state-of-the-art facility, as both the chairman and the gentleman from Maryland (Mr. CARDIN) have pointed out. It is a state-of-the-art facility that uses innovative communication tools to deliver its message about proper oral health care.

Its permanent exhibition, "32 Terrific Teeth," extends over 7,000 square feet on two floors of the building. It provides a vast array of historical artifacts, as has been mentioned; and it is especially important for children. I was particularly glad to hear the gentleman from Maryland (Mr. CARDIN) talk about the tooth fairy, because we hope that the tooth fairy is kind to the Members and all of the employees with regard to a dental plan here, so I concur with the gentleman from Ohio (Mr. NEY) as well.

I am very proud, as well, of my home State of Connecticut that has its own place in the annals of dental history in this country. Three people in particular, I believe, deserve appropriate recognition for their Yankee ingenuity and for providing outstanding contributions to the field of dentistry: Horace Hayden, who was the first dean of the dental school in Baltimore; Horace Wells, who is the father of anesthesia; and also James McManus, who is one of the leading members on the Connecticut Dental Society who established a scholarship fund at the time for $10,000 that is now worth more than $1 million, and provides an opportunity for those people seeking to enter the field of dentistry.

I would also like to thank two dentists from my district hailing from the great community of West Hartford: both Dr. Bill MacDonnell and Dr. Paula Stern, both who have practices in dentistry in West Hartford, Connecticut, for their dedication to their field and their commitment to make sure that this kind of important legislation was supported and passed. I would also like to further thank Beth Bellizzi from my staff for providing some of the key research in this area. I urge unanimous passage of this bill.

Madam Speaker, I rise today in support of H.J. Res. 52, which recognizes the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution in Baltimore, Maryland, as the official national museum of dentistry in the United States.

The Dr. Samuel D. Harris National Museum of Dentistry is a state-of-the-art facility that uses innovative communication tools to deliver its message about proper oral health care. Its permanent exhibition, "32 Terrific Teeth," extends over 7,000 square feet on two floors of the building. It provides a vast array of historical artifacts, interactive exhibitions, life-sized models and recreated environments. Tour programs especially for children and theme-based family programs help young people understand the everyday importance of dentistry.

I am very proud that my home state of Connecticut has its own place in the annals of dental history in this country. Three people in particular used their Yankee ingenuity and determination to provide outstanding contributions to the field of dentistry.

Horace Hayden, born in Windsor, sought to raise the academic bar for the next generation of dentists. In 1840, he became dean of the first United States dental college, the Baltimore College of Dental Surgery. One of the buildings on the college's former campus now houses the Dr. Samuel D. Harris National Museum of Dentistry, which is located on the Baltimore campus of the University of Maryland. Dean Hayden's educational achievement is commemorated in a monument in his home town of Windsor.

Four years after Dean Hayden began to shape the future of dental education, Horace Wells made a discovery that would forever change the way dental treatments are performed. Dr. Wells, who was from Hartford, discovered anesthesia in December 1844. Dr. Wells was declared the "discoverer of anesthesia" by the Connecticut Legislature in 1848, by the American Dental Association in 1863, and by the American Medical Association in

1870. A statue of Dr. Wells and a plaque noting the location of his office remind all who visit Hartford of his incredible contribution.

Unlike his dental colleagues Hayden and Wells, who made a significant impact in their lifetime, Dr. James McManus led a life of quiet dedication. Dr. McManus, a Hartford resident, was the first president of the Connecticut State Dental Association. His wife was so inspired by his devotion to the field of dentistry that she established a $10,000 endowment in his name. Her loving gift is now worth close to $1 million dollars. Among its many contributions, the James McManus Fund of the Hartford Dental Society provides dental scholarships and operates the Smile Mobile, which travels to dozens of schools every year to teach children about proper dental health. In addition, the James McManus Fund of the Hartford Dental Society and the Horace Wells Club of Connecticut are founding benefactors of the Dr. Samuel D. Harris National Museum of Dentistry.

I'm sure these three dental pioneers could never have imagined the challenges today's dentists face in their effort to keep patients healthy. According to the American Dental Association (ADA), tooth decay is not just a child's problem. Adults of all ages can have cavities, too. Dentists are concerned that sugar-filled sodas, sweetened fruit drinks, and non-nutritious snack foods have become a regular part of their patients' diets. The ADA also notes that eating patterns and food choices among children and teens are important factors that affect how quickly youngsters may develop tooth decay.

Equally as alarming is the link that scientists are making between oral health problems and other diseases in the body. In the July 31, 2003 online edition of the journal Stroke, researchers found that the more teeth a person has lost, the more likely he or she is to have both advanced periodontal infections and potentially clogging plaques in the carotid artery, the vessel that feeds the brain.

Good dental care can be achieved, but not without education. That is why the Dr. Samuel D. Harris National Museum of Dentistry is such a vital resource, and why it should be designated as the official national museum of dentistry. Furthermore, this designation will highlight the critical public health role of the dental community.

I would like to thank two dentists from my district who assisted me in my research of Connecticut's dental history: Dr. William A. MacDonnell and Dr. Paula D. Stern, both of whom practice dentistry in West Hartford, Connecticut. Their dedication to the field of dentistry and commitment to their patients would make the Connecticut dental mavericks they followed—Hayden, Wells, and McManus—very proud.

I would also like to thank my colleague, Representative ELIJAH CUMMINGS for introducing this bill, which acknowledges the valuable education the museum provides. He has long supported this tremendous learning institution. I know he would be joining me on the floor today to urge its passage, but he is attending the funeral of the husband of our deal colleague, Representative STEPHANIE TUBBS JONES.

I urge my colleagues to support this legislation.

Madam Speaker, I yield back the balance of my time.

Mr. NEY. Madam Speaker, I yield myself such time as I may consume just to also make a note on behalf of our Ohio delegation, of course, and the entire U.S. House of our sympathy for the gentlewoman from Ohio (Mrs. JONES), our colleague, on the loss of her wonderful husband.

I would also just restate for the record, this is a very good bill. And I thank the gentleman from Maryland, (Mr. CUMMINGS), the gentleman from Connecticut (Mr. LARSON); and I would be remiss if I did not close by thanking my dentist, Dr. Ron Persutti in Saint Clairsville, Ohio. Sometimes I have told Dr. Persutti that I am not sure if I get votes because of how I vote or sometimes because of what he does to help with my smile. So with that, I urge support of the bill.

Mr. CUMMINGS. Madam Speaker, it is with great pleasure and pride that I rise today to speak in favor of my resolution, H.J. Res. 52, to recognize the Dr. Samuel D. Harris National Museum of Dentistry, located in Baltimore, Maryland, as the official national museum of dentistry in the United States.

This resolution has the strong support of every major dental association including the American Dental Association and the National Dental Association.

The museum is located in my district and is the most comprehensive dental museum in the world. Its focus is to remind people—especially children—about the importance of good oral health care. For seven years now, it has been a learning center for scores of children's groups in and around the City of Baltimore, as well as those visiting. It uses extraordinary exhibitions and expert presentations to deliver the message that oral health is important to achieve overall health. Children love its message and respond by being more aware of their own oral health care needs.

An estimated 5,000 school children visit the museum each school year, touring the new interactive exhibitions and discovering the wonders of dental history. In addition, over 10,000 visitors from across the Nation encounter this interactive, educational and entertaining museum.

The museum's traveling exhibitions reach national audiences, providing a resource to expand public awareness of the importance of oral health in overall health. Branches, Bristles and Batteries: Toothbrushes Through Time teaches families about the evolution of the toothbrush and how to achieve good oral health through engaging interactive stations and high-tech computer programs. The exhibition will reach approximately 2 million visitors during a national three-year tour of children's and science museums.

Temporary exhibitions keep the museum alive and help to highlight important dental issues and celebrate the great heritage of dentistry. Currently, The Future is Now! African Americans in Dentistry pays tribute to the movers and shakers who paved the way for African Americans' success as dental professionals through dramatic portraits, moving memoirs and inspirational stories. The exhibit demonstrates the tremendous gains of dentistry over the past 30 years, promoting the message that there remains much to do to increase diversity in dentistry and recruit African American dental faculty and improve access to health care. The exhibition will become the museum's second traveling exhibition beginning a national tour in Fall 2004. Presenting this exhibit to a wide national audience will create a new awareness of opportunities and challenges and present positive role models of the profession, both past and present.

The museum offers educational programming, such as MouthPower, enabling young people to make informed choices about their oral health that have a positive effect on their overall health. Using the museum's unique resources, MouthPower participants understand the meaning of good oral health and become aware of the role oral health plays in overall health, learn the benefits of good nutrition and the harmful effects of tobacco and other substances on oral health and become aware of career options in dentistry. The positive outcomes from this program include a stronger sense of self that will help prevent participants from becoming addicted to smoking or using spit tobacco products and also will encourage family members and friends to abstain. Through a partnership with the American Dental Association, the program will be available nationally with the addition of a web-based version and a resource kit for dental professionals to use in their community.

Designating the Dr. Samuel D. Harris National Museum of dentistry the official national museum of dentistry in the United States will ensure the education of thousands of Americans about the importance of dental care.

I ask my colleagues to join me in supporting this national treasure by passing H.J. Res. 52.

Mr. NEY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the joint resolution, H.J. Res. 52.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of House Joint Resolution 52.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

COMMEMORATING THE 100TH ANNIVERSARY OF DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND BULGARIA

Mr. BEREUTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 355) commemorating the 100th anniversary of diplomatic relations between the United States and Bulgaria.

The Clerk read as follows:

H. RES. 355

Whereas the United States established diplomatic relations with the Republic of Bulgaria on September 19, 1903;

Whereas the United States acknowledges the courage of the Bulgarian people in deciding to pursue a free democratic and independent Bulgaria and their steadfast perseverance in building a society based on the rule of law, respect for human rights, and a free market economy;

Whereas Bulgaria has promoted stability in the Balkans by rendering support to Operation Allied Force and Operation Joint Guardian led by the North Atlantic Treaty Organization (NATO), and by providing peacekeeping troops to Stabilisation Force in Bosnia and Herzegovina (SFOR) in Bosnia and Herzegovina, and to Kosovo Force (KFOR) in Kosovo;

Whereas Bulgaria was among the very first countries to denounce terrorism and pledge active support to the United States in the fight against terrorism following the events of September 11, 2001;

Whereas Bulgaria provided overflight and basing rights at the town of Bourgas for Operation Enduring Freedom, representing the first stationing of foreign forces in Bulgaria since World War II, and Bulgaria deployed a nuclear, biological, and chemical protection detachment to Afghanistan as part of the International Security Assistance Force (ISAF);

Whereas Bulgaria has stood firmly by the United States in the cause of advancing freedom worldwide during its tenure as a nonpermanent member of the United Nations Security Council;

Whereas Bulgaria agreed to each request of the United States and offered overflight and basing rights as well as transit of United States and coalition forces, and deployed a 500-man infantry battalion as part of a stabilization force in Iraq;

Whereas Bulgaria was recently invited to join NATO and has shown determination in enacting the continued reforms necessary to be a productive, contributing member of the Alliance;

Whereas Bulgaria strongly supports the strengthening of the trans-Atlantic link and considers it a basis for NATO unity and cooperation in countering new threats to global security; and

Whereas the Senate has recently given its consent with 96 votes to 0 for the ratification of the accession protocols of Bulgaria and six other aspirant countries from Central and Eastern Europe to NATO, thereby welcoming their contribution to common Euro-Atlantic security: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Republic Of Bulgaria for developing increasingly friendly and meaningful relations with the United States over the past 100 years;

(2) recognizes the continued contributions of Bulgaria toward bringing peace, stability, and prosperity to the region of South Eastern Europe, including its contributions to regional security and democratic stability;

(3) salutes the willing cooperation of Bulgaria and its increasingly vital role as a valuable ally in the war against international terrorism; and

(4) encourages opportunities for greater cooperation between the United States and Bulgaria in the political, military, economic, and cultural spheres.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this Member rises today in strong support of H. Res. 355, a resolution commemorating the 100th anniversary of diplomatic relations between the United States and Bulgaria. This Member would like to commend the distinguished gentleman from South Carolina (Mr. WILSON) for introducing this resolution. The gentleman's efforts have been crucial in recognizing and promoting the important relationship between Bulgaria and the United States. Indeed, his involvement and knowledge about Bulgaria go back more than a decade.

The United States established diplomatic relations with Bulgaria on September 19, 1903. Two weeks ago, a celebration was held in Sofia marking this occasion. Since the fall of the Berlin Wall, the Bulgarian people have made historic and courageous decisions and sacrifices in support of their desire to be a strong, diplomatic, and democratic member of Europe and a faithful ally and good friend of the United States.

□ 1600

Secretary of State Colin Powell recently stated that relations between Bulgaria and the United States are the best they have ever been in all of the past 100 years.

Indeed, Bulgaria is becoming an increasingly important strategic partner. Bulgaria has promoted stability and peace in Southeast Europe by supporting the NATO-led operations Allied Force and Joint Guardian in the Balkans. Bulgaria has also provided peacekeeping forces to SFOR in Bosnia and KFOR in Kosovo.

After the tragedy of September 11, 2001, Bulgaria was among the very first countries to denounce terrorism and pledge active support to the United States in the fight against terrorism by supporting Operation Enduring Freedom and the International Security Assistance Force, ISAF, in Afghanistan.

Bulgaria has supported Coalition operations in Iraq and is presently providing 500 infantry soldiers to the Iraq stabilization force. Furthermore, in a truly historic achievement, Bulgaria was invited to join NATO at the Prague Summit in November of last year. And Bulgaria has stood firmly with the United States in the cause of advancing freedom worldwide during its present term as a nonpermanent member of the United Nations Security Council.

President Bush recently stated, "Americans have always considered the Bulgarian people to be our friends, and we will be proud to call you," meaning the Bulgarian people, "our allies."

Madam Speaker, this Member wholeheartedly agrees with President Bush: Bulgaria has proven to be an active and contributing partner and a de facto ally. And this resolution affirms this important relationship on occasion of the 100th anniversary of U.S.-Bulgarian diplomatic relations.

Madam Speaker, in closing, this Member urges my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution. First, I would like to commend my colleagues, the gentleman from South Carolina (Mr. WILSON), the gentleman from Nebraska (Mr. BEREUTER), and the gentlewoman from California (Mrs. TAUSCHER) for their leadership on this resolution. With this resolution we celebrate the 100th anniversary of the establishment of diplomatic relations between Bulgaria and the United States of America.

Our two countries were drawn together by our common interests at the beginning of the 20th century. And now, as we begin the 21st century, our two nations are, again, drawn closer together by common goals and common values.

With strong congressional support, Madam Speaker, Bulgaria has been invited to become a member of NATO, a concept that just a few years ago would have appeared like a dream to most Bulgarians. This significant move marks a milestone in our relationship, and will undoubtedly strengthen our bilateral ties for the indefinite future.

Just this year, Madam Speaker, Bulgaria stepped forward when our government asked for Bulgaria's assistance in Iraq. That assistance came at a critical time when so many of our traditional allies abandoned us. And the American Government and the American people are grateful to Bulgaria for shouldering, along with us, responsibilities in Iraq.

The past century of U.S.-Bulgarian relations has not been without difficulties. But even in the darkest of those times, the fundamental humanity and decency of ordinary Bulgarians shone through.

During the worst days of World War II, the Bulgarian people did not yield to Nazi German pressure to enforce anti-Jewish legislation, and they resisted German orders to deport their Jewish citizens to Nazi extermination camps. Their efforts, Madam Speaker, resulted in preventing the expulsion and death of some 50,000 Bulgarian Jews in 1943. It was a tragedy that some 11,000 Jews in Trace and Macedonia, under Bulgarian Government administration, but not Bulgarian citizens, were deported to concentration camps and perished there.

When we celebrate this historic recognition of a century of Bulgarian-American relations, we must look forward to the future as well as back to the past. Over the last decade, Bulgaria has moved into the ranges of the world's democracies and it has become increasingly integrated into the global economy.

Our two governments now find that our national interests bring us to the same positions on critical international political, economic and social issues. We are completing the steps that will firmly bind our two nations as allies in NATO, committed to the defense of each other and of other democratic states in Europe and elsewhere.

We are partners in economic integration and we welcome Bulgaria's efforts to join the European Union and take the steps that will bring greater economic prosperity to the Bulgarian people.

Madam Speaker, I welcome this historic celebration of the ties between our two countries and our two peoples. And I urge all of my colleagues to support the passage of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. BEREUTER. Madam Speaker, I commend the distinguished gentleman from California (Mr. LANTOS) for his excellent statement.

Madam Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. WILSON), the author of the resolution.

Mr. WILSON of South Carolina. Madam Speaker, it is an honor to be here today with the Congressman from Nebraska (Mr. BEREUTER). I am so proud of his service as the chairman of the U.S. House delegation to NATO. And currently, of course, he is the chairman of the NATO Parliamentary Assembly. He has a great vision of expanding democracy in Central and Eastern Europe.

And, of course, the ranking member of the Committee on International Relations, my next-door neighbor, the gentleman from California (Mr. LANTOS), I am so proud of his association on this bill. And he, being of Hungarian heritage, has played a key role in promoting democracy again in Central and Eastern Europe. He is just a real champion. And I am honored to be with both of these gentlemen today.

My interest in the particular resolution, which is to commend 100 years of diplomatic relations between the United States and the Republic of Bulgaria, really is a culmination of a lifelong dream that I have had.

My motivation to become involved in the political process was out of concern for a strong national defense. And, particularly, I grew up in the era of the Cold War and concern about the potential for nuclear annihilation between the two superpowers at that time.

I had hoped with peace through strength, as established by President Ronald Reagan, that we could achieve a liberation of the people of formerly totalitarian Communist countries. Of course, that came to culmination on November 9, 1989, with the fall of the Berlin Wall.

Right after that, there were movements throughout Central and Eastern Europe to establish democratic governments. And I volunteered, through the Republican National Committee, to work with the International Republican Institute to be an election observer in one of the upcoming elections that was to be held.

I am very grateful that my long-time friend, Lee Atwater, the late Lee Atwater, who was chairman of the Republican National Committee, along with his executive director, Mary Matalin, placed me on the delegation to go to Bulgaria for the elections of June 10, 1990, which were the first democratic elections since the late 1930s to be existent in Bulgaria.

The moment I got there, I was so impressed by the people that I met, I felt like I was in a circumstance frozen in time, the economy that I saw, the infrastructure that I saw, was that of the 1930s. But the people had a wonderful spirit, and they were obviously very talented. I felt from the beginning that they would evolve into a strong democratic society.

I then had the opportunity, working with our local Rotary Clubs, Kiwanis, Optimist Clubs, Lions Clubs, to provide for the ability of a member of the newly elected National Assembly of Bulgaria, Stefan Stoyanov, to come and observe the elections in South Carolina in 1990. He subsequently has been named as currently the ambassador from Bulgaria to Greece.

Additionally, I worked with the Free Congress Foundation and visited Sofia with the Kreible Institute to meet with members of the National Assembly of the Democratic Union to explain to them how to work in a parliamentary system from my experience in the State Senate of South Carolina.

Then I have been working with municipal officials to come and visit the United States, and South Carolina in particular, to learn the democratic process. I have also worked with the Sister City Program. We are very proud that Columbia, the capital of South Carolina, is the sister city of Plovdiv in Bulgaria, the second largest city of Bulgaria, a very historic city.

The evolution has just been terrific for the people of Bulgaria. They have really lived up to and fulfilled my hopes and dreams for them.

I was very pleased last year, working with the gentlewoman from California (Mrs. TAUSCHER) to help establish the Bulgarian Caucus to promote even better relations. We have been so fortunate with the leadership of Ambassador Elena Poptodorova to be able to, indeed, establish relationships between the National Assembly of Bulgaria and the Congress of the United States.

We have had the opportunity to visit and have visiting us President Georgi Parvanov of Bulgaria; the Prime Minister, Simeon Saxe Coburg Gotha; the Foreign Minister, Solomon Passy. We have had a number of members of the National Assembly come to visit and observe Congress.

The highlight of this is coming next week. I am very pleased that next week Professor Dr. Ognyan Gerdjikov, the Speaker of the National Assembly of Bulgaria, will be visiting the United States; and for the first time in history, the Speakers of both the United States and Bulgaria will be meeting. Our Speaker, Dennis Hastert, will be meeting with the Speaker Gerdjikov. And then we will be having a reception that we will invite all Members of Congress to attend next Thursday evening here at the Capitol.

It is an honor to be here. I urge support for the resolution.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. EMANUEL. Madam Speaker, I rise in support of H. Res. 355 to celebrate a century of strong diplomatic relations with Bulgaria.

Bulgaria has more than 1,300 years of history, culture and tradition in Western Civilization. Its ancient forefathers were the Thracians, whom Herodotus described as the second largest tribe in the Ancient world. And its unique ethnic identity, religion, and culture remain vibrant, even after five centuries under the rule of the Ottoman Empire and another two centuries under Byzantine rule.

In modern times as in ancient ones, Bulgaria has been torn by conflict. The nation gained full independence from the Ottoman Empire in 1878, and its people suffered through the first and second Balkan Wars in the early part of the 20th century. Even as the nation fell behind the Iron Curtain after World War II and gained a reputation as the Soviet Union's staunchest ally in the Warsaw Pact, our two nations still maintained diplomatic ties throughout the most difficult periods of the Cold War.

Madam Speaker, today U.S. relations with Bulgaria have never been stronger. Since 1989, Bulgaria has transformed into a vibrant democracy and market economy. Our two nations have become steadfast partners in business and industry. Our strong ties to Bulgarian culture and education are invaluable and have proven mutually beneficial to both countries. On behalf of my constituents in Northwest Chicago, including more than 1,500 of Bulgarian descent, I applaud this centennial of diplomatic relations and look forward to continuing strengthened partnerships.

Mr. BEREUTER. Madam Speaker, I urge support for the resolution. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, H. Res. 355.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BEREUTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES IN RESPONSE TO THE MURDER OF SWEDISH FOREIGN MINISTER ANNA LINDH

Mr. BEREUTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 372), expressing the condolences of the House of Representatives in response to the murder of Swedish Foreign Minister Anna Lindh.

The Clerk read as follows:

H. RES. 372

Whereas Swedish Foreign Minister Anna Lindh was brutally attacked by an unknown assailant on the afternoon of September 10, 2003;

Whereas Ms. Lindh died the next morning after undergoing surgery performed in a desperate attempt to save her life;

Whereas Ms. Lindh's murder is an attack on the freedoms and tranquility enjoyed by the people of Sweden;

Whereas Ms. Lindh was elected to the Swedish Parliament in 1982, was appointed Minister of the Environment in the government of Prime Minister Goran Persson in 1994, and rose to the post of Foreign Minister in 1998;

Whereas Ms. Lindh demonstrated dedication to the causes of human rights and environmental responsibility as a leader in the Swedish Government;

Whereas at the time of her death, Ms. Lindh was campaigning for Sweden to adopt the European common currency in a referendum which took place just a few days after her murder;

Whereas Ms. Lindh was widely recognized as an advocate of freedom and peace in Europe and throughout the world;

Whereas this is the second time the Swedish people have suffered the loss of a respected national leader as Prime Minister Olaf Palme was murdered in a similar manner in 1986; and

Whereas such senseless acts of violence are a threat to democracy and to civilized society wherever and whenever they occur: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its deepest sympathies to the people of Sweden and the family of Swedish Foreign Minister Anna Lindh following her tragic and untimely murder;

(2) condemns all senseless acts of violence against public officials;

(3) urges the President to provide all appropriate assistance that may be requested by Swedish law enforcement officials as they pursue the perpetrator of this heinous act; and

(4) expresses the solidarity of the people of the United States with the people of Sweden and the Swedish Government at this difficult time.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this Member rises in support of H. Res. 372 expressing the condolences of the House in response to the death of Swedish Foreign Minister Anna Lindh. As my colleagues will recall, Foreign Minister Lindh was senselessly attacked and murdered on September 10, 2003.

This Member commends the author of this resolution, his good friend and the ranking Democrat of the Committee on International Relations, the distinguished gentleman from California (Mr. LANTOS), for introducing this expression of our heartfelt sympathy to the people of Sweden on the loss of their foreign minister.

Although this Member did not have the pleasure and honor of meeting Foreign Minister Lindh, it is widely recognized that she represented the very best of Sweden. She was a strong advocate for her country as its leading diplomat.

□ 1615

Ms. Lindh possessed a passion for human rights and justice and was committed to world peace.

Throughout her tragically-shortened political career, Anna Lindh served as the head of the Social democrats youth movement, entered Parliament in 1982, became environment minister in 1994, and began serving as Foreign Minister in 1998. Many knowledgeable persons speculate that she would have been eventually serving as Sweden's Prime Minister.

As Foreign Minister, she worked tirelessly to promote a more active Sweden in international affairs and within the European Union. Over the past year, she became one of Sweden's strongest advocates for joining Europe's single currency.

Anna Lindh worked to have Sweden and NATO cooperate on defense matters, and she actively supported the admission of the Baltic states into both NATO and the European Union. And, of course, under her leadership, Sweden enjoyed friendly relations with the United States.

Madam Speaker, by her death, the people of Sweden, and of the world, have suffered the loss of a respected national leader.

In closing, the Member strongly urges passage of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I strongly support H. Res. 372 and urge all of my colleagues to do so as well.

If it were not a violation of House rules, I would be pleased to recognize the presence in the Chamber of the distinguished Ambassador of Sweden, but since it is, I shall not do so.

Madam Speaker, I am grateful to my lead cosponsors, the gentleman from Illinois (Mr. HYDE), the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Florida (Mr. WEXLER) and the many other cosponsors supporting this legislation.

Madam Speaker, many of our colleagues on the Committee on International Relations will remember as long as they live meeting, about a year ago, with Swedish Foreign Minister Anna Lindh. We had an extraordinarily sophisticated and lively discussion on the broader spectrum of international issues. We disagreed on some matters and agreed on others, but I know all of us found her to be extremely impressive, charming and intelligent as the top foreign policy person, as our friend, Sweden.

Less than a year ago at the NATO summit in Prague, by chance my wife, Annette, and I were seated next to Foreign Minister Lindh at the banquet given in Prague Castle by the distinguished President of the Czech Republic, Vaclav Havel. I simply cannot tell you how much I enjoyed the lively conversation these two extraordinary women had, both of them passionately committed to human rights and public service.

Madam Speaker, as my colleagues painfully know, just recently Anna Lindh was murdered by an assailant in a Stockholm department store. Her inexplicable and untimely tragic death was a shock to all of her countrymen in Sweden and to all of us who knew her and admired her and who have worked with her ever since she began her service as Foreign Minister of Sweden.

Her death was a blow to the peace-loving people of Sweden. The shock had an even greater impact, Madam Speaker, because former Swedish Prime Minister Olaf Palme, who had been Anna's role model, was murdered on a Stockholm street in 1986 under similar and still-unresolved circumstances.

Madam Speaker, House Resolution 372 expresses the condolences of the House of Representatives and of the American people to the family of Foreign Minister Anna Lindh. We condemn all such senseless acts of violence against public officials, and we express our solidarity with the people of Sweden at this difficult time.

Madam Speaker, Anna was very young. She was a brilliant lawyer, who at age 37 became Minister for the Environment in Sweden, one of the most important cabinet posts in the Swedish Government, and at age 41 she became Sweden's Minister for Foreign Affairs.

Madam Speaker, the distinguished Prime Minister of Sweden, Goran Persson made very poignant remarks at the memorial service for Anna which characterized her many gifts and talents.

I would like to share a few of Prime Minister Goran Persson's remarks during her eulogy.

"Anna Lindh lived out her vision for the world in her everyday life. She knew that good political leadership is about more than just lofty words. Anna Lindh believed in people. She believed in people as the remarkable beings they are, with an almost unlimited capacity to grow and to develop. She believed in people's inner-strength and potential, but she also knew how easily that strength can be lost. For Anna, people were at the core of every issue. Human rights were always her driving force. Violations and oppression were the opponents in the fight. Democracy was always the means and people were always the answer. That is the way she was, in big issues and small alike. She cared."

Madam Speaker, I humbly ask for strong support of H. Res. 372, which sends our deepest condolences to Anna Lindh's family and to the people of Sweden, and I urge all of my colleagues to join me in this effort.

Mr. EMANUEL. Madam Speaker, I rise today as an original cosponsor of this resolution expressing the House's condolences to the family of Foreign Minister Anna Lindh, to her many friends, and to the people of a country left a sadder place for her absence.

While her brutal murder shook the foundation of that proud and peaceful nation, it is her life—not her death—that is her legacy.

In only 46 years of life, Anna Lindh rapidly ascended the European political community to become one of its most capable, competent, and respected members. She was a singularly instrumental figure during the Swedish presidency of the European Union in 2001.

From joining the Swedish Social Democratic League at age 12, Ms. Lindh was destined for a career in public service. She was elected to the Swedish parliament the year she graduated from law school. She later became the Deputy Mayor of Stockholm, Minister of the Environment, and eventually, Foreign Minister.

The impact of her political skill and achievements touched people worldwide, most notably in the Balkans, where her remarkable talents helped prevent war in Macedonia.

Building coalitions was her calling, and her success in this critically important area earned the respect of leaders from around the globe. When asked once what he appreciated most about Sweden, our own Secretary Colin Powell once replied "Abba, Volvo, and Anna."

Anna Lindh truly epitomized a new generation of internationally-minded politicians. Her murder was a tragedy that cannot be forgotten, but it will not overshadow her achievements and her lasting contributions to the international community.

Madam Speaker, I am proud to be an original cosponsor of this important resolution. On behalf of more than 12,000 of my constituents of Swedish descent, I offer my sincere condolences.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROYCE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, H. Res. 372.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMENDING NATIONAL ENDOWMENT FOR DEMOCRACY FOR CONTRIBUTIONS TO DEMOCRATIC DEVELOPMENT AROUND THE WORLD ON THE 20TH ANNIVERSARY OF ITS ESTABLISHMENT

Mr. ROYCE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res 274) commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy.

The Clerk read as follows:

H. CON. RES. 274

Whereas November 22, 2003, marks the 20th anniversary of the establishment of the National Endowment for Democracy (hereinafter the "Endowment"), a bipartisan nongovernmental institution that promotes democracy around the world;

Whereas through the National Endowment for Democracy Act (22 U.S.C. 4411 et seq.), signed into law by President Ronald Reagan on November 22, 1983, Congress has made possible the funding of the Endowment's worldwide grant programs;

Whereas 2003 also marks the 20th anniversary of the National Republican Institute for International Affairs (which was subsequently renamed the International Republican Institute (IRI)), the National Democratic Institute for International Affairs (NDI), and the Center for International Private Enterprise (CIPE), all of which joined the Free Trade Union Institute (which was subsequently renamed as the American Center for International Labor Solidarity) to form the four affiliated institutions of the Endowment;

Whereas the Endowment and the affiliated institutes have supported grassroots programs to build democratic institutions, spread democratic values, encourage free market institutions, and promote political parties, worker rights, independent media, human rights, the rule of law, civic education, conflict resolution, political participation by women, and many other essential components of civil society and democratic governance in emerging and transitional democracies, nondemocracies, and war-torn societies;

Whereas the programs carried out or funded by the Endowment have made significant contributions to the efforts of democratic activists to achieve freedom and self-governance around the world;

Whereas the Endowment, through the Journal of Democracy, the International Forum for Democratic Studies, the Reagan-Fascell Democracy Fellows Program, and the World Movement for Democracy, has served as a key center of democratic research, exchange, and networking, bringing together thousands of democracy activists, scholars, and practitioners from around the world; and

Whereas the spread of democracy throughout the world, to which the work of the Endowment has contributed significantly, has enhanced the national security interests of the United States and advanced democratic ideals and values throughout the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) commends the National Endowment for Democracy for its major contributions to the strengthening of democracy around the world on the occasion of the 20th anniversary of the establishment of the Endowment; and

(2) endeavors to continue to support the vital work of the National Endowment for Democracy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

California (Mr. ROYCE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 274.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution commending the National Endowment for Democracy. I am a sponsor of this measure, and I appreciate the strong support expressed on a bipartisan basis for this measure. I appreciate the numerous cosponsors, and I would like to thank the chairman of the House Committee on International Relations, the distinguished gentleman from Illinois (Mr. HYDE), for introducing the original resolution.

Madam Speaker, this resolution recognizes the National Endowment for Democracy for its work, which has served to strengthen democracies and give hope to many who are shaping a system of governance in their countries that is based on the free participation of the people. Furthermore, the measure expresses the Congress's commendation of 20 years of working to build grassroots institutions and establishing electoral systems, building political parties and opening opportunities for broad-based governance.

During the years of the Cold War, various groups and various individuals were seeking a creative way to support democracy. And as a result of this, it led to President Reagan giving a speech in 1983. In that speech, he proposed an initiative, in his words, "to foster the infrastructure of democracy, the system of a free press, unions, political parties, universities, which allows a people to choose their own way, to develop their own culture, to reconcile their own differences through peaceful means."

Those were Reagan's words at the time. He noted that the American Political Foundation would soon begin a study "to determine how the U.S. can best contribute as a Nation to the global campaign for democracy now gathering force."

Well, soon thereafter, the National Endowment for Democracy was created as a nongovernmental organization that is supported by annual appropriations and subject to congressional oversight. The ideas that spurred the creation of the NED, as we call it, is that U.S. assistance on behalf of democracy efforts around the world would be good for the U.S. and would be good for those struggling for freedom and for self-government. And that is still true today.

Their success is captured in their mission statements, and the NED's mission statement says that the Endowment is "guided by the belief that freedom is a universal human aspiration that can be realized through the development of democratic institutions, procedures and values." Democracies cannot be achieved through a single election and need not be based upon the model of the U.S. or any other particular country. Rather, it evolves according to the needs and traditions of diverse political cultures. By supporting this process, the endowment helps strengthen the bond between indigenous, democratic movements abroad and the people of the U.S., a bond based on a common commitment to representative government and a common commitment to freedom as a way of life.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution. I would first like to commend my good friend and colleague, the gentleman from Illinois (Mr. HYDE) for introducing this important resolution and my good friend and fellow Californian, the gentleman from California (Mr. ROYCE) for being such a leader on this important issue. I am proud to have joined them in introducing this initiative.

Madam Speaker, over the past two decades, the world has witnessed a democratic revolution. Russia has broken from its totalitarian past and held free and open elections. The Indonesian people have freely elected their new leaders for the first time in decades, and all South Africans have finally been granted the franchise.

Madam Speaker, the National Endowment for Democracy played a critical role in supporting this Democratic revolution across the globe. With each new wave of democracy since its establishment, the endowment and its partners, the National Democratic Institute and the International Republican Institute, have been at the forefront of our struggle to expand the arena of democracy across the globe.

This is such a quintessential bipartisan American undertaking that all of us in this House must be very proud of. Together, the National Democratic Institute and the International Republican Institute have seeded the new fertile soil in Eastern Europe and Latin America which have bloomed into regions where democracy and not tyranny now dominate.

Democracy is often the precursor of the development of human rights and personal freedom, causes that we have championed our entire political lives. Recognizing this, NED has not only pushed forward democracy, but has supported human rights activists on every continent with financial grants, with personal awards, and with tremendous moral support.

□ 1630

All of us should express our profoundest gratitude for the men and women who have worked tirelessly to support these goals which are so central to the success of U.S. foreign policy in this fast-moving era of change.

I am delighted to have had the opportunity to cosponsor this resolution with the gentleman from Illinois (Mr. HYDE), my good friend, the chairman of our committee. I urge all of my colleagues to support H. Con. Res. 274.

Madam Speaker, we have no further requests for time, and we yield back the balance of our time.

Mr. ROYCE. Madam Speaker, I yield myself such time as I may consume.

I think we all want to congratulate the National Endowment for Democracy for the last 20 years of service, and I think we all wish NED continued success. I think the ranking member of the Committee on International Relations well summed up the values and successes of the NED. I urge my colleagues to support House Concurrent Resolution 274.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 274.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGO BASIN FOREST PARTNERSHIP ACT OF 2003

Mr. ROYCE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2264) to authorize appropriations for fiscal years 2004 and 2005 to carry out the Congo Basin Forest Partnership (CBFP) program, and for other purposes.

The Clerk read as follows:

H.R. 2264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congo Basin Forest Partnership Act of 2003".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The tropical forests of the Congo Basin, located in the Central African countries of Cameroon, the Central African Republic, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, the Republic of Congo, Rwanda, Burundi, and Sao Tome/Principe, are second in size only to the tropical forests of the Amazon Basin.

(2) These forests are a crucial economic resource for the people of the Central African region.

(3) Congo Basin forests play a critical role in sustaining the environment—absorbing carbon dioxide, cleansing water, and retaining soil.

(4) Congo Basin forests contain the most diverse grouping of plants and animals in Africa, including rare and endangered species, such as the lowland gorilla, mountain gorilla, chimpanzee, and okapi. These plants and animals are invaluable for many reasons, including their genetic and biochemical information, which could spark advances in medical, agricultural, and industrial technology.

(5) Logging operations, driven by a growing global demand for tropical hardwoods, are shrinking these forests. One estimate has logging taking out Congo Basin forest area at a rate of twice the size of the State of Rhode Island every year.

(6) The construction of logging roads and other developments are putting intense hunting pressure on wildlife. At current hunting levels, most species of apes and other primates, large antelope, and elephants will disappear from the Congo Basin, with some becoming extinct.

(7) If current deforestation and wildlife depletion rates are not reversed, the six countries of the Congo Basin most immediately, but also the world, will pay an immense economic, environmental, and cultural price.

(8) The United States has an interest in seeing political stability and economic development advance in the Congo Basin countries. This interest will be adversely impacted if current deforestation and wildlife depletion rates are not reversed.

(9) Poorly managed and nonmanaged logging and hunting threatens to do to the Congo Basin what it did to West Africa, which lost much of its forest and wildlife through over-exploitation.

(10) Purged of wildlife, some Congo Basin forests already are "empty forests".

(11) In an attempt to conserve the forests of the Congo Basin, the region's governments convened the Yaounde (Cameroon) Forest Summit in March 1999.

(12) In September 2002, Secretary of State Colin Powell launched the Congo Basin Forest Partnership (CBFP) in Johannesburg, South Africa. The CBFP promotes the conservation and sustainable use of the region's forests, for example, by working to combat poaching, illegal logging, and other unsustainable practices, and giving local populations an economic stake in the preservation of the forests, including through the development of ecotourism.

(13)(A) The United States contribution to the CBFP will focus on conserving 11 key landscapes in 6 countries—Cameroon, the Central African Republic, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, and the Republic of Congo—identified at the Yaounde Forest Summit as being of the greatest biological importance to the region.

(B) The United States will fund field-based activities within these 25,000,000 acres that aim to support a network of 27 national parks and protected areas and well-managed forestry concessions.

(C) In this way, the work will build on existing United States efforts, including those of the Central African Regional Program for the Environment (CARPE) of the United States Agency for International Development, which will implement the CBFP.

(14) The CBFP has broad international financial support, including from non-African governments, the European Commission, the International Bank for Reconstruction and Development, and numerous nongovernment organizations.

(15) A dramatic step toward conserving Congo Basin forests has recently been taken by Gabon. In September 2002, President Omar Bongo announced the creation of 13 national parks, representing over 10 percent of Gabon's surface area. Previously, Gabon had no national park system.

(16) With the CBFP and other initiatives, there exists unprecedented momentum for the conservation of Congo Basin forests.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President to carry out the Congo Basin Forest Partnership (CBFP) program $18,600,000 for each of the fiscal years 2004 and 2005. Of the amounts appropriated pursuant to the authorization of appropriations under the preceding sentence for a fiscal year, $16,000,000 is authorized to be made available to the Central Africa Regional Program for the Environment (CARPE) of the United States Agency for International Development.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2264.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Madam Speaker, I yield myself such time as I may consume.

This bill, H.R. 2264, authorizes the administration's Congo Basin Forest Partnership. It is authored by the gentleman from Florida (Mr. SHAW), who is an international conservation leader. I am a cosponsor of this measure, and I think the importance of it is that the tropical forests of central Africa's Congo Basin are a key economic resource for an estimated 20 million people, and these forests play a very critical role in sustaining the environment.

The Congo Basin contains the most diverse grouping of plants and animals in all of Africa, including many rare and endangered species. These plants and animals are invaluable for so many reasons, including their genetic and biological information which could spark technical advances in medicine and agriculture.

This is all threatened, though, as Congo Basin forests are coming under growing pressure. Ten years ago, these forests were virtually untouched. Today, logging operations are shrinking these forests. As a matter of fact, logging operations are taking out the Congo Basin forest at the rate of twice the size of Rhode Island every year. Meanwhile, the construction of logging roads is putting intense hunting pressure on wildlife. At current levels, because of poaching, most species of apes, large antelope, and elephants will disappear from the Congo Basin, as well as the white rhino, and some will become extinct.

Last September, Secretary of State Powell launched the Congo Basin Forest Partnership in Johannesburg. This partnership is focused on 11 key landscapes in 6 different countries. It aims to support a network of national parks and protected areas and well-managed forestry concessions. The partnership is working to combat illegal logging and illegal poaching and other unsustainable practices and to give local populations an economic stake in the preservation of the forests, including through the development of ecotourism. This is a true partnership, with European and other countries making financial contributions to it.

I should note that the most dramatic move toward conserving Congo Basin forests has been taken by Gabon. Last year, President Omar Bongo announced the creation of 13 separate national parks in his country. Previously, Gabon had no national parks system. With this partnership, there is a real African buy-in.

The Subcommittee on Africa that I chair held a hearing on this initiative in March. Testifying before us was world-renowned ecologist Michael Fay. Michael has traveled many of Africa's forests, especially in the Congo Basin, and has had several of his treks covered by National Geographic. I am pleased that the House is acting today to pass this bill. It supports conservation efforts by him and others which have come, in Michael's case, at great personal sacrifice.

Conservation is not easy. What Americans take for granted, Yosemite, Yellowstone and our magnificent national park system, took great foresight. It took a great political commitment to make that a reality. We led the world in the United States. It will be a major challenge to establish and maintain effective regimes to control logging and to control hunting in the Congo Basin; but with the partnership, the U.S. is bringing its unique experience and talents to these efforts.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

I strongly support H.R. 2264 and urge all of my colleagues to vote for it.

Madam Speaker, first, I want to thank my friend, Secretary of State Colin Powell, and the gentleman from Florida (Mr. SHAW) and the gentleman from New Jersey (Mr. PAYNE) for making the preservation of the Congo River Basin a priority. The Congo River and its tributaries make up the most extensive network of navigable waterways in Africa and carry a volume of water second only to the Amazon River.

Some of us think first of the Congo River Basin as one of the largest and most important ecological regions of the world, which it is; but what is even more important, it is the home to some of the world's poorest people who have suffered some of Africa's bloodiest conflicts.

Madam Speaker, more than 2½ million people have perished in eastern Congo as a result of the most recent Congo civil war, with millions left displaced and in unimaginable destitution. Throughout the central African region, poverty rates are among the worst on this globe. Life expectancy ranges from 42 years in the Central African Republic to 52 years in the Congo Republic.

The overall forest area of the Congo River Basin is declining rapidly as a result of unchecked growth of timber exports, destructive agricultural expansion, and fueled with demand for a growing population. Madam Speaker, these practices are unsustainable if the assets of the Congo River Basin are to be used to improve and sustain the lives of the people who live there.

Our legislation represents a unique opportunity to help the people of central Africa turn their biggest asset, the natural resources of the Congo River Basin, into a viable economic base. The Congo Basin partnership is an economic development and conservation program for the six countries of central Africa. This partnership will combine the preservation of some of the world's richest and most pristine ecosystems with economic development in order to alleviate the desperate poverty that permeates the region.

Conservation programs will help develop a network of national parks and protected areas and help local communities manage the forests and wildlife more rationally. The people of central Africa, some of whom live on less than 25 cents per day, 25 cents per day, will be able to develop sustainable means of livelihood through conservation agriculture and integrated ecotourism programs.

Madam Speaker, the stewardship of the Congo River Basin is the joint responsibility of central African countries and the international community. Together, we must end the deforestation and wildlife depletion and support the appropriate use of forest resources.

I enthusiastically support this bill and urge all of my colleagues to vote in favor of its passage.

Madam Speaker, I reserve the balance of my time.

Mr. ROYCE. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. DOOLITTLE), who has traveled to sub-Saharan Africa to see how Africans can better protect their endangered species.

Mr. DOOLITTLE. Madam Speaker, I join with my colleagues and commend the gentleman from California (Mr. ROYCE), the gentleman from California (Mr. LANTOS), and the authors of the bill, the gentleman from Florida (Mr. SHAW) and the gentleman from New Jersey (Mr. PAYNE), for this legislation.

Africa has obviously some tremendous natural resources. They have enormous problems. They have a lack of freedom in that continent and throughout most of the countries indeed of the continent, and this legislation will help those people help themselves by conserving their forests.

Let me say, I am a strong logging advocate, but logging has to be done right; and this legislation will help set that up so that we will have logging and replanting, so that we will have sustainable forest practices so that this natural resource is available for the present generation and for generations to come. This is a goal that we seek to have here, and we do have it here in the United States; and we would like to help the people in the Congo River Basin to enjoy this as well.

I am sad to tell my colleagues that when we do not have good practices, devastating results can occur. We see that, for example, in the country of Zimbabwe, which was once my pleasure to visit, presently we have a brutal dictator, anarchy reigns, and a ruling elite has taken over safari parks for their own personal hunting grounds. We have settlers invading privately owned game preserves and decimating the remaining stock of protected animals such as the black rhinoceros. We have poachers setting on fire places like the Matobo Hills in the south of the country. Indeed, this year that area was designated a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization; and yet these illegal poachers are destroying not only thousands of acres of national park there but killing vast stocks of wildlife, many of which are endangered species.

Madam Speaker, this area of the Congo is different than Zimbabwe, but the principles are the same. We seek to apply good principles to help the people lift themselves and to grow and to develop and to achieve better health and longer life spans, and it will help them do it using their natural resources. In like fashion, we hope that other enlightened policies around the continent can be applied so that people will be able to enjoy in a better fashion the rights that God has given them.

I am delighted to join with my colleagues in supporting this legislation.

Mr. LANTOS. Madam Speaker, we have no additional requests for time, and I yield back the balance of our time.

Mr. ROYCE. Madam Speaker, I yield myself such time as I may consume.

In closing, unfortunately, Africa is not the only continent under attack.

□ 1645

Increasingly, we are seeing the link between resource exploitation and human rights abuses and conflict and corruption. This past weekend, the Financial Times previewed a new report to be released next week by Global Witness. The report details how the ruling military junta in Burma is using logging concessions to help maintain its grip on power. In Burma's environmentally-damaging resource diplomacy, Chinese logging companies are granted concessions to large sections of Burmese virgin forest in exchange for political loyalty and in exchange for material support.

In light of this sort of activity, the Congo Basin Forest Partnership and similar initiatives are all that much more important, and I want to thank Members in this body for what they are attempting to do in passing this legislation and urge the support of every Member.

Mr. SHAW. Madam Speaker, I rise today in support of H.R. 2264, the Congo Basin Forest Partnership Act of 2003, which I introduced to authorize funding for the Congo Basin Forest Partnership Fund (CBFP) for fiscal years 2004 and 2005.

The CBFP strives to preserve and protect millions of acres of lands in Africa by establishing a network of national parks. The CBFP is focused on eleven key landscapes in Cameroon, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Gabon, and the Republic of Congo.

Madam Speaker, I have traveled to Africa numerous times and have experienced the immense beauty and wonder that the continent holds. I have also witnessed how poaching and cross-cutting of forests devastates the natural wildlife, the land and the people of Africa. One of America's greatest assets is our national parks and conservation system. I can think of no better way to help Africa, and the African people, than to provide them with the tools to conserve their great continent, just as we do in our National Park Service.

Conservation efforts through the CBFP not only provide protections for lands and wildlife but also provide critical means for human development, political stability and economic growth in Africa—areas that remain tremendously important to the success of Africa.

This initiative has received widespread support from Republicans, Democrats, and leading organizations including Conservation International, the World Conservation Society, and the World Wildlife Fund. I urge my colleagues to support the Congo Basin Forest Partnership Act of 2003 and the betterment of the African people.

Mr. TANNER. Madam Speaker, I rise today in support of H.R. 2264, the Congo Basin Forest Partnership Act of 2003. Having personally visited some of the areas that this bill will help to protect, I highly recommend it to the House, and hope that others will join in support of this effort.

Secretary of State Colin Powell launched the Congo Basin Forest Partnership initiative that has swiftly grown into a bipartisan multinational effort to support national parks and well-managed forestry practices in the forests of the Congo Basin in Central Africa. The International Conservation Caucus, of which I am a founding member and co-chair, was formed in order to build support for the Congo Basin Forest Partnership initiative, and to help with other international conservation efforts in some of the most environmentally sensitive areas around the world. In the mission statement of the International Conservation Caucus, it is written that as members we share a conviction that the United States has the opportunity and the obligation to advance the protection of the worldwide environment for current and future generations. The mission of the Caucus is to act on this conviction by providing the strong U.S. leadership necessary to conserve the world's most biologically rich and diverse places. The Congo Basin Forest Partnership Act is one of the first steps in achieving our mission of international conservation, and I wish to thank my friend CLAY SHAW for recognizing this need and for introducing this important bipartisan bill.

The United States' contribution to the CBFP will focus on providing field-based conservation activities within 25,000,000 acres in Cameroon, The Central African Republic, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, and the Republic of the Congo. Forests in these six countries are being depleted at alarming rates. It is estimated that forest areas in the Congo Basin are being depleted at a rate twice the size of Rhode Island every year. The author of H.R. 2264 says it best in section 7 of the findings of the bill. It states, "If current deforestation and wildlife depletion rates are not reversed, the six countries of the Congo Basin most immediately, but also the world, will pay an immense economic, environmental, and cultural price.

Madam Speaker, I ask my colleagues to vote in favor of H.R. 2264, the Congo Basin Forest Partnership Act.

Mr. ROYCE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 2264.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 4 o'clock and 47 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1834

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 34 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on one motion to suspend the rules previously postponed and on the motions to instruct postponed Thursday, October 2.

Votes will be taken in the following order:

H. Con. Res. 274, by the yeas and nays;

Motion to instruct on H.R. 1 by Mr. BISHOP of New York, by the yeas and nays;

Motion to instruct on H.R. 1 by Mr. FLAKE, by the yeas and nays.

The votes on H. Res. 355 and H. Res. 372 will be taken tomorrow.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

COMMENDING NATIONAL ENDOWMENT FOR DEMOCRACY FOR CONTRIBUTIONS TO DEMOCRATIC DEVELOPMENT AROUND THE WORLD ON THE 20TH ANNIVERSARY OF ITS ESTABLISHMENT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 274.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 274, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 1, not voting 42, as follows:

[Roll No. 532]

YEAS—391

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders

Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Kanjorski

NOT VOTING—42

Bass
Berkley
Bono
Brady (TX)
Calvert
Castle
Cox
Davis (FL)
DeFazio
DeLay
Diaz-Balart, L.
Eshoo
Fletcher
Foley
Gephardt
Gilchrest
Harman
Hayworth
Houghton
Issa
Jones (OH)
Kind
Lofgren
Matsui
Meeks (NY)
Millender-McDonald
Napolitano
Nunes
Platts
Putnam
Radanovich
Ryun (KS)
Shaw
Shimkus
Solis
Taylor (MS)
Thomas
Toomey
Upton
Walden (OR)
Watson
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). There are 2 minutes remaining in this vote.

☐ 1853

Messrs. RYAN of Wisconsin, KENNEDY of Minnesota, CANNON and COSTELLO changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 532 on H. Con. Res. 274, Commending the National Endowment for Democracy, I was unavoidably detained. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the next vote will be conducted as a 5-minute vote.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from New York (Mr. BISHOP) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 181, nays 214, not voting 39, as follows:

[Roll No. 533]

YEAS—181

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NAYS—214

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boyd
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Carter
Case
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Deutsch
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hooley (OR)
Hostettler
Hulshof
Hunter
Hyde
Isakson
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—39

Bass
Berkley
Bono
Brady (TX)
Calvert
Castle
Davis (FL)
DeFazio
DeLay
Diaz-Balart, L.
Eshoo
Fletcher
Foley
Gephardt
Gilchrest
Harman
Hayworth
Houghton
Issa
Jones (OH)
Kind
Lofgren
Matsui
Meeks (NY)
Millender-McDonald
Napolitano
Putnam
Radanovich
Reynolds
Ryun (KS)
Shaw
Shimkus
Solis
Taylor (MS)
Toomey
Upton
Walden (OR)
Watson
Woolsey

SPEAKER ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1904

Ms. DUNN changed her vote from "yea" to "nay."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 533 on the Bishop Motion to instruct conferees on H.R. 1, I was unavoidably detained. Had I been present, I would have voted "yes."

PARLIAMENTARY INQUIRY

Mr. THOMAS. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman will state his inquiry.

Mr. THOMAS. Madam Speaker, my understanding is the next motion is a motion to instruct conferees, and my understanding is motions to instruct conferees are nonbinding; is that correct?

The SPEAKER pro tempore. The gentleman is correct, the motion is nonbinding.

Mr. THOMAS. And the motion to instruct is to request that we retain language in the bill the House passed; is that correct?

The SPEAKER pro tempore. The motion is available to Members.

Mr. THOMAS. I appreciate that.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Arizona (Mr. FLAKE).

The vote was taken by electronic device, and there were—yeas 161, nays 234, not voting 39, as follows:

[Roll No. 534]

YEAS—161

Aderholt
Akin
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Boozman
Boucher
Brown (SC)
Burgess
Burns
Burton (IN)
Buyer
Camp
Cannon
Cantor
Carter
Case
Chabot
Chocola
Coble
Collins
Cox
Crane
Crenshaw
Cubin
Cunningham
Deal (GA)
DeMint
Diaz-Balart, M.
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hostettler
Hulshof
Hyde
Isakson
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Latham
Lewis (KY)
Linder
LoBiondo
McCrery
McKeon
Mica
Miller (FL)
Miller, Gary
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Ramstad
Rehberg
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Souder
Stearns
Stenholm
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Tiahrt
Vitter
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)

NAYS—234

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Boehlert
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burr
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Fossella
Frank (MA)
Frost
Gerlach
Gillmor
Gonzalez
Gordon
Graves
Green (TX)
Grijalva
Gutierrez
Hall
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hunter
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kirk
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Neal (MA)
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Spratt
Stark
Strickland
Stupak
Sullivan
Tanner
Tauscher
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—39

Bass
Berkley
Bono
Brady (TX)
Calvert
Castle
Davis (FL)
DeFazio
DeLay
Diaz-Balart, L.
Eshoo
Fletcher
Foley
Gephardt
Gilchrest
Harman
Hayworth
Houghton
Issa
Jones (OH)
Kind
Lofgren
Matsui
Meeks (NY)
Millender-McDonald
Napolitano
Putnam
Radanovich
Reynolds
Ryun (KS)
Shaw
Shimkus
Solis
Taylor (MS)
Toomey
Upton
Walden (OR)
Watson
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1921

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 534 on the Flake Motion to instruct conferees on H.R. 1, I was unavoidably detained. Had I been present, I would have voted "no."

MAKING IN ORDER AT ANY TIME CONSIDERATION OF CONFERENCE REPORT ON H.R. 1474, CHECK CLEARING FOR THE 21ST CENTURY ACT

Mr. OXLEY. Madam Speaker, I ask unanimous consent that it be in order at any time to consider the conference report to accompany the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes; and that all points of order against the conference report and against its consideration be waived.

The SPEAKER pro tempore. Is there objection to the gentleman from Ohio?

There was no objection.

AUTHORIZING SPEAKER TO POSTPONE FURTHER PROCEEDINGS ON ANY QUESTION POSTPONED UNDER CLAUSE 8(a)(2) OF RULE XX CONSIDERED ON WEDNESDAY, OCTOBER 8, 2003, UNTIL WEDNESDAY, OCTOBER 15, 2003

Mr. OXLEY. Madam Speaker, I ask unanimous consent that the Speaker be authorized to postpone further proceedings on any question postponed under clause 8(a)(2) of rule XX considered on Wednesday, October 8, 2003, until Wednesday, October 15, 2003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 3108, PENSION FUNDING EQUITY ACT OF 2003

Mr. BOEHNER. Madam Speaker, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider in the House the bill (H.R. 3108) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes; the bill shall be considered as read for amendment; the amendment in the nature of a substitute that I have placed at the desk shall be considered as adopted; all points of order against the bill, as amended, are waived; the previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: one, 1 hour of debate on the bill, as amended, equally divided and controlled among the chairman and ranking minority member of the Committee on Education and the Workforce and the chairman and ranking minority member of the Committee on Ways and Means; and, two, one motion to recommit with or without instructions; and that the amendment that I have placed at the desk shall be considered as read for purposes of this unanimous consent request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pension Funding Equity Act of 2003".

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—The Congress finds the following:

(1) The defined benefit pension system has recently experienced severe difficulties due to an unprecedented economic climate of low interest rates, market losses, and an increased number of retirees.

(2) The discontinuation of the issuance of 30-year Treasury securities has made the interest rate on such securities an inappropriate and inaccurate benchmark for measuring pension liabilities.

(3) Using the current 30-year Treasury bond interest rate has artificially inflated pension liabilities and therefore adversely affected both employers offering defined benefit pension plans and working families who rely on the safe and secure benefits that these plans provide.

(4) There is consensus among pension experts that an interest rate based on long-term, conservative corporate bonds would provide a more accurate benchmark for measuring pension plan liabilities.

(5) A temporary replacement for the 30-year Treasury bond interest rate should be enacted while the Congress evaluates permanent and comprehensive funding reforms.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Congress must ensure the financial health of the defined benefit pension system by working to promptly implement—

(1) a permanent replacement for the pension discount rate used for defined benefit pension plan calculations, and

(2) comprehensive funding reforms aimed at achieving accurate and sound pension funding to enhance retirement security for workers who rely on defined pension plan benefits, to reduce the volatility of contributions, to provide plan sponsors with predictability for plan contributions, and to ensure adequate disclosures for plan participants in the case of underfunded pension plans.

SEC. 3. TEMPORARY REPLACEMENT OF 30-YEAR TREASURY RATE.

(a) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) DETERMINATION OF PERMISSIBLE RANGE.—

(A) IN GENERAL.—Clause (ii) of section 302(b)(5)(B) of the Employee Retirement Income Security Act of 1974 is amended by redesignating subclause (II) as subclause (III) and by inserting after subclause (I) the following new subclause:

"(II) SPECIAL RULE FOR YEARS 2004 AND 2005.—In the case of plan years beginning after December 31, 2003, and before January 1, 2006, the term 'permissible range' means a rate of interest which is not above, and not more than 10 percent below, the weighted average of the rates of interest on amounts conservatively invested in long-term corporate bonds during the 4-year period ending on the last day before the beginning of the plan year. Such rates shall be determined by the Secretary on the basis of one or more indices selected periodically by the Secretary, and the Secretary shall make the permissible range publicly available.".

(B) SECRETARIAL AUTHORITY.—Subclause (III) of section 302(b)(5)(B)(ii) of such Act, as redesignated by subparagraph (A), is amended—

(i) by inserting "or (II)" after "subclause (I)" the first place it appears, and

(ii) by striking "subclause (I)" the second place it appears and inserting "such subclause".

(C) CONFORMING AMENDMENT.—Subclause (I) of section 302(b)(5)(B)(ii) of such Act is amended by inserting "or (III)" after "subclause (II)".

(2) DETERMINATION OF CURRENT LIABILITY.—Clause (i) of section 302(d)(7)(C) of such Act is amended by adding at the end the following new subclause:

"(IV) SPECIAL RULE FOR 2004 AND 2005.—For plan years beginning in 2004 or 2005, notwithstanding subclause (I), the rate of interest used to determine current liability under this subsection shall be the rate of interest under subsection (b)(5).".

(3) PBGC.—Clause (iii) of section 4006(a)(3)(E) of such Act is amended by adding at the end the following new subclause:

"(V) In the case of plan years beginning after December 31, 2003, and before January 1, 2006, the annual yield taken into account under subclause (II) shall be the annual yield determined by the Secretary of the Treasury on amounts conservatively invested in long-term corporate bonds for the month preceding the month in which the plan year begins. For purposes of the preceding sentence, the Secretary of the Treasury shall determine such yield on the basis of one or more indices selected periodically by the Secretary, and the Secretary shall make such yield publicly available.".

(b) INTERNAL REVENUE CODE OF 1986.—

(1) DETERMINATION OF PERMISSIBLE RANGE.—

(A) IN GENERAL.—Clause (ii) of section 412(b)(5)(B) of the Internal Revenue Code of 1986 is amended by redesignating subclause (II) as subclause (III) and by inserting after subclause (I) the following new subclause:

"(II) SPECIAL RULE FOR YEARS 2004 AND 2005.—In the case of plan years beginning after December 31, 2003, and before January 1, 2006, the term 'permissible range' means a rate of interest which is not above, and not more than 10 percent below, the weighted average of the rates of interest on amounts conservatively invested in long-term corporate bonds during the 4-year period ending on the last day before the beginning of the plan year. Such rates shall be determined by the Secretary on the basis of one or more indices selected periodically by the Secretary, and the Secretary shall make the permissible range publicly available.".

(B) SECRETARIAL AUTHORITY.—Subclause (III) of section 412(b)(5)(B)(ii) of such Code, as redesignated by subparagraph (A), is amended—

(i) by inserting "or (II)" after "subclause (I)" the first place it appears, and

(ii) by striking "subclause (I)" the second place it appears and inserting "such subclause".

(C) CONFORMING AMENDMENT.—Subclause (I) of section 412(b)(5)(B)(ii) of such Code is amended by inserting "or (III)" after "subclause (II)".

(2) DETERMINATION OF CURRENT LIABILITY.—Clause (i) of section 412(l)(7)(C) of such Code is amended by adding at the end the following new subclause:

"(IV) SPECIAL RULE FOR 2004 AND 2005.—For plan years beginning in 2004 or 2005, notwithstanding subclause (I), the rate of interest used to determine current liability under this subsection shall be the rate of interest under subsection (b)(5).".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to years beginning after December 31, 2003.

(2) LOOKBACK RULES.—For purposes of applying subsections (l)(9)(B)(ii) and (m)(1) of section 412 of the Internal Revenue Code of 1986 and subsections (d)(9)(B)(ii) and (e)(1) of section 302 of the Employee Retirement Income Security Act of 1974 to plan years beginning after December 31, 2003, the amendments made by this section may be applied as if such amendments had been in effect for all years beginning before such date.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. CROWLEY. Madam Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the Tax Relief, Simplification, and Equity Act of 2003.

The form of the motion is as follows:

I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the proceeding provisions of this instruction, not later than the second legislative day after adoption of this motion.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

Mrs. CAPPS. Madam Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 6, the Energy Policy Act.

The form of the motion is as follows:

Mrs. CAPPS of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 6, BE INSTRUCTED AS FOLLOWS:

(1) The House conferees shall be instructed to include in the conference report the provision of the House bill (section 30215) that concerns consistency determinations under the Coastal Zone Management Act of 1972.

(2) The House conferees shall be instructed to confine themselves to matters committed to conference in accordance with clause 9 of rule XXII of the House of Representatives with regard to any offshore preleasing, leasing, or development moratorium.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Ms. SCHAKOWSKY. Madam Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the Medicare Prescription Drug and Modernization Act.

The form of the motion is as follows:

Ms. SCHAKOWSKY of Illinois moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed to reject division B of the House bill.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, October 2, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on October 1, 2003 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

RESOLUTION, DOCKET 2716

HUNTSVILLE, ALABAMA WATERSHEDS

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Tennessee River and Tributaries, North Carolina, Tennessee, Alabama, Mississippi and Kentucky, published as House Document 328, 71st Congress, 2nd Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, environmental restoration and protection, recreation, and other related purposes to the watersheds of Dallas Branch, Pinhook Creek and Huntsville Spring Branch in the Huntsville, Alabama area.

RESOLUTION, DOCKET 2717

BOULDER CREEK, COLORADO

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the South Platte River and Tributaries, Colorado, Wyoming, and Nebraska, published as House Document 669, 80th Congress, 2nd Session, and other pertinent reports, in coordination with the City of Boulder, and other interested Federal, State and local agencies, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, environmental restoration and protection, recreation, and water quality improvements, in the Boulder Creek, Colorado Watershed.

RESOLUTION, DOCKET 2718

ANDROSCOGGIN RIVER, RUMFORD, MAINE

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the New England—New York Region published as Senate Document 14, 85th Congress, 1st Session, the report entitled Androscoggin River Basin, Maine and New Hampshire, dated April 12, 1968, and other pertinent reports to determine the feasibility of measures for environmental restoration and protection, recreation and related purposes along the Androscoggin River in Rumford, Maine.

RESOLUTION, DOCKET 2719

EAGLE CREEK BASIN, KENTUCKY

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Kentucky River and Tributaries, Kentucky, published as House Document 423, 87th Congress, 2nd Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, water supply, recreation, and other related purposes in the Eagle Creek Lake area.

RESOLUTION, DOCKET 2720

CLEAR LAKE WATERSHED, IOWA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Iowa and Cedar Rivers, Iowa and Minnesota, published as House Document 166, 89th Congress, 1st Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest flood damage reduction, environmental restoration and protection and other related purposes in the Clear Lake Watershed.

RESOLUTION, DOCKET 2721

CHOCTAWHATCHEE, PEA, AND YELLOW RIVERS WATERSHED, ALABAMA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Choctawhatchee River and Tributaries, Florida and Alabama, published as House Document 163, 71st Congress, 2nd Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest flood damage reduction, environmental protection and restoration, recreation, water supply and other related purposes in the Choctawhatchee, Pea and Yellow Rivers watershed, Alabama.

RESOLUTION, DOCKET 2722

CANASERAGA CREEK VALLEY, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Genesee River, New York, published as

House Document 615, 78th Congress, 2nd Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest flood damage reduction, environmental restoration and protection, streambank restoration, water quality, recreation, and related purposes in the Canaseraga Creek Valley, New York.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, October 2, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House, The Capitol, Washington, D.C.

DEAR MR. SPEAKER: Enclosed please find resolutions approved by the Committee on Transportation and Infrastructure on October 1, 2003, in accordance with 40 U.S.C. §3307.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

COMMITTEE RESOLUTION

BUILDING PROJECT SURVEY UNITED STATES DISTRICT COURTHOUSE ORANGE COUNTY, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Title 40 U.S.C. §3314(b), the Administrator of General Services shall investigate the feasibility and need to construct or acquire a facility to house a United States Courthouse, in Orange County, New York. The analysis shall include a full and complete evaluation including, but not limited to: (i) the identification and cost of potential sites and (ii) 30 years present value evaluations of all options; lease, purchase, and Federal construction, and the purchase options of lease with an option to purchase or purchase contract. The Administrator shall submit a report to Congress within 60 days.

There was no objection.

HONORING MILDRED A. O'NEILL

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. McGOVERN. Mr. Speaker, I rise today to mourn the passing of Mildred A. O'Neill, the widow of our late Speaker, colleague, and friend Tip O'Neill.

Millie O'Neill, who passed away yesterday at the age of 89, was a remarkable woman. She was a loving wife and mother, a tireless activist, and a dear friend.

She was also a true daughter of Massachusetts. According to her son Tom, Millie had taken a nap so that she could watch last night's Red Sox playoff game, and passed away in her sleep. Well, Mr. Speaker, the Red Sox won their game. I am sure that Millie is smiling.

All of us who admired and loved Tip O'Neill felt the say way about Millie. As Father Donald Monan, the former president of Boston College so beautifully said at the late Speaker's funeral mass, "The pride of the Speaker's life was not the Medal of Freedom or the Legion of Honor, it was the love of his beloved Millie, who gave courage to his struggles and gave measure to his successes and loving understanding through all his illness."

Mr. Speaker, I know that all of my colleagues join me in keeping the O'Neill family in our thoughts and prayers. And I will include the obituaries of Millie O'Neill from the Boston Globe and Boston Herald in the RECORD.

[From the Boston Globe, Oct. 7, 2003]

MILDRED O'NEILL, 89; WIFE, "PARTNER" OF POLITICAL ICON

(By Ron DePasquale)

Mildred A. "Millie" O'Neill, widow and celebrated sweetheart of Thomas P. "Tip" O'Neill Jr., former speaker of the US House of Representatives, died in her sleep yesterday in her Bethesda, Md., home, her family said.

Her son, former Massachusetts Lieutenant Governor Thomas P. O'Neill III of Boston, said Mrs. O'Neill had taken a nap, so she could catch last night's Red Sox playoff game, when she died. She was 89.

Her son called her a "lovely, perfect lady" who enjoyed taking care of her family and working for charity. His parents' love was inspiring, he said. "They were inseparable at a very early age and right through to the end of their lives," he said.

On the dedication page of his 1987 autobiography, "Man of the House," Tip O'Neill referred to his wife as "The Speaker of My House. A loving wife, mother and my partner through so many triumphs and trials."

Anyone involved in Massachusetts politics from the 1940s to the 1980s could remember Tip O'Neill singing the 1930s' tune "Apple Blossom Time" to his wife, said US Representative Barney Frank of Newton. "Whenever you were with the two of them, everybody was happy," Frank said last night. "They were like some couple out of the movies. The sense of warmth that existed between the two of them was just extraordinary."

Born Mildred Miller in Somerville in 1914, she met her future husband at St. John's High School in North Cambridge, where she graduated in 1932.

At a 1999 Boston College ceremony honoring her husband with a permanent library exhibit, Mrs. O'Neill said, "Life with Tom was a wonderful experience, and I am proud to have shared those 50 years and see parts of it displayed at this library."

Tip O'Neill died in 1994, ending a storied life as one of the country's premier politicians. He retired from the House in 1986 after 50 years in politics. His wife was a constant presence in his social and political circles.

In his autobiography, O'Neill wrote that when he became speaker and Millie learned that other wives never knew when their husbands were coming home at night, she told him, "I don't want you keeping them in the House until 8 or 9 at night. And that, more or less, marked the end of evening sessions in the House."

Mrs. O'Neill was chair or a member of the boards of the March of Dimes, the Congressional Wives Club, and the International Club. As chairwoman of the historic Ford's Theatre in Washington, she was one of the first to receive the Lincoln Award, in recognition in 1984 for spearheading a $4 million fund-raising drive.

"Now, Mildred, you may have suspected now and then that from time to time your husband and I find something about which we disagree," President Ronald Reagan quipped at the awards ceremony. "But there is one thing that we sure agree on—he's lucky, mighty lucky, to be the man in your life. On behalf of everybody with whom you work, your work for this grand, old theater has meant so much, Millie, that we all thank you from the bottom of our hearts."

The O'Neills lived in Cambridge until 1976, when Tip was named speaker and the family moved to Washington. The city of Cambridge dedicated the north branch of its library as the Mildred A. O'Neill Library in 1995.

Raymond L. Flynn, former mayor of Boston, said, "She was a great friend. She was just a remarkable mother and led a wonderful life and was a great representative for America."

In addition to her son, Mrs. O'Neill leaves two daughters, Rosemary of Washington and Susan of Bethesda; a son, Christopher, also of Bethesda; a sister, Dorothy Ryan, of Marstons Mills; and eight grandchildren. A son, Michael, died in 1997. A funeral Mass will be said Friday at 10 a.m. in St. John the Evangelist Church in Cambridge. Burial will be at Mt. Pleasant Cemetery in Harwichport, where Mrs. O'Neill had long summered.

[From the Boston Herald, Oct. 7, 2003]

MILDRED A. O'NEILL, AT 89, WIFE OF LATE U.S. SPEAKER

Mildred A. (Miller) O'Neill of Bethesda, Md., formerly of Cambridge, wife of the late U.S. House Speaker Thomas P. "Tip" O'Neill Jr. and an activist involved in many organizations, died yesterday at her home. She was 89.

Born in Somerville, Mrs. O'Neill was educated at St. John's School in North Cambridge and later graduated from St. John's High School in 1932, where she was first introduced to her husband. She was a longtime Cambridge resident, where she lived until 1976, when she and her husband moved to Washington, D.C., after he was elected speaker of the U.S. House of Representatives. She was also a longtime summer resident of Harwichport.

Mrs. O'Neill was active in many causes, particularly the St. John's Church Rebuilding Fund and was president of the parish Guild of St. John's Church. She also was active in St. Coletta's School for Exceptional Children. She worked for many worthy causes as chairwoman or executive board member for the March of Dimes, Congressional Wives Club, International Club and So Other Might Eat.

She was the chairwoman and honorary chairwoman of the historic Fords Theatre, receiving the Lincoln Medal in 1984 for her fund-raising efforts. She was also the chairwoman of the Family Pantry in Harwichport.

Many organizations have honored Mrs. O'Neill for her selflessness and devotion to her husband, family, friends, country and church. She has received honorary doctorates from the University of Scranton, Our Lady of the Elms, and Barry University. In 1995, the city of Cambridge dedicated the North Cambridge Branch Library in her honor as the Mildred A. O'Neill Library.

Mrs. O'Neill's central role during her adult life was that of political wife, family members said. Throughout her marriage of 52 years, she served as sweetheart, mentor, confidante, supporter, campaigner and friend. Her role was epitomized in the dedication of her husband's autobiography, "Man of the House," which reads: "For Millie—The Speaker of My House. A loving wife, mother, and my partner through so many triumphs and trials."

Mrs. O'Neill is survived by two daughters, Rosemary of Washington, D.C., and Susan A. of Bethesda, Md.; two sons, Thomas P. III of Boston and Christopher R. of Bethesda, Md.; a sister, Dorothy Ryan of Marstons Mills; and eight grandchildren. She was also the mother of the late Michael T.

A funeral Mass will be celebrated at 10 a.m. Friday at St. John the Evangelist Church, Cambridge. Burial will be in Mount Pleasant Cemetery, Harwichport.

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SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LOWERING THE COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, the big issue that is being raised on the front page of USA Today, which I hope all of my colleagues will have a chance to read, is the very large price disparities between prescription drug costs here in the United States and what they cost elsewhere in the world. I was amazed that the media is really finally jumping on this issue, because the gentleman from Minnesota (Mr. GUTKNECHT), who has been leading the fight on this issue, has been working on it a long time.

It shows very clearly that the people in the USA pay 58 percent more for prescription drugs than people in Switzerland do, 60 percent more than they spend in Great Britain, 67 percent more than Canada, 74 percent more than Germany, 78 percent more than Sweden, 102 percent more than France and 112 percent more than Italy.

This is a fact. The American people are paying so much more for pharmaceutical products than other countries and people who are buying prescription drugs in other parts of the world that Americans are going across the border into Canada in droves to buy their pharmaceutical products because it saves them so much money. When you have a little old lady who cannot afford her pharmaceutical products and her health is at risk, you cannot blame her for going across the Canadian border to buy the very same prescription drug for one-fourth or one-fifth or one-sixth of what it costs here in the United States.

It is very important that this message be gotten out to all of our constituents around this country, so that we can bring about some positive change that will make sure that Americans pay a fair price for world class drugs.

I just would like to say to my colleague who has been leading the fight on this issue, the gentleman from Minnesota (Mr. GUTKNECHT), what do you think about this?

Mr. GUTKNECHT. Well, if the gentleman would yield, I think President Reagan had it best, quoting John Adams, when he said, "Facts are stubborn things."

I want to congratulate the gentleman from Indiana (Mr. BURTON), the gentleman from Vermont (Mr. SANDERS), the gentleman from Illinois (Mr. EMANUEL), the gentlewoman from (Mrs. EMERSON) and so many other people in the House.

This is not a single-person issue. We have been involved in this for many years. The gentleman from Indiana (Chairman BURTON) has been among the only chairmen here in this Congress who have been willing to have real hearings and bring in both sides and let both sides present their case and let the facts come out.

Mr. BURTON of Indiana. Mrs. Speaker, reclaiming my time, one of the things that bothers me is the gentleman has been talking about how safe it is to buy pharmaceutical products from other industrialized nations.

There are some 940 FDA approved facilities around the world that produce these products. They are sent around the world in bulk, so the safety issue appears to be a bogus issue. But today, in USA Today, the head of the Food and Drug Administration, Mr. Mark McClellan, said that the seniors and others who are buying their pharmaceuticals from Canada are buying under "buyer-beware" conditions, which indicates he thinks they are at great risk.

Would the gentleman explain to us why that is not accurate?

Mr. GUTKNECHT. Once again, the facts do not support that. We know, for example, how many people have died from taking legal FDA approved drugs from other countries. It is a nice, round number, easy to remember: It is zero. We know that more people become ill and die from eating foods, fruits and vegetables, which the FDA is also responsible for, than they ever will with the drugs we are talking about.

More importantly, this is happening now. Americans are doing this right now, many of them knowing that, technically, the FDA says this is illegal. I do not necessarily agree that this is illegal.

Congressional intent is very clear: We intend to make this legal, and we intend to make it safer, using tamper-proof, counterfeit-proof packaging, which is not required today, actually making this business even safer.

Mr. BURTON of Indiana. The thing that is interesting is there are containers that are tamper-proof, and you just showed one of them there. But these 940-some production sites around the world that are FDA approved, they send these pills around the world in bulk, in huge containers, and it seems to me if there was any threat of sabotage or messing around with those, it would be in those bigger containers, not in a tamper-proof vial like that.

Mr. GUTKNECHT. The gentleman is absolutely right. The drug Lipitor, for example, every single tablet is imported into the United States, because it is only made in Ireland in an FDA-approved facility. When they ship into the United States, they do not bring it in in armored cars, they bring it in in big bulk containers that sit on a loading dock in New Jersey for a week or so. If there is any chance to get in there and tamper with those drugs, there is a much better chance at that time than in an individual package.

So, ultimately the safety argument, and I think most Members and Americans, voting with their feet, have come to the same conclusion, the safety argument is just pure bogus.

Mr. BURTON of Indiana. So it boils down to why is the Food and Drug Administration trying to protect the huge profits that are being made here in the United States by the pharmaceutical companies, when at the same time in other parts of the world it is not that great.

TRIBUTE TO MILDRED "MILLIE" O'NEIL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

Ms. PELOSI. Madam Speaker, it is with great personal sadness that I rise to pay tribute to Mildred, better known as Millie, O'Neill, wife of former Speaker Tip O'Neil, who passed away peacefully yesterday.

She did so in between watching her sports. She was a great sports fan. She enjoyed seeing Tiger Woods win on Sunday and, of course, she was getting ready for the Red Sox game that was to come on last night.

Millie was a true heroine to our party and our country, and we will miss her terribly. As Democratic Leader of the House, I am humbled to occupy the office which was once occupied by the great Democratic Speaker, Tip O'Neil.

Tip loved his country, his party, his church, his family, and, above all, he loved Millie. Millie was Tip's partner in everything that he did. She was a wonderful, wonderful mother to their children and she became the godmother to the Democratic Party.

Always warm, always caring, and, at the same time, very, very strong, Millie was someone in whose presence we all loved to be.

Again, Millie loved her Red Sox. She was thrilled that they were in the playoffs this year and, of course, I think she has a front row seat for the series coming up now. Now, maybe, I would say to my colleagues from Massachusetts, maybe now that Millie has a front row seat from even higher than the Green Monster, she and Tip can break the "Curse of the Bambino" and have the Red Sox win the World Series, the first time since 1918. It will probably take that kind of divine intervention. But if anybody can make it happen, it is Millie.

Our thoughts and prayers are with her family, with her children and grandchildren, whom she cherished. I have the privilege of working on a daily basis with one granddaughter, Catlin O'Neill. We honor the legacy of Tip and Millie O'Neill every day we serve here.

I hope it is a comfort to Thomas III, Rosemary, Christopher, better known as Kip, and Susan, that so many people in our country mourn their loss and are praying for them at this sad time.

Millie has joined Tip and her son Michael, who preceded her to heaven, now in praying for us where they have, shall we say, more access. Let us think of them as we undertake our responsibilities, and know the proud tradition that they were a part of and that we have a responsibility to carry on.

With that, Madam Speaker, once again I express condolences, not only my own personal and that of my family, but that of all the Democratic Members of the House in sending our condolences to the O'Neill family.

I am pleased to do this under the leadership of the dean of the Massachusetts delegation (Mr. MARKEY), and join other members of the delegation in remembering Millie and celebrating her life.

WASHINGTON WASTE WATCHERS: DUPLICATION

The Speaker pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Madam Speaker, I rise again this week as cofounder of a new Republican effort, dedicated to bringing the disinfectant of sunshine into the shadowy corners of the wasteful Washington bureaucracy. We call ourselves the Washington Waste Watchers, and we are here to look after the family budget by checking the growth of waste, fraud and abuse in the Federal budget.

Madam Speaker, I am sure that all of my colleagues are well aware of the size of our Federal budget deficit. It is large, and growing larger every day. To compound the challenge, we are presently faced with an additional $87 billion supplemental appropriation request to help fight the war on terror.

Now, I believe, after much debate and due diligence, that this body will pass most, if not all, of this request, and I for one, agree that it is far better to fight this war on terror over there than it is over here. So, faced with unparalleled homeland security needs and a growing budget deficit, what are we to do?

Democrats say the only way to cut the deficit is to yet again raise taxes on the American family. Sound familiar? It is the only budget idea that they have.

We do have a large deficit, but it is not because the American people are undertaxed, it is because Washington spends too much.

Since I was born in 1957, the Federal budget has grown seven times faster than the family budget. Seven times faster. This is unconscionable and unsustainable. And over and above the expenses connected with the war on terror, Democrats have voted to spend almost $1 trillion more than the budget allows, $1 trillion more in spending, and they claim to be concerned about deficits.

Madam Speaker, much of this spending in Washington is pure waste, fraud and abuse, and by attacking it every day, we can begin to close this deficit.

Once again this week, let us talk about duplication.

The Federal Government administers 50 different programs scattered across eight Federal agencies to assist the homeless. Combined, these duplicative programs cost Americans close to $30 billion a year. Fifty different programs all engaged in roughly the same mission. Yet Democrats want to raise taxes to pay for more of this?

Six different agencies administer 26 programs offering food and nutrition benefits to the homeless, including the USDA, HHS, Department of Education, FEMA, HUD and the VA. What is it that one of these agencies knows about feeding the homeless that the other agencies do not know? Whatever it is, I hope they figure it out pretty soon, because these duplicative programs cost roughly $43 billion a year. Just think how much we could save the American taxpayer over 10 years through consolidation of just some of these 26 programs. Yet Democrats want to raise our taxes to pay for more of this?

More than 50 different Federal agencies are responsible for waging the war on drugs. Four agencies are responsible for coordinating and developing narcotics detection technologies, more than 70 programs in 13 Federal departments and agencies are eligible to dispense resources to prevent substance abuse, and 16 different agencies deal with treatment. How many billions could be used to lower the Federal deficit if we simply consolidated a few of these programs? Yet the Democrats wanted to raise our taxes to pay for more of this?

Sixteen Federal agencies operate roughly 75 international education, culture and training programs. Seventeen agencies monitor and enforce trade agreements. Ten of them operate export subsidy programs, and 12 oversee importation of agricultural products. How much more could we save if we simply consolidated a few of these programs. Yet the Democrats want to raise our taxes to pay for more of this?

Madam Speaker, these are just a few of the examples of the rampant duplication in waste in our Federal Government that has been here for years. Once you begin to look closely, it is easy to see that many Federal programs routinely lose 10, 20, even 30 percent of their taxpayer-funded budgets in waste, fraud and abuse.

□ 1945

In the real world, when people lose this much money, they are either fired or they go to jail; but in Washington, it is yet another excuse to take even more money away from the American family.

Mr. Speaker, there are many ways that we can save money in Washington without cutting any needed services and without raising taxes on the American family. Because when it comes to Federal programs, it is not how much money Washington spends; it is how Washington spends the money.

MOURNING THE LOSS OF MILDRED A. O'NEILL AND CELEBRATING GREAT AMERICANS

The SPEAKER pro tempore (Mr. PORTER). Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I had the great privilege of coming to Congress in 1981. Some of my colleagues on the floor were here when I came. The gentleman from Massachusetts (Mr. FRANK) and I came in the same class. The gentleman from Massachusetts (Mr. MARKEY), the dean of the Massachusetts delegation, was already here. Those who came after 1987 lost an extraordinary experience, and that experience was to serve in this House with one of America's great political leaders, so defined by Bob Dole. His name, of course, was Thomas P. O'Neill. He was a large man physically, but his heart was much larger, and his commitment to people even larger still.

Those of us who came to the Congress at that time obviously met Tip, serving under Speaker O'Neill and with him. But shortly thereafter, we had an extraordinary privilege, and that privilege was to meet his partner. Mildred A. O'Neill, affectionately known to all of us as Millie, became, in many respects, at least for those who were young enough to consider her as such, as sort of the den mother of the Democratic House. She was a wonderful, warm, committed, devoted human being. She was the kind of human being that everybody would want to be born and have as their grandmother or their mother, period, because she was filled with love and caring for humankind. And my, how she loved our Speaker. And my, how our Speaker loved her.

We talk about family values. It is easy to talk about family values, but I suggest that no one has lived family values any more than Tip O'Neill and Millie O'Neill.

Millie O'Neill was born in 1914, the same year that my mother was born. My mother, unfortunately, passed away in 1975 at a too-young age. Millie O'Neill lived until just a day ago. She died at the age of 89, having seen extraordinary history in her State and in her country and, indeed, with her husband, had impacted on that history in a most positive way.

When Tip O'Neill left the Congress, or shortly before, there was a poll taken in the South. And the two most popular figures in the United States, political figures at that time, were Ronald Reagan and Tip O'Neill in the South.

Now, obviously, they disagreed on many issues. So what was the cause of that support and popularity? It was because they were both viewed as two men of principle and the courage of their convictions. People could disagree with either one, but there was that respect for their character that was reflected. Millie O'Neill was a critical component of the character of her husband. They had been married for over half a century. Tip in his book referenced how loyal, how important Millie was to his life, both at times of triumph and times of trial.

Mr. Speaker, I count myself uniquely privileged to have come to Congress in time to know and become a friend of Mildred A. O'Neill. I believe she loved each and every one of us; and there is no doubt in my mind, Mr. Speaker, that each and every one of us loved her.

Let me say that I was also advantaged because, on the other side of the aisle, there was a leader who shared the compassion and commitment to this institution that Tip had, and that was Bob Michel. Bob has a wonderful wife, Corrine. She is ill today, and I know that she, too, and Bob Michel will grieve for the loss of their friend. It was a time, frankly, I say to my colleagues, when Bob Michel and Tip O'Neill knew that they were friends, knew that they had different views; but both were committed to this institution, and their wives, Millie and Corrine, were fast and true friends as well. America has lost a great American, a great grandmother, a great mother, and a great supporter of this institution.

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, while the Democrats continue to want to raise the taxes on the hard-working Americans, or when they keep proposing, as they did this year, over a $1 trillion increase, or close to $1 trillion, $890 billion increase, to be precise, on the already, I think, large deficit, thank God the President, though, has released the President's agenda that we are all familiar with, which outlines a plan to clean up this mess of just waste, fraud, and abuse that exists and is rampant here in Washington and that has always been rampant here in Washington.

The gentleman from Texas (Mr. HENSARLING) eloquently mentioned some issues that should concern all Americans as to how Washington wastes America's taxpayers' money. I am reminded of all of the cases, case after case, of fraud, waste, and abuse that continue to happen, including money that is just absolutely lost in this huge bureaucracy.

In 1999 the Army, for example, took an inventory of its assets and found that, check this out, 56 airplanes, 32 tanks, I do not know how you lose 32 tanks, and 36 Javelin-command launch units for which it had no record, had no records for them. That same year, GAO identified more than $3 billion in inventory that the Navy had "lost in transit." How do you lose $3 billion of inventory in transit? The GAO also found $400,000 in computer purchases that the Department of Education had not recorded in the property records. By the way, 200,000 of those computers could never be located.

Yet, I repeat, the Democrats insist on raising the taxes on the hard-working Americans, because there is not enough money. There is not enough money if you want to lose more money, if you want to throw away more money, if you want to splurge more money; but there is clearly more than enough money to do what we need to do here, as long as we get a little bit more responsible.

I commend the President for his efforts.

Mr. Speaker, the Inspector General at the Department of Veterans Affairs alone has identified more than 5,500 possible cases of individuals who may be defrauding the Veterans Administration by receiving benefits intended for veterans, these are benefits that are intended for benefits, but for people who are dead. Mr. Speaker, 5,500. Fourteen thousand, almost 14,000 incarcerated veterans have been paid about $100 million, and these are not small sums, $100 million in benefits that they were clearly not eligible for. And yet the Democrats insist on coming up with proposal after proposal and budget after budget that raises the taxes of the hard-working Americans in this country. To do more of this?

Over $100 million, another $100 million in improper payments of missed Medicare beneficiaries who rely on them. Over the last 4 years, by the way, for example, the Department of Agriculture has spent $5.13 billion in improper payments, improper payments intended to go to food stamp beneficiaries. Yet, the Democrats say, there is not enough money, and they insist on trying to raise the taxes on the hard-working Americans of this country.

Mr. Speaker, that is why, with a number of my colleagues, we have come up with the Washington Waste Watchers to not only highlight the fact, not that Washington has enough money, but that we have too much money, and that there is not enough accountability. We commend the President for his steps in the right direction, and we are going to continue to let the American people know where their money is being spent and, in many cases, misspent. And, no, we are not going to support raising taxes. We are going to support changing the culture up here from a culture of waste, of fraud, and abuse to a culture of fiscal responsibility.

WASHINGTON WAR WATCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, in 2 days the House Committee on Appropriations will take up the $87 billion that the administration has requested for Iraq and Afghanistan. This is the second down payment on top of the first $75 billion that has been requested. Secretary Powell and others in the administration recently said this is a down payment, and that they will be back in 6 months from now with an additional request on top of the $160-some-odd billion we spent on these two operations, for more money for reconstruction of both Afghanistan and Iraq. This funding contains a $20 billion request, taxpayer financed, for the reconstruction of Iraq.

Back in April I introduced a bill called the American Parity Act, which required that for every dollar we invest in Iraq's health care, education, and transportation and infrastructure we also invest here at home. Today we have 102 cosponsors.

Now, I think everybody that has signed on to this agrees that the same values that we hold for Iraq, we must pledge for all Americans. The same goals we envision for Iraq's future, we must envision for America's future. Unfortunately, to date, we have had two priorities, two sets of values, two sets of books, one for Iraq and one for America. I did a T-shirt the other day which I brought down to the floor showing all of the investments we had planned for Iraq and all the cuts here at home we had planned in the corresponding areas.

Now, two colleagues before me who are part of my freshman class from the other party talked about waste, fraud, and abuse. I would like to bring to their attention, and I have the same sense that if we were able to cut some of the waste, fraud, and abuse, we could fund other initiatives dealing with the uninsured in this country.

But to point to some waste, fraud, and abuse: in the President's request for Iraq, there is $3.6 million for 600 radios and telephones at $6,000 each. I highly recommend that maybe we should hear the word Radio Shack. If you cannot get a telephone for less than $6,000, you may want to consider Radio Shack.

We have also in the request $2.5 million for pickup trucks at $33,000 apiece. Has anybody ever heard of zero percent financing by GM, Ford, or Chrysler? You can get a pickup truck for less than $33,000. Mr. Speaker, $100 million to hire 500 people at $200,000 a person to investigate crimes. Mr. Speaker, $20 million to finance 200 election experts, election experts for 6 months at $100,000 per expert. Now, I come from Chicago. I think I can get a ward committeeman to do it just slightly cheaper than that.

So if we are interested in waste, fraud, and abuse, I recommend maybe we take a look at what we are recommending as a first down payment of what will be a total bill to the American taxpayers for $60 billion in the area of waste, fraud, and abuse.

If I may take some more time, they did not want to mention the $5.6 billion for the new electric grid in Iraq. Yet here in America, what did we get for that? The blackout. And how much is invested in America's electric future, in our energy future, in a massive investment here? Zero. We could create 100,000 jobs. We do not mention that when it comes to waste, fraud, and abuse.

In the area of health care, we are talking about $150 million more for a new children's hospital in Basra. Yet, in that same week, we had a report that there are 10 million uninsured Americans. And what is the initiative? We cut the funding for the children's health insurance program. We have 44 million uninsured Americans, and not a single bill on the floor to insure the uninsured Americans.

In the area of police, there is $4 billion planned for the Iraqi police, and yet what do we do? We cut the 100,000 police program here in the United States practicing community policing at $1 billion. Mr. Speaker, $5 billion for water, drinkable water in Iraq and wetlands restoration and irrigation; yet we have frozen the funds for the Corps of Engineers, and we do not fund any cleanup and improvement in the Great Lakes of America where 40 million Americans get their daily drinking water. I am interested in the area of waste, fraud, and abuse; and I would like to talk about it.

In the area of veterans, we have a $6 billion cut here at home for our veterans for their health care and other benefits, and yet what do we plan? To rebuild Iraq's national army.

So when it comes to waste, fraud, and abuse, I would hope my colleagues would join me on the floor and talk about some of the waste, the fraud, and the abuse that will go on in the $60 billion reconstruction project the American taxpayers are being asked to pay and foot the bill for, while 3.1 million Americans have lost their jobs, 5 more million Americans have lost their health insurance, $1 trillion worth of corporate assets are foreclosed on, and 5 million Americans have walked out of middle class into poverty; and that has been the net result over the last 3 years in economic stewardship.

□ 2000

THE COST TO AMERICANS OF PRESCRIPTION DRUGS

The SPEAKER pro tempore (Mr. PORTER). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise again to speak tonight on the issue of prescription drugs and what Americans pay relative to the rest of the industrialized world.

I want to call all Members' attention, if you have not seen this yet, get a copy of today's USA Today and read the lead story. And if you missed it today we are going to try and put this on our Web site, so Members may go to my Web site at Gil.house.gov; and we will have this on by sometime tomorrow afternoon.

And we will have the charts, because this is the most compelling article, I think, that I have read so far because it tells the story, it tells the truth, the whole truth and nothing but the truth in terms of what Americans pay and the sad and pathetic excuse by the FDA about how unsafe this is. It is just outrageous. It is the Food and Drug Administration.

This estimate is 1 million. We have had estimates that as many as 10 million Americans next year will buy their drugs from another country.

Now, what my vision is is not that people will buy their drugs from other countries, but once you open up markets and you begin to use tamperproof, counterfeit-proof packaging, you will be able to buy those drugs from your local pharmacy and take advantage of market forces to bring the drug prices down.

As my colleague from Indiana pointed out earlier, the chart on the front talks about how much more Americans pay than the consumers in other countries. I have often said I am willing to subsidize the people in sub-Saharan Africa, I do not think we ought to have to subsidize the starving Swiss. It is time for them to pay their fair share for the cost of prescription drugs. The surest way to do that is to open up markets so you will see prices level around the world. And Americans will pay a lot less.

How much less? Well, the Swiss pay 58 percent less than American consumers. In Great Britain they pay 60 percent less. In Canada they pay 67 percent less than American consumers. In France they pay 102 percent less than American consumers. And in Italy, 112 percent. Now these are not backwater countries, ladies and gentlemen. These are industrialized countries that have regimens similar to ours.

If you go to the inside of USA Today it even gets better because they list some of the prices. I have shown my charts and I have had people say, Oh, well, that is from some goofy group, or, You cannot accept that. Well, these are not my charts anymore. These are charts that were done with research by USA Today.

When you look at the price differentials, it is exactly what my charts have shown. And that is, for example, on the drug Coumadin, which my 87-year-old father takes, it is a blood thinner, I have a package right here that we bought in Munich, Germany. It is Coumadin, it was developed at the University of Wisconsin Agricultural Schools as a rat poison, but Coumandin can be bought in Canada, 10 milligrams, 100 tablets, for $43.58. That same package in the United States sells for $99.99.

Tamoxifen, we have talked about that before here on the House floor. In the United States this particular package that they bought was $61.99. The same package of the drug in Canada sells for $9.04. That is more than six times as much.

Members, the time has come for us to take real action.

I want to congratulate others in the House who helped lead the fight so that at least the House now has gone on record that this is unacceptable. More importantly, we have sent a message not only to the pharmaceutical industry but to our own FDA. The FDA does not work for them; they work for us. It is time for the Senate, the Members in the other body to do the same thing, to send the message that the status quo is not acceptable.

Americans are voting with their feet. They are voting with their feet to buy prescription drugs. But remember, Members, next November they are going to vote for us or our opponents based on how we voted on issues like whether or not we will have affordable drugs here in the United States of America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. May I remind Members that it is not in order to encourage the other House to take a certain action.

THE COST OF REBUILDING IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, well, we heard some amusing speeches earlier about the new Washington Waste Watchers, the gentleman from Texas and some other Republican over there. I guess that their vision does not extend too far.

First of all, the Republicans control the White House, every agency of the Federal Government, the House and the Senate. If there is waste, fraud and abuse, well then, they should take care of it. But they are too busy asking the American people to borrow $87 billion to build Iraq in the vision of the neoconservatives in the White House that put this failed policy on us and pursuing this adventure.

Right here, here it is. The gold-plated guide to war profiteering in Iraq, otherwise known as the Coalition Provisional Authority Request to Rehabilitate and Reconstruct Iraq. Most of it has nothing to do with reconstructing Iraq or war damage that we caused.

Now, there is an argument that could be made that we should repair war damage. But these are things that the Iraqis never had, they have not had ever. We are talking about, well, they have 50-year-old steam boilers, so we have got to spend $6 billion on their electric grid. Guess what? The lights are blinking out here in the eastern United States and on my coast a couple of summers ago, the West Coast, because we are underinvesting here.

The President can ask to borrow $6 billion not only to rebuild the little bit of damage we did, but to give them a state-of-the-art system. The American people will pay for that for 30 years. How much is he asking to invest in the United States of America? A big goose egg.

Yeah, I guess the eye on Waste Watchers on Washington does not go to waste watchers in the war profiteering and the rebuilding of Iraq.

Let us take up a couple of other subjects. $1 billion will be borrowed by the American people at the request of the President and Republican Congress to train the police in Iraq. Certainly and arguably, we should have a trained police force. But it is extraordinarily expensive because they say, Well, first off, they have to build a facility to train them outside the country. They cannot train them in Iraq.

The French, they offered to train the Iraqi police in Iraq for free. But, God forbid, those French, we should accept anything from them. They are a lot better at policing, military policing in these sorts of situations, have a lot more experience than we do, but we are going to hire consultants and pay $1 billion, borrow $1 billion to take the Iraqis out of their country to train them.

Then we have got to arm them. Of course, the U.S. military has confiscated hundreds of thousands of weapons, many in the original grease and wrappers. But, no, that is not good enough for the Iraqi police force. We are going to spend $200 million to buy them brand-new weapons. I thought, well, maybe this is good. Maybe it has got a Buy America component to it. Maybe we are going to buy from American arms manufacturers. No, AK-47s, that is what the Iraqi police want. We have confiscated tens of thousands of them, but instead of reissuing the ones we have confiscated, we are going to buy them brand-new ones at more than list price from our friends, the Chinese.

This is not waste, fraud, and abuse. No, the Washington Waste Watchers over there do not have their eyes set on Iraq and this kind of stuff, they are talking about the $100,000 missing over there at the Department of Education that might have fed some hungry kids. But, no, if it is a huge contract, wasting billions of dollars in Iraq; that is just fine. The President asked for it. We have to do this.

Let us talk about the cement plant in northern Iraq. Our estimators looked at it and said $15 million to rebuild that plant. So the Bush administration put out a request for proposal for $15 million. The Iraqis didn't want to wait. They rebuilt it themselves. Cost: $80,000.

Now, there is Mr. al-Barak, who is a member of the Ruling Council which we named. You would think he would be beholden to us since we put him in place. But he has been a little critical of our spending. He says, "You know what? We can do it for 10 cents on the dollar. The Americans are wasting incredible amounts of money."

We are going to be asked to borrow nearly $20 billion, indebt Americans for the next 30 years for waste, fraud, and abuse and war profiteering, and the Iraqis say they can do it for 10 cents on the dollar.

There was a contract to feed the Iraqi Ruling Council, which we named, which Mr. Bremer put out, no bid, of course. I guess it was from Sardi's in New York because to feed 25 people a day, $5,000 a day. The Iraqi council was aghast, and Mr. al-Barak said, No, thanks, we can feed ourselves for a lot less than $5,000 a day. They think we are nuts. They really do.

Waste, fraud, and abuse, apparently is only when it might benefit Americans. But when it can benefit war profiteers and no-bid contractors overseas in the gold-plated building, not rebuilding, of Iraq, there is a blind eye being turned here.

HIGHLIGHTS FROM THE ADMINISTRATION'S IRAQ REQUEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, in the last 24 hours, three more American soldiers have died in Iraq. They are part of a group of young Americans who are doing everything they can to stabilize the situation over there in extraordinarily difficult circumstances. They deserve our support.

There are reports in Iraq of some successes on the ground, but as we look at the situation in Iraq today, it is hard not to come to the conclusion that this was an enormous strategic mistake, because we are now there with 130,000 of our military men and women for a very long time to come if this President's request is to be understood for what it is.

Before we invaded Iraq, representatives of the White House and the Pentagon came to Members of Congress and said to the American people that Iraq had developed some of the most lethal weapons ever invented, that it was an imminent threat not only to the neighbors of Iraq, but to this country as well. We were told over and over again that we would be welcomed as liberators. We were told over and over again that, in this case, Iraq, because of its oil resources, could fund its own reconstruction. None of that was true. And today we know it was not true.

This is a case where the administration hyped, overstated, distorted the intelligence that we had which was a lot more obscure and uncertain than we were led to believe.

But today we are there. We are in Iraq. We have 130,000 people. We have replaced the government. We have a responsibility to try to create stability in that country and restore it to a better place.

Now, we should begin, I believe, in trying to figure out what to do. It seems to me there are three basic changes we have to make, three basic policy approaches we have to make. First of all, we have to take this $87 billion request we have been given and scrub it, look at it carefully, review it. There is an enormous waste in this particular request, and we ought to do our best to figure out what some of the cases are.

As previous speakers have said, Look, you have got $3.6 million for 600 radios and phones, $6,000 apiece. And according to Business Week on May 12, this is a quote, "When Baghdad's telephone system was knocked out during the war, small-time Iraqi businessmen ordered up satellite phones from Jordan for $900 each." As the previous speaker said, Let us go to Radio Shack. We can do better than that.

The $87 billion includes $33,000 apiece for 80 pickup trucks. Well, go down to your local auto dealer. You can buy pickup trucks in this country for $14,000. What are we talking about? And those who paraded up here earlier on the other side of the aisle and said waste, fraud, and abuse is a problem for this government, we can begin with waste by simply looking at the administration's request.

One more item. $50,000 per prison bed, double the average cost in the United States.

Those who want simply to rubber stamp the administration's proposal are making a big mistake.

The second thing we ought to do is we ought to pay for this. We should not be borrowing this money from our children and grandchildren. That is simply an outrage. We ought to reduce, roll back the tax cuts that have been given to people earning over $330,000 a year, the wealthiest 1 percent in this country. And we simply have to do that. If we are going to be fiscally responsible, we have to take that kind of step.

□ 2015

Third, we need to step forward and do what the administration is trying to do, although past actions make it difficult, we need to build international support. More international resources, more international police, more international troops to try to get us through what is an extraordinarily difficult problem. But having abused and alienated our allies, it is hard now to get them back into Iraq the way they need to.

Fourth, we need to change the way we are doing this postwar reconstruction. It has been another fundamental mistake to have the Pentagon overseeing this operation. The very people who said we would be welcomed as liberators, that Iraqi oil would pay for its own reconstruction, those people are in charge of the postwar planning, and the postwar planning has been bungled. We need to give back authority to the State Department, USAID and those Federal agencies that have shown in the past they can deal with this kind of reconstruction effort. Those who came to this Congress and misrepresented the intelligence that was available to them should also be replaced.

MEDICARE PHYSICIAN REIMBURSEMENT

The SPEAKER pro tempore (Mr. PORTER). Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise today to call attention to the decline in Medicare reimbursement for physicians. Effective January 1, 2004, physicians and other providers paid pursuant to the Medicare physician fee schedules face at least a 4.2 percent cut in reimbursements. For nearly 40 years, Medicare has provided necessary health care to millions of patients across this country. Another steep cut in reimbursement rates is now forcing many physicians who provide for Medicare patients to make difficult choices.

We only need to look at this chart, compare in 2004 Medicare payment for the various types of Medicare providers to understand the physicians' plight. Reimbursements for outpatient services up 3.8 percent. Inpatient services up 3.4 percent. Payment for inpatient rehabilitation up 3.2 percent. Likewise, payments to skilled nursing facilities up 3 percent. Then we come to our physicians, down 4.2 percent.

Interestingly, payments to all of these other providers are going up and payments to physicians are getting cut again.

Opponents to increase funding for physicians' payments often cite the high participation level in the Medicare program as evidence that physician reimbursement rates are at least adequate. True, most surgeons and doctors continue to treat some Medicare patients even as rates continue to fall. It is difficult for physicians to sever long-standing relationships with their patients. Having practiced OB-GYN for 27 years, I can tell you that the bond between doctor and patient is truly unique. It is a difficult relationship to be forced to end.

On the other hand, I would invite you to take a look at the number of physicians accepting new Medicare patients into their practices. As more and more doctors curtail the time they devote to Medicare patients, seniors and disabled patients will wait even longer to visit a specialist. Moreover, they will struggle to find physicians available for referrals for follow-up chronic care.

The problem associated with decreasing reimbursements is especially acute within the surgical community. The number of physicians who elect to practice surgery is going down. Many variables enter into a medical student's choice of speciality. Among these factors is the viability of maintaining a practice. As reimbursements decline, so too do the number of applicants wishing to pursue surgery. Never are the consequences more dire than for trauma patients in underserved areas. The inability to sufficiently staff hospitals in emergency situations is one of the ripple effects of cutting physician reimbursements.

One of the greatest achievements of the Medicare program is the access to high-quality care it has brought to the Nation's senior and disabled patients. This level of access cannot be expected to continue uninterrupted in the face of continued Medicare cuts and ballooning liability premiums.

Mr. Speaker, we must stop, we must stop the 4.2 percent Medicare physician payment cut. Help our doctors help those who need care the most. Mr. Speaker, we must not forget, we must never forget that doctors are the linchpin of the Medicare program. It will do no good to provide a prescription benefit for our seniors, a $400 billion plan, which I am very much in favor of, if we have no physicians willing to accept Medicare patients and write those prescriptions because of these continued Medicare payment cuts.

FISCAL NEW YEAR'S RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, last week the Federal Government ushered in a new fiscal year. And as is typical with the start of the new year, we look back at the last year and examine our problems and resolve to conduct ourselves in a more prudent manner. Unfortunately, last year was witness to a long list of physical indulgences, that have wreaked havoc on our economy to the tune of a $400 billion deficit.

The administration will tell you that this deficit is temporary. We all know that these tax cuts raise the deficit, but they will tell you that the tax cuts will actually stimulate the economy enough to grow out of our deficit problems. Unfortunately, the numbers just do not add up.

From 2001 to 2006 the average American will receive about $3.593 in tax cuts. That seems like a pretty good chunk of change until we realize that these tax cuts increased our individual share of the national debt by $13,000 in the same period. Any of my wife's former algebra students could tell you that it is not a good deal to get $3,600 and in return and have to pay $13,000. To put it another way, for each dollar we receive in tax cuts, our government is forced to borrow $3.60 to finance them and pay for other government operations.

That is right. Other government operations, including the war on terrorism, including everything else we have, an economy that is not growing. We hear we are in recovery, but it is a jobless recovery. If you are unemployed, it is not a recovery.

Nearly one quarter of our deficit is going to finance tax cuts, and I ask my colleagues, for what? Now, I know that not all deficits can be considered indulgent. Running a deficit can actually help the economy when it pays for job growth during an economic slump or even in times of expansion, deficits may be needed to fund education or research that will contribute to future economic growth. But these tax cuts, Mr. Speaker, were excessive, and they are contributing only to the ballooning deficit that is weighing our country down.

It just does not make economic sense to try to stimulate the economy through tax cuts geared toward the wealthy who are just going to save that extra money. The money simply does not get into our economy. And to make matters worse, instead of stimulating our economy, these tax cuts are increasing the deficit that is going to start worrying investors.

Mr. Speaker, I do not have to tell you that it is bad news when investors begin to worry. Interest rates go up, consumer spending slows, and then we are in worse shape than we found ourselves before. All the tax cuts have done is fatten the pockets of those who need it the least.

Let us take the dividend tax cut as an example. This tax cut was designed to encourage companies to increase investor dividends. Theoretically, investors would either spend the dividends or reinvest them, either option will stimulate the economy. So after the dividend tax cut was passed, City Group raised its dividend 75 percent to $1.40. That is $140 a year for average investor holding 100 shares of City Group stock.

But for Sandy Weill, the CEO of City Group, that is a whopping $27 million that he will bring in annually; $27 million, $16 million more than he received last year without the dividend tax cut. Of course, if you take the richest man in the world, Bill Gates, the numbers start soaring.

Microsoft recently began offering a dividend of 8 cents per share. If you own 100 shares of Microsoft, you get an extra $8 this year. With that you can buy yourself a pretty good cheeseburger and fries in Houston, but what does Bill Gates get? He gets $82 million.

Mr. Speaker, where are our priorities. We have pressing physical needs in our country. We cannot afford to provide adequate prescription drugs for our seniors. We cannot afford to rebuild our damaged bridges and highways. According to the Defense Department, we can afford to bring our troops home for a well-deserved rest and recuperation, but we cannot afford to fly them from their point of arrival in the U.S. to their hometowns.

Over the past 3 years, we have had more than 3 million people out of work desperately looking for jobs. Yet, the central tenets of this administration's job creation program is to make tax cuts permanent, reduce government regulation, and allow companies to contribute less to their pension plans.

Moreover, this administration wants to continue the free trade policies that have, without a doubt, caused undue harm on American workers. To me this plan seems more likely to produce job insecurity than job security.

Mr. Speaker, in 3 straight years, we have had three consecutive tax cuts. These tax cuts have led to the dramatic decrease in jobs and an inconceivable increase in the debt. If tax cuts help an economy, why are we not doing so in Iraq in considering $87 billion on top of the $79 billion from last spring.

I thought a stimulus was supposed to work the other way around. Is it not supposed to increase jobs and decrease the debt? Yet, every American knows that when your Visa bill gets too high, you are starting to indulge in too many things you cannot afford. To the average American family, getting a hold on our finances means making priorities and tough decisions. Yet, no family forced to cut back on spending would neglect to feed their children in order to pay for a Las Vegas vacation.

Similarly, we should not be cutting crucial government services to pay for an inflated tax cut.

Mr. Speaker, as we enter this new fiscal year, I hope my colleagues will learn from the fiscal follies of the past. And I hope we can collectively make a New Year's resolution to put the Federal Government's priorities in order, tighten our belts, and get our fiscal houses in order for the sake of our country, but more importantly, for the American people.

HONORING MILLIE O'NEILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, sometimes the cliches come true. I thought about that when I got a phone call last night telling me the death of Millie O'Neill. I was profoundly sorry.

She was an extraordinary woman of warmth and strength and humor, a genuine believer in and participant in this American political system through the real partnership she had with her husband, the late Speaker Tip O'Neill.

All of the cliches we summon up about the partnership of marriage, about a woman who could combine toughness when it was appropriate with gentleness at other times, all of those Millie O'Neill exemplified.

I had a great privilege when I came here in 1981 as a Member of the House from Massachusetts. I became, particularly as a Massachusetts Member, but not only those of us from Massachusetts, a member of that extended family that the O'Neills presided over. I had known other members, Tom O'Neill, the oldest son who was a legislative classmate of myself, the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Massachusetts (Mr. DELAHUNT), and a former member, Mr. Donnelly, we were all elected to the legislature that same year, and so we came to know each other then.

I got to know over the over the years other members of that family, the O'Neills' son, Kip, the daughters, Susan and Rosemary, the son, Michael, who sadly passed away a few years ago. And I interacted with them and did a lot of work together with them.

Millie O'Neill was not always a presence here. She came down when her husband became the Speaker, but once she did, she became a vital part of this city. I was privileged as a Massachusetts Member from time to time to be at the events where we were celebrating any number of holidays or other important political functions. Sometimes you go to those things reluctantly. Sometimes you finish a day here and just want to go home. But, Mr. Speaker, when you knew that Tip and Millie O'Neill were going to be at an event, then you wanted to go because you knew it would be suffused with laughter and warmth and all of the best things about people coming together. Because separately Millie O'Neill and Tip O'Neill were wonderful people of strength and of great commitment; together there was a synergy. They brought out in each other the best of the best.

□ 2030

They enjoyed each other's company, and they made it impossible to be in their company and not to share in that enjoyment.

When we mourn, Mr. Speaker, we mourn for the person who has passed away. We mourn also for ourselves. We mourn for our lost memories, for the good times we once had and will not have again; and as I said when I learned of the death of Millie O'Neill, I was profoundly saddened by the passing of that wonderful woman, and I was also saddened myself to realize that never again would I be in her company, never again would I be one of the beneficiaries of what she radiated.

So, Mr. Speaker, I appreciate the chance to come say to Tom and Kip and Rosemary and Susan how sorry I am; but I am confident that very soon, having had the privilege to be the children of that wonderful woman, that the very, very good memories of their mother, just as they have of their father, will crowd out the pain.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this Special Order in commemoration of Millie O'Neill.

The SPEAKER pro tempore (Mr. MURPHY). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

TRIBUTE TO MILLIE O'NEILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, Millie and Tip O'Neill were members of the Studs Terkel generation. They were Democrats because they saw the Democratic Party as a vehicle to help the common people of this country. They were Democrats who accepted human nature. They did not try to change people. They simply tried to appeal to their better natures. They just did not appeal to their common sense. They appealed to their sense of common justice.

Millie loved her man. She knew her man. She knew he was a strong man, but she also knew that he could be even stronger buttressed by love, and she gave of it fully. Millie would make every congressional spouse feel like she or he were welcome as family. They were two strong and good people who made their community and their country better for everybody.

In my view, Tip O'Neill's finest hour as a defender of this institution outside of the Watergate era came on a day after the regular order of business was done, just like today. Only in those days, during this period known as Special Order, the camera did not pan the Chamber. The camera simply focused closely on the person speaking in the well; and on one famous occasion, a young Newt Gingrich, later to become Speaker, took the well of the House and began a speech attacking Members on this side of the aisle, and with the camera close upon him, he challenged Members who were not there, but the camera gave the appearance that the Chamber was full. Mr. Gingrich challenged Members in an empty Chamber to answer him if his allegations were wrong.

Tip felt that that was a fundamental misleading of the American people. So he rushed to the House floor and told Mr. Gingrich what he thought of that kind of conduct. In my view, what he said may have been a technical violation of the rules; but in my view and in Millie's view, it should not have been, because in Tip's view and in her view and in the views of many of us, we thought that what Tip was saying was the truth. Unfortunately, as was pointed out, sometimes truth is not a defense on this floor under the House rules, and so Millie was proud of the fact that Tip stood up for what he felt was right, as were we all that day.

I find it ironic that Millie died last night, just as the Boston Red Sox were winning the right to move on to the post-season series by seeing the last pitch of the game go the Red Sox way. As a huge, huge Red Sox fan, I know Tip would have been thrilled to see that; but with Millie's dying at that same time, she could at least rush and tell Tip the good news. So I think all of us are hoping that for the next 2 weeks Millie and Tip will have a good box seat in heaven, watching the Red Sox hopefully playing the Cubs in the World Series.

They brought grace to their State. They brought grace to this institution, and they brought good feelings and warmth and cheer and respect to all of us who knew them both; and I know that, as will the family, we will all miss both of them greatly.

LETTERS FROM CONSTITUENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, I just got the good news that in the first inning the Cubs versus Marlins, that the Cubs are three to nothing, scored three runs. So Chicago fans are very, very happy after waiting since 1908 to win a World Series. We think this is the year, and it would be great if it were the Chicago Cubs and the Boston Red Sox.

But I am here for another purpose this evening, and that is, I wanted to read some of the letters that have come from constituents of mine regarding the war in Iraq, the ongoing war in Iraq, as has the gentleman from Ohio (Mr. BROWN) and others.

The letters and e-mails that have been largely generated by moveon.org, that has an online petition asking people, and hundreds of thousands have responded to sign on to their online petition, that says that Congress must withhold the $87 billion requested by President Bush until he dismisses the team responsible for the quagmire in Iraq, starting with Defense Secretary Rumsfeld, and ends the U.S. occupation of Iraq by transferring authority for rebuilding to the United Nations.

I know that the writers of these letters did not mean just a kind of shuffling of the players, that is, to move Condoleezza Rice up one and Donald Rumsfeld down one, but rather, that the team that has gotten us into this situation in which day after day Americans wake up to news of more of our troops being killed and still no plan. These are the sentiments that are expressed in these letters from my constituents.

David from Chicago says, "Do not authorize the spending of any additional American citizens' money on this madness until the people in charge make a drastic personnel change, draft a complete and detailed game plan directly involving the United Nations, and apologies made to all peoples and nations caught up in this disgraceful and bloody mess!"

Dorothy from Evanston says, "Please zip the open purse closed before our billions and billions of dollars go into the quagmire which is Iraq, largely because of the policies of Secretary Rumsfeld, and President Bush's espousal of same. Secretary Rumsfeld ought to be removed from office as quickly as possible, and we should ask the United Nations to join us as full partners, in authority as in other ways, in trying to normalize Iraq. Thank you very much."

Mary from Chicago says, "I am appalled at the amount of money this administration paid to companies that have such close ties to Bush and his friends. As this atrocity drags out, it is clear that their agenda has always been to get their hands on Iraqi oil and they don't mind sacrificing our servicemen and -women to do it. It is an insult to those men and women, to the American people, and to the world to give this administration the money they have the audacity to demand. If you give it to them, why not make the check directly payable to Halliburton care of Dick Cheney? Please do not give your stamp of approval by voting to give this money, especially before all of the 'players' in this disaster are held accountable for their lies and deception."

David from Chicago says, "The people of Iraq deserve our continued commitment to helping them redevelop their country. However, we must recognize that we can't do it alone and that the United Nations must be legitimately engaged in leading us out of Iraq. Secretary Rumsfeld and his team are clearly unwilling and/or incapable of taking this course and therefore are unfit to continue in their current role."

Another David from Chicago says, "I hear story after story of parents of our men and women serving in Iraq sending regular care packages with things like sunscreen because their children are not being provided these items by the military. It is clear that the money being sent is not being targeted to those in the service and apparently not to the Iraqi people who still lack power, food, water and medical facilities. It does appear that Halliburton is profiting quite nicely from its no-bid contract."

Catherine from Chicago, "I have already voiced my opinion on the issue of the $87 billion in aid to Iraq in phone calls to my representatives in Congress. This is an outrageous, egregious use of American and my tax dollars. I support appropriate aid. This is a completely inappropriate boondoggle turning into a disaster!"

Keith from Chicago says, "Please do not fund another cent for the occupation of Iraq. It is immoral to expect future generations to pay for a war that does virtually nothing to make Americans or other peoples safe from terrorism."

Jonathan says, who is from Chicago, "Don't reward failure! The war in Iraq was won handily, but the Defense Department's hamfisted attempts to run things in Iraq, over the objections of the more experienced State Department, has been dismal and embarrassing. By all means, fund the continue rebuilding efforts in Iraq, but not while the architects of the current mess are still choosing how to spend the money."

PAYING TRIBUTE TO MILLIE O'NEILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RANGEL) is recognized for 5 minutes.

Mr. RANGEL. Mr. Speaker, in 1976 Congressman Tip O'Neill from Massachusetts was selected by the House to serve as Speaker; and while for most of us that was an exciting era, most people did not know that when he came to Washington and brought his family, he brought the wonderful and the beautiful Mildred O'Neill with him.

All of us have heard and talked about so often the partnerships and the sacrifices that wives and children make for those of us who have offered ourselves for public service, but I do not think that was so with Millie and Tip O'Neill because they just seemed like a perfect movie Hollywood couple that just loved each other and did not mind expressing that love in front of everybody.

I had the opportunity for 12 consecutive years to travel with Tip O'Neill as he was invited around the world as Speaker; but I do not know whether it was Tip or Millie, but one thing was abundantly clear, that they were not Democratic trips. They were not Republican trips. It was traveling with Millie and Tip O'Neill, and they made everyone feel like just one big congressional family, representing this great body and representing these great United States.

You always feel when you have lost somebody that you just did not spend enough time saying how much you appreciated them while they were here, and I tried to tell Millie how much I loved her, and Millie had been very kind to me, as had Speaker Tip O'Neill; but I suspect that for the rest of us, many who never knew this wonderful couple, that we can take time out as we lost Millie to see whether we could be more sensitive and appreciative, not only to our wives but to our families that are either with us here in Washington or back at home, and that some way we can go to the Members who were fortunate to serve at a time where we did not dislike each other as a body, we may have disagreed on war or disagreed on policy, disagreed on theories, but at the end of the day, we were just so proud to be Members of this House.

☐ 2045

It was people like Millie who kept our families together, who kept encouraging our wives, who really inspired a lot of our Members to want to be good Members of Congress and not Democratic and Republican Members of Congress.

So I would just like to join with so many people who knew and loved Millie O'Neill. Not nearly as much as Tip did, but we always will remember him singing to her and her batting eyes as though it was a flirtatious first date. We will miss you, Millie, as we miss Tip. So many of us are just so fortunate and so lucky that if we do not have them, we have their fond memories.

TRIBUTE TO MILLIE O'NEILL

The SPEAKER pro tempore (Mr. MURPHY). Under a previous order of the House, the gentleman from Massachusetts (Mr. MARKEY) is recognized for 5 minutes.

Mr. MARKEY. Mr. Speaker, Massachusetts will miss Millie O'Neill dearly. She and Tip were one of the greatest couples of the greatest generation. I am sure that if Tip were with us today, he would say that he was the luckiest man in the world to have met his sweetheart Millie in high school, to have her willingly and joyfully join him on a journey through the highs and the lows of national politics in America's last half century, to have raised three wonderful sons and two outstanding daughters. Tommy, who I met at Boston College; Susan, who was my classmate and a history major with me at Boston College. I have known them my whole life.

This is a wonderful family, and they balanced the demands of that journey against the love and attention that a family requires. And Millie emerged from it all with her love for Tip as strong and as deep and as transparent as the two schoolkids they once were. She leaves a legacy of warmth and companionship that will glow for the ages.

Millie was pretty good at taking Tip's favorite sayings and turning them around to her advantage. One of my favorites is retold in Tip's wonderful autobiography, Man of the House. Tip loved to remind people in politics of the priceless advice of Mrs. O'Brian, a neighbor and teacher in North Cambridge. She taught him the lesson that you should never assume someone will vote for you. You have to ask, said Mrs. O'Brian. So Tip writes, "Poor Millie is sick of hearing me tell the Mrs. O'Brian story, and I can't blame her. But during my long career in Congress, we would always go to the polls together on election day, and before leaving the house I would say to her, Honey, I would like to ask for your vote. Tom, she would reply, I will give you every consideration."

Millie's selfless devotion to her children and her grandchildren and her support for the March of Dimes and the arts was unparalleled. All of us in Massachusetts and our country feel like we have lost a pillar of public service. And, oh, how she loved the trips with the Rangels and the Contes and the Moakleys and the Michels on their journeys around the world, this incredible congressional delegation, with each of them becoming a family member of the other family in the course of all of the years that they traveled together.

So for us it is a great loss, but it is I think our country's great, great, great honor to have had Tip and her be the Man and the Woman of this House for 10 years, providing a family-like atmosphere that so many Members long for; that brought a joy to this place, as almost a second home for Members when they were away rather than a place that they just saw as one in which they worked. Those days we all long for. And we thank the O'Neills for the blessings which they conferred upon each of us during their lives because they are amongst our fondest memories.

Mr. LANTOS. Mr. Speaker, it is with deep sadness that I pay tribute to a gem of a lady, Millie O'Neill, wife of former Speaker of the House Thomas P. "Tip" O'Neill, who recently passed away. According to the obituary in the Boston Globe, Millie had taken an afternoon nap in order to watch her beloved Red Sox play the fifth and deciding game of the American League Division Series against the Oakland Athletics and she passed away in her sleep.

Millie O'Neill was an incredible woman who was not often recognized for the selfless work she did for Congress and our country. Mr. Speaker, I want to call attention to two things that Mrs. O'Neill was instrumental in achieving. The first was a massive fundraising effort on behalf of the Ford's Theatre Foundation, raising over $4 million dollars, for which Millie was recognized at a Gala dinner in 1984.

The second item that I believe Mrs. O'Neill deserves to be recognized for was ensuring that the House of Representatives keep normal hours during her husband's Speakership.

According to Tip's autobiography, he wrote that when he became Speaker, Millie told him that she didn't want him keeping the House in till 8 or 9 at night because she had heard concerns from other Member's wives that they didn't appreciate not knowing when their husbands would be home. As a result, during the majority of Speaker O'Neill's leadership the House of Representatives was a more family friendly environment and did not have the all night sessions that plague our distinguished body today.

Mr. Speaker, as I mentioned, Mrs. O'Neill passed in her sleep while taking a nap in order to watch her beloved Red Sox play later that evening. Although her passing prevented her from watching in person, I am sure that she was delighted to watch the Red Sox triumph from the best seat in the house, next to her beloved Tip.

Mr. Speaker, I urge of my colleagues to join me in offering the strongest condolences to the entire O'Neill family and request that today's Boston Globe article about her passing be placed in the CONGRESSIONAL RECORD.

[From the Boston Globe, Oct. 7, 2003]

MILDRED O'NEILL, 89; WIFE, "PARTNER" OF POLITICAL ICON

(By Ron DePasquale)

Mildred A. "Millie" O'Neill, widow and celebrated sweetheart of Thomas P. "Tip" O'Neill Jr., former speaker of the U.S. House of Representatives, died in her sleep yesterday in her Bethesda, Md., home, her family said.

Her son, former Massachusetts Lieutenant Governor Thomas P. O'Neill III of Boston, said Mrs. O'Neill had taken a nap, so she could catch last night's Red Sox playoff game, when she died. She was 89.

Her son called her a "lovely, perfect lady" who enjoyed taking care of her family and working for charity. His parents' love was inspiring, he said. "They were inseparable at a very early age and right through to the end of their lives," he said.

On the dedication page of his 1987 autobiography, "Man of the House," Tip O'Neill referred to his wife as "The Speaker of My House. A loving wife, mother and my partner through so many triumphs and trials."

Anyone involved in Massachusetts politics from the 1940s to the 1980s could remember Tip O'Neill singing the 1930s' tune "Apple Blossom Time" to his wife, said U.S. Representative Barney Frank of Newton. "Whenever you were with the two of them, everybody was happy," Frank said last night. "They were like some couple out of the movies. The sense of warmth that existed between the two of them was just extraordinary."

Born Mildred Miller in Somerville in 1914, she met her future husband at St. John's High School in North Cambridge, where she graduated in 1932.

At a 1999 Boston College ceremony honoring her husband with a permanent library exhibit, Mrs. O'Neill said, "life with Tom was a wonderful experience, and I am proud to have shared those 50 years and see parts of it displayed at this library."

Tip O'Neill died in 1994, ending a storied life as one of the country's premier politicians. He retired from the House in 1986 after 50 years in politics. His wife was a constant presence in his social and political circles.

In his autobiography, O'Neill wrote that when he became speaker and Millie learned that other wives never knew when their husbands were coming home at night, she told him, "I don't want you keeping them in the House until 8 or 9 at night. And that, more or less, marked the end of evening sessions in the House."

Mrs. O'Neill was chair or a member of the boards of the March of Dimes, the Congressional Wives Club, and the International Club. As chairwoman of the historic Ford's Theatre in Washington, she was one of the first to receive the Lincoln Award, in recognition in 1984 for spearheading a $4 million fund-raising drive.

"Now, Mildred, you may have suspected now and then that from time to time your husband and I find something about which we disagree," President Ronald Reagan quipped at the awards ceremony. "But there is one thing that we sure agree on—he's lucky, mighty lucky, to be the man in your life. On behalf of everybody with whom you work, your work for this grand, old theater has meant so much, Millie, that we all thank you from the bottom of our hearts."

The O'Neills lived in Cambridge until 1976, when Tip was named speaker and the family moved to Washington. The city of Cambridge dedicated the north branch of its library as the Mildred A. O'Neill Library in 1995.

Raymond L. Flynn, former mayor of Boston, said, "She was a great friend. She was just a remarkable mother and led a wonderful life and was a great representative for America."

In addition to her son, Mrs. O'Neill leaves two daughters, Rosemary of Washington and Susan of Bethesda; a son, Christopher, also of Bethesda; a sister, Dorothy Ryan, of Marston Mills; and eight grandchildren. A son, Michael, died in 1997. A funeral Mass will be said Friday at 10 a.m. in St. John the Evangelist Church in Cambridge. Burial will be at Mt. Pleasant Cemetery in Harwichport, where Mrs. O'Neill had long summered.

Mr. MEEHAN. Mr. Speaker, I rise to commemorate the life of a wonderful woman—Mildred "Millie" O'Neill. After a long and illustrious life, she passed away in her sleep last night after 89 years.

Like so many congressional spouses, Millie committed her life to public service alongside her loving husband, Tip. While her husband was the Speaker of the House, she worked to advance a number of important causes and took leadership roles in major philanthropic groups. Her favorite charities and projects included the March of Dimes, the Congressional Wives Club, and the effort to restore historic Ford's Theater.

She will be missed by everyone who knew her.

Mr. CAPUANO. Mr. Speaker, I rise today to honor Mildred O'Neill, wife of the late House Speaker Thomas P "Tip" O'Neill, who passed away yesterday.

Mrs. O'Neill was a great political partner for her husband throughout his career. She was Tip's sounding board and confidant. As Tip wrote in All Politics Is Local, "Every election day as Millie and I left for the polls, I'd say, 'Honey, I'd like to ask for your vote.' 'Tom,' she'd reply, 'I'll give you every consideration.'"

The constituents of Massachusetts' 8th district who were represented by Tip O'Neill benefited greatly from her dedication. As the current representative from the 8th, I regularly encounter people with a story to tell about Mrs. O'Neill's legendary commitment to her community and numerous worthwhile causes.

Mrs. O'Neill was also a devoted mother, raising five children and instilling in them an appreciation for public service. She was involved with a number of organizations, including the March of Dimes, the Congressional Wives Club and the International Club. She also served as Chairwoman of Ford's Theatre in Washington, DC, receiving the Lincoln Award in 1984 for her fundraising efforts. She was also very active in the St. John's Church Rebuilding Fund and served as President of the parish Guild of St. John's Church—maintaining strong ties to her community.

As Tip wrote in a chapter entitled Never Forget Your Spouse, "My Millie certainly did it for me. When I was off to Washington helping run the country, she was back home running the family. When I was at my low point in politics, she was giving me a hug and telling me to go out and do my job. When I was in the spotlight taking the applause, she was in the background cheering me on. I love her for it."

All of us from Massachusetts, but especially those from the 8th District, will miss Mrs. O'Neill greatly. Our thoughts are with her family during this difficult time.

Mr. NEAL of Massachusetts. Mr. Speaker, I join with my colleagues from Massachusetts this evening to remember Millie O'Neill, a great woman from our home State and the wife of the late Tip O'Neill, who passed away yesterday at her home.

Millie O'Neill was a wonderful woman; a wife, a mother and an activist involved in many social organizations and causes. For the vast majority of her 89 years, she stood by Tip's side and was certainly his chief advisor on "domestic" matters. The two were married for 52 years, and during that time the navigated the political tides of Massachusetts and the Capitol. They were certainly a dynamic duo.

Tip referred to Millie as "The Speaker of My House. A loving wife, mother and my partner through so many triumphs and trials." She was a mentor, a leader and a friend, and she will be missed.

Mr. Speaker, much is going to be said this evening in honor of Millie O'Neill. She is deserving of all of it and more. But perhaps the best testament to the quality of her life—to her legacy—is the quality of the lives she left behind. I'd like to extend my sympathies to Millie's daughters, Rosemary and Susan, and her sons, Tom and Kip, and to her eight grandchildren, who to Millie's credit, have undoubtedly been instilled with an indelible respect for family and a desire to improve the greater public good.

Mr. RAHALL. Mr. Speaker, I rise today to pay tribute to a great woman and a great American, Mrs. Mildred ("Millie") O'Neill, who passed away yesterday.

Millie was the wife of our beloved House Speaker, Tip O'Neill. On the dedication page of his autobiography, "Man of the House," Tip described her as "The Speaker of My House. A loving wife, mother and my partner through so many triumphs and trials." They enjoyed 52 years of marriage together, and they had five children.

But Millie was more than merely the wife of a well-known politician. In addition to her dedication to her children and her husband, she very ably served many worthwhile causes. Mrs. O'Neill was chair or a member of the boards of the March of Dimes, the Congressional Wives Club, the International Club, and

So Others Might Eat. She led a $4 million fundraising effort as chairwoman of the historic Ford's Theatre in Washington, DC, which earned her a prestigious Lincoln Award in 1984.

In addition, she was active in many causes back in Massachusetts, including the St. John's Church Rebuilding Fund, and the St. Coletta's School for Exceptional Children.

Mr. Speaker, Millie was a lovely, charming woman who will be missed. Her warmth and her sense of humor were radiant. Story has it that Tip, always mindful of the rule that all politics is local, would make a point of asking her personally for her vote every election day as they left for the polls. Fitting her good nature, her typical response was to acknowledge the request by replying only, "Tom, I'll give it every consideration."

During the awards ceremony at which she was presented with the Lincoln Award, another well-known American, President Ronald Reagan, noted her marriage to Tip, by remarking "he's lucky, mighty lucky, to be the man in your life."

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to refresh and extend their remarks and include extraneous materials on the subject of this special order on Mildred O'Neill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HOUSTON'S RAIL PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish to join my colleagues in offering my sympathy to the O'Neill family for their loss.

Mr. Speaker, I rise today to share some thoughts about what I believe the role of this House, and certainly the role of those who are part of the people's House, who represent the millions of Americans across the Nation, and how their roles should be one of advocacy, assistance and empowerment.

Sometimes one might be a little less than enthusiastic and certainly concerned to bring a local matter to the floor of this body, because we are here to work on behalf of all of the American people. But as I looked at this issue that has been plaguing Houston for almost 25 years, I believe that the precedent being set here is one where I need to warn my colleagues and make them well aware of how sometimes the works of Members can be used to undermine the efforts of local communities.

In Houston, Texas, since 1978, we have had a large, fair and moderate majority who have wanted to see rail implemented in our community. During the course of that time, we have had a number of elections, perhaps thousands of community hearings and meetings, and many times came nearly to the brink of success in seeing rail voted in in Houston. But each time there was something to thwart its way: Politics, differences of opinions, or mayoral races. But never did that reflect the total voice of the people. Special interests have been involved and engaged, and they have used elected officials in any way that they can.

As we move toward FY 2004, I am very proud to say that the Houston Metro has done something that probably no other agency advocating rail or light rail or commuter rail in Houston has done. They have put forward plans that have had any number of extensive hearings in our community. They have worked with small cities, they have worked with surrounding counties, and they have come up with a regional mobility plan. They worked with elected officials, county officials, county commissioners, the mayor's office, the small, local, city mayoral offices, various Members of Congress, and United States Senators. All of them have been engaged in this much-needed effort in Houston, a city that is a friendly city, full of wonderful neighborhoods, the fourth largest city in the Nation, but number seven on the vulnerability list for terrorist acts, and a city that has been grappling with environmental concerns as it relates to clean air.

So we have reached the point of consensus of a 72-mile project, 39 miles, and just as we are about to get the unanimous vote of our board, or close to unanimous vote, the intervention of special interests drew the attention of the mayor to the point of compromise, so that we have moved on a 22-mile project and not a 39-mile project. When we moved forward, we were told that we would be able to go to the voters now with a unified voice; that even those who were against it would be joining us.

Lo and behold, we have come to find out that there are Members of this body who are willing yet to undermine local constituencies. They are using agencies like the Department of Transportation and the FTA to thwart the efforts and desires of thousands, maybe millions, of Houstonians and those in Harris County. We now find that the Department of Transportation was used to issue opinions that are half-baked and without total facts. Those opinions have been issued without getting the complete facts from the actual agency, without calling the actual agency, and misrepresenting the agency's position. And then Members of this body have utilized that agency to represent that they would go to the United States Attorney under the Department of Justice in order to attack or challenge or accuse these Metro board members of having committed criminal offenses.

Mr. Speaker this is an abomination. This is a precedent not worth setting. This is a horrific act that can be bad news, if you will, for the rest of our colleagues. We realize that this body has oversight responsibilities. We realize, in fact, that we, as Members of Congress, have oversight responsibilities. But, Mr. Speaker, we should not abuse the power that is given to us. It is an outrage that agencies would be used to thwart the desires and the commitment and work of our local communities.

Mr. Speaker, I close by simply saying I will stand with thousands in Houston and Harris County. We will have regional mobility, we will have light rail, and I look forward to putting forward a motion to instruct, so we can stop this bad precedent occurring in this House.

IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 165 years ago, conservatives in this House of Representatives passed a rule banning the discussion and debate of slavery in the United States House of Representatives. In those days, former President, then Congressman, John Quincy Adams, trooped to the House floor night after night, week after week, protesting that the issues of slavery were not being debated, and he then shared letters from his constituents, many of them women who could not vote, so that Members of Congress and the American people would learn more about why he believed slavery should be abolished.

In like manner today, Mr. Speaker, conservative leadership in this House of Representatives has not really allowed full debate on whether or not the Bush administration told us the truth on his reasons for taking us into Iraq; whether leaders in the Bush administration, all the way up and down, were actually leveling with the American people; whether and how the $87 billion the President has asked for should be spent, whether we should spend it. Questions and concerns about that $87 billion that the American people have raised are not being debated, and especially the concern that my constituents are expressing about the safety of our troops.

And so similar to John Quincy Adams, Mr. Speaker, I have brought letters tonight from my constituents, as I have night after night since July, expressing the concerns of people in my district about whether or not the Bush administration told the truth, about the Halliburton connections with Vice President CHENEY, the company that is getting literally hundreds of millions of dollars in contracts, even though Vice President CHENEY is receiving from that company still, sitting this close to the oval office, $13,000 a month from Halliburton, and just concerns that people in my district have about all of this.

Melissa, from Akron, writes: "We truly need to change our course of action in Iraq. Mr. Rumsfeld's arrogant, bombastic, my-way-or-the-highway way of thinking, speaking, and acting have put this country and our soldiers, especially our soldiers, in a precarious position, some ways worse than Vietnam. Our own country is falling apart: The energy grid, highway infrastructure, schools, health care, child care, industry, personal freedom, the environment, as well as employment. The money wasted on this fool's errand could have been used to rebuild this country, to find Osama bin Laden, to really deal with terrorism, not by providing Halliburton," the Vice President's company, that as I said is paying him $13,000 a month still, "not by providing Halliburton with a steady income."

Jessica of Akron Ohio writes: "The $87 billion President Bush has asked for could be spent in so many other ways that would benefit Americans directly. Manufacturing, education, and health care are just a few areas that have been put on the back burner since the administration has taken office."

What Jessica is referring to, surely, is the fact we have lost 3½ million jobs since President Bush took office, 2½ million manufacturing jobs. In Ohio, literally one out of every seven manufacturing jobs has vanished without any real response from the President.

Howard from Akron writes: "The Bush administration bungling in Iraq must be challenged. Before any more money is approved for this misadventure, Congress must insist on seeing a comprehensive plan, with time lines for restoring basic services, establishing home rule, and removing U.S. troops."

Howard's letter suggests what so many of these letters do; that people are concerned about the safety of the troops first, they want answers about where the $87 billion is going, how much of it is going to private contractors, like Halliburton and other unbid contracts, that happen to be to people who happen to be very good friends and often contributors of the President, and just when there is going to be a timetable to wrap this up in Iraq.

□ 2100

Liane and George from Avon write, "Please don't give the President the added funds he requested. We need a guarantee that our troops are coming home and all rebuilding responsibility is transferred to the United Nations."

Evelyn of Akron writes, "Please vote against giving the President $87 billion without his relinquishing part of the power to the U.N. and any countries that are willing to send troops and money to Iraq."

We have already spent $69 billion in Iraq, more than a billion dollars a week, an $87 billion request has come forward from the President, and we are not getting much help at all obviously from other nations in terms of troops or money, as Evelyn points out.

Stephanie from Strongsville, Ohio writes, "Millions of Americans are out of work and thousands more are laid off every day. State and county taxes are increasing to cover the cost of Mr. Bush's huge refund for the wealthy. And now Mr. Bush wants billions more to fund the disaster that he, Cheney and Rumsfeld created in Iraq?"

Mr. Speaker, Stephanie is referring to the budget cuts and the tax increases that Ohio has done. I think people in my district and around the country are very concerned about the $87 billion.

KEEPING SOCIAL SECURITY SOLVENT

The SPEAKER pro tempore (Mr. MURPHY). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of Michigan. Mr. Speaker, I am going to talk for a little while about another dilemma facing this country, and that is the problem of keeping Social Security solvent.

We developed a program back in 1934 that provided that existing workers pay in their taxes, and then immediately those taxes were sent out to retirees. Franklin Delano Roosevelt, after the Great Depression, seeing many American families going over the hill to the poor house, like Will Carlton wrote about in Hillsdale County, Michigan, where I am from, provided a program which said let us have some forced savings during your working years so you have greater social security in your retirement years.

It is interesting searching the archives in which the Senate said that these accounts should be in privately owned accounts, but you can only take them out when you retire. The House, on the other hand, passed a bill which said the government should collect all of the money and then send out the money to existing retirees as those individuals reach 65 years of age. This pay-as-you-go program worked very well in those early years because there was a growing number in the workforce, and most people died before they reached 65. Actually, up until 1939, the average age of death was 62 years of age. So if a person paid in all their life and never reached 65, the program worked very well.

Now we are faced with the dilemma of two colliding forces hitting us and many other countries of the world. Those two colliding forces are the fact that we are living longer and the birth rate is declining. That means that there are fewer workers paying in their taxes to accommodate the needs of a growing number of retirees in relation to the number of workers paying in their taxes.

I would ask all my colleagues to agree to three goals of retirement security. We are going to have to deal with it. We have known that for the last 12 years, that Social Security was going broke, that it could not stay solvent. The three requirements that I think everyone should agree to are, one, continue to provide retirement security for the elderly; number two, give young people an opportunity to improve their retirement prospects; and, number three, benefit the economy instead of burdening it.

Now we are faced with a situation where every State in the Nation has changed their retirement program from a fixed benefit after people retire to a fixed contribution. Most companies, most of our industry and companies have also made that change simply because the fact is very clear that with a declining number of workers and an increasing number of retirees in relation to the number of workers simply because we are living longer, requires that the only program that can continue and be solvent is moving towards a fixed contribution program.

Here is the dilemma that I would like to call to the attention of my colleagues, and that dilemma is the fact that every time this country has run into problems of not having enough Social Security tax money coming in through the FICA tax, one of two things have happened: we have either increased taxes or we have cut benefits, or we have done both.

This chart represents how much we have increased taxes over the years. In 1940, the rate was 2 percent on the first $3,000 for a maximum tax on any individual worker in this country of $60 a year. By 1960, we decided to up that tax rate, and we increased it threefold to 6 percent on the first $4,800 for a total tax that was payable by workers in this country of $288.

In 1980, up to 10.16 percent, jumped it up to $25,900, up to almost $26,000, and the total tax paid in by any individual increased also to $2,631.

By 2000, we are paying 12.4 percent; it is on $76,200. That is indexed back in the so-called Greenspan Commission in 1983 where we changed the Social Security laws to cut benefits to increase the retirement age and to again increase taxes, and so the age today is the first 12.4 percent on $84,000 because it is indexed to inflation.

I just cannot stress strongly enough, if we put off the solution to this problem, Washington, Congress, the House and the Senate and the President, are going to repeat what they have done so many times in the past until disaster is upon us and then simply wait until the disaster is upon us and then say we are going to have to increase taxes and cut benefits.

I call on my colleagues as aggressively as I can to say, look, the longer we put off the solution, the more drastic that solution is going to have to be, and it is unfair to American workers. The fact is that most American workers today, 76 percent, pay more in Social Security tax than they do for income tax.

This is a pie chart that I thought would be good to represent how big Social Security has become as a portion of total State and Federal Government spending. Social Security now takes 22 percent of the total spending of the Federal Government. Defense, even with the problems in Iraq, Afghanistan, are still only 18 percent, growing up now to 19 percent.

Domestic discretionary, all of the arguments that we do from February through most of the year on the 13 appropriations bills uses up 19 percent of the total Federal budget compared to 22 percent for Social Security. Other entitlements, 14 percent; Medicaid, 6 percent; Medicare, 11 percent. But here again, if we add prescription drugs to Medicare, Medicare eventually over the next 30 years could overtake Social Security as far as the portion of the Federal budget that is used for that particular program.

It is easy for Members of Congress to try to do good and solve more problems for the people. In fact, I see part of the dilemma is a Member of Congress coming up with new problems to help solve some of those problems back home probably increases his or her chances of being reelected because they are on television and the front page of the newspaper cutting the ribbon for the new jogging trail or the new library or the new pork project or the new social program that they have introduced and passed in this Congress.

What do we do in a Congress that we have today where more and more Members of Congress represent a population that wants more from government? Right now over 50 percent of the people in the United States get more from government in government programs than they pay in in taxes, so we can understand a lot of those individuals go to their Member of Congress, or their Senator, and say I do not care about the increased taxes. And that is because they do not pay into the income tax contribution part of our programs here in this country, and so we have over 50 percent of the American people that now get more from government than they pay in taxes, and so the tendency of a lot of those individuals is to suggest to their representatives, let us have more government. I think this is a huge danger of taking away some of the things that has made this country great.

When our forefathers started this country 227 years ago, I think I am right on that, they said we want a Constitution that provides that those people that work hard, that save, that study and use that education end up better off than those that do not. And now we have a Congress that says let us sort of level the playing field and make sure that everybody has about the same, so we take away from the people that have been successful and give it to those individuals, maybe that have had bad luck, but maybe they have not had the inspiration to save. I think there is a danger in taking away the motivation that has made this country great. The bigger government gets, the more empowerment we give bureaucrats; and the more we take away from individuals as far as being responsible for their own lives, the greater danger we face in terms of weakening our economy and weakening our relative economic position with the rest of the world.

Back to Social Security, this chart shows the dilemma in terms of a short-term surplus and very long-term future deficits. There is going to be less money coming in in Social Security tax than is needed to pay out benefits in about 2016 to 2017. Some people suggest just have government pay back what government has borrowed from the Social Security trust fund and we will be okay. Well, I agree, government should keep their hands off the Social Security surplus and the trust fund, but now government has borrowed $1.3 trillion from Social Security, and it is going to pay it back. It is going to be tough because we are going to have to increase taxes, or we are going to have to increase borrowing to come up with that $1.3 trillion.

We will do that, but what do we do to come up with the estimated additional $10 trillion that is needed to keep Social Security solvent? Again, this represents how there are fewer and fewer numbers of workers paying in their Social Security tax to cover benefits. In 1940, there were 38 workers working, paying in their taxes for every one retiree that we had in America. By 2000, it came down to three individuals that were working for every one retiree. As the ratio of workers to retirees diminishes, that means that if we are going to keep those retirees and seniors at the same level of Social Security, then the taxpayers, the current workers, are going to have to pay in more.

□ 2115

The prediction is that by 2025 there are going to be only two people working to come up with enough taxes to accommodate every senior that is retired.

Some people have suggested that if economic times were better, maybe we would solve the problem. Not so, Mr. Speaker. Insolvency is certain. We know how many people there are and when they will retire. We know that people will live longer in retirement, and we know how much they are going to pay in and how much they are going to take out.

Payroll taxes will not cover benefits starting in 2017, and the shortfalls will add up to $120 trillion. That is hard for even Members of Congress to know how much $1 trillion is, but it is going to add up to $120 trillion that we are going to have to come up with by either increasing taxes or increasing borrowing over the next 75 years to keep the promises that we have made in Social Security.

That $120 trillion paid over the next 75 years represents another statistic that I give, and that is that it is going to take about $11 trillion today or $11 trillion unfunded liability, and that means coming up with $11 trillion today, put it in some kind of a savings account that is going to earn the average rate of return that we get on government bonds right now to accommodate the $120 trillion. It earns interest over the next 75 years.

I am disappointed that there have been only 26 colleagues that I have counted in both the House and Senate that have been willing to sign on to a Social Security bill that has been scored to keep Social Security solvent. I mean, it is so easy to put off these challenges because it is an easy issue to demagogue. Ninety percent of the seniors today depend on Social Security for most of their retirement income. So one can understand that when a Democrat or a Republican comes up with a proposal for Social Security, and I know this for a fact because I introduced my first Social Security bill when I came to Congress in the 1993–1994 session of Congress, and the next election my opponents were saying "Nick Smith wants to ruin Social Security." It is easy to demagogue; so we have shied away from it. We have not stood up to our responsibilities.

I have heard Members of Congress say it is up to the President to decide. I have heard Members of Congress say the President maybe misled us on Iraq. The fact is that, for lack of a better word, we cannot be wimps in terms of our responsibility in Congress. Whether it is Iraq and we have the opportunity to have all of the classified information that the President does or whether it is solving Social Security, there is a responsibility for the initiative to come from Congress just as much as it should come from the President. This represents what we have borrowed from the trust funds.

And let me mention an interesting fact, in 1983, with the Greenspan Commission rewriting our Social Security laws, they suggested at that time that we needed the kind of increase, the 12.4 percent increase, in taxes with the increased base that we showed on that earlier chart. They suggested that we need a 12.4 percent on an expanded base that started at about 70,000 and is at 84,000 today, but they admit now that they made a mistake, that they increased taxes higher than what was needed. That is why former Senator Moynihan said, Let us lower the tax and have just enough tax to cover benefits; and of course, if we had done that, it would have made it very clear that this was a program that could not sustain itself and was not solvent.

Because of the increased tax, there was extra surplus coming in every year, and so now government borrowed that extra money that was not used when it came in. The money that was not used to pay benefits has now amounted to $1.3 trillion, but the shortfall after the full repayment of the trust fund is $10 trillion. So it is going to take $11.3 trillion as the current unfunded liability of Social Security, a huge amount, and it needs to be dealt with.

Social Security is a system stretched to its limits. Seventy-eight million baby boomers begin retiring in 2008. Seventy-eight million baby boomers begin retiring in 2008. That means any pay-as-you-go program, whether it is Social Security or Medicare, our anticipation that extra taxes are going to come in from workers is not correct in a situation where these workers are going to be fewer in relation to the number of retirees and to the additional responsibilities that government has in this country.

Social Security spending exceeds tax revenues in 2017, and Social Security trust funds go broke in 2037, that is, if we pay back all that we have borrowed. But remember what government has done in the past is to increase taxes and reduce benefits so that they do not have to pay it back, and that is the challenge, that is the threat. That is why every senior citizen should say to every candidate running for Congress next year, what are you going to do about Social Security? What bill have you written or what bill have you signed on to that is scored to keep Social Security solvent?

It is not new. I mentioned my first bill was in the 1993–1994 session of Congress when I first came to Congress. Here is what the Commissioner of Social Security Dorcas Hardy said back in 1991: "The crisis is coming fast, in the lifetime of a few already retired and of almost all those now under the age 55. The stakes are high, trillions of dollars."

In 1994, I said: "Failing to take prompt action on Social Security will burden our children and grandchildren with benefit cuts and crippling taxes," and that is what I said about every year, and it is so discouraging to not pay attention to what I think is one of America's greatest challenges, and that is to save Social Security.

We talk about Iraq. I think if we are going to talk about Iraq and what are our responsibilities on national security, it is just as important to look at retirement security and economic security in this country; and that means, as we talk about Afghanistan, Iraq, and what it is going to take for expenditures, we should also be talking about what it is going to take to keep Social Security solvent and to keep Medicare solvent.

Let me read a couple more quotes. "Will America grow up before it grows old? Will we make the needed transformation early, intelligently, and humanely, or procrastinate until delay exacts a huge price for those least able to afford it?" And that was the former Secretary of Commerce and Concord Coalition President Pete Peterson in 1996.

In 1998, Tim Penny, a Democrat from that side of the aisle, was very aggressive as he studied Social Security, and he said at that time, "We face a crisis in the Social Security system, and we can no longer wait to put it on sound footing. We need to move from the unreliable 'pay-as-you-go' system to one based on benefiting from real investment."

And in 1998 and 1999, I chaired the bipartisan Task Force on Social Security, and here is what all the Democrats and all the Republicans on that task force agreed when we completed. And we agreed, "Time is the enemy of Social Security reform, and we should move without delay," and, again, that was all the Democrats and all the Republicans that agreed to that fact.

And yet nothing happens.

This chart represents that Social Security is not a good investment. The columns represent how long one is going to have to live after they retire to break even on what they and their employer put into Social Security. Of course, in the early years, it was a good deal and they were getting started and were not working very long; so they got back everything they put in very quickly. But by 1995, they had to live 16 years after retirement. By 2005, they have to live 23 years after retirement to break even, and now it is up to 26 years.

The average return on Social Security is 2.7 percent. So can we do better than that? The answer is yes. We can guarantee that we can do better than 2.7 percent on a lot of investments. The Social Security Benefits Guarantee Act, when F.D.R. created the Social Security program over 6 decades ago, he wanted it to feature a private sector component to build retirement income, and Social Security was supposed to be one leg of a three-legged stool to support retirees. It was supposed to go hand in hand with personal savings and private pension plans.

I mentioned the Senate passed Social Security legislation that said there should be private accounts owned by the individual and so if that individual died before 65, it goes to their heirs. The House said government should do it all. When they went to conference, the House went out, and we ended up with the pay-as-you-go program that we have today that is going insolvent.

The diminishing return on the Social Security investment, the average return is less than 2 percent. It is about 1.7 percent. If they happen to be a minority because of the fact if we take the average young black worker, they die before the age of 65, before they gain all the benefits of the retirement program. So actually they do not break even; they have a negative return on what they pay into Social Security.

The average is 2.7 percent, but the Wilshire 5000, and that is from 1993 until 2003, even during these bad years of the stock market, these poor performing years of 2001, 2002, and 2003, even with those years included, the average return over and above inflation has been 7 percent.

So are we smart enough to come up with some way to have private accounts and limit what those private accounts can be invested in? And probably they are going to be managed by government. That is what I am suggesting. There are going to be limits on what that individual can invest in, but something like what Members of Congress and Federal employees are allowed to do now in the Thrift Savings Account, they would have some choices of how that money is invested.

Of course, the older one gets, the more reasonable it is to put more money in bonds and less money in equities. But just consider that for the last 100 years, any 14-year-period we have not averaged less than that 7 percent growth in equities. So if the economy and government and an indexed stock fund is not going to increase, then this country is not going to be economically well off anyway to pay Social Security benefits.

But the fact is that it is going to be, and when I suggest that there should be a program that is going to help the economy, requiring this additional savings and investment, that is what makes our economy tick. Our savings rate is one of the lowest in the world, but if we can encourage greater savings and investment, then we have a greater assurance that our economy is going to stay strong.

I am going to finish up with a fact that the United States, compared to other countries, has not done very well in moving into a system of having individually owned accounts. The U.S. trails many other countries. In the 18 years since Chile offered the PRAs, the Personal Retirement Accounts, 95 percent of Chilean workers have created accounts. Their average rate of return has been 11.3 percent per year. Among others, Australia, Britain, and Switzerland offer worker PRAs.

Let me conclude, Mr. Speaker, by reminding our Members that the Supreme Court on two occasions now have said that there is no entitlement for Social Security benefits, that government simply has put in a tax on people on the one hand, and on the other hand they are providing benefits that is called Social Security. But twice now the Supreme Court has said there is no entitlement.

□ 2130

Just because you paid into Social Security does not entitle you to take Social Security benefits. I mention that because the threat is, with Congress in a desperate situation, they are going to tend to reduce benefits. You can reduce benefits by reducing the COLA increase per year, you can reduce benefits by saying that you are going to have to retire at an older age, and you can reduce benefits by increasing taxes on individuals.

So I just plead with my colleagues, I plead with the American people, to be vigilant this coming election, and ask your candidates that are running for President or for United States Senator or for this U.S. House of Representatives, have you written or signed onto legislation that is going to keep Social Security solvent?

INDEPENDENT PROSECUTOR NECESSARY TO INVESTIGATE LEAK REGARDING CIA

The SPEAKER pro tempore (Mr. MURPHY). Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, there are two matters that I bring to the attention of the Members of the House. One is whether or not the outing of a CIA operative calls for a special counsel. I would like to enlighten Members that the need to investigate the leaked name of a Central Intelligence Agency operative is one that requires a special counsel.

There are three factors required. The Justice Department has promulgated these regulations under several circumstances. The Attorney General is required to appoint a special counsel when a criminal investigation of a person or matter is warranted; or, two the investigation would present a conflict of interest for the Department; or, three, that it would be in the public interest to appoint an outside special counsel to assume the responsibility.

All three factors appear to be present here. The Justice Department answers the first question for us. It has opened a criminal investigation into charges of disclosing the name of a covert agent.

Second, that the investigation would present a conflict of interest for the Department would then be another basis for a special counsel. Here there is a clear conflict of interest. The Department of Justice investigation focused largely on the White House, which has already been directed to preserve all relevant records. The trail may lead to the Chief of Staff, Karl Rove, who is reported to be responsible for John Ashcroft's very appointment and was a consultant in several of his political campaigns.

Either way, it is inconceivable that such an investigation of the office that heads our entire government could not present a conflict of interest for a subordinate agency. That requires the appointment of a special counsel.

The third reason, of course, for a special counsel is that it is in the public interest.

So I am delighted to bring this important matter once more to the attention of the Members of Congress, because on October 5, 2003, Time magazine reveals that Attorney General Ashcroft paid Mr. Karl Rove $746,000 for his work on three campaigns. I refer you to Duffy, "Leaking With a Vengeance," Time Magazine, October 5, 2003.

Mr. Speaker, this evening I want to report that I have sent the following letter to the Senior White House Adviser, Mr. Karl Rove, seeking his resignation.

"I write to ask you to resign from the White House staff. Recent reports have indicated that, while you may or may not have been the source of the Robert Novak column which revealed the status and the name of a covert operative, the wife of Ambassador Joseph Wilson, you were involved in a subsequent effort to push this classified information to other reporters and give it even wider currency. This itself may be a Federal crime, but regardless of that fact, your actions are morally indefensible. In my view, it is shameful and unethical that an administration that promised to govern with 'honor and integrity' and 'change the tone' in Washington has now a representative of your rank engaged in an orchestrated campaign to smear and intimidate truth-telling critics, placing them in possible physical harm and impairing the efforts and operations of the Central Intelligence Agency.

"Recent reports indicate that you told the journalist, Chris Matthews, and perhaps others, that Mr. WILSON's wife and her undercover status were 'fair game.'"

The SPEAKER pro tempore. The time of the gentleman from Michigan (Mr. CONYERS) has expired.

IRAQ WATCH, CONTINUED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 60 minutes as the designee of the minority leader.

Mr. HOEFFEL. Mr. Speaker, I am proud to be back on the House floor for another hour of what we are calling the Iraq Watch. This is a weekly effort that I have been engaged in with three colleagues for about 2½ months to raise questions each week about our policies in Iraq.

Before I get into the meat of this week's discussion, I am happy to yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), who is discussing an Iraq-related matter. I am anxious to hear the remainder of his remarks.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. HOEFFEL) for his consideration, and I commend him on the special order that brings him to the floor of the House of Representatives at this hour.

Mr. Speaker, I will finish the letter that I sent to Karl Rove calling for his resignation.

"Recent reports indicate that you told the journalist, Chris Matthews, and perhaps others, that Mr. Wilson's wife and her undercover status were 'fair game.' Evan Thomas and Michael Isikoff, Newsweek Magazine, October 13, 2003. Since these initial allegations have arisen, neither the White House nor your office have denied your involvement in furthering the leak. Repeated press inquiries into this matter have been rebuffed with technical jargon and narrow legalisms, instead of referring to the broader ethical issues. Indeed, in the same article, it appears a White House source acknowledged that you contacted Mr. Matthews and other journalists, indicating that 'it was reasonable to discuss who sent Mr. Wilson to the African country of Niger.'

"It should be noted that these actions may well have violated 18 U.S.C. section 793, which prohibits the willful or grossly negligent distribution of national defense information that could possibly be used against the United States. The law states that even if you lawfully knew of Mr. Wilson's wife's status, you were obliged to come forward and report the press leak to the proper authorities, not inflame the situation by encouraging further dissemination."

Another section of the law, 18 U.S.C. section 793(f) is used for the basis of that remark.

"Larger than whether any one statute can be read to find criminal responsibility is the issue of whether officials of your stature will be allowed to use their influence to intimidate whistleblowers.

"Over three decades ago, our great Nation was scarred by an administration that would stop at nothing to smear and intimidate its critics. I do not believe the Nation will countenance a repeat of such activities. For your role in this campaign, I would ask that you resign immediately.''

Mr. Speaker, I thank the gentleman from Pennsylvania for his cooperation.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman from Michigan for his statement and for reading the letter to Mr. Rove. I congratulate the gentleman on his well-reasoned and well-researched document.

I would like to advise the gentleman of my deep concern about this leak that has been so unfair to the wife of Joseph Wilson and to tell the gentleman that Mrs. Plame, Valerie Plame, the wife of Mr. Wilson, that her parents are my constituents in suburban Philadelphia. They were recently interviewed by a local newspaper, and her father, Mr. Plame, expressed his great indignation and outrage that his daughter's cover was blown by this leak. He is demanding that the people accountable be held responsible and that appropriate penalties be levied upon them. He was quite eloquent in his anger and frustration that his daughter's career as an undercover operative for the CIA has been compromised.

I want to thank the gentleman from Michigan for bringing this matter to the floor. I must say your approach, which is asking for Karl Rove's resignation, is one that I would be delighted to see happen. It probably has about as much chance of succeeding as Rush Limbaugh getting a Diversity Award from the NAACP, but it would be something remarkable if someone in this White House would take responsibility for what is not just an illegal act of blowing the cover of a covert agent, but a morally reprehensible act.

I thank the gentleman, and I yield to the gentleman for further comments.

Mr. CONYERS. I thank the gentleman. I had no idea there were members of the family that were in your district.

Let me point out that this may not be as remote as it may seem. There were or could be other agents whose covers have also been blown as a result of blowing hers. So it is not just one person. We do not know how far this damage may go.

It is my responsibility as a senior member of the Committee on the Judiciary to make sure that a fair investigation takes place, not among people who have worked together and been friends for many years and exchanged the kinds of sums of money and political activity that I have already related, but that there be a fair and independent investigation.

□ 2145

And only through a special counsel could that happen. I thank the gentleman for yielding again.

Mr. HOEFFEL. Mr. Speaker, I certainly agree with the need for an independent investigation by a special counsel. I do not think for a minute that the Justice Department is able to appropriately investigate this leak that allegedly comes from the White House. I do have faith in the career prosecutors at the Justice Department, as I know the gentleman does. But as the gentleman from Michigan (Mr. CONYERS) pointed out a few minutes ago, there is a preexisting political relationship between Mr. Ashcroft, the Attorney General, and Mr. Rove, and for which Mr. Ashcroft paid Mr. Rove some $700,000, appropriately done, in the course of several political campaigns. But clearly, that relationship alone should disqualify Mr. Ashcroft from being in charge of this investigation of potential leaking.

I would say to the gentleman from Massachusetts (Mr. DELAHUNT), we have started on Iraq Watch with the gentleman from Michigan (Mr. CONYERS) reading this evening a letter to Karl Rove asking him to resign his position, and the gentleman from Michigan was here for a 5-minute speech, and we have dragged him into the Iraq Watch this evening. We are glad that he is here, and he has made a major contribution. I am happy to yield to my good friend and cofounder of the Iraq Watch, the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I am glad to see the senior member of the Committee on the Judiciary here tonight speaking on an issue that has clearly captured the attention of the American people. I applaud him for his efforts.

I think it is very important, and I did not have an opportunity to see the gentleman from Michigan (Mr. CONYERS) make a presentation, but there have been stories in the media that have indicated that some are suggesting that there be a revival of the so-called independent counsel statute and, I dare say, that is not the case. I think it is very important to make that distinction.

What we are seeking here is not a revival of that particular statute, which I think many of us have concluded, both Republican and Democrat, that it led to serious abuses. For example, millions and millions of dollars were spent on one particular investigation involving the former Secretary of Housing and Urban Development, Mr. Cisneros, a leader in the Hispanic community in Texas and nationally, which involved the issue of whether he lied to an FBI agent about how much money he contributed to a female friend of his. I dare say that bill, as I remember it, the bill to the American taxpayer, was in excess of $17 million. But that clearly was abusive. And that is why, under the leadership of the gentleman from Michigan (Mr. CONYERS), and the then-chairman of the committee, the gentleman from Illinois (Mr. HYDE), supported by the current chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), the so-called independent counsel statute was allowed to lapse. And I do not think there is a Member in this House that wants to see it return because of its potential for abuse.

But there is an option that is available, and that is the appointment of a special counsel by the Attorney General, in this case John Ashcroft, who would retain some supervisory powers, but would not be involved in the daily exercise of his prosecutorial authority. Because it would then, I dare say, lend credence to the independence of any decision and any conclusion that might be made by a prosecutor, the so-called special counsel.

Mr. Speaker, as we have been discussing now for, I think it is better than 3 months, in this whole issue of Iraq, the intelligence, the questionable intelligence that was relied on by so many of our colleagues to support the resolution to go to war, much of that intelligence has been reviewed and has been found to be unsubstantiated, uncorroborated, misleading and, in some cases, outright false, as well as the cost of our intervention into Iraq, and now, the overwhelming bills that the American taxpayers are faced with.

So we have been talking about having an independent commission. Let us depoliticize it. Let us take it out of the realm of politics. Let us not make this a Republican versus Democratic issue to determine what went wrong with our intelligence and were the American people misled, and were Members of Congress misled. Our own colleagues, the highly regarded chairman of the House Select Committee on Intelligence, the gentleman from Florida (Mr. GOSS), along with the senior Democrat on that committee, the gentlewoman from California (Ms. HARMAN), in a letter indicated that there were serious problems, that the intelligence was flawed.

I know what the gentleman from Michigan (Mr. CONYERS) is doing when he puts forth the concept of a special counsel; it is to take the politics out of it. We are not in a contest with Republicans or the White House. What we are trying to do is determine what the truth is and then present it to the American people in a way that they can have confidence in the integrity of that effort. We are not suggesting that the Department of Justice is unable to do it, but what we are suggesting is that there is an issue of perception here, and that the American people want to have independence when it comes to an issue that is so vital to our national security.

Mr. Speaker, the President's father himself, upon the enactment of the statute, the applicable statute suggested that anyone who revealed the names of a CIA operative or an intelligence officer of this country was a traitor. What we are talking about here is treason. We have got to get politics out of it. This cannot be a political issue. It has to be an issue of national security. The investigation has to be done by someone who is independent of the Department of Justice, although supported by the Department of Justice and, where needed, rely on the Department of Justice for resources. But it has to be someone whose integrity and independence is not in question.

That is why I applaud my friend and colleague, the senior Democrat on the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS).

I see we have been joined here by the gentleman from Oregon (Mr. DEFAZIO).

Mr. HOEFFEL. Mr. Speaker, let me thank the gentleman from Massachusetts (Mr. DELAHUNT) for his comments.

Before I yield to the gentleman from Oregon (Mr. DEFAZIO), and we are delighted that he has joined the Iraq Watch this evening, but first, we have actually talked about two different special prosecutors here, or one special counsel, I should say, to review these allegations of a leak from the White House. The gentleman from Massachusetts (Mr. DELAHUNT) has brought up again the general opinion of the Iraq Watch that we need to have a bipartisan and independent study of our intelligence-gathering regarding Iraq and the use to which that intelligence was put.

I agree with both of my colleagues on that, although I just want to say once again that while we do not want to be political, we want this to be bipartisan as it is important for our national security interests; this Member of Congress, I have made up my mind about whether or not we were misled by the intelligence presented by the administration. I was misled. I was given exaggerated information. I was given misleading information.

The President and all of his top advisors in September and October of 2002 stated with complete certainty that Saddam Hussein had chemical weapons, had biological weapons of mass destruction, was reconstituting a nuclear weapons program, was going to give these weapons to al Qaeda. It turns out that not only have they not been able to find weapons, as all Americans know, but it has come out this past spring, 6 months after these statements were made, that the classified intelligence being given to the White House last fall at the time of these statements was filled with uncertainty.

The intelligence agencies were telling the President and telling the President's people they were not sure what Hussein had. The defense intelligence agency report of September 2002 said there is no reliable information, and I am quoting, "No reliable information on whether Iraq is producing or stockpiling chemical weapons, or whether Iraq has or will establish its chemical agent production facilities." No reliable information, according to the defense intelligence agency.

Yet at the same time, the President is saying in the Rose Garden, September 26, 2002 that "the Iraqi regime possesses biological and chemical weapons. The Iraqi regime is building the facilities necessary to make more biological and chemical weapons." That is the President's statement at the very time that his intelligence agencies were saying there is no reliable information. And again, before I turn to the gentleman from Oregon (Mr. DEFAZIO), who is waiting patiently, I was briefed with other Members of Congress on October 2, 2002, in the White House, one of many such White House briefings that many of us took advantage of. I was with perhaps 20 Members, a bipartisan group. The briefers were Condoleezza Rice and George Tenet, and they stated with complete certainty on October 2, 2002, that Hussein had these weapons, that he had biological weapons, chemical weapons, reconstituting nukes, the whole litany. And yet they both had access at that time to classified information, some of it coming from Mr. Tenet's own agency, the CIA, that was indicating great uncertainty about the status of Saddam Hussein's weapons of mass destruction program.

Now, we see Condoleezza Rice appointed this past weekend by the President to head up an Iraq stabilization group at the White House, because the President is concerned that too much bureaucracy is getting in the way of our program. If there is any bureaucracy in the way of our program, it is the President's bureaucracy. Congress did not set up any bureaucracy to frustrate him. He is working through the Defense Department. Most of us think he ought to be working through the State Department and not the Defense Department. We can get into that in more detail in a few minutes. But the credibility of the administration is at stake. A huge credibility gap has grown up between the President's statements and what he was being advised, the classified information he was getting at the time he was saying with such certainty, which we now know was uncertain, and his top officials, including George Tenet and Condoleezza Rice, have the same credibility gap surrounding them. It is bad for the administration. It is bad for the Nation to have these problems.

I thank the gentleman for getting me off on this rant. You have triggered some of my frustrations.

Let me at this point turn to the gentleman from Oregon (Mr. DEFAZIO). I believe he has another aspect to discuss as to the situation in Iraq.

Mr. DEFAZIO. Mr. Speaker, I would like to just restate briefly from what I have heard from the three gentlemen who have gone before me, because I think it is very important for the American people. I mean, it would be one issue if there was misjudgment that was costing the American people tens of billions of dollars. The President is asking us to borrow $87 billion and put into debt future generations of Americans to pay it back. We do not have the money. It is going to be borrowed. Thirty years, people will work for the next 30 years to pay it back. But really not wealthy people, because they do not pay taxes anymore, but working people.

So there is a question, if someone in my administration made a mistake that was causing the American people 30, 50, 100, 200 billion dollars, maybe there would be a consequence. Then we go to the issue of lies. There was an extraordinary article in the press today which said the President said our troops have the best equipment possible; they have everything they need.

□ 2200

And we find out the young men and women over there have Vietnam-era flak jackets that will not stop bullets from AK-47s. $400 billion budget at the Pentagon, $80 billion from Congress last spring, and they are just now placing the orders.

Individual families have been buying these kids state-of-the-art flak jackets, available for $500 in the private sector in the United States, and mailing them to the kids who are serving the United States of America.

So you get to the next level which is beyond someone simply made a mistake to extraordinary incompetence, extraordinary incompetence that is costing the American people tens of billions, hundreds of billions of dollars over the next 30 years. It is costing young American men and women their lives today as we speak. And yet no one has lost their job. No one who planned this, no one who made this case, no one has been involved. In fact, they are being promoted.

As you said, Condoleezza Rice has been promoted now to be Pro-Consul over Afghanistan and Iraq because she has been doing such a great job. What has she been doing a great job on?

Mr. DELAHUNT. I am confused. I thought Mr. Bremer was the Pro-Consul. And today you are absolutely correct, we read in the newspaper that it would appear that Condoleezza Rice has taken over that particular role. I think what I see is a lack of coherent governance in a well-thought-out plan.

Now, again, to indicate to those that are watching here tonight, this is not a partisan attack, this is not a Democrat criticizing a Republican administration. Because my opinion, and the opinion that has been articulated by the gentlemen here that have already spoken, is reflected by comments that come from highly respected Republicans. Senator LUGAR, who chairs the Senate Committee on Foreign Relations, actually wrote an opinion piece for the Washington Post that said exactly what we are saying. The postwar reconstruction phase represented an abysmal failure of planning.

Turn on the Sunday news shows, listen to another eminent Republican Senator, Senator HAGEL from Nebraska, he talks again about the poor planning by the administration, and also says it like it is, that this Congress was considered to be a nuisance. That is his language about the administration when it came to the issue of Iraq.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). The Chair would remind Members that is not in order in debate to refer to or characterize a Senator's position on a proposition.

Mr. DELAHUNT. Mr. Speaker, well, I will defer to the Chair, but in another context I might take issue whether I actually characterized it in such a manner.

Mr. DEFAZIO. Mr. Speaker, we will bring down in the actual quotes and not have to characterize it.

Following in this vein, you know, arguably the architect of this policy man who has been advocating a war with Iraq since the last war in Iraq ended, Paul Wolfowitz, Deputy Defense Secretary, when talking about misjudgments, and this is a direct quote, not a characterization, "There is lots of money to pay for this that does not have to be U.S. taxpayer money and it starts with the assets of the Iraqi people. The oil revenues of that country could bring between $50 and a $100 billion over the course of the next 2 or 3 years. We are dealing with a country that can really finance its own reconstruction and relatively soon." That is a direct quote.

Mr. Wolfowitz, held in high regard by this administration, said Iraq would rebuild itself, no cost to the American people. So thus far, if we just add up the first reconstruction bill and the second reconstruction bill, he is wrong by $20 billion, $20 billion that this President is asking this Congress to borrow on behalf of the American people, indebting future generations of Americans, to build, not rebuild. Remember, much of this is not rebuilding war damage. This is building Iraq in the vision of Halliburton and all the gold-plated defense contractors.

We might get into that later. There is a wonderful little piece here I have from the administration on that.

But that is what the money is. It is going to be borrowed and spent in Iraq, not providing jobs here, infrastructure here, but building infrastructure in Iraq in the vision of Paul Wolfowitz who is wrong by a magnitude of $20 to $100 billion at least in addition to the lives that have been lost. But has he been held to account? No, he has been held in high regard.

Mr. HOEFFEL. Did the gentleman see over the weekend the New York Times article that set forth in great detail how overstated the administration's claims were regarding Iraqi oil revenue? It fits exactly into the point the gentleman is making.

Mr. DEFAZIO. Well, in fact, the intelligence information, which was available to Mr. Wolfowitz, to Mr. CHENEY, to President Bush, and all the others who formulated this policy, Ms. Rice who has been promoted to Pro-Consul now, that intelligence information which said that, in fact, the Iraqi oil infrastructure was in miserable shape, not capable of producing large amounts of oil, not capable of paying for its own reconstruction, was either not read by all of these esteemed people in this administration, or ignored, or deliberately distorted. Because they told us, the American people, do not worry; they are going to pay for it themselves.

But now they are handed a very big bill, not just to this generation. I talked to a bunch of high school kids in my district yesterday. I said, "We are giving you the bill." There is a joke going around, why do politicians smile at babies? It is because they are being given the bill to rebuild Iraq. They are the next generation.

Mr. DELAHUNT. Can I disagree with my friend, the gentleman from Oregon for just a minute. I do not know if you saw the nightly news, but there was, I think, an NBC piece that indicated that today, not in the future, there is a record number of mortgage foreclosures on homes here in America.

I heard the number, 435,000 Americans that are in the process of losing their homes. The American dream today is becoming a nightmare. You know it better than anybody, possibly, in this entire body. We have had record job losses, we have burgeoning deficits. And for the first time in our history in the entire span of American history, for 2 consecutive years the median income, the median income of American households has gone down, 2 years in a row.

Of course, poverty is increasing at the same time the number of millionaires is increasing.

Mr. DEFAZIO. If we took the $20.3 billion the President is proposing that the American people borrow and spend and invest in Iraq, and we spent and invested that money here in the United States of America, in the same things, in sewer, water, bridges, roads, airports, stable electricity, we would create a million jobs, a million jobs here in the United States of America. But instead we are going to create obscene profits for a few contractors, maybe do a little bit on the ground for the Iraqi people. But the bottom line is, we are borrowing money and ignoring the needs here.

Yes, I know more than anybody. My district, my State has the highest unemployment rate in the Union. My State has led the country for more than a year having the highest unemployment rate in the Union. We have a $4 billion highway bridge problem on the interstate highway system, and the President says there is no money to repair it. Well, there is $16 billion sitting in the highway trust fund. He would not even have to borrow it. He is borrowing money to invest in Iraq, but he will not even spend money we have paid in taxes here in the United States of America to invest in our highways.

He says we do not have money to invest in the airports. There is $4 billion in that fund. He says we do not have money for extended unemployment benefits. There is $16 billion in the unemployment trust fund paid by taxes of employers and workers, and the President will not draw it down.

We are paying hundreds of thousands of Iraqis for no-show jobs or for the fact that they used to be part of the military over there, but we do not have money to extend unemployment benefits in this country. There is something very wrong with the priorities of this picture.

Mr. HOEFFEL. I agree with Mr. DEFAZIO. And I thank the gentleman from Oregon for reminding us that whatever we do in Iraq, whatever we spend there is borrowed money. Because our fiscal house is in such disorder, we are required to borrow every penny of what we spend.

There is agreement in a broad way about the need to support our troops, to make sure they get the support they need, if, as the gentleman said, they need improved protective gear.

Mr. DEFAZIO. Not only do they need flak jackets; they could use desert camouflage. They are not in forests. But I talked to one dad at the early part of the war. I thought this had been corrected, but I find out now it has not; we are still sending National Guard over there without even desert camouflage. We cannot afford it. We can afford all these other things, gold-plated contracts, but we cannot afford to give these young men and women, selflessly putting their lives on the line, not only flak jackets but desert camouflage so they can blend in a little better.

Mr. DELAHUNT. I appreciate the anger of the gentleman from Oregon (Mr. DEFAZIO) because he made a statement about who is profiting from what is going on in terms of the so-called "reconstruction phase" in Iraq today.

While we know there will not be American workers building the bridges, constructing the hospitals, rehabilitating schools, and building affordable housing, those will not be American workers. But as the gentleman indicated, there is a story in the New York

Times, dated September 30, that says that a Washington insider's new firm consults on contracts in Iraq. A group of businessmen linked by their close ties to President Bush, his family, and his administration, have set up a consulting firm to advise companies that want to do business in Iraq, including those seeking pieces of taxpayer-financed reconstruction projects. The firm, New Bridge Strategies, is headed by Joe Allbaugh, Mr. Bush's campaign manager in 2000, and the director of the Federal Emergency Management Agency until March.

Mr. HOEFFEL. I yield to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Is it not interesting in the context just established by the gentleman from Oregon (Mr. DEFAZIO) and that which the gentleman from Massachusetts (Mr. DELAHUNT) just recounted to us, that there is some mention made today about a Marshall Plan for Iraq, as if there was some analogy or some parallel to what is happening today, from what is happening today to the time of the Marshall Plan under Harry Truman.

Harry Truman made his reputation as a Senator of the United States by rooting out corruption and favoritism and cronyism and profiteering out of defense spending. That is how Harry Truman made his reputation. And when he was President of the United States, the Marshall Plan was free of that kind of corruption, free of that kind of cronyism, free of that kind of direction.

I have a suggestion for the gentleman from Oregon: We now have Ms. Rice in charge of stabilization. I am not quite sure what she knows about construction. She constructs sentences very well. By the time she gets finished, a house of cards is still standing. I do not know how long that house of cards is going to stand, but she does her best to construct it.

Now, perhaps she can do the same for reconstruction in Iraq. I do not know. But if she is in charge of that, presumably she will be in charge of the $600 million that is going to be borrowed and spent to find the nonexistent weapons of mass destruction.

□ 2215

Perhaps some of the folks in the gentleman's district or State that are out of work can apply for a job over there. Not that they could do real work in Oregon on roads and bridges and schools, something of substance, but they can chase their shadows over in Iraq looking for nonexistent weapons of mass destruction for $600 million.

Mr. DELAHUNT. That is on top of the $300 billion that is already been spent. We are looking at a billion dollars for, as the gentleman says, a search for ghosts.

Mr. DEFAZIO. But we did find in a refrigerator of an Iraqi scientist purportedly one vial of botulin toxin, which, of course, you can find basically at any ag school or any research lab anywhere in the United States, but for only $300 million we did find that and that apparently presented, according to this administration, a real and present danger to the United States of America, that one vial of toxin, which, of course, is readily available. In fact, I think you can still buy them and have them shipped in the United States of America.

Mr. ABERCROMBIE. I do not want you to be discouraged because help is on the way. Where did I hear that phrase before? Help is on the way. I think back around 2000 help was on the way. Well, help is on the way. My understanding is that the Turkish Parliament has voted to send troops to Iraq. Why, that is wonderful. We are going to have assistance at long last.

There is only one little problem and perhaps Condoleezza Rice can stabilize this while she is at it. The Iraqi Governing Council, our governing council, our appointees, the people we have chosen as the foundation of stabilization, political stabilization in Iraq do not want them. They told them to stay out. These people, ungrateful wretches that they are, apparently have a sense of suspicion that the Turks might have more than one agenda in mind. That if they cross over into Iraq, that perhaps the Turks might have something to do with what benefits Turkey.

Now, where would they get that idea? Does the phrase Ottoman Empire ring a bell with anybody? It is all history that has been lost. The Iraqis have had some experience with Turkish soldiers before. I keep calling on the ghost of T.E. Lawrence. Where are you when we need you?

I understand they show movies down at the White House. Maybe they ought to get Lawrence of Arabia and get that down there and show it to them.

Wake up. Help is not on the way. Three more dead today, others injured. The media is reduced to saying, but nobody has been killed since last Friday. This is the kind of marginal gain, apparently, that we are making. This is the kind of measurement that is taking place now. The news hour in the evening on PBS, at the end of it, broadcasts in silence the names, pictures and fundamental data of the latest deaths. Is this the kind of ritual that we are going to assume in this country? We are going to watch this war on television. This is the kind of sacrifice supposedly being made. This is the kind of confrontation that needs to take place. And the reason we have Iraq Watch, the reason we are down here every week, the reason that we are speaking out now is that the American public has to know that not everybody has been buffaloed, not everyone is silent, not everyone is going to step back from speaking the truth.

Mr. HOEFFEL. Mr. Speaker, I want to add to the gentleman's comment there. I share your outrage and admire your outrage over the continuing deaths from guerilla opposition and warfare in Iraq. And I remind my colleagues in Iraq Watch and Members of the House and members of the American public that are seeing this, that the President, last July, was asked after about 25 American soldiers had been attacked and assassinated after the May 1 declaration that major hostilities were over, he was asked in July, do we have enough force in Iraq to protect our own force? Are our own people safe enough? Do we have adequate force to protect our own troops? And he said, in what I believe to be the most reckless statement any American President has ever made, he said, Yes, we have enough force. We can stop the guerillas. Bring them on. Bring them on, he said.

And since that day, I am sad to report, adding the three dead Americans that the gentleman referenced, we have lost 65 American soldiers due to hostile attacks, assassinations, guerilla activity by the opposition in Iraq. And I wonder what the President would say to those 65 families who may ask him, Mr. President, do we have enough force to protect our own force? What about my family member, Mr. President? I do not know what the President would say to those 65 families.

Mr. DEFAZIO. Yesterday I was in Cottage Grove, Oregon, in a National Guard dispatchment from Cottage Grove, Oregon, 600 men and women are about to be deployed to Iraq for a year. And yet I hear, and I understand, that despite the protestations of this administration and the tens and hundreds of billions of dollars at their disposal, that they may not have the proper equipment, that they may not have the flak vests that will stop an AK047 bullet. They may not have the armored HUM-V's that they may need. They may not even have the desert camouflage.

So I suggest that maybe those members of this administration who are waxing so eloquent about how things are going, maybe they should go over there and wear forest green camouflage instead of desert camouflage, wear a Vietnam-era flak vest and ride in a HUM-V with canvas windows and plexiglas around the country, not in their super-armored Suburbans, air conditioned, state-of-the-art, surrounded by helicopters and everything else and then come back and say how great things are.

Go over there and experience what our young men and women are experiencing over there, and maybe they will come back a little bit humbled, and maybe they will want to do a little bit more to resolve this, to safeguard our men and women and to resolve this situation, honestly, as opposed to spinning and spinning and spinning.

These people are never wrong, never wrong, no matter what. You can go back and find 15 misstatements. They can be off by $100 billion and a couple of hundred American lives, but they were not wrong. They are never wrong.

Mr. HOEFFEL. I think my colleagues would agree that the gentleman from Oregon (Mr. DEFAZIO) is a passionate and eloquent and excellent addition to our efforts here. I thank the gentleman for being here.

Mr. DELAHUNT. Mr. Speaker, I would like to make two points. I think the gentleman from Hawaii (Mr. ABERCROMBIE) made an observation relevant to the Turkish Parliament supporting sending troops now to Iraq. But the other half of that story is that the United States Government just issued a loan guarantee to Turkey in the amount of $8.5 billion.

Mr. DEFAZIO. That is not connected.

Mr. DELAHUNT. No, that is not connected and pigs fly.

The point is, when you talk about a coalition of the willing, I cannot think of such a misnomer as the coalition of the willing.

Mr. ABERCROMBIE. They are willing to take the money.

Mr. DELAHUNT. They are willing to take the money.

But let us go back to the Gulf War that was managed by this President's father. There were 160,000 nonAmerican troops that were involved in that effort. That was a true coalition of the willing in the face of naked aggression by Saddam Hussein.

Mr. DEFAZIO. Briefly, I do not want to sour that because it certainly was a much better international effort, but there was an $11 billion payoff to Egypt where we forgave their debt.

Mr. DELAHUNT. I am not suggesting that that was bribe free, but in the end, the net cost to the American taxpayers was some $7 billion.

Now, we have already, if this war supplemental is approved, we are in this adventure in the amount of $166 billion and well on our way, well on our way to hundreds of billions of dollars more, and we still do not know how we get out of it.

Let me just conclude by saying this. I hear about how things are going so well. We heard, of course, on the floor during the debate on the war resolution how we would be welcomed as liberators. Well, the truth is the Iraqi people want us out. They do not want us there. Even our own appointed 25-member Iraqi Governing Council have suggested that we accelerate this program because they can do it much cheaper. And I will allude to that at the end if I have any time left, but let me read what I think are some fascinating polling results that were conducted by Gallup and Zogby, two well-respected American polling firms.

This is what was produced by the Gallup poll: Countrywide, only 33 percent of the Iraqi people thought they were better off then they were before the invasion, 33 percent, and 47 percent said they were worse off. And 94 percent said that Bagdad was a more dangerous place for them to live. The poll also found, and I would ask my colleagues and those that are watching to listen carefully to these statistics. The poll also found that 29 percent of Bagdad residents had a favorable view of the United States while 44 percent had a negative view. By comparison, and this pains me to say this, by comparison 55 percent had a favorable view of France. Those same Baghdad residents had a negative view of President Bush, 50 percent, while 29 percent had a favorable view of him. In contrast, the French President, Jacques Cirac, a 42 percent favorable rating.

Now, this should be telling us something. This should be telling us that the postwar reconstruction phase was poorly planned. We are not getting the message across. We have appointed a governing council that is suggesting that for every billion dollars of a taxpayer's money that we spend, and this, again, are their figures, they can accomplish the same exact project for $100 million. In other words, we are paying ten times, our taxpayers are paying ten times, while job losses mount and our infrastructure crumbles.

Mr. DEFAZIO. If I could document that for a second. Ahmad al-Barak, who is a member of the Governing Council named by the United States of America, said that "Savings could be a factor of ten. Where they spend $1 billion, we could spend $100 million."

He said that on the day that they canceled the $5,000-a-day contract to feed the 25 members of the Iraqi Governing Council entered into by Mr. Bremer, the former Chief Pro-Counsel before Ms. Rice. Apparently, they were flying the food in from Sardi's from New York on 747s. I do not know how they got the price up that high, but ten cents on the dollar.

Mr. HOEFFEL. We have been joined by our colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

□ 2230

Ms. JACKSON-LEE of Texas. Mr. Speaker, first of all, let me thank the Congressman for his persistence and determination in telling the truth to the American people; and to my colleagues that are here, I just want to help build on what was said on several points that I think are relevant in light of the fact that we are going to be debating this question in a week's time.

First of all, I do not know if many of my colleagues realize, I was just with my good friend, the gentleman from Oregon (Mr. DEFAZIO), in Seattle, Washington, and in that region; and I think as we well know, we were discussing the great needs of homeland security and the choices that we have to make. The gentleman is located up on the northern border; I am located in Texas on the southern border. And one of the things that we realized was that we have not put in enough money for homeland security.

So what we will be debating in this next week will be a question of choices, and I think it is important for the American people but as well for our colleagues, for this Congress, to have the facts.

Let me just share with my colleagues briefly what my positions or concerns are. One, I do not believe we have all the facts. I am delighted to see my ranking member, the gentleman from Michigan (Mr. CONYERS), who was a visionary on the debate on the war resolution dealing with the Constitution. We did not have all the facts there; but clearly, Congress does not have all the facts when we look at a document that is 70 pages long and that before the chairman's mark, as I understand it, we had jail cells that were being built for $50,000 per bed. That is not what occurs in the United States. Then we have questions about whether or not we are spending enough money in the right areas.

So here is my proposition to this floor. One, this debate should be delayed. We should have a debate when all of the facts are on the table. What is now the new proposal of Condoleezza Rice, as I understand it, over the rebuilding of Iraq? What is the exit strategy? What will happen to the Reservists and others that are beyond their 6-month period? What are we doing for the families who are now suffering because their loved ones are away on the front lines? What are we doing for returning veterans or those who are wounded?

Then I was interested in hearing what my good friend from Massachusetts was speaking about with respect to Turkey. There is going to be a donor conference in 2-weeks in Madrid. Why are we rushing to have this debate without knowing who are the willing coalition or the coalition of the weak or the coalition of the strong and how much are they going to offer? That is what the American people need.

So my proposition is, one, delay this debate, delay this vote, get the facts as to the amount of money needed by the military. I understand that they have enough to keep them going, if you will, because we do not want to undermine our front liners; but we believe that there are enough resources. I have voted for that $79 billion and for the defense appropriations. Then let us set out the vote. Let us make sure we have the vote for the military personnel and needs there, but let us find out about these donor countries and why we are not having Iraq fund some of the rebuild. Finally, why are we not using the Iraqi people, as my good friend said, in order to bring down the cost and so that we can create jobs here in the United States by resources and investing in our infrastructure here in the United States?

I believe we should delay this debate. I believe the Congress does not have all the facts that it needs to have, as evidenced by this document and changes being made; and I believe that we must first go to our allies in this conference in Madrid, Spain, bring back to the Congress the results there, and then we can have a very intelligent debate on this issue.

Mr. HOEFFEL. Mr. Speaker, I thank the gentlewoman. I know the gentleman from Massachusetts (Mr. DELAHUNT) has a comment.

Mr. DELAHUNT. Mr. Speaker, if I can just respond because I think that the gentlewoman from Texas' (Ms. JACKSON-LEE) observation and suggestion is a very valid one, but let me submit this.

What I found particularly unsettling when the discussion of the donors' conference in Madrid was being reviewed by various pundits was that it was written that the European Union's contribution and the figures now are projecting a $100 billion long-term effort, that the European Union's contribution this year was going to be $230 million.

Mr. DEFAZIO. M.

Mr. DELAHUNT. M, not billion. We are talking billions on the American taxpayers. Let us be honest. We are in this alone. We are doing it alone. Nobody is helping us.

Ms. JACKSON-LEE of Texas. Absolutely.

Mr. DELAHUNT. Nobody is helping us. American taxpayers, American military, American veterans, American education, American health, we are making sacrifices and we are doing it alone, without anybody, because of poor planning and going into a war under false pretenses.

Mr. DEFAZIO. Mr. Speaker, if the gentleman would yield, and every penny of those billions will be borrowed, not only hitting hard at the needs today and causing cuts in the budget today and giving the President an excuse to say we do not have the money to rebuild our bridges and highways and waste water systems or do adequate homeland security and port security and we do not have enough money for education and we do not even have enough money for flak jackets for the young men and women over there, but every penny of those billions will be borrowed, indebting future generations of working Americans to pay for this misadventure, with no consequences.

The people who were so wrong. Mr. Wolfowitz, who I quoted earlier, who said Iraq would pay for itself, they are still making policy and spinning out fantasies at the White House. There are no consequences for making mistakes that cost the American people $20 billion in this White House.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman would yield on that point, I know we are near the end of our time. I just want to indicate and perhaps we can take this up at another time.

Just so the American people understand, our colleagues understand, the suggestion was made to Mr. Bremer by myself when we were in the first group to actually be able to leave the airport and get into Baghdad and subsequently up to Kirkuk in the north, I think really the first conference that was held after Mr. Bremer's appointment in Baghdad, we suggested and I for one suggested that the Iraqi Army not be disbanded; that it be utilized as a workforce, turned into a kind of CCC operation; that it was going to be very dangerous for us to simply take these folks who after all were conscripted into the army anyway. It is not as if these guys were eager volunteers. Then I said we can pay them if there are going to be any payments made. Let us let them do the rebuilding of Iraq. Let them set the standard for it. Let Iraqis do the rebuilding. Of course we can assist them. That way we can get them on our side and not cause a huge fissure in Iraqi society; and, of course, that suggestion was ignored.

I just want it on the record that the administration knew full well that there were Members who had reservations about the war but who, of course, wanted to have the best possible outcome once the attack was over, who made a suggestion that it was very, very important not to dismember Iraqi society in order to accommodate profiteering on the part of companies in the United States.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for his comments.

We have about a minute and a half left to go. Any final comments from any of my colleagues?

Ms. JACKSON-LEE of Texas. I just want to say one point about what the gentleman from Hawaii (Mr. ABERCROMBIE) said that the Iraqi people want to help rebuild. They want to help rebuild, and I think it is extremely important that we engage the Iraqi people in this process, and we have not done that.

Mr. HOEFFEL. Mr. Speaker, I thank my colleagues for another lively discussion during the Iraq Watch. I think we all agree that we need the President to level with the American people. We need information. We need a plan. We need a plan for institutionalizing the situation in Iraq, both the security and the reconstruction. I said institutionalizing. I meant to say internationalizing. That is, I think, a goal that the gentlewoman from Texas (Ms. JACKSON-LEE) is talking about, including what kind of donor support we will get from the international community.

We need to know how to get Iraqis back in charge of Iraq and how soon that will happen, and we need an exit strategy for the United States. We do not want to leave and leave a vacuum. None of us want to do that, but we need to know what is in store, how much time and how much money and the future prospects.

We are out of time. I thank my colleagues. The Iraq Watch will be back next week, and I thank the Speaker for his cooperation.

THE COSTS OF WAR

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, I welcome any of the Members that are here from the Iraq Watch group. I think not only are they watching Iraq, I think the American people are watching what is happening in Iraq and not happening here in the U.S., and I was in my office and I heard such an outstanding discussion on some of the things that we know here in the Congress, that we need to continue to share with the American people, which are truly dollars and cents; and many times when we are talking about dollars and cents, we are talking about American lives.

I had some comments here that definitely I wanted to share, but I could not help but seeing at the top of the hour the gentleman from Michigan (Mr. CONYERS) here, our ranking member in the Committee on the Judiciary, and his letter to the White House and asking for Mr. Rove's resignation; and I think when we look at the politics of the matter, at any time I will be willing to yield for additional comments from my colleague as it relates to his letter that he sent today, I think goes to the very root of the reason why we are in this Chamber tonight.

I am a newcomer to the Congress. I see so many Members here that are professional experts, not only in the Committee on the Judiciary, the gentlewoman from Texas (Ms. JACKSON-LEE), but other Members that are here, members of the Committee on Armed Services that were on that committee when I was in junior high school, but we will leave that for another time.

I just want to say very quickly, just some very open and preliminary comments, that we talk about the cost of this war, and I cannot help but refer to a letter that our colleague, the gentleman from Virginia (Mr. SCOTT), sent out recently to Members of the Congress and mentioning that Desert

Storm and the first Persian Gulf War only cost $6.1 billion. The United States' share of that was $7.4 million. That was our share, which was 12 percent; and I believe that that war was definitely one that was shared by many, that we actually had a true coalition. We had a coalition economically. We had a coalition troop-wise. This time we went to war with the willing and we footed the whole bill, I must add.

This current supplement, and before we get into that, we gave $79 billion that was added to this effort from the beginning which we still cannot account for. This Thursday when the Committee on Appropriations will meet, hopefully some of those things will come to light of what happened with the $79 billion.

Now the Bush administration's asking for $87 billion, which is mind boggling in and of itself, which gets us to $166 billion. This continues to go up and up and up, 12 percent of the costs of almost the cost of $20 billion.

However, the administration's decision of the go-alone strategy, we may say go-with-the-willing strategy, has gotten us where we are now and got us to the $166 billion issue now, which is going to be $6.6 billion in the end of just interest alone, at some $128 million a week in interest. That is not even talking about the $4 billion that we are spending right now. Let me just say that again for someone that might have gone to the refrigerator to get a soda, $128 million in interest. That is just interest alone, and I think that is something that the American people should really take heed to and understand.

Mr. DELAHUNT. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I really applaud the gentleman for taking this time and an hour. I would just try to enlarge the context, because it is clear that this Nation has an economy that is at risk. As my colleague well knows, the number of Americans that are now below the poverty line is historic in terms of its numbers. In addition to that, we have record job losses ever since 2001. We have lost in a net way over 2 million jobs; but most importantly when we talk about these exploding deficits, it is important to remember that when this President came to office there was a $5.6 trillion surplus projected for the year 2011.

Today, when we project forward to 2011, we are talking about a deficit, an accumulated deficit in that space of time in excess of $2 trillion. We have lost somewhere out there $8 trillion, some $8 trillion; and now we are continuing to add to that debt that will have to be paid, that becomes a drag on our economy because we have to pay interest, as my colleague well knows, on that debt. So these points that the gentleman is making, I think, are very important.

□ 2245

And clearly those that are viewing us here tonight and those of us that are speaking have to understand that the sacrifice is unfortunately not just about young men and women who are giving their lives and are being wounded and will suffer themselves personally for the rest of their lives; but almost as important, the American economy and future generations of Americans are going to suffer economically because of what we are doing.

I thank the gentleman for yielding to me.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentleman from Massachusetts for his comments and his commitment to sharing what we need to share with the American people as Members of Congress.

I think it is also important for us to remember that when we combine all these budgets together, that we had a deficit before we went into Iraq. And I just have to continue to say that to the Members of this Congress and to the American people, because some would lead us to believe that Iraq got us into the situation where we are now.

But we will talk about a trillion dollar tax cut for the top 1 percent of Americans. And I must add that everyone in America has given and contributed to this war, whether it be a child or a husband or a son or a daughter going to Iraq to fight in this effort. The President said there has been an end to major fighting. I think there is major fighting going on as we speak. We just lost three soldiers, just today in Iraq.

But I just want to get back to the dollars and cents. I care about it because not only am I concerned about what is happening to this country domestically, and I am concerned about homeland security, but I am also concerned about the money that local governments are spending on behalf of homeland security, the front-land security there in their cities that is not going into the things that work towards the very fiber of our country and work towards the very reason why we are Americans.

We care about one another. We care about what happens to our elderly. We care about what happens to our children. We care about having an honest and fair education and good public education for our children.

But while we are carrying out this effort that we are carrying out now, with no questions answered, and you better not ask a question or we will test your patriotism, this is dangerous to the country.

But back once again to the dollars and cents. The Bush administration has not explained how we are going to pay for this in the long run, outside of borrowing the money and making the deficit even larger and deeper. The Department of Education in this year's budget, $59.7 billion; Transportation, $51.5 billion; Homeland Security, my colleagues, homeland security, American people, $35.8 billion.

The supplemental cost for the war just blows all these numbers off the table. We are asking for $87 billion. Or the administration is asking for $87 billion.

Now, we are not asking for $87 billion to help local governments foot the bill for homeland security, we are not asking for $87 billion for States to be able to protect the ports, our deep-water ports that we have now. We are not asking for $87 billion to bring about safe air travel here in the United States. I believe someone needs to be marching to the Hill to ask for $87 billion for Leave No Child Behind, for public education in this country.

Anyone that hits the floor to say that we have to fight the war on terror in Iraq so we do not have to fight the war on terror here in the United States, I kind of question that thinking because I do not believe the terrorists are saying, well, as long as U.S. troops are in Iraq, we do not have to try to penetrate the United States; or we do not have to try to carry out terrorist attacks here in the United States. I must say that you can pick up any newspaper now or watch any news show that says that terrorism has increased in Iraq since our presence there.

But the real question is, where is the exit plan? No one has an exit plan. No one wants to talk about the exit plan. And I think it is important that the American people understand that we are going beyond "we break it and we fix it," because now with this $87 billion, we are going into a new era.

Mr. Speaker, I see my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), who I am going to be yielding to in about 4 minutes, because I know she has quite a bit to say about what is going on in the White House with some of the questions that have been brought about agents' lives being at stake because of political terms, or whatever the case may be; and so we can get into that discussion.

But I must say that in the spring of this year we gave this administration, with no questions asked, a $79 billion blank check. No strings attached. We do not really know what the administration has spent that $79 billion on. When you ask a question, it is almost like, how can you question me?

You talk to the Defense Department, and it is, we will get back to you. You talk to individuals at the State Department, and you may or may not get a return phone call. And if you do get a return phone call, they are not answering the questions.

Now the administration comes again and asks for $87 billion. This Congress still has not been told of what we spent the first $79 billion on.

Our Committee on Appropriations will meet on this Thursday. I would hope that the Bush administration will come forward to the Congress and share with the American people and the people that they elected to serve in this Congress, number one, what happened to the $79 billion; number two, with the anticipated $87 billion, what is really going to happen with that, and will they be back in the future to ask for more.

Early in the spring, the President and others were running around here talking about shock and awe, but in the 6 months since the preemptive strike against Iraq, only the American people have been shocked and awed. We have been shocked and awed by $79 billion, and I have to keep saying it. We were shocked by the fact that over 45,000 troops did not have body armor when they went on this effort in Iraq, that we could not armor our Bradley fighting vehicles, that many of the injuries at Walter Reed Hospital and at Bethesda Hospital right now, troops that are probably watching us on the floor right now, should have had and which could have avoided their injuries.

The American people have been awed by decreasing jobs that are at record rates, at tax cuts for the top 1 percent Americans, or the richest Americans in this country, at record rates. The American people have been in shock at how easy the administration has underfunded its own program, the Leave No Child Behind, that they have left millions without health insurance and watched crime increase at a rate that even makes the most patriotic American dizzy.

The American people are in awe at how the Vice President and many others in this administration, as it relates to Halliburton, so easily gained $3 billion in Iraq contracts in just 4 months.

The American people are awed by the fact that 180 troops have lost their lives and another 1,400 have been seriously injured since the President made his inspirational landing on the U.S.S. *Lincoln* to announce the end of major fighting.

The American people have been shocked that State and local governments are strapped to the tune of over $70 billion, but the President is willing to spend over $8 billion in a foreign land. The American people are also awed by the request of over $80 billion in additional spending. Once again, the middle class are left behind.

We are also shocked that soldiers are ducking bullets in Iraq for $26,000 or less a year but they cannot take part in the child tax credit to help their families here in the U.S. That is a major shock and awe to the American people, that this Congress and this administration would leave those families behind.

The American people are also awed by the cost of just this single supplemental that dwarfs the money the President and this administration have asked for as it relates to homeland security for the entire year.

We are also shocked by the lack of diplomacy expressed by the Bush administration as it jets around the globe telling countries how they should be in good grace with us versus other countries. The President went to the U.N., and I must add this, where in The New York Times it reveals that he went to the U.N. And one would assume that after all this major effort against terrorism in Iraq, after going after this person that possessed chemical weapons of mass destruction, which at the time in this very Chamber we were led to believe in the State of the Union address that these chemical weapons were going to be used, and we prayed along with the American people that our troops would be safe because chemical warfare was a major concern because of what the President, as he stood in the well where the Speaker is now and expressed this to us; and we also thought that there was some link between 9/11 and Iraq, and now all of that has evolved to be misleading statements.

Well, the President went to the U.N. and we were thinking the President would go back after we told the U.N. to kind of step aside and allow us to take care of things and we went with the willing, which was very few willing, he went back and, really, no one reacted to the President because of our unwillingness to use diplomacy.

I said here on the floor the last time I was here that cowboy politics is not going to get us where we need to be. It is not just politics, it is America's future.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted to join the gentleman this evening to continue our discussion to educate both the American people and to share with our colleagues. I indicated my respect for my colleague and the leadership he has shown on the Committee on Armed Services, and I have noted that my ranking member, ranking member of the House Committee on the Judiciary, whose vision led us in crafting what I thought was the right response to the original war resolution that dealt with the question of information and whether Congress had the challenge, the charge, and the responsibility to secure the information and then comply with the Constitution and have a constitutional vote up or down to determine whether or not we would actually declare war on Iraq.

And the gentleman is right, he is very right that the representations that were made, that caused many of my colleagues to vote their conscience; and their conscience dictated to them on the information that in order to save American lives, they needed to rush to judgment and to cast that vote. I do not stand here to indict my colleagues on that vote. I voted no, and some of my colleagues voted yes. I do not indict them because they were voting on the basis of the representation made by this administration.

So my good friend from Florida is right. He raises many viable issues. And might I just take a moment to frame where I think we are?

Part of the decision that caused us to be in Iraq was based on misleading misinformation. In fact, to a certain extent, total untruths, tragically. There was representation about an imminent attack; representation about weapons of mass destruction. There were representations, as my colleague knows all too well, that there was this connection about nuclear capacity. We come to find out now that, at best, Iraq is a long way away from the actual production of weapons of mass destruction, biological weapons, and certainly nuclear weapons.

So I think where we are today, on Tuesday, October 7, is again a rush to judgment.

I think all of us standing here are patriots. We want to protect our Nation. The gentleman has mentioned so articulately the troops, and he has chronicled the choices we have to make, where we have no monies for No Child Left Behind. And I think that is the real issue. I believe there is no need to vote next week. Why? Because this Congress does not have the information, plain and simple.

I do not want to be caught up in the trap of misinformation so that I am, on behalf of my constituents, making a totally wrong decision because the administration has not been straight. Number one, the administration has provided us no information, no information on how they spent the $79 billion.

And I would say as an opponent of the war, I voted. I will stand here today and say it. I voted for the funding for the troops and the defense appropriation bill. So I stand here without taking a back seat to anyone. I cast my vote to put my trust in those who represented that we are in this now and we need monies for our troops. But no more.

□ 2300

So we do not even have a report on that. Let me show the document that the gentleman was kind enough to share; it is 70 pages of fine print. As the gentleman from Florida (Mr. MEEK) said last week, they were willing to spend $50,000 per bed in prison, and now they have immediately corrected that. That is the point I am making. How much more can we refine, delete, and take out?

I am looking at a chapter that says chapter 6, "Other Activities." If you have little ones and they get to be teenagers, and they say, Dad, I am going out. You ask, Where are you going? You have a curfew. And they say, I am going to the movies, and then I am going to do other activities. I have an 18-year-old. When they leave you with "I am going to do other activities," you are not going to allow them to leave the house on the agenda of other activities.

Listed as other activities is almost $2 billion. What it means is money in the pots of some surrounding nations, and I am not condemning them, but this is giving money like $1.4 billion. It says something about operation and maintenance defense-wide, and that is surrounding areas that have contributed to the placement of our troops. I know there is reason for that, but that is a miscellaneous sort of sweetening the pot of others so they will help us, just like the gentleman mentioned the $8 billion loan to Turkey. I do not believe that we have all of the details that will allow us in a short week's time to be able to understand what we are voting on by this document.

The other thing I would say, and I think the American people need to know, this supplemental is the largest in history, the largest of seven emergency supplementals that we have had. The administration says we are doing this for Iraq and Afghanistan. Might I share the pitiful amount of money going to Afghanistan which is falling back into sin. Taliban is on the rise. The country is devastated. It is a flattened area. When we talk about rebuilding infrastructure, I would think that we would not give shortchange to Afghanistan, which is percolating as the center of focus for Taliban.

The justice system, we are giving $919 million in Iraq; we are giving $10 million in Afghanistan. National security, $2.1 billion for Iraq, and $22 million for Afghanistan.

Mr. Speaker, I had an opportunity to meet with a very distinguished woman just about an hour ago. She knows about the Marshall Plan. She wrote at 22 the constitution for Japan after World War II. She shared with us how they took specifically the language out in terms of an offensive army or offensive defense. Japan can defend itself, and rightly so; but Japan does not have the capacity because of the Marshall Plan, and the treaty and the constitution was actually drafted post-World War II to govern Japan without this opponent. We have seen Japan put many of its resources back into technology, and it has been at the pinnacle of our technological advances.

Yet here we are talking about what Iraq did with its military, and we are now talking about rebuilding it. I think the Japan model is an excellent one, a peace model, certainly allowing them to defend themselves; but now we are giving them $2.1 billion for national security. That is all about building up their military again. We should look at the Japan model that has worked.

Mr. MEEK of Florida. Mr. Speaker, I want to say that just last week we were on the floor, and I think this is kind of working, we talked about why the Department of Defense is in charge. In this after-fighting or during the time we are trying to build a democracy, why is the Department of Defense in charge? The President announced yesterday or today that National Security Adviser Condoleezza Rice will be placed over this working group. The State Department is supposed to be over it. I am just getting here, but I kind of understand that.

I think it is important that the American people understand if major fighting is over and our troops are continuing to die, and I just want to add to this point, from what I understand from speaking with the appropriators, and we were in a meeting earlier, the administration hopes to have our troop number down because there was some question why Mr. Rumsfeld was not clear on the number of American troops there. There are men and women that have left their families that signed up for the Reserves that are now 12 months-plus still in Iraq. They expect to get them down by 110 troops by next September. That means we have somewhere between 130,000 troops and 135,000 troops that are in Iraq now.

I want to let the American people know that the way things are going here in the Capitol and in the White House, that American troops will be there for some time. We are talking about dollars and cents. The Turkish parliament voted yesterday that they would send coalition troops to Iraq. I want to add to that that I voted to send appropriations to Turkey, for $8 billion in loan forgiveness, all of these things; and some Members were split on that vote. If we have to vote for money for countries to go into Iraq, what is the difference? It reminds me on the other side of the aisle when they talk about making government smaller, and government has actually gotten bigger. But making government smaller, that means privatizing government jobs, having individuals in the private sector, so I guess that strategy has been implemented in this Iraq situation.

I want to add one other thing, because the gentlewoman hit on so many different things. The gentleman from Michigan (Mr. CONYERS) came to the floor tonight and dropped a bomb on us with this letter that has been written as the chairman of the Committee on the Judiciary.

And one of the shock points I have reports that the whistle was actually blown, the American people ought to know that some in the administration would blow the whistle on a CIA operative; and we are talking about someone that is willing to pay the ultimate sacrifice on behalf this country, on behalf of seeking out weapons of mass destruction, going under an assumed name, that name was made public. It was a coordinated campaign from the White House to put this lady's life in danger, and those that are working with her, on behalf of making sure that we, us Americans, are safe and our children are safe. Because they are upset, and when I say they, I am talking about the Bush White House, they are upset about the fact that the ambassador, or he used to be ambassador, has a different opinion than the administration on Iraq and the weapons of mass destruction issue. Reports have said they would put this man's wife at danger, and other CIA agents.

Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) has to say something further about the letter because I think seeing the White House not willing to advocate on behalf of a special counsel is mind boggling to me, and I am just not a man with conspiracy theory. Other reporters, not just one individual reporter, has said they received calls about the very same information, but they did not print it. Even after the CIA said it would put this operative report in danger, the report was still pushed on certain members of the media to report it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman would yield, let me just try to add some points to what the gentleman from Florida (Mr. MEEK) has just said and emphasize why I think we are here today. Again, let me restate the fact that this Congress does not need to take this vote this week or next week on this $87 billion supplemental.

□ 2310

Frankly, we do not have the information that would entrust to us the right responsibility and the right decision on behalf of our constituents, because we do not have the facts.

And let me just simply say, I mentioned to the gentleman that Afghanistan was thrown in the pot, I think, simply to make people think that we have not forgotten about the war on terrorism. We have forgotten about the war on terrorism. We forgot about it in Afghanistan. We forgot about it in the United States because our funding and our actions as they relate to homeland security are paltry.

If my colleagues go home to their districts, they will find out that their first responders are asking, show me the money. The ports are asking, show me the money. The intelligence community still needs the kind of reform where we can get the right intelligence because that is the first line of preventing terrorist acts.

But let me just simply say again for the record, national security for Iraq, $2.1 billion; and again for Afghanistan, $222 million; justice system, $919 million; and $10 million in Afghanistan. An electrical system, $5.7 billion and $45 million in Afghanistan.

So here is what I believe we should do before we engage in a vote. I believe, and I will be filing this sense of Congress resolution tomorrow, that we should have a separate vote on the military cost versus the rebuild cost, that we should not do the rebuild until the conference in Madrid, Spain, where the donors meet and we have them ante up on the table and this administration puts together a coalition that is more than the willing, but it is the strong and it gives us the amount of troops that we need.

We should not vote on this until we have full evidence of what happened with the weapons of mass destruction, as the gentleman said. Where did that information come from? And we certainly should not vote until we have a report on the personnel who determined that we are under imminent attack and that we were going forward with this war and that there were weapons of mass destruction. There should be no vote until we have all the resources we need for the returning vets, the soldiers, because some will continue to be enlisted, and their families; that we have complete trauma and mental health services for all the bases where these troops are coming back to; and that we refine this giveaway money program and make sure that small women- and minority-owned businesses, and the gentleman had a very fine session during the Congressional Black Caucus, have the opportunity to be part of this rebuild.

And then lastly let me say that I believe it should be the sense of Congress. And likewise I would like to work with my colleagues on this resolution that I have, that a special prosecutor be appointed because the gentleman is absolutely right. Ambassador Wilson was trying to getting the Congress and the American people the truth, and he was asked to go over by the CIA to Niger to determine the uranium purchase, and he came back and said, absolutely there is no such connection, which then should have caused this administration to pull back. They did not. So in essence they wanted to cover up.

How do you cover up? You undermine the person who spoke. How do you do that? You get him at his Achilles' heel. All of our Achilles' heels are family members, but in doing so, might I say that I think research should be done; and I respect my colleague who is going to speak on the question of whether or not we have an issue of treason.

So the facts need to be told. I do understand that, and I am willing to hear the facts. But we should not move forward without getting the facts on the weapons of mass destruction or on this response regarding covert officers of the CIA, the most serious organization as it relates to national security short of our military, who require the utmost respect but also protection, that we have now uncovered a covert agent.

And as we see this unfold, we see that the person's work was more far-reaching than we thought. We understand that they are working for a CIA undercover, and this is public knowledge; so I am not giving classified information, printed in the public newspapers, business. So that has now been exposed, as well as anybody who was associated with that individual and that company has now been exposed.

I would venture to say also that what has been exposed is the way we do things. So it is beyond my understanding as to how we can move forward.

The gentleman said something that I think is very telling, to give another blank check with no restrictions and no strings attached. This is based upon the discussions that we have had that are part of the public debate.

Let me add this, as I believe the chairman is coming. This has been modeled after the Marshall Plan, this whole Iraq package. The Marshall Plan was $11.8 billion from 1948 to 1952. That would equal, in 2003, $89.2 billion. But the amount of nations impacted was 16 nations and 257 million people. Iraq is only one nation and 23.5 million people.

So I would say that I would hope my colleagues would join me in this analysis to the extent that we need not proceed this quickly to a vote without giving this Congress all of the information needed; and I would look forward to having my colleagues join me in the filing of this resolution tomorrow to delay this vote and also to have any vote that we take separated between military support and the rebuild of Iraq until these conditions are met. I believe it is extremely important.

And I thank the gentleman for allowing me to share in this discussion, and I would be happy to yield to him as he yields to the distinguished gentleman from Michigan.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE). And I appreciate the fact that she studies and that she pays very close attention to what people say and also what they do and what they do not do. And I think that her constituents and the American people will be very forever grateful.

I yield the gentleman from Michigan (Mr. CONYERS), one of my leaders and an inspiration here in the Congress for many years, ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I am so happy to be with the gentleman from Florida (Mr. MEEK) in this discussion. He and his predecessor in the Congress from Florida worked very closely with me and I am proud that he is on the Committee on Armed Services because that gives him a vantage point that perhaps we do not have; and he continues the tradition of a former colleague of ours, Ron Dellums of California, who rose to be chairman of that committee and distinguished himself with great regularity about relating military activities and costs and projections to what is the real national defense of this country.

I am happy to be with, also, the gentlewoman from Texas (Ms. JACKSON-LEE), with whom I work on a very wide variety of issues. And it seems to me that our discussion tonight with our colleagues that preceded us revolve around the importance of delaying the vote that is hanging over our heads until more information is secured of whether we should have a special counsel to independently investigate where the leak endangering not only a CIA operative, but all the others that were working with her together.

It is appropriate, especially upon the revelation of over $700,000 in consulting business having been engaged in between Karl Rove and John Ashcroft in earlier years. This is incredible. So between the delayed vote, the request for a special counsel, the several hundred thousand dollars, plus a request for a resignation makes this a very important evening. And I am glad that I am here to join my colleagues with it.

In February of this year, former Ambassador Wilson traveled to Africa to investigate the claims that Iraq purchased uranium there.

□ 2320

In the next month, he returned and tells the CIA and State Department that the claims were unsubstantiated. This was in February. 2002 and March 2002.

In January 2003, the President claims that Iraq tried to buy uranium in Africa in a State of the Union Address delivered on this very floor.

In July, former Ambassador Wilson wrote an op-ed aptly titled "What I Didn't Find in Africa."

On July 14, the well-known veteran columnist Robert Novak mentions, among other things, that "Wilson never worked for the CIA, but his wife, Valerie Plame, is an Agency operative on weapons of mass destruction. Two senior administration officials told me Wilson's wife suggested sending him to Niger to investigate."

On July 22, Mr. Novak said in an interview, "I didn't dig it out, it was given to me. They gave me the name," he was talking to Newsday then, "and I used it."

Then later on in July, the Central Intelligence Agency files a crime report with the Department of Justice suggesting that the leak of former Ambassador Wilson's wife's name and covert status might entail criminal acts. We checked the statutes in the Committee on the Judiciary, and that was true. Not only leaking, but assisting or promoting leaks are also, in another section of title 18, criminal violations that carry a penalty of up to 10 years Federal imprisonment.

Then the CIA submitted a questionnaire to determine whether an investigation is warranted. They did a crime report, and now an investigation, and they decided rather quickly to pursue a criminal investigation.

Now, a source in the administration confirms that two senior administration officials contacted not just Mr. Novak, but six reporters about the identity and occupation of Wilson's wife, claiming that, clearly, it was meant purely and simply for revenge; that he was sharing the information because the disclosure was wrong and a huge miscalculation, because they were irrelevant and did nothing to diminish Wilson's credibility. This was the Washington Post, September 28.

On the Crossfire program of CNN, Mr. Novak explained, "Nobody in the Bush administration called me to leak this. I was in an interview with a senior administration official on the Wilson report when he told me the trip was inspired by his wife, a CIA employee working on weapons of mass destruction. Another senior official told me the same thing. They asked me not to use her name, but never indicated it would endanger her or anybody else. According to a confidential source at the CIA, Mrs. WILSON was an analyst, not a spy, not a covert operative, not in charge of undercover operatives. So what is the fuss about? Pure Bush-bashing?"

Well, Mr. WILSON responds: "Bob Novak called me before he went to print with the report, and he said a CIA source told him that my wife was an operative. He was trying to get a second source after the article appeared. I called him and said, 'You told me it was a CIA source. You wrote senior administration officials. What was it, CIA or senior administration?' He said to me, 'I misspoke the first time I spoke to you. That makes it senior administration sources.'" Ms. Paula Zahn, now CNN.

About his partisanship, Wilson responds, "Novak also said that I was a Clinton appointee. In actual fact, my first political appointment was as Ambassador, and I was appointed by George H.W. Bush. So I am really apolitical in all of this."

Now, questions about Rove's involvement are raised by numerous news sources. Sources close to the former President say Rove was fired from the 1992 Bush presidential campaign after he planted a negative story with columnist Robert Novak. Countdown, MSNBC, September 29, 2003.

Tory Clark, former spokesperson for the Pentagon, said "People are constantly aware of classified information, and Secretary Rumsfeld makes it a point to regularly and frequently speak about the problems of leaking classified information."

What we have here exposed is a case study of what a writer of information this sensitive ought not to be doing. It is very clear to Ambassador Wilson, and everyone else around him, that everyone around him knew that Rove had either leaked or had condoned the leak. So it is my hope that Mr. Rove will approach this from the point of view that it is more likely to get much deeper than it is right now. It might save us from ending up with an independent prosecutor for the CIA leak. It would certainly be a way of trying to make amends for what is going to happen.

Mr. Chris Matthews is a person of impeccable integrity and is the host of MSNBC's Hardball, which most of us have been on at one time or the other. A source close to Wilson said that Matthews said, "I just got off the phone with Karl Rove, who said your wife was fair game," talking to the former Ambassador. So I think the time has come.

□ 2330

This political director has probably I think come to the end of at least one of his careers. The relationship between the Attorney General of the United States and him in his political consultant capacity is pretty obvious. It meets the criteria set forth in the statute for the appointment of an independent prosecutor. So it seems to me that between one of these 2 ways, we have to get to the bottom of this as this research goes on. It fits into this whole business of misrepresentation that has characterized and has begun to create problems of morale, not just in the military, but in the intelligence agencies themselves. We are not talking about something happening over in some obscure office in the Pentagon. This is coming out of the White House, 1600 Pennsylvania Avenue. And because of the role that the Committee on the Judiciary has played in forming this new independent counsel since we have dispensed with special prosecutors, our role is quite clear in how we must proceed and how we ought to investigate this.

It is my hope to meet with the chairman of the committee this week to determine what we can all collectively do in a matter that is very disturbing to many people in many parts of our citizenry and our government alike. I commend all of the Members who have been here tonight to engage in what I think is a long overdue discussion.

Mr. MEEK of Florida. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to say to the distinguished gentleman from Michigan, the thoughtful presentation that he has just made, the laying out, if you will, of the chronological history of where we are today, I hope it is clear to many of our colleagues that we may be on the brink of a constitutional crisis. And that is, of course, because the gentleman has suggested, or that the facts seem to suggest that we had 2 dueling deficiencies occurring. We had deficiency of all of the facts necessary or all of the truth necessary to actually have a basis of declaring a preemptive war against Iraq, and then we had the unraveling of our intelligence structure, which is the very heartbeat of a nation's national security and now, it is the heartbeat of homeland security. And if we undermine the intelligence system or structure, then what do we have? And how can any reporter, and I believe in the first amendment, and my colleagues know that the Committee on the Judiciary has its jurisdiction to protect under the Constitution the Bill of Rights; make light of the fact of which source it was or whose source it was or, I think it was analysts; it might have been that the person who was speaking to them used the term "analyst" to protect her cover or the person's cover.

So I do not believe we can move on this unrestricted, no-strings-attached $87 billion without a full airing of the very facts that the gentleman has just asked for, or the very response or airing or truth of what occurred. Whether or not the involvement of Mr. Rove and the resignation thereto, the opportunity for all of the congressional committees of jurisdiction, which would include the Committee on the Judiciary, would have an opportunity for full hearings on every aspect of this. A deep investigation.

My colleagues know that we have yet to be able to secure the independent commission; they will not even bring that to the floor on the issue of weapons of mass destruction. I do not believe that we can move forward on the supplemental without those facts being brought to the table, and who the actual personnel or the parties that were engaged in this process. So the gentleman has made a very good point.

Mr. MEEK of Florida. Mr. Speaker, I would say to my colleagues that I have seen this Congress, when I was in the State legislature, go to great extents for far less in questioning what is happening right now. This is not speculation; these are the lives of CIA operatives, the very lives that are in countries where Americans and those who help Americans are not applauded. On behalf of not only the safety, but the sovereignty of this country, I think the gentleman's letter is well within order. I brought about questions in my own heart and mind when I did not hear the President and others who were in the White House saying listen, independent counsel? That is fine. Because we want the individual who leaked the information to be found, prosecuted, what have you. Fired is not good enough for me personally. I think the individuals who have leaked this information knowingly and willingly, revenge, political revenge, need to be punished and prosecuted. And the only way we are going to get to that, I believe, is through an independent counsel. So I think the gentleman's letter is well within order. And Mr. Rove, as far as I am concerned, politics has nothing to do, or should not have anything to do with it. Thus, as red-blooded Americans voicing our opinion and informing the American people.

Mr. CONYERS. Mr. Speaker, if the gentleman will yield, if I could say to the gentlewoman from Texas and the gentleman from Florida, the truth ultimately always comes out. I do not know why so many people hide, run for cover, obfuscate, manipulate, spin, but in the end, it may take a little longer and they may be able to put it off, they may be able to do it long enough to get out of town, but in the end, there are too many people of conscience and talent that are looking at these same situations that we have to deal with in our working lives. And you are not going to get very far, not in today's global technologically advanced society. It is going to come out. It always does. It never fails. There will be books upon books upon investigation upon articles, and they just will not come forward and make a complete candid discussion. The American people are not going to be fooled.

Mr. MEEK of Florida. Mr. Speaker, I want to thank the gentleman from Michigan (Mr. CONYERS) for all of his contributions here tonight and to be here this time of night sharing with the American people, and the gentleman is to be commended.

I just wanted to say that the gentlewoman did hit on the donors conference that is happening on October 23. I think this Congress should hold back on the $87 billion. If we give $87 billion, then why are we having a donors conference? We went from $12 billion, saying that the donors from other places are down to $6 billion. Now there is some question about $3 billion.

I am here tonight definitely on behalf of the American people of being able to share with them what they need to know. But $87 billion as it relates to Florida means $4.5 billion that we will not receive, which could equate to $672.7 billion in school construction. The governor down there is hollering about we need more money for schools. Mr. Speaker, 6,062 in new affordable housing units that could create 4,839 jobs and also 769.7 million in local and State roads and bridges that could create 27,099 jobs; 8,8,970 new firefighters and health care coverage for 434,452 people.

Mr. Speaker, I am glad that both of my colleagues are here tonight.

Ms. JACKSON-LEE of Texas. Mr. Speaker, just as the gentleman closes and the time is ending, let us put a face on this. We are standing here because we are trying to save lives of the young men and women on the front lines in Iraq.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BERKLEY (at the request of Ms. PELOSI) for today and October 8 on account of a family medical emergency.

Mr. DEFAZIO (at the request of Ms. PELOSI) for today on account of flight delays.

Ms. ESHOO (at the request of Ms. PELOSI) for today and October 8 on account of personal reasons.

Ms. HARMAN (at the request of Ms. PELOSI) for today on account of personal reasons.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today and October 8 on account of a death in the family.

Ms. LOFGREN (at the request of Ms. PELOSI) for today and October 8 on account of personal reasons.

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today and October 8 on account of personal reasons.

Ms. SOLIS (at the request of Ms. PELOSI) for today and October 8 on account of personal business.

Ms. WOOLSEY (at the request of Ms. PELOSI) for September 23, October 7 and 8 on account of medical reasons.

Mrs. BONO (at the request of Mr. DELAY) for today and the balance of the week on account of illness in the family.

Mr. CASTLE (at the request of Mr. DELAY) for today and the balance of the week on account of attending a CODEL in Iraq.

Mr. FOLEY (at the request of Mr. DELAY) for today and the balance of the week on account of attending to family business.

Mr. HAYWORTH (at the request of Mr. DELAY) for today on account of personal reasons.

Mr. PUTNAM (at the request of Mr. DELAY) for today on account of medical reasons.

Mr. WALDEN of Oregon (at the request of Mr. DELAY) for today and the balance of the week on account of attending a CODEL in Iraq.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ALLEN) to revise and extend their remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. MARKEY, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. NEAL of Massachusetts, for 5 minutes, today.

Mr. TIERNEY, for 5 minutes, today.

Mr. LYNCH, for 5 minutes, today.

Mr. OBEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

(The following Members (at the request of Mr. HENSARLING) to revise and extend their remarks and include extraneous material:)

Mr. HENSARLING, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. FEENEY, for 5 minutes, today and October 8.

Mr. GINGREY, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today and October 8.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. RANGEL, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1642. An act to extend the duration of the immigrant investor regional center pilot program for 5 additional years, and for other purposes; to the Committee on the Judiciary.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 2, 2003, he presented to the President of the United States, for his approval, the following bill.

H.R. 1925. To reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes.

Jeff Trandahl, Clerk of the House reports that on October 2, 2003, he presented to the President of the United States, for his approval, the following bill.

H.R. 2826. To designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto

Rico, as the "Roberto Clemente Walker Post Office Building".

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 8, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4662. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Zinc Phosphide; Pesticide Tolerance [OPP-2003-0319; FRL-7329-9] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4663. A letter from the Under Secretary of Defense, Department of Defense, transmitting a FY 2003 report entitled, "Performance of Commercial Activities," pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

4664. A letter from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting the Department's final rule — Required Conversion of Developments From Public Housing Stock [Docket No. FR-4475-F-02] (RIN: 2577-AC01) received September 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4665. A letter from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting the Department's final rule — Voluntary Conversion of Developments From Public Housing Stock [Docket No. FR-4476-F-04] (RIN: 2577-AC02) received September 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4666. A letter from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting the Department's final rule — Housing Choice Voucher Program Homeownership Option: Eligibility of Units Owned or Controlled By a Public Housing Agency [Docket No. FR-4759-F-03] (RIN: 2577-AC39) received September 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4667. A letter from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — Special Demonstration Programs — Model Demonstration Projects — Mentoring for Transistion-Age Youth and Young Adults With Disabilities (RIN: 1820-ZA28) received September 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4668. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Services Block Grant Discretionary Activities: Community Economic Development Program (CEDP) Projects Funded During Fiscal Years 1998 and 1999; to the Committee on Education and the Workforce.

4669. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Area Designations; California [CA087-DESIG; FRL-7568-3] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4670. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA 290-019a; FRL-7563-6] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4671. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination that State has Corrected a Deficiency in the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA 290-0419c; FRL-7565-4] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4672. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuel and Fuel Additives: Gasoline and Diesel Fuel Test Method Update [FRL-7566-3] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4673. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced After July 23, 1984 [Docket ID No. OAR-2002-0046; FRL-7566-2] (RIN: 2060-AJ53) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4674. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Use of Alternative Analytical Test Methods in the Reformulated Gasoline, Anti-Dumping, and Tier 2 Gasoline Sulur Control Programs [FRL-7566-6] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4675. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to the Czech Republic for defense articles and services, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4676. A letter from the Acting Assistant Secretary For Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations based on the 2003 Missile Technology Control Regime Plenary Agreements [Docket No. 030825213-3213-01] (RIN: 0694-AC76) received September 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4677. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification under section 451 of the Foreign Assistance Act to provide assistance to support democracy and governance programs in Afghanistan; to the Committee on International Relations.

4678. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-151, "Fiscal Year 2004 Tax Revenue Anticipation Notes Temporary Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4679. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-150, "National Guard Association of the United States Real Property Tax Exemption Reconfirmation and Modification Temporary Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4680. A letter from the Acting Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's annual implementation report required by the Federal Financial Assistance Management Improvement Act of 1999, pursuant to Public Law 106—107, section 5 (113 Stat. 1488); to the Committee on Government Reform.

4681. A letter from the Administrator, Office of Management and Budget, transmitting a copy of the report, "Informing Regulatory Decisions: 2003 Report to Congress on the Costs and Benefits of Federal Regulations and Unfunded Mandates on State, Local and Tribal Entities," pursuant to 2 U.S.C. 1538; to the Committee on Government Reform.

4682. A letter from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds (RIN: 1018-AI93) received September 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4683. A letter from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Final Framework for Late-Season Migratory Bird Hunting Regulations (RIN: 1018-AI93) received September 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4684. A letter from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2003-04 Late Season (RIN: 1018-AI93) received September 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4685. A letter from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of Interior, transmitting the Department's final rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations and Certain Federal Indian Reservations and Ceded Lands for the 2003-04 Early Season (RIN: 1018-AI93) received September 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4686. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the Administration of the Foreign Agents Registration Act for the six months ended December 31, 2002, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

4687. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Matter Incorporated by Reference [Docket No. RSPA-03-15574 (HM-189U)] (RIN: 2137-AD83) received September 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4688. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials Regulations: Penalty Guidelines and Other Procedural Regulations [Docket No. RSPA-03-15372 (RSP-5)] (RIN: 2137-AD7) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4689. A letter from the Assistant Division Chief, Regulations & Procedures Division, Alcohol & Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Organic Claims in Labeling and Advertising of Alcohol Beverages (2002R-288P) [T.D. ATF-483] (RIN: 1512-AC87) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4690. A letter from the Assistant Division Chief, Regulations & Procedures Division, Alocohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Realignment of the Alexander Valley and Dry Creek Valley Viticultural Areas (2000R-298P) [T.D. ATF-468; Re: Notice No. 910] (RIN: 1512-AAO7) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4691. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Requirements for Paid Feeding Assistants in Long Term Care Facilities [CMS-2131-F] (RIN: 0938-AL04) received September 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

4692. A letter from the Secretary, Department of Defense, transmitting a report of the Secretary of Defense, the Attorney General and the Director of Central Intelligence, acting jointly as described in subsection 111(b) of division M of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108-7), entitled "Report to Congress regarding the Terrorism Information Awareness Program"; jointly to the Committees on Armed Services, Intelligence (Permanent Select), and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 982. A bill to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa (Rept. 108–102 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 542. A bill to repeal the reservation of mineral rights made by the United States when certain lands in Livingston Parish, Louisiana, were conveyed by Public Law 102-562 (Rept. 108–297). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2055. A bill to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore (Rept. 108–298). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 884. A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, and 326–K, and for other purposes; with an amendment (Rept. 108–299). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2048. A bill to extend the period for reimbursement under the Fishermen's Protective Act of 1967, and to reauthorize the Yukon River Restoration and Enhancement Fund; with amendments (Rept. 108–300). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1521. A bill to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes; with an amendment (Rept. 108–301). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3062. A bill to amend the Mineral Leasing Act to authorize the Secretary of the Interior to issue separately, for the same area, a lease for tar sand and a lease for oil and gas, and for other purposes (Rept. 108–302). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2685. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the Matching Grant Program for School Security (Rept. 108–303). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2359. A bill to extend the basic pilot program for employment eligibility verification, and for other purposes; with an amendment (Rept. 108–304 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3159. A bill to require Federal agencies to develop and implement plans to protect the security and privacy of government computer systems from the risks posed by peer-to-peer file sharing (Rept. 108–305). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Education and the Workforce discharged from further consideration. H.R. 2359 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2359. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 7, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. THOMPSON of Mississippi (for himself, Mr. Petri, Mr. Gutknecht, and Mr. Kind):

H.R. 3250. A bill to amend the Richard B. Russell National School Lunch Act to establish programs to promote increased consumption of milk in schools and to improve the nutrition and health of children; to the Committee on Education and the Workforce.

By Mr. McDERMOTT (for himself, Mr. George Miller of California, Mr. Matsui, and Mr. Kildee):

H.R. 3251. A bill to amend the Internal Revenue Code of 1986 to increase and enhance the Hope Scholarship Credit and to repeal the Lifetime Learning Credit; to the Committee on Ways and Means.

By Mr. CANNON:

H.R. 3252. A bill to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah; to the Committee on Resources.

By Mr. COLLINS (for himself and Mr. Bishop of Georgia):

H.R. 3253. A bill to designate the Federal building and United States courthouse located at 120 12th Street in Columbus, Georgia, as the "J. Robert Elliott Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. FRELINGHUYSEN:

H.R. 3254. A bill to amend the Electronic Fund Transfer Act to require truncation of account numbers on transaction receipts, and for other purposes; to the Committee on Financial Services.

By Mr. MOORE (for himself, Mr. Ryun of Kansas, Mr. Tiahrt, and Mr. Moran of Kansas):

H.R. 3255. A bill to designate the facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the "Senator James B. Pearson Post Office"; to the Committee on Government Reform.

By Mr. ROHRABACHER:

H.R. 3256. A bill to provide for the issuance of the Office of the Secretary of Defense Exceptional Public Service Award to journalists who accompanied units of the United States Armed Forces or coalition partners into Iraq during Operation Iraqi Freedom, a process referred to as "embedding", in order to provide first-hand and timely reports on the progress of the United States and coalition forces and the liberation of the Iraqi people; to the Committee on Armed Services.

By Mr. RYAN of Ohio:

H.R. 3257. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area; to the Committee on Resources.

By Mrs. WILSON of New Mexico (for herself, Mr. Pearce, and Mr. Udall of New Mexico):

H.R. 3258. A bill to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes; to the Committee on Resources.

By Mr. CONYERS (for himself, Ms. Kilpatrick, Mr. Kildee, Mr. Upton, Mr. McCotter, Mr. Camp, Mr. Ehlers, Mr. Dingell, Mr. Smith of Michigan, Mr. Knollenberg, Mr. Rogers of

Michigan, Mr. LEVIN, Mr. STUPAK, Mr. HOEKSTRA, and Mrs. MILLER of Michigan):

H. Con. Res. 295. Concurrent resolution congratulating and saluting Focus: HOPE on the occasion of its 35th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. WATT and Mrs. CHRISTENSEN.

H.R. 135: Mr. NORWOOD.

H.R. 195: Mr. BARTON of Texas.

H.R. 235: Mr. LATHAM and Mr. PETERSON of Minnesota.

H.R. 259: Mrs. CHRISTENSEN.

H.R. 665: Mr. STARK.

H.R. 721: Mr. BRADLEY of New Hampshire.

H.R. 727: Mr. HONDA, Mr. BLUMENAUER, and Ms. WOOLSEY.

H.R. 734: Ms. LOFGREN.

H.R. 745: Mr. NEAL of Massachusetts.

H.R. 775: Mr. TANCREDO.

H.R. 785: Mr. KING of Iowa.

H.R. 814: Mr. RODRIGUEZ.

H.R. 850: Mr. FRANK of Massachusetts.

H.R. 852: Ms. NORTON, Ms. CARSON of Indiana, Mr. MICHAUD, and Ms. LOFGREN.

H.R. 857: Mr. LANGEVIN.

H.R. 869: Mr. BISHOP of Utah and Mr. VAN HOLLEN.

H.R. 876: Mr. ROTHMAN, Ms. HOOLEY of Oregon, and Mr. PORTER.

H.R. 896: Mr. HINOJOSA.

H.R. 920: Mr. REYES and Mr. CARDOZA.

H.R. 937: Mr. LAMPSON.

H.R. 979: Ms. LOFGREN.

H.R. 1004: Ms. ESHOO, Mr. BAIRD, Mr. RODRIGUEZ, and Mr. LARSEN of Washington.

H.R. 1083: Ms. BALDWIN.

H.R. 1097: Mr. RYAN of Ohio, Ms. CARSON of Indiana, and Mr. MILLER of North Carolina.

H.R. 1105: Mr. GREEN of Texas.

H.R. 1121: Mr. SHAYS.

H.R. 1146: Mr. HERGER.

H.R. 1157: Mr. WU.

H.R. 1179: Mr. LARSEN of Washington.

H.R. 1200: Mr. BRADY of Pennsylvania, Mr. PASTOR, and Mr. PALLONE.

H.R. 1229: Mr. VITTER.

H.R. 1231: Mr. CRENSHAW, Mr. DAVIS of Alabama, Mr. CARTER, Mr. BILIRAKIS, Mr. LEWIS of Georgia, and Mr. MEEHAN.

H.R. 1236: Mr. SESSIONS.

H.R. 1241: Mr. MCINTYRE, Mr. BOSWELL, and Mr. HINOJOSA.

H.R. 1243: Mr. WEXLER.

H.R. 1258: Mr. SMITH of Washington.

H.R. 1285: Mr. HOYER.

H.R. 1310: Mr. EVERETT, Mr. BURR, Mr. BASS, Mr. PUTNAM, Mr. ETHERIDGE, and Mr. LARSEN of Washington.

H.R. 1322: Ms. SLAUGHTER and Mr. CROWLEY.

H.R. 1345: Ms. LORETTA SANCHEZ of California.

H.R. 1372: Mr. MCGOVERN and Mr. TURNER of Texas.

H.R. 1385: Ms. DELAURO, Mr. SCHIFF, Ms. WATERS, Mrs. BIGGERT, and Mr. MORAN of Virginia.

H.R. 1414: Mr. SMITH of Washington.

H.R. 1425: Mr. CASE and Mr. ABERCROMBIE.

H.R. 1466: Mr. PETERSON of Minnesota.

H.R. 1483: Ms. SCHAKOWSKY and Mr. HINCHEY.

H.R. 1508: Mr. GREEN of Texas and Mr. VAN HOLLEN.

H.R. 1613: Mr. PASCRELL.

H.R. 1617: Mr. ACEVEDO-VILÁ.

H.R. 1634: Mr. PUTNAM.

H.R. 1689: Mr. CROWLEY.

H.R. 1738: Mr. BACA.

H.R. 1746: Mr. RYAN of Wisconsin and Mr. HINOJOSA.

H.R. 1755: Mr. CAMP.

H.R. 1784: Mr. RODRIGUEZ.

H.R. 1828: Mr. DELAY, Mr. BLUNT, Mr. GEPHARDT, Mr. YOUNG of Alaska, Mr. DOOLITTLE, Ms. BORDALLO, and Mr. FILNER.

H.R. 1905: Mr. PORTER.

H.R. 1943: Mr. PLATTS, Ms. HART, and Mr. FLAKE.

H.R. 1958: Ms. CORRINE BROWN of Florida.

H.R. 1961: Mr. BARTON of Texas.

H.R. 1992: Ms. LOFGREN.

H.R. 2071: Mr. RUSH, Mr. STARK, Mr. MCNULTY, Mr. UDALL of New Mexico, Mr. SABO, and Ms. CARSON of Indiana.

H.R. 2118: Mr. GILLMOR and Mr. CULBERSON.

H.R. 2127: Mr. WYNN and Mr. MCGOVERN.

H.R. 2173: Mr. FRANK of Massachusetts and Mr. PASTOR.

H.R. 2213: Ms. LOFGREN.

H.R. 2256: Mr. GREEN of Texas.

H.R. 2260: Mr. BILIRAKIS, Mr. THOMPSON of California, Mr. HINOJOSA, Mr. REYES, Mr. MCDERMOTT, Mr. HOLT, Mr. CRAMER, Mr. BISHOP of Georgia, Mr. GILCHREST, and Mr. PASCRELL.

H.R. 2291: Mr. DEUTSCH.

H.R. 2318: Mr. BOUCHER and Ms. ESHOO.

H.R. 2365: Mr. MCHUGH.

H.R. 2379: Mr. CAMP.

H.R. 2400: Mr. ABERCROMBIE.

H.R. 2426: Mrs. DAVIS of California.

H.R. 2434: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2505: Mr. LUCAS of Kentucky and Mr. LARSON of Connecticut.

H.R. 2511: Mr. MILLER of Florida and Mr. HOLDEN.

H.R. 2512: Mr. MCCOTTER.

H.R. 2519: Ms. LOFGREN.

H.R. 2538: Mr. GOSS.

H.R. 2574: Mr. OLVER, Mr. GEORGE MILLER of California, Mr. CAPUANO, and Mr. GRIJALVA.

H.R. 2579: Mr. LEACH.

H.R. 2585: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 2671. Mr. ROSS and Mr. MILLER of Florida.

H.R. 2677: Mr. SABO.

H.R. 2705: Mr. MCGOVERN, Ms. BORDALLO, and Mr. CASE.

H.R. 2719: Mr. DAVIS of Tennessee, Mr. GRIJALVA, Mr. LAMPSON, Mr. SCOTT of Georgia, and Mr. KENNEDY of Rhode Island.

H.R. 2720: Mr. SANDERS and Mr. KLINE.

H.R. 2727: Mr. KIND.

H.R. 2732: Mr. PLATTS and Mr. WHITFIELD.

H.R. 2768: Mr. MANZULLO, Mr. EVERETT, Mr. BOEHNER, Ms. HARRIS, Mrs. BLACKBURN, Mr. DEAL of Georgia, Ms. HART, Mr. WICKER, Mr. PICKERING, Mr. TAUZIN, Mrs. KELLY, Mr. NEUGEBAUER, Mr. COLE, Mr. LUCAS of Oklahoma, Mrs. MILLER of Michigan, Mrs. MUSGRAVE, Mr. GREENWOOD, Mr. NUNES, Mr. POMBO, Mr. BLUNT, Mr. CRENSHAW, Mr. GIBBONS, and Mrs. HOOLEY of Oregon.

H.R. 2823: Mr. SANDLIN.

H.R. 2824: Mr. FORBES.

H.R. 2844: Mr. BARTLETT of Maryland.

H.R. 2897: Ms. NORTON, Mrs. MALONEY, and Mr. BISHOP of Georgia.

H.R. 2899: Mr. QUINN, Mrs. JOHNSON of Connecticut, and Mr. MILLER of Florida.

H.R. 2906: Mr. JANKLOW.

H.R. 2908: Mr. ETHERIDGE, Mr. MICHAUD, and Mr. CONYERS.

H.R. 2932: Mr. VAN HOLLEN.

H.R. 2938: Mr. KENNEDY of Minnesota.

H.R. 2952: Mr. GONZALEZ.

H.R. 2966: Mr. DEAL of Georgia, Mr. WAMP, and Mr. SHIMKUS.

H.R. 2970: Mr. MCGOVERN.

H.R. 2986: Mr. MCNULTY and Mr. NORWOOD.

H.R. 2990: Mr. UPTON and Ms. MILLENDER-MCDONALD.

H.R. 2998: Mr. VISCLOSKY, Mr. ACKERMAN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DOGGETT, Mr. TIBERI, Mr. BASS, Mr. KLINE, Mrs. CAPITO, Mr. SIMMONS, Mr. GREENWOOD, Mr. CAPUANO, Mr. PLATTS, Mr. UDALL of New Mexico, and Mr. LEVIN.

H.R. 2999: Mr. NORWOOD.

H.R. 3002: Mrs. JO ANN DAVIS of Virginia and Mr. SIMPSON.

H.R. 3003: Mr. BAKER.

H.R. 3022: Mr. SANDERS.

H.R. 3023: Mr. SANDERS.

H.R. 3024: Mr. WYNN and Mr. ROGERS of Alabama.

H.R. 3054: Mr. VAN HOLLEN.

H.R. 3058: Mr. GERLACH, Mr. PETRI, Mr. MILLER of North Carolina, Mr. PRICE of North Carolina, Mr. BOUCHER, Mr. SMITH of New Jersey, and Mr. RYAN of Ohio.

H.R. 3062: Mr. GIBBONS and Mr. BISHOP of Utah.

H.R. 3076: Mr. UPTON.

H.R. 3104: Mr. ROHRABACHER, Mr. ETHERIDGE, Mr. FORD, Mr. ROSS, Mr. LARSON of Connecticut, Mr. ACEVEDO-VILÁ, Mr. CASE, Ms. BORDALLO, and Mr. MORAN of Virginia.

H.R. 3119: Mr. ETHERIDGE, Ms. CARSON of Indiana, Mr. KILDEE, Mr. PLATTS, Mr. WILSON of South Carolina, Mr. LUCAS of Kentucky, and Mr. ABERCROMBIE.

H.R. 3120: Mr. SANDERS.

H.R. 3125: Mr. BURGESS, Mr. WICKER, Mr. DEMINT, Mr. NEY, and Mr. BURR.

H.R. 3134: Mr. BOEHLERT.

H.R. 3139: Mr. RODRIGUEZ.

H.R. 3140: Mr. HENSARLING and Mr. CARTER.

H.R. 3147: Mr. REHBERG, Mr. PEARCE, Mr. GIBBONS, Mr. OTTER, Mr. WALDEN of Oregon, Mr. NUNES, and Mr. HAYWORTH.

H.R. 3149: Mr. PUTNAM and Mrs. JONES of Ohio.

H.R. 3153: Ms. WATSON, Mr. SANDERS, Mr. CONYERS, and Ms. WOOLSEY.

H.R. 3157: Mr. WILSON of South Carolina, Mr. FORBES, Mr. ACEVEDO-VILÁ, Mrs. FILNER, Mr. DEUTSCH, Mr. MCHUGH, and Ms. BORDALLO.

H.R. 3158: Mr. WEXLER, Ms. WOOLSEY, Mr. MCDERMOTT, Mr. DINGELL, Mr. DEUTSCH, and Mr. CONYERS.

H.R. 3165: Mr. GOODE.

H.R. 3178: Mr. PAUL, Mrs. MCCARTHY of New York, and Ms. MILLENDER-MCDONALD.

H.R. 3180: Ms. SCHAKOWSKY.

H.R. 3182: Mr. SHAW, Mr. WEXLER, and Mr. GREENWOOD.

H.R. 3184: Mr. AKIN and Mr. WELDON of Pennsylvania.

H.R. 3190: Mr. MILLER of Florida.

H.R. 3192: Ms. LORETTA SANCHEZ of California, Mr. COOPER, Ms. MILLENDER-MCDONALD, and Mr. STARK.

H.R. 3197: Ms. NORTON, Mr. BAIRD, Mr. COOPER, Mr. WICKER, and Mr. PETERSON of Minnesota.

H.R. 3199: Mr. WALSH, Mr. STRICKLAND, and Ms. MCCOLLUM.

H.R. 3208: Mr. BONNER, Mrs. CAPITO, Mr. BONILLA, and Mrs. NORTHUP.

H.R. 3228: Mr. JONES of North Carolina, Mr. WYNN, and Mr. BOUCHER.

H.R. 3237: Mr. COOPER, Mr. CASTLE, and Mr. GREENWOOD.

H.R. 3243: Mr. BROWN of Ohio.

H.R. 3247: Mr. BEAUPREZ.

H.J. Res. 22: Mr. Petri.

H.J. Res. 48: Mr. Isakson.

H.J. Res. 56: Mr. Rogers of Kentucky and Mr. Flake.

H. Con. Res. 87: Ms. Lofgren.

H. Con. Res. 126: Mr. Rogers of Alabama.

H. Con. Res. 192: Mr. Deutsch, Ms. Loretta Sanchez of California, Mr. Larson of Connecticut, and Mr. Gonzalez.

H. Con. Res. 218: Mr. Shaw and Mr. Wexler.

H. Con. Res. 247: Mr. Bishop of Utah, Mr. Leach, Mr. Turner of Texas, Mr. Price of North Carolina, Mr. Hensarling, Mr. Mollohan, and Mr. Sandlin.

H. Con. Res. 264: Mr. Wolf, Mr. Markey, Mr. Wexler, and Mr. Payne.

H. Con. Res. 280: Mr. Hulshof, Mr. Hefley, Mr. Michaud, Mr. Bereuter, Mr. Boozman, Mr. DeFazio, Mr. Rogers of Alabama, Mr. Sweeney, Mr. Platts, Mr. Larsen of Washington, Mr. Cummings, Mr. Lipinski, Mrs. Blackburn, Mr. Sullivan, Mr. Johnson of Illinois, and Mr. Bishop of New York.

H. Con. Res. 281: Mr. Evans and Mr. Rangel.

H. Res. 262: Mr. Shaw, Mr. Boehlert, and Mr. Ehlers.

H. Res. 302: Ms. Woolsey, Mr. Van Hollen, and Ms. Lofgren.

H. Res. 320: Mr. Gary G. Miller of California and Ms. Lofgren.

H. Res. 342: Mr. Gutierrez.

H. Res. 366: Mr. Skelton.

H. Res. 372: Ms. Woolsey, Ms. Schakowsky, and Mr. Miller of Florida.

H. Res. 378: Ms. Ros-Lehtinen, Mr. Ney, Mr. LaHood, and Mr. King of Iowa.

H. Res. 384: Mr. Abercrombie.

H. Res. 385: Mr. Pomeroy, Ms. Watson, Mr. Becerra, Mr. McDermott, Mr. Putnam, and Mr. Frank of Massachusetts.

EXTENSIONS OF REMARKS

RECOGNIZING NEW GLARUS BREWING COMPANY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to recognize the outstanding achievements of the New Glarus Brewing Company of New Glarus, Wisconsin.

Small businesses provide the backbone of the American economy. Opened in 1993 by Daniel and Deborah Carey, the New Glarus Brewing Company has exemplified excellence in small business for ten years. The Careys' commitment to quality is demonstrated not only in the fine products of their successful brewery, but also by the numerous awards they have received.

Since its inception, the New Glarus Brewing Company has won recognition both nationally and internationally for their microbrewed beverages. At this year's Great American Beer Festival, held recently in Denver, Colorado, the Careys' presence was felt among such nationally-known brewing giants as Miller and Anheuser-Busch. Beating out forty-three entries, and in what the Careys called ". . . the biggest thing we have ever won . . .", the New Glarus Brewing Company took home gold and silver awards in the fruit and vegetable beer category for their Belgian Red and Raspberry Tart brews, respectively.

Even more impressive than national accolades is the noticeable cultural impact of this fine Wisconsin establishment. A marker of this pervasiveness can be seen in my own office in Washington, D.C. National awards and recognition combined with regional cultural contributions are truly reasons to be proud. An even better reason, however, are the thousands of Wisconsinites who enjoy the Careys' creations. I have had the honor to personally tour the New Glarus brewery. From this tour I learned that top-notch beers, such as Belgian Red and Spotted Cow, require high quality ingredients, outstanding staff, and remarkable ownership.

The Careys' ability to combine product quality and business savvy is commendable and deserves recognition. I am proud to call the New Glarus Brewing Company a true Wisconsin favorite.

CONGRATULATING MICHAEL DELCONTE ON BEING NAMED "PERSON OF THE YEAR"

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize Michael Delconte of Hughestown, Stauffer Heights, Pennsylvania for being named "Person of the Year" by the Italian-American Association of Luzerne County. I ask that my colleagues pay tribute to his achievements as he is honored at a dinner this Sunday, October 12, at the Woodlands in Wilkes-Barre, Pennsylvania.

A member of the Italian-American Association of Luzerne County for ten years, Michael has served as the Secretary of the organization, and its President for the past two years.

Mr. Delconte is a 1951 graduate of Pittston High School and a retired federal employee. He worked at the Tobyhanna Army Depot for over 32 years serving as the Branch Chief Supervisor before he retired. He is a member of the Second Presbyterian Church of Pittston and a Past Worshipful Master of the Saint John's Lodge #233 Free and Accepted Masons where he currently serves as Treasurer. He currently serves as Sexton at the Second Presbyterian Church and as Secretary of the Pittston Red Devils athletic club.

Michael Delconte is the son of the late James and Rose Delconte. He has four living brothers, Matthew Colangelo, James, John and Robert Delconte. His brother Joseph Colangelo passed away in 1993. He has several nieces and nephews and great nieces and nephews.

Mr. Speaker, it is a privilege and honor to represent a man who has displayed a lifetime leadership role in serving his community. I ask that my colleagues pay tribute to Michael Delconte as he receives this well deserved honor.

A TRIBUTE TO DR. LEON E. RONDENET

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to pay tribute to a man by any measure—Dr. Leon E. Rondenet. Dr. Rondenet was born in Chicago, IL, on July 28, 1922 to Leon and Loretta Rondenet (deceased). Leon Rondenet, O.D., is a World War II Medical Corps veteran. Dr. Rondenet is a graduate of the Northern Illinois College of Optometry. He has been in private practice for over 50 years. Dr. Rondenet has enjoyed providing the eye care needs for generations of Illinoisans.

Dr. Rondenet is an expert in difficult refractive cases and enjoys providing contact lens fittings for adults and children. He is a longtime member of the American Optometric Association and the Illinois Optometric Association. He has provided indigent eye care services for the Lions Club and supports the Illinois Society for the Prevention of Blindness.

Dr. Rondenet can be held to Ecclesiastes 7:18–19: "The man will avoid all extreme. Wisdom makes one wise man more powerful." Dr. Rondenet is an avid golfer and enjoys recreational fishing. He has been married to Mary Rondenet for 59 years. They have four children, Lee Jr., Mimi, John, and Bill.

LONG BEACH UNIFIED SCHOOL DISTRICT

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, on September 22nd, the Long Beach Unified School District received the Broad Prize for Urban Education, which is awarded to the most outstanding school district in the country. This year the Long Beach Unified School District is America's Best Urban School System.

The Long Beach Unified School District was selected from five national finalists by a panel of 12 national leaders in the education, government, business and nonprofit sectors, including Boeing CEO Phil Condit, Florida Governor Jeb Bush and former Secretary of Housing and Urban Development Henry Cisneros.

The Broad Prize for Urban Education is the largest national education award and is synonymous with the Nobel Prize for schools. The Prize is awarded annually to urban school districts making the greatest overall improvement in student achievement while at the same time reducing achievement gaps across ethnic groups and between various incomes. The winning district receives a cash award of $500,000 that goes towards scholarships for students to attend college or other post-secondary training.

Throughout the year, the Long Beach Unified School District will be highlighted and used as a model so that districts across the country can learn from their success. This will allow other school districts to replicate Long Beach's innovative teaching and educational strategies, thus extending their example and impact.

Long Beach's strength comes from their ability to evaluate and adapt its programs to meet the needs of specific students. This is no easy feat, considering that the Long Beach Unified School District is the third largest school district in California, serving 96,000 students. It also serves, according to U.S. Census, the most ethnically diverse city in the Nation with 46 different languages spoken by local students.

I commend the hard working teachers and school administrators of Long Beach for their contributions and commitment to our young people. I also would like to recognize the parents and our community for supporting the Long Beach Unified School District's efforts to help every child reach its full potential.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Education has always been tied to the promise of equality and opportunity for all and Long Beach Unified School District is an institution that gives every student an equal chance to succeed. Congratulations to the Long Beach Unified School District for this incredible achievement!

HONORING SCHOOL OF HUMAN ECOLOGY AT UNIVERSITY OF WISCONSIN-MADISON

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to honor the outstanding 100 year legacy of the School of Human Ecology at the University of Wisconsin-Madison.

The School of Human Ecology, originally named the Department of Home Economics, was founded in 1903 based on the hard work and dedication of numerous women important to the history of Wisconsin. Among these forward-thinking individuals were Helen Campbell, an author, reformer and home economist, and Caroline Hunt, a vibrant lecturer, mentor, and advocate of women's role in the field of science.

From these promising beginnings, the School today houses departments that span a variety of study: from Consumer Science to Foods and Nutrition to Human Development and Family Studies. The School is truly integral to the educational opportunities available at this fine state institution.

The School of Human Ecology has been well recognized for its commitment to individuals, families and communities in aiming to improve the quality of life for all citizens. This commitment has been demonstrated by the outstanding tradition of research undertaken by professors and students alike. The research operations of the School are not limited to pure academic undertakings but extend to include numerous outreach programs. The Helen Louise Allen Textile Collection, an example of both research and outreach, houses one of the premier compilations of fabric and textile art and artifacts in the Nation. It is through programs such as this that the School of Human Ecology admirably achieves its dedication to community.

I am proud to rise today and join the University of Wisconsin in honoring the impressive 100 years of accomplishments at the School of Human Ecology at the University of Wisconsin-Madison. It is truly an honor to acknowledge the School's impressive past and promising future.

CONGRATULATING RAYMOND ANGELI ON BEING NAMED "MAN OF THE YEAR"

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize my very good friend Raymond Angeli for being named "Man of the Year" by the Columbus Day Association of Lackawanna County. It is an honor to join the members of the association in paying tribute to his numerous achievements as he is honored at a dinner this Sunday, October 12, at Fiorelli's in Peckville.

Each year, the Columbus Day Association honors one local citizen of Italian ancestry who best represents the legacy of Christopher Columbus. Raymond Angeli represents this legacy of strong innovative leadership and of personal sacrifice. He has been the president of Lackawanna College since 1994 and had previously served on the college's board of directors. At the college, he has transformed this 107-year-old institution into a vital vehicle to shape the leaders of tomorrow and serve the community at large. With tremendous ingenuity and initiative, Ray developed specialized educational programs designed to meet the needs of employers, while keeping the college's tradition of small class sizes and personalized attention to each student.

Mr. Angeli also has a distinguished career in government. The late Governor Robert Casey drafted him into service for the Commonwealth of Pennsylvania where he served as deputy, then cabinet-level Secretary for the Department of Community Affairs.

Raymond Angeli has also exhibited leadership and sacrifice in defense of our Nation. He is a retired lieutenant colonel in the U.S. Army where he served two combat tours of duty in Southeast Asia as a helicopter pilot and company commander. He received the Purple Heart, the Bronze Star, the Air Medal, and Meritorious Service medals.

Mr. Speaker, it is a privilege and honor to represent a man who has played such a vital role in the Scranton community, northeastern Pennsylvania, and in defending the freedoms all of our Nation's citizens enjoy.

A TRIBUTE TO ALTHEA LOREEN GRAYSON BANKS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to pay tribute to a woman by any measure—Althea Loreen Grayson Banks. On September 27, 2003, Althea departed from us. She was a woman of many talents and accomplishments. She was employed as an office manager with Mississippi Family Doctors. She was also a licensed real estate agent broker and licensed funeral home director.

Althea was very involved in community and youth oriented organizations. She served as Girl Scout Troop Leader and was a member of Jack and Jill of America, Inc., Jackson Chapter of C.H.U.M.S, Heroines of Jericho Precious Jewel Count No. 146 and the Elks Kizzie Clifton Temple No. 671. She enjoyed horseback riding, tennis, shopping, sewing, and traveling.

Althea can be held to Proverbs 31:10 "Who can find a virtuous woman? For her price is far above rubies." Her life's joy was her children. She was a dedicated mother, daughter, sister, aunt, and friend. Althea was fun loving, energetic and kind hearted. She loved spending quality time with her family and touched the lives of many. The imprint she has left on the lives of others will be loving and everlasting.

IMMIGRANT WORKERS FREEDOM RIDE

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, on October 1, 2003, the Immigrant Workers Freedom Ride arrived to Washington, DC. I welcome and salute the Immigrant Workers Freedom Riders.

Inspired by the 1961 freedom rides that sought to integrate bus terminals in the South, today's riders are visiting cities and towns across the country. They are raising awareness about the plight of immigrant workers and advocating for comprehensive change to our immigration system. Like Dr. Martin Luther King, these Americans, refuse to believe and I quote, "there are insufficient funds in the great vaults of opportunity in this great nation."

Let me share the story of one of those Americans. Salvador Guillen is the proud leader of the Hotel Employees and Restaurant Employees International Union (HERE) Local 681. He is a father of three children and has worked as a housekeeper at Disneyland's Paradise Pier Hotel for over 15 years. Salvador was born in Zamora, Michoacan, and has lived in the United States for 18 years. He is now a proud citizen of the United States.

In his own words, Salvador states:

> I want workers like my two sisters who have not been able to legalize and who are forced to work jobs where they are abused, overworked, and underpaid to have the same opportunity.
>
> I don't want my two sisters to suffer anymore like the time when our father was very sick. I remember they cried every night because they could not see him. Our father recovered, but to this day they still have not seen him since they left Mexico years ago.
>
> I want all immigrants who work everyday and pay taxes to have the same opportunity I had for a better life, that is why I took time off my work, without pay, to ride across our country in support of immigration reform.

Salvador's journey exemplifies our democratic principles that all men and women are guaranteed the inalienable rights of life, liberty and the pursuit of happiness. May God bless all riders for embarking on this courageous and noble journey. I wish them all the best in New York City.

Together, we can implement sensible immigration policies that bring all immigrants one-step closer to the American Dream. For my part, I will continue to fight to defend our democratic values and make justice a reality for all of God's children. Juntos, podemos promover leyes más justas de inmigración, que ayuden a todos los inmigrantes en su lucha por conseguir el Sueño Americano.

IN APPRECIATION OF BOY SCOUT VENTURE CREW 80

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. MORAN of Virginia. Mr. Speaker, I rise today to say thank you to a group of dedicated individuals who helped their community before, during, and after Hurricane Isabel. Boy Scout Venture Crew 80, sponsored by the First Christian Church of Alexandria and made up of youth members and adult leaders, came together to assist in administering first aid and to operate Amateur Radio for those in the afflicted areas.

Having been highly trained by their leaders in emergency communications and first aid, Venture Crew 80 exemplified the Boy Scout Motto, "Be Prepared." With the knowledge that Hurricane Isabel was quickly heading toward Northern Virginia, these young people and their adult leaders responded to the call of the Alexandria Emergency Operations Center (EOC) and the Fairfax Amateur Radio Emergency Service to assist them with their storm operations.

On Wednesday September 17, with most of the Northern Virginia area making preparations for the oncoming wind and rain, Venture Crew 80 were being briefed on how they could assist the city of Alexandria with radio communications support, and by 8 a.m. on Thursday they were on the call assisting the EOC and Red Cross shelters across the area.

Throughout Thursday, these dedicated individuals helped set up radios and other equipment needed to run a successful emergency operations center, assisted in assembling food, water, cots and blankets for shelters should they be needed during and after the storm, and helped gather emergency medical response gear for distribution. After completing the setup, they helped to handle the large amount of radio traffic between the EOC, Red Cross and the emergency shelters and monitored the amateur radio traffic. They remained at their posts, helping their fellow citizens make it through Hurricane Isabel, until 6:30 Friday morning.

Venture Crew 80 continued their support throughout the weekend at the EOC, various emergency shelters, the Mt. Vernon Recreation Center and their communities. Their first aid training was especially appreciated when neighbors came seeking aid and the nursing staff was unable to help.

On behalf of the residents of the City of Alexandria and Fairfax County, I would like to thank all the boys and girls, men and women who took their time and energy to help our community during Hurricane Isabel. It is obvious that the emergency efforts throughout the storm would not have been possible without the hard work of Venture Crew 80.

CONGRATULATING THE PHILIPS FAMILY FOR 268 YEARS OF VOLUNTEER FIRE SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize the Philips family of Stroudsburg for a combined 268 years of service to the Phoenix Fire Company No. 2 of the Stroudsburg Fire Company in Monroe County PA. I ask that my colleagues pay tribute this amazing legacy of service and dedication as this family is honored by the Borough of Stroudsburg Council at its meeting on Wednesday, October 15.

Mr. Speaker, I have the great fortune of representing a family that has over the years dedicated their lives in volunteer service to Stroudsburg and the surrounding communities as members of the Phoenix Fire Company. Herman F. Philips, Lloyd F. Marsh, and Thomas Philips served all their lives and were members until they passed away. Robert W. Philips, Sr., Robert W. Philips, Jr., Richard Philips, and Millard "Skip" Philips all currently serve in the department. The Philips family firefighters have also risen to leadership positions within the department. Skip and Thomas were both assistant chiefs and chiefs, and Robert, Sr. was chief twice.

Their service to both the community and the fire department is remarkable. Equally amazing is the number of volunteer firefighters from one family. However, their longevity in the department is also noteworthy. Robert, Jr., is currently the least experienced volunteer firefighter of the Philips family with only 32 years of service. Robert, Sr., and Richard both have over 50 years while Skip is approaching 50 years.

Firefighters play a critical role in protecting our communities throughout northeastern Pennsylvania. Volunteer firefighters not only faithfully conduct their duties in the fire department, they also are community leaders and volunteer for other activities. The Philips family is no exception. They are pillars of the Stroudsburg community and deserve recognition for their remarkable service over several decades.

Mr. Speaker, it is a privilege and honor to represent this family that has played such an impressive vital role in their community and in voluntarily serving others.

TRIBUTE TO MR. RONALD OLSZOWY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to the life and work of an exceptional individual who I am proud to call my friend. Ronald Olszowy was honored by the Central of Polish Organizations on Sunday, September 28th, as the 2003 Marshal for the Passaic, Clifton and Vicinity Contingent of the 66th Annual General Kazimierz Pulaski Day Parade, which will be held on October 5th in New York City.

Over the past thirty years, Ron Olszowy has worked tirelessly on behalf of the men, women, and children of Passaic, Bergen, and Essex Counties. His selfless and unquestioning commitment to various civic, fraternal, and charitable organizations has left an indelible mark on the lives of many, demonstrating the positive difference that one person can make. It is only fitting that we honor Ronald Olszowy in this, the permanent record of the greatest freely elected body on earth.

The son of the late New Jersey Assemblyman Emil Olszowy, Ron grew up in a family committed to public service. Graduating from Lodi High School and Polk Junior College in Winter Haven, Florida, Ron entered the United States Army as a Military Policeman. During his 1968–1971 stint in the military, Ron held a top-secret security clearance within the Defense Atomic Support Agency. In September of 1968, he was decorated for heroism and credited with saving the life of another soldier.

Upon leaving the military, Ron received his bachelor's degree at William Paterson University, and soon became involved in local and state politics as the campaign manager for his father as well as for former Assemblyman Joseph Scancarella and former Assemblyman Gerry Zecker. In 1982, Ron applied the experience that he had gained in the Assembly elections to his role as a County Coordinator for Governor Kean's election. The election was successful and, in 1985, Ron Olszowy was appointed by Governor Kean as one of four public members of the New Jersey Economic Development Authority.

As the President and owner of Nationwide Bail Bonds and Interstate Insurance Agency in Clifton, Mr. Olszowy has demonstrated the same boundless enthusiasm, initiative, and personal drive that had made him so successful in the political arena. His distinguished work in the field of Bail Bonds led to his serving terms as both the President of the Professional Bail Agents of New Jersey and the President of the Professional Bail Agents of the United States. In both of these capacities, Ron has established himself as one of the foremost professionals in his field.

Yet Ron's commitment to enriching the lives of others extends far beyond the professional sphere. As the former director of the Board of the Passaic Boys and Girls Club, former director of the Passaic Lions Club, and Chairman of the Board of the American Cancer Society, Ronald Olszowy has devoted his time, talents, and energy to providing much-needed services to the residents of northern New Jersey. He has provided a valuable role model for the young men and women of the area, proving that the only real success in life comes from a true commitment to the community at large.

Mr. Olszowy's fine spirit of community service and volunteerism has been recognized across the State of New Jersey. He is a member of the Passaic, Bergen, and Essex County Police Chiefs Association and has been honored by Policeman's Benevolence Associations throughout Passaic, Essex, and Bergen Counties for his dedication to law enforcement. What is more, Ron Olszowy has three times been named Man of the Year for his acts of generosity—in 1991 by the American Cancer Society, in 1994 by the Italian-American Police Society of New Jersey and, in 1995 by the Passaic County Police Chiefs Association.

Mr. Speaker, the job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing the extraordinary efforts of public servants like Ron Olszowy. I ask that you join our colleagues, the members of the Central of Polish Organizations, and myself in recognizing Ronald Olszowy for his outstanding service to the men and women of Northern New Jersey.

SEWICKLEY'S 150TH ANNIVERSARY

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Ms. HART. Mr. Speaker, I am honored to have the opportunity to pay tribute to one of America's premier communities on the occasion of its 150th anniversary. I am proud to serve as Sewickley's Representative in the U.S. House and wish its citizens the best on this important milestone in its history.

Sewickley, rich in both history and tradition, was chosen by many area leaders as a desirable place to live and boasts fine architecture and landscapes.

I ask all of my colleagues in the House of Representatives to join me in congratulating one of the nation's finest communities on its 150th birthday.

TRIBUTE TO ARIE P. TAYLOR

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Ms. DEGETTE. Mr. Speaker, I would like to recognize the exceptional accomplishments and extraordinary life of a woman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this distinguished public servant for her impressive record of civic leadership and invaluable service. It is to commend this outstanding citizen that I rise to honor Arie P. Taylor.

Arie Taylor was a remarkable woman who lived a remarkable life. She was on the front lines of progress for decades and proved to be a powerful force in transforming the landscape of our city and state. Her indomitable spirit sustained her through many challenges and molded a life of notable accomplishment. Born in Bedford, Ohio, it was evident at an early age that politics would play a major role in Arie Taylor's life. At age 19, she served under the first African American woman on the Cleveland City Council. After studying at Miami University of Ohio and Case Western Reserve University, she served a four-year stint in the Women's Air Force as a Staff Sergeant where she was the first black classroom instructor and noncommissioned officer in Women's Air Force training. Arie Taylor distinguished herself in national politics when as a delegate to the 1968 Democratic National Convention, she fought against seating all-white Southern delegations.

Arie Taylor's lengthy career in public service began in 1972 when she was elected to the Colorado House of Representatives representing House District 7 in northeast Denver. She was the first African American woman elected to the Colorado General Assembly and served six terms. As a state representative, she burnished a reputation of being forthright, outspoken and wearing great hats. She became a powerful advocate for African Americans, women, the poor, the elderly and other disadvantaged communities. Arie Taylor carried legislation that amended state civil rights statutes to include sex and gender. She carried fair housing legislation permitting women to access credit in their own names instead of having to rely on their spouses. She sponsored legislation for homemakers displaced because of domestic violence which, after passage, led to creation of a state income tax check-off to support organizations assisting victims of domestic violence. Arie Taylor further sponsored legislation that created treatment centers at the University of Colorado Medical Center for hemophilia and sickle cell anemia.

Her service to the City & County of Denver began as Deputy Clerk of Denver District Court and Chief Clerk of the Denver Election Commission. Her career culminated in being appointed Denver Clerk & Recorder by former Mayor Wellington E. Webb in 1991. It comes as no surprise that Arie Taylor was the recipient of numerous awards including the Harriett Tubman Award for extraordinary efforts against racial violence. In 1999, the municipal center in northeast Denver was dedicated in her name.

Arie Taylor lived a life of meaning and one that was rich in consequence. It is the character and deeds of Arie Taylor, and all Americans like her, which distinguishes us as a people. Truly, we are all diminished by the passing of this remarkable woman.

Please join me in paying tribute to the life of Arie P. Taylor, a distinguished public servant. It is the values, leadership and commitment she exhibited during her life that serves to build a better future for all Americans.

TRIBUTE TO MG ARNOLD PUNARO

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. SKELTON. Mr. Speaker, today I rise to pay tribute to MG Arnold Punaro, United Stated Marine Corps Reserve, on the occasion of his retirement. Major General Punaro has served our Marine Corps and our Nation for more than 35 years.

A native of the great state of Georgia, Major General Punaro grew up in the town of Macon, and graduated from Mount de Sales Academy. He then chose to focus on higher education, earning a Bachelor of Science degree in English from Spring Hill College in Mobile, Alabama. He would later earn Masters degrees at the University of Georgia and also Georgetown University. Like many fine, Southern gentlemen before him, he answered the call to duty and joined the Marine Corps, serving as a platoon commander in Vietnam where he was decorated for heroism and wounded in combat.

In 1973, after completing his active duty tour, Major General Punaro transferred to the Marine Corps Reserve, and continued to dedicate himself to the service of our country, working in the U.S. Senate for Senator Sam Nunn on national security matters for 24 years. In his work with the Senate Armed Services Committee as Staff Director of the Senate Armed Services Committee, he was involved in the formulation of all major defense legislation and the oversight and review of all major defense activities for over two decades. This included the Defense Officer Personnel Management Act and its Reserve counterpart, the Goldwater-Nichols Defense Reorganization Act, the Acquisition Streamlining Act, personnel transition provisions, special operations reforms, and all pay and benefits matters. Major General Punaro also remained actively involved in numerous Reserve organizations, including a tour on active duty in Operation Desert Shield and an extended tour on active duty as the Commander of Joint task Force Provide Promise (Forward) in command of U.S. Forces serving in the former Yugoslavia.

Throughout his career, both civilian and military, MG Arnold Punaro dedicated himself to improving our national security. He serves as a member of Secretary of Defense Rumsfeld's newly formed Defense Business Board and is also a Senior Associate at the Center for Strategic and International Studies in Washington, D.C. He serves on the adjunct faculty at the Marine Corps University and on the Secretary of Defense Reserve Forces Policy Board. As a general officer, he has spent 5 years in command, focusing on increased operational readiness and the integration of reserve forces into the total force Marine Corps. Always keeping the welfare of his Marines at the forefront of his efforts, Major General Punaro spearheaded several programs that directly benefited the quality of life for our service members.

Major General Punaro was recently mobilized on active duty, serving concurrently as a Special Assistant to the Commander, U.S. European Command and as Director of Reserve Affairs Division where he oversaw the largest mobilization in the history of the Marine Corps. In support of the Global War on Terrorism, more than 22,000 Reserve Marines were called to duty. More than 75 percent of those were deployed into theater, where they served with distinction. His dedication to the defense of our country, as a young man in Vietnam to his actions with the Senate together with his continued service with the Marine Corps Reserve, has been a lifelong endeavor. We have been fortunate to have such a high caliber marine officer in support of our nation.

Throughout his distinguished career, Major General Punaro has demonstrated uncompromising character, discerning wisdom, and a sincere, profound sense of duty to his country, and his Corps. On behalf of my colleagues on both sides of the aisle, I would like to recognize Major General Punaro's accomplishments and his devoted service to the Nation. Congratulations to him, his wife Jan and their four children, 2LT Joe Punaro (USMC), Julie, Meghan, and Daniel on the completion of a long and distinguished career. I wish them all the best as they continue to live life beyond our country's beloved Corps.

RE-ENTRY OF THE UNITED STATES INTO UNESCO

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Ms. SLAUGHTER. Mr. Speaker, I rise today to direct my colleagues' attention to the reentry of the United States into UNESCO—the U.N. Educational, Cultural, and Scientific Organization.

As Democratic Co-chair of the Congressional Arts Caucus, I congratulate the Administration on this important step toward playing a more active role in working with other member nations in the international cultural arena. I am heartened, as well, that First Lady Laura Bush led the U.S. delegation at the flag-raising ceremony at our new UNESCO Mission in Paris on Tuesday.

UNESCO promotes international co-operation based upon respect for commonly shared values. In the area of culture, it promotes arts education for children and supports artists, arts organizations, and the arts industry. It sees the arts as vital tools for economic development as well as international understanding. UNESCO's director general, Koichiro Matsuura, recently saluted America's vast intellectual and cultural resources and good will. He termed America "a great nation so diverse that each of us can see himself in it; America holds up a mirror to the world."

As our country takes this important step to further international understanding through education, culture, and science, we should all look forward to working with the U.S. Mission in any way possible.

Unfortunately, ignoring the House's lead, the other body's Appropriations Committee has voted against funding to cover our UNESCO dues. I urge the White House, having sent Mrs. Bush to Paris, to weigh in—heavily and soon—to prevent the Senate from making her appearance into little more than a photo opportunity. Failure to do so would send a signal that the Administration does not truly recognize the important role that our country's best mirror to the world—arts, education, and science—plays in promoting international understanding.

HONORING THE REVEREND LARRY STAMPER AND SUE STAMPER

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate Mr. Larry and Mrs. Sue Stamper on being the recipients of the second annual Woodbury University Movers and Shapers Award that recognizes outstanding volunteer service to Burbank and its residents by members of the community.

Sue Stamper is an Oklahoma native who attended Point Loma College. She has been active in the United Methodist Women, The National Charity League, P.E.O., Burbank Sister City Committee, San Fernando Valley Girl Scouts, Zoma, and Noon Rotary. She is also a member and participant in the Burbank YMCA since 1993, and has been involved in numerous Woodbury activities. Sue is a very talented musician, she plays the violin, piano, and organ. She is additionally a vocalist and enjoys singing at special events. She is currently vice president at First State Bank in Burbank.

Larry Stamper earned a bachelor's degree from Point Loma College and a master's degree from Claremont School of Theology. He is well known in the community as the pastor of Burbank First United Methodist Church. He is a member of the Burbank Community Hospital Foundation, and is on the board of governors for Goodwill Industries. He also serves on the board of directors of Wesley Homes, which are senior retirement homes sponsored by his church. Larry served on the Burbank City Council during the 1980's and was mayor from 1983–1984. He is a member and past-president of the Burbank Kiwanis Club. He was chaplain for the Burbank Police Department for 14 years. Larry has long been associated with Woodbury, and received an honorary doctor of letters from the university in 1992.

The Stampers have been married for 47 years and have three children and five grandchildren. Since moving to Burbank 31 years ago, they have played an active role in civic, philanthropic, and spiritual activities. They have enriched Burbank through their selfless generosity of time and spirit and their constant willingness to better the community. Individually and together, their efforts have positively shaped the future of Burbank.

I ask all Members of Congress today to join me in commending Larry and Sue Stamper for their limitless energy and commitment to the community of Burbank.

THINGS YOU SHOULD KNOW ABOUT THE CONTENTS OF YOUR FLU SHOT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. BURTON of Indiana. Mr. Speaker, I rise today to inform my esteemed colleagues of the contents of their influenza vaccines. As we approach the flu season, many of you will visit the doctor's office and receive an annual influenza vaccine. This might prevent the flu, but what else will it do? You should be aware that the vaccine you are about to receive contains thimerosal—a mercury-laden preservative. Scientific evidence continues to accumulate regarding the biologically plausible connection between this preservative and certain neurological disorders.

The influenza vaccine is not the only vaccine that contains thimerosal. According to the Food and Drug Administration (FDA), several currently manufactured U.S. licensed vaccines also contain thimerosal. From Anthrax to Hepatitis, from Influenza to Lyme disease, numerous vaccines exist that contain this preservative.

During my chairmanship of the Government Reform Committee, we held numerous hearings on the adverse effects of thimerosal. According to scientists, these hearings clearly demonstrated the potentially dangerous effects of vaccines containing mercury, and how easy it would be to save thousands of victims from the preservative's effects. Furthermore, some scientists have attributed the growth in Alzheimer's Disease and autism to the mercury found in these vaccines. In April 2000, when the Committee on Government Reform held its first hearing on the dramatic rise in the rates of autism, Federal agencies were estimating that autism affected 1 in 500 children in the United States. A recent study reported in the Journal of the American Medical Association indicates that ratio may actually be as high as 1 in every 150 children, and the problem continues to grow.

What is most shocking about these vaccines is that the pharmaceutical companies no longer need to use thimerosal as a preservative. They could easily eliminate all mercury from these vaccines. Experts believe that if single-shot vials were used for vaccines, then the thimerosal preservative would no longer be necessary. Moving to single-shot vials could have an enormously positive impact in helping to minimize the debilitating effects of mercury-laden thimerosal.

I am submitting to the CONGRESSIONAL RECORD for my colleagues' review a letter that I recently sent to corporate leaders in the pharmaceutical manufacturing industry.

> You may already be aware that scientific evidence continues to accumulate regarding the connection between thimerosal, autism and other neurodevelopmental disorders, and that many parents have become understandably concerned about the safety of pediatric vaccines. Although the U.S. Food and Drug Administration (FDA) asked vaccine manufacturers to begin removing the mercury-laden preservative thimerosal from vaccines in 1999, they were not ordered to do so. As a result, we now have a situation where concerned parents who do not wish their children to be exposed to thimerosal are unable to determine which vaccines currently on the market contain thimerosal and which are thimerosal-free.
>
> During my tenure as Chairman of the House Government Reform Committee (1997–2002), a myriad of scientists testified at a series of hearings before the Committee that the mercury in vaccines is a contributing factor to developing neurological disorders, including autism and Alzheimer's Disease. Numerous scientists testified that there is a simple way to prevent doing further harm. Experts believe that if single-shot vials were used for vaccines, then thimerosal would no longer be necessary. Moving to single-shot vials could have an enormously positive impact in helping to minimize and perhaps even eliminate some of the cases of autism, Alzheimer's Disease, and other neurological disorders linked to mercury. Unfortunately, several well-known and firmly-established pharmaceutical companies continue to put thimerosal into vaccines for both children and adults, even though the pharmaceutical

> industry knows it is a highly toxic substance.
>
> Reports still continue to surface concerning the marked increase in neurological disorders and a possible correlation to mercury-laden vaccines. In May of this year, the California Department of Developmental Services (DDS) released a report entitled, "Autistic Spectrum Disorders, Changes in the California Caseload: 1999–2002." The findings of this report are truly alarming. California's autism population has nearly doubled in 4 years—from 10,360 reported cases in 1998 to 20,377 cases in December of 2002. This astounding growth rate represents a 97 percent increase in just four years, and nearly 100 percent increase in California's caseload since 1999. And California is not alone. The rate of growth in the population of persons with autism in California is commensurate with reported increases all across the Nation, in such diverse States as Georgia, Minnesota, and Massachusetts. We have an absolute epidemic on our hands. If this trend is allowed to continue at a constant rate, we could have up to 4 million autistic children in America within the next decade.
>
> As you may already know. many pharmaceutical companies in your industry are concerned that they may be held liable in potential class-action lawsuits for brain damage caused by thimerosal, which is still found in at least three childhood vaccines. It is my belief that because of these concerns, language was inserted—at the last minute and under the cover of darkness—into last year's "National Homeland Security Agency Act" (H. R. 1158). This language would have protected pharmaceutical companies from future classaction lawsuits; however, the language was ultimately removed after being discovered by several deeply concerned Members of both the House and Senate.
>
> As a leader of your industry, I implore you to eliminate mercury from your vaccines immediately. Mercury-free medicine protects and promotes the health of the world, as well as protecting your industry from future lawsuits. Thank you for your prompt and personal attention to this urgent matter.

For a chart of those vaccines that contain thimerosal, I invite my colleagues to visit the Food and Drug Administration's website at www.fda.gov/cber/vaccine/thimerosal.htm.

A TRIBUTE TO GEORGE JAMES SINGER, JR.

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. CHABOT. Mr. Speaker, I rise today to remember George James Singer, Jr. George proudly served our Nation in World War II in the Army's 38th Division of the 147th Infantry. He served on the island of Tonga for most of his service from January 1941 to May 1943. The recessional at his funeral mass was "Ah Weh, Ah Weh", a song that he learned while stationed in Tonga and loved to sing at family gatherings.

Born in 1917, George lived a full life. After devoting his life to his country, George returned home to Cincinnati, OH, where he settled down with the love of his life, his wife, Marjorie (nee Sturwold). A few years later, they had a daughter, Gayle. George worked most of his life at the Cincinnati Post-Times Star newspaper. Everyone who knew George, knew him to be a kind and gentle man. He loved to play golf and loved traveling around the world with his beloved wife, Marjorie. Marjorie passed away a few years ago and life was never the same for George.

This country owes George our appreciation for defending our freedom. America is grateful for his service. I offer my condolences to Gayle, his daughter, her husband, Bob, and George's two granddaughters, Amy and Katie. America lost another hero on September 9, 2003. Our Nation's loss is most certainly heaven's gain.

HONORING THE 50TH WEDDING ANNIVERSARY OF BILL AND CAROL CLAY

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. CLAY. Mr. Speaker, I rise today to pay special tribute to my parents, William "Bill" and Carol Clay, on the occasion of their 50th wedding anniversary. As many of you know, my father, former Congressman Bill Clay, represented the 1st Congressional District of Missouri in this body for 32 years.

My parents were married on October 10, 1953 in St. Louis, Missouri. Their life together has been built upon a solid foundation of love, mutual respect, honor and dedication. Over the years they have worked very hard to be responsible parents to their three children, while at the same time toiling tirelessly to provide service to the "larger" family of constituents in St. Louis and beyond.

My father served in elective office for over 40 years and my mother stood by his side every step of the way. From their attempt to desegregate the public swimming pool at Fort McClellan in Alabama, to the marches and protests for employment opportunities at the Jefferson Bank and Trust Company and Howard Johnson's Restaurant in St. Louis, my parents were at the forefront of the struggle for justice and equality from the very early years of their marriage. On one occasion, my father spent 118 days in jail as a result of protesting injustice. During that period, my mother would take us regularly to the jail house to see him, so that we would understand what he was doing and why. My parents instilled a deep sense of commitment to fighting injustice and righting wrongs within my sisters and me at an early age.

One of my fondest memories was in January 1969 when my father was sworn in as a Member of the U.S. House of Representatives. Following his lead, as we normally would, my sisters and I raised our right hands in an effort to take the oath of office with him. At that time, we could not have foreseen an even prouder moment for our family when, 32 years later I had the privilege and honor of being sworn in as a Member of this esteemed body. As I was taking the oath of office, I looked over to my father and noticed a tear fall from his eye while my mother stood beside him, misty-eyed as well.

Throughout his long and distinguished career, my father has been a trailblazer, a pacesetter, an innovator and a fearless leader. At the same time, my mother has been the advocate, the nurturer, the rock solid supporter and the foundation of the Clay family. I take pleasure in reflecting upon all of the wonderful lessons and guidance they have given my sisters and me over the years. They taught us the importance of family commitment, being patient and respecting the opinions of others. They also taught us to always be prepared and look at life from a practical point of view.

Their contributions to our community and our Nation are enormous. In addition, their strong commitment to the education of young people is exemplary. Together they have helped raise over $3 million in college scholarships for minority students through their efforts with the William L. Clay Scholarship and Research Fund. This Fund was founded by my father and the Congressional Black Caucus Spouses organization, of which my mother was a cofounder.

My sisters, Vicki Clay Jackson, Michelle Clay Rorie, and I will honor Bill and Carol in celebration of their golden wedding anniversary on Saturday, October 11, 2003. We are being assisted in this momentous undertaking by all five of Bill and Carol Clay's grandchildren--Angela Clay, Michael Alexis, H. Clay Rorie, Carol W. Clay and William L. Clay, III. Family, life-long friends and colleagues from throughout the Nation will be joining us on that marvelous occasion to extend thanks and appreciation for their love, guidance and friendship.

Mr. Speaker, I ask that you and my colleagues extend a well-deserved and heartfelt round of congratulations to Bill and Carol Clay as they celebrate 50 years of love and devotion to one another and to the Clay family.

BUILDING MOMENTUM

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. DELAY. Mr. Speaker, since the first days after 9/11, President Bush has made clear two priorities in his vision for American security.

First, that the top priority of his administration is to defend our nation and free nations everywhere by declaring and winning a war against global terror. And second, that this war on terror is unlike any conflict in history, fought simultaneously on economic, military, and diplomatic fronts around the world.

In the last week, good news has emerged in several of these sectors.

First of all, American businesses created 57,000 jobs last month, strengthening our economy and putting paychecks back into our people's hands. Our national security is dependent on the creation of even more jobs and economic growth, so that we can afford to meet the ever-changing challenges of the war on terror.

That's why President Bush's tax relief has proven so vital, and why proposals to raise new taxes are so dangerous.

Even as the economy rebounds here at home, we've got to keep military, diplomatic, and economic pressure on the terrorists around the world. So, this week, the Appropriations Committee will take up the President's supplemental war budget request—after two weeks of hearings—to pay for our ongoing military and democracy-building efforts in Iraq and Afghanistan.

We are also committed to keeping up the diplomatic pressure on states that harbor and assist terrorists themselves. Toward that end, this week the International Relations Committee will take up the Syria Accountability and Lebanese Sovereignty Restoration Act.

This bill, which is cosponsored by 260 members of the House, identifies Syria's continued actions assisting international terrorism and lays out potential sanctions against Syria for such activity.

On the heels of Israel's justified destruction of a Syrian terrorist training camp over the weekend, it's imperative the United States remain true to the Bush Doctrine, support our allies, and stand up to Syria's continued allegiance with evil.

All three of these items, Mr. Speaker—the growing economic recovery, the supplemental war budget, and the Syria accountability bill—will continue to build America's momentum in the war on terror. That momentum will continue to forge prosperity and security for the American people and in turn create peace around the world.

TRIBUTE TO KURT ANDREW DODD

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. YOUNG of Florida. Mr. Speaker, last week the Committee on Appropriations lost a dear friend and valued colleague, Staff Assistant Kurt Dodd. I rise today to honor him and pay tribute to his service for the American people and to his memory.

Kurt Andrew Dodd was born on April 17, 1957. He began his Federal service in 1980 at the age of 23 as a geologist with the U.S. Geological Survey. After 17 years with USGS, Kurt came to work for the Appropriations Committee as a detailee to the Interior Subcommittee in January 1997. He spent the next 6½ years in the appropriations process, serving as minority clerk for the Interior Subcommittee of the Senate Appropriations Committee as well as staff assistant for the Treasury-Postal and Transportation-Treasury Subcommittees in the House of Representatives.

Mr. Speaker, the responsibilities of these positions were enormous, and Kurt carried out those responsibilities with the utmost professionalism, dedication, and intelligence. Most recently, Kurt reviewed the budget requests and oversaw financial management of the Department of the Treasury, the General Services Administration, and the National Archives and Records Administration. Congress appropriates over $18 billion annually for those programs. And we did that each year counting on Kurt's expertise and recommendations. Kurt oversaw some of our Nation's highest priority programs, including those related to the tracking of terrorist financing and money laundering. His analysis and support were critical not only in providing for timely construction of Federal buildings in general, but also for renovation of the National Archives Rotunda, which recently reopened to the public. His service to the Nation and to the Committee on Appropriations will be sorely missed.

But anyone who knew Kurt would tell you that his dedication and hard work for the American people were only part of the story. His accomplishments include not one but three master's degrees—one in science, one in business, and one in history. He was a voracious reader, and a student of history. Kurt was just as comfortable discussing campaigns of the Peloponnesian War or riptides as he was going over Treasury Department balance sheets. And when his coworkers would express interest in a subject, Kurt would often give them a book from his personal collection to help spread the knowledge he had already attained. He was a true Renaissance man.

But most importantly, Kurt was a man of kindness, decency, and integrity. Generous to a fault, he was loved not only by his family, but also by his colleagues on the Hill who worked with him each day. His gentle demeanor, sense of fairness, and civility to all serve as an inspiration to those of us who work in the cauldron of ideas and passions we call Congress. We need more people like Kurt Dodd in the congressional community, to remind us that fairness, courtesy, and respect can get a lot more accomplished than posturing, arguing, and gamesmanship.

Sadly, Kurt's mobility, and ultimately his life, was cut short by multiple sclerosis. He suffered this terrible, degenerative disease for several years with great dignity, Mr. Speaker, continuing to perform his duties on the committee with extraordinary skill and dedication.

Mr. Speaker, it is a sad day for the Appropriations Committee. The American people have lost a dedicated public servant; his family has lost a loved one; and his colleagues in the government have lost a dear friend. I ask all Members to join me today in celebrating the life of Kurt Dodd and the example of hard work and professionalism he left for us to follow.

A TRIBUTE TO COMMITTEE STAFF DIRECTORS

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. ABERCROMBIE. Mr. Speaker, on July 17, 2003 our distinguished former colleague, Lee Hamilton, delivered an address to the U.S. Capitol Historical Society's dinner honoring the staff directors of committees of the House of Representatives.

The tribute to the directors was well deserved. They toil long hours and under great stress and pressure to ensure that the House of Representatives operates properly. Mr. Hamilton's remarks are also insightful as to the need for civility in the conduct of our often contentious business. Equally important is the need to respect and to follow the complex Congressional processes and procedures for deliberating the decisions that affect our nation.

I encourage others to read Mr. Hamilton's insightful and instructive remarks on how we conduct our nation's business, and I join him in honoring the hard work and dedication of the staff directors of the U.S. House of Representatives.

A TRIBUTE TO COMMITTEE STAFF DIRECTORS

(By the Hon. Lee H. Hamilton)

The contributions of staff directors to the work of the Congress are immeasurable. I am reasonably confident that every committee chairman and ranking member would say they simply could not do their work without your leadership. I hope that gives each of you a full measure of satisfaction.

I want to talk for a few minutes about the role of the Congress in this country, the importance of politicians, and why your efforts are so important and worthwhile.

PUBLIC ATTITUDES TOWARD CONGRESS

You are, of course, familiar with those who are cynical about your work and the work of Congress. The brightest wits in American life have had their fun at the expense of the Congress. H.L. Mencken said that, "with the right pressure, Congressmen would cheerfully be in favor of polygamy, astrology or cannibalism." Mark Twain said, "suppose you were an idiot, and suppose you were a member of Congress. But I repeat myself." Will Rogers said that, "Congress was a never-ending source of amusement, amazement, and discouragement." Even so, we honor him with that magnificent statue just off the House floor.

We have all seen surveys like those showing that 66 percent of Americans can name the hosts of various game shows, while only 6 percent can name the Speaker of the House. When I was a member, I was never particularly disturbed by such survey results. After all, Americans are busy people with many demands on their time, and it is not easy to put in a full day's work and then read an article about Congress or turn on C-Span to watch the House or Senate in session.

Nor was I bothered by the barbs—after all, we have to appreciate that the bashing of Congress is one of America's all time favorite indoor sports. What did bother me, though, was the extent to which people do not understand or appreciate some of the basic concepts that underlie the workings of the Congress, and the role that Congress plays in the life of our representative democracy. Even if Americans don't know the name of their senators or representative, they should know something about the importance of what they do to make the country work. Even if they don't know the players or the details of the legislative process, they should know something about how they relate to our system of government. If too many Americans get those concepts wrong, it does matter to the health of our democracy.

ROLE OF THE CONGRESS AND COMMITTEES

In my experience, far too few Americans really understand the most important function of the Congress. It is not, in my view, to pass any particular piece of legislation, or even a budget—but its historic mission is to maintain freedom.

The great phrases ring through our history—"We the people," "consent of the governed," "a more perfect union." These aren't just technical terms of political science. They are words that embody America's civic faith. You and I, above all others, are expected to know them in our bones, and to apply these grand concepts.

We rely on elected representatives to identify, sort out, and solve the difficult issues of state. It did not have to be this way. Our country would be vastly different if the Founders had placed power in the hands of a single ruler, or given much less voice to the American people.

In the Congress, Americans have a forum for debate and deliberation in which they can feel a stake. Traditional lawmaking is not just a nicety—it's a necessity if we're to remain a democracy. The lawmaking process allows us to resolve differences, and to live together peacefully, productively and successfully.

Most Americans may be familiar with the diagram of how a bill becomes a law. Whenever I see those charts I think to myself how sterile they are. They do not convey the dynamics—the frustration, the excitement, the complexity and the necessity of the process. Very few Americans understand that the details of this process of deliberation guarantee that their voices are heard, and freedom is protected.

I worry that astute legislators often bypass steps in the lawmaking process, arguing—in effect—that the ends justify the means. This "unconventional lawmaking" is increasingly applied to important legislation; but in doing this we bypass and put at risk the very democratic process that defines our system.

My view is that important proposals should not bypass the traditional process, including the committee review, because that is one important place where deliberation takes place. That's where members and staff can ask the hard questions. Committees provide expertise, and an opportunity to consider the merits and smooth out the problems in proposals. This is where we build consensus.

Some Americans feel that the legislative procedure is too slow and deliberative—they are annoyed by what they perceive as inside-the-Beltway scuffling, and wonder why Congress can't get things done faster. But do we really want a speedy system in which laws are pushed through before alternatives are considered and consensus developed? We misunderstand Congress's role if we demand it be a model of efficiency and quick action.

Our Founders designed a system in which all new proposals get careful scrutiny by going through many layers of review. They were far less interested in moving good ideas efficiently, than they were in preventing bad ideas from becoming the law of the land in the heat of the moment. People may sometimes complain about the process, but they benefit from its legislative speed bumps when they want their views heard, their interests protected, and their rights safeguarded. As former Speaker Sam Rayburn used to say: "One of the wisest things ever said was, 'Wait a minute.'" That, in a phrase, is the essential role played by congressional committees.

IMPORTANCE OF POLITICIANS

Democracy, after all, is a process, not a product, and what our democracy really needs is more politicians. That was one line I used to say that was sure to get a reaction. Very few of my constituents agreed.

Showing skill as a politician has come to mean demonstrating the ability to raise campaign funds, engaging in the tit-for-tat of negative advertising, jockeying for public support based on polls and focus groups, or skewering an opponent with a one-liner during a televised debate. People have come to view the word politician—particularly with regard to the Congress—with disdain. Plenty of voters feel that politicians sell-out their beliefs and promises. "Stick to your guns," they urge.

Controversy and conflict are unavoidable in a nation as large and diverse as ours—a diversity that is rightly represented in the peoples' House. To avoid ripping apart at the seams, our country needs people who know how to accommodate different points of view and work for common solutions—it needs politicians.

You are an essential part of this effort. By working behind the scenes, knowing what Members want, proposing compromises, addressing all the difficult details of legislation, and dealing with all the worthy groups wanting contradictory things, you—as well as your bosses—have to be politicians in order to keep our democracy running.

BEING A GOOD POLITICIAN

For the most part, people don't pay attention to how their hopes, dreams and ambitions are turned into public policy through the lawmaking process. Most citizens and journalists take that very political process for granted. They shouldn't.

Constituents often asked my position on a substantive issue. I don't think anyone inquired about my political skills—and, in this world, political skills are essential to get things done. The key to being an effective legislator or staffer is respecting that system and figuring out how to make it work. So what political skills do you need—what skills does a member need?

First, you know how to consult, particularly with your colleagues—talking to them, listening to them, making sure they feel they are in the loop. Support for ideas is largely built one-on-one, but also in larger forums. Key individuals—inside and outside of the Congress—have their own ideas and valid concerns, and they expect to be able to share them. Lyndon Johnson had his own way of putting this with a sign he had in his Senate office: "You ain't learning nothing when you're talking."

Second, you calm—rather than inflame—discussions of controversial issues. Things can get pretty heated in the Congress, and disagreement is inevitable in a House as large and diverse as ours. It is relatively easy to make a bad situation worse. One thing that I'm certain of is that you cannot produce good legislation in a bad atmosphere. You can produce heat in such an environment, but not light.

Third, you know how to persuade. It takes an enormous amount of persuasion to build a majority in support of an idea. You all know how much persuasion is involved in getting approval of even a modest piece of legislation. You have to line up support and be in touch with sometimes hundreds of individuals from both parties, in the Congress and outside the Congress.

Fourth, you must be willing to share credit. I remember former Speaker Tip O'Neill putting his arm around me and giving me some advice as we walked down the hall. "Neil," he said—he called me Neil for my first decade in Congress because I reminded him of a Boston baseball player named Neil Hamilton. "Neil, you can accomplish anything in this town if you're willing to let someone else take the credit."

Finally, you know how to compromise. Compromise is essential to producing law in our system. Good politicians, both legislators and staff, are able to find points of agreement that will allow a consensus to emerge. They will look for solutions that allow both sides to claim, if not victory, at least some gains.

Your skills are crucial in finding acceptable solutions. Compromise might involve altering some key words; phasing in a change; inserting a new provision; requiring a study; splitting differences in funding; delaying or postponing implementation of a section. You have to seek these accommodations among rival interests because you know that it is necessary to make the Congress—and country—work.

From my perspective, the ability to build consensus is probably the most important single skill needed in the Congress—by Members and staff. Any fool can blow a meeting or discussion apart—it takes real political skill to bring people together. That is why we need more politicians of your skill these days, not fewer.

WHY IS IT WORTHWHILE?

Well, is this demanding, tedious process of passing legislation worthwhile? You and I know well the frustrations:

As a member, I always felt it was hard to keep on the right side of the voter. When I was in my district, I heard complaints that I wasn't spending enough time in Washington; when I was in Washington, people said I was ignoring the home folks and only paid attention to them during elections. When I drove an old car in my district, people said it looked like something a farmer would use for hauling trash; when I got a new car, they said the lobbyists had gotten to me. When I wore an old suit, people said I had no class; when I wore a new one, I was accused of going high-hat. When I missed church, people said I was an atheist; when I attended church, I was a pious fraud, trolling for votes in church. When Congress passed a lot of laws, we were a meddlesome Congress; when we weren't passing laws, we were an incompetent, do-nothing Congress ignoring the needs of the country. When we supported the president, people said we were a rubber-stamp; when we opposed the president, we were disloyal and obstructionist.

You can never please everyone when you are working in Congress, no matter how many hours you put in, no matter how skillful you are. You all know too well what I'm talking about as staff directors when I talk about the frustrations, among them:

—committee meetings go on without end;

—the work is tedious, requiring that you go over legislation comma by comma;

—you are constantly running from one meeting or appointment to another

—your daily schedule is always being interrupted, revised, of simply scrapped.

—if you have a family, you're going to miss many important family events;

—and you cannot plan ahead, whether for an evening off or for a vacation, because some event or emergency always demands that Congress stay in session longer than planned.

All the political posturing, sniping and scrambles to claim credit for good things—or avoid blame for bad—sometimes becomes disheartening, as does the constant maneuvering for partisan advantage. And for putting up with all of this, you get paid less than you could make in the private sector, while facing harsh and frequent criticism.

Yet, despite it all, most members run for reelection and remain in Congress as long as they can. Most of you worked long and hard to become a committee staff director.

Is it all worthwhile? Yes, of course it is. Why? Let's be frank—some of it satisfies the ego. Some like the power and the trappings of power—when you speak, people listen, and that is very satisfying; but most of you, I think, are truly motivated by the belief that, as hard as it is, you can make a difference and enhance the lives of ordinary Americans.

Then, too, it is all pretty exciting—and interesting. The sheer challenge of public policy issues attracts us. There is a pervasive sense on Capitol Hill that it is where the issues of greatest importance to the nation are being sorted out. This is where the action is. Sometimes this is misplaced, but often it is not.

You struggle over the issues that aroused the passions of this country's founding generation. How much power should the federal government be given? How should powers be separated among the branches? How do we resolve the tension between encouraging individual liberty and security? What role should our country play in the world?

These great issues are subject to debate every time a new federal budget comes to a vote, or a major presidential initiative gets introduced on Capitol Hill. When you start working in Congress, you get a chance to take part in this ongoing debate—our great experiment with democracy.

Your public service gives you a stimulating, proud and lively career. So I salute each of you for the vital role that you play within this institution, and in your service to your fellow Americans. You are contributing to the success and direction of this country. I hope you feel that by working in the Congress you are given the unique opportunity to make a difference in the lives of people and the great affairs of this nation. I would wager that no matter where your career takes you from Capitol Hill, you will look back on your public service as the most rewarding of your career.

The work is hard, the recognition rare, the monetary reward modest; but your reward is a deeply fulfilling life in public service and a key role in American democracy. What more could you want?

HONORING SIX BRAVE BRENTWOOD POLICE OFFICERS AS TOP COPS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. GORDON. Mr. Speaker, I rise today to congratulate six courageous police officers from the Brentwood, Tennessee, Police Department for receiving this year's National Association of Police Organization's TOP COPS Award. The six police officers are Stephanie Bellis Warner, Tommy Walsh, Jim Campbell, Tommy Campsey, Richard Hickey and Steve Walling.

On May 6, 2003, their heroic and selfless actions prevented a number of innocent bystanders from getting hurt during the pursuit of a bank robbery suspect. Officer Warner caught up with the suspect at a busy intersection and was engaged in a brief gun battle. She was wounded during the exchange, as was Sergeant Tommy Walsh, who arrived at the scene soon after Warner. Despite their injuries, the two continued to coordinate the suspect's apprehension.

Officers Jim Campbell, Tommy Campsey, Richard Hickey and Steve Walling arrived on the scene to find the suspect standing over the wounded Walsh with an assault rifle. The four officers, however, quickly ended the suspect's attempt to continue his shooting spree. For their heroism and sacrifice, all six officers are being honored during the association's 10th annual TOP COPS Awards ceremony this weekend in Washington, DC.

As this terrible incident demonstrates, police officers put their lives on the line every day to help and protect each one of us. I want to personally thank officers Warner, Walsh, Campbell, Campsey, Hickey and Walling for their contributions to society, not only on the day they stopped a violent bank robber, but also on each and every day they put on their badges and patrol our streets. This award is well-deserved.

BLACK/JEWISH FORUM OF BALTIMORE, INC.

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. CARDIN. Mr. Speaker, I rise today to commend and congratulate the Black/Jewish Forum of Baltimore, Inc. (BLEWS) upon their 25th anniversary, an event that is being celebrated at BLEWS annual dinner meeting on November 19, 2003.

Since its inception, BLEWS has acted to further understanding and cooperation between the African-American and Jewish communities in the Baltimore Metropolitan Area. Through a variety of programs and through dialogue, BLEWS has worked to overcome intolerance, discrimination, hate crimes and stereotypes. BLEWS has participated in the U.S. Attorney's Hate Crimes Task Force, assisted in defusing intergroup tensions at universities and helped community groups deal with hate crimes and diversity issues.

For the past 5 years, BLEWS has focused on its Youth Initiative with funding from several foundations. The Youth Initiative has conducted intensive all-day workshops for African-American and Jewish high school students to expose them to each other's history and culture, to dispel stereotypes and to encourage attitudes of tolerance, understanding and cooperation. These youth also have been taken to museums, plays, films and other activities that encourage friendship, greater understanding and community service.

Every spring, the high school students participate in a Jewish Passover/African-American Overcome Seder meal that celebrates the theme of freedom. Because of their outstanding work in intergroup relations, BLEWS was recognized by President Clinton as one of the "President's Promising Practices In Race Relations."

I hope my colleagues in the U.S. House of Representatives will join me in saluting BLEWS, a model youth organization that is worth replicating elsewhere in the United States.

NEWSPAPERS CALL FOR AN INDEPENDENT INVESTIGATION OF THE BUSH ADMINISTRATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I would like to call my colleagues' attention to two newspaper editorials concerning the leak of a covert CIA agent's identity. These editorials, printed last Thursday in the Contra Costa Times, of Walnut Creek California, and the San Francisco Chronicle, address the very serious federal crime involving the leak of the name and occupation of a covert CIA agent who is the wife of a former U.S. ambassador who investigated and then revealed that the Administration had used false information to justify the war against Iraq. Both newspapers call for a special counsel to investigate the White House's role in this leak, and the Chronicle suggests that Congress might need to conduct its own inquiry. The Washington Post and ABC News recently conducted a poll that found that seven out of ten Americans support a special counsel to investigate this serious matter.

I support many of my colleagues in the House and Senate who have called for a special counsel for similar reasons as stated by these newspapers. It is not credible that the United States Attorney General, John Ashcroft, can independently investigate a potential crime by this White House when not only was he appointed by President Bush but he employed the president's top political adviser on numerous occasions to help him in his Senate election campaign. The credibility of this Administration is already low, when you consider their failure to revive the economy, the clearly misleading nature of the evidence they provided to justify a war in Iraq, and their failure to properly prepare for the post-war conflict. The Administration owes it to the public to ensure that the most independent investigation possible is carried out regarding the leak of the CIA agent's identity.

The articles appear as follows:

[From the Contra Costa Times, Oct. 2, 2003]

INDEPENDENT PROBE

If President Bush wants to find out who leaked information about a CIA officer to journalists he should support an investigation by an independent special council, not just one by the Justice Department. The leak is a serious matter involving the wife of a diplomat who was critical of Bush's assessment of Iraq's attempt to get uranium from Africa.

Joseph Wilson IV, in a July 6 op-ed piece in The New York Times, recounted his mission on behalf of the CIA in early 2002. He was investigating the possibility that Saddam Hussein was attempting to obtain uranium for Iraq's nuclear arms program. Wilson charged that the Bush administration twisted some of the information to make a case for going to war against Iraq.

Eight days after the commentary appeared, Robert Novak wrote a column that revealed Wilson's wife, Valerie Plame, as a CIA official. Novak attributed his information about Plame to two "senior administration officials." Two other journalists from

Newsday, Timothy Phelps and Knut Royce, expanded on Novak's column after confirming Novak's account.

Novak refuses to reveal his confidential sources. That is his right and obligation as a journalist. But we are suspicious of the motivation of Novak and those who leaked the information about Plame. It appears to be retaliation against Wilson and a warning to others.

The leak and almost gratuitous mention of Plame in the column put her and anyone she did business with in jeopardy. We wonder what Novak would have written in his column had some liberal columnist revealed the name of an undercover CIA officer.

The damage caused by the leak goes beyond the CIA and into the White House. Certainly Bush would like to unveil the leakers, and we trust that the Justice Department has competent investigators. However, it is important to avoid a conflict of interest, which would occur if the probe is handled by Justice, led by political appointee John Ashcroft.

The surest way to both nab the leakers and assure public confidence is through a special counsel. To do otherwise damages the credibility of the White House and leaves the door open for political demagoguery by the president's opponents.

[From the San Francisco Chronicle, Oct. 2, 2003]

A DANGEROUS LEAK

The Still Unfolding story that White House officials leaked sensitive information to silence a critic of the Iraq War is a troubling addendum to what so far has been the curious, if not exaggerated, reasoning behind the Persian Gulf foray in the first place.

This week the FBI launched a full-scale criminal probe to determine who disclosed the identity of an undercover CIA operative and whether federal law had been broken. A senior administration official has confirmed that two top White House staffers outed the agent to punish her husband, former Ambassador Joseph Wilson, who forced Bush to back track on his State of Union assertion that Iraq may be building a nuclear arsenal with uranium from Africa. Two years earlier, Wilson investigated and found no such Iraq-Africa link, and pilloried Bush in a newspaper op-ed for implying that there was.

As revenge, someone at the White House leaked to the press the name and occupation of Wilson's wife, an undercover weapons expert. Aside from threatening her life, it further inhibits the effectiveness of the nation's intelligence operations.

Bush disavowed any knowledge of the treacherous deed, but failed to show the kind of outrage this warranted. Either a special counsel should look into this matter, or Congress should conduct its own inquiry.

HONORING ESTHER SHIPP ON HER 90TH BIRTHDAY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. PORTER. Mr. Speaker, I rise today to congratulate Esther Shipp on her 90th Birthday. Born September 7, 1913, Esther has been a resident of Boulder City since 1941. I am pleased to join Esther's friends, her five generations of relatives, and all of Boulder City in congratulating her on reaching this milestone.

TRIBUTE TO MOTHER TERESA OF CALCUTTA

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the life and accomplishments of Mother Teresa of Calcutta who will be beatified by Pope John Paul II in Rome on October 19, 2003.

Born in Albania on August 26, 1910, Mother Teresa decided to become a Roman Catholic sister in 1928. She was assigned to a convent in Calcutta and became a teacher of geography and history at St. Mary's School. In 1948, Mother Teresa founded a religious order known as Missionaries of Charity to help the poor, the suffering, and the dying in Calcutta and around the world. Today, there are approximately 5,000 sisters in the order and over 400 missions around the globe.

Later in life, Mother Teresa focused her energies on hospice programs for those with AIDS. She offered unconditional love to everyone, regardless of class or position in life. Because of her actions, she was awarded the Nobel Peace Prize in 1979 and the Presidential Medal of Freedom in 1985.

Few people in recent history have done more to help their fellow human beings than Mother Teresa. It is a privilege to recognize a person who has brought care and comfort to millions. I hope you and my other distinguished colleagues will join me in honoring her lifetime of service and dedication to the people of the world.

92ND TAIWAN NATIONAL DAY

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. DAVIS of Tennessee. Mr. Speaker, on October 10, 2003, one of our largest trading partners, the Republic of China on Taiwan, will be celebrating the 92nd anniversary of its National Day. I wish to join my colleagues in the U.S. Congress in sending best wishes to the 22 million residents of this lovely island. I also commend President Chen Shui-bian and Vice President Annette Lu as they continue to lead Taiwan to greater economic prosperity at home and greater participation in international activities abroad.

Just like our 4th of July, October 10th marks the beginning of a fantastic story of economic, social and political success that has culminated in Taiwan becoming a vibrant democracy in the Pacific Region. These are exciting times in the history of relations between the United States and Taiwan.

Mr. Speaker, on this 92nd occasion of the Republic of China's National Day, it is important to remember that Taiwan has a strong relationship with the United States, and we hope this relationship will continue to flourish and grow in the years to come.

HONORING ALICE MAY LARSON ON HER 100TH BIRTHDAY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. PORTER. Mr. Speaker, I rise today to congratulate Alice May Larson on her 100th birthday. Alice was born in Duluth, Minnesota, on October 4, 1903, and currently resides in Boulder City. I am pleased to join Alice's friends, relatives, and all of Boulder City in congratulating her on reaching this milestone.

A TRIBUTE TO TAIWAN, THE REPUBLIC OF CHINA

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor one of the United States' most reliable allies, the Republic of China, on the occasion of its National Day, October 10. That great nation, better known as Taiwan, has served as a mirror on our times, reflecting the agonies and dreams of the 20th Century and the soaring aspirations of the new century. The ROC was born of the tragedy of Communist betrayal, reared in the tension of the cold war, and reached maturity during the information age.

The ROC was the first casualty of Imperial Japanese aggression and our staunch ally in the fight to free the Pacific of that tyranny. In 1949, Chinese Communists seized power on the mainland and the central government of the Republic of China relocated to Taiwan. Since that time, we have rightfully considered Taiwan's security of vital interest to the United States. In 1950, President Truman ordered the Seventh Fleet to protect Taiwan from attack by the Chinese Communists and we have maintained a presence in the area ever since. Moreover, the Congress has consistently expressed its support of the ROC since the passage of Taiwan Relations Act of 1979.

Mr. Speaker, Taiwan has developed into Asia's premier democracy, having peacefully evolved from one party rule to the vibrant home of multi-party elections. It has seen opposition parties succeed the ruling KMT, the party of National founder, Chiang Kai-shek and the popular election of its legislative branch.

Taiwan's political development has been complemented by its economic rise as one of Asia's "Four Tigers," along with Hong Kong, Singapore, and South Korea. Since 1949, the ROC's economy has moved from a leader in agricultural exports, to a major manufacturer of small electronics and consumer goods, to today's premier Asian producer of capital- and technology-intensive commodities, such as personal computers and machinery. Because its economy has achieved such rapid growth, Taiwan boasts one of the world's highest standards of living, with only 1 percent of its population below the poverty line in 2000. Today, the ROC is an irreplaceable part of the world economy and vital to continued growth here in the U.S.

I know that my colleagues will join me in wishing Taiwan's President Chen Shuibian, its Representative here in the U.S., C.J. Chen and the 23 million people of Taiwan a most happy National Day and continued peace and prosperity.

TRIBUTE TO CASHER CHOATE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today to honor and pay tribute to Mr. Casher Choate, who recently passed away following an extended illness. He will be sorely missed by his family, friends, and community.

Mr. Choate, born January 18, 1931, was the first of nine children of Edison and Eva Choate. Following high school graduation and after one quarter at Tennessee Tech, Mr. Choate was called to duty for service in the Korean war. In his third year of service, he was diagnosed with cancer and was forced to retire from the military. After having 85 percent of his stomach removed, due to the cancer, Mr. Choate returned to Tennessee Tech where he graduated with a degree in business.

Upon receiving his undergraduate degree he embarked for Florida. While in Florida and after a brief stint as an insurance adjuster, he found his calling as an educator. He returned to Tennessee and obtained a master's degree. He took a position with York Institute, his old high school, as a guidance counselor. Mr. Choate spent the rest of his career at York serving as a teacher of general business, economics, and English.

While at York, he was instrumental in the establishment of the Community Education Program. He helped establish the Adult Education Program and served as administrator of the GED Program. Mr. Choate was active in the Fentress County Literacy Council, Fentress County Foster Care Review Board, Fentress County Retired Teachers Association, Jamestown Rotary Club, and was a dedicated member of the Jamestown United Methodist Church.

Mr. Speaker, I am honored to pay tribute to Mr. Choate today. His dedication and selflessness to his community are examples to all who wish to lead.

HONORING SHERMAN FREDERICK ON HIS ELECTION TO THE NEVADA NEWSPAPER HALL OF FAME

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. PORTER. Mr. Speaker, I rise today to honor Sherman Frederick on his election to the Nevada Newspaper Hall of Fame. I am pleased to join with all Nevadans in honoring him for his contribution to journalism and our community.

Sherman Frederick began his career in journalism as an intern at the Review-Journal, the paper he currently publishes. He also serves as President of the Stephens Media Group, allowing him to share his experience and expertise with newspapers around the country.

All of us who have been sworn to uphold the Constitution recognize the vital role our newspapers play in protecting our freedoms by remaining vigilant against any violations of our First Amendment. I urge all Nevadans and all members of this House to join with me in congratulating Sherman on winning this high honor.

NATIONAL DAY OF THE REPUBLIC OF CHINA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. ACKERMAN. Mr. Speaker, October 10 marks the 92nd anniversary of the founding of the Republic of China and is celebrated internationally as Taiwan's National Day. As this historic day approaches, I would like to take the opportunity to congratulate President Chen Shui-bian and the people of Taiwan for their continuing political reforms and economic achievements.

Mr. Speaker, over the last decade, Taiwan has established itself as a strong and successful model of democracy. Under the leadership of President Chen, the government and people of Taiwan have continued to implement domestic reforms and strengthen diplomatic relations with surrounding nations. This continuing commitment to democratic progress can best be seen in next year's elections. With both the presidential and legislative elections scheduled for 2004, next year will likely prove to be a politically dynamic and exciting year for Taiwan. I applaud the robust multiparty democracy that Taiwan has become.

Mr. Speaker, along with its democratic development, Taiwan remains an important economic partner for the United States. We are Taiwan's largest market, but Taiwan is our 7th largest trading partner. This is a remarkable achievement for this island nation of 22 million people. Taiwan's accession to the World Trade Organization last year will set the stage for even greater opportunities for U.S. business.

Mr. Speaker, as Taiwan continues to earn international acclaim as a model of democratic progress and free market economics, I call on my colleagues to join me in commending Taiwan during the upcoming celebration of Taiwan's National Day.

CONGRATULATIONS ON TAIWAN'S 92ND ANNIVERSARY OF NATIONAL DAY

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. McDERMOTT. Mr. Speaker, I would like to take this time to offer my congratulations to the 23 million people of Taiwan; it will be celebrating the 92nd anniversary of its National Day on October 10, 2003.

Taiwan is a dynamic democracy, and world economic leader. With a total of more than 95 political parties, every public office is hotly contested through free elections. People enjoy full political freedom, including freedom of press and assembly. Its per capita income ranks among the highest in the world.

The State of Washington, including the Seventh Congressional District, has enjoyed the close commercial, social and cultural ties that link our two nations. Many of our brightest leaders in the state trace their roots to Taiwan, and the Taiwanese American community is integral to our country's rich ethnic diversity.

The annual commemoration of this historic date is a valuable reminder that freedom and justice are paramount goals shared by our countries.

Again, congratulations to Taiwan and its people on their National Day.

REMEMBERING THE LATE JOE LAPPIN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. PORTER. Mr. Speaker, I rise today to mourn the passing of my good friend and neighbor L.W. "Joe" Lappin. Joe passed away Monday, September 8, at the age of 85.

Joe, as everyone knew him, was a pillar of our community, as a member of the Boulder City Elks Club, Archeo Nevada, and the 31ers Club. Joe was a fountain of knowledge about Boulder City for all of those, including myself, who wanted to know about the origins and traditions of this unique community. As a former Mayor of Boulder City, I knew that I could count on Joe to know what needed to be done, and more importantly, what I was doing wrong.

Joe is survived by his wife Patricia, his two children and three grandchildren. We will all miss Joe, and I urge the members of this House to join me in expressing our condolences to his family and friends.

IN MEMORY OF ROMAN Q. BENAVENTE

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Ms. BORDALLO. Mr. Speaker, I rise today to honor the memory of my dear friend, Roman Quichocho Benavente who passed away on September 30, 2003.

Roman was born on February 22, 1922. He was married to the late, Margarita Mendiola Mesa Benavente and father to Frances B. Leon Guerrero, Nora B. "Lola" Beck, Barbara B. "Bobbie" Vaira, Randolph Mesa "Randy" Benavente, Raymond Mesa Benavente, and Bernice B. Batson and the late Danny San Nicholas. He was also grandfather, great-grandfather, brother, uncle, godfather, and friend.

Roman was a shining example of the strength and courage of the Chamorro people. We are proud and grateful of his 50 years of service to his country and his people. He was a 30-year veteran of the United States Navy from which he retired as a Chief Petty Officer in 1970. He went on to serve with the United States Capitol Police, retiring after 20 years in 1991.

Although Roman and his family remained in the states after his retirement, his love for the island of Guam and his Chamorro heritage was constant. Together he and Margarita raised their children with a deep appreciation of their Chamorro heritage and a love of their island home. As a founding member of the Guam Territorial Society, now known as the Guam Society of America, Inc., he was an active member, planning and participating in all activities. More importantly, Roman has helped bring those of us residing in the area together to continue our local traditions and to help pass these traditions on to our children.

Roman was known for his kindness, generosity and his sense of humor. He was known for his love for God, his family and friends, his island and his country. He was known for his love of cooking, singing and dancing. Yet for the many things for which Roman will be remembered, I will especially remember Roman for his steadfast loyalty, support and friendship to me and my family throughout the years. Roman would open his home to us whenever we visited Washington, D.C. and I could count on his presence and participation at all my events. In fact, on the day I was sworn in as Guam's Delegate, he was the first person to arrive for the ceremony. He came early to offer his assistance. This was typical of Roman. Whenever anything needed to be done, he was the first to arrive and the last to leave, doing what needed to be done and having a great time doing it.

We have much to learn from Roman and the way he lived his life. He taught us to love, to laugh and to celebrate and to be there for each other. Though we mourn his death, we honor his life in living by his example. On behalf of the people of Guam, I extend our deepest sympathies and prayers to the family and friends of Roman Quichocho Benavente.

TRIBUTE TO MR. STEVE BARRON

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. BASS. Mr. Speaker, I rise to honor Steve Barron, a teacher at Claremont Middle School in New Hampshire. He passed away this summer, but has left behind a deep impression on his students. Because I cannot improve upon the sentiments expressed by one of his former students, Robin Lasko, I will simply include her letter to me and close by saying he will be missed.

DEAR CHARLIE BASS: On the night of July 25, 2003, one of the finest educators the state of New Hampshire has ever seen passed away. His name was Steve Barron, a seventh grade social studies teacher.

My name is Robin Lasko, and in the fall of 2003 I will become a junior at Stevens High School. Mr. Barron was my homeroom teacher in seventh grade. He will always be remembered for the things he taught me, things that books could never show. He taught me to have compassion for the earth, and to care even when no one else does. He taught me that being accepted by the public eye was not the only thing that mattered in life, and he taught me to think of the consequences of everything I do.

The first day of seventh grade, I walked into Mr. Barron's classroom and was very intimidated. My first thought was that I was going to have to sit in this room everyday and listen to some old man talk about which countries lie on which longitudes. I soon found that I could not wait for my social studies class everyday. Mr. Barron did not only teach us the physical features of our world, but he showed us the culture, and the many different ways of life. Mr. Barron had a love for culture. He loved diversity and I am so very thankful that he passed a little of that on to me. To show how much he loved diversity I would have to know him like the back of my hand, but I don't. I do know a little about Steve Barron though. I know that he taught in an inner city school in New York City, and that he also lived in the Arctic Regions of Alaska, and if that is not a love for diversity, then I do not know what is.

Every year when it was time to do fundraisers, Mr. Barron always used the same two companies, one of them was called Humanities, and this company took a portion of their profit and gave it to an endangered animals foundation. Mr. Barron was a "devoted environmentalist". This was one way of showing that he cared about our planet. Another way was as part of our classroom grades we had to bring in plastic bags or some other form of recycling every week. He was helping the earth any way that he could. These two things are only a part of the great man that Steve Barron was.

I feel that Steve Barron should be Honored and Recognized as the wonderful educator and person that he was.

Steve Barron was born on August 22, 1943 in Brooklyn, New York. He was the loving husband to Linda (Kupiec) Barron for 29 years. He and Linda had two daughters, Jenny and Jenine. On July 25, 2003 Steven E. Barron died of Non-Hodgkin's Lymphoma. In an ending to this letter I would like to quote the motto that Mr. Barron lived by, "The choices we make dictate the lives we lead."

Sincerely,

ROBIN L. LASKO.

SPINA BIFIDA AWARENESS MONTH

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to pay tribute to the more than 70,000 Americans and their family members who are currently affected by Spina Bifida. October is National Spina Bifida Awareness Month. Spina Bifida is the Nation's most common, permanently disabling birth defect. It is a neural tube defect that occurs when the central nervous system does not properly close during the early stages of pregnancy. Each year more than 4,000 pregnancies are affected and of these 1,500 babies are born with Spina Bifida.

I would like to especially recognize Angeline Gonzalez-Abreu, the niece of my Chief of Staff, Arthur Estopinan. Angie is a precious little three year old who was born with Spina Bifida. She is an absolute delight who brings great joy to all who are blessed to know her. I have had the great pleasure of spending time with this vivacious little bundle of joy, and am moved by the tremendous progress she has made in her life thus far.

The Spina Bifida Association of America (SBAA), an organization that has helped people with Spina Bifida and their families for nearly 30 years, works tirelessly to prevent and reduce suffering from this devastating birth defect.

I would like to acknowledge and thank SBAA and the local chapters in my State for all that they have done for the Floridian families affected by this birth defect.

The exact cause of Spina Bifida is not known, but researchers have concluded that women of childbearing age who take daily folic acid supplements reduce their chances of having a Spina Bifida pregnancy by up to 75 percent.

I am proud to be a member of the newly established Congressional Spina Bifida Caucus. The Congressional Spina Bifida Caucus will bring increased attention to this condition and advance initiatives that will improve the quality of life for those individuals and their families living with Spina Bifida.

I again wish to thank the SBAA and its chapters for all of their hard work to prevent and reduce suffering from this birth defect and for their commitment to improve the lives of those 70,000 individuals living with Spina Bifida throughout our Nation. I wish the Spina Bifida Association of America the best of luck in its endeavors and urge all of my colleagues and all Americans to support its important efforts.

COMMENDING VICTORINE Q. ADAMS FOR BEING HONORED BY THE BLACK/JEWISH FORUM OF BALTIMORE, INC. FOR HER MANY YEARS OF DEDICATED SERVICE TO BALTIMORE

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. CUMMINGS. Mr. Speaker, I rise today to commend and congratulate the Honorable Victorine Q. Adams who is deservedly being honored by the Black/Jewish Forum of Baltimore, Inc. (BLEWS) at their 25th anniversary dinner meeting in Baltimore on November 19, 2003.

Mrs. Adams served effectively in both the Maryland General Assembly and the Baltimore City Council, where she served for 16 years. While a member of the City Council, she led the successful effort to establish the Baltimore Fuel Fund, the first such assistance fund in the nation. Early in her career in 1946, she organized the Colored Women's Democratic Campaign Committee and initiated a voter registration campaign that enrolled 4,000 persons. In 1958, Mrs. Adams and Ethel P. Rich organized Woman Power, which was instrumental in desegregating Baltimore's downtown hotels.

Mr. Speaker, I proudly ask you to join me in commending Mrs. Adams for her significant contributions to Baltimore as an elected official, community leader, civil rights activist, businesswoman and humanitarian.

IN HONOR OF SHERIFF DON HORSLEY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Ms. ESHOO. Mr. Speaker, I rise to honor an extraordinary leader of San Mateo County, California, Sheriff Don Horsley, who is being awarded the 2003 Distinguished Citizens Award by the Pacific Skyline Council of the Boy Scouts of America.

Don Horsley was first elected Sheriff of San Mateo County in June 1993, with a law enforcement career that spanned more than thirty years. He began as a patrol officer in Daly City and later served as a patrol deputy in East Palo Alto. In these positions, he learned to effectively respond to the needs and concerns of citizens as he worked directly with them in their communities.

Sheriff Horsley has been unwavering in his commitment to the people of the communities of San Mateo County. In 1992, when the small community of East Palo Alto was given the dubious title of being the nation's "murder capital," Sheriff Horsley made a promise to the people of East Palo Alto that the Sheriff's office would help the community and make it the safe place its residents deserved. Immediately, 18 Sheriff's Deputies began working with the East Palo Alto Police Department and within 3 years, violent crimes were down 54 percent and homicides decreased by an astounding 86 percent. Because of Sheriff Horsley's commitment, the San Mateo County Sheriff's office continues to work with the City of East Palo Alto to ensure that its law enforcement needs are fully met.

Sheriff Horsley is a caring and compassionate law enforcement leader. During the expansion of the Maguire Correctional Facility, Sheriff Horsley ensured that the project included facilities for mental and health care, substance abuse recovery, and educational and religious needs for inmates.

Sheriff Horsley is a leader among his colleagues in law enforcement. He has served on the Board of Directors of the California Peace Officers' Association, the San Mateo County Criminal Justice Council, the San Mateo County Vehicle Theft Task Force, the County Narcotic Task Force, and the Northern California High Intensity Drug Trafficking Area, among many other organizations.

Beyond his career in law enforcement, Sheriff Horsley is dedicated to improving the education and the lives of youth. He is not only a former classroom teacher and a Board Member of Redwood City's Garfield Charter School, but he is also a strong supporter of the Boy Scouts of America. He has been instrumental in the Law Enforcement Exploring program, the Boy Scouts' STAR Camp and the Sea Scouting program. Sheriff Horsley has served as Co-chair of the Attorney General and State Superintendent of Public Instruction's Safe Schools Task Force.

Mr. Speaker, I'm proud to call Don Horsley my friend and I ask my colleagues to join me in honoring and thanking Sheriff Horsley for his extraordinary service to our community, our state and our nation.

HONORING RITA C. KAY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mrs. MCCARTHY of New York. Mr. Speaker, I rise to recognize the numerous contributions made by Rita Kay for the children of Long Island. A selfless and dedicated woman, Rita has spent more than 30 years working on a variety of children's causes, and is well known for her intense involvement in Children's Medical Fund of New York (CMF).

Rita was compelled to ease the plight of sick children because of a combination of personal tragedy and great joy. After suffering several miscarriages and the pain of a stillborn child, Rita and her husband Barry were blessed with the births of their two sons, Brian and Bradley. In a fervent desire to help sick children and their parents, Rita joined CMF, the fundraising component of Schneider Children's Hospital of the North Shore—Long Island Jewish Health System. Through her many efforts, Rita has helped build the children's hospital into the 13th largest pediatric care center.

Rita's love for, and devotion to, children has been evidenced by the numerous events she has chaired and in which she has participated. Rita is best known for the longstanding relationship she has nurtured between Americana Manhasset shopping center and CMF, and the successful fashion luncheon sponsored by the Americana on behalf of CMF. The luncheon has helped CMF raise hundreds of thousands of dollars since its inception.

Rita's fundraising efforts have included an emphasis on corporate sponsorship. Under her leadership, Roslyn Savings Bank and Astoria Federal have become involved in CMF. Most recently, Rita co-chaired CMF's Wall Street Dinner Dance at Chelsea Piers, which raised an astronomical $4,000,000 for CMF and Schneider Children's Hospital.

Rita's hard work is more incredible because of the number of other organizations in which she is involved. Rita supports and fundraises for Partner's in Women's Health, the Long Island Cancer Campaign, the Ronald McDonald House, the Mental Health Association of Nassau County, and the Nassau County Museum of Art. All of this, in addition to her full-time job as the Marketing Director for David Morse & Associates.

Despite all of Rita's volunteer efforts, her priority remains her family. Today, Rita is surrounded not only by her husband Barry and their sons Brian and Bradley, but also her daughters-in-law Helaine and Caren, and her four grandchildren, Jesse, Logan, Dylan and Zoe. They are incredibly proud of Rita for all of her hard work and accomplishments over the years.

Mr. Speaker, I thank Rita Kay for her dedication and devotion to the children of Long Island.

CONGRATULATIONS TO HANS AND ALMA ROEBBELEN ON 50TH WEDDING ANNIVERSARY

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. DOOLITTLE. Mr. Speaker, today I wish to congratulate two good friends from my district in California, Hans and Alma Roebbelen, as they celebrate their 50th wedding anniversary this month.

Hans and Alma were born and raised in Europe, where they experienced the horrors of World War II firsthand. Hans endured challenges as a 15-year-old prisoner of war, while Alma had to flee her homeland before the advancing Russian army at the age of only 13.

When the chaos of war finally settled, Hans worked as a journeyman carpenter. Little did he know as such a young man that he would one day become a renowned builder half the world away. Later, Hans earned an architecture degree from the University in Buxtehude, and it was there that he met and fell in love with his future bride, Alma, who had embarked upon a career as a dental hygienist.

Shortly thereafter, Alma followed a professional opportunity that took her to Stockton, California. Although he wanted to follow her, it took Hans 20 months to leave Germany, given that the government did not want to lose its architects and other professionals abroad. Happily, the couple was married on October 18, 1953, within a week of Hans' arrival in

Stockton. Indeed, that date marked the beginning of great things to come.

After starting a family and managing some of the largest construction projects ever undertaken in the Sacramento area up until that time, Hans and Alma desired to start their own company. Thus began Roebbelen Construction in 1957.

Roebbelen Construction has established a long history of excellent public construction projects, such as schools and prisons. However, over the last decade, the company has also successfully completed many design/build projects for private sector clients, including: J.C. Penney Co., MCI, General Motors, Aetna, Sears, SBC/Pacific Bell, Cable Data, Target, and other firms. Together with its sister company, Kleeman Roebbelen, it is now one of the largest local private companies in the Sacramento region. It is also the only general contractor in California to have received the ISO 9001:2000 designation from the International Organization for Standardization for the management of quality in a company's products and services.

Mr. Speaker, after spending so much of their lives with the firm they started, Hans and Alma recently retired from Roebbelen Construction. Now, they are blessed with the opportunity to enjoy the fruits of their labors. They often travel and spend quality time with their three children, eight grandchildren, and two great-grandchildren.

Undoubtedly, the life Hans and Alma Roebbelen created together is a great American success story—one rooted in a love that has endured and grown for 50 years and counting.

CONFERENCE REPORT ON S. 3, PARTIAL-BIRTH ABORTION BAN ACT OF 2003

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. MOORE. I am tired of coming to the House floor and pleading for Congress to pass a law that will truly stop late-term abortions and put this issue behind us. If not for the extreme politics of this issue, Congress could take up and pass today H.R. 809, the Late Term Abortion Restriction Act. The legislation, which I have cosponsored, would prohibit all late-term abortions, regardless of procedure, with exceptions only to protect the life of the mother and to avert serious adverse health consequences.

The House was not allowed to vote on H.R. 809 today, which is a great shame, since it goes to the heart of this issue rather than using it as a campaign message. H.R. 809 addresses what the American people truly want to stop: the termination of a viable fetus during late stages of a pregnancy.

Mr. Speaker, I am here today voting once again on legislation that I fully expect to be ruled unconstitutional—once again—by the U.S. Supreme Court.

On June 28, 2000, in the ruling Stenberg v. Carhart, the high court struck down a Nebraska ban on so-called "partial-birth abortion," ruling that the ban was an unconstitutional violation of Roe vs. Wade for two reasons. First, the ban, which is virtually identical to the one that will soon be signed into law, was found to be unnecessarily broad and without a necessary health exception to protect the well-being of the mother.

Despite this ruling, the bill before us today corrects none of the flaws that were clearly outlined by the Court. Today's vote is just another purely political exercise.

Like its predecessors, S. 3 does not include an exception to protect the health of the woman, despite clear instructions from the Court in more than one decision since 1973 that any law restricting abortion must include such an exception. This bill, despite cosmetic changes, is still unconstitutional.

I believe a woman has a right to make important decisions regarding her body and health. I also believe that the state can and should regulate abortion after the point of fetal viability. These two principles were set forth in the 1973 Roe v. Wade Supreme Court decision.

Today, I will vote against S. 3. I urge my colleagues who truly wish to ban post-viability abortions to consider H.R. 809 as a real solution to this personal and political issue.

CHANGE IN RUSSIA

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. LEACH. Mr. Speaker, it has been 12 years since the collapse of the Soviet Union and one of the most remarkable stories to emerge from the wreckage of that failed system has been the steadily strengthening partnership between the United States and Russia. Two op-eds timed for President Vladimir Putin's recent visit to our country each highlight different facets of what is one of our most important international relationships. Ken Adelman explores the enormous successes of the Nunn-Lugar program, which has eliminated thousands of nuclear warheads and the systems that might have delivered them. Mark Medish, writing in the Financial Times, cites improvements in the Russian economy and the modernization and rise of free enterprise in Russia.

In the aftermath of the unpredictably timed and unexpectedly rapid demise of communism, Soviet assets were devolved to too few in too conflicted a way. Instead of a free market, the Russian economy became characterized by oligarchic enterprises. But with each passing year the Russian economy has become increasingly subject to the strength of individual market decisions, especially consumer oriented ones. A middle class is growing and saving.

Medish, in his article, optimistically emphasizes the positive. While it may not be the full picture, if sustained, the pace of entrepreneurial change in Russia bodes well for the future.

I commend these articles to my colleagues.

REAL ARMS CONTROL

(By Kenneth Adelman)

While hanging out at Camp David this coming weekend, Presidents Bush and Putin should toast an impressive—though largely unknown—joint win in their war against terrorism.

Over the past decade, their armsbuilders became arms-destroyers, cooperatively dismantling thousands of Russian nuclear systems. These weapons of mass destruction might otherwise have landed in terrorist hands.

When the Soviet Union collapsed a dozen years ago, we feared Russian hucksters would sell nuclear, chemical, and biological components to terrorists. After all, Russian arsenals were massive, while their state controls were piddly. Incentives to sell—to get big bucks quickly; and to buy—to get big bangs easily—loomed large.

Logic proved that what the late Secretary of Defense Les Aspin once dubbed "Russia's loose nukes" would be a staggering problem. But experience shows that it hasn't been one.

Parkinson's most perceptive law tells us that the success of any policy is measured by the catastrophes that do not occur. By that measure—or, really, any measure—the joint American-Russian effort to dismantle weapons has been a big win for international security, especially against international terrorists.

With Mr. Putin standing at his side last November, Mr. Bush said, "Our highest priority is to keep terrorists from acquiring weapons of mass destruction." He went on to explain that :"our nations must spare no effort at preventing all forms of proliferation."

Surely the leading light in this campaign has been the Nunn-Lugar program. For a bargain price of some $1.3 billion a year, America helps Russia disarm the meanest and most massive weapons in the world. According to the original co-sponsor, Senator Lugar, over the past dozen years, we've helped them destroy some: 800 ballistic missiles, over 800 launchers (followed by environmental restoration of the sites), over 100 bombers, more than 350 submarine launchers, 20 ballistic missile carrying submarines, and, most importantly, more than 5,500 nuclear warheads.

That adds up to more than half of the old Soviet strategic nuclear arsenal. During the same period, much of the U.S. arsenal was eliminated as well, and newly independent former Soviet republics Ukraine, Kazakhstan, and Belarus were "denuclearized."

In all my years of handling arms control issues—first, as an American ambassador at the United Nations, and then as director of the U.S. Arms Control and Disarmament Agency under President Reagan—I never imagined such a success. Indeed, nothing we achieved over the Geneva negotiating table produced anything on that order.

Mr. Lugar's colleague, former Senator Nunn, said earlier this summer in Moscow that "the gravest danger in the world today is the threat from nuclear, biological, and chemical weapons" and that "the likeliest use of these weapons is in terrorist hands."

Always one to think big, Mr. Nunn proposed that "preventing the spread and use of nuclear, biological, and chemical weapons should be the central organizing security principle for the 21st century."

It's hard to top his notion, especially since the prospect of the world's most vile terrorists getting their hands on the world's most vile weaponry makes every civilized person shutter.

To make sure we keep these weapons out of the hands of terrorists, there is still plenty of work to be done by Russia and the U.S. as partners. In Russia, for example, several thousand nuclear warheads are still housed in hundreds of weapons storage sites; several hundred metric tons of bomb-building materials are spread around Russia's nuclear facilities network; and millions of pounds of nerve agents are stored in vulnerable facilities. A single artillery shell, small enough to fit inside a brief case, if stolen from one of these facilities, could be powerful enough to kill 100,000 people.

Imagine that last year's scare had been true—when the U.S. intelligence community thought terrorists had gotten their mitts on a 10-kiloton nuclear bomb and smuggled it into New York City. It turned out, thank goodness, that such a report was false.

But if something like that could be true, as indeed it could be, then shouldn't we do everything possible to make it un-true? And to make sure it never happens?

Again, Mr. Nunn had the right take here: "If a nuclear weapon goes off in Moscow, Paris, Tokyo, or some other city, what would we wish we had done to prevent it? We may not be able to make these terrorists less evil, but we must make them less powerful. We must keep them from acquiring weapons of mass destruction."

The success of the cooperative efforts between Russia and America should give Messrs. Bush and Putin some pride this weekend. It calls for a Camp David toast.

RUSSIA'S ECONOMIC STRENGTH BEGINS IN THE HOME

(By Mark Medish)

President Vladimir Putin comes to the U.S. this week bearing good news. The Russian economy continues to gain speed, and investment-grade status may be around the corner.

As he drives through New York, Mr. Putin will see something striking: the logo of Russia's Lukoil has replaced the all-American Getty sign at local petrol stations. The symbolism is powerful. Russia and the U.S. can be meaningful investment partners. But the real question for the Russian economy is whether it can become more than the world's newest petrol pump.

Russia's relationship with market capitalism has been dramatic. Russia emerged from the ashes of the 1998 financial collapse to log almost five years of steady growth in gross domestic product.

An emerging Russian middle class has begun to assert itself with raw spending power. Retail turnover in 2003 may reach $150bn.

Initially, the retail trend was strongest in food sales, but consumer durables are now increasing as a share of household spending. Domestic manufacturing has responded to this demand. Whether Russia can also grow into an export platform, as China has done, is an open question. Russia's skilled workforce, low labour costs, and central Eurasian location suggest that such an opportunity may exist.

The trend, if sustained, could have profoundly positive implications for Russia's overall economic and political development. Promoting this trend is likely to be a theme of Mr. Putin's meetings, both with prospective U.S. investors and, at Camp David, with President George W. Bush and his team.

The Russian consumer story has not gone entirely unnoticed by foreign investors. Ikea, the mass-market Swedish furniture retailer, opened several megastores in Moscow and St. Petersburg in 2000. Ikea's sales have been strong enough to justify plans for a further dozen stores across the country, evidence of middle-class patterns spreading beyond the two biggest cities. The German supermarket chain Metro is following suit. Russia's wireless sector is among the hottest in emerging markets.

The rising middle class strengthens the business case for big western consumer-oriented companies to take a closer look at Russia. Russians want quality furniture, mobile phones, televisions, appliances, and cars. If this continues, a boom in commercial banking and other services should not be far behind.

Having endured decades of supply-side privation under the Soviet command economy, average Russians are becoming dictators of market demand. This change is fuelled by several factors. Russian households are much wealthier than previously supposed; they seem to have a high marginal propensity to consume; and they have few debts.

The strengths of Russia's new consumers are also tied to abiding weaknesses in the economy. First, the unexpectedly high disposable income reflects years of accumulated "mattress money"—the uncounted grey economy. Some analysts estimate Russia's current GDP at nearly $450bn, 40 per cent higher than official figures.

Second, the high propensity to consume partly reflects the lack of sound channels for savings and investment. Finally, the low debt level is due largely to the absence of wide-scale consumer credit facilities. Changing this will take time.

Policy challenges remain, including management of the windfall from high oil prices, diversifying the productive economy, deepening the rule of law, and entering the World Trade Organisation. These tasks can be achieved if Mr. Putin and his government continue to recognise their central importance and act on it.

A surging consumer sector will both reinforce and ease the process. Consumers are natural proponents of market reform and a business environment that promotes predictability, transparency, and wealth creation. An active middle class is the most potent force for change in market economies.

Economics is also politics. Mr. Putin's political strategy may depend increasingly on satisfying middle-class constituencies. This would mean responding seriously to their interests, while balancing the demands of super-rich oligarchs, the security apparatus, and pensioners. If he succeeds, Mr. Putin's legacy will be a genuinely modern Russia.

A TRIBUTE TO REVEREND DOCTOR W.J. HALL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Reverend Dr. W.J. Hall in recognition of his forty-two years of outstanding service as Pastor of the Bethel Baptist Church.

Dr. Hall was born August 1, 1928 in Oxford, North Carolina, the only son of four children born to Mr. and Mrs. Grant A. Hall. After attending High School in Oxford, Dr. Hall studied at Temple University from 1947 to 1949. Following his academic work at Temple, he returned to North Carolina where he enlisted in the United States Army, attaining the rank of sergeant. Dr. Hall resumed his academic studies at Shaw University, graduating with an A.B degree in 1957. For the next two years, he earned 18 hours toward a master's degree while serving as the pastor of the Olive Grove Baptist church in Oxford and the Spring Street Baptist Church in Henderson, North Carolina.

In 1961, Dr. Hall was called to the Bethel Baptist Church. Since then, he has completed a Master of Theology degree from the Virginia Seminary and College. Later, the College conferred upon Rev. Hall three honorary degrees including Doctor of Divinity in 1965, Doctor of Humane Letters in 1977, and a Doctor of Laws in 1982.

Dr. Hall is widely recognized for his active civic involvement and several community accomplishments such as the Founder of the Self Help Council, the Omega Neighborhood Improvement Association of South Brooklyn, and chairman of the Bethel Baptist Day Care. He is also a member of the Board of Directors of the Baptist Educational Centers of Brooklyn and Long Island; the Board of Directors of the Bedford-Stuyvesant Restoration Corporation as well as the Chaplain of the New York City Housing Police and Past Protestant Chaplain of the Holy Family Hospital.

Under the leadership of Dr. Hall, the Bethel Baptist Church has greatly increased its membership and is in the process of erecting a new three-story building adjacent to the church.

Mr. Speaker, Reverend Dr. W.J. Hall has served his parishioners in exemplary fashion and has worked to improve the lives of everyone in his community for forty-two years. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

INTRODUCTION OF LEGISLATION DESIGNATING THE SENATOR JAMES B. PEARSON POST OFFICE

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. MOORE. Mr. Speaker, joined by the three other members of the Kansas House delegation—Representatives JIM RYUN, TODD TIAHRT and JERRY MORAN—I am introducing today legislation that will designate the facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the "Senator James B. Pearson Post Office Building."

Appointed to the U.S. Senate in 1962, upon the death of Andrew Schoeppel, James B. Pearson served our state with distinction from 1962 through 1978. Elected in 1962, and reelected in 1966 and 1972, Senator Pearson was a workhorse, not a showhorse. A senior member of the Foreign Relations Committee, he also rose to become Ranking Republican member of the Commerce, Science and Transportation Committee. Senator Pearson represented our state during an important and turbulent era, addressing issues that included:

the Vietnam War; the civil rights revolution; enactment of the Medicare and Medicaid programs; America's space exploration program; and deregulation of the trucking and airline industries. Senator Pearson was a voice of reason and common sense during these difficult times and I am proud that he was originally from Prairie Village, which is located in the Third Congressional District of Kansas. Naming the Prairie Village Post Office after Senator James B. Pearson recognizes, in a small way, the important service he provided to Kansans for 16 years in the U.S. Senate.

I also want to take this opportunity to thank my Kansas House colleagues: JIM RYUN [in whose district Senator Pearson now resides], TODD TIAHRT and JERRY MORAN, for joining with me to make this resolution honoring a former Republican Senator truly bipartisan. Additionally, I commend Senators SAM BROWNBACK and PAT ROBERTS, who are planning to introduce a companion Senate measure next week when the other body is back in session. Mr. Speaker, I hope we can bring this long-overdue measure to the floor prior to the adjournment of this session of the 108th Congress.

HONORING ROSA WALKER DISTINGUISHED LABOR LEADER

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. RODRIGUEZ. Mr. Speaker, I rise in honor of Ms. Rosa Walker for her 38 years of dedicated service to the working men and women of Texas.

Ms. Walker's dedication to public service is deeply ingrained in her character. A native Texan of Hemphill, her interest in the labor movement grew while employed with Southwestern Bell. As a member of the executive board for the Communications Workers of America (CWA), Ms. Walker was persistent in her commitment to protect and empower the working people of Texas.

She continued on this path as an organizer for the Industrial Union Department of the American Federation of Labor and Congress of Industrial Organizations (AFL–CIO) and an employee of the Harris County AFL–CIO.

Ms. Walker is steadfast in her commitment to the principles of Democracy and citizenship, organizing numerous voter registration drives and get out the vote programs. She is also the former Vice President of the Texas Coalition of Labor Women, founder of the Texas Consumer Association and a former member of the Texas Judicial Conduct Committee.

Ms. Walker's life exemplifies commitment to public service. Her many and significant contributions to the labor movement have helped color the landscape of the American political system by raising awareness of the issues affecting the working people of America.

IN COMMEMORATION OF THE 30TH ANNIVERSARY OF SACRAMENTO'S CH2M HILL

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. OSE. Mr. Speaker, I rise today to honor CH2M Hill's 30th Anniversary in Sacramento and to acknowledge its 30 years of service to the greater Northern California region.

In 1973 the firm of CH2M Hill established an office in Sacramento with an initial staff of 4 individuals and brought with it a vision for development, a commitment to prosperity, and a dedication to community service. Today, 30 years later, CH2M Hill employs more than 240 local engineers, scientists, planners, and administrative personnel and has succeeded in realizing its goals by bringing growth and progress to the citizens of Sacramento.

CH2M Hill's efforts and work can be seen virtually everywhere in Sacramento. Just a few of its accomplishments include completing tunnel access to the California State University at Sacramento in time for the 2000 Olympic Trials; being the first environmental consultant helping to create the DNA light rail connection; removing over a million pounds of contaminants from the soil and groundwater beneath McClellan Air Force Base; managing the CalFED program to sort out water storage, transfer, and distribution in the Central Valley; and delivering over 2,000 other local and regional projects in the last 30 years which include providing landmark engineering and scientific services throughout northern California, most notably for the restoration of the Owens Valley and the seismic stabilization of the Bay Area's major bridges.

Proving consistently to be an industry leader in sustainable business innovation, CH2M Hill is credited with piloting the first office-recycling program in the City of Sacramento, as well as becoming the USEPA Best Workplace for Commuters company and aggressively promoting alternatives to single-driver commuting. It prides itself most however, with its constant commitment to community service.

The Sacramento Blood Bank benefited last year from the quarterly blood drive hosted by CH2M Hill and named them the Blood Drive of the Year. The Sacramento Food Bank for the past 4 years has had to send two trucks over to gather all the food contributed for the Holiday Food Drive by this organization. And a few years ago CH2M Hill answered the call from the University of California at Davis to become the corporate underwriter for their new Engineering building by raising over $16,000 from staff alone in order to complete a $50,000 pledge it made to the University. Individuals in CH2M Hill's office are constantly engaged in supporting 14 other community service and charity programs.

On behalf of myself and the citizens of Sacramento, I congratulate and thank CH2M Hill on 30 years of continued success and service.

CHINA'S TORTURE OF THE FALUN GONG

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. WOLF. Mr. Speaker, you may recall, I have been endeavoring to bring to our colleagues' attention the egregious abuses of human rights by the Chinese government toward its own citizens. Today I will provide information regarding the perpetual and unjustifiable harassment, torture and death of Falun Gong practitioners at the hands of the Chinese government. Many of the victims are old men simply trying to pursue their religious beliefs peaceably. They hope only for what we in America take for granted—the right to follow one's conscience. Instead they are brutalized by the state. I offer these accounts and hope that our colleagues will come to the same conclusion that I did—that we must act to help the persecuted people of China.

"IN THEIR OWN WORDS" STATEMENTS ON THE TORTURE OF THE FALUN GONG

Imagine the leader of the world's apparently most-promising emerging market suddenly banning the faith of one out of every twelve of his/her own citizens, subjecting them to arbitrary detention, forced-labor, brainwashing sessions, physical torture and death, and using a shocking amount of foreign investment capital to do it. Imagine no more. This is the reality.

According to the testimonies of thousands of victims, the Chinese government implemented the persecution through a three-prong directive to all levels of government:

Destroy Falun Gong practitioners physically through systematic, state-sanctioned forced-labor, torture and killings.

Destroy Falun Gong practitioners' reputations through a worldwide media campaign to demonize Falun Gong and falsely depict its practitioners as dangerous "cult" members and a menace to society.

Destroy Falun Gong practitioners financially, which, in a Communist nation where the government can exercise significant control over employment and housing, allowed the government to deny Falun Gong practitioners basic necessities for living, such as salaries/pensions, employment, education, housing, etc. In addition to suffering widespread extortion, confiscation of property and state-enforced fines when detained by police.

Almost 800 deaths from torture have been verified. Thousands more people have been forcefully incarcerated in mental hospitals where many are tortured. More than 100,000 have been sent to forced labor camps, typically without trial.

In January 2003, after more than 3 years of torture and abuse, 65 year-old Mr. Quanfu Zhang was beaten to death in a Chinese forced-labor camp. His 38-year-old son, Qifa Zhang, died 16 days later from sustained torture in the same labor camp.

In January of 2003, a U.S. citizen was detained and later imprisoned where he has been beaten and repeatedly subjected to brainwashing sessions in an attempt to force him to renounce his beliefs. His fiance leads a grassroots call for his release in the U.S.

Sixty-seven year-old Li Jianhou from Nanchong City, Sichuan Province was tortured to death in Deyang Prison, Sichuan Province on March 27, 2003. His wife is being held at a local detention center.

On July 18, 2003, After three years of torture and abuse, a university teacher from Jilin Province with a master's degree in philosophy was detained on several occasions for his practice of Falun Gong. He died in a Chinese Labor Camp.

In August 2003, Ms. Zhengshu Cui, an ethnic Korean and a graduate of the Baicheng Finance and Trade Training School who lived in northeastern China, died on August 12, 2003, from extended torture and abuse sustained while imprisoned for her beliefs in a forced-labor camp.

In August 2003, after being abducted multiple times and tortured by local police for his practice of Falun Gong, a 56-year-old farmer from Heilongjiang Province was subjected to forced-feeding with boiling water. Emaciated and unable to stand on his own, he died in a Chinese prison.

DEATH OF DONALD HOLLAND

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. WILSON of South Carolina. Mr. Speaker, South Carolina has lost one if its best public servants recently when State Senator Donald Holland of Camden, South Carolina, died at the age of 75. He was my colleague during my seventeen years of service in the South Carolina State Senate. He will always be remembered as a gentleman who conducted his chairmanship of the Judiciary Committee with civility. He was respectful of the minority and promoted open debate. His legacy will be the fair election laws appreciated by South Carolinians due to his chairmanship of the Election Laws Study Committee, where he was always respectful and understanding of my minority role. The Wilson family extends its deepest sympathy to the Holland family.

The following is his obituary printed in the State newspaper.

SEN. DONALD HOLLAND

CAMDEN.—The Honorable Donald Harry Holland, husband of Betty Bell Holland and father of Elizabeth Alberta (Lisa) Holland, died October 5, 2003, at his home. Funeral services will be held at Lyttleton Street United Methodist Church at 1 p.m. Wednesday, October 8, with the Reverend T. Lee Bryant Jr. and Chaplain George G. Meetze officiating, followed by committal in Beulah United Methodist Church Cemetery.

Holland, son of the late Eugene and Alberta Branham Holland, was born on a farm in the rural Kershaw County community of Cassatt on August 19, 1928. A graduate of Midway High School (1945), Holland entered the United States Army and was posted to the Asiatic-Pacific Theatre. At the age of 18, Holland served with U.S. Forces occupying Japan at the conclusion of World War II. As part of his duties with the Judge Advocates Office, Holland developed a proficiency for speaking Japanese and served as a translator.

Upon his honorable discharge from the military in 1948, Holland reentered the University of South Carolina and, under a combined program of undergraduate and law school studies then available, earned a law degree in 1951.

While concluding his studies at the University, Holland sought election to the South Carolina House of Representatives for Kershaw County. His election in 1950, at age 21, began over one-half century of continuous public service under 11 governors. Holland's six terms in the House of Representatives were followed by five years of service on the State Highway Commission and 35 years of service in the South Carolina Senate.

At the time of his death, Holland was the longest-serving lawmaker in South Carolina. In South Carolina's post-colonial history, only three persons have provided more years of combined House and Senate service than Holland. In 1999, Holland was honored by the National Conference of State Legislators for having a tenure of service placing him among the ten most senior legislators in the country.

His long tenure was one of remarkable accomplishment. In addition to chairing the Senate's standing committees on Judiciary, General Laws, Corrections and Penology and Fish, Game and Forestry, Holland was the catalyzing force and chairman behind many of the body's most influential study committees and special committees. In the 1970s and 1980s, Holland led the state's efforts to reform and modernize its election laws and laws governing criminal prosecution and conviction. A champion of an effective and fair criminal justice system, Holland served as chairman of nearly all legislative conference committees, which produced significant legislation within the past 20 years in the areas of support of victims of violent crime, substantive criminal reform and drug interdiction.

As chairman of the Senate Judiciary Committee from 1995 until 2001, Holland devoted much of his energy and attention to children's issues and domestic violence. In recognition of his efforts, the South Carolina Victim Assistance Network named Holland "The Outstanding Legislator of the Year for 1999–2000."

In 1988, Holland, serving as chairman of the General Assembly's Screening Committee for Candidates for the Public Service Commission, began a 15-year effort to reform the qualifications of public service commissioners. Within the most recent legislative session and working in the bipartisan manner with which he was most comfortable, Holland's crusade for change in the Public Service Commission brought to the forefront legislation accomplishing significant reform. Holland also provided stable leadership to the Senate as chairman of its Redistricting Committee during the late 1980s and 1990s.

Of his accomplishments, Holland was most proud of his ability to serve his neighbors. His able service to the far-flung reaches of his geographically-large Senate district resulted in progress coming to areas where it was not a common visitor. Often recollecting the dire needs of South Carolinians during his boyhood, Holland stubbornly held to making sure that rural South Carolinians were not forgotten. His well-known devotion to these interests resulted in his having a statewide constituency. Holland was a member of Lyttleton Street United Methodist Church, the VFW, American Legion and Woodmen of the World. He was a 33rd degree Mason and a Shriner. Consistent with his abiding love of history, Holland was a member of the Kershaw County Historical Society and the South Carolinian Society, the repository for his personal and political papers.

Holland was predeceased by his stepmother, Ruby Gordon Holland. Besides his widow and daughter, he is survived by brothers of Camden, Dr. Alton Holland and Carl Holland; four sisters, Margaret Holland Ford of Camden, Maxine Holland Humphrey of Camden, Zulene Holland Dougherty of Camden, Sandra Holland Hatcher of Florence; a number of nieces and nephews; his beloved dog, Maggie, and cat, Bully.

The family suggests those wishing to make memorials may do so to Cassatt Baptist Church Building Fund, P.O. Box 110, Camden, SC 29032; the Beulah United Methodist Church Cemetery Fund, 820 Beulah Church Road, Camden, SC 29020; the South Carolina Troopers Association, 4961 Broad River Road, Columbia, SC 29212; or to the charity of one's choice.

THE PEOPLE OF THE TAIWAN REPUBLIC OF CHINA

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. TANCREDO. Mr. Speaker, I rise today to express my sincere congratulations and best wishes to the people of the Taiwan Republic of China as we celebrate the National Day of the Republic. For over half a century, our two nations have celebrated a close friendship, and common values.

With the election of President Chen a few years ago, and the first substantial transfer of power, Taiwan has helped to set an excellent example for many nations about the importance, and successful exercise, of democracy, liberty, self-government, and self determination.

Mr. Speaker, as President Chen said in his address last year, "Despite twists and turns along the course of democracy, the people of Taiwan have never lost sight of the need for change . . . Looking toward a better tomorrow requires us to be vigilant today. The opportunity to create change is often transient, and every minute wasted increases the cost of reform. We will not back down from our advocacy of reform and we will not stop until we achieve our aim."

President Chen's passion and his commitment to democratic ideals is commendable. I know I speak for many when I say that I am proud to count President Chen and the Republic of China among America's closest allies.

In closing, let me again express both my heartiest congratulations as Taiwan celebrates her birthday, and my deepest hope for our continued cooperation, friendship and shared progress.

HOUSE OF REPRESENTATIVES—*Wednesday, October 8, 2003*

The House met at 10 a.m.

The Reverend Ky Weekley, Grace Covenant Presbyterian Church, Overland Park, Kansas, offered the following prayer:

Holy One of all creation, once again we come into Your presence, seeking Your blessing, as we gather in these hallowed walls of democracy.

I give You thanks, O God most holy, for each of those gathered this morning. Many skills and gifts and talents, commitments and passions are represented in this Chamber. May the tapestry they weave be one that builds up the Nation, strengthens our common good, and encourages us to be and act as brothers and sisters to one another.

God of all nations and every people, we thank You for the life and history that is ours, for the wealth of resources, both natural and human. May we be good stewards of our blessing. We are grateful for our people, those whose ancestors have been here for a thousand years and those who have just arrived. We thank You for the variety of our traditions and cultures and richness and diversity of our beliefs.

As we seek to honor You, I pray for each of these honorable Representatives, praying that working together, they may face You and the future together in confidence and hope.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Louisiana (Mr. ALEXANDER) come forward and lead the House in the Pledge of Allegiance.

Mr. ALEXANDER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND KY WEEKLEY

(Mr. MOORE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORE. Mr. Speaker, I rise today to introduce the Reverend Ky Weekley, the associate pastor for Operational Ministries at Grace Covenant Presbyterian Church in Overland Park, Kansas, which is located in the Third Congressional District. Reverend Weekley, serving as today's guest chaplain, offered today's invocation.

Reverend Weekley has served as a Presbyterian pastor for 31 years, with the last 24 years spent in the Kansas City area. For the last 3 years he has pastored the Grace Covenant Presbyterian Church in Overland Park. His service also extends beyond the spiritual world to the temporal one: Reverend Weekley has served for the past 7 years on the city council of Fairway, Kansas, where he currently is council president.

Reverend Weekley is married to Dr. Tracy Cowles, and they have two daughters, Erin, who is a sophomore at Williams College, and Cristin, a junior at Shawnee Mission East High School in Johnson County, Kansas.

Mr. Speaker, Ky and Tracy have been long-time friends of my wife, Stephanie, and myself; and we are very happy to welcome them to Washington, D.C.

MANSOUR BROTHERS, HARD-WORKING AMERICANS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, yesterday we considered H. Res. 234, condemning bigotry and violence against Arab Americans, Muslim Americans, South Asian Americans, and Sikh Americans.

After September 11, Arab American-owned businesses were boycotted simply because of the ethnicity of their owners. These men and women came to this country to escape this kind of intolerance, to build a new life, to worship freely, and to do business freely. They did not expect to be blamed and ridiculed for something they did not do. This is not what America is all about.

One such business was the Sunset Diner in Ephrata in my district. The diner is owned by Mike and Sam Mansour, two Egyptian-born brothers. Mike and Sam experienced significant hardship after the terrorist attacks. Just as we should not single out anyone of German, Russian, or Japanese descent for what some of their countrymen may have done in the past, we should not single out people like Mike and Sam for what 18 men with similar ethnic backgrounds did on one terrible day. I am pleased that the House has considered this bill, and I hope our communities will all take this lesson to heart.

HONORING ILLINOIS' NOBEL LAUREATES

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, I am proud to rise in honor of the Illinois Nobel Laureates. Illinois has always been well represented in this competition of the world's best and brightest, but this year three individuals from Illinois have won the Nobel Prize: Paul Lauterbur, a researcher at the University of Illinois, won for his research leading to the development of MRI technology; Alexei Abrikosov of Argonne National Laboratory; and Anthony Leggett, another researcher at the University of Illinois won for physics.

Each of these individuals works at a public institution dedicated to the exploration and expansion of human knowledge, and each of these institutions relies on public support to do the public good. These individuals and their work represent the future of our country; and if we are to maintain our status as a world leader, we must continue to support their works.

Mr. Speaker, although their work is diverse, their ability to pursue their intellectual endeavors is singular. So those who run down our public institutions, I hope they take note of these individuals' accomplishments.

Mr. Speaker, these Nobel Prize winners are from Illinois, we are proud of them, but they are national treasures.

PROTECT AMERICANS IN UNIFORM ABROAD

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, the top priority of our foreign policy must be to protect Americans in uniform abroad. Our troops need allies to help shoulder the burden in Iraq. More allies will show the Iraqi people that the world community is strengthening its support for a new Iraqi democracy.

Yesterday, the National Assembly of Turkey voted to authorize the deployment of at least 6,000 peacekeepers to

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Iraq. Turkey has long been a NATO ally, even as she borders Iraq, Syria, and Iran. Her soldiers fought next to ours in far-off Korea in support of the United Nations.

Despite temporary problems, I thank Prime Minister Erdogan and Foreign Minister Gul for adding Turkey's peacekeeping troops to our mission of building a free and democratic Iraq.

OUR NATIONAL DEBT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, it has been 881 days since President Bush and his party embarked on their economic plan for our country. During that time, the national debt has increased by $1,174,114,828,749.14. According to the Web site for the Bureau of Public Debt at the Treasury Department, yesterday at 4:30 p.m. Eastern Daylight Time, the Nation's outstanding debt was $6,814,440,215,107.91. Furthermore, in fiscal year 2003, the interest on our national debt, or the debt-tax, totaled $318,148,529,151.51.

COMMENDING AFGHAN WOMEN

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise today to commend the women of Afghanistan and to encourage my colleagues to join me in expressing strong support for their inclusion in the new Afghan constitution.

Nearly 2 years after the fall of the Taliban government, Afghan women are reclaiming their rightful place in society, returning to jobs and professions they held before the Taliban. No longer do they live in fear of a brutal regime. Instead, they are working to build a new democracy.

Under the Bonn Agreement, the people in Afghanistan will have in place in the coming months a new constitution. As the drafters continue the hard work of crafting that important document, we must continue to include the women of Afghanistan in the protection of their human rights.

It is for this reason that the gentlewoman from New York (Mrs. MALONEY) and I introduced today a resolution commending the participation of women in Afghan government and society and advocating the protection of women's human rights under the constitution. I urge Members to support this resolution.

SCHOOL CONSTRUCTION CREATES JOBS

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise to call on this Congress to pass school construction legislation to create jobs and improve education here in America. More than 3 million workers have lost their jobs in this sorry economy; over 2 million were in manufacturing sectors alone. My State of North Carolina has seen devastating job losses in such vital industries as textiles, furniture, and tobacco.

Congress must act now to get America working again. We should start by passing legislation to put people to work building schools. In many urban and rural areas of this country, schools are crumbling and localities lack the resources to rebuild. In many communities in my district, schools are bursting at the seams from overcrowding.

Since my first term in this body, I have worked to pass school construction. This year's version, H.R. 717, will provide $25 billion in zero interest bonds for school construction in this country. This bill will put workers back to work building quality schools for our country.

Mr. Speaker, Congress will soon consider the President's request for $87 billion for Iraqi reconstruction, including building new schools. The President is going to get his money, but we need to spend some money here at home on schools. So Congress should pass H.R. 717 to build schools in America.

SUPPORTING THE OATH OF ALLEGIANCE

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, the Oath of Allegiance has served as the gateway to American citizenship for over 200 years. When immigrants speak its forceful words, they pledge their unfettered allegiance to America, our Constitution, and our laws.

This important symbol of American citizenship is not specified by law. However, it can be changed on the whim of a government agency. In fact, such a change was recently attempted and would have transformed an absolute commitment to our Constitution into a conditional statement, thereby weakening our citizenship. That is why I introduced H.R. 3191, which would establish the oath as Federal law.

Mr. Speaker, throughout our history, our Nation has been strengthened by immigrants who came here to pursue the American dream. Establishing the oath as the law of the land would remind all Americans that pursuing that dream also requires a full-time commitment to citizenship. I urge my colleagues to join me in supporting this legislation to strengthen the meaning of our citizenship.

JUNGLE CAMOUFLAGE IN THE DESERT?

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, I have heard about the sweetheart deals and the war profiteering in the rebuilding of Iraq, the billions that are being wasted, but how are the troops doing over there on the ground? Not so well, it turns out. Thirty to 40,000 of our troops cannot get $500 pieces of body armor. They are working with flak vests from the Vietnam era which will not stop an AK-47 bullet. We have Humvees with canvas side curtains. Some of our troops are being sent over there with jungle camouflage. We cannot afford that desert camouflage.

How is it with the buildup for months by this administration, a $380 Pentagon budget, $80 billion appropriated by Congress last April for this war, that the Bush administration, Secretary Rumsfeld in all of his great wisdom, could not have thought to buy our young men and women body armor, to give them armored Humvees, to get them desert fatigues, boots and sidearms that work, and other critical supplies? They said we just cannot afford it, we need more money, then maybe we will give the young men and women what they need.

Mr. Speaker, they can find that money. It is about 2 minutes' spending at the Pentagon.

□ 1015

REMEMBERING A TRUE SOUTH CAROLINA HERO, SERGEANT ANTHONY O. THOMPSON

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in sadness to report the death of a true South Carolina hero, Sergeant Anthony O. Thompson. As a 26-year-old artillery fire support specialist in the United States Army, Sergeant Thompson proudly represented not only our State and Nation but all the people of South Carolina.

As a native of Orangeburg County, he showed immense potential even as a teenager. Graduating from Orangeburg-Wilkinson High School in 1995, he departed with honors and shortly thereafter entered the Army.

After serving in the Army for nearly 7 years, Sergeant Thompson began his quest in Iraq to defend our Nation from terrorists and engage in the War on Terrorism. Sergeant Anthony Thompson, killed in combat, was the second serviceman from Orangeburg County to die during service in Iraq and the seventh from the State of South Carolina.

I ask my colleagues to join me today in extending condolences to Sergeant

Thompson's friends and family, as he was a dedicated hero to our State and Nation.

In conclusion, God bless our troops.

MANDATED TRAINING FOR AIRCREWS

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. Mr. Speaker, 10 days after terrorist attacks on September 11, the President told this body, "We will come together to improve air safety and take new measures to prevent hijacking."

Yet, 2 years later, our first line of defense in the air has been not yet upgraded. The flight attendants who were the first victims of the tragic accidents on that day and who are still called upon to defend passengers lives have not been given the new defensive training that they need.

Working together in committee, Members of both parties drafted legislation to address this shortfall and mandate proper defense training for aircrews. Four hundred eighteen Members of the House agreed.

Unfortunately, through the FAA reauthorization bill, House leadership has now removed the strong mandate and replaced it with a statement that TSA "may" provide training. This undermines our bipartisan work, it undermines the expectation clearly stated by the President, and it undermines the Nation's safety.

I urge my colleagues to work with me to change the language back. There should be no uncertainty, no delay. Mandated training for aircrews is the will of this Congress and the will of our constituents.

IN HONOR OF SPECIALIST DUSTIN K. McGAUGH

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor one of America's bravest, Specialist Dustin McGaugh, who grew up in Springdale, Arkansas. Specialist McGaugh was killed in a "friendly fire" accident in Balad, Iraq, late last week.

Motivated by a desire to serve and be a part of something important, Specialist McGaugh enlisted in the Army prior to the September 11 attacks and was so intent on becoming a soldier that he completed his last 3 weeks of basic training with a broken shinbone.

Specialist McGaugh put himself in harm's way so that the world could be a better place, and he did so in a manner that was an inspiration to his fellow soldiers. While in Iraq he told his family that his unit often came under fire. However, this did not stop him from doing his mission. In fact, it seemed to have encouraged him to reach out to the Iraqi people. His fellow soldiers said that, regardless of the dangers, Specialist McGaugh could often be found handing out candy to Iraqi children.

Mr. Speaker, Specialist Dustin McGaugh made the ultimate sacrifice for his country. He is a true American hero. I ask my colleagues to keep Specialist McGaugh's family and friends in their thoughts and prayers during these difficult times.

VOTE NO ON $87 BILLION FOR IRAQ

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute.)

Mr. McDERMOTT. Mr. Speaker, I am here to do a public service announcement. I want all of you to get your rubber stamp ready. We are here for 24 hours this week, and next week, when we arrive on Wednesday, within 24 hours we will have given the President $87 billion. That is what he wants in a failed policy. We are going to buy cell phones at $6,000 a copy. The ones we have here cost $1,500. Why are they $6,000 in Iraq? Why are we spending $100 million in a witness protection program or putting in a 911 system or all the foolishness in that bill?

There will be no talk tomorrow about amendments in the Committee on Appropriations. We ought to figure out what the President needs until December and give it to him then, and we will come back when he has a plan.

He announced today they are not going to go for a resolution in the United Nations. We are going it alone, and the American taxpayers are being asked to suck it up again, give him $87 billion, do not ask him what he did with it, just rubber stamp it. That is wrong. Just vote no.

THE ECONOMY

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, last week we received very exciting and positive news that the Bush economic plan is working. Both business and individuals are seeing an upturn in the economy. In September, payrolls increased by 57,000 jobs, showing increased confidence on behalf of job providers. Personal income and personal spending were both up, indicating increased consumer confidence in the economy. Clearly, the tax cuts are working, and our economy is improving.

But we do have more work to do. We must pass a comprehensive energy policy to help fuel our economy. We must open more markets abroad to export our manufactured goods. We must rein in out-of-control litigation, which is a hidden tax on our economy. We must make health care more affordable for families and businesses. And, finally, we must make the Bush tax cuts permanent so that there is certainty for families and small businesses as the recovery moves forward.

We know what we have to do to further expand our economy. It is time to get the job done.

HONORING CARL D. ASHLEY

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, on Saturday I attended a funeral in my community, a funeral of an outstanding American, one who spent time in Vietnam, who served his country, but then who came back and was a quiet, gentle man. He raised a great family, served as an election judge, was actively involved in helping others. And I simply express condolences to the family of my good friend Carl D. Ashley, who gave his life in the service of others. A great American, great humanitarian.

WELCOMING BACK THE 202ND RED HORSE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I stand today to recognize and welcome the return of the last group of the 202nd RED HORSE Squadron, Florida's Air National Guard engineer unit. They are headquartered at Camp Blanding, which is in my congressional district. The remaining members arrived on Friday, October 3, completing a deployment that began with its activation in January and subsequent deployment the following February.

RED HORSE stands for Rapid Engineer Deployable Heavy Operational Repair Squadron Engineers; and, as the name suggests, these members are the workhorses for the military's heavy construction and engineering. The 202nd was relied upon as part of the first Expeditionary RED HORSE group to complete the myriad of construction projects needed to ensure Central Command and its forces accomplished its underlying mission. One of the more notable projects was the repair of the Baghdad International Airport.

I had the opportunity to meet a number of these individuals and have in my congressional office the red hard hat that was signed by members of this unit. So I am thankful and proud of their service. Mr. Speaker, I welcome them home.

JOB CREATION AND THE BUSH ADMINISTRATION

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, yesterday the press reported that Secretary of Commerce Donald Evans was going to travel the country and focus like a laser on the issue of jobs, jobs, jobs, jobs, said the headline. He is going to travel from city to city and talk about jobs in America, that jobs are the most important issue.

Today we read that his first stop is going to be in Iraq. I guess maybe that is because that is where the Bush administration is creating jobs as they seek to build new hospitals, they seek to build schools that they will not build in this country, hospitals that they will not build in this country, sewer systems that they will not build in this country. We see these exorbitant contracts being led through Bechtel and Haliburton. I guess that is where the jobs are from the Bush administration, and that is why the Secretary of Commerce is going there instead of going to the Midwest where hundreds of thousands of people have lost manufacturing jobs or anywhere else in this country where over 3 million people have lost their jobs and 9 million people are unemployed.

The Secretary of Commerce would do well to travel the country, as opposed to going to Iraq.

HONORING THE REPUBLIC OF CHINA'S NATIONAL DAY

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, I rise this morning in wishing the Republic of China a happy day for tomorrow. It is National Day.

A strong economic system, a strong educational system, and its people's grasp of the free market system of economics have made Taiwan an economic powerhouse. It is the world's 17th largest economy. This economic performance has contributed to both regional and global prosperity. At a time of economic independence among nations, Taiwan has a lot to offer the world.

On Taiwan's National Day, I would like to see Taiwan continue to play a major economic role in the world and to further strengthen its economic ties with the United States. A hearty congratulations to President Chen. We wish him and his people the best of luck as he seeks readmission to the World Health Organization. He deserves his place on the world's stage.

We appreciate Taiwan's support of America and honor their National Day.

ENGINEERED FABRICS CORPORATION

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to congratulate a company located in the 11th district of Georgia which I represent.

Mr. Speaker, we all know the dangers our men and women of the Armed Forces are facing during the operations of Enduring Freedom. During combat operations several of our Apache helicopters took enemy fire and were damaged to the point they could no longer operate in the combat theatre. As one can imagine, it was imperative these helicopters were repaired and returned to the theatre of operations as soon as possible.

On April 2, 2003, the men and women of Engineered Fabrics Corporation in Rockmart, Georgia, got the call to assist our Nation's warfighters. Within 24 hours 28 new Apache fuel tanks were on their way to the combat theatre.

In recognition of this excellent, incredible effort, Engineered Fabrics received the Commander's Medallion for Outstanding Warfight Support from the Defense Contract Management Agency.

Specifically, I would like to thank and congratulate Mr. Carl Simmons, Contracts Manager, and Sheila Smith, Shipping and Receiving Manager, both with Engineered Fabrics. These two individuals were instrumental in ensuring that contract and shipment requirements were completed on or ahead of schedule.

Mr. Speaker, Engineered Fabrics is an outstanding company in my 11th District of Georgia and a great example of the American spirit and will to succeed.

DOMESTIC VIOLENCE AWARENESS MONTH

(Mrs. CAPITO asked and was given permission to address the House for 1 minute.)

Mrs. CAPITO. Mr. Speaker, I rise today in support of declaring October National Domestic Violence Awareness Month.

Domestic violence encompasses all acts of violence against women within the context of a family or intimate relationships. It is an issue of increasing concern because it has a negative effect on all family members, especially the children.

It is also leading cause of injury to women in the United States, where they are more likely to be assaulted, injured, raped or killed by a male partner than by any other type of assailant.

During 1998, an average of two domestic homicides occurred in my State of West Virginia each month. Across the United States, it is estimated that as many as 4 million instances of domestic abuse against women occur yearly.

We must fight this scourge. These statistics are devastating, but behind every statistic there is a face, a family, a woman, a child who is in a violent relationship and the children are trapped in these violent unstable homes living in fear.

I am asking every Member of Congress to spread the word about domestic violence so we can help these women and children live a life free of fear. This epidemic is something in our communities that we need to be aware of, and October is a month to shine a light on the problem of domestic violence throughout our country.

□ 1030

EXTENDING CONGRATULATIONS TO PEOPLE OF CALIFORNIA ON ELECTION OF ARNOLD SCHWARZENEGGER AS GOVERNOR

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I arise to extend congratulations to the people of California and our next Governor, Arnold Schwarzenegger.

California has undergone some extraordinary turmoil in the last several months and years, and we have gone through a process that led last night to a victory for Mr. Schwarzenegger by a margin of 1 million votes. But, as has been pointed out by many, now the real work begins.

I want to extend hearty congratulations to Governor Gray Davis, who provided an extraordinary concession speech last night, recognizing the will of the people of California.

I believe that as this real work begins, proceeding with this important transition process to the Schwarzenegger administration, it will be important, and it is especially important for the people of California as we seek to bring back the kind of job creation and economic growth machine that is absolutely necessary to improve the quality of life for all.

So, I extend thanks to Governor Davis for his two decades of public service to the people of California, thanks to him, Mr. Speaker, for his gracious remarks, and hearty, hearty congratulations to all the people of California and to Governor-elect Schwarzenegger.

CONFERENCE REPORT ON H.R. 1474, CHECK CLEARING FOR THE 21ST CENTURY ACT

Mr. OXLEY. Mr. Speaker, pursuant to the order of the House of October 7, 2003, I call up the conference report on the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee). Pursuant to rule XXII, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 1, 2003, at page H9083.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. OXLEY) and the gentleman from Tennessee (Mr. FORD) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 1474.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise today in support of the conference report for H.R. 1474, the Check Truncation for the 21st Century Act, or Check 21, as it has come to be known. I want to thank the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Tennessee (Mr. FORD) for guiding this bill through the House, and the subcommittee chairman, the gentleman from Alabama (Mr. BACHUS), the ranking member, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Ohio (Mr. TIBERI) for their substantive input into this process. Also, I would like to thank Chairman SHELBY for a smooth conference process.

After the September 11 terrorist attacks, domestic flights were suspended, preventing millions of checks from physically moving through the payment system. The Federal Reserve was forced to take emergency action to continue the movement of checks around the country.

The Committee on Financial Services responded to the terrorist attacks with legislation aimed at shutting off terrorist financing, getting our financial markets open and operating and providing businesses with protection from future losses from terrorist attacks.

Check 21 is another important effort by our committee to protect the payment system in times of national emergency by ensuring that checks will continue to be processed through the payment system with limited interruption. We must ensure that our banking system operates as efficiently as possible, while preserving safety and soundness.

Check 21 achieves these goals by improving our payment system and encouraging the electronic movement of checks across the country. At the same time, this measure benefits consumers by maintaining current protections in the payment system and ensuring that consumers have the ability to retrieve improperly debited funds and are given information on the operation of this new system. Check 21 grants banks useful tools to improve the delivery of services to their customers and expedite the flow of funds through the system.

Finally, I want to point out that the conferees included provisions in this conference report which will address concerns of the Federal Reserve and the Treasury Department relating to currency collateralization and compensating balances.

Mr. Speaker, this is an excellent bill that deserves the support of all of my colleagues, and I urge everyone to cast an "aye" vote on the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. FORD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is always good to see a gentleman from Tennessee in the Speaker's Chair. I thank the gentleman from Ohio (Chairman OXLEY) for his leadership on this and many other issues. I also thank the gentleman from Massachusetts (Mr. FRANK) for his leadership, not only on this set of issues, but the way in which he and the gentleman from Ohio (Chairman OXLEY) worked together and the way he leads our side on all of the critical issues that come before the committee.

Mr. Speaker, let me thank the gentlewoman from Pennsylvania (Ms. HART) and my friend, the gentleman from New Jersey (Mr. FERGUSON). I rise in support, obviously, of this Check 21 conference report. Both the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from New Jersey (Mr. FERGUSON) were key and original sponsors of the legislation, and it was a pleasure to work with both of them.

I also want to thank the gentleman from Alabama (Chairman BACHUS), again, the gentleman from Ohio (Chairman OXLEY), the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Vermont (Mr. SANDERS) for their stewardship of this bill through the committee and the conference with the Senate. I had my chance to serve on my first conference committee. I did not say anything. If that is the standard for getting things done like you want, I will be happy to follow that from here on out.

As I say, this is a good bill for all of my colleagues in the Congress. I might add, from a consumer perspective, it is probably one of the more important pieces of legislation to come out of this committee and in this session.

The intent of Check 21, as the gentleman from Ohio (Mr. OXLEY) indicated, is very simple: It is to modernize the Nation's check payment system and enable it to keep pace with new technologies. Check 21 will bring the benefits of new technologies to more consumers, while strengthening our finance system.

In recent years, the financial system of this country has undergone tremendous change. Technology has brought the world closer together and accelerated speed of business. Millions of dollars can flow across the continent and across oceans with the click of a mouse. Consumers and businesses are making increasing use of credit cards, debit cards, direct deposits, electronic funds transfers and other electronic forms of payment.

At the same time, checks remain a vital and extremely popular form of payment. Millions of Americans rely on checks to pay house rent, monthly bills, groceries and many other kinds of purchases and expenses. This year, upwards of 60 billion checks will be written in the United States.

According to the Federal Reserve Board, the volume of checks peaked in the 1990s and checks will remain an indispensable part of our financial system and our economy for decades to come.

Check 21 will bring the check payment system into the 21st Century, and, in doing so, help preserve the institution of the check by creating more efficiencies. By making check processing more efficient and more cost-effective on the back end, we can make sure more consumers, particularly seniors in this country, have the option of writing checks on the front end.

Here is how Check 21 works. It unleashes innovation by removing legal obstacles to check truncation. Check truncation is when information on a paper check is captured off the check and delivered electronically, instead of the paper check being presented physically. Through check truncation, paper checks are rendered into zeros and ones, digital signals which can move through the payments system at digital speeds.

In crafting this bill, my colleagues and I shared the goals articulated by the Fed when it drafted the Check Truncation Act. We wanted to find a way to facilitate check truncation and foster innovation without mandating the receipt of checks in electronic form.

It is important that banks, businesses and consumers continue to have the option of accepting checks in paper form. Check 21 accomplishes this by establishing a new negotiable instrument, a substitute check with the same legal status as original checks. These substitute checks would contain a two-faced image of the original check. They would include the magnetic code at the bottom, so that any bank can process them, using existing equipment, and conform to standards for size, paper stock and the like. These substitute checks can be used by banks and consumers in the same way as original checks.

So why is check truncation a good thing? The gentleman from Ohio (Mr. OXLEY) has spoken to it already. But according to Roger Ferguson, the Vice Chairman of the Federal Reserve, check truncation "reduces the number of times a check must be physically processed and shipped. As a result, check truncation is generally more efficient, more cost-effective, less prone to processing errors and fraud." It sounds like a good thing for consumers.

I might add that with the help of many of our colleagues on the committee, particularly the gentleman from North Carolina (Mr. WATT), as well as the gentleman from Alabama (Mr. DAVIS), we were able to address some of the concerns raised by consumers related to consumer protections and trying to ensure that all of the protections provided in the Uniform Commercial Code would indeed be afforded to consumers under this bill.

I have a long statement which my staff put together, an exhaustive statement. The gentleman from Ohio (Mr. OXLEY) has pretty much walked through all of these issues.

Mr. Speaker, I rise in support of the conference report on the Check 21 Act, which I was proud to introduce with the gentlelady from Pennsylvania, Ms. HART, and the gentleman from New Jersey, Mr. FERGUSON.

I want to thank Chairman BACHUS, Chairman OXLEY, and Ranking Members FRANK and SANDERS for their stewardship of this bill through the Financial Services Committee and the conference with the Senate. This is a good bill that has gotten stronger from a consumer perspective, and I would urge my colleagues' support.

The intent of Check 21 is simple—to modernize the Nation's check payment system and enable it to keep pace with 21st century technology. Check 21 will bring the benefits of new technologies to more consumers while strengthening the financial system, which is the very lifeblood of our economy.

In recent years, our financial system has undergone tremendous changes. Technology has brought the world closer together and accelerated the speed of business. Millions of dollars can flow across the continent and across oceans with the click of a mouse. Consumers and businesses are making increasing use of credit cards, debit cards, direct deposits, electronic funds transfers, and other electronic forms of payment.

At the same time, checks remain a vital and extremely popular form of payment. Millions of Americans rely on checks to pay house notes, monthly bills, groceries—and countless other kinds of purchases and expenses. This year, upwards of 60 billion checks will be written in the United States. According to the Fed, the volume of checks peaked in the 1990s—but checks will remain an indispensable part of our financial system and our economy for decades to come.

Check 21 will bring the check payment system into the 21st century, and in so doing, help preserve the institution of the check. By making check processing more efficient and more cost-effective on the back end, we can make sure more consumers have the option of writing checks on the front end.

The technology to make the check system more efficient exists, and is already in use. But the legal framework behind the check payment system has not kept up with technological advances. Under today's system, millions of paper checks are physically transported every night, by ground and by air. Checks move from the bank to which they are deposited, to any number of intermediary banks, check processors, and/or the Federal Reserve, then are sent to the paying bank, and finally, in some cases, back to the person who wrote the check.

The problem is that under current law, unless a bank enters an agreement with another bank to process payments electronically, the banks must physically exchange the original paper checks. This outdated legal framework can only be described as clumsy and inefficient. It's unnecessarily slow, and it prevents millions of consumers from realizing the benefits of new technologies.

Another weakness of the current system—one with potentially severe consequences for the economy—was exposed on September 11, 2001. When the Nation's aviation system was grounded in those harrowing hours and days after the terrorist attacks, millions of checks could not reach their destination. The Nation's payment system ground to a temporary halt.

Fortunately, due to the swift response of the Federal Reserve, banks all across the Nation, and the companies that transport checks, the 9/11 attacks did not cause major disruptions in the financial system. But 9/11 demonstrated that our check payment system is vulnerable to physical catastrophes—not only terrorist attacks but also natural disasters.

Check 21 unleashes innovation by removing legal obstacles to check truncation. The name "check truncation" is industry jargon, so let me try to explain what it is—and why it's a good thing. Check truncation is when the information on a paper check is captured off the check and delivered electronically—instead of the paper check being presented physically. Through check truncation, paper checks are rendered into zeroes and ones—digital signals which can move through the payments system at digital speeds.

In crafting this bill, my colleagues and I shared the goals articulated by the Fed when it drafted the Check Truncation Act, which this bill is largely based on. We wanted to find a way to facilitate check truncation and foster innovation "without mandating the receipt of checks in electronic form. . . ." It is important that banks, businesses, and consumers continue to have the option of accepting checks in paper form.

Check 21 accomplishes this by establishing a new negotiable instrument, a "substitute check," with the same legal status as original checks. These substitute checks would contain a two-faced image of the original check. They would include the magnetic code at the bottom so that any bank could process them using existing equipment. And they would conform to standards for size, paper stock, and the like. These substitute checks can be used by banks and consumers in the same way as original checks.

So why is check truncation a good thing? According to Roger Ferguson, Vice Chairman of the Federal Reserve, check truncation "reduces the number of times the check must be physically processed and shipped. As a result, check truncation is generally more efficient, more cost effective and less prone to processing errors and fraud."

Check 21 is a strongly pro-consumer bill. Consumers will benefit in a number of ways.

First, Check 21 will promote efficiency in the banking system by lessening the need for the physical transportation of checks, which is costly and resource-intensive. As banks compete for their business, consumers will benefit from lower costs and expedited services.

Second, banks will be enabled to compete with each other to offer new products and services, such as online access and review of check images, which gives consumers instant access to their checks, day or night. If a consumer makes an inquiry about a check, his or her bank's customer services representatives will be able to access and review the check instantly. This can sharply reduce the time for customer inquiries.

Millions of consumers already enjoy these services, including members of the Congressional Federal Credit Union here on Capitol Hill, as well as credit unions in communities across the country. Credit unions have had check truncation for two decades and by all accounts it has been a great success.

Consumers may also benefit from more deposit options. Because electronic processing could eliminate the need for daily physical pick-up of checks, consumers could enjoy extended deposit cutoff hours and deposit services at ATMs in remote or underserved urban and rural areas.

Third, this streamlined system will reduce the disruptions caused by bad checks. By speeding up the check clearing system, individuals will be notified faster if their check—or checks written to them—have not cleared. This will reduce the likelihood that a single bounced check will result in a "chain reaction" of bounced checks.

Fourth, Check 21 establishes a new and important consumer protection—an expedited recredit for contested substitute checks. A consumer who raises a dispute because a check that has been rendered into a substitute has been improperly charged to his account will receive a recredit within 10 business days, for amounts up to $2,500. This "right of recredit" is an important part of this bill.

Although the House and Senate bills were structurally similar, the conference report reconciles some important differences. And in each case, the conference adopted the pro-consumer position.

The conference report adopts the Senate language on the timing of the recredit procedure. Consumers will have 40 days to submit claims for recredit, as opposed to 30 days in the original House bill. Consumers facing extenuating circumstances will have that period extended "for a reasonable amount of time," rather than 30 days in the House bill. The conference report retains the language of an amendment that Mr. DAVIS of Alabama introduced in Committee, which stipulated that the consumer need not currently be in possession of the substitute check to enjoy the right of expedited recredit.

The conference report adopts the House language requiring banks to describe the process of check substitution for all new and existing customers. In the Senate bill, this consumer notice would expire after three years. The conference report makes it permanent.

The conference report includes language requiring the Federal Reserve Board to publish data regarding the costs and revenue of transporting checks. I would like to commend the Fed and the transportation company AirNet for helping to negotiate this compromise language.

Finally, the House bill would have gone into effect 18 months after enactment—the conference report adopts the Senate position of a 12-month effective date.

In conclusion, Check 21 will make our payments system stronger and more efficient. In so doing, it will protect our economic security and promote economic growth. I am proud to have introduced Check 21 with Ms. HART and Mr. FERGUSON. I respectfully urge my colleagues' support for this bipartisan, commonsense, pro-consumer bill.

Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I want to thank my good friend and colleague from the great State of Tennessee for yielding time.

Mr. Chairman, I wish to echo the accolades given to leaders on both sides of the aisle who made it possible to get H.R. 1474 to this point in the process. In particular I wish to acknowledge and thank the gentleman from Ohio (Chairman OXLEY) and the ranking member, the gentleman from Massachusetts (Mr. FRANK).

Mr. Speaker, I rise in strong support for the conference report to accompany H.R. 1474, the Check Clearing for the 21st Century Act. I cosponsored virtually identical legislation last Congress, and I am glad to be an original cosponsor of H.R. 1474 this year and to support this conference report.

Under current law, a bank may clear checks electronically only if it has entered into an agreement with another bank. H.R. 1474 would facilitate the use of check truncation by removing this requirement. This legislation authorizes, but does not mandate, banks to create an electronic image of a check, which can then be sent to another bank, eliminating the physical transfer of the original check.

Recognizing that not all banks have the ability to send electronic transmission of a check, the conference report on H.R. 1474 authorizes the creation of substitute checks for payment. This substitute check would be used in place of the original paper check, and it would be a negotiable instrument. Banks that create an electronic check will be able to create a substitute check and use that for presentment to a bank that has not upgraded its system to accept electronic checks.

This conference report recognizes that there are several levels of consumer protections already. However, the bill would establish warranty and indemnification provisions to protect against any losses involved with the use of substitute checks. A consumer could make a written claim for recredit within 40 days of the date of receiving a periodic statement or the date the substitute check is made available to the customer, whichever date is later.

The customer could also submit a warranty claim on the substitute check if the production of the original check or better copy of the original check is necessary to determine the validity of a disputed claim.

To its credit, the conference report on H.R. 1474 would require banks to provide to existing customers and to new account holders a brief notice about the use of substitute checks and a description of the consumer's right to recredit for improper payment.

Mr. Speaker, there are many more provisions of this conference report that I support and could discuss, but will refrain from doing so at this time.

□ 1045

Mr. OXLEY. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee on Financial Institutions.

Mr. BACHUS. Mr. Speaker, this legislation is just the latest example of legislation which has moved through the Committee on Financial Services this year. Like deposit insurance reform, like the Fair Credit Reporting Act, like other legislation, it would not have been possible without the leadership of the chairman of this committee, the gentleman from Ohio (Mr. OXLEY). I think that there is probably not a Member of this body who would not agree that he has served in an outstanding manner and has had more success than I can remember in the 10 years I have served on the committee. So this is a salute to his leadership.

I also want to thank the gentleman from Massachusetts (Mr. FRANK), the ranking member on the other side, who has worked very closely with the chairman.

With this particular legislation we have been very fortunate on our side, because of the gentleman from New Jersey (Mr. FERGUSON) and the gentlewoman from Pennsylvania (Ms. HART), who is the sponsor of this legislation and will address some of the particulars of it, who are very knowledgeable Members, very active Members. The gentleman from Tennessee (Mr. FORD) has done an outstanding job on his side.

As my colleague, the gentleman from Alabama (Mr. DAVIS), said when this bill came up for debate on the House floor, this is a good bill for consumers, and it is a good bill for the industry. We had the support of various consumer groups. Consumers Union, Consumers Federation of America, United States Public Interest Research Group, and the industry worked very hard on this bill. And I think it is a tribute to what a fine piece of legislation we have that we actually had a recorded vote on this with 429 Members voting "yes" and no Members voting "no."

The gentleman from Tennessee (Mr. FORD) mentioned the staff when this bill came up before. Those on the Democratic side that contributed: Kevin Swab, Jaime Lizarraga, and Jim Wert worked very hard with the gentleman from Tennessee (Mr. FORD) and the gentlewoman from Pennsylvania (Ms. HART), from legislative counsel. On our side we had Kevin MacMillan who sort of led the effort, Hugh Halpern, Dina Ellis, Jim Clinger, Carter McDowell, Karen Lynch, and also, of course, Bob Foster. The gentleman from Ohio (Mr. OXLEY) is to be saluted again for assembling such a wonderful staff as worked on this bill.

Let me just conclude by saying that what this bill does, to me, more than anything else, and the most significant thing about it, it makes America more competitive in the world market. It makes our economy stronger; it makes our economy better. By making our economy stronger, by making it better, by making it more efficient, it is a job which I think will encourage job formation in America. It will keep jobs from migrating overseas.

Today we have a law that has been on the books for 100 years, and this is the first year that we have actually made significant changes to the way that we treat checks. Today, checks are returned to the bank that they were originally drawn on. When this legislation comes into being, we will basically update that law 100 years. The technology has really been here for 20 and 30 years to have done this, but the bipartisan effort and the leadership to get this bill has not been here. But today, they come together. The Senate has worked with the House, Democrats with the Republicans, and today we will bring our banking system, our transfer of checks into the 21st century.

Let me conclude by saying we have done this and we have also added new consumer protections that go beyond present law. We have done all of that, and we have done it in a unanimous, cooperative spirit.

So Mr. Speaker, this bill deserves the support of each and every Member of this body.

Mr. Speaker, present law requires that checks be returned to the bank where they were originally drawn, and that way of doing business has basically been the law and the procedure in this country for over 100 years. We have technology now that makes something else possible, and that is electronic transfer, as opposed to transfer of the paper check.

What we have in our country today is an antiquated process, which is also a tedious process, which each day involves as many as 10 to 12,000 cars, trucks and airplanes returning checks when none of this is necessary.

The credit unions some 20 years ago went away from this process. They have had zero consumer complaints. The largest banks have made agreements between banks, and they have gone away from this process; but today, two-thirds of the checks still are processed in this outdated manner.

What this House has done in a bipartisan way is take a bill that has been cosponsored by two of our most able Members, the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Tennessee (Mr. FORD), very aware of this issue, very knowledgeable on the issue, they have drafted this bill. The committee has looked at the bill. We have made changes to protect the consumer, slight changes. The bill as it exists today has been endorsed by the Federal Reserve, all the regulators, all the financial institutions involved, all the trade groups, consumer groups. It is a model for what this House can do when it puts aside its differences and works together for the good of the Nation as a whole.

This bill is good for customers. This bill is good for consumers. This bill is good for the economy.

We have talked about little things such as airport congestion, how this will help address that, congestion on the roadway, our energy dependence.

I want to commend, in closing, the gentleman from Ohio (Mr. OXLEY), who has made this one of his three goals for this year to move this legislation; the gentleman from Massachusetts (Mr. FRANK), the ranking member, who identified this as necessary legislation.

My colleagues may say, well, this ought to be simple. For 20 years we tried to reform our check-clearing process. We have not been able to do it until this moment. This House today I think will take a historic step in making us more competitive in the world economy by bringing our check-clearing system up to a model for the world.

Mr. Speaker, I commend the gentleman from Tennessee (Mr. FORD) and the gentlewoman from Pennsylvania (Ms. HART).

Mr. FORD. Mr. Speaker, I yield such time as he may consume to our ranking member, the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I am very pleased to be here to support this bill. It is a good example of what the Committee on Financial Services can do when it is allowed to work out legislative matters in a cooperative way, as we have done here. I am particularly pleased with the work done by two of the younger Members on our side, the gentleman from Tennessee (Mr. FORD), who is managing this bill here, because that is a reflection of the initiatives he has taken, and also as the gentleman from Alabama, the chairman of the subcommittee, was gracious enough to mention, his Alabama colleague, the gentleman from Alabama (Mr. DAVIS), has also played a major role.

What we have here is what ought to be the model and, I am pleased to say, has for much of this year been the model for legislation coming from our committee, which is a recognition of the importance of the market, a recognition that we have a responsibility to structure the rules so that the capitalist system can function to its maximum but, at the same time, recognizing that there will be issues that will not be resolved purely by the working of the market. We add protections for consumers. We add measures that deal with social concerns in ways that do not interfere with the market. I think that is our job. Our job is to recognize that the market is a wonderful mechanism for creating wealth, it does not do everything, and that we have a responsibility to add to those market mechanisms things that will deal with other issues, but in ways that will not detract from the functioning of the market.

In this bill we allow the banks to do the check truncation that will greatly promote efficiency. Consumers who have a need for copies of their checks can get them. There is the recredit provision that has already been described. So I am very proud that we have here, as I said, a model of what we ought to be doing; a measure which allows, and basically this is what we are doing, we are updating the basic law so that the private sector can take full advantage of evolving technology; and we are doing it in a way that we believe fully protects the legitimate interests and concerns of consumers.

Mr. Speaker, I am very pleased that we were able to bring this bill forward. I thank the gentleman from Tennessee (Mr. FORD) for his time and, more important, for the work he has done on this bill.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from Pennsylvania (Ms. HART), the author of the legislation, along with the gentleman from Tennessee.

Ms. HART. Mr. Speaker, I would like to thank my chairman, the gentleman from Ohio (Mr. OXLEY); my subcommittee chairman, the gentleman from Alabama (Mr. BACHUS); my colleague, the gentleman from Tennessee (Mr. FORD) and fellow sponsor of this legislation in the House; as well as the ranking member, the gentleman from Massachusetts (Mr. FRANK), for working together so well to get this legislation completed.

Check Clearing for the 21st Century or, as we call it, Check 21, holds the promise of a much more efficient check collection system by removing legal barriers to full utilization of new technology. It is very simple. It is a win for consumers; it is a win for the financial services industry. It will empower banks to help prevent fraud and empower consumers with more control over their accounts. It also empowers them with more efficiency in availability of their funds.

Thanks also to the staff who worked very well with the Senate regarding the conference committee during the period of time we needed to iron out a few issues with the Senate. I also want to thank the chairman in the Senate, Senator SHELBY, for working together with us so well.

Basically, our current legal framework has not kept up with technological advances. It has constrained the efforts of many banks to use innovations like digital check imaging, to improve check processing efficiency, providing improved services to customers, and substantial reductions in transportation and other check processing costs. It is important to implement these new technologies that are made in the field of payments to provide customers with those benefits I mentioned earlier, expedited access to capital and credit while ensuring, at the same time, they are more protected from fraud.

The legislation permits banks, credit unions, and all financial institutions to truncate checks. That allows them to process and clear these checks electronically, without moving the paper check through the clearinghouses and having them flown across the country.

The bill allows us to use something called a substitute check. And if you look at what a substitute check looks like, it might look awfully familiar to you. It actually looks just like a check. That substitute check contains all of the information that is on a check. In fact, that check will not be a substitute check unless it contains all of that information. It permits banks then to move this information just as it would move a canceled check; but, obviously, it will be much more efficient because planes do not have to fly the substitute checks across the country.

This substitute check would be the legal equivalent of the original check. It would include all the information, as I said, contained in the original check, the imaging on the front, the imaging on the back, including the signature, and then especially the machine-readable numbers that are normally at the bottom of your check. They can be processed just like original checks. The bank would not need to invest in any new technology or otherwise change its current check processing system unless it chooses to do so.

As was mentioned earlier, consumers will benefit in multiple ways. But the most important, I believe, is the efficiency of the system. Consumer protections are important as well. Consumers can keep that canceled check in their own records. It will also be kept at easy access in the financial institution, the same check. You do not have to chase down one canceled check.

So this is a win, really, for everyone involved. I am pleased to have been the sponsor of the bill in the House. I am pleased to have worked with everyone as part of this process. As we learned during the time where all the planes were grounded after September 11, it was very important for us to move forward because our financial system was pretty much stopped in its tracks when planes could not fly these canceled checks around the country. It is important for us to move forward. I am pleased we have the technology, and I am pleased that this Congress has recognized our responsibility to make this system much more efficient.

Mr. FORD. Mr. Speaker, I yield myself 1 minute.

Not having any other speakers, I do not know if the gentleman from Massachusetts (Mr. FRANK) is still on the floor, but I want to thank him again for his leadership on this legislation and the ease which I think all of the committee finds in working with him; and reiterate again, to the gentleman from Alabama (Chairman BACHUS), to thank him; and to Jeanne Roslanowick and Jaime Lizarraga and Ken Swab and Erika Jeffers, with whom I attended law school; and Lawranne Stewart; and, of course, Kevin MacMillan and Hugh Halpern; and the rest of the team on the other side, Carter and Dina and Bob; thank you as well. It was a pleasure to work with all of you, I know, on behalf of Scott Keefer and Luke Iglehart; also on my staff, who worked closely with them.

This is a good bill. I hope my colleagues see fit to support it. All of the benefits have been touted. I thank the gentlewoman from Pennsylvania (Ms. HART) again for her hard work, and I thank the gentleman from New Jersey (Mr. FERGUSON) again for his initiating this legislation.

With that being said and there are no other speakers on our side, I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Just in closing, let me say, this is indeed I think a classic example of how the legislative process ought to work around here. This was an interesting exercise because it was in this case the recognition that the technology was out there to make our banking system far more efficient instead of flying all of these checks all around. Unfortunately, it was the terrible incident of 9-11 that really made us realize how fragile that system is and how we can change it for the better.

I had an opportunity to visit NCR, one of our fine Ohio corporations, a couple of years ago to actually see that technology and see how it could work; and that became really the germ behind the bill that we have before us today. It was some of the newer Members, the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Tennessee (Mr. FORD), who really took the bull by the horns and moved this legislation through. I owe a great deal of thanks to them for their hard work and tenacity in putting this bill together.

Somebody once said that when a great athlete is recognized as great, he makes things look easy. I am not referring to the gentleman from Tennessee (Mr. FORD), by the way. But when a great athlete like Sammy Sosa or somebody, they say they make it look easy and indeed, these folks made it look easy; and we are now on the verge of passing this legislation and sending it to the President. I think it is a proud day for the committee and those who were involved; the staff, who have been adequately thanked for their work, as well as the Members.

□ 1100

Mr. Speaker, I have no further speakers, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PENSION FUNDING EQUITY ACT OF 2003

Mr. BOEHNER. Mr. Speaker, pursuant to the prior order of the House of October 7, 2003, I call up the bill (H.R. 3108) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMMONS). Pursuant to the order of the House of Tuesday, October 7, 2003, the bill is considered read for amendment.

The text of H.R. 3108 is as follows:

H.R. 3108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pension Funding Equity Act of 2003".

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—The Congress finds the following:

(1) The defined benefit pension system has recently experienced severe difficulties due to an unprecedented economic climate of low interest rates, market losses, and an increased number of retirees.

(2) The discontinuation of the issuance of 30-year Treasury securities has made the interest rate on such securities an inappropriate and inaccurate benchmark for measuring pension liabilities.

(3) Using the current 30-year Treasury bond interest rate has artificially inflated pension liabilities and therefore adversely affected both employers offering defined benefit pension plans and working families who rely on the safe and secure benefits that these plans provide.

(4) There is consensus among pension experts that an interest rate based on long-term, conservative corporate bonds would provide a more accurate benchmark for measuring pension plan liabilities.

(5) A temporary replacement for the 30-year Treasury bond interest rate should be enacted while the Congress evaluates permanent and comprehensive funding reforms.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Congress must ensure the financial health of the defined benefit pension system by working to promptly implement—

(1) a permanent replacement for the pension discount rate used for defined benefit pension plan calculations, and

(2) comprehensive funding reforms aimed at achieving accurate and sound pension funding to enhance retirement security for workers who rely on defined pension plan benefits, to reduce the volatility of contributions, to provide plan sponsors with predictability for plan contributions, and to ensure adequate disclosures for plan participants in the case of underfunded pension plans.

SEC. 3. TEMPORARY REPLACEMENT OF 30-YEAR TREASURY RATE.

(a) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) DETERMINATION OF PERMISSIBLE RANGE.—

(A) IN GENERAL.—Clause (ii) of section 302(b)(5)(B) of the Employee Retirement Income Security Act of 1974 is amended by redesignating subclause (II) as subclause (III) and by inserting after subclause (I) the following new subclause:

"(II) SPECIAL RULE FOR YEARS 2004 AND 2005.—In the case of plan years beginning after December 31, 2003, and before January 1, 2006, the term 'permissible range' means a rate of interest which is not above, and not more than 10 percent below, the weighted average of the rates of interest on amounts conservatively invested in long-term corporate bonds during the 4-year period ending on the last day before the beginning of the plan year. Such rates shall be determined by the Secretary on the basis of one or more indices selected periodically by the Secretary, and the Secretary shall make the permissible range publicly available.".

(B) SECRETARIAL AUTHORITY.—Subclause (III) of section 302(b)(5)(B)(ii) of such Act, as redesignated by subparagraph (A), is amended—

(i) by inserting "or (II)" after "subclause (I)" the first place it appears, and

(ii) by striking "subclause (I)" the second place it appears and inserting "such subclause".

(C) CONFORMING AMENDMENT.—Subclause (I) of section 302(b)(5)(B)(ii) of such Act is amended by inserting "or (III)" after "subclause (II)".

(2) DETERMINATION OF CURRENT LIABILITY.—Clause (i) of section 302(d)(7)(C) of such Act

is amended by adding at the end the following new subclause:

"(IV) SPECIAL RULE FOR 2004 AND 2005.—For plan years beginning in 2004 or 2005, notwithstanding subclause (I), the rate of interest used to determine current liability under this subsection shall be the rate of interest under subsection (b)(5).".

(3) PBGC.—Clause (iii) of section 4006(a)(3)(E) of such Act is amended by adding at the end the following new subclause:

"(V) In the case of plan years beginning after December 31, 2003, and before January 1, 2006, the annual yield taken into account under subclause (II) shall be the annual yield determined by the Secretary of the Treasury on amounts conservatively invested in long-term corporate bonds for the month preceding the month in which the plan year begins. For purposes of the preceding sentence, the Secretary of the Treasury shall determine such yield on the basis of one or more indices selected periodically by the Secretary, and the Secretary shall make such yield publicly available.".

(b) INTERNAL REVENUE CODE OF 1986.—

(1) DETERMINATION OF PERMISSIBLE RANGE.—

(A) IN GENERAL.—Clause (ii) of section 412(b)(5)(B) of the Internal Revenue Code of 1986 is amended by redesignating subclause (II) as subclause (III) and by inserting after subclause (I) the following new subclause:

"(II) SPECIAL RULE FOR YEARS 2004 AND 2005.—In the case of plan years beginning after December 31, 2003, and before January 1, 2006, the term 'permissible range' means a rate of interest which is not above, and not more than 10 percent below, the weighted average of the rates of interest on amounts conservatively invested in long-term corporate bonds during the 4-year period ending on the last day before the beginning of the plan year. Such rates shall be determined by the Secretary on the basis of one or more indices selected periodically by the Secretary, and the Secretary shall make the permissible range publicly available.".

(B) SECRETARIAL AUTHORITY.—Subclause (III) of section 412(b)(5)(B)(ii) of such Code, as redesignated by subparagraph (A), is amended—

(i) by inserting "or (II)" after "subclause (I)" the first place it appears, and

(ii) by striking "subclause (I)" the second place it appears and inserting "such subclause".

(C) CONFORMING AMENDMENT.—Subclause (I) of section 412(b)(5)(B)(ii) of such Code is amended by inserting "or (III)" after "subclause (II)".

(2) DETERMINATION OF CURRENT LIABILITY.—Clause (i) of section 412(l)(7)(C) of such Code is amended by adding at the end the following new subclause:

"(IV) SPECIAL RULE FOR 2004 AND 2005.—For plan years beginning in 2004 or 2005, notwithstanding subclause (I), the rate of interest used to determine current liability under this subsection shall be the rate of interest under subsection (b)(5).".

(3) CONFORMING AMENDMENT.—Section 415(b)(2)(E)(ii) of such Code is amended by inserting before the period at the end ", except that in the case of years beginning in 2004 or 2005, '5.5 percent' shall be substituted for '5 percent' in clause (i)".

(c) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment—

(A) such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i), and

(B) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2006.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this paragraph shall be applied by substituting "2008" for "2006".

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to years beginning after December 31, 2003.

(2) LOOKBACK RULES.—For purposes of applying subsections (l)(9)(B)(ii) and (m)(1) of section 412 of the Internal Revenue Code of 1986 and subsections (d)(9)(B)(ii) and (e)(1) of section 302 of the Employee Retirement Income Security Act of 1974 to plan years beginning after December 31, 2003, the amendments made by this section may be applied as if such amendments had been in effect for all years beginning before such date.

(3) NO REDUCTION REQUIRED.—In the case of any participant or beneficiary, the amount payable under any form of benefit subject to section 417(e)(3) of the Internal Revenue Code of 1986 shall not be required to be reduced below the amount determined as of the last day of the last plan year beginning before January 1, 2004, merely because of the amendments made by subsection (b)(3).

The SPEAKER pro tempore. The amendment designated in the previous order of the House is adopted.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pension Funding Equity Act of 2003".

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—The Congress finds the following:

(1) The defined benefit pension system has recently experienced severe difficulties due to an unprecedented economic climate of low interest rates, market losses, and an increased number of retirees,

(2) The discontinuation of the issuance of 30-year Treasury securities has made the interest rate on such securities an inappropriate and inaccurate benchmark for measuring pension liabilities.

(3) Using the current 30-year Treasury bond interest rate has artificially inflated pension liabilities and therefore adversely affected both employers offering defined benefit pension plans and working families who rely on the safe and secure benefits that these plans provide.

(4) There is consensus among pension experts that an interest rate based on long-term, conservative corporate bonds would provide a more accurate benchmark for measuring pension plan liabilities.

(5) A temporary replacement for the 30-year Treasury bond interest rate should be enacted while the Congress evaluates permanent and comprehensive funding reforms.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Congress must ensure the financial health of the defined benefit pension system by working to promptly implement—

(1) a permanent replacement for the pension discount rate used for defined benefit pension plan calculations, and

(2) comprehensive funding reforms aimed at achieving accurate and sound pension funding to enhance retirement security for workers who rely on defined pension plan benefits, to reduce the volatility of contributions, to provide plan sponsors with predictability for plan contributions, and to ensure adequate disclosures for plan participants in the case of underfunded pension plans.

SEC. 3. TEMPORARY REPLACEMENT OF 30-YEAR TREASURY RATE.

(a) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) DETERMINATION OF PERMISSIBLE RANGE.—

(A) IN GENERAL.—Clause (ii) of section 302(b)(5)(B) of the Employee Retirement Income Security Act of 1974 is amended by redesignating subclause (II) as subclause (III) and by inserting after subclause (I) the following new subclause:

"(II) SPECIAL RULE FOR YEARS 2004 AND 2005.—In the case of plan years beginning after December 31, 2003, and before January 1, 2006, the term 'permissible range' means a rate of interest which is not above, and not more than 10 percent below, the weighted average of the rates of interest on amounts conservatively invested in long-term corporate bonds during the 4-year period ending on the last day before the beginning of the plan year. Such rates shall be determined by the Secretary on the basis of one or more indices selected periodically by the Secretary, and the Secretary shall make the permissible range publicly available.".

(B) SECRETARIAL AUTHORITY.—Subclause (III) of section 302(b)(5)(B)(ii) of such Act, as redesignated by subparagraph (A), is amended—

(i) by inserting "or (II)" after "subclause (I)" the first place it appears, and

(ii) by striking "subclause (I)" the second place it appears and inserting "such subclause".

(C) CONFORMING AMENDMENT.—Subclause (I) of section 302(b)(5)(B)(ii) of such Act is amended by inserting "or (III)" after "subclause (II)".

(2) DETERMINATION OF CURRENT LIABILITY.—Clause (i) of section 302(d)(7)(C) of such Act is amended by adding at the end the following new subclause:

"(IV) SPECIAL RULE FOR 2004 AND 2005.—For plan years beginning in 2004 or 2005, notwithstanding subclause (I), the rate of interest used to determine current liability under this subsection shall be the rate of interest under subsection (b)(5).".

(3) PBGC.—Clause (iii) of section 4006(a)(3)(E) of such Act is amended by adding at the end the following new subclause:

"(V) In the case of plan years beginning after December 31, 2003, and before January 1, 2006, the annual yield taken into account under subclause (II) shall be the annual yield determined by the Secretary of the Treasury on amounts conservatively invested in long-term corporate bonds for the month preceding the month in which the plan year begins. For purposes of the preceding sentence, the Secretary of the Treasury shall determine such yield on the basis of one or more indices selected periodically by the Secretary, and the Secretary shall make such yield publicly available.".

(b) INTERNAL REVENUE CODE OF 1986.—

(1) DETERMINATION OF PERMISSIBLE RANGE.—

(A) IN GENERAL.—Clause (ii) of section 412(b)(5)(B) of the Internal Revenue Code of 1986 is amended by redesignating subclause (II) as subclause (III) and by inserting after subclause (I) the following new subclause:

"(II) SPECIAL RULE FOR YEARS 2004 AND 2005.—In the case of plan years beginning after December 31, 2003, and before January 1, 2006, the term 'permissible range' means a rate of interest which is not above, and not more than 10 percent below, the weighted average of the rates of interest on amounts conservatively invested in long-term corporate bonds during the 4-year period ending on the last day before the beginning of the plan year. Such rates shall be determined by the Secretary on the basis of one or more indices selected periodically by the Secretary, and the Secretary shall make the permissible range publicly available.".

(B) SECRETARIAL AUTHORITY.—Subclause (III) of section 412(b)(5)(B)(ii) of such Code, as redesignated by subparagraph (A), is amended—

(i) by inserting "or (II)" after "subclause (I)" the first place it appears, and

(ii) by striking "subclause (I)" the second place it appears and inserting "such subclause".

(C) CONFORMING AMENDMENT.—Subclause (I) of section 412(b)(5)(B)(ii) of such Code is amended by inserting "or (III)" after "subclause (II)".

(2) DETERMINATION OF CURRENT LIABILITY.—Clause (i) of section 412(l)(7)(C) of such Code is amended by adding at the end the following new subclause:

"(IV) SPECIAL RULE FOR 2004 AND 2005.—For plan years beginning in 2004 or 2005, notwithstanding subclause (I), the rate of interest used to determine current liability under this subsection shall be the rate of interest under subsection (b)(5).".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to years beginning after December 31, 2003.

(2) LOOKBACK RULES.—For purposes of applying subsections (l)(9)(B)(ii) and (m)(1) of section 412 of the Internal Revenue Code of 1986 and subsections (d)(9)(B)(ii) and (e)(1) of section 302 of the Employee Retirement Income Security Act of 1974 to plan years beginning after December 31, 2003, the amendments made by this section may be applied as if such amendments had been in effect for all years beginning before such date.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. GEORGE MILLER), the gentleman from California (Mr. THOMAS), and the gentleman from Michigan (Mr. LEVIN), each will control 15 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3108.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, it was my understanding that the Committee on Ways and Means would control the first 30 minutes of debate on H.R. 3108, but considering that the chairman is not here as yet, let me, under my 15 minutes, yield myself such time as I may consume.

Mr. Speaker, we have a pension underfunding crisis in this country; and it has significant implications on the retirement security of the American workers. This chronic underfunding crisis we face among traditional defined benefit pension plans, the type that guarantees workers a set monthly benefit when they retire, is jeopardizing the pension benefits of millions of American workers who have worked all their lives for a safe and secure retirement.

The committee hearings we have conducted on this issue, which have included a joint hearing with the Committee on Ways and Means, demonstrated the critical nature of this problem and the need for a solution that will give workers a renewed sense of confidence that their pension savings are on a sound financial footing. This is precisely why I was joined by the gentleman from California (Mr. THOMAS), the gentleman from California (Mr. GEORGE MILLER), the gentleman from New York (Mr. RANGEL), the gentleman from Texas (Mr. JOHNSON), who chairs our subcommittee, and the gentleman from Ohio (Mr. PORTMAN), my good friend and colleague, in producing legislation to address this underfunding problem.

The Pension Funding Equity Act, the bipartisan bill to be considered today, would protect the retirement benefits of millions of American workers in the short term while committing Congress to immediately proceed with efforts to identify permanent long-term solutions to this underfunding crisis.

This underfunding crisis has manifested itself in several ways. The termination of large underfunded pension plans in the steel and airlines industries, for example, has led to growing anxieties about the financial condition of the Federal Pension Benefit Guarantee Corporation and its ability to ensure the pension benefits of American workers across the country. Those concerns were sufficient to lead the General Accounting Office in July to include the PBGC on its list of high-risk programs that require increased Federal scrutiny because the PBGC's mounting deficit had grown to $5.7 billion, the largest in history.

To make matters worse, the PBGC recently announced that there are some $80 billion in unfunded pension benefits looming on the horizon among financially weak companies, pension benefits that may ultimately have to be paid by the PBGC; and this poses a serious question of whether a taxpayer bailout of the PBGC would be necessary if the alarming trend of underfunded pension plans and company plan failures continue.

One of the several reasons that defined benefit plans are in financial jeopardy is because the interest rate used by employers to calculate the amount of money they must set aside in their employee pension plans, the interest rate on the now discontinued 30-year Treasury bonds, has been at artificially low levels, therefore, inflating plan funding liabilities.

Congress enacted a temporary fix in March of 2002 by allowing employers to use a higher interest rate. But because this fix expires at the end of 2003, there is an urgency on the part of employers, unions, and workers to address this issue because of a growing consensus that this problem is putting the pension benefits of American workers at risk.

The bipartisan Pension Funding Equity Act represents a responsible short-term approach that would replace the 30-year Treasury interest rate with a blend of corporate bond index rates for 2 years through 2005. If Congress fails to provide a pension funding solution by the end of 2003, the benefits of millions of workers could be jeopardized.

Strengthening the funding of defined benefit pension plans in the short term will reduce the likelihood that the PBGC will have to step in and pay benefits to underfunded plans. Moreover, employers who are making major short-term financial decisions need greater certainty to make key decisions about how to allocate scarce resources. Doing nothing could jeopardize employers' willingness to continue the defined benefit programs that provide stable and secure pension benefits to workers during retirement.

The act before us today would help ensure the financial integrity of America's defined benefit plans in the short term while Congress takes a broader look at the defined benefit system and considers permanent solutions to the pension underfunding problems that are jeopardizing the retirement security of America's working families.

I again want to thank my colleagues, the gentleman from California (Mr. THOMAS), the gentleman from California (Mr. GEORGE MILLER), the gentleman from New York (Mr. RANGEL), the gentleman from Texas (Mr. JOHNSON) and the gentleman from Ohio (Mr.

PORTMAN) for working together in a bipartisan manner on this bill. I look forward to continuing to work with them and the administration as we move ahead, and I urge my colleagues to support the bill we have before us.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3108, the Pension Funding Equity Act. This bill provides short-term relief to avert what otherwise might be an imminent pension crisis for American businesses and workers.

I want to thank the cooperation of the gentleman from Ohio (Mr. BOEHNER) for his work on this committee, the gentleman from California (Mr. THOMAS) and the gentleman from Michigan (Mr. LEVIN) and others for their support of this effort.

Pension plan funding requirements are tied to projected rates of investment return based upon 30-year Treasury note bills. In 2000, when the U.S. was running a budget surplus, the Clinton administration decided to retire the 30-year note. For that reason, we are now inserting that rate.

We expect the new Treasury rate to be slightly higher than the current rate, a rate which also will give employers a significant amount of pension funding relief in the midst of what remains a weak economy. Even though the additional pension fund flexibility will result in reduced pension funding for 2 years, it is our expectation that American businesses will use this time to shore up the resources and not terminate or default on their long-term pension promises.

During this time the Bush administration and the Congress must seriously consider a broader array of pension funding retirement security reforms that will more permanently protect and secure the retirement promises made to millions of American workers and retirees.

The threats to our long-term retirement security are real and they are severe. Workers are justifiably scared about their retirement security. The Bush administration and the Congress have done very little to protect workers' pensions and, in fact, they sometimes have acted to undermine retirement security. As soon as Congress passes this bill we need to start the hard work of meaningfully safeguarding workers' pensions.

The crisis we address today is not new. In fact, for over a year the Bush administration repeatedly ignored our urgent request to wake up to the serious problems of pension underfunding. I wrote the administration in July of 2002 to take action when pension deficits skyrocketed from $26 billion to over $100 billion. It failed to act.

Now, over a year later, the problem is substantially worse. The Pension Benefit Guarantee Corporation now says that pension plans are $400 billion in the red nationally and the largest liability in history and that PBGC itself is reporting a $5.7 billion deficit as of July 31.

The General Accounting Office is so concerned that it has placed PBGC on its list of Federal programs that are at high risk of failure. The administration and Congress' failure to take decisive action on pensions, their failed economic policies and neglect of our manufacturing industries and the failure of some companies to honestly estimate their pension liabilities have together precipitated one of the largest underfunding of private pensions in history.

Today, hard-working Americans are taking it on the chin. Over 3 million private sector job workers have lost their jobs since 2001, and many of those jobs will not return. Workers in manufacturing sectors see their jobs vanish overseas and their industries ignored by this administration's economic policies.

Working families have already lost billions of dollars in irreplaceable life savings in their 401(k) plans as the stock market crumbled and corporate abuse ran rampant.

The pensions of millions of Americans are threatened by the administration's "cash balance" plan proposal and may cost older workers up to half of their expected pension benefits.

Today we see shenanigans in the mutual fund industry where so many millions of Americans have parked their pension fund share savings plans to secure their future retirement. We now see inside trading, trading by the big boys and sending the cost to those families that have put their money in many of these mutual funds. Some of the biggest companies that PBGC has taken over and put on the pension watch list have been able to exploit pension rules riddled with loopholes and escape hatches. Over the past few years companies have been permitted to publish their annual reports, rosy financial pictures about their pensions, while at the same time running plans into the ground through reductions and freezes on pension contribution.

Conflicts between company management's push for the bottom line and the plan's obligation to protect participants and workers clearly compromise safe and sound pension practices at many companies.

Worse still, current law allows the plan's real financial condition to be kept secret from the workers and investors. This failure of accountability and transparency has eerie similarities to the Enron Corporation and the debacle of that corporation when its CEOs and its executives kept secret the status of the public health plan from the employees while they jumped ship and rank and file were left to do the best they could.

The gentleman from Texas (Mr. DOGGETT) and I have introduced legislation to open up those reports, referred to as the 4010 forms, to public scrutiny. There must be transparency and accountability for billions of dollars promised to hard-working employees. The administration now says it supports this publication of these secret reports, but the Congress so far has yet to join in the effort and ask for their publication.

The administration must get serious about pension reform. The retirement security of millions of Americans depends upon timely actions. What we do here today is important to provide this relief. Hopefully, the companies will use this as the opportunity to shore up their pension obligations. But we must understand that the American people's anxiety about the future of the retirement security is highly justified in light of this administration's and Congress's failure to seriously address the problems in our pension system.

We look forward to using this opportunity to make sure that we can address those pension concerns of the American workers in the 2 years time that this legislation buys us.

I am heightened in my expectations by the discussion that we had in our Committee on Education and the Workforce where the chairman said that he wanted to use this time to do an in-depth look at the current pension system and come up with remedies that are necessary to secure that system both for the employers and for the employees. I hope that we use that time wisely, and I would ask that my colleagues support this legislation.

Mr. Speaker, I yield my remaining time to the gentleman from Michigan (Mr. LEVIN).

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Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3108, the Pension Funding Equity Act before us. And I do so because of the very concerns that were just raised by my colleague from California (Mr. GEORGE MILLER) and that is this will strengthen and define benefit plans in this country.

I will remind the gentleman that this Congress did pass, the House passed legislation after the Enron scandal to be sure that workers indeed had more options for diversification and to further protect those who are in 401(k)s and in plans like the Enron plan. That legislation is currently in the other body, but we do hope we can act on that yet this year.

I also would agree with the gentleman that we need to go even further with regard to looking at the defined benefit area. That includes looking at the funding rules. It obviously includes looking at the issue of what the discount rate ought to be. Today, we have before us a short-term fix for that problem, but it is only for 2 years. It also means we need to look, I believe, at other issues connected with pension accounting and with PBGC, the Pension Benefit Guarantee Corporation.

But having said all that, the bill before us today is necessary, and it is very important. We need to put this in a little perspective, I think. First, there is no mandate for American businesses to offer pension plans, whether it is a 401(k) or other defined contribution plan or whether it is a defined benefit plan, such as those we are talking about today. Those guaranteed defined benefit plans, of course, are traditionally viewed as the most secure pension plans, and there are millions of Americans who depend on them, not as many as they used to be.

Mr. Speaker, in fact, over the past 18 years, we have gone from 114,000 plans insured by the PBGC, the Pension Benefit Guarantee Corporation, ultimately by the taxpayer, to today where we have roughly 32,000 plans.

In the last four years alone, we have lost over 20 percent of the contribution plans in this country that are defined benefit plans insured by PBGC. So there are not as many Americans today as there used to be depending on these plans, but I believe they are still an incredibly important part of our overall retirement security system, and we ought to do all we can here in Congress to stop the erosion of these plans.

What does that mean? Without a system that is mandated, it means we need to offer better legislative incentives and encouragements for those plan sponsors and for those employees to be in these kinds of plans.

I will also say, Mr. Speaker, that this legislation addresses one of the reasons that we have seen a reduction in plans. It also addresses one of the reasons that we are seeing, even this year, not termination of plans but freezing of plans, where there are no new participants admitted or where existing participants are not able to accrue additional benefits. There is a group out there, one of the consulting firms that does work in this area that has told me they believe up to 20 percent of the plans are currently freezing or looking to freeze or scale back benefits in the near-term; 27 percent of the plans that they work with intend to offer less generous benefits for new hires. So we have got a serious situation here, and we do need to deal with it.

Again, one of the reasons we have seen this deterioration of the defined benefit plan is because of the discount rate. I believe this was talked about earlier, but right now by using this now defunct 30-year rate, we are telling corporations they have to overfund their plans. The 30-year Treasury measurement has been discontinued, therefore, the rate is too low; and, therefore, it is not an accurate measure of what the return will be on these plans over time; therefore, companies are being asked to come up with millions of dollars, in some cases over time billions of dollars, in funds that they do not believe are necessary in order to provide adequate benefits for workers. And at a time when the economy is not doing as well as it should be, particularly in the manufacturing sector, this is a real problem.

It is very important to come up with what we view as an accurate measure for this discount rate. In other words, what rate companies have to use with regard to their contributions to their plans and with regard to the premiums they pay to PBGC. That is what this debate is about today.

I am delighted by the fact that it is a bipartisan discussion. I am delighted by the fact that we have bipartisan cosponsorship of this short-term fix for this problem. What we are saying is that instead of using this defunct 30-year Treasury measurement, which again is outdated, that instead we ought to use a more accurate measure which would be a long-term, conservatively invested corporate bond rate to be chosen by the Department of Treasury. They would choose which corporate bond conservative indexes to use. The corporate bond indices which would be chosen would not be up to us, but we would be establishing here, legislatively, that that ought to be the rate going forward.

This is a huge victory because at least now we are telling those plan sponsors out there, gee, if you want to stay in this defined benefit area or for somebody maybe who is looking to get into the defined benefit area, there will be a more accurate measure, rather than, again, forcing companies and plan sponsors to overinflate their contributions and their premium payments. Rather, it will be an accurate measure, based on something you can predict which is what is the long-term corporate bond rate, again, determined by the Treasury Department based on indices.

That is where we are today. It is extremely important that we move forward with this legislation to give companies a little bit of predictability and certainty, at least over the next two year, as to what will be their liability.

Personally, I would have strongly preferred that we would go beyond 2 years. I think 3 years was a minimum that we should have gone. But this is something we worked at, again, on a bipartisan basis, given the balancing of interests here between the PBGC, the Pension Benefit Guarantee Corporation, their liabilities and concerns, which is ultimately the taxpayer, given the concerns of the employees and having job security and having pension security because this relates to jobs, as well as pensions, given that these contributions affect the bottom line of these companies, and given the need for us to be sure that you have enough incentive to keep plan sponsors in these plans. So this is a two-year period within which we go to a better discount rate.

During that time period, it is explicit in what we are doing here today, that this Congress will be getting busy in looking at these bigger issues. And they have to do, again, with the pension funding rules, with accounting rules, working with the PBGC, working with Treasury and working with outside groups. After all, those who are making decisions as to whether to offer pensions day to day, whether to freeze or not, whether to go to some sort of a convention, perhaps to a cash balance plan, those are people we need to hear from.

Congress can come up with what we think are great ideas, but if they do not work in the real world, who gets hurt in the end? It is the employees who do not have that guaranteed benefit that is so important, such an important part of our overall retirement security plan in this country.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this temporary solution to a very serious pension financing problem. I hope it can become law quickly.

Although this is not the permanent solution, protecting both workers and their employers that I had hoped for, it is far better than other options being considered today. If Congress does not act, starting in the next plan year, companies will have to contribute more money to their defined pension benefit plans than will likely be needed to pay their pension obligations. That will harm business and labor alike.

Businesses would be forced to lock away resources that could be used to upgrade plants, hire workers and build for the future. Workers would have to accept reduced wages or reduced future benefit pension benefits. Although this rate adjustment may seem technical to some, in reality, it is a critical part of the solution to the manufacturing and job crisis which will require more action by this Congress and by the White House than new titles for bureaucrats or encouraging speeches.

I want to remind my colleagues of just how serious the crisis is for workers and their families. Over $2 trillion in tax cuts have helped move this Nation from substantial Federal budget surpluses to huge deficits without creating jobs or overall increasing income for families. For the past 2 years, median income has dropped and poverty has risen. An average of 250,000 jobs per month were created during the Clinton administration, and in the Bush administration an average of 80,000 jobs a month are being lost. It would take us nearly a year to create enough jobs to replace the 3 million jobs lost and also account for population growth, even if we created over 500,000 jobs a month, the high under the Clinton administration.

Unfortunately, the Republican leadership in Congress and the Bush administration decided to wait and see about the economy and did not view the crisis like it was, including this pension issue. Rather than begin work on a consensus solution immediately after Congress passed a temporary fix 2 years ago, the Bush administration waited a year and a half, until the temporary rate was about to expire to unveil a controversial yield curve formula. It would disproportionately increase pension costs for already struggling manufacturing companies.

At the same time, leaders in this House initially delayed action on this matter by holding the rate correction hostage to action on an expensive and controversial package.

I hope this bipartisan action on pensions will be quickly followed by action on another bipartisan effort, the Rangel-Crane-Manzullo-Levin bill. It would provide a needed tax cut for manufacturers who produce in the United States of America. Also needed is an extension of unemployment benefits for those still out of work through no fault of their own, millions of people, and other real actions specifically targeted to help turn this economy around.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SAM JOHNSON), a distinguished member of the Committee on Ways and Means, also chair of the subcommittee of the Committee on Education and the Workforce on Employee-Employer Relations.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I appreciate the remarks of the gentleman from Ohio (Mr. PORTMAN), as well as those on the other side.

Mr. Speaker, I rise today in support of Pension Funding Equity Act. It is long past time that we act on this important issue. I have even had people today come and tell me they want to work longer, so the Pension Benefit Guaranteed Corporation, which is a taxpayer funded entity, can fund them with more money. That is wrong.

Traditional pension plans provide financial security for millions of retirees and for today's workers. However, in order for employers to provide this type of financial security, the companies that sponsor these plans need some certainty with respect to the laws that govern them.

Two years ago the Treasury Department stopped issuing the 30-year Treasury bonds. That provided the interest rate benchmark for pension plans to measure their earnings. Since then, we have provided a stop-gap interest rate, and that stop-gap law is set to expire, and we are now coming forward with another temporary solution. The issues we are dealing with are complex and with roughly $350 billion of unfunded pension promises looming over the Pension Benefit Guarantee Corporation, taxpayer funded, this is a high wire act without a safety net for American taxpayers.

I support moving forward with using the index of high-quality corporate bonds as the new benchmark to measure pension funding levels. This interest rate will better approximate what a conservatively invested pension plan is likely to earn in its portfolio. I am disappointed, however, along with the gentleman from Ohio (Mr. PORTMAN), that the bill we are debating only replaces the 30-year bond rate for purposes of determining how well-funded a pension plan is. We are continuing the fantasy of using a 30-year Treasury bond rate for purposes of determining lump-sum calculations.

The problem with ignoring the lump-sum calculations and using the defunct interest rate is that it provides a huge windfall to near-term retirees in transitional pension plans, while unjustifiably robbing everyone else in the pension plan. It also leaves gaping holes in pension funding that either must come from corporate earnings or these deficits must be turned over to the PBGC, at taxpayer expense, for payment.

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For Congress to ignore the lump sum side of this occasion means that we are collaborating and strategically undermining pension plan funding. Again, at a time when the pension insurance program is facing $350 billion in plan underfunding, I cannot be silent. We must protect the taxpayer.

I will support this bill today in order to get it to conference with the Senate, but we must replace the 30-year Treasury bond rate, and we must do it now.

Mr. LEVIN. Mr. Speaker, I yield 7 minutes to the gentleman from Maryland (Mr. CARDIN), and I ask unanimous consent that the gentleman from Maryland (Mr. CARDIN) be able to control the remainder of the time on this side.

The SPEAKER pro tempore (Mr. LATHAM). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from Michigan (Mr. LEVIN) for yielding me this time, and let me point out from the outset that each Member who has spoken on this particular issue I have worked with on pension reform legislation, and we have worked together to try to increase the security for retirees. We share a common objective, and that is to provide more pension security for America's workers and for all individuals.

I have many concerns about the legislation we are considering today. I feel compelled at least to mention some of these concerns.

First, I am pleased that the legislation incorporates a replacement for the 30-year Treasury, which is a corporate bond mix which was included in the Portman-Cardin legislation. The Portman-Cardin legislation, that I have worked on with my good friend from Ohio (Mr. PORTMAN), who is managing the time on the other side of the aisle, the two of us have worked together and developed a process that is not just bipartisan. It is a process that uses the procedures here about hearings and listening to all parties. It works with all stakeholders, tries to work consensus. As a result, we have been successful in enacting some very important legislation.

I regret that that process was not used in the legislation before us. It certainly does not represent a consensus among the stakeholders. So let me tell my colleagues the problems as I see in this legislation.

First, I have heard my good friend, the gentleman from Ohio (Mr. BOEHNER), and the gentleman from California (Mr. GEORGE MILLER) talk about underfunded plans; and, yes, there are underfunded defined benefit plans. There is no question about that, but using an accurate interest assumption will not make the underfunding situation worse. In fact, it will help the PBGC because it will encourage companies that are properly funded to remain in the defined benefit world. It actually helps the plans using an accurate interest assumption. So why are we afraid to enact a permanent replacement for the 30-year Treasury?

Defined benefit plans are the best security for American workers. They have guaranteed benefits that they know they will receive when they retire. They do not have to worry about the market going up or down. It is guaranteed. The company puts money on the table. It provides in almost all cases annuitant retirement so that an individual has income and is not tempted to take out their retirement in a lump sum, spend it and not have it for their own retirement needs. It is the one form of retirement that we all should be here today to try to encourage more, and as the gentleman from Ohio (Mr. PORTMAN) pointed out, we are seeing a hemorrhaging of these plans. They are terminating, they are converting, they are freezing their contributions.

So what does this bill do in order to help the situation? It provides a 2-year, and a 2-year fix only, on a 30-year Treasury that does not exist. My concern is that because it does not provide the necessary predictability to companies that have to make a decision, whether they are going to continue these plans or not, that many plans will, in fact, convert or freeze and many companies will not even look at starting defined benefit plans.

The gentleman from Michigan (Mr. LEVIN) said that we should not require companies to put more into their plans than is required. Yet, that is exactly what we are doing in many cases. So why would a company or its workers want to put too much money in a pension plan when it is only one part of a compensation package? There are so many issues dealing with adequate funding that have been left out of this bill that were included in the Portman-Cardin bill. Let me just go through some of the issues that are not included in this bill, in addition to the fact that we had a permanent replacement and this is only 2 years.

It has nothing on mortality schedules. The mortality schedules are out of date. Treasury will acknowledge the mortality schedules are out of date. There are companies that are contributing too much; there are companies that are contributing too little. And yet we are going to do nothing on the mortality schedules in this legislation. We have multi-employer plans that have been left out completely from this legislation. We have the 415 plans that are left out. These are small employers, small companies, and they are not going to get any relief under this legislation. That should have been corrected. It was in the original bill. The multi-employers are not affected by the 30-year Treasury replacement. They still have a problem. We do not deal with that.

Assets moving to take us through good times and bad times are not included in the legislation. We know that the current interest assumptions encourage individuals to take their money out in lump sum. It discriminates against annuitant retirement. Accountants will tell my colleagues that. It discriminates against annuitant retirement, and it means more money is coming out of plans than perhaps would need to and add to.

What it does is it makes the plans even more underfunded because we do not deal with the lump sum. Nothing in this legislation deals with the lump sum issues. And I think most tragically, I have heard my colleagues say, well, we are going to study these issues for the next 2 years and then come back with something. Nothing in this bill provides any study. I am just afraid 2 years from now we will be back exactly where we are today, and we will not have made the progress and we will not have taken advantage of the opportunity this year to deal with this matter in a more comprehensive way.

There is something good I can say about the bill. It does not incorporate the administration's proposal for a yield curve. I think that would have been disastrous. I am glad that is not legislation. I do agree with each of the prior speakers that this Congress has to act.

So I am going to vote in favor of the bill today. I hope that as it moves through the process the other body will show more wisdom and we will be able to have a more comprehensive bill, a longer term than just 2 years, covering more, at least a study, so that we are committed to dealing with all of these funding issues, and that we can get back on track to try to encourage companies to stick with it through defined benefit plans, because I think that is in the interest of American workers. We just do not want to see remaining this underfunded plan. We want these well-funded plans to continue to provide the benefits necessary for American workers, and I look forward to working with all my colleagues so that hopefully we can get back on track on important pension reform legislation.

Mr. PORTMAN. Mr. Speaker, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Speaker, I thank my good colleague from Maryland for yielding.

I want to echo the concerns he raised about this not being the more comprehensive approach that is needed. I also want to thank him for working with me and other Members on both sides of the aisle over the last 3 years in putting together more comprehensive legislation from which this corporate bond rate is taken, and that is the Portman-Cardin legislation my colleague talked about. It did go to the Committee on Ways and Means; it has not come to the floor yet. I do think we will have the opportunity to take up that legislation in the future because it does address not only some of the other issues connected with the defined benefit plans but also defined contribution plans.

Mr. CARDIN. Mr. Speaker, I reserve the balance of my time.

Mr. PORTMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. NEAL) for purposes of a colloquy, a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, I have a question and perhaps an answer might clear it up for those who are still trying to sort through this legislation.

H.R. 3108, as introduced, included a provision that would have replaced the 30-year Treasury rate with a flat rate of 5.5 percent for purposes of the so-called section 415 limit. This provision was dropped in the amendment being considered today. Will this provision be considered as H.R. 3108 moves forward?

Mr. PORTMAN. Mr. Speaker, will the gentleman yield?

Mr. NEAL of Massachusetts. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Speaker, I would say first it is an excellent question, and he raises a concern that I also have with this legislation.

As my colleague indicated, section 415 of the Tax Code limits the maximum pension benefit that can be paid from a defined benefit plan. For 2003, that dollar limit is $160,000 annually paid in the form of a lifetime annuity. If that worker decides to take a lump sum benefit instead, this annuity, the 415 limit, would also be converted into the lump sum.

Under current law, pension plans must use the 30-year Treasury rate to convert the 415 limit into a lump sum; and of course, because the 30-year Treasury is not a good rate, as we have talked about today, and because it fluctuates a great deal, it is very difficult for businesses to determine with any amount of certainty how much money it has to set aside to pay lump sum benefits. Although volatility is never good, it is particularly problematic for small plans; and it is these 415 plans that are typically in smaller businesses.

The legislation before us, H.R. 3108, would have allowed businesses to use a flat rate of 5.5 percent to convert the 415 limit. We think that was good policy. This provision would allow businesses, particularly small ones that I know the gentleman from Massachusetts (Mr. NEAL) is concerned about, to fund their pension plans with more certainty.

That provision was dropped in this amendment being considered today because it would have had an effect on lump sum distributions, and we did make an agreement with all parties that lump sums would not be affected one way or another by this short-term 2-year change in the discount rate. So that provision would have increased the 415 limit in some circumstances and reduced it in others. So it would have affected lump sums.

Nonetheless, the provision is extremely important to small business. I appreciate the gentleman from Massachusetts (Mr. NEAL) raising it and appreciate his support. I hope we can get it back in the bill, and I believe that we can as this bill moves forward when more permanent legislation is considered.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. PORTMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. RYAN), my colleague on the Committee on Ways and Means, a distinguished Member.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from Ohio for yielding me the time. I also thank him for all of his years of leadership on this issue. It is very, very important.

I simply want to lend my support and echo the sentiments of the gentleman from Maryland and the gentleman from Ohio on the fact that more does need to be done than what we are just doing here today. Few times have I had the opportunity to see an issue that is bipartisan, where labor and management can agree on things and come together to work for a common purpose for our country and for the workers of America. That is something that is important, and that is something that we need to advance, and that is why more needs to be done.

Multi-employer plans, mortality table rate reform, those things are important; and we need to pass legislation to do that, but this bill right here does need to pass. This bill needs to pass because this is about jobs, and I know this is pretty complicated. It is a difficult issue to get our arms around; but what it basically means is if this bill does not pass, millions of dollars, billions of dollars that are coming through corporations because of the economic recovery that is beginning, that is under way, instead of creating jobs and hiring people will go into artificial pension payments, and that is not good.

We have a recovery that we are trying to get under way. In many areas the recovery is under way. In manufacturing we still have work to do. The last thing we need to do is put a huge tax on the economic recovery of this Nation, and that is why it is important that the cash that is coming through these firms go to bringing these people back to work, expanding, buying new pieces of plant and equipment. We have all of these tax benefits that are now under way through the tax bills that we have passed to give incentives to manufacturers, to give incentives to employers to reinvest in their businesses, to expand, to rehire employees.

It would be a horrible thing if all of the sudden we allow this reform to expire, and these plans, rather than expanding, buying new plant equipment, rehiring employees, have to dump it into these artificial payments. This needs to pass so the economic recovery can continue. Then we need to get together to work on these broader reforms sooner rather than later.

I thank my colleagues for what they are doing.

Mr. CARDIN. Mr. Speaker, I yield such time as he may consume to the gentleman from North Dakota (Mr. POMEROY), my colleague on the Committee on Ways and Means.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me the time, and in particular, applaud him for the effort and research and expertise he has developed in this area, as well as our colleague, the gentleman from Ohio (Mr. PORTMAN). Certainly, the Portman-Cardin legislation that appears unlikely to pass this session of Congress was a bill that advanced these considerations and did so in a more thorough way than the bill before us.

I think it is important to have in perspective, really, what this is all about. Defined benefit pension plans are those retirement savings vehicles made available to employees at the workplace that give them a monthly annuity benefit every month in retirement. It is the retirement cash flow that they cannot outlive. That is what makes pensions so important. That is why, for many of us, we view pensions in the defined benefit context as a superior retirement benefit than the defined contribution 401(k) account where one saves up a little nest egg and hopes it lasts as long as they need it. The defined benefit pension plan guarantees cash flow for life.

Agreeing then on the importance of defined benefit pension plans, it is also important to really look at how we are presently regulating them to determine whether we are doing it in an appropriate way. These are voluntary plans by the employer; and if we do not regulate them correctly, the employers will drop them.

There is reason to believe something is terribly wrong with the existing regulatory system on pension plans because it is estimated by Watson Wyatt, the consulting firm, that 20 percent of defined benefit pension plans, one in five, have been frozen or canceled within the last three years alone.

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Now, that is a staggering problem, and I really regret that the administration has not seized on this as an outright emergency in terms of employee benefits. One out of five pension plans frozen in the last 3 years alone. So the economic record is not just jobs lost, it is also those who still have jobs but do not have pensions, and there are hundreds of thousands of them.

One of the reasons causing this problem is the fact that in good times, we do not allow funding, and in bad times, we make them substantially increase the funding of these pension plans. Now, if you are an employer, what sense does that make? Times are good, you have a little cash, and you would like to plus up the pension plan to make sure you have enough in there, but you cannot under the law. On the other hand, in a recession, when you are trying to desperately turn things around, trying to grow your businesses, my colleague, the gentleman from Wisconsin (Mr. RYAN), just explained we make more money to come out of operations and be put into pension reserving. Not because the plan is about to go under, but that is just what the formula says. Well, that is a dramatically screwed-up format, and it places a government disincentive on employers to continue pension plans. We have to fix that.

Unfortunately, what we have seen out of this administration, in my view, is only a focus on whether or not the reserving is enough relative to immediately liquid liabilities. Out of the Treasury Department come new formulas for increasing funding, making even more volatile the funding situation facing employers. Out of the Pension Benefit Guaranty Corporation, we have just seen a single focus. We need more funding because the plans are under water. Well, we have to keep this in perspective.

The Watson Wyatt Research Group has estimated that comparing assets to liabilities, the plans are on average 4 percent under water. Four percent. That is all. And that is measured based upon today's stock market evaluations. Now, if the administration has any confidence at all in its economic plans forecasting growth, forecasting rising stock values, that 4 percent is going to disappear in an instant. That is not a problem. So it is wrong to put this inordinate pressure on employers to increase funding for their liabilities now. It really forces them to do what so many have done, and that is freeze or cancel the plans.

Plans need certainty, and we only provide a little bit of certainty in the legislation before us; 2 years of continuing this interim fix. I wish it had been 5 years. I believe maybe even 7 years might have been appropriate. Two years, in my opinion, falls short of what will be required to give employers some relief. I am not at all sure, even if we pass this, that we are going to stop this trend of canceling the defined benefit plans. But certainly it is better than nothing, and I will be voting for it. It is far short of what we should have done.

More work lies ahead, and I would point to two areas, in particular, that are going to need some attention. The airline industry, in particular, has been battered by terrorism and battered by a recession in the economy. They have also been battered, unfortunately, by the statutory reserving requirements on the pension plans. We should be able to address their unique circumstance. This bill does not do that. I believe they need relief, and was proud to work with my colleague, the gentleman from Michigan (Mr. CAMP) on bipartisan legislation to get that done.

Other plans, in particular those protecting the retirement interests of older workers, those places of employment that have, on balance, an older-age mix in their place of employment are going to potentially be very heavily hit on pension reform. And without giving them some assurance, I believe we are going to see the freezing of plans accelerate in these industries. Those who most need the protection, those plans with older workers, will be most likely to have the benefits cut or frozen or discontinued all together. We really have not addressed that in this legislation. I believe this is absolutely the fault of the United States Treasury

Department under this administration. We deserve more from them than we have received.

I also believe that the Pension Benefit Guaranty Corporation has only looked with a green eyeshade at whether or not plans are solvent. The preceding director of the Pension Benefit Guaranty Corporation, an individual from my hometown, understood that the PBGC has two missions; one was making certain that the plans were adequately funded, but the other was continuing defined benefit pension plans in the workforce. And that is why some balance is needed. That is why the existing administration needs to incorporate more balance in looking at these issues, so that we look at them over a long time frame and in a way that is compatible with continuing defined benefit pension plans, or even increasing the number in the workforce, because it is that important.

I thank, again, my colleagues for their responsible bipartisan work on this issue. Obviously, we have a lot more heavy lifting to do.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume, and I want to thank my colleague. He ended up by saying that he appreciates the responsible bipartisan work that has been done in this area. I want to thank him and the gentleman from Maryland (Mr. CARDIN), who spoke earlier, and I also want to thank the gentleman from Texas (Mr. SAM JOHNSON), who we heard from a moment ago, and I want to thank the gentleman from Ohio (Mr. BOEHNER), who we will hear from in just a minute.

This has been a bipartisan effort from the start, and it is something we need to continue to focus on. We need to do two things: One, today we need to do this short-term fix. Second, we need to look more comprehensively at these issues. First, at all the funding issues and other PBGC issues, some of which were raised by the gentleman from North Dakota (Mr. POMEROY) and the gentleman from Maryland (Mr. CARDIN), the lump-sum issues, and that will be done in the next 2 years if we are to meet our commitment under the legislation we are passing today.

The second thing we need to do, though, is we need to look more comprehensively at retirement security generally, and that is what the Portman-Cardin legislation builds on, and, hopefully, we can continue to do that.

Mr. Speaker, I yield back the balance of my time.

Mr. CARDIN. Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Mr. Speaker, I rise today to support H.R. 3108, the Pension Funding Equity Act. This bipartisan, shorted-term fix is important so we can develop a long-term solution to the challenges faced by both employers and employees who participate in defined pension plans.

This interim solution is necessitated by an unusual combination of events: Record-low interest rates, although they are beginning to tick up; a stock market decline, although, frankly, that has now reversed itself and become a stock market rally; growth in the number of retirees; and discontinuation of the 30-year Treasury benchmark that previously provided the means used for determining funding liability.

Unless we make this temporary adjustment in H.R. 3108, employers will face demands on their capital that will lessen their ability to create jobs and invest in our future. Workers will have less certainty in terms of their own pensions, and that, in turn, may well affect consumer spending and affect this economic recovery.

H.R. 3108 provides the time necessary for the recovery generated by the Bush tax cuts, which is clearly underway, the continued generation of new jobs, and new increases in stock market values, which over time will ease some of the pension challenges that we face, and, frankly, ultimately provide a better environment in which to find a long-term bipartisan solution to this problem.

I urge my colleagues to support H.R. 3108. It is simply the right thing to do.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I would like to thank our chairman for his excellent work on this issue, and I do rise today to support H.R. 3108, the Pension Funding Equity Act.

We have talked about all the reasons that have caused this, the stock market fluctuations, the growing retiree population, interest rates, and that the plan is underfunded. Over the past year, we have heard from so many of our constituents about the concern of the condition of the Pension Benefit Guaranty Corporation and concern with its weakening and with the deficit of $5.7 billion. What we have got, basically is $80 billion in unfunded pension benefits among financially weak companies that are looming on the horizon, those pension benefits that may eventually come to the PBGC and be their responsibility.

This Pension Funding Equity Act creates a short-term replacement for the 30-year Treasury bond interest rate and allows us to work out a long-term bipartisan solution. I join my colleagues in urging all of our Members to support H.R. 3108 and support our constituents who are indeed very concerned about this issue.

Mr. BOEHNER. Mr. Speaker, I am prepared to close on our side.

Mr. CARDIN. Mr. Speaker, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

Let me thank all my colleagues on both sides of the aisle for their work in moving this very important piece of legislation to help strengthen the Pension Benefit Guaranty Corporation and, more specifically, to help strengthen defined benefit plans. Making this change in the 30-year bond rate to a corporate bond index rate will, in fact, strengthen a lot of defined benefit plans, single-employer plans. Multiemployer plans use a different index.

There has been some discussion on the floor today about this fact that this is temporary, that it is only 2 years. Frankly, that is by design. Putting this in place we all know needs to happen because the current temporary fix is about to expire. It has been my intention, as the chairman of the Committee on Education and the Workforce, who shares jurisdiction with our friends on the Committee on Ways and Means, to continue our work on defined benefit pension plans, both single employer and multiemployer plans. There are long-term issues that have to be dealt with.

Congress, over the last number of years, has kind of shoved this off and shoved it off. Allowing for a 3-year fix or a 4-year fix, in my opinion, provides far too much time. It gets people unengaged in the process, when, in fact, we need to stay with this difficult process in order to come up with a longer term solution.

We have to walk a very fine line, as all of my colleagues know, in terms of getting the appropriate funding levels in many plans, securing the retirement security for millions of American workers, without unduly or unnecessarily pushing employers out of the defined benefit system. These are voluntary plans offered by employers to their employees. It is very critical, I believe, and others believe, that we find the right balance in terms of restructuring the regulatory system for how these plans operate and the contribution levels that need to be made.

While others want to make changes, and we have heard some of the suggestions made on the floor today, to fix the lump-sum problem, to fix the mortality-rate issue, all of these issues in defined benefit plans are interrelated. And as you begin to pull on that string, what we do not want to have happen, and what usually happens around here, is that the law of unintended consequences jumps up and bites us.

I know that our committee is going to take a very serious look at what needs to be done to improve the health of these plans, to ensure that the money is there to pay the benefits to American working families and to try to maintain some stability so that employers will continue to offer these plans. I suspect my colleagues on the Committee on Ways and Means will do the same. It is my plan, Mr. Speaker, to have a bill through the House next year. And I do believe that this 2-year temporary fix will, in fact, keep pressure on us to do the heavy lifting that needs to be done.

There have been calls for a commission to look at this. In all honesty, I do not know that we need a commission. What we need to do is the heavy lifting of legislating. And to legislate, we need to talk to people in the administration and in the real world about the kind of changes that need to be made in order to make sure that these systems, these defined benefit plans, are there for American working families and that they work properly and are funded properly.

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Mr. Speaker, I intend in our committee to do the work that is necessary, and I believe our colleagues on the Committee on Ways and Means will do likewise. I urge Members to support the bill.

Mr. MCKEON. Mr. Speaker, I rise today to urge my colleagues to support H.R. 3108, the Pension Funding Equity Act. Two years ago, the benchmark interest rate used to determine various pension calculations—the 30 year Treasury Bond rate—was discontinued, but some employers have continued to use it to fund their defined benefit pension plans.

The problem is that after the rate was discontinued, it reached historic lows and now no longer correlates with the rates on other long-term bonds, thereby artificially inflating its funding liability. This has justifiably left many employees concerned about the certainty and security of their defined benefit programs, which many Americans depend on for their retirement.

Last year, my colleagues and I passed a temporary fix by allowing employers to use a higher rate to calculate their pension liabilities, but because this fix expires at the end of 2003, employers, unions, and workers are once again concerned that defined benefit pension plans are going to be jeopardized.

Mr. Speaker, this is unacceptable. The lack of a long-term solution to the 30-year interest rate is putting worker and retiree benefits at risk. Taking no action now could jeopardize employers' willingness to continue their defined benefit programs that provide a stable and secure pension benefit to workers during retirement.

Mr. Speaker, H.R. 3108 is by no means a permanent solution but it will provide a short-term replacement to ensure certainty and security for workers and employers while committing Congress to immediately proceed with efforts to identify a permanent long-term solution. I encourage my colleagues to join me in supporting this common sense legislation and voting in favor of the Pension Funding Equity Act.

Mr. CASTLE. Mr. Speaker, during House consideration of H.R. 3108 I was in Iraq visiting U.S. troops and touring U.S. reconstruction efforts. Had I been here, I would have supported passage of H.R. 3108, the Pension Funding Equity Act of 2003.

I support H.R. 3108 as a temporary response to a pressing issue that ultimately affects the retirement benefits of millions of American workers, their families, and beneficiaries. Today the House will protect the benefits of those workers who have a pension benefit under our defined benefit system.

The Pension Funding Equity Act would replace the current standards that employers must use to determine their pension liabilities—the 30-year Treasury bond interest rate—with a corporate bond index rate for 2 years through December 31, 2005. The 30-year Treasury bond interest rate is set to expire this year, jeopardizing pension funds across the country. The bill gives the Treasury Department the flexibility to establish the discount interest rate based on a blend of corporate bond index rates. This change will provide employers with greater certainty and short-term funding relief and strengthen defined benefit pension plans workers in the short term while Congress takes a broader look at the defined benefit system as a whole and the issues that affect the retirement security of American workers. As we progress down the road of defining the long-term answer, the bottom line must be to enable businesses to fill their pension funds, and, more importantly, that they are fully funding them.

As a Member of the House Committee on Education and the Workforce, as well as the House Committee on Financial Services, I have participated in hearings that highlight the plight of American workers, beyond defined benefit plans, who have suffered from a lack of retirement security. It has also become all too clear that addressing this issue is an extremely delicate and difficult task.

It is imperative that this Congress work overtime to ensure today's workforce retire with the benefits they have spent their adult life building. I am committed to asking the difficult questions and pressing for the sometimes controversial answers. We are all aware of Enron and World Com, but we must look beyond these most recent crises. We must look at past documented instances of corporations using innovative ways to rob pension assets. For example, some have projected unrealistically high rates of returns to claim that the plan is overfunded, declare bankruptcy but set up a special bankruptcy-proof pension plan for top executives, and define employees as independent contractors. In asking these tough questions we will be able to give business the tools they need to create fair funds, absent any deceit. For the sake of the millions of workers who rely on the security of their retirement we must be tough on fiscal trickery and strong on pension protection.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATHAM). All time for debate has expired.

Pursuant to the order of the House of Tuesday, October 7, 2003, the previous question is ordered on the bill, as amended.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

ADOPTION PROMOTION ACT OF 2003

Mr. CAMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3182) to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes.

The Clerk read as follows:

H.R. 3182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Adoption Promotion Act of 2003".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In 1997, the Congress passed the Adoption and Safe Families Act of 1997 to promote comprehensive child welfare reform to ensure that consideration of children's safety is paramount in child welfare decisions, and to provide a greater sense of urgency to find every child a safe, permanent home.

(2) The Adoption and Safe Families Act of 1997 also created the Adoption Incentives program, which authorizes incentive payments to States to promote adoptions, with additional incentives provided for the adoption of foster children with special needs.

(3) Since 1997, all States, the District of Columbia, and Puerto Rico have qualified for incentive payments for their work in promoting adoption of foster children.

(4) Between .1997 and 2002, adoptions increased by 64 percent, and adoptions of children with special needs increased by 63 percent; however, 542,000 children remain in foster care, and 126,000 are eligible for adoption.

(5) Although substantial progress has been made to promote adoptions, attention should be focused on promoting adoption of older children. Recent data suggest that half of the children waiting to be adopted are age 9 or older.

SEC. 3. REAUTHORIZATION OF ADOPTION INCENTIVE PAYMENTS PROGRAM.

(a) IN GENERAL.—Section 473A of the Social Security Act (42 U.S.C. 673b) is amended—

(1) in subsection (b)—

(A) by striking paragraph (2) and inserting the following:

"(2)(A) the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year; or

"(B) the number of older child adoptions in the State during the fiscal year exceeds the base number of older child adoptions for the State for the fiscal year;".

(B) in paragraph (4), by striking "and 2002" and inserting "through 2007"; and

(C) in paragraph (5), by striking "2002" and inserting "2007";

(2) in subsection (c), by striking paragraph (2) and inserting the following:

"(2) DETERMINATION OF NUMBERS OF ADOPTIONS BASED ON AFCARS DATA.—The Secretary shall determine the numbers of foster child adoptions, of special needs adoptions that are not older child adoptions, and of older child adoptions in a State during each of fiscal years 2002 through 2007, for purposes of this section, on the basis of data meeting the requirements of the system established pursuant to section 479, as reported by the State and approved by the Secretary by August 1 of the succeeding fiscal year.";

(3) in subsection (d)(1)—

(A) in subparagraph (A), by striking "and";

(B) in subparagraph (B)—

(i) by inserting "that are not older child adoptions" after "adoptions" each place it appears; and

(ii) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(C) $4,000, multiplied by the amount (if any) by which the number of older child adoptions in the State during the fiscal year exceeds the base number of older child adoptions for the State for the fiscal year.";

(4) in subsection (g)—

(A) in paragraph (3), by striking subparagraphs (A) and (B) and inserting the following:

"(A) with respect to fiscal year 2003, the number of foster child adoptions in the State in fiscal year 2002; and

"(B) with respect to any subsequent fiscal year, the number of foster child adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 2002 and ends with the fiscal year preceding that subsequent fiscal year.";

(B) in paragraph (4)—

(i) in the paragraph heading, by inserting "THAT ARE NOT OLDER CHILD ADOPTIONS" after "ADOPTIONS"; and

(ii) by striking subparagraphs (A) and (B) and inserting the following:

"(A) with respect to fiscal year 2003, the number of special needs adoptions that are not older child adoptions in the State in fiscal year 2002; and

"(B) with respect to any subsequent fiscal year, the number of special needs adoptions that are not older child adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 2002 and ends with the fiscal year preceding that subsequent fiscal year."; and

(C) by adding at the end the following:

"(5) BASE NUMBER OF OLDER CHILD ADOPTIONS.—The term 'base number of older child adoptions for a State' means—

"(A) with respect to fiscal year 2003, the number of older child adoptions in the State in fiscal year 2002; and

"(B) with respect to any subsequent fiscal year, the number of older child adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 2002 and ends with the fiscal year preceding that subsequent fiscal year.

"(6) OLDER CHILD ADOPTIONS.—The term 'older child adoptions' means the final adoption of a child who has attained 9 years of age if—

"(A) at the time of the adoptive placement, the child was in foster care under the supervision of the State; or

"(B) an adoption assistance agreement was in effect under section 473 with respect to the child.";

(5) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "and";

(ii) in subparagraph (C), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(D) $43,000,000 for each of fiscal years 2004 through 2008."; and

(B) in paragraph (2)—

(i) by inserting ", or under any other law for grants under subsection (a)," after "(1)"; and

(ii) by striking "2003" and inserting "2008";

(6) in subsection (i)(4), by striking "1998 through 2000" and inserting "2004 through 2006"; and

(7) by striking subsection (j).

(b) REPORT ON ADOPTION AND OTHER PERMANENCY OPTIONS FOR CHILDREN IN FOSTER CARE.—Not later than October 1, 2004, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on State efforts to promote adoption and other permanency options for children in foster care, with special emphasis on older children in foster care. In preparing this report, the Secretary shall review State waiver programs and consult with representatives from State governments, public and private child welfare agencies, and child advocacy organizations to identify promising approaches.

SEC. 4. AUTHORITY TO IMPOSE PENALTIES FOR FAILURE TO SUBMIT AFCARS REPORT.

Section 474 of the Social Security Act (42 U.S.C. 674) is amended by adding at the end the following:

"(f)(1) If the Secretary finds that a State has failed to submit to the Secretary data, as required by regulation, for the data collection system implemented under section 479, the Secretary shall, within 30 days after the date by which the data was due to be so submitted, notify the State of the failure and that payments to the State under this part will be reduced if the State fails to submit the data, as so required, within 6 months after the date the data was originally due to be so submitted.

"(2) If the Secretary finds that the State has failed to submit the data, as so required, by the end of the 6-month period referred to in paragraph (1) of this subsection, then, notwithstanding subsection (a) of this section and any regulations promulgated under section 1123A(b)(3), the Secretary shall reduce the amounts otherwise payable to the State under this part, for each quarter ending in the 6-month period (and each quarter ending in each subsequent consecutively occurring 6-month period until the Secretary finds that the State has submitted the data, as so required), by—

"(A) ⅛ of 1 percent of the total amount expended by the State for administration of foster care activities under the State plan approved under this part in the quarter so ending, in the case of the 1st 6-month period during which the failure continues; or

"(B) ¼ of 1 percent of the total amount so expended, in the case of the 2nd or any subsequent such 6-month period.".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CAMP) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3182, the Adoption Promotion Act of 2003, which was introduced with bipartisan support. This legislation reauthorizes the Adoption Incentive Program, which was created as part of the Adoption and Safe Families Act in 1997.

Since 1997 until 2002, we have seen adoptions increase by 64 percent. Special-needs adoptions during that same period have increased by 63 percent. We are here today to reauthorize a successful program, while making key improvements to that program. Adoption is about parents and families opening their homes and hearts to children who need a family.

Growing up with a loving family is essential to every child, not only emotionally but also intellectually. Just last week we held the Angels in Adoption dinner put on by the Congressional Coalition on Adoption Institute, which recognizes adoptive families throughout the country; and hundreds of parents were there. I spent the night honoring a couple from my district, Coleman, Michigan, Charlie and Gerry Brown, who began with six biological children, began to expand their family when they opened their home to a young foster girl in 1990. Today they have 14 adoptives, and they are in the process of adopting two more boys, making them the proud parents of 22 children.

I think the Browns exemplify everything good about adoption, but we need more families who will bring children into their homes. Approximately 126,000 children currently are awaiting adoption, half of whom are 9 years of age or older, and these are children who have the least chance of being adopted and the greatest chance of spending the rest of their childhood in foster care, which is unacceptable by anyone's standards.

The Adoption Promotion Act of 2003 enhances the current incentive program for adoption, which rewards States that increase the number of children adopted by creating a new incentive for States that increase the adoptions of children age 9 and older as well.

I thank the chairman of the Subcommittee on Human Resources, the gentleman from California (Mr.

HERGER), and the ranking member, the gentleman from Maryland (Mr. CARDIN), for working on this important measure in such a bipartisan effort which allows this bill to come to the floor. I thank the staff of the Subcommittee on Human Resources for their hard work.

There is nothing more special than seeing a parent, a mom or dad, bringing a new son or daughter into their family through adoption. This bill achieves this important goal, and I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me congratulate the gentleman from Michigan (Mr. CAMP) for his strong support on this important issue. He has been steadfast in helping families in the adoption arena, and this is just one more chapter in his record in this area. I also thank the gentleman from California (Mr. HERGER) for the way in which this bill was handled in our subcommittee. It was done in a bipartisan way involving the views of administrators, advocates, and experts in the field; and we have come up with an excellent bill which I encourage my colleagues to support.

This bill deals with foster children. Obviously, the first goal of placement for foster children is to try to reunite them with their birth parents, but that is not always possible. When that is not possible, we want to find a safe and permanent home as quickly as possible for that foster child.

In 1997, we enacted the Safe and Stable Families Act. This legislation, H.R. 3182, continues the record that we started in 1997. It includes adoption incentive bonuses for payments to States that increase the number of adoption of children out of foster care. And as the gentleman from Michigan (Mr. CAMP) pointed out, since the enactment of this legislation in 1997, we have seen a 64 percent increase in the adoption of children out of foster care, and that number has held true for children with special needs.

H.R. 3182 extends that program for 5 years. That is certainly our goal, to reauthorize programs that work for a 5-year period; and this bill does that. We also update the baseline. That is a very important fact because it allows more States the opportunity to benefit from these payments. We enhance payments for older children in foster care that are adopted.

Mr. Speaker, over half of our children currently in foster care are over the age of 9. They are the more difficult children to find permanent homes through adoption. This legislation recognizes that and rewards States that are able to find permanent placement adoptions for children over the age of 9. Funds can be used for a variety of child welfare services, including post adoptive services, so we are providing the wherewithal, particularly in these tough economic times, to our States in order to move forward in this important program to help America's most vulnerable children.

We also direct the agency to move forward with another option for permanent placement, and that is subsidize guardianship where the foster child is placed with a grandparent, aunt, uncle, or other family member. In many cases, that is the preferred option; and we are making it easier for that option to become a reality.

Mr. Speaker, this legislation enjoys broad support. It is supported by the Child Welfare League of America, the Children's Defense Fund, the Center for Law and Social Policy, Voices for Adoption, and the list goes on and on. It is a very important bill, and I encourage my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), the chairman of the Subcommittee on Human Resources.

Mr. HERGER. Mr. Speaker, I would like to commend the gentleman from Michigan (Mr. CAMP) for his outstanding leadership in crafting this bipartisan legislation, as well as commending the gentleman from Maryland (Mr. CARDIN), the ranking member, for his work on it as well. I am very pleased to be a cosponsor of this legislation.

As chairman of the Committee on Ways and Means Subcommittee on Human Resources, I appreciate the dedication and commitment of the gentleman from Michigan (Mr. CAMP) to children's issues. Nationally, more than 18,000 children have been adopted since Congress created the Adoption Incentive Program in 1997. In my home State of California, adoptions have more than doubled. This is tremendous progress. As a result, States have received almost $160 million they can use to support families and children in distress. Despite this progress, there are still 126,000 children waiting to be adopted. This legislation will encourage States to find adoptive families for these children by continuing and improving the Adoption Incentive Program for 5 more years.

I am pleased this legislation adds a new incentive to promote adoption of children age 9 or older, as the Bush administration proposed. These children are most at risk to spend their childhood in foster care and never find an adoptive family, so they deserve our special attention.

I thank my colleagues on both sides of the aisle for their support of this legislation. I look forward to working with them to promote safe adoptive placements for children in foster care. This bill is certainly a worthy step in that direction. I urge all Members to support this excellent legislation.

Mr. CARDIN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of this legislation. I want to commend the gentleman from Michigan (Mr. CAMP) and the gentleman from Maryland (Mr. CARDIN) for the leadership that they have demonstrated and continue to demonstrate in this area.

As chairman of the Congressional Black Caucus' Child Welfare Brain Trust, and also coming from a community where I have a very active advisory committee on child welfare issues, and also coming from a community where there is one of the greatest needs for adoption that exists in the country, much of the inner city of Chicago, this legislation is tremendously important.

The idea of providing an opportunity for children who could not experience family life, to give them the opportunity to have the well-being, the nurturing of a family rather than being institutionalized or as a ward of the State is of tremendous value. I simply want to add my voice in support of it. Again, I commend the gentlemen for their strong leadership and the articulation of a need that exists.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the gentleman's comments and again thank all of the Members for this bipartisan effort here. I also want to note that the majority leader did have an impact on this bill and required that there be penalties on the Health and Human Services Agency if they do not submit timely and complete adoption and foster care data. This will help us track exactly where children are, how long they are spending in foster care, and what their needs are. This is an important provision, and I wanted to highlight that for the Members as well.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the Adoption Promotion Act of 2003 (H.R. 3182). This bipartisan bill would amend and reauthorize the Adoption Incentives Program and add necessary provisions to strengthen this important program.

I am particularly encouraged by provisions to enhance the adoption of older children in foster care. In addition to incentives for the adoption of special needs children, H.R. 3182 would create a third incentive payment equal to $4,000 for each increased adoption of foster children who are age 9 or older at the time of adoption.

As I stand before you today there are approximately 588,000 children in the foster care system in the United States. The average age of children in foster care is 10 years. We know that the longer children are in foster care the more challenging their lives become. It is also less likely that these children will be adopted. Most children waiting to be adopted are school-aged or in a sibling group that needs to stay together. Many have emotional disabilities; others have physical, mental or developmental disabilities. All need the love of a permanent family.

Serious disparities in the racial and ethnic breakdown of children in foster care compound the problems faced by children in protective services. In 1980, 47 percent of the children in foster care were children of color. By 2000, 66 percent of children in foster care were children of color. Minority children are disproportionately represented in the foster care system by a margin of more than two to one. Health disparities that face minority children further exacerbate the problems that they face as children in foster care.

In addition to supporting H.R. 3182, I urge my colleagues to take time to review and act on comprehensive child service reform measures that maintain a strong Federal responsibility to our most vulnerable children and families. This bipartisan legislation is a step in the right direction of Federal responsibility to participate fully with the States in meeting this fundamental obligation. Real reform, including new investments, is required to respond to the needs of the over 500,000 abused and neglected children currently in foster care and to keep all children safe from harm. Recent research shows that:

Children who received "services" from Child Protection Services died as a result of abuse 16 times more often than children in the general population.

Last year, in the 18th District of Texas, 8,039 in protective services were in investigation of child abuse and neglect.

Children were abused and neglected 3 times more often by State caregivers than by parents (and children are eleven times more likely to be sexually abused in State care than they are in their own homes).

The Children's Bureau of the U.S. Department of Health and Human Services reports that in 2002, there were an estimated 560,000 children in foster care across the U.S. and an estimated 3 million children involved in investigations by child protective services of abuse or neglect. In the States reporting, an average of 11.8 children were victims of abuse or neglect for every 1,000 children in the population.

In my own State of Texas the number of children who died as a result of abuse or neglect recently increased and child protection services was involved with 36% of those children who died.

It is urgent that we stabilize the lives of our children by promoting adoption and other permanency options for our children. They are at risk in the child welfare system as it stands. All children deserve and thrive best when they are in stable, permanent loving homes. We, as a country, must commit ourselves to doing a better job of protecting and caring for our children. The Adoption Promotion Act, H.R. 3182, is a step in the right direction.

Mr. DELAY. Mr. Speaker, since we first passed the Adoption and Safe Families Act in 1997, adoptions out of foster care have increased 64 percent.

That's thousands of children in permanent homes who, before this law was enacted, were wandering through the foster care system unprotected, unloved, and sometimes forgotten all together.

But not anymore. The tide has turned in this fight for the hope of a generation of American children.

We've made American foster care a priority and made the decision, as a Nation, to no longer focus on the system, but the children themselves.

The next step in this pivot away from despair and toward hope is to ensure States stay focused on their responsibilities to foster children.

After a GAO report—requested by Senator GRASSLEY and me—revealed that some State governments are failing to adequately keep and provide information about foster children in their care, I worked with Chairman HERGER and lead sponsor Mr. CAMP to add a new provision to this bill.

The new provision imposes penalties on those States that do not keep up their records, and thereby let their foster children slip through the cracks.

Every new phase in a foster child's journey through the system can be the wrong turn that makes the difference between happiness and despair.

How can we expect them to work hard in school, stay optimistic about their future, and never lose hope if we can't even keep track of their address?

These kids start out in life facing adversity before they even know what the word means. They carry doubt and fear around on their backs like crosses. This provision and this bill will give America's foster children hope, and a better chance at finding the unconditional love they all deserve, but so few have ever known.

I thank the gentlemen for all their hard work in this legislation, and I urge all my colleagues to vote in favor of it.

Mr. SHAW. Mr. Speaker, I rise today in support of H.R. 3182, the Adoption Promotion Act of 2003, which continues to reward states for their efforts to promote adoption of children in need of loving families.

I am proud to be a cosponsor of this legislation as it reauthorizes the Adoption Incentives program. This program was created as part of the Adoption and Safe Families Act of 1997, which was signed into law while I was the Chairman of the Ways and Means' Human Resources Subcommittee. This law has resulted in moving thousands of children out of hopeless foster care situations and into loving adoptive families.

The current Adoption Incentives program rewards states that make gains in the number of children adopted and provides additional incentives for the adoption of foster children with special needs. Between 1997 and 2002, adoptions increased by 64 percent, and adoptions of children with special needs increased by 63 percent. However, more work needs to be done to assist the 542,000 children who remain in foster care, and the 126,000 who are eligible for adoption.

Research suggests that many older children still linger in foster care, so we must do more to encourage states to find adoptive families for these children. The Adoption Promotion Act of 2003 takes the necessary steps to enhance the current incentive program, by creating a new incentive for states that increase adoptions of children age 9 or older. Our children do not deserve to be languishing in foster care or living in dangerous situations. This bill will take a big step towards righting that wrong.

I would like to commend my colleagues on the Committee on Ways and Means, Representatives DAVE CAMP and BEN CARDIN, for their commitment to improving the Adoption Incentives program by the introduction of the Adoption Promotion Act of 2003. Their work on this legislation will assure that states continue to find safe, permanent homes for America's children.

Mr. Speaker, it's important that we continue to reward states for their good work in making adoptive matches and add additional incentive for those children still waiting for a home and loving family. With this in mind, I urge my colleagues to support America's foster children who are waiting on adoption by voting for this important bill.

Mr. CARDIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 3182.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3182, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

VETERANS BENEFITS ACT OF 2003

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2297) to amend title 38, United States Code, to modify and improve certain benefits for veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Benefits Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Expansion of Montgomery GI Bill education benefits for certain self-employment training.

Sec. 3. Extension in period of eligibility for survivors' and dependents' education benefits for individuals who are involuntarily ordered to full-time National Guard duty.
Sec. 4. Extension of Veterans' Advisory Committee on Education.
Sec. 5. Repeal of provisions relating to obsolete education loan program.
Sec. 6. Retention of Dependency and Indemnity Compensation for surviving spouses remarrying after age 55.
Sec. 7. Eligibility of surviving spouses who remarry for burial in national cemeteries.
Sec. 8. Permanent authority for State cemetery grants.
Sec. 9. Reinstatement of veterans vocational training program for certain pension recipients.
Sec. 10. Increase in amounts for certain adaptive benefits for disabled veterans.
Sec. 11. Presumptions of service-connection relating to diseases and disabilities of former prisoners of war.
Sec. 12. Extension of spina bifida benefits for children of Vietnam-era veterans.
Sec. 13. Permanent authority for housing loans for members of the Selected Reserve.
Sec. 14. Adjustment to home loan fees and uniformity of fees for qualifying Reserve members with fees for active duty veterans.
Sec. 15. Reinstatement of minimum requirements for sale of vendee loans.
Sec. 16. Rate of payment of benefits for certain Filipino veterans and their survivors residing in the United States.
Sec. 17. Burial benefits for new Philippine scouts residing in the United States.
Sec. 18. Extension of authority to maintain regional office in the Republic of the Philippines.
Sec. 19. Outstationing of transition assistance program personnel.
Sec. 20. Forfeiture of benefits for subversive activities.
Sec. 21. Technical amendments related to Jobs for Veterans Act.
Sec. 22. Technical and conforming relating to establishment of Social Security Administration as an independent agency.

SEC. 2. EXPANSION OF MONTGOMERY GI BILL EDUCATION BENEFITS FOR CERTAIN SELF-EMPLOYMENT TRAINING.

(a) DEFINITION OF TRAINING ESTABLISHMENT.—Section 3452(e) of title 38, United States Code, is amended by striking "means any" and all that follows and inserting "means any of the following:

"(1) An establishment providing apprentice or other training on the job, including those under the supervision of a college or university or any State department of education.

"(2) An establishment providing self-employment on-job training consisting of full-time training for a period of less than six months that is needed or accepted for purposes of obtaining licensure to engage in a self-employment occupation or required for ownership and operation of a franchise that is the objective of the training.

"(3) A State board of vocational education.

"(4) A Federal or State apprenticeship registration agency.

"(5) A joint apprenticeship committee established pursuant to the Act of August 16, 1937, popularly known as the 'National Apprenticeship Act' (29 U.S.C. 50 et seq.).

"(6) An agency of the Federal Government authorized to supervise such training.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is six months after the date of the enactment of this Act and shall apply to self-employment on-job training approved and pursued on or after that date.

SEC. 3. EXTENSION IN PERIOD OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATION BENEFITS FOR INDIVIDUALS WHO ARE INVOLUNTARILY ORDERED TO FULL-TIME NATIONAL GUARD DUTY.

(a) IN GENERAL.—Section 3512(h) of title 38, United States Code, is amended by inserting "or is involuntarily ordered to full-time National Guard duty under section 502(f) of title 32," after "title 10,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 11, 2001.

SEC. 4. EXTENSION OF VETERANS' ADVISORY COMMITTEE ON EDUCATION.

(a) EXTENSION.—Subsection (c) of section 3692 of title 38, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2009".

(b) MODIFICATION OF MEMBERSHIP REQUIREMENTS.—The second sentence of subsection (a) of such section is amended by striking "World War II, the Korean conflict era, the post-Korean conflict era,".

(c) TECHNICAL AMENDMENT.—Such section is further amended by striking "chapter 106" each place it appears and inserting "chapter 1606".

SEC. 5. REPEAL OF PROVISIONS RELATING TO OBSOLETE EDUCATION LOAN PROGRAM.

(a) TERMINATION OF PROGRAM.—Subchapter III of chapter 36 of title 38, United States Code, is repealed.

(b) TRANSFER OF LOAN FUND BALANCE.—Any balance as of the date of the enactment of this Act in the Department of Veterans Affairs Education Loan Fund shall be transferred to the Department of Veterans Affairs Readjustment Benefits Account.

(c) DISCHARGE OF LIABILITY.—The Secretary of Veterans Affairs shall discharge any outstanding liability of a veteran under such subchapter. Any overpayment declared under section 3698(e)(1) of that subchapter shall be waived without further process on the date on which funds are transferred under subsection (b).

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the items relating to subchapter III and sections 3698 and 3699.

(e) CONFORMING AMENDMENTS.—(1) Section 3462(a) of such title is amended by striking paragraph (2).

(2) Section 3485(e)(1) of such title by striking "(other than an education loan under subchapter III)".

(3) Section 3512 of such title is amended by striking subsection (f).

SEC. 6. RETENTION OF DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES REMARRYING AFTER AGE 55.

(a) EXCEPTION TO TERMINATION OF BENEFITS UPON REMARRIAGE.—Section 103(d)(2)(B) of title 38, United States Code, is amended by inserting "1311 or" after "under section".

(b) COORDINATION OF BENEFITS.—Section 1311 of such title is amended by adding at the end the following new subsection:

"(e) In the case of an individual who is eligible for dependency and indemnity compensation under this section by reason of section 103(d)(2)(B) of this title who is also eligible for benefits under another provision of law by reason of such individual's status as the surviving spouse of a veteran, then, notwithstanding any other provision of law (other than section 5304(b)3 of this title), no reduction in benefits under such other provision of law shall be made by reason of such individual's eligibility for benefits under this section.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

(d) RETROACTIVE BENEFITS PROHIBITED.—No benefit may be paid to any person by reason of the amendment made by subsections (a) and (b) for any period before the effective date specified in subsection (c).

(e) APPLICATION FOR BENEFITS.—In the case of an individual who but for having remarried would be eligible for dependency and indemnity compensation under section 1311 of title 38, United States Code, and whose remarriage was before the date of the enactment of this Act and after the individual had attained age 55, the individual shall be eligible for such compensation by reason of the amendment made by subsection (a) only if the individual submits an application for such compensation to the Secretary of Veterans Affairs not later than the end of the one-year period beginning on the date of the enactment of this Act.

(f) TECHNICAL CORRECTION.—Section 101(b) of the Veterans Benefits Act of 2002 (Public Law 107-330; 116 Stat. 2821; 38 U.S.C. 103 note) is amended by striking "during the 1-year period" and all that follows through "(c)" and inserting "before the end of the one-year period beginning on the date of the enactment of the Veterans Benefits Act of 2003".

SEC. 7. ELIGIBILITY OF SURVIVING SPOUSES WHO REMARRY FOR BURIAL IN NATIONAL CEMETERIES.

(a) ELIGIBILITY.—Section 2402(5) of title 38, United States Code, is amended by striking "(which for purposes of this chapter includes an unremarried surviving spouse who had a subsequent remarriage which was terminated by death or divorce)" and inserting "(which for purposes of this chapter includes a surviving spouse who had a subsequent remarriage)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to deaths occurring on or after January 1, 2000.

SEC. 8. PERMANENT AUTHORITY FOR STATE CEMETERY GRANTS.

Paragraph (2) of section 2408(a) of title 38, United States Code, is amended—

(1) by striking "for fiscal year 1999 and for each succeeding fiscal year through fiscal year 2004"; and

(2) by adding at the end the following new sentence: "Funds appropriated under the preceding sentence shall remain available until expended.".

SEC. 9. REINSTATEMENT OF VETERANS VOCATIONAL TRAINING PROGRAM FOR CERTAIN PENSION RECIPIENTS.

(a) ESTABLISHMENT OF NEW PROGRAM PERIOD.—Subsection (a)(3) of section 1524 of title 38, United States Code, is amended by striking "the period beginning on February 1, 1985, and ending on December 31, 1995" and inserting "the five-year period beginning on the date of the enactment of the Veterans Benefits Act of 2003".

(b) CONFORMING AMENDMENT.—Subsection (b)(4) of such section is amended by striking "December 31, 1995" and inserting "the end of the program period".

(c) OUTREACH.—Such section is further amended by adding at the end the following new subsection:

"(f) The Secretary shall ensure that the availability of vocational training under this section is made known through a variety of means, including the Internet and announcements in Department publications and other veterans' publications.".

(d) REPORTS.—Such section, as amended by subsection (c), is further amended by adding at the end the following new subsection:

"(g) Not later than two years after the date of the enactment of the Veterans Benefits Act of 2003, and each year thereafter, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the operation of this section. The report shall set forth an evaluation of the vocational training provided under this section for the period involved, and shall include an analysis of the cost-effectiveness of the vocational training provided under this section as well as data on the entered-employment rate of veterans pursuing such vocational training.".

(e) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by striking "of Veterans Affairs" in subsection (a)(1); and

(2) by striking "of this section" in subsections (a)(2), (b)(1), (b)(4) (both places it appears), (c), (d), and (e).

SEC. 10. INCREASE IN AMOUNTS FOR CERTAIN ADAPTIVE BENEFITS FOR DISABLED VETERANS.

(a) INCREASE IN ASSISTANCE AMOUNT FOR SPECIALLY ADAPTED HOUSING.—Section 2102 of title 38, United States Code, is amended—

(1) in the matter preceding paragraph (1) of subsection (a), by striking "$48,000" and inserting "$50,000"; and

(2) in subsection (b)(2), by striking "$9,250" and inserting "$10,000".

(b) INCREASE IN AMOUNT OF ASSISTANCE FOR AUTOMOBILE AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS.—Section 3902(a) of such title is amended by striking "$9,000" and inserting "$11,000".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to assistance furnished on or after the date of the enactment of this Act.

SEC. 11. PRESUMPTIONS OF SERVICE-CONNECTION RELATING TO DISEASES AND DISABILITIES OF FORMER PRISONERS OF WAR.

Subsection (b) of section 1112 of title 38, United States Code, is amended to read as follows:

"(b)(1) For the purposes of section 1110 of this title and subject to the provisions of section 1113 of this title, in the case of a veteran who is a former prisoner of war—

"(A) a disease specified in paragraph (2) shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service; and

"(B) if the veteran was detained or interned as a prisoner of war for not less than thirty days, a disease specified in paragraph (3) which became manifest to a degree of 10 percent or more after active military, naval, or air service shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service.

"(2) The diseases specified in this paragraph are the following:

"(A) Psychosis.

"(B) Any of the anxiety states.

"(C) Dysthymic disorder (or depressive neurosis).

"(D) Organic residuals of frostbite, if the Secretary determines that the veteran was interned in climatic conditions consistent with the occurrence of frostbite.

"(E) Post-traumatic osteoarthritis.

"(3) The diseases specified in this paragraph are the following:

"(A) Avitaminosis.

"(B) Beriberi (including beriberi heart disease).

"(C) Chronic dysentery.

"(D) Helminthiasis.

"(E) Malnutrition (including optic atrophy associated with malnutrition).

"(F) Pellagra.

"(G) Any other nutritional deficiency.

"(H) Cirrhosis of the liver.

"(I) Peripheral neuropathy except where directly related to infectious causes.

"(J) Irritable bowel syndrome.

"(K) Peptic ulcer disease.".

SEC. 12. EXTENSION OF SPINA BIFIDA BENEFITS FOR CHILDREN OF VIETNAM-ERA VETERANS.

(a) ELIGIBLE CHILDREN.—Subchapter I of chapter 18 of title 38, United States Code, is amended by inserting before section 1802 the following new section:

"§ 1801. Persons eligible for benefits

"An individual is an eligible child for purposes of this subchapter if the individual is suffering from spina bifida and is—

"(1) a child as defined in section 1821(1) of this title; or

"(2) the natural child, regardless of age or marital status, of a parent who during the period beginning on October 1 1967, and ending on May 7 1975, performed active military, naval, or air service in the Republic of Korea in the area between the south line of the Demilitarized Zone and a line five miles south of the Civilian Control Line established with respect to the Demilitarized Zone, but only if the individual was conceived after the parent performed such service.".

(b) HEALTH CARE.—Section 1803(a) of such title is amended by striking "a child of a Vietnam veteran who is suffering from spina bifida" and inserting "an eligible child".

(c) VOCATIONAL TRAINING AND REHABILITATION.—Section 1804(a) of such title is amended by striking "a child of a Vietnam veteran who is suffering from spina bifida" and inserting "an eligible child".

(d) MONETARY ALLOWANCE.—Section 1805(a) of such title is amended by striking "any child of a Vietnam veteran" and inserting "any eligible child".

(e) CONFORMING AMENDMENTS.—Chapter 18 of such title is amended as follows:

(1) The heading of the chapter is amended to read as follows:

"CHAPTER 18—DISABILITY BENEFITS FOR CHILDREN OF VIETNAM VETERANS AND OTHER VETERANS EXPOSED TO HERBICIDE AGENTS".

(2) The heading of subchapter I is amended to read as follows:

"SUBCHAPTER I—CHILDREN BORN WITH SPINA BIFIDA".

(3) The table of sections at the beginning of the chapter is amended—

(A) by striking the item relating to subchapter I and inserting the following:

"SUBCHAPTER I—CHILDREN BORN WITH SPINA BIFIDA";

and

(B) by inserting before the item relating to section 1802 the following new item:

"1801. Persons eligible for benefits.".

(f) TABLES OF CHAPTERS.—The items relating to chapter 18 in the tables of chapters at the beginning of title 38, United States Code, and at the beginning of part II of such title, are amended to read as follows:

"18. Disability Benefits for Children of Vietnam Veterans and Other Veterans Exposed to Herbicide Agents .... 1801".

SEC. 13. PERMANENT AUTHORITY FOR HOUSING LOANS FOR MEMBERS OF THE SELECTED RESERVE.

Section 3702(a)(2)(E) of title 38, United States Code, is amended by striking "For the period" and all that follows through "each" and inserting "Each".

SEC. 14. ADJUSTMENT TO HOME LOAN FEES AND UNIFORMITY OF FEES FOR QUALIFYING RESERVE MEMBERS WITH FEES FOR ACTIVE DUTY VETERANS.

(a) REVISED LOAD FEE TABLE.—Paragraph (2) of section 3729(b) of title 38, United States Code, is amended to read as follows:

"(2) The loan fee table referred to in paragraph (1) is as follows:

"LOAN FEE TABLE

Type of loan	Veteran	Other obligor
(A)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed before October 1, 2003)	2.00	NA
(A)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2003, and before October 1, 2011)	2.15	NA
(A)(iii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2011)	1.40	NA
(B)(i) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed before October 1, 2011)	3.30	NA

"LOAN FEE TABLE—Continued

Type of loan	Veteran	Other obligor
(B)(ii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2011 and before October 1, 2013)	2.15	NA
(B)(iii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2013)	1.25	NA
(C)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed before October 1, 2011)	1.50	NA
(C)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2011)	0.75	NA
(D)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed before October 1, 2011)	1.25	NA
(D)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after October 1, 2011)	0.50	NA
(E) Interest rate reduction refinancing loan	0.50	NA
(F) Direct loan under section 3711	1.00	NA
(G) Manufactured home loan under section 3712 (other than an interest rate reduction refinancing loan)	1.00	NA
(H) Loan to Native American veteran under section 3762 (other than an interest rate reduction refinancing loan)	1.25	NA
(I) Loan assumption under section 3714	0.50	0.50
(J) Loan under section 3733(a)	2.25	2.25
(K) Hybrid loan under section 3707A	1.25	NA".

(b) CONFORMING AMENDMENTS.—(1) Subparagraph (A) of paragraph (4) of such section is amended to read as follows:

"(A) The term 'veteran' means any veteran eligible for the benefits of this chapter.".

(2) Such paragraph is further amended by striking subparagraph (B) and redesignating subparagraphs (C), (D), (E), (F), (G), (H), and (I) as subparagraphs (B), (C), (D), (E), (F), (G), and (H), respectively.

SEC. 15. REINSTATEMENT OF MINIMUM REQUIREMENTS FOR SALE OF VENDEE LOANS.

(a) REINSTATEMENT.—Subsection (a) of section 3733 of title 38, United States Code, is amended by striking paragraph (2).

(b) INCREASE IN MAXIMUM PERCENTAGE.—Paragraph (1) of such subsection is amended—

(1) by striking "65 percent" in the first sentence and inserting "85 percent";

(2) by striking "may be financed" and inserting "shall be financed"; and

(3) by striking the second sentence.

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by striking "of this subsection" after—

(A) "paragraph (1)" in subsections (a)(4)(A), (a)(5), (a)(6), and (c)(2); and

(B) "paragraph (5)" in subsection (a)(4)(B)(i); and

(2) by striking "of this paragraph" each place it appears in subsection (a)(4).

SEC. 16. RATE OF PAYMENT OF BENEFITS FOR CERTAIN FILIPINO VETERANS AND THEIR SURVIVORS RESIDING IN THE UNITED STATES.

(a) RATE OF PAYMENT.—Section 107 of title 38, United States Code, is amended—

(1) in the second sentence of subsection (b), by striking "Payments" and inserting "Except as provided in subsection (c), payments"; and

(2) in subsection (c)—

(A) by inserting "and subchapter II of chapter 13 (except section 1312(a)) of this title" after "chapter 11 of this title";

(B) by striking "in subsection (a)" and inserting "in subsection (a) or (b)"; and

(C) by striking "of subsection (a)" and inserting "of the applicable subsection".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to benefits paid for months beginning after the date of the enactment of this Act.

SEC. 17. BURIAL BENEFITS FOR NEW PHILIPPINE SCOUTS RESIDING IN THE UNITED STATES.

(a) BENEFIT ELIGIBILITY.—Section 107 of title 38, United States Code, as amended by section 16, is further amended—

(1) in subsection (b)(2)—

(A) by striking "and" and inserting a comma; and

(B) by inserting ", 23, and 24 (to the extent provided for in section 2402(8))" after "(except section 1312(a))";

(2) in the second sentence of subsection (b), as amended by section 16(a)(1), by inserting "or (d)" after "subsection (c)";

(3) in subsection (d)(1), by inserting "or (b), as otherwise applicable," after "subsection (a)"; and

(4) in subsection (d)(2), by inserting "or whose service is described in subsection (b) and who dies after the date of the enactment of the Veterans Benefits Act of 2003," after "November 1, 2000,".

(b) NATIONAL CEMETERY INTERMENT.—Section 2402(8) of such title is amended by striking "section 107(a)" and inserting "subsection (a) or (b) of section 107".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to deaths occurring after the date of the enactment of this Act.

SEC. 18. EXTENSION OF AUTHORITY TO MAINTAIN REGIONAL OFFICE IN THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) of title 38, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2009".

SEC. 19. OUTSTATIONING OF TRANSITION ASSISTANCE PROGRAM PERSONNEL.

(a) IN GENERAL.—(1) Chapter 41 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 4113. Outstationing of Transition Assistance Program personnel

"(a) STATIONING OF TAP PERSONNEL AT OVERSEAS MILITARY INSTALLATIONS.—(1) The Secretary—

"(A) shall station employees of the Veterans' Employment and Training Service, or contractors under subsection (c), at each veterans assistance office described in paragraph (2); and

"(B) may station such employees or contractors at such other military installations outside the United States as the Secretary, after consultation with the Secretary of Defense, determines to be appropriate or desirable to carry out the purposes of this chapter.

"(2) Veterans assistance offices referred to in paragraph (1)(A) are those offices that are established by the Secretary of Veterans Affairs on military installations pursuant to the second sentence of section 7723(a) of this title.

"(b) FUNCTIONS.—Employees (or contractors) stationed at military installations pursuant to subsection (a) shall provide, in person, counseling, assistance in identifying employment and training opportunities, help in obtaining such employment and training, and other related information and services to members of the Armed Forces who are being separated from active duty, and the spouses of such members, under the Transition Assistance Program and Disabled Transition Assistance Program established in section 1144 of title 10.

"(c) AUTHORITY TO CONTRACT WITH PRIVATE ENTITIES.—The Secretary, consistent with such section 1144, may enter into contracts with public or private entities to provide, in person, some or all of the counseling, assistance, information and services under the Transition Assistance Program required under subsection (a).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4113. Outstationing of Transition Assistance Program personnel.".

(b) DEADLINE FOR IMPLEMENTATION.—Not later than the date that is 90 days after the date of the enactment of this Act, the Secretary of Labor shall implement section 4113 of title 38, United States Code, as added by subsection (a), and shall have employees of the Veterans' Employment and Training Service, or contractors, to carry out that section at the military installations involved by such date.

SEC. 20. FORFEITURE OF BENEFITS FOR SUBVERSIVE ACTIVITIES.

(a) ADDITION OF CERTAIN OFFENSES.—Paragraph (2) of section 6105(b) of title 38, United States Code, is amended—

(1) by inserting "175, 229," after "sections"; and

(2) by inserting "831, 1091, 2332a, 2332b," after "798,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to claims filed after the date of the enactment of this Act.

SEC. 21. TECHNICAL AMENDMENTS RELATED TO JOBS FOR VETERANS ACT.

(a) JOB TRAINING AND PLACEMENT FUNCTIONS OF THE DEPARTMENT OF LABOR.—(1) Subsection (c)(2)(B)(ii) of section 4102A of such title is amended by striking "October 1, 2002" and inserting "October 1, 2003".

(2) The amendment made by paragraph (1) shall take effect as if included in the enactment of section 4(a) of the Jobs for Veterans Act (Public Law 107-288; 116 Stat. 2038).

(b) OTHER TECHNICAL AMENDMENTS.—(1) Such subsection is further amended by striking ", as amended by the Jobs for Veterans Act".

(2) Subsection (f)(1) of such section is amended by striking "6 months after the date of the enactment of this section," and inserting "May 7, 2003,".

SEC. 22. TECHNICAL AND CONFORMING RELATING TO ESTABLISHMENT OF SOCIAL SECURITY ADMINISTRATION AS AN INDEPENDENT AGENCY.

Title 38, United States Code, is amended as follows:

(1) Section 1322 is amended—

(A) in subsection (a), by striking "Secretary of Health and Human Services" and all that follows through the period and inserting "Commissioner of Social Security, and shall be certified by the Commissioner to the Secretary upon request of the Secretary."; and

(B) in subsection (b)—

(i) by striking "Secretary of Health and Human Services" in the first sentence and inserting "Commissioner of Social Security";

(ii) by striking "the two Secretaries" and inserting "the Secretary and the Commissioner"; and

(iii) by striking "Secretary of Health and Human Services" in the second sentence and inserting "Commissioner".

(2) Section 5101(a) is amended by striking "Secretary of Health and Human Services" and inserting "Commissioner of Social Security".

(3) Section 5317 is amended by striking "Secretary of Health and Human Services" in subsections (a), (b), and (g) and inserting "Commissioner of Social Security".

(4)(A) Section 5318 is amended—

(i) in subsection (a), by striking "Department of Health and Human Services" and inserting "Social Security Administration"; and

(ii) in subsection (b)—

(I) by striking "Department of Health and Human Services" and inserting "Social Security Administration";

(II) by striking "Secretary of Health and Human Services" the first place it appears and inserting "Commissioner of Social Security";

(III) by striking "Secretary of Health and Human Services" the second place it appears and inserting "Commissioner"; and

(IV) by striking "such Secretaries" and inserting "the Secretary and the Commissioner".

(B)(i) The heading of such section is amended to read as follows:

"§ 5318. Review of Social Security Administration death information".

(ii) The item relating to that section in the table of sections at the beginning at chapter 53 is amended to read as follows:

"5318. Review of Social Security Administration death information.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2297 as amended, the Veterans Benefit Act of 2003, contains 20 substantive provisions and is a diverse and comprehensive measure with very broad bipartisan support.

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This bill will affect veterans and survivors alike.

Among the education provisions, the bill provides for an expansion of the Montgomery GI Bill, the college program, by authorizing educational assistance for on-job training in certain 6-month self-employment training programs. It provides an extension of the delimiting date for survivors' and dependents' education benefits when the eligible individual is involuntarily ordered to full-time National Guard duty. It provides for an extension of the VA's Veterans' Advisory Committee on education through December 31 of 2009 and for the repeal of the VA's obsolete education loan program authorization. This program has not made a loan in the past several years because of other better options in the public and private sector.

The bill would also provide that the remarriage of the surviving spouse of a veteran after attaining the age of 55 would not result in the termination of Dependency and Indemnity Compensation, or the DIC program. It allows a remarried surviving spouse to attain eligibility for burial in a national cemetery based on his or her marriage to a veteran. It makes permanent the State Cemetery Grants Program. It reinstates a VA pilot program to provide vocational training to newly eligible VA nonservice-connected pension recipients.

It increases, Mr. Speaker, the specially adapted automobile grant from $9,000 to $11,000 and increases the specially adapted housing grant from $48,000 to $50,000 for the most severely disabled veterans and from $9,350 to $10,000 for less severely disabled veterans.

The bill also adds cirrhosis of the liver to the list of presumed service-connected disabilities for former prisoners of war.

It eliminates the requirement that a POW be held for 30 days or more to qualify for presumptions of service-connection for certain disabilities: psychosis and any of the anxiety states, organic residuals of frostbite, and post-traumatic osteoarthritis.

It expands benefits eligibility to those children with spina bifida who were born to Vietnam-era veterans who served in an area of Korea near the demilitarized zone between October 1 of 1967 and May 7 of 1975.

Out of concern about spina bifida, Mr. Speaker, I would note parenthetically that the gentleman from Michigan (Mr. STUPAK) and I formed the Congressional Spina Bifida Caucus, which we now co-chair. This caucus is dedicated to improving the health care and overall quality of life for the some 70,000 Americans and their families living with spina bifida, and in a very short time I would again note to my colleagues we have about 20 Members who have joined. And just a little push here in promotion, if they would like to join that spina bifida caucus, we would very much like to have them as part of it.

Let me continue with the bill.

H.R. 2297, as amended, would also make permanent the VA home loan program for members of the Selected Reserve. It reinstates the Department of Veterans Affairs' vendee loan program and provides the full amount of compensation and Dependency and Indemnity Compensation for eligible members of the New Philippine Scouts, who served just after World War II, who are legal residents of the United States. It also provides the full amount of DIC for service in the organized military forces of the Commonwealth of the Philippines, including organized guerrilla units, to individuals who are legal residents of the United States. It extends eligibility for burial in a national cemetery to New Philippine Scouts, as well as eligibility for burial benefits to those who lawfully reside in the United States. It extends the authority of the Secretary of Veterans Affairs to maintain a regional office in Manila, Philippines, through December 31 also of 2009.

It mandates that the Department of Labor place staff in veterans' assistance offices at oversees military installations 90 days after the date of enactment, and it expands the list of serious Federal criminal offenses a conviction of which would result in a bar to all VA benefits.

As I mentioned, Mr. Speaker, the bill addresses the needs for former prisoners of war. Current law requires former POWs to have been confined for at least 30 days before they qualify for a presumption of service-connection for certain disabilities. Prisoners of war in more recent conflicts, however, have been interred for shorter periods of time. All the POWs from Operation Iraqi Freedom were confined for less than 30 days, for example.

Because physical and psychological trauma can indeed occur within minutes of capture, let alone days or weeks, H.R. 2297, as amended, would provide a presumption of service-connection disability without regard to length of confinement for certain psychiatric disabilities as well as cold-weather-related injuries and traumatic osteoarthritis.

The bill would also, as I said, add a number of other aspects, and I hopefully have outlined those adequately to the committee.

Let me just say, finally, Mr. Speaker, I really want to congratulate the gentleman from South Carolina (Mr. BROWN), the subcommittee chair of our Subcommittee on Benefits, and the gentleman from Maine (Mr. MICHAUD), his ranking member, for their outstanding work on this legislation, for doing the hard work, holding the hearings, working out all the different disparate provisions, and then working to bring it together in a bipartisan way so that we can present to this body a bill that we can all be proud of that will tangibly advance the ball when it comes to our veterans. I want to thank them very much for their good hard work and also the gentleman from Illinois (Mr. EVANS), my good friend and colleague, on whom we have partnered for years now as chairman and ranking member, working on bills to benefit our veterans both on the health care area and benefits area. I want to thank him as well.

Mr. Speaker, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 2297, the Veterans Benefits Act of 2003. I would like to thank the gentleman from New Jersey (Chairman SMITH) and the gentleman from Illinois (Mr. EVANS), ranking member, for their leadership on the full committee on this important measure.

I would also like to thank personally the gentleman from South Carolina (Chairman BROWN) for his leadership and professionalism on our subcommittee as well as staff on both sides of the aisle who have worked so hard during this session.

The Veterans Benefits Package of 2003 includes provisions drawn from many bills considered by the Subcommittee on Benefits this year. I am especially pleased that this legislation includes bills introduced by Members of both sides of the aisle.

Our Nation's service members and veterans have earned, and their family deserve, all the benefits provided under H.R. 2297. Indeed, they deserve so much more as well. I am pleased that this package takes a strong step in the right direction.

Mr. Speaker, I am proud to sponsor many of the measures that were incorporated in H.R. 2297, including provisions aimed to equalize home loan benefits for members of the Guard and Reserve, improve veterans' education benefits, enhance self-employment opportunities, and expand employment counseling and job search assistance for service members returning to civilian life after separating from military installations overseas.

H.R. 2297 provides for more equitable and rational treatment of surviving spouses and Filipino World War II veterans, which I fully support. It allows former prisoners of war to qualify for certain presumptions of service-connection and adds cirrhosis of the liver to the disease considered presumptively disabling for POWs. It also allows the Gold Star Wives to remarry after age 55 without losing the Dependency and Indemnity Compensation benefits which they currently receive.

This measure is long overdue.

Mr. Speaker, the provisions in this package will benefit the service members and veterans from my State of Maine and all around the country. It will also help others. I fully support H.R. 2297 and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. BROWN), our distinguished chairman of the Subcommittee on Benefits, and again I want to thank him for his good work on this bill.

Mr. BROWN of South Carolina. Mr. Speaker, the chairman has done a great job in explaining the bill under consideration. As chairman of the Subcommittee on Benefits, I would like to take this opportunity to thank a few members of the House Committee on Veterans' Affairs for their hard work.

We would not be considering this bill today without the bipartisan spirit of the Subcommittee on Benefits. The gentleman from Maine (Mr. MICHAUD), ranking member, and I have established a strong working relationship, a relationship built on what is best for our service members, veterans, and their families. Likewise, we enjoy strong participation from the subcommittee members, and I would like to thank them for their support and dedication.

We are very fortunate to have the gentleman from New Jersey's (Chairman SMITH) vision and leadership at the full committee level. As a member of the committee for more than 20 years, he clearly understands how important these benefit programs are to deserving veterans.

Likewise, the gentleman from Illinois (Mr. EVANS) has been a strong advocate for our military throughout his congressional career.

I am pleased to serve on this committee, which brings to the floor, year in and year out, such quality legislation.

Lastly, Mr. Speaker, I want to commend the gentleman from Florida (Mr. BILIRAKIS) for his dedication to the surviving spouses of our active-duty service members and veterans. I have been a strong supporter of allowing these widows and widowers to marry and still retain their dependency and indemnity compensation. I am pleased this subcommittee was able to identify the offsets necessary to include this provision in H.R. 2297, as amended.

As the chairman indicated, the gentleman from Florida (Mr. BILIRAKIS) has introduced his bill to help widows in seven Congresses. I appreciate his patience with the process. As my colleagues may remember, the House passed this provision in legislation in the 107th Congress. I intend to work with my colleagues in the other body to ensure that this provision is retained during negotiations on the final version of the benefits package for the first session of the 108th Congress. Many survivors in the First District of South Carolina will benefit, as well as military survivors in all 50 States.

H.R. 2297, as amended, contains more than 20 provisions which would enhance, improve, or extend benefits to our most deserving veterans, those who put their lives on the line daily defending our homeland. I am proud to serve on the authorizing committee overseeing these benefits, and I urge my colleagues to support this bill.

Mr. MICHAUD. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EVANS), ranking member of the full committee, a gentleman who has fought for veterans issues as long as he has been in Congress.

Mr. EVANS. Mr. Speaker, I thank the gentleman for yielding me this time and for his fine work on the Subcommittee on Benefits package this year.

Mr. Speaker, I rise in strong support of H.R. 2297, a legislative package encompassing a number of important measures that help our veterans.

I would like to take the time to recognize the gentleman from New Jersey (Mr. SMITH), chairman of the full committee, who has done a great job working hand in hand together. As we get back in session, we have got a few things to cover, and I look forward to working with him on that.

I want to thank the gentleman from South Carolina (Mr. BROWN), Mr. Speaker, for his hard work in bringing this important legislation to the floor. This has been truly a bipartisan effort.

I am very proud to have been an original cosponsor of this package. I am pleased that this bill incorporates a number of measures from bills I have introduced. I am also pleased that it has included provisions to provide long-term, overdue benefits to our Gold Star Wives and Filippino veterans.

Mr. Speaker, H.R. 2297 is a good bill, and I urge all Members to show their support for our troops and veterans by voting for it.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. BILIRAKIS) who is the vice chairman of the committee and has been, and as the gentleman from South Carolina (Mr. BROWN) pointed out, seven times he has now tried to get the Gold Star Wives' compensation not lost if they were to remarry, and this time we have it in the bill. Last year when we sent it over to the Senate, we lost it, but this time I think the seventh time is the charm, and I thank him for his leadership.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me this time.

I, too, rise in strong support of the bill. It addresses, in addition to many other things that it does, an issue that I have been working on for a number of years, and I thank my colleagues sincerely for their recognition of those efforts.

Dependency and Indemnity Compensation, DIC, as others have already said, is a benefit accorded to the surviving dependents of those of the Armed Forces who died while on active duty or of a service-connected cause. Who would argue that this benefit is undeserved? I have always felt that their sacrifices even exceed, even exceed, those of the service member.

DIC is the only Federal annuity program that does not allow a widow who is receiving compensation to remarry at an older age and retain her annuity. Earlier this year I reintroduced legislation which provides that the remarriage of the surviving spouse of a veteran after age 55 shall not result in termination of Dependency and Indemnity Compensation. I have heard, as I am sure most of us, from military widows from across the country who have found someone they would like to spend the rest of their lives with but cannot afford to do so because of the current law. They have expressed deep frustrations about not being able to remarry. Many of these women lost their husbands at a very young age and have been alone for a long time. They have finally found someone to share their lives with, but they are afraid to remarry because they will lose their DIC benefits.

I think it is a wonderful thing if an older person finds companionship, falls in love, and decides to marry. I do not think we should be discouraging such marriages by making them financially burdensome.

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For those remarrying after the age of 55, it is often the case that both partners are living on fixed incomes. The prospect of one partner losing financial benefits as a result of the marriage is a real disincentive. In fact, current law makes it virtually impossible for some couples to marry after age 55 because they simply cannot afford to do so and continue to support themselves.

Mr. Speaker, I would like so very much to thank the gentleman from New Jersey (Chairman SMITH); the ranking member, the gentleman from Illinois (Mr. EVANS); the Subcommittee on Benefits chairman, the gentleman from South Carolina (Mr. BROWN); and the subcommittee ranking member, the gentleman from Maine (Mr. MICHAUD) for working with me to include, finally, DIC remarriage provisions in this legislation, H.R. 2297.

I urge my colleagues to support the bill before us today.

Mr. MICHAUD. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Maine (Mr. MICHAUD) for yielding me time. I also want to commend the chairman of the Committee on Veterans' Affairs, the gentleman from New Jersey (Chairman SMITH), and the ranking member, my good friend and neighbor, the gentleman from Illinois (Mr. EVANS), for the outstanding leadership that they continue to provide as we try and make sure that our veterans receive the benefits that they are indeed due.

I represent a district that has a number of very core veterans' facilities. I have three Veterans' Administration hospitals in my district, as well as a residence. Unfortunately, one is slated to be closed. But we have a large number of veterans who are always seeking services.

Particularly, I want to mention the addition of cirrhosis of the liver to the list of service-connected disabilities, which I think is so important, and also the provision of services for the Filipino scouts. I have a very active Filipino community and group of individuals who lobby me consistently about the role that the Filipinos played in giving assistance to this country. They deserve to, in fact, be included, and I am just simply delighted to see those additions.

So, again, I want to commend the Committee on Veterans' Affairs under the leadership of Chairman SMITH and the ranking member, the gentleman from Illinois (Mr. EVANS), for the services that they provide to all of us as we provide benefits to our veterans, who have given so much to our country.

Mr. MICHAUD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, before yielding back, I do want to thank and commend the hard work of committee staff, Devon Seibert, Paige McManus, Darryl Kehrer, Patrick Ryan, Kingston Smith, Jim Holley, Mary Ellen McCarthy, Geoffrey Collver, Leah Booth and so many others who have made this legislation and all the bills that we work cooperatively on with my friend and colleague, the gentleman from Illinois (Mr. EVANS), to bring to the floor what we think are quality, well-vetted, very thoughtful pieces of legislation that make the difference in the lives of veterans and their families.

This is another example of that kind of cooperation. This is the way this body should work, and it is so good to see us again working hand-in-glove in this partnership. Again, I want to thank the gentleman from South Carolina (Mr. BROWN) and the gentleman from Maine (Mr. MICHAUD) for their good work as chairman and ranking member of the subcommittee. I urge all Members to support this bill.

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today in support of H.R. 2297. Within the bill there is a provision which is very special to me personally.

Millions of men and women have served honorably in the United States military. One of the promises we make to veterans is that they may be laid to rest in a national cemetery, if they so choose, and that their spouse can be buried with them.

Today there are 26 million living United States veterans. Behind each of these veterans is a husband or wife who has carried a greater burden than most of us ask our husbands or wives to carry. These spouses are just as important to our Nation as the veterans to whom they are, and were, married. But there is a glitch in the law which denies them their right, as the surviving spouse of a veteran, to be buried in a national cemetery with their husband or wife, in some circumstances.

The law also says that if a veteran's spouse dies and he or she remarries, both spouses are eligible for burial in a national cemetery. But, if a veteran dies and the spouse remarries a non-veteran, the spouse can't be buried with their first spouse in a national cemetery. It is this problem that this bill, H.R. 2297, seeks to remedy.

Kay Brown is a constituent of mine. She told me the story of her mother, Francis Gilkerson.

E.T. Gilkerson met and married Kay Brown's mother, Francis, some 66 years ago. It was during World War II and E.T. signed up as an enlisted volunteer for the Air Force. He was an X-Ray technician stationed in Fresno, California, for three years. After he got out of the service, he and Francis were married for 56 years until he died at the age of 84 in 1993.

Some years went by and Francis met an 80-year-old fellow who was also a widower and a neighbor in the mobile home park where they both lived. The two of them were both very lonely and they found comfort and friendship in each others company. Francis was of a generation who would never consider living with somebody unless they were married. She was very concerned that she should be buried with her first husband and did not want to get married for a second time if that right was to be taken away from her. So Kay contacted the local VA on her mother's behalf to check. According to Kay, the VA asked her if her mother and father were still married at the time of his death. The answer was "yes," and the VA said that it wouldn't be a problem for Kay's mom to be buried at the national cemetery in Santa Fe.

Francis married her second husband and lived very happily until her death in September of 2000. When Kay Brown was at the mortuary making arrangements for her mothers' cremation, the mortician asked her where she was to be buried. Kay said that she was to be buried at the national cemetery in Santa Fe with her husband of 56 years. The mortician shook his head and said that wasn't possible because her second husband was not a veteran.

When Kay called the VA again after her mother's death, they told her that the law prohibited her mother from being buried with her father because she had remarried a non-veteran who was living when Kay's mom died.

The VA gave Kay the wrong information when she first asked, and their error has caused heartache for Kay and her family. But the prohibition is in the law.

The ashes of Kay's mother, Francis, are still in a closet at Kay's house. But there are thousands of other widows and widowers in the same situation. The law gives the surviving veteran's spouse (many of them elderly women) a Hobson's choice: live alone in order to keep your burial right, or give up your right to be buried with your first spouse, to have companionship in your sunset years.

H.R. 2297 would allow surviving spouses to remarry and still be buried in a national cemetery with their first spouse if they choose.

Mr. FILNER. Mr. Speaker, I rise today in support of H.R. 2297, the Veterans Benefits Act of 2003. This bill contains many improvements in the benefits for our Nation's veterans and for their survivors and dependents.

One important provision of this legislation that I would like to highlight will positively affect many Filipino veterans of World War II who are living in the United States, as well as their survivors. Many of my colleagues know that in 1946, Congress unfairly rescinded the benefits of many Filipino veterans and cut in half the benefits of many others—those who were service-connected disabled veterans. This limitation on compensation benefits was intended to reflect the difference in the cost of living between the Philippines and the United States.

But in the 60 years since World War II, a large number of Filipino veterans and their dependents have immigrated to our country. As citizens or permanent residents, these disabled Filipino veterans face living expenses comparable to those of United States veterans. Limiting their benefits has caused hardships for these disabled veterans and for their survivors who are receiving DIC (disability indemnity compensation). To fix this inequity, this bill eliminates the "50 cents on the dollar amount" that they are currently receiving and restores full payment of their compensation benefits.

In addition, it extends burial benefits in national cemeteries for the Filipino World War II veterans living in the United States who, to this date, did not have these benefits—namely, the New Philippine Scouts. And the bill provides other in-kind and monetary burial benefits to these deserving veterans.

I am elated that, with this legislation, my colleagues are addressing the 60-year-long injustice to Filipino soldiers who lived in a territory of the United States and fought side-by-side with our soldiers from the mainland during World War II. Without their vital participation in this war, the outcome might have been entirely different!

Combined with H.R. 2357, which has passed the House and which improves access to VA medical facilities for Filipino World War II veterans who live in the United States, we are clearly making progress. I sincerely thank the Chairman of the House Veterans Affairs Committee (Mr. SMITH) and the Chairmen and Ranking Members of the House VA Benefits and Health Subcommittees (Mr. SIMMONS, Mr. BROWN, Mr. RODRIGUEZ, and Mr. MICHAUD) for their assistance in putting these bills forward. And a special thank you to my colleague, VA Committee Ranking Member LANE EVANS who, with me, at a Veterans Town Hall Meeting in San Diego County ten years ago, heard first-hand the moving story of the injustices affecting Filipino World War II veterans, voted into law by the 1946 Congress. We heard this story from one veteran who had survived the Bataan Death March. From that moment, he has been my ally in this fight to restore justice and equity. I thank him for his unfailing support.

My colleagues, please join me in voting for H.R. 2297.

Ms. CORRINE BROWN of Florida. Mr. Speaker, H.R. 2297, the Veterans Benefits Act of 2003, would expand the Montgomery GI Bill program to provide veterans considering self-employment with improved access to training benefits, including training related to franchises. Allowing veterans to use their MGIB benefit in this manner gives the flexibility necessary so that veterans can pursue an educational path that best suits their talents and interests.

Additionally, this legislation would allow a surviving spouse of a veteran to be eligible for burial in a VA national cemetery regardless of the status of a subsequent marriage. In many cases, the veteran's children and grandchildren, and often the most recent spouse of the veteran, support this burial eligibility.

This legislation also makes important strides in including more disabilities as service-connected. The VA Advisory Committee on Former Prisoners of War recommended that the original 30-day requirement for service-connection be eliminated for all psychiatric conditions, cold weather related injuries and post traumatic arthritis. No durational criteria exist for post-traumatic stress syndrome or frostbite. PTSD is common in former prisoners of war. And frostbite can occur within hours if the temperature is low enough. Post-traumatic arthritis is a condition that comes from trauma—which can occur in seconds. Removing the 30-day requirement is the right thing to do in order to make these disabilities presumptive.

H.R. 2297 also expands benefits eligibility to children with spina bifida who were born to veterans who served in an area of Korea near the demilitarized zone between October 1, 1967 and May 7, 1975. The Department of Defense estimates that approximately 12,056 service members were potentially exposed to Agent Orange and other herbicides while serving in the Republic of Korea between 1968 and 1969. This legislation is similar to other legislation that covers the children of members of the Armed Forces that serve in Vietnam.

This legislation also provides for uniformity of home loan guaranty fees between reserve and active duty members of the Armed Forces. Reservists have traditionally been paying a funding fee that is 75 percent higher than active duty members, although reservists have a lower foreclosure rate than other loan guaranty beneficiaries.

H.R. 2297 includes many other benefits that will help us to meet our veterans' needs. This is a step in the right direction. However, time and time again, our veterans' needs are being ignored.

Not only do America's veterans face issues with concurrent receipt, but they also face long waiting periods to see a VA doctor and prescription drug copayments. Also, VA still needs $1.8 billion to bring the fiscal year 2004 appropriation to the level set forth by the Budget Resolution. Where are our priorities?

On average, 14,000 veterans have been waiting more than 15 months for their disability claims to be finalized. And 200,000 veterans wait for six months or more for an appointment at VA hospitals. This shabby treatment of our veterans is intolerable. If we can come up with an $87 billion supplemental appropriation for the war in Iraq, in addition to the $63 billion already provided by Congress, then surely we can give VA the $1.8 billion that is necessary to minimally provide for our veterans. We should be ashamed of ourselves.

At this time, more than every, we need to show our veterans that we appreciate them. We first need to pass H.R. 2297, the Veterans Benefits Act of 2003; then we need to give VA the $1.8 billion it still needs to bring the fiscal year 2004 appropriation to the level set forth by the Budget Resolution. Our veterans should not have to come begging at our doors.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today to state my support of H.R. 2297. Coming from the First District of Virginia, where roughly 100,000 military veterans live, it goes without saying that this legislation is of enormous importance. For that reason, I want to commend Chairman CHRIS SMITH, Ranking Member LANE EVANS, and their hard-working colleagues and staff on the House Veterans Affairs Committee for getting this bill to us on the floor today. I would also like to share some observations about a few aspects of the bill.

I am pleased that H.R. 2297 restores the Dependency and Indemnity Compensation (DIC) benefit to those who wish to remarry after 55 years of age. As many of my constituents know, DIC is a monthly benefit paid to surviving spouses of uniformed service members who die either in the line of duty or from a service-connected disability. Until this bill reaches the President for enactment, eligible survivors who remarry after 55 will continue to lose this benefit.

I am also pleased that H.R. 2297 restores some equity in education benefits for those National Guard members who are eligible for Title 38 survivors and dependents education benefits, bringing them in line with their Reserve counterparts. Presently, only Title 38-eligible Reservists, who have been activated post-9/11, have the end date of their eligibility extended by a period equal to the length of the call-up period plus 4 months. H.R. 2297 offers the same extension to eligible members of the Guard.

Finally, I want to commend the committee for expanding Montgomery GI Bill education benefits for self-employment training for veterans and disabled veterans. H.R. 2297 would authorize educational assistance benefits for on-job training of less than six months in specified self-employment training programs. Under the Veterans Entrepreneurship and Small Business Development Act (Public Law 106–50), Federal agencies are required to support self-employment for veterans directly and through partnerships with the private sector. H.R. 2297 would improve access to related training benefits.

In the present atmosphere, in which many members are having the sincerity of their commitment to fairness for veterans questioned, it is reassuring to see that dedicated people like my colleagues, Chairman SMITH and Ranking Member EVANS, are bringing their efforts to bear on behalf of veterans in a way that should clearly have a positive impact. I now look forward to the Senate acting on this legislation to expedite its passage.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 2297, a bill that will significantly improve the quality of benefits offered to Guam's veterans.

In addition to offering enhanced education, disability and home loan benefits to veterans and their families. H.R. recognizes the efforts of veterans of the Philippine Commonwealth Army or new Philippine Scouts by ensuring their right to be buried at Arlington National Cemetery. I am pleased that H.R. 2297 will honor these brave soldiers whose contributions helped secure victory in the Pacific.

Mr. Speaker, it is important that we demonstrate to our men and women in uniform our nation's continued commitment to members of the armed services, past, present and future. I am committed to improve the conditions of veterans in Guam. They need access to affordable housing and vocational training. Disabled veterans need assistance that recognizes the struggle of daily life they must endure for having served their country.

I commend Chairman SMITH and Ranking Member EVANS for their leadership on this important legislation that will reiterate our nation's commitment to veterans. I look forward to reporting to the people of Guam that this legislation has become law and that we have taken another step in honoring our commitment to veterans.

Mr. REYES, Mr. Speaker, I rise today in support of H.R. 2297, the Veterans Benefits Act of 2003. This bill will provide an overdue expansion of several benefits already available to many veterans.

Mr. Speaker I have long been an advocate for expansion of benefits to those veterans who suffered as a result of environmental exposures during military service. Because we now have the acknowledgment from the Department of Defense that Agent Orange and other similar herbicides were used near the Korean Demilitarized Zone (DMZ) in the late 1960's, this bill will allow the children of veterans who were exposed to herbicides in Korea to receive the same benefits from the Department of Veterans' Affairs (VA) as those provided for children whose parents were exposed in Vietnam.

As you know, the members of the 507th Maintenance Company that were recently interned as prisoners of war in Iraq hailed from the district that I represent. This situation impacted our entire community. I am proud to say that as a member of the House Veterans Affairs Committee, I pushed for the removal of the 30-day internment requirement for former prisoners of war (POWs) with certain presumptive service-connection disabilities. These disabilities suffered by these POWs may have occurred within minutes or hours of their internment. I am glad that this issue will be addressed and included in this legislation. Mr. Speaker, this is merely a small recognition of former POWs who deserve more that what we are providing for them.

Mr. Speaker, I would like to thank the Chairman and sponsor of this bill, Mr. CHRIS SMITH, as well as Ranking Member LANE EVANS for working with me and for the rapid consideration of this important legislation. I strongly urge my colleagues to join me in support of passage of this bill.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2297, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING ERECTION OF NATIONAL RAILROAD HALL OF FAME

Mr. PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 342) supporting the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame.

The Clerk read as follows:

H. RES. 342

Whereas Galesburg, Illinois, has been linked to the history of railroading since 1849 when the Peoria and Oquawka Railroad was organized;

Whereas the citizens of Galesburg supported a railroad to Chicago which was chartered as the Central Military Tract Railroad in 1851;

Whereas upon completion of the Central Military Tract Railroad, the Northern Cross Railroad joined the Central Military Tract Railroad at Galesburg;

Whereas in 1886 Galesburg secured the Atchison, Topeka, and Santa Fe Railway and became one of the few places in the world served by 2 major railroads;

Whereas the National Railroad Hall of Fame, Inc., has been established in Galesburg and chartered under the laws of the State of Illinois as a not-for-profit corporation;

Whereas the objectives of the National Railroad Hall of Fame, Inc., include (1) perpetuating the memory of leaders and innovators in the railroad industry, (2) fostering, promoting, and encouraging a better understanding of the origins and growth of railroads, especially in the United States, and (3) establishing and maintaining a library and collection of documents, reports, and other items of value to contribute to the education of all persons interested in railroading; and

Whereas the National Railroad Hall of Fame, Inc., is planning to erect a monument known as the National Railroad Hall of Fame to honor the men and women who actively participated in the founding and development of the railroad industry in the United States: Now, therefore, be it

Resolved, That the House of Representatives supports the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentlewoman from Florida (Ms. CORRINE BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bipartisan resolution in support of the National Railroad Hall of Fame in Galesburg, Illinois.

The history of railroading in Illinois began in 1837 with the construction of a rail line linking the Illinois and the Mississippi Rivers. From that small beginning, Illinois emerged as the major connecting point for railroads linking the entire continent.

The National Railroad Hall of Fame in Galesburg, Illinois, was founded to honor the memory of the inventors, the engineers, the surveyors, the financiers and workers who built these great railroads.

Past inductees to the National Railroad Hall of Fame include George Pullman, developer of the famous Pullman sleeping car, and Cyrus K. Holliday, builder of the Atchison, Topeka, and Santa Fe.

Another great and recent inductee is Ralph Budd, president of the Great Northern and the Chicago, Burlington & Quincy railroads. In the 1930s, Mr. Budd rejuvenated passenger rail service by developing the fastest and most efficient train of its time, the Pioneer Zephyr.

Highly streamlined and constructed of lightweight stainless steel, the Pioneer Zephyr represented a true landmark in the history of passenger railroading. On May 26, 1934, this train made a record-breaking trip from Denver to Chicago, a distance of 1,000 miles, in only 13 hours. Today, that same train trip takes over 17 hours.

The mission of the National Railroad Hall of Fame is to perpetuate the memory of great railroaders, such as Ralph

Budd, and to serve as an educational resource for our younger generation. I strongly urge approval of this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think one of the most valuable lessons we have learned from the tragic events of September 11 is just how important our railroads are to this country. With the aviation system grounded, American railroads were working hard to help both passenger and freight reach their destinations. Not only was this important to keep the economy running, but sent an important message to our enemies that American transportation system was still the strongest in the world.

On November 12, 2001, I was in New York when American Airlines Flight 587 crashed shortly after taking off from JFK Airport, creating a national panic and shutting down the entire city. Fortunately for me and many other Members of Congress who ended up at Penn Station that day, Amtrak was still running, and returned us safely to Washington to deal with this latest tragedy. I realized once again just how important Amtrak is to the American people and how important it is for this Nation to have alternate modes of transportation.

I personally fell in love with railroads as a child watching the Silver Meteor passenger train pass my house in Jacksonville, and today I get firsthand information on the railroads from my friends, constituents and my brother, who worked with CSX for over 30 years, which I proudly say is headquartered in my district.

Since the first horse-drawn cars hauled coal on steel rails, the success of the U.S. economy has been directly linked to the success of the railroad industry. It is only right to pay homage to the men and women who have worked so hard to build this Nation's railroad infrastructure.

The National Railroad Hall of Fame's goal is to promote and encourage a better understanding of this country's railroads, and is collecting documentation and information that is open to the public. The planned National Railroad Hall of Fame Monument will honor the men and women responsible for founding and developing the U.S. rail industry.

I want to thank the gentleman from Illinois (Mr. EVANS) for introducing this legislation. The veterans of this Nation have no better friend in Congress than the gentleman from Illinois (Mr. EVANS). It has been an honor serving with him on the Committee on Veterans' Affairs, and I am glad to join him in celebrating the noble history of American railroads.

Mr. Speaker, I encourage my colleagues to support this excellent legislation, which educates the public on the vital role our railroad plays in the development of our young Nation and the strong role it plays in the world economy today.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I rise today in support of this legislation that seeks to create a privately-funded museum to help promote a better understanding of the origins and growth of the railroad industry in America. I would like to thank my friend the gentleman from Illinois (Mr. EVANS) for introducing this legislation.

The resolution highlights the efforts of men and women whose hard work and resourcefulness helped build one of the Nation's best modes of transportation. Nowhere can this be seen better than in my home State of Illinois. Illinois has had a pioneering role in the Nation's railroad industry since 1837 with the creation of the Northern Cross Railroad, linking the Illinois and the Mississippi Rivers together for commerce and transportation. Railroads are just one of the reasons why Illinois is considered the transportation hub of the country.

The National Railroad Museum would be located in Galesburg, Illinois. Galesburg has a rich history of railroads, being first connected to Chicago by rail in 1854 and being home of the Carl Sandburg College, one of the first colleges to establish an educational curriculum in railroading.

Mr. Speaker, we all rely on staff. Many times their work goes unrecognized. I also wanted to take this time to thank Ken Johnson of the Committee on Energy and Commerce and a native of Galesburg, Illinois, for his work on this issue. I know his folks, family and friends from Galesburg are very proud of his efforts.

Mr. Speaker, I urge my colleagues to support this resolution.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, I am here today to urge my colleagues to support H. Res. 342, a resolution recognizing the National Railroad Hall of Fame in my district in Galesburg, Illinois.

Galesburg is a city rich in railroading history. In 1849, the Peoria and Oquawka Railroad first connected Galesburg to the railroad system in western Illinois. Soon after, the people of Galesburg worked hard to develop connections between Chicago and the Mississippi River, eventually expanding the railroad into the West. By 1886, Galesburg became one of the few places in the world to be served by two major railroads.

Because of this rich history, a private group in Galesburg formed to develop the National Railroad Hall of Fame in Galesburg, Illinois. The mission of the Hall of Fame is focused on honoring the men and women who have developed, maintained and strengthened one of the world's greatest forms of transportation. The Hall of Fame is being built to inspire future generations to continue in America's tradition of growth and ingenuity. This resolution simply recognizes the project put together by the National Railroad Hall of Fame to maintain that history and go forth in the next step in its development.

Before I finish, I would like to thank my colleagues, the gentleman from Illinois (Mr. LAHOOD) and the gentleman from Illinois (Mr. SHIMKUS), for their support. This would not have happened without the support of their staff people. I also want to thank the chairman and ranking member of the Committee on Transportation and Infrastructure for their quick action on this bill.

I want to thank Bob Bondi of Galesburg, who has worked tirelessly to get this organization on its feet and with my staff to pass this resolution. Also I would like to thank Ken Johnson, who has been of tireless help to us. Ken, it would not happen without your support.

Finally, I would like to thank the Committee on Energy and Commerce and Erin Doyle on my staff for her work on this bill.

This represents good bipartisan support. It is something long overdue.

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Mr. PORTER. Mr. Speaker, I reserve the balance of my time.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from Florida for yielding and also commend her for her tremendous leadership. I also want to commend the gentleman from Illinois (Mr. EVANS), my good friend, for introducing this legislation. I think it is so timely and so important.

I grew up during the era of trains, and I can remember being a small child and seeing trains zip by. I was also part of what we call the Great Migration, and that is people who lived in the area of the country where I lived, in the south, in Arkansas, migrating to the Midwest, to the north, going west to California. I also remember the cultural experiences that people had with trains. Writers and blues singers: "C.C. Rider, See What You Have Done"; "Take the A Train"; "The Wabash Special"; "The Chattanooga Choo Choo: Pardon me, boy, is that the Chattanooga Choo Choo."

So trains were a great part of the history and development and the culture of this country, and for the gentleman from Illinois (Mr. EVANS) to capture that in terms of a Railroad Hall of Fame I think is indeed commendable. I simply voice my support for it; and once again, it indicates what a great Nation the United States of America is, and all of the different entities that have played a part in its development. As a student of history, I say to the gentleman from Illinois (Mr. EVANS) I commend him for this legislation, I strongly support it.

Mr. EVANS. Mr. Speaker, I am here today to urge my colleagues to support H. Res. 342, a resolution which recognizes the National Railroad Hall in Galesburg, Illinois.

The development of a national railroad system from coast to coast in the United States had major impacts on our economy, national defense, and national lifestyle. As the railroad grew, it allowed an increasing ease in transporting goods and people. However, the development and expansion of the railroad could not have occurred without the hard work and ingenuity of individuals in the industry.

For that reason, a private group has gathered in Galesburg, Illinois to create a National Railroad Hall of Fame. The mission of the Hall of Fame focuses on the men and women who developed and maintained one of our nation's greatest forms of transportation. They are building the Hall of Fame to inspire us to continue in the American tradition that built our railroad system. To show how this tradition has continued through history, inductees are selected from three eras in railroad history. The first is the Birth and Development Era, from 1800 to 1965. The second is the Golden Era, from 1866 to 1945. And the final period is the Modern Era, from 1946 to present day. The reason the founders of the Hall of Fame choose these time periods is to reflect the different stages of railroad development and the continuing growth through today into the future.

In 2002, they introduced three inductees. The people that they recognized were George Pullman, Sanford Fleming, and Louis Menk, all of who provided enormous contributions to the success of the railroad industry. George Pullman is probably the most recognized of the inductees, having invented the Pullman sleeper car and an entire village for the employees who made it. His contribution to American railroading was profound because it made traveling great distances over rail comfortable, even luxurious.

Sanford Fleming, the inductee from the Golden Era, arranged a system that each of us utilize when we travel, Standard Time. Prior to Mr. Fleming's system, train stations ran on local time. Local time was determined by the sun. Traveling on a schedule set by each station's local time became a headache for station managers and railroad passengers alike. To address this problem, Sanford Fleming divided the world map into 24 sections, thus creating the Standard Time which we all follow now.

Finally, Louis Menk was inducted from the Modern Era. Mr. Menk is an example of the American dream. Having started out as a telegraph messenger for Union Pacific Railroad, he worked his way to the top of the railroad industry to become President and CEO of Burlington lines. He doubled the size of the company and merge it with a number of other lines to stretch across the Western United States.

Placing this history in Galesburg, Illinois is appropriate to the history of the railroad as well. Galesburg has a long history with railroading. In 1849, the Peoria and Oquawka Railroad was established providing Galesburg with the opportunity to connect to a rail system. After that, Galesburg quickly became an important link between Chicago and the West. Finding a need to connect Iowa with the east coast, Galesburg worked as a community to expand the rail system from Chicago to the Mississippi River and then over into Iowa. This allowed for the extension of a rail system that eventually reached coast to coast. By 1886, Galesburg secured the Atchison, Topeka, and Santa Fe Railway and became one of the few places in the world served by two major railroads. Currently, Galesburg is still a central point in the railways for shippers moving good across the country.

Additionally, Carl Sandberg College of Galesburg, Illinois, was one of the first institutions to establish an education curriculum in railroading. Currently, the College continues this program offering a certificate program and an associates program in railroad operations. This shows how basic the tie between Galesburg and the railroad is.

In honor of this history in Galesburg and the history of the ingenuity of those that shaped the railroad industry, a group of people got together in Galesburg, Illinois and developed the National Railroad Hall of Fame, Inc. The main purpose of the Hall of Fame is to continue the memory of the leaders, inventors, engineers, riders, teachers, and all other participants in this proud industry. However, the Hall of Fame also seeks to inspire future generations to continue this proud tradition of growth and invention. Finally, they seek to provide a home to research surrounding the railroading industry and provides an opportunity for local history students to work on the history of the railroad industry. By working with local college students to enhance the background information for recommended inductees, the Hall of Fame expands the historical information and the people that study it.

What the National Railroad Hall of Fame in Galesburg has asked for its simple recognition of its and its mission. The people who have put this project together have raised the money necessary for the building on their own. Additionally, they simply wish to continue the project of creating a deposit of history and inspiration for the work ethic that built the industry that built this country. In return, all they request is recognition.

Before I finish, I would like to thank my colleague Mr. LAHOOD for working with me to pass this resolution, and Andrea Tebbe on his staff. I also want to thank the Chairman and Ranking Member of the Transportation Committee for this quick action on this bill. I want to thank Bob Bandi of Galesburg, who has worked tirelessly on to get this organization on its feet and with my staff to pass this resolution. Also, I would like to thank Ken Johnson from the Energy and Commerce Committee for his assistance and enthusiasm for his hometown. Finally, I would like to thank Erin Doyle on my staff for her work on this bill.

Once again, I urge my colleagues to support this resolution and pay tribute to the history of the railroading industry.

Mr. LAHOOD. Mr. Speaker, I rise in support of H. Res. 342, legislation supporting the National Railroad Hall of Fame, Inc.'s endeavor to erect a monument supporting the Hall of Fame in Galesburg, Illinois. The National Railroad Hall of Fame, Inc. is a not for profit organization dedicated to preserving the legacy of the railroad industry and educating the public regarding its role in American history. Galesburg has been intricately linked with railroading since 1849, when the organization of the Peoria and Oquawka Railroads began an era of massive expansions of railroads across North America.

Too often we forget one of the most important aspects of American history—the development and expansion of our transportation system. Modern and efficient transportation links, whether by road, air, or rail, have, and will continue to be, integral to sustaining and expanding our economic development. Railroads were one of the first modes of transportation to efficiently move goods and people across North America. They have helped expand our economy and played an important role in social and cultural life during the late nineteenth and early twentieth centuries.

I applaud the National Railroad Hall of Fame, Inc. for their dedication to preserving this history and for their work to educate the public about the important contributions railroads have made to our society. I would like to thank Congressman LANE EVANS for offering H. Res. 342, and I urge my colleagues to pass this historic legislation.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. PORTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 342.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Resolution 342.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

BRIAN C. HICKEY POST OFFICE BUILDING

Mr. PLATTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2452) to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building".

The Clerk read as follows:

H.R. 2452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BRIAN C. HICKEY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, shall be known and designated as the "Brian C. Hickey Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Brian C. Hickey Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PLATTS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PLATTS).

GENERAL LEAVE

Mr. PLATTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2452.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PLATTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2452, introduced by my distinguished colleague from the State of New York (Mr. KING), designates the postal facility in Bethpage, New York, as the Brian C. Hickey Post Office Building.

Mr. Speaker, this legislation honors an extraordinary American. For more than 2 years now, people all over the world have heard stories of the uncommon courage of the New York City emergency service personnel who responded to the September 11 terrorist attacks at the World Trade Center in New York. When the first plane hit the north tower, numerous firefighters, law enforcement personnel, medical personnel and others traveled to the World Trade Center, entered the building, headed up the stairs towards the fire, and never appeared again.

Captain Brian Hickey was one of these intensely brave patriots whom we lost on that fateful day. Captain Hickey was with the Fire Department of New York for 20 years. He was the leader of Rescue Company No. 4. On the morning of September 11, 2001, Captain Hickey never hesitated as he put the lives of others ahead of his own and marched up the stairs of the south tower to fight the overpowering blaze. Just before 10 a.m. that morning, the south tower unthinkably collapsed, the first of the two towers to fall.

It is very fitting and appropriate for this House to revisit the courage, the patriotism, and the amazing compassion for fellow Americans exhibited by people like Brian Hickey on September 11, 2001. That unbelievably tragic day united all Americans in a way that no event has done in more than a generation. We will be wise to never forget what this Nation went through on that fateful day and to always remember the sacrifices of Brian Hickey. Captain Hickey made the ultimate sacrifice for our Nation and for his fellow citizens. With the passage of H.R. 2452, this Congress can immortalize Brian Hickey's courageous legacy by naming this post office after him in his hometown of Bethpage, New York.

For all of these reasons, Mr. Speaker, I urge all Members to support H.R. 2452, which honors the life and service of Captain Brian C. Hickey. I commend the gentleman from New York for his work on such a meaningful piece of legislation, and I look forward to his words regarding Captain Hickey.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H.R. 2452, the bill to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the Brian C. Hickey Post Office Building.

As a member of the House Committee on Government Reform, I am honored to join my colleague in consideration of this legislation. Mr. Speaker, H.R. 2452 was sponsored by the gentleman from New York (Mr. KING) on June 12, 2003. This measure has met the committee cosponsorship policy and has the support of the entire New York delegation.

Mr. Speaker, Brian Hickey, a 20-year veteran of the New York City Fire Department, was fire captain of Rescue 4, an elite group based in Woodside, Queens, New York. On September 11, 2001, Brian was filling in for a Rescue 3 captain when an emergency signal was sent to the men of Rescue 3 from the Bronx to the World Trade Center minutes after a plane hit the north tower. None of the eight men in the company survived. Mr. Hickey was not formally identified until June of this year when a bone fragment was identified as belonging to him. Prior to that, the only item found 2 years ago at Ground Zero was Brian's battered New York City Fire Department helmet.

Who was Brian Hickey? Well, according to Fire Commissioner Bill Ura, a close friend and colleague, Brian was a 27-year member of the Bethpage Fire District. A lifelong resident of Bethpage, Brian served as chief officer of the Nassau County Fireman's Training Center and as an elected official of the Bethpage Volunteer Fire District.

He was noted as being a loving father, husband, and son. Brian was doing what he was trained to do on September 11, 2001, and that is respond to major fires, rescuing his firefighting colleagues and the public from harm.

Captain Hickey's death on 9-11 was especially tragic because he had just returned to duty after barely escaping death a month earlier when an explosion occurred and he was blown out of a building in Queens, New York. He survived, but three of his men died. As I understand it, Brian Hickey, after recuperating from his injuries, returned to work on Wednesday, September 5, 2001, and perished at the World Trade Center on Tuesday, September 11, 2001.

Mr. Speaker, I extend my profound sympathies to the family and friends of Captain Brian Hickey and commend my colleague for seeking to honor the life and work of a firefighter who died in the line of duty.

Brian Hickey really represented the best of what America has been and what America continues to be, that is, made up of ordinary people who are willing to do extraordinary things when situations and circumstances call for them. So I would urge swift passage of this legislation as we honor the life and the legacy now of Brian Hickey.

Mr. Speaker, I yield back the balance of my time.

Mr. PLATTS. Mr. Speaker, I yield such time as he may consume to the sponsor of this legislation, the gentleman from New York (Mr. KING).

Mr. KING of New York. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time. I thank the gentleman from Illinois (Mr. DAVIS) for his very generous remarks today. I am really proud to stand in support of this legislation.

At the outset, let me commend Councilwoman Mary McCaffrey from the Oyster Bay Town Board in Nassau County, Long Island. She is the one who initiated this proposal with me and has worked tirelessly with me and also the Hickey family to bring about this day.

Mr. Speaker, on September 11, 2001, we saw the greatest rescue operation in the history of the world: 25,000 people were rescued from the Twin Towers in Lower Manhattan that day. This was brought about because of the heroic efforts of the New York City Fire Department, the police department, the rescue services, the emergency workers, all of whom answered the call, put their lives at risk, many of whom lost their lives that day to save so many of their fellow citizens, fellow Americans, and people who just happened to be in the World Trade Center that day. Because of the 343 men of the New York City Fire Department, because they were willing to put their lives on the line and die that day, 25,000 others were rescued. That is something we can never fittingly thank and show our appreciation to those who laid down their lives and thank them for what they did that day.

More than 100 people in my district were killed, many police officers, firefighters; but no one symbolized the heroism more that day than Brian Hickey. He was a member of the New York City Fire Department for more than 20 years. He was a captain. He commanded Rescue Company 4 in Queens. As was pointed out, he lost several of his colleagues several months before that in a terrible accident on Father's Day, and he was back on the job only several days before he went into the south tower, led his men into the south tower, unquestioningly, unflinchingly, went in and did what had to be done. That was really typical of Brian Hickey. He was a man who was wounded many times during his career with the fire department, but never, ever once did he back away from the challenge. Never once did he not show bravery and courage, which really does symbolize the FDNY.

It is very fitting that the post office facility in Bethpage be named in his honor, because Brian Hickey was raised in Bethpage. He met his wife, Donna, while attending high school in Bethpage. He raised his four children in Bethpage. He was a member of the Bethpage Volunteer Fire Department and was elected a member of the Board of Fire Commissioners. So he really is a man of Bethpage. And to me it is so appropriate and so fitting that when people walk past the postal facility on Hicksville Road, they see the name Brian Hickey, that it reminds them of what Brian Hickey did and also what all of the members of the FDNY did on that terrible day back on September 11.

Mr. Speaker, the attack on the World Trade Center and the attack on the Pentagon on September 11, that was really the first great battle and the first great war of the 21st century. Now we almost take it for granted that the right thing was done in responding to that. We take for granted so many of the men and women charging into the Twin Towers to rescue their fellow human beings. But the fact is, suppose they had not? Suppose there had been a sense of panic or caution, or just a moment's hesitation. Think of the signal that would have sent to the world. But instead, the signal that went out from the Twin Towers was one of indomitable courage on behalf of the American people.

So really, what Captain Brian Hickey and the other firefighters and rescue workers did that day was send a message to the world that America was going to fight back, that America was in no way going to be cowed or intimidated by what was done by this terrible attack. So as horrific as the attack was, the bravery of the men and women that went into the Twin Towers was unsurpassingly greater than that. They showed the true essence of Americanism.

Brian Hickey, those who knew him knew what a gutsy guy he was, what a courageous guy he was. He often told his wife that he would rather die in a fire tragedy than have some long illness. This is what he wanted to do, was to be there with the other firefighters entering whatever call they were given, responding whenever they had to, doing what had to be done. That is the FDNY. That was Brian Hickey. Twenty years of his life he gave to the FDNY, and then he gave his entire life to the world by surrendering that life in such a valiant cause on September 11.

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So on behalf of Donna Hickey and her four children and all of the constituents of the 3rd Congressional District, I want to thank all my colleagues who bring this to a vote today. I urge a speedy adoption. I can assure you if anyone deserves to be honored, it is Brian Hickey.

Mr. PLATTS. Mr. Speaker, I have no further speakers. I would again like to thank the gentleman from New York (Mr. KING) for his work on this bill. This honors a true American hero, Captain Brian Hickey. I strongly urge all Members to support H.R. 2452.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. PLATTS) that the House suspend the rules and pass the bill, H.R. 2452.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE IMPORTANCE OF RALPH BUNCHE, THE FIRST AFRICAN-AMERICAN NOBEL PEACE PRIZE WINNER

Mr. PLATTS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 71) recognizing the importance of Ralph Bunche as one of the great leaders of the United States, the first African-American Nobel Peace Prize winner, an accomplished scholar, a distinguished diplomat, and a tireless campaigner of civil rights for people throughout the world.

The Clerk read as follows:

H. CON. RES. 71

Whereas Ralph Bunche's life of achievement made him truly one of the twentieth century's foremost figures and a role model for youth;

Whereas Ralph Bunche graduated valedictorian, *summa cum laude*, and Phi Beta Kappa from the University of California at Los Angeles in 1927 with a degree in International Relations;

Whereas Ralph Bunche was the first African-American to receive a Ph.D. in Government and International Relations at Harvard University in 1934;

Whereas Ralph Bunche served as a professor and established and chaired the Political Science Department at Howard University from 1928 to 1941;

Whereas, in 1941, Ralph Bunche served as an analyst for the Office of Strategic Services;

Whereas Ralph Bunche joined the Department of State in 1944 as an advisor;

Whereas Ralph Bunche served as an advisor to the United States delegation to the 1945 San Francisco conference charged with establishing the United Nations and drafting the Charter of the nascent international organization;

Whereas Ralph Bunche was instrumental in drafting Chapters 11 and 12 of the United Nations Charter, dealing with non-self-governing territories and the International Trusteeship System, which helped African countries achieve their independence and assisted in their transition to self-governing, sovereign states;

Whereas, in 1946, Ralph Bunche was appointed Director of the Trusteeship Division of the United Nations;

Whereas, in 1948, Ralph Bunche was named acting Chief Mediator in Palestine for the United Nations, and, in 1949, successfully brokered an armistice agreement between Israel, Egypt, Jordan, Lebanon, and Syria;

Whereas Ralph Bunche was deeply committed to ending colonialism and restoring individual state sovereignty through peaceful means;

Whereas the National Association for the Advancement of Colored People awarded its highest honor, the Spingarn Medal, to Ralph Bunche in 1949;

Whereas for his many significant contributions and efforts towards achieving a peaceful resolution to seemingly intractable national and international disputes, Ralph Bunche was awarded the Nobel Peace Prize in 1950, the first African-American and the first person of color to be so honored;

Whereas Ralph Bunche was named United Nations Under Secretary General in 1955, in charge of directing peacekeeping missions in several countries;

Whereas, in 1963, Ralph Bunche was presented by President John F. Kennedy with the United States' highest civilian award, the Medal of Freedom; and

Whereas Ralph Bunche's critical contributions to the attempt to resolve the Arab-Israeli conflict and towards the de-colonization of Africa, and his commitment to and long service in the United Nations and numerous other national and international humanitarian efforts, warrant his commemoration. Now, therefore, be it:

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes and honors Ralph Bunche as a pivotal 20th century figure and fighter in the struggle for the realization and attainment of human rights on a global scale; and

(2) urges the President to take appropriate measures to encourage the celebration and remembrance of Ralph Bunche's many significant achievements.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PLATTS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PLATTS).

GENERAL LEAVE

Mr. PLATTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PLATTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud that this House is considering this resolution that honors a great American with whom many Americans may not be very familiar. House Concurrent Resolution 71, introduced by my distinguished colleague, the gentleman from New York (Mr. RANGEL), recognizes Ambassador Ralph Bunche, a great diplomat, scholar and human rights champion.

Mr. Speaker, one could begin nearly anywhere in discussing the resume and accomplishments of Ambassador Bunche. He earned his doctorate at Harvard University before he single-handedly established the political science department at Howard University here in Washington.

After World War II, Ambassador Bunche left Howard and became one of the most influential founders of the United Nations, helping to draft the U.N. charter. In 1948, he became mediator of the U.N. Special Committee on Palestine and played a critical role in engineering the armistice that ended the Arab-Israel conflict in 1949. His work on negotiations earned him the honor for which he may be best known, the 1949 Nobel Peace Prize. Ambassador Bunche was the first African American to win this prestigious award. Ultimately, he became the Undersecretary General of the United Nations in 1955.

Mr. Speaker, Ambassador Bunche was an unrelenting advocate for human rights both at home and abroad; and this House justifiably recognizes his distinguished life. For this reason, I urge all members to support the adoption of House Concurrent Resolution 71.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H. Con. Res. 71, recognizing the importance of Ralph Bunche, introduced by the distinguished gentleman from New York (Mr. RANGEL).

Mr. Speaker, American diplomat and winner of the 1950 Nobel Peace Prize, Ralph Bunche was born in Detroit, Michigan, on August 7, 1904. His father, Fred Bunche, was a barber in a shop having an all-white clientele, and his mother, Olive Johnson Bunche, was an amateur musician. When Ralph Bunche was 12 years old his parents died, and he was raised by his grandmother, Ms. Nana Johnson, who had been born into slavery.

Ralph Bunche was valedictorian of his graduating class at Jefferson High School in Los Angeles where he had been a debater and well-rounded athlete. While studying at the University of California at Los Angeles, he supported himself with an athletic scholarship, which paid for his collegiate expenses, and a janitorial job, which paid for his personal expenses. With a scholarship granted by Harvard University and a fund of a $1,000 raised by the black community of Los Angeles, Ralph Bunche began his graduate studies in political science.

In the time between earning his masters and doctorate degrees in government and international relations at Harvard University, he established a department of political science at Howard University in 1928.

During that time, he also traveled through French West Africa on a Rosenwald field fellowship, which enabled him to conduct research in Africa for a dissertation comparing French rule in Togoland and Dahomey. He completed his work with such distinction that he was awarded the Toppan Prize for outstanding research in social studies.

Between 1938 and 1940, he collaborated with Swedish sociologist Gunnar Mydral on the monumental study of U.S. race relations published as An American Dilemma: The Negro Problem and Modern Democracy. The study is renowned for presenting the theory that poverty breeds poverty.

During World War II, Ralph Bunche worked for the War Department and the State Department. Toward the end of the war, he played an important role in preliminary planning for the United Nations, the organization he served for the rest of his career.

After the chief mediator between the warring factions in Palestine, Count Folke Bernadotte, was assassinated, Bunche, then an aide on a special U.N. committee to negotiate an end to the first Arab-Israeli War, was thrust into a leading role in the process. His successful negotiation of a 1949 truce between the parties earned him the Nobel Peace Prize in 1950.

In the last decade of his life, he became an increasingly vocal supporter of the civil rights movement in the United States, participating in the 1965 civil rights marches in Selma and Montgomery, Alabama.

Ralph Bunche died on December 9, 1971, in New York City, shortly after retiring as Undersecretary General of the United Nations.

H. Con. Res. 71 recognizes the importance of Ralph Bunche and the enduring legacy that he has left as a skillful negotiator and an example of what diplomacy can provide and generate when adroitly used.

Mr. Speaker, I am pleased to urge swift passage of this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am here today to join my colleagues in recognizing and honoring Ralph Bunche as a pivotal 20th century figure and fighter in the struggle for the realization and attainment of human rights on a global scale.

Ralph Bunche is one of the great leaders of the United States, the first African-American Nobel Peace Prize winner, an accomplished scholar, a distinguished diplomat, and a tireless campaigner of civil rights for people throughout the world.

Ralph Bunche's life of achievement made him truly one of the twentieth century's foremost figures and a role model for youth of America. He graduated valedictorian, summa cum laude, and Phi Beta Kappa from the University of California at Los Angeles in 1927 with a degree in International Relations. From there he went on to be the first African-American to receive a Ph.D. in Government and International Relations at Harvard University in 1934; and he served as a professor and established and chaired the Political Science Department at Howard University from 1928 to 1941.

Ralph Bunche was instrumental in drafting Chapters 11 and 12 of the United Nations Charter, dealing with non-self-governing territories and the International Trusteeship System, which helped African countries achieve their independence and assisted in their transition to self-governing, sovereign states.

In 1948, Ralph Bunche was named acting Chief Mediator in Palestine for the United Nations, and, in 1949, successfully brokered an armistice agreement between Israel, Egypt, Jordan, Lebanon, and Syria. He was deeply committed to ending colonialism and restoring individual state sovereignty through peaceful means.

The National Association for the Advancement of Colored People awarded its highest honor, the Spingarn Medal, to Ralph Bunche in 1949. In 1950, Ralph Bunche became the first African-American to be awarded the Nobel Peace Prize, for his many significant contributions and efforts towards achieving a peaceful resolution to seemingly difficult national and international disputes.

Ralph Bunche has a scholarship in his name at Colby College in Waterville, Maine. This scholarship is for top minority students who have achieved academic excellence.

Ralph Bunche was named United Nations Under Secretary General in 1955, in charge of directing peacekeeping missions in several countries. In 1963, President John F. Kennedy presented Ralph Bunche with the Medal of Freedom, which is the United States' highest civilian award.

Ralph Bunche's critical contributions to the attempt to resolve the Arab-Israeli conflict and towards the de-colonization of Africa, and his commitment to and long service in the United Nations and numerous other national and international humanitarian efforts, warrant his commemoration. I am proud to stand on the House floor today and celebrate his accomplishments. He is truly a great American hero.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. PLATTS. Mr. Speaker, I want to commend the gentleman from New York (Mr. RANGEL) for his work in introducing this measure and certainly encourage all members to support it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PLATTS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 71.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF PANCREATIC CANCER AWARENESS MONTH

Mr. PLATTS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 262) supporting the goals and ideals of Pancreatic Cancer Awareness Month.

The Clerk read as follows:

H. RES. 262

Whereas over 30,700 people will be diagnosed with pancreatic cancer this year in the United States;

Whereas the mortality rate for pancreatic cancer is 99 percent, the highest of any cancer;

Whereas pancreatic cancer is the 4th most common cause of cancer death for men and women in the United States;

Whereas there are no early detection methods and minimal treatment options for pancreatic cancer;

Whereas when symptoms of pancreatic cancer generally present themselves, it is too late for an optimistic prognosis, and the average survival rate of those diagnosed with metastasis disease is only 3 to 6 months;

Whereas pancreatic cancer does not discriminate by age, gender, or race, and only 4 percent of patients survive beyond 5 years;

Whereas the Pancreatic Cancer Action Network (PanCAN), the only national advocacy organization for pancreatic cancer patients, facilitates awareness, patient support, professional education, and advocacy for pancreatic cancer research funding, with a view to ultimately developing a cure for pancreatic cancer; and

Whereas the Pancreatic Cancer Action Network has requested that the Congress designate November as Pancreatic Cancer Awareness Month in order to educate communities across the Nation about pancreatic cancer and the need for research funding, early detection methods, effective treatments, and prevention programs: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of Pancreatic Cancer Awareness Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PLATTS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PLATTS).

GENERAL LEAVE

Mr. PLATTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PLATTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I introduced House Resolution 262 to help increase awareness about a horrible disease, pancreatic cancer. This year over 30,700 people will be diagnosed with pancreatic cancer. Because of the lack of early detection methods, 99 percent of those diagnosed will lose their lives, the highest mortality rate of any form of cancer. By the time the symptoms present themselves, it is almost always too late for a positive prognosis. Patients diagnosed have an average life expectancy of only 3 to 6 months.

It is a moral imperative for Congress to work to increase awareness about this life-threatening disease. Currently, the Pancreatic Cancer Action Network, known as Pan CAN, is the only national advocacy organization available for pancreatic cancer patients and their families and friends. This outstanding organization exists to create awareness, patient support, professional education and advocacy for pancreatic cancer funding.

It has been my pleasure to work with the Pan CAN network through a constituent of mine, Mr. Bob Hammen, in order to pass this resolution. With the passage of House Resolution 262, Congress will be adding our support to Pan CAN and their efforts to increase awareness for pancreatic cancer.

Mr. Speaker, I urge all Members to join me in supporting pancreatic cancer patients, their families and friends and Pan CAN by passing this important resolution and promoting November as Pancreatic Cancer Awareness Month.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, let me commend the gentleman from Pennsylvania (Mr. PLATTS) for introducing this important resolution. Cancer of the pancreas stands out as a highly lethal disease, with its victims facing the poorest of all likelihood of survival among all of those surviving major malignancies. It accounts for only 2 percent of all newly diagnosed cancers in the United States each year but 5 percent of all cancer deaths. It is the fifth leading cause of cancer-related mortality in the United States, with an estimated 30,300 deaths attributed to this disease in 2002.

Most pancreatic cancers arise from the ductal cells of the pancreas. The pancreas, an organ situated deep in the abdominal cavity, serves several critical functions. It produces enzymes that are delivered to the small intestines to aid in the digestion of food, and it controls sugar levels in the body. This disease is often far advanced by the time symptoms occur and a diagnosis established. As indicated by 5-year survival rates of less than 5 percent, successful treatment is rare.

Men have a higher incidence in mortality rate of pancreatic cancer than women in each racial and ethnic group. Black men and women have incidences and mortality rates that are 50 percent higher than the rates for non-blacks or for Caucasians in this country. Rates for Hispanics and the Asian American groups are generally lower than that of whites.

Cigarette smoking has been identified consistently as an important risk factor for cancer of the pancreas. Other risk factors which have been suggested but not confirmed include coffee drinking and high fat diets.

The Pancreatic Cancer Action Network is dedicated to focusing national attention on the need to find a cure for pancreatic cancer, and I support this resolution wholeheartedly and Pan CAN's efforts to designate November as Pancreatic Cancer Awareness Month.

Again, I commend the gentleman from Pennsylvania for introducing this resolution, urge its swift adoption.

Mr. Speaker, I yield back the balance of my time.

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Mr. PLATTS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the House Committee on Science.

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of recognizing Pancreatic Cancer Awareness Month, and I want to thank the gentleman from Pennsylvania (Mr. PLATTS) for bringing forward this resolution.

The timing of this resolution is all too appropriate for those of us on the Committee on Science. Just last week we lost our long-time chief counsel, Barry Beringer, to pancreatic cancer at age 57. Barry was, among other things, a dedicated public servant, a tireless community activist, a loyal alumnus of Dickinson College, a dogged Civil War researcher, and a diehard Philadelphia Phillies fan. He was also, more importantly, a devoted husband and father; and his son, Francis, a sophomore at the College of William and Mary gave a moving eulogy for him at his funeral last week. In his eulogy, Francis captured well his father's warmheartedness, decency and humor. Francis rightly noted that his father exemplified an ideal, which he dubbed being a "man for others."

Barry would have been embarrassed and surprised by all the richly-deserved accolades. He was truly a self-effacing man, not the most common trait on Capitol Hill. Last week's ceremony conveyed a true sense of Barry in all of his idiosyncratic uniqueness.

But there was one way in which Barry was not unique. Tragically, horribly, many share his fate every year as victims of pancreatic cancer. This is a cancer that almost always kills. We understand little about its cause, its course or its cure. We must spare no effort or expense in trying to change that, and making more Americans aware of the disease is a step toward accomplishing our goal.

In every congressional district, in every community there are too many people who have had to experience the kind of loss that we on the Committee on Science and this institution suffered last week.

Barry would not want to be remembered as a cancer victim. Indeed, he fought his disease nobly and bravely until his last days, and we will remember him always the wonderful individual he was during a special order on the floor next week. But it does no disservice to Barry to note that one of his many legacies will be that all of us will have a better understanding of the tragic consequences of pancreatic cancer. So I am pleased to see this House taking note of this horrible disease and committing itself to working to save others from what Barry suffered from and from the loss that his family, his friends and colleagues feel today.

Mr. PLATTS. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Pennsylvania (Mr. PLATTS) that the House suspend the rules and agree to the resolution, H. Res. 262.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GOVERNMENT NETWORK SECURITY ACT OF 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3159) to require Federal agencies to develop and implement plans to protect the security and privacy of government computer systems from the risks posed by peer-to-peer file sharing, as amended.

The Clerk read as follows:

H.R. 3159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Network Security Act of 2003".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Peer-to-peer file sharing can pose security and privacy threats to computers and networks by—

(A) exposing classified and sensitive information that are stored on computers or networks;

(B) acting as a point of entry for viruses and other malicious programs;

(C) consuming network resources, which may result in a degradation of network performance; and

(D) exposing identifying information about host computers that can be used by hackers to select potential targets.

(2) The computers and networks of the Federal Government use and store a wide variety of classified and sensitive information, including—

(A) information vital to national security, defense, law enforcement, economic markets, public health, and the environment; and

(B) personal and financial information of citizens and businesses that has been entrusted to the Federal Government.

(3) Use of peer-to-peer file sharing on government computers and networks can threaten the security and privacy of the information on those computers and networks by exposing the information to others using peer-to-peer file sharing.

(4) The House of Representatives and the Senate are using methods to protect the security and privacy of congressional computers and networks from the risks posed by peer-to-peer file sharing.

(5) Innovations in peer-to-peer technology for government applications can be pursued on intragovernmental networks that do not pose risks to network security.

(6) In light of these considerations, Federal agencies need to take prompt action to address the security and privacy risks posed by peer-to-peer file sharing.

SEC. 3. PROTECTION OF GOVERNMENT COMPUTERS FROM RISKS OF PEER-TO-PEER FILE SHARING.

(a) PLANS REQUIRED.—As part of the Federal agency responsibilities set forth in sections 3544 and 3545 of title 44, United States Code, the head of each agency shall develop and implement a plan to protect the security and privacy of computers and networks of the Federal Government from the risks posed by peer-to-peer file sharing.

(b) CONTENTS OF PLANS.—Such plans shall set forth appropriate methods, including both technological (such as the use of software and hardware) and nontechnological methods (such as employee policies and user training), to achieve the goal of protecting the security and privacy of computers and networks of the Federal Government from the risks posed by peer-to-peer file sharing.

(c) IMPLEMENTATION OF PLANS.—The head of each agency shall—

(1) develop and implement the plan required under this section as expeditiously as possible, but in no event later than six months after the date of the enactment of this Act; and

(2) review and revise the plan periodically as necessary.

(d) REVIEW OF PLANS.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall—

(1) review the adequacy of the agency plans required by this section; and

(2) submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate a report on the results of the review, together with any recommendations the Comptroller General considers appropriate.

SEC. 4. DEFINITIONS.

In this Act:

(1) PEER-TO-PEER FILE SHARING.—The term "peer-to-peer file sharing" means the use of computer software, other than computer and network operating systems, that has as its primary function the capability to allow the computer on which such software is used to designate files available for transmission to another computer using such software, to transmit files directly to another such computer, and to request the transmission of files from another such computer. The term does not include the use of such software for file sharing between, among, or within Federal, State, or local government agencies.

(2) AGENCY.—The term "agency" has the meaning provided by section 3502 of title 44, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3159.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3159, the Government Network Security Act of 2003 closes a loophole in the Federal Government's efforts to protect the security and privacy of its computers. It requires executive branch departments and agencies to take steps to protect government computers and information from the risks that are posed by the use of peer-to-peer file sharing programs. Peer-to-peer file sharing programs are Internet applications that allow users to download and directly share electronic files from users on the same network. These programs are surging in popularity with millions of people trading music, images and documents over these networks at any given time.

While most of the news coverage on file sharing focuses on the abilities of users to illegally trade copyrighted music, movies and videos, another less-publicized dark side to this technology is the risk it poses to the security of computers and the privacy of electronic information. Few people recognize these risks.

At a hearing held by the Committee on Government Reform in May, members heard from computer security experts who discussed the privacy and security risks created by these programs. And through a couple of simple searches on one file-sharing program, committee staff easily obtained completed tax returns, medical records, confidential legal documents and business files. We learned that using these programs can be similar to giving a complete stranger access to your personal file cabinet.

Consequently, file sharing programs can create a number of risks for Federal departments at agencies if they are installed on government computers. The Federal Government uses and stores a wide variety of classified and sensitive information, including information vital to national security, vital to public health and the personal and financial records of U.S. citizens and businesses. Installing these programs on government computers can cause this sensitive information to be exposed to the public. Because files are shared anonymously on peer-to-peer networks, there is also the risk of the spread of viruses worms and other malicious computer files.

Mr. Speaker, both the House and the Senate have successfully taken steps to protect congressional computers through both technical and nontechnical means including firewalls and employee training. Unlike Congress, however, executive branch departments and agencies do not have similar policies. This legislation requires agencies to develop and implement such policies to protect government information and computers. File-sharing technology is not inherently bad and it may turn out to have a variety of beneficial implications. H.R. 3159 recognizes this by protecting the ability of Federal agencies to pursue innovations of peer-to-peer technology on government networks, as long as they do not put government information or computers at risk.

This bill takes a common sense approach to protect the computers and networks of the Federal Government and the valuable information they contain. I want to commend the gentleman from California (Mr. WAXMAN), the distinguished ranking member on the Committee on Government Reform, and his staff for their work on this bill, setting up the hearing, and really calling this to our attention. I also want to recognize all the 28 members of the Committee on Government Reform who have cosponsored this legislation. This bill is an excellent follow-up to the committee's bipartisan investigations into the risk of using file sharing programs.

Mr. Speaker, I urge all Members to support H.R. 3159.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to ask my colleagues to support the Government Network Security Act of 2003, legislation that would protect the security of Federal Government computers from the risks posed by peer to peer sharing.

I introduced this legislation with my colleague on the Committee on Government Reform, the gentleman from Virginia (Mr. TOM DAVIS), and I want to thank him for his interest on this issue and he and his staff for all the work they have done to address the risk of peer-to-peer file sharing. This is legislation that both of us have worked closely together to develop.

In recent years, peer-to-peer file sharing programs have gone from little known to an incredibly popular Internet application. In fact, the most popular of these file-sharing programs, Kazaa, has been downloaded more than 280 million times, making it the most downloaded software program ever.

In a series of hearings earlier this year, our committee looked into these peer-to-peer file-sharing programs and the issues they raised. What we found out is that the risks they posed, particularly to our personal privacy and security, can be significant. At a Committee on Government Reform hearing in May, we heard from leading network security experts from universities and the private sector talk about how peer-to-peer file sharing can put computers at risk for viruses, worms and other damaging computer files. And the committee investigation found that without even knowing it, people are sharing incredibly personal information through these programs. Our staff investigators found completed tax returns, medical files, and even entire E-mail in boxes being shared on these networks. Government computers are not immune from these risks.

A GAO investigation, which is still underway, has found that even at Los Alamos National Laboratory, where top secret research is often conducted, file-sharing programs have been found on government computers. Protecting government computers from these security risks is essential. The Federal Government has computer records with incredibly sensitive personal information about citizens, including tax returns, military records and medical and psychiatric records. It also, obviously, has many files with important national security information.

It is important to protect government computers from computer viruses. In the last several weeks, we have seen how the spread of just two or three malicious viruses can slow the functioning of government. We need to make sure Federal Government computers and networks stay protected from these threats.

It is not difficult to safeguard Federal computers from these risks. The House of Representatives recognized the privacy and security threats posed by peer-to-peer programs nearly 2 years ago and took steps to protect against them. The Senate did the same shortly thereafter, but many of our Federal agencies have yet to follow suit. The Government Network Security Act of 2003 is simple legislation. It requires that when developing their network security policy and procedures, Federal agencies address the risks posed by peer-to-peer file-sharing programs. Plans to address these risks may include technological means, such as firewalls, and nontechnological means, such as employee training.

Technical innovation is tremendously important, including potential innovation involving peer-to-peer file-sharing technologies. This act recognizes this, and it protects the ability of Federal agencies to pursue new technologies, including peer-to-peer technology. The only limitation it imposes is a requirement that agencies not jeopardize the security of sensitive government records.

When popularly available, peer-to-peer file-sharing programs can threaten us with viruses and worms and put in risk the privacy of sensitive information. I think we can all agree that they have no place on government computers and networks. That is why, Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 3159, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA MILITARY RETIREMENT EQUITY ACT OF 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3054) to amend the Policemen and Firemen's Retirement and Disability Act to permit military service previously performed by members and former members of the Metropolitan Police Department of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police, and the United States Secret Service Uniformed Division to count as creditable service for purposes of calculating retirement annuities payable to such members upon payment of a contribution by such members, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3054

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Military Retirement Equity Act of 2003".

SEC. 2. PERMITTING INCLUSION OF PREVIOUS MILITARY SERVICE AS CREDITABLE SERVICE FOR CERTAIN DISTRICT OF COLUMBIA RETIREES.

Subsection (c)(8) of the Policemen and Firemen's Retirement and Disability Act (sec. 5-704(h), D.C. Official Code) is amended—

(1) by striking "(8) Notwithstanding" and inserting "(8)(A) Except as provided in subparagraph (B), notwithstanding"; and

(2) by adding at the end the following new subparagraph:

"(B)(i)(I) Except as provided in subclause (II), and subject to clause (iv), each member or former member who has performed military service before the date of the separation on which the entitlement to any annuity under this Act is based may elect to retain credit for the service by paying (in accordance with such regulations as the Mayor shall issue) to the office by which the member is employed (or, in the case of a former member, to the appropriate benefits administrator) an amount equal to 7 percent of the amount of the basic pay paid under section 204 of title 37, United States Code, to the member for each period of military service after December 1956. The amount of such payments shall be based on such evidence of basic pay for military service as the member may provide, or, if the Mayor determines sufficient evidence has not been so provided to adequately determine basic pay for military service, such payment shall be based upon estimates of such basic pay provided to the Mayor under clause (iii). Payment of such amount by an active member must be completed prior to the member's date of retirement or October 1, 2006, whichever is later, for the member to retain credit for the service.

"(II) In any case where military service interrupts creditable service under this subsection and reemployment pursuant to chapter 43 of title 38, United States Code, occurs on or after August 1, 1990, the deposit payable under this clause may not exceed the amount that would have been deducted and withheld under this Act from basic pay during the period of creditable service if the member had not performed the period of military service.

"(ii) Any deposit made under clause (i) more than 2 years after the later of—

"(I) October 1, 2004; or

"(II) the date on which the member making the deposit first becomes a member following the period of military service for which such deposit is due,

shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under paragraph (5)(B).

"(iii) The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, or the Secretary of Health and Human Services, as appropriate, shall furnish such information to the Mayor as the Mayor may determine to be necessary for the administration of this subsection.

"(iv) Effective with respect to any period of military service after November 10, 1996, the percentage of basic pay under section 204 of title 37, United States Code, payable under clause (i) shall be equal to the same percentage as would be applicable under subsection (d) of this section for that same period for service as a member subject to clause (i)(II).".

SEC. 3. ADJUSTMENT IN FEDERAL BENEFIT PAYMENTS TO CERTAIN POLICE AND FIRE RETIREES TO TAKE MILITARY SERVICE ADJUSTMENT INTO ACCOUNT.

(a) In General.—Section 11012 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (sec. 1-803.02, D.C. Official Code) is amended by adding at the end the following new subsection:

"(f) Treatment of Military Service Credit Purchased by Certain Police and Fire Retirees.—For purposes of subsection (a), in determining the amount of a Federal benefit payment made to an officer or member, the benefit payment to which the officer or member is entitled under the District Retirement Program shall include any amounts which would have been included in the benefit payment under such Program if the amendments made by the District of Columbia Military Retirement Equity Act of 2003 had taken effect prior to the freeze date.".

(b) Conforming Amendment.—Section 11003(5) of such Act (sec. 1-801.02(5), D.C. Official Code) is amended by inserting "and (f)" after "section 11012(e)".

(c) Effective Date.—The amendments made by this section shall apply with respect to Federal benefit payments made after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. Tom Davis) and the gentleman from California (Mr. Waxman) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. Tom Davis).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3054.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3054, the District of Columbia Military Retirement Equity Act of 2003 is bipartisan legislation that will allow current and former police officers, firefighters, U.S. Park Police officers, and United States Secret Service employees in the District of Columbia to essentially buy back military service time to avoid costly reductions in their monthly benefit payment.

☐ 1330

Under the Balanced Budget Act of 1997, the Department of the Treasury and the District of Columbia share responsibility for the D.C. police officers and firefighters retirement plan.

In conjunction with the District, the Treasury Department proceeded to audit the program and discovered a mistake in which individuals were concurrently receiving credit for their post-1956 military service while being eligible for Social Security. Treasury was then forced to reduce hundreds of annuitants' monthly benefits. Through no fault of their own, hundreds of retirees find themselves in the precarious position of having to buy back the military time or have a dramatic reduction in their annuity.

This reality is clearly unfair, was unintended, and must be corrected. I believe this House has an obligation to right this wrong for the benefit of those who selflessly protect our Nation's capital city, and this legislation gives us an opportunity to do just that. The D.C. Military Retirement Equity Act provides a fair mechanism for active duty retirees and retirees to buy back their military service time while it preserves their planned monthly annuity.

This legislation parallels the Civil Service Retirement Act. Federal employees who retired under the Civil Service Retirement Act were made aware of the post-1956 law and were permitted to buy the service credit by making payments equal to 7 percent of the military basic pay for the period in question. If the employee elected to buy back the service credit, it continued to be counted after the employee became eligible for Social Security. The current and former officers covered under this bill who have served our country not once but twice deserve the same opportunity.

Mr. Speaker, I urge all Members to support H.R. 3054. I thank and congratulate my colleagues, the distinguished cosponsors of this legislation, the gentleman from Maryland (Mr. Hoyer) and the gentleman from Pennsylvania (Mr. Weldon), for their efforts on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

I also rise in support of this legislation, and I want to commend the gentleman from Virginia (Mr. Tom Davis) and the others who have brought this legislation forward. I know the important role that the gentlewoman from the District of Columbia (Ms. Norton) played in urging us to pass this legislation. It makes sense.

This bill offers a fair remedy for retired and active duty District firefighters, District police officers, U.S. Secret Service, and U.S. Park Police that is in parity with Federal employees. There is no reason they should not have that parity.

In the late 1980s, Congress passed similar legislation offering Federal retirees enrolled in the Federal Employees Retirement System and the Civil Service Retirement System an opportunity to buy back their military time to maintain a consistent annuity once they became eligible for Social Security benefits. After the Department of the Treasury assumed financial responsibility of the D.C. Metro plan in 1997, they conducted an audit and discovered an oversight of a Federal law that prohibits any retiree with post-1956 military service from crediting that time towards their retirement once they become eligible for Social Security.

These brave men and women serve our country and our communities without question. We have a duty to meet our commitment to them, that they will be offered opportunities for a comfortable retirement. There are at least 300 retired police officers and firefighters whose annuities have already been reduced, with an average of 3 years of post-1956 military service. The D.C. police officers and firefighters retirement plans cover approximately 14,000 retirees and survivors who served as D.C. police officers, firefighters, U.S. Secret Service and Park Police. We need to treat them fairly.

That is why I would urge all my colleagues to support this bill. It is a bill that I cannot see how anybody could oppose it. I just think it is the right thing to do; and given that fact, there is nothing more that I could say on this matter except let us as quickly as we can pass this bill to the other body and hope they send it to the President for his signature. Let no time go further and lose the opportunity to correct what is a defect in the law and that we have an opportunity to correct.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I thank my friend for his remarks. Let me say that even today, our police officers and firefighters in the District of Columbia, our Secret Service agents put their lives on the line and one never knows what is around the corner in a job like this. It is difficult recruiting and retaining the best and the brightest for these positions; and to some extent, they look at how we treat current retirees when they decide to sign up and for retention or to join the Department in the first place.

In this particular case, a grave mistake was made at the time of the Balanced Budget Act. It had ramifications of basically taking thousands of dollars away from people who over the last generation laid their lives on the line for the safety of the citizens who run our Nation's capital, our law makers and government institutions.

This legislation is, I think, a modest attempt to try to right that wrong, and I hope that current officers and those that are thinking of going into this understand the high regard in which this Congress holds these individuals and honors the service that they gave this city and this government during their tenure. That is what this equity act is all about. That is why it has strong bipartisan support, and that is why I urge our colleagues in the House to support this legislation today.

Mr. Speaker, I have no other speakers at this point, and I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

I have no other speakers here at the present time, but I know there are Members who want to put their statements in the RECORD in support of this legislation, especially those who have played such a fundamental role in advancing this cause and bringing it to our attention.

Mr. Speaker, seeing that they will have an opportunity, I am sure, at the appropriate time, I yield back the balance of our time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from California (Mr. WAXMAN) for his leadership and again the gentleman from Maryland (Mr. HOYER), who is a cosponsor with me, the gentleman from Pennsylvania (Mr. WELDON), of course our distinguished Delegate from the District of Columbia (Ms. NORTON). We thank all of them for helping to put this together as we hopefully pass this today, send this to the other body for what we hope will be fast consideration and a signature on the President's desk.

Mr. HOYER. Mr. Speaker, I rise today to join my colleague and good friend from Virginia, Mr. DAVIS, in supporting H.R. 3054, the DC Military Retirement Equity Act. This measure goes a long way in providing a fair solution to an unjust problem.

When I was notified that hundreds of former military service members and retired Firefighters, Police Officers, Secret Service personnel, and U.S. Park Police were having their annuities forcibly reduced due to no fault of their own, it was clear that this was an injustice in need of swift action.

The solution, H.R. 3054, will allow retired and active duty DC Firefighters and Police Officers as well as U.S. Secret Service and Park Police to buy back any military service time in order for them to maintain their monthly annuity. An oversight in the administration of their retirement plans neglected to account for a federal law prohibiting any post 1956-military service from being credited towards a retiree's benefits once that retiree becomes eligible for Social Security.

In the past few months, many retirees have had their hard earned monthly annuities reduced by up to $600 per month. Future retirees can expect similar reductions, unless we pass this measure. Unlike options given to federal employees under FERS and CSRS, these members were never told about this provision and never offered an opportunity to buy back their time. H.R. 3054 will allow retirees to maintain their monthly annuities and will allow working men, women and their families to accurately plan for their retirement. These dedicated men and women selflessly served their country in the military and continued in their service by protecting our communities. We have a responsibility to ensure that they receive what they have rightfully earned.

I am pleased that Chairman DAVIS, Chairman WELDON, Ranking Member WAXMAN, Ranking Member DAVIS, Congresswoman NORTON and I have been able to work in a bipartisan manner to develop a positive solution to a potentially crippling injustice. I would urge my colleagues to support H.R. 3054.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I have no other speakers, and I yield back any remaining time I have.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 3054, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Policemen and Firemen's Retirement and Disability Act to permit military service previously performed by members and former members of the Metropolitan Police Department of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police, and the United States Secret Service to count as creditable service for purposes of calculating retirement annuities payable to such members upon payment of a contribution by such members, and for other purposes.".

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for approximately 10 minutes.

Accordingly (at 1 o'clock and 38 minutes p.m.), the House stood in recess for approximately 10 minutes.

□ 1349

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 1 o'clock and 49 minutes p.m.

AUTHORIZING THE PRESIDENT TO ISSUE POSTHUMOUSLY TO THE LATE WILLIAM "BILLY" MITCHELL A COMMISSION AS MAJOR GENERAL, UNITED STATES ARMY

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2755) to authorize the President to issue posthumously to the late William "Billy" Mitchell a commission as Major General, United States Army.

The Clerk read as follows:

H.R. 2755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. POSTHUMOUS COMMISSION OF WILLIAM MITCHELL IN THE GRADE OF MAJOR GENERAL IN THE ARMY.

(a) AUTHORITY.—The President may issue posthumously a commission as major general, United States Army, in the name of the late William Mitchell, formerly a colonel, United States Army, who resigned his commission on February 1, 1926.

(b) DATE OF COMMISSION.—A commission issued under subsection (a) shall issue as of the date of the death of William Mitchell on February 19, 1936.

SEC. 2. PROHIBITION OF BENEFITS.

No person is entitled to receive any bonus, gratuity, pay, allowance, or other financial benefit by reason of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentlewoman from California (Ms. LORETTA SANCHEZ) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2755, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we have the opportunity to look back on the life of one of our Nation's great air power visionaries, General William "Billy" Mitchell, a man of immense energy, leadership and foresight. Like many men who strived to change the status quo and turn great institutions to a more enlightened course, he was a man whose contributions were not rewarded during his lifetime. H.R. 2755 corrects that oversight by calling for the President to grant him a commission in the grade of Major General.

I want to, first of all, commend the gentleman from New Hampshire (Mr. BASS) for renewing my interest in this issue and providing this House with a great opportunity to honor an American hero.

From the earliest days of his military career, after enlistment at age 18 in 1898 during the Spanish-American War, Billy Mitchell stood out from the crowd. As a 32-year-old Captain in 1912, he was assigned to the Army General Staff as its youngest member. It was during this time that he began to understand the potential for air power to dominate the battlefield and, interestingly, the potential that we have seen reached so dramatically in this last campaign in the Iraqi theater.

After commanding America's war component during World War I, he returned to become the Deputy Commander of the Air Service in the grade of Brigadier General. It was from this position that he pressed his attack on the Navy and the Army for being insufficiently farsighted regarding air power. His demand to improve air power funding gained instant credibility after his bombers sank the captured German battleship Ostfriesland and several other warships in the summer and fall of 1921 in a very public, and for the Navy a very embarrassing, test of the capabilities of bomber aircraft.

In fact, Mr. Speaker, during that test a number of naval leaders were in an observation ship not far from these ships that Billy Mitchell's aircraft were demolishing, and there was a complaint, at least a thought, that perhaps he had directed some of the bombs be dropped not too far away from the observation ship so that the naval leadership could appreciate the full value of air power.

Billy Mitchell continued to make the case for enhanced air power even after he was removed from his position in the Air Service and exiled as a Colonel to be the Air Officer at VIII Corps in Texas. His relations with superiors soured as his rhetoric took on an accusatory tone.

After the crash of the Navy dirigible *Shenandoah* that killed 14 crew members, Billy Mitchell declared senior military leaders as incompetent and guilty of "almost treasonable administration of national defense." That was the last straw for many in the military, the White House, and the Congress. Billy Mitchell's court-martial for insubordination followed, and he left active duty in 1926 after he was found guilty and sentenced to a loss of pay for 5 years. Even after separation, Billy Mitchell remained in the public eye and continued to be a very effective advocate for air power.

Mr. Speaker, it is an unfortunate reality that the truly visionary people that herald important changes are often outcasts in the system they are trying to change. Our Nation is indeed fortunate that we had a man of Billy Mitchell's courage and leadership working for air power.

Without Billy Mitchell, the combat victories we savor today, that have relied so heavily on air power, may never have happened. It was Billy Mitchell who jump-started an awareness of the importance of the strategic bombing mission that has proven so pivotal in each of America's wars in the 20th century and now in this war on terrorism, the first war of the 21st century.

Mr. Speaker, the least that we must do is honor this great man with the promotion he was denied while serving his country. Again, I want to thank the gentleman from New Hampshire (Mr. BASS) for the opportunity to honor Billy Mitchell.

Mr. Speaker, I reviewed Billy Mitchell's writings that he published and gave to all the leadership in the administration in the early 1920s, after he had toured what he considered to be the world's problem areas, where this great man of vision attempted to project and analyze where America's next threat would come from. More than a decade before Pearl Harbor, Billy Mitchell predicted that at some point that American strategic strong point would be struck by a low-level early morning Japanese air attack.

Interestingly, this gentleman of vision not only published his theories but he went out and spent a great deal of time backing them up with observations and putting in lots of time, and he made America aware of the importance of air power. He let us know that we were in the age of air power and that if we did not dominate in air power we would be dominated.

I have always thought we need a Billy Mitchell in this age, in this age of missiles, and that if we do not build an adequate defense against missiles, at some point we will see an enemy missile striking the American mainland and striking our troops in theater.

He was a visionary, Mr. Speaker, a guy who ruffled a lot of feathers, made a lot of people angry, and in the end demolished his own career. Yet he left as a legacy an understanding of the importance of a factor which has been of such major importance of each of the wars in this last century and this first war of this new century and that is the importance of air power. So I would urge adoption of H.R. 2755.

Mr. Speaker, I reserve the balance of my time.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield 5 minutes to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I thank the gentleman, the chairman of the Committee on Armed Services, for yielding me this time, and I greatly appreciate his accommodation of this piece of legislation, which is, interestingly enough, identical word for word to a similar bill that was introduced on July 16, 1957, by my father when he was serving in the same capacity I am serving in today.

The reason for that is that Billy Mitchell was my mother's uncle. As a young child, I grew up in a household where his name came up often, and he was used as an example of the benefits and actions that could occur if you were courageous and you took chances for the good of your country. Clearly, Billy Mitchell was one of these individuals.

He was a very small, rather diminutive fellow, about five-one or five-two. He always dressed to the nines, with all of his uniforms, and he carried a swagger stick. What he did not have in stature, he made up for in his presentation. And my mother was much the same way, very small but carried a pretty heavy stick.

Billy Mitchell really brought to this country or to the military in this country not only the concept of air power and its importance and significance, which he battled for tirelessly, but he also brought to the fledgling air corps at that time the idea that pilots were going to be brave and courageous and take enormous chances and that they were going to be proud of it. He would show up to fly in uniforms that he created himself, which were a combination of a military uniform and outfits for riding horses, with high boots and so forth, and some of this stuff still exists today in the Air Force. The right stuff, the whole concept of an Air Force pilot, an ace, being brave and courageous and going right to the limit came from Billy Mitchell.

He did, indeed, live three lives in the course of the 56 years he was alive, and he stepped on a lot of toes. He had tremendous courage. He had tremendous initiative. He understood where the military was going in this country, but he lacked tact. There was no question about that. He had the ability to say the wrong things to the wrong people at the wrong time on occasion, including the President of the United States, Calvin Coolidge, and a lot of other higher-ups in the military. The result was that, because of his outspokenness about where he thought America air power should be, he was court-martialed.

The chairman has brought to our attention the fact that a good 15 years before Pearl Harbor occurred he predicted almost to the day and the hour when the Japanese would attack. Nobody listened to him. And there is no better example of that than, if I can quote from the "Billy Mitchell Affair," and this is Franklin Delano Roosevelt as President in 1944, FDR says, "If back in 1940 I had said to the Chiefs of Staff of the Army or the Navy, 'Our next war is going to be in the Aleutians and down in the Southwest Pacific,' they would have all laughed at me. They are the experts at that sort of thing. I am not an expert, said the President. I am just an ordinary American. We can see now that Americans were caught unprepared because we ordinary human beings followed the best advice we had at the time."

□ 1400

It was as if Billy Mitchell had never existed. The reality was he was a visionary in the military, and we have such visionaries today as well. I hope as policymakers here in Congress, we allow these individuals to have the ability to speak their mind and to lead our country, not follow. That is why I am here today supporting the bill that will restore General Billy Mitchell to the rank of major general, a bill that was not supported by the military back in 1957; but thanks to the leadership of the gentleman from California (Chairman HUNTER) we have this bill before us. I urge Congress to pass it and send it to the Senate.

Mr. HUNTER. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I thank the gentleman from California (Chairman HUNTER) and the gentleman from New Hampshire (Mr. BASS) for what they are doing here. It is a long time in coming. I do not quite understand why it took this long. I and the gentleman from Texas (Mr. SAM JOHNSON) started the Air Force Caucus here in Congress. It involves both Senate and House Members; and it has been very successful in its advocating air power, what Billy Mitchell was talking about in the very beginning.

When we look at his career and what he did, we can understand the flak that he would run into. We can understand the sort of moral courage that he had to go up against, the infrastructure of the existing services, and try to point out that this new bombing method would not only take out ships, but would have a huge ramification in future wars.

I would say if Billy Mitchell was alive today, he would advocate Star Wars. I think the same kind of logic he thought for air power, he would say we can someday have the ability to stop ballistic missiles from getting out of their sights and causing damage through Star Wars. I bring that in tangentially just because Billy Mitchell had that kind of moral courage to say what he felt.

Today, we are recognizing his superior nature to advocate something that nobody else saw on the horizon. We have had others advocate air power before; but none as specifically and dramatically, and putting himself and his career and his reputation into jeopardy. I am very pleased to be on the floor here to advocate and support this bill and to also point out to my colleagues that sometimes all of us will hear about a new technology and new ways of advocating things to help the United States, and we should keep an open mind because, who knows, maybe another Billy Mitchell is advocating the right thing for this country.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, no Americans were killed by enemy air power in this last conflict in the Iraqi theater nor in the Afghanistan theater, nor in several theaters before that because the United States totally dominated the air. I think it is fair to say that every time every F–18 driver, every F–14 driver, every A–10, and everyone else who flies an aircraft, whether it is an attack bird or recon bird or a transport or a bomber aircraft, carries with them a little bit of the legacy of General Billy Mitchell. A lot of folks make decisions in the Pentagon and take positions for which they are never rewarded. I think it is fitting and proper that we are making this decision even at this late date to recognize this great American.

Mr. Speaker, I reserve the balance of my time.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from California (Chairman HUNTER) for bringing this bill to the floor, and I rise in support of the bill offered by the gentleman from New Hampshire, H.R. 2755, which would authorize the President to posthumously promote the late William "Billy" Mitchell, United States Army, to the rank of major general.

General Billy Mitchell was often called the Nation's air power visionary. He was an outspoken advocate of the importance of strategic air power and its vital role in our Nation's military strategy. Many consider him to be the father of today's United States Air Force.

He was born in 1879 to Wisconsin Senator Colonel John Lendrum and his wife, Harriet Becker, in Nice, France. And he left college before graduating to enlist in the First Wisconsin Infantry for the Spanish-American War. He rose rapidly through the ranks and received a field commission in the Signal Corps, and in 1912 he became the youngest member of the General Staff. It was there that he became interested in aviation, which was at the time assigned to the Signal Corps.

Although Billy Mitchell was 38 years old when he learned to fly by taking private flying lessons, he accomplished much during World War I. For example, he was the first American airman to fly over enemy lines. He was the first American officer under enemy fire, and he was awarded the French Croix de Guerre with Palm, the French Legion of Honor, and commanded the largest aerial armada in history. He commanded all American combat units in France and was elevated to the rank of brigadier general.

By the early 1920s, General Mitchell began to advocate the creation of the Air Force to be independent of the Army. This was essential, he said, because aircraft would one day cripple the Navy and render battleships obsolete. When his colleagues dismissed this concept, he proved his point at Chesapeake Bay in 1921 by test-bombing and sinking several captured battleships.

In 1925, General Mitchell's relationships with his superiors deteriorated even further, and he was reduced in rank to colonel. It was the tragic crash of the *Shenandoah*, a Navy gas-filled air ship which killed 14 Navy crewmembers, which led General Mitchell to issue his famous statement. General Mitchell accused senior leaders in the

Army and Navy of incompetence and, as the gentleman from California (Mr. HUNTER) said, "almost treasonable administration of the national defense."

Mitchell was court-martialed, found guilty of insubordination and suspended from active duty without pay for 5 years. Instead, General Mitchell elected to resign, and he retired to a farm near Middleburg, Virginia. But from his retirement, he continued to promote air power and its importance and warned of the dangers posed by other nations, particularly Japan. Nearly 20 years before the Japanese attack on Pearl Harbor, General Mitchell expressed concerns of a possible attack by foreign aircraft against the Philippines and against the Hawaiian Islands. However, he would not live to see his predictions come true in 1941.

Tragically, Billy Mitchell died in New York City on February 19, 1936. It was not until after his untimely death that the Army-Air Force in World War II adopted his ideas and plans. Ten years after his death, Congress awarded Billy Mitchell the Congressional Medal of Honor. Twenty years later, many Americans would learn more about the life of General Mitchell in the 1956 film "The Court-Martial of Billy Mitchell."

Decades later, General Mitchell's thoughts and principles on air power continue to guide us all in the air strategy of the United States Air Force, and so it is fitting that we recognize the enormous achievements of General William Mitchell and promote him to major general.

Mr. Speaker, I urge all my colleagues to support this bill and to provide General Mitchell with the recognition that he deserves.

Mr. Speaker, I yield back the balance of my time.

Mr. HUNTER. Mr. Speaker, I thank the gentleman from New Hampshire (Mr. BASS) for moving this important legislation recognizing a great American, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the bill, H.R. 2755.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PERMANENT AUTHORITY FOR EXEMPTION FOR CERTAIN MEMBERS OF THE ARMED FORCES FROM PAYING SUBSISTENCE CHARGES WHILE HOSPITALIZED

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2998) to amend title 10, United States Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized, as amended.

The Clerk read as follows:

H.R. 2998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT AUTHORITY FOR EXEMPTION FOR CERTAIN MEMBERS OF THE UNIFORMED SERVICES FROM REQUIREMENT TO PAY SUBSISTENCE CHARGES WHILE HOSPITALIZED.

Subsection (c) of section 1075 of title 10, United States Code (as added by section 8146(a)(2) of the Department of Defense Appropriations Act, 2004 (Public Law 108–87)), is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Arkansas (Mr. SNYDER) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2998, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today through the attention, diligence, and concern of a single individual, the gentleman from Florida (Mr. YOUNG). The very effective and very dedicated chairman of the Committee on Appropriations has brought this, I think, very not just unnecessary but distasteful provision in our laws to our attention, and we are here today under the gentleman's leadership to reverse that.

This is a great example of what we do not know can hurt us, a provision that I do not believe that many Members were aware even existed; but again through the gentleman's attention and devotion, we are about to resolve and correct it.

Mr. Speaker, I rise in strong support of H.R. 2998, a bill introduced by the Chairman of the Appropriations Committee, Mr. YOUNG, to exempt service members receiving medical treatment in military hospitals for combat wounds from being charged for the cost of their meals while hospitalized.

I would like to commend the gentleman from Florida for bringing this bill to the attention of the House. I think it is important that my colleagues understand the personal side of this story because it is so characteristic of Chairman YOUNG.

The need for this legislation became apparent to the Chairman during a visit that he and his lovely wife Beverly made to Walter Reed Army Medical Center and Bethesda Naval Hospital to provide comfort and support to the personnel wounded in Iraq and Afghanistan, and their families. While visiting with one of the wounded, he was made aware of a legal requirement for hospitalized service members to repay their basic allowance for subsistence to compensate the government for the meals they received.

What Chairman YOUNG immediately recognized was that the authors of the law requiring this payment did not contemplate that service members wounded in combat would be subjected to the same requirement right along with the member who had received routine treatment. He understood that America would not want its combat wounded to be confronted with a food bill when they departed the hospital.

It is the Chairman's nature to look after the welfare of our fighting men and women and to correct injustice when he encounters it. In looking out for the troops, he was also looking out for each member of this House. He knew that the right thing to do was to ensure that those wounded in combat or combat-like activities must not be bothered with a bill for their meals. For that, all the members of the House owe the Chairman a debt of gratitude.

The Chairman first took out his check book and personally paid the bill for the service member who had brought this issue to his attention. He then took action to include a provision in the Defense Appropriations Bill for Fiscal Year 2004 to ensure that an immediate fix was put into place. I am proud to say that today we will follow Chairman YOUNG's leadership and make that temporary fix a permanent change to the law.

Again, I commend Chairman YOUNG for this bill and thank him for his diligence in protecting the interests of our service members.

I urge my colleagues to vote yes on H.R. 2998.

Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. YOUNG), the author and the motivator behind this very worthy piece of legislation.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and I appreciate the gentleman for bringing this very important bill to the floor, especially under suspension of the rules.

The gentleman from New York (Mr. MCHUGH) is a very dedicated supporter of our military and is an important member of the Committee on Armed Services. And as chairman of the subcommittee, he does an important job. I know of no one who is more committed to the members of our military than the gentleman from New York (Mr. MCHUGH) and the gentleman from California (Chairman HUNTER).

What we are talking about today has to do with soldiers wounded on the battlefield in a military hospital recovering from those wounds who are charged $8.10 a day for the food they consume while they are in the hospital recovering from wounds received on the battlefield. When I learned about that, I have to tell Members, I could not believe it. So I did a little research, and my research told me this is true. This is the case; this is in the law.

I spoke to the administrators and commanders of the military hospitals at Walter Reed Army Hospital, at the National Naval Medical Center at Bethesda, at the Hospital at Landstuhl, Germany, and they all said, yes, we have to do this, it is in the law, but it is more trouble than it is worth. They said they are actually embarrassed when they have to hand a soldier, when he left their hospital a bill for the food that he or she consumed while in that hospital recovering from wounds received on the battlefield. That is not right. That is outrageous.

So I introduced H.R. 2998 to repeal that law. Actually, while we were moving the defense appropriations bill, I was able to include that bill in the defense appropriations bill which was signed into law on September 30.

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So immediately the problem was fixed but was only fixed for a year because appropriations bills only last for a year. So I asked the gentleman from California (Chairman HUNTER) and the gentleman from New York (Chairman MCHUGH) if they would report this bill to the floor so that we could have a vote on it. I asked for a vote because so many of our colleagues, when they learned of this, were just as outraged as I was, and they asked that we have a vote. So we will ask for a vote on this bill because so many of our Members want to vote for this bill. Nearly 300 of our colleagues, Mr. Speaker, have cosponsored this legislation.

This is something that really needs to be fixed. It was fixed for 1 year, but this fix makes it permanent. This repealed the law permanently, and we will not be embarrassed again by handing a soldier who is leaving in a wheelchair with both legs amputated or an arm amputated or vision totally destroyed or handicapped for life and we are not going to insult them by asking them to pay $8.10 a day for the food that they consumed while in that military hospital.

I thank the gentleman very much for bringing this very important bill to the floor.

Mr. Speaker, I rise in strong support of H.R. 2998, legislation I introduced to permanently repeal an outrageous law that requires our combat wounded military to pay for their food while hospitalized recovering from their wounds.

I want to thank my friend and colleague, the Chairman of the House Armed Services Committee, Mr. HUNTER, and the Chairman of the Total Force Subcommittee, Mr. MCHUGH, and all the members of the Committee for their support of my legislation and their willingness to expedite its consideration by the House. There are no greater friends to our troops in the field then Chairmen HUNTER and McHugh and the members of their Committees.

This is a law that has been on the books since 1958 for hospitalized officers and since 1981 for enlisted personnel. I only learned about it late this summer from my wife Beverly, who spends considerable time visiting with injured soldiers, sailors, Marines, airmen, and Coast Guardsmen at the Walter Reed Army Medical Center and the National Naval Medical Center in Bethesda. A family member of a Marine reservist who had to have a part of his foot amputated brought it to her attention.

This law is a serious affront to those injured in battle. Upon being discharged from the hospital, our enlisted personnel and officers are actually served with a bill to pay for their "subsistence" while in the hospital. The current daily rate for these charges is $8.10. For those who pass through more than one hospital on their way to recovery, they are served with multiple bills.

We learned about this from our visits with Staff Sergeant William L. Murwin, who spent 26 days in the hospital recovering from injuries incurred in Iraq. Sergeant Murwin is a reservist in the Marine Corps who was injured when a 10-year-old Iraqi dropped a grenade in the HUMVEE he was driving. As a result of the explosion, Sergeant Murwin is a partial amputee, having lost a large part of his foot.

Upon his discharge July 18th to return home to Nevada and his job as a sheriff's deputy, Sergeant Murwin was handed a bill from the hospital for $210.60 to pay for his food and subsistence. Beverly and I paid this bill for Sergeant Murwin because we consider it an injustice to ask those who have served us so courageously in Afghanistan and Iraq to pay for their food while hospitalized.

Legislation I introduced on September 4th, and which is cosponsored by 256 of my colleagues, amends current law to prohibit service members injured in combat or training from being billed for the food while hospitalized. It has been endorsed by a wide range of veterans service organizations including The Air Force Sergeants Association, AMVETS, the Association of the United States Army, The Enlisted Association of the National Guard, The Fleet Reserve Association, The Military Officers Association of America, The Military Order of the Purple Heart, The Naval Reserve Association, and The Reserve Officers Association of the United States, among others.

Upon learning about these hospital charges, I researched the issue and found that Congress initiated the system of charging for subsistence costs for officers who were hospitalized in 1958 under Public Law 85–861. The 97th Congress amended this law in 1981 with Public Law 97–22 to include enlisted service members. Although I can find no one who claims responsibility for this legislation, I have found in the five weeks since introducing my legislation overwhelming support for its immediate repeal.

To end this injustice to our injured troops, I included my legislation in the conference report on the Fiscal Year 2004 Defense Appropriations Bill, which the House and Senate approved last month and President Bush signed into law on September 30th. Being that it was included in an appropriations bill, that provision only extends through Fiscal Year 2004. The legislation we consider today will make the repeal permanent.

Mr. Speaker, this is a long overdue correction to our statutes. No one wants to see these men and women have to write a check for their hospital stay, least of all the staff of our Nation's military hospitals. I have personally talked with the senior staff at our major military hospitals both here and in Germany and they all support this legislation and say that not only is the collection of these checks an insult to our troops but it is more of an administrative burden than it is worth.

We all agree that we should be honoring and thanking those in uniform for their service to the cause of peace and freedom, not billing them for their food. And we should be doing all we can to help them recover from their injuries, not ask them to write a check to the U.S. Government upon their discharge from the hospital to begin their period of convalescence.

It is my hope that my colleagues in the House will join in supporting this legislation today as a fitting tribute to all those who serve so valiantly and unfortunately have returned home injured, missing limbs, and in many cases being permanently disabled. It is the least we can do for our Nation's keepers of peace and defenders of freedom.

Mr. SNYDER. Mr. Speaker, I reserve the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the ranking member of the Total Force Subcommittee, who is always a gentleman and very cooperative.

I have a prepared statement that I will enter in its entirety into the RECORD, but I wanted everyone for the record to know and to reflect on the reality, and the gentleman from Florida (Mr. YOUNG) is far too modest and far too much of a gentleman to point it out. He said it came to his attention. It did come to his attention.

What he did not mention, and I am not surprised that he did not mention, is that this gentleman, I think in part because he is a Member of Congress but I know mostly because he is such a deep, concerned and caring individual, in tandem with his lovely wife, Beverly, who is also deeply concerned and has headed up a program that is concerned about our veterans and about our men and women in uniform, have for years now paid visits to those brave men and women who have been wounded in service to this country. In fact, I learned about some of the wounded from the 10th Mountain Division, a division that I proudly represent from northern New York, who were in treatment at Walter Reed from the gentleman from Florida's (Chairman YOUNG) visitation there.

For years he and his wife have quietly gone there, giving aid and comfort to individuals just to let them know that others care. And how it came to his attention is that, number one, in visiting with one of these young heroes, he heard about their being wounded and then heard about the bill that this young hero was presented with.

What he also did not happen to mention either was the fact that the gentleman from Florida (Mr. YOUNG) was so offended and outraged, as well he might have been, that he and his wife wrote a check out of their personal funds for several hundred dollars to pay for that young man's bill for the food that he received while he was trying to recover from what was a partial amputation from his battlefield wounds.

This is a reflection of this man, who all of us have the honor and opportunity to serve with him understand so clearly is a caring, concerned individual and the kind of individual, as his partner is as well, Beverly, whom we are proud to call a colleague and honored and deeply appreciative of the fact that we can call him friend.

So this was not just something that came in a letter. It was not just something on a chance visit that he happened to hear about. This was a continuing pilgrimage by the gentleman from Florida (Mr. YOUNG) and his wife, Beverly, to visit our wounded as they have done repeatedly year in and year out, not for pride or glory, not to put out press releases, but because they care. I think it is important for the record to show that, what an honorable man this individual is and how he and his wife brought this incredibly wrong provision to our attention.

I again thank the gentleman from Arkansas for that opportunity for me to say at this moment those comments in respect and admiration of the sponsor of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SNYDER. Mr. Speaker, I yield myself such time as I may consume.

I, too, salute the gentleman from Florida (Chairman YOUNG) for his work on this bill.

I was recently, several weeks ago, out at Bethesda Hospital visiting some of our wounded there but also some young Marines who got malaria while they were in Sierra Leone. I worked in Sierra Leone in the past myself as a doctor years ago and have an interest in malaria. I ran into the gentleman from Florida's (Chairman YOUNG) wife out there during her good work in the halls of Bethesda Hospital, so I know he and she are both very much in touch with our men and women in the military who end up in the hospital.

I think the point has been well made that what may look good on paper in terms of accounting, that if we have military people getting a subsistent amount of money each month to help cover room and board and if they are in a place where they are getting free room and board, then let us do a deduction because they are getting that free room and board for that time where they are in a government facility. It makes no sense, though, in terms of public policy, when that facility is a hospital; and we all know that when we have someone in a hospital. We all know that when we have someone in a hospital, the family incurs additional expenses from phone calls and travel and transportation and running to the pharmacy to pick up shampoo that they forgot and all those kinds of things; and for these folks in the future that we are going to prevent this from happening to, they do not need that kind of hassle.

So I applaud the gentleman from Florida (Chairman YOUNG) for bringing this bill forward today.

Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I thank the gentleman from Arkansas (Mr. SNYDER) for yielding me this time.

I rise today also to express my deepest gratitude to our military personnel, but I am frustrated by the way our government and our country treats our military personnel, as was pointed out by the gentleman from Florida (Chairman YOUNG) and the extraordinary work that he and his wife have done, and I want to thank him and commend him for the great bill that he has here on the House floor.

No factory worker or teacher is required to pay for any part of the recovery should they be injured on the job. However, if a serviceman is injured while defending our country in combat, in service to our country, they are forced to pay a part of their hospital stay, as reflected in the gentleman from Florida's (Chairman YOUNG) bill, and this should be corrected immediately. I am glad to see broad bipartisan support for this legislation, and I hope that our House passes this as quickly as possible.

I also want to bring one more, I think, concern to the attention of the people and our Congress, and that is what I introduced, House Resolution 387, a bipartisan House resolution to support our military personnel by covering their travel costs to return our troops home to their families and loved ones. People who have been in Afghanistan and Iraq and who have 2 weeks R&R, rest and recuperation, to visit with their families and loved ones are brought to the ports, to the borders of our country, and then from there, Mr. Speaker, they are forced, if they want to go on home, to pay their own way. I think this should be corrected, and we have 98 co-sponsors on this House resolution which would aim to correct this.

Our current policy leaves troops stranded or forced to pay their way for connecting flights, and I think we can and should correct this. Our government should pay all travel and transportation costs, and we should honor our troops who defend and protect us by seeing this is done.

Mr. SNYDER. Mr. Speaker, I reserve the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield 3 minutes to a gentleman from the great State of Nevada (Mr. PORTER), who has the opportunity to represent the hero that I mentioned that the gentleman from Florida (Chairman YOUNG) and his wife encountered, a brave young man now struggling with his recovery.

Mr. PORTER. Mr. Speaker, I thank the gentleman from New York for yielding me this time, and I thank the gentleman Florida (Mr. YOUNG) for introducing this legislation.

Staff Sergeant Murwin, whose plight inspired the gentleman from Florida (Chairman YOUNG) to introduce this bill, is a fellow Nevadan and wounded combat veteran. His courage in serving his country and looking out for the interests of his fellow combat wounded veterans is commendable. I must say it is absolutely shameful that Sergeant Murwin and soldiers like him were forced to pay for the privilege of trying to recover while their lives were in turmoil or in a hospital.

A few months ago, I joined with other Members of Congress as we visited Walter Reed Army Hospital and Bethesda Naval Hospital and had a chance to see firsthand the honor, the pride, and the pain of our fellow men and women in uniform. These men and women had limbs missing. One gentleman was run over by a tank. But, also, one young man had a flag attached to his lapel, a tattered small American flag that he wore to remember his fellow soldiers that were still at war.

Mr. Speaker, these men and women have given enough in the name of freedom and democracy. It is shameful that they were forced to pay on top of all that they had given of their lives. I am glad today that we have righted something that was very, very wrong.

Mr. SNYDER. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, I also rise in strong support of the legislation. To charge these veterans for meals I think is quite absurd; and I want to congratulate the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations for bringing this product forward. But I have to point out to my colleagues that we are not finishing the job today with this bill, and I would hope the chairman would help us in bringing to the floor before we adjourn another piece of legislation to correct an inequity. That is, when we bring our Iraqi veterans home for leave, we dump them in Baltimore.

I was flying out of National Airport about a week ago, and two veterans were there waiting for a plane. So I went to talk to them, and one was a regular Army personnel and the other was an Air Guard personnel, and I questioned them. I said, "Are you flying home on leave?"

They said, "Yes."

I said, "Did they fly you into National and you are taking your connection flight?"

They said, "No, we took a bus up from Baltimore so, on our own dime, we could fly home for a short period of time to be reunited with the families."

I think if we have billions of dollars to rebuild Iraq, to provide for zip codes there and garbage trucks and uniforms for their army, I think we can have the American taxpayers send these young men and women back home to the loving arms of their families in their hometowns, not in Baltimore.

So, hopefully, we can have that product come before us before we adjourn and make sure these folks are flown right home so they can spend their time with their families and not waiting for buses and other airplanes on their own dime.

Mr. SNYDER. Mr. Speaker, I yield myself such time as I may consume.

I once again want to thank the gentleman from Florida (Chairman YOUNG) and the gentleman from New York (Mr. MCHUGH) for their work on this bill. I look forward to seeing this become a permanent portion of the law and deal with this problem once and for all.

Mr. Speaker, I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Once again, let me thank the gentleman from Arkansas (Mr. SNYDER), my partner on the Total Force Subcommittee, for his leadership and assistance but most of all again the gentleman from Florida (Chairman YOUNG) for his leadership, his insight, and his continuing concern.

This is something that we need to fix; and, fortunately, because of the efforts of the gentleman from Florida (Chairman YOUNG), we have the opportunity to do it today. I certainly urge all of our colleagues to join us in supporting this very worthy measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 2998, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MCHUGH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR EXPANSION OF SLEEPING BEAR DUNES NATIONAL LAKESHORE

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 408) to provide for expansion of Sleeping Bear Dunes National Lakeshore, as amended.

The Clerk read as follows:

H.R. 408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF SLEEPING BEAR DUNES NATIONAL LAKESHORE.

(a) IN GENERAL.—When title to the land described in subsection (b) has vested in the United States in fee simple, the boundary of Sleeping Bear Dunes National Lakeshore is revised to include such land in that park.

(b) LAND DESCRIBED.—The land referred to in subsection (a) consists of approximately 104.45 acres of unimproved lands generally depicted on National Park Service map number 634/80078, entitled "Bayberry Mills, Inc. Crystal River, MI Proposed Expansion Unit to Sleeping Bear Dunes National Lakeshore". The Secretary of the Interior shall keep such map on file and available for public inspection in the appropriate offices of the National Park Service.

(c) PURCHASE OF LANDS AUTHORIZED.—The Secretary of the Interior may acquire the land described in subsection (b), only by purchase from a willing seller.

(d) LIMITATION ON ACQUISITION BY EXCHANGE OR CONVEYANCE.—The Secretary of the Interior may not acquire any of the land described in subsection (b) through any exchange or conveyance of lands that are within the boundary of the Sleeping Bear Dunes National Lakeshore as of the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Washington (Mr. INSLEE) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

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Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 408 introduced by the gentleman from Michigan (Mr. CAMP) of Michigan and amended by the Subcommittee on National Parks, Recreation and Public Lands, would authorize the Secretary of the Interior to expand the boundaries of the Sleeping Bear Dunes National Lakeshore by acquiring from a willing seller approximately 104.5 acres of land adjacent to the Lakeshore along the Crystal River.

H.R. 408, as amended, is supported by the majority and minority of the subcommittee. I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. INSLEE. Mr. Speaker, I yield myself such time as I may consume.

Sleeping Bear Dunes National Lakeshore includes 64 miles of shoreline along the northeastern edge of Lake Michigan. I want to commend the gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. STUPAK) for their great work bringing before us H.R. 408, working on this preservation, to acquire 100 acres for eventual addition to the Sleeping Bear Dunes.

I look forward to the passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CAMP), the sponsor of this legislation.

Mr. CAMP. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of H.R. 408, a bill to provide for the expansion of Sleeping Bear Dunes National Lakeshore, located in Empire, Michigan, and along the coast of Michigan. I introduced this bill in January with my colleague the gentleman from Michigan (Mr. STUPAK). This legislation represents a culmination of years of debate on the issue of whether or how to include certain acreage into the Park Service system.

H.R. 408 would authorize the National Park Service to purchase approximately 104 acres of property now owned by a private resort community and include it within the boundaries of Sleeping Bear Dunes National Lakeshore.

In the mid-eighties, The Homestead, a resort community located in Glen Arbor, Michigan, purchased property that included frontage on the Crystal River. The U.S. Fish and Wildlife Service described the property as "globally rare." Since the purchase of the Crystal River property, the owners of The Homestead have sought to build a golf course and over 30 single-family homes. The resort's desire to build on the pristine acreage caused concern among a number of community residents and local environmental groups who opposed development of the property.

To resolve the dispute, The Homestead and the Park Service began discussions to exchange the environmentally sensitive riverfront property for acreage already included in the Lakeshore. Residents and area environmental organizations rejected the idea of an exchange. Opponents argued that it would unfairly give land from one private landowner to another.

In the 1970s, the Federal Government condemned private land and included it in the Lakeshore, one of the first cases where the Federal Government condemned property that was already inhabited. At the time, the Federal Government told the private property owners that their land would be protected for the public to enjoy. The idea of trading that land to be developed into a golf course and homes was not a policy local residents and environmental groups could endorse.

After much negotiation and compromise, a solution has been reached that aims to benefit all stakeholders and is supported by all stakeholders. The agreement is embodied in H.R. 408. The bill stipulates that the purchase of this land be made on a "willing seller" basis. This stipulation was included intentionally to provide assurances to

The Homestead that their property will not be taken or withheld from them for any reason without their express consent. The bill also prohibits the Park Service from acquiring the property by an exchange.

Mr. Speaker, I want to thank the House Committee on Resources, particularly the gentleman from California (Chairman POMBO); the Subcommittee on National Parks, Recreation and Public Lands chairman, the gentleman from California (Mr. RADANOVICH); and members of the subcommittee, the gentleman from Michigan (Mr. KILDEE) and the gentleman from Indiana (Mr. SOUDER), for their outstanding support.

I urge my colleagues to adopt this noncontroversial but important measure.

Mr. INSLEE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK), who has been doing stalwart work for 11 years on this matter.

Mr. STUPAK. I thank the gentleman for yielding me time.

Mr. Speaker, H.R. 408 would accomplish the goal of allowing the National Park Service to acquire nearly 105 acres of land along the Crystal River adjacent to the Sleeping Bear Dunes National Lakeshore.

This legislation would facilitate the preservation of this rare and valuable land by allowing the National Park Service to add this property to the Sleeping Bear Dunes National Lakeshore, and, at the same time, would fairly compensate Bayberry Mills, Inc., a company affiliated with The Homestead, a large, well-known resort, for their property.

I have a particular interest in and a high degree of familiarity with the Sleeping Bear Dunes National Lakeshore and Bayberry Mills' property because for the last 10 years, it was located in my congressional district. It is a land of majestic beauty, and is a valuable environmental contribution to the area which lies along the pristine Crystal River.

For more than 17 years, there has been controversy about development along the Crystal River. Several proposals for development by the property owners have met with bitter opposition by environmentalists and some in the local community. There have been plans to build a golf course and develop homesites on the property. There is also a proposal to swap the property for lands within Sleeping Bear Dunes National Lakeshore. That, too, aroused controversy.

We must be grateful to Bayberry Mills and The Homestead for not developing this acreage and for their willingness to work with the National Park Service and our committees to preserve this land. However, now it is time to purchase this land and allow The Homestead to move on.

Last year, I introduced legislation to allow the Federal Government to purchase the land for inclusion into the Sleeping Bear Dunes National Lakeshore. This year, the gentleman from Michigan (Mr. CAMP), who has worked hard on this and who now represents the area, and Senator LEVIN in the other body, have introduced similar legislation, which I fully support and have cosponsored.

This legislation has garnered the support of Bayberry Mills, the Park Service, the local community and many of those in the environmental community who opposed previous development plans for the property.

Mr. Bob Kuras, President of Bayberry Mills, is to be commended for his willingness to complete this sale, and Congress needs to act quickly to take advantage of this opportunity. I truly believe that this legislation is the only solution to a 17-year-old dispute, and it is extremely important that the House and Senate act now, so we can have closure on this issue.

The Park Service will benefit greatly by having the property included in the Lakeshore, the local communities will support this purchase, and Bayberry Mills will be fairly compensated for their property.

Mr. Speaker, I thank my staff for their work on this issue over the past 10 years. I want to thank the gentleman from Michigan (Mr. CAMP) and his staff for their diligent work on this legislation we are voting on today. None of this could happen without the support of the Committee on Resources, and we certainly appreciate their help and support in this effort. This is a win-win-win situation, and I strongly urge my colleagues to join us in the passage of H.R. 408.

Mr. CANNON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I come to the floor today to urge my colleagues to support H.R. 408, to provide for the expansion of the Sleeping Bear Sand Dunes National Lakeshore, of course in my home State, the great State of Michigan. I also want to thank my colleagues, the gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. STUPAK) for offering this legislation.

As an avid Great Lakes sailor, I have been privileged to enjoy the natural beauty of our shoreline of my home State from both the land as well as the water. I am committed to preserving and protecting our lakeshore so that others can come to see the breathtaking splendor that we know as Michigan.

No part of our lakeshore is more spectacular than the Sleeping Bear Sand Dunes. Congress established the Sleeping Bear Sand Dunes National Lakeshore in 1970 to preserve this national treasure along the shores of Lake Michigan for all time.

For generations, Michigan citizens and tourists from around the Nation and the world have come to the Sleeping Bear Sand Dunes to enjoy the spectacular beauty of our shoreline and to enjoy the forest and the wildlife that this area does have to offer.

The Sleeping Bear Dunes were actually created by the retreat of the glaciers from the area, and they rise 400 feet above Lake Michigan. They offer an incredible view of this wonderful lake, and it is difficult, I think, to imagine a more beautiful view anywhere in the Nation.

In addition to the view offered atop the dunes, families can also explore beech and maple forests, beautiful meadows, wetlands lakes and streams. Wildlife is bountiful all over the park there. We have over 160 different species of birds nesting in the area, as well as red fox, coyotes, and our Michigan white-tailed deer.

The expansion of this park, I believe, is needed to preserve even more of the surrounding beach front for future generations to enjoy. Most people do not know that in Michigan, actually, we have 2,242 miles of shoreline and another 879 miles, if the islands are included as well. We actually have the longest shoreline, outside of Alaska. This actually equals the length of the Atlantic coast, if you think about it, from Maine to Florida. So the Great Lakes shoreline is an important part of our identity.

I just want to demonstrate how important the Sleeping Bear Dunes actually are to the State of Michigan. This is a children's book. At one time it was the best-selling children's book in the entire State of Michigan. It tells the old Indian legend of the Sleeping Bear Dunes, where the mother bear and her two cubs were swimming across Lake Michigan, and the mother bear made it to the Sleeping Bear Dunes area, and the two cubs did not. They became North and South Manitou. But this is a wonder, wonderful children's book. It is the kind of children's story that we talk to our children about in Michigan when we put them to sleep at night.

So, really, the Sleeping Bear Dunes is such a critical part of our identity in Michigan. I certainly urge my colleagues to support this important legislation.

Mr. INSLEE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, Sleeping Bear Dunes National Lakeshore is indeed a treasure. Located on Michigan's western shoreline of Lake Michigan, it is a splendor unto itself. This is why I strongly support H.R. 408, introduced by my colleague and friend, the gentleman from Michigan (Mr. CAMP).

This bill would authorize the acquisition of approximately 105 acres of pristine land for addition to the Lakeshore.

Since its establishment by Congress in 1970, Sleeping Bear Dunes has been enjoyed by many in Michigan and people from around the world. Thousands visit every year to experience its wonderful beaches, see its many wildflowers, birds and animals, and hike its trails.

Through the hard work of former Representative James O'Hara and former Senator Phil Hart, we protected this beautiful land. Now, through the hard work of a bipartisan group of Members, including the gentleman from Michigan (Mr. CAMP), the gentleman from Michigan (Mr. STUPAK), the gentleman from Indiana (Mr. SOUDER) and myself, as well as Senators LEVIN and STABENOW over in the Senate, we have an opportunity to protect further these magnificent lands.

Sleeping Bear Dunes National Lakeshore comprises roughly 64 miles of Lake Michigan shoreline and a combined 72,000 acres of Federal and non-Federal land. I have visited Sleeping Bear Dunes National Lakeshore many times and can testify to its majesty and uniqueness.

Acquiring this land along the Crystal River, adjacent to Sleeping Bear Dunes National Lakeshore, has been an ongoing struggle to help preserve the scenic beauty of this area. H.R. 408 represents a hard-worked compromise between the private landowners, the National Park Service and many others who were involved. Its passage will be a large step forward in bringing this issue to a close.

Mr. CANNON. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, first let me make it clear that I strongly support this legislation and also the necessary appropriations to follow through on the authorizing, and I think it is important we do it as soon as possible.

I would first like to express on the record a concern here, and that is that while it is a win-win situation for all the stakeholders involved, I personally believe there should have been a land swap. I believe the land swap was a reasonable request. What this is going to do is cost the taxpayers money that could have been used in other environmental projects in other parks around the country where we are still trying to buy out inholdings, to pay back people who, in fact, are restricted in their land use.

That said, for 17 years that has not happened. The owner is continuing to be deprived of his ability to use his property, and we do not want him to develop condominiums or housing developments along the beautiful Crystal River. It would destroy a very scenic area. So we have little choice in this area about what to do, and I believe this legislation will indeed compensate the owner, protect all the national park lands and expand the Sleeping Bear National Lakeshore.

I do not have any constituents in this area. I am not from the State of Michigan. I have many people from northern Indiana, including myself, who go up to Sleeping Bear. But I want to make a couple other general comments for the other Members of our body.

As you have heard from obviously the people from Michigan, just because they are pro-Michigan does not mean it is not true. This fresh water coast has the best dunes and the best beaches in the United States. I serve on the Subcommittee on National Parks, Recreation and Public Lands. I have traveled around this country for multiple years. The dunes are more spectacular, more wild and more scenic than what you see in Oregon, than what you see in Kitty Hawk. The beaches are more private and rural in ability to enjoy than you see on any of our other coasts, as someone who visits those coasts as well.

This is incredibly scenic country in a very populace State. This is not like the Indiana Dunes Lakeshore, where we preserved an ecosystem right at the edge of Chicago where other cities are. This is one, however, that still has a number of inholdings, small towns, and, as we work this through, what used to be largely a series of State parks, like DH Day and Platte River and other State parks, has now been joined together, not only where the spectacular dunes are, but the ecosystem that is dependent on the dunes' survival, one of which is the Crystal River.

This beautiful, scenic area comes in through the town of Glen Arbor and out by Glen Haven, as well as the Platte River coming in another part, and the ability for canoeists to enjoy this, the ability to keep the watershed and the trees preserved, so that not only do we have those moving dunes, the largest moving dunes in the world preserved, but the ecosystem that people, like I did when I was in college every spring, we went up and camped at Sleeping Bear, and my parents took me up there when I was young, so that other families can enjoy a wilderness in a fairly populus area of America.

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We do not have enough, unlike the speaker from Idaho and others, we do not have a lot of public lands in the Midwest. We do not have a lot of public lands, like many of my colleagues on the Subcommittee on National Parks, Recreation and Public Lands, like the gentleman from Utah (Mr. CANNON), who are looking often at districts that range anywhere from 30 to 90 percent Federal public lands. In the Midwest we have a shortage. This is helping fill an important gap in an important ecosystem with animal and bird diversity, with sand dunes, with rivers; and it is a rare opportunity to purchase this. So I hope we not only authorize this, but move the appropriations soon.

I commend the gentleman from Michigan (Mr. CAMP), the gentleman from Michigan (Mr. STUPAK), the gentleman from Michigan (Mr. KILDEE), and the gentlewoman from Michigan (Mrs. MILLER), and all of the others who have been involved. It has been a pleasure in preserving this important part of our natural and cultural heritage in the Midwest.

Mr. INSLEE. Mr. Speaker, in conclusion, we are just glad that the sponsors of this have not allowed Sleeping Bear Dunes to lie. We appreciate their work.

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 408, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMENDING THE MINERAL LEASING ACT TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ISSUE COMBINED HYDROCARBON LEASING

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3062) to amend the Mineral Leasing Act to authorize the Secretary of the Interior to issue separately, for the same area, a lease for tar sand and a lease for oil and gas, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMBINED HYDROCARBON LEASING.

(a) SPECIAL PROVISIONS REGARDING LEASING.—Section 17(b)(2) of the Mineral Leasing Act (30 U.S.C. 226(b)(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) The Secretary may issue under this Act for the same area, separately—

"(i) a lease for exploration for and extraction of tar sand; and

"(ii) a lease for exploration for and development of oil and gas.

"(C) A lease issued under subparagraph (B)(ii) shall not be further subject to the Combined Hydrocarbon Leasing Act of 1981 (30 U.S.C. 181 et seq.).

"(D) A lease issued for tar sand shall be issued using the same bidding process, annual rental, and posting period as a lease issued for oil and gas, except that the minimum acceptable bid required for a lease issued for tar sand shall be $2 per acre.

"(E) The Secretary may waive, suspend, or alter any requirement under section 26 that a permittee under a permit authorizing prospecting for tar sand must exercise due diligence, to promote any resource covered by a combined hydrocarbon lease.".

(b) Conforming Amendment.—Section 17(b)(1)(B) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(B)) is amended in the second sentence by inserting ", subject to paragraph (2)(B)," after "the Secretary".

(c) Regulations.—Within 45 days after the date of the enactment of this Act, the Secretary of the Interior shall issue final regulations to implement this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. Cannon) and the gentleman from Washington (Mr. Inslee) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. Cannon).

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on November 16, 1981, Congress passed the Combined Hydrocarbon Leasing Act. This act was in direct response to the energy crisis of the late 1970s and a policy of the Carter administration to promote alternative energy sources. This law has not only failed to accomplish its primary objective, which was to stimulate the development of tar sands as an alternative fuel to imported oil, it has restricted conventional oil and gas development in over a million acres of land that is highly productive. The vast majority of this land is located in the Uinta Basin in my State of Utah.

The reality is that extraction and processing of tar sands is an uneconomic venture in the United States. Even if these designated tar sands were designated for lease, the industry would be reluctant to acquire the leases since recovery and processing of the tar sands is so costly. Only one lease sale has occurred on the tar sands since 1981, totaling 1.34 percent of the lands. This fact clearly illustrates the shortcomings of the act.

The potential reserves of conventional natural gas and oil under the tar sands areas is huge. This is a tremendous resource that is not currently available to the citizens of Utah or to the citizens of the United States who, in the recent past have and in the near future, will suffer from extremely high natural gas prices to heat their homes during the coming winter months.

In addition to the valuable oil and gas resources that are being lost, the Federal Government and the citizens of Utah are losing hundreds of millions of dollars in potential royalty and tax revenues from producers who are willing to process the oil and gas deposits in the tar sands areas. The Department of the Interior and the Bureau of Land Management would still administer these lands.

Producers attempting to lease these lands will be subject to every existing environmental stipulation as well as any new regulation that may be placed on these lands. Protections are already in place to prevent any degradation of existing wilderness areas and wilderness study areas.

The goal of my bill is to not circumvent or change any environmental regulations, but simply to make available for lease over 1 million acres of land that contain tremendous potential for natural gas and oil development by allowing the Secretary of the Interior to issue separately for the same area, a lease for tar sand and a lease for oil and gas development.

Action is in the public interest and would help increase the Nation's energy independence.

Mr. Speaker, I reserve the balance of my time.

Mr. INSLEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my understanding that, in effect, this bill would apply to public lands which are administered by the Bureau of Land Management and have been identified as suitable for tar sand and oil and gas leasing within the State of Utah. The committee report states that no land designation would be changed or environmental regulation modified or circumvented in any way by this legislation. I think that is an important fact to note.

Mr. Speaker, I would have preferred that this bill be considered under regular order with a hearing in the Committee on Resources prior to markup and floor consideration, but out of our continuing efforts in the direction of comity and fair play, and in the consideration that we do not have the votes to change the outcome in any event, we are unaware of any substantive problems and will not object to its consideration today.

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, let me just point out that in the spirit of comity and fair play, we appreciate the gentleman's statement. This initiative, I think, is well understood and well known, and I can assure the gentleman that all environmental concerns will be dealt with in the appropriate manner.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. Cannon) that the House suspend the rules and pass the bill, H.R. 3062, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONVEYANCE OF CERTAIN NATIONAL FOREST SYSTEM LANDS IN MENDOCINO NATIONAL FOREST, CALIFORNIA

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 708) to require the conveyance of certain National Forest Systems lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes, and for other purposes.

The Clerk read as follows:

H.R. 708

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, FARAWAY RANCH, MENDOCINO NATIONAL FOREST, CALIFORNIA.

(a) Conveyance Required.—Subject to subsection (b), the Secretary of Agriculture shall convey to the owner of the property known as the Faraway Ranch in Lake County, California (in this section referred to as the "recipient"), by quitclaim deed, all right, title, and interest of the United States in and to the following National Forest System lands in Mendocino National Forest in Lake County, California:

(1) "Faraway Ranch, Tract 39" (approximately 15.8 acres), consisting of a portion of lot 6 of section 4, township 18 north, range 10 west, Mount Diablo base and meridian, as generally depicted on the map entitled "Faraway Ranch, Tracts 39 and 40" and dated June 30, 2002.

(2) "Faraway Ranch, Tract 40" (approximately 105.1 acres) consisting of a portion of the N½SW¼ and lot 7 of section 4, and a portion of lots 15 and 16 of section 5, township 18 north, range 10 west, Mount Diablo base and meridian, as generally depicted on the map referred to in paragraph (1).

(b) Time for Conveyance.—The Secretary shall make the conveyance under subsection (a) not later than 120 days after the date on which the recipient deposits sufficient funds with the Bureau of Land Management, California State Office, Branch of Geographic Services, to cover survey work costs and with the Forest Service, Mendocino National Forest, to cover Forest Service direct transaction costs described in subsection (e).

(c) Corrections.—With the agreement of the recipient, the Secretary may make minor corrections to the legal descriptions and map of the lands to be conveyed pursuant to this section.

(d) Consideration.—As consideration for the conveyance under subsection (a), the recipient shall pay to the Secretary an amount equal to the fair market value of the National Forest System lands conveyed under such subsection. The fair market value of such lands shall be determined by an appraisal that is acceptable to the Secretary and conforms with the Federal appraisal standards, as defined in the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference.

(e) Payment of Costs.—All direct transaction costs associated with the conveyance under section (a), including the costs of appraisal, title, and survey work, shall be paid by the recipient.

(f) Use of Proceeds.—

(1) Deposit.—The Secretary shall deposit the amounts received by the Secretary as consideration under subsection (d) in the fund established by Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a).

(2) Use.—Funds deposited under paragraph (1) shall be available to the Secretary until expended, without further appropriation—

(A) for the acquisition of land and interests in land for National Forest System purposes in the State of California; and

(B) for reimbursement of costs incurred by the Forest Service in making the conveyance under subsection (a).

(3) STATUS OF ACQUIRED LAND.—Notwithstanding Public Law 85-862 (16 U.S.C. 521a), any lands acquired under paragraph (2)(A) shall be managed as lands acquired under the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480, 500, 515 et seq.), regardless of whether any of the lands conveyed under subsection (a) were reserved from the public domain.

(g) WITHDRAWAL.—Subject to valid existing rights, the lands to be conveyed under subsection (a) are hereby withdrawn from all forms of location, entry, and patent under the public land laws and the mining and mineral leasing laws of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Washington (Mr. INSLEE) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 708, sponsored by the gentleman from California (Mr. THOMPSON), would require the conveyance of certain National Forest System lands in the Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes, and for other purposes.

This legislation would resolve a longstanding problem regarding the property boundary between the Mendocino National Forest and the Faraway Ranch in rural northern California. I urge support of the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. INSLEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 708 would correct a survey error by directing the Secretary of Agriculture to convey 120 acres of Forest Service land to the owner of the Faraway Ranch in California. In exchange, the rancher would pay fair market value for the lands.

We support this legislation sponsored by the gentleman from California (Mr. THOMPSON), who has been a tremendous advocate to get this long-standing issue resolved and has done a great job in his district. We urge the bill's adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman from Washington for yielding me this time, and I also thank the gentleman from Utah (Mr. CANNON) and the gentleman from Washington for the opportunity to speak on this bill. I would also like to thank the chairman of the committee, the gentleman from California (Mr. POMBO), and the ranking member, the gentleman from West Virginia (Mr. RAHALL), for their help in finally resolving this long-standing problem.

I want to mention to all of the Members that this bill was passed by this House unanimously last year. Unfortunately, it was part of the omnibus bill that never made it out of the other body.

But as everyone has mentioned, this takes care of a problem that has been festering for quite some time over a disputed boundary line. This bill would convey 120 acres of National Forest Service property to a landowner, the owner of the Faraway Ranch, for fair market value. He would not only pay the fair market value for the land, but he would also pay all of the costs associated with the transfer and any surveying that needs to be done. Then the Forest Service will be able to take that money and purchase from willing sellers other property within the confines of this forest to allow them to better manage our incredibly valuable national resource.

This is a good bill. It has no opposition and would take care of a longstanding problem. I would appreciate the support of all of my colleagues in making sure this is passed and signed into law.

Mr. INSLEE. Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 708.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bills H.R. 408, H.R. 3062, and H.R. 708.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed and on the questions postponed yesterday.

Votes will be taken in the following order:

H.R. 3108, by the yeas and nays;

H.R. 2297, by the yeas and nays;

H.R. 2998, by the yeas and nays;

House Resolution 355, by the yeas and nays; and

House Resolution 372, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes will be conducted as 5-minute votes.

PENSION FUNDING EQUITY ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of passage of the bill, H.R. 3108, on which further proceedings were postponed and on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

The vote was taken by electronic device, and there were—yeas 397, nays 2, not voting 35, as follows:

[Roll No. 535]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kleczka

Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Sanders
Taylor (MS)

NOT VOTING—35

Berkley
Bono
Calvert
Castle
Davis (FL)
DeLay
Diaz-Balart, L.
Edwards
Eshoo
Fattah
Fletcher
Foley
Gephardt
Gilchrest
Goodlatte
Hooley (OR)
Houghton
Issa
Jones (OH)
Kaptur
Kind
Lofgren
Matsui
Meeks (NY)
Millender-McDonald
Mollohan
Napolitano
Rangel
Shaw
Solis
Upton
Vitter
Walden (OR)
Watson
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1519

Messrs. SIMMONS, STARK, CAMP and GREENWOOD changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 535 on H.R. 3108, the Pension Funding Equity Act, I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the remainder of this series will be conducted as 5-minute votes.

VETERANS BENEFITS ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2297, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2297, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 35, as follows:

[Roll No. 536]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—35

Berkley
Bono
Calvert
Castle
Davis (FL)
DeLay
Diaz-Balart, L.
Edwards
Eshoo
Fattah
Fletcher
Foley
Gephardt
Gilchrest
Goodlatte
Houghton
Issa
Jones (OH)
Kaptur
Kind
Lofgren
Matsui
Meeks (NY)
Millender-McDonald
Mollohan
Napolitano
Quinn
Rangel
Shaw
Solis
Upton
Vitter
Walden (OR)
Watson
Woolsey

☐ 1526

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to improve benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.".

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 536 on H.R. 2297, the Veterans Benefits Act, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. GOODLATTE. Mr. Speaker, on rollcall Nos. 535 and 536 I was unavoidably detained. Had I been present, I would have voted "yea."

PERMANENT AUTHORITY FOR EXEMPTION FOR CERTAIN MEMBERS OF THE ARMED FORCES FROM PAYING SUBSISTENCE CHARGES WHILE HOSPITALIZED

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2998, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 2998, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 35, as follows:

[Roll No. 537]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—35

Berkley
Bono
Calvert
Castle
Davis (FL)
DeLay
Diaz-Balart, L.
Edwards
Eshoo
Fattah
Fletcher
Foley
Gephardt
Gilchrest
Houghton
Hunter
Issa
Jones (OH)
Kaptur
Kind
Lofgren
Matsui
Meeks (NY)
Millender-McDonald
Miller, George
Mollohan
Napolitano
Rangel
Shaw
Solis
Upton
Vitter
Walden (OR)
Watson
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1533

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend title 10, United States Code, to provide permanent authority for the exemption for certain members of the uniformed services from an otherwise-applicable requirement for the payment of subsistence charges while hospitalized.".

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 537 on H.R. 2298, on exempting members of the Armed Forces from subsistence charges while hospitalized, I was unavoidably detained. Had I been present, I would have voted "yea."

COMMEMORATING THE 100TH ANNIVERSARY OF DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND BULGARIA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 355.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, H. Res. 355, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 37, as follows:

[Roll No. 538]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—37

Berkley
Bono
Calvert
Castle
Collins
Davis (FL)
DeLay
Diaz-Balart, L.
Eshoo
Fattah
Fletcher
Foley
Gephardt
Gilchrest
Houghton
Issa
Jones (OH)
Kaptur
Kind
Lofgren
Matsui
McInnis
Meeks (NY)
Millender-McDonald
Mollohan
Moore
Napolitano
Pickering
Rangel
Shaw
Slaughter
Solis
Upton
Vitter
Walden (OR)
Watson
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1540

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 538 on H. Res. 355, concerning diplomatic relations between the U.S. and Bulgaria, I was unavoidably detained. Had I been present, I would have voted "yea."

EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES IN RESPONSE TO THE MURDER OF SWEDISH FOREIGN MINISTER ANNA LINDH

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 372.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, H. Res. 372, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 0, not voting 36, as follows:

[Roll No. 539]

YEAS—398

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)

Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—36

Bachus
Berkley
Bono
Calvert
Castle
Davis (FL)
DeLay
Diaz-Balart, L.
Eshoo
Fattah
Fletcher
Foley
Gephardt
Gilchrest
Houghton
Issa
Jones (OH)
Kaptur
Kind
Lofgren
Matsui
McInnis
Meeks (NY)
Millender-McDonald
Mollohan
Napolitano
Pickering
Rangel
Shaw
Slaughter
Solis
Upton
Vitter
Walden (OR)
Watson
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1549

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 539 on H. Res. 372, expressing condolences for Swedish Foreign Minister Anna Lindh, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 538 and 539 for personal reasons. Had I been present, I would have voted "yea" on rollcall votes 538 and 539.

LEGISLATIVE PROGRAM

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise to inquire of the majority regarding the schedule for next week.

Mr. CANTOR. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Georgia. I yield to the gentleman from Virginia.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Georgia for yielding to me.

Mr. Speaker, I want to make all the Members aware that the House has completed voting for the day and the week. We will postpone until next week any votes called on the three pending motions to instruct.

Next week, the House will convene on Wednesday at 2 p.m. for legislative business. At that time we expect to consider several measures under suspension of the rules. Any votes called on these measures will be rolled until after 6:30 p.m.

On Thursday, we plan to begin consideration of the Iraq supplemental, which the Committee on Appropriations is scheduled to mark up tomorrow. In addition to this measure, Mr. Speaker, we expect that a number of conference reports could be ready for the House to consider.

While it is difficult to predict the ability of the House and Senate conferees to reach agreements, I would note that the more likely candidates are probably the interior and military construction appropriation measures.

Finally, I would like to remind all Members that we do expect to have votes next Friday, October 17, and may be working late that afternoon. Again, I thank the gentleman from Georgia for yielding and will be happy to answer any questions he may have.

Mr. LEWIS of Georgia. Reclaiming my time, Mr. Speaker, I thank the gentleman from Virginia for those comments, and I will continue to yield to the majority for a response, but I noticed the gentleman mentioned several conference reports coming up next week and that the military construction and interior appropriation bills are the most likely. Would those be the business for next Friday; since the gentleman indicated that he does expect to be in on Friday, possibly late Friday night?

Mr. CANTOR. Mr. Speaker, if the gentleman will continue to yield, I would say to him that we are working to complete those appropriation conference reports and it may be that the Iraq supplemental and the discussion and debate on that will go into Friday as well.

Mr. LEWIS of Georgia. Mr. Speaker, the gentleman indicated that he intends to begin debate on the Iraq supplemental bill on Thursday. Our side would like to know if it would be possible for us to begin that debate, since we are going to be here, on Wednesday, so that every Member, every Member of the Congress will have an opportunity to participate in this debate?

I take particular notice of the fact that when we debated the force resolution that every Member of the Congress, all of us, had an opportunity to participate in that debate.

Mr. CANTOR. Again, Mr. Speaker, if the gentleman will further yield, I would respond to him by saying that I think it is possible, although nothing has been decided yet. I know our staff on this side has begun to meet with your staff there, and we will do everything we can to cooperate to try and make sure that all have the opportunity to engage on this issue.

Mr. LEWIS of Georgia. Mr. Speaker, continuing to yield to my friend from Virginia with regard to the process for floor debate next week, we were told that an open rule is anticipated. However, as the gentleman knows, that does not guarantee that we will have the full debate this serious matter demands. The American people deserve to have a full, serious, open and candid discussion. Therefore, we expect that the rule would grant whatever waivers are necessary so that Members would be allowed to have a full debate and the ability to offer substantial amendments.

What assurance, what guarantee can the gentleman provide in this regard?

Mr. CANTOR. I would say to the gentleman, Mr. Speaker, that as I said earlier, the process has begun with discussion among the staff on both sides of the aisle. I would say that, certainly, past precedent would certainly be a guide to what the shape of the debate will look like on the Iraq supplemental. I would be confident that the chairmen of both the Committee on Rules as well as the Committee on Appropriations would be consulted as to the nature of that debate.

I could also assure the gentleman that all the Members on this side are just as anxious as any to make sure that we fully fund the needs of our men and women in the Armed Forces, so we can continue with their mission in Iraq.

Mr. LEWIS of Georgia. Mr. Speaker, I must say to my colleague that I think the Members on this side, and all Members, want to be supportive of our men and women in uniform in Iraq. At the same time, I think all of us need to know very soon whether we are going to have an opportunity to engage in a full, candid, and open discussion when we speak of $87 billion.

Mr. CANTOR. Again, I would say to the gentleman that the process is ongoing, and we will work together to try and make sure that all the necessary issues are addressed; and that, yes, we will look forward to discussion and passage of that measure next week.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Georgia. I yield to my colleague and friend, the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, I just wanted further clarification as to whether the plan remains that, as announced by the majority leader here about 10 days ago, that we would have essentially an open rule on the $87 billion to assure that all Members could advance their ideas?

Mr. CANTOR. Mr. Speaker, if the gentleman from Georgia will continue to yield, I would say again to the gentleman that there are a variety of factors, as you know, that go into the rule which will govern the debate on the Iraq supplemental. As I said before to the gentleman from Georgia, there is historic precedent that will also serve as a guide. We will consult with the chairmen of the Committee on Appropriations as well as the Committee on Rules in ensuring that the issues are addressed in the rule

Mr. DOGGETT. Mr. Speaker, if the gentleman will yield further, I appreciate that. I had planned to ask that question for clarification directly to the majority leader, but I understand he has really got great affection for my hometown of Austin and he has pretty much moved down there for the time being to try to reshape these districts.

Mr. LEWIS of Georgia. Mr. Speaker, reclaiming my time, on that note, let me thank the gentleman from Virginia.

MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

Mrs. CAPPS. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore (Mr. SIMPSON). The Clerk will report the motion.

The Clerk read as follows:

Mrs. CAPPS of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 6, be instructed as follows:

(1) The House conferees shall be instructed to include in the conference report the provision of the House bill (section 30215) that concerns consistency determinations under the Coastal Zone Management Act of 1972.

(2) The House conferees shall be instructed to confine themselves to matters committed to conference in accordance with clause 9 of rule XXII of the House of Representatives with regard to any offshore preleasing, leasing, or development moratorium.

Mrs. CAPPS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I yield myself 5 minutes.

This motion does two things: First, it instructs conferees to include in the conference report House provisions concerning consistency determinations under the Coastal Zone Management Act. Under the CZMA, States can review projects, like offshore oil and gas development, which impact their coastal zones.

While a State can reject a project not found to be in its best overall interest, that rejection can still be appealed to the Secretary of Commerce. Currently, there is no limit on the time the Secretary can use to develop the record to make a decision in an appeals case.

During consideration of the energy bill, a bipartisan compromise to impose a reasonable time frame on this appeals process was developed and included in the legislation that passed in the House. The House should respect this bipartisan, commonsense compromise, and so should the conference committee.

Second, the motion instructs conferees to confine themselves to matters in the House bill regarding any offshore preleasing, leasing, or development moratorium. Mr. Speaker, you may remember during consideration of the energy bill, that the House agreed to a bipartisan amendment I offered with the gentleman from Florida (Mr. DAVIS) and the gentleman from Florida (Mr. MILLER). That amendment struck from H.R. 6 a provision to require a so-called "inventory" of oil and gas resources in the Outer Continental Shelf.

This inventory would be taken in areas of the OCS currently off limits to any new drilling, which includes, and this is very important, any predrilling activities. These areas include the coastal areas of California, Florida, Oregon, Washington, Alaska's Bristol Bay, and the entire East Coast. The inventory language that was struck out of the House bill, unanimously, would have required seismic surveys and other invasive technologies in the OCS areas now off limits to new drilling.

Mr. Speaker, these are predrilling activities not permissible under current law. The House unanimously struck this inventory because it is a bad idea for the following reasons:

First, it is completely unnecessary. Proponents of the inventory are going to come to the floor, and they are going to tell us how important it is to know what resources are out there in the OCS. They are going to say we just want to know what is out there. The only problem with that argument is that we already know what is out there. The Minerals Management Service already conducts a survey every 5 years, and the latest assessment was done in the year 2000.

☐ 1600

This assessment includes estimates of undiscovered oil and natural gas that is conventionally and economically recoverable. So if we know what is out there, why the inventory provision?

That brings us to the second reason this inventory is a bad idea. It is really just the first step in drilling in these areas now off limits. The inventory is an attempt to overturn the Presidential and congressional moratoria on new drilling in these sensitive coastal areas, and that is really what this is all about.

It is a push on behalf of the oil companies to start drilling in coastal areas of the United States where there is not a whole lot of oil and where tens of millions of our citizens have made it clear that they do not want any more drilling.

Mr. Speaker, a little history might be in order. In 1990, President George H.W. Bush announced an executive moratorium ending new drilling off California, Oregon, Washington, Alaska's Bristol Bay, Florida, and the entire east coast. President Clinton extend this action to 2012. Both actions were met with widespread acclaim by a public that knows how valuable, environmentally and economically, our coastlines are. And Congress has supported these actions for the last 20 years by restricting MMS from spending funds to support any new drilling or predrilling activities in these areas.

In addition, President George W. Bush endorsed both moratoria in his fiscal year 2004 budget. State officials, including Governors Jeb Bush and Christie Whitman, have endorsed the moratoria. The House has voted twice in recent years to stop new drilling in the waters off Florida and California.

So despite that, there is no need of an inventory since we know what is out there. Despite that the House unanimously rejected the call for this unnecessary inventory, despite that the inventory violates long-standing moratoria enacted by Republican and Democratic Presidents, Republican and Democratic Congresses, and endorsed by the current Republican President, what are the energy conferees doing, they are putting the so-called inventory provision back into the bill.

That is why we are offering this motion to instruct, to send a message to the conferees that this inventory is an unnecessary and inappropriate addition to the energy bill, and it should be dropped. Coastal communities have spoken repeatedly in strong, bipartisan voices to protect their States' sensitive coastal resources and productive coastal economies. These areas are too economically valuable to risk with more oil drilling. It takes only one accident or spill to devastate the local marine environment and economy.

Last year, 67 Republicans and 184 Democrats voted to end new drilling off California. In that vote, the House demonstrated its commitment to protecting our vital coastal communities. A vote for this motion is the same thing, a vote to protect coastal areas from new drilling. We need to reject these attempts to weaken existing protections for our coastal waters. I urge support for this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion to instruct filed by the gentlewoman from California (Mrs. CAPPS) essentially seeks to prevent the outer continental shelf inventory from being in the energy conference report, and it seeks to keep an open-ended time line for the Coastal Zone Management Act to the Secretary of Commerce on consistency determinations.

Under the Coastal Zone Management Act, Congress declared it to be in the national policy to encourage the participation and cooperation of coastal States and Federal agencies, among others, in carrying out the purposes of the act, which are to preserve, protect and develop, and I would emphasize "and develop," the resources of the Nation's coastal zones.

Long ago, coastal States wishing to participate in coastal zone management of Federal activities affecting their coastal zones had to submit State coastal management plans detailing their enforceable policies to the Secretary of Commerce.

Thereafter, any Federal agency that processes an applicant's request for a Federal license or permit cannot grant the license or permit unless the State has concurred, either affirmatively or by failure to respond within 6 months of its receipt of the notice sent by the applicant, with the applicant's certification that the proposed activity is consistent with the State's management plan.

Regulations by Federal agencies require that an applicant notify an affected coastal zone State of potential coastal impacts early in the application process. CZMA provides for an appeals process to the Secretary of Commerce by the applicant or on the Secretary's own initiative with comments from the Federal agency contemplating the application for a Federal license or permit if the coastal State does not concur that the proposed activity is consistent with the State's coastal management plan. This is current law.

CZMA does not authorize the Secretary of Commerce plenary authority to revisit every aspect of the lead Federal agencies' work in determining whether to grant a permit or license. Rather, CZMA addresses the determination that a proposed activity is consistent with the State's coastal management plan as approved and submitted by that State to the Secretary of Commerce.

All of that is to say that the CZMA contemplates the embedding of this process, the State process, in the lead Federal agency proceeding. The act does not suggest that sequential considerations would occur by each and every agency with the statutory obligation to weigh in on any given proposed project. In fact, the CZMA directs "the coordination of simplification of procedures in order to ensure expedited governmental decisionmaking for the management of the coastal resources." That is 14 U.S.C. Sec. 1452(2)(H).

Under current law, 16 U.S.C. 1465, on an appeal to the Secretary of Commerce concerning a consistency determination, the time line for action by the Secretary does not begin until the Secretary publishes a notice that the decision record has been closed. There is no set time for which the Secretary must close the record. Again, this is current law.

Section 325 of the conference draft merely sets forth specific time frames for which the Secretary of Commerce must act, and I emphasize must, on an appeal of a consistency determination within the context of CZMA by requiring, one, the Secretary has to publish an initial notice within 30 days of the filing of the appeal; number two, the closure of the record within 120 days from the date of publication of the initial notice which requires the publication of a notice stating the record is closed; and, three, the rendering of a decision by the Secretary within 120 days after the filing of the notice that the record has been closed.

This provision, again section 325 of the conference report, does not affect other statutes or the obligation of other agencies to carry out their statutory duties. It merely clarifies that full, substantive consideration of all issues be undertaken in an efficient manner. It appropriately ensures that the Secretary of Commerce will consider any appeal of a consistency determination in a timely manner so that all concerned will have a certainty of a decision, and I would emphasize certainty of a decision.

Such a requirement is in keeping with the explicit goal of this Congress to fashion an integrated process of permit approval which weighs fully and comprehensively the competing concerns of all participants in a timely manner. This provision is not outcome determinative, but merely sets forth a time line for processing of one appeal in a regulatory process which involves various Federal agencies, each dealing with its own area of expertise.

As to the OCS inventory, the provision appearing in the conference draft, the provision merely states that "the Secretary of the Interior shall conduct an inventory." It does not say that the moratoria should be lifted or there should be drilling. It does nothing except to say there should be an inventory. This provision does not add anything new to existing law. The Secretary of the Interior has discretionary authority to do the inventory anyway.

I would assume and I would stipulate as a member of the subcommittee and the full committee, and also as a member of the conference that is now dealing with the other body, that we owe it to the Nation to know what our resources are so we can make informed decisions.

Mr. Speaker, I know that the motion to instruct from the gentlewoman from California (Mrs. CAPPS) is well meaning, but I really see no need for it, and I would hope that we would vote against it at the appropriate time, which I understand is next week.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I yield 4 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I rise in support of the motion offered by the gentlewoman from California (Mrs. CAPPS).

In my capacity as the ranking member of the Committee on Resources, I wholeheartedly join the gentlewoman in illustrating just one of the many outrageous and galling preemptions of due process which is part and parcel of how the energy bill conference is being managed.

The issue that the Capps motion raises is not something of a partisan nature. If a Member represents a coastal State, they should be concerned, whether Republican or Democrat, over what is taking place in this energy bill in conference. And Members should be especially concerned if their constituents support the Federal offshore oil and gas leasing moratoria that have long been applied to both the east and west coasts.

For what we are dealing with here is the proverbial camel's nose under the tent. When this body considered the energy bill last April, an amendment was offered by the gentlewoman from California (Mrs. CAPPS), the gentleman from Florida (Mr. MILLER), and the gentleman from Florida (Mr. DAVIS) to strike a provision which would have required that an inventory be conducted of all oil and gas resources in the outer continental shelf, regardless of whether those resources fall within an area closed to oil and gas leasing by Presidential or congressional moratoria. That amendment passed by voice vote, and it passed by voice vote for a simple reason: if taken to a rollcall vote, it would have been approved overwhelmingly.

Yet today we find that this very same language has been slipped into the draft energy bill conference report. The question then occurs, who is responsible for this language reappearing. I asked the majority side: Who is responsible for this language reappearing? When the Capps-Davis-Miller amendment was offered to the House version of the energy bill last April, the gentleman from Florida (Mr. DAVIS) asked our colleague, the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Energy and Commerce, point-blank whether it was his intention to support the reinsertion of this provision being removed at that time in the conference committee. In response, the gentleman from Louisiana (Mr. TAUZIN) said, and I quote, "It is not my intention to recommend the reinsertion of this language, no."

Page H3312 of the April 11, 2003, CONGRESSIONAL RECORD, it is right there. Indeed, the gentleman from Florida (Mr. DAVIS) posed the same question to the chairman of the Committee on Resources, the gentleman from California (Mr. POMBO). In response, the gentleman from California (Mr. POMBO) said, "No, we have no intention whatsoever of doing that." That is from page H3310 of the April 11, 2003, CONGRESSIONAL RECORD. It is right there.

So here we have the assurances of two powerful chairmen of two House committees with jurisdiction over the energy bill that this language would not reappear. But it has. Imagine that. It has reappeared.

So today we appeal to these two powerful chairmen to support the pending motion and to join us in doing battle with what must surely be the culprit, that other body.

To my colleagues, the language in question places at risk the offshore oil and gas leasing moratoria areas. Members cast a "yea" or "nay" vote on this motion on that basis. Members cast a vote on the same basis they did last year when during consideration of the appropriations subcommittee bill, the gentlewoman from California (Mrs. CAPPS) and myself offered an amendment to block development of some 36 oil and gas leases off the coast of southern California. That amendment prevailed with the support of 67 Republicans joining 184 Democrats. We said then that California wanted the same protections that the President gave his brother, Governor Jeb Bush of Florida, when acceding to his concerns over a proposed lease sale in the Gulf of Mexico off that State's coast, lease sale 181, as I recall it.

So I say to my colleagues, today on this pending motion we are asking those on the other side of the aisle to owe up to their vote on the Capps-Rahall amendment to the interior appropriation bill last year; and to my Democratic colleagues, we are asking them to do what we have traditionally asked them to do, and that is respect the views of the American people. I urge support of the motion.

Mr. BARTON of Texas. Mr. Speaker, it is a great privilege to yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, after hearing my good friend and seeing my colleagues on this side, it is a little awkward; but I know in the district I represent and the State I represent, I rise in opposition to the Capps motion to instruct energy conferees.

The motion supports an amendment to the energy bill banning a study of our offshore energy resources. I call that our stick-your-head-in-the-sand energy policy.

Our Nation needs to be aware of the energy options. The energy bill has research funding and incentives for the development of fuel cells, solar power, and other renewable resources. So why can we not know much natural gas is offshore of our country? When natural gas prices are above $5 per thousand cubic, we need to know what can be done about it. That is more than twice what our economy is used to.

Clean-burning natural gas is used to heat homes, generate power, and is feedstock for chemical and plastic manufacturing, and as fertilizer. There is not enough LIHEAP money out there to help all Northern consumers this winter. Power bills are going up and farmers cannot afford fertilizer.

Members all talk about the loss of our manufacturing jobs. The manufacturing jobs that are in danger on the Gulf Coast are petrochemical manufacturing jobs that are in danger of moving offshore in search of cheaper natural gas, which means more manufacturing jobs in this country, period. To set the right policy for our offshore areas, we need to know what is there. That is all this study asks for. We are not talking about commercial exploration offshore; we are just talking about government research.

□ 1615

Commercial exploration may come later, but at least we ought to know what is available. If we want less natural gas production and infrastructure, higher gas prices and more lost manufacturing jobs in this country, then let us continue to support this motion. If we agree that we are in a natural gas price crisis where we do not have enough of this clean burning fuel at affordable prices, I urge opposition to the motion to instruct.

Mrs. CAPPS. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. ETHERIDGE), who cares a great deal about the North Carolina coastline.

Mr. ETHERIDGE. Mr. Speaker, I join the gentlewoman in strong support of this motion.

This House needs to send a clear signal to the conference committee and the administration that we expect them to keep their promises regarding upholding the moratorium on drilling in the Outer Continental Shelf.

The moratorium on drilling in the OCS along the east and west coasts has a long history of bipartisan support as well as the Gulf and Florida. For more than 20 years, Congress has included language in the Interior appropriations bill that prevents the Department of Interior funding from being used for leasing, preleasing, and related activities in these OCS areas.

In 1990, the first President Bush signed an executive moratorium placing a 10-year moratorium on new leasing on the OCS. In 1998, that moratorium was extended and renewed by President Bill Clinton and extended until 2012. Even our current President included traditional legislation moratorium language in his budget request to enable continued protection of these OCS areas.

When the House considered H.R. 6 earlier this year, it included a provision that violated our bipartisan tradition of protecting the Outer Continental Shelf. This provision would have effectively overturned the moratorium by opening sensitive coastal and marine areas off the shores of my home State of North Carolina and the entire east and west coasts to exploratory drilling under the guise of conducting an "inventory."

This so-called inventory is merely the tip of an iceberg. And as icebergs conceal their true size under the water, so does this inventory conceal this author's true intent to force open the doors for future massive exploration and drilling in the OCS protected area.

Mr. Speaker, my State's pristine beaches are vitally important to our tourism, fishing, and transportation industries, as are the beaches of all of our States. North Carolina coastlines have often been used for the film industry. It is a beautiful environmental area, and it should not be violated.

The people of North Carolina do not want to wake up and see oil splashing on our beaches.

The people of North Carolina do not want to wake up to see oil on the beaches of Cape Hatteras or dying wildlife poisoned by split deadly crude on the shores and sounds. We want our coastline protected from such threats.

The House in its wisdom passed an amendment to remove the offensive inventory provision from H.R. 6, and the Senate energy bill does not contain a similar provision. But we should leave nothing to chance.

Let us make sure the will of the House of Representatives is honored in conference. Let's not let this iceberg cause a wreck that will lead to oil lapping up on the shores of the east and west coasts.

I urge all of my colleagues to vote in favor of her motion to instruct.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS), the vice chairman of the Committee on Resources.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong opposition to the Capps motion to instruct, and I rise in opposition on two bases. First of all, the Capps motion would prevent the Outer Continental Shelf inventory; and, secondly, it would prohibit section 325 from merely stating that the Secretary of Commerce has a specific time in which to act on an appeal of a consistency determination within the context of the CZMA, Coastal Zone Management Act.

Mr. Speaker, let me say that the energy bill conference draft does say that the Secretary shall conduct an inventory, and that is all. It does not say that the moratoria on drilling should be lifted. It does not say that there should be drilling. This conference draft does not add anything new to the existing laws. The Secretary of Interior has the discretionary authority to do the inventory anyway. Mr. Speaker, we owe it to this Nation, we owe it to the energy needs of the American people, to know what our resources are so that we can make informed decisions.

Let me talk a little bit about section 325. Section 325 of the proposed energy bill conference draft merely sets forth specific time frames for which the Secretary of Commerce must act on an appeal of a consistency determination within the context of the CZMA. It appropriately ensures that the Secretary of Commerce will consider any appeal of a consistency determination in a timely manner so that all concerned will have the certainty of a decision, and this provision is not outcome determinative but merely sets forth a time for the processing of one appeal in a regulatory process that involves various Federal agencies, each dealing with its own area of expertise.

Mr. Speaker, let me be literally free and take license with this comment, that inconsistency, lack of knowledge, and delay are the hobgoblins of the energy industry in America. We owe it to the Nation to put knowledge, consistency, and certainty into America's energy needs. I would urge all of my colleagues to vote no on the Capps motion to instruct.

Mrs. CAPPS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER) who himself worked out the bipartisan agreement with the chairman of the Committee on Resources on the CZMA.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding me this time and thank her for bringing this motion to instruct.

I simply do not get it. I do not get how the wildly unpopular idea of weakening coastal protection can be an issue in this energy conference. The House bill did not have this proposal to do an inventory off of our coasts. The House bill did not have language to lessen a State's right go protect its coastline from inappropriate development. Why then are we confronted with this situation? Because time and again Congress has voted to give States the rights to protect their coastline.

This is like the end of a bad movie. We have seen it before. In spite of our efforts, in spite of the States' efforts to protect their coastline, in spite of this Congress's efforts to reassure them the right to do that, we are now back to where we were with James Watt when he proposed opening the entire United States coastline to drilling. It was so unpopular, as my colleagues have pointed out, we have a moratorium on the coast that goes to 2012 put on by both a Republican President and a Democratic President.

And yet this administration wants to pursue it. It simply does not want to pursue it in the light of day. It wants to pursue it in a closed conference committee. It wants to pursue it where its critics cannot get to it.

So that is why we are here today with this motion to instruct, because we do not want this provision to pass. Those of us who care about the coastlines of our States, who care about the economies of our States, who care about the tourism in our States, who care about the natural beauty of our States do not want this legislation to pass.

This inventory, one can say this is just an inventory, but when we look at the connection between this administration and the oil industry and the Vice President and the oil industry and the President and the oil industry, and it goes on and on and on, this is not just an inventory. This is about opening the coast, and we do not want that to happen.

We know that California has opposed this time and time again. We know that the Floridians have opposed offshore development. The great State of New Jersey time and again has opposed this. Members of Congress from the Great Lakes States when they were under threat opposed this. Oregonians, Washingtonians have all opposed this effort. Why? Because they understand the real value of the coastline to our States, our constituents, and to our citizens.

But yet the Republicans continue to pursue this at the behest of the energy companies. We cannot allow this to happen. We cannot allow the oil and gas industry to cut private deals inside this conference committee in spite of the directions of this House, in spite of the agreements that we made in the committee not to do this, to cut it because the oil industry is insisting that they do it.

This is an inventory that Governor Jeb Bush does not want. This is an inventory that the New Jersey delegation does not want, that the Florida delegation does not want. Certainly the California delegation on a bipartisan basis has made it clear they do not want it; and, in fact, the entire House of Representatives has rejected this.

And, as of today, our new governor-elect of the State of California has opposed this provision. He has come out against offshore oil drilling. He has come out for the protection of the California coast.

So on a bipartisan basis, on a bicoastal basis we are asking the Members to support the Capps' motion because the Capps motion is the means by which we can protect the great coastlines of this Nation.

Again, I want to thank the gentlewoman for offering this motion.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER), a member of the Committee on Energy and Commerce.

Mr. BUYER. Mr. Speaker, with regard to this shortage on natural gas, it is rather stunning when people say there is a shortage in America with regard to natural gas. The stunning part is that, with regard to resources, it is there. The shocking part is that Congress, Congress, is the one who has created the barriers to access the natural gas. So what have we done?

I was a good listener over here. When the Democrats controlled the Congress, what did they do? They said, You know what we are going to do? We are going to make sure that we cannot gain access to the natural gas. All the offshore, they cannot gain access to that. We are also going to lock off lands in the West, and at the same time we are going to pass a Clean Air Act. We are going to set forth new requirements. We are going to move from coal and move to natural gas.

Then what we have in this country is an increased demand on natural gas while you decrease the access to it and get an increase and end up hurting manufacturers and sending jobs out. And that is what you want to do? You are scared to death to even find out what an inventory is with regard to our resources? We owe it to the country to know exactly what we have.

So I can see why Democrats here are holding on tight to the policies of old. That is exactly what Democrats will do if they gain control of Congress. They were not very good listeners to what happened in California. Those policies the Democrats screwed up in California, and they just threw out that governor. One needs to be a very good listener here as to what is happening to the energy policy for the country.

I am one that is not very satisfied with the conference. The gentlewoman from California (Mrs. CAPPS) is not happy with the conference because she wants to spin it into something else. I am not happy with the conference because I do not think they went far enough. I do not think they went far enough at all. We need to find out exactly what the resources are with regard to our country.

Everybody comes down here to the House floor, loves to give a great speech about reducing the dependency on foreign oil, but you do not want to do anything about it. You do not want to do anything about it.

"I got 100 percent voting record. I am green." Yes, you are green. Green is also being foolish. You are foolish if you do not want to even take a look and peek at what you have got with regard to the resources.

So I think the bottom line is vote against the gentlewoman from California's (Mrs. CAPPS) motion to instruct. I will reluctantly support what they have done at conference even though, with regard to our natural gas, I think the Energy and Air Quality Subcommittee is going to come back in the spring and we are going to have to address the natural gas shortage and take this on on behalf of the American people. Otherwise, shame on us.

Mrs. CAPPS. Mr. Speaker, I yield 3 minutes to the gentleman from the great State of New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to speak in support of the Capps motion.

Let me say from New Jersey we are a little sick and tired of the Federal Government trying to tell us what to do with our offshore resources. I remember I was first elected to the House of Representatives back in 1988, 15 years ago, and at the time we had all kinds of pollution. We had the sewage. We had medical waste. We had all kinds of garbage that was traveling up and down our coast. The fact of the matter is that we were not able to protect ourselves; and we had, I think, something like a $3 or $4 billion loss in our tourism industry that summer. All the beaches were closed. The number one industry in the State of New Jersey is tourism. All the beaches were closed, and tourism was dead.

So when I say that I want to protect my coastline and I do not want to the Federal Government coming in undermining our ability to say what Federal actions we do not support, we are speaking practically about what is important to our economy. We have seen the consequences of offshore drilling for oil and natural gas and what it has meant in other parts of the country and how it has destroyed the beaches and destroyed the water.

The Federal Government has already done a lot of analysis of this and has found there is very little oil and natural gas off the coast. The risk that comes from having to try to drill that or exploit that or inventory that and what it leads to in the long run is great compared to the benefit and the destruction of our coast. If we had to balance the amount of oil and natural gas we are going to get compared to the negative impact on our coast and our tourism, there is no comparison between the two.

What the conferees are trying to do is basically undermine the rights of the States to protect themselves. That is what the consistency determination is all about. And the changes made in the conference reduce the time limit on the appeals process for consistency determinations to 120 days from the agreed-upon 360 days, thereby restricting States' ability to reject offshore drilling projects.

Whatever happened to States' rights? Republicans used to talk about States' rights. I guess it does not apply when big oil is there and the administration wants to let big oil do whatever they want to the States. Forget about States' rights. We do not talk about that anymore.

□ 1630

Furthermore, the conference has deleted bipartisan language that gave the Secretary the ability to extend the time frame for appeal should additional environmental analysis need to be completed in accordance with NEPA, the National Environmental Policy Act. What is wrong with extending the time, if it needs to be extended for environmental reasons?

Now, the biggest payback to big oil is this section 334 of the conference bill that requires the Secretary to conduct an inventory of oil and natural gas resources in the currently off-limit Outer Continental Shelf. Not only does this language sidestep the 13-year moratorium on granting new leases, but it completely ignores a bipartisan amendment in the House that removed the inventory language.

Now, I know you are going to tell me, well, we cannot override that, but that inventory language was put in on an annual basis. If one year it is not put in, then Mineral Management can go out and do whatever they please. If we do not put that language in every year for a moratorium, then Mineral Management can go ahead and do whatever they want. So it is not good to proceed and allow this inventory to take place.

Also, Mineral Management Service already compiles estimates of OCS oil and gas resources every 5 years, most recently in 2000.

This is nothing but an attempt to initiate the first phase of opening up our coastlines to oil and gas exploration. And do not tell me in New Jersey what you want to do with our coastlines. This is not what the Federal Government should do. This is the States' right, to determine what happens off their coast, and we know what the problem is in New Jersey, and we know what it is up and down the East Coast.

Mr. Speaker, I include for the RECORD a letter to the conferees from the New Jersey delegation, both Senators and most of our Members of the House of Representatives. I include this because I want to point out this is a bipartisan effort. Members of the New Jersey delegation, on a bipartisan basis, do not want these changes, do not want our State to be crippled and our ability to limit Federal actions which we do not want to happen.

I would ask again for support for this motion to go to conference. I thank the gentlewoman from California for introducing it.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 30, 2003.

DEAR CONFEREE: We are concerned that a draft version of the omnibus energy bill may contain provisions that would be harmful to ocean and coastal environments. We want to underscore our opposition to the provisions listed below and strongly urge you to not to include any of them in the final bill.

Authorizing the inventory of sensitive coastal and marine areas around the United States for their oil and gas resources. Draft provisions would allow seismic explorations of Outer Continental Shelf (OCS) areas of the Mid-Atlantic, Gulf, West and Alaskan coasts that are currently protected from exploration and development by Congressional moratoria. This language was actually rejected by the House during debate on the energy bill, and was not included in the final Senate version. This language must be kept out of the final bill to ensure sensitive coastal areas can be protected from oil and gas development.

Granting sweeping new authority for interior to permit energy projects in the OCS without adequate oversight or standards. Draft language has been added that would grant substantial new authority to the Department of Interior to permit new energy projects including subsea pipelines and offshore Liquid Natural Gas facilities. The language fails to address the necessary environmental reviews required by existing statutes.

Weakening the Coastal Zone Management Act's (CZMA) consistency provision to remove states' rights and weaken environmental protections. Such a provision would impose severely restrictive deadlines on the decision-making process for states, agencies and the public to indicate their views on a consistency appeal. Congress has previously rejected this proposal in the reauthorization of the Coastal Zone Management Act, and we urge the energy conferees to reject such a provision in the final bill.

Exempting oil and gas industry construction activities from the Clean Water Act. These activities are known to cause tremendous water pollution problems, introducing toxics chemicals such as benzene, toluene, and heavy metals into our drinking water. It makes no sense to exempt these industries from the rules all other industries must follow.

Again, we underscore our opposition to these provisions in the final energy bill that would imperil our oceans and the nation's priceless coastal resources, and we urge you not to include them.

Thank you for your consideration of our views.

Sincerely,

Representative Frank Pallone, Jr.; Representative Rush Holt; Representative Donald M. Payne; Representative Robert E. Andrews; Senator Jon Corzine; Representative Bill Pascrell, Jr.; Representative Steven R. Rothman; Senator Frank Lautenberg; Representative James Saxton; Representative Frank LoBiondo; Representative Christopher Smith; Representative Robert Menendez.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS), the vice chairman of the Subcommittee on Energy and Air Quality, which I chair, of the Committee on Energy and Commerce.

Mr. SHIMKUS. Mr. Speaker, I am happy to get involved in this debate, although I have great respect for my colleague from California, and I understand and appreciate her position. But I would also hope that people would understand those of us who are involved in using natural gas products. Especially those States who use natural gas, you would think would not be adverse to locating it, identifying it, and exploiting it.

I was placed on the Speaker's Natural Gas Task Force in which we had numerous hearings across the country over the summer. Natural gas is an integral part of our manufacturing. In rural Illinois, natural gas plays a critical role in fertilizers, and we see a doubling of the cost of natural gas. That will be a trickle down effect on doubling the cost of everything. We just had reports out 2 days ago that the home heating costs will probably double across the country because of the doubling of the cost of natural gas.

Being from southern Illinois, we are the 11th leading oil producing State. I think people find that hard to believe, but we are. And we have been developing and producing oil in the State of Illinois for many, many years. And you know what? We use oil in Illinois. We use gasoline. We use natural gas. So we are not adverse to looking for, exploring and developing resources.

We have a gusher that was drilled in southern Illinois last year. Most Illinois oil wells are marginal oil wells, only producing about a barrel or a handful of barrels a day. This one has produced over 1,000 barrels with new technology. It drills horizontally, and it drills underneath a wildlife refuge, and it has brought $1 million in additional revenue to the State of Illinois, at a time when revenues to States are sorely needed.

We know in Illinois that you can identify our natural resources. We know that you can identify them, you can catalogue them, you can research them, and you can drill for them and you can exploit them, and you can do it in environmentally sound ways.

I think the problem that many of us have in this energy debate is that we have folks in our country that want to be consumers of energy; they want to consume natural gas, they want to consume oil, they want to consume gasoline, they just do not want to produce it. They do not want to find the natural resources, they do not want to harvest them and put them in the mainstream. They want to be takers and not be givers. That is really a problem, and that is why we have the crisis we have in natural gas.

Natural gas is a critical element in our society. It is actually making great strides in electricity generation. It is clean. Our peak power plants are running more than we ever thought they would. But to continue to say that we are going to put our areas off-limits, and we are not going to even identify where our reserves are of natural gas, is foolhardy. It is crazy. The average American citizen just will not understand when we are doubling the price of natural gas in this country, that we are not willing to even catalogue where our reserves are.

This should not be a difficult issue. This motion to instruct is definitely not needed, and I ask my colleagues to vote against it.

Mrs. CAPPS. Mr. Speaker, I yield myself 40 seconds to respond to some comments that have been made on the other side.

You have been saying that you just want to allow an inventory of oil and gas off our coasts; it will not hurt. But taking an inventory of what lies beneath the sea floor is not like taking an inventory of office supplies.

Looking for oil and gas off our coasts is an invasive process. The process itself carries risk. It harms marine life and can create serious environmental economic damage.

The language we struck from the House bill allowed exploration or drilling in part of the OCS. We already know, for instance, that 80 percent of the Nation's undiscovered economically-recoverable OCS gas is located in the central and western part of the Gulf of Mexico. This is MMS's most recent study to indicate this.

Mr. Speaker, I yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER) who represents the beautiful coastline of Oregon.

Mr. BLUMENAUER. By extension.

Mr. Speaker, the fact is that these energy reserves are not going away, whether or not we involve ourselves with this inventory now, and as the gentlewoman from California points out, acting now does, in fact, carry some potential risks.

But the bottom line is that some people, rather than dealing with a meaningful energy bill that would deal with global warming, vehicle efficiency, serious energy conservation and alternative energy development, they want to continue driving, looking through the rearview mirror.

The conference committee report would limit States' ability to participate in coastal planning decisions, undermining a bipartisan agreement on the Coastal Zone Management Act. The energy bill in conference now contains this provision that we have been talking about that undermines the longstanding, bipartisan agreement against the new oil and gas drilling in the Outer Shelf, and we have referenced the fact that this refers to the States, including my own, that are adamantly opposed to it.

The House, as has been pointed out, passed an amendment to the energy bill specifically to remove the provision requiring this unnecessary inventory. The only reason to put it in now is that people want to move ahead with drilling.

Not only are we avoiding real solutions, we are now taking actions that can threaten the health of our oceans when they are dramatically imperiled right now.

We have just had the Pew Oceans Report documenting the problems that we are phasing in terms of the degradation of the environment of our oceans. Already 27 percent of the world's reefs have been destroyed over the course of the last 50 years. Another 30 percent are at risk of dying over the course of the next 50 years. These are the rain forests of the ocean, having dramatic diversity that is important to us.

People care about coastal areas, in part because they are moving there in droves. By 2025, approximately 75 percent of our population will be in close proximity to these coastal areas, and they care about those coastlines, because coastal marshes trap flood waters, filter out pollutants, serve as nurseries for wildlife, and they are disappearing at a dramatic rate of 20,000 acres per year. Louisiana alone has lost half a million acres of wetlands since the 1950s.

The only reason to reverse course at this point is people want more oil drilling. I would strongly suggest that we instead should be a leader in protecting our oceans. This sends the wrong message, goes against the will of the public and this House.

If you are against coastal drilling and for protecting coastlines and oceans, vote for the motion to instruct.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state it.

Mr. BARTON of Texas. Mr. Speaker, we have no further speakers on our side, other than myself, to make whatever closing comments. Am I allowed to recognize myself more than once until I close?

The SPEAKER pro tempore. The gentleman is allowed to do that until he exhausts or yields back his time.

Mr. BARTON of Texas. I yield myself 1 minute.

Mr. Speaker, I would just like to point out that I understand the concerns expressed by my colleagues who are supporting the Capps motion to instruct, but I would point out that the environmental community in general opposes any oil drilling where it has not been drilled before. They oppose any natural gas drilling where it has not been drilled before. They oppose construction of nuclear power plants, generally. They oppose the construction of coal-fired power plants, generally. I am now told in one instance where there is an attempt to build a wind farm off the coast of Massachusetts, where there happens to be excellent conditions for wind power, they oppose that.

What do they support to give our Nation the energy resources we need to maintain a viable economy? It is okay to oppose things if you have a substitute for it. I have yet to hear the substitute for it. And the inventory simply gives us the opportunity to at least catalogue where those potential energy resources might be.

Mrs. CAPPS. Mr. Speaker, moving up the Pacific Coast, I am happy to yield 3 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, speaking in favor of the Capps motion, I would like to respond to the inquiry of my good friend the gentleman from Texas (Chairman BARTON) as to where other alternatives are.

I would point out that if our Nation had simply continued the rate of improvement in the mileage efficiency improvements that we had made in our fleet of vehicles through the seventies and the early eighties, if we had simply continued that rate of improvement to date, we would have avoided the need for any Saudi Arabian oil today.

If you want to remove the environmental community's objections to some of these new energy sources, some of which I believe we need over the long-term, why not remove their argument to say we have not done conservation first? Take that argument away. Do the conservation and efficiency in our transportation system, and remove that argument. I wish that would happen.

Secondly, I want to talk about this issue about doing the inventory for potential sources, to do a scientific assessment of our offshore. Normally, that would seem to make sense. Science is always good. Knowing more, I suppose, is intuitively is always better than knowing less.

The problem is that every single public policy decision that this administration has made, they have got science, and ignored it. On soot and clean air, they have got science, and they ignored it. They had science that it hurt our health to continue to pollute, but they ignored it. On global climate change, they had science, but they ignored it. On arsenic in the water, they had science, and they ignored it.

Do not come here now and say you need more science, when this administration has ignored science at every single environmental decision they have had to make today.

The third reason we need the Capps motion is this truly would be a radical departure from well-established American policy. I want to stand with the Bush family in this regard, because George Herbert Walker Bush helped establish the moratorium on drilling offshore areas first established in 1982. He established a 10-year moratorium, then extended by President Clinton.

Governor Bush said, "In preserving Florida's unique marine resources" and "protecting Florida's coastline, by ensuring that the OCS inventory language is not included in the final energy bill."

□ 1645

We want to stand with Governor Bush and say that the Florida coastline is no less and no more important than the rest of the coastline of all of the other States represented by Governors who are not in the Bush clan. Let us pass the Capps motion and continue the moratorium.

Mr. BARTON of Texas. Mr. Speaker, I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

This is a curious provision. It was not in the House bill, it was not in the Senate bill, but it miraculously shows up when the Republicans from the House and the Senate meet in secret somewhere here in the Capitol and the Cheney Task Force moved from the White House down here as an integral part of the plan, which neither the House nor the Senate voted for. That is just an incredible achievement.

At the same time, the Republicans are saying, we do not believe we can improve the fuel economy standards of SUVs or automobiles; we do not believe we can improve the efficiency of air conditioners; and, by the way, we put 70 percent of all of the oil which we consume in the United States into gasoline tanks; but the Republicans say, we cannot improve that technology. That is impossible. On air conditioners, we cannot improve that technology. That is impossible, even though during the summer, in all of the Southern States, the peak demand for electricity is 70 percent air-conditioning. We cannot improve that technology.

But what do they think they can do? Well, they think, rather than making ourselves more efficient so we consume less oil or consume less natural gas, they are going to go up the coastline of California, of Florida, of North Carolina, of Massachusetts to Georges Bank. I asked Secretary Norton 2 years ago when the Cheney Task Force first brought this measure up, I asked her if she planned on drilling off of Georges Bank and she said to me, where is Georges Bank? And I said to her, Madam Secretary, the people of New England hope you never find out where Georges Bank is, because we do not want you to be building these oil pumps off of our beaches, while telling the auto industry, the SUV industry, the air-conditioning industry, they can continue to be less and less and less efficient. Of course we are going to have to drill off of beaches if that is the attitude, because the whole Republican philosophy is antitechnology.

And, by the way, the majority leader was very honest, very honest last week. He said that the Republicans have to hold on to drilling in the Arctic Wildlife Refuge, have to hold on to it because it will, "set a precedent" so that they can drill in other pristine areas, including off the coasts of our country. So it is an important precedent. We are not going to be a country, said the Republicans, that have increased efficiencies in our technology. They say, no, we are just going to continue to drill in places where Americans do not want oil and gas drilled for, because we do not have the nerve to take on the auto industry, the air-conditioning industry, or any other industry that is forcing our dependence upon imported oil from the Middle East.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to tell my good friend from Massachusetts that I am going to be rooting for the Red Sox on a bipartisan basis, and I hope that they hold on to the ball if it is hit to them and it does not dribble through their legs, so that we can finally get those Red Sox to the next stage in the process.

But in direct response to my good friend's question about where this idea came from, he is absolutely right. It was not in the House bill, the inventory, that is. It was not in the Senate bill. But when it got to conference, somebody had a better idea. A little light bulb when off in their head, and they said, why not do an inventory? Why not find out what is there, just in case? And the conference rules, as my good friend well knows, do not prohibit good ideas coming in, even if they have not been in the bill that came out of the House or the other body.

So that is why it is in there, and at least some of us think that it is a good idea.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I thank the gentleman on a bipartisan basis, because this is a time for all of the other cities with losing histories in baseball to all band together and root for the Red Sox to end this terrible reign.

Mr. BARTON of Texas. Mr. Speaker, if I may reclaim my time, that is not the official Republican position; it is simply my position.

Mr. MARKEY. Oh, I understand that. I am talking about the bipartisan cities with losing baseball histories.

Mr. BARTON of Texas. Mr. Speaker, I do not want Yankee fans to get mad at the Speaker of the House who is probably rooting for the Cubs and things like that.

Mr. MARKEY. Mr. Speaker, this camaraderie that we can share on this one issue is hopefully one that we might be able to spread to other issues.

Mr. BARTON of Texas. We would certainly hope so.

Mr. MARKEY. Perhaps on oil and gas and other environmental issues as well, but at least on this one issue I do agree with my colleague that the New York Yankees are the oil and gas industry of the baseball industry.

Mr. BARTON of Texas. I would not go that far. I have to reclaim my time on that.

Mrs. CAPPS. Mr. Speaker, at this time I wish to enter into the RECORD in support of this motion a letter signed by 100 Members of Congress, bipartisan, in support of removing this kind of provision from the energy bill.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 12, 2003.

Hon. PETE V. DOMENICI,
Chairman, Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, DC

Hon. W.J. "BILLY" TAUZIN,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC

DEAR CHAIRMAN DOMENICI AND CHAIRMAN TAUZIN: As the Senate and House conference the omnibus Energy bill, we request that you maintain the longstanding bipartisan moratorium on new mineral leasing activity on submerged lands of the Outer Continental Shelf (OCS). In addition, we ask that a provision requiring the Secretary of the Interior to inventory the potential oil and gas resources of the entire OCS, including those areas now off-limits to new drilling, not be included in the final bill. Such a provision would seriously undermine current protections for these environmentally sensitive and economically important coastal and marine areas.

As you know, the House of Representatives spoke forcefully on this issue when it unanimously passed the Capps-Miller(FL)-Davis(FL) amendment to the Energy bill. This amendment removed language that would require an unnecessary "inventory" of resources on the OCS, including exploratory drilling in areas now under the OCS moratorium. This was the fourth time strong, bipartisan majorities in the House have come together in recent years to protect sensitive coastal areas from new drilling. In addition, the Senate passed version of the Energy bill did not contain this provision.

A comprehensive inventory of OCS oil and gas resources is inconsistent with the moratorium which currently exists in California, Florida and the Eastern Gulf of Mexico, Oregon, Washington, Bristol Bay, New England, and the entire Atlantic Coast. For more than twenty years, bipartisan legislative and administrative actions that have enhanced protection of moratoria areas from offshore oil and gas development. Beginning in 1982, the OCS moratorium on new offshore oil and gas activity of the OCS has been included in every annual Interior Appropriations bill. In addition, in 1990 President George H. W. Bush signed an executive memorandum placing a ten-year moratorium on new leasing on the OCS. In 1998, this moratorium was renewed by President Bill Clinton and extended until 2012. The proposed inventory would also contradict the moratorium contained in the President's budget to enable continued protection of the OCS. These actions have all been met with public acclaim and as necessary steps to preserve the economic and environmental value of our nation's coasts.

Additionally, an inventory is not needed. The Minerals Management Service already compiles estimates of Outer Continental Shelf oil and gas resources every 5 years. In fact, the last one was completed in the year 2000, and includes estimates of undiscovered conventionally and economically recoverable oil and natural gas. We already know, for instance, that 80 percent of the Nation's undiscovered, economically recoverable OCS gas is located in the Central and Western part of the Gulf of Mexico, which is currently not subject to the moratorium. Therefore, it appears such a provision of this energy bill is duplicative and unnecessary.

Tourism is a major industry for coastal states and a staple of their coastal economies. The money spent by tourists pay the bills and put food on the table for the people living in these communities. Offshore oil and gas drilling directly threatens this economic engine and the people of these communities know it.

We urge you to protect our vital coastal communities by ensuring that provisions that would weaken the OCS moratorium on new drilling off our coasts are not included in the final Energy bill. Thank you for your prompt attention to this matter.

Sincerely,

Lois Capps, Jim Davis, Jim Saxton, Rosa DeLauro, Earl Blumenauer, Bob Etheridge, Chris Van Hollen, Anna Eshoo, Jeff Miller, Randy "Duke" Cunningham, Frank LoBiondo, Jim Oberstar, Peter Deutsch, Rahm Emanuel, William Delahunt, Katherine Harris.

Frank Pallone, Joe Hoeffel, Stephen Lynch, Adam Schiff, Lucille Roybal-Allard, Elton Gallegly, Steven Rothman, Carolyn Cheeks-Kilpatrick, Jim McDermott, Rush Holt, Gary Ackerman, Juanita Millender-McDonald, Pete Stark, E. Clay Shaw, Chris Smith, Lynn Woolsey, Peter DeFazio, Michael Honda, Grace Napolitano, Kendrick Meek, David Wu, John Olver, Ginny Brown-Waite, Brad Miller.

Brad Sherman, Barbara Lee, Diane Watson, Sam Farr, Susan Davis, Bob Filner, Xavier Becerra, Anibal Acevedo-Vilá, Allen Boyd, Mark Foley, Michael Michaud, Tom Lantos, Maxine Waters, Nancy Pelosi, Mike Thompson, George Miller, Ellen Tauscher, Loretta Sanchez, Zoe Lofgren, Jim Langevin, Porter Goss, Dennis Cardoza, Robert Matsui, Jane Harman.

Tom Allen, Bill Pascrell, Maurice Hinchey, Carolyn McCarthy, Alcee Hastings, Jim McGovern, Louise Slaughter, Jerrold Nadler, Ed Case, Jan Schakowsky, Richard Neal, Ben Cardin, Nita Lowey, Dale Kildee, Jay Inslee, Bart Stupak, Tammy Baldwin, John Tierney, Robert Wexler, Corrine Brown, Carolyn Maloney, Ed Towns, Robert Menendez, Eliot Engel.

John Larson, Betty McCollum, Hilda Solis, Walter Jones, Patrick Kennedy, Howard Berman, Raul Grijalva, Barney Frank, Ric Keller, Linda Sanchez, Madeline Bordallo, Lane Evans.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would inform Members that the gentlewoman from California (Mrs. CAPPS) has 3 minutes remaining; and the gentleman from Texas (Mr. BARTON) has 10 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I would be happy to yield 4 of my 10 minutes to the gentlewoman from California (Mrs. CAPPS), for purposes of control.

The SPEAKER pro tempore. Without objection, the gentlewoman from California will control 4 additonal minutes.

There was no objection.

Mrs. CAPPS. Mr. Speaker, I appreciate that graciousness. As my colleagues can see, I have more speakers than the gentleman from Texas.

Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, Florida is the paradigm of where the economy is the environment. We have had a strong tradition of bipartisan support for that premise, and we have fought successfully now for decades to prevent the drilling off of our coast. The potential adverse effect both on the Atlantic and Gulf coasts would be monumental in terms of the potential adverse effects versus any potential gain.

That is why, again, through democratic administrations of Governors and Republican administrations of Governors, including the present administration, the President's brother, the effort has been united across the State to prevent this type of activity.

I obviously join with my colleagues and am somewhat surprised that, mysteriously, language that was taken out and, again, I keep repeating, in a bipartisan way. It is interesting, even though Florida is the fourth largest State in the country, we have the distinction of being the second largest Republican delegation in this Congress. I would be somewhat dismayed, and I wish that some of my colleagues, although I am sure just because we ended early are not here with us, because they have been leaders. This issue, as I said, is signed by all but one member. The gentleman from Florida (Mr. GOSS), the vice chairperson of the Committee on Rules, is one of the cosignatures.

Mr. Speaker, I urge the adoption of the motion, and I urge the Congress to take out this language before adoption of the bill.

Mr. Speaker, I will at this time submit for the RECORD a letter to the Speaker, the majority and minority leaders of the House and Senate signed by 24 of the 25 Members of the Florida delegation urging the Congress to take out the language that would set up this inventory.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 30, 2003.

Hon. DENNIS HASTERT,
Speaker, House of Representatives, U.S. Capitol, Washington, DC

Hon. WILLIAM FRIST,
Majority Leader, U.S. Senate, U.S. Capitol, Washington, DC

Hon. THOMAS DASCHLE,
Minority Leader, U.S. Senate, U.S. Capitol, Washington, DC

Hon. NANCY PELOSI,
Minority Leader, House of Representatives, U.S. Capitol, Washington, DC

DEAR SPEAKER HASTERT, SENATE MAJORITY LEADER FRIST, SENATE MINORITY LEADER DASCHLE, AND HOUSE MINORITY LEADER PELOSI:

We are extremely disturbed with certain language in the omnibus energy legislation, currently in conference, that would authorize the Secretary of the Interior to conduct inventories of Outer Continental Shelf (OCS) resources. The proposed inventory would make millions of acres of waters vulnerable to exploratory activity, including waters in the Gulf of Mexico that have been protected by the long-standing moratorium on drilling off the coast of Florida. This would be disastrous to our State.

We were pleased when the House removed the OCS inventory language from its version of the Energy bill. However, despite our clear and unified opposition, OCS inventory language has reemerged in the current draft of the Energy Conference Report. Due to the importance our constituents place on protecting Florida's shores, it would be difficult for our delegation to support an energy bill that includes any language authorizing an inventory of OCS resources.

One of the stated purposes of the OCS inventory is to "lead to additional Outer Continental Shelf leasing and development." We believe this language illustrates the dangerous implications that the OCS inventory would have for Florida: it would invite precisely the drilling activity that the long-standing moratorium intends to prohibit. The language would greatly compromise our State's ability to safeguard our natural resources and vibrant tourism industry, and would set the current OCS policy badly adrift.

The prohibition of OCS drilling has been a national priority for over twenty years. As you know, Congress led the way by passing the first moratorium on OCS leasing in 1982, which was soon extended to waters throughout much of our nation's coastal areas. In 1990, President Bush continued this effort by placing a ten-year moratorium on new OCS leasing, which was extended to 2012 by President Clinton. Florida's delegation has been a major part of the broad bipartisan commitment to keep most of our waters free of further exploration and exploitation. To protect this well-established priority and the interests of the state of Florida, we are dedicated to ensuring that this commitment is not abandoned or compromised by this Congress.

Opposition to OCS drilling is particularly strong in our State, due to the potentially devastating consequences it could have for our economy, natural resources, and quality of life. This resolve was confirmed by Florida's reaction to President Bush's proposal to develop lease sale 181 area, which was ultimately withdrawn in the face of stern opposition from Floridians. Our pristine beaches and waterways represent our best and most distinctive qualities and attract millions of visitors from across the country and the world every year. Our natural habitats, particularly our marine life, represent some of the richest and most diverse ecosystems in the world. The quality of life enjoyed by Floridians is due to large part to these natural endowments,which has made our state one of the most desirable places in the country to live and work.

We ask for your help in preserving the national commitment to our unique marine resource in the waters of our state an throughout the country. We cannot allow the OCS moratorium protecting Florida's waters to be undermined by this legislation. We urge your support in our effort to ensure that the OCS inventory language is not included in the final energy bill.

We appreciate your prompt attention to this very important matter.

Sincerely,

Congressman Porter Goss; Congressman Jeff Miller; Congressman Jim Davis; Senator Bob Graham; Senator Bill Nelson.

Mr. BARTON of Texas. Mr. Speaker, I reserve the balance of my time.

Mrs. CAPPS. Again, I thank my colleague from Texas for being so generous with his time.

Mr. Speaker, I am happy to yield 2 minutes to the gentleman from California (Mr. FARR), my neighbor on the California coast and a strong advocate in this arena.

Mr. FARR. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I rise today in strong support of the Capps motion to instruct conferees on the energy bill. Basically, this assessment of the oil and gas mineral deposits out there, one does not need to be done because it has already been done. I know from the leases that they have all done, the lease companies have submitted their preferences all along the California coast. The information the Federal Government wanted it has already gotten.

But that is not the issue. The issue is why would we do this in the first place, and why would we do it if we already have the information? Why would we do it is like saying, well, let us go out and see what the value is of developing subdivisions in our national parks, or taking the national Mall here and saying, what would be the potential for development along the Mall? Why would you want that information, unless that is what you are going to do?

Now, both Presidents Bush and Clinton have put oil and gas moratoria on the California coast. This legislature, for years and years, Congress has passed prohibitions on allowing the Minerals Management Agency to go further in offshore development. I mean, there has been a clear sign that we do not want to do that. We do not want to go there. We do not want to do that. So essentially this gives the wrong message to everybody: oh, we are going to collect the information because although we do not want to do it, maybe we want to do it. That is a waste of taxpayers' money, it is a waste of time, and, frankly, it is very discouraging for the civil servants who have to go out and get this information.

Lastly, it is just the wrong thing to do. If we are going to assess that, why do we not assess whether there is oil under the National Cathedral or under the United States Capitol or under Yosemite National Park or places like that. Because, indeed, with our national marine sanctuaries we have already said we are not going to allow drilling in those sacred spots.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

We have had a good debate on the floor, Mr. Speaker. I would point out that there are two parts to the Capps motion. The first part is to reinsert some language dealing with time lines for filing amendments to the Coastal Zone Management Act permitting process. That would actually give something that is not available under current law. So I would oppose the Capps amendment on the first part because of the open-ended nature of that particular procedural aspect of it.

On the second part of the Capps amendment that deals with this inventory, you can make an argument, if we were self-sufficient in energy resources in this Nation and were not importing almost two-thirds of our oil, and we are now importing 10 percent of our natural gas, that one would not need to do an inventory because we had such abundance that we did not need to know what our energy resources were. But that is not the case. We are importing over 60 percent of our oil needs on a daily basis, and we are now importing over 10 percent of our natural gas needs. We simply cannot continue, in my opinion, the policy of only drilling where we have always been drilling.

The inventory is not an open-ended change in current law so that we could go out and drill willy-nilly in all of these areas that we have put off limits, but it does say we can find out what is there. That is good public policy. If we found that there was a tremendous energy resource where we have not been drilling, we would still have all of the procedural protections at the State level and the Federal level to make an informed decision on whether to drill that resource or not, but at least we should be able to determine what is there.

So while I totally understand my colleagues from the affected States that, for whatever reason, feel like they should not allow this inventory to go forward, I cannot understand from a national perspective that we oppose just the mere fact of inventorying our natural resources, because one cannot make an informed decision about what to do if one does not know what one has.

So I would hope that we would vote against the Capps motion to instruct so that this little part of the energy bill would go forward, and we could do the inventory.

Mr. Speaker, I yield back the balance of my time.

Mrs. CAPPS. Mr. Speaker, I yield myself the remaining time.

In closing, I want to take a few seconds to underscore what this word "inventory" really means. It sounds innocuous; it sounds harmless. But surveying of the outer continental shelf would result in millions of seismic cannon blasts in our coastal waters from testing vessels. Research has found that an average modern 3D seismic survey requires a blast every 25 meters or every few seconds as a ship, a vessel that is surveying, cruises along. Calculations based on this rate of seismic blast find that it would take at least 285 million seismic blasts to inventory the outer continental shelf. The total cost of such a survey could approach $50 billion for the entire OCS, not including costly analyses to actually find potential oil and gas deposits.

□ 1700

These estimates come from discussions with MMS officials and survey companies. So my question, again, why does the Congress want to waste taxpayers' money on a duplicative process, inventory of areas off limits to oil and gas exploration?

Mr. Speaker, as the list of our speakers and co-sponsors of this motion indicates, these issues are by no means regional or partisan. By allowing this harmful language in the energy bill, our coasts will be threatened, commercial fishing jobs will be at risk, tourism will be at risk, States' economies will be threatened, and the beauty of our coastline will be seriously undermined. That goes for every single coastal State.

The House has shown wisdom in removing the inventory requirement. I ask the conference committee to do the same. We should be seeking long-term solutions that make sense for energy development and that balance environmental protection and economic growth.

The provisions to roll back the moratorium on oil and gas drilling in the Outer Continental Shelf and to weaken the States' rights under the Coastal Zone Management Act fall far short of a balanced approach.

So I urge my colleagues to support this motion, to stop an attack on the laws that protect our sensitive coastal and marine areas.

Mr. GOSS. Mr. Speaker, we in Florida are deeply troubled by the OCS inventory language currently under consideration in the energy bill conference. This language was already firmly rejected once by this body, and I believe we should make it well known that we will reject it again if it returns to this Chamber.

The prospect of an "inventory" of OCS resources, specifically in the Gulf of Mexico, poses a direct and detrimental threat to our coastal areas in Florida. It looks like a badly disguised attempt to re-open our coastal waters to drilling. In fact, it is the latest move in a long series of clever distractions that try to mask what it really is: a relentless effort to undermine the long-standing OCS moratorium and expose our coastal communities to the dangerous and disastrous repercussions that oil drilling can often bring.

This is an insult to the Members of Congress who voted the inventory language out of the House version, as well as to our constituents in Florida. In our State, we have a particularly strong interest in protecting our shores and beaches from unnecessary threat. We are blessed with beautiful beaches and coastal areas that provide extraordinary benefits to Floridians and millions of other Americans who visit. Over 80 percent of our State's population lives in coastal communities. These beaches and coastal areas are an indispensable part of the great character and quality of life we have in Florida.

Almost two-thirds of all economic activity in the State occurs in coastal counties; much of that is tied to tourism, which is a vital part of the Florida economy.

Our fight for a moratorium on offshore drilling in our part of the Gulf of Mexico has offered protection for over two decades. We are firmly committed to maintaining that protection. The OCS moratorium enjoys broad support, both in Florida and throughout the country, and since the moratorium cannot be overturned outright, opponents look for other, more subtle ways to overcome it. This inventory proposal is a perfect example of that strategy.

I believe we must strongly defend and preserve the moratorium on offshore drilling by rejecting all attempts to weaken it. It is a top priority for Florida, as well as other coastal States. I urge my colleagues to support this motion to instruct, to reject this transparent attempt to circumvent the protections we have worked hard to set and keep in place.

Mr. DELAHUNT. Mr. Speaker, today we have a choice. Do we allow states to continue to determine the future of our coastal zones or do we allow the Federal government to manhandle local interests?

The issue at stake is the consistency provision of the Coastal Zone Management Act (CZMA) which was debated and passed by a bipartisan majority of Congress in 1990. "Consistency" dictates that Federal projects must be consistent with state management plans and is the heart of the CZMA.

Today this provision is under attack from those who want to use the energy bill to circumvent the legislative process and weaken the role of states. As discussed by my colleagues, energy bill conferees now seek to disregard the bipartisan compromise on consistency passed by the House and insert a new provision at the eleventh hour. This new measure would severely limit the ability of states to appeal a project in their coastal zone by curtailing the process and timeline by which states can challenge Federal decisions. Consistency is the tool that localities use to prevent the siting of inappropriate projects by the Federal government. Any attack on consistency is an attack on the power of the states. I'm sure the irony of Democrats being the ones to remind energy conferees on the importance of state input is not lost on my colleagues.

The battle over consistency is particularly relevant to my state of Massachusetts and to the area of Nantucket Sound which I am proud to represent. Some months ago, developers proposed building a 170-tower wind farm spanning 25 square miles in Nantucket Sound. This proposal set off a firestorm. Since then, issues of ocean governance and new policies for renewable energy in the marine environment have dominated our newspapers, our fishing piers and our town halls. I have opposed the Nantucket Sound project, not because I oppose renewable energy, but rather because I believe that we must have sensible policies in place before the Federal government starts issuing permits for such large projects.

There is currently no Federal policy governing the development of off-shore renewable energy facilities. In fact this very issue is another controversial part of the pending energy bill. The Administration would like to give the Mineral Management Service full discretion over all energy projects on the Outer Continental Shelf while conservationists and others support my legislation to promote off-shore renewables with strict safeguards for the marine environment and public safety. Although the debate over the process and lead agency has yet to be resolved, the Nantucket Sound project is till moving ahead.

The proposed project is undergoing environmental review by a variety of Federal agencies but without Congressional authorization and without a coherent process to protect marine resources. A private developer is taking advantage of the lack of Federal authority and seeking to use public resources without any guaranteed benefit to the public. Given this lack of Federal policy, consistency becomes all the more critical as it is the only way states can have a voice in decision making.

Under current law, states do have a voice. The Coastal Zone Management Act stipulates that states can review projects which impact their coastal waters and appeal a project that is inconsistent with its overall interests. Currently there is no limit on the time the Secretary of Commerce can use to develop the record to make a decision in an appeals case. The oil and gas industry complains that this leads to unnecessary delay and increased projects costs. Industry proponents are using the energy bill conference to insert a provision that closes the record in 120 days and provides no grounds for any extensions.

This measure is a direct attack on consistency. And as the Nantucket project illustrates, consistency may be the only way local interests are protected. For this reason, I hope you join me today in affirming the right of states to determine their future and support the Capps/Miller motion to instruct.

Mr. DAVIS of Florida. Mr. Speaker, Florida's white sand, clear waters and gorgeous sunsets have truly become not only a treasure for our State, but a treasure for our Nation and the millions of tourists who visit Florida's beaches every year. Today, Floridians, Californians, the people of the Great Lakes and the Eastern Seaboard are asking for your help to preserve these treasures for our children and grandchildren. Florida's beaches are again being threatened by plans to commence with an inventory of all lease sale areas, including those that are currently under moratorium until 2012.

As our colleagues will recall, the House unanimously removed language calling for an inventory of all OCS lease sale areas from the final version of the House Energy bill this past April. However, despite our clear and strong position in the House and omission of the provision in the Senate version, the OCS inventory provision has reemerged in the current draft of the conference report. I believe it is important to send a unified message that this House will not fall to the will of a few behind the scenes and we will not allow the OCS moratorium to be weakened by the inventory language in the draft of the Energy bill Conference Report. Once again, the coasts are being threatened and the House must state its will to the Conferees by voting for the Capps Motion to Instruct.

It is my hope that both the Chairman of the House Committee on Resources and the Chairman of the House Committee on Energy and Commerce will abide by their promises made on the floor during debate on the House Energy bill. I urge my colleagues to support the Capps Motion to Instruct once again to remove the inventory language from the Energy bill.

One of the stated purposes of the OCS inventory is to "lead to additional Outer Continental Shelf leasing and development." The estimated cost for the inventory exceeds $49 billion, not to mention that a single offshore rig emits the same quantity of air pollution was 7,000 cars driving 50 miles per day. Floridians have continually fought to keep these activities off of their shores and we are appalled by the amount of government waste attributed to these inventory activities. The inventory language is a blatant attempt to sneak these rigs into our economy and way of life.

Recently, I was joined by 100 of our colleagues in sending a letter to the House and Senate Conferees opposing the inclusion of this language. Soon afterwards, both Senators from Florida and 24 of the 25 Floridians in the House signed onto a letter to the Leadership expressing our unified opposition to this language. I hope that today you will join us in this fight and vote to instruct the conferees to withdraw this language.

Mrs. CAPPS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Mrs. CAPPS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mrs. CAPPS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, and the Chair's prior announcement, further proceedings on this motion will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. CROWLEY. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. CROWLEY moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

Mr. CROWLEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from New York (Mr. CROWLEY) and the gentleman from California (Mr. HERGER) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. CROWLEY).

GENERAL LEAVE

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this motion and insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I am offering a motion to instruct conferees on the child tax credit.

Mr. Speaker, while many of my colleagues continue to believe that higher deficits and more tax cuts for the rich are the way to end this Bush recession, let us look at the facts.

Since the beginning of the Bush administration, America has seen the loss of over 3.3 million jobs, of which 2.5 million have been in manufacturing. Moreover, taxes on working families have gone up. This is via interest rate increases that makes your monthly mortgage payments higher and increases your monthly car payments.

The national deficit has soared to almost half a trillion dollars this year and is increasing. And what are you getting? Your tax dollars are paying over $300 billion this year alone on interest on the Bush tax cut for the rich.

Finally, Democrats, working with Senate Republicans, put forth a bill to give working families a real tax cut: an extension of the child tax credit. The Republicans oppose it. They are opposing a tax cut on working families.

The people missing out on this tax cut include 6.5 million working families and their 12 million children who are struggling to make ends meet. One in five of these children are from active duty military families, making even a Republican Senator from Arizona who, by the way, ran for President just 2 years ago, to say, and I quote, "I don't understand how you, the Republican leadership and the President, left enlisted men and women out of this tax package. I do not get it." End quote.

Additionally, this bill will disproportionately penalize African American and Hispanic children. Mr. Speaker, 2.4 million African American children and 4.1 million Hispanic children's families deserve this tax cut, but the Republican party refuses to give it to them, preferring tax cuts for millionaires and big business, this according to the Children's Defense Fund.

This Republican tax package ignores the needs of working families; and by ignoring 6.5 million working families, it will have a devastating impact on these families and the children across our country. It will have a particularly devastating impact on Latino and African American families, those suffering some of the worst brunt of this Bush recession.

We see 3.3 million U.S. jobs disappear in America since January of 2001. We see the unemployment rate for African Americans at 11.2 percent of the population. We see the Hispanic unemployment rate at 7.5 percent.

On top of that, this most recent tax bill for the rich cut out child care tax benefits for the poorest children in America whose parents are working, not on welfare as the Republicans would have you believe, but are working people who can barely keep their head above water, thanks to the economic nightmare cast on America by this Republican party and President Bush.

These are people struggling to provide for their families, and this Republican Congress refuses to fix it. Republicans are holding America's working families hostage by opposing any legislative remedy to help working families and instead by offering another huge tax cut for the richest 1 percent of Americans.

Again, I believe it is shameful to be offering tax cuts to the rich while cutting benefits for the working poor, cutting benefits for our veterans, cutting benefits for seniors on Medicare, and allowing millions of American jobs to disappear since President Bush and Republicans began to set economic policy almost 3 years ago.

President Bush's economic plan has failed the American people who should be some of the most cherished members of our society, our veterans, working families, and innocent children. President Bush's economic plan does more than ignore these groups. In my opinion, and many other people's opinion, it hurts them.

As the Disabled American Veterans wrote in a letter to Speaker HASTERT and the Republican Party earlier this year during consideration of the Republican budget, which mandated massive cuts in veterans' programs, Disabled American Veterans asked, "Have you no shame?" They were speaking to the Republican Party. Today I ask that same question on behalf of the working families of my district, the Bronx and Queens.

The child tax credit bill passed by this Republican House leaves children and families in my district behind, particularly families of color. Families earning between $10,500 a year and $26,625 a year are excluded from claiming the child tax credit increase. What does this mean for Latino families? Half of all Latinos report having an annual household income under $30,000. Half of all Latinos report having an annual household income under $30,000. The House Republican child tax credit plan means most of these Latino families will be excluded, will be excluded from the child tax credit. It means that approximately 1.6 million or 30 percent of the eligible Latino families who might have otherwise benefited from the increase are being left out. This is on top of the fact that the Bush economic plan means more Latinos are out of work.

Moreover, Latinos have a faster-rising unemployment rate than the general population. As of this summer it was 7.5 percent compared to roughly 6 percent for the average American. This is on top of the fact that the Bush tax cut on dividend income affects only 7 percent of Hispanics who own stock.

Latinos in my district want to work, and they want to do what they can to provide good futures for their children. But many Latinos in my district are working in low-wage jobs or, thanks to the number of full-time jobs lost, are only working part time. They are being left out of the Bush tax credit.

President Bush's priorities are clearly not working for Latino families, and they are clearly not working for African American families either. African American families are among the hardest hit by the Bush tax plan and the House Republican child tax credit.

About 932,000 African American children under the age of 18, according to the Children's Defense Fund, live in extreme poverty. Given our economy, it is unfortunately not surprising that this statistic represents a 50 percent increase since 1999.

African American families, like Latino families are disproportionately left out of the Bush child tax credit. African American unemployment is rising to above 10 percent. Those who are eligible to find work are often barely getting by.

These are the families that need the child tax credit the most, and yet these are the families that the Republicans and this President are leaving out. A family earning $20,000 with two children is being overlooked by President Bush in favor of the family earning $200,000 a year who does not necessarily need the child tax credit. Yet a family earning $20,000 is the family that sincerely needs a $400 child tax credit. That credit would be equivalent to a 4 percent raise in pay. But that tax credit does not exist under President Bush's plan.

President Bush's priorities are not the families that need the tax credit the most. President Bush continues to ignore the voices of Latino and African American families. Our national debt increases, our debt limit increases, and President Bush continues to increase tax breaks for those who do not need them. And I believe and all of this side of the aisle believe that that is wrong.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from New York (Mr. CROWLEY) apparently has not read the House-passed bill. The House-passed bill is the same as the motion to instruct in the treatment of low-income families. Both accelerate the refundability of the child tax credit effective this year, exactly the same as the motion to instruct.

Mr. Speaker, I rise in opposition to the motion to instruct offered by the gentleman from New York (Mr. CROWLEY). We all agree that changes need to be made in the child tax credit. The legislation passed by the House earlier this year, legislation that passed by voice vote, by the way, makes a number of beneficial changes to the child tax credit. For example, the House legislation will ensure that child credit remain at $1,000 per child through the year 2010. Under current law, the credit is scheduled to be reduced after 2004 resulting in a tax increase on American families. I hope we can all agree to keep the credit at $1,000.

The House bill also eliminates the marriage penalty in the child credit. Eliminating this marriage penalty will provide more than $20 billion of tax relief to middle-income families over 11 years.

The House bill enhances tax fairness for the members of the U.S. military who risk their lives to defend our freedom by granting capital gains relief on home sales, making death gratuity payments tax free, and other important provisions.

Perhaps of most interest to those who are supporting the motion, the House bill increases the amount of the child tax credit that is refundable from 10 percent of income over $10,500 to 15 percent of income over this amount. Our bill would make this increase effective this year.

The motion to instruct, on the other hand, would reduce the child tax credit for millions of children. It would allow the child credit to drop from $1,000 per child to $700 per child.

□ 1715

The motion to instruct does not eliminate the marriage penalty in the child credit until 2010 and then it only does so for 1 year.

Under this motion to instruct, millions of children will be denied the child credit simply because their parents are married. The House bill benefits middle-income families by eliminating the marriage penalty in the child credit immediately.

Finally, let me make clear that the House passed bill does not, I repeat, does not deny the child credit to military families. Military families, including those who are deployed abroad, are already receiving a refundable child credit and will continue to receive a refundable child credit under the House bill.

The motion to instruct would use a different definition of the income when determining the child credit, thus increasing the child credit for some military families. But I would note that this definition of income is different than the definition of income recommended by the prior administration, a Democratic administration. In fact, the current definition of income, as proposed by the Clinton administration, was enacted in the law in order to simplify the program and limit the potential for fraud and abuse.

So let us be clear. The House bill provides more tax relief to military families because it includes $806 million in military tax benefits that are not included in the motion to instruct.

Mr. Speaker, we should support the very worthy legislation passed by this House and reject the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will point out that I think my colleague is euphoric over the victory yesterday of his party and the election in California. I know perfectly well what bill is before this House, what bill passed this House. I know that at that desk is a bill from the other body that is a clean bill, that will not cost any additional money above and beyond what the Senate has asked for to pay for the tax cut for the 6.5 million poor people that we are talking about that deserve and need this tax cut.

The bill that passed this House will cost an additional $80 billion and support the wealthiest 1 percent in this country. I was very clear in my statement about that. I know what bill passed this House. I voted against that bill. I will support, and I would ask the gentleman if he will go to our leadership and bring down to this floor a bill that we can all support. The gentleman said it himself, he does not necessarily disagree with me that these 6.5 million people should get this tax credit, but he wants to pass a bill that will also tag on additional billions of dollars, increasing our national debt, an additional $80 billion to support the wealthiest 1 percent in this country. I think that is unconscionable.

But, then again, in California we can look at the job loss rate. Since this President took office, they have lost 361,000 jobs in that State. I wonder if we ask any of the 361,000 people, who probably will not be eligible now for a child tax credit under their bill, whether they think this bill should pass or not.

Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, in thinking about the context of these bills, I imagined how we would react if a politician pulled up next to a third grader getting out of school ready to traipse home, came up to the third grader and said, I am taking your lunch money unless I get my new tax break at over $200,000 income, and I am not giving you your lunch money for tomorrow unless I get my tax break, because that is what the Republican position is on this bill.

The Republican House position on this bill is that unless these higher-income individuals get an additional tax break on top of the millions of dollars they have already got, that little Johnny does not get his lunch money, and his parents do not get the child tax credit break that they have coming to them.

We have a bill right here that will get unanimous approval to give this child tax credit to the people who deserve it, but they will not give it to him because they are holding these children hostage. And it is not a pretty sight from either side of this aisle. And when we think about the children who are subject to this, I want to make sure we know who these kids are and who their parents are: 178,000 are children of farmers, good folk; 567,000 are children of nurses or orderlies taking care of our families; 337,000 of them are teachers; and 262,000 are children of personnel, many of whom are serving in Iraq and Afghanistan today.

But I want to make sure the record is really clear, the Republican party is telling the Army, for example, in Iraq today that their children do not get a tax credit unless the millionaires of America get another tax break for their income. And when you come home, you will be coming home to an America where your kid still does not get a tax credit unless our millionaire buddies who participate in the political process get their tax break first.

That is not the message I want to send. That is not the message the Democratic party wants to send to the soldiers and sailors who are proudly serving in Iraq and Afghanistan today.

I also want to point out another glitch that we need to fix that the Republicans refuse to fix. Today an E–5 sergeant with 6 years of service and two children, who is paid $29,000, who is serving in Iraq today would normally get the $1,000 tax credit, but because they are in combat, under existing law, this is pretty incredible, because they are in combat, they only get a $450 break under the House bill. So what the Republican House bill did is to say people who go to Iraq and get combat pay get a less child credit.

We want to fix that problem. I think probably the Republicans want to fix that problem too, but they just refuse to do it because you want to hold it hostage to the tax breaks for their rich pals, and that is wrong. And the reason we have come down here is we are not going to give up on this until these kids and their parents get this tax credit, and we are going to make sure America knows about this travesty to get this done. I thank the gentleman from New York (Mr. CROWLEY) for sticking on this.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my friend is incorrect. The House bill does not give any benefits to the wealthiest 1 percent of families because the wealthiest are not eligible for the child credit. Our bill benefits low-income and middle-income families who are left out of the Democrat motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, does the gentleman have any additional speakers? I reserve the right to close.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York (Mr. CROWLEY) is prepared to close. The gentleman from California (Mr. HERGER) may proceed.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in conclusion, this House passed a good bill to improve the child tax credit and to provide tax relief to our brave men and women in the Armed Forces.

Now is not the time to abandon what we have already done. We should continue to work with the other body to resolve this issue, but we should not settle for a bill that is inferior to what was already passed by this House. Hardworking families and the military men and women who preserve our freedom deserve tax fairness today more than ever. Let us show our support for the House bill by rejecting this motion to instruct.

Mr. Speaker, I yield back the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, let me say in response to the gentleman from California (Mr. HERGER), under the House bill that passed that I voted against, I actually, myself, personally, would become eligible for the tax credit. I would only become eligible for it if the House bill passed. I did not ask for it. I am not asking for it. I do not need it, but I have constituents in my district who are asking me for it. They do need it.

I do not have a rich district. I do not have a wealthy district. I have a lower- to lower-middle-class district, and they are asking for this assistance.

Today I rise in support of these working families and of their children and of similar families all across this country from New York City to California, from the State of Maine to Florida and Texas. Today, I rise in support of African American and Latino families in my district and across this Nation as well. Today I rise in support of our military families who are serving our country while trying to provide for a better life for their children.

The Republican child tax credit package hurts all of those groups. A child tax credit package that goes out of its way to exclude those that need it the most, the families that need it the most, that it is actually most meaningful to, is not helpful to these families in our country, a child tax credit package that goes out of its way to exclude those that would actually spend the tax credit, putting those funds back into our stalled economy, it just simply is not helpful to those families and to our country that needs that stimulus. That is not a family-friendly package and that package is not helpful to our economy.

Yet, my colleagues on the other side are still telling us that higher deficits and more tax cuts for the rich are the way to end this Bush recession. Republicans are still telling us that tax cuts for the rich are what will help working families. Well, the statistics tell us a different story and the people of my district, they understand there, and they know better.

Since President Bush took office, America has lost over 3.3 million jobs. That is 3.3 million people hurt by reckless tax policies of this administration and this Republican Congress. And yet the Republicans still have the audacity to tell the working African American and Latino families that they, by and large, will be excluded from yet another tax break. Mr. Bush and House Republicans have the audacity to tell many working families who serve our military that they too will be excluded. Mr. Bush has the audacity to charge those families suffering the most under an economy he created and says he will not help.

The Republicans have given us 3.3 million new unemployed in this country. The Republicans have given us a $500 billion deficit this year. The Republicans have given us high interest rates on our homes and cars through reckless economic policies. Yet the Republicans refuse to give American working families and the enlisted military personnel a much needed tax cut. It is unconscionable, and I urge my colleagues in this House to support this motion before us.

Mr. BACA. Mr. Speaker, I rise in support of Representative CROWLEY's motion to instruct the conferees to grant the Child Tax Credit to thousands of needy families wrongfully ignored by the Republican majority.

When the conference report on the Republican tax cut was finished, the dividend tax cut got bigger and tax credits for working families got smaller. It is unconscionable that we are willing to sacrifice Child Tax Credits for the poorest in our society, so that we can give more money to the wealthiest.

Six and a half million families in this Nation earn $10,500 to $26,625 per year. If we do not pass a child tax credit for the families, 19 million children will be ignored. In my home State of California, nearly 1.3 million working families will not receive a child tax credit because the Republicans needed to give President Bush more billionaire tax cuts. These working families need relief!

By not passing a complete child tax credit, 250,000 kids of active duty military families, many of whom are right now fighting overseas, will be ignored. Military families need relief!

Our economy is in desperate need of stimulus. Unemployment across the Nation has remained over 6 percent and the Hispanic unemployment rate remains above 7.5 percent. America's families are suffering.

Unemployment is up. Wages are down. Poverty is on the rise. More Americans can no longer afford health care.

America's families need our help. They need a child tax credit!

During this time of economic downturn we must not leave out those who are working harder for less pay or those who have recently joined the ranks of the unemployed. It is time to put working families back into the equation.

I urge my colleagues to support Representative CROWLEY's motion to instruct.

Mr. CROWLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. CROWLEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CROWLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Ms. SCHAKOWSKY. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Ms. SCHAKOWSKY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed to reject division B of the House bill.

□ 1730

The SPEAKER pro tempore (Mr. MURPHY). Pursuant to clause 7 of rule XXII, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from Illinois (Mr. CRANE) each will control 30 minutes.

The Chair recognizes the gentlewoman from Illinois (Ms. SCHAKOWSKY).

GENERAL LEAVE

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this motion to instruct.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself as much time as I may consume.

I rise today to offer a motion to instruct the House conferees on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003, to strike the health savings security accounts. The $174 billion saved should be used to provide employer subsidies in order to prevent over 4 million retirees from losing their existing drug benefits.

Many of us believe that the House Medicare bill does not go far enough in providing an affordable and adequate prescription drug benefit to the 13 million senior citizens and persons with disabilities who lack coverage. There are, however, 12 million retirees who today enjoy better coverage through employer-sponsored insurance than the benefit included in H.R. 1. I suspect that very few of us would be willing to say that those 12 million retirees should lose the better coverage they have today.

In fact, one of the selling points of this bill is supposed to be that enrollment in the Medicare benefit is purely voluntary, that retirees can keep their existing coverage if they want; but, unfortunately, this is not the case. We know that from the July 22 Congressional Budget Office analysis of H.R. 1 that one in three out of those 12 million retirees would be worse off if we pass this bill. I want to repeat that. According to the CBO, one out of three of those 12 million retirees would be worse off if we pass this Medicare bill.

It seems to me that our theme ought to be at least first do no harm; but 32 percent of retirees with employer-sponsored insurance would lose that coverage, according not just to the CBO but to studies like the one recently released by Ken Thorpe, a health policy expert now working at Emory University. He agrees with the CBO figures and has given us state-by-state figures about the impacts of H.R. 1.

According to Dr. Thorpe's analysis, 163,000 retirees in my State and in the State of the gentleman who takes the opposite view would lose their coverage and be forced to pay more for their medications if H.R. 1 passes. In every

State across our great Nation, there are retirees and retiree families who would be worse off under this bill: 252,000 in Florida; 45,000 in Iowa; 218,000 in Michigan; 55,000 in Louisiana, and on and on the litany of retirees who would do worse under this Medicare bill.

The devastating impact this bill would have on these 12 million retirees and their families is probably unintended. Many of my colleagues may not have known about this problem when H.R. 1 passed this body by a single vote; but now we know about those impacts, and it is up to us to fix this problem.

Again, it may have been unintentional, but we now know that this bill includes perverse incentives that actually encourage employers to drop coverage and that penalize employers that have done the right thing, those employers who are struggling to pay for drug benefits for retirees and who want to continue to meet their commitment.

We have heard about this problem not just from groups like the AARP and the AFL–CIO, the National Committee to Preserve Social Security and Medicare, and Consumers Union, the National Breast Cancer Coalition and the American Foundation for the Blind. The analysis is coming from the Congressional Budget Office and the Heritage Foundation.

These concerns are, as my colleagues know, echoed by individual retirees across the country. Many of us have held town meetings on Medicare, have talked with senior groups and heard from individual retirees. Again and again, we hear concern that H.R. 1 will take away the benefits that they worked so very, very hard to earn.

As Francis Meehling, age 76, told a New York Times reporter, "Congress says the new benefits are voluntary, but many people would lose the coverage they have." Once a retiree loses his or her coverage, the choice to enroll in an inadequate Medicare drug plan is no longer voluntary because there is no other option available. Let us be very clear. Unless we fix this problem, we will have taken away choice from 4 million retirees and their families.

My motion to instruct conferees is a way to find the resources necessary to provide the financial incentives to solve this problem. Because we are faced with a $400 billion cap on Medicare spending, which is imposed by the other side of the aisle, we have few choices. We can find the money by reducing the already meager Medicare benefit, we can cut Medicare payments to hospitals and doctors, or we could use the money going for health savings accounts, $174 billion, so that 4 million retirees do not lose their current benefits.

I have lots of concerns with the health savings accounts themselves because few of the uninsured have incomes high enough to take advantage of the health savings accounts, and I do not believe they will meet their purported goal of providing coverage to the uninsured. At a time when States are struggling financially, the Center on Budget and Policy Priorities says savings accounts will drain $20 billion to $30 billion from State treasuries.

It is really not my point today to argue that point. I urge even my colleagues who support savings accounts to support this motion. We have limited choices about where to get the money to prevent 4 million retirees from losing their coverage; and again, I am sure that none of my colleagues want a single one of their constituents to be worse off because of passage of this bill.

The example of the catastrophic health care bill of 1989 continues to loom over us, and I have issued a friendly warning about it in the past. That is the time when the angry senior citizens charged the then-chairman of the House Committee on Ways and Means and surrounded his car and demanded that that bill be repealed. In recent weeks, I have heard from so-called experts that this bill will not result in a rerun of major grass roots opposition created by the catastrophic bill because they say this is a voluntary bill and no one will be worse off because this Medicare drug benefit is not mandatory but voluntary; but that is really not true because I caution my colleagues to listen again to the words of senior citizen Francis Meehling who says, "Congress says the new benefits are voluntary but many people would lose the coverage they have."

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

We have had several motions to instruct conferees that this House has voted down, and this is more of the same. The motion before us instructs conferees to reject division B of the House-passed Medicare bill. Division B in H.R. 1 allows for the creation of tax-favored health care savings accounts. The basic idea behind these accounts is to let people put their own money away for their future health care needs. They are completely portable and can be used for any health care expense such as prescription drugs or doctor visits.

Let me explain to my colleagues why these accounts are so important for seniors and all other Americans. In January, most insured Americans will see an estimated 14 percent increase in their health insurance premiums. This is the fourth consecutive year of double digit increases. Currently, there are more than 43 million Americans without health insurance, an increase of 2.4 million in the last year.

Health care costs are spiraling out of control throughout the United States. Seniors have the most pressing problem with health care costs because they have no further income opportunities after they retire; but make no mistake about it, all Americans are struggling with increasing health care costs.

The future looks bleak. We have an aging population. The fastest growing segment in our country is people 80 and older. We need to start looking at ways to handle the chronic and long-term care costs of our aging population. When the baby boomers retire, long-term care costs will skyrocket, driving prices even higher.

One piece of legislation is not going to solve all these problems. There is not a simple answer, but there is a necessity to take multiple steps now with one of the most important steps being health savings accounts.

This House has passed bipartisan legislation that for the first time gives all Americans the incentive to plan for the future. It gives people more options and flexibility. If an employer does not offer health coverage, an individual has an affordable way to purchase health insurance on his own.

A few months ago, I talked to a constituent from my district who told me a story similar to the stories many Members have heard from their constituents. He recently quit his job to start his own company. He has a wife and two daughters, and he has been pretty successful at getting his company off the ground, but he cannot find health insurance for his family that is not exorbitantly expensive. He knows he needs it. He has got two children. He makes enough money to be classified as middle class, and he provides well for his family; but he simply cannot afford to be self-employed and make sure his children can go to the doctor. Having had eight children of my own, I understand his frustration. By all accounts he is successful except he cannot find health insurance. Health savings accounts would be a viable option for him and his family.

Opponents of health savings accounts will say that we are only helping wealthy people, that health savings accounts are a tax shelter for the rich. The very opposite is true. These types of accounts are giving people in the middle class and workers who do not have benefits the ability to buy health insurance.

Medical savings accounts, the precursor to health savings accounts, have been very successful. According to the last report from the Internal Revenue Service and the U.S. Treasury, 73 percent of all medical savings account buyers were previously uninsured. So medical savings accounts are making health insurance affordable for the first time for many Americans and actually bringing them into the health insurance system.

According to the Coalition for Patient Care, medical savings account policy holders currently have at least $100 million in their medical savings accounts to use for health care now or in the future. Previously, that money used to go to insurance companies. With medical savings accounts, policy holders are benefiting from their wise consumption of medical care.

Health savings accounts and health savings security accounts are more flexible than medical savings accounts and, therefore, will be more attractive to people. If they are implemented, it is estimated that 40 million health savings accounts and health savings security accounts will be created by the end of the decade.

I simply cannot understand why my colleagues on the other side of the aisle persist in trying to pass a motion that will remove the ability of seniors to save for their out-of-pocket health costs that will keep 43 million Americans uninsured. I cannot understand a motion that will limit health care options for Americans. I think some Members are under the assumption that if we strip health savings accounts from the bill that the money spent on health savings accounts will be redirected and used to provide enhanced prescription drug coverage.

I want to clarify what this motion does and does not do. The motion does not direct conferees to close the drug coverage gap. It does not direct conferees to spend more money on drug coverage. It does nothing more than eliminate health savings accounts.

Mr. Speaker, I reserve the balance of my time.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself such time as I may consume.

Let me just briefly respond that the purpose of this motion to instruct is to prevent 163,000 people from our State of Illinois from losing their coverage because their employers stop providing the benefit for prescription drugs for the retirees. So that is the point. It is to solve a problem that will cause millions of retirees and persons with disabilities to lose their benefit.

Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), a State where 385,000 retirees are projected to lose their prescription drug coverage.

□ 1745

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of her motion to reject the use of the $174 billion for Health Savings Security Accounts included in the Republicans' prescription drug bill.

On June 26, I voted against the Health Savings and Affordability Act, H.R. 2595. While it sounds like a great idea to let folks save for their out-of-pocket costs, in reality these Health Savings Accounts are a $174 billion tax cut for the wealthy. Republicans tell us that these accounts will help those without health insurance, but in reality those without health insurance have incomes that are too low to take advantage of the tax breaks in this bill. The truth is these folks do not have the additional $2,000 to $4,000 a year to put into these savings accounts.

When America is experiencing record deficits, this Republican Congress' highest priority remains increased tax cuts, and I am outraged that they are placing them into the Medicare prescription drug bill. When is this type of deception going to stop? All I ask is that my colleagues be honest with the American people. I do not think it is asking a lot for them to really be honest and level with Americans about what they are really getting in this bill.

I ask this Congress if $174 billion could not be better used? At a time when retirees are struggling with rising prescription drug costs, could the $174 billion not be used to increase incentives for employers not to drop prescription drug coverage for their retirees? If passed as is, the Medicare prescription drug bill will make those receiving employee retirement plans worse off. Currently, this is the largest source of prescription drug coverage for Medicare beneficiaries, and these plans are significantly better than anything that they would receive under the Republican bill.

Under the Republican bill, the likelihood that employers will drop prescription drug coverage is great because retirees will not be able to use their health plans towards the gap in coverage. Therefore, these higher costs do not provide an incentive for employers to make prescription drug coverage available to their retirees. The Congressional Budget Office projects that approximately one-third of employers who are currently providing retiree prescription drug benefits would drop the coverage if the Republican prescription drug bill becomes law, making some 4 million retirees worse off.

In fact, this possibility of losing drug benefits from former employers is the biggest fear currently facing retirees. Already we are seeing a decline in retiree coverage due to increased prescription drug costs, which accounts for 40 to 60 percent of an employer's retiree health care costs.

We cannot stand here and allow the Republican bill to expedite this process. Therefore, I urge my colleagues to support the Schakowsky motion and reject more tax cuts for the wealthy. Instead, why not be honest and do something that is right for the American people and use the $174 billion for employer subsidies to help ensure that employers do not drop their current prescription drug plans for their retirees.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Ms. SCHAKOWSKY. Mr. Speaker, I would like to inquire as to how much time is left on my side.

The SPEAKER pro tempore (Mr. MURPHY). The gentlewoman from Illinois (Ms. SCHAKOWSKY) has 16 minutes remaining, and the gentleman from Illinois (Mr. CRANE) has 24 minutes remaining.

Ms. SCHAKOWSKY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE), a State in which 143,000 retirees are projected to lose their prescription drug coverage.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague, the gentlewoman from Illinois, for putting together this motion to strike the Health Savings Account provisions and shore up employer-sponsored coverage.

The House Republican bill includes $174 billion over 10 years for Health Savings Accounts, and these accounts, Mr. Speaker, are bogus. This money should be used to subsidize employers to prevent employer-sponsored coverage erosion. The Health Savings Account provisions will undercut employer-provided health care coverage.

These benefits are available only if individuals are covered by high deductible plans. In other words, plans providing no coverage for at least the first $1,000 of medical expenses. A deductible that size is approximately double the deductible of most employer plans. The provisions will encourage employers to reduce coverage for workers and their families by increasing deductibles and shifting even more costs on to employees. The resulting cost savings will be enjoyed by the employer because there is no requirement that these savings be passed on to the employee.

For many American families, the tax benefits are completely worthless. The only thing they would receive from the Health Savings Account provision is reduced health care coverage. Most American families will not be able to take advantage of the tax shelter in these provisions because they do not have $4,000 per year in additional savings. The Health Savings Account provisions are designed to benefit employers and upper-income management not rank-and-file employees.

Now, Mr. Speaker, with the deficit at a record high, we ought to carefully consider how best to spend the scarce resources we have. It is fiscally and morally irresponsible to spend $174 billion on a tax shelter that will erode health insurance coverage and not improve it. This money would be much better spent by strengthening employer-sponsored retiree coverage, which currently covers about a third of all seniors.

The fate of employer-sponsored health coverage for retirees is a central issue in the Medicare prescription drug debate. As it currently stands, the House-passed Medicare bill encourages employers currently providing retiree health benefits to drop coverage. Unfortunately, the Republican bill states that any dollar an employer pays for an employee's prescription drug cost would not count towards the employee's out-of-pocket catastrophic cap. This disadvantages seniors with employer-sponsored coverage because it would be almost impossible for them to ever reach the bill's catastrophic cap over which Medicare would pay 100 percent of the drug costs. So, without a doubt, many employers will simply stop offering retiree coverage.

The potential loss of this valuable benefit that many unions and employers provide was reported recently in the New York Times. According to the lead story by Robert Pear, and I quote, "About 12 million of the 40 million Medicare recipients has retiree health benefits, usually including some drug benefits. The Congressional Budget Office estimates that one-third of the people with such drug coverage could lose it under bills passed in June by the House."

Now, the Republican conferees are unwilling to provide a final Medicare agreement that will provide seniors with an affordable, available, and guaranteed prescription drug benefit that does not privatize Medicare. With the added threat of employers dropping retiree health benefits if a retiree is eligible for Medicare, we will no doubt have a public health crisis on our hands. Do not let this happen. Support the Schakowsky motion.

Ms. SCHAKOWSKY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SANDLIN), a State in which 280,000 retirees are projected to lose their employer-provided prescription drug coverage.

Mr. SANDLIN. Mr. Speaker, I thank the gentlewoman for yielding me this time. Mr. Speaker, we have a very important question to answer today: Should we provide prescription drugs for all seniors, or should we provide tax shelters for the few? That is our question.

Mr. Speaker, I rise today to join my colleagues in instructing the conferees on H.R. 1 to make our Nation's seniors our top priority as set forth in the Schakowsky motion to instruct.

The prescription drug bill that is before us is supposed to help and not harm our seniors, and yet H.R. 1 has 12 million seniors in this country running scared. These are supposedly the fortunate seniors, the ones who work for companies that promised they would provide retiree health coverage if the employees put in the time required.

But the flawed structure of H.R. 1 will ultimately destroy that commitment. The Congressional Budget Office has estimated that up to 32 percent of retirees will lose their employer-sponsored coverage and drug benefits under the House bill. Thirty-two percent of America's seniors, the retirees, will lose their employer-sponsored coverage under the House bill. That is unacceptable.

A separate study by economist Ken Thorpe came to similar conclusions and noted that in my home State of Texas, 280,000 retirees would lose coverage. That is one-quarter of a million seniors. Now, Mr. Speaker, that is just not exactly the kind of thing that you want to put in your constituent newsletter that you send back home.

Now, this is ridiculous. Why are we pretending to fix one problem while causing another? The CBO has noted that H.R. 1 would provide, and this is a quote, "provide a clear financial disincentive for employers to supplement the part D benefit." A disincentive. It blatantly discriminates against employers who provide retiree health coverage by providing better Federal subsidies when an employer drops coverage than when an employer retains coverage. What kind of reasoning is that?

The Republicans like to say this is a voluntary benefit, but that implies, "voluntary," that our seniors have a choice. I can say with full certainty that none of our seniors with retiree coverage would choose this detrimental program to be enacted into law. I know Texans would not. I know the 32 percent who will be losing their coverage would not. So let us spend our money wisely. Let us direct it at protecting our retirees' hard-earned benefits. We can do that by eliminating HSAs today.

The majority claims we cannot afford, we cannot afford, to offer comprehensive coverage for our seniors' drug needs. But we can afford to allocate over $174 billion in tax cuts to the inclusion of Health Savings Accounts. That shows where our priorities are. HSAs will certainly help the wealthiest individuals for whom they offer yet another opportunity for another tax shelter. But for middle America, for the people I represent and most of us represent, HSAs will result in employers reducing coverage for American families by, one, increasing deductibles; and two, shifting cost to employees.

Understand, there is no requirement to pass on the savings. We need prescription drugs for all, not a shelter for the few.

Ms. SCHAKOWSKY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN), a State in which 243,000 retirees are projected to lose their employer provided prescription drugs.

Mr. BROWN of Ohio. Mr. Speaker, I thank gentlewoman from Illinois for yielding me this time, and for her leadership on health care issues.

What is it, Mr. Speaker, what is it about Republicans and Medicare? There is always some Rube Goldberg idea they have to change the public health system that has lifted millions of Americans out of poverty for the last 38 years, that has helped America's elderly live longer lives and healthier lives? Republicans always want to try some experiment, some Rube Goldberg plan.

They tried means testing. They could not get that through the Congress. They tried to raise up eligibility age. They could not get that through the Congress. They tried these Medicare HMOs; and, unfortunately, they have gotten that through the Congress. And ask almost any senior how these Medicare HMOs are working, and they are not working very well.

They have tried an experimental medical savings account, a demonstration project which has not worked very well. Then the President said if you want a prescription drug benefit through Medicare, you have to get out of Medicare and get it through private insurance. That clearly is not flying with the American people. They always, always, always, over the last 30 years, every chance they have gotten, have tried to privatize Medicare.

Now, Mr. Speaker, they have this $174 billion tax scheme to, again, try to undercut and weaken Medicare. Medicare works because it is universal insurance. And universal insurance works because there are a lot of healthy people and a lot of people that are sick. Through universal coverage, it works for everybody. It works for the healthy 65-year-old who walks two miles every day and does not need much medical treatment, because she subsidizes the 80-year-old who may be sicker. Then when the 65-year-old gets sicker, other people will begin to help her, because it is a universal system.

Republicans, for whatever reason, I do not know if it is their friends in the insurance industry or what it is, or their political philosophy, or whatever, they want to fracture that universal coverage pool. I guess we really should not be surprised, Mr. Speaker. For 38 years, we have seen Republicans simply have not liked Medicare. They did not vote for it 38 years ago. Speaker Gingrich tried to cut $250 billion 10 years ago to, surprise, give tax cuts to the wealthiest people in this country. Dick Armey, the Republican leader 2 years ago, said, "In a free society, we wouldn't have Medicare." Whatever that meant. The gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means, just in the past year, said he wants to end Medicare as we know it.

They simply do not like this program. I wish they would come to the floor instead of sending these Rube Goldberg kind of constructs that nobody really understands, just come to the floor and say: we do not like Medicare; we want to privatize it; we want to let the insurance industry run it. That is what the Republicans do in every one of these Rube Goldberg kind of schemes.

Perhaps the worst is this $174 billion tax shelter, tax scheme, they are trying with the medical savings accounts. That is why the Schakowsky motion to instruct makes sense. We can take that $174 billion, instead of putting it in some kind of tax shelter or tax scheme, and use it for something that will really matter and that will help the seniors in this country.

□ 1800

Ms. SCHAKOWSKY. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT), a State in which 74,000 retirees could lose their benefits.

Mr. MCDERMOTT. Mr. Speaker, it is my desire not to be repetitive, but the gentleman from Ohio (Mr. BROWN) really said it all: Medicare is a program that we all agree we ought to fix, we ought to add a prescription drug benefit.

Now Members know that the $400 billion that we have put into it is simply not enough. The plan has a great big doughnut hole in it. Most seniors will pay more than they will ever get out of the program, and when we talk about let us fully fund it so everybody gets what they need, we are told there is not enough money. Then if we look a little further into the bill, we find the medical savings accounts. Now I do not know if Members watching this on their television all understand, $400 billion is what they say, and they have $190-some-odd billion for medical savings accounts. Who gets the benefit from that? How many people in this society are able to put money aside in anticipation of an illness?

We buy insurance; we cannot save up for it unless you are rich. This is a plan for the rich to shelter some more of their money. That money could much better be used for providing a good pharmaceutical benefit. Now, the motion of the gentlewoman from Illinois (Ms. SCHAKOWSKY) simply says let us get rid of one more tax break for the rich which is all the President and the Republican majority seem to be able to come up with. In a time when we are losing jobs everywhere and everything else is going wrong, they can find money to keep putting money out for tax breaks. Let us take that money and put it into a pharmaceutical benefit for seniors.

Why should we put a man out that everybody predicts 30 percent of the seniors who are covered now by their former employment will lose that benefit? Why should 74,000 people in the State of Washington who right now have a benefit lose it so we can give another tax break to the rich? It makes no sense. We should all vote for the motion of the gentlewoman from Illinois because it makes good sense, it is good public policy, and it is humane.

Ms. SCHAKOWSKY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), a State in which 134,000 retirees may lose their employer-provided prescription drug benefit.

Mr. HOLT. Mr. Speaker, I rise in support of the motion to instruct, and I thank the gentlewoman from Illinois for her leadership on this issue. The motion addresses two rather disturbing aspects of H.R. 1, the troublesome Medicare legislation passed earlier this year.

The first problem with this bill is, of course, it is, as so many things this year, a loss of revenue so that benefits can be given to people who need the benefits least. The Center for Budget and Policy Priorities has estimated that the health savings accounts would cost the Federal Government $174 billion over 10 years.

These health savings accounts are a way of saying to the American people they are on their own. The beauty of Medicare and its sister program, Social Security, is we are all in it together. We all know we are all in it together. But the message that the majority is sending here is you are on your own. You can save for these expenses that you will incur, you can save for these prescriptions that you will need, you can save and you will be in good shape. I can hear the President saying to the Vice President, It worked for you, did it not, Dick?

Yes, George, it worked for me.

That is the message that they are giving to the American people, that you are on your own and you will be okay.

At the end of the line of this is channeling all beneficiaries into private insurance. As the chairman of the Committee on Ways and Means said, for those who think that we are trying to change Medicare as we know it, the answer is, I certainly hope so. Yes, that is what the chairman said. This is a fundamental change in Medicare.

Now, there are millions of Americans out there who are saying all this debate about prescription medicine under Medicare does not really affect me. They may not like turning people out on their own like this, but we can hear these millions of Americans saying thank goodness that my former employer has given me a good retirement package and I have prescription drug coverage. In fact, in New Jersey where there are 1.2 million Medicare beneficiaries, of these 434,000 have employer-sponsored coverage. It sounds good, but unfortunately we have got bad news for those people who think that they are covered.

The Congressional Budget Office says perhaps one-third of employers could drop retiree coverage under the new bill, one-third. Well, in New Jersey it might be any of 134,000 beneficiaries who would lose their employer-sponsored coverage under H.R. 1. This certainly is an unpleasant surprise for many seniors. The gentlewoman from Illinois (Ms. SCHAKOWSKY) has pointed out that the money set aside in H.R. 1 for the health savings accounts could be much better spent, addressing this second failing of the legislation, its effect on retiree prescription drug coverage, a fine idea, worthy of Members' support. I think we can create this fix by passing the motion to instruct of the gentlewoman from Illinois (Ms. SCHAKOWSKY). I will vote for it and urge my colleagues to do the same.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleagues on the other side of the aisle have one general theme when they talk about health care policy: if we cannot give everyone everything, why pass a Medicare drug benefit. If we cannot help everyone, why help anyone. It is flawed thinking. We all want to help seniors pay for their prescription drugs. We want everyone to have access to affordable quality health care, it is just that we are going about it in different ways.

Our side of the aisle believes that seniors are smart enough to be able to choose the health care that is best for them. They should be able to choose what services they want and what doctor they want to go to. We think that people have the capability to plan for their health care needs down the road. The other side of the aisle thinks that Americans need to be taken care of, that is, what is good for one person is good enough for everyone. Some Members continue to categorize health savings accounts unfairly. They have been called a number of things. They have been called a tax-free grant, a tax shelter for the wealthy, and my favorite, a radical proposal.

The sad truth is that health savings accounts are a radical proposal. We are giving all Americans, including seniors, a tool to save for their future health care needs. We are letting people keep more of their own money in order to buy health insurance. Ironically, that is a radical idea for some Members, letting people keep the money they earn to buy the health coverage they want. It has been argued that Republicans are being fiscally irresponsible. Some have said that, if the health savings account provisions are stripped from the Medicare bill, that we could afford to cover more of the seniors' prescription drug costs. This is simply not true. Even if health savings accounts were taken out of the bill, $174 billion will not close the so-called coverage gap.

Let me remind Members that the Democrats offered an alternative prescription drug bill which closed the coverage gap, and that bill cost $1 trillion. The entirety of the cost of H.R. 1, including the provision creating health savings accounts, is within the budget limits that this House passed earlier this year; a $1 trillion prescription drug bill is not. Some Members today have spent a lot of time talking about how important it is to close the coverage gap in H.R. 1; yet this motion has nothing to do with closing the so-called doughnut hole. The motion does not instruct conferees to devote any additional money at all toward prescription drug coverage. This motion is not meant to supplement our prescription drug proposal; it is meant to kill legislation that this House has passed which will give millions of Americans access to affordable health care. I urge my colleagues to reject this motion.

Mr. Speaker, I yield back the balance of my time.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself the balance of my time.

This motion is not about giving senior citizens more than they already have; this is about preventing something from being taken away from 4 million seniors. As my colleague stated, the entire Medicare bill is subject to a $400 billion spending limit because of the insistence of the Republican leadership. If we are going to provide the funding necessary so that 4 million retirees do not lose their coverage, we need to find the money somewhere. We can take it from the health savings accounts, or we can reduce the meager drug benefit even more, or we can cut provider payments.

My motion says that taking it from the health savings accounts is the best of all of the options that the other side has given us. We know what this motion means. It is a choice whether we vote to protect retiree health coverage, or we are going to vote for health savings accounts that will not meet their goal of covering the uninsured.

More important, the retirees who have employer-sponsored insurance and do not want to lose it know what this vote is about. They will be watching us. I urge support for the motion to instruct.

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of the Schakowsky motion which would strike the House-passed provisions establishing new tax-free savings accounts for medical expenses, estimated to cost $174 billion over ten years.

On June 26, 2003, I voted against the Health Savings and Affordability Act, which established these new tax-free personal savings accounts that employers could offer to their employees, along with high-deductible insurance policies.

As the House and Senate conferees continue to discuss the Medicare prescription drug legislation, the facts are still coming in that this bill will be a blow to the 12 million Medicare beneficiaries who currently receive prescription drug coverage through their employer retiree plans.

In most cases, their employer prescription drug coverage is significantly better than what they would receive under the Republican Medicare Prescription Drug plans.

It is also troubling to note that about one-third of employers who are currently providing retiree prescription drug benefits will drop that coverage if H.R. 1 becomes law. This means more than 4 million Medicare beneficiaries will be worse off.

Both H.R. 1 and S. 1 exclude employer-provided coverage as counting towards meeting the catastrophic cap on beneficiary spending in their "true out of pocket" definition.

Retirees with employer-provided coverage will get less of a benefit than other seniors.

In fact, these retirees would need closer to $10,000 in drug costs before the stop-loss protection would apply, well after the $5800 cap that applies to all other beneficiaries.

This will, in effect, encourage employers to drop their retiree benefits, at a difficult time when steep drug prices are prompting employers to eliminate drug benefits or cap their contributions.

I urge all my colleagues to vote in favor of the Schakowsky motion to reject the creation of the Health Savings Security and Health Savings Accounts provision and use the $174 billion dollars to help save employer retiree prescription drug plans for our Nation's seniors.

The SPEAKER pro tempore (Mr. MURPHY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SCHAKOWSKY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ADJOURNMENT TO FRIDAY, OCTOBER 10, 2003

Mr. CRANE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, October 10, 2003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ADJOURNMENT FROM FRIDAY, OCTOBER 10, 2003 TO TUESDAY, OCTOBER 14, 2003

Mr. CRANE. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, October 10, 2003, it adjourn to meet at noon on Tuesday, October 14, 2003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, OCTOBER 15, 2003

Mr. CRANE. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, October 14, 2003, it adjourn to meet at 2 p.m. on Wednesday, October 15, 2003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. CRANE. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1815

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MURPHY). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REIMPORTATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, just yesterday in USA Today they ran a story, "Once Just a Trickle, Canada's Rx drugs pouring into the United States" and predicting that it is now coming close to $1 billion worth of business where people are buying their medications, name brand drugs, from Canada. And why? Because the same drugs that we have developed here, the name brand drugs, are in Canada for 40 to 50 percent cheaper than they are at our local pharmacy and drugstore. We cannot afford the drugs we need, and we are not doing enough here in Washington to help make that medication accessible.

We passed a piece of legislation back in July with 88 Republican votes and 153 Democratic votes that brought competition and choice to the pricing of pharmaceutical medications. Today if one went to Europe and Canada for the same medications dealing with blood pressure, cholesterol, heart disease, those medications are 40 or 50 percent cheaper than they are in the United States. Why? Because in those countries they have competition, and it makes the prices go down. If we brought competition and choice to the market, we could actually have the type of prices that are being afforded right now in both Canada and in Europe.

A couple statistics that are so important that people should know, a recent Families USA study found that prices of the 50 drugs most commonly used by seniors increased by three and a half times the rate of inflation. Between 2000 and 2003, seniors' expenditures on prescription drugs increased by 44 percent. Seventy-one percent of Americans think it should be legal to purchase their medications in Canada, in Europe, France, England, and Germany where prices, again, are cheaper than they are here at home. We are asking our folks here in this country to pay a premium price, the most expensive price in the world, not the best price; and we have an obligation to help them get the best price, not the most expensive price.

My governor from Illinois and governors in Minnesota and in Iowa have decided to study what the savings would be to their taxpayers and their consumers if they were to buy medications competitively. Those studies in short order will be out, and I think the Members will see that tremendous savings could be accomplished for the taxpayers in those States.

That is relevant to what we do here on the prescription drug bill. If we are about to spend $400 billion of the taxpayers' money on the largest expansion in over 40 years on Medicare, we owe an obligation not only to the seniors who will get it but to the taxpayers who will pay it to get them the best price, not the most expensive price; and we want to use the free market principle of competition to bring prices down and to give consumers the choice that they need.

What I find interesting is that we have a $1 billion business today going on. The FDA does not think there is anything wrong with it but all of a sudden has been lately lip-syncing the pharmaceutical industry's line by saying that there is an issue of safety. Yet they will not in any way try to deal with clamping down or stopping folks from buying those medications because they do not really believe there is a safety issue. The fact is on March 27, 2003, when the FDA testified in front of a congressional committee, when asked if has anybody has ever been sick, if anybody ever been found to be sick, not one person has ever gotten sick by purchasing medications, name brand medications, from Canada.

The second argument that the industry puts out is somehow it will affect the research and development for new medications. The fact is the taxpayers, through the National Institutes of Health, have funded research into pharmaceutical drugs for $27 billion a year. Second, they write off all their R&D investment and the taxpayers cover for them.

In my view, the taxpayers have been tremendously generous to the industry and to the development of new drugs and that all the new drugs, if we take a look at cancer, AIDS drugs, other types of medications, they have all been funded by taxpayer-paid research. So first the strawman made the argument about safety. In fact, the legislation we passed here in the House improved the safety by dealing with counterfeit.

Another issue is that somehow it impacts the development of new medication, life-saving medications. The fact is it does not touch it. I think we will maintain the tax credit for research and development, and we will continue to fund the National Institutes of Health to the tune of $27 billion, and the taxpayers have been quite generous. In fact, what they are owed is a return on their investment.

So what I believe, and would hope that others have seen this article and know what they are having in their own district and as the conference meets here on the prescription drug bill, is that any piece of legislation that does not deal with price does not deal with the primary issue affecting the senior community and that we have an obligation to get them the best price and get the taxpayers the best price we can get them through a prescription drug bill that allows the free market to work. Because for too long we have had a closed market here. We need to open up the market and allow the principle of competition to work.

Second, and I think in addition to that, is that we talk about expanding Medicare. We need to ensure that for that $400 billion we get the most for our money. Everybody today knows if they go to any senior center and talk to folks they will tell them, because there is somebody from their senior home who has gone over the border, gone into Canada and bought prescriptions filled out for everybody in the unit or everybody at the housing project, they have bought medications. We have turned our grandparents into drug runners, and that should not be illegal because what they are trying to do is meet the obligations they have for their own health.

For too long we have all heard stories of people who have cut medications in half, skipped a month so their spouse can get the medications they need. That is a health and safety risk.

This legislation that was passed out of this Congress with bipartisan majority would address that health and safety risk. It would address the need of our taxpayers who are more than willing to help get a prescription drug bill but not do it when we are paying inflated prices, sometimes as high as 60 percent, to the pharmaceutical industry. If someone takes one medication like Tamoxifen, which costs $360 here in the United States, it fights what? Breast cancer. In Canada, it costs $33.62. That is the difference, and it means life or death for a lot of the people here in this country.

I call on the conference to quickly pass a prescription drug bill that has this reimportation provision and ask that my colleagues look at the article the other day in USA Today.

THE BUSH ADMINISTRATION'S STEEL POLICY IS WORKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH. Mr. Speaker, I rise today in strong support of President Bush's steel policy which was implemented in March, 2002, to provide the domestic steel industry with a 3-year safeguard program against a crushing surge of steel imports that had begun in 1998.

As chairman of the Congressional Steel Caucus, I have seen firsthand and heard testimony from many steel employers on the extent of the economic devastation that the industry suffered as a result of the import surge. In my view, President Bush took the courageous position to stand up for the steel industry and acted to help restore the steel industry to its competitive footing, something that, unfortunately, the previous administration had not chosen to do.

On September 19, the International Trade Commission issued a mid-term review of the 201 safeguard, which confirmed what many of us had predicted for some time, that President Bush's steel policy is working and showing substantial results. In short, the ITC mid-term review of the President's steel policy is a win for the administration and a win for steel employers and workers.

Since 2002, we have seen the domestic industry begin a heroic recovery and restructuring of the industry and groundbreaking new labor agreements. Yet critics of the steel program argue that steel consumers have unduly suffered from the tariffs imposed on selected imports, and they have clamored for the elimination of the President's program. In my view, the ITC report quells those critics' voices and shows, demonstrating very clearly, that the section 201 safeguard has had minimal impact on the steel-consuming industries.

The ITC report reveals that the domestic steel industry has been doing the right things to get their companies into top shape so they could compete globally. Steel prices have stabilized at a sustainable level after an initial price spike immediately following the implementation of tariffs. This reaffirms the administration's policy and their decision to allow numerous exemptions from the tariff structure.

Serious attempts to restructure, reach groundbreaking agreements between management and labor and significant capital investments have been taken by industry, but, frankly, they cannot stop there. The 201 safeguard program must remain in place for the full 3 years and allow the industry to finish what it has begun and truly recover from devastating import surges.

Mr. Speaker, this really boils down to jobs. The 201 safeguard has stopped the hemorrhaging of jobs among steel producers, and the ITC report found that steel-consuming jobs have not been put at risk by this policy.

Since this most recent crisis in the steel sector began, over 54,000 steelworkers have lost their jobs and over 30 steel companies have had to close their doors.

We developed trade remedy laws like the 201 safeguard specifically to help our companies endure unfair import surges like the one that caused this crisis in the steel industry. We must not allow unfair foreign trade to push our steelworkers out of jobs and force more and more of our good-paying jobs offshore.

I am pleased that the ITC found at core that President Bush's steel policy is good for the industry, it is good for America, and it is good for America's industrial base. We must remain vigilant and police our markets for the sake of our steel industry, manufacturers, and the entire American economy.

I want to thank President Bush for standing up for steel, and I urge him to stick with it.

FUNDING FOR IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, next week the Congress will consider the President's request that we borrow $87 billion and indebt the American people for the next 30 years to repay that 87 billion borrowed dollars on top of the $79 billion that Congress borrowed last April to continue the actions in Iraq and build that country. And I say "build" because the President has asked for $20.3 billion to build Iraq, not rebuild. We are not talking about war damage. That is a tiny fraction of the cost. This is a guide to the gold-plated construction and war profiteering that the administration has put forward for Iraq.

There is no sum too great. Six billion dollars, not to repair the damage to their electrical grid but to update their 1950s and 1960s boilers and generators to 2003 standards and all the other disinvestments. Six billion dollars the American taxpayers will be asked to borrow to give them the state-of-the-art energy grid when lights are blinking out in this country and our rates are going up.

No idea is too tangential. The Bush Administration wishes the Iraqis to have wireless Internet. They did not have it before the war. I do not think they even had laptops. Maybe a few of the elite did. But they are going to have it after the war. They are going to have wireless Internet paid for, money borrowed, in the name of the American taxpayer.

And then, finally, nothing is too wasteful when it comes to this administration. Mr. Bremer, the pro-consul, signed a contract to feed the 25 members of the Iraqi Governing Council handpicked by Mr. Bremer and the President for a mere $5,000 per day.

□ 1830

Apparently the food was going to be flown in on an executive jet from some exclusive restaurant in Washington, DC or New York. I do not know how they could spend $5,000 a day for 25 people. The Iraqi Council canceled that and generally said, "You know, when it comes to reconstruction or feeding ourselves or doing all these other things, help us do it, and we can do it for 10 cents on the dollar." They are aghast at what we are wasting.

The major point is when it comes to this administration, no sum is too much when it comes to war profiteering and gold-plated construction in Iraq. But it is too easy for them to neglect our troops.

We find out that 30,000 of our troops lack body armor. They have been issued flak vests from the Vietnam era. It will not stop an AK–47 bullet. It would cost $15 million to equip those troops with vests, but the Pentagon, which got $79 billion last spring to equip the troops in the war and had a budget of nearly $400 billion last year, said it could not find within that budget, $15 million to give our young men and women those vests. So now, in order to equip those young men and women with the vests they should have had before they went there, they are asking for $300 million. What is this? Yes, $15 million worth of vests are needed, and the Pentagon said they want a $300 million appropriation to do that.

But it does not stop there. Some of our troops are over there in their jungle fatigues. Many of them are driving Humvees that have either canvas side curtains or sheet metal doors, which do not do real well with AK–47 bullets or rocket-propelled grenades. Now, they finally came to the conclusion that we should buy some armored Humvees for those troops.

The boots, the substandard boots they purchased are wearing out. Some of the troops are wearing jungle fatigues. We cannot afford those desert fatigues for everybody. A $400 billion budget, $79 billion last spring, another $79 billion now. Some of those people are going to have to go over there in their jungle fatigues, wear that Vietnam era flak jacket, drive around in Humvees with canvas side curtains.

But yesterday the Bush administration decided they are going to get this all right and fix it. So they appointed Condoleezza Rice to oversee Mr. Bremer, the pro-consul in Iraq, and see if they can do these things better in the future.

I have a suggestion for Pro-Consul Bremer and his overseer, Ms. Rice: Why do not they go over there, looking like a target, wearing jungle fatigues, and wear a Vietnam era flak jacket and drive a Humvee with canvas side curtains, instead of going around in their armor-plated Suburbans, surrounded by Bradley Fighting Vehicles with helicopters overhead, and they say they have been there and are doing what the troops need.

The troops are not getting what they need, and we are wasting billions to rebuild that country.

LETTERS FROM HOME REGARDING IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 165 years ago, conservatives in the House of Representatives passed a rule to prohibit and ban the discussion of the debate of slavery in the House of Representatives. Then Congressman, former President, John Quincy Adams, strongly objecting to that policy passed by the conservatives that ran this House of Representatives, came to the floor night after night, week after week, disputing that rule and reading letters from his constituents, mostly women in Massachusetts, who could not vote, sharing letters from his constituents with the House of Representatives and with the American people protesting that prohibition on that debate.

Today, the Congress is considering other very important legislation, other legislation and investigations, something the House of Representatives conservative leadership does not want to allow, and that is debate on how this $87 billion will be spent and accounted for, whether or not the Bush administration told the truth when leading this Congress and country into war with Iraq and how we are going to take care of the troops.

I am again tonight, as I have night after night since late July, reading letters from my constituents, because conservative Republican leadership in this House will not allow us to debate these issues and will not do the investigation that the country and so many of my constituents are demanding. I am reading letters from them tonight about the troops, about the lack of accountability on the $87 billion and the

$1 billion a week we are already spending.

Jane from Akron, Ohio, writes, "Do not put good money after bad. I implore you to look at the U.S. servicemen and women in Iraq and Afghanistan and see that they are treated decently in terms of danger pay, education for their dependents and family support issues. The Bush administration is certainly not supporting the troops with decency and respect."

She is talking about some of the same things my friend the gentleman from Oregon (Mr. DEFAZIO) just talked about.

Evelyn from Akron, Ohio, writes, "This administration has bankrupted the country. Please vote against the $87 billion unless the people responsible are held accountable."

She talks about, as many other letters have, the fact that we are spending $1 billion a week in Iraq. One-third of that money has gone to private contractors, many of them unbid contracts. The largest contract has gone to the Halliburton company, which Vice President DICK CHENEY was CEO of until he was running for Vice President, and she and others talk about the fact that Mr. CHENEY is still receiving $13,000 every month from Halliburton, as Halliburton is receiving hundreds of millions in unbid contracts, hundreds of millions of our tax dollars.

Wes of Strongsville, Ohio, writes, "It is beyond belief that this administration has gone so long, nearly 5 months since the 'end of major combat,' without a plan on accomplishing its initial goals in Iraq and keeping our soldiers from another quagmire."

Wesley of Bath, Ohio, writes, "I am very sad that George Bush and his staff, including Dick Cheney, Donald Rumsfeld and Condoleezza Rice, apparently misled us when taking us to war. We need to publicly investigate how the public was misled about the reasons for going into this war. If the President and his people are culpable, they should be let go."

Betty from Akron, Ohio, writes, "We need to end the U.S. occupation of Iraq and give authority for rebuilding to the United Nations. No more money from Congress until there is a change."

She and others have suggested that President Bush bring in more United Nations troops, more United Nations financial support, something the President has been unable to do, in large part because many around the world, as in this country, have not really believed that the President has told us the truth, and so many of our countrymen, so many of my constituents, have objected to this $1 billion a week with no accountability, especially when $13,000 every month is still going to the Vice President of the United States from a company that is getting millions of dollars in unbid contracts from the President of the United States.

Shirley from Akron, Ohio, writes, "We can no longer afford to go it alone in our nation-building in Iraq and still care for America's pressing social issues, most specifically, our children's education, health care and high unemployment from the loss of American jobs. The hubris of this administration's policies at home and abroad will cost America for decades to come. It must stop now."

She is talking about the President's tax cuts for the wealthiest citizens. The average millionaire gets a $93,000 tax cut, while the President has cut veterans' benefits, and he is not taking care of our troops in Iraq and the supplies they need. The President has cut education and health care benefits also.

Claire from Strongsville, Ohio, writes, "The level of debt increases daily as we keep reducing services for needy children. It can only get worse as we throw more money into the unjust Iraq war."

You can see, letter writer after letter writer, citizen after citizen in this country, have major concerns about the corruption, the unaccountability, the money the Vice President is still receiving and our whole war policy.

RUBBER-STAMPING THE ADMINISTRATION'S POLICY IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, I come to the floor tonight because I know that we are going to next week be in a session of the "Rubber Stamp Congress." Tomorrow the Committee on Appropriations will meet for several hours, and they will pass out $87 billion worth of borrowed money.

I brought this because in my district one of my constituents started printing up what he calls "fraudulent event notes." This is a $1 billion note in "deception dollars."

Now, 87 of those look something like this. That is what we are going to put out tomorrow, $87 billion of hard-earned money, with very little discussion, and the President wants them to run it through this House next week. We will come in on Wednesday. We will fly in on Wednesday afternoon; on Thursday we will have a little debate; and Thursday it will be gone. Two, three hours of debate, $87 billion.

Now, when you think about that, this Rubber Stamp Congress never says no to this President. It is a failed policy, with the same people in charge today that got us in the mess. Oh, they have rearranged the deck chairs on the Titanic. Ms. Rice is now in charge. She sort of elbowed Colin Powell off to one side, and Mr. Rumsfeld off to the other side, and she is running in and telling Mr. Bremer what to do, the Viceroy we appointed over there to run this place.

What is missing in all of this is a plan to give the control of Iraq to the Iraqis. They say someday. Five years, we are going to be doing this for 5 years. In one year, we have been in here for $79 billion, and now we are back for $87 billion more, all borrowed.

We cannot touch those tax cuts. Oh, no, we gave that money to the rich people, and, I do not know, they are doing something with it somewhere. They are not making jobs. We have got no jobs in this country. But we are printing money. The presses are running like mad printing this money to send over to Iraq.

Now, what are we going to send it there for? You heard from one of my colleagues a little bit of it. We are going to send over a guard system for public property, $15 million. That is just for training and administration.

We are going to send them 80 pickup trucks at $2.6 million. That is $33,000 apiece. That is a pretty good pickup truck. You can get a pickup truck for under $20,000 right now. But, no, we have to send them the $33,000 brand.

We are going to send over a communications system of handheld radios, 400 of them, and 200 satellite telephones, for $6 million. How many of your police departments have that kind of equipment? And yet we can send it over to Iraq.

Or we can go and give security for the judges at $200 million. Four hundred judges. We are going to provide security details constantly for $200 million.

These phony dollars that they got us into, they got us into a war on a fraudulent basis. The President stood right here and said things which he now says, "My, it wasn't true." But we are going to pay for it.

We are going to pay for a witness protection program. If any Iraqis come forward, we promise them that we will take them to the United States and set them up someplace in Florida or wherever, I do not know, and spend $100 million on them, like they were crime fighters in the Mafia in the United States.

That is what your money is going for.

Mr. Speaker, there are a lot of things in this country that ought to happen before that happens.

We are going to buy them 200 tanker trucks. We are going to buy them 250 natural gas trucks. More of these dollars. They are going out. They are going out to the people, and they are going to be spent over there, and the Iraqis themselves say, "Give us 10 cents on the dollar, and we can do it ourselves." But this is an American occupation headed by Viceroy Bremer, and there is no intention in this list of turning over control to them.

We are going to set them up an army. We have decided they need a 40,000-man army. They had an army before. Where is it? Why do we have to buy new weapons for all of them?

Four hundred thirty-five Members are going to come in here with their rubber stamp, and they are going to say, "Mr. President, you want it. I close my eyes, it is yours." And we are going to send them $87 billion, with no discussion. It is wrong. Keep your eye on them.

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THE NEED FOR RELIABLE, ACCESSIBLE, AND VERIFIABLE VOTING METHODS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, I am pleased to follow my friend, the gentleman from Washington (Mr. MCDERMOTT). And to think that the gentleman got in some hot water not too many months ago for saying that, well, he might question the veracity of some in the administration who were talking about the facts leading us to war. I think the American people have come to see that the gentleman from Washington (Mr. MCDERMOTT) knew what he was talking about.

But I would like to talk about another subject: voting, the single most important act of a democratic republic.

Now, citizens in my State of New Jersey tell me they want voting techniques, technologies that are reliable, accessible, and verifiable. And they are concerned that in the stampede to replace the unreliable butterfly and punch card ballots, that we may be replacing one unreliable voting technology with another.

Now, consider electronic machines like, for example, touch-screen machines. They are convenient, they are accessible, they are fast and efficient. In many ways, they make good voting machines. They report the election results promptly and can reduce clerical errors and errors in addition. And certainly Members of Congress, I for one, have encountered in an election where the county clerk makes errors of addition that, in some cases, take hours and, in other cases, days to uncover. But these electronic machines are good, except that they are inherently unverifiable. Voters ask me, now, after I vote on an electronic machine, how will I know that back there in the electronics, back in the ether, back in cyberspace, the vote was recorded as I intended. The answer is, they do not know. They cannot know. Because of software or hardware errors, the votes might have been misrecorded. Innocent, accidental errors, or malicious, intentional, hacking errors. The real problem is that there is no way for the voter to verify the reliability of the electronic count.

Voters are plenty skeptical these days, and we cannot afford to have voters more skeptical about the process that they are supposed to own.

Mr. Speaker, I have introduced legislation under which each voter gets to see a printed record of his or her vote to verify that the vote is recorded as the voter intended and that the printed record becomes the vote of record. Now, this gives all the convenience, accessibility, and reliability of the electronic voting machines. And, it gives the added element of verifiability, of verification that belongs to each voter, as it should.

COMMENDING THE INDIANAPOLIS COLTS ON THEIR STUNNING VICTORY AGAINST THE TAMPA BUCCANEERS ON MONDAY, OCTOBER 6

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, those of my colleagues who probably were unable to stay up and watch the Monday night football game certainly by now know that within less than 4 minutes a miracle occurred at the Bay. I am not talking about the weather in Tampa Bay or perhaps the latest diet fad, but I am talking about a history-making, Indianapolis Colt-stomping that occurred at Tampa Bay on Monday night, October 6, on national television, a little show called "Monday Night Football."

The miracle at the Bay, a 38 to 35 overtime win, and no miracle to Indianapolis Colts fans, was lead by quarterback Peyton Manning and receiver Marvin Harrison.

I want to commend the Indianapolis Colts team, the Indianapolis Colts organization, and certainly the coach, the unflappable, the dignified gentleman, fired, dismissed, former Tampa Bay Coach Dungy, now with Indianapolis, and he makes us extremely proud.

Coached by Mr. Dungy, the Indianapolis Colts wiped out a 21-point deficit late in the fourth quarter and won 38 to 35 in overtime. The Colts trailed 21 to 0, 28 to 7, and 35 to 14. But in the fourth quarter, the Colts scored 28 points against the NFL's best defense and Super Bowl champion, the Buccaneers.

The "less than 4-minute-miracle" was led by Indianapolis quarterback Colt Peyton Manning and Colt receivers and running backs James Mungro, Marvin Harrison, and Ricky Williams over a span of less than 4 minutes; 3:37 minutes to be exact.

The Colts gained 455 total net yards against the Buccaneers' vaunted defense. Peyton Manning passed for 386 yards and two touchdowns. Marvin Harrison had 11 catches for 176 yards and two touchdowns.

It was a total team contribution, and the Colts are now 5 and 0 and, hopefully, Super Bowl-bound. An inspired Colts team gave Indianapolis fans a hard-fought victory. This win also gave Tony Dungy an unforgettable gift on his 48th birthday and his return to Tampa, a 38 to 55 victory in overtime against his old team, the Buccaneers.

Tony Dungy, when others may have given up because the ABCs of a comfortable victory did not seem to be in the cards, Coach Dungy does what he does best, the 3 Cs: calm, coaching, and confidence.

I want to say, Mr. Speaker, tonight that the Colts indeed make Indianapolis proud and Coach Dungy, who gives so much of his time with the NFL fatherhood project and a lot of other great things that he does in the Indianapolis community, as well as in Tampa, and the fact that he is such an example, a shining example of fatherhood, of what a husband is, what a family unit should be about, being a dad, he lives what he teaches.

Coach Dungy is the NFL face and coordinator of the All-Pro Dad, a nonprofit program that offers practical fathering assistance updated daily, available 24 hours a day, 365 days a year. At the heart of the program is the All-Pro Dad team. Its members include active NFL players and coaches and retired NFL standouts. Through TV, radio spots, and 2,000 nationwide billboards, these men speak to fathers about their most important job, and that is being a dad.

So again, Mr. Speaker, Coach Dungy is tops with Indianapolis and, in many ways, tops with the Nation, and with my favorites, and that is fatherhood, advocacy, and the Indianapolis Colts.

TROUBLING DEVELOPMENTS IN MIDDLE EAST PEACE PROCESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Indiana (Mr. HILL) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. HILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HILL. Mr. Speaker, in the August break, several Members had the opportunity to take a trip to Israel. As a matter of fact, there were 28 Members. It was lead by the minority whip, the gentleman from Maryland (Mr. HOYER). This evening we would like to offer Members who went on that trip the opportunity to share their experiences and to give their opinions and give their support for the State of Israel.

Mr. Speaker, as the only democracy in the Middle East, Israel has been a strong and important ally to the United States for over 50 years. Maintaining that relationship is imperative to the strength and security of the United States.

When I was approached several months ago about joining a congressional delegation to Israel, I welcomed the opportunity. Though I had been to Israel once before in the early 1990s, it was during a very different time, a time when peace seemed near.

Given the events over the last several years in both Israel and the United States, I felt it was my duty as a Member of Congress to gain a better understanding of the Israeli-Palestinian conflict and how it relates to the security of the United States.

One of the most important aspects of this congressional delegation trip were our meetings with Israeli and Palestinian leaders. We were greeted by both leaders with optimism regarding the peace process. These meetings shed light on the challenges that both sides face in beginning meaningful peace negotiations, and they highlighted the importance of U.S. involvement in the peace process. Unfortunately, that optimism has turned to violence, as the road map to peace has crumbled. Israel has been forced to defend herself against terrorist attacks much like the United States did in the wake of September 11. I continue to strongly support Israel in its stand against terrorism. However, I am hopeful that all parties will exercise restraint so that they may, once again, focus on the process of achieving peace.

Mr. Speaker, when we were over there, both the at-that-time Palestinian leader, Mahmoud Abbas, and Mr. Sharon, the Prime Minister of Israel, were very optimistic about the chances for peace in Israel. They believed that they could achieve it. But, once again, we have negotiations breaking down. Our thoughts and our prayers are with both Israel and the Palestinian people, that they will try to reach out to one another in a peaceful way and bring peace to the area.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Indiana for organizing this Special Order and also the gentleman from Maryland (Mr. HOYER) for organizing the trip to Israel which, as was mentioned, so many of us on the Democratic side of the aisle went together. I think it was actually the largest number of House Members ever that traveled to Israel, at least in anyone's memory.

I wanted to discuss the trip but, in particular, discuss the troubling developments in the Middle East peace process that have occurred since the trip when we were there in early August. I have to admit that for myself and probably all of my colleagues on the trip, we were hoping to return from Israel with stories of remarkable steps being taken towards peace in the region. I wanted to be able to return and tell my constituents that progress was being made, that things were getting better, and that families were safer.

However, many of us returned from Israel, and I know I did, uneasy about what we saw and concerned about the future of the peace negotiations. In our meetings with Israeli Prime Minister Ariel Sharon and then Palestinian Prime Minister Abbas, they both expressed a willingness to work towards a peace settlement. But while the talk was positive, there seemed to be no action on the part of the Palestinian Authority to eliminate Hamas and the other violent factions of the organization, despite concessions by Israel on political prisoners and the control of territories.

Even more troubling to us was the overriding concern that Prime Minister Abbas did not have the ability to negotiate peace with Israel or the power to reign in the Palestinian terrorist factions. At every turn, it seemed, Yasir Arafat worked to undermine the Abbas government. So it came as no surprise that only a month after we returned from Israel, Abbas resigned as Prime Minister, citing his inability to effectively do his job in the shadow of Yasir Arafat. It was even less a surprise that a member of Arafat's inner circle was then tapped to step into the position.

Mr. Speaker, since our trip, as we all know, violence has once again escalated in the region. Just this past weekend on the eve of Yom Kippur, another suicide bomber stepped into another crowded Israeli seaside restaurant and killed another 19 people. Mr. Speaker, since the start of this year, over 100 people have been killed in Israel as a result of suicide attacks. This is not a combined total of several years; this is over 100 people killed in the last 9½ months alone.

In response to this weekend's bombing, Israel conducted an air strike inside Syria in a terrorist camp believed to be used by Hamas and its Islamic Jihad.

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This was a measured response by the Israeli government against the groups who carried out the attack.

As a side note, Mr. Speaker, I have spoken several times on the House floor regarding the need for Congress and the President to implement sanctions against Syria. I am a cosponsor of legislation that was approved today by the House Committee on International Relations that would place economic sanctions against Syria and hold Syria accountable for their actions. Syria has long been known to support and sponsor terrorist organizations. It is on the State Department list of terrorist nations. This Congress and the President must show to Syria that there are consequences for their actions. So I would urge that this bill come to the floor of the House and be passed as soon as possible.

Not surprisingly, Arafat has used Israel's strike against Syria to his advantage. Arafat has taken the attack as an opportunity to declare a "state of emergency," passing a presidential decree that institutes his chosen group as the new prime minister and cabinet.

This step by Arafat only confirms my fears that Arafat continues to exert enormous influence over the Palestinian government. Israel has to come to grips with Arafat's ability to derail the peace process and has faced serious international opposition when the Israeli government issued a decision to take steps to remove Arafat from power.

Recent actions by Arafat make it painfully clear that Arafat continues to be a roadblock to peace. When one government does not follow his orders, he undermines that government until its leaders resign, and he puts his own people in charge. Peace cannot be achieved, in my opinion, as long as Arafat is in power.

Mr. Speaker, I am sure I can speak for many of my colleagues on the trip when I say that we all want nothing more than to see peace negotiations move forward. So, for now, the Palestinian Authority has a new prime minister. However, many of the same questions remain: Will steps be taken to dismantle the terrorist networks? Will the new prime minister be able to govern or will Arafat continue to pull the strings? I guess only time will tell the answers to those questions.

In closing, I just want to urge all of my colleagues in Congress to visit Israel and meet with government officials and see the region firsthand. I want to thank the gentleman from Maryland (Mr. HOYER) for organizing this trip, giving us the ability tonight, through the gentleman from Indiana (Mr. HILL), to discuss our trip. It was a wonderful trip. It was at a time when peace seemed possible. I know it does not seem very possible right now, but I am still hopeful that again we will see peace in the Middle East.

Mr. HILL. Mr. Speaker, it was a pleasure to have the gentleman from New Jersey (Mr. PALLONE) on the trip. He contributed a great deal to the success of the trip.

Mr. Speaker, I yield to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) who is a new Member in Congress but is really doing an outstanding job.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today and join my colleagues in our continuing desire to establish peace in the Middle East. I joined several of my Democratic colleagues this past August in a trip to

Israel to see firsthand the impact that violence has had on the people of the Middle East.

It seems that almost daily we turn on our television sets and read newspapers and learn about another bombing or missile attack in the Middle East. Just this past Saturday 19 people were killed and 50 people were injured when a suicide bomber set off an explosion in a packed restaurant in Israel.

My trip to Israel in August impacted me profoundly. One cannot begin to understand what it is like for the people of Israel to try to live under such conditions until one have traveled to the country and has seen it firsthand. There is a difference between understanding their situation by reading about it in the newspaper and actually being there, living it and seeing it with your own eyes.

Israel is a tiny country and is practically surrounded by countries that consider Israel and Western-style democracy an enemy. Israel lives with the fear of attack every day, and Israeli citizens need to protect themselves and defend their homes. There are many regions of the country that the Israeli government holds on to simply because they improve the security and safety of their citizens.

While I was in Israel I and my colleagues saw firsthand the construction of an enormous security fence to prevent violent attacks. Once completed, this barrier will stretch for approximately 150 miles. It is a combination of ditches, barbed wire, and electric sensors. Many people have spoken out against the fence and say that it is an obstacle to achieving peace in the region. But until you have been to Israel, you cannot possibly understand what that fence means in terms of the safety and security of women and children and civilians.

I also recall during our trip being taken to border regions and being shown security footage of people trespassing over the security barriers and entering Israel without authorization. These constant dangers impact the people of Israel every day, and I was impressed with how committed the Israeli people were to protecting their country and their families in the face of so many threats. In fact, many citizens carried guns with them, ready to defend their country at a moment's notice.

It is easy for people outside of Israel to criticize them for carrying guns and constructing a security fence. But the fear and the danger that faces the people of Israel is real, and they must be allowed to protect themselves. Because of this danger, they alone know the best way to protect their citizens and secure their communities.

Mr. Speaker, I hope that our country continues to support the government and the people of Israel. I hope that we recognize Israel's right to be a sovereign nation and Israel's right to protect itself. Most of all, I hope that peace comes to the people of Israel and all of the citizens of the Middle East.

Mr. HILL. Mr. Speaker, I yield myself such time as I may consume.

The gentlewoman from California (Ms. LINDA T. SÁNCHEZ) spoke about the fence. The fence takes on symbolic proportions just by the idea that we are putting up a wall, some people like to call it. But this fence is not designed to keep the Israeli people out of Israel like the East Germans tried to do in East Germany trying to keep their people in. This is to protect the Israeli people.

As the gentlelady from California (Ms. LINDA T. SÁNCHEZ) so eloquently said, until you have been there and seen if for yourself, you really do not have a great appreciation for it.

Mr. Speaker, at this time, I yield to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, as a Member of the House Committee on Armed Services, I have worked to further my understanding of the threats posed to our national security by state sponsors of terrorism and the role of our allies in countering this growing threat; and I am well aware that Guam's neighbor, North Korea, exports missile technology to Iran and other nations that seek to acquire both weapons of mass destruction and the means to deliver them.

The people of Guam have a keen interest, Mr. Speaker, in developments in the Middle East where so many of our sons and daughters are proudly serving. Mr. Speaker, you may be interested to know that Guam is actually the closest American soil to the Middle East region.

I, too, Mr. Speaker had the opportunity to visit Israel with my colleagues, and I thank the gentleman from Indiana (Mr. HILL) for this opportunity to speak tonight.

I was very pleased to join my colleagues on this recent mission to Israel. The State of Israel has come a long way since my last visit there over 20 years ago. The people have maintained the ancient heritage of the Holy Land and its sacred sites, while bringing economic development and opportunity to a very young nation. They have worked at bringing peace with their neighbors, Egypt and Jordan, and stand ready to negotiate a final settlement with the Palestinians.

What I saw in Israel confirmed my belief that our assistance to Israel has been an important investment in regional security, for much has been achieved with our assistance from the leadership of President Carter to President Bush's efforts today.

In prosecuting the war on terrorism globally, we should never forget our steadfast ally Israel and the responsibility we have to engage there. In Israel, I saw a people who share our democratic values in and long for peace being forced to live with the ongoing threat of terrorism. All too often, we focus our attention on CNN footage of a burning bus or a shattered restaurant. We must not forget these people after the cameras have moved on.

For the women and the children that took the number 2 bus in Jerusalem, we must not delay in moving our embassy to Israel's capital. For the families who sat down to lunch at the Maxim Cafe, we must demand accountability from nations such as Syria that sponsor terrorism against Israel. To prevent future victims of terrorism, we must support increased defense cooperation with Israel; and, above all, we should encourage President Bush to continue the U.S.-led effort to facilitate the negotiations between Israel and the Palestinians that are crucial to our peace in the Middle East.

The decisions of the 108th Congress will have a historic impact on our foreign policy and the security of our nation, and I look forward to sharing in those decisions with the understanding that I have gained from visiting Israel.

So, Mr. Speaker, I would like to go on record to thank my colleagues who participated with me on this delegation and especially to the gentleman from Maryland (Mr. HOYER) who led our group and for providing me with such a valuable opportunity.

Mr. HILL. Mr. Speaker, I thank the gentlewoman from Guam (Ms. BORDALLO) for her kind remarks. It was an opportunity for us to get to know one another a whole lot better in our trip to Israel. I have a great amount of respect for the gentlewoman from Guam.

Mr. Speaker, at this time, I yield to my colleague from California who I sit on the Committee on Armed Services with, the gentlewoman from California (Mrs. DAVIS of California).

Mrs. DAVIS of California. Mr. Speaker, I would like to thank the gentleman from Maryland (Mr. HOYER), the distinguished minority whip, for leading this trip and also for tonight's opportunity to share our thoughts with our colleagues and the American people.

It was my third trip since I had lived on a kibbutz in 1965 during what was then the infancy of the State of Israel. Each time I set foot there I am reminded of the rich history of the land. The way you drift from present to past and back again is simply indescribable. One is constantly reminded of the biblical origins.

It is a place where time is measured in millennia, not decades, which helps me keep a perspective on everyday headlines.

On this trip, I had the opportunity to go to the Golan Heights. As our bus climbed the corkscrew roads I looked down upon the kibbutz where I had lived 38 years ago, and I was struck by its proximity. It was much closer than I ever thought. That geography reminds me of my own City of San Diego. There people live on bluffs, on mesas overlooking valleys, yet no one in the valley is concerned about being shot by their neighbors above.

This highlights the stark differences in everyday life in the U.S. compared with everyday life in Israel. In Israel, normalcy is a challenge. But it is achieved every day. Life continues, but not without adjustments. Families have learned to live with the prospect of violence. Just like here, parents worry about getting their kids to school. Adult and youth join their friends at coffee houses, and families go shopping. Though it may look normal, there is much going on that one cannot see.

Just take the example of going to the store. Here we might be thinking about the traffic and the availability of parking. In Israel, one would worry about security at the store, about which routes to take, and about the wisdom of taking public transportation.

On recreation choices, I am reminded of the accomplished physician, the Israeli-American who went to the coffee house with his daughter the night before her wedding. A suicide bomber went also.

When I learned of the 19 people killed in an Arab-managed restaurant in Haifa, I recalled the afternoon that we all lunched at an Arab-owned restaurant feeling safe.

The differences extend beyond such day-to-day choices. As diverse as this body is, the Knesset's diversity impressed me. Though Democrats and Republicans joust in a war of priorities, our experiences are nothing like those of Jews and Arabs serving together in a Knesset while their brothers and sisters might be fighting one another.

□ 1915

And while the challenges we face are important and the problems we address are critical, again, they seem shadowed by the complexity of those in the Knesset.

Finally, despite the grave security situation in Israel, I observed a free and open press. The plight of those living in the West Bank and Gaza was discussed and important questions were asked of the government. Surely the freedom to debate such sensitive issues is symbolic of the great potential for understanding and cooperation that exists in Israel. A free and open press underpins a free and open society. Israel is a democracy, a democracy that refuses to be handicapped by its dangers and a democracy that needs our continued attention and our support.

Mr. HILL. Mr. Speaker, I thank the gentlewoman from California (Mrs. DAVIS). I am always impressed at her presentation and her ability to ask the tough questions in such a nice way.

Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. MURPHY). The gentleman from Indiana (Mr. HILL) has approximately 39 minutes remaining.

Mr. HILL. Mr. Speaker, I yield to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I was very much pleased to participate along with my wife on this trip to Israel, and I appreciate the efforts of the gentleman from Maryland (Mr. HOYER) in organizing this trip. It is not my first trip. It is probably my 7th or 8th trip to Israel. And as always, I was impressed by looking at different facets of Israeli society and seeing a vibrant, free, democratic, modern country, so different from so many other countries in the Middle East.

I had many experiences there, but one of the things I always do when I go someplace else is read the local newspapers. Reading the newspapers in Israel, you are struck by the debates on politics and on policy, on peace, you are struck on the political give and take, by the criticism in the newspapers of the government and its leaders, by the debate of the members of the various political parties, all of this so reminiscent of the democracy in our own country, in the United States.

In the debates in the press, in talking to the people, one could feel the palpable yearning for peace that Israel is so desperate for. One could not escape the fact that Israel is a country fighting a war on terrorism alongside the United States. One could never escape the fact that Israel is targeted by hostile neighbors, by hostile terrorists who have had over 100 suicide bombings, homicide bombings, really, targeted at civilians, men, women and children.

Sometimes we read in the papers here that in the last 3 years since violence began in September of 2000, about 800 Israelis have been killed and countless more wounded, maimed. And Palestinians were also killed. But what you do not read all the time is that most of the Israelis who were killed and maimed were children and old people and women, children simply at a pizza parlor or teenagers at a dance hall or people at a wedding or a Bar Mitzvah or just going about their business, on their way to work on a bus. Most of the Palestinians who were killed were armed people engaged in attacking someone engaged in terrorism.

One is also struck when visiting Israel, in going around Israel, by how small the country actually is. It is one thing to look at a map and talk about Israel and the territories, the West Bank and Gaza and the Sinai and Egypt and what territories should constitute a new Palestinian state, what territorial concessions or compromises Israel should make. It is all very academic on a piece of paper; until you are there, and you see how small this country is. When you go to a place, a hill on a farm, and you can look and see on one side, the Jordan River, the boundary between the West Bank and Jordan, and on the other side, you can see from the same hill the Mediterranean, how narrow the country is and how remarkable, in those terms, is the willingness of Israel to give up so much territory to form an independent Palestinian state, as Israel offered to do at Camp David and at Taba in 2000.

We saw the monitoring station in the north of the country. We visited a station, really a couple of trailers, a few hundred feet from the Lebanese border. We saw the balloon. It looked like a barrage balloon, tethered a couple of hundred feet up, but it did not hold weapons. It held cameras. And sitting in this monitoring station were young girls, 18-year-old girls in army uniforms looking at the monitors to try to prevent terrorists from coming over the border to attack and killing at random, to kill men, women and children at random. And this is what the army has to occupy itself with.

We saw also part of where the fence is going to be. The fence has been the object of some controversy. But the Gaza Strip has a fence around it. People go through the fence, through check points, but not one homicide bomber has come from Gaza. A million and a half people in Gaza, not one homicide bombing has come from Gaza into Israel successfully. Plenty have tried, but not one has succeeded to wreak mayhem and murder on civilians. Unfortunately, that is not the case with the West Bank.

Someone once said that good fences make good neighbors. Well, you need a lot more than good fences to make good neighbors, but one might say that good fences are very important to make good neighbors. And no one can deny the necessity for Israel to try to prevent people from crossing over to attack villages and towns in Kibbutzim and just plain people going about their business.

The United States is erecting a fence between at various places between the United States and Mexico to prevent illegal immigration. No, we do not have a problem, thank God, with people trying to cross from Mexico into San Diego to commit murder. If we have a problem, it is because people want to cross to get jobs. But the Israelis have that problem. And we saw where we were how narrow the place was. How there was an Israeli town and not 200 yards away an Arab-Palestinian village, which was not in Israel but was in the West Bank, and in between them simply a depression in the ground and nothing to stop people from walking across.

That is why we need the fence. That is why Israel needs the fence, to protect the lives of men, women and children. And it ill-behooves anyone to criticize a defensive fence against terrorism.

I must say, Mr. Speaker, that I believe in the necessity of a Palestinian state. Some people ask me, do I believe that the Palestinians have a right to a state? My answer is no, I do not think so. I do not see why the Palestinians have any more right to an independent state than the Baaths or the Kurds. On the other hand, if Israel is going to be a safe state and is going to achieve peace and is going to remain a Jewish democratic state, then there has to be a Palestinian state, because there is no alternative.

The question, of course, is, can you have a Palestinian state with peace and security for Israel? Is there someone you can deal with to negotiate that, and that is what Israel tried to do. And if you read what Dennis Ross, President Clinton's chief negotiator at Camp David, or what some of the others have said, they offered, the Israelis offered a Palestinian state in 100 percent of Gaza, 97 percent of the West Bank, plus territory from Israel proper so that the Palestinians could say they got the equivalent of acreage of 100 percent and Arafat turned it down. And Arafat then started a war which is what we have had for the last almost 3 years, 3 years and a couple of weeks.

So we hope and pray for peace. This trip showed us just how small Israel is; how necessary the fence is, how necessary the Israeli defense measures are; how important Israel's part in the war on terrorism is; and how, when people say that the main problem is the Israeli occupation, how wrong that is. The Israeli occupation will end when there is an ability to have a peaceful solution for Israel and to have security for Israel without Israel having to occupy the land for security purposes. We saw that very clearly and that is what we have to understand. And the United States must engage to continue our alliance with Israel, the only free democratic people in the area, the only reliable ally for the United States in the area, and the moral necessity of defending that freedom and democracy, and the political necessity of allying in the war on terrorism with our only reliable ally in the war on terrorism in the Middle East, Israel.

Mr. LARSEN of Washington. Mr. Speaker, the resignation of Mahmoud Abbas and the appointment of Ahmed Queria as his replacement as the Prime Minister of the Palestinian Authority has fully thrown off course the Road Map to Peace.

Two months ago I traveled to Israel as a member of the largest Congressional delegation to ever visit Israel. While there, I had an opportunity to meet with both then Prime Minister Abbas and Prime Minister Ariel Sharon. At the time, both Israel and the Palestinian Authority were struggling to implement the Road Map requirements.

Abbas's humble welcome to the delegation belied a history of being one of Yasser Arafat's right hand men in the Palestinian Liberation Organization's past terror campaigns. This history makes it all the more interesting that Silvan Shalom, Israel's Minister of Foreign Affairs, told us that it was official Israeli policy to take actions to enhance the credibility of Abbas within the Palestinian Authority.

Abbas's message to us was a recounting of key issues that impact the Road Map peace process. He argued that the security fence, which he referred to as a wall, should be dismantled. However, when pressed on this issue, he conceded that the fence might be less of an issue if Israel built it on non-West Bank lands. He argued that Israel's announcement that they would release 545 political prisoners, in addition to those 248 released before the Akaba summit, was inadequate. His sentiment echoed Arafat's claim that the release was a fraud.

What Abbas failed to explain is that the Israeli government's difficult decision to release prisoners was not a required element of the Road Map peace process. The Israeli government took this step unilaterally and specifically as a confidence-building measure for the peace process and to help enhance Abbas's credibility.

Abbas's third issue was the continued presence of Israeli forces in Palestinian settlements and cities in the West Bank. Recent suicide bombers have come from these cities. The Israeli government's position is that, short of a Palestinian Authority effort to dismantle all terrorist infrastructure, Israeli troops will be present in the West Bank.

Finally, the issue of terrorist infrastructure hung out there. The most important action that Abbas could have taken to silence all of his critics is the step necessary during the now dead temporary ceasefire to dismantle the infrastructure supporting terrorist groups like Hamas and others. The number one obstacle to that step was Yasser Arafat, a picture of whom hung over the meeting as a constant reminder of who was really in charge.

We drove back to the bus for the 90-minute ride back to Jerusalem for our meeting with Prime Minister Ariel Sharon. Sharon met us in his office within the large government complex located on one of the many hills in Israel's capital.

Sharon's message was simple: For real peace, Israel is ready to make painful compromises. He noted that Israel is a small country but has a determined people.

He went on to echo Minister Shalom's earlier comments that Israeli policy is to enhance Abbas's credibility, and he went on to point out recent changes the Palestinian Authority have implemented. He noted that incitements, or the agitating of anti-Israeli opinion, have decreased. He emphasized that, except for the recent shooting north of Bethlehem, the temporary ceasefire had held.

Sharon cautioned, however, that the Road Map peace process would not move forward to the next phase without completing the current phase in full. What he emphasized the most was a full cessation of terror. Sharon noted that Arafat's strategy of terror has not changed, and Arafat continues to undermine every step that Abbas takes.

Thinking back to the Abbas meeting, the Palestinian Authority's Prime Minister expressed his sincere belief in two main goals for his government. First, a rule of law must exist for all Palestinian people. Second, it is his goal to have one security force. This was important because there are currently 13 separate security forces, ten of which Arafat controls.

I bring this up because two things strike me most about this pair of meetings. Both men have a vision for their people. Sharon's vision is a vision that most Jews have, an Israel for the Jewish people with secure borders living in peace with its neighbors. Abbas's vision was not expressed as clearly but was still there: a state for Palestinians living securely under the rule of law.

Abbas's resignation and the seeming resurrection of Arafat now mean these visions are on hold. If the Palestinian Authority cannot have leadership that is willing to wrest itself from the hold of Arafat and terrorist groups, then Israel must continue to defend itself from suicide bombers. As a strong supporter of Israel, however, I believe the United States has a responsibility to help Israel take steps forward—not backward—including improving the average Palestinian's quality of life. I am no supporter of Arafat. But, honestly, hints at efforts to assassinate Arafat took the peace process backward in the eyes of many. I applaud the foreign minister's efforts to back away from the statement made by the deputy prime minister.

I am much less hopeful now than I was just two months ago about the short-term prospects for peace and resolution to the Israeli-Palestinian conflict. However, I am more certain now than ever that the United States must stay involved for there to be any success of the Road Map or any long-term future peace process. The ground rules may have changed with Abbas's resignation but our interests have not.

Mrs. MALONEY. Mr. Speaker, until you actually spend time in Israel, it is hard to truly understand what it is like to live with the daily reality of terrorism.

The horrific explosion this weekend makes it hard to remember that this summer was a time of relative quiet.

People on both sides of the conflict were able to venture out of their houses. Palestinians went to the beach for the first time in years. Israeli cafes and restaurants were crowded. Tourism was up. But, unfortunately, in many ways that quiet was more illusion than reality.

During the Hudna, 27 civilians were killed, and 133 were injured. Over 180 terrorist attacks, including 120 shooting attacks, were launched against Israeli citizens. At the same time, Israeli security forces prevented more than 40 attacks, including suicide bombers.

Given the volume of attacks, perhaps we shouldn't have been surprised that during our brief one week visit this summer our lives were touched by two separate terrorist incidents. But, we believed in the ceasefire and the possibilities it seemed to offer.

One incident occurred after we visited an area along the border between Israel and Lebanon.

The very next day, a sixteen year old boy was murdered by a missile fired over the Lebanese border, close to the place we had strolled the previous day. A day earlier, a few yards in a different direction and the missile could just as easily have hit one of us.

A few days later, we visited Hadassah Hospital and met a doctor who had been up all night saving the life of a woman. She had been driving on a highway with her family when a sniper's bullet pierced her car.

The doctor's expertise gave her another chance at life, but she will spend years recovering from her wounds.

9/11 awakened Americans to the ease with which terrorists can reach us. Our schools, our homes, our water and our air are so vulnerable. It just takes one angry person with a weapon.

This weekend one angry person stole the lives of 19 people in Haifa. Some of them were Arabs, some of them were Jews. Hatred does not distinguish.

At a time when violence seems to be taking over the region, it is hard to remember the optimism that so many of us felt this summer.

As the largest delegation of Members of Congress ever to visit Israel, we had the opportunity to meet with many of the people who are key to the peace process. They were hopeful that better times lie ahead, and so were we.

But peace cannot come as long as Arafat continues to call for a million martyrs. Peace cannot come as long as Palestinian children are taught to idolize terrorists. Peace cannot come as long as Palestinians refuse to crack down on terrorist groups.

Terrorism wages war against children, old people, the defenseless. Terrorism seeks to destroy the most vulnerable.

In a free and open society such as Israel's, the only response to terrorism is a determination to go on. In Israel we saw extraordinary creativity, energy and freedom.

Despite their daily brush with terrorism, Israelis are determined to lead ordinary lives. In their very normalcy, they pose a daily challenge to terrorists.

Let us hope that in the future they will not have to try so very hard to lead normal lives. Let us hope that freedom will prevail over terrorism.

Mr. HILL. Mr. Speaker, I thank the gentleman from New York (Mr. NADLER) for his eloquent remarks. As always, he has a lot to say.

Mr. Speaker, there was no vacation that we took. We worked very hard and the gentleman from Maryland (Mr. HOYER) worked us very hard. We were at it early in the morning and until late at night every single day. As a matter of fact, by the end of the trip, I was thankful that we were going home. But because of his leadership, we learned a great deal and we have a much greater appreciation.

Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. HOYER), the leader of this trip, our Democratic whip, for purposes of control.

PEACE IN ISRAEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. HOYER) is recognized for the remainder of the minority leader's hour, approximately 29 minutes.

Mr. HOYER. Mr. Speaker, I would like to thank the chief deputy whip, the gentleman from Indiana (Mr. HILL), not only for his extraordinary leadership on this mission to Israel and to visit with the leadership of the Palestinian authority, Mr. Abbas, but also I want to thank him for his being here this evening. I had intended to be here throughout the course of this special order, but the scheduling was such that I could not be. I thank the distinguished chief deputy whip from Indiana for standing in.

Mr. Speaker, no region of the world in my opinion holds out more promise and presents more peril than the Middle East. Our Nation's security is closely tied to the developments there, from our efforts in post-Hussein Iraq where 130,000 American troops are on the ground today, to our desire to prevent Iran from obtaining nuclear weapons, to the continuing hunt for al Qaeda operatives, to the ongoing Israeli-Palestinian crisis.

The United States, Mr. Speaker, has interests and allies throughout the region but we have only, in my opinion, one true friend there, the democratic state of Israel. As President Kennedy remarked 40 years ago, he said this, "We will never turn our back on our steadfast friends in Israel whose alliance to the democratic way must be admired by all friends of freedom."

Today, Mr. Speaker, it is imperative that a new generation of American leaders recognize the special relationship that has developed between our two nations and understand why a free and secure Israel is vital to America's national security. Indeed, developing a deeper understanding of the U.S.-Israel bond was the purpose of a congressional delegation trip to Israel that I was pleased to lead from August 2 to August 10.

In all, Mr. Speaker, 29 House Democrats made this trip. That is the largest congressional delegation to visit Israel in its history. Our delegation included Representatives from every region of the United States, as well as the territory of Guam. More than one-third were serving their first year in Congress.

□ 1930

Nearly one-third were women, and for many this was their first visit to Israel.

This was my fourth trip to Israel as a Member of the House. I had been there before, and this was my sixth trip in all.

We made this long journey to see and to learn. We traveled throughout Israel, and visited the Gaza Strip and West Bank as well.

We were privileged to meet with Prime Minister Sharon and members of his cabinet; Labor Party chairman Peres, one of Israel's most distinguished statesman. We met also with Speaker Reuven Rivlin and members of the Knesset; and in addition to that, we met with the then-Palestinian Authority Prime Minister Mahmoud Abbas, who sadly, subsequently, resigned after being continually undermined by the purveyors of death and destruction in his authority. He led, I think, an effort for peace, but that effort was subverted by Arafat himself.

We also, Mr. Speaker, were privileged to meet with representatives of the academic, religious, press, and medical communities. We saw firsthand the security challenges and realities that confront Israel and were left with several strong impressions.

First, security is an absolute precondition for peace. The much-discussed security fence was regarded as a reasonable attempt by our delegation to reduce terrorist attacks, and events, frankly, subsequent to our trip have not altered that view. However, Mr. Speaker, the route of that fence is an issue and properly continues to be examined.

Secondly, the dismantlement of the Palestinian terrorist organization, all of us believe, was essential if security was going to be effected, which is a precondition for peace, as I have said.

Thirdly, we cannot ignore, we must not ignore morally, politically, or intellectually the plight of the Palestinian people whose cause has been undermined, in my opinion, by the tactics of terror, the incitement to hate and refusal to seek peace.

Our trip, Mr. Speaker, occurred during a 7-week period of relative calm in that troubled part of the world; but that calm, as all of us know, was shattered on August 19, just a few days after we left, when a Hamas homicide bomber in Jerusalem murdered 22 people, including five Americans, and injured 130 others.

Since then, Mr. Abbas, as I said, has resigned. He resigned on September 6. A homicide bomber killed 19 people in Haifa last Saturday, and Israel retaliated 14 hours later by striking suspected terrorist camps inside Syria on the 30th anniversary of the Yom Kippur War.

Mr. Speaker, it is clear that the continued, unconscionable violence by Palestinian terrorist organizations has left the President's so-called road map for peace in tatters.

I might say that I remember a conversation we had with Mr. Abbas, the prime minister then of the Palestinian Authority. It was on a Monday that we met with him. We met with him in Gaza, and he made the observation that there were thousands of Palestinians on the beach in Gaza enjoying a

Sunday afternoon. He had said they had not done that in a very long time because they, too, like the Israelis, are concerned about security. They understand that terrorist attacks bring retaliation. They understand that the violence that the Palestinian terrorists perpetrate begets violence committed against them. The two, in my opinion, are not analogous. One is the cause of the other.

Mr. Speaker, we responded not only deep into the heart of Afghanistan when we thought that they were providing a haven and training ground for terrorists; we destroyed their government and replaced their government and drove them from the land. The Taliban, of course, is what I am talking about; but we know that if terrorism would stop, the chances for peace would escalate geometrically.

The Palestinian side must know the basic precondition for peace is and must be the unconditional cessation of the campaign of terror and violence against Israel. Not only does it undermine the security of Israel, but it undermines the security of the Palestinian people as well.

The United States, Mr. Speaker, stands ready, I believe this Congress stands ready, to work with other nations to obtain a better life for the Palestinian people; but this Nation will always be committed to Israel's survival, security and success as the haven and homeland for the Jewish people. No people on Earth perhaps has been more savaged through the centuries.

My friend, the gentleman from Michigan (Mr. CONYERS), will speak in just a minute. African Americans unfortunately and tragically fall in a similar condition. For us to allow any peoples, whether they be Jewish, African American or Palestinians, to be savaged in a world that calls itself civilized is unacceptable.

We must call, therefore, we must urge, we must demand the cessation of the use of terrorism perpetrated against Israel, the United States, or any other nation. At the same time, we must seek justice, for without justice, as the gentleman from Michigan (Mr. CONYERS) knows so well, there will be no peace.

ETHICAL AND MORAL QUAGMIRE FOR THE ADMINISTRATION

The SPEAKER pro tempore (Mr. MURPHY). Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, it is clear to me that the administration has fallen into an ethical and moral quagmire with regards to its policies in Iraq and its efforts to paper over its deceits.

Yesterday, I asked the political director, Mr. Karl Rove, to step down for his role in the outing of Ambassador Wilson's wife. Last week, I asked the Attorney General to appoint a special counsel, in large part due to the possible conflicts the investigation of Mr. Rove would cause.

I reached these conclusions because of the following. It was just reported in Newsweek that after the initial leak, Karl Rove sought to give the leak wider dissemination by contacting Chris Mathews and stating that Mr. Wilson's wife and her undercover status were "fair game." It was also reported that a White House source confirmed that Mr. Rove had been working the press on the story but had merely told the press it was reasonable to discuss who sent Wilson to Niger.

It is very possible that his actions were illegal under title 18 United States Code 793. If one knows that national security information has been leaked, the person is required to report it to authorities, not to further disseminate it, as Mr. Rove has done.

But even if he has not broken the letter of the law, Mr. Rove's actions are morally indefensible. He has used his influence to smear and intimidate a whistleblower, an ambassador to the United States Government, and to further publicize Mrs. Wilson's name, in fact, a CIA covert operative, and to impugn the Wilsons' integrity. As a matter of fact, according to the New York Times, a Republican congressional staffer said the administration strategy for dealing with the Wilsons was to slime and defend.

There is a clear conflict when one is investigating the White House staff; and as a matter of fact, it has been reported in Time magazine that Attorney General Ashcroft over the years has paid Mr. Rove $746,000 for campaign consulting in his political races. It has also been reported that Mr. Rove was the driving force behind Ashcroft's nomination as Attorney General. "How the religious right pushed for Ashcroft's nomination," written in the New York Times, January 7, 2001, by David Johnson and Neil Lewis.

We also know that Mr. Rove was reportedly fired from the campaign of President George H.W. Bush over a leak to Robert Novak. "Why are these men laughing," published in Esquire magazine, written by Ron Suskind, January 2003.

Wayne Slater, a Karl Rove biographer, notes a pattern of unethical behavior. He says, "I don't know who leaked what to whom. Most people don't know the facts here. And both Bob Novak and Karl Rove have said it didn't happen. But I have to say that it certainly was consistent with the Karl Rove that I know. If he didn't do this, he certainly has a pattern of activity over the 15 years, 20 years that I've known him where he has done similar things." See CNN, October 1, 2003.

Another Rove biographer, James Moore, thinks that he must have known about the leak and says, "After having watched Mr. Rove for all of these years, I know full well, and anybody who knows the way he works, that something of this nature does not happen without Karl checking the yes box. I'm saying that if Mr. Rove is not involved, I'll eat the paperback copy of my own book because this is a guy who controls everything, and he has a history of putting a layer of protection between himself and other people, using other operatives to get things done." Buchanan and Press, MSNBC, October 1, 2003.

Finally, let us not forget that many have received information that Mr. Rove is the source of the initial illegal leaks themselves. According to the London newspaper, The Guardian, on October 1, several journalists have confirmed off the record that Mr. Rove is the source of these leaks. We know from The Washington Post that fully six journalists were called with the initial leak.

The above information is all publicly available. I do not possess a team of investigators. All one needs to do to gather this information is read the New York Times, Newsweek, The Washington Post, Time magazine.

I will insert my full statement at this point.

Mr. Speaker, it is clear to me that the Administration has fallen into an ethical and moral quagmire with regards to its policies in Iraq and its efforts to paper over its deceits.

Yesterday I asked Karl Rove to step down for his role in the outing of Ambassador Wilson's Wife. Last week, I asked the Attorney General to appoint a special counsel, in large part due to the possible conflicts in the investigation of Mr. Rove.

I reach these conclusions because of the following:

It was just reported in Newsweek that after the initial leak Karl Rove sought to give the leak wider dissemination by contacting Chris Mathews and stating that Mr. Wilson's wife and her under cover status were "fair game." It was also reported that a White House source confirmed that Mr. Rove had been working the press on the story, but had merely told the press "it was reasonable to discuss who sent Wilson to Niger."

It's very possible that his actions were illegal. Under 18 USC 793 if you know national security information has been leaked, you are required to report it to authorities, not to further disseminate it, as Mr. Rove has done.

Even if Mr. Rove hasn't broken the letter of the law, his actions are morally indefensible. He has used his influence to smear and intimidate a whistle-blower. It is quite obvious he has sought to further publicize Mrs. Wilson's name and to impugn the Wilsons' integrity. As a matter of fact according to the New York Times, a Republican congressional staffer said that the Administration's strategy for dealing with the Wilson's was to "Slime and Defend."

There is a clear conflict whenever you are investigating White House staff. As a matter of fact, Time Magazine has reported that AG Ashcroft paid Mr. Rove $746,000 in the 1980's and 1990's for campaign consulting on his Senate and Governor's races.

It has also been reported that Mr. Rove was the driving force behind Ashcroft's nomination as Attorney General. "How the Religious Right Pushed for Ashcroft's Nomination," David Johnston and Neil A. Lewis, New York times, January 7, 2001.

We also know that Rove was reportedly fired from the campaign of President George H. W. Bush over a leak to Robert Novak. "Why Are These Men Laughing?", Ron Suskind, Esquire Magazine, January 2003.

Wayne Slater, a Karl Rove biographer notes a pattern of unethical behavior: "I don't know who leaked what to whom. Most people don't know the facts here. And both Bob Novak and Karl Rove have said it didn't happen. But I have to say that it certainly was consistent with the Karl Rove that I know. If he didn't do this, he certainly has a pattern of activity over the 15 years, 20 years that I've known him where he has done similar things." ("Paula Zahn Now," CNN, Oct. 1, 2003).

James Moore, another Rove biographer thinks he must have known about the leak: "After having watched Mr. Rove for all of these years, I know full well, and anybody who knows the way he works, that something of this nature does not happen without Karl checking the yes box . . . I'm saying that if Mr. Rove is not involved, I'll eat the paperback copy of my own book because this is a guy who controls everything, and he has a history of putting a layer of protection between himself and other people, using other operatives to get things done." ("Buchanan & Press," MSNBC, Oct. 1, 2003).

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The above information is all publicly available. I don't have a team of investigators. All you need to do to gather this information is read the Washington Post, the New York Times, Newsweek, Time and the like. Its not rocket science, and its all public information. If you add it up, it's an overwhelming case for resignation and the appointment of a special prosecutor.

President Bush promised to return "honor and integrity" to the White House and "change the tone in Washington." Instead, Mr. Rove's actions are akin to the type of abuse and vendettas we saw during Watergate.

When it comes to ethics, this is an Administration that has gone to extremes to avoid independent scrutiny. Whether it is investigating the President's friend Ken Lay or his Secretary of the Army Thomas White for their involvement in the Enron Fraud; Vice President CHENEY for his involvement in financial fraud by Halliburton; or the involvement of top Republican legislators in trading campaign contributions for legislative favors on behalf of Westar, in the instances the Attorney General has not seen fit to open a single independent investigation.

LACK OF CREDIBILITY IN THIS ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I am taking this opportunity to focus attention on the lack of credibility of this administration. This administration has been revealed for attempting to mislead the American public, and they certainly have mismanaged this so-called Iraqi freedom war. This administration's credibility is on the line, and let me recount some of the reasons why.

Every American now knows that there are no weapons of mass destruction, that this administration claimed they knew about, had identified and could document in Iraq. They even claimed that they had the drones that do surveillance that were capable of carrying weapons of mass destruction. That has been debunked. That is not true. They also claimed and there were weeks of stories in the paper about the President's claim that Saddam Hussein had attempted to purchase yellow cake, or uranium, from Niger. That has been found not to be true.

□ 1945

They claimed and tried to mislead the American public in several ways. They have been caught trying to tie 9/11 to Saddam Hussein, and they have had to back off of it, and they have looked rather foolish in doing that.

But, really, to underscore this lack of credibility, imagine that Karl Rove, sitting at the right hand of the President of the United States, had the audacity, the temerity to call the press and to out an undercover CIA agent and the wife of an ambassador. Not only did he break the law, he endangered the life of this woman. And this is a man who is calling the shots in the White House, again whispering into the ear of the President, guiding and leading him.

They also claimed, as they bombed Iraq, that Iraq would be rebuilt with the oil resources. We know that they secured the oil fields when they landed. And they told us that they would be pumping the oil and that the revenues from that oil would pay for the rebuilding. Well, those are just a few of the instances of misleading information, distortions, information that has managed to confuse the American people and create a lot of distrust.

But I am not going to concentrate all of my 5 minutes on that. That story has been written. And I do not care how they try to do their little mini shake-up and pretend that Rumsfeld is not the point person that he is, and drag out Condoleezza Rice, who is supposed to put a better spin on it than Rumsfeld. I do not care how they try to do that. The fact of the matter is, the American people are unhappy.

We are unhappy when we look at the request for $87 billion that this President has asked the American public to ante up, this $87 billion at a time when the economy is not well. When we have lost over 3.5 million jobs, where people are trying to make ends meet, cannot pay their bills and have plants that are closing down every day, the President asks the American people to ante up $87 billion because he is proposing to spend $850 million on Iraqi health care, including $150 million for a new Children's Hospital.

The number of uninsured Americans has grown to 43.6 million in 2002, up from 41 million in 2001. There are 8.5 million children without health insurance. And I can keep on going. They want to do some housing in Iraq. The President proposes to spend $470 million on housing and construction, including $100 million to build 3,528 new houses in Iraq. How many Members of Congress could use some new housing in their districts?

In the United States, we are experiencing a housing shortage on an unprecedented scale. According to the Millennium Housing Commission, there is currently a 1.8 million unit gap between the number of extremely low-income households and the number of affordable rental units available for these households.

But let us not stop there. Let us move on to education. The President's proposal includes distributing 5 million science and math books, 1.2 million school supply kits for students, and as many as 1,000 primary schools are being rehabbed. One Member on the other side of the aisle got on the floor and showed us the brand new book bags they bought for all of the children of Iraq. I had to remind him that children in my district do not even have books to put in a book bag.

The President's signature program, No Child Left Behind, is underfunded by $8 billion. While we are witnessing this in this country, think about the lack of credibility that this administration has created with the way it has done these contracts.

An August 28 Washington Post article noted that Halliburton, the company formerly headed by Vice President CHENEY, has won contracts worth more than a couple billion dollars under Operation Iraqi Freedom and stands to make hundreds of millions of dollars more under a no-bid contract awarded by the U.S. Army Corps of Engineers.

Bechtel has earned at least $350 million.

Mr. Speaker, I could go on and on and on. But every night Members will be coming to the floor talking about the lack of credibility, the mismanagement and the shock and awe campaign that was put on. Well, Mr. President, we are going to shock and awe you. Mr. President, you are going to be shocked when the people speak out and decide that they do not want this kind of representation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MURPHY). Members are reminded not to address their remarks to those outside the Chamber.

SANCTITY OF HUMAN LIFE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PENCE. Mr. Speaker, it is a privilege to rise again now for the second time in this Chamber to address an issue that, while we passed significant legislation concerning partial-birth abortion recently, truthfully the Congress does very little to speak to what I believe is the defining issue of our time: namely, the questions and debates surrounding the sanctity of human life.

So, Mr. Speaker, a few weeks ago I initiated on the floor of this Congress what I hope will become a series during my tenure here, a series of conversations between myself and other Members of Congress who care deeply about this debate and where we might explore the historical and intellectual and moral foundations of the right to life.

It seems altogether fitting that we do it here, in this Congress and in this place. Because this is not only the House of the people, but it is the place throughout the history of this Nation where not only have we come together to debate the urgent needs of the country but also we have come to this place and in this building for over 200 years to discuss those things which are, while not urgent to some, they are important to the fabric of the Nation. In my humble opinion, Mr. Speaker, restoring a fundamental understanding about the sanctity of human life and its central position in the development of notions of justice in western civilization is without a doubt the most significant issue of our day.

I was inspired by none other than a former member of this body, John Quincy Adams, who, prior to being a 20-year Member of Congress was, of course, President of the United States of America. But as he served in the Chamber just adjacent to this one, where the Congress met for much of the 19th century, John Quincy Adams was known to be a man about one cause, and that was abolition. In fact, former President and then Congressman John Quincy Adams was a man who came to be known by his detractors as the hell hound of Abolition, because Congressman and former President John Quincy Adams would come into this place, history records, and week after week through his 20-year career in Congress he made the case against slavery.

As someone who believes in my heart that the decision that the United States Supreme Court rendered in 1973, a decision which has resulted in the legal abortion of nearly a million and a half children every year since, requires that we employ the same device of debate and discussion that John Quincy Adams employed, it is my hope, Mr. Speaker, to do as he did, to prick the conscience of the Nation, or even our own colleagues, to think deeply in their hearts and in their minds about this notion of the sanctity of life.

To do that, I have called upon a variety of sources, some of which I will cite tonight. I begin tonight, as I hope to reflect on that historical debate that John Quincy Adams so notably brought to this floor, with a quote from Martin Luther King, Jr., in his letter from the Birmingham jail.

Some may think, well, why is a lawmaker, why is the Chamber where laws are made, worried about something that is a moral issue? In fact, I received just a few days ago a letter from a constituent who voiced that often-repeated phrase that they did not want me to impose my moral views on them, believing that they were referring to my views on the right to life. Well, on that very issue the Reverend Dr. Martin Luther King, Jr. wrote, "A just law is man-made code that squares with the moral law of God. Unjust law is a code that is out of harmony with the moral law of God."

In fact, Dietrich Bonhoeffer, the German Lutheran pastor who was martyred for resisting Adolf Hitler, gave what may be the clearest expression of this principle when he said, "If government persistently and arbitrarily violates its assigned task, then the divine mandate lapses." In the case of Pastor Bonhoeffer and the Reverend Dr. Martin Luther King, Jr. the principle is the same: It is the notion that there is a law higher than what we can conceive of here; and, dare I say it, Mr. Speaker, there is even a law higher than the contemporary decisions of the United States Supreme Court, that there is a law that rises unerringly out of history, and it is that moral law of which the Reverend Dr. Martin Luther King, Jr., wrote from that Birmingham jail.

A Rabbi pastor said famously in my presence once, "No one ever breaks God's law, they just break themselves against it." And what is true of individuals can undoubtedly be true of nations. Nations that set themselves against the moral law and moral truth fail to break that law so much as they break themselves.

Certainly that was the case in 19th century America, was it not, Mr. Speaker? For in 19th century America, while the Congressman and former President John Quincy Adams came to this floor week after week and argued the moral approbation of slavery, argued for the abolition of slavery, America slept, believing that it could break that moral law and still survive. And as we learned, following the elections of 1860 and the secession of southern States and 600,000 battle deaths later, the truth is, Mr. Speaker, America did not succeed in breaking the moral law, but America broke itself against that simple notion of human dignity, that one man ought not to be able, in a just society, to enslave another man, and to put him, as Abraham Lincoln would say in his second inaugural address, under the pain of the whip.

□ 2000

It was in that second inaugural address that he spoke of the Civil War. He spoke of the Civil War as a time when we were paying the debt that justice demanded of a nation. It is altogether fitting, I think, that tonight in this part of the case for life that we reflect on some of the similarities, eerie similarities between that debate over the personhood of men and women of African descent enslaved as they were in the Nation and the contemporary debate over abortion today because there are, as the author Gary Henry wrote in Focus magazine in June 1997, "There are, most assuredly, parallels between the debate over abortion today and the intellectual and moral debate and arguments made against slavery." It is almost eerie at times how the parallels between the arguments of those 150 years ago advocating slavery rights match with the arguments of personal choice that support abortion today.

Most notably of course was we had a Supreme Court case out of step with the truth. It was a case decided in 1857 known as the Dred Scott decision. In that case the Supreme Court ruled, and many will forget, that slaves, even freed slaves, and all their descendants had no rights protected by the Constitution and that States had no right to abolish slavery. The reasoning in Dred Scott is historically and intellectually almost identical to the reasoning that would be employed in 1973 in a decision known as Roe v. Wade.

It was a reasoning that was centered on the definition of a person. In the Dred Scott case, the Court stripped away all rights from a class of human beings and reduced them to nothing more than the property of others. We can compare the arguments that the Court used to justify slavery and abortion very clearly. In the Court's eyes, the Supreme Court in Roe v. Wade and its predecessor cases and progeny, unborn children are now the same as, quote, "the beings of inferior order" that the justices wrote of in the Dred Scott decision in 1857.

There are other similarities. An African American was considered a nonperson under the Constitution as the case of an unborn child was considered a nonperson. In fact, an African American in slavery and any of their progeny were considered the property of the owner, and in Roe v. Wade the unborn child is simply considered the property of the mother in a legal sense.

It is truly astonishing even to recall that the Dred Scott case was decided by a 7–2 decision in the Supreme Court, the exact same number of justices that voted for and against the right to an abortion in Roe v. Wade.

It is extraordinary to think that the words "citizens" or "persons" used in the Constitution, according to the Dred Scott decision, were never intended to include African Americans; and according to Roe v. Wade, the term "citizens" and "persons" as used in the Constitution were never intended to include unborn children.

Listen to these cryptic words from the Dred Scott case of 1857. The Supreme Court wrote: "A Negro, whose ancestors were imported into this country, and sold as slaves, were not intended to be included under the word 'citizen' in the Constitution, and can, therefore, claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States."

Here are the words now from the Roe v. Wade decision in 1973. The Supreme Court wrote: "The word 'person,' as used in the 14th amendment, does not include the unborn. The unborn have never been recognized in the law," Justice Blackmun wrote for the majority "as persons in the whole sense."

So while there may be some looking in on our debate tonight who may think I cannot believe that conservative from Indiana is stretching to somehow connect the debate over slavery in 1857 before the Supreme Court in Dred Scott and the debate over a woman's right to choose an abortion which took place before the Supreme Court in 1973, the person might surmise there is no connection, but the truth is I learned in my very first class in law school on this topic, not only are they analogous, they are almost one to one parallels. Listen to those words again. In the Dred Scott in 1857 the Supreme Court said: "A Negro, whose ancestors were imported into this country, and sold as slaves, were not intended to be included under the word 'citizen' in the Constitution, and can, therefore, claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States."

And in Roe v. Wade, they wrote the word "person" does not include the unborn. The unborn have never been recognized in the law; it is persons in the whole sense.

There are other parallels between the decision in the Dred Scott case. The Dred Scott case of 1857 essentially said a slave is the property of the master and the Constitution has provided "the protection of private property against the encroachments of government." Literally the Supreme Court in 1857 brought out the idea of private property rights. In a very real sense the idea of privacy and the right to privacy that ostensibly emerges, as Justice Blackmun would write, the Bill of Rights was the very foundation of the Dred Scott decision. In the Roe v. Wade case in 1973, the Supreme Court said of that right: "The right of privacy is broad enough to encompass a woman's decision whether or not to terminate her pregnancy."

It is truly astonishing to think of the parallels, and it seems to me to be altogether fitting that we would amplify those. As we think about coming upon the 50th anniversary of the Brown v. Board of Education decision, I am someone who believes in my heart that the steady advance of civil rights in this country to every American is the glory of this Nation, that the Civil Rights Act of 1964 was the single greatest legislative accomplishment of the 20th century, and we as Americans ought to take enormous pride in the fact that our forebearers were willing to confront and reject the ethos of their time of some Americans, and even a 7–2 decision by the Supreme Court, that certified that Negroes were never to be counted among the citizens protected in the Constitution. It is because of their courage, their willingness to confront both the awesome power of the Supreme Court and their own countrymen that we arrive in a Nation today of increasing justice for all.

In fact, one cannot help but wonder, as I have since the first days I studied American history at a small college on the Ohio River Valley, one cannot help but wonder if the 600,000 lives that were lost in the Civil War, the families that were sundered in the Civil War, the wounds that in some respects 150 years later we find ourselves as a Nation still recovering from might have been altogether avoided if America had done as England had done some 25 years earlier and recognized that a practice in their midst certified by the highest courts in the land, and through traditions of decades, was simply and flatly morally wrong. But we did not.

Different than the United Kingdom that not only denounced slavery because of the leadership and 40-year campaign of a member of Parliament named William Wilberforce, not only did England denounce slavery and make it illegal, but they also declared war on slavery on the seven seas. And the holocaust of the Civil War that struck our country never came to England. And anyone that has ever visited or spent time in England knows that the division between the races is fundamentally better and less defined than in this Nation because England, before they were forced into the cataclysm that we met as a Nation in 1861 in the Civil War, shuffled off that conflict between their law and what was legal and the moral law and moral truth.

In fact, it was John Quincy Adams who I opened with tonight who would go to the floor of Congress and argue against the fundamental immorality of slavery, literally using his last breath, collapsing on the floor of Congress to argue against slavery in America. He was carried out and expired in the year 1848. He died in this very building. Some might look at John Quincy Adams, as some looking in tonight might look at me, and say speaking empty words, not making any change. John Quincy Adams died almost a decade before the Dred Scott decision. Some of his contemporaries might have said, what did he think he accomplished. But I submit very humbly that John Quincy Adams, on Earth and in heaven, accomplished a great deal because history does record that in 1848, the last year of his life, was the first year of a freshman Congressman from Illinois, a gangly, and by his own definition, a homely man, named Abe Lincoln. Born in Kentucky, moved at the age of 2 to the State of Indiana where he grew up until he was 19 on a little farm on which I have walked in southwestern Indiana.

He came to the United States Congress in 1848 and history would record that Abraham Lincoln, sitting in the back row as a freshman Member of Congress, listening to the great man John Quincy Adams speak would be deeply moved by one who was then known as the "hell hound of abolition." One can only imagine the sallow cheeks of a young and beardless Abe Lincoln sitting in the back row wondering, what is the grand old man making all the fuss about, slavery being so deeply ensconced in the industrial and legal tradition of America at the time.

But he listened and he heard, and it would be just 10 years later after leaving Congress that same Abe Lincoln, who our children in grade school know as President Abraham Lincoln, would run again for public office; but this time he was in a very real sense a changed man. He would enter a race in Illinois against Stephen Douglas for the Senate, a race that he would lose, but it would capture the imagination of America because of a series of debates known as the Lincoln-Douglas debates. And in those debates, more than any other political exercise of the age, Abraham Lincoln defined the moral dimensions of the wrongness of slavery in America.

The irony is among those who say you have to soften our position on abortion in contemporary debate because you could lose elections, well, that same advice could have been given to Abraham Lincoln because he certainly lost that campaign for the Senate, being as focused as he was on that issue. But it was precisely his courage and his unapologetic moral case for the wrongness and the injustice of denying personhood, denying the fundamental constitutional rights to an entire class of human beings that would propel him to his party's nomination for President of the United States.

□ 2015

And he would be elected, and upon his election the Nation would divide and be torn by war.

As we look at those Lincoln and Douglas debates, the arguments that candidate Abraham Lincoln made are extraordinary. He makes the case about the fundamental immorality of slavery; and for all the world, and I intend to do it during the course of these conversations about life, Mr. Speaker, we can take entire tracks of Abraham Lincoln's remarks in the Lincoln and Douglas debates and we can pull out the word "slavery" and put in the word "abortion" and the sentence makes perfect sense as he speaks about the denial of the fundamental right to life and liberty to a class of human beings in America.

He spoke about it not in the context of established law, but as we know from history, as did the Reverend Dr. Martin Luther King, Jr., in his letter from the Birmingham jail, he spoke about it in the context of the moral law of God.

I close this installment, Mr. Speaker, of the case for life as I began it with those extraordinary reflections of the Reverend Dr. Martin Luther King, Jr. But I close it with a recognition that it is not just high principle and history that calls us in this place to an account to restore the fundamental notion that life is sacred but rather there are lives, I offer humbly, not gratuitously, by the millions that cry out from someplace that they are and that we someday will be, and they call upon us as a Nation to right what has gone so wrong. The latest statistics from the Alan Guttmacher Institute estimates 43,358,592 total abortions since 1973.

King David, when he lost his son, experiencing the justice of God, washed his face after a period of grief and said that his mourning was over. When his friends and colleagues asked him how he could move on, he said of his son, "I will go to him but he will not again come to me."

I believe in all my heart that those 43 plus million souls have gone to a place where by God's grace I hope someday to go, but I believe that they cry out to America and to their own generation, not a word of condemnation because I expect that when we are done here, when we know ourselves even as we are known, our natural tendency to judge others will fade significantly.

I rise today, Mr. Speaker, in that same spirit, that it is my fondest hope that, as I have the privilege of serving in this body, I from time to time come to this floor even with other colleagues and make the case for life in a way that is truly brokenhearted, in a way that is brokenhearted not just about the 43 million who are not here but about the 43 million who were led into making that choice and the broken hearts in their lives that they feel, because I truly do believe, Mr. Speaker, that whether it is individuals or nations that we do not break God's law, we break ourselves against it.

As the Reverend Dr. Martin Luther King, Jr., said in the letter from the Birmingham jail, and we should heed this as we consider someday the ideal of restoring the sanctity of human life, "A just law is man-made code that squares with the moral law of God. An unjust law is a code that is out of harmony with the moral law."

Martin Luther King was right. Abortion is wrong, and it is my deepest and fondest hope that through peaceful means, as Dr. King led America through debate, through engagement, through compassion, that we will lead our Nation back to where the man-made code will again square with the moral law of God and we will someday restore the sanctity of human life.

QUESTIONS FOR THE BUSH ADMINISTRATION

The SPEAKER pro tempore (Mr. MURPHY). Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the topic of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I come tonight to address this House along with my colleagues in the Congressional Black Caucus, and I guess one thing, as I heard our previous speaker talking about Martin Luther King, I could not help but think about a quote that King stated many years ago when he said that when you talk about peace, it is not just the absence of conflict but it is the presence of justice.

And tonight the Congressional Black Caucus, as we did last week and we will continue to do over and over again, come forward in the spirit of justice, justice with regard to the American people, who have a right to know what is going on in their country and with the tax dollars that they work so hard to give to our national Treasury. I think they want justice so that they can fully understand why it is that just a few months ago the President came asking for close to $80 billion and this Congress gave it to him for Iraq. I think they will consider justice to simply be that they now have answers to the questions with regard to the present $87 billion, questions answered which will help them understand what is going on and why it is that their tax dollars are being spent.

Those same citizens, like the Congressional Black Caucus, are very clear with regard to support of our troops. We support our troops with everything we have got. As I often say, we support our troops 1 million percent, but the fact is that, if justice is to prevail and if peace is to really come to this world, we also need to know and the American citizens need to know whether those troops, while we applaud them over and over again, whether they are receiving justice when they ask the question and send the letters to their congressmen and to their representatives and to their Senators asking what do we have to do to get the things that we need to address this war that we are in?

So I want to make it very clear that there is not the slightest bit of reluctance to support our troops. We do. But now we must begin to answer some questions, and we presented these questions to the President before, and we will present them over and over again.

Recently, we in the Congressional Black Caucus released the principles that will guide our evaluation of the administration's $87 billion supplemental funding request regarding the United States' involvement in Iraq and Afghanistan. This latest $87 billion request, I should note, is in addition to the $80 billion that Congress appropriated just last spring.

In the Congressional Black Caucus statement of principles, we declared the following: The administration should provide to the Congress the full details of the information relied upon by the President in his decision to go to war. We asked for a detailed accounting from the administration as to all funds expended to date, including details about all contracts for works in or related to Iraq. We asserted that the President should provide full details about how the efforts will be paid for, including a full accounting of how and to what extent Iraqi resources could be used to reduce the United States' costs. We indicated that the President should provide the Congress with a detailed plan showing how the proposed new funding will be spent, distinguishing between what will be used for the protection and maintenance of our troops and what will be used for the rebuilding of Iraq.

We went on to say, and we declare that the President should provide full details about the future obligations of the United States and about how responsibility and authority for these obligations will be shared with the United Nations and other nations around the world. And we asked that the President set forth the criteria he will expect to be met before bringing our troops home.

Mr. Speaker, next week this House will vote on the administration's $87 billion request. Personally and on behalf of my colleagues within the Congressional Black Caucus, I once again pledge our unwavering support for our troops. We must provide our brave young men and women with all the resources they need to complete their mission and return home as soon as possible.

I suggest, however, that our evaluation of the administration's supplemental funding request requires further consideration of what precisely the mission of our troops in Iraq will be from this point forward. That question is central to the last four CBC principles that I just mentioned, and it is central to the concerns of the 26 million Americans the Congressional Black Caucus members represent.

I must note that we are being asked to appropriate this $87 billion, more than twice the amount of the entire Homeland Security Department's fiscal year 2004 budget. I must also acknowledge that we have not yet provided the Federal funding needed by our States and local governments to assure the security of our people right here at home.

I believe that there is substantial support in this House for a continuing and significant United States role in the rebuilding of Iraq and the transition of Iraq to a democratic peaceful society. Once again, however, we are faced with a critical issue of national policy. Must the United States substantially go it alone in financing the reconstruction of Iraq? Or, in the alternative, will the administration be able to obtain substantial United Nations involvement and financial participation?

The answers to these questions will be central to our evaluation of the administration's $87 billion request and especially the $20 billion plus requested for rebuilding Iraq.

As I speak, Mr. Speaker, the administration's proposed resolution seeking U.N. support is in trouble within the United Nations Security Council. The critical question appears to be this: Who will control the reconstruction of Iraq, the United Nations or the United States? We also rapidly are approaching the International Donors Conference in Madrid which is scheduled for October 27. The administration is maintaining the position that we, not the U.N., must remain in control of the Iraq process. This is the current situation. We in the Congress are being asked to approve another $87 billion in American funds at a time when we are filled with uncertainty.

□ 2030

The questions that the Congressional Black Caucus have posed have not yet been answered. We are uncertain about the role of the UN; we are uncertain about what other nations will come forward to help pay the costs and how much they are prepared to contribute.

What we can reasonably conclude is this: Unless the United States is prepared to share power and control regarding the future of Iraq with the United Nations, we cannot reasonably anticipate that other major nations will be willing to share any substantial portion of the costs. In addition, thus far we have seen very little reference in the administration's proposals with respect to the appropriate use of Iraq's own resources to help rebuild the Middle Eastern Nation.

I should also note that according to an examination the Marshall Plan analogy, a report prepared by the minority staff of the Committee on Appropriations, the $20-plus billion we are being asked to appropriate far exceeds Iraq's need for humanitarian assistance.

Iraq has the second largest oil reserves in the world, with 112 billion barrels of proven oil reserves and another probable 220 billion barrels. At the current world market rate, the value of the proven Iraqi reserves would amount to $2.8 trillion, together with another $5.5 trillion in probable oil reserves. However, the administration's supplemental request does not seem to contain any plans to utilize this resource to cover the costs for building Iraq, as President Bush suggested that we would do before we began this war.

Even those of us who are inclined to support U.S. assistance in rebuilding Iraq must question the size of this request in the context of our national priorities.

Mr. Speaker, I must also conclude that serious questions about our motives would be raised abroad if we maintained unilateral control over the reconstruction process while using Iraqi oil resources to pay part of the cost.

Recall the core issue that we face, however: Who will control the process, us, or the U.N.? Would not UN control of the rebuilding process make the use of Iraqi resources far more acceptable, both in Iraq and abroad? Would not UN participation reduce the cost to the American people? Would not power sharing with the UN allow us to bring our troops home faster? Would not the truly international process give far greater legitimacy to the process and results of an Iraqi reconstruction?

These, I submit, are serious questions that must be answered to our satisfaction before we can justifiably appropriate more than $20 billion in additional American funds.

With that, Mr. Speaker, I yield to the gentlewoman from the great State of California (Ms. LEE).

Ms. LEE. Mr. Speaker, first let me just say I rise tonight with my Congressional Black Caucus colleagues, led by our very strong, wise and courageous chairman, the gentleman from Maryland (Mr. CUMMINGS). I just want to say thank you to the gentleman for once again ensuring that the Congressional Black Caucus has the opportunity to put President Bush on notice of our concerns with his $87 billion appropriation request to fund the ongoing war in Iraq.

Now, the gentleman from Maryland referenced the Statement of Principles which the Congressional Black Caucus actually put together and released several weeks ago. I would like to reference, Mr. Speaker, the Statement of Principles which we actually submitted in October of 2002 to put this in a bit more of a historical perspective.

In October of 2002, the Congressional Black Caucus issued the following statement: "We oppose a unilateral first-strike action by the United States without a clearly demonstrated and imminent threat of attack on the United States. Only Congress has the authority to declare war. Every conceivable diplomatic option must be exhausted.

"A unilateral first strike would undermine the moral authority of the United States, destabilize the Middle East region and undermine the ability of our Nation to address unmet domestic priorities.

"Further, any post-strike plan for maintaining stability in the region would be costly and would require a long-term commitment."

That was in October of 2002.

Mr. Speaker, this money follows an initial $78 billion special appropriation which I believe was passed in April and, of course, a defense budget that already tops $368 to $370 billion. Those climbing numbers are not only daunting in themselves, but they also represent what is this second installment for the Iraq invasion, a process that may be endless.

I reached this conclusion because this proposal provides no answers to the questions that it begs, which our chairman just laid out, no answers to the questions with regard to a timetable for Iraqi independence and an exit strategy for American troops. None of the answers to these questions have been provided. Before appropriating another taxpayer dollar, I believe we must have an answer to each and every one of these questions.

Mr. Speaker, some people will come to the floor and say that we must support this Presidential request without question because we have to support our troops. Well, Mr. Speaker, we all support our troops. As the daughter of a career military officer, this is very important to me, and I want to see them safe at home as soon as possible.

In the meantime, I want them to have the health benefits that they deserve, the bulletproof vests that they need, and the basic supplies, the toiletries, the basics that they need that really have been denied to them. I want to know that our wounded receive proper treatment and proper respect.

Our veterans deserve more than what they are getting. Disabled veterans deserve full retirement benefits and their families deserve full survivor benefits. They have made the ultimate sacrifice and need to be strengthened in terms of survivor benefits. How can we possibly do anything less?

I do not know where this first $78 billion went, but I support our troops, and I think that we need to understand that this $78 billion hopefully should have gone, we believe, to have supported our troops. I am not sure what happened to that money.

So in supporting our troops, I think I can say very clearly that I do not support the quagmire they are now trapped in. This $87 billion does not come with a plan to get our troops out of Iraq or to create a real transition to UN authority and then Iraqi independence. Instead, it supports and extends the guerilla war, without an accounting of how we got here or how we will get out.

The American people have a right to know the answers to these questions before they are asked to spend one more penny on this war. Accountability and transparency are among the fundamental principles that we are trying to really impart as it relates to our policy to Iraq.

How high will these bills go? Some experts tell us it could go as high as $400 billion, or even higher. Accountability also demands that we know who is making money off of the war. Billions of dollars are going to Halliburton and to Bechtel and other corporations, many of them, of course, with ties to this administration.

Now, I am very pleased that Dr. Martin Luther King's vision, his perspective and his fight for peace and justice, has been part of our debate, and I want to just mention another perspective and lesson that Dr. King provided to us in the sixties. He warned us, and this was a quote that Dr. King provided and gave us in terms of instruction, he said, "In the wasteland of war, the expenditure of resources knows no restraints."

Dr. King knew that war could be a bottomless pit into which this great Nation could pour all of its resources, all of its young people, and really never come out any safer nor any stronger.

So we need a map, and we need a timetable to really get us out of this bottomless pit, and we need a clear transition strategy, so that we can achieve these goals. We need a timetable, so that we have an understanding of when we will get out.

Let me just say we need to also leave an Iraq that is stable and secure in terms of a transition, but we need to leave. The Iraqi people deserve to run their own country. The international community will be a major part of that transition.

We have deep obligations, unmet needs here at home, which our Congressional Black Caucus Statement of Principles laid out. We have schools that need to be reconstructed. We have health care needs. Here we have a country with 44 million people uninsured. We have health care needs that must be expanded here at home. We have housing that needs to be built.

We also have other obligations internationally, with 42 million people in the world with HIV and AIDS. The administration has not even come up with the full $3 billion to fight a disease that killed 3 million people last year. We have been fighting very hard for that this year, and still cannot get that extra $1 billion.

According to the National Priorities Project in my home State of California, taxpayers will be asked to contribute over $11 billion to fund this supplemental appropriation. That money could pay for $2 billion in school construction, over 7,500 new affordable housing units, almost $2 billion in infrastructure projects, and fund over 30,000 new firefighters and first responders. It would provide health care coverage for over 1 million people, and, in the process, create over 150,000 additional new jobs. So there are real costs to our own country with regard to this very failed and misguided foreign policy.

Finally, let me say in conclusion, yes, we must support our troops, and let us support our troops by forging a transition strategy that will get them home. Let us not blindly sign another blank check, another installment on the President's foreign policy doctrine, and this is what it really is, his foreign policy doctrine of preemption. Over 300 Americans have died in Iraq, over 1,200 have been wounded, and we do not have any real idea of how many Iraqis have died because the Pentagon refuses to try to even count them. So let us find our way out of this quagmire and out of this wasteland of war.

I want to thank the chairman again for his leadership and for this special order. Again, we are here tonight to wake up America.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentlewoman for her statement. As you were talking, I could not help but think about the call that I got the other day from one of my constituents who has now been laid off from a factory that closed.

She saw the same national news story that I saw where several Iraqi teachers were being paid, and we all welcome education and everything, but what they said in the newscast and what she was so upset about is the newscaster said they are now being paid six times what they were earning before the war. She said it just hurt her so badly to see those dollars being paid out, and yet she was about to be homeless.

So there is just something that I think the Caucus has consistently emphasized. Along with being very supportive of our troops, we have also used the word "balance" over and over again. We must approach our family issues with balance, our lives with balance, the things we do with balance. Clearly, I think the gentlewoman will agree with me, what seems to be happening here is clearly out of balance.

One of the things we want the American people to keep in mind is that we are not talking about just this $87 billion. We are also talking about close to $80 billion that we just gave in the spring, and one of the big questions that we put forth is when is the next request going to come and how much will that be for?

Ms. LEE. That is right. As I said earlier, I believe that it is very important that our troops are supported. This initial $78 billion should have gone to support our troops, with all of the necessary equipment and protective vests and everything that they need. We do not know where that $78 billion went.

□ 2045

We do not know where we are going with this. This is just the second installment, and all of the estimates have been $400 billion-plus, 5 years-plus. We have got to say no to this, I would say to the gentleman. I believe. I think that it is about time that we ask the hard questions: and if we do not receive the answers, we must try to figure out a way to ensure that America understands what the stakes are and what the risks are.

Finally, with regard to education, yes, I can understand why this young lady was very upset. We cannot even fund and have not funded Leave No Child Behind. We promised the American people that we would create some parity in our school system and a quality education for young people, and that was probably rhetoric only. The reality is not there. So this $87 billion, part of this certainly could go to ensure that our young people have the best possible public education that we can provide.

Mr. CUMMINGS. Mr. Speaker, the gentlewoman also spoke about the principles of the Congressional Black Caucus, and there were two sets of principles as the gentlewoman referenced. We had one set of principles that came prior to the war, and then we had another set of principles that we agreed upon with regard to this $87 billion in future spending. The man who really helped us pull all of that together, who has just spent a phenomenal amount of effort in trying to make sure that we put forth principles that made sense, that were common sense, that we believe the entire Nation should be asking, was our colleague, the gentleman from the great State of North Carolina (Mr. WATT), and I yield to him.

Mr. WATT. Mr. Speaker, I thank the chairman, the gentleman from Maryland (Chairman CUMMINGS), for yielding and for organizing this Special Order this evening to talk about the Congressional Black Caucus's position on the war and to make some commonsense points about what that position should be and what the Congress's position should be.

Based on what my colleagues have already said, it is quite apparent that the Congressional Black Caucus has standing to be here for at least two reasons. Number one, we have standing because only 34 out of 38 of our Members voted against the original war resolution, against a backdrop where we had set out five clear principles that we would be measuring the President's original request to delegate authority to him to go to war against. And almost as if we had some crystal ball at that time, the fifth of the five principles stated as follows: it said, any post-strike plan for maintaining stability in the region would be costly and would require a long-term commitment. It was as if we were forecasting, even back in October of 2002, the exact circumstance in which we find ourselves today.

We did not have any crystal ball; what we had was common sense that told us if the President went this course alone without a worldwide, international coalition, we were likely to be there by ourselves, paying for the war and the postwar responsibilities by ourselves; that we would destabilize what was already an unstable situation in the Middle East even further, which has turned out to be the case.

Our own common sense in our communities says, hey, you simply do not fight somebody unless you have exhausted every possible, conceivable effort, short of fighting somebody. I mean, that is just a commonsense rule of the street where many of us have had to exist. You just simply do not go and fight somebody, and you do not go and make a unilateral attack against somebody without a demonstrated, imminent threat that somebody is getting ready to slap you or your mama. I mean, that is basically commonsense principles that we outlined in October of 2002.

So we have standing to be here, not because we came to say we told you so, but because we applied to our own voting pattern in the original war resolution the principles that we thought were commonsense principles that should govern our country. Unfortunately, this administration failed to apply those principles; and, as a result, we are here today.

Now, I want to zero in on several of the new eight principles that we established a couple of weeks ago to evaluate the President's $87 billion additional request. First of all, we reaffirmed our commitment to the original principles that we had adopted back in October of 2002. We were not starting from scratch; we were working in a context where if we knew that if the President had followed those original principles, we would not be here today. But the second principle is quite interesting, because despite the fact that the President had not followed our principles, our second new principle was to say that despite the President's failure to follow our original statement of principles in his decisions leading to the war, we expressed our full resolve to support and protect our troops and their families. So as both of my colleagues who have spoken to this point have indicated, there should be no question about our commitment to the troops.

But before we give a President who has already demonstrated that he is inept and demonstrated that he is unwilling to follow commonsense principles for an additional $87 billion, we think some other things ought to happen.

First of all, we think this administration should provide an accounting of all funds expended to date that were previously approved by the Congress, including details about all contracts for work in or related to Iraq. In my community, I do not know about my colleagues, but in my community, there are substantial questions being raised about how Halliburton can end up with a contract in excess of $1 billion in Iraq, and now people are asking, well, why can the Iraqi people not do some of this work? If we are trying to help them, why is it that we are being so paternalistic that only the United States can do the work; we will not even hire any of them to do the work on the ground? We are hiring U.S. companies, giving none of our small businesses, our minority businesses the opportunity to participate in those work opportunities?

Our next principle was the President should provide sufficient details about how the proposed funding will be spent to enable Congress and its committees to evaluate separately funding proposed for the protection and maintenance of our troops, which all of us agree is a high moral imperative. Despite the fact that the President did this unilaterally, our troops did not make that decision. We have got to protect them. But we want a separate accounting of the money that is going to be spent on the proposed rebuilding of Iraq.

Now, why do we want a separate accounting? Common sense again. We have neighborhoods in our own country that have inadequate plumbing, inadequate electricity. We had our own blackout. And if we are going to provide assistance to Iraq, we ought to be focusing on providing assistance in the same kind of settings in our own communities that we are providing in Iraq. We ought to make sure that we are not giving Iraq more than Iraq had before we even ever bombed there. At least show us what it is that we destroyed by bombing them; maybe we have some moral obligation to rebuild that part of Iraq. But for the life of me, I cannot figure out why we would think Iraq would be a higher priority to fund basic infrastructure than other countries with substantially less per capita incomes.

There are many countries throughout this world that have a lot less per capita income than Iraq, and there are a lot of countries that I would get to helping and providing assistance to before I would get down to Iraq, trying to provide this assistance solely against a backdrop where we have gone in and bombed that country.

We think the President should provide an accounting of Iraqi resources which we were told in advance the country was going to apply to rebuilding Iraq. Iraq has probably got more oil under the ground than most of the assets that we have here in our country. Why can they not use their own assets to help pay for the cost of rebuilding? I mean, that is just common sense. We try to tell people not to be paternalistic. I mean, you have to want to help yourself before we want to give you anything. That is what we have said to the American people. That is what we have said to people on welfare right here in our country. You got to get up and work yourself and use your own resources, so why can we not apply the same principles to Iraq that we apply here at home?

These are just commonsense principles, Mr. Speaker; and it is just impossible for us to go back into our communities and say that we should be doing this, providing another blank check to this President, without a full accounting for the $79 billion that has already been spent and without any accounting for how he is going to pay for the additional $87 billion.

Now, we have been saying, all of us in the Congressional Black Caucus have been saying for months that if this is a priority, then we ought to pay for it as a Nation and not pass the debt along to our children. Every dime of this $87 billion is going straight to the deficit and coming straight from borrowed money. The effect of that is to pass that obligation along to our children, rather than paying for it ourselves.

Now, who ought to be paying for it? I think who ought to be paying for it is the people that we gave the tax break to this year who are making over $150,000 to $200,000 a year. If they think this is a priority, if the country thinks this is a priority, then let us pay for it as a priority. So we think the tax cuts should be rolled back, especially at the highest levels, and maybe even at the middle-income levels, to have all of us share in the sacrifice, if we think this is a national priority. Those are the kinds of questions that we have asked this President to focus on and to provide attention to and to give us information about as a condition for asking us to support an additional $87 billion.

Mr. Speaker, I will say to my colleagues that this Congressional Black Caucus has applied commonsense principles, the principles that we grew up in our communities understanding and abiding by; the principles that we have heard applied in our own country in communities by the people who make decisions.

□ 2100

You have got to be responsible yourself before we are going to be responsible for you. And we think that is a good, good criteria to measure this request against. And unless we get answers and responses to these principles, these eight principles that we have set out to evaluate this request against, I think you are going to see the Congressional Black Caucus vote in as unified a fashion against the $87 billion request as we were against the original war resolution. And that is where we should be out of responsibility to our constituents, and our Nation, and our children, and the future of this country.

I thank the gentleman from Maryland (Mr. CUMMINGS) for convening this Special Order and for yielding time to me. I could go further, but I know there are other people who want to talk about this. And there are some other important principles that I need to touch on, but I am sure my colleagues are going to hit them before this Special Order is over.

Mr. CUMMINGS. I want to thank the gentleman from North Carolina (Mr. WATT) for his statement. I am glad that you have over and over again reminded all of us that these are just basic, logical, practical questions that people would ask in any serious matter.

But I just wanted to emphasize one thing that you talked about when you talked about how there were countries that were a lot worse off that are not getting this kind of assistance. And I just reiterate something I said a little bit earlier. Iraq has the second largest oil reserves in the world, with 112 billion barrels of proven oil reserves and another probable 220 billion barrels.

In the current world rate, the value of proven Iraqi reserves would be about $2.8 trillion together with another $5.5 trillion in probable oil reserves.

Mr. Speaker, I yield to my colleague, the gentlewoman from Michigan (Ms. KILPATRICK), who has been at the forefront of our outreach as a caucus and has pulled us together on this issue.

Ms. KILPATRICK. Mr. Chairman of our Congressional Black Caucus, thank you for continuing to be the beacon as we speak out and remain the conscience of the Congress and the conscience of our country. This is a serious time for the world, a serious time for American people. As our people struggle to raise their families, to feed them, to house them, to clothe them, to send their children to institutions of higher education, at a time when unemployment is the highest it has been in several years, many people who have worked all of their lives find themselves unemployed in this country.

So we as Members of the Congressional Black Caucus come to the American people tonight to ask you to fax, to e-mail, to call and to write your Congressperson, your U.S. Senator, and, yes, President Bush. It has already been shown that over the last 2 weeks the American people get this. Over 60 percent do not want us to spend $87 billion in Iraq. Many of them want their own children, their own families, their own communities to be able to participate in the American Dream.

And over the last 2 years, with over 3 million jobs lost across this country, the people of America are crying out. And we, the Members of the Congressional Black Caucus, come to you, America, and ask you to speak up, to fax, to e-mail, to call, and to write the President, your United States Senator, and your Congressperson and let us know how you feel.

I am an appropriator. I sit on the Committee on Appropriations and I am honored to serve there, one of two people from the State of Michigan. Last May this Congress gave, as has been mentioned, $79 billion to the President, asking no accountability. And you know what, American people? We have not gotten it, and that was our mistake. When we let that money go in May, we should have asked for accountability. And the principles that the Congressional Black Caucus adopted then and that we present to you tonight, ask for a full accounting of the $79 billion.

The families of many of the people who are active in Iraq and Afghanistan today have come to us and other Members of this body to say that their sons and daughters do not have the training that they need in such a situation, do not have the protective body armor they need to protect themselves, and equipment; and they do not have what is needed to fight such a war as this that the President declared was over a few months ago. The war is not over. We are in a new phase of it.

And the $79 billion then, which was not spent for training and armor and keeping the equipment up to date, the equipment is falling apart. They have been fighting in the desert. The PXes where the soldiers get their water, their personal items are almost empty. We have got to put the money back in for that. The President asked for $87 billion more just on September 7.

I am happy to say that this Congress, both the House and the Senate, want to take a look at what he is asking us to do. You see, the $87 billion on September 7, and the $79 billion in May, is $166 billion. There are 13 appropriations bills. This $166 billion is larger than seven of those bills combined. We have had over 40 hearings on those bills. So we must not rush to do this.

We must first protect our troops, give the soldiers what they need, make sure we do what is right. And as an appropriator and as members of the Congressional Black Caucus, we are committed to doing that. $166 billion over 6 months' time and we have soldiers who do not have the protection they need to protect their lives? Many of our vehicles are out of operable order.

Where has the money gone? That is what this Member wants to know. Where has the money gone? How much money is really needed right now? I support giving the government what they need, giving our troops what they need. But we have not been given the documentation. Where is that documentation? Where has the money gone? Why can we not get that information?

And as we come to you tonight, America, we want you to ask those same questions.

Appropriations, I sit on the Foreign Operations subcommittee, so I am talking to you about what I know, what we get, the little we can sift through and find. On the Foreign Operations subcommittee we have had two hearings on the reconstruction money. As the President proposed it, he asked for $20.3 billion. That is what the two hearings were held on. Today it went into the Committee on Appropriations. Tomorrow morning I understand the gentleman from Florida (Mr. YOUNG) of the Committee on Appropriations has reduced that by $2 billion. And his mark before us tomorrow morning will be for $18 billion.

Is it needed now? Must we do it all now? Can we fund until January so that we can get the information that this caucus has requested in our principles? I believe that we have to demand that. And I believe that you, America, have to demand that. Why would we build Iraq better than Iraq was before we entered it, before we unilaterally struck them? Why? Why would we build their roads and bridges and clean water and schools and hospitals and justice system when our very same things are crumbling? Why? Why will we give them a Cadillac at a time when our people are unemployed and we need to help our citizens when we could give them a Ford?

Most American people want to help them, but they do not want to do it at the expense of our own country. That is what we have to talk about. That is why we need the information. We do not have to rush for this one.

Tomorrow morning in the Committee on Appropriations, and I will be there, one of many Members discussing this supplemental bill that is before us, why can we not bifurcate it? Why can we not get the details that the troops need, the armies need, the vehicles, the weaponry they need and funds for the next 3 months until the first of the year? That would give us time to study this.

Why can we not look at the reconstruction money that is being asked for and perhaps fund it for the next 3 months so that we can look into the American people's money and at the same time fund those things that families need? We as Members of the Congressional Black Caucus are demanding that. As has been said already, we believe that we must help the Army, Navy, Marines, Coast Guard, and give them what they need to fight this battle.

I am one who voted against a unilateral strike. We have always been a country of defending ourselves. We have never unilaterally struck another nation. And there was no imminent threat then. And now the President has told us what we already knew, there was no imminent threat, that we could have addressed this better. We could have worked with the United Nations, 183 nations of the world, and had partners in this effort. Yes, Saddam Hussein was a bad man. Yes, we are happy that he is gone.

Iraq is not a poor country. Iraq has the second largest oil reserves in the world. The value of those oil reserves are over $2 trillion. Why, then, do we take our meager dollars at a time when American citizens are suffering and families are out of work and our hospitals are closing and our schools are crumbling? And what about our blackouts? We had a blackout, America; do not forget that. Your State may have been one of them. Mine certainly was. We have got to put our electric grids back up. We have got to see that our power companies invest back into the power system. I contend we can do both.

We have got to go back to the United Nations and try to get a coalition. The Madrid Conference is coming up in a couple of weeks. There we will find out what countries will come to the table and be allies with us. We were told in appropriation that 61 small countries, 61 can only come up with $1 billion. And they want one country to come up with $87 billion of your money? I do not think that is necessary.

And I think, America, the Congressional Black Caucus urges you to write, fax, call and e-mail your Congressperson, your U.S. Senator, and, yes, our President Bush, to let us know how you feel.

If we would freeze the highest 1 percent of Americans, the millionaires, if we would freeze the tax cut that has been given to them over the next 6 years, we could recoup $80 billion. This is a time of giving. It is a time that we all must put in.

Terrorism we must rid in the world. And it is going to take a collective, international effort to do that. We have got to do it at the same time that we keep our families strong, that we keep our men and women working and their families keeping their children together and protecting our seniors, who today have to choose between eating and getting their medicines, paying their rent and getting their medicines. Why are we not talking about that?

Mr. President, this is not right. And we as Members of the Congressional Black Caucus, you have our principles. Look at them. Talk to us. It is our community too. It is our country too. And if we are going to sustain ourselves as the world leaders that we are, if God is going to protect us as we carry out the business of the country, I think we need more time.

There is no need to push an $87 billion supplemental through in this short period of time. So I thank the gentleman from Maryland (Mr. CUMMINGS) for the leadership that he has provided. Thank you to my brothers and sisters in the Congressional Black Caucus who remain the conscience of the Congress. We come as 39 Members representing over 26 million people. Many of our districts are not majority African Americans. Some are; some are not. We represent Arab Americans, Latino Americans, European Americans, Native Americans. We have the microcosm in our districts of America.

□ 2115

And what we are here tonight to say to the American people, you have to act. You have to speak now or forever hold your peace. This is serious times for America, for our children, for our families and as we live, and as members of the caucus who stood here and took the oaths, we pledge that we will do our support, we pledge that we will uphold this Constitution, and we pledge that we will represent to the very best of our ability.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentlewoman. I so often, Mr. Speaker, after these special orders, we get calls and people say, Why do you keep standing? Will you win? Do you think you can win? As much as we like to win, I take the words of former Congressman Bill Gray, he said, Even if we do not win this battle, we will set the trend, and we will be the conscience no matter what.

Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. MURPHY). The gentleman from Maryland (Mr. CUMMINGS) has approximately 6 minutes remaining.

Mr. CUMMINGS. Mr. Speaker, I yield to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Speaker, I want to thank the members that are here on the floor tonight of the Congressional Black Caucus. And I must say that we speak fact, and really it is not emotions, it is fact. And I am glad that many of the American people have responded in the way that they have thus far.

Sixty percent of Americans do not stand with this administration and many of the Members on the other side of the aisle, as it relates to this $87 billion appropriations. I can tell you that every day I wake up and I walk into this great Capitol of ours, this democracy that we worked on for some 200-plus years, and I am just appreciative of being a Member of this body.

Also, I am very glad that not only that the gentlewoman from California (Ms. PELOSI) but others have allowed me to serve on the Committee on Armed Services and the Select Committee on Homeland Security. I have two young children. I could be home with them, a lovely wife, things of that nature, but I think it is important that we take the time out, even though we worked all day to be here to share with the American people the truth. And I think what is important, if the record has been set in any other area, the education, transportation, environment, that this administration and Members of the other side of the aisle have set as it relates to misinformation, not good information, failure, when we were told that we would be successful, I think we need to take that to a very strong point.

I have to go back to Desert Storm some 10 years ago and our investment in that particular effort. The cost of it was $61 billion. $61 billion. We are looking at a supplemental now that is $87 billion. And that is not $61 billion that we paid because our only share of that was 12 percent which was $7.4 billion by the President's father, President Bush, that had a coalition, a real coalition. And many of the Arab states or the Arab league was there because Saddam Hussein needed to be dealt with and those individuals in Iraq needed to be dealt with.

We just gave $79 billion, you heard my colleague on the Committee on Appropriations, that has yet to be accounted for. Also, now we are talking about $87 billion, which has now moved us Americans up to $166 billion.

Now, these are not small numbers. They are going to have an effect on our economy. We talk about shock and awe in Iraq and that was pretty good for about 4 or 5 months. And I must say that I commend our troops and our men and women. I am not talking about the individuals in uniforms. I am talking about the individuals that are wearing shirts and ties, that are running around here on cellular phones, that are holding press conferences, the Defense Secretary, the President of the United States and even Members of this Congress that stand up and talk about how they support the troops and how dare you question me, I, Secretary, President, Vice President, on our efforts against the war on terrorism.

I must say that I would be ashamed to hold a press conference knowing that seven American soldiers, not coalition forces, seven American men and women are injured daily in Iraq. I am not talking about the numbers, over 177 troops have died since the President landed on the aircraft carrier.

Let us talk dollars and cents for a moment. Let us talk about appropriations. I am not on the committee but I am privy to the information. The education budget for this year, just for 2003, $59.7 billion; transportation, $1.5 billion; homeland security, $35.8 billion, and we are here with no questions asked. Do not ask me any questions or you are unpatriotic for an $87 billion appropriations to continue the effort in Iraq.

I intend to vote against this appropriation. It is not the fact that I disagree with the President or I disagree with the majority here in this House. I am voting against it because I care about Leave No Child Behind. I care about having roads and bridges. I care about our environment. I care about that teacher that is probably home right now checking papers of a classroom that he or she may have of 50 kids in the classroom.

We are talking about when the terrorists win, the terrorists, as far as I am concerned, they are sitting there saying, this is a wonderful thing. I have America bent over borrowing money to prove me wrong. For those who say we need to fight the war on terrorism in Iraq, so we do not have to fight the war here, I do not think there are terrorists sitting around saying, well, as long as they are in Iraq, we will focus on Iraq. We are not going to focus on the United States of America.

I have mayors right now in Florida that are trying to figure out how they are going to balance their budget because they do not have the money to do it because they had to get new security for the water plant, they had to put a police officer, not on the street preventing crime or fighting crime, but protecting something. In this country, we move the yellow, green, yellow, what have you, but we are not willing to give them the necessary funds to function.

I want to share this, and then I will take my seat. How are we going to pay for this amount that we have now? That question has not been answered. We are going to borrow the money. It is going to cost us $28 million a week in interest. I think that is very, very important.

Mr. Speaker, I just want to say in closing that American people need to pay very close attention, continue to ask your Members of Congress what they are doing and the questions that they are asking.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman and the members of the Congressional Black Caucus.

Mrs. CHRISTENSEN. Mr. Speaker, I want to begin by thanking you Chairman CUMMINGS and the rest of my CBC colleagues for providing leadership on this important issue to the American people.

Let me say at the outset that my fellow CBC members and I stand behind the courageous men and women in the military and are deeply grateful for their patriotism, courage and the sacrifices they are making.

Whether it is the courageous Sergeant Shoshanna Johnson or the several of my constituents that are laying their lives on the line for the country they love, they are all owed our gratitude and support.

I agree with you and my colleagues Mr. Chairman—as well as a significant number of my constituents who have sent me more e-mails opposing the President's request to spend an additional $87 billion on Iraq than on any other issue—that the administration should provide an accounting of all funds expended to date that were previously appropriated by the Congress, including details about all contracts for work in or related to Iraq.

We can't give the president a blank check particularly since there has been no real accountability for the already provided $63 billion for Iraq. And especially with frequent reports of equipment failure, and our men and women not getting the level of protection they should.

It is true that we have a responsibility to rebuild the infrastructure in Iraq, with emphasis on "re," but we must also remember that we have many unmet needs here at home.

We need to make investments in health care and my colleagues on the other minority caucuses and I are working on a comprehensive bill to address the causes of health disparities in our communities which will require at least the same $900 million proposed for health in Iraq, to make the kind of investment in prevention, and control and treatment of the chronic diseases and to close the gaps that are driving up the cost of health care. And we need to include a comprehensive prescription program and mental health party.

In my own area, my constituents are severely challenged when it comes to access to health care because we have a large low income population and a Medicaid program which places a cap on payments to us and requires us to adhere to a local match which treats as though we were one of the wealthiest areas of the country.

In announcing our statement of principles, we in the Congressional Black Caucus, are also very concerned about reports which suggest that the reconstruction of Iraq is being done in a cost efficient manner through the utilization of local Iraqis in the rebuilding process, for example, which is apparently being rejected in favor of very expensive projects that only certain companies can do. It is important that the American people have the assurance that we are not, through this process, just making friends of the Administration wealthy or more wealthy, which appears to be the current goal.

If the President truly needs this money, then there should be no problem or barrier to his giving the Congress and the American people an accounting of how previously appropriated funds for Iraq were spent, a plan for future spending and an exit strategy. And the administration should be willing to pay for it out of the high end of the tax cut.

It is irresponsible for the President and his supporters to continue to call for and threaten to increase tax cuts after getting us into this war and rebuilding effort on flimsy evidence and with so many needs here at home going unaddressed.

This Body gave a blank check before without adequate information. We cannot and must not do it again.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KIND (at the request of Ms. PELOSI) for October 7 and 8 on account of official business.

Ms. KAPTUR (at the request of Ms. PELOSI) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material):

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. CRANE) to revise and extend their remarks and include extraneous material):

Mr. ENGLISH, for 5 minutes, today.

Mr. BOEHLERT, for 5 minutes, October 15.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today and October 15.

ENROLLED BILL SIGNED

Mr. TRANDAHL, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2152. An act to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program.

ADJOURNMENT

Mr. CUMMINGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until Friday, October 10, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4693. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Ohio Regulatory Program [OH-249-FOR] received September 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4694. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removing Eriastrum hooveri (Hoover's woolly-star) from the Federal. List of Endangered and Threatened Species (RIN: 1018-AG41) received October 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4695. A letter from the Deputy Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Delisting of the Berberis (=Mahonia) sonnei (Truckee barberry) (RIN: 1018-AH47) received October 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4696. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service/NWRS, Department of the Interior, transmitting the Department's final rule — 2003-2004 Refuge-Specific Hunting and Sport Fishing Regulations (RIN: 1018-AI63) received October 2, 2003,. pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4697. A letter from the Deputy Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-144-FOR] received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4698. A letter from the Acting Assisting Secretary of Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Migratory Bird Permits; Regulations for Double-Crested Cormorant Management (RIN: 1018-AI39) received October 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4699. A letter from the Assistant General Cousel for Regulatory Law, Office of Environment, Safety, and Health, Department of Energy, transmitting the Department's final rule — Compliance With Floodplain and Wetland Environmental Review Requirements (RIN: 1901-AA94) received September 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4700. A letter from the Acting Director, Office of Sustainable Fisheries,NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02; I.D. 092303A] received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4701. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Groundfish Fisheries by Vessels using Hook-and-Line Gear in the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 092403G] received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4702. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Atka Mackerel in the Central Aleutian District [Docket No. 021212307-3037-02; I.D. 092403F] received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4703. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Pacific Cod by Vessels Using Trawl Gear in Bering Sea and Aleution Islands Management Area [Docket No. 021212307-3037-02; I.D. 092403D] received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4704. A letter from the Chief, Regulations and Administrative Law, Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Michigan, Chicago, IL [CGD09-03-261] (RIN: 1625-AA00) received October 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4705. A letter from the Chief, Regulations and Administrative Law, Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Security Zones; San Francisco Bay, California [COTP San Francisco Bay 03-002] (RIN: 1625-AA00) received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4706. A letter from the Chief, Regulations and Administrative Law, Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Choptank River, Cambridge, MD [CGD05-03-124] (RIN: 1625-AA08) received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4707. A letter from the Chief, Regulations and Administrative Law, Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; St. Johns River, mile 24.7 at Jacksonville, Duval County, Florida [CGD07-03-131] (RIN: 1625-AA09) received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4708. A letter from the Chief, Regulations and Administrative Law, Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Illinois Waterway System Within the Ninth Coast Guard District [CGD09-03-241] (RIN: 1625-AA11) received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4709. A letter from the Chief, Regulations and Administrative Law, Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Milwaukee, Menomonee, and Kinnickinnic Rivers and South Menomonee and Burnham Canals, Milwaukee, WI [CGD09-03-215] (RIN: 1625-AA09) received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4710. A letter from the Chief, Regulations and Administrative Law, Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Outer Continental Shelf Facility in the Gulf of Mexico for Viasca Knoll 915 [CGD08-02-045] (RIN: 1625- AG54) received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4711. A letter from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30371; Amdt. No. 442] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4712. A letter from the FMCSA Regulatory Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting the Department's final rule — Motor Carrier Safety Regulations; Miscellaneous Technical Amendments, received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4713. A letter from the Regulations Coordinator, Centers for Medicare & Medicaid Services, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Hospice Wage Index for Fiscal Year 2004 [CMS-1233-N] (RIN: 0938-AM67) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 1598. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and for other purposes (Rept. 108–306). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 3076. A bill to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education, and for other purposes; with an amendment (Rept. 108–307). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 3077. A bill to amend title VI of the Higher Education Act of 1965 to enhance international education programs; with an amendment (Rept. 108–308). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 135. A bill to establish the "Twenty-First Century Water Commission" to study and develop recommendations for a comprehensive water strategy to address future water needs; with an amendment (Rept. 108–309 Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. HART (for herself and Ms. Millender-McDonald):

H.R. 3259. A bill to provide effective training and education programs for displaced homemakers, single parents, and individuals entering nontraditional employment; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey (for himself and Mr. Evans):

H.R. 3260. A bill to amend title 38, United States Code, to extend certain authorities for health care services and reporting dates and to augment certain health care business practices or programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. COBLE (for himself, Mr. Smith of Texas, Mr. Hobson, Mr. Greenwood, Mr. Tauzin, and Mr. Sensenbrenner):

H.R. 3261. A bill to prohibit the misappropriation of certain databases; to the Committee on the Judiciary.

By Mr. BAKER:

H.R. 3262. A bill to amend section 44921 of title 49, United States Code, to provide for the arming of cargo pilots against terrorism; to the Committee on Transportation and Infrastructure.

By Mr. BEREUTER (for himself, Mr. Tanner, Mr. Gillmor, and Mr. Hefley):

H.R. 3263. A bill to award a congressional gold medal to Lord Robertson of Port Ellen; to the Committee on Financial Services.

By Mrs. BLACKBURN:

H.R. 3264. A bill to amend subtitle IV of title 40, United States Code, regarding county additions to the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. CARSON of Oklahoma:

H.R. 3265. A bill to direct the Secretary of Energy to convey a parcel of land at the facility of the Southwestern Power Administration in Tupelo, Oklahoma; to the Committee on Resources.

By Mr. COX:

H.R. 3266. A bill to authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes; to the Committee on Homeland Security (Select), and in addition to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS:

H.R. 3267. A bill to eliminate certain inequities in the Civil Service Retirement System and the Federal Employees' Retirement System with respect to the computation of benefits for law enforcement officers, firefighters, air traffic controllers, nuclear materials couriers, members of the Supreme Court and Capitol police, and their survivors, and for other purposes; to the Committee on Government Reform.

By Mr. CUMMINGS:

H.R. 3268. A bill to amend title 5, United States Code, to ensure that the health benefits program for Federal employees covers screening for glaucoma; to the Committee on Government Reform.

By Mr. DINGELL:

H.R. 3269. A bill to require certain actions to be taken against countries that manipulate their currencies, and for other purposes; to the Committee on Ways and Means.

By Ms. DUNN (for herself, Mr. English, Mr. Hayes, Mr. Quinn, Mr. Shimkus, Mr. Jones of North Carolina, Mr. LaHood, Mr. McHugh, Mrs. Wilson of New Mexico, Mr. Upton, Mr. Boehlert, Mr. King of New York, Mr. Baker, Mr. Walden of Oregon, and Mr. Sweeney):

H.R. 3270. A bill to extend the Temporary Extended Unemployment Compensation Act of 2002; to the Committee on Ways and Means.

By Mr. GEPHARDT (for himself, Mr. Serrano, Ms. Jackson-Lee of Texas, Mr. Frost, Mr. Crowley, Mr. Farr, Ms. Solis, Mr. Rodriguez, Mr. Becerra, Mrs. Napolitano, Mr. Reyes, and Mr. Green of Texas):

H.R. 3271. A bill to amend the Immigration and Nationality Act to provide for permanent resident status for certain long-term resident workers and college-bound students, to modify the worldwide level of family-sponsored immigrants in order to promote family unification, and for other purposes; to the Committee on the Judiciary.

By Ms. GRANGER:

H.R. 3272. A bill to require the Secretary of Defense to establish separate campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom, Operation Iraqi Freedom, and subsequent campaigns of similar significance in the Global War on Terrorism; to the Committee on Armed Services.

By Mr. GREEN of Texas:

H.R. 3273. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to allow States and localities to provide primary and preventive care to all individuals; to the Committee on Energy and Commerce.

By Mr. KINGSTON (for himself, Mr. Spratt, Mr. Lewis of Kentucky, Mr. Houghton, Mr. Wicker, Mr. Norwood, Mr. Rogers of Alabama, Mr. Mica, Ms. Norton, Mr. Boucher, Mr. Wilson of South Carolina, Mr. Burns, and Mr. Ross):

H.R. 3274. A bill to enhance homeland security by encouraging the development of regional coordination plans for emergency and disaster preparedness, response, and recovery; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. Waxman, and Mr. Hinchey):

H.R. 3275. A bill to require transparency, increased competition in contracting, and the increased use of Iraqi contractors in Iraq; to the Committee on Government Reform.

By Mr. GEORGE MILLER of California (for himself, Mr. Kildee, Mr. Ryan of Ohio, Mr. Davis of Illinois, Mr. Scott of Virginia, Mr. Grijalva, Mr. Payne, Mrs. McCarthy of New York, and Mr. Kucinich):

H.R. 3276. A bill to establish an emergency program to provide immediate education assistance for unemployed workers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MURTHA (for himself, Mr. Houghton, Mr. Evans, Mr. Gilchrest, Mr. Snyder, Mr. Kline, and Mr. Janklow):

H.R. 3277. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center; to the Committee on Financial Services.

By Ms. NORTON (for herself and Mr. Tom Davis of Virginia):

H.R. 3278. A bill to permit statues honoring citizens of the District of Columbia to be placed in Statuary Hall in the same manner as statues honoring citizens of the States are placed in Statuary Hall, and for other purposes; to the Committee on House Administration.

By Mr. OTTER:

H.R. 3279. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide for an election by individuals eligible for old-age insurance benefits under such title to waive payment of benefits based on their work record, to provide for income tax deductions based on the actuarial present value of benefits foregone by reason of such an election, and to provide that special Government obligations issued exclusively for purchase by the Social Security Trust Funds shall bear interest at the average market yield then prevailing for comparable obligations issued in the private sector; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 3280. A bill to amend titles 10 and 14, United States Code, to provide for an increase in military retired pay for officers by reason of being credited with extraordinary heroism on the same basis as applies to enlisted members; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS (for himself, Mr. Wolf, Mr. Waxman, Mr. McHugh, Mr. Shays, Mr. Ruppersberger, Ms. Schakowsky, and Mr. Tierney):

H.R. 3281. A bill to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections; to provide certain authority to the Special Counsel; and for other purposes; to the Committee on Government Reform.

By Mr. RADANOVICH:

H.R. 3282. A bill to establish the Healthy America Commission; to the Committee on Energy and Commerce.

By Mr. REGULA (for himself, Mr. WAMP, Mr. SHERWOOD, Mr. SOUDER, Mr. PETRI, Mr. PETERSON of Pennsylvania, and Mr. HOBSON):

H.R. 3283. A bill to improve recreational facilities and visitor opportunities on Federal recreational lands by reinvesting receipts from fair and consistent recreational fees and passes, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYES (for himself, Mr. FILNER, Mr. HINOJOSA, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. BACA, and Mrs. DAVIS of California):

H.R. 3284. A bill to improve the health of residents of, and the environment in, the United States-Mexico border area; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Agriculture, Financial Services, Transportation and Infrastructure, International Relations, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself, Mr. FRANK of Massachusetts, Mr. GREENWOOD, Mrs. TAUSCHER, Mr. ABERCROMBIE, Mr. ACEVEDO-VILÁ, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Mr. BECERRA, Mr. BELL, Ms. BERKLEY, Mr. BERMAN, Mrs. BIGGERT, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Ms. CARSON of Indiana, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. CONYERS, Mr. COOPER, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DeFAZIO, Ms. DeGETTE, Mr. DELAHUNT, Ms. DeLAURO, Mr. DEUTSCH, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Mr. DOOLEY of California, Mr. DOYLE, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FILNER, Mr. FOLEY, Mr. FORD, Mr. FROST, Mr. GEPHARDT, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KIRK, Mr. KLECZKA, Mr. KOLBE, Mr. KUCINICH, Mr. LAMPSON, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LEACH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mr. LYNCH, Mrs. McCARTHY of New York, Ms. McCARTHY of Missouri, Ms. McCOLLUM, Mr. McDERMOTT, Mr. McGOVERN, Mr. McNULTY, Ms. MAJETTE, Mrs. MALONEY, Mr. MARKEY, Mr. MATHESON, Mr. MATSUI, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-McDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOORE, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OSE, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Ms. PRYCE of Ohio, Mr. RANGEL, Mr. REYES, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SCHIFF, Mr. SHERMAN, Mr. SIMMONS, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SOLIS, Mr. STARK, Mr. STRICKLAND, Mr. SWEENEY, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Mr. VISCLOSKY, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 3285. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF (for himself and Mr. HYDE):

H.R. 3286. A bill to establish a commission to improve United States development assistance and food aid around the globe; to the Committee on International Relations.

By Ms. JACKSON-LEE of Texas (for herself, Mr. CUMMINGS, Mr. FILNER, Mr. DAVIS of Illinois, Mr. PAYNE, Mr. CONYERS, Mr. MEEK of Florida, Mr. HONDA, Mr. TOWNS, Ms. KILPATRICK, Mr. RODRIGUEZ, Mr. LEWIS of Georgia, and Mr. RUSH):

H. Con. Res. 296. Concurrent resolution expressing the sense of Congress with respect to the President's $87 billion supplemental appropriation request for the occupation and reconstruction of Iraq; to the Committee on International Relations, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H. Con. Res. 297. Concurrent resolution expressing the sense of Congress that Romare Howard Bearden should be recognized as one of the preeminent artists of the 20th century for his artistic genius and visual creativity in the depiction of the complexity and richness of African American life in the United States; to the Committee on Government Reform.

By Mr. SULLIVAN (for himself, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. BOOZMAN, Mr. BRADY of Texas, Mr. CANNON, Mr. CHABOT, Mrs. JO ANN DAVIS of Virginia, Mr. DOOLITTLE, Mr. ENGLISH, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GOODE, Mr. GOODLATTE, Ms. HART, Mr. HAYES, Mr. HOSTETTLER, Mr. HUNTER, Mr. JONES of North Carolina, Mr. MILLER of Florida, Mrs. MYRICK, Mr. OSBORNE, Mr. PENCE, Mr. PICKERING, Mr. PITTS, Mr. RYUN of Kansas, Mr. SESSIONS, Mr. SHIMKUS, Mr. SOUDER, Mr. TERRY, Mr. STEARNS, Mr. TIAHRT, Mr. VITTER, Mr. WELDON of Florida, Mr. WICKER, Mr. WILSON of South Carolina, and Mr. WOLF):

H. Con. Res. 298. Concurrent resolution expressing the sense of Congress supporting vigorous enforcement of the Federal obscenity laws; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McKEON (for himself, Mr. HOYER, Mr. SERRANO, Mrs. CAPPS, Mr. FARR, Mr. SHAYS, Mr. WALSH, Mr. KILDEE, Mr. GINGREY, and Mr. PETRI):

H. Con. Res. 299. Concurrent resolution honoring Mr. Sargent Shriver for his dedication and service to the United States of America, for his service in the United States Navy, and for his lifetime of work as an ambassador for the poor and powerless citizens of the United States of America, and for other purposes; to the Committee on Government Reform.

By Mr. NADLER:

H. Con. Res. 300. Concurrent resolution expressing the sense of the Congress regarding so-called "honor killings"; to the Committee on International Relations.

By Mr. CONYERS (for himself, Ms. KILPATRICK, Mrs. MILLER of Michigan, Mr. LEVIN, Mr. KILDEE, Mr. DINGELL, Mr. McCOTTER, Mr. STUPAK, Mr. ROGERS of Michigan, Mr. UPTON, and Mr. CAMP):

H. Res. 392. A resolution congratulating the Detroit Shock for winning the 2003 Women's National Basketball Association championship; to the Committee on Government Reform.

By Mrs. BIGGERT (for herself and Mrs. MALONEY):

H. Res. 393. A resolution commending Afghan women for their participation in Afghan government and civil society, encouraging the inclusion of Afghan women in the political and economic life of Afghanistan, and advocating the protection of Afghan women's human rights in the Afghanistan Constitution; to the Committee on International Relations.

By Mr. GARY G. MILLER of California (for himself, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. PETRI, Mr. GORDON, Mr. BONILLA, Mr. GREEN of Wisconsin, Mr. JOHNSON of Illinois, Ms. MILLENDER-McDONALD, Mr. ISAKSON, Mr. BOEHLERT, Mr. SHUSTER, Mr. COBLE, Mr. COLLINS, Mr. BURNS, Ms. CORRINE BROWN of Florida, Mr. CAMP, Mr. LUCAS of Kentucky, Mr. CALVERT, Mr. WILSON of South Carolina, Mr. SANDLIN, Mr. BERRY, Mr. MICHAUD, Mr. DAVIS of Tennessee, Mr. GOODE, Mr. GERLACH, Mr. BLUMENAUER, Mr. MORAN of Kansas, Mr. BOOZMAN, and Mr. RAHALL):

H. Res. 394. A resolution recognizing the American Concrete Institute's 100-year contribution as the standards development organization of the concrete industry and for the safe and technologically current construction activity it has enabled, which contributes to the economic stability, quality of life, durability of infrastructure, and international competitiveness of the United States; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. McInnis.
H.R. 31: Mr. Lampson.
H.R. 290: Mr. Menendez and Mr. Rangel.
H.R. 303: Mr. Stark.
H.R. 339: Mr. Toomey and Mr. Rogers of Alabama.
H.R. 369: Mr. Ruppersberger, Mr. Cardin, and Ms. Corrine Brown of Florida.
H.R. 433: Mr. Shays.
H.R. 434: Mr. Gallegly and Mr. Burton of Indiana.
H.R. 476: Mr. Weldon of Pennsylvania.
H.R. 594: Mr. Ballance, Ms. Ros-Lehtinen, and Mr. Bonner.
H.R. 610: Mr. Smith of Washington.
H.R. 646: Mr. Gordon
H.R. 727: Mr. Stark.
H.R. 738: Mr. Acevedo-Vilá.
H.R. 742: Mr. Berry and Mr. Neal of Massachusetts.
H.R. 806: Mr. Gonzalez.
H.R. 833: Mr. Cox and Mr. LaHood.
H.R. 839: Mr. Meeks of New York and Mr. Wexler.
H.R. 852: Mr. Ackerman.
H.R. 857: Mr. Wolf and Ms. Roybal-Allard.
H.R. 873: Mr. McCotter.
H.R. 876: Mr. Nunes and Mr. Buyer.
H.R. 931: Mr. LaTourette.
H.R. 956: Mr. Lantos.
H.R. 965: Mr. Bishop of New York, Mr. Kanjorski, and Mr. Gonzalez.
H.R. 992: Mr. Kline.
H.R. 993: Mr. Kline.
H.R. 994: Mr. Kline.
H.R. 1043: Mrs. Kelly.
H.R. 1076: Mr. DeMint.
H.R. 1105: Mr. Sabo.
H.R. 1118: Mr. Bishop of Utah.
H.R. 1162: Mr. Thompson of California.
H.R. 1220: Mr. Wilson of South Carolina.
H.R. 1250: Mr. Shadegg.
H.R. 1285: Mrs. Maloney, Mr. Tierney, Mr. Van Hollen, and Mr. Payne.
H.R. 1336: Mr. Lewis of California and Mr. Mario Diaz-Balart of Florida.
H.R. 1359: Ms. Corrine Brown of Florida.
H.R. 1385: Mr. Lipinski, Mr. McKeon, and Mr. Farr.
H.R. 1430: Mrs. Davis of California.
H.R. 1448: Mr. Hinojosa.
H.R. 1508: Mr. Tierney.
H.R. 1523: Mr. Ramstad and Mr. Burton of Indiana.
H.R. 1532: Mr. Kirk and Mr. Udall of Colorado.
H.R. 1582: Mr. Smith of Michigan.
H.R. 1699: Mr. Burton of Indiana.
H.R. 1708: Mrs. Miller of Michigan.
H.R. 1717: Ms. Baldwin.
H.R. 1726: Mr. Goode.
H.R. 1742: Mrs. Capps.
H.R. 1749: Ms. Kaptur.
H.R. 1782: Mr. Cardin and Mr. Lewis of Georgia.
H.R. 1800: Mr. Van Hollen.
H.R. 1818: Mr. Shays.
H.R. 1828: Mr. Sam Johnson of Texas, Mr. Kirk, Mr. Stenholm, Ms. McCollum, and Mr. Neugebauer.
H.R. 1861: Mr. Deutsch and Mr. Engel.
H.R. 1873: Mr. Bartlett of Maryland and Mr. Schrock.
H.R. 1886: Ms. Lofgren, Mr. Hall, Mr. Baca, Mr. LaHood, and Mr. Baker.
H.R. 1892: Ms. Lofgren.
H.R. 1905: Mr. Lewis of Georgia.
H.R. 1910: Mr. Michaud.
H.R. 1916: Mr. Upton and Mr. Baker.
H.R. 1943: Mr. Green of Wisconsin.
H.R. 1993: Mr. Payne.
H.R. 2023: Ms. Lofgren and Mr. Frost.
H.R. 2032: Mr. Gutierrez, Mr. Matheson, Mr. Evans, and Mr. Udall of New Mexico.
H.R. 2037: Ms. Watson.
H.R. 2042: Mr. Rothman, Mr. Gutierrez, Ms. Millender-McDonald, Mr. Thompson of Mississippi, Mr. Brady of Pennsylvania, Mr. Davis of Illinois, Ms. Hooley of Oregon, and Ms. Waters.
H.R. 2233: Mr. Wexler.
H.R. 2246: Mr. Davis of Illinois, Mr. Peterson of Pennsylvania, Mr. Israel, Mr. Quinn, Mr. Rothman, Mr. McGovern, Mr. Delahunt, and Mr. Beauprez.
H.R. 2256: Mr. Bishop of New York, Mr. King of New York, Mr. Meeks of New York, Mr. Nadler, Mr. Towns, Ms. Velázquez, Mr. Serrano, Mrs. Lowey, Mr. Israel, Mr. Ackerman, Mr. Crowley, Mr. Owens, Mr. Rangel, and Mr. Engel.
H.R. 2318: Mr. Pomeroy and Mr. Thompson of California.
H.R. 2347: Mr. Wamp and Mr. Goode.
H.R. 2379: Mr. Aderholt.
H.R. 2440: Ms. Bordallo.
H.R. 2494: Mrs. Biggert.
H.R. 2504: Mr. Emanuel.
H.R. 2509: Mr. Boehner, Mr. Platts, Mr. Otter, Mr. Cole, and Mr. Hall.
H.R. 2515: Ms. Hooley of Oregon.
H.R. 2582: Mr. Hill.
H.R. 2632: Mr. Etheridge and Mr. Boozman.
H.R. 2665: Mr. Larson of Connecticut.
H.R. 2671: Mr. John and Mr. Sessions.
H.R. 2705: Mr. Stenholm.
H.R. 2707: Mr. Beauprez.
H.R. 2711: Ms. Millender-McDonald, Ms. DeGette, Mr. Larson of Connecticut, and Mr. Price of North Carolina.
H.R. 2719: Mr. Van Hollen.
H.R. 2759: Ms. Lofgren.
H.R. 2768: Ms. Waters, Mr. Baird, Mr. Fossella, Mr. Levin, Mrs. Jo Ann Davis of Virginia, Mr. LaHood, Mr. Hyde, Mr. Shadegg, Mr. Hensarling, Mr. Regula, Mr. Linder, Mr. Hobson, Mr. Bereuter, Mr. Smith of Washington, Mr. Shays, Mr. Lewis of California, Mr. Ballenger, Mr. Toomey, Mr. Sweeney, Mr. Radanovich, Mr. LaTourette, Mr. English, Mr. Kolbe, Mr. Sabo, and Mr. Bonner.
H.R. 2787: Mr. Ross.
H.R. 2816: Mr. Wynn, Mr. Green of Texas, and Mr. Cummings.
H.R. 2821: Mr. LaHood and Mr. Leach.
H.R. 2837: Ms. Lee.
H.R. 2864: Mr. Brady of Texas and Mr. Sessions.
H.R. 2871: Mr. Filner and Mr. Renzi.
H.R. 2900: Mr. Boucher, Mr. Cardoza, Mr. Hill, and Mr. Porter.
H.R. 2924: Mr. Ortiz.
H.R. 2932: Mr. Grijalva.
H.R. 2941: Mr. Kolbe.
H.R. 2945: Mr. Fattah.
H.R. 2950: Mr. Toomey.
H.R. 2959: Mr. Weldon of Pennsylvania, Mr. Pallone, Ms. Lofgren, and Mr. Hinojosa.
H.R. 2966: Mr. Dooley of California.
H.R. 2983: Mr. Udall of Colorado.
H.R. 2990: Mr. Tiberi.
H.R. 2998: Mr. Cannon, Mr. Toomey, and Mr. Boswell.
H.R. 3002: Mr. Everett.
H.R. 3003: Mr. Filner.
H.R. 3004: Mr. Conyers.
H.R. 3019: Mr. Ryun of Kansas, Mr. Mollohan, Mr. Etheridge, Mr. Frost, Mr. Paul, Mr. Kennedy of Rhode Island, Mr. Hastings of Florida, Mr. Acevedo-Vilá, Mr. Serrano, Mrs. Maloney, Mr. Cummings, Ms. Slaughter, and Mr. Boyd.
H.R. 3023: Mr. Frank of Massachusetts and Mr. Andrews.
H.R. 3049: Mr. Davis of Tennessee, Ms. Watson, and Ms. McCollum.
H.R. 3051: Mr. Conyers, Mr. Kildee, and Mrs. McCarthy of New York.
H.R. 3063: Mr. Payne, Ms. Roybal-Allard, Mr. Emanuel, Mr. Neal of Massachusetts, and Ms. Corrine Brown of Florida.
H.R. 3075: Mrs. Musgrave and Mr. Garrett of New Jersey.
H.R. 3077: Mr. Carter.
H.R. 3079: Mr. Bereuter and Mr. Terry.
H.R. 3092: Mr. Acevedo-Vilá and Mr. Dooley of California.
H.R. 3094: Mr. Putnam.
H.R. 3116: Mr. Shays.
H.R. 3119: Mr. Kennedy of Minnesota, Mr. Shuster, Mr. Quinn, and Mr. Isakson.
H.R. 3122: Mr. English.
H.R. 3123: Mr. Gonzalez.
H.R. 3125: Mrs. Jo Ann Davis of Virginia.
H.R. 3126: Mr. Chocola.
H.R. 3129: Mr. Frost.
H.R. 3130: Mr. Sessions and Mr. Terry.
H.R. 3132: Mrs. Capps, Mr. Farr, Mr. George Miller of California, and Mr. Honda.
H.R. 3156: Ms. Hooley of Oregon.
H.R. 3173: Mr. Markey and Mr. Conyers.
H.R. 3190: Mr. Wamp.
H.R. 3191: Mr. Barton of Texas, Mr. Ramstad, Mr. Wicker, Mr. Weldon of Florida, Mr. Graves, Mr. Toomey, and Mr. Wilson of South Carolina.
H.R. 3193: Mr. Taylor of Mississippi, Mr. Culberson, Mr. Blunt, Mr. Isakson, Mr. Kline, Mr. Edwards, Mr. Simpson, Mr. Renzi, Mr. Young of Alaska, Mr. Tiahrt, Mr. Lucas of Kentucky, Mr. Shuster, Mr. Pence, Mr. Costello, Mr. Dingell, and Mr. Gordon.
H.R. 3194: Mr. Hall and Mr. Jefferson.
H.R. 3214: Mr. Osborne, Mr. Johnson of Illinois, Mr. Crane, Mr. Costello, Mr. Wynn, Ms. Slaughter, Mr. Udall of New Mexico, Mr. Allen, Mr. Frank of Massachsetts, Ms. Linda T. Sánchez of California, Ms. Eddie Bernice Johnson of Texas, Ms. Baldwin, Mr. Boucher, Mrs. Johnson of Connecticut, Mrs. Kelly, Mr. Renzi, Mr. Lewis of California, Mr. Ramstad, Mr. Pearce, Mr. John, Mrs. McCarthy of New York, Mr. Towns, Ms. Hooley of Oregon, Ms. Norton, Ms. Berkley, Mr. Ackerman, Mr. George Miller of California, Ms. Millender-McDonald, Mr. Larsen of Washington, Mr. Meeks of New York, Mr. Rothman, Mr. Toomey, Mr. Waxman, Mr. Ford, Mrs. Capps, Mr. Frost, Ms. Harman, Mr. Pastor, Mr. Baker, Mr. Lampson, Mr. Matheson, and Mr. McHugh.
H.R. 3215: Mr. Green of Wisconsin.
H.R. 3226: Mr. Lantos and Ms. Eshoo.
H.R. 3228: Mr. Conyers, Mr. McIntyre, Mr. Olver, and Mr. Lewis of Georgia.
H.R. 3242: Mr. Calvert, Mr. Goode, and Mr. Peterson of Minnesota.
H.R. 3246: Mr. Pence.
H.J. Res. 56: Mr. Gary G. Miller of California and Mr. Aderholt.
H.J. Res. 62: Mr. Hinchey, Mr. Berman, and Mr. Schrock.

H. Con. Res. 37: Mr. BOOZMAN.

H. Con. Res. 86: Mr. WEXLER.

H. Con. Res. 106: Mr. TERRY and Mr. KNOLLENBERG.

H. Con. Res. 126: Mr. COX and Mr. CAMP.

H. Con. Res. 247: Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. GOSS, and Mr. BROWN of Ohio.

H. Con. Res. 264: Ms. CORRINE BROWN of Florida.

H. Con. Res. 269: Mr. CONYERS, Mr. MEEKS of New York, Mr. FARR, Ms. CORRINE BROWN of Florida, and Mr. CLYBURN.

H. Con. Res. 277: Ms. GRANGER.

H. Con. Res. 283: Mrs. CHRISTENSEN.

H. Con. Res. 285: Mr. DEMINT.

H. Con. Res. 291: Mr. WHITFIELD, Mr. WILSON of South Carolina, Mr. ISAKSON, Mrs. TAUSCHER, Mr. CALVERT, Mr. WELDON of Pennsylvania, Mr. COOPER, Mr. SNYDER, Mr. JOHN, Mr. JONES of North Carolina, Mr. REYES, Mr. BARTLETT of Maryland, Mr. RYAN of Ohio, Mr. HASTINGS of Florida, Mr. ROGERS of Alabama, Mr. SCHROCK, and Mr. HOSTETTLER.

H. Res. 20: Ms. LOFGREN.

H. Res. 157: Mr. DOGGETT.

H. Res. 285: Mr. ROTHMAN.

H. Res. 300: Mr. MCDERMOTT, Mr. SCHROCK, and Mr. BARRETT of South Carolina.

H. Res. 349: Ms. LOFGREN and Mr. SANDERS.

H. Res. 363: Mr. SHIMKUS.

H. Res. 373: Mr. QUINN, Mr. MICHAUD, Ms. LOFGREN, Mr. SANDERS, Ms. MILLENDER-MCDONALD, Mr. GONZALEZ, Ms. MCCOLLUM, and Ms. PELOSI.

H. Res. 378: Mr. GARRETT of New Jersey, Mr. DAVIS of Illinois, and Mr. WATT.

H. Res. 382: Mr. WALSH and Mr. KING of New York.

H. Res. 384: Ms. WOOLSEY and Mr. STARK.

H. Res. 388: Ms. HARRIS, Mr. BARTLETT of Maryland, and Mr. GREENWOOD.

EXTENSIONS OF REMARKS

TRANSFER TO PUBLIC PRINTER OF AUTHORITY OVER INDIVIDUALS RESPONSIBLE FOR PREPARING CONGRESSIONAL RECORD INDEXES

SPEECH OF

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. NEY. Madam Speaker, the attached letter should have been submitted for the RECORD during consideration of H.R. 3229, a bill to amend Title 44, U.S. Code, to transfer authority over the individuals responsible for preparing indexes of the CONGRESSIONAL RECORD to the Public Printer, on October 7, 2003. Please submit this letter for the RECORD.

OFFICE OF THE PUBLIC PRINTER,
GOVERNMENT PRINTING OFFICE,
Washington, DC, October 1, 2003.

Hon. ROBERT W. NEY,
Chairman, Joint Committee on Printing, Longworth House Office Building, Washington, DC.

Attn: Ms. Maria Robinson, JCP Staff Director.

DEAR MR. CHAIRMAN: I am transmitting herewith legislative language to amend section 902 of Title 44, U.S. Code, to transfer control over the employees of the Congressional Record Index Office from the Joint Committee on Printing (JCP) to the Government Printing Office (GPO). The indexers create the semimonthly and session indexes to the Congressional Record.

Under current law, which with only minor revisions antedates GPO's organic legislation, the Printing Act of 1895, the JCP "shall designate to the Public Printer competent persons" to prepare the index and "shall fix the compensation to be paid by the Public Printer for that work . . ." In addition to appointing the indexers and establishing their pay, the JCP sets other employment rules, including rules for promotions and the accumulation and use of leave, and maintains sole authority to terminate the indexers as at-will employees and to fill any vacancies. The indexers are under the congressional retirement system. Their compensation, benefits, and related office expenses are charged directly to the Congressional Printing and Binding Appropriation, included in Title I of the annual Legislative Branch Appropriations Acts.

The indexers have long been recognized as congressional employees. However, their work is not directly supervised by the JCP. Instead, supervision of the indexers has been provided by a director named by the JCP (the former director retired in 2001, and since then the indexers have been supervised by a deputy director with no clear line of supervision above her). GPO provides administrative support for the indexers. GPO pays the indexers from the GPO Revolving Fund (the Fund is reimbursed by the Congressional Printing and Binding Appropriation) and maintains records on their employment as indexers. The indexers are housed in buildings under GPO's control and subject to GPO rules and regulations regarding security and related matters. GPO provides equipment for the indexers, and they work on a day-to-day basis directly with GPO's production staff in compiling and publishing the Congressional Record Index.

The JCP was able to manage the indexers while the Committee itself was funded and maintained a professional staff. Since fiscal year 1999, however, when the JCP was defunded, it has been unable to manage them. The transfer we are requesting will relieve the JCP of the administrative burden of managing a daily production activity that more appropriately belongs with GPO. At the same time, it will preserve the JCP's control over the Congressional Record Index itself. Most importantly, it will correct an anomalous employment situation. We have taken care to craft legislative language to accomplish the transfer with a minimal impact on the Office employees. We have also taken care to ensure that the transfer will be transparent to the users of the Congressional Record Index in Congress, throughout the Government, and among the public. We have briefed the Index Office employees on this legislative proposal.

Under section 1(a) of the accompanying language, the Public Printer will continue to be responsible for the production of the Congressional Record Index in the form and manner directed by the Joint Committee on Printing, as provided in current law.

Section 1(b) will amend current law to transfer all of the employees of the Congressional Record Index office to the control of the GPO on the effective date of enactment. With the transfer, the employees will be placed in the civil service with the GPO and will be covered by the laws and regulations governing GPO employment. Their contributions and service time accumulated under retirement systems as congressional employees will be fully credited. They will retain their current rates of pay, and their future pay will be subject to pay systems governing other GPO employees. They will be allowed to carry accumulated annual and sick leave with them with subsequent use subject to GPO regulations. The Congressional Record Index Office will be assigned to the appropriate GPO organization and subject to GPO management direction, although any future changes to the form and production of the Congressional Record Index will be subject to the review and approval of the JCP. The indexers will continue to be funded by the Congressional Printing and Binding Appropriation, so there will be no appropriations impact. There will be no interruption to their work on the index; as a result, the effects of the transfer will be invisible to Congressional Record Index users in Congress, the Government, and throughout the public.

I respectfully request the Committee's support for this measure, and would be pleased to provide any additional information you may need.

Sincerely,

BRUCE R. JAMES,
Public Printer.

RECOGNIZING RITA Z. SCHNIDT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. UDALL of Colorado. Mr. Speaker, I am happy to rise today to recognize Rita Z. Schnidt of Arvada, Colorado for her decades of tireless volunteerism and political activism.

This September, Ms. Schnidt, or Rita Z. as many call her, was given the Eleanor Roosevelt Award by the Jefferson County Democrats for her outstanding achievements in her community. This award is not presented to just anyone. The honoree must display tremendous leadership, strong dedication to community issues, and years of activity in the Jefferson County Democratic Party. Not only does Rita have these qualities, but she has a very unique attitude that has been described by many who work with her as "contagious enthusiasm."

Ms. Schnidt began her political career in 1974 volunteering on the campaign of former Congressman and Senator Tim Wirth. Initially she became involved because she enjoyed talking with people and discussing important issues in her community. What started as simple campaign work soon grew into much more activism. By the end of the 70s, Rita had been elected as Secretary and Treasurer of her State Senate and State House district committee and began managing local campaigns.

As wonderful a campaign manager and volunteer as she was, Ms. Schnidt found that no political life can be complete without running for office. From 1977 to 1979, Ms. Schnidt served on the Arvada City Council. She also ran for her State House seat in 1982 and Jefferson County Clerk and Recorder in 1998.

There is no doubt that Rita Schnidt is an outstanding political figure in Jefferson County and the City of Arvada, but Rita's greatness and generosity did not stop after the November elections. During her years in Arvada she also served on the Board of Foothills Mental Health Foundation and acted as community liaison for the Arvada Police D.A.R.E. Project for drug awareness. In 1983, recognizing her outreach to the community and leadership skills, she was named Arvada Woman of the Year.

Through the years Rita Z. has been dedicated to basic principles of equality, diversity, and democracy. She remains an active member of city, county, and state politics. Mr. Speaker, I ask my colleagues to rise today in support of this year's Jefferson County Democrats Eleanor Roosevelt Award winner, Ms. Rita Z. Schnidt, an extraordinary volunteer and community leader, a great mother and grandmother, and a tremendous Coloradan.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CHINA'S BRUTAL ONE-CHILD POLICY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. WOLF. Mr. Speaker, I continue today to bring to our colleagues' attention the Chinese government's perpetual human rights abuses and would like to highlight the atrocious acts of barbarism that have arisen from the government's One-Child Policy.

In the long list of cruel acts committed by the government of China against its own people, this one is the most inhuman. Forced abortion, sterilization and the abandonment of female children in favor of males are the end results of this policy. None of our colleagues would tolerate such treatment toward their own mothers, wives, daughters and granddaughters and it is no more acceptable because we cannot see the faces or know the names of those living in terror.

"IN THEIR OWN WORDS" STATEMENTS ON CHINA'S COERCIVE ONE-CHILD POLICY PROVIDED BY THE LAOGAI RESEARCH FOUNDATION

For over 20 years, the Chinese government's one-child policy has perpetuated systemic human rights abuses against the Chinese family.

Using threats, coercion, destruction of property, detention, forced abortion, infanticide, involuntary use of birth control (IUDs), and involuntary sterilization as its enforcement mechanisms, China's population control policy is, at its core, depriving Chinese the right to give birth. Police, secret police, military, courts, social services, schools, and hospitals coordinate efforts to ensure maximum compliance.

Official one-child policy propaganda offers a variety of distasteful and cruel slogans; One Sterilization Honors Whole Family! (Shandong), One Over-birth, Whole Village Sterilized! (Chuxiong, Yunnan); Sterilization Dodgers Wanted! (Sichuan); Better One Family Ruined Than Whole Nation Devastated (Shandong); Induced Delivery and Abortion Wherever Possible, But Never Birth! (Shandong); Better Ten Graves Than One Birth! (Anhui); Better One River of Blood than One Over-birth! (Jiangsu).

Women are often forced to use IUDs or undergo sterilization, sometimes even before they have had their first child. Parents and their children who violate planning laws become outcasts, ineligible for government services and benefits.

This policy has created a culture where forced abortions, infanticide, and orphaned children are commonplace.

No government documents ever explicitly stipulates that an offender's house can be ransacked/demolished. However, this happens in several rural areas.

Most family-planning offices in Fujian rural areas have their own detention facilities, one for men and one for women. Most detainees are women, some are pregnant without "birth-permitted certificates," some are to be sterilized or be fined. If a woman cannot be seized, her husband, brothers or parents are taken. Women are generally not released until they give consent to sterilization or abortion.

Some women bribed physicians and received falsified sterilization certificates. However, if Yonghe office suspects the certificates, the women are given acid with water flushed through their oviducts.

The traditional predilection for male offspring, combined with coercive nature of the one child policy, has created an environment where females are simply unwanted. As China prohibits the use of sonograms, the decision to keep one's child is not made until after the child is born. As a result, gender-based infanticide and child abandonment are commonplace. In addition, there is a healthy black market for infants and fetuses (used in soup/cosmetics) in China.

HONORING TAIWAN ON ITS 92ND NATIONAL DAY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. KLECZKA. Mr. Speaker, I rise to congratulate the people of Taiwan on their 92nd National Day. October 10th commemorates the Wuchang Uprising in 1911, which led to the overthrow of the Qing dynasty and the establishment of the Republic of China in 1912.

Taiwan has grown to be a strategic ally to the United States as well as a powerful trading partner. Despite its small size, Taiwan is the world's sixteenth largest trading nation and the United States' seventh largest trading partner.

Taiwan also shares our democratic ideals and should be recognized as an example of freedom in a region that needs strong leaders. Taiwan supports political freedoms, human rights, and is the home of more than 90 active political parties.

Taiwan's President Chen Shui-bian was one of the first world leaders to condemn the events of September 11th and to support U.S. efforts to combat terrorism. Taiwan has assisted by sharing intelligence, increasing security at its airports and providing humanitarian aid to Afghan refugees.

Again, congratulations to President Chen Shui-bian, Vice President Annette Lu, and the entire nation of Taiwan on their National Day.

TRIBUTE TO RAMON ALVAREZ, 2003 RIVERSIDE BOY SCOUTS OF AMERICA DISTINGUISHED CITIZEN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Ramon Alvarez is one of these individuals. On October 16, 2003 he will be honored at a dinner hosted by the Boy Scouts of America in the City of Riverside as he is named the 2003 Distinguished Citizen.

Ramon moved to Riverside in 1995 from San Diego and quickly involved himself in the community. Ramon established his business, Alvarez Lincoln Mercury and Alvarez Jaguar Dealership, in Riverside and in 1996 the dealership was named Hispanic Business of the Year and the Greater Riverside Chamber of Commerce Business of the Year. Ramon also involved himself in the University of California, Riverside Entrepreneurial Program—inspiring young men and women to follow their entrepreneurial dreams.

Despite the demands of a successful business, Ramon always finds time to give back. He is a Board Member of the Greater Riverside Chamber of Commerce and of the Riverside Community Hospital. He is an Advisory Board Member of YMCA and a member of the Raincross Club. He serves on the Board of Trustees for the University of California, Riverside and as a Board Member of the March of Dimes. He is past president of the Riverside Hispanic Chamber of Commerce, the Riverside Auto Center Association, and a past member of the Riverside Community College Foundation. In 1999, Ramon was named the Ernst & Young Outstanding Entrepreneur and in 2001 he was the Vice Chairman of the Advisory Committee of the Ford Lincoln Mercury Minority Dealers Association.

Ramon is the current Executive Director of the Boy Scouts of America of Riverside, California. His tireless passion for business and community service has contributed immensely to the betterment of the community of Riverside, California. I am proud to call Ramon a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he is named the Boy Scouts of America of Riverside, California 2003 Distinguished Citizen.

30TH ANNIVERSARY OF WEAR-TV'S SUE STRAUGHN

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. MILLER of Florida. Mr. Speaker, I rise today to congratulate Sue Straughn for her 30 years at WEAR-TV in Pensacola, FL.

In 1972, Sue Straughn began her distinguished career with WEAR as a clerk typist, moving up the ranks to eventually become a news anchor. Every evening at 6 o'clock thousands of families welcome her as an extra dinner guest as she updates them on the community news. She is the trusted face and voice for local news in Northwest Florida.

Sue Straughn's influence reaches far beyond her TV personality, as she has dedicated her time and efforts for the interests of children and reading. She sits on dozens of organizations aimed at family values and improving the quality of life for people of Florida's Panhandle, and has received numerous awards for her work, such as the David R. Thomas Child Advocate of the Year and the Judge John P. Kuder Family Values Award. Her influence has even sparked the establishment of the Sue Straughn Endowment Scholarship Fund.

WEAR and Northwest Florida communities are very fortunate to have such a distinguished newswoman with a genuine concern for local issues.

On behalf of the United States Congress, I would like to thank Sue Straughn for her thirty years of service and offer my sincere appreciation for her work in the communities of Northwest Florida.

TRIBUTE TO JACK MURPHY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. MATSUI. Mr. Speaker, I rise in tribute to Jack Murphy, one of Sacramento's most respected citizen leaders. Jack was regarded as a well-respected and important figure in the Capitol Region. I ask all my colleagues to join with me in remembering one of Sacramento's most beloved citizens, and my dear friend, Jack Murphy.

John Joseph Murphy was born to David and Catherine Murphy on March 28, 1914 in Boston, Massachusetts. Jack earned a bachelor's degree from Boston College in 1935, where he excelled in debate and speech. Jack worked in the insurance industry in Boston until the start of World War II. Like many other young men of his generation, Jack embraced the opportunity to serve his nation in a time of need. Jack met and married his first wife, Bettejo Kitt, while stationed in Stockton, California in 1941. Three years later in 1944, Jack would become the commander of a company that followed the initial charge onto Omaha Beach, Normandy.

Jack began his nearly 60 years of association to Sacramento when he returned to civilian life in the fall of 1945. Jack began working for Traveler's Insurance Company that shared space with Pickett-Rothholz Company. Impressed with his great work ethic and tremendous intellect, the Pickett-Rothholz Company, an insurance company, lured Jack to join them. Jack would eventually own and operate the company with his son, David, until his retirement in 1985.

In his personal life, Jack was an active and important member in the political and civic circles in Sacramento. To many, Jack was simply known as "Mr. Democrat" for his close associations with prominent candidates and elected officials. In addition to being my trusted confidant, Jack played important roles in the campaigns for President John F. Kennedy, Governor Pat Brown, and Congressman John Moss. Jack was also frequently asked to be the marshal of parades and the master of ceremonies at various functions. In 1956, Jack introduced Adlai Stevenson when he campaigned in Sacramento for the presidency.

Jack served in a number of leadership positions during his illustrious career of community service. Jack served as commander of Post 61 American Legion, president of the Rotary Club of Sacramento in 1965, and trustee of Sutter Hospitals Foundation. Jack was the recipient of the Silver Beaver Award and Scouting Man of the Year 1991 by the Golden Empire council of the Boy Scouts of America. In 1973, Pope Paul VI bestowed Jack with the rank of Knight of St. Gregory the Great after his work as chairman of the Board of Catholic Charities.

Preceded in death by his first wife Bettejo Murphy, Jack is survived by his wife, Jean Runyon; four children, David Murphy, Patricia Murphy Yoldi, Kathy Tscheu, and Bettejo Davidson; two stepchildren, Elizabeth Mulligan and Stephen Mulligan; 15 grandchildren; six great-grandchildren.

Mr. Speaker, as Jack Murphy's family members and friends gather to honor his legacy and many contributions, I am honored to pay tribute to one of my closest friends. His successes are unparalleled. I ask all my colleagues to join with me in paying my respect and acknowledging the deeds and life of an extraordinary man.

IN HONOR OF THE 25TH ANNIVERSARY OF THE ROBINSON JEFFERS TOR HOUSE FOUNDATION

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. FARR. Mr. Speaker, I rise today to honor the 25th anniversary of the Robinson Jeffers Tor House Foundation. Robinson Jeffers lived in Carmel-by-the-Sea, California, from 1914 until his death in 1962, and the stone house and tower that he built there provided a powerful inspiration for his poetry. It is thanks to the hard work of many local residents that we are fortunate to have Tor House preserved for us today as an important part of our local history.

The heirs to the property, Donnan Jeffers and his wife, Lee, were in agreement that the buildings should be preserved as a literary shrine to Donnan's father, Robinson Jeffers, and that the property should have public and educational uses as a museum and scholarship center. Many local and national figures were involved in creating awareness of and raising money for the project: actress Dame Judith Anderson, photographer Ansel Adams, National Trust President James Biddle, publisher Ward Ritchie, Carmel resident Maggie Downer, Rockefeller advisor Joe Lee, poet and Monterey Peninsula College instructor Allston James, and many others. Also instrumental in the purchase of the Tor House was Carmel resident, former California State Senator, Fred Farr, who at the time was chair of the National Trust, Monterey Council.

With the generous contributions of many individuals and the Carmel City Council, the Robinson Jeffers Tor House Foundation, Inc., a non-profit organization, formally took possession of the property on February 28, 1979. Building upon the prescient and extraordinary efforts of many people in the late 1970's, subsequent Robinson Jeffers Tor House Foundation Boards and docents during the Foundation's 25 year history have worked tirelessly and successfully to make the dream of preserving Tor House a reality.

Mr. Speaker, I am proud to join the city of Carmel-by-the-Sea in honoring the dedicated work of the Robinson Jeffers Tor House Foundation. Their 25th anniversary is a tribute to the remarkable effort by the Tor House Foundation to preserve the property and the buildings of Carmel's revered and internationally known poet, Robinson Jeffers.

RECOGNIZING CHARLES L. HUSTON III

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. GERLACH. Mr. Speaker, I rise today to recognize Charles L. Huston III, recipient of this year's Chester County Community Foundation Lifetime Philanthropy Award, for his numerous years of service to our community.

Charles L. Huston III is Vice President for Community Relations and Director of Operations for the Huston Foundation—a private, charitable foundation located in Conshohocken Pennsylvania. The Huston Foundation was established by his father, Charles L. Huston, Jr., and aunt, Ruth Huston, in 1957 and has been a proud part of our community ever since.

In addition to his official capacity at the Foundation, Mr. Huston is an active Trustee of the Stewart Huston Charitable Trust and a member of the Primitive Hall Foundation located in Chester County. He has also served on the Board of Directors of the United Way of Chester County, Handicrafters, the Brandywine YMCA, and Family Service of Chester County. His other affiliations include the Delaware Valley Grantmakers, National Council on Foundations, the Lincoln Institute for Policy Research and the Pennsylvania Association of Nonprofit Organizations (PANO).

After graduating from Spring Garden College and serving his country for four years in the United States Air Force, Charles Huston III began an illustrious career with the Lukens Steel Company. He served as Vice President of Government Relations and served on the Board of Directors as both Vice President and Corporate Assistant Secretary before becoming a lobbyist for the company in Washington, D.C. and Harrisburg.

Mr. Huston's hard work and tremendous business sense made him an enormous asset to numerous groups in our region over the years. He has served on the Board of Directors of the Pennsylvania Chamber of Business and Industry, Pennsylvanians for Effective Government and the Commonwealth Foundation, a group founded for establishing public policy alternatives.

The Chester County Community Foundation Lifetime Philanthropy Award was created in 1999 to honor Dr. Henry A. and Barbara M. Jordan for their lifelong contributions to the County. In addition to the special honor, the Jordan Award contributes $5,000 to the Chester County charity of the recipient's choice. I can think of no person who deserves this honor more than Charles L. Huston III, a man Chester County and our nation can truly be proud of.

Mr. Speaker, I ask my colleagues join me today in recognizing and honoring Charles Huston III for the hard work and dedication he has demonstrated over the years in making Chester County, Pennsylvania a better place to live.

A PROCLAMATION RECOGNIZING ELLEN LAZAR

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. NEY. Mr. Speaker:

Whereas, Ellen Lazar has demonstrated extraordinary leadership and dedication; and

Whereas, Ellen Lazar has led the Neighborhood Reinvestment Corporation in aiding communities by creating and preserving affordable housing, providing homeownership counseling to nearly 222,000 families, and generating nearly $5 billion in direct investment in these communities; and

Whereas, Ellen Lazar has developed a strong management team and operational plan to expand the scope and effectiveness of Neighborhood Reinvestment Corporation;

Therefore, I join the Board of Governors of the Federal Reserve System in congratulating Ellen Lazar for her outstanding tenure as Executive Director of Neighborhood Reinvestment.

A SOUND DECISION ON THE ANTIQUITIES ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. UDALL of Colorado. Mr. Speaker, the Antiquities Act of 1906 is an old law, but it remains a vital tool for protection of special parts of the lands that belong to all Americans. So, I join with the Daily Sentinel of Grand Junction, Colorado, in applauding the decision of the Supreme Court to refuse to second-guess Presidential actions under its authority.

The newspaper, in an editorial published today, correctly points out that the Supreme Court's action "not only preserved an important presidential executive prerogative but allowed critical protections to remain in place for important areas of the West."

The editorial goes on to point out that Congress has acted to change the status of some of the National Monuments that Presidents have established under the Antiquities Act. As that makes clear, Congress retains the ultimate authority to revise or even revoke a President's action under the Act. For the information of our colleagues, here is the full text of the Daily Sentinel editorial

[From the Daily Sentinel]

EDITORIAL: ANTIQUITIES ACT MERITED SUPREME COURT'S APPROVAL

When President Bill Clinton set about protecting large chunks of the American West in the final days of his administration by designating six new national monuments in five states, the outgoing president ignited a firestorm of criticism throughout the regions most directly affected by the new designations. While the areas generally were deserving of special protection, Clinton and his team routinely acted without developing substantial support from local citizens.

But the law that Clinton used to designate those monuments—the Antiquities Act—remains a critical tool of the U.S. presidency. There would be no Colorado National Monument today were it not for the Antiquities Act, which grants presidents the authority to make such designations without seeking congressional approval. The Black Canyon of the Gunnison National Park would not have been protected originally as a national monument without the act, nor would the Arches National Park near Moab. Both areas were national monuments before Congress made them national parks. President Theodore Roosevelt, the Republican Party's greatest conservationist president, was the first to use the authority.

Conservative and industry groups, including the Denver-based Mountain States Legal Foundation, argued that Clinton exceeded his constitutional authority in using the Antiquities Act to designate the monuments.

But it wasn't Clinton who was listed as the defendant. It was current President George W. Bush. And it was Bush's conservative attorney, Theodore Olson, who defended Clinton's authority and the Antiquities Act.

By refusing Monday to hear the case, the Supreme Court upheld a decision by an appeals court in Washington, D.C. that not only preserved an important presidential executive prerogative but allowed critical protections to remain in place for important areas of the West.

HELPING ENHANCE THE LIVELIHOOD OF PEOPLE (HELP) AROUND THE GLOBE COMMISSION ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. WOLF. Mr. Speaker, women and children—the most innocent segment of our global community—comprise the majority of the poorest people in the our world.

During my time in Congress, I have witnessed much of this suffering first hand in many of the world's poorest nations.

While the names of the suffering and the causes of their pain differ from place to place, they all share common experiences of horror and human tragedy. Genocide, murder, slavery, famine, HIV/AIDS and corruption. Limbless children bearing the scars of endless civil wars. Child soldiers forced to fight. Babies so malnourished that they cannot even cry out in hunger. Refugee camps crowded by young orphans, robbed of their parents and all alone. A continuing cycle of hunger, homelessness, poverty and pain.

America has been blessed with abundance. The Book of Luke in the Bible says, "To whom much is given, much is required." When the American people—who I believe are the most generous people in the world—see suffering, see hunger, see homelessness and poverty and pain—they want to help. When they see people who are hurting, they want to help. The American people will open their wallets and they will support giving their tax dollars to reach out to those in need.

That generosity has been the guiding principle of foreign assistance and humanitarian aid throughout our nation's history. I have no doubt whatsoever that generosity will continue.

That principle also has guided the mission of the dedicated employees of the U.S. Agency for International Development, now under the bold leadership of Administrator Andrew Natsios, and the dozens of non-governmental organizations and their volunteers, who reach out daily around the globe—from the deserts of Africa to the jungles of Central America to the rice fields of the Far East—to bring help to the poorest of the poor. I have seen the good work they do.

There is an expectation, however, that the assistance sent abroad is reaching those who truly need the help, that it is having a long-term impact on improving lives, and that it is being wisely spent.

I believe it is time to look at this issue with fresh eyes, assess our development and humanitarian assistance programs, both short- and long-term, evaluate who is receiving the assistance and how that assistance is provided, and determine if changes need to be made to allow the generosity of the American people to be felt throughout the world.

That is why I am introducing legislation—"Helping Enhance the Livelihood of People (HELP) Around the Globe Commission Act"—with the goal to help our Nation do a better job of helping those who need it most. My bill will create a 21-member HELP Commission designed to bring the best foreign assistance minds together to focus on one primary question:

How can the United States improve its ability to quickly and effectively provide foreign assistance which is meeting not only short-term, immediate needs, but also has the long-term effect of making a difference in people's lives?

I want to be clear in stating my motivation for this commission. From my work and travels on humanitarian issues, I have the deepest respect for and admiration of the thousands of U.S. aid workers, both government employees and non-governmental organizations, who, often at personal risk, are reaching out to try and help improve the lives of suffering people in every corner of this world. That is why I am also asking the commission to look at how we can better secure our aid workers.

I believe this commission can help them do their jobs even better. Struggling nations face enormous obstacles to lasting development and political stability. It is critical that the international community continue to support and encourage struggling countries in their greatest hour of need. And we must find ways to improve our ability to do so.

The United States has a vital national interest—and I believe a moral obligation—to help poor nations so that they can provide their people with freedom, economic opportunity, functioning governments and most importantly—healthy and productive lives.

The HELP Commission also can find answers to other questions, such as:

Do we need a new vision to guide our foreign aid efforts?

Should we change the ratio between providing immediate humanitarian assistance and long-term assistance?

As those questions are pondered, we must be open enough to admit if and how previous policies have failed, and smart enough to expand upon our prior successes.

This panel must absorb the essence of our foreign assistance efforts and contemplate every aspect of our development, humanitarian and food aid programs, from the moment they are created to the moment the aid arrives on the ground.

The commissioners also must identify the root causes of a country's decline, or barriers to another country's accession, and recommend long-term strategies for ways our Nation's aid can make the most successful impact.

Over the past 50 years, according to information provided by the Congressional Research Service, the United States has given a total of $152.5 billion in development assistance and food aid to countries and their people all over the world. Reports indicate that many aid recipients may be no better off today than they were decades ago.

I am asking this commission to also answer other questions:

Can we say with honesty that our efforts have left the majority of intended recipients better off?

While there are many success stories, are there better ways to do the job?

This commission will look at aid contributed all over the world from Central America to the Balkins, from Africa to Asia.

Take Sudan, for example. The United States gave $1.7 billion in development and food aid to Sudan over the last 50 years. Just in the last 20 years, more than 2.2 million people in Sudan have died as a result of the ongoing civil war there. I have been to Sudan four times and have seen the suffering.

I have also been to Congo where the U.S. has sent $724 million worth of development assistance and food aid over the last 50 years, and much more when you consider the cost of peacekeepers and even though we have tried to help more than 3.3 million innocent people have died in just the last 5 years.

Liberia is another example of a country with a long history of internal strife and instability yet they have continued to collect massive amounts of outside aid that directly benefitted the corrupt government. The United States gave $929 million worth of development assistance aid to Liberia. And just look at the suffering taking place by the people of Liberia.

I have traveled to Ethiopia on two occasions, first in 1984 and again this past January, and over that span there remains little progress, if any, in land reform. Millions of people in Ethiopia are again at risk of starvation. This number is growing as millions more are on a "watch list" and in fear of starvation.

The high profile media coverage of the troubled relationship between Ethiopia and Eritrea have made these nations the faces of famine, but the pain is not theirs alone. Across the continent of Africa 30 million people are at risk of starvation.

The United States has given $2.4 billion worth of development and food aid to Ethiopia and $233 million to Eritrea over the last 50 years. Yet there has been little land reform and little long-term development.

Hunger and poverty and lives of misery are not just problems in Africa. Look at Haiti. The United States gave Haiti $1.3 billion in development and food aid over the last 50 years and is the largest bilateral donor but Haiti still struggles with poverty, hunger, illiteracy and AIDS.

Corrupt dictators across the globe have become rich off the generosity of the American people. U.S. citizens have the right to expect that their assistance is truly helping the poorest of the poor—women and children around the globe—and not extending the longevity of corrupt and murderous regimes.

President John F. Kennedy, in his inaugural address on January 20, 1961, spoke of America's mission to help the suffering people of the world. He said, "To those peoples in the huts and villages of half the globe struggling to break the bonds of mass misery, we pledge our best efforts to help them help themselves, for whatever period is required—not because the communists may be doing it, not because we seek their votes, but because it is right. If a free society cannot help the many who are poor, it cannot save the few who are rich."

While there is no question in my mind that providing development and humanitarian assistance is the right thing to do, we also have an obligation to make sure that aid is being provided in the right way.

America has always stepped up to the challenge to help the helpless around the globe. The Helping Enhance the Livelihood of People Around the Globe Commission will look at which efforts have succeeded and which have failed, and why. We must be confident that American tax dollars aimed at helping women, children and the poor are being spent wisely and efficiently and are truly making a difference in the lives of people who, as President Kennedy said, "are struggling to break the bonds of mass misery."

CONGRATULATING TERRY WITKOWSKI, MILWAUKEE SOCIETY'S POLISH AMERICAN OF THE YEAR

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. KLECZKA. Mr. Speaker, on October 11, 2003, Polish National Alliance's Milwaukee Society Lodge 2159 will hold its 57th Annual Pulaski Day Banquet, honoring Mr. Terry Witkowski as its Polish American of the Year. What an outstanding choice.

For over 30 years, Terry provided dedicated service to the City of Milwaukee, first as its Child Safety Education Supervisor and then as Safety Director. In addition, he has been an instructor for the University of Wisconsin-Whitewater for 17 years, and is currently a traffic safety consultant to local agencies and governments.

But his "retirement" from the City of Milwaukee was short lived. This summer, Terry was elected to the Milwaukee Common Council, bringing experience and integrity to the position.

Despite his busy schedule, he has always found time to be active in our community. Terry has provided strong leadership to a number of groups that promote traffic safety, such as the Wisconsin Highway Safety Coordinator Association, the AAA Advisory Board, and a host of others. In 1993, he was presented with the Distinguished Service to Safety Award, the highest award given to an individual by the National Safety Council, and received a 2000-People Who Shine, Lifetime Achievement Award from the Wisconsin Department of Transportation.

Terry has also served in leadership roles in a number of other community groups, such as the South Side Civic Association, the St. Joseph's Foundation, and the South Side Business Club. When there is work to be done, he is always willing to help.

But Terry is also being honored for his work in Milwaukee's Polonia. He is a past president and current board member of the Milwaukee Society, and serves as treasurer of the Polish Heritage Alliance, which has given our community America's largest Polish Festival, PolishFest, and the Polish Center of Wisconsin.

I have known Terry for many years, and have always been impressed with his strong commitment to service. For all his hard work and dedication, he deserves our thanks, and our congratulations on receiving this prestigious award. Sto lat, dear friend.

TRIBUTE TO THE RIVERSIDE-CORONA RESOURCE CONSERVATION DISTRICT 50 YEAR ANNIVERSARY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an organization whose dedication and contributions to the community of Riverside County, California are exceptional. The Riverside-Corona Resource Conservation District (RCRCD) is celebrating its 50 year anniversary on October 25, 2003 and I commend them for the work they have done in the field of conservation.

The Riverside-Corona Resource Conservation District facilitates natural conservation through education, collaboration, and technical assistance. The RCRCD is a small, government agency charged with conserving the natural resources of the area. Some of the projects of the RCRCD include habitat restoration projects including invasive species removal, a severe problem in my district; irrigation water management evaluations; and education programs concerning storm water, trees and soil.

In 1953, 126 local farmers owning 6,700 acres, with the help of Soil Conservation Service staff, sent a petition to the Riverside County Board of Supervisors and requested formation of a "Soil Conservation District". That year an election was held and five landowners were nominated as the first directors. By forming the District, federal programs were made available to local farmers.

In the late 1950's, Colorado River water became available to local growers through Western Municipal Water District pipelines. Citrus was planted around Woodcrest, Eagle Valley, Gavilan Hills, Temescal Canyon, and Riverside-Highlands. The RCRCD gained over 400 cooperators. Farmers installed practices to help control erosion, such as cover crops, check dams, grassed waterways and to help conserve water, such as sprinkler systems.

The population in the 1950's was about 50,000. Today it is around 500,000.

RCRCD continues to work with local communities and farmers to spread the use of best practices in conservation and for research purposes, such as housing the California Department of Food and Agriculture's research project on the Glassy-winged Sharpshooter, a Pierce's Disease vector.

I salute the Riverside-Corona Resource Conservation District for the work they do in the field of conservation, an area crucial to the future of California. Without researching and educating conservation methods our state will find it hard to sustain the current rate of growth. I commend the 50 years of leadership by RCRCD and thank them for continuing this crucial mission.

THE BOB GATES WELCOME CENTER

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Bob Gates, a man who has dedicated years of his life to bring joy to the men and women of the Armed Forces and for whom the dedication of the new welcome center at the Bob Hope Village is named after. The village is a compassionate place providing a home for the surviving spouses of enlisted Air Force personnel.

It is my privilege, as Mr. Gates' Congressman, to honor this great American. Since 1968, Bob Gates has lived in Fort Walton Beach, Florida, near Eglin Air Force Base. Mr. Gates is the former mayor of Fort Walton Beach, a family man, and a man who served his country by piloting Bob Hope's troupe around the world during WWII, in efforts to raise troop morale. Mr. Gates was more than just a pilot for the comedian, but he was also one of his closest friends, a confidant, and a fishing buddy.

It was through Mr. Gates' healthy financial contribution that this new welcome center is made possible. Although, Mr. Gates altruistically mentions, "It was Bob doing 12 shows here for me that raised the money to get this all started. So our little town of Fort Walton Beach has a very close affinity to the Hope family, more so than any other town." Bob Gates has done wonders for our local community. He genuinely cares about surviving military spouses, shares memories of his past adventures, and spreads warmth and joy to all he meets.

Mr. Speaker, on behalf of the United States Congress, I would like to thank Bob Gates for his leadership in Northwest Florida and throughout the world. He has dedicated himself towards helping the residents in our local community and for that we will be forever grateful. On this occasion, we honor one of America's greatest.

TRIBUTE TO THE SACRAMENTO OBSERVER

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. MATSUI. Mr. Speaker, I rise in tribute to The Sacramento Observer. On October 11, 2003, the Observer will celebrate its 40th Anniversary with an evening of festivities and fellowship at the Sacramento Convention Center. As the people of Sacramento gather to celebrate this momentous occasion, I ask all my colleagues to join me in wishing one of America's leading newspapers a happy birthday and continued success in the future.

With the help of a few committed people, The Sacramento Observer came into existence on November 22, 1962 in a small building on the corner of 21st and X streets in Sacramento with the publishing of a four-page edition. Driven by the visionary leadership of Dr. William Hanford Lee, the publisher and founder of The Observer Newspapers, and an unyielding dedication to provide the highest quality publications and media services to African American audiences in Sacramento, The Sacramento Observer has not only become a local institution, but also the most honored black newspaper in America.

Today, The Sacramento Observer has grown from its inaugural four-page issue to an average-size weekly publication of approximately 80 pages. Only a few of the nation's Black newspapers can match The Observer's record of publishing a publication the size of 300 ages or larger. The Observer's trademark supplements help inform the community on important historical, cultural, and contemporary issues.

The weekly Observer newspapers, as well as many of The Observer's special editions, are recognized as the most stylish and educational publications published anywhere. The Observer, recognized as "The Most Honored Black Newspaper in America," has received the coveted John B. Russwurm Trophy, the highest award in Black journalism, six times—more than any other Black newspaper in the nation. It is no wonder why The Observer is widely regarded as the most important black newspaper in America.

Playing major roles in the family-owned Observer's tremendous success in its first 40 years as a modern-day Black newspaper has been Dr. Lee's immediate family. Mrs. Kathryn Lee, and sons, Larry, Billy and Roderick (deceased), all have served in dedicated leadership roles at The Observer. In addition, there have been the hardworking staff members who have been instrumental in the growth of the newspaper. People like Joe Stinson, director of advertising sales; Observer co-founder John Cole, a retired Sacramento businessman; former editors and senior writers Wilbur Miller, Dr. Joe Dear, Rick Warren, Bill Davis, Shaw Ortiz, Mel Assagi, Larry Hicks, Kevan Carter, Mardeio Cannon, Curtis Haynes, Staci Bush, have all lent their considerable talents and ideas into making The Observer what it is today.

Mr. Speaker, I am honored to congratulate The Sacramento Observer on its first 40 years of unqualified success. As the friends and fans of The Observer gather to celebrate its achievements, I would like to especially thank the Lee family and all the people, who through their commitment and hard work have given the Sacramento African American a clear and powerful voice in our community. I ask all my colleagues to join with me in wishing The Sacramento Observer continued success in all its future endeavors.

IN HONOR OF THE INAUGURATION OF COLLEGES NINE AND TEN AT THE UNIVERSITY OF CALIFORNIA, SANTA CRUZ

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. FARR. Mr. Speaker, I rise today to celebrate the inauguration of two new residential colleges at the University of California, Santa Cruz. When this university opened in 1965 it chose to undertake a bold experiment in its college system, which today is hailed as a resounding success. The University of California, Santa Cruz serves as a national model for undergraduate education within the context of a major research university.

These residential colleges make it possible for students to enjoy the resources and academic vigor of a major research university within supportive living and learning communities. In addition, the colleges provide students with opportunities for social and cultural events, academic excellence including research, internship programs and community-service and scholarships for academic achievement.

Colleges Nine and Ten are a welcome addition to the University of California, Santa Cruz, and their respective themes of International and Global Perspectives, and Social Justice and Community will serve as inspiration for students both today and in the future. This celebration to inaugurate the two new colleges is also a celebration of the positive effects higher education can have on issues such as social justice and international cooperation.

Mr. Speaker, I am proud to recognize the achievements of the University of California, Santa Cruz in creating an excellent learning experience through the college system and I am proud to commemorate the inauguration of Colleges Nine and Ten.

RECOGNIZING THE LINFIELD FIRE COMPANY ON THEIR 90TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. GERLACH. Mr. Speaker, I rise today to recognize members of the Linfield Fire Company on the 90th Anniversary of their company's founding.

Following a disastrous fire, which completely destroyed the Sanitary Company of America's foundry nearly a century ago, a group of concerned citizens met in Brownback Hall to discuss what the community could do to avoid similar disasters in times of emergency. During that meeting in October of 1913, the plans were laid down to form the Linfield Fire Company, whose purpose would be to protect people and property from any future tragedies. A year later, the Company purchased its first piece of equipment for $600, a horse-drawn chemical apparatus with two sixty-gallon tanks. This established their permanent place in the community.

As the community has prospered over the years, so has Linfield Fire Company. It began with a saddler's shop for a station and a drawn wagon as its only apparatus. But in just four years, the Company had outgrown its humble home and made the necessary move into a larger building. Only six years later, in 1924, the Company again moved into another station which could house the growing amount of equipment they had and would continue to accumulate during the 61 years spent there. In 1985, Linfield Fire Company made one final move into the fire station that houses them today at 1077 Main Street.

The volunteers of this fine company deserve all the support that we may offer. They serve selflessly and tirelessly in order to protect their fellow citizens and, in the times of uncertainty we face today, their heroics are immeasurable. They are citizens just like you and I—teachers, students, doctors, lawyers, electricians, engineers, police officers. The list goes on and on—all willing to make sacrifices to ensure public safety. Before a member of this Company even sets foot into their first fire, they must undergo hours of training and, once completed, the education continues with advanced classes to learn vehicle rescue, firefighter rescue, pump operations and so on. As a service to the community, they put on demonstrations that educate us on how to stay safe in emergency situations. They are an irreplaceable and integral part of our community, whether it is raising money for a cause, adding to the joy of a local parade or hosting meetings and social functions. Clearly, the members of the Linfield Fire Company have served proudly and I rise today to recognize their service over the past 90 years.

I ask my colleagues to join me today in recognizing the Linfield Fire Company on their 90th Anniversary and salute, admire and appreciate all the volunteers that have served this community for so many years.

FREE FRANCISCO CHAVIANO GONZÁLEZ!

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to inform the Congress about a Cuban prisoner of conscience locked in Castro's gulag. This week I ask my colleagues to learn the name of Francisco Chaviano González.

The prevailing theme throughout the life of Mr. Chaviano González is his desire to live in freedom. First, he attempted to flee Castro's dictatorship in March 1989, but was caught and sent to prison. While unjustly incarcerated for attempting to flee the Cuban dictatorship, Mr. Chaviano González founded the Cuban Rafters Council.

Upon Mr. Chaviano González's release from prison, he and the Council began to document the list of people who have become unaccounted for in the treacherous Florida Straights as they sought refuge from Castro's repressive regime. Mr. Speaker, Mr Chaviano González compiled a list of those who perished on their dangerous journey to freedom. The Council desired that these martyrs be known, that those who died pursuing freedom be remembered by those they left behind.

As Mr. Chaviano González began to understand how the repressive policies of Castro's ruthless regime propelled these refugees into the Florida Straights, he, and other members of the Council, decided to change the name of their organization to the National Council for Civil Rights in Cuba (NCCRC). Castro's machinery of repression took notice of this prodemocracy group and Mr. Chaviano González was arrested on May 7, 1994.

Mr. Speaker, Mr. Chaviano González has been imprisoned in Castro's gulag since May 7, 1994. According to reports, Francisco Chaviano González is in poor and deteriorating health after 9 years and 5 months in Castro's gulag. Mr. Speaker, Mr. Chaviano González has dedicated his life to the idea that the Cuban people should be free, and for that belief alone he has been imprisoned by Castro's tyranny since 1994.

On October 2, 2002 Ernesto Roque published portions of a letter by Mr. Chaviano on the website CubaNet. The haunting words of this letter included the plea "Humanity, don't forget us, they are killing us!" Mr. Speaker, this Congress should never forget what happens each day in Castro's gulag; each day, Castro's machinery of repression is deliberately murdering Cuban citizens whose only crime is their desire for freedom.

My Colleagues, we must stand up for those who seek freedom from tyranny. We must call now, and we must call everyday, for the release of Francisco Chaviano González and all the prisoners of conscience dying for freedom in Castro's gulag.

HONORING INFANT OF PRAGUE ADOPTION SERVICE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Infant of Prague Adoption Service for its 50 years of dedication and commitment to children and families. The agency will celebrate the anniversary at an event on October 11th, with live music and a live and silent auction.

In 1953, Infant of Prague was founded by priests and lay people affiliated with the Catholic Diocese. The name was taken from a popular devotion to the Infant Christ Child of Prague, Czechoslovakia, dating back to the 16th century. The devotion stressed special blessings for children and families. The name fits the agency well and today, Infant of Prague serves 11 counties in central California.

Infant of Prague Adoption Service, guided by the belief in the preciousness of life, builds healthy families and serves the needs of children through adoption. The lifelong best interest of the child has always been the cornerstone of the agency's practice. Emphasis is also placed on community outreach, where schools, churches, clinics, and other organizations are provided information on adoption. Staff is also available to provide adoption inservice for professionals who work with families in crisis, particularly pregnant and parenting teens.

Mr. Speaker, I rise today to honor Infant of Prague Adoption Service for its 50 years of dedication to children and families. I invite my colleagues to join me in wishing Infant of Prague many successful years to come.

HONORING FRANK BIERWILER OF SPRING HILL, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor a great public servant, a charitable giver, and a selfless hero in my Fifth Congressional District, Mr. Frank Bierwiler.

Frank Bierwiler first served his community in New York for many years as a State Police Officer. Then, after a multiple sclerosis diagnosis in 1974 forced him to retire from the force, Frank Bierwiler pledged to do something good with his life.

It was a few years later, Mr. Speaker that he moved to Florida and started DayStar Hope Center, an organization giving food, clothing, and assistance with bills to central Floridians in need.

For nearly 20 years, the center has served as an example of the power and impact of benevolence and kindness. Its doors have welcomed thousands of Floridians in need and Mr. Bierwiler's perseverance and generosity have for so long ensured that those doors stay open.

Unfortunately, after 20 years of helping so many, the DayStar Hope Center is closing.

While it is unfortunate that the center is ceasing operations, many other charitable organizations, came into existence because of the success of the DayStar Hope Center. Frank's leadership fostered these other organizations and he always worked well with them.

I want to take this opportunity today to first commend Frank Bierwiler for his work in my district and to, second, draw attention to the extraordinary things can happen when one determined, individual pledges himself to greatness.

Mr. Speaker, I ask you and all of my colleagues in this body to join me in honoring Frank Bierwiler and offering our sincere admiration for his work, life and accomplishments.

A PROCLAMATION RECOGNIZING STEVE SCHUMACHER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. NEY. Mr. Speaker:

Whereas, Steve Schumacher has demonstrated a high level of commitment and ingenuity towards increasing forest landowners' knowledge of timber marketing; and

Whereas, Steve Schumacher, as a Belmont County Extension Agent, has developed a program to educate forest landowners on selling and marketing their lumber to companies; and

Whereas, Steve Schumacher has received regional and national recognition for his unique extension program; and

Therefore, I join with the residents of the entire 18th Congressional District in recognizing Steve Schumacher for his achievements in promoting the forest industry.

AWARDS RECOGNIZE COLORADO'S LEADERSHIP IN HISTORIC PRESERVATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise to call the attention of the House to recent recognition of Colorado's leadership in preserving significant parts of our state's colorful past.

As reported by the Denver Post, that recognition came in the form of awards by the National Trust for Historic Preservation related to four Colorado sites—the 1878 Central City Opera House and historic district, 1886 Beaumont Hotel in Ouray, the 1905 Kit Carson Carousel in Stratton and the 13th-century Ute Indian Porcupine House at the Ute Mountain Tribal Park in Towaoc.

I agree with Mr. Richard Moe, the President of the National Trust, who said, "That Colorado was voted a total of four awards is a real tribute to its preservation effort and to the Colorado Historical Fund."

I am proud of our state's record of support for historic preservation, and particularly proud to represent Central City, one of the award winners.

For the information of our colleagues, here is the full story from the Denver Post:

COLORADO WINS FOUR PRESERVATION AWARDS—HONORS RECOGNIZE STATEWIDE EFFORTS ON HISTORIC SITES

(By J. Sebastian Sinisi)

Colorado gained a national preservation spotlight at this week's National Trust for Historic Preservation conference in downtown Denver when four state sites received 2003 preservation awards.

The 1886 Beaumont Hotel in Ouray, the 1878 Central City Opera House and historic district, the 1905 Kit Carson Carousel in Stratton and the 13th-century Ute Indian Porcupine House at the Ute Mountain Tribal Park in Towaoc were the recipients.

"These awards are very carefully considered," said Washington, D.C.-based National Trust president Richard Moe, who noted that more than 100 sites were nominated this year.

"That Colorado was voted a total of four awards is a real tribute to its preservation effort and to the Colorado Historical Fund," he said.

No other state has garnered four awards in the same year in the 25-year history of the preservation awards, said National Trust senior vice president Peter Brink before an awards ceremony Thursday evening.

Since 1993, the Colorado Historical Fund has distributed nearly $130 million in gambling tax revenues to 2.400 preservation projects throughout the state.

One of Colorado's National Trust preservation awards lauded a $4 million restoration of the Beaumont Hotel—neglected and vandalized for 31 years—on Main Street in Ouray. The renovation includes two restaurants and six commercial spaces.

The award for that project was shared by owners Dan and Mary King, High Peak Resources Inc. and the Andrews and Anderson Architects firm.

A total of 21 awards nationwide were presented at the ceremony at the 1929 Paramount Theatre.

Other Colorado awards went to the stabilized and restored Porcupine House, one of hundreds of endangered Anasazi-era ruins and dwellings inhabited roughly from A.D. 700 until the Indians mysteriously left about 1350.

In Stratton, the nearly 100-year-old carousel was restored to its original grandeur after a $2.5 million and 25-year effort in a county with less than 8,000 residents.

The Trustee Emeritus Award for excellence in the stewardship of historic sites went to the Central City Opera House Association.

Launched in 1929 to preserve the miner-built edifice that had fallen into disrepair, the association started opera productions in 1932. In subsequent years, the association bought and restored 30 buildings, including the four-story Teller House hotel, as part of the Central City National Landmark District.

The Teller's "face on the barroom floor," painted in 1936, is one of the state's more popular tourist attractions.

Through funding distributed by the Colorado Historical Fund, "Colorado has been a model state not only in the West, but nationwide, for bringing together public and private preservation efforts," said Moe.

CHINA'S SPYING

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. WOLF. Mr. Speaker, over the last two weeks I have submitted testimony from various groups that I have been meeting with regarding China's continual abuse of human rights. Whether it be restrictions on religious freedom; the persecution and arrest of Catholics and Protestants; the use of barbaric labor camps; the continual victimization of members of the Falun Gong; or the abhorrent and coercive One-Child policy, China's government continues to show nothing but contempt for its citizens and the opinions of the rest of the world.

These offenses alone should be enough to condemn the government of China. However, on top of these crimes the People's Republic of China poses a great and serious counterintelligence threat to America, the extent of which will, I have no doubt, concern our colleagues greatly.

AN UNCLASSIFIED REPORT FROM THE FBI ON THE PEOPLE'S REPUBLIC OF CHINA INTELLIGENCE COLLECTION EFFORTS

The People's Republic of China (PRC) poses a significant counterintelligence threat to the United States (U.S.) via its cadre of professional intelligence officers who collect political, military and economic intelligence, and its network of non-professional individuals and organizations that collect science and technology, high-tech and proprietary information completely outside the direction and control of the PRC Intelligence Services.

The PRC's professional military intelligence organization, the Military Intelligence Department of the People's Liberation Army (MID/PLA), also known as the Second Department of the PLA (2PLA), relies mainly on intelligence collection through its military attaches. The PRC's military seeks military, science and technology, and some political information through its contacts and agents. In 1987, PRC military attache Hou Desheng was interdicted by FBI Special Agents in Washington, D.C. while receiving and paying for classified U.S. Government information.

The PRC's professional civilian intelligence, the Ministry of State Security, targets U.S. political and policy information, runs influence operations against Taiwan and other political targets, attempts to penetrate the U.S. Government, and directs a growing number of covert science and technology collection operations. Collection operations from this civilian segment of the PRC Intelligence Services are difficult to counter because the Chinese typically insist that the physical transfer of documents or items take place in the PRC. PRC civilian intelligence officers in the U.S. direct part of their efforts toward developing as many Americans of Chinese ancestry into what the PRC terms "patriotic Overseas Chinese."

An example of the Ministry of State Security's success in penetrating the U.S. Government was the Larry Wu-tai Chin case. Chin, a U.S. Government employee of 30 years, was an actual agent of the Ministry of State Security. While residing in the U.S. and during his employment with the government, Chin provided information to the Ministry of State Security for over 40 years. Chin was arrested for espionage activities in 1985 and was subsequently convicted of those charges in 1986. Chin committed suicide prior to being sentenced.

Like most countries operating intelligence services within the U.S., the PRC employs a number of commonly-used collection techniques. Their intelligence services attempt to gain access to sensitive foreign facilities, try to meet individuals with access to classified information, and attempt to photograph military installations and equipment. However, the PRC employs several non-traditional methods and unlike most other countries, the PRC makes extensive use of non-intelligence personnel.

Consumers of intelligence such as China's production facilities, laboratories and research institutes often bypass professional intelligence services in favor of direct intelligence collection efforts. Opportunities to accomplish direct collection within the U.S. are facilitated through the very large number of temporary visitors in private companies, academic institutions, and U.S. Government facilities. A significant number of these delegation members are science and technology experts, often characterized by their American hosts as aggressive and extremely knowledgeable in their professional fields. In many cases, Chinese-Americans employed by these entities and institutions are sought out by members of the PRC delegations as persons who might be willing to assist them.

In 1997, Peter Lee pleaded guilty to transmitting U.S. national defense information to the PRC. The consumer of Lee's information was a PRC institute, not a traditional PRC intelligence service. In 2002, a PRC national was arrested for attempting to steal proprietary seismic-imaging software from a Silicon Valley company. This was the second unsuccessful attempt by an employee of a PRC based company to obtain this proprietary software within a span of five years. Later in 2002, two PRC nationals were indicted for economic espionage related to their attempted theft of trade secrets from several Silicon Valley companies. These two individuals were subsequently linked to a PRC based high-technology research and development program.

As the PRC's varied presence in the U.S. continues to grow, more PRC nationals find themselves in positions of direct or indirect access to items of intelligence interest to China. If they can find the right consumer, PRC nationals involved in intelligence collection may be in a position to profit from their services. These individuals do not operate under the direction or control of either the military or civilian PRC intelligence services.

In 1994, two PRC nationals were indicted on computer fraud and fraud by wire in connection with the theft of $950,000 of proprietary computer source code developed by a U.S. firm. The end-user of the code was a Chinese machinery import and export company. Evidence collected in the investigation indicated that the two perpetrators had shopped the computer source code around for the best price.

Whether directed by one of its intelligence services, manufacturing sectors or research institutes, the PRC threat to U.S. policy, intelligence, military, national security and proprietary/economic information is growing. In response to this expanding PRC threat, the FBI, in conjunction with the U.S. Intelligence Community, continues to pursue an aggressive and focused counterintelligence program.

RECOGNIZING THE PENN WYNNE-OVERBROOK HILLS FIRE COMPANY ON THEIR 75TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. GERLACH. Mr. Speaker. I rise today to recognize members of the Penn Wynne-Overbrook Hills Fire Company on the 75th Anniversary of their company's founding.

In the spring of 1928, the Penn Wynne-Overbrook Hills Civic Association purchased a single, used, chain-drive "Brockway" pumper truck, recruited a few eager volunteers and began operations out of a private garage that is now known as the Penn Wynne-Overbrook Hills Fire Company. In just a year, the newly formed fire company purchased a new "American LaFrance" pumper truck and installed a roof alert system signifying their newfound presence in the local community. In 1931, the Board of Directors of the Company purchased land just down the road from their temporary home and erected the fire house that remains on Rock Glen and Manoa Roads today. The new firehouse provided not only a home for their new truck, but also a meeting place and classroom for present and future generations of volunteers to train and serve.

As the community has grown and prospered over the years, so has the Fire Company, expanding to three garages for its two pumpers and one ladder truck. They have also added sleeping quarters so that there can be 24 hour coverage by paid firefighters, as well as making further renovations and improvements to the meeting rooms.

Over the past 75 years, Penn Wynne-Overbrook Volunteer Firefighters Brigade and Board of Directors have been examples of exemplary governance and planning, as they have served the community with dedication, devotion and sound business management. The Penn Wynne-Overbrook Hills Fire Company is consistently able to update and replace old or out-of-date equipment in order to maximize their ability to protect the health and property of those that they serve. In 2004, they anticipate the arrival of a new rescue truck and personnel carrier that is currently being designed.

The 45 volunteers of this fine company deserve all the support that we may offer. They serve selflessly and tirelessly in order to protect their fellow citizens and, in the times of uncertainty we face today, their heroics are immeasurable. They are citizens just like you and I—teachers, students, doctors, lawyers, electricians, engineers, police officers. The list goes on and on—all willing to make sacrifices to ensure public safety. Before a member of this Company even sets foot into their first fire, they must undergo 80 hours of training and, once completed, the education continues with advanced classes to learn vehicle rescue, firefighter rescue, pump operations and so on. As a service to the community, they put on demonstrations that educate us on how to stay safe in emergency situations. They are an irreplaceable and integral part of our community, whether it is raising money for a cause, adding to the joy of a local parade or hosting meetings and social functions. Clearly, the members of the Penn Wynne-Overbrook Hills Fire Company have served proudly and I rise today to recognize their service over the past 75 years.

I ask my colleagues to join me today in recognizing the Penn Wynne-Overbrook Hills Fire Company on their 75th Anniversary and salute, admire and appreciate all the volunteers that have served this community for so many years.

IN DEFENSE OF HYPOTHETICAL QUESTIONS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, from time to time Members use the vehicle of the CONGRESSIONAL RECORD to emphasize their positions on ideological or political issues of great importance. That is an entirely valid function for those of us who are supposed to be engaged in democratic debate. But I think it is also important from time to time to call attention to non-ideological, non-partisan matters which could improve that debate and the recent article by Michael Kinsley in the Washington Post entitled, "In Defense of Hypothetical Questions" is a superb example of this. Often when we are using the CONGRESSIONAL RECORD to call attention to an important statement we seek to summarize its message in prefatory remarks. In the case of Michael Kinsley's article—as is often the case with Mr. Kinsley—he does such a good job of making the case that my trying to do so here would be not only redundant, as these summaries are by definition, but a mistake because it would not do justice to his argument. Instead, in the interest of improving the quality of political debate in America, I ask that Michael Kinsley's defense of hypothetical questions be printed.

[From the Washington Post]

IN DEFENSE OF HYPOTHETICAL QUESTIONS

(By Michael Kinsley)

One of the absurd conventions of American politics is the notion that there is something suspect or illegitimate about a hypothetical question. By labeling a question as "hypothetical," politicians and government officials feel they are entitled to duck it without looking like they have something to hide. They even seem to want credit for maintaining high standards by keeping this virus from corrupting the political discussion.

"If I've learned one thing in my nine days in politics, it's you better be careful with hypothetical questions," declared Gen. Wesley Clark in a recent presidential candidates debate. He might have learned it on TV, where "Never answer a hypothetical question" is one of the rules a real life political strategist offered to real-life presidential candidate Howard Dean in HBO's fictional Washington drama, "K Street."

The question Clark was trying not to answer was "your vote, up or down, yes or no" on President Bush's request for $87 billion to finance the wars in Iraq and Afghanistan for another year. This question is only hypothetical in the sense that Clark doesn't literally get to vote on the matter. That kind of literalness could make almost any question hypothetical. The obvious purpose of the question was to elicit Clark's opinion on the $87 billion. And surely it is not unreasonable or "hypothetical" to expect candidates for president to express an opinion on whatever controversy surrounds the presidency at the moment.

Secretary of State Colin Powell was asked this week whether Americans would have supported the Iraq war if they'd known we weren't going to find those weapons of mass destruction the administration used to justify it. This really is a hypothetical question, as Powell labeled it in declining to answer, but it's a darned interesting one and one an honest leader in a democracy ought to be pondering about now, even if he doesn't care to share his thoughts.

Neither of these examples is the kind of hypothetical question that calls on the answerer to imagine a situation that is unlikely to occur and one there would have been no good reason to think about. What if a man from Mars were running in the California recall? What if President Bush were secretly writing a treatise on moral philosophy? And so on.

Avoiding questions (from reporters, from opponents, from citizens) is the basic activity of the American politician. Or, rather, avoiding the supply of answers. Skill and ingenuity in question-avoidance are a big factor in political success. Usually, avoiding the question involves pretending to answer it or at least supplying some words to fill the dead space after the question has been asked. But if you can squeeze a question into one of a few choice categories, the unwritten rules allow you to not answer at all. There's national security. ("I'm sorry, but revealing the size of my gun collection might imperil our war on terrorism.") There's privacy. ("I must protect my family from the pain of learning about my other family.") There's legal proceedings. ("That arson allegation has been referred to the Justice Department and I cannot comment further.") But only an allegedly hypothetical question may be dismissed because of its very nature, irrespective of subject matter.

This is silly. Hypothetical questions are at the heart of every election in a democracy. These are questions the voters must answer. Voters are expected to imagine each candidate holding the office he or she is seeking and to decide which one's performance would be most to their liking. Every promise made by a candidate imposes two hypothetical questions on the voter: If elected, will this person do as promised? And if this promise is kept, will I like the result? The voter cannot say, "I don't answer hypothetical questions." And voters cannot sensibly answer the hypothetical questions they've been assigned without learning the answers to some hypothetical questions from the candidates.

Hypothetical questions are essential to thinking through almost any social or political issue. In law school there called "hypos" and the process is called "salami slicing." Imagine this situation and tell me the result. Now change the situation slightly—does the result change? Now change it in a different way—same result, or different one? It's just like an eye exam, in which you peer through a series of alternative lenses until you zero in on the correct prescription.

Yet even lawyers turn against the cherished hypo when nominated for prestigious judgeships. Then they say self-righteously that they cannot answer hypothetical questions about how they might rule. Once they are safely on the bench, of course, they issue public opinions every day that are, among other things, statements about how they analyze the issue at hand and strong indications, if not more, of how they will rule in the future.

A refusal or inability to answer hypothetical questions is nothing to be proud of. In fact, it ought to be a disqualification for public office. Anyone who doesn't ponder hypothetical questions all the time is unfit for the task of governing. In fact, it's hard to see how any halfway-intelligent person can manage to avoid taking up hypothetical questions a dozen times a day.

But we can all name a few politicians we suspect are up to this challenge.

CONFERENCE REPORT ON S. 3, PARTIAL-BIRTH ABORTION BAN ACT OF 2003

SPEECH OF

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. EDWARDS. Mr. Speaker, I strongly oppose all late term abortions, but when a mother's health is at risk, that decision should be made by a woman and her doctor, not by politicians in Washington, D.C. If there is one frivolous later term abortion, that's one too many. That's why I want to pass legislation that bans all late term abortion procedures, not just one. This bill is not a serious attempt to save babies. It is a cynical attempt to make political points. Do you know what? There is a dirty little secret about this bill that is starting to get out, and that secret is that this bill does not outlaw late-term abortions. Let me repeat that.

Under this bill, late-term abortions under Federal law, will still be perfectly legal. Why do I say that? Very simply, because this bill only outlaws one late-term abortion procedure, while allowing all others to remain perfectly legal. For 8 years, I have asked on this floor the supporters of this bill to explain why they did not want to put in this bill an outlaw of all late-term abortion procedures like I helped do in the Texas legislature 13 years ago.

I think probably the honest answer to that was given by Ralph Reed a number of years ago when he said, "the partial-birth abortion bill is a silver political bullet." And I think the people in America who should truly be upset about this bill and the effort to pass it for 8 years, are not just the pro-choice people. It should be the genuine, decent pro-life people who in their own heart have been misled to believe that this bill would actually outlaw late-term abortions. It does not. And that is a dirty little secret that is starting to get out, even in the pro-life community.

In fact, let us go to a statement made just 2 weeks ago by Randall Terry, who is the founder of Operation Rescue, an ardently pro-life organization. This is what Mr. Terry, a pro-life citizen, said, "This bill, if it becomes law, may not save one child's life."

Yes, Mr. Speaker, the dirty little secret is getting out. There is another little secret that is getting out about this bill, and that is that it is absolutely, patently unconstitutional. So those who have pushed this bill have pushed a false promise on their pro-life constituents.

Why is it unconstitutional? It is as clear as the Supreme Court can say. When it puts a decision in italics, I think it is trying to make it a very clear point to those who would read it; but for those who cannot understand it, let me read Justice O'Conner's statement from the Stenberg v. Carhart decision in 2000, which outlawed a bill almost exactly like this.

"States may substantially regulate and even prescribe abortion, but any such regulation or prescription must," not maybe, "must contain an exception for instances," and this was in italics, "where it is necessary, in appropriate medical judgment, for the preservation of life or health of the mother."

Well, guess what, unlike the constitutional bill I passed in the Texas legislature 17 years ago abolishing all late-term abortion procedures, but constitutional because we had a health exception, this bill refuses to have a health exception, even when the mother's health is at risk.

This bill is a false promise. It will harm good decent women in this country, and it should be defeated.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. BASS. Mr. Speaker, I was regrettably absent on October 7, 2003, and consequently missed recorded votes numbered 532, 533, 534. Had I been present, I would have voted "yea", "nay", and "yea" respectively on these votes.

A PROCLAMATION RECOGNIZING ALEX MACHASKEE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. NEY. Mr. Speaker:

Whereas, Alex Machaskee serves as the President and Publisher of The Plain Dealer; and

Whereas, Alex Machaskee has been a critical community partner through his tireless leadership helping to improve and promote the economy of Northeast Ohio; and

Whereas, Alex Machaskee has been recognized for his leadership and achievements in international business endeavors;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Alex Machaskee for being named "International .Business Executive of the Year."

RECOGNIZING THE ACCOMPLISHMENTS OF DEBORAH SHIU-LAN JIN

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize the accomplishments of Deborah Jin and to submit for the RECORD two recent articles from the Colorado Daily and the Washington Post describing these accomplishments. Dr. Jin is one of eighteen scholars chosen as MacArthur fellows, awards granted annually by the John D. and Catherine T. MacArthur Foundation.

Deborah Shiu-lan Jin is a physicist at the National Institute of Standards and Technology (NIST) and a fellow at the Joint Institute for Laboratory Astrophysics (JILA), a joint institute of NIST and the University of Colorado.

Dr. Jin used lasers and magnetic traps to identify a new quantum gas by cooling a vapor of fermions—one of the two basic types of quantum particles—to a temperature less than a millionth of a degree above absolute zero. Her discovery was named one of the top ten scientific advances of the year in 1999 by the journal Science. Dr. Jin is internationally recognized as a major force in the world of extremely low temperature physics.

I am proud of Dr. Jin, and I am proud of the institutions she represents. Dr. Jin is one of four University of Colorado-Boulder professors who have received the MacArthur fellowship since it began in 1981. Her colleagues at JILA include Dr. Eric Cornell of NIST and Dr. Carl Weiman of the University of Colorado, who created a new state of matter, the Bose-Einstein condensate, in 1995 and won a Nobel Prize for their discovery two years ago. Clearly, Colorado's excellent institutions make it possible for scientists to conduct their pathbreaking research.

Every year the John D. and Catherine T. MacArthur Foundation rewards a small group of exceptionally creative individuals by naming them MacArthur Fellows. The foundation gives fellowship awards to those individuals who are pursuing unique approaches to their fields of study and those taking intellectual, scientific, and cultural risks.

Clearly, these criteria describe NIST's awardee Dr. Jin, who has broken new ground in her field. Dr. Jin is an incredibly talented and driven scientist who is regarded with great esteem by her colleagues, one of whom predicted that Dr. Jin has what it takes to be one of the most innovative scientists of the century. I am certain that the foundation made an excellent choice in awarding Dr. Jin this prestigious fellowship. I am honored to represent such an exemplary individual.

[From the Colorado Daily, Oct. 7, 2003]

CU Professor Scoops the Genius Grant

(By Sarah-Jane Wilton)

Imagine being given a check for $500,000 and being told to go spend it however you choose, with no strings attached. For CU adjoint assistant professor Deborah Jin, winning a MacArthur fellowship means just that.

The announcement came Sunday that Jin is among the 18 elite winners of the 2003 award, which annually honors talented individuals who have had "extraordinary originality and dedication from their creative pursuits" and shown "a market capacity for self-direction."

The fellowship, commonly known as the "genius grant," is awarded by the John D. and Catherine T. MacArthur Foundation, and is intended to encourage people of outstanding talent to pursue their own creative, intellectual and professional inclinations.

Each awardee is presented with a "no strings attached" stipend of $500,000 paid out in quarterly installments over five years.

Jin, a physicist at the National Institute of Standards and Technology (NIST), created a new quantum gas that was named one of the top-10 scientific advances of the year by the journal Science, in 1999.

With the assistance of graduate student Brian Demarco, Jin cooled a vapor of fermions—one of the two basic types of quantum particles, along with bosons—to a temperature less than a millionth of a degree above absolute zero using lasers and magnetic traps. The result was a quantum state in which atoms behave like waves.

James Faller, chief of NIST's quantum physics division, said he was delighted at Jin's achievement.

"Debbie has an inquiring and creative mind. She is a super scientist and an incredible human being," said Faller. "During the five-year term of her fellowship, I'm certain that the MacArthur Foundation will be incredibly proud of her."

A graduate of Princeton University in 1990, Jin went on to receive a Ph.D. from the University of Chicago in 1995.

She then spent two years as a National Research Council research associate with NIST, working at the Joint Institute for Laboratory Astrophysics (JILA).

After her post-doctorate assignment, Jin was hired as a NIST physicist and assistant professor adjoint.

Jin's colleagues in the physics department were thrilled to hear she had been honored, according to Katharine Gebbie, director of NIST's physics laboratory.

Gebbie described Jin as having the intellect and drive to be one of the most innovative scientists of the century.

"Within two years of her appointment at NIST, (Jin) has seen the first evidence of degeneracy in a fermionic atomic gas, and she has run it from there," said Gebbie. "This is a great honor for Debbie, for JILA, for the physics laboratory and for NIST."

Jin is among four CU-Boulder professors who have received the fellowship since it began in 1981.

Others include Daniel Jurafsky of computational linguistics in 2002, Norman Pace of molecular, cellular and developmental biology in 2001, and Patricia Limerick of history in 1995.

CU-Boulder chancellor Richard Byyny said it was a remarkable fourth time in four years that he had the honor to congratulate a Boulder faculty member receiving the MacArthur award.

"Deborah Jin is an outstanding physicist and a valued teacher of undergraduate and graduate students, and this recognition is another example of the benefits of partnering with Boulder laboratories," said Byyny.

[From the Washington Post, Oct. 7, 2003]

Hot Work, Low Temperature

(By T.R. Reid)

BOULDER, CO.—After her sophomore year at Princeton, Deborah Jin landed a summer job with the federal government, doing research at the Goddard Space Flight Center in Maryland.

"That summer pretty much settled things," Jin recalls now. "I think I knew from that point on that I was going to be a physicist."

And one other career choice was settled as well, although Jin said she didn't realize it back in the summer of 1988. She would pursue her research as a federal employee, working in government labs where some of the world's most advanced work in atomic physics and super-cooled, super-conducting materials is going forward.

One could say that turned out to be a wise choice. For Deborah Shiu-lan Jin, now a fellow with the National Institute of Standards and Technology here, has emerged as a major force in the world of extremely low temperature physics. She has won a string of scientific awards. On Sunday, her achievements and potential were recognized in the form of a $500,000 prize from the MacArthur Fellows Program.

Jin—who works amid a jungle of piping, gauges, hoses and computer monitors at a lab operated jointly by NIST and the University of Colorado—said the U.S. government has proved to be a near-perfect employer for a young scientist working at the extreme leading edge of her field.

"I'm sort of isolated from the academic politics," the 34-year-old wife and mother said, "and being a federal employee frees you up from the teaching load and the other requirements they have for [university] faculty. I don't have to wait the six years to find out if I'm going to get tenure. The government just leaves you alone to do your work."

Even in a period of overstretched federal budgets, Jin said she has been able to obtain most of the equipment and research help she needs. "Frankly, the people on the university side are having more trouble than we are. The state budget crunch has been really severe."

The physicist is so wrapped up in her lab work that she is one of the few federal employees anywhere who doesn't know her pay grade. "It's a GS-something," she said. "I guess I ought to know." NIST said that Jin holds a rank of ZP–5 in the agency's specialized pay system, the equivalent of a GS–15.

Jin said she doesn't pay much attention to that because "it doesn't make much difference in a research job. I have my lab and my grad students and I work closely with my colleagues, and that doesn't really depend on what rank you are."

What does matter in a scientific field is results, and Jin's lab, the Joint Institute for Laboratory Astrophysics, has been producing them in spades. Her colleagues include two physicists—Eric A. Cornell of NIST and Carl E. Wieman of Colorado—who created a new state of matter ("the Bose-Einstein condensate") in 1995 and won a Nobel Prize for it six years later.

The Bose-Einstein work involved cooling atoms to a point extremely close to absolute zero and trapping them in a magnetic or laser field for study.

Jin is doing similar work now, reducing potassium atoms to a temperature 50 billionths of a degree above absolute zero—the point, near 459.6 degrees below zero on the Fahrenheit scale, at which all motion stops. At that temperature, the atoms form a vapor of sorts and "degenerate," acting more like waves than particles, a phenomenon predicted decades ago by physicist Enrico Fermi. Jin has been recognized internationally for identifying this "vaporphase degenerate Fermi gas."

Her latest award, from the MacArthur Foundation, and the no-strings-attached half-million-dollar grant that goes with it, could have "a lot of uses in my life," Jin said. "I could use it for a new laser. I could definitely use it for secretarial support, because we don't have that in this lab. Or maybe it can be college money for my daughter."

One thing the prize won't do, Jin said, is induce her to move her research elsewhere. "NIST has been a fantastic place to do the kind of work I'm involved in," she said. "I don't think I'll be leaving the government any time soon."

IN RECOGNITION OF 50 YEARS OF ACADEMIC EXCELLENCE BY LOUDOUN COUNTRY DAY SCHOOL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. WOLF. Mr. Speaker, I am proud today to recognize Loudoun Country Day School as it celebrates Founders' Day on October 15 and 50 years of academic excellence.

Located in Leesburg, Virginia, Loudoun Country Day School is an accredited, independent, co-educational school which enrolls students in pre-kindergarden through eighth grade cultivating the intellectual, social, emotional and physical growth of each child. Its rigorous core curriculum, nurturing environment and extensive programs in foreign languages, arts, computers and athletics inspires excellence and builds character, preparing each child for the challenges ahead.

In 1953, Dorothy McDonald and Edith Newland founded the school with only seven students. Their dedication to helping each individual student develop their potential to the fullest set the foundation for the success of Loudoun Country Day School.

The pages of the school's history are filled with those who worked long, hard hours to create a facility characterized by challenging students to excel and tailoring curriculum to a student's needs. Books and materials are selected to emphasize the basics and to stimulate interest, challenge capabilities and maximize potential.

The school's humble beginnings in a modern-day one room schoolhouse expanded when Mrs. Stanley Brown donated the family farmhouse and land to the school. In honoring her father's dream of establishing a private school in Loudoun County, Mrs. Brown provided a precious gift to the community.

Many such generous gifts have aided the efforts of the dedicated staff at Loudoun Country Day School. Their continued dedication to program expansion and refinement with emphasis on findings from educational research, coupled with the ongoing professional development of the faculty, have provided the foundation on which their programs have risen to higher levels of excellence.

Loudoun Country Day School and its staff have received numerous honors in the past decade. During the past six years, readers of Leesburg Today have named it the "Best Private School" in Loudoun County. In 2002, the headmaster, Dr. Randall Hollister, received the Washington Post's prestigious Distinguished Educational Leadership Award.

Founded on the vision of offering a program beyond what was normally available in the public schools in Loudoun County, Loudoun Country Day School continues to investigate new ways of teaching, with its one goal remaining true to its earliest roots: dedication to helping each individual student develope their potential to the fullest. This is the same objective the school embraced 50 years ago when those first five students stepped into their one-room school.

I salute Loudoun Country Day School, its founders, faculty, students and their families and wish them another 50 years of academic excellence. I enclose for the Record highlights of the 50-year history of Loudoun Country Day School.

BRIEF HISTORY OF LOUDOUN COUNTRY DAY SCHOOL

1953: School founded by Dorothy McDonald and Edith Newcomb with 7 students. Classes are held in the Old Community College Building on Market Street.

1957–1958: Through the generosity of Mrs. Stanley Brown, the original farmhouse (Old Newcomb) and adjacent 5.4 acres are made available to the school.

1959–1960: In March, LCDS is incorporated.

1960–1961: The first section of a new building is completed with four finished classrooms and one unfinished room for further expansion. Enrollment—53.

1963: First Headmistress, Mrs. Edith Newcomb, resigns.

1963–1965: Mr. W.D. Harrison is appointed Headmaster. He serves for 2 years, resigning due to poor health.

1972–1973: Col. Boleyn resigns and A. Thomas Jackson becomes Headmaster. The third wing of the building is completed. Enrollment—132.

1975: The school purchases 2.5 additional acres for soccer fields from Mrs. Lowell Riley.

1979–1980: Firestone Fieldhouse is completed. Enrollment—155.

1980–1981: A. Thomas Jackson resigns and Raymond C. Nance becomes Headmaster.

1989–1990: The library is renovated and a computer lab with 10 computers is created.

1992–1993: Raymond Nance resigns and Dr. Randall Hollister becomes headmaster. Enrollment—178.

1998: A second computer lab of 22 systems added; computer network added—2 computers per classroom.

1999: School receives gift of 55 acres ("White's Ferry property) and $200,000 gift made possible by Mr. Henry Brown.

2000: LCS adds 10,000 square feet of classroom space.

2001–2002: Dr. Randall Hollister receives Washington Post Distinguished Leadership Award.

2003: LCDS offers 2 sections of classes for all grades except 6th and 8th; enrollment is 256.

October 15, 2003: Founders' Day—Loudoun Country Day School celebrates 50 years of educational excellence.

92ND TAIWAN NATIONAL DAY

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. SULLIVAN. Mr. Speaker, on October 10, 2003, one of our largest trading partners, the Republic of China, Taiwan, will be celebrating the 92nd anniversary of its National Day. I wish to join my colleagues in the United States Congress in sending best wishes to the twenty-two million residents of this lovely island. I also commend President Chen Shui-bian and Vice President Annette Lu as they continue to lead Taiwan to greater economic prosperity at home and greater participation in international activities abroad.

Just like our 4th of July, October 10th marks the beginning of a fantastic story of economic, social and political success that has culminated in Taiwan becoming a vibrant democracy in the Pacific Region. These are exciting times in the history of relations between the United States and Taiwan.

Mr. Speaker, on this 92nd occasion of the Republic of China's National Day, it is important to remember that Taiwan has a strong relationship with the United States, and we hope this relationship will continue to flourish and grow in the years to come.

SMALL BUSINESS INNOVATION GRANTS (SBIR) ELIGIBILITY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. GRAVES. Mr. Speaker, I rise today to urge the Small Business Committee to continue working to restore the eligibility for Small Business Innovation Research (SBIR) grants to venture backed biotechnology start-up companies. Under the SBIR program, a specific percentage of all Federal research and development grant monies are reserved for small business applicants. These funds provide critical "seed" money to new business innovators.

However, recent changes in the Small Business Administration's (SBA) interpretation of eligibility standards for SBIR grants now disqualify many start-up biotechnology companies with venture capital backing. Specifically, SBA regulations require that, in order to be eligible for a grant, a small company must be at least 51 percent owned by one or more individuals. Recently, the SBA has interpreted "individuals" to mean only natural persons, resulting in the disqualification of companies with venture capital backing from the SBIR program.

Home to a burgeoning biotech industry, Missouri relies on the SBIR program to fund early-stage companies. In addition, venture capital plays a vital role in the financial support of the very companies the SBIR program has been designed to benefit. However, this interpretation will prevent the most innovative small biotech companies in Missouri from participating in SBIR grant programs, resulting in an adverse impact on the industry as well as the economy.

Clearly, this new interpretation threatens an important funding source for Missouri's start-up biotech companies. Once again, Mr. Speaker, I urge the Small Business Committee to restore the eligibility for SBIR grants to venture backed biotechnology start-up companies so Missourians can take the first steps in this new century to secure a sustainable and beneficial future in the biotechnology industry.

AUGSBURG COLLEGE CONGRATULATES DR. PETER AGRE, WINNER OF THE NOBEL PRIZE IN CHEMISTRY

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. SABO. Mr. Speaker, I rise in honor of Peter Agre, M.D. who was awarded the Nobel Prize in Chemistry today. Although he is now at the Johns Hopkins School of Medicine in Baltimore where he received his M.D., I am proud to say that Dr. Agre received his bachelor's degree in chemistry from Ausgburg College in Minneapolis, Minnesota. Dr. Agre's father, the late Courtland Agre, taught chemistry at Augsburg College from the 1950s to the 1970s.

Dr. Agre's award is for the discovery of transportation channels in cell walls. The Royal Swedish Academy of Sciences believes the work of Peter Agre and Roderick MacKinnon, with whom he shares the prize, is of great importance for our understanding of many diseases of the kidneys, heart, muscles and nervous system.

Today the entire Augsburg College community, including alumni like me, congratulates Dr. Agre for a discovery that benefits all of humanity. I hope that the young people in our schools and colleges and universities are inspired by your example and will explore the exciting possibilities that lie in scientific discovery.

A PROCLAMATION HONORING MR. AND MRS. JOHN O. MONTGOMERY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. NEY. Mr. Speaker:

Whereas, John and Dorothy Montgomery were united in marriage on September 25, 1953; and

Whereas John and Dorothy Montgomery are celebrating 50 years of marriage; and ,

Whereas, John and Dorothy Montgomery have demonstrated love and commitment to each other; and

Whereas, John and Dorothy Montgomery must be commended for their loyalty and dedication to their family; and

Whereas, John and Dorothy Montgomery have proven, by their example, to be a model for all married couples;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in congratulating John and Dorothy Montgomery as they celebrate their 50th Wedding Anniversary.

TAIWAN'S NATIONAL DAY

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. BOEHLERT. Mr. Speaker, in honor of Taiwan's forthcoming National Day, I wish to congratulate Taiwan President Chen Shui-bian and the people of Taiwan for their economic and political successes during the years past.

Economically, the people in Taiwan enjoy one of the highest standards of living. Politically, it is a vibrant democracy with free elections, respect for human rights and a free press.

Taiwan also has a strong relationship with the United States. It is one of our major trading partners. Their students study in our colleges and universities and their people frequently choose the United States to spend their tourist dollars. In addition, their government has given us their total support of our war against global terrorism.

On their forthcoming National Day, I wish to assure our friends in Taiwan that we acknowledge and appreciate the strong ties between our two peoples.

RECOGNIZING THE EIGHTH AVENUE SENIOR CENTER'S 10TH ANNIVERSARY CELEBRATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Ms. VELÁZQUEZ. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to recognize the 10h anniversary of the Brooklyn Chinese-American Association's Eighth Avenue Senior Center.

As part of the tradition, this very special anniversary will be marked by millennial tables, which seat twelve seniors, each with a combined age of over 1,000 years. It is anticipated that over 2,000 senior members will be in attendance at this year's celebration to be held in a local Brooklyn restaurant.

The Eighth Avenue Senior Center is part of the Brooklyn Chinese-American Association (BCA), which was founded in 1987 as a community-based social services agency to meet the growing needs of the Asian-American community in the Brooklyn neighborhoods of Sunset Park, Borough Park, and Bay Ridge.

Now BCA has developed into a community development organization with centers along Eighth Avenue for employment training, day care, youth and cultural activities, and the senior center, which celebrates its decade-long existence this month. Combined, the BCA's facilities make our Brooklyn neighborhoods better, safer, more vibrant places to live.

Over the past 10 years, the Eighth Avenue Senior Center has provided critical services to Brooklyn's senior community. This includes providing meals, bilingual information, English and citizenship classes, health services and recreational activities. The Eighth Avenue Senior Center is now a cornerstone of our community, and will continue to be for many decades to come.

COMMENDING NATIONAL ENDOWMENT FOR DEMOCRACY FOR CONTRIBUTIONS TO DEMOCRATIC DEVELOPMENT AROUND THE WORLD ON THE 20TH ANNIVERSARY OF ITS ESTABLISHMENT

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 2003

Mr. PAUL. Madam Speaker, I rise to express my grave concerns over H. Con. Res 274. The misnamed National Endowment for Democracy (NED) is nothing more than a costly program that takes U.S. taxpayer funds to promote favored politicians and political parties abroad. Madam Speaker, what the NED does in foreign countries, through its recipient organizations the National Democratic Institute (NDI) and the International Republican Institute (IRI), would be rightly illegal in the United States. The NED injects "soft money" into the domestic elections of foreign countries in favor of one party or the other. Imagine what a couple of hundred thousand dollars will do to assist a politician or political party in a relatively poor country abroad. It is particularly Orwellian to call U.S. manipulation of foreign elections "promoting democracy." How would Americans feel if the Chinese arrived with millions of dollars to support certain candidates deemed friendly to China? Would this be viewed as a democratic development?

In an excellent study of the folly of the National Endowment for Democracy, CATO Institute scholar Barbara Conry notes that:

> "NED, which also has a history of corruption and financial mismanagement, is superfluous at best and often destructive. Through the endowment, the American taxpayer has paid for special-interest groups to harass the duly elected governments of friendly countries, interfere in foreign elections, and foster the corruption of democratic movements . . .
>
> ". . . the controversy surrounding NED questions the wisdom of giving a quasi-private organization the fiat to pursue what is effectively an independent foreign policy under the guise of "promoting democracy." Proponents of NED maintain that a private organization is necessary to overcome the restraints that limit the activities of a government agency, yet they insist that the American taxpayer provide full funding for this initiative. NED's detractors point to the inherent contradiction of a publicly funded organization that is charged with executing foreign policy (a power expressly given to the federal government in the Constitution) yet exempt from nearly all political and administrative controls . . .
>
> ". . . In the final analysis, the endowment embodies the most negative aspects of both private aid and official foreign aid—the pitfalls of decentralized 'loose cannon' foreign policy efforts combined with the impression that the United States is trying to 'run the show' around the world."

The National Endowment for Democracy is dependent on the U.S. taxpayer for funding, but because NED is not a government agency, it is not subject to Congressional oversight. It is indeed a heavily subsidized foreign policy loose cannon.

Since its founding in 1983, the National Endowment for Democracy has been headed by Carl Gershman, a member of the neo-Trotskyite Social Democrats/USA.

Perhaps that is one reason much of what NED has done in the former Communist Bloc has ended up benefiting former communists in those countries. As British Helsinki Human Rights Group Director Christine Stone has written:

> Both (IRI and NDI) are largely funded by the National Endowment for Democracy (NED) . . . which, in turn, receive money from the American taxpayer. Both have favoured the return to power of former high-ranking Communists which has also meant co-opting foot-soldiers from the new left who have extremely liberal ideas . . .
>
> Skender Gjinushi, speaker of the Albanian parliament, thanks the IRI for its assistance in drafting the Albanian constitution in 1998. What the IRI does not say is that Gjinushi was a member of the brutal Stalinist Politburo of Enver Hoxha's Communist Party until 1990 and one of the main organizers of the unrest that led to the fall of the Democratic Party government in 1997 and the death of over 2000 people.
>
> President Stoyanov of Bulgaria drools: "Without IRI's support we could not have come so far so fast." Indeed. Indeed. So far did they come that Ivan Kostov (who supplies another encomium to IRI) was catapulted from his job teaching Marxism-Leninism at Sofia University to being prime minister of Bulgaria and a leader of 'reform.' "

In Slovakia, NED funded several initiatives aimed at defeating the freely-elected government of Prime Minister Vladimir Meciar, who, interestingly, had been persecuted by the previous Communist regime. After the election, an IRI newsletter boasted that "IRI polls changed the nature of the campaign," adding that IRI efforts secured "a victory for reformers in Slovakia." What the IRI does not say is that many of these "reformers" had been leading members of the former Communist regime of then-Czechoslovakia. Is this democracy?

More recently, IRI president George A. Folsom last year praised a coup against Venezuela's democratically-elected president, saying, "Last night, led by every sector of civil society, the Venezuelan people rose up to defend democracy in their country." It was later revealed that the National Endowment for Democracy provided funds to those organizations that initiated the violent revolt in the streets against Venezuela's legal leaders. More than a dozen civilians were killed and hundreds were injured in this attempted coup. Is this promoting democracy?

Madam Speaker, the National Endowment for Democracy, by meddling in the elections and internal politics of foreign countries, does more harm to the United States than good. It creates resentment and ill-will toward the United States among millions abroad. It is beyond time to de-fund this Cold War relic and return to the foreign policy of our founders, based on open relations and trade with all countries and free from meddling and manipulation in the internal affairs of others.

IN HONOR OF REV. EMANUEL CLEAVER, II AND HIS THIRTY YEARS OF SERVICE TO ST. JAMES UNITED METHODIST CHURCH AND THE KANSAS CITY COMMUNITY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor "A Man of Vision," the venerable Rev. Emanuel Cleaver, II, whose leadership, ministry, and public service have enhanced the Kansas City community for three decades. A former mayor of Kansas City and the senior pastor at St. James United Methodist Church, Rev. Cleaver is being honored on October 11 for his accomplishments, exceptional vision and contributions to our community as we celebrate the 30th anniversary of his service to St. James Church.

Growing up in a humble household, Rev. Cleaver daily witnessed the need to serve the urban core and its poor. His service as City Council Member and Chairman of the Planning and Zoning Committee, Mayor Pro Tem, Mayor and ordained United Methodist minister reflect the legacy of the Cleaver family tradition of giving back to one's community. Rev. Cleaver's accomplishments are vast and impressive. His dream to complete an $8 million contemporary sanctuary connected to the old building of St. James will allow many more parishioners to join those who gather to hear his inspirational counsel.

An advocate of jobs for the Fifth District, Mayor Cleaver was a pioneer in persuading corporations like Transamerica and Gateway 2000 to lay a foundation in our community. His plans for tax abatement, infrastructure and economic development have enriched our city in myriad ways. As the shepherd of our city, he championed the Brush Creek Flood Control project, the Bruce R. Watkins Roadway, the Chouteau Bridge, and the Ilus W. Davis Civic Mall. I am proud to be a federal partner in these efforts with Rev. Cleaver, as well as in the expansion of Bartle Hall, the economic renewal of the Hispanic West Side, and the revitalization of the historic 18th and Vine District.

Rev. Cleaver's vision for a strong community includes serving the city's youth and the disadvantaged through safe and enriching recreational activities such as the Mayor's Night Hoops, a nationally recognized program that offers our city's youth a safe haven from drugs and violence. Rev. Cleaver was also instrumental in implementing a welfare to work program that provided 400 jobs to former welfare recipients. He has received numerous distinctions acknowledging his legacy upon Kansas City. He earned the 1999 Conspicuous Service Medal from Missouri Governor Mel Carnahan, the 1993 James C. Kilpatrick Excellence for Government Award, the 1992 NAACP Harold L. Holliday, Sr. Civil Rights Award, and a host of other significant merits.

A trusted advisor, Rev. Cleaver was appointed to President-Elect Bill Clinton's 1992 Transition Team, attended the 1993 White House's Palestinian Liberation Organization/Israeli Peace Accord, was a member of the Democratic Platform Committee in 1996, was a member of the Democratic National Committee and spoke at the 1996 Democratic National Convention. President Clinton sought his counsel and friendship throughout his presidency.

Rev. Cleaver leadership includes: President and Chairman of the National Conference of Black Mayors, Chairman of the US Conference of Mayors Committee on Crime and Social Justice and Chairman for the Task Force on Finances for the District of Columbia. He was a Fellow of the Aspen Institute, a National Board Member of the Southern Christian Leadership Conference, and for seven consecutive years, he was named one of Ebony magazine's "100 Most Influential African Americans".

To share his expertise on policy and social issues, Rev. Cleaver has appeared on the news programs "This Week with David Brinkley," "The MacNeil/Lehrer Report," and "Face the Nation," and is quoted in newspapers and periodicals such as USA Today, The New York Times, The Economist, and Newsweek.

Members of the St. James Congregation revere Rev. Cleaver as a "Man of Vision," a reference to the biblical passage Proverbs 29:18, which states, "Where there is no vision the people perish. . . ." Kansas City flourishes due to this great leader's vision. He follows a moral and noble path in forging a better future for us all.

Mr. Speaker, please join me in honoring St. James' "Man of Vision," Rev. Emanuel Cleaver for his 30 years of service to his church community and country.

CLOSE THE FLIGHT DECK OFFICER LOOPHOLE

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. BAKER. Mr. Speaker, I rise today to introduce legislation that enhances our national security by closing a loophole in the Federal Flight Deck Officer Program.

Last year, both the House and Senate overwhelmingly passed provisions to the Homeland Security Act to allow both commercial and cargo pilots to voluntarily possess a firearm in the cockpit. Yet, during conference of that bill, cargo pilots were excluded.

Mr. Speaker, we should not have excluded these individuals. Clearly, we must allow these cargo pilots to defend the cockpit, themselves and the public. A cargo jet can just as easily be turned into a weapon of mass destruction as a passenger plane. Some might ask, "Why arm cargo pilots if they carry no passengers?"

I believe that is a vital question. Consider these points. Some cargo planes do carry a limited number of passengers , yet they do not receive equal security received by passenger airlines. Personnel that load cargo planes are not required to have the same criminal background check that the flight crew receives. The airport perimeter around cargo plane facilities is vulnerable. Finally, non-cargo company employees are rarely screened prior to gaining access to many operations.

Mr. Speaker, suppose from any of these scenarios a terrorist made his way onto a cargo aircraft. Then, shortly thereafter takeoff, a terrorist made his way to the cockpit. Without a doubt, the cargo pilot would literally be defenseless to a terrorist. Unlike commercial passenger flights, cargo flights do not have federal air marshals or flight attendants. Unlike our commercial aircraft, cargo planes do not have reinforced cockpit doors. That terrorist would then have the opportunity to turn that aircraft into a weapon of mass destruction.

Mr. Speaker, we cannot allow that to happen and it is our duty to protect the American people. There are no logical reasons to exclude cargo pilots from being allowed to defend the cockpit, themselves and the public. This loophole needs to be closed as it should never have been opened.

BIOTECH AND FORTRESS EUROPE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following column written by Sonja Hillgren, editor of the Farm Journal, which appeared in the Summer 2003 issue of the publication.

This column highlights the improper hurdles that the European Union (EU) has put in place to block the importation of American agricultural products. The current EU restrictions on the importation of food with genetically modified organisms (GMOs) have cost agricultural producers billions of dollars in recent years. As the column indicates, some of the products the EU uses and exports have long been GMO-based.

The intransigence by the EU is having a very detrimental effect on American farmers. Also troubling are the indications that the EU is planning to move forward with labeling and traceability requirements that will continue to act as a mechanism to block U.S. agricultural products. This clearly runs counter to the WTO principle that rules should be based on scientific evidence.

The EU's GMO standards are transparently devoid of any relationship to sound science and are either based strictly on emotion or are designed quite simply as trade barriers—or both. The U.S. must take strong action to bring reason back to this issue.

[From Farm Journal, Summer 2003]

BIOTECH AND FORTRESS EUROPE

(By Sonja Hillgren, Farm Journal Editor)

Those wily Europeans have devised a scheme that could freeze out imports of U.S. crops and food products. Their vehicle is labeling and traceability for genetically modified (GM) food and feed. Approved last month by the European Parliament, the plan is on a path for implementation next year.

"It is clearly about restricting trade," says Criss Davis, a Shullsburg, Wis., farmer who chairs the international marketing committee of the United Soybean Board.

I don't want to contemplate the consequences for the U.S. farm economy if we fail to respond aggressively at the same time as we continue a respectful dialogue with consumers, processors and retail grocers in the European Union (EU). That is how U.S. soybean growers have kept open the market for the past seven years.

Under the new EU rules, any food or feed with more than 0.9% of an EU-approved GM product must be labeled as biotech. Food with more than 0.5% of a GM product not approved by the EU would be barred from the European market.

Tough to implement. Especially onerous is the requirement for labels and traceability for processed products like soybean oil, even though tests cannot detect whether or not processed products have been genetically altered. An invitation for fraud, it is a big change from current rules that require labels only if a modified gene can be detected. "They are going to have a terrible time implementing it," warns Davis.

Soybean meal, corn gluten feed and other livestock feed also will have to be labeled for the first time.

The rules do not require labels on meat, milk and eggs from animals fed GM feed or on yogurt, beer or other products produced from GM yeast or enzymes—all of which are abundantly produced in Europe.

Europeans say these new rules are a necessary prelude to lifting a nearly five-year ad hoc moratorium on their approvals of a pipeline of biotech crops. The Bush administration recently challenged that ban before the World Trade Organization (WTO). And the EU began suing its member nations to lift individual country bans on biotech.

Europeans also say they are doing the U.S. a favor because traceability will be necessary for the next generation of biotech products.

Those are valid points. But Americans counter that there is no scientific reason for tracking current biotech crops that are no different from non-GM products. As soon as the new rules are in place, the administration should file another WTO case.

Let's examine the deeper problem by focusing on more than $1 billion in yearly soybean exports to Europe, the single largest customer of U.S. soybeans. The vast majority of our soybeans are biotech, and European consumers and retail stores have indicated that they will reject any foods with biotech labels.

Thus Europeans can import evenmore soybeans from Brazil, where suppliers pretend not to grow biotech beans even while smuggling some from Argentina.

While the GM conflict is being argued before the WTO, the Europeans can expand non-biotech oilseeds (grain and livestock, too) in the 10 nations that will join the 15 nations of the EU next year. Their goal could be to make the expanded 25-nation EU nearly self-sufficient in grain and livestock agriculture.

Trade deal. More than 40 years ago, when Europeans were bigger food importers, U.S. trade negotiators convinced them to import U.S. soybeans duty-free. A bone of contention for the past 20 years, the principle was reaffirmed in a 1992 Blair House trade agreement. A cynic could view the biotech rules as another European attempt to undo a 40-year-old oilseed agreement.

For those who want to fight the Europeans head-on, it is wise to remember that the U.S. doesn't hold the best hand of cards.

The EU has won two WTO cases against the US.—for a tax break on exports via offshore subsidiaries and for steel tariffs.

The EU has held off on imposing $6.2 billion in retaliatory duties, including on U.S. fruits and rice.

As a US. strategy, we can encourage other nations, including the Europeans, to remain open to biotech. Brazil says biotech will become illegal on farms next spring, but many Brazilian farmers want GM crops, so that conflict is coming to a head.

Both U.S. farmers and USDA can underline the impracticality of the new EU rules and monitor cheating by competitors. At the same time, we can begin to look at a viable system to track GM crops to deal with the next generation of biotech.

Says Davis, "I think we have the ability to capitalize on those things better than our competition."

RECOGNIZING LIGHTS ON AFTERSCHOOL!

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today, October 8, to recognize Lights On Afterschool! events happening all around the country tomorrow.

Lights On Afterschool! is a national celebration of after-school programs and the important role they play in the lives of children, families and communities. After-school programs keep kids safe, help working families and improve academic achievement.

On any given afternoon at least 7 million, and as many as 15 million, "latchkey children" leave school only to return to an empty house. There is no question that the hours children spend unsupervised after school is when they are more likely to be involved in crime, substance abuse and other dangerous activities. In recognition of this, Lights On Afterschool! programs provide young people opportunities to be involved in productive activity after school. We need to ensure that every child has an open door to experiences that help positively shape his or her future.

I am extremely proud of a company in my District that has taken a leadership role is this critical movement, J.C. Penney Company, Inc. They have formed an extension of their company, the JCPenney Afterschool Fund, which partners with organizations like Junior Achievement to help young people reach their full potential. JCPenney Afterschool and Junior Achievement are working to provide economic education programs to more than 100,000 young people during the current academic year.

Congratulations to JCPenney Afterschool, Junior Achievement, and to other organizations like the Afterschool Alliance, Boys & Girls Clubs of America, YMCA of the USA and 4–H for their commitment to making a difference in the lives of children across America through after-school programs.

NINETY-SECOND ANNIVERSARY OF TAIWAN NATIONAL DAY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. CROWLEY. Mr. Speaker, I would like to take this time to acknowledge the 92nd Anniversary of Taiwan National Day. I wish to join my fellow colleagues in commemorating and sending out our best wishes to Taiwan's President Chen Shui-bain and the Vice President Annette Lu, as well as all the people of Taiwan as they celebrate their National Day. As a representative of The United States, I would like to commend the President and Vice President for their continued support and participation in the international community.

Taiwan National Day has a big significance in the lives of many people in Taiwan. Ninety-two years ago Taiwan became independent from Socialist China and strived to pursue a greater way of life as a democracy. There have been some setbacks and progress as with any developing democracy, but in the end democracy for this country prevailed. Just like the 4th of July in the United States, October 10th symbolizes freedom and liberty for the Taiwanese people. As a friend of Taiwan, I feel that we should honor them and their day.

Mr. Speaker on this 92nd Anniversary of Taiwan National Day, it is imperative to remember that Taiwan has a strong relationship with the United States. We hope that by celebrating with them we can show our support for their independence, and strengthen our international ties with our friends in the Asia, and strong U.S. ally in the region.

I wish Taiwan a happy National Day, and hope that our social, economic, political, and military relations continue to flourish into the future.

CELEBRATING CHINA'S NATIONAL DAY

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. SHAYS. Mr. Speaker, last Wednesday, China celebrated its National Day, recognizing the 54th anniversary of the founding of the Peoples' Republic of China. On this occasion, I wish to applaud Taiwan for its support of the United States in our war against global terrorism and for Taiwan's pledge of humanitarian assistance to Afghanistan and Iraq.

In recent years, we have witnessed Taiwan seek to return to the United Nations and World Health Organization. In my judgment, we should give Taiwan all of our support in these endeavors. Taiwan is a true democracy that guarantees the rights of its citizens. Furthermore, Taiwan is one of the most important economic entities in the world. Despite a population of just 23 million people, Taiwan has financial resources surpassing many Western countries.

On Taiwan's National Day, I hope Taiwan and the People's Republic of China will one day be reunited under the principles of freedom and democracy, and that this relationship will foster lasting stability and prosperity in the Asia-Pacific region.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. RYUN of Kansas. Mr. Speaker, unfortunately, I missed four votes in the House of Representatives on October 7, 2003. Had I been in attendance I would have made the following votes:

Passage of H. Con. Res. 274, Commending the National Endowment for Democracy. Had I been in attendance, I would have voted "yea."

Vote on the Bishop (NY) Motion to Instruct on H.R. 1, Medicare Prescription Drug and Modernization Act of 2003. Had I been in attendance, I would have voted "no."

Vote on the Flake Motion to Instruct on H.R. 1, Medicare Prescription Drug and Modernization Act of 2003. Had I been in attendance, I would have voted "yea."

THE BEATIFICATION OF MOTHER TERESA

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. DAVIS of Illinois. Mr. Speaker, Mother Teresa was born Agnes Gonxha Bojaxhiu to comfortable circumstances in Macedonia, Yugoslavia in 1910.

She joined the Sisters of Loreto at the tender age of eighteen, taking the name "Teresa" after St. Teresa of Lesiux, patroness of the Missionaries. It would turn out to be a highly appropriate selection of names.

According to legend, Mother Teresa discovered a dying woman lying in front of a Calcutta hospital in 1948. She stayed to comfort the woman as she died, an experience which marked a turning point in her life.

The shattering experience of staying by the side of this forgotten, poverty stricken women left to die in the street inspired Mother Teresa to devote her life and her Mission to serving the poor.

She founded an order of nuns called Missionaries of Charity.

Mother Teresa did not just address herself to the poor, she lived among them, became part of their community, made their lot, her lot.

For over half a century Mother Teresa devoted herself to that great cause.

She won the Nobel Prize in 1979 and was the recipient of countless other honors and notices.

None of the accolades changed her lifestyle or her commitment.

Missionaries of Charity grew from a dozen sisters to over 3,000 sisters in more than 500 missions in more than 100 countries.

Mother Teresa became a symbol of compassion and inclusion, of the struggle to address the needs of the poor, to provide every human, regardless of circumstances a basic dignity.

It is appropriate that the beatification of Mother Teresa will take place on October 19, 2003. It is another important step in the revered path to sainthood.

The life of Mother Teresa has become a symbol for all of us, a message that the great mass of poor people on this earth should no longer be invisible.

Her legacy is one that we could all do well to emulate and we can only trust that legacy will continue to find a place in the hearts of all humankind.

TAIWAN'S REPUBLIC DAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. CRANE. Mr. Speaker, Taiwan will be celebrating its Republic Day this October 10. On behalf of my constituents, I wish to express my congratulations to the people of Taiwan on this happy occasion.

Since 1949 when members of the anticommunist Kuomintang Party established its government, Taiwan has grown and flourished. Today it is a thriving multiparty democracy with an equally robust free market economy.

In 1952 less than 60 percent of its people over the age of 15 could read and write. Today Taiwan has a literacy rate of 94 percent.

Politically, Taiwan has continued its democratization process and its people enjoy the fruits of living in a free and open society. Taiwan has 12 officially recognized religions, including Buddhism, Daoism (Taoism), Roman Catholicism, Protestantism, and Islam. In 2000, Taiwan underwent its first peaceful transfer of power from the Nationalist to the Democratic Progressive Party. Throughout this period, the island prospered and became one of East Asia's economic "Tigers."

This is because Taiwan has a dynamic capitalist economy that is continually being deregulated as formerly government-owned enterprises are being privatized.

Taiwan is a major trading partner of the United States. In 2002, total Taiwan-U.S. trade in goods amounted to over $50 billion. This past year my home state of Illinois exported more than $289 million of goods to Taiwan.

I hope that friendly relations between America and our ally Taiwan remain strong and continue to grow closer and wish the citizens of Taiwan well on their national holiday.

HONORING THE 92ND TAIWAN NATIONAL DAY

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. TANNER. Mr. Speaker, I rise today to recognize the upcoming anniversary of National Day in the Republic of China on Taiwan.

On October 10 of this year, the Republic of China on Taiwan will celebrate its 92nd National Day anniversary.

I commend President Chen Shui-bian and Vice President Annette Lu for their leadership in helping Taiwan improve its domestic economy and increase its participation in the international economy. Taiwan has become one of our largest trading partners.

Every year, the United States celebrates its independence on July 4th, honoring our nation's history and the ideals on which our great nation was founded. This week, Taiwan will celebrate a similar anniversary, which historically marks the beginnings of economic, social and political success that have helped Taiwan become so important to the international marketplace.

Mr. Speaker, on this 92nd occasion of Taiwan's National Day, let us send our best wishes to the twenty-two million residents who live on the island. It is also important to remember that Taiwan has a strong relationship with the United States, and we hope this relationship will continue to flourish and grow in the years to come.

TRIBUTE TO ROY ALTMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to a great citizen from my district. Pastor Roy Altman of Silt, Colorado recently announced his retirement from the Glenwood Springs First Presbyterian Church. Roy is a man of devotion and humility whose hard work and dedication to his friends and neighbors shows a spirit of charity all too rare in today's society. For his tireless work and commitment to his community, I am honored to rise and recognize Roy's many contributions here today.

Roy was ordained thirty-eight years ago at Pittsburgh Theological Seminary, and he worked with several churches before moving to Colorado in 1981 to take over as pastor at the Glenwood Springs First Presbyterian Church. At First Presbyterian, Roy forged strong ties to the community, which he serves in many ways. He volunteers on the board of directors for Mountain Valley Developmental Services and ministers to the sick at Valley View Hospital. Roy is well respected in his community, and he is widely known as the unofficial chaplain of the 19th Street Diner. Roy has guided First Presbyterian and the greater community for twenty-one years. He will be greatly missed.

Mr. Speaker, Roy Altman is a kind and devoted spiritual leader who many in the Glenwood Springs community turn to for inspiration and guidance in their daily lives. He has devoted nearly forty years to guiding his parishioners, and I am honored to join with my colleagues in recognizing his service here today. Thanks for your tireless work and efforts, Roy. I wish you all the best in your retirement.

HONORING THE NORTH COAST HEALTH MINISTRY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. KUCINICH. Mr. Speaker, I rise today to honor and recognize the North Coast Health Ministry on the occasion of the dedication of their new home on Detroit Avenue in Lakewood, Ohio.

In 1986, North Coast Health Ministries began seeing patients one night a week in Dr. Elmer's Office at St. John West Shore. Since that time, North Coast Health Ministries has been providing free medical services for low-income uninsured individuals in western Cuyahoga and eastern Lorain Counties. Last year, the Ministry provided for 5,170 patient visits through staff and volunteer physicians, nurses and clerical support teams.

In 1988 the Ministry moved to Lakewood and has since been occupying space donated by Lakewood Hospital. In July of 2003, North Coast Health Ministries received a three-year capital grant from the Elisabeth Severance Prentiss Foundation that allowed it to purchase a new home in Lakewood debt-free.

This new facility will allow staff and volunteers to serve their patients more efficiently in a warm and welcoming environment. It will also provide for increasing visibility in the community which will allow North Coast Health Ministry to reach more patients.

Mr. Speaker, please join me in recognizing North Coast Health Ministry's efforts to give back to the community. I encourage all citizens to support North Coast Health Ministry in its mission of serving the poor and uninsured in this time of growing need.

CONFERENCE REPORT ON S. 3, PARTIAL-BIRTH ABORTION BAN ACT OF 2003

SPEECH OF

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. BOOZMAN. Mr. Speaker, I voted in support of S. 3, the Partial-Birth Abortion Ban Act of 2003. This legislation, passed by the House of Representatives on October 2, 2003, will outlaw the horrific act of partial birth abortion.

My colleagues and I are sending the President comprehensive legislation that protects the sanctity of life. The Partial-Birth Abortion Ban will save the lives of thousands of unborn. It will protect women from going through this evasive, harmful procedure.

The American public has become educated on how this procedure is done. The abortionist intentionally delivers the baby feet first and stops with the head still in the mother. They then puncture the skull of the child and remove the brain. The skull collapses and the abortionist completes the delivery of a now dead baby. If the head slips out at any time the abortionist must stop the procedure. This procedure defines life by inches of a baby's head.

Many members of the medical community, myself included, find the practice of partial-birth abortion to be appalling. In fact, this ban has been endorsed by the American Medical Association. America's doctors recognize the uselessness and danger of this procedure, not only to the baby, but to the mother as well.

This is a very emotional issue and every Member of the House who voted for this important legislation truly considered whom we are trying to protect. The most innocent members of our society are under attack. If we don't protect them, who will?

Mr. Speaker, I thank my colleagues for voting to protecting our unborn children. We must stand together and recognize the damage inflicted on America when we treat life as a privilege and not a right. I commend the members of both Houses who have worked so hard to bring this legislation to a vote.

PUT THE BRAKES ON FATALITIES DAY

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. RYUN of Kansas. Mr. Speaker, today I would like to call attention to the leading cause of death in the United States for people ages 6 to 25, traffic accidents all attention to an important step we can take to combat this disturbing trend.

The roadways of this nation have become a remarkably dangerous and costly place. A few stunning statistics on roadway accidents clearly show just how dangerous and costly they have become. The number of fatalities from traffic crashes increased in 2002 to almost 43,000 deaths—a death every 13 minutes—a rate not seen since 1990. Overall, almost 3,000,000 people are injured every year in traffic crashes and the financial cost of these deaths and injuries, beyond the pain and suffering they cause to victims and their families, is over $230 billion per year.

Most surprising of all, though, is that there are simple ways to improve the safety of our roads. Most traffic accidents can be prevented with common sense from drivers, such as wearing seatbelts, and cost-effective improvements to roadways. With these simple solutions in mind, I encourage my colleagues to cosponsor H.R. 388, expressing the sense that Congress and the President should establish "Put the Brakes on Fatalities Day" to encourage safer driving and safer roadways.

"Put the Brakes on Fatalities Day," which is widely recognized on October 10th, is already supported by 40 national engineering, highway, and safety organizations, and several states have already organized very successful "Put the Brakes on Fatalities Day" campaigns.

Mr. Speaker, I ask you to imagine one single day with zero traffic fatalities; a day that would save well over 100 American lives. With just a few simple steps, we can make American roads safer, and we can help "put the brakes on fatalities."

CONFERENCE REPORT ON S. 3, PARTIAL-BIRTH ABORTION BAN ACT OF 2003

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to express regret that the majority has chosen to play partisan politics and exclude a health exception in this Partial Birth Abortion Ban Act of 2003 conference report that is before us today.

In years past when this bill has come before the floor of the House, its major flaw has been the absence of a health exception for the mother. When this bill was originally considered in the House in June, I supported a motion to recommit that would have sent the bill back to Committee with directions to add that exception. Without that component, this bill is unconstitutional. In 2000, the Supreme Court found in Carhart v. Stenberg that Nebraska's partial-birth abortion ban was unconstitutional by a 5–4 decision. The grounds for that decision included the fact that there was no constitutionally required exception to protect women's health. I am disappointed that the authors of this bill made no effort to remedy this flaw.

TRIBUTE TO DR. DUANE VANDENBUSCHE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. McINNIS. Mr. Speaker, I am honored to stand before this body of Congress today to honor a very accomplished citizen from my district. Duane Vandenbusche of Gunnison, Colorado has guided the track and cross-country teams at Western State College to numerous national titles. Along the way, he has instilled many important values such as discipline and teamwork into his student athletes that have helped them mature into successful young men and women. For his remarkable success and his dedicated commitment to Colorado's youth, I am proud to recognize Duane here today.

Duane started his career at Western State College as a history professor in 1962 and began helping the track team a few years later by timing the athletes. From that humble beginning, Duane went on to become the program's head coach, and eventually one of the most successful coaches in the country. Under his tutelage, the women's cross-country team claimed one NAIA championship and three NCAA Division II National Titles. The men's squad has been equally impressive, winning one NAIA title and five NCAA national championships.

Duane's remarkable accomplishments have not gone unnoticed. In addition to his team titles, Duane has been named National Coach of the Year in cross-country seven times. For his success and dedication to the sport, he will be inducted next spring into Michigan's Upper Peninsula Sports Hall of Fame.

Mr. Speaker, despite all of the praise and accolades that have been bestowed on him, Duane Vandenbusche has kept his head on the ground and his focus on his students. He is a true credit to his community and the educational institution he serves. I am truly privileged to have this opportunity to congratulate Duane on his accomplishments, thank him for his four decades of hard work with our young people, and to wish him the very best in his future endeavors.

IN MEMORY OF MERVYN JONES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. KUCINICH. Mr. Speaker, I rise to today in honor and remembrance of Mervyn Jones—devoted family man, respected businessman, and a friend to many in the community.

Mr. Jones and Congresswoman STEPHANIE TUBBS JONES were married in 1976 at Bethany Baptist Church. They have a son, Mervyn Jones II, who is now attending college at Hiram College. Mr. Jones worked renovating and rehabilitating homes in the community and had sold rental properties.

Mr. Speaker, please join me in honor and remembrance of Mervyn Jones—a loving man, a dedicated and adoring husband to his wife, a wonderful and warm father to his son, and a generous and caring man to his family and friends.

I extend my deepest condolences to Mr. Jones's beloved wife, STEPHANIE, and his child, Mervyn Jones II, and his brother, sisters, nieces, nephews, relatives and friends. Mervyn Jones will forever be missed.

HONORING THE LIFE OF JOHNNY CASH

SPEECH OF

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. BOOZMAN. Mr. Speaker, I rise to support H. Con. Res. 282, which pays tribute to the memory of legendary singer Johnny Cash, who was born in Kingsland, Arkansas.

Johnny Cash grew up on a 20-acre cotton farm in Northeast Arkansas. Listening to his mother's folk songs, hymns, and hearing the workers in the fields, or the nearby railroad yards nurtured his love for music. The plight of the workingman and downtrodden would remain a central theme to his music throughout his rise to become one of the most influential country singers of the 20th century.

His experiences of the dark side of life, through drugs, alcohol, bad luck, and poverty have been very popular. He used his songs, books, movies and television to grab the attention of the world.

Johnny Cash remained an Arkansan by heart throughout his entire career, never forgetting the importance of his faith, his family, and his roots. In 1969, he worked closely with Arkansas Governor Winthrop Rockefeller to show the nation that prisons were not a lost cause and living conditions must be improved. At the Governor's request he performed at Cummins Prison in Grady, Arkansas, to a live audience, along with his wife, the Statler brothers, Carl Perkins, and many more. In 1990, when devastating flood hit Arkansas farmers he was quick to jump to action. As a member of the country quartet, the Highwaymen, he persuaded the group to begin their new tour in Little Rock, Arkansas. They raised thousands of dollars for the farmers' recovery.

An eleven-time Grammy winner, Johnny Cash was recognized and honored by his native state of Arkansas. He won the Arkansas Broadcasters Association "Arkansan of the Year" Award and was given the Entertainers Award and the President's Award from the Arkansas Entertainers Hall of Fame. Johnny Cash is a country music legend and will always have a special place in the hearts of many worldwide, but none more than in the hearts of his fellow Arkansans.

TRIBUTE TO MOTHER TERESA

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. RYUN of Kansas. Mr. Speaker, today I would like to pay tribute to Mother Teresa of Calcutta, foundress of the Missionaries of Charity, a woman of profound grace who on October 19th will be beatified by Pope John Paul II in Rome. Mother Teresa was an unlikely hero, to be sure—exceptionally small, soft-spoken, and humble—but she remains a towering example of selfless devotion to others. Called, as she said, to "follow Christ into the slums," she dedicated her life to the destitute and disabled in Calcutta—to minister to those who were dying alone. To them, she offered something without price: unconditional love that bridged the divides of culture, class, and religion. She expected nothing in return; instead, she acted in the hope that others might love the lonely.

It is not surprising that a person with such a deep respect for human dignity also strongly defended the right to life. She was very clear about each individual's right to live, considering abortion "the greatest destroyer of love and peace." She was especially critical of the United States' acceptance of abortion and questioned how we could ever expect peace in our nation when even mothers are allowed to end the lives of their preborn children.

The lessons, then, of this remarkable life do not only apply to the poor and downtrodden in India. Mother Teresa's lessons apply to citizens of the most developed nations in the world. As she herself said, the worst tragedy is to be unloved, and the worst poverty is poverty of the heart. The best way we can honor her memory is to reach out to those who suffer in our midst and to follow her advice: to love until it hurts.

MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003, OFFERED BY MR. INSLEE

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of this motion. The Department of Energy may believe that simply reclassifying waste is a quick and clever way to solve a nasty problem but I, along with many of my colleagues, disagree.

Millions of gallons of high-level radioactive waste lie in corroding storage tanks in Idaho, Washington, and South Carolina with the potential of invading the nearby rivers. DOE doesn't want to clean it up because there's an easier way to go—it wants to reclassify some of that waste as "incidental" rather than high-level radioactive, and keep it in place. Simply reclassifying waste does nothing for the health and safety of the people who live near these sites. In fact, it could be extremely detrimental to their well-being. However, DOE does not seem to be concerned with those citizens. Instead, they want to take the easy path—just reclassify waste using unsound science and call it a day.

If it's not enough that harmful waste around the country would be kept in its current dangerous state under this proposal, another effect is that waste now deemed high-level radioactive waste could be shipped to New Mexico to be stored at the Waste Isolation Pilot Program (WIPP). The fact is that this waste is currently prohibited by law from being stored in WIPP. In addition, we've been told for years that high-level waste would not be brought to WIPP. To top it off, we do not even know if WIPP is ready to handle waste with such high levels of radioactivity. That is why we need to pass this motion.

During my tenure as New Mexico's Attorney General, I fought long and hard to make sure that what happens at WIPP would be decided by the people who are affected by it—the citizens of New Mexico. Decisions with such a large impact should be discussed openly and not in backroom deals. This arbitrary decision by the DOE, made without public comment by the people it would affect, boils down to clear abuse of a loophole. Codification of the proposal would be disastrous.

I urge my colleagues to support this motion. Doing so is crucial for the health and safety of our communities in New Mexico and across the country.

LIGHTS ON AFTERSCHOOL DAY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. KILDEE. Mr. Speaker, this week more than 5,000 diverse communities across the country will rally for afterschool by participating in the fourth annual Lights On Afterschool! This national event will call attention to afterschool programs and the resources required to keep the lights on and the doors open for children who need a safe place to go during the hours immediately after the school day ends. Lights On Afterschool! is a project of the Afterschool Alliance, a nonprofit organization dedicated to ensuring that all children have access to afterschool programs by 2010.

This year's Lights on Afterschool! celebration will be its largest yet. The Alliance estimates more than 600,000 individuals will acknowledge and celebrate the benefits of afterschool programs by participating in over 6,000 events which are taking place in a variety of settings. I am especially proud of all the activities taking place in my own district with events being sponsored by a wide variety of afterschool providers including the Flint Community Schools; the National Center for Community Education; Boys & Girls Clubs in Saginaw County, Longfellow, Bay County, and Saginaw County; Partners in Progress; the International Academy of Flint Partners in Progress; Carman Ainsworth Community Education Center; and the Saginaw YMCA. These organizations are wonderful examples of the depth and breadth of afterschool programming in this country.

I have long been a supporter of the 21st Century Community Learning Centers Program, which provides federal support for local afterschool centers, in addition to other comprehensive afterschool initiatives. This is because these programs keep kids safe, help working families, and improve academic achievement. America's children are our most important resources and their health, safety, and quality of their education are all responsibilities we share. That is why we must ensure the availability of afterschool programs to all children, especially those who go to an empty house on any given day. The Urban Institute estimates that at least 7 million and as many as 15 million "latchkey kids" find themselves in this situation. An empty house should not be their only option.

Youth today need safe, stimulating places to go after school. As documented by a 17-year study that followed 1,800 6th graders in 10 Michigan schools through high school and college, students who participate in extracurricular activities have better grades, feel greater attachment to school, have lower truancy rates and reach higher levels of achievement in college. Other studies have shown that teens who do not participate in afterschool programs are nearly three times more likely to skip classes than teens who do participate. They are also three times more likely to use marijuana or other drugs, and they are more likely to drink alcohol, smoke cigarettes and engage in sexual activity.

Today's events across the country provide an opportunity to showcase the excellent afterschool programs that do exist and build support for their expansion. Last year I urged my colleagues to visit afterschool programs in their districts, and once again I do the same. Turn the lights on in your community and urge business and civic leaders to do the same! We owe it to America's children to do so!

I thank the Afterschool Alliance for all their work, and I congratulate the many Lights On Afterschool! partners and programs who make this event a success, in particular 4–H Afterschool, the 21st Century Community Learning Centers, Boys & Girls Clubs of America, Junior Achievement and the YMCA of the USA. In addition, congratulations to the supporters of this event including the National Presenting Sponsor of Lights On Afterschool!, the JCPenney Afterschool Fund, with additional support from the C.S. Mott Foundation, Ewing Marion Kauffman Foundation and the Open Society Institute.

HONORING ELIZABETH BIRCH

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to pay tribute to a person who has ably served the national lesbian, gay, bisexual and transgender community for over 8 years: Elizabeth Birch, Executive Director of the Human Rights Campaign.

Elizabeth is stepping down from the helm of the Human Rights Campaign, but leaves with many victories won and a strong organization that will continue to move our country forward.

Elizabeth is a visionary. Her ideas and conceptions are remarkable. She conceived the idea of the HRC Youth College—which trains dozens of young LGBT Americans who then work on congressional campaigns. She also created WorkNet, a program that documents the ever-growing number of businesses who understand it is good stewardship, and good business, to treat their LGBT employees fairly. WorkNet also assists employees who want their company to increase its commitment to equality. These are just two examples out of literally hundreds for which Elizabeth deserves credit.

Elizabeth is a leader. When hired by the then-Human Rights Campaign Fund, she was a Californian and not accustomed to the sometimes harsh ways of Washington. As Executive Director, she secured her political footing quickly and HRC's influence continued to grow on Capitol Hill. Because of her leadership, HRC has helped defeat numerous anti-gay measures and advance policies that are based on fairness. When needed, she would take to the public airwaves to remind our leaders in Washington that Americans do not want a government intolerant to its own citizens.

Mr. Speaker, my remarks cannot adequately describe the exceptional work and accomplishments of Elizabeth Birch. She is an extraordinary human being. She is my friend. I am grateful for the leadership she has provided, and she will be sorely missed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. BLUMENAUER. Mr. Speaker, It would be healthy for the conference committee to debate this in the context of the overall program that will serve the senior citizens most in need. Having the possibility of the wealthiest senior citizens paying a little more does not seem unreasonable.

Unfortunately, Congress is slowly but surely painting itself into a corner. As people rule out tax or fee increases, benefit reductions, copayment adjustment or eligibility modifications, there appears to be no way the current program can be maintained, much less add a new, important, but expensive prescription drug benefit without a massive infusion from the general fund (borrowed dollars).

With increasing budget deficits, more tax cuts, and escalating demands on Social Security and Medicare (both in terms of service and demographics), we are headed for a train wreck. We must start making some adjustments because time is growing short and a problem that is already difficult is becoming more serious as time goes on.

INTRODUCTION OF LEGISLATION TO GIVE DC CITIZENS A PLACE IN STATUARY HALL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Ms. NORTON. Mr. Speaker, I am pleased that Government Reform Committee Chair TOM DAVIS (R-VA) introduced a bill with me today to permit two statues honoring citizens of the District of Columbia in Statuary Hall of the Capitol, just as statues honoring citizens of states are placed in the historic hall. This legislation would allow the city to offer two statues to the Congress on behalf of D.C. residents.

The District of Columbia was born with the nation itself. The city has more than two centuries of its very own rich and uniquely American history. It goes without saying that the almost 600,000 American citizens who live in the nation's capital deserve the honor of having two of its history makers represented in the halls of the nation's Capitol just as citizens who live in the 50 states have long enjoyed.

Our bill would allow the Mayor and the City Council to devise the method for determining the identity of the honorees, who must be deceased. Mayor Anthony Williams has already agreed to find funds in the District's budget for these statues upon the passage of this legislation.

Every time we allow the District to be excluded from its place among the 50 states, we undermine our own fight for congressional voting rights and full democracy. It is for this reason that I insisted on a D.C. coin when quarters were authorized for the states and a D.C. travel and tourism stamp. I got the Postal Service to issue the first hometown D.C. stamp depicting D.C. neighborhoods, as well as traditional monuments, last month. My coin bill has been introduced and is expected to be approved soon on the suspension calendar.

While D.C. residents have not yet obtained the same full political equality and voting rights as the states, they have all the responsibilities of the states, including paying all federal taxes and serving in all wars. Today when we are losing residents in Iraq, the least we should do is to give this city its rightful and equal place in the Capitol. Recently the District lost 44-year old Lt. Col. Paul W. Kimbrough, an African-American engineer who was supporting Operation Enduring Freedom in Afghanistan. A month ago I attended the funeral of 21-year old Specialist Darryl Dent of the D.C. National Guard who was killed in Iraq. There are more than 100 soldiers still serving in Iraq from Specialist Dent's 547th Transportation Company.

TRIBUTE TO JOHN WEAVER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this nation today to pay tribute to the life and memory of a great citizen from my district. John Weaver of Naturita, Colorado, an employee of the Montrose County Sheriff's Department and a devoted public servant, tragically passed away recently in the crash of his ultra-light airplane. As his family and our community mourn John's passing, I would like to pay tribute to his memory here today.

John was very active in the Naturita community. He was Lead Dispatcher at the West End Communications Center for the Montrose Sheriff's Department, where he helped make that office a unified and efficient team. His hard work and dedication saved countless lives. John was also a member of the Naturita Town Board, and he worked tirelessly to open the Basin Clinic, a local medical clinic which serves the residents of Naturita. In addition, John was instrumental in establishing the Naturita Fire and Rescue team, serving his community as a volunteer fire fighter.

Mr. Speaker, John Weaver was a man of conviction and kindness. A dedicated public servant, a devoted neighbor, and an active member of the community, John went out of his way to help his friends and neighbors whenever he could. While John has passed away, his legacy will certainly live. I am honored to join with my colleagues in honoring John's life and memory here today.

IN HONOR OF ST. INNOCENT ORTHODOX CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. KUCINICH. Mr. Speaker, I rise today to congratulate St. Innocent Orthodox Church on the 20th Anniversary of the founding of St. Innocent the Apostle to America Parish.

Twenty years ago, a coalition of dedicated Orthodox Christians from a variety of ethnic backgrounds came together to practice their faith in a common language. These early members began holding biweekly services in the Community Room of Great Northern Mall and established committees to determine the growth and direction of the new parish. St. Innocent was chosen as the patron saint because the zeal of the missionary, who taught the Orthodox Christian Faith across North America and Alaska, would be an inspiration to the members of the new church.

In 1984, the members of St. Innocent began holding services in a rented chapel in Westlake. Members established a church school program for children and adults and weekly bible studies. The church is also very active in outreach to the surrounding community. Each month, money from an extra collection is donated to charitable organizations or to families in need. Each Christmas, the parish supports at least one family in the community with gifts, food, financial assistance, and love.

In 1997, St. Innocent Orthodox Church found a permanent home, and consecrated its new church structure in Olmsted Falls, Ohio.

St. Innocent welcomes the diversity of its parish and combines many ethnic traditions into its services. I am confident that the growing parish family will flourish, and that the many services and activities it sponsors will continue to multiply.

INTRODUCTION OF RESOLUTION COMMENDING AFGHAN WOMEN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mrs. MALONEY. Mr. Speaker, today, Representative BIGGERT and I introduce legislation to commend Afghan women for their participation in Afghan government and civil society and to advocate for the inclusion of women's rights in the Afghan constitution.

Women's rights in Afghanistan have fluctuated greatly over the years. Women have bravely fought the forces of extremism at various points in the country's turbulent history. At one time, women were scientists and university professors. They led corporations and nonprofit organizations in local communities.

As the constitution review process goes forward, the women of Afghanistan should have a stake in the future of their country. We must support the efforts of the Afghan women to require that the constitution of Afghanistan includes equal rights for women. If women are left out of the constitution, they will disappear from public and civic life. Afghanistan has the opportunity to begin a new chapter by rejecting the ways of the Taliban, and embracing democracy, including the right to vote for all its citizens. I believe that the United States should support these efforts in every possible way.

I look forward to working with Representative BIGGERT and my other colleagues to pass this resolution and to fight for the rights of women in Afghanistan.

TRIBUTE TO ROY J. NICHOLS FOR RECEIVING THE 2003 ARTHRITIS FOUNDATION HUMANITARIAN AWARD

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. CRAMER. Mr. Speaker, I rise today to congratulate Roy Nichols of Huntsville for receiving the 2003 Arthritis Foundation Humanitarian Award. This award is given annually to a citizen of Huntsville and Madison County Alabama who has displayed exemplary community leadership.

Mr. Nichols moved to Huntsville in 1973 as an employee of the McDonnell Douglas Corporation. In 1976, Mr. Nichols formed his own company, Nichols Research Corporation, a research and development business specializing in sensor, missile and information systems. Under the leadership of Mr. Nichols, his company quickly became known as a national leader, receiving numerous awards as one of the best small companies in the United States.

Mr. Nichols retired from Nichols Research after it merged with the Computer Sciences Corporation in 1999. Today, Mr. Nichols is the Co-Chairman and CEO of Torch Concepts, a company that specializes in content management and information mining. Torch Concepts is helping the Department of the Army identify terrorist threats and is becoming widely known for its development of technology that helps in the fight against terrorism.

More importantly, in addition to his professional duties, Mr. Nichols has vigorously committed his time volunteering for many civic organizations in the North Alabama region.

Mr. Speaker, Roy Nichols' leadership and his strong dedication to the community should serve as a model for everyone to follow. I would like to take this opportunity on behalf of the people of North Alabama, to congratulate Roy Nichols for being named the 2003 Arthritis Foundation Humanitarian Award winner.

NORTHWEST INDIANA'S MOST TALENTED, DEDICATED, AND HARDWORKING INDIVIDUALS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and admiration that I offer congratulations to many of Northwest Indiana's most talented, dedicated, and hardworking individuals. On Saturday, October 11, 2003, Sheet Metal Workers Local Union No. 20, formerly also Local No. 303, will honor distinguished members at their 100th Anniversary Open House and Awards Banquet at the Local Gary Area Training Facility in Portage, Indiana. These individuals will be recognized for their many years of dedication and service to Northwest Indiana with 25-year and 40-year pins. The 2003 Sheet Metal Workers Apprentice Graduates will also be honored at this special event.

The Sheet Metal Workers will celebrate tenures ranging from 25 years to 40 years of service. The member being honored for 40 years of commited service is Mr. Walter Biser. Members being honored for 25 years of service include: Mr. Larry Alumbaugh, Mr. Lon Baczkowski, Mr. John Camplan, Mr. Elmer Dellenbach, Jr., Mr. Frank Duffy, Mr. Phillip Felling, Mr. Jeffrey Fitzgerald, Mr. Mark Fusak, Mr. Wyleania Gaither, Mr. Donald Hammond, Mr. Robert Hostinsky, Mr. Mark Katona, Mr. Ronald Kersey, Mr. Jay Kimmel, Sr., Mr. Philip Lukasik, Mr. Steven Nelson, Mr. David Nolbertowicz, Mr. Bruce Pollock, Mr. Mark Remlinger, Mr. Jack Rizzo, Mr. Dalia Salina, Mr. James Salmi, Mr. David Thomas, Mr. Timothy Weaver, and Mr. Walton Woodard.

The Sheet Metal Workers will also be recognizing and honoring the 2003 Apprentice Graduates. These individuals are Mr. Robert Alvarez, III, Mr. Jared Benavides, Mr. Richard Blackmon, Mr. Sam Bodish, Mr. Aaron Burkhart, Mr. Steve Claussen, Mr. Dave Finnerty, Mr. Jeff Fryar, Mr. Terence Henney, Jr., Mr. Shaun Janis, Mr. Jason Johnson, Mr. Mike King, Mr. Richard Kvarta, Mr. Brian Meeks, Mr. Jeff Myres, Mr. Dave Polen, Mr. Jason Reis, Mr. Todd Ribar, Mr. Jesse Rippe, Mr. Mark Robbins, Mr. Josh Skalba, Mr. Art Stahl, Mr. Eric Sczcudlak, Mr. Chris Truman, Mr. Tim Vandermeer, Mr. Robert Vigland, and Mr. John Worline.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating these hardworking and honorable members of the Sheet Metal Workers Local Union No. 20. These individuals, along with all the other men and women of Northwest Indiana's unions, have contributed to the growth and development to the economy of the First Congressional District, and I am very proud to fight for and honor them in Washington, D.C.

PROVIDING PRIMARY AND PREVENTIVE HEALTH CARE SERVICES TO UNDOCUMENTED RESIDENTS

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. GREEN of Texas. Mr. Speaker, I rise to introduce legislation which would allow states and localities to provide primary and preventive health care services to undocumented residents.

An analysis by the Center for Immigration Studies of the Current Population Survey collected in March of 2002 by the Census Bureau indicates that 33.1 million immigrants live in the United States. Among those an estimate of 9 million are undocumented residents and about 900,000 are persons on long-term temporary visas, such as students and temporary workers.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) prohibits public hospitals from providing free or discounted preventive service to undocumented immigrants—even if they pay for such services with State or local funds. PRWORA does, however, allow public hospitals to provide emergency room services.

This system has created a crisis in our nation's emergency rooms. Because undocumented residents cannot afford to see the doctor for routine physicals and preventive medicine, they arrive in the emergency room with costlier, often preventable, health problems. The Federation for American Immigration Reform estimates that 29 percent of this population uses hospital and other emergency services in a given year, compared to the 11 percent use by the general U.S. population.

The costs of this broken system are especially burdensome for our nation's public hospitals. According to the Congressional Research Service, undocumented residents cost Texas taxpayers, insurance companies, and patients more than $173,072,108 million in 2001. Since the federal government is wholly responsible for establishing immigration policy, and for policing the borders to keep out unauthorized aliens, shouldn't the federal government pay for immigration related health care costs? Unfortunately, federal Allotments for State Emergency Health Services to attend to unauthorized residents are not enough to help with the cost, so stats are forced to shoulder as much as 50 percent of the costs.

Mr. Speaker, people should not enter any nation illegally. But I cannot understand a health care system that forces patients to let their health problems escalate into full fledged emergencies before it will provide them care. Wouldn't it make more economic sense to cover preventive services rather than let illnesses develop into painful and expensive complications? Most importantly, should the federal government be telling states and localities how they can and can't spend their own health care dollars?

That is why I am introducing legislation which would allow—not require—state and local programs to provide the most cost effective preventive and primary health care to undocumented aliens. This legislation would not provide a new benefit for undocumented residents. However, it would make sure that our health care dollars are spent more wisely by preventing emergencies—not treating them.

TRIBUTE TO THE FIRST CONGREGATIONAL CHURCH OF SOUTH PUEBLO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to a landmark institution from my district. The First Congregational Church of South Pueblo, Colorado has served its parishioners and the Pueblo community for over 125 years. By working to promote a spirit of unity and cooperation, the church has shaped our community for the better. For its many years of service to the community, I am honored to pay tribute to the First Congregational Church of South Pueblo here today.

Founded in 1878, the First Congregational Church has been dedicated to meeting the need of its parishioners and the community at large. Its work includes everything from buying shoes for orphans to hosting Boy Scouts, Girl Scouts and Campfire Girls. First Congregation also hosts the Pueblo Interfaith Hospitality Network, a program to house homeless families in need of shelter.

Mr. Speaker, First Congregational Church's efforts to meet the needs of the community and foster a spirit of generosity are an inspiration to us all. The First Congregational Church of South Pueblo is an institution that numerous Puebloans turn to for guidance and encouragement in their daily lives. I am honored to join with my colleagues today in honoring the First Congregational Church of South Pueblo for its dedication to improving the community.

IN HONOR OF PASTOR JOHN BRYK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Father John Bryk, as he celebrates the 50th year of his Priestly Ordination. We also honor Father Bryk's celebration of thirty years of service to the St. Hedwig Parish Community of Lakewood, Ohio.

Father Bryk was born and raised in Cleveland, Ohio and attended Benedictine High School. After attending Our Lady of the Lake Major Seminary in Cleveland, Father Bryk was ordained at St. John's Cathedral on December 19, 1953.

His service to others brought him to parishes in Cleveland and Lorain. He served as Pastor of St. Casmir for two years, and in 1973 was named Pastor of St. Hedwig Church in Lakewood, where he has since served.

For the past thirty years, Father Bryk has transformed St. Hedwig's Church into a spiritual haven of support, faith and hope—a place where he continues to create lasting bonds with hundreds of individuals and families. Father Bryk's outreach into the Lakewood community serves as a beacon of hope and guidance for generations of individuals and families.

Mr. Speaker, please join me in honor and recognition of Father John Bryk, celebrating fifty years of service to our community. Father Bryk's contributions throughout his ministry, especially to the people of St. Hedwig's parish, are significant and immeasurable—his leadership, expertise, guidance and concern for others serve to uplift our corner of the world and beyond. His gift of faith and compassion will forever light our community.

TAIWAN'S 92ND NATIONAL DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mrs. MALONEY. Mr. Speaker, I rise to recognize Taiwan for its 92nd National Day. Taiwan has been a reliable friend and ally of the United States for more than fifty years. The United States has a large and very active Taiwanese-American community. Hundreds of thousands of Americans of Taiwanese descent live in the U.S., the largest number living in and around New York City.

The United States and Taiwan share important values and strengths which have engendered close ties between our people. Both countries are committed to a strong democratic form of government with constitutional guarantees of rights and freedoms for all citizens including speech, residence, travel, assembly, religion and association. Taiwan is a shining example in Southeast Asia of the importance of respecting civil liberties and the rule of law.

Like the United States, Taiwan has a prosperous, market-based economy. It is the eighth largest trading partner of the United States and the twelfth largest economy in the world. U.S. exports to Taiwan make it one of the largest export markets for many states including my own state of New York. A clear sign of Taiwan's importance to the world economy was its accession into the World Trade Organization last year.

Both countries have demonstrated a commitment to the well-being of the world at large. Taiwan's humanitarianism has included assistance for rebuilding Iraq, Afghanistan, and Kosovo, and funds to assist the fight against AIDS worldwide. It has also dispatched rescue teams following natural disasters in El Salvador, Turkey, and Nicaragua.

Both Houses of Congress have recently endorsed Taiwan's desire for a wider international role, specifically membership in the World Health Organization and in the United Nations. Taiwan is a responsible citizen of the world and friend to the United States. I heartily congratulate its 23 million citizens on the celebration of their National Day, October 10, 2003.

HONORING DAVID B. CASTRO

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. STARK. Mr. Speaker, I rise today to pay tribute to David B. Castro. He has worked tirelessly in behalf of the Hispanic community. David Bedoya Castro was born in Sonora, Arizona and spent his youth as a farm worker following the crops in California with his family. He made use of the schooling available to farm workers in the early 1930's with the knowledge even then that it was education that would improve the quality of life for himself and his family.

In 1942, David volunteered to join the Marines and received two honorable discharges for service in World War II and Korea. Upon returning to his home in Hayward, California, David began working in the local cannery, became a shop steward and moved through the ranks to become a union official and labor organizer. He was the first union Hispanic Secretary Treasurer. His main focus was to improve the wages, and working conditions of workers in the eleven western states. David would go beyond the duties of his job, and would help those in need by providing clothing; necessities and jobs.

In 1997, David became a Field Representative for Alameda County and was responsible for recruiting Hispanics for employment. At the beginning of his career with Alameda County, only 3 percent of Hispanics were employed in the County. When he retired in 1989, that number had risen to 23 percent.

David continually looked for ways to improve conditions for Hispanics. He knew that education and community involvement was the key to success. His inspiration led to founding of the Hispanic Community Affairs Council (HCAC), an organization dedicated to the betterment of Hispanic communities. HCAC recently celebrated its 26th anniversary and continues its goal of fostering a better education for Latino youth. HCAC has awarded over $1 million in scholarships to Latino students.

As a visionary and dedicated community activist, David recognized another need. Businesses in the East Bay needed a way to meet and hire qualified Hispanics. This spurred the idea for HEBAN, The Hispanic East Bay Area Network, which brings prospective employers and job seekers together.

After retiring in 1989, David began researching his family history, which led him to a village in the Sierra Madre called Mezquital Del Oro, Mexico. In the church of this small town he discovered his family genealogy in ancient documents tracing his heritage back to 1660. He also discovered people in need and began providing support through donations of clothing, household, school and medical supplies.

David, with the help of friend Librado Perez and cousin Isidro Magallanes provided an ambulance to the town of Mezuital Del Oro. The ambulance was a life saver for the town because previously the injured or seriously ill had to find available transportation, usually a truck, to drive them 100 miles to the nearest hospital.

I am proud that David Castro is one of my constituents and a longtime friend. His caring, motivation and tenacity have provided numerous contributions to many. I applaud his good work and join his friends, colleagues and admirers in thanking him for all he does for others. David is a humanitarian and community leader in every respect.

TRIBUTE TO HELEN AGNEW DAVIS OF ALLENSVILLE, KY

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. WHITFIELD. Mr. Speaker, I rise today to honor and pay tribute to Helen Agnew Davis of Allensville, Kentucky.

Helen passed away on September 27, 2003 at the age of 76. Along with her family, I am pleased that Helen will now receive the national recognition that she deserves for her dedication to School Food Service in Kentucky.

Helen Davis served the children of western Kentucky as the Food Service Director for the Todd County Public Schools. Helen was a member of the American School Food Service Association (ASFSA) and the Kentucky School Food Service Association (KSFSA). She

TRIBUTE TO ROY J. NICHOLS FOR RECEIVING THE 2003 ARTHRITIS FOUNDATION HUMANITARIAN AWARD

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

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NORTHWEST INDIANA'S MOST TALENTED, DEDICATED, AND HARDWORKING INDIVIDUALS

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IN THE HOUSE OF REPRESENTATIVES

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PROVIDING PRIMARY AND PREVENTIVE HEALTH CARE SERVICES TO UNDOCUMENTED RESIDENTS

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

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TRIBUTE TO THE FIRST CONGREGATIONAL CHURCH OF SOUTH PUEBLO

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IN THE HOUSE OF REPRESENTATIVES

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Mr. Speaker, First Congregational Church's efforts to meet the needs of the community and foster a spirit of generosity are an inspiration to us all. The First Congregational Church of South Pueblo is an institution that numerous Puebloans turn to for guidance and encouragement in their daily lives. I am honored to join with my colleagues today in honoring the First Congregational Church of South Pueblo for its dedication to improving the community.

IN HONOR OF PASTOR JOHN BRYK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

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Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Father John Bryk, as he celebrates the 50th year of his Priestly Ordination. We also honor Father Bryk's celebration of thirty years of service to the St. Hedwig Parish Community of Lakewood, Ohio.

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TAIWAN'S 92ND NATIONAL DAY

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IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mrs. MALONEY. Mr. Speaker, I rise to recognize Taiwan for its 92nd National Day. Taiwan has been a reliable friend and ally of the United States for more than fifty years. The United States has a large and very active Taiwanese-American community. Hundreds of thousands of Americans of Taiwanese descent live in the U.S., the largest number living in and around New York City.

The United States and Taiwan share important values and strengths which have engendered close ties between our people. Both countries are committed to a strong democratic form of government with constitutional guarantees of rights and freedoms for all citizens including speech, residence, travel, assembly, religion and association. Taiwan is a shining example in Southeast Asia of the importance of respecting civil liberties and the rule of law.

Like the United States, Taiwan has a prosperous, market-based economy. It is the eighth largest trading partner of the United States and the twelfth largest economy in the world. U.S. exports to Taiwan make it one of the largest export markets for many states including my own state of New York. A clear sign of Taiwan's importance to the world economy was its accession into the World Trade Organization last year.

Both countries have demonstrated a commitment to the well-being of the world at large. Taiwan's humanitarianism has included assistance for rebuilding Iraq, Afghanistan, and Kosovo, and funds to assist the fight against AIDS worldwide. It has also dispatched rescue teams following natural disasters in El Salvador, Turkey, and Nicaragua.

Both Houses of Congress have recently endorsed Taiwan's desire for a wider international role, specifically membership in the World Health Organization and in the United Nations. Taiwan is a responsible citizen of the world and friend to the United States. I heartily congratulate its 23 million citizens on the celebration of their National Day, October 10, 2003.

HONORING DAVID B. CASTRO

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. STARK. Mr. Speaker, I rise today to pay tribute to David B. Castro. He has worked tirelessly in behalf of the Hispanic community. David Bedoya Castro was born in Sonora, Arizona and spent his youth as a farm worker following the crops in California with his family. He made use of the schooling available to farm workers in the early 1930's with the knowledge even then that it was education that would improve the quality of life for himself and his family.

In 1942, David volunteered to join the Marines and received two honorable discharges for service in World War II and Korea. Upon returning to his home in Hayward, California, David began working in the local cannery, became a shop steward and moved through the ranks to become a union official and labor organizer. He was the first union Hispanic Secretary Treasurer. His main focus was to improve the wages, and working conditions of workers in the eleven western states. David would go beyond the duties of his job, and would help those in need by providing clothing; necessities and jobs.

In 1997, David became a Field Representative for Alameda County and was responsible for recruiting Hispanics for employment. At the beginning of his career with Alameda County, only 3 percent of Hispanics were employed in the County. When he retired in 1989, that number had risen to 23 percent.

David continually looked for ways to improve conditions for Hispanics. He knew that education and community involvement was the key to success. His inspiration led to founding of the Hispanic Community Affairs Council (HCAC), an organization dedicated to the betterment of Hispanic communities. HCAC recently celebrated its 26th anniversary and continues its goal of fostering a better education for Latino youth. HCAC has awarded over $1 million in scholarships to Latino students.

As a visionary and dedicated community activist, David recognized another need. Businesses in the East Bay needed a way to meet and hire qualified Hispanics. This spurred the idea for HEBAN, The Hispanic East Bay Area Network, which brings prospective employers and job seekers together.

After retiring in 1989, David began researching his family history, which led him to a village in the Sierra Madre called Mezquital Del Oro, Mexico. In the church of this small town he discovered his family genealogy in ancient documents tracing his heritage back to 1660. He also discovered people in need and began providing support through donations of clothing, household, school and medical supplies.

David, with the help of friend Librado Perez and cousin Isidro Magallanes provided an ambulance to the town of Mezuital Del Oro. The ambulance was a life saver for the town because previously the injured or seriously ill had to find available transportation, usually a truck, to drive them 100 miles to the nearest hospital.

I am proud that David Castro is one of my constituents and a longtime friend. His caring, motivation and tenacity have provided numerous contributions to many. I applaud his good work and join his friends, colleagues and admirers in thanking him for all he does for others. David is a humanitarian and community leader in every respect.

TRIBUTE TO HELEN AGNEW DAVIS OF ALLENSVILLE, KY

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. WHITFIELD. Mr. Speaker, I rise today to honor and pay tribute to Helen Agnew Davis of Allensville, Kentucky.

Helen passed away on September 27, 2003 at the age of 76. Along with her family, I am pleased that Helen will now receive the national recognition that she deserves for her dedication to School Food Service in Kentucky.

Helen Davis served the children of western Kentucky as the Food Service Director for the Todd County Public Schools. Helen was a member of the American School Food Service Association (ASFSA) and the Kentucky School Food Service Association (KSFSA). She joined those organizations in 1957 and I am told that she holds the record for continuous active membership in the KSFSA. As the 12th President of the FSFSA, long-time Chair of the KSFSA Public Policy and Legislative Committee, and Treasurer of the ASFSA, she truly was a leader in School Food Service.

Helen was the Kentucky representative when ASFSA held its first Washington, D.C. "Fly-in." In addition, she continued to lead the Kentucky delegation during the annual trek to D.C. for two decades. She was a teacher and mentor to anyone interested in learning the legislative process and she always taught the values of legislative activity and other civic duties.

Her wisdom and insight born of experience and careful deliberation were highlighted in the KSFSA's 1988, Futures Seminar and the 1998, Strategic Planning Meeting. The results of those meetings helped KSFSA win the ASFSA President's Award of Excellence for three straight years.

In the mid 1950's, Helen Davis signed on to feed the children of Todd County. Her direction, goals, priorities and challenges have been KSFSA's own. She encouraged all of us to remember why we are here and to always finish what we start. She did just that when she helped finish the new Todd County High School kitchen and cafeteria.

Mr. Speaker, I am proud to bring the accomplishments and wonderful life of Helen Davis to the attention of the House.

TRIBUTE TO CRYSTAL CUCKOW

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to a dedicated educator from my district. Crystal Cuckow is an extraordinary art teacher from La Junta High School in La Junta, Colorado. Through her dedication and hard work, Crystal shapes the lives of the youth of her community, and I am honored to share her story here today.

Crystal began her career as an educator by teaching art but was soon assigned to teach "stage craft" as well. Throughout her career, Crystal has reached out to many different types of students and encouraged them to express themselves. Crystal has been able to bring the art and entertainment of the theater to students who otherwise would have had little or no exposure to it. Her work with the La Junta theater program earned Crystal the Senior High Theater Educator of the Year Award from the Alliance for Colorado Theater.

Mr. Speaker, Crystal Cuckow's dedication and devotion to her students enriches the lives of Colorado's youth and molds our future leaders. By reaching out to so many students, Crystal has created a diverse environment where creativity is allowed to flourish. I am honored to join with my colleagues here today in extending my congratulations to Crystal for the honor she has received and wishing her all the best in her future endeavors. Thank you, Crystal. Keep up the good work!

IN HONOR OF ST. WENCESLAUS DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. KUCINICH. Mr. Speaker, I rise today to honor and recognize the 80th Anniversary of the observance of the Feast of St. Wenceslaus Day at St. Wenceslaus Parish. The celebration will begin with the Eucharist Liturgy at 11:00 a.m. on September 28, 2003.

St. Wenceslaus is the patron saint of Bohemia. He was born near Prague in 903 and his father was the Duke of Bohemia. As Wenceslaus was growing up, his grandmother, also a saint, taught him the values of Christianity. In the year 922, when an anti-Christian faction killed Wenceslaus's father and took over the government, Wenceslaus staged a coup and was named the new ruler. During his reign, Wenceslaus attempted to reduce the oppression of the peasants by the nobility and promoted Christianity.

His younger brother, Boleslaus, joined a group of dissenters after he lost succession to the throne as a result of the birth of Wenceslaus's son. Boleslaus invited his brother to a religious festival, and while Wenceslaus was on his way to mass on the morning of September 28, 929, Boleslaus and a group of followers ambushed him. Wenceslaus's last words were, "May God forgive you, brother." Wenceslaus was immediately venerated as a martyr, and was celebrated as the nation's patron saint by the end of the century.

Today, St. Wenceslaus is remembered for his concern for the poor in a popular Christmas carol, where he leaves his castle with a page during a winter storm to deliver food and wood to a peasant. As the storm worsens, the page follows in Wenceslaus's footsteps, which miraculously warm his freezing feet. By following the path of righteousness, Wenceslaus was led into sainthood, and the page was led out of the storm. The worshippers at Saint Wenceslaus Parish also try to follow the path of righteousness and St. Wenceslaus's example. They are celebrating his feast day this weekend with a Eucharistic Liturgy, a traditional Czech Pork and Dumpling Dinner, and dancing to traditional Czech music.

SUPPORT FOR TAIWAN'S ASPIRATION TO BECOME UNITED NATIONS MEMBER

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. CAMP. Mr. Speaker, I rise today to express my support for Taiwan in its aspiration to become a member of the United Nations (UN). Taiwan has all the qualifications: a sound political system, a much-admired economy, and a genuine desire to maintain peace and prosperity in East Asia and the world.

Being the world's 17th largest economy, Taiwan will most certainly be able to carry out all United Nations Charter obligations. Taiwan's economic model is especially valuable for developing nations. Taiwan has always been willing to share this experience with the world by contributing to multilateral aid programs. Taiwan's efforts to help other countries would be much more effective if they could be coordinated with international efforts sponsored by the UN and its specialized agencies. Perhaps one of the best reasons for supporting Taiwan's membership in the United Nations is that Taiwan is willing and anxious to be a full contributing member of the United Nations.

Also, with membership in the United Nations, Taiwan will be able to incorporate itself into the international system of human rights protection, abide by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Vienna Declaration and Program of Action. It is heartening to know Taiwan's commitment to human rights is very serious by establishing a National Human Rights Commission in accordance with the principles outlined by the UN.

Taiwan has been denied a voice in the United Nations for too long. I urge my colleagues to support Taiwan, our friend and ally, on their latest bid to return to the United Nations.

INTRODUCTION OF THE 21ST CENTURY JOB OPPORTUNITIES ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to submit, with eight of my colleagues in the House, the 21st Century Job Opportunities Act.

We need to put the nation's unemployed workers back to work. President Bush's policy to cut $3 trillion in taxes for the rich to stimulate the economy has left millions of Americans looking for work, and millions more working less than they need to in order to pay their bills. Others have given up looking for work altogether because of the dismal economy.

Since the beginning of 2001, the private sector has lost more than 3 million jobs, and the number of unemployed has risen in 49 states and national unemployment levels are over 6 percent, the highest in nearly a decade. Today, 9 million people are out of work and an additional 4.5 million people work parttime because they can't find a full-time job.

At the same time, new U.S. Census data shows that the median household income declined 1.1 percent between 2001 and 2002 and the number of Americans living in poverty increased for the second year in a row.

We can no longer tolerate President Bush's "No New Jobs" policy. Too many hard-working Americans are struggling to pay the rent, bills and provide for their families.

Providing immediate education assistance to unemployed workers to boost their skills so that they can successfully re-enter the workforce is essential. According to analysis by Postsecondary Education OPPORTUNITY, unemployment rates are more than one and one-half times higher for workers with only a high school degree, compared to workers with at least a Bachelor's degree.

In addition, analysis by the Center for Law and Social Policy (CLASP) shows that in 1973, three-quarters of all jobs were held by those with high school education or less, compared to just 40 percent today.

The 21st Century Job Opportunities Act would provide temporary emergency education assistance for workers who have been laid off and who require additional education and training to successfully re-enter the workforce. The Act would help to put Americans back to work by: Providing temporary emergency education assistance for workers who have been laid off and who require additional education and training to successfully re-enter the workforce; Granting eligible recipients up to an amount equal to the Pell Grant maximum award, towards tuition and fees; and, Providing the training for thousands of workers to help fill demands of the highly skilled workforce.

It is clear that the Republican economic policy, based on tax cuts for the wealthiest people, has failed to reverse the job losses in the economy. We need a new approach, one that puts Americans back to work.

It is essential to the nation's economic recovery that we invest in the education of American workers and put them back to work. I strongly encourage my colleagues to join me in supporting this bill and ensuring that Americans can get back to work.

DEDICATION OF CLAYTON, JACKSON, McGHIE MEMORIAL

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. OBERSTAR. Mr. Speaker, I rise today to recognize the dedication of the Clayton, Jackson, McGhie Memorial that will take place in Duluth, Minnesota on October 10. The memorial commemorates the lives of three young black men who were murdered in a mob riot in Duluth in 1920.

In the early morning hours of July 15, 1920, police in Duluth arrested six young black men employed with the visiting John Robinson Circus for the rape of a local white woman. That night a mob numbering between five and ten thousand people broke into the police station, dragging all six prisoners from their cells into the street. After a mock trial that lasted only a few minutes, the mob pronounced Elias Clayton, Elmer Jackson, and Isaac McGhie guilty.

Clayton, Jackson, and McGhie were then beaten with bricks, had lengths of rope fitted around their necks, and one by one they were lynched from the crook of a lamppost on a nearby street corner.

These three young men died in the largest city in my district, for charges that were later found to be false. Those who carried out this shameful act were never prosecuted for murder or assault. Three men from the mob served the only penalty resulting from the lynching: less than a year each for "rioting." Elias Clayton, Elmer Jackson and Isaac McGhie were then quickly forgotten. They will not be forgotten again.

The Clayton, Jackson, McGhie Memorial will feature three, seven-foot bronze sculptures surrounded by walls inlaid with quotations from philosophers. The memorial pays tribute to these innocent young men, murdered by a mob filled with hatred, fear and intolerance. This memorial will serve as a site for remembrance and reflection; a reminder to all who visit of the horrible events of that summer's night 83 years ago. It is fitting and proper that the city of Duluth acknowledges the three circus workers who died and recognizes the catastrophic error of the thoughts and feelings that led to their deaths. This memorial will serve as a lasting reminder of the devastating consequences resulting from this senseless vigilante and provides an opportunity for us to think about society's ultimate penalty: capital punishment.

I am deeply troubled that the death penalty is still considered an appropriate form of punishment in this country. The principles enshrined in the sentencing guidelines of the 38 States that authorize the use of the death penalty are antithetical to the principles of respect, compassion and atonement to be enshrined Friday in downtown Duluth. Capital punishment legitimates violence as a response to violence, but as Dr. Martin Luther King wrote in 1967, "The ultimate weakness of violence is that it is a descending spiral, begetting the very thing it seeks to destroy . . . Returning violence for violence multiplies violence, adding deeper darkness to a night already devoid of stars."

I am very pleased to offer my strong support for the Clayton, Jackson, McGhie Memorial in Duluth and for the principles for which this memorial stands. I want to congratulate Henry Banks and Catherine Ostos, the co-chairs of Clayton, Jackson, McGhie Memorial Committee, for their tireless efforts to make this memorial a reality, and to the artist Carla Stetson and writer Anthony Peyton Porter for their impressive creative work. These dedicated individuals have created a powerful statement that publicly proclaims that racism and violence have no place in Duluth, in Minnesota, in the United States, or in this world. It is important for the Duluth community to acknowledge this shameful past event, but it is even more impressive that Duluth has created a vision for the future that celebrates the vision of a more perfect union of tolerance and social justice.

TRIBUTE TO DR. JOHN LOGUE

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. RYAN of Ohio. Mr. Speaker, I rise today in recognition of the extraordinary contribution of John Logue, Ph.D., a constituent of mine from Kent, Ohio and one of this year's Ford Foundation honorees. Every year the Ford Foundation bestows the Leadership for a Changing World Award on a handful of citizens working to bring positive social change to their communities and beyond. Dr. Logue goes above and beyond this requirement.

In founding the Ohio Employee Ownership Center, he has led more than 60 firms to employee ownership. After studying cooperative corporations abroad, Dr. Logue was inspired by the idea that just as with governments, democratic companies outperform autocracies. His involvement with the Ecumenical Coalition to protect the steel industry in Youngstown, Ohio inspired him to start the OEOC in 1987.

With the help of his staff, Dr. Logue provides over 4,000 hours of leadership training each year and has helped 483 companies explore the possibility of employee ownership. In essence, the OEOC has helped create more than 12,825 new business owners who have built approximately a half-billion dollars in assets. During a time when factories are closing and thousands of Ohioans are without jobs, employee owned companies have remained strong—not one in Ohio has moved to a lower-wage state or country.

A distinguished professor of comparative politics at Kent State University and a widely recognized authority on Scandinavian Government, John Logue has demonstrated the level of ingenuity and leadership critical to our country in such trying economic times. I congratulate Dr. Logue on this award and his ongoing commitment to improving business and employment opportunities for all of Ohio.

TRIBUTE TO ELNA MAE RYDEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this nation today to pay tribute to the life and memory of an outstanding citizen from my district. Elna Mae Ryden of New Castle, Colorado recently passed away at the age of eighty-one. Elna was an active and talented member of her community, and as her family and friends mourn her passing, I would like to pay tribute to her life and achievements.

Elna was very active in her community, donating her time and talents to a wide variety of organizations. Groups like 4-H and the Elk Creek Homemakers Club benefited greatly from Elna's participation. Elna also served as Secretary for the Garfield County Farm Bureau and sat on the Founders' Committee for the New Castle Recreation Center. An industrious woman, Elna was a farmer and rancher; she owned and operated Shady Court Trailer Park—raised ostriches, emus, and chinchillas—and wired her house and those in her neighborhood for electricity.

Mr. Speaker, Elna Mae Ryden was a talented and industrious woman. She gave liberally to her family, friends, and community. While Elna has passed on, her legacy will continue to live. I am honored to join with my colleagues in honoring Elna here today. My thoughts are with her family and friends during this difficult time.

HONORING GERALD W. RAU

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Gerald W. Rau, upon the occasion of his retirement from the Department of Veterans Affairs in Cleveland, Ohio, where he worked honorably and diligently on behalf of our United States Veterans for thirty years.

Mr. Rau's significant service to others began in 1970, when he became a member of the United States Air Force. After four years of service to his country, Mr. Rau embarked on his career with the Veterans Administration as a Veterans Benefits Counselor.

Throughout his significant tenure with the VA, Mr. Rau forged solid and effective bonds with community leaders and agencies. Besides his role as Benefits Counselor, Mr. Rau's many roles included that of Educational Liaison, Outreach Contact for our homeless veterans, and for the past nine years, Congressional Liaison. In that capacity, Mr. Rau worked with diligence, heart and dedication—enabling my Congressional Staff to assist our veterans and their families when needed.

Mr. Speaker, please join me in honor, gratitude and recognition of Gerald W. Rau, for his exceptional work and advocacy on behalf of the veterans of our Cleveland Community. His compassion, integrity, expertise, and more importantly—his deep concern and compassion for helping others—has uplifted the lives of countless veterans and their families—and has fortified our entire community.

GUTIERREZ AFLAGUE "LARRY" LORENZO

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Ms. BORDALLO. Mr. Speaker, I rise today to honor the memory of a very dear friend, Mr. Gutierrez Aflague "Larry" Lorenzo, who passed away on September 24, 2003 at the age of 88 years.

Larry was an institution at Government House, the official residence of the Governor of Guam, serving as Chief Executive Chef during the terms of Governors Bill Daniels, Manuel F.L. Guerrero, Carlos G. Camacho, Ricardo J. Bordallo, and Paul M. Calvo. While working for these Chief Executives he served their First Ladies, including myself, not only as our chef, but as a friend, and as a teacher and advisor in the culinary arts. His long tenure at Government House was as much a credit to his recognized skills and talent with food as it was to his warm personality and winsome demeanor. Larry made everybody feel at home in Government House.

Larry's fine cuisine was sampled and eagerly savored by visiting dignitaries including several U.S. Presidents and Vice Presidents, Presidential Cabinet members, Members of Congress, and Queen Elizabeth and Prince Phillip of England and Pope John Paul II. As a true Chamorro, Larry understood the important role food plays in all social gatherings on Guam.

Larry did not start his life as a cook. At the age of 25, he joined the U.S. Merchant Marines and was assigned to Wake Island. In early 1941, he was transferred to Honolulu. When America liberated Guam Larry returned to his island home to work for Admiral Chester W. Nimitz, Commander, U.S. Pacific Fleet. Recognizing his aptitude for the culinary arts, Admiral Nimitz introduced Larry to a German Chef who trained the young Guamanian to master the art and science of food preparation and presentation.

In 1961, Larry was hired by Governor Bill Daniels and so began his twenty-five years of service to a succession of Governors, First Ladies and the people of Guam. In those years, he became well known for the quality of his cooking but he became most famous for his pastries. His attention to exquisite detail in his cakes often found people commenting that they thought the flowers on his cakes, especially the roses, looked real.

As First Lady, I knew Larry for eight years. During those years, I learned so much about Chamorro cooking—Larry was an advisor and mentor in the preparation of my Leblon Finatinas. In all official functions, Larry was ever present, advising, supervising and making sure that everything was just right. Larry was appreciated by everyone who knew him. To those of us who learned and worked closely with him, he will always have a special place in our hearts.

Adios Larry Si Yu'os Ma'ase para todos y un naane ham, para todos y un fanague ham. Adios, my friend.

TRIBUTE TO JOE HUBER OF STARLIGHT, INDIANA

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. HILL. Mr. Speaker, to the people of southern Indiana, Joe Huber is well-known as both a restaurateur and farmer. To his friends and family, Joe is a loving father and husband, equally devoted to his community. Among the long list of Joe's noteworthy accomplishments, I would especially like to comment on his long and devoted leadership of the Harrison County local rural electric cooperative—Harrison REMC, where Joe has served on the Board of Directors since 1974.

As Joe prepares to retire from the cooperative board, I would like to share with my fellow colleagues in the House just a few of the many important contributions Joe has made to Indiana rural electrification over the past three decades.

Joe is a remarkably driven individual, always willing to jump into a cause wholeheartedly to ensure success. This legacy of dedication was evident the moment Joe decided to run for a seat on the REMC board. Going beyond the usual lobbying required of a board candidate, Joe actually packed school busses full of his friends, neighbors, and supporters from across the community, and transported them to the Harrison REMC board meeting to vote for him. And, to nobody's surprise—he won.

Since his election, Joe has been able to lend his foresight and influence to the co-op through a period of unprecedented expansion. Harrison REMC nearly tripled the number of electric meters during his tenure. To this day, the REMC's growth-and its sterling service to its customers-continues.

Like any other well-established organization that has climbed the ladder of success, the co-op has had its share of difficult moments. Yet, true to character, Joe displayed his resolve during these trying times by maintaining an open and optimistic mind, working hard to help the co-op find new solutions, new ways of thinking, and new promising directions to take as it continued to meet the needs of the community it served.

Just a few years ago, one of the worst scenarios for a rural electric utility struck Harrison County as a terrible ice storm swept through the region. Joe Huber decisively, and humbly, stepped to the fore to lead the effort to restore service throughout the county. He led crews among downed power lines and helped direct crews from outside the region navigate unfamiliar terrain in terrible conditions. He coordinated food and care for the hardworking crews so they could maintain a level of comfort while concentrating on the quick restoration of power.

Joe's leadership has extended well beyond Harrison REMC. He has served as a board member for the rural electric trade group Indiana Statewide, as well as having been on the board of directors of the Cooperative Finance Corporation—the influential national financial organization within the rural electric industry. Joe has been called upon by the National Association of Rural Electric Cooperatives to serve on blue ribbon panels, speak at seminars, and share his wisdom and insight with other representatives of rural utility companies from around the country.

Joe Huber has long been an individual of integrity, perseverance, and distinction in southern Indiana. He has always placed his family and his community first in his heart, and demonstrated to the people of southern Indiana his unwavering values through his actions.

As Joe ends his career on the board of Harrison REMC, it is fitting that we take these moments to congratulate him on his lifetime of hard work and good deeds, and recognize that he has established an enduring legacy in the realm of Indiana rural electric programs.

TRIBUTE TO JULIE COMINS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. MCINNIS. Mr. Speaker, I stand before you to recognize the efforts of a distinguished citizen from my district. Julie Comins is the Executive Director for the Aspen Writers' Foundation and, after six years of dedicated service, she will be stepping down next month to spend more time with her family. The organization has experienced tremendous growth during her tenure, and the entire Aspen literary community is saddened by her departure. Today, I would like to commend Julie on the fine work she has done for the writing community on behalf of the Foundation.

Julie began her time with the Foundation in 1997 when she volunteered to assist with one of the organization's major events, the Aspen Summer Words Conference. She went on to become a part-time administrative assistant for the organization, which was then a small nonprofit group. Within a year, Julie's hard work was rewarded with increased responsibility within the organization, eventually being named as Executive Director of the Foundation. Under Julie's watch, the group went from a relatively small society to a nationally renowned literary organization.

Mr. Speaker, it is a privilege to stand here today and pay tribute to Julie Comins' accomplishments before this body of Congress and this nation. The Aspen Writers' Foundation is a terrific organization and, thanks to Julie, it has grown to achieve remarkable success. I would like to thank Julie for her years of hard work and dedication and wish her the best in her future endeavors.

HONORING THE LOUIS STOKES CLEVELAND VETERANS AFFAIRS MEDICAL CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Louis Stokes Cleveland Veterans Affairs Medical Center and to celebrate the expanded and renovated space for veteran services at the McCafferty Building. For over four years the City of Cleveland and the Louis Stokes Cleveland Veterans Affairs Medical Center have been partners in serving veterans on Cleveland's west side.

The Louis Stokes Cleveland Veterans Affairs Medical Center has had a long and distinguished history of serving the veterans community over the past twenty years. The Veterans Center has participated in the community Homeless Coalition, offers assistance to hunger and homeless shelters in the area, and routinely joins with other local veterans service organizations to provide assistance to needy veterans.

The Veterans Center also offers many services to veterans outside of its central purpose of providing medical care for those who have honorably served our country. The Veterans Center provides individual readjustment counseling, referrals for benefits assistance, group readjustment counseling, liaison with community agencies, marital and family counseling, substance abuse information and referral, job counseling and placement, and community education. The Veterans Center also provides group counseling for Vietnam Veterans, Homeless Veterans, veterans who have difficulties with substance abuse, and Korean War Veterans.

Mr. Speaker, please join me in recognizing the Louis Stokes Cleveland Veterans Affairs Medical Center on this special occasion and celebrating its dedication to serving the veterans of the Cleveland's west side, and the community of Northeast Ohio.

H.R. 3260—VETERANS' EXTENDED HEALTH CARE SERVICES AND BUSINESS ENHANCEMENTS ACT OF 2003

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing H.R. 3260 in bi-partisan collaboration with my colleague, the gentleman from Illinois and Ranking Member of the Committee on Veterans' Affairs, LANE EVANS. This bill would augment certain health care business practices and programs of the Department of Veterans Affairs (VA) to achieve greater efficiencies and economies of scale. Other enhancements included in this bill would benefit the Department of Defense (DOD) and VA's nonprofit research corporations. The bill would also extend certain reporting dates and authorities of VA in the provision of health care services to our Nation's veterans. Finally, our bill would authorize the naming of the Prescott, Arizona Veterans Affairs Medical Center for the late Bob Stump, my predecessor as Chairman of the Committee on Veterans' Affairs.

Mr. Speaker, this bill would authorize a five-year extension to VA's authority to provide non-institutional extended care services and required nursing home care to certain veterans. The mounting importance of providing long-term care alternatives to our aging veterans is supported by the projected increase in veterans who are 85 years of age or older from some 644,000 today to 1.3 million within the next decade.

In 1999, Congress enacted the Veterans Millennium Health Care and Benefits Act (Public Law 106–117), requiring VA to operate and maintain certain long-term care programs in nursing home care. This Act also contained initiatives in geriatric evaluation, domiciliary care, adult day health care, respite, palliative and hospice programs. All of these programs are intended to address the growing needs of aging and disabled veterans by both institutional and non-institutional means. The authorities for these programs in the Veterans Millennium Health Care and Benefits Act will expire on December 31, 2003. This legislation would extend these authorities until December 31, 2008.

H.R. 3260 would also allow veterans who are former prisoners of war to receive outpatient dental care from VA, without requiring them to have been in captivity for at least 90 days, as under current law. This bill also would eliminate the requirement under current law that ex-POWs must now pay pharmacy co-payments. These are tangible and justified enhancements showing the gratitude of the nation for the sacrifices of former prisoners of war.

Mr. Speaker, this bill would also streamline the process and notification requirements when VA intends to enter into an enhanced-use lease agreement for better use of underutilized VA property. Initially authorized in 1991, this unique asset management authority allows VA to enter into partnerships with private industry to yield the "highest and best" use of VA property for veterans, taxpayers, and the government.

The enhanced-use lease program was created by Congress to allow VA activities to generate revenue, maximize value, minimize costs, and maintain competitiveness by developing health care and long-term care facilities, parking, energy plants, transitional and independent senior housing, assisted living, research and development facilities, child and adult day care and office space (government and commercial) projects in partnerships with private and public entities. Since its inception, the enhanced-use lease program has generated cost savings, private investment, new long-term sources of revenues as well as jobs and expanded tax revenues.

Mr. Speaker, this program represents cost effective, good government. This bill would extend the benefits of the enhanced-use lease program to the Veterans Benefits and National Cemetery Administrations as well as the health care system. Current law limits the program to real estate assets of the Veterans Health Administration. This bill would allow the proceeds to be retained by the Veterans Health Administration, the Veterans Benefits Administration or the National Cemetery Administration, whichever administration initiated and developed the enhanced-use lease project.

This bill would allow the Secretary of Veterans Affairs to extend authority to the Secretary of Defense, beginning in fiscal year 2004, to purchase medical equipment, services and supplies through VA's revolving supply fund. This simple provision would serve to further expand federal purchasing power and enhance economies of scale.

Mr. Speaker, at the request of the Department, this bill would change statutory reporting dates on several reports VA is required to make to Congress. The bill would also provide certain Federal liability coverage to a very specific and small group of employees who work in the nonprofit research corporations authorized in title 38. Congress established these nonprofit corporations to manage non-appropriated research activities, primarily those funded through grants from the National Institutes of Health, philanthropic grants and a variety of clinical and pharmaceutical trials. Congress expanded the role of VA nonprofit corporations in 1999 to include a variety of educational endeavors for VA clinical care staff. Employees of these nonprofit corporations would have liability coverage equivalent to their VA counterparts. The bill would also authorize a five-year extension of the basic authority for these nonprofits through December 31, 2008.

The final provision of this bill is to honor our departed former Chairman, the Honorable Bob Stump. In June of this year, we were saddened by the loss of our former colleague who served with distinction in Congress for 26 years.

From his enlistment in the Navy during World War II at the age of 16, to his extraordinary leadership as Chairman of the Veterans' Affairs and Armed Services Committees in the House of Representatives, Bob Stump was a true American hero. Chairman Stump used his influence to promote responsible legislation to assist and honor our Nation's veterans, past, present and future.

Under Bob Stump's leadership, Congress increased funding for veterans' health care; expanded access to long term care for aging veterans, including nonhospital alternative care; reformed eligibility standards for access to VA health care; extended the national cemetery system, including Arlington National Cemetery; increased assistance to disabled veterans and their survivors; and strengthened the Montgomery GI Bill that has helped millions of veterans fulfill their educational and career goals.

As his successor as Chairman of the Committee on Veterans' Affairs, I particularly know and appreciate all that he did for our Nation's veterans, service members and their families. A modest man who preferred to shun the spotlight, Bob Stump's lifetime of service to America and our Nation's veterans left this country a better place. I am honored to include in this legislation a provision to name the Department of Veterans Affairs Medical Center in Prescott, Arizona as the "Bob Stump Department of Veterans Affairs Medical Center." This memorial is a fitting tribute in his beloved home state of Arizona, and will ensure that his legacy will continue to shine brightly for generations to come.

Mr. Speaker, the Veterans' Extended Health Care Services and Business Enhancements Act of 2003 is an important measure. I urge my colleagues to support H.R. 3260 and to work with me and my colleagues on the Committee to advance this legislation this year.

TRIBUTE TO BEVERLY COUNTS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. McINNIS. Mr. Speaker, I rise before you to pay tribute to an outstanding citizen from my district. Beverly Counts of Craig, Colorado, has been working with needy families in the community for thirty years as a social service worker in Moffat County. I would like to thank Beverly for her hard work and dedication to the Craig community and recognize her efforts before this body of Congress here today.

Beverly began her career with the Moffat County Department of Social Services in 1973 as a case aide. Upon completion of her Bachelor's degree, and later her Master's degree, she rose steadily up the ranks in the Department to her current position as a supervisor. Today her work focuses on child welfare, as she oversees caseworkers in the field.

Beverly's accomplishments were recently acknowledged by her social services co-workers at a party in her honor. I join with them here today in honoring Beverly's years of selfless service. Everyday her work helps families become better prepared to effectively manage their lives in spite of hardships and insurmountable odds. Mr. Speaker, it is my privilege to pay tribute to Beverly before this body of Congress, and I thank her for all of her hard work. I wish her the best in the years to come.

STATEMENT OF SYLVIA G. IRIONDO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to direct the attention of Congress to a statement made by a great Cuban pro-democracy leader, Sylvia G. Iriondo, at the September 24th meeting "Americans for a Democratic Cuba" in the Rayburn House Office Building here in the U.S. Capitol.

Mrs. Iriondo is an inspiration to all freedom loving people because of her work as the President of Mothers and Women Against Repression (MAR). Originally founded in 1994, MAR gives a voice to the thousands of oppressed pro-democracy activists who live under Castro's totalitarian regime.

Mrs. Iriondo was also one of the brave souls in the sky on the fateful day of February 24, 1996 when the Castro dictatorship's fighter jets shot down two civilian aircraft, murdering three U.S. citizens and a resident of the United States, members of the Brothers to the Rescue organization.

Through her charity, experience and steadfast commitment to democratic ideals, Mrs. Iriondo has earned the right to be heard by the United States Congress and I hope my colleagues take the time to read her testimony.

Mr. Speaker, I would personally like to thank Mrs. Iriondo and the extraordinary women that are part of MAR for the great work they do to draw attention to the plight of the prisoners of conscience who suffer in Castro's gulag and for the exemplary leadership Mrs. Iriondo provides as the President of Mothers and Women Against Repression. I thank her for her efforts and I trust that one day very soon she and I will witness a free Cuba. I ask that her remarks be included in the CONGRESSIONAL RECORD at this time.

STATEMENT MADE BY SYLVIA G. IRIONDO, AMERICANS FOR A DEMOCRATIC CUBA—RAYBURN HOUSE OFFICE BLDG., WASHINGTON, D.C., SEPTEMBER 24, 2003

Good afternoon. I am most grateful for this opportunity to highlight the most recent wave of repression unleashed by Castro's regime that culminated in the arbitrary arrests, summary trials and long prison sentences of up to 28 years for more than 75 pro-democracy leaders, independent journalists and human rights' activists, as well as in the summary executions of three young Cuban men who attempted to flee the island in search of freedom.

This brutality did not go unnoticed. For the first time in more than four decades of systematic human rights violations in Cuba, other voices from around the world—aside from our voices—were vigorously raised in condemnation of these deplorable actions.

The international community could not believe that these peaceful activists were incarcerated and sentenced to more than 1,400 collective years in prison for speaking their minds; using faxes, cameras and typewriters; distributing the Universal Declaration of Human Rights to the Cuban people and for openly meeting with foreign dignitaries and other activists.

The horrendous conditions under which these political prisoners serve their sentences in Castro's jails are well-documented: isolated cells infested by rats, contaminated water, rancid food, poor hygiene, no adequate sanitary facilities, absence of ventilation, and minimal medical assistance to many political prisoners.

This is nothing new. It has been happening 90 miles from U.S. shores for the last 44 years. The list of crimes and abuses is extensive and a continuation of a policy established since 1959 by a regime intent on remaining in power—at all costs—through repression.

Among those arrested and sentenced in the most recent wave of repression, there is a Cuban woman: Martha Beatriz Roque Cabello.

This 58–year old woman is an independent economist who helped establish the Independent Cuban Economists' Institute and who heads the Assembly to Promote Civil Society in Cuba, a coalition of more than 350 organizations representing a wide political spectrum that calls for the fundamental freedoms and rights of the Cuban people. Martha Beatriz was again arrested on March 20, 2003—(she had previously served a three and one half years' sentence for being the co-author of a document entitled "The Homeland Belongs to Us All").

At the time of her most recent arrest, Martha Beatriz was participating in a peaceful hunger strike calling for the liberation of Dr. Oscar Elías Biscet and all Cuban political prisoners. Martha Beatriz was sentenced to 20 years in prison after a "mock" trial and confined to the "Manto Negro" prison in the province of Havana.

In July, she was transferred to the Carlos J. Finlay Military Hospital in the capital of Cuba, with chest pains, high-blood pressure, numbness and disorientation, among other things. As of this date, she remains confined to this hospital/prison, where she does not receive the necessary independent medical attention that she urgently requires. We fear for her life, as we fear for the lives of many other Cuban political prisoners who are being denied medical attention. (It is a common practice for the Castro regime to withhold medical attention to political prisoners as a form of torture).

We have initiated an international campaign for the immediate liberation of Martha Beatriz and all Cuban political prisoners, and created a website under www.marthabeatriz.info.

In one of the last statements made by Martha Beatriz Roque Cabello prior to her recent incarceration she stated, "we exhort all governments of the civilized world not to prolong the agony of the Cuban people; not to finance the tyranny; not to support them; that they condemn the tourist apartheid; that they condemn the exploitation of the laborers, the prostitution of our youth, the traffic of stolen properties, the plundering of the Cuban nation. The solidarity that is required today with those in Cuba and in exile who advocate for freedom is very important to all".

Lifting the sanctions and restrictions now will provide a much-needed lifeline to finance Castro's regime that would help prolong its stay in power at the expense of the Cuban people.

On behalf of Martha Beatriz and the organization I represent, Mothers and Women Against Repression, I would like to thank those members of Congress who recently voted in solidarity with the democratic aspirations of the Cuban people by voting against the Flake amendment in the Treasury Postal Appropriations bill.

We call on the Senate to defeat this amendment and we are grateful to President Bush for his commitment to veto the bill should the amendment prevail after conference.

Lastly, I want to share with you a short documentary that our organization produced after Castro's latest crackdown on Cuba's peaceful democratic opposition movement, entitled "Repression".

It is but just one more reason on why sanctions and restrictions on Castro's regime should not be lifted—until all political prisoners are freed; there is freedom of the press and assembly, and internationally supervised free elections are scheduled.

The Cuban people deserve no less.

TRIBUTE TO MRS. JUDITH ROLLE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. MEEK of Florida. Mr. Speaker, it is with great sadness that I rise this evening to pay tribute to the late Judith James Rolle, the wife of Miami-Dade County Commissioner Dorrin Rolle. Mrs. Rolle passed away September 29, 2003 of breast cancer.

It has been my experience that people who become nurses are very special people—people who are somehow able to combine competence with caring, who have the gift of healing people and making them feel better not only with science and medicine, but with their very presence. That was certainly the case with Judith Rolle.

She had a nursing career that spanned 33 years at both Mt. Sinai Hospital and the Miami Heart Institute. As a nurse she had a knack for caring for patients, for managing other nurses, for problem solving and for acting as a diplomatic go-between for nurses and doctors and administrators—all essential skills in caring for patients in a hospital setting.

Her multiple roles and abilities, her efficiency and success endeared her to many and earned her the affectionate knicknаme "Judge Judy." But Judith Rolle was no TV character; she was the real thing.

She held positions as Floor Nurse and Head Nurse in the Medical and Surgical Departments, Public Health Nurse in-charge of home visits to patients, and Supervisory Nurse of the Intensive Care Unit.

While at the Miami Heart Institute, she was also a Nurse in the Anesthesiology Department, a Coordinator in the hospital's Education Department, and a Case Manager in the Case Management Department.

This remarkable lady was my friend and a confidante of countless people throughout our community. When "Judge Judy" retired from nursing in 1998, she simply moved to another form of public service—assisting her husband in his successful campaigns for the Miami Dade County Commission and expanding her participation as an active member of her church community and service organizations.

It is for these reasons that our community was so deeply saddened by her passing. Everyone who met "Judge Judy" was struck by her strong spirit and sunny disposition. You knew you were in the presence of a caring and compassionate person.

Last Saturday at 11:00 a.m., October 4, 2003, at her Homegoing Services celebrated at New Jerusalem Primitive Baptist Church in Miami, her family and many friends and supporters gathered together to celebrate her life and the impact she had on the lives of all who knew her.

My heart goes out to her family. I know I speak for our entire community in saying how fortunate we were to have known her.

TRIBUTE TO NANCY VANMATRE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. McINNIS. Mr. Speaker, it is an honor for me to stand here before you today and pay tribute to a remarkable citizen from my district. Nancy VanMatre of Pagosa Springs, Colorado, has defied the odds and overcome cancer three times over the past eight years. It is my privilege to recount her story before this body of Congress and this Nation, for her determination and loving spirit are truly an inspiration to us all.

Nancy and her husband Harry relocated to the Pagosa Springs area nine years ago upon retirement from their careers in New York. After a few years of enjoying their retirement, Nancy was diagnosed with breast cancer. Over the course of the next six years, Nancy would undergo three major operations targeting cancer in her breast and her two lungs. Suffering from acute care myopathy and neuropathy, Nancy eventually returned home too weak to move her body.

As she began to regain consciousness, she set out a list of goals; the final one was summiting V-Rock Mountain. A year and a half later, she had accomplished everything on her list, including hiking the mountain, and began to set her sights on new goals. Nancy has come so far on her road to recovery that her new focus is now set on helping other cancer victims to see that there is hope; that they too can overcome the disease and continue on with their lives.

Mr. Speaker, I commend Nancy for her courage to battle the cancer that threatened her life; she never gave up and her success should serve as an example to others faced with difficult odds. It is truly an honor to pay tribute to this remarkable woman before you today. Nancy, you are an inspiration to us all.

CONGRATULATING GAIL WARDEN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. DINGELL. Mr. Speaker, I rise to congratulate my dear friend Gail Warden on his retirement as President of Henry Ford Health System. He has lead Henry Ford into the twenty-first century, leaving it in good stead. He has worked hard to ensure that residents in Southeast Michigan receive access to good quality hospital care. For that, I would like to say on behalf of the people of Michigan's 15th Congressional District, thank you.

Gail Warden has dedicated his career to advancing the health safety net in Southeast Michigan. His commitment to quality health care has helped my constituents lead healthier lives. He has been a leader among the hospital presidents in Southeast Michigan. Above all I want to thank him for his friendship.

Mr. Speaker, soon after Gail retired, a long-term problem came to a head in Southeast Michigan. That problem: the rising tide of uninsured hobbled one hospital and threatened other hospitals in the area. When Governor Granholm called on Gail to take on this task, he did not back down. Rather, he immersed himself in this problem and began tackling this tough issue head on. Since then, the development committee that he has led has come up with innovative new solutions for Southeastern Michigan's problems. I look forward toward helping in tackling these tough problems and working with Gail to ensure that Michigan's health safety net is strengthened.

Mr. Speaker, Gail Warden is an honorable man who has done many great things for the citizens of Southeastern Michigan. I am honored to have him as friend. I ask that you and all of my colleagues join me in congratulating Mr. Gail Warden for his, inexhaustible support, generosity and leadership to his community and to give him our best wishes for the future.

EDITORIALS COMMENT ON "BUY AMERICA" PROVISIONS, ISRAELI ATTACKS ON SYRIA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues two editorials.

First, this Member hopes his colleagues will consider the October 8, 2003, editorial from the Omaha World Herald, which describes the drawbacks of "Buy America" provisions with respect to peacekeeping and reconstruction projects in Iraq. Obviously, given the size of the supplemental request for these activities, "Buy America" provisions have strong appeal on the surface. As a representative who has specific responsibilities for trans-Atlantic relations, this Member urges his colleagues to think twice before supporting "Buy America" provisions and consider the contents of this brief editorial.

Second, this Member commends the October 8, 2003, Omaha World-Herald editorial entitled "An ill-advised raid." Indeed, this editorial discusses the short-term and long-term consequences of the recent Israeli attack upon camps that may well have been used for training and harboring terrorists. Israel's grief over its continued casualties from suicide bombings is absolutely understandable, and the U.S. shares its disgust of these tactics. Nevertheless, recent Israeli military air attack in Syria even without prior notice to the U.S. Government may create even further difficulties for the U.S. in Iraq and the Middle East. That is the view of the Omaha World-Herald—a view which should be taken quite seriously by all of us in Congress.

Furthermore . . . British soldiers showed admirable determination last spring in carrying some of the harshest fighting, in Iraq. But some in Congress are now trying to kick the British (and other U.S. allies) in the teeth by insisting on a rigid "buy American" requirement for U.S. military purchases. That is a recipe for tripping up efforts at international contributions to the rebuilding in Iraq. Such a step would also disrupt longstanding and constructive trading relationships. Dump this loser of an idea.

[From the Omaha World-Herald, Oct. 8, 2003]

AN ILL-ADVISED RAID

Hours after Israel conducted a Sunday bombing raid deep inside neighboring Syria, President Bush defended the action by saying Israel "has got a right to defend herself." True. But a picture is beginning to emerge that Prime Minister Ariel Sharon was doing something else—something quite possibly dangerous to his own nation, to the region and ultimately to the United States.

Israel, of course, was acting in the wake of an especially horrible suicide bombing in Haifa that took 19 innocent lives. In what has become a grim standard operating procedure in the Israeli-Palestinian conflict, Israel could be counted on to retaliate.

But retaliate against what? Israel first said it had gone after a terrorist training camp. Soon, though, credible reports began to come in that if the locale had ever been a terrorist camp, that was years in the past. Then Israeli officials confirmed that the raid's actual goal had been to "send a message" to Syria:

Wrong message.

Yes, Syria harbors terrorists Yes. Islamic Jihad had claimed responsibility for the deadly restaurant bombing. But there is scant evidence that Islamic Jihad ever had any connection to the site that Israel attacked.

For three decades, Israel and Syria have had the mutual good sense to keep their border peaceful, even while each had plenty of reason to mistrust the other. Now Israel has breached that uneasy calm. If sustained fighting were to erupt between the two nations, Lebanon and even Iran could be drawn in.

That would be an unwelcome eventuality in the calmest of times. But incurring such risks while the United States and its handful of allies are struggling to stabilize Iraq raises the ante in ways that cannot benefit anyone. Moreover, Syria, while too militarily frail to respond directly in a meaningful way, probably has some ability to nudge Iran into exporting yet more terrorists into Iraq—where, of course, they would target U.S. and allied military personnel.

Israel and America both have ample reason to be upset over Syria's continued harboring of terrorist groups, and Israel in particular has a right to be outraged over the Haifa explosion. Both nations should press Syria in every possible way diplomatically to end its role as a safe haven for evil. But Israel's precipitous attack—Jerusalem didn't even notify Washington in advance—boosts collective tension levels at a terrible time.

Just as Israel, and the Palestinians as well, need America's help in the elusive quest for lasting peace, Washington needs Israel's assistance in keeping the region stable while Iraq is being pieced back together.

Sharon should be taking a wider and longer view. By all available evidence, this past weekend he was doing anything but.

IF I COULD CHANGE THE WORLD—AN ESSAY WRITTEN BY A DALLAS THIRD GRADER, MARIA BELTRAN

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on September 6, I hosted my 11th Annual Community Appreciation Day in Dallas, Texas.

To highlight the talent of the youth in my district, Frederick Douglass Elementary School of Pleasant Grove held a student essay contest. The top 10 essays were selected from over 137 essays submitted. Each winner was awarded a Congressional Certificate of Appreciation and an Autographed Bicycle Helmet.

The Grand Prize winner of the student essay contest, Maria Beltran (3rd grade), was awarded a Congressional Certificate of Appreciation, an Autographed Bicycle Helmet and a New Red Unisex Bicycle. The grand prize winner read the following beautiful essay to the audience.

Maria provided us with words that should be shared with all. I extend her remarks for fellow Members of Congress. I know that we can benefit from her words as we face international challenges.

If I could change the world, I would change it by doing something to stop the violence, because the violence is destroying the world. I would like to have a better place to live. I wish everybody would help each other and no fighting and no pushing and no killing people. I wish I could change the drugs for food, because a lot of children are hungry, I will help the homeless because they don't have any food, water or homes to live. If the people stop smoking they could have a better life for themselves. Because smoking can make you sick, I wish the children would listen to their parents and their teachers and respect them so they can have the best information of what is the best for everybody. I wish I could stop the wars. I wish a peaceful place to live, with no wars, with out drugs, only peace and love for everybody in the whole world. I am glad when the people are nice to each other.

If I could change the world, these are the things I would do.

TAIWAN'S 92ND NATIONAL DAY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. ORTIZ. Mr. Speaker, during a time of global conflict, it is especially important moment to recognize and thank our true friends and allies around the world. Joining us in our commitment to freedom, democracy, human rights and economic opportunity, Taiwan has been a steadfast friend to the United States for over 50 years.

This is a difficult and threatening time among the world of nations. Taiwan is an important cornerstone in securing a free, stable and prosperous Asia.

Immediately after September 11, 2001, Taiwan became one of the first countries to come to our aid in the campaign against terrorism. President Chen, Shui-bian lost no time in condemning this brutal act and its perpetrators. Since then, Taiwan has reaffirmed its commitment to us in many forms, including intelligence gathering, increased airport security, and laws that keep laundered money out of the hands of terrorists. Taiwan has also provided generous assistance for the rebuilding of Iraq and Afghanistan.

Recently, both Houses of Congress have passed by large margins, legislation that supports our friendship and commitments to Taiwan and endorses its desire for a wider international role, specifically in the World Health Organization and the United Nations.

Let us continue, through words and deeds, our heartfelt support for this special friend on its 92nd National Day celebration.

I offer our friends in Taiwan my own personal best wishes, and I offer good wishes to Taiwan on behalf of Texas.

TRIBUTE TO CASEY MUDROCH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this Nation to pay tribute to the amazing courage displayed by a young boy from my district. Casey Mudroch of Pagosa Springs, Colorado, nearly lost his life this past summer when his tent was washed into a lake during a flash flood. After five grueling weeks of recuperation in the Children's Hospital of Denver, Casey finally returned home with hope for a full recovery. I am honored to stand and recognize Casey's harrowing battle for life and his remarkable recovery here today.

Casey was left critically injured this summer when a tent he and his friends were sleeping in was swept into Navajo Lake. Witnesses were able to pull him out of the water, but unfortunately by the time they got to him he was unconscious and had stopped breathing. Following CPR Casey was flown to Denver and taken to Children's Hospital, where he was treated for over a month. I can assure you that his stay in the hospital was not an easy one. After being downgraded from critical condition, Casey developed an ulcer, which ruptured, returning him to critical condition. Fortunately, Casey is expected to make a full recovery and is glad to be home among his family and friends.

Mr. Speaker, surviving such a traumatic experience is never easy, especially for someone as young as Casey Mudroch. Casey has displayed a tremendous amount of bravery throughout this ordeal, and it is my privilege to honor his recovery efforts before this body of Congress and this Nation today. I would like to wish Casey a continued recovery and all the best in the future.

FEDERAL EMPLOYEES' BENEFITS EQUITY ACT OF 2003

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. CUMMINGS. Mr. Speaker, I rise today to encourage my colleagues to join me in cosponsoring the "Federal Employees' Benefits Equity Act of 2003." I reintroduced this very important legislation that works to eliminate a number of inequities found in the computation of benefits for law enforcement officers, firefighters, nuclear material couriers and members of the Supreme Court police under the Federal Employees Retirement System (FERS) and the Civil Service Retirement System (CSRS).

Additionally, this bill would correct inequities resulting from the court case Wassenaar v. Office of Personnel Management (OPM), regarding benefits for survivors of law enforcement officers and firefighters who die as federal employees.

Under current CSRS and FERS statutes, certain employees immediately qualify for an enhanced annuity if separated from service after reaching age 50 and completing 20 years of service. This enhanced annuity, however, requires that these employees make retirement contributions that are 0.5 percent higher than those of the average employee.

Some employees are forced to retire due to disability, or involuntary separation (not for cause), before reaching age 50. In these cases, employees receive only a regular annuity even if he or she has had 20 years of service. This legislation remedies this problem by providing enhanced annuities to all employees who have given 20 years of service. Those forced to retire, at any age, due to involuntary separation or disability are covered by this legislation. The bill also allows for the refund of the additional 0.5 percent retirement contribution, with interest, when employees in these occupations retire or die before attaining eligibility for the enhanced annuity.

During the 106th and 107th Congresses, many federal employees contacted my office stating their concerns about the retroactive language in the bill. I listened to their concerns and worked with the Office of Personnel Management (OPM) to address this issue. This bill is no longer retroactive. I am extremely pleased this bill will capture federal employees from the day of enactment.

HONORING DR. ANNAMARIE ROEPER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. LEVIN. Mr. Speaker, I rise to offer my congratulations to Dr. Annamarie Roeper, a beloved educator, innovator, school administrator, and model global citizen.

After Annamarie and her husband, George, fled the horrors of Holocaust in Germany, they set out to provide a safe place for children to grow and become intelligent, sensitive contributors to society. Arriving in the United States in 1941, they founded the Roeper School in Detroit, which expanded to include additional schools in Bloomfield Hills and Birmingham. For over forty years, these two noted German scholars ran the Roeper City and Country School which became a well-known school for gifted children.

The school's unique curriculum is based on Dr. Roeper's evolving philosophy that growth and learning is driven by a child's inner self, not just intellect. In nurturing children's creativity, Dr. Roeper challenges students to respect inherent dignity, value differences, and develop a global sense of the world around them.

Mr. Speaker, I ask my colleagues to join me in applauding Annamarie Roeper, who will celebrate her 85th birthday with many of Roeper's students, faculty and friends on October 12th at the Upper School in Birmingham. Her vision for educational excellence and her dedication to foster socially responsible citizens is her legacy to the school she founded.

92ND TAIWAN NATIONAL DAY

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. COLE. Mr. Speaker, on October 10, 2003, one of our largest trading partners, the Republic of China on Taiwan, will be celebrating the 92nd anniversary of its National Day. I wish to join my colleagues in the United States Congress in sending best wishes to the twenty-two million residents of this lovely island. I also commend President Chen Shui-bian and Vice President Annette Lu as they continue to lead Taiwan to greater economic prosperity at home and greater participation in international activities abroad.

Just like our 4th of July, October 10 marks the beginning of a fantastic story of economic, social and political success that has culminated in Taiwan becoming a vibrant democracy in the Pacific Region. These are exciting times in the history of relations between the United States and Taiwan.

Mr. Speaker, on this 92nd occasion of the Republic of China's National Day, it is important to remember that Taiwan has a strong relationship with the United States, and we hope this relationship will continue to flourish and grow in the years to come.

INTRODUCING THE DATABASE AND COLLECTIONS OF INFORMATION MISAPPROPRIATION ACT

HON. W. J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. TAUZIN. Mr. Speaker, two and one-half years ago, Chairman SENSENBRENNER and I agreed to work collectively to produce a database protection bill. Previous attempts at producing legislation resulted in various stalemates between the two Committees. When I took the gavel at Energy and Commerce and Chairman SENSENBRENNER took over at the Judiciary Committee, we decided we would work through this issue in a different way. It has been a long process—it was no easy chore harmonizing a Judiciary-favored copyright approach and a Commerce-favored misappropriation approach.

The two Committees have worked amicably towards the bill we are introducing today. This is a credit to the members on both Committees, and I have been delighted to see the cooperation and respect between our two Committees grow over the last few years. I would like to commend Chairman SENSENBRENNER, in particular, for his leadership and commitment through this process.

This bill is one of compromise. Through the course of the negotiations, I won some issues and lost some issues. As we move forward in the legislative process, I will continue to invest time and effort to improve the legislation and ensure my lingering concerns are addressed. In doing so, my focus will remain on protecting the free flow of information so important to our information economy. I look forward to working with the Judiciary Committee, my colleagues on the Energy and Commerce Committee, and all interested parties to improve this legislation.

FEDERAL EMPLOYEE HEALTH BENEFITS GLAUCOMA SCREENING ACT

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. CUMMINGS. Mr. Speaker, I am pleased to reintroduce the "Federal Employee Health Benefits Glaucoma Screening Act."

This bill ensures that federal employees will have access to annual glaucoma screenings. Specifically, this bill ensures that a contract or plan cannot be approved unless it provides coverage for such screenings for persons determined to be at high risk for glaucoma, individuals with a family history of glaucoma, and individuals with diabetes. The service must be furnished by or under the supervision of an optometrist or ophthalmologist who is legally authorized to perform such services in the state where the services are furnished.

Glaucoma is a specific pattern of optic nerve damage and visual field loss caused by a number of different eye diseases which can affect the eye. It is one of the leading preventable causes of blindness in America. I have read that blindness is the number three health fear for most Americans, right behind heart disease and cancer. Blindness is particularly terrible because it can strike healthy people, people in the prime of their lives.

While it can affect Americans of all ethnic and socioeconomic backgrounds, glaucoma most frequently attacks diabetics, people suffering from hypertension, and African Americans. There is no cure for glaucoma—but it can be prevented if caught early enough. Through a comprehensive screening, an eye care professional can determine how well one can see at various distances, check fluid pressure in eyes, inspect optic nerves for signs of damage and, if needed, measure one's visual field to see if there is a loss of side vision (one of the earliest findings in glaucoma).

I believe this measure will encourage persons to be screened for glaucoma, in turn, increasing the number of persons with early signs of glaucoma who can be treated by eye care professionals before blindness sets in—recognizing the importance of glaucoma screenings as an effective way to educate and prevent glaucoma or blindness.

Finally, I would like to thank Bud Grant, the Friends of the Congressional Glaucoma Caucus Foundation, the University of Maryland School of Medicine, and Dr. Eve J. Higginbotham, who is Maryland's own nationally known expert on glaucoma, for all they are doing to preserve America's vision.

Please join me in cosponsoring this legislation that will help in the fight against blindness.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 9, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 14

9:30 a.m.

Foreign Relations

To hold hearings to examine the United Nations Convention on the Law of the Sea, with Annexes, done at Montego Bay, December 10, 1982 (the "Convention"), and the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, with Annex, adopted at New York, July 28, 1994 (the "Agreement"), and signed by the United States, subject to ratification, on July 29, 1994 (Treaty Doc. 103–39).

SH–216

10 a.m.

Banking, Housing, and Urban Affairs

Business meeting to consider S. 811, to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, S. 300, to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson, and the nominations of Harvey S. Rosen, of New Jersey, and Kristin J. Forbes, of Massachusetts, each to be a Member of the Council of Economic Advisers, Julie L. Myers, of Kansas, to be an Assistant Secretary of Commerce for Export Enforcement, Peter Lichtenbaum, of Virginia, to be an Assistant Secretary of Commerce for Export Administration; to be immediately followed by a hearing on the nominations of Roger Walton Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of Governors of the Federal Reserve System, and Ben S. Bernanke, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System, and Paul S. Atkins, of Virginia, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2008.

SD–538

Judiciary

Terrorism, Technology and Homeland Security Subcommittee

To hold hearings to examine issues relative to terrorist recruitment and infiltration in the United States, including prisons and the military as an operational base.

SD–226

Aging

To hold hearings to examine issues relative to America's pensions, focusing on the status of the savings and loan situation.

SD–628

OCTOBER 15

9:30 a.m.

Environment and Public Works

Business meeting to consider S. 1066, to correct a technical error from Unit T-07 of the John H. Chafee Coastal Barrier Resources System, S. 1643, to exempt certain coastal barrier property from financial assistance and flood insurance limitations under the Coastal Barriers Resources Act and the National Flood Act of 1968, S. 1663, to replace certain Coastal Barrier Resources System maps, S. 1669, to reauthorize the Dingell-Johnson Sport Fish Restoration Act, and the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency.

SD–406

10 a.m.

Indian Affairs

To hold hearings to examine S. 550, to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land.

SR–485

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 943, to authorize the Secretary of the Interior to enter into 1 or more contracts with the city of Cheyenne, Wyoming, for the storage of water in the Kendrick Project, Wyoming, S. 1027 and H.R. 2040, bills to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska, S. 1058, to provide a cost-sharing requirement for the construction of the Arkansas Valley Conduit in the State of Colorado, S. 1071, to authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on a water conservation project within the Arch Hurley Conservancy District in the State of New Mexico, S. 1307, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to assist in the implementation of fish passage and screening facilities at non-Federal water projects, S. 1308, to authorize the Secretary of the Interior to pursue and complete actions related to the implementation of a U.S. District of a U.S. District Court Consent Decree, S. 1355, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, S. 1577, to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming, H.R. 1284, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project, and S. Res. 183, commemorating 50 years of adjudication under the McCarran Amendment of rights to the use of water.

SD–366

OCTOBER 16

9:30 a.m.

Environment and Public Works

Business meeting to consider S. 1066, to correct a technical error from Unit T-07 of the John H. Chafee Coastal Barrier Resources System, S. 1643, to exempt certain coastal barrier property from financial assistance and flood insurance limitations under the Coastal Barriers Resources Act and the National Flood Act of 1968, S. 1663, to replace certain Coastal Barrier Resources System maps, S. 1669, to reauthorize the Dingell-Johnson Sport Fish Restoration Act, and the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency.

SD–406

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the Treasury Department's report to Congress on international economic and exchange rate policy.

SD–538

Indian Affairs

To hold hearings to examine the Missouri River Master Manual.

SR–485

OCTOBER 17

9:30 a.m.

Environment and Public Works

Business meeting to consider S. 1066, to correct a technical error from Unit T-07 of the John H. Chafee Coastal Barrier Resources System, S. 1643, to exempt certain coastal barrier property from financial assistance and flood insurance limitations under the Coastal Barriers Resources Act and the National Flood Act of 1968, S. 1663, to replace certain Coastal Barrier Resources

System maps, S. 1669, to reauthorize the Dingell-Johnson Sport Fish Restoration Act, and the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency.

SD-406

OCTOBER 22

10 a.m.

Indian Affairs

To hold hearings to examine the nomination of David Wayne Anderson, of Minnesota, to be an Assistant Secretary of the Interior; to be followed by a business meeting to consider pending calendar business.

SR-485

OCTOBER 29

10 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by a hearing on the Tribal Self Governance Act Amendments of 2003.

SR-485

OCTOBER 30

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 1097, to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program.

SD-366

POSTPONEMENTS

OCTOBER 21

10 a.m.

Indian Affairs

To hold hearings to examine S. 1565, to reauthorize the Native American Programs Act of 1974.

SR-485

HOUSE OF REPRESENTATIVES—*Friday, October 10, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. RENZI).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 10, 2003.

I hereby appoint the Honorable RICK RENZI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

May Almighty God bless and guide all Members of Congress and all who assist them by bringing personal talent and dedication to staff offices and committees of this noble institution.

May the Lord protect our military forces at home and abroad, especially those who are held hostage or in danger in Colombia, Afghanistan, and Iraq.

May the God of mercy grant safe travel to Members and all who celebrate the Columbus holiday. And may eternal peace await us all in the end. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon on Tuesday next.

There was no objection.

Accordingly (at 10 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until Tuesday, October 14 , 2003, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4714. A letter from the Director, Office of Energy Policy and New Uses, Department of Agriculture, transmitting the Department's final rule—Biodiesel Fuel Education Program—Administrative Provisions—received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4715. A letter from the Acting Under Secretary of Defense for Acquisition, Technology and Logistics, Department of Defense, transmitting a report entitled "The Feasibility of Fielding Hybrid Electric Vehicles in the Defense Fleets," as requested in Senate Report 107-151 to accompany the National Defense Authorization Act for Fiscal Year 2003; to the Committee on Armed Services.

4716. A letter from the Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research (NIDRR) (RIN: 1820 ZA31) received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4717. A letter from the Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research (RIN: 1820 ZA30) received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4718. A letter from the Director, Corporate Policy and Research Department, Pension Beneftis Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4719. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "Medical Examination and Treatment for Victims of Sexual Assault: Evidence-based Clinical Practice and Provider Training," pursuant to Public Law 106-129, section 916(d); to the Committee on Energy and Commerce.

4720. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2003-35 with Respect to Foreign Governments' Efforts Regarding Trafficking in Persons, pursuant to Public Law 106-386 section 110(c); to the Committee on International Relations.

4721. A letter from the Secretary, Department of Labor, transmitting the Department's Strategic Plan for Fiscal Years 2003-2008; to the Committee on Government Reform.

4722. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's Annual Report on the Implementation of the Federal Financial Assistance Management Improvement Act of 1999, pursuant to Public Law 106-107, section 5(d) (113 Stat. 1488); to the Committee on Government Reform.

4723. A letter from the Director, Office of Personnel Management, transmitting a report on the Financing of Benefits Attributable to the Military Service of Current and Former Employees of the Postal Service, submitted jointly with the Department of the Treasury and the United States Postal Service, pursuant to Public Law 108-18, section 2(e); to the Committee on Government Reform.

4724. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's Strategic Plan for 2003 through 2008; to the Committee on Government Reform.

4725. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Superior Court's Family Court Transition Plan; to the Committee on Government Reform.

4726. A letter from the Architect of the Capitol, transmitting a report discussing the Congressional Office recycling programs for traditional and electronic equipment waste (E-waste) for April 1, 2003 through June 30, 2003, pursuant to the directions issued in House Report 107-576; to the Committee on House Administration.

4727. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 021212307-3037-02; I.D. 092403E] received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4728. A letter from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 17 [Docket No. 030602142-3212-02; I.D. 051403C] received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4729. A letter from the Secretary, Department of Labor, transmitting a bill to assist in preventing the manipulation of unemployment experience by certain employers by amending title III of the Social Security Act to include as a condition of the payment of amounts for the administration of State unemployment compensation laws the adoption by States of laws relating to transfers of unemployment experience upon the transfer or acquisition of a business, and to authorize the disclosure of information in the national directory of new hires to State agencies administering the unemployment compensation program to enhance the administration of such program; to the Committee on Ways and Means.

4730. A letter from the Secretary, Department of Labor, transmitting Certification that during Calendar Year 2002, the Department of Labor substantially complied with the requirement in Section 212(n)(1) of the INA relating to the Department's certification of employers' LCAs within seven days of their filing, pursuant to 8 U.S.C. 1182(n)(1); jointly to the Committees on Education and the Workforce and the Judiciary.

4731. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Memorandum of Justification under Section 610 of the Foreign Assistance Act of 1961 regarding determination to transfer FY 2003 funds appropriated for International Organizations and Programs (IO&P) to the Child Survival and Health Programs Funds, pursuant to 22 U.S.C. 5952 note; jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 3030. A bill to amend the Community Service Block Grant Act to provide for quality improvements; with an amendment (Rept. 108–310). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[Omitted from the Record of October 8, 2003]

H.R. 135. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 31, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CLYBURN (for himself, Mr. Acevedo-Vilá, Mr. Abercrombie, Mr. Ackerman, Mr. Aderholt, Mr. Alexander, Mr. Allen, Mr. Andrews, Mr. Baca, Mr. Bachus, Mr. Baird, Ms. Baldwin, Mr. Ballance, Mr. Ballenger, Mr. Barton of Texas, Mr. Bass, Mr. Becerra, Mr. Bell, Ms. Berkley, Mr. Berman, Mr. Berry, Mr. Bishop of Georgia, Mr. Blumenauer, Mr. Blunt, Mr. Boehlert, Ms. Bordallo, Mr. Boswell, Mr. Boucher, Mr. Boyd, Mr. Brady of Pennsylvania, Ms. Corrine Brown of Florida, Mr. Brown of South Carolina, Mr. Brown of Ohio, Mr. Burns, Mr. Burton of Indiana, Mr. Buyer, Mr. Camp, Mrs. Capito, Mrs. Capps, Mr. Capuano, Mr. Cardin, Mr. Cardoza, Ms. Carson of Indiana, Mr. Case, Mr. Chabot, Mr. Chocola, Mrs. Christensen, Mr. Clay, Mr. Conyers, Mr. Cooper, Mr. Costello, Mr. Cox, Mr. Crenshaw, Mr. Crowley, Mr. Culberson, Mr. Cummings, Mr. Cunningham, Mr. Davis of Alabama, Mr. Davis of Illinois, Mr. Davis of Florida, Mr. Davis of Tennessee, Mrs. Davis of California, Mr. Tom Davis of Virginia, Mr. Deal of Georgia, Mr. DeFazio, Ms. DeGette, Mr. Delahunt, Ms. DeLauro, Mr. DeMint, Mr. Deutsch, Mr. Lincoln Diaz-Balart of Florida, Mr. Mario Diaz-Balart of Florida, Mr. Dicks, Mr. Doggett, Mr. Dooley of California, Mr. Doolittle, Mr. Doyle, Mr. Duncan, Ms. Dunn, Mr. Edwards, Mr. Ehlers, Mr. Emanuel, Mrs. Emerson, Mr. Engel, Mr. English, Ms. Eshoo, Mr. Etheridge, Mr. Evans, Mr. Faleomavaega, Mr. Farr, Mr. Fattah, Mr. Filner, Mr. Foley, Mr. Forbes, Mr. Ford, Mr. Frank of Massachusetts, Mr. Frelinghuysen, Mr. Frost, Mr. Gephardt, Mr. Gibbons, Mr. Gonzalez, Mr. Gordon, Mr. Green of Texas, Mr. Greenwood, Mr. Grijalva, Mr. Gutierrez, Mr. Gutknecht, Ms. Harman, Mr. Hastings of Florida, Mr. Hayworth, Mr. Hefley, Mr. Herger, Mr. Hill, Mr. Hinchey, Mr. Hinojosa, Mr. Hobson, Mr. Hoeffel, Mr. Holden, Mr. Holt, Mr. Honda, Ms. Hooley of Oregon, Mr. Houghton, Mr. Hoyer, Mr. Hulshof, Mr. Inslee, Mr. Isakson, Mr. Israel, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Jefferson, Mr. Jenkins, Mr. John, Ms. Eddie Bernice Johnson of Texas, Mrs. Johnson of Connecticut, Mrs. Jones of Ohio, Mr. Jones of North Carolina, Mr. Kanjorski, Ms. Kaptur, Mrs. Kelly, Mr. Kennedy of Rhode Island, Mr. Kildee, Ms. Kilpatrick, Mr. King of New York, Mr. Kingston, Mr. Kleczka, Mr. Knollenberg, Mr. Kolbe, Mr. Kucinich, Mr. LaHood, Mr. Lampson, Mr. Langevin, Mr. Lantos, Mr. Larsen of Washington, Mr. Larson of Connecticut, Ms. Lee, Mr. Levin, Mr. Lewis of California, Mr. Lewis of Georgia, Mr. Lipinski, Ms. Lofgren, Mrs. Lowey, Mr. Lucas of Kentucky, Mr. Lynch, Ms. Majette, Mrs. Maloney, Mr. Markey, Mr. Marshall, Mr. Matheson, Mr. Matsui, Mrs. McCarthy of New York, Ms. McCarthy of Missouri, Ms. McCollum, Mr. McCrery, Mr. McDermott, Mr. McGovern, Mr. McHugh, Mr. McIntyre, Mr. McKeon, Mr. McNulty, Mr. Meehan, Mr. Meek of Florida, Mr. Meeks of New York, Mr. Menendez, Mr. Mica, Mr. Michaud, Ms. Millender-McDonald, Mr. Miller of North Carolina, Mr. George Miller of California, Mr. Mollohan, Mr. Moore, Mr. Moran of Virginia, Mr. Murtha, Mrs. Myrick, Mr. Nadler, Mrs. Napolitano, Mr. Neal of Massachusetts, Mr. Nethercutt, Mr. Ney, Ms. Norton, Mr. Nussle, Mr. Oberstar, Mr. Obey, Mr. Olver, Mr. Ortiz, Mr. Osborne, Mr. Owens, Mr. Pallone, Mr. Pascrell, Mr. Pastor, Mr. Payne, Ms. Pelosi, Mr. Pence, Mr. Petri, Mr. Pickering, Mr. Pomeroy, Mr. Portman, Mr. Price of North Carolina, Ms. Pryce of Ohio, Mr. Rahall, Mr. Ramstad, Mr. Rangel, Mr. Regula, Mr. Reyes, Mr. Rodriguez, Mr. Rogers of Kentucky, Mr. Rohrabacher, Mr. Ross, Mr. Rothman, Ms. Roybal-Allard, Mr. Ruppersberger, Mr. Rush, Mr. Ryan of Ohio, Mr. Sabo, Ms. Linda T. Sánchez of California, Ms. Loretta Sanchez of California, Mr. Sanders, Mr. Sandlin, Ms. Schakowsky, Mr. Schiff, Mr. Scott of Georgia, Mr. Scott of Virginia, Mr. Serrano, Mr. Sessions, Mr. Shadegg, Mr. Shays, Mr. Sherman, Mr. Skelton, Mr. Shimkus, Ms. Slaughter, Mr. Snyder, Ms. Solis, Mr. Spratt, Mr. Stark, Mr. Stearns, Mr. Strickland, Mr. Stupak, Mr. Sweeney, Mr. Tanner, Mrs. Tauscher, Mr. Tauzin, Mr. Taylor of North Carolina, Mr. Taylor of Mississippi, Mr. Terry, Mr. Thomas, Mr. Thompson of Mississippi, Mr. Thompson of California, Mr. Tiahrt, Mr. Tierney, Mr. Towns, Mr. Turner of Texas, Mr. Udall of Colorado, Mr. Udall of New Mexico, Mr. Van Hollen, Ms. Velázquez, Mr. Visclosky, Mr. Walsh, Mr. Wamp, Ms. Waters, Ms. Watson, Mr. Watt, Mr. Waxman, Mr. Weiner, Mr. Weldon of Florida, Mr. Weller, Mr. Wexler, Mr. Wicker, Mrs. Wilson of New Mexico, Mr. Wilson of South Carolina, Mr. Wolf, Ms. Woolsey, Mr. Wu, Mr. Wynn, Mr. Young of Florida, and Mr. Young of Alaska):

H.R. 3287. A bill to award congressional gold medals posthumously on behalf of Reverend Joseph A. DeLaine, Harry and Eliza Briggs, and Levi Pearson in recognition of their contributions to the Nation as pioneers in the effort to desegregate public schools that led directly to the landmark desegregation case of Brown et al. v. the Board of Education of Topeka et al.; to the Committee on Financial Services.

By Mr. HOLT (for himself and Mr. Ehlers):

H. Res. 395. A resolution recognizing the importance of chemistry to our everyday lives and supporting the goals and ideals of National Chemistry Week; to the Committee on Science.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

205. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 137 urging the United States Congress to continue to provide the necessary funding for further emergency preparedness initiatives; jointly to the Committees on the Judiciary, Transportation and Infrastructure, and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 475: Mr. Wu.

H.R. 857: Mr. Ramstad.

H.R. 933: Mr. Pearce.

H.R. 936: Mr. Hinojosa, Ms. Eddie Bernice Johnson of Texas, Mr. Clyburn, Mr. Jefferson, Ms. Kilpatrick, and Mrs. Christensen.

H.R. 1080: Mr. DeFazio, Mr. Olver, and Ms. Kilpatrick.

H.R. 1605: Ms. Hooley of Oregon.

H.R. 1828: Mr. Larson of Connecticut, Mr. Turner of Ohio, Ms. McCarthy of Missouri, Mr. Gerlach, Mr. Tauzin, Mr. Lewis of California, and Ms. Granger.

H.R. 2198: Ms. McCollum.

H.R. 2203: Mr. Kleczka.

H.R. 2292: Mr. Grijalva.

H.R. 2512: Mr. Gibbons.

H.R. 2700: Mr. Allen and Mr. Price of North Carolina.

H.R. 2743: Mrs. MILLER of Michigan and Mrs. BLACKBURN.

H.R. 2768: Mr. SCOTT of Virginia, Mr. HOEKSTRA, Mr. KING of New York, Mr. MORAN of Kansas, Mr. PRYCE of Ohio, Mr. BOUCHER, Mr. BERMAN, and Mr. GOODLATTE.

H.R. 2905: Ms. KAPTUR.

H.R. 2928: Mr. CLYBURN, Mr. JOHNSON of Illinois, and Ms. VELÁZQUEZ.

H.R. 3048: Mrs. MUSGRAVE.

H. Con. Res. 69: Mr. PAYNE, Mr. MCDERMOTT, Mr. DEUTSCH, Mr. CONYERS, Mr. TERRY, Ms. WATERS, Mr. BERMAN, and Ms. MILLENDER-MCDONALD.

H. Con. Res. 72: Ms. KILPATRICK.

H. Con. Res. 145: Mr. EMANUEL.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

41. The SPEAKER presented a petition of Wayne County Commission, Michigan, relative to Resolution No. 2003-283 petitioning the United States Congress to enact legislation to provide for tariff rate quotas for dry milk protein concentrates that are equivalent to the import quotas currently in place on other dairy products; which was referred to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

TRIBUTE TO ST. STEPHEN'S ROMAN CATHOLIC CHURCH

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to the accomplishments of an outstanding institution. St. Stephen's Roman Catholic Church, located in Paterson, NJ, recently celebrated its 100th anniversary at the Wayne Manor on Sunday, October 12, 2003.

As a lifelong resident and former mayor of Paterson, I cannot think of another organization that has meant more to the community than St. Stephen's Roman Catholic Church. For the past 100 years, the men and women of St. Stephen's have given generously of their time, talents, and energy, and have made an indelible mark on countless people's lives. I feel that it is only fitting that St. Stephen's be honored in this, the permanent record of the greatest freely elected body on earth.

The history of St. Stephen's Roman Catholic Church is a long and colorful one. Incorporated "in abstracto" as St. Stephen's Polish Roman Catholic Church on December 14, 1903, the first vespers service was held in the basement of St. Michael's Church in Paterson. One year later, St. Stephen's pastor, Rev. Joseph Zielinski, purchased the former Methodist Episcopal Church on Beech Street together with 12 nearby lots with the intention of building a permanent structure for the Church and surrounding outbuildings. The building project was not undertaken, however, until 1909—a year after a terrible fire destroyed the Beech Street church and all of its contents.

In the aftermath of the fire, St. Stephen's built a combination church and school, as well as a rectory on their property, adding a convent for teaching sisters seventeen years later. Over the years, the parish grew exponentially, and numerous improvements were made as the property and the church underwent numerous renovations. On November 15, 1962, tragedy struck when a disastrous fire completely destroyed the church and school building. For the next 6 years, services were held in various venues until, Easter Sunday, April 14, 1968, when the first Mass was celebrated in the new St. Stephen's Roman Catholic Church.

Throughout its history, the work of the congregation of St. Stephen's has been inextricably intertwined with the history of the city of Paterson. As the needs of the community surrounding the parish have changed, St. Stephen's parish has shown a remarkable ability to adapt to reflect its needs.

Originally founded as a church to serve the Polish people of Paterson, St. Stephen's has gradually evolved into a multicultural parish that welcomes the cultural diversity of its congregation. Celebrating masses in Polish, English, and Spanish, St. Stephen's has played an integral role in the lives of all of the members of its community: it has reached out to local children by permitting the Head Start Program to use its school building for classes, it offers a nutritional center and leisure club to the senior community who reside at the nearby Governors Towers, and it has turned over the occupation of its convent to Straight & Narrow—a local drug and alcohol rehabilitation center.

Mr. Speaker, as you can see, the men and women of St. Stephen's epitomize the noble spirit of community service and volunteerism that we all strive to achieve. The sense of altruism and spirit of humanitarianism demonstrated daily by the congregation of St. Stephen's is living proof of the difference that a handful of people can make in the lives of many.

Mr. Speaker, the job of a U.S. Congressman involves so much that is rewarding, yet nothing compares to recognizing the members of exceptional institutions such as St. Stephen's. I ask that you join our colleagues, the people of the city of Paterson, and myself in recognizing the men and women of St. Stephen's Roman Catholic Church for 100 years of ministry to the community of my hometown, Paterson, NJ.

HONORING MILDRED A. O'NEILL

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 2003

Ms. DELAURO. Mr. Speaker, it is with deep sadness that I rise today to mark the passing of Millie O'Neill, the beloved wife for 52 years of our late, and also beloved Speaker, Tip O'Neill. At the same time, I am honored to stand before you to pay tribute to a truly remarkable woman, who was widely admired for her warmth, her unbiased honesty and her uncommon sense of perspective.

Tip O'Neill dedicated his autobiography, Man of the House to her: "For Millie—The Speaker of My House." And she was. She had such a strong sense of family. Together they had five children and many more grandchildren, and no one doubted where her priorities lay. Millie never failed to make the point to members and their spouses that while the all-encompassing work that we do here is significant, it is our families to whom we owe our first loyalty and responsibility. She lent that critical perspective to new members. It was good advice, and it was greatly appreciated.

It was common knowledge that Millie was her husband's equal in political judgment. She was his eyes and ears, always in touch with the politics back home, providing advice and helping him become the immensely popular and effective Speaker that he was for so many years. As the Washington Post pointed out, "She scouted the opposition and reported on the grassroots. In 1966, she hosted a tea for 800 and ran 120 women volunteers on shifts for a phone bank." She was a very good judge of character, and more than a political wife, she was her husband's political partner ensuring his success throughout their long and remarkable marriage.

But it is important to point out that Millie O'Neill followed her own compass. She had her own set of priorities about how government should serve the needs of people—and that was recognized by the people who knew and worked with her. She graciously volunteered her time on behalf of people less fortunate, and served as chairman or executive board member for the March of Dimes, the Congressional Wives Club, the International Club and an organization called So Others Might Eat. She was the chair of the Ford's Theatre and was awarded the theatre's Lincoln Medal in 1984 for her fundraising efforts.

Millie O'Neill was not one to be taken for granted, least of all by her powerful husband. As the Washington Post reported in her obituary, "She kept her own counsel about voting. Her husband made a habit, on Election Day, of asking his wife for her vote as they left the house for the polls. She always replied, 'I'll give it every consideration.'"

One measure of a legacy is the family that one leaves behind. Her children Susan, Rosemary, Tommy, Kip, and Michael before he died—all succeeded and achieved in their own right. They carry the family name, and the solid values instilled by their strong and loving mother.

Millie O'Neill was a role model on so many levels—as a wife, a mother, a politician, a manager and a volunteer. She led a life of fulfillment and she was an inspiration to us all.

PERSONAL EXPLANATION

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 2003

Mr. EDWARDS. Mr. Speaker, during floor votes 535, 536 and 537, I was unavoidably detained meeting with representatives from Fort Hood. Fortunately, these bills were passed overwhelmingly, but had I been here to vote, I would have voted "aye" on each.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNIZING MR. JACK RYAN ON THE OCCASION OF HIS RETIREMENT AS PRESIDENT OF LOCAL 74 OF THE SERVICE EMPLOYEES INTERNATIONAL UNION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 2003

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to Mr. Jack Ryan on the occasion of his retirement as president of Local 74 of the Service Employees International Union. Jack Ryan is a revered and respected leader of the labor movement who throughout his life has selflessly devoted himself in service to our nation, his fellow trade union members, New York's Irish-American community, and his family and friends.

A remarkable union leader, Jack Ryan served as the president of Local 74 of the Service Employees International Union (SEIU) for almost 14 years. During that time, he increased its membership ranks dramatically through a series of successful organizing campaigns and mergers. Local 74's membership now surpasses 14,000 members, of whom 4,500 are employed in the custodial division of the New York City public schools.

In 1959, Jack Ryan began his career of service to others by joining the U.S. Marine Corps after high school. He proudly served his country as a Marine for 4 years, and then returned to New York, began working for the United Parcel Service in Albany, and commenced his career in the trade union movement. In 1964, he was elected shop steward, representing more than 500 coworkers, and proudly held that position until 1980. During this time, Jack Ryan also served as elected trustee and a member of the Executive Board of Teamsters Local 294 in Albany, becoming the full-time business agent of Local 294 from 1980 through 1983.

After leaving the Teamsters, Jack Ryan became an International Representative for SEIU. In recognition of his outstanding leadership qualities, he was promoted to Regional Coordinator, and then named International Trustee for SEIU's Local 74 by the Union's International President, John Sweeney. Because he was so effective and respected as trustee, Jack Ryan was asked by Local 74's Executive Board to run for its presidency. In June of 1990 he was elected president of Local 74 by an overwhelming majority.

Because of his outstanding leadership abilities, Jack Ryan was also elected to positions in both the SEIU and other prominent labor organizations. He serves on SEIU's Executive Board, and has been elected Secretary of the SEIU New York State Services Council and Vice President of the New York City Central Labor Council. In 1991 he was elected a Vice President of New York State AFL–CIO and 1st Vice President of SEIU's New Jersey State Service Council.

Proud of his heritage, Jack Ryan has also been awarded numerous accolades and honors by New York's Irish-American community. A member of the Irish American Labor Coalition, he was named an honoree at its annual dinner in 1998. He also received the Pro Deo et Patria award from the New York City Board of Education Emerald Society in 1991, was honored by the Emerald Isle Immigration Center, and served as Grand Marshal of the Glen Cove St. Patrick's Day Parade in 1995. His achievements have also been recognized by Black Trade Unionists, the Jewish Labor Coalition and the Greater New York Boy Scouts of America.

Jack Ryan has always remained devoted to his family. He is the caring father of three wonderful children, Patrick and Meghan Ryan and Colleen Simmons; and the beloved grandfather of five, Gregory and Alyssa Simmons, and Nathan, Jeremy, and Matthew Ryan.

In recognition of his outstanding accomplishments, I ask my colleagues to join me in honoring Jack Ryan on the occasion of his retirement. He will truly be missed.

TRIBUTE TO MR. GREGG FROEHNER

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the great heroism of Mr. Gregg Froehner of Chester, New York, who courageously gave his life on the morning of September 11, 2001. The people of Gregg's hometown of Wayne, New Jersey, gathered on Saturday, October 11, 2003, to dedicate Froehner Memorial Park as an eternal commemoration of Gregg's lifetime commitment to serving others.

Through his thoughts and actions on the fateful morning of September 11th, 2001, Gregg Froehner demonstrated his great love for mankind in the face of unthinkable terror and confusion. His selfless assistance to the men and women who were trapped in the North Tower, without any regard for his own danger, was an unforgettable manifestation of the unique strength and spirit that makes the people of America so special. It is only fitting that Gregg he honored for his unwavering commitment to others in this, the permanent record of the greatest freely elected body on earth.

Born on March 22, 1955, Gregg Froehner and his family first moved to Wayne, New Jersey when he was four years old. Growing up, Gregg took an active role in the community, volunteering as a Little League Coach, becoming an Eagle Scout, and enlisting as an active member of Preakness Volunteer Fire Company No. 4. By 1978, Gregg had graduated from William Paterson University with a degree in Public Administration, had been promoted to the rank of Captain at the fire house, and was working full time as a dispatcher for the Wayne Police Department. The following year, Gregg was hired by the Port Authority of New York and New Jersey, thereby realizing his life-long dream of becoming a police officer.

As an officer with the Port Authority, Gregg continually underwent specialized training, graduating from the New York City Police Department Emergency Service Unit's elite specialized training school, attending Army Chemical Identification and NBC Warfare School, completing a counter-terrorism course in toxic bio-chemical agents, graduating from courses in hazardous materials and confined space rappelling, and attending rescue diver training. Gregg applied this training daily during his 21 year career, receiving countless citations and awards for his rescues.

What made Gregg Froehner such a special individual, however, was neither his training nor his frequent acts of heroism, but rather his capacity to give of himself to everyone he encountered. When called upon to assist others, Gregg was often the first one to respond, sacrificing rest and his personal time until the job was completed. Despite his gratitude for the many awards, commendations, and citations that Gregg received during his tenure at the Port Authority, he never let the praise of others be the guiding force in his life. In fact, upon Gregg's passing, his wife was astonished to find a number of citations and medals that she had not been aware that Gregg had received. It was this sense of humility and compassion that led Gregg to be one of the first responders to the scene on that tragic morning in 2001.

Arriving a mere six minutes after the first plane hit the North Tower on the morning of September 11th, Gregg Froehner led an Emergency Services Unit into the burning tower to rescue the private citizens who were still trapped inside. Without a moment's hesitation, he and his team rushed in and started making their way up through the building, floor by floor, ultimately reaching the 40th floor before the building collapsed.

On a day when Americans everywhere were forced to witness the very worst that mankind had to offer, the actions of men such as Gregg served as a reminder of the compassion that still existed in the world. To this day, foremost among the many unforgettable images that have been permanently inscribed in the minds of the American people are those of the courageous men and women who worked so valiantly to save the lives of others. The great sacrifice and love that was demonstrated by men and women such as Gregg Froehner has left an indelible mark on the lives of every American citizen, and will have a profound impact on generations to come.

Mr. Speaker, I ask that you join our colleagues, Gregg's family and friends, and myself in recognizing the great compassion and bravery of Gregg Froehner.

LIGHTS ON AFTERSCHOOL!

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 2003

Mrs. LOWEY. Mr. Speaker, I rise to discuss an issue of great importance to our children—afterschool programs. The parents of more than 28 million school-age children work outside the home, and the Urban Institute estimates that at least seven million and as many as 15 million "latchkey children" go to an empty house on any given afternoon. It is during these after-school hours that children are more likely to be involved in crime, substance abuse, and teenage pregnancy. As a result, it is essential that we provide children with organized activities or programs to go to afterschool.

To highlight the ongoing need for afterschool programs, the Afterschool Alliance—a nonprofit organization dedicated to ensuring that all children have access to after-school programs by 2010—has organized the fourth annual nationwide day of awareness for afterschool programs called Lights on Afterschool! This event is the only national event celebrating after-school programs and the important role they play in the lives of children, families and communities. Sponsored by the JCPenney Afterschool Fund, with additional support provided by the C.S. Mott Foundation, Ewing Marion Kauffman Foundation, and the Open Society Institute, Lights on Afterschool! was launched in October 2000 with celebrations in more than 1,200 communities nationwide. This year's event will be its largest yet with over 5,000 communities organizing more than 6,000 events. These activities will take place at schools, 4–H clubs, YMCAs, churches, parking lots, on fair grounds, at shopping malls and State capitals.

In my own district, events will take place at the Eastchester After School Program, the Eastchester After School Youth Program (E.A.S.Y.), and the Yonkers School Age Child Care Alliance. I applaud these sites for opening their doors to parents, neighbors, business leaders, and elected officials to showcase their programs. I also hope these visits will help build support for after school programs.

Unfortunately, Mr. Speaker, not all working families and their children have access to after school programs and additional sites are desperately needed. In polling done by the Afterschool Alliance, nearly two-thirds of respondents reported difficulty in finding quality, affordable programs. In addition, a 31-State study of after-school funding found that 75 percent of 2002 requests for Federal after-school support went unfunded because there was not enough money to go around.

We must do more for families in need. Afterschool programs are invaluable to local communities—keeping our children safe and involved in positive, enriching activities, helping working families, and improving academic achievement. With the power of united voices, and the continued support of organizations like the JCPenney Afterschool Fund, the Afterschool Alliance, 4–H Afterschool, the 21st Century Community Learning Centers, Boys & Girls Clubs of America, the Inner-City Games Foundation, Junior Achievement and the YMCA of the USA, we can certainly reach our goal of after-school for all.

RECOGNIZING GRANT STANLEY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Grant Stanley, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 354, and in earning the most prestigious award of Eagle Scout.

Grant has been very active with his troop, participating in many scout activities. Over the nine years Grant has been involved with scouting, he has held numerous leadership positions, serving as Troop-Patrol Leader, Bugler, Assistant Patrol Leader, and Troop Guide. Grant is also a Brave in the Tribe of Mic-O-Say.

For his Eagle Scout project, Grant built a practice pitching mound at the A.J. Wilson Sports Complex in Kansas City North. This involved negotiations with the head of the sports complex, obtaining donations of materials from several sources, drawing up the plans, materials list, project plan, soliciting leaders and boys to help, and supervising the construction. This mound will be used by many baseball teams during practices and games.

Mr. Speaker, I proudly ask you to join me in commending Grant Stanley for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE 100TH ANNIVERSARY OF P.S. 183, THE SCHOOL FOR DISCOVERY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 2003

Mrs. MALONEY. Mr. Speaker, I would like to pay tribute to Public School 183, The School for Discovery, on the occasion of its centennial celebration. Located on the East Side of Manhattan in New York's 14th Congressional District, P.S. 183 is truly a microcosm of the great city whose families it has served for one hundred years. It is one of the finest examples of academic success in an ethnically and religiously diverse atmosphere.

P.S. 183 has a long tradition of offering its pupils a science-based curriculum, aptly earning it the nickname "The School for Discovery". Along with its strong literacy and mathematics programs, P.S. 183 promotes vigorous interdisciplinary learning, making it one of the most highly regarded elementary schools in Manhattan. The success of its educational approach, teaching methods, and curriculum has led New York City Schools Chancellor Joel Klein to name P.S. 183 one of the highest performing schools in New York City, a fitting tribute during the school's centennial year.

P.S. 183 has worked cooperatively with community organizations to expand its ability to offer educational opportunities to students. The Vanderbilt Y helped it build a computer lab. Friends of St. Catherine's Park offered its butterfly garden to help first graders learn about butterflies. The Manhattan School of Music offers violin instruction to older students. Additionally, students are working with Rockefeller University to observe and record environmental changes on the grounds there.

Beyond its tremendous academic success, P.S. 183 exposes its students to the cultural diversity that makes New York City a great metropolis. Nearly one out of every two students at P.S. 183 is a member of an ethnic minority group. Half of its remarkably diverse student body speak a foreign language. With its nearly 600 pupils speaking 43 different languages and representing fully 86 different nations, walking the hallways of P.S. 183 is a truly global experience, perhaps rivaled only by its neighbor a mile to the south, the United Nations.

In honor of its 100th Anniversary, P.S. 183 will be holding a series of interactive educational events and programs for its alumni, students and families. The programs include an historical walking tour of the neighborhood surrounding the school, "a living history" where an actress will re-enact a day in the life of a newly arrived immigrant to the neighborhood in 1916, and a street fair with carnival rides and games.

In recognition of Public School 183's outstanding educational contributions to its community, I ask that my colleagues join me in saluting The School for Discovery on its 100th Anniversary.

HONORING RITA C. KAY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 2003

Mrs. McCARTHY of New York. Mr. Speaker, I rise to recognize the numerous contributions made by Rita Kay for the children of Long Island. A selfless and dedicated woman, Rita has spent more than 30 years working on a variety of children's causes, and is well known for her intense involvement in Children's Medical Fund of New York (CMF).

Rita was compelled to ease the plight of sick children because of a combination of personal tragedy and great joy. After suffering several miscarriages and the pain of a stillborn child, Rita and her husband Barry were blessed with the births of their two sons, Brian and Bradley. In a fervent desire to help sick children and their parents, Rita joined CMF, the fundraising component of Schneider Children's Hospital of the North Shore—Long Island Jewish Health System. Through her many efforts, Rita has helped build the children's hospital into the 13th largest pediatric care center.

Rita's love for, and devotion to, children has been evidenced by the numerous events she has chaired and in which she has participated. Rita is best known for the longstanding relationship she has nurtured between Americana Manhasset shopping center and CMF, and the successful fashion luncheon sponsored by the Americana on behalf of CMF. The luncheon has helped CMF raise hundreds of thousands of dollars since its inception.

Rita's fundraising efforts have included an emphasis on corporate sponsorship. Under her leadership, Roslyn Savings Bank and Astoria Federal have become involved in CMF. Most recently, Rita cochaired CMF's Wall Street Dinner Dance at Chelsea Piers, which raised an astronomical $4,000,000 for CMF and Schneider Children's Hospital.

Rita's hard work is more incredible because of the number of other organizations in which she is involved. Rita supports and fundraises for Partner's in Women's Health, the Long Island Cancer Campaign, the Ronald McDonald House, the Mental Health Association of Nassau County, and the Nassau County Museum of Art. All of this, in addition to her full-time job as the Marketing Director for David Morse & Associates.

Despite all of Rita's volunteer efforts, her priority remains her family. Today, Rita is surrounded not only by her husband Barry and their sons Brian and Bradley, but also her daughters-in-law Helaine and Caren, and her four grandchildren, Jesse, Logan, Dylan, and Zoe. They are incredibly proud of Rita for all of her hard work and accomplishments over the years.

Mr. Speaker, I thank Rita Kay for her dedication and devotion to the children of Long Island.

URGING THE CONTINUED INVESTIGATION OF HIGH GAS PRICES

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 2003

Mr. ROTHMAN. Mr. Speaker, I rise today to call attention to an issue of serious concern to my constituents in northern New Jersey, as well as to consumers and local governments throughout the Northeast: rising gas prices. Following the historic Northeast blackout, gas prices increased twelve cents on average during the last week of August, raising the national average to $1.75 per gallon—an all-time high. In some places the spike was more severe—in New Jersey, for example, gas prices at the pump rose by more than 30 cents per gallon.

Local governments are particularly negatively affected by unforeseen spikes in gas prices. Municipalities budget more than a year in advance for gas purchases for police cars, public works trucks and for heating oil for municipal buildings. Similarly, consumers and families have to budget for gasoline purchases every week, and for the upcoming home heating, based on increasingly high prices.

Mr. Speaker, it is time that policymakers at all levels of government take action to combat price spikes induced by firms that manipulate market fluctuations to gouge consumers and governments. I am pleased to report that the Bergen County Board of Chosen Freeholders acted quickly to do just that, passing a resolution sponsored by two members who are also local mayors, Mayor David L. Ganz of my hometown of Fair Lawn, and Mayor Jim Carroll of Demerest.

On September 17, 2003, Bergen County Freeholders voted unanimously to ask the New Jersey state legislature to investigate oil companies that deliberately gouge the public with high gasoline prices at the pump. The Board also called on President Bush to consider releasing oil from the 22 billion barrel strategic petroleum reserve to give consumers immediate relief. Mayors Ganz and Carroll cited high gas prices that were playing havoc with municipal budgets, especially for law and public safety departments of the county and their own municipalities.

Mr. Speaker, I commend the Bergen County Freeholders, particularly Mayors Ganz and Carroll, for taking swift action on behalf of their constituents and New Jersey consumers. I wish to add my voice to their efforts by urging Energy Secretary Spencer Abraham to expeditiously conclude the ongoing joint Energy Information Administration-Federal Trade Commission investigation of the record August gas price spike. If firms are indeed found to have manipulated market conditions to gouge consumers and local governments, I call on the Department of Justice and the Bush Administration to prosecute all wrongdoing to the fullest extent of the law.

Mr. Speaker, urge that every Member of Congress pay attention to the severe problem of gas price spikes now so that our communities do not face this problem in the future.

EXPLAINING MY VOTE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, no obligation which we have as elected Representatives is greater than that of making clear to those we are privileged to represent why we vote as we do, especially on important issues. Because debate time on the President's request for an $87 billion appropriation for Iraq and Afghanistan will almost certainly be far too limited for Members fully to explain themselves, I ask unanimous consent to put here into the CONGRESSIONAL RECORD an article which I wrote, and which was published in the Boston Globe on October 10, outlining my position on this issue.

[From the Boston Globe, Oct. 10, 2003]

PAYING FOR THE WAR IN IRAQ

(By Barney Frank)

The best argument for refusing President Bush's request that we put America $87 billion deeper in debt to pay for the mistakes he has made in Iraq comes from a very good source—George W. Bush.

In objecting to the pay increase voted for federal employees, the president said that paying for it would require reductions in other domestic programs—e.g., environmental cleanup, aid to education, community development block grants, and transportation. After 2½ years of making light of the more than $1.5 trillion that its budgets will add to the federal debt during his term, the administration has rediscovered the importance of controlling deficits and argues that additional federal expenditure on some items must come at the expense of others. So, if we do as the president asks and appropriate $87 billion for Iraq, it will force reductions in other areas of federal spending that have already been cut below the barest minimum.

But while it would be a dereliction of my duty to my constituents simply to ratify the president's proposal, neither would it be responsible to reject it categorically. I cast the right vote when I opposed the president's decision to go to war in Iraq. None of the major reasons advanced at the time for this effort has been vindicated by events. Indeed, since the war in Iraq, our role as a force for stability has deteriorated in virtually every trouble spot. Syria, the Palestinians, North Korea, Iran—where there has been a change in America's ability to work for a reduction in violence, tension, and instability, it has been for the worse.

But while the war was unwise, it was also a fact, and it imposes on Americans' responsibilities that we cannot escape. Elections have consequences, even when they are decided as dubiously as our last presidential contest.

However, recognizing that we have both moral and practical obligations in this regard does not mean rubber-stamping the Bush administration's request. There are three ways in which Congress should modify the proposal.

First, while it is important that we provide funding for the military to pay for this war, we should not vote for every dollar requested. The president is justifiably seeking funds to replace the weapons and ammunition consumed in the war in Iraq and in the expensive occupation of that country. But some of that ought to come from a redirection of the tens of billions the Pentagon is still spending on unneeded weapons that were conceived for the Cold War era. Nuclear attack submarines, defense against intercontinental ballistic missiles, and other weapons were justified by the need to confront a Soviet superpower. As one conservative commentator recently noted, the administration's request for $65 billion for the Pentagon is aimed at preserving the current weapons procurement policy, which includes a substantial amount for Cold War armaments rather than the military capability we need for the current world situation.

Second, the proposals to engage in social spending in Iraq include several billion dollars which may he desirable but do not rise to the level of necessity—especially if it must come at the expense of equally important social spending in the United States and in desperately poor other nations in the world.

But wise reductions in both categories will still leave us with a large amount to spend, especially given the ineptitude of the administration's efforts to get others to share the burden.

Here the congressional response should be clear. None of this money should be added to the national debt, nor should it be allowed to exacerbate the severe problems that already result from inadequate funding in so many domestic programs. It is well past time for Congress to repudiate the Bush doctrine that you can pay for two wars with three tax cuts.

Further expenditures for the aftermath of the Iraq war must be funded by undoing the Bush tax cuts on incomes of $200,000 and above. I will not vote for any additional appropriation to pay for the war in Iraq unless it is completely financed by changes in the tax code that will undo some of the tax reduction now being enjoyed—and scheduled to be enjoyed further—by the richest 2 percent of Americans.

We should be undoing tax cuts to produce far more than $87 billion. Even before the $87 billion request, the Bush policies were slated to add $1 trillion to the national debt in fiscal years 2003 and 2004 alone. But at the very least, the president ought to be willing to join us in paying for the consequences of his policy in Iraq by cutting back on the excesses of his fiscally irresponsible and socially inequitable tax reductions.

I will vote to meet America's obligations in Iraq even though I thought we were wrong to incur them. But I will not do so at the expense of important domestic social and economic needs. Forcing Congress—and America—to make such a choice will be damaging and divisive, and President Bush should stop insisting that we do.

TRIBUTE TO MR. ROCCO M. MALANGA

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention an exceptional individual, Rocco M. Malanga, who was honored for his tireless commitment to serving the members of his community at the Columbian Foundation Annual Columbus Day Humanitarian and Achievement Awards Dinner on Saturday, October 11, 2003.

For the past twenty-four years, the thoughts, actions, and deeds of Newark (New Jersey) Police Department's Deputy Police Director Rocco Malanga have all been directed toward ensuring the continued safety and well-being of the men and women of northern New Jersey. It is only fitting that he be honored, in this, the permanent record of the greatest freely elected body on earth.

Deputy Police Director Malanga's distinguished career in law enforcement began in 1979 when he served as an officer in the Bloomfield Police Department. By 1981, Rocco had joined the ranks of the Newark Police department and, 2 years later, he became one of the first police officers nationwide to be assigned to the Fear-City Task Force. Recognized as the first Law Enforcement initiative to address quality of life issues in a major United States city, the Fear-City Task Force provided ample opportunity for Rocco to witness first-hand the day to day needs and concerns of the local community. Rocco continued to draw from these experiences three years later, when he was assigned to the United States Drug Enforcement Administration (DEA) as an undercover officer.

Despite his noteworthy contributions while serving in the DEA, Rocco Malanga returned to the Newark Police Department in 1999 and was promoted to the position of Deputy Police Director. Since then, he has been involved in all aspects of police administration ranging from budget preparation to the introduction of all of the newest technological advances to the department. Always keeping the needs of his department and his community foremost in mind, Rocco's face has become a familiar sight in both Washington, DC, and in Trenton, NJ, where he is frequently found lobbying for federal and state grants.

The services rendered to the people of Essex County by Rocco Malanga have been noted and commended by countless law enforcement and community organizations. Among the many groups who have gathered to honor Rocco Malanga are the Knights of Columbus, the Italian-American Police Society of New Jersey, the Hispanic Law Enforcement Society of Essex County, the Bronze Shields, and the Honor Legion. Perhaps most impressive, however, are the honors that Rocco has received from his colleagues and peers: he served as the president of the Newark Policeman's Benevolence Association from 1987–1995 and, in 1995, was asked to become the Director of the Essex County Department of Public Safety.

Mr. Speaker, the job of a U.S. Congressman involves so much that is rewarding, yet nothing compares to recognizing individuals who have devoted themselves to serving the special needs of the people in their community. The strong leadership, integrity, and passion for volunteerism that Deputy Police Director Malanga has brought to his life and his work is beyond compare.

Mr. Speaker, I ask that you join our colleagues and me in gratefully recognizing the invaluable services that Rocco M. Malanga has provided to the men and women of Essex County.

HONORING THE 100th ANNIVERSARY OF THE RAFU SHIMPO

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 2003

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to recognize The Rafu Shimpo, a bilingual English-Japanese newspaper published, distributed, and read avidly in my Congressional District, celebrating their 100th anniversary.

The history of The Rafu Shimpo is an important part of both American and Japanese American history and heritage, created in Los Angeles.

In April 1903, three young men, Rippo Iijima, Masaharu Yamaguchi, and Seijiro Shibuya produced the first mimeographed news bulletin to the Los Angeles area Japanese-speaking community. Its title comes directly from the community it serves—Rafu Shimpo means Los Angeles area newspaper—ra from Rashogiri, the old Chinese name for Los Angeles, fu is prefecture or area, and shimpo is newspaper.

Beginning in 1914, under the new management of Henry Toyosaku (H.T.) Komai, the newspaper began to grow. In February 1926 he added an English language section with the help of a 20-year-old UCLA education major, Louise Suski. By 1932, the English section became a daily feature.

On April 4, 1942, The Rafu Shimpo ceased publication as Americans of Japanese descent were forcibly removed to desert internment camps. At the end of the war in 1945, though other Japanese Americans were released, H.T. Komai continued to be detained in Santa Fe, New Mexico. But the Komai family's dedication to publishing The Rafu Shimpo persevered. H.T.'s son, Akira Komai, with a $1500 loan from three other staff members, rebuilt the newspaper.

The newspaper grew rapidly after World War II, from a circulation of 500 in 1946 to 20,000 over the next 30 years. Today, H.T.'s grandson, Michael Komai, serves as the 3rd generation publisher, a position he has held since 1983. The award-winning daily has over 45,000 readers and prevails as the premier news source for the Los Angeles area Japanese American community.

As part of The Rafu Shimpo's 100th anniversary celebration, an awards banquet will be held in Los Angeles on Thursday, October 16, at the Century Plaza Hotel. The yearlong anniversary celebration will also include special recognitions from the Japanese American National Museum, Japanese American Cultural and Community Center, Asian American Journalists Association and Asian Business League.

The 100th anniversary of The Rafu Shimpo is another milestone in the rich history of Los Angeles as well as the history of America, and I join the Los Angeles Japanese American community in celebrating this wonderful legacy.

CONGRATULATING THE PEOPLE OF TAIWAN ON THEIR NATIONAL DAY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 2003

Mr. BERMAN. Mr. Speaker, I rise to extend my warmest wishes to the Taiwanese people as they celebrate their National Day on October 10. This special day gives us the opportunity to reflect on Taiwan's numerous achievements.

Taiwan is one of the most amazing success stories in Asia, if not the entire world. Less than 20 years ago, Taiwan was ruled by an authoritarian dictatorship under martial law. Today, it is a flourishing, multiparty democracy that holds competitive elections, respects human rights and upholds the rule of law. This remarkable political evolution proves beyond any doubt that the notion of "Asian values"—often used to justify one man rule—is a fallacy.

While Taiwan has established a robust democracy, a number of political challenges still remain. We must work to ensure that Taiwan's status and global contributions are properly respected and appreciated by the international community. This can be accomplished, in part, through Taiwanese participation in the World Health Organization and other appropriate international organizations. Taiwan's security is also a high priority. I have no doubt that Taiwan will meet these challenges and play an increasingly important role in world affairs.

Taiwan and the United States share a common commitment to the ideals of democracy, freedom and human rights. The 1979 Taiwan Relations Act, which forms the official basis for friendship and cooperation between the United States and Taiwan, continues to provide a strong foundation for the bond between the people of both countries. That bond is made stronger each day by the Taiwanese-American community, which has made important contributions to American social, economic and political life.

Best wishes and congratulations to President Chen Shui-bien, Tecro Representative C.J. Chen and all of the citizens of Taiwan on the occasion of its National Day.

HONORING THE REPUBLIC OF CHINA'S NATIONAL DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 2003

Mr. RANGEL. Mr. Speaker, it is a great honor for me to join my colleagues in wishing the Republic of China a happy National Day.

Despite Taiwan's small size and lack of natural resources, in recent years Taiwan has emerged as an economic powerhouse. It is the world's 17th largest economy, with the world's 15th largest trade volume. This economic performance has contributed to both regional and global prosperity. At a time of economic interdependence among nations, Taiwan has a lot to offer to the world.

On Taiwan's National Day, I would like to see Taiwan continue to play a major economic role in the world and further strengthen its economic ties to the United States. Indeed, bilateral trade between Taiwan and the United States topped $66 billion last year and will continue to grow—to the benefit of both nations.

Congratulations, President Chen. We wish you and your people the best of luck as you seek readmission to the United Nations and the World Health Organization. You deserve a prominent place on the world stage.

I also wish to add that President Chen has pledged Taiwan's resources in helping us fight worldwide terrorism. President Chen believes any attack on America is tantamount to an attack on Taiwan and all the other peace-loving countries in the world. Terrorism must be stopped and Taiwan has done its best to help eliminate terrorism worldwide. We appreciate Taiwan's support.

TRIBUTE TO MR. FRANCIS JOSEPH GIANTOMASI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the work of an outstanding individual, Mr. Francis Joseph Giantomasi. On Saturday, October 11, 2003, Mr. Giantomasi was honored at the Columbian Foundation Annual Columbus Day Humanitarian and Achievement Awards Dinner for his generosity and public service.

Frank Giantomasi has dedicated the past 24 years to selflessly working to improve the quality of life for the men and women of Essex County. It is only fitting that he be honored, in this, the permanent record of the greatest freely elected body on earth.

Born and raised in the Ironbound Section of Newark, NJ, Frank attended East Side High School before earning his teacher certification and a B.A. in History at St. Peter's College in Jersey City. Shortly after graduating, Frank began to consider a career in law and enrolled at the Seton Hall Law Center in Newark, New Jersey. Three years later, Frank graduated with a Juris Doctorate degree and, in 1979, he was admitted to the New Jersey State Bar.

Opening a private practice in the city of Newark, Frank immediately began to demonstrate his strong personal commitment to justice. Although his primary focus was on real estate and developmental law, Mr. Giantomasi soon made a name for himself as a general litigator in courtrooms throughout northern New Jersey and New York. His reputation for integrity and leadership in important issues soon led to his being named the County Counsel for Essex County.

Throughout his years living and working in Essex County, Francis Giantomasi has continued to give back to the community at large, serving the public both in and out of the courtroom. He has been a member of the West Essex YMCA Board of Managers, a member of the Newark International Airport Aviation Commission, and a member of the Ironbound Bank Board of Directors. More recently, Mr. Giantomasi has volunteered his time as the Chairman of the March of Dimes Essex County Jail & Bail Program, as cochairman of the Newark Fresh Air fund, and as chairman of the Essex Fells Democratic Committee. To each of these positions, Frank has brought the sense of excellence, initiative, and creativity that has made him one of the foremost men in his field.

Mr. Giantomasi's exemplary service and spirit of volunteerism has been recognized throughout Essex County and Northern New Jersey. In 1989, he was placed on the East Side High School's Alumni Roster of Superior Merit, and in 1990, he was honored by the Ironbound Boys' & Girls' Club as their Citizen of the Year. In May 1992, the Newark Star Ledger named Francis Giantomasi the Jerseyan of the Week, and he has since been twice named Man of the Year—once by the Church of Saint James Benefactors and once by the County of Essex.

Mr. Speaker, the job of a U.S. Congressman involves so much that is rewarding, yet nothing compares to recognizing the extraordinary efforts of public servants like Francis Giantomasi. I ask that you join our colleagues and me in recognizing the invaluable service of Mr. Francis Joseph Giantomasi.

RECOGNIZING OF MARK ADAMS TAYLOR, FORMER CHAIRMAN, COMMUNITY BOARD SIX

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 2003

Mrs. MALONEY. Mr. Speaker, I would like to pay tribute to Mark Adams Taylor, former chairman of Community Board Six in Manhattan. As chairman, Mr. Taylor fulfilled his duties with enthusiasm and skill.

Community Boards are in many ways the most democratic branch of local government. They provide a forum for all citizens to air their concerns and give their opinions. Members of the community board, particularly the chair, serve long hours without pay with the lofty goal of improving their neighborhood. It takes a special dedication to chair a community board. To moderate the passionate concerns of board members and residents requires great patience, organizational skills and intelligence. Mark Adams Taylor was, in many ways, a perfect Board Chair.

During his tenure as chairman of Community Board Six, Mr. Taylor was a great advocate for all the neighborhoods in his community. One of the highlights of his time as chair was the opening of Stuyvesant Cove Park in the spring of 2003. Residents of Stuyvesant Cove had desired a park in their neighborhood for years. With the cooperation of Community Board Six, all the local elected officials and the community, the park finally became a reality. It will eventually include an environmental learning center, with classrooms, a cafe, and a local museum.

An example of Mr. Taylor's dedication to Community Board Six came on September 11, 2001. Mr. Taylor's first thoughts were of his fellow board members, as he made sure to account for each one. He also provided support for police and fire departments, as well as local hospitals. His tireless efforts were greatly appreciated by the community in its time of need.

Perhaps Mr. Taylor's greatest achievement was his success in improving the efficiency and functionality of Community Board Six. He moved the board's office from a small two-bedroom apartment to a much larger office space in the UN Plaza. He streamlined the format of the Board's meetings, to make them more efficient and less time-consuming. These changes have vastly improved the experience of participating in a Community Board meeting.

In recognition of his many outstanding achievements, I ask my colleagues to join me in honoring Mark Adams Taylor. Mr. Taylor's spirit and dedication to our community serve as a model for us all.

SUPPORTING OF THE PASSAGE OF THE RESOLUTION HONORING RALPH BUNCHE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 2003

Mr. RANGEL. Mr. Speaker, I rise to add my voice to those of my colleagues who will vote today in support of my resolution honoring the great Ambassador Ralph Bunche. I also give my special commendation to the chairman of the Committee on Government Reform, Congressman TOM DAVIS, as well as HENRY WAXMAN, the ranking member of the aforementioned committee, who made a special effort to expedite getting H. Con. Res. 71 to the House floor.

Ralph Bunche, who I am proud to say, lived a great portion of his life in New York, was truly a pioneer. He defied the odds of the times, achieving in a number of areas, from diplomacy to education, while standing as a quiet yet effective warrior in the struggle to break down the negative perceptions of inferiority then held about African-Americans.

Ralph Bunche graduated valedictorian, summa cum laude, and Phi Beta Kappa from the University of California at Los Angeles in 1927. In 1934, he became the first African-

American to receive a doctoral degree in Government and International Relations at Harvard University. Mr. Bunche continued his passion for education by establishing and chairing the Political Science Department at Howard University from 1928–1941. In 1950, Mr. Bunche became the first African-American and person of color to receive a Nobel Prize.

Mr. Bunche is one of this Nation's most distinguished diplomats, and his commitment to international relations and the attainment of human rights internationally has not only benefited the United States, but has had lasting effects on the entire world. He was a founder of the United Nations, the preeminent world body, and he carried on his global mission by selflessly devoting himself to the cause of independence for many African countries, which until the 1960s, were shackled under the yoke of European colonialism.

During his centennial year, I am extremely pleased that the 108th Congress has elected to recognize one of the great architects of the United Nations, which, in the wake of the unilateral invasion of Iraq, is facing its greatest challenge as the embodiment of peacekeeping and international cooperation. This resolution is especially appropriate at this time, for in recognizing Ralph Bunche, we also acknowledge the value of the United Nations to the world and especially, to the United States.

CHILD NUTRITION IMPROVEMENT ACT

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 2003

Mr. THOMPSON of Mississippi. Mr. Speaker, today my colleagues and I are introducing legislation to improve the nutrition and health of our nation's children by promoting increased consumption of milk in schools. Drinking more milk is a simple, natural step that students can take to build bone strength during critical years, obtain a unique package of important nutrients and promote their health and well-being.

Throughout Mississippi's Second District, parents and school administrators alike have expressed their desire to see improvements made to the national school lunch program. The most repeated and sound suggestion I have heard is the need to increase milk consumption; thereby, strengthening the short- and long-term health of our children. That is why this legislation is important.

Since the first Federal aid was committed to providing warm meals at schools in 1932, a number of programs have evolved into the current national school lunch program. As we introduce this measure, Congress is at work to reauthorize the various child nutrition programs that have been so important in helping children and their mothers to achieve good dietary habits. I hope the bill we are introducing today—the Child Nutrition Improvement Act of 2003—can be included in the reauthorization legislation, and will work with the Committee on Education and the Workforce to make sure that happens.

For a variety of reasons, Americans have been consuming less fluid milk over recent decades. For example, the average per capita consumption of milk by children age 13–17 fell by over 20 percent just between 1996 and 2001. It is not a coincidence that large numbers of Americans are deficient in calcium. Some 85 percent of girls age 9–18 fail to get enough calcium; the same is true for over 70 percent of boys in the same age group.

Fortunately, we now know how to increase milk consumption in the schools. Thanks to a 146-school, 100,000-student pilot study by the National Dairy Council and the American School Food Service Association during the 2001–02 school year, we know that by improving packaging, flavor variety, refrigeration, merchandising and other aspects of school milk, we can not only increase milk sales but also bring more students back into the cafeteria—thereby increasing their consumption not just of milk but of fruits, vegetables, and other healthy foods as well.

In the test schools, students got extra flavors; drank milk out of more attractive and easy-open packaging; selected the milk from modern glass-front merchandisers; and found their milk consistently cold because of extra attention to refrigeration. The result was a 15 percent milk sales increase in elementary schools, and a 22 percent increase in secondary schools. In addition, average daily participation in the school meal programs was some 5 percent higher in test schools than in control schools.

If these results were repeated nationwide, 430,000 new students would participate in our school meal programs. Another 2.1 million students who already participate but do not drink milk would become milk drinkers. By adopting and maintaining a healthier diet, these 2.6 million students would decrease their lifetime risk of six major health conditions: coronary heart disease, type II diabetes, colorectal cancer, osteoporosis, stroke and hypertension. A study conducted by Promar International estimated health-care cost savings of from $800 million to $1.1 billion per year as a result.

This legislation, the Child Nutrition Improvement Act of 2003, takes the lessons learned from the school milk pilot test and seeks to provide schools with the ability and incentive to promote increased milk consumption. The legislation has the unified support of the nation's dairy farmers and milk processors—it is endorsed by both the National Milk Producers Federation and the International Dairy Foods Association.

The bill will: Require the Secretary of Agriculture to offer schools a higher meal reimbursement rate when they adopt improvements to packaging, flavor variety and other aspects of school milk; allow a wide variety of branded, flavored milk to be sold a la carte alongside the milk in the regular meal line; continue the requirement to offer milk with each school meal, but give school food service professionals the ability to decide what types of milk to offer, enhancing local choice; give all schools the freedom to sell milk at any school facility or event, regardless of any other beverage contracts the school may have; and authorize a Healthy School Environment Program to make grants to schools that improve nutrition and physical activity.

Mr. Speaker, I invite all our colleagues to cosponsor this important legislation. We need to work toward improvements in our children's nutrition and fitness—the nation's obesity crisis demands our urgent attention. This bill will encourage healthier diets and better intake of critical nutrients among children in their formative years: the most critical years for bone formation, when adequate calcium is most important.

We will work with all our colleagues of both parties, as well as in the other body where similar legislation has been introduced. We can reverse the dangerous trend of declining milk consumption, and we can begin to do it right now.

HOUSE OF REPRESENTATIVES—*Tuesday, October 14, 2003*

The House met at noon and was called to order by the Speaker pro tempore (Mr. RADANOVICH).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 14, 2003.

I hereby appoint the Honorable GEORGE RADANOVICH to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

The celebration of the Columbus Day this year inspired wonder that stretches back through centuries and raises questions about the future.

Lord God, You alone hold the mixed motivations that accomplished Your will in the discovery of a new world. As those first explorers retraced their path across the sea to their place of origin, they must have been filled with dreams of promise and composed descriptions that would stir new imaginings and commitment. They had to be unafraid of people's questions. Instead, with Your grace, they must have engaged others in their new hopes and further adventures.

As a Nation, Lord, inspire us by their early example. Make bold and inquisitive the Members of Congress as they shape a vision of a new world. Move them beyond temporary profit and external trade to embrace a wealth of ideas and a network of nations, which will form a common desire for peace beyond borders and hope for a world of equal justice under law and Your guidance.

This we ask of You, our Firm Foundation and Eternal Hope. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. YOUNG) come forward and lead the House in the Pledge of Allegiance.

Mr. YOUNG of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight tonight, October 14, 2003 to file a privileged report making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXI, all points of order are reserved on the bill.

MAKING IN ORDER AT ANY TIME PERIOD OF DEBATE ON EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that it should be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the State of the Union for a period of debate on the subject of a bill making emergency supplemental appropriations for defense and the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes; that such period of debate shall not exceed 6 hours equally divided and controlled by the majority leader and the minority leader or their designees; and after such period of debate, the Committee of the Whole shall rise without motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, OCTOBER 15, 2003

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ADJOURNMENT

Mr. YOUNG of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, October 15, 2003, at 1 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4732. A letter from the Chairman, Securities and Exchange Commission, transmitting the annual report of the Securities Investor Protection Corporation for the year 2002, pursuant to 15 U.S.C. 78ggg(c)(2); to the Committee on Financial Services.

4733. A letter from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting the Department's final rule — Acquisition Regulation: Motor Vehicle Fleet Fuel Efficiency (RIN: 1991-AB59) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4734. A letter from the Regulations Coordinator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, transmitting the Department's final rule — Charitable Choice Regulations Applicable to States Receiving Substance Abuse Prevention and Treatment Block Grants, Projects for Assistance in Transition From Homelessness Formula Grants, and to Public and Private Providers Receiving Discretionary Grant Funding From SAMHSA for the Provision of Substance Abuse Services Providing for Equal Treatment of SAMHSA Program Participants (RIN: 0930-AA11) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4735. A letter from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Remedial Steps For Failure to Comply With Digital Television Construction Schedule [MM Docket No. 02-113] received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4736. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Estelline, Texas) [MB Docket No. 03-55; RM-106653] received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

4737. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Cotulla and Dilley, Texas) [MB Docket No.03-27; RM-10631] received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4738. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Anchorage, Alaska) [MM Docket No.00-99; RM-9858] received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4739. A letter from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting the Commission's final rule — Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule") — received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4740. A letter from the Director, Office of Congressional Affairs, Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting the Commission's final rule — Financial Assurance for Materials Licensees (RIN: 3150-AG85) received October 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4741. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the request for the Government of Egypt to cash flow finance a Letter of Offer and Acceptance (LOA) for the purchase of defense articles and services, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4742. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 04-02), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4743. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Luxembourg and France (Transmittal No. DDTC 099-03), pursuant to 22 U.S.C. 2776(c); tc the Committee on International Relations.

4744. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Japan (Transmittal No. DDTC 089-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4745. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to The Emergency Wartime Supplemental Appropriations Act, 2003, on Loan Guarantees to Israel; to the Committee on International Relations.

4746. A letter from the Attorney Advisor, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4747. A letter from the Acting Administrator, Environmental Protection Agency, transmitting the Agency's report entitled "Annual Report to Congress on Implementation of Public Law 106-107"; to the Committee on Government Reform.

4748. A letter from the Executive Director, Department of Legislative Services, Maryland General Assembly, transmitting a copy of Chapter 209, Acts of 2000, State Government — Department of Planning, as passed by the Maryland General Assembly and signed on May 11, 2000, in accordance with specific distribution instructions in Section 4 of the Chapter; to the Committee on Government Reform.

4749. A letter from the Director, Office of Sustainable Fisheries, Domestic Fisheries Division, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #3 — Closure and Reopening of the Recreational Fishery from Cape Falcon, Oregon to Humburg, Oregon [Docket No. 020430101-2101-01; I.D. 082503A] received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4750. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2002 annual report on the activities and operations of the Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

4751. A letter from the Senior Staff Attorney, Court of Appeals for the First Circuit, transmitting the opinion from Paul A. Werthen v. Kathleen Werthen, No. 02-9006 (1st Cir. May 27, 2003); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 2898. A bill to improve homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 wireless services, and for other purposes; with an amendment (Rept. 108–311). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. H.R. 3289. A bill making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–312). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. TAUZIN (for himself and Mr. DINGELL) introduced a bill (H.R. 3288) to amend title XXI of the Social Security Act to make technical corrections with respect to the definition of qualifying State; which was referred to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1828: Mr. CANNON and Mr. DEAL of Georgia.

H.R. 1943: Mr. GILLMOR.

H.R. 2023: Mr. WYNN.

H.R. 2233: Mr. ABERCROMBIE.

H.R. 2570: Mr. CUMMINGS.

H.R. 2732: Mr. PICKERING and Mr. TURNER of Ohio.

H.R. 2771: Mrs. MCCARTHY of New York and Mr. BOEHLERT.

H.R. 3002: Mr. BARTON of Texas and Mr. GIBBONS.

H.R. 3208: Mr. FROST, Mr. TURNER of Ohio, Mr. OSBORNE, Mr. SOUDER, and Mr. JOHNSON of Illinois.

H. Con. Res. 218: Mr. ISSA and Mr. FILNER.

H. Con. Res. 284: Mr. BOYD, Mr. BEAUPREZ, Mr. TANCREDO, Ms. CARSON of Indiana, Ms. ROS-LEHTINEN, and Mr. DEUTSCH.

H. Res. 395: Mr. OLVER and Mrs. BIGGERT.

SENATE—*Tuesday, October 14, 2003*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN CORNYN, a Senator from the State of Texas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the refuge of all that are distressed, how appropriate for us to lift our hearts to You in the morning. You are our shield and the one who lifts our heads. You sit in the heavens and oversee the plans and activities of humanity. Lord, You are sovereign. The hearts of kings, queens, and presidents are in Your hands.

Help us to not be afraid of the challenges that confront this Nation or fear the forces that seem arrayed against us.

Arise, O God, and bless us with Your favor. Set us apart in Your joy. Teach us to put our trust in You that we may eat the bread of gladness. Lead our Senators today in the right paths. May they strive not for success but for faithfulness. Whatever this life may bring, keep their faith robust. Give us Your light, that we may have life.

We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN CORNYN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, October 14, 2003.*
>
> *To the Senate:*
>
> Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN CORNYN, a Senator from the State of Texas, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. CORNYN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will be in a period of morning business for 1 hour. The first 30 minutes of that time will be under the control of Senator HUTCHISON, with the remaining 30 minutes under the control of the Democratic leader or his designee. Following the morning business period, the Senate will resume consideration of the Iraq and Afghanistan supplemental request. Also today, the Senate will recess from 12:30 to 2:15 for the Democratic Party luncheon. The Republican policy meeting will occur tomorrow. Accordingly, we will recess to accommodate that luncheon as well.

When the Senate reconvenes at 2:15 today, there will be 15 minutes of debate for closing remarks with respect to S. 1053, the genetic information nondiscrimination bill. The vote on passage of S. 1053 will occur at 2:30. That will be the first vote of today's session.

Following that vote, the Senate will resume consideration of the supplemental request for Iraq and Afghanistan. Additional rollcall votes can be expected.

I remind everyone that prior to the recess, the Democratic leader and I indicated the Senate will finish this bill by the close of business this week. Having said that, I believe Members have had adequate time to study the bill and draft amendments they believe may be necessary. If Senators desire to offer amendments, they should contact the bill managers and not delay until later in the week.

There are a number of important issues the Senate will address before completing our work in the coming weeks. I will have more to say about the schedule for these final weeks as we go forward. At this time, I expect the Senate should remain focused and complete action on the urgent and vital appropriations bill before the Senate.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic whip is recognized.

Mr. REID. If I could direct a question to the majority leader, it is my understanding we will have a break not only today, as has already been announced by the majority leader, but you are having your weekly caucus tomorrow, so tomorrow Members should be advised that from 12:30 to 2:30 the Republicans will be involved in their weekly party conferences; is that right?

Mr. FRIST. Through the Chair, that is correct. We will have recess during tomorrow's lunch as well as today.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first 30 minutes of the time under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee, and the second 30 minutes of the time under the control of the Democratic leader or his designee.

The Senator from Utah.

Mr. BENNETT. On behalf of the Senator from Texas, Mrs. HUTCHISON, I yield myself the first 30 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRAQ AND THE DEFICIT

Mr. BENNETT. Mr. President, we have come back from the break. Most Members, I imagine, have had the same kind of experience I have had in meeting with my constituents. We have discovered the question of what we should be doing in Iraq is foremost on our constituents' minds. Second, we have discovered—at least I have—that there is great concern about the size of the deficit. Those two issues were joined in debate in the Senate before we left for the break. I think it appropriate we talk about them together now that the break is over.

Let me first turn to the question of the deficit and the debate that took place in this Chamber with respect to the $87 billion that has been requested by the President to pay for the war activities and the reconstruction of Iraq. We were told in this Chamber we had to raise taxes by $87 billion to pay for this, and that if we did not, we would see the deficit go up by $87 billion. We defeated that amendment, but there were those with whom I met during the break who still had that view.

The interesting thing we discovered during the break was that the projections for the size of the deficit changed. This is no surprise to anyone who has spent time paying attention to the deficit. As I have said in this Chamber

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

over and over and as I will repeat over and over, the one thing I know with respect to the deficit projections, or surplus projections when those were the order of the day, is that they are wrong. I do not know if they are wrong on the high side or wrong on the low side but I do know they are wrong.

The other thing I know is that the further out they go, the more likely they are to be wrong. That is, a 10-year projection is absolutely certain to be wrong; a 5-year projection has a 99.94 percent chance of being wrong; a 3-year projection might be a little bit closer; and so on with a 2-year projection. The only ones that come really close to being accurate are the very near term projections.

The interesting thing that happened during the break was that the near-term projections of the size of this year's deficit changed. They went down. In other words, we found out during the last week that those who spend their time looking at the size of the deficit have now looked at the numbers, now looked at the revenues coming into the Federal Government, and now project the current deficit will be roughly $85 billion less than was projected when we had the debate.

If we had had those numbers during the debate, obviously I would have referred to them to point out that it is not necessarily the size of the tax rate that determines the amount of tax revenue. That is a truth, again, that we repeat over and over but that gets forgotten over and over. What determines the amount of tax revenue is the amount of economic activity that takes place in the economy as a whole tied to the tax rate, not the tax rate itself. If you set the tax rate too high, you guarantee the economic activity will slow and the tax take will go down.

We cut the tax rate at the beginning of this administration, we cut it again last year, and we are now seeing economic activity pick up to the point that tax revenues have gone up. As I say, according to those who are now projecting this year's deficit, the tax revenues have surprised us to the point that we are now going to have roughly $85 billion more in revenue than was projected just a month ago.

That is a coincidental number because it comes very close to the $87 billion we are asking for. I will not suggest in any sense that we should tie those two together. The closeness is purely coincidental. Nonetheless, it demonstrates that those who want to use the deficit as the reason for support of their opposition to what we are doing in Iraq are going to have to find another excuse because the economy is responding to the tax treatment that came out of this Congress. In that response we are getting more tax revenue, and it is going to be less of a financial burden on this country than we thought it would be even as recently as a month ago.

All right. Let me turn now to the other argument we hear, over and over and over, in a constant drumbeat, with respect to Iraq; that is, the argument that this administration somehow misled the American people, misled the world by claiming Saddam Hussein was a threat. Then you get into the details of that claim, and they say he had no weapons of mass destruction, his economy was in ruins, he did not have the ability to threaten his neighbors, he was no threat or, if we can go back to a phrase I have seen some columnists use: Saddam Hussein was no Hitler.

I want to address that this morning. I would hope in this Chamber, of all places, we would have a sense of history, we would understand what really went on in times past, and what really is going on in a historical framework in our present time.

Let me take that phrase, "Saddam Hussein was no Hitler," and use it as the framework for this kind of examination. If we go back in history to the time of Hitler, we can discover a time when I think it could be said accurately that Hitler was no Hitler. Let me explain what I mean by that.

The Hitler we think of when we look back in history now is the Hitler who stood at the head of a major army of a major nation state waging world war upon all of the other nations around him. Hitler did not start out as that kind of a Hitler. He started out as a politician with a relatively small following and a bitter message in a world of turmoil.

When he became the chancellor of all of Germany, he was a minority politician leading just one party of a series of parties. The primary individuals in Germany at the time thought by making him chancellor they could buy him off and use him and his party in a way that would allow them to continue their power. They misjudged him. When he became chancellor, he, of course, moved to consolidate his power rather than to cooperate with anyone.

He then led Germany into a very risky military operation. He moved to reclaim land that had been taken from Germany in the First World War and ceded to France. If the French Army—arguably the largest on the continent at the time—had confronted him in that move, it would have meant the end of his political career; it would have made sure that nazism, the Nazi party would have disappeared, and Hitler would have been gone. But the French were afraid of a little bit of combat, they were afraid of a little bit of confrontation, and they allowed Hitler to take over that territory.

Well, without going into a complete history of the time, let's go forward to the pivotal event that preceded the Second World War, the Conference at Munich.

Here are the circumstances that led to that event: Hitler had designs on Czechoslovakia. Hitler insisted that Czechoslovakia belonged to Germany and announced he was going to take it, and take it by force. The British Prime Minister, Neville Chamberlain, contacted Hitler and said: Can we meet one more time before you act to take Czechoslovakia by force? Hitler agreed, and they met in Munich, Germany.

Chamberlain was terrified that war might break out. Chamberlain was afraid Great Britain was not ready for war. Chamberlain was anxious to give Hitler whatever he could, and, ultimately, Chamberlain gave Hitler Czechoslovakia. Without the British honoring the implied guarantee they would prevent any invasion of Czechoslovakia, Hitler was free to take over that country.

Now, again, if we look at it through the lens of Hitler at the top of his power, we would say, well, he proposed to swallow Czechoslovakia by his tremendous army. In fact, however, Hitler did not have a tremendous army prior to Munich. He had one on paper, but he did not have one in actuality. His generals were terrified as to what would happen to that army if, indeed, it was ordered into the field against the combined forces of the British and the Czechs.

Indeed, there is evidence that Hitler's generals were prepared to depose him, to overthrow him, and to take Germany out from under him if, in fact, the British stood firm in Czechoslovakia. But instead of standing firm, the British Prime Minister said: Why do we care about people who live so far away from us, with whom we have nothing to do? And he gave Czechoslovakia to Hitler.

Now, it was not just that he swallowed a small country. If we look back on the history of the time, Czechoslovakia had some of the finest factories capable of producing war materiel of any country in Europe. It had some of the finest machine shops and other skills. By taking Czechoslovakia, Hitler obtained an absolutely vital strategic asset that made it possible for Hitler to become Hitler.

May I draw some historic parallels. When Saddam Hussein took Kuwait, he was taking a small, defenseless country that had enormous revenues and that was strategically located. If he had been allowed to keep them Saddam Hussein might very well have been on his road toward becoming Hitler. However, the President of the United States at the time, the first President Bush, was not Neville Chamberlain. The first President Bush stood in the House of Representatives and told a joint session of this Congress: This shall not stand.

There were those in this Chamber who opposed the first President Bush in his decision to confront Saddam

Hussein. Indeed, there were those who, in their own words, said much the same as Chamberlain: What do we have to do with these people so far away? Why should we be concerned with something so far from our shores?

Fortunately, the majority of the Members of this Chamber at the time supported the first President Bush in that decision and, if I may, denied Saddam Hussein Kuwait in a way that Neville Chamberlain failed to deny Hitler Czechoslovakia.

In the aftermath of that first denial of Saddam Hussein's ambitions, inspectors went into Iraq and discovered Saddam Hussein had a serious program of producing weapons of mass destruction. About that there can be no doubt. Let us understand that. Let me underscore it one more time. Saddam Hussein was engaged in a serious program of producing weapons of mass destruction, and about that there can be no doubt. President Clinton affirmed that to the Congress. Madeleine Albright affirmed that to the Congress. The United Nations affirmed that to the Security Council in the form of not one but a dozen resolutions.

Saddam Hussein, left unchecked in his first invasion of Kuwait, was on his way to becoming Hitler. It was the first President Bush who made the decision to stop it.

There is some uncertainty as to what happened to Saddam Hussein's weapons of mass destruction program after those inspectors were removed from Iraq in 1998. President Clinton believed the program was ongoing; Secretary Albright believed the program was ongoing; Prime Minister Blair of Great Britain believed the program was ongoing; and Inspector Kay, who has been there, confirmed that the program was ongoing. However, we have been unable to find caches of the weapons.

There are those who say: Well, since we can't find huge caches of weapons of mass destruction, the fact that the program was ongoing is immaterial; and, once again, when we went into Iraq the second time with the second President Bush, he did not represent a threat to us—he was not Hitler.

Again, history says if previous leaders had had the resolve of the two Presidents Bush, Hitler would never have become Hitler himself.

One of the things we have discovered in Iraq that says Saddam Hussein was, indeed, very much like Hitler is the mass graves. Estimates of those numbers of Iraqis who have ended up in mass graves have run as high as 500,000. Maybe there are still some to be discovered. There were efforts to hide those graves, just as Hitler made efforts to hide his concentration camps that became the instrument through which he sought the final solution to the Jewish problem.

His final solution, of course, was to eradicate them all, to send them to gas chambers, and then to bulldoze over the graves and pretend they had never been there. Saddam Hussein was doing the same thing in his own country to his own people, and we stopped it. By virtue of the resolve of the second President Bush, we stopped it. We stopped Saddam Hussein from reaching the kind of statistical plateau of horror that Adolf Hitler made famous in the world.

Am I sorry we stopped it? Do I now have to hang my head in shame when I meet my constituents who say the inspectors didn't find what you thought they would find and, therefore, you made a mistake in voting for this war?

Quite the contrary. As I examine the history of this situation, I am filled with gratitude for the first President Bush who prevented Saddam Hussein from taking over Kuwait and perhaps invading Saudi Arabia and thus becoming Hitler. And I am grateful and proud of the fact that I stood with the second President Bush, who moved into Iraq to make sure the weapons program we all know was going on did not reach the point where it could produce huge caches of weapons and that the slaughter, the systematic destruction of the Iraqi people who disagreed with Saddam Hussein, has been stopped. Are those consequences of which Americans should be ashamed? Are those consequences from which we should back away?

I believe, with Tony Blair, that history will look upon this action and say we did the right thing. We all were in the Chamber when he made the point that if we were wrong in assuming that the weapons of mass destruction were there in great numbers, the consequences of our actions, at being wrong, were the elimination of a brutal tyrant and the freeing of 20 million people and the possibility of stability in that region. He said history will forgive that error.

But, he said, if our critics were wrong, and the program, which we know was in place and which has been confirmed to have been in place by Inspector Kay, had gone forward and produced those weapons, Saddam Hussein would have become Hitler and history would never forgive that mistake.

I go back to Munich. At the time when Neville Chamberlain came back to Great Britain, polls were overwhelmingly in his favor. He was greeted with cheers everywhere he went. The one man in the House of Commons who stood up and said "we have suffered a defeat of the first magnitude," whose name was Winston Churchill, got only a handful of votes in his opposition to Chamberlain. But, as Tony Blair said in our joint session, history has a harsh judgment of the mistake that Neville Chamberlain made. Neville Chamberlain's mistake allowed Hitler to become Hitler. George W. Bush made sure he would not make that same mistake in Iraq and allow Saddam Hussein to become Hitler.

Over the break, during the weekend, the Washington Post addressed this issue in some depth. The Washington Post, as we all know, is a paper that did not endorse George W. Bush for the Presidency and has often, in its editorial pages, been fairly harsh in its criticism. But the Washington Post is also a paper with editorial writers who were in favor of moving ahead in Iraq. Perhaps they had the same historic perspective I have tried to offer this morning, that we had to do something to stop, prior to the time when Saddam Hussein became Hitler, the possibility that he might. That is a doctrine that has now been called "preemptive war," about which everybody complains around the world and says: That is just terrible. We should never establish the precedent of attacking or using military force before the threat is imminent.

Well, Neville Chamberlain would have been well served to have adopted the doctrine back in the 1930s, and the world would have saved millions of deaths if he had.

The Washington Post addressed this in an editorial that ran on Sunday. It went from the top to the bottom of the page in two columns called "Iraq in Review." I ask unanimous consent that it be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BENNETT. It begins:

> A reader asks: "When are you going to admit you were wrong?" We've received a number of such inquiries (not all quite so polite) about our position on the war in Iraq, particularly from readers who were disappointed in our prewar stance.

They then go through all of the issues. There are certainly times where they are critical of the administration, critical of the administration in ways with which I might disagree. But they do make the essential points about the issues that are in contention, the essential point about the weapons of mass destruction.

They make the point that I have made here this morning, that Inspector Kay has demonstrated that Saddam Hussein had a program of developing weapons of mass destruction. Even if the caches of weapons have not been found, if the program had been allowed to go forward, the weapons would have come.

They talk about Saddam and al-Qaida. They make the point that while there is no direct link between Saddam and al-Qaida—and they claim the administration exaggerated, by implication, the links—that nonetheless there was a threat from terrorism in Iraq, and they summarize it with this sentence:

> When combined with [Saddam Hussein's] continuing pursuit of weapons of mass destruction, that seemed to pose exactly the

sort of threat that the Bush administration rightly focused on as part of the war on terrorism.

Then they talk about continuing costs. I have already addressed that this morning in my comment about the revision of the budget figures that says that the resurging economy we now have is going to give us a deficit that is going to be roughly $85 billion less than we were talking about as recently as the time before the break.

In addition to their editorial in which the Washington Post says we still stand by our support of the decision to move ahead in Iraq even though things are not going as we had all hoped, they have five military men talking about the war in op-ed pieces. I will not put those in the RECORD or read them. My reading of the five is that three of them say we have to stay there and go forward and get it done in roughly the way the administration is asking us to. Two are saying, no, this is a quagmire; we should pull out now and walk away.

How do I summarize my history lesson this morning? History comes in chunks bigger than 2-week periods. History comes in chunks bigger than a news site. The history of the last century and this one tells me the two Presidents Bush, in confronting Saddam Hussein in the way they did—the first in reversing Saddam's invasion of Kuwait and the second one moving in to preserve the lives of Iraqi citizens being slaughtered by a man with Hitlerian impulses, if not full Hitlerian power—acted properly.

I am proud to have supported the second President Bush in his decision to do that. I say this to many who are saying now that it didn't go the way you said it would, so therefore we have to walk away from it: Take a little time to read history and understand that things never go as people propose they will, but ultimately those who make the right decisions, for the right reasons, even if they have to make adjustments—sometimes serious changes in the way they pursue those decisions—are those to whom history gives the banner of having done the right thing.

EXHIBIT 1

[From the Washington Post, Oct. 12, 2003]

IRAQ IN REVIEW

A reader asks: "When are you going to admit you were wrong?" We've received a number of such inquiries (not all quite so polite) about our position on the war in Iraq, particularly from readers who were disappointed in our prewar stance. Now they cite several postwar surprises, or ostensible surprises: the absence of weapons of mass destruction, the absence of a proven connection between Saddam Hussein and al Qaeda and the continuing violence in Iraq. In light of these developments, it's important for supporters of military intervention to look back and, where necessary, reevaluate—something the Bush administration so far has resisted.

We believe that there has been more progress in Iraq than critics acknowledge, but also that the administration has made serious mistakes. Before the war, we repeatedly urged President Bush to plan postwar reconstruction more thoroughly and to level with Congress and the American people about the likely costs. We urged him to take the time to draw more allies to the cause. Shortcomings in both cases have proved highly damaging, as has the Pentagon's insistence on monopolizing political control over Iraq.

Yet simply to blame the administration is not a full answer to our readers. Taking the measure of the administration, of Congress and of their likely ability to see this through was a pre-war obligation, one of the factors in calculating risks and benefits. Moreover, postwar troubles and surprises were to be expected, even if they could not be precisely foretold. It's fair to ask now whether those troubles and surprises are so great as to prove the intervention unwise.

No matter how one answers that question, the critical judgments now involve future policy. It is essential that the United States do as much as possible to stabilize Iraq under a peaceable, representative government. It seems to us that opponents of the war ought to recognize, as some have, that this mission could be critical to the fight against terrorism and to the future of the Middle East. But insisting on doing the right thing now does not excuse supporters of the war from reexaming the judgments that led to this point.

Weapons of mass destruction. David Kay's 1,200-member survey team has reported that Saddam Hussein's nuclear program was "rudimentary" and that no large-scale production of chemical weapons occurred in recent years. We believed otherwise before the war, especially as regards chemical weapons, as did most governments with intelligence services. We have called on the Bush administration to account for what increasingly look like failures in the intelligence agencies' assessment of the Iraqi threat, as well as misstatements in the public case made for the war. The importance of this is hard to overstate: At issue is whether Americans, and the world, can believe U.S. intelligence on the activities of hostile, dangerous, but hard-to-penetrate states like Iraq; and whether this president can be trusted not to distort that intelligence in pursuit of his own agenda.

But at issue also is whether the war should have been fought. Don't we no know that Iraq posed no imminent threat to the United States and that there was thus no need or legal justification for an invasion? This question turns on the phrase "imminent threat," which was invoked before the war by leading opponents of intervention, such as Sen. Carl M. Levin (D-Mich). The Bush administration conveyed its own sense of dramatic urgency, and that too is something it should account for in light of what is now known. But we argued that the threat from Saddam Hussein was not imminent but cumulative: He had invaded his neighbors, used chemical weapons and pursued biological and nuclear arms. He threatened U.S. interests and security in a vital region and would continue to do so as long as he was in power. A decade of diplomacy, U.N. sanctions and no-fly-zone enforcement had failed to end that threat. Instead the credibility of the Security Council, along with constraints on the regime, had steadily eroded.

The debate over intervention was fraught precisely because many people understood that Saddam Hussein was not an imminent danger. We argued nonetheless that the real risk lay in allowing him to defy repeated U.N. disarmament orders, including Resolution 1441, the "final opportunity" approved by unanimous Security Council vote.

Though it pokes holes in U.S. intelligence and our assumptions, Mr. Kay's report contains much to substantiate this reasoning. Saddam Hussein, the report claims, never abandoned his intention to produce biological, chemical and nuclear arms—and he was aggressively defying Resolution 1441. He also was successfully deceiving U.N. inspectors. They failed to discover multiple programs for developing illegal long-range missiles as well as a clandestine network of biological laboratories, among other things. From a legal standpoint, the report shows that Iraq should have been subject to the "serious consequences" specified by Resolution 1441 in the event of noncompliance. More important, it strongly suggests that in the absence of intervention Iraq eventually would have shaken off the U.N. inspectors and sanctions, allowing Saddam Hussein to follow through on his intentions. He would have been able to renew his attempt to dominate the region and its oil supplies, while deterring the United States with the threat of missiles topped with biological warheads. In acting to enforce the U.N. resolution, the United States eliminated a real, if not "imminent," threat, while ensuring that future Security Council ultimatums carry some weight.

Saddam and al Qaeda. Mr. Bush and other administration officials, particularly Vice President Cheney, exaggerated the connections between Saddam Hussein and al Qaeda and implied without foundation that Saddam Hussein may have had something to do with the attacks of 9/11. Critics add that since the invasion, terrorists seem to have flocked to Iraq, where the occupation has had to cope with a series of car and suicide bombings. The terrorism is worrisome, though the principal group behind it appears to be Ansar al-Islam, which was based in northern Iraq before the war and whose leader spent time in Saddam Hussein's Baghdad.

For our part, we never saw a connection between Iraq and 9/11 or major collaboration between Saddam and al Qaeda. But we did perceive a broader threat, in the sense that Saddam Hussein had frequently collaborated with other terrorist organizations and could be reasonably expected to continue doing so. When combined with his continuing pursuit of weapons of mass destruction, that seemed to pose exactly the sort of threat that the Bush administration rightly focused on as part of the war on terrorism.

Continuing costs. The difficulty of rebuilding Iraq is huge. The steady stream of U.S. dead and wounded is agonizing. The strain on the U.S. military, its reserves and the families at home is growing. But these developments, while troubling, are not altogether surprising—except maybe to those who believed the Bush administration's shallow prewar rhetoric. The calculation on intervention required a weighing of risks: the risk of allowing Saddam Hussein to remain in power, defying U.N. demands, versus all the well-articulated risks of intervention. Before the war, these were frequently said to include starvation, an outpouring of refugees, a fracturing of Iraq, a descent into ethnic conflict or simple chaos. We believed that reconstruction would be long, costly and risky, and we judged nonetheless that intervention would be less risky than allowing Saddam Hussein to remain in power.

Were we wrong? The honest answer is: We don't yet know. But at this stage we continue to believe that the war was justified and necessary, and that the gains so far have outweighed the costs. Each of the 326 American servicemen and women who have died in Iraq represents an irretrievable loss for family and friends. But the nation already has reaped great benefit from their sacrifice. One of the most aggressive and brutal dictators in the history of the Middle East has been eliminated, along with his proven programs to acquire deadly weapons. Millions of Iraqis have been freed from fear, and an opportunity has opened to bring much-needed political change to a region that is the source of the greatest security threats to the United States. Polls show a sometimes grateful, sometimes grudging willingness by most Iraqis to go along with U.S. plans for reconstruction.

Many Americans understandably have been surprised by the continuing casualties months after the president's appearance on an aircraft carrier under the banner "Mission Accomplished." Mr. Bush's abrupt submission last month of a large and poorly explained spending request to Congress also has strengthened public support for the idea that the Iraq mission must be failing. Yet the president's missteps have merely obscured the facts that these costs were inevitable, and that outside of the Sunni towns where support for Saddam Hussein was strongest, there is no quagmire—only a slow, slogging progress forward.

Continued progress is far from guaranteed. In our view, the administration could improve the odds of success by forging a broader international coalition. For that to happen, the administration must drop its insistence on monopolizing power over Iraq's political transition, as well as the contracts for reconstruction. It must compromise with those well-meaning allies who want Iraq to succeed but disagree with U.S. tactics.

Success or failure in the effort to stabilize Iraq under a reasonably representative government that poses no threat to the world will provide the ultimate answer to the question of whether the war should have been undertaken. Because we continue to believe that U.S. security is at stake, we also believe that the United States must be prepared to dedicate troops and financial resources to that goal until it is achieved, even if it takes years. In our judgment success is possible, but much will depend on whether the administration and Congress face the magnitude of the challenge and summon the political courage and diplomatic skills necessary to meet it.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Ohio is recognized.

HONORING OUR ARMED FORCES

Mr. DEWINE. Madam President, I rise this morning to pay special tribute to a special man whose life ended exactly as he lived it—in service to others. LTC Dominic Rocco Baragona—"Rocky" to his family and friends—passed away at the age of 42 on May 19, 2003, near Safwan, Iraq. He had been deployed to Iraq and Operation Iraqi Freedom on March 16, 2003.

Lieutenant Colonel Baragona, originally from Niles, OH, was commander of the 19th Maintenance Battalion based in Fort Sill, OK. As commander, he was in charge of nearly 900 soldiers. At the time of his death, he was the highest ranking U.S. service member killed in Iraq.

Rocky Baragona dedicated his life to his country. After graduating from West Point Military Academy in 1982, he spent the next 21 years serving our Nation. He served with distinction, upholding what GEN Douglas MacArthur called the soldier's code—a code of duty, honor, and country. During his military career, he was stationed in Germany and twice in Korea, where he was the Terrorist Force Protection commander. He also served as an officer in the 101st Airborne and with the Green Berets.

Rocky was brilliant in regard to logistics. He received many honors while in the Army, including the Meritorious Service Medal, the Joint Commendation Medal, the Army Commendation Medal, the Joint Achievement Medal, the Army Achievement Medal, the Parachutist Badge, and the Bronze Star.

His superiors relied on Rocky. As BG Richard Formica, a commanding general of the Third Corps Artillery at Fort Sill, said:

> I could count on him to tell me what I needed to hear, not what I wanted to hear.

Not only did they rely on him, they respected and admired him. According to BG Brian Gehan, who commands the Army's First Corps at Fort Bragg:

> Rocky was a man of tremendous passion and of tremendous integrity. It was those qualities that set him apart.

I didn't know Rocky Baragona, but I wish I had. I say that because I learned a great deal about this man from listening to his family and his friends describe this man's remarkable life. On June 18 of this year, I had the honor of attending two memorial services for him—a private service, and then his burial on the hallowed ground of Arlington National Cemetery. What I learned is that Rocky Baragona lived life well. He lived it with purpose and he lived it with love of family and of country.

At his memorial services, someone said when Rocky was around, everyone else just seemed happier; there was always more laughing. Others said he had a positive energy, was never judgmental, and never made fun of people.

He listened. He was a good friend. He looked out for his mom and his dad and he helped others achieve their dreams. He was selfless.

Without question, Rocky Baragona was a good man. He was a nice, decent, generous, hard-working man who loved his family unconditionally. He was always there for them, willing to help anyone, any time, any place. His family called him "the rock." He was the cement that bonded that family. As his father said, "When everybody went their own way, Rocky made sure the family stayed together." Whenever they needed anything, Rocky was there, whether it was at Christmastime to bring the family together and shower them with gifts, or just to watch the Cleveland Indian games with his dad.

Rocky will continue to be there for his family; he will continue to be there in spirit, forever loved and forever remembered.

LTC Dominic Baragona was a brave man who loved his country. He was a brave man who served as a true example of what defines patriotism and service to others. He was a brave man who dedicated his career and his life to helping his fellow man, fighting for a better future for us and for our children and our grandchildren.

Left to cherish his memory are his parents, Dominic and Vilma; his brothers and sisters, Tony, John, David, Pamela, and Susan; and several nieces and nephews. You all remain in my thoughts and in my prayers.

Madam President, I will conclude with something Rocky's brother John wrote when he described Rocky:

> Rocky was the smartest of the seven kids. He was the most generous of the seven kids. He was the kindest of the seven kids. He was always there for all his brothers and sisters. He was my dad's best friend and my mom's pride and joy. He was always looking out for everyone else.

That is who Rocky Baragona was, and that is how he will be remembered.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, can the Chair inform us as to the current circumstances involving morning business?

The PRESIDING OFFICER. The Senate is in morning business. The remaining 30 minutes are under Democratic control.

Mr. DASCHLE. I thank the Chair for the information. I will use my leader time rather than using morning business time to talk about three matters.

SUPPLEMENTAL APPROPRIATIONS

Mr. DASCHLE. Madam President, we are back, as all of our colleagues know, on the supplemental appropriations request offered by the administration. There are a number of amendments pending—as I understand it, five—and there will be other amendments offered today. I urge colleagues to come to the floor to offer their amendments and to ensure we have adequate time by the end of the week to dispose of those amendments that have yet to be offered.

There is a good deal left to be done on the bill. Our focus will be on four areas. The first will be the need for the President to clarify more effectively what our plan is with regard to the use of the $87 billion, the $22 billion in particular for reconstruction aid. Today we saw yet another indication of the murkiness with regard to the plan. The administration has made a decision to reverse itself with regard to some of the demands it was making upon the United Nations, and, as a result, we are perhaps more hopeful now that the U.N. could be involved. But without a plan, it makes it very difficult for us to commit the resources. Simply asking for a plan is no substitute for the plan that is required.

Secondly, we want more transparency. Billions and billions of dollars are being spent. Corporations, such as Halliburton and Bechtel and others, have benefited, but we have no way of knowing how much, what will be the profit. When we passed the Marshall plan 50 years ago, we had an explicit prohibition on profiteering. There is no explicit prohibition today. As a result, there is no transparency as well. I think it is critical for us to have a better understanding for the taxpayers and the Congress to know precisely how this money is going to be spent and who is going to benefit and how, if we can, avoid the wasteful expenditures that some have already reported.

The third area we want to concentrate on is the need for a recognition that it ought to be paid for. Whether it is paid for in a way of collateralizing the money requested, if it is asking those at the very top of the income scale to help pay—there has been no request for sacrifice on their part—whether we simply make this a loan, recognizing that somebody is going to have to pay for this, somebody is going to have to be willing to borrow it and give it to Iraq or, the question is, Does it merit at least consideration that we ask Iraq to borrow the money rather than the United States? But somebody will borrow the money. That is the bottom line, and I think we need to recognize that point.

Finally, we also need to recognize important domestic priorities. Senator MIKULSKI and Senator BOND, as I understand it, will be offering an amendment to provide the resources necessary to fully fund the Veterans' Administration budget for this year. We are over $1 billion short. Their message is simply that if we are going to support the troops, we ought to support the veterans—the veterans who are coming home needing health care, veterans who are now being asked to wait up to 6 months for health care, in some cases. But there are important domestic priorities that ought to be addressed as well.

It is our hope that through this amendment, and other amendments like it, we will be in a better position to say, yes, we want to be supportive of the need to reconstruct, to provide the resources to Iraq, but we also need to recognize the importance of providing those resources as well for important needs here at home, especially those involving veterans.

That will be the debate for the week. I am hopeful that many of these amendments will be adopted; that we can improve the legislation as it was offered and proposed, and, at the end of the day, we have the assurance we know where the money is going; that at least in part it will be paid for; that it recognizes domestic priorities; and that there is a plan, a recognition that we are not going to be there interminably; that we need a clear and much more precise way of analyzing our success or our shortcomings as we commit these resources for the course of the next several months.

CURRENCY MANIPULATION

Mr. DASCHLE. Madam President, there is another issue I wish to mention. It has to do with a requirement by law that the administration issue a report on currency manipulation by October 15. That is the law. There is a requirement passed by the Congress, signed by the President, that the administration needs to provide a clear understanding of the circumstances, especially involving China and Japan.

We have good reason to believe there is dramatic currency manipulation underway in those two countries; perhaps as much as 40 percent of the current strength of the Chinese yuan can be directly attributed to currency manipulation.

When we passed the law, we said the Congress needed, first, to receive the report from the administration and, second, that the administration needed to lay out its specific plan for dealing, confronting, and effecting ultimately this manipulation so that the extraordinary impact it is having on our trade balances and, therefore, on our economy could be dealt with.

We currently have a $103 billion trade deficit with China and a $70 billion trade deficit with Japan. We have lost over 2.5 million manufacturing jobs just in 3 years. A lot of those jobs are going directly to China and Japan, to places in Asia.

The hardest hit industries in the last 2½ years include 67,000 jobs lost in the plastics industry, 15,000 jobs lost in machine tool manufacturing, 21,000 jobs lost in tool and die manufacturing, 100,000 jobs lost in furniture manufacturing, and 139,000 jobs lost in the textile manufacturing industries.

What we are suggesting is that, first, the administration do what the law requires. I come to the floor this morning very concerned with the reports I have heard that the administration has no intention of releasing its report on time; that there will not be the report required by law that they will provide us with as clear an understanding of the circumstances involving currency manipulation as they can.

We also ask, not only do they offer the report, do they present the report to the Congress, but that they do what the law also requires, which is to enter into formal negotiations with all of those countries for which we are concerned as it relates to currency manipulation.

Finally, we also propose that they pursue a section 301 trade law investigation to set the stage for WTO and further action by the WTO in these cases, unless first we report and, secondly, provide specific and direct bilateral action and then pursue the laws as they are affected in this 301 matter.

There is no way we can begin addressing the very serious problems we have with regard to the manufacturing and service industry job loss we have experienced now in the last 2½ years. October 15 is upon us. The report needs to be provided, and I hope the administration will follow the law and do what the law requires and give us the report and allow us to work with them to enter into formal investigations at the earliest possible date.

JUSTICE DEPARTMENT INVESTIGATION

Mr. DASCHLE. Finally, I will talk about our grave concern with regard to the ongoing investigation in the Department of Justice with regard to the leak of CIA agent Valerie Plame. In a letter to the administration, we have noted they need to address five specific missteps we think directly hinder and perhaps may adversely affect the outcome of this investigation.

First, the Department of Justice commenced this investigation on Friday, September 26, but did not ask the White House to preserve all relevant evidence until September 29. No one knows why. For those 4 days, the investigation went on without any formal request of the White House or anybody else to preserve all relevant documents.

Second, after the request, White House Counsel Alberto Gonzales asked for yet another delay, until the following day, before any of the relevant evidence would have to be provided. This is a significant departure from standard practice and, again, mysteriously inexplicable.

Third, no request was made of State and Defense Department agencies until October 1, almost a week following the request made of the White House. Again, that is completely inexplicable. What is even more troubling is that the Wall Street Journal reported that a request would be made to the Department of Defense and the State Department the very day it was done, again tipping off all of those who may have had some reason to destroy evidence.

Fourth, White House spokesperson Scott McClellan stated he has already determined that three White House officials—Karl Rove, Lewis Libby, and Elliott Abrams—had not disclosed any information. Now, he is not a member of the investigation. He has no legal expertise. He is the current White House spokesperson, but he said he personally made that determination and could announce with confidence they were not involved.

That perhaps is the most troubling of all. How can someone with no legal expertise say with official acclamation that these individuals are not involved? First, he does not have the expertise. Second, if indeed that turns out to be wrong, someone in the Justice Department is going to have to confront the White House and reverse that pronouncement, making it all the more difficult for the investigation to go forward.

Finally, the investigation continues to be overseen by Attorney General Ashcroft, someone who has very close personal and political ties with many of those who are at least subject to an investigation. That, too, is extraordinarily troubling.

I was concerned last week when the President said it was unlikely that any guilt could be found; that it was unlikely this investigation would prove to be productive. That, too, sent a chilling message to all of those who are investigating.

So these are very serious missteps that call into question whether this investigation is going to be carried out in the deliberate, thoughtful, and thorough way it demands.

I think we ought to ask, Who is in control here? Why has somebody not been appointed to provide the answers to these questions and to deal with these serious missteps? They get worse. The cloud of doubt hangs over the investigation.

Some have suggested there may be a coverup, but I think it is important for us to determine the facts, get the information, deal with the eroding confidence people have in the quality of this investigation, and ultimately bring it to a successful conclusion.

Mr. REID. Will the Senator yield for a question?

Mr. DASCHLE. I am happy to yield.

Mr. REID. From the statement the Senator has made, it is my understanding that out of the $87 billion the President has requested, the Senator from South Dakota has said that some $21 billion will be for the reconstruction of Iraq, not dealing with the military but for the reconstruction of Iraq, and that someone is going to have to borrow that money. It is a question, as I understood the Senator from South Dakota, whether the taxpayers of America will borrow that money or whether the people of Iraq, with their large oil reserves, will in effect borrow the money. Is that in fact what the Senator said?

Mr. DASCHLE. The Senator from Nevada heard me exactly right. I was interested in comments made earlier today that we really do not have to worry that much about the exploding deficit; that it is not that serious. Well, that is not what the CBO said.

About a month ago, the Congressional Budget Office noted that at current rates the debt is not sustainable; that we are not going to be in a position to provide the kind of debt service ultimately, within the course of the next 10 years, if nothing changes.

The debt we have already authorized is going to expire once again. We are going to have to increase the debt limit within the next several months. We are told by some groups outside the CBO that we could see a total Federal debt within 10 years of anywhere from 8 to 10,000 billion dollars.

That is right, 8 to 10,000 billion dollars. That is $8 trillion. That amounts to somewhere in the vicinity of $70,000 to $75,000 for every man, woman, and child in the country. That is what we are facing right now.

For us to say we are going to exacerbate that by borrowing even more to provide reconstruction assistance to Iraq is deeply troubling. They sit on perhaps the largest oil reserves in the world. It seems to me those oil reserves ought to at least be considered. Even though they are not available today, at some point that oil can be tapped. If it can be tapped, it seems to me it would make a lot more sense for us to collateralize that oil than to borrow even more money, adding even greater debt to every man, woman, and child in this country.

I appreciate very much the question of the Senator from Nevada.

Mr. NELSON of Florida. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator from Florida.

Mr. NELSON of Florida. I have a couple of questions for the minority leader. On the question of the debt, it is estimated that in the fiscal year that just began, October 1, we are going to end up sending more than we have coming in, in tax revenue this year to the tune of $600 billion. That is over half a trillion dollars.

My question to the minority leader is this. I have gotten feedback from innumerable townhall meetings over this past week in my State of Florida from people who are so concerned that by our not having the revenue and therefore having to borrow that, they are not going to be able to get the expenditures of the Federal Government in areas such as education, transportation, and health care. Would the minority leader comment on that?

Mr. DASCHLE. The Senator from Florida is absolutely right. We are being told we cannot fully fund the No Child Left Behind Act, which would require about $6.5 billion, most of which goes to those who are special needs children. Over $6 billion of it goes to special needs children. We cannot afford that, we are told, because the money just is not there. We are told we cannot afford the close to $1.9 billion our veterans need to fully fund the Veterans' Administration, for the health needs of the veterans, the very people returning from Iraq today. We are told the money is not available. We are told the money is not available to fully fund a highway bill this year. I am told we would need somewhere in the vicinity of $30 to $40 billion to fully fund the highway fund. We may not be able to do that because I am told the money isn't there, so I am very troubled. We are told we don't have the resources for funding of highways and housing and health care in America, but we have the money to fund housing and highways and health care in Iraq. That is something we have to confront a lot more effectively as we consider this legislation.

Mr. NELSON of Florida. If the Senator will further yield?

Mr. DASCHLE. I am happy to yield.

Mr. NELSON of Florida. Madam President, I ask the minority leader if he would comment further after his clear statement of having five times requested information about discrepancies in the White House with regard to the outing of a CIA agent. If I recall, when this fiasco broke several weeks ago, there was an attempt to minimize it by stating that the CIA employee was merely an analyst, not an operative. It is my subsequent understanding that, to the contrary of that minimization, the CIA agent whose identity was made public by someone in the administration clearly was a very important operative, as reported, I believe, in the Washington Post.

Would the minority leader comment on the seriousness of this kind of outing, on the seriousness of it with regard to the security interests of the United States?

Mr. DASCHLE. Madam President, I answer the distinguished Senator from Florida that, indeed, he is correct. So as not to further compound the problem, I have made it a practice not to reference the agency with which she was associated. I think we have to be very sensitive about that.

But not only was an agent outed but an agency within the CIA was outed as well, something that was not well known. So the depth of damage, not only in exposing an individual but in exposing, as well, a kind of operation under way within the CIA is extraordinary in the magnitude of concern that it ought to cause all of us.

It is all the more reason this investigation is so critical and why we should do all that is possible to find out who may be responsible. For the President to say it is unlikely we will ever come up with who it may have been, I think is deeply troubling because I think it is critical that the laws be upheld and those responsible be prosecuted.

Mr. NELSON of Florida. If the Senator will further yield, it is also this

Senator's understanding that this revealing of the identity of a special agent has so enraged the CIA and its employees that even though there may be an attempted coverup of this in the White House, that it is likely this issue will continue to bubble to the surface; is that the understanding of the minority leader?

Mr. DASCHLE. I have not had any specific report to that regard. But the Senator from Florida has read many of the same news reports I have read, which indicate that CIA personnel take this very seriously, and that to make light of it, to minimize it, to ignore it, to do whatever may be now underway with regard to a questionable investigative effort, is a huge mistake and sets a dangerous and very troubling precedent as we consider situations similar to this in the future.

Mr. NELSON of Florida. I thank the Senator for his comments.

Mr. DASCHLE. I thank the Senator from Florida for his comments, and I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, parliamentary inquiry: Are we now beginning morning business that has been allocated to this side of the aisle?

The PRESIDING OFFICER. We are in morning business and 21 minutes remain for the Senator's side of the aisle.

Mr. NELSON of Florida. Madam President, I was under the understanding that was leader time?

The PRESIDING OFFICER. Leader time had expired.

Mr. NELSON of Florida. I see. Then, in deference to my colleague, I will just make a couple of comments, and then I will certainly want to hear from my colleague who is one of the greatest orators in this Chamber, the senior Senator from Illinois.

The PRESIDING OFFICER. The Senator from Florida.

FUNDS FOR IRAQ

Mr. NELSON of Florida. Madam President, I have had a wonderful time this past week in my State of Florida, over the course of 4 days, having about 25 townhall meetings, many of those townhall meetings in the smaller communities and in some cases rural communities of our State. We have a State that has a wonderful blend of urban and rural. Indeed, the State of Florida, as we so well know in politics, is often a deciding factor in a Presidential race because Florida has become a microcosm of the country as a whole, with many people moving to Florida from other parts of the country. Indeed, people are moving to Florida from other parts of the world, particularly the Western Hemisphere.

There have been very clear messages that have come to this Senator from Florida from the people of that State as expressed in these townhall meetings in the past week. One of the clear concerns is that people are uneasy with the fact that $87 billion is going to be spent on the occupation in Iraq when there are so many needs here at home. As I would break down that $87 billion for the people in these townhall meetings I would point out that $67 billion will be relatively noncontroversial because that is money that goes to the support of our U.S. troops. What is at controversy is the $20 billion requested for reconstruction in Iraq. The World Bank says $70 billion will be needed. So this is the first downpayment on $70 billion, and the administration is proposing that $20 billion come from the United States right now.

What is it for? It is for building of roads and bridges, it is building schools, it is providing teachers, it is providing training of teachers, it is providing $800 million for the restoration of wetlands. It is providing for all of the infrastructure such as water systems and road systems and electrical systems.

As I would explain this, I would see people get very restive in these townhall meetings, for they would say: Well, what about our needs for restoring wetlands in Florida? What about our needs for building roads and bridges and repairing roads? What about our needs for money going into education, just as the majority leader has talked about in the $6.5 billion that is needed to fully fund the No Child Left Behind Act—the disadvantaged kids.

What about the superintendents of the school systems who came to every one of those townhall meetings and said not only did they need that kind of assistance in their schools, but need resources to take care of disabled kids, too?

What about the IDEA legislation, of fully funding it?

The clear message that came to me regarding the legislation we will be considering here today on the infrastructure needs in Iraq and the infrastructure needs of our people at home here in America.

We will be considering a number of amendments that do not have to be an either/or question because clearly it is in the interest of the United States to stabilize Iraq, and that we stabilize it politically and economically. But it doesn't have to be an either/or question. Iraq is sitting on the second largest deposit of oil reserves in the world. There is going to be a revenue stream once that oil is up and producing at maximum capacity. There is going to be a huge revenue stream coming from that oil. One of the amendments we are going to consider is the amendment to pledge future Iraqi oil revenue to pay back the $20 billion the United States of America is going to provide for building up the infrastructure, including the $800 million for wetlands restoration.

That is a clear message given to me from the folks who came to these townhall meetings.

I will close with this, because I want to hear from the Senator from Illinois.

There was another bombing just a few minutes ago in Iraq. It was the bombing of the Turkish Embassy in Baghdad. It is clearly at first blush my impression that this is an attempt at intimidation of the Turks because they have indicated they were considering in their Parliament the sending of troops to assist United States troops in Iraq.

There was another bombing yesterday. We are having, on average, one bombing a day, and/or the killing of U.S. and Iraqi civilian personnel. Iraq has become a magnet for terrorists.

It is clearly in America's interests to stabilize Iraq. Yet, where is the attempt of the White House and this administration to reach out to the international community at the behest of bipartisan voices in this Chamber? Many of those bipartisan voices come from the Senate Foreign Relations Committee saying you don't want just an American face as an occupier in Iraq; that what you want is an international face; that this is an international problem and not just America's problem; and we have to turn Iraq around from being a magnet for terrorists.

It is my hope the administration will finally start listening to Republicans and Democrats in this Chamber who have not only argued but who have pled for an international approach to stabilize Iraq.

Look at the experience in Bosnia. We are finally getting Bosnia stabilized. But it has taken 8 years. The United States had to go into Bosnia first. But then we were able to bring in the world community, including the United Nations. That can be a good model for us, but it is also a realistic model to realize that it is going to take a lot of troops and it is going to take a lot of time.

With that somber note, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, how much time is remaining in morning business?

The PRESIDING OFFICER. There are 12 minutes remaining.

Mr. DURBIN. Thank you very much, Madam President. I thank the Senator from Florida for his comments.

JOB LOSS

Mr. DURBIN. Madam President, as Senator NELSON did, I went back to my State of Illinois during the past week and really went from one end of the

State to the other. I visited with the chambers of commerce, labor unions, community leaders, hospital administrators, and average people, and talked about things that are on their minds. What struck me was the agenda of America is not the agenda of Congress. I can't get over it. We return here to Washington to discuss important matters but, frankly, ignore the essentials as far as families and businesses across America.

The number one issue, of course, is jobs. My State has been hit so hard by this recession. We have lost 3 million jobs nationwide under President Bush's administration. It is the largest loss of private sector jobs under any President since the Great Depression—the largest loss of jobs under the Bush administration since Herbert Hoover during the Great Depression. Clearly, there has been a lack of economic leadership by this President. Clearly, his plan for the economy of America has failed. Giving tax cuts to the wealthiest people in America certainly wins applause at the country club, but it doesn't create jobs on Main Street—not in Illinois, not in Florida, not in Maine, and not across America. We have seen such a dramatic loss of jobs in important sectors. Although the manufacturing sector in America only represents about 14 percent of the jobs in our country, 75 percent of the jobs lost under the Bush administration have been in this manufacturing sector—14 percent of the total manufacturing and 75 percent of the Bush job loss has been in manufacturing. It has hit my State particularly hard. Illinois has lost over 123,600 manufacturing jobs since President Bush was sworn into office, including 23,000 this year. Frankly, those are good-paying jobs—jobs people need to raise their families. They are not minimum wage jobs. These are jobs you count on to buy a home or to send a child to college. They are gone. They have gone overseas, primarily to China.

I have heard over and over as I traveled across my State that it is just the tip of the iceberg. A lot of people say, Senator, you talk about manufacturing jobs. As bad as that is, we are losing service sector jobs, too.

I came across an illustration in downstate Illinois in a medium-sized city, which I will not name for the sake of the hospital administrator who told me the following. If you come into my hospital in the middle of the night and need an x ray, we will take your x ray in the middle of the night in a downstate Illinois hospital. Then we will transmit it electronically to Australia for it to be read because there is no radiologist on duty. The x ray is read in Australia for people showing up at the emergency room in downstate Illinois. He said, When the doctors dictate the notes for the patients' records every day, those dictation tapes are sent electronically to India where they are transcribed. This is a downstate hospital.

Go to Florida, go to Maine, or go to Nevada, and ask the question, ask your people if they received a phone call last night about changing their long distance telephone services. Ask them to stop and ask the person where they are calling from. Do not be surprised if that person is calling from India.

We are seeing an outmigration of jobs from the United States—manufacturing jobs and service jobs. This administration is oblivious. What they have suggested is to create one job in the Department of Commerce to try to figure out why America is losing jobs. I can tell you why we are losing jobs. It is because we have an economic policy that has failed—tax cuts for the wealthy. All it has done is give us a historic, massive deficit by taking money out of the Social Security trust fund—money that could be spent on education and health care which is just not there.

The second reason is this administration refuses to confront trade realities. I have voted to expand trade. I believe in trade but only if there are rules and the rules are followed. The rules aren't being followed in China. China today has a currency valuation that gives it a 15–40 percent advantage over any American manufacturer. Go around your State and ask these small manufacturers. They cannot compete because this administration will not confront China because of political realities: We need China; We need them to sit down with North Korea and avoid a nuclear war. So we are afraid to confront them when it comes to trade reality. We lose businesses and jobs permanently because of the lack of leadership of this administration. That is a fact.

The second issue which I have found to be overwhelmingly and completely ignored by this Congress and this administration is the cost of health insurance. I invite any of my colleagues to meet with any business leader in any State in America and ask them what their number-one problem is. It is not going to be the so-called "death tax." It is not going to be government regulation. It isn't going to be environmental regulation protection. It is going to be the cost of health insurance. It is killing these businesses. They cannot afford it any longer. They tell me over and over. You know what is happening? More and more Americans have been shoved off the rolls with no protection. Those who stay on are expected to pay more out of pocket and get less protection. What has this administration said about the cost of health insurance in America? Zero; nothing; nada. This administration has no response when it comes to the cost of health insurance.

There is one area, though, where they have been pretty vocal. They have stood up for the pharmaceutical industry, which is one of the main drivers in the cost of health insurance, to make sure they can continue to charge the highest prices in the world for the most vulnerable Americans here at home. That is their philosophy. Let the marketplace work this out.

I have news for them. The marketplace is working this out. Health insurance companies exist to make a profit. They make a profit by cutting costs and increasing profits. That is what is happening. They have cut their costs by taking sick people and pushing them off the rolls and reducing the coverage of those already on the rolls and charging higher premiums. Businesses in America are getting nailed with health insurance premiums. But back to the trade issue: Every extra dollar in health insurance is embedded in the cost of the product that is sold. If it is a car or a computer, included in that cost is the cost of health insurance in America. And this administration, the Bush administration, and this Congress, dominated by the Republican leadership, refuse to even address this issue.

The third issue we will debate this week is the war in Iraq. Now, I will repeat—although it is now a cliche, it is true—we will stand behind our troops and give them what they need, but when we look at what this administration is proposing for the reconstruction of Iraq, it really does betray a lack of preparation and a lack of thoughtful reflection on what we are dealing with.

What is the nation of Iraq? Iraq is a nation, if we can use that term loosely, that was conceived in the mind of a British colonial empire. They drew a line on the map and said, We will call this spot Iraq. We will put within those borders two warring Muslim factions; and just for good measure, let's include hundreds of thousands of Kurds who do not want to be there. And we will call this Iraq. Because this situation, which they called a nation, was almost unruly and unmanageable, first they had a king, followed by a ruthless dictator. It took that kind of iron will to maintain this country.

Now this President says, with the $87 billion, we are going to establish an economy, a civil society, and a democracy in Iraq.

Excuse me, this is a long-term undertaking. To take a group of people with no history of nation state, with no history of self-governance, and say to them, America can send enough money to make you a nation, perhaps we can, but it will be a great expense to the people of this country, a great expense to Americans who need help in their schools.

I heard the same thing the Senator from Florida heard—no child left behind, President Bush's great idea. I voted for it. Perhaps the Senator did, too. The money is not there. It is not there because the President says we cannot afford it. We have to send money to Iraq. We have to build schools in Iraq.

I am sorry, I am one who supports foreign aid. I voted for it. I believe in it. But I didn't support this war. I didn't give the President the authority he asked for on the use-of-force resolution. I said, and others did as well—23 Senators voted as I did—it is easier to get in a war than it is to get out of it. This President is learning this bitter lesson. He comes to us for $87 billion, $20 billion for the rebuilding of Iraq. And that is not even half of what we expect will be needed.

We are in for the long haul, to get up every single morning, to turn on NPR and hear the news being led off by the story: Another American soldier killed and more wounded.

Just so people understand the gravity of this, a wounded soldier is not a flesh wound in all cases. Some of these soldiers, our best and brightest in America, have lost limbs. Their lives have been damaged and changed forever. They are just listed as "wounded." But those wounds go deep and those families and those soldiers will bear them for many years to come.

That is where we are in this war in Iraq: This President ignoring the economic realities of America with the loss of jobs, ignoring what has happened because of the economic policy that has failed, refusing to acknowledge the cost of health insurance and these astronomical profits of the pharmaceutical companies, caving in to the special interests on Capitol Hill, ignoring the real people, the small businesses, the families across America who ask us to stand up for them. Instead, we are going to send $87 billion to Iraq to try to build an economy there.

Sadly, we should start here. Let's build America's economy. Let's try to make sure we focus on what we need as a nation. This administration has not done that. The American people will awaken to that. Congress should as well.

I yield the floor.

Mr. REID. Will the Senator from Illinois yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. REID. There are a number of strikes going on as we speak. The latest started in Los Angeles with all the transit drivers. That is a result of problems with health care. The problem with automobile manufacturers, the other strikes going on in America involve one issue: health care. So the Senator's statement regarding health care and this administration's total neglect is one of the most important domestic issues facing America today.

I appreciate very much the Senator's statement.

Mr. DURBIN. I say to the Senator from Nevada, through the Chair, this is a pervasive issue. It used to be you could separate on trade and health care, business on one side and labor on the other. If I took you into a room and did not tell you the origin of a group in a room and you listened to a business group on these issues of trade and health care, you would think you were in the labor group. If you went to a labor group, you would expect to hear some concerns about what trade policy in this country has done and what health care does.

I find over and over again that these people are despairing. They are despairing because they have been told by this administration, let the marketplace solve the problem. The marketplace has not solved the problem.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION ACT, 2004

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, the Senate will resume consideration of S. 1689, which the clerk will report.

The assistant legislative clerk read as follows:

A bill, (S. 1689) making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Byrd amendment No. 1818, to impose a limitation on the use of sums appropriated for the Iraq Relief and Reconstruction Fund.

Byrd/Durbin amendment No. 1819, to prohibit the use of Iraq Relief and Reconstruction Funds for low priority activities that should not be the responsibility of U.S. taxpayers, and shift $600 million from the Iraq Relief and Reconstruction Fund to Defense Operations and Maintenance, Army, for significantly improving efforts to secure and destroy conventional weapons, such as bombs, bomb materials, small arms, rocket propelled grenades, and shoulder-launched missiles, in Iraq.

Reid (for Stabenow) amendment No. 1823, to provide emergency relief for veterans health care, school construction, health care and transportation needs in the United States, and to create 95,000 new jobs.

Bond/Mikulski amendment No. 1825, to provide additional VA Medical Care Funds for the Department of Veterans Affairs.

Dorgan amendment No. 1826, to require that Iraqi oil revenues be used to pay for reconstruction in Iraq.

The PRESIDING OFFICER. The democratic assistant leader.

Mr. REID. Madam President, Senator STEVENS is not here. I am covering the floor for Senator BYRD this morning. I am sure Senator STEVENS would have no objection to the Senator from New Mexico offering an amendment. I yield the floor for the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 1830

Mr. BINGAMAN. I thank my colleague from Nevada.

Madam President, so there is no question about the opportunity for others to speak, I was asked if I would describe my amendment first and then at the end of my description I will ask to set aside the pending amendment and send my amendment to the desk. That is how I will proceed.

I intend to offer in a few minutes an amendment on behalf of myself, Senator LUGAR, Senator LIEBERMAN, Senator BAYH, Senator CLINTON, Senator DURBIN, Senator LANDRIEU, Senator LINCOLN, Senator SMITH, and Senator REID. This is an amendment to honor our service men and women in Iraq who are serving far from home, far from family, far from friends.

Let me indicate from the title of the amendment that I intend to send to the desk what it would do: to authorize the award of the Iraqi Liberation Medal as a campaign medal for members of the Armed Forces who serve in Southwest Asia in connection with Operation Iraqi Freedom.

These service men and women, as we all know, have left the security of this country and their home behind to provide freedom and security for those who have not known it for many years. The human cost has been substantial, over 300 American fighting men and women will never come home. There are over 1,200 who will return wounded, far higher than previous conflicts.

I have a chart that demonstrates the grim statistics, showing the casualties our military has incurred in recent conflicts. In Operation Desert Storm, with which we are all familiar, the casualties, total deaths were 382, killed in action, 143, and the wounded were 467. In the Kosovo campaign, there were 16 deaths. In Operation Iraqi Freedom, as of last week, there were 196 killed in action, 309 total deaths, and 1,268 wounds.

So the casualties have been significant. This is not a minor military activity. We have over 130,000 troops in the region. They remain to ensure that those who died and those who were wounded did not suffer and die in vain. They are also there to build a new Iraqi nation and to provide stability and freedom in that nation.

The liberation of Iraq is turning out to be the most significant military occupation and reconstruction effort, clearly, since the end of the Vietnam war and perhaps even before that. Despite their sacrifice and courage, these brave men and women will not, under current policy, be specifically recognized for their service in Iraq. Instead, the Department of Defense has decided to award them a Global War on Terrorism Expeditionary Medal.

This issue was drawn to my attention by an article that appeared in the Army Times and the Navy Times and the Air Force Times called "One Size Fits All?" "The Pentagon plans to award one medal for the wars in Iraq and Afghanistan, and for any future campaigns related to the war on terrorism."

I believe this is a mistake in policy, that our military personnel deserve better. Accordingly, my colleagues and I are offering this amendment to correct the mistake by ensuring there is authorized an Iraqi Liberation Medal in lieu of this Global War on Terrorism Expeditionary Medal.

As all who have paid attention in the Senate know, some of us did not agree with the administration's decision to proceed in Iraq when it did, but clearly we have all been united in our support of the troops. Young men and women, both active-duty personnel and National Guard and Reserve, have come forward and done their duty. That is clearly the essence of patriotism, and we all respect that.

They continue to serve even though they do not know when they will be returning to their families and to their communities. They continue to serve despite the tremendous hardships they face and despite the constant threat to their lives.

The President, of course, has agreed entirely with this view of the exemplary service our men and women have provided. He has made many statements to that effect, and there is no partisan disagreement on any of that.

Let me put up another chart in the Chamber.

During Operation Desert Storm, service members received three separate military decorations for their service: the Armed Forces Expeditionary Medal; the Liberation of Kuwait Medal, given by the Government of Saudi Arabia; and the Liberation of Kuwait Medal, given by the Government of Kuwait. Those are all three depicted on this chart.

In the case of Kosovo, our service men and women received the NATO Service Medal and the Kosovo Campaign Medal. And those two medals are depicted on this part of the chart.

In the case of this current conflict in Iraq, the proposal by the administration is to give them the Global War on Terrorism Expeditionary Medal, and that would apply to Operation Enduring Freedom or Operation Iraqi Freedom or any operation in the Philippines or any future global war on terrorism operation.

The policy as it now exists would say that if you are in the military and you are directed to duty in one or more of these operations, you get this generic medal which indicates you are part of the global war on terrorism, which we know is of indefinite duration and which we know is not limited by any geographic limitation.

There is a difference—a substantial difference—between an expeditionary medal on the one hand and a campaign medal. We only need to look at an excerpt from the U.S. Army Qualifications for the Armed Forces Expeditionary Medal and the Kosovo Campaign Medal. In order to receive the Armed Forces Expeditionary Medal, you do not need to go to war, you only need to be "placed in such a position that, in the opinion of the Joint Chiefs of Staff, hostile action by a foreign armed force was imminent even though it does not materialize." So that is an expeditionary medal.

To earn the Kosovo Campaign Medal, there was a higher standard. A military member had to either "[b]e engaged in actual combat, or duty that is equally hazardous as combat duty, during the Operation with armed opposition, regardless of time [spent] in the Area of Engagement."

Many within the military agree there is a significant difference between an expeditionary medal and a campaign medal.

According to the Army Times:

> Campaign medals help establish an immediate rapport with individuals checking into a unit.

An expeditionary medal does not necessarily denote any combat or any real connection to that particular area of potential combat. A campaign medal is designed to recognize military personnel who have risked their lives or are risking their lives in combat.

Obviously, all of us want to see proper recognition given to our young men and women who are in Iraq, including Army SP Joseph Hudson from my home State of New Mexico, from Alamogordo, NM. He was held as a prisoner of war. The Nation was captivated, and particularly people of my State were captivated, as we watched Specialist Hudson being interrogated by the enemy on videotape. Asked to divulge his military occupation, Specialist Hudson stared defiantly into the camera and said: "I follow orders." Those of us with sons and daughters were united in worry with Specialist Hudson's family. The entire Nation rejoiced when he was liberated. He is just one of many who deserve this special recognition I am arguing for today.

We have also asked much of our Reserve and National Guard personnel. The reconstruction of Iraq clearly would not be possible without the commitment and sacrifice of the 170,000 Guard and reservists who are currently on active duty. As recently as this last week, an additional 10,000 troops from Washington State and North Carolina were activated for service in Iraq.

I think this is a straightforward amendment, one for which I hope we can have very strong support. I am very pleased that it is being proposed as a bipartisan amendment. My colleagues and I are committed to appropriately honoring the 200,000 or so heroes who have served to date or are serving in connection with the effort in Iraq. We believe current administration policy does not properly honor those personnel, and therefore we propose that in lieu of this Global War on Terrorism Expeditionary Medal, a new decoration that characterizes the real mission in Iraq—one that is distinctive and honors their sacrifice, something in the nature of an Iraqi Liberation Medal—be provided.

Some will argue that Congress has no business legislating in this area. But I point out there is ample precedent for what we are proposing. Congress has been responsible for recognizing the sacrifice and courage of our military forces throughout history. Congress has had a significant and historically central role in authorizing military decorations. Our Nation's highest decorations were authorized by Congress. Those include the Congressional Medal of Honor, the Air Force Cross, the Navy Cross, the Army's Distinctive Service Cross, the Silver Star, and the Distinguished Flying Cross. All of those were authorized by Congress.

We have also authorized campaign and liberation medals similar to what is being proposed here in many cases. A partial list includes the Spanish War Service Medal, the Army Occupation of Germany Medal, the World War II Victory Medal, the Berlin Airlift Medal, the Korean Service Medal, and the Prisoner of War Medal, in addition to the medals I have referred to already.

The men and women of our military are doing their jobs every day in Iraq. We should do our job by honoring them appropriately with a medal that is specific to their sacrifice and to this campaign in Iraq.

Mr. President, I send the amendment to the desk and ask that it be immediately considered.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. LUGAR, Mr. LIEBERMAN, Mr. BAYH, Mrs. CLINTON, Mr. DURBIN, Ms. LANDRIEU, Mrs. LINCOLN, Mr. SMITH, and Mr. REID, proposes an amendment numbered 1830.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the award of the Iraqi Liberation Medal as a campaign medal for members of the Armed Forces who serve in Southwest Asia in connection with Operation Iraqi Freedom)

At the appropriate place, insert the following:

SEC. . (a) FINDINGS.—Congress makes the following findings:

(1) According to President George W. Bush, Operation Iraqi Freedom was "fought for the

cause of liberty, and for the peace of the world . . ." and "to free a nation by breaking a dangerous and aggressive regime".

(2) The military victory in Iraq has been characterized by President George W. Bush as one of the "swiftest advances in heavy arms in history".

(3) There are more than 130,000 Soldiers, Sailors, Airmen, and Marines of the United States serving in the Iraqi Theater of Operations, far from family and friends, and for an unknown duration.

(4) Since the beginning of Operation Iraqi Freedom, almost 300 members of the Armed Forces of the United States have died in Iraq and nearly 1,500 have been wounded in action.

(5) Congress has authorized and Presidents have issued specific decorations recognizing the sacrifice and service of the members of the Armed Forces of the United States in the Korean War, the Vietnam conflict, and the liberation of Kuwait.

(6) Current Department of Defense guidance authorizes the award of only one expeditionary medal for overseas duty in Afghanistan, the Philippines, and Iraq.

(7) The conflict in Iraq is significant enough in scope and sacrifice to warrant a specific military decoration for the liberation of Iraq.

(b) Authorization of Award of Campaign Medal.—The Secretary concerned may award a campaign medal of appropriate design, with ribbons and appurtenances, to any person who serves in any capacity with the Armed Forces in the Southwest Asia region in connection with Operation Iraqi Freedom.

(c) Name of Medal.—The campaign medal authorized by subsection (b) shall be known as the "Iraqi Liberation Medal".

(d) Prohibition on Concurrent Award of Global War on Terrorism Expeditionary Medal.—A person who is awarded the campaign medal authorized by subsection (b) for service described in that subsection may not also be awarded the Global War on Terrorism Expeditionary Medal for that service.

(e) Other Limitations.—The award of the campaign medal authorized by subsection (b) shall be subject to such limitations as the President may prescribe.

(f) Regulations.—(1) Each Secretary concerned shall prescribe regulations on the award of the campaign medal authorized by subsection (b).

(2) The regulations prescribed under paragraph (1) shall not go into effect until approved by the Secretary of Defense.

(3) The Secretary of Defense shall ensure that the regulations prescribed under paragraph (1) are uniform, so far as practicable.

(g) Secretary Concerned Defined.—In this section, the term "Secretary concerned" means the following:

(1) The Secretary of the Army with respect to matters concerning members of the Army.

(2) The Secretary of the Navy with respect to matters concerning members of the Navy, Marine Corps, and Coast Guard when it is operating as a service in the Navy.

(3) The Secretary of the Air Force with respect to matters concerning members of the Air Force.

(4) The Secretary of Homeland Security with respect to matters concerning members of the Coast Guard when it is not operating as a service in the Navy.

Mr. BINGAMAN. Mr. President, I will not ask for the yeas and nays at this point. At an appropriate time, I will ask for the yeas and nays. It is important that the Senate go on record in support of the awarding of a medal of this type. I hope we can have a very strong vote on its behalf.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I have been informed that the Department of Defense does not support the Bingaman amendment, the pending amendment No. 1830. It has bipartisan support.

Let me explain to the Senate why there is opposition from the Department. At the request of the Joint Chiefs of Staff, Presidential Executive Order 132–89, dated March 12, 2003, authorized global war on terrorism, Expeditionary and Service Medals for members of the United States Armed Forces who have served in military expeditions to combat terrorism around the world as defined by Department regulations on or after September 11, 2001.

This was created and tailored to recognize both combat and noncombat operations not just in a single campaign or country but worldwide. To be eligible for the Expeditionary Medal, service members must have served within the area of eligibility. However, initially approved operations for Expeditionary Medals are Operation Enduring Freedom and Operation Iraqi Freedom. Battle stars for the Expeditionary Medal are provided for service members who engaged in combat against the enemy in the area of eligibility. Because antiterrorism operations are global in nature, the area of eligibility for an approved operation may be deemed to be noncontiguous. The combatant commander has authority to award medals for personnel deployed within his or her theater. There is a separate medal called the Service Medal that provides commanders the flexibility of recognizing supporting personnel and will not be restricted by geographical boundaries. Unlike the Expeditionary Medal, the Service Medal includes not only support for Operation Enduring Freedom and Operation Iraqi Freedom but also Operation Noble Eagle and airport security operations from September 27, 2001, to May 1, 2002.

The Department urges against the establishment of an Iraqi Freedom Medal for two reasons. First, it is redundant with the global war on terrorism medal in its purpose. Second, it is divisive in that it values participation in Operation Iraqi Freedom as being more worthy of individual recognition than Operation Enduring Freedom. In other words, there are people who have served in Afghanistan and Iraq, there are people who have served in Afghanistan and not Iraq, and Iraq and not Afghanistan.

The whole concept of this global war against terrorism is that there are also combatants in the Philippines and in Indonesia and other places throughout the world. I don't know how many there are, but I have been told some of the global war on terrorism medals have been awarded.

The problem about the Bingaman amendment is, what happens to those people who received those medals? Do they give them back? Do they also get an Iraqi medal of freedom? What happens to the people from Afghanistan? As I understand it, I could be wrong, but it covers only the Iraqi liberation medal.

Mr. REID. That is true.

Mr. STEVENS. But not Afghanistan.

So the best advice I can give the Senate is this: If the Senator from New Mexico wishes a vote, I certainly will not oppose that and will join in requesting a vote. However, I will say no matter what happens here, whether the Senate approves or disapproves, the subject matter will have to be dealt with in conference because it is a matter that has been raised, and it is of great significance.

I talk too much about my own service in World War II, which was sort of insignificant, but I got a CBI medal—China, Burma, India—but I spent only a day or two in India and an hour or two in Burma. We all thought we should have had a China medal, but the powers that be gave us a China-Burma-India medal. The powers that be right now are the Joint Chiefs of Staff. This is not a political issue is what I am trying to tell the Senate. This is an issue that arose out of an initiative from the Joint Chiefs of Staff themselves, is what I understand.

They decided this current situation is so global in nature that people are moved from one area to the other in terms of expertise and need, that there ought to be a medal for the period we are in right now which is really a global war on terrorism, and as such I am inclined to support that concept. I will vote against the Bingaman amendment. But I have a feeling it will pass because I think everyone would like to be on record now of recognizing the need for medals.

That would be my last comment to the Senate. The Senator from Hawaii is not here, but I do remember on two occasions when I have been with him when he has raised the question with the members of the Joint Chiefs of Staff: Where are the medals?

People, as they come home from a combat such as we are involved in now, may or may not be eligible for the Purple Heart. The concept of these other medals, however, has not settled down yet. I think as our men and women in the Armed Services start coming home, they should be recognized for their service with something of distinction, such as the medal of the type we are talking about, either the Global War on Terrorism Medal or the Expeditionary Medal, or the Service Medal, whatever it is. As a matter of fact, if they have been there, I would give them all three. Redundancy is not a crime in terms of medals for service in uniform in combat, as far as I am concerned. But I do think it has to be sorted out. The people who already have the Global War on Terrorism Medal, who fought in Iraq, may want the Iraqi medal. On the other hand, people who fought in Afghanistan may very much want the Global War on Terrorism Medal. It is something I think really requires pretty cautious thought in the Department of Defense and the Senate. I intend to join in asking for a vote on the amendment at the proper time and hope we can vote on it right after the vote that is set at 2:30 today, and then move on with further business of the Senate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the hour of 12:30 is fast approaching. I am wondering if we could enter into an agreement now that that vote occur immediately following the vote on genetic nondiscrimination?

Mr. STEVENS. Mr. President, I would so move and ask unanimous consent it be in order at this time to order the yeas and nays.

Mr. REID. And that Senator BINGAMAN have 2 minutes prior to the vote to speak on his amendment.

Mr. STEVENS. Mr. President, I would like 2 minutes on each side.

Mr. REID. Of course. With no amendments in order prior to the vote.

Mr. STEVENS. No other motions in order, and up or down on the amendment. But I would like 2 minutes for the Senator from New Mexico and for myself, and the vote to occur after the already scheduled vote. I ask that it be in order to ask for the yeas and nays now.

The PRESIDING OFFICER. It is in order to request the yeas and nays.

Mr. STEVENS. I do request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, it is so ordered. The request is agreed to.

Mr. STEVENS. Mr. President, parliamentary inquiry. I understand the Senate will stand in recess at 12:30.

The PRESIDING OFFICER. Under the previous order, that is correct.

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the legislation pending before the Senate is the emergency supplemental bill dealing with Iraq; and that has to do with security: security for our troops, security in Iraq. But there are other issues of security that affect us in our country: issues of security that deal with protecting our homeland. We provide critically needed funds to try to prevent another terrorist attack on our soil.

So I was surprised, as I was traveling the other day, to hear the President talk about using Homeland Security assets to track down Americans who are traveling in Cuba illegally and punishing those Americans.

As you know, it is currently illegal for Americans to travel in Cuba, except by a license given by the U.S. Treasury Department. The fact is, though, that there are many Americans who do go to Cuba. Many go because they think it is their right as Americans to travel freely, and in many cases, they go because they are not aware that they are breaking any rules.

I believe the travel ban unfairly punishes American citizens. In an attempt to take a slap at Fidel Castro, it ends up restricting the right of American people to travel. Many of us here think that makes no sense at all.

When I heard the President describe his interest in having Homeland Security people track down American tourists traveling in Cuba, I thought I would come to the floor of the Senate, and talk about a grandmother named Joan Slote. As you can see from this picture, Joan is in her mid 70s. She is a Senior Olympian. She is a bicyclist. She bicycles all over the world. She is in her mid 70s. And she joined a bicycle tour of Cuba, with a cycling club from Canada. They bicycled in the country of Cuba for, I believe, 8 or 9 days.

Joan Slote came back to this country from Cuba, and later on she was off to Europe where she was on a bicycle tour. While she was in Europe, she learned her son had brain cancer, and she rushed back to the United States, and just stopped at her home for a minute, and then rushed down to be with her son and attended to her son, who later died of brain cancer.

When she finally came back to her home, apparently there was a letter waiting for some long while from the U.S. Treasury Department that said: Oh, by the way, you traveled to Cuba with a bicycle club from Canada, and that was illegal, and so we are administering a $7,630 fine.

So Joan Slote, this mid 70s grandmother—no threat to this country for sure—is one of those Americans who is now being punished by the U.S. Government for travel in Cuba.

Now, we have folks down at the Department of the Treasury in an organization called the Office of Foreign Assets Control, or OFAC for short—and that is the organization that is charged with tracking money to terrorist groups to protect our country. But instead of focusing on that critically important mission, OFAC officials are tracking retired grandmothers who are riding a bicycle in Cuba and try to slap them with a big fine.

And now the President says: Oh, by the way, I would like to get more involved here. I want the Homeland Security Department tracking these people who are traveling to Cuba.

I thought our interest here in the Senate was to fund a Homeland Security agency to protect our country against the threats of terrorists, not to chase little old grandmothers who take a bicycle trip to Cuba.

Incidentally, OFAC finally negotiated with a $2,000 fine for Joan Slote. After I intervened, they said: All right, the $7,600 fine we will reduce to $2,000. So she sent them the money. But do you know what they did then? They sent a collection agency after her and told her they were going to begin to garnish her Social Security payments. Why? I do not have the foggiest idea. I guess it is just a bureaucratic mess.

But I was just thinking as I was driving down the road the other day, hearing President Bush say we have to get tough on Cuba, we are going to take Homeland Security people to go chase American tourists in Cuba.

The interesting thing is, Americans can travel virtually everywhere. You can travel to Communist China. Yes, that is a communist country. You can travel to Vietnam. Yes, that is a communist country. But you cannot travel to Cuba. And we are going to use Homeland Security assets—people, time, money—to go track down little old ladies who are bicycling in Cuba?

Are we really threatened by the poor guy who took the ashes of his dead father to Cuba, which was his father's last wish, to be sprinkled on the lawn by the church where he ministered in Cuba many years before?

Yes, they tracked that fellow down for taking his dad's ashes to Cuba. They fined him $7500.

It is story after story after story like this.

And now the President wants people in Homeland Security tracking Americans to punish Americans for traveling in Cuba.

What about homeland security? How about tracking terrorists? Let's track terrorists, not retired grandmothers who are riding bicycles.

Marshall McLuhan once said: I don't always believe everything I say. I thought to myself, that must surely have been the case in the White House when the President announced we are going to take Homeland Security Agency resources and start tracking American citizens so we can slap big fines on them for traveling into Cuba. This is preposterous. What on Earth can the President be thinking?

I have talked to Joan Slote. She is just one of many examples of ordinary U.S. citizens who meant absolutely no harm. I have talked to another retired grandmother from Wisconsin. She traveled to Cuba innocently and rode a bicycle as well. I have talked to many such folks. I held a hearing on this. I had people show up who described their travel to Cuba. They did not know it was illegal but—guess what—they have the Federal Government after them.

In an attempt to slap Fidel Castro, we are punishing American people. We are restricting the right of the American people to travel. And now the President gets into the act, which, I assume is about Florida politics, and says, oh, by the way, I want to divert Homeland Security assets to see if we can't get tougher on people like Joan Slote.

This issue involves wasted resources, that could and should be spent on real threats to our homeland security. Homeland security is about protecting this country from the threat of terrorists, not chasing senior citizens riding around on bicycles.

That is where the homeland security assets ought to be employed. That is where the Department of the Treasury assets ought to be employed, protecting our country from the threat of terrorist attacks, not chasing Joan Slote. My hope is that perhaps they will have another meeting at the White House and rethink this and finally do the right thing, at least meet some basic test of common sense.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH.)

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m. having arrived, the Senate will resume consideration of S. 1053, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1053) to prevent discrimination on the basis of genetic information with respect to health insurance and employment.

The PRESIDING OFFICER. Under the previous order, there will be 15 minutes of debate equally divided, followed by a vote on passage of the bill. Who yields time?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield myself such time as I may consume.

This is important legislation. It has been 6 years in gestation. It is legislation which is not only important to our research community but, more importantly, it is a major piece of civil rights legislation in that it protects people in their employment and in getting health care.

Essentially, we are in a new world in the community of health care where you will actually be able to go to your doctor someday not too long from now, and probably in some instances even today, and he will be able to tell you some of the most severe illnesses projected for your lifetime. That is called genetic information. It is great medical news that we have moved this far, and there is a lot that will occur that is positive as a result.

The other side of the coin is this information could be used arbitrarily, unsuspectingly, or even intentionally to harm your employment or your capacity to get health insurance. This legislation corrects that concern. It makes it possible to continue genetics research without people having to be concerned about the way their personal genetics information may be used. That is why it is important.

A lot of folks have worked very hard on this bill. Senator KENNEDY has worked tirelessly to pass it. Senator DASCHLE has worked aggressively to pass it. Senator JEFFORDS, when he was chairman of the committee, worked very hard.

On our side of the aisle, Senator ENZI has made a major contribution in the area of employment, and Senator SNOWE was one of the originators of the initiative.

At this point, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I see one of the primary sponsors, the Senator from Maine. I will withhold and make comments when she finishes.

Mr. GREGG. I yield 3 minutes to the Senator from Maine.

Ms. SNOWE. I thank the Senator from New Hampshire, chairman of the committee, whose guidance throughout this process ultimately culminated in this most significant piece of legislation. I express my appreciation to him and to the Senate majority leader, without whose leadership this legislation would not be possible, and to the Democratic leader as well, and to Senator KENNEDY, Senator ENZI, and, of course, Senator JEFFORDS, who sponsored this effort with me some 7 to 8 years ago. I also acknowledge the presence of Representative SLAUGHTER from New York who has led the effort in the House for approximately 8 years at this point.

This is the culmination of bipartisan efforts over the last 8 years and over the last 2 years of bipartisan negotiations where we were able to merge the differences between the legislation that I introduced and that was introduced by Senators DASCHLE and KENNEDY.

The fact is, since April of 1996, when I first introduced the Genetic Nondiscrimination Health Insurance Act, science has continued to hurdle forward, further opening the door to early detection and medical intervention through the discovery and identification of specific genes linked to diseases such as breast cancer, colon cancer, cystic fibrosis, and Huntington's disease. That 1996 legislation recognized that with the progress in the field of genetics accelerating at a breathtaking pace, we needed to ensure that with the scientific advances to come, we would advance the treatment and prevention of disease without advancing a new basis for discrimination.

Certainly everything changed with the unveiling of the first working draft of our entire genetic code. It became all the more imperative that we respond with legislation that would at once allow the tremendous promise of this breakthrough while at the same time protect the American people from the dark side of discrimination.

Because there has been so many other scientific advancements this carried with it, not only the prospect of scientific and medical discoveries, such as improved detection and earlier intervention, but also the potential for harm and abuse, every day since—absent enactment of this type of legislation—has been a day we have left the full potential of the human genome untapped.

This is no solution in search of a problem. To the contrary, the very real fear of repercussions from one's genetic makeup was specifically brought home to me through the real-life experience of one of my constituents, Bonnie Lee Tucker. Bonnie wrote to me about the fear of having the BRCA test for breast cancer. She was in a family who had nine members with breast cancer. She herself is a survivor. She feared having the BRCA test because she worried it would ruin her daughter's ability to obtain health insurance in the future.

I ask that everybody support this legislation because, clearly, this is one of the most significant groundbreaking pieces of legislation we could have in the area of medical health care.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I yield myself 2½ minutes.

First, I thank my colleague and friend, the chairman of the committee, Senator GREGG, for prioritizing this issue. It is a matter of enormous importance. I thank him and I thank Senator SNOWE, who has been a leader on this issue for a number of years. This has truly been a bipartisan effort. I also thank our majority leader, Senator FRIST, also a doctor, who understands this issue and has been very cooperative; Senator ENZI, who chairs a subcommittee in this area of policy, has helped to advance this program. We are grateful for the strong bipartisanship. I wish to recognize Congresswoman SLAUGHTER, who initiated the original legislation, and today we pay tribute to her.

Also, I thank our Democratic leader, TOM DASCHLE, who, in 1997, was the first person to introduce the comprehensive genetic discrimination program. Our friend, Senator JEFFORDS, has been an advocate for the elimination of genetic discrimination; TOM HARKIN and CHRIS DODD have been tireless advocates to make sure we got to this particular day.

I am going to yield time to Senator HARKIN in a minute.

In 1964, this Nation passed the important civil rights legislation to ban discrimination in our society in employment and public accommodations, among other things. Then in 1965 we banned discrimination in voting. Then, in 1968, we passed legislation to ban discrimination in housing. Then, under the leadership of my friend from Iowa, in 1990, the Americans with Disabilities Act passed to ban discrimination on the basis of disability. We have also done much to eliminate discrimination on ethnicity, on national origin, and we have made enormous progress in discrimination on gender. We still have not made enough progress on discrimination regarding gay and lesbian issues. Today, we are continuing the march toward equality in the United States, understanding the importance of eliminating discrimination based upon an individual's genetic makeup, in terms of insurance and in terms of employment. We are doing it in a way that is going to guarantee real remedies. This is not just legislation that will be out there and say we are against this form of discrimination; we are providing real remedies. From now on, individuals will know that no matter what their genetic makeup or susceptibility to genetic disease, they may not be discriminated against in the job place or in the provision of health insurance.

This is a major continuing step toward greater equality and the elimination of bigotry and discrimination in our society. It is an important day in the Senate. I commend all of those and the staff for all they have done so well to make it possible.

I yield 3½ minutes to the Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator from Massachusetts for the time. I join with him and others in thanking our leaders for bringing this bill forward. I congratulate Senator GREGG, chairman of our committee, Senator KENNEDY, ranking member on our side, Senator SNOWE, and all the other Senators they have mentioned, who have worked so hard to get us to this point. Again, I thank the leadership for the vote today.

I was present sort of at the gestation period and finally the birth of the mapping and sequencing of the human genome. What a magnificent step forward this was in terms of our understanding of the underlying basis for many of our diseases and illnesses. This feat of sequencing and mapping of the 3.1 billion base pairs of the human genome, sometimes called "the book of life," opens up a world of possibilities for preventing and curing disease. New genetic tests take the concept of early detection and treatment of disease to levels that were previously only imagined but are now scientifically possible. Discoveries have been made about the genetic basis of many diseases, such as heart disease, diabetes, Parkinson's disease, and asthma. Tests are already available for breast cancer, ovarian cancer, colon cancer, and several other diseases.

But while the potential medical and health benefits of this new technology seem limitless, they cannot be pursued without caution and safeguards against abuse, such as discrimination by health insurers or employers. The Genetic Information Nondiscrimination Act, before us now, addresses these possible abuses. It establishes protections against discrimination based upon genetic information both in health insurance and employment. It is a gigantic step forward, as Senator KENNEDY said, in making sure people are not discriminated against simply because of what their genes are.

While this bill doesn't include everything I believe it should have included, it is a significant step forward for the American people and for our health care system. Under this bill, individuals will finally be protected from discrimination by health insurers or employers based on genetic makeup. Everybody will have the peace of mind to seek answers to questions about themselves without fear of losing their health insurance or their job.

I commend those leaders who have brought this forward and yield back whatever time I may have remaining.

Mr. ENZI. Mr. President, 50 years ago James Watson and Francis Crick discovered the structure of the DNA molecule—the blueprint of life. Their discovery laid the foundation for predicting and treating the hereditary diseases that threaten us.

The completion of the Human Genome Project in April 2003 was a significant step towards this goal. Because of the work of these scientists, we now are able to decipher the exact sequence of the genetic code. This knowledge will allow earlier detection and more effective treatment of genetic illnesses.

However, genetic information brings challenges along with promise. The Genetic Information Nondiscrimination Act will ensure that the promise of genetic information is not hindered by fears about its misuse. This legislation will protect individuals from discrimination in health insurance and employment on the basis of genetic information.

I thank my colleagues on both sides of the aisle for crafting a bill that fairly and effectively protects people against genetic discrimination. In doing so, we have been mindful of existing discrimination and privacy laws and regulations. While the issue is complex, our objective is clear: to encourage people to seek genetic services by reducing fears about the misuse or unwarranted disclosure of genetic information.

Today, we mark the 50th anniversary of Watson and Crick's historic discovery with the passage of the Genetic Information Nondiscrimination Act. With each new advance in genetic science, the significance of this legislation grows. By allaying fears about genetic discrimination in health insurance and in the workplace, this legislation will save lives now and in generations yet to come.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mr. KERRY. Mr. President, it is high time we have a strong genetic information protection law on the books. The Senate bill I am voicing support for today is a step in the right direction. However, while I am pleased to join a bipartisan effort to pass S. 1053, the Genetics Information Nondiscrimination Act, I hold out hope that the enforcement provisions in the bill can be strengthened prior to final passage. The House of Representatives will soon be conducting hearings on the unanimously-passed Senate legislation and will be working to craft their own version of the law. I sincerely hope that the House works to strengthen—not weaken the bill. One area where the bill can be strengthened is to give some real teeth to the enforcement protections. If our goal of limiting discrimination based on genetic information is to be realized, we must work to ensure that those whom we seek to protect can truly use this law to guard against discriminatory actions.●

Mr. DODD. Mr. President, over the past decade, the science of genetics has developed at an astonishing pace. The mapping of the human genome is undoubtedly one of the greatest scientific achievements of my lifetime. We have not even completely grasped the wide array of potential benefits that may come from our newfound genetic knowledge. Certainly, the impact on our health will be profound. Doctors will be able to read our unique genetic blueprints and predict the likelihood of developing diseases such as cancer, Alzheimer's, or Parkinson's. They will also be able to use an individual's genetic information to develop treatments for these same diseases and target individuals with the treatment that will work best for them. This is not science fiction—it is already beginning to happen.

For all the promise of the genetic age, there is also an inherent threat. Science has outpaced the law and Americans are worried, and rightly so, that their genetic information will be used, not to improve their health, but to deny them health insurance or employment. There is no information more personal and private than genetic information and no information more worthy of special protection. Our genetic code is the very blueprint of ourselves. It is with us from birth, and to some extent it determines who we will become. What an incredibly powerful tool, with its vast potential to help us live healthier lives. But the nature of genetic information also makes it dangerous to the individual if used incorrectly.

This is why so many of us, on both sides of the aisle, saw the need several years ago for legally enforceable rules to maximize the potential benefits of genetic information and minimize its potential dangers. The legislation before use represents a culmination of the efforts of many of us to establish such rules. It represents an enormous step forward, and I wish to acknowledge the hard work of everyone who was involved in crafting this legislation.

This bill provides significant new protections against the misuse of genetic information. It ensures that Americans who are genetically predisposed to health conditions will not lose or be denied health insurance, jobs, or promotions based on their genetic makeup. Reaching an agreement on this legislation means that our laws dealing with genetic information can begin to catch up to the reality of our technological capability in the field.

With these protections in place, individuals need not feel reluctant to get the tests that may save or improve their lives. Although the Americans with Disabilities Act, ADA, and the Health Insurance Portability and Accountability Act, HIPAA, took important steps towards preventing genetic discrimination, this legislation is more specifically tailored to prohibiting its misuse. Health plans and health insurance issuers will not be allowed to underwrite, determine premiums, or decide on eligibility for enrollment based on genetic information. Employers will not be allowed to alter hiring practices based on genetic information. The American public can feel secure in the knowledge that their genetic blueprint will not be used to harm them, that a genetic marker indicating a possible illness later in life will not cause them to lose a job or health insurance.

This is by no means a perfect or complete bill. In particular, while it poses some important limitations on the collection of personal genetic information by insurance companies, it would allow them to collect this information, without consent, once an individual is enrolled in a health plan. While insurers are expressly prohibited from using this information for the purposes of underwriting, I am concerned that once they have this information, it may be difficult to control how it is used and who has access to it. We all know from experience that the difficulty of protecting information increases exponentially with each additional person who has access to that information.

Let me add that, during negotiations, good faith attempts were made on both sides to address these concerns. Unfortunately, we could not reach an agreement on this issue that made all parties comfortable. As a result, the bill falls short of offering comprehensive privacy protection. Personal genetic information is already widely available, and the risk of abuse is high. Health plans and employers will have legitimate reasons for collecting genetic information. But individuals should be given the power to regulate how such information is distributed, and with whom it is shared. As this bill becomes law, and I sincerely hope it will, I will monitor closely how it is implemented, and the extent to which privacy is protected. We may need to revisit this issue in the future.

Despite this shortcoming, I support this bill, as it represents a vast improvement over current law in many ways. I hope that it will become law in the very near future. We all should feel free to make our health care decisions based on our health care needs, not based on fear. Today, we are close to making that goal a reality.

Mrs. CLINTON. Mr. President, S. 1053 has the laudatory goal of prohibiting genetic discrimination. Genetic discrimination has many victims, and their stories are wrenching. There are those who cannot get coverage, as well those who lost job opportunities. But I want to make sure we don't forget another category of victims—those who forego important tests out of fear that they will be victimized. According to a recent JAMA article, 57 percent of patients at risk for breast and ovarian cancer declined a needed genetic test that could have guided prevention and treatment interventions. That is why our goal should have been jot just to pass a bill, but to pass a credible bill so that people have enough confidence in our work to go our and get the health services they need.

Unfortunately, I am concerned that the enforcement provisions of S. 1053, particularly in health insurance, are not strong enough to accomplish the legislation's goal.

Our Nation has made significant investments in genetic research. This research could one day lead to cures or preventions for diseases such as cancer. This investment in genetic research will prove futile if the result is not better health care. Individuals must participate in genetic research if this Nation is to reap the rewards of our investment and individuals must have confidence in the results of genetic research in order to address their personal health issues. However, as genetic information is increasingly revealed, great harm can occur. As President Bush acknowledged in his June 23, 2001 radio address:

> This knowledge of the code of life has the potential to be abused. Employers could be tempted to deny a job based on a person's genetic profile. Insurance companies might use that information to deny an application for coverage, or charge excessive premiums.

Americans have already shown that they will not fully participate in genetic research or take advantage of genetic technologies until they believe that they are protected against genetic discrimination in health insurance and employment. Without protection, patients fear disclosing their family history, yet this hesitancy may impact the care that they and their families receive.

As you recognize, genetic information is uniquely personal information. It is fundamentally different from other medical information. Because genetic information can be used against an individual and an entire family, it enables a new form of discrimination. It deserves strong enforcement and should not be treated the same as other information in a medical record.

In order for S. 1053 to achieve its purpose, individuals must have confidence in its enforceability. That confidence will be difficult to instill without mechanisms such as access to a court or comparable forum to seek redress for violations of the statute. In addition, it is important that the public feel confident that violations are unlikely. This reassurance can only come from legislating strong enforcement and deterrence mechanisms. I would have liked to see the enforcement mechanisms and remedies in S. 1053 strengthened to provide for compensation for economic and non-economic damages and strong punitive provisions. If there is no redress for individual harm and if nominal fees are the only accountability mechanism in place, there is little to deter health insurers and employers from using genetic information in violation of the law.

However, I believe that this bill does make a start in the direction of supporting the principle that advances in science should help move civilization forward, not to reverse our progress. Discrimination based on genetic information would be a step backward for civil rights and human dignity. That is why I support action today to begin addressing this issue, and hope that in the future we will reinforce today's action with improvements to secure justice and civil rights for all Americans.

Mr. JEFFORDS. Mr. President, today's consideration of S. 1053, the Genetic Information Nondiscrimination Act, is the result of almost 6 years of effort, so I am especially pleased that we are here today to consider and pass this bipartisan legislation. For the first time, S. 1053 will prohibit discrimination against individuals based on their genetic make-up in both health insurance and employment. This legislation represents a major contribution to civil rights law. It is a victory for consumers, health insurers and health care providers; and it is a victory for employees and employers.

The issue of genetic nondiscrimination has concerned me for many years, and I have been pleased to work with many members of the Senate to craft this legislation. The measure we are considering today is the result of many years of effort and the contributions of many individuals. It is an example of the progress that can be made when the Senate seeks to negotiate and compromise on a bipartisan basis.

Together with the much deserved excitement over the potential of genetic research there have also been long standing concerns that genetic information, in the wrong hands, could be misused. Many people have argued that an individual's genetic information—that might indicate a predisposition to a particular disease—could be used to deny that individual health insurance or employment opportunities. The promise of better health would instead become a potential for greater discrimination and disadvantage. The Genetic Information Nondiscrimination Act of 2003 is designed to address those concerns.

Existing antidiscrimination law has been enacted over the years as a means of correcting long-standing abuses in voter rights, employment, housing and education. But under current law a person who has suffered employment or health insurance discrimination because of their genetic makeup has very little, if any, recourse to legal remedies. This legislation addresses this problem by creating new enforceable rights for individuals similar to those available under existing civil rights, education and fair employment law.

It is important to note that to date, there has not been a pattern or clear prevalence of genetic discrimination. But there is anecdotal evidence that people have refused to take genetic tests because of their fear that the predictive information would lead to discrimination. We know the science is rapidly moving forward and we are learning more every day about the "predictive" correlation between genetic markers and certain diseases. It is not difficult to imagine such discrimination occurring in the near future. So in a sense, we can take that rare opportunity to be ahead of the curve and enact legislation to preempt discriminatory practices and prevent them from ever happening.

I believe the compromise legislation we consider today will be successful in preventing abuses in the insuring of health services and employment. However, we must remain vigilant against this type of discrimination from ever getting a foothold in our society and if this measure proves insufficient and needs to be strengthened then we will be back and that effort will have my support.

There are many Members who have played a significant role in bringing together two different, though similar bills. My friend, Senator SNOWE, led one effort in which I was proud to join together with Senators FRIST, ENZI, COLLINS, and HAGEL. In another effort, Senator DASCHLE was joined by Senators KENNEDY, DODD, and HARKIN. That measure focused attention on the need for employment provisions and contributed to a better understanding of the many critical and complex definitions. Finally, I want to salute Senator GREGG, who as chairman of the HELP Committee devoted his energies to finding a middle ground that has made this legislation possible.

I am pleased at the willingness both sides have shown to work through the many difficult aspects of this key issue. Through many meetings and discussions we have been able to reach agreements on many important issues, and improve the legislation. I look forward to continuing this cooperative approach as we move to enact this important and landmark initiative and I urge our colleagues in the House to pass it as well. This legislation is supported by the President and it is my hope that we can enact it into law before the end of this Congress. I urge all of our colleagues to vote in its favor.

Mr. CORZINE. Mr. President, I am pleased that today the Senate is considering legislation designed to prohibit discrimination in health insurance and employment based on genetic information.

In the last decade, biomedical researchers have made great strides in genetic research. While these discoveries are critical to researching treatments and, ultimately, discovering cures for many diseases, this information also has the potential to be used to deny health care insurance or employment to an individual who has a genetic predisposition to an illness. That is why we must make it illegal for employers and health insurers to discriminate against individuals on the basis of their genetic information.

S. 1053 is an important step, but it is only a first step. Any legislation addressing this issue must include strong enforcement and deterrence mechanisms. As this legislation moves forward, I hope its enforcement provisions will be strengthened. Without strong accountability provisions, there is little to deter employers and health insurers from using genetic information inappropriately.

In addition, I hope that when this legislation is conferenced, the conferees will find ways to strengthen the privacy provisions. It is essential that our laws keep pace with technological advances and that we continue to protect the privacy of our citizens. Advances in technology cannot place fundamental American rights at risk.

Despite my concerns about the enforcement and privacy provisions, I believe this legislation is a critical first step and look forward to working with my colleagues to continue addressing the important issue of genetic discrimination.

Mr. SCHUMER. Mr. President, today, the Senate came together to pass S. 1053, the Genetic Information Nondiscrimination Act. I cast my vote in favor of this bill because I think it takes an important first step in the right direction. It is my view, however, that the bill does not go far enough. I commend my colleagues for their efforts to craft a bipartisan compromise, but I have serious concerns that the final bill does not include adequate enforcement provisions.

The Genetic Information Nondiscrimination Act prevents employers and insurance companies from treating individuals differently because of their genetic predispositions. It stops a health insurance company, for example, from charging an individual a higher premium because her mother had breast cancer.

S. 1053 does not, however, have adequate enforcement provisions. There is no recourse for individuals who feel that their rights under the law have been violated. There is no opportunity for a person to hold his employer accountable for genetic discrimination in a court of law. The current accountability provisions, which consist of nominal fees, are not sufficient in order to protect individuals who have been treated unfairly because of a genetic predisposition.

Therefore, I voted for this bill with some reluctance. I was very pleased to see this issue addressed in the Senate, but concerned that the language of the bill does not adequately protect the people for whom it was written. I hope that there will be opportunities in the future to strengthen this bill and ensure the rights of victims of genetic discrimination.

Mr. DOMENICI. Mr. President, I rise today in support of the Genetic Information Nondiscrimination Act of 2003, a bill that will prohibit discrimination based on genetic information with respect to employment and health insurance. This bill represents much cooperation on the part of my colleagues, and I want to recognize Senators SNOWE, FRIST, JEFFORDS, DASCHLE, KENNEDY, and also HELP Committee

Chairman GREGG, for all the hard work done on this important issue.

I am extremely pleased with today's passage of the Genetic Information Nondiscrimination Act, as it marks a great milestone for those of us involved in the Human Genome Project. It seems only a short time ago that the Human Genome Project was created as a joint effort between the Department of Energy and the National Institutes of Health. What progress we have made.

In the last two years, there have been many events celebrating the completion of maps of the human genome. The genome map has brought a promise of improved health through revolutionary new treatments for illness and disease. The ultimate result of mapping the human genome is a complete genetic blueprint, a blueprint containing the most personal and most private information that any human being can have. We will now have a wealth of knowledge of how our countless individual traits are determined. And perhaps more important, we will have fundamental knowledge about the genes that can cause sickness and sometimes even death.

Our personal and unique genetic information is the essence of our individuality. Our genetic blueprint is unique in each of us. However, as genetic testing becomes a more frequently used tool, we now must begin to address the ethical and legal issues regarding discrimination on the basis of genetic information. Questions regarding privacy and confidentiality, ownership and control, and consent for disclosure and use of genetic information need to be carefully considered.

An unintended consequence of this new scientific revolution is the abuses that have arisen as a result of our gathering genetic information. Healthy people are being denied employment or health insurance because of their genetic information. By addressing the issue of nondiscrimination, we are affirming the right of an individual to have a measure of control over his or her personal genetic information.

Genetic information only indicates a potential susceptibility to future illness. In fact, many individuals identified as having a hereditary condition are, indeed, healthy. Some people who test positive for genetic mutations associated with certain conditions may never develop those conditions at all. Genetic information does not necessarily diagnose disease; yet, many people in our society have been discriminated against because other people had access to information about their genes, and made determinations based on this information that the individual was too risky to insure or unsafe to employ.

While the issue is complex, our objective is clear; people should be encouraged to seek genetic services and they should not fear its discriminatory use or disclosure. The Genetic Information Nondiscrimination Act is an important first step towards protecting access for all Americans to employment and health services regardless of their genetic inheritance. There is simply no place in the health insurance or employment sector for discrimination based solely upon genetic information.

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. The Senator has a minute and a half.

Mr. KENNEDY. I yield myself the remaining time.

I ask unanimous consent that a statement of the administration's policy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

The Administration is committed to enactment of legislation to prohibit genetic discrimination in health insurance and employment. The Administration supports S. 1053, which would bar health insurers from denying coverage to a healthy individual or charging the person higher premiums based solely on a genetic predisposition to developing a disease in the future. The bill also would prohibit employers from using individuals' genetic information when making hiring, firing, job placement, or promotion decisions.

The Administration wants to work with the Congress to ensure that individuals can be certain that they are protected against the improper use of genetic information. Unwarranted use of genetic information, and the fear of potential discrimination, threatens both society's ability to use new genetic technologies to improve human health and the ability to conduct the very research needed to understand, treat, and prevent diseases. Enactment of Federal legislation will help guarantee that the Nation fully realizes the potential of ongoing advances in genetic sciences.

Mr. KENNEDY. Mr. President, it is important to know that President Bush, in 1997, while the governor of Texas, signed a law prohibiting genetic discrimination. He also went to the Nation in a radio address on June 23, 2001 and supported the elements included in this law. We have a very strong Statement of Administration Policy in support of this program.

We thank the President for his strong support and we will work with our Republicans friends to try to make sure this message goes to the House of Representatives and that they respond in a similar way.

I hope we will have an overwhelming vote in the Senate today. It is one of the most important bills we will consider this Congress.

I yield back my time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I thank the Senator from Massachusetts for his aggressive and effective leadership on this issue. I also thank the Democratic leader, who played a major role in this, Senator HARKIN, who has been working on this issue for many years, and, of course, Senator FRIST, also, because he has made this a priority and that is why we are on the floor. This is an issue in which he obviously has a personal interest, with his medical background.

We should also thank one of the groups that really energized this initiative of making lives better through developing the human genome and that is the folks at NIH, led by Dr. Francis Collins. They are the ones who are going to take this knowledge and disseminate it in a way that makes it available to the health community generally and, as a result, improve the lives of literally millions of Americans and potentially tens of millions of people around the world.

This is truly an extraordinary breakthrough in science, but it is important that it be used right and it is important that it not be used in a way that may harm individuals' economic wellbeing or their capacity to get health insurance. That is why this legislation, at the beginning, is so important. By having it in place, we will be able to energize even more research and more use of the genetic information that is available through science today.

Mr. President, I believe we are ready to vote. I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I ask unanimous consent to proceed for 10 seconds.

The PRESIDING OFFICER. The Senator has time remaining.

Mr. KENNEDY. I also thank Judy Lichtman, who is president of the Coalition for Genetic Fairness. I wanted to mention her name on the floor. She did a great deal of work, as well as the coalition. We are prepared to vote.

Mr. DASCHLE. Mr. President, a half-century ago, Drs. Francis Crick and James Watson discovered the structure of DNA—a revolutionary breakthrough that enabled scientists to begin unraveling the mysteries of human life and diseases.

Earlier this year, scientists at the National Human Genome Research Institute celebrated the completion of a massive undertaking begun 10 years earlier to map the entire human genetic code.

Our new knowledge about our genetic blueprint has the potential to dramatically improve our health and the quality of our lives. It also has the potential to destroy lives. Which of those two potentials becomes reality depends on whether and how well our laws keep pace with changes in technology.

We know from hearings we held in the Senate that current laws are inadequate to protect Americans from genetic discrimination. We also know that today Americans are not being tested, not taking advantage of medical advances, and not participating in genetic research because of their fear of discrimination. Their fears, unfortunately, are not unfounded.

Almost 2 years ago, I met a man named Dave Escher. Mr. Escher had worked for the same company for more than 25 years and was a good employee. One day, Mr. Escher was told by his employer that he needed to see a company doctor; if he refused, he was told he could lose his job. So Dave Escher saw the doctor.

However, it wasn't until after the doctor's appointment—and only by accident—that Mr. Escher learned that the company's doctors had used his blood to conduct genetic tests for more than 20 medical conditions.

Stories like Mr. Escher's may be relatively rare today, but experts tell us that is largely because genetic testing itself is still relatively rare, and because many people are choosing not to take genetic tests. As testing becomes more affordable and more common, experts say, the incidence of discrimination is likely to increase dramatically unless we act to prevent such discrimination.

Almost two centuries ago, Thomas Jefferson, one of this country's foremost scientists and original thinkers, wrote that "laws and institutions must go hand in hand with the progress of the human mind. As . . . new discoveries are made [and] new truths disclosed . . . institutions must advance also, and keep pace with the times."

In this age of genetic breakthroughs, it is essential that our laws catch up with the science. We can't afford to take one step forward in science but two steps backward in civil rights. Our laws must specify, clearly and unambiguously, how genetic information may be used and how it may not be used.

Today, after years of discussion and negotiation, the Senate is finally poised to pass bipartisan legislation to protect all Americans against the misuse and abuse of genetic information.

Our bill does three things:

No. 1, it forbids health insurers from discriminating against individuals—denying them coverage, for instance, based on genetic text results.

No. 2, it forbids employers from using genetic information to discriminate in hiring, or in the terms and conditions of employment.

No. 3, it sets privacy standards for access and disclosure of genetic information.

Genetic information should be a private matter—period. It should not be shared with employers or insurance companies without an individual's consent.

For years, experts have urged Congress to pass comprehensive national standards to protect all Americans from genetic discrimination. If we fail to do so, the experts warn, we will almost certainly squander many of the enormous potential benefits of the genetic revolution.

We have been trying to heed that warning for years. I first introduced legislation prohibiting genetic discrimination 6 years ago. Senator SNOWE and many other Senators on both sides of the aisle have been working on this important issue for just as long. After countless hours of tough negotiations, we have finally arrived at a fair resolution that provides important protections for individuals in both employment and health insurance.

Passage of this bill represents a victory for bipartisanship. But more importantly, it is a victory for the American people. Discrimination based on genetic information is just as arbitrary, just as unacceptable, and just as un-American as discrimination based on gender, race, religion, or disability. Like those other forms of discrimination, it should not be allowed in this country.

Again, I thank our colleagues who have enabled us to reach this compromise and I urge all of our colleagues to support it.

There are a few people who deserve special recognition. I particularly want to thank those Senators who have been working on this issue from the beginning and whose contributions were invaluable in reaching this compromise, especially Senators SNOWE, KENNEDY, HARKIN, DODD, JEFFORDS, FRIST, GREGG, and ENZI.

I also want to thank Dr. Francis Collins and the staff at NIH, as well as Kathy Hudson, who heads up the Genetics and Public Policy Center at Johns Hopkins University. Without their technical expertise and their determination to help our laws keep pace with science, we would not be here today.

One other person who must be recognized is our good friend in the other body, Congresswoman LOUISE SLAUGHTER. Her determined leadership helped move us forward at every step of the way, and her tenacity and expertise will be essential to passage of this legislation in the House.

Nearly 2½ years ago, in one of his weekly radio addresses, President Bush joined in the call for comprehensive protection of genetic information. I urge all of our colleagues in the Senate to support this well-crafted, bipartisan solution. I also hope that our friends in the House will heed the President's words, follow this Senate's actions, and pass this bill quickly so we can get it to the President for his signature this year.

We cannot allow the gap between science and the law to continue to widen. We all have genetic markers. We are all potentially at risk of genetic discrimination. This is not a partisan issue. This is an urgent civil rights issue. There is no reason to wait any longer. We have a solution. We ought to pass it this year.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, we are about to vote on legislation that will provide important new protections against employment and health insurance discrimination based on genetic profiling. The bill protects Americans from both disease and discrimination.

We have been working on this legislation for many years, and I am pleased today that the Senate is about to act. I expect that today the Senate will overwhelmingly pass the genetic information nondiscrimination bill.

I especially, commend my colleagues Senators SNOWE, GREGG, JEFFORDS, DASCHLE, KENNEDY, ENZI, HAGEL, COLLINS and DEWINE for their hard work and dedication over many years.

Since we began looking at the issue of genetic discrimination, genetic scholarship has advanced by leaps and bounds. This year, scientists, working in collaboration with the National Human Genome Research Institute at the National Institutes of Health, published a final draft of the sequence of the entire human genetic code.

It's a dazzling accomplishment that makes possible unprecedented understanding of human development, health and disease. It has the potential to change the way we practice medicine.

Scientists will be able to design drugs to treat specific genes. Tissues and organs may be specifically engineered for use in transplantation. Preventive care may potentially be based in large part on genetic testing. But this new knowledge is also fraught with risk.

When I first joined Senator SNOWE to address the issue of genetic discrimination, almost one-third of women offered a test for breast cancer risk at the National Institutes of Health declined, citing concerns that health insurance companies would discriminate against them.

They were afraid that genetic information gathered to protect them from disease might end up hurting their chances to get insurance.

Their fears were understandable. Genetic screening is a powerful tool, and can impart highly sensitive and very personal information. The fear of genetic discrimination has the potential to prevent individuals from participating in research studies, from taking advantage of new genetic technologies, or even from discovering that they are not at high risk for genetically related illnesses.

As a doctor and a Senator, I believe protecting our fellow citizens from genetic discrimination is a moral and practical responsibility.

In the past, Congress has taken on the battle against discrimination, most notably through the landmark 1964 Civil Rights Act, the 1990 Americans with Disabilities Act, and the Health Insurance Portability and Accountability Act.

This legislation stands squarely on our time-tested civil rights laws, establishing comprehensive, consistent, and fair protections.

Genetic research will make thrilling advances possible in the not too distant future, including possible cures to our most vexing illnesses.

But as we greet the future with new technology and scientific discoveries, we must take care to protect our body politic from unintended and unanticipated consequences. I am pleased by the progress we have made thus far, and I congratulate each of my colleagues on their dedication to this issue.

I strongly support the passage of this bill. It will help protect Americans from both discrimination and disease.

Mr. President, this is a bill we have worked on for the last 7 years. It has allowed us to address an issue, the human genome and the definition of the code, in advance. Everything we thought back then I believe was right on target. It has taken a long time to get to where we are today. It has taken a lot of bipartisan work among Senators on both sides of the aisle who really came down to wanting to pass a bill that did two things; that is, protect the health and the future health of individuals in this country and, at the same time, protect from discrimination. This bill accomplishes that.

Again, I congratulate my colleagues for their leadership and persistence in passing this bill.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Under the previous order, the bill having been read the third time, the question is, Shall the bill, as amended, pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Minnesota (Mr. DAYTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "Yea".

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 377 Leg.]

YEAS—95

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—5

Dayton
Edwards
Kerry
Lieberman
Miller

The bill (S. 1053), as amended, was passed, as follows:

S. 1053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Genetic Information Nondiscrimination Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—GENETIC NONDISCRIMINATION IN HEALTH INSURANCE

Sec. 101. Amendments to Employee Retirement Income Security Act of 1974.
Sec. 102. Amendments to the Public Health Service Act.
Sec. 103. Amendments to the Internal Revenue Code of 1986.
Sec. 104. Amendments to title XVIII of the Social Security Act relating to medigap.
Sec. 105. Privacy and confidentiality.
Sec. 106. Assuring coordination.
Sec. 107. Regulations; effective date.

TITLE II—PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION

Sec. 201. Definitions.
Sec. 202. Employer practices.
Sec. 203. Employment agency practices.
Sec. 204. Labor organization practices.
Sec. 205. Training programs.
Sec. 206. Confidentiality of genetic information.
Sec. 207. Remedies and enforcement.
Sec. 208. Disparate impact.
Sec. 209. Construction.
Sec. 210. Medical information that is not genetic information.
Sec. 211. Regulations.
Sec. 212. Authorization of appropriations.
Sec. 213. Effective date.

TITLE III—MISCELLANEOUS PROVISION

Sec. 301. Severability.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Deciphering the sequence of the human genome and other advances in genetics open major new opportunities for medical progress. New knowledge about the genetic basis of illness will allow for earlier detection of illnesses, often before symptoms have begun. Genetic testing can allow individuals to take steps to reduce the likelihood that they will contract a particular disorder. New knowledge about genetics may allow for the development of better therapies that are more effective against disease or have fewer side effects than current treatments. These advances give rise to the potential misuse of genetic information to discriminate in health insurance and employment.

(2) The early science of genetics became the basis of State laws that provided for the sterilization of persons having presumed genetic "defects" such as mental retardation, mental disease, epilepsy, blindness, and hearing loss, among other conditions. The first sterilization law was enacted in the State of Indiana in 1907. By 1981, a majority of States adopted sterilization laws to "correct" apparent genetic traits or tendencies. Many of these State laws have since been repealed, and many have been modified to include essential constitutional requirements of due process and equal protection. However, the current explosion in the science of genetics, and the history of sterilization laws by the States based on early genetic science, compels Congressional action in this area.

(3) Although genes are facially neutral markers, many genetic conditions and disorders are associated with particular racial and ethnic groups and gender. Because some genetic traits are most prevalent in particular groups, members of a particular group may be stigmatized or discriminated against as a result of that genetic information. This form of discrimination was evident in the 1970s, which saw the advent of programs to screen and identify carriers of sickle cell anemia, a disease which afflicts African-Americans. Once again, State legislatures began to enact discriminatory laws in the area, and in the early 1970s began mandating genetic screening of all African Americans for sickle cell anemia, leading to discrimination and unnecessary fear. To alleviate some of this stigma, Congress in 1972 passed the National Sickle Cell Anemia Control Act, which withholds Federal funding from States unless sickle cell testing is voluntary.

(4) Congress has been informed of examples of genetic discrimination in the workplace. These include the use of pre-employment genetic screening at Lawrence Berkeley Laboratory, which led to a court decision in favor of the employees in that case *Norman-Bloodsaw v. Lawrence Berkeley Laboratory* (135 F.3d 1260, 1269 (9th Cir. 1998)). Congress clearly has a compelling public interest in relieving the fear of discrimination and in prohibiting its actual practice in employment and health insurance.

(5) Federal law addressing genetic discrimination in health insurance and employment is incomplete in both the scope and depth of its protections. Moreover, while many States have enacted some type of genetic non-discrimination law, these laws vary widely with respect to their approach, application, and level of protection. Congress has collected substantial evidence that the American public and the medical community find the existing patchwork of State and Federal laws to be confusing and inadequate to protect them from discrimination. Therefore Federal legislation establishing a national and uniform basic standard is necessary to fully protect the public from discrimination and allay their concerns about

the potential for discrimination, thereby allowing individuals to take advantage of genetic testing, technologies, research, and new therapies.

TITLE I—GENETIC NONDISCRIMINATION IN HEALTH INSURANCE

SEC. 101. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION OR GENETIC SERVICES.—

(1) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 702(a)(1)(F) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(1)(F)) is amended by inserting before the period the following: "(including information about a request for or receipt of genetic services by an individual or family member of such individual)".

(2) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Section 702(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(b)) is amended—

(A) in paragraph (2)(A), by inserting before the semicolon the following: "except as provided in paragraph (3)"; and

(B) by adding at the end the following:

"(3) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—For purposes of this section, a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not adjust premium or contribution amounts for a group on the basis of genetic information concerning an individual in the group or a family member of the individual (including information about a request for or receipt of genetic services by an individual or family member of such individual).".

(b) LIMITATIONS ON GENETIC TESTING.—Section 702 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182) is amended by adding at the end the following:

"(c) GENETIC TESTING.—

"(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) RULE OF CONSTRUCTION.—Nothing in this part shall be construed to—

"(A) limit the authority of a health care professional who is providing health care services with respect to an individual to request that such individual or a family member of such individual undergo a genetic test;

"(B) limit the authority of a health care professional who is employed by or affiliated with a group health plan or a health insurance issuer and who is providing health care services to an individual as part of a bona fide wellness program to notify such individual of the availability of a genetic test or to provide information to such individual regarding such genetic test; or

"(C) authorize or permit a health care professional to require that an individual undergo a genetic test.

"(d) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), and (c) shall apply to group health plans and health insurance issuers without regard to section 732(a).".

(c) REMEDIES AND ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended by adding at the end the following:

"(n) ENFORCEMENT OF GENETIC NONDISCRIMINATION REQUIREMENTS.—

"(1) INJUNCTIVE RELIEF FOR IRREPARABLE HARM.—With respect to any violation of subsection (a)(1)(F), (b)(3), or (c) of section 702, a participant or beneficiary may seek relief under subsection 502(a)(1)(B) prior to the exhaustion of available administrative remedies under section 503 if it is demonstrated to the court, by a preponderance of the evidence, that the exhaustion of such remedies would cause irreparable harm to the health of the participant or beneficiary. Any determinations that already have been made under section 503 in such case, or that are made in such case while an action under this paragraph is pending, shall be given due consideration by the court in any action under this subsection in such case.

"(2) EQUITABLE RELIEF FOR GENETIC NONDISCRIMINATION.—

"(A) REINSTATEMENT OF BENEFITS WHERE EQUITABLE RELIEF HAS BEEN AWARDED.—The recovery of benefits by a participant or beneficiary under a civil action under this section may include an administrative penalty under subparagraph (B) and the retroactive reinstatement of coverage under the plan involved to the date on which the participant or beneficiary was denied eligibility for coverage if—

"(i) the civil action was commenced under subsection (a)(1)(B); and

"(ii) the denial of coverage on which such civil action was based constitutes a violation of subsection (a)(1)(F), (b)(3), or (c) of section 702.

"(B) ADMINISTRATIVE PENALTY.—

"(i) IN GENERAL.—An administrator who fails to comply with the requirements of subsection (a)(1)(F), (b)(3), or (c) of section 702 with respect to a participant or beneficiary may, in an action commenced under subsection (a)(1)(B), be personally liable in the discretion of the court, for a penalty in the amount not more than $100 for each day in the noncompliance period.

"(ii) NONCOMPLIANCE PERIOD.—For purposes of clause (i), the term 'noncompliance period' means the period—

"(I) beginning on the date that a failure described in clause (i) occurs; and

"(II) ending on the date that such failure is corrected.

"(iii) PAYMENT TO PARTICIPANT OR BENEFICIARY.—A penalty collected under this subparagraph shall be paid to the participant or beneficiary involved.

"(3) SECRETARIAL ENFORCEMENT AUTHORITY.—

"(A) GENERAL RULE.—The Secretary has the authority to impose a penalty on any failure of a group health plan to meet the requirements of subsection (a)(1)(F), (b)(3), or (c) of section 702.

"(B) AMOUNT.—

"(i) IN GENERAL.—The amount of the penalty imposed by subparagraph (A) shall be $100 for each day in the noncompliance period with respect to each individual to whom such failure relates.

"(ii) NONCOMPLIANCE PERIOD.—For purposes of this paragraph, the term 'noncompliance period' means, with respect to any failure, the period—

"(I) beginning on the date such failure first occurs; and

"(II) ending on the date such failure is corrected.

"(C) MINIMUM PENALTIES WHERE FAILURE DISCOVERED.—Notwithstanding clauses (i) and (ii) of subparagraph (D):

"(i) IN GENERAL.—In the case of 1 or more failures with respect to an individual—

"(I) which are not corrected before the date on which the plan receives a notice from the Secretary of such violation; and

"(II) which occurred or continued during the period involved;

the amount of penalty imposed by subparagraph (A) by reason of such failures with respect to such individual shall not be less than $2,500.

"(ii) HIGHER MINIMUM PENALTY WHERE VIOLATIONS ARE MORE THAN DE MINIMIS.—To the extent violations for which any person is liable under this paragraph for any year are more than de minimis, clause (i) shall be applied by substituting '$15,000' for '$2,500' with respect to such person.

"(D) LIMITATIONS.—

"(i) PENALTY NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No penalty shall be imposed by subparagraph (A) on any failure during any period for which it is established to the satisfaction of the Secretary that the person otherwise liable for such penalty did not know, and exercising reasonable diligence would not have known, that such failure existed.

"(ii) PENALTY NOT TO APPLY TO FAILURES CORRECTED WITHIN CERTAIN PERIODS.—No penalty shall be imposed by subparagraph (A) on any failure if—

"(I) such failure was due to reasonable cause and not to willful neglect; and

"(II) such failure is corrected during the 30-day period beginning on the first date the person otherwise liable for such penalty knew, or exercising reasonable diligence would have known, that such failure existed.

"(iii) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures which are due to reasonable cause and not to willful neglect, the penalty imposed by subparagraph (A) for failures shall not exceed the amount equal to the lesser of—

"(I) 10 percent of the aggregate amount paid or incurred by the employer (or predecessor employer) during the preceding taxable year for group health plans; or

"(II) $500,000.

"(E) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by subparagraph (A) to the extent that the payment of such penalty would be excessive relative to the failure involved.".

(d) DEFINITIONS.—Section 733(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(d)) is amended by adding at the end the following:

"(5) FAMILY MEMBER.—The term 'family member' means with respect to an individual—

"(A) the spouse of the individual;

"(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

"(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

"(6) GENETIC INFORMATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'genetic information' means information about—

"(i) an individual's genetic tests;

"(ii) the genetic tests of family members of the individual; or

"(iii) the occurrence of a disease or disorder in family members of the individual.

"(B) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of an individual.

"(7) GENETIC TEST.—

"(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(B) EXCEPTIONS.—The term 'genetic test' does not mean—

"(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

"(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"(8) GENETIC SERVICES.—The term 'genetic services' means—

"(A) a genetic test;

"(B) genetic counseling (such as obtaining, interpreting, or assessing genetic information); or

"(C) genetic education.".

(e) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this title, the Secretary of Labor shall issue final regulations in an accessible format to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 18 months after the date of enactment of this title.

SEC. 102. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) AMENDMENTS RELATING TO THE GROUP MARKET.—

(1) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION OR GENETIC SERVICES.—

(A) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 2702(a)(1)(F) of the Public Health Service Act (42 U.S.C. 300gg-1(a)(1)(F)) is amended by inserting before the period the following: "(including information about a request for or receipt of genetic services by an individual or family member of such individual)".

(B) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Section 2702(b) of the Public Health Service Act (42 U.S.C. 300gg-1(b)) is amended—

(i) in paragraph (2)(A), by inserting before the semicolon the following: ", except as provided in paragraph (3)"; and

(ii) by adding at the end the following:

"(3) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—For purposes of this section, a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not adjust premium or contribution amounts for a group on the basis of genetic information concerning an individual in the group or a family member of the individual (including information about a request for or receipt of genetic services by an individual or family member of such individual).".

(2) LIMITATIONS ON GENETIC TESTING.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg-1) is amended by adding at the end the following:

"(c) GENETIC TESTING.—

"(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) RULE OF CONSTRUCTION.—Nothing in this part shall be construed to—

"(A) limit the authority of a health care professional who is providing health care services with respect to an individual to request that such individual or a family member of such individual undergo a genetic test;

"(B) limit the authority of a health care professional who is employed by or affiliated with a group health plan or a health insurance issuer and who is providing health care services to an individual as part of a bona fide wellness program to notify such individual of the availability of a genetic test or to provide information to such individual regarding such genetic test; or

"(C) authorize or permit a health care professional to require that an individual undergo a genetic test.

"(d) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), and (c) shall apply to group health plans and health insurance issuers without regard to section 2721(a).".

(3) REMEDIES AND ENFORCEMENT.—Section 2722(b) of the Public Health Service Act (42 U.S.C. 300gg-22)(b)) is amended by adding at the end the following:

"(3) ENFORCEMENT AUTHORITY RELATING TO GENETIC DISCRIMINATION.—

"(A) GENERAL RULE.—In the cases described in paragraph (1), notwithstanding the provisions of paragraph (2)(C), the following provisions shall apply with respect to an action under this subsection by the Secretary with respect to any failure of a health insurance issuer in connection with a group health plan, to meet the requirements of subsection (a)(1)(F), (b)(3), or (c) of section 2702.

"(B) AMOUNT.—

"(i) IN GENERAL.—The amount of the penalty imposed under this paragraph shall be $100 for each day in the noncompliance period with respect to each individual to whom such failure relates.

"(ii) NONCOMPLIANCE PERIOD.—For purposes of this paragraph, the term 'noncompliance period' means, with respect to any failure, the period—

"(I) beginning on the date such failure first occurs; and

"(II) ending on the date such failure is corrected.

"(C) MINIMUM PENALTIES WHERE FAILURE DISCOVERED.—Notwithstanding clauses (i) and (ii) of subparagraph (D):

"(i) IN GENERAL.—In the case of 1 or more failures with respect to an individual—

"(I) which are not corrected before the date on which the plan receives a notice from the Secretary of such violation; and

"(II) which occurred or continued during the period involved;

the amount of penalty imposed by subparagraph (A) by reason of such failures with respect to such individual shall not be less than $2,500.

"(ii) HIGHER MINIMUM PENALTY WHERE VIOLATIONS ARE MORE THAN DE MINIMIS.—To the extent violations for which any person is liable under this paragraph for any year are more than de minimis, clause (i) shall be applied by substituting '$15,000' for '$2,500' with respect to such person.

"(D) LIMITATIONS.—

"(i) PENALTY NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No penalty shall be imposed by subparagraph (A) on any failure during any period for which it is established to the satisfaction of the Secretary that the person otherwise liable for such penalty did not know, and exercising reasonable diligence would not have known, that such failure existed.

"(ii) PENALTY NOT TO APPLY TO FAILURES CORRECTED WITHIN CERTAIN PERIODS.—No penalty shall be imposed by subparagraph (A) on any failure if—

"(I) such failure was due to reasonable cause and not to willful neglect; and

"(II) such failure is corrected during the 30-day period beginning on the first date the person otherwise liable for such penalty knew, or exercising reasonable diligence would have known, that such failure existed.

"(iii) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures which are due to reasonable cause and not to willful neglect, the penalty imposed by subparagraph (A) for failures shall not exceed the amount equal to the lesser of—

"(I) 10 percent of the aggregate amount paid or incurred by the employer (or predecessor employer) during the preceding taxable year for group health plans; or

"(II) $500,000.

"(E) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by subparagraph (A) to the extent that the payment of such penalty would be excessive relative to the failure involved.".

(4) DEFINITIONS.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg-91(d)) is amended by adding at the end the following:

"(15) FAMILY MEMBER.—The term 'family member' means with respect to an individual—

"(A) the spouse of the individual;

"(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

"(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

"(16) GENETIC INFORMATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'genetic information' means information about—

"(i) an individual's genetic tests;

"(ii) the genetic tests of family members of the individual; or

"(iii) the occurrence of a disease or disorder in family members of the individual.

"(B) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of an individual.

"(17) GENETIC TEST.—

"(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(B) EXCEPTIONS.—The term 'genetic test' does not mean—

"(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

"(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"(18) GENETIC SERVICES.—The term 'genetic services' means—

"(A) a genetic test;

"(B) genetic counseling (such as obtaining, interpreting, or assessing genetic information); or

"(C) genetic education.".

(b) AMENDMENT RELATING TO THE INDIVIDUAL MARKET.—

(1) IN GENERAL.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) (relating to other requirements) is amended—

(A) by redesignating such subpart as subpart 2; and

(B) by adding at the end the following:

"SEC. 2753. PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION.

"(a) Prohibition on Genetic Information as a Condition of Eligibility.—A health insurance issuer offering health insurance coverage in the individual market may not establish rules for the eligibility (including continued eligibility) of any individual to enroll in individual health insurance coverage based on genetic information (including information about a request for or receipt of genetic services by an individual or family member of such individual).

"(b) Prohibition on Genetic Information in Setting Premium Rates.—A health insurance issuer offering health insurance coverage in the individual market shall not adjust premium or contribution amounts for an individual on the basis of genetic information concerning the individual or a family member of the individual (including information about a request for or receipt of genetic services by an individual or family member of such individual).

"(c) Genetic Testing.—

"(1) Limitation on requesting or requiring genetic testing.—A health insurance issuer offering health insurance coverage in the individual market shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) Rule of construction.—Nothing in this part shall be construed to—

"(A) limit the authority of a health care professional who is providing health care services with respect to an individual to request that such individual or a family member of such individual undergo a genetic test;

"(B) limit the authority of a health care professional who is employed by or affiliated with a health insurance issuer and who is providing health care services to an individual as part of a bona fide wellness program to notify such individual of the availability of a genetic test or to provide information to such individual regarding such genetic test; or

"(C) authorize or permit a health care professional to require that an individual undergo a genetic test.".

(2) Remedies and Enforcement.—Section 2761(b) of the Public Health Service Act (42 U.S.C. 300gg–61)(b)) is amended to read as follows:

"(b) Secretarial Enforcement Authority.—The Secretary shall have the same authority in relation to enforcement of the provisions of this part with respect to issuers of health insurance coverage in the individual market in a State as the Secretary has under section 2722(b)(2), and section 2722(b)(3) with respect to violations of genetic nondiscrimination provisions, in relation to the enforcement of the provisions of part A with respect to issuers of health insurance coverage in the small group market in the State.".

(c) Elimination of Option of Non-Federal Governmental Plans To Be Excepted From Requirements Concerning Genetic Information.—Section 2721(b)(2) of the Public Health Service Act (42 U.S. C. 300gg–21(b)(2)) is amended—

(1) in subparagraph (A), by striking "If the plan sponsor" and inserting "Except as provided in subparagraph (D), if the plan sponsor"; and

(2) by adding at the end the following:

"(D) Election not applicable to requirements concerning genetic information.—The election described in subparagraph (A) shall not be available with respect to the provisions of subsections (a)(1)(F) and (c) of section 2702 and the provisions of section 2702(b) to the extent that such provisions apply to genetic information (or information about a request for or the receipt of genetic services by an individual or a family member of such individual).".

(d) Regulations and Effective Date.—

(1) Regulations.—Not later than 1 year after the date of enactment of this title, the Secretary of Labor and the Secretary of Health and Human Services (as the case may be) shall issue final regulations in an accessible format to carry out the amendments made by this section.

(2) Effective date.—The amendments made by this section shall apply—

(A) with respect to group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning after the date that is 18 months after the date of enactment of this title; and

(B) with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after the date that is 18 months after the date of enactment of this title.

SEC. 103. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) Prohibition of Health Discrimination on the Basis of Genetic Information or Genetic Services.—

(1) No enrollment restriction for genetic services.—Section 9802(a)(1)(F) of the Internal Revenue Code of 1986 is amended by inserting before the period the following: "(including information about a request for or receipt of genetic services by an individual or family member of such individual)".

(2) No discrimination in group premiums based on genetic information.—Section 9802(b) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (2)(A), by inserting before the semicolon the following: ", except as provided in paragraph (3)"; and

(B) by adding at the end the following:

"(3) No discrimination in group premiums based on genetic information.—For purposes of this section, a group health plan shall not adjust premium or contribution amounts for a group on the basis of genetic information concerning an individual in the group or a family member of the individual (including information about a request for or receipt of genetic services by an individual or family member of such individual).".

(b) Limitations on Genetic Testing.—Section 9802 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(d) Genetic Testing and Genetic Services.—

"(1) Limitation on requesting or requiring genetic testing.—A group health plan shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) Rule of construction.—Nothing in this part shall be construed to—

"(A) limit the authority of a health care professional who is providing health care services with respect to an individual to request that such individual or a family member of such individual undergo a genetic test;

"(B) limit the authority of a health care professional who is employed by or affiliated with a group health plan and who is providing health care services to an individual as part of a bona fide wellness program to notify such individual of the availability of a genetic test or to provide information to such individual regarding such genetic test; or

"(C) authorize or permit a health care professional to require that an individual undergo a genetic test.

"(e) Application to All Plans.—The provisions of subsections (a)(1)(F), (b)(3), and (d) shall apply to group health plans and health insurance issuers without regard to section 9831(a)(2).".

(c) Definitions.—Section 9832(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(6) Family member.—The term 'family member' means with respect to an individual—

"(A) the spouse of the individual;

"(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

"(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

"(7) Genetic services.—The term 'genetic services' means—

"(A) a genetic test;

"(B) genetic counseling (such as obtaining, interpreting, or assessing genetic information); or

"(C) genetic education.

"(8) Genetic information.—

"(A) In general.—Except as provided in subparagraph (B), the term 'genetic information' means information about—

"(i) an individual's genetic tests;

"(ii) the genetic tests of family members of the individual; or

"(iii) the occurrence of a disease or disorder in family members of the individual.

"(B) Exclusions.—The term 'genetic information' shall not include information about the sex or age of an individual.

"(9) Genetic test.—

"(A) In general.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(B) Exceptions.—The term 'genetic test' does not mean—

"(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

"(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.".

(d) Regulations and Effective Date.—

(1) Regulations.—Not later than 1 year after the date of enactment of this title, the Secretary of the Treasury shall issue final regulations in an accessible format to carry out the amendments made by this section.

(2) Effective date.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 18 months after the date of enactment of this title.

SEC. 104. AMENDMENTS TO TITLE XVIII OF THE SOCIAL SECURITY ACT RELATING TO MEDIGAP.

(a) Nondiscrimination.—

(1) In general.—Section 1882(s)(2) of the Social Security Act (42 U.S.C. 1395ss(s)(2)) is amended by adding at the end the following:

"(E)(i) An issuer of a medicare supplemental policy shall not deny or condition the issuance or effectiveness of the policy, and shall not discriminate in the pricing of the policy (including the adjustment of premium rates) of an eligible individual on the basis of genetic information concerning the individual (or information about a request for, or the receipt of, genetic services by such individual or family member of such individual).

"(ii) For purposes of clause (i), the terms 'family member', 'genetic services', and 'genetic information' shall have the meanings given such terms in subsection (v).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to a policy for policy years beginning after the date that is 18 months after the date of enactment of this Act.

(b) LIMITATIONS ON GENETIC TESTING.—

(1) IN GENERAL.—Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following:

"(v) LIMITATIONS ON GENETIC TESTING.—

"(1) GENETIC TESTING.—

"(A) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—An issuer of a medicare supplemental policy shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

"(i) limit the authority of a health care professional who is providing health care services with respect to an individual to request that such individual or a family member of such individual undergo a genetic test;

"(ii) limit the authority of a health care professional who is employed by or affiliated with an issuer of a medicare supplemental policy and who is providing health care services to an individual as part of a bona fide wellness program to notify such individual of the availability of a genetic test or to provide information to such individual regarding such genetic test; or

"(iii) authorize or permit a health care professional to require that an individual undergo a genetic test.

"(2) DEFINITIONS.—In this subsection:

"(A) FAMILY MEMBER.—The term 'family member' means with respect to an individual—

"(i) the spouse of the individual;

"(ii) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; or

"(iii) any other individuals related by blood to the individual or to the spouse or child described in clause (i) or (ii).

"(B) GENETIC INFORMATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'genetic information' means information about—

"(I) an individual's genetic tests;

"(II) the genetic tests of family members of the individual; or

"(III) the occurrence of a disease or disorder in family members of the individual.

"(ii) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of an individual.

"(C) GENETIC TEST.—

"(i) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(ii) EXCEPTIONS.—The term 'genetic test' does not mean—

"(I) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

"(II) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"(D) GENETIC SERVICES.—The term 'genetic services' means—

"(i) a genetic test;

"(ii) genetic counseling (such as obtaining, interpreting, or assessing genetic information); or

"(iii) genetic education.

"(E) ISSUER OF A MEDICARE SUPPLEMENTAL POLICY.—The term 'issuer of a medicare supplemental policy' includes a third-party administrator or other person acting for or on behalf of such issuer.".

(2) CONFORMING AMENDMENT.—Section 1882(o) of the Social Security Act (42 U.S.C. 1395ss(o)) is amended by adding at the end the following:

"(4) The issuer of the medicare supplemental policy complies with subsection (s)(2)(E) and subsection (v).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to an issuer of a medicare supplemental policy for policy years beginning on or after the date that is 18 months after the date of enactment of this Act.

(c) TRANSITION PROVISIONS.—

(1) IN GENERAL.—If the Secretary of Health and Human Services identifies a State as requiring a change to its statutes or regulations to conform its regulatory program to the changes made by this section, the State regulatory program shall not be considered to be out of compliance with the requirements of section 1882 of the Social Security Act due solely to failure to make such change until the date specified in paragraph (4).

(2) NAIC STANDARDS.—If, not later than June 30, 2004, the National Association of Insurance Commissioners (in this subsection referred to as the "NAIC") modifies its NAIC Model Regulation relating to section 1882 of the Social Security Act (referred to in such section as the 1991 NAIC Model Regulation, as subsequently modified) to conform to the amendments made by this section, such revised regulation incorporating the modifications shall be considered to be the applicable NAIC model regulation (including the revised NAIC model regulation and the 1991 NAIC Model Regulation) for the purposes of such section.

(3) SECRETARY STANDARDS.—If the NAIC does not make the modifications described in paragraph (2) within the period specified in such paragraph, the Secretary of Health and Human Services shall, not later than October 1, 2004, make the modifications described in such paragraph and such revised regulation incorporating the modifications shall be considered to be the appropriate regulation for the purposes of such section.

(4) DATE SPECIFIED.—

(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is the earlier of—

(i) the date the State changes its statutes or regulations to conform its regulatory program to the changes made by this section, or

(ii) October 1, 2004.

(B) ADDITIONAL LEGISLATIVE ACTION REQUIRED.—In the case of a State which the Secretary identifies as—

(i) requiring State legislation (other than legislation appropriating funds) to conform its regulatory program to the changes made in this section, but

(ii) having a legislature which is not scheduled to meet in 2004 in a legislative session in which such legislation may be considered,

the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after July 1, 2004. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 105. PRIVACY AND CONFIDENTIALITY.

(a) APPLICABILITY.—Except as provided in subsection (d), the provisions of this section shall apply to group health plans, health insurance issuers (including issuers in connection with group health plans or individual health coverage), and issuers of medicare supplemental policies, without regard to—

(1) section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a));

(2) section 2721(a) of the Public Health Service Act (42 U.S.C. 300gg–21(a)); and

(3) section 9831(a)(2) of the Internal Revenue Code of 1986.

(b) COMPLIANCE WITH CERTAIN CONFIDENTIALITY STANDARDS WITH RESPECT TO GENETIC INFORMATION.—

(1) IN GENERAL.—The regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note) shall apply to the use or disclosure of genetic information.

(2) PROHIBITION ON UNDERWRITING AND PREMIUM RATING.—Notwithstanding paragraph (1), a group health plan, a health insurance issuer, or issuer of a medicare supplemental policy shall not use or disclose genetic information (including information about a request for or a receipt of genetic services by an individual or family member of such individual) for purposes of underwriting, determinations of eligibility to enroll, premium rating, or the creation, renewal or replacement of a plan, contract or coverage for health insurance or health benefits.

(c) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

(1) IN GENERAL.—A group health plan, health insurance issuer, or issuer of a medicare supplemental policy shall not request, require, or purchase genetic information (including information about a request for or a receipt of genetic services by an individual or family member of such individual) for purposes of underwriting, determinations of eligibility to enroll, premium rating, or the creation, renewal or replacement of a plan, contract or coverage for health insurance or health benefits.

(2) LIMITATION RELATING TO THE COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A group health plan, health insurance issuer, or issuer of a medicare supplemental policy shall not request, require, or purchase genetic information (including information about a request for or a receipt of genetic services by an individual or family member of such individual) concerning a participant, beneficiary, or enrollee prior to the enrollment, and in connection with such enrollment, of such individual under the plan, coverage, or policy.

(3) INCIDENTAL COLLECTION.—Where a group health plan, health insurance issuer, or issuer of a medicare supplemental policy obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning a participant, beneficiary, or enrollee, such request, requirement, or purchase shall not be considered a violation of this subsection if—

(A) such request, requirement, or purchase is not in violation of paragraph (1); and

(B) any genetic information (including information about a request for or receipt of genetic services) requested, required, or purchased is not used or disclosed in violation of subsection (b).

(d) Application of Confidentiality Standards.—The provisions of subsections (b) and (c) shall not apply—

(1) to group health plans, health insurance issuers, or issuers of medicare supplemental policies that are not otherwise covered under the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note); and

(2) to genetic information that is not considered to be individually-identifiable health information under the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

(e) Enforcement.—A group health plan, health insurance issuer, or issuer of a medicare supplemental policy that violates a provision of this section shall be subject to the penalties described in sections 1176 and 1177 of the Social Security Act (42 U.S.C. 1320d–5 and 1320d–6) in the same manner and to the same extent that such penalties apply to violations of part C of title XI of such Act.

(f) Preemption.—

(1) In general.—A provision or requirement under this section or a regulation promulgated under this section shall supersede any contrary provision of State law unless such provision of State law imposes requirements, standards, or implementation specifications that are more stringent than the requirements, standards, or implementation specifications imposed under this section or such regulations. No penalty, remedy, or cause of action to enforce such a State law that is more stringent shall be preempted by this section.

(2) Rule of construction.—Nothing in paragraph (1) shall be construed to establish a penalty, remedy, or cause of action under State law if such penalty, remedy, or cause of action is not otherwise available under such State law.

(g) Coordination with Privacy Regulations.—The Secretary shall implement and administer this section in a manner that is consistent with the implementation and administration by the Secretary of the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

(h) Definitions.—In this section:

(1) Genetic information; genetic services.—The terms "family member", "genetic information", "genetic services", and "genetic test" have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), as amended by this Act.

(2) Group health plan; health insurance issuer.—The terms "group health plan" and "health insurance issuer" include only those plans and issuers that are covered under the regulations described in subsection (d)(1).

(3) Issuer of a medicare supplemental policy.—The term "issuer of a medicare supplemental policy" means an issuer described in section 1882 of the Social Security Act (42 insert 1395ss).

(4) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 106. ASSURING COORDINATION.

(a) In General.—Except as provided in subsection (b), the Secretary of the Treasury, the Secretary of Health and Human Services, and the Secretary of Labor shall ensure, through the execution of an interagency memorandum of understanding among such Secretaries, that—

(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which two or more such Secretaries have responsibility under this title (and the amendments made by this title) are administered so as to have the same effect at all times; and

(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

(b) Authority of the Secretary.—The Secretary of Health and Human Services has the sole authority to promulgate regulations to implement section 105.

SEC. 107. REGULATIONS; EFFECTIVE DATE.

(a) Regulations.—Not later than 1 year after the date of enactment of this title, the Secretary of Labor, the Secretary of Health and Human Services, and the Secretary of the Treasury shall issue final regulations in an accessible format to carry out this title.

(b) Effective Date.—Except as provided in section 104, the amendments made by this title shall take effect on the date that is 18 months after the date of enactment of this Act.

TITLE II—PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION

SEC. 201. DEFINITIONS.

In this title:

(1) Commission.—The term "Commission" means the Equal Employment Opportunity Commission as created by section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4).

(2) Employee; employer; employment agency; labor organization; member.—

(A) In general.—The term "employee" means—

(i) an employee (including an applicant), as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(ii) a State employee (including an applicant) described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a));

(iii) a covered employee (including an applicant), as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301);

(iv) a covered employee (including an applicant), as defined in section 411(c) of title 3, United States Code; or

(v) an employee or applicant to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies.

(B) Employer.—The term "employer" means—

(i) an employer (as defined in section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b));

(ii) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

(iii) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

(iv) an employing office, as defined in section 411(c) of title 3, United States Code; or

(v) an entity to which section 717(a) of the Civil Rights Act of 1964 applies.

(C) Employment agency; labor organization.—The terms "employment agency" and "labor organization" have the meanings given the terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

(D) Member.—The term "member", with respect to a labor organization, includes an applicant for membership in a labor organization.

(3) Family member.—The term "family member" means with respect to an individual—

(A) the spouse of the individual;

(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

(4) Genetic information.—

(A) In general.—Except as provided in subparagraph (B), the term "genetic information" means information about—

(i) an individual's genetic tests;

(ii) the genetic tests of family members of the individual; or

(iii) the occurrence of a disease or disorder in family members of the individual.

(B) Exceptions.—The term "genetic information" shall not include information about the sex or age of an individual.

(5) Genetic monitoring.—The term "genetic monitoring" means the periodic examination of employees to evaluate acquired modifications to their genetic material, such as chromosomal damage or evidence of increased occurrence of mutations, that may have developed in the course of employment due to exposure to toxic substances in the workplace, in order to identify, evaluate, and respond to the effects of or control adverse environmental exposures in the workplace.

(6) Genetic services.—The term "genetic services" means—

(A) a genetic test;

(B) genetic counseling (such as obtaining, interpreting or assessing genetic information); or

(C) genetic education.

(7) Genetic test.—

(A) In general.—The term "genetic test" means the analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

(B) Exception.—The term "genetic test" does not mean an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes.

SEC. 202. EMPLOYER PRACTICES.

(a) Use of Genetic Information.—It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any employee, or otherwise to discriminate against any employee with respect to the compensation, terms, conditions, or privileges of employment of the employee, because of genetic information with respect to the employee (or information about a request for or the receipt of genetic services by such employee or family member of such employee); or

(2) to limit, segregate, or classify the employees of the employer in any way that would deprive or tend to deprive any employee of employment opportunities or otherwise adversely affect the status of the employee as an employee, because of genetic information with respect to the employee (or information about a request for or the receipt of genetic services by such employee or family member of such employee).

(b) Acquisition of Genetic Information.—It shall be an unlawful employment practice for an employer to request, require, or purchase genetic information with respect to an employee or a family member of the employee (or information about a request for the receipt of genetic services by such employee or a family member of such employee) except—

(1) where an employer inadvertently requests or requires family medical history of the employee or family member of the employee;

(2) where—

(A) health or genetic services are offered by the employer, including such services offered as part of a bona fide wellness program;

(B) the employee provides prior, knowing, voluntary, and written authorization;

(C) only the employee (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employer except in aggregate terms that do not disclose the identity of specific employees;

(3) where an employer requests or requires family medical history from the employee to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where an employer purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employer provides written notice of the genetic monitoring to the employee;

(B)(i) the employee provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the employee is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employer, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific employees;

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 203. EMPLOYMENT AGENCY PRACTICES.

(a) USE OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employment agency—

(1) to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual);

(2) to limit, segregate, or classify individuals or fail or refuse to refer for employment any individual in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual); or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employment agency to request, require, or purchase genetic information with respect to an individual or a family member of the individual (or information about a request for the receipt of genetic services by such individual or a family member of such individual) except—

(1) where an employment agency inadvertently requests or requires family medical history of the individual or family member of the individual;

(2) where—

(A) health or genetic services are offered by the employment agency, including such services offered as part of a bona fide wellness program;

(B) the individual provides prior, knowing, voluntary, and written authorization;

(C) only the individual (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employment agency except in aggregate terms that do not disclose the identity of specific individuals;

(3) where an employment agency requests or requires family medical history from the individual to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where an employment agency purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employment agency provides written notice of the genetic monitoring to the individual;

(B)(i) the individual provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the individual is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employment agency, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific individuals;

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 204. LABOR ORGANIZATION PRACTICES.

(a) USE OF GENETIC INFORMATION.—It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from the membership of the organization, or otherwise to discriminate against, any member because of genetic information with respect to the member (or information about a request for or the receipt of genetic services by such member or family member of such member);

(2) to limit, segregate, or classify the members of the organization, or fail or refuse to refer for employment any member, in any way that would deprive or tend to deprive any member of employment opportunities, or otherwise adversely affect the status of the member as an employee, because of genetic information with respect to the member (or information about a request for or the receipt of genetic services by such member or family member of such member); or

(3) to cause or attempt to cause an employer to discriminate against a member in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for a labor organization to request, require, or purchase genetic information with respect to a member or a family member of the member (or information about a request for the receipt of genetic services by such member or a family member of such member) except—

(1) where a labor organization inadvertently requests or requires family medical history of the member or family member of the member;

(2) where—

(A) health or genetic services are offered by the labor organization, including such services offered as part of a bona fide wellness program;

(B) the member provides prior, knowing, voluntary, and written authorization;

(C) only the member (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the labor organization except in aggregate terms that do not disclose the identity of specific members;

(3) where a labor organization requests or requires family medical history from the members to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where a labor organization purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the labor organization provides written notice of the genetic monitoring to the member;

(B)(i) the member provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the member is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the labor organization, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific members;

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 205. TRAINING PROGRAMS.

(a) USE OF GENETIC INFORMATION.—It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs—

(1) to discriminate against any individual because of genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or a family member of such individual) in admission to, or employment in, any program established to provide apprenticeship or other training or retraining;

(2) to limit, segregate, or classify the applicants for or participants in such apprenticeship or other training or retraining, or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual (or information about a request for or receipt of genetic services by such individual or family member of such individual); or

(3) to cause or attempt to cause an employer to discriminate against an applicant for or a participant in such apprenticeship or other training or retraining in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer, labor organization, or joint labor-management committee described in subsection (a) to request, require, or purchase genetic information with respect to an individual or a family member of the individual (or information about a request for the receipt of genetic services by such individual or a family member of such individual) except—

(1) where the employer, labor organization, or joint labor-management committee inadvertently requests or requires family medical history of the individual or family member of the individual;

(2) where—

(A) health or genetic services are offered by the employer, labor organization, or joint labor-management committee, including such services offered as part of a bona fide wellness program;

(B) the individual provides prior, knowing, voluntary, and written authorization;

(C) only the individual (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services;

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employer, labor organization, or joint labor-management committee except in aggregate terms that do not disclose the identity of specific individuals;

(3) where the employer, labor organization, or joint labor-management committee requests or requires family medical history from the individual to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where the employer, labor organization, or joint labor-management committee purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employer, labor organization, or joint labor-management committee provides written notice of the genetic monitoring to the individual;

(B)(i) the individual provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the individual is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employer, labor organization, or joint labor-management committee, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific individuals;

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 206. CONFIDENTIALITY OF GENETIC INFORMATION.

(a) TREATMENT OF INFORMATION AS PART OF CONFIDENTIAL MEDICAL RECORD.—If an employer, employment agency, labor organization, or joint labor-management committee possesses genetic information about an employee or member (or information about a request for or receipt of genetic services by such employee or member or family member of such employee or member), such information shall be maintained on separate forms and in separate medical files and be treated as a confidential medical record of the employee or member.

(b) LIMITATION ON DISCLOSURE.—An employer, employment agency, labor organization, or joint labor-management committee shall not disclose genetic information concerning an employee or member (or information about a request for or receipt of genetic services by such employee or member or family member of such employee or member) except—

(1) to the employee (or family member if the family member is receiving the genetic services) or member of a labor organization at the request of the employee or member of such organization;

(2) to an occupational or other health researcher if the research is conducted in compliance with the regulations and protections provided for under part 46 of title 45, Code of Federal Regulations;

(3) in response to an order of a court, except that—

(A) the employer, employment agency, labor organization, or joint labor-management committee may disclose only the genetic information expressly authorized by such order; and

(B) if the court order was secured without the knowledge of the employee or member to whom the information refers, the employer, employment agency, labor organization, or joint labor-management committee shall provide the employee or member with adequate notice to challenge the court order;

(4) to government officials who are investigating compliance with this title if the information is relevant to the investigation; or

(5) to the extent that such disclosure is made in connection with the employee's compliance with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws.

SEC. 207. REMEDIES AND ENFORCEMENT.

(a) EMPLOYEES COVERED BY TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 705, 706, 707, 709, 710, and 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4 et seq.) to the Commission, the Attorney General, or any person, alleging a violation of title VII of that Act (42 U.S.C. 2000e et seq.) shall be the powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(i), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(b) EMPLOYEES COVERED BY GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b, 2000e–16c) to the Commission, or any person, alleging a violation of section 302(a)(1) of that Act (42 U.S.C. 2000e–16b(a)(1)) shall be the powers, remedies, and procedures this title provides to the Commission, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(ii), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(c) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as defined in section 101 of that Act (2 U.S.C. 1301)), or any person, alleging a violation of section 201(a)(1) of that Act (42 U.S.C. 1311(a)(1)) shall be the powers, remedies, and procedures this title provides to that Board, or any person, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(iii), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to that Board, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to that Board, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(4) OTHER APPLICABLE PROVISIONS.—With respect to a claim alleging a practice described in paragraph (1), title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleging a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

(d) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Commission, the Merit Systems Protection Board, or any person, alleging a violation of section 411(a)(1) of that title, shall be the powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(iv), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(e) EMPLOYEES COVERED BY SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging a violation of that section shall be the powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee or applicant described in section 201(2)(A)(v), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(f) DEFINITION.—In this section, the term "Commission" means the Equal Employment Opportunity Commission.

SEC. 208. DISPARATE IMPACT.

(a) GENERAL RULE.—Notwithstanding any other provision of this Act, "disparate impact", as that term is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2(k)), on the basis of genetic information does not establish a cause of action under this Act.

(b) COMMISSION.—On the date that is 6 years after the date of enactment of this Act, there shall be established a commission, to be known as the Genetic Nondiscrimination Study Commission (referred to in this section as the "Commission") to review the developing science of genetics and to make recommendations to Congress regarding whether to provide a disparate impact cause of action under this Act.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 8 members, of which—

(A) 1 member shall be appointed by the Majority Leader of the Senate;

(B) 1 member shall be appointed by the Minority Leader of the Senate;

(C) 1 member shall be appointed by the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate;

(D) 1 member shall be appointed by the ranking minority member of the Committee on Health, Education, Labor, and Pensions of the Senate;

(E) 1 member shall be appointed by the Speaker of the House of Representatives;

(F) 1 member shall be appointed by the Minority Leader of the House of Representatives;

(G) 1 member shall be appointed by the Chairman of the Committee on Education and the Workforce of the House of Representatives; and

(H) 1 member shall be appointed by the ranking minority member of the Committee on Education and the Workforce of the House of Representatives.

(2) COMPENSATION AND EXPENSES.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(d) ADMINISTRATIVE PROVISIONS.—

(1) LOCATION.—The Commission shall be located in a facility maintained by the Equal Employment Opportunity Commission.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(4) HEARINGS.—The Commission may hold such hearings, sit and act at such times and

places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the objectives of this section, except that, to the extent possible, the Commission shall use existing data and research.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) REPORT.—Not later than 1 year after all of the members are appointed to the Commission under subsection (c)(1), the Commission shall submit to Congress a report that summarizes the findings of the Commission and makes such recommendations for legislation as are consistent with this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Equal Employment Opportunity Commission such sums as may be necessary to carry out this section.

SEC. 209. CONSTRUCTION.

Nothing in this title shall be construed to—

(1) limit the rights or protections of an individual under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), including coverage afforded to individuals under section 102 of such Act (42 U.S.C. 12112), or under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(2)(A) limit the rights or protections of an individual to bring an action under this title against an employer, employment agency, labor organization, or joint labor-management committee for a violation of this title; or

(B) establish a violation under this title for an employer, employment agency, labor organization, or joint labor-management committee of a provision of the amendments made by title I;

(3) limit the rights or protections of an individual under any other Federal or State statute that provides equal or greater protection to an individual than the rights or protections provided for under this title;

(4) apply to the Armed Forces Repository of Specimen Samples for the Identification of Remains;

(5) limit or expand the protections, rights, or obligations of employees or employers under applicable workers' compensation laws;

(6) limit the authority of a Federal department or agency to conduct or sponsor occupational or other health research that is conducted in compliance with the regulations contained in part 46 of title 45, Code of Federal Regulations (or any corresponding or similar regulation or rule); and

(7) limit the statutory or regulatory authority of the Occupational Safety and Health Administration or the Mine Safety and Health Administration to promulgate or enforce workplace safety and health laws and regulations.

SEC. 210. MEDICAL INFORMATION THAT IS NOT GENETIC INFORMATION.

An employer, employment agency, labor organization, or joint labor-management committee shall not be considered to be in violation of this title based on the use, acquisition, or disclosure of medical information that is not genetic information about a manifested disease, disorder, or pathological condition of an employee or member, including a manifested disease, disorder, or pathological condition that has or may have a genetic basis.

SEC. 211. REGULATIONS.

Not later than 1 year after the date of enactment of this title, the Commission shall issue final regulations in an accessible format to carry out this title.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title (except for section 208).

SEC. 213. EFFECTIVE DATE.

This title takes effect on the date that is 18 months after the date of enactment of this Act.

TITLE III—MISCELLANEOUS PROVISION

SEC. 301. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provisions to any person or circumstance shall not be affected thereby.

Mr. STEVENS. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION ACT, 2004—Continued

AMENDMENT NO. 1830

The PRESIDING OFFICER. There are 4 minutes equally divided on the Bingaman amendment.

Mr. STEVENS. This is a very serious amendment.

Parliamentary inquiry. There are 2 minutes on each side on the Bingaman amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Does the Senator wish to speak first?

Mr. BINGAMAN. I will defer to the Senator from Alaska.

Mr. STEVENS. I will yield our time to Senator WARNER, chairman of the Armed Services Committee.

Mr. WARNER. Go right ahead.

Mr. BINGAMAN. Mr. President, in previous military campaigns such as the first gulf war and Kosovo, and many before that, the Pentagon has issued campaign medals to service men and women who served in those conflicts. We need to do the very same in the case of our service men and women who are serving in Iraq.

The amendment I am proposing says the Secretaries of the respective services may issue an appropriate medal or campaign designation to any person who serves in any capacity in the armed services in connection with Operation Iraqi Freedom. In my view, this is much preferable to the Pentagon's current policy, which is that everyone should get a Global War on Terrorism Medal instead of a medal that relates to their service in Iraq.

The service men and women who are risking their lives in Iraq deserve to be recognized for their service in that country. This is a major military engagement we have gotten into here and there will be a lot of service men and women involved. We definitely should make this a separate medal.

That is the thrust of the amendment. Senator LUGAR is a cosponsor, along with many others. I ask unanimous consent to add Senators BYRD, LEAHY, and JEFFORDS to those who are already listed as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I say to my colleagues, I would like to think of myself as the last person to ever take the floor of the Senate and say a man or a woman proudly wearing the uniform of the United States should not receive everything that is offered. But in this instance—I do not oppose this—I simply ask you to examine it in the sense of fairness. What do you say to the widow of someone who lost his life in Afghanistan? What do you say to those who have injured soldiers in the Horn of Africa, Liberia, Philippines, Colombia, and other places, all engaged in the war on terrorism?

I do not understand this. I have read it. I have reread it. It says, for example, to those serving in Iraq, prohibition of concurrent award of Global War on Terrorism Expeditionary Medal. They cannot receive it. For what reason, I do not know.

I say to my dear friend, a former member of the Armed Services Committee, this is a matter that requires close examination. This issue of awarding men and women of the Armed Forces is properly reposed in the chairman and the members of the Joint Chiefs of Staff. They acted in March of this year to create the Medal for the Global War on Terrorism. Our distinguished Senator from South Carolina, while serving in the Army, got a star for the European theater for engagements; those who crossed the Anzio Beach, those in Africa, a star. There was one theater medal with stars given for the various engagements. That is not this situation. That says the one who served in Iraq should get something special the others do not receive. That is not fair, I say to my good friend.

Accordingly, at the appropriate time, I will move to table.

The PRESIDING OFFICER. The Senator is advised a motion to table is not in order.

Mr. BINGAMAN. Mr. President, this is not intended to prevent the Pentagon from issuing any other awards they wish with regard to Afghanistan or other locations, but it is clear to me that issuing a Global War on Terrorism Medal is not adequate for the service we are calling on our men and women to perform in Iraq. We should give them a medal for that campaign. That is all the amendment does.

I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. STEVENS. Mr. President, there is substantial interest in this amendment. I don't know if the Senator wishes to have any more time.

Mr. BINGAMAN. Mr. President, I have had plenty of time. I suggest we vote.

The PRESIDING OFFICER. All time is expired.

Mr. NICKLES. I ask unanimous consent the Senator from Arizona be allowed to speak for 3 minutes and the opposing side be allowed to speak for 3 minutes.

Mr. REID. Reserving the right to object, we are working very hard before the White House meeting to get in another vote. Could we limit this? I know everyone wants to hear these speeches, but could we try a minute or so on each side. Otherwise, we will waste the entire afternoon with White House meetings.

Mr. NICKLES. I renew my request to 2 minutes on each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. McCAIN. Mr. President, none of us understands a prohibition on a concurrent award of any other medal. This is unprecedented. Never in the history of our military has the Senate or Congress mandated the awarding of one medal or the prohibiting of an awarding of another medal.

We all want to honor the men and women who have served in the military and have sacrificed. Where is it that the Senator from New Mexico gets the expertise or the knowledge to deny any medal that is judged by the leaders of the military and the President of the United States? It is very laudable to award a medal to people who served and sacrificed. Instead, the Senator from New Mexico has to complicate it to the point where the Senator from Virginia and I have to stand and say: What is this all about?

Mr. NICKLES. Will the Senator from Arizona yield?

Mr. McCAIN. So the point is, the Senator from New Mexico complicated an otherwise straightforward issue by deciding who is in what theater of war and what the war on terrorism is about. And the Senator from New Mexico should have left it alone.

Mr. NICKLES. Will the Senator from Arizona yield?

Mr. McCAIN. I am glad this is a bicameral legislature we have because I do not think the House of Representatives would ever agree to such a thing, nor would the leaders of our military.

I yield to the Senator from Oklahoma.

Mr. NICKLES. The Senator from Arizona——

Mr. WARNER. What do you say to the widow of someone who has lost their life in Afghanistan?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Correct me if I am wrong. It is my understanding the Department of Defense opposes this amendment.

Mr. WARNER. Correct.

Mr. NICKLES. For the reasons stated by the Senator from Virginia and the Senator from Arizona.

Mr. McCAIN. That is correct.

Mr. WARNER. That is correct.

Mr. McCAIN. I say to the Senator from New Mexico, we should be able to work this out to everyone's satisfaction, but if you insist on micromanaging to the degree of where people serve and what they are eligible for, then we will never be able to honor those men and women who serve.

Why didn't the Senator from New Mexico leave this alone?

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New Mexico has 2 minutes.

Mr. BINGAMAN. Mr. President, the Senator from Arizona raises a valid point about the prohibition section, which is subsection (d). And I ask unanimous consent that be deleted from the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, I will object because—I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. BINGAMAN. Mr. President, the only argument I have heard against the amendment that, to me, made good sense was a concern about the prohibition provision, subsection (d) of the amendment. I have asked permission to delete that and it has been denied.

So I would just simply suggest to my colleagues that it is more appropriate and more consistent with the policy of this country to give awards for major military conflicts such as what we have been engaged in in Iraq than it is to give a Global War on Terrorism award to everything that happens from 9/11 forward. The reality is, the people who are serving in Iraq deserve to be recognized for that. That is all we are trying to do with this amendment.

I urge my colleagues to support the amendment.

Mr. WARNER. How can you elevate a death or a loss in Iraq over one in Afghanistan?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New Mexico has the floor.

Mr. BINGAMAN. Mr. President, let me say in response to my colleague from Virginia, if he would like to offer an amendment to give an award to those who served in Afghanistan, I will cosponsor and support that.

I have proposed something for the men and women who have served in the conflict in Iraq. And I think it is an appropriate thing for the Congress to do.

I urge my colleagues to support the amendment.

Mr. GREGG. Mr. President, I have a parliamentary inquiry.

Mr. BINGAMAN. Mr. President, are we going to have more debate on this amendment?

The PRESIDING OFFICER. The time on the majority side has expired.

Mr. STEVENS. Time has expired.

Mr. President, I call for a vote.

I opposed this before. The Department opposes it. I call for a vote.

Mr. GREGG. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator may state his inquiry.

Mr. GREGG. Is this motion divisible?

The PRESIDING OFFICER. The amendment is divisible.

Mr. GREGG. I move the item be divided. I ask for a division. I ask that the division be on subsection (d).

The PRESIDING OFFICER. The Senator has to give specifics on the division.

Mr. GREGG. Mr. President, I would ask that——

Mr. STEVENS. Parliamentary inquiry.

Mr. GREGG. All items after subsection (d)—page 3, line 8—be deleted, the question be divided on that point.

The PRESIDING OFFICER. Will the Senator restate the specifics of the division?

Mr. GREGG. Yes. My point is, on page 3, line 8, section (d), I ask that the motion be divided and that the motion be a separate motion on that section and everything that follows it within section (d).

The PRESIDING OFFICER. The amendment is divided.

VOTE ON AMENDMENT NO. 1830, DIVISION I

The question is on the first division. The yeas and nays have already been ordered.

Mr. STEVENS. Parliamentary inquiry: What are we voting on now, Mr. President?

The PRESIDING OFFICER. The vote now occurs on agreeing to division I, which is pages 1 and 2 and 3 through line 7 of the original amendment. The yeas and nays have previously been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Minnesota (Mr. DAYTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 48, as follows:

[Rollcall Vote No. 378 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Gregg
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—48

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—5

Dayton
Edwards
Kerry
Lieberman
Miller

The amendment (No. 1830—Division I) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, parliamentary inquiry: What is the procedure now?

VOTE ON AMENDMENT NO. 1830, DIVISION II

The PRESIDING OFFICER. The question occurs on division II of amendment No. 1830.

Mr. REID. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on this vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to division II of amendment No. 1830.

The amendment (No. 1830—Division II) was rejected.

Mr. STEVENS. Mr. President, I simply say that I am sorry about this recent dispute. In the period of time before lunch, I made a statement, based upon a memo we got from the Department of Defense, that pointed out that the medals in question were authorized by the President at the request of the Joint Chiefs of Staff.

They had two reasons to oppose this Iraqi freedom medal. First, it is redundant to the general war on terrorism medal; second, it is devisive in that it inherently values participation in the Iraqi operation as opposed to Afghanistan and all others. In particular, the Department pointed out that, under the Global War on Terrorism Medals, there is an Expeditionary Medal that goes to those who serve in Iraq, Afghanistan, or in those places where there has been combat in the war against terrorism. The other medal is a Service Medal to recognize those people who are supporting personnel. It is not restricted by geographical boundaries. It is not only for the support of Operation Iraqi Freedom; it also applies to Operation Noble Eagle and airport security operations from September 27, 2001, to May 1, 2002.

The Senate has defeated a proposal to go on record to issue an Iraqi medal only to those who served in Iraq, and the Department has taken the position—that is what really caused consternation because they want medals to recognize specific and general sacrifices and contributions made by all Armed Forces in the efforts to combat terrorism in all forms throughout the world, both in current and future operations.

The Expeditionary Medal will continue to be issued to those who participate in the global war against terrorism and are involved in combat operations. I think what the Department has done at the request of the Joint Chiefs of Staff is inherently fair and proper. I want to reassure those who supported the position I enunciated and are opposed to this amendment, I believe you have done the right thing by those people who are in uniform and are sacrificing themselves and really exposing themselves in harm's way throughout the world.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, we have been discussing how we might proceed between now and 6:30. As I understand it, we have a unanimous consent request ready to propound. There is no objection to the request on this side. I see that the distinguished manager has the unanimous consent request, and I yield the floor so he can offer that.

Mr. STEVENS. Mr. President, I thank the distinguished leader.

I ask unanimous consent that there now be 30 minutes for debate in relation to the Stabenow amendment, with 20 minutes under the control of Senator STABENOW and 10 minutes under my control; provided that following the debate time, the Senate proceed to a vote in relation to the amendment, with no amendments in order to the amendment prior to the vote; that following that vote, the time until 6:30 this evening be equally divided in the usual form in relation to the Dorgan amendment No. 1846; and that the vote occur in relation to the Dorgan amendment at 6:30 p.m., with no amendments in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1823

Ms. STABENOW. Mr. President, I ask unanimous consent that the pending amendments be set aside and I call up amendment No. 1823.

The PRESIDING OFFICER. That amendment is already pending.

Ms. STABENOW. I thank the Chair.

Mr. President, I rise today to speak about an amendment I am calling "A Month for America." This amendment will delay approximately $5 billion in Iraq reconstruction funds and put them into funding our high priorities at home, such as job creation, veterans health, health care for the uninsured, and education.

I thank the cosponsors of this amendment—Senators DURBIN, BOXER, JOHNSON, and SCHUMER—for their leadership and support.

Two weeks ago, I was meeting with a group of constituents in Michigan, and we started to talk about the President's request for $87 billion for Iraq and Afghanistan. I shared with my constituents that we were spending about $5 billion a month now, in addition to the slightly over $20 billion in reconstruction funds contained in the bill in front of us.

My constituents in Michigan were startled at the enormity of this figure, as I believe our constituents are across the country, so much so that one gentleman who is on a local school board, sitting in the back, exclaimed: How about a month for America? This rang very true to me, and when I returned here, I decided to take this idea and draft an amendment focused on our needs at home called "A Month for America."

Before I fully explain the details of my amendment, I wish to go through what this amendment does not do. This is very important.

First, it does not cut 1 penny of funding for our troops.

Second, it does not cut any funds for security in Iraq. It specifically exempts the approximately $5 billion in police and security funds for Iraq. I believe this is very important. The sooner they are able to have their own police force, their own security force, the sooner we will be able to bring our troops home, and I support that effort.

Third, it does not cut any funds for reconstruction. It only delays them. Therefore, this money is fully offset.

We are asking for $5.03 billion for America in this amendment and ask that we simply take a portion—the equivalent of 1 month's spending, $5.03 billion—and delay it until next year.

Even the administration admits that it does not need much of the $20 billion in reconstruction until next year. So it is not an emergency. We do not need the full $20 billion right now, and yet we have real emergencies at home.

There will be plenty of opportunities to provide this $5 billion for Iraq in the next appropriations cycle. In fact, last Thursday's New York Times reported that a team of World Bank economists has concluded that, as a practical matter, Iraq can absorb only about $6 billion in aid next year for its infrastructure needs. We are being asked to allocate more than $20 billion on reconstruction, and yet we are told, as a practical matter, they will not be able to use or spend over $6 billion in the next year. One administration official was even quoted as saying:

> Where the Iraq aid numbers are not so reasonable is the timeframe for how much can be spent. This money cannot be spent overnight.

They are admitting the fact this timeframe is not reasonable, and yet we know in ongoing debates in this Chamber with colleagues on every appropriations bill coming before us that we have critical needs for jobs and education, veterans health care, and those who are losing their insurance because of losing their job. We have many needs that are critical at home.

Specifically, the "A Month for America" amendment would take this $5.03 billion and allocate it in the following ways: First, $1 billion for school construction; $1.8 billion for veterans health care; $103 million for full funding of community health centers; and finally, $2.1 billion for transportation projects and job creation, saving 90,000 jobs.

The United States is spending a little over $1 billion a week right now in Iraq, not counting the $87 billion. However, when an amendment was recently offered to the 2004 Labor-HHS appropriations bill to increase funding for school construction at home by $1 billion, it was defeated on a party-line vote with only one of our Republican colleagues supporting the increased funding. This is very unfortunate because investing in our schools and in education should not be a partisan issue.

The "A Month for America" amendment will increase funding for school construction for the next year by $1 billion so that we can place more dollars into investing in our children walking into a quality school building with the technology and the infrastructure they need. Shame on us if we have even one classroom in America where there is a bucket in the corner to catch the water coming in. We have too many of those right now.

This amendment will help eliminate those buckets of water and create the modern school buildings our children need now in America.

Our schools are definitely in a state of emergency. According to a GAO report entitled "School Facilities: America's School Report, Differing Conditions," at least one-third of schools are in need of extensive repair or replacement. This is not in Afghanistan or Iraq. This is in the United States of America. One-third of the schools are in need of extensive repair or replacement and at least two-thirds have unhealthy environmental conditions. So two out of three schools in the United States of America have unsafe environmental conditions. I argue this is an emergency equal to anything that is in front of us that relates to Iraq.

An estimated 14 million American children attend deteriorating schools. According to the National Education Association's 2000 survey, Michigan schools need at least $9.9 billion in building improvements. That is just in my State, given all of the needs we have from one end of Michigan to the other. Many Michigan educators believe that estimate in fact is too low, considering the Detroit public schools alone need an estimated $5 billion to fix leaky roofs, replace boilers, wire computers, and other repairs. This is truly an emergency.

How do we tell our children to stay in school, do not go on drugs, do not drop out of school and move to a life of crime, stay with it because education is so important, and then they walk into a building that is falling down, they walk into a building that does not have the computers they need in this day and age to be successful? What message are we sending to our children? This is an emergency.

These poor conditions also affect how well our children learn. A recent study showed students learning in substandard classrooms have test scores that are anywhere from 5 to 17 percent lower than their peers who are in good buildings. So when we are talking about leave no child behind and raising test scores and standards, the quality of the building, the science labs, the math labs, the technology that is available, makes a difference in a child's ability to learn. In addition, without this additional $1 billion in funding and with the significant State cuts in education funding, Americans will have to pay more in property taxes just to maintain the current level of services. Schools will not have the resources to make the necessary repairs. I argue this is an emergency for America.

Now on to veterans health care, which is of deep concern to me as well. The administration's budget for veterans health care falls far short of needs. We all know this. Despite the current crisis in veterans health care, some 130,000 are waiting 6 months or more for appointments at VA hospitals or clinics. President Bush submitted a budget for next year that is $1.8 billion below what is needed, according to the independent budget produced by AMVETS, Disabled Americans, Paralyzed Veterans of America, and the Veterans of Foreign Wars of the United States.

In this legislation, we are funding efforts to support the men and women who are fighting overseas on our behalf, who are on active duty. They come home, they become veterans, and they have to wait 6 months to see a doctor. What sense does this make? If we cannot keep basic promises to our veterans to make sure they have the health care they need, deserve, and we said they would receive, how in the world are we going to be credible in meeting other commitments?

Unfortunately, the House bill included the same shortfall, which is $1.8 billion lower than the budget resolution promise of a $3.4 billion increase over last year's level. The VA health care system is strained. Its budget has consistently been underfunded and does not address the health needs of our service men and women.

I am pleased to support Senator JOHNSON's bill to make health care spending for our veterans mandatory. This needs to happen, instead of being slighted by the administration and the Congress year after year. Right now, over 130,000 veterans wait 6 months or more for their primary care appointments. The system is so underfunded that category 8 veterans, nonservice-connected veterans who make above a certain income threshold, are prohibited from enrolling for benefits.

In my State, veterans officials are talking about losing another hospital, Saginaw VA facility, which means that some veterans in northern Michigan and the Upper Peninsula of Michigan will have to drive over 200 miles to Ann Arbor or Detroit for inpatient care. I am extremely hopeful they will not proceed with this proposal.

This amendment commits Congress to keeping our promises to our veterans who have earned the right to access to health care that was created to serve their needs. Our veterans deserve better than a chronically underfunded system, long waits for care, and a Nation that has asked them to pay the price for our freedom, only to be shortchanged at home.

Item 3 in Month for America, according to the recently released U.S. Census Report, the number of Americans without health care has jumped 5.7 percent to 43.6 million Americans. This is the largest single increase in the number of the uninsured in the last decade. According to Families USA, a health care consumer organization, there were 2.3 million people in my own State of Michigan under the age of 65 who went without health insurance some time in the past year. That means one in four people in Michigan under the age of 65 was uninsured. Think about that. In the greatest country in the world, those without insurance often delay or avoid needed services, which results in a direct increase in more costly emergency room care.

Who are these people? Seventy-five percent of them are working. They are working in small businesses that would provide health insurance but for the explosion in prices. These are people who work in every part of our economy. In recent studies, the sagging economy suggests these numbers are only going to increase if relief is not in sight. I tell folks we are going to be funding a Government-funded universal system in Iraq for every Iraqi to have health care and yet in my home State, and I would venture it is comparable across the country, one out of four people does not have health care. Last year, community health centers across the country served nearly 5 million uninsured Americans. Community health centers have a 30-year track record of success, and that is where these dollars would go. Study after study has shown that health centers effectively and efficiently improve our Nation's health.

In the last 3 years, they have served nearly 800,000 American citizens. We need to fully fund community health centers at the level necessary for them to do their work and serve working families who are not lucky enough to have health insurance from their employers.

The Month for America amendment would provide $103 million for full funding of federally qualified community health centers to help deal with the number of Americans who lack health insurance. This is such a small investment that obviously yields great rewards. For every $100 the Federal Government has been able to allocate to community health centers, these centers have been able to serve one additional new patient. Think about that. For $100, another child can be served, another mom, or another dad who has lost his job or lost his insurance.

The Month for America amendment would allow an additional 1.03 million Americans to receive access to primary care services; 1.03 million people could have access to a doctor and the health care they need.

We know this is not a complete solution to the issue of health care. I certainly have been very involved in a number of ways to bring down costs and to address the concerns of small and large businesses and those who do not have insurance, but it surely would help to be able to fully fund our health centers.

As my colleagues know, in the final item in the Month for America, the TEA-21 transportation bill expired at the end of September, but Congress has not passed a new 6-year bill which is critical to the needs of communities, to jobs, and to the economy. A new 6-year bill would provide hundreds of thousands of jobs to help the economy and improve the safety of our Nation's roads and bridges. Instead, Congress passed a short-term, 5-month extension of TEA-21. According to the American Association of State Highway and Transportation Officials, a short-term extension rather than passage of the 6-year bill will compound State budget problems and result in delayed projects, added project costs, and lost jobs. They indicate that a delay in passing a new 6-year bill would mean the loss of more than 90,000 jobs and $2.1 billion in project delays.

This is about jobs. We need those jobs for American citizens. A 6-year bill would create hundreds of thousands of jobs. We know that passing a 6-year $311 billion highway bill would create more than 650,000 jobs in America and almost 23,000 jobs in Michigan alone.

Our Nation's transportation infrastructure needs our help now. This really is an emergency.

According to the Texas Transportation Institute's 2003 Urban Mobility Study, the cost of congestion continues to skyrocket, and in 2001 traffic congestion cost the Nation $69.5 billion—$4.1 billion more than in the year 2000—5.7 billion gallons of wasted fuel, and 3.5 billion hours of lost productivity sitting in our cars on those roads. We each understand that. Traffic congestion cost southeastern Michigan over $2.1 billion in 2001 and cost the average Detroiter $523 per person.

The PRESIDING OFFICER (Mrs. DOLE). The Senator's time has expired.

Ms. STABENOW. Madam President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Madam President, I yield the Senator 5 minutes of my time.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 5 minutes.

Ms. STABENOW. I thank the chairman very much for his graciousness.

The Month for America amendment will provide $2.1 billion in highway and transit funds to high-priority projects that can begin within 90 days. This will create immediate jobs. Not only will this prevent the project delays resulting from the lack of a 6-year transportation bill, but it will, again, create over 90,000 jobs. We all know we need more jobs in America, and we need them now. This is an emergency for every single individual and every family who finds themselves in a situation now where there has been a job loss in the family.

Some people will say that modernizing our schools, providing health care to veterans and those without insurance, and creating jobs is not an emergency. I completely disagree. These are crises in America that need immediate attention.

At the same time, when I looked through Ambassador Bremer's report entitled "The Coalition Provisional Authority Request to Rehabilitate and Reconstruct Iraq," I found billions of dollars for projects which neither I nor the American people believe are emergencies. They may be worthy, but they are not as much of an emergency as these needs here at home. I want to point out just a few to my colleagues.

The first item I found was $161 million for wireless networks, computer training, and equipment. We would love to have this in Michigan. I have many businesses that would love to have wireless networks. There is no question that this is a laudable goal. But is it an emergency? I don't think so. Couldn't this wait until next year while we try to establish security and basic services in Iraq?

The second item is $20 million for business training for Iraqis. This money will provide 4 weeks of business courses to Iraqis for a whopping $10,000 a person. If I might plug my alma mater, this is more than it would cost for a full year at the Michigan State University Business School. We welcome people coming to Michigan State.

The third item is $43 million for job training and 22 new Iraqi job employment centers. Iraq may have a problem with unemployment, but we also have a problem with unemployment here at home. Since 2001, we have lost 2.5 million manufacturing jobs in this country, many of them in my home State—162,300 of them, in fact, in Michigan. This is a loss of 18 percent of Michigan's manufacturing employment—one out of six of our manufacturing jobs.

Other items include $9 million to establish ZIP Codes in Iraq—a nice thing to do, but I think it could wait—and $50 million for marshes. I am anxious to go see them since I thought this was a desert.

These do not seem to be emergencies. We are saying, can these please wait until next year so that health care for our families and jobs for our families will not have to wait and veterans will not have to wait a month to see a doctor.

School construction and jobs are certainly a high priority. Why should these Iraqi projects get special treatment in an emergency supplemental bill while funds for our infrastructure and our needs have to wait and compete with other priorities next year? It seems to me the money for our roads and schools should get special budgetary treatment and Iraq projects can wait.

We are not asking for all of them to wait. The administration has indicated they can use about $6 billion in the coming year. I am suggesting they get the $15 billion. We are just asking for $5 billion—1 month for America. I think these so-called emergency items for Iraq can wait and we can involve ourselves in the normal budget process to determine whether they are needed.

We need to act now here at home. We need jobs now. We need health care now. We need to rebuild our schools now and we need to support our troops when they come home and put on their veterans hats when they will need health care.

Some people say we can't do both. I believe we can. Let us send a message today that while we support our troops unanimously, we want to have 1 month of funding for America here at home. If we agree to this amendment, we can do both. I ask my colleagues before they vote on this amendment to think about those who would be impacted by this.

I urge support for this amendment.

Mrs. BOXER. Madam President, I am proud to support the amendment offered by the Senator from Michigan to provide funding for important domestic priorities. This amendment is called "A Month for America."

Each month, the U.S. is spending roughly $5 billion for operations in Iraq and Afghanistan at a time when important priorities here at home go unmet. This amendment would take $5 billion of the reconstruction money earmarked for Iraq and allocates it in the following way: $1 billion for school construction, $1.8 billion for health programs for our veterans, $103 million for community health centers, and $2.1 billion for highways and public transit.

These domestic priorities are an emergency now. Surely we can delay $5 billion in Iraqi reconstruction funds until the fiscal year 2005 when even the World Bank says that only $5.8 billion can be absorbed by Iraq next year to rebuild its infrastructure.

I want to talk about the need for new Federal spending to help rebuild and rehabilitate schools in California. These are the current conditions: 87 percent of schools report a need to upgrade or repair building to good overall condition; 71 percent of schools report at least one inadequate building feature, such as the roof, plumbing, electrical systems, windows, or heating and air conditioning; and 87 percent of schools report at least one unsatisfactory environmental factor, such as air quality, ventilation, heating, or lighting.

This is an emergency. Yet when an amendment was offered by Senators CLINTON and HARKIN to the fiscal year 2004 Labor-HHS bill to increase funding for school reconstruction by $1 billion for the entire year, it was defeated on a party-line vote with only one Republican supporting the increased funding.

It is a shame that this supplemental bill will spend in excess of $100 million for education in Iraq but not one penny for education in California.

The Bush administration wants to spend $10,000 per month for business school in Iraq—more than double the monthly cost of Harvard Business School—but there is no funding for the children in California.

This amendment also provides $1.8 billion for health care to our veterans so that we can fulfill the commitment made to them for their sacrifices.

President Bush submitted a fiscal year 2004 budget request for VA health that is $1.8 billion below the Independent Budget produced by AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and the Veterans of Foreign Wars of the United States. It would be a great comfort for those fighting now to know that the U.S. Congress is serious about meeting the needs of those who fought before them.

On healthcare, the supplemental provides $850 million for Iraq to construct a new hospital and replace medical equipment. And while we should help those in need throughout the world, we should also provide for those at home. That is why the Stabenow amendment provides $103 million for federally qualified community health centers that have been shown to reduce inpatient admission rates for their patients by anywhere from 22 percent to 67 percent, and have reduced the number of patients admitted per year and the length of stay among those who were admitted.

Finally, this amendment would provide $2.1 billion for highway and public transit programs. Transit is so important for my State. We have so much congestion that we must improve our highways and roads and build public transportation.

According to the Texas Transportation Institute, Los Angeles and the San Francisco-Oakland region are ranking No. 1 and 2 for the worst roadway congestion in this country. California has two more cities in the top 5 with San Jose ranked 4 and San Diego ranked 5.

The Inland Empire of San Bernardino and Riverside Counties is ranked 12 and Sacramento is ranked 13.

What does this congestion translate to? Delays. In the Los Angeles area: 136 hours per year, on average per driver, in peak hours. San Francisco-Oakland drivers put up with 92 hours of delays, and San Jose drivers endure 74 hours of delays. Inland Empire drivers are delayed by 64 hours, and San Diego drivers are delayed by 51 hours a year.

Californians are trying to reduce congestion. More Californians are using alternative forms of transportation. Public transit carries over 1.2 billion passengers a year in California.

Transit ridership is up in California. The number of miles traveled annually by transit passengers grew by 20 percent between 1997 and 2001. The number of annual passenger trips was up 14 percent. In the San Francisco Bay Bridge corridor, 38 percent of all trips are on transit. And, 30 percent of all trips into central Los Angeles are on transit.

Like the other domestic priorities outlined in the Stabenow amendment, we need to fund transit so we can improve our infrastructure in this country. I thank the Senator from Michigan for her amendment and urge its adoption.

Mr. STEVENS. Madam President, do I have 10 minutes remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. STEVENS. Madam President, the Senator from Michigan has been talking about veterans health care and school construction. We are talking about Iraq and how to get our people home. We get them back by assisting the Iraqis in taking over the management of their own country. We do that by providing an infusion of capital to help restore that government to operation so it can take over and provide the security services, provide for the economic management services, and provide the army. It takes money to do that.

As I pointed out before we went on recess, the President has chosen a unique approach. We could have gone in with the military and occupied that country for 4 to 5 years, as we did in Germany and as we just did in Kosovo. We are still bringing people out of Bosnia and Kosovo because we did not do that. This time we are going in to try to help them get in the position to take care of themselves and bring our people back.

This is at the request of the other side of the aisle. The President has sent us a unique supplemental. The Democratic Party commanded that the President give us a budget for 2004 for Iraq. This is it.

No President has done this in history. President Clinton did not do it. In fact, President Roosevelt did not do it. President Eisenhower did not do it. President Johnson did not do it.

This President budgeted ahead of time for war, for a concept of finishing what we started. Part of what we started was to put in place a government in Iraq that would not be the despotic regime of Saddam Hussein.

Argue all you want about the need for money. I agree, there is certainly a need for more money for veterans health care. I disagree about the statement concerning the need for new public school facilities. I am informed that in 2002 alone, school districts completed $11.7 billion of new construction.

The recent study of the General Accounting Office and the National Center for Education Statistics indicates that schools are in better condition than they have been in the past; 81 percent of the schools reported their buildings were in adequate or better condition, 84 percent reported them to be in adequate or better condition. It is a minority of schools that are not in adequate shape.

One place where there are no schools without our assistance is Iraq. How will our men and women come home unless the schools are functioning, unless the police are functioning, unless the army is functioning, unless the economy is functioning? That is the way to get them home.

If we do not provide this $20.3 billion, we can increase the money for the occupation and occupy that enormous country for 4 to 5 years. We know what it is costing. Look at the budget we have: $66 billion for defense, $20.3 billion for assisting Iraq to become a nation. The $66 billion will go on and on and on, a demand for more and more money for the military in Iraq unless we take the action the President has requested and provide the $20.3 billion necessary. The amendment of the Senator will take over $5 billion out of that. It will cripple that program.

We will have to send more and more people in uniform to do for Iraqis what they could do for themselves if they had the money to start their economy, start their security systems, start their military systems, start their whole governmental systems and make them work. That is what we should do. Some people call it nation building; I call it nation reconstructing. But in any event, it is an absolute necessity at this time to put the Iraqis back in control of their own affairs. It will not happen if the Stabenow amendment is adopted.

I yield back the remainder of my time. I move to table the amendment of the Senator, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Minnesota (Mr. DAYTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY), would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 35, as follows:

[Rollcall Vote No. 379 Leg.]

YEAS—59

Alexander
Allard
Allen
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Murray
Nelson (NE)
Nickles
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—35

Akaka
Baucus
Bayh
Boxer
Breaux
Clinton
Conrad
Corzine
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—6

Dayton
Edwards
Kerry
Kohl
Lieberman
Miller

The motion was agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. What is the matter now before the Senate?

AMENDMENT NO. 1826

The PRESIDING OFFICER. The time between now and 6:30 is equally divided with respect to amendment No. 1826.

Mr. REID. Madam President, we understand that is the order that has been entered. Senator DORGAN squeezed his time previously from 3 hours to 2 hours, and now it is 45 minutes. That is because this vote took so long. I hope the majority will push the votes more quickly. That vote took 30 minutes.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, is my amendment now pending?

The PRESIDING OFFICER. Yes.

Mr. DORGAN. I yield myself such time as I may consume. We also have other speakers on this amendment.

Mr. President, I have spoken about this amendment on previous occasions. The amendment directs the Coalition Provisional Authority, in cooperation with the Governing Council of Iraq, to create an Iraq Reconstruction Finance Authority. The purpose of the Iraq Reconstruction Finance Authority shall be to securitize future production of Iraqi oil, in order to finance the reconstruction of Iraq.

In short, this amendment says that the reconstruction of Iraq should involve the Iraqi people, using Iraqi oil to reconstruct their country and that it should not be the American taxpayers reconstructing Iraq.

This morning's Washington Post says that the Secretary of State is at the United Nations, attempting to get a resolution passed that would confer on the Iraqi Governing Council and its Ministers the sovereignty over the state of Iraq. Surely, if this administration is ready to recognize the Iraqi Governing Council as the sovereign of the state of Iraq, that body should have the ability to use future revenues from the sale of Iraqi oil, to reconstruct their own country.

The fact is that, for months, this administration told us that Iraq's oil would allow the Iraqi people to finance their own reconstruction.

Mr. Fleischer, the White House press secretary, said this in February:

> Iraq, unlike Afghanistan, is a rather wealthy country. They have tremendous resources that belong to the Iraqi people and so therefore a variety of means that Iraq has to be able to shoulder much of the burden for their own reconstruction.

Mr. Fleischer was followed by Mr. Wolfowitz, the Deputy Secretary of State. He said that the oil revenues of that country could bring between $50 billion and $100 billion over the course of the next 2 or 3 years and that we are dealing with a country that can really finance its own reconstruction, and relatively soon.

The Defense Secretary himself, Donald Rumsfeld, in March, said:

> I don't believe the U.S. has the responsibility for reconstruction, in a sense . . . and the funds can come from those various sources I mentioned: frozen assets, oil revenues, and a variety of other things.

Well, that is at odds with the current request by the President to the Congress, saying we need to have $20-plus-billion for the reconstruction. The Deputy Secretary of State said oil revenue could do that. The Secretary of Defense said that oil revenue would be available for that.

And then Vice President CHENEY, on March 16, said:

> In Iraq, you've got a nation that has the second largest reserves of oil in the world—second only to Saudi Arabia. It will generate billions of dollars a year in cash flow in the relatively near future. And that flow resources, which obviously belongs to the Iraqi people, needs to be put to use by the Iraqi people for the Iraqi people, and that will be one of the major objectives.

Then, the person at the State Department who is responsible for reconstruction, Mr. Natsios, had the following exchange on "Nightline" with Ted Koppel.

Koppel said:

> I understand that more money is expected to be spent on that than was spent on the entire Marshall plan for the rebuilding of Europe after the World War II.

Natsios said:

> No, no, that doesn't even compare remotely with the size of the Marshall plan.

Koppel:

> The Marshall plan was $97 billion.

Natsios:

> This is $1.7 billion.

Talking about the reconstruction plan for Iraq.

The program continued.

Koppel said:

> When you talk about 1.7, you are not suggesting that the rebuilding of Iraq is going to be done for $1.7 billion.

Natsios:

> Well, in terms of the American taxpayers' contribution, I do. This is it for the U.S. The rest of the rebuilding will be done by other countries who have already made the pledges, and by Iraqi oil revenues.

Will you excuse a few of us for believing the Vice President, the Secretary of Defense, the Deputy Secretary of Defense, and others, who repeatedly said this year that the American taxpayers won't be on the hook for the reconstruction of Iraq? Will you excuse us for believing we could use Iraq oil for this purpose? That is what they said would happen. Now the administration says that is not the case at all and they want to use the American taxpayers' dollars to shoulder the burden for reconstruction of Iraq.

Mr. DURBIN. Will the Senator yield?

Mr. DORGAN. Let me make this one point. I asked Ambassador Bremer to explain whether it would be possible to securitize Iraq's future oil revenues to pay for Iraq's reconstruction. Ambassador Bremer's answer: You can't use Iraq oil because Iraq owes foreign debt.

I said: Who to?

He said: Russia, France, and Germany.

Following that hearing, I checked. In fact, Russia, France, and Germany are indeed owed money by Saddam Hussein's regime. But the biggest creditors of Saddam Hussein's regime are Saudi Arabia and Kuwait.

Wouldn't it be a perversity if, in fact, the American taxpayers are told that they have to pay taxes to ship $20 billion to Iraq to reconstruct Iraq—so Iraq can pump oil and send cash to Saudi Arabia and Kuwait in satisfaction of Saddam Hussein's debts?

You talk about a perversity of public policy. That is it.

My amendment is painfully simple. It says that the Iraqi Governing Council shall have a mechanism that would allow it to use Iraqi oil to reconstruct Iraq.

One final point. During the recent military campaign in Iraq, we did not target Iraq's infrastructure. We didn't bomb its roads, bridges, dams, or electric grid. Now, Iraq does need reconstruction, no question about that, but the reconstruction is necessary because of decades of neglect. It is not because of any action by our military. And the fact is that the Iraqi people have a tremendous resource to finance that reconstruction, which they could and should use.

So the President ought not be so quick to ask for $20 billion from the American taxpayers for reconstruction, when his Vice President, the Secretary of Defense, the Deputy Secretary of Defense, and all the rest of them said this year that the reconstruction of Iraq would be financed with Iraqi oil. Now we are told it cannot be done and won't be done. I say with this amendment that it can be done and should be done.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield to my colleague.

Mr. DURBIN. Madam President, I want to make sure the point the Senator has just made is driven home for those following this debate.

This administration told us we needed to invade Iraq because there were nuclear weapons there, which we cannot find.

They told us we needed to invade Iraq because there was uranium, fissile material coming in from Africa to Iraq, which now they say did not exist.

They told us we needed to invade Iraq because of weapons of mass destruction, which we cannot find.

They told us we needed to invade Iraq because of their linkage with 9/11 terrorists, which now the President has said is not a fact.

They told us we didn't have to worry about rebuilding Iraq because of all the oil revenues.

Is the Senator from North Dakota finding the same difficulty I am in following their logic? All the reasons to invade Iraq have disappeared. As I understand it, the oil is still there. The oil was supposed to be the source to rebuild Iraq. Is the administration suggesting there is no oil in Iraq?

Mr. DORGAN. No. In fact, quite the contrary. Ambassador Bremer testified that by July of next year, they will be pulling 3 million barrels a day out of the sands of Iraq. There is liquid gold under those sands. Three million barrels a day by next July will net them $16 billion a year in net export revenue from oil—$16 billion a year. That is $160 billion in 10 years. They can easily securitize a small fraction of that to fund all of the reconstruction that is necessary in Iraq. It can easily be done if there is a will to do it. But they will not do it if the President says: Let's have the American taxpayers do it.

Mr. DURBIN. If the Senator will yield for another question, if I understand this, the President and the Bush administration are asking us to borrow money from the Social Security trust fund to increase the deficit of the United States, to cut back on spending on education and health care so that we can provide reconstruction funds for Iraq which can then pump the oil and sell it and with the revenues pay off their debt to Saudi Arabia; is that the logic behind the administration's position?

Mr. DORGAN. Madam President, the two largest creditors of Iraq are Saudi Arabia and Kuwait. The Senator from Illinois is absolutely correct.

Mr. DURBIN. Through the Chair, I would like to ask the Senator, so the administration is prepared to disappoint Social Security recipients in America rather than disappoint the Saudis who loaned money to Saddam Hussein and now want to be repaid?

Mr. DORGAN. Madam President, Saddam Hussein has vanished. His government doesn't exist. The Iraqi people ought not be saddled with massive debts to countries like Saudi Arabia, some of the wealthiest countries in the world. The American taxpayer should not be told to pay for the reconstruction of Iraq, while Iraqi oil revenues are hauled off to Saudi Arabia and Kuwait.

I yield 8 minutes to my colleague from Florida, Senator GRAHAM.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I thank the Chair.

Madam President, it is a pleasure to return to this great institution at a time when we are debating a truly significant issue for the future of our Nation.

The fundamental question to me is what should be our standard in resolving the myriad of questions which surround the President's request for $87 billion in occupation and reconstruction expense in Iraq.

My answer to that question is that we should test each of these proposals against the standards of: Will this give us an honorable and an expeditious exit from Iraq? Will this contribute to our ability to leave Iraq, to take American troops out of the quagmire and the killing field which Iraq has become, but to do so with honor?

We basically have two options that are presently available to us as to how to reach that objective. One is the go-it-alone approach: that we will conduct the occupation and the reconstruction essentially alone, without significant allies. Second is that we should internationalize the occupation and reconstruction of Iraq. We should do this by increasing the control of Iraqis who have the confidence of their country men and women by involving other countries in the shared burden and responsibility of the occupation and reconstruction of Iraq, and we should be sensitive to the international presence that we are setting by our action.

Why do I believe providing these reconstruction dollars through a loan rather than through a direct grant would more likely achieve the goal of internationalization and, therefore, the goal of an honorable and expeditious exit from Iraq?

First, it will maintain American domestic support, or at least it will serve as a brake on what I sense is the increasing loss of American domestic support for the occupation and reconstruction of Iraq. We all can read the polls and see what the American people feel about this $87 billion request. They dislike it in overwhelming numbers, but there is even more than what you can state statistically. There is what you can feel intuitively.

I sense all across the country an increasing question of what are we doing in Iraq? Why are we in a situation where one American is killed and 10 Americans are maimed every day, where we are spending $1 billion every week? What is our exit strategy?

I believe this approach of providing that at least a part of these expenditures will be repaid to the American taxpayers will help to build some foundation under what now appears to be a straight tunnel toward the loss of public support.

Second, this would not further add to the national debt. We have basically three choices as to who is going to pay for this war. The first choice is our generation. We are in the war for what we consider to be important national security reasons. If that is the case, we ought to be prepared to pay for it, not ask future generations to pay for it. But last week the Senate rejected the Biden amendment which would have caused our generation to pay for our occupation and reconstruction of Iraq. So that is off the table.

The second is, we are going to ask our grandchildren to pay for this occupation and reconstruction. If we do this, we are engaged in a sharp break with tradition and precedent.

Let me just state these numbers. The Marshall plan started in 1948. The public debt of the U.S. Government in 1948 was $216 billion. Four years later, as the Marshall plan was coming to a close, but the United States was at war in Korea, in 1952, the public debt of the United States was $214 billion. So we actually reduced the public debt of the United States during the period of the Marshall plan and the early phases of the Korean war. We are not following that precedent today. We are saying we are going to put all of these additional expenses into the most enormous annual deficits the United States has ever seen.

Finally, we should do this because it will require Iraqis pay for the reconstruction and have a substantial amount of control over the reconstruction. One of the characteristics that made the Marshall plan so successful was that while we provided funds—and incidentally, on a $1-to-$1 matching basis, not a 100-percent to 0-percent basis, as is being proposed here—we provided funds on that basis and then let the leadership of the individual countries, whether it was our allies, such as France, or enemies, such as Germany, make the judgments as to what they believed the priorities should be for the use of those funds. Here we are unilaterally deciding by action of our administration and our Congress what the priorities should be.

Finally, in another domain, I think this sets a dangerous precedent for our relations with other countries. In this same legislation, we are providing a relatively small grant to Afghanistan, both for security and for reconstruction. I think that is defensible. Afghanistan is one of the poorest countries in the world. Afghanistan is a country which is key to a victory on terrorism. But now we apply exactly the same standards to the country which sits on the second largest oil reserve on this planet and a country which, in my judgment, was not a legitimate part of the war on terror until we made it a part of the war on terror by the war itself.

We also have Mexico. In the 1990s, Mexico was in very difficult financial status. There were some who speculated it might even go into bankruptcy. We came to Mexico's financial support. How did we do it? We did it by collateralizing the future oil revenue of Mexico to pay what we had advanced to give them greater fiscal solidity during a time of great instability. How do we tell the Mexicans that when we were lending money to them, a country which in natural resources is considerably less endowed than Iraq, we are going to give it to Iraq as a straight grant but for Mexico it was a loan with their oil revenue as the collateral for repayment?

The question that is asked all over this country is, Why can we rebuild the roads, the bridges, the schools, the electric grid of Iraq, but we cannot do it in the United States? Why can we do it as a grant to one of the richest countries in terms of petroleum in the world, which will never be repaid to help us rebuild our own bridges, roads, and schools? This represents a key turning point, in my judgment, for the beginning of the 21st century. Will Iraq be the Germany of the 1950s or will it be the Vietnam of the 1970s in terms of the United States?

I believe voting for reasonable burden sharing between Iraq and the United States, and other proposals that will share the burden on a more international basis, will be a key to answering that question.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from North Dakota.

Mr. DORGAN. I yield 7 minutes to the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I thank the Senator from North Dakota for yielding and I rise in support of the amendment he has offered.

Also, I say welcome back to Senator BOB GRAHAM of Florida. We are glad to have him off the trail and back in the Senate where we need him.

This is an interesting issue to bring to the American people because it is an issue where we ask this administration to stand by its own promises, to stand by its own words, and they cannot. They cannot because as recently as 6 months ago, the leaders of this administration said we would not be on the Senate floor today debating an $87 billion bill. They told not only the Senate and the House and the American people, they told the world that Iraq had the resources to take care of itself. It was part of the buildup to the war, a war which was built on false premises of nuclear weapons that did not exist, fissile material from Africa that did not exist, biological and chemical weapons which have not been discovered, and a link with al-Qaida which cannot be substantiated.

All of these were part of the rationale for invading Iraq with the coalition of the willing, which contained Great Britain and precious few other countries with major resources or troops. So we invaded Iraq and then said to the American people: Do not worry about after the war. The Iraqis are really rife with all sorts of oil resources and revenues. They can take care of themselves.

I am not making this up because if we followed the statements made by Paul Wolfowitz, the architect of the Iraq strategy, this is what Mr. Wolfowitz said in March:

> . . . the oil revenues of that country—

Iraq—

> could bring between $50 and $100 billion over the course of the next two or three years. . . . We're dealing with a country that can really finance its own reconstruction, and relatively soon.

Hello. Deputy Secretary Wolfowitz, how can you rationalize coming to Congress 6 months later and asking for $20 billion after you told us that Iraq could finance its own reconstruction?

He was not alone in these pronouncements. This is Secretary of Defense Don Rumsfeld saying at about the same time:

> I don't believe the United States has the responsibility for reconstruction in a sense . . . And the funds can come from those various sources I mentioned: frozen assets, oil revenues and a variety of other things.

What they were trying to do was paint a picture to the American people that there was no pain, all gain: We will remove Saddam Hussein and, frankly, the world will greet us as heroes, as will the Iraqi people, and then they will use their revenues to rebuild the country and prove you can have a much better government in Iraq.

I certainly hope for the Iraqi people they do have a better government, but should it not be at their expense rather than our expense?

The point that was made by the Senator from North Dakota is a telling point. We are borrowing money in the United States from Social Security, from American taxpayers, and from our children; we are increasing the deficit of this country to come up with $87 billion, $20 billion of which is going to rebuild Iraq.

We are going to have that debt when it is over, according to President Bush and his supporters on the Senate floor.

Yet the reason we cannot ask Iraq to shoulder this burden itself, despite all of these pronouncements from Secretary Rumsfeld and Assistant Secretary Wolfowitz, is that Iraq has its own obligations to countries such as Saudi Arabia and Kuwait.

Look at the debt of Iraq that we are protecting by borrowing money from Social Security. Their biggest creditors include Saudi Arabia, the gulf states, Kuwait, Russia, Japan, France, and Germany. Frankly, I care less about the royal family in Saudi Arabia than I do about American families counting on Social Security.

Why doesn't the President? Why doesn't the President of the United States believe that Saudi Arabia, which trusted Saddam Hussein to lend him millions of dollars, should frankly be the ones to lose in any bargain about Iraq's future? No. From the Bush administration viewpoint, the losers should be the American taxpayers, our children, and people counting on Social Security.

So the Senator from North Dakota asked an obvious question: If they have all of this oil revenue, why can't they pledge that revenue to raise the money to rebuild their own country? It is just that simple. Someone has to borrow the money to rebuild Iraq. It will either be the American taxpayers or the people of Iraq. I think the answer to that particular challenge is very obvious, and the Senator from North Dakota has hit the nail on the head with his amendment.

Let me add something else. This administration has really been floundering when it comes to the plans after the invasion of Iraq. I give credit to the military. In 3 weeks they did an extraordinary job. Since then, things have been just fumbled around. We went from General Garner to Ambassador Bremer, and while we were out last week and the Senate was back home, Condoleezza Rice was given the authority for rebuilding Iraq. This is getting hard to follow. It frankly betrays the fact that this administration does not know which way to head.

Here is the fundamental problem: We want Iraq to be a stable and secure nation. We would like to see them move toward self-government and toward a market economy, but all of this will take an enormous amount of money and time, and an enormous departure from a country which has no history of any of the things I just mentioned.

Iraq was created by the British colonial empire. They drew a line on a map and said: We will call this Iraq. Up until that point in time, there was little to trace the history of anything called Iraq. Now we are trying to make this into a nation state. First we have to establish not only a national identity that is not from the command and control of a dictator, but also we have to establish an economy that can build a middle class that can participate in democracy as we know it. This is a long, expensive process.

Who should pay for it? American taxpayers or the people of Iraq? I think the answer to that question is very obvious. I hope my colleagues, who feel duty bound to stand by the Bush administration no matter what, will only stand by the statements made by the Bush administration to the American people 6 months ago. If the people in this Chamber will stand by the promises of Secretary Wolfowitz, Vice President CHENEY, and Secretary Rumsfeld, then Senator DORGAN is going to be successful. However, if this turns out to be a partisan rollcall, take it or leave it, you are with the President or not, then the losers are going to be families across America. Families are going to see Social Security trust funds used to build Iraq while oil revenues in Iraq are used to pay off the Saudis who loaned money to Saddam Hussein. That I think is an outrageous outcome.

I think the Senator from North Dakota has it right. We have done a great deal for Iraq to date. We are spending $1 billion a week. We have lost over 300 brave American soldiers. Walter Reed Hospital, not far from Capitol Hill, has rooms filled with soldiers, men and women, who went to Iraq who came back wounded with grievous injuries. We have given a lot. We should not ask the American taxpayers to give up more.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Let me inquire of the Senator from Mississippi. We have used—might I ask how much time we on this side have used? We have had several speakers. Might I inquire?

The PRESIDING OFFICER. Twenty-seven minutes.

Mr. DORGAN. I don't know whether the Senator from Mississippi intends to speak or has speakers at this point. If he does not intend to speak, I will make some additional comments. If he does, I certainly will yield the floor to him.

The PRESIDING OFFICER. The Senator from Mississippi?

Mr. DORGAN. I was inquiring; I will yield the floor to the Senator from Mississippi if he is intending to speak.

Mr. COCHRAN. Mr. President, we have a certain amount of time under the agreement. We will use that time when we choose. I do not intend to use any at this time. If you want to continue to debate your amendment, it is your amendment. I am for the committee bill. I think the committee made the right decision. I am going to say that and cite the provisions of the report underlining the rationale for the bill and the support we are trying to provide the President. So you have the laboring oar, in my view.

Mr. DORGAN. Mr. President, I thank the Senator from Mississippi. I am well aware it is my amendment, of course. Normally in the debate on amendments, we try to go back and forth to be fair. I was simply inquiring whether he intended to speak. He apparently will speak at another time.

I will make a couple of additional comments. We have some other Senators who are coming to the floor to comment as well.

Let me describe in more detail the comments by the Vice President because my colleague indicates the administration is very much opposed to this.

The administration has not been opposed to it in the past. In fact, they represented to the American people that Iraq oil shall be used to reconstruct Iraq, so apparently it is a changed position. Let me describe in more detail the comments of the Vice President on "Meet The Press." This occurred in March of this year. Quoting Tim Russert, he says:

> Every analysis said this war itself would cost about $80 billion, recovery of Baghdad, perhaps of Iraq, about $10 billion per year. We should expect as American citizens that this would cost at least $100 billion for a two-year involvement.
>
> Vice President Cheney: I can't say that, Tim. There are estimates out there. It's important, though, to recognize that we've got a different set of circumstances than we've had in Afghanistan. In Afghanistan you've got a nation without significant resources. In Iraq you've got a nation that's got the second-largest oil reserves in the world, second only to Saudi Arabia. It will generate billions of dollars a year in cash flow if they get back to their production of roughly three million barrels of oil a day, in the relatively near future. And that flow of resources, obviously, belongs to the Iraqi people, needs to be put to use by the Iraqi people for the Iraqi people and that will be one of our major objectives.

That is the Vice President.

Ambassador Bremer said in the last 2 weeks they will be producing 3 billion barrels a day in July. That is what he testified before the Appropriations Committee. If that in fact is the case, apparently there has been a change of mind here in the administration about whether Iraq oil should be used for Iraq reconstruction. It was alleged by Secretary Wolfowitz it should be, it was alleged by Secretary Rumsfeld it should be, by the Vice President it should be and would be. Now, apparently, they have changed their mind.

Second Rumsfeld also said to me in testimony:

> What that country is suffering from [speaking of Iraq] is 30 years of a Stalinist-type economy and starvation of the infrastructure of the needed investments. That is not the obligation of the United States of America to repair.

So the 20-plus-billion-dollars request we have for reconstruction of Iraq includes the replacement and the rehabilitation of power distribution networks that were in a highly deteriorated condition before the war, $50 million to restore marshland water projects, $125 million to restore railroad tracks that suffered from severe neglect. Locomotives and railcars were in a deplorable state; backup generators were inoperative due to lack of maintenance and spare parts.

But more Members of the House of Representatives of the majority party saw fit to eliminate some of them—$9 million to study a ZIP Code for the Iraq Government or for the country of Iraq; $50,000 apiece for garbage trucks, $150 million for a children's hospital, and the list goes on and on.

Clearly, some of it is not urgent. Some of it is not an emergency. In my judgment, it ought to be paid for with Iraqi oil. That was what was promised and alleged by the Vice President, by the Secretary of Defense, and the Assistant Secretary of Defense.

We are told by the President and others as well—the Secretary of State and Secretary of Defense—the question is, What will strengthen the Iraq economy? That is an important question. I believe reconstruction will strengthen the Iraq economy. I believe that ought to be done and paid for with Iraq oil.

But a more important question is, What will strengthen the U.S. economy? We are borrowing $20 billion. Will borrowing $20 billion and sending it to Iraq so Iraq can pump oil and send cash to the Saudis and Kuwaitis strengthen the United States economy? Absolutely not. That is why I offer this amendment. This amendment failed in the Appropriations Committee by a vote of 15 to 14.

I don't diminish the arguments of those who oppose it, but, frankly, I think they are wrong. I believe this was represented by the administration to be the right course. I now offer it as an amendment and will hope when we have a vote at 6:30 it will prevail.

I yield the floor and I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I am waiting for a couple of speakers whose offices have told me they are on the way. It is my understanding from the Senator from Mississippi that he or others will be speaking as well. I will put us in quorum call. I ask unanimous consent that the quorum call be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is the Senator from North Dakota suggesting a quorum call?

Mr. DORGAN. Yes. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I yield 8 minutes to the Senator from New York.

Mrs. CLINTON. Mr. President, I come to the Senate in support of the Dorgan amendment to this supplemental appropriations. I come also having been the beneficiary of the week-long recess, traveling throughout my State talking to many people, hearing what is on their minds, trying to answer their questions and drawing some conclusions about where we stand in our country on the important issue concerning the mission in Iraq and the President's request for $87 billion. I talked with New Yorkers from Syracuse to Staten Island. At every stop, I had questions and concerns expressed about this request for $87 billion.

New Yorkers are concerned that this money is being asked for and will be spent with no real plan for how we move toward the goal in Iraq to create an independent, functioning government that is able to stabilize the situation there with adequate security, begin providing services to the Iraqi people, and move toward self-sufficiency.

I also was faced with many questions about how we intend to pay for our commitment to Iraq and to our military forces since we are faced with record deficits and increasing debt. Time and time again, I heard my constituents echo the concerns of the senior Senator from Florida, Mr. GRAHAM, who pointed out eloquently in the Senate a short while ago how in effect we are asking our children and their generation to pay for the decisions we make today because we refuse to take responsibility for them.

This is a difficult situation to describe and explain to my constituents. I am asked how we can ask our taxpayers to contribute over $20 billion for the reconstruction of Iraq when that was never presented to the American public or even to the Congress. Time and time again the Congress was told by administration officials that it would not cost very much money, it would not take very long, and besides, we could expect Iraqi oil revenues to pay for Iraqi reconstruction, and other nations would join us in shouldering the burden.

Now, of course, we are told by the administration not to expect very much from anyone else, and we cannot even look to the Iraqi oil revenues at some point in the future. We should not be asking anything of the Iraqi people and their soon-to-be new government with respect to the American taxpayers and to the sacrifice that our American men and women in uniform have made for Iraq's freedom.

The administration argues that this $20 billion must be given in grants and not loans. The logic escapes me. Part of this money will go to rebuild the oil industry of Iraq. There are estimates ranging from hundreds of billions of barrels of recoverable oil to a trillion. There is no doubt that if we get this oil industry up and going, Iraq stands to be one of the richest nations in the world. The per capita income can be expected to shoot past most of the rest of the inhabitants of this globe. And I am all for it. That is wonderful. But not at the expense of the American taxpayer and not at the expense of an increasing deficit and debt burden on our children.

I am wondering how we can justify putting money in a grant to rebuild an oil industry that will start producing revenues that will then be used in part to pay back nations in the gulf and in Europe and elsewhere who have lent tens of billions of dollars to the former regime to do things like build palaces. Those who worked with, collaborated with, and supported the Saddam Hussein regime could conceivably be paid back from the fruits of the labor of American taxpayers who have gotten the oil flowing again. I, for one, cannot explain that in any audience I find myself.

Some in the administration have argued our aid to Iraq is analogous to the Marshall plan. But, of course, we know it is not.

That is a good rhetorical point to make, but it is not historically accurate. The U.S. did provide funds to both allies and enemies after World War II based on a matching program of contributions from those nations. We did not offer reconstruction funds without qualification. We required a commitment for some contribution from the receiving nation.

I saw a list of talking points distributed by the administration, apparently out of the Pentagon, that listed all the reasons why loans were a bad idea: We would not want any other entity, such as the new Iraqi Government or the Coalition Provisional Authority, to be deciding where any of the money went; we would not want any, other than American, contractors to get any of the contracts; we would not want anybody to think we were in it just for the oil, which they might somehow believe if we had some responsible, mature relationship that expected some repayment.

I read those talking points. I looked at those arguments, and, frankly, they are not very convincing. I am still having trouble trying to figure out how we went from a position in the spring where administration official after administration official would not tell us how much it was going to cost, would not tell us how long it was going to take, would not tell us how long we were going to be there, and always reassured us that it was going to be paid for with the revenues from Iraqi oil once it began flowing, to where we cannot even ask for any kind of repayment.

The PRESIDING OFFICER. The Senator has consumed the 8 minutes yielded to her.

Mrs. CLINTON. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. I strongly support the Dorgan amendment. I think it is the right thing for Iraq. I think it is the right thing for our country. It sets the right tone about how we are going to be dealing with this situation going forward. It lays down a marker that we are willing to shoulder this burden, but we expect at some point in the future for the American taxpayers of this or the next generation to be given some repayment opportunity from a new nation that we helped to create that, hopefully, will have the kind of future we are counting on and that many of us support.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota no longer has adequate time to suggest the absence of a quorum.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I yield 10 minutes to the distinguished Senator from Arizona, Mr. MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise in opposition to the Dorgan amendment. It is unwise and uncharacteristic of the greatness and strength of America and in many ways could increase the risk that we may cause to young Americans who are fighting in defense of freedom in Iraq and trying to help that country begin the process of democracy and a free society. It is an extremely difficult task and one which will require a long period of time.

I don't share the view of some that the situation in Iraq is bright and wonderful. I don't agree with the opinion of some others who think that things are in a very bad state. I think progress is being made. In the northern part of Iraq there is real stability. In the southern part of Iraq there is significant progress.

All you have to do is pick up a newspaper or turn on the television or radio and hear that things are not so good in some parts of the country, particularly in the area we refer to as the Sunni Triangle. Every day there is some kind of attack mounted against American troops, against installations, car bombs. Our military leaders have stated that the attacks, primarily aimed at American soldiers and installations, are becoming more and more sophisticated.

In my view—and my view is shared by many others who are more expert and more knowledgeable than I—the battle for the hearts and minds—dare I use that phrase—in Iraq is still going on. We are winning that battle in some parts of Iraq. In other parts, it is still up for grabs.

Those who are the former Baathists, the terrorists, the extremists, this rather unusual combination of opponents of the United States and opponents of the democratization of Iraq, are echoing a similar theme: The United States is not in Iraq to free the Iraqi people. The United States is in Iraq for the oil.

That theme is being echoed and reechoed throughout the Middle East, not just in Iraq but in every extremist Muslim madras in the Middle East, every dictatorship, in every oppressive regime that recognizes if democracy and freedom comes to Iraq, then their days are numbered, they are through, they are finished because we can prove in Iraq that democracy and a free and open society can grow and prosper anywhere in the world, including the Middle East.

Here is what they are saying. They are saying: Here is the history of the United States involvement with Iraq. All during the 1980s, the United States Government propped up Saddam Hussein and did a lot of business with him. He had a war with Iran. We took his side in the war with Iran. In 1991, in the gulf war, we defeated Saddam Hussein soundly and we told the Iraqi people that he would be gone. He wasn't gone. In fact, he went into these very same areas and slaughtered thousands of people as he reasserted his grip on power. I have seen one of the mass graves. No, Saddam Hussein, they are saying, was left in power by the United States of America and allowed to freely oppress the people of Iraq and brutally repress and murder and commit unspeakable atrocities on the Iraqi people, when the United States told the Iraqi people that he would be gone.

They are also saying: Do you know why the economic conditions in Iraq were so terrible all during the 1990s? Do you know why you have an airport out here at Basra that is in mint condition but has never been used? Because of American economic sanctions imposed through the United Nations on Iraq.

Now the United States finally overthrew Saddam Hussein and they are going to demand our oil. In return for money, they are going to take our oil, the oil which we need, we, the Iraqi people, in order to rebuild the infrastructure of our country.

Mr. President, that argument is going to gain traction in some parts of Iraq—that the United States came for the oil and now we are asking for them to pay up. If we are concerned—and I know we all are—about the lives and safety of the young men and women serving in Iraq in the military, I can tell you this will put them in greater danger. If the opponents—this unusual combination of extremists and Baathists and terrorists, and this unusual but lethal cocktail of opponents of Iraqi freedom—are given additional propaganda, then I think it is going to be obviously very harmful to our effort to democratize and free Iraq.

I ask my colleagues to consider the fact there is no possibility that the Iraqi people and government—when it comes into being—could pay back any debt in the short term. It is not possible. If we want to condition future aid at a future time on a loan, or some kind of repayment, then I think it should be discussed and debated given the climate of the times at that time. But to at this moment in time, when we still have not gained the support of the Iraqi people that we need not only to ensure further democratization and freedom of Iraq—to protect the lives of the young men and women who are serving so nobly in Iraq, let's not do it at this time. Let's reject this amendment.

I don't impugn the motives or the patriotism of the sponsors of this amendment. I think it is hard to answer to our constituents why we are spending so much money there and not getting it back. I understand that and sympathize with that argument. One of my colleagues recently talked with great emotion about the loss of jobs in his State. These are all compelling problems. But I don't see how anyone could argue coherently that, at this moment, to send the wrong signal would be the right thing to do to achieve any of those goals.

I repeat that the battle is still on for the hearts and minds of the Iraqi people. We are a great and generous nation. We have proven that time after time after time. I think it is time for this body to express that generosity, that commitment—which only the United States has ever really displayed—to freedom and democracy in Iraq and tell these people we are going to do everything we can to help rebuild their country, we will help them on the road to freedom and democracy, and at the end of the day, years from now, that gratitude on the part of the Iraqi people will be displayed to us in many ways, that will far exceed any benefits that might be accrued from this being some kind of a loan that would be paid back.

I hope my colleagues will understand the seriousness of this issue. It won't stop us from going about the work of securing the peace in Iraq, but it will set it back and it will send the wrong signal at the wrong time about the United States, true commitment in this country.

Mr. President, too many young Americans have already made the supreme sacrifice for us to go back on that commitment now.

I yield the floor.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I yield myself such time as I may consume.

To refresh the memory of the Senate, it is good to look at the exact wording of this amendment that was offered by the Senator from North Dakota and others. The amendment provides that:

> The President shall direct the head of the Coalition Provisional Authority in Iraq, in coordination with the Governing Council of Iraq or a successor governing authority in Iraq, to establish an Iraq Reconstruction Finance Authority. The purpose of the Authority shall be to obtain financing for the reconstruction of the infrastructure in Iraq by collateralizing the revenue from future sales of oil extracted in Iraq. The Authority shall obtain financing for the reconstruction of the infrastructure in Iraq through
>
> (1)(A) issuing securities or other financial instruments; or
>
> (B) obtaining loans on the open market from private banks or international financial institutions; and
>
> (2) to the maximum extent possible, securitizing or collateralizing such securities, instruments, or loans with the revenue from the future sales of oil extracted in Iraq.

My personal impression from the reading of this amendment is that the $21 billion that is struck from the bill by this provision—because the amendment begins by striking that $21 billion and substituting this provision that I just read. My impression is that this is smoke and mirrors, pure and simple. What the amendment would really do would be to prevent making available to the Coalition Provisional Authority, trying to guarantee the reconstruction of Iraq and the possibility for the Iraqi people to live in peace and security and in an environment where democracy would be possible, self-government probable—that you could do it for nothing. That is what the assumption is that underlies this amendment. The assumption is that you can do it for nothing. No private bank is going to make a loan in the environment that exists today in Iraq, with the threats to the security of the people who are cooperating in the reconstruction of Iraq, the threats to the Iraqi people who are cooperating with the coalition to reconstruct Iraq—as they are. People are being shot at in the streets. There is an atmosphere where there is a great deal of fear and suspicion.

We have to, if we are to succeed in helping create this new Iraq—which I applaud the President for trying to do; it will be a contribution to the peace and stability of not only that region but the world, in my opinion. If we want to support the President's efforts, we will vote against this amendment and permit the funds that were approved by the Appropriations Committee when it rejected this amendment in the committee after hearing testimony from an array of witnesses who are familiar with the situation in Iraq. The committee recommended the approval of these funds—the total appropriation asked for by the President—for the military operations, the increase in the equipment, ammunition, other resources that our troops need to protect themselves and to carry out their mission and to bring it to a successful conclusion. Those funds are included in this bill, but also additional funds that are the target of this amendment, which will help in the reconstruction and make it possible to reconstruct the country so that the people of Iraq can take care of themselves in a military sense, with officers involved in police activity, patrolling the streets to help guarantee that those who are engaged in positive, constructive work there in Iraq can do so with security and without fear of their lives.

That is what the bill is for. That is the goal of the mission of our troops, working with the other nations. Some 30 other nations are actively involved with people there, risking their lives trying to help this country rebuild itself from the ravages of the Saddam Hussein regime.

So if we vote for this amendment and if we reject the decision the Appropriations Committee made, we are putting in jeopardy all of the effort and all of the investment that has gone on, all of the risks taken by so many to make this a successful operation to help establish an atmosphere for freedom, democracy, self-government, for an economy that can be successful in Iraq so that we can see our direct support of this new Coalition Provisional Authority and the government that will be formed as a result of its efforts.

I am hopeful we will recognize the fact that we had solid convincing testimony before our committee at the hearings. Ambassador Bremer testified, the Secretaries of State and Defense testified, and the Chairman of the Joint Chiefs of Staff, General Abizaid, in charge of the military operation there, all in support not just of the military aspect, the $80 billion plus for military activity in direct support of our military forces, but the additional funds which are the target of this amendment.

Schools have started throughout Iraq. Hospitals have been reopened throughout Iraq. That will all come to an end. The continuation of the recovery effort and the progress being made will be put in jeopardy if these funds are not approved.

Not only are banks unwilling to make direct loans to this new government under the security situation that now exists, but nobody will securitize or collateralize future revenues from any source, oil or anything else. To assume this oil has a great monetary value right now to anybody is just a false assumption. It is in the ground, right, but it is not being produced. It is not being transported or marketed in sufficient quantities that anyone would be willing to take the risk of making a loan to a provisional authority created at this time in Iraq. It is just not possible to expect that.

Nobody testified before our committee that I can remember saying that would be a good idea. I don't recall a single financial expert coming in to dispute this administration's recommendation that funds be made available to help reconstruct the capacity to produce oil and to get Iraq's economy moving. Nobody suggested an alternative, certainly not this one. I don't recall hearing a witness. Maybe in the time remaining to the Senator from North Dakota he can cite that effort, he can cite that testimony.

We heard political arguments preying on the suspicions of others, preying on the political aspirations of others who may challenge the administration's policies, and we can have that debate, but this is not a good substitute for the provisions that we have in the bill today before the Senate.

Ms. LANDRIEU. Will the Senator yield?

Mr. COCHRAN. We have looked through the administration's request very carefully, and there were some disagreements about specific items. The other body has completed action in its committee on this appropriations request, and there are some differences. We will have an opportunity in conference to look at some of the specific suggestions the House has made, and I think they have made some good ones. We will work together with our House colleagues and counterparts to prepare a conference report that we hope will meet the approval of the Senate, as well as the House, and that the President can sign, and we can move forward.

This is a smoke-and-mirrors amendment, Mr. President, purely and simply. You cannot have it both ways. As I remember, one of my good friends on the other side, after looking at a proposal that we had before us one time, said: This is like smoke and mirrors. In fact, there is so much smoke; you can't even find the mirrors; you can't see the mirrors.

I am not trying to be too cute. I don't want to try to create that impression, but I am very serious in my suggestion that it would be a big mistake if we adopted this amendment. I hope the

Senate will reject the amendment. The committee looked very carefully at the amendment when it was offered in our markup session and rejected the amendment.

Ms. LANDRIEU. Will the Senator yield for a question?

Mr. COCHRAN. I am hopeful, as we proceed to a final discussion, that the Senate will look at the testimony we had before our committee, consider carefully the implications of denying these funds to the administration and the fact that it would contribute to a greater degree of instability in that country with a greater degree of risk for our troops who are now there, the civilians who are there from some 30-odd countries trying to be helpful in the reconstruction of this country. It would create a much more dangerous situation, and I don't think we want to be a party to that. That would be a result, unintended of course, that would flow from the adoption of this amendment.

I reserve the remainder of the time on our side.

The PRESIDING OFFICER. Who yields time?

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. Who yields to the Senator from Louisiana?

Ms. LANDRIEU. I believe we have 1½ minutes. I wanted to ask the Senator——

The PRESIDING OFFICER. Who yields time?

Ms. LANDRIEU. I ask unanimous consent to speak for 5 minutes.

Mr. COCHRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. Who yields to the Senator?

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has 1 minute 37 seconds.

Mr. DORGAN. My hope had been the normal courtesy of the Senate to have the offeror of the amendment close debate. That may not be possible because of the strategy of the quorum call here, so I don't know what the intention of the Senator from Mississippi is. In most cases, those who offer the amendment are allowed to close debate. I hoped to do that for 5 minutes. If I am prevented from doing that, we will deal with that at a later time.

But in the remaining time, I wish to make one point. The Senator from Mississippi says he didn't hear any witnesses describe this approach to reconstruction. You know why they didn't hear any witnesses? Because Senator BYRD asked again and again to bring witnesses before the committee and my colleagues on the other side of the aisle decided they would not allow it to happen. They would not allow other witnesses to come before the committee. So it is curious now to hear people complain about not hearing other witnesses when they, in fact, prevented them from testifying before the committee.

I yield the floor, and reserve the remainder of my time.

Mrs. FEINSTEIN. Mr. President, as we continue to debate this supplemental, we continue to find ourselves dancing around a very important question that we've been asked—the one that Senator DORGAN raises today: how is reconstruction in Iraq to be paid for?

First, let me say that it is clear that we unequivocally support our troops and nearly all of us support their mission. I voted to support the President in this effort a year ago this month and continue to support our efforts to liberate Iraq from the terror that continues to grip its citizens.

But, the answer to the question of cost is much less clear.

Last week I came to the Floor in support of Senator BIDEN's amendment to rollback a small portion of the President's May 2003 tax cut. Senator BIDEN's amendment would have paid for this supplemental while protecting every American from undue hardship.

That amendment failed to gain the necessary support that would have made it part of this supplemental. And, those who voted against that amendment have yet to tell the rest of us how it is that we can afford to spend $20 billion on Iraqi reconstruction and pass that cost onto our children.

So, as of today, we still have not figured out how to pay for our efforts in Iraq.

For a moment, let us set aside the portion of the supplemental that I believe has nearly universal support here in the Senate—that being the portion to pay for ongoing military operations.

Let us focus instead on that portion of the supplemental that deals exclusively with reconstruction in Iraq.

The administration would like us to approve more than $20 billion for projects we all consider necessary for any fledgling nation, but should the American public or the Iraqi people pay for these types of improvements? Should the American people be paying for pickup trucks, radios and computer training? Remember, these are improvements that were, in large part, needed prior to our arrival in Iraq.

Let me be clear, I am not questioning the need for these improvements, but rather who ultimately pays for them.

In February 2003, and on at least three other occasions, we were told by the White House that "Iraq, unlike Afghanistan, is a rather wealthy country. Iraq has tremendous resources that belong to the Iraqi people. And so there are a variety of means that Iraq has to be able to shoulder much of the burden for their own reconstruction."

The White House knows, as we do, that Iraq is in control of the second largest proven oil reserve on the planet and modern financing techniques will allow Iraq to leverage these natural resources to rebuild its nation.

Senator DORGAN's amendment encapsulates an idea that is proven and at work all over the globe. The worldwide securitization market is in excess of $2 trillion.

We have heard from several experts, including the Export-Import Bank, that securitization is workable and, in this case, desirable.

Securitization is the most legitimate way to provide reconstruction dollars and to foster a sense of Iraqi ownership in the outcome of this process of liberation, and I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time? Time will run equally against both sides if no side yields time.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, can you tell me how much time is remaining?

The PRESIDING OFFICER. The Senator's time has expired. All remaining time is controlled by the Senator from Mississippi.

The PRESIDING OFFICER. The hour of 6:30 having arrived, the Senate will move to a vote in relation to the amendment of the Senator from North Dakota.

Mr. STEVENS. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 1826. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER (Mr. TALENT.) Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 39, as follows:

[Rollcall Vote No. 380 Leg.]

YEAS—57

Alexander
Allard
Allen
Bennett
Biden
Bond
Brownback
Bunning
Burns
Cantwell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Dayton
DeWine
Dodd
Dole
Domenici
Ensign
Enzi
Feingold
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller

Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—39

Akaka
Baucus
Bayh
Bingaman
Boxer
Breaux
Byrd
Campbell
Clinton
Conrad
Corzine
Daschle
Dorgan
Durbin
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—4

Edwards
Kerry
Kohl
Lieberman

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I strongly support the amendment of Senators DASCHLE and GRAHAM of South Carolina to close an unfortunate and unacceptable gap in health insurance coverage for families of Reserve and Guard members called up for active duty. The amendment is especially important now, when so many Reserve and Guard members are being called up for duty in Iraq.

We all know that our Armed Forces are stretched thin. They are paying a heavy price for the Bush administration's gross miscalculation about Iraq. The burden is now falling heavily on the Reserve and National Guard as well. Over 215,000 Guard and Reserve men and women have not been mobilized to ease the burden on our regular forces in Iraq and Afghanistan, and in homeland security as well.

One challenge they should not have to face is maintaining health insurance for their families. The immediate problem is that, too few private employers are willing to continue coverage for Guard and Reserve employees and family members when the employees are activated.

According to the General Accounting Office, nearly 80 percent of all reservists have health coverage through their jobs in the private sector. They far prefer to continue that coverage when they are activated. The military's TRICARE coverage works well for the reservists themselves when they are activated. But it is often not practical for their family members, since their homes are often too far from the military bases where the TRICARE doctors have their medical practices and doctors in the area near their homes often do not accept TRICARE coverage.

Even when TRICARE coverage makes sense, it is often difficult to transfer to TRICARE for a year and then transfer back to their employer-sponsored plan after their deactivation, especially if they have a so-called preexisting condition that could make them uninsurable.

I recently met with an Air Force family in Boston who had lost their health care as a result of the mobilization for Iraq. The family joined TRICARE, but few physicians and even fewer specialists were willing to take their insurance.

Clearly, we need to do more to guarantee that good health insurance coverage is available. All our military families, including members of the Reserve and Guard deserve good coverage. We need to do everything we can to avoid unnecessary upheaval in the lives of these families who are sacrificing so much for our country.

I thank my colleagues for their support of this proposal to make TRICARE available to Reserve and Guard personnel and their families. It is a problem we should have corrected long before now and we could have avoided this sudden crisis for so many of these families.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I would like to yield to the Senator from Nevada for purposes of offering some amendments, and then I would like to get a time agreement, if we can, on the amendments that we are going to lay down and debate tonight.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I could respond to my friend, the manager of the bill, I am going to send a couple amendments to the desk. Thereafter, Senator CORZINE is going to offer an amendment, and he wishes 12 minutes tonight. The Senator from Rhode Island, Mr. REED, is going to offer an amendment. He is going to speak for up to 20 minutes.

Mr. STEVENS. Mr. President, we are preparing a unanimous consent request. May we——

Mr. REID. Mr. President, I am advised Senator DURBIN wants to lay down an amendment following Senator REED and wants to speak for 10 minutes.

Mr. STEVENS. Mr. President, I would like to start the process of having amendments offered from this side, too. So we are going to have two from that side. Can we reserve a time for people to offer amendments over here and decide about—I do not have any problem with Senator DURBIN offering an amendment, but the order of presenting them we will decide tomorrow.

Mr. DURBIN. Absolutely.

Mr. STEVENS. Let me yield to the Senator to offer amendments.

And may I ask Senator CORZINE to hold off until we get an agreement concerning these two amendments we are going to consider?

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 1835

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senator REID and Senator LINCOLN.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mrs. LINCOLN, proposes an amendment numbered 1835.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability)

At the end of title I, add the following:

SEC. 316. (a) RESTORATION OF FULL RETIRED PAY BENEFITS.—Section 1414 of title 10, United States Code, is amended to read as follows:

"§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation

"(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

"(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

"(c) EXCEPTION.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

"(d) DEFINITIONS.—In this section:

"(1) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

"(2) The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(13) of title 38.".

(b) REPEAL OF SPECIAL COMPENSATION PROGRAMS.—Sections 1413 and 1413a of such title are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 1413, 1413a, and 1414 and inserting the following:

"1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation.".

(d) EFFECTIVE DATE; PROHIBITION ON RETROACTIVE BENEFITS.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the first month that begins after the date of the enactment of this Act.

(2) RETROACTIVE BENEFITS.—No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as amended by subsection (a), for any period before the effective date under paragraph (1).

AMENDMENT NO. 1836

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send another amendment to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1836.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress on damages caused by the regime of Saddam Hussein during the First Gulf War)

On page 22, between lines 12 and 13, insert the following new section:

SEC. 316. (a) Congress makes the following findings:

(1) During Operation Desert Shield and Operation Desert Storm (in this section, collectively referred to as the "First Gulf War"), the regime of Saddam Hussein committed grave human rights abuses and acts of terrorism against the people of Iraq and citizens of the United States.

(2) United States citizens who were taken prisoner by the regime of Saddam Hussein during the First Gulf War were brutally tortured and forced to endure severe physical trauma and emotional abuse.

(3) The regime of Saddam Hussein used civilian citizens of the United States who were working in the Persian Gulf region before and during the First Gulf War as so-called human shields, threatening the personal safety and emotional well-being of such civilians.

(4) Congress has recognized and authorized the right of United States citizens, including prisoners of war, to hold terrorist states, such as Iraq during the regime of Saddam Hussein, liable for injuries caused by such states.

(5) The United States district courts are authorized to adjudicate cases brought by individuals injured by terrorist states.

(b) It is the sense of Congress that—

(1) notwithstanding section 1503 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11; 117 Stat. 579) and any other provision of law, a citizen of the United States who was a prisoner of war or who was used by the regime of Saddam Hussein and by Iraq as a so-called human shield during the First Gulf War should have the opportunity to have any claim for damages caused by the regime of Saddam Hussein and by Iraq incurred by such citizen fully adjudicated in the appropriate United States district court;

(2) any judgment for such damages awarded to such citizen, or the family of such citizen, should be fully enforced; and

(3) the Attorney General should enter into negotiations with each such citizen, or the family of each such citizen, to develop a fair and reasonable method of providing compensation for the damages each such citizen incurred, including using assets of the regime of Saddam Hussein held by the Government of the United States or any other appropriate sources to provide such compensation.

Mr. REID. Mr. President, there is a unanimous consent request being typed now, but for the information of Senators, what we would like to do tonight on the first two amendments we have spoken about, the Corzine and Reed amendments—the majority has had an opportunity to review those amendments. They know what is in those. I do not think we are in a position at this time to make an agreement on the amendment by the Senator from Illinois because they have not seen his amendment.

Mr. STEVENS. Mr. President, I have no problem with Senator CORZINE, Senator REED, and Senator DURBIN offering their amendments, but in the line here of being pending, of amendments being set aside temporarily, I would like the right tomorrow to suggest the order in which these will be presented following the votes on Senator CORZINE's and Senator REED's amendments.

Mr. REID. I think that is appropriate.

Mr. STEVENS. It is just an understanding. I do not ask unanimous consent.

Mr. President, I now ask unanimous consent that when the Senate resumes consideration of the Iraq supplemental on Wednesday, there be 4 minutes equally divided prior to the vote in relation to the Corzine amendment No. 1811; provided further that following that vote there be 7 minutes for debate in relation to the Reed amendment No. 1834, with 5 minutes under the control of Senator REED and 2 minutes under the control of the chairman; further, that following that debate the Senate proceed to a vote in relation to the Reed amendment, with no amendments in order to either amendment prior to the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, as I understand it, we have announced there will be no more votes tonight. Senator CORZINE will offer his amendment first, and then Senator REED will offer his amendment. We will vote on those amendments tomorrow. I am informed there probably will be a morning hour after our convening at about 9:30. We will announce that schedule later. That means the first vote will take place sometime around 10:40.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from New Jersey.

AMENDMENT NO. 1811

Mr. CORZINE. Mr. President, I ask unanimous consent to lay aside the pending amendment, and I call up amendment No. 1811.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. CORZINE] proposes an amendment numbered 1811.

Mr. CORZINE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55)

On page 22, between lines 12 and 13, insert the following:

SEC. 316. (a) Section 12731(a)(1) of title 10, United States Code, is amended by striking "at least 60 years of age" and inserting "at least 55 years of age".

(b) With respect to any provision of law, or of any policy, regulation, or directive of the executive branch, that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to the age in effect for qualification for such retired pay under section 12731(a) of title 10, United States Code, as amended by subsection (a).

(c) The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply to retired pay payable for that month and subsequent months.

Mr. CORZINE. Mr. President, on behalf of myself and Senator DURBIN, and hopefully others, this amendment is designed to reduce the retirement age for members of the National Guard and Reserves from 60 to 55. This change would allow for an estimated 92,000 reservists, currently age 55 to 59, to retire with full benefits and would restore parity between the retirement systems for Federal civilian employees and reservists.

Just to refresh my colleagues' memory, regular military personnel can retire after 20 years of service regardless of their age—38, 48, 55, or 60—and receive their retirement benefits at the time of retirement. As we reflect on the demands placed on our soldiers in Iraq, particularly our Reserve and Guard forces—of which there are roughly 20,000 in theater—there is no more appropriate time to consider this important proposal to support these brave men and women.

As a matter of basic fairness, it is only right to restore parity between the retirement age for civilian employees and their Reserve counterparts.

When the Reserve retirement system was created in 1947, the retirement age for reservists was identical to the age for civilian employees. At age 60, reservists and Government employees could hang up their uniforms and retire with full benefits. However, since 1947, the retirement age for civilian retirees has been lowered by 5 years while the retirement age has not changed for reservists and guards.

The disparate treatment of Federal employees and reservists would have been serious enough had the nature of the work performed by the reservists been steady over the past five decades, but today this country places an increasingly heavy demand on its Ready Reserve, more of a demand than has ever been the case in our Nation's history. Today more than 200,000 reservists have been called up to serve their country in the war on terrorism, and 170,000 of these reservists and Guard troops are now on active duty, here at home and abroad. America's dependence on our Ready Reserve has never been more transparent to the American people. Reservists are now providing security at our Nation's airports, and they patrol the air over our major cities. They provide caps, protection.

With call-ups that last several months and take reservists far from home in serving our Nation, it is increasingly clear that reservists are performing the same role as those on active duty and any other service. Before the war on terrorism, reservists were performing 13 million man-days each year—get the idea of how big that is—more than a tenfold increase over the 1 million man-days the Reserves averaged just 10 years ago. It has moved dramatically, even before the war on terrorism began.

In fiscal year 2002, reservists contributed 41 million man-days. And this year, in fiscal year 2003, that number will be up again. So we are using our Reserve Forces dramatically more than was ever the case in the history of the Reserve and Guard units. These people are on active duty for an increasing amount of time, particularly as we justify and move forward with the war on terrorism. These are staggering increases. Those defenders of the American people should have that recognized by shortening their time before they are eligible for retirement. In my view, with additional responsibility should come additional benefits.

I know this proposal is not without cost. But not improving the reservists' benefits also will have a cost, potentially a severe cost. After all, in recent years we have seen our military struggling to meet recruitment and retention goals. It has been even more severe sometimes with our Guard and Reserve. That has improved somewhat after 9/11. But unless the overall package of incentives is enhanced, there is little reason to believe we will be able to attract and retain highly trained Reserve personnel over the long run, particularly as their deployments and the number of man-hours has increased.

Active-duty military personnel have often looked to the Reserves as a way to continue to serve their country while being closer to their families. We have been drawing people out of the active military into the Reserve. With thousands of dollars invested in training active-duty officers and enlisted soldiers, the United States benefits tremendously when personnel decide to continue with the Reserves. But with Reserve deployments increasing in frequency and duration, pulling reservists away from their families and civilian life, imposing real hardships on those families, the advantage in joining the Reserves has been dramatically reduced. There is no question about that.

The more we depend on the Reserves, the greater chance we have of losing highly trained former active-duty service men and women and a number of people who have just joined the Active Reserve because they thought it was a way they could supplement income and be involved in supporting our Nation.

In my view, the added incentive of full retirement at 55 might provide just the inducement some of them need to stay on despite the surge in deployments. By the way, to illustrate, in the period 1953 to 1990, there were 11 deployments of reservists and guards. Between 1991 and 2001, there have been 50 deployments of reservists and guards. Now those numbers are accelerating as we take on this war on terrorism.

It is an enormous change in how we are utilizing our Reserve Forces. I hear from the guards and reservists in New Jersey to whom I spoke directly that one of those things they are most interested in is seeing a shortening of the period before they have access to retirement benefits. It will make a big difference in their lives. They consider it important.

Enacting this legislation will send a clear message that our Nation values the increased sacrifice of our reservists during this trying time. This proposal has been endorsed by key members of a broad military coalition, including the Reserve Officers Association, Veterans of Foreign Wars, the Air Force Sergeants Association, the Air Force Association, and Retired Enlisted Association, the Fleet Reserve Association, the Naval Reserve Association, and the National Guard Association. All of the groups that represent these individuals in our system are strongly supporting this initiative. It would restore parity between the Reserves retirement system of our Guard and Reserve and the civilian retirement system, acknowledge the increased workload of reservists, and provide essential personnel with the inducement to join and stay in the Reserves until retirement.

I do hope my colleagues will support this amendment. This is the appropriate time given what kind of challenge we are laying down for our National Guard and Reserve across this country. We have increased their responsibilities. We have put severe challenges in front of them and their families, and it is our responsibility, in my view, to recognize that and to address it. I think one of the best ways to do that is to reduce the retirement age for the Reserve and the Guard.

I hope my colleagues will join me in supporting this amendment.

With that, I yield the floor.

Mr. DURBIN. Mr. President, I ask unanimous consent to be allowed to speak for 5 minutes and lay down an amendment out of line before giving the floor to Senator REED, who will do the same with his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1837

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Ms. MIKULSKI, and Mr. CORZINE, proposes an amendment numbered 1837.

Mr. DURBIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that a Federal employee who takes leave without pay in order to perform certain service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred)

At the appropriate place, insert the following:

SEC. . (a) SHORT TITLE.—This section may be cited as the "Reservists Pay Security Act of 2003".

(b) NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD.—

(1) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard

"(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

"(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

“(2) the amount of pay and allowances which (as determined under subsection (d))—

“(A) is payable to such employee for that service; and

“(B) is allocable to such pay period.

“(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

“(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

“(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

“(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

“(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

“(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of the service on active duty to which called or ordered as described in subsection (a).

“(c) Any amount payable under this section to an employee shall be paid—

“(1) by such employee's employing agency;

“(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

“(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

“(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

“(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

“(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

“(f) In this section—

“(1) the terms ‘employee’, ‘Federal Government’, and ‘uniformed services’ have the same respective meanings as given them in section 4303 of title 38;

“(2) the term ‘employing agency’, as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

“(3) the term ‘basic pay’ includes any amount payable under section 5304.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

“5538. Nonreduction in pay while serving in the uniformed services or National Guard.”.

(3) EFFECTIVE PERIOD.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this section and ending September 30, 2004.

Mr. DURBIN. Mr. President, I thank my colleague, who is a Boston Red Sox fan, for allowing me an opportunity to present this amendment so I can watch the Cubs in a few minutes. I owe him big for this one.

This amendment takes into consideration that we have 1.2 million members of the National Guard and Reserve. Of that number, some 120,000 are also Federal employees—10 percent of the National Guard and Reserve—and 14,000 of the Federal employees are currently mobilized and serve on active duty.

All across the United States, States, local governments, and private corporations have said to the men and women in the Reserve and Guard: If you are activated and mobilized, we will hold you harmless in terms of your salary. We will make up the difference between your military pay and what you would have made at home so that your family won't suffer a hardship and have to make a sacrifice.

Sadly, we do not make the same concession for Federal employees. My Reservist Pay Security Act of 2003 is legislation that will help alleviate the problems faced by many Federal employees who serve in the Reserves and must take time off from their jobs when our Nation calls. It allows these citizen-soldiers to maintain their normal salary when called to active service by requiring Federal agencies to make up the difference.

This amendment is affordable. A recent Department of Defense survey of 35,000 reservists found that 41 percent lost income during mobilization and deployment, while 59 percent either broke even or increased their income on active duty. Of those who reported losing income, most—70 percent—said their income was reduced by $3,750 or less while serving on active duty.

Based on CBO estimates, this measure to protect the income of Federal employees who are activated and mobilized in Guard and Reserve units would cost us approximately $75 million for the next fiscal year. That seems like a very small amount in an $87 billion supplemental.

I think we need to provide these Reserve employees financial support so they can leave their civilian lives and serve our country without the added burden on their families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

AMENDMENT NO. 1834

Mr. REED. Mr. President, I ask unanimous consent to lay aside the pending amendment, and I call up amendment No. 1834.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself and Mr. HAGEL, proposes an amendment numbered 1834.

Mr. REED. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the end strength of the Army and to structure the additional forces for constabulary duty)

On page 22, between lines 12 and 13, insert the following:

SEC. 316. (a) In addition to the strengths authorized by law for personnel of the Army as of September 30, 2004, pursuant to paragraphs (1) and (2) of section 115(a) of title 10, United States Code, the Army is hereby authorized an additional strength of 10,000 personnel as of such date, which the Secretary of the Army may allocate as the Secretary determines appropriate among the personnel strengths required by such section to be authorized annually under subparagraphs (A) and (B) of paragraph (1) of such section and paragraph (2) of such section.

(b) The additional personnel authorized under subsection (a) shall be trained, incorporated into an appropriate force structure, and used to perform constabulary duty in such specialties as military police, light infantry, civil affairs, and special forces, and in any other military occupational specialty that is appropriate for constabulary duty.

(c) Of the amount appropriated under chapter 1 of this title for the Iraq Freedom Fund, $409,000,000 shall be available for necessary expenses for the additional personnel authorized under subsection (a).

Mr. REED. Mr. President, I offer this amendment with Senator HAGEL of Nebraska. It would increase the end strength of our Army so we can deal with the increasing turbulence throughout the world that we have been confronting since 9/11—indeed before then.

Our military forces are without equal. They combine superb technology with bravery and devotion to the Nation. They are well led, particularly by extraordinary noncommissioned officers and junior officers. These qualities extend to both Active and Reserve components. History has never seen such a formidable force. However, history is replete with examples of superb military forces worn down because they were overextended.

Today, that danger is approaching our Army as it copes with worldwide commitments and the difficult challenge of a violent insurgency in Iraq and a resurgence of the Taliban in Afghanistan.

This chart depicts the deployment of soldiers. There are 325,000 soldiers in 120 countries. In Iraq, there are about 120,000; in Kuwait, about 22,000; in Afghanistan, approximately 11,000. They are all across the globe performing missions that are important to us and our national security and our safety.

This situation of an extended Army has been developing over many years. Since 1989, the Army's military end strength has been cut by more than 34 percent and civilian strength by 45 percent, while undergoing a 300-percent increase in mission rate. Fewer people, more demand. That has been the record since 1989 and before that even.

This operational tempo certainly became acute after September 11 and the commencement of the global war on terrorism. A respected voice who devoted his life to serving the nation, GEN Frederick Kroesen, wrote in November 2002, before the initiation of operations in Iraq:

> It appears to this interested observer that we are expending the force and doing little to ensure its viability in the years to come, years we have been assured it will take to win the war on terrorism. The quality of our effort, high and commendable during the first year and showing no signs of deterioration, can in the long run only be sustained by preparing now for the force we will need then. Barring the unlikely scenario of an all-out war and full mobilization, soldiers now fighting the war on terrorism, with few exceptions, will not be available for fighting two years from now. Units and organizations of the reserve components, mobilized for the first year of war, will not be available for more of the same service off into the indefinite future. It might be prudent now to ask the managers who decreed the current second-year Reservists' extensions what they plan for the third year.
>
> The answer, of course, is to increase the size of the Army. On September 10, 2001, the Army was too small for the missions with which it was charged—a fact reported by both the Secretary and Chief of Staff of the Army in congressional testimony of that year.
>
> On September 11, Army mission requirements grew significantly; the Army did not. It instead begins the expending of it and establishes the need to begin planning for the replacement of that which is being used up.

General Kroesen, a distinguished soldier, commanded the 82nd Airborne Division when I served as a young lieutenant. His insights are both profound and to me compelling.

Again, these words from General Kroesen were written before Operation Iraqi Freedom and before we found ourselves in a prolonged and costly effort to defeat an insurgency and rebuild a nation. The added stress of Iraq has made the acute absolutely critical.

James Kitfield of the National Journal wrote an insightful analysis of the stresses affecting the Army. He points out how this breakneck operational tempo is imposing great burdens throughout the Army. In his words:

> To understand why, shift the focus from individual soldiers to major units such as the 82nd Airborne Division. Traditionally America's quick reaction division, the 82nd currently has a brigade in Iraq and another in Afghanistan. The 3rd Brigade of the 82nd Airborne, however, is the one that most concerns Army planners. After leaving Afghanistan earlier this year, the 3rd Brigade was home only about 6 months before being sent to help relieve the 3rd Infantry Division.

Then there is the 3rd Brigade of the 1st Infantry Division. Having returned recently from Germany from an extended peacekeeping deployment in the Balkans, the soldiers of the 3rd Brigade are becoming reacquainted with their families and relearning the kinds of high-intensity combat skills the Army put to such impressive use during the Iraq war. That training cycle itself requires weeks away from home. The 1st Infantry soldiers will not have much time before turning their focus to deployment preparations, however, because the 3rd Brigade is heading to Iraq next March to relieve elements of the 4th Infantry Division.

What we are seeing every day is an increasing cycle of deployment and redeployment of brigades and divisions being shuffled about to cover all of these tremendous worldwide domains. This tempo and this stress is beginning to show in terms of our soldiers and in terms of the Army. Unless we provide additional soldiers for the Army, these stresses will be manifested in growing problems, such as difficulties in recruitment and retention and difficulties in adequately and thoroughly training the force.

The Army has begun to cancel or postpone many exercises and training rotations. The Los Angeles Times recently reported that since October 1, 2002, the Pentagon has canceled or postponed 49 of the 182 training exercises scheduled for this fiscal year.

The superb force that entered Iraq was forged through intensive training. Without such training, we will lose the edge in a world where there are other potential adversaries, such as North Korea whose army is more tenacious than the Iraqis under Saddam.

The effects on recruitment and retention are likely to be seen first in the National Guard and Reserves. Indeed, unless we add more active component soldiers, we will continue to rely on the National Guard and Reserves to fill the gaps. Such a policy is unsustainable over an extended period.

National Guard men and women and Reserve forces are dedicated patriots and skilled professionals, but they have lives outside the Army. If we continually force them to choose between service to the Nation and supporting their families, they will ultimately and invariably choose their families.

Moreover, the stresses on the Guard and Reserves are not localized in a few communities. These stresses are transmitted to every corner of the country, and we will have great difficulty maintaining public support for an extended operation in Iraq if the public sees that operation through the prism of neighbors repeatedly called to service and sacrifice without relief.

There has been much discussion about the adequacy of our force structure in Iraq, and I have become increasingly skeptical of the adequacy of the force structure in Iraq. You just have to pick up today's New York Times where there is an article that describes the fact that there is approximately 1 million tons of ammunition in Iraq, much of it unsecured because, frankly, we don't have enough troops there. We don't have enough American troops. We have not received our international reinforcements, and we have not yet effectively trained and deployed Iraqi troops.

What is also frightening is the fact that apparently the Saddam Hussein regime stockpiled at least 5,000 shoulder-fired missiles, air defense missiles, capable of bringing down aircraft. Only about a third of these missiles are accounted for. There is the alarming possibility, because we are unable to secure these ammo dumps, that literally thousands of shoulder-fired air defense missiles are in Iraq or, even more alarming, have filtered outside the country to terrorist groups. So there is increasing evidence that the forces we have on the ground are not doing an essential job, which is to protect themselves from munitions going into the hands of terrorists and being used against our troops.

Regardless of how one feels about the number of troops in Iraq, we simply will not be able to maintain even that level unless we increase the end strength of our Army. Increased reliance on Guard and Reserves is not a sensible long-term strategy, and the arrival of international reinforcements is problematic. The Army is trying to squeeze more boots on the ground from its current forces, but this improvisation is a quick fix, not a long-term solution.

This amendment would authorize and would pay for an increase in the active duty Army end strength by 10,000 personnel and would focus on forces needed for constabulary duty, such as military police, civil affairs, light infantry, and special operations.

The objective of end strength, meaning the number of personnel permitted to serve in the military, was succinctly summed up by retired GEN Gordon R. Sullivan:

> The objective is to have enough soldiers to execute Army missions at the right time and the right place, have enough in the total to have both tactical and operations flexibility and to have adequate depth in numbers to support leader development, required force structure manning and the requisite balance needed across the ranks.

Indeed, the current numbers are not giving the flexibility and the redundancy we should have built in to our military.

Each year in the Defense authorization bill, Congress authorizes the end strength of each branch of the military service. There is a separate end strength number for the Active and Reserve component, which includes the National Guard.

Presently, the authorized active duty end strength for the Army is 480,000.

The authorized end strength for the Army National Guard is 350,000, and the authorized end strength for the Army Reserve is 205,000.

In addition, there is a variance, which means the Secretary of Defense is authorized to exceed the active duty end strength by 3 percent when necessary, and the Guard and Reserve end strength by 2 percent.

I would argue that the present authorized end strength today, even with the allowed variance, does not provide enough Army personnel to provide the depth, the flexibility, and the balance it needs to carry out the missions of today and the future. This Army is stretched across the globe. The demands increase and the number of soldiers who are available is not able to give that needed flexibility, that adaptability, and that balance.

Five years ago in the Defense Authorization Act for fiscal year 1999, Congress lowered the authorized active duty end strength from 495,000 to its present 480,000. So there were at least 15,000 more soldiers several years ago before the war on terror, before the war in Iraq, before contingencies that have yet to present themselves to us.

Soon after that, however, the discussions began when we lowered this end strength, focusing on the inadequacies of the number of people we had. During a hearing before the House Armed Services Committee in July 2001—again, before September 11—General Shinseki stated:

> Given today's mission profile, the Army is too small for the mission load it is carrying.

At that time, both General Shinseki and Secretary White requested that end strength be increased to 520,000. Again, that was before 9/11 and before Iraq.

Since 2001, the Association of the United States Army has been advocating for increasing end strength by 30,000 to 40,000 additional soldiers. Again, my amendment would only call for a 10,000 increase in the number of soldiers.

However, despite the views of these professionals, end strength has not been increased. Yet none of the Army's missions from 2000 have ended, and with the advent of September 11, the war on terror, the war in Afghanistan, and the war in Iraq, the burden has increased exponentially.

Today, as this chart shows, the Army has 325,200 soldiers deployed and forward stationed in 120 countries. While some of these deployment numbers may vary in the future, there will not be any significant changes. No one, I think, reasonably expects that we will be withdrawing within a year or two a major force from Iraq or forces from Afghanistan or forces from even Kosovo, Bosnia, and Hungary. These commitments are there, and they must be met.

Retired LTG Jay Garner, the first director of Iraqi reconstruction, told the National Journal that the active duty Army "has already been burned out" by trying to do too much with too few, and the "reserves are going to be burned out" by repeated activations.

General Garner argues that the Army needs to expand by two light infantry divisions, about 20,000.

The U.S. Army's Center of Military History has looked at the numbers and experiences of forces needed to remain in country after the conventional battle has ended—occupation forces, in other words. The center notes that you can look at historical examples, but you must also consider contemporary analyses and current capabilities.

With this three-pronged analysis, the Army's Center of Military History posited that if "we and our allies were to directly and effectively steer the course of events," 300,000 troops would be required in Afghanistan for a generation and 100,000 troops would be needed in Iraq for a number of years," assuming a modernized society and robust infrastructure. Without these numbers of military personnel, we may have influence but not control.

I think we are seeing today in Iraq that we have influence and not control, certainly not in Baghdad. We have influence in Afghanistan, but not control. It is important to note that providing insufficient troops to both Afghanistan and Iraq not only has consequences now but well into the future.

Today, the Army presently has 501,000 soldiers serving on active duty. Not only is this above the authorized end strength of 480,000, but it is also above the 3 percent variance rate. Indeed, the Army is so stretched at the moment, they are actually breaking the law on end strength. Isn't that enough evidence to suggest we need to raise the level?

I also note that even when the Army is well over the authorized end strength, they are having an extraordinarily difficult time implementing a rotation policy for Iraq and other areas around the globe. This means that tours are being extended. More Guard and Reserve forces are being called up and our soldiers are getting tired by the daily stress they are enduring and frustrated by the lack of certainty of when they may return home.

Currently more than 130,000 Guard and Reserve soldiers are deployed. Approximately 29,000 National Guard soldiers, infantry, signal transportation, military police are serving in Iraq and Kuwait. Among those are the 115th and 119th military police companies from Rhode Island, and the 118th military police battalion from Rhode Island. They are doing a magnificent job, but they are feeling the stress of this deployment.

More than 10,000 Reserve soldiers are in Kuwait, Afghanistan, and Iraq. At this time, there are still requirements for National Guard soldiers in Bosnia, Kosovo, and the Sinai. In fact, the National Guard has taken command relationships in these countries—Bosnia, Kosovo, and the Sinai. This is a development that I think many National Guard soldiers did not anticipate when they joined the Guard several years ago, certainly if they joined the Guard 10 or 15 years ago.

Since September 11, the Guard has mobilized 210,000 of its 350,000 soldiers at one time or another. The Reserve has mobilized 85,000 of its 205,000 in that same time period.

In addition, the activation of the Reserve component has a different effect than the deployment of an active-duty soldier. For active-duty personnel, the military is their primary employer and their families are prepared for the sacrifices required when their loved one is absent from home for a long period of time performing dangerous duty. With reservists, it is a different story. While slightly more than 50 percent of the active-component Army is married, 74 percent of reservists have at least 1 dependent. About one-half of these soldiers work for employers with 1,000 or fewer employees and 15 percent work for companies with less than 50 employees, where their absence is sorely felt.

While these soldiers are fighting for our country for at least a year, employers are understaffed and spouses are struggling as single parents, often under financial duress, since some soldiers take a pay cut when they give up their civilian salary for an Army wage.

Goldman Sachs recently conducted a survey of Reserve component soldiers and their employers and found these disturbing results: Virtually all the reservists felt that the activation was having a less than favorable impact on their civilian careers. Nearly one-third of the reservists were not sure their jobs would be waiting for them when they came off active duty, and half believed there would be a negative effect on pay and promotion.

Indeed, there is a dire need to expand the number of active-duty military personnel to avoid a future crisis in recruitment and retention in the military, specifically in the Reserve and National Guard units. With numbers like this reported by the Goldman Sachs survey, with the stress of a year deployment, with the additional burdens on spouses and children, I believe when these National Guards men and women and reservists return home the likelihood they would eagerly extend their careers in the Guard and Reserve is diminished significantly. Our soldiers need a break. They deserve better. We can help them and we should.

Now some may oppose this amendment by stating that senior officials from the administration and the Army have repeatedly stated that if they needed more troops they would ask for them, and they do not need more troops. I argue the administration is ignoring the facts I have just cited, and the simple and the obvious point that our Army is overworked and the work continues.

I think they are ignoring these facts for several reasons. First, increasing end strength admits that we need more troops to create a reasonable rotation policy, which means we are going to be in Iraq for a long time. The only other country where we have a one-year rotation policy for troops is Korea, where we have been ensconced now for almost 50 years: This administration simply must admit that a U.S. military presence in Iraq will be necessary for a very long time. Last Saturday's edition of the Washington Post quotes GEN Jim Jones, the U.S. European commander and NATO supreme allied commander, as saying U.S. soldiers may pull out of Bosnia in 2004—may. That is 8 years after they went in and were also going to stay for just 1 year. I argue that Iraq is likely a more difficult undertaking than Bosnia. Also, the only reason the U.S. is able to leave Bosnia is because troops from other nations are remaining, a luxury we unfortunately do not have in Iraq today.

Once again, the United States Army Center of Military History has noted: Occupations have required not only manpower but also time to achieve success. In the Philippines, for example, the officers and NCOs of the Philippine constabulary were virtually all continental Americans in 1902. Yet, by 1935, 30 years later, everyone was a Filipino. The Philippines was a challenging proposition with respect to both manpower and time, and it took a generation to achieve a satisfactory outcome. Germany and Japan transitioned from being occupied to being allies in about a decade.

So looking at history, challenging countries take at least a generation to stabilize, less demanding countries perhaps a decade. We are in Iraq for at least 10 years, and we have to have a force structure that will support that deployment. The Army must grow so they can rotate troops and avoid sending the units again and again to Iraq and Afghanistan.

The second reason the administration is reluctant to increase end strength is that as the New York Times noted in July,

> . . . the concept on increasing troop numbers and its costs contradicts a basic tenet of Secretary Rumsfeld's goal for military transformation, which is to rely on new technology and rewrite doctrine to allow smaller forces to attack with greater speed and deadliness.

I argue that Secretary Rumsfeld was able to test his theories of transformation during the period of conventional war in Iraq, and they were a success. But he risks losing that victory by refusing to see a war of this sort also requires nation building, and nation building requires many more boots on the ground to ensure security and stability.

Retired LTG Walter Ulmer—and General Ulmer was one of the key leaders in the Army who analyzed and predicted the hollow Army of the 1970s—stated recently:

> One of the lessons we learned in the past, and we're relearning in dramatic fashion in Iraq and Afghanistan, is that the U.S. military may be able to fight a war with slim forces, but it takes a lot more troops to secure an unruly nation with many diverse interest groups and antagonists.

Ulmer argues the Army is short 40,000 to 50,000 troops. He said:

> The Army is a very elastic institution with a can-do culture, and that's a wonderful attribute, but it is not infinitely elastic and its can-do ethos makes it possible for the Army to practically respond itself to death.

Another senior Army official stated:

> Essentially, we fought a just-in-time war. A unit would arrive, get a bullet, the enemy would pop his head up and we'd fire the bullet. That puts a lot of stress on a commander who is simultaneously trying to execute the forward battle, carefully balance his resources, pull a company from here to plug a gap over there, all the while looking back over his shoulder at very exposed logistical lines.

He asked:

> Why fight a war like that when we could have deployed overwhelming combat forces in a way that would reduce risks and possibly protect lives? We've also seen in Iraq that while lean forces can be successful in combat by focusing on an enemy's finite centers of gravity, in [postwar] stability operations, there are no decisive centers of gravity. You have to spread your forces throughout each city, and that takes more of them.

If we accept the need to increase the size of the Active Duty Army, we need to then focus on what types of forces would be most beneficial. The U.S. Army is the best in the world when it comes to skills and equipment needed to win on the battlefield, but the conventional battle in Iraq is over. Now I argue we need an occupation force, those who must remain to accomplish the U.S. objective once the conventional battle is finished. These forces must have different skills because they have different missions: defending against an insurgency, enforcing law and order, providing humanitarian relief, and reconstruction of infrastructure. They need the skills required for nation building.

So my amendment directs that the Army should seek 10,000 soldiers who have the skills that are the highest demand in Iraq: military police, special forces, civil affairs officers, and light infantry. These forces travel lighter, so they are less expensive to transport and maintain. These forces will provide maximum effectiveness at minimal cost.

In January, the Center for Strategic and International Studies, or CSIS, released a report called "A Wiser Peace: An Action Strategy For Post-Conflict Iraq." The first recommendation in the report is to:

> . . . create a transitional security force that is effectively prepared, mandated and able to handle post-conflict security needs.

The report states that:

> The United States must immediately identify and train a core force of U.S. military troops to perform constabulary duties in Iraq. Working with its coalition partners, the U.S. must also identify and ready other constabulary forces—such as the Italian Carabinieri and French Gendarmerie—to assure their timely arrival in theater.

We have yet to see the arrival of the French Gendarmerie and the Italian Carabinieri. There are Italian forces that are assisting there, but the French have not yet arrived.

But the need the CSIS identified before the war ever began is clearly there, and the U.S. Army is struggling to meet it. Presently, the Active-Duty Army has 19,432 authorized positions for military policemen and there are currently 22,476 MPs serving, well over authorized capacity. There are 22,608 Reserve slots for military police and they are presently at 95 percent capacity. Clearly, there is a need for more military police. This amendment assures we start meeting this need.

In addition, my amendment gives the Army the flexibility to either move Reserve slots to active duty or recruit new soldiers. I should make it clear that the positions move, not necessarily the people. No reservist can be forced to become an active-duty soldier.

Most of the Army's military police are in Reserve units—12,800 are in the Active Force while 22,800 are in the Reserves. Most Civil Affairs Units, those soldiers who provide a link between the military and civilian population in an area of operations, are also in Reserves.

Clearly, there needs to be a redistribution, given the demands on today's Army. In addition, if the Army has the flexibility to move reservists and guardsmen into the Active Force, these soldiers will be ready for deployment much more quickly than new recruits.

The informal CBO cost of 10,000 additional soldiers is $409 million. That number includes military personnel and operational and maintenance costs of 10,000 additional troops for fiscal year 2004. I believe this is the most worthwhile expenditure.

This amendment offsets this cost with funding from the Iraqi Freedom Fund. As we all know, the Iraq Freedom Fund was established in the fiscal year 2003 supplemental we passed in March. At that time, $15 billion was set aside for Secretary Rumsfeld to use on emergency expenses for military personnel, operation and maintenance, procurement, or humanitarian assistance. Most of that funding has been expended. Therefore, an additional $1.9

billion for the Iraqi Freedom Fund is included in this supplemental for exigencies. I believe the exigency is here and we should pay for these troops now.

Many would argue that while the costs are $409 million the first year, these troops will have to continue to be maintained in future years, and the actual cradle-to-grave costs are much higher. I would counter that this cost is minimal compared to what it will take if, in just a short time—2 or 3 years—the U.S. Army does not have the fighting force it needs to perform its mission because we squandered its strength.

Let me show another chart, which again contrasts the Army in August of 2000, when some were criticizing it as being unprepared, and the Army in August of 2003.

There were 144,000 soldiers deployed in 2000; in 2003, about 370,000—over 370,000; 7 brigades in 2000, 30 brigades in 2003. No National Guard divisions deployed; 3 years later, 2 National Guard divisions deployed. In 2000, fewer than 25,000 National Guard and Reserve troops on active duty; today, 126,498 troops. This has an impact.

These are the scenarios that are used as a template to plan our military forces, the "two major theater wars" scenario: MTW east, Iraq; MTW west, hypothetically Korea. This is the required order of battle that has been devised after careful study: six divisions here and four divisions for MTW west. The units available in August of 2000, again at a time when our Army was being criticized as not being up to the task of defending the Nation—six divisions and one armored cavalry regiment ready, four divisions at MTW west and one armored cavalry division. Today, only four divisions here for the east scenario and only three divisions here.

There is an impact in terms of our capability to do what we planned for decades to do. We have to ensure that our Army is ready for any mission, and we have to ensure it today.

In his farewell speech, when he was retiring as Army Chief of Staff, GEN Eric Shinseki said:

> We must ensure the Army has the capabilities to match the strategic environment in which we operate, a force sized correctly to meet the strategy set forth in the documents that guide us. . . . beware the 12-division strategy for a 10-division Army.

We are rapidly approaching a 12-division strategy with a 10-division Army.

Our Army is fighting on many fronts for us right now. They are doing a magnificent job, as well as the Navy, Air Force, Marine Corps, Coast Guard—all of our Defense Department personnel and related personnel. We are extraordinarily proud of them. But they are overtaxed, particularly so in the Army because of the nature of the Army. It is not only the combat arm of decision but also is the combat arm of duration. It is the Army that typically is charged with the aftermath of the battle as well as the battle.

We have to help them. My amendment will provide a modicum of relief. I urge my colleagues to support the amendment.

As a final point, ultimately we all respond, not just to our colleagues, not just to institutional pressures, but to our constituents. I would find it very difficult, this month or 6 months from now, to go back and to meet my neighbors, who are in the National Guard and the Reserve, and explain to them that we could not increase the size of our Army, that they are being deployed once again, after repeated deployments, because we couldn't find the way or the will to increase the size of our Army. I think we should. I think we must. And I hope we do.

I ask unanimous consent that Senator LEVIN be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET SCOREKEEPING REPORT

Mr. NICKLES. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2004 budget through October 3, 2003. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2004 Concurrent Resolution on the Budget, H. Con. Res. 95, as adjusted.

The estimates show that current level spending is below the budget resolution by $703 million in budget authority and by $6.808 billion in outlays in 2004. Current level for revenues is $101 million above the budget resolution in 2004.

This is my first report for fiscal year 2004.

I ask unanimous consent to print the following letter and report in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 10, 2003.

Hon. DON NICKLES,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached tables show the effects of Congressional action on the 2004 budget and are current through October 3, 2003. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, as adjusted.

This is my first report for the fiscal year.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Attachments.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF OCTOBER 3, 2003

[In billions of dollars]

	Budget resolution	Current level [1]	Current level over/under (−) resolution
On-Budget:			
Budget Authority	1,873.5	1,872.8	−0.7
Outlays	1,897.0	1,890.2	−6.8
Revenues	1,331.0	1,331.1	0.1
Off-budget:			
Social Security Outlays	380.4	380.4	0
Social Security Revenues	557.8	557.8	0

[1] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF OCTOBER 3, 2003

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,466,370
Permanents and other spending legislation [1]	1,085,461	1,057,861	n.a.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF OCTOBER 3, 2003—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriation legislation	0	345,754	n.a.
Offsetting receipts	– 366,436	– 366,436	n.a.
Total, enacted in previous sessions	719,025	1,037,179	1,466,370
Enacted this session:			
Authorizing legislation:			
American 5-Cent Coin Design Continuity Act of 2003 (P.L. 108-15)	– 1	– 1	0
Postal Civil Service Retirement System Funding Reform Act of 2003 (P.L. 108–18)	2,746	2,746	0
Clean Diamond Trade Act (P.L. 108–19)	0	0	*
Prosecutorial Remedies and Other Tools to End Exploitation of Children Today Act (P.L. 108–21)	0	0	*
Unemployment Compensation Amendments of 2003 (P.L. 108–26)	4,730	4,730	145
Jobs and Growth Tax Relief Reconciliation Act of 2003 (P.L. 108–27)	13,312	13,312	– 135,370
Veterans' Memorial Preservation and Recognition Act of 2003 (P.L. 108–29)	0	0	*
Welfare Reform Extension Act of 2003 (P.L. 108–40)	99	108	0
Burmese Freedom and Democracy Act (P.L. 108–61)	0	0	– 10
Smithsonian Facilities Authorization Act (P.L. 108–72)	1	1	0
Family Farmer Bankruptcy Relief Act of 2003 (P.L. 108–73)	0	0	*
An act to amend Title XXI of the Social Security Act (P.L. 108–74)	1,325	100	0
Chile Free Trade Agreement Implementation Act (P.L. 108–77)	0	0	– 5
Singapore Free Trade Agreement Implementation Act (P.L. 108–78)	0	0	– 55
Continuing Resolution, 2004 (P.L. 108–84)	– 2,222	1	– 2
Surface Transportation Extension Act of 2003 (P.L. 108–88)	6,405	0	0
An act to extend the Temporary Assistance for Needy Families block grant program (P.L. 108–89)	15	– 36	33
An act to amend chapter 84 of title 5 of the United States Code (P.L. 108–92)	1	1	0
Total, authorizing legislation	26,411	20,962	– 135,264
Appropriations acts:			
Emergency Wartime Supplemental Appropriations Act, 2003 (P.L. 108–11)	215	27,349	0
Legislative Branch Appropriations (P.L. 108–83)	3,539	3,066	0
Defense Appropriations (P.L. 108–87)	368,694	251,486	0
Homeland Security Appropriations (P.L. 108–90)	30,216	18,192	0
Total, appropriation acts	402,664	300,093	0
Continuing Resolution Authority:			
Continuing Resolution, 2004 (P.L. 108–84)	386,209	193,807	0
Passed pending signature: An act to amend the Immigration and Nationality Act (H.R. 1252)	0	0	2
Entitlements and mandatories: Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	358,447	338,124	n.a.
Total current level [1], [2]	1,872,756	1,890,165	1,331,108
Total budget resolution	1,873,459	1,896,973	1,331,000
Current level over budget resolution	n.a.	n.a.	108
Current level under budget resolution	703	6,808	n.a.

[1] Per section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, provisions designated as an emergency are exempt from enforcement of the budget resolution. As a result, the current level excludes prior-year outlays of $262 million from funds provided in the Emergency Supplemental Appropriations for Disaster Relief Act of 2003 (P.L. 108–69), and $456 million from funds provided in the Legislative Branch Appropriations Act, 2004 (P.L. 108–83).

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

Notes: n.a. = not applicable; P.L. = Public Law; * = less than $500,000.

Source: Congressional Budget Office.

HONORING OUR ARMED FORCES

Mrs. LINCOLN. Mr. President, in recent months I have risen on several occasions to pay tribute to the men and women who are fighting in Iraq and Afghanistan in support of the global war on international terror. Today I rise once again to pay tribute and to honor an Arkansas native recently who died last week in Afghanistan—LTC Paul Kimbrough, a native of Little Rock, AR. He was 44 years old.

Paul Kimbrough graduated from Little Rock's Parkview High School in 1977. Four years later, he graduated from the University of Central Arkansas in Conway with a degree in political science. He joined the U.S. Army before returning to complete his education at the University of Arkansas School of Law in Fayetteville, where he headed up the Black Law Students Association. Paul followed his commitment to public service into the political arena, first working on the staff of U.S. Representative Ray Thornton, and then running in his own campaign for a seat in the Arkansas House of Representatives. He lost that race, but that didn't slow him down. Paul's next challenge took him to Washington, DC, where he came to work in the U.S. Department of Transportation in the inspector-general's office.

Lieutenant Colonel Kimbrough remained active in the U.S. Army reserve, and in June he was deployed to Afghanistan with the 416th Engineer Command, where he helped to oversee improvements to living conditions for soldiers at Bagram Air Base. On October 3, he was flown to Incirlik, Turkey, for medical treatment. He died of cardiac arrest en route to Turkey.

His family and friends remember him as a true leader—driven, determined, and deeply committed to his country and its cause. In a message to his colleagues at the Department of Transportation sent before he left for Afghanistan, Paul wrote, "Always there echoes in my mind: duty, honor, and country. Therefore, I will do my duty as God has given me light to see."

LTC Paul Kimbrough is survived by his father, Major Kimbrough; his son, Paul Kimbrough, Jr.; his four brothers; and his sister. I ask my colleagues to join me in extending our deepest condolences to Paul's family and friends.

Paul Kimbrough's resolve and his commitment to his country will not be forgotten. The mission continues in Afghanistan and Iraq, and we remain confident that Paul Kimbrough's courage and sacrifice will have been given in a worthy cause.

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Christopher Swisher, a fellow Nebraskan and staff sergeant in the United States Army. Sergeant Swisher was killed last week when his squadron was attacked while on a mission in Baghdad, Iraq. He was 26 years old.

Sergeant Swisher was one of thousands of brave American servicemen and women fighting in Iraq. Our soldiers confront danger everday—their tremendous risks and sacrifices must never be taken for granted.

A Lincoln native, Sergeant Swisher was a dedicated soldier who was committed to his family and country. His life-long interest in the military led him to overcome a learning disability and embark on a successful career in the Army.

On the frontlines of the war in Iraq, Sergeant Swisher demonstrated the courage of a leader and an American hero. Before his deployment, Sergeant Swisher told his mother, Sharon; "I'm doing what I want to be doing because I'm protecting my family, my home, and my country." In addition to his mother, Sergeant Swisher leaves behind a wife, Kristen; daughter, Alexandria; brother, Terry; and sister, Lisa. Our thoughts and prayers are with them all at this difficult time.

For his service, bravery, and sacrifice, I ask my colleagues to join me and all Americans in honoring SGT Christopher Swisher.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Springfield, VA. On September 7, 2003, a Muslim woman was stabbed in the back outside a Fairfax County shopping mall and called a "terrorist pig" by her assailant. The 47-year-old convert to Islam was treated at a local hospital for a 2 to 3-inch deep wound on her lower back.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING THE LIFE OF MOTHER TERESA

Mr. COLEMAN. Mr. President, I ask my colleagues to join me today in recalling and honoring the life and work of a physically tiny woman with an immeasurably large dedication to serving the poorest of the world's poor. Known to the world as Mother Teresa, she fulfilled what she understood to be her vocation in the world—not as a saint, but as a human being flawed and prone to the same temptations as are we all in this Chamber. I greatly admire her faithfulness to her purpose, and her profound faith in the Maker of us all.

Mother Teresa was born in August 1910 in Albania and became a Roman Catholic nun while still a young woman. A teacher, she was assigned to a convent and school in Calcutta, where she discovered a material poverty that was scarcely believable. Whatever she had given up in dedicating her life to her vocation did not compare to the need she saw around her. She left the already demanding work of her convent to found the Missionaries of Charity, a religious order of women whose work in the world remains service to people who are abandoned, suffering, poor, and dying, wherever they may be found.

Today, when many in the world consider religious commitments as too-often contentious and divisive rather than fruitful and unifying, we do well to ponder the 50 years of work by the Missionaries of Charity in more than 700 homes and shelters established in India, Asia, Europe, and the Americas. The example they set for sacrificial giving of oneself can best be described by Mother Teresa's own statement of her mission in this life:

> My community is the poor. Their security is my own. My house is the house of the poor—not just the poor, but the poorest of the poor: those who are so dirty and full of germs that no one goes near them; those who do not go to pray because they are naked; those who do not eat because they do not have the strength; those who collapse on the sidewalks knowing they are about to die while the living walk by without even looking back; those who do not cry because they have no more tears left.

Many of the people served by Mother Teresa considered her to be a living saint. But I find her all the more remarkable because she was human, fragile, and equipped with the same stubborn human nature we all struggle with when our virtue is tried. We may count ourselves blessed if we avoid what Mother Teresa told us is the greatest poverty—that of the heart. Like her, we must keep before us those "not only hungry for bread, but hungry for love; not only naked from lack of clothing, but naked of human dignity; not only homeless for a house, but homeless for understanding and for human respect."

Mr. President, I ask that we who are privileged to serve in this body, along with all people of goodwill, join the world in remembering the life and example of one whose dedication to her duty became her love.

Mr. NELSON of Florida. Mr. President, I rise today to honor one of modern history's most caring and unconditionally loving people on the eve of her beatification. Through her work as a teacher and provider to the poor and suffering, Mother Teresa of Calcutta demonstrated the essence of what it means to love.

It was March of 2002 that I was humbled and privileged during a personal visit to the Nirmal Hriday, Pure of Heart, Home for the Dying Destitutes in Calcutta, started by Mother Teresa in 1952 to give hope and care to those with neither. Although Mother Teresa passed away 5 years earlier, the spirit of kindness and concern that nearly transcended human boundaries lived on in that small hospice, and showed on the faces of its volunteers, and shined in the smiles of nuns carrying on her work.

That day I was also honored to visit with Mother Teresa's successor, Sister Nirmala. Sister Nirmala and I spoke briefly of the importance of continuing Mother Teresa's work, and in some small way, I hope the recognition we provide will further that cause—that comfort, care, and love she gave unconditionally.

Born in 1910, Mother Teresa became a Roman Catholic nun at the age of 18. She began by teaching geography and history at St. Mary's School in Calcutta, but became anxious to aid those outside of the convent. Twenty years later, she founded the Missionaries of Charity, a religious order based on attending to the impoverished and afflicted whom no one else served. Mother Teresa later turned her focus to the establishment of care programs for AIDS victims.

Although she was the recipient of the Nobel Peace Prize in 1979, as well as the Presidential Medal of Freedom and Foundation for Hospice and Homecare's Lifetime Achievement Award in 1985, Mother Teresa felt most honored by the joy of providing comfort and care to those in need.

As her beatification by Pope John Paul II nears, we pause to reflect upon the example set forth by Mother Teresa of Calcutta. Mother Teresa demonstrated true and unconditional love for her fellow persons, giving herself fully to their care, and shall forever be remembered as one of the world's most generous and inspiring human beings.

TAIWAN NATIONAL DAY

Mr. ALLEN. Mr. President, on the occasion of Taiwan's National Day on October 10, 2003, I wish to pay tribute to Taiwan's many achievements and to wish Taiwan President Chen Shui-bian and Ambassador C.J. Chen my very best wishes.

The Republic of China on Taiwan is a major trading partner of the United States and it subscribes to human rights, the private enterprise system, freedom and democracy. Taiwan has become a model of economic and political success. We are very proud of the achievements of the free people of Taiwan.

I am honored to serve as the cochair of the Senate Taiwan Caucus, which was officially kicked off on September 17 with 11 members. We now have 14 members, and I hope more Senators will join this caucus and further strengthen the relationship between the U.S. Senate and Taiwan's Parliament and the people of America and Taiwan.

Again, my congratulations to Taiwan and its people on their National Day. May you remain the land of freedom.

JENNIFER JACQUES

Mr. LEAHY. Mr. President, I rise today to recognize the achievements of an outstanding young woman. On October 8, 2003, Jennifer Jacques of Chelsea, VT, received an award from the Vision, Strength and Artistic Expression Arts Program's national contest for students with disabilities: Roadtrip: A

Journey of Discovery. National recognition alone is deserving of applause and praise, but Jennifer's represents a very special and unique achievement that reaches far beyond her accomplishments in art.

Born with severe cerebral palsy, Jennifer is confined to her wheelchair. Able to control only her head and neck, she controls her wheelchair and computer, as well as her communication device, through a switch placed under her chin. A bright young woman of 18, Jennifer attends public school in Chelsea, where she is enrolled in classes with her peers.

Jennifer's art is not only a reflection of her talents, but also of her great ability to overcome the disabilities that have faced her. Working with her teachers and instructors, Jennifer directed the placement of paint on paper placed on the floor. By repeatedly driving her wheelchair over the paint, she was able to create textured paintings with striking color and design. Jennifer recently sold all of her abstract pieces that were displayed at an art show in Montpelier.

These accomplishments are a tribute to this exceptional young woman, her family and friends, her educators and instructors. Jennifer Jacques embodies what Vermont has done, what it can do, and what the future holds.

ADDITIONAL STATEMENTS

TRIBUTE TO MRS. NANCY GARDNER SEWELL

• Mr. SHELBY. Mr. President, I rise today in honor of Mrs. Nancy Gardner Sewell, a library media specialist/coordinator and head librarian at Selma High School in Selma, AL. After 36 years of exemplary commitment and dedicated service to the Selma City school system, Mrs. Sewell plans to retire on October 18, 2003.

Mrs. Sewell is an educator, media specialist, civic leader, and strong advocate for children. Since 1993, she has tenaciously served the City of Selma, AL, as the first black female elected to its city council. Mrs. Sewell is multitalented and has excelled in every avenue of her life, as indicated by the numerous honors and awards bestowed upon her by her peers and community. She has never been content with the status quo. Each endeavor throughout her rich life has been met with new and innovative ideas, insurmountable energy, and the ability to motivate people.

Born and raised in Alabama, Mrs. Sewell married her college sweetheart, retired Coach Andrew A. Sewell, and became the mother of three children, Terri, Andrew, and Anthony. Her distinguished educational background includes a bachelor of science degree from Alabama State University, a masters degree from Purdue University, and advanced course work in other graduate studies at Atlanta University and the University of Alabama.

Among many of Mrs. Sewell's outstanding achievements and honors, she pioneered the development of elementary libraries in the Selma City Schools, was instrumental in maintaining accreditation status for their libraries, implemented the "Accelerated Reader's Program," revitalized the Selma-Dallas Youth and Government Council, and lobbied for grants to improve literacy through school libraries, just to name a few.

Alabama is honored to be home to Mrs. Sewell. It is no secret that she is a woman who, day in and day out, goes above and beyond the call of duty. She is to be commended for all of her extraordinary efforts on behalf of Selma, AL, and everyone whose life she has touched.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate.

H.R. 408. An act to provide for expansion of Sleeping Bear Dunes National Lakeshore.

H.R. 708. An act to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes, and for other purposes.

H.R. 1303. An act to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference.

H.R. 1900. An act to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of the Congress that there should be a national day in recognition of Jackie Robinson.

H.R. 1985. An act to amend the National Housing Act to increase the maximum mortgage amount limit for FHA-insured mortgages for multifamily housing located in high-cost areas.

H.R. 2264. An act to authorize appropriations for fiscal years 2004 and 2005 to carry out the Congo Basin Forest Partnership (CBFP) program, and for other purposes.

H.R. 2297. An act to amend title 38, United States Code, to improve benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

H.R. 2452. An act to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building".

H.R. 2655. An act to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998.

H.R. 2755. An act to authorize the President to issue posthumously to the late William "Billy" Mitchell a commission as major general, United States Army.

H.R. 2998. An act to amend title 10, United States Code, to provide permanent authority for the exemption for certain members of the uniformed services from an otherwise-applicable requirement for the payment of subsistence charges while hospitalized.

H.R. 3054. An act to amend the Policeman and Firemen's Retirement and Disability Act to permit military service previously performed by members and former members of the Metropolitan Police Department of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police, and the United States Secret Service Uniformed Division to count as creditable service for purposes of calculating retirement annuities payable to such members upon payment of a contribution by such members, and for other purposes.

H.R. 3062. An act to amend the Mineral Leasing Act to authorize the Secretary of the Interior to issue separately, for the same area, a lease for tar sand and a lease for oil and gas, and for other purposes.

H.R. 3108. An act to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

H.R. 3159. An act to require Federal agencies to develop and implement plans to protect the security and privacy of government computer systems from the risks posed by peer-to-peer file sharing.

H.R. 3182. An act to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes.

H.R. 3229. An act to amend title 44, United States Code, to transfer to the Public Printer the authority over the individuals responsible for preparing indexes of the CONGRESSIONAL RECORD, and for other purposes.

H.J. Res. 52. A joint resolution recognizing the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution in Baltimore, Maryland, as the official national museum of dentistry in the United States.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 71. Concurrent resolution recognizing the importance of Ralph Bunche as one of the great leaders of the United States, the first African-American Nobel Peace Prize winner, an accomplished scholar, a distinguished diplomat, and a tireless campaigner of civil rights for people throughout the world.

H. Con. Res. 274. Concurrent resolution commending the National Endowment for

Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy.

The message further announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes.

ENROLLED BILL SIGNED

At 11:02 a.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2152. An act to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program.

The enrolled bill previously signed by the Speaker of the House, was signed on today, October 14, 2003, by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 708. An act to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1303. An act to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference; to the Committee on Governmental Affairs.

H.R. 1985. An act to amend the National Housing Act to increase the maximum mortgage amount limit for FHA-insured mortgages for multifamily housing located in high-cost areas; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2264. An act to authorize appropriations for fiscal years 2004 and 2005 to carry out the Congo Basin Forest Partnership (CBFP) program, and for other purposes; to the Committee on Foreign Relations.

H.R. 2297. An act to amend title 38, United States Code, to improve benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2452. An act to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building"; to the Committee on Governmental Affairs.

H.R. 2655. An act to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998; to the Committee on Foreign Relations.

H.R. 2755. An act to authorize the President to issue posthumously to the late William "Billy" Mitchell a commission as major general, United States Army; to the Committee on Armed Services.

H.R. 2998. An act to amend title 10, United States Code, to provide permanent authority for the exemption for certain members of the uniformed services from an otherwise-applicable requirement for the payment of subsistence charges while hospitalized; to the Committee on Armed Services.

H.R. 3054. An act to amend the Policemen and Firemen's Retirement and Disability Act to permit military service previously performed by members and former members of the Metropolitan Police Department of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police, and the United States Secret Service to count as creditable service for purposes of calculating retirement annuities payable to such members upon payment of a contribution by such members, and for other purposes; to the Committee on Governmental Affairs.

H.R. 3062. An act to amend the Mineral Leasing Act to authorize the Secretary of the Interior to issue separately, for the same area, a lease for tar sand and a lease for oil and gas, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3159. An act to require Federal agencies to develop and implement plans to protect the security and privacy of government computer systems from the risks posed by peer-to-peer file sharing; to the Committee on Governmental Affairs.

H.R. 3182. An act to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes; to the Committee on Finance.

The following concurrent resolutions were read, and referred as indicated;

H. Con. Res. 71. Concurrent resolution recognizing the importance of Ralph Bunche as one of the great leaders of the United States, the first African-American Nobel Peace Prize winner, an accomplished scholar, a distinguished diplomat, and a tireless campaigner of civil rights for people throughout the world; to the Committee on the Judiciary.

H. Con. Res. 274. Concurrent resolution commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on Veterans' Affairs, without amendment:

S. 1131. A bill to increase, effective December 1, 2003, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans (Rept. No. 108–163).

By Mr. SPECTER, from the Committee on Veterans' Affairs, with amendments and an amendment to the title:

H.R. 1516. To provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery System (Rept. No. 108–164).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 1718. A bill to designate the facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the "Senator James B. Pearson Post Office", to the Committee on Governmental Affairs.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 1719. A bill to amend chapter 5 of title 28, United States Code, to provide for the approval of the reassignment of district judges in divisions with 3 or fewer judges in districts in the State of Texas; to the Committee on the Judiciary.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 1720. A bill to provide for Federal court proceedings in Plano, Texas; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 1721. A bill to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes; to the Committee on Indian Affairs.

By Mr. SANTORUM:

S. 1722. A bill to suspend temporarily the duty on electron guns for cathode ray tubes (CRT's) with a high definition television screen aspect ratio of 16:9; to the Committee on Finance.

By Mr. SANTORUM:

S. 1723. A bill to suspend temporarily the duty on plasma display panels for use in plasma flat screen televisions; to the Committee on Finance.

By Mr. SANTORUM:

S. 1724. A bill to suspend temporarily the duty on Liquid Crystal Display (LCD) panel assemblies for use in LCD projection type televisions; to the Committee on Finance.

By Mr. HATCH:

S. 1725. A bill to amend the Mineral Leasing Act to authorize the Secretary of the Interior to issue separately, for the same area, a lease for tar sand and a lease for oil and gas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALEXANDER (for himself and Mr. DODD):

S. 1726. A bill to reduce the preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI:

S. 1727. A bill to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself, Mr. ALLEN, Ms. SNOWE, Mrs. CLINTON, Mr. LEAHY, Mr. SCHUMER, Mr. COCHRAN, Mr. LAUTENBERG, Mrs. DOLE, Mr. BINGAMAN, Mr. MILLER, Mr. DASCHLE, and Mr. DORGAN):

S. 1728. A bill to amend the September 11th Victim Compensation Fund of 2001 (Public Law 107–42; 49 U.S.C. 40101 note) to provide compensation for the United States Citizens who were victims of the bombings of United States embassies in East Africa on August 7, 1998, the attack on the U.S.S. Cole on October 12, 2000, or the attack on the World Trade

Center on February 26, 1993, on the same basis as compensation is provided to victims of the terrorist-related aircraft crashes on September 11, 2001; to the Committee on the Judiciary.

By Mr. GRAHAM of Florida (for himself and Ms. SNOWE):

S. 1729. A bill to establish an informatics grant program for hospitals and skilled nursing facilities in order to encourage health care providers to make major information technology advances; to the Committee on Finance.

By Ms. SNOWE (for herself, Mrs. MURRAY, Mr. BIDEN, and Mrs. FEINSTEIN):

S. 1730. A bill to require the health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 168

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 168, a bill to require the Secretary of the Treasury to mint coins in commemoration of the San Francisco Old Mint.

S. 249

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 249, a bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse.

S. 269

At the request of Mr. JEFFORDS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 269, a bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 401

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 401, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age; and for other purposes.

S. 445

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 445, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service.

S. 480

At the request of Mr. HARKIN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 736

At the request of Mr. ENSIGN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 811

At the request of Mr. ALLARD, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 811, a bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, and for other purposes.

S. 882

At the request of Mr. BAUCUS, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 882, a bill to amend the Internal Revenue Code of 1986 to provide improvements in tax administration and taxpayer safe-guards, and for other purposes.

S. 894

At the request of Mr. WARNER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 976

At the request of Mr. WARNER, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 982

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 985

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1028

At the request of Mr. CRAPO, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1028, a bill to amend the Public Health Service Act to establish an Office of Men's Health.

S. 1053

At the request of Ms. SNOWE, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Delaware (Mr. BIDEN), the Senator from Vermont (Mr. LEAHY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maryland (Ms. MIKULSKI), the Senator from Nebraska (Mr. NELSON), the Senator from South Dakota (Mr. JOHNSON), the Senator from Washington (Ms. CANTWELL) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 1053, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 1081

At the request of Mr. DOMENICI, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1081, a bill to amend section 504(a) of the Higher Education Act of 1965 to eliminate the 2-year wait out period for grant recipients.

S. 1214

At the request of Ms. MIKULSKI, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1214, a bill to provide a partially refundable tax credit for caregiving related expenses.

S. 1287

At the request of Mr. DOMENICI, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1287, a bill to amend section 502(a)(5) of the Higher Education Act of 1965 regarding the definition of a Hispanic-serving institution.

S. 1298

At the request of Mr. AKAKA, the names of the Senator from Maine (Ms. COLLINS) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1353

At the request of Mr. BROWNBACK, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1353, a bill to establish new special immigrant categories.

S. 1369

At the request of Mr. AKAKA, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1369, a bill to ensure that prescription drug benefits offered to medicare eligible enrollees in the Federal Employees Health Benefits Program are at least equal to the actuarial value of the prescription drug benefits offered to enrollees under the plan generally.

S. 1409

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1409, a bill to provide funding for infrastructure investment to restore the United States economy and to enhance the security of transportation and environmental facilities throughout the United States.

S. 1531

At the request of Mr. HATCH, the names of the Senator from Oregon (Mr. SMITH), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New York (Mr. SCHUMER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1545

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1548

At the request of Mr. GRASSLEY, the names of the Senator from Montana (Mr. BURNS), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Indiana (Mr. LUGAR) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1548, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the production of renewable fuels and to simplify the administration of the Highway Trust Fund fuel excise taxes, and for other purposes.

S. 1562

At the request of Mr. CRAIG, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1562, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under state law.

S. 1587

At the request of Mr. BIDEN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1587, a bill to make it a criminal act to willfully use a weapon, explosive, chemical weapon, or nuclear or radioactive material with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes.

S. 1602

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1602, a bill to amend the September 11th Victim Compensation Fund of 2001 to extend the deadline for filing a claim to December 31, 2004.

S. 1626

At the request of Mr. DAYTON, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1626, a bill to provide emergency disaster assistance to agricultural producers.

S. 1628

At the request of Mr. ALEXANDER, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1628, a bill to prescribe the oath of renunciation and allegiance for purposes of the Immigration and Nationality Act.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral services, and for other purposes.

S. 1645

At the request of Mr. CRAIG, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from New Jersey (Mr. CORZINE) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1670

At the request of Mr. DAYTON, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1670, a bill to expand the Rest and Recuperation Leave program for members of the Armed Forces serving in the Iraqi theater of operations in support of Operation Iraqi Freedom to include travel and transportation to the members' permanent station or home.

S. 1681

At the request of Mr. BUNNING, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1681, a bill to exempt the natural aging process in the determination of the production period for distilled spirits under section 263A of the Internal Revenue Code of 1986.

S. 1684

At the request of Ms. LANDRIEU, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1684, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 1686

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1686, a bill to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes.

S. 1695

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1695, a bill to provide greater oversight over the USA PATRIOT Act .

S. 1700

At the request of Mr. LEAHY, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1700, a bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 1703

At the request of Mr. SMITH, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 1703, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for expenditures for the maintenance of railroad tracks of Class II and Class III railroads.

S. 1708

At the request of Mr. KENNEDY, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1708, a bill to provide extended unemployment benefits to displaced workers, and to make other improvements in the unemployment insurance system.

S. 1714

At the request of Mr. CORZINE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1714, a bill to amend the National Housing Act to increase the maximum mortgage amount limit for FHA-insured mortgages for multifamily housing located in high-cost areas.

S. RES. 98

At the request of Mr. CAMPBELL, the name of the Senator from Colorado

(Mr. ALLARD) was added as a cosponsor of S. Res. 98, a resolution expressing the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as "National Cystic Fibrosis Awareness Week".

S. RES. 202

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932–33.

S. RES. 205

At the request of Mr. COLEMAN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 205, a resolution expressing the sense of the Senate that a commemorative postage stamp should be issued on the subject of autism awareness.

AMENDMENT NO. 1811

At the request of Mr. CORZINE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1811 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1816

At the request of Mr. DASCHLE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 1816 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1818

At the request of Mr. BYRD, the names of the Senator from California (Mrs. BOXER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 1818 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1825

At the request of Mr. BOND, the names of the Senator from Maine (Ms. COLLINS), the Senator from Washington (Ms. CANTWELL), the Senator from Florida (Mr. GRAHAM) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 1825 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 1721. A bill to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to introduce the American Indian Probate Reform Act of 2003, which builds on the solid foundation laid in Indian Land Consolidation Act Amendments of 2000, P.L. 106–462, and S. 550, the Indian Probate Act of 2003, which I also sponsored. The bill I am introducing today would bring a number of greatly needed amendments to the Indian Land Consolidation Act Amendments of 2000, including a revised uniform Federal probate code applicable to trust and restricted Indian lands, and provisions that will facilitate the consolidation of interests in highly fractionated Indian lands.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Indian Probate Reform Act of 2003".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Act of February 8, 1887 (commonly known as the "Indian General Allotment Act") (25 U.S.C. 331 et seq.), which authorized the allotment of Indian reservations, did not permit Indian allotment owners to provide for the testamentary disposition of the land that was allotted to them;

(2) that Act provided that allotments would descend according to State law of intestate succession based on the location of the allotment;

(3) the reliance of the Federal Government on the State law of intestate succession with respect to the descent of allotments has resulted in numerous problems affecting Indian tribes, members of Indian tribes, and the Federal Government, including

(A) the increasingly fractionated ownership of trust and restricted land as that land is inherited by successive generations of owners as tenants in common;

(B) the application of different rules of intestate succession to each interest of a decedent in or to trust or restricted land if that land is located within the boundaries of more than 1 State, which application—

(i) makes probate planning unnecessarily difficult; and

(ii) impedes efforts to provide probate planning assistance or advice;

(C) the absence of a uniform general probate code for trust and restricted land, which makes it difficult for Indian tribes to work cooperatively to develop tribal probate codes; and

(D) the failure of Federal law to address or provide for many of the essential elements of general probate law, either directly or by reference, which—

(i) is unfair to the owners of trust and restricted land (and heirs and devisees of owners); and

(ii) makes probate planning more difficult; and

(4) a uniform Federal probate code would likely—

(A) reduce the number of fractionated interests in trust or restricted land;

(B) facilitate efforts to provide probate planning assistance and advice;

(C) facilitate intertribal efforts to produce tribal probate codes in accordance with section 206 of the Indian Land Consolidation Act (25 U.S.C. 2205); and

(D) provide essential elements of general probate law that are not applicable on the date of enactment of this Act to interests in trust or restricted land.

SEC. 3. INDIAN PROBATE REFORM.

(a) TESTAMENTARY DISPOSITION.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by striking subsection (a) and inserting the following:

"(a) TESTAMENTARY DISPOSITION.—

"(1) GENERAL DEVISE OF AN INTEREST IN TRUST OR RESTRICTED LAND.—

"(A) IN GENERAL.—Subject to any applicable Federal law relating to the devise or descent of trust or restricted land, or a tribal probate code approved by the Secretary in accordance with section 206, the owner of an interest in trust or restricted land may devise such an interest to—

"(i) an Indian tribe with jurisdiction over the land; or

"(ii) any Indian; or

"(iii) any lineal descendant of the testator; or

"(iv) any person who owns a preexisting undivided trust or restricted interest in the same parcel of land;

in trust or restricted status.

"(B) RULE OF INTERPRETATION.—Any devise of an interest in trust or restricted land or personal property to a devisee listed in subparagraph (A) shall be considered to be a devise of the interest in trust or restricted status, unless—

"(i) language in the will clearly evidences the testator's intent that the interest is to vest in the devisee as a fee interest without restrictions; or

"(ii) the interest devised is a life estate.

"(2) DEVISE OF TRUST OR RESTRICTED LAND AS A LIFE ESTATE OR IN FEE.—

"(A) IN GENERAL.—Except as provided under any applicable Federal law, any interest in trust or restricted land that is not devised in accordance with paragraph (1) may be devised only—

"(i) as a life estate without regard to waste to any person, with the remainder being devised only in accordance with subparagraph (B) or paragraph (1); or

"(ii) except as provided in subparagraph (B), in fee to any person.

"(B) LIMITATION.—Any interest in trust or restricted land that is subject to section 4 of the Act of June 18, 1934 (25 U.S.C. 464), may be devised only in accordance with—

"(i) that section;

"(ii) subparagraph (A)(i); or

"(iii) paragraph (1).

"(3) GENERAL DEVISE OF AN INTEREST IN TRUST OR RESTRICTED PERSONAL PROPERTY.—

"(A) TRUST OR RESTRICTED PERSONAL PROPERTY DEFINED.—The term 'Trust or restricted personal property' as used in this section includes—

"(i) all funds and securities of any kind which are held in trust in an individual Indian money account or otherwise supervised for the decedent by the Secretary; and "(ii) absent clear evidence to the contrary, all personal property permanently affixed to trust or restricted lands.

"(B) IN GENERAL.—Subject to any applicable Federal law relating to the devise or descent of such trust or restricted personal property, or a tribal probate code approved by the Secretary in accordance with section 206, the owner of an interest in trust or restricted personal property may devise such an interest to any person or entity.

"(C) MAINTENANCE AS TRUST OR RESTRICTED PERSONAL PROPERTY.—Except as provided in paragraph (1)(B), where an interest in trust or restricted personal property is devised to a devisee listed in paragraph (1)(A), the Secretary shall maintain and continue to manage such interests as trust or restricted personal property .

"(D) DIRECT DISBURSEMENT AND DISTRIBUTION.—In the case of a devise of an interest in trust or restricted personal property to a devisee not listed in paragraph (1)(A), the Secretary shall directly disburse and distribute such personal property to the devisee.

"(4) INELIGIBLE DEVISEES OF TRUST OR RESTRICTED INTEREST; INVALID WILLS.—Any interest in trust or restricted land or personal property that is devised as a trust or restricted interest to a devisee not listed in subparagraph (A) of paragraph (1) shall descend to the devisee as a fee interest. Any interest in trust or restricted land or personal property that is not disposed of by a valid will shall descend in accordance with the applicable law of intestate succession as provided for in subsection (b).".

(b) NONTESTAMENTARY DISPOSITION.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by striking subsection (b) and inserting the following:

"(b) NONTESTAMENTARY DISPOSITION.—

"(1) RULES OF DESCENT.—Subject to any applicable Federal law relating to the devise or descent of trust or restricted property, any interest in trust or restricted property, including personal property, that is not disposed of by a valid will—

"(A) shall descend according to a tribal probate code that is approved in accordance with section 206; or

"(B) in the case of an interest in trust or restricted property to which such a code does not apply, shall descend in accordance with—

"(i) paragraphs (2) through (4); and

"(ii) other applicable Federal law.

"(2) RULES GOVERNING DESCENT OF ESTATE.—

"(A) SURVIVING SPOUSE.—If there is a surviving spouse of the decedent, such spouse shall receive trust and restricted property in the estate as follows:

"(i) If the decedent is survived by an heir described in subparagraph (B) (i), (ii), (iii), or (iv), the surviving spouse shall receive ⅓ of the trust or restricted personal property of the decedent and a life estate without regard to waste in the interests in trust or restricted lands of the decedent.

"(ii) If there are no heirs described in subparagraph (B) (i), (ii), (iii), or (iv), the surviving spouse shall receive all of the trust or restricted personal property of the decedent and a life estate without regard to waste in the trust or restricted lands.

"(iii) The remainder shall pass as set forth in subparagraph (B).

"(B) INDIAN HEIRS.—Where there is no surviving spouse of the decedent, or there is a remainder pursuant to subparagraph (A), the estate or remainder of the decedent shall, subject to subparagraph (A), pass as follows:

"(i) To the Indian children of the decedent (or if 1 or more of those Indian children do not survive the decedent, the Indian children of the deceased child of the decedent, by right of representation, if such Indian children of the child survive the decedent) in equal shares.

"(ii) If the property does not pass under clause (i), to the surviving Indian great-grandchildren of the decedent in equal shares.

"(iii) If the property does not pass under clause (i) or (ii), to the surviving Indian brothers and sisters who are full siblings of the decedent or who are half-siblings by blood and not by marriage, in equal shares.

"(iv) If the property does not pass under clause (i), (ii), or (iii), to the Indian parent or parents of the decedent in equal shares.

"(v) If the property does not pass under clause (i), (ii), (iii), or (iv), to the Indian tribe with jurisdiction over the interests in trust or restricted lands;

except that notwithstanding clause (v), an Indian co-owner (including the Indian tribe referred to in clause (v)) of a parcel of trust or restricted land may acquire an interest that would otherwise descend under that clause by paying into the estate of the decedent, before the close of the probate of the estate, the fair market value of the interest in the land; if more than 1 Indian co-owner offers to pay for such interest, the highest bidder shall acquire the interest.

"(C) NO INDIAN TRIBE.—If there is no Indian tribe with jurisdiction over the interests in trust or restricted lands that would otherwise descend under subparagraph (B)(v), then such interests shall be divided equally among co-owners of trust or restricted interests in the parcel; if there are no such co-owners, then the Secretary shall accumulate and hold such interests in trust or restricted status for the Indian tribe or tribes from which the decedent descended.

"(3) RIGHT OF REPRESENTATION.—

"(A) IN GENERAL.—Subject to subparagraph (B)—

"(i) the interests passing to children and grandchildren of a decedent under paragraph (2) shall be divided into as many equal shares as there are surviving children of the decedent, deceased children who have died before the decedent without issue, and deceased children who have died before the decedent and have left grandchildren who survive the decedent; and

"(ii) 1 share shall pass to each surviving child of the decedent and 1 share shall pass equally divided among the surviving children of a deceased child.

"(B) EXCEPTION FOR HEIRS OF EQUAL CONSANGUINITY.—Notwithstanding subparagraph (A), when the persons entitled to take under subparagraph (B)(i) of paragraph (2) are all in the same degree of consanguinity to the decedent, they shall take in equal shares.

"(4) SPECIAL RULE RELATING TO SURVIVAL.—In the case of intestate succession under this subsection, if an individual fails to survive the decedent by at least 120 hours, as established by clear and convincing evidence—

"(A) the individual shall be deemed to have predeceased the decedent for the purpose of intestate succession; and

"(B) the heirs of the decedent shall be determined in accordance with this section.

"(5) STATUS OF INHERITED INTERESTS.—A trust or restricted interest in land or personal property that descends under the provisions of this subsection (not including any interest in land or personal property passing to a surviving spouse under paragraph (2)(A)) shall continue to have the same trust or restricted status in the hands of the heir as such interest had immediately prior to the decedent's death.".

(c) Section 207(c) of the Indian Land Consolidation Act (25 U.S.C. 2206 (c)) is amended by striking all that follows the heading, "JOINT TENANCY; RIGHT OF SURVIVORSHIP", and inserting the following: "If a testator devises interests in the same parcel of trust or restricted lands to more than 1 person, in the absence of express language in the devise to the contrary, the devise shall be presumed to create joint tenancy with the right of survivorship in the interests involved.".

(d) RULE OF CONSTRUCTION.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by adding at the end the following:

"(h) APPLICABLE FEDERAL LAW.—

"(1) IN GENERAL.—Any references in subsections (a) and (b) to applicable Federal law include—

"(A) Public Law 91–627 (84 Stat. 1874);

"(B) Public Law 92–377 (86 Stat. 530);

"(C) Public Law 92–443 (86 Stat. 744);

"(D) Public Law 96–274 (94 Stat. 537); and

"(E) Public Law 98–513 (98 Stat. 2411).

"(2) NO EFFECT ON LAWS.—Nothing in this section amends or otherwise affects the application of any law described in paragraph (1), or any other Federal law that provides for the devise and descent of any trust or restricted land located on a specific Indian reservation or for the devise and descent of the allotted lands of a specific tribe or specific tribes.

"(i) RULES OF INTERPRETATION.—In the absence of a contrary intent, and except as otherwise provided under this Act or a tribal probate code approved by the Secretary pursuant to section 206, wills shall be construed as to trust and restricted land and personal property in accordance with the following rules:

"(1) CONSTRUCTION THAT WILL PASSES ALL PROPERTY.—A will shall be construed to apply to all trust and restricted land and personal property which the testator owned at his death, including any such land or property acquired after the execution of his will.

"(2) CLASS GIFTS.—

"(A) Terms of relationship that do not differentiate relationships by blood from those by affinity, such as 'uncles'; 'aunts', 'nieces' or 'nephews', are construed to exclude relatives by affinity. Terms of relationship that do not differentiate relationships by the half blood from those by the whole blood, such as 'brothers', 'sisters', 'nieces', or 'nephews', are construed to include both types of relationships.

"(B) MEANING OF 'HEIRS' AND 'NEXT OF KIN,' ETC.; TIME OF ASCERTAINING CLASS.—A devise of trust or restricted land or trust funds to the testator's or another designated person's 'heirs', 'next of kin', 'relatives', or 'family' shall mean those persons, including the spouse, who would be entitled to take under the provisions of this Act for nontestamentary disposition. The class is to be ascertained as of the date of the testator's death.

"(C) TIME FOR ASCERTAINING CLASS.—In construing a devise to a class other than a class described in subparagraph (B), the class shall be ascertained as of the time the devise is to take effect in enjoyment. The surviving issue of any member of the class who is then dead shall take by right of representation the share which their deceased ancestor would have taken.

"(3) MEANING OF 'DIE WITHOUT ISSUE' AND SIMILAR PHRASES.—In any devise under this chapter, the words 'die without issue', 'die without leaving issue', 'have no issue', or words of a similar import shall be construed to mean that an individual had no lineal descendants in his lifetime or at his death, and not that there will be no lineal descendants at some future time.

"(4) PERSONS BORN OUT OF WEDLOCK.—In construing provisions of this chapter relating to lapsed and void devises, and in construing a devise to a person or persons described by relationship to the testator or to another, a person born out of wedlock shall be considered the child of the natural mother and also of the natural father.

"(5) LAPSED AND VOID DEVISES AND LEGACIES; SHARES NOT IN RESIDUE.—Where a devise of property that is not part of the residuary estate fails or becomes void because—

"(A) the beneficiary has predeceased the testator;

"(B) the devise has been revoked by the testator; or

"(C) the devise has been disclaimed by the beneficiary;

the property shall, if not otherwise expressly provided for under this Act or a tribal probate code, pass under the residuary clause, if any, contained in the will.

"(6) LAPSED AND VOID DEVISES AND LEGACIES; SHARES IN RESIDUE.—When a devise as described in paragraph (7) shall be included in a residuary clause of the will and shall not be available to the issue of the devisee, and if the disposition shall not be otherwise expressly provided for by a tribal probate code, it shall pass to the other residuary devisees, if any, in proportion to their respective shares or interests in the residue.

"(7) FAMILY CEMETERY PLOT.—If a family cemetery plot owned by the testator at his decease is not mentioned in the decedent's will, the ownership of the plot shall descend to his heirs as if he had died intestate.

"(8) AFTER-BORN HEIRS.—A child in gestation at the time of decedent's death will be treated as having survived the decedent if the child lives at least 120 hours after its birth.

"(9) ADVANCEMENTS OF TRUST OR RESTRICTED PERSONAL PROPERTY DURING LIFETIME; EFFECT ON DISTRIBUTION OF ESTATE.—

"(A) The trust or restricted personal property of a decedent who dies intestate as to all or a portion of his or her estate, given during the decedent's lifetime to an heir of the decedent, shall be treated as an advancement against the heir's inheritance, but only if the decedent declared in a contemporaneous writing, or the heir acknowledged in writing, that the gift is an advancement or is to be taken into account in computing the division and distribution of the decedent's intestate estate.

"(B) For the purposes of this section, trust or restricted personal property advanced during the decedent's lifetime is valued as of the time the heir came into possession or enjoyment of the property or as of the time of the decedent's death, whichever occurs first.

"(C) If the recipient of the property predeceases the decedent, the property is not treated as an advancement or taken into account in computing the division and distribution of the decedent's intestate estate unless the decedent's contemporaneous writing provides otherwise.

"(10) HEIRS RELATED TO DECEDENT THROUGH 2 LINES; SINGLE SHARE.—A person who is related to the decedent through 2 lines of relationship is entitled to only a single share based on the relationship that would entitle the person to the larger share.

"(j) HEIRSHIP BY KILLING.—

"(1) 'HEIR BY KILLING' DEFINED.—As used in this subsection, 'heir by killing' means any person who participates, either as a principal or as an accessory before the fact, in the willful and unlawful killing of the decedent.

"(2) NO ACQUISITION OF PROPERTY BY KILLING.—Subject to any applicable Federal law relating to the devise or descent of trust or restricted property, no heir by killing shall in any way acquire any interests in trust or restricted property as the result of the death of the decedent, but such property shall pass in accordance with this subsection.

"(3) DESCENT, DISTRIBUTION, AND RIGHT OF SURVIVORSHIP.—The heir by killing shall be deemed to have predeceased the decedent as to decedent's interests in trust or restricted property which would have passed from the decedent or his estate to the heir by killing—

"(A) under intestate succession under this chapter;

"(B) under a tribal probate code, unless otherwise provided for;

"(C) as the surviving spouse;

"(D) by devise;

"(E) as a reversion or a vested remainder;

"(F) as a survivorship interest; and

"(G) as a contingent remainder or executory or other future interest.

"(4) JOINT TENANTS, JOINT OWNERS, AND JOINT OBLIGEES.—

"(A) Any trust or restricted land or personal property held by only the heir by killing and the decedent as joint tenants, joint owners, or joint obligees shall pass upon the death of the decedent to his or her estate, as if the heir by killing had predeceased the decedent.

"(B) As to trust or restricted property held jointly by 3 or more persons, including both the heir by killing and the decedent, any income which would have accrued to the heir by killing as a result of the death of the decedent shall pass to the estate of the decedent as if the heir by killing had predeceased the decedent and any surviving joint tenants.

"(C) Notwithstanding any other provision of this subsection, the decedent's interest in trust or restricted property that is held in a joint tenancy with the right of survivorship shall be severed from the joint tenancy as though the property held in the joint tenancy were to be severed and distributed equally among the joint tenants and the decedent's interest shall pass to his estate; the remainder of the interests shall remain in joint tenancy with right of survivorship among the surviving joint tenants.

"(5) LIFE ESTATE FOR THE LIFE OF ANOTHER.—If the estate is held by a third person whose possession expires upon the death of the decedent, it shall remain in such person's hands for the period of the life expectancy of the decedent.

"(6) PREADJUDICATION RULE.—

"(A) IN GENERAL.—If a person has been charged, whether by indictment, information, or otherwise by the United States, a tribe, or any State, with voluntary manslaughter or homicide in connection with a decedent's death, then any and all trust or restricted land or personal property that would otherwise pass to that person from the decedent's estate shall not pass or be distributed by the Secretary until the charges have been resolved in accordance with the provisions of this paragraph.

"(B) DISMISSAL OR WITHBRAWAL.—Upon dismissal or withdrawal of the charge, or upon a verdict of not guilty, such land and funds shall pass as if no charge had been filed or made.

"(C) CONVICTION.—Upon conviction of such person, the trust and restricted land and personal property in the estate shall pass in accordance with this subsection.

"(7) BROAD CONSTRUCTION; POLICY OF SUBSECTION.—This subsection shall not be considered penal in nature, but shall be construed broadly in order to effect the policy that no person shall be allowed to profit by his own wrong, wherever committed.

"(k) GENERAL RULES GOVERNING PROBATE.—

"(1) SCOPE.—The provisions of this subsection shall apply only to estates that are subject to probate under the provisions of subsections (a) and (b).

"(2) PRETERMITTED SPOUSES AND CHILDREN.—

"(A) SPOUSES.—

"(i) IN GENERAL.—Except as provided in clause (ii), if the surviving spouse of a testator married the testator after the testator executed the will of the testator, the surviving spouse shall receive the intestate share in trust or restricted land that the spouse would have received if the testator had died intestate.

"(ii) EXCEPTION.—Clause (i) shall not apply to an interest in trust or restricted land where—

"(I) the will of a testator is executed before the date of enactment of this subparagraph;

"(II)(aa) the spouse of a testator is a non-Indian; and

"(bb) the testator devised the interests in trust or restricted land of the testator to 1 or more Indians;

"(III) it appears, based on an examination of the will or other evidence, that the will was made in contemplation of the marriage of the testator to the surviving spouse;

"(IV) the will expresses the intention that the will is to be effective notwithstanding any subsequent marriage; or

"(V)(aa) the testator provided for the spouse by a transfer of funds or property outside the will; and

"(bb) an intent that the transfer be in lieu of a testamentary provision is demonstrated by statements of the testator or through a reasonable inference based on the amount of the transfer or other evidence.

"(iii) SPOUSES MARRIED AT THE TIME OF THE WILL.—Should the surviving spouse of the testator be omitted from the will of the testator, the surviving spouse shall be treated, for purposes of trust or restricted land or personal property in the testator's estate, as though there was no will under the provisions of section 207(b)(2)(A) if—

"(I) the testator and surviving spouse were continuously married without legal separation for the 10-year period preceding the decedent's death;

"(II) the testator and surviving spouse have a surviving child who is the child of the testator;

"(III) the surviving spouse has made substantial payments on or improvements to the trust or restricted land in such estate; or

"(IV) the surviving spouse is under a binding obligation to continue making loan payments for the trust or restricted land for a substantial period of time;

except that if there is evidence that the testator adequately provided for the surviving spouse and any minor children by a transfer of funds or property outside of the will, this clause shall not apply.

"(iv) DEFINED TERMS.—The terms 'substantial payments or improvements' and 'substantial period of time' as used in subparagraph (A)(iii) (III) and (IV) shall have the meanings given to them in the regulations adopted by the Secretary under the provisions of this Act.

“(B) CHILDREN.—

“(i) IN GENERAL.—If a testator executed the will of the testator before the birth or adoption of 1 or more children of the testator, and the omission of the children from the will is a product of inadvertence rather than an intentional omission, the children shall share in the intestate interests of the decedent in trust or restricted land as if the decedent had died intestate.

“(ii) ADOPTED HEIRS.—Any person recognized as an heir by virtue of adoption under the Act of July 8, 1940 (25 U.S.C. 372a), shall be treated as the child of a decedent under this subsection.

“(iii) ADOPTED-OUT CHILDREN.—

“(I) IN GENERAL.—For purposes of this Act, an adopted person shall not be considered the child or issue of his natural parents, except in distributing the estate of a natural kin, other than the natural parent, who has maintained a family relationship with the adopted person. If a natural parent shall have married the adopting parent, the adopted person for purposes of inheritance by, from and through him shall also be considered the issue of such natural parent.

“(II) ELIGIBLE HEIR PURSUANT TO OTHER FEDERAL LAW OR TRIBAL LAW.—Notwithstanding the provisions of subparagraph (B)(iii)(I), other Federal laws and laws of the Indian tribe with jurisdiction over the trust or restricted land may otherwise define the inheritance rights of adopted-out children.

“(3) DIVORCE.—

“(A) SURVIVING SPOUSE.—

“(i) IN GENERAL.—An individual who is divorced from a decedent, or whose marriage to the decedent has been annulled, shall not be considered to be a surviving spouse unless, by virtue of a subsequent marriage, the individual is married to the decedent at the time of death of the decedent.

“(ii) SEPARATION.—A decree of separation that does not dissolve a marriage, and terminate the status of husband and wife, shall not be considered a divorce for the purpose of this subsection.

“(iii) NO EFFECT ON ADJUDICATIONS.—Nothing in clause (i) prevents an entity responsible for adjudicating an interest in trust or restricted land from giving effect to a property right settlement if 1 of the parties to the settlement dies before the issuance of a final decree dissolving the marriage of the parties to the property settlement.

“(B) EFFECT OF SUBSEQUENT DIVORCE ON A WILL OR DEVISE.—

“(i) IN GENERAL.—If, after executing a will, a testator is divorced or the marriage of the testator is annulled, as of the effective date of the divorce or annulment, any disposition of interests in trust or restricted land made by the will to the former spouse of the testator shall be considered to be revoked unless the will expressly provides otherwise.

“(ii) PROPERTY.—Property that is prevented from passing to a former spouse of a decedent under clause (i) shall pass as if the former spouse failed to survive the decedent.

“(iii) PROVISIONS OF WILLS.—Any provision of a will that is considered to be revoked solely by operation of this subparagraph shall be revived by the remarriage of a testator to the former spouse of the testator.

“(4) NOTICE.—

“(A) IN GENERAL.—To the maximum extent practicable, the Secretary shall notify each owner of trust and restricted land of the provisions of this Act.

“(B) COMBINED NOTICES.—The notice under subparagraph (A) may, at the discretion of the Secretary, be provided with the notice required under section 207(g).”.

SEC. 4. PARTITION OF HIGHLY FRACTIONATED INDIAN LANDS.

Section 205 of the Indian Land Consolidation Act (25 U.S.C. 2204) is amended by adding at the end the following:

“(c) PARTITION OF HIGHLY FRACTIONATED INDIAN LANDS.—

“(1) APPLICABILITY.—This subsection shall be applicable only to parcels of land (including surface and subsurface interests, except with respect to a subsurface interest that has been severed from the surface interest, in which case this subsection shall apply only to the surface interest) which the Secretary has determined, pursuant to paragraph (2)(B), to be parcels of highly fractionated Indian land.

“(2) REQUIREMENTS.—Subject to section 223 of this Act, but notwithstanding any other provision of law, the Secretary shall ensure that each partition action meets the following requirements:

“(A) REQUEST.—The Secretary shall commence a process for partitioning a parcel of land by sale in accordance with the provisions of this subsection upon receipt of an application by—

“(i) the Indian tribe with jurisdiction over the subject land that owns an undivided interest in the parcel of land; or

“(ii) any person owning an undivided trust or restricted interest in the parcel of land.

“(B) DETERMINATION.—Upon receipt of an application pursuant to subparagraph (A), the Secretary shall determine whether the subject parcel meets the requirements set forth in section 202(6) (25 U.S.C. 2201(6)) to be classified as a parcel of highly fractionated Indian land.

“(C) CONSENT REQUIREMENTS.—A parcel of land may be partitioned under this subsection only with the written consent of—

“(i) the Indian tribe with jurisdiction over the subject land if such Indian tribe owns an undivided interest in the parcel;

“(ii) any owner who, for the 3-year period immediately preceding the date on which the Secretary receives the application, has—

“(I) continuously maintained a bona fide residence on the parcel; or

“(II) continuously operated a bona fide farm, ranch, or other business on the parcel; and

“(iii) the owners of at least 50 percent of the undivided interests in the parcel if, based on the final appraisal prepared pursuant to subparagraph (F), the Secretary determines that any person's undivided trust or restricted interest in the parcel has a value in excess of $1,000, except that the Secretary may consent on behalf of undetermined heirs, minors, and legal incompetents having no legal guardian, and missing owners or owners whose whereabouts are unknown but only after a search for such owners has been completed in accordance with the provisions of this subsection.

“(D) PRELIMINARY APPRAISAL.—After the Secretary has determined that the subject parcel is a parcel of highly fractionated Indian land pursuant to subparagraph (B), the Secretary shall cause a preliminary appraisal of the subject parcel to be made.

“(E) NOTICE TO OWNERS ON COMPLETION OF PRELIMINARY APPRAISAL.—Upon completion of the preliminary appraisal, the Secretary shall give written notice of the requested partition and preliminary appraisal to all owners of undivided interests in the parcel, in accordance with the following requirements:

“(i) CONTENTS OF NOTICE.—The notice required by this subsection shall state—

“(I) that a proceeding to partition the parcel of land by sale has been commenced;

“(II) the legal description of the subject parcel;

“(III) the owner's ownership interest in the subject parcel;

“(IV) the results of the preliminary appraisal;

“(V) the owner's right to request a copy of the preliminary appraisal;

“(VI) the owner's right to comment on the proposed partition and the preliminary appraisal;

“(VII) the date by which the owner's comments must be received, which shall not be less than 60 days after the date that the notice is mailed or published under paragraph (2); and

“(VIII) the address for requesting copies of the preliminary appraisal and for submitting written comments.

“(ii) MANNER OF SERVICE.—

“(I) SERVICE BY MAIL.—The Secretary shall attempt to provide all owners of interests in the subject parcel with actual notice of the partition proceeding by mailing a copy of the written notice described in clause (i) by first class mail to each such owner at the owner's last known address. In the event the written notice to an owner is returned undelivered, the Secretary shall, in accordance with regulations adopted to implement the provisions of this section, attempt to obtain a current address for such owner by inquiring with—

“(aa) the owner's relatives, if any are known;

“(bb) the Indian tribe of which the owner is a member; and

“(cc) the Indian tribe with jurisdiction over the subject parcel.

“(II) SERVICE BY PUBLICATION.—In the event that the Secretary is unable to serve the notice by mail pursuant to subclause (II), the notice shall be served by publishing the notice 2 times in a newspaper of general circulation in the county or counties where the subject parcel of land is located.

“(F) FINAL APPRAISAL.—After reviewing and considering comments or information submitted by any owner of an interest in the parcel in response to the notice required under subparagraph (E), the Secretary may—

“(i) modify the preliminary appraisal and, as modified, determine it to be the final appraisal for the parcel; or

“(ii) determine that preliminary appraisal should be the final appraisal for the parcel, without modifications.

“(G) NOTICE TO OWNERS ON DETERMINATION OF FINAL APPRAISAL.—Upon making the determination under subparagraph (F) the Secretary shall provide to each owner of the parcel of land and the Indian tribe with jurisdiction over the subject land, written notice served in accordance with subparagraph (E)(ii) stating—

“(i) the results of the final appraisal;

“(ii) the owner's right to review a copy of the appraisal upon request; and

“(iii) that the land will be sold in accordance with subparagraph (G) for not less than the final appraised value subject to the consent requirements under paragraph (2)(C).

“(H) SALE.—Subject to the requirements of paragraph (2)(C), the Secretary shall—

“(i) provide every owner of the parcel of land and the Indian tribe with jurisdiction over the subject land with notice that—

“(I) the decision to partition by sale is final; and

“(II) each owner has the right to appeal the determination of the Secretary to partition the parcel of land by sale, including the right to appeal the final appraisal;

"(ii) after providing public notice of the sale pursuant to regulations adopted by the Secretary to implement this subsection, offer to sell the land by competitive bid for not less than the final appraised value to the highest bidder from among the following eligible bidders:

"(I) any owner of a trust or restricted interest in the parcel being sold;

"(II) the Indian tribe, if any, with jurisdiction over the parcel being sold; and

"(III) any member of the Indian tribe described in subclause (II); and

"(iii) if no bidder described in clause (ii) presents a bid that equals or exceeds the appraised value, provide notice to the owners of the parcel of land and terminate the partition process.

"(I) Decision not to sell.—If the required owners do not consent to the partition by sale of the parcel of land, in accordance with paragraph (2)(C), by a date established by the Secretary, the Secretary shall provide each Indian tribe with jurisdiction over the subject land and each owner notice of that fact.

"(3) Enforcement.—

"(A) In general.—If a partition is approved under this subsection and an owner of an interest in the parcel of land refuses to surrender possession in accordance with the partition decision, or refuses to execute any conveyance necessary to implement the partition, then any affected owner or the United States may—

"(i) commence a civil action in the United States district court for the district in which the parcel of land is located; and

"(ii) request that the court issue an appropriate order for the partition of the land in kind or by sale.

"(B) Federal role.—With respect to any civil action brought under subparagraph (A)—

"(i) the United States—

"(I) shall receive notice of the civil action; and

"(II) may be a party to the civil action; and

"(ii) the civil action shall not be dismissed, and no relief requested shall be denied, on the ground that the civil action is 1 against the United States or that the United States is an indispensable party.

"(4) Regulations.—The Secretary is authorized to adopt such regulations as may be necessary to implement the provisions of this subsection.".

SEC. 5. OWNER-MANAGED INTERESTS.

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended by adding at the end the following:

"SEC. 221. OWNER-MANAGED INTERESTS.

"(a) Purpose.—The purpose of this section is to provide a means for the co-owners of trust or restricted interests in a parcel of land to enter into surface leases of such parcel without approval of the Secretary.

"(b) Mineral Interests.—Nothing in this section shall be construed to limit or otherwise affect the application of any Federal law requiring the Secretary to approve mineral leases or other agreements for the development of the mineral interest in trust or restricted land.

"(c) Owner Management.—

"(1) In general.—Notwithstanding any provision of Federal law requiring the Secretary to approve individual Indian leases or mortgages of individual Indian trust or restricted land, where the owners of all of the undivided trust or restricted interests in a parcel of land have submitted applications to the Secretary pursuant to subsection (a), and the Secretary has approved such applications under subsection (d), such owners may, without further approval by the Secretary, do either of the following with respect to their interest in such parcel:

"(A) Enter into a lease of the parcel for any purpose authorized by section 1 of the Act of August 9, 1955 (25 U.S.C. 415(a)), for an initial term not to exceed 25 years.

"(B) Renew any lease described in paragraph (1) for 1 renewal term not to exceed 25 years.

"(2) Rule of construction.—No such lease or renewal of a lease shall be effective until the owners of all undivided trust or restricted interests in the parcel have executed such lease or renewal.

"(d) Approval of Applications for Owner Management.—

"(1) In general.—Subject to the provisions of paragraph (2), the Secretary shall approve an application for owner management submitted by a qualified applicant pursuant to this section unless the Secretary has reason to believe that the applicant is submitting the application as the result of fraud or undue influence.

"(2) Commencement of owner-management status.—Notwithstanding the approval of 1 or more applications pursuant to paragraph (1), no interest in a parcel of trust or restricted land shall have owner-management status until applications for all of the trust or restricted interests in such parcel have been submitted and approved by the Secretary pursuant to this section and in accordance with regulations adopted pursuant to subsection (l).

"(e) Validity of Leases.—A lease of trust or restricted interests in a parcel of land that is owner-managed under this section that violates any requirement or limitation set forth in subsection (c) shall be null and void and unenforceable against the owners of such interests, or against the land, the interest or the United States.

"(f) Lease Revenues.—The Secretary shall not be responsible for the collection of, or accounting for, any lease revenues accruing to any interests subject to this section while such interest is in owner-management status under the provisions of this section.

"(g) Jurisdiction.—

"(1) Jurisdiction unaffected by status.—The Indian tribe with jurisdiction over an interest in trust or restricted land that becomes owner-managed in accordance with this section shall continue to have jurisdiction over the interest in trust or restricted land to the same extent and in all respects the tribe had prior to the interest acquiring owner managed status.

"(2) Persons using land.—Any person holding, leasing, or otherwise using such interest in land shall be considered to consent to the jurisdiction of the Indian tribe with jurisdiction over the interest, including such tribe's laws and regulations, if any, relating to the use, and any effects associated with the use, of the interest.

"(h) Continuation of Owner-Managed Status; Revocation.—

"(1) In general.—Subject to the provisions of paragraph (2), after the applications of the owners of all of the trust or restricted interests in a parcel of land have been approved by the Secretary pursuant to subsection (d), each such interest shall continue in owner-managed status under this section notwithstanding any subsequent conveyance of the interest in trust or restricted status to another person or the subsequent descent of the interest in trust or restricted status by testate or intestate succession to 1 or more heirs.

"(2) Revocation.—Owner-managed status of an interest may be revoked upon written request of owners (including the parents or legal guardians of minors or incompetent owners) of all trust or restricted interests in the parcel, submitted to the Secretary in accordance with regulations adopted under subsection (l). The revocation shall become effective as of the date on which the last of all such requests have been delivered to the Secretary.

"(3) Effect of revocation.—Revocation of owner-managed status under paragraph (2) shall not affect the validity of any lease made in accordance with the provisions of this section prior to the effective date of the revocation, provided that, after such revocation becomes effective, the Secretary shall be responsible for the collection of, and accounting for, all future lease revenues accruing to the trust or restricted interests in the parcel from and after such effective date.

"(i) Defined Terms.—

"(1) For purposes of subsection (d)(1), the term 'qualified applicant' means—

"(A) a person over the age of 18 who owns a trust or restricted interest in a parcel of land; and

"(B) the parent or legal guardian of a minor or incompetent person who owns a trust or restricted interest in a parcel of land.

"(2) For purposes of this section, the term 'owner-managed status' means, with respect to a trust or restricted interest, that the interest—

"(A) is a trust or restricted interest in a parcel of land for which applications covering all trust or restricted interests in such parcel have been submitted to and approved by the Secretary pursuant to subsection (d);

"(B) may be leased without approval of the Secretary pursuant to, and in a manner that is consistent with the requirements of, this section; and

"(C) no revocation has occurred under subsection (h)(2).

"(j) Secretarial Approval of Other Transactions.—Except with respect to the specific lease transactions described in paragraphs (1) and (2) of subsection (c), interests held in owner-managed status under the provisions of this section shall continue to be subject to all Federal laws requiring the Secretary to approve transactions involving trust or restricted land that would otherwise apply to such interests.

"(k) Effect of Section.—Subject to subsections (c), (f), and (h), nothing in this section limits or otherwise affects any authority or responsibility of the Secretary with respect to an interest in trust or restricted land.

"(l) Regulations.—The Secretary shall promulgate such regulations as are necessary to carry out this section.".

SEC. 6. ADDITIONAL AMENDMENTS.

(a) In General.—The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

(1) in the second sentence of section 205(a) (25 U.S.C. 2204(a)), by striking "over 50 per centum of the undivided interests" and inserting "undivided interests equal to at least 50 percent of the undivided interest";

"(2) in section 205 (25 U.S.C. 2204), by adding subsection (c) as follows:

"(c) Purchase Option at Probate.—

"(1) In general.—Subject to section 207(b)(2)(A) of this Act (25 U.S.C. 2206(b)(2)(A)), interests in a parcel of trust or restricted land in the decedent's estate may be purchased at probate in accordance with the provisions of this subsection.

"(2) SALE OF INTEREST AT MINIMUM FAIR MARKET VALUE.—Subject to paragraph (3), the Secretary is authorized to sell trust or restricted interests subject to this subsection at no less than fair market value to the highest bidder from among the following eligible bidders:

"(A) The heirs taking by intestate succession or the devisees listed in section 207(a)(1)(A).

"(B) All persons who own undivided trust or restricted interests in the same parcel of land involved in the probate proceeding.

"(C) The Indian tribe with jurisdiction over the interest, or the Secretary on behalf of such Indian tribe.

"(3) REQUEST FOR AUCTION.—No auction and sale of an interest in probate shall occur under this subsection unless—

"(A) except as provided in paragraph (6), the heirs or devises of such interest consent to the sale; and

"(B) a person or the Indian tribe eligible to bid on the interest under paragraph (2) submits a request for the auction prior to the distribution of the interest to heirs or devisees of the decedent and in accordance with any regulations of the Secretary.

"(4) APPRAISAL AND NOTICE.—Prior to the sale of an interest pursuant to this subsection, the Secretary shall—

(A) appraise the interest; and

(B) publish notice of the time and place of the auction (or the time and place for submitting sealed bids), a description, and the appraised value, of the interest to be sold.

"(5) RIGHTS OF SURVIVING SPOUSE.—Nothing in this subsection shall be construed to diminish or otherwise affect the rights of a surviving spouse under section 207(b)(2)(A).

"(6) HIGHLY FRACTIONATED INDIAN LANDS.—Notwithstanding paragraph (3)(A), the consent of an heir shall not be required for the auction and sale of an interest at probate under this subsection if—

"(A) the interest is passing by intestate succession; and

"(B) prior to the auction the Secretary determines that the interest involved is an interest in a parcel of highly fractionated Indian land.

"(7) REGULATIONS.—The Secretary shall promulgate regulations to implement the provisions of this subsection.";

(3) in section 206 (25 U.S.C. 2205)—

(A) in subsection (a), by striking paragraph (3) and inserting the following:

"(3) TRIBAL PROBATE CODES.—Except as provided in any applicable Federal law, the Secretary shall not approve a tribal probate code, or an amendment to such a code, that prohibits the devise of an interest in trust or restricted land by—

"(A) an Indian lineal descendant of the original allottee; or

"(B) an Indian who is not a member of the Indian tribe with jurisdiction over such an interest;

unless the code provides for—

"(i) the renouncing of interests to eligible devisees in accordance with the code;

"(ii) the opportunity for a devisee who is the spouse or lineal descendant of a testator to reserve a life estate without regard to waste; and

"(iii) payment of fair market value in the manner prescribed under subsection (c)(2)."; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) by striking the paragraph heading and inserting the following:

"(1) AUTHORITY.—

"(A) IN GENERAL.—";

(II) in the first sentence of subparagraph (A) (as redesignated by clause (i)), by striking "section 207(a)(6)(A) of this title" and inserting "section 207(a)(2)(A)(ii) of this title"; and

(III) by striking the last sentence and inserting the following:

"(B) TRANSFER.—The Secretary shall transfer payments received under subparagraph (A) to any person or persons who would have received an interest in land if the interest had not been acquired by the Indian tribe in accordance with this paragraph."; and

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) by striking the subparagraph heading and all that follows through "Paragraph (1) shall not apply" and inserting the following:

"(A) INAPPLICABILITY TO CERTAIN INTERESTS.—

"(i) IN GENERAL.—Paragraph (1) shall not apply";

(bb) in clause (i) (as redesignated by item (aa)), by striking "if, while" and inserting the following: "if—

"(I) while";

(cc) by striking the period at the end and inserting "; or"; and

(dd) by adding at the end the following:

"(II)—

"(aa) the interest is part of a family farm that is devised to a member of the family of the decedent; and

"(bb) the devisee agrees that the Indian tribe with jurisdiction over the land will have the opportunity to acquire the interest for fair market value if the interest is offered for sale to an entity that is not a member of the family of the owner of the land.

"(ii) RECORDING OF INTEREST.—On request by an Indian tribe described in clause (i)(II)(bb), a restriction relating to the acquisition by the Indian tribe of an interest in a family farm involved shall be recorded as part of the deed relating to the interest involved.

"(iii) MORTGAGE AND FORECLOSURE.—Nothing in clause (i)(II) prevents or limits the ability of an owner of land to which that clause applies to mortgage the land or limit the right of the entity holding such a mortgage to foreclose or otherwise enforce such a mortgage agreement in accordance with applicable law.

"(iv) DEFINITION OF 'MEMBER OF THE FAMILY'.—In this paragraph, the term 'member of the family', with respect to a decedent or landowner, means—

"(I) a lineal descendant of a decedent or landowner;

"(II) a lineal descendant of the grandparent of a decedent or landowner;

"(III) the spouse of a descendant or landowner described in subclause (I) or (II); and

"(IV) the spouse of a decedent or landowner.";

(4) in subparagraph (B), by striking "subparagraph (A)" and all that follows through "207(a)(6)(B) of this title" and inserting "paragraph (1)";

(5) in section 207 (25 U.S.C. 2206), subsection (g)(5), by striking "this section" and inserting "subsections (a) and (b)";

(6) in section 213 (25 U.S.C. 2212)—

(A) by striking the section heading and inserting the following:

"SEC. 2212. FRACTIONAL INTEREST ACQUISITION PROGRAM.";

(B) in subsection (a)—

(i) by striking "(2) AUTHORITY OF SECRETARY.—" and all that follows through "the Secretary shall submit" and inserting the following:

"(2) AUTHORITY OF SECRETARY.—The Secretary shall submit"; and

(ii) by striking "whether the program to acquire fractional interests should be extended or altered to make resources" and inserting "how the fractional interest acquisition program should be enhanced to increase the resources made";

(C) in subsection (b), by striking paragraph (4) and inserting the following:

"(4) shall minimize the administrative costs associated with the land acquisition program through the use of policies and procedures designed to accommodate the voluntary sale of interests under the pilot program under this section, notwithstanding the existence of any otherwise applicable policy, procedure, or regulation, through the elimination of duplicate—

"(A) conveyance documents;

"(B) administrative proceedings; and

"(C) transactions.".

(D) in subsection (c)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking "at least 5 percent of the" and inserting in its place "an";

(II) in subparagraph (A), by inserting "in such parcel" following "the Secretary shall convey an interest";

(III) in subparagraph (A), by striking "landowner upon payment" and all that follows and inserting the following: "landowner—

"(i) on payment by the Indian landowner of the amount paid for the interest by the Secretary; or

"(ii) if—

"(I) the Indian referred to in this subparagraph provides assurances that the purchase price will be paid by pledging revenue from any source, including trust resources; and

"(II) the Secretary determines that the purchase price will be paid in a timely and efficient manner."; and

(IV) in subparagraph (B), by inserting before the period at the end the following: "unless the interest is subject to a foreclosure of a mortgage in accordance with the Act of March 29, 1956 (25 U.S.C. 483a)"; and

(ii) in paragraph (3), by striking "10 percent or more of the undivided interests" and inserting "an undivided interest.";

(7) in section 214 (25 U.S.C. 2213), by striking subsection (b) and inserting the following:

"(b) APPLICATION OF REVENUE FROM ACQUIRED INTERESTS TO LAND CONSOLIDATION PROGRAM.—

"(1) IN GENERAL.—The Secretary shall have a lien on any revenue accruing to an interest described in subsection (a) until the Secretary provides for the removal of the lien under paragraph (3), (4), or (5).

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—Until the Secretary removes a lien from an interest in land under paragraph (1)—

"(i) any lease, resource sale contract, right-of-way, or other document evidencing a transaction affecting the interest shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary; and

"(ii) any revenue derived from any interest acquired by the Secretary in accordance with section 213 shall be deposited in the fund created under section 216.

"(B) APPROVAL OF TRANSACTIONS.—Notwithstanding section 16 of the Act of June 18, 1934 (commonly known as the 'Indian Reorganization Act') (25 U.S.C. 476), or any other provision of law, until the Secretary removes a lien from an interest in land under paragraph (1), the Secretary may approve a transaction covered under this section on behalf of an Indian tribe.

"(3) REMOVAL OF LIENS AFTER FINDINGS.—The Secretary may remove a lien referred to in paragraph (1) if the Secretary makes a finding that—

"(A) the costs of administering the interest from which revenue accrues under the lien will equal or exceed the projected revenues for the parcel of land involved;

"(B) in the discretion of the Secretary, it will take an unreasonable period of time for the parcel of land to generate revenue that equals the purchase price paid for the interest; or

"(C) a subsequent decrease in the value of land or commodities associated with the parcel of land make it likely that the interest will be unable to generate revenue that equals the purchase price paid for the interest in a reasonable time.

"(4) REMOVAL OF LIENS UPON PAYMENT INTO THE ACQUISITION FUND.—The Secretary shall remove a lien referred to in paragraph (1) upon payment of an amount equal to the purchase price of that interest in land into the Acquisition Fund created under section 2215 of this title, except where the tribe with jurisdiction over such interest in land authorizes the Secretary to continue the lien in order to generate additional acquisition funds.

"(5) OTHER REMOVAL OF LIENS.—In accordance with regulations to be promulgated by the Secretary, and in consultation with tribal governments and other entities described in section 213(b)(3), the Secretary shall periodically remove liens referred to in paragraph (1) from interests in land acquired by the Secretary.";

(8) in section 216 (25 U.S.C. 2215)—

(A) in subsection (a), by striking paragraph (2) and inserting the following:

"(2) collect all revenues received from the lease, permit, or sale of resources from interests acquired under section 213 or paid by Indian landowners under section 213."; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking "Subject to paragraph (2), all" and inserting "All";

(II) in subparagraph (A), by striking "and" at the end;

(III) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(IV) by adding at the end the following:

"(C) be used to acquire undivided interests on the reservation from which the income was derived."; and

(ii) by striking paragraph (2) and inserting the following:

"(2) USE OF FUNDS.—The Secretary may use the revenue deposited in the Acquisition Fund under paragraph (1) to acquire some or all of the undivided interests in any parcels of land in accordance with section 205.";

(9) in section 217 (25 U.S.C. 2216)—

(A) in subsection (b)(1) by striking subparagraph (B) and inserting a new subparagraph (B) as follows—

"(B) WAIVER OF REQUIREMENT.—The requirement for an estimate of value under subparagraph (A) may be waived in writing by an owner of an interest in trust or restricted land either selling, exchanging, or conveying by gift deed for no or nominal consideration such interest—

"(i) to an Indian person who is the owner's spouse, brother, sister, lineal ancestor, lineal descendant, or collateral heir; or

"(ii) to an Indian co-owner or to a tribe with jurisdiction over the subject parcel of land, where the grantor owns a fractional interest that represents 5 percent or less of the parcel.".

(B) in subsection (e), by striking the matter preceding paragraph (1), and inserting "Notwithstanding any other provision of law, the names and mailing addresses of the owners of any interest in trust or restricted lands, and information on the location of the parcel and the percentage of undivided interest owned by each individual shall, upon written request, be made available to—";

(C) in subsection (e)(1), by striking "Indian";

(D) in subsection (e)(3), by striking "prospective applicants for the leasing, use, or consolidation of" and insert "any person that is leasing, using, or consolidating, or is applying to lease, use, or consolidate,"; and

(E) by striking subsection (f) and inserting the following:

"(f) PURCHASE OF LAND BY INDIAN TRIBE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), before the Secretary approves an application to terminate the trust status or remove the restrictions on alienation from a parcel of trust or restricted land, the Indian tribe with jurisdiction over the parcel shall have the opportunity—

"(A) to match any offer contained in the application; or

"(B) in a case in which there is no purchase price offered, to acquire the interest in the parcel by paying the fair market value of the interest.

"(2) EXCEPTION FOR FAMILY FARMS.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to a parcel of trust or restricted land that is part of a family farm that is conveyed to a member of the family of a landowner (as defined in section 206(c)(2)(A)(iv)) if the conveyance requires that in the event that the interest is offered for sale to an entity that is not a member of the family of the landowner, the Indian tribe with jurisdiction over the land shall be afforded the opportunity to purchase the interest pursuant to paragraph (1).

"(B) APPLICABILITY OF OTHER PROVISION.—Section 206(c)(2)(A) shall apply with respect to the recording and mortgaging of any trust or restricted land referred to in subparagraph (A)."; and

(10) in section 219(b)(1)(A) (25 U.S.C. 2218(b)(1)(A)), by striking "100" and inserting "90".

(b) DEFINITIONS.—Section 202 of the Indian Land Consolidation Act (25 U.S.C. 2201) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) 'Indian' means—

"(A) any person who is a member of any Indian tribe, is eligible to become a member of any Indian tribe, or is an owner (as of the date of enactment of the American Indian Probate Reform Act of 2003) of an interest in trust or restricted land;

"(B) any person meeting the definition of Indian under the Indian Reorganization Act (25 U.S.C. 479) and the regulations promulgated thereunder;

"(C) any person not included in subparagraph (A) or (B) who is a lineal descendant within 3 degrees of a person described in subparagraph (A);

"(D) an owner of a trust or restricted interest in a parcel of land for purposes of inheriting another trust or restricted interest in such parcel; and

"(E) with respect to the ownership, devise, or descent of trust or restricted land in the State of California, any person who meets the definition of 'Indians of California' contained in the first section of the Act of May 18, 1928 (25 U.S.C. 651), until otherwise provided by Congress in accordance with section 809(b) of the Indian Health Care Improvement Act (25 U.S.C. 1679)(b))."; and

(2) by adding at the end the following:

"(6) 'Parcel of highly fractionated Indian land' means a parcel of land that the Secretary, pursuant to authority under a provision of this Act, determines to have at the time of the determination—

"(A)(i) 100 or more but less than 200 co-owners of undivided trust or restricted interests; and

"(ii) no undivided trust or restricted interest owned by any 1 person which represents more than 2 percent of the total undivided ownership of the parcel; or

"(B)(i) 200 or more but less than 350 co-owners of undivided trust or restricted interests; and

"(ii) no undivided trust or restricted interest owned by any 1 person which represents more than 5 percent of the total undivided ownership of the parcel; or

"(C) 350 or more co-owners of undivided trust or restricted interests.

"(7) 'Person' means a natural person.".

(c) ISSUANCE OF PATENTS.—Section 5 of the Act of February 8, 1887 (25 U.S.C. 348), is amended by striking the second proviso and inserting the following: '*Provided*, That the rules of intestate succession under the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (including a tribal probate code approved under that Act or regulations promulgated under that Act) shall apply to that land for which patents have been executed and delivered:".

(d) TRANSFERS OF RESTRICTED INDIAN LAND.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464), is amended in the first proviso by—

(1) striking ", in accordance with" and all that follows through "or in which the subject matter of the corporation is located,";

(2) striking ", except as provided by the Indian Land Consolidation Act" and all that follows through the colon; and

(3) inserting "in accordance with the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (including a tribal probate code approved under that Act or regulations promulgated under that Act):".

(e) ESTATE PLANNING.—

(1) CONDUCT OF ACTIVITIES.—Section 207(f)(1) of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by striking paragraph (1) and inserting the following—

"(1) IN GENERAL.—

"(A) The activities conducted under this subsection shall be conducted in accordance with any applicable—

"(i) tribal probate code; or

"(ii) tribal land consolidation plan.

"(B) The Secretary shall provide estate planning assistance in accordance with this subsection, to the extent amounts are appropriated for such purpose.".

(2) REQUIREMENTS.—Section 207(f) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)) is amended by striking "and" at the end of subparagraph (A), redesignating subparagraph (B) as subparagraph (D), and adding the following—

"(B) dramatically increase the use of wills and other methods of devise among Indian landowners;

"(C) substantially reduce the quantity and complexity of Indian estates that pass intestate through the probate process, while protecting the rights and interests of Indian landowners; and"; and

(3) by striking "(3) CONTRACTS.—" and inserting the following—

"(3) Indian civil legal assistance grants.—In carrying out this section, the Secretary shall award grants to nonprofit entities, as defined under section 501(c)(3) of the Internal Revenue Code of 1986, which provide legal assistance services for Indian tribes, individual owners of interests in trust or restricted lands, or Indian organizations pursuant to Federal poverty guidelines which submit an application to the Secretary, in such form and manner as the Secretary may prescribe, for the provision of civil legal assistance to such Indian tribes, individual owners, and Indian organizations for the development of tribal probate codes, for estate planning services or for other purposes consistent with the services they provide to Indians and Indian tribes."; and

(4) by adding at the end of section 207 (25 U.S.C. 2206) the following:

"(k) Notification to Landowners.—

"(1) In general.—Not later than 2 years after the date of enactment of this Act, the Secretary shall provide to each Indian landowner a report that lists, with respect to each tract of trust or restricted land in which the Indian landowner has an interest—

"(A) the location of the tract of land involved;

"(B) the identity of each other co-owner of interests in the parcel of land; and

"(C) the percentage of ownership of each owner of an interest in the tract.

"(2) Statutory construction.—Nothing in this subsection shall preclude any individual Indian from obtaining from the Secretary, upon the request of that individual, any information specified in paragraph (1) before the expiration of the 2-year period specified in paragraph (1).

"(3) Requirements for notification.—Each notification made under paragraph (1) shall include information concerning estate planning and land consolidation options under the provisions of this Act and other applicable Federal law, including information concerning—

"(A) the preparation and execution of wills;

"(B) negotiated sales;

"(C) gift deeds;

"(D) exchanges; and

"(E) life estates without regard to waste.

"(4) Prohibition.—No individual Indian may be denied access to information relating to land in which that individual has an interest described in this section on the basis of section 552a of title 5, United States Code (commonly referred to as the 'Privacy Act').

"(l) Private and Family Trusts Pilot Project.—

"(1) Development pilot project.—

"(A) The Secretary shall consult with tribes, individual landowner organizations, Indian advocacy organizations, and other interested parties to—

"(i) develop a pilot project for the creation and management of private and family trusts for interests in trust or restricted lands; and

"(ii) develop proposed rules, regulations, and guidelines to implement the pilot project.

"(B) The pilot project shall commence on the date of enactment of the American Indian Probate Reform Act of 2003 and shall continue for 3 years after the date of enactment of this subsection.

"(2) Characteristics of private and family trusts.—For purposes of this subsection and any proposed rules, regulations, or guidelines developed under this subsection—

"(A) the terms 'private trust' and 'family trust' shall both mean trusts created pursuant to this subsection for the management and administration of interests in trust or restricted land, held by 1 or more persons, which comprise the corpus of a trust, by a private trustee subject to the approval of the Secretary;

"(B) private and family trusts shall be created and managed in furtherance of the purposes of the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.); and

"(C) private and family trusts shall not be construed to impair, impede, replace, abrogate, or modify in any respect the trust duties or responsibilities of the Secretary, nor shall anything in this subsection or in any rules, regulations, or guidelines developed under this subsection enable any private or family trustee of interests in trust or restricted lands to exercise any powers over such interests greater than that held by the Secretary with respect to such interests.

"(3) Report to congress.—Prior to the expiration of the pilot project provided for under this subsection, the Secretary shall submit a report to Congress stating—

"(A) a description of the Secretary's consultation with Indian tribes, individual landowner associations, Indian advocacy organizations, and other parties consulted with regarding the development of rules, regulations, and/or guidelines for the creation and management of private and family trusts over interests in trust and restricted lands;

"(B) the feasibility of accurately tracking such private and family trusts;

"(C) the impact that private and family trusts would have with respect to the accomplishment of the goals of the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.); and

"(D) a final recommendation regarding whether to adopt the creation of a permanent private and family trust program as a management and consolidation measure for interests in trust or restricted lands.".

SEC. 7. UNCLAIMED AND ABANDONED PROPERTY.

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (as amended by section 5) is amended by adding at the end the following:

"SEC. 222. UNCLAIMED AND ABANDONED PROPERTY.

"(a) Interests Presumed Abandoned.—An undivided trust or restricted interest in a parcel of land owned by a person shall be presumed abandoned and subject to the provisions of this section if the Secretary makes a determination that—

"(1) a period of 6 consecutive years next preceding such determination has passed during which the person owning such interest has not made any indication or expression of interest in the trust or restricted interest as set forth in subsection (b);

"(2) the person owning the trust or restricted interest was, at all times during the 6-year period described in paragraph (1), over the age of 18; and

"(3) as of the expiration of the 6-year period described in paragraph (1), such parcel was a parcel of highly fractionated Indian land.

"(b) Indicators of Owner Interest.—For purposes of subsection (a), an indication or expression of an owner's interest in the property shall mean the owner or any person acting on behalf of the owner—

"(1) making a deposit to, withdrawal from, or inquiry into an individual Indian money account associated with such interest;

"(2) negotiating a Treasury check derived from such interest or account;

"(3) providing the Secretary with a valid address; or

"(4) communicating with the Secretary regarding such interest or account.

"(c) Related Property.—At the time that property is presumed to be abandoned under this section, any other property right accrued or accruing to the owner as a result of the interest, including funds in an associated individual Indian money account, that has not previously been presumed abandoned under this section, also shall be presumed abandoned.

"(d) Annual List of Property; Notice to Owners.—No later than the first day of November of each year, the Secretary shall prepare and distribute a list of names of persons owning property presumed abandoned under this section during the preceding fiscal year and provide notice to such persons in accordance with the following requirements:

"(1) Contents of annual list.—The list shall set forth—

"(A) the names of all persons owning interests in land and property presumed to be abandoned under this section;

"(B) with respect to each person named on the list, the reservation, if any, and the county and State in which the person's interest in land is located;

"(C) the reservation, if any, the city or town, county and State of the person's last known address; and

"(D) the name, address, and telephone number of the official or officials within the Department of the Interior to contact for purposes of identifying persons or lands included on the list.

"(2) Distribution of list.—The list shall be distributed to all regional offices and agencies of the Bureau of Indian Affairs and to all reservations where land described on this list is located and shall cause the list to be published in the Federal Register within 15 days after the list is prepared.

"(3) Notice by mail.—In addition to publishing and distributing the list described in paragraph (1), the Secretary shall attempt to provide the persons owning such trust or restricted interests with actual written notice that the interest and any associated funds or property is presumed abandoned under the provisions of this section. Such notice shall be sent by first class mail to the owner at the owner's last known address and shall include the following:

"(A) A legal description of the parcel of which the interest is a part.

"(B) A description of the owner's interest.

"(C) A statement that the owner has not indicated or expressed an interest in the trust or restricted interest for a period of 6 consecutive years and that such interest, and any funds in an associated individual Indian money account, is presumed abandoned.

"(D) A statement that the interest will be appraised and sold for its appraised value unless the owner responds to the notice within 60 days after the notice is mailed or published.

"(E) A statement that in the event the owner fails to respond and the notice and the property is sold, the proceeds of such sale and any funds in any associated individual Indian money account will be deposited in an unclaimed property account.

"(4) Search for whereabouts of owner.—If the notice described in paragraph (3) is returned undelivered, the Secretary shall attempt to locate the owner by—

"(A) searching publicly available records and Federal records, including telephone and address directories and using electronic search methods;

"(B) inquiring with—

"(i) the owner's relatives, if any are known;

"(ii) any Indian tribe of which the owner is a member; and

"(iii) the Indian tribe, if any, with jurisdiction over the interest; and

"(C) if the value of the interest and any funds in an associated individual Indian money account exceeds $1,000, engaging an independent search firm to perform a missing person search.

"(5) Notice by publication.—In the event that the Secretary is unable to locate the owner pursuant to paragraph (4), the Secretary shall publish a notice not later than November 30 following the fiscal year in which the property was presumed to be abandoned under this section. The notice shall include the same information required for the notice described in paragraph (3) and shall be—

"(A) published in a newspaper of general circulation on or near the apparent owner's home reservation and near the last known address of the owner; and

"(B) in a form that is likely to attract the attention of the apparent owner of the property.

"(e) Conversion of Abandoned Interests.—If, after 2 years from the date the notice is published under subsection (d)(3), any such real property or interest therein remains unclaimed, the Secretary shall appraise such property in a manner consistent with section 215 of the Indian Land Consolidation Act (25 U.S.C. 2214) and shall purchase the property at its appraised value, or sell the property to an Indian tribe with jurisdiction over such property or a person who owns an undivided trust or restricted interest in such property, by competitive bid for not less than the appraised value. The Secretary shall then transfer any monetary interest that the Secretary holds for the previous apparent owner to the unclaimed property account described in subsection (f).

"(f) Unclaimed Property Account.—

"(1) Except as otherwise provided by this section, the Secretary shall promptly deposit in a special unclaimed property account all funds received under this section. The Secretary shall pay all claims under subsection (g) from this account. The Secretary shall record the name and last known address of each person appearing to be entitled to the property.

"(2) The Secretary is authorized to use interest earned on the special unclaimed property account to pay—

"(A) the administrative costs of conversion of real property under subsection (g); and

"(B) costs of mailing and publication in connection with abandoned property.

"(3) The Secretary shall retain a sufficient balance in the account at all times from which to pay claims duly allowed. All other funds shall be available to the Secretary to use for the purposes of land consolidation pursuant to 25 U.S.C. 2212.

"(g) Claims.—

"(1) Filing of claim.—An individual, or the heirs of an individual, may file a claim to recover property or the proceeds of the conversion of the property on a form prescribed by the Secretary.

"(2) Allowance or denial of claim.—Not more than 180 days after a claim is filed, the Secretary shall allow or deny the claim and give written notice of the decision to the claimant. If the claim is denied, the Secretary shall inform the claimant of the reasons for the denial and specify what additional evidence is required before the claim will be allowed. The claimant may then file a new claim with the Secretary or maintain an action under this subsection.

"(3) Payment of allowed claim.—Not more than 60 days after a claim is allowed, the property or the net proceeds of the conversion of the property shall be delivered or paid by the Secretary to the claimant, together with any interest, or other increment to which the claimant is entitled under this section.

"(4) Judicial review.—An individual aggrieved by a decision of the Secretary under this subsection or whose claim has not been acted upon within 180 days may, after exhausting administrative remedies, seek—

"(A) judicial review or other appropriate relief against the Secretary in a United States district court, which may include an order quieting beneficial title in the name of petitioner whose property was sold by the Secretary in violation of this section; and

"(B) recover reasonable attorneys fees if he is the prevailing party.

"(h) Voluntary Abandonment.—Any person who is an owner of an interest subject to this section may, with the Secretary's approval, voluntarily abandon that interest to the benefit of the tribe with jurisdiction over the parcel of land or a co-owner of a trust or restricted interest in the same parcel of land in accordance with regulations adopted pursuant to subsection (j).

"(i) Transfer of Abandoned Interests in Land.—

"(1) Any interest in land acquired under subsection (e) or (h) over which an Indian tribe has jurisdiction shall be held in trust by the Secretary for the benefit of that tribe, provided that the tribe may decline any such property in its discretion, and provided that if the tribe declines or does not currently own any interest within that parcel a co-owner with a majority interest shall have the first right of purchase of the property at the appraised price.

"(2) Any interest in real property acquired under subsection (e) or (h) that is not subject to the jurisdiction of an Indian tribe shall be held in trust by the Secretary for all of the other co-owners of undivided trust or restricted interests in the parcel in proportion to their respective interests in the property, provided that any owner may decline to accept such interest, in which case that interest shall be allocated proportionately among such other co-owners who do not decline.

"(3) The Indian tribe or other subsequent owner described in paragraph (2) takes such interest free of all claims by the owner who abandoned the interest and of all persons claiming through or under such owner.

"(j) Regulations.—The Secretary is authorized to adopt such regulations as may be necessary to implement the provisions of this section.".

SEC. 8. MISSING HEIRS.

Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by adding the following:

"(m) Notice.—Prior to holding a hearing to determine the heirs to trust or restricted property, or making a decision determining such heirs, the Secretary shall seek to provide actual written notice of the proceedings to all heirs, including notice of the provisions of this subsection and of section 207(n) of this Act. Such efforts shall include—

"(1) a search of publicly available records and Federal records, including telephone and address directories and including electronic search methods;

"(2) an inquiry with family members and co-heirs of the property;

"(3) an inquiry with the tribal government of which the owner is a member, and the tribal government with jurisdiction over the property, if any; and

"(4) if the property is of a value greater than $1,000, an independent firm shall be contracted to conduct a missing persons search.

"(n) Missing Heirs.—

"(1) For purposes of this subsection and subsection (m), an heir will be presumed missing if his whereabouts remain unknown 60 days after completion of notice efforts under subsection (m) and they have had no contact with other heirs or the Department for 6 years prior to a hearing or decision to ascertain heirs.

"(2) Before the date for declaring an heir missing, any person may request an extension of time to locate an heir. An extension may be granted for good cause.

"(3) An heir shall be declared missing only after a review of the efforts made and a finding that this section has been complied with.

"(4) A missing heir shall be presumed to have predeceased the decedent for purposes of descent and devise.".

SEC. 9. ANNUAL NOTICE AND FILING REQUIREMENT FOR OWNERS OF INTERESTS IN TRUST OR RESTRICTED LANDS.

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (as amended by section 7) is amended by adding at the end the following:

"SEC. 222. ANNUAL NOTICE AND FILING; CURRENT WHEREABOUTS OF INTEREST OWNERS.

"(a) In General.—On an annual basis, the Secretary shall send a notice, response form, and a change of name and address form to each owner of an interest in trust or restricted land. The notice shall inform owners of their interest and obligation to provide the Secretary with a notice of any change in their name or address immediately upon such change. The response form should include a section in which the owner may confirm or update his name and address. The change of name and address form may be used by the owner at any time when his name or address changes subsequent to his annual filing of the response form.

"(b) Owner Response.—The owner of an interest in trust or restricted land shall file the response form upon receipt to confirm or update his name and address on an annual basis.

"(c) No Response; Initiation of Search.—In the event that an owner does not file the response form or provide the Secretary with a confirmation or update of his name and address through other means, the Secretary shall initiate a search in order to ascertain the whereabouts and status of the owner.".

SEC. 10. EFFECTIVE DATE.

The amendments made by this Act shall not apply to the estate of an individual who dies before the later of—

(1) the date that is 1 year after the date of enactment of this Act; or

(2) the date specified in section 207(g)(5) of the Indian Land Consolidation Act (25 U.S.C. 2206(g)(5)).

By Mr. DOMENICI:

S. 1727. A bill to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today to introduce crucial legislation regarding the safety of America's Dams. Ensuring the safety of the Bureau of Reclamation's dams must be a national priority. One of the surest ways to protect the integrity of this existing infrastructure is to ensure that adequate funding is accessible to properly maintain and rehabilitate these great structures.

The Bureau of Reclamation has existing authority that would allow them to expend approximately $974 million dollars on Safety of Dam Projects; but only $109 million dollars of this authorization remains uncommitted. By the end of fiscal year 2002, over 61 dam modifications had been completed under existing authority. Over the next several years, at least 46 projects have been identified as critical. Unfortunately, these projects alone represent an additional authorization need of close to $540 million. Thus, a huge gap exists and it is something we must correct. The bill that I am introducing today, would raise the current ceiling on the Safety of Dams Program to meet the additional $540 million needed and by so doing to meet the needs already identified by Reclamation in 11 of the 17 Reclamation States.

Let me take a few moments to highlight exactly what it is I am talking about. The United States Bureau of Reclamation currently has reservoirs impounded by 457 dams and dikes. Of these structures, 362 dams and dikes would likely cause loss of life if they were to fail. These 362 structures, located at 252 different project facilities, form the core of Reclamation's Dam Safety Program.

Approximately 50 percent of Reclamation's dams were built between 1900 and 1950. Additionally, an estimated 90 percent of the dams were built before currently used state-of-the-art design and construction practices. A strong dam safety program must be maintained to identify potential adverse performance within Reclamation's inventory of aging dams and to carry out corrective actions expeditiously when unreasonable public risk is identified.

I plan to take action on this measure during this Congress and I urge my colleagues to join with me in ensuring the safety and reliability of these dams. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR THE RECLAMATION SAFETY OF DAMS ACT OF 1978.

(a) REIMBURSEMENT OF CERTAIN MODIFICATION COSTS.—Section 4(c) of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 508(c)) is amended by striking "(c) With respect to" and all that follows through "2001" and inserting the following:

"(c) REIMBURSEMENT OF CERTAIN MODIFICATION COSTS.—With respect to the additional amounts authorized to be appropriated by section 5".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is amended in the first sentence—

(1) by striking "and effective October 1, 2001" and inserting "effective October 1, 2001";

(2) by inserting "and, effective October 1, 2003, not to exceed an additional $540,000,000 (October 1, 2003, price levels)," after "(October 1, 2001, price levels),"; and

(3) by striking "$750,000" and inserting "$1,250,000 (October 1, 2003, price levels), as adjusted to reflect any ordinary fluctuations in construction costs indicated by applicable engineering cost indexes,".

By Mr. GRAHAM of Florida (for himself and Ms. SNOWE):

S. 1729. A bill to establish an informatics grant program for hospitals and skilled nursing facilities in order to encourage health care providers to make major information technology advances; to the Committee on Finance.

Mr. GRAHAM of Florida. Mr. President, I am very pleased to introduce the Medication Errors Reduction Act of 2003 with my friend and colleague Senator OLYMPIA SNOWE.

In recent years we've heard much about the consequences of medication errors. What we haven't heard as much about are the root causes for the medication errors, or the solutions that are available to us to reduce errors, save lives, prevent injuries, and reduce costs. Simply put, our legislation is necessary because as a nation we face a serious patient-safety problem. The good news is that we have a solution to the problem: we have the technological ability to dramatically reduce medication errors and thus save lives.

The bad news is that the start-up costs and a lack of awareness have to this point been preventing us from reaping the benefits of the new technologies. The solution is right in front of us, but has been just out of reach.

The legislation we are introducing today would bring the solution within our reach. It would address the causes of medication errors—which are systems breakdowns—and the solutions—use of clinical computerized information systems that can save lives.

We are here today to lend a helping hand, not to point a finger. We all share the goal of improving patient safety, and our bill will do that in a very simple, straightforward manner. The legislation establishes a voluntary grant program to encourage hospitals and skilled nursing facilities to become the pioneers of new, life-saving technologies. It does that by assisting with the often prohibitive start-up costs associated with purchasing and implementing information systems—systems that are designed to reduce medication errors and improve patient safety.

I want to stress the goal of this legislation: to help build a safer medication-delivery system. The great successes of our health care system are largely due to our highly committed and talented doctors, nurses, pharmacists, hospitals, nursing homes and other health care providers. The problem we are addressing today is not theirs, but is a problem with the system they rely on to provide inpatient care.

The Institute of Medicine report that kicked off much of this discussion 4 years ago tells us that we must address the "systems problems" and design systems that will prevent errors—just as cars are designed so that drivers cannot start them while in reverse helps prevent automobile accidents.

The systems we want to fund would improve the medication-delivery system at many stages.

We leave it up to the hospitals and nursing homes to determine exactly what types of technology would best fit their institutions and their needs. The grants could be used to purchase or improve computer software and hardware, purchase or lease communications capabilities, or provide education and training staff on computer patient safety programs.

The grants could be used to improve patient safety at every stage of the medication delivery process. For example, a hospital or nursing home could use the funds to implement 1. electronic prescribing systems that can intercept errors at the time medications are ordered, 2. electronic medical records to alert doctors to possible drug interactions and complications related to the patient's medical history, 3. automated pharmacy dispensing to make sure the nurse receives the correct medication in the correct dosage for the correct patient, and 4. bedside verification—using bar codes on patient wristbands and the medications to ensure that the right medication is administered to the right patient at the right time.

We could only have dreamed about clinical computerized information systems when the Medicare program was implemented. Today, we have them at our disposal. The sooner we get them into our hospitals and nursing homes, the sooner we start saving lives.

The Medication Errors Reduction Act is supported by the Florida Hospital Association, National Rural Health Association, National Association of Children's Hospitals, Healthcare Leadership Council, AFSCME, Federation of American Hospitals, Catholic Health Association of the United States, Association of American Medical Colleges, Premier, Inc., the American Society of Heath-System Pharmacists, McKesson Corporation, IBM, VHA, Inc., Vanderbilt University Medical Center, New York Presbyterian Hospital, Aetna, Siemens, AmerisourceBergen Corporation, American Health Packaging, AutoMed, Choice Systems, Inc., Pharmacy Healthcare Solutions, Telepharmacy Solutions, Verizon, Becton Dickinson, American Health Care Association, AFL–CIO, Cardinal Health, and the eHealth Initiative.

I ask their letters of support be printed in the RECORD. With their help, this bill will become law and we will be well on our way to improving patient safety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

October 13, 2003.

Hon. ROBERT GRAHAM,
U.S. Senate,

Hon. OLYMPIA SNOWE,
U.S. Senate,

Hon. AMO HOUGHTON,
House of Representatives,

Hon. EARL POMEROY,
House of Representatives,
Washington, DC.

DEAR SENATORS GRAHAM AND SNOWE AND REPRESENTATIVES HOUGHTON AND POMEROY: Long engaged in efforts to improve patient safety, the undersigned organizations strongly support the "Medication Errors Reduction Act of 2003." This critical legislation would fund efforts to improve our nation's clinical safety systems. Since the release of the 1999 Institute of Medicine report, *to Err is Human*, we have collectively embraced a more vigorous commitment to the advancement of patient safety in our healthcare system.

Concern over improving the quality of our nation's health care extends far beyond the provider community. The business community, consumers, and Labor have an equally vested interest. While the issues surrounding the improvement of patient safety are numerous and complex, we agree that the facilitated deployment of new technologies to certain providers would be of immense benefit. Further, we believe that clinical healthcare informatics systems designed to reduce the incidence of adverse events and complications stemming from medication errors great promise.

New and evolving technologies like computer physician order-entry (CPOE), bedside verification, and automated pharmacy dispensing could prove particularly beneficial to many healthcare providers. Still, sizable barriers to acquisition and deployment exist. The inability to finance such systems in perhaps the most insurmountable—but the easiest to address, as well. This legislation would permit providers and their patients to reap the rewards of these critical patient safety improvement technology tools.

Again, we thank you for having introduced the "Medication Errors Reduction Act of 2003," and look forward to working with you toward enactment.

Sincerely,
Premier, Inc.;
IBM;
VHA, Inc.;
Vanderbilt University Medical Center;
New York Presbyterian Hospital;
Aetna;
McKession Corporation;
Siemens;
AmerisourceBergen Corporation;
American Health Packaging;
AutoMed;
Choice Systems, Inc.;
Pharmacy Healthcare Solutions;
Telepharmacy Solutions;
National Rural Health Association;
National Association of Children's Hospitals;
Verizon;
Becton Dickenson;
Federation of American Hospitals;
American Health Care Association;
AFL-CIO;
Cardinal Health;
American Society of Health-System Pharmacists;
Healthcare Leadership Council;
eHealth Initiative;
Catholic Health Association of the United States;
Association of American Medical Colleges; and
AFSCME.

PREMIER ADVOCACY,
September 12, 2003.

Hon. ROBERT GRAHAM,
U.S. Senate,

Hon. OLYMPIA SNOWE,
U.S. Senate,

Hon. AMO HOUGHTON,
House of Representatives,

Hon. EARL POMEROY,
House of Representatives,
Washington, DC.

DEAR SENATORS GRAHAM AND SNOWE AND REPRESENTATIVES HOUGHTON AND POMEROY:

On behalf of the more than 1,500 leading not-for-profit hospitals and health systems allied in Premier, Inc., and the millions of patients whose healthcare needs they serve, we extend our vigorous support for the Medication Errors Reduction Act of 2003.

This innovative legislation would provide grants to hospitals and nursing facilities to offset the prohibitively high costs of developing and implementing new patient safety and information technologies to reduce medical errors and adverse events. As such, the measure would undoubtedly contribute to the sustained improvement of quality health care in America.

The legislation's establishment of a ten-year, $1 billion grant program would effectively mitigate the most formidable barrier to hospitals' implementation of new, life-saving technologies—namely, cost. In this way, the efforts of early adopters of new technologies are simultaneously rewarded and facilitated.

As you know, Premier is a long-standing champion of patient safety and quality improvement. At present, we are hosting a series of collaborative meetings designed to help members implement and adopt computerized physician order entry (CPOE). Participation by hospital executives, including CIOs, CMOs and CEOs, as well as their CPOE project leaders, facilitate and energize the exchange of knowledge and experience, which are invaluable to the advancement of CPOE adoption. In addition, Premier has long championed industry adoption of the bar code for drug, biological, and appropriate medical device labeling to reduce the incidence of adverse events, and improve patient safety overall.

Premier and its member hospitals believe that the Medication Errors Reduction Act represents a significant step on the path to improved patient care. We applaud your efforts, and look forward to working with you toward passage of this critical legislation.

Sincerely,

HERB KUHN,
Corporate Vice President.

MCKESSON CORPORATION,
San Francisco, CA, September 12, 2003.

Hon. BOB GRAHAM,
U.S. Senate,

Hon. OLYMPIA SNOWE,
U.S. Senate, Washington, DC.

DEAR SENATORS GRAHAM AND SNOWE: On behalf of McKesson Corporation, I would like to thank you for authorizing the Medication Errors Reduction Act of 2003. We strongly support this legislation and applaud your leadership in identifying ways to help reduce medication errors and improve the quality of health care in our nation.

As the world's largest healthcare services company, McKesson provides automation, information systems, and pharmacy services that enable medication management accuracy. We have pioneered advances in medication management technology by providing hospitals, retail pharmacies and other clinical settings with unique robotic pharmaceutical dispensing and bedside bar-coding technologies to ensure that the right drug, in the appropriate dosage, is administered to the right patient via the right route at the right time. In addition, McKesson provides computerized physician order systems, pharmacy information systems, and clinical consulting services designed to improve the quality and delivery of health care.

As early as 1993, the University of Wisconsin Hospitals and Clinics (UWHC) embraced McKesson's automation and bar code solutions for pharmaceutical distribution. Building on this system, they have implemented point-of-care bar code scanning at the bedside. In partnership with McKesson on clinical programs and adverse drug event tracking, UWHC has demonstrated a significant reduction in medication errors, enhanced efficiency, increased clinician satisfaction, and improved medication documentation. As an example of these successes,they have achieved an 89 percent reduction in medication administration errors due to point-of-care bar code scanning, as well as a reduction in dispensing errors from 1.43 percent to 0.13 percent. UWHC also realized a return on investment in two years.

We commend you for recognizing the need for economic incentives to accelerate the adoption of innovative technology so critically needed in today's health care environment. By providing grants to hospitals and skilled nursing facilities, your legislation will facilitate the widespread use of technology designed to prevent medication errors and enhance patient safety. We stand ready to work with you and your staff to support passage of this legislation.

Sincerely,

ANN RICHARDSON BERKEY,
Vice President, Public Affairs.

AMERICAN SOCIETY OF
HEALTH-SYSTEM PHARMACISTS,
Bethesda, MD, September 17, 2003.

Hon. ROBERT GRAHAM,
U.S. Senate, Washington, DC.
Hon. OLYMPIA SNOWE,
U.S. Senate, Washington, DC.
Hon. AMO HOUGHTON,
House of Representatives,
Washington, DC.
Hon. EARL POMEROY,
House of Representatives,
Washington, DC.

DEAR SENATORS GRAHAM AND SNOWE AND REPRESENTATIVES HOUGHTON AND POMEROY: The American Society of Health-System Pharmacists (ASHP), the 30,000-member national professional association that represents pharmacists who practice in hospitals, health maintenance organizations, long-term care facilities, home care, and other components of health care systems, would like to commend you on introduction of the "Medication Errors Reduction Act of 2003."

The Institute of Medicine (IOM) report, To Err is Human: Building a Safer Health System, pointed out as many as 98,000 patients die annually as the result of medical errors, 7,000 of which are the direct result of medication-related complications. Handwritten clinical data, incomplete, outdated, or improperly implemented information technology within our nation's health system contributes to the high number of adverse events or health care complications due to medication use.

Research demonstrates that information technology enhancements, when appropriately implemented, enhance the appropriate, accurate, and timely distribution of medications, and improve the quality of patient care.

The voluntary grant program for which your legislation provides would allow early adopters of new technology to meet the high price tag associated with this technology as well as the necessary and important expense of properly educating and training staff on the correct use of the information system.

ASHP hopes to foster a fail-safe medication process. Your legislation helps move toward that goal and we look forward to a continued partnership to make this a reality. For more information, please contact Kathleen M. Cantwell, Director, Federal Legislative Affairs and Government Affairs Counsel, at 301/657-3000, ext. 1326.

Sincerely,

HENRI R. MANASSE, Jr.,
Executive Vice President and
Chief Executive Officer.

FLORIDA HOSPITAL ASSOCIATION,
October 14, 2003.

Hon. BOB GRAHAM,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the more than 230 members of the Florida Hospital Association, I want to commend you for introducing legislation to provide financial assistance to help hospitals take patient safety to the next level. Your bill, the "Medication Errors Reduction Act of 2003," represents a significant step toward assisting hospitals in Florida and throughout the country in their continuous efforts to improve their clinical safety systems.

Your initiative recognizes that our commitment to patient safety requires more financial resources than are currently available to hospitals, which continue to experience extraordinary financial pressures. You are a realist—matching resources in support of a great need.

The FHA will encourage other members of the Florida Congressional Delegation to support your bill—a measure that targets our desire to improve patient safety. It will be important for the bill to retain its clear focus, and not become weighted down with extraneous legislative baggage that could change its focus.

Thank you for moving so swiftly to help us protect patients while protecting the integrity of the Hospital Trust Fund.

Sincerely yours,

WAYNE NESMITH,
President.

Ms. SNOWE. Mr. President, I rise today to join my colleague, Senator BOB GRAHAM of Florida, in reintroducing the Medication Errors Reduction Act, which will serve to improve the quality of health care delivered in hospitals and skilled nursing facilities by reducing medical errors. The lack of quality assurances in America's health care system has been documented many times. We believe this bill is the first step in the process to correct this troubling circumstance and to ensure that the American health system is the world's safest.

We first began development of this legislation in 2001, following the release of the Institute of Medicine's (IOM) report "To Err Is Human: Building a Safer Health System." We were prompted by the startling revelations contained in the report that showed up to 98,000 people per year lose their lives because of a medical error and the annual financial impact that results from these mistakes is believed to be as high as $29 billion.

As you might imagine, a medical error can be many things, but the Institute defines it as "the failure of a planned action to be completed as intended or the use of a wrong plan to achieve an aim." The Institute sites among the problems that commonly occur during the course of providing health care—adverse drug events and improper transfusions, surgical injuries and wrong-site surgery, suicides, restraint-related injuries or death, falls, burns, pressure ulcers and mistaken patient identities. All of these can have tragic endings, but all are preventable.

In developing the solution, we looked to incentives that would prompt hospitals and skilled nursing facilities to utilize technology to identify inaccuracies and prevent medical errors before they happen. Senator GRAHAM and I developed a proposal that provides Federal matching funds to hospitals and skilled nursing facilities that integrate into their medical systems technology that can prevent medical errors. Technology exists, as never before, that can help identify errors before they happen, and save lives. But this technology is rendered useless if it is not being utilized. That is why the Federal Government must step forward and provide the necessary incentives to prompt innovation.

In taking this step, we believe it is imperative that the Federal Government invest time and funding in not just identifying the solution, but to provide the means to implement the solution. It is the role of the Federal Government to lead, and I believe that providing grant funding to hospitals and skilled nursing facilities to integrate technology into their health care delivery systems will in fact provide the necessary leadership to see this idea become a reality.

More specifically, the grants provided by this legislation can be used to purchase or improve computer software and hardware, and provide education and training to staff on computer patient safety programs. They also may be used to improve patient safety at every stage of the medication delivery process through: electronic prescribing systems that can intercept errors at the time medications are ordered; electronic medical records to alert doctors to possible drug interactions and complications related to the patient's medical history; automated pharmacy dispensing to make sure the nurse receives the correct medication in the correct dosage for the correct patient; and bedside verification—using bar codes on patient wristbands and the medications to ensure that the right medication is administered to the right patient at the right time.

Further, we direct the funding to hospitals that serve predominately patients who receive insurance coverage through Medicare, Medicaid and S-CHIP. And to ensure that all hospitals, especially those in rural communities that have smaller operating margins, can afford to utilize this innovative new program, we set aside 20 percent of the funding for rural hospitals. I believe this is an important and necessary step to protect our rural communities and provide families with the highest quality care.

I hope my colleagues will join us in support of this legislation so we soon will be able to reduce the number of Americans who are harmed by medical errors.

By Ms. SNOWE (for herself, Mrs. MURRAY, Mr. BIDEN, and Mrs. FEINSTEIN):

S. 1730. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to reintroduce the Women's Health and Cancer Rights Act. I am pleased to be joined by my friends, Senator MURRAY of Washington and Senator BIDEN of Delaware, and Senator FEINSTEIN of California, as original cosponsors of this bill.

This bill has a two-fold purpose. First, it will ensure that appropriate medical care determines how long a woman stays in the hospital after undergoing a mastectomy—not a predetermined amount of time legislated by Congress. This provision says that inpatient coverage with respect to the treatment of mastectomy, lumpectomy, or lymph node dissection—regardless of whether the patient's plan is regulated by ERISA or State regulations—will be provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically necessary and appropriate. Second, this bill allows any person facing a cancer diagnosis of any type to get a second opinion on their course of treatment.

A diagnosis of breast cancer is something that every woman dreads. But for an estimated 192,020 American women, this is the year their worst fears will be realized. One thousand new cases of breast cancer will be diagnosed among the women in Maine, and 200 women in my home State will die from this tragic disease. The fact is, one in nine women will develop breast cancer during their lifetime, and for women between the ages of 35 and 54, there is no other disease which will claim more lives.

It's not hard to understand why the words "you have breast cancer" are some of the most frightening words in the English language. For the woman who hears them, everything changes from that moment forward. No wonder, then, that it is a diagnosis not only accompanied by fear, but also by uncertainty. What will become of me? What will they have to do to me? What will I have to endure? What's the next step?

For many women, the answer to that last question is a mastectomy or lumpectomy. Despite the medical and scientific advances that have been made, despite the advances in early detection technology that more and more often negate the need for radical surgery, it still remains a fact of life at the beginning of the 21st century these procedures can be the most prudent option in attacking and eradicating cancer found in a woman's breast.

These are the kind of decisions that come with a breast cancer diagnosis. These are the kind of questions women must answer, and they must do so under some of the most stressful and frightening circumstances imaginable. The last question a woman should have to worry about at a time like this is whether or not their health insurance plan will pay for appropriate care after a mastectomy or lumpectomy, or that she won't be able to remain in a doctor's immediate care for as long as she needs to be. A woman diagnosed with breast cancer in many ways already feels as though she has lost control of her life. She should not feel as though she has also lost control of her course of treatment.

The evidence for the need for this bill—especially when it comes to so-called "drive through mastectomies", is more than just allegorical. Indeed, the facts speak for themselves—between 1986 and 1995, the average length of stay for a mastectomy dropped from about six days to about two to three days. Thousands of women across the country are undergoing radical mastectomies on an outpatient basis and are being forced out of the hospital before either they or their doctor think it's reasonable or prudent.

This decision must be returned to physicians and their patients, and all Americans who face the possibility of a cancer diagnosis must be able to make informed decisions about appropriate and necessary medical care.

I urge my colleagues to join me in supporting this bill and work towards passing it this year.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1828. Mr. COCHRAN (for himself, Mr. Crapo, Mr. Domenici, Mrs. Lincoln, Mr. Craig, Mr. Wyden, Mrs. Feinstein, Mr. McCain, Mr. Baucus, Ms. Murkowski, Mr. Thomas, Mr. Daschle, Mr. Burns, and Mr. Johnson) submitted an amendment intended to be proposed by him to the bill H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table.

SA 1829. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1830. Mr. BINGAMAN (for himself, Mr. Lugar, Mr. Lieberman, Mr. Bayh, Mrs. Clinton, Mr. Durbin, Ms. Landrieu, Mrs. Lincoln, Mr. Smith, Mr. Reid, Mr. Corzine, Mr. Conrad, Mr. Byrd, Mr. Leahy, and Mr. Jeffords) proposed an amendment to the bill S. 1689, supra.

SA 1831. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1832. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1833. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1834. Mr. REED (for himself, Mr. Hagel, and Mr. Levin) submitted an amendment intended to be proposed by him to the bill S. 1689, supra.

SA 1835. Mr. REID (for himself and Mrs. Lincoln) proposed an amendment to the bill S. 1689, supra.

SA 1836. Mr. REID proposed an amendment to the bill S. 1689, supra.

SA 1837. Mr. DURBIN (for himself, Ms. Mikulski, and Mr. Corzine) proposed an amendment to the bill S. 1689, supra.

TEXT OF AMENDMENTS

SA 1828. Mr. COCHRAN (for himself, Mr. Crapo, Mr. Domenici, Mrs. Lincoln, Mr. Craig, Mr. Wyden, Mrs. Feinstein, Mr. McCain, Mr. Baucus, Ms. Murkowski, Mr. Thomas, Mr. Daschle, Mr. Burns, and Mr. Johnson) submitted an amendment intended to be proposed by him to the bill H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1 through title I and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Healthy Forests Restoration Act of 2003".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—HAZARDOUS FUEL REDUCTION ON FEDERAL LAND

Sec. 101. Definitions.
Sec. 102. Authorized hazardous fuel reduction projects.
Sec. 103. Prioritization.
Sec. 104. Environmental analysis.
Sec. 105. Special administrative review process.
Sec. 106. Judicial review in United States district courts.
Sec. 107. Effect of title.
Sec. 108. Authorization of appropriations.

TITLE II—BIOMASS

Sec. 201. Findings.
Sec. 202. Definitions.
Sec. 203. Grants to improve commercial value of forest biomass for electric energy, useful heat, transportation fuels, compost, value-added products, and petroleum-based product substitutes.
Sec. 204. Reporting requirement.
Sec. 205. Improved biomass use research program.
Sec. 206. Rural revitalization through forestry.

TITLE III—WATERSHED FORESTRY ASSISTANCE

Sec. 301. Findings and purposes.
Sec. 302. Watershed forestry assistance program.
Sec. 303. Tribal watershed forestry assistance.

TITLE IV—INSECT INFESTATIONS AND RELATED DISEASES

Sec. 401. Findings and purpose.
Sec. 402. Definitions.
Sec. 403. Accelerated information gathering regarding forest-damaging insects.
Sec. 404. Applied silvicultural assessments.
Sec. 405. Relation to other laws.
Sec. 406. Authorization of appropriations.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

Sec. 501. Establishment of healthy forests reserve program.
Sec. 502. Eligibility and enrollment of lands in program.
Sec. 503. Restoration plans.
Sec. 504. Financial assistance.
Sec. 505. Technical assistance.
Sec. 506. Protections and measures
Sec. 507. Involvement by other agencies and organizations.
Sec. 508. Authorization of appropriations.

TITLE VI—PUBLIC LAND CORPS

Sec. 601. Purposes.
Sec. 602. Definitions.
Sec. 603. Public Land Corps.
Sec. 604. Nondisplacement.
Sec. 605. Authorization of appropriations.

TITLE VII—RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM
Sec. 701. Purpose
Sec. 702. Definitions.
Sec. 703. Rural community forestry enterprise program.
TITLE VIII—MISCELLANEOUS PROVISIONS
Sec. 801. Forest inventory and management.
Sec. 802. Program for emergency treatment and reduction of nonnative invasive plants.
Sec. 803. USDA National Agroforestry Center.
Sec. 804. Upland Hardwoods Research Center.
Sec. 805. Sense of Congress regarding enhanced community fire protection.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to reduce wildfire risk to communities, municipal water supplies, and other at-risk Federal land through a collaborative process of planning, prioritizing, and implementing hazardous fuel reduction projects;

(2) to authorize grant programs to improve the commercial value of forest biomass (that otherwise contributes to the risk of catastrophic fire or insect or disease infestation) for producing electric energy, useful heat, transportation fuel, and petroleum-based product substitutes, and for other commercial purposes;

(3) to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape;

(4) to promote systematic gathering of information to address the impact of insect and disease infestations and other damaging agents on forest and rangeland health;

(5) to improve the capacity to detect insect and disease infestations at an early stage, particularly with respect to hardwood forests; and

(6) to protect, restore, and enhance forest ecosystem components—

(A) to promote the recovery of threatened and endangered species;

(B) to improve biological diversity; and

(C) to enhance productivity and carbon sequestration.

SEC. 3. DEFINITIONS.

In this Act:

(1) Federal land.—The term "Federal land" means—

(A) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C 1609(a))) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(2) Indian tribe.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

TITLE I—HAZARDOUS FUEL REDUCTION ON FEDERAL LAND

SEC. 101. DEFINITIONS.

In this title:

(1) At-risk community.—The term "at-risk community" means an area—

(A) that is comprised of—

(i) an interface community as defined in the notice entitled "Urban Wildlife Interface Communities Within the Vicinity of Federal Lands That Are at High Risk From Wildfire" issued by the Secretary of Agriculture and the Secretary of the Interior in accordance with title IV of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 1009) (66 Fed. Reg. 753, January 4, 2001); or

(ii) a group of homes and other structures with basic infrastructure and services (such as utilities and collectively maintained transportation routes) within or adjacent to Federal land;

(B) in which conditions are conducive to a large-scale wildland fire disturbance event; and

(C) for which a significant threat to human life or property exists as a result of a wildland fire disturbance event.

(2) Authorized hazardous fuel reduction project.—The term "authorized hazardous fuel reduction project" means the measures and methods described in the definition of "appropriate tools" contained in the glossary of the Implementation Plan, on Federal land described in section 102(a) and conducted under sections 103 and 104.

(3) Community wildfire protection plan.—The term "community wildfire protection plan" means a plan for an at-risk community that—

(A) is developed within the context of the collaborative agreements and the guidance established by the Wildland Fire Leadership Council and agreed to by the applicable local government, local fire department, and State natural resources department, in consultation with interested parties and the Federal land management agencies managing land in the vicinity of the at-risk community;

(B) identifies and prioritizes areas for hazardous fuel reduction treatments and recommends the types and methods of treatment on Federal and non-Federal land that will protect 1 or more at-risk communities and essential infrastructure; and

(C) recommends measures to reduce structural ignitability throughout the at-risk community.

(4) Condition class 2.—The term "condition class 2", with respect to an area of Federal land, means the condition class description developed by the Forest Service Rocky Mountain Research Station in the general technical report entitled "Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management" (RMRS-87), dated April 2000 (including any subsequent revision to the report), under which—

(A) fire regimes on the land have been moderately altered from historical ranges;

(B) there exists a moderate risk of losing key ecosystem components from fire;

(C) fire frequencies have increased or decreased from historical frequencies by 1 or more return intervals, resulting in moderate changes to—

(i) the size, frequency, intensity, or severity of fires; or

(ii) landscape patterns; and

(D) vegetation attributes have been moderately altered from the historical range of the attributes.

(5) Condition class 3.—The term "condition class 3", with respect to an area of Federal land, means the condition class description developed by the Rocky Mountain Research Station in the general technical report referred to in paragraph (4) (including any subsequent revision to the report), under which—

(A) fire regimes on land have been significantly altered from historical ranges;

(B) there exists a high risk of losing key ecosystem components from fire;

(C) fire frequencies have departed from historical frequencies by multiple return intervals, resulting in dramatic changes to—

(i) the size, frequency, intensity, or severity of fires; or

(ii) landscape patterns; and

(D) vegetation attributes have been significantly altered from the historical range of the attributes.

(6) Day.—The term "day" means—

(A) a calendar day; or

(B) if a deadline imposed by this title would expire on a nonbusiness day, the end of the next business day.

(7) Decision document.—The term "decision document" means—

(A) a decision notice (as that term is used in the Forest Service Handbook);

(B) a decision record (as that term is used in the Bureau of Land Management Handbook); and

(C) a record of decision (as that term is used in applicable regulations of the Council on Environmental Quality).

(8) Fire regime I.—The term "fire regime I" means an area—

(A) in which historically there have been low-severity fires with a frequency of 0 through 35 years; and

(B) that is located primarily in low elevation forests of pine, oak, or pinyon juniper.

(9) Fire regime II.—The term "fire regime II" means an area—

(A) in which historically there are stand replacement severity fires with a frequency of 0 through 35 years; and

(B) that is located primarily in low- to mid-elevation rangeland, grassland, or shrubland.

(10) Fire regime III.—The term "fire regime III" means an area—

(A) in which historically there are mixed severity fires with a frequency of 35 through 100 years; and

(B) that is located primarily in forests of mixed conifer, dry Douglas fir, or wet Ponderosa pine.

(11) Implementation plan.—The term "Implementation Plan" means the Implementation Plan for the Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, developed pursuant to the conference report to accompany the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106-64) (and subsequent revisions).

(12) Municipal water supply system.—The term "municipal water supply system" means the reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, and other surface facilities and systems constructed or installed for the collection, impoundment, storage, transportation, or distribution of drinking water.

(13) Resource management plan.—The term "resource management plan" means—

(A) a land and resource management plan prepared for 1 or more units of land of the National Forest System described in section 3(1)(A) under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); or

(B) a land use plan prepared for 1 or more units of the public land described in section 3(1)(B) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(14) Secretary.—The term "Secretary" means—

(A) the Secretary of Agriculture, with respect to land of the National Forest System described in section 3(1)(A); and

(B) the Secretary of the Interior, with respect to public lands described in section 3(1)(B).

(15) Threatened and endangered species habitat.—The term "threatened and endangered species habitat" means Federal land identified in—

(A) a determination that a species is an endangered species or a threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) a designation of critical habitat of the species under that Act; or

(C) a recovery plan prepared for the species under that Act.

(16) Wildland-urban interface.—The term "wildland-urban interface" means—

(A) an area within or adjacent to an at-risk community that is identified in recommendations to the Secretary in a community wildfire protection plan; or

(B) in the case of any area for which a community wildfire protection plan is not in effect—

(i) an area extending ½-mile from the boundary of an at-risk community;

(ii) an area extending more than ½-mile from the boundary of an at-risk community, if the land adjacent to the at-risk community—

(I) has a sustained steep slope that creates the potential for wildfire behavior endangering the at-risk community; or

(II) has a geographic feature that aids in creating an effective fire break, such as a road or ridge top, within ¾-mile of the nearest at-risk community boundary; and

(iii) an area that is adjacent to an evacuation route for an at-risk community that the Secretary determines, in cooperation with the at-risk community, requires hazardous fuel reduction to provide safer evacuation from the at-risk community.

SEC. 102. AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECTS.

(a) Authorized Projects.—As soon as practicable after the date of enactment of this Act, the Secretary shall implement authorized hazardous fuel reduction projects, consistent with the Implementation Plan, on—

(1) Federal land in wildland-urban interface areas;

(2) condition class 3 Federal land, in such proximity to a municipal water supply system or a stream feeding such a system within a municipal watershed that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply or the maintenance of the system, including a risk to water quality posed by erosion following such a fire disturbance event;

(3) condition class 2 Federal land located within fire regime I, fire regime II, or fire regime III, in such proximity to a municipal water supply system or a stream feeding such a system within a municipal watershed that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply or the maintenance of the system, including a risk to water quality posed by erosion following such a fire disturbance event;

(4) Federal land on which windthrow or blowdown, ice storm damage, or the existence of disease or insect infestation, poses a significant threat to an ecosystem component, or forest or rangeland resource, on the Federal land or adjacent non-Federal land;

(5) Federal land not covered by paragraphs (1) through (4) that contains threatened and endangered species habitat, if—

(A) natural fire regimes on that land are identified as being important for, or wildfire is identified as a threat to, an endangered species, a threatened species, or habitat of an endangered species or threatened species in a species recovery plan prepared under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), or a notice published in the Federal Register determining a species to be an endangered species or a threatened species or designating critical habitat;

(B) the authorized hazardous fuel reduction project will provide enhanced protection from catastrophic wildfire for the endangered species, threatened species, or habitat of the endangered species or threatened species; and

(C) the Secretary complies with any applicable guidelines specified in any management or recovery plan described in subparagraph (A).

(b) Relation to Agency Plans.—An authorized hazardous fuel reduction project shall be conducted consistent with the resource management plan and other relevant administrative policies or decisions applicable to the Federal land covered by the project.

(c) Acreage Limitation.—Not more than a total of 20,000,000 acres of Federal land may be treated under authorized hazardous fuel reduction projects.

(d) Exclusion of Certain Federal Land.—The Secretary may not conduct an authorized hazardous fuel reduction project that would occur on—

(1) a component of the National Wilderness Preservation System;

(2) Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is prohibited or restricted; or

(3) a Wilderness Study Area.

(e) Old Growth Stands.—

(1) Definitions.—In this subsection and subsection (f):

(A) Covered project.—The term "covered project" means an authorized hazardous fuel reduction project carried out under paragraph (1), (2), (3), or (5) of subsection (a).

(B) Old growth stand.—The term "old growth stand" has the meaning given the term under standards used pursuant to paragraphs (3) and (4), based on the structure and composition characteristic of the forest type, and in accordance with applicable law, including section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(B)).

(C) Standards.—The term "standards" means definitions, designations, standards, guidelines, goals, or objectives established for an old growth stand under a resource management plan developed in accordance with applicable law, including section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(B)).

(2) Project requirements.—In carrying out a covered project, the Secretary shall fully maintain, or contribute toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health, and retaining the large trees contributing to old growth structure.

(3) Newer standards.—

(A) In general.—If the standards for an old growth stand were established during the 10-year period ending on the date of enactment of this Act, the Secretary shall meet the requirements of paragraph (2) by implementing the standards.

(B) Amendments or revisions.—Any amendment or revision to standards for which final administrative approval is granted after the date of enactment of this Act shall be consistent with paragraph (2).

(4) Older standards.—

(A) In general.—If the standards for an old growth stand were established before the 10-year period described in paragraph (3)(A), the Secretary shall meet the requirements of paragraph (2) by implementing the standards—

(i) during the 2-year period beginning on the date of enactment of this Act; or

(ii) if the Secretary is in the process of revising a resource management plan as of the date of enactment of this Act, during the 3-year period beginning on the date of enactment of this Act.

(B) Review required.—During the applicable period described in subparagraph (A) for the standards for an old growth stand under a resource management plan, the Secretary shall—

(i) review the standards, taking into account any relevant scientific information made available since the adoption of the standards; and

(ii) revise the standards to be consistent with paragraph (2), if necessary to reflect relevant scientific information the Secretary did not consider in formulating the resource management plan.

(C) Review not completed.—

(i) In general.—If the Secretary does not complete the review of the standards in accordance with subparagraph (B), during the period described in clause (ii), the Secretary shall not carry out any portion of a covered project in a stand that is identified as an old growth stand (based on substantial supporting evidence) by any person during scoping.

(ii) Period.—Clause (i) applies during the period—

(I) beginning on the termination of the applicable period for the standards described in subparagraph (A); and

(II) ending on the date the Secretary completes the action required by subparagraph (B) for the standards.

(5) Effect on civil actions.—A person may bring a civil action based on standards for an old growth stand under a resource management plan only by challenging a plan amendment, plan revision, or project implementing the standards of the plan, in accordance with applicable provisions of law (including the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)).

(f) Large Tree Retention.—Subject to subsection (e), the Secretary shall carry out a covered project in a manner that—

(1) focuses largely on small diameter trees, thinning, strategic fuel breaks, and prescribed fire to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and

(2) maximizes the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands and the purposes of section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1976 (16 U.S.C. 1604(g)(3)(B)).

(g) Monitoring and Assessing Forest and Rangeland Health.—

(1) In general.—For each Forest Service administrative region and each Bureau of Land Management State Office, the Secretary shall—

(A) monitor the results of the projects authorized under this section; and

(B) not later than 5 years after the date of enactment of this Act, and each 5 years thereafter, issue a report that includes—

(i) an evaluation of the progress towards project goals; and

(ii) recommendations for modifications to the projects and management treatments.

(2) Consistency of projects with recommendations.—An authorized hazardous fuel reduction project approved following the issuance of a monitoring report shall, to the maximum extent practicable, be consistent with any applicable recommendations in the report.

(3) Similar vegetation types.—The results of a monitoring report shall be made available in, and (if appropriate) used for, a project conducted in a similar vegetation type on land under the jurisdiction of the Secretary.

(4) Monitoring and assessments.—From a representative sample of authorized hazardous fuel reduction projects, for each management unit, monitoring and assessment shall include a description of the effects on changes in condition class, using the Fire Regime Condition Class Guidebook or successor guidance, specifically comparing end results to—

(A) pretreatment conditions;

(B) historical fire regimes; and

(C) any applicable watershed or landscape goals or objectives in the resource management plan or other relevant direction.

(5) Tracking.—For each management unit, the Secretary shall track acres burned, by the degree of severity, by large wildfires (as defined by the Secretary).

(6) Monitoring and maintenance of treated areas.—The Secretary shall, to the maximum extent practicable, develop a process for monitoring the need for maintenance of treated areas, over time, in order to preserve the forest health benefits achieved.

SEC. 103. PRIORITIZATION.

(a) In General.—In accordance with the Implementation Plan, the Secretary shall develop an annual program of work for Federal land that gives priority to authorized hazardous fuel reduction projects that provide for the protection of at-risk communities or watersheds or that implement community wildfire protection plans.

(b) Collaboration.—

(1) In general.—The Secretary shall consider recommendations under subsection (a) that are made by at-risk communities that have developed community wildfire protection plans.

(2) Exemption.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the planning process and recommendations concerning community wildfire protection plans.

(c) Administration.—

(1) In general.—Federal agency involvement in a community wildfire protection plan, or a recommendation made in a community wildfire protection plan, shall not be considered a Federal agency action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) Compliance.—In implementing authorized hazardous fuel reduction projects on Federal land, the Secretary shall, in accordance with section 104, comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) Funding Allocation.—

(1) Federal land.—

(A) In general.—Subject to subparagraph (B), the Secretary shall use not less than 50 percent of the funds allocated for authorized hazardous fuel reduction projects in the wildland-urban interface.

(B) Applicability and allocation.—The funding allocation in subparagraph (A) shall apply at the national level, and the Secretary may allocate the proportion of funds differently than is required under subparagraph (A) within individual management units as appropriate, in particular to conduct authorized hazardous fuel reduction projects on land described in section 102(a)(4).

(2) Non-federal land.—In providing financial assistance under any provision of law for authorized hazardous fuel reduction projects on non-Federal land, the Secretary shall consider recommendations made by at-risk communities that have developed community wildfire protection plans.

SEC. 104. ENVIRONMENTAL ANALYSIS.

(a) Authorized Hazardous Fuel Reduction Projects.—Except as otherwise provided in this title, the Secretary shall conduct authorized hazardous fuel reduction projects in accordance with—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.); and

(2) other applicable laws.

(b) Environmental Assessment or Impact Statements.—

(1) In general.—The Secretary shall prepare an environmental assessment or an environmental impact statement (pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2))) for any authorized hazardous fuel reduction project.

(2) Alternatives.—In the environmental assessment or environmental impact statement prepared under paragraph (1), the Secretary shall study, develop, and describe—

(A) the proposed agency action;

(B) the alternative of no action; and

(C) an additional action alternative, if the additional alternative—

(i) is proposed during scoping or the collaborative process; and

(ii) meets the purpose and need of the project, in accordance with regulations promulgated by the Council on Environmental Quality.

(3) Multiple additional alternatives.—If more than 1 additional alternative is proposed under paragraph (2)(C), the Secretary shall—

(A) select which additional alternative to consider; and

(B) provide a written record describing the reasons for the selection.

(c) Public Notice and Meeting.—

(1) Public notice.—The Secretary shall provide notice of each authorized hazardous fuel reduction project in accordance with applicable regulations and administrative guidelines.

(2) Public meeting.—During the preparation stage of each authorized hazardous fuel reduction project, the Secretary shall—

(A) conduct a public meeting at an appropriate location proximate to the administrative unit of the Federal land on which the authorized hazardous fuel reduction project will be conducted; and

(B) provide advance notice of the location, date, and time of the meeting.

(d) Public Collaboration.—In order to encourage meaningful public participation during preparation of authorized hazardous fuel reduction projects, the Secretary shall facilitate collaboration among State and local governments and Indian tribes, and participation of interested persons, during the preparation of each authorized fuel reduction project in a manner consistent with the Implementation Plan.

(e) Environmental Analysis and Public Comment.—In accordance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and the applicable regulations and administrative guidelines, the Secretary shall provide an opportunity for public comment during the preparation of any environmental assessment or environmental impact statement for an authorized hazardous fuel reduction project.

(f) Decision Document.—The Secretary shall sign a decision document for authorized hazardous fuel reduction projects and provide notice of the final agency actions.

(g) Project Monitoring.—In accordance with the Implementation Plan, the Secretary shall monitor the implementation of authorized hazardous fuel reduction projects.

SEC. 105. SPECIAL ADMINISTRATIVE REVIEW PROCESS.

(a) Interim Final Regulations.—

(1) In general.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate interim final regulations to establish a predecisional administrative review process for the period described in paragraph (2) that will serve as the sole means by which a person can seek administrative review regarding an authorized hazardous fuel reduction project on Forest Service land.

(2) Period.—The predecisional administrative review process required under paragraph (1) shall occur during the period—

(A) beginning after the completion of the environmental assessment or environmental impact statement; and

(B) ending not later than the date of the issuance of the final decision approving the project.

(3) Effective date.—The interim final regulations promulgated under paragraph (1) shall take effect on the date of promulgation of the regulations.

(b) Final Regulations.—The Secretary shall promulgate final regulations to establish the process described in subsection (a)(1) after the interim final regulations have been published and reasonable time has been provided for public comment.

(c) Administrative Review.—

(1) In general.—A person may bring a civil action challenging an authorized hazardous fuel reduction project in a Federal district court only if the person has challenged the authorized hazardous fuel reduction project by exhausting—

(A) the administrative review process established by the Secretary of Agriculture under this section; or

(B) the administrative hearings and appeals procedures established by the Department of the Interior.

(2) Issues.—An issue may be considered in the judicial review of an action under section 106 only if the issue was raised in an administrative review process described in paragraph (1).

(3) Exception.—An exception to the requirement of exhausting the administrative review process before seeking judicial review shall be available if a Federal court finds that the futility or inadequacy exception applies to a specific plaintiff or claim.

SEC. 106. JUDICIAL REVIEW IN UNITED STATES DISTRICT COURTS.

(a) Venue.—Notwithstanding section 1391 of title 28, United States Code, or other applicable law, an authorized hazardous fuels reduction project conducted under this title shall be subject to judicial review only in the United States district court for the district in which the Federal land to be treated under the authorized hazardous fuels reduction project is located.

(b) EXPEDITIOUS COMPLETION OF JUDICIAL REVIEW.—In the judicial review of an action challenging an authorized hazardous fuel reduction project under subsection (a), Congress encourages a court of competent jurisdiction to expedite, to the maximum extent practicable, the proceedings in the action with the goal of rendering a final determination on jurisdiction, and (if jurisdiction exists) a final determination on the merits, as soon as practicable after the date on which a complaint or appeal is filed to initiate the action.

(c) INJUNCTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the length of any preliminary injunctive relief and stays pending appeal covering an authorized hazardous fuel reduction project carried out under this title shall not exceed 60 days.

(2) RENEWAL.—

(A) IN GENERAL.—A court of competent jurisdiction may issue 1 or more renewals of any preliminary injunction, or stay pending appeal, granted under paragraph (1).

(B) UPDATES.—In each renewal of an injunction in an action, the parties to the action shall present the court with updated information on the status of the authorized hazardous fuel reduction project.

(3) BALANCING OF SHORT- AND LONG-TERM EFFECTS.—As part of its weighing the equities while considering any request for an injunction that applies to an agency action under an authorized hazardous fuel reduction project, the court reviewing the project shall balance the impact to the ecosystem likely affected by the project of—

(A) the short- and long-term effects of undertaking the agency action; against

(B) the short- and long-term effects of not undertaking the agency action.

SEC. 107. EFFECT OF TITLE.

(a) OTHER AUTHORITY.—Nothing in this title affects, or otherwise biases, the use by the Secretary of other statutory or administrative authority (including categorical exclusions adopted to implement the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) to conduct a hazardous fuel reduction project on Federal land (including Federal land identified in section 102(d)) that is not conducted using the process authorized by section 104.

(b) NATIONAL FOREST SYSTEM.—Nothing in this title affects, or otherwise biases, the notice, comment, and appeal procedures for projects and activities of the National Forest System contained in part 215 of title 36, Code of Federal Regulations, or the consideration or disposition of any legal action brought with respect to the procedures.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $760,000,000 for each fiscal year to carry out—

(1) activities authorized by this title; and

(2) other hazardous fuel reduction activities of the Secretary, including making grants to States for activities authorized by law.

SA 1829. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—RELIEF FOR MILITARY FAMILIES

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This division may be cited as the "Military Families Tax Relief Act of 2003".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title, etc.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

Sec. 101. Exclusion of gain from sale of a principal residence by a member of the uniformed services or the Foreign Service.
Sec. 102. Exclusion from gross income of certain death gratuity payments.
Sec. 103. Exclusion for amounts received under Department of Defense homeowners assistance program.
Sec. 104. Expansion of combat zone filing rules to contingency operations.
Sec. 105. Modification of membership requirement for exemption from tax for certain veterans' organizations.
Sec. 106. Clarification of the treatment of certain dependent care assistance programs.
Sec. 107. Clarification relating to exception from additional tax on certain distributions from qualified tuition programs, etc. on account of attendance at military academy.
Sec. 108. Suspension of tax-exempt status of terrorist organizations.
Sec. 109. Above-the-line deduction for overnight travel expenses of National Guard and Reserve members.
Sec. 110. Tax relief and assistance for families of Space Shuttle Columbia heroes.

TITLE II—UNIFORM DEFINITION OF CHILD

Sec. 201. Uniform definition of child, etc.
Sec. 202. Modifications of definition of head of household.
Sec. 203. Modifications of dependent care credit.
Sec. 204. Modifications of child tax credit.
Sec. 205. Modifications of earned income credit.
Sec. 206. Modifications of deduction for personal exemption for dependents.
Sec. 207. Technical and conforming amendments.
Sec. 208. Effective date.

TITLE III—CHILD TAX CREDIT

Sec. 301. Acceleration of increase in refundability of the child tax credit.
Sec. 302. Reduction in marriage penalty in child tax credit.
Sec. 303. Application of EGTRRA sunset to this section.

TITLE IV—OTHER PROVISIONS

Sec. 401. Extension of IRS user fees.
Sec. 402. Partial payment of tax liability in installment agreements.
Sec. 403. Revision of tax rules on expatriation.
Sec. 404. Extension of customs user fees.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

SEC. 101. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY A MEMBER OF THE UNIFORMED SERVICES OR THE FOREIGN SERVICE.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

"(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

"(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service of the United States.

"(B) MAXIMUM PERIOD OF SUSPENSION.—The 5-year period described in subsection (a) shall not be extended more than 10 years by reason of subparagraph (A).

"(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 50 miles from such property or while residing under Government orders in Government quarters.

"(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

"(iii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service of the United States' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

"(iv) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

"(D) SPECIAL RULES RELATING TO ELECTION.—

"(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

"(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time.".

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 102. EXCLUSION FROM GROSS INCOME OF CERTAIN DEATH GRATUITY PAYMENTS.

(a) In General.—Subsection (b)(3) of section 134 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

"(C) Exception for death gratuity adjustments made by law.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted after September 9, 1986.".

(b) Conforming Amendment.—Subparagraph (A) of section 134(b)(3) is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

(c) Effective Date.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

SEC. 103. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.

(a) In General.—Section 132(a) (relating to the exclusion from gross income of certain fringe benefits) is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ", or", and by adding at the end the following new paragraph:

"(8) qualified military base realignment and closure fringe.".

(b) Qualified Military Base Realignment and Closure Fringe.—Section 132 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) Qualified Military Base Realignment and Closure Fringe.—For purposes of this section—

"(1) In general.—The term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (as in effect on the date of the enactment of this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure.

"(2) Limitation.—With respect to any property, such term shall not include any payment referred to in paragraph (1) to the extent that the sum of all of such payments related to such property exceeds the maximum amount described in clause (1) of subsection (c) of such section (as in effect on such date).".

(c) Effective Date.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 104. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.

(a) In General.—Section 7508(a) (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting ", or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law" after "section 112",

(2) by inserting in the first sentence "or at any time during the period of such contingency operation" after "for purposes of such section",

(3) by inserting "or operation" after "such an area", and

(4) by inserting "or operation" after "such area".

(b) Conforming Amendments.—

(1) Section 7508(d) is amended by inserting "or contingency operation" after "area".

(2) The heading for section 7508 is amended by inserting "**OR CONTINGENCY OPERATION**" after "**COMBAT ZONE**".

(3) The item relating to section 7508 in the table of sections for chapter 77 is amended by inserting "or contingency operation" after "combat zone".

(c) Effective Date.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 105. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.

(a) In General.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking "or widowers" and inserting ", widowers, ancestors, or lineal descendants".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 106. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) In General.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

"(4) Clarification of certain benefits.—For purposes of paragraph (1), such term includes any dependent care assistance program (as in effect on the date of the enactment of this paragraph) for any individual described in paragraph (1)(A).".

(b) Conforming Amendments.—

(1) Section 134(b)(3)(A), as amended by section 102, is amended by inserting "and paragraph (4)" after "subparagraphs (B) and (C)".

(2) Section 3121(a)(18) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(3) Section 3306(b)(13) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(4) Section 3401(a)(18) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(d) No Inference.—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any amounts under the program described in section 134(b)(4) of the Internal Revenue Code of 1986 (as added by this section) for any taxable year beginning before January 1, 2003.

SEC. 107. CLARIFICATION RELATING TO EXCEPTION FROM ADDITIONAL TAX ON CERTAIN DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS, ETC. ON ACCOUNT OF ATTENDANCE AT MILITARY ACADEMY.

(a) In General.—Subparagraph (B) of section 530(d)(4) (relating to exceptions from additional tax for distributions not used for educational purposes) is amended by striking "or" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

"(iv) made on account of the attendance of the designated beneficiary at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy, to the extent that the amount of the payment or distribution does not exceed the costs of advanced education (as defined by section 2005(e)(3) of title 10, United States Code, as in effect on the date of the enactment of this section) attributable to such attendance, or".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 108. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) In General.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) Suspension of Tax-Exempt Status of Terrorist Organizations.—

"(1) In general.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

"(2) Terrorist organizations.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

"(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

"(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

"(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

"(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

"(ii) such Executive order refers to this subsection.

"(3) Period of suspension.—With respect to any organization described in paragraph (2), the period of suspension—

"(A) begins on the later of—

"(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

"(ii) the date of the enactment of this subsection, and

"(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

"(4) Denial of deduction.—No deduction shall be allowed under any provision of this title, including sections 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), and 2522, with respect to any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

"(5) Denial of administrative or judicial challenge of suspension or denial of deduction.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

"(6) ERRONEOUS DESIGNATION.—

"(A) IN GENERAL.—If—

"(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

"(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

"(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

"(B) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

"(7) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

SEC. 109. ABOVE-THE-LINE DEDUCTION FOR OVERNIGHT TRAVEL EXPENSES OF NATIONAL GUARD AND RESERVE MEMBERS.

(a) DEDUCTION ALLOWED.—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

"(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such service.".

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

"(E) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses, determined at a rate not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States for any period during which such individual is more than 100 miles away from home in connection with such services.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2002.

SEC. 110. TAX RELIEF AND ASSISTANCE FOR FAMILIES OF SPACE SHUTTLE COLUMBIA HEROES.

(a) INCOME TAX RELIEF.—

(1) IN GENERAL.—Subsection (d) of section 692 (relating to income taxes of members of Armed Forces and victims of certain terrorist attacks on death) is amended by adding at the end the following new paragraph:

"(5) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty, except that paragraph (3)(B) shall be applied by using the date of the death of the astronaut rather than September 11, 2001.".

(2) CONFORMING AMENDMENTS.—

(A) Section 5(b)(1) is amended by inserting ", astronauts," after "Forces".

(B) Section 6013(f)(2)(B) is amended by inserting ", astronauts," after "Forces".

(3) CLERICAL AMENDMENTS.—

(A) The heading of section 692 is amended by inserting "**, ASTRONAUTS,**" after "**FORCES**".

(B) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 is amended by inserting ", astronauts," after "Forces".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to any astronaut whose death occurs after December 31, 2002.

(b) DEATH BENEFIT RELIEF.—

(1) IN GENERAL.—Subsection (i) of section 101 (relating to certain death benefits) is amended by adding at the end the following new paragraph:

"(4) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty.".

(2) CLERICAL AMENDMENT.—The heading for subsection (i) of section 101 is amended by inserting "OR ASTRONAUTS" after "VICTIMS".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid after December 31, 2002, with respect to deaths occurring after such date.

(c) ESTATE TAX RELIEF.—

(1) IN GENERAL.—Section 2201(b) (defining qualified decedent) is amended by striking "and" at the end of paragraph (1)(B), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) any astronaut whose death occurs in the line of duty.".

(2) CLERICAL AMENDMENTS.—

(A) The heading of section 2201 is amended by inserting "**, DEATHS OF ASTRONAUTS,**" after "**FORCES**".

(B) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 is amended by inserting ", deaths of astronauts," after "Forces".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 2002.

TITLE II—UNIFORM DEFINITION OF CHILD

SEC. 201. UNIFORM DEFINITION OF CHILD, ETC.

Section 152 is amended to read as follows:

"SEC. 152. DEPENDENT DEFINED.

"(a) IN GENERAL.—For purposes of this subtitle, the term 'dependent' means—

"(1) a qualifying child, or

"(2) a qualifying relative.

"(b) EXCEPTIONS.—For purposes of this section—

"(1) DEPENDENTS INELIGIBLE.—If an individual is a dependent of a taxpayer for any taxable year of such taxpayer beginning in a calendar year, such individual shall be treated as having no dependents for any taxable year of such individual beginning in such calendar year.

"(2) MARRIED DEPENDENTS.—An individual shall not be treated as a dependent of a taxpayer under subsection (a) if such individual has made a joint return with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

"(3) CITIZENS OR NATIONALS OF OTHER COUNTRIES.—

"(A) IN GENERAL.—The term 'dependent' does not include an individual who is not a citizen or national of the United States unless such individual is a resident of the United States or a country contiguous to the United States.

"(B) EXCEPTION FOR ADOPTED CHILD.—Subparagraph (A) shall not exclude any child of a taxpayer (within the meaning of subsection (f)(1)(B)) from the definition of 'dependent' if—

"(i) for the taxable year of the taxpayer, the child has the same principal place of abode as the taxpayer and is a member of the taxpayer's household, and

"(ii) the taxpayer is a citizen or national of the United States.

"(c) QUALIFYING CHILD.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying child' means, with respect to any taxpayer for any taxable year, an individual—

"(A) who bears a relationship to the taxpayer described in paragraph (2),

"(B) who has the same principal place of abode as the taxpayer for more than one-half of such taxable year,

"(C) who meets the age requirements of paragraph (3), and

"(D) who has not provided over one-half of such individual's own support for the calendar year in which the taxable year of the taxpayer begins.

"(2) RELATIONSHIP.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if such individual is—

"(A) a child of the taxpayer or a descendant of such a child, or

"(B) a brother, sister, stepbrother, or stepsister of the taxpayer or a descendant of any such relative.

"(3) AGE REQUIREMENTS.—

"(A) IN GENERAL.—For purposes of paragraph (1)(C), an individual meets the requirements of this paragraph if such individual—

"(i) has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins, or

"(ii) is a student who has not attained the age of 24 as of the close of such calendar year.

"(B) SPECIAL RULE FOR DISABLED.—In the case of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during such calendar year, the requirements of subparagraph (A) shall be treated as met with respect to such individual.

"(4) SPECIAL RULE RELATING TO 2 OR MORE CLAIMING QUALIFYING CHILD.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and subsection (e), if (but for this paragraph) an individual may be and is claimed as a qualifying child by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who is—

"(i) a parent of the individual, or

"(ii) if clause (i) does not apply, the taxpayer with the highest adjusted gross income for such taxable year.

"(B) MORE THAN 1 PARENT CLAIMING QUALIFYING CHILD.—If the parents claiming any qualifying child do not file a joint return together, such child shall be treated as the qualifying child of—

"(i) the parent with whom the child resided for the longest period of time during the taxable year, or

"(ii) if the child resides with both parents for the same amount of time during such taxable year, the parent with the highest adjusted gross income.

"(d) QUALIFYING RELATIVE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying relative' means, with respect to any taxpayer for any taxable year, an individual—

"(A) who bears a relationship to the taxpayer described in paragraph (2),

"(B) whose gross income for the calendar year in which such taxable year begins is less than the exemption amount (as defined in section 151(d)),

"(C) with respect to whom the taxpayer provides over one-half of the individual's support for the calendar year in which such taxable year begins, and

"(D) who is not a qualifying child of such taxpayer or of any other taxpayer for any taxable year beginning in the calendar year in which such taxable year begins.

"(2) RELATIONSHIP.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if the individual is any of the following with respect to the taxpayer:

"(A) A child or a descendant of a child.

"(B) A brother, sister, stepbrother, or stepsister.

"(C) The father or mother, or an ancestor of either.

"(D) A stepfather or stepmother.

"(E) A son or daughter of a brother or sister of the taxpayer.

"(F) A brother or sister of the father or mother of the taxpayer.

"(G) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

"(H) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 7703, of the taxpayer) who, for the taxable year of the taxpayer, has the same principal place of abode as the taxpayer and is a member of the taxpayer's household.

"(3) SPECIAL RULE RELATING TO MULTIPLE SUPPORT AGREEMENTS.—For purposes of paragraph (1)(C), over one-half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

"(A) no one person contributed over one-half of such support,

"(B) over one-half of such support was received from 2 or more persons each of whom, but for the fact that any such person alone did not contribute over one-half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year,

"(C) the taxpayer contributed over 10 percent of such support, and

"(D) each person described in subparagraph (B) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such person will not claim such individual as a dependent for any taxable year beginning in such calendar year.

"(4) SPECIAL RULE RELATING TO INCOME OF HANDICAPPED DEPENDENTS.—

"(A) IN GENERAL.—For purposes of paragraph (1)(B), the gross income of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the taxable year shall not include income attributable to services performed by the individual at a sheltered workshop if—

"(i) the availability of medical care at such workshop is the principal reason for the individual's presence there, and

"(ii) the income arises solely from activities at such workshop which are incident to such medical care.

"(B) SHELTERED WORKSHOP DEFINED.—For purposes of subparagraph (A), the term 'sheltered workshop' means a school—

"(i) which provides special instruction or training designed to alleviate the disability of the individual, and

"(ii) which is operated by an organization described in section 501(c)(3) and exempt from tax under section 501(a), or by a State, a possession of the United States, any political subdivision of any of the foregoing, the United States, or the District of Columbia.

"(5) SPECIAL RULES FOR SUPPORT.—For purposes of this subsection—

"(A) payments to a spouse which are includible in the gross income of such spouse under section 71 or 682 shall not be treated as a payment by the payor spouse for the support of any dependent, and

"(B) in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

"(e) SPECIAL RULE FOR DIVORCED PARENTS.—

"(1) IN GENERAL.—Notwithstanding subsection (c)(4) or (d)(1)(C), if—

"(A) a child receives over one-half of the child's support during the calendar year from the child's parents—

"(i) who are divorced or legally separated under a decree of divorce or separate maintenance,

"(ii) who are separated under a written separation agreement, or

"(iii) who live apart at all times during the last 6 months of the calendar year, and

"(B) such child is in the custody of 1 or both of the child's parents for more than one-half of the calendar year,

such child shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if the requirements described in paragraph (2) are met.

"(2) REQUIREMENTS.—For purposes of paragraph (1), the requirements described in this paragraph are met if—

"(A) a decree of divorce or separate maintenance or written separation agreement between the parents applicable to the taxable year beginning in such calendar year provides that—

"(i) the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, or

"(ii) the custodial parent will sign a written declaration (in such manner and form as the Secretary may prescribe) that such parent will not claim such child as a dependent for such taxable year, or

"(B) in the case of such an agreement executed before January 1, 1985, the noncustodial parent provides at least $600 for the support of such child during such calendar year.

For purposes of subparagraph (B), amounts expended for the support of a child or children shall be treated as received from the noncustodial parent to the extent that such parent provided amounts for such support.

"(3) CUSTODIAL PARENT AND NONCUSTODIAL PARENT.—For purposes of this subsection—

"(A) CUSTODIAL PARENT.—The term 'custodial parent' means the parent with whom a child shared the same principal place of abode for the greater portion of the calendar year.

"(B) NONCUSTODIAL PARENT.—The term 'noncustodial parent' means the parent who is not the custodial parent.

"(4) EXCEPTION FOR MULTIPLE-SUPPORT AGREEMENTS.—This subsection shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provision of subsection (d)(3).

"(f) OTHER DEFINITIONS AND RULES.—For purposes of this section—

"(1) CHILD DEFINED.—

"(A) IN GENERAL.—The term 'child' means an individual who is—

"(i) a son, daughter, stepson, or stepdaughter of the taxpayer, or

"(ii) an eligible foster child of the taxpayer.

"(B) ADOPTED CHILD.—In determining whether any of the relationships specified in subparagraph (A)(i) or paragraph (4) exists, a legally adopted individual of the taxpayer, or an individual who is placed with the taxpayer by an authorized placement agency for adoption by the taxpayer, shall be treated as a child of such individual by blood.

"(C) ELIGIBLE FOSTER CHILD.—For purposes of subparagraph (A)(ii), the term 'eligible foster child' means an individual who is placed with the taxpayer by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

"(2) STUDENT DEFINED.—The term 'student' means an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins—

"(A) is a full-time student at an educational organization described in section 170(b)(1)(A)(ii), or

"(B) is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational organization described in section 170(b)(1)(A)(ii) or of a State or political subdivision of a State.

"(3) DETERMINATION OF HOUSEHOLD STATUS.—An individual shall not be treated as a member of the taxpayer's household if at any time during the taxable year of the taxpayer the relationship between such individual and the taxpayer is in violation of local law.

"(4) BROTHER AND SISTER.—The terms 'brother' and 'sister' include a brother or sister by the half blood.

"(5) SPECIAL SUPPORT TEST IN CASE OF STUDENTS.—For purposes of subsections (c)(1)(D) and (d)(1)(C), in the case of an individual who is—

"(A) a child of the taxpayer, and

"(B) a student,

amounts received as scholarships for study at an educational organization described in section 170(b)(1)(A)(ii) shall not be taken into account.

"(6) TREATMENT OF MISSING CHILDREN.—

"(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

"(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

"(ii) who had, for the taxable year in which the kidnapping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnapping,

shall be treated as meeting the requirement of subsection (c)(1)(B) with respect to a taxpayer for all taxable years ending during the period that the child is kidnapped.

"(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

"(i) the deduction under section 151(c),

"(ii) the credit under section 24 (relating to child tax credit),

"(iii) whether an individual is a surviving spouse or a head of a household (as such terms are defined in section 2), and

"(iv) the earned income credit under section 32.

"(C) COMPARABLE TREATMENT OF CERTAIN QUALIFYING RELATIVES.—For purposes of this section, a child of the taxpayer—

"(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

"(ii) who was (without regard to this paragraph) a qualifying relative of the taxpayer for the portion of the taxable year before the date of the kidnapping,

shall be treated as a qualifying relative of the taxpayer for all taxable years ending during the period that the child is kidnapped.

"(D) TERMINATION OF TREATMENT.—Subparagraphs (A) and (C) shall cease to apply as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).

"(7) CROSS REFERENCES.—

“For provision treating child as dependent of both parents for purposes of certain provisions, see sections 105(b), 132(h)(2)(B), and 213(d)(5).”.

SEC. 202. MODIFICATIONS OF DEFINITION OF HEAD OF HOUSEHOLD.

(a) HEAD OF HOUSEHOLD.—Clause (i) of section 2(b)(1)(A) is amended to read as follows:

"(i) a qualifying child of the individual (as defined in section 152(c), determined without regard to section 152(e)), but not if such child—

"(I) is married at the close of the taxpayer's taxable year, and

"(II) is not a dependent of such individual by reason of section 152(b)(2) or 152(b)(3), or both, or".

(b) CONFORMING AMENDMENTS.—

(1) Section 2(b)(2) is amended by striking subparagraph (A) and by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

(2) Clauses (i) and (ii) of section 2(b)(3)(B) are amended to read as follows:

"(i) subparagraph (H) of section 152(d)(2), or

"(ii) paragraph (3) of section 152(d).".

SEC. 203. MODIFICATIONS OF DEPENDENT CARE CREDIT.

(a) IN GENERAL.—Section 21(a)(1) is amended by striking "In the case of an individual who maintains a household which includes as a member one or more qualifying individuals (as defined in subsection (b)(1))" and inserting "In the case of an individual for which there are 1 or more qualifying individuals (as defined in subsection (b)(1)) with respect to such individual".

(b) QUALIFYING INDIVIDUAL.—Paragraph (1) of section 21(b) is amended to read as follows:

"(1) QUALIFYING INDIVIDUAL.—The term 'qualifying individual' means—

"(A) a dependent of the taxpayer (as defined in section 152(a)(1)) who has not attained age 13,

"(B) a dependent of the taxpayer who is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year, or

"(C) the spouse of the taxpayer, if the spouse is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year.".

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 21(e) is amended to read as follows:

"(1) PLACE OF ABODE.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.".

SEC. 204. MODIFICATIONS OF CHILD TAX CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 24(c) is amended to read as follows:

"(1) IN GENERAL.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c)) who has not attained age 17.".

(b) CONFORMING AMENDMENT.—Section 24(c)(2) is amended by striking "the first sentence of section 152(b)(3)" and inserting "subparagraph (A) of section 152(b)(3)".

SEC. 205. MODIFICATIONS OF EARNED INCOME CREDIT.

(a) QUALIFYING CHILD.—Paragraph (3) of section 32(c) is amended to read as follows:

"(3) QUALIFYING CHILD.—

"(A) IN GENERAL.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c), determined without regard to paragraph (1)(D) thereof and section 152(e)).

"(B) MARRIED INDIVIDUAL.—The term 'qualifying child' shall not include an individual who is married as of the close of the taxpayer's taxable year unless the taxpayer is entitled to a deduction under section 151 for such taxable year with respect to such individual (or would be so entitled but for section 152(e)).

"(C) PLACE OF ABODE.—For purposes of subparagraph (A), the requirements of section 152(c)(1)(B) shall be met only if the principal place of abode is in the United States.

"(D) IDENTIFICATION REQUIREMENTS.—

"(i) IN GENERAL.—A qualifying child shall not be taken into account under subsection (b) unless the taxpayer includes the name, age, and TIN of the qualifying child on the return of tax for the taxable year.

"(ii) OTHER METHODS.—The Secretary may prescribe other methods for providing the information described in clause (i).".

(b) CONFORMING AMENDMENTS.—

(1) Section 32(c)(1) is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (C), (D), (E), and (F), respectively.

(2) Section 32(c)(4) is amended by striking "(3)(E)" and inserting "(3)(C)".

(3) Section 32(m) is amended by striking "subsections (c)(1)(F)" and inserting "subsections (c)(1)(E)".

SEC. 206. MODIFICATIONS OF DEDUCTION FOR PERSONAL EXEMPTION FOR DEPENDENTS.

Subsection (c) of section 151 is amended to read as follows:

"(c) ADDITIONAL EXEMPTION FOR DEPENDENTS.—An exemption of the exemption amount for each individual who is a dependent (as defined in section 152) of the taxpayer for the taxable year.".

SEC. 207. TECHNICAL AND CONFORMING AMENDMENTS.

(1) Section 2(a)(1)(B)(i) is amended by inserting ", determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof" after "section 152".

(2) Section 21(e)(5) is amended—

(A) by striking "paragraph (2) or (4) of" in subparagraph (A), and

(B) by striking "within the meaning of section 152(e)(1)" and inserting "as defined in section 152(e)(3)(A)".

(3) Section 21(e)(6)(B) is amended by striking "section 151(c)(3)" and inserting "section 152(f)(1)".

(4) Section 25B(c)(2)(B) is amended by striking "151(c)(4)" and inserting "152(f)(2)".

(5)(A) Subparagraphs (A) and (B) of section 51(i)(1) are each amended by striking "paragraphs (1) through (8) of section 152(a)" both places it appears and inserting "subparagraphs (A) through (G) of section 152(d)(2)".

(B) Section 51(i)(1)(C) is amended by striking "152(a)(9)" and inserting "152(d)(2)(H)".

(6) Section 72(t)(2)(D)(i)(III) is amended by inserting ", determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof" after "section 152".

(7) Section 72(t)(7)(A)(iii) is amended by striking "151(c)(3)" and inserting "152(f)(1)".

(8) Section 42(i)(3)(D)(ii)(I) is amended by inserting ", determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof" after "section 152".

(9) Subsections (b) and (c)(1) of section 105 are amended by inserting ", determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof" after "section 152".

(10) Section 120(d)(4) is amended by inserting "(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)" after "section 152".

(11) Section 125(e)(1)(D) is amended by inserting ", determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof" after "section 152".

(12) Section 129(c)(2) is amended by striking "151(c)(3)" and inserting "152(f)(1)".

(13) The first sentence of section 132(h)(2)(B) is amended by striking "151(c)(3)" and inserting "152(f)(1)".

(14) Section 153 is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(15) Section 170(g)(1) is amended by inserting "(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)" after "section 152".

(16) Section 170(g)(3) is amended by striking "paragraphs (1) through (8) of section 152(a)" and inserting "subparagraphs (A) through (G) of section 152(d)(2)".

(17) Section 213(a) is amended by inserting ", determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof" after "section 152".

(18) The second sentence of section 213(d)(11) is amended by striking "paragraphs (1) through (8) of section 152(a)" and inserting "subparagraphs (A) through (G) of section 152(d)(2)".

(19) Section 220(d)(2)(A) is amended by inserting ", determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof" after "section 152".

(20) Section 221(d)(4) is amended by inserting "(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)" after "section 152".

(21) Section 529(e)(2)(B) is amended by striking "paragraphs (1) through (8) of section 152(a)" and inserting "subparagraphs (A) through (G) of section 152(d)(2)".

(22) Section 2032A(c)(7)(D) is amended by striking "section 151(c)(4)" and inserting "section 152(f)(2)".

(23) Section 2057(d)(2)(B) is amended by inserting ", determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof" after "section 152".

(24) Section 7701(a)(17) is amended by striking "152(b)(4), 682," and inserting "682".

(25) Section 7702B(f)(2)(C)(iii) is amended by striking "paragraphs (1) through (8) of section 152(a)" and inserting "subparagraphs (A) through (G) of section 152(d)(2)".

(26) Section 7703(b)(1) is amended—

(A) by striking "151(c)(3)" and inserting "152(f)(1)", and

(B) by striking "paragraph (2) or (4) of".

SEC. 208. EFFECTIVE DATE.

The amendments made by this title shall apply to taxable years beginning after December 31, 2003.

TITLE III—CHILD TAX CREDIT

SEC. 301. ACCELERATION OF INCREASE IN REFUNDABILITY OF THE CHILD TAX CREDIT.

(a) ACCELERATION OF REFUNDABILITY.—

(1) IN GENERAL.—Section 24(d)(1)(B)(i) (relating to portion of credit refundable) is amended by striking "(10 percent in the case of taxable years beginning before January 1, 2005)".

(2) ADVANCE PAYMENT.—Subsection (b) of section 6429 (relating to advance payment of portion of increased child credit for 2003) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) section 24(d)(1)(B)(i) applied without regard to the first parenthetical therein.".

(3) EARNED INCOME INCLUDES COMBAT PAY.—Section 24(d)(1) is amended by adding at the end the following new sentence: "For purposes of subparagraph (B), any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.".

(b) EFFECTIVE DATES.—

(1) SUBSECTIONS (a)(1) AND (a)(3).—The amendments made by subsections (a)(1) and (a)(3) shall apply to taxable years beginning after December 31, 2002.

(2) SUBSECTION (a)(2).—The amendments made by subsection (a)(2) shall take effect as if included in the amendments made by section 101(b) of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 302. REDUCTION IN MARRIAGE PENALTY IN CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(b)(2) (defining threshold amount) is amended—

(1) by inserting "($115,000 for taxable years beginning in 2008 or 2009, and $150,000 for taxable years beginning in 2010)" after "$110,000", and

(2) by striking "$55,000" in subparagraph (C) and inserting "½ of the amount in effect under subparagraph (A)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 303. APPLICATION OF EGTRRA SUNSET TO THIS SECTION.

Each amendment made by this title shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

TITLE IV—OTHER PROVISIONS

SEC. 401. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7528. INTERNAL REVENUE SERVICE USER FEES.

"(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

"(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

"(2) other similar requests.

"(b) PROGRAM CRITERIA.—

"(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

"(A) shall vary according to categories (or subcategories) established by the Secretary,

"(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

"(C) shall be payable in advance.

"(2) EXEMPTIONS, ETC.—

"(A) IN GENERAL.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

"(B) EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS.—The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

"(i) made after the later of—

"(I) the fifth plan year the pension benefit plan is in existence, or

"(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

"(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

"(C) DEFINITIONS AND SPECIAL RULES.—For purposes of subparagraph (B)—

"(i) PENSION BENEFIT PLAN.—The term 'pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

"(ii) ELIGIBLE EMPLOYER.—The term 'eligible employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

"(iii) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

"(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

"Category	Average fee
Employee plan ruling and opinion ..	$250
Exempt organization ruling	$350
Employee plan determination	$300
Exempt organization determination.	$275
Chief counsel ruling	$200.

"(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2013.".

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7528. Internal Revenue Service user fees.".

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) LIMITATIONS.—Notwithstanding any other provision of law, any fees collected pursuant to section 7528 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 402. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking "satisfy liability for payment of" and inserting "make payment on", and

(B) by inserting "full or partial" after "facilitate".

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting "full" before "payment".

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

SEC. 403. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

“(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

“(3) Exclusion for certain gain.—

“(A) In general.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

“(B) Cost-of-living adjustment.—

“(i) In general.—In the case of an expatriation date occurring in any calendar year after 2003, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘calendar year 2002’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(ii) Rounding rules.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

“(4) Election to continue to be taxed as United States citizen.—

“(A) In general.—If a covered expatriate elects the application of this paragraph—

“(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

“(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

“(B) Requirements.—Subparagraph (A) shall not apply to an individual unless the individual—

“(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

“(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

“(iii) complies with such other requirements as the Secretary may prescribe.

“(C) Election.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

“(b) Election To Defer Tax.—

“(1) In general.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

“(2) Determination of tax with respect to property.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

“(3) Termination of postponement.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

“(4) Security.—

“(A) In general.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

“(B) Adequate security.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

“(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

“(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

“(5) Waiver of certain rights.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

“(6) Elections.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

“(7) Interest.—For purposes of section 6601—

“(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

“(B) section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(c) Covered Expatriate.—For purposes of this section—

“(1) In general.—Except as provided in paragraph (2), the term ‘covered expatriate’ means an expatriate.

“(2) Exceptions.—An individual shall not be treated as a covered expatriate if—

“(A) the individual—

“(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

“(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

“(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

“(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

“(d) Exempt Property; Special Rules for Pension Plans.—

“(1) Exempt property.—This section shall not apply to the following:

“(A) United States real property interests.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

“(B) Specified property.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

“(2) Special rules for certain retirement plans.—

“(A) In general.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

“(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

“(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

“(B) Treatment of subsequent distributions.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

“(C) Treatment of subsequent distributions by plan.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

“(D) Applicable plans.—This paragraph shall apply to—

“(i) any qualified retirement plan (as defined in section 4974(c)),

“(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

“(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

“(e) Definitions.—For purposes of this section—

“(1) Expatriate.—The term ‘expatriate’ means—

“(A) any United States citizen who relinquishes citizenship, and

“(B) any long-term resident of the United States who—

“(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

“(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

“(2) Expatriation date.—The term ‘expatriation date’ means—

“(A) the date an individual relinquishes United States citizenship, or

“(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

"(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

"(A) the individual shall not be treated as having sold such interest,

"(B) such interest shall be treated as a separate share in the trust, and

"(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

"(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

"(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

"(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

"(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

"(i) paragraph (1) and subsection (a) shall not apply, and

"(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

"(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

"(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

"(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

"(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

"(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

"(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

"(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

"(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) TAX DEDUCTED AND WITHHELD.—

"(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

"(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) OTHER DETERMINATIONS.—For purposes of this section—

"(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) IMPOSITION OF TENTATIVE TAX.—

"(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) Deferral of tax.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) Special Liens for Deferred Tax Amounts.—

"(1) Imposition of lien.—

"(A) In general.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) Deferred amount.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) Period of lien.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) Certain rules apply.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) Inclusion in Income of Gifts and Bequests Received by United States Citizens and Residents From Expatriates.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) Gifts and Inheritances From Covered Expatriates.—

"(1) In general.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

"(2) Exceptions for transfers otherwise subject to estate or gift tax.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.".

(c) Definition of Termination of United States Citizenship.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(48) Termination of united states citizenship.—

"(A) In general.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) Dual citizens.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) Ineligibility for Visa or Admission to United States.—

(1) In general.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) Former citizens not in compliance with expatriation revenue provisions.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).".

(2) Availability of information.—

(A) In general.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(19) Disclosure to deny visa or admission to certain expatriates.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) Safeguards.—

(i) Technical amendments.—Paragraph (4) of section 6103(p), as amended by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961), is amended by striking "or (17)" after "any other person described in subsection (l)(16)" each place it appears and inserting "or (18)".

(ii) Conforming amendments.—Section 6103(p)(4) (relating to safeguards), as amended by clause (i), is amended by striking "or (18)" after "any other person described in subsection (l)(16)" each place it appears and inserting "(18), or (19)".

(3) Effective dates.—

(A) In general.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(B) Technical amendments.—The amendments made by paragraph (2)(B)(i) shall take effect as if included in the amendments made by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107-210; 116 Stat. 961).

(e) Conforming Amendments.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(g) Application.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after February 5, 2003.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) Application.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(F) Application.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting "or 877A" after "section 877".

(B) The second sentence of section 6039G(e) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "877(a))".

(C) Section 6039G(f) is amended by inserting "or 877A(e)(2)(B)" after "877(e)(1)".

(f) Clerical Amendment.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) Effective Date.—

(1) In general.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after February 5, 2003.

(2) Gifts and bequests.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after February 5, 2003, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) Due date for tentative tax.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 404. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking "September 30, 2003" and inserting "March 31, 2010".

SA 1830. Mr. BINGAMAN (for himself, Mr. LUGAR, Mr. LIEBERMAN, Mr. BAYH, Mrs. CLINTON, Mr. DURBIN, Ms. LANDRIEU, Mrs. LINCOLN, Mr. SMITH, Mr. REID, Mr. CORZINE, Mr. CONRAD, Mr. BYRD, Mr. LEAHY, and Mr. JEFFORDS) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

Sec.   . (a) Findings.—Congress makes the following findings:

(1) According to President George W. Bush, Operation Iraqi Freedom was "fought for the cause of liberty, and for the peace of the world..." and "to free a nation by breaking a dangerous and aggressive regime".

(2) The military victory in Iraq has been characterized by President George W. Bush as one of the "swiftest advances in heavy arms in history".

(3) There are more than 130,000 Soldiers, Sailors, Airmen, and Marines of the United States serving in the Iraqi Theater of Operations, far from family and friends, and for an unknown duration.

(4) Since the beginning of Operation Iraqi Freedom, almost 300 members of the Armed Forces of the United States have died in Iraq

and nearly 1,500 have been wounded in action.

(5) Congress has authorized and Presidents have issued specific decorations recognizing the sacrifice and service of the members of the Armed Forces of the United States in the Korean War, the Vietnam conflict, and the liberation of Kuwait.

(6) Current Department of Defense guidance authorizes the award of only one expeditionary medal for overseas duty in Afghanistan, the Philippines, and Iraq.

(7) The conflict in Iraq is significant enough in scope and sacrifice to warrant a specific military decoration for the liberation of Iraq.

(b) Authorization of Award of Campaign Medal.—The Secretary concerned may award a campaign medal of appropriate design, with ribbons and appurtenances, to any person who serves in any capacity with the Armed Forces in the Southwest Asia region in connection with Operation Iraqi Freedom.

(c) Name of Medal.—The campaign medal authorized by subsection (b) shall be known as the "Iraqi Liberation Medal".

(d) Prohibition on Concurrent Award of Global War on Terrorism Expeditionary Medal.—A person who is awarded the campaign medal authorized by subsection (b) for service described in that subsection may not also be awarded the Global War on Terrorism Expeditionary Medal for that service.

(e) Other Limitations.—The award of the campaign medal authorized by subsection (b) shall be subject to such limitations as the President may prescribe.

(f) Regulations.—(1) Each Secretary concerned shall prescribe regulations on the award of the campaign medal authorized by subsection (b).

(2) The regulations prescribed under paragraph (1) shall not go into effect until approved by the Secretary of Defense.

(3) The Secretary of Defense shall ensure that the regulations prescribed under paragraph (1) are uniform, so far as practicable.

(g) Secretary Concerned Defined.—In this section, the term "Secretary concerned" means the following:

(1) The Secretary of the Army with respect to matters concerning members of the Army.

(2) The Secretary of the Navy with respect to matters concerning members of the Navy, Marine Corps, and Coast Guard when it is operating as a service in the Navy.

(3) The Secretary of the Air Force with respect to matters concerning members of the Air Force.

(4) The Secretary of Homeland Security with respect to matters concerning members of the Coast Guard when it is not operating as a service in the Navy.

SA 1831. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . REVENUE PROVISIONS.

(a) Reversal of Acceleration of Reduction in Highest Income Tax Rate.—

(1) In general.—The table contained in paragraph (2) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended to read as follows:

"In the case of taxable years beginning during calendar year:	The corresponding percentages shall be substituted for the following percentages:			
	28%	31%	36%	39.6%
2001	27.5%	30.5%	35.5%	39.1%
2002	27.0%	30.0%	35.0%	38.6%
2003	25.0%	28.0%	33.0%	35.0%
2004 and 2005	25.0%	28.0%	33.0%	37.6%
2006 and thereafter	25.0%	28.0%	33.0%	35.0%".

(2) Effective date.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2003.

(3) Application of EGTRRA sunset to this subsection.—The amendment made by this subsection shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

(b) Temporary Suspension of Reduction in Capital Gains Rates for Individuals.—

(1) In general.—Subsection (d) of section 301 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended to read as follows:

"(d) Effective Dates.—

"(1) In general.—Except as otherwise provided by this subsection, the amendments made by this section shall apply to taxable years—

"(A) ending on or after May 6, 2003, and beginning before January 1, 2004, and

"(B) beginning after December 31, 2006.

"(2) Withholding.—The amendment made by subsection (a)(2)(C) shall apply to amounts paid after the date of the enactment of this Act, but only with respect to taxable years described in paragraph (1).

"(3) Small business stock.—The amendments made by subsection (b)(3) shall apply to dispositions—

"(A) on or after May 6, 2003, and before January 1, 2004, and

"(B) after December 31, 2006.".

(2) Application of JGTRRA sunset to this subsection.—The amendment made by this subsection shall be subject to section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

(c) Temporary Suspension of Taxation of Dividends at Capital Gains Rates.—

(1) In general.—Subsection (f) of section 302 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended to read as follows:

"(f) Effective Date.—

"(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years—

"(A) beginning after December 31, 2002, and before January 1, 2004, and

"(B) beginning after December 31, 2006.

"(2) Regulated investment companies and real estate investment trusts.—In the case of a regulated investment company or a real estate investment trust, the amendments made by this section shall apply to taxable years described is paragraph (1); except that dividends received by such a company or trust—

"(A) before January 1, 2003, and

"(B) after December 31, 2003, and before January 1, 2007,

shall not be treated as qualified dividend income (as defined in section 1(h)(11)(B) of the Internal Revenue Code of 1986, as added by this Act).".

(2) Application of JGTRRA sunset to this subsection.—The amendment made by this subsection shall be subject to section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

SA 1832. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, line 14, strike "available," and insert "available in both English and Arabic,".

SA 1833. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert:

Sec. . None of the funds made available in this or any other Act for fiscal year 2004 may be used for any defense or reconstruction activities in Iraq or Aghanistan coordinated by any officer of the United States Government whose office is not subject to appointment by the President by and with the advice and consent of the Senate.

SA 1834. Mr. REED (for himself, Mr. Hagel, and Mr. Levin) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 22, between lines 12 and 13, insert the following:

Sec. 316. (a) In addition to the strengths authorized by law for personnel of the Army as of September 30, 2004, pursuant to paragraphs (1) and (2) of section 115(a) of title 10, United States Code, the Army is hereby authorized an additional strength of 10,000 personnel as of such date, which the Secretary of the Army may allocate as the Secretary determines appropriate among the personnel strengths required by such section to be authorized annually under subparagraphs (A) and (B) of paragraph (1) of such section and paragraph (2) of such section.

(b) The additional personnel authorized under subsection (a) shall be trained, incorporated into an appropriate force structure, and used to perform constabulary duty in such specialties as military police, light infantry, civil affairs, and special forces, and in any other military occupational specialty that is appropriate for constabulary duty.

(c) Of the amount appropriated under chapter 1 of this title for the Iraq Freedom Fund, **$409,000,000** shall be available for necessary expenses for the additional personnel authorized under subsection (a).

SA 1835. Mr. REID (for himself and Mrs. Lincoln) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending

September 30, 2004, and for other purposes; as follows:

At the end of title I, add the following:

SEC. 316. (a) RESTORATION OF FULL RETIRED PAY BENEFITS.—Section 1414 of title 10, United States Code, is amended to read as follows:

"§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation

"(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

"(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

"(c) EXCEPTION.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

"(d) DEFINITIONS.—In this section:

"(1) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

"(2) The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(13) of title 38.".

(b) REPEAL OF SPECIAL COMPENSATION PROGRAMS.—Sections 1413 and 1413a of such title are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 1413, 1413a, and 1414 and inserting the following:

"1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation.".

(d) EFFECTIVE DATE; PROHIBITION ON RETROACTIVE BENEFITS.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the first month that begins after the date of the enactment of this Act.

(2) RETROACTIVE BENEFITS.—No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as amended by subsection (a), for any period before the effective date under paragraph (1).

SA 1836. Mr. REID proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 22, between lines 12 and 13, insert the following new section:

SEC. 316. (a) Congress makes the following findings:

(1) During Operation Desert Shield and Operation Desert Storm (in this section, collectively referred to as the "First Gulf War"), the regime of Saddam Hussein committed grave human rights abuses and acts of terrorism against the people of Iraq and citizens of the United States.

(2) United States citizens who were taken prisoner by the regime of Saddam Hussein during the First Gulf War were brutally tortured and forced to endure severe physical trauma and emotional abuse.

(3) The regime of Saddam Hussein used civilian citizens of the United States who were working in the Persian Gulf region before and during the First Gulf War as so-called human shields, threatening the personal safety and emotional well-being of such civilians.

(4) Congress has recognized and authorized the right of United States citizens, including prisoners of war, to hold terrorist states, such as Iraq during the regime of Saddam Hussein, liable for injuries caused by such states.

(5) The United States district courts are authorized to adjudicate cases brought by individuals injured by terrorist states.

(b) It is the sense of Congress that—

(1) notwithstanding section 1503 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 579) and any other provision of law, a citizen of the United States who was a prisoner of war or who was used by the regime of Saddam Hussein and by Iraq as a so-called human shield during the First Gulf War should have the opportunity to have any claim for damages caused by the regime of Saddam Hussein and by Iraq incurred by such citizen fully adjudicated in the appropriate United States district court;

(2) any judgment for such damages awarded to such citizen, or the family of such citizen, should be fully enforced; and

(3) the Attorney General should enter into negotiations with each such citizen, or the family of each such citizen, to develop a fair and reasonable method of providing compensation for the damages each such citizen incurred, including using assets of the regime of Saddam Hussein held by the Government of the United States or any other appropriate sources to provide such compensation.

SA 1837. Mr. DURBIN (for himself, Ms. MIKULSKI, and Mr. CORZINE) proposed an amendment the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . (a) SHORT TITLE.—This section may be cited as the "Reservists Pay Security Act of 2003".

(b) NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD.—

(1) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard

"(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

"(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

"(2) the amount of pay and allowances which (as determined under subsection (d))—

"(A) is payable to such employee for that service; and

"(B) is allocable to such pay period.

"(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

"(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

"(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

"(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

"(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

"(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of the service on active duty to which called or ordered as described in subsection (a).

"(c) Any amount payable under this section to an employee shall be paid—

"(1) by such employee's employing agency;

"(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

"(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

"(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

"(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

"(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

"(f) In this section—

"(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given them in section 4303 of title 38;

"(2) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

"(3) the term 'basic pay' includes any amount payable under section 5304.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

"5538. Nonreduction in pay while serving in the uniformed services or National Guard.".

(3) EFFECTIVE PERIOD.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this section and ending September 30, 2004.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, October 15, 2003, at 10 a.m. in Room 485 of the Russell Senate Office building to conduct a hearing on S. 550, the American Indian Probate Reform Act of 2003.

Those wishing additional information may contact the Indian Affairs committee at 224-2251.

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, October 15, at 2:30 p.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 943, a bill to authorize the Secretary of the Interior to enter into one or more contracts with the city of Cheyenne, WY, for the storage of water in the Kendrick Project; S. 1027 and H.R. 2040, bills to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska; S. 1058, a bill to provide a cost-sharing requirement for the construction of the Arkansas Valley Conduit in the State of Colorado; S. 1071, a bill to authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on a water conservation project within the Arch Hurley Conservancy District in the State of New Mexico, and for other purposes; S. 1307, a bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to assist in the implementation of fish passage and screening facilities at non-Federal water projects, and for other purposes; S. 1308, a bill to authorize the Secretary of the Interior to pursue and complete actions related to the implementation of a U.S. District of a U.S. District Court consent Decree; S. 1355, a bill to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes; S. 1577, a bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming; H.R. 1284, a bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project; and S. Res. 183, a resolution commemorating 50 years of adjudication under the McCarran Amendment of rights to the use of water. Contact: Shelly Randel 202-224-7933, Kellie Donnely, 202-224-9360, Erik Webb 202-224-4756 or Meghan Beal at 202-224-7556.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 16, 2003 at 10 a.m. in Room 485 of the Russell Senate Office building to conduct an Oversight Hearing on the Missouri River Master Manual.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 14, 2003, at 10 a.m., to conduct a hearing on the nominations of the Honorable Roger W. Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of Governors of the Federal Reserve System; the Honorable Ben S. Bernanke, of New Jersey, to be a member of the Board of Governors of the Federal Reserve System; and the Honorable Paul S. Atkins, of Virginia, to be a member of the Securities and Exchange Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 14, 2003 at 9:30 a.m. to hold a hearing on the UN Convention on the Law of the Sea (T. Doc. 103-39).

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. STEVENS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Tuesday, October 14, 2003 from 10 a.m. to 12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittees on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on Terrorism: Radical Islamic Influence of Chaplaincy of the U.S. Military and Prisons," on Tuesday, September 14, 2003, at 10 a.m. in Room 226 of the Dirksen Senate Office Building.

Witness List

Panel I: Mr. John Pistole, Assistant Director of Counterterrorism, Federal Bureau of Investigation, Washington, DC.

The Honorable Charles Abell, Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, Washington, DC.

The Honorable Harley Lappin, Director, Federal Bureau of Prisons, Washington, DC.

Panel II: Dr. Michael Waller, Annenberg Professor of International Communication, The Institute of World Politics, Washington, DC.

Mr. Paul Rogers, President, American Correctional Chaplains Association, Waupun, WI.

Mr. A.J. Sabree, Treasurer, American Correctional Chaplains Association, Atlanta, GA.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Nora Carroll and Elizabeth Prescott, fellows in my HELP Committee, be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Dale Jones during the pendency of S. 1689.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 7

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, the Charitable Choice bill.

Mr. REID. Objection.

Mr. McCONNELL. I know my friend from Nevada is going to object, but let me finish.

Mr. REID. I am sorry. I will let him finish.

Mr. McCONNELL. I further ask unanimous consent that all after the enacting clause be stricken; that the Snowe amendment and the Grassley-Baucus amendment which are at desk be agreed to en bloc; that the substitute amendment, which is the text of S. 476, the Senate-passed version of the Charitable Choice bill, as amended by the Snowe and Grassley-Baucus amendments, be agreed to; that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table; further, that the Senate insist on its amendments and request a conference with the House; and, lastly, that the Chair be authorized to appoint conferees with a ratio of 3 to 2, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. REID. On behalf of Senator HARKIN, I object.

The PRESIDING OFFICER. Objection is heard.

COMMENDING THE INSPECTORS GENERAL

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S.J. Res. 18 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 18) commending the Inspectors General for their efforts to prevent and detect waste, fraud and abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government during the past 25 years.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the motion to reconsider be laid upon the table, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 18) was read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 18

Whereas the Inspector General Act of 1978 (5 U.S.C. App.) was signed into law on October 12, 1978, with overwhelming bipartisan support;

Whereas Inspectors General now exist in the 29 largest executive branch agencies and in 28 other designated Federal entities;

Whereas Inspectors General work to serve the American taxpayer by promoting economy, efficiency, effectiveness, and integrity in the administration of the programs and operations of the Federal Government;

Whereas Inspectors General conduct audits and investigations to both prevent and detect waste, fraud, abuse, and mismanagement in the programs and operations of the Federal Government;

Whereas Inspectors General make Congress and agency heads aware, through semiannual reports and other communications, of problems and deficiencies in the administration of programs and operations of the Federal Government;

Whereas Congress and agency heads utilize the recommendations of Inspectors General in the development and implementation of policies that promote economy and efficiency in the administration of, or prevent and detect waste, fraud, abuse, and mismanagement in, the programs and operations of the Federal Government;

Whereas Federal employees and other dedicated citizens report information to Inspectors General regarding the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health and safety;

Whereas Inspector General audits and investigations result in annual recommendations for more effective spending of billions of taxpayer dollars, thousands of successful criminal prosecutions, hundreds of millions of dollars returned to the United States Treasury through investigative recoveries, and the suspension and debarment of thousands of individuals or entities from doing business with the Government; and

Whereas for 25 years the Inspectors General have worked with Congress to facilitate effective oversight to improve the programs and operations of the Federal Government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) recognizes the many accomplishments of the Inspectors General in preventing and detecting waste, fraud, abuse, and mismanagement in the Federal Government;

(2) commends the Inspectors General and their employees for the dedication and professionalism displayed in the performance of their duties; and

(3) reaffirms the role of Inspectors General in promoting economy, efficiency, and effectiveness in the administration of the programs and operations of the Federal Government.

ORDERS FOR WEDNESDAY, OCTOBER 15, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, October 15. I further ask unanimous consent that following the prayer and pledge the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for up to 60 minutes with the first 30 minutes under the control of the minority leader or his designee, and the second 30 minutes under the control of Senator HUTCHISON or her designee; provided that following morning business the Senate resume consideration of S. 1689, the Iraq-Afghanistan supplemental appropriations bill. I further ask unanimous consent that the Senate recess from 12:30 until 2:15.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, for the information of all Senators, on Wednesday, following morning business, the Senate will resume consideration of the Iraq-Afghanistan supplemental appropriations bill. Under a previous order, upon returning to the bill at approximately 10:40 a.m., the Senate will proceed to two back-to-back rollcalls. The first vote will be in relation to Corzine amendment No. 1811 relating to military retirement pay. That vote will be followed by a vote in relation to Reed amendment No. 1834 relating to end strength. The votes in relation to the Corzine and Reed amendments will be the first votes of the day.

As previously announced, the Senate will recess from 12:30 until 2:15 p.m. Following the recess, the Senate will resume consideration of the Iraq-Afghanistan supplement appropriations bill. Amendments will be offered and debated throughout the day tomorrow.

Again, I encourage all Senators who have amendments to this vital measure to come over and visit with the managers and dispose of those amendments. Senators should expect rollcall votes throughout the day and into the evening tomorrow in relation to this bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:08 p.m., adjourned until Wednesday, October 15, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 14, 2003:

REFORM BOARD (AMTRAK)

ROBERT L. CRANDALL, OF TEXAS, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE MICHAEL S. DUKAKIS, TERM EXPIRED.

DEPARTMENT OF COMMERCE

MICHAEL D. GALLAGHER, OF WASHINGTON, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION, VICE NANCY VICTORY, RESIGNED.

REFORM BOARD (AMTRAK)

LOUIS S. THOMPSON, OF MARYLAND, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE JOHN ROBERT SMITH, TERM EXPIRED.

DEPARTMENT OF ENERGY

SUSAN JOHNSON GRANT, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF ENERGY, VICE BRUCE MARSHALL CARNESS, RESIGNED.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

GARY LEE VISSCHER, OF MARYLAND, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE ISADORE ROSENTHAL, TERM EXPIRING.

DEPARTMENT OF STATE

JON R. PURNELL, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN.

THOMAS THOMAS RILEY, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF MOROCCO.

MARGARET SCOBEY, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SYRIAN ARAB REPUBLIC.

MARGARET DEBARDELEBEN TUTWILER, OF ALABAMA, TO BE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY, VICE CHARLOTTE L. BEERS, RESIGNED.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

STUART ISHIMARU, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2007, VICE PAUL M. IGASAKI, TERM EXPIRED.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

DREW R. MCCOY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM OF SIX YEARS, VICE LANCE BANNING.

THE JUDICIARY

VIRGINIA E. HOPKINS, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA, VICE EDWIN L. NELSON, DECEASED.

RICARDO S. MARTINEZ, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON, VICE AN ADDITIONAL POSITION IN ACCORDANCE WITH 28 U.S.C. 133(B)(1).

DEPARTMENT OF VETERANS AFFAIRS

ROBERT N. MCFARLAND, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (INFORMATION AND TECHNOLOGY), VICE JOHN A. GAUSS, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID W. BARNO, 9794

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. CHARLES P. BALDWIN, 7478

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHAEL P. VINLOVE, 3002

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DONALD A. BLACK, 2404
CLARETHA F. FERGUSON, 4255
SHIRLEY A. GERRIOR, 2632
GARY W. GRAHAM, 1616
GREGG K. HAMMOND, 2786
DIANNE L. HAWKINS, 3352
KAREN F. KLINKNER, 6398
DEBRA S. LONG, 7828

EXTENSIONS OF REMARKS

CONGRATULATING NEIL F. OBERTO ON BEING NAMED "OUTSTANDING ITALIAN AMERICAN"

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize Neil Oberto for being named the "Outstanding Italian American" by the Hazleton Sons of Italy. It is an honor to join the members of this organization in paying tribute to his numerous achievements as he is honored at the Columbus Day Ceremony on Sunday, October 12th.

Neil Oberto is the third of four sons born to Anthony and Immaculata (Lombardi) Oberto. He was born and raised in Hazleton, Pennsylvania, and has lived there for most of his life. Neil exhibited leadership qualities early on in his life. He is a 1978 graduate of Hazleton High School where he served as the senior class president. He also attended Luzerne County Community College obtaining an Associate Degree in 1980 in Hotel and Restaurant Management, and was employed at several restaurants and hotels throughout the area.

In 1982, Neil took a new direction in his life when he attended Borromeo College of Ohio, a seminary college outside of Cleveland to pursue his bachelor's degree and discern the option of joining the Capuchin Franciscans. He obtained a Bachelor's degree two years later in Social and Behavioral Science. In his senior year of college he was accepted as a postulant with the Capuchins. From 1984–1985, he spent a novitiate year with the Capuchins at their novitiate house outside of Pittsburgh.

He returned to Hazleton in August of 1985. Neil pursued a Master's Degree in Rehabilitation Counseling from the University of Scranton and achieved that goal in 1991. He is a Nationally Board Certified Counselor and Licensed as a Professional Counselor.

Mr. Speaker, Neil Oberto has been working and volunteering in the social service field for the past 24 years. He began working with mentally challenged adults and children in recreational programs. While in Cleveland he did various apostolic and volunteer work with inner city youth, pastoral care in hospitals, and an inner city nursing facility for the economically underprivileged, along with other inner city service. In Pittsburgh, apostolic work was at a soup kitchen in the "Hill District" and hospital pastoral work. Upon his return to Hazleton he was employed at the Keystone Job Corp Center as a Residential Advisor, Luzerne County Children and Youth as a caseworker, and since 1989, Catholic Social Services of Greater Hazleton. He has been serving as Executive Director since 1995.

Neil Oberto is very involved in his community. He is involved or has had past affiliation with the Pennsylvania Catholic Conference Adoption Committee, Greater Hazleton Civic Partnership, United Way Child Advocacy Committee, Hazleton Area Housing Coalition, Co-Founder Habitat for Humanity, Tri-Area Joint Recreation Authority, Cranberry Creek Gateway Committee, Keystone Job Corp Center Community Relations Committee, numerous regional and state commitments through work, and a lector, catechism teacher and member of the Holy Name Society at Our Lady of Grace Church in Hazleton.

Neil has been awarded the Distinguished Service Award from the Greater Hazleton Jaycees and was presented with a Leadership Award from Project Women in Need by State Representative Katie True.

He is married to the former Meralea Petruzzi and is the proud father of four daughters, Danielle, Gina, Sara and Kristina.

Mr. Speaker, it is a privilege and honor to represent a man who is not only a leader in the Hazleton Community, but someone who has devoted his life to helping those who are less fortunate.

TRIBUTE TO EUREKA LODGE NO. 52

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 2003

Mr. PAYNE. Mr. Speaker, I rise today to recognize an exceptional institution within my community, the Eureka Lodge No. 52, and to congratulate its members on reaching an exceptional milestone. Soon these men will celebrate the lodge's tradition of 100 years of dedication to their community and to each other.

From its humble beginnings in a barber shop in New Jersey, a group of men, led by Hodges Ford, sought to begin a Masonic Lodge in Montclair. The barber, Brother Joseph Hooper, joined these men, guiding their vision, and helping them to establish what is now Eureka Lodge No. 52.

The first lodge was founded on December 5, 1903, in Bloomfield, not Montclair, as there was no available hall to be found there. On January 22, 1904, Eureka Lodge No. 52 held its first meeting at Arab Hall, with 18 members—3 more than the minimum requirement of 15. In December of 1909, the Lodge was rewarranted and moved to Montclair at the request of the officers and members.

Thus began their many years of service to the community, remaining faithful to their claim that they are "founded upon unity and brotherly love."

The Eureka Lodge celebrated its 50th anniversary on December 3, 1953, at the Ivanhoe Inn in Irvington, NJ.

On November 21, 1965, the Lodge reached what it considers to be the pinnacle of their achievements—the laying of the cornerstone in their $50,000 Masonic Building. This building has become a source of pride for its members and the people within the community as it continues to be a meeting place for an affiliation with a long and distinguished past, proudly claiming 3 of its members as Most Worshipful Grand Masters.

I hope that you will all join me in congratulating the men of Eureka Lodge No. 52, whose members, both past and current, have been devoted to fraternity, fellowship, and service to their community.

THE REPUBLIC OF CHINA

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 2003

Mr. STEARNS. Mr. Speaker, it is a great honor for me to join my colleagues on the Hill in wishing the Republic of China a happy National Day, which occurred last Friday. Despite Taiwan's small size and lack of natural resources, in recent years Taiwan has emerged as an economic powerhouse. It is the world's 17th largest economy, with the world's 15th largest trade volume. This economic performance has contributed to both regional and global prosperity. At a time of economic interdependence among nations, Taiwan has a lot to offer to the world. On Taiwan's National Day, I would like to see Taiwan continue to play a major economic role in the world and further strengthen its economic ties to the United States. Indeed, bilateral trade between Taiwan and the U.S. topped $66 billion last year and will continue to grow—to the benefit of both nations. Congratulations, President Chen. We wish you and your people the best of luck as you seek readmission to the United Nations and the World Health Organization. You deserve a prominent place on the world stage. I also wish to add that President Chen has pledged Taiwan's resources in helping us fight worldwide terrorism. President Chen believes any attack on America is tantamount to an attack on Taiwan and all the other peace-loving countries in the world. Terrorism must be stopped and Taiwan has done its best to help eliminate terrorism worldwide. We appreciate Taiwan's support.

CONGRATULATING THE BOROUGH OF DUNMORE ON RECEIVING RECOGNITION FOR THEIR NATIONAL NIGHT OUT EVENTS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize the Borough of Dunmore, in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Lackawanna County, PA, for being nationally recognized once again for its National Night Out Events. I ask that my colleagues pay tribute to Dunmore, its citizens, Police Chief Sal Mecca and Mayor Patrick Loughney for winning this National recognition.

This year, Dunmore was named the second best event nationally in the under 15,000 population category. I was proud to participate in this award-winning Night Out. They won "First Place" from 1999 and 2001 for the town's Night Out activities as the best in the Northeastern United States for towns with a population under 30,000.

Mr. Speaker, the first National Night Out in Dunmore was a 1-day festival in 1996 where there were just six block parties held. This year, it grew to 20 block parties, a parade, a safety fair and a cookout. Dunmore earned rookie honors in 1996. Its National Night Out has been growing ever since, and the borough prides itself on this 3-day event.

The event has been so successful, the city of Scranton and the Borough of Throop got their advice and held successful events as well. This year marked the 20th anniversary of National Night Out. The first year, 400 communities from 23 States took part. This year, 10,000 communities from all 50 States were involved. More than 34 million people participated.

Mr. Speaker, it is a privilege and honor to represent citizens of the Borough of Dunmore who have shown such a commitment to their community and have been justly recognized nationally for their involvement and spirit.

TRIBUTE TO DETECTIVE LIEUTENANT GALVANN R. SMITH

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 2003

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Detective Lieutenant Galvann R. Smith for his faithful service of 25 years to the Michigan Department of State Police.

Galvann began his career in 1978 with the Michigan Department of State Police as a Trooper at the Michigan State Police Bridgeport Post. In 1989 he was reassigned to the Michigan State Police Bridgeport Laboratory Latent Print Unit. In 1998 he was promoted to Detective Lieutenant, where he served as the supervisor of the Latent Print Unit. Galvann has been honored with several awards, including the Michigan State Police Award for Professional Excellence, Michigan Sate Police Unit Citation for Professional Excellence, Exchange Club of Saginaw's Officer of the Year 1998 and 2003, and numerous letters of appreciation from police agencies, prosecutors and civilian groups. Galvann Smith will be greatly missed by his co-workers, and greatly appreciated by the citizens of Michigan.

I am honored today to recognize Detective Lieutenant Galvann R. Smith for his auspicious dedication to serving the State of Michigan.

TRIBUTE TO COMPEER

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 2003

Ms. SLAUGHTER. Mr. Speaker, I rise to recognize a dual milestone in the history of Compeer, Inc., an outstanding organization based in my district of Rochester, NY. Compeer was founded to foster friendships between its caring volunteers with adults and children with mental illness. Since its establishment, Compeer has mushroomed into an international program with chapters in 100 cities, 30 States, Canada, and Australia. This year marks the 30th anniversary of Compeer's founding in Rochester, its 20th anniversary of operations across the Nation.

Individuals with mental illness often face a daunting array of challenges. In addition to their diagnosis, they may be faced with difficulties in finding or keeping employment opportunities, housing, and other basic necessities. Too many lack a support network of family and friends to buoy them during tough times. Compeer helps to fill that gap by enabling friendships to form and grow. Isolation and loneliness often accompany mental illness, but they do not have to be inevitable.

Compeer has enabled hundreds of people to live independently as mentally and emotionally healthy individuals. Under the Compeer model, patients, volunteers, therapists, and staff work together to promote the total health of a client. In an era of rising health costs, Compeer provides an affordable, effective method of improving the quality of life for individuals battling mental illness.

The Compeer program has been replicated many times across the Nation, and has received numerous awards, including being named a model program by the National Institutes of Health in 1982. In 1999, executive director Bernice Skirboll represented Compeer at the landmark White House Conference on Mental Health, where the program was praised.

Indeed, no tribute to Compeer would be complete without acknowledging the unparalleled devotion of CEO and Founder Bernice Skirboll. Bernice, or "Bunny" to the many who know and love her, has been the driving force behind Compeer's success. Her tenacity, compassion, and commitment to individuals with mental illness are legendary. Her great legacy will be the continuation of Compeer's good work for decades to come.

Compeer staff and volunteers should take great pride in the knowledge that they have made a difference. Through their selfless work, they have shown that the power of love and friendship can triumph over loneliness, isolation, and mental illness.

I invite my colleagues to join me in celebrating the 30th anniversary of Compeer, Inc., and in honoring the volunteers, therapists, and staff of Compeer for their concern, compassion, and tireless efforts.

TRIBUTE TO MARJORIE BILLER GREEN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 2003

Mr. WAXMAN. Mr. Speaker, I rise today with my colleague, Mr. BERMAN, to pay tribute to our good friend Marjorie Biller Green who is retiring after 16 years as the Director of Educational Policy and Programs for the Anti-Defamation League (ADL). Marjorie's strong leadership and vision have played a vital role in furthering ADL's mission and we are grateful for all she has done.

Prior to joining the ADL, Marjorie enjoyed a long and successful career in education. She served as the Executive Director for the California Coalition for Public Education, the Coordinator for the Wilshire Community Educational Complex of the Los Angeles Unified School District, the Community Liaison for the Integration Team of the Los Angeles Unified School District and as an Educational Consultant for the Rand Corporation.

All of this experience helped make her an incredibly effective Director of ADL's Educational Policy Programs—the position she has held since 1987. However, it was her passion, creativity, and dedication that made her a great leader. As Director of Education Policy and Programs .and as Assistant Director of ADL's National A World of Difference Institute, Marjorie proved that with the right combination of innovation, collaboration, and commitment one person can make a tremendous positive impact.

During Marjorie's tenure with ADL, she helped schools promote religious diversity; publishers improve textbooks to promote Jews and other minorities accurately and without stereotypes; educators, here and in Israel, foster skills to combat bigotry; parents and educators learn how to help children cope with traumatic events such as 9/11; the Shoah Visual Historical Foundation develop a Holocaust education curriculum; and teens recognize the common humanity of all people through programs such as the Children of the Dream Program. These are but a few of her many impressive accomplishments. She will be missed at the ADL and by our entire community.

Mr. Speaker, we invite our colleagues to join us in thanking Marjorie Green for her exemplary contributions to the Anti-Defamation League and to wish her continued success in all her future endeavors.

ON THE OCCASION OF MOTHER TERESA'S BEATIFICATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 2003

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, on October 19, 2003, Mother Teresa will be beatified by Pope John Paul II. In the Catholic canonization process, beatification is the last step before sainthood. This step formalizes what much of the world has known for years: That Mother Teresa selflessly gave her life, her energy, and her love to those most in need.

The name Mother Teresa has become synonymous with charity and commitment to the poor the world over. Born in 1910 in Albania to middle class parents, Mother Teresa realized early on that she would dedicate her life to serving God and her fellow man. She joined the Loreto Sisters of Dublin, Ireland and trained to be a teacher. She taught History and Geography in Calcutta, India for 15 years.

Though she loved teaching, Mother Teresa felt she was destined for a different calling. With the blessing of Pope Pius XII, Mother Teresa began serving the poor and neglected in the slums of Calcutta, India. She taught the illiterate children of the area to read and write, but soon realized that her energies were desperately needed elsewhere. With so many homeless people dying in filth and indignity, she put her efforts toward caring for the poor and afflicted of the community, many of whom were near death. She took in the patients that nobody else wanted. Mother Teresa cared for and loved people dying of leprosy, AIDS, cancer, and many other deadly diseases. She brought comfort and human dignity to the final weeks, days, and hours of so many suffering people.

Mother Teresa found her true calling in helping the poorest of the poor. She loved the people that no one else would love. People with no families, no homes, no access to medical care, and no place to go to die in peace, with dignity.

In 1950, Mother Teresa started her own Order, the Missionaries of Charity. The goal of Missionaries of Charity is to look after those who have no one to love and care for them. The Missionaries of Charity now have thousands of nuns serving the poor in 125 countries around the world. This is truly a remarkable legacy.

Mother Teresa has been recognized internationally for her contributions to humanity. She received the Nobel Peace Prize in 1979 and the Congressional Gold Medal, one of our country's highest honors, in 1997.

After Mother Teresa's death in 1997, Pope John Paul II waived the customary five-year waiting period to begin the process of her becoming a saint. This unprecedented consideration for this well-deserved honor confirms the importance and greatness of Mother Teresa.

Mother Teresa once said, "I slept and I dreamed that life is all joy. I woke and I saw that life is all service. I served and I saw that service is joy." Mother Teresa serves as a shining example of the profound impact one person can have in the world. She is a model for selflessness and eternal optimism. Mother Teresa is a role model and a hero to us all.

SENATE—*Wednesday, October 15, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our heavenly Father, the fountain of all wisdom, understanding, and strength, You execute judgment and there is none like You.

Lord, thank You for providing refuge for the oppressed and for those who know Your name. Strengthen us with the defense of Your right hand. Give us this day a knowledge of You that we may gain true understanding. Multiply our years with abundant living, enabling us to find real peace and joy.

Lord, You know what is best for us, so please guide our lives. Look at the needs of our Senators and do for them what they cannot accomplish by human efforts alone. Give them wisdom and courage for these challenging days. Conform our will to the unfolding of Your loving providence. We pray this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Republican whip is recognized.

SCHEDULE

Mr. McCONNELL. This morning, there will be a period of morning business for 60 minutes. Following that period, the Senate will resume consideration of the supplemental appropriations for Iraq and Afghanistan.

Under a previous order, upon returning to the bill at approximately 10:40 this morning, the Senate will proceed to two back-to-back rollcall votes. The first vote will be in relation to the Corzine amendment numbered 1811 relating to military reservist retirement pay. That vote will be followed by a vote in relation to the Reid amendment numbered 1844 relating to end strength.

The votes in relation to the Corzine and Reed amendments will be the first votes of today. The Senate will recess from 12:30 to 2:15 so the Republicans may hold their weekly policy luncheon. Following the recess, the Senate will resume consideration of the appropriations supplemental. Amendments will be offered and debated throughout the day. Yesterday, we made substantial progress on the bill and I appreciate Members agreeing to time agreements on their amendments so we could schedule votes and move forward.

Senators should again expect rollcall votes throughout the day and into the evening in relation to the supplemental appropriations bill. As the leader has indicated, we are going to finish this bill this week and that will require late nights with votes included. All Senators should be aware of that in scheduling their evenings tonight and tomorrow night.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. The Senator from Pennsylvania has asked to speak this morning. The Senator from Maryland is here. I ask unanimous consent that the first 3 minutes of the time be charged to the Republicans. I ask that the Senator from Pennsylvania be recognized for 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized for 3 minutes.

DR. GUION S. BLUFORD, JR.

Mr. SANTORUM. Mr. President, I rise to welcome to the Senate Dr. Guy Bluford and his wife Linda who are here today. This year marks the 20th anniversary of Dr. Bluford's first flight into space, the first African American in space. He is a native Philadelphian, of which I am very proud. I am equally as proud that he is also a fellow Penn State graduate.

He has distinguished this country in his 29 years of service in the U.S. Air Force. I will enter into the RECORD his long list of accomplishments in the Air Force, and I ask unanimous consent to have this printed following my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. SANTORUM. He has won numerous medals and commendations. His first flight in space was on August 30, 1983. He became the first African American to fly in space. Subsequent to that, he went on three missions in space in the shuttle and logged over 688 hours in space. In 1997, he was inducted into the International Space Hall of Fame. Since his retirement, he has continued to excel in private enterprise since 1997 and is now president of the Aerospace Technology Group.

As I mentioned, one of his greatest accomplishments is graduating from Penn State University, my alma mater. He has an aerospace engineering degree from Penn State. He has a master's degree of science, Ph.D. degree in aerospace engineering from the Air Force Institute of Technology, and an MBA degree from the University of Houston. His education is phenomenal. His accomplishments in the military and space and now in the private sector are something of which to take note.

We recognize today his great contribution to this country. The example he sets is as a terrific role model for young people of all ethnic and racial backgrounds. He is a man who has accomplished a tremendous amount in his life and obviously has a lot more to contribute. He and his wife Linda are here today, and we will have a reception for them starting at 10 a.m. in one of the reception rooms behind me. I invite my colleagues to stop by and meet Dr. Bluford and his wife Linda.

I thank him for his tremendous service. I know my colleagues join me in recognizing his great accomplishments and great service to this country.

EXHIBIT NO. 1

GUION S. BLUFORD, JR. PH.D.

Dr. Guion S. Bluford, Jr., President, The Aerospace Technology Group (ATG), an aerospace technology and business consulting organization specializing in aviation and space related technology development, analysis, and marketing related activities. Prior to joining ATG, Dr. Bluford was Vice President of Microgravity R&D and Operations for the Northrop Grumman Corporation and was responsible for all corporate microgravity research and technical development activities in support of NASA's Human Exploration and Development of Space (HEDS) Enterprise. He also served as the Program Manager of the NASA Glenn Research Center's Microgravity Research, Development, and Operations Contract (MRDOC). Headquartered in Cleveland Ohio, Dr. Bluford was responsible for the design, development, integration, and operational support of the NASA Fluids and Combustion Facility and associated space flight experiment hardware for the International Space Station. Prior to joining Northrop Grumman, he was Vice President of the Aerospace Sector of Federal Data Corporation (FDC) and was responsible for all NASA business. He has also been the Vice President of the Engineering Services Division of NYMA Inc and Program Manager of the NASA Lewis Research Center's Scientific Engineering, Technical and Administrative Related Services (SETAR) contract.

Prior to his service with Northrop Grumman, FDC, and NYMA, Inc., Dr. Bluford was a NASA mission specialist and payload commander astronaut on four Space Shuttle missions. He was selected in the first class of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

space shuttle astronauts in 1978 and was the first African American to fly in space in 1983 aboard Space Shuttle Challenger. In addition, he flew on a Spacelab flight as payload commander in 1985, a Department of Defense Strategic Defense Initiative Office flight in 1991, and a classified Department of Defense flight in 1992. He has logged over 688 hours in space.

Dr. Bluford served 29 years in the United States Air Force as an Air Force tactical fighter pilot in Vietnam, instructor pilot, staff development engineer, Branch Chief of the Aerodynamics and Airframe Branch of the Air Force Flight Dynamics Laboratory and NASA Astronaut. He has over 5200 hours of jet flight time in ten different aircraft.

Dr. Bluford received a Bachelor of Science degree in Aerospace Engineering from Penn State University and Masters of Science and Ph.D degrees in Aerospace Engineering from the Air Force Institute of Technology, and a Master of Business Administration degree from the University of Houston, Clear Lake, Texas.

Dr. Bluford serves on the Board of Directors of the U.S. Space Foundation, ENSCO Inc, and the Board of Trustees of The Aerospace Corporation. He has been a member of the National Research Council's Aeronautics and Space Engineering Board (ASEB) and the Board of Directors of the American Institute of Aeronautics and Astronautics (AIAA). He is currently serving on the Board of Directors of the NASA Alumni League, Western Reserve Historical Society of Cleveland, the Great Lakes Science Center, and the National Inventors Hall of Fame Foundation.

He has been awarded the Department of Defense's Superior Service and three Meritorious Service Medals; the Air Force's Legion of Merit, Meritorious Service, Commendation, and ten Air Medals; NASA's Distinguished Service, Exceptional Service and four Space Flight Medals: the State of Pennsylvania's Distinguished Service Medal and thirteen honorary doctorate degrees. An AIAA Fellow, he was inducted into the International Space Hall of Fame in 1997.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transmission of morning business up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the second 30 minutes under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee.

Mr. REID. I yield 10 minutes to the Senator from Maryland, to be followed by 10 minutes to the Senator from Oregon, followed by 10 minutes to the Senator from Louisiana, Ms. LANDRIEU.

The PRESIDENT pro tempore. The Senator from Maryland is recognized for 10 minutes.

IRAQ

Ms. MIKULSKI. Mr. President, I will state some of my principles as we debate the supplemental appropriations on Iraq.

One year ago, America was on the brink of war. Congress debated then whether America should go it alone to confront Saddam Hussein or get international support to bring the world with us. This week, Congress takes up a nearly similar debate: Do we go it alone or do we find a way to share the burden and the cost of the war?

Who should pay for the occupation and reconstruction of Iraq? According to the Bush administration, the answer is the American taxpayer, to the tune of $87 billion.

I agree that as we consider this debate, we should have four principles to guide our thinking. First, there must be international burden sharing. If the stability of Iraq is in the world's interest, then the world should help pay for the reconstruction. The administration must be more aggressive in the pursuit of reconstruction funds from other countries and other international institutions.

Second, wherever possible, American aid should be loans, not giveaways. Iraq has the world's second largest oil reserves. These oil fields are capable of pumping out millions of barrels a day. That should translate into billions of dollars. Those profits should help with the reconstruction.

Third, we must always be clear that we support our troops. These are ordinary men and women called to do extraordinary and dangerous and difficult missions. They put their lives at risk to serve our country. Our troops need the equipment, the gear, the backup. And their families need financial support. Military families, with loved ones are in Iraq, need financial support to make ends meet and the health care they should get.

Fourth, the administration must lay out its plan to end the occupation of Iraq. There was a plan for the war. Now we need a plan for the peace. The American people deserve full disclosure: a real assessment of where we are going, how long we will be there. Iraq must not turn into a quagmire. We cannot pour in our funds and send more troops with no end in sight.

Last year, when we debated about the war, I said if it is important enough to the world to go, the world should go with us. I voted to go to the U.N. to have international legitimacy and international burden sharing, to share the dangers along with our troops as well as to share the cost of rebuilding Iraq.

During the debate I said: What is going to happen to our troops? And I asked it in classified situations and other briefings we received. I wanted to know if our troops were going to be greeted with a landmine or with a parade. Well, now we know the answer to that.

Our troops need all the support they can get. I believe we need more troops, but I do not think we need more American troops; they should come from other countries.

I believe there is money that needs to be spent in Iraq but not only our money. I think there needs to be international money. We had a coalition of the willing. Now we need a coalition of the wallet. Let them step to the plate to share the financial responsibility to create stability and a democracy in Iraq.

You bet I am behind our troops. And we want to vote to make sure they have the help and the assistance they need, not only the right gear. We understand they do not even have the proper body armor they need.

We also want to support their families here at home. They come back for 2 weeks for a breather, but their families' hearts are broken as the men and women go back to the war. We need to support those families financially, and we need to support those things in terms of health care.

When it comes to burden sharing, we now know the other countries are not stepping up. They are tepid. They were timid about the war, and they are tepid about reconstruction. Only 61 countries have committed to helping. They have committed $1.5 billion to the reconstruction of Iraq, according to Ambassador Bremer's testimony. That is not enough.

But we were also assured by Secretary Rumsfeld that we could get the money for reconstruction from Iraqi oil. Well, let's get it. I support the kind of thinking that Senator DORGAN has presented, which is to replace the $20 billion in grants for Iraqi reconstruction with loans, and to also create a framework for other nations to participate in those loans.

On a bipartisan basis, Senator KAY BAILEY HUTCHISON is working on an amendment to make $10 billion in American aid work via a loan through the World Bank, a $10 billion loan through the World Bank, with other nations contributing to the World Bank's Iraq reconstruction trust fund. That is the kind of thinking we need, and we need to work on a bipartisan basis. America needs to know we are trying to work on a bipartisan basis. But I repeat: We need loans, not giveaways.

Now, there are others who say: Oh, my gosh, Iraq is shackled with debt.

That debt was created by an illegitimate government in Iraq. And who is the money owed to? Well, the money is owed to Russia, to Saudi Arabia, to France. Why can't they forgive the debt? Make that their share. Just forgive the debt. Rather than giving more money, let France forgive the debt. Let Russia forgive the debt. Let Saudi Arabia forgive the debt. Let Iraq start with a clean slate and pay back America for what it is doing.

My constituents in Maryland are very patriotic, and they will do whatever is necessary to defend this Nation. But they have families and children to educate, mothers and fathers who are grappling with the health care costs of being older, retirement plans to do, and homes to buy. It is not fair to ask the American taxpayer to share the full burden of fighting this war.

While we are worried about Russia's debt, what about our debt? If we are worried about Iraq being too burdened with debt, what about our debt?

Now we need a debt of gratitude for what we are doing around the world. I think the way it can be repaid is to forgive the Iraqi debt. Let them start with a clean slate just as they are starting with a clean government, and move on.

When you look at the way they are spending money on reconstruction, they have money for schools, they have money for tech centers, they have money for job training and job centers, water and sewer grants—all of what we need in our own communities.

We know the people in Iraq have suffered. They have suffered under Saddam Hussein. They are now suffering under what looks like an internal civil war going on now among the different tribes.

I know the children need health care, the communities need electricity, and they need to have an economy to get back on their feet. But, my gosh, I sure wish some of this money was also being spent here at home.

The request for Iraq includes 250 tech centers with 20 laptop computers each, and computer training. They are going to build seven communities, with 3,500 units of affordable housing. And—guess what—we are going to build a primary school, two secondary schools, a health clinic, a place of worship, and a market in each community.

Yet at the same time, HOPE VI and other programs to revitalize American cities have been zeroed out. Technical centers to get our kids ready for the new century is sharply reduced. Infrastructure that we desperately need to protect public health and the environment, such as water and sewer grants, is so spartan and skimpy in my own VA–HUD bill.

So we have to look at where we are spending our money, and we have to look at where we are creating debt. If we are creating debt to improve our economy, to get our jobs going, I think we know that a little borrowing today might create jobs tomorrow. But now we are doing massive borrowing to rebuild Iraq, while others tell us they cannot afford to send troops and they cannot afford to spend money. I am saying we are beginning to not be able to afford this war in Iraq.

So I hope we can work on some solutions to have Iraq emerge as a democracy and bring our troops back home. We have to concentrate on how we can have our national honor abroad but restore our national Treasury.

I look forward to working on a bipartisan basis with my colleagues. We have to get down to business and get strategy on how we are getting out of Iraq, and also how we are getting out of debt.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Oregon is recognized for 10 minutes.

INTERNET TAX FREEDOM ACT

Mr. WYDEN. Mr. President, the Senate knows, 5 years ago I was the sponsor in the Senate of the Internet Tax Freedom Act. This is law that was designed to ensure that the Internet be free of discriminatory taxes on Internet commerce and a variety of Internet activities. And it was designed to encourage the growth of the Internet.

The law has unquestionably worked. There is absolutely no evidence of anyone who has been harmed by the inability to discriminate against electronic commerce.

For many months now, Senators of both political parties have been working together to try to ensure the law that expires shortly would be reauthorized, and Senators have been working on a cooperative and bipartisan basis to go forward and reauthorize this law that has worked.

I had been under the impression that we were just about ready to bring this bill to the floor, but in the last few days a proposal that I find truly alarming has been brought forward by some of the State and local officials. I come to the floor this morning to make sure the Senate is actually familiar with the language that is being brought forward.

Mr. President, I ask unanimous consent that this legislation I am going to discuss be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NON-TEXAS MARKUP

MORATORIUM ON INTERNET TAXES

Pub. L. 105–277, div. C, title XI, Oct. 21, 1998, 112 Stat. 2681–719, provided that:

SEC. 1101. MORATORIUM.

(a) MORATORIUM.—No State or political subdivision thereof shall impose any of the following taxes:

(1) taxes on Internet access.

(2) multiple or discriminatory taxes on electronic commerce.

(b) PRESERVATION OF STATE AND LOCAL TAXING AUTHORITY.—

(1) IN GENERAL.—Except as provided in this section, nothing in this title shall be construed to modify, impair, or supersede, or authorize the modification, impairment, or superseding of, any State or local law pertaining to taxation that is otherwise permissible by or under the Constitution of the United States other Federal law [and in effect] on the date of enactment of this Act (Oct. 21, 1998).

(2) SPECIAL RULES.—If charges for Internet access are aggregated with and not separately stated from charges that are subject to taxation, then the charges for Internet access may be subject to taxation unless the Internet access service provider can reasonably identify Internet access charges not subject to taxation from its books and records kept in the regular course of business for other purposes

(c) LIABILITIES AND PENDING CASES.—Nothing in this title affects liability for taxes accrued and enforced before the date of enactment of this Act, nor does this title affect ongoing litigation relating to such taxes.

[(d) DEFINITION OF GENERALLY IMPOSED AND ACTUALLY ENFORCED.—For purposes of this section, a tax has been generally imposed and actually enforced prior to October 1, 1998, if, before that date, the tax was authorized by statute and either—

[(1) a provider of Internet access services had a reasonable opportunity to know by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

[(2) a State or political subdivision thereof generally collected such tax on charges for Internet access.]

(e) EXCEPTION TO MORATORIUM.—

(1) IN GENERAL.—Subsection (a) shall also not apply in the case of any person or entity who knowingly and with knowledge of the character of the material, in interstate or foreign commerce by means of the World Wide Web, makes any communication for commercial purposes that is available to any minor and that includes any material that is harmful to minors unless such person or entity has restricted access by minors to material that is harmful to minors—

(A) by requiring use a credit card, debit account, adult access code, or adult personal identification number;

(B) by accepting a digital certificate that verifies age; or

(C) by any other reasonable measures that are feasible under available technology.

(2) SCOPE OF EXCEPTION.—For purposes of paragraph (1), a person shall not be considered to (be) making a communication for commercial purposes of material to the extent that the person is—

(A) a telecommunications carrier engaged in the provision of a telecommunications service;

(B) a person engaged in the business of providing an Internet access service;

(C) a person engaged in the business of providing an Internet information location tool; or

(D) similarly engaged in the transmission, storage retrieval, hosting, formatting, or translation (or any combination thereof) of a communication made by another person, without selection or alteration of the communication.

(3) DEFINITIONS.—In this subsection:

(A) BY MEANS OF THE WORLD WIDE WEB.—The term "by means of the World Wide Web" means by placement of material in a computer server-based file archive so that it is publicly accessible, over the Internet, using hypertext transfer protocol, file transfer protocol, or other similar protocols.

(B) COMMERCIAL PURPOSES; ENGAGED IN THE BUSINESS.—

(i) COMMERCIAL PURPOSES.—A person shall be considered to make a communication for commercial purposes only if such person is engaged in the business of making such communications.

(ii) ENGAGED IN THE BUSINESS.—The term "engaged in the business" means that the person who makes a communication, or offers to make a communication, by means of the World Wide Web, that includes any material that is harmful to minors, devotes time, attention, or labor to such activities, as a regular course of such person's trade or business, with the objective of earning a profit as a result of such activities (although it is not necessary that the person make a profit or that the making or offering to make such communications be the person's sole or principal business or source of income). A person may be considered to be engaged in the business of making, by means of the World Wide Web, communications for commercial purposes that include material that is harmful to minors, only if the person knowingly causes the material that is harmful to minors to be posted on the World Wide Web or knowingly solicits such material to be posted on the World Wide Web.

(C) INTERNET.—The term "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

(D) INTERNET ACCESS SERVICE.—The term "Internet access service" means a service that enables users to access content, information, electronic mail, or other services offered over the Internet and may also include access to proprietary content, information, and other services as part of a package of services offered to consumers. Such term does not include telecommunications services, except to the extent such services are used to provide Internet access.

(E) INTERNET INFORMATION LOCATION TOOL.—The term "Internet information location tool" means a service that refers or links users to an online location on the World Wide Web. Such term includes directories, indices, references, pointers, and hypertext links.

(F) MATERIAL THAT IS HARMFUL TO MINORS.—The term "material that is harmful to minors" means any communication, picture, image, graphic image file, article, recording, writing, or other matter of any kind that is obscene or that—

(i) the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest;

(ii) depicts, describes, or represents, in a manner patently offensive with respect to minors, an actual or simulated sexual act or sexual contact, an actual or simulated normal or perverted sexual act, or a lewd exhibition of the genitals or post-pubescent female breast; and

(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

(G) MINOR.—The term "minor" means any person under 17 years of age.

(H) TELECOMMUNICATIONS CARRIER; TELECOMMUNICATIONS SERVICE.—The terms "telecommunications carrier" and "telecommunications service" have the meanings given such terms in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(f) ADDITIONAL EXCEPTION TO MORATORIUM.—

(1) IN GENERAL.—Subsection (a) shall also not apply with respect to an Internet access provider, unless, at the time of entering into an agreement with a customer for the provision of Internet access services, such provider offers such customer (either for a fee or at no charge) screening software that is designed to permit the customer to limit access to material on the Internet that is harmful to minors.

(2) DEFINITIONS.—In this subsection:

(A) INTERNET ACCESS PROVIDER.—The term "Internet access provider" means a person engaged in the business of providing a computer and communications facility through which a customer may obtain access to the Internet, but does not include a common carrier to the extent that it provides only telecommunications services.

(B) INTERNET ACCESS SERVICES.—The term "Internet access services" means the provision of computer and communications services through which a customer using a computer and modem or other communications device may obtain access to the Internet, but does not include telecommunications service provided by a common carrier.

(C) SCREENING SOFTWARE.—The term "screening software" means software that is designed to permit a person to limit access to material on the Internet that is harmful to minors.

(3) APPLICABILITY.—Paragraph (1) shall apply to agreements for the provision of Internet access services entered into on or after the date that is 6 months after the date of enactment of this Act (Oct. 21, 1998).

SEC. 1105. ["SEC. 1104.] DEFINITIONS.

For the purposes of this title:

(1) BIT TAX.—The term "bit tax" means any tax on electronic commerce expressly imposed on or measured by the volume of digital information transmitted electronically, or the volume of digital information per unit of time transmitted electronically, but does not include taxes imposed on the provision of telecommunications services.

(2) DISCRIMINATORY TAX.—The term "discriminatory tax" means

(A) any tax imposed by a State or political subdivision thereof on electronic commerce that—

(i) is not generally imposed and legally collectible by such State or such political subdivision on transactions involving similar property, goods, services, or information accomplished through other means;

(ii) is not generally imposed and legally collectible at the same rate by such State or such political subdivision on transactions involving similar property, goods, services, or information accomplished through other means, unless the rate is lower as part of a phase-out of the tax over not more than a 5-year period;

(iii) imposes an obligation to collect or pay the tax on a different person or entity than in the case of transactions involving similar property, goods, services, or information accomplished through other means;

(iv) establishes a classification of Internet access service providers or online service providers for purposes of establishing a higher tax rate to be imposed on such providers than the tax rate generally applied to providers of similar information services delivered through other means; or

(B) any tax imposed by a State or political subdivision thereof, if—

(i) [except with respect to a tax (on Internet access) that was generally imposed and actually enforced prior to October 1, 1998,] the sole ability to access a site on a remote seller's out-of-State computer server is considered a factor in determining a remote seller's tax collection obligation; or

(ii) a provider of Internet access service or online services is deemed to be the agent of a remote seller for determining tax collection obligations solely as a result of

(I) the display of a remote seller's information or content on the out-of-State computer server of a provider of Internet access service or online services; or

(II) the processing of orders through the out-of-State computer server of a provider of Internet access service or online services.

(3) ELECTRONIC COMMERCE.—The term "electronic commerce" means any transaction conducted over the Internet or through Internet access, comprising the sale, lease, license, offer, or delivery of property, goods, services, or information, whether or not for consideration, and includes the provision of Internet access.

(4) INTERNET.—The term "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

(5) INTERNET ACCESS.—The term "Internet access—

(A) [The term "Internet access] means a service that enables users to access content, information, electronic mail, or other services offered over the Internet, and may also include access to proprietary content, information, and other services as part of a package of services offered to users. [such term does not include telecommunications services, except to the extent such services are used to provide Internet access.]

(B) The term "Internet access" as described in subsection (A) above is a service directly employed by its purchaser, regardless of the medium by which such service is provided. The term "Internet access" does not include the provision of television programs, games, books, music, motion pictures, newspapers, magazines, software, telecommunications services, voice communication, financial services, research services, information services, or other such products or services, or products or services that are available for purchase in any form other than over the Internet. Nothing in this title shall be construed to modify, impair, or supersede, or authorize the modification, impairment, or superseding of, any State or local law pertaining to taxation that is otherwise permissible by or under the Constitution of the United States or other Federal law as of the date of original enactment of this Act (Oct. 21, 1998).

(6) MULTIPLE TAX.—

(A) IN GENERAL.—The term "multiple tax" means any tax that is imposed by one State or political subdivision thereof on the same or essentially the same electronic commerce that is also subject to another tax imposed by another State or political subdivision thereof (whether or not at the same rate or on the same basis, without a credit (for example, a resale exemption certificate) for taxes paid in other jurisdictions.

(B) EXCEPTION.—Such term shall not include a sale or use tax imposed by a State and 1 or more political subdivisions thereof on the same electronic commerce or a tax on persons engaged in electronic commerce which also may have been subject to a sales or use tax thereon.

(C) SALES OR USE TAX.—For purposes of subparagraph (B), the term "sales or use tax" means a tax that is imposed on or incident to the sale, purchase, storage, consumption, distribution, or other use of tangible personal property or services as may be defined by laws imposing such tax and which is measured by the amount of the sales price or other charge for such property or service.

(7) STATE.—The term "State" means any of the several States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

(8) TAX.—

(A) IN GENERAL.—The term "tax" means—

(i) any charge imposed by any governmental entity for the purpose of generating revenues for governmental purposes, and is not a fee imposed for a specific privilege, service, or benefit conferred; or

(ii) the imposition on a seller of an obligation to collect and to remit to a governmental entity any sales or use tax imposed on a buyer by a governmental entity.

(B) EXCEPTION.—Such term does not include any franchise fee or similar fee imposed by a State or local franchising fee or similar fee imposed by a State or local franchising authority, pursuant to section 622 or 653 of the Communications Act of 1934 (47 U.S.C. 542, 573), or any other fee related to obligations or telecommunications carriers under the Communications Act of 1934 (47 U.S.C. 151 et seq.).

(9) TELECOMMUNICATIONS SERVICE.—The term "telecommunications service" has the meaning given such term in section 3(46) of the Communications Act of 1934 (47 U.S.C. 153(46)) and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986 (26 U.S.C. 4251)).

(10) TAX ON INTERNET ACCESS.—The term "tax on Internet access" means [a tax on Internet access, including] the enforcement or application of any new or preexisting tax on the sale or use of Internet access [services unless such tax was generally imposed and actually enforced prior to October 1, 1998].

Mr. WYDEN. Mr. President, what some State and local officials now seek to do is to change the definition of "Internet access," which, under current law, cannot be taxed. In doing so, what it would do is give States and localities explicit permission to tax what Internet users do once they get on line. That would mean you could have games, music, magazines, newspapers, information services, financial services, research services, or other products of services, in effect, facing a barrage of new taxes.

The phrase "you've got mail" would be replaced with "you owe taxes." That is what this proposal would mean to 142 million Americans with household Internet access. Under this proposal, the consumer could be taxed every time they send an e-mail, every time they read their local newspaper online or check the score of a football game.

Those who are making this proposal are not going to come out publicly and talk about their ideas for taxing e-mail. There isn't a headline in the language that I have put into the CONGRESSIONAL RECORD today that says: Watch out, our plan is going to tax e-mail. But there is no question that a clear reading of this legislative language will mean just that. Consumers could be taxed every time they check a bank statement online. They could be taxed for paying their bills online. They could be taxed each time they check the sports scores online or listen to the weather on streaming radio. Every time a consumer turns to Google research service, they could be taxed for each key stroke. If that happened, no question, some in my office would just go bankrupt.

As the Chair knows, being so instrumental in working with me and members of the Senate Commerce Committee, this law has worked. It has been a bipartisan law based on the simple proposition that you would treat activity online just as you treat activity online. Some made dire predictions about the law originally that States and localities would be denied the opportunity to gain revenue for essential services. It has been clear that they have been proven incorrect. Internet commerce is now just a small part of our economy. In fact, what we have seen is a merger of what I call bricks and clicks, traditional commerce with Internet commerce. We have not seen problems under current law.

But by redefining the definition of Internet access, as the proposal does that I have put into the CONGRESSIONAL RECORD today, in effect you give a green light to State and local authorities all across the country to tax services that are integral to Internet access, including e-mail.

I believe this proposal would make wider the digital divide in this country. I think the new taxes would restrict growth in the Internet. The American consumer needs to know exactly what some of these taxing authorities are really up to. What they really want is either to stop the ban on Internet access taxes from becoming permanent or they are looking for statutory language which would stick consumers with hundreds of millions of dollars in new taxes each year.

In my view, either option would be unacceptable to a majority of Senators. I hope, as the negotiations originally proceeded in the Commerce Committee and now in the Finance Committee, that there would be an effort to make the ban on discriminatory taxes on Internet commerce permanent and, in particular, let us ensure that the hard hit American consumer is protected from unfair tax schemes such as those I have outlined this morning.

I yield the floor.

The PRESIDENT pro tempore. Who yields time? The Senator from Texas.

Mrs. HUTCHISON. Mr. President, it is my understanding that our side took 3 minutes early. So how much time is remaining on the other side?

The PRESIDENT pro tempore. The majority has 26 minutes 58 seconds. The minority has 13 minutes 34 seconds.

Mrs. HUTCHISON. Mr. President, I will proceed. If a Member of the other side comes, I will be happy to yield to them under their time. But I will start with the majority time.

The PRESIDENT pro tempore. Without objection, the Senator from Texas is recognized.

SCHOOL FOR IRAQ'S CHILDREN

Mrs. HUTCHISON. Mr. President, one of the biggest successes in Iraq in the past month has been the first day of school for millions of Iraqi children. America's service men and women worked with local partners to refurbish the schools that were destroyed under Saddam Hussein's regime so these children could experience the freedom that comes with learning. One example of this progress involves soldiers from the 1st Armored Division's 1st Squadron, 1st Cavalry Regiment, who did an immense amount to improve the quality of life for Iraqi children. Led by Squadron Commander LTC Charles Williams, the soldiers focused their efforts on 25 schools around the rim of Baghdad. The schools had been neglected by the former regime.

They were in a sad state when 1AD forces arrived in Baghdad several months ago. The desks were in pieces. The blackboards were broken. There were no doors on the rooms and there were no ceiling fans. There was very poor lighting or no lighting at all. The squadron took charge. Their engineers came forward. American contractors and local Iraqi contractors worked together to repair the schools.

Over the past few months the schools underwent a dramatic change: Walls were painted. Electrical wiring and plumbing were fixed. Glass was replaced. Security bars were installed in windows and school supplies were issued.

I have some pictures that show better than any words could some of the progress that is being made. This is a picture of Mahmoud Al-Jabouri, a former Iraqi Army general who worked with the 1st Squadron, 1st Cavalry Regiment, 1st Armored Division in repairing the schools in Baghdad. He is giving a speech for the first day of classes at Dufaf Al-Neil primary school. The progress our troops have been making in working with Iraqi citizens enabled this school to open. It was a joint effort. We can see the children at the opening day of the school with our soldiers and the former Iraqi general.

Look at the excitement on the Iraqi faces as soldiers from the 1st Squadron, 1st Cavalry Regiment helped an Iraqi schoolgirl cut the ribbon at a ceremony celebrating the first day of school. These children are so excited, as they see their world opening up. Iraqi children at Dufaf Al-Neil school hold up the markers they received along with other gifts from soldiers of the 1st Cavalry Regiment. Everyone can see that these school supplies have opened a new world for these children. Their liberation cannot be overemphasized.

Aside from the new facilities, there is something else the American forces have provided for these children. They have ended the fear and terror that Saddam Hussein instilled in Iraqi schools. I want to read an excerpt from a National Review article from October 13. This is stunning.

> . . . there will be no mysterious disappearances from the classrooms. No teachers and pupils will be found dead in school doorways. . . . Teenage school girls will not be abducted and taken to one of the many harems maintained by Uday, Saddam's sadistic elder son. . . .

We could hardly imagine how these children went to school living in fear that they might be abducted and taken into Uday's harem; that their teachers might be killed in the doorway for something that they could not even imagine they had said or done wrong. Not only are we opening these schools with new school supplies and painted walls and lighting, but we have taken the fear from these children that when they go to school, something horrible will happen.

Our Armed Forces are performing heroic acts every day, trying to ensure that the Iraqi people are free and working toward self-government. Step by step, normal life in Iraq is being established as basic services are restored and hope is reborn.

What we are doing in Iraq is going to change the Middle East. It is going to give people in this country a taste of freedom, and others will see it. It will be a message bigger than anything we could say would happen. It is the results that we are working for, and the President is committed to that result.

That is why we are debating a supplemental appropriation that would bring freedom to this country and begin to spread it throughout the Middle East.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM, of South Carolina). Under the previous order, the Senator from Louisiana is recognized for 10 minutes.

NATION BUILDING IN IRAQ

Ms. LANDRIEU. Mr. President, I wanted to add a couple of thoughts this morning regarding the plan for nation building in Iraq. I had supported vigorously the amendment by Senator DORGAN last evening, but because of the time constraints I was not able to speak on that particular amendment. I plan to offer a similar amendment—and there are others—that will try to help the Senate focus again on the opportunities and possibilities for sustaining a successful effort in Iraq—a successful effort of nation building—by shifting the burden from the American taxpayers to the Iraqi people and their great resources.

As you know, Mr. President, I supported the use of force; I supported the overthrow of that regime. I believe that a lot of the information that was given to us has proven not to be true and accurate; nonetheless, I support the effort because this was a regime that needed to be overthrown. I am also here to say and agree that in order to be successful we have to sustain a long-term commitment, not cut and run, not window dress, not put lipstick on a pig, not pretend that things are going well—but have things really go well. The verdict is still out. I am sure it is not as bad as it is portrayed by the media. Usually nothing is as bad as that. The stories tend to be one-sided in many instances. The fact is, this is a very difficult undertaking. We have undertaken it only seven times since World War II.

There is a very interesting report that I want to mention at this time. I will give more detailed comments about it later. It is an extensive Rand report just finished on nation building. The title is, "The Inescapable Responsibility of the World's Only Superpower." This is bipartisan; it is not a Republican plan, not a Democratic plan. This is a bipartisan American view of this issue, a very balanced approach. It says, basically, there are seven lessons that we have learned since Germany and our successful Marshall plan effort. I will read excerpts from them quickly and talk about it later.

It says that:

> Multilateral nation-building is more complex and time-consuming than a unilateral approach. But the multilateral approach is considerably less expensive for individual participants.

So there are tradeoffs. We are doing this in a more unilateral way. I don't necessarily have a problem with that. I understand we have made efforts to reach out to our multinational partners, and we have not been able to reach agreement. Sometimes the United States has to lead alone and lead decisively. I am, for one, not opposed to that. I just understand that it is more expensive. So let's find a way to pay for it. Further, the report says:

> Multilateral nation-building can produce more through transformations and greater regional reconciliation than can unilateral efforts.

That is an argument for multilateral involvement. It also says:

> Unity of command is essential. . . .

I believe unity of command is one element we have to preserve in Iraq. It seems as though we are on the path to that end. There are problems, though, that this report points out. One of them is:

> There appears to be an inverse correlation between the size of the military stabilization force and the level of casualties.

In other words, the more troops and peacekeepers you have on the ground, the less soldiers you lose. One of the objectives I have as a Senator from Louisiana is to lose as few soldiers as possible.

I want to show you a picture—of course, we are touched by many pictures that we see, but I hope the cameras can pick up SGT Rich Armstrong of Lynchburg, VA. This man is not from Louisiana but from Virginia, right across the river. He is a staff sergeant who is saying goodbye to his wife Beth and his 8-month-old daughter Olivia. I hope this soldier can be brought back home so he can spend the rest of his life with his daughter and wife.

This is not about campaigns or politics. This is about trying to lay down the best plan to bring these soldiers home. The more troops you have there and the more police you have there, the less soldiers will come home either wounded or "not" at all.

This reports goes on to say:

> Neighboring states can exert significant influence, for good or bad. It is nearly impossible to put together a fragmented nation if its neighbors try to tear it apart.

One of the amendments in the House, I thought, took us a step backward. It took aid away from neighboring states, when we need to encourage them to help in this effort.

I continue to quote:

> Accountability for past injustices can be a powerful component of democratization. Such accountability can be among the most controversial aspects of any nation-building endeavor, however, and therefore should be attempted only if there is a deep and long-term commitment to the overall operation.

My contention is that we are going to be there as long as we need to be, but the American people are not going to sacrifice their children or grandchildren's education, or the solvency of the Social Security trust fund, unless we find a better way to pay for it. If we do, then we can be there not just for 2 or 3 years, but like this Rand study says:

> None of our cases were successfully completed in less than seven years.

So one of my questions is, How many times is the administration going to come back and ask us to forego college education for our children, support for public schools, and the establishment of a good health care system in Louisiana to rebuild Iraq, when we have the resources in Iraq to do it; when the people of Iraq, in partnership with the United States—friends and allies in a strong partnership—using our knowhow and their resources, can rebuild the country? This is not new; this is not MARY LANDRIEU's idea. We did this during the Marshall plan. We used Germany's coal reserves. It was one of the principles of the Marshall plan—how to rebuild Europe. Thank goodness we were dealing with a country—Germany, the aggressor in that situation—that had vast coal reserves. It was one of the reasons we could build the Marshall plan. That was very different from this. The Marshall plan said that for every dollar the donor nation put in, the recipient nation would put up one. It structured a bipartisan, comprehensive, sustainable program.

What this administration is doing, even if this bill passes this week, is not sustainable because the people in your States and in my State are not going to dig down, putting the debt on the American taxpayers to pay for this. The one way to do it correctly is to use the great oil resources. This is not my idea. This is not just something based on the Marshall plan.

I will show you what Paul Wolfowitz said. Paraphrasing, he said the oil revenues of that country could bring between $50 billion and $100 billion over the course of the next 2 or 3 years. He said that we are dealing with a country that can really finance its own reconstruction, and relatively soon. This is not the Democratic leadership, Mr. President, and this is not Senator LANDRIEU saying that; that is Paul Wolfowitz, on March 27, 2003.

Let's see what Vice President CHENEY said only a year ago. People say, what is the confusion? Why are we not using the oil resources? It is not because it was a bad idea. The administration put forward this idea. Yet for some reason they have changed their minds.

Paraphrasing this, Tim Russert said every analysis said this war would cost about $80 billion for the recovery of Baghdad, perhaps of Iraq, about $10 million. Vice President CHENEY said he can't say that, and that in Iraq we have a nation that has the second largest oil reserves in the world, second only to Saudi Arabia. He said it would generate billions of dollars a year in cashflow if they get back to their production of roughly 3 million barrels a day in the relatively near future.

That was before the war. That is the plan the people were told. We would use the oil. Now we have to use our kids' trust funds for college. It is not right.

Let me show the amount of oil that is in Iraq. I know something about this because Louisiana produces a lot of oil. If we export from Iraq 1 million barrels a day, that is $8 billion a year at $22 a barrel. The range for OPEC is $22 to $29. These are using the most conservative figures. If we would get up to 10 million barrels a day—it is not only possible, it is likely—we could be generating in Iraq $80 billion.

Why would the American people be picking up the tab when the Iraqis have their own resources, building pride, dignity, independence? Why? I don't understand it. Maybe someone else has their eyes on the profit.

I think the Iraqi people should benefit from their reserves. I think the American taxpayers should benefit from these reserves, not a handful of companies, if that is the idea. I am not saying it is, but we are very confused about why the administration said they wanted to use oil and now they don't.

I have an article titled "Iraqi Plans to Increase Oil Output in 2004." This article was in the Wall Street Journal this morning. This is quicker than they thought. Trust me, horizontal drilling and new technologies can produce a lot of wealth.

I am going to finish this speech later in the day. The question Louisianans have is, Why can't we use the resources and riches of that nation to help rebuild it and stabilize democracy in a part of the world that desperately needs it?

I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, how much time is remaining on the two sides?

The PRESIDING OFFICER. The majority has 20 minutes 53 seconds. The minority has 2 minutes 20 seconds.

Mrs. HUTCHISON. Does the Senator from Louisiana wish to finish with the 2 minutes?

Ms. LANDRIEU. I yield to the other side, and I reserve the 2½ minutes for closing this morning on our side.

Mrs. HUTCHISON. Mr. President, what I will do is allow the Senator from Louisiana to have the 2 minutes or the minority side to have the 2 minutes after Senator MCCONNELL, but then I am going to yield, because we have the last 30 minutes, to the Senator from Montana. The Senator from Louisiana can take the time now or take it after Senator MCCONNELL.

Ms. LANDRIEU. If that is the understanding, I have to ask the Chair—I know the time was equally divided—was it also established which side would speak in the last 2 minutes?

The PRESIDING OFFICER. The order previously agreed to was for the minority to consume their time first.

Ms. LANDRIEU. Then I will take those 2 minutes.

Mrs. HUTCHISON. If the Senator from Louisiana wishes to reserve her time after Senator MCCONNELL, I am going to yield up to 10 minutes to Senator MCCONNELL, after which, she can speak; is that acceptable?

Ms. LANDRIEU. That is acceptable. The next 10 minutes will be for Senator MCCONNELL, and I will then take the 2½ minutes that is remaining.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

Mr. MCCONNELL. I thank the Chair, and I thank my friend from Texas.

TRIP TO IRAQ AND AFGHANISTAN

Mr. MCCONNELL. Mr. President, I just returned from Iraq and Afghanistan. I was accompanied on that trip by Senator CONRAD BURNS of Montana, Senator LARRY CRAIG of Idaho, Senator CRAIG THOMAS of Wyoming, and Senator LINCOLN CHAFEE of Rhode Island. I wish to share with the Senate some of my observations about the trip.

First, I am pleased to report that patriotism among United States troops is alive and well in Iraq and Afghanistan. Soldiers on the frontlines of the global war on terrorism—be they with the 101st Airborne Division in Iraq or the 10th Mountain Division in Afghanistan—serve America with honor and distinction.

This Senator is more grateful than words can express for the professionalism and dedication of our Armed Forces as America continues to bring the war on terrorism to the terrorists. We are fighting this war on our terms—and on their turf.

My hat is off to the President—our capable Commander in Chief—for his stalwart leadership throughout this war. There is no better man that could be at the helm during these dangerous times.

In Iraq, our service men and women are proud to have liberated an oppressed nation and are bound and determined to finish the job they started by turning over Iraq to the Iraqi people as soon as is possible. The bill before us will allow them to do just that—so long as the requested reconstruction funds are fully provided. It might interest my colleagues to know that the Screaming Eagles view these funds just as important as ammunition in destroying the enemy.

In Afghanistan, United States troops continue to pay back al-Qaeda and Taliban forces for the September 11 attacks on our shores. Morale is high, and our soldiers take great pride in constituting a new Afghan army that are already proving to be more formidable fighters than the terrorists they face on fields of battle.

Second, despite news reports to the contrary, America is making significant progress in Iraq and Afghanistan.

In Iraq, U.S. troops and civilians with the Coalition Provisional Authority, CPA, are perplexed by the lack of attention paid to accomplishments made on a near daily basis. More than 13,000 reconstruction projects have been completed in Iraq, with electricity generation exceeding prewar levels and a free press already exceeding those in neighboring countries. By one recent count, 170 newspapers are being published in Iraq. Baghdad residents have access to more local print media than residents of Louisville, KY.

Some 60,000 Iraqi security forces have been trained, and those that patrol jointly with U.S. troops are often cheered by their compatriots. American military and CPA officials are working tirelessly to work themselves out of a job in Iraq as quickly as possible. The shared objective of the interim Iraqi Governing Council, IGC, and the CPA is to draft and ratify a constitution and hold national elections, perhaps within the next year.

In Afghanistan, international efforts are ongoing to build security forces and a new Afghan army. While Provincial Reconstruction Teams and humanitarian organizations have access to most of the country, Taliban remnants, al-Qaeda fighters, and local militias continue to pose challenges to development activities in the southeastern part of the country. Afghan President Karzai and his cabinet are determined to lead the country out of decades of warfare and instability into a new era of prosperity and economic and social opportunity. They have America's support and assistance in this endeavor.

Funding in the supplemental bill is key to improving the lives of ordinary Iraqi and Afghan citizens and providing for the tools and technical training so that they guarantee their own security. Our reconstruction efforts in both countries can be best described as a partnership—one that is mutually beneficial to the security interests of Iraq, Afghanistan, and the United States.

Third, it is clear from talking to Iraqis and our forces on the ground that providing reconstruction assistance to Iraq in the form of a loan would be counterproductive and downright dangerous.

I do not doubt for a single moment that those elements that today attack coalition forces, the United Nations, and foreign missions in Baghdad would spin the extension of loan to Iraq as proof positive that the coalition toppled Saddam Hussein's regime for oil. This could spark a firestorm against the United States throughout the entire Islamic world—from Indonesia to Saudi Arabia—that even the most effective public relations campaign would fail to extinguish.

Further, the interim IGC is in no position to assume debt on behalf of the Iraqi people, much less award or manage reconstruction contracts. The CPA rightfully seeks to continue momentum in the reconstruction of Iraq, which will directly impact the ability of the U.S. military to bring our troops home. By saddling the Iraqi people with a loan—one that no one believes they are capable of repaying—we stymie such momentum and set a precedent for other potential donors to extend aid in the form of loans.

Fourth, we must do more to enlist the cooperation of Islamic nations in the global war on terrorism.

Jordan has long been an ally in this war, and its recent decision to train Iraqi police and military officials is yet another indication that the Hashemite Kingdom seeks peace and stability in the region. Jordan serves as a stellar example of the constructive role an Islamic nation can play in defeating the cancer of terrorism.

Turkey, too, deserves recognition for its recent approval to deploy armed forces to Iraq in support of Operation Iraqi Freedom. While many of us wish Turkey had been more supportive prior to the initiation of hostilities, this news is welcomed and underscores a regional appreciation for the need to defeat terrorism in Iraq. Just last week, the Turkish Prime Minister acknowledged that terrorism has "no race, religion, or creed" and that we "need to take all necessary steps against terrorism."

While Pakistan has also been a solid ally in the war on terrorism, it is only recently that Pakistani military forces have begun to crack down on al-Qaeda and Taliban fighters in remote provinces bordering Afghanistan. Pakistan must do all it can—in full cooperation and consultation with Afghanistan—to seek out and destroy domestic and foreign terrorists on its soil. Indeed, Pakistan should consider following the lead of both Jordan and Turkey and provide support for reconstruction efforts in Iraq.

Let me close with a final observation that America and its allies will win the war on terrorism, including ongoing battles in Iraq and Afghanistan. We will do so because of our military superiority and discipline of well-trained and motivated troops. We will do so because our cause is just and because it is in the interests of freedom loving people across the globe. And we will do so because America's greatness is rooted in the universal principles of liberty, justice, and human rights that two previous world wars have failed to extinguish.

President Bush is right that "[a]s long as the United States of America is determined and strong, this will not be an age of terror; this will be an age of liberty, here and across the world." I say to our Commander in Chief that this Senator is determined to provide whatever assistance is requested and needed to win the global war on terrorism. I ask my colleagues to join me in this important endeavor.

I think they taught journalists in journalism school that good news is not news; that only bad news is news. We have sort of gotten accustomed to that in the United States. I would argue that in Iraq good news is news because prior to the fall of Saddam Hussein, almost nothing good ever happened. So the unusual in Iraq is something good happening. Clearly, 9 out of 10 things in Iraq are going in the right direction, contrary to the impression one would get from reading the daily newspaper or watching television news.

Speaking of newspapers, there are 170 newspapers being published in Iraq. That is certainly more choice than we have in my hometown of Louisville, KY, I can tell you that. Some of these papers are probably even more credible than the New York Times. So there is opinion being expressed all across Iraq, particularly in print media springing up everywhere, as they enjoy this new freedom they were previously denied.

In terms of security, the toughest issue, 60,000 Iraqis have been trained by us to begin to provide security, and some of those Iraqi security forces have thwarted some of these bombing attempts in the last 2 days. They are learning how to do it, and they are getting better. That security force is growing on a daily basis. When they conduct joint exercises with American troops, the patrols are frequently cheered by people in the countryside. They are happy they are there. They are excited by that.

Reconstruction: There have been 13,000 reconstruction projects completed to date, actually finished.

Schools: Back during the Saddam Hussein regime, they used schools to store ammunition. Today they are being used to educate young Iraqis. The schools are open. They opened a little over a week ago, and at least 1,500 of those schools—we are not anywhere near finished, but at least 1,500 of those schools have been refurbished by us.

We had a chance to visit a school in Baghdad—actually several schools. At one of them, I had a chance to talk with the principal. There is no way I can overstate how excited they are to, first of all, have their school fixed up and, second, have an opportunity to begin to teach these youngsters once again and to teach them in a more open and effective manner, unsupervised by some tyrant and his thugs in Baghdad.

Power: We finally have been able to get power production back to prewar capacity. That is still not nearly enough, but it is heading in the right direction. The ingenuity of the American commanders on the ground is really something to behold. General Petraeus, who is the division commander of the 101st Airborne, which is up north in Mosul, who, interestingly enough, has a Ph.D. from Princeton, has negotiated agreements with Turkish and Syrian officials to bring power from those countries into northern Iraq to help them meet their power needs.

New currency: I managed to pick up as a souvenir, as I left the country, an example of the old currency. This may be worth something someday. It has, of course, Saddam Hussein's face plastered on the front. These are no more. New currency is in the process of being issued in Iraq this week, and it begins the process of changing over to a different kind of currency. By the way, I think it is appropriate to note there will not be a single image of Saddam Hussein on any of these pieces of currency.

Going back to the 101st Airborne for a minute, they, of course, were also in Bosnia. The commander of the 101st said to us—and he was quite frustrated, as many of the soldiers were, about the perception that nothing was being accomplished there, that we were not heading in the right direction—he was in Bosnia as well, and we made more progress in Iraq in 6 months than we have made in Bosnia in 6 years. That is significant progress.

When he was talking about progress, he was not talking about the military part of it—that ended back in May; at least the intense combat portion ended—but he was talking about their efforts to deal with local people and these myriad of projects in which they are involved.

In northern Iraq, they had the first monitored provincial election in the Ninawa province. We had a chance to meet with the local council that had been elected in that province. There was an election held since Saddam Hussein fell from power.

With regard to security, there is no question that security is still a serious problem in Iraq. Regrettably, we see it on an almost daily basis. But I bet not many Americans know that more Iraqis have been killed during this period than people from outside the country.

What does that mean? It means that the Baathists, who are probably the principal organizers of these violent activities, are trying to get power back. They are not just after the Americans. They want to get power back. They are going to try to kill anybody in the way. Frankly, if we left tomorrow, they would be after whatever Iraqis were in charge because they want to get the power back. They want to control the country. They want to go back to their abusive tactics that they engaged in for 25 years.

So they are indiscriminately attacking anybody who is directly involved in replacing them: the Iraqi Governing Council, the Turks after saying they would send in 10,000 troops—there was an attempt on their embassy yesterday. There was an attack on the Jordanian Embassy and the U.N. earlier. This is not just an attack against Americans but against anybody who is helping the Iraqis move in the direction of having a normal, democratic, responsible country.

There have been some demonstrations. People have said this is outrageous; it must mean they do not like the fact that Saddam Hussein is gone. Well, these demonstrations—which by the way could not have occurred under Saddam Hussein because he would not have allowed it—are related to unemployment and delayed pay. Sounds like the sort of thing that would demand a demonstration in this country. Those are some of the conditions obviously that need to be dealt with.

So let's put everything in perspective. One would be hard pressed to find an Iraqi who would say they were better off under Saddam than they are now.

I have heard some reporters suggest that maybe we were sold a bill of goods while we were over there and only heard what people wanted us to hear. Let me say to that, it would be impossible to organize all of the youngsters we passed in the streets who were waving at us—not because of us but because of the American soldiers we were with—giving a thumbs up and smiling. Nobody could have organized all of that. Clearly, the young people, who are a reflection of their parents' views, are excited that the American troops are there and happy that Saddam Hussein is gone.

Another noteworthy observation that certainly could not have been created in order to give us a good impression of what was happening is that commerce is springing up everywhere. Business men and women are selling their wares along the sides of the streets. The Iraqis are not only well educated, they are quite entrepreneurial. These are the kinds of talents that are going to give them an opportunity to build an Iraq of which their citizens can be proud. We have a free Iraq now but we do not have everything we need to have.

I conclude by making an observation about the package that we have been debating. Twenty billion dollars of the $87 billion is for reconstruction. At some point I know we are going to have amendments related to what conditions ought to be placed on that $20 billion, but let me say how important that is.

Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. If we look at the $87 billion, $66 billion of it is for troops. The stationing of troops overseas is very expensive. So I say to our colleagues who are concerned about the costs, the sooner we can get the troops home, the sooner it will cost us dramatically less. That is why the reconstruction project part of it is so important. Getting the country structured in such a way that they have adequate power, clean water, and are able to move forward with their infrastructure is the key to getting the troops home. So the $20 billion part of this package is critically important.

I know we will be having amendments about whether it ought to be conditioned. I think the President is correct. I think it ought to be a grant. I think we ought to make it clear that we did not go in there to put them in debt beyond where they are already. But we will have that debate in the coming days on the supplemental.

I am thankful for the opportunity to share my observations about my recent trip with Members of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana has 2 minutes 20 seconds remaining.

Ms. LANDRIEU. Mr. President, there is hardly any point that my colleague from Kentucky so ably made this morning that I disagree with, or that most people on this side—not all but most—would disagree with. The issue is not whether we can stay and finish the job. Obviously, we have to do that, for any number of reasons, for our own security, for the stability of the region. We are a powerful nation that makes promises and keeps promises. That is not the question.

The question is, How should we pay for it? This administration has basically said it is our way or the highway: no loans, no modification of the tax cut, and no oil revenues can be used. The President is telling the American people, and the Republican leadership is saying to the American people, basically, that there is only one way to pay for this, and it is to dig deeper into our own basic deficit: borrow against our children's trust funds, borrow against paying for schools, hospitals, or colleges, and pay for it by increasing the deficit to our children and grandchildren.

Some of us are saying there is a better way. We could lend the money and establish a way for Iraq to build itself out of its own situation with our help and support, not by indebting Iraq, but by freeing up their natural resources to pay for a reconstruction that can sustain itself.

The point I want to make is there is no quick fix for nation building. The Rand study, a balanced independent study—they are not Democrat or Republican—says no previous case of nation-building was successfully completed in less than 7 years.

We will need something that we can sustain. This is a democracy in the United States, not a dictatorship. The people will need to support this effort. They are not going to support going into greater debt. They are not going to support having our children make sacrifices for Iraq's reconstruction. If someone has to make sacrifices, let the adults in this country make the sacrifices, not the children. And our greatest generation has already made enough sacrifices, let's not rob their social security trust fund.

This is a chart depicting Iraq. This is the southwestern portion of the country. We have not even explored for oil there and the experts—again, Louisiana knows something about oil because we have a lot of it—say there is more oil in the southwest section than here. Here are the fields. They are not even fully developed. This has not even been explored, yet the President wants us to use the Social Security trust fund instead of these reserves. I think that is wrong. I think there is a better way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas controls the time.

Mrs. HUTCHISON. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. Nine minutes forty-six seconds.

Mrs. HUTCHISON. I yield the entire time to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank the Chair and I thank my friend from Texas. I also thank my friend from Louisiana because I think she brings up some very valid points.

If one visits Iraq—especially the neighborhoods, which are just like some of the neighborhoods across this country—one will see poverty that is rampant, as well as poor living conditions. These neighborhoods are no place that I know that any American, having the choices we have in this country, would choose to raise their children. But they will get better because of the benevolence of a great country, the United States of America. We opted to make that choice after World War II in the rebuilding of a destroyed axis, both east and west. As it turned out, it was a very wise investment.

We have the same opportunity now in a part of the world where great changes are starting to take place. Because of our presence in Iraq and the actions we are taking there, Saudi Arabia is for the first time in its history going to offer elections. Have they done that because of what we didn't do in Iraq? I think one would have to question that.

I congratulate my friend from Kentucky. When he goes on a working trip—we had 8 days in the field. I mean it is getting up early in the morning, catching an airplane, and flying into an area where let's say most of the action was centered, working all day, and then flying back and getting a hotel even without dinner. That is all right. I can afford to miss a dinner or two. I can afford to miss a few meals. But we were ground level.

Central services are being reestablished in Iraq way ahead of schedule and are now at the same level or beyond what they were prewar. The plan that has been laid out—and everybody knows it and everybody reads it—is working. Fifteen hundred schools have now been refurbished and another 1,500 will be finished by the first of the year. We now see schools open, with kids and parents very happy. An Iraqi contractor used 30,000 Iraqi carpenters, painters, and people who refurbish in that endeavor. Iraqi people are picking up their own neighborhood because they have the freedom to do so and telling us that if we leave now, they cannot go with the job only partly done.

Is there a timeline? There is never a timeline for this kind of an operation. That is kind of like me going out and saying I am going to build a fence until the 10th day of November. Bad weather comes, and a lot of things intervene. I don't get the fence done. Come the 15th of November, am I going to quit building the fence? I don't think so.

So timelines on projects such as this are very slow but they are moving forward.

Are we talking about a lot of money? You bet we are. It is money that sometimes we think we don't have. But sometimes we make investments in things with money which we don't think we have either.

There is a powerplant that would be shut down in this country in a New York minute. There are six turbines and only two are operating. It was built in 1928, and not a nickel was ever invested in the O&M of that plant. There are no computers nor control rooms; it is entirely manually operated. Efficiency of producing electricity and even conserving electricity is not there. Central services of water, telephone, and even health care are back beyond what they were prewar.

We found out one thing: Saddam Hussein did two things really well. He built great palaces. We were in a couple of them. They are pretty good digs. He also built a good road system. But that is where it stopped. Irrigation systems around Mosul and along the Euphrates River are falling apart—not because of damage in an armed conflict but because of no investment in O&M. Now we are restoring those irrigation systems; people will be able to feed themselves.

We are making an investment in people who are educated and motivated and who want to have something to say about their own fate when it comes to the economy and to their political freedoms. That is what this is about.

Is this about establishment of a government that will look like ours? No. It will not look like ours. But at least it will be a representative form of government—another one in that region that changes the mindset of the entire Middle East. Elections in Saudi Arabia are just part of that. This is the cradle of terrorism. This is where it starts. This is where it is planned, and this is where it is financed. But with economies of scale, as they grow, terrorism diminishes. We take the fear out of doing business or going to school or doing shopping or even in recreation.

It will be Americans who will do that. Money is just a tool. It can be used for good. It can be used for evil. We have chosen to use it for good.

Talk to the parents of those children going to school. I talked to a lad of about 10 or 11 years. I asked him if there is any difference this year. He said: Yes; there are a lot of girls in my class. He had never experienced that before. Their eyes are bright; they are eager to learn; and their parents are happy that we are there. That is at the neighborhood level. It is not in some headquarter being briefed by the State Department or the military people.

Talk to the soldiers on the street. Do they understand what the mission is? Yes, they do. Are they motivated to carry it out? Yes. They understand that there is great risk, but there is always great risk with freedom. We have assumed that risk in this country. We assume a high level of risk for that very precious thing called freedom.

We have to rebuild the infrastructure with these appropriations, get their economy going, and then bring our troops home. They can come home faster than if we say we are just going to leave them alone. What kind of a signal does that send to the meeting next week in Madrid where we are calling the world's nations together to participate with us in rebuilding an infrastructure for a people who actually deserve it and which was denied by a tyrant for the last 25 or 30 years?

This is what America is about. I am proud to be a part of it.

I yield the floor.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1689, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1689) making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Byrd amendment No. 1818, to impose a limitation on the use of sums appropriated for the Iraq Relief and Reconstruction Fund.

Byrd/Durbin amendment No. 1819, to prohibit the use of Iraq Relief and Reconstruction Funds for low-priority activities that should not be the responsibility of U.S. taxpayers, and shift $600 million from the Iraq Relief and Reconstruction Fund to Defense Operations and Maintenance, Army, for significantly improving efforts to secure and destroy conventional weapons, such as bombs, bomb materials, small arms, rocket propelled grenades, and shoulder-launched missiles, in Iraq.

Bond/Mikulski amendment No. 1825, to provide additional VA Medical Care Funds for the Department of Veterans Affairs.

Reid/Lincoln amendment No. 1835, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

Reid amendment No. 1836, to express the sense of Congress on damages caused by the regime of Saddam Hussein during the first gulf war.

Corzine/Durbin amendment No. 1811, to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

Durbin amendment No. 1837, to ensure that a Federal employee who takes leave without pay in order to perform certain service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

Reed/Hagel amendment No. 1834, to increase the end strength of the Army and to structure the additional forces for constabulary duty.

AMENDMENT NO. 1811

The PRESIDING OFFICER. Under the previous order, there will be 4 minutes equally divided prior to a vote in relation to the Corzine amendment No. 1811.

Who seeks recognition?

The Senator from New Jersey.

Mr. CORZINE. Thank you, Mr. President.

Mr. President, this amendment I have offered, along with Senators LAUTENBERG and DURBIN, would reduce the retirement age for members of the National Guard and Reserve from 60 to 55. This change would allow an estimated 92,000 reservists currently age 55 to 59 to retire with full benefits, honoring their service and respecting the drastic demands we put on them in the post-cold-war era and the age of terrorism.

As we reflect on the demands placed on our soldiers in Iraq and other parts of our world because of terrorism, particularly our reservists—roughly 20,000 are in the theater—it is time we actually make this important change in the benefits that our reservists and guards receive.

This chart shows how we were deployed in 1992. We had 1 million total man-days per year from reservists and guards. It jumped to 13 million in 2001. It was 41 million in 2002. It will be up again in 2003. We are using our reservists dramatically differently than in previous years. It is time to recognize that and make sure they are treated appropriately.

This request is at the top of the requests of the Reserve Officers Association, Veterans of Foreign Wars, Air Force Sergeants Association, American Legion, a variety of folks. It will make a difference in making sure our people want to continue their career as reservists and guards. It will potentially reduce the cost of declining enlistment and retention forces, promote an overall package of incentives to meet recruiting and retention goals. It will make a difference in our people's lives.

We need to move forward on this parity between reserve and civilian retirement age. I hope my colleagues will join in supporting this important amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. FEINGOLD. Mr. President, I share the Senator's concerns that National Guard and Reserves troops are not being treated equitably when it comes to retirement benefits. This is particularly unfortunate at a time when we are relying more than ever on these brave men and women. The retirement rules need to be changed.

While I agree with this amendment in principle, I regret that I cannot support it at this time because of its large budgetary impact. With our Federal deficit spiraling out of control, we need to make sure that we offset—i.e., pay for—large spending measures. Unfortunately, this amendment does not contain an offset.

We must also make sure that this important amendment, one with such a large fiscal impact, is thoroughly evaluated. The Congress has recognized the importance of the problem brought to our attention today by the distinguished Senator from New Jersey, Mr. CORZINE, and has ordered that the issue be studied as part of a review of reserve compensation. We should allow for the completion of this study as part of our commitment to good stewardship of taxpayers' money.

The Senator from New Jersey was right to bring this debate to the floor. The Guard and Reserves have been, and continue to be, heavily relied upon by our country, and we owe it to them to fully address the inequity in retirement rules. I look forward to working with my colleagues in the near future to fix this retirement eligibility issue.

Mr. STEVENS. Again, I apologize to the Senator from New Jersey. Our position on this amendment is it is an amendment that should not be brought up in connection with an appropriations bill when changing the reserve compensation system in a very drastic way. As a matter of fact, CBO scored this provision as follows for mandatory/direct: First year spending at $1.486 billion; the 5-year cost, $8.349 billion; and the 10-year cost, $16.466 billion.

Both the House and the Senate have passed a provision that requires a study of this compensation, in part to determine whether retirement systems should be changed in view of the modern requirements and in view of the total force of the United States. The requirement to wait until age 60 to collect reserve pay has long been in effect and there is no basis right now to claim that any reservists who stay for a career have been misled about the level or timing of the compensation they receive. However, it is a matter of fact that we all want to have this changed. Any changes to the Guard and Reserve retirement benefits need to be assessed for the long term, not just in relationship to the current deployment.

I am constrained to point out that the pending amendment 1811 offered by the Senator from New Jersey, Mr. CORZINE, increases spending by $2.3 billion in the fiscal year 2004. This additional spending would cause the underlying bill to exceed the Defense subcommittee's section 302(b) allocation. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, pursuant to section 904 of the Budget Act of 1974, I move to waive the applicable sections of the act for purposes of the pending amendment and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. BURNS). Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Illinois (Mr. FITZGERALD) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 49, as follows:

[Rollcall Vote No. 381 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feinstein
Graham (FL)
Grassley
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith
Snowe
Stabenow
Wyden

NAYS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Feingold
Frist
Graham (SC)
Gregg
Hagel
Hatch
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—4

Edwards
Fitzgerald
Kerry
Lieberman

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). On this vote, the yeas are 47, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, may I have the attention of the Senate for a moment. There is another scheduled amendment to be voted on right now. I ask Members of this side who have not come forward and offered their amendments—we have a series of amendments filed by Republican Members: Senators HUTCHISON, SPECTER, and GRAHAM. We have notice that two or three other Senators—Senator WARNER and Senator BROWNBACK—have potential amendments. We have heard from the other side with amendments so far. We agree we should consider amendments offered on this side if anyone is ready to offer an amendment.

I urge during this vote that Members consult with me and the staff to see what amendments they are willing to raise now. We are still committed to finishing this bill, and my colleagues are going to have to raise them sometime, so I hope they will consider raising them now.

Regular order, Mr. President.

Mr. REID. Mr. President, will the Chair indicate how long the last vote took?

The PRESIDING OFFICER. Thirty-eight minutes.

Mr. REID. Mr. President, I say to everyone here, we are trying to finish the bill this week. Over the last several days, these votes have gone on and on. We cannot finish this bill if the votes take more than 20 minutes. Everyone should be on notice. We have many amendments. This would have been an opportunity, during the extra 20 minutes on this amendment, for someone to have offered their amendment and then completed the vote on the next amendment. We cannot finish the bill if we continue having 38-minute votes.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator from Nevada is absolutely right. I recall the other day when a number of us were missing. The last person had not voted and I asked his assistant where the person was. They said he was at the airport. An hour and 40 minutes later, I said: What airport? They said: Philadelphia.

The Member who just voted last was on the subway. I thought that was the subway of the Capitol. I apologize to the Senator.

I put the Senate on notice that we will observe the 20 minutes. In fact, as we get through this bill toward this evening, I hope to have a series of stacked votes, with the first vote being 20 minutes and all thereafter being 10 minutes. We have to stop wasting time on the voting process and get this bill finished by Friday, as we will try to do.

I thank the Chair and ask for the regular order.

AMENDMENT NO. 1834

The PRESIDING OFFICER. Under the previous order, there are 7 minutes for debate in relation to the Reed amendment No. 1834, with 5 minutes under the control of the Senator from Rhode Island, Mr. REED, and 2 minutes under the control of the chairman prior to a vote on or in relation thereto.

The Senator from Rhode Island is recognized for 5 minutes.

Mr. REED. I thank the Chair.

Mr. President, my amendment would raise the end strength of the U.S. Army by 10,000 soldiers. It is fully paid for this year through the Iraqi freedom fund.

In the process of rebuilding Iraq, we have to be very careful not to demolish our Army. It is stretched thin across the globe, with 320,000 soldiers in over 120 countries. They are serving us today. They will serve us tomorrow. They will do it with great distinction and fidelity to their service and to the country, but we have to make sure they have additional men and women to do the job.

We are already beginning to see the cracks. In Iraq, there are 1 million tons of ammunition that are not fully secured. Thousands of air defense shoulder-fired missiles are unaccounted because we simply do not have the troops to cover all the places.

If we want more forces in Iraq, then we have to have more forces in our end strength. Even if you do not want more forces in Iraq, we have to have an end strength that will support our deployment policy, and we do not right now.

This stress will show up in training opportunities missed, in retention and recruitment objectives missed, and a lack of flexibility to respond. It will be particularly important to our National Guard and Reserves because if we do not increase the Active Forces, the burden will fall more and more on Reserve Forces, and that burden over time is unsustainable.

I urge all of my colleagues to support this measure to help the soldiers. If we do not pass this measure, the next time you see your Guard men and women and reservists, you can tell them their bag better be packed because they will be going again and again.

I ask unanimous consent to add Senator BIDEN and Senator NELSON of Florida as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I yield the remainder of my time to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I advise my colleagues to support Senator REED's amendment. I rise to support the Reed amendment because, in fact, everything he has said about why it is important to enhance and enlarge our force structure is exactly right. Force structures are not developed over a year, 2, 3, or 4. Force structures are developed over a long period of time.

When we are looking at 125,000 activated National Guard and Army Reserve units now, and probably more to be activated, we cannot sustain that kind of activity for the long term. That means we are going to have to face up to reality—what the Senator from Rhode Island is talking about—and that is enlarge that force structure.

Currently in Afghanistan, Iraq, and the Balkans, almost in the entire military police force, our civil affairs force is made up of National Guard and Army Reserves. We cannot sustain that situation. We need more light infantry; we need more special forces; and we cannot do this on the cheap. As the President of the United States has said, this is a long-term commitment, not just in Afghanistan and Iraq, but the challenges that face us in the 21st century are new challenges, different kinds of challenges that will require different force structures. That means we cannot use just laser-guided munitions. Someone has to govern—nation building—exactly what we are doing in Afghanistan and Iraq.

I know this is imperfect. This maybe is not the exact way to do this, but it is something this body, this Congress, this Nation needs to face up to, and they need to face up to it now.

I hope my colleagues take a serious look at this amendment. As my colleague from Rhode Island said, this does not come out of the President's $87 billion package.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, current law allows the services to exceed end strength by 3 percent. Currently, there are about 9,000 soldiers who already exceed the end strength. They have another 5,000 that they can increase. This will take money from the amount they need. I strongly understand the Senator's request, as well as Senator HAGEL, but I would like to yield 45 seconds to Senator MCCAIN and 25 seconds to Senator SESSIONS and then be recognized to make a motion to table.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I share the view of the Senator from Rhode Island and the Senator from Nebraska that we need more troops in the military. We have authorized that in the Defense authorization bill. I agree that there are specific needs in Iraq and our Guard and Reserves are overstressed. I believe this is not the appropriate vehicle. I believe it is an earmark of the $87 billion, and at this juncture it would take away from the flexibility that is necessary for the spending of this money. I hope we could address this issue in the fashion which it deserves both in Defense authorization and Defense appropriations bills.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I have given a lot of thought to this, and I believe that we should not pass the Reed amendment at this time. I have spoken with General Schoomaker, Chief of Staff of the Army on this subject. He says: Give me time to study what we need, to study transformation, to review our MOS structure, and then I will make a recommendation. General Abizaid also clearly says that we do not need more troops in Iraq. We are beginning to reduce our troop presence in Iraq. We are presently at 138,000 down from 250,000.

CBO has said increasing our end-strength is not an answer to current stress. It will take 2 years to get the troops proposed in this amendment trained and fielded. I urge us not to go forward with this amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, the Army has 501,000 soldiers serving on active duty. Not only is this above the authorized end strength of 480,000, it is also above the 3 percent variance rate. The Army desperately needs troops, and we can provide them these troops today. This is funded through the Iraqi freedom fund, a $1.9 billion unrestricted account that the Secretary of Defense has. In fact, as I understand it, the Secretary of Defense could turn around tomorrow and use this money for these troops. We can do it today. We should do it today. We cannot stand these stresses much longer. We can give General Schoomaker more time, but the troops that are today in Afghanistan, in Iraq, and around the globe need to know that we are going to send them the reinforcements they need through the active services.

I yield my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it will take 3 to 5 years to train those additional soldiers. I do not know from where the Senator is getting his information. I get mine in writing from the Department of Defense, and I stated the figures as we understand them. We do not need any more troops. General Abizaid testified he has troops he does not need, and he is going to start bringing some home.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The sponsor of the amendment still has 25 seconds. Does the sponsor of the amendment yield time?

Mr. REID. I will yield back his time.

The PRESIDING OFFICER. Without objection, it is so ordered. The time is yielded back.

The yeas and nays have been requested. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 1834. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 382 Leg.]

YEAS—45

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Dole
Domenici
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hatch
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Sununu
Thomas
Warner

NAYS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Graham (FL)
Hagel
Harkin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Stevens
Talent
Voinovich
Wyden

NOT VOTING—3

Edwards
Kerry
Lieberman

The motion was rejected.

The PRESIDING OFFICER. The Senator from Louisiana.

CHANGE OF VOTE

Ms. LANDRIEU. On rollcall vote 382, I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote since this will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. STEVENS. Madam President, I enter a motion to reconsider.

The PRESIDING OFFICER. The motion is entered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will——

Mr. REID. Will the Senator withhold that request?

The PRESIDING OFFICER. Will the Senator withhold?

Mr. STEVENS. Yes.

AMENDMENT NO. 1835 WITHDRAWN

Mr. REID. Madam President, I ask unanimous consent that amendment No. 1835 be withdrawn.

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1838

Mr. REID. Madam President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk on behalf of Senators REID, MCCAIN, and LINCOLN.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. MCCAIN, and Mrs. LINCOLN, proposes an amendment numbered 1838.

The amendment is as follows:

(Purpose: To permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability)

At the end of title I, add the following:

SEC. 316. (a) RESTORATION OF FULL RETIRED PAY BENEFITS.—Section 1414 of title 10, United States Code, is amended to read as follows:

"§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation

"(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

"(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

"(c) EXCEPTION.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

"(d) DEFINITIONS.—In this section:

"(1) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

"(2) The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(13) of title 38.".

(b) REPEAL OF SPECIAL COMPENSATION PROGRAMS.—Sections 1413 and 1413a of such title are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 1413, 1413a, and 1414 and inserting the following:

"1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation.".

(d) EFFECTIVE DATE; PROHIBITION ON RETROACTIVE BENEFITS.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the first month that begins after the date of the enactment of this Act.

(2) RETROACTIVE BENEFITS.—No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as amended by subsection (a), for any period before the effective date under paragraph (1).

Mr. REID. Madam President, if the Senator will allow me to state what I think is in the process of happening, the Senator from Nevada is going to take about 5 minutes, and the Senator from West Virginia would take the remainder of the time until 12:30. He is going to offer an amendment. Senator BYRD is going to offer an amendment, if that is appropriate with the manager.

Mr. STEVENS. Will the amendment be called up at that time?

Mr. REID. Yes. Senator ENSIGN would like to be recognized to speak for 5 minutes on his amendment, and Senator BYRD has an amendment. We understood, based on previous conversations, that the majority was going to offer amendments. We were of the impression there was no one here to offer one before 12:30, other than the Senator from Nevada, Mr. ENSIGN.

Mr. STEVENS. Madam President, the Senator is correct, although we are working on that. As I understand it, does the Senator from Nevada expect to go to a vote right away?

Mr. REID. Whenever the Senator wants to go to a vote. I know leadership wants a vote.

Mr. STEVENS. We have two other Senators who are ready on this side. Senator WARNER and Senator GRAHAM of South Carolina are ready to offer amendments on this side.

Mr. REID. Senator BYRD was only doing this out of his normal courtesy. He had other things to do. He was willing to come here and do this at this time because we thought there was no one to offer an amendment on that side.

Mr. STEVENS. Is the Senator's amendment already offered?

Mr. REID. No. So if you have people here ready to go, I ask Senator BYRD, would that be OK that they go?

Mr. BYRD. Sure.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If I could take a minute, Madam President.

I know this last vote was a close vote. There was some trouble in determining the final outcome of the vote. But I do say this, speaking for me and for the Democratic leader, we are doing our best to cooperate, but things are not going very quickly here, and I am not confident, at this stage, we can complete this bill. We want to. We have every intention of doing so. But, as I indicated a few minutes ago, when a vote takes 38 minutes and this one takes—how long has this vote taken, Madam President?

The PRESIDING OFFICER. Twenty-eight minutes.

Mr. REID. How long?

The PRESIDING OFFICER. Twenty-eight minutes.

Mr. REID. I think that speaks for itself. I hope we can move along more quickly. It is not anything that we are doing that is slowing this down. We have a number of Senators over here who wish to offer amendments. I know the majority has some. So I think tonight and tomorrow night could be very late nights.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I confess I was in another meeting when I got the word that the vote was not as I expected it. As manager of the bill, I am obligated to take the time to try to achieve the goal that has been set by the administration and by the majority. So I do apologize. But that was an extra amount of time needed to determine what tactic I should use to try to achieve the goal I think the Senator from Nevada would use if he were in my shoes. So we respect one another.

He is right; we went over and we said, just minutes ago, we would not. But a contingency developed that I do not think I need to apologize for. I just need to explain.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 1839

Mr. ENSIGN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 1839.

Mr. ENSIGN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce the amount available for reconstruction in Iraq by the amount that is used to repay bilateral debts owed by Iraq)

On page 38, between lines 20 and 21, insert the following new section:

SEC. 2313. (a) Not later than April 30, 2004, the Secretary of Defense shall submit a certification to Congress of the amount that Iraq will pay, or that will be paid on behalf of Iraq, during fiscal year 2004 to a foreign country to service a debt incurred by Iraq during the regime of Saddam Hussein, including any amount used for the payment of principal, interest, or fees associated with such debt. Such certification shall include—

(1) the actual amount spent for such purpose during the period from October 1, 2003 through March 31, 2004; and

(2) the estimated amount that the Secretary reasonably believes will be used for such purpose during the period from April 1, 2004 through September 30, 2004.

(b) On May 1, 2004, the Director of the Office of Management and Budget shall administratively reserve, out of the unobligated balance of the funds appropriated in this title under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT", the amount that is equal to the sum of the amount certified under paragraph (1) of subsection (a) and the estimated amount certified under paragraph (2) of such subsection. The amount so reserved may not be obligated or expended on or after such date.

(c) The Director of the Office of Management and Budget shall impose such restrictions and conditions as the Director determines necessary to ensure that, in the apportionment of amounts appropriated as described in subsection (b), the balance of the total amount so appropriated that remains unobligated on May 1, 2004, exceeds the amount that is to be reserved under subsection (b).

(d) It is the sense of Congress that each country that is owed a debt by Iraq that was incurred during the regime of Saddam Hussein should forgive such debt, including any amount owed by Iraq for the principal, interest, and fees associated with such debt.

Mr. ENSIGN. Mr. President, we don't intend to stay in Iraq forever. And we don't intend to rebuild Iraq—that is a task for the Iraqi people.

Our exit strategy—the way to get our troops home—is to make sure that Iraq's economy can produce sufficient revenue to pay for its own reconstruction—so Iraq is not dependent on International assistance.

Our exit strategy is to help train Iraqi police, border patrol, and its armed forces and civil defense forces so Iraq is not dependent on foreign troops for its own security.

The President's request is designed to help Iraqis get on a path to self-reliance, so U.S. forces can come home, and so the U.S. taxpayer does not have to foot the bill for Iraq's reconstruction.

Unfortunately, it is going to be difficult to kick-start Iraq's economy—even with a generous U.S. aid package—because Iraq is saddled with an enormous amount of debt from Saddam Hussein's regime.

For example, according to the White House, the bi-lateral debt owed by Iraq includes:

$8.9 billion to Japan;
$6.9 billion to Russia;
$6 billion to France;
$4.8 billion to Germany;
$30-50 billion to Gulf countries;
$8.2 billion to Kuwait;
$18 billion to Non-Paris club countries like China, Korea, and Turkey.

Mr. President, I realize that none of the funds appropriated by this bill may be used to service a debt that is owed by Saddam Hussein's regime. So I am not worried that any of the $20 billion the President has requested for Iraq will directly end up in the pockets of the French.

But money is fungible. If we pass this bill, as it stands right now, a future Iraqi government could use new oil revenues to pay back France billions of dollars while accepting billions in U.S. foreign aid. After all, Iraq has already sold about $1.6 billion in oil exports since they resumed this summer.

Americans are a generous people. We are willing to make sacrifices.

But we are not going to spend our hard-earned tax dollars to bail out France—money France lent to Saddam Hussein.

My amendment is simple. It reduces the amount available for reconstruction in Iraq by the amount that is used to repay bilateral debts owed by Iraq. So for every dollar that goes to a country like France, a dollar is subtracted from the U.S. foreign aid package.

This is a commonsense way to make sure that U.S. funds are spent where they are needed—in Baghdad—instead of Paris, Moscow, or Berlin.

Mr. McCONNELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I have examined the amendment offered by the Senator from Nevada and it has two basic requirements. One is a certification of the amount Iraq will pay or that will be paid on behalf of Iraq, during fiscal year 2004 to a foreign country to service a debt incurred by Iraq, including any amount used for the payment of principal, interest, et cetera. This deals with the amounts that were debts of the former regime of Iraq. It states:

> On May 1, 2004, the Director of the Office of Management and Budget shall administratively reserve, out of the unobligated balance of the funds in this title under the subheading Iraq Relief and Reconstruction Fund . . . the amount that is equal to the sum of the amount certified under paragraph (1). . . .

Namely, it is the amount that has been used from any source to service the debt that Iraq owed under the Saddam Hussein regime.

Madam President, we take the position there will be no such payment. In any event, we don't see any harm in finding out if there is such a payment and dealing with that subject accordingly. Therefore, I am prepared to state to the Senator from Nevada we have no objection to the amendment of the Senator under the circumstances right now, and I will rely upon the statement of the distinguished Senator from West Virginia to determine whether there is objection from his side of the aisle. It is not an amendment I really seek to have enacted. In all probability, it may be substantially changed in conference if it does survive. But it is not something that offends the process we are involved in now. We don't know of any payments that would be made by any country on behalf of the former regime of Saddam Hussein to deal with the debt that existed under that regime.

Therefore, I will not oppose the amendment. I seek the advice of the Senator from West Virginia as to what they intend to do concerning this amendment. Does the Senator wish some additional time to consider this matter? Would he like to take the recess now and come back and deal with this after our weekly luncheon?

Mr. BYRD. Madam President, it is my information that this side has not yet adequately followed this amendment and has not seen it until recently to the extent that we are prepared to accept it. It appears to be a good amendment, but we may or may not want to accept it. Will the Senator allow us a little time for further study?

Mr. STEVENS. Yes. Madam President, I thank the Senator. I think the Senator will remember, as we wound up the session just prior to the recess, there were a series of amendments that were under consideration. Senator ENSIGN's was one of those. I think Members of our side checked with staff on the Senator's side, but we are probably not dealing with the right people. We had to pull the Ensign amendment at the last minute because we didn't have the clearance we thought we had.

I suggest we just stand in recess now and address this matter when we come back after the scheduled recess.

Mr. BYRD. I thank the Senator.

RECESS

Mr. STEVENS. Madam President, I ask unanimous consent that we stand in recess, according to the previous order, until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:26 p.m., recessed until 2:16 p.m and reassembled when called to order by the Presiding Officer (Mrs. DOLE).

ORDER OF PROCEDURE

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, the Senator from Florida spoke just before the break to both managers of the bill. He wishes to speak for 4 minutes on an unrelated subject. I ask unanimous consent that he be allowed to do so.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida.

CONGRATULATIONS TO THE CHINESE

Mr. NELSON of Florida. Madam President, there is at this moment in orbit the first Chinese astronaut. Their successful launch of a piloted spacecraft marks the beginning of a new chapter in the history of human exploration of space. Just the third nation to accomplish such a feat, I am happy on behalf of the Senate to welcome China into an elite group of nations that can independently send humans to explore the heavens.

The United States and Russia established manned space programs decades ago and are pleased to have a new ally—we hope a new ally—in the quest to explore space.

China's program will provide additional resources, I hope fresh ideas, and renewed enthusiasm for space exploration. My hope is that China will become a partner in our ongoing international efforts, such as the International Space Station, to make technological advances and to help solve mysteries of outer space.

As China undertook its first such mission, my thoughts were with the first taikonaut who is the sole space flyer on Shenzhou 5. Americans know all too well the potential risk of space flight, and we commend this astronaut's courage.

Americans also know that the benefits of space exploration outweigh the risks. We expect that the Chinese will reap rewards that space missions offer—to learn and to explore, to advance technology, and to uplift the human spirit.

Now that China has opened a new chapter in human space flight history, it is fitting that America refocus our own goals on exploration. Now is the time to renew our commitment to space exploration with a vision that will capture the imagination and the support of the people on planet Earth.

Congratulations to the Chinese. We look forward to a successful return, as he reenters, starting about 5 o'clock, as that reentry falls through space for about 30 minutes, and then as he starts encountering the upper atmosphere about 30 minutes from landing, which is a very perilous part of the journey, as we have very painfully learned as American citizens in the experience we had last February.

I am very confident our future missions at NASA will be quite successful. I again commend Admiral Gehman and his commission for the excellent report of the Gehman Commission. I commend NASA and I encourage NASA to adopt all of the recommendations of the Gehman Commission. We again welcome the Chinese into this select fraternity of space-faring nations from planet Earth.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION, 2004—Continued

AMENDMENT NO. 1839

Mr. STEVENS. Madam President, the pending business is the Ensign amendment?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I now believe that has been cleared and I urge adoption of that amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1839.

The amendment (No. 1839) was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Senator BYRD has cleared the amendment to which we already agreed. He is ready to offer other amendments, as others are. We certainly want to cooperate and have the Republicans offer a number of amendments. We have more to offer than they do, but they have an opportunity to offer theirs. At this time, I suggest the Senator from New Mexico be recognized. If, in fact, Senator GRAHAM of South Carolina shows up, the Senator from New Mexico will be happy to yield to him. He is only going to speak for 10 minutes anyway.

Mr. STEVENS. Madam President, if the Senator will yield.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. My understanding was it was time for us to start moving some of the amendments on our side.

Mr. REID. We understand.

Mr. STEVENS. Senator GRAHAM of South Carolina, Senator WARNER, and Senator DOMENICI are coming. So I hope to proceed then. I have no objection to the Senator from New Mexico proposing his amendment and making a statement. We will set that aside when the other Senators appear.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 1842

Mr. BINGAMAN. Madam President, I do send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 1842.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require reports on the utilization of the National Guard and Reserves)

At the end of title I, insert the following:

SEC. 316. (a) FINDINGS.—Congress makes the following findings:

(1) The National Guard and Reserves have served the Nation in times of national crises for more than 200 years. The National Guard and Reserves are a critical component of homeland security and national defense.

(2) The current deployments of many members of the National Guard and Reserve have made them absent from their communities for an abnormally long time. This has diminished the ability of the National Guard to conduct its State missions.

(3) Many members of the National Guard and Reserves have been on active duty for more than a year, and many more have had their tours of active duty involuntarily extended while overseas.

(b) REPORT ON UTILIZATION OF NATIONAL GUARD AND RESERVES.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the utilization of the National Guard and Reserves in support of contingency operations during fiscal year 2004.

(2) The report under this subsection shall include the following:

(A) Information on each National Guard and Reserve unit currently deployed, including—

(i) the unit name or designation;

(ii) the number of personnel deployed;

(iii) the projected return date to home station; and

(iv) the schedule, if any, for the replacement of the unit with a Regular unit.

(B) Information on current operations tempo, including—

(i) the length of deployment of each National Guard and Reserve unit currently deployed, organized by unit and by State;

(ii) in the case of each National Guard and Reserve unit on active duty during the two-year period ending on the date of the report, the aggregate amount of time on active duty during such two-year period; and

(iii) the percentage of National Guard and Reserve forces in the total deployed force in each current domestic and overseas contingency operation.

(C) Information on current recruitment and retention of National Guard and Reserve personnel, including—

(i) any shortfalls in recruitment and retention;

(ii) any plans to address such shortfalls or otherwise to improve recruitment or retention; and

(iii) the effects on recruitment and retention over the long term of extended periods of activation of National Guard or Reserve personnel.

(3) The report under this subsection shall be organized in a format that permits a ready assessment of the deployment of the National Guard and Reserves by State, by various geographic regions of the United States, and by Armed Force.

(c) REPORT ON EFFECTS OF UTILIZATION OF NATIONAL GUARD AND RESERVES ON LAW ENFORCEMENT AND HOMELAND SECURITY.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall, in consultation with the chief executive officers of the States, submit to Congress a report on the effects of the deployment of the National Guard and Reserves on law enforcement and homeland security in the United States.

(2) The report under this subsection shall include the following:

(A) The number of civilian first responders on active duty with the National Guard or Reserves who are currently deployed overseas.

(B) The number of first responder personnel of the National Guard or Reserves who are currently deployed overseas.

(C) An assessment by State of the ability of the States to respond to emergencies without currently deployed National Guard personnel.

Mr. BINGAMAN. Madam President, this amendment relates to the utilization of the National Guard and Reserve as part of our military activities and presence around the world. I think we have all been struck by the fact that in the current conflicts in Iraq and Afghanistan, and in many other instances, we are seeing a greater utilization of reservists and National Guard personnel by the Pentagon. I am not being critical of that, but I do think this is a new reality we need to adjust to and understand better.

Since the founding of our Nation we have relied upon the services of citizen soldiers. The National Guard and Reserves have a proud tradition of setting aside their civilian lives to serve our country in times of conflict. Recently, the need for this service has significantly increased. Today, the National Guard and Reserves' commitments overseas are critical to the resolution of several conflicts around the world. The almost 400 soldiers deployed to keep the peace between Israel and Egypt along the Sinai peninsula are members of the Oregon National Guard's 1-186th Infantry Battalion. The only Fighter Squadron operating from Iraq is an A-10 unit from Missouri's 442 Fighter Wing stationed at Tallil Airbase in Southern Iraq. This Reserve unit is the only A-10 Warthawg unit in the Air Force with Precision Guided Munitions delivery capability. Much of the air defense of Washington, D.C., is the responsibility of the D.C. Air National Guard's 113th Fighter Wing and air defense forces of the New Mexico National Guard.

The purpose of this amendment is to require the Departments of Defense and Homeland Security to provide a report to the Senate Armed Services Committee and House Armed Service Committee that contains the following:

No. 1. an assessment of the levels utilization of the Guard and Reserves component in the manning of contingency operations, domestically and overseas.

No. 2, Recruitment and retention plans for the National Guard and Reserves in light of increased commitments.

No. 3, and finally, a report from the Department of Homeland Security on the effects of National Guard and Reserves deployments on Homeland Security.

Last week I had the opportunity and honor to meet with families of the 717th Medical Company of the New Mexico National Guard. I cannot tell you how moved I was by the patriotism and commitment of these families and guardsmen. Despite the increased operations tempo members of the New Mexico National Guard remain as dedicated as ever to saving lives in New Mexico and overseas.

For example, last year, CPT Paul Saiz deployed to Kosovo in support of KFOR for 6 months flew dozens of aeromedical airlift missions throughout Kosovo in support of U.S. military and the civilian populace. Upon returning from his deployment he participated in several civil search and rescues in the New Mexico mountains, and when Albuquerque, NM was ravaged by wildfires, Captain Saiz and others flew firefighting missions, dumping water with pinpoint accuracy. I have been told that many firemen were convinced that had it not been for Captain Saiz's efforts, firefighters would have perished. Currently, Captain Saiz and 35 others are deployed to Afghanistan providing Aeromedical Airlift for the entire country. The 717th Medical Company's Commander, MAJ James Fishbourne writes:

> The soldiers of the 717th Medical Company (AA) are doing extremely well. We are very busy and have completed 43 combat medevac missions to date. I am so proud of our soldiers and how they are performing in this environment. We are non-stop here with urgent and priority medevac missions. Last week one of our crews was called to rescue an infantryman from a 180-ft canyon near the Pakistan border. Our crews were able to hoist the soldier to safety and bring him back to the level 1 hospital.
>
> We have also been called to evacuate many mine blast victims throughout Afghanistan. It is very sad to say, but most of the mine victims are children. One patient we evaced to Bagram was a 12-year-old girl with both legs amputated. The night she was in surgery, the hospital was running low on O– blood and one of our pilots (CW4 Atkinson) donated several pints to save her life. Just last night I transported two children involved in a rollover. What a sight it was seeing two small Afghan children lying on a stretcher together being cared for by SSG Esqueivel and CW2 Medina. These children are very sick or hurt when we are called to rescue them.
>
> I can't tell you about all the missions our fine soldiers have accomplished but I will say that there is no medevac mission that we have had to turn down and no better soldiers than those of the 717th. Our soldiers were involved with the bomb that went off near Bagram, we did assist the hospital with recovery of the local nationals and assisted the doctors and medical personnel here at the hospital. Please do all you can to tell the people back home that the soldiers of the 717th Medical Company are doing great things for the soldiers, airmen, and marines here in Afghanistan. They are making great sacrifices being away from their families and jobs back in New Mexico.

Guardsmen and reservists all over the country are making great sacrifices. We need to examine the long-term impact that prolonged activation has on recruitment and retention of the National Guard Reserves. We must ensure that the administration has a plan to not only retain qualified guardsmen and reservists, but to also attract new members. I find it very hard to believe that the increased operations tempo the Guard and Reserves are experiencing will have no effect on recruitment and retention. I fear that if we ask too much of these men and women, many will decide to leave military service. Therefore, we must ensure that the Department of Defense has prepared an effective strategy to maintain the National Guard and Reserves. it is quite possible that the Department of defense has such a plan, but I am not aware of it.

We must also closely look at the impact that long deployments have on security at home. Many of the young men and women serving overseas as members of the National Guard and Reserves work as first responders at home. How has the absence of Guardsmen and reservists who are civilian policemen, emergency medical technicians and other first responders, hampered the ability of states to respond in times of natural disaster or homeland security emergencies? How will the absence of Guard and Reserves personnel who may ordinarily serve in these capacities as part of their service when they are not otherwise deployed affect these operations? These are questions that must be answered.

There is no doubt that the utilization of National Guard and Reserves, at least at current rates, will continue well into the future. The information these reports will provide will be critical as we move ahead with decisions about manning, procurement, and security.

I understand that portions of this report may have some sensitivity. If there is a requirement for portions or all of this report to be in classified format, then it should be submitted at the appropriate level of classification.

Let there be no doubt that the men and women of the National Guard and Reserves are doing their part to protect us at home and overseas. We must ensure that analysis has been conducted, and plans are in place to preserve the integrity, readiness and force levels necessary for this period of long-term activation.

At the appropriate time I hope we can adopt this amendment—by voice vote, if possible. I do not know a reason why it should be objected to by any Member of the Senate, but obviously I await the opportunity for all Members to review the amendment before I call for a vote.

Madam President, with that, I see nobody else seeking the floor so I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent to set aside the Bingaman amendment in order that the Senator from South Carolina can offer his amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina.

AMENDMENT NO. 1805

Mr. GRAHAM of South Carolina. Madam President, I ask unanimous consent that my amendment No. 1905 be called.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from South Carolina [Mr. GRAHAM] proposes an amendment numbered 1805.

Mr. GRAHAM of South Carolina. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To express the sense of Congress that arbitrary deadlines should not be set for the dissolution of the Coalition Provisional Authority or the transfer of its authority to an Iraqi governing authority)
>
> On page 38, between lines 20 and 21, insert the following:
>
> SEC. 2313. (a) Congress finds that—
>
> (1) in a speech delivered to the United Nations on September 23, 2003, President George W. Bush appealed to the international community to take action to make the world a safer and better place;
>
> (2) in that speech, President Bush emphasized the responsibility of the international community to help the people of Iraq rebuild their country into a free and democratic state;
>
> (3) French President Jacques Chirac has proposed a plan for Iraqi self-rule within a period of months;
>
> (4) for a plan for Iraq's future to be appropriate, the provisions of that plan must be consistent with the best interests of the Iraqi people;
>
> (5) the plan proposed by President Chirac would impose premature self-government in Iraq that could threaten peace and stability in that country; and
>
> (6) premature self-government could make the Iraqi state inherently weak and could serve as an invitation for terrorists to sabotage the accomplishments of the United States and United States allies in the region.

(b) It is the sense of Congress that—

(1) arbitrary deadlines should not be set for the dissolution of the Coalition Provisional Authority or the transfer of its authority to an Iraqi governing authority; and

(2) no such dissolution or transfer of authority should occur until the ratification of an Iraqi constitution and the establishment of an elected government in Iraq.

Mr. GRAHAM of South Carolina. Madam President, this is a sense-of-the-Senate amendment. I think it is very important, as we deal with the Iraqi situation, for us to address as many issues as we can about the nature of how this is going to unfold. The President has asked for $87 billion. I am glad to support the funding. Most of it, two-thirds of it, I guess, goes to the men and women in uniform to make sure they have the assets necessary to protect themselves and do their job.

This resolution speaks to the idea of when the mission is complete, and this resolution addresses the French position. The French have proposed as recently as September 16 that within a month—a matter of 1 month and no later than 2—all authority be turned over to the Iraqi people and that the umbrella we have today cease to exist.

Not only is this irresponsible but the Coalition Provisional Authority ruling the country is a necessary entity until we can get a constitution written, voted on, and a government elected. But if we did what the French are suggesting, we would take a country that has been brutalized and raped—literally and figuratively—with Saddam Hussein still on the loose, and basically say, here.

I think that would not only be a disservice to the Iraqi people but it would undermine the reason we went to war to begin with; that is, to take tyranny and turn it into stability.

This sense-of-the-Senate resolution says in no uncertain terms that it would be irresponsible to follow the French proposition—to turn back over to the Iraqi people the country while it is still in transition. In going from tyranny to stability, there will be a certain amount of chaos.

We are training the Iraqi police. We are training the army. They are having elections at the local level. There are a lot of good things going on. Schools are now open. Schools used to house weapons. Now they are housing kids. No young girl has to worry about being taken out of school and taken to one of Saddam's sons because she strikes his eye.

Iraq is a better place. But the French position of just leaving and turning it over within 30 days would undo the recent accomplishments. It is irresponsible.

I think it would be in order for the Senate to speak on this matter. The United Nations rejected an amendment that set a hard and fast deadline in terms of when control will be given to the Iraqi people. This makes good sense. Let us give them a chance to write a constitution, give them a chance to ratify a constitution, give them a chance to have a national election, get some infrastructure in place, and allow the rule of law to be in place. Then, at the appropriate time, we will be glad when it comes time to leave Iraq. Most Americans who have family members in the military can't wait for that day to come. We can't wait to be able to bring our troops back home.

Having said that, most Americans understand that if you leave before the job is done, the problems will come back to haunt you. After September 11, the easy way out is no longer the right way—to shoot a missile or two and say, Boy, did we deal with that group which led to 9/11.

There are people who are infiltrating Iraq who are trying to destabilize the efforts of the Iraqi people to become a free democracy. There are people in the region who hate the idea that Iraq may be a free country with a democratic system. We need to stand shoulder to shoulder with the Iraqi people and fight those forces, not only for the good of the Iraqi people but for our own security.

This resolution I think is very appropriately timed. The United Nations has rejected the hard and fast deadline. This resolution basically says we are going to stay until the country is stable, we are going to stay until the job is done.

Having said that—by making that statement—it means more Americans are going to die. The forces in Iraq are small in terms of the population as a whole, but they are committed to creating chaos.

It breaks my heart—and every Member of this body and all Americans—to have a soldier, sailor, airman, or marine lost in this conflict. But just as surely as I speak, losses will come and more money will be spent. The day has not yet arrived when we can, in good faith and good conscience, turn all matters over to the Iraqi people. They need help. They need money. They need assistance. They need our support. But we need to do it for ourselves. If we cut and run, and if we take the French position to get out of there before the infrastructure is in place, we will take one form of tyranny and replace it with another. It is an irresponsible position.

I hope this body in a unanimous fashion will agree with the proposition that we should not leave Iraq until the job is done—until a constitution is written and ratified, until a government has been elected and the people have a chance to have a secure environment for their new nation that is emerging out of the ashes of Saddam Hussein's regime.

I ask my colleagues to support this resolution saying we will not leave until the job is done. Leaving in the next month is irresponsible. Reject the French position because the French position is irresponsible and undermines our national security.

Mr. STEVENS. Madam President, I have notified members of the minority that we are prepared to accept the Bingaman amendment and also the amendment of Senator GRAHAM. While we await their response, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I ask unanimous consent that the pending amendments be set aside temporarily so the Senator from Arkansas can offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas.

AMENDMENT NO. 1829

(Purpose: To amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes)

Mrs. LINCOLN. Madam President, yesterday I submitted an amendment to the supplemental spending bill which I do hope the Senate will consider favorably. I know it is going to be difficult because of the issue I am bringing up. The amendment primarily consists of the Military Tax Fairness Act and the acceleration of the refundable child credit. Both of these bills have passed the Senate overwhelmingly.

We have been talking and talking and talking about them over the past many months, and I know there will be thousands of excuses we will be hearing telling us why we should not include this tax relief bill on the supplemental spending bill.

I know this is a tax bill on an appropriations bill. I know we have a child credit in two different conferences. I know the Military Tax Fairness Act has been going back and forth between the two Chambers. I know all of these excuses I am going to hear. I know there will be tremendous numbers of those who will come forward and opportunities to try to stop what I am trying to do.

But, Madam President, I am truly exhausted. I am truly exhausted with all of the excuses we have had. And I know the hard-working American families are just as exhausted as I am with the inability of us to be able to move forward these two very simple acts within the Congress that would be such a tremendous help to the working families of America.

The death gratuity paid to the survivors of a military member has historically been exempt from taxation. In 1986, the amount of the death gratuity benefit was $3,000. In 1991, the payment was raised from $3,000 to $6,000 in connection with the Persian Gulf conflict. But the Tax Code was not adjusted accordingly.

Currently, the military survivor must pay taxes on the $3,000 increase to the death gratuity payment. This is a very simple problem to fix. And I do not want any more excuses of why we cannot do it. I simply want to get it done.

In 1997, Congress passed legislation revising the taxation of capital gains on the sale of an individual's principal residence, providing up to a $250,000 exclusion, $500,000 per couple, on their home sale if the individual owned and lived in the house for at least 2 of the 5 years preceding the sale. Congress failed to provide a special rule for members of the uniformed service and Foreign Service who are required to periodically move either within the United States or abroad, making it difficult to meet those exclusion requirements.

The proposal in this amendment would permit military and Foreign Service men and women to suspend the 5-year period for a maximum of 10 years while away from home on assignment. In other words, those years away would count toward neither the 2-year lived-in-home nor the 5-year period.

Most American homeowners have the opportunity to build equity in their homes and are afforded this great tax benefit to do so. Members of the uniformed and Foreign Service who serve our country are deserving of no less. This should be an easy fix. It is something we can do; we should do; we have all agreed upon many times over. Why can we not do it? I do not want to hear the excuses. And I certainly do not want to present these excuses to my constituents.

Again, under the current law, military personnel located in a combat zone are provided an extension for filing taxes until 180 days after they return from the combat zone. This provision does not currently apply to contingency operations where military personnel are confronted with demanding circumstances similar to those faced by members in a combat zone.

Contingency operations we have seen recently include Operation Just Cause in Panama in 1989, Operation Restore Hope in Somalia in 1992, and Operation Uphold Democracy in Haiti in 1994.

Right now, for example, an airman who is currently deployed overseas in a contingency operation in support of our troops in Afghanistan or Iraq combat zones happens to be left out.

This, again, is a simple fix, something we can do for the hard-working military service men and women who are there serving our Nation, putting their lives on hold here at home to protect our freedoms, and to be a part of the overall war on terrorism. It is something very simple that we could fix if we just took the time to do it.

Some reservists must travel away from home to perform mandatory weekend drill one weekend per month and may incur significant travel and lodging expenses. Under current law, these are deductible as itemized deductions, as unreimbursed business expenses, to the extent they exceed 2 percent of the member's adjusted gross income. Most lower income, junior reservists do not itemize deductions, so they receive no tax benefit for their expenses. For those who do, the 2 percent floor limits the amount of benefit of the deduction. For young reservists, their expenses may cost them as much as their entire take-home pay for that weekend.

This is a real-life issue for working men and women who are there serving each and every one of us in the military of this great Nation.

Why can't we just get it done? These are issues on which we have all agreed. It makes so much sense for us to come forward now, as we are talking about the issues that affect our service men and women who are stationed abroad. Let us give them the tools to be able to keep their families together here at home, to provide for their children, to make sure their families are going to stay together no matter how long they may be deployed.

Under current law, a veterans organization is exempt from taxation if it meets the requirements of section 501(c)(19) of the Internal Revenue Code. However, this status is in jeopardy. Many of these veterans organizations, such as the American Legion and the Veterans of Foreign Wars, could face losing their tax-exempt status if the Congress and the administration do not act to change the technical requirements of the Internal Revenue Code.

We have to get these things done. We are talking about wrapping up our business here in the next month or so. We have ample opportunity to move these issues. We have come to agreement on all of them. We have moved them in years past. Why can't we make them happen?

I could go on and on, describing all of the varied Tax Code fixes for veterans and military families that should have been enacted months ago. They are all included in this amendment, and I urge my colleagues to support it.

Now is the time to act. We talk about how valuable our service men and women are to us, how much they mean to us, the sacrifices they are making, and how much that means to us as a nation and as individuals. Let's move on our Military Tax Fairness Act now. Let's make sure we see this legislation through and that we enact it before we leave here.

The last provision of this amendment I would like to speak about is something I have talked a great deal about because I feel very strongly about it. I feel strongly about it because I am a mother. I am trying to keep my family together, working hard with my husband as a dual-parent household, recognizing the real challenges that American families face in raising children today. That is the child tax credit, its impact on military families and all of our working families.

The President promised America's families an advanced payment of the $400 increase in the child tax credit. These checks were sent out to a chosen few Americans earlier this summer. However, for millions of working and military families, hard-working military families, this promise was not fulfilled. The families of 12 million children did not receive the full child credit check this summer. By now they all know who they are.

We should extend the child tax credit to the other working families who were left out. These are people who work hard every day to provide for their children and their families, to keep their families together. These are hard-working families who have a family member, a father or mother, who may be stationed abroad or is in training now, someone who is out there who they have been dependent on who we are not going to give the same opportunity to in the refundability of a child tax credit simply because they make less money. Please remember, you are not even eligible for this child credit unless you are working and unless you have children.

This is not a giveaway. These are working families who are paying taxes every day, whether it is sales tax, payroll taxes, excise taxes, to get themselves to and from work. Why wouldn't we want to give these families the same ability, as they are working hard to preserve their families, why wouldn't we want to give them the same advantage we give other higher income working families to take care of their children and families?

I believe we need to extend that child credit to working families, all working families, and we need to do it now. A family with two parents making minimum wage and two children would not receive any increase in the child credit under the bill signed by the President. They would not receive any check this summer. Did they not work hard enough for this Congress? Did they not work hard enough for this administration? Did they not work hard enough to be a part of trying to revive this economy and strengthen the fabric of our Nation?

It isn't just minimum wage workers who were left out. These children in the shadows are living on our military bases as well. Roughly 200,000 military personnel have incomes between $10,500 and $26,000, and most of these families will not receive the increased child tax credit. In addition, roughly 100,000 military personnel stationed in combat zones will be ineligible to receive the full credit because they were called to duty. They did not receive a check this summer. Did they not work hard enough? Wherever they were stationed in uniform to protect our freedoms, did they not work hard enough for this Congress and this administration to get the same fair treatment as a working individual in this country to take care of their children and their families? The blue jeans, the milk, the loaf of bread, or anything else they buy, was it any less expensive than what other working families are dealing with?

I think they worked hard enough. I am ashamed that we have been hiding from these families, hiding behind our rhetoric, hiding behind our process. This great institution is full of processes that are here to make the effort more reasonable, to make sure that what we are doing is right, that it can be dealt with in an appropriate way. But these processes are not here for us to hide behind. These are working families in our military and in our communities that deserve the same fair treatment.

I, for one, am tired of telling them that if they will just wait a little bit longer, we will finally get around to them—maybe somewhere down the road. We could have done this 6 months ago. We could have done it 4 months ago. We could have done it 2 months ago before we left on our break. But we didn't. We have not and we probably will not.

It is so important that we address this issue. It is important we tell these people that they are a priority, not only because they are the fighting military men and women of this country but because they are the salt of the earth, the working families putting the fabric of this Nation back together, one family at a time. We owe it to them to give them the same opportunity to invest in their families, to reinvest in the economy, and to help make us strong so we can be and will remain the superpower of the world that is there to reach out to other nations to help them through liberation and rebuilding and a multitude of other issues. But we are only as strong as each of the individual families of this Nation that make up our whole.

I am ready for the excuses that my colleagues may throw at me. I am sure there are going to be many. I hope those families who got nothing from the trillions of dollars in tax cuts that we have shoved out of the door are listening, too. I hope they are listening, but I doubt that they are. These are the men and women who are too busy, too busy at work, too busy in the trenches and in the desert, too busy raising those children and working hard at one or two jobs to make sure their families will stay home, regardless of whether we find them as a priority in this Nation. They are too busy for our excuses.

I hope for just once my colleagues will join me in doing what is right on behalf of the working families in this great country and the 12 million children who are our future.

Madam President, I call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] proposes an amendment numbered 1829.

Mrs. LINCOLN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of October 14, 2003 under "Text of Amendments.")

Mrs. LINCOLN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. Madam President, I rise to express my support for the effort of my colleague from Arkansas relative to the $87 billion supplemental appropriations request for Iraq that is currently pending before the Senate. I am very supportive of the President's $65 billion or roughly $67 billion level of funding for our troops. If we had an up-or-down vote on just that component of the President's request, I have no doubt it would pass 100-0. No question. Regardless of what you think about whether we should be in Iraq, I think this body will overwhelmingly be supportive of making sure our troops in Iraq have all the resources they need to safely and efficiently and properly do the courageous and extraordinary work they have done. We are proud of the members of our United States military who are currently operating under very difficult circumstances, but doing the very best they can and doing a very good job under the circumstances.

The portion of the request from the President, however, for the $20 billion, roughly, for construction and various needs in Iraq is entirely a different matter. That calls for $100,000-$200,000 consultants for tens of millions of dollars of study for the Iraqi postal service; $10 million for a new ZIP Code; new cities; new high schools, new hospitals—things that never existed in their history. This is not for damage done in the war; this is establishing a whole new infrastructure that never existed before.

It is hard to tell our military veterans that we cannot find $1.8 billion so everyone gets access to a VA hospital, and then turn around and spend $20 billion on construction and other needs in Iraq; or tell America's teachers and kids and parents that we cannot find $8 billion for Leave No Child Behind, but we are going to build a new school system abroad that never existed before, and $20 billion will go out the door for that.

Now we found this last weekend references in the Washington Post finding that one of the problems the Bush administration is having is physically moving so much American cash to Iraq. They started out putting the money into huge bags and putting it into aircraft at Edwards Air Force Base, but it got to be so cumbersome to send out these billions of dollars that now they are shrink-wrapping American money into these huge cubes and pushing them into airplanes and sending them to Iraq. But one of the problems we have is we are shrink-wrapping these mountains of American taxpayers' money, and they shift in the plane and sometimes fall apart, and we are having problems physically moving all this American cash to Iraq.

I asked my constituents in South Dakota over the past week what we should be doing about this. A number of suggestions came up from South Dakota constituents. A gentleman from Sioux Falls suggested since the combat phase of the Iraq war is over and we have all these intercontinental ballistic missiles, we ought to load the cash into the warheads of these missiles and fire them into Iraq. Since we are not keeping track of how the money is used there anyway—there is no auditing; we just hand it over to people and hope they spend it right—the missiles could explode and the money would sort of fall all over Iraq. That is one idea. The problem is sometimes these rockets explode on a launch pad, and there is a great risk some of that money might fall on an American school or daycare center. That is a risk the Bush administration would not tolerate. That would probably not work.

Another suggestion was since we take all the oil from the Middle East in the huge tankers to the U.S., perhaps once they come here and unload, they can fill the tankers full of American cash and send that to Iraq. Once again, the ports there are not capable of unloading that massive amount of American cash, and we would probably have ships backed up to Egypt if we did that.

One of the suggestions came from a gentleman from Aberdeen, SD. He suggested we use our B-52 and B-1 fleets to bomb Iraq with American cash—borrow it from the Social Security trust fund, as the President recommended—and drop this money over Iraq; some would land in good places and some in bad, but no doubt it would probably be used as efficiently as what the administration's plan calls for.

There are interesting ideas out there. I hope people will contact the White House with their ideas about how best to disburse these huge mountains of cash—more than any one of us here or any citizen will ever see in a lifetime—$20 billion. We have been spending $1 billion a week up until now. That is before you get to this provision. So at a time when we are having a hard time funding our own water projects, our hospitals, and we have nursing homes on the cusp of closure because of Medicare reimbursement problems, at a time when the White House is cutting back on Pell grants, college grants for young people, and nontraditional students who want to go to college, when we are $1.8 billion short for our veterans to get access to VA hospitals, and when our troops come home, one of the things they will be presented with is the bill for the borrowing that is going into this $20 billion package.

We are not going to cut and run. We do have a role to play in helping Iraq. No doubt, some expenditure is required. But $20 billion, when there is very little help coming from our allies at this point, is a massive expenditure.

The newspapers reported we are shoving this money out the door so fast they are unable to audit the disbursal of the money. It goes to a handful of Iraqi leaders and they hope they will get it to the right place. Yes, right. I can imagine where this money is winding up in many instances.

At the same time, to the degree we hire American corporations to do work there, I hope we will end this business of no-bid contracts going to a few well-positioned corporate entities and make sure it is an open, clear, transparent process so the American public at least has the consolation of knowing these tons of dollars going into Iraq are going for some constructive purpose rather than to line the pockets and bolster the profitability of a few. We can at least do that.

Madam President, we have a role to play, that is for certain. But this level of expenditure is almost mind-boggling, breathtaking—$20 billion. That is on top of the $79 billion just approved in the supplemental appropriations bill last April, and, heavens knows, this is not the last of it. This could be going on for a long time. We are told the construction projects that have been suggested for Iraq would run easily into the $50 billion or $60 billion range and that somehow our allies are going to pay for that. Well, that doesn't appear to be what is happening.

We may very well be seeing future requests as well for this kind of money. We don't have $20 billion laying around. If we had $20 billion laying around, that might be another matter. But we will have to borrow it to give to Iraq. Iraq sits on the first or second biggest supply of oil in the world. There is no question that they cannot pump it out quickly enough now because their infrastructure is not what it was 10 years ago; but the oil is still there, there is no question about that.

Why couldn't we come up with a mechanism for helping Iraq borrow against their own oil? Why should they not borrow against one of the world's biggest mountains of gold in the world, as opposed to us borrowing from our Social Security trust fund? This is not rocket science. We have already paid a billion dollars a month for the military operation, with virtually very little help from our allies. We have had some help from the Brits and modest amounts from others. We are paying a dear price for a doctrine of unilateral preemptive war now, but we are in it and we have to find a way to get out.

It seems to me that, while we will support our troops—and there will be some effort, no doubt, toward reconstruction in Iraq; but $20 billion, at a time when we are finding ourselves in record budget deficits in the United States, is not a good use of our taxpayers' money. It is a disservice to the American taxpayers, and it is a precedent we will rue for years to come.

I yield the floor and suggest the absence of a quorum.

Mr. STEVENS. Madam President, will the Senator withhold his request for a quorum call?

Mr. JOHNSON. Yes.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I listened with interest to the statement of the Senator from South Dakota. It is a very interesting proposition that we should support the military budget and not support the budget that is designed to bring our troops home. The $20.3 billion is a lot of money, there is no question about that.

I am informed there are about 22 million people in Iraq. They lived under a despotic regime, and we have destroyed that regime. There are still pockets of terrorists, pockets of resistance to the change to a new form of government. But those who support only the military expenditures are telling us: Let's just occupy Iraq. No one is saying: Let's go home. No one is saying: Let's just bring our forces out and cut and run. We are not going to do that.

If we put in the money, $66 billion for the year 2004, that is the amount of money that was calculated that we need for the military, provided we start bringing them home—we have already brought some troops home, and I am one who hopes we will be bringing more troops home this year and early next year. But they will be replaced by security forces, those trained in the Iraqi Army, those trained to be security forces. We do not want to train people to be forces of occupation. That has not been our way of life. Even in Bosnia and Kosovo we used forces who were trained combat soldiers, combat personnel to carry out a lot of functions, but we did not train people to just be forces of occupation.

Our people are trained combatants. They proved they are the best in the world in this current Iraq campaign. There are still threats against this country throughout the world. We do not want them left in Iraq in the numbers that are there now. They must start coming back to meet any contingency to defend this country and our interests at home and abroad.

To say we can just get by with the $66 billion for military begs the question: What do you want us to do? Send more forces over there? Should we increase the cost militarily and send more combat forces over there or should we provide forces, as has been suggested in one amendment, to train constables for maintaining the peace, people in uniform but not trained to be combat forces, not trained to fight wars, but just trained to be policemen at the corner or to guard schools or guard the churches or guard the shopping centers. We can do that. We have been in Kosovo. We have been in Bosnia for over 4 years doing that. We are trying to avoid that in this country.

I hope everyone in the Senate understands this is a unique, new approach to the concept of changing an administration, a nation-building concept, letting them build their own nation as quickly as possible. The $20.3 billion is a great deal of money, there is no question about that. It is an enormous amount of money. It represents a cost to this country, however, that is far less than maintaining our forces there for 3, 4, or 5 years at a rate of $66 billion plus a year for military.

I want to see the scales compared. I want people to understand that the $20.3 billion is going to mean we do not have to increase the defense costs in the years ahead as we occupy Iraq until they finally find some way to create their own government. We are trying to build up their forces so we can bring our troops home, and I believe we will succeed.

There are some people making a little bit of mirth over some of the problems of dealing with a new country. It has its own currency now, and we are trying to convert our money to their money so they can start spending and generating their economy. It is going to cost a great deal to do that; a lot less, however, than occupying that country for a period of 4 more years. We have not been in any of these countries we have been involved with in recent years less than 4 years. We hope to be out of this situation in less than 4 years, and that is why I support the $20.3 billion the President requested.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, the amendment offered by the Senator from Arkansas is a revenue bill. It cannot originate under our constitutional concepts in the Senate. It would create a blue-slip situation in the House of Representatives. I do not want to put the entire bill at risk by trying to include a tax bill in this supplemental appropriations bill.

Therefore, I make the point of order it violates the pay-go provisions of the Budget Act and ask that it be stricken.

Mr. REID. Madam President, I simply wish to say, prior to the Chair ruling, that the Senator from Arkansas is a member of the Finance Committee. She has studied this long and hard. I think it appropriate she brought this before the Senate. I compliment and applaud her for bringing this to the Senate's attention.

Mr. STEVENS. Madam President, there are similar provisions in the pending bill before the Senate. I renew my point of order.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Making my request more specific, I make the point of order that the amendment of the Senator from Arkansas is in violation of section 302(f) of the Budget Act and I ask that it be stricken.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mr. STEVENS. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 1846

Mr. BYRD. Madam President, I send an amendment to the desk on behalf of myself, Mr. LEVIN, Mr. DORGAN, Mrs. CLINTON, and Ms. LANDRIEU.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. LEVIN, Mr. REED, Mr. CORZINE, Mr. LEAHY, Mr. DORGAN, Mrs. CLINTON, and Ms. LANDRIEU, proposes an amendment numbered 1846.

Mr. BYRD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the report requirements with respect to the Coalition Provisional Authority)

At the appropriate place insert the following:

SEC. 2309. (a) REPORTS OF COALITION PROVISIONAL AUTHORITY.—Not later than January 1, 2004, and every 90 days thereafter, the Administrator of the Coalition Provisional Authority (CPA) shall submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a report on all obligations, expenditures, and revenues associated with reconstruction, rehabilitation, and security activities in Iraq during the preceding 90 days, including the following:

(1) Obligations and expenditures of appropriated funds.

(2) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Iraq, together with the estimate of the Authority of the costs to complete each project and each program.

(3) Revenues attributable to or consisting of funds provided by foreign nations or international organizations, and any obligations or expenditures of such revenues.

(4) Revenues attributable to or consisting of foreign assets seized or frozen, and any obligations or expenditures of such revenues.

(5) Operating expenses of the Authority and of any other agencies or entities receiving funds appropriated by title.

(b) COMPTROLLER GENERAL AUDIT, INVESTIGATIONS, AND REPORTS.—(1) The Comptroller General of the United States shall conduct an on-going audit of the Coalition Provisional Authority, and may conduct such additional investigations as the Comptroller General considers appropriate, to evaluate the reconstruction, rehabilitation, and security activities in Iraq.

(2) In conducting the audit and any investigations under paragraph (1), the Comptroller General shall have access to any information and records created or maintained by the Authority, or by any other entity receiving appropriated funds for reconstruction, rehabilitation, or security activities in Iraq, that the Comptroller General considers appropriate to conduct the audit or investigations.

(3) Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a report on the audit and any investigations conducted under paragraph (1). The report shall include information as follows:

(A) A detailed description of the organization and authorities of the Authority.

(B) A detailed description of the relationship between the Authority and other Federal agencies, including the Department of Defense, the Department of State, the Executive Office of the President, and the National Security Council.

(C) A detailed description of the extent of the use of private contractors to assist in Authority operations and to carry out reconstruction, rehabilitation, or security activities in Iraq, including an assessment of—

(i) the nature of the contract vehicles used to perform the work, including the extent of competition used in entering into the contracts and the amount of profit provided in the contracts;

(ii) the nature of the task orders or other work orders used to perform the work, including the extent to which performance-based, cost-based, and fixed-price task orders were used;

(iii) the reasonableness of the rates charged by such contractors, including an assessment of the impact on rates of a greater reliance on Iraqi labor or other possible sources of supply;

(iv) the extent to which such contractors performed work themselves and, to the extent that subcontractors were utilized, how such subcontractors were selected; and

(v) the extent to which the Authority or such contractors relied upon consultants to assist in projects or programs, the amount paid for such consulting services, and whether such consulting services were obtained pursuant to full and open competition.

(D) A detailed description of the measures adopted by the Authority and other Federal agencies to monitor and prevent waste, fraud, and abuse in the expenditure of appropriated funds in the carrying out of reconstruction, rehabilitation, and security activities in Iraq.

(E) A certification by the Comptroller General as to whether or not the Comptroller General had adequate access to relevant information to make informed judgments on the matters covered by the report.

(4) The Comptroller General shall from time to time submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a supplemental report on the audit, and any further investigations, conducted under paragraph (1). Each such report shall include such updates of the previous reports under this subsection as the Comptroller General considers appropriate to keep Congress fully and currently apprised on the reconstruction, rehabilitation, and security activities in Iraq.

Mr. BYRD. Madam President, 1 year ago this week, the President signed the congressional resolution authorizing him to go to war against Iraq. That signing was a historic moment for the United States. For the first time in our history, the President asked Congress for authority to launch an invasion against a sovereign nation that did not constitute a clear and imminent threat to the safety of the American people. And for the first time in our history, the President demanded that Congress give him unconditional power to initiate war whenever he wanted, limited by nothing but his own judgment. The President wanted war on his own terms, and Congress granted him everything he asked for.

For the next 5 months, the President and his top advisors turned a deaf ear to growing concerns about the administration's judgment. When intelligence analysts warned that the White House was acting on questionable conclusions, those analysts were ignored. When Members of Congress dared to ask questions about the President's war plans, they were branded as unpatriotic. When our oldest allies disagreed with the argument that immediate war was the only answer, they were dismissed and called irrelevant. Top administration officials who publicly contradicted the President's rosy predictions were fired, and the American public was kept in the dark about what Iraq would look like after the war.

On several occasions, I stood on the floor and asked: After Iraq, what? What shall we expect the morning after the war?

Confident that the reconstruction of Iraq was a job that could be handled without involving Congress too much or the United Nations, President Bush delegated the task to retired GEN Jay Garner, who quietly went to work with support from the Pentagon. The American people were not told much about General Garner or what he was doing in Iraq. Most Members of Congress didn't know anything more about him than what they read in the papers. So when General Garner was given his walking papers and replaced with Ambassador Paul Bremer without explanation or fanfare, Congress had no real information to judge what the shake-up would mean for the United States occupation of Iraq.

In the days after President Bush made his flamboyant landing on the aircraft carrier USS *Abraham Lincoln* to announce to the world that the United States had accomplished its mission in Iraq—that was the banner headline over and above his head—most of the country was too distracted celebrating the military triumph to think much about the President's appointment of Paul Bremer to serve as a Presidential envoy in Iraq. With the President declaring victory and the administration continuing to assure the public that we would be welcomed as liberators—a la Vice President CHENEY—and that Iraq's oil revenues would pay for reconstruction, the administration hoped that no one would bother to notice the management changes it was making in Iraq.

The administration moved quickly to set up a reconstruction team on the ground in Iraqi that would answer only to the President and the Secretary of Defense. In May, the President issued a classified National Security Directive creating the Coalition Provisional Authority, CPA. That document remains classified, and the administration has provided very little public information about the powers and authorities of the CPA. All we really know from the White House is that Ambassador Bremer, as administrator of the CPA, reports to the President through the Secretary of Defense. But after the recent announcement that National Security Adviser Condoleezza Rice will be coordinating reconstruction policy from within the White House, who knows what the chain of command looks like today or will look like tomorrow? Getting a clear picture of how the CPA operates has proved to be difficult, but it is clear Ambassador Bremer wields an extraordinary amount of power and independence in Iraq. And, if you don't believe it, listen to this. On May 16, the CPA issued its first regulation in Iraq in which it spelled out its authority in no uncertain terms. Section 1 of that regulation stated:

> The CPA is vested with all executive, legislative, and judicial authority necessary to achieve its objectives, to be exercised under relevant U.N. Security Council resolutions, including resolution 1483, and the laws and usages of war. This authority shall be exercised by the CPA Administrator.

That is broad, broad, virtually without limitation, if the reading means what it says. Let's read that again.

> The CPA is vested with all executive, legislative, and judicial authority.

Take a look at the Constitution of the United States. Let's see what it says, in the very first article, the very first section of that article, and then compare that authority with the authority I have just read. Here is what article I, section 1, of the Constitution says about the legislative authority.

> All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

That is one sentence, and it vests all legislative powers in a Congress of the United States.

Well, section 1 of the regulation, which I have just read, says it is the CPA that is vested with all executive, legislative, and judicial authority necessary to achieve its objectives. My, what authority that is. It does not stop with just legislative authority. It talks about executive, legislative, and judicial authority.

Read that again.

> The CPA is vested with all executive, legislative, and judicial authority necessary to achieve its objectives, to be exercised under relevant U.N. Security Council resolutions, including resolution 1483, and the laws and usages of war. This authority shall be exercised by the CPA Administrator.

There is a man mountain for you, with all that authority. That is a powerful statement, especially for an agency that has never been authorized by Congress and an administrator who was not confirmed by the Senate for his position. How about that?

The CPA under Paul Bremer has the power to run the Iraqi Government ministries, the power to appoint Iraqi officials, the power to award lucrative private contracts for reconstruction. The CPA also oversees local police and even sets public curfews in Baghdad.

Now the CPA is looking to further consolidate its powers with an unprecedented request to spend over $20 billion of your money. I say to you out there who are looking at this Chamber through those electronic lenses there: It is your money, your money. But here we are going to consolidate the powers of the CPA with an unprecedented request to spend over $20 billion of the American taxpayers' money, your money, with little oversight by the Congress.

Until now, the CPA has financed its various activities from a number of different sources, including billions of dollars in seized Iraqi assets. The CPA was not accountable to Congress for much of this spending, and it made very little effort to keep Congress and the public informed about the administration's reconstruction plans.

So, the White House let Paul Bremer maintain a low profile for months in Iraq before the President finally spoke to the American people about what was happening on the ground in Iraq.

But now the President has admitted that rebuilding Iraq will be a much tougher job than he had promised, and it will come with a bigger pricetag. I must say, however, the pricetag had never been mentioned. We attempted to find out from the administration what the pricetag would be, but the administration chose to stay mum about that. But now we find this business of rebuilding Iraq is going to come with a big, big pricetag. That means Paul Bremer needs more money, more of your money. It is your money that Paul Bremer needs. So the administration was forced to loosen its grip of secrecy, just long enough to send Ambassador Bremer to testify before Congress about the need for additional funding. And in one instance, when I asked Mr. Bremer when he was before the Appropriations Committee, "Will you find it possible to appear before this committee again if the chairman so directs," what was Mr. Bremer's answer?

> I'm too busy. I am too busy. I'm too busy.

I regret we don't have those hearings printed, but the transcripts are around and those were his words:

> I'm too busy.

Don't be fooled. The public relations campaign with Congress will last only as long as it takes to get this massive bill pushed through both Houses in one piece. In typical fashion, the administration has been willing to say whatever Congress wanted to hear in order to get its way. We heard a lot of talk about plans and accountability, but the information given to Congress was long on rhetoric, short on substance.

After all of the detailed spending requests and so-called plans from the CPA, what we are left with today is a bill before the Senate that gives Paul Bremer a blank check. Did you hear it? Did you hear it? A blank check, that is what it is. Give to Mr. Bremer a blank check, a blank check to spend $20 billion as a start. However, once this bill leaves Congress, the administration can throw its plans out the window and restore tight controls over information to prevent any meaningful oversight or scrutiny of its activities.

Is that the way you want your money managed? Congress cannot simply trust the CPA to voluntarily cooperate with oversight of reconstruction spending. This administration has a long track record. It would not even take an elephant to remember how long that track record is. It has a long track record of stonewalling Congress. And, so far, Iraq has been no exception. The CPA took over the reins of Iraq's government 5 months ago, yet Congress still has very little useful information to evaluate its progress in Iraq thus far, let alone the merits of future spending needs. If Congress has any hope of holding the administration accountable for the reconstruction plans it is proposing today, Congress needs a mechanism to ensure accountability from the CPA.

Ambassador Bremer testified before Congress that the activities of the CPA will be fully transparent and accountable, but some of his own statements suggested that he was reluctant to cooperate with committee oversight. In particular, I was troubled by comments he made about congressional access to the CPA's financial records. When he testified before the Appropriations Committee, Ambassador Bremer told the committee that the CPA had detailed records of all of its receipts and outlays that could be audited by Congress. However, when he appeared before the Armed Services Committee only 3 days later, he said the Office of Management and Budget was responsible for maintaining those records, and Congress would have to go to the White House for access to the CPA's records.

Throughout my long years in Congress, I have seen the White House occupied by Presidents of both parties, and I know from experience that one needs to be skeptical when referred to the White House for oversight information. There is no reason why any arm of the executive branch charged with making such significant spending decisions should not be working directly with Congress. When we are talking about handing over another $20 billion to the CPA, there is a real need for Congress to confirm that the CPA has its finances in order and that the CPA is managing the taxpayers' money—your money—responsibly.

The amendment that I and other Senators are offering will require the Coalition Provisional Authority to report to Congress—how about that? That is not asking too much—on its receipts and expenditures as the reconstruction efforts move forward in Iraq.

Let me say that again.

This amendment will require the Coalition Provisional Authority, the CPA, to report to Congress—yes; the people's branch of government—to report to Congress on the CPA's receipts and expenditures as the reconstruction efforts move forward in Iraq. These reports will be submitted on a quarterly basis beginning on January 1, 2004. Building on the reporting requirements already in the bill, this amendment calls for an accounting of both appropriated funds and other sources, such as oil revenues and foreign contributions. This is information that the CPA is already tracking. So it shouldn't be too much of a burden to share that information with Congress, especially given the CPA's extraordinary flexibility in spending taxpayer dollars. Ambassador Bremer assured the committee during the committee hearing that he would comply with any reporting requirements Congress chose to include in this legislation.

This amendment also directs the Comptroller General of the United States to audit the spending records of the CPA. What is wrong with that? How about that? The amendment also directs the Comptroller General of the United States to audit the spending records of the CPA—we should all be for that—so that the General Accounting Office can provide Congress with a clear understanding of how reconstruction activities are being managed in Iraq. In its report to Congress, the General Accounting Office must outline the authorities and organization of the CPA, the CPA's relationship to the White House and other executive agencies, and the CPA's use of private contractors to perform critical reconstruction services in Iraq.

I think most people would agree with the purpose here. Let me say it again.

In its report to Congress, the GAO must outline the authorities and organizations of the CPA, the CPA's relationship to the White House and other executive agencies—and get this—and the CPA's use of private contractors to perform critical reconstruction services in Iraq.

The most important power vested in Congress by the Constitution is the power over the purse. Englishmen spent centuries and shed blood to wrest that power from tyrannical monarchs and vest it in the people's branch, the House of Commons. And our forbearers in our own country brought with them that legacy, brought with them to these shores that principle, that power over the purse vested in the people's branch. So they wrote it in this Constitution which I hold in my hand. Our Framers wrote it in there. Article I, section 9 of this Constitution vests the power of the purse in this branch. That is where it has been. That is where it is.

This power carries with it the duty to ensure that the people's money—your money—is being spent wisely. Congress must be able to follow that money wherever it goes, but right now our money may soon disappear into a whirling storm of White House rhetoric and wartime profiteering.

Without this amendment, following the money will only get harder as the President continues to reorganize the chain of command in Iraq and avoid straight answers to tough questions about the success of our reconstruction efforts.

If the constitutional power of the purse means anything at all, it must at least require that the people's elected representatives here in Congress have a right to know how the Government is spending the Nation's treasury. I urge the Senate to protect its own powers and live up to its oversight responsibilities, and I urge Senators to support this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Alaska.

Mr. STEVENS. Mr. President, there are a series of reporting requirements in this bill already. I have conferred with the leadership. We don't have any objection to this amendment by the Senator from West Virginia. I am certain that in conference the House is going to insist on consolidating some of these reports. We will be glad to review that matter with the Senator when that occurs. But we are happy to accept the amendment.

Mr. BYRD. I thank the distinguished Senator. May we have a vote on it?

Mr. STEVENS. Does the Senator want a rollcall vote?

Mr. BYRD. Yes. I would like a rollcall. It shows that it is a serious amendment.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, if the Senator wants a vote on this amendment, he is entitled to a vote. I shall not object to that. But I want the Senate to know we have a Boxer amendment to require a report on replacing troops with Iraqi forces or other non-U.S. forces to secure areas in Iraq. We have an amendment by Mr. FEINGOLD to provide transparency and accountability with respect to the Coalition Provisional Authority. He wishes to have an office of inspector general in the Coalition Provisional Authority. As I understand it, he will offer that amendment. We have an amendment offered by Senator MCCAIN and Senator BIDEN. They wish to have a GAO review on the effectiveness of the Coalition Provisional Authority relief and reconstruction activities, and a report quarterly to the congressional committees on a similar matter to that suggested by Senator BYRD's amendment.

So if the Senator wishes a vote on his amendment, I am prepared to agree to that; that will be the case. It would be my intention to accept all of these amendments and take them to conference and see what we can do to come out with a concept of a process of having adequate information and transparency in the Coalition without burdening the Coalition with a series of different types of reports and different types of officers who will be looking over their shoulders and demanding access to their offices and interviews of their personnel when we are trying to get the business done over there.

I do not think a provisional authority, within an area with the kind of suicide bombers we are seeing there on a daily basis, is something we have to burden with a series of duplicating types of reports and inspectors general and the comptroller general and his people there at the same time.

So again I state to my friend I will not oppose the amendment. I will vote for it. I assume it will get 100 votes. But in conference I intend to see it to these reports are consolidated, and we have a concise—concise—concept of the type of reports Congress needs to oversee the activities of the Provisional Authority.

Does the Senator wish to renew his request for the yeas and nays?

Mr. BYRD. Yes. May I say, prior to doing that, this is not just one more report. It is like the making of our laws, Mr. President. We have the books full of laws, but we always see the need for enacting more and more laws.

There are Ten Commandments. If we listen to the argument of the distinguished Senator from Alaska—and he is a very distinguished Senator—then one Commandment should have been enough; the others would have been repetitive. That is not the case.

This is an important reporting requirement. I hope the Senate will approve it. We are talking about $20 billion here. So I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I state again, I have serious question of whether the Comptroller General of the United States is a replacement for the Inspector General. That, in effect, is what the Senator's amendment does. It creates the comptroller general as a constant inspector general of everything that is going on under the Coalition Provisional Authority.

I am going to reserve my opportunity to consolidate all of these reports in conference. But I do agree we have the yeas and nays.

Mr. BYRD. Mr. President, the Comptroller General, General Accounting Office is an arm of the Congress. Let the Congress carry out its proper role of oversight under the Constitution. That is all I am asking for here.

I thank the Senator.

Mr. STEVENS. Mr. President, I do not want to belabor the point. It is an arm of the Congress, but this is an executive function concerning an audit. We have created offices of the inspector general. Two Senators have suggested inspectors general. I do not think this is the place for a continuing presence of an arm of the Congress. But I will vote for the Senator's amendment to take it to conference. As the Chair said, there is a sufficient second.

The PRESIDING OFFICER. There is a sufficient second.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 383 Leg.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—3

Edwards
Kerry
Lieberman

The amendment (No. 1846) was agreed to.

Mr. STEVENS. Mr. President, in view of the vote on the Byrd amendment, I announce that we have a Durbin amendment, a Corzine amendment, a Boxer amendment, and a Feingold amendment that pertain to reporting. If those Senators are willing to offer them now, I am prepared to accept them, and we will put them all together when we get to conference. They have not been filed.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the two lists of amendments I now send to the desk be the only remaining first-degree amendments in order to the bill other than those pending at the present time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. And provided that second-degree amendments be in order and they be relevant to the amendment to which they are offered.

Mr. REID. Reserving the right to object, I thought we had on this list—and I may have a different list—Senator LEAHY has an amendment.

Mr. STEVENS. There are two Leahy amendments here.

Mr. REID. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. In just a moment we will ask for a rollcall vote on Senator GRAHAM's amendment, but I would like to yield to my friend, Senator FEINGOLD, to introduce an amendment, then to approve a series of reporting amendments.

Mr. REID. Mr. President, through the Chair, to my friend from Wisconsin, it is my understanding the Senator has two amendments.

Mr. FEINGOLD. That is right.

Mr. REID. One is a reporting amendment and one is on another subject. I ask, since he has been waiting for such a long time, that he send his reporting amendment to the desk. Then it is my understanding there are a number of matters you wish to dispose of dealing with reporting amendments. Then he would like to offer his amendment. If there is a vote, we would vote on that and the Graham amendment at the same time.

Mr. STEVENS. I am not sure about voting on his amendment until we know what it is. Is it on the list?

Mr. REID. Yes. At least he could offer it and we could vote later. He has been waiting a long time.

Mr. STEVENS. I have a series of issues I wish to handle before we get to any votes.

Mr. REID. That is fine.

Mr. STEVENS. Let me yield for the Senator to introduce his amendment.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 1847

Mr. FEINGOLD. Mr. President, I offer an amendment to the bill concerning the inspector general for authority for Iraq. My understanding is it is going to be accepted.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 1847.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide transparency and accountability with respect to the Coalition Provisional Authority)

On page 22, between lines 12 and 13, insert the following:

SEC. 316. (a) Of the amounts appropriated by chapter 1 of this title under the heading "OPERATION AND MAINTENANCE, ARMY" and available for the operating expenses of the Coalition Provisional Authority (CPA), $10,000,000 shall be available for the establishment of the Office of the Inspector General of the Coalition Provisional Authority and for related operating expenses of the Office.

(b) The Office of the Inspector General of the Coalition Provisional Authority shall be established not later than 30 days after the date of the enactment of this Act.

(c)(1) The head of the Office of the Inspector General of the Coalition Provisional Authority shall be the Inspector General of the Coalition Provisional Authority.

(2) The Inspector General shall be appointed by the President in accordance with, and shall otherwise be subject to the provisions of, section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), except that the person nominated for appointment as Inspector General may assume the duties of the office on an acting basis pending the advice and consent of the Senate.

(3) The Inspector General shall have the duties, responsibilities, and authorities of inspectors general under the Inspector General Act of 1978. In carrying out such duties, responsibilities, and authorities, the Inspector General shall coordinate with, and receive the cooperation of, the Inspector General of the Department of Defense.

(d)(1) Except as provided in paragraph (2), not later than 75 days after the date of the enactment of this Act, and every 10 days thereafter, the Inspector General of the Coalition Provisional Authority shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report that sets forth—

(A) an assessment of the financial controls of the Coalition Provisional Authority;

(B) a description of any financial irregularities that may have occurred in the activities of the Authority;

(C) a description of—

(i) any irregularities relating to the administration of laws providing for full and open competition in contracting (as defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))); and

(ii) any other irregularities related to procurement;

(D) a description of any actions taken by the Inspector General to improve such financial controls or address such financial irregularities;

(E) a description of the programmatic goals of the Coalition Provisional Authority; and

(F) an assessment of the performance of the Coalition Provisional Authority, including progress made by the Coalition Provisional Authority in facilitating a transition to levels of security, stability, and self-government in Iraq sufficient to make the presence of the Coalition Provisional Authority no longer necessary.

(2) The Inspector General of the Department of Defense shall prepare and submit the reports otherwise required to be submitted by the Inspector General of the Coalition Provisional Authority under paragraph (1) until the earlier of—

(A) the date that is 150 days after the date of the enactment of this Act; or

(B) the date on which a determination is made by the Inspector General of the Coalition Provisional Authority that the Office of the Inspector General of the Coalition Provisional Authority is capable of preparing timely, accurate, and complete reports in compliance with the requirements under paragraph (1).

(3) The reports under this subsection are in addition to the semiannual reports required of the Inspector General by section 5 of the Inspector General Act of 1978 and any other reports required of the Inspector General by law.

(4) The Inspector General of the Coalition Provisional Authority (or the Inspector General of the Department of Defense, as applicable) shall publish each report under this subsection on the Internet website of the Coalition Provisional Authority.

(e) The Office of the Inspector General of the Coalition Provisional Authority shall terminate on the first day that both of the following conditions have been met:

(1) the Coalition Provisional Authority has transferred responsibility for governing Iraq to an indigenous Iraqi government; and

(2) a United States mission to Iraq, under the direction and guidance of the Secretary of State, has undertaken to perform the responsibility for administering United States assistance efforts in Iraq.

Mr. FEINGOLD. My understanding is the chairman intends to accept this amendment.

Mr. STEVENS. I yield to the Senator from Nevada to put in an amendment for Senator CORZINE to include in these amendments.

AMENDMENT NO. 1851

Mr. REID. I send an amendment to the desk on behalf of Senator CORZINE.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. CORZINE, proposes an amendment numbered 1851.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the President to submit periodic reports to Congress on the total projected costs of United States operations in Iraq, including military operations and reconstruction efforts, through fiscal year 2008)

On page 38, between lines 21 and 22, insert the following new section:

SEC. 3001. Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter until December 31, 2007, the President shall submit to each Member of Congress a report on the projected total costs of United States operations in Iraq, including military operations and reconstruction efforts, through fiscal year 2008. The President shall include in each report after the initial report an explanation of any change in the total projected costs since the previous report.

AMENDMENTS NOS. 1844, 1847, AND 1851

Mr. STEVENS. I now call up amendments Nos. 1844, 1847, and 1851: Senator FEINGOLD's amendment, the Boxer amendment, and Senator CORZINE's amendment. They are all reporting amendments, requiring reporting. I ask unanimous consent that they be considered en bloc and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to en bloc.

Amendment No. 1844 is as follows:

(Purpose: To require a report on replacing U.S. troops with Iraqi forces or other non-U.S. forces in secure areas of Iraq)

At the appropriate place, insert the following:

SEC . REPORT ON REPLACEMENT OF U.S. TROOPS.

(a) FINDINGS.—The Senate finds that—

(1) The Coalition Provisional Authority states that 80 percent of Iraq is a permissive environment with people returning to a normal pace of life, while 20 percent is less permissive with entrenched Saddam loyalists, international terrorists and general lawlessness hindering recovery efforts.

(2) On September 9, Deputy Secretary of Defense John Wolfowitz testified, ". . . the predominantly Shia south [or Iraq] has been stable and I would say far more stable than most pre-war predications would have given you. And the mixed Arab, Turkish, Kurdish north has also been remarkably stable, again, contrary to fears than many of us had that we might face large-scale ethnic conflict."

(3) On September 14, Secretary of State Colin Powell stated, "We see attacks against our coalition on a daily basis . . . but in many parts of the country things are quite secure and stable."

(4) The Coalition Provisional Authority states that a major focus of its security efforts has been to increase Iraqi participation in and responsibility for a safe and secure Iraq.

(5) On September 14, Secretary of Defense Donald Rumsfeld stated, "90 percent of the people in Iraq are now living in an area that's governed by a city council, or a village council."

(6) The Coalition Provisional Authority reports that 60,000 Iraqis are now assisting in security, including 46,000 Iraqi police nationwide.

(7) Of the 160,000 coalition military personnel serving in Iraq, 20,000 are comprised of non-U.S. forces.

(b) REPORT.—Beginning 30 days after the enactment of this Act, the President or his designee shall submit a monthly report to Congress detailing—

(1) the areas of Iraq determined to be largely secure and stable; and

(2) the extent to which U.S. troops have been replaced by non-U.S. coalition forces, U.N. forces, or Iraqi forces in the areas determined to be largely secure and stable under this subsection.

Mr. STEVENS. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1805, AS MODIFIED

Mr. STEVENS. I call up an amendment numbered 1805 introduced by Senator GRAHAM and send a modification of that amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment (No. 1805), as modified, is as follows:

On page 38, between lines 20 and 21, insert the following:

SEC. 2313. (a) Congress finds that—

(1) in a speech delivered to the United Nations on September 23, 2003, President George W. Bush appealed to the international community to take action to make the world a safer and better place;

(2) in that speech, President Bush emphasized the responsibility of the international community to help the people of Iraq rebuild their country into a free and democratic state;

(3) for a plan for Iraq's future to be appropriate, the provisions of that plan must be consistent with the best interests of the Iraqi people;

(4) premature self-government could make the Iraqi state inherently weak and could serve as an invitation for terrorists to sabotage the development of a democratic, economically prosperous Iraq.

(b) It is the sense of Congress that—

(1) arbitrary deadlines should not be set for the dissolution of the Coalition Provisional Authority or the transfer of its authority to an Iraqi governing authority; and

(2) no such dissolution or transfer of authority should occur until the ratification of an Iraqi constitution and the establishment of an elected government in Iraq.

Mr. STEVENS. I ask for adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1805), as modified, was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1836

Mr. STEVENS. I ask that Senator REID's amendment No. 1836 be laid before the Senate.

The PRESIDING OFFICER. The amendment is now pending.

Mr. STEVENS. Mr. President, I ask for the adoption of that amendment. It is a sense-of-the-Senate amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 1836.

The amendment (No. 1836) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1842, AS MODIFIED

Mr. STEVENS. I ask that the Senate consider amendment No. 1842 from Senator BINGAMAN, as modified.

The PRESIDING OFFICER. The amendment is pending.

Mr. STEVENS. I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1842), as modified, is as follows:

At the end of title I, insert the following:

SEC. 316. (a) FINDINGS.—Congress makes the following findings:

(1) The National Guard and Reserves have served the Nation in times of national crises for more than 200 years. The National Guard and Reserves are a critical component of homeland security and national defense.

(2) The current deployments of many members of the National Guard and Reserve have made them absent from their communities for an abnormally long time. This has diminished the ability of the National Guard to conduct its State missions.

(3) Many members of the National Guard and Reserves have been on active duty for more than a year, and many more have had their tours of active duty involuntarily extended while overseas.

(b) REPORT ON UTILIZATION OF NATIONAL GUARD AND RESERVES.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the utilization of the National Guard and Reserves in support of contingency operations during fiscal year 2004.

(2) The report under this subsection shall include the following:

(A) Information on each National Guard and Reserve unit currently deployed, including—

(i) the unit name or designation;

(ii) the number of personnel deployed;

(iii) the projected return date to home station; and

(iv) the schedule, if any, for the replacement of the unit with a Regular or multinational unit.

(B) Information on current operations tempo, including—

(i) the length of deployment of each National Guard and Reserve unit currently deployed, organized by unit and by State;

(ii) in the case of each National Guard and Reserve unit on active duty during the two-year period ending on the date of the report, the aggregate amount of time on active duty during such two-year period; and

(iii) the percentage of National Guard and Reserve forces in the total deployed force in each current domestic and overseas contingency operation.

(C) Information on current recruitment and retention of National Guard and Reserve personnel, including—

(i) any shortfalls in recruitment and retention;

(ii) any plans to address such shortfalls or otherwise to improve recruitment or retention; and

(iii) the effects on recruitment and retention over the long term of extended periods of activation of National Guard or Reserve personnel.

(3) The report under this subsection shall be organized in a format that permits a ready assessment of the deployment of the National Guard and Reserves by State, by various geographic regions of the United States, and by Armed Force.

(c) REPORT ON EFFECTS OF UTILIZATION OF NATIONAL GUARD AND RESERVES ON LAW ENFORCEMENT AND HOMELAND SECURITY.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall, in consultation with the chief executive officers of the States, submit to Congress a report on the effects of the deployment of the National Guard and Reserves on law enforcement and homeland security in the United States.

(2) The report under this subsection shall include the following:

(A) The number of civilian first responders on active duty with the National Guard or Reserves who are currently deployed overseas.

(B) The number of first responder personnel of the National Guard or Reserves who are currently deployed overseas.

(C) An assessment by State of the ability of the States to respond to emergencies without currently deployed National Guard personnel.

Mr. STEVENS. I ask for consideration of the amendment.

Mr. REID. I ask unanimous consent that Senator BYRD be added as a cosponsor of the Bingaman amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 1842), as modified, was agreed to.

AMENDMENT NO. 1838

Mr. STEVENS. I ask that the Senate consider Senator REID's amendment numbered 1838.

The PRESIDING OFFICER. The amendment is now pending.

Mr. STEVENS. Mr. President, this amendment offered by my friend from Nevada increases spending by $3.4 billion that causes the underlying bill to exceed the subcommittee allocation under section 302(b). Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

Mr. REID. Mr. President, before the Chair rules, I would simply say I am willing to let this go without a recorded vote. The reason for that is I have spoken to the chairman of the Armed Services Committee, Senator WARNER, and I have spoken to the ranking member, Senator LEVIN, and Senator WARNER has told me he has had a number of high-level meetings with leadership in the House and people from the Pentagon, and that there is every intention of being able to help American veterans.

There has been in existence now for more than 100 years a law that someone who is disabled as a result of military service and also draws retirement pay from the military cannot draw both. This is unfair.

I have worked on this issue now for several years, and we now have it so people who are Purple Heart veterans are able to draw both their disability and their retirement. What is contemplated by Senator WARNER, Senator LEVIN, and others is that that will be increased to up to 50 percent—those who would be able to draw both their disability and their retirement.

I hope that comes to be, as it is so important to the American veterans. This is something that is bipartisan in nature. This amendment before the Senate is sponsored by the Senator from Nevada, the senior Senator from Arizona, Mr. MCCAIN, and the senior Senator from Arkansas, Mrs. LINCOLN, and it is an issue that has bipartisan support.

If we had a vote on it here, as we have had on a number of occasions, regardless of the cost, as indicated on a number of other occasions, it would pass. I think the incremental steps are something I do not relish, but I am willing to accept that. And I do hope those who have promised us action will be taken in the immediate future will do so. Otherwise, I will be back with Senator MCCAIN and Senator LINCOLN at a subsequent time and cause a vote to occur on this Senate floor.

Mr. STEVENS. Mr. President, the Senator is correct. In the authorization conference, this matter is being considered. That is one reason I said it is with reluctance I make a point of order. But I ask the Presiding Officer to rule on my point of order.

The PRESIDING OFFICER. The point of order has been made, and the point of order is sustained. The amendment falls.

Mr. STEVENS. Mr. President, I will consult with the distinguished acting leader on the other side. Senator GRAHAM does wish a rollcall vote on his amendment No. 1806.

Mr. REID. I say to my friend, the distinguished Senator from Alaska, I would ask that during the time we review that—it will take just a few minutes—the Senator from Wisconsin be allowed to offer his amendment. He has literally been here for hours.

If I could ask what the subject matter is of the amendment, through the Chair to my friend from Wisconsin.

Mr. FEINGOLD. Absolutely. Extending FMLA benefits to families of National Guard members.

Mr. STEVENS. There are people leaving, and I do wish we would get an agreement on when we could call for a rollcall vote on——

Mr. REID. The Senator from Wisconsin told me earlier today he would take no more than 15 minutes to discuss his amendment.

Mr. STEVENS. Can we establish a vote on the Graham amendment at 6 o'clock?

Mr. REID. The only reason I am stalling a little bit here is I do not know the subject matter of the Graham amendment.

Mr. STEVENS. The amendment was cleared, but because of a change he wishes a rollcall vote.

Mr. REID. Mr. President, we would agree when the Senator from Wisconsin completes his statement, which would be 15 minutes from the time I give the floor to him, that there be a vote in relation to the amendment of the Senator from Wisconsin, with no second-degree amendments in order.

Mr. STEVENS. Senator GRAHAM had a chance to explain the amendment to us, but he has not explained it on the floor yet. He would like 5 minutes before the vote, and I would ask that the Senator be allowed 5 minutes after the Senator has completed his speech, and then following that, we vote, as indicated by the Senator from Nevada, with no further amendments in order.

Mr. REID. I would ask through the Chair to my friend, the distinguished Senator from Alaska, are we going to vote only on Graham, not on Feingold? Are we going to have two votes now?

Mr. STEVENS. We do not know anything about Senator FEINGOLD's amendment.

Mr. REID. So I would ask that my unanimous consent request apply only to the amendment of the Senator from South Carolina.

Mr. STEVENS. Subject to the 5 minutes.

Mr. REID. We do not want time.

Mr. STEVENS. We join in that request, Mr. President.

The PRESIDING OFFICER. Will the Senator from Alaska state his unanimous consent request?

Mr. STEVENS. Mr. President, I ask unanimous consent that when Senator FEINGOLD has completed his remarks, the Senator from South Carolina be recognized to speak for not more than 5 minutes on his amendment No. 1806, and following that time, there be no further amendments in order, and we have a rollcall vote on amendment No. 1806.

Mr. REID. And I would ask for the modification, the amendment of the Senator from South Carolina, as modified.

AMENDMENT NO. 1806, AS MODIFIED

Mr. STEVENS. Mr. President, I send the modification to the desk so there will be no misunderstanding about that.

The PRESIDING OFFICER. Is there objection to the request?

Hearing none, it is so ordered. The amendment is modified.

The amendment (No. 1806), as modified, is as follows:

(Purpose: To express the sense of Congress that the removal of the Government of Saddam Hussein has enhanced the security of Israel and other United States allies)

On page 39, between lines 2 and 3, insert the following:

SEC. 3002. (a) Congress finds that—

(1) Israel is a strategic ally of the United States in the Middle East;

(2) Israel recognizes the benefits of a democratic form of government;

(3) the policies and activities of the Government of Iraq under the Saddam Hussein regime contributed to security concerns in the Middle East, especially for Israel;

(4) the Arab Liberation Front was established by Iraqi Baathists, and supported by Saddam Hussein;

(5) the Government of Iraq under the Saddam Hussein regime assisted the Arab Liberation Front in distributing grants to the families of suicide bombers;

(6) the Government of Iraq under the Saddam Hussein regime aided Abu Abass, leader of the Palestinian Liberation Front, who was a mastermind of the hijacking of the Achille Lauro, an Italian cruise ship, and is responsible for the death of an American tourist aboard that ship; and

(7) Saddam Hussein attacked Israel during the 1990-1991 Persian Gulf War by launching 39 Scud missiles into that country and thereby causing multiple casualties.

(b) It is the sense of Congress that the removal of the Government of Iraq under Saddam Hussein enhanced the security of Israel and other United States allies.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 1852

Mr. FEINGOLD. Mr. President, I send an amendment to the desk on behalf of myself, Senator WYDEN, and Senator DAYTON, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside and the clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. WYDEN, and Mr. DAYTON, proposes an amendment numbered 1852.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To enable military family members to take leave to attend to deployment-related business and tasks)

On page 38, between lines 20 and 21, insert the following new title:

TITLE III—LEAVE FOR MILITARY FAMILIES

SEC. 3001. SHORT TITLE.

This title may be cited as the "Military Families Leave Act of 2003".

SEC. 3002. GENERAL REQUIREMENTS FOR LEAVE.

(a) ENTITLEMENT TO LEAVE.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) ENTITLEMENT TO LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—

"(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

"(i) on active duty in support of a contingency operation; or

"(ii) notified of an impending call or order to active duty in support of a contingency operation.

"(B) CONDITIONS AND TIME FOR TAKING LEAVE.—An eligible employee shall be entitled to take leave under subparagraph (A)—

"(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed

Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

"(ii) only for issues relating to or resulting from such family member's—

"(I) service on active duty in support of a contingency operation; and

"(II) if a member of a reserve component of the Armed Forces—

"(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

"(bb) service on active duty in support of such operation.

"(4) LIMITATION.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.".

(b) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting "or subsection (a)(3)" after "subsection (a)(1)".

(d) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

"(3) NOTICE FOR LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employer as is practicable.".

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

SEC. 3003. LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

"(3)(A) Subject to section 6383(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

"(i) on active duty in support of a contingency operation; or

"(ii) notified of an impending call or order to active duty in support of a contingency operation.

"(B) An eligible employee shall be entitled to take leave under subparagraph (A)—

"(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

"(ii) only for issues relating to or resulting from such family member's—

"(I) service on active duty in support of a contingency operation; and

"(II) if a member of a reserve component of the Armed Forces—

"(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

"(bb) service on active duty in support of such operation.

"(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.".

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting "or subsection (a)(3)" after "subsection (a)(1)".

(d) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

"(3) An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employing agency as is practicable.".

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

Mr. FEINGOLD. Mr. President, my amendment would bring a small measure of relief to the families of our brave military personnel who are being deployed for the ongoing fight against terrorism, the war in Iraq, and other missions in this country and around the world.

The men and women of our Armed Forces undertake enormous sacrifices in their service to our country. They spend time away from home and from their families in different parts of the country and different parts of the world and are placed into harm's way in order to protect the American people and our way of life. And, of course, we owe them a huge debt of gratitude for their dedicated service.

The ongoing deployments for the fight against terrorism and for the campaign in Iraq are turning upside down the lives of thousands of active duty, National Guard, and Reserve personnel and their families as they seek to do their duty to their country and honor their commitments to their families, and, in the case of the Reserve components, to their employers as well. Today, there are more than 164,000 National Guard and Reserve personnel on active duty.

Some of my constituents are facing the latest in a series of activations and deployments for family members who serve our country in the military. Others are seeing their loved ones off on their first deployment. All of these families share in the worry and concern about what awaits their relatives and hope, as we do, for their swift and safe return.

Recently, many of those deployed in Iraq have had their tours extended beyond the time they had expected to stay. This extension has sometimes played havoc with the lives of those deployed and their families. Worried mothers, fathers, spouses, and children expecting their loved ones home before Thanksgiving must now wait until months after Christmas before their loved ones' much-anticipated homecoming. The emotional toll is huge. So is the impact on a family's daily functioning as bills still need to be paid, children need to get to school events, and sick family members must still be cared for.

Our men and women in uniform face these challenges without complaint. But we should do more to help them and their families with the many things that preparing to be deployed requires.

Often, military personnel and their families are given only a couple of days' notice that their units will be deployed. These dedicated men and women then have only a very limited amount of time to get their lives in order. For members of the National Guard and Reserves, this includes telling their employers that they will be deployed for, in many cases, up to a year and a half. I commend the many employers around the country for their understanding and support when an employee or a family member of an employee is called to active duty.

In preparation for a deployment, military families often have to scramble to arrange for child care, to pay bills, to contact their landlords or mortgage companies, and take care of other things that many of us, of course, deal with on a daily basis.

The amendment I offer today would allow eligible employees whose spouses, parents, sons, or daughters are military personnel who are serving on or called to active duty in support of a contingency operation to use their Family and Medical Leave benefits for issues relating to or resulting from that deployment.

These instances could include preparation for deployment or additional responsibilities that family members take on as a result of a loved one's deployment, such as child care.

Let me make sure there is no confusion about what this amendment does and does not do. This amendment does not expand eligibility for FMLA to employees not already covered by FMLA. It does not expand FMLA eligibility to active duty military personnel. It simply allows those already covered by FMLA to use those benefits in one additional set of circumstances—to deal with issues directly related to or resulting from the deployment of a family member.

I was proud to cosponsor and vote for the legislation that created the landmark Family and Medical Leave Act during the early days of my service to the people of Wisconsin as a Member of this body. This important legislation allows eligible workers to take up to 12 weeks of unpaid leave per year for the birth or adoption of child, the placement of a foster child, to care for a newborn or newly adopted child or newly placed foster child, or to care for their own serious health condition or that of a spouse, a parent, or a child. Some employers offer a portion of this time as paid leave in addition to other accrued leave, while others allow workers to use accrued vacation or sick leave for this purpose prior to going on unpaid leave.

Since its enactment in 1993, the FMLA has helped more than 35 million American workers to balance responsibilities to their families and their careers. According to the Congressional Research Service, between 2.2 million and 6.1 million people took advantage of these benefits in the year 1999-2000.

Our military families sacrifice a great deal. Active duty families often move every couple of years due to transfers and new assignments. The 10 years since FMLA's enactment have also been a time where we as a country have relied more heavily on National Guard and Reserve personnel for more and more deployments of longer and longer duration. The growing burden on these service members' families must be addressed, and this amendment is one way to do so.

This amendment has the support of a number of organizations, including the Wisconsin National Guard, the Military Officers Association of America, the Enlisted Association of the National Guard of the United States, and the National Partnership for Women and Families.

We owe it to our military personnel and their families to do all we can to support them in this difficult time. I hope that this amendment will bring a small measure of relief to our military families.

I urge my colleagues to support my amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not a sufficient second.

Mr. STEVENS. I need time, I say to my friend, to review this with the Armed Services Committee and the Government Affairs Committee before we can consent to that. I am sure there will be a recorded vote at some time, but I hope the Senator will accept a delay in that request.

The PRESIDING OFFICER. Under the previous unanimous consent agreement, the Senator from South Carolina is recognized for 5 minutes.

AMENDMENT NO. 1806, AS MODIFIED

Mr. GRAHAM of South Carolina. Mr. President, I hope this sense-of-the-Senate resolution will pass unanimously.

The purpose of this resolution is to try to put in perspective what has been achieved by Operation Iraqi Freedom. We have suffered greatly in this country. The Iraqi people have suffered. We have lost soldiers, sailors, airmen, and marines. We have spent a lot of money, but I argue that we are much more secure as a nation; that there is one less dictator in the world to help terrorists; and that dispensing with Saddam Hussein's regime has been of particular benefit to our Nation, the region, and the world.

But there is one nation where this has made a dramatic difference. That is the State of Israel. This resolution says in very simple and strong terms that disposing of the Saddam Hussein government has made the State of Israel a more secure place. Why do we say that? During Saddam Hussein's period of ruling, he paid suicide bombers, homicide bombers, in Palestine money, and families of suicide and homicide bombers, to go in and kill innocent Israeli citizens. So when he left, there is one less person to fund people who are trying to destroy peace.

Israel and the Palestinian people deserve to live side by side in peace with two independent states. Saddam Hussein was providing money to people, the Arab Liberation Front, whose goal was to put Israel in the sea.

There is an element of people in that region who don't want to make peace with Israel. They want to destroy the State of Israel. Saddam Hussein made that possibility more likely by providing aid and comfort and money. So when we took Saddam Hussein out, we made Israel more secure. That is a good thing. I hope the Senate will join in unanimous support of that concept.

The government under Saddam Hussein gave money to the master mind of the hijacking of the *Achille Lauro*. The government of Saddam Hussein launched 39 Scud missile attacks against the State of Israel. People debate, should we have done it? Was it worth it? I argue strongly that it was worth it, not only for us but for the State of Israel. The men and women who have died to replace Saddam Hussein have died to make the world more secure. It is heartbreaking to lose soldiers, sailors, airmen, and marines, but one of the reasons we have a military is to protect ourselves and our allies.

Every now and then in history people such as Saddam Hussein crop up. If they are left alone, innocent people die unnecessarily. If they are left alone, the forces of evil become stronger.

I admire our President who chose to stand up to Saddam Hussein. For over 12 years he has violated every effort to rein him in. Force was necessary. Force was costly. But the benefits of that force have made the region safer, made the Iraqi people free for the first time in decades, and made the State of Israel a more secure place to live. Israel has been a good ally. I would ask all of my colleagues, if at all possible, to legitimize Operation Iraqi Freedom in terms of making Israel more secure because to say otherwise would be an untruth. Let it be said that the men and women who sacrificed to make the Iraqi people free have sacrificed in a way to make people in Israel and our own country safer, more secure, and their hopes and dreams maybe will be realized.

I ask for the yeas and nays. Senator McCONNELL would like to speak on the measure, and I ask unanimous consent to make him a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator seek the yeas and nays?

The Senator from Alaska.

Mr. STEVENS. Mr. President, I was not informed about the request for time. The agreement we have pending would say we have a vote following the Senator's remarks. If there are Senators who wish to speak, I would like to know who they are and how much time they want to speak so we could change the agreement, at least have a vote. Members are coming back, thinking they are going to vote in a few minutes.

Mr. REID. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. REID. The unanimous consent agreement said that following the statement of the Senator from Wisconsin, the Senator from South Carolina would be recognized for 5 minutes, and then we would vote. So we have people coming from all over the city here to vote.

Mr. GRAHAM of South Carolina. If I may, Senator McCONNELL would like to speak. He is here. You are right. I am sorry about the scheduling problem. I ask the body to let Senator McCONNELL speak for whatever time he needs on the amendment.

Mr. REID. Is that in the form of a unanimous consent request?

The PRESIDING OFFICER. Five minutes have been consumed. Does the Senator from South Carolina seek consent for additional time?

Mr. GRAHAM of South Carolina. Yes. I ask unanimous consent for an additional 3 minutes for the Senator from Kentucky so he may speak on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, I have no objection to that request if Senator McCONNELL can speak and then we can vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky is recognized for 3 minutes.

Mr. McCONNELL. Mr. President, I thank the Senator from South Carolina for an excellent amendment. There is no ally of the U.S. and the world that benefits more, as the Senator from South Carolina pointed out, from the fall of Saddam Hussein than our good friends, the Israelis. They have watched over the years during the Saddam Hussein regime when he paid people to go into Israel and engage in suicide bombings. They are extremely grateful that there is one less terrorist state in the region to threaten Israel and the United States. In fact, you could argue that Israel benefits every bit as much, if not more so, from the change of regime in Iraq than we do in the United States.

I think this amendment is extremely important. Remember, Saddam Hussein was launching Scud missiles into Israel during the Persian Gulf war. So by changing the regime in Iraq, we have made the situation in Israel dramatically safer than it would have been on top of all of the other reasons why the change in regime in Iraq was in our own best interests. So I thank the Senator from South Carolina for a very important amendment that illustrates the significance of the fall of Saddam Hussein and peace in the Middle East and a chance down the road for there to be a final settlement between Israel and the Palestinians.

Mr. President, I am happy to yield the floor at this point.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. GRAHAM of South Carolina. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 384 Leg.]

YEAS—95

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—2

Bingaman
Chafee

NOT VOTING—3

Edwards
Kerry
Lieberman

The amendment (No. 1806), as modified, was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, we are seeking to urge Members to raise some of the amendments that they have indicated they want to have considered so we might have some discussion of those amendments and schedule them for a vote early tomorrow morning. I know Senator BYRD is prepared to offer an amendment. But I yield to the leader.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. At this juncture, we have a lot of amendments on both sides of the aisle. We made progress today, although I think we are going to be able to narrow down the number of amendments that people have come forward with and given to the managers. Last night we made real progress by taking amendments to the floor, debating the amendments, and then voting this morning.

After talking to the Democratic leader and managers, it is very clear that we should be able to do that tonight, if people will come forward with those amendments and then stack those amendments tomorrow morning.

Right now, we cannot say with certainty what time that would be. The goal would be to debate amendments tonight and stack those for an appropriate time tomorrow morning.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, I want to agree with the majority leader. I think we did make progress last night. We had good cooperation. A number of amendments were offered. We had votes on them this morning. We want to replicate that tonight. I will be offering an amendment shortly. I know a number of other Senators are planning to offer amendments on our side.

Our expectation is we will have those votes, plus I think there are five amendments pending that we would like to be able to dispose of, either with a voice vote or a rollcall vote, tomorrow morning as well. The majority leader noted we made a lot of progress today. We have a finite list. I think it is important for Senators to come and limit the amount of time that some of these votes may otherwise take. We can have a good debate, but I think we have to get through a lot of work tomorrow. The only way we can do it is if Senators will come to the floor tonight.

As I say, I will offer an amendment now. Senator FEINSTEIN is ready to go with an amendment after I am finished. I don't know if there are others on the Republican side, but we need to bring up four or five amendments tonight. I think we can give the assurance to the majority leader that we will be prepared to do that.

Mr. REID. Will the distinguished Democratic leader yield?

Mr. DASCHLE. I am happy to yield.

Mr. REID. Did you ask consent that following the offering of your amendment the Senator from California, Mrs. FEINSTEIN, be recognized to offer her amendment?

Mr. DASCHLE. Madam President, I referenced the fact that she was prepared to offer it. I ask consent she be recognized after my amendment has been offered.

Mr. STEVENS. Reserving the right to object, Madam President, we are being asked to consent to an order. We have not even seen these amendments. We don't even know the names on the amendments.

I remember, when the tables were turned, vehement objections to such procedure. I object until I see the amendment to see whether we want to stack them automatically for a vote tomorrow.

Mr. DASCHLE. Madam President, if I could just clarify, we are not asking for consent that they be voted on tomorrow. I said it would be helpful if they could be voted on tomorrow morning. I was just indicating the sequence tonight and hoping to expedite the consideration of these amendments—that after I lay my amendment down and make comments relating thereto, that Senator FEINSTEIN be recognized so she could do the same. If the Senator from Alaska chooses not to do that, we can accommodate him with whatever suggestions he may have for how we do this.

Mr. STEVENS. Is this the loan amendment of the Senator from California?

Mrs. FEINSTEIN. It is my only amendment.

Mr. STEVENS. Is it on the list?

Mrs. FEINSTEIN. It is the one I had with Senator DOMENICI and which Senator DOMENICI is no longer on.

Mr. STEVENS. It would be nice to see it.

Mrs. FEINSTEIN. It is at the desk.

Mr. STEVENS. I thank the Senator.

Mrs. FEINSTEIN. I would be happy to bring one over.

Mr. STEVENS. I withdraw my objection.

Mr. DASCHLE. Madam President, I renew the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1854

Mr. DASCHLE. Madam President, if there are no other Senators seeking recognition, I ask unanimous consent to lay aside the pending amendment, and I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. Daschle] proposes an amendment numbered 1854.

Mr. DASCHLE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To achieve the most effective means of reconstructing Iraq and to reduce the future costs to the American taxpayer of such reconstruction by ensuring broad-based international cooperation for this effort)

At the end of title II, add the following:

Sec. 2313. (a) Limitation on Amount of Future Funds Available for Iraq Reconstruction Programs.—Notwithstanding any other provision of this Act or any other provision of law, the amount of appropriated funds that may be obligated and expended for Iraq reconstruction programs may not exceed the current appropriated amount for Iraq reconstruction programs unless—

(1) the President certifies to Congress that the amount of appropriated funds to be so obligated and expended for Iraq reconstruction programs is equal to or exceeded by an amount of contributions from the international community for Iraq reconstruction programs; or

(2) the President—

(A) determines that, notwithstanding the lack of contributions by the international community for Iraq reconstruction programs in an amount described in paragraph (1), the obligation and expenditure of appropriated funds for Iraq reconstruction programs in excess of the current appropriated amount for Iraq reconstruction programs is in the national security interests of the United States; and

(B) submits to Congress a written notification on that determination, including a detailed justification for the determination.

(b) Construction With Later Enacted Provisions of Law.—This section may not be superseded, modified, or repealed except pursuant to a provision of law that makes specific reference to this section.

(c) Definitions.—In this section:

(1) The term "current appropriated amount for Iraq reconstruction programs" means the aggregate amount appropriated or otherwise made available by this Act, and by any Act enacted before the date of the enactment of this Act, for Iraq reconstruction programs.

(2)(A) the term "Iraq reconstruction programs" means programs to address the infrastructure needs of Iraq, including infrastructure relating to electricity, oil production, public works, water resources, transportation and telecommunications, housing and construction, health care, and private sector development.

(B) The term does not include programs to fund military activities, (including the establishment of national security forces), public safety (including border enforcement, police, fire, and customs), and justice and civil society development.

Mr. DASCHLE. Madam President, we have been debating this critical piece of legislation now for over a week. Most of the debate has properly centered on the immediate issues presented by the bill before us: How much of the $20 billion the President is seeking for reconstruction of Iraq should American taxpayers provide, and under what terms and conditions should they provide it?

We will have an opportunity tomorrow to talk about a number of specific amendments dealing with loan relationships with Iraq and the probability that the debate centering on whether or not Iraq should be required to take some of the assistance in the form of a loan will be resolved before the end of the week.

There are widely divergent and strongly held views within this Chamber about how we should answer the questions involving loans and grants, and what responsibilities Iraq should have.

While Senate passage of $87 billion to secure and rebuild Iraq seems certain, each of us knows the amount contained in this bill is not sufficient to complete the task. The administration itself has argued that we may need another $55 billion beyond the request made in this appropriations bill today. We don't know how we will do in the donors' conference. But I am told the best we can expect at this point is about $3 billion from the international community. If it is still accurate that $55 billion may be required, and that $3 billion of that may be provided today at least—and that is over a period of time, and in some cases we are told that it could be 4 or 5 years before some of that $3 billion is actually committed—then obviously rebuilding Iraq would take many more years and many tens of billions of dollars in addition to what is now being considered within this legislation.

The amendment I am offering tonight simply requires that the President do what he said he will do—work with the international community to ensure that the American taxpayer does not continue to act alone or largely alone in picking up future reconstruction costs. The amendment simply seeks to ensure that the international community is an equal partner in any future reconstruction costs beyond those contained in the bill before us.

Basically, what we are saying is we will make our decision about the $87 billion, but we recognize this may not be the last request; that there will be additional needs. This amendment simply says that as we consider those additional needs, we ask the President to certify that other nations are paying their fair share of any future costs beyond the $87 billion for the occupation and rebuilding of Iraq before he uses additional American taxpayer dollars to finance these efforts.

I want to emphasize that it doesn't touch one dime of the $87 billion request. Other amendments will seek to address those concerns, and obviously I intend to support them. This pending amendment simply says to the President: You must provide some assurance that the international community will support our efforts to expend additional funds beyond the $87 billion for Iraq's reconstruction.

This amendment will not affect security-related expenditures. No limitations are placed on the President's ability to expend funds for our troops, Iraqi troops, or for Iraqi public safety programs such as border enforcement, police, fire and customs. And no limitations are placed on the President's ability to commit funds to develop Iraq's justice system.

If the President is unable to get the international community to pay its fair share of future Iraqi construction costs, the amendment permits the President to expend still more taxpayer dollars on Iraq's reconstruction with one provision. That provision is that he certify to Congress that additional U.S. expenditures on Iraq's reconstruction are in our national security interests. We don't tie the President's hands. We permit him to get everything he is asking for today—enough to stabilize and rebuild Iraq for a year according to the administration's estimates. It gives him time to round up additional support for our efforts in Iraq should he deem it necessary to ask America's taxpayers to provide additional funds. And we give him a waiver if he fails to secure the additional international support.

More than 6 months after the end of the Hussein regime, the cost of rebuilding and securing Iraq, both in the lives lost and in money now expended, appear without end. Now more than ever, we need to engage the support of the international community prior to the donors' conference, and this amendment would allow us to do that. The entire world will benefit from a democratic and prosperous Iraq. The entire world has an obligation to help us build a better future for the Iraqi people.

As the President noted just last month in his address about his administration's efforts in Iraq, "we are committed to expanding international cooperation in the reconstruction and security of Iraq." This amendment provides the President the leverage to make that promise a reality.

I hope our colleagues will endorse this amendment on a bipartisan basis.

This is simply an opportunity for us to say from here on out, regardless of what you may think of the $87 billion, the time has come for the international community to participate, and it is critically important that we send that message to the donors' conference when we have that occasion to do so later on this month.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized.

Mrs. FEINSTEIN. Thank you very much, Madam President.

AMENDMENT NO. 1848

Mrs. FEINSTEIN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mrs. BOXER, Mrs. CLINTON, Mr. DURBIN, Mr. JOHNSON, and Mrs. MURRAY, proposes an amendment numbered 1848.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require reports on the United States strategy for relief and reconstruction efforts in Iraq, and to limit the availability of certain funds for those efforts pending determinations by the President that the objectives and deadlines for those efforts will be substantially achieved)

Strike section 2309 and insert the following:

SEC. 2309. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR RELIEF AND RECONSTRUCTION IN IRAQ PENDING DETERMINATIONS BY THE PRESIDENT.—Notwithstanding any other provision of this Act, of the amount appropriated by this title under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND"—

(1) $6,770,000,000 shall be available 120 days after the date of the enactment of this Act, but only if the President determines under subsection (b)(1) that the objectives and associated deadlines referred to in that subsection have been substantially met; and

(2) $6,770,000,000 shall be available 240 days after the date of the enactment of this Act, but only if the President determines under subsection (b)(2) that the objectives and associated deadlines referred to in that subsection have been substantially met.

(b) DETERMINATIONS.—(1) Not later than 120 days after the date of the enactment of this Act, the President shall determine whether or not the objectives, and associated deadlines, for relief and reconstruction efforts in Iraq, as specified in the report under subsection (c), have been substantially met.

(2) Not later than 240 days after the date of the enactment of this Act, the President shall determine whether or not the objectives, and associated deadlines, for relief and reconstruction efforts in Iraq, as specified in the most current report under subsection (d), have been substantially met.

(c) INITIAL REPORT ON RELIEF AND RECONSTRUCTION.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report on the United States strategy for activities related to post-conflict security, humanitarian assistance, governance, and reconstruction to be undertaken as a result of Operation Iraqi Freedom. The report shall include information on the following:

(1) The distribution of duties and responsibilities regarding such activities among the agencies of the United States Government, including the Department of State, the United States Agency for International Development, and the Department of Defense.

(2) A plan describing the roles and responsibilities of foreign governments and international organizations, including the United Nations, in carrying out such activities.

(3) A strategy for coordinating such activities among the United States Government, foreign governments, and international organizations, including the United Nations.

(4) A strategy for distributing the responsibility for paying costs associated with reconstruction activities in Iraq among the United States Government, foreign governments, and international organizations, including the United Nations, and for actions to be taken by the President to secure increased international participation in peacekeeping and security efforts in Iraq.

(5) A comprehensive strategy for completing the reconstruction of Iraq, estimated timelines for the completion of significant reconstruction milestones, and estimates for Iraqi oil production.

(d) SUBSEQUENT REPORTS ON RELIEF AND RECONSTRUCTION.—(1) Not later than 60 days after the submittal of the report required by subsection (c), and every 60 days thereafter until all funds provided by this title are expended, the President shall submit to Congress a report that includes information as follows:

(A) A list of all activities undertaken related to reconstruction in Iraq, and a corresponding list of the funds obligated in connection with such activities, during the preceding 60 days.

(B) A list of the significant activities related to reconstruction in Iraq that the President anticipates initiating during the ensuing 60-day period, including—

(i) the estimated cost of carrying out the proposed activities; and

(ii) the source of the funds that will be used to pay such costs.

(C) Updated strategies, objectives, and timelines if significant changes are proposed regarding matters included in the report required under subsection (c), or in any previous report under this subsection.

(2) Each report under this subsection shall include information on the following:

(A) The expenditures for, and progress made toward, the restoration of basic services in Iraq such as water, electricity, sewer, oil infrastructure, a national police force, an Iraqi army, and judicial systems.

(B) The significant goals intended to be achieved by such expenditures.

(C) The progress made toward securing increased international participation in peacekeeping efforts and in the economic and political reconstruction of Iraq.

(D) The progress made toward securing Iraqi borders.

(E) The progress made toward securing self-government for the Iraqi people and the establishment of a democratically elected government.

(F) The progress made in securing and eliminating munitions caches, unexploded ordinance, and excess military equipment in Iraq.

(G) The measures taken to protect United States troops serving in Iraq, and an estimated schedule of United States troop strengths in Iraq for each ensuing 120-day period.

Mrs. FEINSTEIN. Madam President, I believe this amendment to this supplemental would provide some additional transparency and oversight as to how the $20.3 billion in reconstruction funding is spent. The amendment essentially releases the appropriation of the $20.3 billion in three tranches. These tranches are not fenced, but they are conditioned on the President presenting a reconstruction plan to Congress with specific goals and timetables, and reporting to Congress on how that plan is being implemented.

The amendment began as a bipartisan amendment. Unfortunately, at this stage it is not, but it is cosponsored by Senators MURRAY, DURBIN, JOHNSON, CLINTON, and BOXER.

Specifically, the amendment would provide for the immediate release of one-third of the $20.3 billion for reconstruction in Iraq—that is $6.77 billion—with the President required to provide Congress with a comprehensive plan for Iraqi reconstruction. The plan would include goals and timetables for specific reconstruction activities.

Second, it would provide for the release of the remaining $13.54 billion requested in two equal disbursements of $6.77 billion, the second tranche after 120 days—or 4 months—and the final after 240 days. Both disbursements would be subject to a Presidential determination that the goals and timetables spelled out in these detailed reports are being met.

Third, this would require that the President submit reports to Congress every 60 days about how the money is spent.

What is the purpose of this? This is a lot of money. The American public are divided on whether we should spend $20 billion reconstructing Iraq or we should give it for deficit reduction or to priorities in this country. There is no plan. We do not know exactly how this money is going to be spent.

What this amendment aims to do is provide a mechanism for both a certification process by the President that the goals and timetables are being met and for regular reports to this Congress about how that is taking place. That does not seem to me to be too much to ask.

In doing so, it also gives us the ability to review how the money is being spent, what costs are being incurred, who else is contributing, and what progress is being made in meeting important security, political, and economic reconstruction milestones. These are significant improvements.

It is hard for me to understand why the administration does not want this to be done, why the administration expects to be given a blank check, and this body that is charged with the purse strings is not able to carry out diligent oversight.

There may be a significant disagreement among Members of the Senate about the wisdom of a course of action which has led us to this point in Iraq. But now that the United States is in Iraq, it is clear to me we must stay the course. We must rebuild the infrastructure. We must prevent civil war. We must see to it that Iraq does not become a base for terror and instability throughout the region.

Indeed, from a national security perspective, I strongly believe the United States cannot turn tail and run. Instead, we must see to it that a stable governmental structure and a viable economy, apart from Saddam's tyrannical dictatorship, can in fact be put in place. If the United States were to pull out without completing the job—which rejection of the supplemental would mean—I believe Iraq would inevitably see civil war and a return to the Baathist regime, perhaps headed by someone as bad as or worse than Saddam Hussein. If the United States were to cut and run, as we did in Lebanon, or more recently in Somalia, we would send precisely the wrong message to both our friends and our foes around the world.

For many, the challenges we now face in Iraq illustrate the shortcomings of a doctrine of unilateral preemption and preventive war to deal with an asymmetrical threat. When we use force against a state to seek regime change, we are left with the inescapable reality and role that we have today, and that is nation building. There is no other way to put it. But once there, we must complete the task.

As much as I may wish we could structure this package as loans, that there be greater international contributions to the reconstruction effort, that Iraqi oil could be quickly brought on line to underwrite costs, that some of the funds earmarked to be spent in Iraq could be spent on domestic priorities instead, or that we pay for this supplemental by deferring a large tax cut for Americans earning more than $340,000 a year, thus far, all those options have been debated and voted down in this body. I voted for all these amendments, both in committee and on the floor.

But today the United States has an inescapable responsibility in Iraq. It is clear to me that now we are there, we must win the peace. However, we, as a Senate, also have a responsibility, to know what the plan is, to be able to buy into that plan, to understand the goals and the timetables of this reconstruction effort, to know when a constitution will be written, to know when a government can be turned over, and to understand what specific projects are going to be undertaken.

This amendment asks for nothing more than that. It is justified, I believe, because it does just that. I had five Republican sponsors. Apparently they were weaned off by the White House. But this resolution was carefully crafted not to create a problem for the administration but to say, as a Senate, we have an absolute right to know the details, to know the timelines, to know the plans, and you, Mr. President, have an obligation to report to us on what they are and to certify that what you say is actually happening. That is all this amendment does. It does not fence funds. It does not require another vote by this body. But it does say, if we support you, you have an obligation to let us know what you are doing, how you are doing it, and the timelines of completing the mission. I don't think that is too much to ask.

Along with my prior cosponsors, before they dropped off, we worked hard on this. This was negotiated not to present an encumbrance but to present a justifiable reporting requirement with certification by the President. The only thing was that the money would be released in three equal tranches 4 months apart.

I have a very hard time, unless people do not want to say what they are doing, as to why this amendment would not be acceptable to the other side of this aisle as well as to this side of this aisle. It is my sincere hope that by some miracle we could get that concurrence.

The work we have yet to do in Iraq is consequential. How do we stabilize Iraq? It is a nation with a long and bloody history of tribal rivalries. It has known only despotism and tyranny. How do we plant the seeds of democracy? What is the timeline for that? This country has never known democracy. How do we rebuild an economy shattered by years of neglect, repression, and war? I believe we can accomplish this job. Iraq could well become a beacon of stability in this volatile area. But it is a tall order.

In conclusion, I believe the amendment is a well-thought-out approach that gives Congress and the American people a more meaningful and substantive oversight role in the reconstruction of Iraq and it says to this administration, we will work with you, we will stay the course, but the American people must know where that course will lead us and how we are going to get there. This amendment asks for no more and no less.

I yield the floor.

Mr. STEVENS. Will the Senator respond to a question?

Mrs. FEINSTEIN. I would be happy to.

Mr. STEVENS. Is it the Senator's intention that the money, one-third, be available at the end of 120 days?

Mrs. FEINSTEIN. No; the first one-third right away; the second third 4 months later; the third third in another 4 months. At 120, 240 days.

Mr. STEVENS. I thank the Senator.

Mrs. FEINSTEIN. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I state for the information of Senators, we will make some agreements concerning time for the vote to take place tomorrow on the Senator's amendment.

I will oppose the amendment. It is an amendment that would limit the discretion and use of these funds. These funds are designed to as quickly as possible bring about the reconstruction of Iraq and the training of Iraqis to take over their own affairs, to defend themselves, to provide their own security, provide their own water, provide their own electricity, run their own schools—a whole series of things to have this money available, as the Senator says, in the tranches. We can do so much for 120 days. You have to wait for another 120 days before you can have the next money, and another 120 days for the next money.

Now, when you look at that, what it really means is you are going to have to decide we are going to be there for at least a year just doing what is designed in this process to be an upfront program to move quickly as possible to turn this government back to them.

I think that is a restriction on the use of these funds that would hamper the ability of Ambassador Bremer and General Abizaid to carry out their instructions they have already received from the Congress and the instructions that are generally contained in this bill.

It is my intention to speak further on the amendment tomorrow, but just so there would be no question about it, I will oppose the Senator's amendment and urge that it be defeated. It remains to be seen whether I will ask to table the amendment or to just have a vote on it. We will determine that tomorrow.

But I do thank the Senator for her response to my question, and I yield the floor on this matter.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I believe the yeas and nays were granted, so there will be a vote; is that not correct?

Mr. STEVENS. There will be a vote, but we will confer with the Senator when that vote will occur sometime tomorrow. Last-vote notices have gone out for tonight.

Mrs. FEINSTEIN. I thank the Senator.

Mr. President, I would like to make one further point, just to debate this. There are many of us who believe the very size of the supplemental means we are going to be in Iraq for a substantial period of time, and, most probably, the supplemental is meant to run through the election. That is the inescapable real life that we live.

So we look at this effort as one that is a joint effort between the White House and this Senate and this House in the sense that we are prepared to stay the course provided you share with us what the plan is, what the goals are, what the timetables for achieving the mission, in effect, are.

It is hard for me to understand how more than $6 billion could be used in a 4-month period. So nothing is held up. It is three equal tranches. I have a hard time, with what I do know about it, envisioning more than $6 billion being spent in a 4-month period.

So I do not believe this amendment is any kind of an encumbrance on the administration at all. It is simply a request for oversight, which I believe is our constitutional duty.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1858

Mr. NELSON of Florida. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 1858.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside from certain amounts available for the Iraq Relief and Reconstruction Fund, $10,000,000 for the Family Readiness Program of the National Guard)

At the end of title II, add the following:

SEC. 2313. Of the amounts appropriated by chapter 2 of this title under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT" under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND", other than amounts available under such heading for security (including public safety requirements, national security, and justice), $10,000,000 shall be available only for the Family Readiness Program of the National Guard.

Mr. NELSON of Florida. Mr. President, as many of our colleagues are aware, the National Guard has undergone a difficult year with their rapid mobilization and deployment to Iraq and a redeployment date that continues to slip. This has happened to the National Guard in State after State. It has particularly happened with regard to Florida. Florida was actually mobilized the day after Christmas. They went into the armories and started packing their gear. Many, of course, thought it was going to be a very short war, as it was. The military conflict was successfully prosecuted by General Tommy Franks. But all of them were clearly understanding there was the likely possibility they were going to be gone for a year. What they did not expect, with the occupation having been as difficult as it has, was that they were going to be extended, in some cases, up to 16, 17, and perhaps even 18 months from when they first came in to start packing up at the armory of their National Guard unit.

In State after State, these National Guard units have been so effectively trained and, given the adequate and up-to-date equipment in the field, they have performed so admirably. That is clearly the case with the 124th Infantry, which consists of three battalions from Florida. They are so good, they want to continue to keep them. That is like a double-edged sword. Our Guard is so good, and yet they have families, they have employers, and they are making a financial sacrifice. They are prepared to do that. Now that we are offering these supplemental appropriations for Iraq, there is something we can do.

It is my hope we are going to get to the point that the managers will accept this amendment. I have offered this amendment. I may not have to call for a vote because I think it might be accepted.

This amendment provides $10 million for the Family Readiness Program. Right now that program does not have any funding. This program for the National Guard has 396 family assistance centers around the United States. These assistance centers are the primary point of assistance to the families on items such as unit information—this is the National Guard; this is not the regular Army—on referral to medical, financial, social services, and counseling for the families.

Why do families need this assistance? Because often those families are suffering financial hardship. Their loved one as a civilian was earning a certain salary, and when they go on active duty, they are earning, in many cases, a much lower salary. Or, goodness gracious, let's not hope they are self-employed and that business is not being tended to while they are being extended. They all understood the sacrifice they were going to make, and they were willing to make that sacrifice because they are loyal citizens ready to fight for the interests of their country.

The simple fact is, they need some assistance through these family assistance centers, and there is no funding set aside for this critical task.

Out of the $15 billion—not the $20 billion because $5 billion of that is going to assist in building up an Iraqi security and police force—but out of the remaining $15 billion of the $87 billion supplemental appropriations, that is going to reconstruction, the infrastructure needs in Iraq, I respectfully suggest to our colleagues that we need to put some money into these family assistance centers through the Family Readiness Program of the National Guard.

In August and just recently during the last recess when I was home, I ended up having 25 town hall meetings. I met with innumerable families. I am telling you, the support from these family assistance centers is often their Rock of Gibraltar, where they get information, where they share with each other, where, if they are in financial distress, they can get counseling, and if the financial distress leads to medical problems, they can get the right medical referrals. This is the least we can do for our people whose loved ones back home are often taking the brunt.

Today I seek support for those soldiers in the National Guard who have supported our mission in Iraq so bravely and are serving far from home and their loved ones.

I will stop my comments right there. I could go on. Does the manager of the bill have any questions for me? I will be happy to respond. I yield to the manager, the Senator from Montana.

Mr. BURNS. The Senator from Florida has explained his amendment very well. I have no questions.

Mr. NELSON of Florida. Then, Mr. President, I yield the floor and, at the appropriate time, I will call for the vote, unless it is the pleasure of the managers of the bill that they want to accept the amendment as part of a package.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1859

Mr. REID. I send an amendment to the desk on behalf of Senator LANDRIEU.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Ms. LANDRIEU, proposes an amendment numbered 1859.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To promote the establishment of an Iraq Reconstruction Finance Authority and the use of Iraqi oil revenues to pay for reconstruction in Iraq)

On page 38, between lines 20 and 21, insert the following new section:

SEC. 2313. (a) The President shall direct the head of the Coalition Provisional Authority in Iraq, in coordination with the Governing Council of Iraq or a successor governing authority in Iraq, to establish an Iraq Reconstruction Finance Authority. The purpose of the Iraq Reconstruction Finance Authority shall be to obtain financing for the reconstruction of the infrastructure in Iraq by collateralizing the revenue from future sales of oil extracted in Iraq. The Iraq Reconstruction Finance Authority shall obtain financing for the reconstruction of the infrastructure in Iraq through—

(1)(A) issuing securities or other financial instruments; or

(B) obtaining loans on the open market from private banks or international financial institutions; and

(2) to the maximum extent possible, securitizing or collateralizing such securities, instruments, or loans with the revenue from the future sales of oil extracted in Iraq.

(b) It is the policy of the United States that payment of the cost of reconstruction in Iraq, other than payment made with funds made available in this title under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT" or made available by a foreign country or an appropriate international organization, should be the responsibility of the Iraq Reconstruction Finance Authority.

Ms. LANDRIEU. Mr. President, the amendment establishes the Iraq Reconstruction Finance Authority. The amendment states the United States will not commit further grants toward Iraq's reconstruction beyond the $20.3 billion requested by the President. Any further monetary commitments by the United States should be secured through the Iraq Reconstruction Finance Authority using Iraq's revenues from oil production. This amendment does not cut the $20.3 billion requested by President Bush.

There can be no doubt that America must participate in Iraq's reconstruction. However, direct grants are not the only means of providing reconstruction dollars.

RAND reports that U.S. post-war reconstruction efforts in seven conflicts since World War II have averaged 7 years in duration. We must develop a sustainable means of financing Iraq's reconstruction. The American people will not support giving money to Iraq for 7 years when Iraq possesses well over 112 billion barrels of oil, valued at least $2.5 trillion at $22 a barrel, that could be used to finance Iraq's reconstruction. RAND and the World Bank report Iraq's reconstruction will cost at least another $36 billion. The Institute of International Finance says the price tag will hit $75 billion. Ambassador Bremer testified before the Appropriations Committee that the administration will ask for little or no money next year for Iraq's reconstruction, yet non-partisan studies indicate more funding will be necessary.

Conservative estimates say Iraq has 112 billion barrels of oil in its reserve, with possibly the same amount undiscovered. Conservative estimates say Iraq will generate $28 billion in oil revenues in 2004, 3.5 million barrels at $22 a barrel. Oil closed at $32 a barrel last night. Iraq is capable of generating billions in revenue each year so that Iraq can be a partner with the United States and the international community in its own reconstruction.

What worked in the Marshall plan should work in Iraq's reconstruction. Germany's vast coal resources were pledged to secure the matching requirements of the U.S. Government contained in the Marshall plan.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF PROPOSED RULEMAKING—OFFICE OF COMPLIANCE

Mr. STEVENS. Mr. President, I ask unanimous consent the attached statement I send to the desk from the Office of Compliance be printed in the RECORD today pursuant to section 303(b) of the Congressional Accountability Act of 1995, 2 U.S.C. 1383(b).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, October 15, 2003.

Hon. TED STEVENS,
President pro tempore, U.S. Senate,
Washington, DC.

DEAR MR. PRESIDENT: A Notice of Proposed Rulemaking (NPR) for proposed amendments to the Procedural Rules of the Office of Compliance was published in The Congressional Record dated September 4, 2003. The period for submission of comments announced in that NPR ended on October 6, 2003.

A Notice of Proposed Rulemaking—Extension of Period for Comment was published in The Congressional Record dated October 2, 2003. That Notice extended the period for submission of comments announced in the NPR to and including October 20, 2003.

The Board of Directors of the Office of Compliance will hold a hearing regarding the comments which have been submitted during the comment period. The hearing will be open to the public. The hearing will take place on Tuesday, December 2, 2003, at 10 a.m. in room SD-342 of the Dirksen Office Building. Individuals or organizations who have submitted written comments during the comment period may supplement those comments by an oral presentation at the hearing. Individuals or organizations who have timely submitted comments during the comment period which ends on October 20, 2003, and who wish to make an oral presentation at the hearing, must submit a written request to William W. Thompson II, Executive Director, Office of Compliance, 110 2nd Street, SE., Washington, DC on or before Friday, November 14, 2003. Oral presentations are limited to 20 minutes per commenter, unless extended by the Board.

We request that this Notice of Hearing be published in the Congressional Record. Any inquiries regarding this Notice should be addressed to the Office of Compliance at the above address, or by telephone: 202-724-9250, TTY 202-426-1665.

Sincerely,

SUSAN S. ROBFOGEL,
Chair.

REMEMBERING KENTUCKY GOVERNOR NED BREATHITT

Mr. BUNNING. Mr. President, the Commonwealth of Kentucky lost one of its greatest statesman on October 14, 2003. Former Gov. Ned Breathitt left us last night and is on his way to a better place.

Governor Breathitt left a great imprint on Kentucky's history and his bloodline ran deep in Kentucky's heritage. There is even a Breathitt County which is named after his distant uncle who was also a Governor of Kentucky.

Kentuckians elected Ned Breathitt as their Governor in 1963. He served until 1967 with great leadership and accomplishment. The 1960s were somewhat and sometimes tumultuous for the South. Governor Breathitt's progressive politics and compassion for all enabled him to be one of the true civil rights leaders in Kentucky. With conviction and purpose, he fought racial discrimination and ushered in a lasting equality for Kentuckians.

Governor Breathitt also worked tirelessly to help improve our schools and education system in Kentucky. He truly believed that Kentucky's pride and best assets were its citizens. This led him to create and implement the community college system under the University of Kentucky, and to this day it is one of the best systems around. Besides wanting to ensure Kentuckians a strong education, he also was deeply concerned about their health and environment. This led him to help strengthen our conversation and environmental laws, and ensuring that our pristine treasures and waters were protected and preserved for generations to come.

But aside from him being my Governor, he was also my friend. Whan I first arrived in Congress in 1987, Ned and his wife Lucy were living in Washington, DC. They welcomed my wife Mary and me with open arms. We were newcomers to the area and Ned and Lucy had moved out a few years before we did. We became good friends. We played bridge together, dined out and socialized together. We all laughed a lot. Mary and I enjoyed their company so much.

Our prayers and thoughts go out to Lucy and her family. We all know it is difficult to lose a loved one. But Lucy is strong. I know she is left with the comfort that Ned is in a better place, that his life was extraordinary in the way it touched others, and that he loved her and their family and Kentucky so dearly. Ned Breathitt was as good as they come. He was Kentucky at its best.

CRISIS IN ZIMBABWE

Mr. FEINGOLD. Mr. President, I want to call the Senate's attention to the ongoing crisis in Zimbabwe. For years now, the Government of Zimbabwe, led by President Robert Mugabe, has pursued policies characterized by repression, brutality, corruption and mismanagement. The costs to the people of Zimbabwe have been terribly steep. Alongside intimidation and repression, Zimbabweans must contend with the economic consequences of this disaster. According to The Economist magazine, the country's GDP has shrunk by a third in the past 3 years; inflation has surged over 420 percent and 70 percent of the population lives in poverty. A country that should be an engine of growth in the region has instead become an anchor, dragging down the prospects for increased investment and prosperity. A people that should have been able to unite and focus their energies on fighting the AIDS pandemic that threatens their society is instead coping with the systematic destruction of the rule of law within their borders.

Mugabe's government would like the world to believe that it is pursuing a policy of defiance, charting an independent course, and refusing to be bullied by westerners. But this is a smokescreen, a distraction from the fact that when voters are intimidated, it is not the West that is defied, it is the will of the Zimbabwean people. When journalists are tortured and independent media outlets—most recently the popular Daily News—shut down, the bully is not the West, it is the Government of Zimbabwe. There is nothing heroic or revolutionary about the policies pursued by Mugabe's government. Sadly, they are taken from the familiar playbook used for decades by self-serving, dictatorial governments around the world.

Secretary of State Powell was right to call on African leaders, and especially South African President Thabo Mbeki, to take a stronger position on the crisis and to re-energize their efforts to help resolve it. Make no mistake, these leaders are not indifferent to the problem. They are coping with waves of Zimbabwean migrants fleeing persecution and the hopelessness of complete economic collapse. They are struggling against the downward force of the economic maelstrom across their borders. But quiet diplomacy is not working, and Zimbabweans continue to suffer. I urge African leaders to tell it like it is, and to express their solidarity with the Zimbabwean people, not the disgraced and corrupt Zimbabwean Government.

AGRICULTURAL CONCENTRATION

Mr. FEINGOLD. Mr. President, increased consolidation and market concentration are, without question, prevalent concerns throughout the Nation. In particular, I am deeply disappointed to learn that the pork division of Farmland Foods has been sold to Smithfield Foods in a bankruptcy auction. Acquisition of Farmland Foods by either of the auction's bidders, Smithfield Foods and Cargill, has significant potential to lessen competition, harming both farmers and consumers. In this and many other cases, the Department of Justice has looked the other way in enforcing antitrust law, failing to maintain competitive markets.

As I travel around my home State of Wisconsin, agricultural concentration is raised by farmers and growers on a consistent basis. I am greatly concerned that industry trends toward consolidation and concentration are causing great disruption, and sometimes ruin, for our Nation's small- and medium-sized producers. It is my understanding that this acquisition would give Smithfield control of a significant portion of the pork processing industry in the U.S. market access for small and independent pork producers is already inadequate, and this merger will only exacerbate the problems of discrimination, a lack of negotiating power, and the low prices that farmers face.

While this acquisition would reduce competition among purchasers of live hogs, I am also concerned about the lack of benefit to consumers. At the other end of the food marketing chain, consumers are not seeing any decreases in the price they pay at the grocery store for these products. Having fewer competitors providing pork products to American consumers is unlikely to result in lower prices in the supermarket.

I am disappointed that the Department of Justice did not choose to enforce antitrust laws regarding the acquisition of Farmland Foods by either Cargill or Smithfield Foods. The lack of action by the Department does a disservice to the hard working men and women in the agricultural industry and only functions to increase the mounting obstacles to garner a fair price for their product.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Okinawa, Japan. On October 27, 1992, Terry Helvey brutally murdered Navy Seaman Allen R. Schindler, Jr., his ship mate. Helvey beat and stomped Schindler to death because Schindler was gay. Helvey's attack was so vicious that he destroyed every organ in Schindler's body. Schindler was so badly beaten that he could hardly be identified afterward. Schindler's mother, Dorothy Hajdys-Holman, could only identify her son by the remains of a tattoo on his arm. The medical examiner compared Schindler's injuries to those sustained by victims of fatal airplane crashes.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

A TRAGEDY IN GAZA

Mr. SMITH. Mr. President, this morning, we awoke to the tragic news of what happened to the convoy of United States personnel traveling in Gaza. My condolences go out to their families, loved ones and colleagues.

These brave Americans were accompanying United States diplomats going to interview young Palestinians for the opportunity to study in this great country on Fulbright scholarships—offering them a chance for a better life. These fallen men were the 48th through 51st American victims of Palestinian Arab terrorism since the signing of the Oslo accords in 1993 alone.

Several of my colleagues have made mention of the fact today that Saddam Hussein rewarded terrorists who carried out suicide bombings in Israel. We must not forget that dozens of Americans were among their victims, and that many who planned and orchestrated these horrific acts remain at large today.

The deplorable attack on the U.S. convoy sickens me, but it does not surprise me. It should have not been allowed to come to this. For far too long, the State Department has done little to bring the murderers of Americans in certain regions and incidents to justice.

For the other 48 Americans, the wheels of justice have been virtually non-existent. This is because every step of an investigation abroad must be cleared by and coordinated with the Department of State. For too many years, and for too many American families, adequate consent and opportunity to pursue has simply not been forthcoming due to "diplomatic" considerations.

This is wrong. The families who have lost loved ones should not have their grief compounded by a lack of justice from our own system. The virtual impunity afforded certain terrorists sends the wrong foreign policy signal to would-be terrorists around the globe. If we are indeed engaged in a global war on terrorism, then why is justice not pursued to its fullest extent when the terrorists are Palestinian or citizens of countries, such as Indonesia or Yemen, with which we are keen to maintain good relations?

We must send the message that we, as a country, are no less than 100 percent committed in our resolve to investigate and prosecute the murder of innocent Americans abroad, whether they be high-level diplomats, school teachers on a picnic, or children whose lives are cut short.

We have sent precisely the wrong message to would-be terrorists in certain regions of the world for far too long. This culminated in today's tragic events in Gaza. The State Department obviously maintains considerable influence in the investigation of the cases of official and non-official Americans who have been killed abroad.

But the pursuit of justice should not primarily be an issue of diplomacy, but of justice. The return address for this entire issue of Americans who have been killed by terrorists abroad simply belongs in the Justice Department.

That is why I call upon you today to join me and almost two dozen other Senators in cosponsoring the Koby Mandell Act of 2003. The act calls for transferring the lead responsibility for the investigation and prosecution of terrorists who have killed Americans abroad into is rightful destination, the Department of Justice.

I urge you to cosponsor S. 684, the Koby Mandell Act of 2003, and to send a message to terrorists that we have their number, and that one day, hopefully sooner than later, their number will be up.

CELEBRATING HISPANIC HERITAGE MONTH

Mr. DOMENICI. Mr. President, I rise today to pay tribute to the contributions of Hispanic Americans to New Mexico and our country. I would like to focus my remarks today particularly on the representation of Hispanic Americans in the Federal judiciary.

Hispanics are currently dramatically underrepresented in our Nation's judiciary, making up only 3.8 percent of Federal judges while comprising 14 percent of our country's population. New Mexico leads the Nation with the highest Hispanic population percentage of any State, nearly 43 percent. As New Mexico's senior Senator, I am proud to have played a strong role in recommending Hispanic nominees for the Federal bench, and am even prouder that these recommendations have been accepted. Soon, three of the seven judges serving on U.S. District Court for the District of New Mexico will be Hispanic. Of the last five nominations made by President Bush to this court, all based on my recommendations, two were Hispanic women: Judge Christina Armijo, confirmed in November 2001, and Judith Herrera, nominated last month.

Judge Armijo, formerly a judge on the New Mexico Court of Appeals, brings a great deal of judicial experience and a history of public service to the Federal bench in New Mexico. A 1975 graduate of the UNM School of Law, she was an attorney and public defender before joining the Court of Appeals.

Ms. Herrera, a distinguished attorney from Santa Fe, has experience in the public sector as a University of New Mexico regent from 1999 to 2003, a Santa Fe City Councilor from 1981 to 1986, and as an assistant district attorney. She has been an attorney with the Herrera, Long, Pound & Komer firm in Santa Fe since 1987. She was a member of the New Mexico Economic Development Commission from 1998 to 2000, and is a current member of the Federal Magistrate Merit Selection Commission. She also served as the Chairman of the Board of Trustees of St. Vincent Hospital from 1991 to 2000. I know that she will serve her country well, and that her appointment is a step in the right direction to ensure that New Mexico's Federal bench better reflects the composition of our population. I have great hope that the Senate Judiciary Committee and then the full Senate will confirm her expeditiously.

While New Mexico's Federal courts present a stronger-than-average picture of Hispanic representation, there is another story with a more dismal ending in the case of Miguel Estrada, who if confirmed, would have been the first Hispanic judge on the DC Circuit Court of Appeals. It was a sad day for our Federal judiciary and for Hispanic Americans when Mr. Estrada decided to withdraw his nomination after Senate Democrats prevented an up-or-down vote, despite seven attempts by Republican leadership to end debate. I am still outraged that a purely partisan filibuster prevented this well-qualified Hispanic American from serving his country on the Federal bench.

At this time when we seek to honor Hispanic heritage, I invite my Senate colleagues to send the right message to all those who aspire to public service or seek to achieve their goals in this country: through hard work, honesty, and integrity, it is possible to overcome any barrier and succeed on your own merit. To me, this means giving qualified nominees a fair chance to succeed. I appreciate the qualified Hispanic Americans leading the way through their service on the Federal bench in New Mexico, and look forward to greater representation of Hispanics throughout the Federal judiciary.

HONORING TED KOCH OF BOISE, ID

Mr. CRAPO. Mr. President, I give a well-deserved "thank you" to a member of my staff who recently left the U.S. Senate. Ted Koch was with me a short time as a congressional fellow on leave from U.S. Fish and Wildlife Service, and has since returned to Idaho. During this experience here, I benefited from his expertise and abilities, and wanted to let him know how much I have appreciated his contributions.

Ted stepped into the breach upon the departure of my staff director at the Senate Environment and Public Works Subcommittee on Fisheries, Wildlife, and Water. He filled the role expertly and with great enthusiasm. I appreciate that Ted aspires to principles embodied by another "Ted," President Theodore Roosevelt. He deeply enjoys and understands the ecology of hunting and fishing. He strives to make progress. Ted and I both believe that the best hope for people and wildlife in Idaho is to defend property rights. With greater certainty about the inherent value of property, landowners have the confidence and freedom to advance their own ideas for conservation. These qualities and beliefs make Ted a valuable spokesman for intelligent conversation in Idaho. He has made himself a friend of Idaho through his friendships in the State and here in Washington. I appreciate his invaluable participation on my staff, and wish him well in future endeavors. I have no doubt about his continued success.

COMMENDING DENNIS HERTEL

Mr. LEVIN. Mr. President, I commend the services of Dennis Hertel, who is retiring after 6 years as a director of the Northeast-Midwest Institute. Dennis has ably served as chairman of the Institute's policy committee.

Dennis, as all my colleagues know, also is a former Congressman from Michigan. He served with distinction on both the Armed Services and Merchant Marine and Fisheries Committees.

I serve as a cochair of the Northeast-Midwest Senate Coalition's Great Lakes Task Force. For many years, the bipartisan Coalition and the Institute have provided valuable services to the State of Michigan and the entire Northeast-Midwest region. Dennis Hertel has been particularly effective in ensuring that the Institute's work is relevant to policymakers. He also has been a valued champion of protecting and restoring the Great Lakes. I am pleased to commend his leadership at the Northeast-Midwest Institute.

ADDITIONAL STATEMENTS

PHYLLIS COLE BADER

• Mrs. BOXER. Mr. President, I call the Senate's attention to my extraordinary constituent, Phyllis Bader, who is celebrating her 90th birthday today in California with her children, grandchildren, and great-grandchildren.

Though she might take the day off, Phyllis is not resting on her laurels. At an age when most of us might be at least thinking of slowing down, she is still going strong, still working, and still doing good work to benefit her community.

For the past two decades, Phyllis Bader has served as a volunteer and employee at The Shop, a nonprofit thrift store operated by the Junior League of Palo Alto—Mid Peninsula. Proceeds from sales at The Shop are used to fund the League's charitable and educational projects in the community.

Shortly after Phyllis moved to California to be near her family, she joined The Shop team as a volunteer at the suggestion of her daughter, Junior League supporter Lorinda Reichert. When The Shop moved to Menlo Park, the League asked Phyllis to join the staff. She has been there ever since, taking good care of customers and encouraging donations of sale items.

Noting that her work with the public has contributed to her longevity and good health, Phyllis has "never given a thought to retiring." She says that "It's important for old people to be around young people; they keep you on your toes."

Asked what lessons she has learned in 90 years, Phyllis Bader advises us to "Keep a positive attitude. Laugh at yourself. Don't be too sensitive about what people say. Be tolerant of others' ideas. Try to lift someone's spirits each day. Find something every day to be grateful for."

We would all do well to heed Phyllis Bader's advice. I thank her for her wisdom and her service to the community, and I send her my very best wishes on her 90th birthday.•

50TH ANNIVERSARY OF THE AMERICAN CANCER SOCIETY'S CHICAGO WOMEN'S BOARD

• Mr. DURBIN. Mr. President, today I am pleased to recognize the 50th anniversary of the Chicago Women's Board of the American Cancer Society's Illinois Division.

Since its inception, in 1913, the American Cancer Society has been widely regarded as one of our Nation's leaders in public health. Even as the ACS expanded to become a nationwide community-based volunteer, health organization, they have remain dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from this disease through research, education, advocacy, and service.

Founded in 1953, the Women's Board of the American Cancer Society has served as dedicated volunteers in the fight against cancer. In the beginning, the original members worked diligently canvassing neighborhoods, knocking on doors, requesting donations while also delivering important cancer information.

Today, the board raises over $250,000 each year through their signature fundraising event, the Spring Fashion Show and Luncheon. They have also expanded their fundraising efforts to include pediatric cancer patients through their annual American Girl Fashion Show. Through their Teen-In-Training program, a commitment has been made by the Chicago Women's Board to share their knowledge and experience to enable young girls and women to become aware of cancer issues, philanthropy, and service, paving the way for another 50 years of dedicated service.

The American Cancer Society has set important nationwide goals for the year 2015: to reduce cancer incidence rates by 25 percent, to reduce cancer mortality rates by 50 percent, and to improve the overall quality of life for cancer patients.

Clearly, the Women's Board is critical to achieving these goals, and it is for these reasons that I proudly stand here today, congratulating the Chicago Women's Board on its 50th anniversary. I know my fellow Senators will join me in applauding them for their dedication, and I extend my best wishes for the future.•

IN MEMORY OF JOHN BAILEY

• Mr. DODD. Mr. President, I rise to honor the memory of an outstanding public servant and a dear friend, John Michael Bailey, who passed away on September 23 at the age of 59.

My friendship with Jack Bailey was long and deep. Our families were close friends, and we knew each other as children. We ran against each other for Congress in 1974, and I will always remember his civility during that campaign. We stayed friends during the campaign, and we remained close until his untimely passing.

Jack served as the chief State's attorney in Connecticut for 9 years—the longest tenure of anyone to hold that office. With his cigars, dark suits, and slicked-back hair, he outwardly resembled a figure out of a Hollywood crime drama. But his success as a lawyer, and his integrity as a human being, were no fictions.

He spent 27 years as a criminal prosecutor, and his tireless work earned him the respect of political leaders in both parties. He was tough on crime, but also fair. He was truly a pioneer in law enforcement in Connecticut, leading the fight to get violent offenders off the streets and to crack down on the abuse of senior citizens. A number of his initiatives and methods have been adopted by law enforcement officials across America.

Jack Bailey's influence in Connecticut will be felt for years to come. Not only did he set up units and institutions that will serve as his legacy; he also was a mentor to many of the younger attorneys and officers who are now the new faces of law enforcement in our state.

But for his debilitating illness, Jack Bailey would still be serving the people of Connecticut. As his sister, former Congresswoman Barbara Kennelly, said, "He thought he had the best job in the world." He stayed in his office as long as he could, taking two medical leaves of absence—before finally resigning a year ago. The only thing that kept Jack from his job was a terrible disease that has no cure.

I join all of Connecticut's citizens in expressing my deep gratitude to Jack for spending so many years making our lives safer, and better. He served us with dignity, class, and great honor.

My deepest sympathies go out to Jack's wife Dee, to his sons John and Brian, and to all who knew and loved him.•

TRIBUTE TO DR. BILL SHIPP

• Mr. CRAPO. Mr. President, I rise today to acknowledge the recently announced decision of Dr. Bill Shipp to retire as president and laboratory director of the Idaho National Engineering and Environmental Laboratory, INEEL. After over 4 years as laboratory director and 3 years as president of Bechtel BWXT Idaho, the company that manages and operates the INEEL for the U.S. Department of Energy. Dr. Shipp is retiring to pursue other endeavors. Knowing him as I do, hunting and fishing will be high on the list of "other endeavors."

Dr. Shipp came to Idaho as part of the Bechtel team that won the contract to manage the INEEL in 1999. He had previously served with distinction as an associate lab director of the Pacific Northwest National Laboratory.

His years at the INEEL have been filled with accomplishment, leadership, and an ability to adapt to ever-changing circumstances. Under his leadership, the INEEL met critical cleanup milestones to cleanup the site and ship waste out of Idaho. The leadership he has provided at the INEEL has resulted in the growth of both the funding and respect for the INEEL's research and development capabilities. Within the Department of Energy's National Laboratory network he is respected by his peers.

In 1999, Idaho Governor Dirk Kempthorne named Dr. Shipp as Idaho's first Science and Technology Advisor to the Governor. In that capacity, he made important recommendations to the State and the Governor regarding the Idaho education system.

Dr. Shipp's record of leadership and accomplishment was recognized by Purdue University when it named him one of the institution's distinguished alumni in 2002. He returned to West Lafayette, IN, to receive that award, and I know that was a special moment for Dr. Shipp, his wife Linda and their children, Jennifer and John.

I enjoyed meeting with Dr. Shipp when he has come by my office to update me on how things are going at the INEEL. During these meetings, one of us would ask if the other had been hunting. As I think back, I realize lab directors get to hunt more than Senators, but what I remember most is Dr. Shipp and I always made plans to hunt quail together at a mutual friend's ranch. One season, our plans were cancelled because he broke his leg while hunting. I am sorry we never did go quail hunting together, but I want him to know the offer still stands.

Within the DOE system, laboratory directors serve as stewards of national assets. These are difficult jobs where mistakes are not tolerated and success is expected. Within these demanding constraints, Dr. Shipp set the standard for performance and accomplishment with a commitment to safety and people. More than that, Bill Shipp is a man who others look to for guidance and support. I am pleased to call Bill Shipp a friend and I want to say thank you for your service to Idaho, the DOE and the Nation.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4662. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: (Including 2 Regulations); [COTP San Francisco Bay 03-003], [COTP San Francisco Bay 03-002]" (RIN1625-AA00) received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4663. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Regatta and Marine Parade Regulation; Special Local Reg.: [CGD05-03-124], Choptank River, Cambridge, MD" (RIN1625-AA08) received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4664. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: (Including 5 Regulations); [COTP San Francisco Bay 03-024], [CGD05-03-099], [COTP San Diego 03-027], [COTP San Diego 03-030], [CGD08-02-045]" (RIN1625-AA00) received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4665. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: (Including 2 Regulations); [CGD08-03-029], [CGD09-03-241]" (RIN1625-AA11) received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4666. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations [CGD09-03-215] Milwaukee, Menomonee, Kinnickinnic Rivers and South Menomonee and Burnham Canals, Milwaukee, WI" (RIN1625-AA09) received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4667. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations (Including 2 Regulations): [CGD11-03-001], [CGD07-03-131]" (RIN1625-AA09) received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4668. A communication from the Senior Legal Adviser to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cotulla and Dilley, Texas)" (MB Doc. No. 03-27) received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4669. A communication from the Senior Legal Adviser to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Estelline, Texas)" (MB Doc. No. 03-55) received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4670. A communication from the Senior Legal Adviser to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Anchorage, AK" (MM Doc. No. 00-99) received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4671. A communication from the Senior Legal Adviser to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Remedial Steps for Failure to Comply With Digital Television Construction Schedule" (FCC03-77) received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4672. A communication from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting, pursuant to law, a report entitled "Study of Technology Protection Measures in Section 1703 of the Children's Internet Protection Act"; to the Committee on Commerce, Science, and Transportation.

EC-4673. A communication from the Regulatory Officer, Federal Motor Carrier Safety Administration, Department of Transportation , transmitting, pursuant to law, the report of a rule entitled "Motor Carrier Safety Regulations: Final Rule: Miscellaneous Technical Amendments" received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4674. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Aviation and International Affairs, Department of Transportation, received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4675. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting Directed Fishing for Species that Comprise the Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska, Except for Vessels Fishing for Pollock Using Pelagic Trawl Gear in Those Portions of the GOA Open to Directed Fishing for Pollock" received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4676. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibited Directed Fishing for Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska" received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4677. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Retention of Pacific Cod by Vessels Catching Pacific Cod for

Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska" received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4678. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Fishing with Trawl Gear in the Chum Salmon Savings Area of the Bering Sea and Aleutian Islands Management Area" received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4679. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of the Commercial Fishery for King Mackerel in the Exclusive Economic Zone in the Western Zone of the Gulf of New Mexico" received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4680. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Reallocation of Pacific Sardine" received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4681. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #3—Closure and Reopening of the Recreational Fishery from Cape Falcon, Oregon to Humbug Mountain, Oregon" (ID082503A) received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4682. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 17" (RIN0648–AQ68) received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4683. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "American Lobster Fishery; Modify Trap Gear Requirements for Black Sea Bass Fishers Under American Lobster Fishery Requirements" (RIN0648–AO58) received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4684. A communication from the Under Secretary and Director, Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act" (RIN0651–AB45) received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4685. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; [CGD01-02-026], Charles River, Dorchester Bay, and Saugus River, MA" (RIN1625–AA09) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4686. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: [CGD08-03-017], Outer Continental Shelf Facility in the Gulf of Mexico in Mississippi Canyon 243" (RIN1625–AA72) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4687. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; [COTP San Francisco Bay 03–023], Suisun Bay, Concord, California" (RIN1625–AA00) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4688. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: [CGD08-03-026], Illinois Waterway, Illinois" (RIN1625–AA09) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4689. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Regatta and Marine Parade Regulation; Special Local Reg.: [CGD08-036], Ohio River, Miles 467.0 to 475.0 and Licking River, Miles 0.0 to 0.5; Cincinnati, OH" (RIN1625–AA08) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4690. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Regatta and Marine Parade Regulation; Special Local Reg.: [CGD05-03-062], [CGD05-03-031]" (RIN1625–AA08) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4691. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney PW4000 Series Turbofan Engines Doc. No. 200–NE–47" (RIN2120–AA64) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4692. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B4-600, B4600R, and F4600R (Collectively Called A300-600) Series Airplanes, and Airbus Model A310 Series Airplanes Doc. No. 2003–NM0206" (RIN2120–AA64) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4693. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Burkhart Grob Luft- Und Raumfahrt GmbH and CO KG Models G103 Twin Astir, G103 Twin II, G103A Twin II Acro, and G103C Twin III Acro Sailplanes; Doc. No. 2003–CE–35" (RIN2120–AA64) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4694. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328–300 Series Airplanes Equipped With Certain Pratt and Whitney PW306B Engines Nacelles; Doc. No. 2001–NM–319" (RIN2120–AA64) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4695. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GROB–WERKE Model G102A Airplanes Doc. No. 2003–CE–26" (RIN2120–AA64) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4696. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (56) Amendment No. 3079" (RIN2120–AA65) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4697. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities" (CC Doc. No. 98–67) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4698. A communication from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 15 of the Commission's Rules Regarding Ultra-Wideband Transmission Systems" (ET Doc. No. 98–153) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4699. A communication from the Assistant Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Rice Cap Incumbent Local Exchange Carriers and Interexchange Carriers; Federal-State Joint Board on Universal Service" (FCC 03–106) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4700. A communication from the Associate Chief, Competition Policy Division, Wireline Competition Bureau, transmitting, pursuant to law, the report of a rule entitled "Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996" (FCC03-025) received on October 8 , 2003; to the Committee on Commerce, Science, and Transportation .

EC–4701. A communication from the Associate Chief, Competition Policy Division, Wireline Competition Bureau, transmitting, pursuant to law, the report of a rule entitled "Provision of Directory Listing Information Under the Communications Act of 1934, as Amended" (FCC01–27) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4702. A communication from the Associate Chief, Competition Policy Division, Wireline Competition Bureau, transmitting, pursuant to law, the report of a rule entitled "Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements" (FCC02–

336) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4703. A communication from the Associate Chief, Competition Policy Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers" (CC. Doc. No. 94–129) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4704. A communication from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Amendments of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMCPS) Memorandum of Understanding and Arrangements; Petition of the National Telecommunications and Information Administration to Amend Part 25 of the Commission's Rules to Establish Emission Limits for Mobile and Portable Earth Stations Operating in the 1610–1660.5 MHz Band" (IB Doc. No. 99–67) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4705. A communication from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Blanket Licensing for Small Aperture Terminals in the C-Band and Routine Licensing of 3.7 Meter Transit and Receive Stations at C-Band" (IB Doc. No. 00–203) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4706. A communication from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Rules to Redesignate the 27.5–29.5 GHz Frequency Band, To Reallocate the 29.5-30.0 GHz Frequency Band, To Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services" (CC Doc. No. 92–297) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4707. A communication from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Amendment of the Commission's Space Station Licensing Rules and Policies—2000 Biennial Regulatory Review—Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations" (IB Doc. No. 02–34) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4708. A communication from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Rulemaking of Amend. Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5–29.5 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services" (CC Doc. No. 92–297) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4709. A communication from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Amendment of Parts 1, 43, and 63 of the Commission's Rules" (DA 01–2825) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4710. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "16 CFR Part 305—'Appliance Labeling Rule' [dishwasher label change]" (RIN3084–AA74) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4711. A communication from the Chief Counsel, Wireless Telecommunications Bureau, Federal Communications Bureau, transmitting, pursuant to law, the report of a rule entitled "Public Mobile Services and Personal Communications Services" (FCC02–229) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4712. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook—Format and Numbering" (RIN2700–AC62) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4713. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations Based on the 2002 Missile Technology Control Regime Plenary Agreements" (RIN0694–AC51) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4714. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Indian Incentive Program" (DFARS Case 2002–D033) received on October 7, 2003; to the Committee on Armed Services.

EC–4715. A communication from the Staff Attorney, Tort Claims and Litigation Division, Air Force Legal Services Agency, transmitting, pursuant to law, the report of a rule entitled "Tort Claims" received on October 7, 2003; to the Committee on Armed Services.

EC–4716. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report on the amount of Department of Defense purchases from foreign entities in Fiscal Year 2002; to the Committee on Armed Services.

EC–4717. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, the government-wide progress report and the Department of Defense supplement that section 5 of the Federal Financial Assistance Management Improvement Act of 1999 requires each agency to submit to Congress; to the Committee on Armed Services.

EC–4718. A communication from the Deputy Under Secretary of Defense for Installations and Environment, transmitting, pursuant to law, the Fiscal Year 2002 Defense Environmental Technology Program Annual Report; to the Committee on Armed Services.

EC–4719. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4720. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report relative to those units of the Ready Reserve of the Armed Forces that remained on active duty under the provisions of section 12302 of United States Code as of July 1, 2003; to the Committee on Armed Services.

EC–4721. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4722. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4723. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4724. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Approval of Service Contracts and Task Orders" (DFARS Case 2002–D024) received on October 8, 2003; to the Committee on Armed Services.

EC–4725. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Test Procedure for Dishwashers" (RIN1904–AB10) received on October 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4726. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Motor Vehicle Fleet Fuel Efficiency" (RIN1991–AB59) received on October 7, 2003 : to the Committee on Agriculture, Nutrition, and Forestry.

EC–4727. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt; Regulated Areas" (Doc. No. 02–037–2) received on October 3, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4728. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Viruses, Serums, and Toxins, and Analogous Products; Determination of Moisture Content in Desiccated Biological Products" (Doc. No. 01–067–2) received on October 3, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4729. A communication from the Administrator, Livestock and Seed Program, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled "Soybean Production and Research: Amend Order to Adjust Representation on the United Soybean Board" (Doc. No. LS–03–03) received on October 14, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4730. A communication from the Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, et al.; Increased Assessment Rate"

(Doc. No. FV03–930–3 FR) received on October 14, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4731. A communication from the Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled "Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Fiscal Period Change" (Doc. No. FV03–956–1 FR) received on October 14, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4732. A communication from the Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Temporary Suspension of the Prune Reserve and the Voluntary Producer Prune Plum Diversion Provisions" (Doc. No. FV03–993–2 FIR) received on October 14, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4733. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR Part 1778, Emergency and Imminent Community Water Assistance Grants" (RIN0572–AB90) received on October 3, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4734. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the 2002 Status Report for Congress for the Herger-Feinstein Quincy Library Group Forest Recovery Act of 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4735. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Vinclozolin; Time-Limited Pesticide Tolerances" (FRL#7327–6) received on October 8, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4736. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program; Assistance to Private Sector Property Insurers; Extension of Term of Arrangement" (RIN1660–AA29) received on October 7, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4737. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Doc. No. FEMA–7815) received on October 7, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4738. A communication from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Required Conversion of Developments From Public Housing Stock" (RIN2577–AC01) received on October 8, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4739. A communication from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Housing Choice Voucher Program Homeownership Option: Eligibility of Units Owned or Controlled By a Public Housing Agency" (RIN2577–AC39) received on October 8, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4740. A communication from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Voluntary Conversion of Developments From Public Housing Stock" (RIN2577–AC02) received on October 8, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4741. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Interim Capital Treatment of Consolidated Asset-Backed Commercial Paper Program Assets" (RIN1557–AC76) received on October 14, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4742. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered on Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–4743. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the 2002 Annual Report of the Securities Investor Protection Corporation (SIPC); to the Committee on Banking, Housing, and Urban Affairs.

EC–4744. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of vacancy for the position of Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development, received on October 8, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4745. A communication from the Chairman, Federal Deposit Insurance Corporation, transmitting, a report relative to the third meeting of the Corporation's Committee on Banking Policy; to the Committee on Banking, Housing, and Urban Affairs.

EC–4746. A communication from the Administrator, Research and Promotion Branch, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled "Mango Promotion, Research, and Information Order: Referendum Procedures" (RIN0581–AC05) received on October 14, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4747. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revised MOBILE6-based Motor Vehicle Emission Budget for the Pennsylvania Portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area" (FRL#7570–4) received on October 14, 2003; to the Committee on Environment and Public Works.

EC–4748. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Mexico; Revision to Motor Vehicle Emission Budgets in Bernalillo County, New Mexico Carbon Monoxide Air Quality Maintenance Plan Using MOBILE6" (FRL#7571–1) received on October 14, 2003; to the Committee on Environment and Public Works.

EC–4749. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; State of Iowa" (FRL#7569–9) received on October 14, 2003; to the Committee on Environment and Public Works.

EC–4750. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority to the Washington State Department of Ecology, Benton Clean Air Authority, Olympic Regional Clean Air Agency, Puget Sound Clean Air Agency, Spokan County Air Pollution Control Authority, and Southwest Clean Air Agency for New Source Performance Standards" (FRL#7567–8) received on October 14, 2003; to the Committee on Environment and Public Works.

EC–4751. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan, El Dorado County Air Pollution Control District and Santa Barbara County Air Pollution Control District" (FRL#7567–2) received on October 14, 2003; to the Committee on Environment and Public Works.

EC–4752. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Virginia: Approval of Financial Assurance Regulations for the Commonwealth's Municipal Solid Waste Landfill Permitting Program" (FRL#7569–4) received on October 14, 2003; to the Committee on Environment and Public Works.

EC–4753. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Utah; State Implementation Plan Corrections" (FRL#7573–8) received on October 14, 2003; to the Committee on Environment and Public Works.

EC–4754. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerator Units; Control of Emissions from Existing Large Municipal Waste Comustors; Nevada; American Samoa; Northern Mariana Islands" (FRL#7572–5) received on October 14, 2003; to the Committee on Environment and Public Works.

EC–4755. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Municipal Solid Waste Landfill Location Restrictions for Airport Safety" (FRL#7573–6) received on October 14, 2003; to the Committee on Environment and Public Works.

EC–4756. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "West Virginia: Final Authorization of State Hazardous Waste Management Program Revision" (FRL#7575–1) received on October 14, 2003; to the Committee on Environment and Public Works.

EC-4757. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, a document related to the Agency's regulatory programs with respect to asbestos; to the Committee on Environment and Public Works.

EC-4758. A communication from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: Standardized NUHOMS −24P, −24PHB, −32PT, −52B, and −61B" (RIN3150-AH32) received on October 14, 2003; to the Committee on Environment and Public Works.

EC-4759. A communication from the Acting Administrator, Environmental Protection Agency, transmitting, a report entitled "Annual Report to Congress on Implementation of Public Law 106-107"; to the Committee on Environment and Public Works.

EC-4760. A communication from the Acting Assistant Secretary for Fish and Wildlife, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits: Regulations for Double-crested Cormorant Management" (RIN1018-AI39) received on October 7, 2003; to the Committee on Environment and Public Works.

EC-4761. A communication from the Acting Assistant Secretary for Fish and Wildlife, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Removing Eriastrum hooveri (Hoover's wooly-star) from the Federal List of Endangered and Threatened Species" (RIN1018-AG41) received on October 7, 2003; to the Committee on Environment and Public Works.

EC-4762. A communication from the Deputy Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Delisting of the Berberis (=Mahonia) sonnei (Truckee barberry)" (RIN1018-AH47) received on October 7, 2003; to the Committee on Environment and Public Works.

EC-4763. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Proposed Revenue Procedure Regarding Home-Care Service Procedures" (Notice 2003-70) received on October 2, 2003; to the Committee on Finance.

EC-4764. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Disallowance of Certain Entertainment, Etc. Expenses" (Rev. Rule 2003-109) received on October 2, 2003; to the Committee on Finance.

EC-4765. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "United States Income Tax Treaties that Meet the Requirements of Section 1(h)(11)(C)(i)(II)" (Notice 2003-68) received on October 2, 2003; to the Committee on Finance.

EC-4766. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "United States Income Tax Treaties that Meet the Requirements of Section 1(h)(11)(C)(i)(II)" (Notice 2003-68) received on October 2, 2003; to the Committee on Finance.

EC-4767. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Michael and Nancy B. McNamara v. Commissioner" (AOD) received on October 2, 2003; to the Committee on Finance.

EC-4768. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Stock that is Considered Readily Tradable on an Established Securities Market in the United States for Purposes" (Notice 2003-71) received on October 2, 2003; to the Committee on Finance.

EC-4769. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the reports of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-4770. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the reports of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-4771. A communication from the Secretary of State, transmitting, a copy of the Agency for International Development Strategic Plan for FY 2004 to 2009; to the Committee on Foreign Relations.

EC-4772. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad to The Netherlands and Denmark; to the Committee on Foreign Relations.

EC-4773. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad to Japan; to the Committee on Foreign Relations.

EC-4774. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 706 of the Foreign Relations Authorization Act, the report of Presidential Determination 2003-38 relative to Afghanistan, The Bahamas, Bolivia, Brazil, Burma, China, Colombia, Dominican Republic, Ecuador, Guatemala, Haiti, India, Jamaica, Laos, Mexico, Nigeria, Pakistan, Panama, Paraguay, Peru, Thailand, Venezuela, and Vietnam; to the Committee on Foreign Relations.

EC-4775. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Anglo-Irish Agreement Support Act of 1986, the report of an extension of Presidential Determination 2003-34 relative to Ireland; to the Committee on Foreign Relations.

EC-4776. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the aggregate number, locations, activities, and lengths of assignment for all temporary and permanent U.S. military personnel and U.S. individual civilians retained as contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC-4777. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, ten quarterly exception Selected Acquisition Reports (SARs) for the quarter ending June 30, 2003; to the Committee on Foreign Relations.

EC-4778. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's Report to Congress on Arms Control, Nonproliferation, and Disarmament Studies Completed in 2002; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment:

S. 1146. A bill to implement the recommendations of the Garrison Unit Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota (Rept. No. 108-165).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*Peter Lichtenbaum, of Virginia, to be an Assistant Secretary of Commerce.

*Harvey S. Rosen, of New Jersey, to be a Member of the Council of Economic Advisers.

Kristin J. Forbes, of Massachusetts, to be a Member of the Council of Economic Advisers.

*Julie L. Myers, of Kansas, to be an Assistant Secretary of Commerce.

By Mr. INHOFE for the committee on Environment and Public Works.

*Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 1731. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate the La Entrada al Pacifico Corridor in the State of Texas as a high priority corridor on the National Highway System; to the Committee on Environment and Public Works.

By Mr. DOMENICI:

S. 1732. A bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself and Mr. KENNEDY):

S. 1733. A bill to authorize the Attorney General to award grants to States to develop and implement State court interpreter programs; to the Committee on the Judiciary.

By Mrs. LINCOLN (for herself, Mr. LUGAR, and Mr. BINGAMAN):

S. 1734. A bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the medicaid and State children's health insurance programs, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. GRAHAM of South Carolina, Mr. CHAMBLISS, and Mr. CAMPBELL):

S. 1735. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. CHAFEE, Mr. HAGEL, Mrs. HUTCHISON, Mr. VOINOVICH, Mr. THOMAS, Mr. BREAUX, Mr. BINGAMAN, Mr. GRAHAM of Florida, Mr. JOHNSON, Mr. NELSON of Nebraska, and Mr. ROCKEFELLER):

S. 1736. A bill to promote simplification and fairness in the administration and collection of sales and use taxes; to the Committee on Finance.

By Mr. WYDEN:

S. 1737. A bill to amend the Clayton Act to enhance the authority of the Federal Trade Commission or the Attorney General to prevent anticompetitive practices in tightly concentrated gasoline markets; to the Committee on the Judiciary.

By Mr. DODD:

S. 1738. A bill to reauthorize the Defense Production Act of 1950, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REED (for himself, Mr. BAYH, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. CARPER, Mr. CHAFEE, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HAGEL, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TALENT, and Mr. THOMAS):

S. Res. 243. A resolution designating the week of October 19, 2003, through October 25, 2003, as "National Childhood Lead Poisoning Prevention Week"; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. Con. Res. 73. A concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 480

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 560

At the request of Mr. CRAIG, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 854

At the request of Mr. COLEMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 854, a bill to authorize a comprehensive program of support for victims of torture, and for other purposes.

S. 985

At the request of Mr. DODD, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 992

At the request of Mr. NICKLES, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 992, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policyholder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. 1037

At the request of Ms. SNOWE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1037, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 1172

At the request of Mr. FRIST, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S . 1172, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 1250

At the request of Mr. BURNS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1250, a bill to improve, enhance, and promote the Nation's homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E-911 calls, and to support the construction and operation of a ubiquitous and reliable citizen activated system and other purposes.

S. 1369

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1369, a bill to ensure that prescription drug benefits offered to medicare eligible enrollees in the Federal Employees Health Benefits Program are at least equal to the actuarial value of the prescription drug benefits offered to enrollees under the plan generally.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1545

At the request of Mr. HATCH, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1570

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1570, a bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs.

S. 1612

At the request of Ms. COLLINS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1612, a bill to establish a technology, equipment, and information transfer within the Department of Homeland Security.

S. 1622

At the request of Mr. GRAHAM of Florida, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1622, a bill to amend title 10, United States Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized.

S. 1637

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KERRY) was withdrawn as a cosponsor of S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

S. 1659

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1659, a bill to designate the facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, as the "John G Dow Post Office Building."

S. 1660

At the request of Mr. CAMPBELL, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1660 , a bill to improve water quality on abandoned and inactive mine land, and for other purposes.

S. 1693

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1693, a bill to amend section 35 of the Internal Revenue Code of 1986 to allow individuals receiving unemployment compensation to be eligible for a refundable, advanceable credit for health insurance costs.

S. 1704

At the request of Ms. COLLINS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1704, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 1709

At the request of Mr. CRAIG, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1709, a bill to amend the USA PATRIOT ACT to place reasonable limitations on the use of surveillance and the issuance of search warrants, and for other purposes.

S. 1716

At the request of Mr. CHAFEE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1716, a bill to amend the Federal Water Pollution Control Act to authorize the use of funds made available for nonpoint source management programs for projects and activities relating to the development and implementation of phase II of the storm water program of the Environmental Protection Agency.

S. CON. RES. 58

At the request of Mr. DEWINE, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S . Con. Res. 58, a concurrent resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month.

AMENDMENT NO. 1798

At the request of Mr. CRAIG, his name was withdrawn as a cosponsor of amendment No. 1798 intended to be proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1806

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 1806 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1807

At the request of Mr. CHAFEE, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 1807 intended to be proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1818

At the request of Mr. BYRD, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of amendment No. 1818 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1825

At the request of Mr. BOND, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 1825 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1834

At the request of Mr. CORZINE, his name and the name of the Senator from Florida (Mr. GRAHAM) were added as cosponsors of amendment No. 1834 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

At the request of Mr. BIDEN, his name was added as a cosponsor of amendment No. 1834 proposed to S. 1689, supra.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 1834 proposed to S. 1689, supra.

AMENDMENT NO. 1836

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 1836 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 1732. A bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today to introduce a bill that is critical to rural America and long overdue. My bill would help to ensure that our rural communities continue to thrive and flourish by guaranteeing a safe, reliable water supply.

There is no comprehensive program in existence that rural communities can tap into to meet increasing demands for rural water infrastructure. My bill will remedy this problem by creating such a program within the Department of the Interior, specifically in the Bureau of Reclamation. My bill authorizes the Secretary of the Interior to undertake a competitive program to plan, design, and construct rural water supply projects in conjunction with non-Federal local entities.

To date, there is no Federal program specifically in place with the purpose of meeting the rural water needs of communities and tribes. As a result, we either offer piece meal help through EPA grants or communities turn to other programs that were originally designed for other purposes.

In the State of New Mexico alone, there are numerous projects that would benefit from a program such as the one I propose in this bill. Let me just share one example with you—the community of Chimayo, NM. Chimayo is in northern New Mexico tucked in the foothills of the beautiful Sangre de Christo Mountains. This historic and picturesque community is over 400 years old. Today, the small community of less than 3000 people is forced to haul water because they lack adequate infrastructure to service their homes. I know that other States in the west have communities with similar needs.

My bill requires the Secretary to look at whether or not a community has an urgent and compelling need, whether construction of a rural water system would help alleviate future water supply shortages, whether it would help improve health of water quality to name just a few. Additionally, my bill is based on the communities capability to pay. Again, I will speak about New Mexico where many of these communities are among the poorest. Yet, I don't believe that should preclude them from the most basic resource—a safe and reliable drinking water supply.

I know that many are aware of the on-going drought conditions in the west. Our best experts have predicted that this will only get worse. Many of America's rural communities are being hit the hardest by these worsening drought conditions. I believe my bill goes a long way in helping these already struggling communities. This issue is of such huge importance to me, that I intend to ask Senator MURKOWSKI to hold a Water and Power Subcommittee hearing on this bill as early as next week. We have critical needs that need to be addressed and I urge my fellow Senators to help ensure that we can indeed meet them.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as "The Reclamation Rural Water Supply Act of 2003".

SEC. 2. DEFINITIONS.

In this Act:

(1) CONSTRUCT.—The term "construct" means to—

(A) install new infrastructure; and

(B) upgrade or replace existing facilities that are associated with the new infrastructure authorized under this Act.

(2) INDIAN TRIBE.—The term "Indian tribe" means any Indian entity that is—

(A) included on the list of recognized tribes that the Secretary publishes in the Federal Register in accordance with section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1); and

(B) recognized by the Secretary as eligible to receive services from the Federal Government.

(3) NON-FEDERAL PROJECT ENTITY.—The term "non-Federal project entity" means a State, regional, or local authority, Indian tribe, or other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association.

(4) PROGRAM.—The term "program" means the rural water supply program established under section 3(a).

(5) PROJECT.—

(A) IN GENERAL.—The term "project" means a water supply project for communities, an Indian tribe, or dispersed homesites with domestic or rural water.

(B) INCLUSION.—The term "project" includes incidental livestock watering.

(6) RECLAMATION LAW.—The term "Reclamation law" means the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(7) RECLAMATION STATE.—The term "Reclamation State" means each of the States identified in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. RURAL WATER SUPPLY PROGRAM.

(a) IN GENERAL.—The Secretary, in cooperation with non-Federal project entities, may carry out a rural water supply program to plan, design, and construct projects in Reclamation States.

(b) ELIGIBILITY CRITERIA.—

(1) IN GENERAL.—The Secretary shall develop and publish in the Federal Register criteria for determining the eligibility of a project for assistance under the program.

(2) CONSIDERATIONS.—The criteria developed under paragraph (1) shall take into account such factors as—

(A) whether a project serves—

(i) rural areas and communities; or

(ii) Indian tribes;

(B) whether there is an urgent and compelling need for a project that would—

(i) result in continuous, measurable, and significant water quality benefits;

(ii) address current or future water supply shortages; or

(iii) improve the health or aesthetic quality of water;

(C) whether a project helps meet any applicable legal requirements;

(D) whether a project—

(i) promotes and applies a regional or watershed perspective to water resource management or cross-boundary issues;

(ii) implements an integrated resources management approach;

(iii) increases water management flexibility; or

(iv) forms a partnership with other entities; and

(E) whether a project provides benefits outside the region in which the project is carried out.

(c) COST-SHARING REQUIREMENT.—

(1) FEDERAL SHARE.—The Federal share of the cost of the planning and construction of a project shall be the amount established by the Secretary in the feasibility report for the project under section 5(c)(1)(D)(i).

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the non-Federal share shall be not less than 25 percent of the cost of planning and construction of the project, but not more than the amount established by the Secretary in the feasibility report for the project under section 5(c)(1)(D)(i).

(B) REDUCED NON-FEDERAL SHARE.—The Secretary may reduce the non-Federal share of the cost of the planning and construction of a project under subparagraph (A) if the Secretary determines that the amount of the non-Federal share required by that subparagraph would result in economic hardship for the non-Federal project entity.

(C) LIMITATION.—Grants from other Federal sources shall not be credited toward the non-Federal share required by this paragraph.

SEC. 4. APPRAISAL INVESTIGATIONS.

(a) IN GENERAL.—On request of a non-Federal project entity, the Secretary, in cooperation with the non-Federal project entity and in consultation with appropriate State, regional, local, and tribal authorities, may conduct an appraisal investigation of a project to determine whether—

(1) the project meets the criteria developed under section (3)(b); and

(2) the Secretary should initiate a feasibility study under section 5(a).

(b) REPORT.—On completion of the investigation under subsection (a), the Secretary shall prepare an appraisal report that includes any recommendations of the Secretary with respect to whether a feasibility study should be initiated for the project under section 5(a).

(c) COSTS.—The Secretary shall pay the costs of any appraisal investigations conducted under this section.

SEC. 5. FEASIBILITY STUDIES.

(a) IN GENERAL.—The Secretary, in cooperation with a non-Federal project entity, may carry out studies to determine the feasibility of rural water supply systems recommended for study under section 4(b).

(b) STUDY CONSIDERATIONS.—In conducting a feasibility study under this section, the Secretary shall consider—

(1) the need for the proposed project;

(2) short- and long-term water demand and supplies in the study area;

(3) an evaluation of whether the resources in the study area are capable of providing a safe and reliable source of potable water to the communities and rural areas to be served;

(4) any reasonable alternatives to the proposed project (including nonstructural alternatives) that satisfy the need for action, including an alternative that is within the ability of the non-Federal project entity to pay operation, maintenance, and repair costs of the proposed project;

(5) the economic feasibility and cost effectiveness of the proposed project;

(6) impacts of the proposed project on the natural and human environment;

(7) appropriate water conservation measures; and

(8) the financial ability of the non-Federal project entity to pay—

(A) the non-Federal share of any planning and construction costs of the proposed project; and

(B) 100 percent of the operation, maintenance, and replacement costs allocated under subsection (c)(1)(C)(i).

(c) REPORT.—

(1) IN GENERAL.—On completion of a feasibility study under subsection (a), the Secretary shall prepare a report that—

(A) describes the engineering, environmental, and economic activities of the Secretary carried out under the study;

(B) takes into consideration—

(i) the range of potential solutions for, and the circumstances and needs of, the area to be served by the proposed project;

(ii) the potential benefits to the people of the study area; and

(iii) appropriate water conservation measures;

(C) includes a schedule that identifies—

(i) the amount of operation, maintenance, and replacement costs that should be allocated to each non-Federal project entity participating in the project; and

(ii) the current and expected financial ability of each non-Federal project entity to pay the allocated operation, maintenance, and replacement costs;

(D)(i) specifies the Federal and non-Federal share of the planning and construction costs of the project; and

(ii) allocates the non-Federal share among project beneficiaries; and

(E) includes the recommendations of the Secretary as to whether the project should be carried out under this Act.

(2) Submission to Congress.—With respect to any project that the Secretary recommends under paragraph (1)(E), the Secretary shall submit to Congress—

(A) the feasibility report for the proposed project prepared under paragraph (1);

(B) any environmental reports associated with the proposed project; and

(C) a request to develop and construct the proposed project, as appropriate.

(d) Priorities.—The Secretary shall establish priorities for carrying out projects under this Act based on—

(1) the extent to which the project takes advantage of—

(A) economic incentives; and

(B) the use of market-based mechanisms;

(2) the cost benefit of the project versus other alternatives such as desalination;

(3) whether non-Federal project entities have adequate fiscal controls in place to manage the project; and

(4) the extent to which the project involves partnerships.

(e) Cost-sharing requirement.—

(1) Federal share.—The Federal share of the cost of a feasibility study carried out under this section shall not exceed 50 percent of the study costs.

(2) Form of non-federal share.—The non-Federal share under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the study.

(f) Reimbursement of costs.—If a project is constructed under the program, the Federal share of feasibility studies shall be—

(1) considered to be project costs; and

(2) reimbursed in accordance with Reclamation law.

SEC. 6. OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.

(a) In General.—To be eligible to carry out a project under this Act, a non-Federal project entity shall establish, to the satisfaction of the Secretary, that the non-Federal project entity has the ability to pay all operation, maintenance, and replacement costs of the project facilities.

(b) Plan.—The non-Federal project entity, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan to provide the necessary framework to assist the non-Federal project entity in establishing rates and fees for project beneficiaries.

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) Authority of Secretary.—The Secretary may enter into contracts, financial assistance agreements, and such other agreements, and promulgate such regulations, as are necessary to carry out this Act.

(b) Limitation on Use of Funds.—None of the funds made available to the Secretary for planning or construction of a rural water supply project developed under the program may be used to plan or construct facilities used to supply water for irrigation.

(c) Title to projects.—Title to the components of rural water supply projects planned, designed, and constructed under the program shall be held by the non-Federal project entity.

SEC. 8. EFFECT ON FEDERAL RECLAMATION LAW.

Nothing in this Act supersedes or amends—

(1) Reclamation law; or

(2) any Federal law associated with a project, or portion of a project constructed under Reclamation law.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to carry out this Act $70,000,000 for fiscal year 2004 and each fiscal year thereafter.

(b) Construction Cost Indexing.—

(1) In general.—Any amounts appropriated for the planning and construction of projects under this Act shall include such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after the completion date of the applicable feasibility report, to remain available until expended.

(2) Cost sharing.—The Federal and non-Federal share of cost increases due to inflation shall be allocated in amounts that are proportionate to the allocation determined under section 3(c).

By Mr. KOHL (for himself and Mr. Kennedy):

S. 1733. A bill to authorize the Attorney General to award grants to States to develop and implement State court interpreter programs; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the State Court Interpreters Grant Program Act of 2003. This bill would create a modest Federal grant program to support the State court interpreter services. Currently, court interpreting services vary greatly by State—some States have highly developed programs, others are trying to get programs running but lack adequate funds, and still others have no program at all. This inconsistency creates the potential for poorly translated court proceedings, or court proceedings that are not translated at all. It is critical that we protect the constitutional right to a fair trial by funding State court interpreter programs.

According to the 2000 Census, 18 percent of the population over age five speaks a language other than English at home. As these individuals with limited English proficiency come into the court system to seek redress or to defend themselves against allegations of civil or criminal wrongdoing, it is critical to the fair administration of justice that they be able to understand their court proceedings.

At the Federal level, court interpreting services are provided as needed by trained and certified interpreters. Similarly, some States have robust and effective court interpreter programs in their State courts. These States recruit, train, test and certify individuals in all necessary languages. However, many States have limited programs which may test and certify interpreters for only one language. Such States may have only a small number of interpreters certified to interpret courtroom proceedings. Still other States have no program at all. We have heard horror stories of "amateur" interpreters attempting to translate courtroom events. For example, the Philadelphia Inquirer reports: "In one juvenile court, a juvenile defendant had to interpret for his parents. In a Monroe County [Pennsylvania] court, a member of an anti-domestic violence group was asked to interpret for an alleged victim, despite having a clear bias."

The skills required of a court interpreter differ significantly from those required of other interpreters or translators. Legal English is a highly particularized area of the language, and requires special training. Although anyone with fluency in a foreign language could attempt to translate a court proceeding, the best interpreters are those that have been tested and certified as official court interpreters.

A lack of qualified interpreters can create serious problems in the justice system. For example, a poorly interpreted trial may be appealed on the grounds that justice was not administered fairly. Those appeals clog up the courts. In addition, where there are inadequate resources available, interpreters may not be able to keep up with the caseload and trials may be delayed unreasonably and in violation of a defendant's right to a speedy trial.

This is not just a State issue. First and foremost, the right to a fair trial is a federally protected right under the Constitution. The Federal Government therefore has a role to play in ensuring that State courts are holding fair trials. In addition, State budget crises have reduced the ability of the courts to pay for interpreter services. At the same time, requests for interpreter services have skyrocketed over the past several years all around the country. Although Spanish is by far the most requested language to be translated in courtrooms, court officials report regular or occasional need for Russian, German, French, Mandarin, Cantonese, Japanese, Taiwanese, Korean, Vietnamese, Afghani, Armenian, Punjabi, Hindi, Arabic, Somali, Polish and many other languages. The coincidence of budget cuts and increased demand threatens federally-guaranteed due process and justifies Federal assistance.

This legislation addresses this problem by authorizing $15 million for each of the next five fiscal years for a grant program to the States. Those States that apply would be eligible for a $100,000 base grant allotment. In addition, $5 million would be set aside for States that demonstrate extraordinary need. The remainder of the money would be distributed on a formula basis determined by the percentage of persons in that State over the age of five who speak a language other than English at home.

Support for this legislation comes from State court administrators across the country. In fact, the Conference of Chief Justices and Conference of State Court Administrators this summer adopted a resolution urging Congress to establish a national program to assist State courts in providing court interpreters services.

I hope my colleagues will help the court systems in their States to provide critical court interpreting services to their constituents.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Court Interpreter Grant Program Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the fair administration of justice depends on the ability of all participants in a courtroom proceeding to understand that proceeding, regardless of their English proficiency;

(2) 18 percent of the population of the United States over 5 years of age speaks a language other than English at home;

(3) only qualified court interpreters can ensure that persons with limited English proficiency comprehend judicial proceedings in which they are a party;

(4) the knowledge and skills required of a qualified court interpreter differ substantially from those required in other interpretation settings, such as social service, medical, diplomatic, and conference interpreting;

(5) the Federal Government has demonstrated its commitment to equal administration of justice regardless of English proficiency;

(6) Executive Order 13166, issued August 11, 2000, requires Federal Agencies, including courts, to improve access for persons who have limited English proficiency;

(7) 29 States have developed, or are developing, court interpreting programs;

(8) robust, effective court interpreter programs—

(A) actively recruit skilled individuals to be court interpreters;

(B) train those individuals in the interpretation of court proceedings;

(C) develop and use a thorough, systematic certification process for court interpreters;

(D) have sufficient funding to ensure that a qualified interpreter will be available to the court whenever necessary; and

(9) Federal funding is necessary to—

(A) encourage States that do not have court interpreter programs to develop them;

(B) assist States with nascent court interpreter programs to implement them;

(C) assist States with limited court interpreter programs to enhance them; and

(D) assist States with robust court interpreter programs to make further improvements and share successful programs with other States.

SEC. 3. STATE COURT INTERPRETER PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Administrator of the Office of Justice Programs of the Department of Justice (referred to in this section as the "Administrator") shall make grants, in accordance with such regulations as the Attorney General may prescribe, to States to develop and implement programs to assist individuals with limited English proficiency to access and understand State court proceedings in which they are a party.

(2) TECHNICAL ASSISTANCE.—The Administrator shall allocate, for each fiscal year, $500,000 of the amount appropriated pursuant to section 4 to be used to establish a court interpreter technical assistance program to assist States receiving grants under this Act.

(b) USE OF GRANTS.—Grants awarded pursuant to subsection (a) may be used by States to—

(1) assess regional language demands;

(2) develop a court interpreter program for the State;

(3) develop, institute, and administer language certification examinations;

(4) recruit, train, and certify qualified court interpreters;

(5) pay for salaries, transportation, and technology necessary to implement the court interpreter program developed pursuant to paragraph (2); and

(6) engage in other related activities, as prescribed by the Attorney General.

(c) APPLICATION.—Each State desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(d) STATE ALLOTMENTS.—

(1) BASE ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate $100,000 to each State, which has an application approved under subsection (c).

(2) DISCRETIONARY ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate a total of $5,000,000 to the States that have extraordinary needs that must be addressed in order to develop, implement, or expand a State court interpreter program.

(3) ADDITIONAL ALLOTMENT.—In addition to the allocations made under paragraphs (1) and (2), the Administrator shall allocate to each State, which has an application approved under subsection (c), an amount equal to the product reached by multiplying—

(A) the unallocated balance of the amount appropriated for each fiscal year pursuant to section 4; and

(B) the ratio between the number of people over 5 years of age who speak a language other than English at home in the State and the number of people over 5 years of age who speak a language other than English at home in all the States that receive an allocation under paragraph (1), as those numbers are determined by the Bureau of the Census.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for each of the fiscal years 2005 through 2008 to carry out this Act.

By Mrs. LINCOLN (for herself, Mr. LUGAR, and Mr. BINGAMAN):

S. 1734. A bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the medicaid and State children's health insurance programs, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I am pleased to introduce the Prevent Prematurity and Improve Child Health Act of 2003, which seeks to reduce the incidence of prematurity and improve the health of women of childbearing age and children. I am joined in this effort today by my colleagues Senators RICHARD LUGAR and JEFF BINGAMAN.

The number of premature births is increasing at an alarming rate. According to data from the National Center for Health Statistics, more than 476,000 infants were born prematurely in 2001—a 27 percent increase since 1981 and the highest level ever reported in the United States. Prematurity, which is defined as birth at less than 37 completed weeks of gestation, is the leading cause of infant death in the first month of life. Today, one in eight infants is born too early. Unfortunately, in my own State of Arkansas, the problem of preterm births is even more astounding. In 2001, more than 13 percent of births were preterm, ranking Arkansas 43rd in the Nation. This is a clear wake-up call: we must take action to reduce the number of premature births, improving the health of hundreds of thousands of infants born each year. Not to mention the cost savings that will result from bringing healthy babies into the world.

This legislation I introduced today gives States increased flexibility and the Federal resources needed to improve access to prenatal care for low-income pregnant women. Specifically, it will give States new options to cover pregnant women under the State Children's Health Insurance Program (SCHIP) and to cover low-income legal immigrant pregnant women and children under Medicaid and SCHIP. At least one in eight pregnant women are uninsured, according to a 1999 study conducted by Emory University professor Ken Thorpe for the March of Dimes. Uninsured women receive fewer prenatal services and report greater difficulty in obtaining needed care than women with insurance, an Institute of Medicine study concluded. The National Center for Health Statistics reports that infants born to mothers who received late or no prenatal care in 2000 were about twice as likely to be low birthweight, less than 5½ pounds, as infants born to mothers who received early prenatal care—9.9 percent compared with 5.5 percent. Timing of entry into prenatal care often reflects factors also associated with low birthweight, including maternal age and poverty. Increased access to prenatal care will give women greater access to screening and diagnostic tests as well as education, counseling, and referral services to reduce risky behaviors like substance abuse and poor nutrition. Such care may thus help improve the health of both mothers and their infants.

Premature birth can happen to any family. In fact, nearly half of premature births have no known cause, but we do know that a whole host of factors are associated with increased risk, including maternal age, multiple births, a history of preterm delivery, stress, infection, smoking and drug use.

Additionally, this bill tackles a major prematurity risk factor—maternal smoking—by improving and expanding coverage for pharmaceuticals and counseling that will help income-eligible pregnant women enrolled in the program quit smoking. Almost 20 percent of pregnant women ages 15 to 44 smoke, according to the Centers for Disease Control and Prevention. But pregnancy is a powerful motivator to help women stop smoking. Women who smoke are more likely to stop during pregnancy, both spontaneously and with assistance, than at any other time. According to the Surgeon General, programs to help pregnant women quit smoking can increase cessation rates, benefiting infant health, and are cost-effective. Yet many States' Medicaid programs do not reimburse counseling services aimed at helping pregnant smokers understand the medical consequences their smoking can have on their unborn child and giving them the tools they need to quit. For some pregnant women, counseling is not enough and a physician may prescribe pharmaceuticals. At least 35 States already include at least one type of smoking cessation pharmaceutical in their Medicaid programs. This bill will require all States to include these drugs that, when prescribed by a physician, can help pregnant women stop smoking.

The bill also contains a provision directing the Administrator of the Health Resources and Services Administration (HRSA) to review the core performance measures in the Maternal and Child Health block grant and determine if there are sufficient prematurity-related measures, including the percentage of infants born to mothers that smoke while pregnant.

This bill also gives States the tools they need to help low-income women enrolled in Medicaid avoid another risk factor for premature birth—spacing pregnancies too close together. In recent years, a number of States, including Arkansas, have sought and received Federal permission in the form of waivers to provide Medicaid-financed family planning services and supplies to income-eligible uninsured residents whose incomes are above the state's regular Medicaid eligibility ceilings. This bill would make it possible for States to extend Medicaid coverage for family planning services without having to obtain a federal waiver.

Finally, the bill will improve the health care of some infants and children with disabilities, such as those born prematurely, who have private health insurance with limited benefits that do not meet their health needs. Currently, infants and children must be uninsured to be eligible for SCHIP. However, this provision will give states the ability to use federal funds available under SCHIP to include income-eligible underinsured infants and children in SCHIP, as is currently permitted in Medicaid. This secondary payer provision will allow children to continue to be enrolled in their family's private health policy, and at the same time obtain the full spectrum of health services they need.

I encourage my colleagues to join us as supporters of this important legislation to give states the tools they need to reduce the rate of premature births and improve the health care of pregnant women, infants and children across the nation.

Mr. President, I ask unanimous consent that the full text of the Prevent Prematurity and Improve Child Health Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prevent Prematurity and Improve Child Health Act of 2003".

SEC. 2. STATE OPTION TO EXPAND OR ADD COVERAGE OF CERTAIN PREGNANT WOMEN UNDER MEDICAID AND SCHIP.

(a) MEDICAID.—

(1) AUTHORITY TO EXPAND COVERAGE.—Section 1902(l)(2)(A)(i) of the Social Security Act (42 U.S.C. 1396a(l)(2)(A)(i)) is amended by inserting "(or such higher percentage as the State may elect for purposes of expenditures for medical assistance for pregnant women described in section 1905(u)(4)(A))" after "185 percent".

(2) ENHANCED MATCHING FUNDS AVAILABLE IF CERTAIN CONDITIONS MET.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in the fourth sentence of subsection (b), by striking "or subsection (u)(3)" and inserting ", (u)(3), or (u)(4)"; and

(B) in subsection (u)—

(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following new paragraph:

"(4) For purposes of the fourth sentence of subsection (b) and section 2105(a), the expenditures described in this paragraph are the following:

"(A) CERTAIN PREGNANT WOMEN.—If the conditions described in subparagraph (B) are met, expenditures for medical assistance for pregnant women described in subsection (n) or under section 1902(l)(1)(A) in a family the income of which exceeds 185 percent of the poverty line, but does not exceed the income eligibility level established under title XXI for a targeted low-income child.

"(B) CONDITIONS.—The conditions described in this subparagraph are the following:

"(i) The State plans under this title and title XXI do not provide coverage for pregnant women described in subparagraph (A) with higher family income without covering such pregnant women with a lower family income.

"(ii) The State does not apply an effective income level for pregnant women that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) that has been specified under the State plan under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, as of January 1, 2003, to be eligible for medical assistance as a pregnant woman.

"(C) DEFINITION OF POVERTY LINE.—In this subsection, the term 'poverty line' has the meaning given such term in section 2110(c)(5).".

(3) PAYMENT FROM TITLE XXI ALLOTMENT FOR MEDICAID EXPANSION COSTS; ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.—Section 2105(a)(1) of the Social Security Act (42 U.S.C. 1397ee(a)(1)) is amended—

(A) in the matter preceding subparagraph (A), by striking "(or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))"; and

(B) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) for the provision of medical assistance that is attributable to expenditures described in section 1905(u)(4)(A);".

(b) SCHIP.—

(1) COVERAGE.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

"SEC. 2111. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN.

"(a) OPTIONAL COVERAGE.—Notwithstanding any other provision of this title, a State may provide for coverage, through an amendment to its State child health plan under section 2102, of pregnancy-related assistance for targeted low-income pregnant women in accordance with this section, but only if—

"(1) the State has established an income eligibility level for pregnant women under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902 that is at least 185 percent of the income official poverty line; and

"(2) the State meets the conditions described in section 1905(u)(4)(B).

"(b) DEFINITIONS.—For purposes of this title:

"(1) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term child health assistance in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income pregnant women, except that the assistance shall be limited to services related to pregnancy (which include prenatal, delivery, and postpartum services and services described in section 1905(a)(4)(C)) and to other conditions that may complicate pregnancy.

"(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' means a woman—

"(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

"(B) whose family income exceeds the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) that has been specified under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, as of January 1, 2003, to be eligible for medical assistance as a pregnant woman under title XIX but does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

"(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b).

"(c) References to Terms and Special Rules.—In the case of, and with respect to, a State providing for coverage of pregnancy-related assistance to targeted low-income pregnant women under subsection (a), the following special rules apply:

"(1) Any reference in this title (other than in subsection (b)) to a targeted low-income child is deemed to include a reference to a targeted low-income pregnant woman.

"(2) Any such reference to child health assistance with respect to such women is deemed a reference to pregnancy-related assistance.

"(3) Any such reference to a child is deemed a reference to a woman during pregnancy and the period described in subsection (b)(2)(A).

"(4) In applying section 2102(b)(3)(B), any reference to children found through screening to be eligible for medical assistance under the State medicaid plan under title XIX is deemed a reference to pregnant women.

"(5) There shall be no exclusion of benefits for services described in subsection (b)(1) based on any preexisting condition and no waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) shall apply.

"(6) Subsection (a) of section 2103 (relating to required scope of health insurance coverage) shall not apply insofar as a State limits coverage to services described in subsection (b)(1) and the reference to such section in section 2105(a)(1)(C) is deemed not to require, in such case, compliance with the requirements of section 2103(a).

"(7) In applying section 2103(e)(3)(B) in the case of a pregnant woman provided coverage under this section, the limitation on total annual aggregate cost-sharing shall be applied to such pregnant woman.

"(8) The reference in section 2107(e)(1)(D) to section 1920A (relating to presumptive eligibility for children) is deemed a reference to section 1920 (relating to presumptive eligibility for pregnant women).

"(d) Automatic Enrollment for Children Born to Women Receiving Pregnancy-Related Assistance.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).".

(2) Additional allotments for providing coverage of pregnant women.—

(A) In general.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by inserting after subsection (c) the following new subsection:

"(d) Additional Allotments for Providing Coverage of Pregnant Women.—

"(1) Appropriation; total allotment.—For the purpose of providing additional allotments to States under this title, there is appropriated, out of any money in the Treasury not otherwise appropriated, for each of fiscal years 2004 through 2007, $200,000,000.

"(2) State and territorial allotments.—In addition to the allotments provided under subsections (b) and (c), subject to paragraphs (3) and (4), of the amount available for the additional allotments under paragraph (1) for a fiscal year, the Secretary shall allot to each State with a State child health plan approved under this title—

"(A) in the case of such a State other than a commonwealth or territory described in subparagraph (B), the same proportion as the proportion of the State's allotment under subsection (b) (determined without regard to subsection (f)) to the total amount of the allotments under subsection (b) for such States eligible for an allotment under this paragraph for such fiscal year; and

"(B) in the case of a commonwealth or territory described in subsection (c)(3), the same proportion as the proportion of the commonwealth's or territory's allotment under subsection (c) (determined without regard to subsection (f)) to the total amount of the allotments under subsection (c) for commonwealths and territories eligible for an allotment under this paragraph for such fiscal year.

"(3) Use of additional allotment.—Additional allotments provided under this subsection are not available for amounts expended before October 1, 2003. Such amounts are available for amounts expended on or after such date for child health assistance for targeted low-income children, as well as for pregnancy-related assistance for targeted low-income pregnant women.

"(4) No payments unless election to expand coverage of pregnant women.—No payments may be made to a State under this title from an allotment provided under this subsection unless the State provides pregnancy-related assistance for targeted low-income pregnant women under this title, or provides medical assistance for pregnant women under title XIX, whose family income exceeds the effective income level applicable under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902 to a family of the size involved as of January 1, 2003.".

(B) Conforming amendments.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(i) in subsection (a), in the matter preceding paragraph (1), by inserting "subject to subsection (d)," after "under this section,";

(ii) in subsection (b)(1), by inserting "and subsection (d)" after "Subject to paragraph (4)"; and

(iii) in subsection (c)(1), by inserting "subject to subsection (d)," after "for a fiscal year,".

(3) Additional conforming amendments.—

(A) No cost-sharing for pregnancy-related benefits.—Section 2103(e)(2) of the Social Security Act (42 U.S.C. 1397cc(e)(2)) is amended—

(i) in the heading, by inserting "OR PREGNANCY-RELATED SERVICES" after "PREVENTIVE SERVICES"; and

(ii) by inserting before the period at the end the following: "or for pregnancy-related services".

(B) No waiting period.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(i) in clause (i), by striking ", and" at the end and inserting a semicolon;

(ii) in clause (ii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman.".

(c) Authority for States that Provide Medicaid or SCHIP Coverage for Pregnant Women with Income Above 185 Percent of the Poverty Line to Use Portion of SCHIP Funds for Medicaid Expenditures.—Section 2105(g) of the Social Security Act (42 U.S.C. 1397ee(g)), as added by section 1(b) of Public Law 108–74, is amended—

(1) in the subsection heading, by inserting "AND CERTAIN PREGNANCY COVERAGE EXPANSION STATES" after "QUALIFYING STATES";

(2) by adding at the end the following:

"(4) Special authority for certain pregnancy coverage expansion states.—

"(A) In general.—In the case of a State that, as of the date of enactment of the Prevent Prematurity and Improve Child Health Act of 2003, has an income eligibility standard under title XIX or this title (under section 1902(a)(10)(A) or under a statewide waiver in effect under section 1115 with respect to title XIX or this title) that is at least 185 percent of the poverty line with respect to pregnant women, the State may elect to use not more than 20 percent of any allotment under section 2104 for any fiscal year (insofar as it is available under subsections (e) and (g) of such section) for payments under title XIX in accordance with subparagraph (B), instead of for expenditures under this title.

"(B) Payments to states.—

"(i) In general.—In the case of a State described in subparagraph (A) that has elected the option described in that subparagraph, subject to the availability of funds under such subparagraph and, if applicable, paragraph (1)(A), with respect to the State, the Secretary shall pay the State an amount each quarter equal to the additional amount that would have been paid to the State under title XIX with respect to expenditures described in clause (ii) if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)).

"(ii) Expenditures described.—For purposes of this subparagraph, the expenditures described in this clause are expenditures, made after the date of the enactment of this paragraph and during the period in which funds are available to the State for use under subparagraph (A), for medical assistance under title XIX for pregnant women whose family income is at least 185 percent of the poverty line.

"(iii) No impact on determination of budget neutrality for waivers.—In the case of a State described in subparagraph (A) that uses amounts paid under this paragraph for expenditures described in clause (ii) that are incurred under a waiver approved for the State, any budget neutrality determinations with respect to such waiver shall be determined without regard to such amounts paid."; and

(3) in paragraph (3), by striking "and (2)" and inserting "(2), and (4)".

(d) Other Amendments to Medicaid.—

(1) Eligibility of a newborn.—Section 1902(e)(4) of the Social Security Act (42

U.S.C. 1396a(e)(4)) is amended in the first sentence by striking "so long as the child is a member of the woman's household and the woman remains (or would remain if pregnant) eligible for such assistance".

(2) APPLICATION OF QUALIFIED ENTITIES TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) of the Social Security Act (42 U.S.C. 1396r-1(b)) is amended by adding after paragraph (2) the following flush sentence:

"The term 'qualified provider' includes a qualified entity as defined in section 1920A(b)(3).".

(e) EFFECTIVE DATE.—The amendments made by this section apply to items and services furnished on or after October 1, 2003, without regard to whether regulations implementing such amendments have been promulgated.

SEC. 3. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND SCHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(2) by adding at the end the following new paragraph:

"(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) and who are otherwise eligible for such assistance, within any of the following eligibility categories:

"(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

"(ii) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

"(B)(i) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.

"(ii) The provisions of sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not apply to a State that makes an election under subparagraph (A).".

(b) TITLE XXI.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following new subparagraph:

"(E) Section 1903(v)(4) (relating to optional coverage of permanent resident alien pregnant women and children), but only with respect to an eligibility category under this title, if the same eligibility category has been elected under such section for purposes of title XIX.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2003, and apply to medical assistance and child health assistance furnished on or after such date.

SEC. 4. PROMOTING CESSATION OF TOBACCO USE UNDER THE MEDICAID PROGRAM.

(a) DROPPING EXCEPTION FROM MEDICAID PRESCRIPTION DRUG COVERAGE FOR TOBACCO CESSATION MEDICATIONS.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r-8(d)(2)) is amended—

(1) by striking subparagraph (E);

(2) by redesignating subparagraphs (F) through (J) as subparagraphs (E) through (I), respectively; and

(3) in subparagraph (F) (as redesignated by paragraph (2)), by inserting before the period at the end the following: ", except agents approved by the Food and Drug Administration for purposes of promoting, and when used to promote, tobacco cessation".

(b) REQUIRING COVERAGE OF TOBACCO CESSATION COUNSELING SERVICES FOR PREGNANT WOMEN.—Section 1905 of the Social Security Act (42 U.S.C. 1396d(a)(4)) is amended—

(1) in subsection (a)(4)—

(A) by striking "and" before "(C)"; and

(C) by inserting before the semicolon at the end the following new subparagraph: "; and (D) counseling for cessation of tobacco use (as defined in subsection (x)) for pregnant women"; and

(2) by adding at the end the following:

"(x)(1) For purposes of this title, the term 'counseling for cessation of tobacco use' means therapy and counseling for cessation of tobacco use for pregnant women who use tobacco products or who are being treated for tobacco use that is furnished—

"(A) by or under the supervision of a physician; or

"(B) by any other health care professional who—

"(i) is legally authorized to furnish such services under State law (or the State regulatory mechanism provided by State law) of the State in which the services are furnished; and

"(ii) is authorized to receive payment for other services under this title or is designated by the Secretary for this purpose.

"(2) Subject to paragraph (3), such term is limited to—

"(A) therapy and counseling services recommended in 'Treating Tobacco Use and Dependence: A Clinical Practice Guideline', published by the Public Health Service in June 2000, or any subsequent modification of such Guideline; and

"(B) such other therapy and counseling services that the Secretary recognizes to be effective.

"(3) Such term shall not include coverage for drugs or biologicals that are not otherwise covered under this title.".

(c) REMOVAL OF COST-SHARING FOR TOBACCO CESSATION COUNSELING SERVICES FOR PREGNANT WOMEN.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended in each of subsections (a)(2)(B) and (b)(2)(B) by inserting ", and counseling for cessation of tobacco use (as defined in section 1905(x))" after "complicate the pregnancy".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the date that is 1 year after the date of enactment of this Act.

SEC. 5. PROMOTING CESSATION OF TOBACCO USE UNDER THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT PROGRAM.

(a) QUALITY MATERNAL AND CHILD HEALTH SERVICES INCLUDES TOBACCO CESSATION COUNSELING AND MEDICATIONS.—

(1) IN GENERAL.—Section 501 of the Social Security Act (42 U.S.C. 701) is amended by adding at the end the following new subsection:

"(c) For purposes of this title, counseling for cessation of tobacco use (as defined in section 1905(x)), drugs and biologicals used to promote smoking cessation, and the inclusion of antitobacco messages in health promotion counseling shall be considered to be part of quality maternal and child health services.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 1 year after the date of enactment of this Act.

(b) EVALUATION OF NATIONAL CORE PERFORMANCE MEASURES.—

(1) IN GENERAL.—The Administrator of the Health Resources and Services Administration shall assess the current national core performance measures and national core outcome measures utilized under the Maternal and Child Health Block Grant under title V of the Social Security Act (42 U.S.C. 701 et seq.) for purposes of expanding such measures to include some of the known causes of low birthweight and prematurity, including the percentage of infants born to pregnant women who smoked during pregnancy.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Health Resources and Services Administration shall submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under paragraph (1).

SEC. 6. STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO INDIVIDUALS WITH INCOMES THAT DO NOT EXCEED A STATE'S INCOME ELIGIBILITY LEVEL FOR MEDICAL ASSISTANCE.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1935 as section 1936; and

(2) by inserting after section 1934 the following new section:

"STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES

"SEC. 1935. (a) IN GENERAL.—Subject to subsections (b) and (c), a State may elect (through a State plan amendment) to make medical assistance described in section 1905(a)(4)(C) available to any individual whose family income does not exceed the greater of—

"(1) 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; or

"(2) the eligibility income level (expressed as a percentage of such poverty line) that has been specified under a waiver authorized by the Secretary or under section 1902(r)(2)), as of October 1, 2003, for an individual to be eligible for medical assistance under the State plan.

"(b) COMPARABILITY.—Medical assistance described in section 1905(a)(4)(C) that is made available under a State plan amendment under subsection (a) shall—

"(1) not be less in amount, duration, or scope than the medical assistance described in that section that is made available to any other individual under the State plan; and

"(2) be provided in accordance with the restrictions on deductions, cost sharing, or similar charges imposed under section 1916(a)(2)(D).

"(c) OPTION TO EXTEND COVERAGE DURING A POST-ELIGIBILITY PERIOD.—

"(1) INITIAL PERIOD.—A State plan amendment made under subsection (a) may provide that any individual who was receiving medical assistance described in section 1905(a)(4)(C) as a result of such amendment, and who becomes ineligible for such assistance because of hours of, or income from, employment, may remain eligible for such medical assistance through the end of the 6-month period that begins on the first day the individual becomes so ineligible.

"(2) ADDITIONAL EXTENSION.—A State plan amendment made under subsection (a) may provide that any individual who has received medical assistance described in section 1905(a)(4)(C) during the entire 6-month period described in paragraph (1) may be extended coverage for such assistance for a succeeding 6-month period.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 2003.

SEC. 7. STATE OPTION TO EXTEND THE POSTPARTUM PERIOD FOR PROVISION OF FAMILY PLANNING SERVICES AND SUPPLIES.

(a) IN GENERAL.—Section 1902(e)(5) of the Social Security Act (42 U.S.C. 1396a(e)(5)) is amended—

(1) by striking "eligible under the plan, as though" and inserting "eligible under the plan—

"(A) as though";

(2) by striking the period and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(B) for medical assistance described in section 1905(a)(4)(C) for so long as the family income of such woman does not exceed the maximum income level established by the State for the woman to be eligible for medical assistance under the State plan (as a result of pregnancy or otherwise).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 2003.

SEC. 8. STATE OPTION TO PROVIDE WRAP-AROUND SCHIP COVERAGE TO CHILDREN WHO HAVE OTHER HEALTH COVERAGE.

(a) IN GENERAL.—

(1) SCHIP.—

(A) STATE OPTION TO PROVIDE WRAP-AROUND COVERAGE.—Section 2110(b) of the Social Security Act (42 U.S.C. 1397jj(b)) is amended—

(i) in paragraph (1)(C), by inserting ", subject to paragraph (5)," after "under title XIX or"; and

(ii) by adding at the end the following:

"(5) STATE OPTION TO PROVIDE WRAP-AROUND COVERAGE.—A State may waive the requirement of paragraph (1)(C) that a targeted low-income child may not be covered under a group health plan or under health insurance coverage, if the State satisfies the conditions described in subsection (c)(8). The State may waive such requirement in order to provide—

"(A) services for a child with special health care needs; or

"(B) all services.

In waiving such requirement, a State may limit the application of the waiver to children whose family income does not exceed a level specified by the State, so long as the level so specified does not exceed the maximum income level otherwise established for other children under the State child health plan .".

(B) CONDITIONS DESCRIBED.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following:

"(8) CONDITIONS FOR PROVISION OF WRAP-AROUND COVERAGE.—For purposes of section 2110(b)(5), the conditions described in this paragraph are the following:

"(A) INCOME ELIGIBILITY.—The State child health plan (whether implemented under title XIX or this XXI)—

"(i) has the highest income eligibility standard permitted under this title as of January 1, 2003;

"(ii) subject to subparagraph (B), does not limit the acceptance of applications for children; and

"(iii) provides benefits to all children in the State who apply for and meet eligibility standards.

"(B) NO WAITING LIST IMPOSED.—With respect to children whose family income is at or below 200 percent of the poverty line, the State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan.

"(C) NO MORE FAVORABLE TREATMENT.—The State child health plan may not provide more favorable coverage of dental services to the children covered under section 2110(b)(5) than to children otherwise covered under this title.".

(C) STATE OPTION TO WAIVE WAITING PERIOD.—Section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)), as amended by section 2(b)(3)(B), is amended—

(i) in clause (ii), by striking ", and" at the end and inserting a semicolon;

(ii) in clause (iii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(iv) at State option, may not apply a waiting period in the case of a child described in section 2110(b)(5), if the State satisfies the requirements of section 2105(c)(8).".

(2) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by section 2(a)(2), is amended—

(A) in subsection (b), in the fourth sentence, by striking "or (u)(4)" and inserting "(u)(4), or (u)(5)"; and

(B) in subsection (u)—

(i) by redesignating paragraph (5) as paragraph (6); and

(ii) by inserting after paragraph (4) the following:

"(5) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for items and services for children described in section 2110(b)(5), but only in the case of a State that satisfies the requirements of section 2105(c)(8).".

(3) APPLICATION OF SECONDARY PAYOR PROVISIONS.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)), as amended by section 3(b), is amended by adding at the end the following:

"(F) Section 1902(a)(25) (relating to coordination of benefits and secondary payor provisions) with respect to children covered under a waiver described in section 2110(b)(5).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2003, and shall apply to child health assistance and medical assistance provided on or after that date.

Mr. LUGAR. Mr. President, I am pleased to introduce with my colleagues Senator LINCOLN and Senator BINGAMAN, the Prevent Pre-maturity and Improve Child Health Act.

Pre-maturity has been escalating steadily and alarmingly over the past two decades. Between 1981 and 2001, the rate of premature births rose from 9.4 percent to 11.9 percent, an increase of more than 27 percent. In 2001, more than 476,000 babies were born prematurely.

Pre-maturity is the leading cause of infant death in the first month of life. Babies born too early are more likely than full-term infants to face serious multiple health problems following delivery. the health problems facing many of these children include cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss. If we are able to reduce the number of premature births we will be able to improve the health of hundreds of thousands of infants born each year.

The goal of the "Prevent Pre-maturity and Improve Child Health Act" is to give States increased flexibility and the Federal resources needed to improve access to prenatal care for low-income pregnant women and their children.

Among other things, the bill allows States the option of covering legal immigrant pregnant women under Medicaid. It also promotes new programs and more coverage for tobacco cessation in Medicaid, and Maternal Child Health block grant programs, and allows States the option of providing wrap-around SCHIP coverage for special needs children who have another source of health insurance.

Our bill has the potential to make a real difference in many lives. I am pleased that we are able to introduce this bill in conjunction with the March of Dimes kick off of their new campaign on pre-maturity awareness and hope that our colleagues will consider joining us in this effort.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. GRAHAM of South Carolina, Mr. CHAMBLISS, and Mr. CAMPBELL):

S. 1735. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce with my colleague, Senator FEINSTEIN, a comprehensive bipartisan bill to increase gang prosecution and prevention efforts.

This legislation, the Gang Prevention and Effective Deterrence Act of 2003, authorizes approximately $650 million over the next 5 years to support law enforcement and prevention efforts. Of the $650 million, $450 million would be used to support Federal, State and local law enforcement efforts against violent gangs, and $200 million would be used for intervention and prevention programs for at-risk youth. The bill also increases funding for the Federal prosecutors and FBI agents needed to conduct coordinated enforcement efforts against violent gangs.

Additionally, this bill will create new criminal gang prosecution offenses, enhance existing gang and violent crime penalties to deter and punish illegal street gangs, enact violent crime reforms needed to prosecute effectively gang members, and implement a limited reform of the juvenile justice system to facilitate Federal prosecution of 16 and 17-year-old gang members who commit serious violent felonies.

I want to take a moment here and commend my dear friend Senator FEINSTEIN for her long-time commitment to this issue. She has been a leader in California and in the Senate in the war against gangs and gang violence. She and I have worked together for many years on this important issue, and I look forward to our joint effort to enact meaningful legislation.

The problem of gang violence in America is not a new one, nor is it a problem that is limited to major urban areas. Once thought to be only a problem in our Nation's largest cities, gangs have invaded smaller communities.

The problem of gang violence is of great concern to the citizens of my State. According to the Salt Lake Area Gang Project, a multi-jurisdictional task force created in 1989 to fight gang crime in the Salt Lake area, there are at least 250 identified gangs in our region with over 3,500 members. What is perhaps most troubling, the juvenile gang members in Utah account for over one-third of the total gang membership.

Gangs now resemble organized crime syndicates who readily engage in gun violence, illegal gun trafficking, illegal drug trafficking and other serious crimes. All too often we read in the headlines about gruesome and tragic stories of rival gang members gunned down, innocent bystanders—adults, teenagers and children—caught in the crossfire of gangland shootings, and family members crying out in grief as they lose loved ones to the gang wars plaguing our communities.

Recent studies confirmed that gang violence is an increasing problem in all of our communities. Based on the latest available National Youth Gang Survey, it is now estimated that there are more than 25,000 gangs, and over 750,000 gang members who are active in more than 3,000 jurisdictions across the United States. The most current reports indicate that in 2002 alone, after five years of decline, gang membership has spiked nationwide.

While we are all committed to fighting the global war on terrorism, we must redouble our efforts to ensure that we devote sufficient resources to combating this important national problem—the rise in gangs and gang violence in America. I have been—and remain—committed to supporting Federal, State and local task forces as a model for effective gang enforcement strategies. Working together, these task forces have demonstrated that they can make a difference in our communities.

In Salt Lake City, the Metro Gang Multi-Jurisdiction Task Force has for years demonstrated its critical role in fighting gang violence in Salt Lake City. We must act in a bipartisan fashion to ensure that adequate resources are available to all of our communities to expand and fund these critical task force operations to fight gang violence.

I also am mindful of the fact that to be successful in reducing gang violence, we must address not only effective law enforcement strategies, but we must also take steps to protect our youth—so that the next generation does not all into the abyss of gang life, which so often includes gun violence, drug trafficking, and other serious crimes. The young people of our cities need to be steered away from gang involvement. We need to ensure that there are sufficient tools to intervene in the lives of these troubled youth. Federal involvement is crucial to control gang violence and to prevent new gang members from replacing old gang members.

We must take a proactive approach and meet this problem head on if we wish to defeat it. If we really want to reduce gang violence, we must ensure that law enforcement has adequate resources and legal tools and that our communities have the ability to implement proven intervention and prevention strategies, so that gang members who are removed from the community are not simply replaced by the next generation of new gang members.

I strongly urge my colleagues to join with me and Senator FEINSTEIN in promptly passing this important legislation.

I ask unanimous consent that an analysis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

OVERVIEW

The Gang Prevention and Effective Deterrence Act of 2003 is a comprehensive bill to increase gang prosecution and prevention efforts. The bill authorizes approximately $650 million over the next 5 years, $450 million of which would be used to support Federal, State and local law enforcement efforts against violent gangs, and $200 million of which would be used for intervention and prevention programs for at-risk youth. In support of this effort, the bill increases funding for federal prosecutors and FBI agents to increase coordinated enforcement efforts against violent gangs.

The Act also creates new criminal gang prosecution offenses, enhances existing gang and violent crime penalties to deter and punish illegal street gangs; proposes violent crime reforms needed to prosecute effectively gang members, and proposes a limited reform of the juvenile justice system to facilitate federal prosecution of 16 and 17 year old gang members who commit serious acts of violence.

TITLE I—CRIMINAL STREET GANG ABATEMENT ACT

Sec. 101. Solicitation or Recruitment of Persons in Criminal Street Gang Activity. This section creates a new criminal offense to prohibit recruitment of a person in a criminal street gang. The penalty for such a violation is a maximum of 10 years imprisonment, or if the violation involves the recruitment of a minor, a mandatory minimum penalty of not less than 3 years and a maximum of 10 years imprisonment.

Sec. 102. Criminal Street Gangs. This section revises existing section 521 of title 18, United States Code, to prohibit illegal participation in a criminal street gang. A "criminal street gang" is defined to mean a formal or informal group, club, organization or association of 3 or more persons who act in concert to commit gang crimes. The term "gang crime" is defined to include violent and other serious State and Federal felony crimes. Subsection (b) prohibits participation in a criminal street gang either by (1) committing, conspiring or attempting to commit, 2 or more predicate gang crimes related to the gang activity; or (2) to employ, use or command, counsel persuade, induce, entice or coerce another individual to commit a gang crime. The maximum penalties for a violation of subsection (b)(1) is 30 years imprisonment and for subsection (b)(2) is 20 years imprisonment, or a mandatory minimum of 10 years imprisonment if the violation of subsection (b)(2) involves a minor. Additional penalties, including the death penalty, are authorized for gang crimes depending on whether the violation results in the taking of a life, attempted murder, the violator is an organizer, leader, supervisor, or manager, or the violator is a repeat offender.

Sec. 103. Violent Crimes in Furtherance or in Aid of Criminal Street Gangs. This section creates a new criminal offense for murder, kidnapping, sexual assaults, maiming, assaults with a dangerous weapon, or assaults resulting in serious bodily injury, which are committed in furtherance or in aid of a criminal street gang. The penalties for such violations range from a maximum of 10 years to death depending on the nature of the offense.

Sec. 104. Interstate and Foreign Travel or Transportation in Aid of Criminal Street Gangs. This section amends existing section 1952 of title 18, United States Code, to increase penalties and expand the prohibition to include efforts to obstruct justice, intimidate or retaliate against witnesses, jurors, informants or victims.

Sec. 105. Amendments Relating to Violent Crime in Areas of Exclusive Federal Jurisdiction. This section amends criminal statutes relating to assault (section 113(a)(3)), conspiracy (section 371), manslaughter (section 1112(b), offenses committed within Indian country (section 1153(a)), racketeering (section 1961(1)), carjacking (section 2119), illegal gun transfers to drug traffickers or violent criminals (section 924(h)), special sentencing provisions (section 3582(d)), and application of the two strikes provision in Indian country (section 3559(e)).

Sec. 106. Increased Penalties for Use of Interstate Commerce Facilities in the Commission of Murder-For-Hire and Other Felony Crimes of Violence. This section amends existing section 1958 of title 18, United States Code, to increase penalties for hiring an individual to kill another person and prohibits a fine in lieu of a sentence for conduct resulting in death.

Sec. 107. Increased Penalties for Violent Crimes in Aid of Racketeering Activity. This section amends existing section 1959(a) of title 18, United States Code, to increase penalties and expand the prohibition to include sexual assault.

Sec. 108. Murder and Other Violent Crimes Committed During and In Relation to a Drug Trafficking Crime. This section creates a new criminal offense for murder, kidnapping, sexual assaults, maiming, assaults with a dangerous weapon, or assaults resulting in serious bodily injury, which are committed during and in relation to drug trafficking crimes. The penalties for such violations range from a maximum of 10 years to death depending on the nature of the offense.

Sec. 109. Sentencing Guidelines for Gang Crimes, Including an Increase in Offense Level for Participation in Crime as a Gang Member. This section directs the United States Sentencing Commission to amend the Federal Sentencing Guidelines to reflect the newly created offenses of: (1) solicitation or recruitment or persons in criminal street gang activity; (2) criminal street gangs; and (3) violent crimes in furtherance of criminal street gangs to reflect the seriousness of the offenses.

Sec. 110. Designation of and Assistance for "High Intensity" Interstate Gang Activity Areas. This section requires the Attorney General, after consultation with the Governors of appropriate States, to designate certain locations as high intensity interstate gang activity areas and provides assistance in the form of criminal street gang enforcement teams made up of local, State and Federal law enforcement authorities to investigate and prosecute criminal street gangs in each high intensity interstate gang activity area. Subsection (c) authorizes funding of $100 million for each fiscal year 2004 through 2008. Sixty percent, or $60 million, will be used to support the criminal gang enforcement teams and 40 percent, or $40 million, will be used to make grants available for community-based programs to provide for crime prevention and intervention services for gang members and at-risk youth in areas designated as high intensity interstate gang activity areas.

Sec. 111. Enhancement of Project Safe Neighborhoods Initiative to Improve Enforcement of Criminal Laws Against Violent Gangs. Subsection (a) expands the Project Safe Neighborhood program to require United States Attorneys to identify and prosecute significant gangs within their district; coordinate such prosecutions among all local, State, and Federal law enforcement; and coordinate criminal street gang enforcement teams in designated high intensity interstate gang activity areas. Subsection (b) authorizes the hiring of 94 additional Assistant United States Attorneys and funding of $7.5 million for each fiscal year 2004 to 2008 to carry out the provisions of this section.

Sec. 112. Additional Resources Needed by the Federal Bureau of Investigation to Investigate and prosecute Violent Criminal Street Gangs. This section requires the Federal Bureau of Investigation to increase funding for the Safe Streets Program and to support the criminal street gang enforcement teams in designated high intensity interstate gang activity areas. Subsection (b) authorizes $5 million for each fiscal year 2004 to 2008 to expand the FBI's Safe Streets Program.

Sec. 113. Grants to States and Local Prosecutors to Combat Violent Crime and to Protect Witnesses and Victims of Crime. This section authorizes $20 million for each of the fiscal years 2004 to 2008 to allow for the hiring of additional State and local prosecutors, the funding of gang prevention and community prosecution programs, the purchasing of technological equipment to increase the accurate identification and prosecution of violent offenders, and the creation and expansion of witness protection programs to prevent witness intimidation and retaliation.

TITLE II—VIOLENT CRIME REFORMS NEEDED TO DETER AND PREVENT ILLEGAL GANG CRIME

Sec. 201. Multiple Interstate Murder. This section creates a new criminal offense for traveling in or causing another to travel in interstate or foreign commerce or to use any facility in interstate or foreign commerce with the intent that 2 or more murders be committed in violation of the laws of any State or the United States. The penalties for such violations range from a maximum of 20 years to death depending on the nature of the offense.

Sec. 202. Expansion of Rebuttable Presumption Against Release of Persons Charged with Firearms. This section applies the rebuttable presumption in pre-trial release detention hearings to cases in which a defendant is charged with firearms offenses after having previously been convicted of a prior crime of violence or a serious drug offense.

Sec. 203. Venue in Capital Cases. This section amends section 3235 of title 18 to clarify venue in capital cases where murder, or related conduct, occurred. The existing venue provision restricts venue in criminal cases where murder occurs in relation to racketeering, drug conspiracy, or criminal street gang.

Sec. 204. Statute of Limitation for Violent Crime. This section extends the statute of limitations for violent crime cases from 5 years to 10 years after the offense occurred or the continuing offense was completed, and from 5 years to 8 years after the date on which the violation was first discovered.

Sec. 205. Predicate Crimes for Authorization of Interception of Wire, Oral and Electronic Communications. This section adds the new criminal offenses to the surveillance predicates listed in section 2516 of title 18, United States Code.

Sec. 206. Clarification of Crime of Violence. This section amends the definition of a crime of violence in response to recent restrictive court decisions excluding violent acts committed with a reckless or negligent mens rea.

Sec. 207. Clarification to Hearsay Exception for Forfeiture by Wrongdoing. This section codifies the holding in *United States v. Cherry*, 217 F.3d 811 (10th Cir. 2000), which permits admission of statements of a murdered witness to be introduced against the defendant who caused a witness' unavailability and the members of the conspiracy if such actions were foreseeable to the other members of the conspiracy.

Sec. 208. Clarification of Venue for Retaliation Against a Witness. This section clarifies the venue statute for crimes involving the retaliation against a witness to allow for prosecution in the district where the official proceeding which gave rise to the retaliation occurred or where the act of retaliation occurred.

Sec. 209. Amendment of Sentencing Guidelines Relating to Certain Gang and Violent Crimes. This section directs the United States Sentencing Commission to review and, if appropriate, amend its guidelines and policy statements in order to implement new or revised criminal offenses created by this legislation.

Sec. 210. Increased Penalties for Criminal Use of Firearms in Crimes of Violence and Drug Trafficking. This section increases the penalty for the use or discharge of a firearm in a crime of violence or drug trafficking crime. The penalties are increased further if the firearm injures or causes the death of another.

TITLE III—JUVENILE CRIME REFORM FOR VIOLENT OFFENDERS

Sec. 301. Treatment of Federal Juvenile Offenders. This section authorizes the United States Attorney to charge in federal court a juvenile who is 16 years or older and committed a serious violent felony, as defined in section 3559(c)(2) or (c)(3). Technical changes are made to existing statute, section 5032 of title 18, United States Code, to conform with limited authorization for United States Attorney filings

Sec. 302. Notification After Arrest. This section modifies existing section 5033 of title 18 to ensure notification of United States Attorney after arrest of juvenile offender.

Sec. 303. Release and Detention Prior to Disposition. This section makes technical changes to existing statue, 5034 of title 18, and makes conforming changes to ensure consideration of release conditions for juveniles charged as adults.

Sec. 304. Speedy Trial. This section modifies existing speedy trial statute to require trial within 70 days from detention of juvenile who is charted as an adult and applies existing exclusions from section 3161(h) of title 18.

Sec. 305. Use of Juvenile Records. This section ensures that juvenile records relating to a case in which a juvenile is charged as an adult are made available in the same manner as adult cases.

Sec. 306. Directive to United States Sentencing Commission. This section directs the Sentencing Commission to develop new guidelines applicable to juvenile offenders who are charged as adults.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Chairman HATCH in introducing the Gang Prevention and Effective Deterrence Act of 2003, a bill to give law enforcement additional tools to fight the scourge of gang violence and to fund prevention programs to stop the cycle of gang violence.

I thank and commend my good friend and colleague, Chairman HATCH, for his hard work in helping to develop this legislation. Since 1996, he and I have worked together to address the problem of gang violence in this country.

We have now introduced legislation in each of the last four Congresses—the 104th, 105th, 106th, and 107th. None of that legislation became law. But we have not given up.

The legislation we are introducing today addresses the many aspects of gang violence by focusing on new criminal offenses and increased penalties for individuals who engage in gang violence. Specifically, this legislation targets gang members who participate in criminal street gang by committing gang crimes like murder, sexual assault, robbery, and drug offenses to name a few, or by employing others to do so; recruit and use minors in gang crimes; commit violent crimes in furtherance of gang or drug trafficking activity; or travel in interstate commerce to intimidate and retaliate against witnesses.

This legislation also makes it easier to prosecute certain 16 and 17-year-olds as adults if they are engaging in violent gang activity.

We have also worked to provide for more cooperation between Federal and local law enforcement officials, and to make it easier for prosecutors to go after gang members who commit serious or violent crimes on behalf of their gangs.

We offer this comprehensive legislation because the problem of gang violence continues to get worse. I concur in the sentiments expressed by Los Angeles Police Department Chief William Bratton when he stated, "There is nothing more insidious than these gangs. They are worse than the Mafia. Show me a year in New York where the Mafia indiscriminately killed 300 people. You can't."

In 2002, there were over 650 homicides in Los Angeles, half of which were gang related. This year the Los Angeles Police Department reports approximately 400 murders and almost one-half of those murders are the result of gang violence.

The United States Attorney in Los Angeles testified before the Judiciary Committee last month about the gang problem in her city. She stated that in Los Angeles County alone, conservative estimates put street gangs at about 1,000 in number. The number of individual gang members in those street gangs is 150,000.

In addition, there are approximately another 20,000 gang members in Orange County, Ventura and San Bernardino Counties.

I am often struck by how vicious gang crimes can be, and how damaging they are to the victims and to the surrounding community.

Let me give a couple of examples from my own home city of San Francisco.

In 2000, two rival gangs had a shoot out in San Francisco's Mission District. An innocent bystander was caught in the crossfire and shot through both legs.

A brave eyewitness gave law enforcement the name of the shooting suspect, who was then arrested. The gang then tracked down the witness, put a 9 millimeter automatic to his head, and threatened to kill him for cooperating with the police.

And just recently, on September 28, 2003, 7-week-old Glenn Timmy Maurice Molex was killed in his home during a drive-by shooting in a Bayview district neighborhood in San Francisco. Law enforcement believe that gang members may have been involved in the shooting.

But this problem is not limited to any one city, of course.

In 1980, there were gangs in 286 jurisdictions. Today, they are in over 1,500 jurisdictions.

In 1980, there were about 2,000 gangs. Today, there are over 26,000 gangs.

In 1980, there were about 100,000 gang members. Today, there are more than 750,000 gang members.

I would like to explain how this legislation will help deter and punish gang-related crimes, and why Congress should act quickly to pass it.

First, the bill includes tough 10-year sentences for gang recruitment. This will serve to punish anyone who recruits a member to join—or forces a member to stay in—a criminal street gang with the intent to have that person commit a serious violent crime or a drug crime.

Second, if the person who was recruited was a minor, the offender will serve a mandatory minimum sentence of 3 years.

The purpose of this provision is to deter criminal gang recruitment. It is also to punish those who use minors to commit their crimes. And gangs specifically do go after juveniles because they know that, if the child is caught, he or she will probably receive lighter punishment than an adult.

I believe that we need to punish gang recruitment of children very severely. This bill would do that.

This legislation would also make it a crime for three or more people who work together to commit predicate gang crimes which are listed in the bill. Gang members who commit two or more predicate gang crimes or employ another individual to commit a gang crime would be punished under this new statute by up to 30 years in prison. If the predicate gang crime carries a greater penalty, the maximum would increase. If the gang member has previously been convicted of a predicate gang crime, that gang member's sentence would also increase.

And because juveniles are being used to commit these gang crimes, if the gang member employs a minor to commit the gang crime, the gang member would face a mandatory minimum sentence of 10 years.

The predicate gang crimes are felony crimes and include murder, attempted murder, manslaughter, gambling, kidnapping, robbery, extortion, arson, obstruction of justice, tampering with or retaliating against a witness, victim or informant, burglary, sexual assault, carjacking, or selling or possessing a controlled substance, firearm offenses, and illegal transportation of an alien.

The offenses that are listed as predicate gang crimes are those commonly pursued by gangs.

One study of gangs in various countries found that law enforcement reported that 55 percent of gang members were involved in aggravated assaults; 33 percent in robberies;

Fifty-eight percent in burglary and breaking and entering;

Fifty-two percent in motor vehicle theft; and

Seventy-two percent in drug sales.

Numerous gangs illegally launder their illicit drug profits. These include Russian and West African criminal gangs as well as street gangs such as the Bloods, Crips, Gangster Disciples, and Latin Kings.

This bill also allows property derived from gang crimes to be forfeited.

Third, the bill creates a new, RICO-like, anti-gang law to help prosecutors target the more serious gangs and gang members. In response to the problems of mafia-violence, the racketeering statute was created to punish violent crimes that are in furtherance of a racketeering enterprise. This legislation will do the same for violent crimes that are in furtherance of gang activity or drug activity.

The gang and drug crimes are those which I have described earlier—murder, carjacking, drug distribution, robbery, firearms violations, and sexual assault. These crimes represent the heart of gang activity and those who commit them must be met with tough penalties.

The penalties range from a maximum of 10 years to the death penalty if death results from the crime.

This legislation also expands the Travel Act.

The Travel Act allows Federal prosecutors to charge certain interstate crimes such as extortion, bribery, and arson, and for business enterprises involving gambling, liquor, drugs, or prostitution.

This statute was passed in 1961 also with mafia-related criminal activity in mind.

Now criminal street gangs travel interstate for another purpose which strikes at the heart of our system of justice—intimidating and retaliating against witnesses, jurors, informants, and victims.

This bill would make it a crime to travel across state lines for that purpose and would allow for a sentence up to life imprisonment for someone who commits that crime.

Defendants who violate the Travel Act and kill someone will also face a possible death sentence for such actions.

This bill should ensure that prosecutors can use the Travel Act to act against crimes caused by the new Mafia: criminal street gangs.

The bill also amends several criminal statutes to address violent crimes frequently or typically committed by gangs.

These crimes include carjacking, assault, manslaughter, racketeering, illegal gun transfers to drug traffickers or violent criminals, the use of firearms in drug trafficking and violent crimes, and murder-for-hire.

These amendments make it easier for prosecutors to prove these crimes by eliminating or modifying the intent requirement for the crimes or by increasing the penalties for violations.

This legislation also changes the venue statute for capital cases so that capital cases can be brought where the murder occurs or where the racketeering conspiracy, drug conspiracy, or criminal street gang operates. So, if the gang, commits the bulk of its crimes in one State but commits a capital crime in another State, all of the crimes can be tried in the same State where the gang focused its criminal activity and the government can seek the appropriate punishment for that crime. The jury will then get the whole picture of how the gang operated and what they did.

Where a 16-year-old or 17-year-old has committed a Federal serious violent felony, this legislation facilitates Federal prosecution of such offenders. Surveys in 1996 and 1999 showed that 37–50 percent of gang members were under the age of 18. This legislation also calls upon the United States Sentencing Commission to create new sentencing guidelines for juvenile offenders who are charged as adults to address concerns specific to offenders of that age.

The bill permits the Attorney General to designate high intensity interstate gang activity areas, HIIGAs, and authorizes $100,000,000 for each of 5 years for these task forces.

These provisions are modeled after similar provisions creating high intensity drug trafficking areas, HIDTAs.

HIDTAs are joint efforts of local, State, and Federal law enforcement agencies whose leaders work together to assess regional drug threats, design strategies to combat those threats, and develop initiatives to implement the strategies.

HIDTAs are based on an equal partnership between different law enforcement agencies.

HIDTAs integrate and synchronize efforts to reduce drug trafficking.

They eliminate unnecessary duplication of effort and maximize resources.

And they improve intelligence and information sharing both within and between regions.

HIDTAs are necessary because drug trafficking tends to be "headquartered" in certain areas of the country, from which it spreads to other areas.

Moreover, drug traffickers have been highly organized and developed sophisticated interstate and international operations.

These points are also true for many criminal gangs. So we have erected a new program of cooperation between law enforcement agencies to attack the gang problem like we attack the drug problem.

This bill authorizes $75 million over the next 5 years for the hiring of Federal prosecutors to identify and prosecute significant gangs within their districts under the Project Safe Neighborhoods program. Across the Nation, 94 Project Safe Neighborhoods Task Forces are working to implement the coordinated strategy to reduce gun violence, led by the U.S. Attorney in each of the Federal judicial districts. U.S. Attorneys have been working side by side with all law enforcement participants in their communities to identify the most pressing crime problems and attack those problems both through prevention and aggressive prosecution.

Finally, this legislation would authorize $100 million dollars over the next 5 years for States to update their technology, create and fund gang prevention and community prosecution programs, and create and expand witness protection programs.

Witness protection is a critical part of reducing gang violence. The president of the National District Attorneys Association, Robert McCulloch, who is also the district attorney in St. Louis, testified last month before the Judiciary Committee. He said that while his office is able to put witnesses in motels for a couple of days or a week or is able to send them on a bus ride to a relative's house, the solutions are not long-term. And as a result, the witnesses come back and are at risk. That is not acceptable. If witnesses are not confident that they will remain safe, they will not talk to law enforcement. It is as simple as that. We must give local and State law enforcement the tools to keep witnesses alive.

While criminal street gangs flourish in certain urban areas such as Los Angeles and Chicago, they typically use these cities as bases to invade more rural locales.

And the characteristics of a criminal street gang are extremely diverse. While some criminal street gangs are looser-affiliations of violent individuals who work together in furtherance of their gang, there are also some very highly disciplined, hierarchical "corporations," often encompassing numerous jurisdictions.

MS–13, an international gang with roots in El Salvador's civil war has spread to at least 28 States and includes more than 8,000 members. In this gang there is no real command structure or national charter.

And in the Washington, D.C. metropolitan area, criminal street gangs are largely neighborhood-based associations of lifelong friends. They use no flashy names or symbols, but they bank together to commit crimes and sell drugs.

In the past three years, members of just three neighborhood-based gangs in Washington, D.C., called the 1–5 Mob, the K Street Crew and Murder Inc. by prosecutors, have been convicted of 57 murders and dozens of assaults and weapons offenses for gang crimes committed over the past ten years.

On the other hand, there are some very organized and structured ruthless gangs in this country.

The Gangster Disciples Nation, for example, has a chairman of the board, two boards of directors, one for prisons and one for streets), Governors, regents, area coordinators, enforcers, and "shorties," youth who staff drug-selling sites and help with drug deals.

From 1987 to 1994, this gang was responsible for killing more than 200 people. Moreover, one-half of their arrests were for drug offenses and only one-third for nonlethal violence.

And just like MS–13, these gangs pop up all across the country.

In 1996, the Gangster Disciples Nation and other Chicago-based gangs were in 110 jurisdictions in 35 states.

Members of the Los-Angeles based 18th Street Gang have migrated outside of California into the southwest border up into the Pacific Northwest, out to New Jersey, Mexico, and El Salvador. Los Angeles gang members have been tracked to Indianapolis, Oklahoma, Omaha, Raleigh and St. Louis.

This bill is a necessary measure to target increasingly violent, increasingly sophisticated, and increasingly national gangs. This is not just a California problem, or a Chicago problem, or a District of Columbia problem—this problem is a nationwide in its scope, and we must craft a nationwide solution. This legislation will tackle that problem head-on. We simply cannot wait any longer.

I look forward to working with my colleagues to enact the Gang Prevention and Effective Deterrence Act of 2003.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. CHAFEE, Mr. HAGEL, Mrs. HUTCHISON, Mr. VOINOVICH, Mr. THOMAS, Mr. BREAUX, Mr. BINGAMAN, Mr. GRAHAM of Florida, Mr. JOHNSON, Mr. NELSON of Nebraska, and Mr. ROCKEFELLER):

S. 1736. A bill to promote simplification and fairness in the administration and collection of sales and use taxes; to the Committee on Finance.

Mr. ENZI. Mr. President, I rise today to introduce the Streamlined Sales and Use Tax Act, a bill that will make it easier for American consumers and businesses to conduct sales from remote locations. Our bill will also help states begin to recover from years of budgetary shortfalls.

This bill is not a disguised attempt to increase taxes or put a new tax on the Internet. Consumer are already supposed to pay sales and use taxes in most States for purchases made over the phone, by mail, or via the Internet. Unfortunately, most consumers are unaware they are required to pay this use tax on purchases for which retailers choose not to collect sales tax at the time of purchase.

That means consumers who buy products online are required to keep track of their purchases and then pay outstanding use tax obligation on their State tax forms. Most people do not know this or comply with the requirement. As such, States are losing millions of dollars in annual revenue.

Our legislation will help both consumers and States by reducing the burden on consumers and providing a mechanism that will allow States to systematically and fairly collect the taxes already owed to them.

This bill is not about new taxes. Simply put, if Congress continues to allow remote sales taxes to go uncollected and electronic commerce continues to grow as predicted, other taxes—such as income or property taxes—will have to be increased to offset the lost revenue. I want to avoid that. That's why we need to implement a plan that will allow States to generate revenue using mechanisms already approved by their local leaders.

This bill is about economic growth. Sales and use taxes provide critical revenue to pay for our schools, our police officers, firefighters, road construction, and more. It will bring more money—money that is already owed—into rural areas that are struggling economically. It will also help businesses comply with the complicated States sales tax systems. That means the business resources that have historically been spent on tax compliance could be used, among other things, to hire new people and buy new equipment.

This bill is about tax simplification. As the Supreme Court identified in the Quill versus North Dakota decision in 1992, the complicated State and local sales tax systems across this country have created an undue burden on sellers. Our bill will help relieve this burden by requiring States to meet the stringent simplification standards outlined in the Streamlined Sales and Use Tax Agreement. This bill requires States to implement and maintain these simplification measures before they can require any seller to collect and remit sales tax.

The Streamlined Sales and Use Tax Agreement includes dramatic simplification in almost every aspect of sales and use tax collection and administration, especially for multi-state sellers. Areas of simplification include exemption processing, uniform definitions, State level administration of local taxes, a reduced number of sales tax rates, determining the appropriate tax rate, and reduced audit burdens for sellers using the state-certified technology.

I firmly believe this bill, coupled with the Agreement, will facilitate a change to our taxing system that benefit local and State governments, Main Street and online businesses, and consumers. I recognize that this legislation may not be perfect, but I welcome the opportunity to continue working with retailers, local and State lawmakers and my colleagues to address any remaining concerns. Our intention is to close the sales tax loophole for remote sales, and I am ready and willing to engage in discussions to ensure that this bill fairly accomplishes that objective.

I thank my colleague, Senator DORGAN, for his tireless efforts on this issue. He has been instrumental in drafting this critical legislation, and I appreciate his insight and thoroughness. I would also like to thank my colleagues on both sides of the aisle who have agreed to be original cosponsors—Senators DORGAN, BREAUX, BINGAMAN, CHAFEE, BOB GRAHAM, HAGEL, HUTCHISON, JOHNSON, BEN NELSON, ROCKEFELLER, VOINOVICH, and my esteemed fellow Senator from Wyoming, Senator THOMAS.

Mr. DORGAN. Mr. President, I rise today with Senator ENZI and others to introduce legislation to address the long-standing issue of how to see that the sales and uses taxes which are owed on remote sales, i.e., items bought from companies outside of the State in which the purchaser lives, can be fairly collected. The Simplified Sales and Use Tax Act which we introduce today will allow the States to require collection only after they have dramatically simplified their sales and use tax systems.

Collecting a sales tax in a face-to-face transaction on Main Street or at the mall is a relatively simple process. The seller collects the tax and remits it to the State or local government. But with remote sales—such as catalog and Internet sales—it's more difficult. States cannot require a seller to collect a sales tax unless the business has an actual location or sales people in the State. So most States, and many localities, have laws that require the local buyer to send an equivalent "use tax" to the State or local government when he or she did not pay taxes at the time of purchase.

The reality, of course, is that customers almost never do that. It would be a major inconvenience, and people are not accustomed to paying sales taxes in that way. So, despite the legal requirement, most simply don't do it, and the tax, which is already owed, goes unpaid. For years, State and local governments could accept this loss because catalog sales were a relatively minor portion of overall commerce. But, as e-commerce continues to grow so does the competitive divide between those businesses with and without the collection burden and the local governments who are losing an ever larger share of sales tax revenues.

In fact, it appears as if local governments are facing a perfect storm of dwindling economic activity, and a growing migration of commerce from Main Street to the Internet. As online consumer purchases have nearly doubled in the last 2 years estimates are that States and localities lost at least $13.5 billion in uncollected sales and use tax revenues in 2002, and that number is expected to grow to $45 billion by 2006.

Internet and catalog sellers correctly argue that collecting and remitting sales taxes would be a significant burden. Understandably, they contend that, unless things change, it would be difficult for them to have to comply with tax laws from thousands of different jurisidictions—46 States and thousands of local governments—with different tax rates and all of the idiosyncrasies regarding what is taxable and what is non-taxable.

This is a legitimate complaint, and I understand why the Supreme Court agreed with them when it decided that companies have to have a physical presence in a State before being required to collect sales taxes.

But, in so ruling the Court did two things: (1) it told the States to simplify their sales and use tax systems, and (2) it invited Congress to define how much simplification will be needed so that collection will no longer be an impermissible burden on interstate commerce.

The States have since responded to the Court's ruling with the "Streamlined Sales and Use Tax Agreement." Approved by 34 States and the District of Columbia after extensive discussions with the business community this unprecedented agreement will dramatically simplify and streamline how State sales taxes are identified and collected. And, by harmonizing State sales tax rules, bringing uniformity to definitions of items in the sales tax base, significantly reducing the paperwork burden on retailers, and incorporating a seamless electronic reporting process the agreement will significantly reduce the burden of collection on all sellers. Once adopted by 10 States with at least 20 percent of the population, the Simplified Sales and Use Tax Act would give those States the authority to collect sales or use taxes equally from all retailers.

I understand that some have raised questions about how the small business exemption included in this legislation will be applied, and I intend to work with those interested parties to try to address this matter. However, sales and use tax simplification is an important issue that Congress must address sooner rather than later. The legislation we introduce today is workable and strikes a fair balance between the interests of consumers, local retailers and remote sellers.

Mr. President, I urge my colleagues to support this much-needed bipartisan legislation.

By Mr. WYDEN:

S. 1737. A bill to amend the Clayton Act to enhance the authority of the Federal Trade Commission or the Attorney General to prevent anticompetitive practices in tightly concentrated gasoline markets; to the Committee on the Judiciary.

Mr. WYDEN. Mr. President, it's time to bring competition back into our Nation's gasoline markets. Across America, gasoline prices have recently soared to the highest levels ever. Right now, gasoline costs 12 cents more than it did at this time last year. In my home State of Oregon, folks are paying a whopping 32 cents more per gallon than in October of last year.

Proven price manipulation is siphoning competition out of the gasoline markets and stealing money from Americans' wallets. It's time that government regulators opened their eyes to reality of rampant price manipulation by gas companies and protected American consumers from getting pummeled at the pump. That's why today I am introducing the Gasoline Free Market Competition Act.

Every extra penny Americans spend on the artificially inflated price of gasoline is a penny they aren't spending on other things—like clothes, groceries, or other consumer items. The difference is that buying a new washer dryer helps create jobs; paying extra for gas only creates a fatter bottom line for oil companies, nothing more.

With people losing their jobs and the economy in sorry shape, Congress should act right now to protect the American people from oil company price gouging. Artificially inflated gas prices hurt American families three ways: it steals dollars from their pocketbooks, slows down job creation, and often raises the price of the goods families need to buy due to increased transport costs.

Folks are looking to Congress to address gasoline price spikes and industry pricing policies that can't always be explained away by the market. But as the American people have called out for relief, the Federal government has stayed silent—refusing to respond in any meaningful way to the gas price crisis.

The Secretary of Energy says he's conducting an informal investigation to look into the issue. But under current law, the Department of Energy has no power to do anything about gasoline prices.

On the other hand, the Federal Trade Commission (FTC) does have the power to protect consumers from gas price manipulation. Yet they've done almost nothing. They turned aside evidence of serious, documented anti-consumer practices—such as redlining and zone price—that inflate gas prices. They've argued that they can only prosecute if they find out-and-out collusion, setting out a standard that is almost impossible to prove against savvy oil interests.

You can see the results of the FTC's inaction at gas stations in Oregon and all across America. Nationwide, gasoline markets in Oregon and at least 27 other States are now considered to be "tight oligopolies" with 4 companies controlling more than 60 percent of the gasoline supplies. The problem is particularly dire in the West, where California, Oregon, Washington and Idaho are four of the top six States for high gas prices today.

In these tightly concentrated markets, numerous studies have found oil company practices are driving independent wholesalers and dealers out of the market. One practice they employ, called "redlining," limits where independent distributors can sell their gasoline. As a result, independent stations must buy their gasoline directly from the oil company, usually at a higher price than the company's own brand-name stations pay. With these higher costs, the independent stations can't compete.

Redlining is just the tip of the iceberg. Investigations have also found oil companies controlling not just stations' buying choices, but also distributors' selling prices. Companies engage in a practice called zone pricing, basing prices not on the cost of producing gasoline, but on the maximum a neighborhood will pay. They have squeezed out smaller refineries that could increase supply and introduce new competitions. They have exported gasoline and oil to Asia at rock-bottom prices, making up their profits by sticking West Coast consumers with the difference. So, stopping one anti-competitive practice, by itself, won't get the job done.

The solution is to update antitrust law to prohibit anti-competitive practices by single companies in concentrated markets. The current standard of collusion is unenforceable. Smart oil companies will never hole up in a room and collude to set prices; they don't need to.

Chevron/Texaco's North American President David Reeves admitted to a congressional panel that the West Coast gasoline market is so dominated by a limited number of large committed refinery/marketers whose individual actions can have significant market impact.

Here's how the Gasoline Free Market Competition Act would tackle the problem. First, the Federal Government would establish consumer watch zones for concentrated gasoline markets. Where control is concentrated, supplies can be manipulated, and competition restricted with ease. Where that capability is ready-made, the FTC should watch markets more carefully.

Oil companies employing anti-competitive practices in consumer watch zones should have to prove they're not hurting consumers. The whole litany of anti-competitive practices should be considered presumptively illegal. That includes exporting at a discount and pressuring independents—all the practices that manipulate supply or limit competition.

Consumer watch zones would also be empowerment zones for quick action by the FTC. In these zones, the agency could issue cease and desist orders to companies participating in these anti-competitive practices, forcing them to stop gouging consumers.

These legislative proposals are first steps toward bringing back competition to the Nation's gasoline markets. Congress should act now to address the problem of skyrocketing gasoline prices—because even the oil companies admit the market won't solve the problem on its own. Last month, a report by the Rand Corporation revealed that even oil industry officials are predicting more price volatility in the future. That means consumers can expect more frequent and larger price spikes in the next few years.

I have spent years documenting unethical and anti-competitive practices in this country's gasoline markets—practices that have driven prices up and driven consumers crazy at the pump. The American people deserve relief from high gas prices and the Congress should act on their behalf.

By Mr. DODD:

S. 1738. A bill to reauthorize the Defense Production Act of 1950, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense Production Act Reauthorization of 2003".

SEC. 2. REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) IN GENERAL.—The 1st sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended—

(1) by striking "sections 708" and inserting "sections 707, 708,"; and

(2) by striking "September 30, 2003" and inserting "September 30, 2004".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking "through 2003" and inserting "through 2004".

SEC. 3. RESOURCE SHORTFALL FOR RADIATION-HARDENED ELECTRONICS.

(a) IN GENERAL.—Notwithstanding the limitation contained in section 303(a)(6)(C) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(a)(6)(C)), the President may take actions under section 303 of the Defense Production Act of 1950 to correct the industrial resource shortfall for radiation-hardened electronics, to the extent that such Presidential actions do not cause the aggregate outstanding amount of all such actions to exceed $200,000,000.

(b) REPORT BY THE SECRETARY.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing—

(1) the current state of the domestic industrial base for radiation-hardened electronics;

(2) the projected requirements of the Department of Defense for radiation-hardened electronics;

(3) the intentions of the Department of Defense for the industrial base for radiation-hardened electronics; and

(4) the plans of the Department of Defense for use of providers of radiation-hardened electronics beyond the providers with which the Department had entered into contractual arrangements under the authority of the Defense Production Act of 1950, as of the date of the enactment of this Act.

SEC. 4. CLARIFICATION OF PRESIDENTIAL AUTHORITY.

Subsection (a) of section 705 of the Defense Production Act of 1950 (50 U.S.C. App. 2155(a)) is amended by inserting after the end of the 1st sentence the following new sentence: "The authority of the President under this section includes the authority to obtain information in order to perform industry studies assessing the capabilities of the United States industrial base to support the national defense.".

SEC. 5. CRITICAL INFRASTRUCTURE PROTECTION AND RESTORATION.

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) by redesignating paragraphs (3) through (17) as paragraphs (4) through (18), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

"(3) Critical infrastructure.—The term 'critical infrastructure' means any systems and assets, whether physical or cyber-based, so vital to the United States that the degradation or destruction of such systems and assets would have a debilitating impact on national security, including, but not limited to, national economic security and national public health or safety."; and

(3) in paragraph (14) (as so redesignated by paragraph (1) of this section), by inserting "and critical infrastructure protection and restoration" before the period at the end of the last sentence.

SEC. 6. REPORT ON CONTRACTING WITH MINORITY- AND WOMEN-OWNED BUSINESSES.

(a) Report Required.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the extent to which contracts entered into during the fiscal year ending before the end of such 1-year period under the Defense Production Act of 1950 have been contracts with minority- and women-owned businesses.

(b) Contents of Report.—The report submitted under subsection (a) shall include the following:

(1) The types of goods and services obtained under contracts with minority- and women-owned businesses under the Defense Production Act of 1950 in the fiscal year covered in the report.

(2) The dollar amounts of such contracts.

(3) The ethnicity of the majority owners of such minority- and women-owned businesses.

(4) A description of the types of barriers in the contracting process, such as requirements for security clearances, that limit contracting opportunities for minority- and women-owned businesses, together with such recommendations for legislative or administrative action as the Secretary of Defense may determine to be appropriate for increasing opportunities for contracting with minority- and women-owned businesses and removing barriers to such increased participation.

(c) Definitions.—For purposes of this section, the terms "women-owned business" and "minority-owned business" have the meanings given such terms in section 21A(r) of the Federal Home Loan Bank Act, and the term "minority" has the meaning given such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

SEC. 7. COMMERCE RESPONSIBILITIES REGARDING CONSULTATION WITH FOREIGN NATIONS.

(a) Offsets in Defense Procurements.—Section 123(c) of the Defense Production Act Amendments of 1992 (50 U.S.C. App. 2099 note) is amended to read as follows:

"(c) Negotiations.—

"(1) Interagency team.—It is the policy of Congress that the President shall designate the Secretary of Commerce to lead, in coordination with the Secretary of State, an interagency team to negotiate with foreign nations the elimination of offset arrangements, industrial participation, or similar arrangements in defense procurement. The President shall transmit an annual report on the results of these negotiations to the Congress as part of the report required under section 309(a) of the Defense Production Act of 1950.

"(2) Recommendations for modifications.—Pending the elimination of the arrangements described in paragraph (1), the interagency team shall submit to the Secretary of Defense any recommendations for modifications of a memorandum of understanding entered into under section 2531 of title 10, United States Code, or a related agreement that the team considers to be an appropriate response to a contractual offset, industrial participation, or similar arrangement that is entered into under the policy to which section 2532 of such title applies.

"(3) Notification to USTR regarding offsets.—If the interagency team determines that a foreign country is pursuing a policy on contractual offset arrangements, industrial participation arrangements, or similar arrangements in connection with the purchase of defense equipment or supplies that requires compensation for the purchase in the form of nondefense or dual-use equipment or supplies in a value greater than the defense equipment or supplies, the team shall notify the United States Trade Representative of that determination. Upon receipt of the notification, the United States Trade Representative shall treat the policy and each such arrangement as an act, policy, or practice by the foreign country that is unjustifiable and burdens or restricts United States commerce for purposes of section 304(a)(1) of the Trade Act of 1974 (19 U.S.C. 2414(a)(1)), and shall take appropriate action under title III of such Act with respect to such country.".

(b) Report on Effects of Foreign Contracts on Domestic Contractors.—Section 309(d)(1) of the Defense Production Act of 1950 (50 U.S.C. App. 2099(d)(1)) is amended—

(1) in subparagraph (D), by striking "and" at the end; and

(2) in subparagraph (E), by striking the period at the end and inserting the following: "; and

"(F) a compilation of data delineating—

"(i) the impact of foreign contracts that have been awarded through offsets, industrial participation agreements, or similar arrangements, on domestic prime contractors, and at least the first three tiers of subcontractors; and

"(ii) details of contracts with foreign 1st, 2nd, and 3rd tier subcontractors awarded through offsets, industrial participation agreements, or similar arrangements.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 243—DESIGNATING THE WEEK OF OCTOBER 19, 2003, THROUGH OCTOBER 25, 2003, AS "NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK"

Mr. REED (for himself, Mr. BAYH, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. CARPER, Mr. CHAFEE, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HAGEL, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TALENT, and Mr. THOMAS) submitted the following resolution; which was considered and agreed to:

S. Res. 243

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the Centers for Disease Control and Prevention, 434,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are 8 times more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 19, 2003, through October 25, 2003, as "National Childhood Lead Poisoning Prevention Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate programs and activities.

SENATE CONCURRENT RESOLUTION 73—EXPRESSING THE DEEP CONCERN OF CONGRESS REGARDING THE FAILURE OF THE ISLAMIC REPUBLIC OF IRAN TO ADHERE TO ITS OBLIGATIONS UNDER A SAFEGUARDS AGREEMENT WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE ENGAGEMENT BY IRAN IN ACTIVITIES THAT APPEAR TO BE DESIGNED TO DEVELOP NUCLEAR WEAPONS

Mrs. FEINSTEIN (for herself and Mr. KYL) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 73

Whereas environmental sampling by the International Atomic Energy Agency (IAEA) at Iran's Natanz nuclear facility revealed the presence of 2 types of highly enriched uranium that can be used to develop nuclear weapons;

Whereas the traces of highly-enriched uranium detected by the IAEA at the Natanz facility and the Kalaye Electric Company could indicate that Iran has been secretly attempting to produce weapons-grade uranium at these facilities;

Whereas, in March 2003, the Director of the IAEA announced that Iran was constructing a facility to enrich uranium, a key component of advanced nuclear weapons;

Whereas, on January 1, 1968, Iran signed the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (the "Nuclear Non-Proliferation Treaty");

Whereas the June 6, 2003, report of the Director General of the IAEA expressed concern over the failure of the Government of Iran to report material, facilities, and activities at its nuclear facilities, including those that have the potential to enrich uranium and develop nuclear weapons, in contravention of its obligations under the safeguards agreement it signed in connection with the Nuclear Non-Proliferation Treaty;

Whereas the Board of Governors of the IAEA adopted a resolution on September 12, 2003, that calls on Iran to provide the IAEA a full declaration of all imported material and components relevant to the uranium enrichment program, to grant unrestricted access, including environmental sampling, to the IAEA, to resolve questions regarding the conclusion of the IAEA experts who tested gas centrifuges in that country, to provide complete information regarding the conduct of uranium conversion experiments, and to provide such other information and explanations and take such other steps as the IAEA determines necessary to resolve by October 31, 2003, all outstanding issues involving Iran's nuclear materials and nuclear activities;

Whereas, in June 2003, Iran conducted a successful test of the 800-mile range Shahab-3 missile, and Iran is also seeking to produce a 1,200-mile Shahab-4 missile;

Whereas the construction by Iran of nuclear facilities, coupled with its ties to terrorist groups, constitutes a threat to international peace and security; and

Whereas, by signing the Nuclear Non-Proliferation Treaty, signatories such as Iran that are not declared nuclear powers commit themselves to abstaining from the acquisition of nuclear weapons, preventing the spread of nuclear weapons and weapons technology, promoting cooperation in the peaceful uses of nuclear energy, and achieving nuclear disarmament: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) deplores the development by Iran of a nuclear weapons program and the failure of the Government of Iran to report material, facilities, and activities to the International Atomic Energy Commission in contravention of its obligations under the safeguards agreement it signed in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (hereafter in this resolution referred to as the "Nuclear Non-Proliferation Treaty");

(2) concurs with the view of the Department of State, as delivered in testimony to the U.S.-Israel Joint Parliamentary Committee on September 17, 2003, by the Assistant Secretary of State for Verification and Compliance that the explanations provided by the Government of Iran for its nuclear activities are not credible;

(3) concurs with the conclusion reached in the Department of State's Annual Report on Adherence to and Compliance with Arms Control and Nonproliferation Agreements and Commitments that Iran is pursuing a program to develop nuclear weapons;

(4) calls on the President to use all appropriate means to prevent Iran from acquiring nuclear weapons, including—

(A) urging the Government of Iran to accept in full the resolution adopted by the Board of Governors of the International Atomic Energy Agency on September 12, 2003 (hereafter in this resolution referred to as the "IAEA resolution"), that calls on Iran to—

(i) provide the Agency a full declaration of all imported material and components relevant to the uranium enrichment program;

(ii) grant unrestricted access, including environmental sampling, to the Agency;

(iii) resolve questions regarding the conclusion of the Agency experts who tested gas centrifuges in that country;

(iv) provide complete information regarding the conduct of uranium conversion experiments; and

(v) provide such other information and explanations and take such other steps as the Agency determines necessary to resolve by October 31, 2003, all outstanding issues involving Iran's nuclear materials and nuclear activities;

(B) taking such diplomatic measures as are necessary to encourage other nations, especially Russia, to urge the Government of Iran to fully and immediately comply with the such resolution; and

(C) working with the United Nations and other nations to urge the Government of Iran to sign the Model Additional Protocol to give the International Atomic Energy Agency greater access in Iran to ensure that—

(i) no undeclared facilities exist in Iran; and

(ii) no materials or technologies have been diverted from safeguarded facilities in Iran;

(5) calls on Russia to—

(A) use all appropriate means to urge Iran to accept in full the IAEA resolution; and

(B) suspend all nuclear cooperation with Iran until Iran fully and completely complies with the IAEA resolution;

(6) calls on member states of the United Nations to join the United States in preventing the Government of Iran from continuing to pursue and develop programs or facilities that could be used in a nuclear weapons program;

(7) calls on the United Nations Security Council to immediately undertake consideration of—

(A) the threat to international peace and security posed by Iran's nuclear weapons program; and

(B) the passage of a Security Council resolution or the taking of other actions that may be necessary to impose diplomatic and economic sanctions against Iran if it fails to meet its obligations to the International Atomic Energy Agency by October 31, 2003; and

(8) calls on the Government of Iran to cease all efforts to acquire nuclear fuel cycle capabilities until it is able to provide specific assurances that it is not engaged in a clandestine nuclear weapons program by—

(A) coming into complete and verifiable compliance with its obligations under the IAEA resolution, including the prompt and unconditional implementation of the Model Additional Protocol; and

(B) fully meeting its obligations under the Nuclear Non-Proliferation Treaty.

Mrs. FEINSTEIN. Mr. President, I rise today with my good friend and colleague Senator KYL, to introduce a resolution to express deep concern about Iran's nuclear program. The time has come for the international community to speak with one voice and urge Iran to abandon its attempts to acquire nuclear weapons.

With the fall of the Hussein regime in Iraq, attention has turned to the threat posed by the Islamic Republic of Iran and the recent revelations about its nuclear program. I am increasingly concerned that Tehran is determined to develop nuclear weapons and substantially alter the balance of power in the Middle East.

In December 2002, Iran admitted that—in addition to the known construction of a light water reactor complex in Bushehr with Russian assistance—it is building two facilities that could be used to develop fissile material for a nuclear weapon: a uranium enrichment facility at Nantanz and a heavy water production plant at Arak.

According to the Carnegie Endowment for International Peace, the Nantanz large-scale commercial plant, scheduled for completion in 2005, "could produce approximately 400 to 500 kilograms of weapon-grade material annually, or enough for 15 to 20 nuclear weapons a year." The Arak facility, scheduled to begin in 2004, "could produce between 8 and 10 kilograms of plutonium annually, enough for one or two nuclear weapons a year."

The revelations are serious and deeply troubling.

As Professor Gary Mihlhollin testified before the U.S.-Israel Joint Parliamentary Committee on September 17, 2003: "Adding an Iranian nuclear weapon capability runs the risk of joining terrorism and weapons of mass destruction—a combination that our government considers the greatest security challenge of the 21st century."

Iran's pursuit of nuclear weapons demands the full attention of the United States and the international community, and a concerted and clear response to bring Iran into compliance with its obligations under the Nuclear Non-proliferation Treaty.

Iran's assertion that its nuclear program is peaceful and is aimed at producing 6,000 megawatts of electricity is highly dubious given the efforts to conceal construction of the Nantanz and Arak facilities and its plentiful supplies of oil and gas reserves. In her testimony before the U.S.-Israel Joint Parliamentary Committee, Assistant Secretary of State for Verification and Compliance, Paula A. DeSutter agreed and stated: "Iran's attempts to explain why it needs an indigenous nuclear fuel cycle are simply not credible."

In fact, United Nations International Atomic Energy Agency (IAEA) inspectors have found traces of highly enriched, weapons grade uranium on Iranian nuclear equipment at two sites.

I am pleased that the IAEA Board of Governor's passed resolution last week setting a deadline of October 31 for Iran to come clean about its nuclear program. As IAEA spokeswoman Melissa Fleming stated:

> What the IAEA inspectors need is accelerated cooperation, full transparency on the part of Iran, so that we can clear up these questions in a matter of weeks, and not months and months.

Talks have begun between the IAEA and Iranian authorities about Iran's nuclear program and the October 31 deadline. Our resolution supports the IAEA efforts to bring Iran into compliance with its international obligations. Among other things, it: deplores the Islamic Republic of Iran's development of a nuclear weapons program and for its failures to report material, facilities, and activities to the International Atomic Energy Agency as it is obligated to do pursuant to its safeguards agreement; concurs with the conclusion reached in the U.S. Department of State's Annual Noncompliance Report that Iran is pursuing a program to develop nuclear weapons; calls on the President of the United States to urge the Islamic Republic of Iran to accept in full the International Atomic Energy Agency's September 12, 2003 resolution; calls on member states of the United Nations to join the United States in preventing the Islamic Republic of Iran from continuing to pursue and develop programs or facilities that could be used in a nuclear weapons program; and calls on the United Nations Security Council to immediately undertake consideration of the threat to international peace and security posed by Iran's nuclear weapons program as well as such action as may be necessary, including a Security Council resolution, that would impose diplomatic and economic sanctions against Iran should Iran fail to live up to its obligations to the International Atomic Energy Agency by October 31, 2003.

In addition, its calls on the Government of Iran to: to come into verifiable compliance with its obligations under the September 12, 2003 resolution of the International Atomic Energy Agency; to come into verifiable compliance with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons; and to immediately sign the Model Additional Protocol of the International Atomic Energy Agency, which would allow inspectors freer access to nuclear sites.

The international community must stand together to put pressure on Tehran to live up to its commitments and, in particular, sign the additional protocol to the Nuclear Non-proliferation Treaty to permit snap, short-notice inspections of Iran's declared and undeclared nuclear facilities.

I, for one, had been hopeful that Iran in recent years had begun to take the necessary steps to rejoin international community. The election of President Mohammad Katemi in May, 1997 appeared to be a vote for moderation and engagement with the outside world.

Yet, the clandestine nuclear weapons program, the continued support for terror, the numerous human rights abuses against religious minorities including Iranian Jews, the suppression of the student lead pro-democracy movement, and the continued uncompromising influence of the unelected hardliners in the Council of Guardians and the military lead me to conclude that we still have a long ways to go before we see a peaceful, stable, democratic Iran.

I firmly believe that the Iranian people desire to see their country break its ties with the past and commit itself to a future based on democracy, human rights, and the rule of law.

If they are to realize that dream, the United States must work closely with our friend and allies in the international community to put pressure on Iran to abandon its nuclear weapons program, cease its support for terror, and become a positive force for change in the Middle East. I urge my colleagues to support the resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1838. Mr. REID (for himself, Mr. MCCAIN, Mrs. LINCOLN, and Mrs. MURRAY) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

SA 1839. Mr. ENSIGN proposed an amendment to the bill S. 1689, supra.

SA 1840. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1841. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1842. Mr. BINGAMAN (for himself and Mr. BYRD) proposed an amendment to the bill S. 1689, supra.

SA 1843. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1844. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1689, supra.

SA 1845. Mrs. BOXER (for herself, Mr. SCHUMER, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1846. Mr. BYRD (for himself, Mr. LEVIN, Mr. REED, Mr. CORZINE, Mr. LEAHY, Mr. DORGAN, Mrs. CLINTON, Ms. LANDRIEU, Mr. JEFFORDS, and Mr. LIEBERMAN) proposed an amendment to the bill S. 1689, supra.

SA 1847. Mr. FEINGOLD proposed an amendment to the bill S. 1689, supra.

SA 1848. Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mrs. CLINTON, Mrs. MURRAY, Mr. DURBIN, and Mr. JOHNSON) submitted an amendment intended to be proposed by her to the bill S. 1689, supra.

SA 1849. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1850. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1851. Mr. REID (for Mr. CORZINE) proposed an amendment to the bill S. 1689, supra.

SA 1852. Mr. FEINGOLD (for himself, Mr. WYDEN, Mr. DAYTON, and Mrs. MURRAY) proposed an amendment to the bill S. 1689, supra.

SA 1853. Mr. MCCAIN (for himself, Mr. BIDEN, and Mr. GRAHAM, of South Carolina) submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1854. Mr. DASCHLE proposed an amendment to the bill S. 1689, supra.

SA 1855. Mr. HARKIN (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1856. Mr. WARNER (for himself, Mr. ALLEN, Mr. SARBANES, Ms. MIKULSKI, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1857. Ms. CANTWELL (for herself, Mr. BINGAMAN, Mr. LEAHY, Mr. JOHNSON, Mr. NELSON, of Florida, Mr. GRAHAM, of Florida, Mrs. MURRAY, Mr. KENNEDY, Mr. PRYOR, Mr. LAUTENBERG, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1858. Mr. NELSON, of Florida proposed an amendment to the bill S. 1689, supra.

SA 1859. Mr. REID (for Ms. LANDRIEU) proposed an amendment to the bill S. 1689, supra.

TEXT OF AMENDMENTS

SA 1838. Mr. REID (for himself, Mr. MCCAIN, Mrs. LINCOLN, and Mrs. MURRAY) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title I, add the following:

SEC. 316. (a) RESTORATION OF FULL RETIRED PAY BENEFITS.—Section 1414 of title 10, United States Code, is amended to read as follows:

"§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation

"(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

"(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

"(c) EXCEPTION.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

"(d) DEFINITIONS.—In this section:

"(1) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

"(2) The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(13) of title 38.".

(b) REPEAL OF SPECIAL COMPENSATION PROGRAMS.—Sections 1413 and 1413a of such title are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 1413, 1413a, and 1414 and inserting the following:

"1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation.".

(d) EFFECTIVE DATE; PROHIBITION ON RETROACTIVE BENEFITS.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the first month that begins after the date of the enactment of this Act.

(2) RETROACTIVE BENEFITS.—No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as amended by subsection (a), for any period before the effective date under paragraph (1).

SA 1839. Mr. ENSIGN proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 38, between lines 20 and 21, insert the following new section:

SEC. 2313. (a) Not later than April 30, 2004, the Secretary of Defense shall submit a certification to Congress of the amount that Iraq will pay, or that will be paid on behalf of Iraq, during fiscal year 2004 to a foreign country to service a debt incurred by Iraq during the regime of Saddam Hussein, including any amount used for the payment of principal, interest, or fees associated with such debt. Such certification shall include—

(1) the actual amount spent for such purpose during the period from October 1, 2003 through March 31, 2004; and

(2) the estimated amount that the Secretary reasonably believes will be used for such purpose during the period from April 1, 2004 through September 30, 2004.

(b) On May 1, 2004, the Director of the Office of Management and Budget shall administratively reserve, out of the unobligated balance of the funds appropriated in this title under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT", the amount that is equal to the sum of the amount certified under paragraph (1) of subsection (a) and the estimated amount certified under paragraph (2) of such subsection. The amount so reserved may not be obligated or expended on or after such date.

(c) The Director of the Office of Management and Budget shall impose such restrictions and conditions as the Director determines necessary to ensure that, in the apportionment of amounts appropriated as described in subsection (b), the balance of the total amount so appropriated that remains unobligated on May 1, 2004, exceeds the amount that is to be reserved under subsection (b).

(d) It is the sense of Congress that each country that is owed a debt by Iraq that was incurred during the regime of Saddam Hussein should forgive such debt, including any amount owed by Iraq for the principal, interest, and fees associated with such debt.

SA 1840. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 2313. (a) SENSE OF CONGRESS.—It is the sense of Congress that removing potential nuclear weapons materials from vulnerable sites around the world would reduce the chance that such materials would all into the hands of al Qaeda or other groups and states hostile to the United States, and therefore should be a top priority for achieving the national security of the United States.

(b) TASK FORCE ON NUCLEAR MATERIAL REMOVAL.—(1) There is established in the Department of Energy the Task Force on Nuclear Material Removal (in this section referred to as the "Task Force").

(2)(A) At the head of the Task Force shall be the Director of the Task Force, who shall be appointed by the Secretary of Energy for that purpose.

(B) The Director of the Task Force shall report directly to the Administrator for Nuclear Security regarding the activities of the Task Force.

(3) The Secretary and the Administrator shall assign to the Task Force personnel having such experience and expertise as is necessary to permit the Task Force to carry out its mission under this section.

(4)(A) The Secretary of Energy and the Administrator shall jointly consult with the Secretary of State, the Secretary of Defense, the Chairman of the Nuclear Regulatory Commission, and the heads of other appropriate departments and agencies of the Federal Government to establish mechanisms that ensure that the Task Force is able to draw quickly on the capabilities of other departments and agencies to fulfill its mission.

(B) Mechanisms under subparagraph (A) may include the assignment of personnel from other departments and agencies of the Federal Government to the Task Force.

(c) MISSION.—The mission of the Task Force shall be to take actions to ensure that potential nuclear weapons materials are entirely removed from the most vulnerable sites around the world as soon as practicable after the date of the enactment of this Act.

(d) ASSISTANCE.—To assist the Task Force in carrying out its mission under this section, the Secretary of Energy may—

(1) provide such funds as are needed to remove potential nuclear weapons materials from vulnerable sites, including funds to cover the costs of—

(A) transporting such materials from such sites to secure facilities;

(B) providing interim security upgrades for such materials pending their removal;

(C) managing such materials after their arrival at secure facilities;

(D) purchasing such materials;

(E) converting such materials to use as low-enriched fuels, or to uses that no longer require nuclear materials;

(F) assisting in the closure and decommissioning of such sites; and

(G) providing incentives to facilitate the removal of such materials from vulnerable facilities;

(2) arrange for the shipment of potential nuclear weapons materials to the United States, or to other countries willing to accept them and able to provide high levels of security for them, in order to ensure that United States national security objectives are accomplished as quickly and effectively as possible; and

(3) provide funds to upgrade security and accounting at sites where, as determined by the Secretary, potential nuclear weapons materials will remain for an extended period in order to ensure that such materials are secure against plausible potential threats, and will remain so in the future.

(e) REPORT.—(1) Not later than 30 days after the submittal to Congress of the budget of the President for fiscal year 2005 pursuant to section 1105(a) of title 31, United States Code, the Secretary of Energy shall submit to Congress a report that shall include—

(A) a list of the sites determined by the Task Force to be of the highest priorities for removal of potential nuclear weapons materials, based on the quantity and attractiveness of such materials at such sites and the risks of the theft or diversion of such materials for weapons purposes;

(B) a strategic plan, including measurable milestones and metrics, for accomplishing the mission of the Task Force under this section;

(C) an estimate of the annual financial requirements for implementing the plan;

(D) recommendations on whether any further legislative actions are needed to facilitate the accomplishment of the mission of the Task Force; and

(E) such other information on the status of activities under this section as the Secretary considers appropriate.

(2) The report shall be submitted in unclassified form, but may include a classified annex.

(f) FUNDING.—There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, for the National Nuclear Security Administration for "Defense Nuclear Nonproliferation", $40,000,000 to carry out this section.

(g) POTENTIAL NUCLEAR WEAPONS MATERIAL DEFINED.—In this section, the term "potential nuclear weapons material" means plutonium, highly enriched uranium, or other material capable of sustaining an explosive nuclear chain reaction, including irradiated materials if the radiation field from such materials is not sufficient to prevent the theft of such materials and their use for an explosive nuclear chain reaction.

SA 1841. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 20 and 21, insert the following new section:

Sec. 2313. (a) Of the funds appropriated in title II under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT" and allocated for security, $415,000,000 shall be made available to secure and eliminate munitions caches, small arms, light weapons, unexploded ordinance, and excess military equipment in Iraq.

(b) Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter until all funds made available under subsection (a) are expended, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status and security of munitions caches, small arms, light weapons, unexploded ordinance, and excess military equipment in Iraq. Each such report shall include—

(1) a description of the quantity and type of such weapons and equipment collected, secured, and destroyed during the 6 months prior to the submission of such report;

(2) a description of the quantity and type of such weapons and equipment collected and secured for purposes other than destruction;

(3) a description of the quantity and type of such weapons and equipment that remain in Iraq;

(4) an estimate of the schedule under which such weapons and equipment will be secured or eliminated and the cost to complete such actions;

(5) an assessment of the threat posed by such weapons and equipment to United States or coalition military forces in Iraq.

(6) an estimate of the quantity and type of such weapons and equipment that have been acquired by members of al-Qaeda or other international terrorist organizations; and

(7) a detailed plan of actions to be carried out to locate, secure, and eliminate such weapons and equipment that remain in Iraq.

(c) The reports required by subsection (b) shall be submitted in a classified and an unclassified form.

SA 1842. Mr. BINGAMAN (for himself and Mr. BYRD) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title I, insert the following:

SEC. 316. (a) FINDINGS.—Congress makes the following findings:

(1) The National Guard and Reserves have served the Nation in times of national crises for more than 200 years. The National Guard and Reserves are a critical component of homeland security and national defense.

(2) The current deployments of many members of the National Guard and Reserve have made them absent from their communities for an abnormally long time. This has diminished the ability of the National Guard to conduct its State missions.

(3) Many members of the National Guard and Reserves have been on active duty for more than a year, and many more have had their tours of active duty involuntarily extended while overseas.

(b) REPORT ON UTILIZATION OF NATIONAL GUARD AND RESERVES.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the utilization of the National Guard and Reserves in support of contingency operations during fiscal year 2004.

(2) The report under this subsection shall include the following:

(A) Information on each National Guard and Reserve unit currently deployed, including—

(i) the unit name or designation;

(ii) the number of personnel deployed;

(iii) the projected return date to home station; and

(iv) the schedule, if any, for the replacement of the unit with a Regular unit.

(B) Information on current operations tempo, including—

(i) the length of deployment of each National Guard and Reserve unit currently deployed, organized by unit and by State;

(ii) in the case of each National Guard and Reserve unit on active duty during the two-year period ending on the date of the report, the aggregate amount of time on active duty during such two-year period; and

(iii) the percentage of National Guard and Reserve forces in the total deployed force in each current domestic and overseas contingency operation.

(C) Information on current recruitment and retention of National Guard and Reserve personnel, including—

(i) any shortfalls in recruitment and retention;

(ii) any plans to address such shortfalls or otherwise to improve recruitment or retention; and

(iii) the effects on recruitment and retention over the long term of extended periods of activation of National Guard or Reserve personnel.

(3) The report under this subsection shall be organized in a format that permits a ready assessment of the deployment of the National Guard and Reserves by State, by various geographic regions of the United States, and by Armed Force.

(c) REPORT ON EFFECTS OF UTILIZATION OF NATIONAL GUARD AND RESERVES ON LAW ENFORCEMENT AND HOMELAND SECURITY.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall, in consultation with the chief executive officers of the States, submit to Congress a report on the effects of the deployment of the National Guard and Reserves on law enforcement and homeland security in the United States.

(2) The report under this subsection shall include the following:

(A) The number of civilian first responders on active duty with the National Guard or Reserves who are currently deployed overseas.

(B) The number of first responder personnel of the National Guard or Reserves who are currently deployed overseas.

(C) An assessment by State of the ability of the States to respond to emergencies without currently deployed National Guard personnel.

SA 1843. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, strike lines 9 through line 12, and insert the following:

(b) Section 1075(b) of title 10, United States Code, as added by subsection (a), shall take effect as of September 11, 2001, and shall apply with respect to injuries or diseases incurred on or after that date.

(c) The amount appropriated by chapter 2 of title II under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND" is hereby reduced by $1,500,000, to be derived from the amount set aside under such heading for transportation and telecommunications for the Iraqi Postal Authority for the administration of a zip code system.

SA 1844. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . REPORT ON REPLACEMENT OF U.S. TROOPS.

(a) FINDINGS.—The Senate finds that—

(1) The Coalition Provisional Authority states that 80 percent of Iraq is a permissive environment with people returning to a normal pace of life, while 20 percent is less permissive with entrenched Saddam loyalists, international terrorists and general lawlessness hindering recovery efforts.

(2) On September 9, Deputy Secretary of Defense John Wolfowitz testified, ". . . the predominantly Shia south [of Iraq] has been stable and I would say far more stable than most pre-war predications would have given you. And the mixed Arab, Turkish, Kurdish north has also been remarkably stable, again, contrary to fears than many of us had that we might face large-scale ethnic conflict."

(3) On September 14, Secretary of State Colin Powell stated, "We see attacks against our coalition on a daily basis . . . but in many parts of the country things are quite secure and stable."

(4) The Coalition Provisional Authority states that a major focus of its security efforts has been to increase Iraqi participation

in and responsibility for a safe and secure Iraq.

(5) On September 14, Secretary of Defense Donald Rumsfeld stated, "90 percent of the people in Iraq are now living in an area that's governed by a city council, or a village council."

(6) The Coalition Provisional Authority reports that 60,000 Iraqis are now assisting in security, including 46,000 Iraqi police nationwide.

(7) Of the 160,000 coalition military personnel serving in Iraq, 20,000 are comprised of non-U.S. forces.

(b) REPORT.—Beginning 30 days after the enactment of this Act, the President or his designee shall submit a monthly report to Congress detailing—

(1) the areas of Iraq determined to be largely secure and stable; and

(2) the extent to which U.S. troops have been replaced by non-U.S. coalition forces, U.N. forces, or Iraqi forces in the areas determined to be largely secure and stable under this subsection.

SA 1845. Mrs. BOXER (for herself, Mr. SCHUMER, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 20 and 21, insert the following:

TITLE III—HOMELAND SECURITY
DEPARTMENT OF HOMELAND SECURITY
SCIENCE AND TECHNOLOGY, RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS

For necessary expenses for science and technology research, development, acquisition, and operations of the Department of Homeland Security, as authorized by sections 302, 307, and 308 of the Homeland Security Act of 2002 (6 U.S.C. 182, 187, 188), $653,000,000, to remain available until expended to carry out the provisions of section 3001.

(RESCISSION)

The amount appropriated by chapter 2 of title II under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT" under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND" is hereby reduced by $653,000,000, with the amount of the reduction to be allocated so that—

(1) the amount available for security, national security, and justice is reduced by $300,000,000, with the amount of reduction to be allocated to amounts available for the construction of two prisons;

(2) the amount available for public works is reduced by $253,000,000, with the amount of the reduction to be allocated to amounts available for the procurement of 40 trash trucks; and

(3) the amount available for housing and construction is reduced by $100,000,000, with the amount of the reduction to be allocated to amounts available for the construction of seven new housing communities.

SEC. 3001. (a) INSTALLATION OF ANTI-MISSILE COUNTERMEASURE DEVICES IN COMMERCIAL AIRCRAFT.—Of the amount appropriated by this title under the heading "DEPARTMENT OF HOMELAND SECURITY" under the heading "SCIENCE AND TECHNOLOGY, RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS", $653,000,000 shall be available to the Secretary of Homeland Security for the purchase and installation of anti-missile countermeasure devices in not less than 300 commercial aircraft selected by the Secretary for purposes of this section.

(b) SELECTION OF COMMERCIAL AIRCRAFT.—In selecting commercial aircraft for purposes of this section, the Secretary shall give a priority to commercial aircraft in long-range international service that are enrolled in the Civil Reserve Air Fleet.

(c) DEADLINES.—(1) The Secretary shall award a contract for the purchase and installation of anti-missile countermeasure devices in commercial aircraft under this section not later than 90 days after the date of the enactment of this Act.

(2) The contract awarded under paragraph (1) shall provide for the completion of the purchase and installation of anti-missile countermeasure devices in commercial aircraft under this section not later than 28 months after the date of the enactment of this Act.

(d) COORDINATION.—The Secretary of Homeland Security shall carry out this section in coordination with the Secretary of Defense and the Secretary of Transportation.

(e) ANTI-MISSILE COUNTERMEASURE DEVICE DEFINED.—In this section, the term "anti-missile countermeasure device" means any electronic system, as identified by the Secretary of Homeland Security, that automatically—

(1) identifies the threat to an aircraft of an incoming missile or other ordnance;

(2) detects the source of the threat; and

(3) disrupts the guidance system of the missile or ordnance so as to divert the course of the missile or ordnance and prevent its impact with the aircraft.

SA 1846. Mr. BYRD (for himself, Mr. LEVIN, Mr. REED, Mr. CORZINE, Mr. LEAHY, Mr. DORGAN, Mrs. CLINTON, Ms. LANDRIEU, Mr. JEFFORDS, and Mr. LIEBERMAN) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. 2309. (a) REPORTS OF COALITION PROVISIONAL AUTHORITY.—Not later than January 1, 2004, and every 90 days thereafter, the Administrator of the Coalition Provisional Authority (CPA) shall submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a report on all obligations, expenditures, and revenues associated with reconstruction, rehabilitation, and security activities in Iraq during the preceding 90 days, including the following:

(1) Obligations and expenditures of appropriated funds.

(2) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Iraq, together with the estimate of the Authority of the costs to complete each project and each program.

(3) Revenues attributable to or consisting of funds provided by foreign nations or international organizations, and any obligations or expenditures of such revenues.

(4) Revenues attributable to or consisting of foreign assets seized or frozen, and any obligations or expenditures of such revenues.

(5) Operating expenses of the Authority and of any other agencies or entities receiving funds appropriated by title.

(b) COMPTROLLER GENERAL AUDIT, INVESTIGATIONS, AND REPORTS.—(1) The Comptroller General of the United States shall conduct an on-going audit of the Coalition Provisional Authority, and may conduct such additional investigations as the Comptroller General, in consultation with the Committees on Appropriations considers appropriate, to evaluate the reconstruction, rehabilitation, and security activities in Iraq.

(2) In conducting the audit and any investigations under paragraph (1), the Comptroller General shall have access to any information and records created or maintained by the Authority, or by any other entity receiving appropriated funds for reconstruction, rehabilitation, or security activities in Iraq, that the Comptroller General considers appropriate to conduct the audit or investigations.

(3) Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a report on the audit and any investigations conducted under paragraph (1). The report shall include information as follows:

(A) A detailed description of the organization and authorities of the Authority.

(B) A detailed description of the relationship between the Authority and other Federal agencies, including the Department of Defense, the Department of State, the Executive Office of the President, and the National Security Council.

(C) A detailed description of the extent of the use of private contractors to assist in Authority operations and to carry out reconstruction, rehabilitation, or security activities in Iraq, including an assessment of—

(i) the nature of the contract vehicles used to perform the work, including the extent of competition used in entering into the contracts and the amount of profit provided in the contracts;

(ii) the nature of the task orders or other work orders used to perform the work, including the extent to which performance-based, cost-based, and fixed-price task orders were used;

(iii) the reasonableness of the rates charged by such contractors, including an assessment of the impact on rates of a greater reliance on Iraqi labor or other possible sources of supply;

(iv) the extent to which such contractors performed work themselves and, to the extent that subcontractors were utilized, how such subcontractors were selected; and

(v) the extent to which the Authority or such contractors relied upon consultants to assist in projects or programs, the amount paid for such consulting services, and whether such consulting services were obtained pursuant to full and open competition.

(D) A detailed description of the measures adopted by the Authority and other Federal agencies to monitor and prevent waste, fraud, and abuse in the expenditure of appropriated funds in the carrying out of reconstruction, rehabilitation, and security activities in Iraq.

(E) A certification by the Comptroller General as to whether or not the Comptroller General had adequate access to relevant information to make informed judgments on the matters covered by the report.

(4) The Comptroller General shall from time to time submit to the Committees on Appropriations and Armed Services of the

Senate and the House of Representatives a supplemental report on the audit, and any further investigations, conducted under paragraph (1). Each such report shall include such updates of the previous reports under this subsection as the Comptroller General considers appropriate to keep Congress fully and currently apprised on the reconstruction, rehabilitation, and security activities in Iraq.

SA 1847. Mr. FEINGOLD proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 22, between lines 12 and 13, insert the following:

SEC. 316. (a) Of the amounts appropriated by chapter 1 of this title under the heading "OPERATION AND MAINTENANCE, ARMY" and available for the operating expenses of the Coalition Provisional Authority (CPA), $10,000,000 shall be available for the establishment of the Office of the Inspector General of the Coalition Provisional Authority and for related operating expenses of the Office.

(b) The Office of the Inspector General of the Coalition Provisional Authority shall be established not later than 30 days after the date of the enactment of this Act.

(c)(1) The head of the Office of the Inspector General of the Coalition Provisional Authority shall be the Inspector General of the Coalition Provisional Authority.

(2) The Inspector General shall be appointed by the President in accordance with, and shall otherwise be subject to the provisions of, section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), except that the person nominated for appointment as Inspector General may assume the duties of the office on an acting basis pending the advice and consent of the Senate.

(3) The Inspector General shall have the duties, responsibilities, and authorities of inspectors general under the Inspector General Act of 1978. In carrying out such duties, responsibilities, and authorities, the Inspector General shall coordinate with, and receive the cooperation of, the Inspector General of the Department of Defense.

(d)(1) Except as provided in paragraph (2), not later than 75 days after the date of the enactment of this Act, and every 10 days thereafter, the Inspector General of the Coalition Provisional Authority shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report that sets forth—

(A) an assessment of the financial controls of the Coalition Provisional Authority;

(B) a description of any financial irregularities that may have occurred in the activities of the Authority;

(C) a description of—

(i) any irregularities relating to the administration of laws providing for full and open competition in contracting (as defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))); and

(ii) any other irregularities related to procurement;

(D) a description of any actions taken by the Inspector General to improve such financial controls or address such financial irregularities;

(E) a description of the programmatic goals of the Coalition Provisional Authority; and

(F) an assessment of the performance of the Coalition Provisional Authority, including progress made by the Coalition Provisional Authority in facilitating a transition to levels of security, stability, and self-government in Iraq sufficient to make the presence of the Coalition Provisional Authority no longer necessary.

(2) The Inspector General of the Department of Defense shall prepare and submit the reports otherwise required to be submitted by the Inspector General of the Coalition Provisional Authority under paragraph (1) until the earlier of—

(A) the date that is 150 days after the date of the enactment of this Act; or

(B) the date on which a determination is made by the Inspector General of the Coalition Provisional Authority that the Office of the Inspector General of the Coalition Provisional Authority is capable of preparing timely, accurate, and complete reports in compliance with the requirements under paragraph (1).

(3) The reports under this subsection are in addition to the semiannual reports required of the Inspector General by section 5 of the Inspector General Act of 1978 and any other reports required of the Inspector General by law.

(4) The Inspector General of the Coalition Provisional Authority (or the Inspector General of the Department of Defense, as applicable) shall publish each report under this subsection on the Internet website of the Coalition Provisional Authority.

(e) The Office of the Inspector General of the Coalition Provisional Authority shall terminate on the first day that both of the following conditions have been met:

(1) the Coalition Provisional Authority has transferred responsibility for governing Iraq to an indigenous Iraqi government; and

(2) a United States mission to Iraq, under the direction and guidance of the Secretary of State, has undertaken to perform the responsibility for administering United States assistance efforts in Iraq.

SA 1848. Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mrs. CLINTON, Mrs. MURRAY, Mr. DURBIN, and Mr. JOHNSON) submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike section 2309 and insert the following:

SEC. 2309. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR RELIEF AND RECONSTRUCTION IN IRAQ PENDING DETERMINATIONS BY THE PRESIDENT.—Notwithstanding any other provision of this Act, of the amount appropriated by this title under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND"—

(1) $6,770,000,000 shall be available 120 days after the date of the enactment of this Act, but only if the President determines under subsection (b)(1) that the objectives and associated deadlines referred to in that subsection have been substantially met; and

(2) $6,770,000,000 shall be available 240 days after the date of the enactment of this Act, but only if the President determines under subsection (b)(2) that the objectives and associated deadlines referred to in that subsection have been substantially met.

(b) DETERMINATIONS.—(1) Not later than 120 days after the date of the enactment of this Act, the President shall determine whether or not the objectives, and associated deadlines, for relief and reconstruction efforts in Iraq, as specified in the report under subsection (c), have been substantially met.

(2) Not later than 240 days after the date of the enactment of this Act, the President shall determine whether or not the objectives, and associated deadlines, for relief and reconstruction efforts in Iraq, as specified in the most current report under subsection (d), have been substantially met.

(c) INITIAL REPORT ON RELIEF AND RECONSTRUCTION.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report on the United States strategy for activities related to post-conflict security, humanitarian assistance, governance, and reconstruction to be undertaken as a result of Operation Iraqi Freedom. The report shall include information on the following:

(1) The distribution of duties and responsibilities regarding such activities among the agencies of the United States Government, including the Department of State, the United States Agency for International Development, and the Department of Defense.

(2) A plan describing the roles and responsibilities of foreign governments and international organizations, including the United Nations, in carrying out such activities.

(3) A strategy for coordinating such activities among the United States Government, foreign governments, and international organizations, including the United Nations.

(4) A strategy for distributing the responsibility for paying costs associated with reconstruction activities in Iraq among the United States Government, foreign governments, and international organizations, including the United Nations, and for actions to be taken by the President to secure increased international participation in peacekeeping and security efforts in Iraq.

(5) A comprehensive strategy for completing the reconstruction of Iraq, estimated timelines for the completion of significant reconstruction milestones, and estimates for Iraqi oil production.

(d) SUBSEQUENT REPORTS ON RELIEF AND RECONSTRUCTION.—(1) Not later than 60 days after the submittal of the report required by subsection (c), and every 60 days thereafter until all funds provided by this title are expended, the President shall submit to Congress a report that includes information as follows:

(A) A list of all activities undertaken related to reconstruction in Iraq, and a corresponding list of the funds obligated in connection with such activities, during the preceding 60 days.

(B) A list of significant activities related to reconstruction in Iraq that the President anticipates initiating during the ensuing 60-day period, including—

(i) the estimated cost of carrying out the proposed activities; and

(ii) the source of the funds that will be used to pay such costs.

(C) Updated strategies, objectives, and timelines if significant changes are proposed regarding matters included in the report required under subsection (c), or in an previous report under this subsection.

(2) Each report under this subsection shall include information on the following:

(A) The expenditures for, and progress made toward, the restoration of basic services in Iraq such as water, electricity, sewer, oil infrastructure, a national police force, and Iraqi army, and judicial systems.

(B) The significant goals intended to be achieved by such expenditures.

(C) The progress made toward securing increased international participation in peacekeeping efforts and in the economic and political reconstruction of Iraq.

(D) The progress made toward securing Iraqi borders.

(E) The progress made toward securing self-government for the Iraqi people and the establishment of a democratically elected government.

(F) The progress made in securing and eliminating munitions caches, unexploded ordinance, and excess military equipment in Iraq.

(G) The measures taken to protect United States troops serving in Iraq, and an estimated schedule of United States troop strengths in Iraq for each ensuring 120-day period.

SA 1849. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 2313. (a) LIMITATION ON AMOUNT OF FUTURE FUNDS AVAILABLE FOR IRAQ RECONSTRUCTION PROGRAMS.—Notwithstanding any other provision of this Act or any other provision of law, the amount appropriated funds that may be obligated and expended for Iraq reconstruction programs may not exceed the current appropriated amount for Iraq reconstruction programs unless—

(1) the President certifies to Congress that the amount of appropriated funds to be so obligated and expended for Iraq reconstruction programs is equal to or exceeded by an amount of contributions from the international community for Iraq reconstruction programs; or

(2) the President—

(A) determines that, notwithstanding the lack of contributions by the international community for Iraq reconstruction program sin an amount described in paragraph (1), the obligation and expenditure of appropriated funds for Iraq reconstruction programs in excess of the current appropriated amount for Iraq reconstruction programs is in the national security interests of the United States; and

(B) submits to Congress a written notification on that determination, including a detailed justification for the determination.

(b) CONSTRUCTION WITH LATER ENACTED PROVISIONS OF LAW.—This section may not be superseded, modified, or repealed except pursuant to a provision of law that makes specific reference to this section.

(c) DEFINITIONS.—In this section:

(1) The term "current appropriated amount for Iraq reconstruction programs" means the aggregate amount appropriated or otherwise made available by this Act, and by any Act enacted before the date of the enactment of this Act, for Iraq reconstruction programs.

(2)(A) the term "Iraq reconstruction programs" means programs to address the infrastructure needs of Iraq, including infrastructure relating to electricity, oil production, public works, water resources, transportation and telecommunications, housing and construction, health care, and private sector development.

(B) The term does not include programs to fund military activities, (Including the establishment of national security forces), public safety (including border enforcement, police, fire, and customs), and justice and civil society development.

SA 1850. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 28, line 15, before the period, insert the following: ": *Provided further*, That each allocated amount under this subheading shall be reduced on a pro rata basis by $2,000,000 (except that no reduction shall result with respect to any amount appropriated for Iraqi border enforcement and enhanced security communications and the amount appropriated for the establishment of an Iraqi national security force and Iraqi Defense Corps), and $2,000,000 shall be made available to the General Accounting Office for an audit of all funds appropriated under this Act, including tracking the expenditure of appropriated funds, a comparison of the amounts appropriated under this Act to the amount actually expended, and a determination of whether the funds appropriated in this Act are expended as intended by Congress".

SA 1851. Mr. REID (for Mr. CORZINE) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 38, between lines 21 and 22, insert the following new section:

SEC. 3001. Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter until December 31, 2007, the President shall submit to each Member of Congress a report on the projected total costs of United States operations in Iraq, including military operations and reconstruction efforts, through fiscal year 2008. The President shall include in each report after the initial report an explanation of any change in the total projected costs since the previous report.

SA 1852. Mr. FEINGOLD (for himself, Mr. WYDEN, Mr. DAYTON, and Mrs. MURRAY) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 38, between lines 20 and 21, insert the following new title:

TITLE III—LEAVE FOR MILITARY FAMILIES

SEC. 3001. SHORT TITLE.

This title may be cited as the "Military Families Leave Act of 2003".

SEC. 3002. GENERAL REQUIREMENTS FOR LEAVE.

(a) ENTITLEMENT TO LEAVE.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) ENTITLEMENT TO LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—

"(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

"(i) on active duty in support of a contingency operation; or

"(ii) notified of an impending call or order to active duty in support of a contingency operation.

"(B) CONDITIONS AND TIME FOR TAKING LEAVE.—An eligible employee shall be entitled to take leave under subparagraph (A)—

"(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

"(ii) only for issues relating to or resulting from such family member's—

"(I) service on active duty in support of a contingency operation; and

"(II) if a member of a reserve component of the Armed Forces—

"(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

"(bb) service on active duty in support of such operation.

"(4) LIMITATION.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.".

(b) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting "or subsection (a)(3)" after "subsection (a)(1)".

(d) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

"(3) NOTICE FOR LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employer as is practicable.".

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

SEC. 3003. LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

"(3)(A) Subject to section 6383(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

"(i) on active duty in support of a contingency operation; or

"(ii) notified of an impending call or order to active duty in support of a contingency operation.

"(B) An eligible employee shall be entitled to take leave under subparagraph (A)—

"(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

"(ii) only for issues relating to or resulting from such family member's—

"(I) service on active duty in support of a contingency operation; and

"(II) if a member of a reserve component of the Armed Forces—

"(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

"(bb) service on active duty in support of such operation.

"(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.".

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting "or subsection (a)(3)" after "subsection (a)(1)".

(d) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

"(3) An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employing agency as is practicable.".

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

SA 1853. Mr. McCAIN (for himself, Mr. BIDEN, and Mr. GRAHAM of South Carolina) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, before the period on line 12, insert the following:

: *Provided further*, not less than $4,000,000 shall be transferred to "Office of the Inspector General" for financial and performance audits of funds apportioned to the Department of Defense from the Iraq Relief and Reconstruction Fund"

On page 24, line 14, insert after "$40,000,000" the following—

"of which not less than $4,000,000 shall be transferred to and merged with "Operating Expenses of the United States Agency for International Development Office of Inspector General" for financial and performance audits of the Iraq Relief and Reconstruction Fund and other assistance to Iraq"

On page 38, after line 20, insert the following:

"Sec. 2313. General Accounting Office review

(a) The Comptroller General of the United States shall—

(1) review the effectiveness of relief and reconstruction activities conducted by the Coalition Provisional Authority (hereafter in this section "CPA") from funds made available under the "Iraq relief and Reconstruction Fund" in this title, including by providing analyses of—

(A) the degree to which the CPA is meeting the relief and reconstruction goals and objectives in the major sectors funded under this title, and is enhancing indigenous capabilities;

(B) compliance by the CPA and the government departments with federal laws governing compeititon in contracting; and

(C) the degree to which the CPA is expending funds economically and efficiently, including through use of local contractors;

(2) report quarterly to the appropriate congressional committees on the results of the review conducted under paragraph (1).

(b) In this section, the term "appropriate congressional committees" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International relations of the House of Representatives.

SA 1854. Mr. DASCHLE proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title II, add the following:

SEC. 2313. (a) LIMITATION ON AMOUNT OF FUTURE FUNDS AVAILABLE FOR IRAQ RECONSTRUCTION PROGRAMS.—Notwithstanding any other provision of this Act or any other provision of law, the amount of appropriated funds that may be obligated and expended for Iraq reconstruction programs may not exceed the current appropriated amount for Iraq reconstruction programs unless—

(1) the President certifies to Congress that the amount of appropriated funds to be so obligated and expended for Iraq reconstruction programs is equal to or exceeded by an amount of contributions from the international community for Iraq reconstruction programs; or

(2) the President—

(A) determines that, notwithstanding the lack of contributions by the international community for Iraq reconstruction programs in an amount described in paragraph (1), the obligation and expenditure of appropriated funds for Iraq reconstruction programs in excess of the current appropriated amount for Iraq reconstruction programs is in the national security interests of the United States; and

(B) submits to Congress a written notification on that determination, including a detailed justification for the determination.

(b) CONSTITUTION WITH LATER ENACTED PROVISIONS OF LAW.—This section may not be superseded, modified, or repealed except pursuant to a provision of law that makes specific reference to this section.

(c) DEFINITIONS.—In this section:

(1) The term "current appropriated amount for Iraq reconstruction programs" means the aggregate amount appropriated or otherwise made available by this Act, and by any Act enacted before the date of the enactment of this Act, for Iraq reconstruction programs.

(2)(A) the term "Iraq reconstruction programs" means programs to address the infrastructure needs of Iraq, including infrastructure relating to electricity, oil production, public works, water resources, transportation and telecommunications, housing and construction, health care, and private sector development.

(B) The term does not include programs to fund military activities, (including the establishment of national security forces), public safety (including border enforcement, police, fire, and customs), and justice and civil society development.

SA 1855. Mr. HARKIN (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 2 and 3, insert the following:

SEC. 3002. (a) The Comptroller General shall conduct studies on the effectiveness and efficiency of the administration and performance of contracts in excess of $40,000,000 that are performed or are to be performed in, or relating to, Iraq and are paid out of funds made available under this Act or the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11). The studies shall specifically examine the profits, administrative overhead, management fees, and related expenditures for the management of subcontracts (and further subcontracting) under any such contract. In conducting studies under this section, the Comptroller General shall have access to any information and records created or maintained by the United States, or by any entity receiving funds for contracts studied under this section that the Comptroller General considers appropriate.

(b) Not later than 6 months after the date of enactment of this Act and again 4 months thereafter, the Comptroller Government shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report that includes—

(1) an evaluation of the studies conducted under this section; and

(2) any recommendations for the improvement of the contracting process for contracts performed or to be performed in Iraq and for contracts generally, including the selection process, contract content, and oversight of the administration and performance of contracts.

SA 1856. Mr. WARNER (for himself, Mr. ALLEN, Mr. SARBANES, Ms. MIKULSKI, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 2 and 3, insert the following:

SEC. 3002. Notwithstanding any other provision of law, the Federal share of the cost of any disaster relief payment made under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for damage caused by Hurricane Isabel shall be 90 percent.

SEC. 3003. Of the funds appropriated by this Act, $500,000,000 shall be available for repair or replacement of Department of Defense infrastructure damaged or destroyed by Hurricane Isabel, related flooding, or other related natural forces.

SEC. 3004. Of the funds appropriated by this Act, $123,000,000 shall be available for repair and restoration of National Parks in areas designated as a disaster area pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for damage caused by Hurricane Isabel.

SEC. 3005. Of the funds appropriated by this Act, $5,000,000 shall be available for repair and replacement of National Aeronautics and Space Administration infrastructure damaged or destroyed by Hurricane Isabel, related flooding, or other related natural forces.

SA 1857. Ms. CANTWELL (for herself, Mr. BINGAMAN, Mr. LEAHY, Mr. JOHNSON, Mr. NELSON of Florida, Mr. GRAHAM of Florida, Mrs. MURRAY, Mr. KENNEDY, Mr. PRYOR, Mr. LAUTENBERG, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, between lines 12 and 13, insert the following:

SEC. 316. (a)(1) In the administration of laws and policies on the period for which members of reserve components of the Armed Forces called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, are deployed outside the United States, the deployment shall be considered to have begun on the first day of the active-duty service to which called or ordered and shall be considered to have ended on the last day of the active-duty service to which called or ordered.

(2) Not later than 45 days before the effective date of a modification, supplementation, or supersedure of a policy referred to in paragraph (1) that would extend the deployment of reserve component members, the Secretary of defense—

(A) shall transmit to Congress and the members of the reserve components a notification of the modified policy, supplemental policy, or superseding policy, as the case may be; and

(B) if the Secretary has received from a member of the reserve components a standing request to notify someone in the member's family or the member's employer (or both) of the new policy extending the member's deployment, shall transmit a notification of such policy to the requested recipient or recipients, as the case may be.

(b)(1) Before a member of a reserve component called or ordered to active duty as described in subsection (a)(1) is deployed outside the United States, the Secretary of defense shall inform such member of the date of expected return from overseas for the member.

(2) Not later than 45 days before a previously announced date of expected return from overseas service for a member referred to in paragraph (1) is postponed, the Secretary of Defense—

(A) shall transmit to Congress and that member a notification of the intent to postpone the member's return from overseas service; and

(B) if the Secretary has received from such member a standing request to notify someone in the member's family or the member's employer (or both) of any postponement of the member's employer (or both) of any postponement of the member's date of expected return from overseas service, shall transmit to the requested recipient or recipients, as the case may be, a notification of the intent to postpone the member's return from overseas service.

(c) The Secretary of defense shall prescribe in regulations a process for members of the reserve components of the Armed Forces to submit to the Secretary standing requests for notifications of family members or employers under subsections (a)(2)(B) and (b)(2)(B).

(d) The Secretary of Defense may waive the requirements of subsection (a) or (b) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

SA 1858. Mr. NELSON of Florida proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title II, add the following:

SEC. 2313. Of the amounts appropriated by chapter 2 of this title under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT" under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND", other than amounts available under such heading for security (including public safety requirements, national security, and justice), $10,000,000 shall be available only for the Family Readiness Program of the National Guard.

SA 1859. Mr. REID (for Ms. LANDRIEU) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 38, between lines 20 and 21, insert the following new section:

SEC. 2313. (a) The President shall direct the head of the Coalition Provisional Authority in Iraq, in coordination with the Governing Council of Iraq or a successor governing authority in Iraq, to establish an Iraq Reconstruction Finance Authority. The purpose of the Iraq Reconstruction Finance Authority shall be to obtain financing for the reconstruction of the infrastructure in Iraq by collateralizing the revenue from future sales of oil extracted in Iraq. The Iraq Reconstruction Finance Authority shall obtain financing for the reconstruction of the infrastructure in Iraq through—

(1)(A) issuing securities or other financial instruments; or

(B) obtaining loans on the open market from private banks or international financial institutions; and

(2) to the maximum extent possible, securitizing or collateralizing such securities, instruments, or loans with the revenue from the future sales of oil extracted in Iraq.

(b) It is the policy of the United States that payment of the cost of reconstruction in Iraq, other than payment made with funds made available in this title under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT" or made available by a foreign country or an appropriate international organization, should be the responsibility of the Iraq Reconstruction Finance Authority.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9 a.m., Tuesday, October 28, 2003, in Room 301 Russell Senate Office Building to conduct a confirmation hearing on four Presidential nominees to the Election Assistance Commission.

The nominees are Paul S. DeGregorio (R) of Missouri (2 year term); Gracia M. Hillman (D) of the District of Columbia (2 year term); Deforest "Buster" Soaries (R) of New Jersey (4 year term); and Raymundo Martinez III (D) of Texas (4 year term).

For further information concerning this meeting, please contact Susan Wells at 202–224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 15, 2003, at 9:30 a.m., to conduct a markup of S. 811, the "American Dream Downpayment Act", of S. 300, the "Jackie Robinson Congressional Gold Medal bill." The committee will also vote on the nominations of Mr. Harvey S. Rosen, of New Jersey, and Ms. Kristin J. Forbes, of Massachusetts, to be members of the Council of Economic Advisors; Ms. Julie L. Myers, of Kansas, to be Assistant Secretary of Commerce for Export Enforcement; and Mr. Peter Lichtenbaum, of Virginia, to be Assistant Secretary of Commerce for Export Administration.

Following the votes, the Subcommittee on Securities and Investment will meet in open session to conduct a hearing on "The Future of the Securities Markets."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, October 15, at 9:30 to conduct a business meeting to consider legislation S. 1643, S. 1066, S. 1663, and S. 1669, and the nomination of Michael O. Leavitt, to be Administrator of the U.S. Environmental Protection Agency.

The meeting will take place in SD 406, hearing room.

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, October 15, 2003, at 10 a.m., to hear testimony on "Company Owned Life Insurance."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 15, 2003, at 2 p.m. to hold a hearing on The Middle East Road Map: Overcoming Obstacles to Peace.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, October 15, 2003, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a Hearing on S. 550, the American Indian Probate Reform Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a Judicial Nominations hearing on Wednesday, October 15, 2003, at 10:00 a.m. in the Dirksen Office Building room 226.

Agenda

Panel I: Senators.

Panel II: D. Michael Fisher to be United States Circuit Judge for the Third Circuit.

Panel III: Dale S. Fisher to be United States District Judge for the Central District of California; Gary L. Sharpe to be United States District Judge for the Northern District of New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, October 15, 2003, at 2:00 p.m. on "Indecent Exposure: Oversight of DOJ's Efforts to Protect Pornography's Victims," in the Dirksen Senate Office Building room 226.

Witness List

Panel 1: Mr. John Malcolm, Deputy Assistant Attorney General, Criminal Division, Department of Justice, Washington D.C., Mr. J. Robert Flores, Administrator, Office of Juvenile Justice and Delinquency Prevention, Department of Justice, Washington D.C.; Mr. Lawrence E. Maxwell, Inspector in Charge, Fraud and Dangerous Mail Investigations, United States Postal Inspectors, Washington D.C.; Honorable Mary Beth Buchanan, U.S. Attorney for the Western District of Pennsylvania, Pittsburgh, PA.

Panel 2: Mr. Bruce A. Taylor, President and Chief Counsel, National Law Center for Children and Families, Fairfax, VA; Mr. Victor Cline, Emeritus Professor, University of Utah, Salt Lake City, UT; Mr. Steve Takeshita, Officer in Charge, Pornography Unit, Organized Crime and Vice Division, Los Angeles Police Department, Los Angeles, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, October 15, at 2:30 p.m.

The purpose of the hearing is to receive testimony on S. 943, a bill to authorize the Secretary of the Interior to enter into one or more contracts with the city of Cheyenne, Wyoming, for the storage of water in the Kendrick project; S. 1027 and H.R. 2040, bills to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska; S. 1058, a bill to provide a cost-sharing requirement for the construction of the Arkansas Valley Conduit in the State of Colorado; S. 1071, a bill to authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on a water conservation project within the Arch Hurley Conservancy District in the State of New Mexico, and for other purposes; S. 1307, a bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to assist in the implementation of fish passage and screening facilities at non Federal water projects, and for other purposes; S. 1308, a bill to authorize the Secretary of the Interior to pursue and complete actions related to the implementation of a U.S. District of a U.S. district court consent decree; S. 1355, a bill to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes; S. 1577, a bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming; H.R. 1284, a bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin Demonstration Project; and S. Res. 183, a resolution commemorating 50 years of adjudication under the McCarran amendment of rights to the use of water.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Darcy Zotter, a fellow on Senator HARKIN's staff, be given floor privileges for the duration of the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 243 introduced earlier today by Senator REED of Rhode Island.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 243) designating the week of October 19, 2003, through October 25, 2003, as National Childhood Lead Poisoning Prevention Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, all with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 243) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 243

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the Centers for Disease Control and Prevention, 434,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are 8 times more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 19, 2003, through October 25, 2003, as "National Childhood Lead Poisoning Prevention Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate programs and activities.

TRANSFER OF AUTHORITY TO PUBLIC PRINTER

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3229, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3229) to amend title 44, United States Code, to transfer to the Public Printer the authority over the individuals responsible for preparing indexes on the CONGRESSIONAL RECORD, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BURNS. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3229) was read the third time and passed.

CHECK CLEARING FOR THE 21ST CENTURY ACT—CONFERENCE REPORT

Mr. BURNS. Mr. President, I submit a report of the committee of conference on the bill (H.R. 1474), and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1474), to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the proceedings of the House in the RECORD of October 1, 2003.)

Mr. SARBANES. Mr. President, I support the conference report to the Check Clearing for the 21st Century Act or Check 21 Act. This is an important piece of legislation and a high priority for the Federal Reserve Board. I commend Chairman SHELBY for his leadership on this issue. Senators JOHNSON, CARPER, MILLER and BENNETT also played important roles in developing this legislation. The Check 21 Act enjoys broad bipartisan support. the conference report passed the House of Representatives unanimously on October 9th. Earlier this year both Houses of Congress passed similar bills by unanimous vote.

This legislation is designed to allow banks to use electronic images of checks to expedite check collection and processing. Current law requires a bank that receives a deposited check to physically return the check to the issuing bank unless there is an agreement to provide for alternative presentment. It is important to note that there is no current legal requirement that an issuing bank return the original check to its customer.

The terrorist attacks of September 11, 2001 and the subsequent closure of air traffic by the Federal Aviation Administration exposed a serious weakness in our financial system. The inability of banks to send physical checks for presentment and payment for several days prevented the clearing of close to $50 billion in transactions. This crisis required the Federal Reserve to use extraordinary efforts to prevent a serious disruption in our financial markets.

Under the Check 21 Act, banks will no longer be required to physically transport checks across the nation. Instead, they will be allowed to electronically scan the front and back of each check, create an encrypted, electronic image of each check, and then transmit the images rapidly from one area of the country to another. Consumers who wish to receive copies of their checks for record keeping purposes or who are investigating bank errors or possible fraud may receive printed copies of these electronic images. According to the Federal bank regulatory agencies, they have received few, if any, complaints from bank consumers who currently do not have their original checks returned with their monthly statements and use imaged copies of checks to dispute payments. Moreover, the Check 21 Act will not alter present law requiring banks to maintain copies of checks for seven years.

The widespread adoption of check truncation and electronic imaging will reduce the dependence of the check processing system on transportation and will increase the resiliency of the financial system to terrorist attacks or other unforeseen events. In addition, the banking industry has indicated that the legislation has the potential to make deposited funds available to the consumer more quickly. With increased efficiency through electronic check transmission, banks have also indicated that they will be able to reduce processing time and may be able to more quickly identify check fraud and bank errors. Moreover, in certain cases where a consumer's account is improperly charged, the legislation provides for expedited recrediting of the account.

Important consumer protections were maintained during the development of this check truncation legislation in the Senate. I appreciate Chairman SHELBY's responsiveness to many of my concerns regarding consumer protections and ensuring that consumers enjoy some of the benefits of the legislation. I am also pleased that the House Conferees agreed to incorporate the Senate's consumer protection provisions in the Conference Report.

First, the conference report contains statutory language clarifying that the comparative negligence language in the bill is not intended to reduce the rights of consumers under the Uniform Commercial Code or other applicable state or federal law. The report language in the Senate bill further clarifies that in the absence of fraud or bad faith, the comparative negligence provisions would generally not be applicable to consumer check users.

Second, the Check 21 Act establishes, for the first time, the right of expedited recredit for improper check charges to a consumer's bank account. Pursuant to Section 7 of the legislation, certain consumers are given a right to expedited recredit within 10 days for the amount of a substitute check—under $2,500—that is improperly charged to the consumer's account. Current check law does not mandate a time frame for resolving consumer complaints. A consumer will have 40 days to make a claim after the financial institution mails the periodic statement or makes the substitute check available. Under extenuating circumstances, the financial institution must extend the period for filing a claim by a reasonable amount of time.

Section 7 states that the time for action begins when the financial institutions mails or delivers, by any means agreed to by the consumer, the periodic statement, or the date on which the substitute check is made available to the consumer and Section 12 permits notices to be sent to a consumer by any means agreed to by the consumer. However, this Act does not address how the agreement referred to in sections 7 or 12 may occur. That topic is covered by the Electronic Signatures in Global and National Commerce Act.

Third, the conference report contains a Federal Reserve study on the appropriateness of the time frame and monetary threshold for expedited funds availability. This provision requires the Fed to re-evaluate current practices and may lead to the reduction in the amount of time a bank may hold a deposited check before making the funds available to the consumer.

Lastly, the conference report contains a General Accounting Office study to evaluate an assessment of consumer acceptance of the check truncation process, including whether consumers who were receiving returned checks prior to the enactment of this legislation incurred any new costs; and estimate of the gains in efficiencies made possible by this Act; and a determination of consumers' share of total benefits derived from this Act.

I also want to take a moment to recognize those members of the Banking Committee staff who devoted so many hours to crafting this important and comprehensive legislation. On my staff: Patience Singleton and Aaron Klein and on the staff of Chairman SHELBY: Peggy Kuhn and Doug Nappi.

I look forward to monitoring the implementation of the Check 21 act by the Federal Reserve and the banking industry to ensure that consumers benefit from this legislation.

Mr. BURNS. I ask unanimous consent that the conference report be adopted and the statements relating to the conference report be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

ORDERS FOR THURSDAY, OCTOBER 16, 2003

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, October 16. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of Senator HUTCHISON or her designee and the second 30 minutes under the control of the minority leader or his designee, provided that following morning business, the Senate resume consideration of S. 1689, the Iraq-Afghanistan supplemental appropriations bill.

I further ask that amendment No. 1818 then be the pending business.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, is amendment No. 1818 the Byrd amendment?

The PRESIDING OFFICER. It is.

Without objection, it is so ordered.

MIKE MANSFIELD BIOGRAPHY

Mr. REID. If I could, I want to say on the record here I badly wanted to go to a reception held tonight right across the hall, sponsored by the acting minority leader, Senator BAUCUS, and Congressman REHBERG, because they were going to, at that time, release the biography of one of my favorite Senators of all time, Senator Mansfield.

I apologize to the delegation from Montana for being unable to be there, but we were here on the floor. I do hope the book is a success. If the author of that biography is able to capture even a little bit of the history of this great man, it will be a wonderful book to read, and I am sorry I missed it.

PROGRAM

Mr. BURNS. Mr. President, for the information of all Senators, on Thursday, following morning business, the Senate will resume consideration of Iraq-Afghanistan supplemental appropriations bill. Tomorrow morning the Senate will resume debate on Senator BYRD's amendment No. 1818. It is hoped that we can begin voting on the pending amendments and any other offered amendments at an early time tomorrow morning.

Earlier tonight the Senate agreed to a limited list of amendments. Therefore, Senators should notify the managers if they intend to offer an amendment from that list.

Senators should expect rollcall votes throughout the day and into the evening tomorrow in relation to amendments to the Iraq-Afghanistan appropriations bill.

I want to put a footnote here. I did attend the reception for Senator Mansfield. He was a man of few words. He knew the weight of a word. I was also in the press corps in Montana when he served in this body. I tell you, if the producer told you to fill 5 minutes, it would take 30 questions to do it.

He shall be missed by the State of Montana. He is missed by this country. Now he belongs to history, and that is the way it is supposed to be.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BURNS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:51 p.m., adjourned until Thursday, October 16, 2003, at 9:30 a.m.

NOMINATIONS

EXECUTIVE NOMINATION RECEIVED BY THE SENATE OCTOBER 15, 2003:

DEPARTMENT OF STATE

MARGUERITA DIANNE RAGSDALE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF DJIBOUTI.

HOUSE OF REPRESENTATIVES—*Wednesday, October 15, 2003*

The House met at 1 p.m.

The Reverend Ralph Clay, Christ's Community Church, Portsmouth, Ohio, offered the following prayer:

Dear God, we have gathered here today to seek Your wisdom and guidance as the House convenes. I pray for President Bush as he leads this great country. Give him the strength and courage necessary to perform the duties of his office. Thank You, almighty God, for the blessing of living in a free Nation. May we always be grateful for freedom. May our citizens know peace. May our hurting know compassion. May our leaders discern between good and evil and have the courage to stand for that which is good.

Almighty God, unify us, protect us, and cause us to trust in You with all our hearts.

Bless this House today as they carry out the responsibility of governing this great country, the United States of America. This I pray, amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. PORTMAN) come forward and lead the House in the Pledge of Allegiance.

Mr. PORTMAN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill and a joint resolution of the following titles in which the concurrence of the House is requested:

S. 1053. An act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S.J. Res. 18. Joint resolution commending the Inspectors General for their efforts to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government during the past 25 years.

WELCOME TO PASTOR RALPH CLAY

(Mr. PORTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTMAN. Mr. Speaker, I rise to welcome our guest pastor today, Pastor Ralph Clay. We are very thankful for his presence and for his humble ministry to God.

Pastor Clay joins us today from Christ Community Church in Portsmouth, Ohio. Pastor Clay is a respected faith leader there and also a respected community leader who has made life better for those living in Portsmouth, Ohio, and the surrounding areas. In fact, I just learned this past weekend Pastor Clay and Christ Community Church made life a lot easier for single parents, regardless of whether they were members of his church or not. They offered a variety of free services from financial counseling and diabetes screening to oil changes for single parents, and they had a great response.

As an ordained minister for 38 years and a gospel singer since age 6, and I have heard his voice and it is beautiful; he has been active in his community his entire life. He has been involved with the local housing authority, the public library, the inner-city development corporation, and is a member of the Pastoral Care at Southern Ohio Medical Center.

Pastor Clay has been married to his wonderful wife, Marilyn, who is with us today, for 39 years. They have four children and two grandchildren. He is an outstanding family man, minister, and member of his community. It was humbling for all of us, I know, to hear his inspired message this afternoon in this historic Chamber.

Thank you, Reverend Clay, for joining us.

PERMISSION FOR MEMBER AT ANY TIME ON OCTOBER 15, 2003, TO ADDRESS THE HOUSE FOR 30 MINUTES

Mr. WILSON of South Carolina. Mr. Speaker, I ask unanimous consent that at any time on the legislative day of October 15, 2003, the gentleman from California (Mr. LEWIS) may be recognized to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PERMISSION FOR MEMBER AT ANY TIME ON OCTOBER 15, 2003, TO ADDRESS THE HOUSE FOR 30 MINUTES

Mr. WILSON of South Carolina. Mr. Speaker, I ask unanimous consent that at any time on the legislative day of October 15, 2003, the gentleman from Wisconsin (Mr. OBEY) may be recognized to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

LIMITING PERIOD OF DEBATE TIME UNDER THE ORDER OF THE HOUSE OF TUESDAY, OCTOBER 14, 2003

Mr. WILSON of South Carolina. Mr. Speaker, I ask unanimous consent that the period of debate on emergency supplemental appropriations under the order of the House of October 14, 2003, be limited to 5 hours, divided equally and controlled by the chairman and ranking minority member of the Committee on Appropriations or their designees.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was objection.

BUILDING MOMENTUM

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, since the first days after 9-11, President Bush has made two points very clear in his vision for American security: first, that the top priority of his administration is to defend our Nation and free nations everywhere by declaring and winning a war against global terror; and, second, that this war on terror is unlike any conflict in history, fought simultaneously on economic, military, and diplomatic fronts around the world.

In the last 2 weeks, good news has emerged in several of these sectors. First of all, American businesses created 57,000 jobs last month, strengthening our economy and putting paychecks back into our people's hands. Our national security is dependent on the creation of even more jobs and economic growth so that we can afford to meet the ever-changing challenges on the war on terror. That is why President Bush's tax relief has proven so

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

vital and why proposals to raise new taxes are so dangerous.

Even as the economy rebounds here at home, we have got to keep military, diplomatic, and economic pressure on terrorists around the world.

So this week, after 2 weeks of hearings, the House will take up the President's supplemental war budget to pay for our ongoing military and democracy-building efforts in Iraq and Afghanistan. We are also committed to keeping up the diplomatic pressure on states that harbor and assist the terrorists.themselves.

Toward that end, today the House will also take up the Syria Accountability and Lebanese Sovereignty Restoration Act. This bill, which is cosponsored by 260 Members, identifies Syria's continued actions assisting international terrorism and lays out potential sanctions against Syria for such activity.

All three of these items, Mr. Speaker, the growing economic recovery, the supplemental war budget, and the Syrian accountability bill, are interrelated and, as they move forward, will continue to build America's momentum in the war on terror. That momentum will continue to forge prosperity and security for the American people and, in turn, create peace around the world.

NOT THAT MUCH GOOD NEWS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think that there is not that much good news. We will begin today a process of deliberating on the $87 billion that this administration has asked this Congress to decide on. As those who take a loyal oath to this Nation, we will do our very best to make decisions on behalf of the American people.

But there is not good news in Iraq. Our young soldiers are confronted with sniper shooting and landmines. There is not good news amongst their families when National Guardsmen and Reservists are not getting the fullest pay that they need to have. There is not good news when our soldiers do not have a time certain or do not have an opportunity to rotate out, as we have known to happen in past operations.

I had the opportunity to meet with these young people. These are young people who are fighting on the frontlines who have taken an oath, who believe in this country. I think it is our obligation as we debate this supplemental, the largest supplemental in the history of this Nation, that we deliberate over a period of days, not 48 hours, and ensure that the American people know that when we vote on the supplemental, it is not for the brass, it is not for corporations, but it is for our children, the young men and women who are on the frontline. I believe that the vote should be delayed so that we can do what is good for those young people.

WELCOMING THE BULGARIAN SPEAKER TO U.S. CAPITOL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today America welcomes to Washington the Speaker of Bulgaria's National Assembly, Ognian Gerdjikov. Tomorrow morning, the Speakers of our two democracies will meet for the first time in history. The Bulgarian Speaker and the United States Speaker of the House, the gentleman from Illinois (Mr. HASTERT), will meet here in the Capitol. Additionally, Speaker Gerdjikov will meet with our majority leader, the gentleman from Texas (Mr. DELAY).

Bulgaria has become a great friend and ally to America, emerging from totalitarian communism to recognizing 100 years of diplomatic relations with the United States and, now, unwavering partnership in the war on terrorism. To commemorate the 100th anniversary of diplomatic relations, their country has produced this beautiful medal indicating how significant it is, this friendship with America.

I ask all of my colleagues to join me in welcoming the Bulgarian Speaker and other members of the National Assembly to the United States Capitol. This indicates the growing significance of the Bulgarian-American friendship.

In conclusion, God bless our troops.

TROUBLING CIRCUMSTANCES SURROUNDING WAR SUPPLEMENTAL

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, like many of my colleagues, I am troubled about the supplemental which is to come before us today. Like all of us, I wish to support our troops. But I am troubled about the fact that there have been no legislative hearings on this matter and that the authorizing committees have not spoken. I am troubled about mixing defense and reconstruction. I am troubled about the way that this matter has been handled up to this particular time and about the way the administration has used the military to handle the reconstruction, which was not done in the time after World War II.

I am troubled about the need for audits. I am troubled about the fact that we have here no protection against sole-source and contracts not subject to bidding. I am troubled about the buying of non-American goods by the agencies in charge of these things. I am troubled about the postal reform that we are going to be financing, or the building of the ZIP code for Iraq. Neither is an emergency need for Iraq.

Why are we funding two prisons at $50,000 a bed. I would suspect that Iraqis might very well decide it would be useful either to shoot Americans or Iraqis just to get into a prison of that luxurious quality. I would note that pickup trucks at $33,000 a piece or trash trucks at $50,000 tend to be something that looks fine to the Iraqis, but I think not so well to the American taxpayers who are going to be footing the bill and giving up programs needed here at home for our people.

SUPPORT RESOLUTION HONORING BERNICE JONES

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, today I am introducing a resolution honoring the memory of Mrs. Bernice Jones of Springdale, Arkansas. She passed away on September 10, 2003.

Mrs. Jones married her husband, Harvey, in 1938. Together they established Jones Truck Lines, Incorporated, which became the largest privately owned trucking line in the United States. In 1980, after selling the company, Harvey and Bernice Jones made it their mission to foster the growth of their community.

Over the years, the Joneses were instrumental in the development of many facilities which improved the quality of life for all Arkansans. A few examples are the Harvey and Bernice Jones Eye Institute and the Jones Center for Families. Even after Harvey's death, Bernice continued to donate millions of dollars to educational pursuits throughout Arkansas.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Jones and for the timely passage of this resolution.

□ 1315

SUPPLEMENTAL APPROPRIATIONS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.

Mr. DEFAZIO. Mr. Speaker, today Congress will begin the debate on borrowing $87 billion to continue the conflict in Iraq and build that country. Not rebuild it, build it. It is not for war damage; it is a vision of people in the Bush administration of the needs of the Iraqis, which apparently exceed the needs of Americans when it comes to clean water. They are appalled that they have open water systems; we have open water systems in the U.S. They are appalled that the port does not have state-of-the-art cranes. Well, we have got a lot of cranes missing from ports in the United States.

Then the most outrageous thing is somehow we have troops over there without ceramic body armor. Despite the fact, we appropriated $79 billion earlier this year, $300 million to buy $27 million worth of vests. There was a nearly $400 billion Pentagon budget; could not find the $23 million there. Now, we are told they need another $300 million to buy $23 million worth of vests. How many times are we going to buy these things? What is going on?

When are the troops going to get the equipment they need? Billions and billions for contractors, for Pentagon procurement, but the troops do not have the basics. There is something very wrong with this picture.

MAKING $18.6 BILLION OF SUPPLEMENTAL APPROPRIATIONS A LOAN

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, today we will be considering the $87 billion supplemental that was just referred to. Sixty-six billion dollars of that will go for military aid, and I have no opposition to that at all. I am very supportive of making sure our troops have what they need to come home safely and get their job done. But $18.6 billion of this supplemental is going for a reconstruction plan that will be in the form of grants, of gifts that will never be repaid to the people of the United States.

I will be offering an amendment that will make this $18.6 billion in reconstruction come in the form of loans that will be repaid. That will be ruled out of order. And when it is, I will offer a second amendment, immediately, which will cut $18.6 billion from the supplemental package. This $18.6 billion will be cut specifically from reconstruction.

If my second amendment passes, the administration will quickly return to us with a proposal for $18.6 billion to be in the form of a loan. I would ask my colleagues to join me in saying if we are going to give $18.6 billion to oil rich Iraq, let us get a repayment. Let us make sure our people do not have to bear this burden and our children repay that debt.

REJECT THE RULE ON THE SUPPLEMENTAL APPROPRIATIONS

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, this House should reject the rule on the supplemental unless it allows us to do three things. First, we should be able to vote on an interesting issue. We are told we are providing $87 billion for our troops. Wrong. We are forcing our grandchildren to provide $87 billion for the troops. The House should be allowed to vote on whether we add revenue raisers to this bill, so that we can pay for what we are doing.

Second, we should be allowed to vote on whether to prevent any waiver of the contracting rules, so that we can assure our constituents that all the money is not going to Halliburton in sole-source contracts.

And, finally, as the gentleman from California (Mr. ROHRABACHER) pointed out, we should be allowed to vote on whether this money is going as loans or gifts—the money, that $18.6 billion that is going not to rebuild, but actually to build Iraq. Why is it that we are told that Iraq cannot borrow the money? Because they already have $100 billion in debt. So the question is does Saddam Hussein's debt need to be repaid by American taxpayers.

RECOGNIZING THE STUDENT PARTICIPANTS IN SOUTHWEST FLORIDA'S CONGRESSIONAL CLASSROOM PROGRAM

(Ms. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARRIS. Mr. Speaker, just a few weeks ago, 21 exceptional students from southwest Florida experienced an adventure of a lifetime. As participants in the 13th Congressional Classroom Program, these competitively and independently selected young men and women spent a full week in Washington engaging in unique up-close studies of our Federal Government.

They learned from a bipartisan array of some of the most eminent and experienced leaders in Washington, including the gentleman from Illinois, (Mr. HASTERT), Deputy Secretary Richard Armitage, and C–SPAN founder, Brian Lamb. Later they applied their newfound knowledge in a mock congressional session.

Mr. Speaker, the enthusiasm and zest for the values of this good citizenship that these students displayed was truly remarkable. I thank them for their dedication and inspiration while looking forward to the outstanding contributions that they will make to our society in the future.

TURKISH PARLIAMENT VOTE TO SEND TROOPS TO IRAQ

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, this Member rises to commend the Turkish Grand National Assembly for its decision to approve the deployment of Turkish troops to Iraq to help restore security and stability there.

Last week, the Turkish parliament voted by a nearly 3 to 1 ratio to authorize the government to send troops to Iraq. This was an important and politically courageous step by our fellow parliamentarians in Ankara, one that could help stabilize Iraq, while at the same time helping to repair Turkish-American relations, a strong and positive signal that the Turkish parliament values the Turkish-American alliance and that the vote last winter was an unintended anomaly in our relationship.

This Member is optimistic that this vote marks a return to a normal pattern of cooperation that has marked Turkish-American relations. At the same time, we should recognize it was a courageous vote because many Turkish voters harbor an understandable concern about sending their soldiers on an operation abroad, especially to their neighbor. Yet our Turkish colleagues recognized that international security depends on the stabilization of Iraq, and they have agreed that Turkey should play a role in helping to rebuild its neighbors.

Mr. Speaker, despite the concerns of some Iraqis, the Turkish parliament's decision yesterday is a positive step and I commend them for it.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, 2004

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to the order of the House of today, the gentleman from California (Mr. LEWIS) is recognized for 30 minutes.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have never been more proud to be a Member of the House of Representatives than during a recent trip, when I had the privilege of chairing a delegation of 17 Members who traveled to Iraq, the largest delegation to travel there to this point. And, indeed, it was a delegation made up of liberals, of conservatives, of Democrats, Republicans, of people who voted against the war in the first place, of individuals who supported, very strongly, the President's position in the region. The map is different than the territory, the saying goes.

And one really has to visit this country and see firsthand what has taken place there to get an understanding as to why America has such a vital and important role in the region.

Indeed, it is my view that Iraq can become a model of developing countries within the region, where there is new opportunity for freedom, for enterprise, for democracy, for, in this case, the first time in their history.

Indeed, during our travels, we had a chance to see absolutely the worst of the most significant totalitarian regime to operate in this shrinking world in modern times. Absolutely, this regime carried forward in a fashion that treated its people worse than or just at least as bad as the experience in Nazi Germany, as well as during the reign of Stalin.

To visit the killing fields where you see mounds of dirt, clothing poking out, where relatives had come to try to dig out the bodies of their loved ones who had been murdered at such locations, several such locations, perhaps in the hundreds in Iraq where between half a million and 1.5 million Iraqis were murdered by Saddam Hussein and his henchmen, to have the experience to see firsthand what has happened over these past 35 years to their infrastructure, utility plants. We visited one location where there were four stacks, two of them operating, but inside you could see the deterioration. I mean, literally, grime everywhere, steam flowing that should not have been flowing, basic infrastructure that had been ignored.

Iraq is fundamentally a very wealthy country, a country that has agricultural potential that would cause it to rival any country in their region. A fabulous people of great intellect and educational background, an oil reserve that has huge potential, that too, for one reason or another, to my astonishment, Saddam Hussein allowed to deteriorate. So at this point, this country with potential is burdened by a huge debt, made largely by our friends like Germany and France, who we hope, sometime in the near term, will consider forgiving much of that debt so that Iraq has a chance to get back on track.

Indeed, it is critical for us to recognize that the supplemental that is before us later today involves some $65 billion to support our troops in Iraq, in Afghanistan, and elsewhere.

The balance of the $87 billion package, some $18.5 billion, is to give direct assistance for the reconstruction of this Iraq. It is the chance to provide a democratic opportunity as well as economic opportunity for these people who have been under such burden for so long.

. Mr. Speaker, I yield 6 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, first of all, I want to commend the gentleman from California (Mr. LEWIS) and the other Members who joined us on this trip, the gentleman from Texas (Mr. BONILLA), the gentleman from New York (Mr. WALSH), who are also the subcommittee chairs on the House Committee on Appropriations. We had an outstanding group.

It was a tough trip. We flew into Amman, Jordan, and the next morning went in on a C–130, an old C–130, I think it was a 1962 vintage, and landed in a kind of military landing at Baghdad International Airport.

We had a chance then to be briefed by Mr. Bremer's people. Mr. Bremer had actually briefed us here in the country. General Sanchez gave us a good rundown on what was going on. As the gentleman from California (Mr. LEWIS) mentioned, we went south to look at an area where somewhere between 300,000 and 1 million Iraqis had been murdered. And it was a very sobering experience. And we actually talked to people who had witnessed with their own eyes the killing of these people.

The next day we went north to Mosul, met with General Petraeus, had a chance to see his good work with the 101st Airborne. And we also visited a hospital that day and a power plant, which the gentleman from California (Mr. LEWIS) had just mentioned. And in all these instances, we were stunned to see how run down the facilities were in the country. Saddam Hussein had spent his money on palaces and on the military and had let his country deteriorate.

We had a chance to talk to a number of Iraqis, and, also, we had to recognize that there was a major security problem and one that we have to continue to deal with. There has been a lot of debate here in the Congress in both bodies about loans versus grants, but the consensus of our group, the 17 Members that made this trip, was that we came away feeling that if we were going to set an example for the rest of the world, we have to step up here because the security of our troops are directly related to the ability to get this moving, to get the electric energy producing at a higher rate, to restore the oil producing facilities. All of this depends on an investment by the United States.

And Iraq already has $100 billion of debt to other countries. And it was run up by Saddam Hussein. And reparations are being demanded by other countries including Bahrain and Kuwait.

In the Committee on Appropriations, we had an overwhelming majority in favor of not only funding the military operations both in Iraq and Afghanistan, but also to do the economic work that is so essential to build the trust with the Iraqi people. And it is interesting when you talk to and read some of the articles, the reason that these people are cooperating with the United States is they see the fact that we are there trying to help their country.

Up in the north, for example, Saddam Hussein's two sons were captured by a tip from a person who had been working and cooperating with the 101st Airborne with General Petraeus' people.

□ 1330

And I believe that if we can continue to build this relationship and work with these people, we can get this security situation under control. Clearly, that is not the case as we speak here today. The security situation is still very dangerous inside the country.

We had a chance to be briefed on the improvised explosive devices, the other tactics being used by the people who are part of the former Baath Party, former members of Saddam's regime. There may be, who knows, 5,000, 10,000 of these people still opposed to the United States and to our coalition; and we need to have a good effort there with our intelligence community and with our Special Forces to go after those people inside the country.

Again, it is the cooperation of the Iraqi people in giving us tips, letting us know who the bad guys are, letting us know where the safe houses are where these people are being protected by others. And I believe if we are going to be successful and we get our children home, if we are going to get them home in the near future, we have to build this relationship, and we have to help them develop their country, develop their democracy. And then they in turn can help us resolve the security issues.

We are training police as we speak. We are training people to be able to go back into their own militia so they can defend and protect their own country. So I think that we are making a significant amount of progress.

Ambassador Bremer is doing a good job, but he needs the resources. And also if we are going to ask the rest of the world to make grants, the Japanese, the Germans, the Brits, how can we do that if we are going to say we are going to loan them the money? Frankly, there is no one to loan the money to at this point. And I would doubt that they could repay the money under any circumstance. So it would be a grant, but we would be making a very nondirect and dishonest statement to the American people.

Again, I said I wanted to commend the chairman and all the Members who went. We had a chance to see what is happening there. I recommend to the Members of the House to go and see for themselves. We are making progress. Security is still an issue; but things are getting better, and they are certainly moving in the right direction. And we need the support of the funding for the troops and to reconstruct Iraq.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I want to empathize that this trip by the congressional delegation was historic. It was a bipartisan trip; and I congratulate my colleague, the gentleman from California (Mr. LEWIS), for putting this incredible group together. It was a large group and it reached across the political spectrum.

All of these Members were taking this situation in Iraq very seriously and they were seeking the truth about Iraq. We were all choosing not to just get our information from news media reports that appear each night on the networks or from some of the major newspapers that only take snippets of what is actually happening in Iraq.

The truth we discovered was that the 31-member coalition has a solid grip, a real plan on improving and stabilizing a free Iraq by helping rebuild the infrastructure, establishing border security, and also trying to help build a new military for Iraq that would be on our side and would fight side by side with us, Iraqis working with us to create a country that is no longer an outlaw nation and no longer led by a rogue dictator in Iraq.

This is important to the safety of our people. And I think the strongest message we have for anyone out there who is mulling this issue over in their mind is this is about creating a safer world, about a safer country, about fighting the war on terrorism in Iraq and winning, because ultimately it will eliminate this haven and this opportunity for terrorists to thrive in that part of the world.

I was so impressed that the delegation came back, again, in a bipartisan way and reached the same conclusion. The conclusion says we must win this war on terrorism in Iraq and we must stand with our State Department, with our military, with Mr. Bremer, the administrator who is doing an incredible job in Iraq. We must win this effort. And, again, this is a bipartisan effort that we feel very strongly about, and we will be debating this in the next day as we approve the funds that are necessary to complete this mission.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from San Diego, California (Mrs. DAVIS of California).

Mrs. DAVIS of California. Mr. Speaker, I wanted to thank the gentleman from California (Mr. LEWIS), and I wanted to thank him particularly for his leadership on this trip.

Mr. Speaker, I rise in reluctant support of the supplemental appropriations. Had I not been to Iraq and seen for myself the extent of their needs, I may not have supported it. But I cannot begin to describe the images there of Third World conditions in hospitals, the decay of infrastructure, the lack of drinkable water, the pervasive sense of insecurity and more.

Mr. Speaker, I opposed our unilateral invasion, but now I see that as liberators and occupiers we face an overwhelming challenge to craft the environment that will allow the Iraqis to create a viable future by drawing both on their innate and natural resources.

As I spoke to several of our commanders in the field, it became clear that the needs of the military for better force protection and the need to fund major infrastructure projects are linked. And, in fact, security and reconstruction are inseparable. To be sure, as conditions for Iraqis improve, it will impede the efforts by militant forces to recruit young men and destabilize the country. And also better living conditions will increase trust and motivate more Iraqis to provide friendship to security forces. However, we cannot continue to go it alone.

A recent RAND report states what we all know: Building a democracy, a strong economy and long-term legitimacy depends on striking the balance between international burden-sharing and unity of command. The U.S. cannot generate the required resources and endurance relying principally on the limited coalition that fought the war.

The U.S. portion of the cost should be a sacrifice shared equally among all Americans, including the wealthiest. Now it is our military and their families who bear the burden and face the ultimate sacrifice. That is why I will support an amendment to help fund this effort by freezing the tax brackets for upper incomes.

Further, had the Committee on Appropriations not adopted the accountability measures offered by the minority whip, I might have opposed the legislation. The President would do well to allay the concerns of a skeptical public and Congress by endorsing and accepting these accountability standards.

In a town hall meeting I sponsored in San Diego this past weekend, I heard voices, voices of outrage that echo those of many of my constituents who have contacted me. And what I learned mirrors my own reaction setting foot in Iraq: we have not well prepared our constituents and all Americans for the aftermath. That is why this legislation is difficult to swallow. But to be sure, we should have better applied the lessons of our most recent history. Having opposed the invasion, I question where we are today and the final cost in dollars and lives, but walking away now is simply not an option.

With the approval of the $87 billion, we may or may not succeed in our efforts. But without it, Mr. Speaker, we are guaranteed failure.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank the chairman, the gentleman from California (Mr. LEWIS), and the gentleman from Washington (Mr. DICKS) for organizing and leading this delegation to Iraq. It was a remarkable journey and lots of observations, I think, are important that the American public hear from us.

First of all, I am here to support the emergency supplemental, $66 billion for our troops. They need this money for equipment and to continue to do their jobs, which they have done courageously and brilliantly in war and in peace. I do not think the American public has any idea of how bright and effective and resourceful our soldiers are in war and in peace. I have never seen so many masters of public administration degrees in one place as I have in our United States Army and in our Marines. They are doing a remarkable job in very difficult conditions.

The $20 billion for the rebuilding of Iraq and some for Afghanistan is essential. This will not only help to restore the strength and the vibrancy of that country but it will also help our troops to do their job. A New York Times reporter stated recently, "We broke it. We need to fix it."

Well, we did not break it. The United States did not break Iraq; Saddam Hussein broke Iraq. Our soldiers in their execution of this war were extremely careful. They went after Saddam's palaces, military installations, Baathist Party headquarters, the political and military infrastructure. The roads and bridges and canals of this country were relatively untouched, which is remarkable. When I tell people that back home, they say, well, why do we not hear that more often? I do not know why, but that is one of the reasons I wanted to speak today.

This should not be alone. Iraq is heavily burdened by reparations to Kuwait, which I do not believe they should pay. Kuwait is a wealthy country. The loans that were made to Iraq were made to Saddam Hussein by Western powers. I think we should work with them to forgive those. I do not think we should be a party to putting more burden on the Iraqi people.

They will have the resources within a year or two to run their own country, to manage their own affairs. But this infusion of funds will help them get their power grid up, which was destroyed by looters after the war, not during the war. Their water grid, Saddam did not build water systems in the north or the south because they were not his supporters. We need to make sure the Kurds and the Turkmen and the Shea peoples have the same quality of life that they have in central Iraq.

This country has tremendous potential. We all saw it from 150 feet off the ground in Black Hawk helicopters. We saw the potential. This is an agricultural mecca. They have the Tigris and Euphrates rivers; the Fertile Crest that we all studied about in school is still there. They have top soil 4, 5, 6, 7 feet deep, 1,000 miles long, 100 miles across. They can feed most of the central part of Asia. But most importantly, if this country becomes democratic, and I think it can if we stay with the task and get the job done, it will be a beacon, as our leader said, to the rest of the Middle East which is sorely lacking in democracy.

It will put pressure on the Saudis, the Syrians, and the Iranis to follow suit and give their people a stake in their government.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK), another member of our delegation.

Mr. KIRK. Mr. Speaker, history has an uncanny way of reminding us of our own motivation. When General Marshall outlined his program to help Europe, he did not know 30 years later the United States would stand at a similar crossroads. The 400,000 Americans killed in World War II paid the ultimate price for the mistakes made after World War I. And following the second European war, the continent ran out of food and suffered from runaway inflation and turned to communism.

Learning the lessons of World War I, we came forward with the Marshall Plan, and it went beyond feeding the hungry and laid the foundation for the post-war recovery. Unlocking the potential of Europe, revitalizing the economies of 17 countries, expanding foreign trade, striking a blow against communism, these were all worthy goals but they cost an expensive $105 billion.

We are at a similar crossroad now. We know that President Truman's decision to back the Marshall Plan helped prevent World War III. A third generation of Americans did not return to Europe, and today we face similar questions. In the House of Representatives as we debate $19 billion for Iraq, we consider Truman's question: How much would you pay to avoid World War III? And the answer from the American people was $105 billion.

So looking at the unfinished work of Desert Storm, how much would we pay to stop a third war in Iraq?

Well, cost is relative to income. Today's U.S. economy is larger than it was in 1947; the Marshall Plan imposed a heavy burden on our economy, 5 percent of the economy. This plan costs .02 percent of our economy. In this way, it is 200 times less expensive than the Marshall Plan.

Now, as part of this delegation, I was in Baghdad. I saw the main power plant returning to prewar capacity. I saw firsthand a budding democracy taking root on the front pages of no less than 120 newspapers. Under Saddam, half of all children did not go to school.

□ 1345

Last week, 90 percent of kids returned to class, many with the 1.5 million book bags provided with the U.S. flag embossed on the front. They returned to class also with five million textbooks, but these textbooks were absent the pictures of Saddam and the rhetoric of hate that undermined the future of this region.

Like their predecessors in Europe, our troops should finish this mission, earning a ticket home with no future Middle Eastern war forcing a return to the killing fields of Iraq. As the elected Representatives of the American people, we need to decide how much it costs to prevent a third war in Iraq. The stakes are very high. Leaving Iraq before our work is done guarantees that another generation of Americans will have to return to fight there. I think that is a risk that I am not willing to take.

I really applaud the bipartisan leadership that we had, especially the gentleman from Washington (Mr. DICKS) standing with us, and I thank my colleague for the opportunity to talk today.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

I very much appreciate my colleague's expression of concern.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I think one thing that since we have gotten back on this trip and having a chance to reflect on it, and I appreciate the gentleman's very kind remarks, and I think the analogy of the Marshall Plan is a good one to think about in the context, but it is becoming clearer, the administration, I think, is working hard at the U.N. to bring other countries in. We need some partners in this operation to pay part of the cost, to share part of the burden, because it is, in fact, a U.N. resolution that we were enforcing when the United States went into Iraq, and I believe it is now time for the United States to reach out to the rest of the world and to bring the rest of the world into this operation. We may still have to lead it militarily, but on economic development, on moving the country forward, providing assistance, I think this is the time when that needs to happen.

Mr. LEWIS of California. Reclaiming my time, I am struck as the gentleman is making remarks, he talked a lot with us about the fact that the funding flow that may come from this supplemental, including the reconstruction, are as much designed to help secure our troops as anything. Would my colleague react to that?

Mr. DICKS. Mr. Speaker, if the gentleman will yield, I am having a hard time hearing over here.

Mr. KIRK. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Illinois.

Mr. KIRK. Mr. Speaker, for example, this money is going to help support 240 health clinics around Iraq. Those health clinics will be close to where our troops are stationed. So the people of Iraq will see that we are adding to the health infrastructure of this country and know that it is because of the presence of Americans. It helps protect our troops.

Mr. DICKS. If the gentleman will further yield, General Petraeus was up there explaining, opening these schools, getting people back to work, helping to train the police, selecting the local mayor, selecting the governor of the province. All these things are being done, and what they need in order to continue to do this is resources for reconstruction, and I think one of the things that I fought hard for in the bill was to make sure that the commanders are given some flexibility to be able to do some of these things because they are like the local mayors. They are out there in those provinces working on these issues, and his point over and over again, it is directly related to the security of our troops and the coalition troops.

If we do these things and build a relationship with the Iraqis, it is going to make it easier to protect our kids. That is why I think it is so crucial that we keep this package together, and that is why I think the money for reconstruction is just as crucial for security purposes as the other funding.

Mr. LEWIS of California. Mr. Speaker, reclaiming my time, we learned many a thing during our trip to Iraq, but most impressive to me is that the media has talked much about the fact that there were not people cheering in the streets when we arrived in Iraq. I can tell my colleagues that was largely true because of the fear that remained on the part of the people in Baghdad, but as we flew over hundreds of miles of Iraq, very low altitudes in helicopters, one of the great impressions was endless farmhouses, kids running out of the houses, families running out of the fields, waving at the helicopters.

I can tell my colleagues they were not waving at Congressmen. They did not know we were there. They were waving at American troops who were there providing them with an opportunity for peace and, indeed, for freedom in the years ahead.

Above and beyond that, among the horrendous actions of this terrorist, indeed Saddam Hussein, directly impacted the mortality of the children of Iraq from a time when the children of Iraq lived as long as children in the whole region. It now has one of the worst child mortality rates in the entire world.

Beyond that, one of our colleagues, one of the Democrats with us, a fellow who voted against the war in the first place, kind of crystallized it for me, he said, After all we have seen, this is going to be a very tough vote for me, and he went on to say, After seeing what we have seen, it occurs to me that sometimes we have to be just a bit ahead of where our constituents may be. It is time for us to lead, and so I am going to vote for this package that is coming to the House.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from New York.

Mr. WALSH. Mr. Speaker, I just wanted to make one point, and it was specifically asked that I do so.

When we split, half our group went to Mosul, half went to Kirkuk. We met with the city council and the mayor of Kirkuk. The mayor spoke first, and the first thing he said in a very emotional way, he was a Kurd, he said, I want you to go back to the United States and tell the mothers and fathers of these soldiers that we are deeply grateful to them for the sacrifices their sons and daughters made to liberate us.

I wanted to make sure that I delivered that message. It was repeated by Shiias, Turkimen and other Kurds who served on the city council. So I just wanted to make sure I made that point.

Mr. LEWIS of California. Mr. Speaker, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Again, we heard the same thing, and again I want to say my own personal thanks to all those who have served in the military operation.

I had a chance to go over right before the war with the chairman and then with the gentleman from Illinois (Speaker HASTERT) and to go again to see the success of the military operation, but again, I want to emphasize, we have got to continue to work on this security issue, to help protect the young men and women.

Many of us have been to the various hospitals to see the wounded. It makes one's heart break that we did not have some of the equipment necessary at the right time to protect them. Now, we have put the money in the budget. We have beaten on the Defense Department to get it out there, and I think they are doing a much better job, but this was a very revealing trip, and I think we are doing the right thing, but we have got to continue to stay with it, bring in our international allies and get this job done, and if we do it right, it could be a great success.

Mr. LEWIS of California. Mr. Speaker, reclaiming the balance of my time, let me say there will be much discussion today about whether we should make a loan or whether this should be a grant, that is, the $18.5 billion piece of this.

Normally, I would have leaned in the direction of perhaps making a loan, but the difficulty with that is that there is a huge burden of almost $200 billion on the backs of the people of Iraq, largely due to Saddam Hussein, and in the latter part of this month, there is a meeting in Spain with the donor countries, and we hope to get the likes of France and Germany and others to forgive much of that obligation so we can get this country back on track. If we are in the lending business at this moment, that donor's conference will become a lender's conference and undermine that capability.

Further, it is very important for us to know that if we are successful in Iraq, it will set a tone for the entire Middle East, expanding the opportunity for freedom and for democratic growth within the region.

This has been a very, very important trip for the gentleman from Washington (Mr. DICKS) and myself and all of those colleagues who joined us. As I said in the beginning, I have never been more proud than I was on this trip than to watch Democrats and Republicans, American Congressmen, working together on behalf of freedom.

Mr. Speaker, I yield back the balance of my time.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, 2004

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. OBEY) is recognized for 30 minutes.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to myself to explain the procedure of the situation.

Mr. Speaker, we are proceeding under a very unusual circumstance to say the least. We will be having considerable discussion of a bill which is not yet before us but which will be before us tomorrow, assuming that the Committee on Rules brings out a rule that provides for its consideration tomorrow. Meanwhile, we will be having discussions about what the House anticipates will be on the floor tomorrow.

We have just had a half an hour description of a trip taken by one of the congressional delegations to Iraq, and we are now yielding for the next half an hour to other Members of the House who want to express their thoughts on the subject in general, and when we are finished with that half an hour, we will then be proceeding to additional debate, which is provided for on the House floor today through a unanimous consent agreement reached yesterday.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentleman for yielding me the time.

Mr. Speaker, I will vote for the final supplemental package. However, I do rise to express a number of concerns that I have.

This is the largest foreign aid package that any current Member of this Congress has voted for, and I do not believe that it should be left to our children and grandchildren to bear the burden of today's decision.

During the Committee on Appropriations markup of this aid package last week, I voted in favor of an amendment offered by the gentleman from Wisconsin (Mr. OBEY), the ranking minority member. The gentleman from Wisconsin's (Mr. OBEY) amendment would have transferred $4.6 billion from the reconstruction of Iraq to the equipment needs of our brave men and women who are still in harm's way. I would again support this amendment if it were allowed to be offered in the House because I strongly believe that it is our duty and our responsibility to first ensure that every American soldier and military personnel in Iraq has the equipment they need to fight and defend themselves; secondly, that our generation should pay for it, not our children.

The gentleman from Wisconsin's (Mr. OBEY) amendment would have added additional funds for repairing and replacing equipment used in operations. It would have included funds to allow the Army to increase its number of active-duty troops from the current level of 480,000 to 500,000. These additional troops, enough for one full Army division, after 1 year would help relieve pressure on an already overdeployed active-duty force, but most importantly, the entire $87 billion package would be paid for by canceling the top tax cut rate of 1 percent. The amendment restores the top tax rate to pre-2001 levels of 39.6 percent. It would have placed us in a position of not borrowing money to fight a war today that our children would have to pay for tomorrow.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I thank the gentleman for yielding me the time.

This is a very difficult time for me as a Member of this body to come before my colleagues and ask you to seek out, to write, to call, to e-mail and to fax your United States Congressperson, your United States Senator and the President of the United States, letting us know, America, how you feel about $87 billion being spent on the country of Iraq at this time; $66 billion of that is for our troops; $18 plus billion of it is for the reconstruction of Iraq.

I stand before my colleagues as an appropriator, one who has sat in two hearings on the $18 billion of your tax money. At the same time that we are building their electricity, their water, their schools, their hospitals, ours are crumbling. I believe that we should help Iraq, and I think the American people believe that, but we should not be building Iraq better than Iraq was built before the U.S. invaded. I think that is wrong, and I think the American people should speak out on that.

We are in trying times in our own country. Many schools, many hospitals are in dire need. Our judicial system is falling and failing, and yes, we are going to rebuild their judicial system. I think something's wrong with that, and we need to speak out on that, and we need to hear from you, America, on this very question this week. As this supplemental goes this week, today, tomorrow, and probably early Friday morning, we need to hear from you. It is your money. I am really appalled that it is going through quickly.

I strongly support giving the troops what they need for the next 3 to 6 months. This supplemental is for 15 months. How many hospitals in America will be closing during that time?

□ 1400

How many schools will be crumbling? How many people are out of work? We need investment in America. Yes, we need to help Iraq, after all, we have bombed it, with over 5,000 people killed and two or three of our soldiers being killed every day.

Terrorism is an international problem, and we must address it with leadership and with leaders. So I urge you, America, speak out, let your voices be heard. Fax, call, write or e-mail your Congressperson, U.S. Senator, and President Bush.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members to address their remarks to the Chair and not to individuals who may be watching these proceedings.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time and for the amendment that hopefully he will be able to offer later in this debate.

It is very clear now to most Americans that the administration was planning more for war than it was for the peace after the war. The administration continued to insist that actions would be quick, easy, and inexpensive. The administration continued to tell Americans this even though they were advised otherwise. They were advised by the Council on Foreign Relations, by the James Baker Institute, the Washington Institute of Near East Policy, and the Center for Strategic International Studies. All warned of the postwar violence and the instability that would come about if we did not internationalize this effort immediately.

They also warned about the inability of the oil fields to pay for this; about the special training that was going to be needed by our troops and by an international police force; about the likelihood of post-war violence and the need, again, for a specially trained police. By now, it must be clear that that advice was not taken by this administration.

As a result, we were ill prepared for postwar Iraq. Soldiers were put needlessly in harm's way due to poor planning and the absence of proper supplies, and a mission for which they were not trained and which was properly not theirs. They were improperly equipped for the threat that they faced. And that comes on the heels of spending $79 billion.

The failures and the threats have become even worse, and they continue to grow. The threats are more sophisticated, more dangerous. We now see parties from outside Iraq entering into that. The borders are not secure, and hundreds of American soldiers have been killed and severely wounded.

The administration, in fact, with this first $79 billion and its planning for postwar Iraq has failed in its duty of care it owed these soldiers and their families. Now they seek another $87 billion. How will this be different from the first $79 billion, and how can they justify the additional $45 billion to $70 billion they are coming to ask for us next?

This administration has a duty to the soldiers and the taxpayers to explain how is their safety going to be enhanced; how are we going to increase the number of bulletproof vests that are necessary, the bulletproof Humvees that are necessary. And when are we going to stop sending Guard units into this theatre with inferior equipment?

It is clear to all that we simply cannot leave Iraq. It is not good for Iraq, and it is not good for the security of America. But what we must do is insist upon a plan that will bring about real international participation, force security that our soldiers are due, and a fairness to the taxpayer. But that is not this plan, and for that reason I must vote "no."

Ms. KILPATRICK. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. SKELTON), our ranking member on the Subcommittee on Defense of the Committee on Appropriations.

Mr. SKELTON. Mr. Speaker, let me commend the chairman and the ranking member of the Committee on Appropriations for bringing to the floor this supplemental appropriations bill. This $86.7 billion supplemental will help improve the quality of life for our servicemembers currently serving in Operation Iraqi Freedom and Operation Enduring Freedom.

I am pleased that the committee chose to continue to increase the imminent danger pay for those who continue to face danger on the front lines. The supplemental also supports a continued increase in the family separation allowance, which will help separated families cope with the cost increases associated with the deployments.

The bill also continues the authorization of per diem travel funding for family members whose servicemember may be ill or injured as a result of the activity or duty; and it would allow the Department of Defense to provide for a per diem to allow the servicemembers to purchase civilian clothing as well.

The bill would improve the security of our forces in Iraq and in Afghanistan, with $251 million being provided to purchase additional special armor plates. These special armor plates are in short supply in Iraq. As a matter of fact, we were told they were 37,000 short. Increased funding has been provided for modern hydration systems, for clearing unexploded ordnance, for spare parts, and other necessary field equipment.

Now, Mr. Speaker, despite these improvements, I believe more could have been done. For instance, the increase in imminent danger pay and family separation allowance increases should be permanent. Next September, servicemembers and their families should not have to wonder again and hope that Congress will do the right thing and extend the increases for another fiscal year.

Additional funds should also have been provided to support the growing number of family assistance centers that are needed, particularly for the Guard and for the Reserve.

In addition, supplemental funding could have been provided to enhance the transitional services for our injured servicemembers for whom continued military service will not be possible.

These are just a few examples of the additional improvements that could have been included in this bill but are not.

Mr. Speaker, I commend the chairman and the ranking member of the Appropriations Committee for bringing to the floor this supplemental appropriations bill for military and reconstruction activities in Iraq and Afghanistan.

This $86.7 billion supplemental will help improve the quality of life for the service members currently serving in Operation Iraqi Freedom and Operation Enduring Freedom, as well as for their families. I am pleased that the committee chose to continue the increase in imminent danger pay for those who continue to face danger on the front lines. The supplemental also supports a continued increase in the family separation allowance, which will help separated families cope with the costs increases associated with deployments away from home. Both increases would be effective for the entire 2004 fiscal year.

The bill would also continue the authorization of per diem travel funding for family members whose service member may be ill or injured as a result of service on active duty, and would also allow the Department of Defense to provide a clothing per diem allowance with which service members could purchase civilian clothing while recuperating from their injuries.

The bill would also improve the security of our forces in Iraq and Afghanistan; $251 million has been provided to purchase additional special armor plate inserts—the armored protective plates that are in such short supply in

Iraq. Increased funding has also been provided for modern hydration systems, for clearing unexploded ordnance, for spare parts and for other necessary field equipment.

Despite these improvements, I believe more could be done. For example, the increase in imminent danger pay and family separation allowance increases should be permanent. Next September, service members and their families should not have to wonder and hope that Congress will do the right thing and extend the increases from one fiscal year to the next.

Additional funds also should have been provided to support the growing number of family assistance centers that are needed, particularly for the Guard and Reserves. The majority of National Guard and Reserve families do not live near a military base and has difficulty accessing the family support programs that are provided by the services. Additional funds for family support programs would have been helpful.

In addition, supplemental funding could have been provided to enhance the transitional services for our injured service members for who continued military service will not be possible. Providing more case managers, who provide direct assistance to recovering service members, would help smooth the transition. Creating additional social workers to work with the service member and the Department of Veterans Affairs for follow on health care services and disability compensation would also improve transitional services and help prevent these vulnerable service members from suffering undue hardships.

These are just a few examples of additional improvements that could and should have been included in this bill. While I understand the difficulties the chairman faced in bringing forward a bill that would be acceptable, I believe that the committee should have made a better effort to include the amendment offered by the ranking member, Mr. OBEY, which included a number of these quality of life improvements that I have previously mentioned.

As such, I hope that my colleagues will support those amendments that seek to improve the protection of our troops and the quality of life for themselves and their families.

Ms. KILPATRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentlewoman for yielding me this time.

The President has requested of the United States Congress, on behalf of the American people, $87 billion to continue the conflict and build Iraq. I only have three problems with the President's request. Every penny of the $87 billion will be borrowed, obligating this generation and future generations of working Americans to foot the bill.

It could be paid for; just suspend the tax cuts for those who earn over $300,000. It is a time of war and conflict and sacrifice. Maybe there could be a little bit of sacrifice at the top.

Eighty-seven billion dollars is excessive. It is rife with the potential for sweetheart deals and war profiteering. There was a cement plant with a $15 million estimate; done for $80,000. Feed the Iraqi council, 25 people, $5,000 a day. They canceled the contract. They think we are nuts. Mr. Al-Barak on the council says, where you spend a billion dollars, we could do the job for $100 million. So maybe 10 percent of this money is justified.

And it is not to repair war damage; it is to build Iraq, not rebuild Iraq. The President is putting the needs of the Iraqi people first with borrowed funds.

Now, we are going to borrow money to pay Iraqis for no-show jobs, but we cannot get an extension of unemployment benefits out of the Unemployment Trust Fund. The President says we cannot afford it. We are going to borrow money to build a water system for Basra because, ah, we are appalled, they have an open unlined channel providing water. I have a city in my district in Albany, Oregon, that has an open unlined channel providing water for that city, but they cannot get help from the Federal Government because the President says there is no money. We are providing another $50 million for the Port of Nasra. We cannot get money to dredge ports in the western United States. The President says there is no money.

Americans at home need economic security, and the young men and women who we have sent over there need their basic needs in equipment and health care and food and shelter met, and this bill fails on all those points. It is $87 billion that is not going to meet the needs of the American people and the young men and women we have sent into harm's way.

Ms. KILPATRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise today in total support of our troops, yet I cannot deny my lingering concerns about the supplemental spending measure and the administration's priorities.

Last spring, this Congress provided $79 billion in supplemental funding for military operations in Iraq and Afghanistan. And like most of my colleagues, I voted in favor of the bill and trusted that the administration's request was the result of a proper assessment of our military's needs. Imagine my shock to hear from my colleagues who visited Iraq that our soldiers and equipment are not equipped with lifesaving devices, such as top-of-the-line Kevlar inserts and armor for our Humvees.

I cannot fathom why the Department of Defense did not put our soldiers' lives as a high enough priority to provide each of them with a Kevlar insert, a lifesaving device that costs only $517. I applaud our appropriator for making funding available in this second supplemental spending bill to provide our brave men and women this necessary protection.

I also wish to commend my colleagues on both sides of the aisle for raising the important issue of whether these funds should be administered as loans. With more than a $400 billion deficit and pressing needs here at home, we should be giving serious consideration to loaning these reconstruction funds to Iraq.

Our economy is sputtering along, we are not getting the international financial support we need for Iraq, and our deficit is ballooning. These are all signs that we should be seriously questioning the wisdom of granting Iraq and Afghanistan $87 billion that could be used wisely here at home.

Mr. Speaker, Texas children are being dropped from the CHIPS rolls and losing much-needed health insurance, yet we do not have the money to help our States protect them. Our bridges and roads are crumbling here, but we cannot pass a highway spending bill because we do not want to spend the money to put into it, yet we are supposed to have over $18 billion to simply grant Iraq for its reconstruction. I ask my colleagues, what about this country's reconstruction?

Make no mistake, Mr. Speaker, our troops have my full and unwavering support. They have served our country with honor and bravery, and I am voting for them in supporting this bill. But I implore my colleagues and the administration to remember the urgent needs we have here at home and always put the needs of our country first.

Ms. KILPATRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, the administration of George W. Bush has done more damage to our Nation domestically and internationally in a shorter period of time than any administration in my lifetime. In the last 3 years, this Republican Congress has made at least two grievous mistakes by acting on measures without a full and realistic assessment of the consequences.

The first mistake made over time was to pass huge tax cuts for the rich, which have drained the Treasury and created record deficits. The second was authorizing a war against Iraq based on poor intelligence and the misrepresentation of the intelligence we had.

We cannot afford a third mistake. I believe that approving the supplemental gives us the best chance of managing the consequences of the invasion. This vote is not a vote on the Iraq invasion. That question was decided a year ago. And like 132 others in this Chamber, I voted no to war, but the war was authorized. Today's vote is about where we go from here.

Our primary goals are to remove U.S. troops as quickly as possible and to leave the Iraqis with the ability to govern themselves. The sooner we provide safe and stable conditions that allow for self-government, the sooner our troops will come home. That is why, as hard as it is, we need to approve the military and reconstruction package. The alternative is to leave Iraq in a state of anarchy, a power vacuum likely filled by factional militias and terrorists.

Because of the majority's obsession with tax cuts, we are financing this $87 billion package with debt that our children will pay in reduced services and higher taxes for decades to come. The generation that made these mistakes should pay this bill, and that is why we should freeze the tax breaks that the President has given away to the wealthiest 1 percent of Americans.

We do not have good choices as we stand here today, but our troops need Kevlar vests and armored Humvees, and Iraq needs money for reconstruction. They are poor choices, but I believe we need to support the supplemental.

Ms. KILPATRICK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, we all support the troops. We all want to see Iraq built, or at least restored. There is only one issue that is in doubt: whether the $18 billion goes to Iraq as a loan or as a gift.

Now, we will have two chances to vote on that issue, at least two. First, the rule will come before this House. A vote for the rule is a vote to say that we will never get an explicit vote on whether this should be a loan or a gift. If you are in favor of an $18 billion gift out of the hides of the American taxpayer, you have to vote for the rule. If you vote against the rule, that opens it up to having a protected amendment, like one that I and others are proposing, to convert the $18 billion from a loan to a gift.

The second opportunity will be on the Rohrabacher amendment, and there will be other amendments, when we can strike the $18 billion. People should understand that does not mean that we do not build Iraq. Instead, that means the administration has to come forward with a loan package. So what is at issue in those votes, the only major issue that is going to be close on this floor, is whether the $18 billion is a loan or a gift.

Now, what happens if we make it a loan? I have a plan. Step one, renounce the $100 billion that Saddam Hussein borrowed.

□ 1415

Step two, loan $18 billion to Iraq. Result: Iraq has $18 billion of debt. The other approach, is to not renounce the $100 billion except that portion, that tiny portion, which is voluntarily forgiven. So then they will owe $60 or $70 or $80 billion, none of it to us. Then in 2008, in 2010, and 2012, the vast majority of Saddam's debt will be repaid.

Who gets the money? Twenty-five billion dollars to Saudi Arabia. Seventeen billion dollars to Kuwait. Seventeen to $30 billion to the other gulf states. That is right. If you go with the plan that is in this bill now, over $75 billion to rich oil states.

Ms. KILPATRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Speaker, I think it is absolutely critical that we fund our troops and the rebuilding effort in Iraq, and I think some very good arguments have been made in support of that, particularly by the gentlemen who took the trip to Iraq to see, on the ground, firsthand, what is going on over there. We have an incredible investment over there that we must see through to the end. We must follow through on the policy and try to leave Iraq in as good a state as possible when we eventually withdraw. But the problem I have is I think we ought to pay for it. We should not simply add this $87 billion to the already growing Federal debt. And it is fairly easy to do. The gentleman from Wisconsin (Mr. OBEY) has a suggestion in his amendment to take it out of the existing tax cut but, personally, I would be open to other options that reduce spending elsewhere and cover those costs.

The problem I have with this supplemental is that it simply adds to our debt. And I know it is an incredibly important expenditure. We have had many incredibly important expenditures in the last several years, and we will have many more in the future, but at some point, those expenditures have got to add up to equal the revenue. If not, we are burdening not just future generations, I have heard that, but anyone here who plans on being alive more than 10 years in the future will also have to bear that burden of an incredibly high Federal debt, a debt that is over $6 trillion in total and a deficit that is going to push towards $500 billion next year.

Let us do the right thing in Iraq, but let us pay for it. Let us pay for it preferably out of the tax cut, which could easily afford to see an $87 billion reduction but, as I said, I would have the offer to the colleagues on the other side, if there is some area of government spending that you want to cut specifically to fund it, then that is fine, but we cannot afford to continue to act like the debt does not matter. I think the most scary aspect of the debate on this subject has been the comments coming out of the administration in the last few months that have said just that, that deficits don't matter, that all of a sudden it doesn't matter if you balance your budget. That is wishful thinking and dead wrong. It matters whether or not we balance our budget. Let us start moving in the right direction and do the right thing in Iraq, but pay for it, for once.

Ms. KILPATRICK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, over the next 2 days we will be debating the President's request for $87 billion in military reconstruction efforts in Iraq and Afghanistan. At the outset, I want to acknowledge the outstanding bravery and dedication shown by our men and women in uniform who are serving overseas. After visiting Iraq in August and visiting Afghanistan a year ago, I could not be more impressed with the young people who are standing in harm's way every day on our behalf. Our first priority, then, in this emergency supplemental must be to meet the needs of our troops and keep them safe. It has been alarming to learn over the past several months that many soldiers lack Kevlar vests, that there are insufficient armored vehicles, that spare parts and other essential supplies have not reached our troops. This must be corrected immediately. It is also essential that the administration demonstrate it has a well-thought-out plan for Iraq's reconstruction.

When Ambassador Bremer testified before the Committee on International Relations, I asked him how much of the prewar planning was of use to him in the postwar period. His answer was both candid and astounding. He never read the postwar plan. He never had time to. The lack of adequate postwar planning has hurt our effort significantly. We must insist on far more planning and accountability. Any supplemental appropriation must not be a blank check but should require frequent reporting and consultation with Congress. Americans must also not bear this burden alone. It is in the profound interest of the world community that Iraq be placed on the road to self-governance and that it not be allowed to descend into chaos. The resolution which now appears likely to pass in the United Nations is a positive step forward but those words must be followed by deeds. Other nations must contribute troops and funds toward the security and reconstruction in Iraq. Moreover, private companies must not be allowed to profiteer from the vast sums expended. Open bidding processes should be used whenever possible and greater scrutiny should be applied to any and all contracts awarded. Maximum use of Iraqi labor should be employed to further obtain Iraqi support for reconstruction.

Finally, to the degree we must finance the lion's share of the military reconstruction efforts, this burden must not be allowed to fall to the very soldiers and their children in the future. We should not debt finance this war.

Ms. KILPATRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy in yielding me time.

Congress will provide the necessary support for our troops, and we will make a significant investment in stabilizing and rebuilding Iraq. But the question before Congress is how best to provide that troop support and how to make the appropriate investment. We have already provided huge sums that were clearly not well spent. We will be approaching $200 billion of borrowed money with no end in sight, and our troops continue to have unmet needs that were entirely foreseen.

This request has serious problems because the administration has serious credibility problems, not just with this Congress. They have a credibility problem with the American public. The people know that the administration exaggerated threats; they dismissed people who gave accurate estimates of costs and consequences; they strained the evidence, to be charitable, and they ignored or misunderstood the realities.

It was wrong to give this administration a blank check to wage unilateral war, and it is wrong to give them a blank check with vast sums of money for reconstruction. While this proposal has been improved by the Committee on Appropriations, there is still too much spent on the wrong things administered by the wrong people.

There should be a better balance between what we spend in Afghanistan and what we spend in Iraq. The leadership of the Department of Defense who overruled the professionals, who have been unable to get it right, should not be administering reconstruction. It should be done by the Department of State, especially utilizing the USAID network.

I would hope that the administration would stop whistling in the dark that this is all going according to plan, and it is going well. They should not lash out at people who are pointing out the obvious problems and flaws. This is an opportunity to have the administration display some candor, maybe a little humility, to help get everybody on the same page. Congress does no one any favors, not our troops, not our citizens, not the Iraqi people, to continue to fund and support the administration's ill-advised and shortsighted plan.

Ms. KILPATRICK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise today to ask my colleagues to insist that accountability is built into the supplemental appropriations. My vote, as a matter of fact, will be contingent on inclusion of an accountability provision.

The history of our Nation has proven that accountability is not only patriotic, it most often determines our greatest successes from our most tragic failures. That is why I support provisions included in the alternative proposal that require reporting on the funding for both the military and the reconstruction components of the bill. By meeting these critical reporting requirements, the administration would ensure the necessary flow of funds to our troops.

Three weeks ago, I introduced legislation that would require similar accountability, and I am pleased that these protections are included in the alternative proposal. We have an opportunity today, Mr. Speaker, to regain an oversight voice that has been lost for too long in this House. It is our duty, our duty to the some 40,000 troops who are serving in combat without Kevlar inserts, our duty to their parents who have to send their sons and daughters the most basic of supplies, and it is our duty to the American taxpayers who are footing the bill, a duty to ensure that these funds are being spent in the most effective and in the most efficient way. I urge my colleagues to demand that accountability is part of this measure.

Ms. KILPATRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, with more than 2,000 young Americans dead and injured in Iraq, we have a constitutional obligation to hold this Administration accountable. We here in Congress need to demonstrate a little more of the type of courage that our young people have shown in Iraq.

We are having this vote now because the Administration has been unwilling to build a genuine international coalition. The price of going it mostly alone is that American taxpayers continue to do most all the paying and our young men and women do most all the dying. Americans must "pay it all" because of the "know-it-all" ideologues who rejected the advice of our leading military experts, of our strongest allies and the experienced weapons inspectors.

This is not a problem of too little money, it is a problem of too little thinking and planning.

Throwing more taxpayer money at the problem has nothing to do with "standing by our troops." As the data in this chart demonstrates, if the supplemental is rejected entirely, at its current rate of spending, the Army will still have plenty of money for half a year. But the choice need not be between zero and $87 billion. If you really want to stand by the troops, then supplement some now and force the Administration to come back no later than January 2004 with a plan to protect our troops and ensure security in Iraq. Do not give the Administration a pass on accountability and a blank check through the next election.

This vote has nothing to do about supplying Kevlar vests to our troops. It is about providing "political Kevlar" to the defenders of a failed policy.

Do not allow the failure of the Administration ideologues in business suits to continue endangering those who so bravely serve us in uniform.

This is an Administration that cannot find Osama bin Laden, cannot find Saddam Hussein, cannot find weapons of mass destruction, cannot even find the person in the White House who was responsible for illegally endangering a woman who put her life on the line working for the CIA. The only thing the Administration can find is the taxpayers' wallet, again and again.

Ms. KILPATRICK. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I believe it is critically important that we get our military troops all the resources they need to safely complete their mission as soon as possible in Iraq. However, I do not support rubberstamping this legislation so the Bush administration gets a free ride from Congress and does not have to account for its strategy in Iraq.

Mr. Speaker, I oppose outright the $18 billion in reconstruction funds included in the supplemental and feel the Bush administration has an obligation to explain to Congress why it downplayed our role in reconstruction prior to the war. Last March, Secretary Rumsfeld told the Senate Appropriations Committee, "I don't believe that the United States has the responsibility for reconstruction. Funds can come from those various sources I mentioned, frozen assets, oil revenues and a variety of other things, including the Oil for Food which has a very substantial number of billions of dollars in it." But then the Secretary changed his mind over the last 6 months, stating last month, "Iraq is in no position to pay its current debt service, let alone take on more additional debt."

Was the administration bending the truth 6 months ago, or have events changed in Iraq to warrant these reconstruction funds? Congress deserves an answer to that question, and I do not believe we have received an adequate explanation yet.

Mr. Speaker, I will not support a supplemental that does not create accountability for the funds Congress appropriates for no-bid contracts to companies like Vice President CHENEY's old employer, Halliburton. I will not support a supplemental that does not turn the reconstruction funds into a loan rather than a grant. And I will not support a supplemental that is not paid for. If these changes were made, then I could support it, but I do not think that is going to happen. I think that this administration has the bill that they want, and so I cannot support the supplemental that is being put forward today. I think it is a mistake. I think we will regret it. I think, most importantly, we need accountability, and we are not getting it.

What about all the money that could be spent that is being spent on Iraq that could be spent here at home for the needs that we have, whether it is infrastructure, like hospitals or sewage treatment plants, or roads or highways, whatever? Instead, we are spending it on Iraq. We do not need to do it. I think it is a mistake.

□ 1430

Ms. KILPATRICK. Mr. Speaker, I yield myself such time as I may consume.

I first want to say that we have for the next several hours, the next 48 hours, a general debate and a final vote on what we will do with $87 billion of the taxpayers' money that is not paid for. Are we going to saddle our children and grandchildren with this debt? Can some of this be a loan and what is needed right away be sent out forthwith? Those are the kinds of questions, and we hope that some of the amendments will be adopted as we debate the supplemental. Iraq is not a poor country; $2 trillion of oil reserves now can be used to secure and pay back some of this money.

Mr. Speaker, it is important that we get engaged, that we speak to one another, that some of the amendments do go forth and that we keep America strong, keep our troops healthy and protect them as God would have it.

Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore (Mr. PETRI). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING AND HONORING AMERICA'S JEWISH COMMUNITY ON 350TH ANNIVERSARY, SUPPORTING DESIGNATION OF AMERICAN JEWISH HISTORY MONTH

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 106) recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an "American Jewish History Month," and for other purposes.

The Clerk read as follows:

H. CON. RES. 106

Whereas in 1654, Jewish refugees from Brazil arrived on North American shores and formally established North America's first Jewish community in New Amsterdam, now New York City;

Whereas America welcomed Jews among the millions of immigrants that streamed through our Nation's history;

Whereas the waves of Jewish immigrants arriving in America helped shape our Nation;

Whereas the American Jewish community has been intimately involved in our Nation's civic, social, economic, and cultural life;

Whereas the American Jewish community has sought to actualize the broad principles of liberty and justice that are enshrined in the Constitution of the United States;

Whereas the American Jewish community is an equal participant in the religious life of our Nation;

Whereas American Jews have fought valiantly for the United States in every one of our Nation's military struggles, from the American Revolution to Operation Enduring Freedom;

Whereas not less than 16 American Jews have received the Medal of Honor;

Whereas 2004 marks the 350th anniversary of the American Jewish community;

Whereas the Library of Congress, the National Archives and Records Administration, the American Jewish Historical Society, and the Jacob Rader Marcus Center of the American Jewish Archives have formed "The Commission for Commemorating 350 Years of American Jewish History" (referred to in this resolution as the "Commission") to mark this historic milestone;

Whereas the Commission will use the combined resources of its participants to promote the celebration of the Jewish experience in the United States throughout 2004; and

Whereas the Commission is designating September 2004 as "American Jewish History Month": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors and recognizes—

(A) the 350th anniversary of the American Jewish community; and

(B) "The Commission for Commemorating 350 Years of American Jewish History" and its efforts to plan, coordinate, and execute commemorative events celebrating 350 years of American Jewish history;

(2) supports the designation of an "American Jewish History Month"; and

(3) urges all Americans to share in this commemoration so as to have a greater appreciation of the role the American Jewish community has had in helping to defend and further the liberties and freedom of all Americans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 106 recognizes and honors America's Jewish community on the occasion of its 350th anniversary. In 1654, 23 Jewish immigrants from Brazil traveled across the sea and landed in North America at New Amsterdam, which eventually became New York City. Over the next few hundred years, millions more Jews from all over the world migrated to the United States in search of a better life. Our Nation is certainly a better place because they have come here. This resolution acknowledges the contributions of Jewish Americans to this great Nation, and I commend the gentleman from my home State of Ohio (Mr. CHABOT) for introducing this concurrent resolution.

Mr. Speaker, this legislation is a fitting way for this House to commemorate the influence of Jewish Americans on every aspect of life in our great Nation over the last 350 years. I urge all Members to support passage of House Concurrent Resolution 106.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

American Jewish history commenced in 1492 with the expulsion of Jews from Spain. This action set off a period of intense Jewish migration. Seeking to escape the clutches of the Inquisition, some Jews in the 16th century sought refuge in the young Calvinist republic of the Netherlands. A century later hundreds of their descendants crossed the ocean to settle in the new Dutch colony of Recife in Brazil, where Jewish communal life became possible for the first time in the New World. When Portugal recaptured this colony in 1654, its Jews scattered to the Dutch port of New Amsterdam, now New York City.

Colonial Jews never exceeded 1/10 of 1 percent of the American population; yet they established the patterns of Jewish communal life that persisted for generations. Jews lived in cosmopolitan cities like New York where there were opportunities for commerce and trade and organized synagogue communities. Charleston, Philadelphia, New York, and Newport each had one synagogue that assumed responsibility for the religious and communal needs of all local Jews. Early Jewish Americans explored, wrote poetry, and created industries. Jews have continued to make important contributions to the history and culture of America. During 2004 and 2005, 350 years of Jewish life in America will be commemorated, honored, and celebrated. Jewish immigration to America throughout the last 350 years brought with it legions of notable researchers, lawyers, statesmen, inventors, artists, authors, musicians, doctors, entrepreneurs, spiritual leaders, and Members of Congress.

This resolution honors the life, culture, and contributions of the 6.5 million Jews who live in America and those who came before them. I join the sponsors in supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT), the sponsor of the concurrent resolution.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time.

I also want to thank the gentleman from Ohio (Mr. PORTMAN), who is the chief cosponsor of this concurrent resolution, and we introduced it on March 20 of this year, recognizing the 350th anniversary of Jewish communal life here in North America and encouraging all Americans to celebrate September, 2004, as American Jewish History Month in recognition of the occasion. An identical resolution was introduced in the other body by Senator VOINOVICH and Senator DEWINE.

Since 1654 when Jewish refugees from Brazil established America's first Jewish community in what is now New York City, millions of Jewish immigrants have come to America and have helped shape our American culture. House Concurrent Resolution 106 recognizes the many contributions of the American Jewish community to this great Nation's civic, social, economic, and cultural life. The resolution also notes that American Jews have fought valiantly for the United States in every one of our Nation's military struggles, from the American Revolution to Operation Enduring Freedom.

The Library of Congress, the National Archives and Records Administration, the American Jewish Historical Society, and the Jacob Rader Marcus Center of the American Jewish Archives have formed the Commission for Commemorating 350 Years of American Jewish History to mark this historic milestone. The commission is designating September, 2004, as American Jewish History Month. This resolution commends the commission for its efforts and supports the designation of an American Jewish History Month.

Finally, Mr. Speaker, House Concurrent Resolution 106 urges all Americans to share in this commemoration so as to have a greater appreciation of the role of the American Jewish community in helping to defend and further the liberties and freedoms of all Americans.

I want to thank the gentleman from Virginia (Chairman TOM DAVIS) and the Committee on Government Reform and the gentleman from Ohio (Mr. LATOURETTE) for bringing this resolution to the floor, and I again want to thank the gentleman from Ohio (Mr. PORTMAN) and the 69 cosponsors of this resolution.

I urge my colleagues to support the resolution.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise today in support of H. Con. Res. 106, celebrating 350 years of American Jewish history. Whether they were born in the United States or they immigrated here from Israel, Europe, or Middle East countries such as Syria, as many people in my district in New Jersey have done, the American Jewish community is a melting pot of cultures and tradition. Over the last 350 years, the American Jewish community has given rise to many of our Nation's most renowned artists, authors, doctors, scientists, business leaders, and statesmen. Members of the American Jewish community were present at the birth of our Nation and have helped to transform the United States into what it is today through their contributions to culture, scientific discovery, and entrepreneurial innovation.

In talking about the American Jewish community, we cannot forget the link between the community here and the community in Israel. Throughout my time in Congress, I have had the opportunity to travel to Israel, most recently this past August. There I met with leaders in the World Jewish community, including the chief Sephardic rabbi, Shlomo Amar. Each time I travel to the region, I am struck by the many ways in which our two nations are so intimately connected. Not just politically or diplomatically but the many ways in which Jewish and Israeli culture have influenced American culture. After returning from Israel, I held several town hall forums with members of my local Jewish community. Many of my constituents expressed the same desire for peace and community, as did the people I met with while in Israel.

In closing, Mr. Speaker, I would like to thank the gentleman from Ohio (Mr. CHABOT) and the gentleman from Ohio (Mr. PORTMAN) for introducing this resolution and recognizing a community that is such a great part of American society and culture.

Ms. WATSON. Mr. Speaker, I yield 5 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in support of House Concurrent Resolution 106, a resolution to recognize and honor the American Jewish community. And I certainly would like to express my appreciation to the gentleman from Ohio (Mr. CHABOT) for his sponsorship of this concurrent resolution.

Some 350 years ago, the first Jewish refugees arrived here in our country, settling in what is now known as New York City. This marked the beginnings of evolution of the American Jewish community, a community that has grown and flourished, one we all know and indeed should formally acknowledge, that has contributed tremendously to the United States.

Mr. Speaker, history has not been kind to the Jewish people. We are all well aware of the atrocities they suffered during the Holocaust. Jews throughout the past have had their freedoms restricted, being forced to live separated in their own communities with limited geographic and limited economic opportunities. Yet despite all are the hardships and obstacles faced, the Jewish community in America has developed into a successful society.

The success of the American Jewish community is testament to the value of the basic American right to freedom. In America Jews can live anywhere, stand up for their own rights, and have the freedom to determine their own destinies. Today the United States has the largest Jewish population and one that has contributed greatly to our country's civic, social, economic, and cultural life. Jewish community members have served in our Armed Forces, have held Nobel prizes, become members of the Supreme Court, Senators and Members of Congress, and have even served as members of the cabinet of the President. Most importantly, they have set an example for all Americans who believe in justice and equal treatment under the law. We even now have two candidates of Jewish ancestry who are running for the highest office of our country, that of the Presidency of the United States.

Mr. Speaker, this year is the year 5763 according to the Jewish calendar, and we have 237 years left before the end of the world. I say that humorously, Mr. Speaker. Highlighting the successes of American Jews and educating the community about our American Jewish history will prove to be of great value to the United States at large.

I stand here today to urge my colleagues to support this resolution.

Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN), the other original cosponsor of the legislation.

Mr. PORTMAN. Mr. Speaker, I thank my colleague from Cleveland for managing this legislation and for his support. I also want to congratulate the gentleman from Cincinnati, Ohio (Mr. CHABOT), my colleague and neighbor, for his work on this project.

Mr. Speaker, I rise today very proudly in strong support of the resolution recognizing and honoring the Jewish community on the occasion of its 350th anniversary, supporting the designation of an American Jewish History Month and recognizing and honoring the many contributions of America's Jewish community.

The year 2004 will mark the 350th anniversary of Jewish refugees landing on North American shores and establishing North America's first Jewish community in New Amsterdam, now called New York City. Today, America's Jewish population stands at about 7 million people.

During 2004 and 2005, these 350 years of Jewish life in America will be commemorated, honored, and celebrated, and so will Jewish immigration. After all, Jewish immigration to America throughout the last 350 years has brought with it legions of notable scientists, lawyers, statesmen, inventors, artists, authors, musicians, doctors, ethicists, entrepreneurs, and spiritual leaders, men and women who substantially transformed our great Nation and so many of our communities.

I, of course, have seen firsthand in my hometown of Cincinnati the strong and powerful positive influence of the Jewish community and Cincinnati also happens to be home to a number of our country's most important Jewish institutions. These include the American Jewish Archives, which has dedicated itself to assembling an extensive collection of documents to chronicle American Jewish history, and the Hebrew Union College, Jewish Institute of Religion, established in 1875, a pillar to the American Reform Jewish movement.

Mr. Speaker, I am strongly in support of this resolution because I believe passage of it will foster awareness and will help facilitate understanding. I encourage all of my colleagues on both sides of the aisle to support it.

Ms. WATSON. Mr. Speaker, I reserve the balance of my time.

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Ms. WATSON. Mr. Speaker, I yield 5 minutes to gentleman from Texas (Mr. BELL).

Mr. BELL. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in support of H. Con. Res. 106, to recognize the American Jewish community on the occasion of its 350th anniversary and to support the designation of American Jewish History Month.

No community in modern history has suffered more under tyranny and oppression and has been forced to fight harder throughout its history to secure the most basic rights we enjoy today in America, rights many of us sometimes take for granted in this great country of ours.

That is, in part, why we in America can boast that we are home to the largest Jewish population in the world. The history of the Jewish people is deeply entwined with the spirit and heart of America, and their struggle has been ours for the past 300 years.

I have the profound honor of representing the largest Jewish population in Texas in District 25. I can tell you that this is a proud community that loves this country and loves the freedoms that so many of our forefathers have died side-by-side to protect. These Americans are the survivors of the greatest crime humanity has ever seen, and they are the living legacy to what it means to sacrifice in the name of freedom and liberty. Their celebrated lives are living, walking proof of why those difficult sacrifices are worth making.

We as a Nation would not be complete, we would not be the America we all know today, without the incredible contributions and sacrifices made by the Jewish people, both here in America and in the world abroad.

The greatest lesson I think we can learn from the Jewish community is this: After thousands of years of persecution and torture, after encampment and extermination, after being spread to the four corners of the wind by forces that would undo almost any other community, they thrive today. Why?

Well, the long and painful, but proud history of the Jewish people, here and abroad, should show all of us that becoming a great people is not about defining geographical boundaries. Rather, it is a connection of spirit, founded on common ideals and beliefs that creates great societies. For us in America and for our Jewish friends, both here and abroad, those ideals are freedom, liberty, and respect for our fellow man. These are the ties that bind all of us together, and these are the ties that should show our common enemies, those that would try to destroy all of us, that they will never, ever succeed.

So I rise in support of this resolution, and would ask my colleagues to support it as well.

Mr. HOYER. Mr. Speaker, I am proud to join my friends from Ohio (Mr. CHABOT and Mr. PORTMAN) in strongly supporting House Concurrent Resolution 106, which recognizes and honors America's Jewish community on the occasion of its 350th anniversary and supports the designation of "American Jewish History Month."

Ever since Jewish refugees from Brazil landed on our shores in 1654 and established the first Jewish community in what is now New York City, American Jews have made immeasurable contributions to our Nation's civic, social, economic and cultural life.

And this resolution is a long overdue and explicit recognition by this Congress of those contributions.

Throughout history, few people have endured greater intolerance and hardship.

As Thomas Jefferson once wrote: "I can only offer my regret . . . at seeing a sect [the Jews], the parent and basis of all of Christendom, singled out for persecution and oppression."

And yet, in America, the Jewish community has overcome, persevered and thrived—in science and medicine, in literature and the arts, in law and education, in business and public service, and in a host of other occupations and professions.

Further, America's Jews have always answered freedom's call, valiantly fighting in every one of our Nation's military engagements, from the American Revolution to Operation Iraqi Freedom. And 16 American Jews have been awarded the Congressional Medal of Honor.

"The Jewish Faith," remarked President Coolidge, "is predominantly the faith of liberty."

And so this proud tradition of a proud member of the American family continues today.

All of us are the benefactors of the American Jewish Community's unswerving adherence to and work on behalf of freedom, tolerance, and basic human rights.

And thus, it's only fitting, Mr. Speaker, that this Congress recognize the enormous contributions of America's Jewish Community to our Nation and support the designation of "American Jewish History Month."

Mr. NADLER. Mr. Speaker, as a member of the American Jewish community, I am proud to support the designation of an "American Jewish History Month." For the last 350 years, Jews have lived and worked in the United States, and have contributed significantly to the shaping of our country. Dating back, prior to the Revolutionary War, Jews have been an integral part of our nation. Over the last three and a half centuries, there have been many famous American Jews, such as Louis Brandeis, the first Jewish Supreme Court Justice, and Lewis Charles Levin, the first Jewish Congressman. Jews have fought and died for our country in every war in the history of the United States. Jews are responsible for the creation of countless Broadway plays, Pulitzer prize novels and Academy Award winning films. American Jews have won Olympic medals, Super Bowls and have been elected to various Sports Halls of Fame.

I need to look no further than my own district to be reminded that Jews have literally left their mark on America. The base of the Statue of Liberty has the poem "The New Colossus" inscribed on it, which was written by Emma Lazarus, an American Jew. American Jews have been a symbol of both immense religious pride, and fierce patriotism.

American Jews are doctors and lawyers, politicians and CEO's, actors and athletes, veterans and volunteers. Jews are fully immersed in this nation's fabric and are one of the primary reasons the material of this country is so strong. I urge you to help celebrate 350 years of Jews in America and to remember that without American Jews, our country would not be as great as it is.

Ms. WATSON. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge all my colleagues to support the resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 106.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF COLLEGE SAVINGS MONTH

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 270) supporting the goals and ideals of College Savings Month.

The Clerk read as follows:

H. CON. RES. 270

Whereas the people of the United States recognize the challenge and accept the responsibility of obtaining the education and skills that will enable them to successfully compete in the global economy of the 21st century;

Whereas since 1980 the rate of increase of the cost of postsecondary education has exceeded the rate of increase of inflation, public assistance to students, and family income;

Whereas the rapidly rising cost of postsecondary education poses a serious threat to the ability of the people of the United States to ensure their and their children's access to postsecondary education;

Whereas since 1992 the annual amount of new student loan commitments has increased from $15,000,000,000 to $35,000,000,000, which represents an increasing burden on college graduates to pay for their college education long after that education is completed;

Whereas it is in the interest of the Nation to ensure that the people of the United States have the opportunity to obtain a postsecondary education and to encourage parents to save for their children's education;

Whereas many States have offered tax incentives to encourage their citizens to save for educational expenses;

Whereas additional Federal tax incentives to encourage the people of the United States to save for educational expenses became effective after December 31, 2001; and

Whereas the National Association of State Treasurers and the College Savings Plan Network have requested that the Congress designate September as College Savings Month in order to raise public awareness about the need to save for educational expenses: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress supports the goals and ideals of College Savings Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 270.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 270, introduced by the gentleman from Michigan (Mr. ROGERS), aims to raise awareness about the need to save for higher education expenses.

It is increasingly imperative for today's young people to possess college degrees in order to compete in our Nation's workforce. At the same time, the cost of undergraduate college educations continues to rise at a faster rate than inflation.

Behind only their own retirements plans and mortgages, parents will probably put more money into their children's college educations than anything else in their lifetimes. This reality can severely limit options for those students and families who have not set aside funds to pay for college.

Mr. Speaker, there is hope for parents and students who seek to defray the high costs of higher education. Many tax-deferred investment opportunities, low-interest loans and scholarships can assist with paying for college, and they are available for those who look hard enough. Hopefully, the House's consideration of this resolution will encourage all future college students, and parents of future college students, to fully explore all such options.

Mr. Speaker, few things are more valuable to one's career, financial security or happiness than their college education. Unfortunately, few things are more expensive than a college education. It is important that all Americans interested in going to college take the necessary steps to ensure that college is something they can afford.

Mr. Speaker, I urge all Members to support H. Con. Res. 270. I want to thank the gentleman from Michigan (Mr. ROGERS), and urge passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, College Education Month focuses our attention on a question Americans with children are asking themselves: How will I be able to afford a college education for my children?

Rising tuition rates force families to borrow thousands of dollars to fund their children's college education. The debt that these families and new graduates face after graduation is daunting. The majority of college students today will have borrowed over $20,000 by the time they graduate.

As Federal and State governments reduce student financial aid because of budgetary constraints, families have to bear more of the financial responsibility for college costs, and they need to plan accordingly.

To encourage families to save for their children's college education well before college, the College Savings Plans Network was formed in 1999 as an affiliate to the National Association of State Treasurers. To make higher education more attainable, the Network serves as a clearinghouse for information about existing college savings programs.

Tuition rates have risen well past the rates of inflation. During any 17-year period from 1958 to 2001, the average annual tuition inflation was between 6 percent and 9 percent, ranging from 1.2 times general inflation to 2.1 times general inflation. On average, tuition tends to increase about 8 percent per year. An 8 percent college inflation rate means that the cost of college doubles every 9 years. For a baby born today, this means that college costs will be more than three times the current rate when the child matriculates college.

College savings plans allow participants to save money in a special college savings account for college applicants' education expenses. Contributions can vary, depending on individual saving goals. Savings account funds can be used nationwide at eligible institutions.

To raise awareness about these programs, the Network has designated September "College Education Month." This resolution supports the Network and its efforts to help families plan, prepare and save for college education without relying heavily on student loans and financial aid.

The steadily increasing costs of college education should not stop America's youth from reaching their goals and aspirations.

I urge passage of this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Michigan (Mr. ROGERS), the sponsor of the resolution.

Mr. ROGERS of Michigan. Mr. Speaker, I thank the chairman for yielding me time, and I thank the gentleman from Massachusetts (Mr. TIERNEY) for cosponsoring this legislation, working in a bipartisan way to recognize a very powerful tool that many do not know even exists.

Mr. Speaker, one of the reasons for this resolution is to remind many Americans that there is a possibility that you can save and compound and fight the rising costs of getting your children a quality education.

I remember in Michigan we started something like this where it is tax-free in and tax-free out in a 529. You do not pay Michigan income tax if you get into one of these education funds. At the announcement, a woman brought a jar full of pennies. She was so excited, she said, "You know, no longer do I have to fill this jar with pennies. I can put it somewhere where these pennies will become dollars and hundreds of dollars for my child to have and get a chance at a quality education in America." How true that was, and how inspiring it was for that woman to recognize that this is such a powerful instrument for parents all across this great country, to have the benefits of a tax-free way to save and compound for offsetting these rising costs of getting that education.

Mr. Speaker, 86,000 people since the introduction of this bill, in Michigan alone, have signed up and are putting $25, $15, $10 or $100, as much as $5,000, away in these funds and watching it grow, tax-free, certainly at the State level, and tax-free at the Federal level, thanks to all the Members of this Chamber, when you withdraw it for your child's education. You can start to fight back the cost of books and computers and room and board, and, certainly, that cost of tuition through these funds.

I want to, again, thank my colleagues on the other side of the aisle for working in such a great, bipartisan spirit to reach a very laudable goal, and that is quality, accessible, higher education and vocational training for every American. This certainly empowers hundreds of thousands of them to do that right here at home.

Ms. WATSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BELL).

Mr. BELL. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today to join with the gentlewoman from California (Ms. WATSON) as well as the gentleman from Ohio (Mr. LATOURETTE) in support of H. Con. Res. 270. Certainly, nothing could be more important in this day and age to recognize than saving for college.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I rise in support of H. Con. Res. 270, supporting the goals and ideals of College Savings Month.

For many students, attending college following high school graduation is just the next phase in their lives before joining the workforce. But, for some, the choice to attain a postsecondary education is not as easy as just getting accepted into a program of their choice.

With the growing cost of postsecondary education, many students are forced to take out student loans, loans that can often exceed $30,000 a year. Entering the workforce with these kinds of commitments can often be intimidating for a newly-graduated student.

Having had two children in college at one time, I understand how saving for our children's postsecondary education has become increasingly important, as we continue to see the costs of the postsecondary education steadily rising.

Currently, the United States Tax Code offers options for families to do just that, save money, to set aside for the value of that education. Two such options are the 529 College Savings Plan and the Coverdell Accounts. Both of these plans have benefited thousands of students and helped their families meet the rapidly escalating costs associated with obtaining a college degree.

Mr. Speaker, I plan on introducing the Education Savings Act of 2003 tomorrow that will clarify the law to make it clear that employers can make tax deductible contributions to employees in their 529 and 530 education accounts, available to all employees at every income level. The Education Savings Act will clarify that any amounts contributed to these educational accounts will not count toward an employee's gross income.

Planning for our children's postsecondary education by setting up savings accounts is essential, now more than ever.

I would like to take this opportunity to thank my colleagues, the gentleman from Michigan (Mr. ROGERS) and the gentleman from Massachusetts (Mr. TIERNEY) for their efforts to give this important issue the recognition it deserves.

Mr. ROGERS of Michigan. Mr. Speaker, as the sponsor of H. Con. Res. 270, I rise in support and wish to thank Chairman DAVIS for bringing it to the floor today and to thank Congressman JOHN TIERNEY for joining me in sponsoring this resolution. H. Con. Res. 270 recognizes September as College Savings Month in conjunction with the National Association of State Treasurers and the College Savings Plan Network in order to raise public awareness about the need to save for educational expenses.

Since 1980, the rate of increase of the cost of postsecondary education has exceeded the rate of increase of inflation, public assistance to students and family income. This rapid rate of increase poses serious threats to the ability of parents to save for and individuals to access postsecondary education.

Given that it is in our Nation's best interest to have a highly educated population and to encourage parents to save for their educational expenses, many States, like Michigan, offer tax incentives to encourage their citizens to save for educational expenses. As a State senator, I sponsored legislation to develop a 529 plan that provides tax-free contributions and withdrawals made to an education savings account. Soon after becoming a Congressman, I introduced legislation to make distributions from State-sponsored prepaid tuition or college savings plans tax free. I was pleased when this provision was included in the 2001 Economic Stimulus legislation that was signed by the President. Education savings accounts are one way that we can ensure that individuals at every income level have the ability to contribute to their child's or a relative's or even their own postsecondary education.

I realize many working families are trying to save for college and it would be ideal if no student had to take out a student loan. But for those who do incur debt, we need to make sure every student loan borrower has a real opportunity to borrow at the lowest rate possible. In order for borrowers to reach the lowest rates possible, there must be competition in all aspects of the student loan program, including consolidation loans.

In order to ensure that we instill such competition, we will need to make sure that we repeal the single holder rule during the reauthorization of the Higher Education Act, which is currently moving through the Education and the Workforce Committee. I want to thank my colleagues, Chairman BOEHNER and Congressman MCKEON, for their efforts to keep college costs under control. It will be part of my commitment to them as well as students and families everywhere that they can have the benefit of competition from the more than one thousand qualified lenders in the program when they consolidate their loans and, thus, allow them to further reduce their debt burden by taking advantage of historically low fixed interest rates, just as other borrowers are able to do every day.

In conclusion, I encourage my colleagues to support H. Con. Res. 270 and the goals and ideals of College Savings Month.

Ms. WATERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 270.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed.

A motion to reconsider was laid on the table.

RECOGNIZING AND CONGRATULATING EAST BOYNTON BEACH, FLORIDA, UNITED STATES LITTLE LEAGUE TEAM CHAMPIONS

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 273) recognizing and congratulating the East Boynton Beach, Florida, Little League team as the 2003 United States Little League Champions.

The Clerk read as follows:

H. CON. RES. 273

Whereas the Little League team East Boynton Beach, Florida, captured the Florida State and Southeastern United States Regional Championship to reach the Little League World Series in historic Williamsport, Pennsylvania;

Whereas more than 7,000 teams from around the world competed for the honor of reaching the Little League World Series, East Boynton Beach was among the 8 final American teams;

Whereas, on August 23, 2003, after competing against the best young baseball players in the Nation, East Boynton Beach defeated the team from Saugus, Massachusetts, by a score of 9–2 in the final game, thus capturing the United States Little League Championship title;

Whereas the team spirit and sportsmanship displayed by its roster of East Boynton Beach players Michael Broad, Richie DeJesus, Cody Emerson, Jordan Irene, Patrick Mullen, R.J. Neal, Matt Overton, Ricky Sabatino, Benny Townsend, Devon Travis, and Andrew Weaver set a new standard of excellence through team spirit and sportsmanship;

Whereas the coaching staff led by manager Kenny Emerson, assisted by coaches Joe Irene and Tony Travis not only taught these young men how to play top grade baseball on the field, but also taught them the best way to conduct themselves off the field;

Whereas national television commentators, sportswriters, and other media from around the world singled out East Boynton Beach for the way they joyfully played the game and the respect and friendship they showed to all opposing players from around the world; and

Whereas these Little League ambassadors from East Boynton Beach have honored their parents, families, teachers, friends, and the City of Boynton Beach, Florida, by their actions, demonstrating not only the best of Little League tradition but the best of America: Now therefore be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the achievement of the Little League team East Boynton Beach, Florida, in winning the United States Little League Championship and congratulates them on this victory and on the example of excellence they set on the field and off the field;

(2) expresses its pride that the 2003 East Boynton Beach team represents America as the 2003 United States Little League Champions and invites the players, coaches, parents, and other league and city officials to the United States Capitol in Washington, D.C. to be honored;

(3) requests that the President recognize the national champions in their achievements; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the City of Boynton Beach and the Boynton Beach Little League office for appropriate display and to transmit an enrolled copy of this resolution to each player and coach of the East Boynton Beach Little League baseball team.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the distinguished gentleman from Florida (Mr. SHAW), the sponsor of this resolution.

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Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this past August, some of the best young athletes from around the country gathered in historic Williamsport, Pennsylvania, to compete in America's favorite past time at the 2003 Little League Championships. Today, I stand with my colleagues from Palm Beach County, the gentlemen from Florida (Mr. WEXLER) (Mr. FOLEY) and (Mr. HASTINGS), to honor these boys from my home district who captured the United States championship.

Just as we honor their victory with this resolution, I want to especially compliment them on their spirit and their sportsmanship which became legendary in this series. These are the character traits that deliver victory and most certainly enabled them to bring home the championship to East Boynton Beach.

So let me first start by congratulating the boys from the East Boynton Beach Little League team: Michael, Richard, Cody, Jordan, Patrick, R.J., Matt, Ricky, Benny, Devon, and Andrew, who are also known as this year's United States Little League World Series Champions.

While we all recognize their outstanding achievements, we also recognize that children do not get there on their own. In each of our lives, there are people we remember who have helped shape our character along the way: role models who helped make our choices clearer, role models who make our defeats less painful and our victories even sweeter, role models who teach us through their encouragement and support. As we grow older, we come to recognize the scope and impact of their influence and that influence as it has affected our lives.

The boys from East Boynton Beach are surely no exception to this rule. They have been reared by loving parents who, no doubt, sacrificed much of this past year. To make their sons' dreams come true, they chauffeured them to countless practices and packed the family up to cheer at games all season long. When the boys were on the field, they were coached by the best in the league, led by manager Kenny Emerson, assisted by coaches Joe Irene and Tony Travis. These role models not only taught the team how to play top-grade baseball on the field, but also taught them the best way to conduct themselves when they are off the field.

So for all of these reasons, I am proud to bring to the attention of the United States House of Representatives the phenomenal achievements of these fine young men from Florida's 22nd Congressional District. Their victory brought East Boynton Beach great recognition, as it has indeed all of Palm Beach County and the State of Florida. But it was their teamwork and their sportsmanship that brought us all the greatest of pride. We applaud their effort and are offering this concurrent resolution to honor their spirit, which captured our hearts and brought home the championship. I am sure my colleagues will join me in voting "yes" on this resolution.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 11 preteen boys from East Boynton Beach came within a game of winning the Little League World Series. They lost the Little League game to Japan, but they had a wonderful time playing the game and spending the summer becoming the first team from southern Florida to win the national championship. A pitcher on the East Boynton Beach team said of the Little League World Series game, "I don't care that we lost. We had a blast."

Little League baseball was created for just that purpose. In 1938, a man named Carl Stotz hit upon the idea for an organized baseball team for the boys of his hometown of Williamsport, Pennsylvania. Mr. Stotz gathered several of the neighborhood children and experimented with different types of equipment and different field dimensions during that summer. In 1939, he enlisted the help of others and formed three teams: Lycoming Dairy, Lundy Lumber, and Jumbo Pretzel.

Mr. Stotz came up with the name Little League, and the first Little League game was played June 6, 1939. His idea was to provide a wholesome program of baseball for the boys of Williamsport as a way to teach them the ideals of sportsmanship, fair play, and teamwork.

Carl Stotz would have been proud of the East Boynton Beach team. Sportsmanship, fair play, and teamwork are what made them the 2003 United States Little League Champions, an example not often set by the grown-ups involved in the game.

The East Boynton Beach Little League baseball team played with respect and friendship for their coaches, parents, and opposing teams. And all should be commended.

I join the sponsors of this resolution in commending them for their achievements.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I would advise the gentlewoman we have no additional requests for time.

Ms. WATSON. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, I rise in strong support of this resolution recognizing the accomplishments of the East Boynton Beach Little League team, which have been stated very eloquently, who won the United States Little League championship title this summer.

This Little League team from East Boynton Beach captured the hearts and souls of America this past August through sheer determination, grit, and love for the game of baseball. Out of the 7,000 teams from across the globe participating in the Little League World Series, these young ball players displayed the highest level of sportsmanship and goodwill. I am extremely proud of the way they worked together as a team, as representatives of their community and Nation, and with the greatest amount of respect for their opponents.

I join my colleagues in Congress in congratulating the East Boynton Beach players: Michael Broad, Richie DeJesus, Cody Emerson, Jordan Irene, Patrick Mullen, R.J. Neal, Matt Overton, Ricky Sabatino, Benny Townsend, Devon Travis and Andrew Weaver. I also want to highlight the extraordinary efforts of manager Kenny Emerson and coaches Joe Irene and Tony Travis, individuals who instilled a keen sense of skill, spirit, and confidence in these young men and taught them how to conduct themselves on and, maybe even more importantly, off the field.

Finally, I also want to congratulate and thank those who are often overlooked who are critical to the accomplishments of these teams. East Boynton Beach's success could not have been achieved without the sacrifice of family members as well as the support of fans in Boynton Beach and throughout Florida. Clearly, the backbone of this team is not only the players and the coaches, but also the parents and family members who sacrificed their time, money, and effort to support this team of champions.

Again, I would like to join the gentlemen from Florida (Mr. SHAW) (Mr. HASTINGS) (Mr. FOLEY) in congratulating the East Boynton Beach Little League team for winning the United States league championship.

Mr. Speaker, on behalf of the gentlewoman from California (Ms. WATSON), I yield back the balance of our time.

Mr. LaTOURETTE. Mr. Speaker, I urge passage of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Ohio (Mr. LaTOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 273.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING INSPECTORS GENERAL OVER THE LAST 25 YEARS

Mr. LaTOURETTE. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 70) recognizing Inspectors General over the last 25 years in their efforts to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government.

The Clerk read as follows:

H.J. RES. 70

Whereas the Inspector General Act of 1978 (5 U.S.C. App.) was signed into law on October 12, 1978, with overwhelming bipartisan support;

Whereas Inspectors General now exist in the 29 largest executive branch agencies and in 28 other designated Federal entities;

Whereas Inspectors General work to serve the American taxpayer by promoting economy, efficiency, effectiveness, and integrity in the administration of the programs and operations of the Federal Government;

Whereas Inspectors General conduct audits and investigations to both prevent and detect waste, fraud, abuse, and mismanagement in the programs and operations of the Federal Government;

Whereas Inspectors General make Congress and agency heads aware, through semiannual reports and other communications, of problems and deficiencies in the administration of programs and operations of the Federal Government;

Whereas Congress and agency heads utilize the recommendations of Inspectors General in the development and implementation of policies that promote economy and efficiency in the administration of, or prevent and detect waste, fraud, abuse, and mismanagement in, the programs and operations of the Federal Government;

Whereas Federal employees and other dedicated citizens report information to Inspectors General regarding the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health and safety;

Whereas Inspector General audits and investigations result in annual recommendations for more effective spending of billions of taxpayer dollars, thousands of successful criminal prosecutions, hundreds of millions of dollars returned to the United States Treasury through investigative recoveries, and the suspension and debarment of thousands of individuals or entities from doing business with the Government; and

Whereas for 25 years the Inspectors General have worked with Congress to facilitate effective oversight to improve the programs and operations of the Federal Government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress—

(1) recognizes the many accomplishments of the Inspectors General in preventing and detecting waste, fraud, abuse, and mismanagement in the Federal Government;

(2) commends the Inspectors General and their employees for the dedication and professionalism displayed in the performance of their duties; and

(3) reaffirms the role of Inspectors General in promoting economy, efficiency, and effectiveness in the administration of the programs and operations of the Federal Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LaTOURETTE) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LaTOURETTE).

GENERAL LEAVE

Mr. LaTOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LaTOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished chairman of the Committee on Government Reform, the gentleman from Virginia (Mr. TOM DAVIS), introduced House Joint Resolution 70. This resolution commends inspectors general for the important work that they do to improve the operation of the Federal Government.

This year marks the 25th anniversary of the Enactment of the Inspector General Act. This 1978 law originally established Offices of Inspectors General in 12 Federal Departments and agencies. This act has since been amended so that today, statutory IGs oversee nearly 60 Federal Departments and agencies.

Inspectors general are a valuable resource for Congress and the American people. Through their audits and investigations, they highlight wasteful spending and fraudulent activities and recommend ways to improve the operation of government programs. In fiscal year 2002, IGs made recommendations that saved more than $70 billion. Investigations performed by IG personnel also resulted in more than 10,000 criminal prosecutions.

Mr. Speaker, 25 years after the enactment of the IG act, IGs remain important guardians of good government. This resolution salutes their efforts, and I strongly support its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. WEXLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Joint Resolution 70, which recognizes inspectors general for their efforts to prevent waste, fraud, and abuse over the last 25 years and urge Members to vote for this measure.

The Committee on Government Reform has a long history of working with the inspectors general to eliminate waste, fraud, and abuse in Federal programs. Indeed, the Committee on Government Reform drafted the original statute establishing inspectors general in the executive branch 25 years ago.

The close relationship between the inspectors general and our committee is entirely appropriate. The inspectors general community is one of Congress's principal watchdogs in the executive branch. There is much we can learn from each other as we work to ensure that our government operates in the most effective and efficient manner possible.

IGs have a very difficult job. They are appointed by the President and report to Congress as well as the head of their agency. As independent investigators within the Federal agencies, they are often the last person a manager wants to hear from. Yet in many instances, the toughest jobs are the ones that need the doing most.

During fiscal year 2002, IGs returned over $4.5 billion to the Federal Government in restitutions and recoveries, and their audits identified another $72 billion in funds that could be used more effectively. They also had more than 10,000 successful criminal prosecutions. Similar accomplishments are made year after year. The IGs have more than proven their usefulness to Congress and to the American public.

It has been 25 years since the passage of the original IG act. That act established IGs in six Cabinet-level Departments. A good measure of the success of the IG concept is the fact that today, there are inspectors general in all Departments and also in most major independent agencies, for a total of 59 in all. Both Congress and the executive agencies themselves have come to rely heavily on the IGs to uncover fraud, waste, and abuse in the Federal Government.

This resolution states in part, "Inspectors General work to serve the American taxpayer by promoting economy, efficiency, effectiveness, and integrity in the administration of the programs and operations of the Federal Government."

I firmly believe that to be true, and I urge my colleagues to support this resolution commemorating their 25th anniversary.

Mr. Speaker, I yield back the remainder of my time.

Mr. LATOURETTE. Mr. Speaker, I want to congratulate and welcome the gentleman from Florida in his new capacity as an ex-officio member of the Committee on Government Reform.

Mr. TOM DAVIS of Virginia. Mr. Speaker, House Joint Resolution 70, recognizes the accomplishments of the Inspectors General on the 25th anniversary of the passage of the Inspector General Act. Twenty-five years ago this month, the Government Reform Committee—then known as the Government Operations Committee—worked in a bipartisan fashion to enact legislation that established Inspectors General in six Cabinet level departments and another six government agencies. The IG Act was adopted in response to a need to reduce fraud and waste and to enhance accountability in the federal government. Under the IG Act, audit and investigative units within an agency were consolidated under a single office with protections designed to ensure independence and objectivity. The IG Act has since been expanded so that today we have IGs in 29 major department sand agencies and in 28 smaller federal entities.

Over the last quarter century, IGs have been a vital asset in the war against waste, fraud, and mismanagement in the programs and operations of the federal government. The IGs and their more than 11,000 hardworking auditors, investigators, inspectors, and support staff, produce impressive results each year. In fiscal year 2002, IG audits resulted in savings of tens of billions of taxpayer dollars and returns of hundreds of millions of dollars to the Treasury. In addition, IG investigations resulted in thousands of successful criminal prosecutions. With a combined fiscal year 2002 budget of $1.5 billion dollars, the IGs clearly provide significant returns for the taxpayer's investment.

The Committee on government Reform and the entire Congress have come to rely heavily on the critical work of the Inspectors General. In the twenty-five years since the passage of the inspector General Act, much has changed in the way the Federal Government manages it programs and operations. A series of new management laws—including the Chief Financial Officers Act, the Government Performance and Results Act, and the Federal Information Security Management Act—are dramatically changing the management and accountability of the Federal Government, and the Inspectors General are playing a critical role in the implementation of these laws.

American taxpayers deserve no less from their government than the utmost accountability for their hard-earned money. I urge my colleagues to support this resolution and salute the Inspectors General for their extremely important work on behalf of the American taxpayers.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the joint resolution, H.J. Res. 70.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The title of the joint resolution was amended so as to read: "Joint resolution commending the Inspectors General for their efforts to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government during the past 25 years.".

A motion to reconsider was laid on the table.

EDDIE MAE STEWARD POST OFFICE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1883) to designate the facility of the United States Postal Service located at 1601-1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office."

The Clerk read as follows:

H.R. 1883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 1601-1 Main Street in Jacksonville, Florida, shall be known and designated as the "Eddie Mae Steward Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the Eddie Mae Steward Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1883.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1883 was introduced by our esteemed colleague, the gentlewoman from Florida (Ms. CORRINE BROWN), which designates this postal facility in Jacksonville, Florida, as the Eddie Mae Steward Post Office.

□ 1515

All Members of the Florida State delegation have cosponsored the legislation as is required by the rules of our committee.

Eddie Mae Steward lived nearly her entire life in Duval County, Florida. She became an institution in that area. After graduating from Douglas Anderson High School and Edward Waters College in Jacksonville, she began a life of public activism. Ms. Steward became the first female president of the local NAACP chapter in Jacksonville and rose to the level of Florida State president of the NAACP. Naming this post office after her in Jacksonville would be a wonderful tribute to her life of philanthropy.

Mr. Speaker, Eddie Mae Steward sadly passed away in March of 2001 at the age of 61. The gentlewoman from Florida (Ms. CORRINE BROWN) introduced identical legislation to 1883 last year, and it passed the House, but not the Senate, before the end of the 107th Congress. With today's passage by the House, we would hope that H.R. 1883 can be presented to the President for his signature before the end of this Congress.

Mr. Speaker, I urge all Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. WEXLER. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I am thrilled to see this bill on the floor of the House today to dedicate a post office in Jacksonville to Ms. Eddie Mae Steward. Eddie Mae Steward left her mark on her community in many ways.

Eddie Mae Steward single-handedly launched the effort that led to the court-ordered desegregation of Duval County's public schools, she was the first female president of the Jacksonville branch of the NAACP, and served as the State NAACP president from 1973 to 1974.

She also served as the secretary of the Duval County Democratic Executive Committee. A graduate of Edward Waters College in Jacksonville, she was truly a dedicated civil rights activist.

Ms. Steward was the first to take on the fight to improve the infrastructure of public schools for children in Jacksonville. One school in particular, Boylan Haven, a private school for African American girls, was described to be unfit by any standard. Ms. Steward took on the local school board, and after a three-week battle and intense pressure from Ms. Steward and local civil rights activists, the school board decided to send the students to other area schools. Today, Eddie Mae Steward remains a tribute to those willing to undertake great risks to bring about social justice.

Much like those before her who struggled against the injustice of status quo, she was referred to as a “troublemaker.” However, it was fundamental fairness, strong principles, and the strength of her conviction that led her to become a visionary and courageous leader.

Ms. Steward leaves six children. And I am honored to recognize Eddie Mae Steward with this post office designation. I urge support for this measure.

Mr. LATOURETTE. Mr. Speaker, I would advise the gentlewoman from California (Ms. WATSON) that we have no additional speakers. I am prepared to yield back when she is.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Government Reform, I rise in support of H.R. 1883 which names a postal facility in Jacksonville, Florida, after Eddie Mae Steward. This bill was sponsored by the gentlewoman from Florida (Ms. CORRINE BROWN) and has the support and cosponsorship of the entire Florida State delegation. The measure was unanimously reported out of committee on September 12, 2003.

Eddie Mae Steward, a native Floridian and lifelong resident of the Jacksonville community, was well known as a community leader and civil rights activist. She began her career as a civil rights advocate when she filed the suit for desegregation for the Duval County School System. She continued her efforts on behalf of her community by leading a series of successful fights to improve run-down public schools in Jacksonville.

In 1972, Eddie Mae Steward became the first female president of the Jacksonville branch of the National Association for the Advancement of Colored People, a position she held for 6 years. She also served as the Florida State NAACP president from 1973 to 1974, as well as secretary of the Duval County Democratic Executive Committee. Sadly, she passed away on March 5, 2000.

Mr. Speaker, I commend my colleagues for seeking to honor the late Eddie Mae Steward by naming a postal facility near her family home in Jacksonville, Florida. I urge the swift passage of H.R. 1883.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1883.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VIETNAM VETERANS MEMORIAL VISITOR CENTER

Mr. POMBO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1442) to authorize the design and construction of a visitor center for the Vietnam Veterans Memorial, as amended.

The Clerk read as follows:

H.R. 1442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VISITOR CENTER.

Public Law 96-297 (16 U.S.C. 431 note) is amended by adding at the end the following:

“SEC. 6. VISITOR CENTER.

“(a) AUTHORIZATION.—

“(1) IN GENERAL.—The Vietnam Veterans Memorial Fund, Inc., is authorized to construct a visitor center at or near the Vietnam Veterans Memorial on Federal land in the District of Columbia, or its environs, subject to the provisions of this section, in order to better inform and educate the public about the Vietnam Veterans Memorial and the Vietnam War.

“(2) LOCATION.—The visitor center shall be located underground.

“(3) CONSULTATION ON DESIGN PHASE.—The Vietnam Veterans Memorial Fund, Inc. shall consult with educators, veterans groups, and the National Park Service in developing the proposed design of the visitor center.

“(b) APPLICATION OF COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code (commonly referred to as the Commemorative Works Act) shall apply, including provisions related to the siting, design, construction, and maintenance of the visitor center, and the visitor center shall be considered a commemorative work for the purposes of that Act, except that—

“(1) final approval of the visitor center shall not be withheld;

“(2) the provisions of section 8908(b) of title 40, United States Code requiring further approval by law for the location of a commemorative work within Area I shall not apply; and

“(3) the Secretary of the Interior shall enter into a written agreement with the Vietnam Veterans Memorial Fund, Inc. for specified maintenance needs of the visitor center.

“(c) OPERATION.—The Secretary of the Interior shall—

“(1) operate the visitor center; and

“(2) as soon as practicable, in consultation with educators and veterans groups, develop a written interpretive plan for the visitor center in accordance with National Park Service policy.

“(d) FUNDING.—The Vietnam Veterans Memorial Fund, Inc. shall be solely responsible for acceptance of contributions for, and payment of expenses of, the establishment of the visitor center. No Federal funds shall be used to pay any expense of the establishment of the visitor center.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. POMBO) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1442, which I introduced and that was amended by the Committee on Resources, authorizes the Vietnam Veterans Memorial Fund to establish an underground visitor center at or near the Vietnam Veterans Memorial to better inform and educate the public about the Memorial and the Vietnam War.

My colleagues may not remember, but back in 1979 Congress authorized the Vietnam Veterans Memorial Fund to raise the necessary funds to build the Vietnam Veterans Memorial, known more commonly as The Wall. The Fund met its goal, raising over $8 million. And on November 13, 1982, The Wall was opened to the public. I have no doubt that the Fund will meet its goal for the visitor center.

The Fund has been integrally involved with the Memorial since 1982, and I expect that it will also be integrally involved with the visitor center. While the center will be operated by the Park Service, the National Park Rangers will work side by side with volunteers and educators from the Memorial Fund and other veterans' organizations in assisting visitors as they seek a better understanding of the Memorial and our involvement in the war.

Today over 4.4 million people annually visit the Vietnam Veterans Memorial, the most visited Memorial in our Nation's capital. Some come to “The Wall That Heals” to sketch the name of their fallen mother or father, brother or sister on a piece of paper, while others come for a solemn moment with a fallen comrade. It has become the quietest place in our Nation's capital.

No Federal funds will go toward the design and construction of the visitor center. Once completed, the maintenance costs will be shared by the Fund and the National Park Service.

Once built, the visitor center and The Wall will work in synergy to provide a profound educational experience unlike any other monument or memorial. While the exhibits for the visitor center will be determined once it is built, I expect that some of the 60,000 personal articles that have been left by family members over the years at the Memorial will find a permanent home.

A visitor center for the Vietnam Veterans Memorial is the right thing to do. It is our moral responsibility to provide a place where the thousands of stories of profiles in courage can be told and shared with fellow Americans.

Too many visitors to The Wall walk away not truly knowing the impact the Vietnam War had on our country, the men and women who fought in Vietnam and the lives of those families who lost their mothers and fathers, sons and daughters. While there are the names of 58,235 men and women on The Wall who made the ultimate sacrifice for democracy and security, I do not know how the draft affected their families, who they were, where they came from, or how they felt about the war. A visitor center could begin to answer some of these questions.

The Vietnam Veterans Memorial will offer the visitor a more comprehensive understanding as to the evolution of the Memorial and why America got involved in Vietnam in the early 1950s, committed itself until 1973, making it our Nation's longest military conflict, spanning six Presidential administrations and sacrificing the lives of over 52,000 Americans.

I know my colleagues who unselfishly served this country during the Vietnam War with honor and duty, such as two of the original cosponsors of the bill, the gentleman from Nevada (Mr. GIBBONS), and the gentleman from Pennsylvania (Mr. MURTHA), agree with me that the visitor center is needed.

This bill represents a true bipartisan effort. I would like to thank the Committee on Resources ranking member, the gentleman from West Virginia (Mr. RAHALL), the Committee on Resources vice chairman, the gentleman from Nevada (Mr. GIBBONS), and our colleague, the gentleman from Pennsylvania (Mr. MURTHA), for their support and efforts in moving this legislation forward.

I would also like to thank Jan Scruggs of the Vietnam Veterans Memorial Fund and a number of his colleagues from veterans organizations across the country, Don Murphy, Deputy Director of the National Park Service and his staff, and David Watkins, of the minority staff, for all of the hours that they put in working with the majority staff in moving this bill forward.

Finally, I would like to thank my constituents, Leo Burke of Stockton, California, a veteran of World War II, and Retired Air Force Colonel Robert Frank of Pleasanton, California, a veteran of the Vietnam War. Both have been instrumental in raising the awareness of H.R. 1442 and support for the visitor center.

I would also like to thank the members of the Karl Ross Post Number 16 American Legion in Stockton, California, and the Vietnam War veterans from the tri-valley area in my district for their support of this legislation.

H.R. 1442, as amended, is supported by the majority, minority of the Committee on Resources and the administration. It has been an honor for me to serve in helping to move this much-delayed legislation forward.

I urge my colleagues to support H.R. 1442 as amended. I look forward to this important legislation becoming law.

Mr. Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, any potential changes to the Vietnam Memorial or any of these magnificent memorials on our National Mall must be considered very carefully. The Wall is an incredibly powerful tool for reconciliation and healing as we have heard, and, as I have heard from many of my constituents, it is also a permanent record of sacrifice and loss.

Millions of Americans feel a deep and personal connection to The Wall, and we in Congress are its stewards.

In this instance a visitor center would allow the National Park Service and the Vietnam Veterans Memorial Fund to provide visitors to this wall a context that might further their understanding of the war.

For many visitors, the list of over 50,000 names inscribed on black granite is certainly moving, but their personal understanding of, and connection to, the events surrounding the conflict is very limited. A small underground visitor center would become an a powerful tool in expanding visitors' connection with the Memorial and its subject matter.

Certainly, there is more work to be done even after this legislation is enacted. How best to design and construct the center so that it will not intrude upon The Wall itself or any other memorial on the Mall, as well as how best to fund staff and maintain the center must all be explored.

However, development of this legislation has become a cooperative process, as we have heard, and the bill contains certain provisions that will provide guidance on each of these issues as the process of establishing the center moves forward.

Once completed, the Vietnam Memorial Visitor Center will be a welcome and informative addition to our National Mall. The gentleman from California (Mr. POMBO), the gentleman from West Virginia (Mr. RAHALL), and all the cosponsors of H.R. 1442 are to be commended for their efforts on this important legislation.

In addition, the contributions of the administration and the Vietnam Veterans Memorial Fund were vital during this process. I urge my colleagues to support H.R. 1442, as amended.

Mr. Speaker, I reserve the balance of my time.

□ 1530

Mr. POMBO. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS), vice chairman of the Committee on Resources and an original cosponsor of the bill.

Mr. GIBBONS. Mr. Speaker, I thank the chairman of the committee, the gentleman from California (Mr. POMBO), for yielding me time.

Mr. Speaker, I rise today to speak in support of a bill which will authorize the building of a visitors center at the Vietnam Veterans Memorial. I am proud to have assisted and supported the gentleman from California (Mr. POMBO) and the leadership and the staff of the Committee on Resources in bringing us one step closer to making the Vietnam Veterans Memorial Visitors Center a reality.

In this body, Mr. Speaker, I am but one of many who served our great Nation in uniform during this period of our country's history. And today we debate long-overdue legislation to create a visitors center at the Vietnam Veterans Memorial, the most popular memorial in Washington with more than 4 million visitors a year.

Etched row upon row the heroes listed on the wall continue to serve our Nation still today. They serve to remind us of the price of freedom.

Throughout the United States, teachers and students are benefiting from the educational programs of the Vietnam Veterans Memorial Fund. We must ensure that this noble effort continues beyond America's classrooms. It must continue when those students visit our Nation's capital. It must continue when they visit the Vietnam Veterans Memorial. The underground visitors center must be there on that sacred site. The visitors center will create a profound learning experience for all Americans, a place where veterans and family members come to remember and often to mourn, a place where love is openly displayed, love for those lost in Vietnam.

The visitors center will teach our children the lessons we learned as soldiers and as a country. In the best traditions of war memorials, the visitors center will ensure that future generations will always remember the sacrifices that were made by our servicemembers for their country, for their freedom.

It will educate our country's youth and continue the wall's work of healing our Nation. I cannot think of a more appropriate place for a visitors center than on the hallowed grounds of the Vietnam Veterans Memorial.

The Vietnam War was controversial. However, there is no controversy about the bravery and sacrifice of the men and women who answered the call of duty. Former President George H.W. Bush, himself a former combat pilot, wrote of the legislation that we debate today, "This center will remind all Americans that we owe these soldiers a debt of gratitude."

I echo the President's sentiments. Let us take up this historic step. Let us create a center to recognize our courageous Vietnam veterans. Let us establish this visitors center so every future generation understands the sacrifices made and as a Nation we will never forget.

Mr. Speaker, I encourage my colleagues to pass this historic legislation as a tribute to those who have served our country.

Mrs. NAPOLITANO. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, first of all, I certainly want to commend my good friend, the chairman of the Committee on Resources, the gentleman from California (Mr. POMBO), and also our ranking member, the gentleman from West Virginia (Mr. RAHALL), for their outstanding leadership in bringing this legislation to the floor. More especially, I want to commend also my good friend, the gentleman from Nevada (Mr. GIBBONS) and my good friend, the gentleman from Pennsylvania (Mr. MURTHA), for their outstanding contributions in making this legislation a possibility.

Mr. Speaker, as an original cosponsor, I rise today in support of H.R. 1442, the Vietnam Veterans Memorial Visitors Center Act.

The Vietnam Veterans Memorial was dedicated in 1982; and with some 4.4 million visitors each year, it is the most visited memorial in Washington, D.C.

This memorial stands as a testament to the sacrifices made by the men and women during the Vietnam War. Their names are engraved in the wall to honor their memory and serve as a reminder of the ultimate sacrifice they made on behalf of our Nation. Some of them are my own relatives and friends; their names are on that wall.

H.R. 1442 is designed to enhance public education at the Vietnam Veterans Memorial. Specifically, it would authorize the Vietnam Veterans Memorial Fund to design and construct an underground visitors center for the memorial. The fund would also promote the educational experience for the public, an experience culminating in self-guided tours, displays of collections and mementos of the fallen soldiers and exhibits discussing the historical significance of the memorial and the Vietnam War.

Mr. Speaker, as a Vietnam veteran, I am painfully aware of the sacrifices made by these men and women in defense of freedom. I am honored to have been able to support this legislation which I believe is crucial in educating the public about the Vietnam War, as well as preserving the memory of our fallen men and women in the military.

Mr. Speaker, this memorial is more than just a reminder of the events before, during, and after that tragic war in Vietnam. This memorial should also serve as a reminder to our national politicians and military leaders of our Nation never, never to take lightly the matter of putting our soldiers, our sailors, our Marines, and our Air Force personnel in harm's way. It should be only if there is absolutely clear evidence that the security and safety of our Nation is at risk.

I need to remind my colleagues we did not win the war in Vietnam. And for a former Secretary of Defense to confess years later and publicly stating that as a matter of policy we were wrong to be in Vietnam, tell that to the parents and the wives and the brothers and sisters and the relatives of some 58,000 brave men and women who lost their lives in that terrible conflict, and some 400,000 who were wounded and maimed for life. And I cannot help it also, Mr. Speaker, but to state for the record that some 2 million Vietnamese, included among them tens of thousands of innocent women and children needlessly killed in that terrible conflict.

It is my sincere hope that this memorial will stand as a center for learning and telling the American people the real truth of what happened in that dark 10-year period of our Nation's history.

Mr. Speaker, I would like again to take this opportunity to thank my good friend, the gentleman from California (Mr. POMBO), and the ranking member of this committee for their continued leadership and commitment in honoring the Vietnam Memorial. I urge my colleagues to support this legislation.

Mr. POMBO. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to speaker in favor of H.R. 1442, the Vietnam Veterans Memorial Visitor Center Act.

I am very proud to be a cosponsor of this legislation which authorizes the design and construction of a visitors center to enhance the experience of visitors to the Vietnam Memorial. I will not ever forget the impact that the wall had on me when it was first commemorated in 1982. At that time the sacrifices made by American soldiers, Marines, Navy, and Air Force in Vietnam were so fresh on everyone's conscience. However, as years pass, the Vietnam War becomes the subject of a history text book rather than a reality of life.

The sacrifices made by Vietnam veterans must not simply fade into the past. We owe much more to the soldiers who answered the call to duty and who sacrificed for our freedom. Today, most of the visitors to the wall were not alive during the Vietnam era. Many do not fully understanding the message on the wall. The Vietnam Veterans Memorial Visitors Center will ensure that Americans now and also future generations will learn and understand the true history of the Vietnam War.

I want to thank the gentleman from California (Mr. POMBO) for his leadership on this matter so that we can continue to honor the sacrifices made by our many brave Americans.

Mrs. NAPOLITANO. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding me time. I thank her for her leadership and the gentleman from California (Mr. POMBO) for his leadership as well.

Let me say what we all know, that there are no veterans, and I think all would agree, that are more deserving than Vietnam veterans, no veterans that got a rawer deal at home and in the field. We cannot do enough. They still are the homeless veterans, not simply the returning veterans.

I support this memorial. And I support it because it has been put underground. But I come to the floor to remind people that that is not where it always was. It was above ground. Now it is going underground and still there is a lot of work to be done to make sure that it is in keeping with the Mall itself. The Mall is becoming a crowded urban area, rather than the Mall it was meant to be.

The Vietnam Memorial, anybody who goes there knows that people who come to the Vietnam Memorial need some place to go. Some people that come, they bring so many things with them. They leave items. It is the most visited memorial. It is a shrine. It is not simply a memorial.

So the need for some place for people to be is apparent here. We have to be very careful, however, as we get pressure from various groups. For example, there is another memorial, because after this wonderful shrine was put there, some came forward and said, we do not like that so we want another one. And so there is another one there which, of course, people ignore because the place where people come is the place where there was a competition. And pursuant to that competition was this extraordinary memorial that could not be improved upon. But there was political pressure, and there is another memorial there that looks like all the other memorials in Washington.

And it is political pressure that I come to the floor to remind people of because political pressures are making our Mall a place where our generation is using up all of the space.

There is a portion of the Senate bill, when this goes to conference, to access the so-called reserve, the access from the White House to the Jefferson Memorial, the Capitol to the Lincoln Memorial. It is unfair to future generations to say, look, I am sorry there is no space there, but we had a lot of things that we wanted to commemorate.

Mr. Speaker, I want to read a letter from the National Capital Planning Commission that reluctantly approved, or said it supported, this memorial but warned the Congress, "While we applaud efforts of the Vietnam Memorial Fund to seek ways to ensure the visitors center will not visually intrude on the historic open space of the Mall, the Commission is concerned that if this center is approved, Congress will soon find itself under increasing pressure to authorize similar education centers at other memorials throughout the monumental core, including the Vietnam Memorial, the World War II Memorial, the Martin Luther King, Jr. Memorial, and the FDR Memorial."

My position on all these memorials is the same. Martin Luther King, when people wanted to memorialize him before 25 years, no, no exceptions. He had to wait 25 years. We wanted an African American memorial on the Mall, I was against it. It is not going to be on the Mall. We have to have one policy.

I think we have done the right thing here. But this is a real warning to the Congress that it does not have a lot more space left on that Mall.

Hon. Craig Thomas,
Chairman, Subcommittee on National Parks,
U.S. Senate, Washington, DC.

Dear Senator Thomas: I am writing to express the views of the National Capital Planning Commission with regard to S. 1076, a bill that would authorize a visitor education center at the Vietnam Veterans Memorial.

As I stated previously in testimony before the Senate Energy and Natural Resources Committee, the Commission is supportive of the establishment of a visitor education center. We believe such a center could help inform the millions of visitors to the nation's capital—including thousands of school-aged children—who are eager to learn more about the complex history of the Vietnam conflict and the Vietnam Veterans Memorial. However, the Commission is concerned that locating an education center at the site of the Vietnam Veterans Memorial would set an unwelcome precedent for additional education centers at other memorials across the Mall. Instead, we believe there are alternative ways to provide visitors to the Vietnam Veterans Memorial with an education center that would be more consistent with Commission policies and avoid setting a precedent for additional visitor centers on the Mall.

Since 1991, the Commission has consistently expressed objection to constructing additional elements to the Vietnam Veterans Memorial. In our view, the memorial succeeds in evoking a powerful, emotional response precisely because of its simplicity. The memorial presents a complete and timeless tribute whose impact could be diminished if it were coupled with an education center whose main focus would be historical interpretation and exhibit. In addition, as you may be aware, in September 2001, this Commission, along with the Commission of Fine Arts and the National Capital Memorials Commission, adopted the Memorials and Museums Master Plan to guide the location of new memorials and related structures in the nation's capital. The Plan sets forth a policy stating that visitor services at memorials in Area I, which includes the Vietnam Veterans Memorial, "should be limited to only small information kiosks and restroom facilities and should not contain buildings or interior housing exhibits, displays, collection, or other interpretive products and programs normally found in museums, visitor centers, or education centers."

While we applaud efforts of the Vietnam Memorial Fund to seek ways to ensure that the visitor center will not visually intrude upon the historic open space of the Mall, the Commission is concerned that if this center is approved, Congress may soon find itself under increasing pressure to authorize similar education centers at other memorials throughout the Monumental Core, including the Korean War Veterans Memorial, the World War II Memorial, the Martin Luther King, Jr. Memorial, or the FDR Memorial. Additional structures at these sites would further diminish the Mall's cherished open landscape.

As we move forward to implement the Memorials and Museums Master Plan, we anticipate working with the National Park Service on a study that will provide a comprehensive assessment of landscape conditions, land use, and visitor services on and adjacent to the Mall. We expect the study will examine alternatives for educating visitors about memorials located on the Mall.

We look forward to working with the Committee on this important issue. Please do not hesitate to contact our General Counsel, Ash Jain, or myself at (202) 482-7200 if we can be of any further assistance.

Sincerely,
Patricia E. Gallagher,
Executive Director.

Mr. POMBO. Mr. Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. Cardoza).

Mr. CARDOZA. Mr. Speaker, I rise in strong support of this legislation. I want to thank its sponsor, my good friend, the gentleman from California (Mr. Pombo), the chairman of our committee, for his leadership on this issue.

Just a few weeks from now on November 11, our Nation will observe Veterans Day. I believe one of the most moving tributes to our veterans is in fact this Vietnam Veterans Memorial Wall which honors the service and sacrifice of over 3.5 million Americans who served in Southeast Asia during that conflict.

Our Nation suffered the loss of 58,000 men and women and more than 300,000 came home injured or wounded. The Vietnam wall honors those we lost and pays a testament to their sacrifice. The fact that the wall is the most visited monument in Washington speaks to the experience it offers to every visitor.

As impressive as the wall is, I believe we can enhance the experience by establishing a facility to educate visitors about the sacrifices that our troops made during the conflict. The legislation we are considering today would authorize the creation of an underground educational visitors center within the memorial's existing 2-acre site. The facility will feature photographs of those who were killed or remain missing, as well as some of the more 60,000 items that have been left at the wall over the last few years.

The visitors center would be funded by private donations through the Vietnam Veterans Memorial Fund, a nonprofit organization that raised money to build the memorial wall.

Earlier this year I was pleased to take part in a Committee on Resources hearing on the grounds of the national Mall next to the memorial. I believe an educational visitors center will serve as an important learning tool for the millions of visitors who will visit the wall each year, especially those too young to remember the conflict in Vietnam.

Through the passage of this legislation today, we can help the American school children and the public at large have a greater access to the information about service, sacrifice, and patriotism for those whose names are inscribed on the Vietnam Veterans Wall.

☐ 1545

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

I just wanted to thank my speakers for coming in and supporting this important piece of legislation, and I am only sorry I did not get on the gentleman from California's (Mr. Pombo) bill early enough because it would have been something that would be tremendously important. My brother served in Vietnam.

I urge my colleagues to support and endorse this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentlewoman from California (Mrs. Napolitano) and the gentleman from California (Mr. Cardoza), two of my California colleagues who have worked so hard on this legislation and others over the past several months to make this a reality, and I think that their support is well-known amongst the veteran community, and I thank them for their work.

I urge my colleagues to support H.R. 1442, as amended.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. POMBO) that the House suspend the rules and pass the bill, H.R. 1442, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NEVADA NATIONAL FOREST LAND DISPOSAL ACT OF 2003

Mr. POMBO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1092) to authorize the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada, as amended.

The Clerk read as follows:

H.R. 1092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nevada National Forest Land Disposal Act of 2003".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The United States owns, and the Forest Service administers, land in small and large parcels in Carson City and Douglas County, Nevada.

(2) Much of this Federal land is interspersed with or adjacent to private land, which renders the Federal land difficult, inefficient, and expensive for the Forest Service to manage and more appropriate for disposal.

(3) In order to promote responsible and orderly development in Carson City and Douglas County, Nevada, appropriate parcels of the Federal land should be sold by the Federal Government based on recommendations made by units of local government and the public.

(b) PURPOSE.—The purpose of this Act is to provide for the sale of certain parcels of Federal land in Carson City and Douglas County, Nevada.

SEC. 3. DISPOSAL OF NATIONAL FOREST SYSTEM LANDS, CARSON CITY AND DOUGLAS COUNTY, NEVADA.

(a) DISPOSAL REQUIRED.—The Secretary of Agriculture (in this section referred to as the "Secretary") shall sell any right, title, or interest of the United States in and to the following parcels of National Forest System lands in Carson City or Douglas County, Nevada:

(1) The parcel of land referred to as the "Carson Parcel", consisting of approximately 3 acres, and more particularly described as being a portion of the southeast quarter, section 31, township 15 north, range 20 east, Mount Diablo Base and Meridian.

(2) The parcel of land referred to as the "Jacks Valley/Highway 395 Parcel", consisting of approximately 28 acres, and more particularly described as being a portion of the northwest quarter of the southeast quarter, section 6, township 14 north, range 20 east, Mount Diablo Base and Meridian.

(3) The parcel of land referred to as the "Indian Hills Parcel", consisting of approximately 75 acres, and more particularly described as being a portion of the southwest quarter, section 18, township 14 north, range 20 east, Mount Diablo Base and Meridian.

(4) The parcel of land referred to as the "Mountain House Area Parcel", consisting of approximately 40 acres, and more particularly described as being a portion of the northwest quarter of the northeast quarter, section 12, township 10 north, range 21 east, Mount Diablo Base and Meridian.

(5) The parcel of land referred to as the "Holbrook Junction Area Parcel", consisting of approximately 80 acres, and more particularly described as being a portion of the west half of the southwest quarter, section 7, township 10 north, range 22 east, Mount Diablo Base and Meridian.

(6) The two parcels of land referred to as the "Topaz Lake Parcels", consisting of approximately 5 acres (approximately 2.5 acres per parcel), and more particularly described as being portions of the northwest quarter, section 29, township 10 north, range 22 east, Mount Diablo Base and Meridian.

(b) MODIFICATION OF DESCRIPTIONS.—The Secretary may—

(1) correct typographical or clerical errors in the descriptions of land specified in subsection (a); and

(2) for the purposes of soliciting offers for the sale of such land, modify the descriptions based on—

(A) a survey; or

(B) a determination by the Secretary that the modification is in the best interest of the public.

(c) SELECTION AND SALE.—

(1) COORDINATION.—The Secretary shall coordinate the sale of land under this section with the unit of local government in which the land is located.

(2) EXISTING RIGHTS.—The sale of land under this section shall be subject to all valid existing rights, such as rights-of-way, in effect as of the date of the sale. In the case of the parcel described in subsection (a)(2), all access rights in and to United States Highway 395, together with any and all abutter's rights adjacent to the westerly right-of-way line of such highway, within the parcel shall be restricted.

(3) ZONING LAWS.—The sale of land under this section shall be in accordance with local land use planning and zoning laws and regulations.

(4) SOLICITATIONS OF OFFERS.—The Secretary shall solicit offers for the sale of land under this section, subject to any terms or conditions that the Secretary may prescribe. The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(5) METHOD OF SALE.—The Secretary shall sell the land described in subsection (a) at public auction.

(d) DISPOSITION OF PROCEEDS.—

(1) PAYMENTS AND DEPOSITS.—Of the gross proceeds from any sale of land under this section, the Secretary shall—

(A) pay five percent to the State of Nevada for use for the general education program of the State;

(B) pay five percent to the Carson Water Subconservancy District in the State;

(C) deposit 25 percent in the fund established under Public Law 90–171 (commonly known as the "Sisk Act"; 16 U.S.C. 484a); and

(D) retain and use, without further appropriation, the remaining funds for the purpose of expanding the Minden Interagency Dispatch Center in Minden, Nevada, as provided in paragraph (3).

(2) USE OF SISK ACT FUNDS.—The amounts deposited under paragraph (1)(C) shall be available to the Secretary until expended, without further appropriation, for the following purposes:

(A) Reimbursement of costs incurred by the local offices of the Forest Service in carrying out land sales under this section, except that the total amount of reimbursement may not exceed 10 percent of the total proceeds of the lands sales.

(B) The development and maintenance of parks, trails, and natural areas in Carson City, Douglas County, or Washoe County, Nevada, in accordance with a cooperative agreement entered into with the unit of local government in which the park, trail, or natural area is located.

(3) MINDEN INTERAGENCY DISPATCH CENTER.—The Minden Interagency Dispatch Center is located on land made available by the State of Nevada in Minden, Nevada, and will serve as a joint facility for the Forest Service and the Nevada Division of Forestry for the purpose of fighting wildland fires. The expansion of the center shall include living quarters and office space for the Blackmountain Hotshot Crew, a guard station for housing engines and patrol vehicles, an air traffic control tower, a training facility, and a warehouse.

(4) LIMITATION.—None of the amounts made available to the Carson Water Subconservancy District under paragraph (1)(B) shall be used to pay the costs of litigation.

(e) RELATION TO OTHER PROPERTY MANAGEMENT LAWS.—The land described in subsection (a) shall not be subject to chapter 5 of title 40, United States Code, as codified by Public Law 107–217 (116 Stat. 1062).

(f) WITHDRAWAL.—Subject to valid existing rights, all Federal land described in subsection (a) is withdrawn from location, entry, and patent under the public land laws, mining laws, and mineral leasing laws, including geothermal leasing laws.

(g) REVOCATION OF PUBLIC LAND ORDERS.—

(1) IN GENERAL.—To facilitate the sale of parcels of land described in subsection (a), the Secretary shall revoke any public land orders in existence on the date of the enactment of this Act that withdraw the parcels from all forms of appropriation under the public land laws, to the extent that the orders apply to land described in such subsection (a).

(2) EFFECTIVE DATE.—A revocation under paragraph (1) shall be effective on the date on which the instrument conveying the parcels of land subject to the public land order is executed.

(h) REPORT.— The Secretary shall submit to the Committee on Agriculture and the Committee on Resources of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on all land sales made under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. POMBO) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1092, sponsored by the gentleman from Nevada (Mr. GIBBONS), would authorize the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada.

This legislation would dispose of Federal land interspersed with or adjacent to private land in Carson City and Douglas County. The parcels identified have been difficult and expensive for the Forest Service to manage, and the land has lost its National Forest character.

I urge support for the legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1092 would direct the Secretary of Agriculture to auction six Federal parcels in Carson City and Douglas County, Nevada. Proceeds would be used for the general education fund in Nevada and other purposes, including the development and maintenance of parks and trails in Carson City and Douglas and Washoe Counties.

The majority has explained the bill, and we have no objection.

Mr. Speaker, I yield back the balance of my time.

Mr. POMBO. Mr. Speaker, I yield as much time as he may consume to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from California (Mr. POMBO), the chairman of the committee, for allowing me this time to speak on this piece of legislation, and I rise today in support and urge my colleagues to support H.R. 1092, the Nevada National Forest Disposal Act.

Mr. Speaker, this piece of legislation is important to the people of the State of Nevada, and as a lifelong resident of the great State, where the Federal Government manages almost 90 percent of all land, I am committed to promoting sensible public lands management policies that allow for responsible economic growth while protecting our precious natural resources and scenic vistas.

This legislation, the Nevada National Forest Disposal Act will require the Secretary of the Interior to sell in a public auction six parcels of land in Nevada, ranging in size from three acres to 75 acres. Each parcel borders private lands on at least two sides, and each is located within residential areas or next to a busy highway. None of these lands are pristine forest lands. In fact, barely any vegetation and no forest characterization can be found on some of the lots recognized in this legislation.

This bill would remove these lands from the Federal management and sell them to the local community at fair market value to allow for much-needed economic development in Carson City and Douglas County, and the revenues of the sale will benefit the entire State as well as the United States Forest Service.

Sixty-five percent of the revenues from the land sales will go towards a fund to build an Interagency Dispatch Center to serve as a joint facility for the Forest Service and Nevada Division of Forestry to fight wildland fires. Twenty-five percent of the revenue will be used for development and maintenance of parks, trails and natural areas in Carson City, Douglas County and Washoe County. Five percent will go into Nevada's general education program, and 5 percent will go to the Carson Water Subconservancy District.

This commonsense bill has the support of the counties, the State of Nevada and both of Nevada's U.S. Senators as well.

The intent of this legislation, and in truth, as smart public lands management, is to dispose of public lands which do not make sense for the Federal Government to manage and to use the revenues from the land sales to better manage and protect other Federal lands. H.R. 1092 accomplishes this goal.

Mr. Speaker, let me also take this opportunity to quickly explain two changes that were made to the bill before it came to the floor.

First, the State of Nevada requested to limit access on one parcel which borders a major freeway in order to prevent a major disruption in freeway traffic. As one can imagine, it would be a disaster if the future owner of the land put a driveway right into the middle of this heavily-used freeway. This legislation protects against such a scenario and ensures the integrity of the existing freeway.

The second change simply requires the Secretary to sell these parcels in a public auction. These changes only strengthen the bill which is a win-win for everyone.

Mr. Speaker, H.R. 1092 is a model of efficient public lands policy. It is important to the State of Nevada, and I urge my colleagues to support it.

Mr. POMBO. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. POMBO) that the House suspend the rules and pass the bill, H.R. 1092, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to direct the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada."

A motion to reconsider was laid on the table.

IRVINE BASIN SURFACE AND GROUNDWATER IMPROVEMENT ACT OF 2003

Mr. POMBO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1598) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and for other purposes.

The Clerk read as follows:

H.R. 1598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Irvine Basin Surface and Groundwater Improvement Act of 2003".

SEC. 2. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by inserting after section 1635 the following:

"SEC. 1636. IRVINE BASIN GROUNDWATER AND SURFACE WATER IMPROVEMENT PROJECTS.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the Irvine Ranch Water District, California, is authorized to participate in the design, planning, and construction of projects to naturally treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal within the San Diego Creek Watershed.

"(b) COST SHARE.—The Federal share of the costs of the projects authorized by this section shall not exceed 25 percent of the total cost.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project authorized by this section.".

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 is amended by inserting after the item relating to section 1635 the following:

"1636. Irvine basin groundwater and surface water improvement projects.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. POMBO) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1598, sponsored by the gentleman from California (Mr. COX), authorizes Federal assistance for the design and construction of a de-salter and a regional brine line to treat brackish groundwater. The bill also provides for strategic placement of wetlands to naturally clean surface water in the San Diego Creek Watershed. All Federal assistance would be limited to 25 percent of the overall project's cost.

This bill is yet another step towards "drought proofing" southern California and will decrease the region's overdependence on imported Colorado River water.

I urge my colleagues to support this important bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1598. Communities throughout the Nation are finding technologically advanced and innovative ways to solve their water supply and water quality problems. H.R. 1598 is an excellent example of how we can help those communities.

With only a small amount of financial assistance from the Federal Government, we can save water by building water recycling and desalting projects, and may I add, also recycling projects, that are important to southern California. Not too long ago, Congress would have rushed to support an expensive dam and reservoir project. We now have the option to help our cities who understand that the future to securing a reliable water supply is through the promotion of water recycling, conservation and desalination.

Mr. Speaker, I hope the administration can understand how important these projects are, especially water recycling, and how they can help communities solve their water problems that are so urgently needed, even now, especially in the area where there is tremendous drought.

I urge my colleagues to vote in favor of H.R. 1598.

Mr. Speaker, I have no speakers, and I yield back the balance of my time.

Mr. POMBO. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I thank the chairman for yielding me the time.

The Irvine Basin Surface and Groundwater Improvement Act is a bill that, as its author, of course, I am very pleased to see on the floor, but one also that I am very very grateful to the committee for producing. This is going to make a very important contribution to improving water quality in southern California.

I would especially like to thank and recognize the efforts of the gentleman from California (Mr. POMBO), the chairman of the Committee on Resources. I would like to thank the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from West Virginia (Mr. RAHALL), the ranking member, for their support and leadership, and also my colleague from Orange County (Mr. CALVERT), the chairman of the Subcommittee on Water and Power. I thank all of them for their active interest in and support of this important legislation.

This bill authorizes the Federal Government to assist in designing a series of wetlands. As the gentlewoman from California (Mrs. NAPOLITANO) has said, this is an innovative approach, one that has the support of environmentalists and government leaders alike. This series of wetlands is going to clean up polluted surface runoff within the San Diego Creek Watershed in Orange County, California.

For those of my colleagues who are not familiar with southern California, the San Diego Creek is one of our region's major watersheds. It empties into Upper Newport Bay, one of the largest wetlands in the entire coastal region between Los Angeles and San Diego.

The Upper Newport Bay is home to over 75 species of fish, nearly 200 species of birds, and a number of threatened and endangered species, including the light-footed clapper rail, Belding's Savannah sparrow, the American osprey, the California brown pelican and California's least tern. In addition, the Bay is an important stop on the Pacific Flyway for 50,000 migratory birds each year.

Unfortunately, the Upper Newport Bay is threatened by silt and polluted runoff from the San Diego Creek that flows into the Bay. In fact, the Environmental Protection Agency has declared the water quality of San Diego Creek and its tributaries to be limited. That is a bureaucratic euphemism for hazardous to swim in or drink. The reason for this designation is that drainage from urban surfaces flows unfiltered into the watershed.

Thankfully, there is a solution on the horizon to save the Upper Newport Bay. This legislation will use a natural treatment system to reduce the amount of silt and pollutants that gets dumped into San Diego Creek and, in turn, into Upper Newport Bay. The plan was developed by environmentalists and local officials, and it relies on wetlands, nature's own system for filtering pollutants out of the water. Specifically, the plan calls for the creation of an entire network of wetlands to be developed along the San Diego Creek basin.

The natural, beneficial bacteria in the soils of these wetlands, along with plants such as bulrush and cattails, will remove nitrogen and other pollutants from surface runoff. It is expected that this natural treatment system will reduce fecal coliform levels by over 26 percent and each year remove 126,000 pounds of nitrogen and 21,000 pounds of phosphorus from the San Diego Creek.

In this way, the natural treatment system will help prevent unwanted sediment, nutrients and contaminants from polluting and clogging up San Diego Creek and Upper Newport Bay. It will also provide another major benefit. The creation of all these new wetlands will provide considerable additional wildlife habitat and open space, including habitat for the many threatened and endangered species of the Upper Newport Bay.

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For all of these reasons, the Natural Treatment System established by this legislation is strongly supported by local environmental groups, including Orange County Coastkeepers and the Newport Bay Naturalists and Friends. This legislation is also fully supported by our local public officials, including the Irvine Ranch Water District, the County of Orange and the cities of Newport Beach, Lake Forest, Irvine, Orange, Santa Ana, and Tustin.

This bill, Mr. Speaker, will be of tremendous help to our local environmental efforts. By allowing the U.S. Bureau of Reclamation, which has extensive experience in wetlands restoration, to serve as a partner in this important regional project, H.R. 1598 is an important step toward assuring that the Natural Treatment System moves forward as quickly and cost effectively as possible.

Finally, I would like to point out that the Natural Treatment System will also provide significant cost savings for the Federal Government. Since the Upper Newport Bay is a Federal waterway, the U.S. Corps of Engineers regularly dredges the bay to remove the accumulation of silt and pollutants. By significantly reducing silt runoff into Upper Newport Bay, the Natural Treatment System will reduce both the Corps of Engineers' dredging expenses and the bill to Federal taxpayers.

Mr. Speaker, I strongly urge my colleagues to support H.R. 1598 so that we can move forward with this important environmental initiative for Southern California.

Mr. POMBO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. POMBO) that the House suspend the rules and pass the bill, H.R. 1598.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JOHNSTOWN FLOOD NATIONAL MEMORIAL BOUNDARY ADJUSTMENT ACT OF 2003

Mr. POMBO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1521) to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Johnstown Flood National Memorial Boundary Adjustment Act of 2003".

SEC. 2. BOUNDARY OF JOHNSTOWN FLOOD NATIONAL MEMORIAL.

The boundary of the Johnstown Flood National Memorial ("Memorial") is modified to include the area as generally depicted on the map entitled "Johnstown Flood National Memorial, Cambria County, Commonwealth of Pennsylvania", numbered N.E.R.O. 427/80,008 and dated June, 2003. The map shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

SEC. 3. ACQUISITION OF LANDS.

The Secretary of the Interior ("Secretary") is authorized to acquire from willing sellers the land or interests in land as described in section 2 by donation, purchase with donated or appropriated funds, or exchange.

SEC. 4. ADMINISTRATION OF LANDS.

Lands added to the Memorial by section 2 shall be administered by the Secretary as part of the Memorial in accordance with applicable laws and regulations.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise made available for land acquisition, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. POMBO) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1521, introduced by the gentleman from Pennsylvania (Mr. MURTHA) and amended by the Committee on Resources, would revise the boundaries of the Johnstown Flood National Memorial. The Secretary of the Interior would be authorized to acquire approximately 15 acres of land from willing sellers to be included within the boundary of the Johnstown Flood National Memorial. Acquisition of these additional lands would provide permanent protection for resources that are integral to the historic flood of 1889.

Both property owners, Tom and Ann Furlong and the South Fork Fishing and Hunting Club Preservation Society, are supportive of the bill and the acquisition of their properties. One parcel of land originally in the proposal has been removed, as the owner is no longer a willing seller. Therefore, there are no private property conflicts with this legislation.

The Johnstown Flood Memorial comprises nearly 165 acres in western Pennsylvania and tells the story of the events leading up to the 1889 Johnstown flood, of the flood itself, and its effects on Johnstown and the Nation.

My colleagues may be interested to know it was during the Johnstown flood that Clara Barton successfully led the Red Cross in its first disaster relief effort. H.R. 1521, as amended, is supported by the majority and minority of the subcommittee and the administration. I urge my colleagues to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1521, sponsored by our colleague, the gentleman from Pennsylvania (Mr. MURTHA), would expand the boundaries of the Johnstown Flood National Memorial. There are several private property owners interested in selling their land for inclusion within the memorial, and this legislation is needed to facilitate these acquisitions.

On the afternoon of May 31, 1889, after several days of torrential rains, the South Fork Dam on Lake Conemaugh in southwest Pennsylvania failed, sending 20 million tons of water into Johnstown, Pennsylvania. The resulting flood killed more than 2,200 people, making it one of the worst natural disasters in American history. The Johnstown Flood Memorial is a powerful tribute to the lives lost during this tragedy, and the parcels which would be added under H.R. 1521 would be important additions to the memorial.

I expressly want to thank the gentleman from Pennsylvania (Mr. MURTHA) for his diligence in moving this legislation through the House, and I urge all our House colleagues to support H.R. 1521. I also want to thank the chairman of the Committee on Resources, the gentleman from California (Mr. POMBO), for his assistance in this.

Mr. MURTHA. Mr. Speaker, this bill will authorize the expansion of the Johnstown Flood National Memorial, a National Park Service site in South Fork, Pennsylvania.

Specifically, the bill will enable the National Park Service (NPS) to acquire adjacent properties and historically significant structures that are an integral part of the story of the Johnstown Flood.

The Great Johnstown Flood, which occurred on May 31, 1889, was the largest news story in the era next to the assassination of Abraham Lincoln. It swept away an entire city, causing the loss of over 2,209 people. Though members of the South Fork Fishing and Hunting Club, which owned the earthen dam and was situated above it, worked feverishly during the storm to prevent the dam from bursting, their efforts were futile.

The Johnstown Flood Memorial was dedicated in 1964. Today the park consists of 165 acres and receives over 126,000 visitors annually. It preserves the remains of the old South Fork Dam which was breached in the flood, as well as portions of the former Conemaugh Lake bed.

This bill would authorize the purchase or acquisition by NPS, from willing sellers, an additional approximately 14½ acres. This property holds certain related historic structures such as the "Moorhead Cottage" and the "Clubhouse." Both of these are significant to the story of the Johnstown Flood as they represent the life and role of club members both before and after the flood. The property offers a unique opportunity to use tangible resources to interpret the events that led to the Johnstown Flood, and the club members' response to the Flood.

These structures were built near the shore of Conemaugh Lake, by the South Fork Fishing and Hunting Club. In 1889, the Club had 61 members who were wealthy industrialists, bankers and merchants from Pittsburgh, including Andrew Carnegie, Henry Clay Frick and Andrew W. Mellon. The Clubhouse contained 47 rooms, where the majority of members stayed. The cottages did not have kitchens, so the Clubhouse was the focal point of the Club.

The Clubhouse is clearly among the most significant historical structures not only in the Johnstown Flood story but in our entire region. The 1889 South Fork Fishing & Hunting Club National Historical Society has done a tremendous job over the years in preserving this vital piece of history, but these dedicated volunteers can't be expected to finance the cost of needed repairs, maintenance and interpretive features. Our best alternative to preserve this vital history is to add these structures to the National Park Service.

The Johnstown Flood story continues to fascinate people even though the tragedy happened more than 100 years ago. There is such drama in the story of wealthy Pittsburgh industrialists who owned the poorly-maintained dam that collapsed, causing the worst manmade disaster in history by claiming 2,209 lives. Adding the Clubhouse and these other structures to the National Park will greatly enrich the interpretive potential of this site.

I would like to thank my Colleagues for their consideration of this bill. Thank you for your time.

Mrs. NAPOLITANO. Mr. Speaker, I yield back the balance of my time.

Mr. POMBO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. POMBO) that the House suspend the rules and pass the bill, H.R. 1521, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. POMBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bills H.R. 1442, H.R. 1092, H.R. 1598, and H.R. 1521.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AWARDING A CONGRESSIONAL GOLD MEDAL TO DR. DOROTHY HEIGHT IN RECOGNITION OF HER MANY CONTRIBUTIONS TO THE NATION

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1821) to award a congressional gold medal to Dr. Dorothy Height in recognition of her many contributions to the Nation.

The Clerk read as follows:

H.R. 1821

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) Dr. Dorothy Irene Height was born March 24, 1912, to James Edward Height and Fannie (Borroughs) Height in Richmond, Virginia and raised in Rankin, Pennsylvania.

(2) Dr. Height is recognized as one of the preeminent social and civil rights activists of her time, particularly in the struggle for equality, social justice, and human rights for all peoples.

(3) Beginning as a civil rights advocate in the 1930s, she soon gained prominence through her tireless efforts to promote interracial schooling, to register and educate voters, and to increase the visibility and status of women in our society.

(4) She has labored to provide hope for inner-city children and their families, and she can claim responsibility for many of the advances made by women and African-Americans over the course of this century.

(5) Her public career spans over 65 years.

(6) Dr. Height was a valued consultant on human and civil rights issues to First Lady Eleanor Roosevelt and she encouraged President Eisenhower to desegregate the Nation's schools and President Johnson to appoint African-American women to sub-Cabinet posts.

(7) Dr. Height has been President of the National Council of Negro Women (NCNW) since 1957, a position to which she was appointed upon the retirement of Dr. Mary McLeod Bethune, one of the most influential African-American women in United States history.

(8) The National Council of Negro Women is currently the umbrella organization for 250 local groups and 38 national groups engaged in economic development and women's issues.

(9) Under Dr. Height's leadership, the National Council of Negro Women implemented a number of new and innovative programs and initiatives, including the following:

(A) Operation Woman Power, a project to expand business ownership by women and to provide funds for vocational training.

(B) Leadership training for African-American women in the rural South.

(C) The Black Family Reunion, a nationwide annual gathering to encourage, renew and celebrate the concept of not only the Black family but all families.

(D) The Women's Center for Education and Career Advancement to empower minority women in nontraditional careers.

(E) The Bethune Museum and Archives, a museum devoted to African-American women's history.

(10) Dr. Height has been at the forefront of AIDS education, both nationally and internationally; under her direction, the National Council of Negro Women established offices in West Africa and South Africa and worked to improve the conditions of women in the developing world.

(11) Dr. Height has been central in the success of 2 other influential women's organizations, as follows:

(A) As president and executive board member of Delta Sigma Theta, Dr. Height left the sorority more efficient and globally focused with a centralized headquarters.

(B) Her work with the Young Women's Christian Association (YWCA) led to its integration and more active participation in the civil rights movement.

(12) As a member of the "Big Six" civil rights leaders with Whitney Young, A. Phillip Randolph, Martin Luther King, Jr., James Farmer, and Roy Wilkins, Dr. Height was the only female at the table when the Rev. Dr. Martin Luther King, Jr. and others made plans for the civil rights movement.

(13) Dr. Height is the recipient of many awards and accolades for her efforts on behalf of women's rights, including the following:

(A) The Spingarn Award, the NAACP's highest honor for civil rights contributions.

(B) The Presidential Medal of Freedom awarded by President Clinton.

(C) The John F. Kennedy Memorial Award from the National Council of Jewish Women.

(D) The Ministerial Interfaith Association Award for her contributions to interfaith, interracial, and ecumenical movements for over 30 years;

(E) The Lovejoy Award, the highest recognition by the Grand Lodge of the Benevolent and Protective Order of Elks of the World for outstanding contributions to human relations.

(F) The Ladies Home Journal Woman of the Year Award in recognition for her work for human rights.

(G) The William L. Dawson Award presented by the Congressional Black Caucus for decades of public service to people of color and particularly women.

(H) The Citizens Medal Award for distinguished service presented by President Reagan.

(I) The Franklin Delano Roosevelt Freedom Medal awarded by the Franklin and Eleanor Roosevelt Institute.

(14) Dr. Dorothy Height has established a lasting legacy of public service that has been an invaluable contribution to the progress of this Nation.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) Presentation Authorized.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, to Dr. Dorothy Irene Height a gold medal of appropriate design in recognition of her many contributions to the Nation.

(b) Design and Striking.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medals struck under section 2 at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) Authorization of Appropriations.—There is hereby authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medal authorized under section 2.

(b) Proceeds of Sale.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from North Carolina (Mr. WATT) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. KING).

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on H.R. 1821, the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 1821, legislation introduced by the gentlewoman from California, that would award the Congressional Gold Medal, the highest civilian honor Congress can bestow, on the prominent civil rights activist Dorothy Height.

Dorothy Height has been one of the most influential leaders in the 20th century, and even now in the 21st century, fighting for racial and gender equality. Dedicating her entire life to breaking down the immense barriers that divide race and class, Ms. Height stands side by side with other civil rights heroes such as Dr. Martin Luther King, Jr. and Rosa Parks.

Dorothy Height experienced racial and gender discrimination from an early age and embarked on a lifelong effort to guarantee all Americans their inalienable right of life, liberty, and the pursuit of happiness. Mr. Speaker, the Founding Fathers promised freedom and equality. Ms. Height worked, and continues to work at the age of 91, to make them come true for everyone.

To bring those promises to fruition, Ms. Height began her activist career at the Young Women's Christian Association, the YWCA. Because of her efforts, the once-segregated organization now serves as a model of racial integration.

Mr. Speaker, Dorothy Height's contributions to the civil rights movement certainly did not stop at the YWCA. She was also an active member of the National Council of Negro Women, an umbrella group for 240 local and 31 national organizations working for black women's rights. In 1957, she became president of the NCNW, and she worked closely with Dr. King in virtually every major civil rights event in the 1960s.

Mr. Speaker, the civil rights movement would hardly have been the same without Dorothy Height. She organized voter education drives in the North, and voter registration drives in the South. She helped plan the 1963 march on Washington, and led an effort to protect activists who ran freedom schools in Mississippi. For every civil rights effort, large or small, Dorothy Height was there.

However, Ms. Height's activism delved even further into the obstacles black Americans faced. She addressed important internal issues within the black community, and she will ever be remembered as the person who established the National Black Family Reunion Project to illustrate to current generations the achievements of their ancestors and the benefits of extended family.

Mr. Speaker, because of all her vital contributions to the improvement of American democracy, the time has come, in fact it is long overdue, for Congress to honor this remarkable woman. Dorothy Height has devoted her life to expanding the American Dream to every color, class, and gender. For her dedication, her deeds, and, most important, her dream, I am proud to stand in support of this legislation to award her the Congressional Gold Medal.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to first thank my colleague, the gentlewoman from California (Ms. WATSON), for introducing and being the lead sponsor of the bill which would award a Congressional Gold Medal to Dr. Dorothy Height.

I cannot think of a time that I have felt more humble to be in control of time and to pay tribute to a great individual. And I cannot think of anybody that is living today that deserves a high honor of this kind more than Dorothy Height. So it is a great pleasure for me to be here and to have been asked to control time on our behalf.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATSON), the original sponsor of the bill.

Ms. WATSON. Mr. Speaker, I thank the gentleman for yielding me this time, and it is indeed a great honor to rise before this distinguished body as the original sponsor of H.R. 1821, a bill to award a Congressional Gold Medal to Dr. Dorothy Height.

I first want to thank the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) for their diligent work on this bill, as well as staffers Joe Pinder and Jaime Lizarraga.

Dr. Height, who turned 91 earlier this year, continues to have an active and distinguished career as a human rights activist and humanitarian. She is recognized as the preeminent social and civil rights activist of our time and is known as the grand dame of America's civil rights movement.

Mr. Speaker, I do not believe that there is any recipient of a Congressional Gold Medal whose career has been as long and as productive as Dr. Dorothy Height's. It spans almost three-quarters of a century, and Dorothy Height is still going strong into the 21st century.

As a young woman, at the age of 25, Dr. Height joined forces with Mary McLeod Bethune, founder of the National Council of Negro Women, in her quest for women's full and equal employment and education advancement. During her tenure with the legendary Mary McLeod Bethune, Dr. Height's career as a preeminent civil rights activist began to unfold as she tirelessly worked to prevent lynching, desegregate the armed forces, reform the criminal justice system, and create free access to public facilities.

That same year, Dr. Height began her work with the national Young Women's Christian Association of the USA. She rose quickly through several leadership positions and developed numerous programs to promote interracial and ecumenical education.

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Dr. Height is credited with developing strategies to ensure the success of the YWCA's mission of providing equal opportunity and facilities for women of all cultures, ethnicities and nationalities. Dr. Height is considered one of the major leaders of the civil rights movement of the 1960s. As one of the Big Six civil rights leaders, she was the only woman at the table when Dr. Martin Luther King and others made plans for the civil rights movement. Dr. Height was constantly inspiring others, from the poor to world leaders, to achieve at the highest level. As an adviser to Presidents through their First Ladies, Dr. Height has effected significant change in the lives of not only African American women, but all women and their loved ones. She counseled Eleanor Roosevelt and prodded President Eisenhower to desegregate the Nation's schools. And she pressed President Johnson to appoint black women to sub-Cabinet posts. Dr. Height's many achievements and her distinguished service to the Nation and the world has earned her over 50 awards and honors from local and State governments as well as the Federal Government. Some of them include the following, the John F. Kennedy Memorial Award from the National Council of Jewish Women; the Ministerial Interfaith Association Award; the Lovejoy Award, the highest recognition by the Elks of the World; the Ladies Home Journal "Woman of the Year" Award; the Congressional Black Caucus's William L. Dawson Award for decades of public service; the Citizens Medal Award presented by President Reagan for her distinguished service to the Nation; the Franklin Delano Roosevelt Freedom Medal; and the Presidential Medal of Freedom Award presented by President Clinton.

Mr. Speaker, it is with great honor and humility that I proposed legislation awarding the Congressional Gold Medal to Dr. Height. The time is long past due to recognize and to pay tribute to the significant works of this American treasure.

Mr. WATT. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK), ranking member of the Committee on Financial Services.

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the willingness of the gentleman from North Carolina to take management of this bill to the floor and I want to join in thanking the gentlewoman from California for giving us the opportunity to honor this extraordinary woman, Dorothy Height.

No problem in the history of this country, in my judgment, comes close to the problem of race in terms of its importance and the need for us to respond. Having brought people against their will from Africa hundreds of years ago and having subjected them, first to slavery, and then to a rigid and degrading system of official segregation, and then to a very grudging and gradual retreat from that segregation system, this Nation has to confront what I think is the saddest part of our history, our treatment of people of African descent. I am pleased that we have made the progress that we have made. Although, anyone who thinks racism has been extirpated lives in a much too optimistic world, but we have made progress. It is for that reason that it is so important to honor Dorothy Height. She was born into a racist society. She was born into a society in which national legislation, passed by our predecessor Congresses, signed by Presidents, enforced by the United States Supreme Court, segregated on the basis of race. And everyone knows that "separate but equal" was never anything more than a cruel joke. Separation came because people believed in inequality. And Dorothy Height was born not only into that racist system, she was born as a woman at a time when society was far less willing to acknowledge the equality of women in the social and political sphere. Facing that double handicap, she set out to help heal this society, to cure the ills that have troubled us. Of course, she did not succeed altogether, but no one that I know of has done more over this long and distinguished lifetime of hers to fight against those evils, the evils of prejudice, of segregation, of denying people the ability to live up to their full potential.

One of the great honors of my life is that as I came along to join this body and became actively involved as a member of the Committee on the Judiciary and various civil rights fights, I got the chance to know her, to work with her and to be inspired by her. I am particularly proud, Mr. Speaker, that one of the latter things I did with Ms. Height as she continues her efforts was to appear with her in her capacity as chair of the Leadership Conference on Civil Rights, one of the great institutions of our time and with the executive director, the very distinguished and able Wade Henderson as they announced their endorsement of legislation that would ban discrimination based on sexual orientation, because I have found that people who have been unfairly discriminated against, based on one characteristic of themselves, understand why it is unfair to do that elsewhere, and it is an example of the greatness of Dorothy Height, that later in her life, well past her 80th birthday, she understood the importance not of abandoning the fight for racial fairness which she continues, but of taking on, also, the newer fight for opposing discrimination based on sexual orientation.

I believe the great heroes of this society are those who have undergone whatever was necessary to help us live up to the wonderful ideals of that Constitution of 1787, and that was a Constitution which stated an ideal better than the society lived up to the reality. Realizing those ideals has been the most important part of our Nation's history and no one, literally no one, has played a more important part in that, no one has been tougher and more dedicated and more loving at the same time in her insistence that the country live up to its own best ideals than Dorothy Height. I thank the gentlewoman from California for giving us a chance to acknowledge that.

Mr. WATT. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, certainly I would add my praise and congratulations to the honorable gentlewoman from California for bringing this incredible, this very vital and very necessary and much deserved issue before the United States Congress, and that is to award a Congressional Gold Medal to the Honorable Dorothy Height. Dorothy Height, the president of the National Council of Negro Women, succeeded in that position from an icon of this world, that was Dr. Mary McLeod Bethune, who created the National Council of Negro Women, who was adviser to several Presidents and so was Dorothy Height. It is not a coincidence, I do not believe, that Dorothy's last name is Height, because she has scaled great heights in this country to enable people of color to get their rightful place at the tables of justice and equal opportunity. There are countless branches of the National Council of Negro Women around the country and around the world and their emphasis is phenomenal. It is very scriptural in terms of doing for these, the very least of these. In Indianapolis, we have a Mental Health Gift Lift which allows the community to come together to give gifts to those who are mentally challenged.

Mary McLeod Bethune, and then Dr. Height, talks about love, leaving love as a testament. Dorothy Height is an individual that I feel very blessed that I am able to touch her hand in my lifetime. She was there when we conferred a medal on Rosa Parks. She was a very generous and very giving person, a very inspirational individual, very visionary individual in terms of how we could move this country forward in the right way. The gentleman from Massachusetts talked about her being there in the forefront so that we could ban injustices against people of certain sexual orientations. That was a very bold move on her part, but it was a very right move on her part. And that is what Dorothy Height did. She lived not just because, she lives for a cause. There are not too many people that I know who are more deserving of the Congressional Gold Medal, the highest honor that this House could convey on an individual, than Dorothy Height.

I want to commend the gentlewoman from California for bringing this matter to the House. It is much deserved. It is long overdue. I felt compelled to come here and support her in this manner, for doing her good work, commending somebody for their good work.

Mr. WATT. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I want to commend my good friend for his very important piece of legislation.

Mr. WATT. Mr. Speaker, I yield 2¼ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from North Carolina for yielding me this time.

Mr. Speaker, I rise today to support this legislation that honors and salutes a giant and to acknowledge my good friend the gentlewoman from California (Ms. WATSON) for her leadership and insight on an effort long overdue.

We are blessed to have the Dr. Dorothy Height, Dr. Dorothy Irene Height, born on March 24, 1912, in Richmond, Virginia and raised in Rankin, Pennsylvania. Many of us have had the opportunity to study Dr. Height's history and contributions simply because she has given us the greater part of her life in service. And so we could tell you that she was a social justice activist, a civil rights activist, a servant of the people, one who served a number of Presidents, humanitarian, American, a hero, a great patriot. All of those are words without motion, unless you get to know Dr. Dorothy Height. You will then be captured by her charm, her energy, her insight, her intellect and her compassion. I am honored to have had the opportunity among others to be able to share in her vision. It is wonderful to know that she can speak eloquently about Mary McLeod Bethune, that she can speak to the concept of ownership amongst African American people, having led the effort to put the first African American-owned building on Pennsylvania Avenue just two blocks away from the White House. You can see that she believes in women's rights, and she acts upon women's rights. She believes in the empowerment of minorities, and she acts upon the empowerment of minorities. She is what has been called a glorious and wonderful champion of the great leadership that we need and hope to have in the United States of America.

And so, Mr. Speaker, I am delighted to be here today because our words are simply that, simple words, mere words. But if our presence on the floor today commemorates the honor that is being given to Dr. Dorothy Height, the leadership of the gentlewoman from California (Ms. WATSON), we are here then to be part of the following that salutes this great leader and this great patriot. Dr. Height, we love you.

Mr. Speaker, I rise in unwavering support of H.R. 1821. Dorothy Height's lifetime of achievement measures the liberation of Black America, the advance of women's rights and a determined effort to lift the poor and the powerless into the Halls of Power and influence in our nation.

Dorothy Height began her career as a staff member of the YWCA in New York City, becoming director of the Center for Racial Justice. She became a volunteer with the National Council of Negro Women, when she worked with NCNW founder Mary McLeod Bethune.

When Bethune died, Height became president, a position she continues to hold. NCNW, an organization of national organizations and community sections with outreach to four million women, develops model national and international community-based programs, sent scores of women to help in the Freedom Schools of the civil rights movement, and spearheaded voter registration drives. Height's collaborative leadership style brings together people of different cultures for mutual benefit.

Because of Dorothy Height's commitment to the Black family, she has hosted since 1986 the Black Family Reunion Celebration in which almost 10 million have participated.

Born in Richmond, Virginia, she moved with her parents to Ranklin, Pennsylvania at an early age. Winner of a scholarship for her exceptional oratorical skills, she entered New York University where she earned the Bachelor and Master degrees in four years.

While working as a caseworker for the welfare department in New York, Dr. Height joined the NCNW in 1937 and her career as a pioneer in civil rights activities began to unfold. She served on the national staff of the

YWCA of USA from 1944 to 1977 where she was active in developing its leadership training and interracial and ecumenical education programs. In 1965 she inaugurated the Center for Racial Justice which is still a major initiative of the National YWCA. She served as the 10th national president of the Delta Sigma Theta Sorority, Inc. from 1946 to 1957 before becoming president of the NCNW in 1958.

Working closely with Dr. Martin Luther King, Jr., Roy Wilkins, Whitney Young, A Philip Randolph and others, Dr. Height participated in virtually all major civil and human rights events in the 1950's and 1960's. For her tireless efforts on behalf of the less fortunate, President Ronald Reagan presented her the Citizens Medal Award for distinguished service to the country in 1989.

Dr. Height is known for her extensive international and developmental education work. She initiated the sole African American private voluntary organization working in Africa in 1975, building on the success of NCNW's assignments in Asia, Africa, Europe, and South America.

In three decades of national leadership, she has served on major policy-making bodies affecting women, social welfare, economic development, and civil and human rights, and has received numerous appointments and awards.

As president of NCNW, Dorothy Irene Height has an outstanding record of accomplishments. As a self-help advocate, she has been instrumental in the initiation of NCNW sponsored food, child care, housing and career educational programs that embody the principles of self-reliance. As a promoter of Black family life she conceived and organized the Black Family Reunion Celebration in 1986 to reinforce the historic strengths and traditional values of the African American Family. Now in its ninth year, this multi-city cultural event has attracted some 11.5 million people.

Dr. Dorothy I. Height's lifetime of achievement measures the liberation of Black America, the brilliant advance of women's rights, and the most determined effort to lift up the poor and the powerless.

Still fighting, pushing, and advocating, Dr. Dorothy Height—mother, wife, grandmother, great-grandmother, doctor, civil/human rights activist, and freedom fighter continues unrelentingly to serve our country in the health and most meaningfully—the civic arena at the age of 91.

Dr. Height is a commendable and formidable woman. She has whole-heartedly devoted her life to public service, struggling for social justice, the eradication and education of HIV/AIDS, unprivileged children, equal rights, voting rights, women's rights, and education opportunities for all citizens irrespective of color, ethnicity, gender, disability, sexuality and other markers of difference.

She was the leading lady in the civil rights movement, sitting as the only female on the planning table with Whitney Young, Dr. Martin Luther King, James Farmer, A. Phillip Randolph, and Roy Wilkins. She has been and continues to be emulated internationally. Needless to say, Dr. Height is a jewel in the African American community and an influential and exemplary leader in the country.

Many examples of her work stand out in our minds. To give just one—under her leadership of the National Negro Women's Council, she introduced and implemented many initiatives and programs geared towards the betterment of the Afro-American community, the advancement of minority women in all sectors of society, most notably, in business and non-traditional careers. Serving in all capacities imaginable, she has served distinguishably.

Dream giver and earth shaker, Dr. Dorothy Height has followed and expanded on the original purpose of the National Council of Negro Women, giving new meaning, new courage and pride to women, youth and families everywhere. While most individuals resolve to retirement at her current age, Dr. Dorothy Height continues to extend and commit herself beyond measures; she has done so not for recognition or national esteem, but as a labor of love. For the above-mentioned reasons, it is our rightful duty to honor her in recognition of her many priceless contributions to the civic growth of this nation and the beautiful legacy she will leave by awarding her a congressional gold medal.

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Mr. WATT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I think it bears saying that Dorothy Height, who is a District resident, although she lived for many years in New York, is indeed a great American leader among us and one of a kind. There is no comparable leader in American life today because she was a guiding light. She is about 90 years old, still going as strong as any of us on this floor. She was a guiding light in the achievements we have made thus far for equal rights in America today. At the 40th anniversary on the March on Washington we just celebrated on August 23, some of us noted that Dorothy Height had the same position. She was president of the National Council of Negro Women then, but she was not included in the leaders that put on the march because she was a woman, and yet this is a woman who has stood for the rights of people of color and women equally. She is unique in the sense that when particularly black people were confused about whether one could be equally for women and for African Americans, she was a leader to say there is no such bifurcation in human rights.

Mr. WATT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, my mother used to say, and she was a wise person, that we should honor people while we can or give them their flowers while they can still smell them, and Dorothy Height is still among us. So it is a great pleasure to be able to pay tribute to her while she can still hear the words and read the words and understand the words, and she has been with us through so many decades of service through a time when she has had substantial impact on our history, through contact with extraordinary people. In her recent autobiography called "Open Wide the Freedom Gates," she describes contacts with W.E.B. DuBois; Marcus Garvey; Eleanor Roosevelt; Mary McLeod Bethune; Adam Clayton Powell, Sr.; Langston Hughes; W.C. Handy; and a host of other people. And she describes her involvement with the March on Washington as the only female member who was kind of in the back room in the organizing committee associated with that march.

I think she has contributed so much, and more recently her organization of the Black Family Reunion, with which my son was associated and got to know her. Every time I see Dr. Dorothy Height now, she never asks how I am doing. She is always asking about my son. So it is just a great pleasure to pay tribute to and support the Congressional Gold Medal for such a wonderful heroine.

There is no living person today who deserves this congressional merit more than Dorothy Height. It is just a tremendous honor to be able to pay tribute to her, and I encourage my colleagues to support this bill.

Ms. MILLENDER-McDONALD. Mr. Speaker, it is a great honor for me to speak in favor of H.R. 1821 to award Dr. Dorothy Height the Congressional Gold Medal. During the 107th session, I introduced H. Res. 55 declaring a day acknowledging all of Dr. Height's stellar achievements, and this legislation resulted in over one hundred mayors across this country submitting proclamations to Dr. Height. We cannot celebrate Dr. Height and her illustrious accomplishments enough. By awarding her the Congressional Gold Medal, we are noting a life well lived by a dynamic woman who at one time simultaneously held leadership positions with the YWCA, the National Council of Negro Women and Delta Sigma Theta Sorority. Dr. Height became known as the only woman among the "big six" group of civil rights leaders including Dr. Martin Luther King, Jr., Roy Wilkins, Whitney Young and A. Phillip Randolph.

Always a pioneer on behalf of women's and civil rights overall, Dr. Height became as well known abroad as she is here in the United States for her efforts to build coalitions among women internationally. We revere Dr. Height for advancing the National Council of Negro Women's agenda in terms of developing model programs in the areas of teen parenting, eradicating hunger, and career education. Dr. Height has always advocated for the expansion of access and opportunities for poor and marginalized people everywhere.

In 1989, President Reagan recognized Dr. Height's contributions to society by awarding her the Citizens Medal award for distinguished service to the nation, and she has also earned more than 50 honors from local, state and national organizations. Her life is a living testimony to the quest for an equitable society for all.

Mr. CUMMINGS. Mr. Speaker, I rise today in support of H.R. 1821, which awards the Congressional Gold Medal to Dr. Dorothy Height in recognition of her many outstanding and remarkable contributions to bettering this Nation.

Born in 1912 in Richmond, Virginia Dr. Dorothy Irene Height distinguished herself at an early age as a dedicated student with exceptional oratorical skills. As a young girl she fearlessly and vehemently stood up to the racist and sexist climate of the times. At the age of 25 she heeded the call of her mentor, Mary McLeod Bethune, founder of the National Council of Negro Women, and joined the struggle for women's full and equal employment and educational advancement. She has and continues to dedicate her life to the struggle for equality, social justice, and human rights for all peoples.

Mr. Speaker, throughout her illustrious career as a civil rights advocate, Dr. Height tirelessly worked to prevent lynching, encourage voter registration, desegregate the armed forces, reform the criminal justice system, and create equal access to public accommodations. Her public career spans nearly 65 years. She was a valued advisor to First Lady Eleanor Roosevelt and encouraged Presidents Eisenhower and Johnson to desegregate the Nation's public schools and to appoint African American women to sub-Cabinet positions. Since 1957 she has served as President of the National Council of Negro Women, an umbrella organization for 250 local groups and 38 national organizations dedicated to economic development and women's issues.

Mr. Speaker, the numerous awards and accolades Dr. Height has received over the years is a testimony to her invaluable contributions to the progress of this nation. The NAACP has awarded her The Spingarn Award, its highest honor. She is also the proud recipient of the John F. Kennedy Memorial Award from the National Council of Jewish Women; the Ministerial Interfaith Association Award; the Lovejoy Award; and the Congressional Black Caucus' William L. Dawson Award for her decades of public service to people of color and particularly women. However, Dr. Height is not one to rest on her laurels. She continues to lead the fight against social injustice and inequality and her profound love for and dedication to our youth is unmatched. As a direct link to the civil rights movement of the 1960s, Dr. Height continues to inspire future generations of civil rights activists.

Mr. Speaker, what else is truly remarkable about this grand dame is that at age 90 she does not plan on slowing down. And although she spends much of her time in a wheelchair, she continues to stand up for equality and social justice. I only hope and pray I have the same vigor and fight in me at that age.

Once again, I am proud to stand before this body in support of H.R. 1821. I want to thank my esteemed colleague from the state of California, the Honorable Diane Watson, for her leadership in sponsoring this important piece of legislation. I urge my colleagues to lend their support to this resolution and award Dr. Height our highest accolade.

Mrs. CHRISTENSEN. Mr. Speaker, what an awesome privilege for me to have found myself in the presence of Dr. Dorothy Height—a brilliant woman, a woman of profound courage and insight—some of my living history as a woman, as person of African descent and as an American.

Mr. Speaker, by bestowing Dr. Height with a Congressional Gold Medal, we honor this body, and I am pleased to be part of this effort. Although Dr. Height is known most recently for her leadership role with the National Council of Negro Women, her life accomplishments exemplify her commitment for a better society for all individuals, especially for African-Americans.

Under the direction of Dr. Height, the National Council for Negro Women developed model programs on topics ranging from teenage parenting to eradicating hunger, and established the Bethune Museum and Archives for Black Women. The Bethune Museum is the first institution devoted to the history of black women. Dr. Height founded the Center for Racial Justice, served as President of the National Council of Negro Women and the Delta Sigma Theta Sorority, and held several leadership positions with the Young Women's Christian Association of America.

Beginning as a civil rights advocate in the 1930's, Dr. Height soon gained prominence through her tireless efforts to promote interracial schooling, to register and educate voters, and to increase the visibility and status of women in our society. Dr. Height's devotion and commitment to fight for social justice in this nation and throughout the world has been unaffected by time. She has been at the forefront of AIDS education, both nationally and internationally; under her direction, the National Council of Negro Women established offices in West Africa and South Africa and worked to improve the conditions of women in developing countries.

Dr. Dorothy Height's work represents the true meaning of public service. By awarding her with a Congressional God Medal, we honor a lasting legacy of public service that has been an invaluable to the progress of this Nation.

Mr. DAVIS of Illinois. Mr. Speaker, Dr. Dorothy Height is a steadfast pioneer of women's rights and racial justice for people of color. She has set an example of what can be achieved through commitment and group activism.

As the fourth elected president of the National Council of Negro Women (NCNW), Height led a crusade for justice for Black women. To help strengthen the Black family, Height conceived of and organized the Black Family Reunion Celebration which has been held here in Washington, D.C. since 1986.

Under the leadership of Ms. Height, the NCNW achieved tax exempt status; raised funds from thousands of women in support of erecting a statue of Mary McLeod Bethune (NCNW's founder) in a federal park; developed several model programs to combat teenage pregnancy and address hunger in rural areas; and established the Bethune Museum and Archives for Black women, the first institution devoted to Black women's history. She has been instrumental in the initiation of NCNW sponsored food, childcare, housing and career educational programs.

No stranger to political activism, in the 1960's, Height called on NCNW to sponsor "Wednesdays in Mississippi" when interracial groups of women would help out at Freedom schools and conduct voter registration drives in the North and voter registration in the South. She worked with Dr. Martin Luther King, Jr. and Roy Wilkins to prevent lynching, desegregate the Armed Forces, reform the criminal justice system, and provide equal access to public accommodations.

Dr. Dorothy Irene Height has a long legacy as a leader in the struggle for equality and human rights. She through words and deeds have proven her distinguished service to humanity and her many contributions for equality, social justice and human rights for all peoples. She is to be commended for her efforts.

I encouraged all my colleagues to support H.R. 1828 to award a Congressional Gold Medal to Dr. Dorothy Height in recognition of her many contributions to the nation.

Ms. LEE. Mr. Speaker, thank you Congresswoman WATSON for bringing this resolution to the floor. I proudly stand here today to honor the extraordinary accomplishments of Dr. Dorothy Irene Height.

Dr. Height's diligent service over the past 65 years has improved the lives of countless people, not only in the United States, but across the globe. Her dedication to the promotion of civil rights, social justice, and equality make here a true inspiration and model leader.

Dr. Height worked passionately on African-American women's issues and HIV/AIDS issues, two of the primary issues that I strive to address in my work here in Congress. Dr. Height message resonates especially deep within my heart.

Through Dr. Height's work with the National Council of Negro Women and by acting as a consultant to Eleanor Roosevelt, Height was, and continues to be, instrumental in the advancement of civil rights in America.

As president of the National Council of Negro Women (NCNW) Height oversaw several programs which encouraged the empowerment of women throughout America. These programs included; Operation Woman Power, The Black Family Reunion, the Women's Center for Education and Career Advancement, and the Bethune Museum and Archives. In addition to programs that aid women in the U.S. Dr. Height continues to empower women internationally on HIV/AIDS issues throughout third world countries, specifically in West Africa and South Africa.

In addition to her contributions through the NCNW, Dr. Height's work with the Delta Sigma Theta sorority and the Young Women's Christian Association (YWCA) has increased citizen participation in government and furthered the status of at risk peoples.

Dr. Height's emphasis on the value of service is exemplified in her own words; "Without community service, we would not have a strong quality of life. It's important to the person who serves as well as the recipient. It's the way in which we ourselves grow and develop . . ." Dr. Height's worldview is one which we could all do well to adopt.

This Congressional medal will place Dr. Height's among the ranks of other celebrated leaders such as Mother Teresa of Calcutta, Lady Bird Johnson, and Rosa Parks, to name a few. Like her predecessors, Dr. Dorothy Height's exemplary leadership enhances the lives of all people throughout America and the world.

I thank my colleagues for this resolution and for their support.

Mr. WATT. Mr. Speaker, I yield back the balance of my time.

Mr. KING of New York. Mr. Speaker, I urge the passage of the bill, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 1821.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DEFENSE PRODUCTION ACT REAUTHORIZATION OF 2003

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1680) to reauthorize the Defense Production Act of 1950, and for other purposes, as amended.

The Clerk read as follows:

S. 1680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense Production Act Reauthorization of 2003".

SEC. 2. REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) IN GENERAL.—The 1st sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended—

(1) by striking "sections 708" and inserting "sections 707, 708,"; and

(2) by striking "September 30, 2003" and inserting "September 30, 2008".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking "through 2003" and inserting "through 2008".

SEC. 3. RESOURCE SHORTFALL AND RADIATION-HARDENED ELECTRONICS.

(a) IN GENERAL.—Notwithstanding the limitation contained in section 303(a)(6)(C) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(a)(6)(C)), the President may take actions under section 303 of the Defense Production Act of 1950 to correct the industrial resource shortfall for radiation-hardened electronics, to the extent that such Presidential actions do not cause the aggregate outstanding amount of all such actions to exceed $200,000,000.

(b) REPORT BY THE SECRETARY.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing—

(1) the current state of the domestic industrial base for radiation-hardened electronics;

(2) the projected requirements of the Department of Defense for radiation-hardened electronics;

(3) the intentions of the Department of Defense for the industrial base for radiation-hardened electronics; and

(4) the plans of the Department of Defense for use of providers of radiation-hardened electronics beyond the providers with which the Department had entered into contractual arrangements under the authority of the Defense Production Act of 1950, as of the date of the enactment of this Act.

SEC. 4. CLARIFICATION OF PRESIDENTIAL AUTHORITY.

Subsection (a) of section 705 of the Defense Production act of 1950 (50 U.S.C. App. 2155(a)) is amended by inserting after the end of the 1st sentence the following new sentence: "The authority of the President under this section includes the authority to obtain information in order to perform industry studies assessing the capabilities of the United States industrial base to support the national defense.".

SEC. 5. CRITICAL INFRASTRUCTURE PROTECTION AND RESTORATION.

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) by redesignating paragraphs (3) through (17) as paragraphs (4) through (18), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

"(3) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' means any systems and assets, whether physical or cyber-based, so vital to the United States that the degradation or destruction of such systems and assets would have a debilitating impact on national security, including, but not limited to, national economic security and national public health or safety."; and

(3) in paragraph (14) (as so redesignated by paragraph (1) of this section), by inserting "and critical infrastructure protection and restoration" before the period at the end of the last sentence.

SEC. 6. REPORT ON CONTRACTING WITH MINORITY- AND WOMEN-OWNED BUSINESSES.

(a) REPORT REQUIRED.—Before the end of the 1-year period beginning on the date of the enactment of this Act, this Secretary of Defense shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the extent to which contracts entered into during the fiscal year ending before the end of such 1-year period under the Defense Production Act of 1950 have been contracts with minority- and women-owned businesses.

(b) CONTENTS OF REPORT.—The report submitted under subsection (a) shall include the following:

(1) The types of goods and services obtained under contracts with minority- and women-owned businesses under the Defense Production Act of 1950 in the fiscal year covered in the report.

(2) The dollar amounts of such contracts.

(3) The ethnicity of the majority owners of such minority- and women-owned businesses.

(4) A description of the types of barriers in the contracting process, such as requirements for security clearances, that limit contracting opportunities for minority- and women-owned businesses, together with such recommendations for legislative or administrative action as the Secretary of Defense may determine to be appropriate for increasing opportunities for contracting with minority- and women-owned businesses and removing barriers to such increase participation.

(c) DEFINITIONS.—For purposes of this section, the terms "women-owned business" and "minority-owned business" have the meanings given such terms in section 21A(r) of the Federal Home Loan Bank Act, and the term "minority" has the meaning given such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

SEC. 7. REPORT ON IMPACT OF OFFSETS ON DOMESTIC CONTRACTORS AND HIGHER-TIER SUBCONTRACTORS.

(a) ASSESSMENT OF IMPACT REQUIRED.—In addition to the information required to be included in the annual report under section 309 of the Defense Production Act of 1950, the Secretary of Commerce shall assess the net impact, in the defense trade, of foreign sales and related foreign contracts that have been awarded through offsets, industrial participation agreements, or similar arrangements on domestic prime contractors and at least the first 3 tiers of domestic subcontractors during the 5-year period beginning on January 1, 1998.

(b) REPORT.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Secretary of Commerce shall submit a report to the Congress containing findings and the conclusions of the Secretary with regard to the assessment made pursuant to subsection (a).

(c) COPIES OF REPORT.—Copies of the report prepared pursuant to subsection (b) shall also be transmitted to the United States Trade Representative and the interagency team established pursuant to section 123(c) of the Defense Production Act Amendments of 1992.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. KING).

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of S. 1680, as amended, reauthorizing the Defense Production Act of 1950. The language we are considering today makes some important decisions to the text the Committee on Financial Services passed last spring. Reflecting input from the Senate, the legislation adds studies on the effect on the economy of defense offsets, not only on prime defense industry contractors but on subcontractors, and on the U.S. capacity to produce military-grade radiation-hardened electronics. The legislation extends the DPA authorities for 5 years as requested by the administration.

Mr. Speaker, this Chamber rarely considers legislation as important as the DPA. In peacetime and in war, it allows for the priority production of equipment and material necessary for national security and the public health; and with the addition of the language suggested by the Senate, now it will specifically authorize the act to be used to protect our critical infrastructure as well. The act also allows the careful tightly targeted use of Federal funds to ensure there is an adequate industrial capacity in this country to produce certain vital military equipment or material that otherwise would not be available.

Mr. Speaker, it is important that the House act swiftly to send this amended legislation back to the Senate and that the other body quickly pass this compromise so that the authorities, which expired at the end of last month, are available to civil and military authorities. It is inconceivable that the priority production powers in the DPA not be available if needed for use in the case of a devastating hurricane or earthquake or in the unthinkable event of a terrorist's biological weapons attack or to speed up the production of equipment for our troops in Afghanistan or Iraq or elsewhere in the world. The authorities were used after the September 11 attacks to speed the delivery of targeting sensors for the Predator unmanned aerial vehicle by nearly 2 years, to speed the delivery of equipment for airports that detected explosives, and to speed up production of new high-tech bulletproof vests.

Mr. Speaker, this 5-year reauthorization of the DPA will provide the necessary time for a much-needed study and reform of the DPA so that Congress may remove obsolete language and clarify or update other language. It has been impossible for nearly a decade to reform the act on anything other than a piecemeal basis because the reform efforts always coincided with reorganization. Decoupling them will finally give us the breathing room to do some thoughtful work on the act itself.

I ask all Members to join with me to pass S. 1680, as amended, and then join me in the next couple of years for a thoughtful update of the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the 5-year reauthorization of the Defense Production Act, legislation that is critical to our Nation's national defense, to the war on terror, and to our ability to respond to disasters. The Defense Production Act was first enacted in 1950. It allows the Defense Department and Federal Emergency Management Agency to procure supplies quickly on an emergency basis. Its authority is also needed to make sure that the national defense industrial base has the resources needed for national security. The act expired on September 30; and given the current situation in Iraq, it is critical that we move this bill today.

During the current Iraq conflict, the act's authority has been used to secure computers, chemical warfare protective clothing, and medical equipment. The legislation we are considering is the product of a year of bipartisan work and compromise. It was improved during full and subcommittee markups in the Committee on Financial Services earlier this year. The Senate Banking Committee passed legislation in September, and over the last month, Members and staff have worked to resolve remaining issues.

I am pleased that the final bill contains an amendment offered by the gentleman from New York (Mr. MEEKS) requiring reporting on minority contracting. The bill also contains a compromise worked out between the committee leadership and Senator DODD on the issue of offset contracts with foreign nations. Offset agreements are arrangements where U.S. domestic defense contractors outsource work to foreign contractors as part of agreements by foreign countries to purchase U.S. defense products. The legislation will require the U.S. Commerce Department to assess the economic impact on U.S. contractors and subcontractors of these agreements. I am pleased to support this provision with the understanding that it fulfills Senator DODD'S concerns. We must be as vigilant in protecting the jobs of American workers as we are in defending America's national defense.

Finally, the spirit of bipartisanship with which we have worked on this reauthorization would not have been possible without the leadership of the gentleman from New York (Mr. KING), chairman of the Domestic and International Monetary Policy, Trade, and Technology Subcommittee. I also wish to thank the gentleman from Massachusetts (Mr. FRANK), ranking member, and the gentleman from Ohio (Chairman OXLEY) for their work on this important issue.

This is legislation our troops need today. It is legislation that our constituents may need in the event of a disaster, and I urge my colleagues to adopt this bill.

Mrs. MALONEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I want to say that I do support the gentlewoman's work and the work of the Chair on the Defense Production Act, and I am particularly grateful for the Meeks amendment on minority contracting. As we now go abroad, it becomes more relevant around the world.

Mrs. MALONEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman for yielding me this time.

I thank the gentlewoman for her leadership and the gentleman from New York (Mr. KING) for his leadership on the reauthorization of this bill.

I think that it is extremely important that we have this particular reauthorization at this time in the backdrop of the efforts that have been proposed not only by this administration but by this body as it relates to the rebuild of Iraq. And as I know the gentlewoman's leadership on women's issues and women's participation, I think the Meeks amendment is completely appropriate that we give the involvement of the minorities and women in contracting.

When I speak to my constituents in the district, they are particularly concerned about the idea of a rebuild, no matter what happens ultimately on the floor with this legislation and the fact that minority and small businesses do not have the opportunity in engaging in this effort and as well participating in efforts with the Defense Department, one of the largest budget line items that we have in this whole budget of the United States; and it is extremely important that we have this opportunity. So I think this is an instructive piece of legislation. I think it is very helpful, and I am very glad to rise to support this legislation. I know that this is not humorous, but it appears that the Speaker finds it humorous, but in any event I hope that is not the case, and I support this legislation enthusiastically.

Mrs. MALONEY. Mr. Speaker, I reserve the balance of my time.

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Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume for the purpose of entering into a colloquy with the gentlewoman from New York (Mrs. MALONEY).

Mr. Speaker, as chairman of the Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, I rise today regarding the authorization of the Defense Production Act and the legislation that the House of Representatives and Senate have produced. I wish to make two points.

First, the House of Representatives and the Senate have agreed to include language that makes clear that all the authorities included within the DPA may be used for critical infrastructure protection and restoration purposes. I have been informed that in past administrations there may have been some confusion regarding the applicability of the DPA to critical infrastructure. The language included in the reauthorization legislation ends any debate that may have existed.

Secondly, it is the intent of the House that the DPA be interpreted to allow the administration to exercise the authorities provided under Section 101 of the DPA to directly assist a private sector critical infrastructure owner or operator in furtherance of critical infrastructure protection or restoration.

The House of Representatives' desired interpretation, however, should not be construed, in any way, as limiting the applicability of the DPA's other authorities with respect to critical infrastructure protection and restoration.

Mrs. MALONEY. Mr. Speaker, will the gentleman yield?

Mr. KING of New York. I yield to the gentlewoman from New York.

Mrs. MALONEY. Mr. Speaker, as ranking member of the Subcommittee on Domestic and International Monetary Policy, Trade and Technology, I rise today to echo the statements of the gentleman from New York (Mr. KING) regarding the reauthorization of the Defense Production Act and its applicability to critical infrastructure protection and restoration. The language that the House of Representatives has agreed to include in the reauthorizing legislation should leave no doubt that the Defense Production Act may be used for critical infrastructure protection and restoration purposes.

Also, it is the intent of the House of Representatives that the administration refrain from interpreting the Defense Production Act as limiting the administration's ability to provide direct assistance to critical infrastructure owners and operators under Section 101 of the Defense Production Act.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KING of New York. Mr. Speaker, I urge passage of the Senate bill. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the Senate bill, S. 1680, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

SYRIA ACCOUNTABILITY AND LEBANESE SOVEREIGNTY RESTORATION ACT OF 2003

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1828) to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil and illegal shipments of weapons and other military items to Iraq, and by so doing hold Syria accountable for the serious international security problems it has caused in the Middle East, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Syria Accountability and Lebanese Sovereignty Restoration Act of 2003".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On September 20, 2001, President George Bush stated at a joint session of Congress that "[e]very nation, in every region, now has a decision to make . . . [e]ither you are with us, or you are with the terrorists . . . [f]rom this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime".

(2) On June 24, 2002, President Bush stated "Syria must choose the right side in the war on terror by closing terrorist camps and expelling terrorist organizations.

(3) United Nations Security Council Resolution 1373 (September 28, 2001) mandates that all states "refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts", take "the necessary steps to prevent the commission of terrorist acts", and "deny safe haven to those who finance, plan, support, or commit terrorist acts".

(4) The Government of Syria is currently prohibited by United States law from receiving United States assistance because it has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)) and other relevant provisions of law.

(5) Although the Department of State lists Syria as a state sponsor of terrorism and reports that Syria provides "safe haven and support to several terrorist groups", fewer United States sanctions apply with respect to Syria than with respect to any other country that is listed as a state sponsor of terrorism.

(6) Terrorist groups, including Hizballah, Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, and the Popular Front for the Liberation of Palestine—General Command, maintains offices, training camps, and other facilities on Syrian territory, and operate in areas of Lebanon occupied by the Syrian armed forces and receive supplies from Iran through Syria.

(7) United Nations Security Council Resolution 520 (September 17, 1982) calls for "strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon through the Lebanese Army throughout Lebanon".

(8) Approximately 20,000 Syrian troops and security personnel occupy much of the sovereign territory of Lebanon exerting undue influence upon its government and undermining its political independence.

(9) Since 1990 the Senate and House of Representatives have passed seven bills and resolutions which call for the withdrawal of Syrian armed forces from Lebanon.

(10) On March 3, 2003, Secretary of State Colin Powell declared that it is the objective of the United States to "let Lebanon be ruled by the Lebanese people without the presence of [the Syrian] occupation army".

(11) Large and increasing numbers of the Lebanese people from across the political spectrum in Lebanon have mounted peaceful and democratic calls for the withdrawal of the Syrian Army from Lebanese soil.

(12) Israel has withdrawn all of its armed forces from Lebanon in accordance with United Nations Security Council Resolution 425 (March 19, 1978), as certified by the United Nations Secretary General.

(13) Even in the face of this United Nations certification that acknowledged Israel's full compliance with Security Council Resolution 425, Syrian- and Iranian-supported Hizballah continues to attack Israeli outposts at Shebaa Farms, under the pretense that Shebaa Farms is territory from which Israel was required to withdraw by Security Counsel Resolution 425, and Syrian- and Iranian-supported Hizballah and other militant organizations continue to attack civilian targets in Israel.

(14) Syria will not allow Lebanon—a sovereign country—to fulfill its obligation in accordance with Security Council Resolution 425 to deploy its troops to southern Lebanon.

(15) As a result, the Israeli-Lebanese border and much of southern Lebanon is under the control of Hizballah, which continues to attack Israeli positions, allows Iranian Revolutionary Guards and other militant groups to operate freely in the area, and maintains thousands of rockets along Israel's northern border, destabilizing the entire region.

(16) On February 12, 2003, Director of Central Intelligence George Tenet stated the following with respect to the Syrian- and Iranian-supported Hizballah: "[A]s an organization with capability and worldwide presence [it] is [al Qaeda's] equal if not a far more capable organization . . . [T]hey're a notch above in many respects, in terms of in their relationship with the Iranians and the training they receive, [which] puts them in a state-sponsored category with a potential for lethality that's quite great.".

(17) In the State of the Union address on January 29, 2002, President Bush declared that the United States will "work closely with our coalition to deny terrorists and their state sponsors the materials, technology, and expertise to make and deliver weapons of mass destruction".

(18) The Government of Syria continues to develop and deploy short- and medium-range ballistic missiles.

(19) According to the December 2001 unclassified Central Intelligence Agency report entitled "Foreign Missile Developments and the Ballistic Missile Threat through 2015", "Syria maintains a ballistic missile and rocket force of hundreds of FROG rockets, Scuds, and SS–21 SRBMs [and] Syria has developed [chemical weapons] warheads for its Scuds".

(20) The Government of Syria if pursuing the development and production of biological and chemical weapons and has a nuclear research and development weapons and has a nuclear research and development program that is cause for concern.

(21) According to the Central Intelligence Agency's "Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions", released January 7, 2003: "[Syria] already holds a stockpile of the nerve agent sarin but apparently is trying to develop more toxic and persistent nerve agents. Syria remains dependent on foreign sources for key elements of its [chemical weapons] program, including precursor chemicals and key production equipment. It is highly probable that Syria also is developing an offensive [biological weapons] capability.".

(22) On May 6, 2002, the Under Secretary of State for Arms Control and International Security, John Bolton, stated: "The United

States also knows that Syria has long had a chemical warfare program. It has a stockpile of the nerve agent sarin and is engaged in research and development of the more toxic and persistent nerve agent VX. Syria, which has signed but not ratified the [Biological Weapons Convention], is pursuing the development of biological weapons and is able to produce at least small amounts of biological warfare agents.''.

(23) According to the Central Intelligence Agency's ''Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions'', released January 7, 2003: ''Russia and Syria have approved a draft cooperative program on cooperation on civil nuclear power. In principal, broader access to Russian expertise provides opportunities for Syria to expand its indigenous capabilities, should it decide to pursue nuclear weapons.''.

(24) Under the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483), which entered force on March 5, 1970, and to which Syria is a party, Syria has undertaken not to acquire or produce nuclear weapons and has accepted full scope safeguards of the International Atomic Energy Agency to detect diversions of nuclear materials from peaceful activities to the production of nuclear weapons or other nuclear explosive devices.

(25) Syria is not a party to the Chemical Weapons Conventions or the Biological Weapons Convention, which entered into force on April 29, 1997, and on March 26, 1975, respectively.

(26) Syrian President Bashar Assad promised Secretary of State Powell in February 2001 to end violations of Security Council Resolutions 661, which restricted the sale of oil and other commodities by Saddam Hussein's regime, except to the extent authorized by other relevant resolutions, but this pledge was never fulfilled.

(27) Syria's illegal imports and transshipments of Iraqi oil during Saddam Hussein's regime earned Syria $50,000,000 or more per month as Syria continued to sell its own Syrian oil at market prices.

(28) Syria's illegal imports and transshipments of Iraqi oil earned Saddam Hussein's regime $2,000,000 per day.

(29) The Government of Syria also utilized the railway network linking Mosul, Iraq, to Aleppo, Syria, to transfer a wide range of weaponry and weapon systems to Saddam Hussein's regime.

(30) On March 28, 2003, Secretary of Defense Donald Rumsfeld warned: ''[W]e have information that shipments of military supplies have been crossing the border from Syria into Iraq, including night-vision goggles . . . These deliveries pose a direct threat to the lives of coalition forces. We consider such trafficking as hostile acts, and will hold the Syrian government accountable for such shipments.''.

(31) According to Article 23(1) of the United Nations Charter, members of the United Nations are elected as nonpermanent members of the United Nations Security Council with ''due regard being specially paid, in the first instance to the contribution of members of the United Nations to the maintenance of international peace and security and to other purposes of the Organization''.

(32) Despite Article 23(1) of the United Nations Charter, Syria was elected on October 8, 2001, to a 2-year term as a nonpermanent member of the United Nations Security Council beginning January 1, 2002, and served as President of the Security Council during June 2002 and August 2003.

(33) On March 31, 2003, the Syrian Foreign Minister, Farouq al-Sharra, made the Syrian regime's intentions clear when he explicitly stated that ''Syria's interest is to see the invaders defeated in Iraq''.

(34) On April 13, 2003, Secretary of Defense Donald Rumsfeld charged that ''busloads'' of Syrian fighters entered Iraq with ''hundreds of thousands of dollars'' and leaflets offering rewards for dead American soldiers.

(35) On September 16, 2003, the Under Secretary of State for Arms Control and International Security, John Bolton, appeared before the Subcommittee on the Middle East and Central Asia of the Committee on International Relations of the House of Representatives, and underscored Syria's ''hostile actions'' toward coalition forces during Operation Iraqi Freedom. Under Secretary Bolton added that: ''Syria allowed military equipment to flow into Iraq on the eve of and during the war. Syria permitted volunteers to pass into Iraq to attack and kill our service members during the war, and is still doing so . . . [Syria's] behavior during Operation Iraqi Freedom underscores the importance of taking seriously reports and information on Syria's WMD capabilities.''.

(36) During his appearance before the Committee on International Relations of the House of Representatives on September 25, 2003, Ambassador L. Paul Bremer, III, Administrator of the Coalition Provisional Authority in Iraq, stated that out of the 278 third-country nationals who were captured by coalition forces in Iraq, the ''single largest group are Syrians''.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Government of Syria should immediately and unconditionally halt support for terrorism, permanently and openly declare its total renunciation of all forms of terrorism, and close all terrorist offices and facilities in Syria, including the offices of Hamas, Hizballah, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, and the Popular Front for the Liberation of Palestine—General Command;

(2) the Government of Syria should—

(A) immediately and unconditionally stop facilitating transit from Syria to Iraq of individuals, military equipment, and all lethal items, except as authorized by the Coalition Provisional Authority or a representative, internationally recognized Iraqi government;

(B) cease its support for ''volunteers'' and terrorists who are traveling from and through Syria into Iraq to launch attacks; and

(C) undertake concrete, verifiable steps to deter such behavior and control the use of territory under Syrian control;

(3) the Government of Syria should immediately declare its commitment to completely withdraw its armed forces, including military, paramilitary, and security forces, from Lebanon, and set a firm timetable for such withdrawal;

(4) the Government of Lebanon should deploy the Lebanese armed forces to all areas of Lebanon, including South Lebanon, in accordance with United Nations Security Council Resolution 520 (September 17, 1982), in order to assert the sovereignty of the Lebanese state over all of its territory, and should evict all terrorist and foreign forces from southern Lebanon, including Hizballah and the Iranian Revolutionary Guards;

(5) the Government of Syria should halt the development and deployment of medium- and long-range surface-to-surface missiles and cease the development and production of biological and chemical weapons;

(6) the Governments of Lebanon and Syria should enter into serious unconditional bilateral negotiations with the Government of Israel in order to realize a full and permanent peace;

(7) the United States should continue to provide humanitarian and educational assistance to the people of Lebanon only through appropriate private, nongovernmental organizations and appropriate international organizations, until such time as the Government of Lebanon asserts sovereignty and control over all of its territory and borders and achieves full political independence, as called for in United Nations Security Council Resolution 520; and

(8) as a violator of several key United Nations Security Council resolutions and as a nation that pursues policies which undermine international peace and security, Syria should not have been permitted to join the United Nations Security Council or serve as the Security Council's President, and should be removed from the Security Council.

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States that—

(1) Syria will be held responsible for attacks committed by Hizballah and other terrorist groups with offices, training camps, or other facilities in Syria, or bases ion areas of Lebanon occupied by Syria.

(2) the United States shall impede Syria's ability to support acts of international terrorism and efforts to develop or acquire weapons of mass destruction;

(3) the Secretary of State will continue to list Syria as a state sponsor of terrorism until Syria ends its support for terrorism, including its support of Hizballah and other terrorist groups in Lebanon and its hosting of terrorist groups in Damascus, and comes into full compliance with United States law relating to terrorism and United Nations Security Council Resolution 1373 (September 28, 2001);

(4) efforts against Hizballah will be expanded given the recognition that Hizballah is equally or more capable than al Qaeda;

(5) the full restoration of Lebanon's sovereignty, political independence, and territorial integrity is in the national security interest of the United States;

(6) Syria is in violation of United Nations Security Council Resolution 520 (September 17, 1982) through its continued occupation of Lebanese territory and its encroachment upon Lebanon's political independence;

(7) Syria's obligation to withdraw from Lebanon is not conditioned upon progress in the Israeli-Syrian or Israeli-Lebanese peace process but derives from Syria's obligation under Security Council Resolution 520;

(8) Syria's acquisition of weapons of mass destruction and ballistic missile programs threaten the security of the Middle East and the national security interests of the United States;

(9) Syria will be held accountable for any harm to Coalition armed forces or to any United States citizen in Iraq due to its facilitation of terrorist activities and its shipments of military supplies to Iraq; and

(10) the United States will not provide any assistance to Syria and will oppose multilateral assistance for Syria until Syria ends all support for terrorism, withdraws its armed forces from Lebanon, and halts the development and deployment of weapons of mass destruction and medium- and long-range surface-to-surface ballistic missiles.

SEC. 5. PENALTIES AND AUTHORIZATION.

(a) PENALTIES.—Until the President makes the determination that Syria meets all the requirements described in paragraphs (1) through (4) of subsection (d) and certifies such determination to Congress in accordance with such subsection—

(1) the President shall prohibit the export to Syria of any item, including the issuance of a license for the export of any item, on the United States Munitions List or Commerce Control List of dual-use items in the Export Administration Regulations (15 C.F.R. part 730 et seq.); and

(2) the President shall impose two or more of the following sanctions:

(A) Prohibit the export of products of the United States (other than food and medicine) to Syria.

(B) Prohibit United States businesses from investing or operating in Syria.

(C) Restrict Syrian diplomats in Washington, D.C., and at the United Nations in New York City, to travel only within a 25-mile radius of Washington, D.C., or the United Nations headquarters building, respectively.

(D) Prohibit aircraft of any air carrier owned or controlled by Syria to take off from, land in, or overfly the United States.

(E) Reduce United States diplomatic contacts with Syria (other than those contacts required to protect United States interests or carry out the purposes of this Act).

(F) Block transactions in any property in which the Government of Syria has any interest, by any person, or with respect to any property, subject to the jurisdiction of the United States.

(b) WAIVER.—The President may waive the application of paragraph (2) of subsection (a) for one or more 6-month periods if the President determines that it is in the vital national security interest of the United States to do so and transmits to Congress a report that contains the reasons therefor.

(c) AUTHORITY TO PROVIDE ASSISTANCE TO SYRIA.—If the President—

(1) makes the determination that Syria meets the requirements described in paragraphs (1) through (4) of subsection (d) and certifies such determination to Congress in accordance with such subsection;

(2) determines that substantial progress has been made both in negotiations aimed at achieving a peace agreement between Israel and Syria and in negotiations aimed at achieving a peace agreement between Israel and Lebanon; and

(3) determines that the Government of Syria is strictly respecting the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon through the Lebanese army throughout Lebanon, as required under paragraph (4) of United Nations Security Council Resolution 520 (1982), then the President is authorized to provide assistance to Syria under chapter 1 of Part I of the Foreign Assistance Act of 1961 (relating to development assistance).

(d) CERTIFICATION.—A certification under this subsection is a certification transmitted to the appropriate congressional committees of a determination made by the President that—

(1) the Government of Syria has ceased providing support for international terrorist groups and does not allow terrorist groups, such as Hamas, Hizballah, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, and the Popular Front for the Liberation of Palestine-General Command to maintain facilities in territory under Syrian control;

(2) the Government of Syria has withdrawn all Syrian military, intelligence, and other security personnel from Lebanon;

(3) the Government of Syria has ceased the development and deployment of medium- and long-range surface-to-surface ballistic missiles, is not pursuing or engaged in the research development, acquisition, production, transfer, or deployment of biological, chemical, or nuclear weapons, has provided credible assurances that such behavior will not be undertaken in the future, and has agreed to allow United Nations and other international observers to verify such actions and assurances; and

(4) the Government of Syria has ceased all support for, and facilitation of, all terrorist activities inside of Iraq, including preventing the use of territory under its control by any means whatsoever to support those engaged in terrorist activities inside of Iraq.

SEC. 6. REPORT.

(a) REPORT.—Not later than 6 months after the date of the enactment of this Act, and every 12 months thereafter until the conditions described in paragraphs (1) through (4) of section 5(d) are satisfied, the Secretary of State shall submit to the appropriate congressional committees a report on—

(1) Syria's progress toward meeting the conditions described in paragraphs (1) through (4) of section 5(d);

(2) connections, if any, between individual terrorists and terrorist groups which maintain offices, training camps, or other facilities on Syrian territory, or operate in areas of Lebanon occupied by the Syrian armed forces, and the attacks against the United States that occurred on September 11, 2001, and other terrorist attacks on the United States or its citizens, installations, or allies; and

(3) how the United States is increasing its efforts against Hizballah given the recognition that Hizballah is equally or more capable than al Qaeda.

(b) FORM.—The report submitted under subsection (a) shall be in unclassified form but may include a classified annex.

SEC. 7. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

In this Act, the term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that debate on the motion to suspend the rules and pass the bill, H.R. 1828, as amended, be extended to 60 minutes, equally divided.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1828, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1828, as amended, a bill I introduced with my colleague the gentleman from New York (Mr. ENGEL), to hold Syria accountable for behavior and activities which threaten U.S. national security, our interests and our allies.

The Syrian regime has the blood of Americans on its hands, and we cannot, and we will not allow this to go unpunished. That is one of the primary reasons we are here today. And we would not have reached this point were it not for the commitment and unwavering support of a great American, our distinguished majority leader, the gentleman from Texas (Mr. DELAY), and we thank him for that support.

Mr. Speaker, following the deplorable terrorist attacks of September 11, 2001, President Bush clearly articulated what would be the guiding principles of U.S. foreign policy. He said: "Every Nation in every region now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any Nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime."

The choice was clear, and Syria chose to be on the wrong side of history. Syria continues to harbor Hezballah, the Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, the PFLP–GC, and Hamas, including permitting the operation of offices and terrorist camps in Syrian territory and in Syrian-occupied Lebanon.

These and other Syrian-sponsored groups have perpetrated acts of terrorism against Americans, most notably the bombing of the U.S. Marine barracks in Syrian-occupied Lebanon in 1983, which killed 241 American Marines, and the attack on the Khobar Towers in 1996, where, with the assistance of Syria, the terrorists killed 19 American servicemen and injured scores of others.

The Syrian regime has continuously allowed Iranian transshipment of weapons to Hezballah and, in recent years, has also begun to supply Hezballah militants with mortars, rocket-propelled grenade launchers and other weapons.

The Syrians vehemently defend, as well as support, protect and harbor, the leaders of Hezballah. For example, Sheik Nasrallah, a terrorist, who proclaimed in a speech broadcast on Hezballah's TV station in late April of this year, he said, "Death to America was, is, and will stay our slogan."

The actions that have earned the Syrian regime the pariah status as a state sponsor of terror have been further highlighted in Iraq, where Syria has been complicit against our forces in Iraq, as repeatedly articulated by the Syrian foreign minister, when he said, "Syria's interest is to see the invaders defeated in Iraq."

Syria has encouraged thousands of so-called "irregular forces" and other "volunteer" terrorists to cross the Syrian border into Iraq to battle our coalition forces. When U.S. military forces captured a large group of Syrians, they reportedly confiscated 70 suicide jackets, each filled with 22 pounds of military grade C4 explosives and mercury detonators. U.S. soldiers also reportedly found several hundred thousand dollars on a bus that came from Syria, together with leaflets suggesting that Iraqis would be rewarded if they killed Americans.

Ambassador Paul Bremer, the Administrator of the Coalition Provision Authority in Iraq, testified before our Committee on International Relations just a few weeks ago, and he said that the largest number of third-country detainees in U.S. custody in Iraq are from Syria. Ambassador Bremer underscored: "And we believe that there are rat lines, as they call them, from Syria into Iraq, where both fighters and, in many cases, terrorists are still coming in."

Despite the Syrian regime's efforts at manipulation, the terrorists they support remove any question that Syria is facilitating the movement of fighters into Iraq to kill our men and women in the Armed Forces. In September 14, 2003, an interview was printed with the Sunday Times World where a member of the militant Islamic group Martyrs of Islam, identifying himself only as Jamal, revealed that he and many others had trained at a camp in Syria during the buildup to the recent war in Iraq.

According to Jamal, while at the Syrian camp, he was trained to make bombs, set booby traps and fire various small arms, including rocket-propelled grenade launchers. Jamal said, "Our entire group was trained in Syria. Other groups were trained there after us. We are here to kill American soldiers." He claimed that his 15-member cell had carried out about 60 attacks against American forces in 3 months.

Syria also continues to occupy Lebanon, in direct contravention of the United Nations Security Council resolutions. Through its illegal occupation of Lebanon, the Syrian regime has imposed its will on the Lebanese people through electoral intimidation, through political persecution, through the stifling of free speech, assassination of opposition leaders, and, last but not least, through brute military force.

The Syrian regime has all but eliminated Lebanon from the international political map, denying the Lebanese people their right to self-determination. It hijacked the democracy process in Lebanon, converting Lebanon into a proxy of the dictatorship in Damascus, a proxy in much the same way that the former Soviet Union used Eastern Europe to propagate its "evil empire."

The Syrian regime has even tried to extend its repression of the Lebanese people to the U.S., to the hallowed halls of Congress. For example, for his testimony during a Congressional roundtable that I held on September 17 as chair of the Subcommittee on the Middle East and Central Asia, General Michel Aoun, the former Prime Minister of Lebanon and one of the leading opposition figures in Lebanon, faces prosecution on charges of tarnishing Lebanon's ties with Syria. His statements in support of the Syria Accountability and Lebanese Sovereignty Restoration Act were viewed as an "offense and he should be tried for it," said the authorities.

For all of the reasons I have articulated this afternoon, Mr. Speaker, it is imperative that we render our overwhelming support to H.R. 1828, as amended.

The Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, as reported, establishes a clear set of policies with respect to Syria. It calls for the imposition of sanctions intended to deny Syria resources to pursue its threatening behavior and limit its diplomatic legitimacy should it persist in pursuing these activities. If the Syrian regime does not alter its behavior, it will suffer the consequences.

The sanctions are to be imposed unless the President certifies that Syria is not providing support for terrorists; has stopped all support for terrorist activities inside of Iraq; has withdrawn all military, intelligence and other security personnel from Lebanon; is not involved in the production, development, deployment, acquisition or transfer of weapons of mass destruction and long-range ballistic missiles; has provided credible assurances that such behavior will not be undertaken in the future; and has agreed to allow United Nations and other international observers to verify such actions and assurances.

The imposition of some, but not all, of the sanctions may be waived by the President for a 6-month period if he determines that it is in the vital national security of the United States to do so and transmits a report to Congress on the reasons substantiating such a determination.

Mr. Speaker, diplomacy with the Syrian regime has failed miserably. It is time to reinforce our words with concrete, tangible and punitive measures. This bill provides the President with the tools and the overwhelming Congressional support he needs to hold the regime in Damascus accountable for choosing to side with the terrorists and engaging in activities threatening the American people and U.S. national security interests.

Syria cannot be allowed to continue to act with impunity. The game is over.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1828.

Mr. Speaker, among the Members who deserve our praise for sponsoring this bill, I would like to single out the gentleman from New York (Mr. ENGEL), who first introduced this bill in the 107th Congress. I want to commend the gentlewoman from Florida (Ms. ROS-LEHTINEN) chair of the Subcommittee on the Middle East and Central Asia, and the gentleman from New York (Mr. ACKERMAN), the ranking member of the Subcommittee on the Middle East and Central Asia, for their invaluable work in bringing this legislation to the floor.

Mr. Speaker, no one in Damascus should be surprised by our action today.

☐ 1700

One might even say that the Syrian Government is the moving spirit behind this action.

Syria, Mr. Speaker, is the leading regional force for destabilization and against peace. Syria is a charter member of the U.S. Government's list of state sponsors of terrorism. Syria hosts and provides both military and economic support to a wide array of vicious terrorist groups.

For too many years, inexplicably, our government has treated Syria better than it does other state sponsors of terrorism. We have been allowing more trade with Syria, and we have maintained normal diplomatic ties. It is time, Mr. Speaker, for this special treatment to end.

The Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 will closely align our Syria policy with our policy toward other state sponsors of terrorism.

Twenty years ago, Mr. Speaker, Syrian-sponsored terrorism was responsible for the worst pre-September 11 terrorist incident in American history: the murder of 241 U.S. Marines by a suicide bomber in Lebanon in October of 1983. I visited with those Marines just a few weeks before the tragedy. Now, Syria's irresponsible behavior is again resulting in more murders of American soldiers, this time in Iraq.

Six months ago, Mr. Speaker, I visited Syria and met with the president of that country. I told him that he had made a major miscalculation regarding Iraq. Completely misunderstanding media reports of Coalition difficulties in the first days of the war due to a sand storm, Syria promptly aligned itself with Saddam Hussein, opening its borders to jihadists and suicide bombers, and opening the floodgates for arms and military equipment to flow into Iraq. To this very day, Mr. Speaker, Syria keeps its borders open, and suicide bombers and pro-Saddam thugs are allowed to cross into Iraq and attack our American soldiers in that country.

But it is not the only way that Syria is aiding terrorists in Iraq. This last weekend, Mr. Speaker, we learned that Syrian state-controlled banks are holding some $3 billion of Saddam Hussein's cash. Despite our diplomatic efforts, Syria is refusing to freeze those funds and to return them to pay part of the cost of rebuilding Iraq. Meanwhile, Saddam's "bitter-enders," perhaps Saddam himself, are drawing on those funds to fuel their murderous attacks on American soldiers.

When I met with President Asad 6 months ago, I warned him that the Syria Accountability Act would soon be on its way to passage in the House and in the Senate unless Syria changed its ways in Iraq and throughout the region. President Asad understood me perfectly. I was not surprised to find that he was very familiar with the Syria Accountability Act.

Secretary of State Colin Powell visited Asad one week after my visit; and told him, as I had, what he needed to do to improve Syria's standing in the United States: he had to end support for terrorism in Iraq and elsewhere. He had to stop supporting Hezbollah and other terrorist groups in Lebanon. He had to close the terrorist offices in Damascus. He had to remove the 17,000 Syrian soldiers in Lebanon. He had to remove the thousands of Syrian military intelligence officers who effectively run Lebanon. He had to stop work on weapons of mass destruction. He had to free the many political prisoners in Syrian prisons, and he had to end vicious anti-U.S. incitement in Syria's media.

I repeated my warning in a press conference with Arab media immediately after my meeting with Asad. When I returned to Washington, I wrote the president of Syria, reviewing the contents of our meeting. I reminded him that congressional action was looming, but that he had the power to avert it.

Mr. Speaker, at this time I will introduce into the Record the text of my letter of last May to President Asad.

Committee on International Relations, House of Representatives,
Washington, DC, May 23, 2003.

His Excellency, President Bashar al-Asad,
Damascus, Syrian Arab Republic.

Dear Mr. President: Once again I would like to thank you for receiving me in your office recently. Our discussion was valuable, and I believe it could mark the beginning of a productive dialogue that benefits both our nations.

I have therefore been surprised and deeply dismayed by Syria's failure to take truly meaningful action on the issues we discussed in the weeks since my visit. Notwithstanding press reports that some of the offices of Palestinian terrorist organizations in Damascus may have been closed, I am deeply disappointed by your failure to confirm this definitively and to affirm that their closure is the result of a decision by the Syrian government, not by the terrorists. I was also disturbed by your failure to join the U.N. Security Council consensus in favor of UNSC Resolution 1483 ending sanctions on Iraq and by the Syrian state media's harsh and inaccurate accusations against the U.S. regarding that resolution.

Mr. President, closing the offices of Palestinian terrorist organizations is the most basic of steps you must take if we are to make a start toward improving U.S.-Syrian relations, as you and I discussed. But it is crucial not only that you actually close the offices and prevent these groups and their partisans from carrying out activities in Syria but that you also make clear, publicly and formally, that you are doing so. Only if such actions are executed in a transparent and definitive manner can Syria demonstrate to the world that it opposes the actions of these terrorist organizations. A stealthy closing of the offices, or a sham closing in which terrorist personnel continue to carry out their activities less publicly and from different locations—or a closing which you claim is strictly the result of the terrorists' decision, as you so far have done—will only leave the world skeptical of your real intentions and will prevent you from reaping any benefits in U.S.-Syrian bilateral relations.

I was pleased that, in our meeting, you said you oppose terrorism "anywhere." Since the Palestinian groups with offices in Damascus have claimed credit for numerous terrorist attacks in Israel—and sometimes have issued these claims from Damascus itself—they surely have no business in Syria, and you should have no trouble making public declarations to that effect. As we agreed, there is no point in discussing semantics. Whether one calls them information offices or terrorist headquarters, it is imperative that they be closed and their cadre expelled—and that this decision be publicly announced and definitively implemented—if we hope to begin a new era in bilateral relations.

You will recall that we discussed the Syria Accountability Act. I told you at that time that, depending on your decisions and actions, Congressional action on that bill will be delayed, halted, or accelerated. I also told you that I would be looking for the earliest possible positive action on your part and in particular in the immediate aftermath of the Powell visit. Based on what I have seen and read thus far, such positive action from you has not been sufficiently forthcoming. Should that continue to be so, I will have no choice but to join with like-minded colleagues in the near future to accelerate action on the Syrian Accountability Act.

So that there be no misunderstanding, I think it is important that I review with you the content of our discussion and my reflections on it. As I indicated to you, Syria made many regrettable decisions in the months leading up to the Iraq war, during it, and in its immediate aftermath. These mistakes were reflected in both your statements and actions during this period. My impression during our meeting was that you understand this. In fact, it is crucial that your future performance fully reflect this understanding, that you expel any Iraqi officials and Saddam Hussein family members who took refuge in Syria, that you seal your border so as to prevent the smuggling of arms and other military equipment into Iraq as well as the infiltration of anti-U.S. personnel, and that you fully cooperate with the United States' Iraq policy in all other ways. Indeed, my overwhelming concern—and I believe that of all of my colleagues in the U.S. Congress—is that you cooperate to the fullest extent with ongoing United States efforts in Iraq. Based on Syria's absence from yesterday's UN Security Council vote, you clearly have not comprehended the urgency of this concern.

Beyond cooperation regarding Iraq, several steps are necessary in order to reverse the recent erosion of bilateral ties. Let me once again enumerate these steps:

(1) The offices of the Palestinian terrorist groups must be closed and their activities ended immediately, and this decision be publicly announced and definitively implemented, as discussed above.

(2) All military assistance to Hizballah, both directly and as a conduit for Iran, must be terminated.

(3) Hizballah must be removed from the Lebanese-Israeli border area as well as from the area of Shebaa Farms, and the Lebanese Armed Forces must be deployed throughout the length of the border. Hizballah also must cease its attacks on Israeli territory and personnel, including in the Shebaa Farms area.

(4) Hizballah must be disarmed, as every other Lebanese militia has been.

(5) Iranian Revolutionary Guard cadre must be expelled from Lebanon.

(6) All terrorist bases in Lebanon and Syria must be closed, and all other support for terrorism must end.

(7) Syrian military forces must be evacuated from Lebanon.

(8) All Israeli prisoners held by Hizballah or Syria must be released.

(9) Syria must take immediate steps to address the many serious human rights problems addressed in the U.S. State Department's recent human rights report. In particular, it must release the academicians, journalists, and members of the Syrian parliament currently in prison for crimes of speech and thought.

(10) Hostile anti-U.S. propaganda in state media must be terminated.

All of these steps are required urgently, but again I emphasize that an affirmative decision to close the offices of the Palestinian groups in Damascus must be announced and implemented definitively and immediately.

During our meeting, you asked me whether I expect you to undertake these actions "for free." To reiterate, I am not asking anything for free. In English, there is a saying that virtue is its own reward. Indeed, a state that supports terrorist groups and violates the sovereignty of a neighboring nation cannot be fully accepted as member in good standing of the civilized world in the twenty-first century. But of course I understand that you were asking what the political pay-off would be for Syria. The reward, Mr. President, is immeasurable and of the greatest significance. It is the goodwill of the Congress, the Administration, and the American people. This goodwill is a priceless commodity, and it has long been lacking in our bilateral relations precisely because of Syria's failure to take the necessary actions I enumerated in our talk and have underscored here. From the establishment of goodwill all other benefits flow.

If you show clear indication that you are progressing in the direction I outlined—beginning with full cooperation regarding Iraq and the immediate and definitive closing of the offices of the Palestinian terrorist organizations and the cessation of their activities on Syrian or Lebanese soil—I will do everything I can to prevent Congressional consideration of the Syria Accountability Act.

Let me add something else: Once it would be fully clear that Syria no longer belongs on the list of state-sponsors of terrorism, nothing would give me greater satisfaction than to advocate its removal from that list.

Absent such indication, however, I can only foresee the worst. I must again underscore the importance of your acting immediately. Time is running out.

You asked that I sound out the Israelis about their interest in pursuing negotiations regarding the Golan Heights and Syrian-Israeli peace. I did indeed raise this matter with Prime Minister Sharon during my visit to Israel. He assured me that he is ready to engage in negotiations, on an unconditional basis, at any time. I would be delighted to be of any further assistance to you on this matter.

Let me reiterate that I foresee the prospect of a new and positive era in U.S.-Syrian bilateral relations. The recent war in Iraq is a cataclysmic development that will usher in great changes in the region. A Middle East that is more politically liberal and increasingly friendly to the United States is on the horizon. This trend is typified by some of your bordering neighbors, such as Jordan, Israel, Turkey, and, soon no doubt, the new Iraq. It is my fervent wish that Syria be seen as fully in step with these regional trends. It is my firm conviction that Syria indeed must be fully in step with these trends if U.S.-Syrian relations are to improve and prosper rather than suffer still further damage. The path our relations follow will depend, Mr. President, on your vision, your leadership, and, most important, your willingness to take bold decisions along the lines we have discussed.

Sincerely,

TOM LANTOS,
Ranking Democratic Member.

Mr. Speaker, after 6 months of waiting, 6 months after Secretary Powell's visit, and 6 months after my own visit, Syria has done nothing to comply with our long-standing requirements. This conclusion is confirmed by the administration which has sensibly changed its position on the Syrian Accountability Act from one of opposition to its current stance, which I view as implicit support for our legislation. It seems, Mr. Speaker, everyone's patience has run out.

I wish that this legislation had not been necessary, but the Syrian regime's actions, or perhaps I should say inactions, have made it imperative. Despite warning after warning, the Syrian Government has refused to heed the dictates of common sense. In fact, it has regressed with its latest outrages resulting in more terrorism in Iraq. The door to good relations with the United States has been wide open to Syria, but the Syrian regime has contemptuously slammed it shut. Now it must pay the consequences.

Nevertheless, Mr. Speaker, as our legislation makes it clear, the United States remains ready and receptive to good relations with Syria, just as soon as the Syrian regime conforms to the norms of civilized conduct.

The whole Middle East is changing, Mr. Speaker. Syria cannot and will not be frozen in a past of supporting terrorism and suppressing its own people. I trust change in Syria will come peacefully. I know it will come soon.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield 1 minute to the gentleman from Texas (Mr. DELAY), the majority leader who is responsible for this legislation moving quickly through the House.

Mr. DELAY. Mr. Speaker, I want to thank the gentlewoman from Florida for yielding me this time and for her leadership on this issue. I also want to thank the gentleman from New York (Mr. ENGEL) for sponsoring this legislation and, as always, thank my friend, the gentleman from California (Mr. LANTOS), for his leadership and advocacy for peace and security in the Middle East. I should also, by the way, on behalf of the House thank my predecessor, Dick Armey, for initially proposing the Syrian Accountability Act in the last Congress before his retirement. It is a good bill, one that I am proud to sponsor and support; and it is a critical addition to America's diplomatic arsenal in the war on terror.

Mr. Speaker, Syria's hostility to the United States and our allies is no secret. Neither is its weapons of mass destruction program or its sponsorship of Hezbollah, Palestinian Islamic Jihad, and other terrorist networks. And least secret of all, Mr. Speaker, is Syria's active support of terrorists seeking safe passage into Iraq to kill Americans. According to Ambassador Bremer, of the 276 terrorists detained in Iraq since the end of major combat there, 123 are from Syria.

The current Syrian regime is not a friend, and it is not a misunderstood bystander. It is a government at war with the values of the civilized world and a violent threat to free nations and free men everywhere. It is a textbook example of a terrorist state and poses a clear and present danger to American soldiers, diplomats, and civilians in the Middle East.

President Bush made the terms of the war on terror very clear: "You are either with us or you are with the terrorists." And since then, we have tried everything, and the President has tried everything. But despite every olive branch and carrot that we have offered, Syria has chosen to side with the terrorists. Therefore, we in the House have no choice but to begin identifying ways to change their leaders' minds, and this legislation will empower the President to pressure Syria in several ways from economic sanctions and travel restrictions to diplomatic isolation.

But, Mr. Speaker, this bill is about more than its substantive penalties. After all, international sanctions have been levied against Syria for years, and Syria's regime has only scoffed at them. But times have changed, and the heightened sanctions in this bill are just the beginning. Congress will be watching Syria's every move and responding accordingly. And by passing this bill today, we will start that process. We will send a very clear message to President Asad and his fellow travelers along the Axis of Evil. The United States will not tolerate terrorism, its perpetrators, or its sponsors; and our warnings are not to be ignored.

Mr. Speaker, I urge all of my colleagues to vote for this bill, send that message, and enlighten the Syrian regime as to America's resolve in the war on terror.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 6 minutes to the gentleman from New York (Mr. ENGEL), my good friend and the original author of this legislation, who has been indefatigable in pursuing this cause; and I am delighted to see it is coming to fruition this afternoon.

Mr. ENGEL. Mr. Speaker, I want to thank my friend, the gentleman from California (Mr. LANTOS), for yielding me this time and for his kind words.

Mr. Speaker, I rise to speak in favor of H.R. 1828, the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003. As the lead sponsor of the bill, I am very appreciative that this bipartisan bill, which I wrote in my office and introduced more than a year and a half ago, is today coming to the floor. I am pleased to have worked on this bill with our lead Republican sponsor, the chair of the Subcommittee on the Middle East, the gentlewoman from Florida (Ms. ROS-LEHTINEN), and it has been a delight to work with her on this bill.

Mr. Speaker, since the war in Iraq, it has become plain to ordinary Americans, Members of Congress across party lines, and officials in the administration what has been plain to me for many years, that Syria is among the most dangerous, destabilizing countries in the Middle East. In 1979, our U.S. State Department put forth a list of countries which support terrorism. Syria was a charter member of that list. She has been on that list unabated for 24 years; and yet she is currently the only country on this list with which we have normal diplomatic relations. I have never understood that, and it is time to tell Syria that the game is over.

As President Bush said on June 24, 2002, "Syria must choose the right side in the war on terror by closing terrorist camps and expelling terrorist organizations." In fact, terrorist groups that have thrived under Syrian protection have taken hundreds of American lives. In 1983, Hezbollah killed 241 U.S. Marines in a terrorist attack near Beirut and killed more in the bombing of the U.S. embassy annex the following year.

Syria also plays host to a number of terrorist groups in its capital, Damascus, and terrorist camps throughout

Syria and Syrian-occupied Lebanon. In fact, the leader of the Palestine Islamic Jihad, which just murdered 21 innocent people in a homicide bombing in the Israeli city of Haifa, lives in Damascus. Israel was correct and justified in its recent attack on the Palestine-Islamic Jihad training camp in Syria.

The threat of collusion between terrorist groups and the Government of Syria must be addressed directly, especially because of Syria's arsenal of weapons of mass destruction. Under Secretary of State John Bolton testified last month before the Subcommittee on the Middle East that "since the 1970s, Syria has pursued what is now one of the most advanced Arab state chemical weapons capabilities and is continuing to develop an offensive biological weapons capability."

☐ 1715

For a country with Syria's history with weapons of mass destruction, this is a cause for serious concern.

Even with all this damming evidence about the threat that Damascus poses some have suggested that we should not hold Syria accountable. The reasons they give have varied, but the most common is that Syria has somewhat helped the U.S. in our war on terror. Absolutely nonsense. Syria is both the arsonist and the fireman. She continues to help terrorism and then throws us crumbs and says look, I am putting it out. That shell game has got to stop.

Syria is two-faced, throwing the few small bones of information to American sources while continuing to aid the most violent terrorist groups in the Middle East. This is not an acceptable deal in the post-September 11 world.

Under this bill, unless Syria meets four key criteria, it will face several sanctions, both economic and commercial and military. First and foremost, Syria must end its support for terrorism. It must close the offices and end the operations of the Palestinian terror groups and stop the supplies to Hezbollah. And it must come into full compliance with Security Council Resolution 1373 which directs all countries to fight terror.

Secondly, Syria must withdraw its armed forces from Lebanon. Nothing would do more for peace and the promotion of democracy in the Middle East than a free and sovereign Lebanon. The U.N. long ago certified Israel's withdrawal, but the Syrian military occupation remains. It is time to let the Lebanese run Lebanon.

Thirdly, Syria must halt development and procurement of weapons of mass destruction and ballistic missiles. The Syrian force of hundreds of Scud missiles topped with unconventional warheads poses a serious danger to the Middle East.

Finally, Syria must take immediate steps to stop guerrillas from traveling to Syria to Iraq to attack and kill American troops.

Mr. Speaker, I am pleased to inform you that this bipartisan legislation has gathered 297 cosponsors in the House including a majority of Democrats and Republicans, and the bill received an overwhelming 33 to 2 vote in the Committee on International Relations. The Senate version of our bill tells a similar story with 76 cosponsors led by Senators BOXER and SANTORUM.

Finally, I would like to thank the chairman and the ranking member of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), for moving the bill forward and for their support, as I mentioned before. I also thank the chair of the subcommittee, the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her hard work, and all 297 Members of the House who have cosponsored this important bill. I want to thank the gentleman from Texas (Mr. DELAY), the majority leader, for moving the bill forward quickly on the House floor, and the minority leader, the gentlewoman from California (Ms. PELOSI), the minority whip, the gentleman from Maryland (Mr. HOYER), and the majority whip, the gentleman from Missouri (Mr. BLUNT), for their cosponsorship of the bill.

I urge the House to pass this important legislation and send a clear message to Syria to end its destabilizing policies. I am also grateful that the administration recently lifted its opposition to the bill, and President Bush has indicated that he will sign this bill. Again, in the war against terrorism this is a good place to continue. I urge my colleagues to support this bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the chief majority deputy whip, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I rise in favor of H.R. 1828 and want to commend the gentleman from New York (Mr. ENGLE) as well as the chairman of the Middle East Subcommittee on International Relations, the ranking member, the gentleman from California (Mr. LANTOS) as well as the gentleman from Illinois (Mr. HYDE), for pushing this bill forward because it comes at a very important time.

And it is true that the time has come to hold the Syrian Government accountable for its role in sponsoring the activities of terrorist organizations. Passage of this bill will send a message that the American people are fed up with the broken promises and unmet obligations of Bashar Assad and his government. Syria has a long-standing history of providing safe haven, refuge, and logistical support to a number of terrorist groups including Hezbollah and Hamas. When innocent people are blown up and killed in Jerusalem, they issue the press releases in Damascus. This must come to an end.

President Bush has been resolute as he leads our country and the world in the fight against the terrorists. Under the Bush doctrine, we cannot and will not allow there to be a gap between the state sponsors of terrorism and the terrorists themselves. Closing this gap in Syria is exactly what this bill does.

Mr. Speaker, not only must we pass this bill here today, we must also work to persuade some of our European and Arab state allies to take similar action.

Working to strengthen economic ties with a terrorist regime is unacceptable while American men and women are dying in Iraq fighting these same terrorists.

Mr. LANTOS. Mr. Speaker, I yield as much time as he may consume to the gentleman from Maryland (Mr. HOYER), the distinguished democratic whip who has been an indefatigable fighter for freedom and against terrorism throughout the globe.

Mr. HOYER. Mr. Speaker, I thank my friend, the distinguished ranking member of the Committee on International Relations, the gentleman from California (Mr. LANTOS).

Mr. Speaker, this is a very important piece of legislation. And I want to commend the gentleman from New York (Mr. ENGEL) for his leadership and sponsorship of this legislation. This bill is part and parcel of our Nation's continuing war on terrorism. And it is a necessary reminder to states that want to belong to the family of civilized nations while simultaneously sponsoring and providing safe harbor to terrorist organizations, you cannot have it both ways.

Syria has regularly appeared on the State Department list of state sponsors of terrorism. Let me recall the remarks of our President as he spoke to a joint session of Congress on September 20. He said, "And we will pursue nations that provide aid or safe haven to terrorism. Every nation in every region now has a decision to make," our President said, "either you are with us or you are with the terrorists."

Now, when he said "us," he did not simply mean America; he meant the civilized law-abiding nations of the world and peoples of the world. "From this day forward," he went on, "any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime." Strong words but appropriate words.

Syria provides safe haven and support for terrorist groups operating in Israel and throughout the region, including, as has been mentioned, Hezbollah. I saw that, Mr. Speaker, with my own eyes when I led a congressional delegation to Israel just a few weeks ago. We traveled to the Israel-Syrian border in the Golan Heights where members of Hezbollah openly walk about on the Syrian side, have arms on the Syrian side, have missiles, and launch terrorist attacks from the Lebanese-Syrian side.

As far as I am concerned, Mr. Speaker, Syria's relationship with Hezbollah is reason enough to end economic relations with Damascus, as the President indicated we would do, but there are others as well. Damascus has failed to fulfill its agreement to withdraw its forces from the security zone in southern Lebanon. In recent years, Syria had become a major supply route for oil flowing out of Iraq and illegal arms shipments into Iraq. And Syria is believed to be pursuing both nuclear weapons and missile development. Syria, in fact, is subject to fewer sanctions, fewer sanctions than any other country designated by our government as a state sponsor of terrorism.

This bill would require the President to impose economic and diplomatic penalties on Syria unless immediate and meaningful changes are made in its policies.

Left unchecked, I strongly believe Syria poses a grave risk to Israel, to the Middle East, and to our interests. It threatens regional stability and is ultimately a major U.S. national security concern. This bill seeks to reign in one of the major impediments to peace in the Middle East. And I urge my colleagues to support it.

The President was correct, you are either with the civilized law-abiding nations of the world or you are not. And if you are not, our relations with you should not be normal. In fact, they should impose sanctions and penalties for such conduct destabilizing and making less secure the region and the world.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to a new member of our Florida delegation, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in support of this important bipartisan legislation, the Syrian Accountability Act. It will authorize new sanctions against Syria until it meets certain conditions.

Although the Department of State lists Syria as a state sponsor of terrorism, fewer sanctions apply to this country than to any other nation on this list. We know that Syria provides a safe haven and support to several terrorist groups including Hezbollah, Hamas, and the Palestinian Islamic Jihad, to name only a few.

Secretary Rumsfeld has asserted that bus loads of Syrian fighters entered Iraq with thousands of dollars and leaflets offering rewards for dead American soldiers.

Syria deserves the same sanctions and loss of diplomatic relations as any other nation that sponsors terrorism overseas or against Americans. It is absolutely critical that this renegade nation be held accountable for its actions once and for all.

I urge my colleagues to support this bill which the gentlewoman from Florida (Ms. ROS-LEHTINEN) proudly sponsors.

Mr. LANTOS. Mr. Speaker, I yield whatever time she may consume to the distinguished democratic leader, the gentlewoman from California (Ms. PELOSI), my friend and colleague and neighbor, who has been a fighter against terrorism and for free societies through her entire life.

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman from California (Mr. LANTOS) for yielding and for his great leadership as the chair of the Human Rights Caucus and a fighter against terrorism and a person who understands better than any of us America's leadership role in the world.

I want to commend the gentleman from New York (Mr. ENGEL) for his leadership in bringing this important legislation to the floor and commend our colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for her usual extraordinary leadership on this issue. I also want to commend the gentleman from Illinois (Mr. HYDE), working with the gentleman from California (Mr. LANTOS), for what they have done to make this discussion possible today.

I am pleased to join nearly 300 of our colleagues in cosponsoring this important measure, which is an effort to encourage Syria to cease its support for terrorism and to end its occupation of Lebanon. Syria's assistance to terrorist organizations is well known, and the State Department continues to list Syria as a state sponsor of terrorism in violation of resolutions on that issue by the U.N. Security Council.

The Bekaa Valley in Lebanon, which Syria controls, provides a haven and a site of training facilities for Hezbollah, Hamas, and other terrorist groups. These activities could not occur without the assent of the Syrian government.

The people of Israel and the cause of peace in the Middle East have been the traditional targets of groups led by, and helped by, Syria. But today's attack on the U.S. convoy in Gaza is a reminder that the United States and our interests in the world are foremost on terrorist target lists. Dealing with the problem of terrorism is our top priority.

Rhetoric has thus far not been effective in encouraging the Syrian Government to cease its assistance to terrorists and to remove its forces from Lebanon.

This legislation provides another alternative. The imposition of sanctions that will hopefully convey a stronger message of our seriousness.

□ 1730

As proposed in the bill, sanctions are a flexible tool that the President may weigh against other interests of the United States in fashioning a response to whatever the Syrian Government may do with respect to the presence of terrorist organizations within the territory it controls.

The costs of terrorism are well known in our country and in the countries throughout the world. It behooves us to have a range of options to address the threat terrorism poses. H.R. 1828 adds to our options with respect to terrorism in the Middle East, and I urge its adoption and once again commend the gentleman from New York (Mr. ENGEL), the gentleman from California (Mr. LANTOS), the gentleman from Illinois (Mr. HYDE), and the gentlewoman from Florida (Ms. ROS-LEHTINEN) on their leadership on this important matter.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of holding Syria accountable for aiding and abetting terrorists and for helping those who are killing Americans in Iraq, also to suggest to the Syrians that it is time for them to leave Lebanon.

Terrorism, we hear that word a lot. What is it? A terrorist is an individual or an organization or a nation that uses violence against noncombatants in order to achieve its goals. Syria needs not face this type of punitive legislation. First of all, let me note that before the Syrian Army went into Lebanon, the Lebanese were engaged in slaughter among themselves and that the Syrian troops played a positive role at that time. That has long since passed. They should be out of there by now.

But also the fact is that the Syrian Government fully understands that it is offering its country as a base of operations for organizations that target women and children in Israel. They are based there. They announce their attacks and the results of their attacks from there. There is no doubt that terrorists, people who are slaughtering innocent people, are there in their country; yet they refuse to change the policy that permits those terrorists to operate out of that country.

Now, when you talk to them about it, which I have, they always use what they perceive as the evils of Israel as an excuse. Well, I will tell you this, I am opposed to anyone who targets noncombatants to achieve their military or political ends. It is sinful. And today I wholeheartedly support this because what Syria does by providing safe haven to terrorists is an affront to civilization. Also, they are now engaged in helping those who are pulling the trigger in killing Americans as we do our job in Iraq. And I do not have to condemn all evil in the world in order to wholeheartedly condemn this evil. Today it is even more incumbent upon us to take a strong stand with Syria's wrong doing because every day our soldiers are being killed by people who are sneaking through Syria to get into Iraq. I would plead with Syria, please change your ways. You need not be our enemy. You need not have the policies you do.

Finally, let me note that while I wholeheartedly support this legislation condemning Syria's wrongdoing, I also condemn when other countries are engaged in wrongdoing in that part of the world. I would suggest that as a body we do not forcefully condemn Israel when it is apparent to us that Israel is engaged in wrongdoing. I believe that undermines our credibility with these Arab countries and these Arabs when we plead with them on issues like this. If we could be more balanced, I think we could be a greater force for the good and moral standards that we talk about today.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from New York (Mr. ACKERMAN), who has been fighting for peace in this region for his entire congressional career.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of the Syria Accountability Act, encourage the administration to use all of the tools at its disposal to enforce that accountability.

Mr. Speaker, today's debate over the Syria Accountability Act, is in my view, Congress's long overdue response to the Bush Administration's failure to match its tough talk with demonstrations of our resolve.

This spring, the Administration took sudden notice of the numerous and longstanding Syrian policies that are hostile to our national interests. The President dispatched the Secretary of State to loudly threaten serious consequences; there were the predictable rounds of feckless diplomacy; and then the Administration's attention wandered off. Syria's policies, of course, didn't change one bit.

We know that during combat operations in Iraq, there was credible evidence of arms and people moving from Syria into Iraq. And we know that Syria is directly responsible for providing safe passage and transit documentation to many of the terrorists now working to undermine our relief and reconstruction efforts in Iraq. The Bush administration's response? Zero.

We know that Syria's highly touted cooperation in battling Al-Qaeda has dried up. According to the State Department counterterrorism coordinator, Damascus has "allowed Al-Qaeda personnel to come in and virtually settle in Syria with their knowledge and their support." The Bush Administration's response? Zero.

We have known for years that Damascus has actively opposed U.S. efforts to resolve the Israeli-Palestinian conflict through its patronage of Hezbollah.

Today, Hezbollah, is aggressively working to facilitate ever greater levels of Palestinian terrorism against Israel. And since Hezbollah can't get Iranian weapons through Iraqi airspace, Damascus is reported to be supplying Hezbollah with weapons from Syria's own depots. The Bush Administration's response? Zero.

On July 22, President Bush said "Syria . . . continue[s] to harbor and assist terrorists. This behavior is completely unacceptable, and states that support terror will be held accountable."

It's now mid-October. Secretary Powell went to Damascus in early May. Where's the accountability?

Moreover, when asked only weeks ago to testify about Syria's weapons of mass destruction, the Administration provided an elaborate listing of the numerous authorities they have under U.S. law, the powers provided by executive orders, and the manifold capabilities of the executive branch, all to counter Syria's proliferation efforts. But next to nothing was offered on how these tools are being used.

By now, two things should be indisputably clear: terrorism is the Assad regime's preferred strategic option in dealing with America, and bluster is the favored method of the Bush Administration in dealing with Syria.

Mr. Speaker, Congress can only provide the tools, and with this bill, we will be adding to the already considerable stockpile of authority the President has chosen not to use. What's lacking in our Syria policy is not legal authority. What's lacking is consistency, focus, and resolve.

I hope passage of this bill will prompt the Bush Administration to conduct the kind of serious policy review that has been unfortunately absent so far, that has allowed our policy to drift so badly, and that has brought this legislation to the floor of the House.

I strongly encourage Members to support the bill.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MATSUI), who has been unique in his support for constructive development in the region and who has been fighting tenuously against terrorism throughout the region and the world.

Mr. MATSUI. Mr. Speaker, I thank the gentleman from the State of California (Mr. LANTOS) for his kind comments. Obviously, I want to thank the gentleman from New York (Mr. ENGEL) for his sponsorship of this and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her wonderful sponsorship and lead on this in terms of the subcommittee Chair.

This act is one that has been overdue. I am very, very pleased that the President has not opposed this and has given us the liberty now to bring this before the floor.

This is a piece of legislation that should have been passed 25 years ago when we had the original State Department list on state-sponsored terrorism. Syria has been on this list now for 25 years. For 25 years they have been on this list as a state-sponsored terrorist country. They have had Hezbollah. They have had Hamas. They have had a number of terrorist groups that have had offices in Syria. They have had training bases in Syria, and they also have weapons of mass destruction that could get in the hands of these terrorists.

In addition, even recently Syria has allowed visas to be given to terrorist individuals who have gone into Iraq for the sole purpose of doing damage to the infrastructure in putting the lives of American men and women in jeopardy. This act would merely give the President the authority to take two actions out of a menu of about 15. They would be simple things like preventing many of the diplomats from going 25 miles outside of the U.N.

Let me conclude, if I may. It would perhaps impose trade sanctions on the Syrian Government. It is very, very simple kinds of sanctions for the kinds of terrorist activities the Syrian Government has been responsible for. I urge the adoption of this legislation.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Mr. Speaker, I rise in support of H.R. 1828, the Syrian Accountability Act. It is time for Syria, quite frankly, to make a choice. In Lebanon its troops have been there far too long. The sponsorship of terrorist activity against the State of Israel is no longer, and never was, acceptable. Finally, the porous borders between Iraq and Syria which terrorists move across is a constant threat to American troops.

As our President has said, There is no middle ground in the war on terrorism. It is simply not acceptable to cooperate in some areas as Syria occasionally has, and yet to cooperate with terrorists on the other hand as it constantly has done.

I am extraordinarily proud of the United States Congress for making this strong statement in a bipartisan fashion, and I hope the message will be understood and acted upon in Damascus.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I urge my colleagues to pass this bill. We have to show Syria that there are consequences for supporting terrorism and undermining peace in the region. It is amazing to me that Syria offered support to Iraq even as U.S. and Coalition forces were engaged in combat and subsequently has turned a blind eye to militants who slip across their borders into Iraq to kill American soldiers.

Syria has been on this terrorist list for such a long time, and yet we allow it to continue. We have imposed fewer sanctions than any other country that is a state-sponsor of terrorism. I suppose we sort of bought into this idea that somehow they were helping us over the years. But in the aftermath of the Iraq war, it has been quite clear that they have not been helping us, and whatever effort was out there supposedly to give that impression is simply not real.

The fact that they continue to be present in Lebanon, to harbor various terrorist organizations, the time has come to pass this bill. It is certainly long overdue, as so many of my colleagues have said on a bipartisan basis. Let us get it passed today.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY), a member of the Committee on International Relations.

Mr. CROWLEY. Mr. Speaker, I thank the gentlewoman for yielding me time. Mr. Speaker, I would congratulate the gentlewoman and my good friend, the gentleman from New York (Mr. ENGEL), for their leadership here, and the ranking member of my committee, the gentleman from California (Mr. LANTOS), for his continued leadership on this issue.

Mr. Speaker, I rise in strong support of this bill, the Syrian Accountability and Lebanese Sovereignty Restoration Act. This legislation passed the House Committee on International Regulations by an overwhelming bipartisan vote. I want to thank the gentleman from Illinois (Mr. HYDE), as well, for bringing this bill to the floor. I thank the leadership for bringing this bill to the floor and before the committee and ensuring that we have the opportunity to let Syria know that the United States will not allow a free pass any longer.

Syria has been listed as a state-sponsor of terrorism since 1979. This is unacceptable for any country that wishes to be a responsible member of the international community, especially a country currently serving as a member of the United Nations Security Council. Unacceptable.

Syria's role on the council make a mockery of the mission of the United Nations. Syria used its role recently on the Security Council to present the draft resolution condemning Israel's right to self-defense by destroying a terrorist training camp within Syria. Instead of drafting a resolution condemning Israel's justified attack, Syria should ensure that Israel will never need to attack a terrorist camp within Syria's borders again.

Syria must cease all support for terrorist groups and close down all terrorist training camps within her borders.

If their support for terrorism were not enough, Syria also has an arsenal of biological and chemical weapons and the missile capability to deliver those weapons to her neighbors. I hope our actions here today will show President Asad that our resolve is strong.

Mr. Speaker, President Asad must change his country's ways and begin to contribute to international peace and security rather than undermining it. It is time for Syria to take her place amongst the righteous nations of the world, as well as give Lebanon the chance to take her place as a righteous nation in the world. I urge all of my colleagues to support this important legislation.

Once again, I would like to thank the gentlewoman for yielding me time; the sponsor of this legislation, my good friend, the gentleman from New York (Mr. ENGEL). I thank him for his work on this. I thank the gentleman from California (Mr. LANTOS) for all he has done on committee by seeing that this bill gets to the floor today.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I will vote for the Syria Accountability Act today, but I will do so with some serious reservations. Permit me to take a moment to explain.

I will vote for the bill because I deplore the terrorist attacks inflicted on Israel and understand that a strong signal must be sent to the Syrian Government that it must aggressively confront and fight terror and terrorist organizations. It must close terrorist offices, expel terrorist leaders, close terrorist supply lines, and get out of Lebanon.

This resolution, however, has no monopoly on that message. I and many others who have been able to visit with President Asad in Damascus in recent years, and he has received us often, have delivered that message unequivocally but with only limited success.

Our Secretary of State has also been unwavering on the unacceptability of Syria's sheltering of terrorists. That message, however, has not been and should not be the sum total of our diplomacy. What this bill fails to grasp is the utility of engagement and the necessity of flexibility in our foreign policy.

Our experience suggests that Syria can sometimes be moved through engagement. In recent months, the fruits of engagement have included cooperation in the pursuit of al Qaeda, and a reduction in incidents along the northern Israeli border. Nor should we forget that at two points in the last decade, once in secret negotiations under the Netanyahu government, and then in the U.S.-Israel-Syria tripartite talks at Shepherdstown in early 2000, engagement brought an Israeli-Syrian settlement very, very close to realization.

Events in the Middle East move quickly. Diplomacy requires flexibility, but the directives in this bill at the high waiver standard move in the opposite direction. A law is a clumsy instrument with which to engage in the art of diplomacy. This bill is overly prescriptive, and it could make the complex work of our diplomats far more difficult.

□ 1745

A more sophisticated policy of incentives, as well as sanctions, carrots as well as sticks, is called for as our Nation attempts to engage in a worldwide war against terrorism.

We must solidify a network of nations to confront terrorism, not stake ourselves out as an isolated combatant. That struggle could be far more successful with Syria as a full-fledged partner. But if that is to happen, our diplomacy will have to be far more skilled and flexible than the formula prescribed by the Syria Accountability Act.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY), the distinguished ranking member of the Committee on Appropriations Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mrs. LOWEY. Mr. Speaker, I thank the gentleman for yielding me the time, and I rise in support of this Syria Accountability and Lebanese Sovereignty Restoration Act, and I want to thank the gentleman from New York (Mr. ENGEL) for his long-standing leadership on this issue. He has been insisting that we hold Syria's feet to the fire for a very long time.

I also want to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN), my good friend and colleague, for her leadership on this issue and, of course, the gentleman from California (Mr. LANTOS), our ranking member of the committee, for his leadership and strong voice.

It is time that Congress send a strong and clear message to Syria. We will no longer tolerate their support of terrorism. We will not allow them to further destabilize the Middle East, a region so crucial to the national security of the United States, and we will not risk undermining our efforts to secure peace and stability in Iraq and the region.

Syria had its chance and had the opportunity to reform its political environment and become a positive force in the region. Instead, it has remained as it was, a closed society and haven for terrorists. Many terrorist groups, including Hezbollah and Hamas, have offices and training camps in Syria or Syrian-occupied Lebanon. These groups remain heavily active, even after Secretary of State Powell met with President Assad earlier this year and urged him to shut them down.

These groups thwart efforts for peace in Israel by destabilizing the Israel-Lebanese border. They are the groups that might very well be sending terrorists over the Iraqi border to commit terrorist acts against our soldiers and the Iraqis brave enough to work with us to create a stable democratic country. Indeed, at a recent hearing of the House Subcommittee on the Middle East and Central Asia, the State Department confirmed that Syria is allowing "volunteers" and others to enter Iraq to attack and kill Americans.

Congress must send the message, it is time to end the terror, and H.R. 1828 is heavily supported on both sides of the aisle. It imposes a variety of penalties upon Syria until it ends its support of terrorism, withdraws its armed forces from Lebanon, halts development of weapons of mass destruction and ballistic missiles, and stops facilitating terrorism in Iraq.

It is necessary, appropriate, and in my judgment, long overdue.

I strongly support H.R. 1828.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 1 minute to the gentleman from Florida (Mr. WEXLER), a distinguished member of our committee, my good friend.

Mr. WEXLER. Mr. Speaker, I rise in strong support of the Syria Accountability Act because Syria is an epicenter of terror, and despite repeated warnings, Syria continues to develop weapons of mass destruction, occupy Lebanon, harbor Palestinian terrorists and support Hezbollah.

The very notion that fewer sanctions apply to Syria than any other country on the State Department's terrorist list is unconscionable. This is why I support sending an unequivocal message to Syria that its hostile action will be met with serious consequences.

For too long, America has kowtowed to Syria as it played a duplicitous game of providing Washington with limited intelligence while continuing to support terror. I hope that President Assad understands that no one in Washington is fooled anymore. The time for soft pedaling with Damascus has come to an end.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 1 minute to the gentleman from New York (Mr. NADLER), my distinguished colleague.

Mr. NADLER. Mr. Speaker, I rise today to strongly support the Syria Accountability Act. This legislation is long overdue.

Syria has funded and encouraged organized terrorism in the Middle East and around the world. Syria controls the Lebanon-Israeli border from the Lebanese side where kytusha rocket attacks are regularly launched against innocent Israeli citizens. Syria openly houses Hamas and Hezbollah training grounds, and its government and citizens knowingly fund their criminal activity.

Just today, terrorists operating in the West Bank murdered four U.S. citizens. Were they trained and funded by Syria? We should not have to wonder. If Syria provides aid and comfort to the terrorist enemy, it should not receive aid and comfort from the United States.

This legislation is modest in comparison to the recent actions the United States took against Iraq, and it is clear that Syria provides a lot more aid to terrorist organizations than Iraq ever did. This bill provides for economic sanctions against Syria for restrictions on diplomatic activity in the United States and, most importantly, calls for the withdrawal of Syrian troops from Lebanon.

I want to thank the gentleman from New York (Mr. ENGEL) for his strong leadership in championing this legislation. I give it my full support, and I look forward to the Saudi Arabia Accountability Act.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from Florida (Mr. DEUTSCH), my good friend and distinguished colleague.

Mr. DEUTSCH. Mr. Speaker, I appreciate the ranking member's time, and also I want to congratulate the gentlewoman from Florida (Ms. ROS-LEHTINEN), the chairperson of the subcommittee, my friend and colleague from Florida, who really, with the gentleman from New York (Mr. ENGEL) as well, brought this to our attention, and, through fighting for several years, brought it to the floor of the House.

This bill I believe will pass today, but it is somewhat melancholy because at the same time, right after this debate is over, we are going to take up the supplemental bill which includes $20 billion of direct aid to Iraq, and when we talk about terrorism, all of these issues around the world are really intertwined. We know that Iraq sent several billion dollars, Saddam Hussein sent several billion dollars to Saudi Arabia that, at this moment in time, the United States Government still does not know where that money is, and in fact, there are many indications that money is directly supporting terrorism even while we speak and even while we stand here today.

Those issues tying into getting to the root of terrorism cannot stop anyone. They cannot stop at Syria. They cannot stop at Saudi Arabia. This legislation will go a long way in protecting the lives of Americans, but yet we need to go further.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to ask the Speaker how much time is remaining and if the gentleman from California has any other remaining speakers.

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from Florida (Ms. ROS-LEHTINEN) has 9 minutes remaining. The gentleman from California (Mr. LANTOS) has 4 minutes remaining.

Mr. LANTOS. Mr. Speaker, we have no additional requests for time, and we yield back the balance of our time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

It has been a delight for me to have worked with the gentleman from California (Mr. LANTOS) and the author of this legislation, the gentleman from New York (Mr. ENGEL), and so many others in our Committee on International Relations, and I would like to thank the gentleman from Illinois (Mr. HYDE) for his strong leadership as always.

As has been pointed out, Mr. Speaker, this bill, as reported, clearly outlines congressional views of steps that the Syrian regime must undertake: ending support for terrorism; stopping support and the facilitation of terrorist attacks on our coalition forces in Iraq; halt its weapons of mass destruction efforts; withdraw from Lebanon, all of these.

It establishes a U.S. policy that Syria will be held accountable for these activities. It prohibits the exports of military and dual-use items, and then provides the President with a choice of six sanctions, from which the President is to impose at least two. And these sanctions, for example, are to prohibit the export of products from the United States other than food and medicine; to prohibit United States businesses from investing or operating in Syria; to restrict the travel of Syrian diplomats in Washington and in the U.N. in New York City; to prohibit aircraft of any air carrier owned or controlled by Syria to take off from, land in or overfly the United States; to reduce United States diplomatic contacts with Syria other than those required under this Act, and this could mean suspension of diplomatic relations altogether or a reduction of diplomatic representation or other actions. It also would block transaction in any property in which the government of Syria has any interest, by any person or with respect to any property, subject to the jurisdiction of here in the United States.

As we can see, there is strong support for this bill. We have almost 300 cosponsors. One of my colleagues raised concerns about the flexibility issue, and I would like to underscore that we provide the President with ample discretion in choosing which sanctions to impose.

Secondly, for anyone who believes that the Syrian regime has assisted the U.S. in any way to eradicate terrorism, I would like to note that the statements made on Thursday of last week by the State Department spokesman and he said, "Frankly, the Syrians have done so little with regard to terrorism that we do not have much to work with." He added, "There's not too much grounds for argument that Syria's done anything that would mean that this bill was a bad idea." This is coming from the ultimate diplomatic agency.

Mr. Speaker, this is the end of the line for the Syrian regime. Enough is enough. They have made a mockery of requests by our Secretary of State and by our congressional colleagues. The blood of Americans is on their hands, and for this, they must be called to task. They must be punished, and I urge my colleagues to vote for H.R. 1828.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of H.R. 1828, the Syria

Accountability and Lebanese Sovereignty Restoration Act of 2003. I am proud to cosponsor this important legislation for the 2nd straight Congress, and I look forward to supporting it today on the floor of the House.

I want to begin, Mr. Speaker, by noting that I do not normally support sanctions legislation. In fact, I believe that all too often, Congress and U.S. administrations place unrealistic expectations on the ability of sanctions to destabilize reckless regimes. We naively believe that placing economic sanctions on countries that, more times than not, are not dependent upon U.S. dollars and tourists, will somehow result in countries complying with our demands.

The truth of the matter is, sanctions rarely accomplish what we intend for them to accomplish. We need not look any further than Iraq to see the effect that long-term economic sanctions have on a regime. But what they do accomplish, in this instance, is a shift in U.S. foreign policy toward Syria, a nation that has long supported the efforts of terrorist organizations to attack Israel and the Western world. It is for this reason that I come to the floor today in support of this legislation.

I have long said that one of the true threats to peace and security in the Middle East is not Baghdad, but instead Damascus. While the Bush administration has focused its efforts on disarming Iraq, Syria has continued to fund and harbor terrorist cells living and training within its borders. Until today, the United States government has remained largely silent.

Realize, we should not expect Syria to change its ways simply because we apply new economic sanctions. But in passing this legislation today, we are sending a clear and strong message to the Syrian government that the United States will no longer stand idly by while countries masking as our allies work against us.

I urge my colleagues to support this legislation.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in support of the Syria Accountability Act. Syria has been on the State Department's list of countries sponsoring terrorism since the list began in 1979, and recent intelligence reports have only confirmed what we have long thought to be true—that Syria remains an incubator of terrorism and instability in the Middle East and throughout the world.

Syria has refused to shut down the offices of the Islamic Jihad, has permitted weapons to flow freely to Hezbollah, and has allowed Hezbollah to expand terrorist training operations. These terrorists have attacked innocent men, women and children in Israel, and Syria's unwillingness to put a halt to this lawlessness threatens not only Israel but also stability and peace in the region.

In addition to the devastating effect of the Syrian government's willingness to crack down on known terrorist groups within its borders, Syria has allowed fighters seeking to harm American troops to cross its borders. As we ask more and more American service members to put themselves in harm's way in defense of our Nation, it is critical that we also take steps to protect them from known threats.

We must act now by sending a clear message to Syria that they must take a strong stand against terrorism, and I urge my colleagues to join me in supporting the Syria Accountability Act.

Mr. RAHALL. Mr. Speaker, the Syria Accountability Act comes to the House floor at a time when the situation in the Middle East is more volatile than ever: the United States' effort to gain control of the situation in Iraq; the breakdown of the Israeli and Palestinian peace negotiations; and the new tensions between Syria, Lebanon and Israel are all major concerns of U.S. Middle East policy.

The proposed legislation, H.R. 1828, could harm the United States' ability to influence various actors in the region and could seriously impair U.S. diplomatic efforts at a very critical time in the Middle East.

At this critical juncture in America's War on Terrorism we should work with Nations like Syria who are aiding our pursuit of the terrorists who attacked America on 9–11.

Since September 11th, 2001, Syria has quietly helped the United States by detaining suspected members of Osama bin Laden's organization. Our government should continue its diplomatic relations with Syria in order to capture these terrorists.

Syria supported the United States by voting in support of U.N. Resolution 1441 asking Iraq to comply with the United Nations and to allow inspectors back into the country.

During America's Operation Iraqi Freedom, Syria assisted the U.S. by supplying power to northern Iraq, thus calming the population, and undoubtedly saving American troops' lives.

In a most recent act of cooperation with the United States and at our request, Damascus has opened its financial and banking institutions allowing us to trace the accounts of the former Saddam Hussein regime.

Syria is currently designated by the U.S. State Department as a state-sponsor of terrorism and, therefore, is already ineligible for U.S. assistance and faces numerous, strict sanctions. This legislation would further restrict the already limited leverage we have with Syria.

Instead of singling out Syria for developing weapons of mass destruction and ballistic missiles, Congress should instead support United Nations resolutions (687, par. 14) pursuing the goal of declaring the whole Middle East a region free from all such weapons and delivery systems. This bill lacks credibility by ignoring Israel's own advanced pursuit of such weapons including nuclear arms.

Imposing unilateral sanctions on Syria would hurt American businesses. At a time when our country is facing increasing unemployment rates, Congress and the Administration should take action to foster economic growth and trade, including with countries in the Middle East, to foster an increase in American jobs.

European and Russian companies have already made contact with Syrian businesses hoping to move in as American companies are forced to leave after adoption of SAA.

This legislation attempts to adopt a simplistic approach to Lebanese-Syrian relations. Both Syria and Lebanon are sovereign countries capable of resolving their own differences without U.S. congressional meddling.

Now is not the time to limit American options as we seek to pursue a long-term comprehensive political solution to conflict in the Middle East. Therefore, I urge my colleagues to stand in opposition to H.R. 1828 as we must remain focused on the difficult issues of the Middle East already at hand.

Mr. PAUL. Mr. Speaker, I would like to express my strong opposition to this ill-conceived and ill-timed legislation. This bill will impose what is effectively a trade embargo against Syria and will force the severance of diplomatic and business ties between the United States and Syria. It will also significantly impede travel between the United States and Syria. Worse yet, the bill also provides essentially an open-ended authorization for the president to send U.S. taxpayer money to Syria should that country do what we are demanding in this bill.

This bill cites Syria's alleged support for Hamas, Hizballah, Palestine Islamic Jihad, the Popular Front for the Liberation of Palestine, and other terrorist groups as evidence that Syria is posing a threat to the United States. But none of these organizations targets the United States. Not since the Hizballah bombing of a U.S. Marine barracks in Lebanon in 1983 has any of these organizations attacked the United States. After that attack on our Marines, who were sent to Beirut to intervene in a conflict that had nothing to do with the United States, President Ronald Reagan wisely ordered their withdrawal from that volatile area. Despite what the interventionists constantly warn, the world did not come to an end back in 1983 when the president decided to withdraw from Beirut and leave the problems there to be worked out by those countries most closely involved.

What troubles me greatly about this bill is that although the named, admittedly bad, terrorist organizations do not target the United States at present, we are basically declaring our intention to pick a fight with them. We are declaring that we will take preemptive actions against organizations that apparently have no quarrel with us. Is this wise, particularly considering their capacity to carry out violent acts against those with whom they are in conflict? Is this not inviting trouble by stirring up a hornet's nest? Is there anything to be gained in this?

This bill imposes an embargo on Syria for, among other reasons, the Syrian government's inability to halt fighters crossing the Syrian border into Iraq. While I agree that any foreign fighters coming into Iraq to attack American troops is totally unacceptable, I wonder just how much control Syria has over its borders—particularly over the chaotic border with Iraq. If Syria has no control over its borders, is it valid to impose sanctions on the country for its inability to halt clandestine border crossings? I find it a bit ironic to be imposing a trade embargo on Syria for failing to control its borders when we do not have control of our own borders. Scores cross illegally into the United States each year—potentially including those who cross over with the intent to do us harm—yet very little is done to secure our own borders. Perhaps this is because our resources are too engaged guarding the borders of countless countries overseas. But there is no consistency in our policy. Look at the border between Pakistan and Afghanistan: while we continue to maintain friendly relations and deliver generous foreign aid to Pakistan, it is clear that Pakistan does not control its border with Afghanistan. In all likelihood, Osama bin Laden himself has crossed over the Afghan border into Pakistan. No one proposes an embargo on Pakistan. On the contrary: the supplemental budget request we are taking up this week includes another $200 million in loan guarantees to Pakistan.

I am also concerned about the timing of this bill. As we continue to pursue Al-Qaeda—most of which escaped and continue to operate—it seems to me we need all the help we can get in tracking these criminals down and holding them to account for the attack on the United States. As the AP reported recently:

> So, too, are Syria's claims, supported by U.S. intelligence, that Damascus has provided the United States with valuable assistance in countering terror.
>
> The Syrians have in custody Mohammed Haydar Zammer, believed to have recruited some of the Sept. 11 hijackers, and several high-level Iraqis who were connected to the Saddam Hussein government have turned up in U.S. custody.

Numerous other press reports detail important assistance Syria has given the U.S. after 9/11. If Syria is providing assistance to the U.S. in tracking these people down—any assistance—passing this bill can only be considered an extremely positive and welcome development. Does anyone here care to guess how much assistance Syria will be providing us once this bill is passed? Can we afford to turn our back on Syria's assistance, even if it is not as complete as it could be?

That is the problem with this approach. Imposing sanctions and cutting off relations with a country is ineffective and counterproductive. It is only one-half step short of war and very often leads to war. This bill may well even completely eliminate any trade between the two countries. It will almost completely shut the door on diplomatic relations. It sends a strong message to Syria and the Syrian people: that we no longer wish to engage you. This cannot be in our best interest.

This bill may even go further than that. In a disturbing bit of déjà vu, the bill makes references to "Syria's acquisition of weapons of mass destruction (WMD)" and threatens to "impede" Syrian weapons ambitions. This was the justification for our intervention in Iraq, yet after more than a thousand inspectors have spent months and some 300 million dollars none have been found. Will this bill's unproven claims that Syria has WMD be later used to demand military action against that country?

Mr. Speaker: history is replete with examples of the futility of sanctions and embargoes and travel bans. More than 40 years of embargo against Cuba have not produced the desired change there. Sadly, embargoes and sanctions most often hurt those least responsible. A trade embargo against Syria will hurt American businesses and will cost American jobs. It will make life more difficult for the average Syrian—with whom we have no quarrel. Making life painful for the population is not the best way to win over hearts and minds. I strongly urge my colleagues to reject this counterproductive bill.

Mr. BISHOP of Georgia. Mr. Speaker, I rise today in strong support of H.R. 1828, the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003.

Mr. Speaker, the United States and our allies around the world have stood steadfast in holding accountable terrorist states, those who harbor or otherwise provide sanctuary for terrorist, or those who threaten the world with weapons of mass destruction. That's what the legislation before us today is all about.

The Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 does not advocate the use of force against Syria. Instead, it gives the President and the Secretary of State expanded authority to impose U.S. diplomatic and economic sanctions against Syria unless serious action is taken by Syria to rid itself of the cancer of terror and the policies by which terror manifests itself throughout the region and the world.

It's no secret that Syria hosts terrorist organizations including Hizballah, Hamas, and the Popular Front for the Liberation of Palestine, all of which maintain offices, training camps, and other facilities within Syrian borders and within areas of Lebanon currently occupied by Syria. This is a threat that simply cannot continue to be ignored.

This Act holds Syria accountable for its part in facilitating terrorism and in so doing, threatening the world. It requires Syria to withdraw from the nation of Lebanon, and to finally cease Syria's ongoing pursuit of weapons of mass destruction. It calls for sanctions against Syria including a prohibition on the export of defense and dual-use items. In addition, it also requires the President to impose two or more sanctions which may be waived in the interest of national security. These are: prohibiting the export of products of the U.S. other than food and medicine to Syria; prohibiting U.S. businesses from investing or operating in Syria; restricting the travel of Syrian diplomats to within a 25-mile radius of Washington, DC or the United Nations; reducing levels of U.S. diplomatic contracts with Syria; and blocking transactions in any property in which the Government of Syria has any interest.

Mr. Speaker, let us act today and hold accountable terrorist states by eliminating policies which advance terrorism. Let us pass the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003.

Mr. REYES. Mr. Speaker, I am proud to be a cosponsor of H.R. 1828, the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, and am even prouder still to see it on the floor of the House of Representatives today.

This important piece of legislation gives the president the diplomatic tools necessary to hold Syria accountable for its support of terrorism, its weapons of mass destruction program and its occupation of Lebanon. Syria should not be allowed to support terrorist activity from groups, such as Hezbollah and the Palestinian Islamic Jihad, with continued impunity.

Passage of this bill will require that sanctions be imposed on Syria unless the president can certify that it has taken steps to end its support of terrorism, discontinue its weapons of mass destruction program, and end its occupation of Lebanon. Sanctions could include banning most U.S. exports to, and investment in, Syria; restricting the movement of Syrian diplomats here in the United States; barring Syrian aircraft from our airspace; and freezing Syrian assets in our country.

Mr. Speaker, I urge all my colleagues to support this important legislation, which will put appropriate pressure on a regime that continues to support groups that perpetrate heinous acts of terror against the people of democratic Israel and that further destabilizes an already volatile region.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in support of H.R. 1828, a resolution that calls for an end to Syria's support for terrorism and an end to its occupation of Lebanon.

In his 2003 State of the Union address, President Bush stated that the gravest danger facing the United States in the war on terrorism is the acquisition by other countries of weapons of mass destruction, and that we must confront this danger. A senior Administration official recently testified before the Committee on International Relations that Syria remains a security concern as a supporter of international terrorism and weapons of mass destruction proliferation.

I commend the Administration's efforts to reach a diplomatic solution with Syria. President Bush has consistently called on Syria to close its terrorist camps and to expel terrorist organizations. Secretary Powell has worked diligently with the Syrian government towards ending its occupation of Lebanon. Since 1990, the U.S. Congress has passed seven resolutions calling on the withdrawal of Syrian armed forces from Lebanon. Many members of Congress—including myself—have been to Syria and urged the Syrian government to work with the United States in the war against terrorism. And despite our diplomatic efforts, Syria has not fulfilled its pledge to work with us.

Mr. Speaker, we know that Syria continues to offer protection to terrorist groups such as Hizballah, Hamas and Palestinian Islamic Jihad. Recently, Syria conducted efforts to acquire technology that could be applied to a nuclear weapons program. Syria has also undermined coalition efforts to bring stability to Iraq by allowing volunteers to cross the border and fight our service members. And as we all know, Syria has ignored numerous United Nations resolutions calling on Syria to end its occupation of Lebanon, a sovereign nation.

H.R. 1828 would hold Syria accountable for the serious international security problems it has caused in the Middle East. This resolution would instruct the President to impose economic sanctions on Syria until the Department of State determines that Syria ceases to provide support to international terrorist groups, ceases the development and deployment of weapons, and withdraws all military forces from Lebanon.

Mr. Speaker, despite our many attempts to reach a diplomatic solution, Syria continues to obstruct our efforts in the war against terrorism. I support H.R. 1828 and encourage my colleagues in the House to vote in favor of this important resolution.

Mr. BLUMENAUER. Mr. Speaker, for far too long, Syria has been an exceedingly irresponsible partner in the troubled Middle East . By our actions over the last two years, the United States has already sent a strong message to Syria and has gotten some cooperation in anti-terrorist efforts.

The current downward spiral of violence is not working for the Palestinians and is not making Israel more secure. We should use our resources to get the parties to resume steps to reduce pressures, tensions and bloodshed.

Since I agree with the indictments of Syrian behavior contained in H.R. 1828 I would not be comfortable voting "no." Yet, I agree with most independent commentators that passage at this time would not be helpful for our efforts to advance the peace. I choose to vote "present."

Mr. ISSA. Mr. Speaker, I want to take this opportunity to enter into the RECORD an opinion piece that I wrote about the future of our relationship with Syria. This piece was published in the San Francisco Chronicle on October 14, 2003.

I also want to join my colleagues today in expressing deep concern about the choices that Syria has made over the past year. This is a sad day for American diplomacy. The passage of this bill, after more than two years of debate, marks the refusal of Syria to accept our diplomatic overtures. Syria has had numerous opportunities to demonstrate that it intends to move away from the policies that keep it on the State Department's list of state sponsors of terror. It has consistently missed those opportunities, and now faces the specter of isolation.

Syria had the chance to play a key role in securing the release of Elhanan Tenebaum, Adi Avitan, Benny Avraham, and Omar Sawayid—Israeli soldiers kidnapped by Hezbollah. They refused, perpetuating a hostage situation that makes peace negotiations more difficult.

Syria had the chance to grant the United States use of its airspace for Operation Iraqi Freedom. They refused, thereby dramatically increasing the risk of mission failure for American pilots.

Syria had the chance to build good will toward the United States by staying out of the war in Iraq. They refused, allowing jihadis and military equipment to flow across their borders to kill American soldiers.

Syria had the chance to demonstrate its commitment to the peace process by supporting President Bush's Roadmap to Peace initiative. Secretary Powell specifically asked Syrian President Bashar al-Assad to close offices of Palestinian terrorist groups and to expel terrorist leaders operating out of Damascus. He refused, choosing instead to continue Syrian financial and logistical support for terrorist attacks against Israeli civilians.

Following the war in Iraq, Syria had the chance to build good will in the United Nations. They were repeatedly asked to support a constructive UN presence in Iraq. Instead, they opted to pursue a diplomatic agenda that drove divisions between the United States and other members of the UN Security Council.

Syria has had the chance to withdraw its troops and end its dominance of Lebanon. They refused, choosing to maintain their intimidating military and intelligence presence in Lebanon.

And finally, Syria has had the chance to rein in Hezbollah. I have personally asked senior Syrian government officials to disarm Hezbollah, arguing that Syria's interests are best served through peace negotiations. These requests have been consistently rejected. Syria continues to provide strategic, financial, and logistical support to Hezbollah in a misguided effort to keep the Lebanese conflict with Israel burning.

These issues are not imagined and they are not part of some secret Israeli agenda, as the Syrians believe. They are real problems that have driven a wedge between our two nations. I don't know if this bill will succeed in changing Syria's behavior—sanctions are rarely an effective long-term solution. But we cannot ignore the fact that Syria and the United States are moving in two very different directions. Diplomacy with Syria has failed. Syria has been given a choice and it has chosen poorly.

[From the San Francisco Chronicle, Oct. 14, 2003]

OPINION/EDITORIAL

(By Darrell Issa)

During a recent visit to Damascus, Syrian President Bashar al-Assad told me "we want to be part of this world—we do not want to be isolated like North Korea." This statement demonstrated that the young Syrian president understands that Syria is heading down a path toward complete isolation.

Unfortunately, President Assad also appears to believe that he can postpone isolation indefinitely by straddling two very different paths. One is the path of cooperation. The Bush administration has noted that, following the Sept. 11 terrorist attacks, Syria provided us with valuable intelligence on al Qaeda that ultimately saved American lives. President Assad opened up his office to visiting American officials—something his father, the late Hafez Assad—was reluctant to do. He has talked about Syria becoming a member of the World Trade Organization and expressed interest in visiting the United States.

But Bashar Assad has also perpetuated Syrian policies that keep it on the State Department's list of state sponsors of terrorism. He has failed to fully shut down Palestinian terrorist offices that operate out of Damascus. During Operation Iraqi Freedom, he failed to stop the flow of jihadis and military equipment across the border that killed American soldiers.

The most troubling concern for America, however, is Syria's intention to support Hezbollah, an Iranian-backed terrorist organization that continues to fight a proxy war with Israel and provide assistance to other terrorist groups like Palestinian Islamic Jihad.

Deputy Secretary of State Richard Armitage has referred to Hezbollah as the "A-team of terrorism." Hezbollah operatives are responsible for the murder of more than 250 American peacekeepers and diplomats in Beirut in the 1980s. They are suspected in carrying out two bombings in Argentina that killed over 100 civilians. Imad Mughniah, the suspected mastermind of numerous terrorist attacks against Americans, is a senior adviser in Hezbollah's organizational structure. There is evidence that Hezbollah operatives have infiltrated Iraq to join attacks against American soldiers. As senior Bush administration officials have stated repeatedly, Bashar Assad has a choice to make: Either cooperate and be rewarded or continue to support terrorism and risk total isolation.

Assad's strategy of trying to keep one foot on each path will not work much longer. He may be faced with isolation sooner than he thinks. The Syria Accountability Act, which could mandate isolation at the levels of Libya or Iran, is now poised to move quickly through Congress. Until recently, the Bush administration opposed the act, arguing that it is the president's constitutional responsibility to determine the nature of diplomatic relations with foreign countries. But as Syria consistently showed no sign of changing its dangerous policies, the White House changed its mind and has now given the act the green light.

The result for Syria will be devastating. Libya has learned the costs of total isolation as a result of supporting global terrorism. Only after a decade of international rejection has Libya begun to dig its way out of isolation. Bashar Assad has but a few days left to change direction: to put both feet on the path of cooperation and lead Syria into the community of nations.

Mr. DAVIS of Illinois. Mr. Speaker, I support H.R. 1828 as a part of my hope and commitment to finding a just, permanent, democratic, prompt, non-military conclusion to our occupation of Iraq and as part of my hope and commitment to doggedly pursue a roadmap to peace, security and justice for both the people of Israel and the people of Palestine.

There is no magic bullet, no simple solution to bringing an end to terrorism. What we do know is we cannot win alone, that we must find the means to enlist every nation as an ally. Our record, to date, in this regard can only be characterized as poor.

The President has reported that the territory of Syria has been, and is being, used as a base by certain terrorist organizations.

This bill gives the President additional diplomatic and economic leverage in the war on terror. Our goal is to deny sanctuary to terrorist who may be using the territory of Syria.

Our aim is to become partners with Syria in the war on terror, not to make Syria an enemy, not to punish the Syrian people.

We trust that these new options will offer constructive new possibilities and potential to American diplomacy and that these new powers will be used wisely and constructively.

Mr. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 1828, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, 2004

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, October 14, 2003, the Chair declares the House in the Committee of the Whole House on the State of the Union for a period of debate on the subject of a bill making emergency supplemental appropriations for defense and the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004.

□ 1758

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for a period of debate on the subject of a bill making emergency supplemental appropriations for defense and the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, with Mr. LATOURETTE in the chair.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), or their designees, each will control 2½ hours.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before we get started, let me announce for the membership that we expect to begin the 5 hours of debate agreed to under the unanimous consent agreement on the fiscal year 2004 Supplemental Appropriations Act at this time, and we will continue through roughly 6:30 or 6:45 this evening. At that time, the committee will rise and the previous votes that were postponed will be called.

After the votes, we will continue with the general debate through ten o'clock this evening. At that time, the committee will rise.

Tomorrow morning, we will resume debate with any remaining time allocated under the unanimous consent agreement. Tomorrow there will also be one hour of debate on the rule and one additional hour of general debate on the supplemental before beginning the amendment process.

□ 1800

I am hopeful that with the assistance of our colleagues that we will be able to enter into a unanimous consent agreement to limit debate and amendments so that the House will have a full opportunity to dispose of the supplemental before adjourning on Friday.

Mr. Chairman, last week, the Committee on Appropriations ordered this legislation reported by a vote of 47 to 14. The bill recommended by the committee provides total discretionary supplemental appropriations of $86.9 billion for reconstruction activities in both Iraq and Afghanistan, as well as funding for our military presence in both countries. We have had hearings and briefings to better understand the President's request. We have scrubbed the request, and we have made some improvements. I would say that a report of our subcommittees, who visited Iraq, were thoroughly vetted and we received really good information. We believe that the bill that we have written and provided to the House is a good bill.

The bill prioritizes funding for urgent needs for security, for power, drinking water, health care, and infrastructure. Included is $64.8 billion for our national defense, for our troops in the field, for those who are at risk in the battle. That is $64.8 billion for their needs, $18.6 billion for Iraq relief and reconstruction, and $1.2 billion for Afghanistan relief and reconstruction.

I want to make the point, Mr. Chairman, that when I say reconstruction, I am not talking about building something back that the United States destroyed. We are talking about helping the people of Iraq build an infrastructure that Saddam Hussein for several decades allowed to deteriorate to the point that many, many Iraqis did not have sanitary conditions, did not have electrical power, did not have things that normal people would expect to have for quality of life.

We have made a few changes to the President's request in our bill that we present today. I think we should highlight what those differences are, because I think most everyone has had an opportunity to read about the President's request. With regard to Iraq relief and reconstruction, there have been a number of questions about the Coalition Provisional Authority, or CPA, which is run by Ambassador Bremer. The CPA is in charge of the largest foreign assistance program since the Marshall Plan after World War II. Whether health care, electric power, water treatment, or democracy building, all of these activities are under the supervision of the Coalition Provisional Authority. These are not military items; they are civil issues and foreign assistance issues relating to the reconstruction of Iraq.

The bill provides a direct appropriation of $858 million to the CPA for their operating expenses; and that is instead of providing these funds in the U.S. Army Operation and Maintenance accounts, as had been requested. The amount of money does not change; it is just the location in the bill. And we believe that by doing it this way, that we have far better accountability for how this money will be spent. This gives us considerable transparency.

Our bill provides transfer authority of up to 1 percent of the funds, roughly $186 million, provided in the Iraq relief and reconstruction fund, for unanticipated expenses of the CPA. Again, this does not add anything to the bill; it just gives the CPA some flexibility in how they use some of the funds that are appropriated. We have not changed at all the reporting relationships of Ambassador Bremer to the President of the United States through the Secretary of Defense. We have prohibited funding to be administered by any official who is not answerable to Congress, and we believe that that strengthens our responsibilities under the Constitution to have accountability for appropriated funds.

The bill includes a prohibition on the use of any funds in this act to be used to pay Iraq's foreign debts. I know that was a concern of a lot of Members, and rightfully so. Let me repeat that. The bill includes a prohibition on the use of any U.S. funds in this act to be used to pay Iraq's foreign debts. All of the funds provided here are in direct grants. There is no loan authority provided.

A provision is also included to limit the use of noncompetitive contracts in the reconstruction and relief funds for Iraq. The provision preserves the prerogative of the President to waive the requirement for full and open competition in certain circumstances, but these circumstances are as presently outlined in applicable Federal procurement regulations. So the committee has made a strong statement that these contracts should be competitively bid. The provision requires the executive branch to provide notice and justification to Congress if and when the waiver authority is exercised.

Let me take a couple of minutes to say a few things that we did not fund.

We did not fund $50 million requested for buildings, equipment, and vehicles in support of Iraq's traffic police.

We did not include $300 million for the construction of two additional prisons at $50,000 per bed. We did provide $100 million for one prison.

We did not approve $153 million for improving solid waste management programs, including the procurement of 40 trash trucks at $50,000 each.

We did not include $4 million for a nation-wide numbering scheme, or $9 million for postal information architecture and ZIP codes, or $10 million to modernize the business practices of the Iraqi television and radio industry.

We did not agree to the $100 million to build seven new housing communities.

We did not agree to the $150 million to initiate a new $500 million to $700 million children's hospital in Basra. However, we channeled those funds to modernize current medical facilities in Iraq. We have funded $793 million for local and regional health clinics and hospital equipment throughout Iraq. And our rationale was that it would be far better to have the medical care facilities closer at hand for all Iraqi citizens rather than building one hospital that Iraqis from all over the country would have to find a way to get to if they needed the medical care of that hospital. So we think this is a wiser way to fund this.

We did not include the $200 million requested to create an American-Iraqi enterprise fund.

Now, with regard to Afghanistan relief and reconstruction, we included $375 million above the President's request with the intent of showing tangible improvement in the security and quality of life of most Afghans by summer of 2004. Included are funds above the request for schools and education, private sector development, and electrical power generation to assist the central government of Afghanistan, including elections and improved governance.

The mark also includes $245 million for peacekeeping in Liberia. This was not requested by the President. The Liberia deployment came later; but it was a necessary expense.

We have included the bulk of the President's request for national defense. There are some differences from the request, and they would include the following:

Our bill increases funds to purchase body armor, special armor plate inserts, for those who are on the battlefield. And we are tremendously disturbed that there are soldiers in Afghanistan and Iraq today without adequate body armor. That is just not acceptable. We have provided funding in the past in an earlier supplemental to buy this body armor. We are disturbed that it has not been distributed yet to the soldiers in the field and we make a strong statement in this bill on that issue.

We also increase funds for the clearing of unexploded ordnance, which is causing damage to a lot of our troops, and improved communications and replacement equipment. This equipment is being worn out as the deployment proceeds.

The mark also provides funding for the contracting of civilian security guards to replace Reservists and Guardsmen currently performing these duties at Army installations. The Army has indicated this provision would permit the demobilization of 7,000 to 10,000 Reserve component soldiers. Some of our National Guard and Reserves have actually spent more time in Iraq than some of the active duty forces.

In addition, the mark includes $563 million not requested by the administration for recovery and repairs to military facilities damaged by Hurricane Isabel.

Mr. Chairman, as I have said before in this Chamber, and I think this debate has pointed out, there are political and philosophical differences in this institution and in our country. That is why we have two parties. But there is a practical reality to the bill that is before the House today. This is not a partisan bill. No one on either side of the political spectrum has attempted to make it a partisan bill here in the House of Representatives. The reality is simple: we have 140,000 men and women of our military in Iraq and Afghanistan today. Whether you agree with that or not, we have to make sure they have the tools, equipment, and resources necessary to carry out their mission in as safe and secure a manner as possible. The bill provides funds for that purpose.

I want our troops home at the earliest possible time. We all want our troops home at the earliest possible time. That is not going to happen until some stability has been established in these countries. If we simply pull out now, all of their efforts and their losses would have been in vain, for naught. The bill provides money for that purpose. That is the reality of the situation we are in now. There is no turning back. We can debate at length the decisions that were made, but we must do the right thing and support the men and women who are carrying out our mission.

Some have questioned whether there was an imminent threat in Iraq. As I see it, there was a cumulative threat that was building for years with a tyrant who we know turned poison gas on his own people on at least two occasions. We know that a significant foreign policy goal of the United States, peace in the Middle East, will never be achieved with this cumulative threat looming over the region. It was past time for Saddam to go.

As for Afghanistan, unfortunately the imminent threat of al Qaeda training camps and terrorist activities became a reality readily apparent after the attacks of September 11. These terrorist threats, left undisrupted, became cumulative actions against our country. We witnessed this on February 26, 1993, when terrorists bombed the World Trade Center; and on June 25, 1996, when Khobar Towers, the home of American airmen, was bombed, killing 19 American airmen; then on August 7, 1998, when our embassies in Kenya and Tanzania were bombed; and then on October 12, 2000, when the USS *Cole*, the United States destroyer, was bombed, with the loss of 17 sailors and injuries to many others.

I would say the threat was imminent when these attacks occurred; but we responded with harsh words and a few cruise missiles, but not much more. Our actions in Iraq and Afghanistan not only address and respond to the threats and actions we have witnessed to date, but they will move us one step closer to achieving the goal of stability in this region. The funding in this bill supports that goal, supports our military, and will bring us one step closer to bringing our troops home.

Mr. Chairman, we will hear, I am sure today, that we are spending money that we do not have and that the bill should be paid for. And that would be really nice. I am one of those who believes that you pay as you go and you do not go into deficit. But we are dealing with an unusual situation; and what I say, Mr. Chairman, is that we are investing in the future of our children and our grandchildren. We are investing in future generations: investing to provide security for those future generations free from the fear of threat, free from the threat of terrorist attacks, and free from having airlines hijacked and flown into buildings housing Americans.

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We are making an investment, Mr. Chairman, in the security of our future, in the security of future generations, to do everything possible that we can to rid the world of the terrorist threat that has taken so many innocent lives in these items that I have just referred to. And so all in all, while I think that there will be some controversy, I believe the debate will be a very good, high-level debate. I am hopeful we can finish it within a couple of days. I am satisfied that when the roll is called that there will be a very substantial vote for this bill for the protection of our troops and for the ability to bring them home once they have stabilized the region and can do so safely.

FY 2004 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE AND FOR THE RECONSTRUCTION
OF IRAQ AND AFGHANISTAN (H.R. 3289)
BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL

(Amounts in thousands)

	FY 2004 Request	Recommended in the Bill	Bill vs. Request
TITLE I - NATIONAL SECURITY			
CHAPTER 1			
DEPARTMENT OF DEFENSE			
Military Personnel			
Military Personnel, Army (emergency)	12,858,870	12,188,870	-670,000
Military Personnel, Navy (emergency)	816,100	816,100	---
Military Personnel, Marine Corps (emergency)	753,190	753,190	---
Military Personnel, Air Force (emergency)	3,384,700	3,384,700	---
Total, Military Personnel	17,812,860	17,142,860	-670,000
Operation and Maintenance			
Operation and Maintenance, Army (emergency)	24,190,464	24,355,664	+165,200
Operation and Maintenance, Navy (emergency)	2,106,258	1,934,058	-172,200
(Transfer out) (emergency)	(-80,000)	(-80,000)	---
Coast Guard Operations (by transfer) (emergency)	(80,000)	(80,000)	---
Operation and Maintenance, Marine Corps (emergency)	1,198,981	1,198,981	---
Operation and Maintenance, Air Force (emergency)	5,948,368	5,598,368	-350,000
Operation and Maintenance, Defense-Wide (emergency)	4,618,452	4,485,452	-133,000
Operation and Maintenance, Marine Corps Reserve (emergency)	16,000	16,000	---
Operation and Maintenance, Air Force Reserve (emergency)	53,000	53,000	---
Operation and Maintenance, Air National Guard (emergency)	214,000	214,000	---
Overseas Humanitarian, Disaster, and Civic Aid (emergency)	35,500	35,500	---
Iraq Freedom Fund (emergency)	1,988,600	1,988,600	---
Total, Operation and Maintenance	40,369,623	39,879,623	-490,000
Procurement			
Missile Procurement, Army (emergency)	6,200	---	-6,200
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	46,000	101,600	+55,600
Other Procurement, Army (emergency)	930,687	1,250,287	+319,600
Aircraft Procurement, Navy (emergency)	128,600	158,600	+30,000
Other Procurement, Navy (emergency)	76,357	76,357	---
Procurement, Marine Corps (emergency)	123,397	123,397	---
Aircraft Procurement, Air Force (emergency)	40,972	53,972	+13,000
Missile Procurement, Air Force (emergency)	20,450	20,450	---
Other Procurement, Air Force (emergency)	3,441,006	3,418,006	-23,000
Procurement, Defense-Wide (emergency)	435,635	418,635	-17,000
Total, Procurement	5,249,304	5,621,304	+372,000
Research, Development, Test and Evaluation			
Research, Development, Test and Evaluation, Navy (emergency)	34,000	34,000	---
Research, Development, Test and Evaluation, Air Force (emergency)	39,070	39,070	---
Research, Development, Test and Evaluation, Defense-Wide (emergency)	265,817	195,817	-70,000
Total, Research, Development, Test and Evaluation	338,887	268,887	-70,000

FY 2004 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE AND FOR THE RECONSTRUCTION
OF IRAQ AND AFGHANISTAN (H.R. 3289)
BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL

(Amounts in thousands)

	FY 2004 Request	Recommended in the Bill	Bill vs. Request
Revolving and Management Funds			
Defense Working Capital Funds (emergency)............	600,000	600,000	---
National Defense Sealift Fund (emergency)............	24,000	24,000	---
Total, Revolving and Management Funds..........	624,000	624,000	---
Other Department of Defense Programs			
Defense Health Program (emergency)..................	658,380	658,380	---
Drug Interdiction and Counter-Drug Activities, Defense (emergency)....................................	73,000	73,000	---
Total, Other Department of Defense Programs.....	731,380	731,380	---
Related Agencies			
Intelligence Community Management Account (emergency).	21,500	21,500	---
Transfer to Department of Energy.................	(3,000)	(3,000)	---
Transfer to Department of Justice................	(15,500)	(15,500)	---
GENERAL PROVISIONS			
Transfer Authority (sec. 1101) (emergency).........,...	(5,000,000)	(3,000,000)	(-2,000,000)
Storm Damage (sec. 1109) (emergency)................	---	413,300	+413,300
Total, Chapter 1..............................	65,147,554	64,702,854	-444,700
CHAPTER 2			
DEPARTMENT OF HOMELAND SECURITY			
United States Coast Guard			
Operating expenses (emergency).......................	---	23,183	+23,183
CHAPTER 3			
MILITARY CONSTRUCTION			
Military construction, Army (emergency)..............	119,900	185,100	+65,200
Military construction, Air Force (emergency)..........	292,550	292,550	---
Militay construction, Navy (emergency)..............	---	45,530	+45,530
Family housing operations and maintenance, Army (emergency)......................................	---	8,151	+8,151
Family housing operation and maintenance, Navy and Marine Corps (emergency)..........................	---	6,280	+6,280
Family housing operation and maintenance, Air Force (emergency)......................................	---	6,981	+6,981
Total, Chapter 3..............................	412,450	544,592	+132,142
Total, TITLE I................................	65,560,004	65,270,629	-289,375
TITLE II - IRAQ AND AFGHANISTAN RECONSTRUCTION			
AND INTERNATIONAL ASSISTANCE			
CHAPTER 1			
DEPARTMENT OF JUSTICE			
General Legal Activities (emergency).................	---	15,000	+15,000

FY 2004 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN (H.R. 3289)
BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL

(Amounts in thousands)

	FY 2004 Request	Recommended in the Bill	Bill vs. Request
DEPARTMENT OF STATE AND RELATED AGENCY			
Administration of Foreign Affairs			
Diplomatic and Consular programs (emergency)..........	40,500	156,300	+115,800
Reappropriation..................................	35,800	---	-35,800
Rescission (emergency)...........................	---	-35,800	-35,800
Embassy Security, Construction and Maintenance (emergency)..	60,500	43,900	-16,600
Emergencies in the Diplomatic and Consular service (emergency)..	50,000	50,000	---
Total, Administration of Foreign Affairs........	186,800	214,400	+27,600
International Organizations			
Contributions for International Peacekeeping Activities (emergency)...........................	---	245,000	+245,000
RELATED AGENCY			
Broadcasting Board of Governors			
International Broadcasting Operations (emergency).....	---	40,000	+40,000
Total, Chapter 1...............................	186,800	514,400	+327,600
Emergency appropriations.....................	(186,800)	(550,200)	(+363,400)
Emergency rescissions........................	---	(-35,800)	(-35,800)
CHAPTER 2			
BILATERAL ECONOMIC ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
United States Agency for International Development			
Operating expenses of the United States Agency for International Development (emergency)..........	40,000	40,000	---
OTHER BILATERAL ECONOMIC ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
Iraq relief and reconstruction fund (emergency).......	20,304,000	18,649,000	-1,655,000
Operating Expenses of the Coalition Provisional Authority (emergency)..............................	---	858,000	+858,000
Economic support fund (emergency)....................	422,000	872,000	+450,000
International disaster and famine assistance (emergency)..	---	100,000	+100,000
United States Emergency Fund for Complex Foreign Crises (emergency)................................	100,000	---	-100,000
DEPARTMENT OF STATE			
International narcotics control and law enforcement (emergency)..	120,000	170,000	+50,000
Nonproliferation, antiterrorism, demining and related programs (emergency)..............................	35,000	35,000	---

FY 2004 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN (H.R. 3289)
BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL

(Amounts in thousands)

	FY 2004 Request	Recommended in the Bill	Bill vs. Request
MILITARY ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
Foreign Military Financing Program (emergency)	222,000	297,000	+75,000
Peacekeeping operations (emergency)	50,000	50,000	---
Total, Chapter 2	21,293,000	21,071,000	-222,000
Total, TITLE II	21,479,800	21,585,400	+105,600
Emergency appropriations	(21,479,800)	(21,621,200)	(+141,400)
Emergency rescissions	---	(-35,800)	(-35,800)
GRAND TOTAL (net)	87,039,804	86,856,029	-183,775
Emergency appropriations	(87,039,804)	(86,891,829)	(-147,975)
Emergency rescissions	---	(-35,800)	(-35,800)
Transfer authority (emergency)	(5,000,000)	(3,000,000)	(-2,000,000)
(Transfer out) (emergency)	(-77,000)	(-77,000)	---
(By transfer) (emergency)	(95,500)	(95,500)	---

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 11 minutes. This is not a debate about 9/11. After 9/11, Chairman YOUNG and I pushed through the House a $40 billion appropriation to respond to the events that led to that sneak attack. Chairman YOUNG and I then led an effort to add billions of dollars to Homeland Security to protect our ports, secure air transportation and equip our local first responders, our firemen, our policemen to deal with a whole range of terrorist threats. We worked to add more than $2 billion in Homeland Security funds, even though the President threatened to veto those additional expenditures. Even the President of the United States has admitted publicly that there is no evidence that Iraq had anything to do with that sneak attack. So let us make that clear.

Secondly, let us also make clear that this should not be a debate about whether we should have attacked Iraq. Before the vote on that question, I asked a whole range of questions to try to determine whether the administration had real expectations and a real plan for dealing with the aftermath of the war. I wanted Saddam removed, but I wanted al Qaeda and Osama bin Laden removed even more. In the end, I voted to require the President to come back to Congress for another vote before attacking Iraq if he could not get the agreement of the United Nations so that we could take one last look at the evidence, one last look at the administration's planning for the aftermath before we pulled the trigger. But Congress gave the green light to attack unilaterally. The result, Saddam is gone, that is good, but now it appears that the administration sold the Congress on supporting a go-it-alone strategy, except for a British puppy, through the selective manipulation of intelligence.

This Congress was asked to do a rush job in providing $60 billion plus for the cost of going to war. We were asked to provide maximum flexibility in the use of that money, and Congress did. And now we find, with that maximum flexibility, that 40,000 troops were not supplied by the Pentagon with the correct body armor, American soldiers were killed and maimed by remotely detonated bombs because an insufficient number of electric jammers was supplied by the Pentagon, and there were days during the war when the troops only got one meal a day because of insufficient MREs.

We are now isolated from our allies, and we have been left holding the bag financially, militarily, and politically for occupying and reconstructing the country. We are told we do not have enough soldiers on the ground to even protect ammunition dumps from looting and theft. We are told that the military is stretched to the breaking point, creating opportunities for more mischief from countries like Iran and North Korea.

But that is all yesterday's argument. The time to think all of those things through was before we attacked, because once you are involved in a war, you are stuck with it for a while, and certainly you are stuck with the aftermath, as we are now. So at this point, I recognize the need and the obligation to support a reconstruction package. I agree that both reconstruction and additional military funding are needed to fix the situation. And I recognize that we cannot simply withdraw from something that we started, even though I was not in on the takeoff. But that does not mean that Congress must support any slap-dash request from the administration that is thrown on the table. The Founding Fathers gave us one overreaching power to affect major issues, the power of the purse. If we do not use that power constructively to make sure that actions of the executive branch are well-focused and well-thought-out, we are AWOL from our duty.

The fact is we still do not have a detailed accounting of how the dollars we previously appropriated for this action have been used. We still have no meaningful idea of what cost the administration expects to incur over the next 5 years, even though they surely have expectations about that and prepare 5-year plans for everything else under God's creation. We have yet to receive a realistic description of how our allies can be brought on board to help provide troops and funds to spread around the burden of reconstruction. We have no real idea about how the administration expects to deal with the overextension of our military and the disruption of troop rotation requirements because of that overextension. And we certainly do not know how we are going to pay for it, except to get out our kids' credit card and say, "Charge it."

There is no question in the aftermath of this administration and this Congress' decision to invade Iraq that we have now incurred certain obligations to the Iraqi people, but we have also obligations to our own people. That is why the important question here today is not whether this committee funding proposition, or an alternative, is better. The amendment that I will offer does not solve most of the dilemmas that I described or answer most of the questions that I have raised because only the administration has the power to do that. All the amendment that I will offer at some point says is: if you are going to spend $87 billion, then there is a better way to do it, a way which will be more effective on the ground and less damaging to our taxpayers.

The issue is not whether the administration's package should be cut or not because, frankly, I think the administration is still hiding from Congress its long-term expectations on the full cost of this war. But this Congress has an obligation to know what the whole picture is and what the whole bill will be before we write the check. And we have an obligation to know how it is going to be paid for. That is what the amendment that we will offer will try to do. That is all we can expect it to do at this point.

Let me take just a moment or two to describe what we will try to do with that amendment. We will try to reduce the committee package for reconstruction so that the total number for reconstruction is $14 billion rather than the $20 billion asked for by the administration. We will use that money in a number of ways. First of all, we would do it to provide a quality-of-life initiative for our troops. The first thing we would do under that heading is to recognize the fact that almost 80 percent of our troops today are in situations where they are forced to drink putrid water because the administration asked for sufficient funding only to deal with the water problems at one of the nine bases where American troops are stationed. So we provide the money to try to correct that problem for the rest of the troops.

Secondly, we would provide some of that money to provide predeployment health and dental screening for the Guard and Reserve forces who have to go into regular service so that they do not have to bear that cost themselves.

Thirdly, we extend postdeployment health coverage, (that is health coverage) for people who served and are now returning to their communities. We would extend that from the present 60 days to 6 months. And we would expand prepaid phone card services so it is easier for those troops to call home. And cover more R&R transportation costs.

We would also try to recognize what General Shinseki warned us about when he warned us not to follow a 12-division strategy if we only had a 10-division Army. And so what we will do is face up to, squarely and promptly, the need to increase the size of the Army by at least 20,000 people if we are going to be in a position to defend this country against other security problems that may develop anywhere from North Korea to Iran. And, secondly, we will try, by doing that, to relieve the pressure on the Guard and Reserve forces who have been forced to take up greater burdens than they expected when they first joined up.

Then we will provide additional funding to refurbish the equipment that has been used up in the Iraqi war. We know what the services indicated they needed in this fiscal year. The problem is the Pentagon civilian leadership did not ask for that full amount. We provide the full amount that the services asked for so that we do not have huge amounts of military equipment, tanks and Bradleys and other expensive equipment simply sitting in unusable condition because we have not sufficiently refurbished it.

Let me now turn to what we do with the $14 billion remaining in the redevelopment account. What we attempt to do with that is to provide $7 billion of that, half of it roughly, a little less than $7 billion, in cash money, as the administration requested, so that they have enough money to deal with their immediate cash flow problems. Then we take the other six plus billion dollars and we put it in a special account in the World Bank to be matched on a two-to-one basis by foreign contributors. That is a way, in our view, that you can do two things. You can help to internationalize the question of who is going to pay for the long-term redevelopment costs of Iraq and at the same time we can protect the American taxpayer from the cronyism in the awarding of contracts that is bound to be there if those contracts are let by an agency that is responsive to the political appointees in the White House.

And then lastly and most importantly, in my view, we pay for it. What we simply say is that we should provide for a return to preexisting law of the levels of taxation for the very top bracket in this society, that top 1 percent that makes over $330,000 a year. What that would mean is that someone making $1 million, instead of getting a $130,000 tax cut, would get a tax cut of about $52,000. That would still be more than 10 times as much as taxpayers who are in the $200,000 to $500,000 bracket, and it would be considerably more than that if you compare what they get to the small tax cut of about $1,000 to people in the 50 to $75,000 bracket. So I would suggest that anyone who thinks that we are penalizing the top 1 percent, I would simply say that is certainly not the case. We are simply limiting the size of their tax cut to the size that will be provided to the next wealthiest Americans in the country. I daresay I think most of the people in that top 1 percent would say that if that is what is necessary to pay our bills rather than sending them on to our grandkids, they would be more than willing to participate.

Mr. Chairman, that is what we intend to try to accomplish as this debate moves forward.

Let me take one other moment to simply congratulate the chairman of the committee, because there is no question about it, he has made significant improvements in the administration proposal. Both parties wanted to eliminate some of the "quaint" items, to put it politely, that were inserted which would be red flags to any hard-working taxpayer in this country. And I appreciate the fact that we were able to work together to eliminate those provisions. But I think we have a long way to go to get the answers that we need from the administration in order to justify providing another $90 billion in taxpayers' money.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of H.R. 3289 and I will be voting, however it comes out in final form, for this very much needed legislation and commend our President and commend, of course, Chairman YOUNG for the great job he has done on this.

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I firmly support the $66 billion appropriated in this bill which covers our military costs in Iraq. It is vitally important that we pass this. That is why I will support the bill no matter how it comes out at the end.

However, I will be opposing the $18.6 billion of reconstruction money in the bill as it is being presented to us today. Helping Iraq rebuild is certainly an important part of our winning in Iraq, but they should be based on loans, rather than based on gifts from the American people. Instead, we are being told today that this $18.6 billion reconstruction package must be in the form not of a loan that will be repaid to us when Iraq gets back on its feet but instead as a giveaway, as a grant.

The American people are already carrying a heavy burden for peace in the region and the Federal level of deficit spending is almost $400 billion. And Iraq someday very shortly is going to be one of the wealthiest countries of the world, if not the wealthiest, because they produce more oil and will be producing more oil than just about anybody. So we should be asking for a payback for this $18 billion.

But why are we being told it has to be a grant instead of a loan? Because Iraq supposedly already owes $120 billion to foreign banks. Give me a break. What is being said here? We have got to spend $20 billion in a grant form, a giveaway, to protect the loans, the billions of dollars of loans that German and French banks gave to Saddam Hussein? That makes no sense. I will be offering an amendment to make sure to secure wording which will suggest that this reconstruction package of $18.6 billion is in the form of a loan, not a gift.

If this is ruled not germane or out of order, I will immediately offer another amendment which will strike $18.6 billion from the bill, and specifically reconstruction funds, which means a vote "yes" on the Rohrabacher amendment is a vote for the loans because if my amendment passes, the administration will quickly come back with providing this $18.6 billion reconstruction program in the form of a loan, rather than as a giveaway and a gift to the people of Iraq.

So I would ask my colleagues to join me in supporting H.R. 3289 and voting for it in final passage no matter what happens to my amendment, but I would suggest that they support the Rohrabacher amendment which will guarantee that the reconstruction funds in this bill be paid back after a while when Iraq gets back on its feet. The American people carry too heavy a burden. Let us give them a break.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA), the ranking member of the Defense Subcommittee of the Committee on Appropriations.

Mr. MURTHA. Mr. Chairman, let me talk about a couple of different things. We have all talked about the shortages. I think we have taken care of most of the shortages. I am a little concerned about the jammers, although General Myers said he personally took an interest in them; but the inserts for the body armor, the tracks, and I have talked to the companies. I wanted to make sure that they were going all out. A couple of companies said 90 percent of their production was going to be getting this equipment out to the troops, and finally we are getting to the people in the field who are making the decisions rather than the bureaucrats.

But one of the things that worries me now is I have got a letter in my pocket from a young person, and here is what the young sergeant says: he said he is in the 307th MP Company. He has been on active duty since the summer of 2001: "We have served proudly in peacekeeping in Bosnia, stateside on homeland defense, and finally as warfighters in Iraq, and I think we have done our job." This young man is in the 307th MP in the National Guard, and he wants to come home. He has been on active duty 2 out of 6 years that he has been in the National Guard. And one of the things I have talked about over the years is we cannot sustain these deployments. We need either more active-duty troops or we need to find a way to have foreign troops, Coalition forces, to replace our troops.

I know that I am starting to get letters from people saying that the Reserve and Guard are having such a difficult time sustaining themselves in the period of time that they are overseas, and I agree with that. I understand that. I met a couple of Reservists not long ago who had been in Bosnia; and one of their friends had been killed accidentally with a .50 caliber, and they were talking about how often they have been called up during this period of time. We can say they volunteered, but this is not the normal procedure. When we talk about a low-intensity war, we are talking about the type of war we are in now.

I have always said when somebody asks me how much money does the million military need, I have said it depends on the tempo of operations, and our tempo of operations and throughout the world where we have got 48 percent of the Army deployed, we have got 25 to 30 percent of the Guard and/or Reserve deployed, and what we have to look at is how do we replace these people. The other day the budget director of the Army said to a group at the AUS dinner, he said we are running out of gas. What he means is he does not have troops to replace the ones that are overseas. Some of the equipment needs to be reconstituted. We need to find a way to support this.

I am for the $87 billion. I think that is absolutely essential. There is no question in my mind that the reconstruction money is just as important as the military security money. I feel very strongly about that. If we want security, we have got to put people back to work. We have got between 50 and 60 percent unemployment. We have got all kinds of electricity problems. We have got water problems and everything else. And in order to provide a secure atmosphere, in order to get our people home, we have to reconstruct or spend money on reconstruction in Iraq itself.

I know that every time I go to the field, I get troops that complain; but that is the normal thing that we see with troops. But on the other hand, we have got Reserve and Guards that have been deployed for such a long period of time. And the employers are starting to write to me saying I cannot keep these guys on any longer, small business people. Very few of them get paid the difference. We have got bankers and people who are in the Reserve and Guard, and those folks are not getting any kind of extra pay. So we have got some real problems here in sustaining this force.

Hopefully, we will be able to get people from the Coalition force to replace our forces. Hopefully, in the near future we will have our people with all the equipment they need. We will get the security situation under control. We will Iraqitize. We will internationalize, and we will energize this operation.

So I fully support the presentation by the President. I feel very strongly about it. But on the other hand, we have got an awful lot of work to do before we get our troops home.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DUNCAN) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under debate the subject of a bill making emergency supplemental appropriations for defense and the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the motions to instruct postponed on Wednesday, October 8, and on one motion to suspend the rules previously postponed.

Votes will be taken in the following order:

Motion to instruct on H.R. 6, by the yeas and nays;

Motion to instruct on H.R. 1308, by the yeas and nays;

Motion to instruct on H.R. 1, by the yeas and nays;

And H.R. 1828, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining votes in this series will be 5-minute votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 6.

The Clerk will designate the motion.

The Clerk designated the motion.

The Speaker pro tempore. The question is on the motion to instruct conferees offered by the gentlewoman from California (Mrs. CAPPS) on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 229, nays 182, not voting 23, as follows:

[Roll No. 540]

YEAS—229

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burr
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Clyburn
Conyers
Cooper
Costello
Cox
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Dunn
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gilchrest
Gillmor
Gordon
Goss
Green (WI)
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Platts
Pombo
Portman
Price (NC)
Putnam
Quinn
Rahall
Ramstad
Rangel
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Woolsey
Wu
Wynn
Young (FL)

NAYS—182

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Brown (SC)
Burgess
Burns
Burton (IN)
Buyer
Camp
Cannon
Cantor
Carson (OK)
Carter
Chocola
Coble
Cole
Collins
Cramer
Crane
Cubin
Culberson
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Dooley (CA)
Doolittle
Dreier
Duncan
Edwards
Emerson
English
Everett
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Gerlach
Gibbons
Gingrey
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Pomeroy
Porter
Pryce (OH)
Regula
Rehberg
Renzi
Reyes

Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Stenholm
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Visclosky
Vitter
Walden (OR)
Wamp
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—23

Bono
Calvert
Clay
Davis, Tom
Fletcher
Fossella
Gephardt
Hayworth
Jones (OH)
Kline
Kucinich
Marshall
McHugh
Mollohan
Neal (MA)
Nethercutt
Nunes
Radanovich
Saxton
Souder
Sweeney
Turner (OH)
Turner (TX)

☐ 1902

Mr. REGULA and Mr. PETERSON of Pennsylvania changed their vote from "yea" to "nay."

Messrs. PETRI, FRELINGHUYSEN, BECERRA, GORDON, and PORTMAN, and Ms. GINNY BROWN-WAITE of Florida changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN). Pursuant to clause 8 of rule XX, the remainder of this series will be conducted as 5-minute votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from New York (Mr. CROWLEY) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 203, nays 204, not voting 27, as follows:

[Roll No. 541]

YEAS—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—204

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—27

Bono
Calvert
Clay
Cole
Davis, Tom
Fletcher
Fossella
Gephardt
Hayworth
Hunter
Jones (OH)
Kelly
Kline
Kucinich
Marshall
McHugh
Mollohan
Neal (MA)
Nethercutt
Nunes
Radanovich
Saxton
Smith (NJ)
Souder
Sweeney
Turner (OH)
Turner (TX)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1910

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. KELLY. Mr. Speaker, on rollcall No. 541 I was unavoidably detained. Had I been present, I would have voted "nay."

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 190, nays 218, not voting 26, as follows:

[Roll No. 542]

YEAS—190

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—218

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—26

Ballenger
Bono
Calvert
Clay
Davis, Tom
Fletcher
Fossella
Gephardt
Hayworth
Johnson (CT)
Jones (OH)
Kline
Kucinich
Marshall
McHugh
Mollohan
Neal (MA)
Nethercutt
Nunes
Radanovich
Saxton
Sensenbrenner
Souder
Sweeney
Turner (OH)
Turner (TX)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN) (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1918

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SYRIA ACCOUNTABILITY AND LEBANESE SOVEREIGNTY RESTORATION ACT OF 2003

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question of suspending the rules and passing the bill, H.R. 1828, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 1828, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 4, answered "present" 5, not voting 27, as follows:

[Roll No. 543]

YEAS—398

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)

Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Abercrombie
Flake
Paul
Rahall

ANSWERED "PRESENT"—5

Bereuter
Blumenauer
Dingell
Hinchey
Kaptur

NOT VOTING—27

Ballenger
Bono
Calvert
Clay
Davis, Tom
Delahunt
Fletcher
Fossella
Gephardt
Gutknecht
Hayworth
Jones (OH)
Kline
Kucinich
Maloney
Marshall
McHugh
Mollohan
Musgrave
Neal (MA)
Nunes
Radanovich
Saxton
Souder
Sweeney
Turner (OH)
Turner (TX)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1926

Mr. ABERCROMBIE changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to halt Syrian support for terrorism, end its occupation of Lebanon, and stop its development of weapons of mass destruction, and by so doing hold Syria accountable for the serious international security problems it has caused in the Middle East, and for other purposes.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TANCREDO. Mr. Speaker, I regret that I was unavoidably detained and was not here for rollcall 519. The record should reflect that had I been present I would have voted "no" on rollcall number 519, final passage of the Water Resources Development Act.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1078

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1078.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, 2004

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, October 14, 2003, the Chair declares the House in the Committee of the Whole House on the State of the Union for a further period of debate on the subject of a bill making emergency supplemental appropriations for defense and the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004.

□ 1928

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for a further period of debate on the subject of a bill making emergency supplemental appropriations for defense and the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, with Mr. SHIMKUS (Chairman pro tempore) in the chair.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, 4 hours and 24 minutes remained in debate.

The gentleman from Florida (Mr. YOUNG) has 2 hours and 10 minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 2 hours and 14 minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I yield 5 minutes to the very distinguished gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, it is unfortunate that an issue as vital to our national security as the war in Iraq gets embedded in Presidential politics.

□ 1930

There is an irony that seeing the bumper stickers which say "United We Stand," that is more a hope than an expectation. The reason we are at war in Iraq, regardless of all the lint-picking and mistakes and the misjudgments and all the discrepancies, boils down to its simplest terms. The strategic threat from a brutal aggressor that was a challenge to the region as well as to ourselves is a matter of record. And we can debate and argue over this point or that point, but Saddam Hussein was a threat to the region and to the United States, and somebody had to exercise leadership and it devolved upon our President and he has done so. However, I do not propose to talk about that aspect of this many-faceted discussion.

Mr. Chairman, I want to talk about the very difficult question of loan versus grant. I can say to the chairman how much I would like to vote for this to be a loan. It makes sense. It is the most defensible position one can take on this issue. But I have come to the conclusion that that would be a mistake and that we should make this a grant, and I will try to tell you my reasons.

There is a philosopher named Santayana who said something a long time ago, I have never been able to confirm that he said it, but that is the common opinion, those who do not read history are condemned to relive it.

World War I brought on the Treaty of Versailles. It was punitive. The reparations and the punishment that we leveled on Germany, however deserved, ended up in the creation of the Nazi Party.

Mr. Chairman, the punitive Versailles Treaty imposed upon Germany after World War I resulted in a country rife with poverty and the ground was sown for the Nazi Party, and ultimately in 1933 the election of Adolf Hitler and out of that, of course, came World War II.

Now, we learned that lesson because after World War II, instead of imposing punitive measures on the losers, we came up with the Marshall Plan, which was largely grant and not loans. And the result of the Marshall Plan was Europe was rebuilt, Europe flourished; and instead of being a cradle of dissention and war, it became a source of serenity and peace.

And so it would seem to me if we impose on Iraq, which already has $200 billion in debt, another how-many-billions more in debt and then demand that we be repaid, we are not purchasing freedom with that. We are purchasing another dissident country with people who have one more reason to hate us because we are imposing a burden on them.

Now, another reason it seems to me is the example we set. We are the leader of the free world whether we like it or not. History has imposed that on us. And if we loan money, other countries are going to loan and add to the debt and add to the misery that Iraq has already undergone. I think if we make a grant, other countries will follow our lead, there is going to be a donors' conference in Madrid later this month, and I think the example we set will result in other countries making a contribution.

Now, it is important for this reason: one way we can get our money back or at least have our burden lessened is by other countries contributing to the rebuilding of Iraq. They will not do that if we loan the money. They will do that. Other countries will follow our example; and if they do, they can pick up some of the burden that we are at this point perhaps going to have to assume.

Now, Ambassador Bremer has pointed out that creating a sovereign democratic prosperous Iraq is a real blow to the terrorists, and that is our aim. We cannot go to war and then turn on a dime and walk out. We will create a cesspool for terrorists and another problem area, and we are buying difficulty for the future.

Things are better in Iraq. The schools are open. The hospitals are open, a free press, utilities coming back on, infrastructure being repaired, a governing council, writing a constitution. There are some 30 countries standing with us. No, they are not in large numbers, but about 20,000, which is a sizable group, British, Polish, Spanish, Czechs and many others. And so we are in this war. It is a war that deserves our support. And I hope that this House will not burden Iraq which already has tremendous burdens and lots of debt with additional debt, but that we show the way for the rest of the world to make their contributions and truly have a united front.

Mr. OBEY. Mr. Chairman, I yield 7 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY), the ranking member on the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations.

Mrs. LOWEY. Mr. Chairman, it was 1 year ago that Congress voted to authorize the President to use force in Iraq. Many of us supported that resolution; others did not. And I have deep respect for the differences that still divide us.

Those of us who voted "yes" wanted to do this right. We realized that any action in Iraq would require adequate forces, rigorous planning, and a commitment to stay until the whole mission, the war and the peace, was accomplished. A year has gone by, and now we are all in the same boat. We have undertaken a project that if done well can change the face of the Middle East for the better. If done poorly, in my judgment it will pose a grave threat to our national security.

However, the requests made by the President and the Coalition Provisional Authority was shaped in part by a series of miscalculations, miscalculations about how the international community would react to a United States operation to rid Iraq of Saddam Hussein; miscalculations about how our troops and our best intentions would be received by much of the Iraqi public; miscalculations about what would be required to rebuild; miscalculations about how generous other nations would be with donations even as their policy input was rebutted; miscalculations about how long it would take to bring Iraqi oil revenues online; and, finally, miscalculations about how this massive undertaking would affect our Federal budget.

The Committee on Appropriations, led by our able and fair chairman, the gentleman from Florida (Mr. YOUNG), the gentleman from California (Mr. LEWIS), and the gentleman from Arizona (Mr. KOLBE), as well as the ranking member, the gentleman from Wisconsin (Mr. OBEY), and the gentleman from Pennsylvania (Mr. MURTHA), along with myself, reviewed the administration's request seriously and with close attention. Some necessary changes were made. Other adjustments may be made by the full House as they have been made in the Senate, and this is appropriate.

Congress is a co-equal branch of government and we have a responsibility to our constituents, our heroic armed forces, and our democracy to actively participate in this effort, not just rubber stamp the executive branch's request.

Despite deep reservations, I have decided to support this supplemental. First and foremost, I believe we have a responsibility to the people of the United States and to the people of Iraq to do our utmost to build a democratic and prosperous Iraq. This remains a fundamental part of our national security strategy. But we cannot do it haphazardly. We must be clear about our priorities and how much money and time it will take to achieve them. We need a plan, a coherent complete strategy that clearly lays out our obligations and shows how we plan to address them in the most efficient and effective way.

We need priorities. We need to know that our efforts in Iraq will not just be about building roads, bridges, and buildings. They will also be about building democracy.

We need assurances, assurances that United States taxpayer funds are being spent wisely through the use of competitive procurement procedures and strict auditing and oversight of ongoing projects.

We need diplomacy, sincere efforts by the administration to marshal other donor contributions on an ongoing basis and to get the support of the United Nations for the rebuilding effort.

This problem is a marked change from how the United States handled last year's diplomatic effort. I continue to be amazed at our inability to stick to our goal when I read that after a ridiculously brief period of diplomacy at the U.N., the U.S. is said to be "frustrated and ready to give up."

The problem as I see it is that we do not have a plan, priorities, safeguards or sustained diplomatic efforts. We have done what we could with the massive requests of broad parameters of how it would be spent. We asked repeatedly for more detailed information from the CPA and we got some information, removed some of the more problematic provisions, but serious concerns remain. Among them are the impact this borrowed $87 billion will have on our own budget and the priorities that will not be funded because of our responsibilities in Iraq.

Many of my colleagues have asked how we can fund school construction in Baghdad, but not in Briarcliff or Boston; how we have money for quality housing in Najaf but not in New York City or Newark; and how we can plan for fair elections in Mosul in northern Iraq but not in Miami in southern Florida.

I agree with them. I find it hard to agree that, with this weak economy, the climbing deficit and with the enormous need at home, that we are not engaged in any effort to review our fiscal policies, our tax and spending, as if we still enjoy surpluses as far as the eye can see.

That is why I also support the package drafted by our ranking member, the gentleman from Wisconsin (Mr. OBEY). The Obey package would provide for all emergency reconstruction needs, important military needs not addressed in the request, and increased donor participation by giving part of the United States funding in cash and part as a loan to the World Bank.

In my judgment this is realistic. If we are only anticipating $3 billion in direct contributions from allies around the world, we need to find other ways to leverage as much money as we can. And providing $7 billion to the World Bank would leverage up to $40 billion in World Bank funds for reconstruction. The Obey package also provides for detailed reporting and accountability and that is key.

However Members vote on this supplemental, we share the responsibilities for keeping our troops safe and following through on our commitment in Iraq. I believe we must finish the effort we began in Iraq for the people in my district as much as for the citizens in Karbala or Basra. But I also believe that we must be honest about what reconstructing Iraq and Afghanistan costs Americans, especially our military families.

□ 1945

We must be realistic about the tough choices this Nation faces.

I hope, Mr. Chairman, that as we move to conference that a sense of responsibility and realism governs our work. The stakes are very high.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume. Before I yield to my colleague from Michigan, let me just make a couple of comments.

First of all, I want to thank the gentlewoman from New York for her thoughtful statement. I have had the privilege these last 3 years to work with the gentlewoman from New York as the ranking member on the Subcommittee on Foreign Operations, Export Financing and Related Programs, and she and I have, she would be the first to concede, have not always agreed on every policy issue, but we have approached the legislation, the bill, each time, whether it has been the regular appropriation bill or the supplemental appropriation bill, we have approached it in the spirit of compromise, and we have approached it in the spirit of bipartisanship because we both believe very strongly that when it comes to our foreign policy, partisanship ends at the shores of this country. It has been truly a great joy to work with the gentlewoman from New York (Mrs. LOWEY), and I want to thank her publicly for that.

Mr. Chairman, I will also have more remarks of my own tomorrow when we get to the general debate under the rule for this bill.

Once more before I yield, I would also like to thank, though he is no longer here, the distinguished gentleman from Illinois (Mr. HYDE), the Chairman of the Committee on International Relations of the House of Representatives for his extremely cogent and thoughtful statement. There are few people in this body that have been such leaders for liberty, democracy and freedom around the world, that have been voices for those basic American values as has the gentleman from Illinois (Mr. HYDE). So when he speaks on an issue such as the funding for Iraq reconstruction and for our military in Iraq, he speaks, I think, with a voice of certainty and a voice of authority that it would do well for all of us to listen to.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. KNOLLENBERG), a member of the Committee on Appropriations.

Mr. KNOLLENBERG. Mr. Chairman, I rise in strong support of this supplemental appropriations bill and urge all my colleagues to support it.

I want to commend the gentleman from Arizona (Mr. KOLBE), the gentlewoman from New York (Mrs. LOWEY), obviously, we could go on commending a great number of people, but everybody's contributed to this bill, and I think it shows in that while we ensure the urgent priorities like drinking water, enhanced security and electrical infrastructure, these are all funded, the gentleman from Florida (Mr. YOUNG), the chairman, did look over this process, oversighted it, and he eliminated projects from the President's request that were simply not necessary in this bill, removing a total of almost $2 billion. The gentleman from Florida (Mr. YOUNG) does not get credit sometimes for the work he does, but I am very pleased to give him credit here this evening.

As chairman of the Subcommittee on Military Construction, I do want to make my colleagues aware that a portion of this bill falls under my subcommittee's jurisdiction. We have provided about $400 million to support military construction needs for Iraq and Afghanistan. Let me turn now to the need to support the supplemental as it is written.

A little over 2 years ago, this country was attacked by terrorists whose organizations had received safe harbor from tyrants. In the wake of those attacks, we made it a goal of this country to defeat the terrorists who are actively seeking to kill Americans so that our citizens could be safe and secure at home and abroad.

In Afghanistan, we removed from power a regime that had given safe haven to al Qaeda, and we routed the terrorist organization from its hiding places. The people of Kabul cheered its liberators, and that country is headed in the right direction, though much work still needs to be done.

In Iraq, we removed a danger to an entire region when we defeated the regime of Saddam Hussein, a regime that denied the international community time and time again. We no longer have the prospect of a country being led by an individual who had invaded two neighbors, used chemical and biological weapons on his own people, ran a political prison for children, harbored terrorists, rewarded the families of suicide bombers and pursued weapons of mass destruction when the chance arose. Again, the people cheered its liberators.

These are important steps in the war on terrorism. The United States and the world is safer because of our actions. We have not been left holding the bag, as some have suggested. We are there because as a world's leader, we exercised our leadership and took action against a menace that was Saddam Hussein's regime. We have nothing to apologize for.

Now, we face the harder part, the thankless part. Having made the world safer, in this moment we must ensure that it is safer in the future. We do not want these two countries to become terrorist havens again. That is why we must go about the task of rebuilding two countries torn down by decades of war and tyranny.

There is no folly in pursuing this course. There is great folly, however, in abandoning it before it is finished. It is not going to be easy, but it is going to get done, and that is why we are here today.

This supplemental is critical to supporting our troops and our mission. We all accept the responsibility to provide our soldiers with the weapons and equipment they need to secure Iraq, but we must also accept the responsibility to aid the new government of Iraq without placing an undue burden on it. Turning reconstruction funds included in this bill into loans does not serve our mission.

I encourage my colleagues to continue to ask those tough questions about the efforts in Iraq. That is our job, but let us stand up for our soldiers and our mission by passing this supplemental today.

Mr. MORAN of Virginia. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ), the leader of our caucus.

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for the time.

Mr. Chairman, the question before us tonight and tomorrow is whether to give the President a blank check of nearly $87 billion or to fashion a bill that represents and promotes the best interests of our troops and the American people. I, for one, will not write the President a blank check for $18.6 billion in reconstruction funds of American taxpayers' money based on a reconstruction plan just sent to Congress, which rebuilds Iraq's electricity infrastructure, among other things, when ours is not functioning here at home; which modernizes Iraq's medical facilities and medical equipment, when millions of Americans here at home are living without health care; which pays for that which we did not damage and did not previously exist in Iraq; and which sends $18.6 billion in grants to a country that has the second largest oil reserve in the world valued at over $7 trillion.

I do not intend to add another $18.6 billion to this year's deficit, estimated at over $480 billion, and that is why we demand an Iraq package that will not bankrupt future generations, that is paid for.

This administration failed to present a financially responsible plan for reconstruction in Iraq. It failed in its responsibilities to our troops in Iraq. Was it responsible to send American troops into Iraq without adequate planning, with tens of thousands of our troops without border armor, without an exit strategy, without a realistic troop deployment and rotation schedule, without a plan to get them eventually back home? No, and that is why we support our troops and the Democratic proposal to improve the funds in this bill that go to protect them.

Our troops and the American people have paid the brunt of the cost in lives lost and resources spent. In our war on terror and our war in Iraq, they are looking for honest leadership and demand a realistic plan from this President.

So we must give our men and women in uniform the resources they need to do the job they have been given, and we must do all we can to return them to their families quickly and safely. It does not mean cutting and running, but it does mean protecting them while they are there and finding a plan to have them ultimately exit and to bring more people from the international community to bear in Iraq.

However, our troops should not be held hostage to an outright grant for Iraq's reconstruction, and I bristle when I hear already the beginnings of suggestions that question those who have a different view. We demand an opportunity to vote for the money for our troops and at the same time to limit the unbridled grant money to fund reconstruction in Iraq.

Mr. KOLBE. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from Virginia (Mrs. Jo Ann Davis).

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I rise in support of this supplemental.

Mr. Chairman, I rise today in support of this supplemental appropriations legislation as a necessary component in our efforts to liberate the nation of Iraq and continue our successful fight against terrorism.

Mr. Chairman, over the past month, the American people have been bombarded by a very negative portrayal of our efforts in Iraq. However, as we have heard from so many of our colleagues who have recently visited Iraq, these media portrayals are far from the truth.

We are winning the war on terror, and we are setting people free. America is building a free Iraq, and this supplemental funding measure is part of America's exit strategy. A strategy that will see a new Iraq (founded on freedom and democracy) flourish in the Middle East.

Mr. Chairman, I am a fiscal conservative, and the thought on spending $87 billion on anything gives me pause. The concept of turning some of this funding into a loan appears to be a sound one, but one we will have time to discuss as this debate continues. However, this spending measure is an investment in the peace and stability of our world. We cannot put a price tag on peace, and we cannot turn our back on freedom.

Our own American history should be the book we study from. When President Harry Truman came to Congress with his Marshall Plan proposal, the price tag, for the times, was staggering indeed.

However, it was not the price tag that Congress finally looked at—it was the mission at hand that drove support for this plan. It was the rebuilding of the post World War II world, in an effort to restore peace to the planet, that drove Congress to support this measure.

Mr. Chairman, this Congress has a similar opportunity, to rebuild a nation that will represent freedom and democracy while bringing stability to a very tumultuous and dangerous part of the world.

We have a very unique opportunity in front of us. We have the opportunity to invest in freedom, and to set men free. Most importantly, we can take proactive steps necessary to stabilize a region that presents a great danger to our Nation, and the well-being of our people.

Mr. Chairman, we will be making history with this vote. We will be sending a message to terrorists that America has no intention of allowing the fight against terrorism to be fought on our streets and in our neighborhoods.

We will also be sending a message to the world that we are a nation of peace, and Iraqi liberation in the pursuit of freedom is a component of our democratic principles.

Congress has a responsibility to protect our people, and to promote freedom and democracy worldwide. This supplemental helps move these responsibilities forward, and it is our duty to approve this legislation.

Mr. KOLBE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. Frelinghuysen), a member of the committee.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from Arizona (Mr. Kolbe) for yielding me the time.

Mr. Chairman, I rise in strong support of the supplemental package and urge its prompt adoption. In fact, the sooner we pass this legislation and provide material support for our troops and begin rebuilding the Iraqi economy savaged by decades of Saddam Hussein's corrupt rule, the sooner our dedicated service personnel will come home with their mission accomplished.

I have just returned from Iraq with a number of my colleagues as part of a fact-finding trip led by the gentleman from California (Mr. Lewis), the chairman of the Subcommittee on Defense. We visited with our troops. These brave young men and women are proud of what they are doing and know that it is important to our national security. Of course, we mourn the loss of any American soldiers' lives, and we pray for the early recovery of our wounded. We are forever in their debt and reject the mindless notion of some that their sacrifice has been in vain.

Since my return, I have also been struck by the stark contrast between the reality of the success of our military and civilian missions in Iraq and the stubborn perception that we are failing there. It is not true.

I am also one who strongly objects to the notion held by some that our involvement in Iraq does not count for something. Our involvement does count. The world and our homeland are safer for Saddam's removal. There is a better life for the Iraqi people after 30 years of oppression and torture and killing. Our involvement there and the sacrifices of our soldiers count for something. The reality is encouraging.

Two hundred and forty hospitals are now operating, and 90 percent of the medical clinics are now reopened. A hundred primary schools and 22 universities have been rehabilitated and reopened this month. More than 55,000 Iraqi police officers are better trained and back to work, and they are being trained by the Coalition Provisional Authority in professional policing, including border security and human rights. Over 4,000 Iraqis are working side by side with coalition soldiers as part of the Civil Defense Corps, and the CPA is working to field 27 battalions of a new Iraqi Army.

Among the most hopeful signs, and we saw it firsthand, were the fact that 90 percent of the cities, towns and villages in Iraq are now governed by elected or appointed local councils, representing, indeed, diverse ethnic groups and religious groups from across the country. Clearly, there is hope growing in Iraq.

Thankfully, the Coalition Provisional Authority, working with military and civilian officials of more than 30 nations, have been working hard to improve the quality of life and deliver much-needed assistance, and now we debate the supplemental for Iraq and Afghanistan.

As we know, more than 60 percent of these funds will go to support the efforts of our young men and women in uniform, including extra combat pay, stronger physical protection, better-quality housing, and most importantly, enhanced intelligence gathering and the equipment that includes the latest technology to win the war on terrorism.

I am grateful, as all Members are, that we will now be providing, with these new funds, more money for body armor, radio jammers and reinforced Humvees. These are concrete steps to protect the well-being of our soldiers. The remaining funds will go towards creating conditions on the ground in Iraq that will enable our troops to succeed in their mission.

This supplemental is needed.

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Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Farr), a member of the Committee on Appropriations.

Mr. FARR. Mr. Chairman, I thank the gentleman for yielding me this time. This debate tonight is not about support of our troops. There is not a Member of Congress that does not support our troops. And it is not about national security. It is about one thing. It is about politics. And I say that for three reasons:

First of all, the timing. It was just a year ago that we were rushed to judgment to give the President the authority to unilaterally invade Iraq, at a time when the U.N. inspectors were saying give us more time; we have not found weapons of mass destruction. If they are there, give us more time to look for them, which had the support of the international community. But why was that vote passed a year ago today? Because it was on the eve of the November elections and the President wanted the vote before the November elections so he could use it in the campaigns.

We followed that vote last spring with a $78 billion supplemental request. That money does not run out until next April. In the defense appropriations bill, we put enough money in for the troops, so why now? Why have this vote now? Could it be the rush to judgment this year is to get it as far away from the next November elections? Because if we went to next spring, there may not be national support for this bill. I think today is a sure rush to judgment, and I do not think we need to do that. We need to prove to the world that we have a workable plan.

The second is capacity. Where is the building of Iraq capacity? Look at the number of idle people in Iraq, unpaid. Yet American contractors are rushing in on American salaries and American consultant fees who require protection of American troops in order to do the American work in Iraq. We ought to be spending that money on building the capacity for the Iraqis to do it, not for American corporations.

And lastly, the contracting. These are emergency appropriations. They are asking that we forego the regular corporate way of giving out contracts. There is no transparency. This is a gift of funds to American companies, not to Iraqi people.

This Emergency Appropriations bill can't be called the "Iraq bailout bill" when the contracts only go to businesses friendly to the partisan interests of the White House.

The money doesn't go to Iraq, it goes to K Street. It goes to American companies that pay U.S. consultant wages, not the wages earned by Iraqis.

Timing is not necessary, its political capacity building for Iraq is not planned. Contracts don't help earn friends but create animosity.

I have and will continue to vote against the wrong approach to winning peace in the Middle East.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD), a member of the Committee on Appropriations.

Mr. SHERWOOD. Mr. Chairman, I rise in strong support of this supplemental emergency appropriations bill. I too went to Iraq 3 weeks ago to see for myself, and I think we all need to go and see for ourselves the progress that is being made. I would like to give a few of my observations.

As we flew low over the country in our helicopter, I saw that there is more water than I would have imagined and more agriculture. The other thing is that the farmers and the children out in the country always waved at the helicopter. That was the military helicopter with a machine gunner on each window. They did not know there were Congressmen in there, but the machine gunner waved back.

As we went through Iraq, the people waved at us. They stood; they smiled. I have a pretty good idea of body language, and 70 percent of the people in that country are delighted we are there.

Mr. Chairman, we found and deposed the greatest weapon of mass destruction that this world has known since Hitler and Stalin. Go to the burying fields at al-Hilla, with the mass graves, where they have buried hundreds of thousands of people who were marched into a pit and mowed down with a machine gun and covered over with a bulldozer, whether they were alive or dead, and you understand what went on in that country.

We talked to the doctors and the hospital administrators and the keepers of the graves and the operators of the power plant. These are people striving to get back on their feet, and they need our help. This will be one of the greatest things that we have done in our term in Congress, not only to support our troops but to support the putting back together of Iraq, putting it back together from the damages inflicted on it by Saddam Hussein, because the damage inflicted by our military on structures is very small.

This money in the supplemental will do more for the safety of our troops and the safety of our citizens than most anything we could do. It is hard to comment on some of the things that have been said tonight; they are so ridiculous. We are on a path with a good plan. It is being carried out by young men and women of intense bravery whom we can be very proud of and we need to support them.

Mr. OBEY. Mr. Chairman, I yield myself 10 seconds.

Two-run homer by Boston. They are ahead by three in the ninth.

Mr. Chairman, I yield 3½ minutes to the gentleman from Virginia (Mr. MORAN), a member of the Subcommittee on Defense of the Committee on Appropriations.

Mr. MORAN of Virginia. Mr. Chairman, I thank my friend and leader, the gentleman from Wisconsin (Mr. OBEY). I wish he had not told me that, because now that is all I can think of.

But I am going to begin by quoting the dissenting views of the ranking member of the full Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), because it states the reason for voting for this supplemental better than anything that I have heard stated before. It says, "The Bush administration is still incapable or unwilling to articulate a coherent and workable underlying strategy to accomplish our mission and bring our troops home. Since the power of the purse remains the only effective means that we in the Congress have to ensure the American people that such a strategy exists, and that it has a reasonable chance for success, support for these funds prior to evidence of such a strategy would be an abdication of responsibility." And it will be an abdication if this supplemental passes.

We had any number of hearings in the appropriation subcommittees before this bill went to the full committee. Administration witnesses time and again told us they could not comment on a time frame to transition to decision-making with Iraqi leaders, which was the original intent, to establish a democratic government. They had no idea how many troops would be required beyond next September. They could not guess as to what contributions in terms of military assistance or cash would be forthcoming from other nations. They had no idea how much additional Iraqi reconstruction money would be requested. And they had no idea how Iraqi deployment might affect long-term priorities within the defense budget.

Yet we are asked to support an $87 billion request. This entire venture has been a pattern of deception. We went into this war unilaterally and prematurely based upon that pattern of deception. If anyone should challenge me, I can give three instances. We were told we had to go to war immediately, with or without our allies, because of Saddam's connection to, and I quote our President, "because of the terrorist attacks of September 11, 2001." President Bush has now admitted we had no evidence, and I am quoting again, "no evidence of such a connection."

Our Vice President said, and I am quoting, "Saddam has reconstituted nuclear weapons." Now Mr. CHENEY admits, "I did misspeak."

Secretary Rumsfeld told us that "we know where the weapons of mass destruction are. They are around Tikrit and Baghdad." They were not there.

I could go on and on, but the fact is that we have no reason to truly trust even that this money is going to be used for the purposes for which it is intended, to support our troops, to do the right thing, and then to get out of Iraq and protect our country from future threats. I ask the American people to look at the dissenting views of the leader of the Democrats on the Committee on Appropriations.

The fact is, Mr. Chairman, this supplemental, if it is granted, leaves 80 percent of our troops in Iraq without clean water. We provided over $60 billion for our troops, yet they could not find a few million dollars to provide all of our troops with Kevlar jackets. 46,000 of them went into battle without body armor. They could not protect the vehicles that they were driving for a few million dollars. They could not give them hand-held devices for remotely controlled explosive devices.

They did not do that because they knew they would use it as leverage to get this supplemental. Vote down this supplemental. Teach them that that is not the right way to conduct business.

Mr. KOLBE. Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas (Ms. GRANGER), another member of the Committee on Appropriations.

Ms. GRANGER. Mr. Chairman, I rise to express my strong support for this supplemental funding. Like some of the other speakers we have heard tonight, I returned from Iraq just 2 weeks ago. I was part of a congressional delegation, a bipartisan delegation, that came from all sorts of views. Some had strongly supported the resolution, some strongly spoke out against it, others were more cautious, and some questioned why now and how much. But I can say from that bipartisan congressional delegation, we came back and unanimously said, after seeing it, we truly understand, first of all, what is being done there and how well it is being done.

It is startling, startling, Mr. Chairman, the contrast in what we saw and what we hear here; what the American people hear and the people all over the world hear, because it is not at all what we saw.

First of all, it is startling because of Saddam Hussein's presence, his palaces, the gilding, the money that has been socked away, and then of course the mass graves that we have heard about today. The one we went to had 3,000 bodies that were discovered, the remains of men, women, and children as young as 2 years of age, shot in the back of the head and dumped in those mass graves. Some were not shot. Perhaps they ran out of ammunition, perhaps they got tired and they just threw them living into those graves.

Then, Mr. Chairman, we saw the citizens, citizens living in poverty and citizens who had lived in terror for years. And I object to the term rebuilding, because people think, when we say rebuilding, it is what we destroyed. That is not the situation at all. What we are doing is building, because we went to a country that was not without assets. In fact, the oil reserves were second only to Saudi Arabia. But we had a leader who would not put those assets back into his own country. Instead, he stole those assets and used them to buy guns, but he did not keep up the infrastructure of his country.

We visited, for instance, a power plant, unlike any I have ever seen, because it was held together by rope and hope and rust. The engines themselves, the plant itself was so badly in need of not repair, but in need of a new facility.

We went to a hospital, the largest in Baghdad. We went to a maternity ward, and I have never seen equipment like that in my lifetime, perhaps in old movies of World War I or World War II; but I saw terrible conditions, where the roof was leaking so much there was water on the floor. We went to a neonatal unit where a child died that day because we saw such terrible equipment. No backup. They had electricity that was on 3 hours, off 3 hours. We saw a country where, with all those assets, they should have had a modern hospital; instead they had infant mortality as high as India. So I am absolutely in support of this.

We did have a stunning military victory, but we have not finished the job. We owe it to the men and women in that country, from our country and the Coalition forces that have lost their lives in Iraq, to keep our promise and to say we will let you finish the job.

The most telling comment was that of General Sanchez, when he said, "We will not win this militarily. We will win it by winning the hearts and the minds of the Iraqi people." So we need to keep our promises and let them enjoy and understand some of what we have in this country: the freedom, the opportunity, the ability to pursue the happiness that they have not had. It is that possibility, the possibility of having that in that part of the world which will be a real victory, because they can understand what we enjoy and they can be a part of that.

So this supplemental has my very strong support. I went back to my district and told everyone, this is what you need to know, because it is not what you are hearing anyplace else.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I rise in support of the substitute to the bill that is before us that was offered by the gentleman from Wisconsin (Mr. OBEY) in the Committee on Appropriations. The Obey substitute was rejected then and will likely be ruled out of order tomorrow. That is unfortunate, because the Obey substitute offers a plan for fixing the chaos in post-war Iraq.

Mr. Chairman, the war on Iraq was a war of choice, not of necessity. The administration's two primary reasons for this war, Saddam Hussein's alleged weapons of mass destruction and his alleged links to al Qaeda, were both deliberately exaggerated to build support for that war. No weapons of mass destruction will be found, and the President himself has now downplayed the alleged link between Saddam Hussein and al Qaeda.

If the aftermath of the war were going well, Americans would probably overlook the deliberately misrepresented intelligence on Iraq's weapons and its ties to al Qaeda. Now, as Americans are killed almost every day, it is clear that winning the peace will be a long, difficult, and expensive process; and people are questioning how we got where we are today.

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The American people are learning that the President's insistence on a unilateral war means that we will pay for a unilateral peace. There is popular opposition to the President's request for so much money for Iraq. This year America will run the largest deficit in our history, over $475 billion, without even including this $87 billion request for Iraq. The $87 billion that we are debating today is money that would have been better used to create jobs and improve health care and education for Americans here at home. The Obey substitute is an excellent proposal that provides the body armor, the equipment and adequate pure drinking water that our troops need to finish their jobs and return home quickly and safely. The Obey substitute makes our troops safer. The Obey substitute insists on accountability and transparency for the expenditure of reconstruction dollars, and it encourages support from other nations, thereby reducing the burden on American taxpayers.

Mr. Chairman, I oppose the President's war on Iraq, but I support the Obey substitute because it makes better use of our limited resources.

Mr. KOLBE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Green Bay, Wisconsin (Mr. GREEN). Few Members of this body have a greater appreciation or understanding of America's role in the world, for he himself was a former Peace Corps member.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman both for yielding time and for his kind remarks.

Mr. Chairman, there is no doubt that this bill that we are debating tonight spends a lot of money. There is no doubt that the costs of war are high. There is no doubt that the costs of reconstruction are high. But I think the point we need to remember is that the costs of inaction, the costs of leaving Iraq behind are far greater and, more importantly, the costs of failing to give our troops what they need as quickly as possible, those costs are absolutely unacceptable.

Some here tonight will try to break the package apart and make a false distinction, a distinction between military assistance and reconstruction assistance. They claim they support one but not the other, and they will try to put strings on one and not the other. Mr. Chairman, that approach is wrong and what is more, it is dangerously wrong. The mission in Iraq from a military perspective will only end when freedom and democracy have begun to take root, when the economy is starting to move, when there is some semblance of hope restored into Iraq. Those goals collectively represent an antidote to terrorism.

The reconstruction dollars that we are talking about tonight, in my view, will help us achieve those goals and achieve them much more quickly. Therefore, the reconstruction dollars will bring about final victory to Iraq more quickly, they will bring our mission to a close and just as importantly, of course, to everyone back home, they will bring our troops back safe and sound. On the other hand, failing to approve reconstruction dollars or hamstringing our ability to use it will extend the mission. It will delay it. It will lengthen the time line. Worse yet, it will, in my view, weaken the mission. It will foster the fear that America will withdraw or walk away, a fear that is very real to everyday Iraqis, a fear that will only increase despair and steal hope from them at the very time when hope is just beginning to appear. It will make the mission of our troops all that much more dangerous.

Iraq has become, in my view, the central battle in the war against terrorism. We have received many reports of terrorists entering Iraq from countries throughout the region. We must remember that they are entering Iraq not because we are failing, but because we are winning, because we are succeeding. This is the time we must push on, we must build on that mission, we must give our diplomats, we must give our soldiers, we must give the leaders the tools and the resources they need to finish this job. To fail to give this money to our troops, to fail to give money to reconstruction that they are overseeing would strengthen the hands of those who want us to fail.

We must live up to our responsibilities. We must not abandon the Iraqis. We must not abandon our troops. I strongly support this supplemental. It is critically important, and it is important we get it done now.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Arkansas (Mr. BERRY), a member of the committee.

Mr. BERRY. I thank the distinguished ranking member from Wisconsin for yielding me this time, and I appreciate his leadership in this matter.

Mr. Chairman, there should be no doubt that we support the troops and support whatever resources they need. Clearly the Defense Department and the Secretary of Defense have done a terrible job preparing to go into this mission. Just yesterday, I saw on television where the administration says America is not being told the truth. I could not agree more. Just yesterday, I saw where the President now says that he is in charge. That is about the third boss in a week that we have had over this project. He says that debt for Iraq is bad, debt for America is good. The truth is Iraq can afford to pay this debt off more than we can. I can tell you this. The miscalculations, the poor planning, say anything we can dream up to try to make the American people think that this is a good idea, change stories every week and now we are asked to give this same administration that has engaged in this another $87 billion with no plan, no requirement for us to know how this money is going to be spent, and, clearly, they have not known how to spend it before now.

I can tell you this, Mr. Chairman. In the First Congressional District of Arkansas, if you spend a billion dollars, you do not have to wonder how it got spent. You can drive down the road and see it. It takes us a long time to make a billion dollars in the First Congressional District of Arkansas. It has been referred to that they have got hospitals in Iraq that have leaky roofs, that they have hospitals in Iraq that do not have backup generators. Come to the First Congressional District of Arkansas, and I can show you the same thing. There is simply no reason to borrow this money from our children and our grandchildren and expect them to repay this debt when we have the ability. If we are going to do this, we should at the very least pay for it ourselves. But I have to tell you, I think the Iraqi people ought to pay for it or at least pay for part of it. I urge the defeat of this bill and the support of the Obey amendment.

Mr. KOLBE. Mr. Chairman, I am pleased to yield 3 minutes to the very distinguished gentleman from LeMoyne, Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I think everyone that I know in this body agonizes over an additional $87 billion supplemental spending bill. No one is real happy about it. While we may disagree on some of the details, I hope that we can agree on two things. Number one, we are engaged in a conflict that we cannot afford to lose. Whatever it takes to win needs to be done. And, number two, more than ever, we need to display a unity of purpose and a common resolve in this body that we may not have seen since 9/11.

Our opponents believe that persistent acts of terrorism will eventually prevail. They saw internal strife that resulted in failure in Vietnam. They saw us leave Beirut after a truck bomb destroyed a Marine barracks. They saw us relocate troops after the Khobar Towers bombing in Saudi Arabia. And, unfortunately, they also see partisanship, and they see discord, and they see finger-pointing on the floor of this House at a time when this country cannot afford that. And so they see us as a Nation which can be divided. If we pull out, if we back down, if we give up, if we fail to see this through, every soldier that has died in Iraq will have died in vain, and we will have sent a clear signal to terrorists everywhere that we are an easy target. We will have shown that the U.S. no longer has the national resolve demonstrated at Valley Forge, at Gettysburg, at The Argonne, and on D-Day. When the stakes are high and when the task is daunting, and this is, commitment, perseverance and unity of purpose eventually prevail. I urge approval of the supplemental, and I hope that this can be accomplished with a spirit of bipartisan cooperation that displays a united front to the world.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to the proposal for $87 billion and in support of the Obey substitute. $87 billion translates into 1,720,000 jobs in this country. That is how big $87 billion is. This administration was unwilling to spend a few billion in our country this year to create jobs in America as unemployment—ticks up. Yet they are willing to spend $87 billion and add that to our deficit. This year this administration will have the largest deficit in modern history. This proposal is fiscally irresponsible. $87 billion is as much as we spend on all our foreign aid, plus $68 billion. It is more than we spend on all the countries of the world rolled together. It is as much as we spend in one year on our entire budget for housing, for veterans, for NASA, for transportation, for environment, all rolled into one. This is a lot of money. In fact, it is as much money as our States were in deficit earlier this year before they had to raise taxes, sales taxes, excise taxes to cut services.

This morning the Detroit News reports, Michigan has to cut $900 million from its State budget. They do not have the money. My own newspaper this morning, Lucas County, my home county, $10 million in deficit for this year. They are cutting services for first responders. And where are we from this administration to help us at the local level? And the Cleveland paper over the weekend, what does $87 billion mean? It means that the Mayor of Cleveland needs over $2 billion just to take care of the homeless in Cleveland, and she does not have the money to do it.

Mr. Chairman, this is a lot of money, and it averages $3,000 for each Iraqi citizen. Maybe we would be wiser just to give them the money. Three thousand dollars per citizen. I have in my hand here a picture of our soldiers handing out $20 bills in Iraq. I have never seen anything like this. Are we creating a modern version of the welfare state over in the Middle East? Pallets of $100 bills being sent over to Iraq, what is that all about?

Secretary Rumsfeld said, "I don't know that there is much reconstruction to do." Why, then, is this the second time the administration has asked Congress for money to support this war? The administration cannot even agree on who is supposed to take the lead in Iraq. We were told it was Secretary Rumsfeld; then it switched to

Mr. Bremer; and then General Abizaid and now Condoleezza Rice. It seems to me they are making it up as it goes along and attacks are increasing every day inside Iraq.

We need global allies to stabilize the situation. The administration continues to go it alone. Relations with our NATO allies have never been worse. The road map for peace in Israel and the Palestinian Authority has utterly broken down and the madrassas in Pakistan continue to churn out hate-filled youth every day.

I intend to vote "no" on this bill. It is not paid for. The administration has to develop a plan that stands a chance of succeeding by engaging both the Arab world and our allies. We need a plan before us that is fiscally responsible and diplomatically hopeful.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume just to respond to one thing that was said here.

Mr. Chairman, the gentlewoman from Ohio made note of the fact that we were actually handing out cash in Iraq and wondering what the heck that was for and how we could account for that. I think it is worth noting that a couple of years ago, when I visited Mozambique after the huge, horrendous floods there, we found that a very creative and innovative way of actually providing for relief from the flood, instead of going around and handing out pots and pans or aluminum or wood for rebuilding their house, to give them actually cash and they made decisions about how they would use it. We gave it to the woman of the household. It turned out to be a very creative and innovative way of handling immediate kinds of relief.

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Apparently what was creative and innovative in the previous administration is now a bad thing in this administration.

Mr. Chairman, I yield 3 minutes to the gentleman from Watertown, Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Chairman, we are hearing two sides of a story here. On one side we are hearing doom and gloom. On the other side from folks like myself who have had a chance to go over to Iraq, we are hearing a story that there is much more progress there than the press is reporting. There are much greater prospects there if we just take the time to finish the job and invest in this country.

And what I would like to do today to try to shed some more light on that is quote from an article that was e-mailed to me by a constituent, a Major Cepleche who is serving in Iraq. I am just going to quote an excerpt from the article, but I will include the whole article in the RECORD.

What it says is: "Over 3 months after a formal declaration of an end to hostilities, the occupation is bogged down. Fanatical elements of the former . . . regime who, in their zeal to liberate their nation from the foreign occupiers . . . continue to commit almost-daily acts of sabotage against an already-ravaged infrastructure, and attack American troops." It also says that many complain of a lack of security, that in the wake of the budding disaster, some have called for more international participation in peacekeeping.

It goes on to say: ". . . It's time to ask whether the people are better off now than they were a few months ago. Yes, a brutal dictator has been deposed, but at least the electricity and water supply were mostly working." It says: "Many have criticized flawed intelligence for our failure," and finally says: "Without this man that they told us was such a great threat to America, how can they even claim that this war was justified?"

Mr. Chairman, this sounds like a lot of the things that are being said here today by some others talking tonight, but this was really a 1945 article that Reuters wrote about Germany during the time of America's reconstruction of Germany. We all know that Germany was a success. It was a success because America's troops were there to bring stability and security because we invested through the Marshall Plan in reconstructing Germany. If we think about Germany in the 50 years before 1945 that helped contribute to starting two world wars that caused millions of deaths, in the 50 years since then they have been a great friend, a supporter, and have brought prosperity and peace to the region.

We are well ahead of Germany in our reconstruction of Iraq in so many important variables such as naming a cabinet, such as reforming the currency and so many other things. Reforming Iraq, having a democratic government there and an open economy can transform that region; and that will not only be a great benefit to that region but a great benefit to our security here a home. Let us continue America's proud tradition of reforming as we did in Germany and Japan and continue on in Iraq; and I am confident that when we look back in a decade or two from now, we will be proud of the work that we are authorizing here today. I encourage support of the amendment.

[From Reuters, Aug. 12, 1945]

Administration in Crisis Over Burgeoning Quagmire

WASHINGTON.—President Truman, just a few months into his young presidency, is coming under increasing fire from some Congressional Republicans for what appears to be a deteriorating security situation in occupied Germany, with some calling for his removal from office.

Over three months after a formal declaration of an end to hostilities, the occupation is bogged down. Fanatical elements of the former Nazi regime who, in their zeal to liberate their nation from the foreign occupiers, call themselves members of the Werwolf (werewolves) continue to commit almost-daily acts of sabotage against Germany's already-ravaged infrastructure, and attack American troops. They have been laying road mines, poisoning food and water supplies, and setting various traps, often lethal, for the occupying forces.

It's not difficult to find antagonism and anti-Americanism among the population—many complain of the deprivation and lack of security. There are thousands of homeless refugees, and humanitarian efforts seem confused and inadequate.

In the wake of the budding disaster, some have called for more international participation in peacekeeping.

A Red Cross official said that, ". . . the German people will be more comfortable if their conquerors weren't now their overlords. It makes it difficult to argue that this wasn't an imperialistic war when the occupying troops in the western sector are exclusively American, British and French."

The administration, of course, claims that, given the chaos of the recent war, such a situation is to be expected, and that things will improve with time. As to the suggestion to internationalize the occupying forces, the administration had no official comment, but an unofficial one was a repetition of the quote from General McAuliffe, when asked to surrender in last winter's Battle of the Bulge—"Nuts."

In an attempt to minimize the situation, a White House spokesman pointed out that the casualties were extremely light, and militarily inconsequential, particularly when compared to the loss rates prior to VE Day. Also, the attacks seem to be dying down with each passing month. But this statement was leaped upon by some as heartless, trivializing the deaths and injuries of young American men.

Many critics back in Washington seem now to be prescient with their previous warnings of just such an outcome a little over a year ago.

One congressman said that ". . . It's time to ask whether the German people are better off now than they were a few months ago. Yes, a brutal dictator has been deposed, but at least the electricity and water supply were mostly working, and the trains running on time. After years of killing them and destroying their infrastructure with American bombs, it seems to me that the German people have suffered enough without the chaos that our occupation with its inadequate policing, is bringing."

It's not clear how much support the Werwolf has among the populace, who may be afraid to speak their true minds, given the fearfully overwhelming "Allied" presence in the country. But it is possible that, like the guerrilla forces themselves, the people have been inspired by Propaganda Minister Josef Goebbels' pre-victory broadcasts, and those of Radio Werwolf.

"God has given up the protection of the people . . . Satan has taken command." Goebbels broadcast last spring. "We Werwovles consider it our supreme duty to kill, to kill and to kill, employing every cunning and wile in the darkness of the night, crawling, groping through towns and villages, like wolves, noiselessly, mysteriously."

While no new broadcasts of Goebbels' voice have been heard since early May, no one can be certain as to whether he is alive or dead, and continuing to help orchestrate the attacks and boost morale among the forces for

German liberation. As long as his fate, and more importantly, that of the former leader Adolf Hitler himself, remains unresolved, the prospects for pacifying the brutally conquered country may be dim.

Although Grand-Admiral Donitz made a radio announcement of Hitler's brave death in battle to the beleaguered German people on the evening of May 1, some doubt the veracity of that statement, and there has been no evidence to support it, or any body identified as the former Fuehrer's. Rumors of his whereabouts continue to abound, including reported sightings as far away as South America, and many still believe that he is hiding with the "Edelweiss" organization, with thousands of Wehrmacht troops, in a mountain stronghold near the Swiss border.

Many have criticized flawed intelligence for our failure to find him, causing some, in the runup to next year's congressional elections, to call for an investigation.

A staffer of one prominent Senator said, "For months, starting last fall, we were told by this administration that Hitler would make a last stand in a 'National Redoubt' in Bavaria. General Bradley diverted troops to the south and let the Russians take Berlin on the basis of this knowledge. But now we find out that there was no such place, and that Hitler was in Berlin all along. And now we're told that we can't even be sure of where he is, or whether he's alive or dead."

For many, marching in the streets with signs of "No Blood For Soviet Socialism," and "It's All About The Coal," this merely confirmed that the administration had other agendas than its stated one, and that the war was unjustified and unjustifiable.

General Bradley's staff has protested that this is an unfair criticism—that the strategic decision made by General Eisenhower was driven by many factors, of which Hitler's whereabouts was a minor one, but this hasn't silenced the critics, some of whom have bravely called for President Truman's impeachment, despite the fact that most of these decisions were made even before he became president in April.

But some have taken the criticism further, and say that failure to get Hitler means a failed war itself.

"Sure, it's nice to have released all those people from the concentration camps, but we were told we were going to war against Hitler, even though he'd done nothing to us," argued one concerned anti-war Senator. "Now they say that we have 'Victory in Europe,' but it seems to me that if they can't produce the man we supposedly went to war against, it's a pretty hollow victory. Without this man that they told us was such a great threat to America, how can even they claim that this war was justified?"

Mr. KOLBE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KINGSTON) having assumed the chair, Mr. SHIMKUS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under further debate the subject of a bill making emergency supplemental appropriations for defense and the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3289, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–320) on the resolution (H. Res. 396) providing for consideration of the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, 2004

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, October 14, 2003, the Chair declares the House in the Committee of the Whole House on the State of the Union for further debate on the subject of a bill making emergency supplemental appropriations for defense and the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004.

□ 2035

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for further debate on the subject of a bill making emergency supplemental appropriations for defense and the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, with Mr. SHIMKUS (Chairman pro tempore) in the chair.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose earlier today, 3 hours and 27½ minutes remained in debate. The gentleman from Florida (Mr. YOUNG) has 1 hour and 36 minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 1 hour and 51½ minutes remaining.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, tomorrow we will vote on spending $86.9 billion of America's taxpayers' hard-earned money on our on-going military operations and reconstruction in Iraq and Afghanistan. This massive request for supplemental funds brings home, to the pocketbooks of every American taxpayer, the cost of this administration's foreign policy. This administration has gotten us into a situation in Iraq that is both dangerous to our troops and critically important to our worldwide leadership. This situation is now so serious that it is less important that we arrived at this point by serious miscalculations, perhaps manipulations and half truths, than to understand that for us in this country "failure is not an option."

As Commander in Chief, the President committed our soldiers to this war, and now we must provide them with all the resources and support that they need. Our soldiers represent the best that this country has to offer, and their sacrifices should never be taken lightly or taken for granted. But the administration is also asking us to support reconstructing Iraq to the tune of $18.6 billion, and this is only the beginning of what could be as much as $70 billion in investments.

Mr. Chairman, if it is our responsibility to provide these services to rebuild Iraq, why are we along the southwestern border constantly told that there is not enough money to develop these services here at home? What about the responsibility to our own citizens? This bill includes $4.3 billion to expand access to safe drinking water and improve sanitation while hundreds of thousands of our own people along our Nation's border do not have these services themselves.

This bill also includes $793 million for health care programs and upgrades to hospitals and clinics while cities like El Paso are in desperate need of these same services. And this bill includes $5.7 billion to rebuild Iraq's electrical power infrastructure while hundreds of thousands of our own citizens here at home do not have electricity. If we can find the funds to support these projects in Iraq, the American people demand that we find the funds for their needs here at home.

Mr. Chairman, I intend to support this supplemental request, but only, only because the safety of our brave men and women in uniform depends on it.

Mr. KOLBE. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Georgia (Mr. KINGSTON), a member of the Committee on Appropriations.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to say I certainly appreciate the concern of our friends across the aisle about spending on this bill and spending on all bills. I think it is a great day when Democrats are worried about fiscal responsibility. Having said that, I have one of my good Blue Dog friends there who is always concerned about it, but I am glad now we have some other people who are.

I wanted to point out one of the arguments that we are hearing is we should be spending that money domestically. And this chart shows what our budget calls for in Medicare spending under the Republican budget, which is traditionally passed without a single Democrat vote.

Medicare takes care of our elderly population. Essentially everybody over the age of 65 is on Medicare; and under a Republican budget, as we can see, from the year 2004 on, it is going up. And yet this is happening without a single Democrat vote of support. Education, which again is one of those bills that is important to another population, the young population in our society, and again under Republican leadership and a Republican budget, it has gone up every year 12 percent. So when people are saying do not vote for this, that we ought to be spending it domestically, we are doing that.

What happens if we do not spend this money? What happens if we do like Howard Dean says and pull out? He said that yesterday. Tomorrow he will say something else. I cannot remember who was for the war today, Wesley Clark or Howard Dean. It switches back and forth on a regular basis. But the reality is what happens if we do pull out and stop right now? Will there be safety and security in the Middle East? We have to ask ourselves a very serious question: Will there be safety and security not just in Iraq but in the Middle East? If we pull out, will there be safety and security in the United States of America? What kind of signal does that send to the terrorist networks across the globe?

This is where the money goes. It supports our troops. I have the honor of representing the Third Infantry Division. We have had nearly 18,000 constituents from the first district of Georgia who have been in Iraq. They need the support. This bill gives them that additional support. Last week I had the opportunity to go to Walter Reed and say thanks to a number of our troops, brave men who were wounded who are now in hospital beds who will be going through physical therapy and suffering from wounds perhaps the rest of their lives. Every single one of them was very gung-ho on the mission, very proud that he had served, and had no regrets. Obviously, everybody regrets getting hurt, but no regrets making the decision to go that they did. This bill gives our troops $60 billion in support. They need it.

In addition, this bill supports the people of Iraq. It gives us an opportunity to have another democracy in the Middle East that we can work with along with Turkey, along with Israel. Another democracy in the Middle East. Can my colleagues think of that being in the grasp of the hands of this Congress and this government at this time and this generation, and how would our future generations look at us if we turned our backs and cut and run at this point? Mr. Chairman, we have got to finish the job. We cannot abandon them.

If we do not do this important construction, what will happen? We have got an example already. Some of this money goes to Afghanistan. Let us think about what happened in Afghanistan. The United States pulled out in 1989. We closed down our embassy, and I went with the gentleman from Arizona (Chairman KOLBE) to Afghanistan about 3 years ago, and one of the things we heard over and over again in Afghanistan is, We are glad you are here, but are you here to stay? Because we have had this invasion from the Russians, we have had this internal civil war, we have had the groups like the Taliban and al Qaeda come in here and corrupt our government. Will America commit to Afghanistan for the long term? And the answer is yes. We also have to commit to Iraq for the long term.

Think about this: we are spending $200 million on health care in Iraq. Saddam Hussein only spent $13 million. That is support. Think about this: there are 150 newspapers that are already up and operating in Iraq, extremely important for an emerging democracy.

Think about this: electricity in 70 to 80 percent of the towns, water in 70 to 80 percent of the towns, and police forces and governing local municipalities springing up all over the place. These are positive developments, and we cannot abandon that right now. This construction money, a little over $18 billion, though, is not enough. We need to do it in a grant form. Why do we need to do that as opposed to a loan? Number one, there is not a lending authority to give the money to; but, number two, it is going to take not 18 to $20 billion to rebuild Iraq. It is going to take about $150 billion. We do not want to foot that bill. We believe the United States of America, being a leader in the world as a benevolent Nation, needs to step forward and set an example for all our friends who are in the U.N. or who are in NATO or wherever they may be to step forward and pull out their checkbooks.

□ 2045

Because this is not an Iraq problem. This is not a United States problem. This is not a Western problem. This is a global problem, because we have learned if you turn your back, like we did in Afghanistan, sit back and wait, another 9/11-type sneak attack will happen. But if we stay committed, we will have a great nation that we will have played a part in, and, for future generations, we can all look back proudly.

Vote yes for the supplemental.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, this is a very, very emotional issue. I come to the well with mixed emotions, simply because we are asked to do two things here: We are asked to stand up and support our troops, and, at the same time, we are asked to stand up and support our taxpayers.

I want to answer the first question quite frankly and straightforward, that I will vote for this supplemental based on the needs of our soldiers who are not into this political debate, but simply need equipment and support to do the job that our country sent them to do.

This bill provides $65 billion out of the $87 billion and provides needed funding for our troops. Part of this money is designed to go and purchase body armor to protect our soldiers. Part of this money is going to support continued payment of per diem for travel for family members.

I have just come from my district, and I realize the hardships being placed upon family members. There is an increase in the monthly rate of imminent danger pay in this budget from $150 to $225, and also for family separation.

Now, with that out of the way, it still remains a fundamental question that we must stand up for the taxpayer as well, and that is the convoluted position we are in. How do we stand up for our troops and support them in their needs for battle, to do the job that we sent them there to do? How can we not vote for these precious items that will protect their lives, including equipment to defuse ordinances away from land mines to save their lives? At the same time, we must speak up properly and effectively as good stewards of the taxpayers' money for the $20 billion going for the reconstruction?

Many of us pleaded and worked hard to get this debate broken down along two lines, because, yes, we must stand up for our troops. But we are Congressmen and women. We are elected to do one essential thing, more than any other, and that is make the decisions to determine how the taxpayers' money is spent.

I am here to tell you that this $20 billion added on for the infrastructure rebuilding of Iraq is not good stewardship of the taxpayers' money.

Mr. KOLBE. Mr. Chairman, I am very pleased to yield 3 minutes to the distinguished gentleman from Concord, North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this is not an either/or budget, this is a both/and: both supporting the troops, and supporting Americans at home.

Just one year ago this month, the House of Representatives found itself debating the authorization on the use of force against the regime of Saddam Hussein in Iraq. At that time, Iraqi people were living under a tyrant, a brutal dictator who murdered, gassed and tortured his own people.

Saddam's reign of terror displaced some 700,000 people throughout Iraq, destroyed more than 2,000 Kurdish villages and killed thousands of Iraqis. This regime had more forced disappearance cases than any other country in the world. Iraqis were not free to practice their religion or express their political beliefs. Citizens lived in constant fear of a dictator whose image covered the Iraqi landscape. Saddam Hussein's regime was not a government of benevolence, it was a reign of unconscionable terror.

Today Iraq is a vastly different place. Children are attending school. Girls are taking karate classes. The Iraqi National Symphony has performed again after years of absence. Oil flow is back up to 72 percent of its prewar level. Markets are flourishing and a new Iraqi police force is being trained.

I would like to share a few thoughts about the hope currently present in the society written by Major Michael Fenzel of the 173rd Airborne Division.

"When you see soldiers on the street patrolling with the new Iraqi police officers, you know there is great hope. When you have seen the stark difference between the empty and frightened streets of early April and the bustling markets of today, you feel the hope. The well-publicized incidents of violence are spasms of resistance to a concept so compelling it cannot be denied, freedom. The attacks themselves are generated by a small bands of militants and hired guns at the behest of 'return party' chieftains and terrorist financiers. And when you have the chance to see the steely determination of American and coalition soldiers serving here through the heat of each day, you cannot help knowing that hope has already defeated tyranny."

We do, however, still have many challenges ahead of us. We continue to hear reports of American servicemen giving their lives to help restore the peace in Iraq and the Middle East. Patience is required, but the cause is just, and even though the challenge is great, success is essential and achievable.

Today we are at a crossroads. We have the opportunity to continue our commitment to the Iraqi and Afghani people in restoring freedom, liberty, and dignity to their lives. We also have a responsibility to further support our men and women currently serving in Iraq and Afghanistan.

While there remain many domestic matters that are a top priority, we must send a signal today that we are committed to helping build a safe, secure and democratic government in Iraq and Afghanistan. Stability in Iraq and Afghanistan is directly related to America's security at home and abroad. Failing to establish a safe and secure Iraq will allow the region to continue as an incubator and supplier for terrorists.

Winston Churchill said. "The price of greatness is responsibility." My friends, today we have the responsibility to do what is right, what is just, and what will help foster a safe and stable environment in the Middle East. I encourage my colleagues to vote for this Iraqi supplemental.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. I thank the gentleman for yielding me time.

Mr. Chairman, I do not know how I am going to vote on this. Two weeks ago, I visited Walter Reed Hospital, and I met young soldiers who had double amputations, severe burns and head injuries that will be with them for life. Sending those soldiers into the field without adequate body armor, without armored Humvees, was inexcusable, if not criminal. We must act to protect those soldiers right now.

But, I say to my friends, I have yet to hear the supporters of this supplemental say how they will pay for it. I will tell you right now, you can possibly get my vote if you will answer that question. I have only 2 minutes, less now, but I would yield at least 30 seconds to anyone who is supporting this bill if they will tell us how you want the American people to pay for it, when we are closing veterans hospitals, when we are $600 billion in deficit every year, when our schools are falling apart, and we cannot rebuild our roads.

I yield 30 seconds to anyone who supports this bill to tell me how to pay for it.

Mr. Chairman, that is the problem. That is the problem. We want to make lots of promises, but we do not have leadership in the administration or in this body that will tell the American people the hard truth; what programs we have to cut, what taxes we have to raise, whether we will borrow from Social Security or whether we will pass the debt on to our children. That is the problem.

I am really sorry. We must support those troops. But they are fighting for a democracy that owes it to its people to be honest with them, honest about the tough choices we must make. But we are not living up to that bargain, and it is a darn shame, because those kids deserve better.

Mr. KOLBE. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Highland Village, Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Chairman, in the last week in August of this year I was privileged to go with several of my colleagues to the country of Iraq. One of the things that sticks with me from that trip was the quote from General James Conway of the First Marine Expeditionary Force. He described to us what is going on in Iraq today as a "vivid success story."

The American soldiers who fought in Iraq did so with skill, determination and bravery in the face of grave dangers. Their conquest of Iraq was rapid, overwhelming, and the victory was obtained with relatively limited civilian casualties or damage to Iraq's infrastructure.

All Americans can be proud of the performance of our Armed Forces in Iraq, and we can unite in honoring of the memory of those courageous soldiers who made the ultimate sacrifice to protect their fellow Americans.

Having overthrown Saddam's regime, we must now secure the peace. It is absolutely critical to the United States' national security that we help Iraq become a stable, free nation that does not support terrorism or pose a danger to its neighbors. A secure and free Iraq is in our country's national security interests, as it is in the world's security interests.

The road ahead is difficult, and every lost American life is a tragedy, but our troops' incredible sacrifices are helping to secure a safer future for our children, our grandchildren and, indeed, the children of the world.

It is also important to understand that the coalition forces in Iraq are making significant progress. Coalition forces have conducted over 190 raids in the past several months, capturing over 1,000 terrorists and enemy fighters. They have secured or destroyed over 8,000 tons of ammunition since major combat operations ended.

A new Iraqi police force and army are being trained and equipped right now. Additionally, Iraqis are gathering behind the new Governing Council that will have significant authority and will begin the process of drafting a new constitution for the Iraqi people.

Finally, the coalition is making significant progress in rebuilding Iraq's infrastructure, its public health services and its economy.

This much is certain: American troops will stay in Iraq as long as it takes to get the job done, and not a day longer.

On September 7, President Bush announced in a televised address to the Nation that he would submit to Congress a request for $87 billion to cover the ongoing military, intelligence and rebuilding operations in Iraq, Afghanistan and elsewhere. $67 billion is allocated for military purposes and $20 billion is allocated for reconstruction.

This request will provide resources to the Iraqi and Afghan people so they will be able to rebuild their own nations which have suffered through decades of oppression and mismanagement, and, with that, a return to secure states. These funds would also restore basic services, such as electricity and water. Without those basic services, that can be an extremely radicalizing issue. They will build new schools, roads and medical clinics. Supporting reconstruction is essential to the stability of Afghanistan and Iraq and, therefore, to our own security.

I believe it is clear that we must support the Iraq supplemental. Congress has been diligent in its oversight efforts in analyzing the supplemental request. Both Houses of Congress have broken down, line-by-line, this request, and they have debated the importance of each item. Having completed this process, we must now determine how best to use those funds.

I would be most in favor of providing this assistance by means of loans. However, I recognize there are technical difficulties in administering funds in the way of a loan at this time and, therefore, as Congress exercises its oversight authority on the supplemental, we are obligated to provide assistance by means of a grant.

We should continue to stress that other countries be called upon for debt forgiveness and we must, we must, ensure that no taxpayer money, no American taxpayer money, will ever go to repay Iraq's foreign debt.

To that end, President Bush addressed the United Nations General Assembly on September 23 on the topics of terrorism, the future of Iraq and Afghanistan, and acting to meet the humanitarian crises throughout the world.

He stated that America is working with our friends and allies on a new U.N. Security Council resolution that would expand the U.N.'s role in Iraq to assist the development of a constitution, in the training of civil servants and the conducting of free and fair elections.

The resolution invites the Governing Council to submit its program and timetable for assuming additional responsibility in the months ahead, until Iraq is through the process of writing a constitution and holding elections. It also examines a role for the United Nations Secretary General and the special representative that is broader than their current roles.

The President believes that the aid should be global, and I completely agree. Leading the way, the United States should support the $20 billion Iraq supplemental and look forward to many nations participating in the reconstruction efforts of Iraq in the future. The end result will be a new and prosperous democracy in Iraq and, ultimately, a safer world for our children and grandchildren.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Georgia (Ms. MAJETTE).

☐ 2100

Ms. MAJETTE. Mr. Chairman, I rise to oppose the $87 billion supplemental appropriation in its current form. It is with deep regret that I do so. I cannot vote for the request because it does not give the troops and the American people what they need.

We want a bill that more fully supports our troops and their families. Accordingly, I support the Obey substitute. We want a bill that honestly assesses what the military costs will be and protects the quality of life for all of the men and women who are serving so valiantly.

For example, the administration's request contains only $15 million for water purification equipment. This will leave approximately 80 percent of the troops in Iraq without clean water. Our men and women deserve better. The Obey substitute addresses that issue.

We want a detailed accounting of the money that has been spent so far before handing out new money.

I look at this the way I treat my teenage sons. If I give them $20 on Monday and then on Tuesday they come to me and ask me for $30, I want to know what happened to the money I gave them on Monday.

We want a bill that will enable us to share the burdens and responsibilities of reconstruction with other nations and the people of Iraq and eliminate the back-scratching, good-old-boy, business-as-usual approach that this administration loves to use.

It has become clearer and clearer every day that the administration has no postwar plan for Iraq.

There is no exit strategy, only furloughs. America's men and women want to know when our husbands and wives and sons and daughters and partners and loved ones will come home.

We do need to finish what we started, but we cannot operate in the dark forever.

We want a bill that meets the obligation of shared sacrifice, one that puts equity and fairness in the equation. The men and women who wear the uniforms of the United States Armed Forces and their families are making sacrifices. Their level of sacrifice goes far beyond this administration's level of planning.

We want a bill that tells us how we are going to pay for the cost of freedom, and this bill does not.

As a Member of Congress, I have a constitutional obligation and responsibility to require that those conditions be met and that the administration be held accountable. Until the American people are presented with a bill that meets the requirements of accountability, transparency, and fiscal responsibility, I will vote "no" on the $87 billion supplemental request.

Mr. KOLBE. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Phoenix, Arizona (Mr. SHADEGG), my friend and colleague.

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of this supplemental and in opposition to any effort to turn it into a loan.

On January 20, 1961, President John F. Kennedy in his inaugural address said these words: "Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and the success of liberty. This much we pledge, and more."

I would urge my colleagues that John F. Kennedy's words were true and right then, and they are true and right today; and they should guide this debate. When he spoke those words, we were engaged in a struggle with worldwide communism. Today, make no mistake about it: we are engaged in every bit as serious a struggle with those who would seek to destroy us: worldwide terrorism. And we must step up to the plate and finish this job.

Now, I know there is a debate of some whether we should have begun this war or not. But whether one supported the war from the outset or opposed it, and however one feels about those issues today, we have an obligation to finish what we have started. National defense is indeed the first obligation of our government; and as has been said on the floor here tonight, failure is simply not an option. It is critically important that we establish a stable, free, and democrat Iraq; and we cannot do that without this supplemental.

Now, some would divide it. Some would say, well, I will support the military side of these funds, but I will not support the funds for reconstruction. As also was said here earlier tonight, not only is that a dangerous distinction; it is a distinction which could cripple us.

I was in Iraq in August of this year. I spent 3 days in three different cities in that country; and I heard firsthand from our troops on the ground and their commanders that the reconstruction of Iraq, that the money to help the people of Iraq is critically important to our mission there and that without it, we cannot succeed. But, more importantly, our colleague, the gentleman from Georgia (Mr. MARSHALL), a Democrat, said it more eloquently in a debate we had here on the floor earlier this year when he said that he was in Vietnam when there was an effort by the locals to kill our troops, and he said, the best ally we can have in any war of that type are the locals, the people there. And he said, it is absolutely essential for our troops in Iraq today to have the support of the Iraqi people. So that when an improvised explosive device is planted by our enemies there, the terrorists who seek to kill us and to oppose us there get help from the local public.

Now, some also would say we should make this a loan, and I strongly oppose that idea. The reality is to make this a loan would send the exact wrong message. America must prove today that we are a strong and stable ally and that having committed to the people of Iraq to get rid of Saddam Hussein, we will remain until there is a strong and stable nation there. To make this into a loan now would prove what the world has said, and that is that we went there solely for our own purposes.

But there is a more important reason not to make it a loan. We will go to a donors conference in Spain in just a few days. If the United States is not willing to grant its funds without requesting repayment, no nation in the world will grant their funds, and we will burden the Iraqi economy and it will fail.

We have learned this history in the past. At the end of World War I, we failed to rebuild Europe and we paid the price for it. At the end of World War II, we agreed to rebuild Europe, and we had a long and stable ally. At the end of the struggle in Afghanistan to throw the Soviets out, we abandoned the people of Afghanistan. This lesson repeats itself through history.

I urge my colleagues, we owe it to the Iraqi people, we owe it to our friends in the Muslim world, we owe it to our grandchildren and their grandchildren to oppose terrorism in this world by proving that we are a strong and stable ally, that we are not there for just our interests. We are there to help the people of Iraq and the people of the Middle East, and we will not leave and we will not fall short of our commitment until a stable and strong government has been established in Iraq with a free and democratic people. And then the world will understand that America keeps its word.

Mr. Chairman, I urge my colleagues to support the supplemental and to strongly oppose any amendment to make it a loan.

Mr. OBEY. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I cannot help but respond to some of the previous speaker's comments. The previous speaker quoted accurately President Kennedy who said that we would "pay any price and bear any burden in the defense of freedom." That is a wonderful phrase. But my question is, what do you mean by "we," "we" will bear any burden?

I want to know who is bearing any burden in this society for this effort right now, except for the troops and their families. How much of a burden are the politicians in this Chamber bearing? They are not facing up to the tough choices that are necessary to finance this war. How much of a burden are we asking the most well-off and privileged people in this society to pay, when the majority party and the White House insist on guaranteeing that, despite the need to pay for the war, they will still, that top 1 percent of earners will still get on average a $130,000 tax cut, rather than the $52,000 that they would get under the Obey amendment, those who make $1 million a year I am talking about?

If we are going to quote John Kennedy, let us live up to the spirit of Kennedy's remarks and support shared sacrifice for everyone, not just those who are serving in the military.

Mr. KOLBE. Mr. Chairman, I am pleased to yield 4½ minutes to the gentleman from Marietta, Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I rise in strong support of this emergency appropriation to pay for this ongoing war in Iraq.

The gentleman that spoke before me talked about taking exception to some of the comments that were made, and I want to do the same thing. As I sat here and listened and continue to listen to the debate, over and over again I hear this phrase, Mr. President, what is our exit strategy? Mr. President, what is our exit strategy? To me, exit strategy is nothing more than a euphemism for cut and run.

I do not think we need to remind the Florida Marlins last night that if they had an exit strategy at the end of the seventh inning, they would not have won that ball game. You do not pull your team off in the third quarter or the seventh or eighth inning of a ball game, no matter how far you are ahead. You are not thinking about an exit strategy; you are thinking about the determination and the will to win. That is really what we are talking about here in making this emergency appropriation to continue until victory is ours.

I am strongly in support of both parts of this bill. The $66 billion for our troops, giving them the resources necessary to succeed in the war on terror and protect them from terrorist attacks, including, as an example, armored Humvees to better protect our forces, lifesaving body armor, equipment, weapons, ammunition, better housing for our troops, yes, and to continue the increased monthly rate of imminent danger pay and family separation allowances that this bill calls for. And then $18.6 billion for the continued relief and reconstruction of Iraq. I do not think that this is any less important. As my colleague, the gentleman from Georgia, said earlier in his remarks, this is an investment in democracy, security and law enforcement, justice, public safety, and a civil society, infrastructure, water resources, electrical generation, distribution infrastructure, roads and bridges, health care; and, yes, Mr. Chairman, it is important, as the distinguished chairman of the Committee on Foreign Relations, the gentleman from Illinois (Mr. HYDE), mentioned at the outset of this discussion, this needs to be a grant and not a loan; and he gave us a good history lesson, as did the gentleman from Minnesota (Mr. KENNEDY).

A loan with possible interest fees risks serious harm to America's image in the Middle East and Iraq. Heavy debt repayments could become a destabilizing political issue in postwar Iraq and could easily be exploited by anti-American factions. It is likely that the Iraqi people will view the loan as a way for the profiteering American invaders to make money off of Iraq. A loan burden also would likely stifle any significant economic development in Iraq. With the added burden of interest payments to the United States, the Government of Iraq will be limited in its ability to invest in its new market-based economy.

Mr. Chairman, we cannot expect the Iraqi people to pick themselves up off of the ground if we have got a boot at the back of their neck. It is very important that this be a grant and not a loan. We cannot expect other countries that are debtor nations, some which are owed $8 billion and $10 billion from Iraq, and we can say that, well, that debt was with Saddam Hussein. Well, it was not Saddam Hussein who signed a personal note to secure that debt; it was the country of Iraq.

So I just want to say in closing, Mr. Chairman, that the people in the eleventh district of Georgia that I represent are very supportive of not only the ongoing military effort, and that will continue until we win the battle and then we will talk about an exit strategy, but they are also in favor of reconstructing the country of Iraq. I am fully supportive of this emergency appropriation, and I urge all of my colleagues to support it.

□ 2115

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise tonight to talk about the brave men and women who are fighting in Iraq at this very moment, the hundreds who lost their lives and the thousands who have been wounded. Despite the fact that Congress appropriated $310 million in April, nearly one-third of the troops in Iraq have not been issued vests that are strong enough to stop bullets from assault rifles, nor have they been issued hydration systems to protect them from the searing heat of the desert.

In fact, many families have resorted to sending protective bulletproof vests and Camelbak hydration systems to their sons and daughters stationed in Iraq. No family should be paying extra to keep their loved ones safe. The Federal Government has this responsibility. After all, who sent these young people to war in the first place? Certainly not their families.

In August of this year, Mr. Chairman, I stayed in Bethesda Naval Hospital where I visited with wounded men and women and their families who have never in their lives expected to be harmed the way they were and who will never again experience the world in the same way as a result of this war.

We do not talk about the impact of this war. In fact, we do not talk about the impact of any war on the wounded and their loved ones. I met with individuals who had lost limbs, their sight, their hearing, parts of their beautiful faces, and we are not providing the best equipment available.

It is pretty simple: If we are willing to spend another $65 billion to keep our troops in danger, then we must care enough to bring them home, bring them home safely, bring them home soon, and support them after the war.

Since I see no real commitment to doing this from the administration, and I see no real reason for being in Iraq in the first place, I will be voting no on the supplemental.

Mr. KOLBE. Mr. Chairman, would you give us the amount of time remaining on debate.

The CHAIRMAN pro tempore (Mr. BASS). The gentleman from Arizona (Mr. KOLBE) has 1 hour 13½ minutes.

The gentlewoman from New York (Mrs. LOWEY) has 1 hour and 39½ minutes remaining.

Mr. KOLBE. Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I rise tonight in very strong opposition to this $87 billion installment payment on the war in Iraq. Like all of my colleagues, I support our troops. And I must remind my colleagues that I am the daughter of a career military officer, and, as such, I could do nothing less.

My heart and my prayers go out to our troops and their families. I want to see them safe at home. I want to see them reunited with their families as soon as possible. In the meantime, I want them to have the health benefits that they deserve, the bulletproof vests that they need, and the basic supplies that they have been denied.

I want to know that our wounded and that our veterans receive proper treatment and proper respect. But we do not protect our troops, and the Congress will not have done its job if we blindly sign this $87 billion check. We have not had an accounting of how the last $78 billion was spent. And we still do not have anything close to sufficient proof that the allegations raised by the administration that Iraq posed an imminent threat to the United States was real.

We do not have an exit strategy that leads the Iraqi people to control their own government, their own resources, and their own obligations that leads us out of this quagmire. We have none of this. We did not have to go down this path. We could have pursued containment and inspections, multilateralism and saved hundreds of American lives and potentially hundreds of billions of dollars.

We have urgent, unmet needs here at home. We have schools here that need to be constructed and reconstructed, housing that needs to be built, and jobs that need to be created.

Mr. Chairman, 44 million Americans have no health insurance. We had choices before we went to this war, and we have choices now. We should not appropriate another cent without a clear vision of how and when the United Nations will assume real authority over the political and economic transition in Iraq and how and when American troops will come home.

As Dr. Martin Luther King said, even though this is not his birthday month we must remember what he said throughout the war, he said, In the wasteland of war, the expenditure of resources knows no restraint."

Now, we owe it to our children and grandchildren not to mortgage their future. I will vote no on this bill.

Mr. KOLBE. Mr. Chairman, I continue to reserve my time.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 2 minutes to the distinguished gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, today I rise also in strong support of our men and women who currently serve us with their uniforms that they so proudly wear in Iraq and Afghanistan, but I also have serious concerns about the President's supplemental request.

The administration's $87 billion request fails to outline what I believe is a concrete plan for our soldiers' and our country's involvement in Iraq. We currently have, as you know, over 40,000 troops in Iraq who lack protective body plates and about 46 percent of the spare parts the Army needs, but this bill has no plan to address these urgent needs. We also have about 37,000 noncitizen soldiers, many of whom come from our districts who serve in our military, including about 3,000 noncitizens who are serving right now in Iraq. These soldiers deserve to be granted citizenship since they are protecting and defending our country. But this bill has no outline or plan for expediting their citizenship.

This past weekend, Members, another one of my constituents, Private First Class Jose Casanova was killed in Iraq. He deserves a better plan. He deserves a guarantee that he is going to be taken care of and his family will be taken care of.

The Iraq supplemental outlines a $21 billion reconstruction plan for Iraq, but we need reconstruction here at home. I say that because in the county that I represent, Los Angeles County, we are faced with over an $800 million deficit that we will have to somehow pay for in the next 2 years. The deficit has caused the closures of 11 clinics, health clinics that will now deprive hundreds, if not thousands, hundreds of thousands of people without medical help and treatment in our districts. But this bill has no plan for reconstruction to restore those health clinics in our districts.

Mr. Chairman, that is why I rise today to say that I am strongly against this appropriation and urge my colleagues to follow suit.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to respond to one thing that was said by the gentlewoman from California (Ms. SOLIS) when she said that there was no money in this bill that would protect our soldiers in Iraq. I am sure she just may not be aware, has not had time to examine the bill or the report carefully enough, but let me just remind my colleagues that, as contained in the report here, I am reading from the report, and this is the language that the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from California (Mr. LEWIS), the ranking member and the chairman of the defense subcommittees, who have three-fourths of the dollars put into this bill, and that is the language of their report, they say, The committee recommends significant increases in this bill to purchase protective body armor, improve portable radio frequency jammers, spare parts, and other critical items."

Moreover, the committee directs the Department, and, in particular, the Army, to fully fund requirements identified under the Soldier Enhancement Program, the Centralized Funding and Fielding Activity, and other accounts designed to expeditiously field new equipment to soldiers.

The committee directs the Department to use funds approved in this measure to increase the availability of modern hydration systems to soldiers in the Iraq theater.

So, Mr. Chairman, it is simply not accurate to say that there is not money in this legislation which would enhance the protection and the quality of life of our soldiers who are serving us so well in Iraq. There is money in there, there is a significant amount of money in there. And the defense subcommittee has shown that it is very aware of the problems that have existed there and have addressed it with the legislation that we have before us this evening.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the very distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise today to join many of my colleagues, patriots all, who are refusing to be rubber stamps for President Bush's failed policy in Iraq, who say "no" to an $87 billion blank check for an ongoing war and occupation with no end in sight and no plan to get there.

I support our troops, and I am proud of their professionalism, dedication, skill and sacrifice. But because Americans awaken nearly every day to hear the name of another dead soldier, because I have met with our brave patriot soldiers who are now recovering from devastating wounds at Walter Reed, and because more than a billion is being borrowed every week to finance this war of choice, I feel an obligation to demand accountability before another cent is authorized at this time.

I, for one, will not be an enabler to an administration that clearly cannot be trusted with our treasure, our lives, and those of the Iraqi people.

The most galling part of this debate is that the Bush administration and Republican leaders are blackmailing Members of Congress to vote for this blank check with the threat of being accused of not supporting our troops. Yet it is they who are guilty of tragically disregarding troop safety and comfort and betraying our veterans.

I, personally, have talked to mothers and relatives who are sending their soldiers huge packages every week that include items like sunscreen and insect repellant, shampoo, and sanitary napkins because the administration did not make plans to provide these items. Worse, over 40,000 of our soldiers were sent to war without modern body armor, without quality boots, without jammers that block the signals between bombs and detonators. Fully 46 percent of the spare parts needed by the Army are not available.

Now, some will say that is why we need more money, but General Myers said it is not lack of money that they do not have flak jackets. He says it is lack of capacity to manufacture these vests. I say it is lack of priorities. Newly released information today says that the money is not needed until May or June. I say vote no.

Mr. KOLBE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Chairman, I was unable to speak when my colleague from Washington State asked a question about how we pay. Even I will follow up with this question. How did we pay for the Marshall Plan after World War II when we obviously were in debt in paying for the world effort? How did we come up with the dollars to enact the Marshall Plan? Well, we borrowed against future resources. And that is exactly what we will do today. And we will do that in the passage of this legislation.

The gentleman from Illinois (Mr. HYDE) spoke earlier on this debate and he mentioned Santayana, those who failed to learn from history are doomed to repeat it. He recited World War I and the reparations moving us into World War II, and I think it is very credible debate.

And a part of the discussion to say if we continue to load down Iraq with massive foreign debts and debts to us, it is a credible debating position to say we may be doing World War I provisions in reconstruction this war, and not the successful application of the history defined by World War II.

And I would like to be on the side of doing the job right and bringing the needed money, not holding additional debt over the Iraqi people, and allowing them transition to a vibrant, democratic institution and economy.

I wish every Member of the floor of the House had a chance to go to Iraq before this debate. I was one of the fortunate folks that was available to visit.

□ 2130

And I do think a lot of the opinions would be changed. I think you do see the applications of some success. I had questions like everybody else, and I wanted to talk to my colleagues and friends. I have classmates over there. I wanted to talk to the Iraqi people. I wanted to see the economy. I wanted to see if there was a vibrant middle class trying to emerge, if there was entrepreneurial spirit starting to develop, and you can see that on the sides of the street. You can see individual vendors selling gasoline. You can see small shops developing. They have traffic jams. One of the biggest problems in Baghdad now is traffic, and a traffic problem says things are moving in the right direction.

But there are great challenges. I am not going to be a person that says the media is doing wrong by highlighting the sacrifices that our men and women are making every day. Because as a veteran, as someone who has, again, classmates serving over there, the world needs to know and our citizens need to know when our friends and our neighbors and our constituents are paying the ultimate price for freedom; and they are doing it every day, and we need to continue to tell that story. But there is more to the story.

Let us tell that story, but let us also tell the additional aspects of the story and what is occurring in there and in the great opportunities we have.

The field commanders who briefed us, the major military aspects of the campaign are over. Battalions are not maneuvering, divisions are not maneuvering. We do not have tanks rolling. What we do have are security breaches and terrorist attacks. So how do you win against that? How do you affect the change? How do you continue to win the hearts and the minds of the Iraqi people? The Iraqi people are asking for a minimum standard of living and basic security issues addressed. And when you are comparing what we have in the United States versus what the Iraqi people have, you are comparing apples to oranges. And that is why I would encourage all of my colleagues to make a trip, visit our troops, check with the Iraqi people and talk to them personally because I think a lot of opinions would be changed.

The field commanders want to continue to move forward on the minimum standard of living issues and the basic infrastructure needs to continue to show the good faith that the United States is there, committed to help transform over 30 years of a totalitarian regime to a thriving democratic institution with free market principles which has the opportunity of changing the whole face of the Middle East. And they are asking for it. Our field commanders say this is the best way that they can finish and win this war and is the quickest way we can get our troops home. And I think this debate is about delivering to the folks that are asking for that need.

Let me finish by relaying my discussions with four soldiers from Illinois who serve in the 101th Air Assault Division out of Fort Campbell, Kentucky. This is at a dinner in Mosul. I asked each one of them, I am going to be asked what to relate back to the floor of the House and what to relate back to citizens back in Illinois. If I am going to take back one thing from each one of you, what do you want me to tell? One sergeant, E–5, Hispanic American from Chicago, said, the Iraqi people are not getting the same care as us. I have made a friend who is an Iraqi driver. He has been injured. The care he is receiving does not equate to what an injured soldier would receive.

That spoke volumes to me. What that spoke to me was that this sergeant E–5 had made a friend and was concerned about the health and welfare of an Iraqi citizen.

The second, a female, African American, E–5, said, the family is important for us to maintain our strength in serving here in Iraq. So tell the families out there to stay supportive of the troops. So this is my ability to do that to the families and I think the larger family, and the larger family is here. And I think we need to do that here on the floor.

The third one who is a Reservist lieutenant colonel from southern Illinois said, America must be patient. We are a very impatient country. We want things done now. And he says, this is going to take time.

The last one, another lieutenant colonel, active duty, said, tell the people in America that we are willing to pay the price. We are willing to pay the price for freedom in Iraq.

So I will just end, those four comments spoke volumes to me. So as I close, Mr. Chairman, I think that sounds like good advice. I think we need to continue to care for the Iraqis. And I think we need to stress the importance of staying united especially on the issues that when we cross the ocean boundaries and we have soldiers deployed in harm's way, we have to stay united.

I think we need to be patient, but everybody wants to push this rapidly. We all want to go rapidly, but you do not want to go so rapidly that things fall down like a house of cards.

We have the best military in the world, and they are doing incredible work under tough conditions. And they are willing to pay the price for freedom in Iraq and for freedom in the United States of America. Let us support them. We can really do no less.

Mrs. LOWEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise tonight to express my strong opposition to this $87 billion appropriations request.

While all of us believe that we must provide enough money to ensure that our troops are safe, the Congressional Research Service has calculated that if the Army continues to use resources at the current pace, it can fund military personnel requirements in Iraq, Afghanistan and elsewhere throughout the end of May 2004, even if we do not appropriate one more dime for Iraq. And operational and maintenance funding should last through March 2004. There is no justification for this $87 billion supplemental appropriations bill, and I will not support it under any circumstances.

After months of misleading the American people, this administration cannot account for the $79 billion that has already been provided by Congress.

Mr. Chairman, this President has mismanaged this costly and unnecessary war. They cannot account for American taxpayers' money already spent, and this administration has been caught with misleading and untruthful actions, and they are now being revealed. And now the President has the audacity to be angry with the media because they report to us on the continuous killing and maiming of our soldiers.

Mr. Chairman, we need the truth about what is going on. Our soldiers are being picked off one by one. The President made this big flashy and costly announcement that the war was over. What a terrible miscalculation; 183 soldiers have been killed since that announcement, more than during the war.

We do not need to give this administration 87 billion more of the taxpayers' dollars. We do need an exit strategy. It seems so easy for some of my colleagues to get up and talk about we cannot afford to cut and run.

Mr. Chairman, we are talking about risking the lives of America's young people in Iraq. And someone has got our soldiers signing form letters talking about how well things are going. That too has been revealed. Yes, we do need an exit strategy. And we also need a domestic agenda for America. We need to create jobs, repair our roads and highways, and build schools and health clinics. I do not begrudge the Iraqi children and families education and health care; but Mr. Rumsfeld, Mr. Wolfowitz, Mr. Powell, and Ms. Rice told the American people the Iraqi infrastructure could be rebuilt with Iraqi oil revenue. Well, we find that is not true.

I am tired of the lies and spinning by this administration. We must deny this administration the ability to borrow more money, create more debt, weaken our economy, and continue to cause the loss of lives of our precious young people.

Mr. KOLBE. Mr. Chairman, I yield 4½ minutes to the distinguished gentleman from Huntington Beach, California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of H.R. 3289. And what we are doing in Iraq is a noble endeavor. It is in our interest to stand tall and, yes, even to fight and to promote freedom throughout the world. It is especially important for us to promote freedom in those dictatorships that threaten our country or are run by tyrants who hate our country.

Our military has done a magnificent job, and we need to give them what they say they need to do their job and to come home safely. Thus, there should not be any debate on the $66 billion that is being requested. They say they need it. Their lives are in danger. We must step forward. They have stepped forward for us.

Our President is taking care of business. He has made the tough decisions to do what is necessary to secure our country and to make sure that we are safe in the years ahead. I wish that was the case in the past administration. I think many of the challenges we face today were left to us by jobs that should have been done in the past.

Saddam Hussein hated America for what it did to kick him out of Kuwait over 10 years ago. And when I just said the previous administrations, I hope you just do not think I mean Democrats, because George Bush's father, George Bush, Sr., did not do the job right and left us with Saddam Hussein in power.

So let us reflect that we did not do the job then, but let us just not place blame and say that means we should not be doing it today. No. The mistakes of the past should mean that we need to make sure we do what is right today so that America is safe in the future and that our children 10 years down the road will not have to face this same kind of problem because we cut and run, because we nit-picked our President at a time when he made the decision that should have been done 10 years ago.

Saddam Hussein was a man who hated us. He hated us. He was an enemy to the United States of America. He was a murderer to his own people. He pillaged and destroyed his own economy, and that economy should have been very prosperous; but instead he pillaged and stole from it. And now that country is very poor and needs our help.

America is safer. The people of Iraq are better off because of America's courage, our commitment, and, yes, our leadership.

I support this bill, $66 billion in the supplemental that will help rebuild our military or bolster them at this pivotal moment. I will be voting for this bill, for the supplemental, H.R. 3289, even if my amendments are not made in order. But I have some serious problems with that part of the bill that provides $18.6 billion in reconstruction for Iraq, and it has taken the form, as the administration is giving us, as a grant, a gift, a giveaway to the people of Iraq.

Now, let me note Iraq is probably in essence one of the richest countries in the world. They have the third largest oil reserves now that we know. And, in fact, in the future we may find they are the most plentiful in oil of any country in the world. Why should we be borrowing money when we are in debt by $400 billion a year, almost $500 billion in deficit spending right now, why should we borrow and then give a grant to the Iraqis, which when they get back on their feet they will not have to repay, but our children will then have to repay? That is ridiculous. That is an absolute absurdity.

And I will present an amendment tomorrow that makes the reconstruction effort belong to the Iraqi Government, or the Iraqi people, of $18.6 billion. And if I am ruled out of order, I will offer another amendment to cut that funding from the budget.

If that is ruled out of order, I will offer another amendment which will just cut from the budget $18.6 billion in the reconstruction part of the bill. And believe me, if we vote for that, within a few days the administration will come back with a loan package because the Senate will probably vote for that anyway.

Let us keep faith with the American people in the long run. Let us make sure that everybody does their part, not just the American people having to bear this burden by themselves. And I would ask my Democratic colleagues as well as my Republican colleagues to please join me on the Rohrabacher amendment.

Mrs. LOWEY. Mr. Chairman, I yield 2½ minutes to the gentleman from North Carolina (Mr. PRICE), a distinguished member of the Committee on Appropriations.

□ 2145

Mr. PRICE of North Carolina. Mr. Chairman, our Nation faces a tremendous challenge in Iraq and Afghanistan, with troops in the field and the threat looming of a reversion to tyranny or chaos. Because we cannot walk away from the need to sustain our troops and to stabilize these countries, I voted to report this bill from the Committee on Appropriations. But the Bush administration's Iraq policy has been marred by appalling failures of planning and execution and something close to a diplomatic meltdown with long-time allies. We must correct this course. The first step that this House must demand is an accounting of funds thus far expended, a more detailed justification for the present request, and an honest estimate of costs yet to come.

I am pleased that the Committee on Appropriations improved the President's request in significant ways, providing critical new equipment for troops, including body armor and communications equipment, and eliminating funding for questionable and overpriced projects such as prison construction.

The committee adopted additional provisions offered by the gentleman from Maryland (Mr. HOYER) that would require the administration to provide detailed justification to Congress on the use of appropriated funds in Iraq and Afghanistan; would require an analysis of the impact of military operations on our troops and overall military readiness; and would mandate open and competitive bidding for rebuilding contracts.

Despite these improvements, much still needs to be done. The administration must explain to Congress and American taxpayers how the $87 billion, every penny of it borrowed, is to be paid for. It is neither fair nor fiscally prudent to leave in place, much less to extend, massive tax cuts for the wealthiest 1 percent of Americans, cuts that have helped produce unprecedented annual deficits and that mock the very idea of shared sacrifice. We also need to secure greater international cooperation in the reconstruction effort in Iraq. These ideas were incorporated in amendments offered in committee and defeated along party lines, but we must and we will press them further during floor debate.

Success in Iraq and the means by which we achieve it are fundamental to the United States' overall foreign policy strategy. This effort affects our relations with nearly every nation around the world, and should, therefore, not be divorced from those charged with developing and maintaining these relationships, the Department of State. While the Department of Defense adeptly demonstrated its prowess in securing a military victory in Iraq, it is not designed for the art of nation-building nor is it sensitive to the requirements of diplomacy around the world.

For this reason I plan to introduce legislation along with the gentlewoman from Connecticut (Ms. DELAURO) to establish an Iraq Reconstruction Coordinator within the Department of State. It is now time to place experts in diplomacy and nation-building in charge of the reconstruction, and to allow the military to operate within its area of strength: security. This will help the United States build a true multinational coalition to support reconstruction, and bring our efforts in Iraq in line with other foreign policy objectives. I urge my colleagues on both sides of the aisle to support this legislation, so that our Nation can move beyond the quagmire that confronts us.

Mr. Chairman, there is too much at stake to turn away from Iraq before the job is done. But there is also too much at stake to continue along the same self-defeating course. Congress must reassert itself as a coordinate branch of government, calling this administration to account and getting our policy in Iraq and the entire Middle East on a more positive and promising course.

Mr. KOLBE. Mr. Chairman, I yield 4 minutes to the gentleman from Kennedyville, Maryland (Mr. GILCHREST) who is from the Eastern Shore, and over there common sense is the rule of the day. So I am anxious to hear what he has to say.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Arizona for yielding me the time.

The gentleman from Arizona will remember about 12 years ago we traveled to southeast Asia, and one of the countries we visited was Cambodia, and we talked to a number of people in Phnom Penh, the capital of Cambodia, only a very short period of time after Pohl Pot and the Khmer Rouge had ravaged the country. And we were discussing the issues with these former members of the Khmer Rouge who were forced to be the members of Khmer Rouge, and they were stricken with utter fear. They asked us the question, where were you when we needed you. If my colleagues will remember their history, it was the Vietnamese who went in and relieved the burden of that suppression from the Cambodians.

Today, we are relieving the burden of fear and oppression for the Iraqis from a regime that has the psychology of serial killers.

I recently went to Iraq with the delegation of eight Members. Four Members on this delegation voted against the resolution to give the President the authority to use force, and they were going to vote against this $87 billion package because they felt that we had not planned the war appropriately and did not plan for reconstruction and did not allow the State Department and other agencies in the Federal Government not associated with the military more access to the reconstruction in Iraq. Four of the eight Members were going to vote against this $87 billion. They are now voting for the $87 billion, the $60-some billion for our troops and the $20 billion to further reconstruct and bring democracy to the Iraqi people and here is why.

What we found out when we went to Iraq was that the planning to reconstruct Iraq was almost entirely done a year ago. In the last September-October time frame, this government looked at what was going to be needed, and they began putting that together. Right now, there are 11,000 construction projects underway.

To mention just a few, 1,600 schools were completely rebuilt and refurbished with the children with uniforms, with desks, with chalk boards, with books, materials ready for the school to be productive. The power plants are being rebuilt so there is now more electricity in Iraq than there was before the war; 150,000 tons of wheat have been harvested in Iraq as a result of the irrigation projects that were put in place last spring as a result of the Agriculture Department being involved in this productivity.

What we have seen was a total integration of the military, the State Department, the Agency for International Development, the private sector, a whole range of organizations that are in Iraq today bringing prosperity, bringing support and security for our troops, making Iraq an example for the rest of the Middle East.

Mr. Chairman, I would like to close with this comment, and there are a lot more positive stories that can be told. The situation in Iraq and the United States and the rest of the world, we are facing a fork in the road. If we take the wrong turn, we will allow Iraq, and subsequently the rest of the Middle East, to decay into radical religious oblivion and suppression. If we take the right turn, there will be a new renaissance of science, technology and human expression never before seen in the Middle East.

I urge my colleagues to vote for the full supplemental.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I want to thank the gentlewoman for yielding me the time.

I rise in favor of the Obey substitute and in opposition to the President's $87 billion appropriation request for Iraq. I am not in opposition because it has been proposed by the Commander in Chief. I am not in opposition because I do not think that we should not help rebuild Iraq. We tore it down; therefore, we should help to build it back.

I am not in opposition because some major companies are going to make a lot of money. Bechtel and Halliburton should be able to make money. Some people call it profiteering, but since it was supposedly for Iraq, then local Iraqi businesses and contractors should also be able to make money. Small businesses, minority-owned businesses, women-owned businesses and others should be able to provide services and make some of the money.

I am, however, opposed because all of the spending that will result from this $86.9 billion appropriation will be added to the public debt, the debt that would not be necessary if we were operating with rational tax and trade policies.

I unequivocally support our troops, and I would love to vote for this supplemental to help rebuild Iraq, but I also would love to vote for health care for the millions who are uninsured. I would love to vote for affordable housing for millions who live in squalor. I would love to vote for the thousands and millions of poor children who need Head Start and cannot get it. I would love to vote for the thousands of young men and women in central city communities all over America who cannot find jobs and stand on the corners hollering crack and blow, pills and thrills and end up in prison for practically all of their lives.

So, Mr. Chairman, I support our soldiers, but I cannot vote a $27 billion blank check to rebuild Iraq and nothing to rebuild the south and west sides of Chicago, Maywood, Ford Heights and other disadvantaged communities all over America. We need a more balanced approach to priority spending.

I support the Obey substitute and oppose the President's request.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank the gentlewoman from New York for yielding me the time.

I rise today to voice my concern over the President's $87 billion supplemental request and the failure to plan for postconflict peacekeeping and reconstruction in Iraq. In short, the administration has failed the American people here at home and the brave men and women who are serving overseas.

In the months leading up to the war, we were repeatedly told that this war would be swift; that the loss of American life would be minimal; and that the costs of the war would not impose a burden on the American taxpayer because Iraq had sufficient reserve to finance its own reconstruction. Deputy Secretary of Defense Paul Wolfowitz said, There is a lot of money to pay for this that does not have to come from U.S. taxpayers. We are dealing with a country that can really finance its own reconstruction and relatively soon.

Now, we are faced with the chilling reality that the opposite is true. Over 320 Americans lives have been lost, and guerrilla war has escalated because the administration failed to admit the scope of the challenge we have on our hands, and of course, costs are skyrocketing.

If we approve this supplemental, the United States cost of war to date will reach $141 billion. Some say it could reach $237 billion, some $418 billion, but the most glaring truth is that we cannot afford to lose and that our window to win the peace is quickly shutting.

We not only have a moral obligation to help rebuild Iraq, but it is in our best national interest to facilitate the transition to a stable democratic and economically self-sufficient Iraq. We should have had a plan in place 6 months ago. We should have had a clear exit strategy. We should have had coalition partners lined up and ready to go. We should have prepared our troops for the tasks we are now asking them to face, and now we have to make up for lost time.

Our first priority should be to get our troops the resources they need to complete their missions swiftly, transfer power to Iraqis and return home.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes and 10 seconds to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Chairman, 2 months ago, I had an occasion to give a commencement speech in the rural part of my District. And after the speech, a woman walked up to me; she had tears in her eyes, and I assumed that she was crying about the graduation of her child that day, but she walked up to me and she looked at me and she said, Mr. DAVIS, I have a husband who serves in the Army National Guard. He has been in Iraq for 2 months now, has been in the Middle East for about a year, and every morning I get up and I turn my television on CNN, and I see that another American life has been lost, and for a span of a few seconds my heart jumps up into my throat, and I wonder until I see the name.

When I spoke to that lady, Mr. Chairman, I could not talk with her about the geopolitics of our commitment in Iraq. I could not talk with her about whether or not it was right or wrong for us to engage this conflict because I do not think that she terribly cared. She, like so many other Americans, though, was searching for a solution to this conflict.

I would like to be able to say to her that if her family and her husband are asked to sacrifice, that the sacrifice is not just limited to the middle ranks of this country. I would like to be able to say, as the ranking member of this committee said earlier, that if some are asked to pay any price or bear any burden that that will include some of the wealthiest Americans whose taxes have been cut in the last several months.

I will vote against this supplemental as it currently stands for a very simple reason. It is unfair to ask families like that of the woman that I encountered in Perry County, Alabama, to sacrifice, when we cannot even ask families who are earning over $300,000 to forego a tax cut that most of them never really sought.

This is a time when we have to decide the direction of our foreign policy, but our foreign policy has to be consistent with our values. Our values, and it ought to be the values of the Bush administration as well, do not dictate that we ask sacrifice of only some people. They dictate that we ask sacrifice of those who can most afford to pay it, and I urge my colleagues to vote against this resolution unless the administration can provide a means to pay for it.

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Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. DELAHUNT), a member of the Committee on International Relations.

Mr. DELAHUNT. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I do want to associate myself with the remarks, the very eloquent remarks of the gentleman that preceded me, the gentleman from Alabama (Mr. DAVIS). I think he caught something when he spoke about our values.

But let me speak just for a minute about an issue that was raised by the gentleman from California (Mr. ROHRABACHER). We are told this must be grants, not loans. But as others have indicated, just a few months ago it was Deputy Secretary of Defense Paul Wolfowitz who was telling us, telling the American people, that Iraq could finance its own reconstruction. I guess my question is: What happened? What has happened to change that particular dynamic?

I look forward to supporting the amendment of my friend, the gentleman from California, tomorrow. I would again want to congratulate the gentleman from California for indicating that this is not a partisan issue. It is not about Clinton, and it is not about Bush One and President Reagan; but when the gentleman served in the White House, this government supported Saddam Hussein and we provided billions of dollars worth of loan guarantees to Saddam Hussein. Now we are talking about grants, about gifts; and we are asked not to question these numbers. But our own appointed Iraqi governing council tells us that they can do it much cheaper.

Just recently, there was a report in The Washington Post that said clearly and unequivocally, by a prominent member of that committee, and that sentiment is shared by those 25 members, that we can do it for 10 times less. For every billion dollars you spend, they say we will spend $100 million. We cannot in good conscience support this request.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2½ minutes to the distinguished gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Chairman, we have already appropriated about $65 billion for Iraq, and now the President is asking for $87 billion more. The President wants to do this at a time when he is seeking to increase the copayment for veterans on their prescription drugs from $7 to $15 a prescription. The President wants $87 billion for Iraq when he wants to impose a $250 annual enrollment fee so that veterans can participate in veterans health care. They are excluding priority 8 veterans and saying you cannot even enroll in VA health care now because we do not have enough money. Yet he wants $87 billion more for Iraq. The President has threatened to veto a bill if we get rid of the disabled veterans tax, but he wants $87 billion for Iraq.

This administration has given gold-plated, unbid contracts to the President's and the Vice President's friends at Halliburton, and now he wants $87 billion more. The President wants to build schools in Iraq, but he will not ask his wealthy contributors to reduce their tax cuts so that we can pay for those schools. No, the President wants to build schools in Iraq, and he wants to give the bill to America's children to pay for those schools.

We are being told we must support this in order to support our troops. But the truth is we sent young Americans into battle, and some of them have lost their lives and been seriously injured without having protective vests. I got a letter from a young West Point graduate in Baghdad saying, "Congressman, my men are wondering why they have the cheap vests. Shame. Shame."

Mr. Chairman, I resent the fact that the President and the leadership in this House are using our troops as leverage. They are using our troops as hostages in order to extract $87 billion out of this Congress for Iraq. I support our troops. We all support our troops. That is not the issue. The issue is whether or not we are going to support the misguided policies of this administration. I will vote "no" on this unwise request.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I want to agree with my colleague, the gentleman from Ohio (Mr. STRICKLAND). I say that it is time to support our troops. We can best support our troops by bringing them home, by having the U.N. become involved. Bring the U.N. in and get the U.S. out. Support our troops; bring them home.

If we support $87 billion on the next installment of our involvement in Iraq, what we are doing is supporting the continuation of the presence of American troops in Iraq. Make no mistake about it, this is only the second of many installments. There have been projections that the American presence there could cost now at least $245 billion. There are other projections that say it could be many hundreds of billions of dollars more.

I presented for the consideration of Members of this House a plan that would get the U.N. in and the U.S. out, and the features of this plan are as follows:

Number one, we go to the U.N. with a resolution that would permit the United Nations to handle all of the oil assets of Iraq, without any privatization, to handle that on behalf of the Iraqi people; number two, to handle all the contracts in Iraq without any sweetheart deals on behalf of certain select contractors; number three, to have the U.N. handle the cause of new governance in Iraq. It is time for the United States to rejoin the world community. In doing that, we can rotate U.N. troops in and U.S. troops out.

It is time for us to rejoin the world community in the cause of stabilizing Iraq. You know and I know that the longer our troops are there, the more of them will not come back alive. The longer our troops are there, the deepening of the American involvement in Iraq will continue. This is the time for us to take a stand. Vote "no" on the $87 billion. Vote to bring our troops home. Vote to get the U.N. in and the U.S. out. Vote "no" on the $87 billion.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Before moving for the committee to rise, I would like to take just a few moments. Mr. Chairman, I think this has been an instructive and helpful debate here tonight. But as I have listened to many of the speakers, I am reminded of my own visit to Iraq just about 8 weeks ago. In several different places, security officers who were accompanying us, troops that were out there in the field that we talked to at the mess hall, people that we talked to in different places, over and over again the message I heard from those soldiers was the same; and they said, please go back and tell the American people that it is not what is being reported.

They are also seeing CNN over there. It is not what is being reported on the news; it is much better than what they hear on the news; there are councils that are being elected; there are businesses that are being opened; there are people who are beginning to see livelihoods come back; people have the opportunity to speak out on the streets and speak out against the United States and speak out against the Coalition and speak out against their own governing council. That is something they never had the opportunity to do for all those years under Saddam Hussein.

So the message that I heard from our soldiers was please go back and tell them that this is a war worth fighting.

The question has been raised here tonight as to how it is going to be paid for. We have heard that over and over again. It is a legitimate question. But I would suggest to my colleagues that this is going to be paid for in the same way that we paid for World War I, the same way we paid for World War II, and for Korea and for Vietnam and for the first Gulf War, and for all the other conflicts that we have been involved with all these years. The money is borrowed. It is with the full faith and credit of the American people who believe in liberty, who believe in democracy, who believe in freedom for themselves and for peoples around the world that we undertake this burden of debt in order that others around the world may be free.

I would note that the percentage of debt that we are incurring is a fraction of what we incurred in past wars. Yes, it is a lot of money. But can anybody doubt, can anybody doubt that this fight against terrorism is any less important than the struggle we fought against in World War I, or the struggle we had against Fascism and Nazism and against Japanese imperialism in World War II? Is it any less important than what we fought against in Korea in the 1950s? I would say, no, Mr. Chairman, it is not less important. This is just as important. This war on terrorism is a defining moment for the United States and for the American people, and we have no choice but that we must win.

And let me close with this thought, because many have said, yes, I support our troops in the field, but I really do not think we should be spending this money on the reconstruction. I asked that question very specifically of General Abizaid when he appeared before our subcommittee, the CentCom commander, and General Abizaid said, "Make no mistake about it, you cannot separate what we are spending on reconstruction from what we spend on our military. Every dollar we spend on the reconstruction is just as important to the safety and the security of our troops in Iraq as the money that is spent on ammunition, that is spent on flak vests, that is spent on armor for our vehicles." It is just as important. We must win this war by winning the war of reconstruction, by winning the civilian part of this war.

Mr. Chairman, we will have more opportunity to discuss these matters again tomorrow as we go into general debate on the bill and then as we proceed with amendments, and I hope the debate will be an enlightening one and one that will help Members come to a good decision about what America should be doing in this region. There is no doubt in my mind what the right course of action for this body and for the United States is.

Mr. TIAHRT. Mr. Chairman, 3 weeks ago, I had to opportunity to travel to Iraq with Chairman LEWIS and several of my fellow members of the House Defense Appropriations Subcommittee.

While in Iraq, I had the opportunity to not only talk to our men and women in uniform, but also members of the Iraqi Governing Council and local citizens about the situation they are facing. Quite frankly, things are much better than what I had heard on the evening news and read in the newspapers.

Most of the national media accounts of the situation in Iraq paint a picture of a country in rubble with unwelcome American troops being attacked and killed by the Iraqi people. After spending time there, I can attest that reality is quite different than what is being reported by many in the media. Republicans and Democrats who have been to Iraq have said the same. The Iraqi people appreciate the job we are doing, and enjoy the improvements in infrastructure and security the United States is providing.

Despite what the American people are constantly told, all of the hospitals in Iraq are open, the markets are open, and the electricity is on in most places. The roads and bridges in Baghdad are actually quite good, and, with a few exceptions, the only damaged structures are government buildings, Saddam's palaces and military sites.

There is no question about the need to improve and update the country's utility, agricultural and financial infrastructure. However, this need is not due to the U.S. military action against Iraq. It is because of 30 years of neglect under Saddam Hussein.

Saddam basically spent the Iraqi oil revenue on three things: (1) his military; (2) transportation infrastructure so he could travel on good roads; and (3) approximately 85 palaces throughout the country. All of this while his regime executed, according to estimates, as many as 1.5 million Iraqis.

For these and other reasons, the vast majority of Iraqi citizens are glad they have been liberated.

One of our generals told me a story about two Iraqi children telling some U.S. troops about a terrorist ambush site. The children showed our troops where some artillery shells had been strung together with a device that could be detonated remotely. These kids helped the Americans because these same troops helped rebuild their playgrounds and their schools, got the electricity running again and were providing a way of life they had not know before. These children did not want to lose that, so they helped our soldiers, the ones who have helped provide this new life.

This visit convinced me that Congress should support President Bush's FY 2004 Supplemental request for the war on terrorism.

The first $68.1 billion of this $86.7 billion supplemental appropriations bill will go directly to our military to replace and refurbish equipment, provide additional armored vehicles and replenish supplies.

That leaves approximately $18.6 billion—which I believe should be grants, not loans—to help rebuild Iraq. As we prepare to ask the other nations of the world to forgive Iraqi debt and contribute to the reconstruction cost, the United States must lead by example. We can either be seen as liberators and allies or conquerors and opportunists.

It is also important to keep in mind that as we help the Iraqi people, we are ensuring the safety of our young men and women in uniform and building a more secure future for our children and grandchildren at the same time.

I urge my colleagues to support the bill.

Mrs. BORDALLO. Mr. Chairman, despite the most advanced technology and the best of intentions, our operations in Iraq, followed by widespread looting and sabotage, degraded that country's antiquated infrastructure and left the people fearful and helpless. The people of Guam know how hard it is to recover from liberation. Hagåtña, the capital of Guam was destroyed during World War II and has yet to fully recover. From this experience I can tell you that reconstruction is the hardest of tasks and every bit of assistance helps. If we do not follow through on our commitment to reconstruct Iraq we will have won the battle but lost the war. So I rise today in support of the Iraq Supplemental with sympathy for the people of Iraq whose liberation has left their country in chaos.

I believe a people suffering under a tyrant can be restored by democracy. I believe a Soviet style economy can be revived with a healthy dose of American capitalism. I believe that a nation that has been isolated from the international community can, in partnership with the United States, step up and regain its rightful place in the world. The Iraq supplemental before us today will work to further these aims. Iraq is a test of our beliefs, just as it is a test of the ideology of those arrayed against us.

At the same time our service men and women are not the world's policemen. They have accomplished their combat mission and should be relieved by an international peace/keeping force and Iraqis. Our Army has traditionally steered clear of law enforcement duties, which are better left to those with the special training and suitable equipment. We did not seek that role for them in Somalia, Haiti or Kosovo, nor should we seek it now.

It is an example of the best of the American people when we help another. Yet it is only human nature to express concern that similar attention is not being paid to needs here at home. Each of us in this Chamber can list the unmet needs of our constituents such as concurrent receipt for veterans or healthcare for our seniors. The debate on the Iraq supplemental should not be a proxy for our failure to address these issues. Rather, we should commit ourselves to fixing these issues in the coming days. The Fiscal Year 2004 appropriations bills are not yet passed and we have time to make amends. We should come together in the same bipartisan manner that we have gathered to consider this Iraq supplemental and work to meet the needs of our Nation.

Mr. WEXLER. Mr. Chairman, I rise today to express—in no uncertain terms—that I will not support President Bush's $87 billion request. I will not grant him another blank check. President Bush has lost my trust and that of the majority of my constituents. He has lost the trust of many of our allies and he has damaged America's credibility in the eyes of the world.

Mr. Chairman, this President has taken us to war on false pretenses—unilaterally—and with unnecessary impulse and haste. He has exaggerated claims of the imminent threat posed by the former Iraqi regime. He has fabricated an Al Qaeda-Iraq link. He has ignored American intelligence reports that Saddam Hussein did not have a massive arsenal of WMD. He has failed to make America safer or lessen the terrorist threat. He has misled Congress about the cost of this war, and he has neglected to provide us with a detailed accounting of expenditures in Iraq.

The President's $87 billion request is an irresponsible diversion of funds that should be allocated for education. veterans, prescription drugs, homeland security and healthcare. It is unconscionable that the burden of this expenditure will fall on the backs of those who can least afford it. The President has talked about sacrifice and responsibility, and I challenge him to be responsible and sacrifice a portion of his ill-conceived tax cut to pay for continued operations in Iraq.

Mr. Chairman, this Administration has demonstrated staggering negligence in failing to plan for post war Iraq, which has directly contributed to the continued loss of American lives and growing cost of operations on the ground. As an elected official I cannot—and will not—entrust President Bush with an additional $87 billion.

Mr. CONYERS. Mr. Chairman, I rise today to express my concern regarding the $87 billion supplemental appropriation that President Bush requested on September 7, 2003. I want to make clear that I will support the 130,000 thousand United States troops currently stationed in Iraq and that I am committed to exiting Iraq in an appropriate manner. As a Korean War veteran, I always will insist that our servicemen and women have whatever they need to protect themselves and execute their missions. I will vote for the sums they need once President Bush accounts for what has already been spent. However, we must prevent wasted or padded expenditures and war profiteering and ensure that our troops get critical equipment and support, which the administration has failed to provide them.

The $87 billion requested for military operations and reconstruction of Iraq and Afghanistan is troubling on many fronts. It is troubling that $20 billion of that $87 billion would be spent on Iraq's reconstruction when billions are needed domestically at home. It is troubling that on March 27, 2003 Deputy Defense Secretary Paul Wolfowitz told a House defense subcommittee that "We are dealing with a country that can finance its own reconstruction." Furthermore, Secretary Donald Rumsfeld in a Senate Appropriations Committee hearing on the same day said, "I don't believe that the United States has the responsibility for reconstruction, in a sense . . . funds can come from various sources I mentioned—frozen assets, oil revenues and a variety of other things, including Oil for Food, which has a very substantial number of billions of dollars in it." If Iraq can pay for its own reconstruction, why is the administration returning to Congress with a $20 billion request for reconstruction in Iraq?

I am concerned that the money the administration has requested may only be the tip of the iceberg in regards to total monies that the United States will spend in Iraq. On December 31, 2002, the New York Times reported, "The Administration's top budget official estimated today that the cost of the war with Iraq could be in the range of 50 to 60 billion dollars." Lest we forget, last year Congress appropriated $79 billion for the war effort in Iraq, almost $10–20 billion more than the administration initially estimated.

Based on these concerns I am only prepared to vote "yes" for the $87 billion request if the following conditions are met:

(1) The President specifies to Congress how the money will be spent and how its prudent distribution will be assured.

The President is asking for $87 billion to stabilize Iraq, a second installment for Iraq's reconstruction that has no geographical, time, or force limitations. It has cost the lives of American men and women that were bravely performing their military duties in Iraq. The President and his advisors have not been reliable or trustworthy in handling their gravest responsibility: sending American soldiers in harm's way. As Members of Congress we must stand up to the President on behalf of the American people. Even if Congress is unfairly labeled "non-patriotic" or "non-supportive" of our troops, we must require the President to clearly outline how he plans to spend American tax dollars in Iraq. It is not reasonable for the President to present us with a request that includes: $33,000 each for pickup trucks required for the effort; $360,000 for 600 radios and telephones; $800 million to train 1,500 Iraqi police officers at $530,000 per police officer; and $100 million to place five Iraqi families in a witness protection program at $200,000 per person.

It is important that the American public be aware that $87 billion equates to $300 for every man, woman and child in the United States. When we are spending monies of this magnitude, we must have the courage to challenge policies until they are clear in purpose and direction.

(2) The President provides sure-fire strategy for exiting Iraq.

I, along with many others, believe that for the President to go to war in Iraq without international support and without an exit strategy was a fatal flaw. Given those tragic failures thus far, I am in "shock and awe" that the President has failed to fully explain how he plans to secure Iraq, achieve Iraqi self governance and share the burden of rebuilding the industries and society of Iraq. How can we be expected to endorse blank checks with no idea as to the overall plan for Iraq.

(3) The President exercises diplomatic leadership in convincing other nations to join us in the effort in Iraq.

Even now, with the benefit of hindsight, the President has not learned from his diplomatic failures. The United States refuses to relinquish appropriate levels of authority to the United Nations, and this refusal has significant diminished prospects for gaining international aid and support in Iraq. Two weeks ago, the United Nations greeted President Bush and his resolution coolly, finding that the resolution did not go far enough in the role it assigned to the U.N. and its timetable to transfer power to the Iraqi transitional government. Many international leaders, including United Nations Secretary General Kofi Annan, supported an accelerated timetable for the turnover of power to Iraqi leaders. However, the U.S. balked at their request. Secretary of State Colin Powell told the 25 Member U.S.-appointed Governing Council in what has been characterized as "very direct terms" that the U.S. intends to resist the request that a U.S. backed Security Council Resolution place Iraq's political future in the hands of the U.N. Based on the President's unpersuasive speech and the U.S.'s weak resolution, it is expected that when donor countries meet in Madrid later this month, financial support will not be forthcoming.

(4) That these funds will not divert the necessary resources from being used for priorities in the war on terrorism, such as homeland security in the U.S., the pursuit of Al Qaeda leaders and cells throughout the world.

Though Mr. Bush has depicted the war in Iraq as the "central front" in the war on terrorism, it is important to note that the Iraq supplemental request is more than double the President's request for homeland security in fiscal year 2004. If these monies were utilized for the true war on terrorism, then: Port Security could be increased, the anti-missile system for commercial airliners could be put in place, and stricter security over unscreened air cargo could be implemented. Moreover, adequate training and equipment for emergency response personnel could be provided, and public health officials would have the resources to identify and treat people attacked by weapons of mass destruction. In my opinion, it is unacceptable for the U.S. to allocate billions to a war of choice in Iraq while we fail to allocate funds to secure America's borders from a myriad of dangers.

Similarly, the primary objective in our war abroad against terrorism must remain the destruction of Al Qaeda and to capture its leadership. The war in Iraq has already diverted many key resources including, Special Forces, Intelligence personnel and specialized equipment from the search for bin Laden in Afghanistan and Pakistan. It was bin Laden and his Al Qaeda agents, not Saddam, who carried out the 9/11 disaster, despite discredited efforts by Vice President CHENEY and others to suggest the contrary. Iraq is not the heart of the war on terrorism, despite President Bush's claims to the contrary. We must keep our priorities straight.

(5) The President and Congress commits to a willingness to allocate funds to desperately needed programs vital to U.S. citizens.

It should be known that the $20 billion reconstruction includes $9 million for a zip code system, $20 million for a month long business course at $10,000 per pupil and $53 million for state of the art landfills. We should not forget that charity begins at home. How can we rebuild Iraq, if we refuse to acknowledge the social ills in the U.S.? Within our borders, we are faced with a troubled economy, scores of hungry children, millions of uninsured, deteriorating infrastructures, and devastating homelessness. The American public should know that $87 billion would:

1. Finance the educational needs of all 50 states.

2. Provide health care for the elderly and those without health insurance.

3. Provide incentives to Corporate America to generate jobs and bring unemployment levels back to where they were in December 2000.

In conclusion, I would like to vote for this legislation because I want to support our troops in Iraq. I want to believe that these funds would provide our citizens with better protection from terrorism. I want to believe that the Administration has a plan and not just a price tag to protect our soldiers and to return Iraq to its citizens. However, at present, I remain unconvinced and cannot vote for the President's $87 billion supplemental until the above concerns are resolved.

Ms. LOFGREN. Mr. Chairman, one year ago, Congress considered whether to authorize the President to use the armed forces of the United States to attack Iraq. The President asked us to pass a resolution that gave him unprecedented war powers at a time when he had yet to make the case for war. I voted against the resolution.

Today the President asks us to pass an enormous spending bill to fund the ongoing war in Iraq and the continuing reconstruction of both Iraq and Afghanistan. Yet, everyday, American lives are lost while the President fails to garner broad international support and create a coherent exit strategy for a war that is less about self-defense and more about the President's obsession with Iraq. All along, our economy continues to remain on the ropes.

Therefore, like my previous vote on authorizing the use of our armed forces in Iraq, I cannot support this supplemental bill to give the President a huge blank check to continue the occupation of Iraq and risk the lives of our troops. As Members of Congress, this is our opportunity to tell the President what our constituents are telling us—we won't spend another penny in Iraq until our President gives the American people a plan on how he intends to win the war, minimize costs, and most importantly, bring home our troops as safely and as quickly as possible.

As we were debating whether or not to grant authority to the President to go to war in Iraq, I asked some serious questions that this Administration continues to have difficulty answering. Was the United States acting in self-defense against an imminent threat in Iraq? Did the United States have to pursue near unilateral action in Iraq without strong international support? And most importantly, what is our exit strategy?

The President and his Administration repeatedly told us Iraq posed an imminent threat of safety to America. But where are those nuclear weapons?

Before the war, the Administration also told us there was strong, credible evidence to link Saddam Hussein to September 11th. Yet, the President himself now admits there is no evidence that Saddam Hussein was involved with September 11th.

We were told Iraq had thousands of weapons of mass destruction that could easily be used against friends, our allies and the United States. But where are they?

Worse yet, we were never told about an exit strategy and still don't have one today.

Instead the President spent his time playing "Top Gun" by landing on an aircraft carrier to declare the major conflict in Iraq over. Yet, more courageous men and women have died in these last few months than before that dubious, made-for-political-campaign-commercial event.

And now the President comes to us asking for enormous amounts of money to continue what is supposedly no longer a major conflict.

Even if we agree to send money to Iraq, we shouldn't send it to contractors that are ripping off the American taxpayer. Why should the American taxpayer pay $15 million to repair a cement plant when the Iraqi people can do it, and did, for $80,000?

More importantly, we've already appropriated over $70 billion for the war in Iraq and related efforts, virtually every penny the President asked for to win this war and protect our troops. So why does the Army lack Kevlar protective plates for 40,000 of our troops in Iraq? Why do we continue to hear stories about parents sending their children better protective gear, basic supplies, and food and water at their own cost? Why does the Defense Department refuse to pay travel costs for soldiers returning from battle for a brief, two-week visit with loved ones? The President has given us no assurances that his new funding request will not be mismanaged and, instead be used in strong support of our troops.

There is no question that we need to allocate whatever funds are necessary to support our troops in the field.

But there is only one real opportunity for the Congress to have a say in the course of war or foreign affairs and that is when the President comes to us and asks us to appropriate the taxpayer's money for war.

That time is now and this Congress must insist that the President deliver his exit plan and detail how he plains to get equipment, food and water to our troops.

If this appropriation is defeated today, the President will be with us tomorrow delivering the exit plan that he should have provided to the American people one year ago.

As I said during the debate over the war with Iraq, we are at our best when we are first among allies standing tall for the free world. Let us be at our best when we deal with Iraq, but always dedicate ourselves first and foremost to the freedom and prosperity of our great United States.

Mr. MATHESON. Mr. Chairman, resolving the current instability in the region is in the long-term best interests of all Americans—failure in Iraq would lead to irreparable consequences.

This emergency spending bill raises a host of critical concerns that must be addressed.

More than 138,000 American troops are currently in Iraq and I believe that they absolutely must be adequately provided for and able to return home to their families as soon as possible.

Today, I am offering an amendment to this bill so that Congress receives a detailed description of purpose for all projects over $1 million. My amendment also calls for a comprehensive survey of security and infrastructure needs, including progress reports on previous projects. Finally, my amendment asks for necessary estimates on additional funding required and troop levels projections.

We cannot maintain our efforts in Iraq and Afghanistan without a clear understanding of our longer term needs. We must know how many troops will be needed and how much this entire operation will cost, including contingency plans, and decide how our nation will pay for the entire cost of the operation.

Mr. KLECZKA. Mr. Chairman, the Administration rushed into this war before they understood the consequences. Nearly half a year prior to seeking out a United Nations mandate and two months before Congress even considered the resolution authorizing force, the war plans were already set. In fact, a recent Washington Times article tells of a secret report to the Joint Chiefs indicating that post-war planning had been insufficient. The administration clearly did not consider the enormous costs and effort that would be involved after the Iraqi army was defeated. Congress already appropriated $78 billion earlier this year. Now we are going to appropriate another $87 billion and undoubtedly there will be more requests to come. The taxpayers will have to pay billions to repair what we destroyed in the first place.

There was not sufficient justification to start this war to begin with. To try to bolster their case for war, the administration had asserted that Iraq was an urgent threat to our national security and that we were at risk of an Iraqi surprise attack by weapons of mass destruction. But they offered no substantiation of these allegations, speaking only of hunches, probabilities, and suspicions. The administration also made dubious claims that there were ties between the 9/11 terrorists and Saddam. But in the months following the invasion, our intelligence community can still find no link between the Iraqi regime and the plot that led to those deadly terrorist attacks. No weapons of mass destruction have been found, despite intensive efforts and an attack on the U.S. was not imminent. President Bush could not prove his case for the war then, and he can't now!

The notion that we have a "coalition of the willing" is also something of a farce. Our major partner in this effort, Britain, has committed only $908 million to the rebuilding efforts over the next two and a half years, and has 12,000 troops in Iraq, far less than the 130,000 we have on duty there. For Pakistan, Jordan, and other unnamed lesser members of this coalition, this bill gives them $1.3 billion—including $200 million in loan guarantees—to reward them for what amounts to little more than verbal support.

The appropriations committee showed some common sense by rejecting such dubious provisions as the President's requests for $2 million for garbage trucks, $153 million for "solid waste management programs," and $9 million to institute a ZIP code system in Iraq. I still have questions about the bill's funding of $10 million to fund 100 prison construction consultants at $100,000 each, over $150 million for "private sector development" like computer literacy and English classes, and money to establish museums and memorials. While pouring billions into Iraq, critical needs are going unmet here at home.

This measure would provide $793 million to modernize and obtain equipment for Iraq's health care facilities. While the President plans to spend hundreds of millions to provide better medical care in Iraq, health care costs in Milwaukee have skyrocketed, forcing more and more families to go without treatment. Last year 41,000 people in Milwaukee County and over 450,000 in Wisconsin went without health insurance. Nationwide, 43.6 million Americans currently have no health insurance, an increase of over 2 million since last year. There is a health emergency right here in this country. We should be investing federal funds to help struggling families here receive quality, comprehensive healthcare.

This supplemental contains $90 million for education in Iraq. While the President boosts spending to help Iraqi children learn, in Milwaukee less than three-fourths of eighth graders are proficient in the skills necessary to advance to the ninth grade and many teachers are forced to teach in overcrowded classrooms. The Administration has under-funded its own education policy by $8 billion, leaving thousands of children in Milwaukee and throughout the nation left behind.

This bill would also provide $950 million for recruiting, training, and equipping an Iraqi police force. An additional $509 million would be used for "public safety facilities and services." While providing money to create Iraqi civil service jobs and pay their wages, here at home the Administration is trying to contract out thousands of good-paying federal government jobs.

With the total price tag of the supplemental at $87 billion, its passage will directly increase the projected deficit this year to a new record-setting height of over $500 billion. Instead of driving us further into debt, this bill should have been paid for. We could have delayed for one year the tax cut for the wealthiest one percent of Americans, which over ten years would raise the full cost of the proposal before us today. But the Republican leadership did not allow my colleague to offer his substitute proposition which would have paid for the package in this manner.

Mr. Chairman, I did not vote to start this war and I cannot vote to fix up a country we destroyed. We have pressing needs here at home that are going unmet as planeloads of U.S. currency are being shipped to Iraq, raising the federal deficit. The President recently signed into law the $369 billion appropriation for the Department of Defense. Some of these funds should be used to provide for the cost of our troops in Iraq. The funds in this supplemental are apparently not so imperative since the Congressional Research Service indicates that the Army's available military personnel funding as well as operation and maintenance funding should last into the spring of next year.

The administration's policy in Iraq has been a failure. Defeat of this measure would spur the President to come up with a workable exit strategy, one that would put a stop to the almost daily killing of our American troops. I urge my colleagues to vote "no" on this bill.

Mr. BALLENGER. Mr. Chairman, without a doubt, this period in history will record that the United States was committed to spreading democracy and freedom throughout the world. Building and guiding new democracies is one of the most difficult, yet important tasks, that the United States—as a leader of the free world—can undertake. With this debate today on the Iraq supplemental spending package, we seek to recommit ourselves to providing for those in the midst of that most important mission, our armed and foreign services.

Deciding to wage war is not a decision that is made lightly or for political expediency. It involves the sweat and sacrifice of America's most courageous patriots, our armed forces. When someone joins the military and takes the yoke of freedom upon their shoulders, they deserve the maximum support we can muster. Mr. Chairman, that is why I have come to the well of this House, to make sure they are provided for.

I support President Bush and believe that we should pass this supplemental as soon as possible. There should be no doubt about

United States intentions: We stand behind our troops and their mission to bring democracy and freedom to Iraq.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today to express my support for the President's supplemental request for operations in Iraq. Just over one year ago this body voted to authorize the use of military force to confront the grave and growing global threat posed by Saddam Hussein's Ba'athist regime. We convene one year later having achieved many successes toward that objective, but face new trials worthy of our continued sacrifice to protect the safety and security of the entire global community.

I realize public opinion among Americans is fiercely divided when it comes to Iraq. Criticism is not a bad thing for our country during a time of war as long as it's constructive and does not undermine our ability to defeat the enemy. As it stands, opponents of the war and detractors of President Bush are too easily fortified by a mainstream press quick to underscore bad news and seemingly ambivalent toward the many positive developments occurring each day in Iraq.

Several of my colleagues here in the 108th Congress have shared stories of the remarkable progress they have observed during recent trips to the Middle East. Electrical grids are being restored, public schools are open, the banking system is operating, thousands of reconstruction projects are underway and thousands more have already been completed. Most of all, the Iraqi people are free—and with the elimination of Saddam Hussein's rule—the world has taken a giant step in winning the war on terror.

87 Billion dollars is a massive sum. As a conservative, I'm a strong supporter of fiscal responsibility and accountability. But I believe this supplemental is a wise and necessary investment, critical to our continued efforts to secure peace and future prosperity for the Iraqi people.

The President's request covers two major expenses—troop support and reconstruction. $67 billion alone will be directed to the operational costs of our military forces: providing for essential equipment and provisions necessary for the safety and strength of U.S. troops. What American could shrink back from that commitment?

The remaining 20 billion dollars will undoubtedly be the source of much debate here today. Some believe that American dollars designated for reconstruction should come in the form of a grant. Others argue it should be made as a loan, payable once Iraq rehabilitates its commerce and economy. We should all agree that the United States cannot withdraw from a crippled Iraq and expect a stable government and economy to take hold.

Reconstructing Iraq is a top priority for the Bush administration and should win the appropriate support of this Congress. By agreeing to this supplemental, the United States military will have the resources necessary to rebuild infrastructure and restore social order, creating a politically secure and economically sound Iraq. Accomplishing this goal is the most significant factor that will bring our troops home for good.

During his address to a joint session of Congress last July, British Prime Minister Tony Blair concluded with a prophetic statement we should all consider as questions and challenges arise in the aftermath of war in Iraq; "Destiny put us in this place in history, in this moment in time, and the task is ours to do. If our spirit is right and our courage strong, the world will be with us."

I ask my colleagues to join me in acting in support of our President, our armed forces, the good people of Iraq, and the united freedom of all by voting in favor of this supplemental.

Mr. KOLBE. Mr. Chairman, could I ask for an accounting of the time before I move that we rise so that we can be ready for tomorrow?

The CHAIRMAN pro tempore (Mr. BASS). The gentleman from Arizona (Mr. KOLBE) has 53 minutes remaining, the gentleman from Wisconsin (Mr. OBEY) has 1 hour and 16 minutes remaining.

Mr. KOLBE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. MUSGRAVE) having assumed the chair, Mr. BASS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under further debate the subject of a bill making emergency supplemental appropriations for defense and the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, had come to no resolution thereon.

☐ 2215

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. MUSGRAVE). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO ALTAMONTE SPRINGS PATRIOTS BABE RUTH SOFTBALL CHAMPIONSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FEENEY) is recognized for 5 minutes.

Mr. FEENEY. Madam Speaker, I rise today to commend the Altamonte Springs Patriots for winning the Babe Ruth World Series Championship for Age 16 and Under. These twelve young women along with their coaches and parents should be extraordinarily proud.

The Patriots embody teamwork. They attend schools throughout Orange and Seminole counties in Central Florida including Lake Brantly, Lake Mary, Seminole, Orangewood Christian, Central Florida Christian Academy, and RBR Academy. Many have played together since age 10. At age 12, they competed in little league softball and made it to the Florida State Tournament.

On their journey to win the Babe Ruth World Series Championship, the Patriots won 19 of their final 20 games. The team raised $6,000 to finance their World Series trip to Louisville. In the championship game, Anna-Maria Jordan pitched seven innings, allowing only two runs while Natalie Ruff led the offense with a fourth inning two-run single.

On behalf of the people of the 24th District of Florida, I would like to congratulate the following champions for their outstanding triumph: Lauren Bennett, Jennifer Garaffa, Nicole Hall, Arielle Jenkins, Anna-Maria Jordan, Gloria Jordan, Alexandra Lofton, Natalie Ruff, Jessie Sadlowsky, Ashley Tabor, Danielle Valentino, and Andrea Wain, Mark Valentino, Manager, Gary Wain, Coach, Mark Ruff, Coach, David Phillips, Coach.

I wish the Altamonte Springs Patriots continued academic and athletic success.

QUESTIONS REGARDING VESTS FOR THE TROOPS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Madam Speaker, I rise tonight to talk about something that has been in the news lately. I first became aware of this problem in May when I received a letter from a young soldier in Baghdad, one of my constituents, a young man who attended West Point, a young man who loves the military and loves being in the Army. He wrote me a letter and he said, Congressman, I am so proud to be in the Army. And then later on in his letter, he said, I'm angry because there are two kinds of protective vests that are being issued over here. One of the vests is capable of stopping fragments. The other vest is capable of stopping bullets. I'm wondering why my men do not have access to the best vests, those that can stop bullets. It is called the Interceptor vest. It is made of Kevlar. It has areas where ceramic inserts can be placed. And these Interceptor vests have been credited with saving nearly 30 lives in Afghanistan. Yet, Madam Speaker, it is almost beyond belief that although we had months to prepare for this conflict, months during which we knew that there was a high probability that we would be going to war, we put our young soldiers into harm's way without protecting them with the best vests, bulletproof vests, available to us.

There is a story that has been reported in the press of how one young soldier was on patrol, and he was shot by the enemy four times, twice in the chest and twice in his arms, and he survived. He survived because, although he did not have one of these Interceptor vests to wear, before he went on patrol one of his buddies took off his vest and gave it to him. It was only because he had this Interceptor vest on that he survived being shot in the chest.

But tonight, as we are here in Washington, DC, and those of us who are Members of this Chamber feel safe and secure within the confines of this House Chamber, there are young Americans who are in Baghdad and Tikrit and other parts of Iraq, some 44,000, we believe, who do not have the Interceptor vest. They have Vietnam-era flak jackets basically, jackets that are incapable of stopping the bullets. I wrote Secretary Rumsfeld, and I asked him some questions which I think I and the American people deserve to have answered. Why were our soldiers not provided with these vests at the very beginning of this war? We had plenty of time to prepare to have these vests manufactured. Why were they sent into harm's way? How many American soldiers have lost their lives? How many have been terribly wounded and injured because of the insensitivity or incompetence or outright shameful behavior of those who decided that for some reason our soldiers did not need or did not deserve this kind of protection? I think the Secretary should answer that question to this Congress and to the American people. It is just almost beyond belief with all the billions of dollars available to the Pentagon that this most basic protection for our soldiers, the vests, the body armor they wear, would not be given to them. General Meyers said, well, it's not a question of money, it's a question of production. We're trying to get as many of these vests produced as possible. In fact, the Pentagon has even enlisted three additional companies to produce these vests. Well, it is about time.

Back in Ohio we have an old saying, it does no good to close the barn door after the horse has left the barn. Why were these protective devices not available before our soldiers were sent into battle? General Abizaid, testifying before a Senate committee, said he did not have an answer to that question. He said, I cannot answer why we went into conflict with an insufficient supply of these vests.

Somebody ought to take responsibility. The President frequently talks about the need for personal responsibility. Who was responsible at the Pentagon, in our defense establishment, for this gross oversight? I think the Secretary owes the American people an answer, and I hope he responds to my letter in an expeditious and prompt manner.

AFFORDABLE PRESCRIPTION DRUGS FOR SENIORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, I have come to the well of this House many times in the evening and in the day to talk about the high cost of prescription drugs and how much Americans pay for drugs relative to the rest of the industrialized world. I believe it is a crime, and I believe it is shame on us. I always say it is not shame on the pharmaceutical companies, it is shame on us, because the FDA and the Justice Department work for us. I have been regularly vocal and very critical of our FDA and what they have done in terms of, quote, protecting the public health. I have repeatedly said that a drug you cannot afford is neither safe nor effective.

Tonight, Madam Speaker, I come to the floor of the House to offer some congratulations, because if you are going to hand out the thorns, I think once in a while you have to hand out the roses. First, I would like to congratulate the people at the FDA because today there was a conference held in Bethesda, and they were participants in that conference. What they talked about was new technologies to make our drug supply safer, so that whether you buy your drugs from Manhattan or Munich, you will be able to get safe drugs. I want to talk about a couple of those technologies and the FDA was there to talk about it. One of them is this tamperproof, counterfeit-proof technology. This packaging is made by a little company out in California called Flex Products. They also make the dye that goes on our $20 bills that make it almost impossible, although they and I think the Federal Treasury says that this is impossible to counterfeit, the same technology is now available for pharmaceutical companies. And I am told that seven of the largest pharmaceutical companies are already employing this technology.

Let me also talk about another technology. This is the first time I have ever talked about it here on the floor of the House. This is made by a family-owned feed and seed company in Minneapolis, Minnesota, a little company called Cargill. These are microscopic markers. They are edible and they are so small that you cannot even see one. But we now have the ability to apply this to every drug. In fact, we can even apply this to the products that go into the drugs, so that we can know that that drug is in fact what is said that it is very simply. That was also on display today at that conference.

But, Madam Speaker, what I really want to do is say a special thank you to some of the senior groups that have stepped up. I want to single out one in particular, the TREA Senior Citizens League, who is made up of just some of the most wonderful people, and their board is here tonight. I want to show an ad that they ran earlier this year. They were one of the few senior citizens groups that used real money, contributed by their seniors, and they ran this half-page ad encouraging Congress, and I want to make sure that we can put at least the text of this into the CONGRESSIONAL RECORD. I want to thank them, and I want to thank George Smith, their chairman, who serves on their board. What a wonderful board it is. These are people who volunteer. They do not get paid large retainers. All that they do is work on behalf of their members and on behalf of seniors everywhere. When they saw what was happening to the cost of prescription drugs, they stepped up, and they made a difference. I want to thank them. And I want to thank our former colleague Dave Funderburk. Congressman and Dr. Funderburk was a valuable Member of the Congress. He and his wife Betty have just been super people. They help steer the Senior Citizens League through some of the choppy waters and explain how things happen. It is groups like that that are making a difference. They are stepping up and saying there is something wrong, we need to do something about it. We need to fix it. They have run ads. They have informed their members. They represent 1.2 million members around the country. They are the second largest senior citizens group in the country. I have to take my hat off to them because, as I say, they stepped up, they helped run ads, they used real money, they did not take it from some other special interest group and they are making a difference.

We are going to have to vote here in the next couple of weeks perhaps on a prescription drug bill. We are going to have to ask ourselves some simple questions. One of those questions is why is it that Americans pay so much more than consumers around the rest of the industrialized world? The second question is, what are we going to do about it? I hope you will be able to give us good answers because I think we are going to get a chance to vote on that.

The House has done the right thing. We are waiting on the other body. We hope that we will have a conference committee. People like the TREA Senior Citizens League are watching. They are paying attention. Their members are watching. They are paying attention. They are making a difference. They are counting on us to do the same.

TREA Senior Citizens League Ad

Congress: Senior citizens need you to vote "Aye" on H.R. 2427, prescription drug importation legislation.

This week, Congress will have the opportunity to help seniors by voting "aye" on H.R. 2447, legislation to allow America's seniors "market" access to lower priced medicines.

The bill would mean seniors would pay a more reasonable price for their prescriptions, and would mean that many seniors wouldn't have to choose between their medications, and rent and food.

The pharmaceutical industry, however, doesn't want this critical legislation to pass. Some are more concerned about making the best possible profit, rather than making a profit while still allowing seniors to have access to safe, affordable medicines. This is wrong.

Vote for our seniors—not for special interests.

DECLINING MEDICARE REIMBURSEMENTS FOR PHYSICIANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Madam Speaker, I rise again today, this week, to continue the discussion regarding the declining Medicare reimbursements for physicians. Effective January 1, 2004, physicians and other providers paid pursuant to the Medicare physician fee schedule face at least a 4.2 percent cut in reimbursements.

For nearly 40 years, Medicare has provided necessary health care to those millions of patients across the country, some 40-something million this year. Another steep cut in reimbursement rates is now forcing many physicians who care for Medicare patients to make difficult choices. The scheduled January 1 cut in the reimbursement rate is just one of a string of Medicare payment reductions for physicians. Due to problems in the formula used to set Medicare payments for physicians, this 4.2 percent cut taken with the 5.4 percent decline in 2002 contributes to successive pay cuts reaching more than 10 percent.

To illustrate the Medicare payment history for surgical services, let us take a look at this chart comparing the Medicare economic index to physician payment update. The Center for Medicare and Medicaid Services, CMS, uses this Medicare economic index, or MEI, as a proxy for inflation in the cost of operating a medical practice. The largest component of the MEI is change in hourly earning for the general economy. A proxy for physicians' own time is in this index.

Additionally, the MEI accounts for office expenses, medical materials and supplies, professional liability insurance, now that is a good one, professional liability insurance, and we know what is happening to that, medical equipment expenses and other benefits and various professional expenses.

☐ 2230

Here the yellow line shows a steadily increasing MEI, up about 2 to 4 percent every year starting in 1996. Every year extending out to the present time, a 2 to 4 percent increase.

Now look at the red line. The red line charts an annual Medicare payment update for physicians resembling some sort of a roller coaster starting in 1996 and 1997 with surgical payments slightly under the MEI, and then in 1998 we have a tremendous drop. Look at this drop in 1998, which rebounds the next year, the only year, I point out, that the MEI and the increase in payments are actually matched. Then we have a slight increase in physician payments until we start a disaster downward trend of payment cuts before congressional intervention in 2003.

When I look at this chart, it is clear to me that Medicare is not funded appropriately to ensure access to America's elderly and disabled patients. Without doctors' high levels of participation, the Medicare program would not have been able to serve millions of patients over these last 4 decades.

Madam Speaker, I would like to read and include in the RECORD a letter I received just 2 days ago. Madam Speaker, the letter is from two doctors who practice in my home State of Georgia:

"Dear Representative GINGREY, although we continue to see Medicare patients in our practice, we are no longer accepting new Medicare patients. Further cuts in payments to physicians treating Medicare patients will undoubtedly result in a mass exodus of medical providers and secondarily limit access to medical care for the Medicare recipients.

"We have already noticed that many Medicare patients are having difficulties getting routine care. Despite the fact that we are physiatrists treating musculoskeletal problems, we find ourselves ordering routine care to working-up medical problems that their internists or primary care providers no longer have time to address. Unfortunately, we do not have the time to address these other issues either.

"Please help this situation by averting additional Medicare pay cuts.

"The courtesy of a response is appreciated.

"Sincerely, Amy M. Long, M.D. and Daryl L. Figa, M.D."

Madam Speaker, the courtesy of a response has been requested. What is our answer? Will we abandon those doctors who treat our most needy? Madam Speaker, we must stop, we must stop the 4.2 percent Medicare physician payment cut. Help our doctors help those who need their care the most. Madam Speaker, we must not forget doctors are the linchpin of the Medicare program.

ORTHOREHAB,
Lawrenceville, GA, October 13, 2003.

Hon. PHILIP GINGREY,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GINGREY: Although we continue to see Medicare patients in our practice, we are no longer accepting new Medicare patients for treatment. Further cuts in payments to physicians treating Medicare patients will undoubtly result in a mass exodus of medical providers and secondarily, limit access to medical care for the Medicare recipients.

We have already noticed that many Medicare patients are having difficulties getting routine care. Despite the fact that we are physiatrists treating musculoskeletal problems, we find ourselves ordering routine care to working-up medical problems that their internists or primary care providers no longer have time to address. Unfortunately, we do not have the time to address these other issues either.

Please help this situation by averting additional Medicare pay cuts.

The courtesy of a response is appreciated.

Sincerely,

AMY M. LANG, MD.
DARYL L. FIGA, MD.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, 2004

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. ROHRABACHER) is recognized for one half the time until midnight as the designee of the majority leader.

Mr. ROHRABACHER. Madam Speaker, today we have heard a great debate on H.R. 3289, the supplemental concerning Iraq and Afghanistan. This $87 billion supplemental is the largest supplemental in American history, and we should look at it very closely; and we should be considering all portions of this supplemental.

I support the supplemental basically, and I will be voting for it even if my perfecting amendments are rejected. However, I have several suggestions that I will be making tomorrow that I believe are vital to the well-being of the American people.

So tonight I thought I would speak a little bit about the supplemental and about several of the changes that need to be made in order to ensure that the interests of the American people are being met.

First of all, of the $87 billion we are being asked for in this supplemental, $66 billion of it is for our military. And this portion of the supplemental I support. And I will have to suggest that, even as we have heard today, if someone is complaining that there was a lack of body armor, one does not suggest that the way to solve that is not to give them the money that they believe is necessary to complete their mission in Iraq. In fact, being someone who respects our Armed Forces and their leaders and respects the job and the courage it takes to do this job and knowing that I am not an expert on military matters, I would lean towards granting the requests from our military when they claim they need a certain amount of money in order to get their job done and to come home safely.

Certainly, a great deal of our defense resources have been expended in Afghanistan and Iraq; and many of these resources need to be replaced, whether it is fuel or ammunition, whether it is repairing equipment or whatever. We are going to need to spend a certain amount of money just to bring ourselves up to the point where we are not vulnerable because of the commitments that we have made overseas in these last 2 years. If we do not do this, if we do not pay heed to what our military says they need in order to finish their mission successfully and come home safely, either they will not succeed in their mission, more people will be killed, or we will be left vulnerable in years ahead. This makes no sense. So I will give the benefit of the doubt to the military, to Mr. Rumsfeld to try to do his best job and get this operation over in Iraq and bring our troops home safely.

But, fundamentally, many people are talking about and challenging whether or not our military should have been in Iraq in the first place. Let me note that taking care of Saddam Hussein was necessary for America's security, and we should applaud our President for making the tough decisions and taking the heat and putting up with all the backbiting and nit-picking that he has had to go through in order to make sure that our operation, the democratic offensive there in Iraq, to make sure it kept going and was successful. The President has his detractors, and I am not saying he has not made mistakes, but by and large this has been a great President, a historic President who stepped up to the plate and did what was necessary and met the challenge of his day. And let us note that almost very few of the people who are now attacking our President and are attacking the supplemental would advocate that we permit Saddam Hussein to get back into power, and earlier we even heard the proposals that we give this to the United Nations so that Saddam Hussein will not come back into power. Unless we are going to provide leadership, the United Nations is useless, as we know. It is a debating society, and unless America provides the leadership, it will do nothing. So we can be very proud that our President said, I am going to take care of America's security.

Saddam Hussein was a monster. He is a monster. And he was a monstrous threat when he was in power. He was a mass murderer to his own people. He was a torturer, and he was not only a scourge to his own people in his right, but he was a threat when he was in power to the United States of America. He was a threat to our safety because Saddam Hussein hated America, hated every one of us, and would have done us harm had he had the chance because America humiliated him by driving his forces out of Kuwait a decade ago. There is no getting around it.

He had a blood grudge against us. What that means in that part of the world with a man who murders hundreds of thousands of his own people, that means he would not think twice if he had the opportunity to kill Americans in great numbers; and I am very pleased that our President took this tyrant out, eliminated this threat to America, and promoted democracy in Iraq at the same time.

Unfortunately, the reason we had to do that now was because a decade ago President Bush One did not do his job. He did not finish the job he set out to do, and now we have been paying for it. Let us make sure that the decisions we make now with this supplemental and other decisions that we will be making ensure that we will not have to go back to that region. Let us finish the job, get it done right. Let us not shortchange our people when they ask for their needs in the military, but let us make sure we get the job done so we do not have to go back again.

How do we do that? First and foremost, yes, we back our military because Saddam Hussein was one of the most powerful military forces in that part of the world. In fact, he was the most powerful military force in that part of the world. So we had to use that tool to get him out. But succeeding also requires having the people of Iraq on our side. We need to help them build a democratic society. And I was in the forefront along with the gentleman from California (Mr. COX) in passing the Iraq Liberation Act 5 years ago, and I might note that the State Department under the last administration and under this administration until after September 11 did not expend the funds that were given to them in order to help the people of Iraq provide the democratic alternative to Saddam Hussein that they needed. That was a failure for the last 5 years of our government.

We need now to work with the people of Iraq and build their democratic institutions, and we are succeeding in that. And, yes, there are people who will kill an American soldier, and we are drawing in the al Qaeda and the terrorists from around the world to attack Americans there. But overwhelmingly the people of Iraq are very gleeful that Saddam Hussein is gone and grateful to America for this. And I suggest that in years ahead that once the situation is stabilized and Iraq becomes part of the family of nations, the civilized family of nations, instead of headed by a rogue general like Saddam Hussein, that we will find that the people of Iraq are our best friends. They will be so grateful to us that they will stand beside us in the challenges that we face in the future, and they will tell us how grateful they are and the suffering that they went through under Saddam Hussein.

And already our stand in the Middle East has done so much to increase our prestige. Already, for example, in Iran we see changes, movement for change in Iran, one of the most hardened anti-Western of Islamic societies, and we see that throughout the Islamic world that there is a possibility now because of America's increase in prestige that we can actually step in and do some good and we can be proud that with only a minor loss of civilian life we actually achieved our goal of eliminating Saddam Hussein's monstrous regime.

In fact, more civilians would be dead, Iraqi civilians would be dead today, had we left Saddam Hussein in power and he killed the number of civilians that he was killing, that his rate of massacre of his own people would have continued unabated by American troops. Also, there were limited casualties on our side; and, yes, there are still a few casualties. Every day we hear about that. It is a tragedy. It is part of the price we are paying, but it does not reflect the Iraqi people, but instead is the last gasp of a tyrant and of a dictator of a monstrous regime that we have driven into oblivion and put on the ash heap of history.

So our soldiers can be proud, and we are proud of them. They are risking their lives, and we are going to make sure they can do their job. So I want to make it very clear that I support those elements in the bill that will assist our military in that job; and as I say, America is safer because of what we have done. America will always be safer when we are championing the cause of liberty and justice.

All too long in the Cold War, we found ourselves supporting dictators and tyrants, and there has been talk about what we did for Saddam Hussein himself at a time when he was in a conflict with Iranians. And, yes, people did help. I might add that the guaranteed loans that my friend referred to earlier happened in 1989 after Ronald Reagan had left the White House. I know that because it was my first year here, and one of the first things I did on the floor of this House was to pass out leaflets to Members as they came in through that door asking them not to vote for the loan guarantees to Saddam Hussein. These were loan guarantees that were going to permit him to buy American grain, which meant we were paying for his food while he used his money to pay for his army. It was a horrible mistake. It was a horrible thing to do. Anytime we give credit to dictators, it is wrong. When we helped support people like Samosa and these other dictators around the world, it was wrong. What we need to do now to be secure is to promote freedom.

Mr. DELAHUNT. Madam Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Madam Speaker, I thank the gentleman for yielding. And I know he did serve in the course of the Reagan Presidency. I do believe, however, that one of the gravest mistakes that was made during the course of the 1980s right up until 1990 was this unholy, if you will, relationship that was formed with Saddam Hussein.

□ 2245

As the gentleman knows, it is the current Secretary of Defense, Mr. Rumsfeld, who was the special envoy to Saddam Hussein.

In 1982, and I have this discussion because I think it is important that the American people pay attention, because we all have to learn from errors that were made in the past. In 1982, Saddam Hussein was removed from the terrorist list. In 1986, the United States installed an embassy in Baghdad, and, over the course of time, right up until the invasion by Saddam Hussein in Kuwait, but particularly during the Iraq-Iran war, we were providing intelligence, we were selling, or we allowed to be sold, dual-use technology, and I have a long list and I would commend my friend to go to a Congressional Research Service publication dated June 22, 1992.

Mr. ROHRABACHER. If I could reclaim my time, let me just note that at times during World War II, we were known to send weapons to Joseph Stalin in order to fight Adolph Hitler, and during the Cold War we at times backed dictators like Samoza and some nefarious characters. And, I might add, we did not start winning the Cold War until Ronald Reagan said, and let me stress this, when he came to power he said, We are not just against communism anymore, we are for democracy. That is a very important part of how we won the Cold War.

During that time period, Iran was considered a terrible threat, engaged with terrorist activities, murdering Americans, et cetera. We all remember that. I will admit probably the Reagan Administration, trying to balance off that Iranian threat, did some of these things that the gentleman is referring to.

Mr. DELAHUNT. If the gentleman will yield for a moment, I want to be clear. It was after the Iran-Iraq war had concluded, and it was not President Reagan, but it was President Bush that denied this Congress by threat of veto to impose sanctions on Iraq for the atrocities that were committed in Halabja, the gassing of some 5,000 Kurdish Iraqis by Saddam Hussein.

The lesson, I would respectfully submit, that we should learn is that we have got to be careful with whom we lie and forge an alliance.

Mr. ROHRABACHER. That is absolutely correct, and I am very proud that in the United States history we have been pragmatic at times, but all of our pragmatism has been balanced with a love of liberty and justice. And there have been debates on this floor, unlike in other countries where they are backing dictators, that it does not make the debate on the floor. And we can be very proud of our country, that we did save the world from the Nazis and the Japanese militarists.

I am very proud of my father's generation. My father has passed away now. He was in the Pacific war. So many of these people did so much back in those days. The Japanese militarists and Nazis would have dominated this planet without them stepping forward.

I am also very proud of what we did during the Cold War. It was a very perilous moment for humankind. We stepped forward. It was Americans that stepped into the breach. I might add, our allies nitpicked and backbit us every moment, the French and Germans, every time we tried to make a stand against the communists during that time period.

But, today, who would have guessed after the Cold War that we would face a new major threat, a massive threat? On September 11, that threat became evident to all of us. That threat, where terrorists overseas, in a faraway country, their little tyranny, the Taliban tyranny in Afghanistan, was able to be used as a base of operations, their country was used as a base of operations to slaughter 3,000 Americans in the worst terrorist attack in the history of our country. This was the greatest slaughter of American civilians in the history of our country.

This brought us to the reality of another great threat that we face. I would like to say that I believe President Bush has stepped up to this challenge. In Afghanistan, I think we did a terrific job. This bill does put another $1.5 billion in for reconstruction, which I believe should have happened immediately after the Taliban were thrown out, so we have not been exactly quick on this. We should have been quicker, no doubt.

But we have got the terrorists on the run. Their home base has been eliminated. The Taliban regime, the ones that are not dead are running, along with bin Laden and their gang, looking over their shoulders. Otherwise, we would have had very many more terrorist acts in the United States.

We arrested this guy in Thailand. He is the one who conducted the bombing of this discotheque in Indonesia, murdering a couple of hundred people, mostly surfers, one from my district, a guy named Webby Webster, who went down there to go surfing.

These terrorists, radical Islamists, hate America's way of life. We must do our best to reach out to the Muslim world, to the moderate Muslims, to those people who would believe in democracy and want to be part of the Western family of nations. We must do so, and we must start right here in Iraq. This is the best place to turn around the entire Muslim world. Congress is being asked now.

So I am supporting what we have done. But there is something in this bill which I find myself in opposition to, and I think the American people need to pay attention, and I would like to call this to the attention of my colleagues. I believe it is a vitally important issue which will be decided tomorrow.

Of this $87 billion supplemental, Congress is being asked to approve $18.6 billion of it as a reconstruction package for Iraq. This American aid will be used, to some degree, to rebuild what was damaged or destroyed in our military operations, but, to a greater degree, it will be used to upgrade, refurbish and to make operational an Iraqi infrastructure that was neglected and allowed to degenerate under decades of Saddam Hussein's tyrannical dictatorship.

The reconstruction package includes billions of dollars to be taken from the pockets of the American people to upgrade and refurbish Iraq's electric and water systems, as well as repairing and upgrading Iraq's oil industry, among many other projects, I might add.

Well, these costly improvements, for example, there are clinics, and there are cranes that we are going to buy, and airports and things that will help Iraq in the future prosper, these costly improvements are necessary just to keep that society functioning, because it is so low at this point. But it will also lay the foundation for the future, a future of stability, and, yes, we can predict a future of prosperity in Iraq.

Should we help now? The answer is yes. We bought onto that role when we sent our troops into that country. The administration is asking, again, for $66 billion for our military operations in Iraq and Afghanistan. I have no problem with that, because we do need to finish the job and see our troops come home safely. Again, I will not second-guess or undercut our military about what form the military spending will take.

The question facing us, however, is what form the $18.6 billion reconstruction program will take. Should it be in the form of a grant, a giveaway, something that will never be repaid, or should it be in the form of loans and investments in Iraq?

Iraq's infrastructure challenges can be fixed and paid for by Iraqi consumers and producers through the sale of oil and through fees on the purchase of electricity and water and oil and gas. So the Iraqi people can pay for these things over a 20-year period, just as any similar effort to upgrade or refurbish systems in our country, whatever systems they are, you have the capital costs, and they are made part of the bill that the consumer pays, and then that is paid off over a 20-year period.

Well, why can that same thing not work for the Iraqi people, especially when considering the Iraqi people in the future may be very prosperous?

Our level of Federal Government deficit spending this year will be at least $400 billion. How can we borrow, which is being proposed to us, that we take $18 billion and give it as loans? We are borrowing that because we are in deficit. How can we borrow $18.6 billion and give it to the people of Iraq? We are being told we want to give it to them because we cannot expect them to accept more debt.

Well, our people will have to pay it back. Our people, in time, will have to pay back that debt. What we are doing is borrowing money to give to the people of Iraq so that our children can pay back that debt.

Well, the Iraqi people should pay that back. Iraq has the third largest oil reserves in the world. That is what we know today. They are just behind Saudi Arabia and Canada. But, guess what? Once a full and honest assessment is made, we may find that Iraq is the world's number one oil producer. That is it. It may end up that 10 years from now Iraq is the biggest oil producer in the world.

Iraq today has 112 billion barrels of proven oil reserves, but only 10 percent of the country has been explored. Only 17 percent of the country's 80 oil fields have been developed. We are talking about what may well be the richest country in the world.

The only reason it is poor today is because it has been exploited and its people have been beaten down and its economy robbed by this monster, Saddam Hussein. But if they are potentially one of the richest countries in the world, why must we give away our limited resources, and give it away just as a grant, as a giveaway, never to be repaid? Why must our people pay for everything and never expect to get paid back? Why must the American people have to shell out another $18.6 billion, to be taken from their pockets or to be taken from the money needed to run our schools or our hospitals or our transportation systems? Why? Why must we bear the burden, the whole burden?

The answer we are being given by global planners over at the State Department suggests they are not watching out for the interests of the American people when they propose this plan, but, instead, they are watching out for what is best for the world. Well, who is supposed to watch out for the American people, if our government does not watch out for them?

Unfortunately, the motive behind the strategy we have been presented of grants instead of loans does not appear to be based on a humanitarian concern for the long-suffering people of Iraq. That might be a little understandable, if the planners over at the State Department were basing it on that, because their hearts were touched. No, that would be admirable. It might be wrong-headed, but it would be admirable. It might be, for example, misguided charity.

But, no, this is not a rational benevolence. That is not the driving force behind this $18.6 billion. The Americans are being told that we must give that as a gift, rather than expect any payback. Of course, the country we are giving it to is potentially a very, very wealthy country.

No, what is motivating this demand, and we have heard it in the debate tonight, that it be a gift instead of a loan, this $18 billion reconstruction plan, is concern for the powerful international banking and financial interests. They are the driving force behind the demand that Americans give the gift of $18 billion for Iraqi reconstruction, rather than loan it to them. What is happening here is that a loan would increase the level of debt in Iraq.

□ 2300

We are told that Iraq already owes about $120 billion in foreign debt; and if we add another $18.6 billion to that, it just might be the straw that breaks the camel's back. And on this floor tonight we have heard that argued: oh, this is what happened to Germany in World War I, and this is what leads to further conflict, in that we put this debt, we give them such a burden of debt that the society breaks down; and then they say, nobody is going to get paid back because the economy will fail, along with any hopes of recovery or any hopes of stability because of too much debt on Iraq. Well, that is what we are being told. All I have to say is, that is total, absolute nonsense. That is limiting our options and building a straw man and destroying a straw man.

The American people have already carried a far too heavy burden. They have carried the load, the full load for peace and stability for almost the entire planet. Now we are being asked to cough up another $18.6 billion, never to be repaid back. And why are we being asked? We have to give it away? Why is that? Because if we make it a loan, then it might threaten the viability of the loans that huge German, French, and Belgian banks have made to Saddam Hussein's regime. That is it. Got it?

Now, do we know why everybody is saying the American people should not be paid back? Because if we make it a loan, those $120 billion that were loaned to Saddam Hussein might, in some way, be put in jeopardy. We are asking the American people to put out $20 billion to protect loans made by international bankers in Germany and France to Saddam Hussein's dictatorship? No. And Saddam Hussein, of course, was given credit lines by people like the Saudis and others in the Persian Gulf; and when he got these loans and this credit that we are talking about, he did not build bridges; he did not feed babies. He bought sophisticated weapons and opulent palaces that were complete with jacuzzis and torture chambers. That is what he did with those loans. The people of Iraq never benefited from those loans. He let his own country's infrastructure rot even though these loans were providing him billions of dollars along with Iraq's oil money.

Now the American people are told we must donate $18.6 billion because to loan it, coupled with Saddam Hussein's debt, it would be too heavy a burden for the Iraqi people to climb out from under, and it would hurt the pillars of international finance.

Well, the solution, I might add, again, there is another solution. We are not just talking about either a loan in and of itself and not changing anything else, or a gift. No, if we make a loan, it has to be coupled with a change in policy. The solution is not another $18.6 billion to be taken from the hides of the American people. The solution is a repudiation of the Iraqi dictator's $120 billion debt.

The Europeans, who loaned Saddam Hussein billions which he used for weapons and palaces, should try to find Saddam Hussein and collect from him if they want their money back. We are not the world's repo man or collection officer. The American position on the debt left by Saddam Hussein should be based on the principle that no people who rid themselves of a tyrant should be expected to pay the debts incurred by that dictator. Any financial institution or country that loans money or provides credit to a gangster regime like that of Saddam Hussein's should do so at their own risk, and they should certainly not expect America's taxpayers to guarantee their amoral transactions.

Now, we have heard on this floor that none of this money is going to go to repay those loans. Yes, none of that money in particular. But by not making this a loan, by never getting it back, by just giving away $20 billion which our children will have to repay, because we are borrowing that, what that means is we are doing that in order to secure those loans so those big German and French and Saudi moneyed interests get paid the loans they made to Saddam Hussein.

In summary, the insistence that we give, rather than loan, Iraq this $18.6 billion is really aimed at protecting these financial institutions that back Saddam Hussein's bloody regime. The debt left by Saddam Hussein's dictatorship should be repudiated. It should be wiped away. We have heard earlier today talk about the Marshall Plan. We have heard about, oh, we have to pass this as a gift, because other donor countries will not help in the weeks ahead.

Well, first of all, look at the Marshall Plan argument. What did we do to make sure that Germany was able to prosper? The first thing we said in the Marshall Plan was that the German Government is not going to be responsible for the debts of the Hitler regime. Now, the reparations, yes. That is when the Nazis did things and that government had to pay reparations, but not the debts, not the people who just loaned money to the Hitler regime. All of those debts were forgiven.

So here we have the Marshall Plan argument, and it just does not work here.

The institutions, the institutions and the governments that hold the debt from Saddam's regime cannot be permitted to profit from these loans to this gangster. And when we go to that conference and we are asking, the President is saying, oh, we have to make it a grant instead of a loan because these other people then will not donate when we go to the donors conference. Look, my colleagues just noted, I worked in the White House for 7 years. This is ridiculous.

First of all, how much money are we expecting to get from those people? I will guesstimate that it will be a very small amount. If there is $10 billion, I will be shocked, and shocked if the $10 billion is ever donated. But there is nothing that we can do at that donors conference; there is no amount of money that they can give that will be more beneficial to the economy of the Iraqi people than the repudiation of the debt that Saddam Hussein accumulated to those very same countries' banks.

Mr. DELAHUNT. Madam Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Madam Speaker, I think that is an excellent point that the gentleman makes, because we have heard a lot about the donors conference, and the gentleman uses a figure of $10 billion, which I would suggest is optimistic.

Mr. ROHRABACHER. Really high.

Mr. DELAHUNT. If he is unaware, he should know that the European Commission, which is the executive arm of the European Union, has already made its commitment. Now, obviously, individual countries will be asked to come and contribute. But does the gentleman know the figure that the European Union's executive arm, the European Commission, has made?

Mr. ROHRABACHER. No. What is that?

Mr. DELAHUNT. Madam Speaker, $230 million. So again, I do not think that we are going to realistically expect that a figure of $10 billion, which has been circulated about, is realistic. And I cannot agree with the gentleman more. Not only have we carried the burden of military presence in Iraq, but at this point in time, to just simply give the money away, without having it collateralized with future oil revenue, it just simply is unfair to the American taxpayer and to the American people. I thank the gentleman for yielding.

Mr. ROHRABACHER. Madam Speaker, I think the gentleman's information puts to bed the idea that we have to spend $18.6 billion and give it as a gift in order to make sure that the Europeans at this donors conference cough up the money. Well, there is very little chance that they will. But again, no matter how much money they give, in no way would it be as beneficial as if we had a policy that the debt owed or the debt accumulated by Saddam Hussein and spent by Saddam Hussein is no longer the responsibility of the Iraqi people. That would free the Iraqi people from a burden that will bend them over and break their economy.

□ 2310

Mr. DELAHUNT. Madam Speaker, if the gentleman would yield for just a moment. I seek information. But what has gone unremarked during the course of this debate is that the American taxpayer has already, through our government, negotiated a loan to the government of Turkey for $8.5 billion. That is not part of this supplemental.

Now, we are loaning American dollars, hard earned American dollars, to Turkey for $8.5 billion. We are taking dollars from Americans and loaning them to Turkey and, of course, American taxpayers will be asked to pay the interest on that $8.5 million.

Mr. ROHRABACHER. Madam Speaker, reclaiming my time, we will be paying the interest on that for 20 years and then our children, our young children today will have to pay those debts off in the future.

Again, this comes back to a basic argument we will have on the floor tomorrow, and this is one of the center core debates we will have tomorrow, about fiscal responsibility and what is going on.

I support the President's war efforts. I have been a point person on them. No one can doubt that in this body. I support the Iraqi war efforts, supported what we did in Afghanistan. I am proud of our President. But we must stand up for fiscal responsibility, especially when it comes to this part of the package I think it is one-eighth of the package or something, one-sixth of the package, which deals specifically with Iraqi reconstruction. Should it be a loan? Should we expect that when Iraq gets back on its feet, starts producing its oil, which it may be the word's biggest oil producer in years to come, should we expect them to pay it back as we continue to prosper or should our children pay for that money because we had to borrow, make a greater debt to get the money there in the first place?

Well, let me tell you what happened in the past when we followed the same course. We pressured the democratic governments that replaced the communist dictatorships in Russia and Eastern Europe to pay their debts of oppressors of the preceding communist regimes. What did that do when we forced them to pay for that? What happened was a decade of chaos, a decade of uncertainty, a decade where there was very little growth, and there was actual decline instead of what we could have had in Eastern Europe and Russia which could have been an era of progress, of freeing, of uplifting. But instead we wanted those people to pay for the debts.

Well, all of this was done. Why? Here we were risking the democratic development of Russia itself and bringing us out of the Cold War and into a new world in order to protect powerful financial interests who had done business with these bloody dictatorships. Mainly, yes, huge European banks who had loaned money to Russia and to Eastern European countries. And we risked instability and we risked the whole future of development of the post-Cold War world in order to make sure that their loans to the dictatorships were honored. We cannot do that now. We cannot base our policy on keeping the loans to Saddam Hussein's loans viable for these nutty financiers from Saudi Arabia and from French and German banks.

We are here to do right by the people of Iraq. And we can do that. What is right is for us to let them wipe the slate clean. Let them repudiate these debts. As I say, no amount of money is going to be donated at this conference that will make up, that could be anywhere as beneficial as just repudiating the Saddam Hussein debt.

And let us renew, let us start anew, let them start anew as well. Let us offer money for reconstruction as a loan. If they can or cannot repay it in the future if something happens, we have not lost anything if we put it as a loan. Because if we give it as a grant, we are certainly not going to get anything back.

Now, tomorrow I am going to offer two amendments on the Iraqi reconstruction. And my first amendment will suggest that the $18.6 billion in Iraqi reconstruction, that part of the supplemental should be made only as a loan. Now, it may well be ruled out of order. It may be said that it is not germane because you cannot legislate on an appropriations bill. And we are talking about an appropriations bill.

If my amendment there is ruled out of order, I will then offer another amendment. And that amendment will be to cut the $18.6 billion in reconstruction money from that bill. And I can assure my Democratic colleagues and my Republican colleagues, my friends on both sides of the aisle, that if we stand up and do what is right and insist that they not spend the money unless it is a loan, I can guarantee them the next day the administration will be here, will be here with a loan proposal.

And, so, the vote on the Rohrabacher amendment tomorrow, and that is not a cutting amendment but it is an insistence that it be a loan instead of a give-away, the people of the United States need to know how we are voting, they need to contact their Member of Congress to say to vote for the Rohrabacher amendment making it a loan, and cutting it if it is not. Because it will come back within a few days as a loan.

And I would hope that my colleagues on the other side of the aisle will be able to support that. We can stand by the people of Iraq, but we do not have to stand on the face of the American taxpayer to do it.

IRAQ WATCH

The SPEAKER pro tempore (Mrs. MUSGRAVE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for the remaining time until midnight as the designee of the minority leader.

Mr. DELAHUNT. Madam Speaker, before the gentleman from California (Mr. ROHRABACHER) leaves, I want to convey to him my own confidence that there will be many Democrats, his colleagues on this side of the aisle, that will support the common sense amendment, the Rohrabacher amendment, rather than a give-away of American tax dollars.

There has to be an insistence that the funding provided in terms of the reconstruction phase is money that will be paid back with interest to the American people. Because he might be unaware, but this supplemental that is before us now, this $87 billion is not $87 billion. That is the principal. $87 billion. And it has been calculated by respected authorities, it will cost each year the American taxpayer some $4 billion in interest. So add that on, add that on to the $87 billion that we will be voting on tomorrow.

Now, the ranking member of the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), has done some work. Just that $4 billion, not the $87 billion that represents the principal, that means that, as I said, on a permanent basis we will be spending over $4 billion a year just to cover the interest payments that this supplemental will be required of us and future generations.

Mr. ROHRABACHER. Madam Speaker, would the gentleman yield for a moment? I appreciate the expressions of support. And if we can help improve this even a little bit by that portion of the bill dealing with reconstruction, I think that it will at least make these a little bit better.

I would hope that those people who are listening or reading this in the newspaper would be calling their Congressman and let the people know that the Rohrabacher amendment is something that we know is in the deep interest of the American people and that we need to stand up for the American people sometimes.

□ 2320

Mr. DELAHUNT. Madam Speaker, I think it is so important to understand that it has bipartisan support, and that we are working here tonight in a bipartisan fashion to represent the best interests of the American people.

The American people, as the gentleman has enumerated during the course of his remarks these past 45 minutes, are a generous people. But there comes a point in time, particularly as we look at a $500 billion deficit, that we have to say, enough is enough. Because generations of Americans will find that their economy will suffer because we know that the deficit and the debt becomes a drag on the economy. If there should be a recovery that is sustained, I fear that it will be short term.

I thank the gentleman and look forward to working with him tomorrow.

That $4 billion a year, just on the interest payments, to put it in perspective, it is more than we currently spend each year on research for Alzheimer's disease, autism, breast cancer, ovarian cancer, prostate cancer, diabetes, Parkinson's disease, Lou Gehrig's disease, multiple sclerosis, and all forms of kidney diseases combined. Combined.

Where are our priorities? Where are our interests? What about those Americans that suffer from these dreadful, in some cases deadly, diseases?

Madam Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Madam Speaker, I think it is appropriate that the gentleman points out the neglect of the needs that are right here at home and the fact that the President frequently talks about forcing Congress to restrain spending, but yet he is so willing to ask us to spend so much in Iraq. And the gentleman mentioned all of these dreaded diseases, and that is appropriate; but I also think it is appropriate for American people to understand that when the VA/HUD appropriations bill was dealt with in this Chamber just a couple of weeks ago, that when we passed that bill, VA health care was underfunded by $1.8 billion.

Now, think of that. Compare underfunding VA health care by $1.8 billion because the President and the leadership of this House says, well, we just simply cannot afford to provide this level of health care for our veterans, less than $2 billion. And yet they are so willing to come to this Chamber and to ask us to spend $87 billion in addition to the $65 billion that we have already appropriated for Iraq. That just seems incongruous to me that we would have that kind of leadership.

Now, this past week I was in my home town of Portsmouth, Ohio, and I was there with the National Commanders of the AMVETS at an AMVETS meeting hall; and I was talking with many of those veterans, and I want to state that they were upset. They talk about the underfunding of VA health care; they talk about the fact that the administration is trying to increase the cost of prescription drugs for their medicines; that the President has asked that they pay a $250 annual enrollment fee to participate in the VA health care system; that many veterans, some of them combat decorated veterans who are being totally excluded from VA health care because they are being considered higher income and they can earn as little as $24,000 a year and be considered higher income.

And yet we nickel and dime the veteran and are so willing to ask for huge sums of money to build roads and bridges and schools and hospitals and prisons and medical clinics and to establish phone systems and cell phone capability in Iraq, and we are shortchanging the American people.

We are especially shortchanging our veterans. That just simply does not make sense to me.

Mr. DELAHUNT. Madam Speaker, I want to concur with my friend from Ohio (Mr. STRICKLAND). I think the most egregious aspect of this war supplemental submission is the fact that American veterans have been left out. The gentleman indicated that not only are deductibles being raised, not only are co-payments being insisted upon for prescription drugs, but that a substantial number of veterans are now so-called priority 8 veterans, which means that they make over $24,000 a year and are denied access to the veterans health care system. That is unconscionable.

Mr. STRICKLAND. Madam Speaker, it puzzles me. I do not understand why the President and the leadership in this House do not just solve this problem. It is so easy for them to ask for $87 billion for Iraq; it should be a no-brainer, quite frankly. They should decide tomorrow that they are going to add this $1.8 billion. If we had an additional $1.8 billion in the VA budget, we would not have to increase co-payments on drugs. We would not have to impose an enrollment fee. We would not have to exclude priority 8 veterans from care. We would not have to do any of these things if we had sufficient funding for VA health care.

How can those who are so willing to boast of their support for our military be so callous, so unfeeling when it comes to the men and the women who have fought our past wars, who have borne the battle and who are now in need? It just puzzles me that why is it so easy to ask for $87 billion on top of the $65 billion that has already been appropriated, and yet they nickel and dime the veterans and refuse to add the $1.8 billion.

I want to state, and the gentleman is aware of this, I am sure, the veterans groups in this country know what is going on. The DAV, the Paralyzed Veterans, the American Legion, the Vietnam Vets, the AMVETS, all of these vets. I have met with them. I am on the Committee on Veterans' Affairs. They have been before our committee.

Every last one of these veterans organizations are asking that we restore $1.8 billion.

It is unconscionable, it is unconscionable that those of us who serve in this House would refuse to do what needs to be done for veterans health care and be so willing to just go into the pockets of the American taxpayer and take out $87 billion and use it for Iraq. It just does not make sense to me.

Mr. DELAHUNT. If we could just juxtapose these two pictures. As these young men and women get on an American naval vessel and go to war, the bands are playing, there is confetti, there are waves, there is our flag, there is our political leadership applauding them; and yet when they return and assume that honored title "veteran," we disrespect them, dishonor them; and we have broken our promises to them again and again and again.

The most dishonored, disrespected group who deserves our ultimate gratitude in this country is the American veteran. And as the gentleman has so well put it, we are ignoring them. I do not know if anyone who has this information could vote for this supplemental, including this gift to Iraq, and not insist that the American veterans' health needs be met.

□ 2330

My colleague mentioned earlier about deductibles. I know the gentleman knows because of his service on the Committee on Veterans Affairs, and because of his work with veterans all over this country, that there is a long waiting list to get an appointment in veterans health care centers, whether it be primary care or even veterans hospitals.

Mr. STRICKLAND. Madam Speaker, if the gentleman would yield, it is not only veterans who are being neglected, but those who support this $87 billion supplemental and the President, this administration, they are trying to say to us, if you oppose this, then you are not supporting our troops, and I say balderdash. There is absolutely no truth to that.

The fact is that right now, right now this very night, as my colleague and I are standing here in this chamber of the House of Representatives, there are young soldiers in Iraq who are in danger because they do not have adequate protective vests. It is estimated that about 44,000 American soldiers this very moment are in Iraq, and they have Vietnam-era vests that cannot protect them from bullets. Why is that? It is because this Pentagon, this administration did not make it a priority.

Mr. DELAHUNT. The civilian leadership.

Mr. STRICKLAND. The civilian leadership, not the military. It is the civilian leadership, and we had months to prepare for this war. There were months during which we knew that war was likely to occur before the actual conflict started.

General Myers has said recently, wait a minute, this is not a matter of money, this is a matter of production. We just cannot simply get these vests produced rapidly enough, and so our soldiers will not receive these until December, but he is saying that after they were exposed. If the public had not achieved knowledge that these soldiers were being unprotected, they would not be trying to get these vests made for the soldiers. It was only after they were exposed.

In May, I received a letter from a young soldier saying that I and all of my men have the vests that will not stop bullets, and we have had stories of moms and dads taking money out of their own pockets and buying these protective equipment and sending them to Iraq and young soldiers literally duct taping them to their bodies because they do not have the proper vests to hold these ceramic inserts. That is quite shameful.

I do not want anyone in this administration lecturing me about my concern for our troops. I would spend the last dollar available to this government to protect our soldiers, but I will not support a policy that is flawed.

I see we have been joined by the gentleman from Washington State (Mr. INSLEE) as well.

Mr. DELAHUNT. Another member of the Iraq Watch. We are usually led by the gentleman from Pennsylvania (Mr. HOEFFEL), but I am sure something has come up so we have a truncated version tonight, but I want to welcome the gentleman from Washington (Mr. INSLEE).

Before I yield to him, I want my colleague to know that yesterday I met with families of a detachment of the Massachusetts National Guard who explained to me the concern that they have for their husbands and their sons and daughters because of exactly what my colleague is saying. One mother went out and bought a Kevlar body armor piece for $900. I would think that anyone hearing us tonight is just simply incredulous that this is the case, and then had to pay, had to pay to have it shipped through the post office some $500, and my colleague is right. Do not ever tell anyone in this House that we do not support the troops.

Mr. STRICKLAND. Madam Speaker, if my friend would yield for a moment, we all support the troops. There is not a Member of this chamber that does not care about the young Americans, and some of them are middle-aged because they are reservists and National Guard. They are moms and dads and people who are serving us this very night, not only in Iraq but in Afghanistan and in other dangerous places around this world. We honor them. We love them for their service to this great country, but what we are talking about here is a policy that is flawed, and we are talking about the need to bring some common sense and sanity to the way we support our troops and the way we spend the American tax dollar.

Mr. DELAHUNT. When they come home, to honor them and to respect them and provide them with adequate health care coverage, and they are not receiving it now.

Let me suggest, those that speak of patriotism and indulge in rhetoric about America, they are not serving America, and they, in my opinion, are unpatriotic until they come before this House with the appropriate resources to fully fund veterans health care in America.

Mr. INSLEE. Madam Speaker, will the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Washington.

Mr. INSLEE. Madam Speaker, I appreciate that segue and why I came to the floor tonight to talk about the sad fact that we, and I am from the State of Washington, are hearing story after story after story about how our troops are not getting the tools they need to do the job and how their families are not receiving the benefits they need to keep the home fires burning while particularly these reservists and Guard men and women are in these extended duties, and that is what I wanted to focus on.

Every Member of Congress I think has heard from mothers and fathers of troops. I met with a group of reservists, wives and mothers and fathers and husbands last weekend, and the story I heard about was of a mother who is a nurse who had to go out and herself buy medicine for the troops that her son, who is a medic in the Army, the Army simply was not providing. She had to actually ship over medicine disguised as brownies or food or something to her troops to get this kind of stuff to them. We heard story after story of that.

In a grander scale, on a macro scale, as the gentleman from Massachusetts (Mr. DELAHUNT) indicated, we need to have a significant restructuring to provide the health care and benefits. We are going to have to improve or we are not going to have a reserve force. We are not going to have a meaningful National Guard force because the families that I have been talking to are going to be making some different career decisions if we do not start to cut the mustard.

Now, as a result of that, I offered an amendment today in the Committee on Rules to significantly improve the health care situation for reservists so that they could buy into TRICARE or Uncle Sam would essentially continue their employer-paid programs for at least 6 months after their deployment. This would be a significant benefit to families in the reserve because they will say at least we are going to be able to continue our existing level of coverage for the whole family during these extended family deployments. It is not just a year anymore. It is 18 months for a lot of these folks because they changed the rules on what is an in-country deployment.

This is a Democrat offering this amendment. We are going to hear a lot of people suggesting we are not supporting the troops because we are raising issues about this policy, but this amendment was not allowed for a vote on the floor here. I offered an amendment that would allow us to vote on this floor to give reservists better health care, and the Republican majority would not allow even a vote on this effort to improve reservists' health care, and I think that is a failure not only for the families which have a big dog in this hunt but in our military security force structure. We are going to have to do these kinds of things or we are just going to have people leaving the reserves and the National Guard in significant numbers.

The second issue, I will be joining the gentleman from Michigan (Mr. STUPAK) who will be offering an amendment to take a little bit of money out of the Iraq reconstruction fund and put it where it belongs, which is a pay increase for these folks fighting this battle, and this is appropriate given the extraordinary nature of this extended deployment, and it should have been done in the first instance. I hope the majority party will join us in improving the lot of our soldiers on the line.

The third issue, and I just want to mention this briefly before I yield, there is a huge irresponsibility in this plan that the President has presented. The irresponsibility is while these soldiers are risking all in Iraq, who are sacrificing their time, their limbs, their lives, the President of the United States has not asked folks to sacrifice a little bit to pay for this war and instead wants people on Social Security, essentially in the trust fund, to pay because every single last dollar of this money he is taking out of the Social Security trust fund to pay for this war, instead of asking for a small sacrifice to perhaps delay or defer the tax cuts for people earning over $300,000.

□ 2340

Now, is that too much sacrifice to ask, people earning $300,000, when our kids and our husbands and our wives are serving in Iraq?

Mr. STRICKLAND. Madam Speaker, if my friend would yield, the President talks about the fact that we are not going to cut and run, that we are going to stand strong and that we are going to sacrifice to pursue this war on terror. The only people sacrificing, with due respect to the President, the only people sacrificing are the soldiers in Iraq and the loved ones back here at home, and the children in our country who are being given the bill to pay for all of this. Those are the people who are sacrificing.

The President is not sacrificing. I am not sacrificing. No Member of this House of Representatives is sacrificing. No Senator is sacrificing. We are continuing to draw our salaries and enjoying whatever benefits are coming to us. We are not sacrificing, but we are using Social Security trust fund monies. We are increasing the debt. And that debt has to be paid sometime in the future, and the children in this country are being given this huge burden.

Now, the President says he wants to build schools in Iraq. I care about children everywhere, but if we are going to build schools in Iraq, let us pay for those schools now. He wants to build schools in Iraq, and he wants to give the bill to America's kids.

He wants to build hospitals in Iraq, and he wants America's children to pay for it sometime in the future. They want to build two big prisons in Iraq, two 4,000-bed prisons. They are asking for $410 million to build these two prisons, and we could build those two prisons in this country for an estimated $113 million.

So with all due respect to the President, when he talks about our willingness to sacrifice, he is not asking anyone to sacrifice except the kids, the old people who depend upon Social Security, and the soldiers and their families. He is not asking Members of Congress to sacrifice. He is not asking his rich wealthy friends to sacrifice.

Mr. DELAHUNT. And, Madam Speaker, he is certainly not asking the lobbyists on K Street to sacrifice. He is certainly not asking a select group of businesses in this country to sacrifice.

I found it particularly interesting that back on September 30, in an article in The Washington Post, it was announced that a group of businessmen, linked by their close ties to President Bush, his family and his administration, had set up a consulting firm to advise companies that want to do business in Iraq, including those seeking pieces of taxpayer-financed reconstruction projects.

I am sure my colleagues are aware, but I guess this firm is headed by Joe Albaugh, who happened to be Mr. Bush's campaign manager back in the year 2000 and served as the head of the Federal Emergency Management Agency until last March. So one can only imagine that the $87 billion is not going to create jobs for Americans.

And I think our friend, the gentleman from California (Mr. ROHRABACHER), made a very good point. It is not even going to create jobs for Iraqis. It is going to create jobs that will benefit a very select few in our country.

Mr. STRICKLAND. Madam Speaker, if my friend will yield once again, the gentleman from California (Mr. ROHRABACHER), who is a Republican and a strong supporter of the President usually, is going to offer an amendment tomorrow to have at least a large portion of this $87 billion given in loans instead of grants. Now, the President says, oh, we cannot do that because we cannot put this great debt burden on the Iraqi people.

Mr. DELAHUNT. But we can put it on the American people.

Mr. STRICKLAND. But the President is putting it on America's children. I mean it is a puzzle to me. This is strange thinking, that we are willing to pile debt upon America's kids and we are not willing to expect Iraq, with these huge oil reserves, to bear some of the burden.

And, remember, Deputy Secretary of Defense Wolfowitz told the Senate in March of this year that Iraq was such a wealthy country that they would be able to finance, in most part, their entire reconstruction. He said that in March.

Mr. DELAHUNT. What has happened since March? Maybe one of my colleagues can inform us.

Mr. INSLEE. Well, Madam Speaker, what has happened is that many misstatements have been laid bare to the American people, and that is why the American people are demanding Congress ask the questions we are constitutionally obligated to ask about this program. And we will not be dissuaded by those who will simply try to demagogue this issue by saying that we are not supporting the troops. We are the ones who want to improve the troops' pay grades; we are the ones who want to make sure that, in fact, this gets paid.

I want to make one point also. This debate tomorrow is not going to be about whether or not we continue to fulfill a responsibility in Iraq, because there is bipartisan consensus that we have some responsibility in Iraq; and anybody who says otherwise, well, that is just a red herring. But what we are saying is, let us not repeat the errors that a Democratic President made in the 1960s of deciding to try to fight a war on the cheap and saying we can have both guns and butter and create these enormous deficits.

Now, it is the same as what happened in the 1960s here. This is going to create enormous deficits. There is a little difference, though. At least in the 1960s it was our butter. Now it is going to be the Iraqis' butter that Americans are going into debt to pay. Now, maybe some of that has to happen by the vicissitudes of fate we find ourselves in, but we should not repeat the mistake of the 1960s that ended up with a horrendous deficit going through the roof in the 1970s.

Mr. STRICKLAND. Madam speaker, if my colleague will yield, someone said that this is not a debate about guns and butter; it is a debate between our butter and their butter. And there is some truth to that. But on a very serious note, I said something in the Chamber earlier this evening, and I want to repeat it.

I deeply resent, I deeply resent those who would use our troops as leverage, those who would use our troops as hostages in order to extract from this Congress an agreement to spend $87 billion in Iraq. All of us support our troops, but this President and this leadership will not allow us to have separate votes on the money to support our troops and the money to build Iraq and money that could and probably will be used in a non-bid contracting-kind of environment.

But it really offends me to imply that because we do not want to just give the President $87 billion to spend basically as he wants to spend it, that somehow we are not being supportive of our troops. I find that a painful thing to have to cope with.

Mr. DELAHUNT. And, Madam Speaker, I think that is very important to understand. And for those that may be listening to us at this late hour, the vote tomorrow, or maybe early on Friday morning, will be on the entire package. Many of us have pressed the administration and the Republican leadership to allow separate votes. But as the gentleman from Ohio indicates, they refuse to do it because they know that, yes, the body would support the needs of American troops; and, therefore, they feel that the other monies, the monies that are going to be going to large multinational corporations to rebuild Iraq would be very much at risk.

□ 2350

That is a ploy, a stratagem that I daresay is again unconscionable. And for anybody to suggest that a vote against the $87 billion is a vote against supporting the troops is misleading the American people. We have had enough of misleading the American people. Let us really tell it as it is.

Mr. INSLEE. The way it is is that those of us who are raising questions about this proposal, I will not call it a plan because it does not rise to the dignity of a plan. It is not a Marshall Plan. It is not even a partial plan. We do not have a schedule, we do not have a schematic, we do not have a plan. It is the beginning of a proposal of an idea maybe, but that is why we are here asking these questions. But what those of us who are asking these questions, the one thing we do know is this. The amount the administration has proposed for military expenditures is actually inadequate for the job at hand. We are the ones who are saying that what has been proposed is not enough to fulfill this responsibility. It is not enough because it does not take care of the health care of Reservists, it is not enough because it does not take care of the health care of National Guards, it does not provide some of the basics to the service personnel. It is billions of dollars short on what it is going to take to rebuild the tracked vehicles that get essentially destroyed in the sands of the Mideast. There are billions of dollars we are going to have to spend that are not in that figure that should be ultimately. There is not a method of paying for the interest on the debt they want to rack up to do this.

In a whole host of ways, we are the ones who are saying we actually need to beef up the amount needed for the military expenditure in this mission. So we will not hear or suffer those who would attack our willingness to invest in the military part of this operation.

Mr. DELAHUNT. Let us remind our colleagues tomorrow during the course of the debate and the American people here tonight that there exists in Iraq a so-called governing council that Mr. Bremer himself in consultation with the White House and the leadership in the administration selected. There are 25 of them. They were handpicked by Mr. Bremer. These individuals came to Washington 3 or 4 weeks ago to say, cede us more authority or things are unraveling and, furthermore, you are spending money that you should not be spending. You are wasting American taxpayers' dollars.

Let me just give you one example. There was a cement factory somewhere in Iraq. The American estimates for rebuilding that cement factory and bringing it up to Western standards was $15 million. And somebody in the military, not in the civilian leadership of the Department of Defense, but in the military said, I am going to make a decision and let the Iraqis build it. It is now up and running. The cost went from $15 million down to $80,000. $80,000. And they want a blank check. No, no, no, Madam Speaker, no blank checks anymore. No.

Mr. INSLEE. If the gentleman will yield, I would like to just address how large this blank check is. I mean, it is a large figure. It sounds big. But in reference, it is, for instance, compared to the Marshall Plan, it is 10 times per capita benefit going to the Iraqi folks than went to the German folks. Ten times per capita. This is an enormous sum of money. Speaking as one who has supported foreign aid, even though it is sometimes controversial, there are many circumstances where we ought to support foreign aid. But this is 50 times larger per capita foreign aid to the country of Iraq than the next largest developing nation. Fifty times per capita. This is an extraordinary amount of money for one country.

Frankly, this is not the only country that presents us problems. Yemen is a potential terrorist site. The Sudan is a potential terrorist site. Somalia is a potential terrorist site. Afghanistan, we are doing lip service to and frankly it is too little in my opinion for Afghanistan given what is going on there with the Taliban perhaps restructuring. Indonesia, throughout that part of the world. We have lots of places where we need to keep stable governments.

Mr. STRICKLAND. If the gentleman will yield, we are talking about the $87 billion that is currently under consideration. We ought not to forget, we have already appropriated for Iraq about $65 billion. And, mark my word, this administration is going to come back here next year and they are going to ask for another $50 billion or more. This $87 billion is just part of what they are asking for. And every dollar of that $87 billion is going to come out of Social Security and Medicare trust fund moneys. It is going to be added to our debt. Our children are going to be responsible for paying it off. And in the meantime we are nickel and diming our veterans as we said earlier. All they need is $1.8 billion to increase their health care budget to bring it up to where we can take care of the veterans in a reasonable, defensible manner. They are not willing to spend an additional $1.8 billion on our veterans. Think about that. Hear that, people. They are not willing to spend 1.8 billion additional dollars on our veterans, and they are asking for $87 billion for Iraq. It in my judgment it is shameful. Shameful. And this is one of the things we ought to be talking about tomorrow when this bill comes to the floor for our consideration.

Mr. INSLEE. The gentleman just provoked a thought. You think about who is really paying for this in financial terms. The soldiers are paying for it with their lives. But in financial terms, it is our young who are going to be saddled with this debt, billions of dollars of debt, and it is our older folks, including veterans, who are not going to get their health care because this President wanted to send this money to Iraq and did not pay for it. So we are hurting the two most sort of vulnerable groups in our neighborhoods, in our communities, because this plan is not a responsible plan that fulfills our mission in Iraq and our responsibilities to our future kids and our current elders. For that reason, we ought to be asking serious questions.

Mr. STRICKLAND. Could I just say in closing before I turn it over to our good leader here this evening, I am not sacrificing for this war. The President has not asked Ted Strickland to sacrifice a thing. I am getting my full salary, my full benefits. No one in this Chamber is sacrificing. And you know the President is not sacrificing. Who is sacrificing? His wealthy contributors are not sacrificing. Halliburton is not sacrificing. The Vice President is not sacrificing. You know who is sacrificing? Our soldiers are sacrificing.

Their loved ones back here who worry that they do not have protective armor so that when they are out on patrol they are not as protected as possible. They are sacrificing. And the children of this country who are being given a huge debt to pay off at some time in the future, they are the ones that are sacrificing. I do not want to hear the President talking about us being willing to sacrifice. The sacrifice ought to be shared sacrifice. We all should be sacrificing, including the wealthy among us.

Mr. DELAHUNT. Like we did in World War II and in subsequent wars that this country has had to fight. Speaking of wars, much has been talked about the war on terrorism earlier during the course of the debate but I think it is important to remember and remind the American people that after Vice President CHENEY made the statement on national TV that there possibly were some links between Saddam Hussein and September 11, the President finally came forward and stated unequivocally that there was no evidence whatsoever in supporting that link. I would also urge Democrats to seriously consider supporting the Rohrabacher amendment, a good, conservative Republican from the State of California, because he is right. It ought to be a loan, not a giveaway. Because America and America's future is riding on this. Because once we establish that as a precedent, and the gentleman from Ohio is right, they will be coming back looking for more and more and more money right out of the pockets of the American taxpayer.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today and the balance of the week on account of a death in the family.

Mr. MARSHALL (at the request of Ms. PELOSI) for today on account of illness.

Mr. MCHUGH (at the request of Mr. DELAY) for today on account of traveling on a congressional fact-finding trip to Iraq.

Mr. SAXTON (at the request of Mr. DELAY) for today on account of traveling on a congressional fact-finding trip to Iraq.

Mr. HAYWORTH (at the request of Mr. DELAY) for today on account of attending to family business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STRICKLAND) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

(The following Members (at the request of Mr. ROHRABACHER) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today, October 16 and 17.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. FEENEY, for 5 minutes, today and October 16.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. KENNEDY of Minnesota, for 5 minutes, today and October 16.

Mr. GINGREY, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 14, 2003 he presented to the President of the United States, for his approval, the following bill.

H.R. 2152. To amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program.

ADJOURNMENT

Mr. DELAHUNT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until tomorrow, Thursday, October 16, 2003, at 10 a.m.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, October 15, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: A Notice of Proposed Rulemaking (NPR) for proposed amendments to the Procedural Rules of the Office of Compliance was published in The Congressional Record dated September 4, 2003. The period for submission of comments announced in that NPR ended on October 6, 2003.

A Notice of Proposed Rulemaking—Extension of Period for Comment was published in The Congressional Record dated October 2, 2003. That Notice extended the period for submission of comments announced in the NPR to and including October 20, 2003.

The Board of Directors of the Office of Compliance will hold a hearing regarding the comments which have been submitted during the comment period. The hearing will be open to the public. The hearing will take place on Tuesday, December 2, 2003, at 10:00 a.m. in room SD-342 of the Dirksen Office Building. Individuals or organizations who have submitted written comments during the comment period may supplement those comments by an oral presentation at the hearing. Individuals or organizations who have timely submitted comments during the comment period which ends on October 20, 2003, and who wish to make an oral presentation at the hearing, must submit a written request to William W. Thompson II, Executive Director, Office of Compliance, 110 2nd Street, S.E., Washington, D.C. on or before Friday, November 14, 2003. Oral presentations are limited to 20 minutes per commenter, unless extended by the Board.

We request that this Notice of Hearing be published in the Congressional Record. Any inquiries regarding this Notice should be addressed to the Office of Compliance at the above address, or by telephone: 202-724-9250, TTY 202-426-1665.

Sincerely,

SUSAN S. ROBFOGEL,
Chair.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4752. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — Part 1778 — Emergency and Imminent Community Water Assistance Grants — received October 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4753. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4754. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-162, "Freeze of Within-Grade Salary Increase Repeal Temporary Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4755. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-161, "Domestic Violence Protection Orders Technical Temporary Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4756. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-160, "Board of Veterinary Examiners Temporary Amendment Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4757. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-159, "Food Regulation

Temporary Amendment Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4758. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-158, "American College of Cariology Foundation Real Property Tax Exemption Temporary Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4759. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-157, "Tax Abatement for New Residential Developments Definition Clarification Temporary Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4760. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-156, "Revised Closing or a Portion of a Public Alley in Square 209, S.O. 02-1019, Temporary Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4761. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-155, "Cooperative Purchasing Agreements Amendment Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4762. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-180, "Suspension of Purchase Authority in the District of Columbia Government Purchase Card Program Temporary Amendment Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4763. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-168, "Presidential Primary Petition Waiver and Democratic State Committee Elections Temporary Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4764. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-178, "Veterans of Foreign Wars Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4765. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-167, "Health Care Privatization Rulemaking Temporary Amendment Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4766. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-179, "Office of Property Management Reform Temporary Amendment Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4767. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-177, "Retail Incentive Temporary Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4768. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-166, "Unified Communications Center Lease Agreement Temporary Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4769. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-176, "Eastern Market Temporary Amendment Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4770. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-165, "Comprehensive Housing Strategy Temporary Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4771. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-175, "Department of Insurance and Securities Regulation Merger Review Amendment Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4772. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-164, "Make a Difference Amendment Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4773. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-163, "Superior Court of the District of Columbia Master Jury List Project Clarification Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4774. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of the Public Service Commission Agency Fund for Fiscal Year 2002," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

4775. A letter from the Secretary, Department of Transportation, transmitting the Department's Strategic Plan for Fiscal Years 2003 through 2008; to the Committee on Government Reform.

4776. A letter from the Acting Administrator, Environmental Protection Agency, transmitting the Agency's FY 2003-2008 Strategic Plan, as required by the Government Performance and Results Act of 1993 (GPRA); to the Committee on Government Reform.

4777. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled "Comparative Analysis of Actual Cash Collections to Revised Revenue Estimates Through the 2nd Quarter of Fiscal Year 2003"; to the Committee on Government Reform.

4778. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Proposed Revenue Procedure Regarding Home-Care Service Procedures — received October 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4779. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Michael and Nancy B. McNamara v. Commissioner 236 F. 3d 410 (8th Cir. 2000), rem'g, McNamara v Commissioner, T.C. Memo 1999-333; [T.C. Dkt. Nos. 7537-98 (McNamara)]; Hennen v. Commissioner, T.C. Memo 1999-306 [T.C. Dkt. Nos. 7535-98 (Hennen)]; Bot v Commissioner, T.C. Memo 1999-256 [T.C. Dkt. Nos. 7970-98 (Bot)] received October 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4780. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Disallowance of Certain Entertainment, Etc., Expenses (Rev. Rul. 2003-109) received October 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4781. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Evidence Requirements for Assignment of Social Security Numbers (SSNs); Assignment of SSNs for Nonwork Purposes [Regulation No. 22] (RIN: 0960-AF05) received October 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4782. A letter from the Chair, Office of Compliance, transmitting a Notice of Hearing for publication in the Congressional Record; jointly to the Committees on Education and the Workforce and House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 1899. A bill to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, and for other purposes (Rept. 108–313). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on International Relations. H.R. 1828. A bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil and illegal shipments of weapons and other military items to Iraq, and by so doing hold Syria accountable for the serious international security problems it has caused in the Middle East, and for other purposes; with an amendment (Rept. 108–314). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1702. A bill to designate the Federal building which is to be constructed at 799 First Avenue in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building" (Rept. 108–315). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2134. A bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures; with an amendment (Rept. 108–316). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3118. A bill to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia (Rept. 108–317). Referred to the House Calendar.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 3140. A bill to provide for availability of contact lens prescriptions to patients, and for other purposes; with an amendment (Rept. 108–318). Referred to the Committee of the Whole House on the State of the Union

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3198. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes (Rept. 108–319). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 396. Resolution

Providing for consideration of H.R. 3289, emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–320). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ACEVEDO-VILÁ:

H.R. 3290. A bill to amend the Food Stamp Act of 1977 to increase the amount payable to the Commonwealth of Puerto Rico to provide nutrition assistance under such Act; to the Committee on Agriculture.

By Mr. ACEVEDO-VILÁ:

H.R. 3291. A bill to amend title XXI of the Social Security Act to provide for the allocation of allotment under the State Children's Health Insurance Program (SCHIP) to territories in the same manner as for States; to the Committee on Energy and Commerce.

By Mr. BECERRA (for himself, Ms. Ros-Lehtinen, Mr. Rodriguez, Mr. Lincoln Diaz-Balart of Florida, Mr. Ortiz, Mr. Mario Diaz-Balart of Florida, Mr. Acevedo-Vilá, Mr. Baca, Mr. Cardoza, Mr. Clyburn, Mr. Gonzalez, Mr. Grijalva, Mr. Gutierrez, Mr. Hinojosa, Mr. Honda, Mr. Larson of Connecticut, Mr. Lewis of Georgia, Mr. Matsui, Mr. Menendez, Mrs. Napolitano, Mr. Pastor, Mr. Reyes, Ms. Roybal-Allard, Ms. Linda T. Sánchez of California, Ms. Loretta Sanchez of California, Mr. Serrano, Ms. Solis, Ms. Velázquez, and Mr. Wu):

H.R. 3292. A bill to establish the Commission to Establish a National Museum of the American Latino to develop a plan of action for the establishment and maintenance of the National Museum of the American Latino in Washington, D.C., and for other purposes; to the Committee on Resources, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE:

H.R. 3293. A bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the Medicaid and State children's health insurance programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DREIER (for himself, Mr. Bachus, Mrs. Biggert, Mr. Hinojosa, Mr. Kanjorski, Mrs. Kelly, Mr. Oxley, Mr. Pomeroy, and Mr. Scott of Georgia):

H.R. 3294. A bill to require the Secretary of the Treasury to establish a pilot national public service multimedia campaign to enhance the state of financial literacy in the United States; to the Committee on Financial Services.

By Mr. ENGLISH:

H.R. 3295. A bill to provide for additional benefits under the Temporary Extended Unemployment Compensation Act of 2002, to extend the Federal unemployment benefits system, and for other purposes; to the Committee on Ways and Means.

By Mr. GERLACH:

H.R. 3296. A bill to amend various provisions of the Consumer Credit Protection Act to provide relief for victims of identity theft, and for other purposes; to the Committee on Financial Services.

By Mr. ISRAEL:

H.R. 3297. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish recall authority regarding drugs, to increase criminal penalties for the sale or trade of prescription drugs knowingly caused to be adulterated or misbranded, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JANKLOW (for himself and Mr. Bishop of Utah):

H.R. 3298. A bill to provide relief to mobilized military reservists from certain Federal agricultural loan obligations; to the Committee on Agriculture.

By Mr. LARSON of Connecticut:

H.R. 3299. A bill to provide for prescription drugs at reduced prices to Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself, Mr. Kucinich, Mr. Brown of Ohio, Mr. Regula, Mr. Oxley, Mr. Ryan of Ohio, Mr. Portman, Mr. Gillmor, Mrs. Jones of Ohio, Ms. Kaptur, Mr. Ney, Mr. Hobson, Mr. Strickland, Ms. Pryce of Ohio, Mr. Boehner, Mr. Chabot, Mr. Tiberi, and Mr. Turner of Ohio):

H.R. 3300. A bill to designate the facility of the United States Postal Service located at 15500 Pearl Road in Strongsville, Ohio, as the "Walter F. Ehrnfelt, Jr. Post Office Building"; to the Committee on Government Reform.

By Ms. NORTON:

H.R. 3301. A bill to amend the Elementary and Secondary Education Act of 1965 to encourage the implementation or expansion of pre-kindergarten programs for students 4 years of age or younger; to the Committee on Education and the Workforce.

By Mr. TANCREDO:

H.R. 3302. A bill to establish a deficit reduction account in the Treasury of the United States, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself and Mr. Beauprez):

H.R. 3303. A bill to facilitate acquisition by the Secretary of the Interior of certain mineral rights, and for other purposes; to the Committee on Resources.

By Mr. UPTON:

H.R. 3304. A bill to amend the Department of Education Organization Act to establish an Assistant Secretary for Community and Junior Colleges; to the Committee on Education and the Workforce.

By Mr. EHLERS (for himself and Mr. Holt):

H. Con. Res. 301. Concurrent resolution supporting the goals and ideals of the World Year of Physics; to the Committee on Science.

By Mr. WEXLER (for himself, Mr. Chabot, Mr. Rohrabacher, and Mr. Brown of Ohio):

H. Con. Res. 302. Concurrent resolution expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on October 31, 2003; to the Committee on International Relations.

By Mr. BOOZMAN:

H. Res. 397. A resolution honoring the life and legacy of Bernice Young Jones; to the Committee on Government Reform.

By Ms. HOOLEY of Oregon:

H. Res. 398. A resolution providing for consideration of the bill (H.R. 1652) to provide extended unemployment benefits to displaced workers, and to make other improvements in the unemployment insurance system; to the Committee on Rules.

By Mr. KENNEDY of Minnesota:

H. Res. 399. A resolution honoring the life and legacy of Melvin Jones and recognizing the contributions of Lions Clubs International; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. Alexander.

H.R. 84: Mr. Owens.

H.R. 235: Mr. Bishop of Utah.

H.R. 299: Mr. Fossella.

H.R. 313: Mr. Davis of Alabama.

H.R. 331: Ms. Hooley of Oregon.

H.R. 333: Mr. Van Hollen.

H.R. 369: Mr. Van Hollen and Mr. Wynn.

H.R. 391: Mr. Crane.

H.R. 401: Mr. Crane and Mr. King of New York.

H.R. 404: Mr. Frost.

H.R. 486: Mr. Baker, Mrs. Miller of Michigan, Mr. McCotter, Mr. Goode, Mr. Crane, and Mr. Lucas of Kentucky.

H.R. 665: Mr. Peterson of Minnesota.

H.R. 715: Mr. Jefferson and Mr. Lewis of California.

H.R. 742: Mrs. McCarthy of New York, Mrs. Jones of Ohio, Mr. Thompson of California, Ms. Woolsey, and Mr. Ford.

H.R. 767: Mr. Shaw.

H.R. 798: Ms. Hooley of Oregon.

H.R. 819: Mr. Berman and Ms. Millender-McDonald.

H.R. 834: Mr. Turner of Ohio.

H.R. 857: Mrs. Kelly.

H.R. 873: Ms. Baldwin.

H.R. 882: Mr. Snyder and Mr. Strickland.

H.R. 931: Mr. Hayworth.

H.R. 935: Mrs. Davis of California.

H.R. 936: Mrs. Lowey.

H.R. 970: Mr. Green of Texas, Mr. Strickland, Mr. Owens, Mrs. Napolitano, Mr. Tierney, Ms. Lofgren, and Ms. Berkley.

H.R. 1097: Mr. Bell.

H.R. 1105: Mr. Davis of Tennessee and Mr. Kind.

H.R. 1210: Mr. Filner.

H.R. 1214: Mr. Thompson of Mississippi, Mr. Mollohan, and Ms. Schakowsky.

H.R. 1267: Ms. Baldwin.

H.R. 1292: Mr. Rohrabacher.

H.R. 1295: Mr. Weldon of Pennsylvania and Ms. Schakowsky.

H.R. 1345: Mr. Conyers.

H.R. 1359: Mr. Levin.

H.R. 1372: Mr. Cardoza.

H.R. 1385: Mrs. Napolitano, Mr. Radanovich, Mr. Burr, Mr. Serrano, Mr. Becerra, and Mr. Capuano.

H.R. 1406: Mr. Hall and Mr. Grijalva.

H.R. 1429: Mr. Michaud.

H.R. 1483: Mr. Shays.

H.R. 1498: Mr. Cantor.

H.R. 1530: Mr. Gutknecht.

H.R. 1555: Mr. Bell, Mr. Brown of Ohio, Mr. Case, Mr. Costello, Mr. Davis of Illinois, Mr. Emanuel, Mr. Farr, Mr. Green of

Texas, Mr. Grijalva, Ms. Jackson-Lee of Texas, Mr. Kucinich, Mr. Lampson, Ms. Lee, Mrs. Maloney, Mr. Nadler, Mrs. Napolitano, Mr. Oberstar, Mr. Ryan of Ohio, Ms. Schakowsky, Mr. Strickland, and Mr. Tanner.

H.R. 1556: Mr. Bell, Mr. Davis of Illinois, Mr. Green of Texas, Mr. Kucinich, and Mr. Ryan of Ohio.

H.R. 1557: Mr. Levin and Mr. Holt.

H.R. 1558: Mr. McDermott and Mr. Levin.

H.R. 1622: Mr. Sabo.

H.R. 1657: Mr. Goode.

H.R. 1676: Mr. Platts and Mr. Andrews.

H.R. 1684: Mr. Delahunt, Mr. Langevin, Mr. Green of Texas, Mrs. Tauscher, Mr. Abercrombie, Mr. Shimkus, Mr. Gonzalez, Mr. Owens, and Mr. Meek of Florida.

H.R. 1688: Mr. Lantos, Mr. Boswell, and Ms. Schakowsky.

H.R. 1709: Ms. Schakowsky.

H.R. 1713: Mr. Kind.

H.R. 1717: Mr. Abercrombie.

H.R. 1731: Mr. Bachus.

H.R. 1787: Mr. Holden, Ms. Corrine Brown of Florida, Mr. Scott of Georgia, and Mr. Ruppersberger.

H.R. 1819: Mr. Hayes, Mrs. Myrick, Mrs. Wilson of New Mexico, Mr. Rogers of Kentucky, Mr. Young of Florida, and Mr. Watt.

H.R. 1824: Mr. Markey, Mr. Walsh, Mr. Lipinski, Mr. Gilchrest, Mr. Gonzalez, Mrs. Johnson of Connecticut, Mr. Burr, and Mr. Conyers.

H.R. 1828: Mr. Crane and Mr. Visclosky.

H.R. 1863: Mr. Oberstar.

H.R. 1910: Mr. Van Hollen and Mr. Ryan of Ohio.

H.R. 1940: Mr. Stenholm.

H.R. 1943: Mrs. Biggert.

H.R. 1956: Ms. Lofgren.

H.R. 1998: Mr. Hall and Mr. Ferguson.

H.R. 2011: Mrs. Jones of Ohio.

H.R. 2020: Mrs. Jo Ann Davis of Virginia.

H.R. 2022: Mr. Smith of New Jersey.

H.R. 2038: Mr. Sabo and Mr. Gephardt.

H.R. 2154: Mr. Goode.

H.R. 2184: Mr. Abercrombie, Mr. Ackerman, Mr. Andrews, Mr. Baird, Mr. Bell, Ms. Corrine Brown of Florida, Mr. Brown of Ohio, Mrs. Capps, Mr. Capuano, Ms. Carson of Indiana, Mr. Conyers, Mr. Davis of Illinois, Ms. DeGette, Mr. Edwards, Mr. Evans, Mr. Farr, Mr. Fattah, Mr. Green of Texas, Mr. Grijalva, Mr. Hastings of Florida, Mr. Hinchey, Mr. Hinojosa, Mr. Hoeffel, Mr. Holt, Ms. Hooley of Oregon, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Ms. Kaptur, Ms. Kilpatrick, Mr. Kind, Ms. McCarthy of Missouri, Mr. Meek of Florida, Ms. Millender-McDonald, Mr. Nadler, Mr. Olver, Mr. Owens, Mr. Pascrell, Mr. Rodriguez, Ms. Roybal-Allard, Mr. Rush, Mr. Ryan of Ohio, Ms. Schakowsky, Mr. Schiff, Mr. Sherman, Mr. Strickland, Mr. Udall of New Mexico, Ms. Velázquez, Ms. Waters, and Ms. Watson.

H.R. 2207: Mr. Green of Texas.

H.R. 2208: Mr. Lewis of Georgia.

H.R. 2256: Mr. Stark and Mr. Cummings.

H.R. 2318: Mr. John, Mr. Tanner, Mr. Hastings of Florida, Mr. Weldon of Pennsylvania, and Mr. Weiner.

H.R. 2323: Mr. Bartlett of Maryland and Mr. Jefferson.

H.R. 2344: Mr. Coble.

H.R. 2382: Mr. Inslee.

H.R. 2426: Mr. Smith of Washington.

H.R. 2455: Mrs. McCarthy of New York, and Mr. Frost.

H.R. 2490: Mr. Moran of Virginia.

H.R. 2494: Mr. Nethercutt.

H.R. 2527: Mr. Bishop of New York.

H.R. 2539: Ms. Carson of Indiana, Mr. McNulty, Mr. Hill, and Ms. Woolsey.

H.R. 2567: Mr. Sabo.

H.R. 2615: Mr. Abercrombie.

H.R. 2626: Ms. Baldwin.

H.R. 2628: Mr. Davis of Illinois and Ms. Norton.

H.R. 2635: Mrs. Musgrave and Mr. Istook.

H.R. 2702: Ms. Schakowsky.

H.R. 2705: Mr. Rahall, Mr. Markey, Mr. Olver, Mr. Gutierrez, Mr. Etheridge, and Mr. Meeks of New York.

H.R. 2728: Mr. Beauprez, Mr. Shimkus, and Mr. DeMint.

H.R. 2729: Mr. Beauprez, Mr. Shimkus, and Mr. DeMint.

H.R. 2730: Mr. Beauprez, Mr. Shimkus, and Mr. DeMint.

H.R. 2731: Mr. Beauprez and Mr. DeMint.

H.R. 2768: Mr. Jones of North Carolina, Mr. Inslee, Mr. Petri, and Mr. Osborne.

H.R. 2801: Mr. Hoyer.

H.R. 2808: Mr. Rodriguez.

H.R. 2832: Ms. Woolsey, Mr. Sanders, Ms. Corrine Brown of Florida, and Ms. Slaughter.

H.R. 2849: Mr. Goode, Mr. Frank of Massachusetts, and Mr. Smith of New Jersey.

H.R. 2856: Mr. Snyder.

H.R. 2857: Mr. Andrews and Mrs. Johnson of Connecticut.

H.R. 2880: Mr. Wexler, Ms. Woolsey, and Mr. Lewis of Georgia.

H.R. 2908: Mr. Ruppersberger, Mr. Miller of North Carolina, and Ms. Slaughter.

H.R. 2963: Mrs. Capps.

H.R. 2966: Mrs. Cubin and Mr. McKeon.

H.R. 2986: Mr. Peterson of Minnesota and Mr. Bachus.

H.R. 2999: Mrs. Jo Ann Davis of Virginia, Mr. Rogers of Alabama, Mr. Kingston, Mr. Crane, Ms. Bordallo, and Mr. King of New York.

H.R. 3002: Mr. Kingston, Mr. Terry, Mr. Bishop of Utah, and Mr. Calvert.

H.R. 3005: Mr. Abercrombie, Mr. Bell, Mr. Bishop of New York, Ms. Corrine Brown of Florida, Ms. Carson of Indiana, Mr. Conyers, Ms. DeLauro, Mr. Evans, Mr. Frost, Mr. Green of Texas, Mr. Grijalva, Mr. Hinchey, Mr. Hinojosa, Mr. Honda, Mr. Jackson of Illinois, Mrs. Jones of Ohio, Mr. Kleczka, Mrs. McCarthy of New York, Mr. Nadler, Mr. Owens, Mr. Rodriguez, Ms. Roybal-Allard, Ms. Schakowsky, Ms. Watson, Mr. Waxman, and Ms. Woolsey.

H.R. 3019: Mr. Van Hollen, Mr. Markey, and Mr. Gilchrest.

H.R. 3029: Mr. Frost.

H.R. 3051: Ms. McCarthy of Missouri, Mr. Acevedo-Vilá, Mr. Markey, Mr. Cardoza, Mr. Lampson, Ms. McCollum, and Mr. Inslee.

H.R. 3058: Mr. Carson of Oklahoma, Mr. Moran of Kansas, and Mr. Mollohan.

H.R. 3099: Mr. Michaud and Mrs. Davis of California.

H.R. 3103: Mr. LaHood, Mr. Hinchey, and Mr. Kingston.

H.R. 3109: Mr. Terry, Mr. Toomey, Mr. Pombo, and Mr. Bonilla.

H.R. 3119: Mr. Kirk, Mrs. Cubin, Mr. Holden, Mr. Hayes, Mr. Coble, Mr. Simmons, Mr. Otter, Mr. DeFazio, Mr. Boozman, Mr. Honda, and Mr. Duncan.

H.R. 3125: Mr. Bachus, Mr. Putnam, and Mr. Crane.

H.R. 3133: Ms. Solis.

H.R. 3171: Mr. Pastor.

H.R. 3180: Mr. Rush.

H.R. 3184: Mr. Gordon and Mr. Janklow.

H.R. 3195: Mr. Crowley.

H.R. 3199: Mr. Frost and Mr. Alexander.

H.R. 3200: Mr. Johnson of Illinois.

H.R. 3225: Mr. Sandlin.

H.R. 3226: Mr. Frank of Massachusetts.

H.R. 3228: Ms. Corrine Brown of Florida, Ms. Schakowsky, Mr. Gutierrez, Ms. Lee, Mr. Kildee, and Mr. Ney.

H.R. 3232: Mr. Abercrombie.

H.R. 3237: Ms. DeLauro, Mr. Gonzalez, Ms. McCollum, Ms. Eshoo, Mr. Engel, Ms. Schakowsky, Mr. Towns, Mr. Sherman, Mr. Pallone, Mr. Hastings of Florida, and Mr. Hoeffel.

H.R. 3243: Mr. Towns.

H.R. 3244: Mr. McNulty, Mr. Matsui, Mr. Conyers, Mr. McGovern, Mr. Frost, Mr. Blumenauer, Mr. Markey, Ms. Norton, Ms. Millender-McDonald, Mr. Langevin, Mr. Frank of Massachusetts, Ms. Slaughter, Mr. Green of Texas, Mr. Meehan, Mr. Scott of Georgia, Mr. Michaud, and Mr. Wexler.

H.R. 3247: Mr. Otter, Mr. Shimkus, Mr. Acevedo-Vilá, Mr. Radanovich, Mr. Simpson, and Mr. Green of Wisconsin.

H.R. 3251: Mr. Hinchey, Mr. Deutsch, Mr. Grijalva, Mr. Case, Mr. Frost, Mr. Brown of Ohio, Ms. Norton, Mr. Lantos, Ms. Millender-McDonald, Mr. Farr, Mr. Filner, and Mr. Wexler.

H.R. 3257: Mr. Brown of Ohio.

H.R. 3271: Mr. Dooley of California, Mr. Moran of Virginia, Mr. Towns, and Ms. Millender-McDonald.

H.R. 3275: Mr. McDermott, Mr. Markey, Ms. Lee, and Mr. Evans.

H.J. Res. 22: Mr. Ehlers.

H.J. Res. 56: Mr. Keller.

H.J. Res. 62: Mr. Wilson of South Carolina and Mr. Cantor.

H. Con. Res. 39: Mr. Wexler.

H. Con. Res. 56: Mr. Peterson of Minnesota and Mr. Quinn.

H. Con. Res. 98: Mr. Hall.

H. Con. Res. 106: Mr. McCotter, Ms. Schakowsky, Mr. Pallone, and Mr. Emanuel.

H. Con. Res. 126: Mr. Gibbons.

H. Con. Res. 197: Mr. Andrews, Mr. Shays, Mr. Calvert, Mr. Shimkus, Mr. Langevin, and Mr. Lampson.

H. Con. Res. 247: Mr. Goode, Mr. LaTourette, Mr. Kind, Mr. Costello, Mr. Deutsch, Mr. Van Hollen, Mr. Foley, Mr. Nunes, Mr. Rogers of Alabama, Mrs. Myrick, Mr. Stenholm, and Mr. McNulty.

H. Con. Res. 254: Mr. Walsh.

H. Con. Res. 264: Mr. Emanuel.

H. Con. Res. 275: Mr. Allen.

H. Con. Res. 280: Mr. LoBiondo, Mr. Carson of Oklahoma, Mr. Lucas of Kentucky, Mr. Costello, Mr. Blumenauer, Mr. DeMint, Mr. LaTourette, and Mrs. Kelley.

H. Con. Res. 285: Mr. Johnson of Illinois, Mr. Norwood, Mr. Edwards, Mr. Hayes, Mr. Simmons, and Mr. Hoekstra.

H. Con. Res. 291: Mr. Crenshaw, Mr. Putnam, Mr. LoBiondo, and Mr. Gillmor.

H. Con. Res. 38: Ms. Baldwin.

H. Con. Res. 42: Mr. Wynn, Mr. Towns, Mr. Goode, Mr. Kind, Mr. Stenholm, and Mr. Bereuter.

H. Res. 291: Mr. George Miller of California, Mr. Nadler, Mr. Thompson of Mississippi, Ms. Watson, Mr. Hinchey, Mr. Payne, Ms. Jackson-Lee of Texas, Mr. Serrano, and Mr. Rush.

H. Res. 320: Ms. Eshoo and Ms. Loretta Sanchez of California.

H. Res. 348: Mr. Grijalva, Mr. Holt, and Ms. Schakowsky.

H. Res. 363: Mr. Bell.

H. Res. 385: Mr. Moran of Virginia, Mrs. Tauscher, Mr. Case, Mr. Frost, Mr. Hastings of Florida, Mr. Moore, and Mr. Bereuter.

H. Res. 386: Ms. Waters, Mr. Payne, and Mr. Scott of Georgia.

H. Res. 387: Mr. Bachus, Mr. Baird, Ms. Baldwin, Mr. Berry, Mr. Burton of Indiana, Mr. Cardin, Mr. Frank of Massachusetts, Mr. Hall, Mr. Hill, Mr. Houghton, Mr. Hoyer, Mr. Inslee, Mr. Israel, Mr. John, Mr. Kanjorski, Mr. Kleczka, Mr. Lampson, Mr. Larson of Connecticut, Mr. Linder, Mr. McGovern, Mr. McIntyre, Mr. George Miller of California, Mr. Osborne, Mr. Pascrell, Mr. Pastor, Mr. Rohrabacher, Mr. Ross, Mr. Sweeney, Ms. Waters, and Ms. Pelosi.

H. Res. 388: Mr. Moran of Kansas, Mr. Wilson of South Carolina, Mr. Brady of Pennsylvania, and Mr. Wexler.

H. Res. 391: Mr. Davis of Illinois, Mr. Evans, Mr. Shimkus, Mr. Weller, Ms. Schakowsky, Mr. Emanuel, and Mr. Kirk.

H. Res. 393: Mr. Hyde, Ms. Pryce of Ohio, and Mrs. Capito.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1078: Mr. Tancredo.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3289

Offered By: Mr. Hastings of Florida

Amendment No. 1: At the end of title II of the bill, add the following new section:

Sec. . It is the sense of Congress that the President should establish and implement a plan of action to achieve security, relief, rehabilitation, and reconstruction in Iraq. Such a plan should articulate the United States interests involved, define United States objectives, and provide a strategy for achieving the objectives, including a listing of each Federal department and agency involved in achieving the objectives and a detailed description of the responsibilities of each such department and agency related thereto.

H.R. 3289

Offered By: Mr. Hastings of Florida

Amendment No. 2: At the end of the bill (before the short title), insert the following:

Sec. . None of the funds made available in this Act may be used for—

(1) the construction, refurbishment, maintenance, or operation of any educational facility that discriminates on the basis of religion, national origin, race, color, or gender;

(2) the construction, refurbishment, maintenance, or operation of any educational facility that segregates students on the basis of any of the criteria described in paragraph (1);

(3) the payment of the salary of any educational administrator or teacher who demonstrates, encourages, or condones disparate treatment of students on the basis of any of the criteria described in paragraph (1); or

(4) the purchase of any educational material, or establishment of any educational curriculum, that promotes anti-Semitic, anti-western, or anti-democratic values or beliefs.

H.R. 3289

Offered By: Mr. Manzullo

Amendment No. 3: At the end of title II, add the following new section:

Sec. . (a) Amounts appropriated by this Act or by Public Law 108–11 for relief and reconstruction in Iraq shall be used, to the greatest extent possible, to acquire—

(1) unmanufactured articles, materials, and supplies mined or produced in the United States;

(2) manufactured articles, materials, and supplies that have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States; and

(3) services performed by United States labor.

(b) Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter until amounts referred to in subsection (a) are expended, the head of each department or agency of the Federal Government which expends such amounts shall prepare and submit to Congress a report containing the following with respect to the expenditure of such amounts:

(1) A list of all contracts awarded during the period covered by the report.

(2) For each such contract, the origin of unmanufactured articles, materials, and supplies to be used under the contract.

(3) For each such contract, the origin of articles, materials, and supplies used in manufactured articles, materials, and supplies to be used under the contract.

(4) For each such contract, the source of the labor performing the work under the contract.

H.R. 3289

Offered By: Mr. Stearns

Amendment No. 4: At the end of title II of the bill, add the following:

Sec. . (a) Findings.—Congress finds the following:

(1) The United states has contributed thousands of troops in support of Operation Iraqi Freedom.

(2) The American taxpayer has incurred the majority of costs associated with Operation Iraqi Freedom.

(3) A number of countries to which Iraq is heavily indebted refused to provide assistance to liberate the Iraqi people.

(4) The American taxpayer will not tolerate allowing a reconstructed Iraq to first repay those same countries that refused to help its oppressed population.

(5) The American taxpayer deserves some measure of repayment for United States servicemen and women having risked and sacrificed their lives for the people of Iraq.

(6) A reconstructed Iraqi economy, holding the second largest oil reserve in the world, can provide substantial revenue in the future.

(b) Sense of Congress.—It is the sense of Congress that amounts made available in this Act under the heading "Iraq Relief and Reconstruction Fund" should be in the form of loans subject to repayment to the United States Government by a future sovereign government in Iraq.

H.R. 3289

Offered By: Mr. Shadegg

Amendment No. 5: Page 28, line 5, after the dollar amount insert "(reduced by $245,000,000)".

Page 30, line 1, after the dollar amount insert "(increased by $245,000,000)".

H.R. 3289

Offered By: Mr. Shadegg

Amendment No. 6: Page 28, line 5, after the dollar amount insert "(reduced by $245,000,000)".

Page 30, line 1, after the dollar amount insert "(increased by $345,000,000)".

Page 35, line 10, after the dollar amount insert "(reduced by $100,000,000)".

H.R. 3289

Offered By: Mr. Ramstad

Amendment No. 7: Page 2, line 9, insert after the dollar amount the following: "(increased by 98,000,000)".

Page 30, lines 1 and 4, insert after the dollar amount the following: "(reduced by 98,000,000)".

H.R. 3289

Offered By: Mr. DeFazio

Amendment No. 8: At the end of the bill (before the short title), insert the following:

Sec. . None of the funds made available in this Act may be used for the participation of Iraq in the Organization of Petroleum Exporting Countries (OPEC).

H.R. 3289

Offered By: Mr. DeFazio

Amendment No. 9: On page 20, Line 22, under the heading "Iraq Relief and Reconstruction Fund", strike "$18,649,000,000" and insert "$1,864,900,000"

H.R. 3289

Offered By: Mr. DeFazio

Amendment No. 10: At the end of title II, insert the following new section:

SEC. 22 . FINANCIAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS.

(a) Payments to State and Local Governments.—There is authorized to be appropriated and is appropriated for making payments under this section to States and local governments, to coordinate budget-related actions by such governments with Federal Government efforts to stimulate economic recovery, an amount equal to at least the total amount appropriated under this Act and under the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11) under the heading "Iraq Relief and Reconstruction Fund". Such amounts shall be in addition to, and not in lieu of, other amounts appropriated for payments to States and local governments.

(b) Payments.—

(1) Fiscal year 2003.—From the amount appropriated under subsection (a) for fiscal year 2003, the Secretary of the Treasury shall, not later than the later of the date that is 45 days after the date of enactment of this Act or the date that a State provides the certification required by subsection (e) for fiscal year 2003, pay each State the amount determined for the State for fiscal year 2003 under subsection (c).

(2) Fiscal year 2004.—From the amount appropriated under subsection (a) for fiscal year 2004, the Secretary of the Treasury shall, not later than the later of October 1, 2003, or the date that a State provides the certification required by subsection (e) for fiscal year 2004, pay each State the amount determined for the State for fiscal year 2004 under subsection (c).

(c) Payments Based on Population.—

(1) In general.—Subject to paragraph (2), the amount appropriated under subsection (a) for each of fiscal years 2003 and 2004 shall be used to pay each State an amount equal to the relative population proportion amount described in paragraph (3) for such fiscal year.

(2) Minimum payment.—

(A) In general.—No State shall receive a payment under this section for a fiscal year that is less than—

(i) in the case of 1 of the 50 States or the District of Columbia, ½ of 1 percent of the amount appropriated for such fiscal year under subsection (a); and

(ii) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the

Northern Mariana Islands, or American Samoa, 1/10 of 1 percent of the amount appropriated for such fiscal year under subsection (a).

(B) PRO RATA ADJUSTMENTS.—The Secretary of the Treasury shall adjust on a pro rata basis the amount of the payments to States determined under this section without regard to this subparagraph to the extent necessary to comply with the requirements of subparagraph (A).

(3) RELATIVE POPULATION PROPORTION AMOUNT.—The relative population proportion amount described in this paragraph is the product of—

(A) the amount described in subsection (a) for a fiscal year; and

(B) the relative State population proportion (as defined in paragraph (4)).

(4) RELATIVE STATE POPULATION PROPORTION DEFINED.—For purposes of paragraph (3)(B), the term "relative State population proportion" means, with respect to a State, the amount equal to the quotient of—

(A) the population of the State (as reported in the most recent decennial census); and

(B) the total population of all States (as reported in the most recent decennial census).

(d) USE OF PAYMENT.—A State shall use the funds provided under a payment made under this section for a fiscal year only for—

(1) ordinary and necessary maintenance and operating expenses for—

(A) primary, secondary, or higher education, including school building renovation;

(B) public safety;

(C) public health, including hospitals and public health laboratories;

(D) social services for the disadvantaged or aged;

(E) roads, transportation, and water infrastructure; and

(F) housing;

(2) ordinary and necessary capital expenditures authorized by law; and

(3) costs to the State of complying with any Federal intergovernmental mandate (as defined in section 421(5) of the Congressional Budget Act of 1974) to the extent that the mandate applies to the State, and the Federal Government has not provided funds to cover the costs.

(e) CERTIFICATION.—In order to receive a payment under this section for a fiscal year, the State shall provide the Secretary of the Treasury with a certification that the State's proposed uses of the funds are consistent with subsection (d).

(f) DEFINITION OF STATE.—In this section, the term "State" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(g) WAGE RATES.—All laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part with assistance received under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (commonly known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.).

(h) AVAILABILITY TO LOCAL GOVERNMENTS.—Not less than one-third of the amount appropriated pursuant to subsection (a) shall be made available to local governments under the applicable laws of a given State.

H.R. 3289

OFFERED BY: MR. VAN HOLLEN

AMENDMENT NO. 11: At the end of the bill (before the short title), insert the following:

SEC. . (a) PROVISION OF FUNDS FOR SECURITY AND STABILIZATION OF IRAQ THROUGH PARTIAL SUSPENSION OF REDUCTIONS IN HIGHEST INCOME TAX RATE.—The table contained in paragraph (2) of section 1(i) of the Internal Revenue Code of 1986 (relating to reductions in rates after June 30, 2001) is amended to read as follows:

"In the case of taxable years beginning during calendar year:	The corresponding percentages shall be substituted for the following percentages:			
	28%	31%	36%	39.6%
2001	27.5%	30.5%	35.5%	39.1%
2002	27.0%	30.0%	35.0%	38.6%
2003 and 2004	25.0%	28.0%	33.0%	35.0%
2005 and thereafter	25.0%	28.0%	33.0%	38.2%".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

(c) APPLICATION OF EGTRRA SUNSET TO THIS SECTION.—The amendment made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

H.R. 3289

OFFERED BY: MR. VAN HOLLEN

AMENDMENT NO. 12: At the end of the bill (before the short title), insert the following:

SEC. 3007. (a) None of the funds made available in this Act may be obligated or expended for weapons inspection until the President certifies to the Congress that inspectors from the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), or any other entity representing the United Nations, have been invited to participate in the inspection process and to share any information gathered therein with inspectors from the Iraq Survey Group or any other entity representing the United States or the United States-led coalition in Iraq.

(b) The President shall transmit to the Congress a report on the cost savings that have resulted from the participation described in subsection (a) of inspectors from UNMOVIC or any other entity representing the United Nations.

H.R. 3289

OFFERED BY: MR. FILNER

AMENDMENT NO. 13: After the appropriating clause (preceding title I), insert the following:

TITLE IA—DOMESTIC EMERGENCIES

SEC. 101. For an additional amount to hire 1,300 additional customs inspectors on the United States borders, $125,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

H.R. 3289

OFFERED BY: MR. FILNER

AMENDMENT NO. 14: After the appropriating clause (preceding title I), insert the following:

TITLE IA—DOMESTIC EMERGENCIES

SEC. 101. For an additional amount for domestic hospital construction repair and upgrades, $295,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

H.R. 3289

OFFERED BY: MR. FILNER

AMENDMENT NO. 15: After the appropriating clause (preceding title I), insert the following:

TITLE IA—DOMESTIC EMERGENCIES

SEC. 101. For an additional amount for bioterrorism preparedness grants for United States border hospitals and other first responder healthcare providers, $1,200,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

H.R. 3289

OFFERED BY: MR. FILNER

AMENDMENT NO. 16: After the appropriating clause (preceding title I), insert the following:

TITLE IA—DOMESTIC EMERGENCIES

SEC. 101. For an additional amount for medical supplies and equipment for the veterans hospital at Quezon City, $2,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

H.R. 3289

OFFERED BY: MR. FILNER

AMENDMENT NO. 17: After the appropriating clause (preceding title I), insert the following:

TITLE IA—DOMESTIC EMERGENCIES

SEC. 101. For an additional amount to fully fund the Federal portion of the Individuals with Disabilities Education Act (IDEA), $10,000,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

H.R. 3289

Offered By: Mr. Filner

Amendment No. 18: After the appropriating clause (preceding title I), insert the following:

TITLE IA—DOMESTIC EMERGENCIES

Sec. 101. For an additional amount to increase the service of Head Start, a Federal program that provides comprehensive early childhood development services to low-income children, $1,000,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

H.R. 3289

Offered By: Mr. Filner

Amendment No. 19: After the appropriating clause (preceding title I), insert the following:

TITLE IA—DOMESTIC EMERGENCIES

Sec. 101. For an additional amount to remedy overcrowded or dilapidated classrooms, and crumbling schools, $6,800,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

H.R. 3289

Offered By: Mr. Filner

Amendment No. 20: After the appropriating clause (preceding title I), insert the following:

TITLE IA—DOMESTIC EMERGENCIES

Sec. 101. For an additional amount to repair, rehabilitate, and produce electric generation and distribution infrastructure, $5,600,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

H.R. 3289

Offered By: Mr. Filner

Amendment No. 21: After the appropriating clause (preceding title I), insert the following:

TITLE IA—DOMESTIC EMERGENCIES

Sec. 101. For an additional amount for the Secure Electric Network for Travelers Rapid Inspections (SENTRI) program in the Bureau of Customs and Border Protection to improve border security and efficiency, $5,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

H.R. 3289

Offered By: Mr. Filner

Amendment No. 22: After the appropriating clause (preceding title I), insert the following:

TITLE IA—DOMESTIC EMERGENCIES

Sec. 101. For an additional amount for Department of Veterans Affairs medical programs, $1,800,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

H.R. 3289

Offered By: Mr. Filner

Amendment No. 23: After the appropriating clause (preceding title I), insert the following:

TITLE IA—DOMESTIC EMERGENCIES

Sec. 101. For an additional amount for health care and benefits for Filipino World War II veterans pursuant to the applicable provisions of H.R. 2297 and H.R. 2357 of the 108th Congress, as passed by the House of Representatives, $19,131,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

H.R. 3289

Offered By: Mr. Filner

Amendment No. 24: After the appropriating clause (preceding title I), insert the following:

TITLE IA—DOMESTIC EMERGENCIES

Sec. 101. For an additional amount for programs to assist America's first reponders, the police officers, firefighters, and paramedics of the United States, $290,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

H.R. 3289

Offered By: Mr. Lantos

Amendment No. 25: At the end of the bill (before the short title), insert the following:

Sec. 3007. None of the funds made available in this Act under the heading "Iraq Relief and Reconstruction Fund" may be provided except in the form of loans repayable to the United States Government, where permitted by law.

H.R. 3289

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 26: At the end of the bill (before the short title), insert the following new section:

Sec. . None of the funds made available in this Act may be obligated or expended until Government personnel policies have been implemented to ensure that no members of the Armed Forces or Government employees are being required to be stationed in Iraq continuously for a period greater than six months.

H.R. 3289

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 27: At the end of the bill (before the short title), insert the following new section:

Sec. . None of the funds made available in this Act may be obligated or expended until the President has submitted to Congress a report setting forth in detail the strategy and projected timetable for withdrawing United States forces from Iraq.

H.R. 3289

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 28: At the end of the bill (before the short title), insert the following:

Sec. 3207. It is the sense of the Congress that this Act should be approved by the Congress by means of a bifurcated vote of Congress subject to the following conditions:

(1) Two separate votes should be taken in Congress—

(A) the first to address funding specifically designated for the support of military functions; and

(B) the second to address funding specifically designated for the reconstruction of Iraq.

(2) Following the enactment of this Act, a United Nations resolution should be prepared and approved by the Security Council which includes—

(A) an identification of those allies which will assist the United States in its efforts toward the democratization and reconstruction of Iraq;

(B) the total number and phasing of troops to be deployed in these efforts;

(C) an explanation of the extent of burden-sharing that can be expected from allies; and

(D) an exit plan that accounts for the return of members of the Armed Services to the United States.

H.R. 3289

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 29: At the end of the bill (before the short title), insert the following new section:

Sec. . None of the funds made available in this Act may be used until after the date on which a special counsel is appointed to investigate the identity of those within the Administration who are responsibile for the unauthorized and illegal release of classified information relating to the identity of Valerie Plame or to Ambassador Joe Wilson.

H.R. 3289

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 30: Page 49, strike line 1 and all that follows through line 7.

H.R. 3289

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 31: Page 30, line 1, after the dollar amount insert "(reduced by $300,000,000)".

Page 33, lines 19 and 20, after each dollar amount insert "(increased by $300,000,000)".

H.R. 3289

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 32: Page 30, line 5, after the dollar amount insert "(reduced by $300,000,000)".

Page 30, line 10, after the dollar amount insert "(increased by $300,000,000)".

H.R. 3289

Offered By: Mr. Pence

Amendment No. 33: In the item relating to "Other Bilateral Economic Assistance—Iraq Relief and Reconstruction Fund—(Including Transfers of Funds)", add at the end before the period the following: ": *Provided further*, That 50 percent of the total amount of funds appropriated under this heading shall be withheld from obligation and expenditure until (1) the initial 50 percent of funds appropriated under this heading have been obligated giving priority consideration to the emergency purposes of security, electric sector infrastructure, oil infrastructure, public works, water resources, transportation and telecommunication infrastructures, and other emergency needs, (2) the President prepares and transmits to the Committees on Appropriations of the House of Representatives and the Senate a report in writing that describes the programs, projects, and activities that are or have been financed by such initial funds and includes a detailed analysis of the extent to which such programs, projects, and activities are or have been successful, and (3) the President determines and certifies to Congress that a democratically elected government in Iraq has been established: *Provided further*, That the remaining 50 percent of the total amount of funds appropriated under this heading shall be made available in the form of loans subject to repayment to the United States Government, on terms and conditions determined by the President".

H.R. 3289

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 34: At the end of the bill (before the short title), insert the following new section:

SEC.   . None of the funds made available in this Act may be obligated or expended until all Reserve and National Guard personnel are paid in full.

H.R. 3289

OFFERED BY: MR. EMANUEL

AMENDMENT NO. 35: At the end of the bill (before the short title), insert the following new section:

SEC.   . (a) NEW OFFENSE.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following: "

"§ 1037. War profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq

"(a) Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with the war, military action, or relief or reconstruction activities in Iraq, knowingly and willfully—

"(1) executes or attempts to execute a scheme or artifice to defraud the United States or Iraq;

"(2) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(3) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

"(4) materially overvalues any good or service with the specific intent to excessively profit from the war, military action, or relief or reconstruction activities in Iraq;

shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both. In lieu of a fine otherwise authorized by this section, a defendant who derives profits or other proceeds from an offense under this section may be fined not more than twice the gross profits or other proceeds.

"(b) EXTRATERRITORIAL JURISDICTION.—There is Federal jurisdiction over an offense under this section regardless of whether the acts constituting the offense occur in the United States.

"(c) VENUE.—A prosecution for an offense under this section may be brought—

"(1) as authorized by chapter 211 of this title;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

"1037. War profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq."

(b) FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting after "1032," the following: "1037,".

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting before ", section 1111" the following: ", section 1037 (relating to war profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq)".

H.R. 3289

OFFERED BY: MR. EMANUEL

AMENDMENT NO. 36: At the end of title II, insert the following new section:

SEC. 22 . FINANCIAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS.

(a) PAYMENTS TO STATE AND LOCAL GOVERNMENTS.—There is authorized to be appropriated and is appropriated for making payments under this section to States and local governments, to coordinate budget-related actions by such governments with Federal Government efforts to stimulate economic recovery, an amount equal to at least the total amount appropriated under this Act and under the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11) under the heading "Iraq Relief and Reconstruction Fund". Such amounts shall be in addition to, and not in lieu of, other amounts appropriated for payments to States and local governments.

(b) PAYMENTS.—

(1) FISCAL YEAR 2003.—From the amount appropriated under subsection (a) for fiscal year 2003, the Secretary of the Treasury shall, not later than the later of the date that is 45 days after the date of enactment of this Act or the date that a State provides the certification required by subsection (e) for fiscal year 2003, pay each State the amount determined for the State for fiscal year 2003 under subsection (c).

(2) FISCAL YEAR 2004.—From the amount appropriated under subsection (a) for fiscal year 2004, the Secretary of the Treasury shall, not later than the later of October 1, 2003, or the date that a State provides the certification required by subsection (e) for fiscal year 2004, pay each State the amount determined for the State for fiscal year 2004 under subsection (c).

(c) PAYMENTS BASED ON POPULATION.—

(1) IN GENERAL.—Subject to paragraph (2), the amount appropriated under subsection (a) for each of fiscal years 2003 and 2004 shall be used to pay each State an amount equal to the relative population proportion amount described in paragraph (3) for such fiscal year.

(2) MINIMUM PAYMENT.—

(A) IN GENERAL.—No State shall receive a payment under this section for a fiscal year that is less than—

(i) in the case of 1 of the 50 States or the District of Columbia, ½ of 1 percent of the amount appropriated for such fiscal year under subsection (a); and

(ii) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa, ⅒ of 1 percent of the amount appropriated for such fiscal year under subsection (a).

(B) PRO RATA ADJUSTMENTS.—The Secretary of the Treasury shall adjust on a pro rata basis the amount of the payments to States determined under this section without regard to this subparagraph to the extent necessary to comply with the requirements of subparagraph (A).

(3) RELATIVE POPULATION PROPORTION AMOUNT.—The relative population proportion amount described in this paragraph is the product of—

(A) the amount described in subsection (a) for a fiscal year; and

(B) the relative State population proportion (as defined in paragraph (4)).

(4) RELATIVE STATE POPULATION PROPORTION DEFINED.—For purposes of paragraph (3)(B), the term "relative State population proportion" means, with respect to a State, the amount equal to the quotient of—

(A) the population of the State (as reported in the most recent decennial census); and

(B) the total population of all States (as reported in the most recent decennial census).

(d) USE OF PAYMENT.—A State shall use the funds provided under a payment made under this section for a fiscal year only for—

(1) ordinary and necessary maintenance and operating expenses for—

(A) primary, secondary, or higher education, including school building renovation;

(B) public safety;

(C) public health, including hospitals and public health laboratories;

(D) social services for the disadvantaged or aged;

(E) roads, transportation, and water infrastructure; and

(F) housing;

(2) ordinary and necessary capital expenditures authorized by law; and.

(3) costs to the State of complying with any Federal intergovernmental mandate (as defined in section 421(5) of the Congressional Budget Act of 1974) to the extent that the mandate applies to the State, and the Federal Government has not provided funds to cover the costs.

(e) CERTIFICATION.—In order to receive a payment under this section for a fiscal year, the State shall provide the Secretary of the Treasury with a certification that the State's proposed uses of the funds are consistent with subsection (d).

(f) DEFINITION OF STATE.—In this section, the term "State" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(g) WAGE RATES.—All laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part with assistance received under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (commonly known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.).

(h) AVAILABILITY TO LOCAL GOVERNMENTS.—Not less than one-third of the amount appropriated pursuant to subsection (a) shall be made available to local governments under the applicable laws of a given State.

H.R. 3289

OFFERED BY: MR. KENNEDY OF MINNESOTA

AMENDMENT NO. 37: Page 19, after line 20, insert the following new section:

SEC.   . The Secretary of Defense shall reimburse air fare costs incurred by members of the Armed Forces in connection with travel within the United States while such members are on leave from deployment overseas in support of Operation Iraqi Freedom and Operation Enduring Freedom.

H.R. 3289

OFFERED BY: MR. GRAVES

AMENDMENT NO. 38: At the end of the bill (before the short title), insert the following:

TITLE III—GENERAL PROVISIONS

SEC. 3007.

(a) ASSISTANCE AVAILABLE.—The Secretary of Agriculture (in this section referred to as the "Secretary") shall use not more than $10,000,000 of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred qualifying losses for the 2003 crop of an agricultural commodity due to damaging weather conditions, as determined by the Secretary.

(b) USE OF FORMER ADMINISTRATIVE AUTHORITY.—Except as provided in subsection (c), the Secretary shall make assistance available under subsection (a) in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for quantity and quality losses as were used in administering that section.

(c) PAYMENT RATE.—The payment rate for a crop for assistance provided under subsection (a) to the producers on a farm shall be calculated as follows:

(1) If the producers obtained a policy or plan of insurance, including a catastrophic risk protection plan, for the crop under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 50 percent of the applicable price for the crop.

(2) If a policy or plan of insurance, including a catastrophic risk protection plan, for the crop was not available to the producers under the Federal Crop Insurance Act, 50 percent of the applicable price for the crop.

(3) If the producers did not obtain a policy or plan of insurance, including a catastrophic risk protection plan, available for the crop under the Federal Crop Insurance Act, 45 percent of the applicable price for the crop.

(d) PAYMENT LIMITATION.—

(1) LIMITATION.—Assistance provided under subsection (a) to a producer for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(e) INELIGIBILITY FOR ASSISTANCE.—The producers on a farm shall not be eligible for assistance under subsection (a) with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act for the crop incurring the losses; and

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 for the crop incurring the losses.

(f) ASSISTANCE FOR PARTICULARLY HARD-HIT AREA.—The Secretary shall use $10,000,000 of funds of the Commodity Credit Corporation to make a grant to the State of Missouri, subject to the condition that the State, acting through the Missouri Department of Agriculture, use the grant funds to provide assistance to agricultural producers with farming operations in the following counties in Missouri: Andrew, Atchison, Buchanan, Caldwell, Carroll, Chariton, Cooper, Clay, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Howard, Jackson, Linn, Livingston, Mercer, Nodaway, Platte, Putnam, Schulyer, Sullivan, and Worth.

(g) EMERGENCY DESIGNATION.—The amounts referred to in subsections (a) and (f) are designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

EXTENSIONS OF REMARKS

IN HONOR OF MOTHER TERESA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Mother Teresa of Calcutta for her lifelong dedication to the poorest of the poor. She did not do it out of obligation, but out of love and goodwill. On October 19, 2003, Mother Teresa will be beatified by Pope John Paul II in Rome.

Mother Teresa dedicated the majority of her life to helping the poorest of the poor in India. While supervising a school in Calcutta, Mother Teresa was faced with the suffering and poverty that was outside her convent walls. These images made such a deep impression on her that, in 1946, she received permission from her superiors to leave the convent school and devote herself to working among the poor in the slums of Calcutta.

In 1950, Mother Teresa, while doing her charity work, founded Missionaries of Charity, an order of nuns dedicated to serving the poor. Originally, the convent began with just 12 sisters; today, it has over 3,000 sisters in over 100 countries worldwide with 517 missions.

Mother Teresa's compassion for the suffering knew no boundaries and has served as an inspiration to the world. She fed the hungry, sheltered the homeless, and cleaned the wounds of those injured; but what is even more important is that she made them feel good, loved, wanted, and gave them back the dignity that poverty had taken away from them.

For her endless amount of volunteer work and selflessness, Mother Teresa was honored with the Nobel Peace Prize in 1979, an honor that she deserved for laboring in loving dedication. She was also acknowledged for her work in 1985 with the Presidential Medal of Freedom and the Lifetime Achievement Award.

Even late in her life, she continued to dedicate her time and energy to those who were in need. Today, I ask my colleagues to join me in honoring Mother Teresa for her selfless devotion and extraordinary contributions to the world community.

PERMANENT AUTHORITY FOR EXEMPTION FOR CERTAIN MEMBERS OF THE ARMED FORCES FROM PAYING SUBSISTENCE CHARGES WHILE HOSPITALIZED

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of H.R. 2998, and am proud to say that I am one of 239 Members who have cosponsored this bipartisan legislation. I commend my colleague from Florida, BILL YOUNG, for working with such diligence to bring this important legislation to the floor.

In 1958, Congress initiated a system of charging hospitalized members of the armed forces for subsistence costs. H.R. 2998 will exempt members of the armed forces, hospitalized as a result of armed conflict or engaged in hazardous service, from incurring this charge.

Although the FY 2004 Defense Authorization bill does put this exemption in place for 2004, H.R. 2998 amends Title 10 to make this exemption permanent. It is simply unfair and unjust that this additional burden is placed on the brave men and women who serve with such honor and distinction. This is, truly, the very least we can do for these brave men and women. I urge my colleagues on both sides of the aisle to vote in favor of this important change to Title 10.

REPUBLIC OF CHINA ON TAIWAN'S 92ND NATIONAL DAY ANNIVERSARY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. TOWNS. Mr. Speaker, I rise today to honor one of our largest trading partners, the Republic of China on Taiwan. On October 10, Taiwan celebrated the 92nd anniversary of its National Day. I wish to join my colleagues in the United States Congress in sending best wishes to the twenty-two million residents of this lovely island nation. I also commend President Chen Shui-bian and Vice President Annette Lu as they continue to lead Taiwan to greater economic prosperity at home and greater participation in international activities abroad.

Just like our 4th of July, October 10 marked the beginning of a fantastic story of economic, social and political success that has culminated in Taiwan becoming a vibrant democracy in the Pacific region. These are exciting times in the history of relations between the United States and Taiwan.

Mr. Speaker, in commemoration of the 92nd occasion of the Republic of China's National Day, it is important to remember that Taiwan has a strong relationship with the United States, and we hope this relationship will continue to flourish and grow in the years to come.

MOTHER TERESA: A BEACON OF HOPE FOR OUR TIME

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Ms. ROS-LEHTINEN. Mr. Speaker, on the occasion of her beatification by Pope John Paul II in Rome, Mother Teresa, one of the world's most recognized and admired human rights advocates, deserves this designation because of her dedication, her courage, and her love of all members of society, especially the poorest and most neglected. Throughout her life of tireless service, she inspired countless individuals by her example of unconditional love and devotion to the poorest of the poor. She was a living witness of true compassion and service. In fighting for the dignity of the destitute, she gave the world a moral model that bridged divides of culture and faith.

Mother Teresa taught us that to truly love one another, we must abandon ourselves and our selfish inclinations and give to others. As she so aptly stated: "By becoming poor ourselves, by loving until it hurts, we become capable of loving more deeply, more beautifully, more wholly." Mother Teresa's beautiful pure faith and love have left a rich legacy for people of all faiths and nationalities.

This is clearly illustrated by her words: "There is joy in transcending self to serve others." For Mother Teresa, the importance of her mission was not to achieve fame or fortune, but rather to embrace a life of quiet simplicity which would lead others to a deeper understanding of God and self. Through her dedication to the poor and neglected members of society, she exemplified true humility.

I was honored to be part of the official US delegation traveling with the First Lady to India for her funeral service, an experience which truly inspired me. As I gazed at the throngs of people in attendance, I realized the profound impact that this small, seemingly simple woman had on the entire world. Her message was simple. She sought not for medals or acclaim, but rather to make a tangible difference in the lives of our world's poorest and most downtrodden. She answered God's call, which is a simple one—to love with all one's heart and to act out of love in all that we do.

We have all been enriched by Mother Teresa's example.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN HONOR OF THE MARYLAND DISTRICT 7 WIN OF THE 2003 BIG LEAGUE WORLD CHAMPIONSHIP

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. HOYER. Mr. Speaker, I rise today to recognize the Maryland District 7 Softball Team—this year's winners of the 2003 Softball Big League World Series.

This softball powerhouse breezed through the tournament to win their fifth championship title in seven years at the Big League Softball World Series. In eight innings, Maryland defeated Puerto Rico in the Championship Game by a score of 3–1. I want my colleagues to know about the hard work ethic and determination these outstanding young athletes possess.

Mr. Speaker, this is a sports success story and fans were thrilled by the championship effort and heart displayed by these young women from Maryland. Mr. Speaker, please join me in congratulating the Maryland District 7 Softball Team on their triumphant season.

The Maryland District 7 Softball Team: Jamie Baden, Lacy Cochran, Kim Fowler, Heather Hall, Heather Holley, Carrie Higdon, Cory Karcesky, Amanda Mitchell, Caryn Moreland, Lindsey Preuss, Kelly Seger, Maris Smith, Danielle Sturman, Jamea Waltersdorff, Abbey Welch, along with coaches Andy Adams, and Mike Kriner and manager Tommy Morrison.

HONORING THE LIFE OF DR. SUZANNE INSOOK AHN

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. HONDA. Mr. Speaker, my colleague EDDIE BERNICE JOHNSON and I would like to pay tribute to the memory of our dear friend and a remarkable woman from Dallas, Dr. Suzanne Insook Ahn.

Dr. Suzanne Insook Ahn was born in Pusan, South Korea and raised in the United States. Dr. Ahn's beginning was very humble. Her father, Chai Ho Ahn, had been scratching out a living for his wife and children. Their community was so impressed with his intellect they collected $143 to send him to a local college to start him on his way to become a doctor. The family patriarch never forgot his neighbors and friends, and until his retirement, he often returned to the village loaded with donated pharmaceuticals to treat patients.

Dr. Ahn joined her father a few years later in the U.S., and quickly acclimated to her new home, learning to speak fluent English just eight months after her arrival. She was the top student in her class through junior high school, and participated in many activities including the school debate team. She became an accomplished pianist, and at age 17, she entered the North Texas Beauty Contest and won first alternate. Upon graduation from high school, she decided to pursue pre-medical studies at the University of Texas at Austin. She was also a graduate of the University of Texas Southwestern Medical School.

Dr. Ahn was a co-inventor of 23 U.S. medical patents. She was the founder of a medical division of a Hi-Tech start-up, and served as its president for three years. She was the founder and president of Dallas Summit, a group of Dallas women in decisionmaking positions. Dr. Ahn served on many boards, including the Texas Air Quality Board, National Board of Girls Inc., Women's Center of Dallas, DeGolyer Library of Women of the Southwest, and the board of the Hockaday School.

Dr. Ahn has made it a habit throughout her life to demonstrate that Asian Pacific Americans are not "foreigners," but proud Americans. She especially believed in the democratic process, supporting candidates in their elections and developing close long-lasting relationships with them.

Former Texas Governor Ann Richards appointed Dr. Ahn to the Air Control Board during her governorship. Dr. Ahn also became the youngest person, and only the second woman, ever to be appointed to the Texas State Board of Medical Examiners in its 100-year history.

Dr. Ahn also knew too well about the negative side of political participation. When President Clinton ran for his second term of office, the Republicans accused the Democrats of illegal campaign contributions, specifically from China. Auditors questioned any contributor with an Asian-sounding surname, including Dr. Ahn, about their contributions. She was infuriated and let her feelings be known to the national media.

Appearing on ABC's Nightline, Ahn recounted her own experience: "The questions that [the auditor] asked were: one, what is your reported income on your tax statement; two, what are your assets; three, are you an American citizen?"

The questions came with threats. The auditor told Ahn that if she did not tell them everything that she would be listed as uncooperative and her name would be released to the press.

"When white men violate campaign finance rules," she pointed out, "they pay a fine and nobody gets hurt. There is no maligning of the entire race. I think there is an incredible double standard here."

Last year, Ahn made a surprise appearance at the Asian American Journalists Association's national convention meeting in Dallas, where she presented the group with a $100,000 endowment, the largest gift the organization has ever received.

Friends and family will miss Dr. Ahn. She leaves behind her husband, Dr. Steven Hays, a nephrologist, their 17 year-old son, Foster, and 14 year-old daughter, Kimberly.

We are privileged to have had the opportunities to work with Dr. Ahn. What was most amazing about her was the hard work and determination she had in helping others. Her unmatched passion and love for public service will be missed by many. We join the residents of the Dallas/Ft. Worth community in extending our condolences to her family. The Great State of Texas was fortunate to have had Dr. Ahn, and we all have been greatly touched by her courage and life's work.

PERMANENT AUTHORITY FOR EXEMPTION FOR CERTAIN MEMBERS OF THE ARMED FORCES FROM PAYING SUBSISTENCE CHARGES WHILE HOSPITALIZED

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. SCHIFF. Mr. Speaker, I rise today in strong support of House Resolution 2998. Half way around the world, American men and women in the service of this country have once again heeded the call of duty. They bear on their shoulders, the responsibility and commitment to ensure our freedom and all the values that we hold so dear. By taking on this task, they have made countless sacrifices in their own personal lives and safety, and for that, we are deeply indebted.

Earlier this year, I had the opportunity to visit U.S. Army Soldiers at Walter Reed Army Medical Center in Washington, D.C. The soldiers I met are some of the most courageous men and women I've met in my lifetime. I listened to their stories, heard about their families back home and marveled at their dedication, bravery and commitment to serving our country. I hope and pray for their speedy recovery.

I also learned of some troubling information. Apparently, while soldiers are being hospitalized for wounds and injuries sustained while fighting for our country, they are billed for subsistence charges, i.e food costs, that they accumulate during their stay. The current daily rate for this "subsistence" charge is $8.10. This may not seem like much, however we must consider that in many cases, wounds may be significant and constitute longer hospital stays. This translates to higher costs that under new law must be paid by the servicemen.

If enacted, this bill would amend current law to prohibit service members injured in training or in combat from being held responsible for paying for their food costs while hospitalized in a military facility.

We must thank our men and women serving overseas for their selflessness and bravery. We should treat them with respect and gratitude. We should not, however, welcome them with a bill for the cost of their food while they were hospitalized. The soldiers have already been asked to sacrifice a great deal—they have endured harsh conditions, separation from loved ones and at times, irreparable wounds and injuries. Thus, it is imperative that we show our utmost appreciation for the work that they do.

During my visit to Walter Reed, I could not help but marvel at the energy, tenacity and humility of these servicemen and women. These are some truly inspiring young men and women, performing with courage and distinction in tough circumstances. I urge my fellow colleagues to support H.R. 2998. We owe it to our troops, to honor their incredible sacrifices, and to let them know that the American people value their efforts and that we all stand behind them.

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. KIND. Mr. Speaker, on Tuesday October 7, and Wednesday October 8, 2003, I was overseas on an official congressional delegation trip to Iraq and unable to have my vote recorded on the House floor.

Had I been able to vote I would have voted the following: Rollcall No. 532: "yes"; Rollcall No. 533: "yes"; Rollcall No. 534: "no"; Rollcall No. 535: "yes"; Rollcall No. 536: "yes"; Rollcall No. 537: "yes"; Rollcall No. 538: "yes"; Rollcall No. 539: "yes."

CONGRATULATING CROWN POINT LIONS CLUB ON THEIR 60TH ANNIVERSARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great respect and admiration that I wish to congratulate the members of the Crown Point Lions Club as they celebrate their 60th anniversary. To commemorate this special occasion, the Crown Point Lions Club will be having an anniversary banquet on October 18, 2003 at the St. Matthias Hall in Crown Point, Indiana.

The Crown Point Lions Club is a part of Lions International, which is the largest service organization in the world and includes over 1.4 million members throughout more than 193 countries. The mission of the Lions Club is "We Serve," and the Crown Point Lions Club has selflessly given their support to the Northwest Indiana community, especially the people of Crown Point, in many ways. The Club has given financial support to 30 local organizations and schools, as well as contributed to seven state, national, and international programs. During Easter and Thanksgiving, the Lions donate food to those in need. They have provided sight and hearing testing machines to many local schools, helped the Crown Point Girls Softball Team get lighting for their field, as well as contributed to the good of the community by providing a Braille computer to a local student who is blind.

Throughout the past 60 years, the members of the Crown Point Lions Club have offered their dedication and support to their noble cause of serving their local community. Each year the Lions Club helps many local students obtain hearing aids and eyeglasses. Also each year they give a $1000.00 scholarship to a local student whose educational concentration is in hearing and sight related areas. This year, the Crown Point Lions Club is helping the community build a pavilion at the Lake County Fairgrounds.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating the members of the Crown Point Lions Club on the 60th anniversary of their noble organization. These giving and selfless individuals continue to dedicate their time and unrelenting efforts to serve their local community, as well as all of Northwest Indiana. It is their great desire for helping others that makes their organization and efforts such a motivating force in the First Congressional District, and I am proud to represent them in Washington, D.C.

TRIBUTE TO MRS. SARAH JOSEPHA HALE

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. BASS. Mr. Speaker, I rise today to pay tribute to the memory of Mrs. Sarah Josepha Hale of Newport, New Hampshire, a community I represent in Congress. As November approaches, I am reminded of Mrs. Hale's outstanding contributions to American society and literary culture, including her lasting legacy as initial sponsor of our national Thanksgiving Day.

Mrs. Hale overcame 19th century social adversity to become the first female editorialist in American History. During her tenure as editor of the American Ladies Magazine and later Godey's Ladies Magazine, Mrs. Hale acted as an advocate for women's right to equality of education, property, and wages. She was also a successful novelist and poet, penning the classic "Mary Had a Little Lamb," as well as a devoted single mother of five children.

During the Civil War, Mrs. Hale took an active role as an advocate for the creation of a "Day of National Thanksgiving." Knowing that President Washington had originally called for a Thanksgiving Day in 1789, she pressed for its reinstatement as a day for all Americans to come together and celebrate as a nation. Following the horrors exhibited at the Battle of Gettysburg, President Lincoln chose to accept her suggestion, and proclaimed the last Thursday in November of each year a day of national celebration.

In this, the 140th year since the Thanksgiving Holiday was established, please let the record reflect our commemoration of Mrs. Hale's achievements. In a period of crucial national challenges, her life of personal service should be a model for all citizens seeking to make positive contributions to our great society, and I am proud to represent her legacy here in Congress.

A PROCLAMATION RECOGNIZING DAN LEACH

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. NEY. Mr. Speaker:

Whereas, Dan Leach has exhibited tremendous courage and heroism in rescuing others; and

Whereas, Dan Leach entered a burning house to rescue the homeowner without any selfish regard for his own well-being; and

Whereas, Dan Leach has been honored with the Ohio Fire Service Citizens Award for Heroism by the 2003 Ohio Fire Service Hall of Fame;

Therefore, I join with the residents of the entire 18th Congressional District in recognizing Dan Leach for his courage, commitment and sacrifice.

CONGRATULATIONS TO MASTER SERGEANT DENNIS TAKESHITA

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. ABERCROMBIE. Mr. Speaker, I want to take this opportunity to congratulate Master Sergeant Dennis Takeshita on his retirement from the Hawaii Air National Guard and thank him for 37 years of outstanding service to our Nation.

Master Sergeant Takeshita served on active duty with the Air Force from 1966 to 1972, and he served in the Hawaii Air National Guard until October 1 of this year. During that time, Master Sergeant Takeshita received many citations and awards for his high level of performance and commitment to duty. He is a veteran of Vietnam and served in Operations Allied Force, Noble Eagle, and Enduring Freedom.

Throughout his years of service Master Sergeant Dennis Takeshita demonstrated a spirit of steadfast patriotism, leadership, and professionalism. He embodies the qualities of honor, love of country, and dedication to the core values of the United States Air Force. He set a high standard of performance that challenges each and every one of us to give our very best in whatever we undertake.

We join today in saluting Master Sergeant Dennis Takeshita for 37 years of dedicated service. Mahalo, Dennis, and best wishes for the future.

VETERANS BENEFIT ACT OF 2003

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. SANDLIN. Mr. Speaker, I rise in support of H.R. 2297, the Veterans Benefits Act of 2003; however, I cannot in good conscience cast my vote for this measure without expressing my serious disappointment in the leadership of this House and its continuing refusal to fulfill the promises this Nation has made to its bravest and most loyal citizens—our veterans. As a result of the War on Terror, we have troops deployed at points all over the world. In the name of freedom and liberty, we are in the process of creating more veterans, yet we cannot do justice by our Nation's current veterans.

I refuse to remain silent while Congress puts forth a bill that does not go nearly far enough to help the men and women who risked life and limb at our government's request. H.R. 2297 does not fulfill the promises that our Nation made to provide for health care, education, housing and burial rights for the brave soldiers who fought our battles. This Republican Congress has paid lip-service to veterans' issues, but they follow up their patriotic rhetoric with legislation that can only be described as an insult. I am disappointed that the President and the Republican leadership of the House have on more than one occasion characterized funding for veterans benefits as a drain on our economy. The so-called Republican leadership refuses to live up to its obligations, including the elimination of the profoundly unfair disabled veterans' tax, also known as Concurrent Receipt.

The Disabled Veterans Tax is shorthand for a practice whereby the retirement pay earned by veterans with service connected disabilities is reduced dollar for dollar by the amount those veterans receive in disability payments. To put it more bluntly, our Nation's veterans—the men and women who fought to preserve the freedoms we all enjoy—are forced to pay their own disability compensation. Veterans with service-connected disabilities are the only Federal employees subject to this offset and are essentially given no additional pay for their sacrifice.

The perpetuation of the Disabled Veterans Tax is just one example of how we have let our veterans down. It is unconscionable that those who have fought for this country are relegated to second class status. The fact of the matter remains that when America makes a promise to those who wear the uniform, that promise should be kept. Military retirement pay is just compensation for a career of honorable service. By contrast, compensation for service-connected disability is designed to assuage the veterans' suffering, pain, and lost future earning power.

I am confident that this bill will get overwhelming support from the Members of this House, because it gives veterans some relief; however, it is not the best that we can do. I will support this bill, because it is right that we provide for the men and women who so valiantly fought for us.

That said, I cannot help but ask why those who so often wrap themselves in the American flag and the language and symbolism of patriotism for political gain refuse to be real patriots and stand up to the President's threat to veto a repeal of the Disabled Veterans Tax.

Why is it that we can spend our country deep into debt by giving tax cuts to the richest one-percent and building infrastructure in foreign lands—while at the same time creating new veterans—but we still can't find sufficient money for education, veterans' health care and an elimination of the Disabled Veterans Tax? There is too much left undone. Sadly, despite its noble goals, this bill leaves many promises unmet and that is just plain wrong. It is time to fulfill our commitment to the Nation's veterans. We can do better than this, and I hope that in the future we will do better than this.

How can America hope to retain its military might if we continually refuse to fulfill our promises to the servicemen and women who came before; the men and women who bravely served our country in its darkest hours, our Nation's veterans? Who will carry the banner of the American ideals and protect this great land, if this government lets fighting men and women fall by the wayside?

Those who fought in two World Wars, in Korea, in Vietnam, in Iraq and every conflict before and in between kept their promise to this great Nation. They served us in the name of freedom, and they served us well. The next time the opportunity to do right by our veterans presents itself, I hope that the Administration and my colleagues on the other side of the aisle will not diminish the greatness of these United States but rather will ensure that their deeds match their rhetoric in helping us keep America's promise to its veterans.

HONORING SSM HEALTH CARE IN WISCONSIN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to honor one of the nation's leading providers of health care. The role of SSM Health Care in Wisconsin and throughout the country is deserving of a prestigious award.

SSM Health Care is being honored as one of the esteemed recipients of the 2002 Malcom Baldridge National Quality Award, the Nation's premier award for performance excellence and quality achievement given by the National Institute of Standards and Technology within the Department of Commerce. This is the first time in history a recipient has been named in the health care category.

SSM Health Care offers a wide range of medical services centered around the values of compassion, respect, excellence, stewardship, and community. We all benefit from SSM Health Care taking such an active role in our community. By engaging in great technological advances, community projects and charity care, as well as a continuous exploration into medical research, SSM Health Care has demonstrated true leadership and exceptional skill.

With the increasing aging population in Wisconsin, SSM Health Care has been an important provider of quality medical services, including acute care and nursing home facilities to my constituents. I join the National Institute of Standards and Technology as they recognize SSM Health Care with the Malcom Baldridge National Quality Award.

HONORING VETERANS ON VETERANS DAY

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mrs. WILSON of New Mexico. Mr. Speaker, it is a tremendous honor for me to recognize and pay tribute to the men and women of New Mexico on Veterans Day who have served in the Armed Forces. This solemn occasion, commemorated by the ceremony at the New Mexico Veterans Memorial on November 11, 2003, celebrates the hearts and souls of our veterans who have chosen to make military service an enduring commitment in their lives. This commitment, borne out of a strong sense of duty and patriotism to our principles and to our citizens, has never wavered. Our service men and women have always accepted the hardships imposed on them by their responsibilities, and have been willing to meet any challenge or risk in order to see their missions accomplished. This unwavering loyalty and willingness to serve our country must be commemorated for future generations to remember, and to know that it is because of our veterans that our country continues to remain strong and free.

This Veterans Day also marks the 50th anniversary of the cessation of hostilities of the Korean War. The Korean War was fought under conditions that could only be described as brutal and harsh. Despite the difficulty of their orders, the terrain and the fighting conditions, our men and women in uniform performed with tremendous courage and dignity. Their actions during conflict stand as a testament to the strength of our Armed Forces, and our country's resolve to overcome oppression and tyranny in the world.

Mr. Speaker, please join me in celebrating these exemplary New Mexicans and the examples of heroism and courage they have displayed by their commitment to America.

TRIBUTE TO RON POAST

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to pay tribute to a person who is a gifted artisan. Mr. Ron Poast is one of our nation's rare makers of the Hardanger fiddles. Mr. Poast's skill in this art has brought him nationwide acclaim.

Ron has recently been awarded the National Heritage Fellowship Award. This very prestigious award was presented to only 16 artists from across the nation.

The Hardanger fiddle is recognized as the national instrument of Norway. Norwegian cultural influences are prevalent in Mr. Poast's hometown of Black Earth, as they are in much of Wisconsin. Ron's passion for the Hardanger was shaped by his Norwegian-American parents and his grandfathers who were both fiddlers. The Hardanger fiddle has a dragonhead scroll, four bowed violin strings, and five sympathetic understrings that produce a unique droning sound. Before shipping each handcrafted fiddle that he makes, Ron carefully "plays it in" to make sure that it has the right distinctive sound. In addition to his rare talent with the Hardanger, he also makes fine banjos, violins, mandolins, and guitars.

Ron has received wide recognition for his excellence in this craft. At the national level, he was recognized by the Smithsonian Folklife Festival. The Wisconsin State Strings Museum Hall of Fame named him Master Luthier of the Year in 1992, and former Governor Tommy Thompson nominated Mr. Poast for the National Living Treasure of the United States Award. When I served in the Wisconsin State Legislature, a photograph of Mr. Poast's great craftsmanship graced the cover of the State of

Wisconsin Telephone Directory, a listing of thousands of state employees and their agencies. In 2000, Ron was given the opportunity to display his beautiful instruments internationally at the Chiba People's Days festival in Makuhari, Japan.

Mr. Speaker, I join the National Endowment for the Arts in recognizing Mr. Poast's achievements and congratulate him as he accepts the National Heritage Fellowship Award.

QUICK THINKING EIGHT-YEAR-OLD

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mrs. WILSON of New Mexico. Mr. Speaker, today I bring to your attention the heroic actions of Annalisha Labastida, an 8-year-old girl who called 911 and stayed calm while her dad had a seizure on Interstate 40.

While driving with her dad on Interstate 40, young Annalisha took action when her father had a seizure and blacked out. She maneuvered the truck to a safe stop on the side of the freeway and called 911 for help. She was able to give clear and accurate directions to the emergency operator, which allowed Albuquerque Police to respond quickly to the emergency.

Without Annalisha's quick thinking there could have been a major accident where lives may have been lost. Instead everyone came out okay. No one ever told Annalisha what to do if her dad blacked out but she seemed to know exactly what to do to save his life. The consequences of this event could have been tragic however; Annalisha acted heroically and prevented a disaster.

Mr. Speaker, I ask you to join me and all residents of New Mexico in honoring and thanking Annalisha Labastida.

CELEBRATE 50TH ANNIVERSARY OF THE ANDERSEN LIBRARY AT THE UNIVERSITY OF WISCONSIN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Ms. BALDWIN. Mr Speaker, I rise today to honor and celebrate the 50th anniversary of the Andersen Library at the University of Wisconsin, Whitewater. The library's tradition of excellence well deserves recognition.

Opened on February 25, 1953, the Andersen Library exemplifies the high standards of education valued by the Wisconsin state university system. Throughout its tenure, the library has served the Whitewater community, professors, and students alike in a variety of important capacities. One of the more notable among these capacities has been the library's accumulation of volumes. In 1953, the Andersen library opened its doors with 41,000 volumes. Today, the collection has grown to an impressive 2 million documents including a variety of print, audio-visual, and electronic files. It has been through this accumulation that the outstanding staff has been able to fulfill the library's mission to provide quality research, service, and teaching facilities to the Whitewater community.

Commitment to service is also well demonstrated by the library's annual reception and exhibit of works recognizing UW-Whitewater faculty and staff for their scholarship and creative achievements, Now in its fifteenth year, the program's fascinating exhibits recognize employee work in all media, including print, paint, and photograph.

The library's dedication to service and education is highlighted by the life achievements of its namesake, Harold G. Andersen. Mr. Andersen, a lifelong Whitewater resident and graduate of the class of 1917, was one of the many individuals who committed time and energy to the library's opening. In particular, Mr. Andersen helped move the collection with then-university President Robert C. Williams from the old site to the new library on what I can only imagine was a cold February day.

Perhaps the original dedication program said it best when stating that the Andersen Library was "planned with an eye to the future." Indeed, the library's past, present, and future are vital to the Whitewater community and deserve recognition.

INTRODUCTION OF THE MEDICARE PRESCRIPTION DRUG PRICE NEGOTIATION ACT

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. LARSON of Connecticut. Mr. Speaker, Hubert Humphrey once said, "The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life—the sick, the needy, and the handicapped." Right now we are failing this test.

America has over 40 million elderly and disabled Americans who rely on prescription medication to maintain their way of life. Over the past few years, prescription drug costs have skyrocketed and a prescription drug benefit plan for seniors is long overdue. Many seniors are faced with the choice of paying for the medications they need or paying for the food on their table and the heat in their home. This is not a choice they should be forced to make. The Federal Government should not be turning its back on those who have done so much for this country.

A prescription drug benefit should come under the traditional Medicare program that seniors know and are comfortable with, not placed in the hands of HMOs and private insurers. The experience with Medicare+Choice HMOs leaving Connecticut is proof that private insurers will not buy into this program. Few insurers will be willing to buy into this program, at least for an extended period, because drug costs are risky and expensive to cover and because it is not actuararily feasible for them to make a profit. But don't take my word for it, listen to the words of Chip Kahn, former president of the Health Insurance Association of America. He said, "I don't know of an insurance company that would offer a drug-only policy like that or even consider it." He went on to say that it would be like "insuring against haircuts."

Prescription drug prices are virtually unregulated in the United States, as opposed to most other nations. Internationally, seniors pay dramatically less for prescription drugs, while pharmaceutical companies are leaving other countries to enjoy the largely unregulated market in the United States. Nations like Canada are no longer developing innovative drugs. In the European Union, health care quality is dimishing and investors are wary of EU pharmaceutical companies because of the uncertainty of profits due to price controls. Thus, American seniors are shouldering the burden of pharmaceutical research and development for the entire world.

The real problem lies in the cost of prescription drugs. American seniors pay drastically more than in any other place in the world. A solution needs to be identified that reduces this burden without stifling the innovative research that sets America's health care industry apart from the rest of the world.

I believe the solution lies in an idea that is already being used by the Federal Government. Prescription drug prices have been successfully lowered for seniors enrolled in the Department of Veterans Affairs health care system. The secretary leverages the power of the VA purchasing population (6.9 million people) to negotiate substanially lower drug prices. The VA also makes heavy use of generic drugs and mail order purchasing. An investigation by the Inspector General of the Department of Health and Human Services in 2001 found that the VA paid, on average, 52 percent less for a list of 24 drugs than did Medicare.

The legislation I am introducing today, the Medicare Prescription Drug Price Negotiation Act, would allow the Secretary of Health and Human Services, in conjunction with the Secretary of Veterans Affairs and the Secretary of Defense, to negotiate the prices of prescription drugs purchased by the Federal Government and by Medicare recipients. By using this successful model, seniors will be able to realize actual savings in their prescription drug costs.

As I noted earlier, the United States is the home of major pharmaceutical innovation, due in part to its largely unregulated market. I think that it is vitally important for the United States to maintain its preeminence in this area and my legislation would require the Secretaries to take into account the goal of promoting the development of breakthrough drugs in negotiations with manufacturers. Pharmaceutical companies should be rewarded for their innovative work and their role in improving the lives of so many Americans. However, American seniors should not be the only ones shouldering this burden. I believe it is incumbent on the Federal Government to step in and provide some relief to seniors, many of who live on fixed incomes, who rely on these drugs to maintain their quality of life.

Additionally, my legislation creates an ombudsman within the Department of Health and Human Services to ensure that savings are being passed along and resolve disputes between the manufacturers, sellers, and purchasers of prescription drugs. Additionally, the

Secretary will be required to report to Congress regarding the effectiveness of this act in achieving reduced prices for Medicare beneficiaries.

We now have an opportunity to pass the test Vice President Humphrey handed down to us. My legislation would provide seniors with the relief they need without stifling American innovation and the creation of lifesaving medications. I urge my colleagues to join me in supporting this legislation and treat those in the twilight of life with the respect they deserve.

TRIBUTE TO MOTHER TERESA OF CALCUTTA

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. HOLDEN. Mr. Speaker, I rise today to honor Mother Teresa of Calcutta and to recognize the many contributions she has made to the world. She knew no limits in her caring for other people. She offered unconditional love while asking for nothing in return.

Born in Albania on August 26, 1910, Mother Teresa decided to become a Roman Catholic sister in 1928. She went on to create a religious order based on caring for the sick, disabled, or dying, whether it was a gutter in Calcutta, under a thatched roof in Africa, or in an apartment complex in Harlem.

Mother Teresa is one of the most magnetic figures in the history of the world. Wherever she went, crowds followed in hope of seeing her or hearing her speak. When she did speak, it was with great humility, employing simple yet moving phrases.

Few people in the history of the world have done more to help their fellow human beings than Mother Teresa. She was truly the ultimate example of what it means to be a caring person. I ask my fellow Members of Congress to join me in formally paying tribute to the many contributions of Mother Teresa.

RECOGNIZING PROFESSOR CLINTON N. HEWITT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. PALLONE. Mr. Speaker, I rise today to call attention to the distinguished Professor Clinton N. Hewitt, a renowned lecturer, author, and community activist. Throughout his professional career he has been committed to serving education and his community alike.

Professor Hewitt is a proud native of Virginia and a graduate of the Virginia Public School System. He holds undergraduate degrees from Virginia State University and Michigan State University. Furthermore, Professor Hewitt has earned a graduate degree in Landscape Architecture at Michigan State University and has completed the Institute of Education Management Program at Harvard University. Currently, Professor Hewitt is a full-time faculty member at the College of Architecture and Landscape Architecture at the University of Minnesota. Before deciding to teach full-time he served as the Associate Vice President for planning at the University of Minnesota for nearly thirty years. It was there that he managed the planning, design, and construction of facilities with funding well over one billion dollars. In addition, Professor Hewitt is the past president of the Society for College and University Planning (SCUP), an organization recognized nationally and internationally as the leader in prompting the practice of comprehension planning in higher education.

Professor Hewitt has been recognized for his achievements on many occasions. He has received SCUP's Founders Award for Distinguished Achievement in Higher Education Planning, as well as its Distinguished Service Award. Professor Hewitt has also received the American Institute of Architecture Minnesota Honor and Special Awards for leading its Minority Scholarship Program in 2000 and the Distinguished Service to Higher Education Planning, Torch and Shield Award. He has been given memberships to Alpha Kappa Mu National Honorary Society, Beta Kappa Chi Honorary Science Society, Kappa Phi Kappa Professional Education Fraternity, and Sigma Lambda Alpha Honor Society in Landscape Architecture. In 1987, Professor Hewitt spread his community service internationally when he was one of eleven delegates of U.S. College and University Facilities Administrators who were invited to visit China to examine common problems and develop facilities management programs.

Beyond Professor Hewitt's extraordinary professional career, he has given back much to his community. He serves on the Board of the University of Minnesota YMCA, the Minnesota Architectural Foundation Board, and the Board of Directors of Hope Community. He is a member of the Minneapolis University Rotary Club, NAACP, and the American Association for Higher Education.

Mr. Speaker, Professor Hewitt has been an asset to the betterment of higher education. His contributions have been great and selfless to those around him. I ask that my colleagues rise and join me in honoring Professor Clinton N. Hewitt.

ADOPTION PROMOTION ACT OF 2003, H.R. 3182

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. TIAHRT. Mr. Speaker, I rise today in strong support of H.R. 3182, the Adoption Promotion Act of 2003. As we approach the holiday season, our thoughts are often filled with happy family memories. Thousands of families across this great country have relied on adoption for added joy in their home. I am pleased to support the Adoption Promotion Act of 2003 and the included incentives for each state to promote adoption and find families for the thousands of children who would prosper with a stable family. As a husband and proud father of three children, I can attest to the joy they have brought, and continue to bring, into my life.

According to the 2000 Census statistics, 19,733 children have been adopted in Kansas, 3 percent of children under 18 years of age. I am pleased that only 4 states have a higher adoption rate.

Adoption is a satisfying choice and one which spans generations. Chuck Knapp, a member of my staff, was adopted. His mother was also adopted, and he and his wife are proud parents of two sons, one of whom is adopted. His example is testament to the benefits of adoption.

We need to do a better job of encouraging adoption and holding each state's adoption agency accountable to timely work applications. We can all be grateful for someone who has come into our lives through this beautiful choice. For me, I have gained a friend and a fabulous member of my staff.

It is with great anticipation that I support this bill for its benefits are greatly needed as America continues to foster her families. I thank Representative Dave Camp for introducing this important bill and I would like to encourage my colleague to join me in voting "aye" for H.R. 3182.

HONORING THOMAS HOBBS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. PORTER. Mr. Speaker, I rise today to honor my constituent, Thomas Hobbs, on his receipt of the Bronze Star Medal with Combat V. This long delayed award recognizes the incredible heroism and dedication to service displayed by Thomas Hobbs when he served his country in South Vietnam more than 30 years ago.

In 1970 Thomas Hobbs was serving as a Specialist 4 with Recon Team 1, Company E, 3rd Battalion, 503rd Infantry, 173rd Airborne Brigade. Specialist Hobbs was participating in a multi-team ambush of communist forces in the Suoi Ca Valley when Recon Teams I and 2 of Company E engaged a much larger enemy force. Team 2 was pinned down by enemy fire, with several of its own members wounded. Specialist Hobbs, without thought of his own safety, left the perimeter of Team I to bring aid and additional firepower to Team 2. With his help, Team 2 was able to survive the communist attack. Without his bravery, Team 2 would have been overrun, and the long list of Americans sacrificed in the defense of freedom would have been even longer.

I learned of this act of heroism when I received a letter from Ken Burbank, one of the men in Team 2 whom Thomas Hobbs helped save. For more than 30 years, he had remembered the brave soldier who had come to the aid of his unit that dark and dangerous night, and continued to look for Thomas Hobbs so he could thank him for saving his life. I was pleased to recommend to the Army that they honor Thomas Hobbs for his bravery, and I look forward to being able to present him with his award. All Americans should keep the courage and self-sacrifice of Thomas Hobbs, and the men and women who follow in his footsteps today, in mind when enjoying the freedoms he fought so bravely for.

HONORING DR. MICHAEL ZIRPOLO

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. CUNNINGHAM. Mr. Speaker, it gives me great pleasure to honor Dr. Michael A. "Mike" Zirpolo upon his retirement after nearly forty-five years of practicing medicine in the State of California since his graduation from the University of California. Mike has distinguished himself throughout his career as a dedicated family practice physician who has ministered to thousands of his patients, without regard to whether they could afford the necessary patient care by relying on his independent medical judgment as opposed to non medical determinations.

Dr. Zirpolo is nationally known and recognized by both civilian and military pilots for his years of dedication to his additional specialty as a Class I FAA Airmen Medical Examiner, during which he has examined and certified thousands of pilots and ensured the safety of civil aviation by adhering to the highest standards of examination for the certification of pilots.

Dr. Zirpolo has played an important role in air passenger and pilot safety during his medical practice and membership in the Civil Aviation Medical Association, American Academy of Air Traffic Control Medicine and Aerospace Medical Association. He has enjoyed the respect and recognition of many active and retired military pilots during his years of practice for his patriotism. Though he is retiring from his general medical practice, he will continue to devote his medical examination efforts to the certification and safety of United States' pilots.

I ask my colleagues to join me today in recognizing Dr. Zirpolo's decades of contributions to air traffic and pilot safety, and commend this Doctor and Medical Examiner approach that has marked his exceptional years of practice.

RECOGNIZING THE ACCOMPLISHMENTS OF JEANNINE LORAE MARTINEAU

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. ISSA. Mr. Speaker, I rise today to recognize Jeannine Martineau, a board member in the Lake Elsinore Unified School District and the outgoing President of the California School Boards Association. Jeannine Martineau is an exceptional community leader and citizen of Lake Elsinore.

Ms. Martineau has a distinguished record of service throughout her community and the State of California. She has served on the California School Boards Association for the past 12 years. She was a member of the association's delegate assembly and served as a regional director since 1992. This year Ms. Martineau was named chair of the Cities, Counties, and Schools Partnership.

Jeannine has also been a model of personal involvement. She has been active in many community organizations including the Elsinore Woman's Club, Elsinore Valley Human Services Commission and was named 2003 Tri-County Youth Services Volunteer of the Year.

Mr. Speaker, I would like to personally thank Ms. Martineau for her service to her community and wish her good fortune in the future.

VETERANS BENEFITS ACT OF 2003

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of H.R. 2297, the Veterans Benefits Act of 2003. This bill contains a number of measures for our Nation's veterans. Among those is a provision that will expand the Montgomery G.I. Bill program, a tried and true program that helps our veterans achieve their education goals. H.R. 2297 strengthens the program by authorizing educational assistance for on-job training in certain self-employment training programs.

Another provision in this bill allows a remarried surviving spouse of a veteran to be buried next to the veteran in a national cemetery, based on the original marriage. An across-the-board prohibition on remarried spouses of veterans' burial eligibility is unfair to many of the dedicated women and men who spent years supporting their veteran spouse. A change in this policy is only fair.

Finally, this bill eliminates the requirement that a prisoner of war be held for 30 days or more to qualify for presumptions of service-connection for psychoses, anxiety disorders, frostbite residuals, and other diseases. Some of our bravest veterans are plagued by these life-changing sicknesses, and they deserve fair and just compensation.

As a member of the House Veterans' Affairs Committee, I strongly support strengthening benefits for our Nation's veterans, who have fought so bravely to protect our country. I am proud to be a cosponsor of H.R. 2297 and urge my colleagues to support its passage today.

CONGRATULATING MAGEE RIETER FOR 11TH STRAIGHT HONOR FROM GENERAL MOTORS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize Magee Rieter Automotive Systems of Bloomsburg, Pennsylvania for winning the "Supplier of the Year" award for quality and service for the 11th consecutive time from General Motors Corporation. I ask that my colleagues pay tribute to Magee Rieter, its President and Chief Executive Officer Mike Katerman and all the employees for winning this International recognition.

Not only is this the 11th straight award for Magee Rieter and its employees, they now have the distinction of being the only company in all of North America to earn the honor for so many consecutive years. Each year, less than 100 companies out of 30,000 win this distinction. Additionally, only one other company in the world can match this incredible record of quality.

As Mr. Katerman puts it, Magee Rieter manufactures the highest quality fabricated floor carpet and acoustical systems. General Motors is their largest customer.

Mr. Speaker, it is a privilege and honor to represent a company that has been internationally recognized for its commitment to quality, service, technology and its pricing. It is equally rewarding to represent employees who are acclaimed for their hard work and ingenuity.

RECOGNIZING THE 100TH ANNIVERSARY OF THE PENNSYLVANIA STATE NURSES ASSOCIATION

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize the Pennsylvania State Nurses Association (PSNA) which is celebrating its 100th anniversary on October 17, 2003.

PSNA first met in 1903 with the purpose of supporting Pennsylvania's nurses, and the association quickly worked to establish standards of licensure and education. In its 100 years of service, PSNA has transitioned from a graduate nurses association to a union and finally to a professional organization representing all registered nurses. Through its responses to changing times PSNA has shaped the nursing profession. In its early days, PSNA advocated for the profession and for women. During times of national crisis the organization has provided support to those who needed it. In the days after the tragic events of September 11th PSNA coordinated volunteers willing to provide nursing care to the victims of the terrorist attacks.

Registered Nurses play a vital role in the delivery of quality and effective healthcare. PSNA continues to take a leading role in a changing industry. I congratulate the Pennsylvania State Nurses Association on its 100 years of service and support to Pennsylvania's Registered Nurses, and wish them many more years of continued success.

MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Ms. WOOLSEY. Mr. Speaker, I would like to thank the gentlewoman for offering this motion to instruct, and I would like to offer my strong support.

The fact that we are here today debating this motion shows just how offtrack the Energy Conference has gone. When the gentlewoman offered this same language as an amendment to the House Energy bill it passed by voice vote because it was so popular. Now, a conference being led by Republicans is not allowing Democratic conferees to participate. And now they are stripping some of the most important and popular provisions from the bill.

Let's call this what it really is. This "Inventory" that members from the other side of the aisle say is so necessary is a sham. In fact, the Minerals Management Service already conducts a survey every 5 years, and the latest assessment was done in 2000. Taking an inventory of what lies beneath the sea floor is not like taking an inventory of office supplies. It requires a careful process that takes into account the delicate ecosystem that the Outer Continental Shelf comprises.

The point of removing this important provision in conference is not to conduct an "inventory," but instead it is to open up the Outer Continental Shelf for big oil companies to drill for oil. We all know where the oil is, and they can't wait to get in there and drill. Such drilling would put our coastal communities at needless risk.

My district is comprised of some of the most beautiful coastline in the world. From Gualala Point to the San Francisco Bay, my constituents depend on this beautiful coastline, and I do not want to see oil on our beaches or animals killed by irresponsible drilling.

Instead of expanding drilling, we should be exploring new ways to create clean and renewable energy sources. I urge conferees to add more funding for developing, implementing, and expanding renewable energy programs instead of senselessly opening up our Outer Continental Shelf to big oil companies.

Mr. Speaker, I urge my colleagues to vote for this motion to instruct. Let's send a clear signal that the Energy conference should not take place in secret and disregard the wishes of the American people.

MARRIAGE PROTECTION WEEK

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. FRANKS of Arizona. Mr. Speaker, I rise today in support of President Bush's designation of this week as "Marriage Protection Week." I commend the President for his exemplary leadership in the vital effort to preserve and strengthen America's families.

It is with complete respect to the Constitution as—according to George Washington—"the guide which I will never abandon," that I feel compelled to speak on behalf of a federal marriage amendment.

Judicial recklessness has become the breeding ground for challenges against the institution of marriage. Recent court decisions, like Lawrence v. Texas have set a dangerous precedent. Sadly, America's courts continue to abuse their power by legislating from the bench, and usurping the will of the people. I am concerned that the state laws that define marriage between a man and a woman are in jeopardy of being struck down by the court's total disregard for the law as it is written.

However, there is good news concerning the sanctity of marriage from my home state of Arizona. Recently, a three-judge court-of-appeals panel in Arizona upheld a 1996 state law that defined marriage as the union of a man and a woman. They said in their decision [and I quote], that "the fundamental right to marry protected by our federal and state constitutions does not encompass the right to marry a same sex partner." Here, the courts simply read the state and federal constitutions as they are written, and applied them without prejudice.

Across the Nation, support for House Joint Resolution 56, "The Federal Marriage Amendment"—a constitutional amendment defining marriage as a sacred institution between a man and woman—is rapidly growing. A recent poll taken by the Associated Press showed that 54 percent of Americans are in support of a constitutional amendment that would define marriage as a union between a man and a woman. This same poll showed that 53 percent are also opposed to so-called "civil unions." House Joint Resolution 56 is coming close to obtaining 100 cosponsors, and support for the sanctity of marriage is building on both sides of the aisle. I commend my friend and colleague from Colorado, Mrs. MUSGRAVE, for having the courage to introduce H.J. Res. 56. It is my hope, that this body will take a bold stand and defend the definition of marriage as the sacred union of a man and a woman.

Thank you Mr. President, for your leadership.

HONORING MAYOR SAMSON

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the life of Mr. Dave Samson, the late Mayor of Sunny Isles Beach. Mr. Samson was not only an exemplary civic leader, but a great Floridian, and a caring husband, father and grandfather.

Since retiring in 1972 as a business owner in Chicago, Samson promptly moved to South Florida. Always eager to assist his fellow citizens and be active within the community, Samson became involved in many civic affairs, as he assumed the position of president of his condominium association. Eventually, Samson was recognized as the leader of Miami-Dade County's Citizens Advisory Committee. In 1997, Samson led a successful campaign to incorporate the 3-mile-long strip in northeast Miami-Dade County, and he became the founding father of Sunny Isles Beach. He also spearheaded a large-scale movement to remake a sleepy area of low-rise motels built along Collins Avenue in the 1950s into a dream city of soaring condominium towers.

Not to be forgotten, Mayor Samson, the one and only Mayor of Sunny Isles Beach, was devoted to his family, his work, and his community. He was a remarkable man who was still working hard on his city's vision at age 88, up until his death this past weekend.

Mr. Speaker, it is indeed an honor to stand here today and remember the life of an exemplary citizen of South Florida, one who devoted himself to his constituents, friends and family, and always sought a better quality of life for his community. His legacy will surely last a lifetime. Mr. Samson is survived by his wife, Marion, with whom he recently celebrated his 64th wedding anniversary, sons Michael and Stuart, and seven grandchildren.

RECOGNIZING THE PUBLIC SERVICE OF DAN CORSON

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Dan Corson, who will retire next month as a member of the Boulder, Colorado City Council.

Elected to the Council in 1997, Don has had a notable career in public service.

Dan graduated with a Bachelor of Arts degree in History from Miami University in Ohio, received a Master of Arts degree from the University of Denver, and a Juris Doctor degree from the University of Colorado Law School. He clerked for Judge Luis Rovira in Denver District Court and worked as an attorney in civil litigation.

As a member of Colorado Preservation, Inc., the National Trust for Historic Preservation, Historic Boulder and the Colorado Heritage Area Partnership, Dan has been a strong contributor to saving Colorado's history. Dan also served as a member of the City of Boulder's Planning Board and the City Landmarks Preservation Advisory Board, and shared his expertise to benefit the community and the state.

Dan now serves as the local government liaison for the Colorado Historical Society, working with citizens and local government officials interested in establishing historic preservation commissions by offering technical advice, drafting ordinances and resolutions and offering training regarding conducting meetings, preservation law and design review. Dan also administers grants to both local governments and the Historic Preservation Fund grants from the National Park Service.

Committed to providing progressive leadership on the City Council, Corson worked diligently to forge a strategy to find more affordable housing for Boulder citizens, while tightening the city's budget during difficult economic times. He also supported the largest purchase of open space in the city's history.

With the unique combination of public, private and nonprofit experience, Dan Corson has been an admirable public servant committed to bringing wisdom and innovative ideas to city government.

On behalf of the residents of Boulder, I thank him for his service on the Boulder City Council and wish him well in all his future endeavors.

TRIBUTE TO THE DESPLAINES VALLEY NEWS ON ITS 90TH ANNIVERSARY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding organization from my District on the south side of Chicago, Illinois. I would like to honor the Desplaines Valley News in celebrating 90 years of service to its community this year.

Founded as "the People's Paper" on October 13, 1913 by A.S. Bushkevitz in Lemont, Illinois, The Desplaines Valley News now serves twelve suburbs southwest of Chicago and provides circulation to the communities of Argo-Summit, Bedford Park, Bridgeview, Brookfield, Countryside, Hodgkins, Indian Head Park, Justice, Lyons, McCook, Willow Springs and the LaGrange Highlands.

This neighborhood newspaper has provided uninterrupted news coverage on local, state, and national events every week for the past nine decades. Since 1986, the John C. Noonan family has been dedicated to publishing the Desplaines Valley News. Currently, the Noonan family distributes the weekly publication to subscribers both through newsprint and the internet.

I would like to pay tribute to the Desplaines Valley News, as it is a shining example of the ideals under which our nation was founded.

Mr. Speaker, I congratulate the Desplaines Valley News for the many years it has provided services to the community and wish them the very best in the years yet to come.

RECOGNITION OF THE BROOKPORT LIBRARY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Brookport Library located in Brookport, Illinois.

I recently visited the Library and wanted to share their story with you.

The Brookport Library was established in 1991 by the Brookport Betterment Committee (BBC) Inc.

The Library was housed in an area of the old Brookport Grade School, which was leased by the school district for $1 per year. With no water or heat, except for a kerosene heater located close to the librarian, the Library remained at this location until 1997.

At this time, the old school building was demolished, and the books, along with everything else, went into storage.

In March of 1998, papers were signed and once more the Library had a home, 103 East Third Street. The old house had charm but it wasn't long before it began bulging at the seams.

In the meantime, some very generous donations were made which were earmarked for a building, and in April 2002, the BBC purchased the building known as the Hohman Building located at the corner of U.S. 45 and Seventh Street.

Following some major remodeling, the Library opened for business on November 4, 2002.

The Library relies solely on donations and volunteers, so if anyone is interested in helping the Brookport Library, please contact the Library or any board member.

I want to especially thank Judy Askew, the chairman; Ann Douglas, secretary/head librarian; Leah Slayden, treasurer; and Rosemary Hohman and Barbara Call for the work they continue to do to make this library such a special place.

REVISED VERSION OF BILL TO FACILITATE ACQUISITION OF MINERAL RIGHTS AT ROCKY FLATS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a revised version of a bill to facilitate the acquisition by the Federal Government of mineral rights or other non-Federal interests in lands that are located within the boundaries of the Rocky Flats site in Colorado.

The bill is cosponsored by my Colorado colleague, Representative BEAUPREZ. It is based on H.R. 2653, which I introduced earlier this year, but includes a number of changes reflecting suggestions by Representative BEAUPREZ. I greatly appreciate his support for this measure.

BACKGROUND

In the 1950's, the Federal Government bought land at Rocky Flats for use as a production facility for nuclear-weapon components. However, the purchase did not include all the mineral rights, some of which remained in private ownership.

Production at Rocky Flats ended more than a decade ago. Since then, the Department of Energy, through its contractors, has been working to have the site cleaned up and closed.

ROCKY FLATS WILDLIFE REFUGE ACT

In 2001, Congress passed legislation I sponsored with Senator WAYNE ALLARD to guide the future of Rocky Flats. Under that legislation—the Rocky Flats National Wildlife Refuge Act of 2001—once the cleanup and closure are accomplished, most of the land at Rocky Flats will be transferred from the Department of Energy to the Department of the Interior and will be managed as a unit of the National Wildlife Refuge System.

The refuge act includes some provisions related to the non-Federal minerals—primarily sand and gravel—at Rocky Flats. It says "nothing in this [law] limits any valid, existing . . . mineral right" except for "such reasonable conditions on access . . . as are appropriate for the cleanup and closure of Rocky Flats and for the management of the refuge." And it says that a Memorandum of Understanding (MOU) between DOE and Interior is to "address the impacts" mineral rights "may have on the management of the refuge, and provide strategies for resolving or mitigating these impacts."

These provisions were included in the refuge act in order to make clear that while these mineral rights are to be respected as private property, future development of the minerals could have adverse effects on the land, wildlife habitat, and other values of the future wildlife refuge. That is why Congress directed the agencies to consider these potential future effects and work to find ways to mitigate those impacts.

So far, however, the Energy and Interior Departments have not been able to agree on what to do about the minerals, and the MOU has not been completed.

I think the best way to handle this would be for the Federal Government to acquire the minerals. However, neither DOE nor Interior has made this a priority, and the current budgetary situation places constraints on such acquisitions.

PURPOSE OF THE BILL

The Udall-Beauprez bill is intended to make it more feasible for the Interior Department to acquire some or all of the minerals. It would do that by giving the Secretary of the Interior two additional methods (either instead of or in addition to purchase for cash) for completing such acquisitions—

(1) by giving "credits" that could be used instead of cash to pay for oil and gas leases on the Outer Continental Shelf; and

(2) by allowing federal lands or minerals anywhere in the country to be exchanged for the Rocky Flats minerals (under current law, such exchanges can only occur within the same State—Colorado lands/minerals for other Colorado lands/minerals).

The bill has no compulsory provisions. It would not require that any of the non-Federal interests at Rocky Flats be acquired by the government. It also would not require anyone to accept anything other than cash for any interests that the government may acquire—any transaction involving the new "credits" or any exchange could take place only with the concurrence of the party selling minerals to the United States. It would merely provide the Interior Department with new tools—in addition to those it already has—for such acquisitions.

In addition, the bill includes a provision to make clear that the Federal Government cannot expand the Rocky Flats site by obtaining any non-Federal lands or interests in lands that are outside the site's boundaries except with the consent of the owners of those lands or interests.

In developing the original bill, I sought and obtained technical assistance from the Interior Department, gave careful consideration to comments from local governments and others in Colorado, and made revisions to earlier drafts of the legislation in response to points raised in those comments.

Mr. Speaker, this bill—the "Rocky Flats Minerals Acquisition Act"—is narrow in scope. However, I think it can assist in successful implementation of something that is very important for all Coloradans—the establishment of the Rocky Flats National Wildlife Refuge. I think it deserves the support of every Member of the House.

For the information of our colleagues, here is a short outline of the revised bill:

OUTLINE OF REVISED ROCKY FLATS MINERALS ACQUISITION BILL

BACKGROUND

When the ongoing cleanup of the Rocky Flats site is completed, it will be closed and most of the site will be transferred to the Interior Department for management as a National Wildlife Refuge. Within the site's boundaries there are some privately-owned mineral rights (primarily sand and gravel). Federal acquisition of at least some of these mineral rights would further sound management of the site as a wildlife refuge. However, the current budgetary situation makes it difficult to complete such acquisition.

The purpose of the bill is to provide the Interior Department with two additional tools to assist in the acquisition of mineral rights or other non-Federal property at Rocky Flats:

Authority to provide "credits" (instead of or in addition to cash) that could be used for bonus bids or royalties for mineral leases on the Outer Continental Shelf; and

Authority to provide eligible BLM lands (or interests) anywhere in the country in exchange for the interests acquired at Rocky Flats (waiving the current requirement that exchanges must be within the same State).

SECTION-BY-SECTION OUTLINE

Section 1

(1) provides a short title: "Rocky Flats Minerals Acquisition Act";

(2) includes findings regarding the status of Rocky Flats and the desirability of Federal acquisition of mineral interests within its boundaries; and

(3) states the bill's purpose as being to facilitate acquisition of non-Federal interests at Rocky Flats by authorizing the Interior Department to use credits or interests in certain public lands—provided that the owners of the acquired lands or interests concur—instead of or in addition to cash.

Section 2

(1) authorizes the Interior Department to use appropriated funds, credits (with the concurrence of the party transferring lands or interests to the United States), exchanged lands or interests therein, or any combination of these, to acquire mineral interests or other non-Federal interests at Rocky Flats;

(2) defines "credits," making clear that they can only be used for bonus bids or royalty payments for oil or gas leases on the Outer Continental Shelf, can be transferred, and must be used within 10 years of their issuance;

(3) specifies that while exchanges can involve BLM lands or interests in any State, only lands or interests identified as suitable for disposal under current law can be transferred to private ownership through such an exchange;

(4) specifies that no lands or interests therein outside the exterior boundaries of Rocky Flats can be acquired by the United States for the purposes of the Rocky Flats National Wildlife Refuge Act except with the consent of the owners of such lands or interests;

(5) provides that interests acquired by the United States under the bill will be managed as part of the wildlife refuge and cannot be developed or transferred out of Federal ownership; and

(6) specifies that the bill adds to the Interior Department's existing authority and does not reduce any authority the Department already has.

THANK YOU, COLONEL DAN BECK

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. HAYES. Mr. Speaker, I rise today to recognize and thank Colonel Dan Beck for his valuable service to our nation. As he retires from the North Carolina Air National Guard, Colonel Beck's dedication to country and state is exemplary. I am proud and honored to call him a friend.

Graduating from the University of North Carolina at Charlotte Colonel Beck was commissioned in the North Carolina Air National Guard as a Second Lieutenant in 1979. He faithfully served the 145th Civil Engineering Squadron for over a decade and was promoted to the rank of Lieutenant Colonel in 1992. A short time later, Colonel Beck was appointed Commander of the 145th Mission Support Squadron and in 1994 assumed the position of Headquarters 145th Support Group Commander.

Serving an illustrious and impressive military career, Colonel Beck accomplished a great variety of tasks, to include commanding the first Air Force Engineering Deployment into Israel, commanding the North Carolina Joint Air/Army Task Force to Homestead, Florida in support of Hurricane Andrew relief efforts, and presiding over the multi-million dollar acquisition of C–130 H–3 aircraft.

After completing the International Strategic Studies program at Air University-Maxwell Air Force Base in 1997, Colonel Beck was selected as the first member of the North Carolina Air National Guard to participate in the Capitol Hill Fellowship program. Dan served as a Legislative Fellow to Congressman W.G. "Bill" Hefner and handled defense, transportation and emergency management issues for Congressman Hefner. While on staff, Colonel Beck learned and experienced first hand how the legislative process works. He became an invaluable asset to Congressman Hefner's staff and has used his knowledge ever since to help me and the entire North Carolina delegation. He has been an effective and true advocate for the North Carolina National Guard, thoroughly understanding the legislative process.

As Colonel Beck's Fellowship came to a close, he returned to his roots and accepted a position with the North Carolina National Guard. In 1999 he became Deputy Chief of Staff to the Adjutant General for Air Force and Air National Guard. Dan has advised on many State and Federal issues and has continued to promote the North Carolina National Guard in Congress, working closely with me and my staff and others.

As Colonel Dan Beck takes the next step forward in his professional career, I wish him, his wife Trudy and two sons Sterling and Cooper all the best. I have enjoyed working with Dan the past several years and thank him deeply for his friendship and service to North Carolina and the United States of America. May God bless Colonel Dan Beck and his family.

A TRIBUTE TO MG ZANNIE O. SMITH, U.S. ARMY

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. McINTYRE. Mr. Speaker, it is with great pleasure that I rise today and honor Major General Zannie O. Smith of the United States Army. On October 16, 2003, Major General Smith retired after serving the people of this great nation for over forty years.

Zannie Smith was a decorated officer, who spent his career ensuring that the freedoms the United States holds dear are protected. Throughout his illustrious career, Major General Smith was honored with the Defense Superior Meritorious Service Award, the Legion of Merit with five Oak Leaf Clusters, the Bronze Star Medal with "V" device with two Oak Leaf Clusters, the Air Medal with Oak Leaf Cluster, the Defense Meritorious Service Medal, the Meritorious Service Medal with four Oak Leaf Clusters, the Army Commendation Medal with two Oak Leaf Clusters, the Armed Forces Expeditionary Medal, four awards of the Vietnam Service Medal, and the Good Conduct Medal. He is a Master Parachutist and has been awarded the Ranger Tab, the Combat Infantryman's Badge, and the Air Assault Badge.

After holding a variety of command positions, Major General Smith was assigned to Fort Bragg, North Carolina, as Deputy Commanding General of the XVIII Airborne Corps and Fort Bragg in 2001. Our United States Army would not be as illustrious and formidable without the dedication and determination of Major General Smith. We owe Major General Zannie O. Smith our sincere appreciation for his over forty years of committed service to our nation. His devotion to the people of the United States should serve as an example to us all.

May God bless him and his family, and may God bless this great nation.

RECOGNIZING THE PUBLIC SERVICE OF SPENCER HAVLICK

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Spencer Havlick, who next month will retire from membership on the Boulder, Colorado, City Council.

Elected to the council in 1982, Spence has had 21 years of distinguished public service.

Born in Oak Park, Illinois and raised in Green Bay, Wisconsin, he received his B.A. Degree from Beloit College, his M.A. from the University of Colorado in limnology and his Ph.D. in environmental planning and water resource management from the University of Michigan.

He became the Assistant Dean and Director of the College of Environmental Design at the University of Colorado in Boulder in 1975. His research and teaching focus on natural hazard mitigation, the citizen's role in the planning process, and the impact of urbanization on the environment. He has written on ecology and design and is preparing another book on transportation management and traffic calming.

He has taught at the University of Michigan and Murdoch University in Western Australia, consulted for the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, the National Science Foundation and the U.S. Information Agency.

With this outstanding academic background, Spence has been a champion of the values that embody the spirit of Boulder. His commitment to defending these values made him a distinctive member of the council.

A passionate environmentalist, Spence had a two-decade struggle with transportation problems and worked diligently to promote public transportation, rail service between Denver and Boulder, bicycle paths, city open space and pedestrian walkways.

In his role as professor of environmental design at the University of Colorado, Spence encouraged his students to adopt Boulder's environmental values. He urged students to give up their cars, get more exercise and walk or use alternative transportation.

A top vote getter in all his elections, Spence promoted a strategy to find more affordable housing, worked on growth management, led the effort for the largest purchase of open space in the history of Boulder and worked to streamline the city's budget in tough economic times.

Spence's civic commitment is demonstrated through his service on the City Council Environmental and Transportation Committees, as an Eco-cycle block leader, and as a Commissioner for the Boulder Urban Renewal Authority.

The City Council of Boulder, Colorado, has been fortunate to have had Spencer Havlick as a member for the past 21 years. On behalf of Boulder's residents, I wish him well as he continues to pursue his commitment to a better community and state.

COMMEMORATING THE RETIREMENT OF MR. LARRY L. CRUTSINGER, PRESIDENT AND CHIEF EXECUTIVE OFFICER OF SAN ANTONIO YMCA

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. GONZALEZ. Mr. Speaker, I rise today to commend Mr. Larry L. Crutsinger, the President and Chief Executive Officer of the YMCA for Greater San Antonio and the Hill Country. After thirty-three years of service, Mr. Crutsinger has announced that he is retiring from the YMCA.

I would like to join the YMCA in recognizing him for his service to the YMCA movement and its mission to put Judeo-Christian principles into practice through programs that build a healthy spirit, mind, and body. Through his dedicated service and leadership, Mr. Crutsinger has helped the YMCA establish both local YMCA branches and set national YMCA precedents in program innovation to meet the changing needs of children, teens, and families in local communities.

The YMCA has become the largest nonprofit provider of after school child care that supports working families with the care, education, and recreation for their children after school and during school holidays. The San Antonio YMCA child care system has been recognized as a model by the Texas Legislature.

Mr. Crutsinger has been honored as one of San Antonio's outstanding creative minds for leadership in the development of programs for children and his advocacy for youth. His charitable career has resulted in the creation of three major branch YMCAs, and the expansion of program services and partnerships to serve over 61,000 members and program participants.

Together, with 900 staff and over 5,000 volunteer members in the YMCA movement, Mr. Crutsinger developed the teams and resources to deliver before and after school Y School age summer day camp sites; two residential camping sites; and nine Y Teen sites in this ten-county region; and all in the effort to build strong kids, strong families and strong communities today and tomorrow.

Mr. Speaker, it is my honor to recognize Larry Crutsinger for his hard work and dedication to the YMCA and the people it has served over the years, and my distinct pleasure to wish him the best in his retirement.

A SPECIAL TRIBUTE TO MRS. AUDREY LOTT ON THE OCCASION OF HER 100TH BIRTHDAY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. GILLMOR. Mr. Speaker, Mrs. Audrey Lott is an incredibly bright woman whose life reflects both the spirit and struggles experienced by African-Americans in the United States. This Saturday, October 18, Mrs. Lott will celebrate her 100th birthday.

Mrs. Lott is the granddaughter of a former slave who was a messenger for General Grant in the Civil War. Mrs. Lott grew up in Washington, DC and attended pharmacology school while in her 20's. For a time, she worked for Simmons Pharmacy at 21st & L Streets in Washington. She left her job after a few years to stay at home and care for her mother. After her mother passed, Mrs. Lott worked as a housekeeper. In fact, Mr. Speaker, she once served tea to Mrs. Bess Truman and Mrs. Eleanor Roosevelt. In the early 1960's, Mrs. Lott moved to Tiffin, Ohio, which is in my congressional district. Her son, Grant C. Taylor, soon followed.

Mrs. Lott and her family have sacrificed much but contributed greatly to the United States. Mrs. Lott is a grand, intelligent lady, an avid reader of a variety of fiction, and a dear, true friend to many. It is in that spirit that I ask my colleagues to join me in paying special tribute to Mrs. Audrey Lott on the occasion of her 100th birthday celebration. Our communities are served well by having such honorable and giving citizens, like Mrs. Lott, who care about their well being and stability. We wish her all the best as we pay tribute to one of our nation's finest citizens.

RECOGNIZING THE PUBLIC SERVICE OF FRANCOISE POINSATTE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Francoise Poinsatte, a member of Boulder City Council, as she retires in November from her seat on the Council. I would like to thank her for the many contributions she has made to ensure that the City of Boulder remains a very special place to live.

A graduate of the University of Notre Dame, Francoise received her teaching license in French and Fine Arts from the University of Colorado. She has taught in public schools in the Boulder Valley and in Jefferson and Douglas counties. She has been a member of the Transportation Advisory Board from 1993 to 1994, and has served on the Regional Transportation Task Force from 1997 to 1998.

Elected in 1999, at a time when the City of Boulder faced many challenges, Francoise tackled the issues of economic stability in declining budgetary times. Partnering with other council members, Francoise was able to increase the city's financial reserves from two to fourteen percent to prepare for unexpected financial crises.

As a former teacher, Poinsatte fought to support and expand strong educational and human service programs in the city, while keeping a close eye on the costs and quality of the services provided to the community. She has advocated for social and economic diversity, affordable housing, and improved facilities for the homeless.

Francoise's ongoing commitment to a healthy environment for Boulder's citizens made her a leader on alternative transportation options in the area, which included bike paths, walking trails, well-planned bus routes and citizen-friendly transportation plans. She has contributed to the vitality of downtown Boulder by her dedication to reducing traffic congestion, air pollution, and fuel consumption. Her city has recently been recognized nationally as one of the best workplaces for commuters.

Boulder is also known for being one of the most environmentally friendly cities in the United States, and Francoise and her colleagues on the Council enhanced this reputation through investment in additional open space, recycling programs, and a strong citizen education program. As a member of the Boulder Urban Renewal Authority, she has helped oversee plans for the development of the new St. Julien Hotel at 9th and Canyon, as well as the rejuvenation of Crossroads Mall.

With a keen sense of citizen responsibility and a talent for blending her past experience with a desire to serve the public good, Francoise Poinsatte has been an outstanding member of the Boulder City Council and city government. I ask my colleagues to join me in praising her public service, and I wish her continued success in her future endeavors.

TRIBUTE TO CARL D. ASHLEY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. DAVIS of Illinois. Mr. Speaker, I rise to offer condolences to the family of my good friend Carl D. Ashley. Carl was indeed a role model a good provider, a good husband, a good father, grandfather, uncle, a good friend to all of those who needed a friend, a good citizen and a great American.

Mr. Speaker, as I listened to speaker after speaker at the funeral testify and extol the virtues of Carl, I sat in amazement, young lawyers, doctors and other successful young people talked about the impact Carl had on their lives. He was not a professional teacher and yet he taught, he was not a psychologist and yet he gave counsel, he was not a clergyman and yet he preached a great gospel. He was a lover of people and he displayed that love each and every day of his life.

I met Carl in the early 1960's when we both worked at the post office, a job from which Carl retired. While we did not see each other on a regular basis our friendship maintained itself and bloomed. Carl married a great lady and they were able to raise a wonderful family, taught to achieve, accomplish and to be actively engaged in all aspects of life, including politics, Carl was a judge of election and took his politics seriously.

I extend heartfelt condolences to the family of Mr. Carl D. Ashley and thank God for having been able to know him and to see firsthand his efforts to help make the world a better place in which to live. Carl served his country in Vietnam and continued to serve until his death. May his soul rest in peace.

NATIONAL HISPANIC HERITAGE MONTH

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. ROTHMAN. Mr. Speaker, I rise today in celebration of National Hispanic Heritage Month and in commemoration of the over five hundred years that America has been enriched by Hispanic culture. This year, from September 15th to October 15th, we have the opportunity to honor the myriad contributions the 37 million people of Hispanic origin currently living in the United States have made to our great country, and we have the responsibility and pleasure of recognizing and remembering the many gifts of Hispanic Americans.

An exemplar of the contributions to the culture of our society made by Hispanic Americans is Celia Cruz, the "Queen of Salsa" who passed away this July in her home in Fort Lee, New Jersey which is located in my Congressional District. Born in Havana, Cuba, Celia Cruz fled to the United States to free herself from the brutal dictatorship of Fidel Castro. With a genuine love of life and passion for family and friends, Celia Cruz represented the true spirit of Hispanic Americans through her music.

Hispanic Americans comprise 14 percent of the total U.S. population and have contributed to American society in innumerable ways. From literature and art to business, science, academia and government, Hispanic Americans have significantly and so positively impacted American culture. Among other great examples are Carlos Gutierrez, Chairman and CEO of the Kellogg Company since 2000, NASA Astronaut Ellen Ochoa, and former Secretary of Energy Bill Richardson. Each of these men and women has touched the lives of countless people of all races, religions, and ethnicities across the United States. It is with honor and gratitude, Mr. Speaker, that I ask all my colleagues to join me in celebration of National Hispanic Heritage Month.

RECOGNIZING THE PUBLIC SERVICE OF LISA MORZEL

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Lisa Morzel, a retiring member of the Boulder, Colorado, City Council for her eight years of service to the Council and the community.

As a research geologist, Lisa has brought a great deal of knowledge about the topography of the Rocky Mountain region to complex land use decisions made by the Boulder City Council. She has also developed some expertise on the geology of Yellowstone National Park and the special volcanic dynamics of this region—especially the floor of Yellowstone Lake.

Her careful consideration of the development of many multi-faceted projects brought important insight to projects such as the development of a National Wildlife Refuge at the Rocky Flats Nuclear Weapons facility, which will benefit the region's citizens for decades to come.

Through a commitment to thoughtful resource allocation, Lisa and the Boulder City Council were able to increase the City's financial reserves from two to fourteen percent, to cover unexpected crises. This was a critical measure, as this will help the City get through this current difficult economic situation.

During her tenure on City Council, Lisa was a partner in creating many improvements for pedestrian access throughout the city. Boulder has one of the most environmentally conscientious communities in the county and with the enhancement of bike paths, hiking trails and open space, the city provides a citizen-friendly environment.

Lisa was also a leader in recycling, and supported creation of the Boulder County Recycling Center and other efforts to promote recycling. Due in part to her efforts nearly half of waste that would otherwise end up in landfills is now recycled.

Lisa is a strong proponent of affordable housing in the city, and encouraged the Council to adopt new policies to ensure an adequate supply of affordable housing in the community.

Lisa has already promised to remain involved in these and other important community issues after her term on Council ends. Her dedication to the city is to be commended. On behalf of Boulder's residents, I applaud Lisa for her years of commitment to public service.

TRIBUTE TO GEN. T. MICHAEL MOSELEY

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. SPRATT. Mr. Speaker, today I am honored and privileged to recognize one of the finest officers in the United States Air Force, recently promoted General T. Michael "Buzz" Moseley.

For the past two years, General Moseley has served with distinction in one of the most demanding Air Force positions: Commander, Ninth Air Force, Air Combat Command, which is headquartered in my district in Sumter, South Carolina. In that post he also served as Commander, United States Central Command Air Forces, United States Central Command. During his tenure, he prosecuted two of the most successful air campaigns in modern history, raising the bar for the optimum employment of air and space power in joint armed conflict.

Following the September 11, 2001 terrorist attacks on the United States, General Moseley took command of U.S. Central Command's air component. In this role, he provided air and space power for the Command's 25-nation area of responsibility that reaches from the Horn of Africa, across Iraq and Afghanistan, to the southern states of the former Soviet Union. At the peak of Operation Enduring Freedom, General Moseley directed over 11,000 combat sorties responsible for destroying over 4,600 Taliban and al Q'aeda targets—in support of our nation's war on terror.

When U.S. forces had the terrorist organizations and their supporters on the run, the Central Command's focus shifted to sustaining our efforts to bring relief to the long-oppressed Afghani people. In the initial humanitarian phase, nearly 200 airdrop sorties were flown, delivering 2.4 million daily rations and nearly 1,900 tons of blankets and rice.

Following the successes of Operation Enduring Freedom, General Moseley was called upon to provide General Franks, now the former Commander of U.S. Central Command, with air power guidance and expertise as the planning and preparation intensified for military action that would eventually remove the tyrannical regime of Saddam Hussein. From logistics to civil engineering, readiness of personnel to sensitive theater engagement with friendly foreign allies, the air component's methodical preparation for Operation Iraqi Freedom was simply spectacular. The logistical train paved the way for the employment of nearly 30,000 air-to-ground weapons and air refueling offloads totaling more than 417 million pounds of fuel—enough to keep a Boeing 737–300 airborne for almost 12 years. As the logistical buildup steadily progressed, civil engineers and contractors were busy executing over 350 million dollars in facility upgrades at our friendly host nations' airfields, bolstering their ability to support the pending wartime taskings.

Employing thoughtful and polished diplomacy, General Moseley negotiated basing rights at 24 Arabian Gulf airfields and overflight rights for the coalition's 1,800 aircraft and over 1,350 cruise missiles, assets that were pivotal to conducting the air campaign on terms favorable to American and Coalition national security interests. At the peak of hostilities against the former Iraqi regime, nearly 55,000 United States Air Force personnel were deployed under General Moseley's control. These preparatory actions led to the successful execution of the coalition's overwhelming effort to free the people of Iraq from the clutches of Saddam Hussein. In overthrowing the regime, aircraft from our Air Force, Navy, and Marine Corps was coupled with the air power of our coalition allies from the United Kingdom and Australia to execute the most successful air campaign in history. During the course of the 21-day campaign, General Moseley directed 41,000-plus sorties and was responsible for striking nearly 20,000 Iraqi targets—an astounding feat that is a testament to General Moseley's impeccable combat leadership.

To this day, the outstanding men and women of the United States Central Command Air Forces continue to support Operation Enduring Freedom and Operation Iraqi Freedom, promoting and maintaining American interests in the region and reconstructing two pivotal countries where our efforts must not fail. While the majority of our air and space force have returned home from the Middle East and Central Asia, over 17,000 airmen remain deployed. They are serving under the most arduous conditions in Southwest Asia, defending the victories of Operation Enduring Freedom and Operation Iraqi Freedom. The continued sacrifices of these great Americans carries on our Nation's commitment to the security and prosperity of the region.

I was truly pleased with the President's recent nomination and the United States Senate's confirmation of General Moseley for his fourth star. It is exceptionally well-deserved, and I want to offer my congratulations to him; his wife, Jennie; their son, Greg; and their daughter, Tricia. I am proud to represent my fellow South Carolinians—citizens who have understood the meaning of sacrifice since the formation and creation of the United States—in thanking General Moseley and his family for their selfless dedication, commitment, and sacrifice.

General Moseley is a credit to both the United States Air Force and the United States of America. I wish him the best of luck in his assignment as Vice Chief of Staff, Headquarters United States Air Force. I am confident of his continued success in his new position and look forward to seeing him back here in our Nation's capital.

HONORING LATINO SERVICE MEN AND WOMEN DURING NATIONAL HISPANIC HERITAGE MONTH

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in celebration of National Hispanic Heritage Month and to recognize the longstanding contributions that the Latino community has made and continues to make through their participation in the armed forces.

New census data reports that the Hispanic community, which numbers almost 40 million, is now the largest minority group in the United States. As such, Latinos influence everyday life in the United States through their participation in every sector of our society including business, the arts, sports, government, medicine and education. Of particular significance during these trying times, is the rich history of patriotism and sacrifice that the Latino community has made by serving proudly and with distinction in every major U.S. military conflict and in all branches of our armed services.

From the minutemen of the American Revolution to today's enlisted men and women in Iraq, the Latino community has a deep-rooted tradition of service in the U.S. military. Today there are 109,487 Latinos on active duty, representing approximately 9.5% of all active duty personnel. Latinos represent 9.7 percent of the Army, 10.5 percent of the Navy, 13.9 percent of the Marine Corps, and 3.4 percent of the Air Force.

Latinos have been recognized for their valor and bravery in some of this country's most important military confrontations. One of the greatest sources of pride among the Latino community is the 39 Medals of Honor awarded to Latinos in recognition of their valor. They are the largest single ethnic group, in proportion to the number who served, to earn this prestigious award.

During the American Revolution, soldiers from Spain, Cuba, Mexico, Puerto Rico, and the Dominican Republic fought alongside the colonists for independence. Cuban women donated their jewelry to aid the colonists, helping to finance the Yorktown Campaign.

In World War One, Latino soldiers were decorated with the Medal of Honor, the Distinguished Service Cross, the French Croix de Guerre, the Victory Medal with three bars, and the Purple Heart. During the Second World War, up to 500,000 Latinos served bravely—eleven receiving the Medal of Honor. Of particular mention is the story of Marine PFC Guy "Gabby" Gabaldon who single-handedly captured over 1,000 enemy soldiers in the summer of 1944, more than anyone else has in the history of military conflicts.

During the Korean War, the 65th Infantry Regiment—a Puerto Rican regiment—was given special recognition for participating in nine major campaigns, capturing 2,086 enemy soldiers, and killing 5,095 enemy combatants. Individual members of this regiment were awarded four Distinguished Service Crosses and 124 Silver Stars. My family and I had personal acquaintance with a Korean War hero from my neighborhood in Boyle Heights when I was growing up in Los Angeles. Private First Class Eugene Obregon was awarded the Medal of Honor for sacrificing his life to save that of a wounded comrade.

Fourteen Hispanics were awarded the Medal of Honor for bravery during the Vietnam War. Navy Lt. Everett Alvarez became the first American prisoner of war (POW), and remained so for over 8 years, the longest confirmed POW in American history. The last American to leave Vietnam was Senior Master Sergeant Juan J. Valdez, who served at the U.S. Embassy in Saigon and departed by helicopter on April 30, 1975.

When Iran held 52 American hostages in 1980, the Ayatollah offered to release all minorities. Marine Corporals Lopez and Gallegos refused, instead stating, "I am an American—I am a U.S. Marine, I will be the last one to leave," invoking the spirit of American patriotism above all else.

Today, as we wage the war on terror in Afghanistan and Iraq, the Latino community continues to prove its commitment to America by serving proudly and with honor. They remind all of us, that there is no better way to demonstrate devotion to your country than the willingness to make sacrifices for it. Through their service in the armed forces thousands of brave individuals in the Latino community have proven their love and dedication to our American values of liberty and freedom for all.

As we recognize the Latino community during National Hispanic Heritage Month, I want to thank the service men and women, both past and present, for their commitment and sacrifices to our country. They truly embody the spirit of pride and community that Hispanic Heritage Month is designed to celebrate.

RECOGNIZING THE COLORADO PUBLIC INTEREST RESEARCH GROUP

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Colorado Public Interest Research Group (CoPIRG) on the celebration of its 30th anniversary of operation in Colorado. This outstanding nonprofit organization has been recognized as one of the state's strongest grassroots groups devoted to advocacy, action and results.

In an effort to advocate for Colorado's citizens, CoPIRG's current programs focus on affordable health care, consumer protection, environmental advocacy, and the strengthening of our democracy.

The cost of health care and prescription drugs are soaring and senior citizens and the uninsured are paying a disproportionate share of their incomes for their basic health care needs. CoPIRG, through its surveys, is advocating for Congressional reforms and urging our state government to develop buying pools to benefit those on fixed incomes and without employment most impacted by these spiraling costs.

Coloradans have many areas where they need more personal and consumer protection. Through comprehensive reports each year prior to the holiday-giving season, Public Interest Groups across the nation have targeted unsafe toys in retail stores and on the Internet. For the past 17 years, these reports have led to over 100 recalls and prompted the passage of a federal toy labeling law in 1994.

Investor protections were highlighted last year when CoPIRG advocated for consumer privacy laws to protect credit card numbers from theft. This year, CoPIRG is working to strengthen laws governing the accounting industry in Colorado and increase funds for investigations and other reforms.

Targeting corporate fraud, a CoPIRG backed law helped create an independent oversight system to ensure that audit firms aren't subject to conflicts of interest. Through a research report, consumers can reduce their banking fees through better knowledge of industry charges. In 2001, predatory lending practices were exposed through CoPIRG's research, leading Colorado's Attorney General to file civil suits against offenders, the first such action in the nation. In another national first, Colorado passed a law to provide consumers with free annual credit reports upon request.

On the front lines of environmental and public health protection, CoPIRG has fought to strengthen air standards, reduce pollutants that cause global warming, smog and increase respiratory diseases such as asthma. In a campaign to keep our water clean and safe for drinking and recreation, PIRGs nationally are working to enforce toxic regulations on corporate violators.

In an effort to protect our nation's coastlines, Public Research Interest Groups across the nation are advocating to leave wilderness areas free from oil and gas drilling. As one of the country's largest source of pollution, fossil fuels continue to be harmful to the nation. PIRGs across the country are working to support the use of renewable sources of energy through education and advocacy. With the motto, Reduce, Reuse and Recycle, CoPIRG and other affiliates are building environmentally sound alternatives to keep our nation clean and safe for all its citizens.

Fighting for Colorado's citizens, CoPIRG has partnered with Colorado Common Cause, the League of Women Voters of Colorado, the Colorado Environmental Coalition and other advocacy organizations to direct a county by county effort to expand voter participation through Colorado Citizens' Voice. Using training workshops, the coalition supports citizen involvement in government decisions and works for meaningful reform on critical issues.

Through comprehensive reports and releases, CoPIRG keeps voters informed of campaign contributions, compiles statistics on campaign financing trends and continuously advocates for campaign finance reform and the protection of initiative process in Colorado.

For the past thirty years, Colorado and the Rocky Mountain West has been the proud home of Colorado Public Interest Research Group. For their many accomplishments on behalf of its citizens, we commend their service and wish them many years of future success.

RECOGNIZING AUGUSTINE GALLEGO DURING HISPANIC HERITAGE MONTH

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mrs. DAVIS of California. Mr. Speaker, I rise today in honor of Hispanic Heritage Month, which commemorates the numerous contributions that Latinos make to our country. It is my privilege today to recognize an extraordinary individual who shapes the future every day through his valuable work, San Diego Community College District Chancellor Augustine Gallego.

In his 14 years as Chancellor, Augustine "Augie" Gallego has earned a reputation as a national leader in higher education. He is the immediate past chair of the American Council on Education (ACE). Change Magazine recently named him as one of the 21 most influential higher education senior leaders in the United States. Locally, he is known for bringing together business leaders, community members, and politicians to find solutions for challenges within the educational system.

Chancellor Gallego is a positive role model for young people within the Latino community and beyond who are unsure about pursuing post-secondary education. The story of Augie's decision to go to college is inspirational. As a young man, Chancellor Gallego found work digging ditches. One day while digging, he looked up and noticed college students nearby. That moment served as an epiphany; Augie realized he did not have to dig ditches for a living. He decided to attend college.

Chancellor Gallego truly embodies the mission of the San Diego Community College District of providing an accessible, high quality learning experience that responds to the unique needs of local communities and student populations. In his capacity as chief executive officer of one of the largest community college districts in the United States, he led the development of numerous innovative programs, including public and private partnerships to more effectively and efficiently serve students and the community. Among his many accomplishments, Chancellor Gallego has facilitated community college transfer to California's four-year public colleges, and developed opportunities for students to intern and work at local businesses.

All of Chancellor Gallego's endeavors show a profound appreciation, understanding, and passion for community colleges and their role in the economic development, work force training, and education of a community. He respects the unique backgrounds and needs that each student brings to the classroom. The diverse community college population includes "breakthrough students" who are the first in their family to go to college, nontraditional students returning to school to obtain skills to help them either re-enter or advance in the labor market and students experiencing financial hardship. Community colleges represent hope and provide opportunities for many in San Diego County. Chancellor Gallego has helped turn those hopes into reality for thousands of San Diegans.

A vocal advocate for students, Chancellor Gallego has brought attention to the impact of California's education budget reductions. Funding decreases translate into increased class size, fewer classes, less financial assistance and, ultimately, lost potential for the community.

As Hispanic Heritage Month draws to a close, I am proud to recognize Chancellor Augustine Gallego's steadfast commitment to improving the quality of education. Through his service in the San Diego Community College District, he has opened the doors of opportunity to a generation of students.

CAPTAIN DURWARD LANG: 50 YEARS OF REMARKABLE SERVICE

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. ALLEN. Mr. Speaker, in August, 2003, Durward Lang retired as the Captain of the Fire Department of Buxton, Maine. Captain Lang's extraordinary service to the town began a half a century ago. He has held every rank from firefighter to Chief, and has been instrumental in many of the department's progressive changes. His contributions are remarkable in many respects, and reflect the can-do spirit of a man who has given his all to his community.

For example, Durward purchased a used ladder truck on his own, refurbished it in his garage, and gave it to the Town of Buxton for $1. Not to be deterred, when the truck failed to pass inspection in 2000, he served on the committee formed to purchase another ladder truck.

Durward and his wife, Janet, also started the town's emergency dispatch service in their kitchen. They hired people to man the phone 24 hours a day. The service is now the 911 center for the Town. The Langs also ran the town rescue service together, spending many days and nights helping residents in trouble.

Fortunately, Durward has been persuaded to remain in service. Since his retirement as captain, he has served as a fire truck driver.

I join the people of Buxton in thanking Durward and Janet Lang for their countless hours of service, and the model of civic involvement that they have established for all to emulate.

RECOGNIZING TAIWAN'S 92ND NATIONAL DAY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. HINCHEY. Mr. Speaker, as a longtime supporter and proud member of the Taiwan Caucus, I would like to recognize and congratulate Taiwan on its 92nd National Day, which it celebrated on October 10, 2003. Taiwan has made many significant accomplishments during its brief history. It is a true friend to the U.S., and one of our major trading partners.

Taiwan is one of the largest export markets for many U.S. states, including New York. With a population of 23 million, the island of Taiwan is the world's 12th largest economy and our eighth largest trading partner. These economic ties have strengthened our bilateral relationship.

Taiwan is a thriving democracy, supportive of political freedoms and human rights. Its constitution guarantees citizens freedom of assembly, expression and association, freedom of religion, and freedom of the press. Taiwan conducts free and fair elections, and is home to more than 90 political parties.

I applaud Taiwan's commitment to upholding the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, and the Declaration and Action Program of the 1993 Vienna Conference on Human Rights. I thank Taiwan for providing humanitarian assistance to Afghan refugees, and for its generous contributions to the International Community. I fully support Taiwan's efforts to rejoin the United Nations and join the World Health Organization.

As we celebrate Taiwan's 92nd National Day, we recognize the strong relationship between our countries and commit ourselves to see this relationship continue to flourish and grow in the years to come.

DEFENSE PRODUCTION REAUTHORIZATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. PAUL. Mr. Speaker, no one questions the need for the Federal Government to obtain the necessary resources to fill its constitutional role of providing for the common defense. However, the federal government must fulfill this duty in a manner that does not conflict in any way with the Constitution or endanger republican government. The Defense Production Reauthorization Act (DPA), which gives almost unchecked power to the executive to interfere in the economy in the name of "national security," fails both of these standards. In fact, when I inquired at the sole hearing the House Financial Services Committee held on this issue as to which section of the Constitution authorized such sweeping grants of power to the Executive, I was greeted by silence from the "expert" witnesses!

Under this bill, the President is given authority to void private contracts in order to ensure that federal defense priorities, as determined by the executive, are met. The only limitation on the President's judgment is a requirement that he submits a series of "findings" to Congress. The Executive also has what appears to be unchecked authority to use financial incentives such as loan guarantees, direct loans, and purchase guarantees to ensure production of items he determines are in the national interest.

Congress appears to have no ability to perform any real oversight of a Presidential action under the DPA. In fact, my office has been informed by the Congressional Research Service that past Presidents may have invoked the DPA without even submitting the required findings to Congress!

The wide grant of unchecked power to the Executive runs counter to the intent of the drafters of the Constitution. The Founders carefully limited the executive power because they recognized that an executive with unfettered power was a threat to liberty. In recent years we have seen administrations of both parties undermine the Constitutional separation of powers via enhanced reliance on executive orders and unilateral decision-making. The Defense Production Reauthorization Act provides Constitutional blessing to this usurpation of power, and not just in areas clearly related to national defense. For example, the DPA has been used to justify federal interference in the energy market. It is an open question what other exercise of federal power could be justified as related to defense. For example, federal education programs has been justified on the grounds that an educated population is vital to national defense, so perhaps a future president will use DPA to impose a national curriculum!

I am also concerned that this bill violates the Fifth Amendment's takings clause. In particular, DPA allows the government to seize private property by interfering with the performance of private contracts in order to give priority to military production. This action reduces the value of the affected parties' proprietary interests, and thus is a taking, requiring the government to provide just compensation to the affected party. The Fifth Amendment intends to assure that the government does not unfairly burden one group of citizens in carrying out its constitutional functions. By not providing for just compensation, DPA allows the executive to unfairly burden one group of citizens for costs that the Constitution requires be shared among the entire population.

In conclusion, Mr. Speaker, the Defense Production Act gives the executives unchecked power to meddle in the economy, flying in the face of the original constitutional structure and endangering the very liberty it claims to protect. Therefore, I must oppose this bill.

COMMEMORATING NATIONAL LATINO AIDS AWARENESS DAY

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Ms. SOLIS. Mr. Speaker, I stand before you today to recognize October 15 as the first ever National Latino AIDS Awareness Day. On this day, in over 100 cities throughout the United States, Latino leadership will sponsor a variety of activities raising awareness of the state of AIDS among Latinos.

For the past twenty years, AIDS has posed a formidable threat to Latino communities and families. As of December 2001, the Centers for Disease Control and Prevention estimates there have been 149,742 cumulative Latino AIDS cases in the United States. Latinos in the United States have been disproportionately affected by the AIDS epidemic. Although Latinos comprise 14 percent of the population in the United States, they account for 20 percent of all those living with AIDS. Furthermore, Latinos are over represented in the number of new HIV infections and AIDS cases. Two groups in particular, Latinas and Latino youth, have been acutely affected. The rate of Latinas with AIDS as a proportion of all Latino AIDS cases has climbed from 15 percent in 1990 to 23 percent in 2000. Latino teens make up 15 percent of the national teenage population but account for 21 percent of new AIDS cases.

In Los Angeles County, an estimated 52,000 men, women, and children are living with AIDS. In 2000, Latinos comprised 41.8 percent of AIDS cases LA County. A rather heartbreaking reality is that in Los Angeles, nearly half of all newborns with HIV are Latino. And as of December 31, 2001, in my community of the San Gabriel Valley, there are 1,121 people living with AIDS.

As the nation's largest and fastest growing ethnic minority group in the United States, addressing the impact of HIV/AIDS in the Latino community takes on an even greater significance in the overall effort to improve our nation's health. National Latino AIDS Awareness Day is a time for our nation to recognize the needs of communities of color and embark on a more proactive fight against AIDS. We must do more than just talk about AIDS. We need to put real action behind our words and good intentions, particularly by adequately funding programs like the Minority AIDS Initiative and increasing emphasis on disease prevention.

These are starting statistics and we must remember that behind these statistics are human faces and human lives, those of our sisters and brothers, mothers and fathers, and our colleagues and friends. On this first National Latino AIDS Awareness Day, I ask that we remember those who have lost their lives to AIDS, show compassion toward and support for those currently living with the disease, and pray for all families and communities whose lives have been touched in some way.

UNIVERSAL 4-YEAR-OLD KINDERGARTEN TO D.C. AND NATIONWIDE

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Ms. NORTON. Mr. Speaker, I am introducing today the Universal Pre-Kindergarten and Early Childhood Education Act of 2003 (Universal Pre-K) to begin the process of providing universal, public school pre-kindergarten education for every child, regardless of income. The bill is meant to fill the gaping hole in the President's No Child Left Behind law, which requires elementary and secondary school children to meet more rigorous standards while ignoring the preschool years which can best prepare them to do so. My bill would provide a breakthrough in elementary school education by taking a step at the federal level to provide initial funding and, using such funding, to encourage school districts themselves to add a grade to elementary schooling at age four as an option for every child.

The Universal Pre-K Act responds both to the needs of parents for educational childcare and to the new science showing that a child's brain development, which sets the stage for lifelong learning, begins much earlier than previously believed. However, parents who need child care for their pre-K age children are rarely able to afford the stimulating educational environment necessary to ensure optimal brain development. Universal Pre-K would be a part of school systems, adding a new grade for 4-year-olds similar to 5-year-old kindergarten programs now routinely available in the United States. The bill would eliminate some of the major shortcomings of the uneven commercial day care now available and would assure qualified teachers and safe facilities.

Because of decades of refusal by Congress to approve the large sums necessary for universal health coverage, the Universal Pre-K Act encourages school districts across the United States to apply to the Department of Education for grants to establish 4-year-old kindergartens. Grants funded under Title IV of the Elementary and Secondary Education Act (ESEA) would be available to school systems which agree in turn to use the experience acquired with the federal funding provided by my bill to then move forward, where possible, to phase in pre-kindergartens for all children in the school district in regular classrooms with teachers equivalent to those in other grades as part of their annual school district budgets.

The success of high quality Head Start and other pre-kindergarten programs combined with new scientific evidence concerning the importance of brain development in the early years should mandate the expansion of early childhood education for all of our children. Traditionally, early learning programs have been available only to the affluent and to lower income families in programs such as Head Start. The goal of the Universal Pre-K Act is to bring the benefits of educational pre-K within reach of the great majority of American working poor, lower middle class, and middle class families, most of whom have been left out.

In a letter to Congress opposing private school vouchers, City Council Member Kathy Patterson suggested that instead of vouchers, Congress should fund a number of unfunded D.C. public school priorities, including Pre-K education for all 4-year-old children. She said that although universal 4-year-old Pre-K was a top D.C. priority, the city has been able to provide this schooling to only half of its children from local tax revenue.

Compare the cost of day care, most of it offered today with an inadequate educational emphasis, at an average cost of $6,171 per year to the cost of in-state tuition at the University of Virginia, which costs $6,150 per year. Yet, more than 60 percent of mothers with children under age six work. That proportion is rapidly increasing as more mothers enter the labor force, including mothers leaving welfare, who also have no long term access to child care.

Considering the staggering cost of daycare, the inaccessibility of early education, and the opportunity earlier education offers to improve a child's chances in life, four-year-old kindergarten is overdue. The absence of viable options for working families demands our immediate attention.

TRIBUTE TO MILDRED COLEMAN HOLLOWAY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to pay tribute to a Texas leader in civil rights, who after 91 years, passed on Friday. Mildred Coleman Holloway.

Throughout her career, Mildred was a trailblazer among African-American women who fought tirelessly for equal rights in an era when blacks were still required to pay a poll tax to vote.

Originally from Waco, Texas, Mildred attended Samuel Huston College, which later merged to become Huston-Tillotson College. For more than 40 years, Mildred was a Democratic Party icon in Texas.

Mr. Speaker, this great leader spent much of her time in Austin fighting for equal opportunity for all people.

She was instrumental in the founding of three politically powerful groups in Austin and the state of Texas, the Texas Coalition of Black Democrats, Black Austin Democrats, and the United Political Organization.

Mildred Coleman Holloway was a trailblazer and champion of minority rights in Texas. She was not just a leader in Texas politics but an inspiration to all of us in the Texas delegation. I am certainly proud to have known her and learned from her example.

I will miss her caring spirit. The people of Texas and her friends and colleagues in Austin and throughout Texas will miss her. Although she is no longer with us, Mildred Holloway will fondly be remembered for her courage, determination, humility, and devotion to public service.

RECOGNIZING THE CRUSADE PROGRAM

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. PRICE of North Carolina. Mr. Speaker, heart disease is the leading cause of death in the United States—affecting an estimated 62 million Americans. It is increasingly evident that we must become more vigilant in preventing and treating this serious illness. I am pleased today to share with my colleagues a nationwide quality improvement initiative that is headed by researchers at Duke Clinical Research Institute in my district and involves leading cardiologists from around the country, including another prominent research institution in my district, the University of North Carolina at Chapel Hill.

CRUSADE (Can Rapid Risk Stratification of Unstable Angina Patients Suppress ADverse Outcomes with Early Implementation of the ACC/AHA Guidelines) is studying cardiovascular care in hospitals around the nation and adherence to the American Heart Association (AHA) and the American College of Cardiology (ACC) acute coronary syndrome guidelines. These treatment guidelines help doctors who evaluate and treat patients arriving in emergency departments with serious heart conditions, known as unstable angina or non-ST-segment elevation myocardial infarction (heart attack), and those undergoing procedures to clear clogged arteries.

The CRUSADE program has found that many doctors and hospitals are not following the ACC/AHA treatment guidelines and reports significant under-use of other recommended therapies that can improve patient outcomes. CRUSADE has determined that heart patients are faring significantly better at hospitals that follow the guidelines. As Dr. Eric Peterson, the principal investigator for the CRUSADE initiative states, "Our mission is to not only document non-adherence but to actually change the behavior of healthcare professionals and help patients."

Historically, national efforts to prevent heart attacks have focused on the 600,000 acute myocardial infarction patients—and over time these initiatives have made a tremendous impact in decreasing mortality rates for patients around the country. I would like to urge the agencies at Department of Health and Human Services that are responsible for research, quality, and hospital-based initiatives to expand our cardiovascular programs to include the early heart attack population that the CRUSADE program seeks to assist. There are approximately 1.4 million patients in the U.S. in this category, and they are at higher risk for death than the smaller number of patients who are treated aggressively and tracked by our current federal programs.

Mr. Speaker, I am proud that researchers at Duke University and UNC-Chapel Hill have undertaken this important fight to save more lives from heart disease, and I congratulate the cardiologists and emergency medicine physicians across the country who are participating in this important program.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 16, 2003 may be found in the Daily Digest of today'sRECORD.

MEETINGS SCHEDULED

OCTOBER 20

2 p.m.
Aging
To hold hearings to examine confronting family elder abuse.
SD–628

OCTOBER 21

9:30 a.m.
Armed Services
To hold a closed briefing regarding ongoing military operations and areas of key concern around the world.
SR–222

10 a.m.
Finance
To hold hearings to examine tax shelters, and the role of the Federal Government relative to the buying and selling of tax shelters.
SD–G50

Governmental Affairs
Business meeting to consider pending calendar business.
SD–342

Health, Education, Labor, and Pensions
To hold hearings to examine intellectual diversity.
SD–430

Judiciary
To hold hearings to examine criminal terrorism investigations and prosecutions relating to national security.
SD–226

2:30 p.m.
Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee
To hold hearings to examine U.S. energy security relating to West Africa and Latin America.
SD–419

OCTOBER 22

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine counterterror initiatives in the terror finance program and organization of terror groups for funding and future U.S. responses.
SD–538

Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

Indian Affairs
To hold hearings to examine the nomination of David Wayne Anderson, of Minnesota, to be an Assistant Secretary of the Interior; to be followed by a business meeting to consider pending calendar business.
SR–485

Judiciary
To hold hearings to examine the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.
SD–226

OCTOBER 23

Time to be announced
Health, Education, Labor, and Pensions
To hold hearings to examine pharmacy compounding.
SD–430

9:30 a.m.
Environment and Public Works
Business meeting to consider S. 994, to protect human health and the environment from the release of hazardous substances by acts of terrorism.
SD–406

2 p.m.
Finance
To hold hearings to examine company owned life insurance.
SD–215

OCTOBER 28

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine certain health issues.
SD–430

OCTOBER 29

10 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by a hearing on the Tribal Self Governance Act Amendments of 2003.
SR–485

Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine the New Freedom Commission Report.
SD–430

OCTOBER 30

10 a.m.
Health, Education, Labor, and Pensions
Aging Subcommittee
To hold hearings to examine financial abuse and exploitation.
SD–430

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 1097, to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program.
SD–366

3 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine Senator Frist's Report on Africa.
SH–902

CANCELLATIONS

OCTOBER 17

9:30 a.m.
Environment and Public Works
Business meeting to consider S. 1066, to correct a technical error from Unit T-07 of the John H. Chafee Coastal Barrier Resources System, S. 1643, to exempt certain coastal barrier property from financial assistance and flood insurance limitations under the Coastal Barriers Resources Act and the National Flood Act of 1968, S. 1663, to replace certain Coastal Barrier Resources System maps, S. 1669, to reauthorize the Dingell-Johnson Sport Fish Restoration Act, and the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency.
SD–406

POSTPONEMENTS

OCTOBER 21

10 a.m.
Indian Affairs
To hold hearings to examine S. 1565, to reauthorize the Native American Programs Act of 1974.
SR–485

SENATE—*Thursday, October 16, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

We sing praises to You, sustainer of the universe, for the Earth belongs to You. You have set Your glory above the heavens, and Your throne shall endure forever.

Lord, thank You for Your faithfulness and for Your loving providence. You have dealt bountifully with us, and we rejoice because of Your manifold blessings.

Preserve this land we love, as we lean upon Your everlasting arms. Heal our land of the disease of division and deliver us from wickedness. Instruct our Senators today as they grapple with complex issues. May they strive to glorify You with each decision. May the spirit of civility prevail as they guard their speech.

Sustain us with Your right hand until the darkness lifts and the shadows flee.

We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today there will be 60 minutes for morning business prior to resuming consideration of S. 1689, the Iraq-Afghanistan supplemental request. There are a number of amendments that are pending, and we hope to dispose of those over the course of the day and as many as possible this morning.

The ranking member and the manager, Chairman STEVENS, are here and will be reviewing the amendments. It is our expectation that rollcall votes will be held as necessary on these amendments and those other amendments that will be offered over the course of the day.

Last night we made progress and we were able to lock in an amendment list, although that list is much longer than any of us would like to see. I am told many of the amendments on that list will not be offered.

Having said that, we will press on and we will remain as late as necessary with the understanding that we will complete the bill by the end of business this week. I have repeatedly said that goal must be met. It is an urgent supplemental request and the sooner the better in terms of passage of this important piece of legislation.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. Mr. President, we started on our side last night with 90 amendments. We are down to 31 now. I am not sure all of those will be offered, but I think the end is in sight. If we work hard today and put in a fairly decent day tomorrow, we will be able to finish this bill. I know the Presiding Officer, the President pro tempore of the Senate, has worked hard and was able, with his wisdom, to get rid of a number of reporting amendments that took a lot of pressure off of everybody. Those will be taken to conference and the decision will be made as to what will be done rather than having 70 different reporting amendments on relatively the same subject. I think we have the opportunity to finish this most important bill in the next day or two.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. FRIST. Mr. President, I want to make just a few comments on the progress that has been made—and it has been real progress over the last 2½ weeks—on the emergency request for Iraq and Afghanistan.

While we will have much more debate over the course of the day and likely tomorrow morning, and discussion on the amendments, I predict this bill will pass with very strong bipartisan support either late tonight or tomorrow. There has been a general understanding in this body that, indeed, we are at war against terrorists in Afghanistan and Iraq and the assistance we are debating—the urgent supplemental request—is absolutely vital and integral to victory and to the safe return of our soldiers.

Replacing the defeated regime of Saddam Hussein with a democratic Iraq is an essential turning point in bringing freedom to a part of the world that has been governed by extremism and by terrorism now for decades.

As General John Abizaid said before the Armed Services Committee, our service men and women are very clear when asked about their commitment to victory in Iraq. He said: "We can fight them there or we can fight them here."

What we are doing now very directly affects the security of the American people.

Iraq is a country, as we all know, that is deeply in debt because of Saddam Hussein's many excesses in over more than 20 years. In order to help Iraq, we must absolutely bring a basic level of stability to that country. Although we will discuss it over the course of the day, I believe strongly that loans will not do it. Loans do not accomplish that. Piling more debt on top of a crushing burden that is already in place will simply compound Iraq's problems, and I believe undermine that goal of stability there.

Our allies clearly must be generous with their assistance as well, and they must be prepared to write off debts from bad loans to Saddam Hussein in the past. We are working very hard as a country on this, and I am confident that by our example we will encourage that kind of international cooperation.

We have a strategy for success in Iraq. In recent months, we have made steady progress toward our objectives. We just began over the last several days and weeks to hear about those successes. Essential services are being restored, security is improving, and political transformation is underway. Importantly, as we will see in the United Nations in the next several hours, we are reaching out to expand international participation in the rebuilding of Iraq.

America must continue to build on this progress. We simply cannot afford to fail, and indeed we will not fail. If freedom and progress falter in Iraq, terrorists will be emboldened around the world, in the Middle East and elsewhere, threatening innocent lives around the world and America. With success, a free Iraq will send a clear message to the people of the Middle East and beyond that freedom and democracy—not violence, not terrorism—are the best paths for the future.

I yield the floor.

RESERVATION OF LEADER TIME

THE PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first 30 minutes of the time under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee and the second 30 minutes of time under the control of the Democratic leader or his designee.

The Senator from Texas is recognized.

IRAQ

Mr. CORNYN. Mr. President, I will say a few words about the supplemental appropriation which the leader just addressed a moment ago and we are addressing all week and also about the ongoing search for weapons of mass destruction.

I was in a Senate Armed Services Committee briefing when Dr. David Kay, one of the leaders of the Iraqi Survey Group, briefed me, and later briefed Congress as a whole, on the ongoing search for weapons of mass destruction. In that briefing and in the published statement he made that is now on the CIA Web site, he says:

> In searching for retained stocks of chemical munitions, the ISG [Iraqi survey group] has had to contend with an almost unbelievable scale of Iraq's conventional weapons armory, which dwarfs by orders of magnitude the physical size of any conceivable stock of chemical weapons. For example, there are approximately 130 known Iraqi Ammunition Storage Points, many of which exceed 50 square miles—

I had to doublecheck that quote to make sure it was accurate because it boggles the mind.

Continuing—

> 50 square miles in size and hold an estimated 600,000 tons of artillery shells, rockets, aviation bombs and other ordnance. Of these 130 ASP's, approximately 120 remain unexamined. As Iraqi practice was not to mark much of their chemical ordnance and to store it the same as they would conventional weapons, the size of the required search effort is enormous.

Dr. Kay has a gift for understatement. Having only in this time since the fall of Saddam Hussein been able to examine 10 out of a possible 130 ammunition sites gives an idea of the tremendous task ahead. Perhaps the critics should give some pause about the ongoing search for weapons of mass destruction and the likelihood—indeed, I would say the probability—that we will find those weapons of mass destruction in the end.

The search is ongoing, but we know for certain that 17 U.N. resolutions and numerous inspection missions by the U.N. weapons inspection team from 1991 to 2003 were not sufficient to stop Saddam Hussein. Even though we have not yet found the degree of weapons we anticipated, it is clear Saddam Hussein lied to the world about his arsenal despite all the steps taken by the international community. There have also been significant finds that indicate we have only grazed the surface of Iraq's weapons capabilities.

According to the same report I quoted a moment ago:

> The home of an Iraqi scientist brought the discovery of strains of biological organisms, one of which can be used to produce biological weapons. The team found new research on [Biological Weapons]-applicable agents, Brucella and Congo Crimean Hemorrhagic Fever (CCHF), and continuing work on ricin and aflatoxin, none of which were made known to the U.N.

It will be many months before we will have a clear picture of the nature and extent of Saddam's weaponry, but already some things are crystal clear.

There are some in this body who have opposed the conflict in Iraq from the beginning. I disagree with them, but they have a right to their views. I am sad to say there are also those who have come close—too close—to exploiting for political gain the hardships we have encountered following Saddam's fall, hardships experienced in serving the cause of freedom. I believe that is wrong and should be repudiated in the strongest terms.

We all know Congress voted overwhelmingly to authorize the President to use necessary force to remove Saddam's regime in Iraq. Subsequent events, including Dr. Kay's report on behalf of the Iraqi Survey Group, have vindicated that decision. I am also glad to see that today France, Germany, and Russia are planning to support the resolution concerning our efforts in Iraq before the U.N. Security Council. I would only hope the administration's critics in this body would express such strong support as well.

We all know that the great efforts and sacrifices made by our brave men in the coalition forces who ignored the beltway echo chamber and suggestions from the outset of quagmire, the cynical prognosticators who claim that our forces were on the brink of collapse, and the handwringing doubters who said Operation Iraqi Freedom was nothing but a pipe dream—we know these critics were wrong. The dedicated men and women of our coalition forces acted as true professionals. They were interested in actions and not words. We all know they liberated Baghdad in a mere 21 days.

Even in the face of that success, there still are naysayers who refuse to acknowledge the tremendous and dramatic accomplishments we have made as well as the necessity that we finish the task ahead. They are urging in so many words that we abandon Iraq, leaving behind an unstable nation still trying desperately to crawl up from under the rubble of destruction by Saddam's ruthless regime. That is a dangerous and an unwise suggestion.

This mission must end when we complete the task of stabilizing Iraq and we are able to hand power over to leaders who are elected by a free Iraqi people—not before. While we all want to return Iraq to the Iraqi people as soon as possible, and at the same time get our troops back home as soon as possible, these well-intentioned desires should not blind us to our duty to finish the job we started. There is no doubt that the enemies of democracy in Iraq, both inside and outside of that country, will exploit any short-lived commitment.

Indeed, I believe the evidence is overwhelming that the events of September 11 were largely caused by the apparent lack of American resolve to defeat terrorism, and what we are doing today—maintaining our strong resolve and finishing the job that we started in the war against terror in Afghanistan and Iraq—is absolutely essential to our success.

If we leave Iraq prematurely, we will play into the hands of the terrorists and Baathist remnants. They are counting on the resolve of the coalition to falter, freeing them to seek to regain control of this fledgling nation. We must not cut and run and, in so doing, leave the Iraqi people as they are, undefended, or we risk the possibility that the sacrifices that have been made by this Nation, and particularly our military and other coalition forces, will all be for naught.

Today in Iraq there is religious freedom and human rights unlike anything seen during Saddam's regime. The Iraqi people now have hope where there was formerly only despair. They have hope for a future that must have seemed like only a dream a few short months ago.

The "blame America first" gang is grasping for anything they can to prop up the illusion they were right all along. But the absence, so far, of weapons of mass destruction and stockpiles of biological agents does not mean Saddam's Iraq was some kind of sunny paradise or a thriving garden dictatorship, one long springtime for Saddam. Nothing—nothing—could be further from the truth.

We have not yet found weapons of mass destruction in Iraq, but let me remind all of us what we have found. We have found torture chambers. We have found execution sites. We have found prisons where children were held in order to coerce their parents to bend to Saddam's will. We have found a legacy of fear and terror, the vestiges of years of tyranny and cruelty. We have found as many as 300,000 people—maybe more—buried in mass graves throughout Iraq in nearly 100 reported sites. They stretch from Basrah to Baghdad, from Najaf to Kirkuk. These stand as silent monuments of Saddam's ruthlessness left behind for all to see.

For the Iraqi people living under Saddam, peace—if you can call it that—was far more bloody than the current war.

To those who continue to doubt our mission in Iraq, I say this: Peace is a good thing but at what price is it purchased? By turning our backs on suffering, genocide, and evil? By tolerating those who defy the civilized world and encourage, facilitate, and promote international terrorism?

If the 20th century has taught us anything, it is that if America is to fulfill its role as the guardian of the free world, a beacon of light shining in the darkness, we cannot allow bloodthirsty tyrants such as Saddam Hussein to act with impunity.

Clearly, there are obstacles to overcome in Iraq, and there will be setbacks along the way. Yet we cannot allow the politics of the moment or the upcoming Presidential election to undermine the war on terror and American resolve.

I believe the task that falls to us at this moment in history is spreading the blessings of liberty and bringing the light of freedom to a nation that has, for too long, been imprisoned by darkness.

We must not falter in our efforts. We must not play political games while the world turns inward. We must fulfill our duty to defend America's interests abroad and ensure that the tragedies of September 11 are never repeated.

In the end, if there is one thing certain, it is this: In Iraq the mass murder has stopped. And we stopped it. The Iraqi people and the American people and all the people of the civilized world are better off for it.

Those who would play political games with our mission in Iraq, even while our brave men and women labor to secure and stabilize this fledging nation, risk dishonoring the memories of those who sacrificed all in opposing this bloodthirsty regime.

No, Mr. President, we must not cut and run, leaving the Iraqi people with a promise unfulfilled. Success in Iraq depends enormously on our willingness to stay the course and finishing the job we started, and through it all, we owe our men and women in uniform our unequivocal support as they labor in a dangerous place for an honorable cause.

In summary, America needs from this body and from its leaders less babble and more backbone.

Mr. President, with that, I yield the floor.

The PRESIDENT pro tempore. The Senator from Alaska is recognized.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Ms. MURKOWSKI. Mr. President, I would like to share some of my thoughts on the administration's request for additional funding for Iraq and Afghanistan.

The majority of our attention has been focused on the situation in Iraq. Certainly this topic merits the attention it has received not only this morning but every morning it has received during morning business. In all of this, however, I would like to ensure that we do not overlook another very important aspect of this bill, which is increased assistance for Afghanistan.

The supplemental includes $11 billion for Operation Enduring Freedom: over $1 billion for training of the Afghan National Army and the construction of roads, schools, and health clinics.

Too often, as we focus on what is transpiring around the world—whether it is events in Iraq, the happenings in North Korea, the situation in Liberia—the news coming out of Afghanistan goes unnoticed: the cooperation between U.S. and Afghan forces in tracking down elements of the Taliban and al-Qaida; the progress USAID is making in strengthening the government; vaccinating Afghan children for measles; expanding educational opportunities for women and girls; and we must also remember the rehabilitation of numerous roads, bridges, tunnels, and related infrastructure.

There is also bad news as to what is happening in Afghanistan: reports of the resurgence of the Taliban and al-Qaida, increased poppy cultivation for opium production, and a yet uncertain relationship between the central and the provincial governments.

Our support for the progress in Afghanistan must continue. Many talk of the need to succeed in Iraq. The high price associated with that, if we fail, will be incredible. And I agree. The same holds true with Afghanistan. So I am pleased this supplemental is not just about Iraq but includes Afghanistan as well.

This past May, during his commencement address at the University of South Carolina, the President spoke to what the biggest accomplishment our presence in these two nations—Iraq and Afghanistan—can be, and that is the opportunity to replace old hatreds with new hope.

As the President said, when citizens have hope—when they feel as if they are invested in the future—then the extreme ideologies of terrorists hold no sway. But if there is no hope, if individuals think the future holds nothing for them or their families, the appeal of extremism is great.

That is the fight the United States faces today. What does the future of Iraq and Afghanistan hold for their citizens?

We have all heard of the recent Gallup poll taken in Iraq, which showed that 67 percent of Iraqis surveyed thought their lives would be better off in 5 years as a result of the U.S.-led invasion. Only 8 percent said their lives would be worse off. The hope for the future is there.

The Iraqi people are not willing to give in to the evil of terrorism, but if the United States fails in its task, if we do not deliver on our promises to get the job done, we have perhaps opened the door to even further terrorism.

Make no mistake about it, if we go about our task in a halfhearted manner and do not provide the resources that are needed, then we are only sentencing our troops to continued danger and longer deployments. The fact is, the sooner we complete the job, the sooner our troops come home.

Despite what may be portrayed in the media, progress is being made. We see that on a daily basis. Towns and municipal councils have been set up.

Fifty-six thousand Iraqis have been trained and armed for the security of their nation. More Iraqis are being trained to serve in the Iraqi Army and the police force. Electricity has been restored to prewar levels. A new Iraqi currency was introduced just this week.

On the education side, on October 1, just a couple weeks ago, the children of Iraq returned to school. And with the assistance of the Coalition Provincial Authority and USAID, nearly 1,600 schools in Iraq have been renovated. Over 5.6 million math and science books, free of Saddam's propaganda, are being printed and will soon be delivered. U.S. universities are partnering with Iraqi universities. This is significant because over 40 percent of Iraq's population is under the age of 15. These are kids who have known nothing but life under Saddam Hussein. These children are Iraq's future. Ensuring access to educational opportunities for both boys and girls is key. This will give the Iraqis the chance to develop the skills they need for their own personal advancement, to diversify Iraq's economic development, and to provide for the future of their nation and a future with hope, which is what we are all working toward.

I see the good Senator from Missouri is here. I yield the floor.

The PRESIDENT pro tempore. The Senator from Missouri is recognized for 8 minutes 15 seconds.

Mr. TALENT. Mr. President, it was not really my intention to come down on this particular debate and speak. I would like to give a broader statement on the war at some point. But I thought I would come for a few minutes today because I have been watching from time to time our friends on the Democratic side, particularly the Presidential candidates who seem to be vying with each other to show their base, to show the left how much they are against the war. They are trying to appeal to the left, which is certainly understandable given that they are running in a primary.

That has distressed me because I think the growing opposition to the war on the left is a tremendous historical mistake. People in that movement will view it that way 20 or 30 years from now. I say with all good faith to my friends in that movement that this is not the 1960s. Iraq is not Vietnam. Saddam Hussein is not Ho Chi Minh. The terrorists are not some kind of utopian movement that wants to create a workers paradise around the world. The terrorists stand for everything that this country hates, and in particular, everything the left in this country has always stood against. They are bloodthirsty cutthroats. They don't believe in diversity. They are racial and religious bigots. They are sexists. They hate the idea of international law. They have no respect for international norms. We should all be opposing them.

This is a war in which we should all be involved. We should all get in the same boat and row. I know it is hard to support a war which is led by a President you do not support. I was in that situation when we were involved in Bosnia. We are still there. It is hard to support a war led by a President whose very election you question. I understand what it is like to lose a contested election and, in fact, to lose one, the outcome of which is disputed. I was in that situation when I ran for Governor in 2000.

I believe very strongly that this is an American war. This action in Iraq is part of it. There is a tremendous strategic aspect of this war. We can and will win it, if we pull together, if we get in the same boat and row. There is no reason we should not. I urge both parties and all different parts of the philosophical spectrum to do that.

I want to take a few minutes to talk about this package, and in particular the need for reconstruction. There are three reasons this is very important, why it is in America's interest to spend this money and reconstruct Iraq.

First, we have to get the lights on there so that we can do the job we have set out to do. It is very difficult to hunt people down, hunt the terrorists down, if you can't turn on the lights. We need this infrastructure in order to do our job. Second, we have to create a basic infrastructure in Iraq so that the country can have the stability that will allow us to leave honorably. None of us want to be there. But we have engaged in this war for our interests, and it is now our responsibility to make sure the country is stable enough so there is not chaos when we leave. To do that, they have to have an electricity grid, among other things.

The third point was made powerfully by Prime Minister Blair in the House Chamber. Part of what we have to do in this war is not just defeat the terrorists but vindicate our values against which they stand. It is not enough just to curse the darkness. We have to light a candle.

One of the terrorists' goals is to spread their philosophy and their ideals all throughout the Islamic world, from Morocco to Indonesia. We need to show that the ideals of our democracy—dignity, freedom, the rights of the individual—are not just for us; they are for everybody. They don't just work for us; they will work for everybody. That is why the creation of a stable, benign Iraqi democracy is so crucial an aspect of this war. It would be an enormous strategic victory for us if we could create such a democracy there. I believe we can. I believe we are. We can and will win, if we don't quit.

I don't believe the people are going to quit. I don't believe this Congress is going to quit. This money we are spending today is in our interest to spend. That bears on the loan versus grant problem. Certainly I hope we get this money back. I would love to get this money back. We all should do what we can to enhance the Treasury and FSC and the American taxpayer. But if it is in our interest to do it, we should do it the same way we do everything else that is in our interest—we just spend the money. If it is not in our interest, we should not loan it to them either. I don't want to loan money to a country just to help them. I am representing Missouri and the United States of America. We spend money. We loan money to advance America's interests. If it is in our interest, and we believe that, we ought to be willing to give it to them in the form of a grant, especially since everybody knows, if we give this money in a loan, eventually we will forgive it. We will not get the money back anyway. We are going to urge everybody around the world to forgive it.

This is in America's interest. We can light a candle. We can defeat these terrorists. We can win this war. We ought to do it. I hope we will all pull together in the debate on this bill and get it done.

I yield back the remainder of my time.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Democratic leader.

Mr. DASCHLE. Would the Chair inform the body as to the amount of time remaining on the Republican side?

The PRESIDING OFFICER. There are 2 minutes 13 seconds remaining on the Republican side.

Mr. DASCHLE. Madam President, I do not know if anybody on the other side wishes to use that time, but in the interim, perhaps I might use leader time to make a statement on another matter.

(The remarks of Mr. DASCHLE and Mr. LEAHY pertaining to the introduction of S. 1740 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I ask that the Chair notify me when I have 3 minutes remaining.

The PRESIDING OFFICER. The Chair will do so.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. KENNEDY. Mr. President, nearly 6 months have elapsed since President Bush flew out to the aircraft carrier and declared "mission accomplished" in Iraq. Today, we all know all too well that the war is not over: The war goes on; the mission is not accomplished. An unnecessary war, based on unreliable and inaccurate intelligence, has not brought an end to danger. Instead, it has brought new dangers, imposed new costs, and taken more and more American lives each week.

We all agree that Saddam Hussein was a murderous tyrant, and his brutal regime was an affront to basic human decency. But Iraq was not a breeding ground for terrorism. Our invasion has made it one.

The trumped-up reasons for going to war have collapsed. All the administration's rationalizations as we prepared to go to war now stand revealed as "double-talk." The American people were told Saddam Hussein was building nuclear weapons. He was not. We were told he had stockpiles of other weapons of mass destruction. He did not. We were told he was involved in 9/11. He was not. We were told Iraq was attracting terrorists from al-Qaida. It was not. We were told our soldiers would be viewed as liberators. They are not. We were told Iraq could pay for its own reconstruction. It cannot. We were told the war would make America safer. It has not.

Before the war, week after week after week after week, we were told lie after lie after lie after lie.

And now, despite the increasingly restless Iraqi population, despite the continuing talk of sabotage, despite the foreign terrorists crossing thousands of miles of border to attack U.S. service men and women in Iraq, the administration still refuses to face the truth or tell the truth. Instead the White House responds by covering up its failures and trying to sell its rosy version of events by repeating it with maximum frequency and volume, and minimum regard for realities on the ground.

No PR campaign by the increasingly desperate White House can redress the painful loss of a young American soldier almost every day. Instead of greater stability and order, the forces arrayed against us are steadily increasing the intensity and sophistication of their assaults on our troops. Bombs that were once set off by trip wires are now being set off by remote control. The threat of shoulder fired missiles makes it unsafe for civilian planes to land at Baghdad Airport.

No foreign policy in our free society can succeed for long unless it is supported by our people. Our men and women in uniform fought bravely and brilliantly, but the President's war has been revealed as mindless, needless, senseless, and reckless. The American people know all this. Our allies know it. Our soldiers know it. We should never have gone to war in Iraq when we did, in the way we did, for the false reasons we were given. But now that we are there, two imperatives are absolutely clear: America cannot withdraw now, leaving Iraq to chaos or civil war, becoming a danger to us far greater than it did before. The misguided policy of the past is no excuse for a misguided policy for the future.

We need a realistic and specific plan to bring stability to Iraq, to bring genuine self-government to Iraq, to bring our soldiers home with dignity and honor.

Until the administration genuinely changes course, I cannot in good conscience vote to fund a failed policy that endangers our troops in the field and our strategic objectives in the world instead of protecting them. The greatest mistake we can make in Congress as the people's elected representatives is to support and finance a "go-it-alone, do-it-because-I-say-so" policy that leaves young Americans increasingly at risk in Iraq.

So when the roll is called on this $87 billion legislation, which provides no effective conditions for genuine international participation and a clear change in policy in Iraq, I intend to vote no. A no vote is not a vote against supporting our troops. It is a vote to send the administration back to the drawing board. It is a vote for a new policy—policy worthy of the sacrifice our soldiers are making, a policy that restores America as a respected member of the family of nations, a policy that will make it easier, not far more difficult, to win the war against terrorism.

The amount of money is huge.

It is 87 times what the Federal Government spends annually on after-school programs.

It is 7 times what President Bush proposed to spend on education for low-income schools in 2004.

It is 9 times what the Federal Government spends on special education each year.

It is 8 times what the Government spends to help middle and low-income students go to college.

It is 15 times what the Government spends on cancer research.

It is 27 times what the Government spends on substance abuse and mental health treatment.

It is 58 times what the Government spends on community health centers.

If our Iraq policy is to be successful, it must take into account what history teaches us about the use of military power to solve politically inspired violence. A new policy must provide the security that is essential for any nation-building effort. A new policy must genuinely internationalize the reconstruction of Iraq and end our occupation. And a successful new policy must give ownership to Iraqis for their political future.

Surely, in this day and age, at the beginning of the 21st century, we do not have to re-learn the lesson that every colonial power in history has learned. We do not want to be—we cannot afford to be—either in terms of character or in terms of cost, an occupier of other lands. We must not become the next failed empire in the world.

The administration seeks to write a new history that defies the lessons of history. The most basic of those lessons is that we cannot rely primarily on military means as a solution to politically-inspired violence. In those circumstances, the tide of history rises squarely against military occupation.

The British learned that lesson in Northern Ireland. The French learned it in Algeria. The Russians learned it in Afghanistan and are re-learning it every day in Chechnya. America learned it in Vietnam, and we must not re-learn it in Iraq.

Our men and women in uniform are the finest in world, and all Americans admire and honor their ability and their courage. In Iraq, they are now being forced to do an extraordinary job they were never trained for, and they are doing it under extreme and unpredictable circumstances.

Even with the best forces in the history of the world, our military cannot succeed if the mission is not achievable, if they are viewed as occupiers, and if we do not have a clearly defined and realistic strategy.

In recent weeks, in Massachusetts, at Fort Stewart in Georgia, and at Walter Reed Hospital, I have met with American troops who fought in Iraq. I am profoundly moved by the price they pay to serve our country, and profoundly impressed by their professionalism and commitment. They are willing to endure great hardship and great danger in Iraq to complete their mission. But they want to know when their mission will be complete, and when they will be able to come home.

They are resourceful and strong. But more and more they are frustrated—especially by the faceless nature of the threat. Individuals intent on killing Americans are firing from behind the cover of crowds, to provoke our soldiers into firing back on civilians. Many of our troops say they were never trained to be police officers or to fight a guerrilla war.

They want to help the Iraqi people. But the increasing casualties make them feel unsafe. They want to respond militarily to attacks. But they often don't know who the attacker is.

They tell me that at first, their convoys were welcomed. But after time, children began to throw rocks at them, and then came the bullets. They tell me that far too many in Iraq believe we are there to take their oil, and that we will stay forever.

They have no clear sense about their post-war mission. Some see it as winning the hearts and minds of the Iraqi people. Some believe it is security. Some feel it is to obtain intelligence about opposition forces and weapons caches. Others think it is to prevent sabotage of the oil pipelines and other vital infrastructure. Still others say it is to build sidewalks and soccer fields and schools and hospitals, and other local facilities. Not one of the soldiers told me their mission was to achieve Iraq's transition to democracy.

We read today in the Washington Post about a survey of our troops. Their morale is low. They believe their mission lacks clear definition. They are getting worn down.

The ongoing occupation of Iraq has imposed a heavy burden on our forces and created a crisis for the military. It is now stretched precariously thin. We do not have enough active duty soldiers to sustain their presence in Iraq and also meet security needs in Afghanistan and other parts of the world.

The crisis is coming to a head now. Two of our divisions are scheduled to return from Iraq in the spring. If the administration is unsuccessful in recruiting forces from other nations, it will have to send in at least another division of American troops—and we don't have enough active duty forces to do the job. That means even more call-ups from the National Guard and Reserves. In fact, if international troops aren't coming, the administration must notify reservists by the end of this very month to guarantee that they will be available by spring.

Already, close to half our troops in Iraq are members of the Guard or Reserves; 13,000 have been on active duty for at least a year. Others have recently returned home from deployments, only to turn around and head overseas for another tour.

One reservist I recently spoke to had only 17 days off between tours in Iraq and Afghanistan. The average reservist now spends 13 times longer on active duty today than during the 1990s. Many cannot go home when their scheduled time is finished, and are repeatedly sent instead on new deployments overseas.

In Iraq, our reservists are being pressed into duty as the first line of defense. They need 120 to 150 days to train before being sent to Iraq. The Army needs to let them know now to begin this crucial training. It typically takes 8 years under the current peacetime system for a Reserve combat unit to reach the level of readiness of an active unit. But we don't have 8 years. They are needed in Iraq this spring.

Even worse, reservists are being sent into combat with inferior equipment.

They have told me they had to rely on Vietnam-era night vision goggles that obscure more than they reveal, even though the latest technology is used by the regular military. They told me they had to use outdated and less-effective flak jackets, not the latest models with bulletproof ceramic inserts. They told me they had to wait three months for other current gear. Many units did not have armored Humvees. Instead, they had to hang flak jackets in the windows to protect themselves from attack.

I visited some of our wounded soldiers last week at Walter Reed Army Medical Center. More than 1,800 American service men and women have been wounded in this war, and an average of 7 new patients arrive at Walter Reed from Iraq each day. Many were ambushed driving along a road. Many lost limbs because their Humvees did not have the armor to protect them from the blast of a rocket-propelled grenade or a booby trap in the road.

Their families feel the strain of their deployment both emotionally and financially. Many members of the Guard or Reserves give up higher civilian salaries when they go on active duty. Even though the law prohibits discrimination against reservists, increasingly, they are unwilling to tell possible employers about their military obligation, for fear they will not be hired or kept on the job. It is a sad day for patriotism when service to our Nation is a negative factor in civilian employment.

Far more American soldiers and marines have been killed since the end of major combat operations in May than during the 3-week war itself. These are not just statistics. Each name on the list has many who mourn, whether parents, spouses, children, brothers or sisters.

We cannot go on this way. We should have known that military victory would be quick, and that winning the peace would be the challenge.

I support our troops. It is the administration's policy that has failed them. Their perceptions demonstrate the wider failure of our policy and the need for the administration to move in a decisively different direction.

The administration ignores the lesson of history that nation building cannot succeed in a cauldron of insecurity. Iraq is America's sixth major nation-building challenge in the past 10 years—Somalia, Haiti, Bosnia, Kosovo, Afghanistan, and now Iraq.

Security was indispensable to nation building in each case. But in Iraq, we seem incapable of meeting the basic security needs of our own Armed Forces, let alone the Iraqi people.

When America intervened in Haiti in 1994, large numbers of international armed police were brought in to support our military and achieve a greater measure of safety for the Haitian people. The first task was to establish security in a country that did not even have a civilian police force. We responded by recruiting a large multinational police force from 20 different countries.

When America intervened in Bosnia in 1995 and Kosovo in 1998 we understood that security for local citizens was essential for resuming economic growth and reaching our nation-building goals. In Kosovo, our allies offered highly trained police, including some heavily armed, which were critical to minimizing violence after the conflict ended and enabling reconstruction and political progress to be made.

In Kosovo, our soldiers were given training in controlling crowds, establishing security cordons, and searching vehicles. But when I visited the soldiers of the Third Infantry Division last week, they told me they did not receive such training, even though it would have served them well in the cities of Iraq.

The Pentagon assumed we would be able to draw on thousands of Saddam's police officers to provide security, but in the critical early weeks that followed the war, they were nowhere to be found, and too many of them were thugs and torturers.

Six months later, there is still confusion. At the end of August, the former New York City Police Commissioner in charge of police training program in Iraq announced that he had reached an agreement to train 28,000 Iraqi police in a camp in Hungary. Within a week, the Prime Minister of Hungary announced that he knew of no such agreement. He said that Hungary had no appropriate training facility, and that someone should inform his government of what was going on. Now, we hear that the administration has organized a training camp in Jordan.

The Pentagon also assumed that the bulk of the Iraqi armed forces could be used to supplement our forces. But soon after the war began, the Iraqi army melted away. Its members went home, and the army was formally disbanded by our Government before they were screened and before they were disarmed. We lost the decent ones who could have helped provide security, and we let Hussein's true believers get away with their weapons.

Countries such as France, Germany, Sweden, Argentina, the European Union, or Spain could provide well-trained police to prevent saboteurs from undermining the extensive reconstruction effort and to advance our broader nation-building objectives. But so far, we have been unable to persuade additional nations to share the burden and the cost.

The Bush administration's continuing arrogance in Iraq has forced the best-trained military in the world to act as police officers in a shooting gallery, to carry out police functions for which they are ill-prepared and ill-equipped. For Iraq now and for future crises elsewhere, we need to build support in the international community for a reserve police identified and trained for post-conflict deployments.

It is shocking that the White House is only now beginning to coordinate which agency should be responsible for various tasks. This should not have waited 6 months. It should have been standard operating procedure from the outset to outline an integrated strategy that meets our military needs, the needs for local policing and reconstruction, and the need for progress in achieving a free and legitimate Iraqi government. They go hand-in-hand. But none can succeed unless basic security is guaranteed.

The administration's policy of rushing to put large multibillion-dollar contracts in the hands of American firms ignores not only the lesson of history but also the lesson of human nature—the Iraqi people need to be the real partners in the reconstruction effort.

The administration is wrongly working from the top down, rather than the bottom up, to rebuild Iraq. A new Iraq will emerge neighborhood by neighborhood, town by town, province by province. How can any Republican President of the United States disagree that government must be of the people, by the people, and for the people?

We need closer alignment between military units working on reconstruction and the civilians working at the Coalition Provisional Authority. Our soldiers in the field are surveying the damage and identifying priorities for repair. They need local counterparts. We cannot solve every problem from Saddam's palace in Baghdad.

Why not scale back the lavish resources being provided to U.S. contractors and consultants and provide larger sums directly to the Iraqi people? We could do so in many cases by developing ties between local councils and the Iraqi Governing Council. We could work more with local non-governmental organizations and local businesses. In all cases, we need to insist on transparency in the process, so we know where the funding is going.

It is the Iraqi people's country. They have the greatest stake in the success of the reconstruction, and involving them now will enhance the prospects for success.

In some areas of Iraq, we already have been able to achieve impressive results with small amounts of money. In one case, we funded the building of a cement factory for less than $100,000, when the bid by an American contractor for the same project was in the millions. Why not do more of this with schools, medical clinics, roads and countless other projects?

Iraq has many of the best-trained petroleum engineers in the world. Why not give them—rather than American companies—a larger role in rebuilding the industry? Why not create jobs for Iraqis and give them ownership of their reconstruction?

If we insist on saying Halliburton rules, because to the victor belong the spoils, we won't be the victor for very long.

The administration's policy in Iraq ignores the indisputable lesson of history that building democracy is complex and difficult.

When the British accepted responsibility for the new nation of Iraq after the fall of the Ottoman Empire after World War I, they encountered enormous difficulties in creating a stable government across Sunni, Shia, Kurd and other ethnic and religious groups. Many Kurds wanted their own state—and still do. Tensions have existed between Sunni and Shia for 13 centuries. Iraq had no history of unity.

In the words of one tribal chieftain, "History did not die; the tribes and notables who emerged in 1920 and created our modern state in 1921 are here to stay with all the others who came into being thereafter."

Instead of learning from this painful history, we condemned ourselves to repeat it. Instead of anticipating the obviously similar and predictable divisions and demands when Saddam's regime fell, the Bush administration believed that a few favored Iraqi exile leaders, many of them in exile for years, could return to Iraq, rally the population and lead the new government. That was another failure. The Iraqi people rejected them from the start and resisted their domination.

The administration believed that once a few hundred top advisers to Saddam were removed from power, large numbers of local officials would remain to run the government. Instead the collapse of government in Baghdad rippled across the country.

If history is any guide, America will not be able to impose our vision of democracy on the Iraqi people on our current terms and our timetable. Our overarching interest is the development of a government that has legitimacy in the eyes of its citizens, so that the longer process of building durable democratic institutions can proceed effectively in the years to come. This process will not be finished swiftly, or easily, and it will not take place according to our will.

Iraq is a society where, for the full 30 years of Saddam's rule, politics ruled from the top. It will take time for the Iraqi people to adjust to the new decentralization of power and to understand how the multiple levels of a working democratic government can function effectively.

The administration clings to the hope that the Iraqi Governing Council—25 people, many of whom have never worked together before—can adopt a constitution in time to hold successful elections next year.

On July 23, Ambassador Bremer said that it "should be possible" to have elections next year.

On September 26, Secretary of State Powell gave the Iraqis 6 months to write a constitution.

In Bosnia, the United States pressed for national elections the first year, before viable local democratic political institutions were developed, and it made the development of democracy more difficult. Based on the historical precedents, a recent RAND publication suggests holding national elections roughly 2 years after reconstruction begins. The International Crisis Group also reached the conclusion that it could take 2 years before national elections should be held.

The lesson is clear. We cannot rush. It is not surprising that our insistence on such speed is alienating the many Iraqis who know the process needs more time. The date of their national election should not be determined by the date of ours.

Imposing our will and our timetable on the Iraqi people will undermine our all-important long-term goal of achieving a legitimate Iraqi government committed to remaining on the path to democracy. Already, the Interim Governing Council lacks credibility in the eyes of many Iraqis. On paper, it has broad power, but that fools no one. It is controlled by the United States, and it lacks sufficient power to meet the Iraqi people's needs.

The administration needs to give greater priority to restoring sovereignty and help lay the groundwork for approving a constitution and holding national elections. In Afghanistan, we obtained the support of the international community for an interim government that was not under American occupation. That process can still work in Iraq, although it would have clearly worked better from the start. As we did in Afghanistan, we need a process to transfer sovereignty to the Iraqis, who in turn, can ask the U.S. and U.N. for assistance.

If the United States is seen as controlling the new government in Baghdad, it will fail—if not now, then later; if not while our forces are still there, then as soon as they are gone. Those who work with such a government are easily dismissed by the Iraqi people as American puppets. We must take the time necessary to give Iraqis the ownership of their government, if we expect it to have any credibility and staying power.

Whether the Bush administration likes it or not, they need a central role for the United Nations to help accomplish this goal. Before becoming National Security Adviser, Condoleezza Rice seemed to understand this.

In a January 2000 article in Foreign Affairs, she wrote: "U.S. interests are served by having strong alliances and can be promoted within the U.N. and other multilateral organizations . . . ".

She wrote: "The president must remember that the military is a special instrument. It is lethal, and it is meant to be. It is not a civilian police force. It is not a political referee, and it is most certainly not designed to build a civilian society."

Condi Rice's words indict the administration's own policy now. It is essential to involve the international community as an active and equal partner in the political transition of Iraq.

We need to give the U.N. a central role. The administration's decision to go back to the United Nations is a first step, but it is meaningful only if the administration is genuinely changing its policy. The real test will be whether the administration is now willing to make the compromises necessary to persuade other countries to contribute troops to relieve our soldiers and to bring stability to Iraq. The jury is still out on whether the U.N. resolution will mark a real shift by the administration.

We know from experience of the past decade in this post-cold war world, in Bosnia, in Kosovo, and in other devastated lands, that we can enlist the international community in a major way. We can share responsibility and authority, draw on the strengths and the diversity of the United Nations, achieve security and reconstruction, and an end to the occupation. For many months, the administration has been wrong to try to bypass the United Nations by enticing a few receptive nations to join us if the price is right.

No one doubts that the United States should remain in charge of the military operation. But internationalizing the reconstruction is not a luxury; it is an imperative. Sharing authority with the United Nations to manage the transition to democracy will give the process legitimacy and gradually dispel the current stigma of occupation—especially if it is accompanied by the creation of a more fully representative interim governing council to deal with day-to-day administrative responsibilities.

As soon as possible, we need to redouble the effort to bring in forces with regional faces—especially Muslim faces. Nations such as Jordan, Pakistan, and Egypt could immediately transform this mission with both their diversity and their expertise. The United Arab Emirates contributed effectively to the effort in Kosovo. Morocco and Albania have worked with us in Bosnia. That strategy can work for us in Iraq now as well.

In their joint memoir, "A World Transformed," President George H.W. Bush and his National Security Adviser, Brent Scowcroft, reflected on their own experiences with Iraq and the Gulf War in 1991. They had been criticized in some quarters for halting that war after their dramatic victory in Kuwait, instead of going on to Baghdad to depose Saddam Hussein.

Here is what they wrote:

> Trying to eliminate Saddam, extending the ground war into an occupation of Iraq, would have violated our guideline about not changing objectives in midstream, engaging in 'mission creep,' and would have incurred incalculable human and political costs. Apprehending him was probably impossible . . . We would have been forced to occupy Baghdad and, in effect, rule Iraq. The coalition would instantly have collapsed, the Arabs deserting it in anger and other allies pulling out as well. Under those circumstances, there was no viable 'exit strategy' we could see . . . Had we gone the invasion route, the United States could conceivably still be an occupying power in a bitterly hostile land. It would have been a dramatically different—and perhaps barren—outcome.

They were right.

It is time for this administration to admit that it was wrong, and turn in a new direction. We need a genuine plan that acknowledges the realities on the ground. We need a plan that gives real authority to the United Nations, so that other nations truly will share the burden. We need to actively engage the Iraqi people in governing and rebuilding their country. Our soldiers now risking their lives in Iraq deserve no less.

Here at home, all Americans are being asked to bear the burden, too—and they deserve more than a phony summons to support our troops by pursuing policies that will only condemn them to greater and greater danger. Yes, we must stay the course—but not the wrong course.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I understand there are 2 minutes left for morning business on this side.

The PRESIDING OFFICER. Two minutes fifteen seconds.

Mr. SPECTER. Parliamentary inquiry: At that point, does the schedule call for going to the bill?

The PRESIDING OFFICER. There are 50 seconds remaining on the Democratic side.

Mr. SPECTER. Madam President, I ask unanimous consent that when we go to the bill, I be recognized to speak first on the bill.

Mr. REID. Madam President, I object. I say this respectfully: We worked very hard last night to get a routine set up here this morning. Senators STEVENS and BYRD agreed to it. Senator BYRD is coming to speak and to offer an amendment. I would be happy to yield our 50 seconds, and after the 3 minutes expires, we should call on Senator BYRD.

Mr. SPECTER. Madam President, I ask unanimous consent that morning business be extended so that I might speak for up to 10 minutes.

Mr. REID. Madam President, that would be extended by 7 minutes on their side; is that true?

The PRESIDING OFFICER. That is correct.

Mr. REID. We will extend it by 7 minutes on this side.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have sought recognition to comment on a vote that will be coming up on the $20 billion in the form of loans or grants.

Two weeks ago yesterday, on October 1, I spoke at some length in favor of having loans. I believe that is the correct position and focus on the $20 billion in the context of viewing what is happening in Iraq, which is essentially a bankrupt country where in general bankruptcy proceedings all existing debt would be extinguished and the activities of rebuilding Iraq would be a new day; and, in light of the United Nations resolution in May of this year authorizing the United States and the United Kingdom to use Iraqi oil to rebuild Iraq, that is the appropriate course with the narrow focus on this $20 billion.

In the intervening 2 weeks, I have consulted with my colleagues and with members of the administration and have rethought the issue. It is my view that in a broader context there ought to be a grant instead of loans. I have come to that conclusion after having, as I said, talked to my colleagues and having met with a group on a bipartisan basis, Republicans and Democrats, who are looking for a structure at least in part for loans, and having talked to the President the day before yesterday and Secretary of State Powell and other members of the administration.

As I am viewing this $20 billion in the much broader context of the overall strategy, it is my judgment that we ought to give the President leeway to carry out his plan.

The day before yesterday, a group of Senators, both Democrats and Republicans, met with President Bush and with Secretary of State Colin Powell. I have not seen the President with such fervor and such determination and such intensity since I saw him 2 days after 9/11 when he called in some Members from the impacted States. One of the planes went down in Pennsylvania. And he had blood in his eye when he said he was not going to send a $1 million missile to an empty tent.

The President and the Secretary of State spoke in terms of the broader objectives of the administration beyond this $20 billion. The Secretary of State talked about the efforts to get a United Nations resolution which would give broader support to the United States' position in an effort to bring in Pakistan, Turkey, and Muslim countries to give the Arabs more confidence. I believe this type of multilateral approach is really necessary.

I tried back on October 11 of last year to carry forward the Lugar-Biden amendment which would have done more to have a multilateral approach before the use of force. But that was yesterday. Today, we are looking at a very different picture.

The funds for the rebuilding of Iraq could be necessary far beyond this $20 billion. I believe the narrow focus of using the Iraqi oil as authorized by the United Nations resolution is sound. Ambassador Bremer is considering the long-range plan. I think the sentiment which is fairly strong in this body for loans as opposed to grants ought to be taken into consideration and, if the President's policy is successful on having this as a grant, that there is a strong underlying fervor that there ought to be a repayment and a funding of the rebuilding of Iraq from the Iraqi resources, which is the second biggest pool of oil in the world.

I am not unmindful of the arguments about how much money will be spent by the Federal Government on rebuilding schools in Iowa contrasted to rebuilding schools in Iraq; or how much money will be spent in Vermont building hospitals as opposed to spending money in Baghdad. I am not unmindful of the role of the Congress and the primacy under the Constitution on the appropriations process. In listening to the President as he outlines his broader strategy, I do believe he bears the lion's share of the responsibility.

We are going to have the donor's conference in Madrid later this month. The President is emphatic in his view that we will have a better chance to get more donors if we make a grant instead of a loan, that there will be a better chance to have other countries forgive debt and that, as he is setting out to a trip to the Far East, we ought to be in a position to be supportive as to where he thinks he can best lead the country.

In so doing, I do not relinquish my vote and the authority which I have as a Senator, a Member of Congress, on our appropriations process as we will be looking at very substantial funding in the future. When I think about the issue and reflect on it and rethink beyond the narrower focus of the $20 billion to the broader strategy, I think of the metaphor of too many cooks spoil the broth. The President has a very heavy responsibility as he moves ahead to the donor's conference through his representatives and on his trip to the Far East.

When I look at the delegation of authority which we have given him on appropriations, the defense budget, the foreign operations budget, and the State Department budget, it proximates in excess of $400 billion. This is about 5 percent. As I take a look at our overall Federal budget of $2.2 trillion, the $20 billion is less than 1 percent. I believe this vote, which we will cast later today, is a very important vote as to how the administration and how Secretary Powell will approach the United Nations and multilateralisism. We cast a great many votes in this body but relatively few are really important votes. This is an important vote.

That is why I believe the validity of treating this as a loan is solid on the narrow focus for the $20 billion as a loan, but on the broader picture of the strategy which the President is trying to carry forward, I am prepared today to defer to him on this and to vote for a grant instead of a loan.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, the Senator from Pennsylvania is still on the floor, and I wonder how long he wishes to speak on the bill. Senator BYRD is here.

Mr. SPECTER. I thank the Senator from Nevada for his inquiry.

During the course of my remarks, I abbreviated them and cut them short. As I have said to the Senator, I do not appear very often to ask for time. I see Senator BYRD approaching.

In response to the Senator from Nevada, there was one other line of contention which I had intended to make. I can make it in a moment or two.

Mr. REID. Madam President, I yield to the Senator from Pennsylvania 4 minutes.

Mr. SPECTER. That will do it. When the Senator says a minute or 2—my remarks are easily in excess of 4 minutes but I can limit them to 4 minutes.

The other consideration which I had intended to offer in the course of the remarks I have just made, in a broader focus beyond the confines of the $20 billion debt, is the issue of what is happening day in and day out in Iraq where we are spending, it is estimated, some $4 billion a month and we are sustaining casualties and fatalities which are very devastating for our country, the men and women in the armed services who are being wounded, suffering fatalities, their relatives and friends.

If we move ahead with greater speed, which we will be able to do on a grant instead of a loan, it may well be that we can cut down the time we will be in Iraq, that it will facilitate the starting of electricity and the infrastructure of Iraq so we can move out and allow the Iraqi Government to take over. With the very heavy costs in casualties, fatalities and dollars, the speed that these grants can help is another factor in consideration so that on the totality of the matter in the broader picture, I am prepared to defer to the President's judgment on this matter, on this vote.

The issue has created enough focus so that the administration will know when the additional funding is to be undertaken that there will be a very strong sentiment in the Congress that Iraqi resources ought to pay for the rebuilding of Iraq and that this decision to have grants instead of loans will further support the good faith and bona fides of the United States that we have not gone into Iraq for their oil but have gone into Iraq to liberate the Iraqi people from the despotism of Saddam Hussein and to build a democracy in that country.

I yield the floor.

Mr. REID. Madam President, I yield back our time for morning business so we can get to the bill.

The PRESIDING OFFICER. All time is yielded back.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1689, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1689) making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30th, 2004, and for other purposes.

Pending:

Byrd amendment No. 1818, to impose a limitation on the use of sums appropriated for the Iraq Relief and Reconstruction Fund.

Byrd/Durbin amendment No. 1819, to prohibit the use of Iraq Relief and Reconstruction Funds for low priority activities that should not be the responsibility of U.S. taxpayers, and shift $600 million from the Iraq Relief and Reconstruction Fund to Defense Operations and Maintenance, Army, for significantly improving efforts to secure and destroy conventional weapons, such as bombs, bomb materials, small arms, rocket propelled grenades, and shoulder-launched missiles, in Iraq.

Bond/Mikulski amendment No. 1825, to provide additional VA Medical Care Funds for the Department of Veterans Affairs.

Dubin amendment No. 1837, to ensure that a Federal employee who takes leave without pay in order to perform certain service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

Reed/Hagel amendment No. 1834, to increase the end strength of the Army and to structure the additional forces for constabulary duty. (By 45 yeas to 52 nays (Vote No. 382), Senate failed to table the amendment.)

Feingold amendment No. 1852, to enable military family members to take leave to attend to deployment-related business and tasks.

Daschle amendment No. 1854, to achieve the most effective means of reconstructing Iraq and to reduce the future costs to the American taxpayer of such reconstruction by ensuring broad-based international cooperation for this effort.

Feinstein amendment No. 1848, to require reports on the United States strategy for relief and reconstruction efforts in Iraq, and to limit the availability of certain funds for those efforts pending determinations by the President that the objectives and deadlines for those efforts will be substantially achieved.

Nelson (FL) amendment No. 1858, to set aside from certain amounts available for the Iraq Relief and Reconstruction Fund, $10,000,000 for the Family Readiness Program of the National Guard.

Reid (for Landrieu) amendment No. 1859, to promote the establishment of an Iraq Reconstruction Finance Authority and the use of Iraqi oil revenues to pay for reconstruction in Iraq.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, we urge Senators to contact the managers of this bill to try to work out a time when their amendments might be considered, and to see if we have any possibility of dealing with the several amendments at one time. We tried to do that last night with regard to reporting requirements, and I stated to the Senate it is our hope we can blend all of the reporting requirements along with those that are already in the House bill and work out a logical sequence for the reporting and the activities of an inspector general, if that is required as far as the Iraq operation is concerned.

We will be hopeful that today we can look at—there are additional amendments being suggested on the list that was approved last night for reporting requirements, and I would be pleased to consider taking any of those and adding them to the package that is already in the bill for reporting requirements and for details regarding the inspector general. But my purpose for seeking the floor right now is to urge Senators to contact the managers of the bill, and let us work out some logical sequence in terms of the amendments that are pending or will be offered.

This is going to be a long day. We still have the commitment that we will do our utmost to finish by tomorrow. I congratulate my good friend from Nevada, the Democratic assistant leader, for all his efforts in getting us to where we are now in terms of knowing the amendments that are possible to be considered.

But within the timeframe we have, we cannot consider them all without really a great deal of consideration on both sides in terms of the amount of time a Senator takes to explain the amendment and particularly in terms of Senators being willing to cooperate with us to blend amendments so we can deal with one subject maybe in one or two amendments. That is possible. I look forward to working with Senator REID, who is actively involved in trying to reduce the number of these amendments, as well as I am, with our joint staffs.

I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from West Virginia.

AMENDMENT NO. 1818

Mr. BYRD. Mr. President, I call up amendment No. 1818.

The PRESIDING OFFICER. The amendment is pending under the previous order.

Mr. BYRD. Very well. I thank the Chair.

Mr. President, I congratulate the distinguished chairman of the Appropriations Committee. He is always on the job. And he is effective. He is characteristically courteous. I commend him on the progress he has made already on the bill.

There are several cosponsors of this amendment. I hope they will come to the floor and join in the debate concerning the amendment. I need their voices to blend with my own, mine being the weakest of all. But I need the cosponsors to join and make this supreme effort here to have the Senate adopt this extremely worthwhile amendment.

In all the discussion surrounding the President's request for $20.3 billion for reconstruction activities in Iraq and Afghanistan—in the question of whether the funding should be in the form of a grant or a loan, in the revelation of a series of frivolous proposed expenditures, in the dispute over whether reconstruction funding is a gold-plated add-on or an integral part of the occupation strategy—there is an overriding issue that we must not allow to be lost in the noise of the debate.

That issue involves the fact that American taxpayers—American taxpayers—are being presented virtually the entire bill for the stabilization and reconstruction of Iraq because of decisions that were made by the President before the war began, decisions to embrace an unprecedented doctrine of preemption and to invade Iraq without the support of the United Nations or the international community.

Those decisions are coming home to haunt us today. The chickens are coming home to roost. Because of the President's obstinance and go-it-alone mentality, it is American soldiers who are patrolling the most dangerous streets and cities of Iraq, and it is American taxpayers who are being asked to foot the bill for the stabilization and reconstruction of Iraq—American soldiers and American taxpayers.

It appears there is little relief in sight. After seesawing back and forth, the United Nations Security Council is now expected to accept a revised U.S. resolution on Iraq, but the resolution on the table is little more than a fancy fig leaf designed to camouflage an empty gesture. The resolution proposed by the United States cedes no meaningful authority to the United Nations and is likely to have little impact on the number of foreign troops or the amount of international financial assistance the United Nations will provide for the stabilization and the reconstruction of Iraq.

American troops in Iraq and American taxpayers at home need real help from the international community. The President needs to reach out to the United Nations, not merely attempt to paper over the glaring lack of support from the international community with a resolution that, as some Texans are wont to say, is all hat and no cattle.

The administration's reckless misadventure in Iraq is exacting a high price in lost lives, lost respect for our Nation in the world, and lost ground in the war on terrorism. And yet, in the past week, the only visible response from the President to the continuing chaos in Iraq has been to reshuffle the chain of command in Washington by creating a new entity to consolidate Iraq's reconstruction in the White House instead of the Pentagon.

The President misses the point. Instead of rearranging the chairs on the deck, the President should be changing direction. Creating a new Iraq policy shop in the White House will not bring relief to American soldiers on the ground, and it will not save American taxpayers from having to shoulder, virtually alone, the staggering financial burden of rebuilding Iraq.

Now, the American people, in the first place, did not buy on to this idea that we were going to rebuild Iraq. They were not told that. They were not told we were going to rebuild a nation there. They were not told about the staggering costs of rebuilding Iraq.

If there is any shift in the balance of power over the reconstruction of Iraq—and there should be—it must be across oceans, not just across the Potomac. It is long past time to bring in the United Nations as a full partner with shared responsibility and shared decisionmaking for the future of Iraq. The President does not need another in-house committee to advise him on the future of Iraq. He needs to internationalize the stabilization and the reconstruction effort.

Instead of instituting meaningful change in his Iraq policy, the President presented a bait-and-switch proposition to the American people: Don't look too closely at the policy, just keep your attention on the policy shop.

We cannot undo what has been done in Iraq. But we can chart a better course for the future.

First and foremost, the Bush administration should drop its stubborn insistence that the world community not have any authority in the political reconstruction of Iraq. The resolution that will be considered at the United Nations Security Council this morning makes some progress in promoting cooperation between the United Nations and the Iraqi Governing Council but keeps the United Nations at an arm's length from the Coalition Provisional Authority. It is this authority, headed by Paul Bremer, that exercises total authority in postwar Iraq.

If you don't believe what I have said about total authority, just listen. Ambassador Bremer's first regulation as head of the Coalition Provisional Authority reads in part as follows:

> The CPA is vested with all executive, legislative, and judicial authority—

How about that? "The CPA is vested with all," not just an itty-bitty part—

> executive, legislative, and judicial authority necessary to achieve its objectives. . . .

Take a look at the first sentence in article I of the Constitution of the United States which I hold in my hands. The first sentence in this Constitution, article I, section 1:

> All legislative Powers granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

What a sweeping investiture of power that first sentence makes—"all legislative power." It doesn't say anything about executive or judicial power, "all legislative power." But listen to this, Ambassador Bremer's first regulation as head of the Coalition Provisional Authority:

> The CPA is vested with all executive, legislative, and judicial authority necessary to achieve its objectives, to be exercised under relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war. This authority shall be exercised by the CPA administrator.

What an enormous grant of power that is. The new resolution that will be voted on today at the United Nations will not change the supreme authority claimed by Paul Bremer who was installed in his post by the President without offering his nomination to the U.S. Senate for its advice and consent.

There is power—power. Remember the old song: There is power, power, wonder working power.

Well, if the international community is going to continue to be squeezed out of the political decisionmaking in the Coalition Provisional Authority, there is little incentive for the world to mobilize to come to the aid of postwar Iraq. The President's "my way or the highway" approach to the governance of Iraq undermines the mission in Iraq and ignores the will of the American people. The United Nations is willing to help, but only if the administration drops its false pride and its bravado.

"Bring them on," the President said. That is bravado.

Before coming into office, then-candidate Bush talked of a humble approach to foreign policy. "Let us reject the blinders of isolationism, just as we refuse the crown of empire," he said. "Let us not dominate others with our power or betray them with our indifference," he said. "And let us have an American foreign policy that reflects American character," he said. "The modesty of true strength, the humility of real greatness," the President said.

Those were the words of candidate George W. Bush, but they have been far from the practice of President George W. Bush.

Similarly, the administration ought to rethink its extreme good-versus-evil mantra that seems to be running this Nation's foreign policy into a morass of confusion and danger. The administration's obstinance continues to strain America's relationship with other countries and undermines our credibility with other foreign powers.

President Bush committed the United States to war without broad international support. He said: If you don't do it, we will. He said: If the United Nations doesn't do it, we will. He refused to go back to the United Nations prior to launching military attacks and continues to stiff-arm the international community even today, when that help is so vital to the long-term interests of Iraq.

Instead, the Bush administration has adopted a go-it-alone mentality that threatens the stability of the Middle East and could spill over into other global areas.

The United States needs help in Iraq. The United States needs a plan that will bring relief to our overburdened soldiers by attracting significantly more foreign troops to Iraq and bring relief to our overburdened taxpayers by attracting financial assistance from the international community for reconstruction.

The President's proposal does neither. His $87 billion spending request places the entire burden of securing and rebuilding Iraq squarely on the shoulders of the American forces and American taxpayers. That burden ought not be carried by the United States alone. That is why Senator KENNEDY, Senator LEAHY, other Senators and I have proposed an alternative.

What Senator KENNEDY, Senator LEAHY, and other Senators and I have offered is more than an invitation to the international community to assume a large and vital role in the reconstruction of Iraq; it is a demand, on behalf of the American people, that the President go to the nations of the world and work in partnership with those other nations of the world. It is a mandate for a new policy in Iraq, a policy that will bring peace more quickly and stability more assuredly.

The amendment, in effect, says: Mr. President, your plan for Iraq has not worked. It is costing lives every day and it is jeopardizing the long-term security of the Middle East. We need to share political power in Iraq with the United Nations, and we must be willing to listen to the rest of the world, share the responsibility, attract new partners for peace, and protect our men and women in Iraq.

That is what this amendment would require. It is a commonsense approach to what is quickly becoming an American quagmire in Iraq. These are dangerous times, Mr. President. These are dangerous times—times that demand determined, disciplined leadership.

The path ahead is not a certain one, but what is certain is that the United States cannot afford to blaze this path alone. America relied on strong alliances, diplomacy, and, only when necessary, armed force to lead the world in the 20th century. But the Bush administration's 21st century America seems all too ready to focus solely on armed force rather than on strong alliances and diplomacy.

Simply put, we need a plan that would bring relief to the American soldiers, to help U.S. troops by attracting significantly more foreign military troops to Iraq; and we need a plan that will bring relief to the overburdened American taxpayers by attracting meaningful financial assistance from the international community for the reconstruction of Iraq. We need a framework to begin to bring American troops home, supplemented by international forces on the ground—not just on paper—in Iraq.

Currently, the United States has approximately 120,000 troops in Iraq. They are augmented by about 20,000 foreign forces, primarily from Great Britain. Another 10,000 troops from Turkey would help, but it would still leave more than 100,000 American troops in Iraq for the foreseeable future.

In an interview published in the Chicago Tribune on October 5, LTG Ricardo Sanchez, the head of the coalition forces in Iraq, predicted that it would be years—years—not months, before the United States can draw down its forces from Iraq.

The American people were not told that, were they, when we went into this war? No, they were not told that. The men and women in the National Guard and Reserves were not told that, were they—that it would be years, not months, before the United States could draw down its forces from Iraq?

Until a new Iraqi Army is trained and ready to assume command, the only relief for American soldiers is to build up foreign troop presence in Iraq.

International financial assistance is equally important. The American taxpayers cannot afford to bear the full cost of the reconstruction of Iraq. We all know that the $20.3 billion requested by the President in this supplemental is just the beginning, just a downpayment. It is not the alpha and the omega of American taxpayers' dollars that will be asked by the administration in this enterprise.

The Wall Street Journal recently reported that rebuilding Iraq is expected to cost $56 billion over the next 4 years, according to an estimate reached by the World Bank, the United Nations, and the Coalition Provisional Authority. So far, other countries have pledged less than $2 billion to the effort.

The amendment that Senators KENNEDY, LEAHY, and I are offering would require the President to reach out to other nations for both military and financial support—reach out, reach out to other nations.

Our amendment provides that, after April 1, 2004, Iraq relief and reconstruction funds can only be obligated if, one, the President certifies to Congress that the U.N. has adopted a new resolution authorizing a multinational security force under U.S. leadership in Iraq and providing a central role for the U.N. in the political and economic development of Iraq; two, the President certifies that he has a detailed plan in place for the reconstruction of Iraq, including a significant commitment of financial assistance from other nations; three, Congress approves the release of the rest of the funds for the reconstruction of Iraq in another appropriations bill.

As part of his certification to Congress, the President must establish a plan; he must establish a timetable for withdrawing American troops from Iraq. This is the way to get the U.N. in and the U.S. out. It is a real alternative to the administration's bull-rush approach, and it is a significant gesture to the Iraqi people that America is not an occupier but a real liberator.

The Byrd-Kennedy-Leahy amendment limits the funds for the reconstruction of Iraq that may be obligated prior to April 1, 2004, to the $5.1 billion fund for Iraqi security and $5 billion for economic reconstruction.

Our amendment compels the President to work with the United Nations. Our amendment requires Congress to evaluate the progress of the reconstruction effort at the halfway mark next year. Most important, our amendment changes the course of the Iraq relief and reconstruction effort from a unilateral burden to an international obligation.

It is important to note that the full $5.1 billion that the administration has requested for the Iraq Defense Corps and for improving the Iraqi national security force is exempted from this amendment. Only the nonsecurity portion of the reconstruction program is subject to a second vote.

It seems to me that this is the least we can do to provide relief to American soldiers in Iraq—to have a timetable to bring those American soldiers home to once again reunite with their families—and to safeguard the interests of the American taxpayers in the administration's program to finance the rebuilding of Iraq.

We have a far clearer vision today of the cost of rebuilding Iraq than we did 6 months ago. I think we have a right to assume that we will have an even better assessment—or we certainly should have—6 months from now.

This amendment gives the President 6 months to round up international military and financial support for Iraq and gives his administration 6 months to demonstrate that the reconstruction program is working. Most importantly, the amendment gives the American people—the American people who are bearing the burden in the heat of the day—it gives the American people some assurance that Congress is not walking away from its responsibility to provide oversight of the hard-earned tax dollars that are going to Iraq.

If all goes as planned, Congress can quickly and in good conscience release the remainder of the money, but if unforeseen problems or serious shortfalls in expectations emerge, Congress has an opportunity to make a midcourse correction in America's involvement in postwar Iraq. It is the American taxpayers money, you who are out there in the plains, the mountains, and the valleys of America looking through these electronic lenses. It is your money, your money—deserve no less.

This is not an anti-reconstruction amendment. It does not affect any of the money being appropriated for American military operations in Iraq. It requires, rather, a progress report and a certification from the President of the United States at the halfway mark, and it provides for a vote—another vote—a vote from the people's representatives in Congress on whether the remaining funds for Iraq reconstruction are needed and are justified.

This is a simple amendment to interject congressional oversight into the expenditure of United States taxpayer dollars for the reconstruction of Iraq. I urge my colleagues to accept the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I think we have been here before. This is another amendment—it reminds me of Yogi Berra: It is deja vu all over again. We are looking at the same problem. The problem is the disagreement of the Senator from West Virginia with the President's action with regard to Iraq.

I read the Constitution, too. The President is Commander in Chief. He selected an ambassador who, in fact, has been confirmed by the Senate and gave him the powers to execute the actions necessary to move toward establishing a new government in Iraq.

I was interested in the editorial in the Washington Post yesterday: "Stay Resolute on Rebuilding."

Mr. President, I ask unanimous consent that the full editorial be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. The editorial starts off by saying:

> This is a critical week for the U.S. mission in Iraq. The test won't be overseas but in the House and the Senate, where lawmakers are to vote on the administration's request for $87 billion in emergency funding. It's imperative that this spending be approved—not only the money required for military operations but the smaller, more controversial, amount for reconstruction aid. We omit an exact dollar figure from the previous sentence because that's a legitimate subject for debate. The Bush administration is asking for $20.3 billion in reconstruction spending; the House Appropriations Committee trimmed $1.7 billion from that amount. What's important is not the precise number but the underlying premise: that reconstruction is in the best interests of both the United States and Iraq.

The editorial goes on:

> One of the biggest temptations for lawmakers will be to lend the money rather than spend it outright. This approach has particular traction in the Senate, where a number of Republicans are endorsing it. They argue that oil-rich Iraq can pay for its own reconstruction; giving it the money outright will just allow it to pay off existing debt more quickly to countries that shirked the reconstruction task, at U.S. taxpayer expense. This may play well back home, but it's the wrong way to go.

This amendment will cap reconstruction funds for Iraq at $5 billion and require Congress to enact yet another appropriations bill to spend the remainder of the funds. It attempts to sweeten the amendment with $5 billion for security-rated activities that is excluded from the cap, but it is still a very bitter pill for those in charge of our troops in Iraq to swallow.

As this editorial I just mentioned stated:

> Paying to improve life for Iraqis will help create a safer environment for U.S. troops and will hasten the day when they can leave. Rebuilding the electricity grid, fixing the water supply, getting the oil flowing, maintaining public safety—all this is central to hopes for stability and representative government.

In addition to untenable funding restraints, this amendment requires a Presidential certification that the U.N. Security Council has adopted a resolution authorizing a multinational force under United States leadership for Iraq and that reconstruction efforts are being successfully implemented according to a detailed plan before additional funds can be appropriated.

I know of nothing in the Constitution that says the Commander in Chief of our Armed Forces has to give Congress a plan. He did give us a plan. There is a plan, and it is being executed. But to put it in law that the Commander in Chief cannot spend money for our troops or for reconstruction efforts without a detailed plan is going too far.

Ambassador Bremer has a plan, and we are funding it. The President has a plan, and we are following it, and he is the Commander in Chief. I think it is high time we recognize that the Commander in Chief has powers abroad, particularly when we have men and women in the field still under security restraints. There are people over there still being killed daily, and that bothers me greatly.

What I fear most is the loss of momentum in the program being pursued by the amendments being offered that will derail the plan, derail the operations, and put in restrictions so we cannot go forward. I believe the President has a plan and the Bremer plan will work. If it does not, they will be back, I am sure. But if it does, it will be the first time in history where we went from the concept of a victory in the field militarily to establishing a new government in a country that has really been totally destroyed by its former government, the Saddam Hussein regime. It will be the first time we went from a military victory to a new government without a long period of occupation.

The result of the Byrd amendment is that it will assure we will have increased forces over there occupying Iraq for years and years. I don't know where the Senator got that quote from, but no one told me we are going to be there years and years. As a matter of fact, our goal is not that. We have already withdrawn some troops. The general the Senator quoted has already withdrawn some troops. We are not predicting they are going to be there for years and years. There may well be a United States presence there for some time, whether or not the Iraqi people ask for it. I hope they reach a point where they think they can provide for their own security.

We have this ongoing problem in Afghanistan very clearly that is going to take some time to establish a government there. We do have some international cooperation but not much really in the long run.

The Senator from West Virginia mentions the U.N. Just yesterday, the Secretary of State told us about the improved circumstance in the U.N. today.

We are pursuing a resolution in the U.N. but to make expenditure of our funds conditioned upon the resolution passing in the U.N. is absolutely wrong. This amendment holds reconstruction efforts hostage to the passage of other appropriations bills and hostage to action by the U.N.

Now, I would hope that Senators will read what I consider to be a very appropriate editorial from the Washington Post that I have just placed in the RECORD. It says:

> The debate over reconstruction aid has become a means for expressing frustration, much of it legitimate, about the administration's Iraq policy. Why wasn't the administration more honest from the outset about the costs? Why can't it do a better job of getting other countries to help pay? What's the plan for future years? How will it be paid for? Lawmakers are right to use the leverage of debate to seek clearer answers . . .

But debate is one thing; restrictions in the law is an entirely different thing. I do not believe Congress has the power and should not try to exercise the power to put restraints on the Commander in Chief when we have forces in the field. Our job is to provide the money to keep those men and women safe, and that is what this bill does. Sixty-six-plus billion dollars is to maintain our troops. The balance is one of the most distinct things the President has done as a leader, to say let's move forward now. Let's give them a chance to create a new government. Let's help them set up their security. Let's help them restore their means of living. Let's help them restore their energy. Let's help them restore their oilfields. Let's help them restore safety in the streets. Let's work with them so they can take over their own government.

I received a letter this morning from the Coalition Provisional Authority, and I ask unanimous consent that this letter from Ambassador Bremer be printed in the RECORD. I will make copies available for every Senator.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COALITION PROVISIONAL AUTHORITY,
Baghdad, October 16, 2003.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: I want to express my personal appreciation to you for your superb efforts in managing, S. 1689 the President's Emergency Supplemental Appropriation. All of us in the Coalition Provisional Authority are especially pleased with the expeditious manner in which the legislation has moved through the Committee and now in the Senate.

The Supplemental the President has submitted provides a clear strategy for achieving our goal of an early restoration of full sovereignty to the Iraqi people and for making additional progress in the war on terrorism.

I want you and your colleagues to know that we are making every endeavor to operate in a transparent and accountable manner. But any major cuts of specific portions of the President's request will impact the scope and pace of reconstruction efforts, which in turn will delay the return home of the U.S. troops. There is no doubt that these funds will help contribute to the peace and stability of not only Iraq but eventually of the entire region.

Likewise efforts to link U.S. restructuring funds to contributions from the International community would be counter productive. Such linkage would send the wrong message to our allies that either they match the U.S. dollar for dollar or America will abandon Iraq.

I understand there are various proposals being offered which would convert portions of the funding request to a loan mechanism of some type. Any such proposal would merely add further debt to the already huge debt currently owed by Iraqis. As you know from my testimony three weeks ago, I am concerned that as was the case in the young fragile democracy in Weimar Germany, such a situation could destabilize the young Iraqi democracy before it even gets off the ground. Moreover, if the United States makes its contribution in the form of a loan, we will encourage other nations to follow that example at the Madrid Donors' conference next week, further exacerbating Iraq's debt situation, and I might add, complicating the eventual process of restructuring the country's overall debt burden.

The sooner Iraq is stable and headed toward prosperity, the sooner the American troops can return home. The U.S. stands to gain a great deal of moral capital for deposing the tyrannical Saddam Hussein and then helping to create a stable, democratic and prosperous Iraqi state. Such moral capital would be diminished, if not undercut entirely, if the U.S. forced Iraq to pay the U.S. for its work. Further it would lend credence to the view that the U.S. is an occupier and not a liberator.

All in the coalition are grateful to you and your Senate colleagues for your efforts and it is our hope that you continue to resist any debilitating amendments which will set back our many successes so far.

Sincerely,

L. PAUL BREMER.

Mr. STEVENS. It says:

> The supplemental the President has submitted provides a clear strategy for achieving our goal of an early restoration of full sovereignty to the Iraqi people and for making additional progress on the war on terrorism. I want you and your colleagues to know that we are making every endeavor to operate in a transparent and accountable manner. But any major cuts of specific portions of the President's request will impact the scope and pace of reconstruction efforts, which in turn will delay the return home of the U.S. troops. There is no doubt that these funds will help contribute to the peace and stability of not only Iraq but eventually the entire region.

That is the dream the Secretary of State explained to us yesterday, that we are moving forward in a region that has had instability for a century, and what has been needed is a key country such as Iraq turning toward a democracy, turning toward involving people. Just listening to the people who have seen and talked to the young people in school, we now know that young women in Iraq are going to school for the first time because of this country. A whole new generation will not just have men educated but will have men and women, who are going to participate in their own government. They want to do that. There has been an overwhelming reaction in Iraq toward freedom.

We want to hold it back? We want to put up some gates and say you can go just this far, but you have to come back to Congress for more money? When? In February, and then more money later.

The whole idea is to put the money up and let the Iraqi people know we are assisting them to move forward. We are going to assist them.

Debate is one thing, but gates, obstruction, is another. This amendment is obstructionism. It is intended to require a return to this floor before the money the President has requested in the supplemental can be spent. I think that is absolutely wrong, and when the appropriate time comes I will move to table this amendment.

EXHIBIT 1—STAY RESOLUTE ON REBUILDING

This is a critical week for the U.S. mission in Iraq. The test won't be overseas but in the House and Senate, where lawmakers are to vote on the administration's request for $87 billion in emergency funding. It's imperative that this spending be approved—not only the money required for military operations but the smaller, more controversial, amount for reconstruction aid. We omit an exact dollar figure from the previous sentence because that's a legitimate subject for debate. The Bush administration is asking for $20.3 billion in reconstruction spending; the House Appropriations Committee trimmed $1.7 billion from that amount. What's important is not the precise number but the underlying premise: that reconstruction is in the interests of both the United States and Iraq.

It would be intellectually consistent, though wrong, to argue against both military and reconstruction funding. But to present oneself as a supporter of money "for our troops" and an opponent of reconstruction is contradictory and counterproductive. Paying to improve life for Iraqis will help create a safer environment for U.S. troops and will hasten the day when they can leave. Rebuilding the electricity grid, fixing the water supply, getting the oil flowing, maintaining public safety—all this is central to hopes for stability and representative government.

One of the biggest temptations for lawmakers will be to lend the money rather than spend it outright. This approach has particular traction in the Senate, where a number of Republicans are endorsing it. They argue that oil-rich Iraq can pay for its own reconstruction; giving it the money outright will just allow it to pay off existing debt more quickly to countries that shirked the reconstruction task, at U.S. taxpayer expense. This may play well back home, but it's the wrong way to go.

Iraq is already burdened with about $200 billion in debt. Either much of that will be forgiven, in which case a U.S. reconstruction loan will prove most symbolic, or Iraq will struggle for years under a crushing debt burden, in which case another loan only adds to the misery. To make a loan in these circumstances is like swimming out to a drowning man and handing him a ten-pound weight. As a practical matter, no Iraqi entity has the legal authority to enter into a binding agreement. Lending the money will harm the U.S. effort to persuade other countries to donate. And forcing Iraq to encumber itself with debt to the United States, with U.S. companies reaping the reconstruction profits, plays into the hands of those who suspect U.S. motives.

The debate over reconstruction aid has become a means for expressing frustration, much of it legitimate, about the administration's Iraq policy. Why wasn't the administration more honest from the outset about costs? Why can't it do a better job of getting other countries to help pay? What's the plan for future years? How will it be paid for? Lawmakers are right to use the leverage of debate to seek clearer answers and improved performance from the administration. But a failure to obtain satisfaction on these points doesn't justify a vote against needed funding. One of the Democratic presidential candidates who will be called on to vote on the request, Sen. John Edwards (N.C.), said yesterday that he will vote against the aid for this reason, and Sen. John F. Kerry (Mass.) seems inclined to follow this irresponsible course. Former Vermont governor Howard Dean's position—yes, but only if the president comes up with a way to pay for it—is similarly faulty. As much as we would like to see some tax cuts rolled back, that's not going to happen, at least as part of the current debate. Sen. Joseph I. Lieberman (Conn.) had it right the other day, saying that, despite misgivings and his desire to undo some of the tax cuts to pay for it: "We have no choice but to finance this program."

Helping rebuild Iraq is right as a matter of morality and self-interest. Refusing to pay what's needed because the administration's performance has been lacking simply piles error on top of error. Whatever the Bush Administration's failings, it makes no sense to punish the people of Iraq—and, ultimately, of the United States—as a result.

Mr. STEVENS. I want to be courteous to the people on the other side, and I will try to see if we cannot find some time limit. It would be within my right to move to table right now, but I want to be cooperative. The Senator from West Virginia has asked for other Senators to be allowed to speak, so I will seek to find some way to delineate some time limits. I have spoken for about 8 minutes. I know Senator DURBIN, Senator HARKIN, Senator KENNEDY, and I believe Senator BOXER want to speak. I ask unanimous consent that each be recognized for 10 minutes and that I then be allowed the floor.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I urge my friend to please not put such severe time limits on this because for some of us this is an extremely important amendment that goes to the heart of how we feel about the issue. I know my friend vehemently objects. Just the way he vehemently objects, I vehemently support the Senator. I have not spoken much in this debate thus far and feel that it is extremely important to my constituents, who do not want the status quo, who want a change, to hear my views.

I ask my friend if he could withhold a particular time. My own view is I probably need about 15, 20 minutes, max, but I do not know for sure.

Mr. STEVENS. The Senator has the right to object, and I have the right to move to table. I still have the floor.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. I object to the 10 minutes.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, we are going to work out some time limit on this amendment or I am going to move to table. As a matter of fact, right now I believe we have 45 or more amendments remaining. We have an agreement of the Senate, a handshake agreement for a change. It was not a unanimous consent agreement. It was just a handshake between everyone on the floor that we will finish this bill by tomorrow. We are not going to finish this if we have people speaking at length on every amendment.

Now, I have been informed we have 58 amendments remaining. This is the first one. I ask the Senator, what is a reasonable limitation on the Senator's comments?

Mrs. BOXER. For myself, I would like to speak up to 20 minutes. I may only take 15.

Mr. STEVENS. Twenty minutes for the Senator from California, 20 minutes for the Senator from Illinois, 20 minutes for the Senator from Iowa, and 20 minutes for the Senator from Massachusetts, and I assume the Senator from West Virginia wants recognition again. That is more than an hour on 1 out of 58 amendments. I think that is excessive.

I am willing to change it to 15 minutes for each Senator. I ask unanimous consent that Senator DURBIN, Senator HARKIN, Senator KENNEDY, Senator BOXER, and Senator BYRD be recognized not to exceed 15 minutes before I retain the floor to make a motion to table.

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I hope my chairman will not press this request at this time. As far as I know, there is no intention on this side of the aisle to lengthen the process by which the Senator would consider this amendment. This is a very important amendment. I hope the distinguished Senator would not press for any time limitation on the amendment at this point.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I still have the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. No, Mr. President.

The PRESIDING OFFICER. There is a unanimous consent request pending. Is there objection?

Mr. BYRD. Mr. President, I have reserved the right to object and expressed the hope that the distinguished chairman would not press this request at this time.

Mr. STEVENS. Mr. President, I will be glad to debate a little bit what is important and what is not important. I have before me 58 amendments, and I do not know of any Senator who says his or her amendment is not important. This amendment is important. I think the amendment of any Senator is important. With 58 amendments pending, we have to find some way to limit debate. The only way I know to limit it is by making a motion to table.

I again seek the guidance of the Members on the other side. I think we really have eight amendments, other than a reservation of amendments to be able to be offered in the second degree. Of the basic amendments that are now here, there are, what, 31?

Mr. REID. Will the Senator yield for a question?

Mr. STEVENS. Without losing the right to the floor, I yield to the distinguished Senator from Nevada for a comment.

Mr. REID. Mr. President, I state to the distinguished manager of the bill, Senator DURBIN is not going to be able to come. I think if we just proceeded with this, it may move more quickly than one would think. Senator DURBIN is not going to come. Senator KENNEDY will speak. Senator BOXER will speak. I think it would move more quickly than one would think.

Mr. STEVENS. Senator LEAHY now; that's a sixth one. If each one takes 20 minutes, we are going to be at 2 o'clock before we vote on this.

Mr. BYRD. Will the Senator yield?

Mr. STEVENS. I yield to the Senator without losing my right to the floor.

Mr. BYRD. Mr. President, we have already taken 15 or 20 minutes.

Mr. STEVENS. I have taken 7 minutes.

Mr. BYRD. The Senator has not been alone taking time. I am hoping his sweet nature will prevail and allow Senators to speak.

The PRESIDING OFFICER. The gallery will remain quiet.

Mr. BYRD. I hope the Senator will not press for an agreement this early in the morning. We can move right along. Senators are here. Senator LEAHY is here; Senator KENNEDY is here; Senator BOXER is here. We are prepared to move along. We are not attempting to drag out the time.

I hope the Senator will allow Senators to go forward with this debate. We will save time in the long run by so doing.

Mr. STEVENS. Mr. President, may I inquire of the minority, are they willing to set a firm time for the vote on this amendment?

Mr. BYRD. Not yet, Mr. President.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. REID. I do really think this will move more quickly. We don't need to allocate 20 minutes on this. If we just go forward, things will work out. You still have the right, after somebody completes a statement, to get the floor.

Mr. STEVENS. Let me try this. I ask unanimous consent I be allowed to yield the floor to Senator BOXER to make such remarks as she wishes to make, and when she is finished her remarks, I regain the floor.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, he would get the floor, anyway. He is the manager of the bill. I have no objection to that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. I assure the Senator from Alaska my remarks are really not as long as 20 minutes. I certainly will try to get my points across in short order.

Mr. President, I am very proud to stand with the senior Democratic Senator on the Appropriations Committee, Senator BYRD, and support his amendment to require the administration to develop a plan for Iraq, to share the burden of Iraqi reconstruction and security, and provide Congress with the information it deserves to have, not only as a coequal branch of Government but in behalf of our constituents.

I view this amendment as a very strong alternative to the underlying bill, an alternative that is better for our troops, that is better for our taxpayers, and will finally give us a plan and an exit strategy we should have had a long time ago.

The Byrd amendment withholds half of the money requested for reconstruction until the President certifies and reports to Congress that the U.N. Security Council has adopted a new resolution authorizing a multinational force under U.S. leadership. That would result in more funding and more troops from other nations to relieve our heavy burden. And the burden is, indeed, heavy.

I am very happy the U.N. Security Council just passed a resolution. But, if I might say, what that resolution does—and I am glad they passed it—is it essentially puts them on record as recognizing the United States as the transition power in Iraq. But it does not give one dollar toward the effort of reconstruction. It does not give even one soldier more from another country.

So we have a long way to go. I think in many ways the Senator from West Virginia was prescient, because he put in his amendment not just that the U.N. pass any old resolution, but that the U.N. pass a resolution that will in fact relieve the burden on our troops and on our taxpayers.

Senator BYRD and those of us supporting his amendment also say the administration must certify and report to Congress that our reconstruction efforts are being carried out in accordance with a detailed plan that includes significant financial assistance from other nations. In short, the Byrd amendment requires leadership from this administration—leadership from this administration—and the American people deserve no less. It is time for leadership.

In addition, the Byrd amendment requires reports to the Congress on efforts to protect our troops. I made a visit to Walter Reed Hospital yesterday. It was a very emotional visit. Our troops are extraordinary. They are incredibly optimistic young people. Each one of them I visited said had they been in a different type of vehicle, they wouldn't have lost their limbs, they wouldn't have lost colleagues. Because, as we have said many times, after the President landed on the aircraft carrier and he said the major hostilities were over, we did not have a plan in place and a lot of our people have paid the price of that.

So we are essentially demanding, asking, requesting, that the President report to the Congress on efforts to protect our troops. We asked for an estimate of the duration and cost of the military mission in Iraq. I might say, for many of us who supported the Levin resolution, we have been asking for that since day one and we really never had it.

Why do you think the American people took a deep breath when they heard $87 billion for Iraq? They don't even realize, most of them, because it slipped through here with a unanimous vote—and at that time I think rightly so—we already gave $70 billion for Iraq in an emergency supplemental. So there was $70 billion, now there is $87 billion, and if anyone thinks this is the last of it you are mistaken. If we do not get a grip on this, this is a policy that is not in anybody's control. They don't even know who is in control over at the White House. They sent out a press release that Condi Rice was in charge of reconstruction. Then Rumsfeld got mad. Then she came out and said, Well, gee, no, that really wasn't so.

I think Senator BYRD, with all his many years here, his many years living, and his many years witnessing other administrations, has done us all a favor by putting together this very important amendment. Many of us helped put the finishing touches on it. I am very proud of this amendment.

So we ask the President to send a report to Congress on efforts to protect our troops, an estimate of the duration and cost of the military mission in Iraq, an estimated long-term schedule for the withdrawal of U.S. and foreign troops, and a schedule with timetables and costs for the establishment of a fully trained and equipped Iraqi security force.

Why is the Byrd amendment an alternative to be strongly supported? To me it is clear. It is time to end a blank-check policy. It is time to end a blank-check policy. Again, we gave $70 billion with absolutely no strings attached. We didn't stop it. We didn't say anything. We expected the President at that point would use those dollars and use the trust the Congress placed in him with that $70 billion to come up with a plan. We still don't have it.

So clearly we should support this very important amendment as an alternative to the underlying bill.

Let me give you other reasons. We were misled about post-Saddam Iraq. There is not one person who is civilized and has a heart and a pulse that beat who isn't glad Saddam is out of the picture. That has never been the issue. That has never been the question. The question is, did we have the right policy so that in the future that part of the world will be more secure, that we will not have a vacuum where terrorists move in, and where the United States is not the only country that is bearing the cost of a post-Saddam Iraq?

The American people—I know I speak for the people of California who have spoken with me about this and, by the way, I have had well over 1,000 calls on this and it is heavily against the $87 billion—feel for the Iraqi people, and they want to do their share—underline "share." But they were told the postwar situation would be quite different from what we are seeing.

Let me quote President Bush's press secretary, Ari Fleischer, who was press secretary up until recently. This is what he said about reconstruction:

> Well, the reconstruction costs remain . . . an issue for the future, and Iraq, unlike Afghanistan, is a rather wealthy country.

I say to my friends on the other side of the aisle and my friends on this side of the aisle that the spokesperson for the President of the United States said:

> . . . unlike Afghanistan, Iraq is a rather wealthy country.

Still quoting, he said:

> Iraq has tremendous resources that belong to the Iraqi people, and so there are a variety of means that Iraq has to be able to shoulder much of the burden for their own reconstruction.

My friends, that was this year. Ari Fleischer was speaking for the President of the United States who is now putting pressure on us not to see this reconstruction money become loans. Ari Fleischer said:

> . . . Iraq has to be able to shoulder much of the burden for their own reconstruction.

What did Deputy Defense Secretary Paul Wolfowitz say? I sit on the Foreign Relations Committee. Let us hear what he said. He said:

> There's a lot of money to pay for this that doesn't have to be U.S. taxpayer money, and it starts with the assets of the Iraqi people . . . and on a rough recollection, the oil revenues of that country could bring between $50 and $100 billion over the course of the next two or three years.

Going on, Mr. Wolfowitz, No. 1 in the Defense Department, said:

> We're dealing with a country that can really finance its own reconstruction, and relatively soon.

What are we being told by the manager of this amendment, Senator STEVENS? He is saying the Byrd amendment is awful; it is terrible; it is going to stop everything; it is a terrible thing. If you think the Byrd amendment is destructive, why not call Paul Wolfowitz and find out why on March 27, 2003 he said, "We're dealing with a country that can really finance its own reconstruction, and relatively soon"?

Why not call up Ari Fleischer, who spoke to the President and said, ". . . unlike Afghanistan, Iraq can pay for its own reconstruction"?

But it doesn't stop there. There is Defense Secretary Donald Rumsfeld. I am quoting him.

> I don't believe that the United States has the responsibility for reconstruction.

My colleagues, I want to reiterate this. Donald Rumsfeld, No. 1 in the Department of Defense, said in March of this year:

> I don't believe the United States has the responsibility for reconstruction.

He said:

> [Reconstruction] funds can come from . . . frozen assets, oil revenues and a variety of other things, including the Oil for Food, which has very substantial number of billions of dollars in it.

I could have quoted 10 other people from this administration, but from Secretary Rumsfeld who is a key member of this administration, to Ari Fleischer who spoke for the President, to Paul Wolfowitz, second in command at the Department of Defense, they all told us and they told the American people Iraq could pay for its own reconstruction.

I think the underlying bill is very much another blank check based on more statements and promises from an administration that led a brilliant military campaign but was wrong on the weapons of mass destruction, wrong on what would happen after the war, wrong on what the rebuilding would cost, wrong on how many troops would be needed, wrong on oil revenues, and wrong on how much other countries would contribute. That is just a partial list.

My constituents are very leery of another blank check, given this history and given the need here at home.

I could not believe this U.S. Senate couldn't walk down the aisle together, Republicans and Democrats, and take a month's worth of money for Iraq and spend it in this country of ours. We weren't asking for much. The Senator from Michigan wrote a brilliant amendment. In it, she said, All right, we are spending $5 billion in Iraq. The World Bank tells us they can't really absorb all the money we are budgeting now. Let us take just 1 month and let us keep our promises to our veterans. Let us take just 1 month. That is all—$5 billion. We can take care of our veterans' health. We can take care of our school construction needs. We can help some people who need health care here in the United States of America.

No. That went down in flames. We can't do that. We can't afford that. We can't afford it. After all, we have a deficit. We had a deficit only after this President took office. We had a surplus before he took office. Now this body won't even pay for this war. They won't even pay for this war. They make ringing speeches about America, the greatest leader in the world. And I agree with every speech. But every time America led the world, we didn't tell the wealthiest few that we will give you more tax breaks so our sons and daughters can go off.

This amendment says to me everything that needs to be said. It puts an end to a blank-check mentality. We can't afford another blank check. We have these pressing needs at home with a deficit that is racing out of control.

I thank Senator BYRD for his leadership. I have enjoyed working with him and with his staff, as well as the staff of Senators LEAHY and KENNEDY, to put forward an alternative that puts our troops and our taxpayers ahead of a blank-check policy. I hope we will have a strong vote.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Under the previous order, the Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I have a management problem. I ask unanimous consent that the vote on this amendment not occur before 3 o'clock.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am an original cosponsor of this amendment, and I strongly support it. I will not take a great deal of time. But Senator BYRD and Senator KENNEDY, two senior Members of the Senate—actually the two most senior Members of this Senate—have been such resolute voices of reason and caution concerning our actions in Iraq. Senator KENNEDY and Senator BYRD have done a thorough job of explaining what this amendment does and why it is important.

There is no secret that I did not support the resolution authorizing the use of military force against Iraq. I felt it gave the President authority that should be reserved to the Congress. It was used by the President to justify abandoning the United Nations prematurely, rejecting the recommendation of our allies, and launching a unilateral preemptive attack against Iraq with dubious justification.

Since then, almost everything the White House and the Pentagon have said about Iraq has turned out to be wrong. The justification for the war, that Saddam Hussein was on the verge of having nuclear weapons, has evaporated. There was no link between Saddam Hussein and the September 11 attacks despite what the President said—until recently. While the Vice President continues to try to make the connection, at least the President has finally said there is no connection.

Is Saddam Hussein a bad man? Of course, one of the most evil people I have ever read or heard about. Amazingly enough, it is the same Saddam Hussein we strongly supported in many ways in previous administrations. Is he a tyrant? Certainly. Did he carry out torture and genocide? Of course he did. He gassed the Kurds. The then Reagan-Bush administration continued to send military aid. Is he a bad man? Yes, we all agree on that.

Did he have nuclear weapons? Of course not. Was he an imminent threat to the United States? Of course not. Was he worse than some of dictators we actively support around the world today? That is an open question.

Now we have a different question, as the senior Senator from West Virginia and the senior Senator from Massachusetts and others have pointed out: The cost to the United States taxpayers in rebuilding Iraq. We were told that would be paid with Iraqi oil revenues. But suddenly that cost has skyrocketed. Our troops, we were told, would be greeted as liberators. They are under constant attack and threat of attack.

I remember when the administration came before the Congress and said the costs of rebuilding would be under a couple billion dollars. They assured Members, assured the Appropriations Committee of that. They had to know they were not being truthful.

Look at what has happened. Hundreds of our service personnel have been killed, many more have been wounded, something the administration prefers not to talk about. The wounded are brought back after midnight, making sure the press does not see the planes coming in with the wounded. They were not talking about wounded. These are not a broken wrist or scratched leg. These are terrible wounds—lost limbs, lost eyesight, lifetime disabilities. I think of the soldier who fought bravely for the United States who is back in Walter Reed now finally getting his citizenship. He raised his right hand to take the oath. That was the only limb he could raise. He lost his other arm and both legs, like our former colleague, Senator Cleland, in Vietnam. These are terrible wounds.

We have lost more of our military since the President said the mission was accomplished, the war is over, than we did before. We have lost more of our soldiers since the President said: Bring it on. Unfortunately, they must have listened because they brought it on and more Americans have died since then than died before.

Having said that, I am not one of those who say everything in Iraq is a failure. I do not say that at all. We are far from that. We are making progress in Iraq on many fronts. But the situation is dangerous. We are there virtually alone. Contributions of troops and money from other nations have been a pittance. But who can blame them? We ignored the words of caution from our allies. We dismissed our allies as irrelevant. We called them "Old Europe," and we refused to give them any meaningful say in the political development or economic reconstruction of Iraq. Now, having insulted them, having ignored them, having not consulted them, having brushed them aside as irrelevant, we expect them to jump behind a policy they opposed when they find that so many of the things we said to justify our policy turned out not to be true? It is not surprising they are not hurrying to get in line behind us.

This amendment of Senator BYRD, Senator KENNEDY, myself and others, acknowledges what is obvious to everyone except perhaps those in the White House who are so convinced of their own version of reality that they only see what they want to see. We need help. We need the active involvement of the international community. In order to get that active involvement of the international community, we need to give these nations a bigger say in rebuilding Iraq and doing so to take the targets off the backs of our soldiers and defray the financial cost to the American taxpayers. We cannot take the attitude that uncle knows best and only uncle knows. We want others to help us if we want to be in a position to take our brave young men and women out of the line of fire.

This is essential, not only for the success of our policy in Iraq but for our ability to work constructively with other nations in all the other fights we have in fighting terrorism, in combating poverty, in stopping disease, in protecting the environment, in dealing with so many other global problems. We are the wealthiest, most powerful nation history has ever known. It is almost inconceivable—even when I was born, 1940—that we would have any nation as powerful as we are. But we have responsibilities around the world that go with that. It is not just Iraq.

There is an AIDS epidemic; there are contagious diseases, including ebola; there is ignorance, poverty, environmental damage. All of these things need U.S. leadership—not leadership arrogance but U.S. leadership. The American people are good people. The American people have the heart and the will to do what is best.

The American people do not need to have leaders who show arrogance. That is not the American way. I think of the young people who go in the Peace Corps; I think of the young missionaries who go abroad; I think of the teachers, of the older retired people going to other parts of the world to help out. They do not go with arrogance, they do not go with simplistic answers; they go with humbleness, respect, and love.

This amendment allows half the Iraq reconstruction funds, $10.1 billion, more than can be spent next year, to be made available immediately. In other words, this amendment would get that money out the door with no strings attached. Putting this in perspective, $10.1 billion is equal to more than half the amount of foreign aid we give to the rest of the world, and we will give that amount of money to one country immediately. The $10.1 billion includes $5.1 billion for security, public safety, border enforcement, and justice activities. The balance of the $10 billion will be released after April 1, 2004, if the President certifies that the United Nations adopted a new resolution authorizing a multinational military force of the United States command and a central role for the U.N. in the political and economic development of Iraq, but the Congress would have to vote to release the balance of the funds.

Over a quarter of a century ago, I went on the Appropriations Committee because I believed very strongly—and I don't have to tell the senior Senator from West Virginia who has forgotten more about this than all the rest of us would know—I believe very strongly the Congress has the power of the purse. It is one of those wonderful, brilliant acts done by our Founders to have these checks and balances—our judiciary, executive, our Congress. It has served us in good stead.

Has the Congress always been right? Of course not. Has the executive or judiciary always been right? No. But generally it stays in balance and it works very well. The big mistake would be if we just gave it away, if we said that the American people do not have a voice so we would have to vote to release the balance of these funds.

This is extremely generous. But the reason I mentioned the power of the purse is that we have a duty to protect the taxpayers' money.

In this Senate, there are only 100 of us who have the privilege to serve—and it is a privilege—at any given time. We have 270 million Americans. We have a responsibility—a responsibility—not just to Americans from Vermont or West Virginia or anywhere else but to all Americans. It is their money.

Now, none of us could predict what is going to happen in Iraq between now and April first. It makes no sense to bundle up this $21 billion and toss it out the door, without ever asking questions—whether the funds are being used wisely, whether other nations are contributing, and whether it makes sense to release another $10 billion.

It is absurd. It is totally unnecessary. It is not only absurd, it is unnecessary. This is the thing I cannot understand: Why are we rushing pell-mell to give away $21 billion lock, stock, and barrel, all at once? Every one of the administration's own people say they cannot spend it. They want it, but they cannot spend it. It is like "give me, give me, give me, and I will make up my mind when I want to spend it." I would hate to run my household finances that way.

We should not run the Nation's finances that way. It is not the way it was done with the Marshall plan. Everyone comes up here from the administration and talks about the Marshall plan, the Marshall plan, the Marshall plan. I wish one of them would pick up a history book and read about the Marshall plan. The way they describe it, I don't think they could even spell it.

There was far more detailed justification for the Marshall plan, far more opportunity for review, far more oversight. Let's learn from history, especially if we are going to claim to repeat it.

I am tired of historical sloganeering by people who obviously have no idea what the heck they are talking about. For the Marshall plan, we had hundreds of witnesses. That was several years after the end of World War II. We had special bipartisan committees that really worked at overseeing that plan.

When I first came to the Senate, I talked to some of the Members who had been here at that time. They were watching what was going on. They knew what was going on. And it was not a blank check. It was not a blank check. It was, however, one thing: We worked with other countries. We led the effort, of course. We worked with other countries.

I think it is long past time that we should reach out to our friends and allies, not with this fig-leaf resolution being discussed at the U.N. this week—and that is all it is; it is a PR fig leaf—but in a way that builds a genuine coalition that is no longer a unilateral policy.

I want to be fair. The U.N. resolution to be voted on today is welcome. It sets the stage. That is what it does. It is a stage-setting piece for what should have been months ago, by recognizing the key role that other nations can and should play in Iraq.

It would authorize a multinational military force. It would encourage other nations to participate and make contributions to the force and to the costs of reconstruction in Iraq.

It also makes clear that the Coalition Provisional Authority is temporary. That is something on which I believe all Members of the Senate, Republican and Democrat alike, would agree. It has to be temporary.

So it is a step in the right direction, but it is basically a statement of good intentions. There is nothing wrong with good intentions, but I think some of us who have been here for a few years would like more than just good intentions. We have no idea how it is going to be interpreted by the White House, which has resisted meaningful input from other nations, nor how it is going to be implemented.

Will the multinational force be anything more than a fig leaf for an indefinite U.S. military operation involving more than 100,000 troops, as it is today—100,000 American troops over there facing the danger of being killed every single day? Will other nations contribute or will U.S. taxpayers continue to shoulder 99 percent of the cost?

Mr. President, save me the stories I hear from the administration about 30 countries, 40 countries joining us. I think there is one country that has sent over two people. Of course, we had to pay their way. Others were willing to send a few thousand dollars. But as ranking member of the Appropriations Subcommittee on Foreign Operations, I know we are going to have to pay more than that in foreign aid they all want. I do not want fig leaves. I do not want rhetoric. I want reality.

Right now, the reality is, we are paying 99 percent of the cost. Is the administration going to give us a detailed plan, including timetables and cost? How about an exit strategy for when our troops will come home? That is what I would like to know. We do not know. We do not know what is going to come out of that.

It is good to have, at least, a resolution that says nice things. It does not do an awful lot, but it says a lot of nice things at the United Nations. But I am not a member of the United Nations. I am not a delegate to the United Nations. I am the senior Senator from the State of Vermont. I am here to speak on behalf of the people of the United States in the U.S. Senate. That is my role. I have one vote here out of 100. I take that very seriously.

This amendment is extremely important. It builds on the U.N. resolution. It requires tangible results, not just good intentions. If the U.N. resolution accomplishes what it says, the President should have no difficulty making the certifications called for in this amendment.

We need to know if the U.N. resolution represents the "internationalization" of policy long overdue or if it is nothing more than political cover to maintain the status quo, to continue along as we are today—alone, with our troops under fire and U.S. taxpayers paying through the nose.

And then we need to vote on whether to release the remaining $10 billion. There is no reason—there is none—there is not one word in all the testimony before the other body or before ours that says they need this other $10 billion right now—not one word that says we should not have another chance to review this policy and vote again in 6 months. That is the responsible thing to do. Again, they cannot spend the money now.

So our amendment steers a middle ground. It releases half of the aid up front, but it tells the administration we want a multilateral approach. We want other nations involved, and not just nations that can only contribute enough troops for a small town police force or provide a handful of second-hand jeeps.

I admire the political will of some of these small countries in sending people over. From my own State of Vermont, we have sheriffs departments that are bigger than some of the forces they are sending. That does not detract from their political will in doing it. It is a nice symbol, but let's not fool anybody.

I think the administration takes a strange view of Americans if they think we are going to be fooled by this. Virtually every American knows who is paying the bill. We Americans are.

So this amendment is in Iraq's interest. It is certainly in the interest of the American taxpayers, something we should be concerned about.

I am very proud of my friend, the senior Senator from West Virginia, for offering the amendment. I have had the privilege of serving with him for 29 years. I have learned as much from him as any one in the hundreds of people I have served with in this body, right from the very first day I met him as a young Senator elect, as a former prosecutor.

I think of my good friend from New England, the senior Senator from Massachusetts, a man I first met back when he was a brand-new Senator and I was a seminew prosecutor in Vermont.

I think what the two Senators have done is go back to history and back to reality and set a good course. Our country will actually be stronger and better and, ironically, the Iraq reconstruction will be done better, if we follow their course.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I join in thanking our good friend and cosponsor, the Senator from Vermont, for his excellent presentation and compelling argument. And I, once again, thank our leader on this issue, and someone who has been such an eloquent voice for sane and responsible foreign policy for so many years, and particularly in the whole debate on Iraq, our friend from West Virginia, Senator BYRD.

I think it is important at this time to understand exactly what this amendment is and what it is not.

The Byrd amendment is not cutting the $20 billion. There have been other amendments that have suggested that and have done so. This amendment is not doing that. The purpose of this amendment is plain and simple: This is the only amendment that has been offered—and I believe will be offered—that is going to require a change of course in our policy in Iraq and give us the opportunity in 6 months to have a chance to review the administration.

As pointed out by the Senator from California, otherwise, with this $87 billion, we are effectively giving a blank check and a statement that we support the current policy, which I believe is a bankrupt policy, one that is being made up every day. I spoke earlier on it.

One of the reasons the amendment of the Senator from West Virginia is so responsible and compelling is, first, the World Bank has estimated that Iraq could only use $6 billion over the next year. He is letting $10 billion go, $5 billion for security, but the other $5 billion. Over a 6-month period the World Bank says the most Iraq could use is $6 billion. This is going to let $10 billion go for 6 months. All we are saying is, perhaps after that 6 months, the rest of the money would be freed up as well. But at least we here, as the people's representatives, will have a chance to review the bidding at that particular time.

I listened to our friend—and he is our friend—from Alaska say we ought to stay the course. I believe we ought to stay the right course. That is what we are talking about—staying the right course which is in the interest of the security of our troops and of the United States. Others are saying: Why not just give us a blank check?

The Senator from West Virginia remembers clearly, as ranking member on the Appropriations Committee, it was not long ago when administration officials said: We don't need any money at all in terms of reconstruction. Iraq is a wealthy country. The oil revenues will be able to handle it. Three months ago they said: We think maybe $1.7 billion will be able to handle it over the next year. Now they ask for $20 billion and say: Stay the course; why are you trying to interfere with us?

They have been moving these numbers all around and failing to give a full plan. Yes, they gave us some working documents from last year and, yes, they gave us a budget but not the plan. The wisdom of the Senator from West Virginia is the fact that it is going to require that the administration come back in 6 months and give us an opportunity to review.

Finally, as the Senator from Vermont has pointed out, the $20 billion for reconstruction is what the United States provides for economic aid for the rest of the countries all over the world. This is not an insignificant amount. The American people understand that. It is 20 times what the Federal Government spends annually on afterschool programs, 20 times. This $20 billion is 20 times what we spend on afterschool programs that reach hundreds of thousands of children, helping them get the supplementary services which are so important in terms of their education, giving them outlets in terms of participation in sports. This $20 billion is 20 times that amount.

It is also double the amount that this President proposed on education to assist the schools. This $20 billion is effectively twice as much as we are providing in K–12 federal spending on the title I education program for disadvantaged children. We know how important that is.

It is over two times the amount we spend in helping those who have special needs. It is four times what the Government spends on cancer research. This is not an insignificant amount of resources.

The only thing the Senator from West Virginia is saying is: Let's get another look at it in 6 months. Why should the administration be so opposed to that? Doesn't it make sense, in terms of our national interests, to galvanize the country in support of foreign policy? Are the people who are allegedly supporting whatever this policy is so uncertain about what is going to happen in 6 months from now, they say, don't do that; you are going to interfere and obstruct our whole effort by coming back to the Congress and permitting them to make a judgment in 6 months? That is apparently what they are prepared to do.

I commend the Senator from West Virginia. I know from personal experience the amount of time and effort and energy and thought that has gone into this amendment. This is the one amendment that says: We are giving you 6 months to move ahead. That is sufficient to meet the vital needs at the present time. And we are prepared to give you 6 months after that, in March–April of next year, when the Congress will be back and prepared to vote. But at that time at least we will know, at that time the American people will know that there are going to be other nations that will be a part of the team, that are going to be supplying resources, that are going to be supplying additional troops. We will be able to indicate to the American service men and women an end strategy, an exit strategy.

I was asked a couple of hours ago about mentioning the exit strategy; doesn't this just suggest we are talking about cutting and running? That is not what we are talking about. We are talking about being sensible and responsible.

Actually the words "exit strategy" were included in the foreign affairs article that was written by Brent Scowcroft and former President Bush. Bush 1, to which I referred earlier. He was talking about what the alternatives were at the end of the first gulf war. He was pointing out that this was a world transformed, President George H.W. Bush and his National Security Adviser, Brent Scowcroft, in their joint memoir on the experiences of the gulf war in 1991.

> There was no viable exit strategy that we could see.

That was former President Bush 1, "no viable exit strategy that we could see."

He believed at the time of the first gulf war we ought to have an exit strategy that we could see.

We haven't got that. It is not in the $87 billion. What the amendment of the Senator from West Virginia is saying is, OK, it is not in there. OK, it is not in the $20 billion. But let's come back in 6 months and we will have a chance to see where we are.

I commend the Senator for offering his amendment. I hope our colleagues will give it strong support.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I wish to express appreciation to the other Senators who have spoken in support of this amendment: Senator KENNEDY, Senator LEAHY, Senator BOXER. There are some other cosponsors of the amendment who may or may not wish to speak on it: Senators HARKIN, DURBIN, JEFFORDS, and KERRY.

The amendment provides that not more than $5 billion may be obligated or expended before April 1, 2004, from the total of $20.3 billion.

It provides that the excess of the total amount so appropriated over $5 billion may not be obligated or expended after April 1, 2004. We are talking about $10 billion of the $20 billion—$10 billion may not be obligated or expended after April 1, unless, 1, the President submits to Congress in writing certain certifications and unless Congress enacts an appropriations law, other than this act, that authorizes the expenditure of such funds.

Keep in mind, I say to Senators, the $5.1 billion provided under the heading "Iraq Relief and Reconstruction Fund for Security," including public safety requirements, national security, and justice, which includes funds for Iraqi border enforcement, and so on—keep in mind that these moneys are not affected. They will go forward to Iraq—the $5.1 billion for the Iraq Relief and Reconstruction Fund for Security. They will go forward immediately, and $5 billion of the remaining $15 billion may be spent before April 1, 2004. The passage of this bill would provide for such expenditures. But the remaining $10 billion would not, could not be obligated before April 1, 2004, and may not be obligated or expended after April 1, 2004, unless the President submits to Congress in writing certain certifications described in the amendment and Congress enacts an appropriations law, other than this act, that authorizes the obligation and expenditure of the remainder of the fund.

Now, the certifications that have to be provided by the President of the United States before the remaining $10 billion may be expended are as follows, in brief: a certification that the U.N. Security Council has adopted a resolution that authorizes a multinational security force under United States leadership for post-Saddam Hussein Iraq and provides for a central role for the U.N. in the political and economic development and reconstruction of Iraq; and the President must also certify that there must result a substantially increased contribution of military forces and amounts of money by other countries to assist in the restoration of security in Iraq and the reconstruction of Iraq. There must be a certification by the President that the United States reconstruction activities in Iraq are being successfully implemented in accordance with a detailed plan, which includes fixed timetables and costs and with a significant commitment of financial assistance from other countries, so that the American taxpayer does not have to continue to bear all the burden; a detailed plan that provides for the establishment of economic and political stability in Iraq, including prompt restoration of basic services, such as water and electrical services; the adoption of a democratic constitution in Iraq, the holding of local and national elections in Iraq, the establishment of a democratically elected government in Iraq that has broad public support, and the establishment of Iraqi security and armed forces that are fully trained and appropriately equipped and are able to defend Iraq and carry out other security duties without the involvement of the United States Armed Forces—so that American men and women who are bearing the military burden there today can come home.

Additionally, not later than March 1, 2004, the President shall submit to Congress a report on United States and foreign country involvement in Iraq that includes the following information:

1, the number of military personnel from other countries that are supporting Operation Iraqi Freedom, together with an estimate of the number of such personnel to be in place in Iraq for that purpose on May 1, 2004;

2, the total amounts of financial donations pledged and paid by other countries for the reconstruction of Iraq;

3, a description of the economic, political, and military situation in Iraq, including the number, the type, and location of attacks on coalition, U.N., and Iraqi military public safety and civilian personnel in the 60 days preceding the date of the report;

4, a description of the measures taken to protect United States military personnel serving in Iraq;

5, a detailed plan containing fixed timetables and costs for establishing civil, economic, and political security in Iraq, including restoration of basic services, such as water and electricity services;

6, an estimate of the total number of United States and foreign military personnel that are necessary in the short term and in the long term to bring to Iraq stability and security for its reconstruction, including the prevention of sabotage that impedes the reconstruction efforts;

7, an estimate of the duration of the United States military presence in Iraq and the levels of United States military personnel strength that will be necessary for that presence for each of the future 6-month periods, together with a rotation plan for combat divisions, combat support units, and combat service support units;

8, an estimate of the total cost to the United States of the military presence in Iraq that includes, A, the estimated incremental cost of the United States Active-Duty Forces deployed in Iraq and neighboring countries; B, the estimated cost of United States Reserve component forces mobilized for service in Iraq and in neighboring countries; C, the estimated cost of replacing United States military equipment being used in Iraq; D, the estimated cost of support to be provided by the United States to foreign troops in Iraq;

Furthermore, an estimate of the total financial cost of the reconstruction of Iraq together with, A, an estimate of the percentage of such costs that would be paid by the United States and a detailed accounting specified for major categories of cost and, B, the amounts of contributions pledged and paid by other countries, specified in major categories;

10, a strategy for securing significant additional international financial support for the construction of Iraq, including a discussion of the plan for implementing the strategy;

11, a schedule including fixed timetables and costs for the establishment of Iraqi security and armed forces that are fully trained and appropriately equiped and are able to defend Iraq and carry out other security duties without the involvement of the United States Armed Forces;

12, an estimated schedule for the withdrawal of United States and foreign armed forces from Iraq; so here we have a requirement in the report that is to be submitted by the President, an estimated schedule for the withdrawal of United States and foreign armed forces from Iraq;

13, an estimated schedule for the adoption of a democratic constitution in Iraq, the holding of democratic local and national elections in Iraq, the establishment of a democratically elected government in Iraq that has broad public support;

And, finally, the timely withdrawal of United States and foreign armed forces from Iraq.

Every 90 days, after the submission of this report, under subsection C, the President shall submit to Congress an update of that report. The requirement for updates under the preceding sentence shall terminate upon the withdrawal of the United States Armed Forces other than diplomatic security detachment personnel from Iraq. The report and updates shall be submitted in unclassified form.

Here at last is a requirement that the President provide a report to the Congress and to the American people, information the Congress has needed and requested but which has been denied thus far.

This amendment would require that the President make these certifications I have mentioned and that he submit a report which outlines the various provisions I have read and, in the final analysis, he has to submit a timetable for the withdrawal of American men and women from Iraq.

It is time for the U.N. to get in and the U.S. to get out. That is what this amendment would require, in essence. The amendment would help save American lives. It would ease the Iraqi fears that America is following a policy of compassionate colonialism. This amendment moves reconstruction forward. This amendment moves Iraq forward. This amendment brings the world together in the overall peace effort on those distant sands.

This amendment would put in motion a plan—a real plan—that would bring peace more quickly and stability more assuredly, and it would say to the people of Iraq that the United States is your friend, not your sovereign.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the pending amendment offered by the ranking member of the Appropriations Committee, the distinguished Senator from West Virginia, Mr. BYRD, Senator KENNEDY, myself, and others, I believe is key as to whether this bill includes any real measure of accountability to Congress and, thus, to the American people for this country's policy in Iraq.

This is essentially similar to an amendment I had offered during the committee markup. We had an excellent substantive debate in the committee, and we are having I hope again today a debate on accountability of this administration.

I thank Senator BYRD for his tremendous leadership on this issue. I thank the chairman of our full committee, Senator STEVENS, for permitting us again—I know at some point he will want to move to table, but I thank him for allowing us to have this time to have our say and make our points about why we feel so strongly that this amendment should be adopted.

The amendment allows funding for our military needs in Iraq and Afghanistan. The amendment we are debating allows $10.1 billion for Iraqi relief and reconstruction over the next 6 months, until April of 2004; $5.1 billion of that is set aside for police and military training in Iraq and about $5 billion would be for reconstruction aid. I note the $5 billion is the amount of reconstruction aid the World Bank believes Iraq can absorb over the next full year, let alone in just 6 months.

Further taxpayer funding for Iraq beyond that $10.1 billion would be contingent on important accountability to Congress and the American public. In order to receive Iraqi relief reconstruction funding beyond the $10.1 billion, the President would have to certify to Congress that the U.N. has adopted a new resolution authorizing a multinational military force in Iraq under U.S. command. The President would also have to certify that he has a concrete plan for stabilization and democracy in Iraq, with fixed timetables and cost estimates, and the President would have to submit a report to Congress detailing the international support for our efforts in Iraq, both in terms of money and troops, as well as a report indicating troop levels and duration for our involvement in Iraq. In other words, what is our exit strategy?

Finally, and most important, this amendment would say there must be an additional vote taken by Congress before we spend any more money.

Again, I have listened to our ranking member, my good friend from West Virginia, many times in this Chamber talk about the Founding Fathers and how smart they were and how they wanted to balance the powers in this country so we did not have a dictator or king or someone who could run amok with the public treasury. That is why the clause in the Constitution that gives us control over the purse strings is so important.

The intention of the Founding Fathers, at least as far as I have come to understand and read in my history books, is they did not mean to give us the purse strings so we could open it up and dump money into the White House. They wanted us to be accountable to the American people for every dime that was spent; that we had to keep a tight pull on those purse strings, parcel that money out in a deliberative manner so that no President—Democrat, Republican, Independent, or whatever—would be given a blank check with the taxpayers' dollars.

This amendment is in keeping with the best traditions and intentions of our Founding Fathers and keeping our faith with the Constitution of the United States in being diligent at controlling the purse strings of taxpayers' dollars.

I just cannot explain why the administration is so stubborn in resisting even this most commonsense accountability. They are insisting on a blank check. Again, even the World Bank says we cannot spend any more money than that $5 billion in a year. Yet they want $21 billion. When people like me and the Senator from West Virginia and others raise questions about accountability, the administration, in effect, is saying: Trust me. That is exactly the line we heard before the war in Iraq.

I admit publicly—it is on the record—one year ago I voted for the Iraq war resolution because I opted to trust the President. I opted to give him the benefit of the doubt. In the lead-up to the war, the President's approach boiled down to two words: Trust me. Trust me that Saddam is in cahoots with al-Qaida because we have that information, he said.

Trust me that Iraq has vast stockpiles of chemical and biological weapons and weapons of mass destruction and the means to deliver them.

Trust me, said the President, that postwar reconstruction will be self-financing because Iraq has fabulous oil wells.

Trust me, said the President, that we have a serious plan to manage postwar Iraq.

And today the administration dares to say one more time: Trust me that this $20 billion for reconstruction is absolutely necessary, and that if you will only give us a blank check, we will spend it wisely.

There was a story on the front section of the business section of today's New York Times which illustrates how this vast amount of money—if not diligently looked at, if we don't keep a tight rein on those purse strings—can boil down to what in World War I and World War II was called war profiteering.

The business section of the New York Times this morning showed that Halliburton, for example, was making over 66 cents a gallon on fuel that it was selling to the United States government for use in Iraq, and we were paying them for it. We are paying them these profits. It showed how much Halliburton was spending, up to $1.70 a gallon for fuel when they could have gotten the same fuel in the region for basically 66 cents less a gallon. Where is that money going? We don't know.

That is the problem with all of this money floating around: Trust me, the administration says. As the old saying goes, there is no education in the second kick of a mule. Quite frankly, I admit publicly I have been kicked repeatedly by this administration's mule saying, Trust me.

A few years ago, the administration pushed through this No Child Left Behind bill for education. The President said: Trust me, we will come up with the resources to make sure it works. Now we have the mandates but we do not have the resources.

Trust me, they said, that we will have the evidence that Saddam Hussein had weapons of mass destruction, chemical and biological weapons, the means to deliver them, that he had connections with al-Qaida. We now know none of this is true.

I am basically here today saying, Not this time around; I am not willing to give a blank check; I insist on a measure of basic accountability.

I recall President Reagan's policy with regard to arms control. Remember what he said? He said, Trust but verify, and that is exactly the purpose of this amendment. It allows $10.1 billion for Iraqi reconstruction through the end of March 2004. Further funding would be contingent on two things: The President must certify to Congress that the U.N. has adopted a new resolution authorizing a multinational military force in Iraq under United States command; and, two, the President must certify that he has a coherent plan for the reconstruction of Iraq, including a significant commitment of financial assistance from other nations. In short, trust but verify, no blank check.

The administration will be on notice that additional money for Iraq reconstruction will not be automatic. The President first must come forward with a coherent plan to internationalize the occupation of Iraq, to stabilize and democratize Iraq, and then bring our troops home as soon as possible.

Everyone is talking about "supporting our troops," and certainly we want to do everything we can to support our troops. At issue is, how do we best support the troops?

The Stars and Stripes, the newspaper all of us relied upon during our tenure in the military, has just released a poll showing that one-half of the troops surveyed say their unit's morale is low in Iraq. Almost 50 percent say it is very unlikely or not likely that they will reenlist when their term is up. According to Stars and Stripes, a key reason for this dissatisfaction is:

> Uncertainty about when they will be returning home.

Let me be clear, nothing will be better in terms of support for our troops than to compel this administration at long last to internationalize the reconstruction efforts in Iraq, to internationalize the military involvement in Iraq. As the distinguished Senator from West Virginia has said many times, it is time to get the U.N. in and the U.S. out. That, along with a clear and credible exit strategy from Iraq, is how we best support our troops, who are risking their lives every day, separated from their friends and their families, many of them not continuing with their education, not knowing when they are going to come home, performing duties for which really they were not trained.

The Byrd amendment is the amendment that supports our troops, and that is why it should be adopted.

I yield the floor.

AMENDMENTS NOS. 1832, 1853, 1865, AND 1866

Mr. STEVENS. Mr. President, both sides have cleared for approval four amendments that I ask be considered en bloc. The first is amendment No. 1832 by Senator FEINGOLD. The second is amendment No. 1853. The other two have not been filed. I send the amendments to the desk on behalf of Senator HOLLINGS and Senator DURBIN, and I ask unanimous consent that these four amendments be considered en bloc. They are primarily technical in nature.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. HOLLINGS, proposes an amendment numbered 1865.

The Senator from Alaska [Mr. STEVENS], for Mr. DURBIN, proposes an amendment numbered 1866.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1832

(Purpose: To require reports on Iraqi oil production and revenues to be made available to the public in English and in Arabic)

On page 35, line 14, strike "available," and insert "available in both English and Arabic,".

AMENDMENT NO. 1853

On page 6, before the period on line 12, insert the following:

: *Provided further*, not less than $4,000,000 shall be transferred to "Office of the Inspector General" for financial and performance audits of funds apportioned to the Department of Defense from the Iraq Relief and Reconstruction Fund"

On page 24, line 14, insert after $4,000,000 the following:

"of which not less than $4,000,000 shall be transferred to and merged with "Operating Expenses of the United States Agency for International Development Office of Inspector General" for financial and performance audits of the Iraq Relief and Reconstruction Fund and other assistance to Iraq"

On page 38, after line 20, insert the following:

"SEC. 2313. GENERAL ACCOUNTING OFFICE REVIEW.

(a) The Comptroller General of the United States shall—

(1) review the effectiveness of relief and reconstruction activities conducted by the Coalition Provisional Authority (hereafter in this section "CPA") from funds made available under the "Iraq Relief and Reconstruction Fund" in this title, including by providing analyses of—

(A) the degree to which the CPA is meeting the relief and reconstruction goals and objectives in the major sectors funded under this title, and is enhancing indigenous capabilities:

(B) compliance by the CPA and the government departments with federal laws governing competition in contracting; and

(C) the degree to which the CPA is expending funds economically and efficiently, including through use of local contractors;

(2) report quarterly to the appropriate congressional committees on the results of the review conducted under paragraph (1).

(b) In this section, the term "appropriate congressional committees" means—

(1) the Committees of Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees of Appropriations, Armed Services, and International Relations of the House of Representatives.

AMENDMENT NO. 1865

(Purpose: To clarify the fiscal year limitation in a provision of the Public Law 108–11)

Paragraph (1) of section 1314 of Public Law 108-11 is amended by inserting "without fiscal year limitation" after "available" the first place it appears.

AMENDMENT NO. 1866

(Purpose: To require quarterly reports on the status of the efforts of the Iraq Survey Group to account for the Iraq weapons of mass destruction programs)

At the end of title I, insert the following:

SEC. 316. (a) FINDINGS.—Congress makes the following findings:

(1) The Iraq Survey Group is charged with investigating the weapons of mass destruction programs of Iraq.

(2) The Special Advisor to the Director of Central Intelligence for Strategy and Iraq heads the efforts of the Iraq Survey Group.

(b) QUARTERLY REPORTS ON STATUS OF EFFORTS OF IRAQ SURVEY GROUP.—Not later than January 1, 2004, and every three months thereafter through September 30, 2004, the Special Advisor to the Director of Central Intelligence for Strategy and Iraq shall submit to the appropriate committees of Congress a comprehensive written report on the status of the efforts of the Iraq Survey Group to account for the programs of Iraq on weapons of mass destruction and related delivery systems.

(c) FORM OF REPORT.—Each report required by subsection (b) shall be submitted in both classified and unclassified form.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(2) the Permanent Select Committee on Intelligence and the Subcommittee on defense of the Committee on Appropriations of the House of Representatives.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we are trying to go back and forth here. Senator WARNER has an amendment he would like to offer. After that, I understand Senator LAUTENBERG has an amendment to offer.

At the moment, there is another Senator on the floor. I see that the current occupant of the chair might be interested in a comment he wishes to make about some Cubs. I asked him if they were little bears, but he said no.

I yield 5 minutes of our time to the Senator from Illinois, if he would agree to that amount of time, to talk about the Cubs.

The PRESIDING OFFICER. Is there an objection?

Mr. STEVENS. The current occupant of the chair may not consent to that.

The PRESIDING OFFICER. Do I have a right to object?

The Senator from Nevada.

Mr. REID. It is my understanding that Senator DURBIN is going to speak for 5 minutes. We are going to move to set aside for Senator WARNER and, following that, move to set aside for Senator LAUTENBERG. Is that right?

Mr. STEVENS. That is right. I do not know if he is going to call up his amendment or just file it, but in any event, yes, we are prepared to do that.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. REID. Before we go to Senator DURBIN, will the Chair approve the unanimous consent request that was propounded?

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, the Senator from New York also wants to do something.

Mr. SCHUMER. Reserving the right to object, I have an amendment which I know is not yet in the queue, but after Senator DURBIN speaks, I would also like to speak for 5 minutes about the tragedy that happened in New York. I was going to ask to do that later but it seems an appropriate time, and I ask unanimous consent to be able to do that, and only that, for 5 minutes.

Mr. STEVENS. We would have no objection to a statement about that very serious accident that happened in the Senator's State.

It is my understanding it would be 5 minutes for Senator DURBIN, 5 minutes for Senator SCHUMER, and then we return to Senator WARNER. Following Senator WARNER, we would go to Senator LAUTENBERG.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, the only thing I would like to ask before we get started is, does the Senator from Alaska think the Presiding Officer is qualified to speak about baseball?

Mr. STEVENS. I would say to the Senator from Nevada, I have heard the current occupant of the chair talk about some of his experiences in baseball and one of these days we ought to convene the Senate and listen to him for a while.

Mr. REID. I would like that very much.

Mr. STEVENS. There is some marvelous history we could learn from the Senator about baseball, but I am out of order.

The PRESIDING OFFICER. Yes.

Mr. STEVENS. Has the unanimous consent request been agreed to?

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois is recognized.

Mr. WARNER. Will the Chair recount, for the benefit of the Senate, the order that has just been accepted.

The PRESIDING OFFICER. The order that has just been accepted is Senator DURBIN has 5 minutes, Senator SCHUMER has 5 minutes. Then it is the Senator from Virginia's turn to offer an amendment.

Mr. WARNER. I thank the distinguished Presiding Officer.

Mr. STEVENS. Followed by the Senator from New Jersey?

The PRESIDING OFFICER. Followed by the Senator from New Jersey.

The Senator from Illinois.

(The remarks of Mr. DURBIN and Mr. SCHUMER are printed in today's RECORD under "Morning Business.")

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1867

(Purpose: To increase the Federal share of the cost of disaster relief provided in connection with Hurricane Isabel; and to provide for repair or replacement of Department of Defense infrastructure damaged or destroyed by Hurricane Isabel)

Mr. WARNER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, and Mr. ALLEN, Mr. SARBANES, Ms. MIKULSKI, and Mrs. DOLE proposes an amendment numbered 1867:

On page 39, between lines 2 and 3, insert the following:

SEC. 3002. Notwithstanding any other provision of law, the Federal share of the cost of any disaster relief payment made under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for damage caused by Hurricane Isabel shall be 90 percent.

SEC. 3003. Of the funds appropriated by this Act, $500,000,000 shall be available for repair or replacement of Department of Defense and National Aeronautics and Space Administration infrastructure damaged or destroyed by Hurricane Isabel, related flooding, or other related natural forces.

Mr. WARNER. Mr. President, I purposely desired the clerk to read the short amendment because this affects the interests in 6 States. This tragic hurricane struck North Carolina, Virginia, Maryland, West Virginia, Delaware, Pennsylvania, and the District of Columbia.

Those are the States that were declared by the President as Federal disaster areas. The technical decision has been made by the appropriate authorities that these States suffered severe damage.

On the 19th of September, the hurricane caused 45 deaths, and approximately $1.7 billion of total damages, of which approximately $450 million was sustained in Virginia and $410 million in Maryland.

I offer this amendment on behalf of colleagues in all of those States. I have listed thus far myself, Senator ALLEN, Senator SARBANES, Senator MIKULSKI, and Senator DOLE. I expect other Senators from those States will desire to add their names at their own initiative.

Why on this particular bill should this funding be provided? It is a legitimate question.

No. 1, it is taken out of the funds in this bill for the Department of Defense. It is not an add-on or an end run. It is straightforward from the Department of Defense. In consultation with the individual military services, it was relayed to me that the functioning of these military facilities in the States enumerated is essential to the current operations of the United States military.

Senator ALLEN, members of the Virginia delegation, and I, together with the Secretary of the Department of Homeland Security went down to these hard-hit communities. We spent at least 1 day with the Secretary of Homeland Security looking at the damage in the Commonwealth of Virginia; and specifically, to the Langley Air Force Base and NASA facility. It is a relatively modest sum, but the Langley facility has a dual purpose. It serves both for the Department of Air Force and the National Aeronautics and Space Administration.

We simply couldn't have the construction and repairs eligible for one part of the facility and not the other. Of course, the debate was primarily for the Department of Air Force. That is one very modest and minor technical aspect of this.

But the Department of Defense is willing to take those funds necessary for NASA from the funds I put in here, the reason being you simply cannot take a water line, for example, for a flood-damaged area and stop at the arbitrary line between where NASA operates and where the Department of Air Force operates.

I am hopeful colleagues will not look upon that as any significant departure from the managers' effort to contain this legislation to expenditures related to the military. I really urge colleagues to support this. Our colleagues from these 6 States support it. I cannot speak for those who are not on here. I intend to visit with the distinguished senior Senator from West Virginia on this matter in the course of the day as well as the junior Senator from West Virginia. It is my hope this Chamber will accept this amendment.

Again, there was a Presidential designation of areas of destruction, and here in the Nation's Capital some of our military installations suffered damage.

I point out that in the course of my trips—I think I made seven trips back to my State in connection with this very frightful hurricane—I worked with FEMA. I commend FEMA. The FEMA people came in, as well as the Small Business Administration, and helped tremendously. I recall being in Alexandria along with the Small Business Administration people, and we walked in and out of the various places of business—small restaurants and shops where water had come up waist high the previous evening. You can't imagine the despair on the faces and in the minds of a shopkeeper who was there amidst all of this mud, debris, foul-smelling effects of the flood; and then also trying to get briefed on the pathogens that could flow from the mold that will come forward.

But I found the Small Business Administration people, and particularly FEMA, to be very reassuring to those people who were overcome with emotion and dispair. Senator ALLEN and myself on this particular day, and FEMA and the Small Business Administration people, gave assurance that the Federal Government would give a measure of help: Here are the forms, here is the instruction book, there will be a representative from FEMA and SBA at this location. You can go to that entity and seek assistance.

That all worked quite well in my State. However, SBA or FEMA is not available to provide assistance to the military installations who were damaged. It is left up to the commander of those bases to finance these costs. I spent considerable time with the commander at Langley Air Force Base. I commend him. He stayed throughout the storm even though the base was largely evacuated. It was important to get the military equipment out of the path of the storm and locate that equipment in a remote area so they could continue to function. There was no gap in the fulfillment of the military mission. That commander and indeed the general officer in charge of that base and others are to be commended.

I could recite other bases and installations, including Fort Story, the same thing: The commander and senior officers and enlisted personnel stayed throughout the storm. By and large, they helped save property and lives, no question about it. Had everyone departed and tried to get back—in some instances the roads were severed and you could not get back and more destruction would occur in that passage of time.

There was considerable bravery from military and civilians on the military installations. FEMA cannot by law step in, nor can the Small Business Administration. Who is to fill the vacuum? The Congress. That is why I am asking the support for this amendment.

Again, this includes six States. I have an evaluation of the various damages assessed by the military department in the several States. As far as I can determine, they are good, hard substantiated figures. There is no padding that I know of nor would I permit it.

For example, in the U.S. Marine Corps, $16.5 million, primarily in North Carolina and right here below the District of Columbia, Quantico; the U.S. Army, $92 million; the Navy, $185 million; and the Air Force, $210 million.

Mr. President, this amendment will provide approximately $500 million to repair and replace military and NASA facilities along the east coast that were damaged by Hurricane Isabel. These are the facilities in which our military personnel and their families live and work. The Air Force alone suffered approximately $210 million, much of that was the result of flooding at Langley Air Force Base. Damage at Naval facilities is estimated to exceed $180 million, while damage at Army and Marine Corps facilities is estimated to exceed $100 million. There was also an estimated $5 million in damage at the NASA facility in Langley.

Make no mistake, this damage will have to be repaired and unless we provide the funding in this bill, it will come at the expense of operations and training.

I am hopeful colleagues will support this amendment.

I will leave it to the managers of the bill to decide how and when this matter is addressed formally, either by voice or recorded vote.

I ask unanimous consent this be the pending business subject to the managers, and I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I am pleased to be a cosponsor of the amendment offered by my colleague, Senator WARNER, which seeks to address the damages at Department of Defense installations in those States impacted by Hurricane Isabel.

The State of Maryland was particularly hard hit by Hurricane Isabel and the strong winds and flooding that accompanied it. Entire communities were submerged, power was lost in some areas for a week and countless individuals sustained damage to their homes.

businesses and property. A number of Maryland's military facilities were similarly affected.

Perhaps the hardest hit was the United States Naval Academy in Annapolis which suffered approximately $39 million in damage. Several weeks ago, I met with the Academy's Superintendent, Vice Admiral Rodney Rempt, who shared with me photographs of the destruction brought on by the hurricane. Hurricane-related swelling of the Chesapeake Bay, the Severn River and the Annapolis Harbor resulted in the flooding of academic buildings and laboratories, the submerging of athletic fields and the destruction of electrical systems. Our future Naval officers are now forced to take classes wherever they can be offered in the chapel, on a Navy barge, in administrative offices.

Hurricane destruction was not limited to Annapolis alone. Officials at the Army's Aberdeen Proving Ground, Patuxent River Naval Air Station and the Naval Surface Warfare Center Indian Head Division, among others, also report significant amounts totaling in the millions of dollars to repair roofs and buildings, replace piers, and clean up debris related to the storms.

As you know, Operation and Maintenance funding at our bases is routinely among the most thinly stretched. And that is in years without a major natural disaster. This amendment provides $500 million to cover the much-needed cost of repair at facilities along the East Coast facilities whose continued operation are vital to our national defense. I urge my colleagues to join with me in supporting its passage.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I am going to talk about an amendment that I will be sending to the desk, and that is why I sought recognition. However, I also take just a couple of minutes to commend Senator BYRD for his leadership on this issue, for reminding Members we have an obligation to examine the conditions under which we operate to make certain funds that are expended—I served with Senator BYRD in the Appropriations Committee for many years, and he is just as diligent on the floor as he is in the committee—to make sure the funds we expend, our taxpayer funds, are clearly examined and clearly understood before we make the commitment to send those funds on their way.

For the almost 19 years I have served in the Senate, I am always impressed when I hear Senator BYRD stand up and act as the conscience of the Senate, reminding all Members of our responsibilities in such eloquent ways. I am grateful to him for the time he has allowed me to speak today as we discuss the supplemental appropriations bill.

AMENDMENT NO. 1868

I send an amendment to the desk and ask for its immediate consideration, and I ask the pending amendment be laid aside to accommodate that.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey, [Mr. LAUTENBERG], for himself, Mr. SCHUMER, and Mr. CORZINE, proposes an amendment numbered 1868.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds for any contract or other financial agreement or arrangement with any entity that pays compensation in the form of deferred salary to certain United States Government officials)

On page 38, between lines 20 and 21, insert the following:

SEC. 2313. (a) SHORT TITLE.—This section may be cited as the "Ethics in Government Contracting Act of 2003".

(b) PROHIBITION ON CONTRACTS WITH CERTAIN ENTITIES.—None of the funds appropriated or otherwise made available by this title may be obligated or expended for any contract, any financial agreement, or any other arrangement between the United States and any entity that—

(1) at the time of such obligation or expenditure, is obligated under an agreement or otherwise to pay deferred compensation to any individual who holds a position listed in subsection (c); or

(2) has issued to such an individual one or more options for such individual to purchase a total of more than 1,000 shares of stock of such entity.

(c) COVERED INDIVIDUALS.—The positions referred to in subsection (b) are—

(1) President;
(2) Vice President;
(3) Secretary of State;
(4) Secretary of the Treasury;
(5) Secretary of Defense;
(6) Attorney General;
(7) Secretary of the Interior;
(8) Secretary of Agriculture;
(9) Secretary of Commerce;
(10) Secretary of Labor;
(11) Secretary of Health and Human Services;
(12) Secretary of Housing and Urban Development;
(13) Secretary of Transportation;
(14) Secretary of Energy;
(15) Secretary of Education;
(16) Secretary of Veterans Affairs;
(17) Secretary of Homeland Security;
(18) Director of the Office of Management and Budget;
(19) United States Trade Representative;
(20) Administrator of the Environmental Protection Agency;
(21) Director of National Drug Control Policy; and
(22) Assistant to the President and Chief of Staff.

(d) EFFECTIVE DATE.—This section shall take effect 90 days after the date of the enactment of this Act.

Mr. LAUTENBERG. Mr. President, along with Senators SCHUMER and CORZINE, I offer an amendment to this supplemental called the Ethics in Government Contracting Act. We must ensure that taxpayer-funded contracts in Iraq are of the highest ethical standards for contracting that we can achieve.

The question arises as a result of a contract that is now worth over $1.4 billion and was awarded without competitive bidding or public notice. The contract was given to the Halliburton Corporation, a company in which Vice President CHENEY maintains a financial interest. The definition of the "financial interest" is confirmed by the Congressional Research Service, which is the nonpartisan research arm we turn to when we have questions. They have a great deal of skill and ability, and they agreed with me that despite the Vice President's claim to the contrary, that he had no financial interest, in fact, the conditions under which he is operating in connection with Halliburton do indicate a financial interest.

Now, there is no accusation here of any wrongdoing. But I have got to ask, Is the taxpayer best served by the award of a lucrative contract to a company formerly headed by the Vice President and from which he still draws compensation?

It is well known that the standard for ethics is not just to avoid wrongdoing but also to avoid the appearance of impropriety because public perception of insider deals can be just as damaging as a wrongdoing itself.

Right now we are looking at a stark example of activity that gives rise to the appearance of impropriety. To put it simply, the largest recipient of reconstruction contracts in Iraq is currently paying a salary directly to the Vice President of the United States. In addition, the Vice President holds hundreds of thousands of unexercised stock options in this company.

We toppled a corrupt dictatorship to instill democratic principles in Iraq, but what does it say to the Iraqi people when the largest recipient of United States reconstruction contracts in Iraq is paying compensation to the second highest official in the U.S. Government? I say it sends the wrong message to the people of Iraq and certainly sends the wrong message to the people in our country.

Also, in an untimely fashion, it sends a message to those who are serving in our military in Iraq. Today's Washington Post, on the front page, has the result of a poll that was taken by the Stars and Stripes, the bible all of us use when we are serving our country, in which there is considerable criticism about the way they are being asked to serve and the conditions under which they do it. Many say they do not plan to reenlist, and that is a terrible condemnation of what is going on.

Now, these are brave souls. These are good, loyal people. And the one thing we are not discussing in this $87 billion supplemental is whether or not the troops are being supported, because outside of the $20 billion that is under discussion now, there is unanimous support, in my view, for just getting those funds out there that can help protect, that can help make our military more efficient, make their living conditions better. No question about that.

So when those who are serving see that it appears there is an inside relationship, that Halliburton got this fantastically fat contract, estimated to be worth a lot less than is now being spent—the American people are already skeptical about the pricetag of this supplemental appropriations bill, and if we are going to spend such a massive amount of their money, we have to help reassure them we are following the highest ethical standards with these funds.

My amendment would make the ethics standards very clear. It says that none of the Iraq reconstruction funds may be used to award a contract with a company that currently pays compensation, including stock options, to the President, Vice President, or any member of the President's Cabinet.

Ideally, there should not be a need for such an amendment, but over the last few weeks it has become clear we need to draw some very visible ethical lines.

As I mentioned, the most controversial contract in Iraq is the one that was awarded to the Vice President's former company, Halliburton, to repair and maintain oil fields. This contract was negotiated in private, with no competition from other bidders.

Last winter, we heard that this no-bid contract with Halliburton might cost $50 million and was there for the exclusive mission of putting out oil well fires. Then we were told that the contract was for much more than putting out fires; that it would be operating and maintaining oil facilities across Iraq. And now this sole source, no-bid Halliburton contract is growing at an accelerating rate.

Halliburton has been billing taxpayers at a furious pace under this no-bid contract. In September, the amount of money billed by Halliburton under this contract rose to $1.4 billion. That was estimated to be a $50 million contract, done in the dark of night—from $50 million up to $1.4 billion.

If we just look at this chart, we see what has happened. If you go back to January 2003, it was just starting. And these are amounts in millions on the chart. The acceleration, the shape of the curve, tells you just what has happened. Look at where we are on October 1, 2003—10 months after this contract began—and we are up to $1.4 billion. Look at the spike in just September alone. The contract doubled over that 1-month period.

This no-bid, exclusive contract for Halliburton was negotiated in private and not revealed to the public until Members of Congress demanded information. And now the Army Corps has finally agreed to open this contract for competitive bidding, but it is unclear when the new contract will be effective.

Rather than offer reassurance to the American people that the no-bid Halliburton contract was above board, the Vice President raised suspicion with his recent comments. On national television, the Vice President recently said, regarding Halliburton, that he—and I quote—"severed all of my ties with the company, gotten rid of all my financial interest."

He went on to say—and I quote again—"I have no financial interest in Halliburton of any kind and haven't had, now, for over three years."

The problem is that the Vice President's own financial disclosure reports contradict that claim. His financial disclosures reveal that he has received over $205,000 from Halliburton in deferred salary in 2001—more than his salary as Vice President. In 2002, he received $162,000 in deferred salary from Halliburton. His financial disclosure forms indicate that he expects to receive similar compensation this year, and in 2004 and 2005.

The Vice President's statements regarding his ties to Halliburton were not correct. And I called on him to correct the record. He did not do that.

The Vice President is currently receiving salary payments from Halliburton worth hundreds of thousands of dollars, as this administration doles out billions of dollars in contracts to Halliburton.

In addition, the Vice President holds 433,000 unexercised Halliburton stock options. And even though the exercise price is above the current market price, the options extend to 2009, and any option holder—Mr. President, I come out of the corporate world—has to hope that the stock price surges so the value of the options increase. One way this can happen is to be sure that lucrative contracts keep coming from the U.S. Government.

Halliburton's stock value has increased 75 percent over the last year, even though the rest of the oil services industry has remained relatively flat. And we know that the biggest boost Halliburton has gotten is the multibillion-dollar Government contract in Iraq. This has an unwholesome appearance.

We want to change the environment in which we are presently operating. I offer this amendment. I urge my colleagues to support the ethics in government contracting amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, this amendment has more than a whiff of politics in it. If I had the power to do so, I would close the room and turn on some fans. This is the most outrageous amendment I have heard in my time in the Senate in 35 years. As a practical matter, it is also wrong.

Contracts were bid. Brown and Root contracts were bid. The December contracts were entered into for Bosnia, Kosovo, by the last administration.

The Vice President stated what the Senator from New Jersey said in part. He did not say fully what the Vice President said. Let me say what the Vice President said on September 14:

> I have no financial interest in Halliburton of any kind and haven't had now for over three years. And as Vice President, I have absolutely no influence of, involvement of, knowledge of in any way, shape or form, of contracts let by the Corps of Engineers or anybody else in the federal government . . .

The Vice President has a deferred compensation obligation from his former employer. He has no financial interest in Halliburton. The Senator's amendment cleverly works through a connection to the Vice President because he does have a deferred compensation concept. He has a right to receive money that was owed to him by Halliburton before he left that company for work he did before he left that company. The deferred compensation is money the Vice President earned as part of his monthly salary while he was at Halliburton but elected not to receive until he left the firm. This is done in many cases. It is a fixed amount that is being paid out over a period of time. The amount is not tied to the success or failure of Halliburton in any way. It is money owed by Halliburton to the Vice President for the time he was employed by the company before he left the company.

While employed by Halliburton, the Vice President routinely deferred a portion of his salary. That was his right to do. And each year he had the option of electing to receive a deferred salary in a lump sum payment when he left the firm or in a stream of payments over a period of time. In December of 1998, long before he contemplated returning to public life, Vice President CHENEY elected to defer a portion of his 1999 compensation and receive it over a period of years following his departure from the company. Once he made that election in 1998, it was irrevocable.

When the Vice President left Halliburton some 2 years later, he was not able to change this election, and Halliburton was required to distribute the 1999 compensation in five annual payments. To avoid even the appearance of a conflict of interest, the Vice President voluntary complied with the practice then required by the Office of Government Ethics and purchased an insurance policy to ensure that he had no financial interest in the future of Halliburton. The Vice President purchased this policy out of his own pocket. He paid the premium himself. The insurance policy guarantees the Vice President will receive the deferred compensation owed to him, whether Halliburton is successful or goes bankrupt. The insurance policy ensures the Vice President has no financial interest in the success or failure of this company.

The Vice President eliminated any potential conflict of interest related to his deferred compensation arrangement and he resolved any financial interest he had in Halliburton. The Vice President reported the deferred compensation arrangement in his 2001 and 2002 public financial disclosure forms.

On January 18, 2001, the Vice President signed an irrevocable agreement donating to charity the after-tax proceeds from the exercise of his Halliburton stock options. Again, this is something the Senator from New Jersey could have found very easily.

Under the agreement, the Vice President divested himself of all economic benefits of the options and gave them to charity. The three charities named in the agreement are the Capital Partners for Education, the George Washington University Medical Faculty Associates, and the University of Wyoming. The Vice President has no control over the remaining stock options. This agreement gave the administrative agent the power to exercise the stock options and pay the proceeds to the charities. The administrative agent has total discretion to decide when to exercise the options without consultation with Mr. CHENEY.

Under the agreement, the Vice President will owe not a penny more or a penny less in taxes. The Vice President reported his gift arrangement on his 2001 and 2002 public financial disclosure forms.

If you read this amendment, it covers every official of the executive branch on a senior level. Beyond that, it covers assistants to the President, the director of national drug policy. I wonder why the Senator didn't include every Senator in the United States. I have never had the honor to own 1,000 shares of stock in anything. Some Senators do. I just wonder what is going on here in terms of this concept. We already accepted an amendment that requires any contract entered into using the funds in this bill to be full and open competition. But this contract was full and open. It is competed approximately every 5 years. It is a Brown and Root company to which Halliburton is related.

This is a slur against the Vice President of the United States. I have known him now since he was over in the House of Representatives as assistant to former President Ford. I have known this man for years and years and years. I know no more honorable man who has served in government than DICK CHENEY. That is why I am here. I heard about this amendment.

I am sad to say that I am here to respond to it. I never expected this from the Senator from New Jersey. It would unfairly and unwisely punish those who have been successful in the private sector and then voluntarily enter into the service of the United States in the executive branch. It doesn't touch the legislative branch or the judicial branch, only executive, and it does so very unfairly.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion to table amendment No. 1868.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the call of the quorum be rescinded.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. STEVENS. Mr. President I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the vote on or in relation to the Byrd amendment occur at 3 p.m., without any amendments being in order to the Byrd amendment. I further ask unanimous consent that following the Byrd amendment there be a vote on my motion to table the Lautenberg amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, if I could, would it be appropriate to have 2 minutes equally divided prior to the vote on the Lautenberg amendment?

Mr. STEVENS. That is all right with me. I thought we had a standing order that there are 2 minutes on either side.

Mr. REID. Also, I ask that Senator BYRD have 2 minutes.

Mr. STEVENS. I ask unanimous consent that there be 2 minutes on either side.

The PRESIDING OFFICER. The Chair cannot hear what the Senators are saying. Please talk one at a time.

Mr. STEVENS. I ask unanimous consent that when we order a vote on this bill, there be 2 minutes of debate on either side on amendments prior to a vote.

Mr. REID. I ask that it be 1 minute on each side. OK, 2 minutes is fine.

Mr. STEVENS. Two minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we have the Warner amendment also. I would like to have scheduled for a vote following the Lautenberg amendment, the vote on the motion to table.

Mr. REID. Reserving the right to object, I think we have come close to clearing that amendment on this side. I don't think it will require a vote. I don't know if we need to waste the time on that.

Mr. STEVENS. I will withdraw that. I thought there would be a necessity for a vote.

Mr. REID. Mr. President, I ask also if the second vote—the one on the motion to table the Lautenberg amendment—can be a 10-minute vote. I don't see why we cannot speed this up a little.

Mr. STEVENS. I have no objection to that. I ask unanimous consent that the second vote be a 10-minute vote.

The PRESIDING OFFICER. Without objection, the second vote will be 10 minutes.

Mr. STEVENS. The Warner amendment is still pending, is it not?

The PRESIDING OFFICER. Yes.

Mr. STEVENS. I ask it be scheduled for a vote. It may not require a vote or the yeas and nays, but I want to dispose of it now before the Lautenberg amendment.

Mr. REID. If I may say to my dear friend, we have a number of amendments at the desk that are entitled to consideration before that one. I will do my best to get Warner cleared, but I would rather not have a vote on that because we have some at the desk also that have been offered and debated. So I object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENTS NOS. 1863, 1814, AS MODIFIED, AND 1855, EN BLOC

Mr. STEVENS. Mr. President, I have amendments Nos. 1863, 1814, and 1855. The first amendment is by Senator MCCONNELL, which I will send to the desk. The second is an amendment by Senator LEAHY, No. 1814, as modified. The third is No. 1855 by Senator HARKIN. I send them to the desk and ask that they be considered en bloc.

Mr. REID. Mr. President, I haven't had the opportunity to talk to Senator BYRD or his staff.

Mr. STEVENS. We rely on our staffs and they have been cleared.

Mr. REID. We have no objection.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. MCCONNELL, proposes an amendment numbered 1863.

The Senator from Alaska [Mr. STEVENS], for Mr. LEAHY, proposes an amendment numbered 1814, as modified.

The Senator from Alaska [Mr. STEVENS], for Mr. HARKIN, for himself and Mrs. CLINTON, proposes an amendment numbered 1855.

The PRESIDING OFFICER. Is there further debate on the amendments?

If not, the question is on agreeing to the amendments.

The amendments were agreed to, as follows:

AMENDMENT NO. 1863

On page 34, line 1, strike everything after "proviso," through "Iraq"; on line 5, and insert in lieu thereof:

striking the first proviso, and inserting in lieu thereof:

Provided, That subject to the determination and notification requirements of this section, exports are authorized to Iraq of lethal military equipment designated by the Secretary of State for use by a reconstituted (or interim) Iraqi military, private security force, other official Iraqi security forces or police forces, or forces from other countries in Iraq that support United States efforts in Iraq:

AMENDMENT NO. 1814, AS MODIFIED

(Purpose: to require the Coalition Provisional Authority to provide additional information justifying allocations for capital projects in Iraq)

On page 25, line 21, before the colon, insert the following:

: *Provided further*, That none of the funds appropriated under this heading may be allocated for any capital project, including construction of a prison, hospital, housing community, railroad, or government building, until the Coalition Provisional Authority submits a report to the Committees on Appropriations describing in detail the estimated costs (including the costs of consultants, design, materials, shipping, and labor) on which the request for funds for such project is based: *Provided further*, That in order to control costs, to the maximum extent practicable Iraqis with the necessary qualifications should be consulted and utilized in the design and implementation of programs, projects, and activities funded under this heading

AMENDMENT NO. 1855

(Purpose: To provide for a report by the Comptroller General on certain contracts performed in, or relating to, Iraq, and for other purposes)

On page 39, between lines 2 and 3, insert the following:

SEC. 3002. (a) The Comptroller General shall conduct studies on the effectiveness and efficiency of the administration and performance of contracts in excess of $40,000,000 that are performed or are to be performed in, or relating to, Iraq and are paid out of funds made available under this Act or the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11). The studies shall specifically examine the profits, administrative overhead, management fees, and related expenditures for the management of subcontracts (and further subcontracting) under any such contract. In conducting studies under this section, the Comptroller General shall have access to any information and records created or maintained by the United States, or by any entity receiving funds for contracts studied under this section that the Comptroller General considers appropriate.

(b) Not later than 6 months after the date of enactment of this Act and again 4 months thereafter, the Comptroller Government shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report that includes—

(1) an evaluation of the studies conducted under this section; and

(2) any recommendations for the improvement of the contracting process for contracts performed or to be performed in Iraq and for contracts generally, including the selection process, contract content, and oversight of the administration and performance of contracts.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, the administration's justification materials for the $20 billion in reconstruction funds for Iraq, which we received just last week, contains broad categories of projects with no supporting details about how the administration arrived at the expected costs of those projects.

For example, they want $400 million for two prisons, at a cost of $50,000 per bed. How is that possible? Are we going to ship the cement over there?

They budget $150 million for a tertiary care, pediatric hospital, with no details about how they arrived at that number and no explanation of why this is the best use of these funds in Iraq, versus far less costly public health clinics and immunization programs.

They want to spend $100 million for seven housing communities. Housing is short in Iraq, but should American taxpayers really pay $100 million?

We simply do not have nearly enough information to justify these exorbitant expenditures.

My amendment says that before funds are allocated for capital projects like prisons, hospitals, railroads, and government buildings, the Coalition Provisional Authority must submit a report to the Committees on Appropriations describing the estimated cost on which the request for funds for the project is based.

The amendment also says, that in order to control costs, to the maximum extent practicable, Iraqis with the necessary qualifications should be consulted and utilized in the design and implementation of reconstruction projects. We want to employ Iraqis, not $500 and hour consultants.

I don't doubt that Iraq needs new prisons, government buildings, and housing, although I am not yet convinced the American people should pay for these things. This amendment does not prevent any project from being built.

But we hear about spending millions of dollars in Iraq for things—from vehicles to cement factories—that with a minimum of frugality could be bought or built for a fraction of the price.

Before we spend 5 or 10 times more than we need to, let's find out what we are paying for to be sure it is the best use of the money.

That is what my amendment does. It requires the administration to give us the information that justifies these costs, before the funds are allocated. The American people deserve to know what their money is paying for, before it is spent.

I thank the managers for agreeing to this amendment.

Mr. HARKIN. Mr. President, I appreciate the Senate's passage of the amendment Senator CLINTON and I proposed today that requires the General Accounting Office to report to the Congress in 6 and 10 months about the contracting and subcontracting process in Iraq. I appreciate Chairman STEVENS' support.

The GAO would study the effectiveness and efficiency of those contracts, particularly looking at profit and things like administrative overhead as the contracts turn into subcontracts and subsubcontracts.

It calls for the GAO to make recommendations on how to improve the process. I believe we must do a lot of work to improve how we are doing things before the Congress gets the next large request for funds for Iraqi reconstruction.

I would like to insert into the RECORD at the end of my remarks a letter of support for the amendment from Taxpayers for Common Sense, a nonpartisan watchdog group.

I fear that there is a lot of very poor performance and clear waste going around for the grants already let. I fear we may be seeing some of the worst taxpayer wastes in decades. That is saying an awful lot.

I would note that there are press report that U.S. AID only has 14 employees in Iraq overseeing $3 billion in contracts. That is maladministration.

The first Iraqi military battalion has just been trained under a $49 million contract to Vennel, a subsidiary of Northrup Grumman. The work got subcontracted to something called MPRI. The interesting thing is that first battalion was not detailed to work in areas where there are difficulties in Iraq. Instead of taking a load off of American troops, they have been assigned to the desert to defend against Iran. It smells like nobody trusts the quality of that work and we are hiding the result.

It looks like Halliburton is charging the U.S. $1.62 for gasoline that can be bought and transported to Iraq for about 96 cents. Price gouging would be a kind way of saying it.

The budget documents indicated that $50,000 is being budgeted for the creation of 8,000 new prison cells. I fear contracts will be issued at that level when the real cost of construction in Iraq is far, far less. Given the cost of construction, it makes one wonder why the price is so high. It is, I believe more than it would cost to build such facilities in the United States, where labor costs are far higher.

There is a plan for an $800 million Iraqi police training facility. I am told there is likely to be a $26 million per month "management fee" associated with this project.

We need to understand what the reality is on expenditures like these. We need to have real examination of what is going on and make sure that the structure is in place that U.S. taxpayers' money is well used and not wasted.

I ask unanimous consent that the following letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Increase Contract Accountability For Iraqi Reconstruction Efforts

Taxpayers for Common Sense Action,
October 15, 2003.

DEAR SENATOR HARKIN: Taxpayers for Common Sense Action, a non-partisan budget watchdog group, strongly supports your amendment to require the Comptroller General to conduct a review of the effectiveness and efficiency of all contracts in excess of $40,000,000 that are performed in Iraq and paid out the Emergency Wartime Supplemental Appropriations Act.

With a $20 billion pot of available funds, Congress must ensure that federal taxpayer dollars are spent wisely on Iraqi reconstruction efforts. Current oversight of Iraqi reconstruction contracts has been virtually nonexistent. We need to reintroduce accountability and transparency into the process to ensure that federal tax dollars are spent judiciously. This is especially true in light of current skyrocketing budget deficits.

Your amendment is essential to ensure the American people that the federal government is not improperly wasting Iraqi reconstruction dollars.

Sincerely,

JILL LANCELOT,
President.

Mrs. CLINTON. Mr. President, I am pleased that the Senate passed the Harkin-Clinton amendment.

The Constitution gives the responsibility for appropriating taxpayer funds to the Congress. Thus, Congress has a responsibility to ensure that the taxpayers' money is well spent. However, the size and scope of the administration's $87 billion request makes it harder for Congress to exercise its oversight responsibilities.

Our amendment ensures that Congress will have the information that it needs to track expenditures and monitor the use of taxpayer funds. It would require the Comptroller General to conduct studies on the effectiveness and efficiency of the administration and performance of contracts in excess of $40 million that are paid out of this bill or the previous supplemental. The studies would specifically examine the profits, administrative overhead, management fees, and related expenditures for the management of subcontracts, and further subcontracting, under any such contract. The Comptroller General would be required to submit a report to Congress within 6 months that includes this evaluation and any recommendations for improving the contracting process.

Thus, we will know if companies are making reasonable profits or are simply exploiting the situation for huge profits. In almost every major war in our country's history, there have been instances of war profiteering where companies take advantage of the rush to get the job done to gouge the taxpayer. Usually, instances of war profiteering are discovered after the war is over and the damage has already been done. Here is an opportunity to be ahead of the curve and ensure that this abuse does not take place at all.

With the huge sums being expended in Iraq, we need to ensure that there is a level of accountability. As my colleague Senator Johnson pointed out, there are literally plane loads of cash being flown into Iraq. According to a Wall Street Journal story from August, the United States has already sent a billion dollars in cash to Iraq. As the story says, "the U.S. has improvised a money pipeline that runs from a New Jersey warehouse, to a Maryland air base, down Baghdad's Ambush Alley, and even, at times, underneath the black burkas of two middle-age female accountants—until it ends up in the pockets of ordinary Iraqis." The story details how the United States is currently flying planes full of cash to Baghdad, and that these banknotes are "seeping" into the economy through cash payments to guards, pensioners, and other Iraqis.

With an additional $87 billion being added to the mix, $20 billion of which will be spent on Iraq reconstruction, it is critical that we understand how these funds are being spent. Furthermore, we need to know how much of these taxpayer funds are actually going to rebuilding Iraq and how much is filling the coffers of U.S. contractors?

I certainly hope that the General Accounting Office study called for in this amendment will reveal that contractors are not raking in outside profits or hiding profits in user and management fees. However, if we discover that there are abuses by contractors receiving taxpayer funds, it will be incumbent upon the Congress, which has the Constitutional authority to appropriate these funds, to take steps to prevent profiteering. This $87 billion appropriation is not the end of Congress's responsibilities to safeguard taxpayer funds, it is only the beginning.

I thank my colleagues for supporting the Harkin-Clinton amendment.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 1872

Mr. SCHUMER. Mr. President, I have an amendment I will be offering shortly. First, I am going to discuss it for a little bit to inform colleagues about it. The amendment I will offer expresses a sense of the Congress that the Attorney General should appoint a special counsel to conduct an independent investigation of the leak of a CIA agent's identity. The bottom line is this—and we have been through this on the floor, so I will not go over the basic facts, other than to say that, to me, this act—disclosing the name of an undercover agent—is dastardly. It places a gun to the head of that agent; it puts in grave danger operatives that agent may have had while he or she was undercover and, of course, perhaps most important of all, it says to every member of our intelligence community who puts themselves on the line, just as our soldiers do, if you go seek the truth, report the truth as you see it, and somebody upstairs doesn't like it, you are putting yourself or your spouse in real danger.

To me, this is something that is not befitting of a great power, not befitting not only because of its immorality—and I believe it is immoral to do such a thing—but also for practical reasons, because when great powers, as history shows us, lose touch with what is actually happening and begin to delude themselves one way or another, they lose power.

This country has had as its hallmark truth, open debate, and has had as its hallmark, if you disagree, speak out. That, by the way, has been one of the great things about our intelligence services, certainly since World War II. The CIA, the DIA, and many of the other intelligence services are known for reporting the truth. That is why they are somewhat insulated. That is why the CIA was separated and made its own agency. The day this country cannot gather the truth, at least as seen by the brave men and women representing us in the intelligence services, is the day we begin to decline. Yet that seems to be what has happened here.

Ambassador Wilson went to Niger and reported the truth, as he saw it, on a mission he was asked to undertake, and somebody didn't like what he said. First, they tried to suppress it, and then when they couldn't because Ambassador Wilson had the courage to go forward, it seems that somebody—it seems likely maliciously this was done but perhaps not; we don't know; we don't know all the facts—gave to Mr. Novak the name of his wife and identified her as an agent of the Central Intelligence Agency.

That, in itself, is a crime. It doesn't matter what the motivation is. That is a serious crime punishable by up to 10 years in prison. So it is a very serious act.

Democrats, Republicans, liberals, conservatives—people from every corner of the country—are totally aghast that this happened.

Mr. McCAIN. Will the Senator yield for a question?

Mr. SCHUMER. I will after I finish my basic outline. I have great respect for my friend from Arizona and will yield for a question at the conclusion of what I have to say.

Mr. McCAIN. I thank the Senator.

Mr. SCHUMER. I may be a little while. He might want to take his seat. He is a strong man. He can stand if he likes. I just want to inform him.

There was a view that we ought to get to the bottom of this situation. I think, again, that was universally held. Our President himself stated it. However, when we looked at the mechanism to get to the bottom of this, there didn't seem to be a very good one. You couldn't go to the inspector general of either the Justice Department or the Defense Department because they can't look at the White House. The independent counsel law had lapsed, and to allow the Justice Department itself to conduct the investigation seemed to many of us at the outset to pose, at the very least, an apparent conflict of interest that now seems to be a very real conflict of interest given the facts that have come out about the Attorney General's relationship with Karl Rove and some of the others who, it is bandied about with no backing in the sense there is proof, but there are signs, have said that he was involved. So many of us called for a special counsel. A special counsel is still allowed.

Special counsel was the type of law that allowed Archibald Cox and Leon Jaworski to get to the bottom of Watergate. A special counsel does not run into the problem that the independent counsel did: that it can run amok and just look at everything under the Sun because it is still under the Attorney General's control ultimately. If that special counsel were to decide to, say, investigate something that went on in Indonesia unrelated or something related to the President's campaign finances, the Attorney General could snip it right off. That was the main objection to the independent counsel law.

The advantage of the special counsel is very simple, particularly if someone of some stature and independence is appointed, such as some of our previous colleagues—Senator Danforth, Senator Rudman, Senator Mitchell, or Senator Nunn. Then there is an assurance of some independence and integrity and, at the same time, the day-to-day operations of the special counsel are not under the control of the Attorney General.

The special counsel, if he or she were blocked by the Attorney General, would at the end of his or her investigation have to report to the Congress that "I wish to interview so and so and the Attorney General said no." Or "I wish to pursue this lead, and the Attorney General said no."

We all know the Brandeisian quote: Sunlight is the great disinfectant and, therefore, as long as this becomes public, there is almost a prophylactic effect. People will be unlikely or be far more reluctant to block an avenue of investigation or the interrogation of a certain witness.

The investigation has proceeded, and it is very clear that all of the things we worry about—we worry about an apparent conflict of interest. That obviously exists. We worry about a conflict of interest that, too, still exists.

By the way, because the Attorney General is a close political friend and associate of the President's, all the more reason that a special counsel was then and still is needed.

There are two models for appointing Attorneys General in this sense anyway. One is to appoint a close friend, confidante, even relative. President Kennedy appointed his brother. That is reasonable to do, but you lose independence. The other is to appoint someone more independent, the Janet Reno model. But in this case, the President chose to appoint someone politically tied to him, someone with a close relationship, so no one even believes there is much independence there. We ask for this special counsel to avoid both apparent conflict and the real conflicts that exist.

Those pleas, done certainly by me earnestly—I am just outraged by what happened, and I think we have to get to the bottom of it no matter where it leads. I called for this investigation on July 22, long before any names such as Rove or some of the others were bandied about because I felt so strongly that whoever did this should be punished. It is a despicable act. But as the investigation began to unfold, we saw there was an additional problem, and that is that the investigation was not being run very well; that by textbook prosecutorial rules and ways of operating, this investigation had a number of failures. In fact, our leader, Senator DASCHLE, and my colleagues Senators BIDEN and LEVIN, and I sent a letter to the President on October 9 that outlined some of these missteps. I thought I would read the parts of the letter that are relevant.

I ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 9, 2003.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We write to express our continuing concerns regarding the manner in which your Administration is conducting the investigation into the apparently criminal leaking of a covert CIA operative's identity. You have personally pledged the White House's full cooperation in this investigation and you have stated your desire to see any culprits identified and prosecuted, but the Administration's actions are inconsistent with your words.

Already, just fourteen days into this investigation, there have been at least five serious missteps.

First, although the Department of Justice commenced its investigation on Friday, September 26, the Justice Department did not ask the White House to order employees to preserve all relevant evidence until Monday, September 29. Every former prosecutor with whom we have spoken, has said the first step in such an investigation would be to ensure all potentially relevant evidence is preserved, yet the Justice Department waited four days before making a formal request for such documents.

Second, when the Justice Department finally asked the White House to order employees to preserve documents, White House Counsel Alberto Gonzales asked for permission to delay transmitting the order to preserve evidence until morning. That request for delay was granted. Again, every former prosecutor with whom we have spoken has said that such a delay is a significant departure from standard practice.

Third, instead of immediately seeking the preservation of evidence at the two other Executive Branch departments from which the leak might have originated, i.e., State and Defense, such a request was not made until Thursday, October 1. Perhaps even more troubling, the request to State and Defense Department employees to preserve evidence was telegraphed in advance not only by the request to White House employees earlier in the week, but also by the October 1st Wall Street Journal report that such a request was "forthcoming" from the Justice Department. It is, of course, extremely unusual to tip off potential witnesses in this manner that a preservation request is forthcoming.

Fourth, on October 7, White House spokesperson Scott McClellan stated that he had personally determined three White House officials, Karl Rove, Lewis Libby and Elliot Abrams, had not disclosed classified information. According to press reports, Mr. McClellan said, "I've spoken with each of them individually. They were not involved in leaking classified information, nor did they condone it." Clearly, a media spokesperson does not have the legal expertise to be questioning possible suspects or evaluating or reaching conclusions about .the legality of their conduct. In addition, by making the statement, the White House has now put the Justice Department in the position of having to determine not only what happened, but also whether to contradict the publicly stated position of the White House.

Fifth, and perhaps more importantly, the investigation continues to be directly overseen by Attorney General Ashcroft who has well-documented conflicts of interest in any investigation of the White House. Mr. Ashcroft's personal relationship and political alliance with you, his close professional relationships with Karl Rove, and Mr. Gonzales, and his seat on the National Security Council all tie him so tightly to this White House that the results may not be trusted by the American people. Even if the case is being handled in the first instance by professional career prosecutors, the integrity of the inquiry may be called into question if individuals with a vested interest in protecting the White House are still involved in any matter related to the investigation.

We are at risk of seeing this investigation so compromised that those responsible for this national security breach will never be identified and prosecuted. Public confidence in the integrity of this investigation would be substantially bolstered by the appointment of a special counsel. The criteria in the

Justice Department regulations that created the authority to appoint a Special Counsel have been met in the current case. Namely, there is a criminal investigation that presents a conflict of interest for the Justice Department, and it would be in the public interest to appoint an outside special counsel to assume responsibility for the matter. In the meantime, we urge you to ask Attorney General Ashcroft to recuse himself from this investigation and do everything within your power to ensure the remainder of this investigation is conducted in a way that engenders public confidence.

Sincerely,

TOM DASCHLE.
JOSEPH R. BIDEN.
CARL LEVIN.
CHARLES E. SCHUMER.

Mr. SCHUMER. I thank the Chair. I am going to read these five steps that, again, fly in the face of good prosecutorial practice:

> First, although the Department of Justice commenced its investigation on Friday, September 26, the Justice Department did not ask the White House to order employees to preserve all relevant evidence until Monday, September 29. . . .
>
> Second, when the Justice Department finally asked the White House to order employees to preserve documents, White House Counsel Alberto Gonzales asked for permission to delay transmitting the order to preserve evidence until morning and the request for delay was granted.

In both these instances, every seasoned prosecutor knows that is not standard practice. You don't give those who might—underline "might"—want to destroy evidence an opportunity to do so. The first thing a good prosecutor does is gather as much evidence quickly and as broadly as possible.

> Third, instead of immediately seeking the preservation of evidence at the two other Executive Branch departments from which the leak might have originated, i.e., State and Defense, such a request was not made until Thursday, October 1. Perhaps even more troubling, the request to the State and Defense Department employees to preserve evidence was telegraphed in advance not only by the request to White House employees earlier in the week, but also by the October 1st Wall Street Journal report that such a request was "forthcoming" from the Justice Department.

I have talked to prosecutors who flipped their lid at that one. You put in the newspaper that you are going to request evidence of potential suspects? Wow. Something is wrong. Is it done nefariously? I do not know. Perhaps not. But it does not matter. Certainly, the leaker, whoever he or she is, is under a cloud and worried about potential criminal prosecution. Whether this was done by accident or by design, it does not make a darn bit of difference. It fouls up the investigation to a fare-thee-well.

Fourth, on October 7, going back from the letter, White House spokesman Scott McClellan stated that he had personally determined that three White House officials: Karl Rove, Lewis Libby, and Elliott Abrams, had not disclosed classified information. According to press reports, Mr. McClellan said he had spoken to each of them individually.

What is going on? We have the White House press spokesperson on his own—or maybe with authorization. Did he get it from Justice? I doubt it, but I sure would like to know—goes and interviews the witnesses, or potential witnesses?

He then came to a conclusion and told it to the Nation: They were not involved in leaking classified information, nor did they condone it.

Again, this comes from prosecution 101. A media spokesperson does not have the legal expertise to be questioning possible suspects or evaluating or reaching conclusions about the legality of their conduct.

In addition, by making this statement, the White House has now put the Justice Department in the position of having to determine not only what happened but whether to publicly contradict the White House spokesperson.

Fifth, and maybe most importantly, the letter goes on to say that the investigation continues to be directly overseen by Attorney General Ashcroft, who has well documented conflicts of interest in any investigation of the White House.

So we renewed our plea. Now, let me make two additional points that have not come out since we last spoke about this on the Senate floor. First, we do not know who is in charge. Who is running this investigation? Is it, as some newspaper reports have said, the head of the Counterterrorism Division within the FBI, a gentlemen named Mr. Dion? Is it the head of the FBI, Mr. Mueller? Is it the Attorney General? Is it the Assistant Attorney General in the Criminal Division or somebody else? Who is making the decisions? How the heck can there be a prosecution when we do not know who is in charge?

Then, of course, we do not know if that person is reporting to Attorney General Ashcroft day to day. Is this person available? If the White House press spokesperson will do his own little investigation and tell everyone what happened, how about letting the public at least get an idea from who is doing the investigation not to talk publicly about the details but to let them know what is going on because, when one looks at the press reports, it is either Judge Gonzales or a Justice Department spokesperson or a member of the Justice Department who gets up and says this is what is happening. It is unheard of. This investigation already is so tainted.

So many of us ask, if they are not going to go for a special counsel, which is what should happen, at least Attorney General Ashcroft should publicly recuse himself. He has not even done that. What kind of assurance does the public have that we are going to get to the bottom of this?

Then the President says we may never get to the bottom of it. Well, maybe he is just stating what he thinks, maybe he is just stating what he hopes, or maybe he is sending a signal. I do not know which is which, but he should not have said that. One day he said he wants to get to the bottom of it, and we should, and that was great. The next day he says, well, we may never know.

So this investigation is fraught with mistakes and errors, whether by design or by accident, that imperil its results, whatever they come to be.

I have never quite seen anything like it. I was on the Judiciary Committee in the House of Representatives for 16 years and have now been in the Senate for 5 years. I am somewhat familiar with how our Federal justice agencies work. In all of my years, I have never seen what happened. We can be sure that if this had happened during the Clinton years, and these mistakes were being made, what we are saying and asking to be done would be mild, would be pablum, compared to what some of my colleagues on the other side would be asking for.

One other point before I get to the substance: This morning's New York Times reported the following, and the headline is, "Senior Federal Prosecutors and FBI Officials Fault Ashcroft Over Leaked Inquiry." I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 16, 2003]

SENIOR FEDERAL PROSECUTORS AND F.B.I. OFFICIALS FAULT ASHCROFT OVER LEAK INQUIRY

(By David Johnston and Eric Lichtblau)

WASHINGTON, Oct. 15.—Several senior criminal prosecutors at the Justice Department and top F.B.I. officials have privately criticized Attorney General John Ashcroft for failing to recuse himself or appoint a special prosecutor to investigate the leak of a C.I.A. operative's identity.

The criticism reflects the first sign of dissension in the department and the F.B.I. as the inquiry nears a critical phase. The attorney general must decide whether to convene a grand jury, which could compel White House officials to testify.

The criminal justice officials, who spoke on the condition that they not be identified, represent a cross section of experienced criminal prosecutors and include political supporters of Mr. Ashcroft at the department's headquarters here and at United States attorneys' offices around the country.

The officials said they feared Mr. Ashcroft could be damaged by continuing accusations that as an attorney general with a long career in Republican partisan politics, he could not credibly lead a criminal investigation that centered on the aides to a Republican president.

Democrats have criticized each step of the inquiry as tainted by Mr. Ashcroft's relationship with the White House.

The investigation is trying to determine who told the syndicated columnist Robert

Novak, as he wrote in July, that Valerie Plame, the wife of a former ambassador, Joseph C. Wilson IV, was a C.I.A. employee. Mr. Wilson was a critic of the administration's Iraq policies.

A senior Justice Department official acknowledged on Tuesday that the question of whether Mr. Ashcroft should step aside had stirred discussion in the department, but said that the dissent was limited and did not reflect the overall thinking of the career lawyers who are in daily control of the leak case. The official said that the option of recusal or referral to a special prosecutor remained "wide open."

The official said that the question of whether Mr. Ashcroft should step aside had been discussed among Mr. Ashcroft's senior advisers, but that so far none of the career lawyers on the case had recommended that the attorney general remove himself.

The official said Mr. Ashcroft had twice gathered his investigative team to urge them to find out who had leaked the identity of the C.I.A. operative and to prosecute that person if possible. "He's angry about this," the official said.

* * * * *

But Mr. Ashcroft and the F.B.I. director, Robert S. Mueller III, operate as major members of Mr. Bush's antiterror team, a closeness that complicates a criminal inquiry at the White House managed by Mr. Ashcroft and Mr. Mueller.

Several alternative approaches have been suggested both inside and outside the Justice Department, the officials said. In one approach, Mr. Ashcroft would recuse himself from the case once James B. Comey, the federal prosecutor in Manhattan, took over as deputy attorney general in either an acting or permanent basis.

Mr. Bush said earlier this month that he intended to appoint Mr. Comey as deputy attorney general. Mr. Comey brings established prosecutorial credentials to the job.

If Mr. Comey took charge, it would avoid the time-consuming prospect of appointing a special counsel who would then have semi-independence to investigate the case, but would still be answerable to the attorney general.

Mr. Ashcroft is aware of the political sensitivity of the case, and aides said he had worked hard to ensure an aggressive investigation.

After a news report indicated that the F.B.I. would move cautiously because of the intense scrutiny, an angry Mr. Ashcroft had an aide call the F.B.I. immediately to let officials there know that that would not be the case, a Justice Department adviser said. "He wants to make certain we're moving with all appropriate dispatch."

Mr. Ashcroft and Alberto R. Gonzales, the White House counsel, have also been under fire for their initial handling of the case. The Justice Department allowed the White House to wait overnight on Sept. 28 before sending an electronic message ordering White House employees not to destroy records related to the leak.

Ashley Snee, a spokesman for Mr. Gonzales, said he believed the delay was acceptable because no one in the White House had any idea there was an investigation. But The New York Times and The Washington Post had reported the day before that the C.I.A. had forwarded the matter to the Justice Department for possible investigation.

Mr. SCHUMER. So now we are finding that even people within the Justice Department mention in the article that political supporters of Mr. Ashcroft at the Department's headquarters and at the U.S. Attorney's Offices around the country object, take issue with the way this investigation has been conducted.

Again, this was a serious crime.

This is what former President George H.W. Bush says about the leaking of names of undercover CIA agents: I have nothing but contempt and anger for those who betray the trust by exposing our sources. They are, in my view, the most insidious of traitors.

Serious stuff, traitors, not in the words of some partisan Democrat but of our present President's father, our former President.

Here we are running an investigation that makes one scratch one's head and wonder how serious, how competent, and how careful this investigation is.

I quote a former CIA agent, Mr. Marcinkowski, from an October 7 appearance on CNN, where he said:

As an operations officer on scene in a country, the effects of this—

The leak—

are that anyone who knows you or did know you will now look at your mosaic. They will look at the people you've come in contact with. They will suspect those people, be they official contacts or innocent contacts. They will suspect those persons of being intelligence agents. They could be subject to interrogation, imprisonment and even death, depending on the regime that you may be operating under.

He goes on to say:

There's also ramifications for CIA morale. I'm not naive enough to say this is having a huge impact, but certainly, it contributes to a decline in morale when you know that your own government can identify you as a clandestine operator. Certainly, there's going to be a reluctance on the part of foreign nationals that may want to help the United States in these trying times. They're going to be reluctant to serve and help us with information, based on the fact that their identification may be revealed by the government.

So it is more obvious now than when we tried to ask for it several weeks ago that at the very minimum we need a special counsel and that Attorney General Ashcroft should recuse himself immediately. Yet we get continued mistakes and continued handling of this case as if someone does not know how to do it or someone does not care or someone is afraid to do it in a full-fledged sense.

I say to my colleagues on the other side of the aisle, this is not going to go away. The best thing we could do, not only to serve our country, which is in a time of war and I have had sympathy for that, but to serve this administration, is to put this out of any question, appoint a special counsel of high repute and integrity, and let the investigation go forward on its own and see wherever it leads.

That is why the amendment I will be introducing shortly is so important to all of us. I am not going to introduce it as of yet because I know several of my colleagues wish to speak.

Mr. HARKIN. I wonder if the Senator will yield for a question.

Mr. SCHUMER. I will be happy to yield to my colleague from Iowa for a question.

Mr. HARKIN. First, I thank the Senator from New York for his very early and very eloquent statements on this issue, going clear back to July. It was the Senator from New York who first started alerting this body and the American people as to this disclosure by the Bush administration of an undercover CIA agent's name and the ramifications it had. So we owe the Senator from New York a great deal of gratitude for his leadership on this issue because it is a matter of very grave national security importance.

I have been listening to the Senator from New York talk about the need for a special counsel and why it is so important for the Attorney General to recuse himself from this. But I ask this of the Senator from New York. It seems to me one of the ways we might really get to the bottom of this in a hurry would be if those who leaked the information to the journalists were to release the journalists from any obligation to hide the sources.

I ask the Senator, would it not be possible for the President of the United States to call in all of his senior staff, have them sit down at a desk and sign a piece of paper releasing Mr. Novak and any other journalists from protection of his or her name as a possible source of the leak? Couldn't the President just have all of the senior White House people, senior administration people sign such a thing? Then wouldn't that release the duty or obligation of the journalists to protect their sources? And wouldn't that get to the bottom of it in a hurry? I ask the Senator from New York.

Mr. SCHUMER. I thank my colleague from Iowa for his question, which is an interesting question, as well as his dogged pursuit in regard to the truth in this matter. I know this is one of many times he has come to the floor.

The bottom line is this gets us into the realm of journalists' rights and the shield law and other things. I think if the President would ask all of those in his office to release journalists from any strictures, any compunction about letting it be known—if they believed it appropriate—who leaked to them, that would be a very good idea.

I hasten to add that the journalists themselves might not do it. They have not done it in previous times. We probably would still need this investigation. But it certainly—and my colleague from Iowa is right and I wouldn't want to compel them and I know he wouldn't either, but it certainly would, again, call into good light the desire, professed desire, of those in the White House, including the

President himself, to get to the bottom of this because obviously it could, and it could quickly, provided the journalists who were so released would be willing to come forward.

Mr. HARKIN. I say to the Senator from New York, it seems to me if the President really wants to get to the bottom of this—and I don't really know that he does want to get to the bottom of this—I say to the Senator from New York, it seems odd the President has been so nonchalant about it, actually joking about it with foreign reporters.

Let's say, if I were a senior administration official working for the President, and the President called me in and said: "Tom, I want you to sign this thing; it just says, 'I, Tom Harkin, hereby release any and all journalists from any obligation they may have to me to protect my name as any possible source of a leak of this information regarding Valerie Plame,'" and he'd ask me to sign it, it seems to me if I had nothing to hide, I would sign it. If I had something to hide, I might not want to sign it. Then the President would know.

You are obviously right, you don't want to force anyone, but obviously they work for the President.

I ask the Senator from New York, doesn't it strike you as odd that the President, who has spoken so forcefully about leaks and national security, has been so nonchalant about this? Doesn't it strike the Senator as odd?

Mr. SCHUMER. It does. I thank my colleague. It does strike me as strange. I agree with you. The times there has been joking or bantering about this, it bothered me very much.

Another thing that bothers me, along the same line as to what he has asked: This President, in my judgment, to his credit, has made it a point that we have to do everything we can to defend our soldiers on the front lines. Whatever one's opinion of the war in Iraq, whatever one's opinion of our actions in Afghanistan and Kosovo and everywhere else—Korea, where we have soldiers—this President has made it a hallmark of defending those troops and doing everything to defend those troops. In fact, we are here in the Chamber defending, of the $87 billion, the vast majority, I guess—over $60 billion—to help defend them in Iraq, something that most of us, myself included, support.

Yet when it comes to defending an agent who was on the front lines and has been betrayed by, in the words of President George H. W. Bush, a traitor, we get nonchalance, a joke here and there. "What's the bother? What's the fuss?" Excuses—"This wasn't an agent, it was an analyst." Or, "This wasn't done by malice"—the effect still being the same. That is serious.

I would say one other thing to my colleague. The President could also demand that the culprit turn himself or herself in. I haven't heard that yet. Would you think that would be the case if someone had betrayed some of our soldiers in the field in Iraq?

There is sort of a strange dichotomy that my colleague from Iowa is absolutely right to point out. That is, for this betrayal of a soldier, if you will, who has been on our front lines, there is a nonchalance, an attitude: Well, who cares too much about this?

Do you know what it makes the average American think? It makes them think maybe there is something there, because if the President were certain that it might not go to one of his close associates, or the President were certain in his belief we had to get to the bottom of this, I don't think we would see the kinds of actions we have seen from the White House and even from the prosecution, because the prosecution itself, as I said, is not being handled well. Again, maybe not by design, but just by the structure that the President—the buck stops at his office—has allowed to persist, the structure being investigation.

Mr. HARKIN. I thank the Senator for his response.

I have one last inquiry I would like to make and have the Senator address. A lot has been focused on the individual, Valerie Plame—whom I never met, of course. But a lot has been focused on her as sort of an isolated incident, just one person, and that is it.

It has occurred to this Senator, as the Senator from New York has so plainly stated, there are more than just the uniformed soldiers in Iraq fighting the war on terrorism. It is all of our undercover agents, our CIA, our information-gathering apparatus around the world to give us forewarning of what is going to happen, to get access to that vital information that we need in this fight against global terrorism.

Can the Senator address himself to the kind of chilling effect such a disclosure might have on operatives of ours in the CIA, around the globe today, who may be out there? They are getting their sources of information. But what if they think at some point in the future they could be outed, their name could be spread out there? What about, not only them personally, but what about all their contacts? Now their contacts are thinking: My gosh, if they are outed, I am outed and my life is at risk.

Could the Senator address himself to the broader kind of effects this might have on our fight on global terrorism?

Mr. SCHUMER. I thank my colleague from Iowa for his good question.

Mr. STEVENS. Mr. President, I have been very patient. It is not a question. It is a request to make a statement.

The PRESIDING OFFICER. The Senator from Alaska is correct. The Senator may only yield time for the purpose of a question.

Mr. HARKIN. Will the Senator yield for a question?

Mr. SCHUMER. I would be happy to yield for a rephrased question.

Mr. HARKIN. Does the Senator believe that such a disclosure could have a chilling effect on operatives of ours in the field today and who in the future may be out there risking their very lives gathering information that we need on the war on terrorism? Does the Senator believe this could have a chilling effect?

Mr. SCHUMER. I would like to answer my colleague. I do indeed. Don't take my word for it. A few minutes before my colleague came to the Chamber, I quoted former agent Mr. Marcinkowski who said that on CNN. It has been reported by the media all over the place that those who have served in intelligence say exactly that—that perhaps the greatest danger that has occurred here may not have been to the individual agent, may not have even been to the group of contacts that agent had when undercover but, rather, to the morale of the intelligence agency and, as importantly, to the effectiveness because agents know they can be "outed" because they or someone they are close to says someone high up may not like it and it could well have a chilling effect.

My reports are that the CIA from top to bottom is just furious that this happened for the very reason of my friend's question, and the answer to that which I was just giving.

The only way to alleviate it—the only way to restore that credibility—is to get to the bottom of this in a full and thorough investigation.

Mr. HARKIN. Will the Senator yield for one last question?

Mr. SCHUMER. I am happy to yield.

Mr. HARKIN. The question is, Has the investigation been tainted so far? One instance which comes to this Senator's mind is when the Department of Justice announced an official investigation but they waited for days to notify the White House. I ask the Senator: Is this not an indication that the investigation has already been tainted by the Justice Department?

Mr. SCHUMER. In answer to my colleague's question, I believe this certainly calls into question the effectiveness of this investigation, perhaps the desire to get to the bottom of it, how strong that is and how full that is. In a letter, which I, along with Senator DASCHLE, Senator LEVIN, and Senator BIDEN, sent to the President, we raised that very question. We have not yet received an answer.

Mr. HARKIN. I thank the Senator.

Mr. SCHUMER. I thank my colleague.

I know my friend from Alaska is eager to draw this to something of a close and still allow us to have a vote.

Mr. STEVENS. If the Senator will yield to answer my question?

Mr. SCHUMER. For the purpose of a question.

Mr. STEVENS. The Senator's amendment, if offered, is subject to a point of order. Haven't we been working on something now for 45 minutes which is not germane to this bill?

Mr. SCHUMER. In answer to my colleague—and let me say I thought there was a gentlemen's agreement between leaders FRIST, DASCHLE, the bill managers, yourself, and our colleague from West Virginia that if the minority agreed to help complete work on this important bill by Friday the majority would not raise points of order against our amendments. In fact, as I understand it, a number of amendments have been allowed to be voted on where points of order might stand.

Also, if I might just continue the point——

Mr. STEVENS. Will the Senator yield?

Mr. SCHUMER. In 1 minute. I want to finish the answer to the question. It was indeed a question and not an invitation for a statement. I understand that.

But if this agreement was designed to address the fact that the House hasn't completed its work yet on the supplemental, it makes it impossible for Senators to defend the germaneness of our amendments without the text of a House bill to which to refer. We don't know what is in the House bill, nor if the House bill has a provision in there which might make this germane. That is why we came to that agreement.

Again, I wish to underscore the fact that my colleague from Alaska has honored the agreement and allowed votes on a number of amendments which clearly would be not germane. I think our side has honored the agreement as well, and we have tried to proceed without undue delay with our own amendments. Yet now we are arguing that this amendment might not be germane.

First, I disagree. It is utterly germane to the debate we are now involved in about supporting our troops overseas. As I mentioned, Valerie Plame was just as much a soldier in the war on terrorism. She was an expert on weapons of mass destruction, which is the casus belli of where we are. It is vital we get to the bottom of it.

I think this amendment is quite germane—more germane, in fact, than others. The supplemental includes $600 million to fund further weapons inspections. If we are going to spend $600 million, we have to know there is an honest assessment of whatever they may find or not find without fear of retaliation.

I understand that my colleague from Alaska has the right to object to this under germaneness. But I also understand—and I ask the question of him: Hasn't there been an agreement to allow nongermane amendments, and hasn't my colleague, in keeping that agreement, allowed nongermane amendments to be called up for a vote on the floor?

I yield to him for an answer.

Mr. STEVENS. I wonder if the Senator realizes he has just yielded the floor.

Mr. SCHUMER. Just for a question.

Mr. STEVENS. The Senator asked me a question. But I will not argue.

The PRESIDING OFFICER. Without objection, the Senator from New York will be allowed to yield to the Senator from Alaska for the purpose of asking a question.

Mr. SCHUMER. I thank the Chair.

Mr. STEVENS. A gentlemen's agreement was entered into that we would not raise a point of order under rule XVI for germane amendments. But for those that are not germane, we made no such agreement. This is not germane to this bill. Therefore, I hope the Senator will not offer it. As a matter of fact, I hope he will take into account another answer which I will give to him about the question of germaneness. This matter is now in the counterintelligence section of the Department of Justice. That section has decades of experience and has really enormous experience in working on matters of this type.

It is my judgment, and I ask the Senator this question: Does he realize that this sense-of-the-Senate resolution has a connotation of lack of confidence—no confidence—in the work of the counterintelligence section, a group that has very distinguished career people, and that the legislative liaison for the CIA has indicated to me through my staff that they are following the standard procedures of a series of administrations in handling this matter, and both the CIA and the counterintelligence section believe there is no need for a special counsel at this time? Does the Senator realize that this is not something which is sought by those professionals experienced in the area?

Mr. SCHUMER. I thank my colleague for his question. He underscores my point. I understand what he is saying. But we have no knowledge if the Counterintelligence Division is solely in charge of this investigation. They have to report to the Attorney General, or to the head of the FBI, or to somebody else at every move they make. Have they been countermanded in where they want to go? We know none of that. In fact, the very statement my friend from Alaska related about his staff inquiry is the most information that has been publicly given about how this investigation is being conducted.

The problem we are trying to get at here and the reason a special counsel is so needed is very simple; that is, we don't know who is in charge. My colleague from Alaska said, staff to staff, they say it is counterintelligence.

May I yield to him for the purpose of a question only and then reclaim the floor? I ask my colleague for that permission.

The PRESIDING OFFICER. Is there objection to the Senator from New York yielding to the Senator from Alaska for the purpose of answering a question?

Without objection, it is so ordered.

Mr. SCHUMER. I thank the President. I thank my colleague from Alaska.

Does my good colleague know if Mr. Dion, head of the Counterintelligence Division—I have nothing bad to say about him—is required to report to anybody about whom he subpoenas, whom he questions, what kind of facts he is allowed to pursue, or can he do this completely on his own?

Mr. STEVENS. Mr. President, from my experience with this section—and I do not get involved with this section too often—it is a counterintelligence section of the Department of Justice. They have their own system of investigation. It has a very broad agenda in terms of portfolio. They have the scope of the whole intelligence network to work with.

I share the Senator's umbrage about the leak. The question is, how to handle that leak. It is in the hands of the people who are trained and who have in the past discovered such leaks. Who will it be reported to? I am sure the criminal division of the Department of Justice, if and when they find who is responsible for the leak, because it is a violation of the criminal statute.

Mr. SCHUMER. I thank my colleague for his answer. I simply say that in an area such as this, which is so unusual, this is not just the typical leak. The counterintelligence division handles scores of leak cases every year. My good colleague from Alaska is correct. However, none, as far as I am aware, have involved the revealing of the name of an agent. It is a much more serious situation. It is a crime in itself.

The bottom line is very simple: This is so important that we cannot leave to conjecture that the counterintelligence division generally does a good job so we will assume they are doing a good job here. I appreciate my colleague being on the floor when I spoke, but there have been a number of missteps along the way not caused by the counterintelligence division but by others. This is too important to leave to supposition. That is why we are seeking a special counsel. We cannot just say they generally do a good job, we assume they will do a good job on this. This is a crime, a matter of great importance. I would like to go further than that. That is the purpose of this amendment which I hope my colleague will allow us to offer and vote on, given the agreement.

I am happy to yield for another question.

Mr. STEVENS. On what basis does the Senator say this is a unique case? In my experience, I have known several leaks and several individuals who were apprehended for leaks, some prosecuted, some not. Is it the Senator's impression this is a case of first impression?

Mr. SCHUMER. It is my impression, in answer to my colleague's question, this is a question of rare impression. The number of times the name of an agent has been publicly published in the newspaper and leaked by somebody not on the other side but rather by somebody who is "a high administration official," I cannot think of a one. I know some spies leak names. Aldridge Ames leaked names and was punished for it, but I don't know of a single instance where someone within the administration leaked the name of an agent.

If it is not a first impression, it is a very rare impression, quite different than most of the leaks we have had. That is my answer to my colleague's question. I don't think this is usual or typical. I pray to God it is not.

Mr. President, I ask unanimous consent to lay aside the pending amendments and consider the amendment which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mr. DASCHLE, Mr. REID, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. LEAHY, Mr. LEVIN, Mr. NELSON of Florida, Mr. KENNEDY, Mr. DURBIN, Mr. BAUCUS, Mr. HARKIN, Mr. BAYH, Mr. HOLLINGS, Mr. BIDEN, Mr. LAUTENBERG, Mr. SARBANES, Mr. BINGAMAN, Mr. KERRY, Mr. WYDEN, Mr. GRAHAM of Florida, Mrs. BOXER, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. JOHNSON, and Mr. EDWARDS, proposes an amendment numbered 1872.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress concerning the appointment of a special counsel to conduct a fair, thorough, and independent investigation into a national security breach)

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS CONCERNING THE APPOINTMENT OF A SPECIAL COUNSEL TO CONDUCT A FAIR, THOROUGH, AND INDEPENDENT INVESTIGATION INTO A NATIONAL SECURITY BREACH.

(a) FINDINGS.—Congress finds that—

(1) the national security of the United States is dependent on our intelligence operatives being able to operate undercover and without fear of having their identities disclosed;

(2) recent reports have indicated that administration or White House officials may have deliberately leaked the identity of a covert CIA agent to the media;

(3) the unauthorized disclosure of a covert intelligence agent's identity is a Federal felony; and

(4) the Attorney General has the power to appoint a special counsel of integrity and stature who may conduct an investigation into the leak without the appearance of any conflict of interest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General of the United States should appoint a special counsel of the highest integrity and stature to conduct a fair, independent, and thorough investigation of the leak and ensure that all individuals found to be responsible for this heinous deed are punished to the fullest extent permitted by law.

Mr. STEVENS. I thank the Senator for yielding the floor. Now, I am sorry to say, I make a point of order under rule XVI that this legislation on an appropriations bill is not germane.

Mr. SCHUMER. Will the Senator yield for a minute?

Mr. STEVENS. I don't know if that is debatable or not. I do not want to lose the floor.

The PRESIDING OFFICER. The point of order is not debatable. The Senator has raised a point of order under rule XVI. The amendment does not appear to be germane and the point of order is sustained. The amendment falls.

Mr. STEVENS. If I still have the floor, I say to the Senator from New York, I have background being a U.S. attorney and being deeply involved in intelligence matters now for 35 years. I share his umbrage at the whole process. I will do everything I can to get to the bottom of this matter, but I do not think this is the time for a special counsel. There may come a time it will be required.

Mr. REID. Will the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. REID. You talk legal background, but you did not go to a very good law school, did you?

Mr. STEVENS. No.

AMENDMENT NO. 1873

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I have an amendment which is on the list which has been announced, and I would like to send this amendment to the desk. I ask unanimous consent it be put in the appropriate place of the queue of amendments to be considered later on this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Parliamentary inquiry.

Mr. DURBIN. I ask unanimous consent that the amendment be sent to the desk, be set aside, and be scheduled at an appropriate time as agreed to on both sides. I would like the remaining 5 minutes before the vote.

Mr. STEVENS. My parliamentary inquiry is, may I raise rule XVI at this point?

HIV/AIDS is not germane to this bill, either.

The PRESIDING OFFICER. The amendment has not yet been reported.

Mr. STEVENS. I do not object to receiving the request.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mr. LEAHY, Mr. FEINGOLD, and Mr. LAUTENBERG, proposes an amendment numbered 1873.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds for the prevention, treatment, and control of, and research on HIV/AIDS)

At the appropriate place, insert the following:

SEC. . (a) GLOBAL HIV/AIDS FUNDING.—For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on HIV/AIDS, in addition to funds appropriated under the heading "Global AIDS Initiative" in the Foreign Operations, Export Financing, and Related Programs Act, 2004, $879,700,000 to remain available until expended: *Provided*, That the funds appropriated by this section shall be made available in accordance with the amount authorized in accordance with sections 202(d)(1) and 202 (d)(4)of Public Law 108-25.

(b) OFFSET.—The total amount appropriated under title II under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE—FUNDS APPROPRIATED TO THE PRESIDENT—IRAQ RELIEF AND RECONSTRUCTION FUND" (other than the amount appropriated for Iraqi border enforcement and enhanced security communications and the amount appropriated for the establishment of an Iraqi national security force and Iraqi Defense Corps) shall be reduced by $879,700,000.

(c) NOTIFICATION.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the President shall consult with, and provide a written report to, the appropriate committees of Congress, concerning the amount by which each sector, program, and activity is reduced pursuant to subsection (b).

(2) COMMITTEE PROCEDURES.—The report submitted under paragraph (1) shall be subject to the regular notification procedures of the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

Mr. STEVENS. Mr. President it is my understanding this is an amendment pertaining to HIV/AIDS, and I support all activities concerning that, but it is not germane to this bill.

The PRESIDING OFFICER. The Senator from Alaska raises a point of order under rule XVI.

Mr. DURBIN. Mr. President, may I address the point of order?

Mr. STEVENS. A point of order is not debatable.

The PRESIDING OFFICER. The Chair will entertain debate on the motion.

Mr DURBIN. It is my understanding this $87 billion emergency appropriations requested by the administration includes foreign aid that is going to the nation of Iraq as well as Afghanistan. What I am suggesting is this item, some $800 million, in the nature of foreign aid be sent to fight the global AIDS epidemic. It would seem it is germane to the same issue before the Senate in the pending supplemental appropriations bill.

Mr. STEVENS. That would be earmarking this money for a matter that is not germane for this bill. It is true that money could be used for that purpose, but I do not believe amendments are in order to start earmarking this money for items that are not germane to the bill.

I am raising that it is legislation on the appropriations bill.

Mr. DURBIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Could the Chair address the question of the defense of germaneness if we are not entertaining a bill first passed by the House.

The PRESIDING OFFICER. Restate the question.

Mr. DURBIN. Could the Chair inform me as to the defense of germaneness and whether it applies in this situation where we are not dealing with a bill already passed by the House and a question as to whether our amendment is germane to that House-passed bill?

The PRESIDING OFFICER. The defense of germaneness does not apply when the Senate is considering a Senate bill.

Mr. DURBIN. Is the Chair prepared to rule on the germaneness question raised by the Senator from Alaska?

The PRESIDING OFFICER. The Chair's understanding is the Senator from Alaska has challenged the amendment on the grounds that it is legislating on appropriations.

Mr. DURBIN. I am sorry, I thought—

The PRESIDING OFFICER. The Chair is prepared to rule.

Mr. DURBIN. Is that debatable?

The PRESIDING OFFICER. No, the ruling is not debatable.

The point of order is sustained. The Chair rules the amendment constitutes legislating on an appropriations bill. The amendment falls.

AMENDMENT NO. 1818

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided on each side on the Byrd amendment.

Who yields time?

The Senator from West Virginia.

Mr. BYRD. Mr. President, this amendment is cosponsored by Senators BYRD, KENNEDY, LEAHY, BOXER, HARKIN, JEFFORDS, and KERRY.

The administration needs to change its course in Iraq. If the United States is ever to work successfully with the international community to obtain the contributions of troops and money that are needed to share the heavy burden of postwar Iraq, the White House must take real steps to share power with the United Nations.

The Byrd-Kennedy-Leahy amendment would push the administration to do more to share power in Iraq. It would also require the President to submit reports to Congress about the participation of other countries in Iraq, as well as a plan for supporting American troops by bringing them home.

The amendment gives the President $10.1 billion in reconstruction funds immediately but requires another vote by Congress before the other $10.2 billion in reconstruction funds can be spent.

It is imperative that Congress review the situation in 6 months to determine whether the President's efforts at the U.N. have paid off in more foreign contributions to the future of Iraq. Congress should also evaluate the President's plan for how to get the U.N. in, and the U.S. out of, Iraq. A vote in 6 months' time on whether to release the additional $10.2 billion in reconstruction funding would give Congress the opportunity to make a midcourse correction if our occupation of Iraq is still going poorly.

The Byrd-Kennedy-Leahy amendment is a simple amendment to help Congress watch the people's money and to support our troops by getting the international help they need.

Mr. President, I urge the Senators to support the amendment.

I yield the floor.

Mr. KERRY. Mr. President, 6 months ago, President Bush took the country to war with Iraq, without the support of key allies other than Britain, without the support of the international community at large. We didn't need international support to win the war. We all knew that our brave fighting men and women would defeat Saddam Hussein's forces easily. But we did—and we do—need the international community to help us win the peace—a painfully obvious truth that this administration has steadfastly refused to accept.

As long as Iraqis see us as occupiers rather than liberators, our troops will remain at increased risk and our efforts to rebuild Iraq's economy and political system will be suspect. The process of reconstructing Iraq and creating a new Iraqi government must be an international process—not an American process. Only then will it gain full legitimacy in the eyes of the Iraqi people and the world.

The Bush administration's brazen go-it-alone policy has placed the burden and the bill for rebuilding Iraq almost solely on the shoulders of the American people. They don't deserve it, and they don't want it. We need an immediate change of course.

For months I have been urging the administration to bring the United Nations and the international community into the process of rebuilding Iraq's economy and political system. The United Nations must be given a clearly defined, central role in the reconstruction of Iraq and in the process of establishing a new Iraqi government. U.N. Secretary General Kofi Annan has been very clear: he will not send U.N. personnel back to Iraq—and risk their lives—without improvements in the security situation and an unambiguous U.N. role with clear lines of authority. In my view, the best way to achieve this is to transfer the authority over reconstruction and governance to the United Nations. The United Nations is not perfect but it has far more experience and capacity in these areas than the Pentagon and the Coalition Provisional Authority. Finally, the Iraqi people must be assured that political power and responsibility for reconstruction will be transferred to them quickly.

The administration's resolution, which the Security Council passed today, is long overdue. It will provide a modicum of international legitimacy which is essential to our success in Iraq. And it does require that the Iraqi Governing Council lay out by December 15 of this year a timetable and program for the drafting of a constitution and national elections. But this resolution does not fundamentally change the lines of authority and responsibility for the reconstruction and governance of Iraq. It is really more show than substance. The resolution will not gain meaningful international support for our efforts in Iraq. After months of dismissing and ridiculing the international community, the Bush administration will not gain tangible support for our efforts in Iraq—that is, boots on the ground and money in the coffers at this month's donor conference—as a result of this resolution.

In simply terms, the Security Council resolution adopted today is not the triumph of diplomacy, but rather the beginning of a much-needed process to bring real international support to our effort.

We in the Congress have a responsibility to push the administration to advance the diplomatic effort and not rest content with a fig leaf resolution that hides what remains an American occupation in Iraq. The amendment that Senator BYRD is offering, which I am pleased to cosponsor, seeks to do just that. It requires the President to certify that the U.N. resolution provides tangible international contributions, including substantial troop and financial contributions from other countries. In addition, it requires the administration to certify that reconstruction activities are being implemented in accordance with a new detailed plan to be submitted to the Congress no later than March 1 of next year.

This is a good amendment. It sends a clear message to the administration:

You need a real, detailed plan for reconstruction Iraq and you need to do the hard work of diplomacy to internationalize the military and civilian sides of the operation to reduce the risks to our soldiers on the ground and take some of the financial burden off the American taxpayer.

I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from Alaska.

Mr. STEVENS. Mr. President, the amendment is an amendment that will require Congress to enact another appropriations for the balance of the reconstruction money. It will cap the reconstruction funds at $5 billion. It puts another road block in the way of the reconstruction efforts.

I referred earlier to yesterday's editorial in the Washington Post, which said:

> Paying to improve life for Iraqis will help create a safer environment for U.S. troops and will hasten the day they can leave. Rebuilding the electricity grid, fixing the water supply, getting the oil flowing, maintaining public safety—all this is central to hopes for stability and representative government.

I think the loss of momentum that will come from requiring another bill to be enacted before we get more money for reconstruction will destroy the whole concept of the plan that Ambassador Bremer is working on.

I call to the attention of the Senate, I also put in a letter I received by fax from Ambassador Bremer just today reaffirming his plea to us to pass this bill as soon as possible.

I do not think it is in the best interests of our troops. I do not think it is in the best interests of the Iraqi people. It certainly is not in the best interests of the person in charge of the whole effort, Ambassador Bremer, for the Byrd amendment to be approved.

For that reason, I move to table the Byrd amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 1818. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 385 Leg.]

YEAS—57

Alexander
Allard
Allen
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Dayton
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Landrieu
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—42

Akaka
Baucus
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—1

Lieberman

The motion was agreed to.

AMENDMENT NO. 1868

The PRESIDING OFFICER. Under the previous order, there are now 4 minutes equally divided on the motion to table the Lautenberg amendment.

The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the Chair.

Mr. President, I offer this amendment to correct the situation that came about as a result of Vice President CHENEY's statement on "Meet the Press" a couple of weeks ago. I wish to quickly respond to some things that were said about my amendment and the Vice President's links to Halliburton.

First, Halliburton absolutely had a no-bid contract with the Army Corps for oil-related services in Iraq, and it has billed American taxpayers $1.4 billion so far. No other company was given the opportunity to bid. That contract occasioned a unanimous vote, led by the chairman of the Armed Services Committee, that we would not allow that kind of contract to appear again. It is stated on the record by Senator WARNER from Virginia.

Halliburton has other contracts that were bid, but the massive oil services contract was not.

Second, I appreciated the reading of the Vice President's comments on "Meet the Press" because even CRS agreed that deferred compensation and stock options held by the Vice President are, in fact, financial interests in Halliburton.

Third, the other member of the President's Cabinet who came into service after serving as CEO, John Snow, took his deferred compensation in a lump sum and got rid of his stock options immediately. That is the right thing to do when you are at the top of the executive branch with the direct ability to affect billions of dollars in contracts.

I urge my colleagues to attach some ethical guidelines to the Iraq reconstruction funds. I urge my colleagues to think it through and send a picture out to the American public that says: No, no one is on the inside enough that they can influence what happened and profit from a position that takes us through the reconstruction of Iraq after the war.

The PRESIDING OFFICER. The Senator's time has expired. Who speaks in opposition?

The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, in 2 minutes it is hard to respond the way the Vice President deserves to be defended. I tell every Member this: I am preparing a memo on the statement on "Meet the Press" with the Vice President, his relationship with Halliburton, his financial disclosure form, what he did in 1998, what he did in 2000, and what he did in 2002.

Vote however you like. I am going to join sides with most of my Democratic friends in a minute and oppose the Vice President and the President on something very important to them. This amendment is political slander. This amendment has as its basis untruth and is factually incorrect. In 1998, the Vice President chose a deferred compensation package that was irrevocable. He couldn't change his mind. He insured that package with a private insurance policy because the Office of Government Ethics told him that is what everybody does, and he was exempt from going to the Office of Government Ethics.

I will ask unanimous consent to introduce the Vice President's financial disclosure form. He went above and beyond the call of duty. He has no financial interest in Halliburton. You are trying to accuse him of being a liar. Your facts are wrong. This is manipulation. This is politics at its worse. Please, look at what you are doing before you vote here. The Vice President doesn't deserve this, and I am going to send you a memo with what I believe to be the true facts, and we are going to get to the bottom of this.

Mrs. LINCOLN. Mr. President, as a member of the Senate Ethics Committee, I take seriously any action which raises questions about the integrity of the Federal Government. I believe firmly that the Federal contracting process in Iraq and elsewhere should be transparent and accountable to ensure Federal tax dollars are spent appropriately. Like many of my constituents, I question the circumstances under which Halliburton was awarded a contract in Iraq in a process that did not include soliciting competitive bids from other companies. I believe all aspects of that transaction should be carefully examined and open to public inspection.

While I sympathize with the proponents of the Lautenberg amendment, I do not believe a punitive, absolute statutory prohibition is the correct approach under the circumstances. Instead, I support efforts to ensure Federal contracts in Iraq are awarded through a process that is subject to rigorous Congressional oversight and that applies strict penalties for any unethical or illegal conduct that is uncovered. Additionally, I believe contracts should be awarded through full and fair competition.

As a U.S. Senator, I am ethically bound to conduct my official duties in a manner that avoids even the appearance of impropriety. I fully intend to honor that commitment to my country and my constituents. I also intend to hold the Bush administration to the same standard.

Mr. ENZI. Mr. President, this is a very curious amendment. It tries to take a stealth approach to the matter, but in fact, its real purpose is pretty obvious. I don't think anyone will be fooled by it because we all know who it is directed against.

Back in my home State of Wyoming, a lot of people who know DICK CHENEY will be surprised to see the Senate using its valuable time in what some might see as a witch hunt against the President and Vice President. It's a curious time for such an activity—even if Halloween is rapidly approaching.

Now, I'm not standing here to defend the Vice President because he is from Wyoming. I'm not even defending him because he's a fisherman either—though to accept this amendment at face value you have to swallow hook, line and sinker some pretty misleading information.

In fact, I can tell you, because I've fished with him, that although fishermen sometimes have an unjust and unfair reputation for telling stories, the only thing fishy about this whole affair is the text of this amendment.

First of all, the amendment should be withdrawn because the vice President has gone out of his way to explain his ties to his old company and what they mean to him financially. No matter what happens in the months to come, nothing will benefit him personally. Still, we have some Members who aren't quite satisfied.

Right now a couple of us Senators have blind trusts. It's an interesting thing that this amendment takes such a strong stand against a Vice President who took the same ethical approach to this issue that I did.

This whole situation points out the need for a national energy policy. Halliburton has come under attack because there were fluctuations in oil and gas prices that forced some mega mergers to occur to keep the energy companies competitive. As a result, there were only a few companies that could provide the service that was needed on such short notice. Still, that isn't a good enough explanation for some.

Even if we ignore that piece of the puzzle, however, the important thing to note is the Vice President's decision to donate to charity the after-tax proceeds he would receive from the exercise of his Hallliburton stock options. In other words, even if his options were to increase in value as a result of anything that happened during this time, he still wouldn't receive anything from it.

Who would? you might ask.

According to the Vice President's signed agreement from January 28, 2001, there are three charities named. They are the Capital Partners for Education, the George Washington University Medical Facility Associates and the University of Wyoming.

I believe it is clear that there is no basis for the allegations or concerns that led to the production of this amendment and it clearly should be withdrawn. It goes against the grain of fairness, it can only be defended by misrepresenting the facts on the Vice President's financial interests, and it can't be seen as anything but an unfair commentary on the Vice President's and the President's commitment to ethics.

No serious-minded individual who belongs to any political party, really believes this amendment is necessary or needed. It must be withdrawn and an apology extended to both the Vice President and the President for its promotion.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, has all time expired on this amendment?

The PRESIDING OFFICER. The Democratic time has expired. There are 30 seconds remaining to the Senator from South Carolina.

Mr. REID. I advise everyone, this next vote is a 10-minute vote. The prior vote was a 15-minute vote and went about 27, 28 minutes. I hope we can have the 10-minute vote in maybe 20 minutes.

The PRESIDING OFFICER. The Senator's point is well taken.

Mr. GRAHAM of South Carolina. Mr. President, do I have 30 seconds?

If you wonder what he did with the stock options, he assigned them all to charities. Look at the facts before you vote because the facts do not sustain these allegations. The allegations are off base. I promise you, I will send you a memo. Please look before you vote. I move to table.

Mr. NICKLES. I move to table the amendment.

The PRESIDING OFFICER. The motion to table has already been made. The yeas and nays have already been ordered. This is a 10-minute vote, under the previous order.

The question is on agreeing to the motion to table amendment No. 1868. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 34, as follows:

[Rollcall Vote No. 386 Leg.]

YEAS—65

Alexander
Allard
Allen
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Jeffords
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—34

Akaka
Baucus
Boxer
Byrd
Cantwell
Clinton
Corzine
Daschle
Dayton
Dodd
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Murray
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—1

Lieberman

The motion was agreed to.

Mr. HATCH. Mr. President, I have been carefully listening to this debate for weeks, and I have tried to keep an open mind to the opposition's arguments—insofar as those arguments have been substantive.

I have been dismayed by the deliberate manipulation of statements and arguments that have been made by members of the other party, such as:

Denunciations of the President over the fact that weapons of mass destruction have not been discovered to date, despite the fact that reports issued as late as last week indicate the fact that reports issued as late as last week indicate that Saddam had clandestine plans and activities for systems proscribed by the international community under international law. False assertions that the President claimed an imminent threat on the eve of this decision to remove Saddam Hussein from power, when in fact the President stated in his State of the Union:

> Some have said we must not act until the threat is imminent. Since when have terrorists and tyrants announced their intentions, politely putting us on notice before they strike? If this threat is permitted to fully and suddenly emerge, all actions, all words, and all recriminations would come to late.

Some of this rhetoric, we must, regrettably, accept as the level of debate that now occurs. But nothing offends me more than suggestions that members of this administration, particularly my dear friend, the Vice President, have venal motivations attached to the policy decisions they support.

DICK CHENEY is an older friend of mine. He has sacrificed for his country most of his life. He does so today. When the chairman of the Appropriations Committee responds to the amendment by the Senator from New Jersey by calling it a slur, I have to agree. DICK CHENEY has not benefitted from this war, and I find it a profound calumniation that anyone would imply that.

I ask my colleagues that we return to a dignified level of debate, where we try to advance, improve on the grave issues of war and peace before us.

I beg my colleagues that we desist from the politics of imputing venality on those who are serving the public trust.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I will send up an amendment.

Mr. STEVENS. Mr. President, will the Senator yield without losing his right to the floor? For the information of Senators, Senator INOUYE is here. He is waiting. He has to make a statement. And Senator MCCONNELL has the floor now for his amendment.

I ask unanimous consent that following the disposition of the McConnell amendment, the Senator from Hawaii have 20 minutes.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Reserving the right to object, the Senator from Connecticut and I wanted to enter into a very short colloquy about an unrelated matter. Therefore, if it would be all right with the chairman, I ask to amend the consent to allow for a brief colloquy between Senator DODD and myself on an entirely different matter.

Mr. STEVENS. I have no objection. Just, when Senator MCCONNELL yields the floor, that Senator INOUYE get the floor. I did commit we would set aside some time for him to make a statement. He has not made a statement on the bill yet.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1874

Mr. McCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 1874.

Mr. McCONNELL. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SHORT TITLE.

SEC. . (a) FINDINGS.—Congress makes the following findings:

(1) That on October 7, 2001, the Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, that quickly caused the collapse of the Taliban regime, the elimination of Afghanistan's terrorist infrastructure and the capture of significant and numerous members of Al Qaeda;

(2) That on March 19, 2003, the Armed Forces of the United States and its coalition allies launched military operations, designated as Operation Iraqi Freedom, that quickly caused the collapse of Saddam Hussein's regime, the elimination of Iraq's terrorist infrastructure, the end of Iraq's illicit and illegal programs to acquire weapons of mass destruction, and the capture of significant international terrorists.

(3) That success in those two campaigns in the Global War on Terrorism would not have been possible without the dedication, courage, and service of the members of the United States Armed Forces and their coalition partners;

(4) That throughout the proud military history of our nation, we have recognized our brave men and women of the Armed Forces by awarding them service medals for personal bravery and other leadership actions and for their service in military operations abroad and for support operations at home and abroad;

(5) That historically the President has relied on senior military officers to recommend the personal and theater campaign medals and that, in keeping with these longstanding traditions, the Joint Chiefs of Staff and the combatant commanders, including General Tommy Franks, U.S. Army, former Commander of the United States Central Command, recommended the awards described below in recognition of the worldwide nature of the current conflict;

(6) That following the advice of his senior military and civilian defense leaders, President Bush, by Executive Order 13289 on March 12, 2003, established the Global War on Terrorism Expeditionary Medal to be awarded to service members who serve in military operations to combat terrorism on or after September 11, 2001, including, but not limited to actions in Operations Enduring Freedom and Operation Iraqi Freedom, in such locations as Afghanistan, Iraq, the Republic of the Philippines, and elsewhere in Southwest Asia, in recognition of the sacrifice and contributions military members make in the global war on terrorism;

(7) That eligibility for the Global War on Terrorism Expeditionary Medal is predicated on deployment abroad for 30 days or more in support of Global War on Terrorism operations on or after September 11, 2001;

(8) That by the same Executive Order, the President established the Global War on Terrorism Service Medical recognizing duty in Operation Noble Eagle and the homeland defense mission against further terrorist attacks, and which recognizes duty in support of military operations performed in areas that do not qualify for the Global War on Terrorism Expeditionary Medal; and

(9) That implementing regulations for eligibility have not been issued by the Secretary of Defense.

(b) SENSE OF THE SENATE ON THE AWARD OF CAMPAIGN MEDAL.—It is the sense of the Senate that the Secretary of Defense should, on an expedited basis, issue the necessary regulations to implement these awards and ensure that any person who renders qualifying service with the Armed Forces in those phases of the Global War on Terrorism including Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle should promptly receive these awards.

HELP AMERICA TO VOTE ACT

Mr. McCONNELL. Mr. President, the Senator from Connecticut and I wanted to address the Senate just for a few moments on another matter. I yield the floor and suggest the recognition of the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Kentucky.

Very briefly, I had intended to offer an amendment at an appropriate time, most reluctantly, because it is unrelated to the subject matter at hand. But all my colleagues can relate to this frustration from time to time. When there is something you want to get done and you have few opportunities to get it done, you pick any vehicle coming along which might help you get it done. Recognizing that this was going to be one of the last funding measures to move along this year, I had intended at the appropriate time to offer an amendment that would have provided additional resources for the Help America Vote Act, on which my friend from Kentucky and Senator BOND and many others played a very critical role almost a year ago when it became the law of the Nation. In fact, October 29, 2003, will mark the 1-year anniversary of the day the President signed the legislation into law.

I am hopeful we can get the level of funding up to full in a timely manner. As all my colleagues must know, almost every Secretary of State, local election official, and legislative officer around the country are anxious for Congress to meet our obligations. The states can then get their election administration and technology up and running in the years 2004-2006 in a way that will be in compliance with the efforts made to pass the Help America Vote Act in the first place.

But my colleague from Kentucky, as he has done on numerous occasions, has persuaded me there may be a better opportunity and a better place to get this job done. So I wanted to take a moment out to express my appreciation. I thank him for his willingness to help me try to achieve these results in the coming weeks if at all possible.

To reiterate, I was prepared to offer an amendment to fully fund the Help America Vote Act, HAVA. Senators CORZINE, JOHNSON, and DURBIN had asked to cosponsor that amendment.

Why? Because now is the time to make our rhetoric a reality to live up to our promise of just 1 year ago to fully fund the new Federal requirements we imposed on the States for conducting Federal elections.

The President has recognized that Iraq and Afghanistan have many emergency needs, including the ability of those nations to establish democracies by conducting free and fair elections.

As a result, the administration request for the fiscal year 2004 Supplemental Appropriations for Iraq, Afghanistan and the Global War on Terrorism earmarked at least $35 million for voter registration and elections in Afghanistan.

I accept that priority. All countries must have the resources to establish and maintain their democracies and to administer and conduct elections for their citizens. The voice of the people, exercised at the polls, secures the future of any democracy, whether abroad or at home. And while I remain unconvinced that all of the funding in this bill is truly an emergency—such as for $3,000 computers or $50,000 dump trucks—when it comes to election funding, I will agree with the President. Funding to ensure the system by which a nation establishes and preserves a democracy is an emergency.

But if it is an emergency in Afghanistan, it can be no less of an emergency in America. The basic premise of a democracy is that every citizen must have an equal voice in the determination of its government. In this Nation, that voice is expressed through the equal opportunity to cast a vote and have that vote counted. If America is to be the example for emerging democracies, whether in Afghanistan, or Iraq or any other part of the world, then our system of giving our citizens an equal voice—our system of elections—must meet this test.

But what we learned in the elections of 2000 was that not all American citizens enjoyed an equal voice. In fact, some citizens were denied a voice at all because of malfunctioning or outdated voting equipment, inaccurate and incomplete voter registration records, and allegations of voter intimidation and fraud.

A bipartisan group of members came together last Congress to change that and on October 29—almost exactly 1 year ago—President Bush signed into law the Help America Vote Act. At the signing ceremony at the White House, the President proclaimed:

> [w]hen problems arise in the administration of elections, we have a responsibility to fix them.

But rhetoric alone will not fix the problems. It will take leadership and funds, and that is what the Help America Vote Act provides—Federal leadership in the form of new minimum requirements that all States must meet in the conduct of Federal elections and $3.8 billion to fund the implementation of these requirements.

Some of these requirements must be in place in time for the Federal elections next year. But Congress has failed to provide the funds to the States to finance them.

All 50 States have begun the process of drafting the required State plans outlining how Federal funds will be used to meet the requirements. Many of the States have begun implementation of the new requirements; but, they require full funding of the promised Federal funds to complete implementation of some requirements by next year and have compliant voting equipment in place by the 2006 Federal elections.

Federal funding is the most critical key to nationwide implementation of this Act and may well govern the success and effectiveness of the new law.

Federal funding is crucial. Since the States are in key planning and implementation stages of HAVA, they are relying on Federal funds to make election reform a reality nationwide.

To help pay for election reforms and avoid an unfunded mandate on the States, HAVA authorizes a total of $3.9 billion over 3 fiscal years: $2.16 billion in fiscal year 2003; $1.04 billion in fiscal year 2004; and $660,000 in fiscal year 2005.

But in fiscal year 2003, Congress appropriated only $1.5 billion. Of that amount, $650 million has been distributed to all 50 States, the District of Columbia, Guam, Puerto Rico, the U.S. Virgin Islands and American Samoa.

I thank my colleagues for their support during the fiscal year 2003 appropriations process. In particular, I thank my two lead co-sponsors of HAVA and both major players in the appropriations process—Senator McCONNELL who was lead co-sponsor of election reform and Senator BOND who also co-sponsored HAVA and championed the anti-fraud provisions. I also thank Senator STEVENS, chair of the Appropriations Committee and Senator BYRD, ranking member on Appropriations.

But the fact is, the fiscal year 2003 appropriation reflects a reality starkly different from our promise. As a result, the States have experienced a shortfall of over $660 million in the first critical year of funding under HAVA. Given the dire financial budget constraints faced by our States and counties, the shortfall in promised Federal support creates an unfunded mandate that is both unfair and unnecessary.

While the fiscal year 2004 Transportation, Treasury appropriations bill has not been completed in the Senate, I note that both the President and Congress has earmarked a mere $500 million for HAVA, a funding level that is half of what was authorized and is both inadequate and unacceptable.

According to the National Governors Association, the current financial health of State and local governments was at its lowest point since World War II last year and has worsened in the past 10 months.

Full Federal funding for HAVA is crucial to ensuring that the reforms that Congress overwhelmingly approved, on a broad bipartisan basis, and the President endorsed with his signature, are implemented. The very integrity of our elections, and consequently our democracy, hangs in the balance.

Surely, it cannot be argued that building "taj mahal" Iraqi prisons and market centers for the private sector in Afghanistan are more of an emergency than securing democracy in America.

We can do both. We must do both. But it is unacceptable to chose the reconstruction needs of Iraq and Afghanistan over the needs of our own democracy.

Full funding of HAVA is critical to our national credibility for fairness and accuracy in Federal elections. It is fundamental to the integrity of our democratic process.

The problem of Federal funding for HAVA can be solved by Congress today, now. The problem of Federal funding for HAVA can be solved right here in the context of the fiscal year 2004 Supplemental bill that we debate today.

I seek bipartisan support from my colleagues to help me strengthen democracy both abroad and at home—the same bipartisan support that lead 98 members of this Senate and 357 Members of the House to pass HAVA just 1 year ago; the same bipartisan support, and need, that encouraged President Bush to sign this legislation into law.

In order to make election reform a reality, and to live up to the promise we made to State and local officials to be a full partner in Federal elections, I intend to offer an amendment to this measure which will provide full funding for HAVA in an amount of $1.86 billion. This amount reflects the total authorization for the Federal partnership.

This effort is overwhelmingly supported by a bipartisan and powerful coalition of State and local election officials, in conjunction with all the major civil rights, disability, language minority, and other voter interest groups in the United States.

I thank each and every one of them for their strong support in passing HAVA and their continuing commitment to see that Congress makes good on its promise to be a full partner in Federal elections by fully funding the provisions of HAVA.

I ask unanimous consent to have printed in the RECORD a letter by the coalition, entitled "Democracy Begins At Home: Fully Fund the Help America Vote Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. Any effort to fully fund HAVA is as much of an emergency as the needs presented in the bill before us for Iraq and Afghanistan and I am prepared to ask the Senate to support full funding of HAVA on the same emergency basis.

However, there are sufficient funds in the reconstruction portion of this bill which are of questionable emergency status that can be used to offset the entire cost of fully funding election reform. For example, $450 million from the public safety, national security and justice sector of this bill, including, $400 million in funds to construct 2 maximum security prisons of 4000 beds each at a cost of $50,000 per prison bed; and $50 million for witness protection at a cost of $1 million per Iraqi family.

There is $1.02 billion from the electrical sector, including $1 billion for the development and construct of thermal power stations—which are more expensive than other forms of power generation and will take up to 3 years to construct; and $20 million for embedded consultants, building repairs and a master plan for the Iraqi Electricity Commission.

There is $37 million from the public works section, including funds for waste management that would pay for a portion of the proposed 2,000 dump trucks, at a cost of $50,000 per truck.

There is $353 million from the private sector development funds, including $200 million for an American-Iraq Enterprise Fund to be run by a private board of directors; $85 million for 5000 computers at a cost of $3000 per computer and basic and specialized computer training and teaching English as a second language to Iraqis; $25 million to modernize equipment and curriculum in vocational institutes; and $43 million subsidy to private employers for on the job training of new employees and the improvement of employment centers.

I close with a quote from the Coalition's letter:

> No Civil Right Is More Fundamental to America's Democracy than the Right to Vote. As Our Nation Spends Billions of Dollars Helping to Promote Democracies Abroad, Congress Simply Should Not Allow Doubts about the Legitimacy of Our Electoral Process to Continue to Linger Here at Home.

I urge my colleagues to fulfill our commitment of last year to ensure the integrity of our Federal elections and the very foundation of our democracy by fully funding the Help America Vote Act.

I commend Senator McCONNELL for his commitment to securing additional funds this year, and so I will withhold offering my amendment at this time.

EXHIBIT 1

DEMOCRACY BEGINS AT HOME—FULLY FUND THE "HELP AMERICA VOTE ACT"

SEPTEMBER 29, 2003.

DEAR MEMBER OF CONGRESS: We, the undersigned organizations, urge you to ensure that full funding for the Help America Vote Act (P.L. 107-252) ("HAVA") is included in the upcoming supplemental appropriations for reconstruction efforts in Iraq and Afghanistan. As you know, the Bush administration has requested that Congress provide $21.4 billion for these reconstruction efforts. We ask that Congress provide, at the same time, a mere fraction of that amount for the purpose of strengthening our own democracy here at home.

The Help America Vote Act was enacted with overwhelmingly bipartisan support in order to prevent the many problems of the 2000 election from ever happening again. Among its many reforms, it places significant mandates upon states and localities to replace outdated voting equipment, create statewide voter registration lists and provide provisional ballots to ensure that eligible voters are not turned away, and make it easier for people with disabilities to cast private, independent ballots.

To help pay for these reforms, HAVA authorizes a total of $3.9 billion over three fiscal years, including $2.16 billion for FY03 and $1.045 billion for FY04. To date, however, the actual funding of HAVA has been woefully inadequate. So far, only $1.5 billion of FY03 funding has been appropriated, and $830 million of that amount has yet to reach the states because the President has not nominated and the Senate has not confirmed the members of the new Election Assistance Commission. Additionally, only $500 million is currently included in pending FY04 appropriations; once again, this is a sum that falls well below what is needed for successful implementation of HAVA. States and localities were assured by Congress that this new law would not evolve into a set of unfunded federal mandates. It is now time for Congress to honor its commitment to the states and to the American public at large.

Given the difficult fiscal circumstances facing state and local governments, immediate and full funding of HAVA is now needed in order to make essential progress before Election Day in 2004. Without the strong leadership that HAVA promised at the federal level, states and local governments simply do not have the ability to complete implementation of the important reforms that they are now required to make.

No civil right is more fundamental to America's democracy than the right to vote. As our nation spends billions of dollars helping to promote democracies abroad, Congress simply should not allow doubts about the legitimacy of our electoral processes to continue to linger here at home.

We thank you for your support of funding for the "Help America Vote Act," and we look forward to working with you on this critical issue. Should you have any questions, please contact Rob Randhava of the Leadership Conference on Civil Rights at (202) 466-6058, Leslie Reynolds of the National Association of Secretaries of State at (202) 624-3525, or any of the individual organizations listed below.

Sincerely,

ORGANIZATIONS REPRESENTING STATE AND LOCAL OFFICIALS

National Association of Secretaries of State.

National Conference of State Legislatures.

Council of State Governments.

National Association of State Election Directors.

National Association of Counties.

National Association of Latino Elected and Appointed Officials Educational Fund.

National League of Cities.

International City/County Management Association.

International Association of Clerks, Recorders, Election Officials and Treasurers.

National Association of County Recorders, Election Officials and Clerks.

CIVIL RIGHTS ORGANIZATIONS

Alliance for Retired Americans.

American Association of People with Disabilities.

American Civil Liberties Union.

American Federation of Labor—Congress of Industrial Organizations.

Americans for Democratic Action.

Asian American Legal Defense and Education Fund.

Asian Law Alliance.

Asian Law Caucus.

Asian Pacific American Legal Center.

Association of Community Organizations for Reform Now.

Brennan Center for Justice at NYU School of Law.

California Council for the Blind.

Center for Governmental Studies.

Center for Voting and Democracy.

Common Cause.

Demos: A Network for Ideas & Action.

Disability Rights Education and Defense Fund.

Leadership Conference on Civil Rights.

League of Women Voters of the United States.

Mexican American Legal Defense and Educational Fund.

National Alliance of Postal and Federal Employees.

National Asian Pacific American Legal Consortium.

National Association for the Advancement of Colored People.

National Association of Protection and Advocacy Systems.

National Council of Churches.

National Council of La Raza.

Neighbor to Neighbor Action Fund.

Organization of Chinese Americans.

People For the American Way.

Project Vote.

Public Citizen.

The Arc of the United States.

United Auto Workers.

United Cerebral Palsy.

U.S. Action Education Fund.

U.S. Public Interest Research Group.

National Spinal Cord Injury Association.

National CURE (Citizens United for Rehabilitation of Events).

American Foundation for the Blind.

National Industries for the Severely Handicapped.

Association of University Center on Disabilities.

American Council of the Blind.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Let me say to my friend from Connecticut that was a grand quest on which we were mutually engaged over a year ago to enact new election reform legislation, a major piece of civil rights legislation, along with Senator BOND and others. Both of us are committed to getting it fully funded and both of us agree the current supplemental appropriations is not the place to do it. But we are committed to trying to achieve that, and to achieve it soon, and at a more appropriate time.

I thank my colleague from Connecticut for not offering the amendment on this measure and pledge to work with him to achieve the goal we both desire.

Mr. DODD. Mr. President, I thank my colleague from Kentucky. I thank Senator REID as well, the minority whip, Senator STEVENS, and Senator INOUYE for interrupting his prepared statement. I thank my colleagues.

I yield the floor.

Mr. REID. Mr. President, I stepped off the floor. Just so I understand, it is my understanding that the distinguished Senator from Hawaii, the ranking member of the Appropriations Subcommittee on Defense, is going to speak for approximately 20 minutes. Senator STEVENS indicated to me that there were two or three amendments on the majority side that they want to offer, and we have offered several amendments this morning. They wanted to, in effect, catch up. We want to reciprocate with amendments. Following that, we will offer an amendment. I don't know how many amendments the Senator from Alaska wants his side to offer prior to going back to our side. If we just had some idea so we can have our folks lined up here.

Mr. BYRD. Mr. President, if the Senator will yield, I had an amendment with Senator DURBIN. Are we ready for that amendment?

Mr. REID. I would be happy to talk to the Senator off camera, so to speak. But we have a plan, if the Senator will approve. I will talk off camera momentarily.

Could Senator STEVENS give us an idea of how long the work on your side is going to take so we can have an amendment lined up after that?

Mr. STEVENS. Mr. President, I really can't tell how long it is going to be. We haven't put any time limit on amendments today. I won't do it on this side. They wouldn't take them on the other side. There will be no time limit on these amendments: Senator HOLLINGS has an amendment, Senator HUTCHISON has an amendment, and Senator WARNER has an amendment. I think there is an amendment on the list for Senator NICKLES. There are a series of Senators on this side who still have amendments that could be raised.

My understanding is that once we have measured about the same number of amendments presented by the other side so far today we would come back to our side of the aisle.

Mr. REID. The only thing I would say is that everyone knows we have a lot more amendments than the other side. We have at this time I think still 29 or 30 amendments. It doesn't seem fair, for lack of a better word, that the majority is going to get rid of basically all of their amendments leaving us with all of ours when we still have to finish this bill tomorrow. That is looking more remote all the time. I don't see how in the world we can do that under the guidelines. I apologize to my friend from Alaska for not being able to get a time agreement on one of the amendments. That is the only one. On the rest of them, we worked out time agreements.

I think, again for lack of a better word, in basic fairness we should have some idea about how long it is going to take on the other side until we are ready with amendments over here. Otherwise, I would have no alternative but just say go ahead with regular order and start offering the amendments that are already pending.

Mr. STEVENS. Mr. President, that may be the alternative because I have tried all day to speed up that side in terms of consideration of amendments—all day long now. I started at 11 o'clock this morning. We have just finished handling five amendments on that side of the aisle. We haven't had one from this side of the aisle yet. I don't think it is beyond fair to say Senators who notified me they want to bring up their amendments that it is time for us to bring up amendments on this side. We couldn't get any agreement on time over there. I don't know of any reason why we should have time agreements over here.

If the Senator wants to proceed with regular order, I am all for it. There are 16 amendments. We will be on those until midnight. Some of them may not be called up at all. But we can call them up, if the other side wants to do that.

I believe, in balance and fairness, we have been compelled to be balanced on this side now for 5 hours. I think we are now going to be on this side for about 4 or 5 hours.

Mr. REID. Mr. President, everyone here should know that this bill will not be finished tomorrow. Understand that it will not be finished tomorrow. If it is going to be 4 or 5 hours on amendments on the majority side when they have just a few amendments, this bill will not be finished tomorrow, period. Take however long they want. We have done everything to cooperate. There was one amendment that we didn't get a time agreement on, but we still finished that in a reasonable period of time.

I have the greatest affection, respect, and admiration for the distinguished manager of this bill. But to take 4 or 5 hours, that is 9 o'clock. To think we can finish this bill tomorrow is hallucinating. We can't do that.

Mr. STEVENS. Mr. President, I remember my good friend from Nevada saying just let things work out this morning at 11 o'clock when I tried to get the time; let things work out.

I don't know how long these amendments are going to take. I haven't seen them, either. I didn't see the ones either from that side this morning. You can't tell how long an amendment is going to take until you look at it and read it.

As a practical matter, I am asking the Senator from Nevada to do on their side exactly what we had to this morning—take the assurance that we are going to move as quickly as we can and turn to some of the amendments on this side for a while.

Mr. REID. There is a basic difference. If I may say, there are some people over here who really don't care much about this bill ever passing. That is the way the Senate is.

Senator DASCHLE has used his good office because of a gentlemen's agreement that he had with the manager of the bill and Senator FRIST to move this along as quickly as possible. We are trying to do that. It is no one's fault, but one of the Senators had a medical problem that held us up for several hours before we were scheduled to vote. It seems there is always some problem here.

We have tried as much as we can to be responsible in our ability to move this bill.

Four or five hours—I just repeat, we can't finish this bill tomorrow. Everyone should understand that. That isn't done with any animosity. It just can't be done.

Mr. STEVENS. Mr. President, the Senator is correct in terms of the process. We still have a lot more than six amendments. We have a whole list of amendments, depending on what amendments are raised on that side. All I am asking for is balance and fairness in terms of what we allowed the other side to do in handling their amendments until now. If that means we have to go to regular order, I am prepared to call for regular order. If that is the case, I am saddened to hear my friend from Nevada say a gentlemen's agreement was made on the basis that the Democratic side of the aisle is allowed to call up amendments whenever they want and for how long they want but they want time agreements and assurances on our side. That isn't the agreement we made. That is not the gentlemen's agreement which I understand we made.

If the gentlemen's agreement is broken and we do not finish by tomorrow, we should know that right now. If that is the case, then I can assure the Senate that we will be back in session Saturday and we will be here Sunday. We are going to finish this bill this week. That word I took as a word of a Senator. All leadership agreed that we would finish this bill tomorrow to the best of our ability. I am still relying on that word.

Mr. President, I suggest we proceed with Senator INOUYE.

The PRESIDING OFFICER (Mr. SMITH). Under the previous order, the Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I rise today to discuss the current situation in Iraq and the growing concern that many of my colleagues have expressed regarding our policies in this most volatile and dangerous region of the world.

Last October, I was one of 23 Members of this Senate who voted against a resolution to authorize the war in Iraq. Voting on a resolution to send our young men and women to war is one of the most difficult issues any politician has to face.

I voted against going to war for five main reasons.

First and foremost, I did not believe the administration had made a compelling case that attacking Iraq was in our vital national interest.

Second, I was not convinced that the classified information presented to the Senate offered conclusive evidence that Saddam Hussein provided a threat to the American people or that he would use weapons of mass destruction if he possessed them.

Third, I was not convinced that his regime was aligned with al-Qaida terrorists or was in any way involved with the September 11 attack on the United States.

Fourth, I did not see that the administration had presented a well-thought-out plan for dealing with postwar Iraq.

Finally, I believed that attacking Iraq when many of our closest allies and virtually all of the Nations in the region were opposed to it would cast the United States as the aggressor in this conflict and deal a terrible blow to our international reputation and prestige.

I was convinced that going to war under these circumstances would almost certainly sacrifice the almost near universal support and good will this Nation had gained following the terrorist attacks in New York and Washington. I regret today I still have many of the same concerns about the policy.

Having said that, the majority of my colleagues disagreed with me, and Congress approved an attack on Iraq. I know this is not to second-guess but only because it sets the stage for where we are today. The question for the Senate is what should the Congress do at this point? Our principal responsibility as Senators is to protect the people of this great Nation. Particularly, it is my belief we must fight for those who defend us. I have often said less than 1 percent of our population protects all the rest of us by wearing our Nation's uniform. I will say once again, I strongly believe it is our sacred duty to serve them. We simply must support the men and women willing to serve in harm's way.

Our forces fought gallantly in Operation Iraqi Freedom. Our military strategy proved to be effective in war even if the rationale for war and postwar strategy can be questioned. Our forces proved once again that they are the most effective fighting force in the world.

Today, more than 125,000 U.S. military personnel remain in Iraq. While all of us would like to know how long they will stay and how long they will be needed, I am confident each and every one of my colleagues agree they deserve our support. To guarantee the support, we must ensure that we provide sufficient funding for our forces to be equipped and ready to meet the challenges they face in Iraq.

Many in this body question the administration's policy. They want to criticize the war because we have not yet found weapons of mass destruction. Our debate should not be focused on whether Saddam had weapons of mass destruction. Regardless of how we came to be in Iraq, I ask my colleagues what do we want to do now? Should we punish the administration for putting us in this position? I would only say in seeking to mete out punishment on those political leaders with whom we might disagree, we will most likely only punish our sons and daughters who have volunteered to risk their lives. That we cannot let happen.

The question we must ask at this moment is, How should we proceed? The cost of the ongoing war on terrorism is staggering. As has been mentioned often in the Senate, $87 billion is an enormous amount of money. Since September 11, the Congress has approved the supplemental defense funding in excess of $100 billion in response to the terrorist attacks on our Nation and for the operations in Afghanistan and Iraq. Moreover, because of these costs, coupled with the impact of large tax cuts, we no longer are running a surplus. Instead, we have a deficit estimated to exceed $500 billion.

I understand my colleagues' frustration and understand why they demand better accountability. In seeking solutions, they have argued we should not have to pay for the reconstruction of Iraq. They want Iraq to use its oil reserves to pay for its own infrastructure. I am all for Iraq paying as much as it can to rebuild its country, but realistically, it is not in any position today to do much of that.

So should we wait? I would argue no. Our sons and daughters are in Iraq and the conditions are not good. The infrastructure to support our military and Ambassador Bremer and his staff is not conducive to getting Iraq back on its feet. We cannot turn our backs on our men and women serving in that theater because we disagree with this war. But even more important, we want our forces to come home as soon as possible.

I can assure my colleagues of one thing: Our forces will be in Iraq a lot longer if we refuse to make the investment in that country's infrastructure.

Three weeks ago, Hurricane Isabel caused widespread power outage in the Washington, DC, area. For several days, many were without power and we complained. Let me say to my colleagues that was a minor inconvenience compared to what our forces face in Iraq. I know we were all grateful when we finally saw the Pepco truck in our neighborhoods. It was a real boost to our morale.

I can assure you our troops in Iraq are the strongest supporters of us putting up $20 billion to help get Iraq reconstruction started. For them, getting this money will be like seeing the Pepco truck finally enter their neighborhood.

This funding is not charity. The fastest way for us to get our sons and daughters home is to get Iraq back up and running. Congress approved this war, the Congress agreed it was worth the cost to rid the international community of Saddam Hussein. In reviewing this request, it is not a question of whether Saddam had weapons of mass destruction. It is not really relevant if Saddam was or was not linked to Osama bin Laden. It is not a question of whether this war was right or wrong for our country. Those issues will be debated next year as the country determines its next President and its next Congress. It does not matter how we voted last October. This October it is our responsibility to support the men and women in the military who are doing what we required of them.

I urge my colleagues to support the supplemental request to support our military forces to help end this conflict quickly and do all we can to get our sons and daughters home sooner.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1874

Mr. McCONNELL. Mr. President, we turn to discussion of the amendment currently pending before the Senate.

Today, we call on the Department of Defense to finalize regulations that will ensure that the Global War on Terrorism Medal, the medal that the Joint Chiefs of Staff picked and that the President has authorized for military operations, will be awarded on an expedited basis to the men and women of the Armed Forces of our country who serve in the global war on terrorism.

Recently, on this bill we dealt with an amendment that would have created a congressionally mandated medal when a medal already authorized by the President and recommended by the military was already in the works and awaiting final approval of the necessary regulations. That medal awaiting final approval is the Global War on Terrorism Expeditionary Medal. It can be awarded to all who serve in Operation Enduring Freedom and Operation Iraqi Freedom.

Our victories in the global war on terrorism would not have been possible without the dedication, the courage, and the service of the members of the U.S. Armed Forces and their coalition partners.

It is entirely appropriate that we recognize these brave men and women of the Armed Forces by awarding them service medals for personal bravery and other leadership actions and for their service in military operations abroad and for support operations at home and support operations overseas.

But the fact is, historically, the President has relied on senior military officers to recommend the personal and theater campaign medals.

Here, with the Global War on Terrorism Medal, that longstanding tradition was preserved with the Joint Chiefs of Staff and the combatant commanders, including GEN Tommy Franks, U.S. Army, former Commander of the U.S. Central Command, recommending the medal to be awarded.

Taking the advice of his senior military and civilian defense leaders, President Bush, by Executive Order 13289, on March 12 of this year, established the Global War on Terrorism Expeditionary Medal to be awarded to service members who served in military operations to combat terrorism on or after September 11, 2001, including, but not limited to, actions in Operation Enduring Freedom and Operation Iraqi Freedom, in such locations as Afghanistan, Iraq, the Republic of the Philippines, and elsewhere in Southwest Asia.

Now, that Executive Order by the President went beyond our men and women in the Armed Forces and much further than the recent, other medal amendment would have. It also established a Global War on Terrorism Service Medal, recognizing duty in Operation Noble Eagle and the homeland defense mission against further terrorist attacks and recognizing duty in support of military operations performed in areas that do not qualify for the Global War on Terrorism Expeditionary Medal.

We all know of the fine work that is going on to preserve our homeland security. We know of the efforts to guard our borders, hunt down terrorists, and screen our airports. We recognize those efforts with this amendment and the medal. But we bring focus and attention to all of the important support staff. Ask any soldier, ask any sailor, ask any airman, and each will tell you how important it is to have the right staff sending you the right stuff—having the right staff sending you the right stuff. Without a competent, capable, and talented support staff in the global war on terrorism, our men and women in the Armed Forces would not have the right tools for the job. Their lives would be at greater risk and so, too, would the freedom we cherish here at home. It is right that we recognize all that they provide for our soldiers, our sailors, and our airmen, as well as what they do for all of us.

Yet the implementing regulations for eligibility for both these medals have not been issued by the Secretary of Defense.

So today, what we will do, if my amendment is adopted, is we, in the Senate, will call upon the Secretary of Defense to complete action as soon as possible on implementing regulations so these awards can go to any person who renders qualifying service with the Armed Forces in those phases of the global war on terrorism, including Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle.

This amendment says the regulations providing for a medal already in the works, designed by soldiers and authorized by the President, should be implemented as soon as possible and, in doing so, should also recognize those who serve in Operation Noble Eagle and in support roles for our military abroad. These are the critical distinctions between the amendment before us now and the amendment that was considered 2 days ago.

Mr. President, I know Senator MCCAIN and Senator WARNER would also like to speak to my amendment. They are not in the Chamber at the moment but would like to speak. And I believe there is another Senator on our side of the aisle who would like to speak on this amendment as well.

So pending their arrival, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I want to address the sense-of-the-Senate resolution on behalf of men and women in the Armed Forces offered by our distinguished Senator from Kentucky. I ask unanimous consent that I be listed as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I rise to give strong support to this and I want to say against the background—and the other day we had a similar matter before the Senate and I rose to address that. It was a technical problem, primarily, with that resolution. This one, which I have read carefully, in a very straightforward manner, recites the history of personal decorations and theater awards and, in particular, how these matters, throughout the military history of this country, have been actions taken by Presidents upon the recommendation of the senior officers of the Army, Navy, Air Force, Marine Corps, and, indeed, the Coast Guard. In this instance, this administration has moved to put in place those recognitions—most deserving, I would say—of men and women who have gone to the farflung corners of the globe and accepted the risks, together with their families, of going to those areas for the cause of freedom and to protect the security interests of the United States of America.

That region of Iraq is very much in our hearts and minds every day. I have had the privilege, as have many in this body, to go there and visit with our troops. Likewise, I have had the privilege to go and visit with our forces in Afghanistan. Most recently, I went to Liberia, where the strike task force—largely composed of U.S. marines but under the control of a very fine Army officer—performed extraordinary duties on behalf of the people of Liberia, who have suffered a decade-plus of civil war turmoil. I could go on and on, but others are anxious to address this.

The point I wish to make is these decorations are proudly worn on the uniform of the men and women in the Armed Forces. They are coveted items of families for generations. In my office, I have proudly displayed the decoration earned by my father who volunteered as a young Army doctor in World War I to go to France where he served in the trenches. I remember as a young person of his telling stories to me about life in the trenches, the extraordinary devastation he witnessed, the loss of life, and the carnage. But there on the wall was his World War I Victory Medal. It had on it three bars of the three major conflicts. He was proud to wear it on the uniform of the United States when he saw service.

It is a carefully thought through process that we cannot award a separate medal for every conflict. We have to recognize the theater of operations. For example, in World War II, it was the European theater and it was the Pacific theater. There was a medal given to those in the continental limits in training commands. There were three basic theaters of operation, and then stars were awarded for the major conflicts in the theaters of Europe or the Pacific.

It is not a wise course of action to award a separate medal of decoration for each of the many theaters we are engaged in today. Rather, there should be just the principal decoration which, as we say in the final paragraph of this resolution, and I will read that:

> It is the sense of the Senate that the Secretary of Defense should, on an expedited basis, issue the necessary regulations to implement these awards and ensure that any person who renders qualifying service to the Armed Forces in those phases of the Global War on Terrorism, including Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle should promptly receive these awards.

That is a category of awards given primarily for Iraq and Afghanistan and contiguous areas where the men and women of the Armed Forces are serving actually in the front lines or, indeed, in a support phase.

I strongly urge the Senate adopt this amendment. I hope there are 100 votes in recognition of this course of action.

To those who, with the best of intentions, have recommended specific theaters, specific zones, such as Iraq, we then have to think of Afghanistan, we have to think of Liberia, although, fortunately, that was an operation that was successfully performed in a relatively short period of time. I could go throughout the world.

It is better there be theater-of-operations awards and individuals singled out. I know, for example, if I may say, when I was Secretary of the Navy and heavily involved in the subject of awards, I remember so much working with the father of the distinguished Senator from Arizona who was commander in chief of all military forces in the Pacific, ADM "Jumpin" Jack McCain. I remember him well. I learned a lot from him.

The Senator from Arizona will recall from his earlier experience how theater recognition is given and then the star to recognize those engagements in which one participated. That is a process carefully supervised by the senior military, primarily the Joint Chiefs of Staff.

I am quite interested in the views of the distinguished Senator from Arizona on this subject. I yield to the Senator.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent to engage in a colloquy with the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I say to my friend from Virginia that perhaps we should for a moment discuss what happened yesterday and what we are trying to do under the leadership and initiation of Senator MCCONNELL.

Yesterday there was, as part of the $87 billion assistance package to Iraq, an amendment that was proposed which would have bestowed a specific decoration on those who fought in the Iraqi conflict. There was a provision also that prohibited others, those eligible for that medal, from being eligible for other decorations, as I understood it. Then that provision was voluntarily removed by the sponsor of the amendment. I ask my friend, isn't it a little appropriate to remember what happened?

On March 12, 2003—that was a number of months ago—the President of the United States, by Executive order, which is the proper and accepted methodology for this kind of designation of awards, established the Global War on Terrorism Expeditionary Medal to be awarded to service members who serve in military operations to combat terrorism on or after September 11, 2001, including, but not limited to, actions in Operation Enduring Freedom and Operation Iraqi Freedom, in such locations as Afghanistan, Iraq, the Republic of the Philippines, and elsewhere in Southwest Asia, in recognition of sacrifice and contribution.

In addition to that, in that same Executive order, the President established the service medal, the Global War on Terrorism Service Medal recognizing service in Operation Noble Eagle and the homeland defense mission against further terrorist attacks—for example, military duties here domestically—in providing security and much-needed service here.

In other words, isn't it the Senator's understanding there were two medals? That by Executive order, following the advice of senior military and civilian defense leaders, President Bush established two different medals for men and women who have engaged in the war on terrorism since September 11?

I guess what I see coming from my colleague is, if we are going to make a specific award for Iraq, shouldn't the same award be bestowed in Afghanistan? In other words, in other areas? Wouldn't, at least in the President's Executive order, the expeditionary medal and the service medal cover service literally globally? I think we might have difficulty if you gave a specific medal for Iraq, which was a dangerous mission which entailed the loss and injury of brave young Americans, but also Afghanistan is being left out. I think that was the point the Senator from Virginia and I were trying to make yesterday.

Mr. WARNER. Mr. President, the Senator is very correct in the recitation of the facts. I add one other perspective, and that is how well the Senator from Arizona understands with his distinguished career the identification of the families with the serviceperson, and should a special award be made for Iraq, think of the families of those who served in Afghanistan, particularly who lost life and limb. They would think: Why is not the sacrifice of our family in every respect equal to the sacrifice of the other families in the Iraqi situation?

Yesterday, or today, the Senator from Arizona and I took to the floor together in a similar colloquy to urge colleagues to let the system work because it is working and it is working in the traditions of our military.

It is working in a manner that is equitably recognizing the performance in this area.

Mr. McCAIN. Could I also point out to my colleague, this was also an argument, I think he would agree with me, to allow the executive branch to act in what has been, frankly, the executive branch's area of responsibility, and that is the designation of service medals, expeditionary medals, et cetera, including, by the way, higher awards which would be bestowed for acts of heroism and courage no matter where they fall. This is not the only medal of recognition available for a lot of these young men. But when we get into a bill which is legislation that is for the reconstruction of Iraq, and all of a sudden we come up with a great idea to designate a medal, we have to think these things through.

The Senator from Virginia is the distinguished chairman of the Armed Services Committee. Was this issue ever raised in the Armed Services Committee?

Mr. WARNER. Mr. President, no. Our committee does have jurisdiction over these matters. It was not brought to the attention of myself.

I saw momentarily the ranking member. I do not see him at the moment. To the best of my knowledge, he did not have knowledge of it aforehand.

Mr. McCAIN. Again, I know the Senator from Virginia shares my admiration and appreciation for the Senator from New Mexico who proposed this amendment. In a good-faith effort, he wanted to recognize the service and sacrifice of those who had served. I appreciate that. But I would also caution my colleagues that it is probably best to explore what has been done and also what should be done by the committees of jurisdiction. Otherwise, we should not have committees of jurisdiction; we should all just come to the floor with our ideas as to how best to address issues.

I think the Armed Services Committee has a reputation, as one of the oldest committees in the Senate, of never shirking in its duty to address issues, including ones such as these.

Mr. WARNER. I thank my colleague. I also add that, very importantly, one very good development resulted from the debate we had yesterday.

I was under the impression that the two declarations to which the distinguished Senator from Arizona made mention were actually in being. I am perhaps remiss. I thought that by now they were in being, but in fact when I went directly to the Office of the Secretary of Defense, and those involved in the process, I found this needed a little congressional incentive. That is the basic reason for this amendment that is laid down today. We have their attention now, and they are going forward with these decorations.

So for that reason, we must say to Senator BINGAMAN that that was a very fortunate development.

Mr. McCAIN. Again, I thank the Senator from New Mexico for his desire and motivation to honor these brave young people.

I say to my friend, President Bush signed this Executive order on March 12. The way I count, that is 7 months ago. I am deeply disturbed that the Secretary of Defense has not acted to implement these regulations. I would like to tell my friend from Virginia that I still have people who work over in the Pentagon, who provide me from time to time with information—usually anonymously, for obvious reasons—but I have been told that these regulations have been on Deputy Secretary Wolfowitz's desk for 3½ weeks.

That is not right. I know the Deputy Secretary of Defense is busy and I know the Secretary of Defense is busy, but I think we have every right to expect immediate action on this so that these men and women can go about receiving this recognition because they cannot until these papers are signed.

Mr. WARNER. Mr. President, the Senator is correct.

Mr. MCCAIN. I yield to my friend from Virginia.

Mr. WARNER. The Senator is absolutely correct. As I said, we have brought this matter and the urgency of it to their attention, and that is one of the very positive results from the efforts of our colleagues on the other side and the initiative taken by the distinguished whip on this side in this amendment.

Mr. MCCAIN. Could I mention to my friend from Virginia, too, as chairman of the Armed Services Committee, perhaps we should look at whether individual medals should be given for operations in Iraq, and perhaps individual decorations should be given for the conflict in Afghanistan, as two prime examples. Perhaps it is not sufficient to just have an expeditionary medal and a service medal.

I had hoped that if we had acted in order to separate those two conflicts from others, we would get input from the Secretary of Defense, that there would be proper consultation and hearing and scrutiny before the Senate Armed Services Committee before we acted.

I think the Senator from Virginia pointed out that if we only gave an Iraqi freedom medal, what about those in Afghanistan? Is there an Afghanistan freedom medal, too? No, that was not part of the proposal yesterday. That is why these things with noble motivation have to be thought through. I hope that with this sense-of-the-Senate resolution, which we will all vote on, we will send a message that we are all in support of the incredible importance of recognizing the service and sacrifice of the young men and women of our Armed Forces today.

Mr. WARNER. Mr. President, I thank our distinguished colleague. I have known the McCain family. I served with the Senator's father and have followed the distinguished Senator's career, and it stands in parallel to the finest careers of those who have served in this body in years past, today, and who will serve in the future, who have worn the uniform of this country. So I value greatly the views of the Senator from Arizona and I thank him.

Mr. MCCAIN. Mr. President, I say to my good friend he fails to mention that I served under the distinguished Senator from Virginia when he held the position of Secretary of the Navy. I might say I served way under. Given the chain of command, there were probably at least seven or eight individuals who separated the two of us, but I certainly appreciate the honor and pleasure of having served under then-Secretary of the Navy Warner. I have appreciated the relationship we have enjoyed in the intervening 30 years.

Mr. WARNER. I do not know. I fail to count the number of years. It is 30 plus. But I thank the Senator for his kind remarks. My career is so inconsequential in the U.S. military compared with his. I do believe I received the good conduct medal. To the best of my knowledge, the Senator never received that; did he?

Mr. MCCAIN. I do not think I was ever considered for that.

Mr. WARNER. I do not think the Senator was eligible then and he is not eligible now. I think it is likely the Senator will never be eligible.

Mr. MCCAIN. If it was up to a vote of our colleagues, I doubt I would be eligible today.

Mr. WARNER. Well, maybe we should cease this colloquy at this moment. I see others who perhaps would like to speak.

Again, we commend the distinguished Senator from Kentucky for his initiative on this matter. I was somewhat saddened yesterday that we had to have a division of views on what I believe was the best of intentions by the Senator from New Mexico. I think now this is an opportunity for us to shake hands on both sides and move on and resolve this matter.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Arizona.

Mr. MCCAIN. I note the presence of the Senator from New Mexico. I hope he was able to hear our remarks concerning our appreciation for his motivation to honor these young men and women who have served and sacrificed. We look forward to and anticipate we will continue working together on this worthy cause.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I understand the majority leader will be coming to the floor shortly to address our current legislative circumstances. I have become increasingly concerned about our ability to finish this bill. We have noted that concern to the majority leader, as well as to the manager of the bill.

Our concern stems from really two issues: One, the unwillingness on the part of some to have votes on the pending amendments. I am told now there are eight or nine amendments that are pending, that have been offered and that have been set aside. Tomorrow is Friday. We wanted to have votes on all of those amendments. Yet for whatever reason, we have been unable to get to the votes.

The second issue is the issue involving the amendment to be offered by the Senators from Indiana and Wyoming, Mr. BAYH and Mr. ENSIGN. I am told, for whatever reason, many of our colleagues on the other side are unwilling to allow that amendment even to be brought up. If that is the case, obviously we are not going to be able to finish this bill. We can't have completion of the consideration of this legislation until that amendment has been offered and we have an opportunity to debate it and vote on it.

So, for whatever reason, we are stymied this afternoon at 5 o'clock with, I guess, some 30 amendments pending.

We had indicated all along we would make our best good-faith effort to try to finish this legislation. But I emphasized all the way through, this is going to take cooperation on both sides. I think we have cooperated in every sense of the word. We have laid down the amendments. I think most of the amendments that have been offered have been our amendments. We have laid them down. We have not in any way stalled consideration of this legislation.

Now we are here Thursday afternoon at 5 o'clock with nine amendments we are told we cannot have votes on, and one of them that cannot even be offered. So we are going to have to come to some understanding about how to proceed. I must say, with each passing hour the likelihood that we will be able to complete our work as we had hoped we could—by the end of the day tomorrow—dwindles and diminishes to a point where it will soon be nonexistent.

I call these concerns to the attention of my colleagues and ask we get some clarification about the schedule and about our ability to deal with these issues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I say to my friend, the Democratic leader, we agree that the amendment to which you referred is one of the last—I hope the last important amendment to be offered. I don't know whether there are other amendments on that side of the aisle that will have a need for debate at some length. But the amendment to which the Democratic leader referred is obviously one a number of people are going to want to speak to. I think we will be able to go to it sometime in the early evening because there are people here who are going to want to speak on that amendment. I know people on your side are going to want to speak on that amendment.

I am still optimistic that we can press on into the evening. It is still our hope to finish the bill.

Mr. DASCHLE. Mr. President, I am gratified to hear the distinguished assistant Republican leader is optimistic. I was optimistic. I hope I can have that optimism restored. As I noted just a moment ago, there are about 30 amendments pending, but we really believe that a lot of the amendments that are still pending depend on the outcome of the amendment to be offered by Senators BAYH and ENSIGN. So it is hard for us to move forward on the other amendments until that one has been resolved.

So we are in a situation where we cannot move forward until our Republican colleagues acknowledge the need to, not only offer the amendment, but to have it debated and voted upon, so we can clear the way for whatever additional amendments along the lines of the subject matter the Bayh-Ensign amendment addresses.

That is the issue. That is the concern we have. I hope we can clarify it soon. But I only raise this concern because I suggest the hour, while it is not late, is getting later, and we do not have a lot of time to finish all the work that is left.

I believe we made our commitment, kept our commitment, and I hope we can accomplish what many of us had hoped we could do 2 weeks ago.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. McCONNELL. Not to prolong this, because I think we are at essential agreement, but it was hard to get anything going during the day today, as is often the case around here. This is quite a nocturnal institution. The Sun goes down and we get busy working. But I certainly share the view of the Democratic leader the amendment to which he referred is a significant amendment. It is certainly our expectation we will be able to go to that amendment sometime early in the evening, accommodate those who want to speak, on both sides, move in the direction of completing action on the amendment at some point this evening, and move ahead, I hope.

I say to my good friend, that doesn't mean we have a whole lot more amendments coming from that side of the aisle that are going to require extensive debate. I heard the Senator from South Dakota and others say that is the last significant amendment. I certainly hope that is the case because then I think we have a chance of wrapping it up sometime soon and moving on to other matters.

Mr. DASCHLE. Mr. President, I hope I didn't say that this was the last significant amendment because I know many of my colleagues who have amendments to offer certainly view them as significant. I wouldn't want to characterize their amendments as insignificant. If I led the Senator from Kentucky to that conclusion, I want to clarify that was not my intention.

But I also reiterate, we have eight or nine amendments pending that would require votes. We are basically in a quorum call with no real expectation of a vote on many of these amendments for the foreseeable future.

There are two issues. One is this amendment on loans offered by Senators BAYH and ENSIGN. The other is clearing the logjam of amendments that have already been offered, including one by this Senator, that awaits a vote. So the sooner we can get on with those votes, the sooner we can get on with the consideration of the Bayh amendment and the sooner we can address the other backlog of amendments that are waiting to be offered.

I thank my colleagues for their attention to this and hope we hear from the majority leader sometime soon.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. I very much appreciate the Democratic leader's observation and his patience. We have a number of amendments that we have asked Members to withhold offering because there have been other matters on the Senate floor. During this period of time, we have had virtually no quorum calls until the recent episode where there has been movement—speaking only for myself—preventing anything from happening on this bill.

Mr. McCONNELL. Will the Senator yield?

Mr. REID. I will in just one second. So we have basically been without quorum calls. And we still have, as the Senator from South Dakota, the Democratic leader, mentioned, about 30 amendments we have to dispose of.

As the leader said, some of these will fall as a result of the vote on the Bayh-Ensign amendment. But that still leaves at least 15 or 20 amendments we have to dispose of, and that doesn't count those at the desk. Just basic numbers indicate we have a lot of work to do.

I would also say that for my friend, the distinguished majority whip, to indicate we haven't been doing anything during the day—we have. There were some concerned about the time Senator BYRD spent on his amendment. But there was nothing done to stall for time. That time was taken, every minute, by some of the more distinguished Senators who spoke in support of Senator BYRD's amendment. He wouldn't agree to any time limit, but there certainly was no effort to stall anything. Then we were waiting to offer other amendments.

My point is that just by sheer numbers, if the Senator from Kentucky says it will take several hours of debate when we get to it this evening, does that mean we get to it at 6 o'clock or 7 o'clock? Are we going to spend 2 hours on that? That means we finish that debate at 9 or 9:30. We have a vote on that, we have 9 matters at the desk to vote on, and then we still have the amendments that have not even been offered.

So this is no easy chore we have. I, frankly, in spite of the good will between the distinguished majority whip and our Democratic leader—I think it is going to be difficult to do that based upon what we have been told by the majority this afternoon.

I am happy to yield for a question from my friend.

Mr. McCONNELL. I was going to suggest we vote on this amendment at 20 minutes to 6, the pending amendment.

Mr. REID. The amendment before us? I would say I haven't had a chance to speak to my friend from New Mexico, but is this anything we object to?

Mr. BINGAMAN. Mr. President, I certainly have no objection to voting on this, voting at 20 minutes to 6. I would like a chance to speak for 4 or 5 minutes on the amendment, if I could.

Mr. REID. Mr. President, without losing my right to the floor, through the Chair I say to my friend from New Mexico that it is my understanding he does not oppose the amendment.

Mr. BINGAMAN. Mr. President, that is correct. I have no opposition to the amendment. I just want to speak to and explain my views on it.

Mr. REID. Mr. President, that is my whole point. There is no reason to vote on this amendment. This is the old stall we are getting. That is all this is. There is no reason to vote on this amendment. We have substantive issues, and this is very important. I appreciate the good speeches from the chairman of the committee on this most important issue. But everybody is going to vote for it. If we are trying to finish this bill, which obviously we are not at this stage, the stall is going on and whatever has to happen to make sure the vote count is right on the Bayh amendment.

We need to move forward on this legislation. I will vote on it anytime we want. But I am just saying that it is a waste of time. I have seen stalls before. This is a stall. That is speaking only for myself.

Mr. McCONNELL. Mr. President, we are prepared to vote now, if that is agreeable with the Senator from Nevada.

Mr. REID. I would be happy to.

Mr. McCAIN. Is it true——

Mr. McCONNELL. Mr. President, I have the floor. I yield to the Senator from Arizona for a question.

Mr. McCAIN. Is it true that we had a 97-to-0 vote on the Byrd amendment, as I recall?

Mr. McCONNELL. I believe that is correct.

Mr. McCAIN. I thank my colleague.

Mr. McCONNELL. Mr. President, I have the floor.

Mr. REID. I would like to respond to the question.

Mr. McCONNELL. I am happy to yield to the Senator from Nevada to respond.

Mr. REID. Mr. President, I think it would be totally appropriate to have a vote on this as long as the Senator from New Mexico has 5 minutes to speak. This issue brought now by the majority is a result of the very important amendment offered by the Senator from New Mexico. I have no problem. My only point is this: There may have been one vote that was 98 to 0. I don't remember that. There certainly could have been. I assume this will be another one. But I think that will be fine after the Senator from New Mexico speaks, and then vote.

Mr. MCCONNELL. Mr. President, reserving my right to the floor, I ask unanimous consent that there be 10 minutes equally divided between the Senator from Virginia and the Senator from New Mexico and that at the end of those 10 minutes, the Senate proceed to a rollcall vote on the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I reserve the right to object and ask unanimous consent that the amendment of the Senator from Indiana, Mr. BAYH, No. 1871, be the next amendment in order.

Mr. STEVENS. Reserving the right to object, as the Senator knows, we had an amendment as lined up to be considered on this side. Senator NICKLES also is not able to be here, but he has given me the information and I am prepared to offer that amendment for him. This is the first of the three amendments we are going to call up. I would be compelled to object to that setting of the Bayh amendment before we have some consideration of amendments on this side.

Mr. REID. I then ask unanimous consent that the request be modified so the Senator from Indiana may be allowed to offer his amendment following the disposal of the Nickles amendment.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. MCCONNELL. Mr. President, reserving the right to object——

Mr. STEVENS. I will not object to that. I ask unanimous consent to amend this request so that I may be recognized to present the Nickles amendment following the vote on the McConnell amendment, and following that Senator BAYH be recognized to present his amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me speak very briefly on the pending McConnell amendment which Senator MCCONNELL, Senator WARNER, and Senator MCCAIN have offered.

First, I congratulate them. I think this is a very constructive amendment. It gives recognition to the men and women who are serving overseas in various locations. It puts the Senate on record, even though it is a sense-of-the-Senate amendment, in support of the issuance of appropriate medals to these individuals.

I believe, as I was arguing the day before yesterday when we had the other debate on this issue, that the appropriate course is either on the initiative of the Pentagon or through action by the Congress that at some stage fairly soon we authorize combat medals for those who serve in Iraq and for those who perhaps serve in Afghanistan. That seems to me to me to be consistent with the course we followed previously. We had a medal of that sort for those who served in the first gulf war. We had a medal of that sort for those who served in Kosovo. There is ample precedent for that.

To lump all military engagements that we have after 9/11 under this large umbrella of the global war on terrorism and say we are going to give you one medal for whatever military engagements you serve in after that date I think is inadequate. I think the men and women serving in Iraq today deserve special recognition for that.

I have seen the suggestions being considered at the Pentagon for putting a star on some designation—on a generic kind of a medal dealing with the global war on terrorism, some kind of star indicating services in Iraq. To me, that would not be consistent with what we have done before. I hope we won't go that route.

Obviously, this is a step forward. I commend the Senator from Virginia, the Senator from Arizona, and the Senator from Kentucky for putting forward this amendment. I intend to support it. I hope all Senators will support it.

But I hope we will find a way or that the Pentagon will find a way to do more to recognize the service of these individuals both in Iraq and in Afghanistan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, may I say to my colleague from New Mexico, with whom I have had the privilege to serve now for close to two decades in this body, and who was a member of the Senate Armed Services Committee, and a very valued member, that he has gotten this Senator's attention. I appreciate what he is doing to support the pending amendment, and I urge colleagues to do likewise.

If I might say first, while he was not present in the Chamber when I brought to the attention of the Senate that the debate which followed his amendment the other day did bring about this Senator's personal attention on the status of several decorations, I found that it was not moving along, in my judgment, in an expeditious and timely manner. That debate the other day served a very important service to the men and women of the Armed Forces who are engaged in these particular theaters.

I would like to work with the Senator and with the Department of Defense to pursue his thoughts about perhaps additional recognition for service in the theaters of Iraq Afghanistan. I am just not prepared at this time to give a definitive answer.

This is the course, as proposed by the amendment which is before the Senate, which has been followed for years. So many places in the world today have often no geographic boundaries and have no identity. Yet people who are on guard wearing our uniform, coalition forces and other nations, are subject to loss of life and limb in combating that terrorism.

I am not able at this point in time to come up with some definitive suggestion. But I certainly would like to associate myself with the Senator's remarks that there should be an expression of gratitude to those persons serving in these theaters right now for their service and that given by their families. I thank the Senator.

I yield back the remainder of my time.

Mr. BINGAMAN. I yield back the remaining time.

Mr. WARNER. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment numbered 1874. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Idaho (Mr. CRAIG) is necessarily absent.

I further announce that if present and voting the Senator from Idaho (Mr. CRAIG) would vote "yea."

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 387 Leg.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott

Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—1

Jeffords

NOT VOTING—2

Craig
Lieberman

The amendment (No. 1874) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1869, AS MODIFIED; 1870; AND 1857, AS MODIFIED, EN BLOC

Mr. STEVENS. Mr. President, I have three amendments that have been cleared by both sides: Amendment No. 1869, as modified; amendment No. 1870; and amendment No. 1857, as modified. I send them to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. Is there further debate on the amendments?

If not, the question is on agreeing to the amendments.

The amendments were agreed, as follows:

AMENDMENT NO. 1869, AS MODIFIED

(Purpose: To prohibit the use of funds to arm, train, or employee individuals under the age of 18 years for the Facilities Protection Service)

At the end of title II, add the following:

SEC. 2313. None of the funds appropriated or otherwise made available by this Act under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND", or under any other heading, may be obligated or expended for the purpose of arming, training, or employing individuals under the age of 18 years for the Facilities Protection Service, to carry out any function similar to the functions performed by the Service, or for any other security force.

AMENDMENT NO. 1870

Insert at the appropriate place in the bill:

SEC. . Section 1605 of title 28, United States Code is amended by adding a new subsection (h) as follows:

"(h) Notwithstanding any provision of the Algiers Accords, or any other international agreement, any United States citizen held hostage during the period between 1979 and 1981, and their spouses and children at the time, shall have a claim for money damages against a foreign state for personal injury that was caused by the Foreign State's act of torture or hostage taking. Any provision in an international agreement, including the Algiers Accords that purports to bar such suit is abrogated. This subsection shall apply retroactively to any cause of action cited in 28 U.S.C. 1605(a)(7)(A).

AMENDMENT NO. 1857, AS MODIFIED

(Purpose: To improve the process for timely informing members of the reserve components of the Armed Forces, their families, their employers, and Congress of changes in deployment policies and schedules applicable to mobilize members of the reserve components)

On page 22, between lines 12 and 13, insert the following:

SEC. 316. (a) In the administration of laws and policies on the period for which members of reserve components of the Armed Forces called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, are deployed outside the United States, the deployment shall be considered to have begun on the first day of the active-duty service to which called or ordered and shall be considered to have ended on the last day of the active-duty service to which called or ordered.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. BREAUX. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. CANTWELL. I have offered an amendment to this bill that will bring predictability and clarity to our deployment of National Guard and Reserve units.

I thank my cosponsors, Senators BOND and LEAHY, the cochairs of the Senate National Guard Caucus, as well as Senators BINGAMAN, LEAHY, JOHNSON, NELSON of Florida, GRAHAM of Florida, MURRAY, KENNEDY, PRYOR, LAUTENBERG, and KERRY, who are joining me in sending a message that we need to be consistent in how we calculate the deployment times for our Guard and Reserve personnel.

This amendment will direct the Pentagon to consider the full activation time for Guard and Reserve personnel in considering its deployment policies and also to establish a program to more effectively notify troops and their families of changes in deployment policies and/or extensions in deployment periods.

This action will go a long way in ensuring better predictability for our military reservists, their families, and employers—they certainly deserve it.

I am proud to say that it has been endorsed by the National Guard Association of the United States, the Reserve Officers Association and the National Military Families Association.

As many in this Chamber know, over 20,000 troops in Iraq were faced with a rude awakening last month when the administration changed a 50-year standard practice in calculating deployment policies—a change the effectively extended deployments for these troops by several months in many cases.

Prior to last month's decision, the length of deployment was calculated based on the time a reservist was activated—when a member of the Guard and Reserve left home. However, last month, the administration changed the method of calculation to time deployed "in theater."

This is not the way to treat our Reserve component. We are asking more and more from them, and they deserve better. The Guard and Reserve are critically important to our national security both at home and abroad.

Since September 11, 2001, the National Guard has mobilized 210,000 of its 350,000 soldiers at one time or another. The Reserve has mobilized 85,000 of its 205,000 in that same time period.

In my own State, with the recent alert of the Army National Guard's 81st Armored Brigade, 41 percent of Washington State's National Guard—4,041 troops—are currently alerted and deployed, as well as 2,100 reservists from bases around my State.

These are historic levels of sustained mobilization, and we need to be clear that we are asking a lot from these men and women—and we must do everything we can to ensure that the Guard and Reserve continue to recruit and retain skilled and committed personnel.

It goes without saying that these men and women definitely signed up to serve when their country calls. The reservists in my State do not dispute their commitment; they embrace it.

However, we need to know that we are asking an extraordinary commitment from our Nation's Guard and reservists, their families and their employers and we need to recognize the full commitment.

This is why I was concerned when the Pentagon announced that it will calculate deployment lengths for the over 20,000 Guard and Reserve members in Iraq based on the actual time in the theater of operations—otherwise known as "boots on the ground."

This change altered a long-standing practice dating back to the Korean-war era in which deployment lengths for Guard and Reserve officers were calculated from the moment they were actually activated—that is, when they are called to leave their jobs and families to begin pre-mobilization preparation time and included post-mobilization time.

This preparation time can sometimes take as much as 3 to 6 months.

As a result, thousands of troops in the theater of operations who were expecting to go home—literally counting the days to return—were just informed that their time would be extended, some by as much as 6 months.

This is just wrong.

As Mark Kimmey, an Army reservist, wrote in the New York Times: "the message to reservists is unmistakable: the Army no longer takes into account sacrifices made to maintain two career lives."

We absolutely own it to our Guard and reservists to give them predictability in the process and to fully recognize that the Guard and reservists' lives are serving from the point they are activated.

My amendment will direct the Pentagon to revert back to the standard practice in considering, for the purposes of deployment announcements, mobilization reports and communications, the clock to start ticking from the point of activation—that is, "boots out of the house."

If we need our reservists to serve in theater for 1 year and 6 months in preparation time, that's fine. But let's be honest, these troops are being deployed for 18 months—not a year. Troops, families, and employers deserve the respect of our acknowledging the sacrifice.

Let me be absolutely clear—this amendment does not, by any means, seek to limit the operational use of the Guard and Reserve, nor are we seeking to limit the flexibility of their use.

This does absolutely nothing to limit the ability of the Pentagon to mobilize and use our Guard and Reserve units, nor does it limit the length of time that they can be deployed.

Moreover, the amendment's provisions can be waived at any point in the case of dire, unexpected operational needs.

We are simply asking the administration to adopt the standard practice in effect for decades in calculating deployment times so that troops and their families can know when to start their clocks.

Ultimately, this is a very modest amendment. We are asking the Pentagon to be honest, consistent and predictable in the use of our Guard and Reserve. They deserve it; their families deserve it; we owe it to them.

The PRESIDING OFFICER. Under the previous order, the Senator from Oklahoma is recognized.

AMENDMENT NO. 1876

Mr. NICKLES. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 1876.

Mr. NICKLES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that all countries that hold debt from the former Iraqi regime of Saddam Hussein should be urged to forgive their debt)

At the appropriate place, insert the following:

SEC. ____. (a) The Senate finds the following:

(1) When Saddam Hussein came to power in the 1970's Iraq was a prosperous county with no foreign debt and significant foreign cash reserves.

(2) Iraq's reserves were exhausted during the Iran-Iraq War in the 1980's and Iraq became a debtor nation.

(3) Today, the debts incurred by Saddam Hussein's regime are estimated to be as much as $150,000,000,000.

(4) A process has been put in place that will establish a new representative Iraqi government based on a democratic political system with a free market economy. The goal is a prosperous Iraq that is not a threat to its neighbors.

(5) For Iraq to be prosperous it must rebuild. In the near term the United States and other donor countries will provide grants to begin the process. In the longer term Iraq must be able to fully participate in the international financial system.

(6) It is impossible for Iraq to borrow funds in international financial markets based on its existing debt. Eliminating that debt will make possible Iraq's continued rebuilding toward a prosperous and stable nation. A prosperous nation is less likely to be a threat to its neighbors and to be a breeding ground for terrorists. A prosperous Iraq is more likely to be a positive force in the region and participant in the world economy.

(b) It is the sense of the Senate that all countries that hold debt from loans to the former Iraqi regime of Saddam Hussein should be urged to forgive their debt.

Mr. NICKLES. Mr. President, this is a sense-of-the-Senate amendment urging the countries that presently hold Iraqi debt to cancel or forgive that debt. All of the Iraqi debt was generated after Saddam Hussein came to power in that country.

The history of the Iraqi debt was that, when Saddam Hussein took control, it was a very rich country, and it had no debt. Saddam Hussein started a war with Iran and he incurred a lot of debt. As a matter of fact, when he came into power, they had no foreign debt. During Iraq's war with Iran, Iraq incurred debts estimated at about $80 billion. Most of that was to finance the war.

Iraqi arms purchases during the 1980s were estimated from $52 billion to $102 billion. Saddam Hussein used debt to purchase arms. He used debt to build palaces. He used very little debt, if any, to help the Iraqi people.

We asked the Congressional Research Service to give us an analysis of what countries hold or own Iraqi debt.

I ask unanimous consent to print this information in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COUNTRIES TO WHICH IRAQ MAY BE INDEBTED

[In billions of dollars]

	Low	High
Western Countries (G–8)	16	44
Canada	1	1
France	2	8
Germany	2	4
Italy	1	2
Japan	3	7
Russia	3	16
United Kingdom	1	2
United States	2	5
Middle East Gulf States	60	82
Saudi Arabia	25	25
Kuwait	17	27
Other	18	30
Other Countries	16	16
Commercial (London Club)	3	11
Total	95	153

Source: Congressional Research Service Memorandum.

Mr. NICKLES. There is a significant range. I will go over a few of these countries, but the essence of it is that none of these countries have received payments on Iraqi debt for years. In most cases, for decades payments have not been made. Saddam Hussein incurred a lot of debt. The countries holding that debt may hold it as if it is worth something, but, frankly, no payments have been made on that debt for some time.

Who holds that debt? The range of the total amount of debt according to CRS—and I am not talking about war reparations for Saddam Hussein's war with Iran and invasion of Kuwait. There are a lot of claimed reparations for damages. That is not covered by this resolution. We are talking about debt incurred by Saddam Hussein's regime, and that was estimated by CRS as being a total of $95 billion and $153 billion.

Some of the debt ranges are for Western countries and some are for Middle Eastern Gulf States. Some of the Western countries are: Canada is estimated to have $1 billion. France, from $2 billion to $8 billion; we are not certain of the exact amount. Germany, from $2 billion to $4 billion. Italy, from $1 billion to $2 billion. Japan, from $3 billion to $7 billion. Russia, from $3 billion to $16 billion. The U.K., from $1 billion to $2 billion. The United States, from $2 billion to $5 billion. These were debts incurred under the regime of Saddam Hussein.

The essence of this amendment is to urge these countries to forgive or wipe off the debt from the books.

For the Middle Eastern Gulf States, it is much more. Saudi Arabia is reported to hold $25 billion of Iraqi loans; Kuwait, $17 billion to $27 billion; other Gulf States, from $18 billion to $30 billion.

If the Iraqi debt is from $95 billion to $150 billion—let's say it is $120 billion—if we were making payments even at 5 percent—that is $5 billion, $6 billion, $7 billion a year in interest payments—they could not afford to pay that. These interest payments would consume 80 percent to 130 percent of Iraq's oil revenues. Clearly, that is not sustainable.

The Iraqis have a lot of infrastructure needs. They have a lot of rebuilding needs. They have a lot of needs that have been ignored by the previous regime, by Saddam Hussein, for decades. If they had to make payments on this existing debt, I think it would only complicate, frankly, their future and their survival.

I urge in this sense-of-the-Senate amendment countries that are holding debt that was incurred by Saddam Hussein's regime to forgive that debt so Iraq can move forward with a new government without being so constrained, so the new government can move forward and rebuild Iraq without being so tied up with this existing debt.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I was interested in the comments by my colleague from Oklahoma. I don't know of anyone here who would object or disagree with the contention that those who hold Iraqi debt ought to forgive that debt. I have spoken on this subject at some length a couple of times.

Ambassador Bremer appeared before our Appropriations Committee and indicated that Iraq would be producing about 3 million barrels of oil a day beginning in July of next year. I asked the question then about using future proceeds from pumping Iraq oil for the purpose of reconstruction. He indicated that would not be possible because of the encumbrance that existed with foreign debt.

I asked Ambassador Bremer who holds this foreign debt. He said Russia, Germany, France, among others. When I did research later, I discovered exactly what the Senator from Oklahoma discovered. In fact, Russia, Germany, and France do hold Iraqi debt, but the larger debt is owed to Saudi Arabia, Kuwait, and other Arab states which, incidentally, in combination, equal about the debt that both the Saudis and the Kuwaitis hold with Iraq.

It occurred to me that if we are concerned that Saudi Arabia and Kuwait recover the loans they gave to Iraq, maybe we ought to ask the Saudis and Kuwaitis to track Saddam Hussein down and present him with a bill. The Iraqi government that incurred that debt, the government that existed at that point, was the Saddam Hussein government. It clearly was not a legitimate government.

As you know, in the last election of that government, Saddam Hussein received 100 percent of the vote and those who voted had to walk down an aisle, a long gallery of pictures of Saddam Hussein, and hold their ballot above their head that was clearly marked "Saddam Hussein."

That is the government we are now told legitimately owes money to the Saudis and the Kuwaitis. In my judgment, that government no longer exists, and the encumbrance of Saddam Hussein ought not, in my judgment at least, obligate the Iraqi citizens to do anything.

I know there will be people who are tall thinkers with thick glasses who have some thought about international obligations that I may not understand. It may be that I don't understand all the nuances, but I do understand this: That Saddam Hussein has vanished. The Saddam Hussein government was a government run by a butcher. We are, in fact, opening football-field-size graves with 10,000 and 12,000 skeletons in them, and we are told the only legacy of that government that ought to remain an obligation is the debt Saddam Hussein ran up with other countries.

I don't think that debt ought to be considered to be existing debt at this point, with all due respect to those countries. If in the 1980s we had countries that were pals of Saddam Hussein because he was taking on the country of Iran and they were lending Saddam Hussein money, at this point it seems to me they ought to track down Saddam Hussein and present him with a bill.

We are told from time to time by intelligence sources that Saddam perhaps has a substantial amount of money squirreled away in Swiss banks. They say he stole that country blind. I don't know the facts about that. I suspect that is the case. I suspect Saddam Hussein and his government squirreled away a substantial amount of money. In any event, we can't find him. I suggest to those to whom he owes money or to those whom his former government owes money, they ought to track him down and present him with a bill.

We have had a long discussion here and will, I guess, again, perhaps tonight or tomorrow, about what kind of obligation the American taxpayers should have with respect to the reconstruction of Iraq. It was my belief—and I regret my amendment was not adopted, but I accept the voice of the Senate on that amendment—it was my belief that we should lend the money to Iraq for reconstruction and that Iraq should repay those loans out of the proceeds from oil that it pumps out of the ground in the future.

Once again, we expect, according to the testimony of Ambassador Bremer, about 3 million barrels of oil a day. In fact, the Iraqi Governing Council—these are the Iraqis who are now in charge, running ministries and so on—they visited here a couple weeks ago and said they thought it would be 6 million barrels a day.

Let's take Ambassador Bremer's number instead, 3 million a day. That means that country will pump about $20 billion of oil, about $16 billion of which is available for export. So we have $16 billion a year of Iraqi oil, beginning next July, available for export. That is $160 billion in 10 years, $320 billion in 20 years. That is a substantial amount of money for the reconstruction of a country the size of California with 24 million people. It is ample money to do that job.

I understand we have already decided that question. My amendment did not pass the Senate. But as we discuss further amendments about grants versus loans, I wanted to make a comment following the discussion by the Senator from Oklahoma. I believe his numbers are accurate. Those are the numbers I discovered with respect to foreign debt owed by Iraq. More properly, I think it is foreign debt owed by Saddam Hussein's government, a nonlegitimate government, a brutal dictatorship.

In my judgment, the Iraqi people ought not at this point be burdened by that debt and I would suggest to creditors, including the Saudis and Kuwaitis, that the paper for those debts is worth only that which it will produce once Saddam Hussein is found and it is presented to him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I rise in support of the amendment by the Senator from Oklahoma, and I think perhaps a little discussion about the history of debt and debt repudiation, debts being placed upon countries that have been defeated or liberated, might be in order.

In anticipation perhaps of this debate, a member of the staff of the Joint Economic Committee, Melanie Mickelson, prepared a memo for me and other members of the committee entitled "Iraqi Debt and Reconstruction." I ask unanimous consent that this memo be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BENNETT. Mr. President, when we think of forgiveness of debt or repudiation of debt, we think back usually to Germany, to the debt that was placed on Germany at the end of the First World War by the Versailles Treaty and the great political hay Adolf Hitler was able to make out of this debt as he told the people of Germany that the Versailles Treaty had been a stab in the back and the people who had imposed that debt on Germany were the people who were Germany's primary enemies.

I do not want to make too much out of that aspect of Hitler's rise to power, but there was no question but what the enormous debt placed on Germany at the end of the First World War was destabilizing on the country and made it very difficult for Germany to bring itself back as a viable nation and made Germany potentially vulnerable to the kind of political appeal Adolf Hitler represented.

Let us put this in some perspective with respect to Iraq and what we are talking about here. At this time, the debt that was placed upon Germany was roughly two times Germany's gross domestic product, or GDP. To put that into perspective for the United States, right now our debt is roughly half of America's GDP. If we assume the GDP is running at $11 trillion in round figures, we would say the debt Germany faced by comparison would be similar to putting a debt on the United States of $22 trillion. That, of course, takes one's breath away when you think about the impact of that on the United States. Twenty-two trillion dollars. How in the world, even with as vital and vibrant an economy as we have, would we be able to survive if we had a national debt of $22 trillion? That was the debt that had such significant historic impact on Germany in the last century.

What are we talking about with respect to the debt Iraq currently faces? Is it half their GDP, as it is in the United States? Would it be as burdensome as the German debt at two times GDP? No, neither of those figures applies. When we talk about the size of the debt Iraq currently carries compared to their present GDP, we are talking about ten times GDP; not two times but ten times current GDP. Again, to translate that into numbers we can compare to America, that would mean that America, the strongest economy in the world, with our present GDP of roughly $11 trillion, would be saddled with a debt in excess of $120 trillion.

How prosperous would America be if we were faced with that kind of a debt load? Obviously, it would sink us, even though we have the strongest economy in the world.

We have people around here who are worried because our current debt is roughly half of GDP, and to talk about ten times GDP is absolutely impossible. So the logical thing to do is for all of the countries to respond to the call that is represented by the amendment of the Senator from Oklahoma and forgive the debt.

Why? Let us go through the reasons. One of them has been raised by Senator DORGAN. That is, this debt was incurred on behalf of a brutal regime which has been overthrown. Some of the debtor countries might say, when there is a coup in a country and the government is overthrown, whoever takes over takes over the obligations. Saddam Hussein was not overthrown by a coup from the Iraqis. He was overthrown by the 82nd Airborne. He was overthrown by the United States of America and the marines, by the British troops, the Polish troops, and the other coalition members that joined us in overthrowing that government.

So while the Iraqi people are very grateful Saddam Hussein has been overthrown, while the Iraqi people rejoice that Saddam Hussein has been overthrown, the Iraqi people by no means are responsible for the debt that survives because he was overthrown. They were the victims of the debt, not the beneficiaries or perpetrators of the debt. For that reason, they should not be held accountable.

There are other reasons. There are sound economic reasons. We have a principle of bankruptcy in this country. When, as a result of circumstances, whether they were caused or just out of somebody's control, someone finds himself absolutely incapable of repaying the debt, we go through bankruptcy court and say we are going to give you an opportunity for a fresh start. We are going to give you an opportunity to wipe the slate clean and move forward. We are going to discharge your debt through bankruptcy.

If any country has been reduced to bankruptcy, it is Iraq. The GDP I described is substantially below what their potential earning power will be, but they can never realize that earning power if they are not free from their past debts by virtue of a bankruptcy action.

What the Senator from Oklahoma is proposing is essentially the countries that hold the debt allow the Iraqis to file bankruptcy; that the countries that hold the debt say, we recognize reality. We recognize we are never, ever going to get this money.

There are some who might say, yes, but Iraq has all that oil and eventually maybe they will be able to give us this money, so let's just restructure the debt. Let's just say okay, no payments for a while, no payments on principal, interest is deferred, we will give you a chance to get on your feet, and then we will collect the debt.

That is not a principle that applies in reality with respect to most bankruptcy situations. Even those who have the ability to earn money later on can get everything discharged with bankruptcy if it is clear the existence of the debt as it stands is going to prevent them from earning money later on.

The most significant return that can come to the countries that are currently holding Iraqi debt will come from a vibrant Iraqi economy with which they can open meaningful trade relations.

Think of what the potential of Iraq is in terms other than oil. We held a hearing on this in the Joint Economic Committee. Of course, the primary focus was on oil revenue, but I was interested to discover that Iraq has other things besides oil. Iraq is blessed with fertile soil. Iraq is blessed with water. Iraq has a history, pre-Saddam Hussein, of being a net exporter of food. In other words, an economically healthy Iraq, rebuilding its infrastructure, reclaiming its opportunity to move water around the country through canals and pipelines and starting irrigation can be an Iraq that can have a vibrant agricultural sector; an Iraq that can then create a manufacturing sector to provide the farm implements that are necessary to support its agriculture; an Iraq that can have a middle class that can buy things; that can have a society that is not just based on oil.

It can become, properly reconstructed, one of the most vibrant economies in the region. It can outstrip some of the economies around it that are dependent solely upon oil and thereby become an example of capitalism in the region, from which we and others around Iraq can reap enormous benefits. Those benefits, properly reaped, will establish greater economic value than the collection of the debt.

This is the prospect you have here. If we wipe out all of the debt, if the countries respond to the plea contained in the amendment by the Senator from Oklahoma and forgive their debts so a vibrant Iraq can be built without the shadow of debt hanging over it, those very countries that currently hold the debt can benefit with the opportunity for trade with a vibrant and vital Iraq.

I congratulate the Senator from Oklahoma in proposing his amendment. I hope it will pass overwhelmingly as a message to those countries that do hold Iraqi debt, to say to them the United States recognizes the importance of allowing Iraq to declare bankruptcy as if it were, if you will, an American corporation. The United States recognizes that the hope of the future will come from allowing all of this to happen, allowing these debts to disappear, and allowing Iraq to get on with their reconstruction.

EXHIBIT 1

JOINT ECONOMIC COMMITTEE

Memo: Iraqi Debt and Reconstruction.
Date: October 9, 2003.

THE ABC'S OF IRAQI DEBT

Dealing with debt accrued by Saddam Hussein and the Baath party is a lynchpin to Iraqi reconstruction. Ácording to Businessweek, Iraq owes $216 billion. Of that, $32 billion is war reparations, owed mainly to Kuwait. Loans comprise $127 billion of the debt, and contracts agreed to during the past ten years racked up $57 billion. Other estimates of total debt skate from $95 billion to $350 billion (the Bush administration calculates Iraqi debt to be $200 billion, as reported by CRS).

The debt's creditors include a long list of nations, as compiled by Jubilee Iraq, an organization of British origin dedicated to the repudiation of Iraqi debts. Table 1 displays the list of nations as well as amounts owed. In addition to these nations and organizations, Iraq also owes the IMF and World Bank a total of $150 million, as reported by Representative Carolyn Maloney at the June 11, 2003 JEC Hearing.

A SECOND GERMANY?

In American history, precedents of debt repudiation focus on post-war Germany. Following WWI, Germany's economy was shallow with debts amounting to two times German GDP. The Treaty of Versailles pointed out German guilt and obligation to pay war reparation, however the United States renounced all reparations and did not sanction the treaty. Due to German government resistance and inability to collect funds, the

Dawes Plan of 1924 reorganized the Reichsbank under Allied supervision and created a tax system to fund reparation payments. Reparations to the European Allied nations made the bulk of their lend-lease payments to the United States. Germany staggered under heavy debt as Europe suffered through the 1920 depression. The Young Plan (1929) reduced the sum Germany owed, delineating a distinct dollar amount as well as how to collect it through budgeting and a transportation tax. In 1931, President Hoover issued a one-year moratorium on all international debts. The Lausanne Pact of 1932 substituted bond issues for reparation debt, but Adolf Hitler repudiated all WWI reparations while in office. Payment resumed in 1953 by West Germany.

The debts owed to the U.S. by our WWI allies were defaulted by 1934 excepting Hungary, which did so in 1939, Finland, which paid in full, and Russia. Russia repudiated the debt, owing to its becoming the Union of Soviet Socialist Republics.

After WWII, the Allies received German reparations in the form of assets and industrial equipment. Because of disagreements between the USSR and U.S. regarding payments, West and East Germany formed, each paying reparations to their respective political counterpart. The U.S. ended German payments in 1952, the USSR ended payments in 1953. Germany paid reparations to its former allies, against U.S. advisement. The United States collected war reparations from Germany's ally, Japan, through 1949, and renounced all further payments in 1951.

ECONOMIC IMPLICATIONS

Iraqi debt differs from German post-war debt in a major way. Germans dealt with a debt twice the size of the country's GDP. Iraq faces debt estimated to be ten times national output (BusinessWeek). The payment of such an amount is near impossible, even with the development and future revenues of oil resources. Placing this burden on a new government cripples Iraq's ability to accumulate capital, expand production, and increase the standard of living. Repudiating this debt also sends the red light to creditors who loan to sketchy governments, in this case, nations whose loans were used to amass Hussein's weaponry and technology. Some argue the new government will have trouble obtaining loans with such history of repudiation. However, no moral hazard issue exists; the loans forgiven belong to Saddam, not the Coalition Provisional Authority or the government that may follow.

Those on the opposing bench feel repudiating Saddam's debt will jostle the credit market and create uncertainty now and whenever government turnovers occur. This cannot be the case. Iraq is such a unique situation; few countries, if any, can follow this paradigm.

On a side note, Basil Al-Rahim, founder of the Iraq Foundation, Spoke of creating a debt trading system in Iraq. At the June 11, 2003 JEC hearing on transforming Iraq's economy, Al-Rahim spoke of trading debt for points in a system that would use the points in dealings of concessions, licenses, and contracts (see p 20–21 of the JEC transcript).

TABLE 1.—COUNTRIES TO WHICH IRAQ MAY BE INDEBTED

	($bn)	Date	Sources and notes
Australia	0.5	1991	Paris Club (11 July '03).
Austria	0.8	1991	Paris Club (11 July '03).
Belgium	0.2	1991	Paris Club (11 July '03).
Brazil	0.2	1991	Paris Club (11 July '03).
Bulgaria	1	1998	CSIS.
	1.512	1995	22nd Bulgarian Iraq Committee on Cooperation does not include interest.
	1.7	2003	Deutsche Presse-Agentur 7/3/03.
	1.7	2003	Exotix (Iraq: Just the Debt, Exotix Ltd. April 2003).
Canada	0.6	1991	Paris Club (11 July '03).
China	>2	2003	ABC. China claims it is owed "billions".
Czech Rep.	0.06–0.1	2003	Boston Globe 20/4/03.
Denmark	0.03	1991	Paris Club (11 July '03).
Egypt	??		CSIS.
Finland	0.2	1991	Paris Club (11 July '03).
France	3	1991	Paris Club (11 July '03).
	1.7	??	Paris Club (10 July '03).
	3.75–4.3	??	Dow Jones 29/3/3.
	8	2003	Salah al-Shaikhly's estimate quoted in Moscow Times.
	4	2003	Noreenah Hertz. F1 fighters, Exocet air-to-surface missiles, laser guided missiles, attack helicopters.
	8	2003	Financial Times.
Germany	2.4	1991	Paris Club (11 July '03).
	2.1	??	Paris Club (10 July '03).
	3.9	2003	The official number from the German ministry of finance, on Handelsblatt (03/04/25).
	4.3	2003	Financial Times.
Gulf States	30	2002	CSIS—The war debt.
	17.5	Exotix	
Hungary	0.017	1995	CSIS.
India	1	2003	The Hindu, 14/4/03.
Italy	1.7	1991	Paris Club (11 July '03).
	0.33	??	Paris Club (10 July '03).
Japan	4.1	1991	Paris Club (11 July '03).
	3.4	??	Paris Club (10 July '03).
	7.02	2003	$4.109bn + $2.919bn in arrears. Export credit $6.46bn. Japan Bank or International Development (JBIC) $4550m. (June 11th).
Jordan	0.295	1991	CSIS.
	1.3	2003	Minister of Finance, Michael Manto (July 15th).
Korea	0.04	1991	Paris Club (11 July '03).
	1.1	2003	Dow Jones 29/3/3, debt to Hyundai for infrastructure projects in 70s and 80s.
Kuwait	17	1992	CSIS.
	27	2003	MEES quoting Kuwait Investment Authority (KIA).
London Club	2.6	2003	Syndicated loans issued by Rafidain Bank and others Reuters. Also loans in 1983 from Chase Manhattan (now J.P. Morgan Chase), Irving Trust (now Bank of New York) and BNP (now BNP Paribas) Forbes.
	11	2003	Herald Tribune 26/4/3 Emergent Alternative Fund, Aberdeen Asset Management and Argo Capital Management all offer funds that dabble in Iraqi debt.
Morocco	0.032	1999	CSIS.
Multilaterals	1.1	2003	Exotix.
Netherlands	0.1	1991	Paris Club (11 July '03).
Paris Club (others)	0.8	??	Paris Club (10 July '03): Belgium, Denmark, Finland, Ireland, Norway, Spain, Sweden.
Poland	0.4	1998	CSIS.
	0.564	2003	FT "Iraq after Saddam", 17/4/03.
	0.7	2003	Boston Globe 20/4/03.
Poland + Czech + Romania	0.1	2003	Exotix.
Romania	1.7	2003	(Bucharest Business Week on 21st April).
Russia	3.4	1991	Paris Club (11 July '03).
	9.6	??	Paris Club (10 July '03).
	9	2003	Dow Jones 29/3/3. Used to buy: helicopters, MIG fighters and radar equipment.
	12	2002	SIS.
	8	2003	Financial Times.
	16	2003	Including interest—Channel News Asia.
Saudi	25	2002	Arab News SR94bn.
	25	2003	Exotix.
	25	2003	Financial Times.
Serbia	1.8–2	2003	Minister of Economy. Serbia + Montenegro claim 38% of this (about $700–750m).
Spain	0.3	1991	Paris Club (11 July '03).
Sweden	0.1	1991	Paris Club (11 July '03).
Switzerland	0.1	1991	Paris Club (11 July '03).
	0.7	2003	Exotix.
	0.3	2003	Swissinfo mainly machinery & building materials.
Turkey	0.8	1993	CSIS.
United Kingdom	0.9	1991	Paris Club (11 July '03).
	1.6	2003	ECGD (Conversation, 623 pounds principal).
United States	2.2	1991	Paris Club (11 July '03) Inc no accrued interest.
	2.1	??	Paris Club (10 July '03).
	5	??	Dow Jones 29/3/3. Clinton considered using Foreign Claims Settlement Commission to satisfy Creditors with frozen Iraqi funds, but the creditors failed to agree how to distribute the small amount of frozen funds available.

Source: Jublilee Iraq, www.jubileeiraq.org/reperations.htm.

TABLE 2.—COMPENSATION CLAIMS FROM 1991 WAR

[In millions of dollars]

Category	Resolved	Award	Paid	Unpaid	Unresolved
Individuals:					
A	$3,450	$3,210	$3,210	0	0
B	20	13	13	0	0
C	8,760	4,990	4,990	0	$2,540
D	4,440	2,040	1,740	$300	15,410
				300	17,950
Corporations:					
E1—oil	443,300	21,430	660	20,770	285
E2—non-Kuwait	12,650	848	779	69	1,010
E3	7,830	364	337	27	280
E4—Kuwait	11,300	3,280	2,920	360	176
				21,230	1,760
Governments:					
E/F—export	6,120	311	180	131	0
F1—non-Kuwait	18,610	291	244	47	0
F2—Saudi and Jordan	17,670	264	256	8	0
F3—Kuwait	113,900	8,260	2,150	6,110	0
F4—environmental	1,680	954	315	639	78,200
				6,940	78,200
Total	251,160	46,250	17,780	28,470	97,900

Key to categories

A: Individuals' who had to depart from Kuwait or Iraq between the date of Iraq's invasion of Kuwait on 2 August 1990 and the date of the cease-fire, 2 March 1991.

B: Individuals' who suffered serious personal injury or whose spouse, child or parent died. There were 5,734 of these claims.

C: Individuals' claims for damages up to US$100,000, including those relating to departure from Kuwait or Iraq; personal injury; mental pain and anguish; loss of personal property; loss of bank accounts, stocks and other securities; loss of income; loss of real property; and individual business losses.

D: Individuals' claims for damages above US$100,000 each, losses similar to those in category C, with the most frequent being the loss of personal property; the loss of real property; the loss of income and business-related losses.

E: Corporations and public sector enterprises. Including claims for construction or other contract losses; losses from the non-payment for goods or services; losses relating to the destruction or seizure of business assets; loss of profits; and oil sector losses.

F: Governments and international organizations for losses incurred in evacuating citizens; providing relief to citizens; damage to diplomatic premises and loss of, and damage to, other government property; and damage to the environment.

Source: http://www.jubileeiraq.org/reperations.htm.

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The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my colleague from Utah, Senator BENNETT, for his comments. He is exactly right. This existing Saddam Hussein-incurred debt will suffocate Iraq and prevent Iraq from really rejoining the world economy, from making significant progress. These are countries, including the United States—Canada, Germany, France, Russia, and others that have something at stake—sure. But they have never been paid a dime on this debt and, frankly, they will not be. I hope they all saddle up and say: We want to have an investment in Iraq's future. By doing so, we forgive this debt and we will enable Iraq to start to grow and make some progress.

This idea we are going to be debating shortly, that maybe the $20 billion or a portion of the $20 billion should be a loan, that is if this existing debt, is not written off, there is no chance whatsoever any additional debt would ever be able to be repaid. We can act as if it can be, we can pretend it will be, but it will not be. So this debt needs to be written off.

We made a mistake at the conclusion of World War I. The victors didn't write off the debt of the Germans. At the end of World War II, we did write off the debt of the Germans and the Japanese. That was significant. It was controversial but it was the right thing to do, and this is the right thing, not only for the Western countries, the G8 countries, but also for the Gulf States—for Kuwait, for Saudi Arabia. The Gulf States benefitted greatly because we have eliminated a real threat to them. If it had not been for the U.S. protection, the 1991 war and the war just concluded, their future, their freedom would have been in jeopardy. So they benefitted probably more than any country and they have every reason, in my opinion, to write off this debt.

I hope we will have a unanimous vote, an overwhelming vote from the Senate. That would encourage these countries to do the right thing and that would be to write off the debt and not suffocate the Iraqi economy from being able to rebuild and grow and join the world economy in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wonder if Senator NICKLES, before he yields the floor, would just discuss this with me and answer a couple of questions.

Mr. NICKLES. I would be happy to.

Mr. DOMENICI. As the Senator spoke, it dawned on me that none of this debt would be worth 2 cents if the United States had not done what we did.

Mr. NICKLES. The Senator is correct.

Mr. DOMENICI. Where would they get the money, if the United States were not involved in having invaded Iraq, trying to free them and then trying to put their economy back? This debt here would not be worth the matches that it would take to burn it.

So I don't think you are just offering a resolution giving some kindly advice. It seems to me you are expressing a reality that these countries ought to be very serious before they try to extract from new Iraq, old Iraq's debt when it would be absolutely useless, based upon the country they lent the money to, and the dictator to whom they lent the money. Right?

Mr. NICKLES. To respond to the statement of my friend and colleague, he is exactly right. If one were trying to take this debt or paper on the international market prior to the U.S. liberation of Iraq, it would be worthless because no payments were made on it before. I think it was generally assumed no payments would be made by the Saddam Hussein regime. My colleague from New Mexico is exactly correct.

Mr. DOMENICI. So the point of it is that whatever they are having this debtor's conference for, people ought to be thinking about what they are going to be discussing and we ought to be thinking about how we are going to respond.

You are offering some kind advice to us, what we ought to be saying, right? We ought to be thinking: Well, how long has it been since we have been involved in trying to make this country have some money and have it worthwhile? How many billions have we spent? And that I am for. How many more are we going to spend? And they would have the audacity to come to some kind of conference and say, put us on this debtors list; we will take 50 cents on a dollar. Yes, 50 cents on the dollar maybe 30 years from now, or 50, when everything that has gone into making this country alive again has been taken care of.

There are a lot of messages from this simple resolution to these countries. In simplest terms: Forget about it. But in more sophisticated terms, the truth is, but for America, what you got is worth nothing. That is what I think is important about the resolution. I think, rather than just being a typical one that we offer as a resolution, I think it is a very important sense of those of us who are sharing, with very few countries, the burden of trying to help that country.

Look at all those countries. Where have they been when we have been going through all this? They have been offering nice words, maybe; call the President and say hello. Maybe they have been sending a little postcard. They haven't put up anything yet. Some of them are thinking about it. I hope they keep thinking.

Mr. NICKLES. I appreciate that.

You mentioned a couple of these countries. Saudi Arabia has the largest, according to CRS estimates it is $25 billion. They say Kuwait may have $17 billion to $27 billion of Iraqi debt. They are Iraq's neighbors. Our liberation of Iraq eliminates a threat to them. I believe most of that money was lent when Iraq was fighting Iran.

Frankly, they should not be insisting on payment. They were never repaid in the past. Nor should U.S. taxpayers or other people who were in the process of trying to rebuild Iraq be making contributions thinking maybe that will be going to satisfy creditors from the previous regime. That would be a mistake.

I thank my friend and colleague from New Mexico.

I yield the floor.

Mr. STEVENS. Mr. President, I understand we can get an agreement that we would postpone the vote on the Nickles amendment until we consider the Bayh amendment. By a previous order, that is the next business.

I ask unanimous consent that the vote on the Nickles amendment take place following the debate on the Bayh amendment, and the Bayh amendment follow that.

The PRESIDING OFFICER. Is there objection?

Mr. REID. It is my understanding staff is preparing a unanimous consent request; is that right?

Mr. STEVENS. Yes, we are preparing it, but that will be the understanding so Members will know there will not be a vote here until sometime, at least I would say, 8:30 or 9 o'clock.

Mr. REID. Mr. President, the Democratic leader is here. He has agreed, on our side, if we can have the vote at 9 o'clock, and have the time until 9 o'clock equally divided between both sides and at that time have 2 minutes for the amendment of Senator NICKLES, equally divided on that amendment, and then 2 minutes prior to the vote on the Bayh amendment, equally divided.

Mr. STEVENS. Mr. President, the time would be equally divided between now and 9 o'clock on the Bayh amendment. Is that the proposal?

Mr. REID. That is right. There would be no amendments in order to either amendment prior to a vote on or in relation to each amendment.

Ms. LANDRIEU. Mr. President, reserving right to object, could I add by unanimous consent that after those two votes I be allowed 30 minutes equally divided?

Mr. REID. Senator BYRD has been waiting all day for an amendment which he and Senator DURBIN have.

Ms. LANDRIEU. Is there a possibility for some time in the morning?

Mr. REID. I say to the distinguished Senator from Louisiana that she has been very patient, and she has been here for the last 2 days, and I understand that. We will do our very best to get her on that as soon as possible.

Ms. LANDRIEU. I thank the Senator.

Mr. STEVENS. Mr. President, we have sent out a hot line for people who want to speak on this amendment. There are 10 Members who want to speak for 5 to 15 minutes. We have really basically 80 minutes left between now and 9 o'clock. I would suggest we ought to at least make the first vote start at 9:30.

Mr. REID. I ask unanimous consent that the request I propounded be modified to that effect.

Mr. STEVENS. Let me ask this: I ask unanimous consent that the pending Nickles amendment be temporarily set aside and Senator BAYH be recognized to offer his amendment; provided further that the time until 9:30 be equally divided for debate in the usual form.

I further ask unanimous consent that at 9:30 p.m. the Senate proceed to a vote in relation to the Nickles amendment to be followed by a vote in relationship to the Bayh amendment with no second-degree amendments in order to either amendment, and prior to the votes there be 2 minutes equally divided before each vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Indiana.

AMENDMENT NO. 1871

Mr. BAYH. Mr. President, on behalf of Senators BEN NELSON, CLINTON, DORGAN, ENSIGN, COLLINS, SNOWE, GRAHAM of South Carolina, the distinguished Presiding Officer, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. BAYH], for himself and Mr. NELSON of Nebraska, Mrs. CLINTON, Mr. DORGAN, Mr. ENSIGN, Ms. COLLINS, Ms. SNOWE, Mr. GRAHAM of South Carolina, and Senator CHAMBLISS, proposes an amendment numbered 1871.

Mr. BAYH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that funds for reconstruction in Iraq be used for certain purposes)

On page 38, between lines 20 and 21, insert the following new section:

SEC. 2313. (a) Of the amounts appropriated under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND"—

(1) the $5,136,000,000 allocated for security, including public safety requirements, national security, and justice shall be used to rebuild Iraq's security services;

(2) $5,168,000,000 shall be available for the purposes, other than security, set out under such subheading; and

(3) $10,000,000,000 shall be available to the President to use as loans to Iraq for the purposes, other than security, set out under such subheading until the date on which the President submits the certification described in subsection (c).

(b) The President shall submit a notification to Congress if, of the amounts referred to in paragraphs (1) and (2) of subsection (a), an amount in excess of $250,000,000 is used for any single purpose in Iraq.

(c)(1) The certification referred to in subsection (a)(3) is a certification submitted to Congress by the President stating that not less than 90 percent of the total amount of the bilateral debt incurred by the regime of Saddam Hussein has been forgiven by the countries owed such debt.

(2) On the date that the President submits the certification described in paragraph (1)—

(A) the unobligated balance of the $10,000,000,000 referred to in subsection (a)(3) may be obligated and expended with no requirement that such amount be provided as loans to Iraq; and

(B) the President may waive repayment of any amount made as a loan under subsection (a)(3) prior to such date.

(d) The head of the Coalition Provisional Authority shall ensure that the amounts appropriated under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND", are expended, whether by the United States or by the Governing Counsel in Iraq, for the purposes set out under such subheading and in a manner that the head of the Coalition Provisional Authority does not find objectionable.

(e) It is the sense of Congress that each country that is owed bilateral debt by Iraq that was incurred by the regime of Saddam Hussein should—

(1) forgive such debt; and

(2) provide robust amounts of reconstruction aid to Iraq during the conference of donors scheduled to begin on October 23, 2003, in Madrid, Spain and during other conferences of donors of foreign aid.

(f) In this section:

(1) The term "amounts appropriated under the subheading 'IRAQ RELIEF AND RECONSTRUCTION FUND'" means the amounts appropriated by chapter 2 of this title under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT".

(2) The term "Coalition Provisional Authority" means the entity charged by the

President with directing reconstruction efforts in Iraq.

Mr. BAYH. Mr. President, I also neglected to mention that our distinguished colleague, BYRON DORGAN, is an original cosponsor of this amendment, along with the other distinguished Members I mentioned.

Mr. President, the question of Iraq has divided our Nation and this Senate for some time now. I count myself in the camp that believes removing Saddam Hussein was the right thing to do. The evidence of torture chambers and mass graves is evidence enough for me. The fact he invaded his neighbors not once but twice and that he would surely have threatened them and the world again which would doubtless require American action at some point in the future means to me it is better to deal with him on our terms and at a time of our choosing rather than on his terms and at a time of his choosing.

Finally, the fact he previously had and used biological and chemical weapons, had a nuclear program, and would almost surely seek to reconstitute those programs, even if they had currently been destroyed and even if there is a 10-percent chance that weapons of mass death would fall into the hands of suicidal terrorists or would be used by regimes like Saddam against a peaceful world, means this is a threat best removed.

But regardless of where Members stood on the question of what to do about Iraq toward the war, we are now there. We have no choice but to succeed in our efforts toward reconstituting and rebuilding a more stable, a more democratic, and a more secure Iraq. There can be no alternative but success.

If we are not successful, the southern part of this country will probably reconstitute itself into some sort of radical Shiite state closely aligned with the nation of Iran, the foremost sponsor of terror in the world.

The northern part of what is currently Iraq would probably be first a Kurdish entity of some type followed by a Turkish invasion which would create further chaos in that part of the world.

The central part of this troubled land would undoubtedly develop into some chaotic Sunni enclave serving as a base for terror against both the United States and the rest of the peaceful world.

We must not let that happen. We must not.

I favor, along with my colleagues who have cosponsored this amendment, aggressive steps to stabilize and create a free, prosperous, and diverse Iraq. This means unwavering support for security because we understand security measures are the essential prerequisite for democracy, for investments, for commerce, and for the development of civil society in Iraq. It means equally aggressive steps to restart Iraq's economy and Iraqi society, which is rebuilding schools, hospitals, roads, and many other activities.

A strong, vibrant Iraqi economy is the foundation which is essential to Iraq's stability and our ultimate withdrawal. But if this reconstruction is to succeed, it must be conducted on terms that maximize our chances of success in Iraq and terms that are fair and equitable to the American people. American perseverance and resolve is being tested in Iraq today as seldom before, and for that perserverance and resolve to be forthcoming we must base our efforts there on principles of fundamental fairness without which our efforts will be impossible to sustain.

Specifically, we have to call upon the other nations of the world to do the right thing with the Iraqi people and for themselves by forgiving the loans they extended to Saddam Hussein's tyrannical regime, to wipe the slate clean, and to give the Iraqi people a fresh start. It is the moral thing to do.

Particularly for countries such as France and Germany, which have previously benefited from the rest of the world's largess through the Marshall plan, they must now demonstrate similar generosity in the case of another country in need—Iraq.

If the rest of the world demanded the repayment of Nazi debt or Vichy debt, clearly that would not be tolerable. Neither are the repayments of these debts.

Second, if you do business by extending loans to dictators, you assume the risk of nonrepayment in the event those dictators are overthrown. This is truly "odious debt," to use the term employed by international lawyers. The Iraqi people have a right to repudiate this debt. If they do not, the other nations that incurred it should surely do the right thing by forgiving it.

Finally, with regard to the debt forgiveness issue, if Russia, France, Germany, and the other nations insist upon repayment, then so must we. We can't possibly tolerate a situation where those who propped up the tyrannical regime of Saddam Hussein are repaid their debts but the American people who helped to liberate the country are repaid nothing. That would be an outrageous outcome and one our amendment will prevent through terms which I will shortly discuss.

It also gives us a seat at the table if these other nations are not willing to do the right thing, and it gives us leverage in any further debt restructuring negotiations to insist that they forgive the Iraqi people.

Our proposal gives us maximum leverage toward an equitable and fair outcome, lower debts for Iraq, a fresh start, but fairness to the American people if other nations are not willing to join us in this case.

Second, we must also ask the Iraqi people to do what they can to help themselves. This is not a country that is dead broke like some in sub-Saharan Africa or Afghanistan. In fact, the nation of Iraq has great wealth. It is estimated to be $2.8 trillion to $5.1 trillion. What the nation of Iraq has is a cashflow problem, one we should be willing to help them with. But a temporary cashflow problem is no excuse for not doing what they can to help rebuild themselves to the extent they are capable and, as I have just mentioned, they have great capabilities.

This is compounded by the fact that when the Iraqis finally are able to sell oil in some quantity on the international markets, they will sell it at a price that is not set by a free market but which is instead dictated in large part by a cartel known as OPEC—giving them the ability to reap profits from that not once but twice if our loans are given first in the form of monopoly oil payments and, second, if we just give them the cash.

This is particularly inequitable if other nations do not forgive their debt and essentially contribute nothing at all when the American taxpayers are being asked and the American consumers have been asked and required to contribute not once but twice.

Our amendment calls for three steps: First, the immediate provision of $5 billion to meet the immediate security needs of the nation of Iraq because we understand that we should err on the side of being more aggressive than less when it comes to stabilizing that country, ending the bloodshed and violence, and allowing the Iraqi people to get on with commerce, civil society, free elections, and the other things that will head them in the proper direction.

Second, we would propose providing $5 billion in terms of an immediate grant to meet the eminent reconstruction needs. The World Bank has estimated this would provide almost the entirety of the funds to be absorbed by Iraq for reconstruction over the next year. It is our proposal to err on the side of being more generous rather than less in providing the Iraqi economy with momentum, an immediate jump-start, priming the pump to get things going. The first $10 billion would be $5 billion to meet the immediate security needs of Iraq in the form of a grant, $5 billion to meet the immediate reconstruction needs, those that we envision over the next year in terms of an immediate grant.

The third provision would be in the form of a $10 billion loan for long-term reconstruction needs of the Government and the people of Iraq to be forgiven whenever the other nations of the world that extended debt to the regime of Saddam Hussein are willing to forgive up to 90 percent of those sovereign debts. Again, that will maximize and provide an incentive for those nations to do the right thing and give us a seat at the table and leverage to insist they do the right thing in the event they are dragging their feet in doing so.

Doubtless we have heard several arguments against our approach. Let me address them briefly.

First, the argument that our amendment should not be adopted because we would merely add to the already burdensome debt facing the people of Iraq estimated to be between $100 and $130 billion. Let me say clearly that, on the contrary, our approach seeks to eliminate, minimize, do away with the outstanding burdens facing the Iraqi people and gives us a seat at the table and maximum leverage to accomplish the objective to do the right thing, giving the country a free start.

Second, we have a recent example in the case of Argentina. There, a democracy with a freely elected government voluntarily incurred unsustainable debt. They chose to default recently upon their debts and were rewarded within 48 hours by a new agreement from the International Monetary Fund. Argentines are seeking up to 75-percent reduction from their creditors of their outstanding debts. In the private sector, it would be known as a cram-down. They threatened to default entirely and are now demanding the creditors forgive the loans. Surely what is good enough for the people of Argentina, who did not exercise physical adequate fiscal control over their affairs, should at least be good enough for the people of Iraq who have had the burdens imposed upon them by a tyrannical dictator.

Next, it is the principled thing to do. Surely we cannot allow a state of affairs to exist where those who helped sustain the regime of Saddam Hussein are repaid, but the American taxpayers who helped to liberate the country are not. This would be an outrageous outcome and one that our amendment seeks to prohibit.

The second argument offered against our proposal is that there is no Iraqi Government currently in power to take on these obligations. Really? Can it possibly be argued by others that the obligations of Saddam Hussein are more legitimate than the decisions undertaken by the newly empowered Iraqi Council? How can that possibly be? Is it possible to say that the obligations of Saddam Hussein should be enforced but those undertaken by the council should not? Obviously not. No one elected Saddam Hussein. How can he be given more legitimacy and more credence than the new council of the newly liberated Iraq? Obviously, that is something that cannot be allowed to happen. Our amendment is perfectly consistent with not allowing that to happen.

Finally, the new council is perfectly empowered to apply the freedom of the people of Iraq by enforcing its laws against a variety of criminal activities. They are empowered to hold elections. They are empowered to draft a constitution. How can it possibly be that they are not allowed to take out a simple loan on behalf of the people of their country? Obviously, that is an illogical inconsistency to those who adhere to the argument there is no Iraqi entity in power to take on the obligations.

Finally, we hear repeatedly the argument requiring some of these obligations to be undertaken in the form of a loan if other countries are not willing to forgive their debts. That would feed the perception alive in the Middle East and across the Islamic world that our activities in Iraq were solely about the Iraqi oil. This is a slippery and dangerous slope. If we begin to tread down that line of argument, no telling where we will end up.

For starters, this is clearly a lie. We all know it. The American people did not shed their blood in Iraq, we have not spent our treasure there to seize the Iraqi oil. This is a malicious falsehood and one that we cannot possibly allow to influence our deliberations in this great body.

Second, how can someone seriously argue that false opinions in other countries should set the public policy of a great Nation like the United States of America? What precedent would this set for this body and for our people? Should we stop the hunt for Osama bin Laden because it is popularly believed in other parts of the world that the attack on September 11 was designed as a zionist plot against our country? There have been polls on Al-Jazeera indicating a majority in some nations in that part of that world believe this canard. Should we allow that to affect the activities of our country? Obviously no. That would be outrageous.

Should we end our alliance with the State of Israel and form one with the Palestinians and Yasser Arafat because popular opinion in that part of the world would have us do so? Of course we cannot do that. The policies of the United States of America must be based upon the principles to which our great country has always adhered. We must base our policies upon the truth, upon the facts, and not the misguided beliefs of others.

We know our intentions in Iraq have always been honorable. This amendment is perfectly consistent with those intentions. Should we not do the right thing because of the misguided arguments about public opinion elsewhere in the world?

Finally, this argument is obviously a demonstrable mathematical falsehood. This is in repayment, not a confiscation or an appropriation. If I give you $100 and say that I am going to give you $50 of it as a grant, and I am even willing to forgive the other $50 and make that a grant, if another creditor is willing to forgive $100 that he has also given you, how can that possibly be characterized as a confiscation or expropriation of your property? Obviously, it is not.

So, in conclusion, let me say our amendment provides for the aggressive help that the Iraqi people need to meet their pressing security needs. Our amendment provides for generous and substantial help to meet the pressing reconstruction burdens facing that country. It gets them on their feet, provides them with a fresh start, and primes the pump for increased commercial activity there that is important to the success of our endeavor. But it does so in a way that is consistent with the principles of fairness to the American people and in a way that maximizes the prospects from the success of these moneys in the nation of Iraq, without which this endeavor, these funds, the blood and treasure that we have expended to date, will have gone for naught. That is something we must avoid. That is something this amendment will avoid.

Therefore, I ask our colleagues' support, and I thank my cosponsors.

I am pleased to yield time to others who have so patiently waited to speak.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BAYH. I yield 10 minutes to the Senator from Nevada.

Mr. ENSIGN. Mr. President, I thank the chief sponsor of the bill. It has been a pleasure working with him and others in a bipartisan manner on this important amendment.

I understand there are deep feelings on both sides of this amendment. This is a fundamental, legitimate disagreement on policy: What is the best way to go forward for the United States, with the same goals in mind—that goal being that we have a stable Iraq in the future—that is in the interest of all Americans?

It is worth doing the $87 billion investment that the President has requested, the rebuilding of Iraq. All who support this amendment are in support of that concept because we think it is important to have a stable type of government, whatever that will be in Iraq, democracy or whatever they choose. It is important to have that for the stability of the region and for the spread of freedom and freedom-loving people, especially in that part of the world which up to this point has only known rule under dictatorship.

I will make a couple of points about the bill. Of around $20 billion—and I will use the round numbers—$5 billion was recognized for security needs for the Iraqi Government; in other words, money to train and get security forces and an army in place as quickly as possible. Everyone recognized that is in the direct interest of the United States because every person put in place, every Iraqi put in place, allows an American not to be in harm's way. So there is no question that everybody agreed that $5 billion should be in the form of a grant.

With other sponsors of the bill, we had a little disagreement on the next $5 billion. But basically around $5.2 billion is needed in the first 12 months. And working together, in a bipartisan fashion, we wanted to make sure the President had the maximum flexibility for that next $5 billion, so we decided to make that in a grant as well. We did not want to get caught up in any bureaucracies or any kinds of problems, so that Ambassador Bremer could go ahead, fund what he needs to fund right now, get everything started over the next 12 months, and get Iraq on the road to recovery.

Now, the next $10 billion is the part that we said we think is best to do in the form of a loan. First of all, that is not the money that is needed right away, so we have some time on that. But another point on this—and my colleague from Indiana said it well when he talked about we are not trying to undermine the President; we are actually trying to strengthen the President's hand.

Let me make a couple comments about the President and the administration in the job they have done in handling the war in Iraq and postwar Iraq.

I think the President and his administration, the Department of Defense, and, obviously, our military have performed in a spectacular manner. Have there been problems? Absolutely. There always are problems, and they have adjusted to the problems. They have handled an incredibly difficult situation. And especially the President has shown great leadership through the entire process. It is incredibly challenging in that part of the world to deal with different cultural problems than we are used to dealing with in this country.

So we are trying to strengthen the President's hand. And that is what many of us believe this amendment will do. When we are going out and we are asking other countries to put in grants, we are saying: We, the taxpayers of the United States, are putting up $10 billion in grants. But a lot of countries are also owed money, and so is the United States right now. We are owed money. We, the sponsors of this amendment, believe that Iraq would be best off going forward if they had no debt.

We believe the best way to ensure they will have no debt is if the President is able to go forward with a $10 billion loan from the United States and is able to look at those other countries and say: We gave $10 billion in grants; We have a $10 billion loan here; and we are willing to forgive that $10 billion loan if you will.

But why should the American taxpayer—when the oil starts producing revenue, when people start actually paying their power bills, when other things start generating revenues in Iraq, why should the American taxpayer not be paid back if the taxpayer in France, if the taxpayer in Germany, if the taxpayer in Russia—countries that were not willing to support us when we were doing what was right in the world—why should those taxpayers be paid back and not the taxpayers of America?

That is really the whole point of this, which is, if we can give the President the leverage, he can do the best job he can to try to provide Iraq going forward with as little debt as possible. But if these other countries will not forgive the debt, then the American taxpayer will have a chance to be paid back. And that is what the fundamental purpose of the language in the amendment really is.

I want to make just a couple of comments about some of these other countries in the world that are owed this money. Remember, we are loaning this money to a legitimate government in the future in Iraq. This is a legitimate, democratically elected government going forward, a free people going forward that the loan is going to.

Who did France, Germany, Russia, and others loan that money to? An illegitimate regime, the brutal regime of Saddam Hussein. And the argument that they should be paid back for loaning a brutal dictator money, and the American people not paid back for loaning a legitimate free people money, is just very difficult to justify for this Senator. That is why this Senator is so strongly supportive of this amendment.

We hope this amendment is adopted. We think it has a good chance of being adopted tonight.

So I will close by saying that working across the aisle, doing what is right—and I have heard people say, you are just trying to pander to people back home. Frankly, I do not know how many people back home are even paying attention. On a night like tonight, I think most people are going to pay attention to the Red Sox and the Yankees and not to what we are doing here.

In a bipartisan fashion, we are just doing what we believe is right. And the people on the other side of this issue believe what they are doing is right. It is OK to fundamentally disagree. What I hope does not happen in this debate tonight is that we impugn each other's motives. There are true, fundamental differences of belief on the way we should go forward.

We are presenting one alternative that we believe strongly we should go forward with. So I hope the debate stays on a high ground, and let the votes fall where they may. That is the kind of debate we need in the Senate.

I thank the chief sponsor of this bill for yielding me time, and I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

The Senator from Indiana.

Mr. BAYH. Mr. President, I thank our distinguished colleague for his comments and his leadership.

Mr. President, as you know, this has been a truly bipartisan undertaking by those of us who supported this effort in Iraq from the beginning, members on your side of the aisle and members on my side of the aisle.

So I commend my colleague for his leadership and his courage. It is a pleasure to work with him.

I now yield time to our distinguished colleague from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I thank my colleague from Indiana for the opportunity to speak in support of this amendment. I thank my colleagues who are cosponsoring this amendment: Senators ENSIGN, COLLINS, SNOWE, LINDSEY GRAHAM, and the Presiding Officer, Senator CHAMBLISS. It is a pleasure to be working with them in a bipartisan way on what I think is an important point to the American people and an important point as a message to the world.

When the President delivered his address announcing the $87 billion he would ask Congress to approve for postwar military operations and construction and reconstruction in Iraq, known as the supplemental, there was clearly a collective gasp from the American people. This was primarily because I do not believe the American public was prepared, before the war, for the cost of reconstruction after the war.

Americans clearly want our mission in Iraq to succeed. We cannot fail. And we want our young men and women to come home safely. Now our No. 1 priority must be that we do everything in our power to make sure that happens in a fiscally responsible way for the United States and Iraq.

The American role in the liberation of Iraq planted the seeds for democracy. The creation of the Coalition Provisional Authority, led by Ambassador Bremer, and the interim Iraqi Governing Council, have laid the foundation for what I hope will be a lasting Iraqi Republic.

Now is the time to seek greater international support for security, perhaps through NATO, as I have previously suggested, and also to seek more international support through the United Nations, to help democracy and freedom in Iraq by the drafting of a constitution, the holding of legitimate elections, and the participation by all Iraqis in the political process.

Funds for military operations must not be delayed and should be quickly appropriated so that the 140,000 American troops in theater, and those supporting them, will have the tools they need to do their job.

Our soldiers should not be held hostage because of deliberations on controversial portions of this supplemental.

The reconstruction funding the President requested may be the appropriate amount to accomplish our goals. However, as we have all indicated, we have concerns with the way the funding is being made to the Iraqis. The President's reconstruction request simply gives money to Iraq as a grant. It asks the American taxpayer to pick up the entire cost for postwar construction with the hope that we will get others to be donors in this process. It asks nothing from the international community at the present time, and certainly it asks nothing of Iraq in return.

The United States liberated Iraq, but should reconstruction become the sole responsibility of the American people with the expectation and the hope we might get additional contributions from the donors conference? Furthermore, the question can be, Is that the best for Iraq? I don't think so.

The amendment we offer today will ask that the international community do more to aid Iraq in their reconstruction, while simultaneously easing the financial burden that Iraq now carries because of the policies of a brutal tyrant. In contrast to the administration's proposed total direct grant, which does not ask Iraq to contribute financially to its own recovery, this amendment is both generous and fair.

As my colleague from Indiana has indicated, the amendment first provides for a grant covering $5 billion for building Iraq's security services. That is a grant. And it provides $5.2 billion in emergency economic assistance. That is a grant. It also asks the administration to notify all relevant congressional committees of every $250 million obligated out of the $5.2 billion so that there is some transparency and accountability on how these dollars are going to be spent.

Most importantly, our proposal asks America to negotiate with the world on behalf of Iraq. Iraq, unfortunately, due to the tyrannical powers and programs of Saddam Hussein, owes money in reparations to Kuwait and Saudi Arabia. It also has debts to France and Russia primarily for military purposes. France and Russia are owed $6 billion and $6.9 billion, respectively. Saudi Arabia is owed approximately $25 billion. This is debt that was incurred by Iraq as a result of the tyrannical forces, powers, and programs of Saddam Hussein.

Our colleague from Oklahoma has proposed a sense-of-the-Senate resolution which will be voted on later this evening, as will this amendment. He has asked that we request the countries that own the debt to forgive the debt. I think that is a start that is halfway to the conclusion that this amendment brings us. But it is only halfway. It is asking rather than providing leverage where I think we will absolutely have the opportunity to seek the forgiveness of this debt. So that if France, Russia, and others can forgive Iraq's debt, the international community would consider this as a positive step toward independence. This immense gesture would enable the Iraqi economic engine to become energized, free of a burden most Iraqis never wanted in the first place.

It is estimated as well that Iraq's proven oil reserves are worth $2.8 trillion and its potential oil reserves might be worth $5.5 trillion. Freeing the Iraqis of their prewar debt would help them use their oil resources immediately to provide for their people and their reconstruction.

Our amendment is the only amendment offered that directly addresses the issue of Iraqi debt. Our amendment provides an incentive to those nations to forgive Iraq of its Saddam-era debt. It is my hope the administration and the Iraqi Governing Council will be able to satisfactorily and successfully negotiate with the international community to eliminate 90 percent of the prewar bilateral Iraqi debt. If those negotiations are indeed successful, this amendment would provide that the remaining $10 billion in reconstruction funding to the Iraqi people would be in the form of a grant. It will be convertible from a loan to a grant in exchange for the forgiveness of 90 percent of the prewar bilateral Iraqi debt.

If the negotiations are unsuccessful, which we hope they would not be, then the $10 billion will be appropriated as a long-term loan to the Iraqi Governing Council and all prewar debts will be subordinated to the U.S. postwar debt of $10 billion. This would allow the Iraqi people to get the same jump-start on rebuilding their country while delaying their payments to us and the world until this Iraqi nation has established an economy and can meet its responsibilities to the world community. The loan would be secured by revenues from Iraqi oil exports in the future.

There are some who will charge that making reconstruction funds available as a loan is evidence that the United States is after Iraq's oil. In my estimation, they will hold that contention regardless of what we do or don't do in regard to funding reconstruction. In fact, the use of the funds to rebuild within Iraq is evidence to the contrary. But even if we can't prove to the rest of the world that we are not after the oil, we must pursue a loan approach as we are proposing.

I can understand that the administration does not want to add to the debt of the Iraqi people. This isn't, as long as the prewar Saddam Hussein indebtedness is forgiven. We owe it to our taxpayers to be just as concerned about growing our budget deficit as we are about Iraq's deficit.

I hope my colleagues will join in support of this generous and fair amendment, recognizing that those who said an entity doesn't exist, that that argument just doesn't wash. If it exists for a grant, it exists for a loan. There are those who have said we are loading it up with debt. It is just the opposite. They have even cited post-World War I Germany with the debt that was added there. The intent here is to clear the debt, to clear it up so we put Iraq on a firm financial footing as it moves forward. All we ask is the help of the other nations.

This provides leverage to go to the donors conference and say: We are prepared to make a grant. We just want to make sure the debt that is existing prior to the war, the Saddam-era debt, is forgiven.

I appreciate the opportunity. It is a pleasure to work with my colleagues. I thank my colleague from Indiana.

Mr. BAYH. Mr. President, we are grateful for the leadership and the eloquence of our colleague from Nebraska. He was a successful businessman, an outstanding Governor, and now a very wise Member of this body. I thank him for his leadership.

The PRESIDING OFFICER. Who seeks time?

Mr. BAYH. I am pleased to yield time to the distinguished Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, before I give my remarks, let me thank my colleagues on both sides of the aisle who have worked so hard to craft this amendment. It has been a great pleasure to work with all of them. I believe the proposal we are advancing this evening not only reflects a great deal of thought and deliberation but is by far the best policy we could pursue.

The Senate is engaged in a historic debate: the consideration of the most comprehensive package of military and foreign reconstruction assistance since the Marshall plan. The administration has asked the Congress to appropriate $87 billion, some of which would go to Afghanistan, but the vast majority would go for Iraq.

As a member of the Senate Armed Services Committee, I visited Iraq last July. I am well aware of the urgent need for additional funding to support our troops. Rogue elements operating in Iraq, whether it is the remnants of the Baathist regime or terrorists from other countries, endanger our troops and threaten to undermine our efforts to establish a prosperous and democratic society. It is imperative that our troops have all the support they need to be as safe and as effective as possible. In that regard, it is indeed heartening that the $66 billion included in this package that will be used to support our troops enjoys widespread support.

The stakes are very high. We simply cannot fail in Iraq. The sacrifices of our young men and women in uniform cannot be in vain. This funding will help to support their efforts and to ensure their success.

I also recognize that Iraq needs our assistance in constructing a modern infrastructure and rebuilding its security services. There are $20 billion included in this bill targeted for those purposes. I note the significance of that amount; it is more than our entire foreign aid budget. So this is a very significant assistance package we are considering tonight.

It is vital that basic services be restored to the Iraqi people as soon as possible so that their hardships do not continue. Without reliable electricity and clean water, the Iraqi people cannot rebuild their lives, their country, and their economy. I believe there are, however, ways to structure this assistance to provide the Iraqis with the help they need while lessening the impact on the American taxpayer. That is the goal of the bipartisan amendment we have put forth this evening.

While I fully support the President's overall budget request, we have an obligation to explore ways to lessen the burden on the American taxpayer. To accomplish this goal, our amendment proposes that part of this assistance be provided to the Iraqi people in the form of a loan, to be repaid at some point in the future when Iraq once again becomes the prosperous nation it has the capacity to be.

When I visited Iraq, I was struck by how little damage the war actually inflicted on the infrastructure of that nation. I saw firsthand evidence of how our precision weaponry and the care our troops took were successful in targeting installations that posed a threat to our troops or supported the regime of Saddam Hussein while sparing the civilian community.

I was also struck, however, by the dreadfully poor infrastructure of communities throughout the nation. Basic elements of a modern nation, such as the electricity, clean water, schools, hospitals, roads, and bridges, were ignored by Saddam Hussein as he looted the country and left it in shambles. In fact, when you think about it, what we are really talking about is construction costs, not reconstruction. Iraq lacks many of the elements of a modern and well-functioning infrastructure.

I do not believe it is in any way unfair to ask the Iraqi people to invest in their own future by repaying the American taxpayers some of the funding used to construct their infrastructure, particularly when they clearly will have the ability someday to do so, for Iraq is not Afghanistan; Iraq has an educated population, abundant natural resources and, most notably, the second largest oil reserves in the world.

The administration projects that Iraq will be generating $20 billion in annual oil revenue within just 2 years. With such economic assets, Iraq undoubtedly one day will have the financial wherewithal to repay this loan. Moreover, asking the Iraqis to take some responsibility for rebuilding their own country will help give them a sense of ownership, increasing the chances that our reconstruction efforts will endure long after our troops have returned home.

One of the arguments put forth by opponents of the loan concept is that Iraq is already burdened with an estimated $100 billion to $125 billion in debt from Saddam Hussein's regime. But what is often left out is that some of the largest holders of that debt are Saudi Arabia, France, Germany, and Russia. If it were up to the leaders of three of those nations, the Iraqi people would still be suffering under the brutal and repressive regime of Saddam Hussein.

The American people will be justifiably outraged if one dime of their money is sent to France while the American people are pouring millions of their hard-earned tax dollars into rebuilding Iraq. France, Germany, and Russia should not be paid for the debts incurred by one of the most despicable and violent leaders in decades while the American taxpayer invests billions in the rebuilding and stabilization of Iraq.

I also point out that structuring our assistance as loans is not without precedent. Most of the large-scale infrastructure projects undertaken in postconflict Bosnia have been administered through the World Bank in the form of loans with reasonable repayment conditions. If this approach is not hindering the reconstruction of Bosnia, the same surely should hold true for Iraq, a country with far greater economic resources.

That is why we have joined this evening to offer this amendment. This amendment ensures that the American taxpayer will eventually be reimbursed for a portion of our investment in Iraq. Under our proposal, $10 billion in our construction assistance will be made available for use as loans while the other $10 billion will be available as grants.

So you can see we have taken a very reasonable, moderate approach in constructing this amendment. By making available $5 billion in grants for rebuilding Iraq's security services and yet another $5 billion to jump start the reconstruction process, our approach ensures that the administration has the funds necessary to address the immediate and pressing needs.

Furthermore, the amendment requires the administration to notify congressional committees after the expenditure of every $250 million of the funds. This provision will help to enhance accountability. The President is then authorized to use the remaining $10 billion as loans to the Iraqi Governing Council or its successor.

Here is an important provision of our amendment. We say that if, however, 90 percent of Iraq's bilateral foreign debt is forgiven, then the remaining assistance will be converted to grants and the loans already obligated will be forgiven. So this is a very generous proposal.

This provision will encourage other countries to forgive at least a portion of their debt and ensure that we are not financing the rebuilding of Iraq's infrastructure while nations that loaned money to Saddam Hussein are repaid.

In addition, the amendment includes a sense-of-the-Senate provision encouraging all the nations to forgive their pre-liberation bilateral debt and to provide robust levels of reconstruction aid to postwar Iraq at the upcoming donors conference.

The American people are very generous. They not only want to give our troops the support they need but they want to provide help to the Iraqi people. The American people understand that Iraq cannot repay this money immediately. That is not what we are asking. But the American taxpayer does deserve to be repaid eventually for some of our investment in this country. And Iraq deserves to be treated as a country that has the enormous economic potential that it clearly has. Structuring our reconstruction assistance as a loan is a reasonable approach that satisfies both concerns.

Again, I acknowledge the hard work of the group of Senators, including the Presiding Officer, who have worked very hard to come up with what I believe is a commonsense approach to this aid package.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield myself 5 minutes in opposition to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, first, I wish to tell my colleagues who debated on the other side of the issue that I have great respect for their position. I just happen to disagree with it.

I stated some time ago that I had hoped a significant portion of the $20 billion for reconstruction of Iraq could be in the form of a loan. I would like to see that be the case. I just happen to think, upon further review, that it is not possible now. It might be possible a year from now, but it is not possible now, at least in my opinion.

There is no government in Iraq today. Hopefully, there will be. It is our objective to have a democracy in Iraq. It is our objective to have Iraq run by Iraqis. There is nobody in Iraq who can sign a note and say: We will borrow $10 billion and pay you back. Nobody. I guess one could say Ambassador Bremer could do it.

I listened to Ambassador Bremer, and I have great confidence in him. I think he has done a great job. This amendment is saying we know better than he does. He happens to be living in Iraq. He is working there. He is risking his life daily. I don't know how many assassination attempts have been made on his life and on the lives of the people working with him. I actually have a former staff member who is working in the Iraqi government. She is fluent in Arabic. I happen to think they have made a good choice.

Maybe in the future loans can be made, but right now there is not an Iraqi government. There is no one to sign the note. There is no one who can say: We will make payments and pay this back.

Frankly, if one looks at their current situation—Iraq is a country that was so ignored by Saddam Hussein, so devastated by his terrible plundering of the country for military purposes, that their ability to pay back debt is nonexistent for some time.

Iraq has inherited a lot of debt. I have an amendment we will be voting on shortly that says countries that own Saddam Hussein's incurred debt should forgive that debt. I hope that amendment will be supported, and I hope that will send a signal to those countries that hold some of that paper.

That paper is worthless. Saddam Hussein did not make payments on it. There is no way in the world future Iraqis could inherit that debt and prosper. So it needs to be written off.

If we say, before you write that off, we want to add another $10 billion, even though you don't have a government, we want to add another $10 billion on top of that, and, oh, yes, we want to be paid back, but we want you to write off the $100 billion or the $150 billion of debt previously owned, I think that complicates that message.

Maybe I am wrong, but when we are saying we want to lend $10 billion and we want to be paid off, but you other countries who hold a bunch of Iraqi debt, you should forgive that, I think it will get lost in the translation. This amendment says $10 billion will be released when and if 90 percent of that debt is forgiven. Maybe it is a carrot, maybe it is an incentive that $10 billion will never be spent. I do know there is not a government that can sign this note. There is not an Iraqi government that can make the payment. Maybe it will make people feel better to say it is a loan, but there is nobody to sign that note. There is nobody who has the authority and who is supported by the Iraqi people who can say: Yes, we will be making these payments.

Likewise, it greatly complicates our efforts to get other countries that currently hold worthless Iraqi paper to write off that debt. They are going to say: United States, if you are going to take on $10 billion of loans and you expect to be paid, then we expect to be paid. I think it will greatly complicate efforts to get other countries to write off their debt.

Let me say this about Ambassador Bremer. He has done a fantastic job. Do we support him or not? I asked Secretary Powell yesterday: Is there a government in Iraq that can pay this note back?

He said no.

Is there anybody there who can pay this note back?

He said no. That is our Secretary of State.

I asked basically the same questions of Ambassador Bremer. Is this possible?

He said no. He was strongly urging us to go the grant approach; give them the flexibility to get this country going, not complicate their efforts when they are trying to get other countries to write off some of the existing worthless debt.

I have confidence in Ambassador Bremer. I have confidence in Secretary Powell. I think this amendment is very well intended. Again, I have no complaints whatsoever about the authors of this amendment. I respect them greatly as colleagues, but I think they made a mistake, and I urge our colleagues to vote no on this amendment when we vote.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield 5 minutes to Senator ROBERTS.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 5 minutes.

Mr. ROBERTS. I thank the Chair.

Mr. President, I am going to start off with a quote from Winston Churchill and people are going to say: Why on Earth would I be quoting Winston Churchill in this regard as to whether or not we will come to the assistance of the Iraqis with a loan or a grant? But I think it has application, and it refers back to what the distinguished Senator from Indiana said. I would like to repeat what the Senator from Oklahoma has stated. I have nothing but admiration for the work the Senator from Indiana and others who have spoken to this amendment have done on this issue. Senator BAYH is a very valued member of the Intelligence Committee.

Let me get back to my point, and that is, Churchill said on hearing about the attack on Pearl Harbor—if you stop and think about it, 9/11 is our modern-day Pearl Harbor, so I think it is an apt quote. He said:

> Silly people, that was the description many gave in discounting the force of the United States. Some said they were soft, others that they would never be united, that they would never come to grips, they would never stand bloodletting, that their system of government and democracy would paralyze their war effort.

Let me repeat that:

> that their system of government and democracy would paralyze their war effort.
>
> Now we will see the weakness of this numerous but remote, wealthy and very talkative people.

Then Churchill said:

> But, I had studied the American Civil War fought out to the last desperate inch. American blood flowed in my veins. I thought of a remark made to me years before—the United States is like a gigantic boiler. Once the fire of freedom is lighted under it, there is no limit to the power it can generate. It is a matter of resolve.

Let me repeat that:

> It is a matter of resolve.

Why do I bring up the Churchill quote and the issue of resolve in regard to whether or not we apply a grant or a loan to the Iraqi people?

I think it is a question of resolve in the eyes of more especially those in the Arab world, more especially the Iraqis. In the last 2 days, I have had visits from three ambassadors. I am not going to go into their names or countries. It was a confidential discussion. Obviously, they were countries directly involved in this whole effort. They asked me quite frankly about American resolve. They asked me about the whole WMD issue, whether or not the American people still had the resolve to see this through.

Then they asked me about this loan situation and this grant situation. They were very mindful of the attitude the Senator from Indiana already spoke to that there will be those in the Arab world, our adversaries, if you will, who will interpret this as a grab that they originally described as to why the United States became involved in this conflict—a grab for the oil of Iraq.

On April 8, 2003, the President and the Prime Minister of Britain said in a joint statement regarding the future of Iraq:

> We reaffirm our commitment to protect Iraqi's natural resources, as the patrimony of the people of Iraq, which should be used only for their benefit.

U.S. interests in Iraq lie solely with the development of a free and democratic nation. Congress should not now add a condition of our involvement that suggests the United States had an interest in Iraqi oil all along. Using the Iraq's oil as collateral for loans would play now into the hands of those who wrongly attributed an oil motive. That is in reference to a statement made by both the President and the Prime Minister of Britain.

Now, the distinguished Senator from Indiana said that is not true. I do not think it is true either, but I think it is true in the minds of many Arab leaders. I do not know who is paying attention to this debate tonight. There are not many Members present. We are going to have a vote later, but most Americans are probably watching the playoffs in regard to the World Series, so I doubt if too many people are paying attention.

I tell my colleagues who will pay attention: Every intelligence community and every Arab leader in the world will go over every word of what we say tonight. I have had three ambassadors come to me wondering about the resolve of the United States and are we reneging in regard to our support for the war. Rightly or wrongly, I think that is a real problem.

I think we also have a real problem with the timing of this in regard to the loan, just as the President goes overseas, goes to the donors conference. People say, well, this will allow us a seat at the table. My colleagues, we are the table.

The PRESIDING OFFICER. The Senator has used 5 minutes. Does he request more time?

Mr. ROBERTS. I request an additional 30 seconds, if that would be possible.

The PRESIDING OFFICER. Without objection.

Mr. ROBERTS. In summing up, I support the amendment that has been introduced by the Senator from Oklahoma and would say it is a matter of resolve in the eyes of the Arab world. It is much larger than Iraq and much larger than a $10 billion loan or $5 billion here or $5 billion there. In fact, it will be viewed in the Arab world, in the Arab community, as a test of America's resolve, and I do not want us to fail that test.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I am pleased to yield 5 minutes to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 5 minutes.

Mr. GRAHAM of South Carolina. Mr. President, probably by the end of the week, if things stay the way they have been, unfortunately we will have some injured troops and maybe some will lose their lives.

There is a resolve by the American people and this body to stay the course. If anybody has looked at what we have done in a reasonable, rational manner—and that is all I ask the world to do—they will see great resolve on our part. The biggest contribution we have made to the Iraqi people has nothing to do with money. It is the 350, somewhere in that number, growing by the day, young men and women. That is our biggest contribution. We have spent a lot of money, a billion dollars a week, to try to transform a country from tyranny to civility, and the middle is chaos. We are making great improvements. That is an honest statement.

Having been to Iraq, one can see the resolve in the soldiers' eyes. I dare say there may be some men and women in the Armed Forces who are so decent that they would say: Give the Iraqi people money, we do not want to be paid back. That is the strength of our country.

We are in it for the long haul. There is more dying to come. There is more money to be spent. If we try to build up the infrastructure in the next months to come, chances are it will be attacked because we have not secured the country yet. To expect it to be secured in 6 months is impossible, because the Iraqi Army and all the bad people who are in it have gone into the civilian population.

Senator McCONNELL is right; they are not just killing Americans. They are killing people who are trying to transform the country into democracy.

People may say, oh, this loan proves they were over there for our oil. I cannot tell my colleagues how much it bothers me to hear that because my colleagues know it is not true and I know it is not true. Nobody in a rational thought process would send 350 people and climbing to their death, spend $70 billion and climbing, to make a $10 billion loan that may never be collected.

So people can say what they want to say. If our country gives in to that way of thinking, and if we are swayed by people who hate us to begin with and we change our policy based on people who are never going to be with us, we will never get this right.

My hope is that the Iraqi people who see our soldiers on the ground, see the schools being opened and built, and the hospitals being repaired would be the first to reject this kind of reasoning, because God knows we are not there to take anything they have. We are there to help them, but we are also there to help us.

Why did we go to war? Why did we pick people from South Carolina, California, and all the places in between to go to a foreign land and risk their lives and have some die? To make sure that Saddam Hussein could do no more damage to the region or us than he has already done.

President Bush has shown great leadership. He has said that the 21st century will not be ruled or dictated by terrorists, dictators, and murderers. He is absolutely right. God bless him for his resolve.

This amendment puts $10 billion on the table, unencumbered, to spend however you would like. This chart shows from $95 billion to $153 billion of debt incurred to Saddam Hussein. The reason I am so passionate about this, I do not want to give in to a great lie. We cannot buy our way out of this problem. We cannot take $10 billion of taxpayer money and people are losing their jobs to buy our way out of a great lie.

It would be terrible if the people of this country, who have sacrificed so much, wound up not getting a dime back for doing a good thing, and all they invested in Iraq to produce profit and money went to pay the people back who kept Saddam Hussein in power. That is unacceptable to me, and that is the scenario we are charting. Please do not do that. It would be bad for everyone. It would not make the world safer.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. STEVENS. I yield 5 minutes to Senator SESSIONS.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Alabama is recognized for 5 minutes.

Mr. SESSIONS. I thank the distinguished chairman of the Appropriations Committee, Senator STEVENS, and appreciate his leadership in this matter. He has been in this body a long time. He has served his country in the military, and I think he sized up this matter quite correctly. We are at war.

I was at the Walter Reed Hospital a couple of weeks ago, meeting soldiers who served in Iraq. They have been wounded, some seriously. Most who I met were getting better. They were great in spirit and were most impressive young people.

We are in a war. We have an $87 billion request, and $67 billion of that is going to be to fund our military at $4 billion a month. Twenty billion dollars is what has been set aside for infrastructure.

My goal, and I believe the goal of this country, is to stabilize Iraq, create a healthy environment as best we can, and to continue to draw down our troops in a rapid way; get out and come home. The $20 billion gives us the best chance to do that. That means we need money for police.

When I visited Iraq in August, I went to observe the police training. I wanted to do that because I was a Federal prosecutor for a number of years and I wanted to see how they were doing. They are doing very well. They are being targeted now because they are doing so well.

We need money to get electricity. Electricity needs to be on in Baghdad. When we get the electricity on, that country is going to be better off. It is going to be more stable and there is going to be less violence. That is what the infrastructure money does.

I do not see how this President can ask other countries to not try to collect on debts they have to the Saddam Hussein regime if he is asking that the money we put in for this infrastructure be classified as a debt. I just do not believe that is good policy for him. I think it is going to complicate matters in many different ways. Secretary of

State Colin Powell indicated those ways to us recently. The entire administration, the Vice President, those who dealt with this issue so closely, are passionately of the belief it would be a colossal error for us to try to put a mortgage on Iraq in order to get paid back for half, I guess, now of the money we are providing to improve the infrastructure in that country. It does not make good sense to me.

I think the right thing to do is for us to step forward as we are doing, be bold and courageous, complete this job, improve the infrastructure, establish a police force that has ability and integrity, a security force that can protect areas of the country that are at risk, and bring on an Iraqi Army.

I visited the training camps for the Iraqi Army. We have the potential to do even more than we are doing, in bringing on those troops even more rapidly than we are doing. If we spend that money for that purpose, I believe this country can be in a position to continue to draw down our troops.

We had 250,000 troops at the peak of this effort. We are now down to 138,000. I see no reason that number cannot continue to go down. Whole areas of the country are doing very well. We have to be pleased with what has happened in Mosul in the north, where the 101st and General Petraus have done so well; Kirkuk in the south. Basra is doing exceedingly well.

We have seen reports recently of the economic vitality on the streets of the country. I believe it is just a big mistake for us to try to now come in and worry about whether this ought to be a loan.

I don't take a back seat to anybody in this Senate on trying to preserve the taxpayers' money. In fact, most of the people I hear who want to make this a loan and are so worried about collecting this money back have not been counted on a lot of tough votes on spending when we have had some real challenges here, to contain the growth in spending. So it is painful to me to think about $67 billion, $87 billion to be spent there. But we made a commitment. This Senate voted over three-fourths to support this effort. We had no doubt when we entered this effort that it was going to be costly. In fact, we have to be pleased the war went better than we could ever have expected it to go. It went faster.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. SESSIONS. I thank the Chair and will just conclude by saying I believe the amendment should not be adopted. We ought to make this a grant. Let's go forward, stabilize this country, and bring our soldiers home.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SANTORUM. I thank the Senator from Alaska for yielding the time, and I compliment Members on both sides of this issue for the excellent debate, the tone of this debate.

It is a very important debate we are engaged in right now. This is probably the most important decision we will make because it is going to shape the postwar policy of a reconstruction that will have a dramatic impact on the national security of this country. So I think people are taking this vote very seriously and I think they should take it seriously because it has incredible ramifications.

This is a vote I believe we will look back on as one of the most significant votes we will cast in the area of foreign policy, certainly in the time I have been in the Senate, in Congress. So I am pleased to see there is a good, active debate. The words being exchanged I think have been helpful.

A lot of the comments I heard from some of my colleagues who support the Bayh amendment, which I do not, have been reassuring to me. The intent of this amendment is not to show a lack of resolve on the part of any Member of the Senate that the policy of this administration in Iraq is being supported by those who may differ with the way the package is put together. Those words are important. Those words matter.

My concern with those words is those words do matter, those words are important, but what matters more and what is more important are actions. There are too many people around this world who are not going to hear these words, but they are going to see the action. There are too many people in this world who will ignore the words and focus and take advantage of them to portray America really differently and portray this Senate differently than what the words in support of the Bayh amendment articulate.

Yes, words matter. Intent of the offerors of this amendment, supporters of this amendment, matters. But the problem is the action of what is going to occur matters most. The action here is clear. We are saying to a country that is flat on its back economically, that has just gone through a 25-year-plus horrific regime, has just been through a war, we are saying to them: We came there to liberate you, to create freedom and rebuild your society into one that is peaceful and democratic, and, oh, by the way—and it is the "oh, by the way" this amendment is all about. The "oh, by the way" is we want some of that money back.

Of course, the only way they can pay it back, and this is what the world community will see, this is what the people in the Arab world will see, is through oil revenues.

That "oh, by the way" action trumps all of the words we heard here tonight which are no, we are not after oil, we are not after this. But it really doesn't matter what we say because what will be interpreted is what we do.

The impact of that in this very fragile postwar period is profound, the impact on the donors conference which is coming up, where we are asking those around the world to contribute money, not to loan the money but to give the money. These are people who did not participate, in many cases, in supporting the United States action. So we are asking them, for humanitarian purposes, for purposes of promoting stability in the world, to support reconstruction in some cases where they didn't support the action in the first place. To go there with less than generous support—although I agree with many of my colleagues, we have been generous. The American public has been incredibly generous. But to have those strings attached is going to send a message that is not going to be positive in getting additional contributions from the donor nations. That will have a serious impact on the buy-in we need to make postwar Iraq successful.

It was said by someone in the administration yesterday at our luncheon that there are now elections being held in Saudi Arabia, local elections for the first time as a result of the model that is being set in Iraq. The impact of a successful Iraq, a democratic Iraq, on that region of the world is like the MasterCard commercial—it is priceless. It is priceless.

Why we, in any small way, would put that in jeopardy or give those who would like to see it not succeed an opportunity to use this vote and this action by the Senate to undermine that objective is to me something that does not make sense.

So I hope my colleagues understand, this is an important vote, one we will look back on throughout history, like I believe those in 1948 look back on their vote on the Marshall plan. I hope we will get a vote to defeat this amendment.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. STEVENS. I yield to the Senator from Georgia 8 minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Thank you, Mr. President.

I say to Senators BAYH, NELSON, GRAHAM, COLLINS, SNOWE, and ENSIGN what a pleasure it is to work with all of you on this issue where we know we are doing the right thing for America and the American people as well as for the people of Iraq.

I start out by saying that nobody, according to my political opponents, has been a stronger supporter of this administration and this President than this Senator from Georgia. I continue to support my President. I support his request for $87 billion in funding for Iraq. The only thing I disagree with the administration about is how we structure that funding. None of us disagrees about the fact that we need the $67 billion for the military operation in Iraq. But to take the remainder of the $20 billion and to put half of it in the form of a grant to tell the people of Iraq we are going to give you the money to go in and rebuild your infrastructure is certainly reasonable. To tell them also that we want you to make an investment in Iraq just like we as the American taxpayers are making an investment in Iraq is also reasonable.

There are three reasons that I feel so strongly about this issue. Before I talk about those three reasons, I wish to address one issue on which I know our political enemies in the press, particularly in other parts of the world, are going to be attacking us as Members of the Senate tomorrow if this amendment does pass. That attack is going to be geared to saying: Here we go, we told you all along that the Americans came into Iraq because they wanted our oil. My friend from Oklahoma has already addressed this issue. What he has said is very clear: that is, the debt that Iraq now owes—it is listed on this chart that has been entered into the RECORD—there is no money left. No money is left to pay this debt.

To say we went into Iraq for oil because we are asking the Iraqi people to make an investment in infrastructure is simply not true. There is no way you can say it is true.

Let me get to my three reasons.

First of all, should the American taxpayer invest money in Iraq so that the Iraqi people can have their infrastructure rebuilt and have their economy revitalized so that these debts can be repaid? My friend from Maine has already addressed this issue, and I think the answer is very clear.

Second, if America is to invest in Iraq in rebuilding its infrastructure, is it unreasonable to ask the Iraqi people to share in that investment?

What is going to happen when we start investing over there and start rebuilding their infrastructure? I can tell you what is going to happen—some of the same things we have already seen happen. We have seen pipelines attacked by the terrorist community in that part of the world. We have seen bombs blown up in front of the hotels in Baghdad. We have seen other entities, including Americans, attacked on a regular basis.

When we rebuild the infrastructure, we can expect the terrorist community, which is alive and well in that part of the world, to continue to come out and attack those investments we are making.

If the Iraqi people share in that investment, are they going to be more likely to help us in preventing those attacks and also in bringing the perpetrators of those attacks to justice? You bet they will. I think there is every reason in the world to ask them to make a joint investment with us.

Third, my goal is that when the American presence in Iraq is gone, all of these debts are relieved. How do we best do that? Do we best do that by investing $20 billion and saying: OK, we are going to rebuild your infrastructure? You go out, and because your economy is back up and running, you take care of those debts. No. They are not going to leave them debt free if we do that.

If the President goes to the donors conference next week or calls up President Putin or any of these other countries and says, Look, my country is owed $10 billion, we invested $10 billion to rebuild the infrastructure, if you forgive your debt, we will forgive our debt, does that give a moral leverage in what he would have if he went in and said, We put $20 billion in there, why don't you forgive your debt? Be a nice guy and forgive it? The nice guys have already spoken—Germany, France, and these other countries such as Russia have already spoken. They are not going to be nice guys. We simply can't expect that from them.

We need to give the President the leverage he can use to go in and get these debts forgiven. When that happens—and I sincerely hope it does happen in the short term—then our $10 billion in the form of a loan is going to be converted to a grant, and it won't be repaid.

That is what we are here debating tonight—whether or not we are going to give the President the right kind of leverage he needs to deal with these countries that sit in creditor status with Iraq today.

What has been our investment in Iraq? Our investment has been whatever it costs us to this point in time. I don't know how many billions of dollars—maybe $100 billion. I don't know what it is. How much is it going to cost us in the future? It is going to cost us another $21 billion, or is it another $87 billion? That is going to get us through the next year. Next year we will be back here debating on another supplemental on continuing the effort in Iraq.

All we are asking the Iraqi people to do is to take part of that $130 billion, $150 billion, or $170 billion—whatever it has been today—and share part of it with us; share $10 billion with us.

Second, there is not a country on this chart, outside of the U.K., that has lost one life as a result of the conflict in Iraq and freeing and liberating the Iraqi people. As of today, we have lost 332 American lives—just as of today. A young soldier from Valdosta, GA, was found floating in a river. He apparently drowned over there. We have lost 332 brave American men and women. These countries, outside of the U.K., have lost none. They have made no investment of life in the freedom of Iraq.

Let me close by answering my friend from Oklahoma, who is truly one of my dearest friends and a guy I respect so much. But when he says, from the standpoint of to whom we are going to lend this money, there is nobody to sign a note, what are we going to do with this $21 billion? Are we going to stand in a hotel window and throw it on the streets of Baghdad? Give me a break. There is somebody in place to give the money to. There is somebody in place to lend the money to. All you have to do is think about what we are going to do with the money. We are going to rebuild the infrastructure in Iraq. There is somebody who owns that infrastructure. I don't care whether it is the former government or the Coalition Provisional Authority. There is an entity in place that is capable of signing a note. That is simply a very weak argument, to say that we don't have the legal capacity to make this loan.

Again, I am very proud of the fact that we have come together in a bipartisan way to do what we think is right for the American people.

Again, I am thankful for the leadership of Senator BAYH, Senator COLLINS, and Senator ENSIGN, who were so instrumental in this.

I ask my colleagues to think seriously about this because it is maybe the most important vote we will make. The future of our children and grandchildren, particularly when it comes to rooting out terrorism around the world, may rest in this vote. I am very confident that the right vote is in support of this amendment.

I thank the Chair.

Mr. BAYH. I ask my colleague: The Senator from Michigan has been waiting quite some time.

Mr. STEVENS. I have had the Senator from Washington waiting for a substantial amount of time, too.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise to join my well-meaning colleagues on both sides of this debate in trying too determine the best mechanism for not only our leadership in Iraq and getting the Iraqi people on their feet, but also in getting other countries to help by forgiving Iraqi debt.

It is crucial that we in this Chamber send a strong message to the Iraqi people that we will be the world's most outspoken advocate for Iraqi reconstruction and that the United States will play a leadership role.

Now I don't impugn the motives of other Members who want to qualify our assistance through a loan formula.

I share my colleagues' concerns that the funding for Iraq reconstruction is a serious cost that we need to thoroughly consider and oversee.

However, I think it is critically important to realize that Americans have already been making a serious investment in this region in order to ensure that we are so close to achieving: A stable, peaceful, democratic Iraq.

We spent billions of dollars to expel Hussein out of Kuwait; we spent billions throughout the nineties patrolling a no-fly zone; and we spent billions to liberate Iraq, and we are spending billions to secure and stabilize the country.

We are now the closest we have ever been to achieving the very goal that we have sacrificed lives and spent billions to achieve.

We are very close to taking the Iraqi people off their knees and putting them on their feet. Yet, the right way to do this is by helping them build a strong economy not by saddling the Iraqis with further debt.

Let's consider what we are saying when we ask the Iraqi people to take on this loan. Think about it. Iraq's annual oil revenues may be somewhere around $15 billion, but we are on the verge of adding to an existing debt level of $200 billion—and expecting them to pay with their oil revenues.

To think that Iraq can pay off a loan by oil revenues when its debt is thirteen times its annual oil revenues is ridiculous. A future Iraq would end up spending half of its oil revenues on interest payments alone.

Is that the message we want to send to the Iraqi people?

Is that the message we want to send to the mayor of Kirkuk who I met?

To the governor of Basra who doesn't have enough electricity to serve his community?

To the members of the Iraqi council, who are not only giving their time to serve their country, but are risking their lives.

To the woman of the Iraqi council who spent 16 years in hiding with other women only to rejoice when she found out that the United States was coming to give them an opportunity to meet and express their opinions in public.

These courageous leaders have stepped out to rebuild this country, and are willing to give their lives to do so.

We need to help these people re-build their country, not pile on additional debt.

Now is not the time for the United States to back away form its leadership role in nurturing Iraq's future.

Make no mistake, I am disappointed like all my colleagues that the American economy isn't recovering as well as it should.

I am disappointed in our terribly low levels of domestic investment.

I have as much concern as anyone over our domestic economy—my home state of Washington is still facing a terribly high 7.5 percent unemployment rate.

But we cannot tell the American people that we are going to solve their problem by somehow holding down the Iraqi people to a future debt that will not let them stand on their feet.

The United States must play a leadership role in Iraq reconstruction.

And it is very hard to play a leadership role when our commitment to Iraq reconstruction is qualified by the conditions of a loan.

We need to say to the rest of the world community that it is time for them to help build Iraq, too.

We need to say that if they are serious in their commitments about rebuilding Iraq, as the U.N. did in its resolution today, then get behind that message and deliver.

But to say that out of the $87 billion that we are talking about, that somehow $10 billion of it ought to be paid back in a loan—only if the other countries are not willing to commit to debt forgiveness—is not the message of a leader.

A leader who believes in the Iraqi people will stand behind them and give them the ability to get their country on their feet. We must be this leader and get them on their feet and get our troops back home.

Mr. BAYH. I yield 8 minutes to the Senator from Michigan.

Mr. STEVENS. Mr. President, after that, I yield to Senator BURNS 5 minutes from our side.

The PRESIDING OFFICER. The Senator is requesting that Senator BURNS follow Senator LEVIN.

Mr. BAYH. If the Senator from Montana would like to follow the Senator from Michigan, I have no problem.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I first thank the Senators who have been so deeply engaged in coming up with a bipartisan amendment. It is critically important there be a bipartisan amendment relative to issues of war, peace, reconstruction, and the aftermath of war. I congratulate them on it. I support this amendment.

The administration has requested approximately $20 billion for the reconstruction of Iraq and the entire sum is intended to be a grant. We are told that Saddam Hussein's debts are so great that we cannot contemplate the new Iraq taking out a loan against their huge resource, the second largest oil reserves in the world, perhaps $1 trillion or more, so that they can become involved in their own reconstruction. Only a grant, we are told, will do, even though this is a country with a tremendous resource. We are told they cannot contribute to their own reconstruction financially.

It was just last March Deputy Secretary of Defense Wolfowitz said that "we are dealing with a country that can really finance its own reconstruction, and relatively soon." And it can. It surely can help finance its own reconstruction and would be far better off if it did help to finance its own reconstruction.

If the Iraqis possessed billions of dollars in gold bullion, I cannot imagine anyone talking about granting them $20 billion. They have $1 trillion in liquid goal. Yet the suggestion for us to propose to Iraq that they can stand on their own feet, that they can contribute to their own reconstruction by a tiny fraction of that asset being used, somehow or other that does not mean we are leading—I reject that. We have led with our lives, almost 350 American lives. Every one of those lives shows resolve. Every one of the 1,700 Americans who have been injured show resolve. And we are going to continue to show resolve with our lives on the line.

To suggest that Iraq, with an asset of $1 trillion, somehow or other should not be part of its own reconstruction financially is portrayed here as a lack of leadership. To me, it is a central element of wisdom and recognizing that Iraq has a right to be treated as a country that has great resources, great capabilities and we need to treat them as a partner.

What is missing from the Bremer plan is a sense of ownership by Iraq of its own reconstruction. The money involved in the plan is U.S. money being appropriated to a U.S. administrator, who is going to spend the money pretty much as he sees fit. That is not the best way to succeed in Iraq. The best way is Iraq having the will to succeed.

There has been a suggestion that somehow or other we do not have the resolve if we become partners with Iraq. It is quite the opposite. Iraq must have the will to succeed and contribute to its own reconstruction with a tiny fraction of its own resources as a reflection of that will to succeed.

If Iraqi money were involved, I don't think this plan would have proposed new ZIP Codes for Iraq; sending Iraqi students, at huge expense, to business schools; some kind of a big honeypot for U.S. consultants. Is that how the Iraqis would be spending their money? I doubt it. When we talked to the Iraqis who came here, we asked them if they had a role in this plan? We were told, no; this was our plan.

This has got to be their plan for their own reconstruction. They have to own it. It is their country. We can help them. We can be a partner, and God knows we have been. All the blood that we have shed for their liberation has surely made us a partner. Nobody is going to be able to misconstrue this as our aiming at their oil resource. No one can misconstrue a grant of $10 billion, and a following loan of another $10 billion if others will contribute, as somehow or other targeting their resources. Nobody is going to buy it.

There may be an effort made to misconstrue it, but nobody is going to buy that. We shed too much blood. We have spent too much money in Iraq for this to be misconstrued this way.

One other thing: Our simply giving them billions without their participating, and then our deciding how to spend it, is going to keep America as the target of terrorists, not just because of the military power that we deploy so visibly, but because of the reconstruction projects that we choose so unilaterally. If an electric power plant is built with our money—it's a visible U.S. target for terrorists. If its built with Iraqi money—it's less of a lightening rod.

The distinction is important in another way. Iraqis will have more incentives to protect and to fight what their money builds. For those reasons alone, the future of Iraq will be more assured if Iraqis have the financial stake to succeed.

This has to be a partnership. We must join with Iraq in the reconstruction. We should not dominate. We should not control. We should not determine. Their resources should be spent on their own reconstruction, with them, surely in part, choosing their priorities as to what is important for them.

That is what we should all want for Iraq. And our simply saying, here is $20 billion, these are the ways we will spend the $20 billion—is not the way to help Iraq get back on its feet. It is the way to signal to the world that we control, we dominate, and that is the worst message that we can send to the world.

Mr. President, do I have time remaining?

The PRESIDING OFFICER. The Senator has 40 seconds.

Mr. LEVIN. Mr. President, my own preference would have been, instead of a direct loan from us, that there be a loan from a third party, guaranteed by us. That is my preference because that would have taken away any possibility of misconstruing what we are doing, any propaganda value that might be gained by anybody else by saying somehow or other the United States is going to be a creditor, therefore, we have designs on Iraq. That could have been avoided if there were a third party making the loan, with our guarantee. If this amendment were not adopted—and I hope it will be—I would offer such a loan guarantee amendment as a preferable way to go. But this amendment is preferable to the grant approach of the administration.

I yield the floor.

Mr. SARBANES. Will the Senator from Indiana yield for a question?

Does the Senator have control of the time?

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized for 5 minutes.

Mr. BURNS. Mr. President, I say to my friend from Maryland, if he wants to ask a question, I don't see any harm in that.

Mr. SARBANES. No.

Mr. President, does the time then come back to the Senator from Indiana?

The PRESIDING OFFICER. Correct. The Senator from Indiana can seek recognition at that time. The Senator from Indiana has 13 minutes.

Mr. SARBANES. Mr. President, I will defer until the Senator concludes, and then I will seek to have an exchange with the Senator.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Montana.

Mr. BURNS. Mr. President, we just got back from Iraq last Saturday. I just want to share with you a couple of thoughts that I had while I was there and coming back because once you go and you look and you see and you feel what is going on in that country—I am going to oppose this amendment, but I am opposing the amendment, and I am opposing the idea, but not because some of my good colleagues, for whom I have the utmost respect, are promoting this.

There are as many Iraqis and more dying today than there are Americans. If we lose one American life, it is a tragedy. But their new police department that is on the street is doing a good job, and they are paying with their lives also.

I am not going to get into whether we can afford it or we can't afford it or whether they can afford it or they can't afford it. But this investment, my colleagues, is probably one of the biggest ones we will make. The returns in the next 20 years will be way beyond expectation. We are changing something in the Middle East that has not even been touched since the end of World War I.

We went into those communities where poverty is rampant, with trash, garbage. Kids are happy. They come up to you. We talked to parents in refurbished schools. And, by the way, we have refurbished 1,500 of them, done by an Iraqi contractor who hired 30,000 Iraqi workmen to do it.

We talked to parents. I talked to one woman there and asked: Do you want us to go away?

She said: No, absolutely not.

And I asked her: Give me one reason, one reason.

She said: My little girl is going to school.

Little girls did not go to school under Saddam Hussein. Think about that impact on that neighborhood. I am talking ground level, folks. This is not the palaces. This is not the CPA or the IGC. These are people who are on the street.

What kind of a message is this: "Well, we will loan you the money, but expect you to pay it back"? And they will say: "Gee, thanks. The last thing we need is another loan."

We have all been down that street. We loan; we lose control of the money. Is it spent where it is supposed to be spent? Does it really build the infrastructure? Or do we see somebody going out and buying a Mercedes-Benz and putting it in their trunk and saying: "Well, I have had enough of this"? We have seen that happen, too. That has been our experience with some of our foreign aid.

We control it. But I want to get back to this issue that we are going to change some things over there on the success of Iraq. We don't know whether their constitution will be like ours. I daresay it will not. But it will be some form of representative government, which to us is a baby step, but to them it is a giant step.

If you throw a map down on the floor and you take a look at all of the Middle East, here is what we have done: We have invested in a corridor that will be the economic road for not only Iraq but for Jordan, for Egypt, for all the countries that border Iraq because, for the first time, we will have a communications and transportation system that is free and open, and even in the fly zones that run from the Mediterranean to the Persian Gulf.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BURNS. Mr. President, I ask unanimous consent that I have 5 more minutes.

The PRESIDING OFFICER. Does the Senator yield the time?

Mr. STEVENS. I am sorry, I do not have an additional 5 minutes.

Mr. BURNS. Will you give me another minute to close?

Mr. STEVENS. I yield the Senator 1 minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. BURNS. Mr. President, if you think, why is King Abdullah of Jordan so supportive of us? Why is Turkey so supportive of what we are trying to do? It is very simple: because the corridor of freedom is being opened.

Now you tell me if there is not a better investment in this world. And you have cracked closed societies. Would Saudi Arabia announce they are going to have free elections had we not done what we have done?

We cannot make it in the form of a loan because we lose control of it. Let's help those people. They want to do it. Their will for freedom is just as strong as ours. How strong is our will? How strong is ours?

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SARBANES. Mr. President, will the Senator yield for a question?

Mr. BAYH. Yes.

Mr. SARBANES. I want to make sure, as I understand the Senator's amendment, $10 billion of this $87 billion which he proposes as a loan on the reconstruction side, under the very terms of his amendment would be forgiven if 90 percent of Iraq's outstanding debt were forgiven by other countries; is that correct?

Mr. BAYH. That is correct.

Mr. SARBANES. I want to commend the Senator for the wisdom of his amendment. If we do not adopt this amendment, the United States presumably will go to a debtors conference trying to persuade people that they should forgive the debt to Iraq. If your amendment passes, the United States is in a position at that debtors conference to say: If you will forgive your debt, we will forgive this debt. In fact, the amendment, by its terms, would require that.

If we make it all a grant, we will go to the debtors conference and we will say to them: We made a grant. Now you should forgive your debt.

They are going to say: Well, that is over and done with. That is water over the dam. That grant has happened. What do you have to give us here at this conference?

So presumably at that point, we are going to come up with another chunk of money, would that be correct?

Mr. BAYH. The Senator understands the amendment perfectly. It provides an incentive for the rest of the countries to forgive their odious debt they extended to Saddam, and if they do not, it puts our country in a position of maximum leverage to insist that they do in any debtors conference.

Mr. SARBANES. I thank the Senator.

Mr. BAYH. I am pleased to yield 4 minutes to the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, as usual the Senator from Maryland has put his finger on one of the most important aspects of this amendment. It is one of the reasons I rise to support the Bayh-Nelson-Ensign-Collins-Snowe amendment. It is a very sound proposal. It establishes several important principles relative to the steadfast commitment of this Congress to finish a job that has already been started.

As the chief sponsor of this amendment stated in his opening remarks, whether you voted to use force to overthrow this regime or not, the fact is, we are there now. We have an important job to complete. This is one of the most challenging tasks ever undertaken by the people of the United States. The Bayh amendment outlines a roadmap that might actually get us to where we want to go. Words such as freedom, education, prosperity, democracy, vibrancy, a free enterprise economy, I have heard my colleagues speak with passion. This amendment is an attempt not to undermine those principles but to ensure that we will actually get there, to the goal of this whole effort.

I am afraid without this amendment, the plan before the Senate, which we are well aware of, will not get us where we want to go.

It establishes a couple of important priorities. It says Iraqi security is important. It says the Congress, by good faith, will put up the $5 billion which, by the way, dwarfs the contributions of all other countries. And it sets up an incentive, a very important incentive, for the other nations to forgive the debts. It highlights the strength of the resources in Iraq and opens the opportunity to perhaps expand on that by rebuilding with the Iraqi-owned resources, once this plan is laid down.

The Bush-Bremer plan of billion-dollar grants only, often, and alone will simply not work. Let me repeat: The plan we have before us—not this amendment—the plan that has been presented of billion-dollar grants only, often, and alone will not work. It can't be sustained. The American people don't support it now. They will not support it in 30 days. They will not support it in 4 months. They will not support it in 4 years. The little girl the Senator from Montana spoke so passionately about is in school today. This amendment is about keeping her in school 2 years from now and 3 years from now and seeing that she graduates from college.

This amendment lays a sustainable roadmap to get us where we want to go. That is why I support it. That is why it is important. The RAND, World Bank, and Institutes of International Finance have estimated the cost will exceed $36 billion, $75 billion over the next not 30 days but 5 to 7 years. We need this amendment to get us on the right roadmap, laying down the right plan so we can sustain it to complete the task ahead of us which is very important, very complex and, as I said, one of the most challenging.

I support the amendment and urge my colleagues to do so as well.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield the Senator from Virginia 5 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. WARNER. Mr. President, I thank the distinguished manager, and I commend the Senate for an excellent debate. I rise today to oppose this amendment that would use loans for much needed reconstruction, and I urge my colleagues to do the same. Seldom do we have choices before us as fundamental as this one. We can truly help the Iraqi people and secure an important opportunity for change in this part of the world, or we can turn our backs and watch this fledging nation drown in a sea of debt. The second choice would represent failure. There is no choice. Failure is not an option. We must go forward; we must stay the course and help the people of Iraq win the peace without conditions.

We have achieved extraordinary success, in a relatively short period, in Iraq. Saddam Hussein and the threat he posed are gone; the future is hopeful for the Iraqi people. We must send a strong message of resolve to our fellow countrymen, to our troops, to our coalition partners, and to the rest of the world, that we will see this through to completion—to win the peace.

Over the July 4, recess, I traveled, along with eight colleagues from the Armed Forces and Intelligence Committees, to Iraq. During the 3 days we spent in Iraq, we met with Coalition Provisional Authority leaders, military leaders, soldiers, and local Iraqi leaders. Their courage, dedication and determination in a very difficult environment was inspiring. We saw the enormity of the task with our own eyes—the antiquated, dilapidated oil infrastructure; the mismanaged irrigation system; the piles of garbage and open sewers; and the cowed and brutalized, but hopeful people of Iraq. These problems will not be fully fixed overnight, or even with this significant infusion of resources. But, it is an important step forward. We must quickly build on the foundation that has been laid by Ambassador Bremer, his international team, and the Iraqi people, to sustain and accelerate the momentum for building a secure, and economically viable, democracy in Iraq.

Over the past few weeks, I have had the opportunity to meet with several Iraqi leaders. Recently, I met members of the Iraqi Governing Council. We noted the tragic absence of Ms. Akila al-Hashimi, a member of the Governing Council who was scheduled to travel to the United States this week but was gunned down last week outside her home in Baghdad, most likely by remnants of the Ba'athist regime intent on intimidating the new Iraqi leaders. She symbolized the courage, hope, and determination of many Iraqis to build a new, democratic Iraq, even in the face of great personal risk. We mourn her loss, along with the people of Iraq, and we must now renew our pledge to help Iraq establish the security, quality of life, and opportunity to enjoy the liberties of a free, democratic nation. Her colleagues on the Iraqi Governing Council are clearly committed to achieving these goals and deserve our support.

Some have suggested that providing $20.3 billion dollars for Iraqi reconstruction is too generous and that full or partial repayment should be formulated. This notion is borne from the belief that Iraq is a potentially prosperous nation, well-endowed with oil reserves, that should be able to pay for its own reconstruction. I respectfully disagree.

The idea of loans for Iraqi reconstruction, instead of grants, would be a terrible mistake. Iraq already has crushing debt, accumulated during Saddam Hussein's brutal, incompetent reign. Estimates of this debt range from $180 billion to almost $400 billion. Additional debt or encumbrances on future earnings now would be economically disastrous, and send the wrong message to Iraqis and, indeed, the world.

General Jay Garner and Ambassador Bremer have both forcefully argued that Iraq must be granted significant debt reduction or forgiveness. The United States will seek to convince the principal holders of Iraqi loans—Russia, France, Germany and Saudi Arabia—to foregive some of all of these loans. To add additional loans, at the same time we are asking others to forgive loans, would be counterproductive and hypocritical.

Later this month, the U.S. will hold a donors' conference in Madrid to solicit contributions from the international community for Iraqi reconstruction. To ask others to make grants to Iraq after we have structured some or all of our contribution to Iraqi reconstruction as loans would undercut our Government's efforts to obtain international support.

In the conversations with Iraqi leaders I mentioned earlier, they were emphatic in their opposition to reconstruction support being structured as loans, especially if these loans were made in the form of "liens" against potential Iraqi oil revenues. They rightfully argued that the Iraqi people and the larger Arab and Islamic world would regard such a move negatively and conclude that their earlier suspicions that the U.S. was more interested in Iraqi oil than Iraqi liberation were true.

We have an opportunity before us to send a message of full commitment to Iraq and of a balanced, fair U.S. foreign policy in the larger Middle Easter region, by providing this reconstruction assistance as grants to Iraq. A loan program using Iraqi oil as collateral would be viewed as just the opposite, and would be counterproductive to our larger goals and interests in this important region.

There is a perception, I fear, that this supplemental will fully fund Iraq's reconstruction. Nothing could be further from the truth. The reconstruction needs of Iraq are enormous—not because of war damage, but because of three-plus decades of neglect, mismanagement and greed by Saddam Hussein's regime. The fund included in this supplemental will only begin to address these daunting needs, but adoption of this package will put the Iraqis in a much better position to help themselves in the future. The Iraqi leaders I spoke with want nothing more than to do just that, but they need our help for now, not with crippling conditions attached.

Some have compared this supplemental for the reconstruction of Iraq and Afghanistan to the Marshall plan that funded the reconstruction of Europe following World War II. Most would agree that the investment of our Nation in the Marshall plan has been paid back a hundred-fold.

Some have correctly pointed out that the Marshall plan included loans that had to be paid back and the requirement for matching funds by the beneficiary nations, in some cases. The bulk of Marshall plan assistance, however, was in the form of grants. Students of history, of which there are many in this chamber, will recall, also, that while the Marshall plan began in 1948, it was preceded by a series of programs over a number of years, to provide financial support to meet the immediate needs of devastated European nations, including Germany. In today's dollar, the equivalent of over $100 billion in aid was provided by the U.S. to these nations before the Marshall plan went into effect. Included in this aid was over $35 billion in grants to put these nations in a position to help themselves with subsequent assistance.

The situation is similar in Iraq today. This is a nation crippled by multiple wars, mismanagement, and neglect. The Iraqis are not yet in a position to help themselves, but they can be with our help.

Providing loans to Iraq is an idea that may have merit in the future, but not now. By voting overwhelmingly to authorize the use of force in Iraq, we accepted the responsibilities and challenges of subsequent reconstruction. We must not now shrink from that responsibility. We must first provide the unconditional assistance that will lay the foundation for full reconstruction. That is in Iraq's best interest; it is in America's best interest.

Let us join together to provide the resources that will meet the immediate needs of the Iraqi people and best serve our interests in Iraq and the larger Middle East region. I urge my colleagues to defeat this amendment and send a message to the Iraqi people that we are committed to their liberation and reconstruction unconditionally.

I was very deeply influenced and moved by the Senator from Washington, Senator CANTWELL. She hit it. What is the message we send forth from this Chamber tonight?

I must admit, in the briefings and so forth that took place today before the Armed Services Committee, I repeatedly heard, we are not getting the message out in that part of the world about what we are trying to do and the successes we have had to date in helping the people. Consequently, a vote that would carry this amendment will just spread through that world and be interpreted by that press. It will undo so much of what we have been able to achieve thus far in trying to convince that world we are there for their own interests, not for oil, not to profit from a loan or give a loan. It will be misinterpreted as a consequence of a very small amount of funding in this whole $87 billion.

I would like to put a question to my good friend, fellow member of the Armed Services Committee, who is a strong supporter of the men and women of the Armed Forces, a simple question: Does this amendment make the streets safer for the men and women of the Armed Forces tonight, tomorrow tonight, and in the days and weeks to come, together with their coalition partners? If somehow you can convince me this will bring about a greater measure of safety—this is the thing that concerns me above all. The sacrifices being made by the men and women of the Armed Forces, their families here at home, people in the villages and towns who watched them march off to take up their stations in this battle for freedom. I cannot fairly discern any basis that this will help to make the streets safer for the uniformed people now serving in the coalition forces.

I ask that most respectfully of my good friend and distinguished member of our committee.

Mr. BAYH. Mr. President, I appreciate my colleague's question. The timekeeper informs me I don't have much time left. I will answer succinctly if the time is not deducted from our time.

Mr. WARNER. It should not take very long.

Mr. BAYH. The chairman of the committee, for whom I have the utmost respect with regard to his comments about the message we send, I think would agree that there is no vote we can cast tonight, or no amount of money that we can spend that could compare possibly to the message our brave men and women are giving to the Iraqi people every day with their presence and the heroic efforts they are making to rebuild that nation. I think that is eloquent testimony that far surpasses anything we might do.

To directly answer your question, my answer would be, yes, we provide an immediate $5 billion to meet every security need that has been asked for by the Iraqi government. That is over and above the $67 billion for all of the American security costs while we are there. So there is a complete grant of every security need.

With regard to the domestic reconstruction, we provide $5 billion immediately—

Mr. WARNER. I think the Senator has answered the question. I believe we just have an honest difference of opinion. I think the press in that part of the world will be whipped into a frenzy, with those who will be saying "we are winning, we are winning." That troubles me. I think that will endanger the security of our people in uniform when they are trying to carry out this mission. The press will be whipped up, and this will be the most clear symbolism that those who are against——

Mr. BAYH. May I ask the question? The Senator is concerned that those who wish us ill in that part of the world may say they are winning. In what way will they say they are winning?

Mr. WARNER. They will say it is because we are there for oil, and they will say, oh, they are going to make the Iraqis borrow the money. They don't understand the nuances, the technicalities of a loan, and so forth.

What they will understand is that the Senate did not stand in support of the Commander in Chief, and I am fearful that the press will seize upon this and it will endanger the safety of our people. I say that as a friend and most respectfully.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. STEVENS. Mr. President, I yield 5 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. ALEXANDER. Mr. President, President Harry Truman once said that "the only thing new is what we have forgotten about history." I am reminded of our history when I think about this debate on giving a loan. I am thinking of the choices we made when dealing with Germany after World War I, and then after World War II. After World War I, we made a choice that was a grave mistake. We defeated Germany, left them in ruins, sent them a bill, and we went home. What was the result? Adolf Hitler.

As early as 1922, Hitler was railing against the Treaty of Versailles, talking about the payments Germany was forced to make. Eleven years later, in 1933, he became Chancellor of Germany. He was democratically elected. He, again, blamed the Treaty of Versailles and the payment of those debts for Germany's woes.

Under such a debt with a failed reconstruction policy, we can see the same thing happening in Iraq. Our post-World War I policy with Germany was an utter failure. It gave us World War II. After World War II, we almost made the same mistake. We began by making loans. This is a summary of the Marshall plan by the Marshall Foundation. I ask unanimous consent that this document be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A SUMMARY OF THE MARSHALL PLAN

(From the Marshall Foundation Chart on Funding from USAID, 1975)

Even now a model for positive economic diplomacy, the Marshall Plan was a rational effort by the United States aimed at reducing the hunger, homelessness, sickness, unemployment, and political restlessness of the 270 million people in sixteen nations in West Europe. Marshall Plan funds were not mainly directed toward feeding individuals or building individual houses, schools, or factories, but at strengthening the economic superstructure (particularly the iron-steel and power industries). The program cost the American taxpayers $11,820,700,000 (plus $1,505,100,000 in loans that were repaid) over four years and worked because it was aimed at aiding a well-educated, industrialized people temporarily down but not out. The Marshall Plan significantly magnified their own efforts and reduced the suffering and time West Europe took to recover from the war. The program—whose official title was "European Recovery Program"—aimed at: (1) Increasing production; (2) expanding European foreign trade; (3) facilitating European economic cooperation and integration; and (4) controlling inflation, which was the program's chief failure.

The idea of massive U.S. loans to individual countries had already been tried (nearly $20 billion—mainly long-term, low interest loans—since the war's end) and had failed to make significant headway against Europe's social and economic problems. The plan that Marshall enunciated at Harvard University on June 5, 1947, was revolutionary in that it required the recipients to organize to produce a rational, multilateral approach to their common economic problems. Another innovative feature was its limited duration: four years maximum, thereby assuring American taxpayers and their representatives that the program would not be an indefinite commitment.

The economic problems in 1947-48 included not only the lack of capital to invest, but also the need for Europeans to overcome a U.S. trade surplus with them so massive as to imperil further trade and to encourage unmanageable inflation. Marshall Plan money helped stimulate the revival of European trade with the world and increased trade among European countries.

Americans were reluctant to invest in Europe because their profits were available only in local currencies that were little desired by U.S. businesses and investors. The Marshall Plan guaranteed that these investors would be able to convert their profits earned in European currencies into U.S. dollars. Grants and loans in U.S. dollars enabled managers in Europe to purchase in America specialty tools for their new industries. Marshall Plan money also paid for industrial technicians and farmers to visit U.S. industries and farms to study American techniques. Plan funds even paid the postage on privately contributed relief packages.

Many people in Washington helped to implement and manage the European Recovery Program that Marshall Plan first outlined at Harvard; this is why, in addition to his normal modesty, Marshall refused to call the idea the "Marshall Plan." He always believed that his greatest contribution to the program was his 1947-48 nationwide campaign to convince the American people—and through them the Congress—of its necessity; he likened his efforts in scope and intensity to a campaign for the presidency.

Over its four-year life, the Marshall Plan cost the U.S. 2.5 to 5 times the percent of national income as current foreign aid programs. One would need to multiply the program's $13.3 billion cost by 10 or perhaps even 20 times to have the same impact on the U.S. economy now as the Marshall Plan had between 1948 and 1952. (Most of the money was spent between 1948 and the beginning of the Korean War (June 25, 1950); after June 30, 1951, the remaining aid was folded into the Mutual Defense Assistance Program.)

On December 10, 1953, George C. Marshall received the Nobel Peace Prize in Oslo, Norway. He accepted it, not as his individual triumph, but as the representative of the American people, whose efforts and money had made the program a success.

MARSHALL PLAN EXPENDITURES—ECONOMIC ASSISTANCE, APRIL 3, 1948 TO JUNE 30, 1952

[In millions of dollars]

Country	Total	Grants	Loans
Total for all countries	$13,325.8	$11,820.7	$1,505.1
Austria	677.8	677.8	
Belgium-Luxembourg	559.3	491.3	[1] 68.0
Denmark	273.0	239.7	33.3
France	2,713.6	2,488.0	225.6
Germany, Federal Republic of	1,390.6	1,173.7	[2] 216.9
Greece	706.7	706.7	
Iceland	29.3	24.0	5.3
Ireland	147.5	19.3	128.2
Italy (including Trieste)	1,508.8	1,413.2	95.6
Netherlands (*East Indies)[3]	1,083.5	916.8	166.7
Norway	255.3	216.1	39.2
Portugal	51.2	15.1	36.1
Sweden	107.3	86.9	20.4
Turkey	225.1	140.1	85.0
United Kingdom	3,189.8	2,805.0	384.8
Regional	[4] 407.0	[4] 407.0	

[1] Loan total includes $65.0 million for Belgium and $3.0 million for Luxembourg: grant detail between the two countries cannot be identified.

[2] Includes an original loan figure of $16.9 million, plus $200.0 million representing a pro-rated share of grants converted to loans under an agreement signed February 27, 1953.

[3] Marshall Plan aid to the Netherlands East Indies (now Indonesia) was extended through the Netherlands prior to transfer of sovereignty on December 30, 1949. The aid totals for the Netherlands East Indies are as follows: Total $101.4 million. Grants $84.2 million, Loans $17.2 million.

[4] Includes U.S. contribution to the European Payments Union (EPU) capital fund, $361.4 million; General Freight Account, $33.5 million; and European Technical Assistance Authorizations (multi-country or regional), $12.1 million.

Mr. ALEXANDER. The Marshall Foundation said:

> The idea of massive U.S. loans to individual countries had already been tried [right after World War II] (nearly $20 billion—mainly long-term low-interest loans—since the war's end) and had failed to make significant headway against Europe's social and economic problems.

But there was a better idea, a different choice that someone learned from history. It was George C. Marshall. The Marshall plan was a 4-year plan, $13.3 billion, helping to rebuild the economies of 16 countries. Nearly $12 billion was grants, about $1 billion was loan, and what was the result? A continent that had been fighting itself for a thousand years became democratic, stopped fighting among themselves, and became our allies.

That is why we need a "Marshall plan" for Iraq. We need a 4- or 5-year plan for building a democracy. The Marshall plan was used for a variety of purposes. It paid for the building of railroads, water systems, medicines, modernizing factories, restoring ports to allow foreign trade, and much, much more.

We should do the same in Iraq. It cost $13 billion from 1948 to 1952—more than $100 billion in today's dollars. We can learn a valuable lesson from our experiences with Germany after World War I, a terrible failure, and after World War II, a remarkable success. After World War I, we made Germany pay its debts and we left them in ruins. We sent them a bill. We went home. We got Adolf Hitler. After World War II, we pursued the Marshall plan. It cost us some money. We gave them the money but as a result we got peace, new democratic economies, and our greatest allies.

President Kennedy said it best in 1961. In his inaugural address, he said:

> We shall pay any price, we shall bear any burden . . . to assure the survival and success of liberty.

The people of Iraq need our support. We paid for German reconstruction under the Marshall plan because it was in our interest. We should do the same in Iraq and support the President's request. We cannot afford, in our own interest, to do anything less.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. How much time remains on our side?

The PRESIDING OFFICER. There are 38 minutes 20 seconds remaining.

Mr. STEVENS. I yield 5 minutes to the Senator from Colorado.

Mr. ALLARD. Mr. President, I rise in support of the Nickles amendment and in opposition to the Bayh amendment. I believe in truth in lending, and I think there are some Members of the Senate who think somehow if we talk about this loan, it is going to be acceptable to the American people. Frankly, I believe the loan is going to be a grant.

We just need to be upfront with the American people and say that the $20 billion in the President's request is going to be a grant and explain it to the American people. Iraq has a huge debt—from sources I have heard in testimony—of anywhere between $100 billion to $200 billion. We just heard on the news this evening where one of their major pipelines has been blown up so they are not going to have any ability to expect to export oil. The oil they have now will be used for domestic purposes. That is as a result of an attack by terrorists this particular evening as we are debating.

Let's be honest; whether this is couched as a loan or a grant, it is going to be a grant. It is something we are going to have to give to the American people in order to move forward with the development of the infrastructure in that country, which I happen to believe is essential if we want to get our troops home quickly. We simply have to get that in place along with security forces. The only way that will happen is if we give the full amount of $87 billion available for the reconstruction and for the security in Iraq.

We have heard time and time again about the complications of going the route of a loan. In fact, Ambassador Bremer testified before several committees in the Senate, and he has actually sent a letter to the chairman, the Honorable TED STEVENS. I will read from it. He says:

> I understand there are various proposals being offered which would convert portions of the funding request to a loan mechanism of some type. Any such proposal would merely add further debt to the already-huge debt currently owed by the Iraqis. As you know from my testimony three weeks ago, I am concerned that, as was the case in the young, fragile democracy in Weimar, Germany, such a situation could destabilize the young Iraqi democracy before it even gets off the ground. Moreover, if the United States makes its contribution in the form of a loan, we will encourage other nations to follow that example at the Madrid Donors Conference next week—further exacerbating Iraq's debt situation, I might add, complicating the eventual process of restructuring the country's overall debt burden.

I sat down with a group of people and I visited with Colin Powell. He also urges us, in the strongest terms, to not make this a loan and that we grant these dollars. It gives us an opportunity to maintain control of those dollars.

We have to keep in mind that Iraq has established trade agreements with many of those countries that opposed our presence in Iraq. If this goes to a loan, they will control the money; they will be the ones letting out the contracts. I feel their inclination would be to be to disburse it all over the international community. That means that countries such as France, Germany, and Russia will be looked to also to share in the contracting out of the building of the infrastructure in Iraq.

The other advantage of a grant is it gives us control of the moneys as they are spent in Iraq.

Finally, a loan means Iraq is going to have that control. It means it is going to complicate our ability to work with other countries with the loss of control. We ought to be straightforward with the American people. We need to tell them this is going to be a grant and account for it accordingly and move forward with the rapid reconstruction of the infrastructure in Iraq. That is the best policy. It is a straightforward policy.

I believe if we are true and straightforward with the American people, the American people will understand the need to move forward with the full $87 billion the President requested.

Mr. President, I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield 10 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. MCCONNELL. Mr. President, this has been an extraordinarily good day for the President's policy in Iraq. The naysayers said: Go get international support, Mr. President. Let's prove we can get the rest of the world behind us.

Today, by a vote of 15 to 0—15 to 0—the United Nations passed a resolution. It was one that simply suggested we do what we were going to do anyway. It is a thoroughly acceptable resolution.

To get a 15-to-0 vote, that means the President had the support of the Russians, the French, the Germans, and, believe it or not, the Syrians. This administration's policy in Iraq, as adopted by the United Nations today, had the support of the Syrians. The only remaining obstacle appears to be the Senate, and we will get an opportunity at around 9:30 p.m. to see if the Senate will join with the Russians, the French, the Germans, and the Syrians to do the right thing and begin to rebuild Iraq.

There are some Senators who have argued that somehow this loan-grant issue really is not that important or they have better judgment than the President, the Vice President, and the Secretary of State, and others about how to structure this.

It seems to this Senator that those who are skilled at conducting foreign policy have gotten it right, and their judgment is that you cannot go to a donor conference next week in Madrid and ask countries to grant—not loan—grant money to share the costs with us of reconstructing Iraq if we say we are going to try to get paid back.

Let's take a look at what we know is going to happen at the donor conference already. The Japanese are down for $1.5 billion, not an insubstantial amount of money; the British, $900 million; the Canadians, $224 million; the European Union, $234 million. These are all grants, not loans. The Japanese, the British, the Canadians, the European Union are not saying you have to pay us back. They know Iraq is on its back after 25 or 30 years of Saddam Hussein.

In addition to that, there are over 50 countries that have either already provided or have pledged humanitarian assistance; to name a few of them: Kuwait, Spain, Australia, Korea, Germany, Denmark, and the United Arab Emirates; and there are going to be others. They are all going to be at Madrid next week looking at this United Nations resolution that passed 15 to 0 today, with the support of the Russians, the French, the Germans and, for goodness' sake, the Syrians. This is the time to speak with a united voice.

The administration has united the world. They may have been divided about whether this war should have been fought in the first place, but on the issue of reconstruction of Iraq, we are moving toward world unity, and we ought not to disrupt that here tonight.

I had an opportunity last week, along with Senator THOMAS, whom I see in the Chamber, Senator BURNS, Senator CRAIG, and Senator CHAFEE, to go to

Iraq and take a look firsthand at what is happening there. I must tell you, Mr. President, there is a lot of good news in Iraq. We have a hard time picking it up watching the evening news. They teach them in journalism school that good news is not news. I think you can accept that and still say that in Iraq good news is news because they had no good news for 30 years—no good news. Saddam Hussein murdered 300,000 of his own people during that quarter of a century. There was no good news in Iraq. Now 9 out of 10 things that are happening there are good: 13,000 construction projects completed; 1,500 schools renovated; local elections up in Mosul. They had a provincial election in the Ninawa province, and they have elected officials up there. We sat down with them and talked with them. They are brave people.

In the violence area where obviously there is still much to be done, the Iraqis themselves are providing a lot of security. The attack on the Baghdad Hotel was thwarted. Some people were killed, indeed, but the bomber wanted to get into the hotel and blow it all up. He was thwarted by Iraqi security.

Part of this Iraqi security force is up to 60,000 people now and growing on a daily basis. The attack on the Turkish Embassy was thwarted, not by us but by Iraqi security. We are on the way to putting the security force in place so that the Iraqis can carry this job forward.

Let's compare it to Bosnia. I was one of a minority of Republicans who supported President Clinton on Bosnia and Kosovo. I met the head of the 101st headquartered in Kentucky and Tennessee. He was in Bosnia, too. General Petraeus said we made more progress in Iraq in 6 months than we made in Bosnia in 6 years—more progress in 6 months than in Bosnia in 6 years. Great progress is being made.

This is a time to unify behind the reconstruction policy in Iraq. Now is the time to do that.

The last stumbling block is this amendment in the Senate tonight. The House is going to finish up tonight, and we are going to finish up tonight or tomorrow, and this is probably the last vote with any real drama attached to it. No matter how long you have been in the Senate, you haven't cast a more important vote than this one. We are casting votes all the time around here, and if you are in my job, you are twisting arms every day on some issue, but it reminds me of what Orwell said in "Animal Farm." He said all pigs were equal, but then some pigs were more equal than others. All votes are equal, but some votes are more equal than others. This is a more equal vote. This is a big vote, one that makes a difference for America and for the world and certainly for the Iraqis for whom this policy is so important.

There are 170 newspapers in Iraq. I do not think anybody in America knows that, but there are 170 newspapers in Iraq. They have by far more newspapers in Iraq than we have in my hometown. Some of them are even more credible than the New York Times, arguably. The streets are crowded with people engaged in commerce with their little businesses, which the Iraqis are quite good at when allowed to be. Just this week, they have a new currency. I happened to have picked up a souvenir, the last of the previous currency. It has a picture of Saddam Hussein on it. I can tell my colleagues this: The new currency being issued over the next few weeks in Iraq has no picture of Saddam Hussein on it.

Today we heard—Senator THOMAS and I were at the same meeting—that international bankers are interested in coming into Iraq. So everything is heading in the right direction. Let's not get off track tonight by leaving the impression with the Iraqi people that we came into the country to help them and then to send them a bill for it. I hope the amendment will be defeated.

I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). Who yields time?

Mr. STEVENS. Mr. President, I yield 10 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 10 minutes.

Mr. McCAIN. Mr. President, I rise in opposition to the amendment. I congratulate all of my colleagues on a very important and well-conducted debate.

I strongly oppose the Bayh amendment because its enactment would undermine the central purpose of our mission in Iraq, which is to empower the Iraqi people to build a prosperous and secure future in which their country's natural resources support progressive government and economic prosperity, not additional debt payments to rich Western powers.

I oppose the amendment because I believe decisions on how to finance Iraq's reconstruction should be made in Washington, not in Moscow, Paris, Berlin, or Bonn, whose leaders' decisions, if this amendment were enacted, could determine what form United States assistance takes. I cannot accept the prospect that the United States, with our British allies, who liberated Iraq, would now cede our leadership on reconstructing it to Jacques Chirac and Gerhard Schroeder.

Let's talk about what is at stake. Things are not going as well in Iraq as we would hope. They are not going as poorly as some would allege. In the northern part of Iraq, in the southern part of Iraq, democracy and reconstruction are proceeding apace. As I said, things are not going as well in some parts of Iraq but they are going very well in other parts. The fact is that every few days, tragically, we lose additional American lives. This is the result primarily of a concerted effort in what we know of as the Sunni triangle, of a rare combustible mixture of ex-Baathists, criminals who were released from prison, terrorists from outside the country of Iraq who have infiltrated into the country, and former military people who really know that they will never attain their goals unless the United States is driven out of Iraq. These people have done very bad things. We know all about them. We hear about them or see them every single day.

What are they telling the people of Iraq? They are telling the people of Iraq the following: The United States of America is not on your side. The United States of America supported Saddam Hussein all during the 1980s. They propped up his regime, as a matter of fact. They turned a blind eye while he used weapons of mass destruction twice, once against the Iranians and once against his own people.

In 1991, the Americans told the people of Iraq that Saddam Hussein was on his way out the door. That turned out not to be the case. Saddam Hussein stayed in power and slaughtered thousands of people who rose up against him in places such as Basra. In the 1990s, the Iraqi economy was crippled by economic sanctions imposed by coalitions led by the United States of America, and now the United States of America is about to do what they came for, and that is to take your oil.

Now, I can rebut every single one of those arguments that these bad people are making to the people in the Sunni triangle, but, frankly, I am not there to talk to them. Nor is there much besides Al-Jazeera for them to watch.

The battle for the hearts and minds of the Iraqi people is not over by a long shot, and the passage of this amendment will send a clear signal that the United States is really there for the oil as they alleged all along.

The Washington Post, on October 15, 2003, stated that Iraq is already burdened with $200 billion in debt. Either much of that will be forgiven, in which case the United States reconstruction loan will prove mostly symbolic, or Iraq will struggle for years under a crushing debt burden—by the way, the estimates are that the interest on that debt is as high as $6 billion or $7 billion a year—in which case, another loan only adds to the memory. To make a loan in these circumstances is like swimming out to a drowning man and handing him a 10-pound weight. That is from the Washington Post on October 15, that well-known, conservative, right-wing periodical.

I do not know who is going to volunteer to go to the donors meeting if this amendment is passed. If we go to the donors meeting and say, my dear friends, we want you to give money for

Iraq but, by the way, we are only going to loan it to them, the rest of you give the money but we are going to loan it to them, I am sure there is somebody who is highly paid in the State Department who will carry out that task, but it cannot be a pleasant one because it is hypocrisy. How can we ask other countries to give money when ours is in the form of a loan?

I would like to express a little sympathy for my colleagues who support this amendment. It is tough going home when people are without jobs and the economy is still stumbling along and say, we are going to give all this money to Iraq and, by the way, I know that the local highway needs to be fixed and a bridge needs to be built. It is tough, but I want to tell my colleagues what is at stake here.

The reason these bad guys came from all of these other countries into Iraq, the reason the Muslim extremists all over the Middle East are doing everything they can to incite people against America, the reason we are seeing such fierce opposition in some quarters, is that they know that the day democracy flourishes in Iraq, their day is over. The day of the Middle East despot is gone. The day of the Muslim extremist is gone. No longer will the madrasahs, funded by the Saudis, function anymore to train people who are terrorists who will then sacrifice their lives as well as taking others'.

The seminal event since the Vietnam war in American history is now, and there has never been more at stake. We paid a very heavy price for a long time for our failure in Vietnam. We should not pay that price here because we send a signal to the Iraqi people that our commitment to democracy and freedom is somehow contingent upon their ability to pay us back a loan which will then be gauged by the willingness of other countries. Are we going to be the Blanche DuBois of loans? Are we going to be dependent upon the generosity of others? Is it going to be Mr. Chirac and Mr. Schroeder who determine whether we give money to the Iraqis?

I don't think we should. I think this has been a fine debate. I hope we will vote to turn down this amendment. I hope we will vote to maintain the commitment we made when we sent our young men and women to fight and some to die in a conflict which is important, not only to the future of the Middle East but the future of the United States of America.

I yield my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. How much time remains?

The PRESIDING OFFICER. There remain 14½ minutes on the majority side and 6½ on the minority side. The Senator from Indiana.

Mr. BAYH. I will yield a minute and a half to my distinguished colleague from Maryland.

Ms. MIKULSKI. Mr. President, I rise as an enthusiastic supporter of this wonderful bipartisan agreement, the Bayh-Ensign amendment. I do it because it meets four of my principles on supplemental spending.

No. 1, there must be international burden sharing.

With international burden sharing, if the stability of Iraq is in the world's interest, then the world should help pay for the reconstruction. If we say we are going to go it alone, they are going to let us go it alone. If we say we are going to go grants, they will say fine with us.

We need a coalition of the willing. We need a coalition of the wallet.

No. 2, in helping Iraq, we should have loans, not giveaways.

Iraq has the world's largest oil reserves, capable of pumping out millions of barrels a day. These profits should help pay for reconstruction.

There are those who say Iraq has debt. Well, so does America. America has a lot of debt and we think that this debt, the very balanced approach of the Bayh-Ensign amendment, will provide 50 percent as a grant for $10 billion, including $5 billion for police and military, but the other will be converted to a grant only if 90 percent of Iraq's preliberation bilateral debts are absolved.

That is what I call burden sharing. We need the world's help. Iraq needs the world's help. I am glad we have a legislative framework to do it.

No. 3, is accountability to stop waste, cronyism contracting, and profiteering.

No. 4, the administration must lay out a plan to end the occupation of Iraq. There was a plan for the war. Now we need a plan for the peace.

What will this amendment do? Half the requested aid to Iraq will be provided as a grant, a total of $10 billion, including $5 billion to rebuild Iraq's police and military forces. The other half of the requested aid will be a loan.

So the President can lend up to $10 billion to Iraq. The loan would be converted to a grant and only if 90 percent of Iraq's pre-liberation bilateral debts are absolved.

The amendment also expresses the sense of the Senate that all countries should forgive the bilateral debts owed by Saddam Hussein's regime and provide robust levels of reconstruction aid at the Madrid Donors Conference.

Why is this amendment important? I support this amendment because it is consistent with my principles for aid to Iraq: No. 1, international burden-sharing; No. 2, loans, not give-aways.

The amendment clearly supports international burden-sharing, not just with words of encouragement but by providing an incentive for other countries to forgive Iraq's debts. Ambassador Bremer says Iraq can't afford to borrow more because it is already shackled with $200 billion in debt. I say America can't afford more debt, not when we're facing a $2 trillion deficit. The Iraqi debts were racked up by Saddam Hussein to pay for his wars against Iran. Most is owed to Saudi Arabia, Kuwait and other Gulf states, and to Russia and France. Saudi Arabia and Kuwait and Russia and France should forgive Iraq's debt as their share of rebuilding costs. If these countries let Iraq start with a clean slate then Iraq's oil income can be used to pay for Iraq's reconstruction.

The amendment also promotes my principle that U.S. aid to Iraq should be loans, not giveaways. Until and unless 90 percent of Iraq's debts are forgiven, half of U.S. aid will be in the form of loans.

I supported Senator DORGAN's effort to make all of America's new aid to Iraq loans rather than grants—the full $20 billion.

Here's why. Iraq can afford to pay. Iraq oil sales can finance building Iraq's infrastructure so we can use American tax dollars to build America's infrastructure. Iraq already has a very developed infrastructure and suffered relatively little damage during the war.

> It's certainly the complete opposite of the situation in Afghanistan, where that's a country that has no prospect of being self-sufficient for quite some time to come . . . We're dealing with a country that can really finance its own reconstruction and relatively soon.

That's not just me talking. That's the testimony of Deputy Secretary of Defense Paul Wolfowitz back in March.

Iraq has the world's second-largest proven oil reserves and could have even more oil and natural gas. Iraqi oilfields are already producing close to 2 million barrels a day. That means billions of dollars a year in oil revenue. According to Ambassador Bremer, by 2005, Iraq will produce enough oil to take care of its basic needs and have additional funds.

I understand that Ambassador Bremer doesn't want to delay reconstruction in Iraq until after Iraq has a constitution and an elected government. I remind the Senate that we have already provided aid to meet Iraq's immediate needs. Just this April Congress provided $75 billion requested by the President. That supplemental bill covered ongoing military operations in Iraq. It also included $2.5 billion for Iraq Relief and Reconstruction. That was grant aid.

I believe the aid we provide now should be all loans, but half is better than none. America's taxpayers stand to get $10 billion back from Iraq's oil revenues under this amendment.

I appreciate the efforts of the cosponsors, my Republican colleagues, Senators ENSIGN, SNOWE, COLLINS, GRAHAM, and CHAMBLISS, and my Democratic colleagues, Senators BAYH and NELSON. They worked together on a bipartisan basis to improve this bill.

I urge my colleagues to join in support of this bipartisan amendment to promote burden-sharing and to provide loans, not giveaways.

Ms. SNOWE. Mr. President, I rise today in support of fiscal year 2004 supplemental appropriations request for military operations and reconstruction activities in Iraq and Afghanistan. I am also pleased to cosponsor this amendment with my colleagues Senator BAYH, BEN NELSON, CHAMBLISS, ENSIGN, DORGAN, LINDSEY GRAHAM, and my fellow Senator from Maine, Senator COLLINS. This amendment directs that $10 billion of the funds requested for the rehabilitation and reconstruction of the Iraq's infrastructure be provided as loans rather than grants.

It is incumbent upon us as stewards of the public trust to scrutinize this $87 billion supplemental legislation, to assure ourselves of the soundness of the proposals and to understand what it is the American people are being asked to provide. I believe that we all fundamentally agree that the $65.6 billion requested to support our military forces in the field must be made available immediately. As our troops continue to root out the remnants of Hussein's horrific regime and work to ensure stability in Iraq, we must do no less than provide them with the most advanced technology, the most reliable force protection equipment, and the best personal care available.

Rather, the amendment before us focuses on the $20.3 billion designated for the rehabilitation and reconstruction of Iraq. I have maintained during this debate that a portion of these reconstruction funds should be in the form of loans, and this amendment designates $10 billion of the $20.3 billion toward that very end. At the same time, the amendment contains a "trigger with a purpose"—designed to both encourage existing creditor countries to forgive at least 90 percent of the debt owned on loans that were made to the former regime of Saddam Hussein, and to foster within Iraq itself a greater sense of responsibility toward, and a stake in, their own long-term rebuilding success.

I know some have said that loans simply aren't feasible. But let's take a look at the totality of what we're talking about. While American men and women are putting themselves in harm's way day in and day out in securing the liberation of the people of Iraq, we are also in the process of spending $100 billion and more for that very same purpose.

And let there be no mistake—the American people aren't making a distinction between the money we are spending to support our troops and the additional funds being proposed to rebuild Iraq when it comes to the total measure of our Nation's sacrifice toward this cause. So asking Iraq to repay one-tenth of that $100 billion in the form of loans hardly seems unreasonable.

But what about those who have argued there is no legitimate government in Iraq that can obligate the nation to the repayment of loans? Well, just today, the U.N. Security Council passed Resolution 1511 which specifically determines that the Governing Council and its ministers are the principal bodies of the Iraqi interim administration which "embodies the sovereignty of the State of Iraq during the transitional period until an internationally recognized, representative government is established." So this interim administration discussed in Resolution 1511 will be that legitimate government to which U.S. loans are made, while Iraq moves forward toward complete self-governance.

Still others say that providing loans to Iraq would run counter to the U.S. policy of shifting away from loans for development because of the ineffectiveness of such programs in the past. But that policy is predicated on the fact that many heavily-indebted, poor countries do not have the resources to both service debt and institute economic and social reform. Iraq, in contrast, is tremendously rich in resources to an extent sufficient to service this debt and continue to make future investments in their own infrastructure.

Of course, as I have mentioned, there is also that "trigger with a purpose". What exactly is that purpose? Well, I would hope we can all agree that long-term stability in Iraq is a global concern that requires global action and a global commitment. A secure, stable Iraq is not only in the best interests of the Middle East, it is also unquestionably in the best interest of freedom-loving nations everywhere.

What we are saying with this amendment is, we have been willing to send our American men and women to liberate Iraq . . . we have been willing to spend $100 billion—and undoubtedly that figure will only climb in the future—for that worthy cause . . . and we're even willing to make that ten percent we expend as loans into full fledged grants—if only those nations who loaned money to the horrific, corrupt Hussein regime in the past will forgive those loans. We are saying, the United States has been willing to accept the overwhelming responsibility for the liberation and rebuilding of Iraq—in money and in lives—now, all we ask is that you, as a creditor nation, contribute to the cause by forgiving loans that only ultimately enriched a criminal, self-aggrandizing regime we all agree we're better off without today.

The bottom line is, this amendment sends a message to these creditor nations that they can have a positive role in ensuring a better future for Iraq, not only by lessening Iraq's debt load by the forgiveness of their own loans, but also by triggering our provision that transitions our $10 billion loan into grants. This is a win-win for the international community and for Iraq—and in the long run, with the reduced debt burden for Iraq, it may even save some additional American taxpayer dollars that would have otherwise been expended for further Iraqi rebuilding.

Frankly, I don't believe for a moment that taxpayer money sent to Iraq for reconstruction should in any way, shape or form be used to pay back loans made to the heinous regime of Saddam Hussein. So I hope that with the passage of this amendment creditor nations will do the right thing and vitiate their claims against Iraq.

Moreover it should be noted that the amendment provides $5.1 billion in direct funding for the purpose of re-establishing the rule of law through the establishment fire and civil defense forces, police forces, a more fully developed judicial system, and the development and enforcement of public safety requirements.

The fact is, the sooner we can transfer the responsibility of providing basic police, fire and first responder services to the Iraqi people, the sooner we can begin to remove our troops from the front line and focus them on the missions they are trained for—conducting combat-type operations against the forces bent on attacking American interests at home and abroad. Additionally, as we have learned in Eastern Europe and Latin America, the rule of law is critical to the effective transition of a state-based economy to a free-market economy.

Finally, the amendment would provide $5.1 billion immediately to Ambassador Bremer as "seed" money for the infrastructure projects he identified in the request.

In closing, I do not believe that the provision of $10 billion in loans to the Iraqi people for the reconstruction of their nation will unduly burden them or their economy. Instead, by investing these loans in Iraq, we are working to restore their national pride and enhance their sense of responsibility as we work toward the common goal of a free and stable Iraq. Furthermore, I do not believe it is too much to ask that, as we stand willing to turn our loans into grants, creditor nations who loaned money to the Hussein regime help the cause by wiping their debt slate clean.

I urge my colleagues to support this amendment.

Mrs. CLINTON. Mr. President, I am an original cosponsor to the Bayh-Nelson amendment to this Supplemental Appropriations bill. This amendment would authorize the President to lend $10 billion in reconstruction funds to the Iraqi Governing Council or its recognized successor. These funds could be converted to grants provided that 90 percent of Iraq's pre-liberation bilateral debts are absolved, including loan forgiveness for any funds obligated as loans. It also provides the sense of the Senate that it is the strong preference of the United States that all countries forgive their pre-liberation bilateral debts owed by the Saddam regime and provide robust levels of reconstruction aid to post-liberation Iraq at the October 23 Madrid Donors Conference.

The American people are being asked to contribute over $20 billion of their taxpayer dollars for the reconstruction of Iraq. Before the war against Iraq, the administration was vague about how much security and reconstruction funding would be needed in Iraq. Instead, Congress was told by administration officials, as my colleague Senator DORGAN has pointed out, that we could expect Iraqi oil revenues to pay for Iraqi reconstruction or that other nations would join us in shouldering the burden of rebuilding Iraq.

Now the administration argues that it needs over $20 billion for Iraq's reconstruction. The administration argues that this money must be given as grants and not loans. However, once the money is used to rebuild Iraq's infrastructure and economy, the Iraqi government will then be obligated to pay back other nations who hold Iraqi debt. Nations like France and Russia, who loaned money to Saddam Hussein's regime, will receive debt payments off the backs of the U.S. taxpayer.

This amendment directly addresses this problem by requiring 90 percent of Iraqi debt to be forgiven before $10 billion can be converted to grants. It gives an incentive to the administration to engage in diplomacy with nations that hold Iraqi debt in order to encourage them to forgive it. And it will ensure that other nations' taxpayers are not treated more generously than U.S. taxpayers.

In these difficult economic times with U.S. deficits ballooning, the administration is asking the American people to increase the fiscal burden without any hope of recouping these funds. The American taxpayer should not be treated more shabbily than debtors from other nations and we should be encouraging other nations to help rebuild Iraq's economy.

Taxpayers are concerned that we are simply passing on the bill for this and other problems to our children. They are concerned that this Congress can find the resources for Iraq, but at the same time can't find the resources for after-school programs, for prescription drug benefits, and for rebuilding the infrastructure here at home.

We need to allay some of the very legitimate concerns of the American taxpayers. They are concerned about our ballooning debts and shrinking services while we send billions overseas. We need to address these concerns of every American. By ensuring that taxpayer funds are treated just as dearly as the debts owed to other nations, we can begin to address those concerns.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. STEVENS. How much more time now remains?

The PRESIDING OFFICER. There remain 14½ minutes on your side.

Mr. STEVENS. Mr. President, I was prepared to yield time to another Senator who is not here.

Let me just say this. I am impressed with the debate. There is clearly a division in the Senate. But I do hope Senators will keep in mind that the President of the United States is traveling abroad on a very important mission. We have been appealed to before, on this side, when Presidents have been traveling abroad, to honor the position of the Presidency and not to take positions that would embarrass him when he is abroad.

I believe there is no question that the problem we face in Iraq is the populace of Iraq that wants to be part of a new government, wants to have a new government, a new democratic government, really faces a quandary of what can they do? How can they be involved? How can they get their electricity back? How can they get their police service back? How can they get their banks open? How can they get their hospitals open? How can they get potable water? How can they be sure they have the capability to present a firm, new constitution that will be approved by their people?

That takes the money the President has requested. I believe if we do not take action to get this money into Iraq and get it moving so they can have the momentum of building a new government, the hearts and minds of those people will be hardened against us. As they are hardened against us, we will have more violence in the street and our soldiers, people in uniform, even the people who are there in civilian capacity now, will be at greater risk.

I think that is what the Senator from Arizona has been saying. The risk we face is, if we do not support these loans, our men and women in uniform are going to be in greater harm's way.

If you want to support the troops—and I have heard that from every Member of the Senate so far—if you want to support these troops, support the President on this issue and do not approve these loans. As to the concept of loans, I am sure, sometime, there will be some way the people of Iraq are going to under—see the debt they have to the United States when they become a real, strong government.

Look what happened to us after World War II. We did not saddle France and Germany with loans. We forgave all the indebtedness, even the indebtedness we had from prior to that war. We helped them through the Marshall Plan to get going.

These grants that we have in this part of this bill are absolutely essential to the continued safety, improvement of the safety of our men and women in uniform. I appeal to those who say they support the troops to support the President. He is the Commander in Chief of these troops and he has told us, his military commanders have told us, they need this money.

It goes hand in glove with the $66 billion here, to assure they have the right equipment, the right protection while they are there. But let's take the actions necessary to get them out of there.

I hope we would have the support of the Senate to do that tonight.

Mr. THOMAS addressed the Chair.

Mr. STEVENS. Mr. President, how much time do I have?

The PRESIDING OFFICER. Eleven minutes.

Mr. STEVENS. I will yield 2 minutes. I believe the leader is on his way to take the remainder of our time.

Mr. THOMAS. Mr. President, I had the honor to travel last week with the Senator to Iraq and to Afghanistan. Frankly, it was a very interesting meeting, one that makes us feel a little differently, being on the ground, than it is when we hear what we hear.

I wish to make I think a fairly practical point, and that is that when we were there, obviously, we had a lot of security things to do. We have a lot of problems there.

On the other hand, they have a plan that is being put into place for the schools, for the hospitals, for the government. They are making great progress. So we are talking here about $87 billion, $67 of which goes to support the troops. The other goes to try to get Iraq on its own feet.

I have to suggest from a point of view of someone who is inclined not to want to spend a lot of money, if we really want to get them going on their own and get our troops out of there, the best way to do it is for us to take this money and to help them get on their feet.

The biggest cost is maintaining our troops there. We can move that much more quickly if this $20 billion is put in the hands of our folks who are there now and we can move to get the Iraqis on their own feet and get our troops home more quickly than if we have to do this again to support the troops.

I am talking about a very practical expenditure matter. I think we are much better off to go ahead and do this $20 billion as a grant, be able to have authority over how it is spent, and be able to get our troops home more quickly.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield the remainder of our time to the leader.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, we have reached a point in this debate where each of us must make difficult decisions. We debated many amendments over the past 2 weeks and we have, in my view, come to a point about which most all of us agree; that is, we are at war against terrorists in Afghanistan and Iraq, and the assistance that we are considering is integral to our victory and the safe return of our soldiers, the men and women who represent us in Afghanistan and Iraq.

I am confident, when the final vote is taken on the $87 billion, that there will be an overwhelming bipartisan majority in favor of this commitment—in favor of this legislation. But now the Senate has moved on to consider the very best way, the very best manner in which to deliver this assistance, which we all know is so important.

How best can we stabilize the country in which our men and women right now are serving us right this very moment, risking their own lives so others and, indeed, we can live in safety.

I respectfully suggest the amendment which we will be voting upon shortly and which we are now considering simply does not help in this regard. In fact, I would argue it has the very real potential of complicating and, yes, even undermining our ability to do what we all want; that is, to successfully stabilize Iraq.

Let me suggest what this amendment is not. The amendment before us purports to save money for the American taxpayer by insisting upon foreign help and foreign assistance by making this a loan that will be paid back by the Iraqi people. But, as has been discussed on the floor already, the Congressional Budget Office, due to Iraq's already crushing burden, will score or value this amendment in the same way as if it were a grant. In other words, there is absolutely no savings to the American taxpayer, who might be listening right now, as a result of this amendment.

This amendment purports to provide an incentive for other countries to relieve that crushing burden, that $200 billion of debt that is already as we speak on the backs of the Iraqi people. This logic completely escapes me.

As we began this debate tonight, the newly liberated country of Iraq was $200 billion in debt. By the time this debate finishes tonight, if this amendment were to pass, Iraq would be $210 billion in debt.

By a single vote, we might—I hope and pray we don't—catapult the United States to the front of the line as Iraq's greatest creditor if this amendment were to pass. Iraq would owe more to us than to France, or to Germany, or to Russia.

The Washington Post I thought captured the essence in the editorial yesterday when it said it is the equivalent of swimming out to a drowning man and handing him a 10-pound weight.

If the idea is that by in some way adding to Iraq's debt we will create an incentive for other countries to move toward debt forgiveness, I am confused. How is seizing the moral low ground advantageous in that debate? If we want others to forgive Iraqi debt, we must stop piling that debt on.

I remain utterly unconvinced by the suggestion that by adding to this burden of Iraqi debt and then tying the forgiveness of our debt to the willingness of France and Russia and Germany to relieve 90 percent of their debt, that we will leverage the desired result. France, Russia, and Germany showed no shame whatsoever in loaning their money to prop up Saddam Hussein, one of the world's most brutal dictators. Despite the abundant evidence that he used weapons of mass destruction on his own people, invaded surrounding neighbors, and tortured and mass-murdered his own people, these three nations could not find the resolve to support the coalition's successful effort to remove Saddam Hussein from power. They will find their conscience now?

Hope does spring eternal.

This amendment purports to talk about what the Iraqi people should do to help themselves, but it offers them less help than the President proposed. This amendment purports to talk about what our allies should do, but we do not and cannot govern their actions either.

What this amendment and this debate truly speaks to is who we are as a people. Throughout history, the American people have responded again and again to the tyranny of dictators, to defend the name of freedom, to liberate the oppressed, to relieve the plight of the downtrodden. We send our soldiers to fight and to die in foreign lands. We send the hard-earned tax dollars of our citizenry to the impoverished and sick around the world.

When communism collapsed in Europe, we were there with billions of dollars in assistance to heal the wounds of tyranny.

When Israel and Egypt found the courage to negotiate peace at Camp David, we were there with billions of dollars in assistance to make it a lasting peace.

Earlier this year, we approved $15 billion to treat and care for those who suffer from HIV/AIDS. Now we stand with billions more to help the people of Iraq to stand with the free nations of the world.

Why? We help others because it is good and it is right. We do so without the expectation of gratitude because that is who we are as a people. As the beneficiaries of the blessings of liberty, we understand freedom is not free. The American people are a generous and good people. We do not sell our commitment to liberty, and we do not loan our good will to the needy.

So what are we to do with this amendment and this vote tonight? What are we to do? For me it is an easy question. We vote no. There is nothing in this amendment that will make the President's job easier or our soldiers safer. Nothing in this amendment will save the taxpayers money or ease the burden upon the people of Iraq. Others of good conscience think otherwise, and that is their right as elected representatives to this body. For those who have not decided, I ask you to vote no.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I yield 3 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. GRAHAM of South Carolina. Mr. President, I am new to the Senate. This has been a terrific debate in the best traditions of the Senate. I come to this conclusion after having listened to people I admire and respect, such as our leader, the President, the Vice President, and Secretary Powell. I asked myself: Who are you to disagree?

I thought about it, and I came to this conclusion. I do disagree. I know they are genuine in their beliefs, but I just do not believe we are being unfair to the people of Iraq. We have lost 332 lives liberating Iraq. We are spending $1 billion a week, and all we are asking for is once the country gets something going—we are going to build schools and hospitals, we are going to do great things for the Iraqi people—but once the oil refineries are fixed, because that is what makes the money, and once we do other things to get you back in business, consider helping us because we are deep in debt. We borrowed every penny of this $87 billion. And I would vote tomorrow to borrow more money to make our country safe.

We have one of the highest deficits in our Nation's history because our economy has turned down. But we have to win this war. The only way we will lose this war—here is where I am tonight—is if the American people leave. It is very hard for me to go home and explain how you have to give $20 billion to a country that is sitting on $1 trillion worth of oil and the net result of this policy we are pursuing is the people who died to liberate Iraq are going to be left holding the bag, and the only people who will get paid back are the people who lent money to Saddam Hussein. If we follow that policy, people will leave us because it is not fair to the taxpayer. We need to make sure we don't divide ourselves here at home.

This is very important, not just for international politics but for domestic politics.

The French and the Germans voted today for a resolution, but in the same breath they said they would send no troops and no money.

We are pretty much alone for a while. Let us stay together and not ask more of the American people. It would be unfair to ask.

I really do love my country. We give $15 billion in aid to Africa and we don't want a penny back. We are giving $10 billion in grants, and we don't want a penny back. But if we are going to build your infrastructure to make you prosperous, help us because we are in debt. And if other countries will do the right thing, we will even forgive that.

The biggest thing we have done for Iraq is give our young men and women, and more are going to die. That is a fact.

Tonight is important. We need to stay together and look at the American taxpayer, and say, Yes, you can be helped too. Don't feel guilty to ask for some of your money back, because you have given and you have given, and there is more to give.

Please vote for this amendment for the sake of the American people.

The PRESIDING OFFICER (Mr. ALEXANDER). Who yields time?

Mr. BAYH. How much time remains?

The PRESIDING OFFICER. One minute 40 seconds on your side and 1 minute 40 seconds on the other side.

Mr. BAYH. I thank all the cosponsors on both sides of the aisle for their support and say to my colleagues, all of us are committed to the success in Iraq. To achieve that success we must have the help of the rest the world and the help of the Iraqi people on their own behalf.

Several arguments have been offered in opposition to our amendment. Let me address them. First, there is no government in power to take on these obligations. Really? Was Saddam Hussein in power to burden the Iraqi people with these loans? I suggest the current council has at least as much legitimacy as Saddam Hussein. If his loans were legitimate, so are the actions of the council.

It is said this is a test of our resolve. That is true. But the surest way to assure the resolve of the American people is to do what is just and fair and right. How can we possibly say to the American people the French, the Germans, and the Russians may get repaid, those who propped up Saddam Hussein, but those who paid to liberate the country receive nothing. Is that fair? That would undermine the resolve.

There is a perception this is all about the oil. That is a lie. We know it is a lie. It is a demonstrable lie. I say to my colleagues, no great power, including our country, can base its policy upon falsehoods and lies. We must base our policy upon the truth and the facts. We know why we are in Iraq.

It is also said this will undermine our effort to achieve loan forgiveness. On the contrary. This will provide an incentive for others to forgive their loan and puts us in a position of maximum leverage to insist they do. If they drag their heels and refuse, it is said we will lose control of this money. No, my friends, we include a specific provision providing Ambassador Bremer with veto power over expenditures.

Finally, this is about American leadership. We lead when we do the right thing. I ask for your support for this amendment. It will accomplish our objectives in Iraq.

Mr. STEVENS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1876

The PRESIDING OFFICER. There are 2 minutes evenly divided prior to the vote.

Mr. NICKLES. I urge our colleagues to vote in favor of this sense-of-the-Senate resolution which urges countries that currently hold Iraqi debt that was incurred by Saddam Hussein to forgive that debt. If they do not, the Iraqi people and the Iraqi economy will suffocate.

The Congressional Research Service says there is from $95 to $153 billion worth of debt. They cannot service that debt and grow as an economy. That debt is owned or held by Saudi Arabia. They have $25 billion. It is held by Kuwait, $15 to $27 billion; Russia, $3 to $16 billion; Japan, $3 to $7 billion; Germany, $2 to $4 billion; France, $2 to $8 billion.

We urge the countries that took debt, made loans to Saddam Hussein's regime, to forgive that debt and allow the Iraqi people and their economy to grow.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. REID. We yield back our time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—"yeas" 98, "nays" 0, as follows:

[Rollcall Vote No. 388 Leg.]

YEAS—98

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—2

Byrd
Lieberman

The amendment (No. 1876) was agreed to.

AMENDMENT NO. 1871

The PRESIDING OFFICER. Under the previous order, there are 2 minutes evenly divided in relation to the Bayh amendment.

Mr. STEVENS. Is it 1 minute a side or 2 minutes a side? I thought I had a standing order there would be 2 minutes before every vote.

The PRESIDING OFFICER. This order says 2 minutes evenly divided.

Mr. STEVENS. I am sorry. I ask unanimous consent that it be 2 minutes on each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I yield 1 minute to the Senator from New Mexico and 1 minute to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I only have a minute. I want you to take a trip with me. I want you to take a trip to Iraq. The first thing we are going to do is walk up to a soldier. His name is Joe Chavis. We are going to say: Hi, Joe, how are you? I see that tank of yours. It needs repairing. Hey, Joe, that electric line isn't working and those kids don't have any electricity. Which do you think we ought to do: Fix your tank or fix the electricity?

Sergeant Chavis says: Fix the electricity, Senator.

I walked down the road a little bit and I saw another soldier, a woman who was there in military uniform.

I said: Ma'am, I understand that you don't have the vests that you need to protect yourself. But I also noticed over there a schoolhouse is broken down and it needs fixing. I said: What do you need most?

She said: Fix the schoolhouse.

I did that five times. Every time the soldier said: Fix whatever it is, give them whatever it is and wait on me. I can wait.

I think you should all understand that is what is going on. If we don't do that, they will be there forever. That is why they are saying, fix the other things and don't worry so much about us.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, this has been a very important debate. I congratulate all who took part. This is obviously a very important and critical vote. This vote is a message to our constituents about how we feel about foreign aid. It is a message to the Iraqis about what we expect from them and what they can expect from us. It is a message to our allies about their obligations to peace in the Middle East and our willingness to meet our own.

Ultimately, this vote speaks to who we are as a nation and as a people. We won the peace. Let's win the reconstruction and democracy and freedom for the Iraqi people. I ask you to vote no on this amendment.

Mr. BAYH. Mr. President, how much time does our side have?

The PRESIDING OFFICER. Two minutes.

Mr. BAYH. I yield 1 minute of my time to the distinguished Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, everything that the Senator from New Mexico asked, this amendment doesn't take away any of that. The full $20 billion stays within this amendment. The difference is, do we give it all in a grant and does that strengthen the President's hand or do we give half of it in a grant and half of it in a loan? We believe if you give half in a loan, the President's hand is strengthened on getting other countries that are owed money from the previous Saddam Hussein regime to forgive that debt. I make no apologies for the American people to say, if France, Germany, and Russia can be paid back, then we should be paid back. I hope all of the debt is forgiven. I think that is best for Iraq. But if the rest of the countries don't forgive their debt, then the American taxpayer should be paid back.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, it has been said that our decision tonight will determine whether America is perceived as a leader in the world. What kind of message will we send after all the dying and treasure and blood we have expended in Iraq? Can there be any doubt about American leadership and about the message we send? When we removed Saddam Hussein, America sent a message that we lead to stand for freedom—the freedom to choose your own government, the freedom to run your own economy.

Tonight, again, we lead with $72 billion free and clear in grants for the security of Iraq; further, $5 billion for the immediate reconstruction needs, free and clear to Iraq; further, $10 billion for the long-term reconstruction needs for the people of Iraq is a loan to be forgiven if the rest of the world will join us in this cause.

That is American leadership. That is the message we send. That is why we ask for your support.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I ask unanimous consent that this be a 10-minute vote. A number of Senators still hope to offer amendments tonight, and that would save us some time.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, I am compelled to object because I think there are some people who have left the building already. I inquired whether it was going to be a 10-minute vote. I asked the Parliamentarian if we had agreed, and then I told them we had not. I urge the leader to leave it the normal 15 minutes.

The PRESIDING OFFICER. Objection is heard.

All time has expired.

The question is on agreeing to the amendment.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 389 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Bingaman
Boxer
Breaux
Brownback
Campbell
Carper
Chambliss
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Graham (FL)
Graham (SC)
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—47

Alexander
Allard
Allen
Bennett
Biden
Bond
Bunning
Burns
Cantwell
Chafee
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Enzi
Fitzgerald
Frist
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Kyl
Lott
Lugar
McCain
McConnell
Miller
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—2

Byrd
Lieberman

The amendment (No. 1871) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, there will be no further votes tonight. What we plan to do now is ask Members who still have amendments to be considered to consult with us. We are prepared to accept some of them. We will have an early session of the Senate tomorrow starting at 9. We will start voting on the amendments that are still pending that have not been resolved tonight. There are still a couple of amendments that Members wish to offer tomorrow, but first we will vote on the pending amendments. So all Senators should be on notice there will be votes starting immediately in the morning. After the first vote, I shall ask that the amendments be 10 minutes each so that there will be a series of probably 19 to 20 amendments, as I count them right now, that could well be voted on before we will then take up the several amendments, two to three amendments, that Members wish to debate.

Mr. REID. Will the Senator yield?

Mr. STEVENS. I do yield.

Mr. REID. Senator BYRD has asked me to announce that tonight we would have Senator BOXER offer an amendment. She is going to just take a couple of minutes. Senator LEAHY has an important amendment. He will take a reasonably short period of time. Senator DURBIN has an amendment. He will take a short period of time, and then Senator CORZINE and Senator LANDRIEU, in that order.

Mr. STEVENS. I am not agreeing to any order, Mr. President. We have a list of amendments. We are going to go down the list of amendments and see who is here.

Mr. REID. Mr. President, I do not know then how to operate.

The PRESIDING OFFICER. The Senate will come to order.

Mr. STEVENS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. I am perfectly ready to start considering amendments, but I am not going to have any time agreement right now on any amendment.

Mr. REID. Mr. President, will the Senator yield?

Mr. STEVENS. Yes.

Mr. REID. Mr. President, I have not asked for any time agreement. I am trying to help. I am trying to move this along. I personally do not care if we ever finish this bill. I am trying to work and move this bill along. I was asked to have some people offer some amendments who have a vote. I have spent probably an hour and a half getting these people lined up to offer amendments.

If we are going to finish this bill tomorrow, then we have to do it this way. Otherwise, count me out of the ball game. Somebody else can figure out how to do it.

Mr. STEVENS. The Senators are at liberty to offer their amendments as they wish tonight. We will be glad to stay as long as Senators want to offer amendments and present them to us. We are trying to work out those amendments with people who want to settle amendments first, not those who want to bring up amendments and demand a vote tomorrow. There are a bunch of Senators willing to compromise on amendments and I want to let them proceed and have them go home before the other people who want to offer amendments, argue, and then have a vote tomorrow.

I think that is a logical progress.

Mr. REID. If the Senator will yield. I then say to Senator BOXER, Senator LEAHY, Senator DURBIN, Senator CORZINE, and Senator LANDRIEU, go home. We will do them tomorrow.

Mr. STEVENS. That is perfectly all right with me, Mr. President. I am here until Saturday, Sunday, whatever it takes. The bill will be finished sometime before the end of this week.

To stand up and say these people are going to come first before those we have been negotiating with, we told them we will accept amendments and can handle those, I think that is wrong. So if Senators want to go home, go home. If they want to stay here and settle this bill, stay.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska still has the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska still has the floor.

Mr. STEVENS. Mr. President, the Senator from Texas, Mrs. HUTCHISON, has an amendment that has been cleared on both sides. She wants to make a few remarks on that amendment. I welcome her offering that amendment at this time and discussing it.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I will be very brief. I am happy to work within the system. I have a sense-of-the-Senate amendment.

Mr. LEAHY. Mr. President, may we have order.

The PRESIDING OFFICER. The Senator will suspend.

Mrs. HUTCHISON. I send up a modified amendment.

Mr. LEAHY. The Senator from Texas is entitled to be heard. If we could have order, Mr. President.

The PRESIDING OFFICER. The Senate will come to order. Senators engaging in conversations, please take those conversations from the Senate floor.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator will suspend. The Senate is not in order.

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Texas has the floor. Conversations will be taken from the floor. The Senate will come to order.

AMENDMENT NO. 1877, AS MODIFIED

Mrs. HUTCHISON. Mr. President, I send a modified version of my amendment No. 1877 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 1877, as modified.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress on reconstruction efforts in Iraq)

On page 38, between lines 20 and 21, insert the following new section:

SEC. 2313. (a) Congress makes the following findings:

(1) A coalition of allied countries led by the United States entered Iraq on March 19, 2003, to liberate the people of Iraq from the tyrannical rule of Saddam Hussein and the Baathist party and to remove a threat to global security and stability.

(2) Achieving stability in Iraq will require substantial monetary investments to develop a secure environment and improve the physical infrastructure.

(3) A stable and prosperous Iraq is important to peace and economic development in the Middle East and elsewhere.

(4) As of October 2003, the United States has provided the majority of the personnel and financial contributions to the effort to rebuild Iraq.

(5) Congress fully supports efforts to establish a stable economic, social, and political environment in Iraq.

(6) The President is currently seeking to increase global participation in the effort to stabilize and reconstruct Iraq.

(7) While the United States should aid the people of Iraq, the participation of the people of Iraq in the reconstruction effort is essential for the success of such effort.

(b) It is the sense of Congress that the President should—

(1) make every effort to increase the level of financial commitment from other nations to improve the physical, political, economic, and social infrastructure of Iraq; and

(2) seek to provide aid from the United States to Iraq in a manner that promotes economic growth in Iraq and limits the long-term cost to taxpayers in the United States.

Mrs. HUTCHISON. Mr. President, I will be brief. The sense of the Senate says we support helping Iraq as it builds a new democracy and believe we need to finish what we have started there and in Afghanistan. It is critical that this reconstruction effort have a multilateral approach, that our allies would help us in the war on terrorism, because our allies are reaping the benefits of this war on terrorism. No one will be free in the world if we lose the war on terrorism. It is essential we have all of the support we need to finish this job. So we ask the administration to continue to seek commitments during the donors conference and afterward. It encourages the President to provide aid in a way that promotes economic growth in Iraq and limits the long-term cost to our taxpayers. The President is in the best position to determine how to accomplish this, and we must support him in every way.

That is my amendment, my sense of the Senate. I hope we can support it and vote for it.

Mr. STEVENS. Mr. President, this amendment has been cleared on both sides. I ask the Senate consider and adopt this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mrs. BOXER. I object to the unanimous consent request.

Mr. STEVENS. I did not ask unanimous consent.

The PRESIDING OFFICER. The question is whether there is further debate on the amendment.

The Senator from California.

Mrs. BOXER. Mr. President, I believe this is open for debate. I want to express myself tonight. I have not said this before, but I have to tell you that the Senator from Nevada has been working so diligently with his colleagues on the other side to move along the business of this body.

He suggested that four of us who have very brief amendments be allowed to go forward—not in advance of the other side. I don't have any problem with a few people going first or alternating back and forth. But I have to say, I feel very bad about this, and I am not going to be cooperating tonight if we are not going to allow this to take on some kind of comity at this late hour where we hear from Senator HUTCHISON, who has a very good amendment, and then we go to our side, and back and forth.

I want to speak just as one Senator to say I feel bad about the way things are deteriorating tonight and I am not going to cooperate.

Mr. REID. Will the Senator yield?

Mrs. BOXER. Yes.

Mr. REID. The Senator from California and I came to Washington together many years ago. We are very close friends. I consider Senator BOXER a sister. I appreciate her saying a few words on my behalf. But I think probably part of the blame was mine. I know the Senator from Alaska very well, and I probably would have been well advised, when he was raising his voice a little bit, for me not to raise my voice. The fact of the matter is, we both have been working on this bill for hours and days, and probably we are both a little testy. So I think there is blame to go around on both sides. I do appreciate my friend from California defending me. She has made her point, at least as confirming our friendship, and I think Senator STEVENS and I can work this out and move the bill along.

I do appreciate very much my friend from California sticking up for me as she has done tonight and has done for the last 22 years we have been together.

Mr. STEVENS addressed the Chair.

Mr. LEAHY. Mr. President, will the Senator from Alaska yield?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Can we get this amendment adopted? May we adopt the amendment?

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to the amendment.

The amendment (No. 1877), as modified, was agreed to.

Mr. STEVENS. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. The procedure we had, and I told people on this side we would do, we have two amendments on this side, one amendment on that side, that have been cleared and we will let them go home. I am perfectly willing to go to anyone else who wants to talk, but as the manager of the bill we have the right to say to people: Look, if you will agree to offer these and make these changes, we will take them up right away, as soon as this vote is over. That I did, so I don't apologize to anyone.

I would like to yield to my friend from Vermont.

Mr. LEAHY. Mr. President, I will be very brief. As I look around, there is only one person on this floor who has served longer than I have and that is the Senator from Alaska. I know the difficulties—both he and I have gone back and forth, sometimes one is chairman, sometimes the other is, on different committees—how difficult it is to keep a major bill going through. I understand his concern in doing it.

The senior Senator from Nevada has done the job of being whip for our side better than anybody I have ever known who served here. There is a great deal of respect for his integrity on both sides of the aisle, as there is for the senior Senator from Alaska. I know both have been trying to work this out. I hope we would just continue that way. It is not an easy process. There are differences of opinion on a number of these amendments. But I know both the Senator from Alaska and the Senator from Nevada are two of the finest people I have served with, and I hope we would allow the two of them to work, as they do so very well, and Members on both sides of the aisle would work with them and allow them to work out the schedule.

The Senator from Vermont is perfectly satisfied with that kind of arrangement.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I said I wouldn't apologize. I do apologize to my friend from Nevada if I offended him. I did not intend to offend him. He is a valuable Member of the Senate and has worked, whether in the majority or minority, assiduously to see the Senate does its work. I don't argue with that at all. I have great fondness for the Senator from Nevada.

I wish I lived in Nevada. I might even vote for him if I lived there.

I see the current occupant of the chair is laughing at that, but it is true.

The difficulty I have is I think we don't communicate well enough across this aisle in terms of the plans we each make as manager of our side on this particular bill.

Right now the Senator from Nevada has an amendment by Senator NELSON we agreed to clear. I am pleased to yield the floor.

AMENDMENT NO. 1858, AS MODIFIED

Mr. REID. I send a modification of the Nelson amendment to the desk.

Mr. President, this is an amendment offered by Senator NELSON. He has been in negotiations with the majority staff for several days now.

Mr. STEVENS. It is acceptable.

Mr. REID. I urge its adoption.

Mr. STEVENS. I urge its adoption also.

The PRESIDING OFFICER. Is there further debate? Without objection, the amendment is agreed to.

The amendment (No. 1858), as modified, was agreed to, as follows:

At the end of title I, add the following:

SEC. 316. Of the amounts appropriated by this title, $10,000,000 shall be available only for the Family Readiness Program of the National Guard.

Mr. STEVENS. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1867

Mr. STEVENS. Mr. President, I have the amendment for Senator WARNER, for himself, Mr. SARBANES, and Mr. EDWARDS. It has been cleared on both sides. According to my information, it is amendment No. 1867.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

That amendment is currently pending.

AMENDMENT NO. 1880 TO AMENDMENT NO. 1867

Mr. STEVENS. Mr. President, I also have a second-degree amendment to that amendment. I ask that amendment be adopted. This is the hurricane flood damage amendment. We are taking out of the bill those items which were not relevant to the bill. I send that amendment to the desk.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. WARNER, proposes an amendment numbered 1880 to amendment numbered 1867.

The amendment is as follows:

(Purpose: To designate the amount designated for disaster relief provided in connection with Department of Defense infrastructure damaged or destroyed by Hurricane Isabel as an emergency requirement.)

At the end of line 8, strike "." and insert the following:

": *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress): provided further that the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes the designation of the entire amount of the request as an emergency requirement as defined in House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress."

Mr. STEVENS. I ask consideration of the amendment, the adoption of the amendment, and consideration of the amendment as amended.

Mr. REID. This amendment is also one that has been reviewed by the two Senators from Maryland. They both think this is good. There has been tremendous damage at the Naval Academy. This covers that also.

The PRESIDING OFFICER. Without objection, the second-degree amendment is agreed to.

The amendment (No. 1880) was agreed to.

The question is on agreeing to the first-degree amendment, as amended.

Without objection, that amendment is agreed to.

The amendment (No. 1867), as amended, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

AMENDMENT NO. 1843

Mr. STEVENS. Mr. President, I want to state to the Senator from California that on amendment No. 1843 we sent a notice to the Senator that we are prepared to accept that retroactive assistance meal reimbursement amendment, if she is prepared to offer it tonight. That is Senator BOXER's amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent to lay the pending amendment aside, and I call up my amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 1843.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make retroactive the relief of hospitalized members of the uniformed services from the obligation to pay for food or subsistence while hospitalized; and to provide an offset for the additional cost)

On page 20, strike lines 9 through line 12, and insert the following:

(b) Section 1075(b) of title 10, United States Code, as added by subsection (a), shall take effect as of September 11, 2001, and shall apply with respect to injuries or diseases incurred on or after that date.

(c) The amount appropriated by chapter 2 of title II under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND" is hereby reduced by $1,500,000, to be derived from the amount set aside under such heading for transportation and telecommunications for the Iraqi Postal Authority for the administration of a zip code system.

Mrs. BOXER. Mr. President, today, I am offering an amendment that will help service members who have been hospitalized after being wounded or becoming ill during combat or other operations in Iraq, Afghanistan and during the war on terror since September 11, 2001.

Right now, when one of our soldiers is wounded, they are evacuated to a military hospital. When whey are discharged from the hospital, they receive a bill for their hospital food. The current daily rate for those charges is $8.10.

I want to thank my good friend and colleague from Florida, Senator BOB GRAHAM, for offering leadership on this issue. Accepted as part of the manager's package, his amendment exempts service members who are hospitalized from combat injuries and other conditions from having to pay for their meals. His amendment addresses the problem prospectively—in the future.

My amendment supplements his—by closing the loop. It will require the Department of Defense to reimburse troops who paid for meals while hospitalized as a result of either injury or illness while in combat or training for combat since September 11, 2001.

I recently learned about a Marine staff sergeant who was injured when an Iraqi dropped a grenade in the HUMVEE he was driving. As a result of the explosion, he lost part of his food, and spent 26 days in the hospital recovering. He was then discharged to return home and to his job as a sheriff's deputy. At the same time, he was handed a bill for $210.60 for his food.

Mr. President, $210.60 may not seem like a lot of money to some of us. But to an enlisted person with a family making under $20,000 a year—this is a serious financial burden.

When service members are discharged, we should express our gratitude for their profound personal sacrifice, not hand them a bill for their hospital food.

My amendment is simple and corrects this stunning injustice. It shows our strong support for the courageous men and women who fought in Afghanistan and Iraq and have returned, wounded, ill, missing limbs, too often permanently disabled.

The price to the Government for correcting this serious affront to our service members is very, very small indeed. This amendment costs just $1.5 million, with the offset found in the account to create new zip codes in Iraq, which the House eliminated in their bill last week.

I understand the Department of Defense has recouped only $1.5 million this year for hospital meals from all hospitalized service members worldwide. We are talking about just $1.5 million from over 2 million active and reserve forces across the globe.

What I am proposing is much more limited in scope. It would only reimburse service members who have been wounded or become ill due to combat or training for combat since September 11, 2001. According to the Defense Department, approximately 2,000 service members have been injured or wounded in action in Iraq. Considerably less were injured in our operations in Afghanistan. The Defense Department says the total for both conflicts may be roughly 3,500 people.

I am talking about giving back a small amount to our troops for their extraordinary sacrifice. It would mean a great deal to the service members and military families who face extended separations, financial hardship, and sometimes serious injury.

We were very fortunate that Representative BILL YOUNG from Florida discovered that our service men and women who are in hospitals were being asked to pay for meals as they checked out of the hospital. Some of them had horrible injuries and some lost limbs. Congressman YOUNG fixed the problem, and Senator GRAHAM, working with Senator STEVENS and others, fixed the problem. But the fix has only been for the future. It has not been fixed for those who actually went to war in Afghanistan and Iraq and are getting hit with these bills.

I recently learned about a marine staff sergeant who was injured when an Iraqi dropped a grenade on a Humvee he was driving, and he lost part of his foot. He spent 26 days in a hospital. When he was discharged to return home as a sheriff's deputy, he was handed a $210.60 bill for his food. That may not seem like a lot to some, but when you are earning approximately $20,000 a year, it is a serious financial burden.

I know we all want to fix this. What we have done in the amendment is very simple. We pay back those who served in Afghanistan and in Iraq who wound up in hospitals and were billed for their food, and we pay for it with an offset. The amendment will cost $1.5 million. We pay for it in an offset found in the account for a new ZIP Code in Iraq. I think it is very important for us to do this. It is much more important than new ZIP Codes in Iraq.

I am very hopeful that tomorrow we will have an overwhelming vote in favor of this amendment.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not.

Mr. STEVENS. Mr. President, I wish to make a comment. The Senator from California is absolutely right. If there is a saint in this town, it is Mrs. Bill Young. She has been extremely helpful to all of the soldiers and sailors at Walter Reed and at Bethesda. Just today, she called me and told me that the admiral at Bethesda told her he is under orders to send bills for about $5,000 to several different military people who are in the hospital for reimbursement of their meals. I told my staff to notify the admiral that we had fixed it in this bill, or I would personally guarantee the payment, and not just have standard garnishing of these kids' salaries.

I commend the Senator for the amendment. We attempted to fix that in one former bill. But that bill hasn't become law. I think the bill will become law very fast.

I support the Senator's amendment and urge its adoption.

AMENDMENT NO. 1843, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that the Boxer amendment be modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1843), as modified, is as follows:

On page 20, strike lines 9 through line 12, and insert the following:

(b) Section 1075(b) of title 10, United States Code, as added by subsection (a), shall take effect as of September 11, 2001, and shall apply with respect to injuries or diseases incurred on or after that date.

Mr. REID. Mr. President. I have an amendment, if I could be heard briefly.

Mr. STEVENS. Is that modification of the amendment we just agreed to the yeas and nays on? I have no objection.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the Senator from California was concerned about the modification. This had been approved by staff. She wanted to make sure everyone understood that the money she is seeking would be paid for out of existing funds rather than offset. That is the purpose of the modification.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wonder if I could ask the Senator from Alaska this question. We will not have an offset. I have agreed not to have an offset. Is it the chairman's understanding that the $1.5 million will come from——

Mr. STEVENS. From the funds that are in the bill. Those amounts are de minimis, really. There will be no budget point of order against that.

Mrs. BOXER. And it will happen.

Mr. STEVENS. It will happen. It is in another bill also. The question is which bill gets there first.

Mrs. BOXER. This is retroactive. We took care of it prospectively. This is to actually write checks to people.

Mr. STEVENS. The Senator is right. Our current amendment which we have out there somewhere goes through 2004. The Senator's amendment goes back to 2001.

We are happy to accept that, but the moneys are there. It is carryover money from past years.

Mrs. BOXER. As long as I am clear on that, I am very happy. I thank everyone.

Mr. STEVENS. I congratulate the Senator. It is a good amendment.

We have no objection to Senator DASCHLE's amendment, if it is cleared by Senator BYRD.

We have that, by the way, in the managers' package. We worked it out with Senator BYRD's staff and mine. We will be happy to adopt it now, if the Senator would like to do that.

Mr. REID. Mr. President, I am told by staff that in the usual fine work of Senators REID and STEVENS there has been a slight misstep. This was already approved earlier today.

Mr. REID. Unless Senator STEVENS has something else—I know it is in order—I call up the amendment of the Senator from Vermont who has been waiting around for a while. He has a short statement to make.

Mr. STEVENS. I have no objection. I would like to confer with the Senator and Members on that side on items we believe are subject to budget points of order and give notice of that.

Mr. REID. We will do that as he is speaking.

Mr. STEVENS. Very well.

AMENDMENT NO. 1807, AS MODIFIED

Mr. REID. I ask unanimous consent that the pending amendments be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I call up amendment numbered 1807 on behalf of Senators LEAHY and CHAFEE and ask unanimous consent that the amendment be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 1807), as modified, is as follows:

(Purpose: To provide for humanitarian assistance and reconstruction of Liberia)

Beginning on page 29, strike line 13 and all that follows through page 31, line 5, and insert the following:

INTERNATIONAL DISASTER ASSISTANCE AND MILITARY ASSISTANCE

For an additional amount for "International Disaster Assistance" for relief, rehabilitation, and reconstruction assistance for Liberia, and for an additional amount for military assistance programs for Liberia for which funds were appropriated by title III of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003 (division E of Public Law 108–7; 117 Stat. 176), $200,000,000, to remain available until expended, of which $100,000,000 shall be derived by transfer from funds appropriated in this title under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT".

Mr. REID. I ask unanimous consent that Senators COLEMAN, DASCHLE, BIDEN, LIEBERMAN, FEINGOLD, REED of Rhode Island, and LAUTENBERG be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. CHAFEE, for himself, Mr. LEAHY, Mr. COLEMAN, Mr. DASCHLE, Mr. BIDEN, Mr. LIEBERMAN, Mr. FEINGOLD, Mr. REED, and Mr. LAUTENBERG, proposes an amendment numbered 1807, as modified.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. This amendment addresses the humanitarian crisis in Liberia. This is a bipartisan amendment, supported by Senators CHAFEE, COLEMAN, BIDEN, LIEBERMAN, FEINGOLD, REED, LAUTENBERG, and LANDRIEU.

Anyone who has read a newspaper or watched CNN over the past couple of months knows about the tremendous suffering in Liberia today.

Three-quarters of Liberians do not have access to safe drinking water.

Three-quarters are living in poverty.

Three-quarters do not have access to acceptable sanitation.

Eighty-five percent of Liberians are unemployed.

These numbers, provided by the U.N. are absolutely appalling. To me, this is more than enough reason to act.

We have deep historical ties to its people. Presidents James Monroe and Andrew Jackson, along with some of the most notable Senators ever to serve in this body, Henry Clay and Daniel Webster, helped create the nation of Liberia. Liberia's flag is nearly identical to our own.

We have heard urgent pleas from the Liberian people for the U.S. to help. Archbishop Michael Francis of Monrovia, wrote a letter in support of this amendment. He wrote:

> [W]e are at a critical juncture where an intervention by the United States, renewing its leadership role, will greatly help to ensure the stabilization of Liberia. It is for this reason that your amendment to include $200 million in the FY 2004 Supplemental Appropriations bill to address relief and reconstruction needs in Liberia is timely and must be supported by the Senate body.

I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 14, 2003.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. THOMAS DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER FRIST AND MINORITY LEADER DASCHLE: Thank you for your leadership on the important issues that face the African continent each day. Your important voice on many of the issues such as infectious disease, conflict resolution, human rights, and democratic transition the continent is incredibly appreciated, particularly by those of us on the ground who are working daily to affect the change necessary to bring peace, justice, and stability to our respective nations.

As you know, the on-going human rights crisis in Liberia continues to require close examination and a comprehensive response so that the country does not spiral back to the days when Liberia was governed by warlord Charles Taylor. As this transition progresses, we are at a critical juncture where an intervention by the United States, renewing its leadership role, will greatly help to ensure the stabilization of Liberia. Thus, I write to strongly urge your support for the Chafee-Leahy amendment which would include $200 million in the FY2004 Supplemental Appropriations bill to address the relief and reconstruction needs of Liberia.

Liberia has endured years of a brutal conflict. The signing of a peace agreement in Accra, Ghana, as well as the deployment of peacekeeping troops to Liberia have paved the way for the best opportunity for peace and stability in the West African nation since the onset of civil strife in 1989.

We have seen that, despite a peace accord between rebel forces and the Government of Liberia, fighting continues in our war-ravaged nation. The inability of humanitarian organizations to safely deliver aid, given grave security problems, has precipitated a large-scale humanitarian crisis in the small West African nation. U.S. Agency for International Development estimates more than

500,000 Liberians are currently internally displaced. Many internally displaced and tens of thousands of refugees who fled to Liberia from other conflicts in the region have been cut off from outside assistance. Moreover, the country's physical infrastructure is in dire straits, and the peace process in Liberia is dependent on investments from the United States, which will help provide good governance, employment, law and order, and basic social services.

In testimony before the House International Relations Committee on October 2, 2003, Assistant Secretary of State for African Affairs Walter Kansteiner, III, agreed that at least $200 million would be needed to address humanitarian and reconstruction needs in Liberia in FY2004. He also pledged to work with the Congress to include such funding in the supplemental bill.

Senators Lincoln Chafee (R–RI) and Patrick Leahy (D–VT) have introduced a corresponding amendment to address the humanitarian and reconstruction needs of Liberia in the supplemental. The $200 million would come from funds already in the supplemental and would not raise the total amount of the bill.

Additionally these resources would assist by sending a strong, clear and unequivocal message to all the parties, expressing the United States' determination to play an active and robust role in the initiative aimed at ameliorating the Liberian crisis. I appeal to you to ensure that this funding remain consistent with our desire to avoid any rush to quick fixes and semi-solutions. Rather our collective strategy should be aimed at achieving the following strategic objectives:

1. Consolidating the cease fire and stabilizing the security situation on the ground;
2. Ensuring the demobilization of the militia and their proper reintegration into the civil society;
3. Creating a secure environment over the entire country;
4. Contributing to consolidating national unity and assisting in establishing a viable transitional government;
5. Reestablishing the necessary state structures for effective governance and ensuring that they function in a proper and durable way; and
6. Once these pre-conditions have been met, we must further assist in the preparation of free, fair, transparent, and democratic elections.

As you know, the supplemental request, as it was sent to Congress, fails to identify any resources to meet these urgent needs in Liberia. Without adding money to the 2004 supplemental, Liberia will receive no significant funding until FY2005, a full year after the outbreak of a fragile peace. I implore you, on behalf of the Liberian people, to assist us in addressing Liberia's human rights, peace building, and reconstruction needs. Without strong U.S. support, Liberia threatens to fall once more into violence and chaos, possibly becoming a haven for criminal and terrorist activity on the African continent.

The critical human rights needs of our brothers and sisters in Liberia and West Africa require your uncompromising support of the Chafee-Leahy amendment to include $200 million for humanitarian and reconstruction needs in Liberia in the FY2004 Supplemental Appropriations bill when it comes to the Senate floor.

Sincerely,

ARCHBISHOP MICHAEL KPAKALA FRANCIS.

Mr. LEAHY. Archbishop Francis is said to be the only man in Liberia that Charles Taylor feared. This is because of the archbishop's tireless criticism of Charles Taylor and his brutal regime.

If we don't move decisively to help solidify the fragile peace in Liberia, fighting could easily resume and spread throughout the region. Guess who the world will look to help solve the crisis? The United States. More lives will have been lost, more time will have been wasted and it will be more difficult and expensive to act.

Mr. President, this amendment gives the Senate a chance to take decisive action to address the crisis in Liberia. This amendment provides $200 million in badly needed aid, and it allows the administration to determine the best way to spend these funds.

How did we arrive at this figure? Two hundred million dollars is what the Bush administration says we should spend to respond to this crisis. On October 2, Assistant Secretary of State for Africa Walter Kansteiner told the House International Relations Committee that $200 million is what the U.S. should contribute to Liberia.

In other words, this is the administration's own number.

This amendment is fully offset—it does not add one dime to the total amount of the supplemental. It also allows the administration to use these funds for virtually any purpose: humanitarian, reconstruction, or security assistance.

We have an $87 billion bill before the Senate. But there is no money in this bill designated for Liberia.

We are already involved in Liberia. The United States worked to get rid of a despicable dictator who is wanted for war crimes. We sent the Marines to Liberia. The United States has deep historical ties to Liberia. We should do the job right—not just stick a band-aid on the problem and hope it goes away.

Mr. President, it is up to Congress to show leadership on this issue.

The House has acted. It has included $100 million of international disaster assistance for Liberia and Sudan. The Senate should build on this effort. This amendment does that.

There should be no question. We should join together and pass this bipartisan amendment and help the people of Liberia. That is why I urge my colleagues to support this amendment.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? At the moment, there is not a sufficient second.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I withhold the quorum call.

Mr. REID. I ask for the yeas and nays on the amendment offered by the Senator from Vermont.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside for the purpose of Senator DURBIN offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

AMENDMENT NO. 1837

Mr. DURBIN. Mr. President, I have an amendment at the desk on Reserve pay which I will be asking to be put in the queue for a vote tomorrow. This amendment I offered 2 days ago.

I am not going to belabor the issue other than to say to my colleagues, and for the record, that what it provides is that Federal employees who are members of the Guard and Reserves who are activated would have the difference in their pay—their military pay and their Federal pay—made up by the Federal agency for which they work. This is done by State governments and private companies and local units of government. It is not done by the Federal Government.

Frankly, this amendment was offered in good faith to have the Federal Government establish the standard so that activated Guard and Reserves who are Federal employees will receive this difference.

There are 1.2 million Guard and Reserves in America. Ten percent of them are Federal employees, 14,000 are now activated, and almost half of them have seen a cut in pay. Since activation has gone for an extended period of time, I will ask that that amendment be put in the queue tomorrow.

AMENDMENT NO. 1879

Mr. President, I have another amendment, but before I send the amendment to the desk, let me describe it to my colleagues.

I offered an amendment, earlier today, on the global AIDS epidemic, an amendment which said we have made a commitment as a nation to spend $15 billion over the next 5 years to deal with this epidemic. This is an epidemic which President Bush acknowledged in his State of the Union Message and one that he has spoken of extensively here in the United States and while traveling abroad.

Unfortunately, the administration did not come up, in the first year, with $3 billion to deal with the global AIDS epidemic.

We know there is a serious need across the world to spend the funds necessary. I would say to my colleagues who might ask, "Why would you raise the global AIDS epidemic on this emergency appropriations bill," consider the statement made by Secretary of State Colin Powell to the United Nations just a few weeks ago. I quote:

> AIDS is more devastating than any terrorist attack, any conflict, or any weapon of mass destruction.

The extended quote will be made a part of the RECORD. But what I would like to say to my colleagues is this: I hope—as we consider what it takes to make this a safe world for future generations, as we consider what is necessary in the Middle East and Iraq—we also consider that we are living in a world devastated by AIDS, that AIDS is an epidemic destabilizing countries, making them vulnerable to terrorist takeovers, and creating the kind of instability that guarantees the United States must pay heed.

There is a way to deal with this, and the way to do it is to keep our word.

My earlier version of this amendment was objected to by Senator STEVENS. He argued it included legislative language. We have stricken all legislative language in this amendment.

Secondly, this would not be subject to a budget point of order because the foreign operations appropriations bill has not passed, and the set-off in the amendment comes in emergency appropriations, so there is no problem with either the budget or the spend-out rate.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

> The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1879.

Mr. DURBIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds for the prevention, treatment, and control of, and research on HIV/AIDS)

At the appropriate place, insert the following:

SEC. . (a) GLOBAL HIV/AIDS FUNDING.—For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on HIV/AIDS, in addition to funds appropriated under the heading "Global AIDS Initiative" in the Foreign Operations, Export Financing, and Related Programs Act, 2004, $879,700,000.

(b) OFFSET.—The total amount appropriated under title II under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE—FUNDS APPROPRIATED TO THE PRESIDENT—IRAQ RELIEF AND RECONSTRUCTION FUND" (other than the amount appropriated for Iraqi border enforcement and enhanced security communications and the amount appropriated for the establishment of an Iraqi national security force and Iraqi Defense Corps) shall be reduced by $879,700,000.

Mr. DURBIN. Mr. President, as we consider this $87 billion supplemental—and what is truly in the interest of our national security, for this generation and generations to come—these words from the Secretary of State about the impact of AIDS have special resonance: "more devastating than any terrorist attack, any conflict, or any weapon of mass destruction."

AIDS is fast becoming the worst plague the world has ever encountered. Already, 25 million people have been killed by the disease.

Today, another 42 million people around the world face a death sentence from AIDS because they have no access to life-saving treatment that can cost as little as a dollar a day.

As parents are dying, 14 million AIDS orphans have been left without the care and support that they need. Unless we act soon, there will be 25 million AIDS orphans by the end of the decade.

Each year the world loses a population greater than the city of Chicago because of AIDS. Yet, we know how to stop these deaths.

Keeping our promises in the fight against AIDS is in America's interest. AIDS represents not only a humanitarian crisis on a scale the world has never seen. AIDS also presents a growing security threat around the world.

Living up to the President's promises on AIDS makes good sense for our national security. It is also important for showing the world that we make good on our commitments.

As the CIA Director recently said about AIDS:

> Is this a security issue? You bet it is. With more than 40 million people infected right now, a figure that—by 2010—may reach 100 million, AIDS is building dangerous momentum in regions beyond Africa.

As the disease spreads, it unravels social structures, decimates populations and destabilizes entire nations.

The National Intelligence Council found that in five of the world's most populous nations, the number of HIV-infected people will grow to an estimated 50 to 75 million by 2010.

AIDS is particularly devastating national armies around the world that ensure stability. In South Africa, according to the Rand Institute, some military units have infection rates as high as 90 percent.

Keeping our promises on AIDS is not only the compassionate thing to do, it is the smart thing to do in terms of our national security as well.

Today, we have a change to change the course of the AIDS pandemic and strengthen our national security by providing $3 billion in the coming year.

In this State of the Union address, the President made a 5-year pledge of $15 billion to help the millions of AIDS sufferers in Africa and around the world. We must keep that pledge today.

The President has said:

> We can turn our eyes away in resignation and despair, or we can take decisive, historic action to turn the tide against this disease and give the hope of life to millions who need our help.

Unfortunately the President's budget failed to live up to the President's rhetoric. His budget fell nearly $1 billion short of the $3 billion for the coming year.

The President's shortchanging on AIDS will cost lives. The additional funding which we seek to restore today can put 1 million people on treatment and prevent 2.5 million new infections.

In July, 78 members of this body voted for sense of the Senate language calling for fully funding the $3 billion to fight AIDS this year, even if it meant exceeding the levels authorized in the budget.

The President himself said that "we care more about results than words. We're interested in lives saved." Now is our opportunity to go beyond words and fulfill the pledge that the President made in the State of the Union and that we made in July.

The amendment I am putting forward will close the gap between the rhetoric and the real needs of AIDS sufferers by fully funding the $3 billion.

This amendment will provide the $879.7 million necessary to close the gap and fully fund the $3 billion pledge made in the authorizing legislation.

It will do so by reducing the $20.3 Billion Iraq Relief and Reconstruction Fund in the supplemental by a pro-rata $879.7 million. This allows the administration to choose where to take the reduction—and the options are many.

For example, the supplemental contains $2.1 billion for "oil infrastructures"—$900 million for importation of petroleum products into Iraq. Perhaps instead of spending nearly a billion dollars to import oil into Iraq, a billion dollars might be better spent treating 1 million additional people with AIDS and preventing an additional 2.5 million new infections.

The stakes could not be higher. As Majority Leader FRIST said recently:

> History will judge whether a world led by America stood by and let transpire one of the greatest destructions of human life in recorded history—or performed one of its most heroic rescues.

Instead of fulfilling this pledge, the White House is claiming that the full amount cannot be spent in the coming year. All the leading development organizations and medical authorities reject this White House claim as baseless and have said so publicly.

Last month in Roll Call, all of the leading relief and development organizations in the United States placed an ad that endorsed the fact that the full $3 billion could be well spent.

The White House is also ignoring the capacity of the Global Fund to Fight AIDS, TB and malaria—the most effective tool we have to beat AIDS. The Global Fund, Chaired by Secretary of Health and Human Services Tommy Thompson, is scaling up successful programs on the ground in Africa and is working to stop the next wave of the pandemic in places such as India and it needs hundreds of millions of dollars more by this fall to fund a new round of grants.

The White House is also forgetting the extraordinary needs of AIDS orphans. According to a soon to be released report by the Earth Institute at Columbia, orphans and vulnerable children need $15 billion each year for basic health, education and community services.

The Global HIV Prevention Working Group found that AIDS prevention spending falls $3.8 billion short of what is needed by 2005. Although we can spare babies a life with AIDS for the price of a Sunday newspaper, only 5 percent of women at risk have access to medication to prevent mother-to-child transmission.

I hope today that the 78 of my colleagues who committed to fully fund the $3 billion to fight AIDS will join me in supporting this amendment. We have a unique chance to change the future and save many lives. Today, a 15-year-old boy in Botswana faces an 80 percent chance of dying of AIDS. If we act now, we can change the future for these children before it is too late.

Mr. President, at this point it is my understanding this amendment will be put in the queue with the others for consideration tomorrow. With that understanding, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 1881

Mr. REID. Mr. President, I have an amendment that has been cleared on both sides. I ask unanimous consent that the pending amendments be set aside and send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. NELSON of Florida, proposes an amendment numbered 1881.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on the plans of the Navy for basing aircraft carriers through 2020)

At the end of title I, add the following:

SEC. 316. (a) FINDINGS.—Congress makes the following findings:

(1) The Committee on Armed Services of the Senate specified in Senate Report 107-151 to accompany S. 2514 (107th Congress) that the Chief of Naval Operations submit to the congressional defense committees a report, not later than June 2, 2003, on the plans of the Navy for basing aircraft carriers through 2015.

(2) As of October 16, 2003, the report has not been submitted.

(b) REPORT ON AIRCRAFT CARRIER BASING PLANS THROUGH 2020.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the plans of the Navy for basing aircraft carriers through 2020.

Mr. REID. Mr. President, I have been advised by the majority that this amendment has been approved on both sides.

Mr. STEVENS. The Senator is correct. It has been approved on our side for Mr. NELSON.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 1881) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if the Chair would allow, we now have two amendments we would like to offer tonight and debate tonight, one by the Senator from New Jersey, Mr. CORZINE, and the other by the Senator from Louisiana, Ms. LANDRIEU. And we have been told that the mother of two small babies is going to go first, Senator LANDRIEU. I will yield to her if there is no objection.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President. I appreciate the courtesies. The children have been long in bed and are sound asleep before this hour. But I appreciate the courtesies extended to allow me to take a few minutes to explain this amendment.

AMENDMENT NO. 1859

Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside and call up amendment No. 1859, which is at the desk, on behalf of myself, Senator DORGAN, and Senator LEVIN.

The PRESIDING OFFICER. The amendment is already pending.

Ms. LANDRIEU. Mr. President, this is a modified amendment based on a concept that Senator DORGAN, Senator LEVIN, and others have been working on now for several weeks. It is a very important amendment to consider in terms of shaping a sustainable aid package for Iraq.

It does not address or take any money away from the $20 billion. It simply establishes a framework whereby future reconstruction efforts in Iraq could be financed through a financing mechanism using the great oil wealth of that nation. It does not, in any way, affect the immediate $20 billion which the Chair and others and I were proud to cosponsor and which was shaped and crafted over an hour ago on the Bayh amendment.

This is about the future, not the present. It does not have an effect on the $20 billion.

Within an hour or two of this time, the Senate rose to the occasion. We had a very vigorous and enlightening, at times tough, but very good debate on the way we should put out our reconstruction efforts for Iraq. The Senate is fulfilling its role, shaping foreign policy, being a partner with the executive branch, and, in my opinion, since that amendment passed, improving the original plan.

As I said when I supported the Bayh amendment, the administration's original plan, which seems to people in Louisiana and to the American people to be billions of dollars of grants often, only, and alone will not work. Not only is it not popular, it is not sustainable in our democracy. Iraq doesn't have a democracy yet, but we do. In a democracy, we have to lay down plans that not only will the leadership support but the people support. Because without the people's support, no plan that we lay down, either at the White House or in Congress, in the House or the Senate, is sustainable over a long period of time.

Why is that important? It is important because every study that has been conducted by independent think tanks and authorities has said that the task we have undertaken in Iraq is not going to be completed in the next 6 months or 1 year or 2 years. As the Presiding Officer knows, this is at a minimum a 5 to 7-year effort. Does that mean our troops will be there for 5 to 7 years? We hope not. Does it mean all the troops there now will have to be there in that number even 2 or 3 years? The effort itself of reconstruction—helping take a country that was cruelly administered by a dictator, taking it to a vibrant democracy with democratic institutions in place, based on the history and the region we are talking about—is not going to be easy.

Yes, I think the Iraqi people want that. Yes, we will be good partners. But it is not going to be easy. It is going to take time.

The amendment we spoke about earlier tonight, and voted on by a 52 or 53-vote margin, helps to take the original plan, which was not sustainable, and turn it into something that can be sustainable over time. It targeted the grants. It was strategic. It had strong incentives for debt forgiveness, which is a crucial aspect and principle of a strong reconstruction plan. And most importantly, it put up the $20 billion right now so we can get started and build a strong foundation for a successful reconstruction plan.

This amendment I am offering tonight, and hopefully we will vote on tomorrow, is a complementary piece. It says that because Iraq has some of the richest oil reserves in the world, most people think they are the second largest resource of oil in the world, they could be the first because not all of the fields have been explored and developed. In fact, it has in some instances been barely touched.

Let me show a picture of the country. As you can see, these are the oil fields that are outlined right here in the north, in the center, right outside of Baghdad, and in the southern portion of the country. But the geologists, the industry publications believe that there is as much oil in this section of Iraq, in the southwestern section, as there is here. As you can see, there is not one designation on this map because it has been totally unexplored.

The reserves we are calculating—and they are in the hundreds of millions, billions of barrels of oil, and not even counting the gas—are well underestimated.

The point of this is that when these oil fields come back on line—and they are coming back on rather quickly with the support of the communities and with the support of American ingenuity and technology and know-how, and, by the way, that technology is improving and has improved substantially—there is going to be even more oil and gas found, thus making the possibility of future construction and renovation and reconstruction definitely possible to be refinanced with these resources.

This amendment will help to ensure that the Iraqi people themselves are benefiting from their own oil reserves. It seeks to make that point in no uncertain terms. The reconstruction of Iraq for the benefit of the people of Iraq can be done and accomplished through a financing mechanism, allowing the oil reserves, which are plentiful and quite substantial, to be used in that way.

This is not Senator LANDRIEU's idea. I didn't come up with this idea. I heard about it. I heard administration officials speaking about it. In fact, Secretary Wolfowitz said just a year ago in an interview on this subject:

> On a rough recollection, the oil revenues of that country could bring between $50 and $100 billion over the course of the next two or three years. . . . We're dealing with a country that can really finance its own reconstruction, and relatively soon.

This is what our own Secretary said. This Senate voted a few minutes ago to decide that, no, we were not going to move to this system right now. We were going to vote for this amendment that Senator BAYH and others offered. We said we would not move to the reconstruction based on the oil reserves at this time. Let's lay down the $20 billion in the way that we did it, part in a loan that could be forgiven if other debts are forgiven, part immediately for the construction. But, in the future, my amendment says that establishing this financing mechanism could match what the administration originally said they wanted to do, which, of course, makes sense not only to me but to the American people.

The American people want us to be successful in Iraq. This is their challenge. It is not something that belongs only to the leaders here in Washington or the President or the White House. The American people are giving their own sons and daughters to the effort. They are sending their own family members to the effort. They want us to come up with a plan that can make sure they are not sending them in vain. It is not just a matter of getting the troops home. As a mother, as a parent, I can appreciate and understand that if we lost a child, I would want to make sure the death was not in vain, that we actually accomplished what we set out to do.

We have to get a plan that will work. The American people know one thing that won't work, and that is asking the American people to foot the bill, 100 percent of it, with limited help, with us carrying the burden of the troops and the finances over a long period of time. What the American people think would work, and I agree with them, is to jump-start it with some grants, do everything we can to make other nations relieve the debt, and then, over the long run, establish a financing mechanism that the country of Iraq can themselves begin the reconstruction. And let me just say that it is not often that the administration agrees with the U.N. or that the U.N. agrees with the administration. We have been trying to find common ground now for months. The U.N. thinks one way and this administration thinks a different way, so they cannot get together.

Let me tell you one thing they agree on. This is U.N. Security Council Resolution 1483 that lifted sanctions on Iraq right after we were successful in the war. Summarizing, it says the U.N. itself says the oil resources in Iraq should not be used to pay down debt owed to other countries. It should not be, basically, given away to anyone. But what should it be used for? The U.N. said it should be used for the reconstruction of Iraq. So the U.N. and members of the administration, including the Vice President—and I will show you what the Vice President said just a few months ago, in March. He said in answer to Tim Russert on one of the talk shows:

> In Iraq you've got a nation that's got the second largest oil reserves in the world, second only to Saudi Arabia. It will generate billions of dollars a year in cash flow if they get back to their production of roughly 3 million barrels of oil a day, and in the relatively near future.

He is saying, no, we are not going to have to pick up the $100 billion, which is estimated: the Iraqis have that ability to do so themselves. Mr. President, this is something the U.N. supports. It is something the administration told the American people would be part of the reconstruction effort. Now we are finding, for some reason, a tremendous amount of resistance to this. It is hard to understand, and so that is why I am putting forth this amendment, which has been modified.

It doesn't try to substitute the financing mechanisms for any part of the $20 billion. It says in the future, after we have allocated this $20 billion, it is the sense of the Senate that the future reconstruction could be paid for using the Iraqi resources, which are plentiful—oil and gas.

Let me make one other point. I know my time is almost up. A lot has been said about the Marshall plan. One of the principles of the Marshall plan, one of the foundations on which the Marshall plan rested was the fact that Germany had more coal reserves than any country in Europe, and that because Germany was rich in coal, in natural resources, the U.S. plan that was fashioned in a way that was sustainable over a long period of time and could be based on the riches and resources of that coal was not to take it from Germany but to help Germany use its resources to rebuild itself, to establish peace and prosperity for itself and its neighbors.

So I don't have any reason to understand or know why the same administration that would say this is the way we should proceed is now objecting to even outlining a possibility to use these resources, not for the people of the United States, not for the people of Europe, but for the Iraqis themselves. So that is the essence of the amendment that Senator DORGAN and Senator LEVIN and I have sent to the desk and asked for the Senate to consider. Hopefully, we will have a vote tomorrow.

To summarize briefly, the most important thing that we need to do is to, together with the President and the Congress and in partnership with the American people, right now, today, tonight, tomorrow, fashion a reconstruction plan that brings our troops home safely, minimizes the loss of life, and actually achieves our objectives.

A tremendous amount is riding on America's reputation, our position in the world, our pride, our word. It is resting on how well we do this. We have to have a plan that will work. What will work in the long run is unleashing the tremendous wealth of that nation, not for anybody else but for themselves, to fashion a plan that is good for the people of Iraq and for the American taxpayers who have already sacrificed a great deal in terms of treasure, life, and American blood—to come up with a plan that works for both countries and actually has a chance of working, so that this long-range strategy of peace in the Mideast we could actually accomplish.

So we offer this in good faith. I am sorry the other side has not yet accepted this amendment, so we are going to have to vote on it tomorrow. I hope that perhaps overnight, through the early hours of the morning, we can consider the great benefit of establishing such a financing mechanism and, that way, we will send the right signal to the Iraqi people that America is there to stay; that we have a plan that we can sustain in partnership with them using our strength and our technology and our ingenuity, their natural resources, to accomplish what their leaders have not been able to accomplish for them and which they tried to take from them.

Saddam Hussein took the oil revenues and used it for himself and his family, to build palaces. I know a little bit about this because I come from a State where the oil revenues are not always used on behalf of the people. I am very familiar with what happens when leaders take the public's resources and use it for their own benefit and not the people's: Children don't read, they don't go to college, hospitals are not built, roads stay gravel, highways don't get built, and jobs are not created. I know about that. I am saying this as passionately as I can to try to explain this. The people of Iraq need help with unleashig these resources for themselves, and setting up this financing mechanism is one of the best things we can do for them. It sends the right signal, and I am positive the American people would think that this makes a lot of sense, it makes common sense. Instead of asking us to bring the troops home, or we cannot sustain it, they might say: Senator, we can do this, we can help and be there for as long as it takes because it is important for America to be successful.

That is the essence of the amendment. I thank my colleagues. The hour is late. I know others have to offer amendments. I thank the leader from Nevada. This will be in line for a vote tomorrow.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent that the pending amendment be set aside to allow Senator CORZINE to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1882

(Purpose: To establish a National Commission on the Development and Use of Intelligence Related to Iraq.)

Mr. CORZINE. Mr. President, in a few minutes I will be sending an amendment to the desk. This amendment calls for a bipartisan commission to study the development and use of intelligence related to Iraq. The mission would examine several key issues, including intelligence related to the following questions: Whether Iraq possessed chemical, biological, and nuclear weapons; whether Iraq had a link to al-Qaida; whether they attempted to acquire uranium in Africa; whether Iraq attempted to procure aluminum tubes for the development of nuclear weapons; whether Iraq possessed mobile laboratories for the production of weapons of mass destruction; whether Iraq possessed delivery systems for weapons of mass destruction.

Mr. President, this is the same amendment I offered in July. At that time, 45 Senators joined in the effort to establish an independent commission, reflecting broad public concern about the potential misuse of intelligence information leading up to the war.

Since then, however, additional troubling information has come out and these concerns have grown considerably in many people's minds. These concerns also have grown in the context of a larger intelligence shortcoming. One need only look at our failure thus far to find Osama bin Laden or Saddam Hussein, to know that we have a long way to go to ensure that our intelligence capacities are as strong as they can be.

Time after time we have seen news stories about the administration's selective use of intelligence. Just last night, it was reported in a very troubling report on "60 Minutes II" that a former aide to Secretary of State Powell, Greg Thielmann, a senior career State Department official, made serious charges against the Secretary and the administration.

According to Mr. Thielmann, at the time of Secretary Powell's dramatic prewar presentation to the United Nations, Iraq's weapons of mass destruction capability was so weak that it posed no threat to the United States and little threat even to its immediate neighbors.

According to Mr. Thielmann, the administration adopted a "faith-based approach to intelligence." He went on to say:

> They knew what they wanted the intelligence to show. They were really blind and deaf to any kind of countervailing information the intelligence community would produce.

I have a full transcript of that interview which I ask unanimous consent to print in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From 60 Minutes II, Oct. 15, 2003]

THE MAN WHO KNEW; FORMER POWELL CHIEF OF INTELLIGENCE AND OTHERS DISAGREE WITH EVIDENCE PRESENTED TO UN FOR WAR IN IRAQ

SCOTT PELLEY (co-host). In the run-up to the war in Iraq, one moment seemed to be a turning point: the day Secretary of State Colin Powell went to the United Nations to make the case for the invasion. Millions of us watched as he laid out the evidence and reached a damning conclusion: that Saddam Hussein was in possession of weapons of mass destruction. But the man you will hear from tonight says that key evidence in that speech was misrepresented and the public was deceived. Greg Thielmann should know. He had been Powell's own chief of intelligence when it came to Iraqi weapons of mass destruction.

When you saw Secretary of State Powell make his presentation to the United Nations, what did you think?

Mr. GREG THIELMANN. I had a couple of initial reactions. Then I had a—a more mature reaction. I—I think my conclusion now is that it's probably one of the low points in his long and distinguished service to the nation.

PELLEY. At the end of the speech, the United Nations and the American people had been misinformed, in your opinion?

Mr. THIELMANN. I think so.

PELLEY. Greg Thielmann was a foreign service officer for 25 years. His last job at the State Department was acting director of the Office of Strategic Proliferation and Military Affairs, responsible for analyzing the Iraqi weapons threat for Secretary Powell.

You and your staff had the highest security clearances.

Mr. THIELMANN. That's right.

PELLEY. And you saw virtually everything.

Mr. THIELMANN. That's right.

PELLEY. Whether it came in to the CIA or the Defense Department, it all came through your office sooner or later.

Mr. THEILMANN. That's right, yes.

PELLEY. Thielmann was admired at State. One high-ranking official called him "honorable, knowledgeable, very experienced." Thielmann took a long-planned retirement four months before Powell's big moment at the UN. February 5th was the day the world was waiting for: Secretary Powell would reveal evidence against Saddam. The speech represented a change in Powell's thinking. Before 9/11, he said that Saddam had not developed any significant capability in weapons of mass destruction. But now, two years later, he warned that Saddam had stockpiled those very weapons.

Sec. COLIN POWELL (State Department). (From UN Speech) The gravity of this moment is matched by the gravity of the threat that Iraq's weapons of mass destruction pose to the world.

PELLEY. Do you believe that Iraq posed an imminent threat to the United States of America at the point we went to war?

Mr. THIELMANN. No. I—I think it didn't even constitute an imminent threat to its neighbors at the time we went to war.

PELLEY. Theilmann says that's what the intelligence really showed. For example, he points to the evidence behind Powell's charge that Iraq was importing these aluminum tubes to use in a program to build nuclear weapons.

Sec. POWELL. (From UN speech) Saddam Hussein is determined to get his hands on a nuclear bomb. He is so determined that he's made repeated covert attempts to acquire high-specification aluminum tubes from 11 different countries, even after inspections resumed.

Mr. THIELMANN. This is one of the most disturbing parts of Secretary Powell's speech for us.

PELLEY. The tubes were intercepted by intelligence agents in 2001. The CIA said that they were parts for a centrifuge to enrich uranium, fuel for an atom bomb. But Thielmann wasn't so sure. Experts at the Oak Ridge National Laboratory, the scientists who enriched uranium for American bombs, advised that the tubes were all wrong for a bomb program. At about the same time, Thielmann's office was working on another explanation. It turned out the tubes' dimensions perfectly matched an Iraqi conventional rocket.

Mr. THIELMANN. The aluminum was e—exactly, I think, what the Iraqis wanted for artillery.

PELLEY. And you sent that word up to the secretary of State——

Mr. THIELMANN. That's right.

PELLEY. Many months before.

Mr. THIELMANN. That's right.

Mr. HOUSTON WOOD: You'll see where it intersects. This is the velocity.

PELLEY. Houston Wood was a consultant who worked on the Oak Ridge analysis of the tubes. He watched Powell's speech, too.

When you saw the presentation in full wi—with regard to the aluminum tubes, what were you thinking?

Mr. WOOD. I guess I was angry. I think that's probably the best emotion that I—best way to describe my emotions. I was angry at that.

PELLEY. Wood is among the world's authorities on uranium enrichment by centrifuge. He found that the tubes couldn't be what the CIA thought they were. They were too heavy, three times too thick and certain to leak.

Mr. WOOD. It wasn't going to work. No, they would—they would have failed.

PELLEY. Wood reached that conclusion back in 2001. Thielmann reported to Secretary Powell's office that he was confident the tubes were not for a nuclear program. Then about a year later, when the administration was building a case for war, the tubes were resurrected on the front page of The New York Times.

Mr. WOOD. I thought when I read that, "There must be some other tubes that people were talking about." I—I just wa—was flabbergasted that people were still pushing that those might be centrifuges.

PELLEY. Flabbergasted?

Mr. WOOD. Yeah. Yeah. So it just didn't—it didn't make any sense to me.

PELLEY. The New York Times reported that senior administration officials insisted the tubes were for an atom bomb program.

Was it clear to you that science wasn't pushing this forward?

Mr. WOOD. Yes. That's a very good way to put it. Science was not pushing this forward. Scientists had made their evaluation and made their determination, and now we didn't know what was happening.

PELLEY. In his UN speech, Secretary Powell acknowledged there was disagreement about the tubes, but he said most experts agreed with the nuclear theory.

Sec. POWELL. (From UN speech) There is controversy about what these tubes are for. Most US experts think they are intended to serve as rotors in centrifuges used to enrich uranium.

Mr. WOOD. Most experts are located in Oak Ridge, and that was not the position there.

PELLEY. Do you know one in academia, in government, in a foreign country who disagrees with your appraisal, who says, "Yes, these are for nuclear weapons?"

Mr. WOOD. I don't know a single one anywhere.

PELLEY. Greg Thielmann says the nuclear case was filled with half-truths.

If the secretary took the information that his own intelligence bureau had developed and turned it on its head, which is what you're saying, to what end?

Mr. THIELMANN. I can only assume that he was doing it to loyally support the president of the United States and build the strongest possible case for arguing that there was no alternative to the use of military force.

PELLEY. That was a case the president himself was making only eight days before Secretary Powell's speech, but the argument in the State of the Union address turned out to be too strong.

President GEORGE W. BUSH. From State of the Union) The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa. Our intelligence sources tell us that he has attempted to purchase high strength aluminum tubes suitable for nuclear weapons production.

PELLEY. After the war, the White House said the African uranium claim was false and shouldn't have been in the president's address, but at the time, it was part of a campaign that painted the intelligence as irrefutable.

Vice President DICK CHENEY. There is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt that he is amassing them to use against our friends, against our allies and against us.

PELLEY. But if there was no doubt in public, Greg Thielmann says there was plenty of doubt in the intelligence community. He says the administration took murky information out of the gray area and made it black and white.

Sec. POWELL. (From UN speech) My colleagues, every statement I make today is backed up by sources—solid sources. These are not assertions. What we're giving you are facts and conclusions based on solid intelligence.

PELLEY. Solid intelligence, Powell said, that proved Saddam had amassed chemical and biological weapons.

Sec. POWELL. (From UN speech) Our conservative estimate is that Iraq today has a stockpile of between 100 and 500 tons of chemical weapons agent. That is enough agent to fill 16,000 battlefield rockets.

PELLEY. And part of that stockpile, he said, was clearly in these bunkers.

Sec. POWELL. (From UN speech) The four that are in red squares represent active chemical munitions bunkers. How do I know that? How can I say that? Let me give you a closer look.

PELLEY. Up close, Powell said, you could see a truck used for cleaning up chemical spills, a signature, he called it, for a chemical bunker.

Sec. POWELL. (From UN speech) It's a decontamination vehicle in case something goes wrong.

Mr. THIELMANN. My understanding is that these particular vehicles were simply fire trucks that you cannot really describe as being a unique signature.

PELLEY. Satellite photos were notoriously misleading, according to Steve Allinson. He was a UN inspector in Iraq in the months leading up to the war.

Was there ever a time, in your experience, that American satellite intelligence provided you with something that was truly useful?

Mr. STEVE ALLINSON. No, n—no, not to me, not on—not on inspections that I participated in.

PELLEY. Not once?

Mr. ALLINSON. No.

PELLEY. Ever?

Mr. ALLINSON. No.

PELLEY. Allinson had been sent to find decontamination vehicles that turned out to be fire trucks. And another time a satellite spotted what they thought were trucks used for moving biological weapons.

Mr. ALLINSON. We were told that we were going to the site to look for refrigerated trucks specifically linked to biological agents.

PELLEY. And you found the trucks?

Mr. ALLINSON. We did. We found about seven or eight of them, I think, in total. And they were—they had cobwebs in them. Some samples were taken, and nothing was found.

PELLEY. Steve Allinson watched Powell's speech in Iraq with a dozen other UN inspectors. There was great anticipation in the room, something like waiting for the Super Bowl. They always suspected that the U.S. was holding back its most damning evidence for this moment.

And as you watched the speech unfold, what was the reaction among the inspectors?

Mr. ALLINSON. Various people would laugh at various times because the information he was presenting was just—you know, it didn't mean anything. It had—had no meaning.

PELLEY. When the secretary thanked everyone for listening and had finished the speech, you and the other inspectors turned to each other and said what?

Mr. ALLINSON. "They have nothing."

PELLEY. If Allinson doubted the satellite evidence, Thielmann watched with worry as Secretary Powell told the Security Council that human intelligence provided conclusive proof. Thielmann says that many of the human sources were defectors who came forward with an ax to grind.

Give me some sense of how reliable the defector information was across the board. You got bad information—What?—rarely?

Mr. THEILMANN. I guess I would say frequently we got bad information.

PELLEY. Some of it came from defectors supplied by the Iraqi National Congress, the leading exile group headed by Ahmed Chalabi.

Mr. THEILMANN. You had the Iraqi National Congress with a clear motive for presenting the worst possible picture of what was happening in Iraq to the American government.

PELLEY. That may have been the case with this man. Adnan Sayeed Haideiri was provided by the Iraqi National Congress to the US Government, the New York Times, and he appeared on CBS News. Haideiri said he was a civil engineer and he claimed to have visited many secret weapon production sites. The government thought he was so valuable they put him in a witness protection program, and the White House listed him first in its Web page on Iraqi weapons.

Mr. DAVID ALBRIGHT. He was, basically, an epoxy painter.

PELLEY. David Albright is a physicist who has investigated defectors for his work with the UN. He studied a transcript of Haideiri's claims.

Mr. ALBRIGHT. Well, if you read a transcript of an interview that he went through, he has no knowledge of—of chemical, biological or nuclear weapons.

PELLEY. Based on Haideiri's statement, did UN inspectors go in and try to follow up on what he said?

Mr. ALBRIGHT. Certainly.

PELLEY. And what did they find from Haideiri's information?

Mr. ALBRIGHT. Nothing.

PELLEY. There was a good deal more in Secretary Powell's speech that bothered the analysts. For example, Powell claimed that Saddam still had a few dozen Scud missiles.

Mr. THIELMANN. I wondered what he was talking about. We did not have evidence that the Iraqis had those missiles, pure and simple.

PELLEY. Powell warned that empty chemical warheads found recently by the UN could be the 'tip of the iceberg.'

Mr. ALLINSON. They were shells that were left over from the Gulf War or pri—prior to the Gulf War from their past program.

PELLEY. Powell did make several points that day that turned out to be right. Among them, he was right when he said Iraqi labs were removing computer hard drives, he was right that Iraq had drawings for a new long-range missile, and he was right about Saddam's murder of thousands of Iraqi citizens. But an interim report by coalition inspectors say, "So far there is no evidence of a uranium enrichment program, no chemical weapons, no biological weapons, no Scud missiles." The State Department told us Secretary Powell would not be available for an interview, but earlier this month, he said the jury on Iraqi is still out.

Sec. POWELL. And so I think one has to look at the whole report. Have we found a factory or a—a plant or a warehouse full of chemical rounds? No, not yet.

PELLEY. Powell added that Iraq was a danger to the world. He said, "How clear and present a danger it was, people can judge." As for Greg Thielmann, he told us he's a reluctant witness. He says the president's address worried him because he knew the African uranium story was false. And he watched Secretary Powell's speech with disappointment because, up until then, he said, he'd seen Powell bringing what he called "reason" to the administration's inner circle. Today, Thielmann believes the decision to go to war was made, and the intelligence was interpreted to fit that conclusion.

Mr. THIELMANN. There's plenty of blame to go around. But the main problem was the senior administration officials have what I've called faith-based intelligence. They know what they wanted the intelligence to show. They were really blind and deaf to any kind of countervailing information the intelligence community would produce. So I would a—I would assign some blame to the intelligence community and most of the blame to the senior administration officials.

PELLEY. The administration wants to spend several hundred millions dollars more to continue the search for evidence.

Mr. CORZINE. I thank the Chair.

Mr. President, the administration's own search for weapons of mass destruction in Iraq has borne out the concerns that Mr. Thielmann and others held. After months of searching throughout the country, inspectors still have not found any evidence of such weapons. Several times the administration tried to claim that such evidence had, in fact, been found. But each time the claims have proven empty.

Recently heard again from David Kay, the man leading the CIA's search, that no chemical or biological weapons have been found to date and that Iraq's alleged nuclear program—the one that administration officials regularly raised when discussing the specter of a mushroom cloud—was only at "the very most rudimentary stage."

Let me give a couple examples of other claims that may have been intentionally misleading.

Last September, President Bush, surrounded by Members of Congress in the White House Rose Garden, claimed that Iraq could launch a chemical or biological strike within 45 minutes. White House Press Secretary Ari Fleischer cited this capability as the elusive "smoking gun" when it first came to light. Just 2 weeks later, Congress gave the President authority to go to war in Iraq. Yet this claim, the strongest evidence that Iraq represented an imminent threat, was dropped after the administration consulted with the CIA.

One has to ask: Why wasn't that consultation done with the CIA before making the claim and before Congress used the information in deliberations about the war resolution?

Similarly, President Bush and his top advisers repeatedly asserted Saddam and al-Qaida had a strong relationship. On September 25, 2002, President Bush said:

> You can't distinguish between al-Qaida and Saddam.

The implication was clear: There was a connection between Saddam and the terrorist attacks of September 11.

Only in the last month, after the Vice President repeated a similar assertion strongly disputed by the press and security analysts, did the President admit no such connection existed.

It is now clear that the administration has either been grossly wrong in its interpretation of intelligence or has intentionally misused the intelligence produced by the community.

When I offered this amendment in July, we were focused on a particular assertion that was made in the January State of the Union Address. That is:

> The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

At the time, there was a flurry of press interests in these words, though lately that seems to have largely been forgotten. The power of the President's allegation in those words is difficult to overstate. The Bush administration used legalistic language apparently intended to lead people to believe that Saddam Hussein had a nuclear program. The President didn't say the British were claiming anything. He didn't say they alleged anything. He said they learned Saddam was attempting to buy uranium, implicitly accepting the charge as fact.

Although just 16 words, it was a powerful statement that resonated throughout the Nation and the world. It became a key argument in the case of immediate use of force in Iraq. Only after many months did we learn the statement was based on information that the CIA had repeatedly flagged the White House as inaccurate.

We didn't learn about this from the administration. We learned about it from the International Atomic Energy Agency and the media. Only later did the administration spokesperson and the President admit the statement was inappropriate for the State of the Union Address. The administration has yet to fully explain how it got there.

Instead, the administration has turned on those who have reported the truth. Recently, unknown senior administration officials publicly disclosed the name of a covert CIA operative apparently in retaliation for public statements by the operative's spouse that contradicted the administration's claims about Iraqi attempts to obtain uranium from Niger.

This wasn't just any operative. It was one of the CIA's elite intelligence officers, a nonofficial cover agent. Releasing the agent's name was a betrayal of intelligence apparatus for political purposes, which has likely harmed our national security and has only contributed to a sense among many that the administration is uninterested in protecting the integrity and objectivity of our intelligence operations.

In this case, the administration continues to resist efforts to appoint a special counsel to investigate this criminal act.

Nor has this been the only example of opposition to independent, nonpartisan reviews on national security matters. The administration also seems unwilling to openly share information with the commission established by Congress to investigate the events of September 11. The commission was established on a bipartisan basis. It is charged not only with investigating the events leading up to 9/11 but with producing recommendations to prevent future terrorist attacks.

Their mission is critical. I can tell you as a Senator who comes from a State where 693 people died on September 11—10 in my hometown—this is a serious investigation and review of the failures that led to 9/11. Yet, according to recent statements by several commission members, the administration has been stonewalling. Too many of their requests are being ignored. Too much evidence is being withheld. And the commission has been frustrated in its efforts to get the information it needs to do the job.

Again, just yesterday, the commission was forced to issue subpoenas to officials at the FAA for documents that the administration should have been handing over voluntarily. By the way, this was not the CIA, not the Pentagon, but the FAA.

The question of accurate intelligence is central to Congress's ability to make decisions about national security. It is especially important now that the Bush administration has endorsed a doctrine of preemptive war, a doctrine the administration reiterated today preceding its trip to the Far East.

As we confront ongoing threats to U.S. interests, particularly with regard to weapons of mass destruction, we must be sure that what we are told is true.

Last October, for example, during the Iraqi debate, Secretary James Kelly was in Pyongyang meeting with the North Koreans. At that meeting—a meeting that occurred a full week prior to the Senate vote on the resolution authorizing force in Iraq—the North Koreans admitted to Mr. Kelly that they had an active nuclear program. Yet despite the importance of such information from the North Koreans, admitting a nuclear weapons program, and its relevance to debate regarding Iraq and America's national security posture generally, administration officials waited until after Congress had voted on the resolution to authorize the use of force before revealing the details of the North Korean disclosure to most Members of Congress and certainly the American people.

As I see it, that information was both relevant and timely to the debate on whether to go to war in Iraq. What should have our priorities been? What was the information that should have been factored in when we made that judgment?

Was the information withheld because it might affect Congress's debate on the war resolution? I cannot be sure. But the American people have a right to know.

While matters such as these may be beyond the scope of the commission I am proposing, a thorough review of intelligence questions related to Iraq is necessary if we are to successfully address other threats and we are to have credibility and confidence in those judgments—including North Korea, Iran, and other rogue states and international terrorist networks.

I urge my colleagues to support this amendment. I hope some of those who initially opposed it will see that the time has come for a thorough, independent, nonpartisan review, structured so there would not be any partisan bias. David Kay's report finding no weapons of mass destruction after a 6-month search, the statements from former administration insiders charging that intelligence was misused, a willingness of administration officials to retaliate against one such insider by revealing the identity of a key CIA operative, the administration's refusal to appoint a special counsel to investigate the crime, the administration's failure to cooperate fully with the commission investigating the 9/11 terrorist attacks, all highlight the need for an independent, nonpartisan commission to examine what are already acknowledged deficiencies in how intelligence related to Iraq was presented to the American people prior to the war.

The goal of this commission is not to assign blame. The goal is to understand what happened and then use those findings to recommend improvements in our intelligence operations and make certain intelligence is used for policy formulation, not policy justification.

I say to my colleagues, why would anybody be afraid to let an independent commission find the truth? If the administration was acting in good faith, they should want the facts to come out. If there were systemic problems in our intelligence establishment, its relationship with the White House, we all have an interest in identifying them and correcting them. The commission would not prejudge anything. It would simply provide a mechanism to find the truth and bring it to light.

Again I hope my colleagues will support this amendment. In the end, the safety and security of the American people are at stake and so, by the way, is the safety and protection of our men and women in uniform. They deserve unbiased, nonpolitical, actionable intelligence to be able to do their job and do it well. Just as much as they need financial support, just as much as they need the support of all of America, they need to have unbiased, nonpolitical intelligence to do their job.

I ask unanimous consent that the pending amendment be set aside so I can offer this amendment which I send to the desk.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. CORZINE] proposes an amendment numbered 1882.

Mr. CORZINE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. CORZINE. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 1848 WITHDRAWN

Mr. REID. I ask unanimous consent that amendment No. 1848 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1834

Mr. STEVENS. Mr. President, I ask unanimous consent my notice of reconsideration on amendment No. 1834 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask for a voice vote of the Reed amendment.

The PRESIDING OFFICER. Is the Senator referring to amendment 1834, the Reed of Rhode Island amendment?

Mr. STEVENS. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 1834.

The amendment (No. 1834) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, in amendment No. 1834 the distinguished Senator from Rhode Island, Mr. REED, raises a number of good points about our global commitments, especially those in Iraq. The increased operational tempo is straining the Army, the National Guard, and the Reserves. We do run the risk of hurting recruitment and retention in both the Active and Reserve component. We are committing our troops to such an extent that we may not be able to sustain all of those commitments indefinitely. I am greatly concerned about these and other issues raised by the distinguished Senator from Rhode Island. However, I do not agree that increasing the end strength of the Army is the answer to these problems.

The increase in end strength does not necessarily solve our immediate problem of overextended troops. It will take years to get the 10,000 soldiers recruited, trained, equipped, and deployed. We need solutions now. We need more foreign troops in Iraq and we need to work with the international community toward that goal. We also need to work with our allies to fight against terrorism with more than just military might. Most importantly, we need to refocus ourselves on the fight against terrorism instead of diverting our focus to ideologically driven wars of our choosing.

Furthermore, according to rough estimates done by the CBO, increasing the end strength of the Army by 10,0000 will cost $409 million this year. Senator REED's amendment fully offsets that amount. However, the following year the cost of this end strength increase will jump to over $800 million a year, and it will continue to grow. By passing this amendment, we will either be locking in an increase in Department of Defense spending of over $800 million a year or asking the Army and/or the other military services to simply absorb that cost. Neither option seems good to me.

But the Senator from Rhode Island was right to bring this debate to the Senate. I agree with my colleague that the important issues he raised must be dealt with expeditiously and I look forward to working with him to address these problems.

AMENDMENT NO. 1852

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate amendment No. 1852.

The PRESIDING OFFICER. The amendment is pending.

Mr. STEVENS. This is the Feingold military family leave amendment. I ask for adoption of the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is agreed to.

The amendment (No. 1852) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that at 9 a.m. this morning, the Senate proceed to a series of consecutive votes in relation to the following amendments; further, that there be no amendments in order to the amendments in the below stacked sequence prior to the votes, with 2 minutes equally divided before each vote, and that each vote in sequence after the first be limited to 10 minutes. The stacked sequence is: the Durbin amendment No. 1837, the Daschle amendment No. 1854, the Landrieu amendment No. 1859, the Boxer amendment No. 1843, the Leahy amendment No. 1807, and the Durbin amendment No. 1879.

I further ask unanimous consent that other than the above mentioned amendments, the only other amendments in order to the bill be the following, and they be subject to second-degree amendments that will be relevant to the first-degree amendment to which they are offered: Byrd amendment No. 1819; Corzine amendment No. 1882; Bond amendment No. 1825; Domenici amendment No. 1864; Senator BROWNBACK is to offer an amendment relative to rescission; Senator COLLINS will have an opportunity to offer an amendment relative to loans; Senator MCCONNELL, a sense of the Senate on troops; Senator SPECTER on loans; Senator BYRD, the remaining amendments on his list; Senator DORGAN, an amendment related to Iraqi oil; Senators BOXER and SCHUMER, shoulder-fired weapons; Senator DASCHLE, a relevant amendment; Senator FRIST, a relevant amendment; myself, a relevant amendment; Senator MCCONNELL, a relevant amendment; and Senator REID, a relevant amendment.

I further ask unanimous consent that budget points of order not be waived by virtue of this agreement and that no other points of order lie against any pending amendments at this time.

I state, as an explanation, that the order of the nonstacked amendments will be determined by when people arrive and they are called up. That second part is not a list of order in which they will necessarily be called up.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, we were just notified by the Senator from Vermont, Mr. LEAHY, that he would prefer to have his amendment taken out of the stacked list and brought down to the second group in order for additional debate on the amendment. But we expect it is possible that something could be worked out. So I ask that modification be made in the unanimous consent agreement.

Mr. STEVENS. That is acceptable to us, and we will be pleased to move amendment No. 1807 to be just prior to the Byrd amendment No. 1819. As I said, the amendments on the second list are not in any order of sequence.

Mr. DASCHLE. Mr. President, to clarify, we would like it to follow the Byrd amendment, not precede it.

Mr. STEVENS. That is not in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, I stand today in support of the President's supplemental appropriations request. This request primarily funds ongoing military operations in Iraq and Afghanistan, but it also provides reconstruction assistance to both of those countries, so that fundamental economic and civic infrastructure can be rebuilt. We must all recognize that providing for the initial reconstruction of the infrastructure is a practical requirement for us to succeed in the establishing the stability necessary—in both of those countries—before we can begin to withdraw our military forces.

I have not heard anyone here speak of a military failure in either Iraq or Afghanistan, but I have heard a great deal of speculation that we are failing to win the peace. It is not accurate to make this assertion. But I cannot emphasize strongly enough that the chances of winning a sustainable peace are directly related to the support we give this request before us.

We cannot support our troops, our mission, and our goal of a peaceful and stable Iraq without providing the funding necessary to achieve these goals, and providing that funding now.

For this reason, I would think—I would hope—that this request would receive unanimous support from my colleagues. I regret to see that this will not be the case. As best as I can understand, this is because many of my colleagues in the other party have declared the President's policy a failure. We have won the war, we seem to agree, but the peace is being lost.

As I review the many reports I receive on the situation in Iraq, I do not think we can declare that the peace is being lost. Yet I do not think we can rest assured that security has been achieved.

The President has a plan, and every Member in this body has had a chance to review the plan. I have heard the declarations of failure, but I have heard no alternatives to the detailed plan that the President has provided us. What do our opponents propose to do instead? The President's critics are silent here.

It is both unfair and unrealistic to take the reports of bombings and deaths coming out of Iraq and declare that our plan has failed. The President never said that it would be easy. Nobody in this body had reason to believe that it would be.

The President and our military had a brilliant battle plan. And we had the best post-conflict plans available, considering the dearth of analysis we had from inside this Arab Stalinist state. Would I have been pleased to have had more political intelligence on what was going on inside Iraq? Would I have been pleased to have a better assessment of the level of decay of Iraq's economic infrastructure? Of course. There is not a military planner in the history of mankind that has not, in retrospect, wished for better intelligence prior to a conflict. We always wish we had better intelligence.

But those questions should not be the basis for criticizing an ongoing policy. We are in Iraq. We must, as our critics agree, win the peace. And we do not have time to waste.

Some of the opponents of the President have criticized him for altering his policy during this occupation, as if altering a policy based on changing circumstances—or simply as a result of a better understanding of a fluid environment—should be seen as an admission of failure. I ask anyone here: What great undertaking occurs without changes in plan? Is it a sign of failure to shape your plans according to new discoveries, changes in the situation, and a shifting context? Of course, the answer is no.

Today, fewer than 6 months after the conclusion of major military operations in Iraq, the security situation is still dangerous. We are losing precious American lives every week, and we are suffering injuries every day. I see no good reason to downplay this grim reality, in this debate or anywhere else.

But the situation is far from dire: Iraqis, by almost all measure, are thankful for their liberation from the dictatorship of Saddam Hussein. Few, very few, declare their wish to return to his dungeon state.

Instead, as we have heard from administration sources in the past weeks, more than 70,000 Iraqis are presently serving in police, border patrol, facilities protection and civil defense positions. Fewer than 6 months after the conclusion of the Coalition's major military operations, Iraqis are serving side by side with coalition forces, and they have already conducted thousands of joint patrols with our forces.

Their enemies are our enemies: The criminal Saddamite resistance and the international jihadists, the terrorist brethren of Osama bin Laden.

No one can argue that Iraq has currently become calling ground for terrorists. That presents us with a great challenge, and an immediate security threat. We knew this was a possibility before we invaded Iraq. Saddam Hussein had long associated with almost all of the known terror organizations through the last decades, including, beginning in the 1990s, with Osama bin Laden and his associates.

I, for one, was not surprised when bin Laden called his followers to Iraq prior to our invasion. I was not surprised for a number of reasons, beginning with the reports we read through the years about bin Laden's associations with Saddam's Iraq.

But another reason I have not been surprised to see al-Qaida join the Saddamite resistance is that I have never believed al-Qaida is about ideology, religious or otherwise. I believe bin Laden seeks power, and he has hijacked his religion for his attempts to gain power. Bin Laden's use of religion as ideological appeal is as sincere as Saddam's use of Arab socialism, in the guise of Ba'athism. Both are about gaining and holding dictatorial power—for personal ends. And the joining of forces of bin Laden's terrorists and Saddam's thugs proves this point.

The tools of the Saddamite resistance are the tools of gangsters: car bombs and assassinations. Some of these recent horrific bombings have been committed by suicide terrorists, which, we know, is not a common gangster tactic. But in my years of studying international crime and terrorism, I have concluded this: You cannot remain an ideologue—religious or secular—while behaving like and coordinating with criminals.

Saddam's reign was a criminal dictatorship. There was no ideology but the one that made Saddam more powerful, that enriched his clan and cronies, that crushed all of his real or perceived opponents. When his sons, Uday and Qusay, were cornered and killed, they were not part of a well-organized resistance, protected by a dedicated network of ideologically motivated supporters. They were alone, and they were cornered and killed, like common gangsters, because an Iraqi dropped a dime on them.

By joining with the Saddamites, bin Laden and his fellow jihadists have exposed themselves to be gangsters. They are demonstrating this to all who wish to see: To the masses in the Middle East who bin Laden has tried to convert, they can now see him hand-in-hand with the corrupt butchers and jailors of Saddam's Tikriti clique, who the Iraqi people have roundly rejected and now publicly detest. Bin Laden and his supporters can now be seen allying with those who deny the Iraqis freedom.

Yes, the situation in Iraq is dangerous now, for the short term. But the defeat of the Saddamite-led resistance—which we will accomplish, and which we will accomplish with the active support of the Iraqi people—will provide a great victory in the war on terrorism, will bring peace to Iraq, will advance peace and stability in the region and will enhance the national security of this country.

Some of the Iraqi voices calling for our departure are not anti-American. Some Iraqis fear that we will overstay, that we will not move fast enough in transferring power and political legitimacy to the Iraqi people. I believe Ambassador Bremer's seven-point plan to move toward full sovereignty is sound and sensible. I am watching with great interest as the Iraqis begin to draft the constitution that will delineate their system of government, with all the protections of the freedoms they have been granted by coalition action and sacrifice.

I wish I could predict the future and declare here how long it will take for us to succeed. We can't give a finite number on costs, nor give a definite date of conclusion. To do so is to fall into one of the most partisan traps in Washington: If we can not say how much it will ultimately cost and we can not say when we will have achieved our goals, we are accused of having no plans; if we do, we will inevitably be wrong and the opposition naysayers will scream "gotcha."

Many state that the cost is high. I agree. America's ventures abroad have always been costly, never more so than when we pay in the lives of our men and women. The dollar figures pale in comparison.

I am not happy that we are faced with such a financial requirement today. Certainly many of our constituents are concerned about such a commitment when they worry about the national economy and the economies of their families.

But the budget proposed is not arbitrarily chosen. It is based on providing necessary resources that must be allocated to achieve the goals that the President outlined: to deny terrorists a new sanctuary by creating a secure and stable Iraq, by providing a minimal level of essential services and civic infrastructure which will enhance the stability we need to transfer sovereignty to the Iraqi people.

Over the past weeks, since the President first announced his request, the Senate Appropriations, Armed Services, Foreign Relations, Intelligence, and Joint Economic Committees have held numerous hearings. We have had reports from the Office of Management and Budget, from the White House, Pentagon, State Department, and Coalition Provisional Authority. Numerous witnesses from the administration have briefed both bodies of Congress.

The President's plan is broken into four parts, or core foundations: security; essential services; economy; and governance. As Ambassador Bremer, the Administrator of the Coalition Provisional Authority, stated, "These are intertwined: none can be pursued in isolation. Political and economic progress depends, in part, on security, but should itself help to create a safer environment."

That is how I view the President's request. If we wish to protect our troops, the Iraq people must believe that our forces are there to improve their lives and that cooperation instead of confrontation is the road to a better future. The Iraqis are responding: More and more are working, and thousands are working with us.

To gain intelligence on the location of terrorists in Iraq, the local population must believe that we have their true interests at heart and not the terrorists. These goals cannot be achieved by funding just our military operations. We must assist the Iraqi people in developing an infrastructure that was allowed to fall into disrepair by a greedy tyrant.

During this debate, some have made a valid point in suggesting that Iraq's vast oil resources might be used for reconstruction costs. I have opposed all the amendments that have attempted to convert our grants to loans, however, and I have done so for the following reasons I will now outline.

First, Iraqi oil output while still low, is already being used by the Iraqi people to fund the resumption of their government costs.

Second, Iraq is weighed down by a staggering debt for a small country whose economy has been ravaged by years of Saddam's thievery and neglect. Paying this debt is something that the future Iraqi sovereign will have to negotiate. Certainly no U.S. funds should be used for such repayment. And it is my opinion that the future Iraqi sovereign should not be beholden to the debts incurred by its former torturer, nor the nation states who cynically loaned to the dictatorship of Saddam Hussein. For the moment, however, incurring further debt while attempting to reconstruct a country without a basic economic foundation could seriously stifle necessary economic recovery. Any delay in rebuilding the economy only improves the chances of terrorists of taking root among the local population.

But I have a more basic reason for opposing all attempts to turn our grants into loans. This would be a radical departure in the conduct of American foreign policy. For the first time in our history, we would be occupying a country and forcing them to incur loans. Far more than a meager attempt to preserve financial capital with such misguided proposals, we would be seriously risking our moral capital.

I note to my colleagues on both sides of the aisle that, despite the recriminations and accusations, this administration has done its best to work within the context of international law. I believe that we have been successful in respecting international law, while preserving our sovereign right to defend our national interests. I commend the administration for its successes here, from debates about preemption which has been hotly disputed but not discredited, under terms of international law to the herculean efforts going on to this day, as our State Department works to craft resolutions that will build international support for our policies in the Security Council.

I believe that if the United States sets the precedent of occupying a country and then foisting debt upon them, we will have done our standing before the rest of the world long-term harm.

Soon enough, because of their oil resources, because of their human capital, and because of the assistance they will get from us and the rest of the international community, the Iraqi people will begin the process of paying for portions of the reconstruction themselves. This will become increasingly true as their oil infrastructure is repaired.

I believe that President Bush's proposal supports the long-term interests of the United States by addressing the short-term interests of the Iraqi people. By assisting the Iraqi people in developing these four core foundations identified in the President's plan, I believe we are undermining the Saddamite resistance, denying terrorists a sanctuary, and advancing our long-term security.

We have faced this challenge of winning a peace before. We won the First World War, and returned to isolationism while a fragile peace failed to take root in Europe. We won the Second World War, and stayed in Europe, making massive commitments which laid the foundation for winning the peace and the cold war that continued for nearly 50 years.

We must follow through on what we have begun, and we cannot delay. While the sums we are appropriating here are large, the costs of failing to succeed are larger. While the bill may seem big, we have already paid in measure far greater. Today I am thinking of: SSG James W. Cawley, U.S. Marine Corps Reserve; SSG Nino D. Livaudais of the Army's Ranger Regiment; SFC Randall S. Rehn, of the Army's 3rd Infantry Division; SGT Mason Whetstone, of the U.S. Army; and Brett Thorpe—a former Army special forces operator working with the State Department.

I understand if these names may be unfamiliar to others. They are not to me. These are the names of the sons of Utah that died defending us during this these operations in Iraq and Afghanistan. They followed through on their commitments. There job is done now. It is our turn to follow through.

Mr. PRYOR. Mr. President, I am proud to be an original cosponsor of Senator CANTWELL's Truth in Deployment amendment. This amendment supports our reserve forces and corrects an error in our deployment process.

I am extremely proud of our reserve forces. The Arkansas Army National Guard's 39th Infantry Brigade is beginning their mobilization in support of Operation Iraqi Freedom. The 39th Infantry Brigade consists of over 3,000 soldiers who are ready to serve their country.

The 39th Infantry Brigade soldiers are going to sacrifice time away from their family, place their civilian careers on hold, and place at risk the greatest gift provided by our Creator, their very life, to protect the freedoms and liberties we hold so dear.

If the 39th Infantry Brigade and other reserve forces are willing to do so much without complaint, I believe it is not too much to ask that we provide them as much opportunity as possible to minimize the impact of overseas deployments on themselves, their families and their employers. This amendment provides for this opportunity.

This amendment is straightforward. It starts the deployment period for members of the reserve component as the date of activation. This has always been the standard practice, prior to the administration's shift in policy on September 9th. This amendment simply asks our Nation to remain true to the standard practice, tradition of considering the date of activation as the date of deployment for reserve members.

Nothing in this amendment weakens our ability to employ our reserve forces. In fact the exact opposite is the case. This amendment enhances the ability and effectiveness of our reserve forces by enabling them to plan their lives to reduce the inherent adverse impact of overseas deployment on their families, employers, and community. I thank my fellow Senators for supporting this amendment. It will enhance the ability and effectiveness of our reserve forces and support the men and women like those who serve in the 39th Infantry Brigade.

Mr. CHAMBLISS. Mr. President, yesterday the Senate considered amendment No. 1811 offered by Senator CORZINE to lower the age at which members of the Reserve components can collect retirement pay from age 60 go age 55. This amendment had no offset and would have created a huge bill for the Department of Defense which we cannot afford to pay. For this reason, the floor manager of the bill raised a budget point of order against the amendment and I voted to uphold this point of order.

I believe the Congress should carefully review pay and benefits for members of the Reserve components, including lowering the age at which reservists and guardsmen can receive retirement pay. These men and women provide an invaluable service to our Nation and we should provide them pay and benefits which recognize their contributions and help retain them as citizen soldiers in the U.S. Armed Forces. However, I believe there are several options we should consider for lowering the retirement age, and that we should consider this issue alongside other benefits in order to offer a complete package that makes sense and accomplishes the goals we are trying to achieve. The Iraqi supplemental is not the right context to undertake a careful review or make long-term changes in this area, and for this reason I opposed the amendment.

As cochair of the Senate Reserve Caucus, these are issues that I take very seriously. I will continue to work with my colleagues in that caucus and in the Senate to ensure that we make wise financial decisions, and that our guardsmen and reservists receive the pay and benefits they deserve while recognizing their unique contribution to our Nation.

Mr. NICKLES. Mr. President, I take this opportunity to report on the budgetary effect of S. 1689, the Emergency Supplemental for Iraq and Afghanistan Security and Reconstruction for Fiscal Year 2004, as reported by the Senate Committee on Appropriations.

The pending bill provides $87 billion in budget authority and $36.7 billion in outlays for Fiscal Year 2004 for ongoing operations in Iraq and Afghanistan and reconstruction of Iraq. Since all funds contained in the reported bill are either emergencies or contingent emergencies, under section 502(c) of the 2004 budget resolution none of these funds count for purposes of section 302, 303, 311, and 401 of the Congressional Budget Act of 1974 and sections 504 and 505 of the 2004 Budget Resolution.

Additionally, I would like to remind my colleagues of the criteria for using the emergency designation. Section 502 of the 2004 budget resolution identifies the following criteria for the appropriate use of the emergency designation: that the funding is (1) necessary, essential, or vital, not merely useful or beneficial; (2) sudden, quickly coming into being, and not building up over time; (3) an urgent, pressing, and compelling need requiring immediate action; (4) unforseen, unpredictable, and unanticipated; and (5) not permanent, temporary in nature.

The reported bill has satisfied these criteria. Given the fact that most of the regular appropriation bills have not yet been enacted, we ought to view any further use of the emergency designation with great skepticism.

I also note for my colleagues that we are in a highly unusual parliamentary situation with this supplemental. Instead of doing a 2004 supplemental after all regular appropriation bills have been enacted, we are considering an $87 billion supplemental before most of the regular bills have been enacted. While there is an allocation for each of the 13 regular bills, there is no additional or special allocation for a supplemental. Because this is such an unusual situation, I do not want people to think that the way the Senate deals with possible amendments on this bill sets a precedent for the way the Budget Committee will enforce the 302(b) allocations in the future.

If any amendments are adopted adding nonemergency spending to this bill, then members should know that the cost of such amendments will be counted against the appropriate subcommittee allocation. And I will remind the Senate at the appropriate time about any points of order that apply to subsequent bills and will insist that bills be changed to remedy the situation or will raise the appropriate point of order.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1689—EMERGENCY SUPPLEMENTAL FOR IRAQ AND AFGHANISTAN

[Fiscal Year 2004, $ millions]

	Discretionary spending
Emergencies in S. 1689, as reported:*	
Budget authority	87,004
Outlays	36,695
Non-Emergencies in S. 1689, as reported:	
Budget authority	0
Outlays	0

*Section 502(c) of H. Con. Res. 95, the Concurrent Resolution on the Budget for FY 2004, states that any provision designated as an emergency requirement by both Congress and the President shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974 and section 504 (relating to discretionary spending limits in the Senate) and section 505 (paygo point of order) of H. Con. Res. 95.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

OUR BELOVED CUBS

Mr. DURBIN. Mr. President, I beg the forgiveness of my colleagues for this statement which I wrote rather quickly this morning.

There is weeping on Waveland,
And Sheffield is dark,
Another sad ending
At Addison and Clark.
The Cubbies lost the big one
In the very last game.
A season so different
Has ended the same.
There's no joy in Wrigleyville
As the ivy turns brown,
But who can forget,
The Cubs lit up the town.
Our Boys of Summer
Were a loveable crew,
With Sosa, Lofton,
And Moises Alou.
Prior, Wood, and Zambrano
Threw fire at our foes,
And we counted Farnsworth
And Borowski to close.
Ramirez, Gonzales,
Grudzielanek, and Karros,
Joined Miller and Bako
To keep the games close.
Our skipper was new
From the city by the Bay
But "In Dusty we Trusty"
From opener to closing day.
If Baker was the brains,
Each win had another part.
Our perfect 10, Ron Santo,
Was in every Cubby's heart.
America, we thank you
For loving the Cubs,
For cheering our long shots
In your living rooms and pubs.
Now in our despair
There's one thing to say.
Spring training is only
Four months away.
Next spring when the green
Is back on the vines,
Cubs fans will pour
Into the Friendly Confines.
America, don't give up,
Don't falter, don't grieve.
If you wanna be a Cub fan,
You gotta believe.

THE STATEN ISLAND FERRY DISASTER

Mr. SCHUMER. Mr. President, I appreciate the thoughtful words of my colleague from Illinois. Many sports fans across my home state have known both joy and anguish from our sports teams, and I assure the Senator that I sympathize with the sorrow that Chicago Cubs fans are feeling today over last night's loss.

And now, Mr. President, I rise to speak on a matter that has caused much sadness in my home state of New York. It is with a heavy heart that I come to the floor today to speak about the tragedy on Staten Island that took 10 New Yorkers from us too soon, and changed the lives of dozens who were injured. As you know, the ferry in New York crashed into a pier adjacent to its terminal, with tragic and unforeseen and unprecedented results. We mourn for the families of those who were lost.

Staten Island has had a very difficult time in the last several years. We know, for instance, 286 Staten Islanders were lost on 9/11. Staten Island is 5.5 percent of New York City's population, but on that terrible day sustained nearly 20 percent of New York City's September 11 deaths. Many of those were police officers and firefighters. We had the refinery fire on Staten Island not too long ago, and now this terrible incident.

One thing I can tell you is the people of Staten Island are strong, they are resilient, they are self-reliant. Many of them come from my home borough of Brooklyn and have moved to pastures across the narrows. But they retain the same feistiness and the same ability to bounce back from tragedy their forebearers did, across the narrows in Brooklyn. So Staten Island will bounce back and be stronger and better than ever. But, right now, we mourn them.

The Staten Island ferry's history is so important to our city. It is as long as our Nation's history. It has existed in some form since 1713, and 70,000 New Yorkers, mostly from Staten Island, ride it every day. That would be enough people to fill a medium-sized city almost anywhere else in the United States.

It is one of the great symbols of New York City, up there with the Empire State Building, Brooklyn Bridge, Yankee Stadium. It is one of the best ways to see the great symbols of opportunity in New York, the Statue of Liberty—Ellis Island, and, sadly, until 2 years ago, the World Trade Center.

The view of lower Manhattan coming into the terminal at Whitehall or landing at St. George has been nothing short of breathtaking, although I must admit, having taken the ferry since 9/11, it now has some sadness to it as we see the empty space on the skyline where the towers once existed.

It is a necessity for many on Staten Island. It is also a great opportunity for tourists to see New York. I might say, also, it is a very good first date, particularly at its price. The Staten Island ferry is free.

I am proud to say this morning, due to the resilience of New Yorkers and their transportation commissioner, ferry service resumed at the St. George terminal at 5 a.m., the site of yesterday's tragedy, befitting the spirit of New York and the spirit of Staten Island, where we bounce back quickly. The terminal was packed, the boats were crowded, and the people to a one, it seemed, were determined not to shy away but to go on with their lives as best as possible, while remembering those families who were suffering in the wake of this terrible tragedy.

We remember the lives lost, but not to stop living. This attitude is at the heart of what it means to be a Staten Islander: grit, determination to survive and move on, but to never forget what has happened and to never stop trying to make a better world for our children.

I would like to mention the names of those who passed away, and send my condolences to each of their families: Joseph Bagarozza, Pio Canini, John T. Healy, Vincent Ferrante, Darios Marshall, Guillermo Pagvay, Louis Robinson, Frank Sullivan, John Valinski, and the woman—our condolences to her family, too, even though her name has not yet been released.

Today Congressman FOSSELLA of Staten Island and I are asking the United States Department of Transportation to pay for the repairs of this ferry. The Federal Government has been actively involved in the ferries. We have received money for them in the past and will ask once again that Washington rise to the occasion of another tragedy in New York. Our budget, as you know, is tight as a drum and these funds will not bring back a single loss of life and, in fact, pale before the loss of life.

We will move forward, hopefully, in whatever way, and make our city and Staten Island even greater than ever.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I also make a note of the fact that we, too, in New Jersey had two of our citizens perish in that terrible accident that took place yesterday, a Mr. John Healy from Middletown, NJ, and Frank Sullivan, from Red Bank, NJ. We send our sympathies to these families, but we are reminded at the same time that ferries play an important role in our region; that while the Staten Island ferry carries about 70,000 passengers a day, we have 60,000 people going from New Jersey to New York for their business requirements or their jobs on the New York waterway ferries. It continues to remind us how much of a need we have to make certain that the ferries operate safely, as well as efficiently.

I ask, along with the distinguished Senator from New York who made his remarks a few minutes ago, that the Federal Government do whatever they can to understand what took place, and we understand and know the facts; that we take all the steps we can to make certain it should not happen again.

One of the questions I asked in the committee in which I serve, the Commerce Committee, is take a look and see what the Coast Guard requires by way of licensing for captains of these boats. The ferry that had the accident yesterday can carry as many as 6,000 people. We have to make certain in that travel they are not careless.

POPE JOHN PAUL II

Mr. FRIST. Mr. President, today Pope John Paul II and billions of faithful around the world celebrate the 25th anniversary of his election in 1978 to the papacy.

Born Karol Wojtyla on May 18, 1920 in Poland, John Paul II is the first non-Italian pope in 380 years. He has profoundly shaped the modern church and advanced its spiritual and moral influence across the globe. A poet, a playwright and a philosopher, Pope John Paul II has been an indefatigable champion of the poor and dispossessed.

In his 25 years of service to the church, he has also traveled more extensively than any pope before him. His historic trip to Poland in 1979 catalyzed the Solidarity Movement and led to the peaceful dissolution of the Soviet Empire. He is also the only pope ever to have visited a mosque or a synagogue.

Those who have studied the Pope's writings and biography say that the Pope was profoundly shaped by his early encounter with death and suffering.

As one expert observes, Professor Tony Judt for "Frontline", John Paul "was born in 1920, shortly after World War I to an impoverished Poland, into a family, where, one by one, his closest relatives died around him—He was left before his 21st birthday with no family. At about the time of his father's death, shortly before, World War II broke out, and he lived in Poland under the worst dictatorship ever known—And then this man lives in post-war Poland for 20 years under Communist occupation when Poland was a grim, depressed, dishonest, duplicitous impoverished place."

Out of all of this grimness and death, John Paul did not become despondent or embittered. No, indeed, his experience of profound loss and suffering seemed to have deepened his spirituality and his capacity to find strength first and foremost in God, but also in man's fragility.

Billions around the world have been blessed by the Pope's goodness and drive, his sincere love for the individual, and his determination to reconnect human endeavor to its higher purpose.

Pope John Paul has fought tirelessly against the culture of death, he has fought for man's dignity against tyranny and triviality. And if it is not too much to say, Pope John Paul has devoted his life to fighting for our souls.

I would like to close with a poem he wrote when he was only 19 years old. To me, it typifies his extraordinarily sensitive nature and perception of the divine mystery. It is called, "Over This, Your White Grave"

Over this, your white grave
the flowers of life in white—
so many years without you—
how many have passed out of sight?
Over this your white grave
covered for years, there is a stir in the air,
something uplifting
and, like death, beyond comprehension.
Over this your white grave
oh, mother, can such loving cease?
for all his filial adoration a prayer:
Give her eternal peace—
[Krakow, spring 1939]

God bless Pope John Paul II.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Indianapolis, IN. In October 1999, Jamie C. Carson and two accomplices robbed and tortured two men who were targeted because they were gay. Police said that one victim was forced to drink a mixture of bleach and urine. Both men were tied up and burned with a steam iron.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

REPORT ON U.S.-INDONESIA RELATIONS

Mr. LUGAR. Mr. President, today I rise to commend to Senators the Report of the National Commission on U.S.-Indonesian Relations issued today by the United States-Indonesia Society. This report is the culmination of more than one year of work by the Commission, whose co-chairs are former Secretary of State George Shultz, my fellow Hoosier and former Congressman Lee Hamilton, and George Russell, Chairman Emeritus of the Frank Russell Company.

This report will be an important point of reference for members of Congress and the public as a whole as the future course of Indonesia-U.S. relations is debated. I, for one, believe that the significance of Indonesia to Asia and to the world is often underappreciated. A relatively new democracy, Indonesia is home to the world's largest Muslim population and overall is the world's fourth most populous nation. The U.S. trade deficit with Indonesia is decreasing. U.S. exports of goods to Indonesia in 2002 were $2.6 billion, up 2.4 percent from the previous year and U.S. imports from Indonesia were $9.6 billion, down 4.6 percent from 2001.

The Commission's report examines the U.S.-Indonesia relationship and outlines policies and programs that "will help strengthen the nation's prospects for success." Education, democratization, economic growth and security are areas for emphasis highlighted by the Commission.

The report goes into considerable detail about many aspects of life inside Indonesia, citing the challenges and hopes of this fellow democracy. For example, the report notes that the roles of the military and police are changing, with the goal of the Indonesian government being to make the police, rather than the military, fully responsible for internal security.

Important reference is made to ongoing conflict in the province of Aceh as well as unrest in Papua connected to issues surrounding the special autonomy law. Of special significance to justice-seeking citizens in the United States and Indonesia, the Commission highlighted the need for a full and thorough investigation into the murder of an Indonesian and two Americans, and the wounding of eight others in an ambush last year near Timika in Papua.

My purpose today is not to concur in all of the report's findings, but rather to recommend it to my colleagues as a helpful point of reference in future deliberations by this body on a wide range of issues regarding Indonesia.

Those Members interested in viewing the full report may contact the United States—Indonesia Society for a copy. I conclude my remarks by commending the ongoing work of Paul Cleveland, President of the United States—Indonesia Society and Edward Masters, Co-Chair of the Society's Board of Trustees for their tireless and outstanding commitment to stronger Indonesia—U.S. relations.

I ask unanimous consent to print the Executive Summary in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT OF THE NATIONAL COMMISSION ON U.S.-INDONESIAN RELATIONS

STRENGTHENING U.S. RELATIONS WITH INDONESIA: TOWARD A PARTNERSHIP FOR HUMAN RESOURCE DEVELOPMENT

THE NATIONAL COMMISSION ON U.S.-INDONESIAN RELATIONS

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PREFACE

This report is the culmination of more than one year of effort by members of the National Commission on U.S.-Indonesian Relations. We first assembled in September 2002 to discuss increasingly evident and pressing concerns: that Indonesia is a frontline state in the war on terrorism; that it is in the midst of one of the most significant political transitions and economic recoveries in its history; that, despite its size and strategic location in Southeast Asia, it is one of the least well-known or understood countries in the United States; and that it would be enormously beneficial for the U.S.-Indonesia bilateral relationship, which has become strained in recent years, to move to a more balanced and sustainable footing.

The members of the National Commission on U.S.-Indonesian Relations represent a diverse range of backgrounds, interests, and opinions from the worlds of policymaking and diplomacy, the military, business, and academic. We were charged with drafting a consensus report that reflects the breadth of U.S. interests in Indonesia, of consulting widely with current and former policymakers, and others, in Washington and Jakarta, and of suggesting ways that the U.S. Congress and Administration might move toward a relationship which over the longer term will serve the interest of both countries.

In our work, we have been supported by the hardworking staff and representatives of the three institutions sponsoring this initiative—the Asia-Pacific research Center at Stanford University, The National Bureau of Asian Research, and the United States-Indonesia Society—to whom we offer our sincere appreciation. Thanks are also due to our colleagues on the Commission, who gave freely of their time and expertise, as well as for the valuable counsel of a large number of Americans and Indonesians who contributed their insights to this report. In particular, we wish to acknowledge and commend the work of Edward Masters, former U.S. Ambassador to Indonesia, Co-Chairman of USINDO, and Vice Chairman of this Commission, who has expended great effort over many months on the unenviable task of drafting a report that reflects our general consensus of opinion.

Two final notes: First, although it reflects the views of various public and private Indonesians with whom the general concept of a "partnership" has been discussed, this report is written from a U.S. standpoint. If the partnership concept is formally accepted by the two governments, we hope this report can serve as the basis for more detailed discussions to ensure that both sides have an equal opportunity to express their views, and that any programs adopted have the full support of the two governments and relevant private organizations.

Second, the National Commission and this report represent a non-governmental effort to explore ways to improve relations between the third and fourth most populous countries in the world. In an international environment driven by the challenges and opportunities of globalization and beset by the problems of global terrorism, we are convinced that strong and positive relations between the United States and Indonesia are, and will remain, a key component of a prosperous and peaceful future.

EXECUTIVE SUMMARY

Indonesia, the world's fourth most populous nation and third largest democracy, is the pivotal state in Southeast Asia. It has exercised major influence in the region and plays an active and constructive international role. It has vast natural resources and is strategically located astride major lines of communication between the Pacific and Indian Oceans. Half of the world's merchant fleet capacity passes through straits with Indonesian territory on one or both shores. Including its oil and mineral sectors, Indonesia is home to about $25 billion in U.S. investment, with more than 300 major U.S. firms represented there.

Two additional factors are of particular importance today: Indonesia has the world's largest Muslim population—more than all the Middle Eastern Arab states combined. The vast majority of Indonesia's Muslims have historically been noted for their moderation. Theirs is one of the few Muslim-majority nations in which Islam is not the state religion; and given its size and importance, Indonesia is critical to stability in Southeast Asia. It has been the anchor of the Association of Southeast Asian Nations (ASEAN) and a key player in the ASEAN Regional Forum, the only organization in the Asia-Pacific region that brings the United States together with Japan, China, ASEAN and others to discuss security issues.

Today Indonesia faces major faces major problems: a difficult transition from authoritarian rule to democracy; slow economic growth combined with inadequate job creation; capital outflow; endemic corruption; ethnic and sectarian violence; a weak judiciary; and a serious threat from domestic and international terrorists. The October 12, 2002 bombings in Bali were the most grievous instance of terrorism since the September 2001 attacks on the United States. The carnage in Bali was a wake-up call for Indonesians and their government, and Indonesia joined the fight against terrorism. Local police arrested more than 90 suspected terrorists, but more are still at large as shown by the August 5, 2003 attack on the J.W. Marriott Hotel in the heart of the capital city Jakarta. Fourteen people (all but one were Indonesians) died as a result of that attack and 150 were injured.

There are continuing problems, but the news from Indonesia has not by any means been all bad. Since 1999 the country has had a free and fair national election and two peaceful presidential successions. Its media are among the most free in Southeast Asia. Civil society is flourishing, and more than 5,000 non-governmental organizations are active across a broad range of sectors. Constitutional reform and decentralization have made the government less top-down. For the first time, beginning in 2004, the president and vice president will be directly elected. In this process of reform, the leaders of major Muslim organizations have played a constructive role in defining relations between religion and the state. The ceasefire agreement in Aceh has failed, but those between hostile ethno-religious groups in the eastern islands are holding. And the Indonesian economy, despite its vulnerabilities, has stabilized in important respects.

The country is now at a critical juncture in its democratic transition and economic recovery. This is therefore an opportune time for the United States to rethink its approach to Indonesia. A failure of democracy there would hurt not only Indonesians. It would reinforce the stereotype that a Muslim-majority nation cannot manage a democratic system. Given the size and importance of Indonesia, we believe that success of that nation's democracy would not only provide a better life for its people but also reduce vulnerabilities to radicalism and have an impact beyond Indonesia's borders.

For these multiple reasons, the National Commission on U.S.-Indonesian Relations recommends that the United States and Indonesia enter into a "Partnership for Human

Resource Development" in which the two nations pledge to work together on joint programs to promote in Indonesia an effective democracy, sustainable development, and the rule of law. The idea of a formal partnership is new to this important bilateral relationship. We believe this concept is essential to increase the prospects for success and to ensure that both nations buy into these programs and are committed to make them succeed. In other words, that both accept ownership.

Events in the coming five years, including national elections in 2004 and their consequences, will determine the fate of Indonesia's democracy and the nature of the new leadership generation expected to emerge before the following elections in 2009. Accordingly, we recommend that the United States pledge $200 million annually in additional assistance funds to this partnership during this five-year period. The Commission believes that Indonesia would be a good candidate for funding under the Millennium Challenge Account. Whatever the source, it is important that these be add-on funds that do not disrupt important ongoing assistance programs.

These additional funds would be used to strengthen existing programs and initiate new programs in four critical fields:

1. Education—work with Indonesian officials to strengthen the nation's educational system at all levels, including Islamic schools, and rebuild ties with U.S. educational institutions. Before the fall of Suharto, Indonesia's experience with democratic systems and practices was limited to a few years in the 1950s, so that most Indonesians living today have had no direct experience with democracy. As a result, Indonesia's democracy must be built from the ground up. A key prerequisite for success is an informed electorate. Education is the key to success and is also essential to give greater depth to the management level in virtually all sectors. We therefore attach special importance to education and urge prompt, large-scale U.S. support.

2. Democratization—improve governance, speed and deepen legal reform, strengthen parliament and the electoral system, and help ensure the effectiveness of decentralization.

3. Economic Growth—improve the investment climate, strengthen Indonesia's private sector, expand trade, facilitate the resumption of full debt servicing.

4. Security—strengthen the police and, when practicable, resume carefully crafted military education programs that will strengthen those elements willing to promote reform.

In addition to these funding priorities, ongoing U.S. assistance for emergency relief and improved health should be continued. Bolstering the ethical rationale for such support is the contribution it can make to reducing hardship and thus limiting the grievances that can be used to incite cycles of violence and repression.

Indonesia today offers a unique but temporary window of opportunity for the United States to help this nation of 230 million people build an effective democracy based on a civil society and a market economy under the rule of law. The time to rise to the occasion is now.

Strengthing U.S. Relations With Indonesia: Toward a Partnership for Human Resource Development

INTRODUCTION

Congressman Jim Leach, head of the East Asia Subcommittee in the House of Representatives International Relations Committee, said in a 2001 Congressional hearing that "there is no country in the world of such vital importance that is less understood than Indonesia." He went on to say that "it is strongly in the interest of America and the world for Indonesia to succeed." As members of the National Commission on U.S.-Indonesian Relations, we share this view.

This important nation of 220 million people, occupying some of the world's most strategic real estate, faces formidable problems: a complicated political transition which has produced three governments in as many years; complex and politically sensitive economic problems left from the 1997-98 financial crisis; ethnic and religious strife resulting in thousands of deaths and hundreds of thousands of displaced persons; continued armed rebellion in Aceh and Papau; and a significant increase in violence by radical Muslims. The October 2002 bombing in Bali, in which more than 200 people were killed, was the most serious terrorist attack worldwide since the September 11, 2001 attacks on the United States. To show their continuing capability, Indonesian militants attacked the J.W. Marriott Hotel in Jakarta in early August 2003 resulting in 14 deaths and 150 injured.

In coping with these problems, Indonesia is handicapped by the legacy of more than 40 years of authoritarian rule—weak institutions and poor administrative capabilities. Nonetheless, the nation has made important progress. It has shown a commitment to openness, development, political stability, economic reform, and, since the Bali bombings, to rooting out terrorists. This progress, the remaining challenges, the stakes for U.S. national interests, and our recommendations for U.S. policymakers are outlined in this report.

Our broad conclusion is that the United States and Indonesia should enter into a "partnership" to strengthen Indonesia's fragile democracy, reduce the problems that lead to radicalism, and improve this important bilateral relationship. The basic development decisions must be made by the Indonesians themselves, but U.S. assistance can be critical to their success. Under the partnership the two nations can work together on programs where their national interests converge. This will enable U.S. policymakers to recognize Indonesia's priorities, understand what the Indonesians are willing to do, determine how the United States might best assist, and monitor progress. The partnership will also give Indonesia "ownership" of the agreed programs and ensure that these programs have the full support of both governments.

We believe there are few better investments for the United States at this critical time than to help strengthen democratic behavior and institutions in the world's largest Muslim-majority nation and one which is striving to build a viable democracy. The price of failure would be serious for Indonesia, for the region, for the Muslim world, and, not least, for the United States.

U.S.-INDONESIAN RELATIONS IN PERSPECTIVE

Why is Indonesia important to the United States?

Indonesia is the pivotal state in Southeast Asia. The world's fifteenth largest and fourth most populous nation, it exercises strong influence in Southeast Asia and plays a constructive international role. It has huge natural resources and a strategic location astride major sea lines of communication—half of the world's merchant fleet capacity passes through the Straits of Malacca, Sunda, and Lombok. Including the oil and mineral sectors, Indonesia is home to an estimated $25 billion in U.S. investment, with more than 300 major U.S. firms represented in the country.

There are two additional factors of great importance today: Indonesia has by far the world's largest Muslim population, and historically Indonesia's Muslims have been noted for their moderation. It has the two largest Muslim social and educational organizations in the world—the Nahdlatul Ulama and Muhammadiyah—each of which is moderate and has more than 30 million members. Indonesia is one of the very few Muslim-majority nations in which Islam is not the state religion. Indonesian Islamic scholars have had a moderating impact on debate within the Muslim world on the relationship between religion and the state. This influence will be enhanced if Indonesia succeeds in its efforts to develop a viable and nonsectarian democratic system; and a stable and responsible Indonesia is critical to regional stability. It is the anchor of the Association of Southeast Asian Nations (ASEAN) and a key player in the ASEAN Regional Forum (ARF), the only organization in the Asia-Pacific region that brings the United States together with Japan, China, the ASEAN nations, and others to discuss security issues. The cohesion and effectiveness of ASEAN have eroded significantly due to Indonesia's preoccupation with domestic crises. Instability in Southeast Asia has already provided openings for Islamic radicalism.

In short, an unstable, hostile or unpredictable Indonesia would adversely affect U.S. interests and objectives, tilt the international balance toward radical Islam, complicate transit through strategic sea and air routes, hamper efforts to combat piracy and drug trafficking, and weaken a potentially constructive regional counterpoint to China.

What is the current U.S.-Indonesian relationship?

U.S. relations with Indonesia have been close for much of the country's history. The United States played an important and supportive role in Indonesia's transition to independence, and the country was a reliable strategic partner from the mid-1960s through the end of the Cold War. Bilateral relations suffered during the late 1950s when the United States intervened in domestic strife in Indonesia and during the post-Suharto transition, which saw three presidents in as many years. Although relations are generally good today, there are negative undercurrents stemming from differing demands and expectations over the war in Iraq and its aftermath, priorities in the war on terrorism, and the most appropriate steps in Indonesia's democratic transition.

Since September 11, 2001, U.S. strategic priorities have been driven by the demands of the war on terrorism. Washington was frustrated through much of 2002 by the limited extent of Jakarta's commitment to support this war in Southeast Asia and the reluctance of many Indonesians to recognize that terrorism was an urgent internal problem. Such frustrations were not unique to the U.S.-Indonesian relationship, but similarly affected Jakarta's relations with its neighbors in Southeast Asia.

The initial reaction of many Indonesians to the Bali terrorist attacks of October 12, 2002, was that their countrymen were incapable of such a horrible act. Some blamed outsiders, including the CIA, which was accused of precipitating the bombings in an effort to draw Indonesia into the war on terrorism. The well-conducted police investigation into the bombings and their aftermath (which by mid-September 2003 had led to the arrest of more than 90 suspected Indonesian terrorists) clearly showed that terrorism is an Indonesian as well as an American problem.

The August 5, 2003 attack on the J.W. Marriott Hotel in Jakarta by an Indonesian terrorist drove home the point. Thirteen Indonesians and one foreigner were killed and 150 people were injured in this noon-time car bomb attack on a hotel in Indonesia's financial district known to be frequented by Americans. The Indonesian reaction was one of shock and anger perhaps even greater than the earlier terrorist attack in distant Bali. The two largest Muslim social and educational organizations in Indonesia, the Nahdlatul Ulama and Muhammadiyah, promptly issued a joint statement strongly condemning this "heinous, ruthless and uncivilized crime against humanity" and called it an action which "belies religious values." The two organizations called on the government to "further strengthen the capacity of security officials" to combat terrorism. These themes were also echoed in the press. Like the Bali attack, this terrorist act was carried out by Indonesians, probably, according to government officials, with encouragement and support from the regional terrorist organization Jemaah Islamiyah.

Indonesia's growing awareness of the problem and its increased cooperation with U.S. and regional security counterparts, plus the willingness of moderate Muslims to speak out against radical extremists, have helped improve bilateral relations. Improved communications between the U.S. embassy and the Indonesian government are also helping, as is the fact that the U.S. ambassador is successfully developing contacts with a broad cross-section of opinion leaders, including more traditional Muslim elements.

Despite such progress, there are at least two notable areas where significant problems in the relationship remain: The August 2002 murder of two Americans and an Indonesian working for a U.S. company in an ambush near Timika in Papua is a major issue. The Indonesian police have implicated military elements in the attack. The long-running investigation into this deplorable incident, in which US FBI agents have participated, has not led to any charges or prosecutions. This will plague the relationship until a credible investigation is completed and appropriate follow-on actions are taken; and this incident is symptomatic of broader U.S. concerns on acountability—a problem that requires special attention. The Leahy Amendment and various U.S. policy statements stress the need for accountability by senior Indonesian military and police officers for human rights abuses in East Timor and elsewhere. The amendment bans U.S. military education and training programs (IMET) for Indonesian officers until there is an accounting for these actions. A small IMET program was included in the 2003 Defense Department budget, which is not subject to the Leahy Amendment, but there were indications in September 2003 that these funds would not be used because of continued concern over the slow pace of the Timika investigation.

The war in Iraq led to large demonstrations against the United States and official and private criticism, but government authorities took strong measures to prevent outbreaks of violence. President Megawati, while criticizing the coalition's lack of UN support, stressed that this U.S. action did not represent an attack on Islam. Indonesians can be expected to continue to watch developments in Iraq closely, but unless large-scale fighting resumes or there is a prolonged and difficult direct U.S. occupation, we do not expect this to become a major issue in the bilateral relationship. Indonesians have in the past complained about a perceived "lack of balance" in the Middle East policy of the United States. They hope that, with the end of the Saddam Hussein regime, the United States will take a more active role in resolving basic problems in the Middle East, particularly the plight of the Palestinians, and that the U.S. government will strongly pursue implementation of the "roadmap."

Other sticking points in the relationship from the Indonesian perspective include: The January 16, 2003 announcement that Indonesia had been added to the list of nations whose males over 16 visiting the United States must register with the Immigration and Naturalization Service and be fingerprinted and photographed. Indonesians see this as further evidence of religious profiling by the United States. They also object strongly to what they see as the failure of the U.S. government adequately to discuss the matter before the rules were published in the Federal Register. This is likely to be a continuing source of friction which will discourage travel to the United States by students, business representatives, and others, and add fuel to anti-American sentiment; and Indonesian perceptions of U.S. "unilateralism" and "bellicosity." While agreement with many U.S. criticisms of the problems facing Indonesia, Indonesians resent what they see as America's heavy-handed style and its demands that Indonesia must take certain actions. One well-informed American scholar has said the United States should "demustify" its approach. It is important that the United States work with the Indonesians to identify problems and agree on approaches to solve those problems. A joint approach is likely to be more effective than public exhortations or the imposition of sanctions.

Top Indonesian officials have expressed deep appreciation for quiet U.S. assistance in working out the Aceh ceasefire in December 2002. Unfortunately, that agreement has not held and fighting has resumed. Nonetheless, we believe that Aceh should continue to have a high priority for the United States, and that the U.S. government should be prepared to offer additional help in ending the violence if this is requested by the Indonesians. Similarly, recognizing that responsibility for Papua lies with the Indonesian government, we recommend that the United States also assist in reducing tensions and violence in that area.

Why do we need to rethink U.S.-Indonesian relations now?

We hear a great deal about Indonesia's continuing problems but much less about the real progress that has been achieved during the past several years. This progress provides a good base for expanded U.S. assistance in areas where Indonesia wants and can effectively use our help to consolidate the gains already made and to strengthen the base for democracy and continued economic growth. The Commission sees encouraging progress in five important areas:

The nation had a free and fair national election in 1999 and peaceful political transitions in 1999 and 2001. Many key elements necessary for a successfully democratic system are in place—an active and independent legislature, a functioning party system, a free and active press, and a growing civil society.

Constitutional reform has gone much further than most observers anticipated. Sovereignty for the first time is vested in the people, a system of checks and balances has been introduced, appointed seats for the military in elected bodies will be eliminated at the time of the 2004 elections, and in these elections the president and vice president will for the first time be directly elected. A new Regional Representative Council has been created to advance the interests of the provinces, and a new Constitutional Court and a Judicial Commission have been formed to strengthen the legal structure.

Indonesia's decentralization—the largest in history—transferred many central powers and two million civil servants to some 400 local districts and towns on January 1, 2001. Despite initial misgivings, the process has gone reasonably well, and some of the concerns about the potential problems—increased corruption, double taxation—have proved to be exaggerated. Moreover, while the process is still in its early stages, there are already sign in some areas of grassroots democracy and local leadership.

Macroeconomic conditions have improved significantly. The rupiah is relatively stable, interest rates are down to manageable levels, monetary policy is sound, the banking system has been strengthened, asset recovery is proceeding, and inflation has fallen from 80 percent at the peak of the financial crisis to less than 10 percent. There has also been progress in reducing the debt ratio, which is down from 102 percent of GDP in 1999 to 67 percent in late 2003 according to Indonesian official sources. Per capita income is approaching 1997 pre-crisis levels, and the 13 percent of the population living in absolute poverty, while still excessive, is less than half the level in 1998. Citing "good progress" in June 2003, the IMF announced a further release of $486 million, raising the amount released under the Extended Fund Facility arrangement to about $4 billion out of the $5 billion total.

The government moved quickly after the Bali bombings to revise internal security regulations to give the authorities greater flexibility in moving against suspected terrorists. The police, who welcomed support from Australia, the United States and others, have arrested more than 90 Indonesians suspected of complicity in terrorist activities, and international cooperation is continuing following the Marriott Hotel attack.

In short, Indonesia has made progress and is now at a critical juncture in its democratic transition and economic recovery. This is an opportune time for the United States to rethink its approach to the relationship. If the democratic transition is unsuccessful, Indonesia's political situation will become less predictable, with increased risk of exaggerated nationalism and/or Muslim radicalism. Less likely, although impossible to discount, is a return to authoritarian rule.

Such negative scenarios are by no means inevitable, and it is therefore important for the United States to identify policies and programs that will help strengthen the nation's prospects for success. As members of the National Commission on U.S.-Indonesian Relations, we see a need for broad, consistent U.S. engagement with Indonesia in four priority areas (while anticipating that the significant U.S. health and humanitarian assistance programs will continue):

Education. Underlying all other areas is the urgent need to help develop Indonesia's poorly functioning educational system and significantly expand the pool of trained administrators. This is an essential underpinning for a successful democracy and for continued domestic economic and social reform.

Support for education was an important component of U.S. policy in the 1960s and it made a major contribution to Indonesia's rapid economic growth in the 1970s and 1980s. It is now time for a similar effort to strengthen the country's democratization programs and administrative capabilities.

Democratization. The United States is well placed to assist Indonesia in its efforts to strengthen the electoral system, improve civil governance, pursue legal reform, and extend decentralization. Helping to ensure the emergency of Indonesia as a democratic, moderate, Muslim-majority state directly serves the long-term national interests of the United States.

Economic growth. There are a variety of measures that the U.S. government could undertake to alleviate Indonesia's financial burden, help improve the climate for investment and trade, and facilitate economic recovery. Encouraging a resumption of foreign investment will be a major boost to Indonesia's economy and contribute to social and political stability.

Security. The United States can help improve the Indonesian authorities' capabilities to guarantee security through education for the police and, when conditions are appropriate, for the military. Doing so will help reduce abuses and will also contribute to social and political stability, improve the investment climate, and coincide with U.S. strategic objectives in the war on terrorism.

The Joint Statement issued by Presidents Bush and Megawati following the Indonesian president's September 19, 2001 visit to Washington provides a good basis for future relations between the two nations. President Bush "expressed his conviction that Indonesia's transition to democracy is one of the most significant developments of this era . . . [and] he pledged his support for President Megawati's efforts to build a stable, united, democratic and prosperous Indonesia." He announced that the United States, in the "spirit of their shared commitment to promote reform and professionalization of the military . . . would lift its embargo on commercial sales of non-lethal defense articles for Indonesia" subject to the usual case-by-case review. The two presidents also noted "the importance of open markets and expanded trade for economic growth . . . ."

For her part, President Megawati "condemned the barbaric and indiscriminate acts" of September 11 and "pledged to cooperate with the international community in combating terrorism." She also "reaffirmed her determination to pursue a multidimensional approach" to separatism in Aceh and Papua and "underscored her determination to improve Indonesia's investment climate" by "strengthening the rule of law, resolving outstanding investment disputes, and protecting investors' assets and property."

THE PARTNERSHIP FOR HUMAN RESOURCE DEVELOPMENT

Ensuring a successful transition to democracy, stability, and growth in Indonesia is not something that the United States can do. The basic parameters must be set by Indonesia, and the programs must be those with high priority for them as well as for the United States. Open communication and regular consultations are central to this. To ensure that both countries are in full agreement on the course ahead, we recommend creation of a formal coordinating mechanism to facilitate dialogue on the wide range of concerns in the bilateral relationship and to guide programs in the priority areas outlined above. This mechanism—which might be termed a "Partnership for Human Resource Development"—would be a standing body of senior officials from both nations which would meet at least once a year, alternating between the two capitals. The basic purpose would be to ensure that both countries accept "ownership" of the agreed programs and understand their responsibilities.

Membership in the partnership on the U.S. government side should come from the Departments of State, Treasury, Defense, Commerce, USAID, USTR, Members of Congress or their staff, and other appropriate agencies. Specialists could be brought in as needed on specific issues. Indonesian representation should be comparable. To ensure that the designated members participate fully and actively, we suggest participation not be at the cabinet level but perhaps at the deputy assistant secretary level, but the actual level should be set by the two governments.

It has been suggested that the private sector also be included in the partnership. To avoid the group becoming unwieldy and the need to make difficult choices regarding participation, we suggest that permanent private membership in the partnership be limited to several broad organizations focusing on the bilateral relationship such as the American Chamber of Commerce in Jakarta, the Indonesia Committee of the U.S.—ASEAN Business Council, the American-Indonesian Chamber of Commerce in New York, and the United States-Indonesia Society. The Indonesian side may wish to invite participation by a similar Indonesian organization or organizations. As issues requiring additional expertise arise, other private sector representatives (teachers, lawyers, NGO members and others) could be invited to participate in partnership meetings on a case-by-case basis.

We do not envisage the creation of a large bureaucracy, but we suggest it would be useful to have several working groups, located in Jakarta, to handle day-to-day liaison. These might include working groups on: civil governance and legal reform; trade and investment; education and public affairs; military relations; and police programs. USAID and the public diplomacy section of the U.S. embassy could provide leadership and continuity to these groups.

If the United States agrees to pursue such a partnership, it should be aware of three basic factors:

1. Fixing Indonesia's problems will take many years. In most cases it is not a matter of simply repairing something which is broken. Many of Indonesia's problems go back to the country's independence. The Indonesian military has been engaged in politics, civilian activities, and independent fund raising since the early days of the republic. Except possibly for a few years in the 1950s, the nation has never had an honest or credible legal or court system. The bureaucracy has been inefficient from the start and there has always been corruption, although it reached new heights under Suharto. Knowledgeable Indonesians estimate that it will take 10 to 15 years to get the military and the legal system on track. We agree.

2. What the United States can do directly is limited. Many of the basic reforms will have to come from within Indonesia, and this underscores the need for a partnership. U.S. exhortations, threats, and penalties are of minimal effect and can be counter-productive. What the United States can do, and do very well, is to train, encourage and support Indonesians who can reform from within. This underscores our strong emphasis in this report on education.

3. Indonesians are in a state of heightened sensitivity at present because of what they view as U.S. "unilateralism," "arrogance," and a tendency to lecture or threaten others. They resent Congressional restrictions and demands that they "must" take certain actions. It is important that the United States consider the public diplomacy aspects of all bilateral assistance programs.

Monitoring arrangements. As we are recommending a substantial increase in the American commitment to Indonesia, so too should Indonesia demonstrate its commitment to internal reform and partnership with the United States in order to ensure maximum effectiveness of the additional U.S. assistance. As the details of U.S. assistance are worked out, we believe benchmarks should be established by the partnership to provide for verification of progress. The "Partnership for Human Resource Development" can serve as a forum for Americans and Indonesians to evaluate the progress of the various programs and identify areas of success or underperformance.

CONCLUSIONS

Indonesia faces three critical challenges: (1) It is striving to consolidate a fragile democratic system with little experience and limited resources. If it fails it could revert to authoritarianism or chaos. Some Indonesians already speak nostalgically of the stability and economic progress of the Suharto era; (2) Moderate Muslims, still a substantial majority, are under challenge from a radical fringe which has grown significantly during the past five years. The goal of the radicals is to capitalize on domestic vulnerabilities and international issues to win over or intimidate the moderate majority; (3) The nation is striving, in the face of rising economic nationalism, to work its way out of the economic mess left by the Suharto regime. The outcome of these three contests will be crucial to the future of Southeast Asia and U.S. relations with the region.

The National Commission on U.S.-Indonesian Relations recommends that the United States enter into a five-year "Partnership for Human Resource Development" with Indonesia in which the two nations agree to work together in the following areas:

We strongly believe that our top priority should be to help Indonesia in the field of education. We need urgently to help train the trainers and reformers. We leave to experts on both sides to work out specific programs, but we favor a major effort to help improve Indonesia's educational system and expand opportunities for education and training in Indonesia and the United States.

The United States should support expanded programs for legal reform.

The two nations should explore ways in which the United States could help strengthen the Indonesian parliament, including the establishment of cooperative arrangements with the U.S. Congress.

The United States and Indonesia should cooperate on programs to strengthen Indonesia's administrative services through support to Indonesia's civil service and other bodies.

The United States should initiate discussions with other major donors to encourage the World Bank and the Asian Development Bank to increase fast-disbursing loans tied primarily to macroeconomic performance rather than to structural reforms.

The United States should work with Indonesia to reduce obstacles to foreign direct investment and, by offering technical assistance and lowering barriers to key Indonesian products, help Indonesia expand its exports to the United States. It should press other developed countries to do the same.

Indonesia, with U.S. cooperation, should revive the U.S.-Indonesia Energy Dialogue and other forums that will strengthen cooperation between the private sectors in the two countries.

Working with Indonesian counterparts, the United States should expand support for the Indonesian police, with particular emphasis on education and training, and the establishment of long-term institutional relationships.

The United States should set aside plans to resume the International Military Education and Training program for Indonesia until the political climate is more conducive on both sides. The government should, however, continue to be alert to ways to expand contacts with the TNI in order to reduce its isolation.

If Indonesia wants U.S. help, the United States should provide appropriate assistance and support in seeking peaceful settlements in disputed or troubled areas.

U.S. public affairs should be significantly expanded to create additional opportunities for information and cultural programs.

The United States should take all possible measures to reduce the delay in issuing visas for Indonesian students, business representatives, scholars, and others with legitimate reasons to visit the United States.

The Commission sees this new relationship as a partnership and hopes accordingly that the Indonesian government, for its part, will take steps to make these programs successful.

The Commission commends the U.S. embassy and USAID in Jakarta and Washington for the excellent programs underway to strengthen civil governance, decentralization, and the electoral system. A good base has been built and the Commission recommends that these programs be expanded and augmented as noted in this report.

The Commission also recognizes and commends the efforts of the U.S. diplomatic mission to broaden the mission's contacts with political, media, religious and other leaders. We congratulate the ambassador in particular for his efforts to open dialogue with Muslim leaders, an area that has been neglected. These programs are of increasing importance in these difficult times, and the Commission calls on the U.S. government to provide full support.

TROOP MORALE

Mr. KENNEDY. Mr. President, today two news articles came to my attention regarding the recent survey conducted by the Stars and Stripes newspaper on the level of troop morale in Iraq. I ask unanimous consent that they be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Stars and Stripes, Oct. 16, 2003]

GROUND TRUTH, DAY 2: IN SURVEY, MANY IN IRAQ CALL MORALE LOW; LEADERS SAY JOB IS GETTING DONE

(By Ward Sanderson)

What is the morale of U.S. troops in Iraq? Answers vary. High-ranking visitors to the country, including Department of Defense and congressional officials, have said it is outstanding.

Some troops on the ground have begged to differ, writing to Stars and Stripes and to others about what they call low morale on their part and on the part of their units.

There was a correlation between such things as local services and release dates on the one hand, and morale on the other.

Stars and Stripes sent a team of reporters to Iraq to try to ascertain the states of both conditions and morale. Troops were asked about morale, among many other issues, in a 17-point questionnaire, which was filled out and returned by nearly 2,000 persons.

The results varied; sometimes dramatically:

Among the largest group surveyed, Army troops, the results looked much like a bell curve. Twenty-seven percent said their personal moral was "high" or "very high." Thirty-three percent said it was "low" or "very low." The largest percentage fell in the middle, saying it was "average."

Among the second largest group, reservists and National Guard members, the differences were much starker. Only 15 percent said their own morale was "high" or "very high," while 48 percent said it was "low" or "very low."

Among the Marines, the next largest group 44 percent said their morale was "high" or "very high," and only 14 percent said it was "low" or "very low."

Among airmen, the smallest of the four major groups surveyed because fewer questionnaires were allowed to be circulated to them, the results were also very positive. Thirty-nine percent said their morale was "high" or "very high," and only 6 percent said it was "low" or "very low."

Very few Navy servicemembers could be found to question in Iraq.

The questionnaire findings can't be projected to all the servicemembers in Iraq. Still, the reporting of "lows" among the two largest groups surveyed, Army and Reserve/National Guard, seemed significant. The views of these troops, at least, appeared to contrast sharply with those of the visiting VIPs.

Respondents to the survey were not given a definition of morale. They responded according to what they interpreted the word to mean. Some believe morale reflects the degree of well-being felt by the servicemember. On the other hand, commanders say that in measuring morale, they want to know if the servicemember is following orders and getting the job done.

Lt. Gen. Ricardo Sanchez, the top U.S. officer in Iraq, said that low morale isn't an issue because troops are fulfilling the mission.

"Morale is . . . not necessarily giving them Baskin-Robbins," he said in a Stars and Stripes interview. "Sometimes it's being able to train them hard and keep them focused in a combat environment so they can survive.

"So at its most fundamental level within our Army, taking care of soldiers and their morale could have very few worldly comforts. But the morale of the soldier is good. He's being taken care of, he's accomplishing his mission, he's being successful in the warfighting."

Other military leaders say they are always looking at ways to improve the morale of their troops. "Morale begins with caring leaders looking their soldiers in the eye," said Lt. Col. Jim Cassella, a Pentagon spokesman. "When senior leaders visit the troops in Iraq, they relate that the troops tell them that morale is good, a fact that's backed up by re-enlistment and retention rates."

(These rates have been acceptable or good for the services overall. Figures for re-enlistments in Iraq are not available yet, officials said. In the Stripes survey, half or more respondents from the Army, Marines and Reserves said they were unlikely to stay in the service. Officials say re-enlistments normally drop after conflicts.)

Cassella said that leaders visiting Iraq seek out the opinions of troops. Some say the views expressed may be distorted as a result of the nature of the get-togethers, "dog and pony shows," in the words of combat engineer Pfc. Roger Hunsaker.

"When congressional delegations came through," said one 36-year-old artillery master sergeant who asked not to be identified, commanders "hand-picked the soldiers who would go. They stacked the deck."

Others on the ground in Iraq think top leaders are right more times than they are given credit for.

"I heard that reporters/politicians were trying to say morale was down out here," Petty Officer Matthew W. Early wrote on his questionnaire at Camp Get Some in southern Iraq. "What do people back home expect us to feel after a war? Are we supposed to be as happy here as we are with our friends and families back home? Hell no.

"Of course, when confronted by reporters, we're going to voice out opinions about our situation. Unfortunately, some people like to complain about how they live or what they don't have. The complaint concerning morale is the voice of the minority, not the majority."

In the Stripes survey, troops consistently rated their unit's morale as lower than their own. John Kay, marketing director for the Army Research Institute, said, "Soldiers always rate self [personal] morale higher than unit moral. This is nothing new."

Troops may wish to report what they perceive as the true morale situation without getting themselves into trouble, a way of saying, "I'm OK, but the unit's not."

Some of the gap can also be the result of hearing other troops complain, compounding the impression that unit morale is low, even if each complainer believes his or her own morale is better.

"Both are true," said Charles Moskos, a military sociologist with Northwestern University.

The military studies morale regularly, but "the further you go up the chain in the officer corps, the reality of day-to-day morale cannot register completely," said Lt. Col. Daniel Smith, retired chief of research for the Center for Defense Information. "Whereas when you talk to the platoon sergeants, platoon leaders and even company commanders, you get a better sense of the true state of affairs. Do the weapons work? Are they getting hot meals? Are they getting enough rest? Are their leaders competent and not taking unnecessary risks?"

Unlike some officials who have visited Iraq, Defense Secretary Donald H. Rumsfeld, during a September stop in Iraq, spoke not about morale per se, but about the importance of the mission and about sacrifice.

"You're people . . . who weren't drafted, you weren't conscripted, you searched your souls and decided that you wanted to step forward and serve your country," he told the 4th Infantry Division, according to a Pentagon transcript.

Another speech to air assault soldiers of the 101st Airborne division echoed the sentiment:

"The important thing I would also add is that every one of you is a volunteer. You all asked to do this, and that is impressive and it's appreciated."

[From the Washington Post, Oct. 16, 2003]

MANY TROOPS DISSATISFIED, IRAQ POLL FINDS

(By Bradley Graham and Dana Milbank)

A broad survey of U.S. troops in Iraq by a Pentagon-funded newspaper found that half of those questioned described their unit's morale as low and their training as insufficient, and said they do not plan to reenlist.

The survey, conducted by the Stars and Stripes newspaper, also recorded about a third of the respondents complaining that their mission lacks clear definition and characterizing the war in Iraq as of little or no value. Fully 40 percent said the jobs they were doing had little or nothing to do with their training.

The findings, drawn from 1,935 questionnaires presented to U.S. service members throughout Iraq, conflict with statements by military commanders and Bush administration officials that portray the deployed troops as high-spirited and generally well-prepared. Though not obtained through scientific methods, the survey results suggest that a combination of difficult conditions, complex missions and prolonged tours in Iraq is wearing down a significant portion of the U.S. force and threatening to provoke a sizable exodus from military service.

In the first of a week-long series of articles, Stars and Stripes said yesterday that it undertook the survey in August after receiving scores of letters from troops who were upset with one aspect or another of the Iraq operation. The newspaper, which receives some funding from the Defense Department but functions without editorial control by the Pentagon, prepared 17 questions and sent three teams of reporters to Iraq to conduct the survey and related interviews at nearly 50 camps.

"We conducted a 'convenience survey,' meaning we gave it to those who happened to be available at the time rather than to a randomly selected cross section, so the results cannot necessarily be projected as representing the whole population," said David Mazzarella, the paper's editorial director in Washington. "But we still think the findings are significant and make clear that the troops have a different idea of things than what their leaders have been saying."

Experts in public opinion and the military concurred that the poll was not necessarily representative, but they characterized it as a useful gauge of troops' sentiment. "The numbers are consistent with what I suspect is going on there," said David Segal, a military sociologist at the University of Maryland at College Park. "I am getting a sense that there is a high and increasing level of demoralization and a growing sense of being in something they don't understand and aren't sure the American people understand."

The paper quoted Lt. Gen. Ricardo Sanchez, commander of U.S. forces in Iraq, saying in a Sept. 9 interview for the series that "there is no morale problem." He said complaints among troops are "expected" and part of "the Army's normal posture," whether the soldiers are deployed or not.

"We haven't had time to study the survey, but we take all indicators of morale seriously," said Bryan Whitman, a senior Pentagon spokesman. "It's the reason we've instituted several programs to address morale and welfare issues." A White House spokesman had no comment.

Some military experts pointed to good news for the administration in the survey. Military historian Eliot Cohen, who serves on a Pentagon advisory panel, noted that the proportion that said the war was worthwhile—67 percent—and the proportion of troops that said they have a clearly defined mission—64 percent—is amazingly high." He added that complaints are typical. "American troops have a God-given right and tradition of grumbling," he said.

In the survey, 34 percent described their morale as low, compared with 27 percent who described it as high and 37 percent who said it was average; 49 percent described their unit's morale as low, while 16 percent called it high.

In recent days, the Bush administration has launched a campaign to blame the news media for portraying the situation in Iraq in a negative light. Last week, Bush described the military spirit as high and said that life in Iraq is "a lot better than you probably think. Just ask people who have been there."

But Stars and Stripes raised questions about what those visiting dignitaries saw in Iraq. "Many soldiers, including several officers, allege that VIP visits from the Pentagon and Capitol Hill are only given handpicked troops to meet with during their tours of Iraq," the newspaper said in its interview with Sanchez. "The phrase 'Dog and Pony Show' is usually used. Some troops even go so far as to say they've been ordered not to talk to VIPs because leaders are afraid of what they might say."

The newspaper also noted in that interview that its reporters were told that some soldiers who had complained of morale problems had faced disciplinary actions known as Article 15s, which can result in reprimand, extra duties and forfeiture of pay. Sanchez said he did not know of any such punishments, but he added that they would have been handled at a lower level.

The paper's project recorded significant differences in the morale of various units, but overall found that Army troops tended to sound more dissatisfied than Air Force personnel and Marines, and that reservists were the most troubled.

Uncertainty about when they are returning home was a major factor in dampening morale, according to the newspaper. The interviews were conducted at a time when some reserve and regular Army units were learning that their tours had been extended. The Pentagon has since sought to provide a clearer rotation plan and has begun granting troops two-week home leaves.

Although Pentagon officials say they have seen no sign yet of a rise in the number of troops deciding against reenlisting, the survey suggested that such a surge may be coming soon. A total of 49 percent of those questioned said it was "very unlikely" or "not likely" that they would remain in the military after they complete their current obligations. In the past, enlistment rates tended to drop after conflicts, but many defense experts and noncommissioned officers have warned of the potential for a historically high exodus, particularly of reservists.

HONORING ALBERTSON'S INCORPORATED OF BOISE, ID

Mr. CRAPO. Mr. President, I rise today to recognize a quiet patriot from Idaho. Our National Guard and Reserve troops who have been called up to fight in Afghanistan and Iraq have left behind not only families, but in many cases, full-time jobs. Many employers go the extra mile to provide support to their deployed employees, their families, and communities. One such employer-patriot is Albertson's Incorporated, headquartered in Boise, ID.

Albertson's Incorporated recently received recognition from the Department of Defense for its extraordinary ongoing efforts in support of deployed employees, and those employees' families. The National Committee for Employer Support of the Guard and Reserve, ESGR, has chosen Albertson's Incorporated as one of only four companies nationwide to receive the 2003 ESGR Home Front Award. The Department of Defense recognizes the efforts of these companies to take steps such as providing pay differential, the continuation of benefits when their employees are mobilized, and a willingness to advocate Guard and Reserve service among their industry peers. With many employees currently stationed in Iraq and Afghanistan, Albertson's has shown dedication to the values of freedom and democracy, and perseverance in light of limited personnel resources. Albertson's has translated patriotic words into action, and shown that corporations as well as individuals can lend a helping hand to the men and women of the Armed Forces, their families, and our Nation as a whole.

IN HONOR OF OFFICER JASON PRATT

Mr. NELSON of Nebraska. Mr. President, I honor one of Nebraska's finest who recently gave his life in the line of duty. His service and sacrifice are an inspiration to us all and a reminder of the appreciation we have for our law enforcement officers and first responders.

Officer Jason Pratt began his career with the Omaha Police Department in 1996 at the age of 23. He served honorably for 7 years and 2 days before being tragically killed in the line of duty on September 11, 2003. During his years on the force, his commitment and energy were recognized several times by his fellow officers, community members and superiors.

In February of 1997, Officer Pratt began work as a patrol officer. By April of that year—less than a year on the job—members of the Leavenworth Neighborhood Association were already noticing Jason for the work he and his crew did in the area. Jason's dedication to service did not wane and in May of 2001, he was recognized by the Neighborhood Association again for his efforts.

Jason followed that service with a year in the vice squad, a division of the intelligence unit. During this time, he kept family areas, such as neighborhood parks, safer for our families. Finally, he also spent time in the emergency response unit, placing himself in extreme danger on numerous occasions by taking high-risk offenders off the street.

Officer Pratt will be well remembered for being an officer who always came as back up to help out other officers. In September of 2001, he assisted bike officers with a traffic stop that ultimately led to the suspect being booked on a number of felony charges. In another instance, in April of 2003, he was responding to a house fire where an adult and two children were trapped. Poor weather conditions delayed a second fire unit so Officer Pratt assisted firefighters in carrying gear up to the house. Because of his actions, there were no further injuries that day.

Officer Pratt lost his life while trying to make our city safer. His sacrifices, and those of his family, are another reminder of the risks taken by police officers across the Nation to keep our cities and towns safe. Americans honor their commitment and we stand shoulder to shoulder with them when one is struck down.

I am proud to have witnessed the outpouring of support for his family given by the people of Omaha. His two children, Madison and Jordyn, and his wife Stacy, have lost their father and husband and he can never be replaced. But the people of Omaha have shown again and again that they will do whatever necessary to help the Pratt family in the weeks, months and years to come. Officer Pratt will not be forgotten and all of Omaha will work to ensure his family is safe.

Jason Pratt died doing what he always wanted to do. He died protecting his and our community through public service alongside his friends and fellow officers. In his memory, those officers will continue to serve every day knowing that if he were still alive; he would be standing at their side. I join with my fellow Nebraskans in thanking Officer Pratt and his family for all they have given to us and pledging to remember his work and his life and the difference he made in our community.

TRIBUTE TO THE LIFE OF MOTHER TERESA

Mr. CHAMBLISS. Mr. President, I rise today to pay tribute to the life of Mother Teresa and to acknowledge her upcoming beatification of the Vatican. The process leading up to her beatification has been the shortest in modern history. In early 1999—less than 2 years after Mother Teresa's death—Pope John Paul II waived the normal 5-year waiting period and allowed the immediate opening of her canonization process. The rule has traditionally been used to allow for a more objective look at a person's life and achievements. However, the life and works of Mother Teresa were so astounding that Pope John Paul II was convinced that he did not need 5 years to objectively determine that she should be beatified.

Mother Teresa, the "Saint of the Gutters," was born in what is now Macedonia in 1910. She took her final vows as a nun in 1937, and in 1946, while riding a train to the mountain town of Darjeeling to recover from suspected tuberculosis, she received, as she says "a call within a call" from God to, "serve Him among the poorest of the poor." And it is in this capacity that the world came to know of Mother Teresa's endless charity and love for all human life. She confronted this monumental task one hovel at a time. She created a religious order to help the aged, the poor, the hungry, the sick, and the disabled to live and die with dignity. She received approval from the Pope to establish the Missionaries of Charity, which focused much of its attention on giving comfort to the dying. The year before she died, Mother Teresa's Missionaries of Charity were operating 517 missions in more than 100 countries. In addition, she opened schools, orphanages, and homes for the needy, as well as homes for AIDS victims, and hospices.

Mother Teresa was a woman who fought passionately for dignity for all human life—from the leper on the streets of Calcutta, to the ailing AIDS victim in New York, to the unborn child inside a mother's womb. Her passion for protecting all human life was clear when she spoke to Members of Congress at the National Prayer Breakfast in February 1994. She said,

> I feel that the greatest destroyer of peace today is abortion, because it is a war against the child, a direct killing of the innocent child, murder by the mother herself. And if we accept that a mother can kill even her own child, how can we tell other people not to kill one another?

She continuously reminded people around the world of the plight of those weakest in the world; those least able to protect themselves. In 1979, she received the Nobel Peace Prize and accepted the award "in the name of the hungry, the naked, the homeless, of the crippled, of the blind, of the lepers, of all those people who feel unwanted, unloved, uncared-for throughout society, people that have become a burden to society and are shunned by everyone."

Mother Teresa touched the lives of those most in need in this world and she inspired others to service in every corner of the globe. Certainly the work she performed in her life was miraculous, and I have no doubt that those in need will continue to find solace and comfort in Mother Teresa and the continuing work that her missions still perform.

RELIGIOUS LIBERTY FOR IRAQIS

Mr. BROWNBACK. Mr. President, I rise to discuss something that I consider a major cornerstone to any free society—religious freedom.

I recently offered an amendment during the markup that would condition the money going to the Coalition Provisional Authority, CPA, by ensuring the preservation of "full rights to religious freedom for all individuals, including a prohibition on laws which would criminalize blasphemy and apostasy." The first part of that phrase, "full rights to religious freedom for all individuals," is extremely important given the recent historical record on constitutions that established Islam as the official religion of the state. Pakistan is an Islamic Republic in which the constitution extends some rights to groups to engage in their religious practices.

However, the constitution does not allow for the freedom of conscience of individual believers, either within different sects of Islam or for those wishing to convert. Therefore, the biggest danger may be to those who do not subscribe to the prevailing interpretation of Islam. With the Afghan constitution just now coming to light, the international community and the Afghan people are slowly becoming aware that their constitution will not preserve their individual right to believe what they wish.

On October 1, 2003, the New York Times published an op-ed piece written by members of the United States Commission on Religious Freedom which precisely outlined the significant importance of only supporting a constitution that, and I quote, "clearly and unequivocally enshrines human rights and religious freedom." We must not settle for anything less and we must not encourage the Afghan people to settle for any less. As stated in the article, "After all, it is not just Afghanistan's future that is at stake. Iraqis are watching to see what minimum standards of individual rights will be acceptable to the United States."

In addition, the last part of the phrase which would prohibit criminalization of blasphemy and apostasy is equally as important. As much as the constitution must be absolutely secular, those who would freely renounce their faith, apostasy, or those who would speak out profanely against religion, blasphemy, must have their rights preserved. The freedom of religion is more than just the ability to practice one's faith, but is central to other rights and freedoms, including a free press, public assembly, free speech or the right to petition the government. All of these freedoms will be circumscribed if religious freedom is not part of an Iraqi constitution and a reconstituted Iraq.

My amendment, which also appears in the House language, would also require the President to submit a report to the Congress every 90 days detailing efforts to make religious freedom a major tenet of the Iraqi constitution. If Secretary Powell's recent statement is correct, then there should be a constitution in six months. That would, at most, require two reports on the status of the constitution if completed within 6 months.

In my view, religious freedom is the bedrock on which freedom, hope and progress rest and should be a top priority as we discuss the many foreign policy issues at hand.

I ask unanimous consent that the New York Times op-ed article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 1, 2003]

SILENCED AGAIN IN KABUL

(By Preeta D. Bansal and Felice D. Gaer)

WASHINGTON.—American efforts to build a democratic, tolerant Afghanistan are facing a serious challenge: the draft of the Afghan constitution, which may be made public as early as this week, does not yet provide for crucial human rights protections, including freedom of thought, conscience and religion. The United States and the international community should insist that the draft presented by the constitutional commission explicitly protect these core human rights for all Afghans.

Despite reports to the contrary, the current draft versions of the constitution enshrine particular schools of Islamic law, or Shariah, that criminalize dissent and criticism of Islam through blasphemy laws.

If this draft is ratified in December by the loya jirga, or grand council, the freedoms of Afghan citizens would continue to be in the hands of judges educated in Islamic law, rather than in civil law. Official charges of blasphemy, apostasy or other religious crimes could still be used to suppress debate, just as they were under the Taliban.

Making changes in the draft is all the more important because, as Afghanistan's Human Rights Commission and the United Nations' Assistance Mission in Afghanistan have reported, Afghan reformers seeking to express their views on their new constitution have been hindered by threats, harassment and even imprisonment. In one case, an editor and a reporter have been charged with blasphemy for publishing an article questioning the role of Islam in the state.

On our recent trip to Kabul as members of the bipartisan United States Commission on International Religious Freedom, we met many Muslims who recognize the compatibility of Islam with human rights. Yet these Muslims are being intimidated into silence by vocal and well-armed extremists.

Freedom-loving Afghans won't be able to rely on conscientious judges to protect religious freedom without an explicit reference to it in the constitution. Afghanistan's chief justice, Fazl Hadi Shinwari, for example, has shown little regard for those who disagree with his hard-line interpretation of Islam. He told us that he accepted the international standards protected by the Universal Declaration on Human Rights—with three exceptions: freedom of expression, freedom of religion and equality of the sexes. "This is the only law," the chief justice told us, pointing to the Koran on his desk.

Even in a self-proclaimed Islamic republic, however, all citizens, Muslims as well as non-Muslims, must be free to debate the role of religion and to question prevailing orthodoxies without fear of being subjected to trials, prison or death. At a minimum, Afghan leaders should amend the draft constitution to specifically ensure the human rights guarantees that Afghanistan has already accepted and ratified in six international treaties. Afterward, the United States must ensure the safety of reformers who want to speak out at the loya jirga to ensure that the constitution of Afghanistan makes possible a free and just society based on the rule of law.

While respecting that Afghans should determine their own future, United States officials must not let a "hands off" policy lead to political conditions that will embolden repression and enable a few to hijack the future from the many Afghans who hope to embrace freedom.

After all, it is not just Afghanistan's future that is at stake. Iraqis are watching to see what minimum standards of individual rights will be acceptable to the United States. Unfortunately, the message that the Afghan draft constitution is giving Iraq is the wrong one. We should instead send our own message to President Hamid Karzai, to Afghan officials and to the Afghan people: Americans will only support a state with a constitution that clearly and unequivocally enshrines human rights and religious freedom.

COST ESTIMATE FOR S. 300

Mr. SHELBY. Mr. President, I ask unanimous consent that the Congressional Budget Office cost estimate for S. 300, the Jackie Robinson Congressional Gold Medal bill, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 300—A bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson

S. 300 would authorize the President to present a gold medal to the family of Jackie Robinson in recognition of his contributions to the nation as an athlete, business leader, and citizen. The legislation would authorize the U.S. Mint to spend up to $30,000 to produce the gold medal. To help recover the costs of the medal, S. 300 would authorize the Mint to strike and sell bronze duplicates of the medal at a price that covers production costs for both the medal and the duplicates.

Based on the costs of recent medals produced by the Mint, CBO estimates that the bill would not significantly increase direct spending from the U.S. Mint Public Enterprise Fund. We estimate that the gold medal would cost about $25,000 to produce in fiscal year 2004, including around $5,000 for the cost of the gold and about $20,000 for the costs to design, engrave, and manufacture the medal. CBO expects that the Mint would recoup little of its costs by selling bronze duplicates to the public.

S. 300 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no effect on state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford, who can be reached at 226-2860. This estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

Mr. REED. Mr. President, I rise to thank my colleagues for designating the week of October 19–25, 2003 as National Childhood Lead Poisoning Prevention Week. S. Res. 243, the resolution making next week National Childhood Lead Poisoning Prevention Week, was cosponsored by 44 of my colleagues and passed the Senate last night by unanimous consent.

The need to combat the severe threat of lead poisoning to our children's health has never been greater. It is estimated that 25 million homes nationwide have lead hazards. Many of those homes were built before 1950, when paint contained as much as 50 percent lead. Peeling chips and dust from deteriorating lead-based paint is one of the most common sources of childhood lead poisoning. According to the latest national health estimates, nearly one-half of a million children under the age of 6 suffer from lead poisoning, with these children 8 times more likely to come from low-income working families than wealthy families.

Unfortunately, except for severely poisoned children, there is no medical treatment for this disease. Even then, treatment may only reduce the level of lead present in the body, not reverse the harm already caused. Research shows that children with elevated blood lead levels are seven times more likely to drop our of high school and 6 times more likely to have reading disabilities. And it costs an average of $10,000 more a year to educate a lead poisoned child.

We need to find the will and the resources to eradicate childhood lead poisoning in this country. Designating the last full week in October as National Childhood Lead Poisoning Prevention Week will help shine a light on this terrible problem, energize the Federal Government into playing a more effective role, and improve local, State and Federal cooperation in the process. With concerted effort, we can eliminate the tragedy of childhood lead poisoning so that no family in our country has to live in unsafe housing. I am committed to addressing this crisis, and believe this resolution can encourage communities to focus on solving the problem.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. ADEWALE TROUTMAN

• Mr. BUNNING. Mr. President, I wish to pay tribute to Dr. Adewale Troutman. Dr. Troutman was recently appointed to the position of Louisville Metro Health Director. Dr. Troutman, who formerly served as head of the health department in Fulton, GA, will also serve Kentucky as a faculty member of the University of Louisville's School of Public Health.

Dr. Troutman hails from New York City's South Bronx and has considerable health care experience in both the United States and Nigeria. In addition to serving as head of the health department in Fulton, GA, he has also served as a senior scientist at Morehouse University College of Medicine with former U.S. Surgeon General David Satcher.

Dr. Troutman brings vision and leadership to a position that will influence the well-being and livelihoods of many Kentuckians. Some of the issues Dr. Troutman endeavors to undertake include access to health care for the uninsured and the disparity in health services based on race, ethnicity, and socioeconomic status.

I am pleased to honor Dr. Troutman as a new addition to Kentucky's health care leadership. We are fortunate to have his direction and look forward to the considerable progress his tenure and administration promises to produce. I thank the Senate for allowing me to pay tribute to our newest Kentuckian.•

MARYLAND WATERMEN'S ASSOCIATION

• Mr. SARBANES. Mr. President, I want to pay tribute to the Maryland Watermen's Association which is celebrating its 30th anniversary this year. I have had the opportunity to work closely with the MWA and its members over the years on a number of important issues—from improving our commercial harbors and historic seaports to restoring oyster reefs in Chesapeake Bay—and I have great respect for the men and women who make their living working Maryland's waters.

For many people, Maryland's watermen conjure up romantic images of solitary oystermen sailing the Chesapeake Bay in skipjacks and harvesting the Bay's bounty. Their independent lifestyle in the outdoors represents a significant part of the culture of the Chesapeake Bay. But a Maryland waterman's life is not easy. It is arduous work harvesting crabs, clams, oysters and charter fishing. Watermen are dependent upon good weather and when storms prevent harvesting, there is no paycheck. Watermen also depend upon pollution-free water and disease-free finfish and shellfish. The number of licensed, active watermen has decreased by over 2,000 in 30 years. These stark realities make Maryland's watermen strong and persistent advocates for the restoration of Chesapeake Bay.

Representing the independent and hardworking watermen is no easy task particularly in these times when their way of life is buffeted by so many forces. However, since it was first established in 1973, the Maryland Watermen's Association has done a great job of representing the interests of commercial watermen to the Maryland General Assembly and our congressional delegation. Under the leadership of Larry Simns, its president since 1973, and Betty Duty, its administrator, the association has been a forceful and effective advocate for Maryland's commercial finfish and shellfish industries.

I extend an invitation for all to attend Chesapeake Appreciation Days, to be held at Sandy Point State Park, Saturday and Sunday, November 1 and 2. This celebration of the Chesapeake Bay and the watermen who depend upon it is sponsored by the Maryland Watermen's Association. Chesapeake Appreciation Days is an excellent opportunity for everyone to see exhibits and events which will teach about the Bay's importance to all of us. It is a terrific way to gain an appreciation of the hard working members of the Maryland Watermen's Association over the last 30 years.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:54 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1092. An act to authorize the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada.

H.R. 1442. An act to authorize the design and construction of a visitor center for the Vietnam Veterans Memorial.

H.R. 1521. An act to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes.

H.R. 1598. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and for other purposes.

H.R. 1821. An act to award a congressional gold medal to Dr. Dorothy Height in recognition of her many contributions to the Nation.

H.R. 1828. An act to halt Syrian support for terrorism, end its occupation of Lebanon, and stop its development of weapons of mass destruction, and by so doing hold Syria accountable for the serious international security problems it has caused in the Middle East, and for other purposes.

H.R. 1883. An act to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office".

H.J. Res. 70. Joint resolution recognizing Inspectors General for their efforts to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government during the past 25 years.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 106. Concurrent resolution recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an "American Jewish History Month", and for other purposes.

H. Con. Res. 270. Concurrent resolution supporting the goals and ideals of College Savings Month.

H. Con. Res. 273. Concurrent resolution recognizing and congratulating the East Boynton Beach, Florida, Little League team as the 2003 United States Little League Champions.

The message further announced that the House had passed S. 1680, a bill to reauthorize the Defense Production Act of 1950, and for other purposes, with an amendment.

MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1092. An act to authorize the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada; to the Committee on Energy and Natural Resources.

H.R. 1521. An act to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1598. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1883. An act to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office"; to the Committee on Governmental Affairs.

H.J. Res. 70. Joint resolution recognizing Inspectors General for their efforts to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government during the past 25 years; to the Committee on Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 106. Concurrent resolution recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an "American Jewish History Month", and for other purposes; to the Committee on the Judiciary.

H. Con. Res. 270. Concurrent resolution supporting the goals and ideals of College Savings Month; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 273. Concurrent resolution recognizing and congratulating the East Boynton Beach, Florida, Little League team as the 2003 United States Little League Champions; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1442. An act to authorize the design and construction of a visitor center for the Vietnam Veterans Memorial.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1751. A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4779. A communication from the Assistant General Counsel for Banking and Finance, Departmental Offices, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Terrorism Risk Insurance" (RIN1505–AA98) received on October 15, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4780. A communication from the Assistant General Counsel for Banking and Finance, Departmental Offices, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Terrorism Risk Insurance Program" (RIN1505–AA99) received on October 15, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4781. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Interim Capital Treatment of Consolidated Asset-Backed Commercial Paper Program Assets" (RIN3064–AC74) received on October 15, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4782. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Facility Security (USCG–2003–14759" (RIN1625–AA68) received on October 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4783. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Area Maritime Security (USCG–2003–14733)" (RIN1625–AA42) received on October 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4784. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Automatic Identification System; Vessel Carriage Requirement (USCG–2003-14757)" (RIN1625–AA67) received on October 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4785. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Vessel Security (USCG–2003–14749)" (RIN1625–AA46) received on October 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4786. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Facility Security (USCG–2003–14732)" (RIN1625–AA43) received on October 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4787. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Implementation of National Maritime Security Initiatives (USCG–2003–14792)" (RIN1625–AA69) received on October 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4788. A communication from the Chairman, Tennessee Valley Authority, transmitting, pursuant to law, the Government Performance and Results Act Strategic Plan for fiscal years 2003-2008; to the Committee on Environment and Public Works.

EC–4789. A communication from the President of the United States, transmitting, pursuant to law, a report required by PL 107–243: "Authorization for Use of Military Force Against Iraq Resolution"; to the Committee on Foreign Relations.

EC–4790. A communication from the Chairman of the Council of the District of the Columbia, transmitting, pursuant to law, a report on D.C. Act 15-155, "Cooperative Purchasing Agreements Amendment Act of 2003"; to the Committee on Governmental Affairs.

EC–4791. A communication from the Chairman of the Council of the District of the Columbia, transmitting, pursuant to law, a report on D.C. Act 15–156, "Revised Closing of a Portion of a Public Alley in Square 209, S.O. 02–1019, Temporary Act of 2003"; to the Committee on Governmental Affairs.

EC–4792. A communication from the Chairman of the Council of the District of the Columbia, transmitting, pursuant to law, a report on D.C. Act 15–157, "Tax Abatement for New Residential Developments Definition Clarification Temporary Act of 2003"; to the Committee on Governmental Affairs.

EC–4793. A communication from the Chairman of the Council of the District of the Columbia, transmitting, pursuant to law, a report on D.C. Act 15–160, "Board of Veterinary Examiners Temporary Amendment Act of 2003"; to the Committee on Governmental Affairs.

EC–4794. A communication from the Chairman of the Council of the District of the Columbia, transmitting, pursuant to law, a report on D.C. Act 15–159, "Food Regulation Temporary Amendment Act of 2003"; to the Committee on Governmental Affairs.

EC–4795. A communication from the Chairman of the Council of the District of the Columbia, transmitting, pursuant to law, a report on D.C. Act 15–161, "Domestic Violence Protection Orders Temporary Act of 2003"; to the Committee on Governmental Affairs.

EC–4796. A communication from the Chairman of the Council of the District of the Columbia, transmitting, pursuant to law, a report on D.C. Act 15–162, "Freeze of Within-Grade Salary Increase Repeal Temporary Act of 2003"; to the Committee on Governmental Affairs.

EC – 4797. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-163, "Superior Court of the District of Columbia Master Jury List Clarification Act of 2003"; to the Committee on Governmental Affairs.

EC – 4798. A communication from the Chairman of the Council of District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-164, "Make a Difference Amendment Act of 2003"; to the Committee on Governmental Affairs.

EC – 4799. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-165, "Comprehensive Housing Strategy Temporary Act of 2003"; to the Committee on Governmental Affairs.

EC – 4800. A communication from the Chairman of the Council of District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-177, "Retail Incentive Temporary Act of 2003"; to the Committee on Governmental Affairs.

EC – 4801. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-178, "Veterans of Foreign Wars Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2003"; to the Committee on Governmental Affairs.

EC – 4802. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-179, "Office of Property Management Reform Temporary Amendment Act of 2003"; to the Committee on Governmental Affairs.

EC – 4803. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-166, "Unified Communications Center Lease Agreement Temporary Act of 2003"; to the Committee on Governmental Affairs.

EC – 4804. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-167, "Health Care Privatization Rulemaking Temporary Amendment Act of 2003"; to the Committee on Governmental Affairs.

EC – 4805. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-168, "Presidential Primary Petition Waiver and Democratic State Committee Elections Temporary Act of 2003"; to the Committee on Governmental Affairs.

EC – 4806. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-151, "Fiscal Year 2003 Tax Revenue Anticipation Notes Temporary Act of 2003"; to the Committee on Governmental Affairs.

EC – 4807. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-150, "National Guard Association of the United States Real Property Tax Exemption Reconfirmation and

Modification Temporary Act of 2003"; to the Committee on Governmental Affairs.

EC–4808. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-175, "Department of Insurance and Securities Regulation Merger Review Amendment Act of 2003"; to the Committee on Governmental Affairs.

EC–4809. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report relative to the Public Service Commission Agency Fund; to the Committee on Governmental Affairs.

EC–4810. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report relative to the Public Service Commission Agency Fund; to the Committee on Governmental Affairs.

EC–4811. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report relative to the Fiscal Year 2003 Revenue Estimate in Support of the District's General Obligation Bonds; to the Committee on Governmental Affairs.

EC–4812. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report of direct spending or receipts legislation dated October 2, 2003; to the Committee on Governmental Affairs.

EC–4813. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report relative to a comparative analysis of actual cash collections to revised revenue estimates through the 2nd quarter of fiscal year 2003; to the Committee on Governmental Affairs.

EC–4814. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report relative to the Water and Sewer Authority; to the Committee on Governmental Affairs.

EC–4815. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Evidence Requirements for Assignment of Social Security Numbers (SSNs); Assignment of SSNs for Nonwork Purposes" (RIN0960-AF05) received on October 7, 2003; to the Committee on Governmental Affairs.

EC–4816. A communication from the Chief Judge of the Superior Court of the District of Columbia, transmitting, pursuant to law, a report relative to a transition plan to implement the provisions of the Family Court Act; to the Committee on Governmental Affairs.

EC–4817. A communication from the Assistant Secretary for Employment Standards, Office of Labor-Management Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Labor Organizations Annual Financial Reports; Final Rule" (RIN1215-AB34) received on October 15, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4818. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Balanced Budget Act of 1997; to the Committee on Health, Education, Labor, and Pensions.

EC–4819. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Orthopedic Devices; Classification for the Resorable Calcium Salt Bone Void Filler Device" (Doc. No. 01N-0411) received on October 7, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4820. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Anorectal Drug Products for Over-the-Counter Human Use" (RIN0910–AA01) received on October 7, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4821. A communication from the Regulations Coordinator, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002" (RIN0910–AC40) received on October 14, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4822. A communication from the Regulations Coordinator, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002" (RIN0910–AC41) received on October 14, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4823. A communication from the Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing an Paying Benefits" received on October 14, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4824. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the Federal Financial Assistance Management Improvement Act; to the Committee on Health, Education, Labor, and Pensions.

EC–4825. A communication from the Director, National Science Foundation, transmitting, pursuant to law, a report relative to women, minorities, and persons with disabilities in science and engineering; to the Committee on Health, Education, Labor, and Pensions.

EC–4826. A communication from the Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Elimination of Statistical Classes for Large Cigars" (RIN1513–AA18) received on October 15, 2003; to the Committee on the Judiciary.

EC–4827. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, transmitting, pursuant to law, the report of a rule entitled "Establishment of a Threshold for Gamma-Butyrolactone" (RIN1117–AA52) received on October 7, 2003; to the Committee on the Judiciary.

EC–4828. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation to improve veterans' benefits programs, and for other purposes; to the Committee on Veterans' Affairs.

EC–4829. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation relative to the authority of the Secretary of Veterans' Affairs to promulgate regulations relating to staff adjustments of employees appointed under chapter 74 of title 38, United States Code; to the Committee on Veterans' Affairs.

EC–4830. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Compensation and Pension Provisions of the Veterans Benefits Act of 2002" (RIN2900–AL62) received on October 8, 2003; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 300. A bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1691. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH for the Committee on the Judiciary.

George W. Miller, of Virginia, to be a Judge of the United States Court of Federal Claims for the term of fifteen years.

Deborah Ann Spagnoli, of California, to be a Commissioner of the United States Parole Commission for a term of six years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself and Mr. Kennedy):

S. 1739. A bill to provide duty-free treatment for certain tuna; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. Daschle, Mr. Lautenberg, Mr. Nelson of Florida, Mr. Feingold, Mr. Corzine, Ms. Mikulski, Mr. Sarbanes, Mrs. Clinton, Mr. Lieberman, and Mr. Dodd):

S. 1740. A bill to amend the September 11th Victim Compensation Fund of 2001 (Public Law 107–42; 49 U.S.C. 40101 note) to provide compensation for the United States Citizens who were victims of a terrorist-related laboratory-confirmed anthrax infection in the United States during the period beginning on September 13, 2001, through November 30, 2001, on the same basis as compensation is provided to victims of the terrorist-related aircraft crashes on September 11, 2001; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Ms. Mikulski, Ms. Landrieu, Ms.

Stabenow, Ms. Snowe, Ms. Cantwell, Mrs. Boxer, Mrs. Clinton, and Mr. Durbin):

S. 1741. A bill to provide a site for the National Women's History Museum in the District of Columbia; to the Committee on Governmental Affairs.

By Mr. CAMPBELL:

S. 1742. A bill to amend title IV of the Higher Education Act of 1965 to provide for variable interest rates on student loans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN (for himself, Mr. Alexander, Mr. Schumer, Mr. McConnell, and Mr. Lieberman):

S. 1743. A bill to permit reviews of criminal records of applicants for private security officer employment; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. Byrd):

S. 1744. A bill to prevent abuse of Government credit cards; to the Committee on Governmental Affairs.

By Mrs. BOXER:

S. 1745. A bill to designate a Prisoner of War/Missing in Action National Memorial at Riverside National Cemetery in Riverside, California; to the Committee on Veterans' Affairs.

By Mr. SCHUMER:

S. 1746. A bill to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building"; to the Committee on Governmental Affairs.

By Mr. DeWINE (for himself, Mr. Kennedy, and Mr. Dodd):

S. 1747. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DeWINE (for himself, Mr. Durbin, and Mr. Voinovich):

S. 1748. A bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 1749. A bill to amend various provisions of the Consumer Credit Protection Act to relief for victims of identity theft, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN:

S. 1750. A bill to amend the Child Nutrition Act of 1966 and the Richard B. Russell National School Lunch Act to improve the nutrition and health of children in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY (for himself, Mr. Kohl, Mr. Hatch, Mr. Carper, Mr. Specter, Mr. Miller, Mr. Chafee, and Mr. Lugar):

S. 1751. A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; read the first time.

By Mr. SPECTER:

S.J. Res. 19. A joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER:

S. Res. 244. A resolution congratulating Shirin Ebadi for winning the 2003 Nobel Peace Prize and commending her for her lifetime of work to promote democracy and human rights; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself, Mr. Dodd, Mr. Warner, Mr. Lieberman, Mr. Burns, Mr. Biden, Mr. Inhofe, Mr. Akaka, Mr. Nickles, Mr. Bayh, Mr. Enzi, Ms. Landrieu, Mr. Stevens, Ms. Mikulski, Mr. Cochran, Mr. Kennedy, Mr. DeWine, Mr. Kerry, Mr. Chambliss, Mr. Levin, Mr. Alexander, Ms. Stabenow, Mr. Hagel, Mr. Reid, Mr. Voinovich, Mr. Conrad, Mr. Bunning, Mr. Dorgan, Mr. Ensign, Mr. Johnson, Mr. Shelby, and Mr. Campbell):

S. Res. 245. A resolution designating the week beginning October 19, 2003, as "National Character Counts Week"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 767

At the request of Mr. Smith, the name of the Senator from Kansas (Mr. Roberts) was added as a cosponsor of S. 767, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on social security benefits.

S. 970

At the request of Mr. Hollings, the name of the Senator from New York (Mrs. Clinton) was added as a cosponsor of S. 970, a bill to amend the Internal Revenue Code of 1986 to preserve jobs and production activities in the United States.

S. 1033

At the request of Mr. Bingaman, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 1033, a bill to amend titles XIX and XXI of the Social Security Act to expand or add coverage of pregnant women under the medicaid and State children's health insurance program, and for other purposes.

S. 1037

At the request of Ms. Snowe, the name of the Senator from Missouri (Mr. Talent) was added as a cosponsor of S. 1037, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 1095

At the request of Mr. Sununu, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of S. 1095, a bill to amend title XVIII of the Social Security Act to improve outpatient vision services under part B of the medicare program.

S. 1144

At the request of Mr. Durbin, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of S. 1144, a bill to name the health care facility of the Department of Veterans Affairs located at 820 South Damen Avenue in Chicago, Illinois, as the "Jesse Brown Department of Veterans Affairs Medical Center".

S. 1180

At the request of Mr. Santorum, the name of the Senator from Vermont (Mr. Jeffords) was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit.

S. 1208

At the request of Ms. Collins, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 1208, a bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban forest land and open space and contain suburban sprawl, and for other purposes.

S. 1218

At the request of Mr. Hollings, the names of the Senator from Michigan (Mr. Levin) and the Senator from Ohio (Mr. DeWine) were added as cosponsors of S. 1218, a bill to provide for Presidential support and coordination of interagency ocean science programs and development and coordination of a comprehensive and integrated United States research and monitoring program.

S. 1223

At the request of Mr. Bingaman, the name of the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 1223, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1326

At the request of Mr. Voinovich, the name of the Senator from Maine (Ms. Collins) was added as a cosponsor of S. 1326, a bill to establish the position of Assistant Secretary of Commerce for Manufacturing in the Department of Commerce.

S. 1397

At the request of Mr. Gregg, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of S. 1397, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 1447

At the request of Mr. Bingaman, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 1447, a bill to establish grant programs to improve the health of border area residents and for bioterrorism preparedness in the border area, and for other purposes.

S. 1507

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1507, a bill to protect privacy by limiting the access of the government to library, bookseller, and other personal records for foreign intelligence and counterintelligence purposes.

S. 1531

At the request of Mr. HATCH, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1545

At the request of Mr. HATCH, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1573

At the request of Mr. BREAUX, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1573, a bill to redesignate the Tensas River National Wildlife Refuge in the State of Louisiana as the "Theodore Roosevelt-Tensas River National Wildlife Refuge".

S. 1597

At the request of Mr. ALEXANDER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1597, a bill to provide mortgage payment assistance for employees who are separated from employment.

S. 1612

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1612, a bill to establish a technology, equipment, and information transfer within the Department of Homeland Security.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral services, and for other purposes.

S. 1645

At the request of Mr. CRAIG, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1664

At the request of Mr. ALLARD, his name was added as a cosponsor of S. 1664, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees.

S. 1684

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1684, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 1717

At the request of Mr. HATCH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1717, a bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stems cells for the treatment of patients and to support peer-reviewed research using such cells.

S. 1726

At the request of Mr. ALEXANDER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1726, a bill to reduce the preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. CON. RES. 58

At the request of Mr. DEWINE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Con. Res. 58, a concurrent resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month.

S. CON. RES. 67

At the request of Mr. COCHRAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Con. Res. 67, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and supporting the designation of a National Brain Injury Awareness Month.

S. CON. RES. 73

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 73, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. RES. 202

At the request of Mr. CAMPBELL, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932–33.

AMENDMENT NO. 1807

At the request of Mr. CHAFEE, the names of the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of amendment No. 1807 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1825

At the request of Mr. BOND, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 1825 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1837

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 1837 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1852

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 1852 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1853

At the request of Mr. MCCAIN, the names of the Senator from Nebraska

(Mr. HAGEL) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 1853 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1858

At the request of Mr. NELSON of Florida, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 1858 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1859

At the request of Ms. LANDRIEU, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 1859 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. DASCHLE, Mr. LAUTENBERG, Mr. NELSON of Florida, Mr. FEINGOLD, Mr. CORZINE, Ms. MIKULSKI, Mr. SARBANES, Mrs. CLINTON, Mr. LIEBERMAN, and Mr. DODD):

S. 1740. A bill to amend the September 11th Victim Compensation Fund of 2001 (Public Law 107–42; 49 U.S.C. 40101 note) to provide compensation for the United States Citizens who were victims of a terrorist-related laboratory-confirmed anthrax infection in the United States during the period beginning on September 13, 2001, through November 30, 2001, on the same basis as compensation is provided to victims of the terrorist-related aircraft crashes on September 11, 2001; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I thank my good friend, the senior Senator from South Dakota and Democratic leader. I thank him for his concern and his work on this issue.

Two years have passed since several anthrax letters were sent to a few journalists and, obviously, to public officials, killing inadvertent victims. These are victims whose only sin, apparently, was doing their jobs, and these attacks have left several other people sick and out of work.

The Senate and all who work here—the Senate family—are still adjusting to the aftermath of these attacks 2 years later. We see it in new layers of security. We see it in new mail-handling procedures in which mail to Capitol Hill now is screened and irradiated before it is delivered.

The U.S. Postal Service has had to develop and implement new safety measures to protect its customers and its workers. Meanwhile, nearly two dozen of our fellow Americans who merely came into contact with these anthrax-laden letters have become the forgotten victims of terror. Some have suffered poor health, and some have not been able to return to work.

I am pleased to join with Senator DASCHLE and my other good friends, Senators LAUTENBERG, NELSON of Florida, FEINGOLD, CORZINE, MIKULSKI, SARBANES, and CLINTON, to introduce the Anthrax Victims Fund Fairness Act of 2003. This will allow these forgotten victims of terror and their families to seek help through the September 11 Victims Compensation Fund.

They need this help to pay for medical expenses and to provide for themselves and their families if they have been unable to return to work. They are our fellow citizens, and they were unwittingly on the front lines when our new, shadowy struggle against terrorism began.

In the wake of the terrorist attacks of September 11, we learned that the United States was not impervious to acts of terrorism of the kinds that have rained death and destruction on other societies far away. The attacks shocked the world and left the American people with the terrible knowledge that we could once again become victims, targets of terrorists at any time.

Only a few days after September 11, our worst fears were confirmed. Between September 22 and November 14, nearly two dozen Americans from five States and the District of Columbia became casualties of a sinister bioterrorism attack. Twenty-two Americans ranging in age from 7 months to 94 years were stricken in these attacks of anthrax. It is a rare disease that had only afflicted a handful of Americans in the last century. We would ultimately learn that 11 people had been infected with cutaneous or skin anthrax, and 11 contracted the more serious form of the disease called inhalation or pulmonary anthrax. Five of our fellow Americans died from these attacks.

The victims of the anthrax attacks vary in gender, race, religion, age, economic status, and locale. But they all have one thing in common: Everyone suffered. The targets were members of the news media, and two Members of the Senate, myself and Senator DASCHLE, but the victims—not the targets, but the victims—who suffered the most were employees of the U.S. Postal Service, the Department of State, news organizations, the Senate, and the aides, the children, and the senior citizens whose mail came in contact with the anthrax-laden letters.

In the fall of 2001, I worked with Speaker HASTERT, Senator DASCHLE, Senator LOTT, Congressman GEPHARDT, Senators HATCH, KOHL, DEWINE, SCHUMER, and CLINTON to establish the September 11 Victims Compensation Fund of 2001. This fund ensured that victims of the September 11 attacks would be eligible for compensation for the horrific losses they suffered. After extensive negotiations with the Bush administration, we established the September 11 fund to provide victims an alternative to what would have been a lengthy battle in court.

Under the stewardship of Ken Feinberg, the Special Master of the September 11 Victim Compensation Fund, and with the supervision of the Department of Justice, more than 1,000 of the 3,016 families of those who died in the September 11 attacks and more than 1,000 of the unknown number who were injured have filed claims.

The fund, which has no cap, had paid out $633 million by September 10, 2003, with an average award of about $1.6 million for death claims. It is a dignified way of doing it.

As we reach the 2-year anniversary of the anthrax attacks, Congress should do the same for those whose lives were harmed by these acts of bioterrorism as we did for the victims of September 11. While we have taken significant steps to compensate the victims of the September 11 attacks and their families, no such action has been taken on behalf of the anthrax victims. Our legislation would remedy this.

Our bill would extend the deadline for filing claims with the fund by a year and expand the eligibility to include laboratory-confirmed anthrax tests.

As we reach the two-year anniversary of the anthrax attacks, Congress should do the same for those whose lives were harmed by these acts of bioterrorism as it did for the victims of September 11, 2001. While we have taken significant steps to compensate the victims of the September 11 attacks and their families, no such action has been taken on behalf of the anthrax victims. Our legislation would remedy this.

Our bill would extend the deadline for filing claims with the fund by 1-year and expand the eligibility to include laboratory-confirmed anthrax cases.

The Centers for Disease Control, CDC, have confirmed 18 anthrax infections, and an additional four are considered to have been confirmed through other methods. Applicants would be subject to the same criteria and restrictions as were set for the September 11 victims. Eligible individuals who choose to file claims would then be considered by the Special Master who would make a final determination on level of compensation within 120 days of receiving the claim. Compensation will be targeted to help the neediest victims and their families. Any life insurance, death benefit, or other Government payment previously received by victims and their families would be taken into account, and filing a claim would preclude other civil remedies.

Yesterday marked the 2-year anniversary of the opening of the letter that spread anthrax throughout the Hart Senate Office Building, exposing 31 Senate employees to a highly potent and aerosolized form of anthrax and shutting down the Dirksen Senate Office Building for 2 weeks, the Hart Senate Office Building for 3 months and briefly closing the United States Capitol, the symbol of democracy. Our staffs were fortunate to receive excellent care and guidance from the Sergeant at Arms, the CDC, the attending physician, his dedicated staff of men and women and the Environmental Protection Agency, and none of the employees of the Senate were ultimately infected. Those days are indelibly etched in our memories.

To this day—and this is the first time I have ever spoken on the floor about the anthrax attack. I have to be honest, it is something that has been on my mind, on the mind of my wife, our children, our families, ever since that day.

Senator DASCHLE and I do not know what motivates somebody to target us and to endanger our staffs and so many others. Senator DASCHLE and I were the targets of the Senate letters, but we were not stricken with anthrax, and we have made very clear that we would not be covered by the terms of this legislation.

We will never know why we were singled out, but we do know what happened to people who were totally innocent. The letters were not addressed to them as they were to us.

Eighteen of the victims were not as fortunate as were most of us in the Senate family. While some did recover after receiving antibiotics, others have had their lives changed forever. Some are stricken with ailments, such as post-traumatic stress, depression and fatigue. They continue to suffer from the after-effects of the disease.

One postal worker who was infected with anthrax filed a $100 million suit against the U.S. Postal Service in January 2003. He did not want to have to take his case to court, but he says he felt he had to after repeated attempts to receive compensation and assistance in treating his illness. Last month, on September 24, the widow of the first anthrax victim in Florida filed lawsuits seeking more than $50 million and alleging that insufficient security at the Army Medical Research Institute of Infectious Diseases at Fort Detrick, MD, and negligent actions by companies with military contracts, caused her husband's death. This bill would help these and other victims without forcing them to take their cases to the legal system.

The perpetrator or perpetrators of these acts of terrorism remain at large. I have no idea who directed these letters to Senator DASCHLE and myself. The F.B.I. continues its search. These victims cannot wait until the search is over. They deserve help now and we owe it to them to provide it.

Yesterday I joined with the senior Senator from Pennsylvania, both Senators from New York, and with others in introducing separate legislation to extend and broaden the fund's coverage to cover the victims of the 1993 World Trade Center attacks, the 1998 East African embassy attacks and the 2000 U.S.S. Cole attacks. I applaud Senator SPECTER for his leadership in this area. All Americans who have been victimized by acts of terrorism deserve our sympathy, our respect and our support.

Our hearts went out to the victims of these acts of terrorism and to their loved ones. Now they also need our help, and it is my hope that we will do the right thing by these victims of terrorism.

Mr. DASCHLE. Mr. President, 2 years ago, a letter containing about 1 gram of highly concentrated anthrax was opened in my office in the Hart Senate Office Building. Potentially deadly anthrax letters were also mailed, apparently by the same person or persons, to my dear friend and colleague, Senator PATRICK LEAHY, and to several news organizations. Two years later, all of those crimes remain unsolved.

The anthrax attack on the Senate remains the largest bioterrorism attack ever on U.S. soil. Here in the Senate my staff and members of Senator FEINGOLD's staff were exposed to up to 3,000 times the lethal dose of anthrax.

The entire Hart Senate Office Building was closed for 3 months while scientists searched for a way to do something that had never been done before: To reclaim a building that had been badly contaminated by anthrax.

We all remember those times. Coming less than 5 weeks after the September 11 terrorist attacks, the anthrax attacks of 2001 sometimes made it seem as if none of us was safe anywhere.

As traumatic as the anthrax attacks were for the people of Capitol Hill, we were actually the fortunate ones. Before those deadly letters arrived in the Senate, they traveled through the U.S. mail where they left a deadly trail.

Five innocent people died and still more innocent people suffer today from serious health and debilitating problems resulting from their exposure to the anthrax letters. All too often, they are the forgotten victims of the anthrax attacks on America. They are victims of terrorism, just as surely as are all of those who were killed or injured in the September 11 terrorist attacks on America. This bill that Senator LEAHY are I are introducing today acknowledges that fact by allowing the victims of the anthrax attacks to participate in the September 11 Victims Compensation Fund.

The rules for anthrax victims would be the same as the rules for victims of the September 11 attacks: Before they can receive any compensation from the fund, anthrax victims must first waive their right to file or participate in any lawsuit in State or Federal court for damages relating to the anthrax attacks.

The legislation that my colleague and I are introducing today, and that I am very proud to cosponsor, is narrow and specific: Only persons who were exposed to anthrax during the attacks of 2001 and who have been diagnosed with a "laboratory-confirmed anthrax infection" may be compensated from the fund. A "laboratory-confirmed" case may include one in which elevated anthrax antibody levels are present, even if the anthrax bacteria cannot be detected. In at least one case, the anthrax diagnosis was made late when, after introduction of antibiotics, the actual bacteria was no longer detectable in the bloodstream. In such cases, the highly elevated anthrax antibody levels confirm both the exposure and the diagnosis.

Thomas Morris and Joseph Curseen worked for the U.S. Postal Service. They were decent, hard-working men who pushed themselves and continued to go to work and church even as anthrax infections were killing them. They and Robert Stevens, Kathy Nguyen, and Ottilie Lundgren all lost their lives in the anthrax attacks. Their families have suffered a devastating blow. This bill would allow them to receive some small compensation for their losses without having to suffer through the additional trauma and long delays associated with a lawsuit.

Leroy Richmond, Norma Wallace, and Ernesto Blanco should be spared a long and difficult legal ordeal, too. They and others who suffered laboratory-confirmed anthrax infections as a result of the 2001 attacks deserve justice. They deserve the opportunity to participate in the same compensation fund as the victims of September 11, as long as they are willing to abide by the same rules. This bill gives them that right, that option, if they choose to exercise it.

After that letter was opened in my office, the Senate put in place new mail-screening procedures to prevent another similar attack on the Capitol complex. Nearly 2 years later, we no longer have to worry that terrorism can slip in here through the mail. Some days we even forget about the anthrax attacks. But there are victims and victims' families who cannot forget. The anthrax attacks of 2001 still haunt them every day. This bill will not restore their strength or return their loved ones, but it will give them a small measure of compensation and perhaps a small measure of peace. It will say clearly that whether it happens in September, October, or any other month, terrorism is terrorism and here in America its victims will not have to suffer alone.

I thank my colleague and friend, Senator LEAHY, with whom I have been working on this bill now for nearly 2 years, for his remarkable commitment to this cause. I urge all of our colleagues to join us in seeking justice for these forgotten victims of terrorism.

By Mr. CAMPBELL:

S. 1742. A bill to amend title IV of the Higher Education Act of 1965 to provide for variable interest rates on student loans; to the Committee on Health, Education, Labor and Pensions.

Mr. CAMPBELL. Mr. President, today I am introducing legislation which would change the student borrower interest rate structure by continuing or establishing variable rates for all student loans on a going-forward basis. More specifically, it would tie all future loan interest rates for student loan borrowers to the bond equivalent rate for 91-day Treasury bills and would cap the loans at 7.75 percent. PLUS loans would be capped at 8.5 percent.

Briefly, variable rates for all student loan borrowers would provide the following: They will automatically "refinance" outstanding loans to current rates on a routine basis, thereby, avoiding the problems associated with the refinancing of old loans under new rate structures. They will mitigate the extraordinary costs to the Federal Government currently associated with the consolidation of student loans under a fixed rate structure. They will ensure that consolidation loans are offered to those borrowers who need them rather than as a loan of convenience for those who no longer need Federal subsidies. They will allow savings which will ensure that Federal resources can be directed to those who have not yet had an opportunity to pursue or to complete an educational program thereby ensuring future access to higher education. They will provide borrowers with the best rates available in the market while also capping those rates to ensure that borrowers are not adversely affected if rates rise beyond an acceptable level. And, they will protect the Federal Treasury against extraordinary subsidies as interest rates rise above a preset fixed rate structure.

The Federal student loan programs have made it possible for millions of American students to attend college. The current program structure has resulted in a highly reliable, low-cost source of funds for students and their families. But, the recent consolidation-reconsolidation loan situation shows that changes are needed.

The intent of the consolidation loan program was to provide an opportunity for borrowers with multiple loan holders and a high debt level to consolidate that debt with one holder and allow for a single monthly payment. However, with recent interest rate drops, the number and volume of consolidation loans has increased dramatically. Some borrowers have consolidated their loans and locked in at a fixed rate only to see the rates drop further and leave them with no way to access the lower rates. And, recently, the well-publicized growth in the Federal consolidation loan program prompted the Congressional Budget Office to project the estimated program costs for the current fiscal year to triple from $3 billion to $9 billion.

There has been much talk about allowing borrowers to reconsolidate their loans at a lower rate. However, it appears that retroactive changes to the law could undermine the predictability that makes it possible for lenders and investors to offer efficient pricing to students who need loans. Reconsolidation could diminish the quality and the stability of the overall loan program which would hurt future student borrowers.

Currently, student loans, known as Stafford Loans, are payable on a variable rate basis, a program feature that protects the Federal Treasury from sharp increases in costs. However, consolidation loans are made on a fixed rate basis, creating an incentive for borrowers to "consolidate" their student loans even when they are not experiencing repayment problems.

My legislation would prevent future borrowers from facing the situation which confronts many of our borrowers today. It would establish a variable interest rate and establish a reasonable cap on all student loans. It would level the playing field for future students and borrowers.

It appears clear that changes are needed. I urge my colleagues to support this legislation and move forward with a plan that would preserve the integrity of the overall loan program while protecting all future student borrowers from the vagaries of fluctuating interest rates.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the additional material ordered to be printed in the RECORD, as follows:

S. 1742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Higher Education Loan Plan Act of 2003".

SEC. 2. INTEREST RATES ON STUDENT LOANS.

(a) INTEREST RATE CHANGES.—Section 427A of the Higher Education Act of 1965 (20 U.S.C. 1077a) is amended by striking subsections (k) and (*l*) and inserting the following:

"(k) INTEREST RATES FOR NEW LOANS ON OR AFTER OCTOBER 1, 1998, AND BEFORE THE DATE OF ENACTMENT OF THE HIGHER EDUCATION LOAN PLAN ACT OF 2003.—

"(1) IN GENERAL.—Notwithstanding subsection (h) and subject to paragraph (2), with respect to any loan made, insured, or guaranteed under this part (other than a loan made pursuant to section 428B or 428C) for which the first disbursement is made on or after October 1, 1998, and before the date of enactment of the Higher Education Loan Plan Act of 2003, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(A) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(B) 2.3 percent,

except that such rate shall not exceed 8.25 percent.

"(2) IN SCHOOL AND GRACE PERIOD RULES.—Notwithstanding subsection (h), with respect to any loan under this part (other than a loan made pursuant to section 428B or 428C) for which the first disbursement is made on or after October 1, 1998, and before the date of enactment of the Higher Education Loan Plan Act of 2003, the applicable rate of interest for interest which accrues—

"(A) prior to the beginning of the repayment period of the loan; or

"(B) during the period in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in section 427(a)(2)(C) or 428(b)(1)(M),

shall be determined under paragraph (1) by substituting '1.7 percent' for '2.3 percent'.

"(3) PLUS LOANS.—Notwithstanding subsection (h), with respect to any loan under section 428B for which the first disbursement is made on or after October 1, 1998, and before the date of enactment of the Higher Education Loan Plan Act of 2003, the applicable rate of interest shall be determined under paragraph (1)—

"(A) by substituting '3.1 percent' for '2.3 percent'; and

"(B) by substituting '9.0 percent' for '8.25 percent'.

"(4) CONSOLIDATION LOANS.—With respect to any consolidation loan under section 428C for which the application is received by an eligible lender on or after October 1, 1998, and before the date of enactment of the Higher Education Loan Plan Act of 2003, the applicable rate of interest shall be at an annual rate on the unpaid principal balance of the loan that is equal to the lesser of—

"(A) the weighted average of the interest rates on the loans consolidated, rounded to the nearest higher one-eighth of 1 percent; or

"(B) 8.25 percent.

"(5) CONSULTATION.—The Secretary shall determine the applicable rate of interest under this subsection after consultation with the Secretary of the Treasury and shall publish such rate in the Federal Register as soon as practicable after the date of determination.

"(l) INTEREST RATES FOR NEW LOANS ON OR AFTER THE DATE OF ENACTMENT OF THE HIGHER EDUCATION LOAN PLAN ACT OF 2003.—

"(1) IN GENERAL.—Notwithstanding subsection (h) and subject to paragraph (2), with respect to any loan made, insured, or guaranteed under this part (other than a loan made pursuant to section 428B or 428C) for which the first disbursement is made on or after the date of enactment of the Higher Education Loan Plan Act of 2003, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(A) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(B) 2.3 percent,

except that such rate shall not exceed [7.75] percent.

"(2) IN SCHOOL AND GRACE PERIOD RULES.—Notwithstanding subsection (h), with respect to any loan under this part (other than a loan made pursuant to section 428B or 428C) for which the first disbursement is made on or after the date of enactment of the Higher Education Loan Plan Act of 2003, the applicable rate of interest for interest which accrues—

"(A) prior to the beginning of the repayment period of the loan; or

"(B) during the period in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in section 427(a)(2)(C) or 428(b)(1)(M),

shall be determined under paragraph (1) by substituting '[1.7] percent' for '[2.3] percent'.

"(3) PLUS LOANS.—Notwithstanding subsection (h), with respect to any loan under section 428B for which the first disbursement is made on or after the date of enactment of the Higher Education Loan Plan Act of 2003, the applicable rate of interest shall be determined under paragraph (1)—

"(A) by substituting '3.1 percent' for '2.3 percent'; and

"(B) by substituting '8.5 percent' for '[7.75] percent'.

"(4) CONSOLIDATION LOANS.—With respect to any consolidation loan under section 428C for which the application is received by an eligible lender on or after the date of enactment of the Higher Education Loan Plan Act of 2003, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(A) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(B) 2.3 percent,

except that such rate shall not exceed [7.75] percent.".

(b) SPECIAL ALLOWANCE CONFORMING CHANGES.—Section 438(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)) is amended by striking "July 1, 2006" each place it appears in clauses (ii), (v), and (vii) of subparagraph (I), including in the headings of such clauses, and inserting "the date of enactment of the Higher Education Loan Plan Act of 2003".

(c) ADDITIONAL CONFORMING AMENDMENTS.—Section 428C(c)(1) of the Higher Education Act of 1965 (20 U.S.C. 1078-3(c)(1)) is amended by striking "July 1, 2006" each place it appears and inserting "the date of enactment of the Higher Education Loan Plan Act of 2003".

By Mr. GRASSLEY (for himself and Mr. BYRD):

S. 1744. A bill to prevent abuse of Government credit cards; to the Committee on Governmental Affairs.

Mr. GRASSLEY. Mr. President, today I am introducing a bill to help curtail abuses of government-issued credit cards throughout the Federal Government. I am pleased to join Representative WILSON who is introducing an identical measure in the House today and I thank him for his interest and work on this important issue. I am also very glad to have Senator BYRD co-sponsor my bill. He has been a staunch advocate for improved management of government credit programs and I have been honored to work with him on this issue in the past.

As many of my colleagues are aware, I have been working for several years to expose abuses of government purchase cards and travel cards, starting with the largest user of government charge cards, the Department of Defense. Working with the GAO, former subcommittee Chairman Horn in the House, and others, we have been able to uncover a disturbing number of instances where DOD-issued credit cards have been abused. When I say abused, I mean government credit cards were used to pay for everything from cars to Caribbean cruises. The list also includes furniture, breast implants, and gentleman's clubs.

So what does all of this mean for the American taxpayer? In the case of government purchase cards, it means that hardworking Americans are paying for government employees' Christmas shopping. Purchase cards are intended to be used to purchase supplies or other items needed by a government agency and are paid directly by the agency with taxpayer money. However, it is hard to justify payments on a sapphire ring, kitchen appliances, and gift certificates to department stores as necessary office expenses. Astoundingly, these are examples of charges that have been made and paid for out of the taxpayer's pocket with no questions asked.

Government travel cards work differently, but are still subject to abuses that negatively impact the American public. They are issued to individual employees for use on official travel. The employee must pay the bill and is reimbursed by the agency. Unfortunately, government travel cards are routinely issued to individuals who have a bad credit history or even a record of credit card fraud. This opens up the door for abuse. Not only have travel cards been used for questionable travel expenses, but travel cards have been used when employees are not on official travel to pay for items from gambling and prostitution to tickets for a pop music concert by the Backstreet Boys. Some employees have committed fraud by repeatedly writing bad checks to pay travel card bills and some have taken government funds in reimbursement for travel expenses and not paid off their travel card bills.

When a travel card bill is not paid on time, the agency loses out on rebates that the agency would otherwise receive from the credit card company. These rebates add up. In fact, in fiscal year 2001, the Federal Government received $71 million in rebates, but this amount declined in fiscal year 2002 to $69.2 million mainly due to delinquencies in paying off travel cards. We're talking real money and, especially in a time of budgetary belt-tightening, this trend cannot be allowed to continue. In addition, since Bank of America took over the DOD charge card contract in 1998, it had to "charge off" over $61 million dollars in bad debt. The military service branches have recovered less than $24 million of that amount, leaving almost $40 million in losses to the credit card company. In fact, the situation got so bad that Bank of America considered dropping its account with DOD. Although actions by DOD to reduce delinquencies and recover bad debt through methods like salary offsets have now improved the situation somewhat, this scandal has left a black mark on the reputation of the Federal Government. Furthermore, these losses inflicted on credit card companies by Federal employees hurt the millions of innocent Americans who are credit card customers by raising the interest rates and fees the company must charge.

What we have learned through our investigation of the travel card and purchase card programs in the Department of Defense is that these abuses were allowed to occur as a result of weak internal controls. The revelations about DOD sparked questions about the possibility of similar deficiencies in other departments. In fact, subsequent work with the GAO and agency Inspectors General has uncovered weak internal controls in the travel card and purchase card programs of agencies like the Department of Education, the Federal Aviation Administration, the Department of Housing and Urban Development, the Department of the Interior, and the Department of Agriculture leading to wasteful and questionable purchases with taxpayer dollars. We know about HUD employees using agency purchase cards for personal shopping sprees at stores like Best Buy and JC Penny, FAA employees purchasing individual subscriptions to Internet providers and gift cards from Home Depot, and Department of Agriculture employees using travel cards to buy a car and enroll in bartending school. The list goes on.

Clearly, this is a problem that needs to be addressed government-wide. Ideally, Federal agencies would get their own houses in order. Unfortunately, the atrocious abuses that have been uncovered in the charge card programs of agency after agency would likely never have come to light without congressional oversight. In fact, the positive developments we have seen so far in curtailing government credit card abuses have been the result of

Congress cajoling the bureaucracy to put controls in place. The bill I am introducing today would require all agencies to promulgate regulations to establish safeguards and internal controls to prevent fraud, waste, and abuse of Federal purchase cards and travel cards.

The GAO has now issued an Audit Guide for auditing and investigating the internal control of government purchase card programs, which it developed based on its experiences auditing various agencies purchase card programs. This excellent guide outlines five standards for internal control to curtail fraudulent, improper, and abusive purchases. These include: establishing a positive control environment among agency management and employees, providing for a risk assessment, implementing control activities to enforce management directives and help ensure actions are taken to reduce risks, recording and communicating information to program managers and others who need it, and ongoing monitoring. My bill would go a long way to push agencies toward the effective management approach GAO has outlined.

In fact, my bill requires agencies to establish policies for purchase card programs, and travel card programs where applicable, that incorporate many of the specific recommendations GAO has made to various agencies as a result of its investigations. These include: training for cardholders as well as approving officials and agency program coordinators, establishing who is eligible to be a cardholder and limits on how much they can charge, limiting the number of cards distributed to those who really need them, establishing requirements for documentation and records to support each purchase, cancelling cards for employees who leave or transfer, and establishing penalties to hold card holders and approving officials accountable for misuse.

My bill also requires that credit checks be performed before issuing a government charge card and that no one found to be not creditworthy be issued a government credit card. In my opinion, it is absurb that this is not standard practice. Government employees who could never get a private credit card due to bad credit, bankrupty, or history of fraud will no longer be handed a government charge card with no questions asked.

Finally, my bill would provide that the each agency Inspector General will periodically conduct risk assessments of agency purchase card and travel card programs and perform periodic audits to identify potential fraudulent, improper, and abusive use of cards. We have had great success working with Inspectors General using techniques like data mining to reveal instances of improper use of government charge cards. The information continually provided to the head of each executive agency as well as the Director of the Office of Management and Budget and the Comptroller General by each agency IG will be an enormous help in strengthening and maintaining a rigious system of internal controls to prevent future instances of waste, fraud, and abuse with government charge cards.

Due to aggressive congressional oversight and the efforts of talented investigators working for the GAO and agency IG's, we now know that weak internal control over agency purchase and travel card programs has lead to waste, fraud, and abuse across the Federal Government. It has come to the point that Congress must intervene to require agencies to put in place the policies and procedures necessary to stop the misuse of taxpayer dollars and the abuse of the public trust. I wish I could say this bill is a silver bullet and that once enacted, all the problems with government credit cards will disappear, but I don't pretend this is the case. Ultimately, it is up to agency officials and program managers to implement best practices for managing purchase card and travel card programs. To that end, I would encourage all agencies to take a close look at the GAO Audit Guide and use its approach. Meanwhile, continued congressional oversight will still be necessary. Nevertheless, my bill will serve to kick-start the bureaucracy into taking this problem seriously and I believe it will be a big step toward putting the lid back on the Federal cookie jar. I know many of my colleagues are equally appalled by the many tales of credit card fraud and abuse perpetrated on the American public and I would urge senators to join me in this effort.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit Card Abuse Prevention Act of 2003".

SEC. 2. MANAGEMENT OF PURCHASE CARDS.

(a) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—The head of each executive agency that issues and uses purchase cards and convenience checks shall establish and maintain safeguards and internal controls to ensure the following:

(1) That there is a record in each executive agency of each holder of a purchase card issued by the agency for official use, annotated with the limitations on single transaction and total credit amounts that are applicable to the use of each such card by that purchase cardholder.

(2) That the holder of a purchase card and each official with authority to authorize expenditures charged to the purchase card are responsible for reconciling the charges appearing on each statement of account for that purchase card with receipts and other supporting documentation and forwarding such reconciliation to the designated official who certifies the bill for payment in a timely manner.

(3) That any disputed purchase card charge, and any discrepancy between a receipt and other supporting documentation and the purchase card statement of account, is resolved in the manner prescribed in the applicable Governmentwide purchase card contract entered into by the Administrator of General Services.

(4) That payments on purchase card accounts are made promptly within prescribed deadlines to avoid interest penalties.

(5) That rebates and refunds based on prompt payment on purchase card accounts are monitored for accuracy and properly recorded as a receipt to the agency that pays the monthly bill.

(6) That records of each purchase card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Government policies on the disposition of records.

(7) That periodic reviews are performed to determine whether each purchase cardholder has a need for the purchase card.

(8) That appropriate training is provided to each purchase cardholder and each official with responsibility for overseeing the use of purchase cards issued by an executive agency.

(9) That each executive agency has specific policies regarding the number of purchase cards issued by various organizations and categories of organizations, the credit limits authorized for various categories of cardholders, and categories of employees eligible to be issued purchase cards, and that those policies are designed to minimize the financial risk to the Federal Government of the issuance of the purchase cards and to ensure the integrity of purchase cardholders.

(10) That the head of each executive agency evaluate the creditworthiness of an individual before issuing the individual a purchase card, and that no individual be issued a purchase card if the individual is found not creditworthy as a result of the evaluation. Notwithstanding any other provision of law, such evaluation shall include an assessment of an individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act. The obtaining of a consumer report under this subsection is deemed to be a circumstance or purpose authorized or listed under section 604 of the Fair Credit Reporting Act.

(11) That each executive agency invalidate the purchase card of each employee who—

(A) ceases to be employed by the agency immediately upon termination of the employment of the employee; or

(B) transfers to another unit of the agency immediately upon the transfer of the employee.

(b) MANAGEMENT OF PURCHASE CARDS.—The head of each executive agency shall prescribe regulations implementing the safeguards and internal controls in subsection (a). Those regulations shall be consistent with regulations that apply Governmentwide regarding the use of purchase cards by Government personnel for official purposes.

(c) PENALTIES FOR VIOLATIONS.—The regulations prescribed under subsection (a) shall provide for appropriate adverse personnel actions or other punishment to be imposed in cases in which employees of an executive agency violate such regulations or are negligent or engage in misuse, abuse, or fraud with respect to a purchase card, including removal in appropriate cases.

(d) The Inspector General of each executive agency shall—

(1) periodically conduct risk assessments of the agency purchase card program and associated internal controls and analyze identified weaknesses and the frequency of improper activity in order to develop a plan for using such risk assessments to determine the scope, frequency, and number of periodic audits of purchase cardholders;

(2) perform periodic audits of purchase cardholders designed to identify—

(A) potentially fraudulent, improper, and abusive uses of purchase cards;

(B) any patterns of improper cardholder transactions, such as purchases of prohibited items; and

(C) categories of purchases that should be made by means other than purchase cards in order to better aggregate purchases and obtain lower prices;

(3) report to the head of the executive agency concerned on the results of such audits; and

(4) report to the Director of the Office of Management and Budget and the Comptroller General on the implementation of recommendations made to the head of the executive agency to address findings during audits of purchase cardholders.

(e) DEFINITION OF EXECUTIVE AGENCY.—For the purpose of this section the term "executive agency" has the meaning provided in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(f) RELATIONSHIP TO DEPARTMENT OF DEFENSE PURCHASE CARD REGULATIONS.—

(1) The requirements under this section shall not apply to the Department of Defense.

(2) Section 2784(b) of title 10, United States Code, is amended—

(A) in paragraph (8), by striking "periodic audits" and inserting "risk assessments of the agency purchase card program and associated internal controls and analyze identified weaknesses and the frequency of improper activity in order to develop a plan for using such risk assessments to determine the scope, frequency, and number of periodic audits of purchase cardholders."; and

(B) by adding at the end the following new paragraphs:

"(11) That the Secretary of Defense shall evaluate the creditworthiness of an individual before issuing the individual a purchase card, and that no individual be issued a purchase card if the individual is not found creditworthy as a result of the evaluation. Notwithstanding any other provision of law, such evaluation shall include an assessment of an individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act. The obtaining of a consumer report under this subsection is deemed to be a circumstance or purpose authorized or listed under section 604 of the Fair Credit Reporting Act.

"(12) That the Secretary of Defense invalidate the purchase card of each employee who ceases to be employed by the department immediately upon termination of the employment of the employee or transfers to another agency or subunit within the department immediately upon transfer.".

SEC. 3. MANAGEMENT OF TRAVEL CARDS.

Section 2 of the Travel and Transportation Reform Act of 1998 (Public Law 105–264; 5 U.S.C. 5701 note) is amended by adding at the end the following new subsection:

"(h) MANAGEMENT OF TRAVEL CHARGE CARDS.—

"(1) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—The head of each executive agency that has employees that use travel charge cards shall establish and maintain safeguards and internal controls over travel charge cards to ensure the following:

"(A) That there is a record in each executive agency of each holder of a travel charge card issued by the agency for official use, annotated with the limitations on amounts that are applicable to the use of each such card by that travel charge cardholder.

"(B) That rebates and refunds based on prompt payment on travel charge card accounts are properly recorded as a receipt of the agency that employs the cardholder.

"(C) That periodic reviews are performed to determine whether each travel charge cardholder has a need for the travel charge card.

"(D) That appropriate training is provided to each travel charge cardholder and each official with responsibility for overseeing the use of travel charge cards issued by an executive agency.

"(E) That each executive agency has specific policies regarding the number of travel charge cards issued by various organizations and categories of organizations, the credit limits authorized for various categories of cardholders, and categories of employees eligible to be issued travel charge cards, and that those policies are designed to minimize the financial risk to the Federal Government of the issuance of the travel charge cards and to ensure the integrity of travel charge cardholders.

"(F) That the head of each executive agency evaluates the creditworthiness of an individual before issuing the individual a travel charge card, and that no individual be issued a travel charge card if the individual is found not creditworthy as a result of the evaluation (except that this paragraph shall not preclude issuance of a restricted use travel charge card when the individual lacks a credit history). Notwithstanding any other provision of law, such evaluation shall include an assessment of an individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act. The obtaining of a consumer report under this subsection is deemed to be a circumstance or purpose authorized or listed under section 604 of the Fair Credit Reporting Act.

"(G) That each executive agency ensures that the travel charge card of each employee who ceases to be employed by the agency is invalidated immediately upon termination of the employment of the employee.

"(2) REGULATIONS.—The Administrator of General Services shall prescribe regulations governing the implementation of the safeguards and internal controls in paragraph (1) by executive agencies.

"(3) PENALTIES FOR VIOLATIONS.—The regulations prescribed under paragraph (2) shall provide for appropriate adverse personnel actions or other punishment to be imposed in cases in which employees of an executive agency violate such regulations or are negligent or engage in misuse, abuse, or fraud with respect to a travel charge card, including removal in appropriate cases.

"(4) The Inspector General of each executive agency shall—

"(A) periodically conduct risk assessments of the agency travel card program and associated internal controls and analyze identified weaknesses and the frequency of improper activity in order to develop a plan for using such risk assessments to determine the scope, frequency, and number of periodic audits of purchase cardholders;

"(B) perform periodic audits of travel cardholders designed to identify potentially fraudulent, improper, and abusive uses of travel cards;

"(C) report to the head of the executive agency concerned on the results of such audits; and

"(D) report to the Director of the Office of Management and Budget and the Comptroller General on the implementation of recommendations made to the head of the executive agency to address findings during audits of travel cardholders.

"(5) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'executive agency' means an agency as that term is defined in section 5701 of title 5, United States Code, except that it is in the executive branch.

"(B) The term 'travel charge card' means the Federal contractor-issued travel charge card that is individually billed to each cardholder.".

SEC. 4. REGULATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act—

(1) the head of each executive agency shall promulgate regulations to implement the requirements of section 2; and

(2) the Administrator of General Services shall promulgate regulations required pursuant to the amendments made by section 3.

(b) BEST PRACTICES.—Regulations promulgated under this section shall reflect best practices for conducting purchase card and travel card programs.

By Mrs. BOXER:

S. 1745. A bill to designate a Prisoner of War/Missing in Action National Memorial at Riverside National Cemetery in Riverside, California; to the Committee on Veterans' Affairs.

Mrs. BOXER. Mr. President, I am pleased to introduce the Prisoner of War/Missing in Action National Memorial Act of 2003. This bill would designate the POW/MIA memorial currently being built at Riverside National Cemetery in California as the National POW/MIA Memorial. This monument would be a memorial to all members of the Armed Forces who have been held as prisoners of war or listed as missing in action.

We should always remember and pay tribute to the men and women who are fighting for our Nation now and have fought for our Nation in the past, including those who have never returned home. Over 89,000 members of the Armed Forces have been listed as missing since the American Revolution.

The families of these missing men and women have had to try to go on with their lives without ever knowing what happened. Many of them have been unable to grieve for their loved ones as they typically would, and many of them have been unable to have a proper burial. The families of our missing in action across the country should know that their nation remembers their loved one, and honors them by dedicating this national memorial in Riverside, CA.

In addition to the missing soldiers, airmen, sailors, and others, there have been over 586,000 members of the Armed Forces who have been taken prisoner since the American Revolution. In the 20th Century alone, there were over 142,000 Americans taken as prisoners of war.

I would like to thank Congressman KEN CALVERT, who introduced the House version of this bill in May. I commend him for his leadership in honoring Americans missing in action and taken as prisoners of war.

There is no national memorial for both POWs and MIAs; there is not even a statue dedicated to their memory. It is time that the United States recognize the sacrifice that these American POWs and MIAs have made, and designate the memorial at the Riverside National Cemetery as the National POW/MIA Memorial.

I encourage my colleagues to support this legislation.

By Mr. DEWINE (for himself, Mr. KENNEDY, and Mr. DODD):

S. 1747. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I rise today, with my colleague from Massachusetts, Senator KENNEDY, to introduce an important piece of legislation, which will help protect the health of contact lens wearers, by ensuring that all contact lenses satisfy the same regulatory requirements for approval.

Currently, non-corrective contact lenses, such as decorative lenses that change eye color or have some design on them, are regulated under the Food and Drug Administration's cosmetic authority. The problem is this. The FDA does not review cosmetics for safety or effectiveness before they are sold to the public. This means that the FDA cannot require manufacturers to test non-corrective lenses for safety problems, cannot set "good manufacturing practices," and cannot even require that these lenses carry directions for safe use. This lack of FDA review and lack of established safety standards can lead to the marketing of lenses that are neither safe nor suitable for wearing.

An article in the most recent issue of the medical journal Eye & Contact Lens describes the cases of six people injured by the sale of unregulated colored contact lenses. As the article points out, four of the six patients reside in the greater Cleveland area. This obviously concerns me. But what concerns me more is that three of the five female patients were teenagers.

One such case involved a teenage girl from Cleveland who bought colored contact lenses from a video rental store for the purpose of matching her eyes with her dress. The lenses were sold without fitting or instructions. Prior to putting these lenses in her eyes, she had no previous problems with her vision and had never worn contact lenses.

Shortly after wearing the colored contact lenses, she was urgently admitted to a Cleveland hospital where it was determined that the vision in her left eye had become so poor that she could only make out hand motions. She stayed in the ICU for four days because that was the only place where she could receive the treatment necessary for her eye. Worse yet, her doctor feared that she would not only lose her sight, but that she might actually lose her eye.

In an effort to restore vision, her doctor recommended a corneal transplant, which she underwent. Nearly two years after the infection started, her vision has not been fully restored. For the rest of her life, this young girl will be at risk for rejection of the transplant, cataracts and glaucoma.

This type of injury can be prevented. The bill that Senator KENNEDY and I are introducing today would allow non-corrective lenses to be reviewed before they are marketed and before they are accessible to young people. This bill, which has the endorsement of leading organizations in eye care—representing thousands of health care professionals and consumers and the contact lens industry—would clarify that all contact lenses are devices and are to be approved under the FDA's device authority. Applying the medical device requirements across-the-board to all contact lens manufacturers and distributors would help ensure that all companies are held to the same important safety standards.

Our bill would be a positive step forward in helping to prevent unnecessary eye injuries. I urge my colleagues to support passage of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds as follows:

(1) All contact lenses have significant effects on the eye and pose serious potential health risks if improperly manufactured or used without appropriate involvement of a qualified eye care professional.

(2) Most contact lenses currently marketed in the United States, including certain plano and decorative contact lenses, have been approved as medical devices pursuant to premarket approval applications or cleared pursuant to premarket notifications by the Food and Drug Administration ("FDA").

(3) FDA has asserted medical device jurisdiction over most corrective and noncorrective contact lenses as medical devices currently marketed in the United States, including certain plano and decorative contact lenses, so as to require approval pursuant to premarket approval applications or clearance pursuant to premarket notifications.

(4) All contact lenses can present risks if used without the supervision of a qualified eye care professional. Eye injuries in children and other consumers have been reported for contact lenses that are regulated by FDA as medical devices primarily when used without professional involvement, and noncorrective contact lenses sold without approval or clearance as medical devices have caused eye injuries in children.

SEC. 2. REGULATION OF CERTAIN ARTICLES AS MEDICAL DEVICES.

Section 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j) is amended by adding at the end the following subsection:

"Regulation of Contact Lens as Devices

"(n)(1) All contact lenses shall be deemed to be devices under section 201(h).

"(2) Paragraph 1 shall not be construed as having any legal effect on any article that is not described in that paragraph.".

By Mr. DEWINE (for himself, Mr. DURBIN, and Mr. VOINOVICH):

S. 1748. A bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States; to the Committee on Energy and Natural Resources.

Mr. DeWINE. Mr. President, I rise today, along with Senator DURBIN and Senator VOINOVICH to introduce the Presidential Sites Improvement Act of 2003. This legislation would honor the great men that have served as our former Chief Executives and have influenced the development of our great Nation. This act would create a new and innovative partnership with public and private entities to preserve and maintain Presidential sites, such as birthplaces, homes, memorials, and tombs. Preserving this heritage is vital to enabling our children and grandchildren to learn about the leadership and infinite wisdom of our past Presidents.

We often forget that the best learning tool is that which a child can touch, see, and relate. When a child boards a bus for a field trip to visit historic sites, that is truly when hands-on learning takes place. Visiting the birthplace or home of the same individuals they heard about or read about in the classroom provides a completely different atmosphere to appreciate history. This learning can continue only through the preservation of the birthplaces, homes, memorials, and tombs of our former Presidents.

Family foundations, colleges and universities, libraries, historical societies, historic preservation organizations, and other non-profit organizations own the majority of these sites. These entities often have little funding and are unable to meet the demands of maintaining such important sites. Operating costs must be met before maintenance needs, and slowly the sites deteriorate.

I have visited many of the Presidential historic sites throughout my home State of Ohio—a state that has been home to eight Presidents. During one such visit at the Ulysses S. Grant house, I found it very disturbing to see the discoloration and falling plaster due to water damage. At the home of President Warren Harding, the famous front porch where then candidate Harding gave his campaign speeches actually began to pull away from the house. Fortunately, we were able to obtain the funding to prevent these two historic treasures from deteriorating further. However, by providing Federal assistance for maintenance projects today, we can help prevent larger maintenance problems tomorrow.

These Presidential sites are far too important to let them slowly decay. My legislation would authorize grants, administered by the National Park Service, for maintenance and improvement projects on Presidential sites that are not federally owned or managed. A portion of the funds would be set aside for sites that are in need of emergency assistance. To administer this new program, this legislation would establish a five-member committee, including the Director of the National Park Service, a member of the National Trust for Historic Preservation, and a State historic preservation officer. This committee would make grant recommendations to the Secretary of the Interior. Each grant would require that half of the funds come from non-Federal sources. Up to $5 million would be made available annually.

I encourage my colleagues to join us in support of this legislation, and ask unanimous consent that the text of our bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential Sites Improvement Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) there are many sites honoring Presidents located throughout the United States, including Presidential birthplaces, homes, museums, burial sites, and tombs;

(2) most of the sites are owned, operated, and maintained by non-Federal entities such as State and local agencies, family foundations, colleges and universities, libraries, historical societies, historic preservation organizations, and other nonprofit organizations;

(3) Presidential sites are often expensive to maintain;

(4) many Presidential sites are in need of capital, technological, and interpretive display improvements for which funding is insufficient or unavailable; and

(5) to promote understanding of the history of the United States by recognizing and preserving historic sites linked to Presidents of the United States, the Federal Government should provide grants for the maintenance and improvement of Presidential sites.

SEC. 3. DEFINITIONS.

In this Act:

(1) GRANT COMMISSION.—The term "Grant Commission" means the Presidential Site Grant Commission established by section 4(d).

(2) PRESIDENTIAL SITE.—The term "Presidential site" means a Presidentially-related site of national significance that is—

(A) managed, maintained, and operated for, and is accessible to, the public; and

(B) owned or operated by—

(i) a State; or

(ii) a private institution, organization, or person.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. GRANTS FOR PRESIDENTIAL SITES.

(a) IN GENERAL.—The Secretary shall award grants for major maintenance and improvement projects at Presidential sites to owners or operators of Presidential sites in accordance with this section.

(b) USE OF GRANT FUNDS.—

(1) IN GENERAL.—A grant awarded under this section may be used for—

(A) repairs or capital improvements at a Presidential site (including new construction for necessary modernization) such as—

(i) installation or repair of heating or air conditioning systems, security systems, or electric service; or

(ii) modifications at a Presidential site to achieve compliance with requirements under titles II and III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.); and

(B) interpretive improvements to enhance public understanding and enjoyment of a Presidential site.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Of the funds made available to award grants under this Act—

(i) 15 percent shall be used for emergency projects, as determined by the Secretary;

(ii) 65 percent shall be used for grants for Presidential sites with—

(I) a 3-year average annual operating budget of less than $700,000 (not including the amount of any grant received under this section); and

(II) an endowment in an amount that is less than 3 times the annual operating budget of the site; and

(iii) 20 percent shall be used for grants for Presidential sites with—

(I) an annual operating budget of $700,000 or more (not including the amount of any grant received under this section); and

(II) an endowment in an amount that is equal to or more than 3 times the annual operating budget of the site.

(B) UNEXPENDED FUNDS.—If any funds allocated for a category of projects described in subparagraph (A) are unexpended, the Secretary may use the funds to award grants for another category of projects described in that subparagraph.

(c) APPLICATION AND AWARD PROCEDURE.—

(1) IN GENERAL.—Not later than a date to be determined by the Secretary, an owner or operator of a Presidential site may submit to the Secretary an application for a grant under this section.

(2) INVOLVEMENT OF GRANT COMMISSION.—

(A) IN GENERAL.—The Secretary shall forward each application received under paragraph (1) to the Grant Commission.

(B) CONSIDERATION BY GRANT COMMISSION.—Not later than 60 days after receiving an application from the Secretary under subparagraph (A), the Grant Commission shall return the application to the Secretary with a recommendation of whether the proposed project should be awarded a Presidential site grant.

(C) RECOMMENDATION OF GRANT COMMISSION.—In making a decision to award a Presidential site grant under this section, the Secretary shall take into consideration any recommendation of the Grant Commission.

(3) AWARD.—Not later than 180 days after receiving an application for a Presidential site grant under paragraph (1), the Secretary shall—

(A) award a Presidential site grant to the applicant; or

(B) notify the applicant, in writing, of the decision of the Secretary not to award a Presidential site grant.

(4) MATCHING REQUIREMENTS.—

(A) IN GENERAL.—The Federal share of the cost of a project at a Presidential site for which a grant is awarded under this section shall not exceed 50 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project at a Presidential site for which a grant is awarded under this section may be provided in cash or in kind.

(d) PRESIDENTIAL SITE GRANT COMMISSION.—

(1) IN GENERAL.—There is established the Presidential Site Grant Commission.

(2) COMPOSITION.—The Grant Commission shall be composed of—

(A) the Director of the National Park Service; and

(B) 4 members appointed by the Secretary as follows:

(i) A State historic preservation officer.

(ii) A representative of the National Trust for Historic Preservation.

(iii) A representative of a site described in subsection (b)(2)(A)(ii).

(iv) A representative of a site described in subsection (b)(2)(A)(iii).

(3) TERM.—A member of the Grant Commission shall serve a term of 2 years.

(4) DUTIES.—The Grant Commission shall—

(A) review applications for Presidential site grants received under subsection (c); and

(B) recommend to the Secretary projects for which Presidential site grants should be awarded.

(5) INELIGIBILITY OF SITES DURING TERM OF REPRESENTATIVE.—A site described in clause (iii) or (iv) of paragraph (2)(B) shall be ineligible for a grant under this Act during the 2-year period in which a representative of the site serves on the Grant Commission.

(6) NONAPPLICABILITY OF FACA.—The Grant Commission shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $5,000,000 for each of fiscal years 2004 through 2008, to remain available until expended.

By Mr. SPECTER:

S. 1749. A bill to amend various provisions of the Consumer Credit Protection Act to relief for victims of identity theft, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SPECTER. Mr. President, we are faced today with one of the fastest growing crimes in America, identity theft. Recent estimates place the number of new identity theft victims at approximately 7 million in a single 12 month period—nearly 800 new victims per hour. Another study found that victims spend an average of 600 hours recovering from identity theft crimes, sometimes spanning several years. Only three years ago, the average time spent addressing identity theft was 175 hours. In addition to the lost time, victims spend an average of $1,400 in their efforts to rectify the damage inflicted by identity thieves. Identity theft is one crime for which the victims are virtually on their own to resolve.

In most States, the burden is on the one harmed—and the only method by which an individual can attempt to repair their good name and credit is by pursuing civil action against creditors and debt collectors. Today, I will introduce PITFALL, the Prevent Identity Theft From Affecting Lives and Livelihoods Act of 2003. PITFALL addresses identity theft after the fact—to help victims after the harm is inflicted.

The overriding goal of the legislation is to prevent creditors and debt collectors, when existing laws fail to protect identity theft victims, from harassing victims and further sabotaging their financial well-being once a State's highest law enforcement officer has conclusively determined liabilities were fraudulently incurred, with no culpability on the part of the victim.

While there has been much discussion and action aimed at preventing identity theft, it is time to focus on those individuals for which prevention is too late. Please join me in this effort to remove the burden from innocent victims in restoring peace and financial security to their lives.

By Mr. BINGAMAN:

S. 1750. A bill to amend the Child Nutrition Act of 1966 and the Richard B. Russell National School Lunch Act to improve the nutrition and health of children in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill of significant importance to our Nation's health: The Better Eating for Better Living Act of 2003.

Today, heart disease, cancer, stroke, and diabetes are responsible for two-thirds of the deaths in the United States. The major risk factors for these diseases and conditions are established in childhood through unhealthy eating habits, physical inactivity, obesity, and tobacco use. Obesity rates have doubled in children and tripled in adolescents over the last 2 decades. Today 1 in 7 young people are obese and 1 in 3 are overweight. This is not a problem. This is a crisis with potentially dire consequences that demands our immediate attention.

Obese children are twice as likely as non-obese children to become obese adults. Overweightness and obesity can result in physical, psychological, and social consequences, including heart disease, diabetes, cancer, depression, decreased self-esteem, and discrimination. Obesity is a complex multi-factorial disease that is difficult to prevent but even more difficult to treat. Our best bet at improving the lives of children who currently are obese and preventing more from joining the ranks is to encourage environments that foster healthy eating and activity in our communities, in our homes, and in our schools.

It is the need to improve the nutritional environment of our schools that I want to address today. Our school breakfast and lunch programs were originally designed to combat hunger in our nation. They have been and continue to be a vital component of the food security safety net. However, today we have another problem: obesity and overweight, and the child nutrition programs need to be updated to meet the needs of our current health challenges while maintaining their role securing healthy food for all children.

Only 2 percent of children currently consume a diet that meets the five main recommendations for a healthy diet from the USDA Food Guide Pyramid. Three out of four high school students in the U.S. do not eat the recommended 5 or more servings of fruits and vegetables each day and 3 out of 4 children consume more saturated fat than it recommended in the dietary Guidelines for Americans. Although the school lunch and school breakfast programs have made great strides in improving health by meeting these guidelines, our work in creating healthy school environments is not yet done.

Since obesity is a complex issue, stemming the tide will take a myriad of interventions. I commend Senators HARKIN, LEAHY, KOHL, DOLE, and others who have introduced bills that would improve the Child Nutrition programs and the children and schools they serve while preserving its mission to provide nutritionally sound meals to the young people who need them.

Today I am introducing another bill vital to improving our children's health: The Better Eating for Better Living Bill. This bill has four key components.

First, the bill increases the reimbursement rates for school lunch. School food service directors have been expected to improve the quality of their meals without any concurrent funding increase for years, and it's time that changes. An additional 10 cents per meal may not sound like much but it will offer school food service directors significantly greater flexibility in purchasing quality food including leaner meats, fresh vegetables, and fresh fruits.

Second, the bill requires the secretary of agriculture to evaluate the nutrition guidelines for school meals every five years. The science of nutrition is a dynamic and rapidly changing field. Guidelines are appropriately based on the best science of the time but as that science evolves, so should the guidelines regulating school meals. Our children deserve the benefit of the most current science. Thus, updates are to be based on current and sound scientific evidence, current public health concerns, and cultural appropriateness.

Next the bill will liberalize the current milk guidelines so as to only require schools to require low fat or no fat milk as is appropriate for school-age children. Schools would have the option of providing other milk products so long as they are cost and nutritionally equivalent.

Finally, serving healthy food is an important first step, but accompanying that food with adequate nutrition education is vital to growing a generation of healthy eaters and active adults. Thus, the bill provides increased funding for nutrition education. Specifically, it would provide guaranteed funding at the state level for implementation and administration of the Team Nutrition Program. This is a program that has existed in statute for years, but because its administration has rarely been funded, it has not been implemented. It is time we commit to nutrition education as part of making a strong commitment to our children's health and well-being.

Now is the time to take action toward improving the health and well-being of our nations' youth. Let us implement these vital advances in the child nutrition program now while we are reauthorizing the Child Nutrition Act. The cost of improving the health of our children will be far less than the cost of the health consequences to come if we do nothing.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Better Eating for Better Living Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—AMENDMENTS TO RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

Sec. 101. Reimbursement for school lunches.
Sec. 102. Nutritional quality of school meals.

TITLE II—AMENDMENTS TO CHILD NUTRITION ACT OF 1966

Sec. 201. Funding for nutrition education.

TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.

SEC. 2. FINDINGS.

Congress finds that—

(1) heart disease, cancer, stroke, and diabetes are responsible for ⅔ of deaths in the United States;

(2) the major risk factors for those diseases and conditions are established in childhood through unhealthy eating habits, physical inactivity, obesity, and tobacco use;

(3) obesity rates have doubled in children and tripled in adolescents over the last 2 decades;

(4) today, 1 in 7 young people are obese, and 1 in 3 are overweight;

(5) obese children are twice as likely as nonobese children to become obese adults;

(6) overweightness and obesity can result in physical, psychological, and social consequences, including heart disease, diabetes, cancer, depression, decreased self-esteem, and discrimination;

(7) only 2 percent of children consume a diet that meets the 5 main recommendations for a healthy diet from the Food Guide Pyramid published by the Secretary of Agriculture;

(8) 3 out of 4 high school students in the United States do not eat the recommended 5 or more servings of fruits and vegetables each day; and

(9) 3 out of 4 children in the United States consume more saturated fat than is recommended in the Dietary Guidelines for Americans published by the Secretary of Agriculture.

TITLE I—AMENDMENTS TO RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

SEC. 101. REIMBURSEMENT FOR SCHOOL LUNCHES.

Section 4(b)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1753(b)(2)) is amended by striking "10.5" and inserting "20.5".

SEC. 102. NUTRITIONAL QUALITY OF SCHOOL MEALS.

(a) REVISION OF MEAL GUIDELINES.—Section 9(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)(1)) is amended by adding at the end the following:

"(C) REVISION OF NUTRITIONAL GUIDELINES.—

"(i) IN GENERAL.—The Secretary, in collaboration with experts in nutrition, school health, food service, and school administration, shall, not later than July 31, 2004, and every 5 years thereafter—

"(I) review the nutritional guidelines applicable to meals served under the school lunch program under this Act, taking into consideration—

"(aa) advances in the field of nutrition;

"(bb) identified public health risks relating to inadequate nutrition and overconsumption; and

"(cc) the needs of student populations covered by programs under this Act; and

"(II) issue revised nutritional guidelines, as necessary, including guidelines with respect to—

"(aa) the content of meals served of calories, fat (including types of fat), added sugars, fiber, sodium, vitamins, and minerals;

"(bb) the variety of foods offered;

"(cc) the availability of fruits and vegetables; and

"(dd) the cultural appropriateness of foods offered.

"(ii) APPLICABILITY.—Revised nutritional guidelines issued by the Secretary under clause (i) shall apply to meals served under the school lunch program under this Act on and after the date that is 2 years after the date of issuance of the revised nutritional guidelines.".

(b) FLUID MILK.—Section 9(a)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)(2)) is amended by striking subparagraph (B) and inserting the following:

"(B)(i) at a minimum, shall offer students a choice of lowfat or nonfat fluid milk; and

"(ii) in addition to the type of fluid milk offered under clause (i), may offer such other varieties of fluid milk as are—

"(I) consistent with expressed preferences of the student population; and

"(II) reasonably equivalent in calcium, protein, vitamin A, and vitamin K content and cost.".

TITLE II—AMENDMENTS TO CHILD NUTRITION ACT OF 1966

SEC. 201. FUNDING FOR NUTRITION EDUCATION.

Section 19(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1788 (i)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by striking "(i) AUTHORIZATION OF APPROPRIATIONS.—" and all that follows through paragraph (1) and inserting the following:

"(i) FUNDING.—

"(1) PAYMENTS.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this section, to remain available until expended—

"(A) on October 1, 2003, $10,000,000;

"(B) on October 1, 2004, $15,000,000; and

"(C) on October 1, 2005, $20,000,000.

"(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

"(3) GRANTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), grants to each State from the amounts made available under paragraph (1) shall be based on a rate of ½ cent per average daily number of meals served, to be allocated among State, district, and school food service and health education authorities, as determined by the Secretary.

"(B) MINIMUM AMOUNT.—The minimum amount of a grant provided to a State for a fiscal year under this section shall be $200,000, as adjusted in accordance with section 11(a)(3)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(3)(B)).".

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on October 1, 2003.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 244—CONGRATULATING SHIRIN EBADI FOR WINNING THE 2003 NOBEL PEACE PRIZE AND COMMENDING HER FOR HER LIFETIME OF WORK TO PROMOTE DEMOCRACY AND HUMAN RIGHTS

Mrs. BOXER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 244

Whereas Shirin Ebadi is the winner of the 2003 Nobel Peace Prize;

Whereas Shirin Ebadi has fought to support basic human rights in Iran through her work as a lawyer, judge, lecturer, writer, and activist;

Whereas Shirin Ebadi believes that conflict should be resolved peacefully through dialogue and mutual understanding;

Whereas Shirin Ebadi supports democracy and democratic elections and has defended those who have been attacked for exercising their freedom of speech;

Whereas Shirin Ebadi argues for an interpretation of Islamic law that is in harmony with democracy and vital human rights such as equality before the law, freedom of religion, and freedom of speech;

Whereas Shirin Ebadi has been a leader in promoting the human rights of women and girls; and

Whereas Shirin Ebadi has been arrested numerous times for her courageous defense of basic human rights and democratic ideals, sacrificing her own freedom for the freedom of others: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Shirin Ebadi for winning the 2003 Nobel Peace Prize; and

(2) commends Shirin Ebadi for her lifetime of work to promote democracy and human rights.

Mrs. BOXER. Mr. President, today I rise to submit a resolution congratulating Shirin Ebadi, winner of the 2003 Nobel Peace Prize.

Throughout her life, Shirin Ebadi has been the leading advocate for human rights and democratic reform in Iran. As a lawyer, a judge, a writer, and an activist, Ms. Ebadi has spend her career speaking out and defending the rights of women, children, and victims of government repression. Despite repeated threats made to her security, periods of imprisonment, and temporary suspensions from practicing law, Ms. Ebadi has continued to work tirelessly for those needing a voice to speak for them.

In addition to establishing one of the first independent human rights organizations in Iran—the Society for the Protection of the Rights of the Child—Ms. Ebadi also helped create the Center for the Defense of Human Rights, an organization aimed at defending imprisoned journalists and political activists.

Her work is an inspiration to us all. I hope all my colleagues will join me in supporting this resolution demonstrating our appreciation to such a heroic champion for human rights.

SENATE RESOLUTION 245—DESIGNATING THE WEEK BEGINNING OCTOBER 29, 2003, AS "NATIONAL CHARACTER COUNTS WEEK"

Mr. DOMENICI submitted the following resolution; which was

Whereas the well-being of the Nation requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the Nation;

Whereas effective character education is based on core ethical values which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations would focus on character education, would be of great benefit to the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week beginning October 19, 2003, as "National Character Counts Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to—

(A) embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) observe the week with appropriate ceremonies, programs, and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1860. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1861. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1862. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1863. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 1689, supra.

SA 1864. Mr. DOMENICI (for himself, Mr. Bond, Mr. Bennett, Mr. Crapo, and Mr. Alexander) submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1865. Mr. STEVENS (for Mr. Hollings) proposed an amendment to the bill S. 1689, supra.

SA 1866. Mr. STEVENS (for Mr. Durbin) proposed an amendment to the bill S. 1689, supra.

SA 1867. Mr. WARNER (for himself, Mr. Allen, Mr. Sarbanes, Ms. Mikulski, Mrs. Dole, and Mr. Edwards) proposed an amendment to the bill S. 1689, supra.

SA 1868. Mr. LAUTENBERG (for himself, Mr. Schumer, and Mr. Corzine) proposed an amendment to the bill S. 1689 , supra.

SA 1869. Mr. REID (for himself and Mr. Daschle) submitted an amendment intended to be proposed by him to the bill S. 1689, supra.

SA 1870. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 1689, supra.

SA 1871. Mr. BAYH (for himself, Mr. Nelson, of Nebraska, Mr. Ensign, Ms. Collins, Ms. Snowe, Mr. Graham, of South Carolina, Mr. Chambliss, Mrs. Clinton, Mr. Reid, and Mr. Dorgan) submitted an amendment intended to be proposed by him to the bill S. 1689, supra.

SA 1872. Mr. SCHUMER (for himself, Mr. Daschle, Mr. Reid, Ms. Mikulski, Mr. Rockefeller, Mr. Leahy, Mr. Levin, Mr. Nelson, of Florida, Mr. Kennedy, Mr. Durbin, Mr. Baucus, Mr. Harkin, Mr. Bayh, Mr. Hollings, Mr. Biden, Mr. Lautenberg, Mr. Sarbanes, Mr. Bingaman, Mr. Kerry, Mr. Wyden, Mr. Graham, of Florida, Mrs. Boxer, Mr. Lieberman, Mrs. Feinstein, Mrs. Clinton, Mr. Johnson, and Mr. Edwards) proposed an amendment to the bill S. 1689, supra.

SA 1873. Mr. DURBIN (for himself, Mr. Leahy, Mr. Feingold, and Mr. Lautenberg) proposed an amendment to the bill S. 1689, supra.

SA 1874. Mr. McCONNELL (for himself and Mr. Warner) proposed an amendment to the bill S. 1689, supra.

SA 1875. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1876. Mr. NICKLES proposed an amendment to the bill S. 1689, supra.

SA 1877. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1689, supra.

SA 1878. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1879. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1689, supra.

SA 1880. Mr. STEVENS (for Mr. Warner) proposed an amendment to amendment SA 1867 proposed by Mr. WARNER (for himself, Mr. Allen, Mr. Sarbanes, Ms. Mikulski, Mrs. Dole, and Mr. Edwards) to the bill S. 1689, supra.

SA 1881. Mr. REID (for Mr. Nelson, of Florida) proposed an amendment to the bill S. 1689, supra.

SA 1882. Mr. CORZINE proposed an amendment to the bill S. 1689, supra.

TEXT OF AMENDMENTS

SA 1860. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 28, line 15, insert before the period: *: Provided further*, That of the funds appropriated under this heading, not less than $12,520,000 shall be used to facilitate inter-ethnic and inter-religious dialogue, conflict resolution activities, support rule of law programs, and train Iraqi leaders in democratic principles

SA 1861. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

SEC. 316. (a) FINDINGS.—Congress makes the following findings:

(1) The Iraq Survey Group is charged with investigating the weapons of mass destruction programs of Iraq.

(2) The Special Advisor to the Director of Central Intelligence for Strategy and Iraq heads the efforts of the Iraq Survey Group.

(b) QUARTERLY REPORTS ON STATUS OF EFFORTS OF IRAQ SURVEY GROUP.—Not later than January 1, 2004, and every three months thereafter through September 30, 2004, the Special Advisor to the Director of Central Intelligence for Strategy and Iraq shall submit to the appropriate committees of Congress a comprehensive written report on the status of the efforts of the Iraq Survey Group to account for the programs of Iraq on weapons of mass destruction and related delivery systems.

(c) FORM OF REPORT.—Each report required by subsection (b) shall be submitted in both classified and unclassified form.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(2) the Permanent Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SA 1862. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Paragraph (1) of section 1314 of Public Law 108-11 is amended by inserting "through September 30, 2004," after "available" the first place it appears.

SA 1863. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 34, line 1, strike everything after "proviso," through "Iraq"; on line 5, and insert in lieu thereof:

striking the first proviso, and inserting in lieu thereof:

Provided, That subject to the determination and notification requirements of this section, exports are authorized to Iraq of lethal military equipment designated by the Secretary of State for use by a reconstituted (or interim) Iraqi military, private security force, other official Iraqi security forces or police forces, or forces from other countries in Iraq that support United States efforts in Iraq:

SA 1864. Mr. DOMENICI (for himself, Mr. BOND, Mr. BENNETT, Mr. CRAPO, and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2309 and insert the following:

SEC. 2309. (a) INITIAL REPORT ON RELIEF AND RECONSTRUCTION.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report on the United States strategy for activities related to post-conflict security, humanitarian assistance, governance, and reconstruction to be undertaken as a result of Operation Iraqi Freedom. The report shall include information on the following:

(1) The distribution of duties and responsibilities regarding such activities among the agencies of the United States Government, including the Department of State, the United States Agency for International Development, and the Department of Defense.

(2) A plan describing the roles and responsibilities of foreign governments and international organizations, including the United Nations, in carrying out such activities.

(3) A strategy for coordinating such activities among the United States Government, foreign governments, and international organizations, including the United Nations.

(4) A strategy for distributing the responsibility for paying costs associated with reconstruction activities in Iraq among the United States Government, foreign governments, and international organizations, including the United Nations, and for actions to be taken by the President to secure increased international participation in peacekeeping and security efforts in Iraq.

(5) A comprehensive strategy for completing the reconstruction of Iraq, estimated timelines for the completion of significant reconstruction milestones, and estimates for Iraqi oil production.

(b) SUBSEQUENT REPORTS ON RELIEF AND RECONSTRUCTION.—(1) Not later than 60 days after the submittal of the report required by subsection (a), and every 60 days thereafter until all funds provided by this title are expended, the President shall submit to Congress a report that includes information as follows:

(A) A list of all activities undertaken related to reconstruction in Iraq, and a corresponding list of the funds obligated in connection with such activities, during the preceding 60 days.

(B) A list of the significant activities related to reconstruction in Iraq that the President anticipates initiating during the ensuing 60-day period, including—

(i) the estimated cost of carrying out the proposed activities; and

(ii) the source of the funds that will be used to pay such costs.

(C) Updated strategies, objectives, and timelines if significant changes are proposed regarding matters included in the report required under subsection (a), or in any previous report under this subsection.

(2) Each report under this subsection shall include information on the following:

(A) The expenditures for, and progress made toward, the restoration of basic services in Iraq such as water, electricity, sewer, oil infrastructure, a national police force, an Iraqi army, and judicial systems.

(B) The significant goals intended to be achieved by such expenditures.

(C) The progress made toward securing increased international participation in peacekeeping efforts and in the economic and political reconstruction of Iraq.

(D) The progress made toward securing Iraqi borders.

(E) The progress made toward securing self-government for the Iraqi people and the establishment of a democratically elected government.

(F) The progress made in securing and eliminating munitions caches, unexploded ordinance, and excess military equipment in Iraq.

(G) The measures taken to protect United States troops serving in Iraq.

SA 1865. Mr. STEVENS (for Mr. HOLLINGS) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Paragraph (1) of section 1314 of Public Law 108-11 is amended by inserting "without fiscal year limitation" after "available" the first place it appears.

SA 1866. Mr. STEVENS (for Mr. DURBIN) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title I, insert the following:

SEC. 316. (a) FINDINGS.—Congress makes the following findings:

(1) The Iraq Survey Group is charged with investigating the weapons of mass destruction programs of Iraq.

(2) The Special Advisor to the Director of Central Intelligence for Strategy and Iraq heads the efforts of the Iraq Survey Group.

(b) QUARTERLY REPORTS ON STATUS OF EFFORTS OF IRAQ SURVEY GROUP.—Not later than January 1, 2004, and every three months thereafter through September 30, 2004, the Special Advisor to the Director of Central Intelligence for Strategy and Iraq shall submit to the appropriate committees of Congress a comprehensive written report on the status of the efforts of the Iraq Survey Group to account for the programs of Iraq on weapons of mass destruction and related delivery systems.

(c) FORM OF REPORT.—Each report required by subsection (b) shall be submitted in both classified and unclassified form.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(2) the Permanent Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SA 1867. Mr. WARNER (for himself, Mr. ALLEN, Mr. SARBANES, Ms. MIKULSKI, Mrs. DOLE, and Mr. EDWARDS) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 39, between lines 2 and 3, insert the following:

SEC. 3002. Notwithstanding any other provision of law, the Federal share of the cost of any disaster relief payment made under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for damage caused by Hurricane Isabel shall be 90 percent.

SEC. 3003. Of the funds appropriated by this Act, $500,000,000 shall be available for repair or replacement of Department of Defense and National Aeronautics and Space Administration infrastructure damaged or destroyed by Hurricane Isabel, related flooding, or other related natural forces.

SA 1868. Mr. LAUTENBERG (for himself, Mr. SCHUMER, and Mr. CORZINE) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 38, between lines 20 and 21, insert the following:

SEC. 2313. (a) SHORT TITLE.—This section may be cited as the "Ethics in Government Contracting Act of 2003".

(b) PROHIBITION ON CONTRACTS WITH CERTAIN ENTITIES.—None of the funds appropriated or otherwise made available by this title may be obligated or expended for any contract, any financial agreement, or any other arrangement between the United States and any entity that—

(1) at the time of such obligation or expenditure, is obligated under an agreement or otherwise to pay deferred compensation to any individual who holds a position listed in subsection (c); or

(2) has issued to such an individual one or more options for such individual to purchase a total of more than 1,000 shares of stock of such entity.

(c) COVERED INDIVIDUALS.—The positions referred to in subsection (b) are—

(1) President;

(2) Vice President;

(3) Secretary of State;

(4) Secretary of the Treasury;

(5) Secretary of Defense;

(6) Attorney General;

(7) Secretary of the Interior;

(8) Secretary of Agriculture;

(9) Secretary of Commerce;

(10) Secretary of Labor;

(11) Secretary of Health and Human Services;

(12) Secretary of Housing and Urban Development;

(13) Secretary of Transportation;

(14) Secretary of Energy;

(15) Secretary of Education;

(16) Secretary of Veterans Affairs;

(17) Secretary of Homeland Security;

(18) Director of the Office of Management and Budget;

(19) United States Trade Representative;

(20) Administrator of the Environmental Protection Agency;

(21) Director of National Drug Control Policy; and

(22) Assistant to the President and Chief of Staff.

(d) EFFECTIVE DATE.—This section shall take effect 90 days after the date of the enactment of this Act.

SA 1869. Mr. REID (for himself and Mr. DASCHLE) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title II, add the following:

SEC. 2313. None of the funds appropriated or otherwise made available by this Act under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND", or under any other heading, may be obligated or expended for the purpose of arming, training, or employing individuals under the age of 18 years for the Facilities Protection Service, or to carry out any function similar to the functions performed by the Service, or for any other security force.

SA 1870. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

SEC. . Section 1605 of title 28, United States Code is amended by adding a new subsection (h) as follows:

"(h) Notwithstanding any provision of the Algiers Accords, or any other international agreement, any United States citizen held hostage during the period between 1979 and 1981, and their spouses and children at the time, shall have a claim for money damages against a foreign state for personal injury that was caused by the Foreign State's act of torture or hostage taking. Any provision in an international agreement, including the Algiers Accords that purports to bar such suit is abrogated. This subsection shall apply retroactively to any cause of action cited in 28 U.S.C. 1605(a)(7)(A).

SA 1871. Mr. BAYH (for himself, Mr. NELSON of Nebraska, Mr. ENSIGN, Ms. COLLINS, Ms. SNOWE, Mr. GRAHAM of South Carolina, Mr. CHAMBLISS, Mrs. CLINTON, Mr. REID, and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 38, between lines 20 and 21, insert the following new section:

SEC. 2313. (a) Of the amounts appropriated under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND"—

(1) the $5,136,000,000 allocated for security, including public safety requirements, national security, and justice shall be used to rebuild Iraq's security services;

(2) $5,168,000,000 shall be available for the purposes, other than security, set out under such subheading; and

(3) $10,000,000,000 shall be available to the President to use as loans to Iraq for the purposes, other than security, set out under such subheading until the date on which the President submits the certification described in subsection (c).

(b) The President shall submit a notification to Congress if, of the amounts referred to in paragraphs (1) and (2) of subsection (a), an amount in excess of $250,000,000 is used for any single purpose in Iraq.

(c)(1) The certification referred to in subsection (a)(3) is a certification submitted to Congress by the President stating that not less than 90 percent of the total amount of the bilateral debt incurred by the regime of Saddam Hussein has been forgiven by the countries owed such debt.

(2) On the date that the President submits the certification described in paragraph (1)—

(A) the unobligated balance of the $10,000,000,000 referred to in subsection (a)(3) may be obligated and expended with no requirement that such amount be provided as loans to Iraq; and

(B) the President may waive repayment of any amount made as a loan under subsection (a)(3) prior to such date.

(d) The head of the Coalition Provisional Authority shall ensure that the amounts appropriated under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND", are expended, whether by the United States or by the Governing Counsel in Iraq, for the purposes set out under such subheading and in a manner that the head of the Coalition Provisional Authority does not find objectionable.

(e) It is the sense of Congress that each country that is owed bilateral debt by Iraq that was incurred by the regime of Saddam Hussein should—

(1) forgive such debt; and

(2) provide robust amounts of reconstruction aid to Iraq during the conference of donors scheduled to begin on October 23, 2003, in Madrid, Spain and during other conferences of donors of foreign aid.

(f) In this section:

(1) The term "amounts appropriated under the subheading 'IRAQ RELIEF AND RECONSTRUCTION FUND'" means the amounts appropriated by chapter 2 of this title under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT".

(2) The term "Coalition Provisional Authority" means the entity charged by the President with directing reconstruction efforts in Iraq.

SA 1872. Mr. SCHUMER (for himself, Mr. DASCHLE, Mr. REID, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. LEAHY, Mr. LEVIN, Mr. NELSON of Florida, Mr. KENNEDY, Mr. DURBIN, Mr. BAUCUS, Mr. HARKIN, Mr. BAYH, Mr. HOLLINGS, Mr. BIDEN, Mr. LAUTENBERG, Mr. SARBANES, Mr. BINGAMAN, Mr. KERRY, MR. WYDEN, Mr. GRAHAM of Florida, Mrs. BOXER, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. JOHNSON and Mr. EDWARDS) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS CONCERNING THE APPOINTMENT OF A SPECIAL COUNSEL TO CONDUCT A FAIR, THOROUGH, AND INDEPENDENT INVESTIGATION INTO A NATIONAL SECURITY BREACH.

(a) FINDINGS.—Congress finds that—

(1) the national security of the United States is dependent on our intelligence operatives being able to operate undercover and without fear of having their identities disclosed;

(2) recent reports have indicated that administration or White House officials may have deliberately leaked the identity of a covert CIA agent to the media;

(3) the unauthorized disclosure of a covert intelligence agent's identity is a Federal felony; and

(4) the Attorney General has the power to appoint a special counsel of integrity and stature who may conduct an investigation into the leak without the appearance of any conflict of interest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General of the United States should appoint a special counsel of the highest integrity and stature to conduct a fair, independent, and thorough investigation of the leak and ensure that all individuals found to be responsible for this heinous deed are punished to the fullest extent permitted by law.

SA 1873. Mr. DURBIN (for himself, Mr. LEAHY, Mr. FEINGOLD, and Mr. LAUTENBERG) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . (a) GLOBAL HIV/AIDS FUNDING.—For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on HIV/AIDS, in addition to funds appropriated under the heading "Global AIDS Initiative" in the Foreign Operations, Export Financing, and Related Programs Act, 2004, $879,700,000 to remain available until expended: *Provided*, That the funds appropriated by this section shall be made available in accordance with the amount authorized in accordance with sections 202(d)(1) and 202(d)(4) of Public Law 108-25.

(b) OFFSET.—The total amount appropriated under title II under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE—FUNDS APPROPRIATED TO THE

PRESIDENT—IRAQ RELIEF AND RECONSTRUCTION FUND" (other than the amount appropriated for Iraqi border enforcement and enhanced security communications and the amount appropriated for the establishment of an Iraqi national security force and Iraqi Defense Corps) shall be reduced by $879,700,000.

(c) NOTIFICATION.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the President shall consult with, and provide a written report to, the appropriate committees of Congress, concerning the amount by which each sector, program, and activity is reduced pursuant to subsection (b).

(2) COMMITTEE PROCEDURES.—The report submitted under paragraph (1) shall be subject to the regular notification procedures of the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

SA 1874. Mr. MCCONNELL (for himself and Mr. WARNER) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

SEC. . SHORT TITLE.

SEC. . (a) FINDINGS.—Congress makes the following findings:

(1) That on October 7, 2001, the Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, that quickly caused the collapse of the Taliban regime, the elimination of Afghanistan's terrorist infrastructure and the capture of significant and numerous members of Al Qaeda;

(2) That on March 19, 2003, the Armed Forces of the United States and its coalition allies launched military operations, designated as Operation Iraqi Freedom, that quickly caused the collapse of Saddam Hussein's regime, the elimination of Iraq's terrorist infrastructure, the end of Iraq's illicit and illegal programs to acquire weapons of mass destruction, and the capture of significant international terrorists;

(3) That success in those two campaigns in the Global War on Terrorism would not have been possible without the dedication, courage, and service of the members of the United States Armed Forces and their coalition partners;

(4) That throughout the proud military history of our nation, we have recognized our brave men and women of the Armed Forces by awarding them service medals for personal bravery and other leadership actions and for their service in military operations abroad and for support operations at home and abroad;

(5) That historically the President has relied on senior military officers to recommend the personal and theater campaign medals and that, in keeping with these longstanding traditions, the Joint Chiefs of Staff and the combatant commanders, including General Tommy Franks, U.S. Army, former Commander of the United States Central Command, recommended the awards described below in recognition of the worldwide nature of the current conflict;

(6) That following the advice of his senior military and civilian defense leaders, President Bush, by Executive Order 13289 on March 12, 2003, established the Global War on Terrorism Expeditionary Medal to be awarded to service members who serve in military operations to combat terrorism on or after September 11, 2001, including, but not limited to actions in Operations Enduring Freedom and Operation Iraqi Freedom, in such locations as Afghanistan, Iraq, the Republic of the Philippines, and elsewhere in Southwest Asia, in recognition of the sacrifice and contributions military members make in the global war on terrorism;

(7) That eligibility for the Global War on Terrorism Expeditionary Medal is predicated on deployment abroad for 30 days or more in support of Global War on Terrorism operations on or after September 11, 2001;

(8) That by the same Executive Order, the President established the Global War on Terrorism Service Medical recognizing duty in Operation Noble Eagle and the homeland defense mission against further terrorist attacks, and which recognizes duty in support of military operations performed in areas that do not qualify for the Global War on Terrorism Expeditionary Medal; and

(9) That implementing regulations for eligibility have not been issued by Secretary of Defense.

(b) SENSE OF THE SENATE ON THE AWARD OF CAMPAIGN MEDAL.—It is the sense of the Senate that the Secretary of Defense should, on an expedited basis, issue the necessary regulations to implement these awards and ensure that any person who renders qualifying service with the Armed Forces in those phases of the Global War on Terrorism including Operation Iraqi Freedom, Operation Enduring Freedom; and Operation Noble Eagle should promptly receive these awards.

SA 1875. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S.1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 20 and 21, insert the following:

SEC. 2313. Of the amounts appropriated by chapter 2 of this title under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND" and available for refugees, human rights, democracy and civil society—

(1) $25,000,000 shall be made available to support the Iraqi Human Rights Ministry, as named in the justification document prepared by the Coalition Provisional Authority, of which—

(A) not less than $5,000,000 shall be available to establish an Iraq Independent Human Rights Commission to—

(i) monitor human rights, including abuses of women's rights such as rape, abduction, and "honor killings";

(ii) conduct educational programs on human rights, including with respect to women's rights; and

(iii) promote human rights, including awareness of women's rights and the prevention of violence against women; and

(B) not less than $7,000,000 shall be available for activities in Iraq designed to give women the skills necessary to participate in public life, including—

(i) the conduct of civic education campaigns;

(ii) the construction and operation of women's resource centers and shelters throughout Iraq; and

(iii) the conduct of leadership training and exchange programs;

(2) $10,000,000 shall be made available to support the Afghanistan Independent Human Rights Commission to—

(A) monitor human rights, including abuses of women's rights such as rape, abduction, and "honor killings";

(B) conduct educational programs on human rights, including with respect to women's rights; and

(C) promote human rights, including awareness of women's rights and the prevention of violence against women; and

(3) $25,000,000 shall be made available to support the Afghanistan Ministry of Women's Affairs and independent Afghan women's organizations and networks for—

(A) the construction of women's centers and shelters; and

(B) programs to provide legal aid services and computer, English, literacy, and vocational courses for women.

SA 1876. Mr. NICKLES proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . (a) The Senate finds the following:

(1) When Saddam Hussein came to power in the 1970's Iraq was a prosperous county with no foreign debt and significant foreign cash reserves.

(2) Iraq's reserves were exhausted during the Iran-Iraq War in the 1980's and Iraq became a debtor nation.

(3) Today, the debts incurred by Saddam Hussein's regime are estimated to be as much as $150,000,000,000.

(4) A process has been put in place that will establish a new representative Iraqi government based on a democratic political system with a free market economy. The goal is a prosperous Iraq that is not a threat to its neighbors.

(5) For Iraq to be prosperous it must rebuild. In the near term the United States and other donor countries will provide grants to begin the process. In the longer term Iraq must be able to fully participate in the international financial system.

(6) It is impossible for Iraq to borrow funds in international financial markets based on its existing debt. Eliminating that debt will make possible Iraq's continued rebuilding toward a prosperous and stable nation. A prosperous nation is less likely to be a threat to its neighbors and to be a breeding ground for terrorists. A prosperous Iraq is more likely to be a positive force in the region and participant in the world economy.

(b) It is the sense of the Senate that all countries that hold debt from loans to the former Iraqi regime of Saddam Hussein should be urged to forgive their debt.

SA 1877. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 38, between lines 20 and 21, insert the following new section:

SEC. 2313. (a) Congress makes the following findings:

(1) A coalition of allied countries led by the United States entered Iraq on March 19,

2003, to liberate the people of Iraq from the tyrannical rule of Saddam Hussein and the Baathist party and to remove a threat to global security and stability.

(2) Achieving stability in Iraq will require substantial monetary investments to develop a secure environment and improve the physical infrastructure.

(3) A stable and prosperous Iraq is important to the peace and economic well-being of the Middle East region and to all nations.

(4) As of October 2003, the United States has provided the majority of the personnel and financial contributions to the effort to rebuild Iraq.

(5) Congress fully supports the commitment required by the United States to establish a stable economic, social, and political environment in Iraq.

(6) The President is currently striving to increase global participation in the effort to stabilize and reconstruct Iraq.

(7) While the United States should aid the people of Iraq during the critical time of transition between tyranny and democracy, the participation of the people of Iraq in the reconstruction effort is essential for the success of such effort.

(b) It is the sense of Congress that the President should—

(1) make every effort to increase the level of financial commitment from other nations to improve the physical, political, economic, and social infrastructure of Iraq; and

(2) seek to provide aid from the United States to Iraq in a manner that promotes economic growth in Iraq and limits the long-term cost to taxpayers in the United States.

SA 1878. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. ___. (a) Global HIV/AIDS Funding.—For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on HIV/AIDS, in addition to funds appropriated under the heading "Global AIDS Initiative" in the Foreign Operations, Export Financing, and Related Programs Act, 2004, $879,700,000.

(b) Offset.—The total amount appropriated under title II under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE—FUNDS APPROPRIATED TO THE PRESIDENT—Iraq Relief and Reconstruction Fund" (other than the amount appropriated for Iraqi border enforcement and enhanced security communications and the amount appropriated for the establishment of an Iraqi national security force and Iraqi Defense Corps) shall be reduced by $879,700,000.

SA 1879. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

Sec. ___. (a) Global HIV/AIDS Funding.—For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on HIV/AIDS, in addition to funds appropriated under the heading "Global AIDS Initiative" in the Foreign Operations, Export Financing, and Related Programs Act, 2004, $879,700,000.

(b) Offset.—The total amount appropriated under title II under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE—FUNDS APPROPRIATED TO THE PRESIDENT—Iraq Relief and Reconstruction Fund" (other than the amount appropriated for Iraqi border enforcement and enhanced security communications and the amount appropriated for the establishment of an Iraqi national security force and Iraqi Defense Corps) shall be reduced by $879,700,000.

SA 1880. Mr. STEVENS (for Mr. WARNER) proposed an amendment to amendment SA 1867 proposed by Mr. WARNER (for himself, Mr. ALLEN, Mr. SARBANES, Ms. MIKULSKI, Mrs. DOLE, and Mr. EDWARDS) to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of line 8, strike "." and insert the following:

"; *Provided* that the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress): provided further that the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes the designation of the entire amount of the request as an emergency requirement as defined in House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress."

SA 1881. Mr. REID (for Mr. NELSON of Florida) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title I, add the following:

Sec. 316. (a) Findings.—Congress makes the following findings:

(1) The Committee on Armed Services of the Senate specified in Senate Report 107-151 to accompany S. 2514 (107th Congress) that the Chief of Naval Operations submit to the congressional defense committees a report, not later than June 2, 2003, on the plans of the Navy for basing aircraft carriers through 2015.

(2) As of October 16, 2003, the report has not been submitted.

(b) Report on Aircraft Carrier Basing Plans Through 2020.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the plans of the Navy for basing aircraft carriers through 2020.

SA 1882. Mr. CORZINE proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 38, between lines 20 and 21, insert the following new title:

TITLE III—NATIONAL COMMISSION ON THE DEVELOPMENT AND USE OF INTELLIGENCE RELATED TO IRAQ

SEC. 3001. ESTABLISHMENT OF COMMISSION.

There is established the National Commission on the Development and Use of Intelligence Related to Iraq.

SEC. 3002. FINDINGS.

The Congress underscores its commitment to and support for ongoing congressional reviews regarding the collection and analysis of intelligence related to Iraq.

SEC. 3003. PURPOSES.

The purposes of the Commission are as follows:

(1) To examine and report upon the role of policymakers in the development of intelligence related to Iraq and Operation Iraqi Freedom.

(2) To examine and report upon the use of intelligence related to Iraq and Operation Iraqi Freedom.

(3) To build upon the reviews of intelligence related to Iraq and Operation Iraqi Freedom, including those being conducted by the Executive Branch, Congress, and other entities.

(4) To investigate and publicly report to the President and Congress on its findings, conclusions, and recommendations.

SEC. 3004. COMPOSITION OF THE COMMISSION.

(a) Members.—The Commission shall be composed of 12 members, of whom—

(1) 3 members shall be appointed by the majority leader of the Senate;

(2) 3 members shall be appointed by the Speaker of the House of Representatives;

(3) 3 members shall be appointed by the minority leader of the Senate; and

(4) 3 members shall be appointed by the minority leader of the House of Representatives.

(b) Chairperson; Vice Chairperson.

(1) In general.—Subject to paragraph (2), the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(2) Political party affiliation.—The Chairperson and Vice Chairperson shall not be from the same political party.

(c) Qualifications; Initial Meeting.—

(1) Qualifications.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as intelligence, governmental service, the armed services, law enforcement, and foreign affairs.

(2) Initial meeting.—Once 6 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary chairperson, who may begin the operations of the Commission, including the hiring of staff.

(d) Quorum; Vacancies.—After its initial meeting, the Commission shall meet upon the call of the Chairperson or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 3005. FUNCTIONS OF THE COMMISSION.

The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates the development and use of intelligence related to Iraq and Operation Iraqi Freedom; and

(B) shall include an investigation of intelligence related to whether Iraq—

(i) possessed chemical, biological and nuclear weapons, and the locations of those weapons;

(ii) had links to Al Qaeda;

(iii) attempted to acquire uranium in Africa, and if so, when;

(iv) attempted to procure aluminum tubes for the development of nuclear weapons;

(v) possessed mobile laboratories for the production of weapons of mass destruction;

(vi) possessed delivery systems for weapons of mass-destruction; and

(vii) any other matters that bear upon the imminence of the threat to the national security of the United States and its allies; and

(2) submit to the President and Congress such report as is required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(A) FORM OF REPORT.—Each report prepared under this section shall be submitted in unclassified form, but may contain a classified annex.

SEC. 3006. POWERS OF THE COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, cables, E-mails, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—Subpoenas issued under paragraph (1)(B) may be issued under the signature of the chairperson of the Commission, the Vice Chairperson of the Commission, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission, and may be served by any person designated by the chairperson, subcommittee chairperson, or member.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CLOSED MEETINGS.—

(1) IN GENERAL.—Meetings of the Commission may be closed to the public under section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App.) or other applicable law.

(2) ADDITIONAL AUTHORITY.—In addition to the authority under paragraph (1), section 10(a)(1) and (3) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any portion of a Commission meeting if the President determines that such portion or portions of that meeting is likely to disclose matters that could endanger national security. If the President makes such determination, the requirements relating to a determination under section 10(d) of that Act shall apply.

(c) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairperson, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(f) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 3007. STAFF OF THE COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairperson and vice chairperson, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 3008. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 3009. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

SEC. 3010. REPORT OF THE COMMISSION; TERMINATION.

(a) REPORT.—Not later than 9 months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress a report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the report is submitted under subsection (a).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

SEC. 3011. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission to carry out this title $5,000,000, to remain available until expended.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, October 16, 2003, at 9:30 a.m., in closed session, to receive a classified briefing on the intelligence portion of the fiscal year 04 emergency supplemental appropriations request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 16, 2003, at 10:00 a.m., to conduct a hearing on "proposals for improving the regulation of the housing GSEs."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 16, 2003 at 2:00 p.m., to hold a hearing on Afghanistan: In Pursuit of Security & Democracy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 16, 2003 at 2:30 p.m. to hold a Subcommittee hearing on US–EU Cooperation on Regulatory Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Promoting Access to Postsecondary Education: Issues for the Reauthorization of the Higher Education Act during the session of the Senate on Thursday, October 16, 2003 at 10:00 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, October 16, 2003 at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on the Missouri River Master manual.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, October 16, 2003, at 10 a.m. in Dirksen Room 226.

I. Nominations

Henry W. Saad to be United States Circuit Judge for the Sixth Circuit; George W. Miller to be Judge for the United States Court of the Federal Claims; Deborah Ann Spagnoli to be United States Parole Commissioner; Dora L. Irizarry to be United States District Judge for the Eastern District of New York.

II. Bills

S. 1545, Development, Relief, and Education for Alien Minors Act of 2003 (the DREAM Act) [Hatch, Durbin, Craig, DeWine, Feingold, Feinstein, Grassley, Kennedy, Leahy, Schumer]

S. 1691, the Wartime Treatment Study Act [Feingold, Grassley, Kennedy]

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on "Common Sense Consumption: Super-Sizing Versus Personal Responsibility" on Thursday, October 16, 2003, at 2 p.m. in Room 226 of the Dirksen Senate Office Building.

Panel I: Senator Mitch McConnell, Kentucky.

Panel II: Victor Schwartz, Partner, Law Firm of Shook, Hardy, & Bacon, L.L.P., Washington, D.C.; Russell L. Sutter, Principal, Tillinghast-Towers Perrin, St. Louis, MO.

Panel III: Wayne Reaves, President, Manna Enterprises, Inc., Anniston, AL; Dr. Gerard Musante, Founder, Structure House, Durham, NC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that Shay Wester, a staff person in my office who does not currently have floor privileges, be admitted to the floor during the time of my brief remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORZINE. Mr. President, I ask unanimous consent that privilege of the floor be granted to Michael Gayle during consideration of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL CHARACTER COUNTS WEEK

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 245 which was submitted yesterday.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 245) designating the week beginning October 19, 2003, as National Character Counts Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. Mr. President, I rise today with my friend Senator DODD to introduce a resolution regarding "National Character Counts Week." Our resolution says the week of October 19 of this year will be known across the country as "National Character Counts Week."

Nearly a century ago President Theodore Roosevelt said the following about character:

> Character, in the long run, is the decisive factor in the life of an individual and of nations alike.

I would submit that character truly does transcend time as well as religious, cultural, political, and socioeconomic barriers. I believe our country is having a renewed focus on character and this sends a wonderful message to Americans, and will help those of us involved in character education reinvigorate our efforts to get communities and schools involved.

I say that because a number of years ago we started this approach to character education called "Character Counts." Senators Nunn, DODD, and I first introduced the resolution that has now passed the Senate on innumerable occasions. The resolution simply declares that for all of America, one week during the year will be known as "National Character Counts Week."

Frankly, we hear a lot about how we should help our young people growing up in this often difficult society. However, I believe the key is finding those ideas and programs that work. We all understand that there are certain people who have the primary responsibility to care for our children like mothers, fathers, siblings, and grandparents. We are not in any way talking about negating that responsibility of raising a child with good values. However, we have found the teachers in our schools have been yearning for something they could teach our children that for some reason had been eliminated from both the public and private school agenda curriculum. It is sometimes referred to as character education.

I choose to speak about the "Character Counts" program that is being used in many public schools in our country, and certainly in my State of New Mexico where teachers embrace six pillars of character. The values comprising the six pillars are everyday concepts that Americans across this land wish their children would have and hope America will keep. They are simply: trustworthiness, respect, responsibility, fairness, caring, and citizenship. They transcend political and social barriers and are central to the ideals on which this Nation was built.

As a matter of fact, I think they are central and basic to any nation that survives for any long period of history. As Plato once said:

> A country without character is a country that's doomed and the only way a country can have character is if the individual citizens in the country have character.

I could speak for hours about the 200,000 New Mexico schoolchildren in public, private and parochial schools learning about good character. About 90 percent of the grade school children, and a significant portion of the others, are now participating in character education programs that simply and profoundly bring them into contact with each of these pillars one month at a time.

So if you walk the halls of a grade school in Albuquerque, you might see a sign outside that says, "This Is Responsibility Month." And all the young people will be discussing the concept of responsibility in their classrooms, and they will put up posters saying, "Responsibility Counts." At the end of that month they may have an assembly where responsibility will be discussed by all the kids, and awards will be given to those demonstrating the most responsibility. The next month it might be "respect." The month after that it might be "caring."

I could go on for quite some time talking about Character Counts in New Mexico. The bottom line is that I believe it is working in New Mexico and other parts of the country. Consequently, I think we need to salute the efforts already underway and encourage even more character education across our country.

So today, Senator DODD and I are here to introduce a resolution to accomplish just that and hopefully our renewed effort will bring together even more communities to ensure that character education is a part of every child's life.

I hope that my colleagues will support this effort.

Mr. DODD. Mr. President, today I join my friend and colleague from New Mexico, Senator DOMENICI, in introducing a resolution declaring next week "National Character Counts Week." Senator DOMENICI and I have worked together for many years on the issue of character education and hope that by designating a special week to this cause, students and teachers will come together to participate in character building activities in their schools. In 1994, Senator DOMENICI and I established the Partnerships in Character Education Pilot Project and have worked regularly since then to commemorate National Character Counts Week. I am pleased that we are continuing our efforts today to help expand States' and schools' abilities to make character education a central part of every child's education.

Our schools may be built with the bricks of English, math and science, but character education certainly is the mortar. Character education means teaching students about such qualities as caring, citizenship, fairness, respect, responsibility, trustworthiness, and other qualifies that their community values.

Character education provides students a context within which to learn. If we view education simply as the imparting of knowledge to our children, then we will not only miss an opportunity, but will jeopardize our future. Character education isn't a separate subject, but part of a seamless garment of learning. Taking this to heart, teachers at Duffy Elementary School in West Hartford, Connecticut, have incorporated the fundamentals of character education into their schoolwide curriculum so that every child has the opportunity to focus on one aspect of character education in each garde. In turn, these learning opportunities have translated into action within the community.

Philip R. Smith Elementary School in South Windsor, Connecticut, was recently named a National School of Character by the Character Education Partnership for demonstrating outstanding character education initiatives that yield positive results in student behavior, school climate and academic performance. Their schoolwide approach has also translated into a number of community wide service projects. Annually, students organize and run a blood drive for the community and sponsor a two-month long clothing and can food drive for the homeless. In response to 9/11, students raised close to $1,500 in change for the Red Cross.

Mr. President, character education programs work. Schools across the country that have adopted strong character education programs report better student performance, fewer discipline problems, and increased student involvement within the community. Children want direction—they want to be taught right from wrong. The American public wants character education in our schools, too. Studies show that about 90 percent of Americans support schools teaching character education.

As all education policy should be, character education is bipartisan. This year we have 28 cosponsors to our resolution, cosponsors on both sides of the aisle. Character education is also actively supported by a number of national education and youth organizations including 4-H, Boys and Girls Clubs of America and the Little League. Character education can and is being incorporated into children's lives in and outside of the classroom.

This measure provides a helping hand to our schools and communities to ensure those children's future are bright and filled with opportunities and success. Character education not only cultivates minds, it nurtures hearts. While our children may be one-quarter of our population, they are 100 percent of our future.

Mr. STEVENS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 245) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 245), with its preamble, reads as follows:

S. RES. 245

Whereas the well-being of the Nation requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the Nation;

Whereas effective character education is based on core ethical values which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations would focus on character education, would be of great benefit to the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week beginning October 19, 2003, as "National Character Counts Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to—

(A) embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) observe the week with appropriate ceremonies, programs, and activities.

WESTERN SHOSHONE CLAIMS DISTRIBUTION ACT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 285, S.618.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 618) to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, 326-K, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Western Shoshone Claims Distribution Act".

[SEC. 2. DEFINITIONS.

[In this Act:

[(1) COMMITTEE.—The term "Committee" means the administrative committee established under section 4(c)(1).

[(2) WESTERN SHOSHONE JOINT JUDGMENT FUNDS.—The term "Western Shoshone joint judgment funds" means—

[(A) the funds appropriated in satisfaction of the judgment awards granted to the Western Shoshone Indians in Docket Numbers 326-A-1 and 326-A-3 before the United States Court of Claims; and

[(B) all interest earned on those funds.

[(3) WESTERN SHOSHONE JUDGMENT FUNDS.—The term "Western Shoshone judgment funds" means—

[(A) the funds appropriated in satisfaction of the judgment award granted to the Western Shoshone Indians in Docket Number 326-K before the Indian Claims Commission; and

[(B) all interest earned on those funds.

[(4) JUDGMENT ROLL.—The term "judgment roll" means the Western Shoshone judgment roll established by the Secretary under section 3(b)(1).

[(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

[(6) TRUST FUND.—The term "Trust Fund" means the Western Shoshone Educational Trust Fund established under section 4(b)(1).

[(7) WESTERN SHOSHONE MEMBER.—The term "Western Shoshone member" means an individual who—

[(A)(i) appears on the judgment roll; or

[(ii) is the lineal descendant of an individual appearing on the roll; and

[(B)(i) satisfies all eligibility criteria established by the Committee under section 4(c)(4)(D)(iii);

[(ii) meets any application requirements established by the Committee; and

[(iii) agrees to use funds distributed in accordance with section 4(b)(2)(B) for educational purposes approved by the Committee.

[SEC. 3. DISTRIBUTION OF WESTERN SHOSHONE JUDGMENT FUNDS.

[(a) IN GENERAL.—The Western Shoshone judgment funds shall be distributed in accordance with this section.

[(b) JUDGMENT ROLL.—

[(1) IN GENERAL.—The Secretary shall establish a Western Shoshone judgment roll consisting of all individuals who—

[(A) have at least ¼ degree of Western Shoshone blood;

[(B) are citizens of the United States; and

[(C) are living on the date of enactment of this Act.

[(2) INELIGIBLE INDIVIDUALS.—Any individual that is certified by the Secretary to be eligible to receive a per capita payment from any other judgment fund awarded by the Indian Claims Commission, the United States Claims Court, or the United States Court of Federal Claims, that was appropriated on or before the date of enactment of this Act, shall not be listed on the judgment roll.

[(3) REGULATIONS REGARDING JUDGMENT ROLL.—The Secretary shall—

[(A) publish in the Federal Register all regulations governing the establishment of the judgment roll; and

[(B) use any documents acceptable to the Secretary in establishing proof of eligibility of an individual to—

[(i) be listed on the judgment roll; and

[(ii) receive a per capita payment under this Act.

[(4) FINALITY OF DETERMINATION.—The determination of the Secretary on an application of an individual to be listed on the judgment roll shall be final.

[(c) DISTRIBUTION.—

[(1) IN GENERAL.—On establishment of the judgment roll, the Secretary shall make a per capita distribution of 100 percent of the Western Shoshone judgment funds, in shares as equal as practicable, to each person listed on the judgment roll.

[(2) REQUIREMENTS FOR DISTRIBUTION PAYMENTS.—

[(A) LIVING COMPETENT INDIVIDUALS.—The per capita share of a living, competent individual who is 19 years or older on the date of distribution of the Western Shoshone judgment funds under paragraph (1) shall be paid directly to the individual.

[(B) LIVING, LEGALLY INCOMPETENT INDIVIDUALS.—The per capita share of a living, legally incompetent individual shall be administered in accordance with regulations promulgated and procedures established by the Secretary under section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)).

[(C) DECEASED INDIVIDUALS.—The per capita share of an individual who is deceased as of the date of distribution of the Western Shoshone judgment funds under paragraph (1) shall be paid to the heirs and legatees of the individual in accordance with regulations promulgated by the Secretary.

[(D) INDIVIDUALS UNDER THE AGE OF 19.—The per capita share of an individual who is not yet 19 years of age on the date of distribution of the Western Shoshone judgment funds under paragraph (1) shall be—

[(i) held by the Secretary in a supervised individual Indian money account; and

[(ii) distributed to the individual—

[(I) after the individual has reached the age of 18 years; and

[(II) in 4 equal payments (including interest earned on the per capita share), to be made—

[(aa) with respect to the first payment, on the eighteenth birthday of the individual (or, if the individual is already 18 years of age, as soon as practicable after the date of establishment of the Indian money account of the individual); and

[(bb) with respect to the 3 remaining payments, not later than 90 days after each of the 3 subsequent birthdays of the individual.

[(3) APPLICABLE LAW.—Notwithstanding section 7 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407), a per capita share (or the availability of that share) paid under this section shall not—

[(A) be subject to Federal or State income taxation;

[(B) be considered to be income or resources for any purpose; or

[(C) be used as a basis for denying or reducing financial assistance or any other benefit to which a household or. Western Shoshone member would otherwise be entitled to receive under—

[(i) the Social Security Act (42 U.S.C. 301 et seq.); or

[(ii) any other Federal or federally-assisted program.

[(4) UNPAID FUNDS.—The Secretary shall add to the Western Shoshone joint judgment funds held in the Trust Fund under section 4(b)(1)—

[(A) all per capita shares (including interest earned on those shares) of living competent adults listed on the judgment roll that remain unpaid as of the date that is—

[(i) 6 years after the date of distribution of the Western Shoshone judgment funds under paragraph (1); or

[(ii) in the case of an individual described in paragraph (2)(D), 6 years after the date on which the individual reaches 18 years of age; and

[(B) any other residual principal and interest funds remaining after the distribution under paragraph (1) is complete.

[SEC. 4. DISTRIBUTION OF WESTERN SHOSHONE JOINT JUDGMENT FUNDS.

[(a) IN GENERAL.—The Western Shoshone joint judgment funds shall be distributed in accordance with this section.

[(b) WESTERN SHOSHONE EDUCATIONAL TRUST FUND.—

[(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish in the Treasury of the United States, for the benefit of Western Shoshone members, a trust fund to be known as the "Western Shoshone Educational Trust Fund", consisting of—

[(A) the Western Shoshone joint judgment funds; and

[(B) the funds added under in section 3(b)(4).

[(2) AMOUNTS IN TRUST FUND.—With respect to amounts in the Trust fund—

[(A) the principal amount—

[(i) shall not be expended or disbursed; and

[(ii) shall be invested in accordance with section 1 of the Act of June 24, 1938 (25 U.S.C. 162a); and

[(B) all interest income earned on the principal amount after the date of establishment of the Trust fund—

[(i) shall be distributed by the Committee—

[(I) to Western Shoshone members in accordance with this Act, to be used as educational grants or for other forms of educational assistance determined appropriate by the Committee; and

[(II) to pay the reasonable and necessary expenses of the Committee (as defined in the written rules and procedures of the Committee); but

[(ii) shall not be distributed under this paragraph on a per capita basis.

[(c) ADMINISTRATIVE COMMITTEE.—

[(1) ESTABLISHMENT.—There is established an administrative committee to oversee the distribution of educational grants and assistance under subsection (b)(2).

[(2) MEMBERSHIP.—The Committee shall be composed of 7 members, of which—

[(A) 1 member shall represent the Western Shoshone Te-Moak Tribe and be appointed by that Tribe;

[(B) 1 member shall represent the Duckwater Shoshone Tribe and be appointed by that Tribe;

[(C) 1 member shall represent the Yomba Shoshone Tribe and be appointed by that Tribe;

[(D) 1 member shall represent the Ely Shoshone Tribe and be appointed by that Tribe;

[(E) 1 member shall represent the Western Shoshone Committee of the Duck Valley Reservation and be appointed by that Committee;

[(F) 1 member shall represent the Fallon Band of Western Shoshone and be appointed by that Band; and

[(G) 1 member shall represent the general public and be appointed by the Secretary.

[(3) TERM.—

[(A) IN GENERAL.—Each member of the Committee shall serve a term of 4 years.

[(B) VACANCIES.—If a vacancy remains unfilled in the membership of the Committee for a period of more than 60 days—

[(i) the Committee shall appoint a temporary replacement from among qualified members of the organization for which the replacement is being made; and

[(ii) that member shall serve until such time as the organization (or, in the case of a member described in paragraph (2)(G), the Secretary) designates a permanent replacement.

[(4) DUTIES.—The Committee shall—

[(A) distribute interest funds from the Trust Fund under subsection (b)(2)(B)(i);

[(B) for each fiscal year, compile a list of names of all individuals approved to receive those funds;

[(C) ensure that those funds are used in a manner consistent with this Act;

[(D) develop written rules and procedures, subject to the approval of the Secretary, that cover such matters as—

[(i) operating procedures;

[(ii) rules of conduct;

[(iii) eligibility criteria for receipt of funds under subsection (b)(2)(B)(i);

[(iv) application selection procedures;

[(v) procedures for appeals to decisions of the Committee;

[(vi) fund disbursement procedures; and

[(vii) fund recoupment procedures;

[(E) carry out financial management in accordance with paragraph (6); and

[(F) in accordance with subsection (b)(2)(C)(ii), use a portion of the interest funds from the Trust Fund to pay the reasonable and necessary expenses of the Committee (including per diem rates for attendance at meetings that are equal to those paid to Federal employees in the same geographic location), except that not more than $100,000 of those funds may be used to develop written rules and procedures described in subparagraph (D).

[(5) JURISDICTION OF TRIBAL COURTS.—At the discretion of the Committee and with the approval of the appropriate tribal government, a tribal court, or a court of Indian offenses operated under section 11 of title 25, Code of Federal Regulations (or a successor regulation), shall have jurisdiction to hear an appeal of a decision of the Committee.

[(6) FINANCIAL MANAGEMENT.—

[(A) FINANCIAL STATEMENT.—The Committee shall employ an independent certified public accountant to prepare a financial statement for each fiscal year that discloses—

[(i) the operating expenses of the Committee for the fiscal year; and

[(ii) the total amount of funds disbursed under subsection (b)(2)(B)(i) for the fiscal year.

[(B) DISTRIBUTION OF INFORMATION.—For each fiscal year, the Committee shall provide to the Secretary, to each organization represented on the Committee, and, on the request of a Western Shoshone member, to the Western Shoshone member, a copy of—

[(i) the financial statement prepared under subparagraph (A); and

[(ii) the list of names compiled under paragraph (4)(B).

[(d) CONSULTATION.—The Secretary shall consult with the Committee on the management and investment of the funds distributed under this section.

[SEC. 5. REGULATIONS.

[The Secretary may promulgate such regulations as are necessary to carry out this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Western Shoshone Claims Distribution Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMITTEE.—The term "Committee" means the administrative committee established under section 4(c)(1).

(2) WESTERN SHOSHONE JOINT JUDGMENT FUNDS.—The term "Western Shoshone joint judgment funds" means—

(A) the funds appropriated in satisfaction of the judgment awards granted to the Western Shoshone Indians in Docket Numbers 326–A–1 and 326–A–3 before the United States Court of Claims; and

(B) all interest earned on those funds.

(3) WESTERN SHOSHONE JUDGMENT FUNDS.—The term "Western Shoshone judgment funds" means—

(A) the funds appropriated in satisfaction of the judgment award granted to the Western Shoshone Indians in Docket Number 326–K before the Indian Claims Commission; and

(B) all interest earned on those funds.

(4) JUDGMENT ROLL.—The term "judgment roll" means the Western Shoshone judgment roll established by the Secretary under section 3(b)(1).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) TRUST FUND.—The term "Trust Fund" means the Western Shoshone Educational Trust Fund established under section 4(b)(1).

(7) WESTERN SHOSHONE MEMBER.—The term "Western Shoshone member" means an individual who—

(A)(i) appears on the judgment roll; or

(ii) is the lineal descendant of an individual appearing on the roll; and

(B)(i) satisfies all eligibility criteria established by the Committee under section 4(c)(4)(D)(iii);

(ii) meets any application requirements established by the Committee; and

(iii) agrees to use funds distributed in accordance with section 4(b)(2)(B) for educational purposes approved by the Committee.

SEC. 3. DISTRIBUTION OF WESTERN SHOSHONE JUDGMENT FUNDS.

(a) IN GENERAL.—The Western Shoshone judgment funds shall be distributed in accordance with this section.

(b) JUDGMENT ROLL.—

(1) IN GENERAL.—The Secretary shall establish a Western Shoshone judgment roll consisting of all individuals who—

(A) have at least 1/4 degree of Western Shoshone blood;

(B) are citizens of the United States; and

(C) are living on the date of enactment of this Act.

(2) INELIGIBLE INDIVIDUALS.—Any individual that is certified by the Secretary to be eligible to receive a per capita payment from any other judgment fund based on an aboriginal land claim awarded by the Indian Claims Commission, the United States Claims Court, or the United States Court of Federal Claims, that was appropriated on or before the date of enactment of this Act, shall not be listed on the judgment roll.

(3) REGULATIONS REGARDING JUDGMENT ROLL.—The Secretary shall—

(A) publish in the Federal Register all regulations governing the establishment of the judgment roll; and

(B) use any documents acceptable to the Secretary in establishing proof of eligibility of an individual to—

(i) be listed on the judgment roll; and

(ii) receive a per capita payment under this Act.

(4) FINALITY OF DETERMINATION.—The determination of the Secretary on an application of an individual to be listed on the judgment roll shall be final.

(c) DISTRIBUTION.—

(1) IN GENERAL.—On establishment of the judgment roll, the Secretary shall make a per capita distribution of 100 percent of the Western Shoshone judgment funds, in shares as equal as practicable, to each person listed on the judgment roll.

(2) REQUIREMENTS FOR DISTRIBUTION PAYMENTS.—

(A) LIVING COMPETENT INDIVIDUALS.—The per capita share of a living, competent individual who is 19 years or older on the date of distribution of the Western Shoshone judgment funds under paragraph (1) shall be paid directly to the individual.

(B) LIVING, LEGALLY INCOMPETENT INDIVIDUALS.—The per capita share of a living, legally incompetent individual shall be administered in accordance with regulations promulgated and

procedures established by the Secretary under section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)).

(C) DECEASED INDIVIDUALS.—The per capita share of an individual who is deceased as of the date of distribution of the Western Shoshone judgment funds under paragraph (1) shall be paid to the heirs and legatees of the individual in accordance with regulations promulgated by the Secretary.

(D) INDIVIDUALS UNDER THE AGE OF 19.—The per capita share of an individual who is not yet 19 years of age on the date of distribution of the Western Shoshone judgment funds under paragraph (1) shall be—

(i) held by the Secretary in a supervised individual Indian money account; and

(ii) distributed to the individual—

(I) after the individual has reached the age of 18 years; and

(II) in 4 equal payments (including interest earned on the per capita share), to be made—

(aa) with respect to the first payment, on the eighteenth birthday of the individual (or, if the individual is already 18 years of age, as soon as practicable after the date of establishment of the Indian money account of the individual); and

(bb) with respect to the 3 remaining payments, not later than 90 days after each of the 3 subsequent birthdays of the individual.

(3) APPLICABLE LAW.—Notwithstanding section 7 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407), a per capita share (or the availability of that share) paid under this section shall not—

(A) be subject to Federal or State income taxation;

(B) be considered to be income or resources for any purpose; or

(C) be used as a basis for denying or reducing financial assistance or any other benefit to which a household or Western Shoshone member would otherwise be entitled to receive under—

(i) the Social Security Act (42 U.S.C. 301 et seq.); or

(ii) any other Federal or federally-assisted program.

(4) UNPAID FUNDS.—The Secretary shall add to the Western Shoshone joint judgment funds held in the Trust Fund under section 4(b)(1)—

(A) all per capita shares (including interest earned on those shares) of living competent adults listed on the judgment roll that remain unpaid as of the date that is—

(i) 6 years after the date of distribution of the Western Shoshone judgment funds under paragraph (1); or

(ii) in the case of an individual described in paragraph (2)(D), 6 years after the date on which the individual reaches 18 years of age; and

(B) any other residual principal and interest funds remaining after the distribution under paragraph (1) is complete.

SEC. 4. DISTRIBUTION OF WESTERN SHOSHONE JOINT JUDGMENT FUNDS.

(a) IN GENERAL.—The Western Shoshone joint judgment funds shall be distributed in accordance with this section.

(b) WESTERN SHOSHONE EDUCATIONAL TRUST FUND.—

(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish in the Treasury of the United States, for the benefit of Western Shoshone members, a trust fund to be known as the "Western Shoshone Educational Trust Fund", consisting of—

(A) the Western Shoshone joint judgment funds; and

(B) the funds added under section 3(b)(4).

(2) AMOUNTS IN TRUST FUND.—With respect to amounts in the Trust fund—

(A) the principal amount—

(i) shall not be expended or disbursed; and

(ii) shall be invested in accordance with section 1 of the Act of June 24, 1938 (25 U.S.C. 162a); and

(B) all interest income earned on the principal amount after the date of establishment of the Trust fund—

(i) shall be distributed by the Committee—

(I) to Western Shoshone members in accordance with this Act, to be used as educational grants or for other forms of educational assistance determined appropriate by the Committee; and

(II) to pay the reasonable and necessary expenses of the Committee (as defined in the written rules and procedures of the Committee); but

(ii) shall not be distributed under this paragraph on a per capita basis.

(c) ADMINISTRATIVE COMMITTEE.—

(1) ESTABLISHMENT.—There is established an administrative committee to oversee the distribution of educational grants and assistance under subsection (b)(2).

(2) MEMBERSHIP.—The Committee shall be composed of 7 members, of which—

(A) 1 member shall represent the Western Shoshone Te-Moak Tribe and be appointed by that Tribe;

(B) 1 member shall represent the Duckwater Shoshone Tribe and be appointed by that Tribe;

(C) 1 member shall represent the Yomba Shoshone Tribe and be appointed by that Tribe;

(D) 1 member shall represent the Ely Shoshone Tribe and be appointed by that Tribe;

(E) 1 member shall represent the Western Shoshone Committee of the Duck Valley Reservation and be appointed by that Committee;

(F) 1 member shall represent the Fallon Band of Western Shoshone and be appointed by that Band; and

(G) 1 member shall represent the general public and be appointed by the Secretary.

(3) TERM.—

(A) IN GENERAL.—Each member of the Committee shall serve a term of 4 years.

(B) VACANCIES.—If a vacancy remains unfilled in the membership of the Committee for a period of more than 60 days—

(i) the Committee shall appoint a temporary replacement from among qualified members of the organization for which the replacement is being made; and

(ii) that member shall serve until such time as the organization (or, in the case of a member described in paragraph (2)(G), the Secretary) designates a permanent replacement.

(4) DUTIES.—The Committee shall—

(A) distribute interest funds from the Trust Fund under subsection (b)(2)(B)(i);

(B) for each fiscal year, compile a list of names of all individuals approved to receive those funds;

(C) ensure that those funds are used in a manner consistent with this Act;

(D) develop written rules and procedures, subject to the approval of the Secretary, that cover such matters as—

(i) operating procedures;

(ii) rules of conduct;

(iii) eligibility criteria for receipt of funds under subsection (b)(2)(B)(i);

(iv) application selection procedures;

(v) procedures for appeals to decisions of the Committee;

(vi) fund disbursement procedures; and

(vii) fund recoupment procedures;

(E) carry out financial management in accordance with paragraph (6); and

(F) in accordance with subsection (b)(2)(C)(ii), use a portion of the interest funds from the Trust Fund to pay the reasonable and necessary expenses of the Committee (including per diem rates for attendance at meetings that are equal to those paid to Federal employees in the same geographic location), except that not more than $100,000 of those funds may be used to develop written rules and procedures described in subparagraph (D).

(5) JURISDICTION OF TRIBAL COURTS.—At the discretion of the Committee and with the approval of the appropriate tribal government, a tribal court, or a court of Indian offenses operated under section 11 of title 25, Code of Federal Regulations (or a successor regulation), shall have jurisdiction to hear an appeal of a decision of the Committee.

(6) FINANCIAL MANAGEMENT.—

(A) FINANCIAL STATEMENT.—The Committee shall employ an independent certified public accountant to prepare a financial statement for each fiscal year that discloses—

(i) the operating expenses of the Committee for the fiscal year; and

(ii) the total amount of funds disbursed under subsection (b)(2)(B)(i) for the fiscal year.

(B) DISTRIBUTION OF INFORMATION.—For each fiscal year, the Committee shall provide to the Secretary, to each organization represented on the Committee, and, on the request of a Western Shoshone member, to the Western Shoshone member, a copy of—

(i) the financial statement prepared under subparagraph (A); and

(ii) the list of names compiled under paragraph (4)(B).

(d) CONSULTATION.—The Secretary shall consult with the Committee on the management and investment of the funds distributed under this section.

SEC. 5. REGULATIONS.

The Secretary may promulgate such regulations as are necessary to carry out this Act.

Mr. STEVENS. Mr. President, this is a bill introduced by Senator REID and Senator ENSIGN. I further ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 618) was read the third time and passed.

MEASURE READ THE FIRST TIME—S. 1751

Mr. STEVENS. Mr. President, I understand that S. 1751 introduced by Senator GRASSLEY yesterday is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 1751) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

Mr. STEVENS. Mr. President, I now ask for its second reading and I object to my own request.

The PRESIDING OFFICER. The bill will receive its second reading on the next legislative day.

ORDERS FOR FRIDAY, OCTOBER 17, 2003

Mr. STEVENS. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. October 17. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day and the Senate then resume consideration of S. 1689, the Iraq-Afghanistan supplemental appropriations bill as provided under the original order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, for the information of all Senators, tomorrow the Senate will resume consideration of this Iraq-Afghanistan supplemental appropriations bill. At 9 a.m., the Senate will proceed to a stacked series of votes on the remaining pending amendments. Senators should therefore expect the first vote of Friday's session to begin at 9 a.m., and votes will continue throughout the day. It is still our intention to complete action on this bill on Friday.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. STEVENS. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:05 a.m., adjourned until Friday, October 17, 2003, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate October 16, 2003:

DEPARTMENT OF STATE

TIMOTHY JOHN DUNN, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DEPUTY PERMANENT REPRESENTATIVE TO THE ORGANIZATION OF AMERICAN STATES.

STUART W. HOLLIDAY, OF TEXAS, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

ZALMAY KHALILZAD, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE TRANSITIONAL ISLAMIC STATE OF AFGHANISTAN.

EXECUTIVE OFFICE OF THE PRESIDENT

ADAM MARC LINDEMANN, OF NEW YORK, TO BE MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING OCTOBER 27, 2005, VICE CHRISTOPHER D. COURSEN, TERM EXPIRED.

DEPARTMENT OF STATE

JAMES CURTIS STRUBLE, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PERU.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be commander

DELANO G ADAMS, 3075
WILLIAM F ADICKES, 6158
JAY A ALLEN, 2930
ERIK S ANDERSON, 3659
STANLEY E BALINT, 4220
NICHOLAS A BARTOLOTTA, 3167
DENNIS S BAUBY, 7452
JAMES D BAUGH, 7181
GEORGE G BONNER, 8125
DOUGLAS K BRUCE, 5843
ERIC L BRUNER, 5780
MELISSA A BULKLEY, 7223
KEVIN C BURKE, 3611
GREGORY A BUXA, 7924
WENDY M CALDER, 1526
WILLIAM L CHANEY, 2537
JASON K CHURCH, 1620
TONY C CLARK, 4270
WILLIAM J COFFEY, 2287
CRAIG S CROSS, 1888
JOHN M CUSHING, 4095
JOHN J DALY, 2176
RUSSELL A DAVIDSON, 2769
TIMOTHY Y DEAL, 9497
PETER N DECOLA, 2404
CLAYTON L DIAMOND, 7678
SHERYL L DICKINSON, 4191
ROMUALDO DOMINGO, 6209
WILLIAM M DRELLING, 6173
MICHAEL J EAGLE, 6287
BRIAN T ELLIS, 0263
ELMER O EMERIC, 7556
DOUGLAS M FEARS, 3146
DAVID S FIEDLER, 4370
DAVID S FISH, 7233
BRUCE C FISHER, 5942
PATRICK FLYNN, 1769
RICHARD D FONTANA, 3629
JASON A FOSDICK, 2956
CRAIG O FOWLER, 7053
MARK A FRANKFORD, 9989
JEFFREY D GAFKJEN, 5972
ROBERT L GANDOLFO, 5665
MICHAEL P GERMINARIO, 2105
ERIC M GIESE, 5263
MATTHEW J GIMPLE, 7571
PATRICK M GORMAN, 4670
BRIAN K GOVE, 3302
KARL GRAMS, 0915
CHARLES M GREENE, 5320
DIRK A GREENE, 9205
CAROLYN HARRISS, 3956
PETER J HATCH, 5559
DAVID C HAYNES, 5435
LARRY W HEWETT, 4559
RICHARD L HINCHION, 2519
JEFFREY S HUDKINS, 1962
DONALD E JACCARD, 3209
MARK A JACKSON, 8887
KIRK D JOHNSON, 3238
DANIEL P KANE, 6917
RICHARD M KEESLER, 7653
DANIEL E KENNY, 7599
KEVIN C KIEFER, 8112
PETER M KILFOYLE, 1105
ROBERT D KIRK, 8431
ROBIN J KORTUS, 4904
AMY B KRITZ, 3778
ROBERT A LAAHS, 6878
RONALD A LABREC, 7755
JUNG A LAWRENCE, 1622
DANIEL L LEBLANC, 9417
ROBERT D LEFEVERS, 7592
PATRICK J MAGUIRE, 3547
THURMAN T MAINE, 6947
ROBERT B MAKOWSKY, 7421
ANDREA M MARCILLE, 7047
KENNETH D MARIEN, 6956
MICHAEL P MCCRAW, 5113
SCOTT R MCFARLAND, 2501
PATRICIA A MCFETRIDGE, 1452
ROBERT E MCKENNA, 9620
CLAUDIA V MCKNIGHT, 0281
DANIEL J MCLAUGHLIN, 2459
PATRICK M MCMILLIN, 2173
BRENDAN C MCPHERSON, 6181
NEIL E MEISTER, 4081
MARK S MESERVEY, 2622
THOMAS C MILLER, 5898
KATHLEEN MOORE, 0089
RICHARD L MOUREY, 7371
SEAN R MURTAGH, 8480
CHRISTOPHER S MYSKOWSKI, 3959
JOHN P NADEAU, 1284
MARC H NGUYEN, 7923
DAVID L NICHOLS, 7636
JAMES B NICHOLSON, 5203
JOSE A NIEVES, 1323
JEFFREY P NOVOTNY, 9118
JOHN C OCONNOR, 6257
JAMES R OLIVE, 0287
ROBERT F OLSON, 5276
GEORGE E PELLISSIER, 2223
LARRY P PESEK, 7978
JEFFERY M PETERS, 6396
ROBERT D PHILLIPS, 8923
HAL R PITTS, 9992
JACK P POLING, 6341
RUSSELL C PROCTOR, 9932
KEVIN E RAIMER, 5694
JEFFREY M RAMOS, 4269
MARK E REYNOLDS, 3017
TY W RINOSKI, 6992
RICARDO R RODRIGUEZ, 7703
SCOTT D ROGERSON, 0492
DAVID J ROKES, 3642
RICHARD F RONCONE, 2049
THOMAS A ROUTHIER, 2347
MARK T RUCKSTUHL, 8761
MARC F SANDERS, 7668
KEVIN R SAREAULT, 2594
MATTHEW W SIBLEY, 0222
MICHAEL H SIM, 6286
ARTHUR J SNYDER, 8317
TIMOTHY G STUEVE, 9126
DOUGLAS L SUBOCZ, 2131
MICHAEL G TANNER, 2495
DANIEL P TAYLOR, 4649
JASON L TENGAN, 8957
BRIAN J TETREAULT, 1908
ROBERT K THOMPSON, 1357
PAUL D THORNE, 4066
ANDREW J TIONGSON, 1964
KATHERINE F TIONGSON, 5264
PAUL A TITCOMBE, 1183
CATHERINE W TOBIAS, 5613
STEPHEN H TORPEY, 2185
WILLIAM J TRAVIS, 7964
TODD A TSCHANNEN, 0029
LEONARD R TUMBARELLO, 7700
JOHN E TYSON, 7664
ERIC J VOGELBACHER, 0716
MICHAEL A WALZ, 8943
MICHAEL F WHITE, 6696
ROBERT L WHITEHOUSE, 4511
ANTHONY WIEST, 1412
MARK J WILBERT, 6800
ROBERT S WILBUR, 4975
BRIAN S WILLIS, 9483
KEITH A WILLIS, 7733
THOMAS P WOJAHN, 4255
JERALD L WOLOSZYNSKI, 2705
WILLIAM J WOLTER, 5725
ROGER N WYKLE, 7762
RUSSELL H ZULLICK, 7481

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MICHEL L. BUNNING, 8396
JAMES J. CARROLL, 0493
WAYNE C. CHEATUM, 2391
MATTHEW R. CHINI, 5036
MICHAEL L. CHYREK, 6060
WILLIAM G. COURTNEY, 9471
FORREST C. CUNNINGHAM, 9371
STEVEN R. DEANDA, 7279
PAUL W. FISHER, 2530
ROGER L. GIBSON, 1128
DANNY J. GLOVER, 5858
CARROLL H. GREENE III, 9358
RANDALL S. HAGAN, 2586
KENNETH E. HALL, 1555
MARK S. HOLDEN, 4946
ARTHUR S. KAMINSKI, 6370
JAMES E. MCCLAIN, 7589
DAVID J. MIETZNER, 6997
CAROLYN L. MILLER, 6235
KEVIN P. MULLIGAN, 6511
DEBRA M. NIEMEYER, 1366

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JEFFERSON L. SEVERS, 4511

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LESA M. WAGNER, 4588

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

FRANCIS D. POMBAR, 7752

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ELWOOD M. BARNES, 5423
OLEDIA F. BELL, 3173
JIMMY M. BROWNING, 2575
RONALD M. HARVELL, 1470
RAYMOND L. JOHNSON, 8756
JOHN M. KINNEY, 7307
STEVEN P. MCCAIN, 0882
STEVEN J. NICOLAI, 5247
ROBERT E. ODELL JR., 0304
SCOTT A. OFSDAHL, 8427
PATRICK J. RYAN, 4057
PAUL L. SHEROUSE, 9877
DOUGLAS J. SLATER SR., 3984
WILLIAM T. TOGUCHI, 9288
VICTOR J. TONEY, 9602
TIMOTHY P. WAGONER, 2025

REX A. WILLIAMS, 6574

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

RAAN R. AALGAARD, 0497
JOSEPH D. ABEL, 3049
JOSEPH A. ABRIGO, 6661
ELIZABETH F. ADAMS, 5156
JAMES S. ADAMSKI, 5618
BRIAN T. ADKINS, 5318
KRISTOPHER J. ALDEN, 2351
MICHAEL D. ALFORD, 0900
CHARLES T. ALLEN, 0852
KEVIN S. ALLEN, 2383
MARK E. ALLEN, 2626
MARK P. ALLEN, 4991
SCOT T. ALLEN, 5621
MICHAEL W. ALLIN, 6342
JAMES W. ALSTON, 3876
DENIO A. ALVARADO, 1386
IGNACIO G. ALVAREZ, 7023
GREGORY C. ANDERS, 6249
DANIEL L. ANDERSON, 6454
JON M. ANDERSON, 9217
MARK RICHARD ANDERSON, 8466
MICHAEL A. ANDERSON, 9915
RICHARD N. ANDERSON, 5018
STEPHEN L. ANDREASEN, 1897
KEITH E. ANDREWS, 4480
BENJAMIN C. ANGUS, 4748
JOHN B. APOSTOLIDES, 1136
ANTHONY R. ARCIERO, 3152
ROBERT G. ARMFIELD, 1820
JOHN E. ARMOUR, 7935
JOHN T. ARNOLD, 4151
DAVID R. ARRIETA, 2817
AMY V. ARWOOD, 6177
MYRON H. ASATO, 1697
TROY A. ASHER, 1720
JAMES M. ASHLEY, 5151
GARY A. ASHWORTH, 8566
CHRISTOPHER B. ATHEARN, 2322
HANS R. AUGUSTUS, 4460
DAVID A. AUPPERLE, 7990
ERIC AXELBANK, 0461
JOSEPH L. BACA, 9091
JOSEPH V. BADALIS, 5480
BRYAN J. BAGLEY, 4106
FREDERICK L. BAIER, 6363
WILLIAM D. BAILEY, 8673
JEFFREY A. BAIR, 6070
JAMES C. BAIRD, 9517
RONALD B. BALDINGER, 1323
CHRISTOPHER BALLARD, 2791
MERRILL D. BALLENGER, 0888
JOHN M. BALZANO, 6527
SALVADOR E. BARBOSA, 5193
TONY L. BARKER, 1033
PHILLIP B. BARKS, 6829
WARREN P. BARLOW, 1437
KYLER A. BARNES, 3708
BARTON V. BARNHART, 7530
ANTHONY J. BARRELL, 7694
DOUGLAS W. BARRON, 9500
BRADLEY D. BARTELS, 9269
BRYAN C. BARTLETT, 3544
JOHN S. BARTO, 4838
MARCUS P. BASS, 3574
DALE L. BASTIN, 8658
DAVID W. BATH, 8108
KENNETH J. BAUMER, 7645
CHRISTOPHER R. BAUTZ, 0896
BRENT R. BAXTER, 8037
KEITH L. BEARDEN, 9072
ANDREW C. BEAUDOIN, 7412
VINCENT K. BECKLUND, 4427
SCOTT M. BEDROSIAN, 0805
MICHAEL A. BEHLING, 3280
ROBERT H. BEHRENS, 6675
STEVEN G. BEHRENS, 5437
SCOTT W. BEIDLEMAN, 6854
DOVER M. BELL, 9525
CHRISTIAN P. BENEDICT, 7074
WARREN L. BENJAMIN, 4879
KEVIN S. BENNETT, 3355
MICHAEL P. BENSCHE, 8369
CHRISTOPHER J. BEODDY, 4965
WILLIAM S. BERGMAN, 5598
KEVIN L. BERKOMPAS, 9301
PETER H. BERNSTEIN, 0176
ALAN R. BERRY, 2520
JAMES A. BESSEL, 5985
ROBERT W. BICKEL, 6406
DARREN L. BISHOP, 7580
STEPHEN H. BISSONNETTE, 6116
CHRISTOPHER S. BJORKMAN, 1132
MILTON L. BLACKMON JR., 7295
DAVID T. BLACKWELL, 3829
KRISTINE E. BLACKWELL, 7287
RICK A. BLAISDELL, 1954
JEFFREY E. BLALOCK, 2409
RICHARD D. BLOCKER III, 1362
JUSTIN L. BOBB, 9391
MATTHEW J. BOHN, 7168
LISA D. BOMBERG, 8920
GREGORY L. BONAFEDE, 6307
GERALD A. BOONE, 5157
SCOTT C. BORCHERS, 1614
PHILLIP M. BOROFF, 9032
ANDREW J. BOSSARD, 4757
DAROLD S. BOSWELL, 4958
MARY NOEHL BOUCHER, 3039
THOMAS A. BOULEY, 0235
ROBERT D. BOWER, 3691
MICHELLE M. BOWES, 1313
CLIFFORD M. BOWMAN, 9667
GORDON F. BOYD II, 5413
MARCUS A. BOYD, 7961
TUCK E. BOYSON, 8037
HAROLD W. BRACKINS, 7564
JAMIE S. BRADY, 6508
JAMES R. BRAY, 4071
JEFFREY R. BREAM, 3148
DAVID A. BRESCIA, 0756
DAVID P. BRIAR, 6102
ANTHONY S. BRIDGEMAN, 2367
WILLIAM S. BRINLEY, 1502
DAVID G. BROSIUS, 4634
HAROLD D. BROWN JR., 6508
KEVIN D. BROWN, 8110
MANNING C. BROWN, 7974
SCOTT F. BROWN, 2839
LARRY A. BRUCE JR., 8821
RICHARD M. BRULL, 3443
JAMES E. BUCHMAN, 9379
GEORGE B. BUDZ, 6402
ANTHONY W. BUENGER, 9051
MICHAEL P. BUONAUGURIO, 5582
RONALD A. BURGESS, 3213
KEVIN E. BURNS, 1295
SANDRA K. BURR, 8058
PHLECIA R. BURSEY, 8991
JAMES B. BURTON, 5357
MICHAEL D. BUSCH, 2507
DEAN E. BUSHEY, 2309
CARLOS E. *BUSHMAN, 0587
DEE A. BUTLER, 3400
ANTHONY C. BUTTS, 3106
JOHN J. *CABALA, 3110
WILLIAM B. CADE III, 2732
HENRY T. G. CAFFERY, 2326
SHAWN D. CALDWELL, 8106
ELWIN B. CALLAHAN, 4335
ROBERT W. CALLAHAN, 0723
RONALD CALVERT, 3457
MARLON G. CAMACHO, 4184
CAROLYN D. CAMPBELL, 1873
MICHAEL F. CANAVAN, 2086
CHRISTOPHER G. CANTU, 1991
ROBERT J. CAPOZZELLA, 0931
DANIEL D. CAPPABIANCA, 9819
ALEXANDER C. CARDENAS, 1481
MARIA L. CARL, 8984
BARAK J. CARLSON, 9901
CHRISTOPHER F. CARPER, 7444
KEVIN P. CARR, 5334
DAVID A. CARROLL, 0345
JAY A. CARROLL, 3094
THOMAS J. CARROLL III, 4459
GARY R. *CARRUTHERS, 2990
LISA C. CARSWELL, 2829
WILLIAM T. CARTER, 2524
STEVEN M. CASE, 7599
JAMES W. CASEY, 8491
LINA M. CASHIN, 6133
MANUEL F. CASIPIT, 9453
HENRI F. CASTELAIN, 8931
ELMA M. CASTOR, 8572
BRUCE C. CESSNA, 4527
JAMES L. CHAMBERLAIN, 0057
CHARLES E. CHAMBERS, 8476
ROBERT D. CHAMPION, 6178
SANDRA M. CHANDLER, 2689
CRAIG C. CHANG, 9321
JOHN W. CHAPMAN, 1723
MARK C. CHARLTON, 9746
XAVIER D. CHAVEZ, 7983
CHRISTOPHER D. CHELALES, 2008
SCOTT D. CHOWNING, 3209
ROBYN A. CHUMLEY, 8568
MICHAEL S. CLAFFEY, 7658
KELLY B. CLARK, 2227
MICHELLE M. CLAYS, 8519
PATRICK G. CLEMENTS, 9344
JEFFREY E. CLIFTON, 9123
LUKE E. CLOSSON III, 0495
THOMAS C. CLUTZ, 3915
RICHARD G. COBB, 6854
DWIGHT F. COCKRELL, 8232
RICHARD A. COE, 2774
CHRISTOPHER A. COFFELT, 6828
JAMES A. COFFEY, 8430
STEVEN D. COLBY, 2920
THOMAS D. COLBY, 5217
JON M. COLEMAN, 0571
DAVID M. COLEY, 9272
STEPHEN J. *COLLINS, 0494
GERALD K. *COLMER JR., 4523
CHRISTOPHER A. COMEAU, 1857
DONALD M. CONLEY, 0771
SHANE M. CONNARY, 0061
JEFFREY J. COOK, 5565
MICHELE M. COOK, 6847
STEPHEN D. COOPER, 8424
BRIAN C. COPELLO, 2372
JAN L. COPHER, 5347
GLEN A. CORELL, 4455
KYLE M. CORNELL, 5897
BARRY R. CORNISH, 4111
MICHAEL J. COSTELLO, 3558
JAMES A. COTTURONE JR., 3779
BARRY J. COUSLER, 8680
GERARD G. *COUVILLION, 7897
BRYAN R. COX, 7360
KAREN L. *COX, 0694
GREGORY P. COYKENDALL, 3814
STEPHEN P. CRAIG, 8662
ROBERT A. CREWS, 4786
STEPHEN P. CRITTELL, 7925
MICHAEL B. CROSLEN, 0823
ANDREW R. CROUSE, 6788
JAMES A. CRUTCHFIELD, 7614
CURTIS N. CULVER, 4047
DEAN A. CUSANEK, 7947
JENNIFER A. CUSHION, 7369
DAVID J. CUSTODIO, 9305
GLENN T. CZYZNIK, 0336
KIMBERLY E. DAEGER, 0422
DANIEL D. DAETZ, 9749
JONATHAN S. DAGLE, 7414
SCOTT V. DAHL, 1869
KENT B. DALTON, 2327
STEVEN J. DALTON, 3670
LEONARD J. DAMICO, 4507
ERIC D. DANNA, 7574
DANIEL A. DANT, 1250
LARRY G. DAVENPORT, 4257
PETER F. *DAVEY, 2041
JOHN E. DAVIS, 2090
JAMES C. DAWKINS JR., 3084
ALLAN E. DAY, 0400
MELVIN G. DEAILE, 4818
DWIGHT E. DEAN, 8428
MICHAEL E. DEARBORN, 7508
TIMOTHY B. DECKER, 0856
ALEXANDER I. DEFAZIO, 0138
PHILIP S. DEFENBACH, 4915
JAY B. DELONG JR., 8416
JOSEPH W. DEMARCO, 7427
JOHN T. DEMBOSKI, 1537
GERALD M. DEMPSEY, 0486
DAVID R. DENHARD, 6156
MICHAEL R. DENNIS, 7421
TIMOTHY J. DENNISON, 5083
IAN J. DEPLEDGE, 5437
DAVID G. DERAY, 7295
JOSEPH L. DERDZINSKI, 3110
JAY B. DESJARDINS JR., 3230
STEVEN P. *DESORDI, 9749
FRANCES A. DEUTCH, 2861
STEWART L. DEVILBISS, 6933
MICHAEL L. DILDA, 1627
ELLIS D. DINSMORE, 4198
DOUGLAS S. DIXON, 8776
CHRISTOPHER P. DOBB, 3218
CARRIE M. V. DODSON, 6265
NEAL E. DOLLAR, 3423
BRIAN P. DONAHOO, 8403
WILLIAM R. DONOVAN II, 6255
STEFAN B. DOSEDEL, 0638
GARTH D. DOTY, 9802
PAUL D. DOTZLER, 7344
STEVEN L. DOUB, 5354
PAUL T. DOUBLE, 5296
RONALD J. DOUGHERTY, 3783
GLEN R. DOWNING, 3223
JOHN J. DOYLE, 1997
TIMOTHY J. DRANTTEL, 5509
ROBERT S. DROZD, 1956
JONATHAN T. DRUMMOND, 7042
JOLISA WEBB DUDLEY, 8511
BRIAN P. DUFFY, 7607
KEITH J. DUFFY, 1600
PATRICK B. DUNNELLS, 2957
KENT A. DUSEK, 1970
BRIAN T. DWYER, 9560
THOMAS A. EADS, 0547
KEVIN L. EDENBOROUGH, 0171
CHRISTOPHER R. EDLING, 4555
ROBERT H. EDMONDSON, 1438
CHERYL L. EDWARDS, 0274
RICHARD F. EDWARDS, 2766
SCOTT D. EDWARDS, 3387
PATRICIA D. EGLESTON, 7300
RONALD S. EINHORN, 9169
CHRISTOPHER L. EISENBIES, 9210
THOMAS D. EISENHAUER, 4588
GERARD H. EISERT, 7574
REGAN W. ELDER, 9714
ELAINE S. ELDRIDGE, 1413
WILLIAM G. ELDRIDGE, 8000
GEORGE G. ELEFTERIOU, 0942
RICHARD G. ELKINS, 1052
DOUGLAS K. ENGELKE, 4524
GREGORY S. ENGLE, 8999
ADAM C. ENGLEMAN, 1314
MARK E. ENNIS, 2418
SCOTT B. ENRIGHT, 7761
REY R. ERMITANO, 6673
BRIAN E. ERNISSE, 3124
STEVEN A. ESTOCK, 9254
WILBURN EVANS III, 3847
BRIAN D. EWERT, 3934
ROBERT A. FABIAN, 8621
DAVID T. FAHRENKRUG, 8785
JAMES D. FAIN, 0057
MICHAEL G. FARRELL, 2451
CHERYL R. FARRER, 9772
JAMES L. FEDERWISCH, 4290
DONALD S. FELTON, 3623
CHRISTOPHER R. FERREZ, 1495
WILLIAM A. FERRO, 1840

KEVIN R. FESLER, 2348
ERIC T. FICK, 8217
MICHAEL S. FIELDS, 1783
WILLIE L. FIELDS III, 1887
SCOTT T. FIKE, 8843
DONALD N. FINLEY, 8829
MICHAEL J. FINNEY, 3402
STEVEN T. FIORINO, 3835
CYNTHIA L. H. FISHER, 3361
JASON FISHER, 7516
JAY R. FISHER, 7473
JEFFREY D. FLEWELLING, 2843
BERNARD FLOWERS, 2521
JETH A. FOGG, 9455
DAVID H. FOGLESONG, 8589
RICHARD P. FOJTIK, 8988
EDWARD L. FORD, 0906
STEPHEN D. FORD, 4050
TEDDY R. FORDYCE II, 5463
GERALD T. FORGETTE, 4890
MARK A. FORINGER, 8463
LANCE N. FORTNEY, 3243
CLAUDIA-M. FOSS, 2936
JOHN A. FOURNIER, 4676
STEVEN J. FOURNIER, 2625
MARK E. FRANCK, 0582
STEVEN C. FRANKLIN, 4180
JEFFREY B. FREEMAN, 9705
MICHAEL D. FREESTONE, 7022
ROBERT J. FREY, 7999
KENNETH D. FROLLINI, 9984
JEFFREY L. FRYE, 2316
CHRISTOPHER A. FURBEE, 4027
WALTER A. GAGAJEWSKI, 2462
CRAIG L. GAGNON, 1686
DAVID A. GAINES, 9891
NATHAN W. GALBREATH, 8547
JAMES C. GALONSKY, 6580
EDWARD W. GANIS JR., 1729
RAUL V. GARCIA, 9096
ROBERT A. GARLAND JR., 8403
JOHN R. GARRETT, 1914
MARK P. GARST, 4211
ERIC S. GARTNER, 5617
ROBERT V. GARZA, 0136
EDWARD R. GEDNEY, 7095
MICHAEL T. GEHRLEIN, 2037
WILLIAM E. GERHARD JR., 5484
JEFFREY J. GERINGER, 9889
COREY L. GERSTEN, 8101
CAROL C. GIACHETTI, 3788
GEOFFREY M. GIBBS, 2787
ROBERT C. GIBSON, 8951
THOMAS C. J. GILKESON, 0403
ANDREW W. GILLESPIE, 6817
FRANK M. GILLESPIE JR., 3091
ERIC J. GILLILAND, 5494
KENNY Y. GILLILAND, 7419
THOMAS C. GILSTER, 6581
STEVEN R. GIOVENELLA, 5932
PETER D. GIUSTI, 5170
ANTHONY L. GIZELBACH, 2018
MICHAEL W. GLACCUM, 7756
KELLY L. GOGGIN, 6807
JOHN D. GOLDEN, 2172
PETER E. GOLDFEIN, 3521
WILLIAM M. GOLLADAY, 5401
KEVIN A. GORDEY, 2356
JANICE Y. GORDON, 8429
CATHERINE M. GORTON, 1542
SCOTT D. GRAHAM, 0092
ERIK L. GRAVES, 5243
DAVID E. GRAY, 6237
GORDON P. GREANEY, 0809
DAVID R. GREEN, 4451
TIMOTHY P. GREEN, 4048
JONATHAN J. GREENE, 8984
CHARLES S. GREENWALD, 2999
MICHAEL R. GREGG, 8238
STANLEY E. GRIFFIS, 5267
LUCIEN A. GRISE, 5088
JOHN F. GROFF, 0164
CHARLES K. GROSSART, 7202
JANET R. GRUNFELDER, 3823
JOHN W. GUETERSLOH, 6361
PAUL R. GUEVIN III, 5571
KEVIN J. GULDEN, 7581
DAVID P. GUNDERSEN, 6691
LARRY E. GUNNIN JR., 1807
STEPHEN E. GURNEY, 1691
MARTIN D. GUSTAFSON, 5594
DAVID M. HAAR, 0460
DAVID A. HAASE, 7114
WILLIAM E. HABEEB, 1028
DOUGLAS I. HAGEN, 5711
JOHN O. HAGEN JR., 7306
STEPHEN A. HAJOSY, 9918
LAWRENCE E. HALBACH, 9919
CALVIN S. HALL II, 3509
MICHAEL J. HALL, 6177
STEPHEN N. HALL, 9480
WESLEY P. HALLMAN, 2099
PAUL S. HAMILTON, 8097
DAVID W. HAMMACK, 2960
DOUGLAS M. HAMMER, 6713
MICHAEL C. HAMMOND JR., 4326
MARK D. HANCOCK, 2500
WILLIAM J. HANIG JR., 5611
FRED HANKERSON III, 9662
ERIK W. HANSEN, 0254
DAVID A. HANSON, 3322
JOEL T. HANSON, 7779
GREGORY E. HARBIN, 7323
SAMUEL M. HARBIN, 8289
JAMES R. HARDEE, 3810
STEVEN B. HARDY, 6780
MICHAEL R. HARMS, 0485
GERALD J. HARPOLE, 8789
MICHAEL HARRINGTON, 8236
PATRICK M. HARRINGTON, 0376
RICKEY O. HARRINGTON, 6042
CHARLES H. HARRIS, 7476
MIKE S. HARRIS, 1392
JOHN M. HARRISON, 9293
RODNEY A. HART, 0509
STEPHEN L. HART, 0636
JERI L. HARVEY, 9646
STEVEN M. HATCHNER, 7892
DAVID A. HAUPT, 5643
CHRISTOPHER P. HAUTH, 6431
CHRISTOPHER A. HAWES, 2164
DAVID C. HAYEN, 9149
MARION HEARD, 8477
MARKUS J. HENNEKE, 0006
THEODORE P. HENRICH, 8751
JOSEPH S. HENRIE, 3562
GARY L. HENRY, 8922
MARK L. HEREDIA, 3126
MARTIN R. HERTZ, 7066
JOHN P. HESLIN, 9508
CRAIG J. HESS, 6261
MICHAEL A. HESS, 4436
THOMAS P. HESTERMAN, 3390
DAVID L. HICKEY, 1457
DAVID W. HICKS, 9086
HARLAN K. HIGGINBOTHAM, 1681
THOMAS M. HILDEBRAND, 9755
RANDOLPH C. HILDEBRANDT, 5372
CHARLES W. HILL, 7008
MICHAEL S. HILL, 2892
DAVID W. HILTZ, 6066
CARLETON H. HIRSCHEL, 8095
BRIAN S. HOBBS, 9344
TIMOTHY D. HOGAN, 1178
WAYNE P. HOLDEN, 5432
PAUL E. HOLIFIELD JR., 9217
MICHAEL W. HOLL, 4502
DALE S. HOLLAND, 4165
KENNETH G. HOLLIDAY, 5833
ERIC L. HOLSTROM, 7332
CHRISTOPHER M. HOLTON, 5222
JOEL N. HOLTROP, 7788
CRINLEY S. HOOVER, 4536
JAY R. HOPKINS, 3200
RUSSELL H. HOPKINSON, 3613
SHAUN D. HOUSE, 3748
ADRIAN L. HOVIOUS, 0208
RUSSELL D. HOWARD, 3480
TIMOTHY W. HOWARD, 1467
ROBERT R. HOWE, 0041
JAMES L. HUDSON, 9986
DOUGLAS A. HUFFMAN, 6070
MARSHALL A. HUGUES, 6504
DEAN G. HULLINGS, 7315
THAD A. HUNKINS, 1538
CRAIG G. HUNNICUTT, 2228
DAVID R. HUNT JR., 7725
JEFFREY R. HUNT, 5260
JON C. HUNTER, 1139
STEVEN B. HURTEAU, 0909
KEVIN A. HUYCK, 5446
RICHARD A. HYDE II, 1024
DAVID C. IDE, 2071
GRETCHEN LARSEN IDSINGA, 9181
JEFFREY D. IRWIN, 8467
JOHN J. IWANSKI, 7684
KYLE E. JAASMA, 9869
TODD A. JAAX, 3949
CHRISTOPHER J. JACKSON, 6594
LINWOOD J. JACKSON JR., 0800
TROY S. JACKSON, 9906
JAMES A. JACOBSON, 5583
IAN CHARLES JANNETTY, 8814
PATRICK M. JEANES, 3959
RHETT W. JEFFERIES, 3198
EVA S. JENKINS, 4941
WILLIAM K. JENKINS, 8445
CARLOS D. JENSEN, 7321
WILLIAM P. JENSEN, 9818
KIRK C. JESTER, 9443
LINDA J. JESTER, 7402
JAMES G. JINNETTE, 3871
CAROL A. JOHNSON, 3411
CLARENCE JOHNSON JR., 6629
JAMES M. JOHNSON, 3683
RICHARD A. JOHNSON, 9717
STEVEN B. JOHNSON, 8447
THOMAS N. JOHNSON, 0502
JOHNNY K. JOHNSTON, 4587
BRIAN S. JONASEN, 2342
CHRISTOPHER P. JONES, 4039
PHILLIP W. JONES JR., 3121
BRIAN D. JOOS, 7477
CHRISTOPHER J. JOYCE, 0785
KEITH B. KANE, 6702
STEPHEN J. KARIS, 6667
KIRK S. KARVER, 2958
JANET LYNN KASMER, 4569
JAMES C. KATRENAK, 7607
SCOTT M. KATZ, 7630
SHEILA F. KEANE, 4552
JEFFREY T. KEEF, 3728
JOSEPH C. *KEELON, 7322
ROBERT W. KEIRSTEAD JR., 6623
DAVID E. KELLER, 6614
REBECCA A. KELLER, 7572
CHRISTOPHER L. KELLY, 8216
MICHAEL J. KELLY, 8505
PATRICK J. KELLY, 1832
ROMAN H. KENT, 7598
DARWIN P. KIBBY, 4939
DOUGLAS W. KIELY, 5515
ERIC D. KILE, 4575
ROBERT KILLEFER III, 1039
KEVIN R. KILLPACK, 6182
KENNETH T. KILMURRAY, 3893
PETER E. KIM, 2129
HANS M. KIMM, 0942
CARL L. KING, 9747
KEVIN B. *KING, 0243
ROSEMARY KING, 5429
CHRISTOPHER E. KINNE, 7147
GUS S. KIRKIKIS, 9544
KELLY A. KIRTS, 2349
JAMES J. KISCH, 5805
DOUGLAS K. KLEIST, 8882
KENNETH J. KNAPP, 8286
JAMES A. KNIGHT, 7223
WILLIAM M. KNIGHT, 8039
TRACY L. KNUEVEN, 7267
DAVID M. KOCH, 2239
SANDRA L. KOERKENMEIER, 0481
JOSEPH KOIZEN, 9320
KATHRYN L. KOLBE, 5271
KURT M. KOLCH, 4007
ANTON G. KOMATZ, 1803
MICHAEL W. KOMETER, 2890
DAVID W. KOONTZ, 0174
JOSEPH H. KOPACZ, 8437
RONALD B. KOPCHIK, 7637
ERIC T. KOUBA, 3705
CHARLES H. KOWITZ, 4016
JAMES N. KRAJEWSKI, 1725
STEVEN KRAVCHIN, 6100
ANTHONY B. KRAWIETZ, 4768
KYLE J. KREMER, 6147
THOMAS R. W. KREUSER, 1563
JEFFREY A. KRUSE, 2867
CHRISTOPHER J. KUBICK, 6890
CHRISTOPHER J. KULAS, 7916
GUERMANTES E. LAILARI, 9671
DAVID W. LAIR, 7728
STEPHEN P. LAMBERT, 3902
DOUGLAS K. LAMBERTH, 8587
BRIAN W. LANDRY, 9319
JOSEPH C. LANE, 5665
DAVID M. LANGE, 9994
MARK J. LANGLEY, 7977
DENNIS W. LANGSTON, 8898
JEFFREY W. LANNING, 2024
MICHAEL E. LARAMEE, 2177
MARGARET C. LAREZOS, 2064
ANDRE M. LARKINS, 4858
PHILLIP J. LASALA, 8193
JEFFREY R. LATHROP, 6255
SCOTT C. LATTIMER, 4827
DAVID P. LAVALLEY, 0912
GEORGE B. LAVEZZI JR., 8726
PAUL A. LAVIGNE, 1044
PETER S. LAWHEAD, 0148
TIMOTHY J. LAWRENCE, 5586
EUGENE D. LAYESKI, 3888
ANITA L. LEACH, 8486
JAMES E. LEDBETTER JR., 5311
DAVID J. LEE, 9982
DEAN W. LEE, 7768
JAMES K. LEE, 1614
KEVIN R. LEE, 3608
SANDRA S. LEIKER, 3758
GLENN B. LEMASTERS JR., 4322
LAWRENCE M. LENY, 4278
ROBERT T. LEONARD, 3924
ROBERT M. LEVINSON, 9288
DEBORAH J. LIDDICK, 0807
STEVEN T. LIDDY, 4075
MICHAEL P. LIECHTY, 8715
RONALD K. LIGHT JR., 8045
NATHAN J. LINDSAY JR., 5967
RAY A. LINDSAY, 8329
JOHN T. LINN, 8775
DEWEY G. LITTLE JR., 1327
THOMAS B. LITTLETON, 6897
DAVID L. LOBUE, 2808
VINCENT P. LOGSDON, 5998
CHRISTOPHER D. LONG, 7704
DAVID S. LONG, 7302
GREGORY P. LONG, 2898
JOSEPH C. LOPERENA, 5649
ADALBERTO LÓPEZ JR., 5140
RAYMOND S. LOPEZ, 9998
ROYCE D. LOTT, 1663
ANDREW LOURAKE, 1314
JOSEPH C. LOVATI, 1961
CHRISTOPHER W. LOWE, 9177
DAVID B. LOWE, 4225
DAVID J. LUCIA, 3284
STEVEN P. LUKE, 3783
JEFFREY S. LUM, 6749
NATHAN G. LYDEN, 0265
THOMAS J. LYGA, 1344
ADAM MACDONALD, 9809
JOHN R. MACDONALD, 4772
STEELE R. MACFARLANE, 1311
RONALD G. MACHOIAN, 6754
KENNETH D. MADURA, 4970
PATRICK J. MAES, 0950

EDWARD A. MAITLAND, 2305
WILLIAM H. MALPASS, 7428
PETER E. MANCE, 1378
WILLIAM J. MANDEVILLE, 4831
MATTHEW A. MANDINA, 5945
GREGORY J. MANG, 1715
MATTHEW E. MANGAN, 7686
JEFFREY J. MANLEY, 6944
JOHN F. MANNEY JR., 3639
SCOTT A. MANNING, 2703
JEFFREY N. MARCOTTE, 3910
JEFFREY L. MARKER, 0144
ROBERT G. MARLAR, 1698
JAMES D. MARRY, 3389
MARK A. MARRY, 8359
LEE H. MARSH JR., 3341
STEVEN C. MARSMAN, 9013
JAVIER MARTI, 6130
HAROLD W. MARTIN III, 5218
PETER J. MARTIN, 6121
ORLANDO M. MARTINEZ, 5822
DAVID B. MARZO, 7196
DAVID M. MASON, 2848
RICHARD L. MASTERS JR., 2786
EDWARD J. MASTERSON, 2309
KEVIN M. MASTERSON, 0137
ROY V. MATHIS, 4037
DANE D. MATTHEW, 6600
PATRICK S. MATTHEWS, 9009
MIKE M. MATTINSON, 8605
DAVID K. MAY, 7315
JONATHAN R. MAY, 3365
AARON D. MAYNARD, 5837
EUGENE J. MAZUR JR., 8876
MAURIZIO MAZZA, 4609
ANDRE MCAFEE, 3633
KEITH D. MCBRIDE, 0491
RACHEL A. MCCAFFREY, 0313
THOMAS D. MCCARTHY, 2980
THOMAS I. *MCCLAIN, 0730
JAMES C. MCCLELLAN, 4570
JAMES M. MCCLESKEY, 5769
KATHY P. MCCONNELL, 2387
JAMES D. MCCREARY, 9017
JOE D. MCDONALD, 1787
JOHN J. MCDONOUGH III, 8810
KRISTINE A. MCGINTY, 3727
CARLTON W. MCGUIRE, 9049
JOSEPH R. *MCKAY, 8046
JOHNNY R. MCKENNEY JR., 6115
MATTHEW A. MCKENZIE, 1596
MARY L. MCKEON, 0112
RICHARD R. MCKINLEY, 8903
CAREY M. MCKINNEY, 8101
LAWRENCE W. MCLAUGHLIN, 2670
SCOTT D. MCLEOD, 4037
MICHAEL C. MCMAHON, 3382
GREGORY J. MCNEW, 3695
KURT W. MEIDEL, 3716
BERRAE N. *MEIXSELL JR., 2999
DOUG J. MELANCON, 3877
JAMES C. MERCER, 9728
MARK W. MERCIER, 9876
KENT I. MEREDITH, 6567
KEVIN R. MERTENS, 2631
KAREN R. MERTES, 7871
DEBORAH A. MESERVE, 1204
JEFFERY P. MESERVE, 0573
JEFFREY A. MEYER, 9784
JESSICA MEYERAAN, 0825
MONICA E. MIDGETTE, 9884
JOHN M. MIGYANKO, 0416
QUINTEN L. MIKLOS, 8758
CURTIS S. MILAM, 6227
SHARI T. MILES, 1901
BRYAN E. MILLER, 0573
COLIN R. MILLER, 0819
DANIEL A. MILLER II, 6012
DANIEL J. MILLER JR., 1392
DAVID G. MILLER, 1386
KARLA J. MILLER, 9515
RICHARD C. MILLER, 8545
ROBERT C. MILLER, 4047
CHERYL D. MINTO, 6052
ANDREW MISKOVICH III, 7163
KEVIN J. MISSAR, 1065
JOSEPH C. MITCHELL, 5436
MARK E. MITCHELL, 3016
MAX B. MITCHELL, 1909
MICHAEL E. MITCHELL, 4600
RICHARD L. MITCHELL, 7867
STEPHEN E. MOCZARY, 4199
COLIN R. MOENING, 2558
JOHN J. MOES, 1622
PHILLIP M. MOESSNER, 1691
CHRISTOPHER A. MOFFETT, 4049
CHARLES M. MONCRIEF, 2561
DENNIS A. MONTERA, 5558
THOMAS P. MONTGOMERY, 4463
AUNDRA L. MOORE, 3506
THOMAS C. MOORE, 4012
TIMOTHY K. MOORE, 2239
RICHARD D. MOOREHEAD, 7067
JOHN W. MOREHEAD, 7613
MICHAEL D. MORELOCK, 0593
DAVE B. MORGAN, 7140
DAVID S. MORK, 2738
RONALD P. MORRELL, 4384
SCOTT A. MORTON, 2719
GREGORY D. MOSS, 2310
JEFFREY A. MOSS, 3719
JOHN C. MOSS, 7313
KARI A. MOSTERT, 6962
KIRK B. MOTT, 4022
TIMOTHY B. MOTT, 5835
PETER G. MOUTSATSON, 0194
TY C. MOYERS, 9629
DAVID G. MUEHLENTHALER, 7702
KAY A. MUNOZ, 5898
DAVID W. MURPHY, 0992
TIMOTHY M. MURTHA, 3182
TONY P. MUSSI, 8179
SERDAR M. MUTLU, 7138
ANTHONY E. MUZEREUS, 1554
KENNETH A. MYERS, 5016
CHARLES D. MYRICK, 0693
DAVID S. NAISBITT, 9504
JOSEPH B. NATTERER, 8527
JOHN R. NEAL, 9880
HOWARD D. NEELEY, 2529
DALE L. NEELY JR., 7274
JAMES R. NEEPER JR., 8010
CLIFTON D. NEES, 5864
JON C. NELSON, 4629
KRISTEN A. NELSON, 9770
SCOTT R. NELSON, 4525
SHAWN D. NELSON, 1052
THOMAS N. NELSON, 7721
STEVEN W. NESSMILLER, 8270
RODNEY S. *NEVILLE, 7842
JOSEPH H. NEWBERRY, 8656
ANDREW T. NIELSEN, 4276
MICHAEL J. NOBLE, 2710
JEFFREY R. NOLAN, 2770
LOUIS J. NOLAN, 9991
RICHARD E. NOLAN, 7379
MICHAEL J. NOLETTE, 9032
CAROL S. NORTHRUP, 8075
JULIE ANN NOTO, 4552
ANTHONY T. NOVELLO, 1061
ADAM E. NYENHUIS, 2827
THOMAS F. *OBOYLE, 3113
JEFFREY G. OLESEN, 4210
ANGEL R. OLIVARES, 5104
JOHN SHERMAN OLIVER, 3302
TODD R. OLIVER, 0818
CHARLES S. OLSON, 0623
CHRISTOPHER J. OMLOR, 6962
DWAYNE J. OPELLA, 6111
HOWARD K. OSBORNE, 5059
EDWIN H. OSHIBA, 2397
RAYMOND B. OTT, 8948
ROGER R. OUELLETTE, 2121
DANIEL J. OURADA, 6766
DAVID M. OUTLAW, 8058
MICHAEL R. OUTLAW, 4881
CHARLES R. OWEN, 9644
ANTHONY M. PACKARD, 0779
BENJAMIN R. PAGANELLI, 1049
CLEVELAND S. PAGE, 1801
JAMES P. PAGE, 2709
RICHARD S. PALMIERI, 0541
LOUIS P. PAOLONE, 1177
AMY A. PAPPAS, 1562
KATHYLEEN M. PARE, 8914
JOHN T. PARK, 4020
VINCENT K. PARK, 9689
BRIAN A. PARKER, 6094
EDWARD L. PARKER JR., 2982
JAMES G. PARKER JR., 3217
TIMOTHY W. PARKER, 7199
KEITH C. PARNELL, 0084
DAVID A. PARR, 5989
LIZA M. PARR, 7101
PATRICIA S. PARRIS, 4968
DALE A. PARSONS, 8882
MARK A. PATTERSON, 2093
SCOTT GEORGE PATTON, 3616
DALE A. PATTYN, 8686
JOHN R. PAYNE, 8588
WILLIAM R. PEARSON, 3231
PAUL J. PEASE, 2293
JAMES D. PECCIA III, 9009
DONALD J. PECK II, 5235
SHAWN D. PEDERSON, 9695
SCOTT D. PEEL, 8704
DONALD R. PENDERGRAFT, 9638
GROVER C. PERDUE, 9102
DOUGLAS W. PERSONS, 6665
MELVIN H. PETERSEN, 9648
RICHARD A. PETERSON JR., 9943
RODNEY J. PETITHOMME, 7046
TODD R. PHINNEY, 3118
TODD L. PHIPPS, 2802
MARC D. PICCOLO, 3709
MICHAEL M. PIERSON, 3448
JO A. PINNEY, 6660
KENNETH PLAKS, 7986
DAVID S. POAGE, 6304
DAVID J. POHLEN, 9904
DAVID E. POLLMILLER, 7156
STEPHEN R. POMEROY, 8899
RICHARD T. POORE JR., 4798
ANTHONY P. POPOVICH, 4202
JOSEPH T. POPOVICH, 1443
ROBERT J. POREMSKI, 1257
WILLIAM S. PORTER JR., 4290
CATHERINE A. POSTON, 0763
MICHAEL W. PRATT, 5332
JOHN E. PRIDEAUX, 3253
GREGORY B. PROTHERO, 8650
ROBERT J. PROVOST, 0319
AARON M. PRUPAS, 3094
JACK D. PULLIS, 7279
WALTER E. PYLES, 3622
TERESA A. QUICK, 9157
RODNEY ALLEN RADCLIFFE, 5651
BRIAN D. RADUENZ, 0525
RICHARD A. RADVANYI, 2518
KURT R. RAFFETTO, 1009
MICHELLE M. RAFFETTO, 1463
ELIOT S. RAMEY, 6344
VICKI J. RAST, 0601
GLENN A. RATCHFORD, 4881
DOUGLAS M. RAUSCH, 1341
RONALD M. RAWLINGS, 7640
DARRELL M. RAYNOR, 6740
CATHERINE A. REARDON, 9363
ALAN F. REBHOLZ, 2121
ROBERT D. REDANZ JR., 9480
MICHAEL E. REDDOCH, 9475
MICHAEL J. REEVES, 2368
THOMAS T. REICHERT, 2703
DAVID E. REIFSCHNEIDER, 8976
KEVIN P. REIGSTAD, 6524
PETER C. RENNER, 8824
DAVID A. REY, 2058
MICHAEL REYNA, 4109
DALE D. REYNOLDS JR., 5878
KEVIN M. RHOADES, 9835
ROBERT S. RICCI, 0291
RANDER RICE, 5351
ETHAN B. RICH, 7477
JOHN C. RICHARD, 2026
CHRISTOPHER C. RICHARDSON, 2142
JAMES D. RICHARDSON, 3767
PAUL RICHARDSON, 7613
RENEE M. RICHARDSON, 9564
LENNY J. RICHOUX, 2597
RUDY L. RIDENBAUGH, 9778
PETER A. RIDILLA, 2625
CURTIS B. RIEDEL, 4196
KEITH B. RIGGLE, 4949
PATRICIA M. RINALDI, 8887
RUBEN RIOS, 1761
RANDOLPH E. RIPLEY, 5145
JAMES E. ROBERTS JR., 7505
MANDIE K. ROBERTS, 9691
NEIL W. ROBINSON JR., 7924
STANLEY K. ROBINSON, 8190
WILLIAM A. ROBINSON JR., 8585
JAMES A. RODRIGUEZ, 2728
RONALD K. ROESEBERG, 1750
ROBERT M. ROGERS, 1734
JOSEPH A. ROH, 2839
LUIS A. ROJAS, 4217
GREGORY E. ROLLINS, 5146
JOSEPH J. ROMERO, 4615
STEPHEN J. ROMOLO, 9709
MICHAEL E. RONZA, 9520
PETER B. ROOHR, 2074
EVA M. ROSADO, 8955
DAVID J. ROSE, 3066
RONALD L. ROSENKRANZ, 3152
GREGORY J. ROSENMERKEL, 4492
SCOTT K. ROSS, 4836
DETLEF H. ROST JR., 6387
DOUGLAS F. ROTH, 2121
RICHARD P. ROTH, 7495
CHRISTOPHER E. ROUND, 4389
MICHAEL J. ROWE, 5256
DAVID B. ROWLAND, 8404
THOMAS M. ROY, 4517
KARL M. ROZELSKY, 6374
JAMES M. RUBUSH, 8108
GARY S. RUDMAN, 6976
CHRISTIAN M. RUEFER, 8649
BRIAN C. RUHM, 5077
DANIEL H. RUNKLE, 3165
DANIEL B. RUNYON, 8686
ANDREA K. RUPP, 6040
CHE V. RUSSELL, 8193
ROY C. RUSSELL, 6724
JAMES B. *SACKREITER, 8044
THOMAS G. SADLO, 8899
MARK P. SALANSKY, 8549
JOHN C. SALENTINE, 2385
MATTHEW D. SAMBORA, 1208
MONTAGUE D. SAMUEL, 7109
PABLO A. SANCHEZ, 4212
ELIA P. SANJUME, 1987
THOMAS A. SANTORO JR., 5543
MARK A. SARDELLI, 0507
PETER A. SARTORI, 0050
TIMOTHY D. SARTZ, 8063
TODD M. SASAKI, 8658
JEFFREY A. SATTERFIELD, 3684
JEFFREY A. SAXTON, 2930
DARRYL F. SCARVER, 9162
DOROTHY RUTH SCHANZ, 4053
PAUL E. SCHERER, 6497
JOSEPH H. SCHERRER, 4745
TIMOTHY K. SCHIMMING, 8124
SUSAN B. SCHLACTER, 1029
CONSTANCE E. SCHLAEFER, 9136
MICHAEL J. SCHMIDT, 0169
SUZET SCHREIER, 4567
ROBERT J. SCHUTT, 1424
BERNARD SCHWARTZ, 9616
HEIDI H. T. SCHWENN, 7445
ANNE MARIE SCOTT, 5485
TERRY SCOTT, 5240
DOUGLAS B. SEAGRAVES, 9641
MALINDA K. SEAGRAVES, 4881
JOHN T. SEAMON, 2084
JAMES N. SEAWARD, 1786

ROBERT C. SELEMBO, 7092
MICHAEL A. SEMENOV, 7810
DANIEL M. SEMSEL, 4553
CHAD R. SEVIGNY, 5675
JOSEPH A. SEXTON, 5186
JOHN K. SHAFER, 7755
MILHADO L. SHAFFER III, 5757
RAY A. SHANKLES, 8778
MICHAEL P. SHANNAHAN, 2766
BRETT D. SHARP, 3782
JEFFREY M. SHAW, 6890
JOHN E. SHAW, 3707
WAYNE L. SHAW III, 3144
CHRISTINE J. SHEAROUSE, 5404
PERRY T. SHEAROUSE, 0324
BRYAN H. SHELBURN, 2998
JOHN M. SHEPLEY, 0860
JEFFREY R. SHERK, 8052
GEORGE A. SHERMAN III, 1200
JEREMIAH L. SHETLER, 9410
MICHAEL W. SHIELDS, 5204
FREDERICK R. SHINER, 5638
JAMES R. SHOEMAKER, 9623
CHRISTOPHER M. SHORT, 3202
JOSEPH F. SIEDLARZ, 8410
LEANNE M. SIEDLARZ, 5900
THOMAS A. SILVIA, 0079
JOSEPH SIMILE JR., 1043
RONALD J. SIMMONS, 2315
WILLIAM T. SINGER, 1000
NAVNIT K. SINGH, 9077
JAMES B. SISLER, 0888
RICHARD A. P. SISON, 4821
JOHN H. SITTON, 8195
MICHAEL L. SLOJKOWSKI, 7301
GREGORY L. SLOVER, 2117
ROBERT L. SLUGA, 1574
THOMAS E. SLUSHER, 7492
KALWANT S. SMAGH, 1812
KENNETH SMALLS, 5545
MARK P. SMEKRUD, 7324
DOUGLAS S. SMELLIE, 7006
CHRISTOPHER AVERY SMITH, 3164
DAVID GILMAN SMITH, 1811
DORRISS E. SMITH, 7413
GEORGE T. SMITH III, 1513
JEFFREY M. SMITH, 0128
KIRK W. SMITH, 6898
RANDELL P. SMITH, 8563
THOMAS J. SMITH, 3869
VERNETT SMITH, 1079
CLARK M. SODERSTEN, 9901
JAMES P. SOLTI, 6740
MAURO D. SONGCUAN JR., 9659
JOHN G. SOPER, 2918
ROBERT L. SOWERS II, 2916
MICHAEL J. SPANGLER, 5889
THOMAS E. SPARACO, 6471
COY R. SPEER, 0306
CALVIN B. SPEIGHT, 7151
RICHARD K. SPILLANE, 9472
ANDREW D. SPIRES, 8171
ERIC K. SPITTLE, 2168
ROBERT A. SPITZNAGEL, 0948
SAMUEL L. SPOONER III, 3823
STEPHEN L. SPURLIN, 4419
RAYMOND W. STAATS, 8738
JEFFREY F. STAHA, 8251
MICHAEL ALLEN *STAHR, 5034
GEORGE L. STAMPER JR., 7230
CARL M. STANDIFER, 7878
ROBERT W. STANLEY II, 1058
MARY A. STARING, 7411
LESLIE SCOTT R. START, 7058
STEVEN H. STATER, 7376
JOHN B. STEELE, 4426
JOHN H. STEELE, 8704
JOHN C. STEINAUER, 4712
CINDY D. STEPHENS, 4473
JAMES R. STEPHENS JR., 0024
JAY C. STEUCK, 5631
ALAN C. STEWART, 4738
DAVID R. STIMAC, 2631
HENRY E. E. STISH, 2165
PATRICK J. STOFFEL, 6307
RODNEY J. STOKES, 0113
JOHN A. STONE, 8164
DOUGLAS C. STORR, 9358
PAUL S. STORY, 2124
ANGELA G. STOUT, 9008
TERI L. STRAIN, 0376
CHRISTOPHER J. STRATTON, 6445
NELSON R. STURDIVANT, 2193
BRAD M. SULLIVAN, 8184
PATRICK T. SULLIVAN, 7422
WILLIAM C. SUMMERS, 1645
CHRISTOPHER S. SVEHLAK, 3547
PETER F. SVOBODA, 2581
DEVIN P. SWALLOW, 7338
BRUCE A. SWAYNE, 7525
BRYAN E. SWECKER, 1906
JOHN G. SWEENEY, 5212
ROBERT J. SWEET, 7296
VIRGINIA G. SWENTKOFSKE, 3392
JOHN B. SWISHER, 1506
JEFFREY P. SZCZEPANIK, 4100
BRUCE A. TAGG, 2339
MICHAEL F. TARLTON, 9010
KYLE F. TAYLOR, 6214
ROBERT K. TAYLOR, 5737
STEPHEN W. TAYLOR, 7940
TIMOTHY S. TAYLOR, 9110
STEPHANIE M. TEAGUE, 4349
CHESTER M. TEEL, 9664
ALVARO L. TEENEY, 8137
RAYMOND J. TEGTMEYER, 9026
KEITH J. TEISTER, 8850
JOHN M. TENAGLIA, 6477
CURTIS G. TENNEY, 9866
TED M. TENNISON, 2664
MARK D. TERRY, 0833
NEAL A. THAGARD, 2257
DOUGLAS G. THAYER, 4604
ANTHONY J. THOMAS, 1481
WILLIAM C. THOMAS, 6741
RICKY L. THOMPSON, 6183
ROBERT A. THOMPSON, 1241
ANDREW A. THORBURN, 4536
KARI A. THYNE, 6945
DONALD G. *TIMPSON JR., 8374
JEFFREY M. TODD, 9713
NICK TOLIAS, 8140
PATRICK M. TOM, 1666
KEVIN S. TOMB, 7138
KEVIN C. TOMPKINS, 8937
KEITH R. TONNIES, 1516
TIMOTHY K. TOOMEY, 8621
CHARLES F. *TOPLIKAR, 6743
STEPHEN J. TOTH, 4890
ADDISON P. TOWER, 5493
JOEL B. TOWER, 7745
NELSON TOY, 8084
HAI N. TRAN, 5206
GARY S. TRAUTMANN, 6582
SCOTT L. TRAXLER, 5848
MARVIN H. TREU, 5678
MARIO J. TRONCOSO, 2439
HUGH M. TROUT, 5528
THOMAS J. TRUMBULL II, 2310
JOSEPH J. TURK JR., 2998
GREGARY S. TURNER, 6874
LINDA M. TUTKO, 0040
JAMES H. TWEET, 0939
ROBERT K. UEMURA, 3549
KIMBERLY C. ULLMANN, 1765
KEVIN R. UMBAUGH, 2427
MICHAEL R. *UPDIKE, 1646
DANIEL URIBE, 3430
GEORGE A. URIBE, 5076
DAVID J. USELMAN, 9341
PAUL J. VALLEY, 8025
TROY A. VANBEMMELEN, 6434
ROBERT M. VANCE, 3180
RICHARD B. VANHOOK, 4404
MARC C. VANWERT, 7101
JOSEPH L. VARUOLO, 9574
CRISTOS VASILAS, 0324
JOSEPH A. VASILE, 4724
ROBBIN F. VAUGHN, 4974
WADE H. VAUGHT, 7198
LD J. 5 VENDANGE GERA 814
DARREN R. VIGEN, 8431
SCOTT D. VILTER, 5826
DEAN C. VITALE, 2909
WILLIAM J. VOGT JR., 1479
KARL W. VONLUHRTE, 7956
JAY C. VOSS, 9435
ROBERT L. WADE JR., 0689
JOHN G. WAGGONER, 4499
GARY F. WAGNER, 0171
JOHN A. WAGNER, 5210
DUNKIN E. WALKER, 4024
RICHARD E. WALLACE, 3461
JASON W. WALLS, 4392
CATHERINE L. WALTER, 0905
KENNETH A. WALTERS, 6885
TODD P. WALTON, 1483
KEVIN D. WARD, 5726
MICHAEL T. WARD, 6249
WALTER H. WARD JR., 3530
GEORGE H. V. WARING, 6334
PETER H. WARNER, 9153
RUSSELL M. WARNER, 3805
TIMOTHY S. WARNER, 8642
CHRISTINA L. WATSON, 9822
DON R. WATSON JR., 1703
JOHN K. WATSON, 1538
RICHARD A. WATSON, 5520
ROBERT O. WATT, 7885
MARK E. WEATHERINGTON, 7198
MICHAEL K. WEBB, 3991
ROBERT E. WEBB, 7792
JERRY A. WEIHE, 3916
JEFFERY D. WEIR, 5105
KATHLEEN A. WELCH, 4596
CAROL P. WELSCH, 8459
NEIL D. WENTZ, 7620
ELIZABETH A. WEST, 3437
OTIS K. WEST, 5007
WILLIAM P. WEST, 6205
BEATRIZ WESTMORELAND, 1673
RALPH D. WESTMORELAND, 1929
JEFFERY C. WHARTON, 5579
JEFFREY M. WHITE, 5251
MICHAEL I. WHITE, 7649
RANDALL L. WHITE, 1592
TIMOTHY M. WHITE, 2424
RONALD J. WHITTLE, 6148
GLEN M. WIGGY, 3321
CRAIG A. WILCOX, 9087
JAMES S. WILDES JR., 2447
JOHN L. WILKERSON, 4396
DAVID R. WILLE, 0902
APRIL Y. WILLIAMS, 8829
CARL J. WILLIAMS, 1778
GREGORY A. WILLIAMS, 1432
GREGORY S. WILLIAMS, 8513
MICHAEL R. WILLIAMS, 9640
NANETTE M. WILLIAMS, 7460
PAUL R. WILLIAMS, 7079
TIMOTHY L. WILLIAMS, 4937
ANTHONY W. WILLIS, 5830
STEWART S. WILLITS, 6771
CRAIG D. WILLS, 3676
CEDRIC N. WILSON, 9790
DARREN E. *WILSON, 1197
GREGORY WILSON, 0126
JOEL L. WILSON, 1510
MARTY E. WILSON, 2226
TIMOTHY D. WILSON, 9289
VAN A. WIMMER JR., 1756
MARTIN G. WINKLER, 7129
DUDLEY C. WIREMAN, 5336
DAVID B. WISE, 3623
DOUGLAS P. WISE, 8729
JAMES H. WISE, 3428
CHARLES F. WISNIEWSKI, 8885
SCOTT J. WITTE, 7811
JULIE A. WITTKOFF, 3973
JOEL L. WITZEL, 4799
TERRANCE J. WOHLFIEL, 0610
JEFFREY S. WOHLFORD, 9921
TERRI S. WOMACK, 4559
DEANNA C. WON, 8490
KEVIN K. Y. WONG, 7059
TIMOTHY S. WOOD, 7899
NEIL E. WOODS, 4017
MICHAEL A. WORMLEY, 4375
NORMAN M. WORTHEN, 7091
DANIEL D. WRIGHT III, 8343
DANIEL M. WUCHENICH, 7897
MARK P. WYROSDICK, 3238
JASON R. XIQUES, 4864
JOSEPH M. YANKOVICH JR., 3982
ANCEL B. YARBROUGH II, 3292
JEFFREY H. L. YEE, 9753
BRIAN B. YOO, 8301
WILLIAM G. YOUNG, 3042
MICHAEL J. YOUNGSON, 9244
LING YUNG, 1881
WILLIAM Z. ZECK, 6402
GREGORY S. ZEHNER, 3513
WILLIAM E. ZERKLE, 4593
MICHAEL P. ZICK, 3784
JAMES D. ZIMMERMAN, 1776
THOMAS ZUPANCICH, 7071
STEVEN R. ZWICKER, 8162

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DOUGLAS B ASHBY, 3118
DANNY C BALDWIN, 1205
GORDON JR BENNETT, 1005
DAVID O BROOKS, 9147
JAMES J BROSNAN, 6798
JAMES W III CROCKER, 8500
HAROLD J DABNEY, 2852
STEPHEN J DEMSKI, 2648
IRIS L FOSTERDENIEUWE, 6078
RANDY C FRITZ, 4743
CHARLES R GRIFFIN, 2531
JAMES W GROVE, 8103
CRAIG R HARBOUR, 8460
TIMOTHY C HARMS, 1937
WARD K III JOHNSON, 7311
WILLIAM C LEE, 6801
LONI G LOPUSKI, 5339
JANE A MONVILLEHELTON, 9383
DENNIS R PAYNE, 8409
JAMES J PICANO, 2056
CARL F REBSTOCK, 0654
DANNY K SAKATA, 9443
CHARLES L SCHUMAN, 1021
RANDAL A SCHWALLIE, 3678
GREGORY A SIMPSON, 1255
PAUL R SPARANO, 6305
TIMOTHY H SUGHRUE, 1423
PAUL D TANNER, 9514
TERRY C WASHAM, 0670

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CURTIS J ALITZ, 7909
JOHN S ALLERDING, 4587
MICHAEL M BADELLINO, 2982
MICHAEL R BANTON, 6580
JEFFREY M BIKLE, 1697
PEDRO M CARAM, 4865
ANTHONY C CARTER, 2626
SOONJA P CHOI, 5460
DAVID A CIOCHETTY, 9419
IRVING M COHEN, 5321
JOSE C DANCEL, 0026
TERI A DEFFENBAUGH, 2434
JAMES A DIRENNA JR., 4320
GERALD A FEIGIN, 4870
ROBERT C GASTON, 8748
MARTIN S GLORE, 6590
VIRGIL L GRAHAM, 6856

RONALD I GROSS, 8212
HOPE S HACKER, 3302
GULABDAS D HARIYANI, 2239
VIBHA A HONKAN, 0669
JAMES S D HU, 0131
MICHAEL E KELLY, 9176
DANA G KETCHUM, 3247
GEORGINA D KRIZSA, 4217
JOSEPH A LANNI, 6249
BASIL C LEBLANC, 5017
KENNETH D LOCKE, 3323
MIMMS J MABEE, 3561
ANNE T MANCINO, 5525
ALBERT F MAPP, 6602
ROGER G MCINTOSH, 8368
LORENZO D MCKNELLY JR., 1918
RICARDO MERLOS, 0340
IVRI K MESSINGER, 9512
EDWIN A MOORE, 3828
PETER J NAPOLI, 4929
LEANN F NITSCHKE, 4279
JEROME A OLACK, 0331
JOSEPH M PAINTER, 6180
MICHAEL L PEERY, 2628
RONALD J RENUART, 6579
BRUNO E RIOSVELEZ, 3416
SAMUEL M RUBEN, 7223
ALBERT C RUTTINGER, 0114
ALEXANDER A SALILLAS, 9899
FLOYD E SCOTT JR., 7028
DIANE M SIMPSON, 6271
NEIL B SJULSON, 9824
KEVIN A SKINNER, 1749
HAROLD J SLEAVIN, 2393
PATRICK J SULLIVAN, 8050
PAUL W SUTHERLAND JR., 0042
JOHN J SWEENEY III, 3915
PASCAL O UDEKWU, 5766
RAY H VANWYNGARDEN, 4315
FERNANDO L VILLA, 2600
ROCHELLE T WASSERMAN, 8504
MARTIN E WEISSE, 4027
CHARLES E WHALEN, 7047
GARY B WILHELM, 3209
MARSHALL F WILLIS, 2891

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10 U.S.C., SECTION 12203:

To be colonel

DEBRA E BURR, 1437
JENNY 6CABANQUINTANA, 1128
ADELLE A DAIGLEBJERKE, 0026
PAMELA L DALZELL, 1583
LISA M P ECKHOFF, 6168
MAUHEE W EDMONDSON, 0389
JOHANNA L EDWARDS, 7440
DONNA R ELLSWORTH, 9576
KATHY J FABISZEWSKI, 5054
ILEANA FERNANDEZDELGADO, 4440
CATHERINE D GALLAGHER, 4980
PEDRO GARRIDO, 9775
WILLIAM H GAW JR., 1480
LOUISE M GUSZICK, 8121
MARGARET A HAECHERL, 9607
BARBARA HARRIS, 4356
LISA K HERMAN, 4092
RANDY J JENSEN, 1977
ETTA L JOHNSON, 6541
MARY V KAOUGH, 7589
AMELIA E KENNEDY, 8154
WILLIAM P KNIGHT JR., 1849
ALBERT J KROLL, 6506
CHERYL KYLE, 5584
JEANETTE L LONG, 6933
SUSAN P LUZ, 1244
FRED P MILLER, 1442
SUSAN E MILLER, 0862
KARI L NEWMAN, 0412
GEORGIA A ONEAL, 2276
JANIS M RICE, 6333
MAUREEN C ROBLES, 4485
CARMEN S SANTIAGOGUTIERREZ, 0978
DIANNE M SCHMIDTCIMINELLI, 4138
JOHN R SHANNON, 1406
RAYGENIA STEWARTBUDD, 8445
JOHN E SUTTON, 1552
KIMBERLY L SUTTON, 6496
FRANCISCO H TREVINO, 9171
DEBORAH L WATSON, 9229
WILLIAM R WATSON, 7709
JANICE B YOUNG, 3056

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LARRY J. DODGEN, 5373

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LIONEL BAKER, 7302
MAUREEN T BALDY, 3840
HOWARD J BARANKER, 8085
KEVIN B CARTER, 1581
ROBERT W CATER, 0836
ROBERT H CINATL, 8766
RALPH P ERGAS, 3534
THOMAS M GILBERT, 2886
ERWIN H GOLDRICH, 6480
TAYLOR H HOOVER, 6259
JOHN P HOWARD, 4264
CRAIG M LINDNER, 1288
DOUGLAS W MCPHERSON, 3759
ROGER K PALMQUIST, 5656
PETER A PATE, 8532
ALVIN W REMBERT, 1400
GEORGE M SOOHOO, 4407
RICHARD T SPURGAS, 7829
JOHN J VONARB, 1964
MARK O WALLER, 1409
PHILLIP G WALTON, 7021
PHILIP C WETTIG, 3064
WARREN S WONG, 4461

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT AS PERMANENT LIMITED DUTY OFFICERS IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589

To be lieutenant

JOHN A ADCOCK JR., 0974
FREDDIE A AMOS, 5440
CHRISTOPHER W ANDERSON, 2848
MICHAEL R ANDERSON, 7597
MICHAEL M ANDREWS, 0106
ROBERT ARIAS, 7495
STEPHEN ASHCROFT, 6560
RONALD M ASTRINO, 7919
AARON S AUSBROOKS, 5366
WILLIAM E BAIN, 3381
WILLIAM W BAKER, 3165
PHILLIP L BALL, 9751
ALLAN B BANKS, 9737
DION M BANKS, 0535
BRIAN M BANOS, 6129
JOHNY R BARNES, 8619
JAMES D BARNETT, 3247
PALMO S BARRERA, 1401
JAMES T BARRETT, 4025
TIMOTHY W BARRY, 8224
JEFFREY S BARTLETT, 2031
KELLY L BAZE, 4340
STEVEN G BEALL, 5200
ALLEN L BEASLEY, 4372
ROBERT E BEATON, 7781
CURTIS R BEERS JR., 4630
ISSAC L BELTON, 6902
CARL H BENTON, 6258
KELLY E BISHOP, 4677
SEAN H BLACK, 6246
RICKY BLAND, 4185
DAVID K BLAUSER, 3928
JOYCE M BOEHLER, 4497
JAMES C BONDS, 5433
NEIL BONNETTE, 6741
KIPP C BOULDIN, 8975
JEFFERY S BOWEN, 1939
JOHN R BOWEN, 5852
JOSEPH T BRADNER III, 9192
JAMES A BREDESEN, 1609
WADE A BREWTON, 0895
JOHN B BRICKNER, 5436
DWIGHT BRISBANE, 5553
SCOTT BROCKMAN, 5502
JEFFREY A BROOKS, 0859
CHRISTOPHER E BROUSSARD, 3603
CORNELIUS BROWN, 7074
JAMES E BROWN, 1974
CAROLYN BROWNPATTERSON, 2466
RICKY G BURNETT, 3123
JAMES J BURNETTE, 4054
JAMES A BUTLER, 2176
BRIAN C CANUEL, 9237
ABRAHAM CASTOIRE, 9047
LISA M CAULEY, 0389
REECO D CERESOLA, 8619
NATHANIEL CHANDLER, 8958
ANTHONY J CHILES, 9122
KEVIN D CHISOM, 4738
SHAUN A CHITTICK, 1817
DARRELL L CHRISTENSEN, 5917
MARY L CLARK, 2846
SHAWN L CLARK, 5545
WALTER B CLARK, 7182
DANIEL F CODER, 6085
CHRISTOPHER C COFFEY, 1636
LAWRENCE S COLE, 7927
MARK COLVIN, 5064
THOMAS O CONNOLLY, 4239
CLARENCE E COOK, 7582
JAMES C COOK, 5520
EDWIN B COPELAND, 3232
MARK A CORREA, 7878
MANUEL A CORTES, 4337
BRUCE A COUCH, 4357
TODD M COX, 4218
JAMES R CROWE JR., 2431
PAUL A CSAPO, 0316
DAVID J CUMMINGS, 5419
DAVID W CUTHBERT, 5751
ERIC L DAVIDSON, 8143
MICHAEL S DAVIS, 4171
TRAVIS E DAVIS, 6637
STEVEN A DEAN, 3667
SALVATORE M DENTU, 0233
KIRK A DEVEZIN, 3289
ANTHONY DIAZ, 7187
ERICA DOBBS, 0228
REGINALD K DOBBS, 7578
JOSEPH E DOLSAK, 4059
RUBEN H DOMDOM, 9624
RICHARD W DONALDSON, 1372
WILLIAM E DONALS JR., 2561
GARY R DONLEY JR., 0469
PAUL S DORRIS, 8609
ROBERT E DUCOTE, 4198
JEFFERY N DUGARD, 3050
STEVEN J DWYER, 9883
JEFFREY H ECCLESTON, 5266
JONATHAN B EDWARDS, 6227
RICARDO G ENRIQUEZ, 5187
KURT E ERICKSON, 9975
STEPHEN A ERICKSON, 0247
MEL S ESTADILLA, 1666
DAVID F ETHERIDGE, 1915
DEMETRICE ETHERIDGE, 5186
HUGH S EVANS JR., 3059
MICHAEL S EVANS, 6431
THOMAS J EWER, 5228
BRENT A FALLA, 6070
CASSIUS A FARRELL, 7878
VICTOR M FEAL JR., 7065
DOROTHY A FENTON, 9467
NORA A FILOS, 2722
ERIC B FINNEY, 4507
DANIEL K FISHER, 8101
JAMES F FLINT, 8985
STEPHEN A FOLSOM, 4927
NICHOLAS E FORD, 5386
JOHN J FORTINO, 2634
DUANE R FOSTER, 6186
LANCE C FOSTER, 9793
DAVID N FOWLER, 8752
DONALD E FRANDSEN, 7775
TONY FREDRICK, 4943
THOMAS R FRIDLEY JR., 8741
KEVIN L FRIEDLY, 2528
JEFFERY S FULSON, 5441
RICHARD W GAINES, 4649
MICHAEL R GARCIA, 2071
DEAN A GAYLE, 7258
TROY S GIGER, 6334
STEVEN D GILBERT, 5106
STEPHEN E GILL, 1549
BRIAN T GIMBEL, 0920
ROUSSELL A GOBER, 0975
CHRISTOPHER J GOELZE, 9311
RONALD C GORBY, 6545
JOHNNY L GRAVES, 7834
JEFFREY E GREEN, 5236
SEAN M GREENAWAY, 8816
DENNIS O GREER, 0774
ALEX W GRIFFEN, 5528
JESUSMARTIN C GUASCH, 7530
KEVIN L HACKETT, 1415
KEITH D HAINES, 8722
ROBERT L HAINLINE JR., 1043
CURTIS W HALL, 3737
SHELDON K HAM, 5466
VINCENT R HAMILTON, 8333
STEPHEN L HANEY, 4963
SCOTT T HANKINSON, 6010
JAMES J HARKIN, 3172
RONNIE C HARPER JR., 7243
ERIC J HARRINGTON, 5772
MARVIN D HARRIS, 3309
TIMOTHY M HARRISON, 6098
PATRICIA A HART, 6804
ROBERT J HAUCK, 3173
DANA L HEIDENESCHER, 2057
JAY A HELVIG, 9996
WILLIAM HENDERSHOT, 9215
GORDON C HENDERSON, 4168
ROY L HENKLE, 2774
SEAN K HENRY, 5424
HOWARD HERRING III, 3931
JOHN D HICKMAN, 2377
JACOB R HILL, 4683
NICHOLAS W HILL, 3017
OSVALDO HINOJOS, 1480
GARY L HOAR, 0985
RAY D HOBBS, 5440
CHRISTOPHER HODGES, 5567
DENNIS L HODGSON, 3361
MICHAEL S HOERR, 3019
WESLEY J HOLLAND, 9271
ERIC T HOLLIS, 3980
KERRI L HOLM, 4628
DAVID J HOOPLE, 2131
JAMES T HOPKINS, 0712
HUBERT D HOSKINS, 4099
GARY W HOUZE, 5244
JESSE HUBBART, 9835
DEREK S HUGGINS, 2309
JAMES A HUNT, 0444
COREY D HURD, 2804
STEVEN R IRVINE, 7135
RAY A JACKSON, 1126
STEVEN B JAMES, 2109
NOMER F JAVIER, 1336
MICHAEL J JENO, 7372
RALPH L JOHNSON, 1163
HAROLD W JONES, 2875
JEFFREY G JORDAN, 0669
THOMAS E JOYNER, 6279
JASON V JULAO, 9433
JAMES D KALISTA, 3101
EMILY E KANE, 5254
MARK J KAUL, 5610

PATRICK M KELLY, 0768
KEVIN J KENNEDY, 1204
CHRIS M KNIGHT, 0900
FRANK KOLB, 5817
GEORGE S KOONS, 5098
ANGELA K KOSKO, 0951
ANTHONY F KOSLOSKI, 5558
MICHAEL J KRZYMINSKI, 6510
VINCENT E KUBICSKO, 6479
JOHN J LALLI, 5274
ROY A LAMONT, 0337
BRION G LANGLEY, 6636
THOMAS E LAVIN, 0259
JOHN R LEAMAN, 9465
STEPHEN S LEGG, 8850
ROBERT L LESHER, 8788
DONNIE W LEWIS, 6055
WILLIAM A LEWIS, 2865
WILLIAM G LEWIS, 4447
BRYAN K LOGAN, 0485
LEONARD J LONG, 2571
CALVIN LOPER, 4618
MITCHELL D LOTT, 9917
RICHARD LOZADANEGRON, 2311
DERBY C LUCKIE, 0515
ROBERT A LUTZ, 5148
JAMES W MACISAAC, 8025
DAVID T MAGEE, 3099
ERROL K MANDRELL, 5642
THOMAS G MAROUSEK, 1638
MICHAEL A MARTIN, 7974
TIMOTHY E MARTIN, 3709
OMAR G MARTINEZ, 3242
AUSTIN B MATTHEWS, 9726
CHRISTOPHER S MAYFIELD, 8099
CHRISTOPHER C MCCARTER, 5252
JAMES D MCCARTNEY, 6057
DAVID M MCCARTY, 1159
MICHAEL L MCDONOUGH, 8648
KELVIN B MCGHEE, 3280
MICHAEL S MCGREGOR, 9661
JAMES B MCLAUGHLIN, 0469
ROBERT D MCLAUGHLIN, 8553
LAWRENCE B MCLIN, 6969
SAMUELA L MCMOORE, 2250
VONCILE C MCQUEEN, 8629
TROY A MCQUEENEY, 5194
MICHAEL A MEADS, 6800
KENNETH V MEAGHER, 1319
STEVE R MICHAUD, 3712
JEFFREY D MILLER, 3607
DAVID B MITCHELL, 9491
GEORGE I MOORE, 9973
JOHN D MOORE, 9540
SCOTT A MOORE, 5385
MICHAEL A MORAN, 7362
ROSALIND D MORRISON, 6803
ANDRE D NEAL, 4447
DAVID L NICHOLS, 1288
MICHAEL J NICKELS, 2400
EUGENE E NORVELL, 9309
TODD M OAKES, 5254
THOMAS OBER, 9652
MICHAEL J ODOM, 7493
LESLIE A OHARA, 2455
DAVID OLAH, 8624
STEPHEN J OPALENIK, 1561
JOSEPH A OROSCO, 9345
VINCENT A ORTEGA, 9586
ENRIQUE ORTIGUERRA, 4646
PAUL R OUELLETTE, 8004
JEFFREY T OWENS, 5910
TERESA R OWENS, 8864
MARK A PABON, 4461
ANDREW J PAIGE, 6055
FRANCISCO PANGILINAN, 6308
WILLIAM P PARKS, 0768
JASON B PARMLEY, 9619
TERRANCE J PATTERSON, 0361
BRIAN L PAVONE, 9714
ALBIN T PEARSON, 8154
LAWRENCE J PENN, 7517
TIMOTHY H PHENICIE, 2447
JOHN E PHILLIPS, 2124
ANDREW PICKENS, 9564
PATRICK E PIERSON, 0965
RODOLFO A PINERO, 4655
DARRIN P PITRE, 6373
DARRYL B PITTMAN, 5032
ROBERT D PIZZINI, 0030
RICHARD D POLSTON, 2306
STEPHAN H POMEROY, 8208
DWAYNE J PORTER, 8909
ALBERTO M POSIS, 6493
LAFE A POTTALA, 3622
ANDREW J POTTS, 4982
DAVID J PREUSS, 7886
RONALD L PUGH, 3666
ROCKY B PULLEY, 6110
BRYAN C QUINN, 6696
WILLIAM T RAEBER, 1739
DAVID S RAMIREZ, 7955
ORLANDO RAMOS, 7335
JAMES W RAYCRAFT, 1297
BRIAN C REDNOUR, 8344
LAWRENCE M REPASS, 5375
JAMES R RHODES, 3448
TIMOTHY D RICHARDSON, 0394
TRACY D RIDER, 0795
RHONDA RIGGS, 6024
MARTIN S RILEY, 9709
DAVID R RITTER, 7412
MICHELLE M RIZER, 7786
JAMES W ROBB, 8771
TIMOTHY M ROBINSON, 3131
DAVID H RODRIGUES, 1192
REGINA P ROGERS, 5021
LARRY A ROSENTHAL, 2104
ERIC T RUIZ, 4384
SHAWN T RUMBLEY, 6782
STEPHEN L RUSSO, 3187
WESLEY S SANDERS, 6775
ROBERT A SANTE, 4501
JAMES G SCALZO, 6979
GARY M SCHOENFELD, 4904
CARL F SCHOLLE, 5242
CHRISTOPHER SCHREINER, 1866
STEVEN J SCHULTZ, 3517
BRUCE SCOTT, 7984
DEREK G SCOTT, 4848
LESLIE C SCOTT, 9600
MICHAEL A SCOTT, 0298
SAMUEL F SCRUGGS, 1981
ALBERT SEARS, 7989
HAROLD A SEXTON, 9895
JOSEPH A SHAW, 7535
CRAIG V SHILLINGER, 5519
BRIAN M SILVERSTEIN, 6178
FREDRICK J SIMAYTIS, 0466
JERRY L SIMPSON, 1831
RICHARD A SINGER, 8375
WESLEY V SKIBO, 8549
GARY E SMART, 2959
MARK A SMIGELSKI, 3232
WILLIAM L SMILEY, 3366
ALMOND SMITH III, 9614
CHARLES A SMITH JR., 1830
CRAIG D SMITH, 3864
DAVID C SMITH, 1085
KENNETH R SMITH, 9724
JOHN D SNELGROVE, 5279
MICHAEL G SNYDER, 8955
RICKEY L SOWARDS, 6456
WILLIAM M SPENCE III, 0404
CHARLES C SPERRY, 6181
RICHARD A STANFIELD, 6086
MARK D STANLEY, 4952
NORMAND O STCYR, 3315
THEODORE E STEPHENSON JR., 7868
JOHN S STEVENS, 4749
CHARLES G STORME, 2408
BRIAN C STOUGH, 0025
FOSTER L STRINGER, 8360
MARK E STRONG, 1369
RAYMOND SUDDUTH, 4273
PAUL L SULLIVAN, 9752
PERRY A SUMMERS, 8329
CHARLES M TAYLOR, 4942
DWIGHT A TAYLOR, 4904
DWIGHT D TAYLOR, 5595
RITCHIE L TAYLOR, 8317
ROGER W TAYLOR, 3380
DIANA J TERSAK, 7773
JOHN F TEVIS, 0459
MICHAEL P THERRIEN, 4749
GARY R THIELECKE, 0814
HAROLD G THOMAS, 9649
DUANE V THOMPSON, 6241
KIMBERLY THORNHILL, 1959
RICHARD A THOUSAND, 2803
SCOTT A THRASHER, 8255
KARL W THURLOW, 8481
STEPHEN C TIPTON, 2938
DELBERT D TONEY, 2873
ROBERT M TOTH, 8791
ALFONSO TUNDIDOR JR., 9934
ADRIAN D TURNER, 1497
ANGIE D VANDYKE, 4445
KEVIN M WADE, 5151
CLINT J WAGGONER, 8020
JOHN G WALLACE, 2195
DERRYK E WALTERMAN, 8356
STEPHEN R WANGELIN, 9098
MICHAEL WASHINGTON, 8224
JAMES M WASTART, 0995
WYATT T WATERS, 1896
HOWARD D WATT, 9493
LENWARD D WEAVER, 6189
GARY N WEBB, 2953
MICHAEL A WELZ, 2968
JAMES A WESTERMEYER, 5380
TREVOR B WHALEY, 6988
WILLIAM E WILKEN, 8045
JAMES L WILLETT, 1504
MONTE L WILLEY, 7153
KENNETH J WILLIAMS, 7218
THOMAS M WILLIAMS, 5995
BRIAN O WILSON, 2549
DONALD V WILSON, 7712
WILLIAM R WOODFIN, 5421
BOBBY L WOODS, 4754
DAVID E WRIGHT, 1456
TRAMPAS B WRIGHT, 0858
ALONZO WYNN, 4183
COLIN D XANDER, 9905
JOEL A YATES, 4661
JOSEPH ZULIANI, 6380

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624

To be rear admiral

REAR ADM. (LH) PAUL E. SULLIVAN, 4158

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) NANCY E. BROWN, 4870

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DONALD K. BULLARD, 9348
REAR ADM. (LH) ALBERT M. CALLAND III, 0101
REAR ADM. (LH) ROBERT T. CONWAY JR., 2950
REAR ADM. (LH) JOHN J. DONNELLY, 7223
REAR ADM. (LH) BRUCE B. ENGELHARDT, 1205
REAR ADM. (LH) CHARLES S. HAMILTON II, 0584
REAR ADM. (LH) JOHN C. HARVEY JR., 4323
REAR ADM. (LH) CARLTON B. JEWETT, 6193
REAR ADM. (LH) RICHARD J. MAULDIN, 9775
REAR ADM. (LH) MATTHEW G. MOFFIT, 5223
REAR ADM. (LH) MICHAEL P. NOWAKOWSKI, 8399
REAR ADM. (LH) HAROLD D. STARLING II, 4248
REAR ADM. (LH) JAMES STAVRIDIS, 5127
REAR ADM. (LH) MICHAEL C. TRACY, 7439
REAR ADM. (LH) JOHN J. WAICKWICZ, 3192
REAR ADM. (LH) ANTHONY L. WINNS, 7593

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

MICHAEL C BECKETTE, 3306
DALE D BIGHAM, 6099
EDWARD A BRAY, 4633
MICHAEL J BRONS, 5850
CHARLES K CARL, 2001
GREGORY D CLECKLER, 8972
JOSEPH W COLEMAN, 5229
JOHN L CROGHAN, 7274
WARREN E CUPPS, 5068
DAVID W DRY, 0950
GRANT A DUNN, 8871
SETH A EVANS, 6786
GEORGE A FLOYD, 4506
JOHN P FRIEDMAN, 9917
ROBERT S HALDEMAN, 9115
CHRISTOPHER H INSKEEP, 7557
KEVIN D JOHNSON, 4879
JACKIE L KILLMAN, 4557
NEIL A KOPROWSKI, 2414
LEOPOLD D KREISEL, 7831
MICHAEL D LUCKETT, 7585
DEAN S LYONS, 8434
SAMUEL R MOSER, 9301
MICHAEL J PELLERITO, 6548
MATTHEW F PHELPS, 0614
ROBERT D SANDERS, 0722
ROBIN S SMITH, 8386
DONALD I TENNEY, 9727
ROBERT S THOMPSON, 0031

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be captain

JAMES C TAYLOR, 3669

To be commander

DAVID G ADAMS, 0180
ARNOLD O BROWN, 4367
JOHN C EDGERLY, 8729
KYLE F KAKER, 9486
STEVEN A KREISER, 4642
JOHN A MAKSYM, 4907
JOHN J MARSHALL, 2676
KEVIN R PETERSON, 6503
SCOTT R REICHARD, 0277
THOMAS P ROSDAHL, 9487

To be lieutenant commander

PAUL T ANTONY, 4417
MARK E BURCHER, 1606
CRAIG S COLEMAN, 8573
DONALD C EBY, 0720
GLENN J ESTRADA, 5795
STEVEN E GABELE, 4049
JACOB C HINZ, 1136
THOMAS A JONES, 2161
ANGELA M KEITH, 2211
GRAINGER LANNEAU, 5369
CHARLES H MAHER, 1614
ELIZABETH A MALEY, 9699
JEFFREY C OHMAN, 2450
DAN K PATTERSON, 6071
SCOTT F ROBERTSON, 4677
MARK W SCHADT, 0885

To be lieutenant

KERRY L ABRAMSON, 5355
STACEY F ACRI, 6664
CHRISTOPHER T ALEXANDER, 8769
JAMES ALGER, 0232
JEFFREY P AMES, 4411
MICHAEL J AMIS, 5635
CHRISTOPHER D ANDERSON, 1421

ERIC W ANDERSON, 8833
JOSEPH A ANDRADE, 6083
BENJAMIN M ANDREW, 0253
SYLVIA M ANDREWS, 6893
JOHN M ARMSTRONG, 8422
JOHN B ARNAUD, 6430
DANIEL R ARNDT, 3082
EDWARD B ARNOLD, 4458
AARON M AUGER, 3430
SPENCER P AUSTIN, 8783
JULIA G AYRES, 2092
DAVID J BACHAND, 4120
DAVID J BACON, 2104
TAUSEEF A BADAR, 5897
SCOTT P BAILEY, 5172
MARK D BAKER, 6093
WILLIAM A BAKER, 1472
THOMAS C BALL, 8236
NOAH S BELLRINGER, 8881
DAVID A BENHAM, 9426
PAUL R BENISHEK, 0300
ROBERT H BERNARDWORT, 4149
RYAN K BETTON, 0226
MARY L BIEGNER, 2562
CHRISTOPHER M BIGGS, 7217
JOHN F BISCHOF, 7170
DERRICK E BLACKSTON, 4142
PATRICK C BLAKE, 3472
JUSTIN J BLIFFEN, 6438
JOHN A BLOCKER, 5572
THOMAS T BODINE, 3400
PETER L BORLAND, 7856
DAVID P BOURQUE, 6763
OSCAR E BOWLIN, 6285
THERESA L BOYER, 3065
BENJAMIN C BRACKETT, 6076
JASON E BRAGG, 5074
LISA A BRAUN, 4571
DAVID B BRENNER, 8850
JOHANNA M BRENNER, 0574
MATTHEW J BRICKEY, 1012
KENDALL G BRIDGEWATER, 7399
RAYMOND M BRISTOL, 9166
CYNTHIA J BRITTINGHAM, 0004
MARK J BROPHY, 5610
HOWARD M BRYANT, 1546
MARK R BRZEZINSKI, 4753
ROBERT L BURGESS, 5424
KENNETH E BUTLER, 6896
LEWIS W CALLAWAY, 9336
MICHAEL S CARL, 6040
TODD D CARROLL, 3960
JAMES K CARVER, 7371
DAVID J CASTEEL, 0232
BRIAN J CEPAITIS, 1268
CHRISTOPHER A CESA, 0448
DEWON M CHANEY, 8654
JONATHAN S CHANNELL, 7966
SCOTT M CHIEREPKO, 6595
CONNER W CHILDERS, 4323
PETER C CLEMOW, 7354
KIRK E COCO, 3282
DONOVAN P COFFEY, 1858
BRIAN D CONWAY, 3179
DAVID B COOK, 7693
JIMY R COOK JR., 0432
THOMAS T COOK, 2630
PETER O COPELAND, 7942
ADAN J COVARRUBIAS, 9321
TINA M COX, 2406
THOMAS E CRONLEY, 8409
MATTHEW A CRUMP, 0235
JOSE CRUZ JR., 7023
GWENDELLA C CUNNING, 6324
JOHN D CZOHARA, 0925
DAVID F DAUSEN, 9638
ELISABETH I DAVIS, 0729
JONATHAN A DEINARD, 6734
ADAM C DEJESUS, 1990
ROBERT C DETOLVE, 5006
STEVEN A DILIBERTO, 0894
DARYL M DODD, 3569
CHRISTOPHER J DOMENCIC, 2013
STEVEN L DORMAN, 9580
CHARLES W DUNPHY JR., 0643
STEVEN M DUPONT, 2773
MICHAEL E EATOUGH, 5900
ERICK L EDWARDS, 7305
WALTER B EGGE IV, 7850
JORDAN B EICHELBAUM, 5633
JAMES A ELLIS, 8789
MATTHEW R ELLIS, 4860
SCOTT H ELROD, 6185
TIMOTHY J EMERICK, 0560
BRIAN C EMME, 7376
RICARDO A ESCALANTE, 4458
LAURIN N ESKRIDGE, 2534
JACQUEINE M ETHERIDGE, 5995
ANTHONY FACCHINELLO, 6534
MICHAEL L FARMER, 9750
ANTHONY V FARRUGIA, 5028
JOSEPH V FEMENIA, 9071
PETER R FEY, 2131
PATRICK J FITZPATRICK, 6922
ROBERT R FLUCK, 4087
CRAIG S FRANGENTE, 8255
MARK E FRANZEN, 7266
SABRINA G FREGLY, 9860
FLEMING L FRENCH, 9660
KENNETH J FROBERG, 1668
DAVID D FURRY, 1771
MANUEL E GANUZA, 4805
ANTHONY M GARRETT, 9175
HELY S GONZALEZ, 1994
LA H A GRAHAM, 5749
DAVID C GRATTAN, 9888
BRIAN W GRAVES, 1455
DOUGLAS T GRAY, 6710
RICHARD C GREEN, 8784
SHANE M GROSS, 7412
JASON S GROVER, 6645
BRIAN C GUISE, 3046
JASON S HALL, 3172
KAZUNORI S HASHIGAMI, 2725
THOMAS H HEALY, 4153
MICHAEL P HEFFERNAN, 1868
MICHELE J HENRY, 9197
MANUEL A HERNANDEZ, 3673
DAVID L HICKEY, 0015
RYAN D HILL JR., 9307
CHRISTOPHER I HOAG, 3191
KENNETH E HODGES, 4666
ANDREW A HOEKSTRA, 8629
JOSEPH G HOELZ, 5795
RONALD HOJNOWSKI, 3398
KENNETH L HOPKINS, 5257
JAMIE L HORNING, 8752
DANNY H HOUGLAN, 5868
JAMES B HOWELL, 3138
JOHN D HUDSON, 1837
JOHN C HUGHES, 0201
ABIGAIL A HUTCHINS, 8785
KENNETH J IAN, 9469
RICHARD J ISAAK, 0956
HELEN H JACKSON, 1617
JAMES P JEROME, 8387
HARRY JURICIC, 7728
ADAM S KANTOR, 4514
BRIAN A KAROSICH, 8686
BENJAMIN F KAVANAGH, 6586
SEBASTIAN J KIELPINSKI, 1019
JEREMY M KILDAY, 8185
JEFFREY A KJENAAS, 7319
KEVIN KLEIN, 1888
SEAN P KNIGHT, 5800
EMILY J KOCHEANASH, 2864
SVEN KRAUSS, 1835
ERIC C KRUEGER, 7326
WILLIAM F KUEBLER, 3614
THEOPHIL A KUSH, 8689
KATHRYN J LACHER, 0746
ERIC D LACROSS, 2261
RUTH A LANE, 1662
SHANE A LANSFORD, 2360
JEFFERY T LAUBAUGH, 8119
THOMAS F LEARY, 1992
WARREN R LEBEAU, 9326
JAMES A LECOUNTE, 4265
DAVID C LEIKER, 1461
JON S LEISNER, 5720
PHILLIP M LEMONDS, 9492
FREDERICK L LENTZ II, 7576
SHANE M LESTEBERG, 8368
MICHAEL G LEVENDOFSKE, 5306
YANFENG LI, 1307
ERIC D LINDGREN, 9534
DEAN M LINER, 7884
DEWEY A LOPES, 9324
TIMOTHY LOTT, 1835
MICHAEL J LUKEN, 0739
LAURO LUNA, 9265
WILLIAM T LUTGEN JR., 1827
PATRICIA A MARSHALL, 5271
KARI L MARTIN, 2596
WALTER B MASSENBURG JR., 2514
JOSEPH C MCALEXANDER, 8452
KEVIN J MCCRAE, 7220
GRADY S MCDONALD, 6134
SUSAN M MCGARVEY, 3323
ROBERT A MCGILL, 7563
THOMAS S MCGOWAN, 7201
MARK L MCGUCKIN, 5046
DOUGLAS W MCINTOSH, 5153
MICAJAH T MCLENDON III, 0931
JONATHAN M MCLEOD, 5573
RACHELLE MCPHERSON, 9696
HOWARD V MEEHAN, 8120
WILLIAM A MEYERS JR., 7389
KEITH L MICHON, 5437
MARK A MIDDLETON, 4937
MAX F MILLER, 6489
CHRISTOPHER J MITCHELL, 1683
DANIEL J MONLUX, 6745
STEPHANY L MOORE, 6310
JAMES B MORFITT, 4891
DANIEL J MOSIYCHUK, 5561
JUAN F MULLEN, 5730
SAMANTHA S MURPHY, 1221
JASON M NAIDYHORSKI, 6669
ERIK R NALEY, 8243
BRADLEY R NALITT, 7558
ERLINA P NAVAL, 5091
MICHAEL J NAVARRE, 2830
VICTOR D OLIVER, 2519
ERIC J OSTERHUES, 7742
CHRISTOPHER J PACENTRILLI, 5686
PETRA PAGAN, 2943
WINSOME F PANTON, 2110
PHILIP L PARMLEY, 5551
JACOB R PARSONS, 0881
JASON A PATACSIL, 9038
WILLIAM G PERDUE, 2042
RAFAEL PEREZ JR., 6957
ALBERT D PERRY, 2500
RON PERRY, 2048
WAYNE J PETE, 7022
JOSHUA H PETERSON, 1696
ANDREA K PICONE, 7091
STEPHEN C PLEW, 3622
MARCUS R POLSON, 6829
DAVID L PORTER, 4741
CASEY J POWERS, 0593
JASON S PREISS, 0439
DANIEL E PRICE JR., 6279
ANTHONY W PRIDEMORE, 9815
KEVIN G QUINN, 9756
DEIDRA M RADEL, 6501
JOSEPH E REAUME, 1567
HEIKE K RENTMEISTERBRYANT, 9543
ROBERT R RICHARDSON, 4507
JUAN C RIVERA, 7300
MICHAEL A ROCHARD, 1845
KURT L ROHLMEIER, 6682
EDWARD B ROHRBACH, 6609
ANDRE N ROWE, 8850
DAVID M ROZZELL, 6461
PAUL S RUBEN, 7088
KENNETH A RUSSELL, 3297
GARY A RYALS, 5266
JOSE A SANCHEZ, 1456
JOSEPH M SANCHEZ, 0264
BRIAN D SANDERSON, 3821
ROLAND T SASAKI, 9443
DANIEL G SCHLAFF, 3325
JACOB D SCHMITTER, 8309
NICHOLAS D SCHNAUFER, 4178
SCOTT C SCHULZ, 9174
STEPHEN P SCHWEDHELM, 4765
DAVID A SCHWIND, 7517
ROSS A SCOTT, 2873
MICHAEL J SCULLY, 8742
SHIHO A SEFTON, 4014
MARK D SENSANO, 2907
GENE G SEVERTSON II, 5098
CHRISTIAN M SEWELL, 6873
KEITH A SHANKS, 3422
AARON F SHOEMAKER, 4238
PETER M SHOEMAKER, 9727
ANDREW J SHULMAN, 7382
AARON B SIKES, 9885
JONATHAN S SIMPSON, 2411
JOSEPH E SISSON, 9841
CHARLES P SMITH, 1959
REBECCA S SNYDER, 0374
JOSEPH B SORRELL, 6816
GLENN A SOUTHERN, 9274
JOSEPH M SRODA, 2970
MARK B STEFANIK, 1255
MATTHEW A STEVENSON, 7559
RYAN M STODDARD, 8925
ADAM H STONE, 6708
JASON STRACQUALURSI, 1671
DOROTHY J TAMEZ, 9649
ELIZABETH M TANNER, 8597
SHANE P TANNER, 6470
MATTHEW L TARDY, 2080
MARK W TERRELL, 9396
TRACEY M TOBIAS, 9041
GLENN R TODD, 1549
THOMAS A TODD, 3777
SCOTT P TOMPKINS, 7753
WILLIAM H TROUTMAN, 2523
BRADLEY D TRUESDELL, 9854
DAVID M TULLY, 5865
BRADY W TURNAGE, 3666
SCOTT A TYSON, 5578
MARLIES C URBAN, 0701
MICHAEL T VALENZUELA, 2950
ANN M VALLANDINGHAM, 2217
JEFFREY J VALLINA, 1110
JUSTIN M VERVILLE, 7756
DEREK A VESTAL, 3723
JONATHAN L VIELEY, 2894
JOHN E VOLK, 9529
DAVID M VONHOENE, 4349
JONATHAN G VOORHEIS, 0525
TIMOTHY A WALLACE, 1215
ANTHONY W WALLEY, 0545
SIMONE R WALSTON, 0471
LINNA R WALZ, 1280
SHERRY W WANGWHITE, 7462
KENNETH P WARD, 5674
MARK A WARD, 0916
HOWARD A WARREN, 8597
ROSS W WEILAND, 4117
IAN S WEXLER, 5489
KEVIN S WHISMAN, 4797
NATHAN D WHITE, 3147
ARCELIA WICKER, 2208
SUSANNE M WIENRICH, 7233
PAUL F WILEY, 8343
ANTHONY S WILLIAMS, 6048
ENNIS E WILLIAMS, 5815
RALPH L WILLOUGHBY JR., 0518
WILLIAM E WINDUS, 7989
ERIC M WITHERELL, 7315
DONNA I YACOVONI, 5108
KEVIN D YUSMAN, 2600

To be lieutenant junior grade

RODNEY O ADAMS, 1236
ADAM L ALBARADO, 4915
GEORGE E ALEXANDER, 5547
THOMAS R ALLEN, 4673
BRYAN P BARRY, 0178
LUIS A BENCOMO, 4210

JOSEPHINE F BERNABE, 4800
DANIEL L BESSMAN, 5830
ROBERT L BETTS, 0708
JASON L BIRCH, 6988
DOUGLAS B BOOHER, 1021
MICHAEL J BREAUX, 0163
DONALD L BRITTON, 4668
COREY R BROGNA, 8210
TERRY L BUCKMAN, 8757
GARY L BUXTON, 3970
DAVID I COLON, 3369
MICHAEL A CORRIGAN, 4090
ERIC S CRAFT, 2461
KIM M DACOSTA, 9439
JAMIE B DAVIDSON, 2789
TISH M DAVIS, 2601
ANDRES DIAZ, 7140
ANDREW J DONADIO, 7728
MICHELLE D DONADIO, 2053
ANTHONY C DUYNSTEE, 6131
TENISHA M FINLEY, 3580
VAN R FITZSIMMONS, 5712
JODIE R FORBES, 3102
ADAM H FOX, 6961
DONALD M FREEMAN, 0085
JOSHUA A FREY, 4809
JEFFREY T FREYE, 4030
BRADFORD R GILROY, 5191
TERRENCE D GLASGOW, 7053
KYLE L GUILFOYLE, 5803
ANDREW B HALL, 1871
TOD A HAZLETT, 3626
JESSICA L HERMAN, 0301
ANDREW J HOFFMAN, 6589
PHILLIP C HOLMGREN, 0870
DELMY M HORMAN, 1656
BRIAN E JONES, 9469
JOHN M JONES JR., 0181
MICHAEL J KAUPPERT, 9152
DOUGLAS W LEAVENGOOD, 6684
RICK W LENTZ, 8896
ANDREW L LITTERAL, 9786
MATTHEW D LOVERINK, 3939
DANIELLE M LUKICH, 0593
JAMES I MAIZE, 4221
DARIN E MARVIN, 1114
SEAN MATHIESON, 8481
ANTONIO MAURO, 0537
JOHN P MCCORMICK, 7736
KARA R MCDIVITT, 6352
MATTHEW M MICHALOWICZ, 4866
AARON J MUELLER, 5056
PATRICK S MYER, 9266
PATRICK S MYRICK, 8119
PATRICK J NEWBROUGH, 1285
CHRISTOPHER ODONNELL, 2613
ROBERT S OLIVER, 9671
HAMPTON W PARRISH, 9177
ROBERT R PATTO JR., 1711
CHARLES W PELL, 7846
MITCHELL R PERRETT, 4648
CATALINA L PHIPPEN, 7246
RUSSELL S PILE, 3543
BRYAN D REX, 1703
SARAH C RHOADS, 0992
JODY L RICH, 6096
TODD C RUSSELL, 6281
TIMOTHY E SAMUELSON, 9055
JONATHAN D SCHROEDER, 7774
JOSEPH D SCOTT, 6860
SARAH A SIEWERT, 9341
CHAD B STEINBRECHER, 2594
MAREK STROSIN, 9473
IRA L SWINNEY JR., 4223
LARRY B TALTON, 4667
PHOEBE U TAMAYO, 7933
GEORGE N TAYLOR, 6035
JONATHAN W THURSTON, 1461
MERRITT E TOLLISON, 7965
MICHAEL J TOLLISON, 2051
MICHAEL E TURNER, 6862
BRADLEY J WALTERMIRE, 3356
RILEY A WEBER, 0979
CARL J WELLS, 6202
MARY G WESTHAFER, 8719
ELIZABETH A WICHT, 7032
ALLEN E WILLEY, 3095
ROBERT R WILLIAMS IV, 9065
MARK H WOODS, 1675
JEFFERY S YOUNG, 3259

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JEFFREY D. DICKSON, 7481

WITHDRAWAL

Executive message transmitted by the President to the Senate on October 16, 2003, withdrawing from further Senate consideration the following nomination:

THOMAS THOMAS RILEY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 22, 2005, WHICH WAS SENT TO THE SENATE ON FEBRUARY 27, 2003.

HOUSE OF REPRESENTATIVES—*Thursday, October 16, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. THORNBERRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 16, 2003.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Benny Tate, Rock Springs Congregational Methodist Church, Milner, Georgia, offered the following prayer:

Our most kind and gracious Heavenly Father, we thank You for this day and the privilege to approach Your throne. We are grateful that one of our forefathers, Ben Franklin, had the foresight to request that Congress begin each meeting by imploring the assistance of heaven.

Lord God, I lift up everyone here today to You in prayer, realizing that we often refer to them as politicians, but in Your Holy Book, you refer to them as ministers. And they are responsible to those they represent but ultimately to You.

I pray Your wisdom, direction, and guidance upon them and their families. I especially ask You to be with President Bush; lead him as he leads our Nation. I ask You to be with our soldiers, no matter where they are serving; protect them, and bring them home safe.

Lord, we still believe what George Washington stated more than 200 years ago: "It is impossible to rightly govern the world without God and the Bible."

May we always be keenly aware of what made this Nation great and may we return to You.

I pray all this, in the wonderful name of our Lord and Savior, Jesus Christ, until You come, we pray.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. SOLIS) come forward and lead the House in the Pledge of Allegiance.

Ms. SOLIS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1474. An act to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1474) "An Act to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes.".

The message also announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3229. An act to amend title 44, United States Code, to transfer to the Public Printer the authority over the individuals responsible for preparing indexes of the Congressional Record, and for other purposes.

INTRODUCTION OF THE REVEREND DR. BENNY TATE

(Mr. COLLINS asked and was given permission to address the House for 1 minute.)

Mr. COLLINS. Mr. Speaker, it is with great pleasure that I introduce the Reverend Dr. Benny Tate from Rock Springs Congregational Methodist Church in Milner, Georgia. June and I are regular visitors to Dr. Tate's church.

Dr. Tate reminds me of a quote from Alexis de Tocqueville who came to America in 1831 to study democracy. And he wrote, and I quote, "I sought for the greatness and genius of America in her commodious harbors and her ample rivers, and it was not there; in her fertile fields and her boundless forests, and it was not there; in her rich mines and her vast world of commerce, and it was not there; in our democratic Congress and her matchless Constitution, and it was not there. Not until I went into the churches of America and heard her pulpits flame with righteousness did I understand the secret of her genius and power. America is great because she is good. And if America ever ceases to be good, America then will cease to be great."

Fourteen years ago Dr. Tate relocated to Georgia to pastor the Congregation of the Rock Springs Congressional Methodist Church. Under his tenure, the average Sunday morning attendance has grown from 30 to 750. To accommodate this growth, the church is in a building program at this time to build and construct a 1,100-seat sanctuary. Their motto is if God builds it, they will come.

Dr. Tate is the author of two books, Happy Wife, Happy Life, and, One More Night with the Frogs. He also hosts a popular weekly radio program, Apples of Gold. He and his wife Barbara and their daughter Savannah reside in Griffin, Georgia.

Dr. Tate is a pastor that I love, a pastor that I enjoy, and a pastor with a message that if God builds it, they will come because his message is one of righteousness.

I am proud to introduce, Dr. Benny Tate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will receive 10 1-minute speeches on each side.

CELEBRATING THE 175TH BIRTHDAY OF LEXINGTON, NORTH CAROLINA

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, Lexington, North Carolina, is celebrating its 175th birthday this year. Lexington is a furniture and textile center, known for its famous Lexington-style barbecue and its annual Barbecue Festival which draws 100,000 people each October.

There are numerous Lexingtons in our country, from sea to sea, border to border, across the fruited plain, but none dispenses barbecue that is as delectable and tasty as Lexington barbecue. Go visit the old girl on her 175th. While there, tell her you want to order a chopped tray, laced with hush puppies and slaw. You will come back.

The gentleman from North Carolina (Mr. WATT) and I, wish Lexington, North Carolina, a happy 175th birthday with wishes for many more to come.

CELEBRATING THE 175TH BIRTHDAY OF LEXINGTON, NORTH CAROLINA

(Mr. WATT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT. Mr. Speaker, I rise today to honor the residents of Lexington, North Carolina, part of which is located in my congressional district as they celebrate the 175th anniversary of their city.

Lexington was incorporated on December 28, 1827, and the first town commissioners were elected February 7, 1828. They are celebrating their anniversary throughout 2003.

Today Lexington has around 20,000 residents and is a thriving part of North Carolina's Triad. Lexington is the county seat of Davidson County and is world famous for their Lexington-style barbecue, which many regard as the world's best. Lexington is also renowned for its furniture and is the home of artist Bob Timberlake.

I wish all the best to Lexington residents and Mayor Richard Thomas as they celebrate "Lexington's 175th Years: Past, Present and Future." I thank my colleague, the gentleman from North Carolina (Mr. COBLE) for joining me in honoring this city that we both are proud to represent.

THE MIRACLE ON MOTOR STREET

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, I rise this morning to talk about the miracle on Motor Street in Texas. There is a natural tension between competing constituencies in the arena of vying for Federal dollars.

Funding for research for health care may at times intersect sharply with those dollars required for engineering research. But sometimes it all coalesces and condenses around a single event that serves to demonstrate the importance of collaboration.

And we witnessed just such an event this weekend in north Texas with the apparent hugely successful separation of Ahmed and Mohamed Ibrahim.

The intersection of mechanical engineering, bioengineering, pharmacology medicine, and surgery quietly and completely joined together to give these two otherwise healthy boys their best chance at a normal life.

I have a new job now, one which deals more with policy than surgical skill. So how nice it was to stand with one foot in the political world, but one not too far removed from the medical world, and to vicariously savor the moment of triumph for, yes, our medical professionals and also for everyone who devotes a life to making things better for those around them.

And everyone was involved at Children's Medical Center in Dallas, from the doctors, nurses, technicians, to the theoretical and practical professionals who developed the specialized OR table, monitors, and medicines.

We are reminded of how sometimes, when we focus on the very big and noble causes, we are rewarded many times over.

BRINGING JUSTICE TO THE FAMILIES IN CIUDAD JUAREZ

(Ms. SOLIS asked and was given permission to address the House for 1 minute.

Ms. SOLIS. Mr. Speaker, I rise today before you to tell you about a very moving experience I had this weekend. I traveled to the city of Ciudad Juarez in Mexico on a fact-finding mission with three other Members of Congress.

Over 300 young women between the ages of 15 and 20 years of age were either sexually assaulted, raped, tortured and brutally murdered in the Ciudad Juarez in the past 10 years.

I met with heartbroken families who were suffering from their losses. The families I met with wore pink hats and T-shirts with pictures of their loved ones that were missing, asking for justice, for "Justicia."

They are rightfully looking for justice and closure to these awful murders. Many of these women and girls were abducted on their way to work or returning home from work or school.

I wish all Members could see where some of these women live, in great miserable conditions where neighborhoods have no paved roads, no electricity, and no street lighting.

So women have to travel by walking several blocks in the evening. Once they come home from work, many of them work there along the border.

On Tuesday, the day that I returned from our trip from Ciudad Juarez, the body of a woman was found battered to death and then wrapped in a plastic bag. The fact is that this continues to happen, does not make it acceptable or tolerable.

In August, the Mexican Government established a commission that we hope will work and collaborate with our government, the FBI, and also other entities and the State Department to come to some conclusion.

WASHINGTON WASTE WATCHERS

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, as part of the Washington Waste Watchers, I want to highlight, once again, the waste in the Federal Government.

Over the last 4 years the Department of Agriculture spent over $5 billion in food stamp improper payments. This could have paid for over a year of food stamps for over 3 million low-income Americans.

Improper payments alone last year could have paid for a year of food stamps for close to 800,000 low-income Americans, Mr. Speaker. And yet our friends the Democrats still want to raise your taxes to pay for more of this?

Mr. Speaker, Democrats are worried about spending more money to protect our troops and to provide for America's long-term security, but they have no problem in spending money to give benefits to ineligible recipients. We have to get our priorities right, Mr. Speaker.

Let us fight waste, fraud, and abuse. We ask our friends in the other party to help us in our long term security and not do anything to not fund our troops abroad.

SUPPLEMENTAL APPROPRIATIONS BILL

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, today the House of Representatives is expected to vote on the President's $87 billion supplemental appropriations bill for Iraq.

This $87 billion is on top of the $79 billion we approved last spring.

This is not an easy vote, and I appreciate hearing from my constituents on this issue.

I have no objection to spending every dime necessary to make sure our troops are safe and well-supplied with everything they need to do their jobs, but the $18.6 billion in the bill for civilian reconstruction is simply too big of a handout.

Iraq has vast oil reserves, and we should lend the money to Iraq. The President has refused to separate the military portion of the bill from the reconstruction money.

I will offer an amendment to set aside enough money to pay a $1,500 bonus to every serviceman and woman who served in Iraq and Afghanistan.

Another amendment would require the use of American steel to be used in the rebuilding of Iraqi infrastructure, helping to keep jobs here in America.

Our people at home are hurting for jobs for health care, for quality education, prescription drug coverage. I do not believe we can ask them to continue to sacrifice even more to assume an enormous additional debt for Iraq's civilian reconstruction. That is why I intend to vote against the supplemental appropriation bill.

☐ 1015

QUERIA'S TRUE COLORS

(Mr. PITT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITT. Mr. Speaker, three Americans lost their lives this week in Gaza City. Several Palestinians died as well. They were part of a team being escorted by Palestinian security forces to bring relief to the Palestinian people.

The Middle East peace process sometimes looks like it will never succeed. But as we mourn the death of these Americans, we should keep a wary eye on what Arafat's new prime minister said in response to a question last week.

Asked whether he would support the road map and confront and shut down the terrorists, he responded, "I will not listen to the Americans. I will listen to our national rights. We will not confront; we will not go for a civil war. It is not in our interest. It is not in the interests of our people and it is not in the interests of the peace process."

He is right about a civil war. That is not what we want. But to say that he is willing to stand up to the people in his ranks who deliberately target and kill innocent people is ridiculous. Too many innocent people are dying, Israelis and Palestinians, to avoid direct confrontation with the forces that are killing those people.

IRAQ SPENDING DONE RIGHT

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, it was wrong to give this administration a blank check to wage unilateral war, and it is wrong to give them a blank check to rebuild Iraq. Total spending in Iraq is now approaching $200 billion of borrowed money, with no end in sight. We need to spend less, spend smarter and put someone in charge who knows what they are doing.

None of this controversy should prevent our providing our troops with the support they deserve. They will ultimately get flak jacket liners, protective vehicles, and for their basic needs like safe drinking water. It is just sad that it is taking so long. It is not the time to approve this reconstruction package, 10 times the size of the Marshall Plan even after being adjusted for inflation (on a per capita basis).

It is not being administered by the right people. I will offer an amendment to shift it to the State Department and USAID. Our troops, the Iraqi people, and the American public deserve this to be done right.

CONGRATULATIONS TO THE FLORIDA MARLINS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, it is with great pride that I rise today to congratulate the Florida Marlins on a wonderful victory as the National League champions for the 2003 season.

The Florida Marlins was a team that few expected to reach the playoffs, and their victory last night proves that you can win with hard work and nothing is out of reach. Well, perhaps for the Cubbies a ball in left field may be out of reach. But for fellow Miamians and the faithful Marlins fans, winning the National League title comes as little surprise for a team that is known for incredible come-from-behind wins and dramatic finishes such as the 1997 World Series.

Congratulations are in order for the Chicago Cubs for a great season that wound up just short of their hope to reach the World Series since 1945.

Last night's victory was both thrilling and breathtaking. As our Marlins head to the World Series, I wish them the best of luck, and I know that they will certainly prevail as the 2003 World Series champions.

Felicidades a los Marlins.

DOMESTIC VIOLENCE AWARENESS MONTH

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to recognize Domestic Violence Awareness Month. Unfortunately, domestic violence continues to be a major threat facing women of all ages. The most conservative estimate indicated that each year 2 to 4 million women are battered or beaten, and nearly 200,000 of these cases are serious enough to require hospitalization or emergency room use.

While there are many support groups and organizations dedicated to helping people of domestic violence, there are still those who would seek to undercut these services.

Recently, a lawsuit was filed by the National Coalition of Free Men who claimed that 10 shelters in Southern California provided services to abused and battered women and were engaging in unlawful sex discrimination because they did not accept men at their shelters. The California Women's Law Center and the law firm of O'Melveny & Meyers represented a majority of these shelters, pro bono, and successfully argued that this lawsuit had no merit.

While it is important to provide services for all abused and battered persons, it is equally important that these services not be denied to those who need it the most, women and children who are the most vulnerable to these attacks.

COMMENDING THE GEORGIA BOARD OF HUMAN RESOURCES

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, yesterday the mental health community of southeast Georgia celebrated a victory.

After the outgoing Human Resources commissioner proposed the closure of Georgia Regional Hospital in Savannah last month, the Georgia Board of Resources voted yesterday to keep this important hospital open.

Last month, I wrote the Governor with my concerns over the closure of Georgia Regional. I was deeply concerned that the decision to close the facility was made by only looking at the direct cost savings and did not include the services that this facility provides to southeast Georgia.

I was concerned about the additional costs that the region would incur due to the closure, as well as the difficulties that people with psychiatric and developmental disabilities and their families would endure.

Mr. Speaker, I commend the Georgia Board of Human Resources for agreeing to keep this necessary facility open in Savannah, Georgia.

HUNGER CRISIS IN AMERICA

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, when Americans think about hunger, we usually think about mass starvation in faraway countries. But hunger too often lurks in our own back yards.

In the United States, over 33 million people live in households where people have to skip meals or eat less to make ends meet. In many homes in my State of Oregon, an estimated 720,000 people ate meals from emergency food boxes at least once last year.

Children comprise nearly 40 percent of those receiving emergency food, yet this administration is considering making changes to the verification process for the free and reduced-price school meals that could eliminate more eligible low-income children.

Today, four of my Oregon colleagues and I sent a letter to Secretary of Agriculture Ann Veneman asking her to reconsider making such costly changes to the system until we better understand the potential consequences of these changes.

It is my hope that the administration will continue to work to remedy the hunger crisis in our Nation without using costly and ineffective measures that will impede our children's access to nutritious and low-cost school meals that they need to grow and learn. I am committed to finding a solution to the problem, and I ask my colleagues to come together and find effective solutions and show that hunger does indeed have a cure.

AMERICA IS FULL OF OPPORTUNITIES

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, in picking up the USA Today's money section: "Economy: Good News, Prices Tame, Jobless Claims Down." Coca-Cola's earnings up 12 percent. IBM earnings rise 3 percent, will add jobs. Apple swings to a quarterly profit based on back-to-school sales. Intel sees quarterly profits soar. Harley Davidson cruises to record profits.

These are as a result of this administration and this Congress's passing tax relief for American families. The Committee on Ways and Means will be considering additional tax relief for corporations to keep domestic employment higher than it is currently to save jobs in America.

Now, despite the pessimism you have heard from the nine Presidential candidates on the other side of the aisle, we are winning the war both in the economy and we are winning the war in Iraq. I wish the nine people running for the high office of President would be more supportive of this administration, more supportive of our troops in Iraq, and more supportive of the economy.

America's best days are yet ahead, not behind us; but the other side would lead you to believe the worst is yet to come. Let us be positive. Let us be optimistic. This is a great Nation. We have great opportunities.

SMART DECISIONS FOR A STRONG FUTURE

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, I agree with the last speaker. America's greatest days are yet to come. But not if we make a bunch of stupid decisions here in Washington.

The great debate today will be whether the $18 billion going to build Iraq is going as loans or as gifts. But first we will take up H.R. 198, which I know leadership plans to pass by unanimous consent. Well, I will reserve the right to object.

H.R. 198 is being brought up at this time as is a bizarre and inadequate fig leaf designed to say, well, it is okay if we give away $18 billion of the taxpayers' money, as long as on the same day we make a request that Germany and France renounce the debts that are owed to them by Saddam Hussein.

If we need a Marshall Plan for Iraq, remember, the first step in the Marshall Plan was that Hitler's debts were renounced. Promissory notes signed by Hitler were never paid. And we can make an $18 billion loan to Iraq if it renounces its Saddam debt.

SOUTH CAROLINA VICTIM ASSISTANCE NETWORK

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to recognize the outstanding efforts of the South Carolina Victims Assistance Network led by Public Policy Coordinator Laura Hudson, CEO Veronica Swain, and VIP Director Nicole Goodwin.

This group tirelessly works on the victims of crime that are often forgotten by the public after their trauma no longer merits headlines. The Victim Assistance Network advocates on behalf of all victims and witnesses of crime, establishes a communications network, enhances public awareness, facilitates research and evaluation, serves as technical support, provides quality training, educates and coordinates policy development while encouraging citizen and victim participation.

As we recognize President Bush's Domestic Violence Awareness Month this October, I ask all my colleagues to join in support of organizations like the South Carolina Victim Assistance Network. These groups serve as a wonderful example of a community reaching out with compassion to offer hope to victims of crime.

In conclusion, God bless our troops.

MEDICARE PRESCRIPTION DRUG PLAN FOR OUR SENIORS

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, we most certainly today are going to be making very important decisions concerning the situation in Iraq. But Friday is the self-imposed deadline of the Medicare conference. We all need to make a concerted effort to work towards pushing this important legislation of a prescription drug plan for our seniors through Medicare through this Congress.

This is an opportune time for movement forward to improve our Nation's Medicare system. With the rising price of prescription drugs, preventive care and innovative medical technologies, we need to make sure that our seniors are able to access these privileges. Medicare needs to be reformed now so that these seniors who need assistance paying for prescription drugs will receive it.

I urge my colleagues serving on the conference committee to rise above partisanship so we can deliver to America's seniors a prescription drug benefit. The time is now. We are closer than ever. It is time to deliver the prescription drug plan to our seniors through Medicare.

IRAQI GRANT NO GIFT TO AMERICA'S CHILDREN

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, today we will be discussing a supplemental which provides $87 billion for Iraq, $18.6 billion of that going as a reconstruction package.

The gentleman from California (Mr. SHERMAN) was right when he suggested this is the pivotal decision that will be made today. The American people should pay close attention to what their Representatives are doing and should contact their Representatives if they believe that if we are going to give $18.6 billion away, it should be in the form of a loan which will be repaid once Iraq, which could be one of the richest oil producing countries in the world, gets back on its feet. It should repay that $18.6 billion. We should not just be giving it as a gift.

The Rohrabacher amendment insists that it be given as a loan instead of a gift and that it be repaid. And if the Rohrabacher amendment is not permitted, if it is ruled out of order, I will move the next Rohrabacher amendment, which would be to cut that $18.6 billion from the request. And within a matter of days, the administration will come back with it in the form of a loan.

If you do not want to give away this money, if you want your children not to have to repay this money that we are borrowing in deficit spending, vote for the Rohrabacher amendment.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES THAT FRANCE, GERMANY, AND RUSSIA CAN BEST CONTRIBUTE TO RECONSTRUCTION OF IRAQ BY FORGIVENESS OF OUTSTANDING DEBT

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 198) expressing the sense of the House of Representatives that France, Germany, and Russia can initially best contribute to the reconstruction of Iraq by the forgiveness of outstanding debt between both Iraq and France, Iraq and Germany, and Iraq and Russia, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

☐ 1030

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentlewoman from Florida?

Mr. COLE. Mr. Speaker, reserving the right to object, and I shall not object, I rise to support this important resolution, H. Res. 198.

Mr. Speaker, this resolution encourages France, Germany, Russia and other countries to forgive the debt owed to them by Saddam Hussein's regime; to make generous pledges for Iraq's reconstruction at the forthcoming Madrid donor conference; to work with the Paris Club on debt forgiveness issues for Iraq; to acknowledge the role that Iraq's current debt has in hindering reconstruction efforts; and to educate their populace about the importance of debt forgiveness in Iraq's reconstruction.

France, Germany, Russia and other countries have all been vocal about opening up Iraq's reconstruction contracts. If they wish to participate in this process, they should have the generosity and decency to contribute positively to the reconstruction effort by forgiving the debts.

Mr. Speaker, it is unconscionable for nations to expect the Iraqi people to repay the debts contracted by the terrorist and despotic regime of Saddam Hussein, particularly when those people were in part the victims of that regime and had no say in the loans in question. H. Res. 198 will assist the public debate in these issues going into the Madrid conference of donors and will put this House on record for supporting debt forgiveness on this significant issue.

Mr. Speaker, America's given its most sacred resource, the lives and blood of its soldiers, as well as billions of dollars, in order to rid Iraq of Saddam Hussein and begin the difficult task of reconstruction. It is only right that other nations should forgive their debt and begin to participate in the process.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

Mr. SHERMAN. Mr. Speaker, I reserve the right to object. This is a good bill if it came up at any other time, but today, it serves a unique purpose, and that is, to deal with the great debate that is the big issue that will come up today as the gentleman from California (Mr. ROHRABACHER) pointed out. That issue is whether the $18 billion, not to rebuild Iraq but to build Iraq as it has never been built before, whether that money will go in the form of a loan or some other collateralized instrument, perhaps an advance payment on the purchase of oil, or whether, instead, it will go as a gift.

What are we told? We are told that we cannot make it a loan because the Iraqi balance sheet is already in such terrible shape. I would first point out that the American balance sheet is not in great shape either, and we will be adding $500 billion to the debt side of that just this year.

But why is the Iraqi balance sheet in bad shape? It is in bad shape because Saddam borrowed $100 billion, and the people who hold the promissory notes signed by Saddam want to be paid, and for reasons I cannot figure out, the administration feels it is a critical national priority that those who lent money to Saddam get repaid. Promissory notes were signed by Adolf Hitler; they were not repaid. Promissory notes were signed by the Imperial Government of Japan; they were not repaid. Why is it that this administration believes that we cannot burden Iraq with $18 billion in debt because we must preserve their ability to pay the $100 billion of debt that Saddam Hussein borrowed?

Follow the money. Because in 2008 and 2010 and 2012, Iraq, a country with the second largest oil reserves in the world, will be exporting more oil than it needs, the revenue to finance its ongoing operations. It will be able to pay debt service. It has collateral. That is why these folks lent Saddam $100 billion. It will have that money.

Where will that money go? If none of it comes to us, the first claimant for $25 billion is Saudi Arabia. The Saudis are not content with the revenue from their own oil. They want $25 billion to be paid by the new Iraq because they have a loan made to the old Iraq. Who is second? Kuwait is in for only $17 billion, except they claim that they are also owed reparations for the invasion. Okay. That is interesting. The new Iraq should pay for the invasion of Kuwait by Saddam.

So we are told by the Kuwaitis that not only, not only did we have to spend our treasure and our blood to liberate them, not only do they have more oil than one can imagine per capita, but that they should have a high claim on Iraqi oil and that the American taxpayer should be at the back of the line.

I would say that we must do more today than give $18 billion to Iraq and then have this resolution saying, oh, please, pretty please, these other creditors should forgive their debts. First of all, the resolution identifies as the main creditors France and Germany and Russia when, in fact, the major creditors of Saddam are Saudi Arabia and Kuwait.

Second, they do not have to forgive the loan. What incentive do they have? It is not like we are saying forgive your loan and this will happen or we will make our efforts contingent upon yours, but rather, today, we are going to be asked to give $18 billion to Iraq to eliminate any possibility of adding an incentive for others to forgive their debt to enshrine the debt signed by Saddam while denigrating the American taxpayer.

We will be talking about more of this in the rest of today, but no one should believe that the passage of H. Res. 198, a mere plea to the wrong people that they forgive debt that they have no intention of forgiving so that we can give away American taxpayer dollars, that we do not have to give away, this is the smallest fig leaf for the biggest problem.

Mrs. MALONEY. Mr. Speaker, will the gentleman yield?

Mr. SHERMAN. I yield to the gentlewoman from New York.

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding, and I rise in support of the resolution and thank the gentleman from Oklahoma (Mr. COLE) for his work.

This resolution is a good start but I believe the House must do more to promote debt relief for Iraq. The sense of Congress states that France, Germany and Russia should recognize the role that Iraq's current debt could play in hindering its reconstruction. I strongly agree with this language but we should move beyond France, Germany and Russia on this issue.

While total debt figures are difficult to gather, Representative Coalition Director Paul Bremer has put the number at roughly $200 billion, and actually, the debt of France, Germany and Russia is just a fraction of the total debt. Russia's estimated to be owed between $9 and $12 billion. The amount of Iraq's debt to France ranges from $1.7 to $4 billion and Germany is owed $4 billion. Iraq owes its neighboring countries far, far more money than it does Germany and Russia and over $4 billion is owed to the United States.

Together with the gentleman from Iowa (Mr. LEACH) I have introduced a bill, the Iraq Freedom from Debt Act, and this legislation would require the U.S. representatives at the IMF and World Bank to vote within these highly influential international financial institutions to reduce the debt owed to Iraq.

The IMF and World Bank are owed roughly $150 million, and together with the U.S., these institutions are working with the international community on the donor conference to reduce Iraq's debt.

As my colleague pointed out, the neighboring countries of Saudi Arabia and Kuwait owe much much more. Just this past weekend in Qatar, the foreign minister indicated the $1.5 billion owed to Qatar, they would negotiate relief in that debt. Much of this debt was odious debt to build palaces for Saddam Hussein, and certainly the people of Iraq should not be saddled with having to repay it.

I will put the balance of my remarks in the RECORD in the interest of time.

Mr. SHERMAN. Mr. Speaker, further reserving the right to object, I am going to yield to my colleague from Texas, but let me point out one use of this $18-billion.

Two billion dollars of it is going to go to build new oil wells and oil facilities in Iraq. This will be the first time in history that we invest $2 billion in oil drilling, hit oil and get nothing. Why do we need these $2 billion of additional oil wells and oil facilities? So that Iraq can produce more oil, so they can sell that oil, so it can give the money to Saudi Arabia. What a great deal for the American taxpayer.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. SHERMAN. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I will take just a brief moment to bring this point to the table.

This is a meritorious resolution if we had had a consensus and a collaboration with France and Germany and Russia on how they would participate in the overall rebuilding of Iraq, but I do believe, as my colleague from California has indicated, that this is only sort of a stopgap or sort of a distraction from the overall massive debate of how outrageous the $87 billion is, and I will just say this, Mr. Speaker, and then I will yield back.

Right now, the $87 billion in comparison to the Marshall Plan will generate about $900 per Iraqi, per Iraqi, if we were to give that amount of money. That is a far cry from the amount of money that was generated on behalf of those during the Marshall Plan when there were 16 countries involved, and even though it was in those dollars, it was somewhere around $200 per capita.

This would be a good resolution if we had had a cooperation or collaboration or agreement with our allies on how they would participate in the rebuild, but right now we are sort of making a statement to those who are actually not going to listen.

Mr. SHERMAN. Mr. Speaker, I withdraw my reservation of objection, noting that another gentleman from California may also wish to object.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

Mr. ROHRABACHER. Mr. Speaker, reserving the right to object, let me note that I support H. Res. 198, and I commend the author for trying to do something.

I would note to the gentleman from California (Mr. SHERMAN) that a fig leaf is better than no leaf at all, and this is a step, a very small step in the right direction that focuses on the debt forgiveness and how important that is that we do not keep a mill stone around Iraq's neck, and the people of Iraq, they are going to be democratic.

If they are going to have the stable society, they cannot have this massive debt hanging around their neck that was left them by Saddam Hussein. These are debts that were given to Saddam Hussein, loans that were given to him by these major financial international partners, for example, the Saudis and certainly German and French banks. We should not be saying that they have to repay these loans because no matter how much money we give them or how much is in the donor's conference, they will never prosper with these loans around their neck.

We tried this with Russia and we tried this with Eastern Europe. We insisted that they repay the debts of the Communist-era debts, and it created chaos and undercut progress in that part of the world for 10 years. We cannot afford that with Iraq.

So I support H. Res. 198, but the gentleman from California (Mr. SHERMAN) was absolutely correct when he said this is only part of the major debate which is should the $18.6 billion that we are going to provide as reconstruction money go to Iraq as loans or go to Iraq as a gift. The reason why they are saying it must be a gift is because of these loans that these big bankers made to Saddam Hussein when he was in power. That is no excuse at all. We should not be protecting the validity of $100 billion for the loans to Saddam Hussein from these heavy international financial institutions by giving our money away. We are borrowing this money, this reconstruction money, $18.6 billion because we are in deficit spending, and we are expecting our children to pay it back rather than to have the Iraqi children pay it back when they are on their feet 10 or 20 years from now, when they are the biggest oil producer in the world. We are going to end up paying it back rather than them paying it back. It makes no sense at all.

So I would ask my colleagues to make sure that they pay close attention to the Rohrabacher amendment which makes sure that this will be a loan to Iraq and not a grant and a gift or a giveaway. With that, I support H. Res. 198.

Ms. ROS-LEHTINEN. Mr. Speaker, on a day when we are posed to debate the Emergency Supplemental for Iraq and Afghanistan, it is critical that we call on France, Germany, Russia and other nations, to contribute to Iraq's reconstruction, including by making generous pledges at the Madrid Donors' Conference.

It is a matter of fairness and equity. Many of these nations are starting to benefit from a free, liberated Iraq. Their companies will reap financial windfalls from reconstruction efforts. Yet, they expect the U.S. and a small group of nations, to bear the financial burden.

France, Germany, and Russia, in particular, should be called upon to match the generous commitment from countries such as Japan which, despite suffering from a severe fiscal situation, has pledged more than $1.5 billion for the immediate reconstruction needs of Iraq.

These countries and all of the creditor nations to Iraq should provide debt relief, that will enable the Iraqi people and a future freely-elected government, to rebuild Iraq's infrastructure and industries which deteriorated so severely during the brutal regime of Saddam Hussein.

Were it not for the ongoing commercial relations and close links between the governments and companies of France, Germany, and Russia and the Hussein regime, the Iraqi people would not be confronted with $21 billion in debt to 19 creditor nations. The Iraqi people and their new leaders should not be held responsible for the corruption and mismanagement of the Hussein regime.

The Iraqi people did not have a say in any of the policies or decisions of the Hussein regime. They were victims in their own homeland. Therefore, it is critical that they not be punished or made to pay for the actions of their oppressor.

We call upon France, Germany, and Russia to acknowledge this reality and make amends for the role they played in prolonging the existence of the Hussein regime and, in turn, the suffering of the Iraqi people.

Through the resolution we are considering today, we call upon these three nations to make a public commitment to debt reduction in the meeting of Paris Club creditors. We further ask them, and all nations, to make generous pledges for Iraq's reconstruction.

We hope they will answer this call.

I urge my colleagues to support the resolution.

Mr. LANTOS. Mr. Speaker, I want to thank the Gentlewoman for bringing this important resolution to the floor.

I would have preferred to see this resolution considered by the Committee on International Relations so that we could debate and discuss its provisions. It is unfortunate that a resolution like this was taken directly to the floor rather than first being considered by the committee of jurisdiction as House Rules provide.

In calling on Russia, France, Germany, and other nations to forgive Iraqi debt, this resolution focuses on one of the issues most important to Iraq's future development.

Because of Saddam Hussein's profligate and murderous ways, Iraq is saddled with an international debt estimated to be as high as $200 billion. That means an inordinate amount of Iraq's resources will be devoted to debt repayment, unless something is done such as this resolution suggests. Unless that debt is dealt with soon, Iraq will be unable to develop as its resources and the skills of its people would otherwise allow. This is an absurd situation and an affront to any reasonable standard of justice.

The Iraqi people had absolutely nothing to do with the acquiring of this debt. Creditor nations supplied Saddam resources to build up his army to invade his neighbors and attack his own citizens; for his effort to develop weapons of mass destruction; and for his building of palaces and monuments for self-aggrandizement.

This money did not serve the needs of the Iraqi people. These loans were not used to develop the infrastructure and resources of the country. The Iraqis not only failed to benefit from this policy of relentless borrowing; they were its primary victims.

Without debt forgiveness, we are now asking the Iraqis literally to pay for Saddam Hussein's crimes for generations to come. By way of illustration, let me boil this absurd situation down to a simple truth: Without debt forgiveness, generations of Iraqi Kurds will be asked to pay the bills for developing the chemical weapons that were used to kill and maim their brethren at Halabja.

As a further absurdity: If the Iraqi people are forced to repay Saddam's debts, most of these repayment funds would be directed to creditor nations that actually opposed Iraq's liberation.

Mr. Speaker, our nation not only liberated Iraq. It has also already donated—I repeat, donated—approximately $3 billion to provide for Iraq's humanitarian needs and rebuild its crumbling infrastructure. And now it has been asked to give more. It is time for Iraq's creditors to step up to the plate and at last do something for the Iraqi people, instead of for Saddam Hussein. As both direction to Administration policy-makers and to strengthen their hand, it is important that this body go on record with a clear demand for international debt forgiveness for Iraq.

Mr. COLE. Mr. Speaker, I rise today in support of House Resolution 198. This is a resolution which I introduced several months go to address the inadequacies of France's, Germany's, and Russia's efforts in participating in the reconstruction effort. In doing so, I believe it best to highlight the outstanding debt owed to them by Saddam Hussein's regime in Iraq.

Mr. Speaker, the time has come for the consideration of its resolution. In the past year, the United States has committed its most precious commodity, the lives of our men and women, for the liberation of an oppressed people. It is not an action which we took lightly as a Congress, and one which we took after much consideration. Now we must win the peace, and in doing so, call upon the very nations who have indicated they would like to see the successful reconstruction of Iraq to forgive its debt.

The odious debt which the regime of Saddam Hussein contracted with numerous countries is not one which would be foisted upon the innocent people of Iraq. Now is the time for debt forgiveness and now is the time for the community of nations to come together and assist in solving this problem. In particular, France, Germany, and Russia must bear special responsibility for this because they represent the countries most vocal in supporting the illegitimate regime of Saddam Hussein.

The Speaker, the past policies of these countries were particularly helpful to Saddam Hussein's regime when United Nations Resolutions prohibited such relationships. They have requested that they be allowed to assist in reconstruction, and this is a first step.

Furthermore, because of their particular role over the last decade, it would be particularly helpful if they were to pledge greater amounts of money to aid in Iraq's reconstruction at the upcoming Madrid Donors' Conference. Thus, we have amended this legislation to reflect that fact.

Mr. Speaker, we are about to enter into a great debate over the substance of a Supplemental that will directly aid Iraq in its reconstruction. While there are a variety of opinions on the Supplemental, there is little doubt that America will keep her word to the Iraqi people and directly aid her in reconsideration. There is absolutely no question that we will not hold the innocent people of Iraq responsible for the actions of Saddam Hussein.

Vote "yes" on House Resolution 198.

Mr. ROHRABACHER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 198

Whereas France, Germany, Russia, and other nations have expressed an interest in assisting in the reconstruction of Iraq;

Whereas France, Germany, Russia, and other nations have previously encouraged and provided debt relief as a way to assist other nations;

Whereas France, Germany, Russia, and other nations had extensive trade relationships with Iraq;

Whereas loans and other support from France, Germany, Russia, and other nations were used by the Saddam Hussein regime to support the development of its weapons of mass destruction programs, the expansion of the Iraqi Army that the regime used to invade its neighbors, and the building of palaces, monuments, and other means of aggrandizing Saddam Hussein;

Whereas the United States has already provided approximately $3,000,000,000 in the form of grants to provide for the humanitarian needs of the Iraqi people and to rebuild Iraq's crumbling infrastructure; and

Whereas France, Germany, Russia, and other nations are capable of making generous pledges for the reconstruction of Iraq at the International Conference on Reconstruction in Iraq to be held in Madrid: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that France, Germany, Russia, and other nations—

(1) should work with multilateral institutions and with creditor nations in the "Paris Club" to establish a debt forgiveness program for Iraq to aid its reconstruction;

(2) should make generous pledges for the reconstruction of Iraq at the International Conference on Reconstruction in Iraq to be held in Madrid; and

(3) should acknowledge the role that Iraq's current debt plays in hindering its reconstruction.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. ROS-LEHTINEN

Ms. ROS-LEHTINEN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the Nature of a Substitute offered by Ms. ROS-LEHTINEN:

Strike all after the resolving clause and insert in lieu thereof the following:

That it is the sense of the House of Representatives that France, Germany, Russia, and other nations—

(1) should work with multilateral institutions and with creditor nations in the "Paris Club" to establish a debt forgiveness program for Iraq to aid its reconstruction;

(2) should make generous pledges for the reconstruction of Iraq at the International Conference on Reconstruction in Iraq to be held in Madrid; and

(3) should acknowledge the role that Iraq's current debt plays in hindering its reconstruction.

Ms. ROS-LEHTINEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN).

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

□ 1045

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to clause 8 of rule XX, the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 198, the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3289, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

Mr. HASTING of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 396 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 396

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with "Provided" on page 32, line 7, through "Act):" on line 20; section 3005; and section 3006. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 396 is an open rule waiving all points of order against consideration of H.R. 3289, the Emergency Supplemental Appropriations Act for Defense and the Reconstruction of Iraq and Afghanistan, 2004.

The rule also waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI except as specified in the resolution. The rule provides for 1 hour of general debate to be equally divided between, and controlled by, the chairman and ranking minority member of the Committee on Appropriations.

In accordance with the rules of the House, the rule provides that the bill shall be read by paragraph. The rule also authorizes the Chair to accord priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions.

This supplemental appropriations bill, H.R. 3289, was approved and reported out of the Committee on Appropriations by a strong bipartisan vote, with a majority of Republicans and Democrats on the Committee on Appropriations supporting this emergency funding measure.

The Committee on Appropriations worked diligently to review the administration's request; and having personally observed a portion of the committee's work, I can attest to the seriousness with which they approached their responsibilities.

The bill provides a total of $86.9 billion in supplemental appropriations with $64.7 billion dedicated to our military personnel and national defense, $18.6 billion for Iraq relief and reconstruction, and $1.2 billion for Afghanistan relief and reconstruction.

The funding provided in this bill is vital to winning the war on terrorism, Mr. Speaker. The bill places a priority on ensuring our men and women in uniform receive the support that they need.

Funding is provided to protect our forces, including increased funds for body armor and equipment to jam radio frequencies to better protect our soldiers from explosives detonated from afar by cell phones. The bill also fully funds hazardous pay and family separation allowances.

Winning the war on terrorism requires us to ensure that the removal of Saddam Hussein from power leads to a free and secure Iraq, and not a haven and breeding ground for terrorists.

The Iraq reconstruction funds provided in this bill are not only an investment in building this safe and secure Iraq; it is an investment in protecting America and in making Americans safer from terrorists.

The bill includes a commonsense provision that prohibits the use of any of these emergency supplemental funds from being used to pay any of Iraq's foreign debts.

Mr. Speaker, as I stated, this emergency supplemental received strong bipartisan support in the Committee on Appropriations. Accordingly, I urge my colleagues to support both the rule, House Resolution 396, and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I voted to authorize the war to remove Saddam Hussein from power, and I believe we must provide the resources to finally finish this war and to ensure Iraq transitions to a stable democratic nation. So I anticipate supporting this bill, despite the fact that it still asks for too much from U.S. taxpayers while also doing too little for U.S. troops.

President Bush and his administration have created a very difficult situation for themselves, for Iraq, and for the United States. So while they will likely get the $87 billion they have requested, I personally doubt that they will get more for reconstruction in the future, even from this fiscally irresponsible Republican Congress, if they continue to force American taxpayers to shoulder this burden alone.

I hope that the Bush administration is finally able to convince our allies to share this burden by providing significant financial and military help, like the first President Bush did in the first Gulf War, and I am frankly mystified that they have failed to get it done so far. There is no good reason to force Americans to pay for this reconstruction alone or to shift the burden to our children and grandchildren by adding its cost to our already monstrous national debt.

Mr. Speaker, the American people are generous, but the United States has needs of its own. The Republican Congress refuses to fix our crumbling schools or help with sky-high prescription drug prices, and too many military families still live in sub-standard housing. If the Republicans who control this government can find money to take care of Iraq, why will they not take care of our needs here at home?

Moreover, the Bush administration did not prepare the American people for the costly and deadly reconstruction efforts they are now witnessing. Many Democrats in Congress repeatedly urged the President to be completely forthright with the public and to share his post-war plan. Needless to say, the administration did no such thing. Instead, they told us not to worry about the post-war plan. And whenever people like General Shinseki and Larry Lindsey let slip the truth, that it would be very expensive and require lots of troops, they were publicly rebuked and then relieved of duty.

Well, Mr. Speaker, ever since President Bush landed on an aircraft carrier and declared the war officially over, the American people have seen for themselves the post-war plan he told us not to worry about, and the public is worried because they have seen over 180 Americans killed in Iraq since President Bush declared victory. And they have seen reconstruction costs explode while certain big corporations are making massive profits at the expense of the public.

Mr. Speaker, before the war, the American people were told Iraq was an oil-rich country that could fund its own reconstruction. So the gentleman from California (Mr. LANTOS), the ranking member of the Committee on International Relations, will offer an amendment to turn this reconstruction gift into a loan so that Iraqis can use their future oil wealth to help Americans pay to rebuild the Iraq that Saddam Hussein destroyed.

Now, for some reason, the Bush administration insists that American taxpayers should shoulder this burden alone, so they oppose the Lantos amendment. President Bush has even personally lobbied Republicans against such a measure.

Like the gentleman from California (Mr. LANTOS), I cannot imagine that Iraq's proven oil reserves have disappeared since the war began, and I do not understand the administration's opposition to protecting American taxpayers. Because the Bush administration is basically saying that Iraq oil revenue cannot be used to pay for rebuilding Iraq and instead must be used to repay the debts that Saddam Hussein ran up to rebuild his war machine.

The administration is saying that paying off Iraq's debts to countries like France and Germany, which opposed our efforts against Saddam Hussein, is a better use of American taxpayers' money than paying off America's own national debt or investing in priorities like education, health care, and the economy. To my mind, Mr. Speaker, this is simply wrong.

But if the Bush administration insists on forcing American taxpayers to foot the entire bill for rebuilding Iraq, they should at least pay the tab, instead of passing the buck on to our children and grandchildren by adding it to our massive national debt.

Make no mistake, there is a simple way to pay for it. Since President Bush took office, he has given massive tax breaks to the very wealthiest in this country. If you simply ask those wealthiest few, individuals making over $350,000 a year, to take a smaller tax break, then you can pay for this entire bill and have some left over for the next bill for Iraq.

That is why the substitute legislation, written by the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations, is so important. The Obey amendment provides more resources for U.S. troops, $4.6 billion more for priorities like 20,000 additional U.S. Army soldiers, better health care, and increased military family support services. The Obey amendment forces the administration to share the financial burdens for rebuilding Iraq by working through the World Bank. And instead of passing on the cost to our children, the Obey amendment pays for itself by asking the wealthiest few individuals, those making over $350,000 a year, to take a smaller tax break than the one Republicans have already given them.

Mr. Speaker, for reasons I cannot explain, the Bush administration opposes this reasonable, fiscally-responsible, and pro-defense plan. They would force all Americans to sacrifice in the future because President Bush will not ask the wealthiest few to take a smaller tax break now. They would raise taxes on our children in future years because they refuse to ask people making over $350,000 to take a smaller tax break.

Last night in the Committee on Rules, Mr. Speaker, the Republicans blocked the Obey amendment, preventing it from even being considered on the House floor. As a result, Members of this House have only one way to increase help to U.S. troops and relieve the burden on U.S. taxpayers, by voting "no" on the important parliamentary vote known as the previous question.

If the previous question is defeated, I will amend the rule to allow the House to consider the Obey amendment. But if Members vote "yes" on the previous question, they will be voting to deny the House the opportunity to vote on the Obey amendment, and they will be preventing the House from helping the taxpayers and the troops today.

That should not be a difficult decision, Mr. Speaker. So I hope my friends on the Republican side of the aisle will not allow blind party loyalty to keep them from doing what is right for the country and for the American people.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I support this Iraq supplemental because it specifically includes language which I insisted on, which prohibits any American taxpayer dollars from being used to pay Iraq's foreign debts. Americans would be justifiably outraged if a dime of the taxpayer aid requested by President Bush allowed Iraq to pay creditors in France, Germany, Russia, or Saudi Arabia. I applaud Chairman YOUNG for including this language to make sure that does not happen.

□ 1100

As we move forward, we must do two things. First, while supporting President Bush and our troops, we must make sure that other countries and the Iraqis themselves contribute substantially to the rebuilding effort. Second, we must work toward the day when we can bring our troops back home and turn control over to a free Iraq. To achieve this mission, Iraqis are creating their own constitution. They are working toward free elections next year, and they are training 55,000 of their own people to provide their own future security.

Now in the interest of straight talk, let me squarely address what may be the most controversial aspect of this bill, and that is whether the money to rebuild Iraq should be in the form of a grant or a loan. After personally speaking with Ambassador Paul Bremer yesterday, who was kind enough to call me from Baghdad, I decided to support President Bush's proposal to make this money available in the form of a grant. And let me tell the Members why. The cost of rebuilding Iraq is estimated to be $55 billion, and the United States is proposing to invest $18.6 billion toward that effort. That means other countries and the Iraqi people themselves will be expected to pay two thirds of the cost for rebuilding Iraq, which is appropriate.

Supporting President Bush's proposal to make this money available as a grant has two key advantages. First, the conference in Madrid, Spain, on October 23 and 24 will remain a donors conference and not turn into a lenders conference. And second, Iraq will be in a much better position to write off nearly all of their foreign debt incurred by Saddam Hussein.

For these reasons I urge my colleagues to support President Bush and vote "yes" on the Iraq supplemental and vote "yes" on the rule.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, last spring we appropriated $79 billion, it was just this past spring, to fund the war on the reconstruction efforts in Iraq. And again the administration is asking us to open up the Federal purse and hand over billions more. The Federal Government is already facing record deficits, the highest deficits the country has ever faced. But the President now wants our permission to charge $18 billion more, which would have to be charged, by the way. We have no money to pay for that, pay for Iraqi reconstruction on the American credit card. What happened to the $79 billion that Congress handed to the administration? One might well ask. Why are American soldiers being sent into life-threatening situations without the body armor or adequate training?

We do not know the answers to these questions, but we do know the conditions in Iraq for our military is shameful. I have received volumes of calls and letters from the families of soldiers serving in Iraq. They are concerned about their children, their brothers, sisters, husbands, and wives suffering from heat exhaustion and dehydration. We just heard that they are just now beginning to study the possible 12 suicides of our service people since they have been in Iraq. Some soldiers are rationed only two bottles of water a day despite the 120 degree weather, and we have been told that they have often had to survive on one meal a day.

I was flying back to D.C. this week to go to work on this appropriation. At the airport a TSA official told me of her recent assignment at the airport in

Baghdad. She, a civilian employee, was housed in an air-conditioned trailer; but the U.S. soldiers had no relief. She felt so bad for the Army that she would let them sleep on the floor of the trailer just to get a little nap and escape the sweltering heat.

Just this morning, The Washington Post reports that many soldiers have very low morale. In fact, a poll was done by "Stars and Stripes" that says that only half the people in Iraq now think that the morale is any good at all; 48, 49 percent say the morale is very low; and the same number, about 50 percent of those who are there now, say they will not reenlist. They claim that their mission lacks clear definition and they characterized the war in Iraq as of little or no value. These are the people who are there fighting it. Fully 40 percent said the jobs they were doing had little or nothing to do with the training that they had received.

The largest proportion of this appropriation that has been asked for, some $60 billion, is for the troops; and they desperately need more. They need more water, more food, more adequate shelter, more body armor to save their lives, and other essentials. We were also told this week that ammunition dumps are all over the country of Iraq where we know where they are, but we do not have sufficient troops to guard them. These are supporting the ammunition which is being used to shoot at our soldiers. These men and women have to be our top priority.

Congress must demand and receive a full accounting of the reporting on the Federal dollars appropriated for our brave troops and for rebuilding Iraq. No one has been able to tell us that they know where the $79 billion has gone. Congress must demand to receive a full and thorough accounting and justification for any Federal taxpayer dollars spent anywhere, but it is as part of a contract that did not go through a proper competitive bidding process that is particularly egregious. I intend to offer an amendment to ensure that Congress receives the specific information on no-bid contracts that our oversight duties and obligations to our constituents demand.

Mr. Speaker, I find it odd we cannot find the funds to pay for the mandates of No Child Left Behind or fully fund Medicaid or upgrade America's electrical grid, but somehow there is money to build schools and hospitals and an electrical grid for Iraq. The people of New York will pay $1.26 billion of the $18.6 billion to rebuild Iraq. That could be used to place almost 150,000 children in Head Start programs.

This money could also be used to fund healthcare for over 150,000 New Yorkers. We cannot forget the great needs at home. If State and local governments received matching funds for the $18.6 billion to rebuild Iraq, New York State would receive approximately $2 billion in State and local government budget relief. That is why I am cosponsoring the American Parity amendment.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. McGovern).

Mr. McGOVERN. Mr. Speaker, I oppose this rule, and I oppose the underlying bill. Our policy toward Iraq is one of the biggest issues facing this country today, and every Member of this House deserves an opportunity to have their voices heard. Shamefully, the rule before us does not meet that standard and should be rejected. I also believe that the underlying $87 billion supplemental appropriation bill fails in several key areas.

The administration has not provided an adequate plan for success in Iraq. The United States invaded Iraq and now occupies that country. In my view, the war was a mistake based on inadequate and shifting rationales unsupported by the evidence and damaging to our security at home and our standing in the world.

Having said that, I recognize that we now have a moral obligation both to support our troops in the field and to help rebuild Iraq. Our soldiers deserve the equipment, training, and supplies they need to continue their remarkable work; and the people of Iraq deserve help in rebuilding their infrastructure and establishing a democratic society. Those are the goals that all of us share, but I have seen nothing from this administration that leads me to believe that a plan exists to get us there.

How long will our troops be stationed in Iraq? Why have we not successfully reached out to our allies for help? When can we expect the security situation to improve on the ground? What is the strategy for dealing with increasing ethnic tensions? What is the total price tag of our policy? How many more emergency supplemental bills? Has the war made us safer? Has it reduced terrorism? These are not trivial matters, Mr. Speaker. They are serious and fundamental questions, the answers to which will help determine our success or failure in building a more stable, more secure world.

In addition, I am deeply concerned that this bill shortchanges important priorities here at home. Yes, we should build schools and hospitals and roads and bridges in Iraq, but we should build them in this country too. To make matters worse, this bill has no offsets. It is not paid for. It will add $87 billion to our national deficit, and it passes the cost on to our children and our grandchildren, and that is wrong.

It has been nearly 6 weeks since President Bush made a speech to the country requesting the money. I simply cannot believe that in those 6 weeks given all the smart people we have in this Congress that the leadership could not come up with a single offset, a single deferred tax break for millionaires, a single corporate loophole to pay for this. But, no. Instead, we are going to charge this money on the national credit card and send the bill to our kids.

We are constantly being told that we are at war and that wars demand sacrifices. The young men and women who are serving, being attacked and in some cases dying in Iraq, are certainly sacrificing. The people in the middle class and those trying to get in the middle who rely on adequate funding for education, health care, and housing, veterans benefits, they are sacrificing. But heaven forbid that we ask the Nation's millionaires to defer a small portion of their tax cuts.

Mr. Speaker, our policy in Iraq is not working. I simply cannot support a bill that merely endorses the status quo. We are being asked to close our eyes and spend $87 billion on top of the $79 billion that we have already spent and that nobody can seem to account for. Right now there is a kid from Massachusetts on some corner in Baghdad wondering what he is doing there, wondering when he is coming home, wondering if he will have a job or health care when he comes back. He deserves a voice in this Congress.

This House spent a grand total of 1 day, 1 day, debating the resolution authorizing war. We did not ask the tough questions. We did not get straight answers. We abdicated our responsibilities, and we must not make the same mistake again. Congress should do its job. We need to get this right, to spend this money wisely, not just for the future of Iraq but for the future of that young man from Massachusetts, his family, the thousands like him serving in Iraq, and the millions of Americans here at home.

Mr. Speaker, I urge my colleagues to oppose this rule and to oppose the underlying bill.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. Hastings).

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend, the ranking member, for yielding me this time.

Mr. Speaker, I rise today in strong opposition to this rule and bill. Anyone who has read a newspaper or watched a news program can hardly argue that American troops need and deserve additional support. I have voiced my support for an amendment to this bill, several as a matter of fact, but more specifically one offered by the gentleman from South Carolina (Mr. Spratt). That amendment will increase imminent danger and hardship duty pay for our military. It would increase the family separation allowance and add funding to a program that assists disabled service members who are returning to civilian life. The Spratt amendment will also eliminate the fees currently charged to hospitalized service members and several other vital themes for our military. That amendment was not made in order.

However, because of my support for the members of the armed services, I cannot in good conscience vote in favor of this massive supplemental blank check, at least not until this administration is forthcoming in answering the questions that Congress has asked again and again and again. My good friend, the dean of the Florida delegation, the chairman of the appropriations committee and my good friend, the ranking member of the Committee on Appropriations on yesterday both averred that they were unable to answer in detail how 79 billion taxpayer dollars are being spent. That is unconscionable, and not to mean that we did not have general understanding as to how the money was spent; but we as persons with oversight responsibility have a responsibility to have a detailed analysis.

Thirteen months ago when we were debating a resolution on the use of U.S. Armed Forces against Iraq, at that time I offered an alternative war resolution, one with some definitive conditions. It called on the President to provide Congress with a comprehensive plan for the long-term cultural, economic, and political stabilization in a free Iraq. When I presented my resolution, I said, "The young men and women of our Armed Forces are already fighting a war on terrorism. Before we expand their role and send them even deeper into harm's way, I want assurances that we have a plan for maintaining stability in the region once we declare victory."

Mr. Speaker, I gave that speech on September 23, 2002. More than a year has passed. More than 320 U.S. troops have lost their lives in Iraq, and hundreds more have been wounded. I am still waiting for an answer. The only thing we have been told by this administration is that the next installment, this one, is going to cost American taxpayers $87 billion.

We have already seen what happens when we relinquish our oversight authority and fail to hold this administration accountable ahead of time. There are far too many questions that need to be answered before we abrogate our responsibilities to the American taxpayer and simply hand over nearly $87 billion. For instance, where is the comprehensive strategy that will ensure our goals for the Iraqi people will be met?

□ 1115

How long will it take to implement that strategy? How much is it going to cost the American taxpayer? And, finally, exactly how did this administration spend the $79 billion we already appropriated for this war? And just how much more are we going to do by way of supplemental without benefit of authorization, without benefit of clear understanding, without benefit of oversight responsibility.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, we have previously appropriated almost $80 billion to deal with the problems in Iraq and now we are being asked to provide $87 billion more. We have had no real accounting of how that previously appropriated money has been spent, and we certainly have no line item information about how the next $87 billion is going to be spent. If that is not a blank check, it is certainly a malleable one.

It seems to me that if the administration wants us to consider their aid package today, that we have a right to see to it that we can offer on the House floor a responsible, comprehensive alternative. But under this rule before us, we are being denied that opportunity. The majority Members of this House will say the rule gives us an open rule. That is a meaningless comment. Because the key to understanding our problem is to understand that the rule waives several of the House rules to enable the committee to bring its bill to the floor but then when we want to bring a parallel substitute to the floor, they say, "oh, no, no, no, you can't waive those same rules to allow your package to come to the floor." So that is the way that the majority leadership funnels us into a situation where it is either their way or no way. That is not the way to unite people in fighting a war.

What we are asking is to give the minority the same right to offer a comprehensive amendment that was given to the minority in the Senate. Here is what the amendment would say. The amendment would essentially say if this House is hellbent on providing $87 billion, then there is a better way to do it.

If any Member of this House votes for the previous question without allowing our amendment to be made in order, that Member will be voting to block our efforts to transfer about $4.5 billion of badly-thought-out reconstruction plans to categories in the budget that would do us a whole lot more good.

Example. We want to do something about the fact that 80 percent of American troops in Iraq right now are drinking putrid water, getting dysentary. There is absolutely no reason that we should not provide clean water to 100 percent of American troops in Iraq. If you vote for the previous question, you will be denying us the opportunity to correct that. If you vote for the previous question, you will denying us the opportunity to provide predeployment health and dental services to Guard and Reserve forces who right now have to pay those expenses on their own. If you vote for the previous question, you will be blocking us from extending postduty health care coverage from the 60 days which Guard and Reserve people now have when they are coming off duty to 6 months. That is what you will be doing. You will also be preventing us from providing the money that the Army and the other services asked for to refurbish equipment which was worn out or used up in Iraq.

The Services asked for the full amount that they could spend on that over the rest of the year, but the Department slashed those recommendations, in my view, in order to hide from the public the full cost of reconstituting that equipment which will approach $20 billion by the time it is done rather than about the $2 billion asked for by the administration.

If Members vote for the previous question, they will be voting against our efforts to relieve pressure on Guard and Reserve forces, many of whom have now been told they are going to have to serve an extra year. You will prevent us from correcting the mess that we now have in our troop rotation schedules. What we try to do to correct those items is to recognize the validity of General Shinseki's warning when he warned us that we should not follow a 12-division strategy if we only had a 10-division Army. So what we do is face up to the need to create another division so that you can restore order to the lives of Guard and Reserve forces and restore order to the rotation schedule for our regular troops.

If Members vote for the previous question, they will also be swallowing, swallowing whole, the administration plans to rely on huge contracts with politically well-connected multinational corporations rather than relying on more appropriate low-technology contracts with indigenous groups within Iraq so that we can put Iraqis to work doing something constructive besides shooting Americans.

If you vote for the previous question, you will be blocking our efforts to convert one-half of the reconstruction funds in our package to loans by running that portion through the World Bank and having it matched by other international contributors. You will also be preventing us from insulating those contracts against cronyism if you have an agency administering these contracts that is responsive to the political appointees at the White House. And, most importantly, if you vote for the previous question, you will be blocking our efforts to meet our responsibilities to our taxpayers by paying for this adventure rather than putting it on the cuff.

We have got two choices on that score. We can either charge this bill to our kids or we can pay for it now.

There is a whole lot of talk about shared sacrifice on this floor. We heard a lot of it last night. I would like to ask who on earth in this country is being asked to share the sacrifice except the troops and their families? The Guard and Reserve forces right now face a total discombobulation of their life. Our regular troops face the same thing. They are sacrificing in spades. Yet, if you vote for this previous question motion, you will be denying our effort to say there is a better way to achieve self-sacrifice.

What is wrong with asking a millionaire to settle for a $53,000 tax cut rather than the $130,000 tax cut they will get absent our amendment? Persons in the $50,000 to $75,000 range will get on average from all sources perhaps $1,000 if they are lucky under the tax cuts now in effect. Persons in the $200,000 to $500,000 range will get $2,200. Why shouldn't millionaires be happy with 25 times that amount?

I ask Members to vote against the previous question to give us a chance to offer an amendment that is a truly balanced, comprehensive alternative.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Ohio (Ms. PRYCE), a member of the Committee on Rules.

Ms. PRYCE of Ohio. I thank the gentleman for yielding me this time.

Mr. Speaker, everyone in this Chamber needs to support this important funding package. The President made it very clear when he articulated his plan to fight the war on terror. In no uncertain terms he declared that Iraq is now the central front in this war. The job is only half done, though. Terrorists still roam the globe and threats still exist. If we leave Iraq now, we essentially allow the country to become a terror magnet, a flypaper that attracts terrorists from all over the world to its vast deserts and its countless caves. Iraq will become their home base as they wage their war against freedom, their war against civilization.

Mr. Speaker, to vote against this funding package and the goals it seeks to achieve would be to vote in favor of terror and against America's homeland security. It is that critical. This package will provide the funds necessary to establish a working society in Iraq. A government that is run by free Iraqis is a government that provides hope to her people. A free government responds to the wishes and desires of those whom it governs. People who live under a responsive and fair government have no need for terrorism. They do not experience the desperation and destitution that so often are the precursors to a life dedicated to terror.

So, Mr. Speaker, a free Iraq keeps terror out of that country and, therefore, out of ours. A free Iraq will send a clear message to people of the Middle East and around the world that freedom and democracy, not violence and terrorism, are the best paths for the future. Hope and stability in Iraq translate into security and peace for Americans here at home. We are close. Iraq is experiencing the first fruits of freedom and now they must be completely transitioned into a state of stability. So far, the coalition provisional authority has made significant progress on infrastructure improvements and governmental restructuring. All of Iraq's hospitals are now fully functional. Schools are opening and running. They are now places for young minds to receive information, not indoctrination.

Colleagues of ours who have been there talk of wheat fields and oil fields and cotton fields. This is progress. It is a beautiful picture of what comes of our noble pursuit in the fight for freedom and the war against terror. But more is needed to secure Iraq to bring our troops home soon. The funding in this package will provide the body armor that is so essential to protect them from terrorists. It will provide extra pay and benefits to the soldiers who are already sacrificing so much on our behalf. It will provide our troops the weapons and systems necessary to finish the mission we started and get our troops home to their families. Finally, this package will effectively help to revolutionize Iraq, turning this country from a terrorist breeding ground into yet another beacon of democracy in the Middle East. Terror will be shunned rather than invited.

Mr. Speaker, I urge my colleagues to vote in favor of this bill to secure America by stabilizing Iraq.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, to visit an Austin widow with three preschool children and no longer a husband is to understand that far more than $87 billion is involved in what we do today. We all honor those who die for our country. But the question for Congress is whether we can pursue a policy that allows more of these brave young Americans to live for America.

We do not have a shortage of money in Iraq. We have a shortage of sound thinking and in good planning in pursuit of international cooperation in Washington, DC, where we have Washington ideologues paired up against courageous young Americans who are fighting for us in Iraq.

Our responsibility in Congress is to ensure that more lives and more tax dollars are not squandered as quickly as this Administration squandered international goodwill after 9/11. To those in Washington who defend this failed policy by saying, "we have to stand with our troops," of course, this Administration did not even ask for additional spending until last month. Until that point, they told us nothing was necessary. Indeed a nonpartisan report released yesterday, as reflected in this chart, indicates that if we did not appropriate a single cent today, the Army has enough appropriations to last through half of next year. This question is not about providing more Kevlar vests for our troops. It is about providing "political Kevlar" for those who want to get through the next election.

Those who pursued an extreme ideology have reversed 50 years of bipartisan American foreign policy in favor of a preemptive war, and today a large number of Members of this Congress are going to say "no," not to our troops, who we stand with and honor, but "no" to a failed policy. We are going to stand by the courageous young men and women in Iraq in uniform, but not with the ideologues in Washington in business suits who have failed them with their policies.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, sometimes I think that too many of us are ignoring the big picture during this debate, and sometimes we lose sight of what this money will mean, not only to America but for the entire world.

□ 1130

I have got an article off of CNN.com that just came out that shows that Damascus even ended up voting for the Security Council resolution this morning. They want stability, they want security.

There is another part of this debate that we get caught up in. We all agree that the $66 billion portion of the supplemental is absolutely critical for our troops, for their well-being as they are defending freedom. The debate that we have set about today and through the past couple of weeks, not only as a legislative body but as a people, has really focused on the remaining $18.6 billion of the appropriation.

Let me put it this way: In my district, one of the things we have talked about is that the $66 billion is for the military, and that $18.6 billion that is for reconstruction, that is for you, Mr. Speaker, it is for me. That $18.6 billion is for every single American man, woman and child who never, ever, wants to see another September 11 take place. It is for every American who understands that we have an opportunity, a very unique opportunity, to help reshape a region of the world that has been a breeding ground for hatred and for terrorism.

I have visited with my constituents at Fort Campbell, people that have family members deployed over there. I have stood on the tarmac to shake the hands of the men and women that are returning from over there. These are people that are on the front lines and they understand what is at stake, and they have told me that they think it would be a mistake to withdraw now; if we choose to leave, we will have done a tremendous disservice to our children, to our country; that the work there that we are doing is an investment in making the world a safer place.

I am going to be going to Iraq this month because I want to see the progress that we have made there. I want to see it with my own eyes. I want to thank our men and women in uniform, and I want to let the Iraqi people know we understand that they will be an important and valuable ally in our war on terrorism, but only if we do what is right and necessary for the future and for our kids' futures by providing a critical investment in that country.

We can talk all day about domestic needs and different needs and all sorts of programs that are great programs, but there will never be an end to these, and it is necessary that we fight the war on terrorism.

Mr. Speaker, I ask my colleagues to step back, take another look at the bigger picture, to support this.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate the former speaker's comments, but I rise today to oppose the rule and the underlying bill, because I think the very thoughtful amendment of the gentleman from Wisconsin (Mr. OBEY) should have had a full discussion on the floor of the House.

Maybe we have not listened to the words of the administration. I do not believe that $20 billion is for any one of you in America. It actually is undermining the needs of Americans with Medicare and Medicaid and jobs.

Secretary Rumsfeld said just a few weeks ago, "If you worry about just the cost, the money, Iraq is a very different situation from Afghanistan. Iraq has oil. They have financial resources." But yet we find the administration coming and asking us for $20 billion.

There is no reason to vote for this supplemental under the guise of supporting troops, when our troops do not have the armor, they do not have the water, they do not have the right kind of equipment.

I would say to this body, it is imperative that you use your oversight responsibilities to stand with the troops, to make sure that they have the number of troops so they can be refreshed and cycled back home. You have troops on the frontline that I have met this weekend in the Mideast who told me that they have been there for 6 and 7 and 8 months and nobody will tell them when they can go home.

I am going to stand for the troops today. Vote against this ill-fated, misdirected $87 billion, because the administration does not know what they are talking about.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON), a member of the Committee on Appropriations.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding, and I stand in support of the rule and support of the emergency supplemental bill.

Here is what it does. It does four very important things.

Number one, it supports our troops. We have troops on the ground. We need to support them. Republicans in Congress supported President Clinton when he had, I think, something like over 30 deployments. I hope that the Democrats will support our President by supporting the troops and put aside partisan differences in support of this bill for our troops on the ground.

The second thing it does is it supports freedom in Iraq. There are those on the left who truly believe that this war was such a mistake that the people of Iraq were better off under Saddam Hussein, even after we found jet airplanes that were buried, even after they violated 17 UN resolutions, even after we found something like hundreds of thousands of mass graves. There are people in America, liberals on the left, who believe that Iraq was better off before we got there. This bill supports their freedom.

The third thing it does, it helps them begin reconstruction. It is going to cost about $150 billion to rebuild this country. This bill has a little bit over $18 billion to get that started. It is a grant, it is not a loan. The reason is we want other nations around the globe to step forward and pull out their checkbooks. There will be meetings coming up in the next month to try to urge them to do that. If we start off by saying we are going to lend you this money, Iraq will never be rebuilt.

Think about the great strides that have already taken place. Electricity and water in 80 percent of the country. Health care, $200 million has already been spent, compared to $13 million spent previously under Saddam Hussein. Newspapers, 150 newspapers are up and being published in Iraq every day. Police forces in the municipalities have already been trained, some are up and going and some are on line to come. Those are steps of great progress. That is why this reconstruction effort cannot stop midstream.

Finally, the fourth and final thing this bill does is it brings security to the people of the United States and all over the world. What if we had left Saddam Hussein in charge in Iraq? What if all this saber rattling to the terrorist organizations of the world was for naught? What if we just wanted to continue with the rhetoric, as opposed to action? We would just be sitting, waiting, counting the clock for another 9/11. It still could happen, but it is not going to be the same world as it would have been if we had just sat back and said, well, America likes to run its mouth, but not have action.

This bill today and our war effort helps bring peace and stability to the world, and we cannot afford to stop with the job half done. Please vote for the rule and the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Mississippi (Mr. WICKER), a member of the Committee on Appropriations.

Mr. WICKER. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, I rise in support of the rule and of the underlying legislation, and I rise to observe, first of all, that there are at least four different points of view being expressed in the debate leading up to this vote that we will have either today or tomorrow.

First of all, there are those who feel that the military action against Saddam Hussein was the right thing to do and that we should stay the course.

Secondly, there are those who never supported the President's action and see no need to support him now.

Then there are those who disagree with what we did in Iraq, but also realize that we have an obligation, having gone in, to bring stability to the region.

Finally, there is at least a fourth group, Mr. Speaker, who were happy to pay for the war, to appropriate funds for the bombs and tanks and ammunition and for our troops, but who are suddenly taken by surprise to learn that we must now spend money to protect the peace.

I find myself in the first group, those who support President Bush's action in Iraq and who realize how important it is now to do what is necessary to win the peace.

I firmly believe that the United States of America did the right thing in removing Saddam Hussein. It has cost us the lives and health of hundreds of young Americans, to be sure. It is costing our taxpayers billions of dollars, but it is worth the cost.

When we consider the history of Saddam Hussein, his torture and cruelty, his use of weapons of mass destruction in previous wars, his repeated defiance of the United Nations, and when we learn what has already been uncovered since our military offensive, then it becomes clearer and clearer that this Congress and this President made the right decision.

Contrary to the initial media analysis of the Iraq Survey Group on weapons of mass destruction, the report of Dr. David Kay details discoveries of dozens of WMD-related activities, including significant amounts of equipment that Iraq concealed from the United Nations, a secret network of laboratories, strains of biological organisms hidden in a scientist's home, plans and advance designs for new long-range missiles, and details of secret negotiations with North Korea to secure technology to develop ballistic missiles, cruise missiles and other military equipment. I believe these findings provide strong justification for our military action.

Finally, it bothers me to hear some of my colleagues refer to the $18 billion in Iraqi reconstruction as an outright gift to Iraq. On the contrary, Mr. Speaker, whether in the form of a loan or an outright grant, these are taxpayer dollars being spent in the U.S. national interest. Some Americans will be employed using these dollars. There is an element of altruism and charity involved, to be sure, but these reasons are secondary. The principal reason we are appropriating these reconstruction dollars is that they will be used to protect our troops as long as they have to be over there and to provide electricity, water, public safety and other infrastructure so that Iraq can have stability and so that our troops do not have to go back and win this war yet another time.

Mr. Speaker, today is a day when we will be called upon to make some tough votes, votes which may not be politically popular at first blush, votes which may require some explaining, but which we are fully able to explain and justify. That is one definition of leadership.

President Bush is providing strong national and international leadership. I believe the actions he has taken and that this Congress will take this week are the best chance for a true and lasting resolution to the Iraqi situation, and, in the long run, will provide enormous dividends in our continuing struggle against world terrorism.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, today we are debating an issue that has tremendous consequences, certainly for America, for Iraq, for the entire world. After the absolutely horrific attacks on our Nation of the 9/11, I think the al Qaeda thought America would respond by perhaps shooting off a few cruise missiles and go right back to our couches watching the football games. They calculated that Americans would not have the political will to respond: that we would be afraid that if we did respond, that terrorists might ratchet up their attacks against us.

Well, they calculated wrong. They seriously underestimated the resolve of the American people, and they most certainly did not understand an American President who was not afraid, who was willing to take the fight to them. They never expected Afghanistan, and they certainly never expected Iraq.

Today, we have successfully removed the regimes of both the Taliban and of Saddam Hussein, and, as we continue to successfully prosecute the war on terror, as we liberate millions of people, as we continue to export freedom and democracy and liberty across the world, the burden is on us to recognize that we are at a pivotal moment in world history, that we face the task of either stabilizing and ensuring a free Iraq, a democratic Iraq, or not. We need to decide if this war was truly about liberation and not occupation, or let the enemies of freedom point to the United States and say, see, they never really meant it, that this really was about the oil after all, anyway.

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Conflict with Saddam was never optional; it was only a matter of when. And if we would have waited, the cost would surely be higher, both in terms of dollars as well as in terms of human life.

Our mission in Iraq has been incredibly successful, and that success has translated in mitigation against future terrorist attacks whose cost cannot be calculated. Today, the entire world watches this vote, and the citizens of the world will be trying to decipher the message that we are sending.

I say the message that we should send is that America is there to help. America will not cut and run. America is serious about assisting them to build their own democracy.

The world is watching us now. We must not fail.

Pass the supplemental.

Mr. HASTINGS of Washington. Mr. Speaker, I would advise my friend from Texas (Mr. FROST) that we just have one more speaker, so if he wants to close.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Texas is recognized for 2½ minutes.

Mr. FROST. Mr. Speaker, I yield myself the balance of the time.

I would like to make a clarification for the record. In the report to accompany this rule, I am recorded as having voted "aye" to report the resolution. However, the fact is that I was recorded as having voted "no" on the motion to report.

The report submitted by the majority to the Government Printing Office makes clear that I did indeed vote "no" on that motion. But because GPO made an error and recorded me as an "aye" vote, the Committee on Rules majority has asked for a star print of the committee report which will correct the record. However, since this report is now available publicly, I wanted to state for the record that I voted "no" on the motion to report.

Mr. Speaker, I urge Members to oppose the previous question. If the previous question is defeated, I will offer an amendment to the rule. The amendment will give Members an opportunity to vote on the Obey substitute which will help the troops, would require accountability, and will pay for that bill.

Last night, the Republican leadership instructed Republicans on the Committee on Rules to vote against allowing the House to consider this substantive alternative to the committee bill. Voting for the previous question will deny the whole House the opportunity to debate important questions that the Republican leadership in the House do not want to air.

Mr. Speaker, the Obey amendment provides desperately needed funding for the many overlooked and severely underfunded areas that threaten our troops in Iraq and Afghanistan. The amendment will reduce total reconstruction funds by $4.6 billion and use it instead to provide desperately needed protection for our soldiers in the field and to help ease the difficulties these brave men and women face every day.

It will provide funds to repair and replace military equipment. It will allow the Army to increase the number of active duty troops to ease the burden on those currently deployed. It will provide funds for water purification, predeployment health and dental screening, and extension of Guard and Reserve health benefits.

That is not all this amendment will do. It will also pay for this bill so our children will not be burdened with its staggering costs for years to come. We can pay off this enormous IOU simply by eliminating the Bush tax break for the wealthy 1 percent of Americans with annual incomes in excess of $350,000. Our troops make huge sacrifices every day; I think the wealthy can do their part too.

It is very disturbing that the Republican leadership of the House would deny Members an opportunity to vote on an amendment to improve the conditions faced daily by our troops.

Mr. Speaker, I want to make something very clear. A "no" vote will not, I repeat will not, prevent us from voting on this supplemental. But a "no" vote will allow Members to vote to better protect our troops who are risking their lives every day in Iraq and Afghanistan. A "no" vote on the previous question is a vote for our troops, and I urge each and every Member of this body to stand up and do the right thing by these men and women who are on the front lines.

At this point, Mr. Speaker, I ask unanimous consent to insert the text of the amendment and a description of the amendment immediately prior to the vote.

Vote "no" on the previous question so we can have an opportunity to vote on the Obey substitute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield the balance of our time to the distinguished chairman of the Committee on Rules, the gentleman from California (Mr. DREIER).

The SPEAKER pro tempore. The gentleman from California is recognized for 9½ minutes.

Mr. DREIER. Mr. Speaker, I just said that I am not planning to use the 9½ minutes.

First of all, let me thank my friend, the gentleman from Washington (Mr. HASTINGS), and the gentleman from Texas (Mr. FROST) for ably managing this measure; and I am glad we were able to correct the record for the gentleman from Texas (Mr. FROST) on his vote last night. But I am proud of the fact that he did indicate and he does plan at the end of the day to vote in support of this measure.

The reason is because it struck me, a friend of mine the other day stopped me and said, how in the world can you be supportive of our troops and not be supportive of this package, which my friend from Mississippi and my friend from Georgia earlier both said is very important to defend and protect our troops. So at the end of the day, it is my hope that we will be able to continue this strong bipartisan spirit in passing this measure, which is so, so critical, not only for the protection of our troops, but for the stabilization of the region.

The President has, I think, made a very strong and effective case that if we look at neighboring countries in that very troubled region of the world, bringing about a free, democratically elected leadership in Iraq will go a long way towards encouraging the kind of positive moves that we need throughout that part of the world and, frankly, in other parts of the world. The President, the other night, reminded a group of us to look at Kim Jong-il in North Korea and realize that he poses a great threat. But the fact that he now knows that behind diplomatic words from the United States of America stands strength is an important signal to him and any others who are not considered to be friendly towards the United States.

I urge strong support of this rule and, of course, before that, passage of the previous question.

My good friend, the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations, has, on a regular basis, come before the Committee on Rules on appropriations measures; and, in fact, on seven of the 10 measures which we have reported out of the Committee on Rules on appropriations, he has made a request similar to the one that he is making on this supplemental appropriations bill. I respect him for proceeding with it, and I admire his tenacity; but I think that he understands that it would require a waiver which would move into the jurisdiction of the Committee on Ways and Means, and so this is nongermane.

The structure around which we will be considering this is an open rule. It is an open amendment process; and it is what the Democrats, when they were in the majority, used as the normal consideration for appropriations, the structure for consideration on appropriations bills; and it is what we have done, Mr. Speaker. I believe that it is proper for us to do that.

Any amendment that any Member wants to offer that complies with the rules of the House will be in order, and that is why we are going to have a very full day ahead of us with, I am sure, a lot of different amendments offered. So we have provided protection for the bill and not made in order these other amendments which do, as I say, violate the rules of the House.

The proposal that the gentleman from Wisconsin (Mr. OBEY) has, while an interesting one, as I said, would, I believe, have a very deleterious effect on the small business sector of our economy.

Mr. Speaker, we are very, very gratified that the tax and economic growth package that we worked so hard on and passed out of this House was a bipartisan measure and passed the other body, and we got the President's signature on it; and we are already beginning to see the benefits of that. We have seen improvements take place in markets. We have seen a lot of very, very clear benefits. One of my colleagues earlier today was talking about increased earning reports from a number of large companies; and if we look at the proposal that the gentleman from Wisconsin (Mr. OBEY) has that he would like to have made in order, if we were to, in fact, defeat the previous question, it would have a very negative effect on that important small business sector of our economy. I know we talk about people in upper income levels, but we have to realize the tremendous numbers of those who are small business men and women, the backbone of our economy, where 95 percent of the creativity emanates from.

So that is why I believe it is important for us to make sure that we pass the previous question, pass this rule, and then move ahead with what will be a very interesting debate; and at the end of the day, at the end of the day, I hope and pray that we will have strong bipartisan support, so that we can stand behind our troops, so that we will be able to do the kinds of things that can bring about the goals that we all, in a bipartisan way, share for the people of Iraq.

The amendment previously referred to by Mr. FROST is as follows:

At the end of the resolution add the following new sections:

``SEC. 2 Notwithstanding any other provision of this legislation, before consideration of any other amendment it shall be in order to consider the amendment specified in section 3 of this resolution, which may be offered only by Representative Obey or his designee, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent and shall not be subject to amendment in the House or in the Committee of the Whole. All points of order against such amendment are waived.

SEC. 3. The amendment referred to in section 2 of this resolution is as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—NATIONAL SECURITY

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ``Military Personnel, Army'', $12,188,870,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

MILITARY PERSONNEL, NAVY

For an additional amount for ``Military Personnel, Navy'', $816,100,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ``Military Personnel, Marine Corps'', $753,190,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ``Military Personnel, Air Force'', $3,384,700,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ``Operation and Maintenance, Army'', $24,355,664,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ``Operation and Maintenance, Navy'', $1,934,058,000, of which up to $80,000,000 may be transferred to the Department of Homeland Security for Coast Guard Operations: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ``Operation and Maintenance, Marine Corps'', $1,198,981,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H.

Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,598,368,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $4,485,452,000, of which—

(1) not to exceed $15,000,000 may be used for the CINC Initiative Fund account, to be used primarily in Iraq and Afghanistan; and

(2) not to exceed $1,300,000,000, to remain available until expended, may be used, notwithstanding any other provision of law, for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical and military support provided, or to be provided, to United States military operations in connection with military action in Iraq and the global war on terrorism: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations on the use of these funds:

Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $16,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $53,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $214,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for "Overseas Humanitarian, Disaster, and Civic Aid", $35,500,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For "Iraq Freedom Fund", $1,988,600,000, to remain available for transfer until September 30, 2005, for the purposes authorized under this heading in Public Law 108–11: *Provided*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; military construction; the Defense Health Program; and working capital funds: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $101,600,000, to remain available until September 30, 2006: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $1,250,287,000, to remain available until September 30, 2006: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $158,600,000, to remain available until September 30, 2006: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $76,357,000, to remain available until September 30, 2006: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $123,397,000, to remain available until September 30, 2006: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $53,972,000, to remain available until September 30, 2006: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $20,450,000, to remain available until September 30, 2006: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $3,418,006,000, to remain available until September 30, 2006: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $418,635,000, to remain available until September 30, 2006: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $34,000,000, to remain available until September 30, 2005: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $39,070,000, to remain available until September 30, 2005: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $195,817,000, to remain available until September 30, 2005: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $600,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $24,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $658,380,000 for Operation and maintenance: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $73,000,000: *Provided*, That these funds may be used for such activities related to Afghanistan: *Provided further*, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That the funds transferred shall be merged with and be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Intelligence Community Management Account", $21,500,000, to remain available until September 30, 2005: of which $3,000,000 may be transferred to and merged with the Department of Energy, "Other Defense Activities", and $15,500,000 may be transferred to and merged with the Federal Bureau of Investigation, "Salaries and Expenses": *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

GENERAL PROVISIONS—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 1101. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2004, except for the fourth proviso: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

SEC. 1102. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 1103. Sections 1318 and 1319 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 571), shall remain in effect during fiscal year 2004.–

SEC. 1104. From October 1, 2003, through September 30, 2004, (a) the rates of pay authorized by section 310(a) of title 37, United States Code, shall be $225; and (b) the rates of pay authorized by section 427(a)(1) of title 37, United States Code, shall be $250.

SEC. 1105. (a) DEFENSE EMERGENCY RESPONSE FUND CLOSE-OUT AUTHORITY.—Section 1313 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 569), is amended by inserting "unobligated" before "balances".

(b) ACCOUNTS CHARGEABLE.—Effective November 1, 2003, adjustments to obligations that before such date would have been properly chargeable to the Defense Emergency Response Fund shall be charged to any current appropriation account of the Department of Defense available for the same purpose.

SEC. 1106. During the current year, funds made available in this Act to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 1107. Notwithstanding any other provision of law, from funds made available in this Act to the Department of Defense under "Operation and Maintenance, Defense-Wide", not to exceed $100,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance only to the New Iraqi Army and the Afghan National Army to enhance their capability to combat terrorism and to support U.S. military operations in Iraq and Afghanistan: *Provided*, That such assistance may include the provision of equipment, supplies, services, training and funding: *Provided further*, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees not less than 15 days before providing assistance under the authority of this section: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

SEC. 1108. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2004 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees.

SEC. 1109. In addition to amounts made available elsewhere in this Act, there is hereby appropriated to the Department of Defense $413,300,000, to be used only for recovery and repair of damage due to natural disasters including Hurricane Isabel, to be distributed as follows:

"Operation and Maintenance, Army", $73,600,000;

"Operation and Maintenance, Navy", $126,400,000;

"Operation and Maintenance, Marine Corps", $9,200,000;

"Operation and Maintenance, Air Force", $201,900,000; and

"Other Procurement, Air Force", $2,200,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

SEC. 1110. During the current fiscal year, from funds made available in this Act to the Department of Defense for operation and maintenance, not to exceed $180,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, established by the Administrator of the Coalition Provisional Authority for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying our programs that will immediately assist the Iraqi people, and to establish and fund a similar program to assist the people of Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports, beginning on January 15, 2004, to the congressional defense committees regarding the source of funds and the allocation and use of funds made available pursuant to the authority provided in this section.

SEC. 1111. Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing an Analysis of Alternatives for replacing the capabilities of the existing Air Force fleet of KC–135 tanker aircraft.

SEC. 1112. (a) PROVIDING MEDICAL AND DENTAL SCREENING FOR RESERVISTS CALLED TO ACTIVE DUTY.—Section 1074a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) At any time after the Secretary concerned notifies members of the Ready Reserve that the members are to be called or ordered to active duty, the administering Secretaries may provide to each such member any medical and dental screening and care that is necessary to ensure that the member meets the applicable medical and dental standards for deployment.

"(2) The Secretary concerned shall promptly transmit to each member of the Ready Reserve eligible for screening and care under this subsection a notification of eligibility for such screening and care.

"(3) A member provided medical or dental screening or care under paragraph (1) may not be charged for the screening or care.

"(4) Screening and care may not be provided under this section after September 30, 2004.".

(b) Appropriation.—In addition to amounts appropriated or otherwise made available in this or any other Act, $40,000,000 is hereby appropriated to the Department of Defense under the heading "Defense Health Program" only for covering the costs of reservists medical and dental screening and care. Such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Sec. 1113. (a) Extending Transitional Health Care Benefits for Reservists.—Subject to subsection (b), during the period beginning on the date of the enactment of this Act and ending on September 30, 2004, section 1145(a) of title 10, United States Code, shall be administered by substituting for paragraph (3) the following:

"(3) Transitional health care for a member under subsection (a) shall be available for 180 days beginning on the date on which the member is separated from active duty.".

(b) Applicability.—(1) Subsection (a) shall apply with respect to separations from active duty that take effect on or after the date of the enactment of this Act.

(2) Beginning on October 1, 2004, the period for which a member is provided transitional health care benefits under section 1145(a) of title 10, United States Code, shall be adjusted as necessary to comply with the limits provided under paragraph (3) of such section.

(c) Appropriation.—In addition to amounts appropriated or otherwise made available in this or any other Act, $60,000,000 is hereby appropriated to the Department of Defense under the heading "Defense Health Program" only for covering the costs of extending transitional health care benefits for reservists. Such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Sec. 1114. (a) Increase in Support for Reserve and National Guard Family Assistance Centers.—In addition to any other amounts appropriated in this or any other Act for fiscal year 2004, $50,000,000 is hereby appropriated to the Department of Defense for operation and maintenance for fiscal year 2004, as follows:

(1) For the Army Reserve, $4,000,000.

(2) For the Army National Guard, $42,000,000.

(3) For the Air National Guard, $2,000,000.

The the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

(b) Availability.—Amounts appropriated pursuant to subsection (a) shall be available only for family assistance centers.

Sec. 1115. Permanent Elimination of Subsistence Fee for Members Hospitalized for Wounds Received While in Combat or Training.—Subsection (c) of section 1075 of title 10, United States Code (as added by section 8146(a)(2) of the Department of Defense Appropriations Act, 2004 (Public Law 108-87)), is repealed.

Sec. 1116. (a) Prepaid Phone Cards for Members Deployed in Combat Zone.—Beginning on the first day of the first month following the date of the enactment of this Act, the Secretary of Defense shall establish and implement a program to provide prepaid phone cards to members of the Armed Forces stationed outside the United States who are directly supporting military operations in a combat zone. The value of the benefit shall be at least $50 per month per person.

(b) Telephone and Internet Service for Members Deployed in Combat Zone.—To the maximum extent practicable, the Secretary should seek to provide free telephone and Internet access to members of the Armed Forces stationed outside the United States who are directly supporting military operations in a combat zone.

(c) Appropriation.—In addition to amounts appropriated or otherwise made available in this or any other Act, $65,000,000 is hereby appropriated to the Department of Defense only for covering the costs of providing telephone and Internet service to members of the United States Armed Services in Iraq and Afghanistan. Such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Sec. 1117. (a) Government-Paid Travel Under Rest and Recuperation Leave Program for Members Serving One Year or More In-Theatre.—In the case of a member of the Armed Forces serving outside of the United States for a period of one year or more who is granted rest and recuperative leave, and provided the travel and transportation allowances authorized by section 411c(a) of title 37, United States Code, in connection with that leave, the Secretary of Defense shall also pay the member for transportation, or provide transportation for the member, between—

(1) the locations specified in paragraph (1) or (2) of such section; and

(2) the permanent duty station of the member, the home of record of the member, or other location in the United States or overseas approved by the Secretary.

(b) Applicability.—Subsection (a) shall apply with respect to travel beginning on or after the date of the enactment of this Act in connection with rest and recuperative leave described in subsection (a).

(c) Appropriation.—In addition to amounts appropriated or otherwise made available in this or any other Act, $50,000,000 is hereby appropriated to the Department of Defense only for covering the costs of providing transportation for service to members of the United States Armed Services in Iraq and Afghanistan on rest and recuperation leave. Such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Sec. 1118. Providing Essential Goods and Services for Troops.—Of amounts appropriated under the heading "Operation and Maintenance, Army" in this Act, $40,500,000 shall be made available only for providing essential goods and services to the military exchange services.

Sec. 1119. (a) Military Campaign Medals To Recognize Service in Operation Enduring Freedom and Operation Iraqi Freedom.—The President shall establish a campaign medal specifically to recognize service by members of the Armed Forces in Operation Enduring Freedom and a separate campaign medal specifically to recognize service by members of the Armed Forces in Operation Iraqi Freedom.

(b) Eligibility.—Subject to such limitations as may be prescribed by the President, eligibility for a campaign medal established pursuant to subsection (a) shall be set forth in uniform regulations to be prescribed by the Secretaries of the military departments and approved by the Secretary of Defense or in regulations to be prescribed by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy.

Sec. 1120. (a) Enhanced Transition Assistance for Disabled Servicemembers Returning to Civilian Life.—In addition to amounts appropriated in this or any other Act, $50,000,000 is appropriated for the Disabled Transition Assistance Program, in addition to any other amounts available for that program. Such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

(b) Use of Appropriated Amounts.—Amounts appropriated pursuant to subsection (a) shall be used to increase the number of personnel within the Department of Veterans Affairs and the Department of Defense assigned as case managers and discharge planners with responsibility for managing the case of a member of the Armed Forces who is very seriously ill, or seriously ill.

Sec. 1121. Increase for Reconstituting the Military Forces.—In addition to amounts appropriated in this or any other Act, the sum of $3,126,400,000 is appropriated only for the maintenance, repair, replacement, or reconstitution of weapon systems and equipment used in Operation Iraqi Freedom and Operation Enduring Freedom, to be distributed to the following accounts and in the following amounts:

(1) "Operation and Maintenance, Army", $323,700,000;

(2) "Operation and Maintenance, Navy", $861,000,000;

(3) "Aircraft Procurement, Army", $467,100,000;

(4) "Procurement of Weapons and Tracked Combat Vehicles, Army", $129,200,000;

(5) "Other Procurement, Army", $329,700,000;

(6) "Aircraft Procurement, Navy", $61,000,000;

(7) "Procurement, Marine Corps", $220,400,000;

(8) "Aircraft Procurement, Air Force", $146,300,000;

(9) "Missile Procurement, Air Force", $33,000,000; and

(10) "Other Procurement, Air Force", $555,000,000:

Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Sec. 1122. Increase in Army Manpower End-Strength Level.—Notwithstanding the limitations set forth in Section 691 of title 10 United States Code, as amended by Public Law 107-314 (116 Stat. 2524), the number of members of the Army on active duty at the end of fiscal year 2004 shall not be less than 500,000: *Provided*, That in addition to amounts appropriated in this or any other Act, $1,000,000,000 is hereby appropriated to the Department of Defense, to be allocated as follows:

(1) "Military Personnel, Army", $600,000,000; and

(2) "Operation and Maintenance, Army", $400,000,000:

Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004

CHAPTER 2

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $364,100,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

MILITARY CONSTRUCTION, NAVY

For an additional amount for "Military Construction, Navy", $45,530,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $292,550,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Family Housing Operation and Maintenance, Army", $8,151,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For an additional amount for "Family Housing Operation and Maintenance, Navy and Marine Corps", $6,280,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Family Housing Operation and Maintenance, Air Force", $6,981,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

GENERAL PROVISION—THIS CHAPTER

SEC. 1201. (a) TEMPORARY AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR MILITARY CONSTRUCTION PROJECTS.—During fiscal year 2004, the Secretary of Defense may use this section as authority to obligate appropriated funds available for operation and maintenance to carry out a construction project outside the United States that the Secretary determines meets each of the following conditions:

(1) The construction is necessary to meet urgent military operational requirements of a temporary nature involving the use of the Armed Forces in support of Operation Iraqi Freedom or the Global War on Terrorism.

(2) The construction is not carried out at a military installation where the United States is reasonably expected to have a long-term presence.

(3) The United States has no intention of using the construction after the operational requirements have been satisfied.

(4) The level of construction is the minimum necessary to meet the temporary operational requirements.

(b) LIMITATION ON USE OF AUTHORITY.—The total cost of the construction projects carried out under the authority of this section using, in whole or in part, appropriated funds available for operation and maintenance shall not exceed $500,000,000 in fiscal year 2004.

(c) QUARTERLY REPORT.—(1) Not later than 30 days after the end of each fiscal-year quarter of fiscal year 2004, the Secretary of Defense shall submit to the congressional committees specified in subsection (e) a report on the worldwide obligation and expenditure during that quarter of appropriated funds available for operation and maintenance for construction projects.

(2) The report shall include with regard to each project the following:

(A) Certification that the conditions specified in subsection (a) are satisfied with regard to the construction project.

(B) A description of the purpose for which appropriated funds available for operation and maintenance are being obligated.

(C) Relevant documentation detailing the construction project.

(D) An estimate of the total cost of the construction project.

(E) The total amount obligated for the construction project as of the date of the submission of the report.

(d) RELATION TO OTHER AUTHORITIES.—The temporary authority provided by this section, and the limited authority provided by section 2805(c) of title 10, United States Code, to use appropriated funds available for operation and maintenance to carry out a construction project are the only authorities available to the Secretary of Defense and the Secretaries of the military departments to use appropriated funds available for operation and maintenance to carry out construction projects.

(e) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in this section are the following:

(1) The Committee on Armed Services and the Subcommittees on Defense and Military Construction of the Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Subcommittees on Defense and Military Construction of the Committee on Appropriations of the House of Representatives.

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $23,183,000 for costs related to Hurricane Isabel damage: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

TITLE II—IRAQ AND AFGHANISTAN RECONSTRUCTION AND INTERNATIONAL ASSISTANCE

CHAPTER 1

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

GENERAL LEGAL ACTIVITIES

For necessary expenses for "Salaries and Expenses, General Legal Activities", $15,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING RESCISSION)

For necessary expenses for "Diplomatic and Consular Programs", $156,300,000, of which $35,800,000 shall remain available until expended. Of the funds appropriated under this heading in the Emergency Wartime Supplemental Appropriations Act, 2003, $35,800,000 are rescinded. Each such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for "Embassy Security, Construction, and Maintenance", $43,900,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for "Emergencies in the Diplomatic and Consular Service", $50,000,000, to remain available until expended, which may be transferred to, and merged with, the appropriations for "Diplomatic and Consular Programs": *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses for "Contributions for International Peacekeeping Activities", $245,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses for "International Broadcasting Operations", for activities related to the Middle East Television Network broadcasting to Iraq, $40,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

GENERAL PROVISION—THIS CHAPTER

SEC. 2101. Funds appropriated under this chapter for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956, as amended.

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

United States Agency for International Development

Operating Expenses of the United States Agency for International Development

For necessary expenses for "Operating Expenses of the United States Agency for International Development", $40,000,000, for direct support of operations in Afghanistan, to remain available until September 30, 2005: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Other Bilateral Economic Assistance

Iraq Relief and Reconstruction Fund

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the purposes of the Foreign Assistance Act of 1961, for security, relief, rehabilitation and reconstruction in Iraq, $14,031,000,000, to remain available until September 30, 2005, to be allocated as follows: $2,104,000,000 for security and law enforcement; $1,081,000,000 for justice, public safety infrastructure, and civil society; $3,735,000,000 for the electric sector; $1,800,000,000 for oil infrastructure; $3,507,000,000 for water resources and sanitation; $500,000,000 for transportation and telecommunications; $185,000,000 for roads, bridges, and construction; $793,000,000 for health care; $73,000,000 for private sector development; and $253,000,000 for education, refugees, human rights, democracy, and governance: *Provided*, That the President may reallocate up to 10 percent of any of the preceding allocations, except that the total for the allocation receiving such funds may not be increased by more than 20 percent: *Provided further*, That such reallocations shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 and notifications shall be transmitted at least 15 days in advance of the obligation of funds: *Provided further*, That an annual spending plan for reconstruction programs under the preceding allocations, including project-by-project detail, shall be submitted by the President to the Committees on Appropriations not later than January 1, 2004, and shall be updated and submitted every 180 days thereafter: *Provided further*, That funds appropriated under this heading shall be apportioned only to the Coalition Provisional Authority in Iraq, the Department of State, the Department of Health and Human Services, the Department of Treasury, the Department of Defense, and the United States Agency for International Development: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That of the amount appropriated in this paragraph, not less than $35,000,000 shall be made available for administrative expenses of the Department of State Bureau of International Narcotics and Law Enforcement Affairs and the United States Agency for International Development for support of the reconstruction activities in Iraq: *Provided further*, That up to 1 percent of the amount appropriated in this paragraph may be transferred to "Operating Expenses of the Coalition Provisional Authority", and that any such transfer shall be in accordance with the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization, may be credited to this Fund and used for such purposes: *Provided further*, That the Committees on Appropriations shall be notified quarterly of any collections pursuant to the previous proviso: *Provided further*, That the Coalition Provisional Authority shall work, in conjunction with relevant Iraqi officials, to ensure that a new Iraqi constitution preserves full rights to religious freedom: *Provided further*, That, notwithstanding any other provision of law, 10 percent of the total amount of funds apportioned to the United States Agency for International Development under this heading that are made available on a subcontract basis shall be reserved for contracts with small business concerns, including small business concerns owned and controlled by veterans, small business concerns owned and controlled by service-disabled veterans, HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women (as such terms are defined for purposes of the Small Business Act): *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Operating Expenses of the Coalition Provisional Authority

For necessary expenses of the Coalition Provisional Authority in Iraq, established pursuant to United Nations Security Council resolutions including Resolution 1483, for personnel costs, transportation, supply, equipment, facilities, communications, logistics requirements, studies, physical security, media support, promulgation and enforcement of regulations, and other activities needed to oversee and manage the relief and reconstruction of Iraq and the transition to democracy, $858,000,000, to remain available until September 30, 2005: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Economic Support Fund

For necessary expenses for "Economic Support Fund", $872,000,000, to remain available until December 31, 2004: *Provided*, That not less than $672,000,000 is available only for accelerated assistance for Afghanistan: *Provided further*, That not to exceed $30,000,000 may be used for activities related to disarmament, demobilization, and reintegration of militia combatants, including registration of such combatants, notwithstanding section 531(e) of the Foreign Assistance Act of 1961: *Provided further*, That not to exceed $2,000,000 may be used to provide additional policy experts in Afghan ministries and that not more than five senior advisors to the United States Ambassador may be deployed in Afghanistan: *Provided further*, That not less than $17,250,000 is available only for security requirements that directly support United States and Coalition personnel who are implementing assistance programs in Afghanistan, including the provision of adequate dedicated air transport and support for civilian personnel at provincial reconstruction team sites: *Provided further*, That upon the receipt by the Speaker of the House of Representatives and the President of the Senate of a determination by the President that the Government of Pakistan is fully cooperating with the United States in the global war on terrorism, not to exceed $200,000,000 appropriated under this heading may be used for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan: *Provided further*, That amounts that are made available under the previous proviso for the cost of modifying direct loans and guarantees shall not be considered "assistance" for the purposes of provisions of law limiting assistance to a country: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

International Disaster and Famine Assistance

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for International Disaster and Famine Assistance utilizing the general authorities of section 491 of the Foreign Assistance Act of 1961, to respond to or prevent unforeseen complex foreign crises, especially in Sudan and Liberia, $100,000,000, and by transfer not to exceed 1 percent of the funds appropriated under any other heading in this chapter, to remain available to the Secretary of State until September 30, 2005: *Provided*, That funds appropriated under this heading may be made available only pursuant to a determination by the President, after consultation with the appropriate congressional committees, that it is in the national interest and essential to efforts to reduce international terrorism to furnish assistance on such terms and conditions as he may determine for such purposes, including support for peace and humanitarian intervention operations: *Provided further*, That none of these funds shall be available to respond to natural disasters: *Provided further*, That funds made available under this heading to respond to or prevent unforeseen complex foreign crises shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Department of State

International Narcotics Control and Law Enforcement

For necessary expenses for "International Narcotics Control and Law Enforcement", $170,000,000, to remain available until December 31, 2004, for accelerated assistance for Afghanistan: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Nonproliferation, Anti-Terrorism, Demining and Related Programs

For necessary expenses for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $35,000,000, for accelerated assistance for Afghanistan: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

MILITARY ASSISTANCE

Funds Appropriated to the President

Foreign Military Financing Program

For necessary expenses for the "Foreign Military Financing Program", $297,000,000, for accelerated assistance for Afghanistan: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Peacekeeping Operations

For necessary expenses for "Peacekeeping Operations", $50,000,000, to support the global war on terrorism: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2201. None of the funds appropriated by this Act or any unexpended funds provided in Public Law 108–11 may be used to repay, in whole or in part, principal or interest on any loan or guarantee agreement entered into by the Government of Iraq with any private or public sector entity including with the government of any country (including any agency of such government or any entity owned in whole or in part by the government of such country) or with any international financial institution, prior to May 1, 2003: *Provided*, That for the purpose of this section, the term "international financial institution" shall mean those institutions contained in section 530(b) of division E of Public Law 108–7.

SEC. 2202. (a) COMPETITION IN CONTRACTING FOR THE RECONSTRUCTION OF INFRASTRUCTURE IN IRAQ.—Notwithstanding any other provision of law, none of the funds appropriated by this Act under the heading "Iraq Relief and Reconstruction Fund" and made available under the same heading in Public Law 108–11 may be used to enter into any Federal contract (including any follow-on contract) unless—

(1) the contract is entered into in accordance with title III of the Federal Property and Administrative Services Act (41 U.S.C. 251 et seq.); and

(2) in any case in which procedures other than competitive procedures are to be used to enter into such a contract—

(A) if such procedures are to be used by reason of the application of a paragraph (other than paragraph (2)) under section 303(c) of such Act (41 U.S.C. 253(c)), the head of the executive agency entering into the contract shall submit to the committees described in subsection (b), not later than 7 calendar days before award of the contract—

(i) notification of the use of such other procedures; and

(ii) the justification for such use; and

(B) if such procedures are to be used by reason of the application of paragraph (2) of section 303(c) of such Act (41 U.S.C. 253(c)(2)), the head of the executive agency entering into the contract shall submit to the committees described in subsection (b), not later than 7 calendar days after approval of the justification for the use of such other procedures under section 303(f)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)(B))—

(i) notification of the use of such other procedures; and

(ii) the justification for such use

(b) COMMITTEES.—The committees referred to in subsection (a)(2) are—

(1) the Committees on Government Reform, on International Relations, and on Appropriations of the House of Representatives; and

(2) the Committees on Governmental Affairs, on Foreign Relations, and on Appropriations of the Senate.

(c) APPLICABILITY.—This section shall not apply to contracts entered into before the date of the enactment of this Act or after September 30, 2010.

(d) GAO REPORT ON NONCOMPETITIVE CONTRACTING.—The Comptroller General shall submit a report to the appropriate committees on a quarterly basis on the contracts awarded under procedures other than competitive procedures that were subject to the notification requirements of paragraph (a). Such review shall include an evaluation of the reasons for using other than competitive procedures and an evaluation of the selection procedures used to make final contract awards.

SEC. 2203. (a) PUBLIC DISCLOSURE OF NONCOMPETITIVE CONTRACTING FOR THE RECONSTRUCTION OF INFRASTRUCTURE IN IRAQ.—

(1) PUBLICATION AND PUBLIC AVAILABILITY.—The head of an executive agency of the United States that enters into a contract for assistance for Iraq, using funds described in paragraph (3), through the use of procedures other than competitive procedures shall publish in the Federal Register or Commerce Business Daily and otherwise make available to the public, not later than 5 days before the date on which the contract is entered into, except in the case of urgent and compelling contracts issued pursuant to paragraph (2) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)), the following information:

(A) The amount of the contract.

(B) A brief description of the scope of the contract.

(C) A discussion of how the executive agency identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers.

(D) The justification and approval documents (as required under section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)) on which was based the determination to use procedures other than competitive procedures.

(2) FUNDS.—The funds referred to in paragraph (1) are—

(A) any funds available to carry out sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2151d; 2346 et seq.); and

(B) any funds appropriated by Public Law 108–11 under the heading "Iraq Relief and Reconstruction Fund" (in chapter 5 of title I; 117 Stat. 573).

(3) APPLICABILITY.—Paragraph (1) shall not apply to contracts entered into before the date of the enactment of this Act or after September 30, 2010.

(b) CLASSIFIED INFORMATION.—

(1) AUTHORITY TO WITHHOLD.—The head of an executive agency may—

(A) withhold from publication and disclosure under subsection (a) any document that is classified for restricted access in accordance with an Executive order in the interest of national defense or foreign policy; and

(B) redact any part so classified that is in a document not so classified before publication and disclosure of the document under subsection (a).

(2) AVAILABILITY TO CONGRESS.—In any case in which the head of an executive agency withholds information under paragraph (1), the head of such executive agency shall make available an unredacted version of the document containing that information to the chairman and ranking member of each of the following committees of Congress:

(A) The Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(B) The Committees on Appropriations of the Senate and House of Representatives.

(C) Each committee that the head of the executive agency determines has legislative jurisdiction for the operations of such department or agency to which the information relates.

(c) RELATIONSHIP TO OTHER DISCLOSURE LAWS.—Nothing in this section shall be construed as affecting obligations to disclose United States Government information under any other provision of law.

(d) DEFINITIONS.—In this section, the terms "competitive procedures" and "executive agency" have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SEC. 2204. Section 1503 of Public Law 108–11 is amended—

(1) by striking "equipment" and inserting in lieu thereof "equipment, including equipment"; and

(2) by striking "2004" and inserting in lieu thereof "2005".

SEC. 2205. Section 1504 of Public Law 108–11 is amended by striking "controlled" and inserting "or small arms controlled".

SEC. 2206. Section 202(b) of the Afghanistan Freedom Support Act of 2002 (Public Law 107–327) is amended by striking "$300,000,000" and inserting in lieu thereof "$450,000,000".

SEC. 2207. (a) Until January 2005, the Coalition Provisional Authority (CPA) shall, on a monthly basis, submit a report to the Committees on Appropriations and International Relations of the House of Representatives and the Committees on Appropriations and Foreign Relations of the Senate that details, for the preceding month, Iraqi oil production and oil revenues, and uses of such revenues.

(b) The first report required by subsection (a) shall be submitted not later than 30 days after enactment of this Act.

(c) The reports required by this section shall also be made publicly available, including through the CPA's Internet website.

SEC. 2208. Any reference in this chapter to the "Coalition Provisional Authority in Iraq" shall be deemed to include any successor United States Government entity with the same or substantially the same authorities and responsibilities as the Coalition Provisional Authority in Iraq.

SEC. 2209. Assistance or other financing under chapter 2 of this title may be provided for Iraq and Afghanistan notwithstanding any other provision of law not contained in this Act that restricts assistance to foreign countries and section 660 of the Foreign Assistance Act of 1961: *Provided*, That funds made available for Iraq pursuant to this section shall be subject to the regular reprogramming notification procedures of the

Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except that notification shall be transmitted at least 5 days in advance of obligation.

SEC. 2210. Funds made available in chapter 2 of this title are made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956, as amended.

SEC. 2211. Notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: *Provided*, That funds made available pursuant to the authority of this section shall be subject to the regular reprogramming notification procedures of the Committees on Appropriations.

SEC. 2212. (a) REPORT ON MILITARY OPERATIONS AND RECONSTRUCTION EFFORTS IN IRAQ AND AFGHANISTAN.—The President shall prepare and transmit to Congress on a quarterly basis, beginning January 15, 2004, a report on United States military operations and reconstruction efforts in Iraq and Afghanistan.

(b) CONTENTS.—The report shall, at a minimum, contain the following information:

(1) A detailed and complete accounting of amounts appropriated under any previous Acts used to support military or reconstruction activities in and around Iraq and Afghanistan; a detailed and complete accounting of funds appropriated in this Act that were expended during the preceding quarter for military operations and reconstruction efforts in and around Iraq and Afghanistan; and, an estimate of the remaining total cost to the United States of military operations and reconstruction efforts in Iraq and Afghanistan for fiscal year 2004 and subsequent fiscal years.

(2) A description of activities undertaken and findings made in the search for weapons of mass destruction in Iraq.

(3) A description of progress made in reconstruction efforts in Iraq and Afghanistan, particularly efforts relating to public safety, defense and law enforcement, energy infrastructure, water, sewage systems, road construction and other public works, transportation and telecommunications infrastructure, medical and hospital services, and private sector development.

(4) A description of progress made to reduce attacks against members of the United States Armed Forces in Iraq; a detailed listing of the casualties suffered by United States Armed Forces personnel in Iraq and Afghanistan during the preceding quarter and cumulatively; a listing of equipment, weapons, and spare parts shortfalls (compared to stated military service requirements) and a description of the actions taken to address the shortfalls; and a timeframe for the withdrawal of all United States Armed Forces from Iraq.

(5) An analysis of the impact that military operations in Iraq and Afghanistan have had on overall readiness of the Armed Forces.

(6) An analysis of the impact the deployment of members of the Armed Forces in connection with Operation Iraqi Freedom and Operation Enduring Freedom is having on recruiting and retention efforts in the active and reserve components.

(7) An estimate of the remaining cost of repairing or replacing the combat vehicles, aircraft, and other equipment damaged or destroyed by combat, by prolonged use in Iraq and Afghanistan, or by exposure to the extreme climatic and terrain conditions in Iraq and Afghanistan.

(8) A description of progress made toward holding of free and fair elections in Iraq.

(9) A description of the extent of international participation (including financial and other) in the stabilization and reconstruction of Iraq.

(10) A detailed accounting of the number of United States Armed Forces currently deployed in connection with Operation Iraqi Freedom and Operation Enduring Freedom.

(11) A detailed accounting on the use of private contractors for contracts over $10,000,000, including the costs of salaries, insurance payments, oversight plans, costs of security provided by coalition troops to contractors, performance schedules, plans to train Iraqi national to assume functions of the contract, and the extent of the use of local procurement and local management.

(c) LIMITATION.—Beginning on January 15, 2004, none of the funds made available by this Act that remain for obligation may be obligated unless and until the President has submitted to Congress the report described in subsections (a) and (b) of this provision.

SEC. 2213. (a) REVIEW OF CONTRACTING PROCEDURES.—The Comptroller General shall review each covered contract and task or delivery order entered into during a review period to determine whether the procedures used to enter into the contracts and orders were in compliance with the requirements of this Act and other applicable laws and regulations.

(b) REPORT.—At the end of each review period, the Comptroller General shall submit to Congress a report on the results of the review.

(c) REVIEW PERIOD.—A review under subsection (a) shall be carried each quarter of a fiscal year, beginning with the first quarter beginning after the date of the enactment of this Act.

(d) COVERED CONTRACTS AND ORDERS.—This section applies to any contract or task or delivery order entered into using funds appropriated by this Act for foreign assistance if—

(1) in the case of a contract, the contract is in an amount in excess of the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403), and

(2) in the case of a task or delivery order, the order is in an amount in excess of $1,000,000.

SEC. 2214. (a) TRANSPARENCY IN CONTRACTING: NOTIFICATION TO CONGRESS.—(1) The head of an executive agency that enters into a contract, or task or delivery order under a task or delivery order contract, in excess of $5,000,000 relating to activities in Iraq shall, within 7 days after entering into the contract or order, notify the chairman and ranking member of the committees described in subsection (b) that the contract or order has been entered into.

(2) Upon request of the chairman or ranking member of a committee described in subsection (b), the head of an executive agency shall provide, within 14 days after receipt of the request, unredacted copies of any documents required to be maintained in the contracting office contract file, the contract administration office contract file, and the paying office contract file pursuant to subpart 4.8 of the Federal Acquisition Regulation, including—

(A) copies of the contract and all modifications;

(B) orders issued under the contract;

(C) justifications and approvals;

(D) any government estimate of contract price;

(E) source selection documentation;

(F) cost or price analysis;

(G) audit reports;

(H) justification for type of contract;

(I) authority for deviations from regulations, statutory requirements, or other restrictions;

(J) bills, invoices, vouchers, and supporting documents; and

(K) records of payments or receipts.

(b) COMMITTEES.—The committees referred to in subsection (a) are the following:

(1) The Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(2) The Committees on Appropriations of the Senate and House of Representatives.

(3) Each committee that the head of the executive agency determines has legislative jurisdiction for the operations of the department or agency to which the contract, task or delivery order, or documents referred to in paragraph (1) or (2) of subsection (a) relates.

SEC. 2215. (a) IRAQI INVOLVEMENT PLAN.—The head of each executive agency entering into a contract relating to activities in Iraq shall develop a plan for minimizing costs to the Federal Government through the use of Iraqi firms.

(b) COMPONENTS OF PLAN.—(1) The plan shall require the head of each executive agency to assess, before entering into a contract relating to activities in Iraq, whether the use of Iraqi firms to carry out the contract could reduce the costs of such contract to the Federal Government.

(2) The plan may provide for the waiver of otherwise applicable Federal procurement laws or regulations with respect to the contract if the head of the executive agency determines that such laws or regulations impede the ability of the executive agency to reduce the costs of such contract to the Federal Government through the use of Iraqi firms.

(3) The plan shall ensure that all contracts with respect to which laws or regulations are waived pursuant to paragraph (2) are entered into using contracting procedures that are open, fair, accountable, and, to the maximum extent practicable, competitive.

SEC. 2216. (a) LEGAL STATUS OF COALITION PROVISIONAL AUTHORITY FOR IRAQ.—For purposes of the following provisions of law, the Coalition Provisional Authority for Iraq shall be considered to be an executive agency within the meaning of the term in section 105 of title 5, United States Code:

(1) Procurement statutes, including chapters 137 and 141 of title 10, United States Code, title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), and the Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.).

(2) Section 552 of title 5, United States Code (known as the Freedom of Information Act).

(3) Financial management statutes requiring the preparation of audited financial statements, including section 3535 of title 31, United States Code.

(b) DEFINITION.—For purposes of this section, the term "Coalition Provisional Authority for Iraq" means the entity charged by the President with directing reconstruction efforts in Iraq.

TITLE III—GENERAL PROVISIONS—THIS ACT

SEC. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 3002. None of the funds made available in this or any other Act for fiscal year 2004 may be used for any defense or reconstruction activities in Iraq or Afghanistan coordinated by any officer of the United States Government whose office is not subject to appointment by the President by and with the advice and consent of the Senate.

Sec. 3003. For purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)), children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or due to the death of a military parent or legal guardian while on active duty, are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at the same school that they attended prior to their change in eligibility status.

Sec. 3004. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country participating with coalition forces in Afghanistan or Iraq if the Secretary of State or the Secretary of Defense has credible evidence that such unit has committed gross violations of human rights, unless the appropriate Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: *Provided*, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the appropriate Secretary shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

Sec. 3005. None of the funds in this Act, or any other appropriations Act, may be used to execute the Lateral Repatriation Program, or any other program under which citizens or nationals of Mexico are removed by land from the United States by returning them to a location other than the United States port of entry closest to the location where they were apprehended or last imprisoned, or, in the case of an alien who is removed upon being acquitted of a criminal charge, the port of entry closest to the courthouse where the acquittal occurs. If the Secretary of Homeland Security determines that compliance with the preceding sentence is not feasible, the Secretary shall notify the Committees on the Judiciary and on Appropriations of the House of Representatives and of the Senate.

Sec. 3006. None of the funds in this Act, or any other appropriations Act, may be used for the issuance of Form I-20A by the San Antonio Office of Detention and Removal of the Bureau of Immigration and Customs Enforcement and the Border Patrol sectors served by said office.

TITLE IV—IRAQ RECONSTRUCTION TRUST FUND

SEC. 4001. SHORT TITLE.

This title may be cited as the "Iraq Reconstruction Trust Fund Act".

SEC. 4002. DEFINITIONS.

In this title:

(1) Appropriate congressional committees.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) Coalition provisional authority.—The term "Coalition Provisional Authority" means the entity charged by the President with directing reconstruction efforts in Iraq.

(3) Governing council in iraq.—The term "Governing Council in Iraq" means the Governing Council established in Iraq on July 13, 2003, or any successor governing authority in Iraq.

(4) Secretary.—The term "Secretary" means the Secretary of State.

(5) Trust fund.—The term "Trust Fund" means the Iraq Reconstruction Fund .

(6) World bank.—The term "World Bank" means the International Bank for Reconstruction and Development.

SEC. 4003. LIMITATION OF USE OF FUNDS.

Of the funds appropriated in title II under the subheading "Iraq Relief and Reconstruction Fund" under the heading "Other Bilateral Economic Assistance Funds Appropriated to the President" other than amounts appropriated under such subheading for security and. for refugees, human rights, democracy, and civil society, $7,000,000,000 may not be obligated or expended before the Secretary negotiates with the World Bank, in consultation with the Coalition Provisional Authority, the member nations of the World Bank, and other interested parties, for the establishment within the World Bank of the Iraq Reconstruction Trust Fund in accordance with the provisions of this title.

SEC. 4004. DESCRIPTION OF THE TRUST FUND.

(a) Purposes.—The purposes of the Trust Fund shall be to use contribute funds to—

(1) assist in restoration of infrastructure and essential services in Iraq;

(2) assist in the creation of civil society in Iraq; and

(3) ensure a secure environment for the people of Iraq.

(b) In General.—As part of the negotiations required by section 4003, the Secretary shall negotiate with the World Bank to establish conditions under which the Trust Fund will be terminated.

(c) Repayment of Contributions.—If the Trust Fund is terminated, any amounts contributed, to the Fund that have not been expended shall be returned to the countries that contributed funds to the Trust Fund, on basis proportionate to their contribution.

SEC. 4005. USE OF FUNDS.

(a) Loans and Loan Guarantees.—In carrying out the purposes set out in section 4004(a), the Trust Fund shall be used to provide loans and loan guarantees under terms that will facilitate economic development in Iraq.

(b) Activities Supported.—The funds in the Trust Fund shall be used to provide loans and loan guarantees that carry out the purposes of the Trust Fund, including projects to—

(1) create or repair infrastructure to—

(A) produce and distribute electricity;

(B) extract, refine, and distribute oil;

(C) provide drinking water;

(D) treat and dispose of wastewater;

(E) provide transportation; and

(F) facilitate communications;

(2) promote public health;

(3) provide housing;

(4) ensure public safety; and

(5) develop a private sector economy.

SEC. 4006. CONTRIBUTIONS AND ACCOUNTABILITY.

(a) Authority To Solicit and Accept Contributions.—The Trust Fund shall be authorized to solicit and accept contributions from governments, the private sector, and nongovernmental entities of all kinds.

(b) Accountability of Funds and Criteria for Programs.—The Secretary shall, consistent with subsection (c)—

(1) take such actions as are necessary to ensure that adequate procedures and standards are in place to account for and monitor the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund; and

(2) seek agreement with the World Bank on the criteria to be used to determine the programs and activities to be assisted by the Trust Fund.

(c) Selection of Projects and Recipients.—The Trust Fund and its contributors shall establish—

(1) criteria for the selection of projects to receive support from the Trust Fund;

(2) standards and criteria regarding qualifications of recipients of such support;

(3) such rules and procedures as may be necessary for cost-effective management of the Trust Fund; and

(4) such rules and procedures as may be necessary to ensure transparency and accountability in the making of loans and loan guarantees.

(d) Transparency of Operations.—The Trust Fund shall establish procedures to ensure full and prompt public disclosure of the proposed objectives, financial organization, and operations of the Trust Fund.

(e) Access to Records.—The Comptroller or any duly authorized representatives of the Comptroller shall have access to any books, documents, papers, and. records of the Trust Fund for the purpose of preparing the reports required in section 4007(b).

SEC. 4007. REPORTS TO CONGRESS.

(a) In General.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the duration of the Trust Fund, the Secretary shall submit to the appropriate congressional committees a report on the Trust Fund.

(b) Report Elements.—Each report required by paragraph (1) shall include a description of—

(1) the goals of the Trust Fund;

(2) the programs, projects, and activities supported by the Trust Fund;

(3) private and governmental, contributions to the Trust Fund; and

(4) the criteria that have been established that would be used to determine the programs and activities to be assisted by the Trust Fund.

SEC. 4008. AVAILABILITY OF FUNDS.

(a) In General.—In addition to any other funds available for multilateral or bilateral programs related to the purposes of the Trust Fund, of the amounts appropriated in title II under the subheading "Iraq Relief and Reconstruction Fund" under the heading "Other Bilateral Economic Assistance Funds Appropriated to the President", other than amounts appropriated under such subheading for security, and for refugees, human rights, democracy, and civil society, $7,000,000,000 shall be made available for the fiscal year 2004 for contribution to the Trust Fund. Such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

(b) Matching Contributions.—Subject to the maximum amount available for contributions to the Trust Fund under this Act, the United States shall contribute to the Trust Fund out of the additional amount made available under subsection (a), the amount that equals the total amount contributed by foreign countries to the Trust Fund during the 180-day period that begins on the date of the enactment of this Act.

(c) TRANSFER OF FUNDS.—On the date that is 180 days after the date of the enactment of this Act, any amount made available for the Trust Fund under subsection (a) that exceeds the amount required to be contributed to the Trust Fund under subsection (b) shall cease to be available for transfer to the Trust Fund and shall be transferred to an account to be available to the Coalition Provisional Authority for use as loans to, or to guarantee loans made by the Governing Council in Iraq.

SEC. 4009. NOTIFICATION REQUIREMENT.

Not later than 15 days prior to the initial obligation or expenditure of funds appropriated pursuant to section 4009, the Secretary shall certify to the appropriate congressional committees that—

(1) the Trust Fund has been created in accordance with the provisions of this title; and

(2) adequate procedures and standards have been established to ensure accountability for and monitoring of the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund.

TITLE V—REVENUE PROVISION

SEC. 5001. TOP MARGINAL RATE INCREASED TO 39.6 PERCENT BEGINNING IN 2005.

(a) IN GENERAL.—The table contained in paragraph (2) of section 1(i) of the Internal Revenue Code of 1986 (relating to reductions in rates after June 30, 2001) is amended to read as follows:

"In the case of taxable years beginning during calendar year:	The corresponding percentages shall be substituted for the following percentages:			
	28%	31%	36%	39.6%
2001	27.5%	30.5%	35.5%	39.1%
2002	27.0%	30.0%	35.0%	38.6%
2003 or 2004	25.0%	28.0%	33.0%	35.0%
2005 and thereafter	25.0%	28.0%	33.0%	39.6%."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

This Act may be cited as the "Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004".

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of our time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the resolution, if ordered, and on adopting House Resolution 198, as amended.

The vote was taken by electronic device, and there were—yeas 221, nays 202, answered "present" 1, not voting 10, as follows:

[Roll No. 544]

YEAS—221

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Paul

NOT VOTING—10

Ballenger
Bartlett (MD)
Clay
Jones (OH)
Marshall
McCrery
Mollohan
Saxton
Souder
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1217

Ms. ESHOO, Ms. JACKSON-LEE of Texas, Mr. MEEHAN and Mr. GEORGE MILLER of California changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES THAT FRANCE, GERMANY, AND RUSSIA CAN BEST CONTRIBUTE TO RECONSTRUCTION OF IRAQ BY FORGIVENESS OF OUTSTANDING DEBT

The SPEAKER pro tempore. The pending business is the vote on agreeing to the resolution, House Resolution 198, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 31, not voting 9, as follows:

[Roll No. 545]

YEAS—394

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—31

Baird
Boucher
Capuano
Conyers
DeFazio
DeGette
Dingell
Filner
Frank (MA)
Grijalva
Hastings (FL)
Holt
Jackson (IL)
Larsen (WA)
Lee
Lewis (GA)
Lofgren
McCarthy (MO)
McDermott
Miller, George
Olver
Pastor
Paul
Rodriguez
Serrano
Stark
Tierney
Udall (NM)
Waters
Watt
Wynn

NOT VOTING—9

Ballenger
Clay
Jones (OH)
Marshall
Mollohan
Radanovich
Saxton
Souder
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1225

Ms. LEE, Mr. DINGELL and Mr. WYNN changed their vote from "yea" to "nay."

Mr. HONDA and Mr. MARKEY changed their vote from "nay" to "yea."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT TO THE PREAMBLE OFFERED BY MS. ROS-LEHTINEN

Ms. ROS-LEHTINEN. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Ms. ROS-LEHTINEN:

Strike the preamble insert in lieu thereof the following:

Whereas France, Germany, Russia, and other nations have expressed an interest in assisting in the reconstruction of Iraq;

Whereas France, Germany, Russia, and other nations have previously encouraged and provided debt relief as a way to assist other nations;

Whereas France, Germany, Russia, and other nations had extensive trade relationships with Iraq;

Whereas loans and other support from France, Germany, Russia, and other nations were use by the Saddam Hussein regime to support the development of its weapons of mass destruction programs, the expansion of the Iraqi Army that the regime used to invade its neighbors, and the building of palaces, monuments, and other means of aggrandizing Saddam Hussein;

Whereas the United States has already provided approximately $3,000,000,000 in the form of grants to provide for the humanitarian needs of the Iraqi people and to rebuild Iraq's crumbling infrastructure; and

Whereas France, Germany, Russia, and other nations are capable of making generous pledges for the reconstruction of Iraq at the International Conference on Reconstruction in Iraq to be held in Madrid: Now, therefore, be it

Ms. ROS-LEHTINEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on amendment to the preamble offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN).

The amendment to the preamble was agreed to.

The title of the resolution was amended so as to read: "Resolution expressing the sense of the House of Representatives that France, Germany, Russia; and other nations can contribute to Iraq's reconstruction by forgiving debts owed by Iraq to those nations and by making generous pledges for Iraq's reconstruction at the International Conference on Reconstruction in Iraq to be held in Madrid".

A motion to reconsider was laid on the table.

QUESTION OF PRIVILEGES OF THE HOUSE

Mr. McDERMOTT. Mr. Speaker, I rise to a question of privileges of the House and I offer a resolution, which I will send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Washington (Mr. McDERMOTT) should read the resolution.

Mr. McDERMOTT. Mr. Speaker, this is a resolution correcting the RECORD of Tuesday, January 28, 2003.

Resolved, That an asterisk be placed in the permanent RECORD of Tuesday, January 28, 2003, noting that the following statements contained in the State of the Union Address by the President of the United States are inaccurate:

One, "The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."

Two, "Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production."

Three, "From intelligence sources, we know, for instance, that thousands of Iraqi security personnel are at work hiding documents and materials from the U.N. inspectors, sanitizing inspections sites, and monitoring the inspectors themselves."

Four, "Evidence from intelligence sources, secret communications, and statements by people now in custody reveal that Saddam Hussein aids and protects terrorists, including members of al Qaeda.".

□ 1230

The SPEAKER pro tempore (Mr. THORNBERRY). Under rule IX, a resolution offered from the floor by a Member other than Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Washington will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, 2004

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, October 14, 2003, the Chair declares the House in the Committee of the Whole House on the State of the Union for a further period of debate on the subject of a bill making emergency supplemental appropriations for defense and the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004.

□ 1231

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for a further period of debate on the subject of a bill making emergency supplemental appropriations for defense and the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, October 15, two hours and nine minutes remained in debate.

The gentleman from Florida (Mr. YOUNG) has 53 minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 1 hour and 16 minutes remaining.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume. What I was going to do was just announce the time remaining.

In addition, I would announce that once we have completed this time of general debate under the unanimous consent agreement of yesterday, we would then rise and reconvene under the rule for an additional 1 hour of general debate as provided by the rule on the bill.

At this point then, I will begin the debate.

Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the distinguished chairman for yielding time to me, and I rise just to make one point to my colleagues and friends, and that is, to compare what we are being asked to do today with what we have done since I have been in this Congress for 17 years.

Mr. Chairman, President Bush, with the strong support of both parties and both bodies, agreed to commit us to end the reign of Saddam Hussein in Iraq and to aid in removing the Taliban in Afghanistan, and we committed to that effort with a great vote in both bodies. This is much like what happened during the previous 8 years under President Clinton when he requested us to deploy our troops 38 times in 8 years.

I want to call the attention of my colleagues to the fact that in the previous 40 years, from 1950 to 1990, all the Presidents combined deployed our troops 10 times. In the 8 years from 1991 until 1999, 2000, largely under President Clinton, our troops were deployed 38 times. One of those deployments, actually under President Bush, Senior, in Desert Storm, was actually reimbursed $51 billion from our allies. In the other 37 deployments, Mr. Speaker, this Congress, largely controlled by the Republican party, gave President Clinton the money that he needed for every deployment.

Let us look at some of those deployments. They were in Somalia, East Timor, Macedonia, Cambodia, Colombia, Bosnia. In fact, Mr. Speaker, here is the irony of what we are debating today. Eleven times we have approved supplementals in the 1990s for President Clinton, after the fact, to reimburse our military for the costs that we spent for the deployments that he got us into, 11 supplementals.

In addition, Mr. Chairman, we cut our Defense budget so bad that Democrats and Republicans on this floor restored $43 billion over 6 years that had to be put in because those moneys went from our military budget to subsidize the deployments.

What did we deploy in the 1990s? Let us see, Mr. Chairman. We subsidized troops from other countries and Kosovo and Bosnia and Macedonia. We paid for OSCE inspectors. We built hundreds of schools. Mr. Chairman, during the 1990s, under President Clinton, this Congress built hundreds of schools. In fact, we did more than build hundreds of schools. We trained police forces. We trained and equipped local police forces. In fact, Mr. Chairman, we used taxpayer money to send fire trucks to Sarajevo. We paid for fire equipment. We rebuilt countries. In fact, in addition, we started small business loans.

All of these things were done with 11 supplementals for the 37 deployments that President Clinton got us into, but Mr. Chairman, there is one difference. President Clinton never came up to us in advance and said this is what it is going to cost. He simply put the troops in harm's way. He started the process of building the schools, training the police departments and doing all the other nation-building work, and then came to us and said to the Congress, you find the money. So $43 billion of that money came out of our Defense budget and we had to replace it.

In addition to that, we spent 10s of billions of dollars of supplemental money through 11 supplemental bills which were supported with the Republican party in control.

Mr. Chairman, there is an inconsistency here. I did not hear my colleagues saying back in Bosnia we were told we would be out in December 1996, that it should be a loan. We have now spent $25 billion in Bosnia. We are still there. Where is the loan request? Where was the loan request from the Bosnian government? Where was the loan request from Kosovo? Where was the loan request from Macedonia, from East Timor, from Colombia?

This Congress supported Democratic President Bill Clinton, and I think this Congress has an obligation. I think this Congress has an obligation to be consistent. We as Republicans supported the funding through 11 supplementals to pay for those same items that President Bush has asked for here, and if we total up the amount of money of these 37 supplementals, it is far in excess of what we are talking about with this bill. The difference is we have been asked to approve it in advance. In every other case, in the 1990s, it was done after the fact.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Chairman, I have great respect for the gentleman from Pennsylvania (Mr. WELDON). I probably will vote the way he is going to vote on this, but does my colleague recall, I think it was 1999, the sense of congress resolution supporting the troops in Kosovo, if I am not mistaken, my good friend voted no on that. So as my colleague thinks about my colleagues on this side expressing reservation, I hope we are not labeled anything other than patriots that he and I am.

Mr. WELDON of Pennsylvania. Mr. Chairman, I will remind my colleague I was the one who took 11 Members of Congress, including five from his side, to Vienna, and the reason was, we did not disagree with the actions against Milosevic. We felt we had not put enough pressure on Russia, and in going to Vienna, and my colleague can ask the gentleman from Hawaii (Mr. ABERCROMBIE), the gentleman from Vermont (Mr. SANDERS), and the gentleman can ask the gentlewoman from Florida (Ms. CORRINE BROWN), we wrote the plan that became the basis of the G–8 agreement to end the war. If we had brought Russia in earlier, we could have avoided much of that.

Mr. FORD. Mr. Chairman, if the gentleman will further yield, did the gentleman vote against that resolution?

Mr. WELDON of Pennsylvania. Reclaiming my time, I supported removing Milosevic.

Mr. OBEY. Mr. Chairman, I yield 1¾ minutes to the distinguished gentlewoman from California (Ms. HARMAN), the ranking member on the Permanent Select Committee on Intelligence.

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, the $87 billion supplemental request, in its present form, is profoundly flawed, and if it is not improved by responsible amendments, among them one I have proposed, I will reluctantly oppose it.

I take a backseat to no one when it comes to support of our Nation's defense and our intelligence community, but I believe there are better options to support our troops and rebuild Iraq, while respecting the American taxpayer in the process.

Simply put, the plan that Congress is being asked to fund is not ready for prime time. Our troops, our veterans and America's families deserve better.

Among my concerns are deficiencies in prewar intelligence that have not been acknowledged by the administration, let alone fixed. If our intelligence is flawed, our forces presently in Iraq are at risk, and our predictions about threats posed by other hot spots like Iran and North Korea will lack credibility.

Second, we have only belatedly reached out to those with extensive experience in stabilization and reconstruction. Iraq is the sixth such rebuilding effort in a decade; yet lessons learned from earlier experiences have been largely ignored.

Third, we are at best limping along in our quest for an international reconstruction strategy, one that restores wealth to the Iraqi people and enjoys the support of the United Nations and other countries capable of contributing to a successful result.

Fourth, by sending forward a second emergency funding request, the President has again bypassed the annual budgeting process and its critical constraints.

Fifth, we owe it to our veterans to fully fund their needs. My amendment would do this in the context of a balanced budget framework.

Mr. Chairman, the United States has a moral obligation to finish the job in Iraq, Afghanistan and elsewhere, and I support finishing the job, but we must not provide this administration or any other with a blank check.

Mr. Chairman, the $87 billion supplemental request in its present form is profoundly flawed—and if it is not improved by amendment on the House floor, I intend to oppose it.

I take a back seat to no one when it comes to my support of our Nation's defense and our intelligence community. But I believe there are better ways to support our troops and rebuild Iraq while respecting the American taxpayer in the process.

Simply put, the plan that Congress is being asked to fund is not ready for prime time. Our troops, our veterans and America's families deserve better.

Members of this body rightly have complained about the Bush administration's lack of a sustainable strategy for Iraq and the lack of a sincere attempt to explain the supplemental's details.

The failure to spend funds wisely in Iraq and Afghanistan is already having a profound effect on our fighting men and women there. Earlier this week newspapers reported that ceramic inserts for soldiers' flak jackets—to be paid for with $300 million already appropriated—still have not been delivered and might not arrive until December. This is irresponsible. U.S. troops in Iraq and Afghanistan are targets of daily attacks; wearing the inserts is literally a matter of life and death should they be hit by assault rifle fire.

I also have serious concerns about our policy going forward.

First, deficiencies in pre-war intelligence have not been acknowledged by the Administration, let alone fixed. If our intelligence is flawed, our forces are at risk. And our predictions about threats posed by other hot spots like Iran and North Korea will lack credibility. This supplemental does nothing to fix these problems.

Second, we have only belatedly reached out for those Americans with extensive experience in stabilization and reconstruction. Iraq is the sixth such rebuilding effort in a decade. Yet, lessons learned from earlier experiences have been largely ignored.

Third, we are at best limping along in our quest for an international reconstruction strategy—one that restores wealth to the Iraqi people and enjoys the support of the United Nations and other countries capable of contributing to a successful result.

Fourth, by sending forward a second emergency funding request and demanding that the crisis requires its immediate passage, the President has bypassed the annual budgeting process and its fiscal constraints. It is even more troubling in this case since the Administration resisted for months the call for openness and honesty about the true costs of managing post-war Iraq.

Fifth, we owe it to our veterans and those soldiers returning from the war on terrorism to fully fund the benefits to which they are entitled—and to make up the $1.8 billion shortfall in health care funding in the fiscal year 2004 VA-HUD bill.

Since 9/11, I have called for a wartime budget that would fully fund the war on terror as well as reconstruction and stabilization in Iraq within a balanced budget framework. Americans are prepared to make hard and responsible choices. Every previous war has been paid for by the generation that fought it, and not by saddling our children and grandchildren with mountains of debt.

The United States has a moral obligation to finish the job in Iraq, Afghanistan and elsewhere—and I support finishing that job.

To this end, I would support, as I believe many other Members would, an incremental approach to the supplemental package—one that provides funding in installments and only after certain benchmarks and milestones are met.

But I am not prepared to provide this Administration with another blank check.

Mr. YOUNG of Florida. Mr. Chairman, at this time my next speaker is detained, and I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, could I inquire how much time is remaining on each side?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 74¼ minutes remaining. The gentleman from Florida (Mr. YOUNG) has 48 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I stand behind our men and women in uniform who are sacrificing so much for their country in Iraq. Most importantly, I want to ensure that our troops receive the resources they need. In my view, this bill underfunds the immediate needs of the military, leaving the men and women serving there in a vulnerable position.

This bill is a belated and a poorly-planned attempt to provide resources for a thinly-sketched occupation force and a laundry list of economic development projects that seem well beyond the scope of reconstruction. The administration needs to provide Congress with a more detailed and comprehensive reconstruction plan before we authorize an explosive increase in taxpayer dollars in Iraq.

The military phase of the campaign has been over since May; yet the agencies formally charged with delivering foreign aid have taken a backseat to the Pentagon. Foreign aid is and should be the responsibility of the State Department. Their people are trained for it. It is time we let our men and women in the military focus on the security side of the effort and let them hand off efforts like getting water and electricity to the Iraqi people to the experts at the State Department and USAID.

The Congress should not give the President a blank check. Congress needs specifics on important questions, the projected duration of the U.S. military occupation in Iraq, the estimate of the total cost of military operations and reconstruction, the schedule to restore basic services to the Iraqi people, the plan for withdrawal of American forces, and when will we begin to significantly share the burden with our allies.

I am worried that greed may trump patriotism in Iraq. The President has chosen to conduct this process behind closed doors and by awarding no-bid contracts to friendly companies, with so much room for corporate abuse. I believe this process should mirror the historic Marshall Plan, which was conducted in a transparent way, under the authority of foreign aid experts at the State Department, with open bidding for contracts.

The President and others have compared our efforts in Iraq to the Marshall Plan. I believe we should aspire to that historic reconstruction effort. Let us be clear; this is not the Marshall Plan. The Marshall Plan was not an unconditional grant from America's taxpayers, nor was it a blank check.

This plan is packed with a laundry list of projects that lack accountability. We can do better. We owe it to the Iraqi people. Most importantly, we owe it to those young men and women who are putting their lives on the line every single day.

Mr. YOUNG of Florida. Mr. Chairman, in view of the fact that the gentleman from Wisconsin has substantially more time, I wonder if he would be willing to go ahead with additional speakers.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, when President Bush told the American people he was against nation-building, no one, including myself, thought he was talking about America.

Let me begin at the outset by making very clear my support for our valiant soldiers who are pursuing our enemies in Afghanistan and other parts of the world and are securing the peace in Iraq.

□ 1245

The bill before us today, just as it ignites the Iraqi economy and keeps Iraqi kids out of more debt, it costs our American grandchildren and great, great grandchildren more long-term debt while America herself crumbles.

This bill's priorities are wrong, Mr. Chairman. There is plenty of money in here for Iraqi health care but not one dime of the $1.8 billion American veterans need for their health care, which the majority in this Congress seem hell bent on ignoring. Why is that?

The White House will not fund the No Child Left Behind education initiative, but we are supposed to pay Iraqi teachers' salaries. Why is that?

The President wants $856 million to upgrade three Iraqi airports, a seaport, and rail lines, while Amtrak is starved for funds in this country, and our ports remain vulnerable to attack. Why is that?

The White House has a paltry underfunded proposal for road building here at home, but wants to spend millions building roads and bridges elsewhere. Why is that?

The President wiped out the COPS program here at home, and now he wants to pay more than $3 billion for Iraqi law enforcement. Why is that?

The priorities are all skewed. Let us support our troops, but not with this $87 billion Iraqi economy rebuilding measure.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, one of the most relevant facts about this debate was in The New York Times a couple of days ago. The Republicans, who are putting together a prescription drug bill, plan to institute a copayment for people receiving home health care. The frailest and the poorest in our society, elderly people who are unable to perform basic functions and stay in their own homes, and who get help from very low-paid workers, will now, according to the Republican plan, if it becomes law, be forced to pay out of their meager incomes hundreds of dollars a year for this basic service.

The gentleman from Pennsylvania who spoke before said that during the Clinton administration, he made a rather partisan speech, but he said during the Clinton administration we also had to make some payments. Yes, but at that time we were not trying to cut taxes for millionaires.

When the Committee on Rules refused to allow the amendment of the gentleman from Wisconsin, which would have paid for this by undoing the great tax relief that is coming to a handful of very wealthy people in this country, they posed a very stark choice to this House: vote the $87 billion and have it come out of home health care for the elderly; have it come out of the Environmental Protection Administration.

I have a Superfund site in the district I represent where EPA has shut down the work because they cannot afford it. So, yes, there are plenty of us prepared to meet our obligations, but not by either adding to the hundreds of billions of debt we already face or by cutting back on basic needs.

So if this leadership in the House would allow this House to vote to assess a fair taxation on the richest people in this country instead of promising them additional hundreds of billions of tax relief, we would avoid the terrible choices they have forced the House to make.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, I hope we are not exporting to Iraq the kind of democracy which would allow a minute and a half only for a Representative of more than 650,000 people to speak. We need more time to excuse how we are going to spend $87 billion. We have enough money for our troops to last until next spring. What is the hurry?

Sixty percent of the American people are against this $87 billion blank check to an administration that has mismanaged the war against terrorism. Sixty percent. I speak for the majority here. The American people want us to issue a mandated RFP to Secretary Rumsfeld and the White House: give a proposal that makes more sense. We have better proposals that we can put on the table for the expenditure of $87 billion.

What could this Nation do with the energy, the brainpower, and the billions of dollars being invested in the great deadly blunder in Iraq? That is what it is, a great deadly blunder. That is what we have done in Iraq. We have put all of our energy, all of our money, all of our effort into a place where we will not increase the safety of the American people; we will not fight terrorism appropriately.

With this kind of huge giveaway package, the American people could have more effective initiatives to eliminate terrorism. We could have more money going to Pakistan, for instance, where we have a battle in that country for the hearts and minds of people. We have half the population on our side, half not; but we are not giving them billions of dollars to win the war for democracy in Pakistan.

With this kind of package, how can we strengthen the homeland defenses, our ports and the number of areas that are still vulnerable? This is a great waste, and the American people know it. The majority say no, and I am with the majority.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida (Mr. WELDON), who is a member of the Committee on Appropriations.

Mr. WELDON of Florida. Mr. Chairman, I thank the chairman for yielding me this time, and I rise in support of the war on terror and the President's $87 billion supplemental request in funding this war.

Mr. Chairman, while the previous administration chose to often treatment the acts of terrorism foisted against the American people as mere criminal proceedings, President Bush has taken strong action in fully addressing these acts for what they are. They are acts of war against the American Nation, not simply a crime, but acts of terror which demand full and swift and final military action.

It is unfortunate that the $20 billion in this budget request appropriated for rebuilding Iraq has been shamelessly and unnecessarily politicized by those seeking political gain at the expense of true and lasting peace. The stability of Iraq is directly related to America's long-term security interests. If we fail to establish a safe and secure Iraq, then we allow Iraq to possibly return to a country that serves the purposes of terror, and we enable it to become an incubator for future terrorist acts.

Some may wonder why U.S. taxpayers should be asked to pay for water projects, health care facilities, and public schools. We have heard repeatedly from commanders in the field that this type of funding is critical if we are going to be able to achieve stability in this region. We must not allow Iraq to revert to becoming a homeland for terrorists.

Another important point is the simple fact that we have spent over $14 billion over the last 10 years containing Iraq. It is not a choice of spending the money or not spending the money; it is a choice of whether we do the right thing or the wrong thing here.

Not 2 years ago, a terrorist group inflicted terrible damage on the American people through the acts of 9-11. This was a huge humanitarian tragedy, but as well a $2 trillion impact on our economy. This $87 billion funding request is dwarfed by the negative economic impact of the toll of 9-11.

Some may argue that the $20 billion should be loaned to Iraq. Sending this money as a loan rather than as a grant, I feel very strongly, would be very shortsighted. Did we not learn anything from World War I? The Treaty of Versailles saddled Germany with a significant debt, eventually setting the stage for the rise of an authoritarian regime under Adolf Hitler and ultimately ushering in World War II. Conversely, at the end of World War II, America's leaders established the Marshall Plan, a plan that ushered in decades of economic prosperity and peace for the region of Europe.

Ambassador Bremer testified on September 22 that Iraq has almost $200 billion in debt and reparations hanging over its head right now. This idea of saddling them with additional debt, I think, is wrong and very misguided; and we should support the President's request and support this motion.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Chairman, in good conscience I cannot and will not support President Bush's misled, failed policy.

I did not vote for going to war, I did not vote to put our young people in harm's way, and I will not be a party to financing this war. This administration has been hell bent from day one to have a war with Iraq, and they have stopped at nothing to get it. Their record on Iraq is one of secrecy, deceit, and fear-mongering.

They deceived Members of Congress, the American people, and the community of nations. They told us that Saddam had ties to al Qaeda, that Iraq had weapons of mass destruction, that oil from Iraq would pay to rebuild Iraq. I am sick and tired of lies, and I am sick and tired of war and killing and hatred and violence.

People are dying. For what? And while our troops and their families sacrifice, corporate America is getting rich. These war profiteers are making money off the blood and toil of our soldiers and the people of Iraq. Halliburton. Bechtel Jacobs.

It is time to stop the madness. It is time to hold President Bush accountable for his words and his deeds. I cannot and will not be a party to this war. I will not vote for $87 billion for more violence, for more killing, for more war.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise today in support of the supplemental.

Mr. Chairman, I do not think the case for support of this supplemental can be made any better than by a young woman I met in Iraq recently. Recently, I was in the town of Tikrit, Saddam Hussein's hometown; and I met a young woman who is a private in the Marines. I asked her, as we were having dinner with several other soldiers, what would you like me to tell people when I go back home?

And she said what I want the people at home to understand is that I am here in harm's way. I am here because I want to protect my family at home and my country at home. She went on to explain that if we are successful in this effort, Iraq will become a free, democratic, prosperous society that will be a model for the Middle East; and it will have ripple effects of stability and peace and security not only through the Middle East but all over the world. And she said if we do not succeed, Iraq will become the home of terrorists and radical Islamists and jihadists that will export hate, murder, and violence all over the world.

So, Mr. Chairman, this is an issue that is much bigger than $87 billion; it is much bigger than the people of Iraq. It is about the future of the Middle East; it is about the future of our globe and having the opportunity to bring much stronger stability all over the world, which will protect every single American at home. So, Mr. Chairman, I strongly encourage every Member of this body to support the supplemental of $87 billion.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentleman for yielding me this time.

Some would have us believe that today's vote is just about supporting our troops, about promoting democracy, and about helping the people of Iraq. Look, I voted for the use of force in Iraq. I support the troops, and I believe we should rebuild Iraq. But it is not quite that simple. We need to do this in the right way.

The real issue is the credibility of the Bush administration, the accountability of this administration; but most importantly, the real issue is protecting the American people.

We went to war on bad intelligence without our allies. We were either deliberately misled, misled by ineptness, or we have had a massive intelligence failure. We did the right thing, but we did it for the wrong reasons.

Secretary Rumsfeld tell us, oh, we will be greeted as heroes and liberators to mask the fact they had no plan. Secretary Wolfowitz said, do not worry about reconstruction, Iraq is a country rich in natural resources and oil reserves, and they can pay for their own reconstruction, which brings us to today's debate.

□ 1300

This grant should be a loan to the Iraqi people. We should not be giving this money away. Interestingly, despite the Halliburton controversy, the Republican administration has refused to unbundle these contracts so small businesses could participate, so that women and minority businesses could participate. Then they say, we're going to give this money away. The fact of the matter is while we are giving money to Iraq, Iraq will be paying back grants to Russia and Germany for loans that they got from those countries. This smells.

Other countries know that America has contributed both in cash and in blood. The fact of the matter is if the problem is debt in Iraq, what about the debt in the United States, the $500 billion that this administration has put on the American people? Our schools are crumbling, our streets are crumbling, and we do not have prescription drug benefits for our seniors. We need to protect the American public. This program should be a loan. Enough is enough. Let us vote "no" on this ill-conceived proposal.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the very distinguished gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Chairman, I listened intently to the gentleman from Wisconsin (Mr. OBEY) yesterday in his opening remarks. Many of the things he said were true. And then I listened to the gentleman from Pennsylvania (Mr. MURTHA) on the Defense appropriations committee and many of the things he said were true and I agree with. One of those things is it is time to get our kids home.

Many of us have served in combat and away from our families. I was critical of President Clinton, 216 deployments, and our kids were tired. Our equipment was getting worn out. And it was time to get our kids home to be with their families. But now it is also approaching the same thing under President Bush in the amount of time that our people are gone. The only way to get them home is to stabilize Iraq and Afghanistan and that is what the President's goal is. I have been with the President. I have seen him get teary when he talks about the losses that we have of our men and women overseas and the principles that he is guided upon that my mother and dad, who were Democrats, talked about the reach for freedom and outreach to the rest of the world. I believe those words, not just from my mother and father, but fought for them.

When you talk about the loans, if you want to end up going through the World Bank, we only have an 18 percent vote. Do we want France and Germany and Russia controlling where our dollars go? If you have a grant, it is going to be harder for them to ask us to forgive our loan. Instead, they will have to forgive their loans of billions of dollars. That also includes Kuwait. I think we need to give freedom a chance there.

And if you do not think that this does not affect our economy, I wanted to look at loans. I said, why can't Iraq, after they get reconstructed and stable, sell the United States oil at two bucks a barrel less? It sounded like a good idea. But I have heard many from the left talk about the only reason we went there was the oil, and you know that many of the Arabs feel that that is why we went there as well. But if you do take a look, if we have a steady flow of oil coming into the United States, look at the gas pumps today. When you talk about the low- and middle-income folks, how are they affected negatively with energy costs, getting in their cars? We saw the truckers that were here in this Capitol protesting because they were going out of business because of energy costs. By stabilizing that part of the world, when they do become solvent, we have got a steady flow of oil. And they are part of OPEC, but when OPEC starts messing around with the United States like they have in the past, I think we are going to have a loud voice in support of the United States, so I think it will affect our economy. I rise in support.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds. Mr. Chairman, my remarks are directed to the staffers of all of those Members on the Democratic side of the aisle who have asked us for time on this bill. Our dilemma is we now have about 40 people on the list. Only two of them are in the Chamber. If they do not want to lose their time, I would suggest that some of them come to the Chamber now or they are going to lose their time forever.

Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, I am here to vote "no" on a blank check for Mr. Bush. This is only the latest funding request. We heard earlier it is going to take another $120 billion. They are already putting the figure out here. They are floating it. Nothing has changed. The same Secretary of War, the same Secretary of State, the same Security Council, the same plan, the same viceroy. It is all the same. The President is still going alone. And as he goes alone, he is excluding the Congress. But now he has put out a PR push, and he is saying if we just had some better stories, why, it would not look so bad over there.

Mr. Chairman, I submit for printing in the CONGRESSIONAL RECORD the article by Maureen Dowd called "Bewitched, Bothered, Billy-Goated" and the article "War Without End" from The Guardian of October 13.

[From the New York Times, October 16, 2003]

BEWITCHED, BOTHERED, BILLY-GOATED

(By Maureen Dowd)

WASHINGTON—I'm not sure I should use the poor schlub's name. ESPN has used it, and The Chicago Sun-Times, but given all the Cubs fans who hurled beer and debris and bleeped epithets at the guy and screamed, "Kill him!" and, "You can tell we're better than Boston or he'd be dead already!" it might be as dangerous to print the name of the accursed 26-year-old who fouled up with that foul ball as it would be to print the name of a C.I.A. spy.

You had to feel sorry for the terrified persona-non-Cubbie when his own dad refused to confirm that he was related to him.

On the cusp of Halloween, we are possessed with curses, hexes and jinxes. Superstitions about a black cat, a billy goat, a bambino and now, a Cub fan's mano morto. It is also the season of the witch in politics. America's First Baseball Fans, the former and current Presidents Bush, have their own historical jinx with the land of Nebuchadnezzar: you might call it the curse of Nebuchabunkport.

As soon as the Bushes think they've got Iraq subdued, it flares up and foils them—turning victory sour and sending saintly poll numbers wobbly. Every time the Bushes think they've licked Saddam—who modeled himself on Nebuchadnezzar, the dictator who built palaces and stored arms in the Iraqi desert 2,600 years ago—he comes back to haunt them.

The president has tried to shake off the curse with a P.R. push to circumvent the national media and get smaller news outlets to do sunny stories about Iraq.

The P.R. campaign shamelessly included bogus cheerful form letters sent to newspapers, supposedly written by soldiers in Iraq. It also entailed sweetening up the official Web site of the United States Central Command. Until recently, the site offered a mix of upbeat stories and accounts of casualties and setbacks. Now it's a litany of smiley postings, like "Soldiers host orphans in Mosul" and "Ninevah Province schools benefit from seized Iraqi assets." You have to go to a different page for casualty reports.

Mr. Bush said in interviews that he wanted to "go over the heads of the filter and speak directly with the people" because there was a "sense that people in America aren't getting the truth."

He is right that there has been a filter that has made it hard for Americans—and even Congress—to get the truth on Iraq, but it isn't the press. It's an administration that comically thinks when it hauls out Dick Cheney to say in his condescending high school principal voice that 2 + 2 = 5 we'll buy it.

The vice president hasn't come up with W.M.D., Osama or Saddam. But he says we have uncovered a video of Saddam letting two Doberman pinchers eat one of his generals alive because he didn't trust him. Oh, that's worth $87 billion, the Iraqi version of "When Good Pets Go Bad."

On Monday, Representative George Nethercutt Jr., a Republican from Washington State who visited Iraq, chimed in to help the White House: "The story of what we've done in the postwar period is remarkable. It is a better and more important story than losing a couple of soldiers every day." The congressman puts the casual back in casualty.

It would be a lot easier to heed good news as well as bad if Bush officials hadn't assured us before we invaded Iraq that there would be no bad.

First they sold the war to trusting Americans with spin, and now they are trying to sell the occupation to skeptical Americans with more spin.

Greg Thielmann, the retired State Department official who was a top analyst for Colin Powell on Iraq's W.M.D., told "60 Minutes II" last night that Iraq had been so far from being an imminent threat that Mr. Powell's speech making that case at the U.N. was "probably one of the low points in his long, distinguished service to the nation."

The Bush team prepared the ground for American doubt; they told us to expect a fairy tale and now resent the fact that we refuse to treat it like one.

The fundamental problem for the Bush administration is that it is endlessly propounding a contradiction: Wanting us to worry that we are battling for our lives against the terrorists, and wanting us to stop worrying about the state of the battle.

Everything is wrong, and nothing is wrong. We are trapped in the Bush illogic. Call It our curse.

[From the Guardian, October 13, 2003]

War Without End; A Catalogue of Killings in Iraq

May 8, US soldier shot dead by unknown assailant while directing traffic in Baghdad.

May 13, US soldier killed when convoy ambushed near Diwaniya.

May 26, vehicle hits landmine in Baghdad killing one soldier and injuring three.

May 26, soldier killed and another wounded as convoy comes under enemy fire near Haditha.

May 27, Two US soldiers killed and nine wounded in attack on army unit in Falluja. Two attackers killed, six captured.

May 29, US soldier killed travelling on supply route.

June 3, US soldier killed at checkpoint south of Balad.

June 5, US soldier killed and five injured in rocket-propelled grenade attack in Falluja.

June 7, US soldier killed and four injured in attack near Tikrit involving rocket-propelled grenade and small arms fire.

June 8, US soldier shot dead at checkpoint in al-Qaim, near Syrian border, by men who had approached vehicle asking for medical help. One assailant killed and one captured, but others escape.

June 10, US paratrooper killed and another injured in rocket-propelled grenade attack in south-west Baghdad. They were manning trash collection point when assailants got out of a van and opened fire. One attacker killed.

June 17, US soldier on patrol in Baghdad killed by sniper.

June 18, One US soldier dies and one wounded in drive-by shooting at petrol station in Baghdad.

June 19, US soldier killed and two injured in grenade attack on military ambulance in Al Iskandariya.

June 22, One US marine killed and eight other US service members injured in explosion that may have been caused by bomb dropped from B–52 Stratofortress that landed near forces at Godoria Range, along northern coast of Djibouti.

June 22, US soldier killed and another injured in grenade attack on military convoy south of Baghdad in Khan Azad.

June 24, Six British military personnel killed and eight wounded in two incidents in southern Iraq, both near town of Amara, 125 miles north-west of Basra.

June 26, U.S. soldier attached to 1st Marine Expeditionary Force killed in ambush near Najaf while investigating car theft.

June 26, One special operations force service member killed and eight injured in hostile fire incident in south-west Baghdad.

June 28, Two soldiers assigned to 3rd Battalion, 18th Field Artillery Regiment, deployed from Fort Sill, Oklahoma, reported missing three days earlier, found dead west of Al Taji.

June 30, Nine Iraqis, including imam, killed after explosion beside mosque in Falluja. U.S. later claim it was caused by a bomb-making class inside mosque.

July 2, U.S. Army 352nd Civil Affairs Command soldier dies of wounds received on previous day, after Baghdad convoy hit by explosive device.

July 3, Sniper kills U.S. soldier in Baghdad, while mortar attack on American military base to north-west injures at least 10.

July 3, U.S. marine killed and three others injured during mine-clearing operations in Kerbala, south of Baghdad.

July 5, Blast kills seven Iraqi police recruits at graduation ceremony in Ramadi, 60 miles west of Baghdad.

July 6, U.S. soldier from 1st Armored Division dies of gunshot wound, while guarding Baghdad University.

July 6, Soldier of 1st Armored Division dies after platoon patrolling Baghdad's Ad Hamiya neighbourhood ambushed by two Iraqi gunmen.

July 7, U.S. soldier killed when explosive device blasts vehicle during routine patrol in Kadhimya neighbourhood of Baghdad.

July 13, One person killed and another injured after bomb explodes near police station in Baghdad suburb.

July 14, U.S. military convoy attacked by rocket-propelled grenades and machine guns in Baghdad. One soldier killed and 10 others injured.

July 16, Bomb explodes near highway west of Baghdad killing U.S. soldier and injuring two others.

July 18, Bomb attack on U.S. convoy in Falluja kills soldier.

June 19, 1st Armored Division soldier dies after small arms and rocket-propelled grenade attack in Abu Ghureib neighbourhood of Baghdad.

July 20, Two U.S. soldiers killed during ambush by guerrillas firing funs and rocket-propelled grenades near northern city of Mosul.

July 21, Soldier of 1st Armored Division killed and three wounded after vehicle hits explosive device in As Sulaykh district of Baghdad.

July 22, U.S. soldier killed and another wounded when convoy hit by rocket-propelled grenade and small arms fire north-west of Baghdad.

July 23, Soldier of 101st Airborne Division (Air Assault) killed and seven soldiers wounded when explosive device strikes two military vehicles outside Mosul.

July 23, Soldier of 3rd Armored Cavalry Regiment killed and another soldier and contractor wounded when convoy attacked by explosive device on Highway 1 in Ar Ramadi.

July 24, Three U.S. soldiers from 101st Airborne Division killed in rifle and grenade attack while travelling to Qayarra West outside Mosul.

July 26, Three U.S. soldiers guarding Ba'qubah children's hospital killed and four others wounded in grenade attack.

July 26, One U.S. soldiers killed and two wounded when convoy attacked with small arms, rocket-propelled grenades and possibly an explosive device on Highway 10 near Abu Ghureib. Three Iraqis wounded.

July 27, U.S. soldier killed and another wounded when rocket-propelled grenade hits patrol in northern Babil province near village of Al Haswa.

July 28, Explosive device dropped from overpass on to U.S. convoy travelling through Al Rashid district of Baghdad, killing soldier of 1st Armored Division and injuring three others.

July 30, Soldier of 4th Infantry Division killed and two wounded in small arms attack at tactical operation centre 26 miles east of Ba'qubah.

July 31, U.S. soldier killed and two wounded after vehicle hits landmine on road to Baghdad airport.

August 1, Soldier of 4th Infantry Division killed and three injured after rocket-propelled grenade attack on convoy south of Shumayt. In separate incident, soldier of 1st Armored Division dies of gunshot wound received previous day in Baghdad.

August 6, Two 1st Armored Division soldiers killed and one wounded in firefight in Al Rashid district of Baghdad.

August 7, At least 17 people killed and 60 wounded when truck bomb explodes outside Jordanian embassy compound in Baghdad. In separate incident, 82nd Airborne Division soldier shot dead on guard duty in Al Mansor district of Baghdad.

August 10, Soldier of 4th Infantry Division killed and two wounded in improvised explosive attack near police station in Tikrit.

August 12, U.S. soldier killed and two wounded in bomb attack in Sunni Muslim town of Ramadi, 60 miles west of Baghdad.

August 13, Bomb attack on four-vehicle convoy south-east of Tikrit kills U.S. soldier and wounds another. A further U.S. soldier killed when M–113 armored personnel carrier strikes explosive device near town of Ad Dwar.

August 14, Bomb blast hits military ambulance in Basra killing one British soldier and wounding two others.

August 16, Mortar attack on Abu Ghraib prison on outskirts of Baghdad kills six Iraqis and injures 59.

August 17, Danish soldier killed in gun battle between troops and group of looters in southern Iraq. Two Iraqis also die. Dane is first non-U.S. or British soldier to die in conflict.

August 18, Soldier of 1st U.S. Armored Division killed by explosive device in central Baghdad.

August 19, Twenty-two people killed, including Sergio Vieira de Mello, top UN envoy to Iraq, after truck bomb devastates UN headquarters in Baghdad in worst attack on UN civilian complex ever.

August 20, U.S. citizen working as interpreter killed and two U.S. soldiers wounded in small arms fire and rocket-propelled grenade attack in Tikrit. Soldiers of 1st Armored Division killed and two wounded by improvised explosive device in Karkah district of Baghdad.

August 21, U.S. marine shot dead in Al Hilla by unidentified gunman.

August 23, Three British servicemen killed and another wounded in Basra.

August 26, Soldier of 3rd Corps Support Command killed and two wounded after convoy blasted by explosive device near town of Hamariya.

August 27, Soldier of 3rd Armored Cavalry Regiment soldier killed and three wounded by explosive device on Falluja. 205th Military Intelligence Brigade soldier killed in attack on military convoy in Baghdad.

August 28, British soldier killed and another wounded during attack by a crowd of Iraqis armed with rocket-propelled grenades and small arms in Ali al-Sharqi, 120 miles northwest of Basra.

August 29, Car bomb at Imam Ali mosque in Najaf kills at least 83 people, including top Shi'ite Muslim leader, Ayatollah Mohammed Baqer al-Hakim, and wounds around 175. In separate rocket-propelled grenade and small arms fire attack just north of As Suaydat soldier of 4th Infantry Division killed and three wounded.

August 31, Two U.S. soldiers killed and one wounded in firefight five miles northeast of Shkin in Paktika province.

September 1, Two 220th Military Police Brigade soldiers killed and one wounded when vehicle strikes explosive device along main supply route south of Baghdad.

September 2, Car bomb blasts Rasafa police headquarters in east Baghdad, killing one and wounding 15.

September 3, Suicide bombing in town of Ramadi kills Iraqi civilian and injures two U.S. soldiers.

September 9, Car bomb kills one Iraqi and wounds 53, including six American military personnel, in Arbil, northern Iraq. In a separate incident, U.S. soldier killed and another wounded after vehicle hits improvised explosive device on supply route northeast of Baghdad.

September 10, Explosive device kills soldier in 1st Armored Division in Baghdad.

September 12, Two U.S. soldiers killed and seven wounded during pre-dawn raid in Ramadi, 60 miles west of Baghdad.

September 14, U.S. soldier killed and three wounded as convoy runs over bomb planted on road in Falluja.

September 15, U.S. soldier on patrol in Baghdad killed in rocket-propelled grenade attack.

September 18, Iraqi guerrillas kill three and wound two U.S. soldiers inspecting suspected weapons site near Tikrit.

September 20, Two U.S. soldiers die and 13 are injured in mortar attack on U.S.-run Abu Ghreib prison complex. Elsewhere, U.S. soldier killed by roadside bomb near Ramadi.

September 22, Suicide bomber at car park next to U.N. headquarters in Baghdad kills Iraqi security guard.

September 24, Bomb apparently aimed at U.S. troops tears two buses in Baghdad, killing an Iraqi and wounding about 20. Elsewhere, several injured after bomb blast in cinema in Mosul.

September 25, Bomb explodes at Baghdad's Aike hotel housing journalists from U.S. television network NBC, killing a Somali guard. Separately, a rocket-propelled grenade attack kills U.S. soldier and wounds two others in Kirkuk.

September 29, U.S. soldier killed in bomb and gunfire attack in town of Habbaniya, about 42 miles from Baghdad.

October 1, Bomb blast near U.S. military base in Tikrit kills woman soldier and wounds three others. Elsewhere, U.S. soldier killed in rocket-propelled grenade attack near town of Samarra, north of Baghdad.

October 4, Rocket-propelled grenade and gun attack on American patrol in Baghdad kills one U.S. soldier and wounds another.

October 6, U.S. soldier killed and another wounded by bomb attack west of Baghdad. Separately, two more U.S. soldiers and Iraqi interpreter killed and two U.S. soldiers wounded in bomb blast south of Baghdad.

October 7, No casualties after blast hits compound of Iraqi Foreign Ministry in Baghdad.

October 9, Two suicide bombers kill eight Iraqis at police station in Shi'ite Muslim district of Sadr City, northeast Baghdad. In same area two U.S. soldiers killed and four wounded in ambush. Another U.S. soldier killed in separate rocket-propelled grenade attack on military convoy northeast of Iraqi capital.

October 12, At least six people killed in blast outside Baghdad Hotel in city centre.

On the article by Ms. Dowd, a Member from my State is quoted as saying, "The story of what we've done in the postwar period is remarkable. It is a better and more important story than losing a couple of soldiers every day." The article from The Guardian is five pages of the names of people who continue to die in this foolish process. The premise was wrong of this war. The tactics were wrong in this war. The urgency was wrong in this war. The reasons given on the floor of this House for doing it were not correct. And now the President says, throw some more good money after bad. The answer from my district is "no," and it ought to be from the entire Congress, until we have some changes in this whole plan and we have some explanation for what he did with the last amount.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Chairman, as I was listening to the debate on the other side in support of this $87 billion throwaway, I was reminded of a fact that a head of household would have wife and children and probably a grandmother in need of prescription drugs, but instead they would take all of their earnings and give it to their mistress. In this particular situation, it seems as though we have some mistress out there that we are going to support and not support our own family. When you travel back and forth by air, you hear the speaker come on and the lady tells you that in the event of a problem, to be sure you secure yourself and then if you have any opportunity, secure others.

I have no doubt that this bill will pass, Mr. Chairman, but I am concerned about what happens to our troops. This bill, on its face, is purportedly supporting our troops when, in fact, we sent thousands of troops into Iraq unprepared, unguarded, without the proper equipment, without bullet vests, without food, without weapons that they needed. We just rushed and went to Iraq for whatever reason which still remains a mystery to me. The $87 billion in my opinion does not have any accountability or responsibility. What happened to the money that the Bush administration has already expended? Where is the report on that? We ask those with earned income tax credit to be audited. Why can we not audit these people who want to spend more money for this conflict that I could not understand why we initiated in the first place? $87 billion is going to cost my State $1.4 billion. It is going to cost us $246.3 million for local and State roads and bridges which would have created 6,672 new jobs, 5,955 new firefighters, and health care coverage for 88,000 people.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3½ minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Chairman, sometimes great nations are called on to assume great responsibilities. As the greatest Nation on earth and as the target of fundamentalist terror on 9/11, we have been obliged to assume the mantle of leadership in a global war on terrorism. That conflict for better or for worse has brought us and brought our allies to Iraq and Afghanistan. We now have a fundamental obligation to support the aspiration of those peoples for a free society and a free economy. Unfortunately, the regimes that have been removed in both countries have left their people in such a wretched position that it requires an active intervention by the U.S. to restore their economic potential. It is our responsibility to help these peoples as much as we helped western Europe after World War II in the hope that they will join us eventually in the community of free nations.

The part of this appropriation measure that I wish to speak to is not the one dealing with military expenditures. There are many of my colleagues who are better equipped, better qualified, to speak to that. Today I rise in support of the social investments and economic assistance which we are offering Iraq and Afghanistan, $20 billion for two countries devastated by decades of dictatorship.

This appropriation finances the improvement of water resources and sanitation, including drinking water for millions of Iraqis. This appropriation measure would allow Iraq to restore much of their budget for the critical transportation infrastructure destroyed by the war and allowed to deteriorate by a rogue regime. This measure would provide for critical investments in civil society necessary to allow Iraqis to restore order. It would also rebuild Iraq's oil infrastructure and put its oil economy back on course.

And, for the record, America did not go to Iraq for oil, but Iraq's vast oil reserves are key to its economic resurrection and a keystone to stability in the region. If these countries are to become bulwarks of freedom, resistant to the influence of Islamic fundamentalism, we need to give the peoples of

Iraq and Afghanistan the tools they need to put themselves on a sound footing. Iraq, in particular, has been devastated by decades of dictatorship and U.N. sanctions.

Frankly, I would have preferred to be in a position of being a lender, extending to Iraq credits rather than direct loans in order to allow the use of their natural economic strengths and huge mineral resources to put themselves on a sound footing. Yet, so large are the dictator's debts against the limited revenues available, I believe what Iraq needs now is direct assistance, not the weight of additional IOUs. I hope that our allies will see their way to write down those Iraqi debts that they hold. Until then, we have to accept the obligation that springs from being a great Nation, a good neighbor and a global defender of freedom to support a prostrate people to give them an opportunity to revive their nation's fortunes.

This vote will be one of the most important that I ever cast. It certainly is going to be among the most controversial. But if America is to truly lead by example, adhere to its principles and to assume the responsibility that comes with national greatness and national interests in every corner of the world, then we must make this contribution now for their sake, for ours, and for the sake of future generations.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR. Mr. Chairman, I voted for the supplemental, and I voted for the Defense appropriations and the Defense authorization. My support for the troops is well-documented, and I have shown that I support them. But I have to tell you, Mr. Chairman, that this administration misinformed the American people and misinformed this Congress for the reasons to go to Iraq. Weapons of mass destruction, the nuclear plan, the chemicals, the biological, we have yet to see any of that. Yet, he continues to tell us a story that is not true. This administration miscalculated what we would do in Iraq. He said that we would be seen as liberators and, in fact, to date, Mr. Chairman, they see us as invaders. I believe that this administration and the policy it has towards Iraq and its construction is misguided. The plan right now, if there is a plan, is not working. The ghosts of Vietnam are around this Congress and this city. For those that talk about the loans, I just want to remind them that we forced the Arabian states, we forced Russia, France and England to give loans to the regime when they were in a battle with Iran.

□ 1315

It was because of our encouragement that this debt is carried by Iraq today.

Mr. YOUNG of Florida. Mr. Chairman, I yield 5 minutes to the very distinguished gentleman from Tennessee (Mr. WAMP), a member of the Committee on Appropriations.

Mr. WAMP. Mr. Chairman, I thank the chairman for yielding me this time. And certainly I appreciate the leadership of the gentleman from California (Chairman LEWIS) and the gentleman from Arizona (Chairman KOLBE) as this most important investment in Iraq worked its way through the full Committee on Appropriations. Our committee scrubbed this bill down and reduced it, streamlined it, built in much more accountability; and I think collectively Republicans and Democrats came together to do an important work to bring this bill to the floor, and I certainly rise in support of making this necessary investment.

I also want to say over the last 3 weeks it has been an interesting experience for me because I began to ask questions and look at ways to propose an amendment to make a portion of this investment, this reconstruction investment, a loan as opposed to a grant. That is a long story that I will not try to go back through except to say that when I met last week face to face with the President of the United States about whether this investment in Iraq should be a loan or a grant and he explained to me that negotiations were under way, I have to say that today at the United Nations with the resolution that our country achieved, what he told us last week is coming true, and that is support is building among other nations for making this necessary investment and for liberating on a permanent basis an Arab country.

And Iraq is a true test for freedom and opportunity for our allies and this great Nation, and I just want to come to the floor today to say, while I had differences of opinion about how to go about it, we need to come together as a Nation, as a people, and as a Congress on the fact that we must succeed in Iraq. At this point we have no choice but to go forward and finish what we have started. We cannot afford to fail; and the world must see us in a bold, successful move at this point in the history of the world to open up freedom in the Arab world, and what better place to do it than where tyranny and oppression were rampant.

Years ago I was a Member of this body and came to the floor with concerns about President Clinton's efforts in Eastern Europe, but I have also said in recent weeks that I was wrong and that that investment that our country made in resources and danger and peril for our troops to remove a genocidal murderer named Slobodan Milosevic was a very successful and necessary effort to promote freedom and better secure our country and so is this mission in Iraq, and we must not flinch.

We must invest the full amount. While I would love to see a portion of this made into a loan and I made my case and presented that argument; at the end of the day, those leaders in the executive branch in negotiations with the G–7 nations, our allies, others in the region from the Saudis to the Kuwaitis to the Qatars, they are talking about ways to write down this so-called debt; I call it bankruptcy debt. That debt that Saddam Hussein built up should not be payable, and I believe that the pressure is mounting for Germany and France and Russia and others to write that debt down dramatically. Ambassador Bremer told me that that is the goal, to have that debt written down or written off. And I do not want the U.S. taxpayer to invest a dime that might go to those other countries; and we built in conditions in this bill that would not allow that to happen.

But at the end of the day the bottom line, after we weigh in and have this debate and make our case and stand our ground and carry out our constitutional responsibility, is we need to do this. Whether one supported it from the start or not, here is where we are today, and we have got to finish what we started and make the necessary investments. We cannot afford not to, and freedom comes with a huge price. For some brave Americans it is the loss of life, it is their limbs, it is going into harm's way on our behalf. For taxpayers, it is investments. We thank everyone for these investments; but the cost of freedom is high, very high today, but we cannot afford not to do it or invest it. We must finish what we started, and we must preserve our country with some preemptive action on the other end of the world. And I see it that way. I see Saddam Hussein as a threat, and terrorism is looking for a place to take root; and we cannot let it take root. We took decisive action, and now we have got to win the peace. And it is expensive, but we do not have any choice but to do this. And I hope everybody comes together to make this necessary investment.

We are all Americans, and we are at the waterfront. Democrats and Republicans, we are all patriots and we are standing with our country. Make one's case. At end of the day, support this necessary investment.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I represent San Diego, California, a place from which thousands and thousands of our troops have been sent to the war in Iraq. My constituents' families are personally involved in this effort every day, and I say to them that those who are going to vote against this blank check for the President are thinking about their brave sons and daughters. It is we who are thinking about their safety.

This administration, with $79 billion that we gave them, cannot equip our troops with the body armor they need to survive. We have killed dozens of soldiers. We have maimed dozens of them because they did not have that body armor. What kind of an administration would do that and then say they support the troops? We have no accountability for what they did before. We have no accountability for this $87 billion that they are asking us to give them now. This is not what a legislative branch's duty is. A legislative branch is to exert co-equal control, co-equal influence with the executive branch; and the only way we can do that is through the purse strings.

The gentleman before me said we have to keep going with what we are doing. Even if it is wrong, even if we have thrown in so much money, even if we have no plan to get out, let us keep going. I heard those arguments with Vietnam, and we were in a quagmire then. We are in an "Iraqmire" now. And we need to turn those troops' responsibilities over to an international body. We need to make sure that our troops come home alive. We are going to have the accountability that this body deserves only if we vote "no" on this matter. And I say to my friends, to my families in San Diego, it is time to turn this matter over to the United Nations. It is time that we internationalize this force. It is time that we bring our troops home; and we can spend that $87 billion on education, on health, on our veterans here at home. Vote "no" on the supplemental.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 15 seconds.

I announce to the gentleman who just spoke that the United Nations has now voted unanimously to agree to the resolution offered by the United States of America on the issue of Iraq.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, this $87 billion is a little bit steep for my wallet, and it is a little bit steep for probably the wallets of most Americans. So I will be voting against it.

But I understand this is called a supplemental. It is interesting that it is a supplemental because we have not passed a budget; so I have to suggest maybe we ought to call this a preemptive budget rather than a supplemental. But it is the largest, and to have it before the regular budget is pretty astounding that we are going to spend this type of money.

But I want to take this minute I have to quote from a book, "A World Transformed," and this was written about 5 years ago talking about Iraq. And I think this is a very serious quote and something worth listening to:

"Trying to eliminate Saddam Hussein . . . would have incurred incalculable human and political costs. Apprehending him was probably impossible . . . We would have been forced to occupy Baghdad and, in effect, rule Iraq . . . There was no available 'exit strategy' we could see, violating another of our principles. Furthermore, we had been self-consciously trying to set a pattern for handling aggression in the post-Cold War world. Going in and occupying Iraq, thus unilaterally exceeding the United Nations' mandate, would have destroyed the precedent of international response to aggression that we hoped to establish. Had we gone the invasion route, the United States could conceivably be an occupying power in a bitterly hostile land."

That was written 5 years ago, very perceptive. It was written by President Bush, Sr. So I think we are here now in a very hostile land with a very difficult situation.

I was a strong opponent of the war for two reasons: one, I sincerely believed our national security was not threatened, and I also was convinced that it had no relationship to 9–11; and I think those two concerns have been proven to be correct. Many who had voted against the war now suggest that they might vote for this appropriation because they feel it is necessary to vote to support the troops. I think that is a red herring argument because if we take a poll, and there have been some recent polls of the troops in Iraq, we find out that probably all of them would love to come home next week. So I do not see how a vote against this appropriation can be construed. As a matter of fact, that is challenging the motivation of those of us who will oppose the legislation, that we do not support the troops. So I am in support of voting against this appropriation.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, one of the things that all of us know is one and one equals two, and I think a very good question for all of us to ask is why are the two parts of this supplemental one part? Why are the military and the reconstruction parts of this bill together?

Let me give the Members the answer, which is not very complicated: one and one plus two, is that if they were separate, the supplemental part dealing with reconstruction would fail. Every Member knows that. Why would it fail? Because my Republican colleagues would vote against it and it would fail. So they have leveraged to put the two things together and said if we vote against the bill, we are against the troops. That is not why this bill is in one bill. The reason it is in one bill is because if the two things were separate, the reconstruction effort would fail.

Let me tell the Members why it would fail. Because it is crazy. Because it is crazy. Because it is indefensible from policy grounds to have American taxpayers, literally American taxpayers, pay for the reconstruction of a country, 27 million people, that has trillions, trillions of dollars in oil reserves, the second largest oil reserves in the world. At the same time, this country, Iraq, is part of OPEC today, will be part of OPEC when the middle class, lower class people in America take their hard-earned tax dollars and their hard-earned wages taxed by the monopoly power of OPEC, which is exactly what Iraq is going to do, some of that monopoly tax, hundreds of billions of dollars of taxes that we are paying as Americans, see some of that money going to terrorists. Some of that money is going to terrorists; and the terrorists, in fact, are trying to kill us. Vote down the whole amendment, and let us send it back as separate bills.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the chairman for yielding me this time.

I do rise in support of the emergency spending measure that we have before us, and I do thank the members of the Committee on Appropriations and the chairman for their great work on this.

I appreciate the scrutiny of the reconstruction request to fund the priority projects to continue the development of a stable and self-sufficient Iraq and to eliminate those which may not be necessary. The sooner we accomplish this, the sooner our brave troops can return home.

A few days ago, several of my colleagues and I returned from a trip to Iraq where we gained firsthand knowledge of the challenges we face and the responsibilities we have. While there, we met with many American servicemen and -women representing us in Iraq.

□ 1330

I felt their passion for the mission at hand and the pride they felt for making a difference in the lives of Iraqis. I met military men and women from Delaware who described building schools, developing access to water and electricity and talking with Iraqis who are discovering, for the first time, the opportunities that only come from being free.

This trip also exposed me to the pain of this conflict, the senseless loss of life. While we were there, three U.S. servicemen were attacked and killed. Our troops in Iraq face serious danger every second of every day, but they remain committed to establishing a stable Iraq so we are not forced to send a future generation to deal with another Saddam Hussein.

We can all agree that we want our troops home safe and as soon as possible. I believe the best way to do that is by sending them the funding necessary to hand Iraq over to a democratically-elected body that represents a thriving, multiethnic, self-sufficient nation.

To prevent future vulnerability to terrorist attacks, the international community must be united. I have a great deal of pride in the leadership the United States currently provides in our stand against terror, but I support an immediate increase of involvement by the United Nations on the ground in Iraq and feel their leadership has long been overdue. The resolution just passed by the Security Council was altered in good faith for Russia, France and U.N. Secretary Annan, to include a loose time line for Iraqi sovereignty.

A time line should be a goal, but real progress in Iraq depends on the drafting of an Iraqi constitution, free and fair elections and the establishment of an elected governing body. Access to water and electricity, police protection, judicial accountability, secured borders, an internationally recognized monetary system, viable economic structure and making sure Iraqis are getting paid for the work they are doing are all necessities for moving forward and continue to be priorities for the Americans in Iraq.

In response to amendments attempting to shift grants to loans, I share their concern for our growing deficit. The fact is that we are the leaders of the governing body in Iraq. There is no government structure to guarantee repayment. Next week at the International Donors Conference in Spain, we will call upon France and Russia to forgive tens of billions of dollars in debt, request billions in aid and ask that other nations send their soldiers to join ours.

I believe that all of us would prefer that the United States focus our attention wholly on our domestic priorities, but we do not have that luxury. Our responsibility is to make our world safer for generations to come and finish the job we started.

I would encourage all of us to support the supplemental.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Chairman, today we consider providing additional funding for military and reconstruction activities. I am frustrated that we are paying for this request through increased deficit spending, without even considering the options of international loans or other revenue sources that would spread the burden to those who can most afford it. Nonetheless, I believe that the United States, ultimately, has responsibility to follow through on our international commitments.

We must not forget the majority of this bill's funding goes toward ensuring the safety and success of our troops, and they should have all the resources they need to get the job done. Last week, I visited Walter Reed Medical Center and spoke with soldiers whose injuries might have been prevented if they had been driving the armored vehicles funded in this bill.

With regard to the reconstruction component, I am pleased that some of the more controversial requests have been deemed unworthy of emergency funding. The remaining items will improve the safety and self-sufficiency of the Iraqi people.

Unfortunately, in meeting our commitments, we will add $87 billion to an already historic deficit, which translates into larger interest payments on the national debt and less funding for important domestic priorities.

Mr. Chairman, my constituents are fully aware of the impact on our budget. The costs of this package fall unfairly on the American taxpayers, and we must rectify this problem. I know that some of my colleagues share my reservations, and I look forward to the upcoming amendment process as an opportunity to address some of these concerns.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, my trip to Iraq last week convinced me of the need to support this bill, to provide to our troops with the tools and protection they need to do their job. In addition, I am convinced if we do not adopt this bill, Iraq will descend into chaos and ultimately violence.

However, while I support the bill, I want to take the opportunity to urge President Bush to abandon the unilateral approach we have taken over the last few months in Iraq and begin to share more of the burden with our allies. For months, Democrats and Republicans in Congress have been urging the President to do exactly that.

In my trip to Iraq, I was remarkably struck by the resistance in the office of the CPA, the authority running Iraq, to bring our allies in. The stakes are too high, the challenges are too great, for us to try to do this by ourselves. We need to bring in allies, particularly from some of the Muslim countries, to help our soldiers work on a side-by-side basis.

I understand we have had a coalition in Iraq. That includes our good friends, the Canadians. How many troops do the Canadians have in Iraq? One troop. We need to get beyond symbolism. We need people on the ground that speak Arabic, that are equipped to work side-by-side with our soldiers.

The CPA, the Coalition Provisional Authority, is overwhelmed. I talked to soldiers who told me they have been counting on the Iraqi people to help them deal with the threats they face every day. They cannot even communicate with them, so few of our soldiers speak Arabic, so few of the Iraqis speak English.

Many of our troops are involved in jobs they were not trained to do. We have troops that are being policemen, that are training police. We need to call upon allies like the Germans and the Italians to train our police.

We are not in Iraq to do business. We are in Iraq to help the Iraqi people take control of their country. We need to bring our allies in to help us succeed in this monumental task.

Mr. OBEY. Mr. Chairman, I yield 1½ minute to the distinguished gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, there is a glaring omission in this emergency bill. We have once again neglected to provide resources for our veterans. I sought to add an amendment of $1.8 billion from the Iraqi Relief and Reconstruction Fund to the Veterans Health Administration.

Today, as we move forward, each day over 10 to 11 people come in that have been injured in Iraq, over 1,500 to this day. We need to make sure that we have additional resources for our veterans. That $1.8 billion does not begin to even address additional programs. It is to make sure we keep existing services as it is.

This administration has chosen to come forward and disallow Priority 7 and Priority 8 veterans. Now, they have also come forward with a lot of fuzzy math when they came with a proposal for $3 billion for veterans, when that $3 billion consisted of $1.8 billion from copayments of veterans alone, and an additional $1.2 billion when there were copayments from prescription drug payments from themselves. The other was supposed to be efficiencies.

The money is not there. There is a need for us to concentrate and provide resources for our veterans.

Let me also add that the previous time that we dished money for Iraq, a little bit over $79 billion that has gone out for the war on terrorism, there was $2 billion in there for health care for Iraqis. Well, I am only asking for $1.8 billion for our own veterans right here. As they come home, and as we have over 1,500 that have been identified as needing services, we need to be there for them. I ask that we take that into consideration.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), a member of the Committee on Armed Services.

Mr. WILSON of South Carolina. Mr. Chairman, it is an honor for me to be here today on the bipartisan effort to support the President on the supplemental. I was particularly pleased to hear a moment ago the gentleman from Florida (Mr. DAVIS). He and I are both graduates of Washington and Lee University, so we have a kinship there, and I am delighted to hear of his support for the supplemental.

Today is a significant day with the support that has been received on the international stage. We began this morning hearing that Japan is going to contribute $1.5 billion, up to $5 billion, for the reconstruction and redevelopment of Iraq. We also had today the unanimous vote of the U.N. Security Council to support the proposals that the United States put forward today to bring order to Iraq and protect the American people.

Additionally, I had the opportunity today to be present with the gentleman from Illinois (Speaker HASTERT), meeting for the first time in history with Speaker Ognyan Gerdjikov, the Speaker of the Bulgarian National Assembly. He, of course, indicated, as their government has done on the Security Council and by providing troops to Iraq, that Bulgaria is standing very strong with its ally, the United States.

I had the opportunity 3 weeks ago to visit with General David Petraeus and with General Ricardo Sanchez in Iraq. I saw the progress being made.

Another indication of progress was in the New York Times today, and that is that the currency of Iraq is being exchanged. It began yesterday. This is a 90-day proposal or project to turn in the currency which has the dictator's face on it, Saddam Hussein. Yesterday, on the very first day, nearly one-third of all the currency in Iraq was turned in. This is an extraordinary indication of progress, support by the people of Iraq, for the changes that are needed to be made.

Just as after World War II, we helped reconstruct Germany so it would not be a breeding ground for communists, we can now have a reconstruction of Iraq so it is not a breeding ground for terrorism. We defeated communism. I believe in the war on terrorism, with our wonderful troops, with our President, that we can make progress today supporting the supplemental.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I say to the chairman, ranking member, men of good conscience, everyone is of good conscience, I believe, on this floor, but Iraq is too important to pull up our stakes now.

We saw in Somalia, with the withdrawal of the United States, it soon reverted to its precolonial past consisting of a mosaic of independent clans with different laws and rulers, each with its own militia.

We pulled out of Afghanistan in 1989, we pulled out of Iraq in 1991, and what happened? I imagine that somewhere right now, Mr. Chairman, former Presidential economic adviser, Larry Lindsey, is enjoying the resurgence of his reputation. After he predicted that we would have to spend $100 billion to $200 billion in Iraq, on September 15, 2002 he made that statement, he was dismissed from the White House.

If this latest supplemental is enacted, the United States will have spent close to $157 billion on military operations. Excluding that one moment of candor from Mr. Lindsey, this is indeed a far cry from the talking points. And this is more than talking points, these are faces of American soldiers. Every other administration official presented to Congress these talking points, these scripts, these spins, and to the American people, before we even went to Iraq.

Iraq is important, Mr. Chairman. The attitude of the administration must change regardless of how this vote comes out today. It must be more transparent, it must be more open, and it must allow for debate, instead of moving to secrecy. Let us not forget Somalia in our vote today.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I did not vote for the original war resolution. I thought it was ill-advised to delegate to the President authority that the Congress had, and I thought it was ill-advised for the President to proceed to war without world support and support from the U.N. in the absence of an imminent threat to the United States.

I had some reservations, because people were saying that there was an imminent threat. The President was saying that. But I did not think we should rush into this war in the first place. I have seen nothing since then to change my mind about that.

I think we were ill-advised to proceed to this war in a hasty fashion without the support of the U.N., and I think our policies continue to be flawed to stay there and to pursue this war without world support.

The only reason that I have vexed about this vote is that our soldiers are there, and they are in harm's way. But I think to support this resolution would be to sanction the flawed policies of this administration. Consequently, my intention is to vote no on this proposed appropriation.

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Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. WAXMAN), the distinguished ranking member of the Committee on Government Reform who has done considerable work on the need for accountability in contracting on this issue.

Mr. WAXMAN. Mr. Chairman, the Bush administration has made it impossible for me and others to do what we would otherwise want to do. Under normal circumstances, I would support the President's request for $87 billion in additional spending for Iraq and Afghanistan, but I cannot do that today. The Bush administration's Iraq policy has been grounded in secrecy, deceit, and politics. Some suspected that a year ago. I refused to believe it. But now, it is inescapable.

The intolerable reality is that they blatantly twisted intelligence information to fit preconceived policies. They lied to promote public relations, from the Jessica Lynch ordeal to the President's campaign landing on the USS *Abraham Lincoln* and on what the war would cost our country. And through all of it, they have refused to answer questions, provide honest information, and accept any oversight or accountability for their actions. It is an abysmal and, at times, inexcusable record.

I voted for the Iraq resolution last year. I relied on the President's representations about the imminent threat Iraq posed to the United States. And I relied on the statements that other senior administration officials, including the Vice President, made regarding Iraq's nuclear capability. I will not make that same mistake again. They have squandered their credibility and the normal deference we give to any administration, Democratic or Republican.

I say all of this knowing full well we must finish what we started in Iraq. I feel that as strongly as any member of the House. And as one who voted for the resolution, I feel a responsibility to make sure we honor the sacrifice so many have already made by achieving a democratic and safe Iraq. And I feel a special obligation to our troops to make sure they have everything they need to be as safe and effective as possible. But before I agree to the President's request, I want to be confident that those running the war are doing their job and that the reconstruction effort is effective, not wasteful, spending.

Some say the easy political vote is to support the President's request and defend it by saying we are supporting the troops. But if we really want to support the troops, we will first make sure that the people running the war know what they are doing. No American soldier should die because of mistakes up the line.

This administration must put aside its stubbornness and make the world community a serious and active part of this process. Then we could vote for the President's request in good conscience.

Mr. Chairman, the Bush administration has made a series of terrible mistakes in formulating its Iraq policy. But even in the face of those mistakes, the administration insists on going it alone. No help from other countries. No oversight by the Congress. No accountability to the American people. That will never change if we give them an automatic "yes" vote on today's bill. Instead, voting "yes" will encourage them to continue the policies that do not work and tactics that deserve condemnation. Our troops deserve better than that. We should oppose the President's request until this administration demonstrates that it puts our troops before politics and honesty before pride.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Texas (Mr. TURNER), a ranking member of the Select Committee on Homeland Security.

Mr. TURNER of Texas. Mr. Chairman, I returned from Iraq last night, and every American can be very proud of the work that our men and women in uniform are doing there for our country. The sacrifice they are making and the danger they face demand that we provide them with the best in equipment, supplies, and quality of life that we possibly can as they continue the effort to bring stability to Iraq.

I commend our ranking member, the gentleman from Wisconsin (Mr. OBEY), for the efforts he has made to move more of the $87 billion to protect our troops. Irrespective of one's views about the wisdom of preemptive action against Saddam Hussein and concerns about the intelligence analysis upon which that action was based, we are now confronted as a Nation with a challenge and a responsibility where failure is not an option. The future of Iraq and the success there will depend upon the willingness that we have to stay the course. This will require sacrifice on the part of the American people, and I commend the gentleman from Wisconsin (Mr. OBEY) for calling upon the top 1 percent of Americans measured by income to share in the sacrifice being made by our troops in Iraq.

The future stability of the region demands stability in Iraq. I found the Iraqi people to be capable, intelligent, and determined to provide a better way of life for their people. And in the eyes of Iraqi teachers, in the eyes of the Iraqi policemen and firefighters that we are training, and in the eyes of members of the Iraqi governing council, I found hope. We have assumed a stake in the success of their future, and we must not fail; and I hope that we will be joined by others in the world community in assisting us in achieving success in Iraq.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH) for the purpose of a colloquy.

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Florida (Chairman YOUNG) for yielding me this time and for his willingness to engage in this colloquy regarding an issue of tremendous importance. I am concerned, as are many of our colleagues, about the out-of-pocket costs to U.S. soldiers participating in the Rest and Recuperation program for Operation Iraqi Freedom and Operation Enduring Freedom.

As my colleague from Florida knows, soldiers granted leave through the R&R program are flown by the Department of Defense to Baltimore, Washington International Airport for a 2-week leave from arduous duties on the front lines of freedom. The Pentagon restarted the R&R program, which had been dormant since Vietnam, to boost morale of soldiers who are being deployed for over a year. Once soldiers arrive at BWI, it is up to them to pay for the rest of their travel costs to see their families. Often, airlines have provided discounted rates, but some soldiers have reported paying in excess of $1,000. Now, we should not be causing an additional burden on soldiers or their families during this comparatively short stay in the United States.

Mr. Chairman, the Senate adopted an amendment during floor consideration offered by Mr. COLEMAN of Minnesota to alleviate this burden on our Armed Forces. Several Members of this House, including myself, have introduced legislation to correct this issue. I would ask the chairman of the Committee on Appropriations if he would consider supporting the Senate provision in the conference committee.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I am happy to yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would like to assure the gentleman from Arizona that I understand the importance of this issue. At a time when we are spending nearly $90 billion to support the mission of our Nation and our troops, we should be willing to ease the strain on our soldiers and their families.

The gentleman from Arizona is a cosponsor of a bill, H.R. 2998, that I introduced to help ease the financial burden on returning troops and, in this case, troops who are charged a subsistence fee for their stay in military hospitals. So I am supportive of the gentleman's goal.

I would also like to mention that the Department of Defense has plans to expand the R&R program to include airports beyond BWI, which should help some. Airports in Los Angeles, Atlanta, and Dallas-Fort Worth should become part of the program before the end of the year.

I want to thank the gentleman from Arizona for bringing this matter to the attention of the House. I agree that it is an issue of great importance, and I can give the gentleman assurance that the Senate provision will be given every consideration by this chairman.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Today we are debating the administration's request for an $87 billion bailout occasioned by its failed planning, or rather, its failure to plan, its lack of planning for postwar Iraq. We are asked to pass this $87 billion bailout despite the fact that the Bush administration has not yet articulated a coherent or workable underlying strategy to accomplish our mission and to bring our troops home safely and soon. It is either unwilling or incapable of doing so.

The only way this Congress can ensure for the American people that such a strategy exists and that it has a reasonable chance of success is by using its power of the purse. We are dealing with an administration that has already had over $400 billion in its Department of Defense budget, and it has already received one supplemental appropriation of $63 billion. Yet it fails to explain how and why our forces had tens of thousands of men and women unprotected with the proper Kevlar breast plates, Humvees without proper armor, and rancid water for 80 percent of the troops, or how those conditions continued, even after they knew in June that people were dying and being injured.

In addition, the administration, in its zeal to get all of the money now so it will not have to come back in 2004's election year to report to the American people, insinuates that a vote against this bailout is a vote against our troops and a vote to cut and run. Nothing could be further from the truth. The administration's own figures show that this is just another dissembling of the facts. According to the nonpartisan Congressional Research Service, the Pentagon can stay in Iraq another 6 months without an additional penny in funds. But we have been prevented from seeking accountability from this administration as it asserts a need for emergency funds.

Mr. Chairman, this Congress has a moral and practical responsibility to modify and condition these funds, and it is time to reject this rubber stamp blank check and insist on an alternative that the Democrats want to put forward, but the majority and the administration have prohibited it from seeing the light of day.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON), who can speak in this Chamber, even though, unfortunately, she is not allowed to vote.

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time. The President himself woke up the American people with his September 7, $87 billion sticker-shock speech. People have already voted. Choose the poll: 59 percent in one, 66 percent in another. The vote is "no."

The reason is the President failed to seize the issue, the one issue that could have changed people's minds, that is paying for the war with a tax cut from the top 1 percent of the wealthiest Americans. Instead, he persists in making sacrifice a one-way street, sacrifice for the troops, while the rest of us remain untouched. The President has really touched the American people this time, though, with his $87 billion request. Having almost wrecked the economy with a crippling deficit, this $87 billion will prove our economic denouement.

First, the wreck of our relations with the very allies necessary for our own protection in the war against terrorism. Then, the wreck of the volunteer Army, particularly the loss of many of our weekend warriors from the National Guard and Reserve who never signed up for an indefinite duty in a preemptive war. Every amendment before this body must be paid for except this one.

Mr. Chairman, if we approve this request, the final wreck will be the appropriation power meant to check Presidential power. Our appropriation responsibility in time of war, never a tiger, will become a pussy cat that delivers to the cat in the White House, even without getting its proverbial cup of milk.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me this time.

I rise today to join every Member of this Chamber in supporting the American men and women serving in Iraq, Afghanistan, and elsewhere around the globe. We are indebted to their service, to their courage, to what they do to preserve the American Dream and freedom.

However, let us not confuse support for our troops with support for any half-baked plan, or lack of a plan, for securing our troops and rebuilding Iraq. Let us not fool ourselves into believing that our shared patriotism somehow absolves us, Members of Congress, from the responsibility to stand up and criticize a flawed policy.

On September 7, President Bush addressed the Nation and called upon this body to pass $87 billion in supplemental appropriations. Within minutes after the President's address and every day since, my constituents have been telling me that they are alarmed by this request. Some tell me that $1,000 per family is a lot of money when they think the President is just throwing money at a problem without having a plan to fix it. Some tell me that we should be spending the money to address obligations here at home, like paying for the adequate health care for our veterans from previous wars, as well as the veterans from this war.

Others tell me that the President should not ask Congress for more money until he secures more international support, or that we should not have to bear the cost alone. Some tell me that when the government is borrowing money to give tax cuts to the wealthy, we should not be borrowing this $87 billion from our children.

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And like my constituents, I have all of these reservations and more.

I had hoped the President would send Congress a detailed, long-term plan for the reconstruction of Iraq. I had hoped the President would come with a plan for help from our allies. He has failed to do that.

I would support the Obey substitute if it were allowed, but without significant changes, I cannot support the President's request at this time.

I had hoped that by now the President would have secured the significant financial support of our allies. I had hoped that by now thousands of our men and women serving in Iraq would see international troops coming to relieve them so that some of them might return home.

Instead, the President has sent his request to Congress before developing a clear plan for reconstruction. He has sent his request before he has secured hardly any international financial support. And he has sent his request before he has convinced our allies to provide multinational forces to internationalize the troop presence in Iraq. In effect, he is asking the American people to subsidize his failed diplomacy and poor post-war planning.

Nevertheless, a Member of Congress should not vote no on this request out of spite. I believe that Congress can and should pass a supplemental bill that will adequately support our troops in Iraq. The President has committed us to helping to stabilize and rebuild Iraq and we must live up to that commitment. However, we cannot blindly approve whatever the President requests, especially when his request is not well thought-out and when it includes wasteful spending.

There are two parts to this $87 billion request. About two-thirds is to support military operations and our troops, while the other third is for reconstruction. There are serious problems with both. First, the military portion gives the Secretary of Defense the authority to reprogram almost $40 billion. In other words, the President is so unsure of what programs need support that he has given the Secretary the power to change how $40 billion worth of this bill will be spent. Forty billion dollars is a large petty cash fund. Why don't we just write the Secretary a personal check and send him on his way?

There are problems with the reconstruction portion of the bill, too. Imagine; the bill calls for $900,000,000 to import oil to Iraq. We spend money we don't have so that we can import oil to the country with the world's second largest oil reserves. I am pleased that my colleague Rep. DAVID OBEY and the other members of the Appropriations Committee were able to eliminate some of the $1.7 billion worth of the most wasteful portions of the President's request, including hundreds of millions of dollars to build luxury prisons in Iraq, hundreds of millions to buy state-of-the-art garbage trucks, and millions to send Iraqis to business school.

I am also pleased that they were able to guarantee that the Pentagon will have no flexibility when it comes to procuring bulletproof body armor and other critical need safety equipment for our troops. We must keep our troops safe. Unfortunately, these changes only scratch the surface of what is necessary to fix this request.

How can Americans be asked to spend a billion dollars to import oil into one of the largest oil producing countries in the world? Another amendment would make sure that this Administration is adopting competitive practices when awarding contracts to companies that are hired to help with Iraq's construction. Still, another would invest in making sure we have trained linguists who can speak the languages employed by terrorists.

I also would vote for the Obey substitute, if the Chair would allow a vote. It would help pay for the reconstruction of Iraq by eliminating the tax cut currently enjoyed by the top one percent of Americans. We cannot afford to go any deeper into debt that this Administration has taken us and we cannot saddle middle class Americans with a financial burden that they cannot afford and should not be asked to bear.

A year ago I stood here on the House floor and I voted against the resolution authorizing the President to launch a unilateral, preventive war against Iraq. At the time, I defended my vote, arguing that it was "at the least premature, and more likely contrary to our national interest," for Congress to authorize military action against Iraq. Today, our troops are in Iraq and we have made a commitment as a nation to make sure they complete their mission. But as I stand here again, I cannot help but ask whether voting for this $87 billion request right now is at the least premature, and most likely, contrary to our national interest.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I just returned after leading a bipartisan trip to Iraq this last Friday. We had Members from all over the country, Republicans and Democrats, and we had Members on our trip that both had supported the war resolution last year, as well as those that opposed it.

I have to say all of us were very proud of every American we met from the USAID, workers at the schools, to the hospitals, and Ambassador Bremer, the generals, the leaders of our troops, and every man and woman in our Armed Services. I wish I could have taken all of us here in this Chamber, as well as across the country, to see how proud we are of every person that we met with.

Whether you opposed the war resolution or not this last year, we are there now. We need this mission to succeed.

I would have to say that nobody here would be against the money for our troops. Yes, we need armored Humvees. Yes, we need more body armor for our vehicles. I would hope that no one here would be opposed to the money to help those that are serving our great land. But we also need the money for reconstruction. It will expedite our troops' withdrawal to come home from that region of the world. It will help promote democracy by birthing democracy where it can flourish.

Now, there will be a dispute here that we will resolve, whether it should be a grant or a loan. We will decide that perhaps later today or tomorrow in the House, in the other body, or certainly in the conference between the House and the other body. But we need the money for reconstruction. Because without those security funds, without seeing those dollars come to help that land begin to prosper, our troops will be there a lot longer. And we will fail in our mission to achieve democracy in that important region of the world.

I ask my colleagues to support the resolution that we are dealing with later on tonight and tomorrow. We need to encourage it in every way, freedom and democracy to flourish.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I rise to oppose the supplemental and support the Obey amendment. This is a question of accountability. I continue to abide by the principles set forth by the Congressional Black Caucus last month to determine whether we, as Members of Congress, would support the President's request for more aid in Iraq.

I believe that the President should provide the Congress with the full details of the information relied upon by him to go to war. He has not done that. I asked that the President provide full details about how the efforts will be paid for, including full accounting of how and to what extent Iraqi resources could be used to reduce the U.S. costs. He has not done that.

He should provide us with full details about the future obligations of the United States and about how responsibility and authority for these obligations will be shared with the United Nations and other nations. He has not done that.

Congress should ask for a detailed accounting from the administration as to all funds expended to date, including details about all contractors for work in or related to Iraq.

Lastly, the President should set forth criteria he expects will be necessary to meet before we bring our troops home. In other words, what is considered victory? He has not done that.

No more blank checks. People in my district want better schools. They want better health care. They care about the Iraqi people, but they ask are we spending our money effectively and efficiently. And what they have concluded is because this President will not tell us what has been done with the money we already spent, we question what will be done with this money.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, the commander of the Army's 101st Airborne Division in Iraq, Major General Petraeus, likes to remind Congressional visitors that money is ammunition in the battle to stabilize Iraq: money to reopen the cement factory outside Mosul, money to buy ice and food from local merchants, money to productively employ the now-idle hands of former Iraqi Army officers, money for 1,000 other local projects that capitalize on the boundless potential of the Iraqi people and arm them to defeat their most entrenched, insidious enemies, powerlessness and despair.

This bill provides the ammunition needed to wage and win the next critical battle in the war against terrorism and oppression in Iraq. Building on the administration's original request, the committee has met our first obligation, to arm and equip U.S. warfighters to prevail in this complex mission while fueling construction of a viable, sustainable civil society in Iraq.

During two trips to Iraq since April, I saw the strength and courage of our forces as they worked alongside Iraqis rebuilding schools by day and risking their lives patrolling those same streets by night. The dedicated men and women of our Armed Forces know their quickest route home goes through as many markets as minefields, and that their victory over tyranny will be secured as soon as Iraqis are running their own democratic nation.

We are stewards of Iraqi sovereignty. With the reconstruction, economic development, and public diplomacy funds in this bill, we make wise investments to preserve and grow the precious assets in our trust. But the deed of trust is not indefinite. The window of opportunity to build on an oasis of hope in that troubled region will close. This bill reflects our national commitment to meet history's challenge and set Iraq on an inevitable course toward democracy and economic vitality.

Fiscal pressures here at home cannot change the harsher fact that Iraq faces its new future encumbered with a crushing debt burden estimated to be as high as $220 billion. Adding to that debt would be wrong morally and politically. Imposing debt without consent of the governed is the way despots and conquerors build monuments to themselves and past glories. That was how Saddam Hussein built his palaces. Liberators leave behind memorials to generosity and investments in a better future. That is what this bill will buy. Our investment will be returned manyfold by a free and prosperous Iraq.

Mr. OBEY. Mr. Chairman, I yield 2 minutes and 15 seconds to my distinguished colleague, the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Chairman and Members, Thomas Friedman, a columnist for the New York Times, back in February of this year indicated in a column, "You do not take the country to war on the wings of a lie." My friends, that is exactly what has happened. We were told that we have to attack Iraq because they have weapons of mass destruction. We have to attack Iraq because the United States was in imminent danger of attack by this country. And also we were told that Iraq and Saddam Hussein were involved in the terrorist attack of 9/11.

My friends, all those rationale have been proved wrong. We have not found any weapons of mass destruction. We know that there is no way in God's green earth that Saddam had any missile or any other armament that could come near to attacking this country. And over and over again we have been told, including by the CIA, that Saddam and Iraq was not involved in 9/11. So why are we there? Why did we attack this country?

My colleagues, I did not vote for the War Powers Resolution, and I am not going to vote today for this supplemental bill which will, in effect, continue the war and the killing of our troops. Now, we are told that if we do not pass this bill, our troops will not get the bullets they need and the food and supplies. That is all wrong, and it is not true.

The President signed the Department of Defense appropriation bill, and so funding is available until May or June of next year. So what we are left with is supplying reconstruction dollars to Iraq to build the things that we blew up in the first place.

But it is more than that. This bill also provides things like school buildings and books for Iraqi children. Now how nice. But why do not we do the same for our kids? It provides health care and medical facilities, free medical care for Iraqis, as we have 42 million Americans with no health care whatsoever.

My friends, those who support this bill should at least have the intestinal fortitude to pay for it. For if it passes, which will happen later today, $87 billion will be borrowed. We are broke. We do not have the money. And that $87 billion will be put on the $500 billion deficit that already exists. When are we going to stop the insanity around here?

I urge my colleagues to vote no.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, during the lead-up to this war in Iraq, this body had great assurances from the President and his staff that in the aftermath, the United States would not be tagged with the bill. Here we are debating to commit $87 billion to this war.

And this war has been described to us as fighting terrorists. Not a single terrorist has come from this area. And this really could not come at a worse time because we have no money. Our economy is the worst we have seen in 70 years. We have lost many, many jobs. Just in my area, 105,000 jobs have been lost in Dallas.

Protecting our troops in Iraq, or anywhere they are, is important and necessary. But I have been to Iraq, and they are not protected. I have been to Germany to look at those who have been injured, and here. Where is the money going? There is no accountability. No accountability for the first money that has been appropriated. Now, we are asking for more.

And we are financing this war in Iraq with deficit spending. We are borrowing money to pay for this war. We are not cutting spending, we are not raising taxes. If anything, we are going to see another tax break coming soon. We are endangering Social Security.

Vote against this spending. We do not need another blank check being handed to the President.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I rise in strong support of the Iraq supplemental legislation before this Congress and commend the careful deliberation of the gentleman from Florida (Mr. YOUNG) and all the members of the Committee on Appropriations for this outstanding legislative work in every respect, save one. On the issue of whether reconstruction costs in Iraq should take the form of a grant or a loan, I have considered the arguments of the administration and the opinions of my constituents with much deliberation and prayer. On this question, I have decided it is appropriate for me to stand firm in my belief that a portion of the reconstruction costs should eventually be repaid by the Iraqi people to the people of the United States.

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Accordingly, today I will offer the Pence amendment which provides, Mr. Chairman, a middle ground between the challenges of extending a loan to a nation, Iraq, and the desire of the American people to see this oil-rich nation bear the cost at some point in the future of building a civil society.

It is not appropriate, as some will argue on this floor today and tonight, to make all of the reconstruction funding in the form of a loan. As the administration has argued, and as has the chairman, the possibility of extending a loan from the United States to a nation not yet formed is problematic. In recognition of this reality, the Pence amendment makes the first 50 percent of the funding available immediately as a grant, giving priority consideration emergency purposes of security, electricity, oil infrastructure, and the like. Once the administration informs the Congress that a democratically elected government in Iraq has been established, the balance of the funds would be made available under the Pence amendment in the form of loans from the United States Government under terms determined by the President.

Having addressed the logistical concerns raised by the administration and others, I believe it is appropriate that the Congress defer to the consent of the governed, especially in matters of foreign aid. Many Americans, even in my conservative district, overwhelmingly support some repayment of reconstruction costs. Most Americans know that Iraq is an oil-rich nation, possessing the second largest oil reserves on the planet, and will eventually be able to bear the burden of repaying some of the costs of rebuilding its own infrastructure.

At a time of mounting Federal deficits, making a portion of the reconstruction a loan also reassures the American people that there is a financial end-game strategy in Iraq.

Finally, Congress today in adopting the Pence amendment would set an important precedent as we partner with the Iraqi people in establishing the elements of a free and just society.

In the end, Mr. Chairman, I would state firmly that I will support the final version of the Iraq supplemental bill because I am anxious to support the leadership and the Congress and the President and, of course, our military and civilian personnel in Iraq. But nonetheless, I am offering the Pence amendment today with the first belief that the United States should provide for the liberty and security of Iraq, but improvements in civil society in Iraq should ultimately be borne by the Iraqi people.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, once again I would attempt to notify any Members who are watching that if they are on the Democratic list for speaking on this matter, they need to get to the House floor pronto or they will lose their opportunity.

Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to begin by commending the Congressional Black Caucus for standing up for the troops and voting against this appalling supplemental bill.

Just yesterday I visited Walter Reed Medical Center and was very impressed by our brave troops. They have done their part in fighting and risking their lives for our Nation. In addition, I talked to our men and women stationed in bases in the Caspian Sea last summer, and I was appalled to see that the female soldiers were not supplied with enough personal items and they were not even given access to showers nearby.

Yes, Mr. Chairman, I wholeheartedly support our troops; and for that reason I would like to know why after Congress appropriated $79 billion for Iraq just 6 months ago, we are going to vote for another $87 billion appropriations. By the way, the largest supplemental that ever passed this House.

I was horrified to learn that tens of thousands of our troops were sent out to battle without proper armor and to this day they still need many necessary items, for example, enough drinking water, showers, tennis shoes, proper chemical attack suits, quality boots, and even simple toothpaste.

Once again, I want to know, where is the beef? Where is the first $79 billion? Our troops are doing their job. It is the Members in this body that are not doing what we were elected to do.

I want to also point out to the media, you are not doing your job. You have given this administration a blank check. We have not seen one shred of evidence that links 9–11 to Iraq.

Mr. Chairman, our troops are doing their job. It is up to the Members of this body to do theirs.

Mr. YOUNG of Florida. Mr. Chairman, I have no further speakers at this time, and I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I rise today to speak about my recent trip to Iraq and to answer some of the questions millions of Americans have been asking every day since the President first announced that he would seek another $87 billion for Iraq and Afghanistan.

Just this Friday I returned from a 5-day trip with eight of my Republican and Democratic colleagues as part of a delegation. We toured the south, the north of Iraq, as well as Bagdad; and I was able to see firsthand the schools that have been rebuilt, the teachers we have retrained, and the hospitals, universities and newspapers that we have helped open. I saw Iraqi police in training; and most importantly, I talked to our young men and women, many of them still teenagers or just in their early twenties, who have continued to risk their lives to bring democracy and the comforts of life we enjoy here in the U.S. to Iraq.

I came back, like so many of my colleagues, believing that there is no question that this should be about us providing for and supporting our troops, and that we do need to assist in reconstructing Iraq and to ensure the safety of Americans here in the United States and those working abroad in our embassies or even simply traveling abroad.

However, it is just as clear to me that we cannot really afford to stay in Iraq, nor can we leave at this time. We cannot stay because the basis upon which we invaded and now occupy that country, in my opinion, was false. Our preparations and understanding of what occupation would require were faulty. Yet, if we were to pull out now, our mistake could subject the region, the world, and especially our country and our people, to grave dangers of terrorism. Iraq under Saddam Hussein was not a haven for terrorists, but the porous borders of post-Saddam and even the failure of the administration to plan for such an eventuality may be making Iraq such a haven now.

The President has put us in a terrible fix. We cannot afford to stay, yet we cannot leave. Meanwhile, we cannot even afford the initial down payment on his flawed policy of preemption. The country cannot afford the $87 billion the President is asking the Congress to appropriate. Indeed, experts say that Iraq this year could only absorb $6 billion. So why is Mr. Bush demanding three times that amount?

America cannot afford the price tag that the President has put on this Iraqi misadventure unless he agrees to rescind the tax cuts to the top 1 percent of Americans, unless he understands that we have got to work in a multilateral situation and brings in a true form other nations to share in the cost of this. Because otherwise, the money that we will be spending will be money that we will be taking from the middle class and working class people of this great Nation and the poor who are already paying for this war, especially with their sons and their daughters.

Let us make it so this is a shared sacrifice by all Americans. Most of all, our men and women in uniform in Iraq need a change in policy.

Mr. Chairman, I vote against this measure. This is a perpetuation of a failed policy and misguided priorities. Even so, the President can turn this around once he makes a choice between troop strength and tax cuts to the wealthiest of Americans. The President can turn this around once he makes a choice between international cooperation and stuffing the pockets of partisan cronies. Mr. Chairman, we know this is just the first installment.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, last fall we were told that Congress needed to authorize military force against Iraq in order to convince the U.N. to send the inspectors back into Iraq. But as soon as we did so, the Bush administration pulled the rug out from under the U.N. inspectors and decided it would use the authority Congress granted them to fight a unilateral war.

Now we are learning that there were no weapons of mass destruction in Iraq. Congress and the American people were deceived, misled, and manipulated with false and misleading intelligence and political spin from the Bush White House.

Now the Bush administration cannot find any weapons of mass destruction. It cannot find Saddam Hussein. It cannot find Osama bin Laden. It cannot find Taliban leader Mullah Omar, and it cannot even find out who within the White House staff leaked the name of that covert CIA operative.

What does the Bush administration now ask the Congress for? They ask us to trust them and to grant their request for another $87 billion going into Iraq, a blank check with no clear vision of how we are going to extricate ourselves from this morass.

Now, I hear a lot of talk from the administration and its supporters about how we are crafting with this legislation a new Marshall Plan for Iraq. Well, let me tell you, when George Marshall was crafting a plan for Harry Truman to reconstruct Europe after the devastation of World War II, he was not setting up a sweetheart, no-bid contract system for companies associated with the old Pendergast Machine in Kansas City.

That is what we are seeing today with the contracts being given to Halliburton and other favored companies. We are providing broad transfer and reallocation authority to the executive branch that gives the Bush administration virtually unfettered discretion to spend the monies we appropriate in any way they wish. At the same time the President asks us to spend $87 billion in Iraq, he is also going around the country giving speeches calling for additional tax cuts for the top 1 percent wealthiest people in the United States of America.

So if you are wealthy in this country, you get tax cuts and fat government contracts. But if you are an ordinary working American, you get Social Security and Medicare trust funds raided, the 50 percent who are in nursing homes, the elderly dependent upon Medicaid, payments for their nursing home care, they are cut; and meanwhile it is all raided for the reconstruction of Iraq, while at the same time tax cuts of the same amounts are being given to the wealthiest 1 percent in our country.

So the Republicans are busy at work coming up with new schemes to increase your Medicare co-pays, means test your benefits, increase payments for seniors with home health care visits. All of it is wrong, just plain wrong. It is a blank check. It gives the President and Secretary Rumsfeld too much authority. And it fails to do what is needed to build international support for peacekeeping and reconstruction in Iraq or craft an appropriate exit strategy to get our troops back home. And that can only happen if we have multilateral support for this effort, if we have a real vision for what is going on.

As long as this administration believes that it is going to bring Jeffersonian democracy at the point of a gun to an occupied country, then we are operating with one of the most naive political schemes ever put together in the history of this world. And it is time for us to be ensuring that the Congress makes this administration accountable, rather than handing over a blank check with no accountability with at least 60 to 70 percent of this money capable of being reprogrammed by the administration at its own whim without Congress voting upon it again, all of it a mistake of historic proportions.

This is where Congress must check in. It did so after World War II. Today it is just providing a blank check.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Chairman, I rise today in strong support of H.R. 3289, which provides supplemental appropriations to our national defense and the reconstruction efforts in Iraq and Afghanistan.

I would like to commend President Bush for his strong leadership during the war on terrorism. Under his leadership, our homeland has been free from terrorist acts since the attacks of September 11, 2001.

For the past 2 years we, as Americans, have come together in an effort to protect ourselves from all aspects of terrorism in both the United States and abroad. Patriotism has soared as Americans have supported the war on terrorism and our troops who are fighting it.

During these difficult times, we have managed to liberate millions of Afghanis and Iraqis while improving their way of life and allowing them to experience the benefit of democratic rule. We must not stop at this critical juncture.

□ 1430

We must push forward in our efforts in these countries and pass this necessary funding measure.

The $87 billion Supplemental Appropriations Act for 2004 provides the essential funding which is the step toward expanding democracy abroad and is an investment in America's safety. The $19.8 billion provided for reconstruction in both Iraq and Afghanistan will be used to rehabilitate critical infrastructure so their citizens will have safe drinking water, roads, bridges, adequate sanitation, electricity in their homes and an increase in public safety overall. The $64.7 billion provided for our national defense will give our troops the necessary equipment to continue the war on terrorism and protect our shores from anyone who seeks to do us harm.

This debate should focus on providing the necessary resources to complete this phase of the war on terrorism and providing adequate tools for our troops to complete their mission. Now, more than ever, we need to rally behind our troops, and providing adequate tools for them to complete their mission is the best way to show our support. A vote in favor of this bill is a vote in support of our troops.

Finally, I would like to commend the gentleman from Florida (Chairman YOUNG) and the members of the Committee on Appropriations for their hard work and dedication in the crafting of this legislation.

Mr. OBEY. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 23¾ minutes remaining, and the gentleman from Florida (Mr. YOUNG) has 10 minutes remaining.

Mr. OBEY. Mr. Chairman, because we are in search of absent speakers, I will yield myself 5 minutes until some of them arrive.

Mr. Chairman, I want to take this time to address one issue that I have seen appear in the newspapers on almost a daily basis. There is somehow an impression on the part of a number of Members of this House and a number of members of the press that somehow we will endanger our ability to provide a responsible reconstruction package in Iraq if we scale back the reconstruction package now before us. I would like to suggest why that is not true, and to do so, I am simply going to read several paragraphs from the dissenting views that I filed with the committee in the report accompanying this bill, and here is what I wrote for that purpose.

"While the Committee wisely pared back some of the more outlandish projects proposed by the Coalition Provisional Authority, the bill the committee is sending to the House does little to alter the underlying approach to reconstruction envisaged by the CPA. That approach relies on huge contracts with large, multinational corporations to provide high tech and capital-intensive construction, training and services to Iraq requiring the importation of heavy equipment, highly-paid consultants and the payment of corporate overhead and profits.

"The consequence of this approach is that the American taxpayer will pay much more than he or she should; the amount of construction or reconstruction that can be performed within available funds will be significantly less than might otherwise be accomplished; the development of Iraqi businesses and institutions to deal with such problems will be negligible and the number of Iraqis who will be employed will be far fewer than could be productively used if less capital-intensive and lower-tech approaches were followed. In short, we will be paying more for smaller results and particularly smaller results with respect to employment and other economic changes necessary to bring about greater political stability."

Then I go on to cite one example. After U.S. engineers had told Major General Patraeus that it would cost $15 million to bring a concrete factory up to Western standards, the commander of the 101st Airborne Division gave the contract to local Iraqis who were able to get that cement plant running for just $80,000.

It seems to me that the message that Congress ought to be sending the administration is that we need to focus more on low tech, indigenous strategies for development rather than simply getting in the old habit of going to the big multinationals like Halliburton and others and saying, okay, boys, what can you do for us with your high-paid consultants and high fees.

So that is why it seems to me that the responsible thing to do is to scale back this package until the administration revisits its approach. In the end, if they do that, we will provide better benefits to Iraq and better benefits to the American taxpayer.

Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, it has been over a year since the President began pressing to invade Iraq. At the time, many of us pressed the President to fully account for the cost of his planned war. Most Americans would agree that if the issue of Iraq was important enough to start a war over, it was important enough to pay for it.

For a year, Congress has asked for hard numbers on the cost of occupying and rebuilding Iraq, and for a year, the President gave us nothing but blandishments and pie-in-the-sky forecasts. At the time, experts, including the President's own chief economist, predicted the war and reconstruction would cost as much as $200 billion, but the President and his aides actively downplayed those numbers, saying it would only cost around $50 billion.

Well, guess what. Last month, the President finally admitted that he had lowballed the cost of the war when selling it to Congress a year earlier. The President is now asking for an additional $87 billion to extricate our troops from what is beginning to look like a quagmire. This additional $87 billion comes on top of $78.5 billion Congress gave the President just 5 months ago, bringing the grand total so far to $165 billion, and a recent analysis of House Committee on the Budget staffers showed that the entire costs for rebuilding Iraq could rise to as much as $400 billion over the next 5 years. If the numbers we received last year were intentionally lowballed, it would almost seem as the President had decided to rebuild with pinstripe patronage.

The amount we are now being asked to provide almost looks as though it has been inflated to line the pockets of others. Just listen to some of the price tags in this bill: $950 million for recruiting, training and equipping police forces in Iraq, including a police training center with international trainers. This seems to me to be a bit exorbitant. $209 million for prison and detention facilities. Could we not save money if the facilities were built by Iraqis?

A hundred million for a witness protection program? This amount is way too high. Do we really need to spend this money to ensure the lives of Iraqis who are assisting the U.S.? How many could there possibly be? Our own witness protection plan has nowhere near that amount. Are we going to put them up in Taj Mahals?

A hundred million dollars to investigate crimes against humanity? Again, this amount is absurd. We have plenty of evidence of Saddam's crimes against humanity. The parents, the families of loved ones missing have come forward to volunteer that information. It will not cost us $100 million to find victims willing to come forward and document his crimes.

Then there is $2.1 billion to rebuild Iraq's oil infrastructure. This is on top of the $948 million and counting already given to Halliburton and to Bechtel to refurbish Iraqi's oil fields.

Then there is $697 million to improve the sewage system. This, when the administration is fighting to prevent Congress from passing a highway and transit bill? This is absurd.

Please, Mr. President, do not insult our intelligence.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I appreciate the yielding time to me and my friend from Wisconsin for his leadership on this issue.

In April, almost every Member of the House, myself included, voted $60 billion for our effort in Iraq. Unfortunately, since April that $60 billion has simply not been used well. We failed to protect and supply our troops adequately. We hear stories. I met last week with 25 families of people who had loved ones in Iraq. We are not supplying them with safe drinking water. We are not supplying them with antibiotics. In some cases we are not supplying them with body armor, and we are told in committee that body armor will not be available for every one of our soldiers there until December. What was the administration thinking?

We appropriated $60 billion. The administration has failed to submit any plan to the American people, to this Congress, to tell them how this is going to work, to tell all of us when there will be an exit strategy. This administration has failed to show any evidence that the United Nations is cooperating. We cannot get other governments, other countries to send money, to send troops, to send resources, and we failed in terms of accountability.

Today, Mr. Chairman, we are spending about $1 billion a week in Iraq. Three hundred million of that billion dollars is going to private contractors, and most of those private contracts are unbid contracts. So we are giving hundreds of millions of dollars to Halliburton and Bechtel and other friends of the President. Yet, we cannot protect and we cannot fully and adequately supply our troops. We do not have enough body armor. We do not have enough safe drinking water for our troops. We cannot send our troops home on leave. We are making them pay for it. We are charging our troops for food when they are in the hospital in some cases. Yet, we are spending hundreds of millions of dollars that are going to private contractors, Halliburton, Bechtel and other friends of the President.

In fact, Mr. Chairman, Vice President CHENEY still is receiving $13,000 every month from the Halliburton Corporation on the one hand, and we are giving them hundreds of millions of dollars in unbid contracts on the other. Vote no on the $87 billion. Do not give President Bush a blank check to continue the incompetence and the corruption and the ineptness in Iraq.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding time to me and for his continued leadership on so many important issues.

Mr. Chairman, I will be offering an amendment later along with my colleague and very good friend the gentlewoman from Illinois (Mrs. BIGGERT). It will discourage the ongoing violence against women in Afghanistan and the deplorable attacks on girls schools in that country.

The legislation before us appropriates more than $230 million over the administration's request for Afghanistan, and I thank the gentleman from Florida (Chairman YOUNG) and the gentleman from Wisconsin (Ranking Member OBEY) for making this increase possible.

While the country has made progress in the last 2 years since the fall of the Taliban, warlords and reactionary Islamic forces continue to wage a campaign of hatred against their own women. According to recent press reports, more than 30 schools for Afghan girls were burned to the ground, depriving hundreds of girls of a chance to receive a basic education. This amendment designates $60 million of the $672 million in the supplemental bill to help women and girls.

□ 1445

It also provides $5 million in support to the National Human Rights Commission in Afghanistan, which is doing critical work in bringing to light human rights abuses against women and men throughout the country. Without human rights, the Afghan Project and the efforts to create a constitution are seriously threatened. If we are to succeed in Afghanistan, these issues must be addressed and addressed now.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the amendment of the gentlewoman from New York (Mrs. MALONEY) to be offered later this afternoon.

The conditions for women and young girls in Afghanistan are still worsening. Further assistance to the Afghan women and girls for education, protection of human rights is crucial, it is necessary, and it is the right thing to do. So I support the amendment.

Mr. OBEY. Mr. Chairman, may I inquire how much time remains on this side.

The CHAIRMAN. The gentleman from Wisconsin has 11¾ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am concerned about the rule. I know that most Americans want to see us do everything possible to support our troops in the field and in harm's way, but there is $20 billion in this request that is full of fat and pork and is intended to construct, not reconstruct, infrastructure in Iraq.

I asked for an amendment yesterday that was not made in order to make this in the form of a loan. We have this notion in Tennessee that people who receive the proceeds of the loan ought to be the ones borrowing the money. I take the position, Mr. Chairman, that Americans have paid with the blood of young American soldiers. And the people who are going to benefit from this $20 billion largess are going to be the Iraqis, not Americans.

Let me say one further thing about this matter. Somebody has to borrow this money. Do my colleagues not think it ought to be the people who benefit from the proceeds of the loan? We are borrowing $20 billion, some of which comes from China. We had a $400 billion deficit this year. That is $16 billion in additional mandatory spending next year and every year thereafter on interest.

This leadership in Washington, D.C. is spending more money than has ever been spent before in the history of the country. They are not spending it today, they are spending it tomorrow, and it is called interest and it is going to wreck our economy and wreck this country's future.

So, Mr. Chairman, I think at least for now, with the blood of American soldiers being spilled, the least we can expect is that the people who get the proceeds of the borrowing ought to borrow it, not the American taxpayer.

Mr. OBEY. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Wisconsin has 9¾ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from Wisconsin for yielding me this time, and I want to thank the gentleman from Florida (Mr. YOUNG) for allowing for a very serious debate.

I thank all of our service men and women and their families who really are prepared to make the ultimate sacrifice. Tragically, this means sometimes their lives, but certainly the sacrifices of their families.

Mr. Chairman, I have had the opportunity to visit on a number of occasions our wounded in our hospitals here in Washington, D.C. I have never seen such a group of valiant and strong-hearted, wonderful individuals who are still committed to this Nation. That is why I believe this debate is one of the most important, historic debates and occasions we will have ever in our congressional careers.

Mr. Chairman, I have determined that I am going to stand up on behalf of these troops that I had a chance to talk to over the weekend in Doha, Qatar; these troops who have said that there is no exit strategy; that they, in fact, do not know when they are going to return home. Mr. Chairman, the equipment that they have is riddled with inadequacies, so that if they are in a Humvee, it does not meet the test of avoiding explosion and great injury.

This is the largest supplemental in the history of this Nation, so I ask the leaders of this Congress, let us delay this vote, let us vote only for the finite amount of money that will provide for our troops. Let us hold off on this $20 billion or $30 billion or $36 billion.

Look at what Secretary Rumsfeld has said. He told us in the fall of 2002 not to worry about the cost, that Iraq is a very different situation from Afghanistan because they have oil. But now they are coming to us and asking for $20 billion, and we do not have any accountability for the $79 billion that we gave just 6 months ago. And our troops are in need. What about the Reserves and the National Guard that told me that they have problems in getting paid? And that is why I have an amendment.

We do not need to go to the donor conference in Madrid with a check. What we need to go with is a collaborative spirit, where we can sit down with France and Germany and Russia and our allies and develop a resolution that talks about troops and money.

Mr. Chairman, I am going to stand on behalf of these troops. Until they get paid, until there is an exit strategy, until there are mental health benefits for those that are returning, they will not get a vote out of me. Because we need to stand on behalf of the American people, and we need to find the right solution.

Mr. OBEY. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Wisconsin has 7¾ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA), the ranking Democrat on the Subcommittee on Defense of the Committee on Appropriations.

Mr. MURTHA. Mr. Chairman, I just heard somebody mention Halliburton. This $87 billion is not about loans or grants; it is not about Halliburton or Bechtel. This is about a war that we are committed to. We voted for this war. Whether individuals voted for it or not, the Congress committed ourselves to this war.

This is about a commitment to our troops thousands of miles away and a mission that we have had trouble getting them trained for, that they are not used to, about the lack of MOSes, people in specialties that are not in the jobs they should be in. This is about finishing a war as quickly as possible and allowing our men and women of the Armed Forces to come home victorious; to, indeed, march into the sunlight. This is about keeping our troops safe and not coming home in body bags so that they can again be with their mothers, fathers, wives, husbands, and children. In order to do that, they not only need the money for the military side, they need the reconstruction money.

The administration sometimes refers to this significant effort of our troops in Iraq as a low-intensity conflict. This minimizes the effort of our 150,000 troops still in the theater and around Iraq. This is not a low-intensity conflict when you cannot tell the activated Reserves and Guards, who have been active duty for 2 out of 6 years, what time they are coming home. This is not a low-intensity conflict when we are wearing out our equipment, when we have a third of our Bradleys that are deadlined because of lack of tracks or when we have people short of body armor. This is not a low-intensity conflict when I find a 67-year-old Reservist calling the office because the Army called him and said we would like you to volunteer to come back because your specialty is short, and if you do not volunteer, we are liable to call you back.

I called the Army, and it turns out they said, no, we are not going to call anybody back involuntary. But it shows the shortages. We have a shortage of MOSes. Those are the specialties, important military specialties. We have 6,300 that are not in the jobs that they should be in. We have the number of people there, but we do not have the trained personnel because the shortages are starting to come up in the replacement area.

Now, I have been to the hospitals, and I have talked to the troops in Iraq. They are not complaining about incidentals. They are complaining about what would save their lives, things that are essential to their lives. They complain about the lack of potable water. They complain about equipment that will save them, if they run over a land mine; equipment that will stop bombs from detonating in their path; equipment that will save them from shrapnel and fragments that penetrate the body armor or penetrate their bodies.

I saw a poll in "Stars and Stripes," and the general said, well, these polls, we always have people complain. The military always complains. But these are not the same kind of complaints I have heard in the past. These are serious complaints. These are complaints which are life-saving, essential to their life. This is about giving the resources needed to stabilize and secure Iraq as quickly as possible to bring our troops home as whole human beings to live out their lives in the sunlight.

Every time I go to the hospitals, every time I talk to them, and the gentleman from Florida (Mr. YOUNG) has been there, his wife has been there, and many of my colleagues have been there to the hospitals, and they appreciate us coming, and they talk about how the body armor saved their lives. The inserts in the body armor were the key. When our subcommittee, and most of us have been on that subcommittee 15 to 20 years, for most of us our entire career, and everything we do is to try to protect the troops, try to make sure they have what they need, and when bureaucrats stop the money from getting out to them, that is almost criminal.

Let me say this. The reconstruction money is just as important as the money that we are putting in for the combat. We have to win what I call the "X factor." The X factor is winning the hearts and minds of the Iraqi people. We have seen polls that show they are in favor of us. We have sent people over there, and they say they are all happy with us. Well, let me tell you this. If they were happy with us, if they were for us, they would not allow people to fire RPGs, which are missile-guided weapons, at our Humvees and then disappear into the crowd. We have a lot of work to do.

I urge the people to vote for this entire supplemental. It is absolutely essential to the troops' security.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the very distinguished gentleman from Illinois (Mr. KIRK), a member of the Committee on Appropriations.

Mr. KIRK. Mr. Chairman, I thank the gentleman from Florida for yielding me this time, and I just want to commend the gentleman from Pennsylvania for his statement.

History has an uncanny way of reminding us of our motivation. General Marshall outlined a program to help war-torn Europe without knowing that 30 years later the United States would face a similar crossroad. 400,000 Americans were killed in World War II, paying the ultimate price for mistakes made after World War I. And following the second European war, the continent ran out of food and suffered from runaway inflation and turned to communism.

Learning the lessons of World War I and its failed peace, the U.S. Congress backed the Marshall Plan. The plan went far beyond feeding the hungry to laying the foundation for the postwar recovery. This plan, the Marshall Plan, was very expensive. In today's dollars it cost $105 billion. And as we face a similar crossroad, we have the benefit of history.

We know that President Truman's decision to back the Marshall Plan helped to prevent World War III. A third generation of Americans did not return to the killing fields of Europe. Today, we face a similar challenge of rebuilding Iraq and preventing a third Middle Eastern war.

This week, the House debates the Iraq supplemental. In considering $19 billion to rebuild Iraq, we face the same question that President Truman faced. Truman asked: How much should we pay to help avoid World War III? And the American people of 1947 answered: $105 billion, as approved by Congress and the Marshall Plan.

□ 1500

Today, we see the unfinished work of Desert Storm and we ask, how much should Congress pay to help avoid a third war in Iraq?

Let us look at the costs of these wars to bring things into perspective. We know that in current dollars, World War II cost $4.7 trillion and remains the most expensive conflict in U.S. history. So far, the war on terror costing $193 billion, including this Iraq-Afghanistan supplemental, is more costly than Desert Storm at $82 billion but less costly than other major conflicts, including Korea at $400 billion and Vietnam at $600 billion. We know the Marshall Plan's cost of $105 billion is roughly five times the $19 billion cost for Iraq proposed here.

Cost is also relative to income. Today's U.S. economy is larger than it was in 1947. The Marshall Plan imposed a heavy financial burden on the American people, 5 percent of our national income. This plan is a much lighter burden; .02 percent of America's income finances this plan. In such terms, the Marshall Plan was over 200 times more expensive than this Iraqi plan.

Under this plan, the reconstruction of Iraq has already begun. Chairman LEWIS and I returned from Baghdad where we saw the main power plant returning to prewar capacity. We saw firsthand a budding democracy taking root on the front pages of no less than 120 new newspapers founded since May 1 in Iraq. Under Saddam, only half of schoolchildren attended class. Last week, 90 percent of schoolkids attended class, many with some of the 1.5 million book bags provided by the U.S. They also returned to class with 5 million new textbooks, but these textbooks were absent the pictures of Saddam and the rhetoric of hate that undermined the future of this region.

We need to work with our allies, and as oil begins to flow, a well-educated people will return to work, but like their predecessors in Europe, our troops need to finish this mission, earning a ticket home with no future Middle Eastern war forcing a return to the killing fields of Iraq. The stakes are high. I think we should finish the job so that there is no third war in Iraq.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. I thank my colleague from Wisconsin for yielding me this time.

Mr. Chairman, I rise in support of our troops in Iraq. Thousands of young men and women, my neighbors and yours, remain in harm's way. They are suffering casualties daily and fatalities every week. We must do all we can to provide for their protection. We are indebted to our troops for their service and sacrifice. The men and women of the Armed Forces make all Americans proud. My vote for this bill is for one reason only, to give our troops the resources they need to carry out their mission. But my vote should not be interpreted as supporting this administration's postwar policy in Iraq or the lack of one.

As I cast a "yes" vote, I will supply the troops with the resources they need. My hope is that the President and the administration will finally supply a policy the Nation deserves. Because the absence of a policy has never measured up to the valor and patriotism of our troops. As we will do our part in Congress, now it is long overdue for the administration to do theirs, enunciating a policy. Our troops will get the Humvees and the Kevlar vests they need, but the policy is as important for their protection as the equipment.

Just over 2 years have passed since the September 11 attacks when the world reached out and expressed sympathy and solidarity with America and Americans. Because of our arrogance, we have turned the world's sympathy into antipathy. This administration lacks a policy that is coherent, that spells out a clear vision for Iraq's mission, invites support from our allies and provides an exit strategy that will bring our troops home and reunite American families. I supported the war. I still believe getting rid of Saddam Hussein was the right thing to do. But the administration has made a legitimate war illegitimate through its actions. While it sold the war on a set of claims that were never true, the administration never leveled with the American people.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OBEY. It is my understanding that after this leg, we will still have an hour of general debate remaining under the rule that was adopted; is that not correct?

The CHAIRMAN. The gentleman is correct. The Committee will rise for some business in the House and then go to an hour of debate on the bill back in Committee.

Mr. OBEY. I thank the Chair.

Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I rise to oppose the supplemental and support the Obey amendment.

Mr. Chairman, I rise today in opposition to this bill. While I support the funds allotted for our courageous troops, I cannot support the bill in its current form.

The lack of information we have received from the Administration on operations in Iraq and future costs is embarrassing, especially as we hear daily about new casualties on the ground. We have seen no timeline estimating when elections will be held to allow the Iraqi people to choose their own government. We have heard no estimated date from this Administration for sending our troops home. We still have seen no estimate of the total cost of operations in Iraq.

While we must work toward quelling the attacks and stabilizing Iraq, passing this bill is not the answer. If Congress approves this request, the amount spent on Iraq will exceed $150 billion. But we still don't know how the Administration spent the first $70 billion the Congress approved for Iraq and Afghanistan, a funding request I supported. American taxpayers deserve some accountability. American taxpayers deserve to know how their hard-earned money is being spent, and they deserve to know how much will be spent in the future.

When someone puts a down payment on a house, that person does so knowing not just the amount of the first payment, but also the full cost of the mortgage. We need to know what the mortgage on Iraq is—we deserve that, and the President has a responsibility to tell us. Its that simple.

It is unfortunate that the Majority would not allow us to consider the funds for the troops separately from the reconstruction funds. I don't know of one colleague in this House that does not support the troops, and to say that a no vote on this bill is a vote against them is offensive.

This past August, I was able to visit troops in my district in New Mexico who had recently returned from Iraq. In fact, just this week, I met with veterans in my district, and the overwhelming majority do not support this effort. I also visited troops on active duty in Germany and closer to home in Bethesda Medical Center during the war. I heard their stories, all of them heroic, and expressed my gratitude for their service to our country. I voted in favor of the resolution to support the troops in this war, and I am proud of that vote.

What I am not proud of, however, is the process we have seen in considering this funding bill. I submitted an amendment to pay for this funding bill by modifying the President's irresponsible tax cut so that the rate of the top one percent of the taxpayers would change to 38.2 percent—still less than the percentage before the tax cuts—for 2005 through 2010. Unfortunately I was not permitted to offer the amendment, so we will not have a vote. A similar provision was also included in Mr. OBEY's amendment which was also not allowed a vote on the floor.

The new cost of the war—$150 million—if fifty percent more than Administration officials estimated a few months ago. This year the Federal Government has the largest deficit in its history—over $400 billion—and this does not include this new request. Because of poor decisionmaking, poor planning, and plain old bad math, our grandchildren will be paying for this war.

I urge my colleagues to vote no.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. I hope that as this vote proceeds, Mr. Chairman, I will say to my friends on the other side of the aisle that some of us who are struggling with this, please refrain in your press statements and releases from referring to anybody on this side of the aisle as being unpatriotic. I think there are legitimate questions about how this was brought to the floor, about the specificity associated with it, about the term of our stay there. I have been on the ground, as I know many of my colleagues on the other side have there in the region, so I would hope that we can all refrain from referring to anyone in this body, anyone in this Chamber, Democrat or Republican, as being unpatriotic.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 15 seconds remaining.

Mr. OBEY. Mr. Chairman, I know that that 15 seconds has been bugging you all day. I am going to yield it back.

The CHAIRMAN. The Chair thanks the gentleman.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 2 minutes, once again, to briefly explain that when we have concluded this phase of the debate, then the Committee will rise, and we will officially then take up the bill. We will go through the regular process of calling up the bill under the rule.

Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Iowa (Mr. LATHAM), a member of the Committee on Appropriations.

Mr. LATHAM. Mr. Chairman, I rise in support of this supplemental appropriation.

This is one of the most important votes we will cast this year. For the future of peace in the Middle East and the promise of a better future for the children of Iraq—this vote should be one vote you will remember for the rest of your life.

Without question, we will have concerns about the amount of money the reconstruction of Iraq will cost the American public. Eighty-six billion dollars . . . it's a lot of money.

Like you, I have received many letters from my constituents asking "why?" I have been peppered during town hall meetings. "Why is it that Americans are always the ones who have to pay?"

Why? Because we are Americans.

Because, when ruthless dictators take innocent lives, when people—like Saddam Hussein—terrorize their own people, when evil people conduct unspeakably evil acts against their own—we must ask ourselves, "Who else will act?"

"Who else will?"

Time and again, America has given its blood, its strength and its money to promote and protect freedom overseas.

As the world's standard bearer for democracy and freedom we have inherited this duty. We are America—This is what we do.

Some will say that we cannot afford to support Iraq. I say we can't afford not to.

We are committed—like it or not—to the rebuilding efforts in Iraq. It is incumbent upon us to lay the foundation of a free economy for a country now free from oppression.

The Iraqi people are looking to us to uphold our responsibility for security and reconstruction. We must follow through on our commitments to the Iraqi people and the local population must understand that we have their true interests at heart.

We should never again come to the floor of this House and make speeches about mass graves, malnutrition, environmental devastation and WMD. Neither should we again detail to our constituents the horrors of state-sponsored rape, murder and torture in Iraq.

Can it happen again? You bet.

Saddam's minions want us to leave, they want Americans dead—because they will use the same forces of terror they are using today, to kill innocent Iraqis and American soldiers, as a path to power tomorrow.

If we abandon Iraq, we are back to square one. We dishonor the men and women who have given their lives for us and the Iraqi people during this necessary mission. Our Nation's fight for freedom in Iraq.

Our job will have been left undone and for what?

This Congress should be committed to assisting Iraq in becoming an independent, self-governing and economically viable nation. We must finish the work and honor the sacrifice of so many dedicated soldiers.

To abandon our efforts would be inhumane to the people of Iraq and dangerous to our national security.

The world has changed. Many of us—especially those of us on the Appropriations Committee—sensed a new insecurity after the 1998 embassy bombings in Tanzania and Kenya and the attack on the USS *Cole* in Yemen.

The United Stated did not act appropriately then.

The events in New York, Washington and Pennsylvania forced us into this new role because we must protect ourselves and the free world.

Why? Once again. Because who else will?

So here we are today, setting the course for a free Iraq.

We have all been sent to Washington by our constituents to make difficult and honest choices. You will make a choice today.

This package reflects a vision and a hope that America can be a catalyst for freedom and peace in the Middle East—freedom that generations of Iraqis have not yet experienced and the kind of freedom we take for granted every day.

Be a catalyst for freedom and security. Vote in favor of this appropriations bill.

Mr. YOUNG of Florida. Mr. Chairman, under the balance of the debate time, I have a series of thoughts that I would like to present, but I am going to wait until we actually have the bill before us.

In the meantime, I just want to make this one closing thought before yielding to the majority leader. We have talked so often about what our constituents have told us, this week, last week, the week before. After Desert Storm, over a decade ago, one complaint was we went to war against Saddam Hussein, but we never finished the job. This finishes the job. I still hear that complaint today. We got rid of Saddam Hussein and most of his henchmen, and now we are finishing the job to get our troops back home. We cannot do that until we have established, as the United Nations agreed today to help expedite the establishment, a government in Iraq, to establish a form of constitution and to provide those things that a government would provide for their people.

Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. DELAY), the very distinguished majority leader.

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding me this time. I really appreciate the gentleman bringing this to the floor and conducting what I think is one of the most important debates in the country and in our careers. It has been a good debate.

I hope Members of this House would pay attention to the statement by the gentleman from Pennsylvania (Mr. MURTHA). As I sat in this Chamber listening to the gentleman from Pennsylvania speak, I was looking at a gentleman that I have the utmost respect for but mostly because he knows what he is talking about. If the Members back in their offices did not see the gentleman from Pennsylvania's comments, I would hope that they would get the transcript and read it. Because when he says that the reconstruction money is as important as the money to go to the troops, he is absolutely right, and it is part of the war on terror.

Mr. Chairman, this debate, for all the time and energy that it has consumed, really comes down to one question: Are we at war with international terrorism or are we not? And with this vote, every Member of the House will tell the world how seriously they take the war on terror. Let us put an end to the sleight-of-hand rhetoric some of the war's opponents have used of late. To those who have feigned offense about their patriotism being questioned, this is not about your patriotism. It is about your judgment. While I am on it, let me just say that that old debating tactic of "I support the troops, but" is just not going to cut it this time. If you support the war and you support the troops, you must vote for this bill. The war that we are fighting cannot be won without a safe and secure Iraq. It cannot be won without the reconstruction funding in this bill. It is just that simple.

Everyone in this building and everyone in this country has the right to oppose this war and oppose this war supplemental, but that opposition and the weak and indecisive foreign policy that it represents has consequences. A "no" vote on this bill is a "no" vote on the war on terror and will serve to undermine our coalition. If you oppose the war, feel free to vote "no." But at that moment, the American people will know for sure who is working to win the war on terror. This bill does not just fund the war, it funds the overall strategy of the war on terror. That means, Mr. Chairman, that the reconstruction money is defense spending; it is war spending; and it is homeland security spending. These priorities are one and the same, because they serve the same strategy and combat the same enemy. And that enemy, I would remind my colleagues, is not each other but the enemy is the terrorists.

This is life and death, Mr. Chairman, not politics. And if we are serious about winning this war, we must pass this bill. Since we took on this fight 2 years ago, two oppressed nations have been liberated. Terrorist networks around the world have been destroyed or forced into hiding. And the brotherhood of human freedom has been expanded by 50 million Iraqis and Afghanis. This is all because the American people have once again decided, Mr. Chairman, in the face of an unthinkable evil to stand and fight.

I urge my colleagues to stand and fight with them today and vote for this bill.

The CHAIRMAN. All time for debate has expired.

Pursuant to the order of the House of October 14, 2003, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KIRK) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under further debate the subject of a bill making emergency supplemental appropriations for defense and the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, had come to no resolution thereon.

□ 1515

LIMITATION ON CONSIDERATION OF CERTAIN AMENDMENTS DURING CONSIDERATION OF H.R. 3289, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 3289 in the Committee of the Whole pursuant to House Resolution 396, before consideration of any other amendment, except pro forma amendments by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, it shall be in order to consider the following amendments:

an amendment in the nature of a substitute by the gentleman from Wisconsin (Mr. OBEY), which shall be debatable for 15 minutes;

an amendment by the gentleman from Florida (Mr. YOUNG) regarding sustenance, which shall be debatable for 10 minutes;

an amendment by the gentleman from Wisconsin (Mr. OBEY) regarding quality of life, which shall be debatable for 30 minutes;

an amendment by the gentleman from Indiana (Mr. PENCE) regarding loans, which shall be debatable for 1 hour;

and an amendment by the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LANTOS) regarding loans, which shall be debatable for 1 hour.

Each such amendment may be offered only in the order specified, may be offered only by a Member designated or a designee, shall be considered as read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore (Mr. KIRK). Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Reserving the right to object, Mr. Speaker, I would like the gentleman to make clear that the adoption of this unanimous consent request in no way changes the consideration of any other amendment, that Members who have other amendments will still be able to offer those amendments and they will be disposed of precisely in the same manner in which they would be disposed of under the rule.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, the gentleman is absolutely correct. Without any prejudice to any other Member or any other amendment that might be offered, this unanimous consent would not have any adverse or negative effect on the Members' opportunity to offer those amendments.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on H.R. 3289.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 396 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3289.

The Chair designates the gentleman from Ohio (Mr. LATOURETTE) as chairman of the Committee of the Whole, and requests the gentlewoman from Illinois (Mrs. BIGGERT) to assume the chair temporarily.

□ 1519

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, with Mrs. BIGGERT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Madam Chairman, I yield myself 1 minute.

I do so to point out that we have debated this bill for a long time now, 6 hours on the general debate, 1 hour under the rule; and now we will have another hour's debate plus the amending process. The largest amount of dollars in this bill will go for our troops, for our national defense, for our soldiers and all of our military forces who are involved in the war in Afghanistan and Iraq. The second largest portion of the bill has to do with construction in Iraq, the development of creating a constitutional system where the Iraqis can control their own destiny and our troops can come home. And I want our troops to come home, and that is why I want to get this money appropriated so that we stabilize the country of Iraq to the point that our troops can come home.

Madam Chairman, I yield 10 minutes to the distinguished gentleman from California (Mr. LEWIS), who is the chairman of the Committee on Appropriations' Defense Subcommittee, who has led a large delegation to Iraq and has covered the country very well, has returned with just a tremendous report on what is actually happening there without regard to any spin control by the media. He has done a really good job as chairman of this subcommittee. He did an outstanding job in leading his delegation to Iraq.

Mr. LEWIS of California. Madam Chairman, I thank the chairman for yielding me this time.

I doubt that I will take the entire 10 minutes at this moment; but it is very important, I think, for the Members of the House to join together and recognize the long-term impact that we may be about effecting today as we consider this very important supplemental.

In anybody's book, $87 billion is a lot of money. Indeed, it was not very long ago, 2 weeks ago, the President signed into law the appropriations for the 2004 national defense funding. Those dollars pay for the fiscal year that is ahead of us, for the expenses of housing, of training, of providing food and forage for the men and women who make up our forces. The moneys also involve paying for the assets that they use whether they be airplanes, ships at sea, or arms that they must carry. Those dollars also pay for the research and development that allow us to stay on the cutting edge for the wars that we may have to fight somewhere over the horizon. All of that is a piece of national security or the national defense, a total in that package in excess of $370 billion.

There is just not any question that defending America, being the strongest country in the world, is an expensive process. To say the least, our national defense is a priority for the country. Over half of our discretionary money goes into these pools because our people have long recognized that our freedom is critical to our future, and we know very well that maintaining that freedom is a price we must and we are willing to pay.

The one thing that is not often said, peace is one thing, maintaining our freedom is very critical, but war is an entirely different thing. War is really expensive. We remain strong as a country because we are peacemakers. From time to time we find ourselves in a circumstance where war is a requirement if we are going to stabilize our future in this shrinking world. We found ourselves in this circumstance in the Middle East. And the war on terrorism, which is a direct result of 9–11, and the President's taking head-on the challenge of terrorism throughout the world has put us on a track that suggests that America is the only remaining superpower, and we will lead the point insofar as not just maintaining the peace is concerned but also ferreting out terrorism wherever it might exist, wherever it may be harbored.

And today we find ourselves in the midst of Iraq, following a military incursion on our part that directly dealt, began to deal with the fact that in that country was one of the world's worst terrorists. Saddam Hussein and his regime absolutely will be remembered in history as one of the worst of all time. Indeed, what he has done to his people, the attitudes and view of the world that he has harbored in his country are among the worst that we have experienced. It rivals all that which Hitler was about and the Holocaust. It certainly rivals Stalin.

But to go to Iraq and see firsthand what a terrorist is all about when he runs a country, Saddam Hussein cared nothing about his people. Only those who were his closest supporters did he care about. But from there he did not shy away a moment for murdering by the thousands his own people.

To travel to Iraq and see what might happen or even be happening in other countries, to visit the killing fields where indeed we can see in some locations mounds of dirt dug up, we can see clothes sticking out of these mounds of dirt. People have gone there seeking to find the location of their loved ones who were murdered on the very spot. To be in a killing field where the farmer, the local killer designated by Saddam Hussein, chooses to bury people by the thousands under his fields where he grows his crops, it is an incredible scene, one that is impossible to believe almost unless one goes and visits Iraq today.

To look at the past, what Saddam Hussein and his regime have done to his people, and people like him threaten to do to the world, certainly is a very important awakening for those of us who have had the chance to visit.

We traveled not long ago to Iraq, 17 of us, Democrats and Republicans, liberals and conservatives, some who supported the war, some who did not; and we came back together almost hand in hand. We spent time thinking through what we had learned and seen and, indeed, thinking through what our responsibilities were. There is little doubt that that trip is made up of people who now support our effort to fight the war on terror. Indeed, the support from that group, if it is reflected in the House, would suggest we are going to have a very solid bipartisan base of support for this supplemental.

Speaking for a moment to the supplemental itself, most of the money, the $87 billion we are talking about, most of the money is going to our forces, to secure and sustain our troops. Some $65 billion of the money goes to our troops. The balance, about $18.5 billion, is for the reconstruction of Iraq.

Let me speak to that piece of it for a moment for the Members have heard me talk about finances for our troops time and time again, but to that piece of it that the gentleman from Arizona (Mr. KOLBE) is responsible for, the reconstruction of Iraq. It is very important for all of us to know that that money is designed simply to jump-start this economy, to begin the work that is necessary, to make sure that we can put pressure on the world to help with Iraq's circumstance.

For once we relieve it of this huge burden of debt that Saddam Hussein created, really some mix that involves over $200 billion worth of debt. We then can apply some of the funding we are talking about in this bill to reconstructing some of their basic utilities, creating circumstances where decent water systems can go forward, where an industrial base is possible, where investment for the world economy makes sense. Once Iraq gets to that point, that engine will have begun to run, and I am confident if we follow through here, if we have the patience and the hope to follow through, Iraq will progressively come in among free nations. For the first time in their history, people will have a chance for freedom, and they will see the doorway and the promise of private economic opportunity.

Indeed, what we are about to do today is history-making. If we go forward here with hope and patience, there is little doubt that the bill we pass today will change the world that is the Middle East. We have the potential of adopting a model that will put pressure on the whole system there, and it is my view that then there truly will be real hope for democratic and free change in the countries in the Middle East, and, indeed, we will be back on the roadway to peace.

☐ 1530

Mr. OBEY. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, my grandmother was a salty woman who originally came from Maine and settled in Wisconsin. She said once to my sister, "Look, Kathy, just because you want to get married, doesn't mean you have to say yes to the first idiot who walks through the door." I think we all know that is true.

That is the same principle that we ought to apply when we review administration requests to spend money. Just because we want to do something, does not mean that the Congress has to just swallow willy-nilly the first slapdash, sloppy, naive package that is sent down to us. The Congress has the right and an obligation to use its judgment and to be selective.

It was suggested a couple of moments ago by one of the speakers that, in essence, whether you vote yes or no on this package is a measure of whether or not you want to oppose terrorism or not. Absolute baloney. There is not a Member of this House who does not want to fight terrorism.

Less than a week after 9/11, the gentleman from Florida (Mr. YOUNG) and I pushed through this House a $40 billion package to respond to terrorism, and, if I recall, that package passed virtually unanimously. We then went on to try to get the White House to increase its budget for homeland security items so we could strengthen protection in our ports, strengthen protection of the airways and strengthen protection afforded by our first responders in our local communities all across this country. The President threatened to veto that extra money. Nobody suggested he was soft on terrorism when he did that. He had a different view of how that money should be used than we did. He wanted to use it for tax cuts instead of homeland security. That is his right. I did not happen to agree with it.

We spent $60 billion on a package directed at our activities against Iraq just a few months ago, and yet, in spite of the maximum flexibility we gave the administration, we still find out today that there are 40,000 soldiers who were not given the Kevlar linings to their flak jackets. So, in other words, they did not have the body armor that they needed when they went into combat.

We also find out that the Pentagon, the civilian leadership of the Pentagon, in its infinite wisdom, did not manage affairs in such a way that would deliver all of the electronic jammers that were necessary so that our troops would stop being blown up by remotely detonated bombs.

We also discovered that, despite all of that money that we gave them, they did not provide the Kevlar blankets for the Humvees, so they were getting blown up on the roadbeds.

Now, we discover that 80 percent of American troops in Iraq still do not have access to anything but putrid water, so whole units get dysentery.

So with all due respect to one of the previous speakers, we have a right, and indeed an obligation, to exercise our judgment.

Every dollar that we spend on this request is a dollar that will not be spent on education, will not be spent on health care, will not be spent to modernize our own electrical grid, will not be spent on community development, will not be spent for any other domestic purpose. So if we are going to deny funding for those programs, we had doggone well better know that this money is going to be used for the best possible purpose, in the wisest and smartest possible way.

That is the issue here, not a measure of someone's patriotism or their judgment or their dedication to the antiterrorist fight. If someone were to suggest otherwise on this floor today, that would be demagoguery not worthy of institution. So I hope that does not happen.

What we have an obligation to do today is to ask whether this package, as presented, does as much as it should to support our troops and allow them to return home safely. I do not believe it does.

Does it do as much as it should to restore the readiness of U.S. military to respond to future crises in the Middle East, or any other part of the world? In my view, it does not.

Does it provide Iraq with the right kind of assistance, or will the principal beneficiaries be the large multinational corporations who charge an arm and a leg for services that can be delivered for a dime on the dollar in Iraq by other people? I do not think it does provide enough protections.

Does this package place a fair share of burden on American taxpayers vis-a-vis taxpayers from other countries? I do not believe it does.

Most of all, is it not gutless for this institution to refuse to pay for this package, rather than charging the bill to our kids?

Before we prattle on about "shared sacrifice," I think we ought to see whether we are really willing to ask anybody to sacrifice, except the people in the military, who are stuck with discombobulated lives because of mixed up troop rotations, the Reserve and Guard being told they have to serve another year.

What is wrong with asking that at least we pay for this package, so that we can save $4 billion a year in interest payments that can be used on deserving and needy programs here at home? Nothing is wrong with that, and yet the majority will not grant us the right to even offer that amendment so we can get a vote on it.

That is what is wrong with this House, that is what is wrong with this package. And that is why I intend to vote no, until the administration does come to us and tell us two things: (1) Gives us an accounting of the $60 billion they have already spent, they have not done so; and (2) gives us a clear understanding of what their plans are for spending on this operation for the next 5 years. They have steadfastly refused to provide that, and, until they do, this Congress has a responsibility to exercise the only power that our Founding Fathers gave us that means a whit, the power of the purse.

We have an obligation to our taxpayers and our constituents to know what we are doing and to know what the government is going to be doing with their tax dollars. We do not know enough at this point to provide this money carte blanche. When we do, I will be happy to vote for it, but not until.

Mr. LEWIS of California. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I appreciate the gentleman from California yielding me time, and I want to thank him for his leadership, as well as the Chairman of the Full Committee, for his leadership on this bill.

Mr. Chairman, the total amount of this supplemental appropriation bill is over $86 billion. The foreign operations chapter totals $21.071 billion. That is $221 million less than the President's request. My remarks today will be on that part of the bill.

Mr. Chairman, let me first say that I strongly support the objectives the President seeks to achieve with this supplemental request for Iraq and Afghanistan. This supplemental bill supports our men and women in uniform and it provides reconstruction resources to stabilize and improve conditions in those countries that will enable us to bring our troops home soon. These reconstruction funds are essential to achieving our national security and our foreign policy objectives and to defeating terrorism. This portion of the supplemental is essential to providing for a more stable and a more peaceful world.

I want to applaud Ambassador Bremer and the men and women in our Coalition Provisional Authority and various Federal agencies that are part of our U.S. team for their dedicated service under the most difficult of circumstances. The task they and their counterparts in Afghanistan have before them amounts to no less than the creation of an entire nation, with all its attendant institutions and infrastructure. This is a daunting task, and they deserve our bipartisan support to complete it.

I think my colleagues recognize that our objectives will not be achieved quickly, and the financial costs will be great. Even so, the costs of reconstruction efforts may seem large, but they are small compared to the costs of failure. We cannot, we must not, fail.

Mr. Chairman, we must learn from history, as several have already said on this floor. After the First World War, we retreated as our allies required reparations and we helped to create economic chaos in Germany.

After the Second World War, the Marshall Plan and our efforts in Japan led to stability and to global economic growth, a very different outcome. The investments made then and in our defense capabilities ultimately led to our victory over communism in the Cold War.

The Greatest Generation, as it is sometimes called, understood the importance of economic and political reconstruction in Europe and Japan. It shouldered the costs of the Marshall Plan, some $13 billion, or about 5 percent of our gross domestic product at that time. In this age of terrorism, the stakes could be just as great for our security. By way of comparison, this $21 billion for reconstruction of Iraq and Afghanistan represents less than one-fifth of one percent of our GDP today.

Mr. Chairman, we must get this right. We cannot allow Iraq to become a failed state, to disintegrate into several states that foment terrorism and instability. We must not repeat mistakes, such as were made in the last century, when within the space of a single generation, we sent the sons and younger brothers of First World War veterans to the same battlefields in Europe.

These funds must be considered an investment, an investment in security both in the region and on American soil, and a responsibility. We must not confront, a generation in the future, with the terrible knowledge that we removed two tyrants, only to leave vacuums into which their cousins in tyranny would return.

The needs are great. But, just as John Taber, the chairman of the House Committee on Appropriations in 1947, led Congressional scrutiny of the Truman administration's Marshall Plan request, our committee, led by the gentleman from Florida (Chairman YOUNG) and this House, has a responsibility to review the details of this reconstruction effort, and the Committee on Appropriations and this House also have a responsibility to ensure that taxpayer dollars are used efficiently and in a process that is transparent. I know my colleagues take that responsibility seriously.

Since the Committee on Appropriations received the President's request, we have held several hearings and numerous meetings to examine it. The bill before the House represents reductions of almost $1.7 billion in programs in Iraq, and increases in programs for Afghanistan and Pakistan of almost $600 million. We also have some $858 million to support the Coalition Provisional Authority, or CPA, as it is called, that was not included in the foreign operations portion of this request.

We have assigned the highest priority for projects that can be implemented and executed during 2004, or that are not likely to be funded by others. The resulting bill is a balanced approach to supporting a complex, crucial mission in Iraq and Afghanistan, and it provides much-needed emergency appropriations to further the fight against terror in other countries.

Let me highlight a few of the parts of the bill before us.

There is $18.65 billion for Iraq. That is a reduction of $1.7 billion from the President's request. $3.2 billion is for security and law enforcement. The sooner we build strong security and police forces that have respect for the rule of law, the sooner we can bring our men and women home. But this job cannot be left half done. These funds will add thousands of Iraqi police and security personnel to keep peace on their streets, to bring their own criminals to justify, to control their own borders.

There is nearly $10 billion to provide reliable drinking water, sanitation and electricity service. I would note with considerable joy that Iraq's electricity levels have recently exceeded prewar levels for the first time, but this accomplishment is tenuous. Many plants rely more on improvisation than on fuel to keep running. Virtually all generating facilities are in desperate need of repair or replacement.

Improperly treated solid waste threatens drinking water, and waterborne illnesses continue to plague Iraq's population. Correcting these problems will entail costly, long-term investments, but they are investments that will contribute directly to development, to peace and stability.

Finally, this recommendation includes $2.1 billion for rebuilding and improving Iraq's oil infrastructure. These funds will not only repair the damage done by saboteurs and years of underinvestment and neglect, but will improve security for pipelines, refineries and drilling stations. The Iraqi Governing Council and its ministers will rely on oil sales for salaries and operations, including the funds required for thousands of security positions added by this supplemental. As the many acts of sabotage have already demonstrated, Iraq's reliance on the United States and the international community will continue as long as its oil production is hampered. The committee includes a specific account for the operating expenses of the Coalition Provisional Authority, as I mentioned earlier.

The CPA is overseeing one of the most costly and important foreign assistance programs in U.S. history. Its operating costs should be treated in the same manner as those of any other major implementing agency of foreign assistance such as USAID. This separate account does nothing to change or reduce the authority of the Secretary of Defense with regard to the CPA.

Not included in this bill, however, is $1.7 billion for a variety of programs which were requested by the administration. These include items that, in our view, cannot possibly be completed over the next 15 months, or that are not needed to meet an emergency, or that could better be completed by an international organization or other group. For instance, we have eliminated $400 million for two high-security prisons. We have left in $100 million for one prison, and $99 million for rehabilitating existing structures.

Also not included is a $150 million down payment on a $700 million state-of-the-art children's hospital in Basra. Children's health is very important, but we have put $100 million of that into rehabilitating some of the clinics in Iraq.

Let me turn for one moment to Afghanistan. It is a country at a critical stage. We have to root out the Taliban and these other criminals from the bordering region of Pakistan, and we have to have the support of the Afghan public to succeed. In this bill we include $1.24 billion for Afghanistan. That is $400 million over the President's request. The level includes an additional $297 million to support the development and outfitting of the Afghan National Army, $191 million for roads, $95 million for electricity, and $69 million for elections and improved governance.

I know there is much discussion about whether these funds for Iraq should be direct assistance or extended as credit to be repaid later as a loan. I believe it would be a huge mistake to make these funds as a loan instead of as direct assistance as the bill provides.

The greatest burden for all of us is the knowledge that decisions we make as Congressmen and Congresswomen directly put the lives of Americans at risk. Already, men and women from many of the districts represented in this body have died in Iraq and Afghanistan. I firmly believe the supplemental bill as reported will go a long way to rebuilding a stable, free Iraq and Afghanistan and will support other initiatives to make Americans safer at home and abroad.

Mr. Chairman, I am sure we will hear from Members who say they support the military portions of this bill, but not the reconstruction. I do not agree that such a distinction can be made or should be made. During our first hearing on reconstruction, I asked our commander of CENTCOM, General John Abizaid that question, and to conclude, I would like to quote his answer. He said, "There is no strictly military solution to the problems we face. It requires that we move together on the political front, the economic front, on the reconstruction front in a manner that is synchronized and coordinated. If we don't do that, I do not believe we can be successful. So you can pay the military to stay there, but you are only paying us to stay forever."

Mr. Chairman, General Abizaid's remarks are right on the mark. We need to support the President in carrying out foreign policy initiatives just as firmly as we support our troops on the ground. We need to build a stable and a peaceful Iraq and Afghanistan, because it is the right thing to do and because it is in America's national security interests.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of this supplemental. We must give our troops in the field who have performed brilliantly in deposing the despotic Taliban and Hussein regimes the equipment and materiel they need to succeed in their mission. That tragically was not done with our previous appropriation. It must be done with this one. Failure in Iraq is not an option, and additional funding is vital to our efforts.

I also believe that the reconstruction grants in this bill are inextricably linked to our opportunity to achieve success. As The Washington Post stated yesterday, "Rebuilding the electricity grid, fixing the water supply, getting the oil flowing, maintaining public safety, all of this is central to hopes for stability and representative government."

However, Mr. Chairman, my support today does not come without reservations or deep concern about administration failures to date. American troops and American taxpayers are bearing a disproportionate share of the burden, and I believe the responsibility for that falls directly on the Bush administration and its failed diplomacy.

Virtually every assumption that the administration made going into Iraq has either been wrong or has yet to be proved correct. Administration officials disputed General Shinseki's prediction that we would need several hundred thousand troops to succeed in Iraq. He was right. Today, we do not have enough military personnel to secure Iraqi weapons caches. Assistant Defense Secretary Wolfowitz prior to the war assured us that "we are dealing with a country that can really finance its own reconstruction, and relatively soon." Consideration of this bill today demonstrates the falsity of that claim.

Furthermore, the administration's postwar planning has been abysmal. As Senator HAGEL, a Republican of Nebraska, stated in September, "I think the Bush administration did a miserable job of planning for post-Saddam Iraq. They treated many in the Congress, most in the Congress, like a nuisance. To that extent our allies are treated like the people's elected representatives here. This Congress has a constitutional duty to hold the executive branch accountable."

I am pleased that the Committee on Appropriations and the gentleman from Florida (Mr. YOUNG) and the gentleman from California (Mr. LEWIS), as well as the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Pennsylvania (Mr. MURTHA), have scrutinized this legislation last week and made modifications and adopted amendments I offered requiring the administration to provide quarterly reports on a range of issues and advanced review of no-bid contracts raising justifiable concerns of war profiteering.

Finally, I believe the international community must recognize that the interests of the civilized world coalesce in Iraq; and thus the law-supporting nations of the world have an obligation, yes, a duty, to assist in securing and reconstructing Iraq. I urge the international community to step up and meet its responsibility at the donor conference next week.

Mr. Chairman, I supported our policy to remove the Hussein regime from power. It was a dangerous, genocidal regime that threatened the security of the region and the world. Having undertaken this task, we must succeed. The American people expect it, and our security demands it. We must, therefore, Mr. Chairman, on behalf of the brave young men and women who are bearing the risks and burdens of this endeavor, and our taxpayers who are bearing its costs, carefully and with conviction review the policies, plans, and actions being proposed and taken to accomplish this critical mission. The gentleman from Wisconsin (Mr. OBEY) is correct in that.

The war on terrorism is a very different kind of war. There are no defined battlefields and no easily identifiable enemy. It is a global war, and it is, like all wars, dangerous and costly. But it is a war we must win if freedom and security are to be achieved in this 21st century. I will, therefore, support this effort to accomplish that victory.

Mr. Chairman, I will vote for this emergency supplemental appropriations bill providing $87 billion for our continuing efforts in Iraq and Afghanistan.

We must give our troops in the field, who have performed brilliantly in deposing the despotic Taliban and Hussein regimes, the equipment and materiel that they need to succeed in their missions. That tragically was not done with our previous appropriation. It must be done with this one.

Failure in Iraq is not an option. And additional funding is vital to our efforts.

I also believe the reconstruction grants in this bill are inextricably linked to our opportunity to achieve success.

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The war on terrorism is a very different kind of war. There are no defined battlefields and no easily identifiable enemy. It is a global war. And, it is, like all wars, dangerous and costly. But, it is a war we must win if freedom and security are to be achieved in this 21st century. I will support this further effort to accomplish that victory.

Mr. LEWIS of California. Mr. Chairman, I welcome and applaud the gentleman's support. In the meantime, it is my privilege to yield 4 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I appreciate my colleague yielding me this time. I want to congratulate the gentleman from Florida (Mr. YOUNG), the gentleman from California (Mr. LEWIS), the gentleman from Wisconsin (Mr. OBEY), and others who have put together, I think, a very good resolution to help ensure that we are successful in our efforts in Iraq.

But as I listened to the discussion over the last several weeks and to the debate over the last 24 hours on this specific resolution, I think many of my colleagues are losing the perspective of just how big an issue this is. I think we need to remember what happened over the last several decades as the Middle East grew increasingly unstable: Saddam Hussein's invasion of Kuwait in 1991, the Taliban movement during the 1990s in Afghanistan, the weapons of mass destruction that were being proliferated throughout the region and, certainly, the effects of 9-11 and our effort to rid the world of terrorism. All of this instability in the Middle East was threatening the world economy, and let us not kid ourselves.

I think President Bush did the right thing when he led the effort for us to go into Iraq. He could have done what Presidents have done over the decades, and that is gone to the U.N., trying to persuade the U.N., which he did, but they never really quite had the gall and the nerve or the courage to do what needed to be done in Iraq. So the President decided on his own, with his administration and the support of this Congress, to go to Iraq and do what needed to be done.

The American people ought to applaud his actions. It is the most dramatic shift in U.S. foreign policy in our 200-year history, to go in and preemptively take out a foreign leader and to try to bring some sort of democracy to a region of the world that has never known any type of democracy. All of this was made possible because of the men and women in uniform willing to go in and fight on our behalf and now willing to be there to try to secure the peace.

The President made his point very clear early on that peace was going to be more difficult than war, and certainly it has. But I would argue to all of my colleagues that we have no choice but to succeed. Our grandchildren and their children are the ones who will know whether decisions we have made over the last year were right or not, not us in our lifetime. And the $87 billion that we have on the table to help ensure success ought to be supported.

For those who want to make these loans rather than grants, just let me suggest there is not a Member of this body who does not know that none of this money is ever going to be repaid. We can call it what we want; but the fact is, these are grants, they are going to be grants, and we can play with the folks back home, we can make politics out of this. The people of Iraq cannot afford to pay this back. And if we are going to be successful and if we are going to help our troops get home as quickly as possible, let us play no games. Let us stand tall, let us stand proud, let us support the resolution and bring our troops home as soon as we can.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, before I comment on the supplemental, I would like to thank the gentleman from Florida (Chairman YOUNG) and the gentleman from Wisconsin (Ranking Member OBEY) for their very important work on the bill. I would like to recognize the gentleman from Arizona (Chairman KOLBE), my very good friend and colleague on the Subcommittee on Foreign Operation, Export Financing and Related Programs. For 3 years, the gentleman and I have worked together to craft a foreign aid bill, always mindful that our work abroad has a direct impact on the stability and prosperity of those nations that we seek to assist and a direct impact on the national security of the United States. The gentleman from Arizona (Chairman KOLBE) is as open to ideas and suggestions, as intelligent in his reasoning and responses, and as gracious in his manner as any Member of Congress that I have known. It has been a true pleasure to work with him, and I look forward to more years of partnership, trust, and accomplishment.

Mr. Chairman, this Iraq supplemental is enormous and complex and has provoked passionate and very different opinions among us and the public. Everyone has their own ideas about how it could be done. In my judgment, the request made by the President and the CPA was shaped by a series of miscalculations, miscalculations about how the international community would react to United States operations in Iraq, how we would be received by Iraqis, what would be required to rebuild, how generous other nations would be with donations. That is why this debate is so very important; and everyone should be heard for the sake of our constituents, our heroic Armed Forces, and our democracy. We should not just rubber stamp the executive branch's request.

As I said, everyone might have their own ideas about how it could be done, but I think it is crucial that we remember why it should be done. At stake, in my judgment, is the reconstruction of Iraq, a country whose stability and growth is critical for our own national security. Failure in Iraq would create a dangerous vacuum in the heart of the Middle East, a vacuum with no order. It would be a place where hatred of the United States would thrive and where those who seek to plot against us would find another safe haven. That is why this supplemental is necessary and important, and I urge my colleagues to consider that as we debate today.

However, it is important to stress again that while the goal is clear, the execution has been, frankly, mediocre. We do not have a plan. We do not have clear priorities, strong safeguards, or a sustained diplomatic effort.

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Taken separately, each is a serious shortcoming. Taken together, they have led to a reconstruction effort that appears haphazard and irresponsible.

However Members vote on this supplemental, we have a dual responsibility to national security and to fiscal stability. The effort in Iraq is crucial for our security, but we must be honest about the cost and about the tough choices we face.

I did hope that we would have a full and open debate that would allow us to consider the package drafted by the Ranking Member, the gentleman from Wisconsin (Mr. OBEY). I strongly supported the Obey amendment because it spoke to the needs in Iraq, the concerns of our military and their families, and the constraints of our Federal budget. It was a responsible approach that took much of the burden off the United States taxpayer. And I am truly disappointed that we were not able to vote on it.

If this were a true democratic House, we would have the opportunity not only to have a full debate, but to be able to take a position on an alternative that I think is really constructive and would be supported by a good deal, maybe even the majority, of the Members of this House.

I look forward to hearing from my colleagues as debate on amendments begin.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PLATTS), one of those Members who experienced our fabulous trip to Iraq recently.

Mr. PLATTS. Mr. Chairman, I rise in support of this very important legislation.

I was honored to join the gentleman from California (Chairman LEWIS) and 16 other Members of the House on our trip to Iraq just a few short weeks ago. I was honored to convey the sincere gratitude of my constituents and all Americans to our troops for the devoted service and immeasurable contributions to the safety and security of our Nation.

Our brave soldiers, sailors, airmen and Marines have exhibited remarkable courage, skill, and ingenuity in defeating Saddam's Hussein's military. They are now exhibiting an equal level of courage, skill, and ingenuity in rooting out the remnants of regime loyalist, foreign terrorists, and common criminals who are determined to obstruct Iraq's transformation into a peaceful, democratic nation.

Much of our time in Iraq focused on getting a firsthand understanding of the status of stabilization and normalization efforts. Our delegation met extensively with United States Army General Ricardo Sanchez and Major General Raymond Odierno and other senior American and coalition nation military and civilian leaders. These individuals presented compelling arguments, emphasizing the importance of funding electrical, water, and security infrastructure improvements throughout Iraq to ensure that we win the peace just as we won the war.

Generals Sanchez and Odierno emphasized that infrastructure improvements will not only improve the quality of life for Iraqi citizens, but also the security of American troops in Iraq. General Sanchez stated that sustaining the existing level of troops in Iraq for the foreseeable future is critical for achieving and maintaining a safe and secure environment in all corners of Iraq.

The General emphasized, however, that we are not going to win the peace militarily. Rather, the peace will be won through Iraq's economic revitalization, political transformation, and the establishment of Iraq's own security forces.

Our delegation's visit to a mass grave site just outside of Al Hillah, in southern Iraq, and the newborn intensive care unit at Al Yarmuk Hospital in Baghdad were two of our more emotional and somber visits. What these visits told us, though, is we must finish the job and do right by our soldiers in Iraq.

The remains of approximately 3,000 men, women, and children were found in the Al Hillah grave site, one of countless mass grave sites throughout Iraq. These individuals, including infant children, were executed by Saddam Hussein's regime in the spring of 1991 as part of the regime's mass execution of at least 30,000 Iraqi Shiites.

The chief administrator at Al Yarmuk Hospital, an Iraqi physician, described Saddam Hussein's refusal to invest in Iraq's healthcare system over many years. The tragic death of one of the newborns in the intensive care unit during our visit emphasized Iraq's healthcare challenges, including a staggering infant mortality rate of over 100 infant deaths per 1,000 births.

While there is much work to be done and many challenges to be overcame, there were many signs that peace has gained a strong foothold throughout Iraq. Children cheering on the Coalition forces escorting our convoy, grateful and hopeful words of Iraqi civic leaders, civilian traffic congestion on the streets, children playing soccer, the return of power generation to pre-war levels, the training and deployment of 40,000 Iraqi police officers, and the existence of more than 150 free and independent newspapers in Iraq.

With the continued support and assistance of the United States and our allies, the people of Iraq are on the path to transforming their country into a peaceful, thriving democratic nation. The funds for civilian infrastructure projects contained in this legislation will help ensure that the years of despair, fear, and torture under Saddam Hussein's regime are successfully replaced with freedom, justice, and hope for a bright and promising future for all Iraqi citizens.

Finally, and more importantly, as Generals Sanchez and Odierno emphasized, these supplemental funds will help to ensure that our courageous men and women in uniform have the resources they need to fulfill their challenging mission in Iraq and in the broader War on Terrorism. I urge all members to support this legislation.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to my colleague from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank my friend and colleague, the gentleman from Wisconsin (Mr. OBEY) for yielding me this time.

Last week I had the opportunity and the privilege to travel to Iraq. We met with troops on the ground, military command, the civilian administration with CPA. And nothing has made me more proud to be an American than the opportunity to visit our troops in the field, whether it has been in Bosnia, Kosovo or now in Iraq. They are doing a tremendously good job under very difficult and dangerous circumstances.

And I believe General Zinni was right when he said that the high level of sacrifice that our troops and their families have made for this mission has not been met by the high level of planning that was required for this mission.

But whether one agrees with the merits on the methodology of going into Iraq, now that we are there, I believe that we must succeed. Failure is not an option. We do not have the luxury of cutting and running right now. But what we do from this point on can make all the difference.

That is why I stand in support of the Obey substitute, which I think is a commonsense, practical approach of leveraging the limited funds that we have available to put in Iraq through the World Bank, but also diversifying the many resources for our troops and enhancing the quality of life issues that are so important to them in their performance, and also by asking another segment of our country to contribute something as well, the upper 1 percent of the wealthy in this Nation, who if they were to postpone or freeze their tax cut would pay for this entire supplemental along with additional funds in the future which will be needed. It's the right thing to do for the sake of our children.

I believe we need to internationalize this. And, hopefully, the U.N. unanimous vote today will help bring us closer to sharing the burden and bringing legitimacy to the process with other lay nations who can contribute troops and resources in a meaningful way. Thus far, we are paying a very high price in both lives and money due to the unilateral action in Iraq.

But I also believe we must work simultaneously on empowering the Iraqi people themselves to take control of their own destiny and have control of their own fate. Because, at the end of the day, it is going to be the attitude of the Iraqi people themselves that will determine the future of their country.

So I beseech my colleagues to give it due consideration and to support the Obey substitute which addresses so many of these issues in a practical and commonsense fashion. We can support our troops and the goals in Iraq, but we can do it in a fiscally responsible manner or we will build upon the legacy of debt that our children and grandchildren will inherent.

Mr. LEWIS of California. Mr. Chairman, may I inquire as to the amount of time remaining.

The CHAIRMAN. The gentleman from California (Mr. LEWIS) has 6 minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 11 minutes remaining.

Mr. LEWIS of California. Mr. Chairman, will the gentleman from Wisconsin (Mr. OBEY) perhaps use some of his time? And I think the gentleman from Florida (Chairman YOUNG) will want to close.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Virginia (Mr. MORAN), a member of the Subcommittee on Defense of the House Committee on Appropriations.

Mr. MORAN of Virginia. Mr. Chairman, we have said it many times, we need to restate it, though, apparently, again, there is no question between the debating sides here whether Saddam Hussein was a tyrant. The world is far better off without him. And we are glad he is gone. We certainly hope he is gone. There is no debate as to the priority that we want to place on our troops. Obviously, that is our highest priority. And we will do what we see as necessary to protect their lives and provide for their families.

But, Mr. Chairman, there is something else involved here that goes beyond the issue of Iraq. This is about the integrity of this institution, the role it has to play vis-a-vis the executive branch. It is about the precedent that we establish with such important votes.

We had a hearing today with the comptroller of the Department of Defense, the Committee on the Budget did. It was similar to the hearing we had last week with Secretary Rumsfeld. We were told again that there is no time frame for when we might be moving our troops out of Iraq. Remember when the time frame was imposed on President Clinton with regard to Bosnia? Pretty tight time frame, as I recall. Today, were told that there was no estimate as to how many troops might be required or what the composition might be between National Guard and Reserve versus enlisted personnel.

I remember when we put pretty tight controls in Bosnia and Kosovo, even though it was a multilateral effort, led by NATO. We were told today that there was no estimate as to the ultimate cost of this conflict or of the reconstruction.

Now, how many times do we have to be told that we are being taken for granted, that the power of the purse that we hold, which is really all that our constituents expect us to use as leverage, is not there if we continue to give a blank check? And that basically is what the administration is asking for in this supplemental.

I support the Obey amendment because, in fact, it does provide for the troops. Even more specifically, it will not let the administration get away again with getting $60 billion and not spending it on the most basic necessities of individual and collective protection for our troops on the battlefield. And Iraq still is a battlefield.

But it also requires some burden sharing, not as much as the first President Bush required, where he got most of the war paid for by other countries because we had taken the time to build a coalition. It is time we used our leverage to require that there be some burden sharing of this conflict, some considerations for the other needs of the American taxpayer.

The Obey amendment makes sure that we use the World Bank. Seven billion will collateralize another 35 billion. It will quadruple the amount of money that we put in, that the taxpayers put in. Because it is not our money, as we are continually reminded, it is the taxpayers we are talking about.

But, most importantly, we have to acknowledge that it is not acceptable to engage in conflict, putting our troops at risk with the use of a pattern of deception. I know we do not like to hear this, but how many times were we told there was a connection between 9/11 and Saddam Hussein? President Bush admitted just a short while ago, no, there was no connection. We were told by the Vice President that they had nuclear capability. Now, he admits he misspoke. That is not acceptable. This is a bad precedent.

I have tremendous respect for my colleagues on both sides of the aisle, for the gentleman from California (Mr. LEWIS), the gentleman from Florida (Mr. YOUNG). Their commitment to our troops, to our military superiority and to our military doing the right thing is unparalleled. No question. But, we have a responsibility. It is an institutional responsibility and a moral responsibility not just to do right by the taxpayer, but, to also do right by the troops, to do right by this institution, to demand answers to legitimate questions: How long? How many troops? What will be the cost? What is the commitment? We have not been given answers to those questions. And we should not approve this supplemental until we are given answers, straight answers.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just recently I went to Walter Reed Hospital, and there I visited Chris Knapp, a constituent of mine from Yucca Valley, California. He had been driving a Bradley not so long before that that was struck by enemy fire. He was hit by shrapnel, was proud of the fact. He showed me the Purple Heart that the President presented him with the day before, as well as the President's personal coin.

He talked most, however, about Sergeant Ramirez, who had been so kind to him when he was injured. He did not talk about the fact that the night after he had been with the President, they had taken out his right eye.

He urged me to communicate that they need our support. They are there for a purpose called freedom. It was Chris Knapp and his buddies and Sergeant Ramirez who are fighting the good fight over there. All they are asking for today is our real support and not our lip service.

Mr. Chairman, I must say it is my privilege and pleasure to yield the balance of my time to the gentleman from Florida (Mr. YOUNG), the chairman of our committee who provides the endless base of support and provides the point for the fight for our people in Iraq that are defending freedom.

Mr. YOUNG of Florida. Mr. Chairman, I have listened to the debate yesterday, and today, and probably will listen late into the evening tonight. And I must say that while I have some strong disagreements with some of these statements made and some very strong support and endorsement of some of the speeches and statements that have been made, I believe that the Congress does itself proud today. I think the level of debate is very high, and I think the Congress should get good marks. At the end of the day, I am satisfied that we are going to pass this bill because it is important. And this bill is designed to help fix many of the things that have been complained about in the Iraqi operation.

We want an exit strategy. Everyone wants an exit strategy. I remember asking President Clinton years ago, what is our exit strategy for Bosnia?

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Well, he said, it is not that easy to make that decision. It depends on how long it takes to stabilize the country.

Well, we are still in Bosnia. However, I will state that the United States Armed Forces have done a really good job there. Bosnia has been stabilized. Bosnia is really coming back economically. It was worth the investment to stop the murder that was taking place in Bosnia.

What we are doing today is appropriating the money to provide the exit strategy for our American troops plus the equipment that they need in order to carry out their mission and in order to protect themselves to the best extent possible.

The large amount of the money, that is for our own Armed Forces, does not seem to have developed any controversy. I think we are all for that.

Where the controversy has developed is over the money to help to establish a government in Iraq and to support a government in Afghanistan. What we are talking about here is bringing our troops home as soon as we can. I want them out of there tomorrow, if possible. I do not want to go visit any more wounded soldiers and Marines in the hospitals. I want the killing to stop.

One of our colleagues on the other side said, stop the war; stop the killing. I agree. We did not start the war. We did not start the war. We did our very best as we prosecuted this war to make sure that we did it without targeting any nonmilitary targets and without attacking those who were not involved in Saddam's regime. By stabilizing this country, by helping to build a school system, by helping to build a monetary system, by helping to build a judicial system, by helping to build a police force, and by helping to build a security force, we can prevent any more tyrants like Saddam Hussein from taking control in Iraq. That is our exit strategy, to make those things happen; and that is what this money is for, to make those things happen.

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 1 minute remaining.

Mr. YOUNG of Florida. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 6 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield myself 1¼ minutes.

Mr. Chairman, once you fire the bullet, you do have an obligation to clean up the mess; and that is why I certainly agree with virtually every task in Iraq that the gentleman from Florida (Mr. YOUNG) just described.

I do not agree with those who believe that we should just provide a military package and not provide a reconstruction package. That would be, in my view, irresponsible. But having said that, I think the problem is that the package that is being proposed is insufficient in terms of what it does to help the troops; and it is wasteful in terms of what it does in Iraq, and badly through out to boot. That is why we have been asking questions of the administration about their future plans.

The gentleman from Florida (Mr. YOUNG) says we need to finance an exit strategy. The problem is we have no exit strategy. Until we do, we are going to be floundering and we will have a tremendous number of American lives disrupted. So that is why I have come to a different conclusion on this specific package than the gentleman from Florida (Mr. YOUNG).

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 5 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. YOUNG). I know that the gentleman inadvertently used some of his time, and I will be happy to yield him 1 minute so that the gentleman could add to his time for closing.

Mr. Chairman, I yield the remainder of my time to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman from Wisconsin (Mr. OBEY), our ranking member on the Committee on Appropriations, for yielding me time and for his excellent work in putting together the Obey substitute, the Democratic substitute, which unfortunately cannot come to the floor today but nonetheless would be a brilliant, brilliant way for us to reconstruct Iraq, provide for our troops, and bring them home safely and soon, having stabilized Iraq.

Mr. Chairman, I want to commend the very distinguished chairman of the Committee on Appropriations for his always reasonable approach to challenges that we have.

Mr. Chairman, I commend the gentleman from California (Mr. LEWIS) for his great service, and I will say more on that later, as well as the gentleman from Pennsylvania (Mr. MURTHA), for what they have added to this package.

Mr. Chairman, I would like to say to the distinguished chairman, the gentleman from Florida (Mr. YOUNG), that I am glad to hear that exit strategy means something different to him than some of our colleagues on the gentleman's side of the aisle who said exit strategy means cut and run. The gentleman and I know that that is not what that means.

We all know that we must support our troops. We respect their courage, their patriotism, the sacrifices they are willing to make for our country. We also know that for their successful completion of their mission, that we must invest in the infrastructure in Iraq; and we know that we cannot come home until that mission is accomplished. So that is not what this debate is. There is no difference about that.

The difference is how we go about doing it, and I think there is a big difference there. I would like to say something about the lack of planning on the part of the administration. It is in the spirit of that context that I rise in opposition to President Bush's request for $87 billion to bail out his failed policy in Iraq.

Mr. Chairman, as Members of Congress, we all recognize that we have no greater responsibility than that which is charged to us in the Preamble of the Constitution: to provide for the common defense. We have all take that responsibility seriously on both sides of the aisle and all over the country.

The United States military is the best-trained, best-led, best-equipped fighting force the world has ever known. This excellence is due to the dedication of our courageous military men and women and their commanders. It is also due to the commitment of this and previous Congresses over many years to provide for the common defense, by ensuring that our forces have the tools and technologies that they need to prevail on the battlefield.

Again, we respect our men and women in uniform and we should respect them when they are on the battlefield and when they come home. And out of respect for them, I would have hoped that our colleagues could join us in discharging the petition to eliminate the tax on disabilities that exist in current law on our disabled vets.

Going back to the war, whatever our position was on going to the war, once we went in, we were one team, one fight. Our military performed their duties excellently. It is painfully clear, though, that this administration had no plan to protect our men and women in Iraq against the possibility of a guerilla campaign. The war supplemental last spring is proof enough. The President asked for and the Congress provided $63 billion to ensure that our soldiers could complete their mission successfully and securely. Yet, as revealed by our esteemed colleague, the gentleman from Pennsylvania (Mr. MURTHA), a decorated veteran whose defense credentials are beyond question, our military personnel are short of Kevlar inserts for their body armor, short of tracks for their Bradley fighting vehicles, short of jammers to protect them from the detonation of explosive devices, and short of spare parts generally for the equipment on which they rely. Again, our men and women in uniform deserve better.

When the President asked for this $65 billion, we gave it to him. We never got an accounting for it. When the President hit with his bombshell of asking for $87 billion more, we said we would like to see an accounting of the $63 billion that was appropriated for last summer. We want to know why our men and women in uniform do not have the protection they need to fight this war, this postwar period. We want an accounting, a justification for the $87 billion that the White House is asking for now. We want an accountability for this failed policy.

The $87 billion request did not yet even include the funding for the Kevlar and the jammers and the spare parts and the tracks. It really was not until the gentleman from Pennsylvania (Mr. MURTHA) made a big issue of it, and I commend him and I commend the gentleman from California (Mr. LEWIS) for putting this in the bill with the help, of course, of the chairman of the committee. But it was not in the President's request.

It was not in the President's request to protect our troops with what they needed. They had a chance to do it and they did not. I find that very, very unacceptable. As General Zinni said, and others have repeated here, the level of sacrifice has not been matched by the level of planning. What he exactly said is this: "They should never be put on a battlefield without a strategic plan, not only for fighting, our generals will take care of that, but for the aftermath and winning that war. Where are we, the American people, if we accept this level of sacrifice without that level of planning?" General Zinni.

America wants to know. What was that $63 billion spent on besides the gold-plated, single-source, no-bid contracts for politically connected contractors? We simply do not know. So that is why we take issue with the $87 billion request.

Don't take it from me. General Petraeus, a great general whom many of us have met in our visits to the theater, he has said that U.S. engineers called for $15 million to turn a cement factory into a state-of-the-art factory. Our troops working with the Iraqis got it up and running, not for $15 million, but for $80,000, for $80,000. We were not responsible for a $15 million state-of-the-art factory. It is up and running at $80,000. You hear this over and over again.

Again, to date there has been no accounting for that money, no accountability for the policy. As a result, American soldiers are taking virtually all the risks, and American taxpayers are paying virtually all the bills.

Our men and women in uniform deserve better. The American people deserve better. Make no mistake, the President's supplemental request is an $87 billion bailout for mistakes and miscalculations of this administration. They have miscalculated the risk. We saw and heard General Zinni's statements about that. They misunderstood the challenge, and they misrepresented the cost.

One week into the war, Deputy Secretary of Defense Paul Wolfowitz told the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from California (Mr. LEWIS) and their Subcommittee on Defense of the Committee on Appropriations, "We are dealing with a country that can really finance its own reconstruction and relatively soon."

How wrong was that? And we know that this is not the end of it. The administration has told us that they need 50 to $75 billion more for infrastructure. When we asked them why they did not put this in the President's $87 billion request, they said that they were going to get it from oil revenues and from our allies. Again, a miscalculation. That funding is obviously not happening. So let us be clear, what we were considering today is not a final payment; it is a down payment. It is an installment on more to come.

The American people look to us to ask the difficult questions, to ensure accountability and not to rubber stamp a policy that has failed in terms of its planning and, therefore, endangered our sons and daughters in uniform. We all appreciate what we need to do. We must address the needs of our forces in Iraq. We must bring stability to that country. We must invest in the infrastructure.

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The administration wants us to do a gold-plated, no-bid contract version of the story. They want the gold-plated version, and they have a tin ear to what the American people are saying. They say honor our responsibilities, honor our men and women in uniform, but please do not put our children into debt, our grandchildren into debt without some idea of how this is going to be paid for and what the cost will be.

We would have been better off if we had internationalized this from the start, but we did not. So now what we need to do, again, is what the gentleman from Pennsylvania (Mr. MURTHA) has said over and over. We need to energize Iraq, turn on the lights and water so we can proceed with the reconstruction.

To hear the administration tell the tale, this has all been done, but nonetheless, more is required. We must "Iraqtize" it by giving the Iraqis more authority and responsibility to do what they need to do for their country. And we must internationalize the effort so our troops once again are not taking all the risks and our taxpayers paying all the bills.

The question before us today is simple, what is the best way to achieve this goal. It is a complicated matter, but the question is what is the best way to go about it. The answer to me is clear, the Obey substitute. It is a more responsible approach, both fiscally and militarily. It does more for our men and women in uniform before, during and after deployments.

The Obey amendment better protects American taxpayers and their children and their grandchildren because it is paid for, and by having the World Bank administer a loan program for a portion of the reconstruction effort, it will stimulate more international financial support.

In short, the Obey amendment does more to support our troops and encourage international participation in stabilizing and rebuilding Iraq and costs the American taxpayers less. It deserves our support.

Unfortunately, the Obey amendment will not be allowed to be presented and voted on the floor, and I know why. It is brilliant. If it were presented as an alternative to the $87 billion Bush request, it would probably attract Republican support. It would have an impact on this failed policy. So, sadly, we will not have a chance to vote on it. It is really always interesting to me that it is against the rules of the House to make a proposal that is paid for, that makes it out of order.

I think that we ought to see the Obey substitute and the whole debate in the context of where we are as a country. Here we are, the greatest military power that ever was. Our economy, hopefully soon on the upturn, is the greatest engine for economic growth in the world. The power of our ideas have been a source of strength to us and to others in the world forever. So we are strong in every way, and yet never ever have we been more dependent on other countries for the security of our people.

If we are going to succeed in Iraq, we must reach out to others. President Kennedy said it best in his inaugural address. Some of us were in school at the time and heard the inaugural address, and everybody knows the statement "Citizens of America, ask not what your country can do for you, but what you can do for your country." Children learned that in school. Others of us heard it. It is history for some. It was our youth for others of us.

The very next line in that speech—is "to the citizens of the world, ask not what America can do for you, but what we can do working together for the freedom of mankind." Let that be our clarion call, what we, working together with the people of the world, can do for the freedom of mankind. We must not find ourselves in a situation where there is a tyrant, and good riddance to him, where we have to go in with inadequate intelligence, inadequate international support and, again, have our kids take all of the risk.

Let us show the greatness of our country, as well as the strength of our country. We could do that by supporting the Obey amendment today. In the absence of that, let us hope that we can have our policy recognize once again that the security of our great country has never been more dependent on others.

With that, Mr. Chairman, I again reiterate my opposition to the $87 billion bailout of the failed Bush policy and support of the Obey amendment.

The CHAIRMAN. Pursuant to the gentleman from Wisconsin's (Mr. OBEY's) transfer of 1 minute, the majority has 2 minutes to close.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the remaining time. I thank the gentleman from Wisconsin (Mr. OBEY) for giving me the additional minute, and I am very happy that the gentlewoman who made a very persuasive speech ended up talking about freedom of mankind, and she is exactly right.

But what does an Iraq or any other nation controlled by a dictator, a tyrannical dictator like Saddam Hussein, contribute to the freedom of mankind? I do not think it contributes anything.

I said earlier we did not start this war. This war started on February 26, 1993, when the World Trade Center was bombed by terrorists, six lives lost.

This was further exacerbated on June 25, 1996, when the Khobar Towers in Saudi Arabia was bombed. Nineteen American airmen living in the towers lost their lives.

August 7, 1998, American embassies in Kenya and Tanzania were bombed. Two hundred and fifty-nine lives were lost, bombed by terrorists.

October 12, 2000, the USS *Cole*, an American destroyer off the coast of Yemen, bombed, 17 sailors killed and many others injured.

Our responses were rather tepid, some investigations, some strong words and threats, but not much action.

Then, on September 11, 2002, hijacked airplanes crashed into the World Trade Center, 3,000 lives were lost. A hijacked plane crashed into the Pentagon, 189 lives lost. A hijacked plane crashed in rural Pennsylvania, 45 lives lost.

After September 11, the United States of America moved strongly and aggressively with the strong leadership of President George W. Bush to do something about it, more than just talk, more than just words, but action, to eliminate the threat of terrorism so that the freedom of mankind can be enjoyed by everybody, not just of those who live here in America.

I would say, Mr. Chairman, what we do today is an investment in our future, a future free from the threat of terrorism, from the fear of terrorists. We are making an investment in a future for our kids and our grandkids and our great grandkids and future generations for time to come, as we eliminate that terrible scourge of terrorism throughout the world.

Mr. LARSON of Connecticut. Mr. Chairman, last night I testified before the Rules Committee as they were preparing to draft the rule governing debate on this Supplemental Appropriation bill, and I made a sincere plea that just as we are fighting to provide freedom for the Iraqi people, I hoped that we in Congress would be allowed the same kind of democratic freedoms to debate and vote on the many issues related to this bill.

Once again I was disappointed by the decision of the Rules Committee to not act and protect my amendments and dozens of others put forward by my colleagues so that they might be considered during debate on this bill. So I find it very difficult to support this request from the President, which would address none of the outstanding concerns I have raised about providing for accountability on the cost of the war, about developing a plan for the reconstruction of Iraq and for troop deployments, and finally about not placing the burden of the cost of the reconstruction entirely on a future generation of American taxpayers.

Last year I voted against the Resolution on this floor that sent us to war against Iraq, opposed to the policies of preemption and unilateralism and of giving an open ended and undefined mandate to wage war in Iraq. I coauthored an alternative at that time that would have required the President to work through the United Nations to build international support culminating in a new U.N. resolution authorizing military action in Iraq and providing for an expedited consideration of a use of force resolution by the Congress at that time. The Bush Administration and the Republican Majority in Congress strenuously opposed this proposal, and it was ultimately voted down.

It was voted down because we were told by President Bush and his supporters that there was an imminent threat from Saddam Hussein, who was planning on a moment's notice to attack the United States with weapons of mass destruction. We were told that Saddam Hussein was linked with al-Qaeda and the September 11th terrorist attack on the United States. We were told that we had a strong international coalition of allies poised to take action and share the burden of war and peace with us. We were told that we had a plan for post-war reconstruction and finally, that Iraq had the financial resources and infrastructure to pay for its own reconstruction.

Yet here we are today, almost a year later, debating an $87 billion supplemental appropriation bill for ongoing military action and reconstruction in Iraq. This is in addition to the roughly $79 billion supplemental that Congress appropriated for this war last April.

We have yet to find Saddam Hussein or any weapons of mass destruction in Iraq. There is no viable international support for this policy. There remains no plan for reconstruction, and President Bush's father knew full well about these potential problems in pursuing this type of policy in Iraq. In his book, "A World Transformed," which was published before his son took office, he wrote: "Trying to eliminate Saddam Hussein, extending the ground war into an occupation of Iraq, would have violated our guideline about not changing objectives midstream, engaging in 'mission creep,' and would have incurred incalculable human and political costs . . . Apprehending [Saddam Hussein] was probably impossible. We had not been able to find Noriega in Panama, which we knew intimately. We would have been forced to occupy Baghdad and, in effect, rule Iraq. The coalition would immediately have collapsed, the Arabs deserting it in anger and other allies pulling out as well."

While the Administration continues to be unable to provide any details about what the last $79 billion Congress appropriated for this war was spent on or what the costs of a continued U.S. presence in Iraq might be, an analysis conducted by Congressman SPRATT, Ranking Member of the House Budget Committee, concludes that if Congress approves the 2004 supplemental the President has submitted, and does not spend any new money on Iraq after 2004, the cost to the United States, including interest on the public debt, will reach $178 billion over the next decade. This includes only the cost of operations in Iraq, and excludes all estimated costs from 2003 and 2004 supplementals related to Afghanistan.

The point has been made repeatedly about the need to sacrifice. Yet the only people sacrificing for this country currently are the men and women who wear the uniform. Further burdens shouldn't be placed upon them and their children, both incurring more deficit and having this nation pay for this by increasing the already burdensome national debt.

I have drafted amendments to address many of my concerns with this bill, and my first amendment proposes that we pay for the President's $87 billion supplemental appropriation request for ongoing military operations and reconstruction in Iraq and Afghanistan by suspending a portion of the reductions in the highest income tax rate for individual taxpayers.

It would reduce the total tax cut of the wealthiest top .7 percent of Americans from $690 billion to $600 billion over the term of the tax cut by reducing the top tax rate to 38.2 for the 6-year period between 2005 and 2010. The top rate for wealthiest .7 percent of Americans has dropped this year from above 39 percent down to 35 percent. This amendment would affect less than 5 percent of the $1.8 trillion tax cut enacted during the last 3 years.

I would like to stress that it does not take away the tax cut. The tax rate for the top .7 percent of Americans would still be lower than it was last year. Instead of receiving 100 times the tax cut that middle-class America received, at $600 billion the top .7 percent of Americans would still get 60 times what the middle-class American gets. They would still receive $1 billion more than every other American combined will get from the tax cut.

The average income of the top .7 percent of Americans is $1 million per year. This amendment would affect, at a minimum, people who have an income before standard deductions and exemptions of over $400,00 in gross income. It would also affect those with a net taxable income of over $312,000 after deductions and exemptions. It does not impact or change individuals' capital gains tax rates or dividend exemptions.

My second amendment seeks to provide accountability to the American people on the President's Iraq foreign policy. Specifically, it would provide the full request to the Department of Defense to meet the needs and resupply American service men and women deployed around the world. It also would provide $4.5 billion for security, law enforcement, justice, public safety and public safety infrastructures, Iraqi boarder enforcement, enhanced security communications, and the establishment of the Iraq Defense Corps. However, it would limit to $5 billion the funding for other discretionary Iraq reconstruction efforts of the administration until April 2004 unless the Congress enacts specific legislation authorizing additional funding requested by the President for reconstruction in Iraq.

It requires the President to submit a detailed report to Congress by March 2004 estimating the total cost of U.S. operations, setting out a strategy for securing international support, a schedule, including costs and timetables for an establishment of Iraqi armed forces and a security force, an estimated schedule of the establishment of an Iraqi constitution and an estimated schedule of U.S. deployments and ultimate withdrawal from Iraq.

Finally, this amendment would require the President to certify in a report to Congress that the U.N. Security Council has authorized a multi-national force under U.S. leadership and provides a central role for the U.N. in the political and economic development and reconstruction. The report must also certify that U.S. reconstruction efforts are being implemented according to a detailed plan that includes fixed timetables and costs, with a significant financial contribution from other nations.

The third amendment I am proposing calls for the General Accounting Office to conduct a detailed study of the policy of preemption and unilateralism and its effect on the military deployment capabilities, readiness, recruiting and retention rates, morale, total force structure, and end strength of the Armed Forces, including the Reserve components.

Finally, when I held a town hall meeting on Monday night, October 13, about this supplemental appropriation request, I heard the story of Pene Palifka of East Hartford. Her son, Bill, is serving in the 248th Engineer Company in Iraq. She came forward and provided the money herself to get a Kevlar vest for her son over there, because as it has been reported and as I heard directly from soldiers serving in Iraq when I visited there in August, there is a shortage of roughly 40,000 of these vests. That's simply wrong. Congress appropriated funding in the last supplemental to procure and distribute these vests last April, but this still has not been done.

So, my fourth amendment provides for the direct reimbursement from the United States Treasury to service members or their families who purchase protective body armor for deployments as part of the global war on terrorism.

However, I understand that because the Rules Committee did not act to protect these amendments that they would be subject to a point of order and that I will be blocked from getting a vote on them. We should be able to debate these issues. We should be able to vote on these issues.

I will continue to pursue these efforts and seek answers to the many questions we all still have about this policy, but I cannot support this bill if it does not address or make progress on these fundamental issues.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today to offer an amendment which would reimburse air fare costs incurred by members of the United States Armed Forces in connection with travel within the United States while on leave from deployment overseas in support of Operation Iraqi Freedom and Operation Enduring Freedom. This amendment is the same as what has been offered and passed by the U.S. Senate but specifically defines United States to include each territory and commonwealth of the United States.

As a Vietnam veteran, I am fully supportive of the military's Rest and Relaxation program which allows soldiers who have served 12 straight months to qualify for R&R and allows them to return home and see their families. However, at present this program only provides travel to hubs such as BWI and requires soldiers to make their own way home. Oftentimes, airfare costs are prohibitive and leave soldiers stranded far from home.

Thankfully, the Senate passed an amendment to its supplemental appropriations bill which would extend the R&R program to include domestic travel and I believe it is time for the House to now demonstrate its commitment to our soldiers. Our soldiers serving in Iraq and Afghanistan should not be burdened with the costs of travel to return to their home of residence to briefly reunite with family, friends, and loved ones. Moreover, soldiers whose home of residence is American Samoa, Guam, Puerto Rico, and the Virgin Islands should not be excluded from any R&R program that may be offered.

Although other amendments may be offered in support of R&R for our soldiers, it is unclear as to whether language proposed by other members for this same type of funding would extend to soldiers whose home of residence is American Samoa, Guam, Puerto Rico, or the

Virgin Islands. While I am confident that it is not the intent of Congress to exclude soldiers from the Insular Areas from the benefits of a reimbursement program, I want to make sure that soldiers serving from American Samoa, Guam, Puerto Rico and the Virgin Islands are afforded the same rights and privileges as every other man and woman serving in the U.S. Armed Forces.

Again, as a Vietnam veteran, I am painfully aware of the sacrifices that our soldiers are making in defense of this nation. Only last month, one of American Samoa's young sons was killed in Iraq and I accompanied his body home to American Samoa. Like others before him, like more to come, he gave his life so that you and I may live in freedom.

While we can never repay the sacrifices being made in our behalf, I do believe we can agree to do right by our soldiers. We can begin by reimbursing service members for the cost of their airfare home to be reunited with their families under the terms of the R&R program. We can also make sure that travel reimbursements are made available to all members of the U.S. Armed Forces, including those from the insular areas.

I would like to point out that American Samoans have a long and proud history of supporting the United States. Tutuila's harbor is the deepest in the South Pacific and the port village of Pago Pago was used as a coaling station for U.S. naval ships in the early part of the century and as a support base for U.S. soldiers during WWII. To this day, American Samoa serves as a refueling point for U.S. naval ships and military aircraft.

American Samoa also has a per capita enlistment rate in the U.S. military which is as high as any State or U.S. Territory. Our sons and daughters have served in record numbers in every U.S. military engagement from WWII to present operations in our war against terrorists. We have stood by the United States in good times and bad and it is time for the U.S. Congress to now stand with us.

I urge my colleagues to support this amendment.

Mr. ENGLISH. Mr. Chairman, sometimes great nations are called on to assume great responsibilities.

As the greatest nation on earth, and the target of fundamentalist terror on 9/11, we have been obliged to assume the mantle of leadership in a global war on terrorism. That conflict, for better or for worse, has brought us and our allies into Iraq and Afghanistan.

We now have an obligation to support the aspiration of those peoples for a free society and a free economy. Unfortunately, the regimes that have been removed in both countries have left their people in such a wretched position that it requires an active intervention by the U.S. to restore their economic potential. It is our responsibility to help these peoples as much as we helped Western Europe after World War II in the hope they will join us in the community of free nations.

The part of this appropriation measure that I wish to speak on is not the military expenditures. There are many of my colleagues who are better qualified to speak on such matters. Today, I rise in support of the social investments and economic assistance which we are offering Iraq and Afghanistan—$20 billion for two countries devastated by decades of dictatorship.

This appropriation finances the improvement of water resources and sanitation including drinking water for millions of Iraqis with funds to provide these services to both rural and urban Iraq.

This appropriation measure would allow Iraq to restore much of their budget for the critical transportation infrastructure destroyed by war and allowed to deteriorate by a rogue regime.

This measure would also provide for the critical investments in civil society necessary to allow Iraqis to restore order, including funds to adequately recruit, train and equip police, border security, civil defense and traffic police.

This measure will rebuild Iraq's oil infrastructure and put its oil economy back on course. For the record, America did not go to Iraq for oil. But Iraq's vast oil reserves are key to its economic resurrection and a keystone to stability in the region.

If these countries are to become bulwarks of freedom, resistant to the influence of Islamic fundamentalism, we need to give the peoples of Iraq and Afghanistan the tools they need to put themselves on a sound footing. Iraq in particular has been devastated by decades of dictatorship and U.N. sanctions.

I would have preferred to be in the position of a lender, extending to Iraq credits rather than direct investments in order to allow the use of their natural economic strengths and huge mineral resources and put themselves on a sound footing. Yet, so large are the dictator's debts against the limited revenues available, I believe what Iraq needs now is our direct assistance, not the weight of additional IOU's.

I hope that the French, Russians and others will also see their way to write down those Iraqi debts that they hold. Until then, we should accept the obligation that springs from being a great nation, a good neighbor, and global defender of freedom to support a prostrate people and give them an opportunity to revive their nation's fortunes.

This vote will be one of the most important that I cast. It may be one of the most controversial. But, if America is to truly lead by example, adhere to its principles and assume the responsibility that comes with national greatness while serving our national interests in every corner of the world, then we must make this contribution now, for their sake, for ours and for the sake of future generations.

Mr. NORWOOD. Mr. Chairman, tonight I will cast a vote in support of the Supplemental Appropriations Act for FY 2004—to provide $87 billion in supplemental funding for military operations (making up roughly $66 billion) and reconstruction efforts (accounting for an approximate $21 billion) in Iraq.

I believe giving our troops in the field the financial support they need to finish the job in Iraq and providing this critically strategic nation with the resources needed to rebuild its infrastructure and establish a free government is the absolute right thing to do.

However, Mr. Chairman, while I will ultimately support this legislation, I do not believe providing the approximately $21 billion for Iraq to complete its reconstruction efforts should be carried out completely by way of a grant—as the legislation states. Instead, I believe 50 percent of this funding should be made through a grant and the other 50 percent through a loan to Iraq. This, I believe, would still accomplish the same goal, and also help ensure that Iraq will remain a financial stake-holder in helping bear the costs for its reconstruction.

Sadly, Mr. Chairman, it's true that Saddam Hussein has already left Iraq with $200 billion in debt. And I agree with those who have pointed out that saddling Iraq's infant government with more debt so soon in the reconstruction process could put their young government in serious peril and endanger the work that has been done to free the Iraqi people, create an important ally in an unstable region of the world, and fend off terrorist thugs before they have an opportunity to "set up shop" on this fertile ground.

Yet Mr. Chairman, I believe this can be adequately addressed by following the recommendations contained in the Pence Amendment that was offered earlier tonight. In short, by providing the first 50 percent of this funding through a grant to be made available immediately—the more critical needs in these reconstruction efforts can be met. Then, once a democratically elected government is in place and has been given time to take root, the additional 50 percent in funding could be made available through a loan.

Additionally, I believe that if France, Germany, Russia, and other creditors to Iraq would forgive that nation's debt owed to them, then our President should have the ability to then convert the 50 percent in funding represented by a loan into a grant.

Unfortunately Mr. Chairman, the Pence Amendment was ruled "out of order" and not offered as an alternative on the floor for a vote. If it had been, I would have supported it and continue to believe its premise presents the best solution to accomplishing our goals in Iraq, bringing our troops home as soon as possible, and doing both in a more financially responsible manner.

Mr. ACKERMAN. Mr. Chairman, I rise, reluctantly, in support of this supplemental appropriations bill.

I do so not because the President has called us to this task, but in spite of that fact.

I do so not because of my sympathy for the people of Baghdad, although I am sympathetic, but because failure is not an option.

The Middle East was, before the war, it remains today, and it will be tomorrow, a region of critical importance to our Nation. We have close allies who depend on America for their freedom; we have vital economic interests; we have ongoing challenges from regimes like Iran and Syria that continue to sponsor terrorism and pursue weapons of mass destruction. We can not walk away.

I rise in support of this massive $87 billion expenditure not because it is the final step in securing Iraq, but with the knowledge that it is in fact just the one more step on a long and hard road this Congress agreed to embark upon in October of last year.

If anyone here thinks we just have to swallow this one bitter pill, they are sadly deluded.

Mr. Chairman, there should be no mistake: over the next few years, Iraq is going to cost this Nation billions upon billions of dollars. And because of the majority's tax-cutting fanaticism, these billions are going to come in the form of debt—to be paid by our children and our children's children. And this, because the majority party has squandered our surplus by their tax pay off to their wealthiest contributors.

Nonetheless, I believe this is money that must be spent. Despite the administration's lies. Despite the President's massaging of the facts. Despite the shameful manipulation and distortion of intelligence that was used to justify the war. Despite the inept and pathetic failure of our diplomacy before the war. Despite the astonishing incompetence of our planning for after the war. Despite the stupid fantasies about an exile takeover and a speedy exit. Despite the incomprehensible pig-headedness that characterized our initial reconstruction efforts. Despite our arrogance toward the international community and so many of our allies.

Despite all these appalling failures and breaches of public trust, there is still the necessity of protecting our Nation. There are still American men and women struggling to accomplish our Nation's tasks in Iraq; they need and are entitled to our support. There are still Islamist terrorists pouring into Iraq to pursue their crusade of terrorism against our Nation; they need to be stopped, they need to be destroyed. There are still millions of Iraqis who are counting on us not to abandon them to mercies of Saddam's loyalists and the invading jihadis, they need to be reassured we will not betray them. These vital tasks cannot continue without the money in this bill.

In the context of September 11th can anyone really believe that abandoning Iraq would not produce a greater haven for terrorists there then the Taliban produced in Afghanistan?

There is no easy way out of this. Pursuit of a quick or cheap solution is as fanciful as a mirage in the desert.

The rest of the world is not going to clean up this mess. While we should aggressively pursue every avenue to involve the international community in this tremendous and critical project, we cannot expect the world to come to our rescue. The Bush Administration did our Nation a terrible disservice in conducting our international relations in such an arrogant and high-handed way. We have alienated much of the world and repairing this error, I fear, will take far longer than resolving the debts we will accumulate from rebuilding Iraq.

Since 1776, our choice as Americans has always been to act, to take our fate in our own hands. We may appeal to heaven, but we should not depend on divine assistance. We may solicit the aid of allies, but we must not place our national destiny in the hands of others. We may fervently hope for success, but we cannot allow hope to be the keystone of our policies. Our Nation has been built and sustained by action, by deeds, and by hard choices.

Today we are called upon to make just such a hard choice: to open the American treasury to rebuild a defeated nation, and to pile up debt upon ourselves and our children (having yesterday given away our "rainy-day funds" to Republican rain-makers) so that we might pursue a more secure world tomorrow.

Mr. Chairman, we don't have to like it, and I can tell you, I don't. I am bitter and fighting mad about the sly deceit and mendacity that has characterized this Administration's Iraq policy and that is continuing to this day.

But we have a job to do and it costs money. It costs a lot of money. And it will cost even more money in the future.

The alternative, however, is not just ruins left in Baghdad, the alternative is a failed state, a new home for terrorists and their plans. The choice is fighting terrorism by cleaning up the squalor in which terrorism thrives, or taking our chances, and hoping everything turns out OK.

I can not—I will not—vote to put our Nation's future into the unthinking hands of fate, or worse, into the hands of the people we are fighting at this very moment in Iraq.

We must succeed. I urge all Members to support the bill.

Mr. GIBBONS. Mr. Chairman, today, I am pleased to rise in support of a plan of action that will help fulfill the hopes we have for our Nation's security.

For twelve years, the United States spent over ten billion dollars to enforce No-Fly-Zones and sanctions in Iraq that did little to diminish the threat that Saddam Hussein posed to his neighbors and the world.

From 1996 until 2001, the Taliban pillaged a nation and overtly supported terrorists with little effective opposition from the international community.

This inaction did not deter or prevent terrorists from attacking the Khobar Towers, our embassies overseas, the USS *Cole*, the World Trade Center, and Washington, DC.

Our limited action in Iraq did not prevent Saddam Hussein from deceiving weapons inspectors, evading sanctions to enhance his personal wealth, and attacking coalition aircraft almost daily prior to Operation Iraqi Freedom.

Mr. Chairman, today, we are at a fork in the road in the war on terrorism—do we take aggressive action to win the war, or do we do something less and hope that somehow things will be different in the future?

This supplemental personifies a strategy to enhance our Nation's security for future generations.

This plan will help rebuild Iraq and Afghanistan so that these nations will become nations that enhance security rather than threaten security.

We can act, and provide our troops with the tools they need to win this war. Or, we can hope that these brave people can somehow do something with nothing.

We can act, and provide Iraq and Afghanistan with the means to rebuild shattered societies. Or, we can hope that these people will prosper without basic necessities and with more crippling foreign debt.

We can act, and give these nations the best possible chance at democracy. Or, we can hope that the Taliban and Ba'ath party will no longer be interested in returning to power through terror and intimidation.

We can act, and pay the cost for security. Or, we can hope that security will come at no cost.

Mr. Chairman, I hope that these nations will soon be free democracies . . . I hope our troops are home soon . . . I hope that other nations will join these efforts . . . but we must act first for the hope for the security of the United States.

Mr. GINGREY. Mr. Chairman, I rise today to discuss the amendment offered by the gentleman from Indiana, Mr. PENCE. This is a well-intentioned amendment that would strike a balance between one of the most deeply debated issues involved in H.R. 3289, the Supplemental Appropriations Act for FY 2004.

Mr. PENCE's amendment would have made the first 50 percent of Iraq Reconstruction funding available immediately as a grant. This $9.3 billion amount would have given priority consideration to the emergency purposes of security, electric sector infrastructure, oil infrastructure, public works, water resources, transportation and telecommunication infrastructures, and other emergency needs. It would have withheld the final 50 percent of the reconstruction funding until a democratically elected government in Iraq has been established. Once the Bush Administration informs Congress that such a government exists, the balance of the funding would have been made available in the form of loans from the United States Government, under terms determined by the President.

Mr. Chairman, for several weeks I have internally debated the question of whether this reconstruction funding for Iraq ought to be in the form of a direct grant or a loan repayable at a future date. I have listened to my constituents, asked questions at committee hearings, and thought through all of the arguments on both sides of this debate. I did so because this issue is so important to both the people of Iraq and the people of the United States.

Mr. Chairman, after much deliberation, I saw the validity and accuracy of some of the arguments in favor of a directly granting these reconstruction funds. I believe that debt repayments could become a destabilizing political issue in postwar Iraq and could easily be exploited by anti-American factions. Furthermore, a loan burden also could likely stifle any significant economic development in Iraq.

However, I also believe that we have a responsibility to be conscientious stewards of the American taxpayers' money. We currently have a significant national debt at the federal level, and have several important priorities that are going unmet. Finally, Iraq is not a poor nation. In fact, it has natural resources that are unmatched in that region of the world.

Mr. Chairman, in light of these realities, I would have supported the thoughtful amendment by my colleague, Mr. PENCE. I believe that it would have provided adequate reconstruction funds that are needed in the near term. This is money that would have been used for emergency and immediate purposes fro the most important needs of security, electric and oil infrastructure, public works, and transportation. This $9.3 billion would have built on and expanded the successful work that the Coalition Provisional Authority has already done in a few short months in Iraq. It would have provided the CPA with the resources it needs to make the quality of life in Iraq better than it ever was under the terrible regime of Saddam Hussein.

Finally, Mr. Chairman, the Pence amendment would have permitted the American taxpayers to be partially refunded once a democratically elected government is established in

Iraq. Once this governing authority is present in Baghdad, which is expected to occur within a year, Iraq would have been able to use its considerable natural oil reserves to repay a portion of the money we are debating today. To me, this appeared to be a fiscally responsible manner by which to approach the subject.

Mr. Chairman, again let me reiterate my support for the Pence amendment. I believe that it was a responsible compromise solution for both the people of Iraq and the people of America. Because I believe Congress has a responsibility to both of them, I would have supported the Pence amendment as a sensible, middle ground approach to this difficult question.

Mr. ISSA. Mr. Chairman, I rise today to express my support for the Supplemental Appropriations Act of 2004. This is a critical decision—too important to be colored by partisan political agendas. At stake is the future of the Iraqi people, the lives of 150,000 American soldiers, and our status as the leader of the free world.

Our intervention into Iraq has the potential to be the greatest foreign policy success since the rebuilding of Germany following World War II. We have the chance to help the Iraqi people transform a country torn apart by totalitarian rule into a beacon of freedom, opportunity and democracy. We have the chance to put to rest the misguided belief that Muslim countries are not capable of living in democracy. We have the chance to demonstrate to the rest of the world that America embraces its role as defender of the oppressed, and leader of the free world.

We have rejected the contradictions of colonialism. We did not send our troops to Iraq to take their oil or force the Iraqi people to pay tribute. We came to give a people who were crushed and oppressed a chance to change their destiny. To finish this effort, we must be willing to make sacrifices.

Already, Iraqi children are going to new schools that have been refurbished, where there are no longer pictures of Saddam Hussein on the wall, and where curriculums teach math and science rather than loyalty to the Baath Party. Men and women are able to build businesses, develop new ideas, and express their political views freely.

We must enable this to continue by investing in Iraq's future. We must also guarantee that our troops will have the resources they need to maintain order throughout the country. There can be no substitute for success in Iraq.

I urge my colleagues to support our continued efforts in Iraq and to vote in favor of this legislation.

Mr. ETHERIDGE. Mr. Chairman, I will support passage of this Iraq Supplemental Appropriations bills for our troops and their families.

I will support this bill because we must support our troops and we must continue to engage the effort in Iraq to its successful conclusion. I have the honor of representing the Army's Fort Bragg, Pope Air Force Base and many Guard and Reserve units in North Carolina. Many of them are serving in Iraq while their families here at home pray for their safety and speedy return. This bill increases funds to purchase body armor for our troops and to contract for the clearing of unexploded ordnance. The bill provides funding for the contracting of security guards to replace reservists currently performing these duties. The Army has indicated this provision would permit the demobilization of 7,000 to 10,000 reserve component soldiers. The bill also includes a provision to continue the increased monthly rate of hazardous duty pay and Family Separation Allowances through September 30, 2004. These provisions are very important to the military families in my district because they have a very real impact in relieving some of their financial burden. I am proud my Democratic colleagues in the House and I have successfully led the fight to secure these needed funds.

I will support this bill because America must heed history's lessons from the previous century. After the Allied victory in the First World War, war-weary America turned its back on the European countries that had been ravaged by the war. Postwar Europe's chaotic power vacuum gave rise to Benito Mussolini and Adolph Hitler and led to great destruction and human suffering before they could be defeated. Constructive engagement in postwar Iraq is critically important to America's long-term interests. As the world's sole remaining Superpower, America simply cannot afford to fail to lead.

I have serious reservations about this vote because despite the brilliant and valiant action of our soldiers to defeat the evil regime of Saddam Hussein, this administration has failed to implement an adequate plan to win the peace. This administration has failed to level with the American people and the Congress about the true costs and duration of the ongoing war in Iraq. I voted to authorize the use of force to overthrow Saddam Hussein, had the world is undoubtedly a better place with him out of power. But the Administration's evasions and misrepresentations of the truth represent a deeply troubling lack of honesty. The American people and their Representatives in Congress deserve true and honest presentation of the facts, especially on such weighty matters of war and peace.

I am also concerned that the Administration has failed to work cooperatively with our friends and allies abroad to secure international support to share the burden for rebuilding Iraq. It is not only in America's interest that Iraq emerge from Saddam's grip as a stable, peaceful nation; it is also in the world's interest. The Administration's diplomatic failures have forced the American taxpayers to bear too much of the burden for an effort that should draw a great international coalition. This Administration must redouble diplomatic efforts to bring all the nations of the world on board the efforts to rebuild Iraq and secure relief from Iraq's international debt incurred by the deposed regime.

Finally, I am reluctant to support this bill because this Administration has failed to provide effective leadership on real problems we have right here at home in America. The Administration is shortchanging education by $20 billion under the new No Child Left Behind law. Despite more than $300 billion in unmet school construction needs, this Administration has provided no leadership to upgrade educational infrastructure in America. And as rural North Carolina begs for a tobacco buyout, this Administration refuses to act to give our struggling farmers some hope for economic security for their families. These are just a few examples of the failure of leadership of this Administration.

In conclusion, Mr. Chairman, despite my reservations, I will support this bill because failure to lead is not an option. I will support this bill because it is the best option we have before us to win the peace in Iraq. I will support this bill on behalf of the people of North Carolina's Second Congressional District and the men and women in our armed forces.

Mrs. MCCARTHY of New York. Mr. Chairman, the question is not whether people support the war; it is whether people will support our troops. That is why I rise in support of the Iraq supplemental bill. I may not agree with the Administration's current strategy in Iraq, but I will always support the dedicated men and women of our Armed Forces.

Of the $87 billion, over $65 billion is for the men and women sacrificing their lives. It is extremely important for our troops to know they have the support from their government. The supplemental will provide the necessary safety our men and women need by purchasing more flak jackets and more Humvees. This will hopefully decrease the amount of soldiers being killed in Iraq. The bill allows for the hire of more civilian security guards to replace 10,000 reservists, allowing them to do the job that they were brought there for. The measure will assist the families of our troops, who are also sacrificing for our country. The cost family members must pay to see their injured family member will be subsidized and it increases the Family Separation Allowance.

The rest of the money will be used to aide with the reconstruction of Iraq and Afghanistan. We should help Iraq and Afghanistan rebuild. Our assistance will also play a key role in the War on Terrorism. Whether or not we should provide these funds in the form of grants or loans has been debated. Though we will not be able to have separate votes on these segments, I believe we should loan Iraq the funds to rebuild their tattered nation, rather than sending "no-strings attached" grants from American taxpayers. The idea of making the reconstruction activities a loan has had bipartisan support until he Administration strong-armed those Republicans who felt a loan was appropriate. Now, at this time, we should not be putting more of a burden on the taxpayers. We are facing a deficit of almost $500 billion; we do not need to add to it.

I, along with seven of my female colleagues, am traveling to Iraq later this month. I look forward to seeing for myself the progress we've made and the challenges that still lie ahead in Iraq. This trip should cut through the spin and the filters, giving us a first-hand look at the rebuilding effort in Iraq. While there I want the opportunity to look our troops in their eyes and tell them that I and my colleagues, are doing all we can to fully equip them and safely bring them home.

Mr. Chairman, I am hopeful our soldiers will return home soon and I will continue working to achieve that goal.

Mr. BALLENGER. Mr. Chairman, I understand the need to support Iraq in its quest to become a free democracy. I still believe we did the right thing. But I also recognize that there must be greater attention for those who need help in the United States.

In no way does the Pence Amendment alter or change funding for our troops. That money is set aside and will be given with full faith and assurance. However, families in my district are reeling from the manufacturing recession. As a result, I believe we need a more balanced approach to the Iraq reconstruction funding. I support Congressman PENCE's approach to giving the first 50 percent as a grant for those projects in greatest need of repair and the remaining 50 percent as a loan to the new Iraqi government. This savings of 10 billion dollars could be well spent on economic development and retraining funds for unemployed workers in my district as well as many others. I applaud Congressman PENCE for his efforts to craft a compromise on this important issue.

Ms. McCARTHY of Missouri. Mr. Chairman, I rise in opposition to H.R. 3289. I call upon the President and his Administration to make clear to the Congress and the American people how long we will be in Iraq, how much it will cost, and when we can expect certain outcomes. I continue to support a multilateral approach to the war effort, and recognize the tremendous sacrifices of the men and women in our armed services. I want them to know we fully support them. My heart goes out to the soldiers in Iraq and their loved ones at home as well as to the Iraqi people to whom we have promised democracy and economic freedom. I have held listening sessions in my district with the wives and families of the servicemen and women. Their message is clear: "We want them home; in the meantime we want them safe."

In my conversations with families of our troops, I learned of the ongoing needs of the brave individuals who serve our country in Iraq. I support the efforts of Ranking Member OBEY, the gentleman from Wisconsin, to improve this legislation with an amendment that would include the following provisions: significant water purification equipment for our troops; adequate medical and dental screening for activated reservists prior to deployment, and extended coverage following their duty in Iraq; sufficient prepaid telephone cards to enable soldiers to communicate with loved ones in the States without incurring exorbitant phone bills; reconditioning equipment that is insufficiently armored and in need of repair; and covering domestic travel costs when our soldiers return home for short periods during deployment.

By denying Mr. OBEY the opportunity to offer his amendment, this measure fails to guarantee the basic needs and thus the reliability of our troops in Iraq, and undermines the future of our Reserve and National Guard programs.

I'm not interested in talking about the existence or lack thereof of weapons of mass destruction or the urgency which compelled the President to get America into this effort unilaterally. I am interested in going forward, offering the necessary support to ensure our troops success and safety and keeping the promises we've made to rebuild Iraq.

As a student of history, I see strong parallels between the post World War II period when America launched the Marshall Plan and the current situation we have in Iraq. When America launched the Marshall Plan; however, it was with full disclosure of the multiyear costs and the ultimate benefits of that plan.

The Administration's approach to date is similar to a house builder who says to the owners, "I'm building your foundation. The first brick will cost you $87 Billion. Period. Trust me on the rest." That's no way to build a house and no way to rebuild a crumbling and troubled nation. We the American people have to know: how much? how long? by when can we expect certain outcomes?

Let us reflect on and learn from past war efforts, and model our current action to avoid failure and yet one more "forgotten war." As George Santayana wisely noted: "Those who cannot remember the past are condemned to repeat it."

I urge my colleagues to support a reasonable and responsible approach to our efforts to stabilize and rebuild Iraq and address the needs of our military. Reject H.R. 3289. Provide real support for our troops, a real plan for rebuilding Iraq, and restore stability to the region.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, there are moments in history where we are aware that decisions we are making will affect the world in the future. Today we stand at such a moment, charged with the enormous task of helping to rebuild Iraq. We must be up to the challenge.

Our own history offers us guidance about how to best rebuild a wartime adversary.

After World War I, Germany was soundly defeated and the parties gathered in Versailles to negotiate the terms of surrender. The talks came to a question of who was responsible for the aftermath. Was Germany responsible? Should a country with a new government be burdened by the debts of a defeated regime? Should they be responsible for reconstruction and reparations?

We all realize how the reparations inflicted upon Germany at that time created an atmosphere of despair. We are also aware of how this atmosphere was exploited by the evil monster Adolf Hitler.

Mr. Chairman, we know how this story ended in Germany and it could end up that way in Iraq: a leader, or a sect, seeks to rebuild a fractured national pride with acts of violence committed in the name of a downtrodden people.

The assistance we are voting for today will significantly contribute to preventing an ending such as that. This assistance is for the defense of our troops abroad and our citizens at home, as we make the world safer for all of our friends and allies.

A free and democratic Iraq will be a beacon for hope in the Middle East. It will show to the people of the region that democracy is possible, that the United States does not impose its will, only the ability for peoples to decide their own destiny.

Great challenges require courageous decision. The easy road has sometimes been taken in the past and we know its disastrous consequences.

The long and fiscally difficult road has also been tried by the United States of America. An alliance scarred by battle once again sat across from debt heavy and defeated nations and the alliance did not make the same mistake of 1918. The U.S. eventually formulated a systematic recovery program that became known as the Marshall Plan.

The Marshall Plan was not entirely made up of U.S. aid, it also called on the devastated European nations to eventually contribute to their own recovery. Yet the first installment of $4 billion in aid required great political will. At the time $4 billion represented 13 percent of the entire budget. That act of Congressional courage helped to remake Western Europe into a subcontinent of strong economies, strong democracies, and thus strong allies. Again, we all know how the success of that plan contributed to the creation of a stable, free and democratic Western Europe.

We all acknowledge there are many domestic issues that we must address as a Congress. Protecting our Homeland is perhaps the greatest mission before us. It is my belief that working for stability in Iraq and the Middle East is essential in order to protect our citizens at home. We do not set the correct example if we only support freedom and safety at home. That is why I applaud President Bush for setting the course of reconstruction in Iraq. Encouraging progress is already happening, schools are opening, electricity is turning on, new currency is being distributed today, but we have the ability to do so much more. As Iraqi people see continued progress in rebuilding, we help keep Americans safe at home.

Mr. Chairman, the great American poet Robert Frost once wrote, "Two roads diverged in a yellow wood." We know that one road today leads to debt and internal strife. We know the harder road leads to reconstruction and reconciliation.

In a section of the world that has already imperiled too many lives, in a country whose previous, savage regime caused too much suffering and too many deaths, we in Congress are obligated by the lessons of our history to support an emerging Iraqi democracy with our wisdom, our experience and our resources.

The vote we are about to cast will have enormous repercussions. If this assistance has the same effect that the Marshall Plan funding had in Western Europe, it will help create a stable, democratic Iraqi government and a lifelong ally of the United States.

My colleagues, today we must act with the same vision as our forebearers in this House. We must support our troops in the field and the reconstruction of Iraq.

Mr. LIPINSKI. Mr. Chairman, October of last year, I voted against the Authorization for Military Force Against Iraq. Leading up to that vote, the Administration supplied a wide array of reasons justifying an immediate invasion, reasons that they had to revise, change, and pull back. Some examples are: the Administration initially claimed, when they first started advocating the use of military force, there was a link between Saddam Hussein and the September 11th attacks, however, British and U.S. intelligence revealed that was not true; around the same time, the Administration claimed they had the authority to remove Saddam Hussein under a 1998 resolution, however, the authorization of military forces was later brought before Congress at the President's request; the Administration said it was prepared to go it alone, and then decided to ask for the support of as many allies as possible, including the United Nations; the Administration claimed Iraq has weapons of mass destruction and delivery systems capable of reaching beyond their borders, yet this assertion has since been proven false by the intelligence community and coalition forces. These are some examples of the mixed message from the Administration. One final concern I had was the failure of the Administration to answer the question as to the timing of abandoning the containment policy that had been working for the past decade.

In March, with over one hundred thousand Coalition forces in and around Iraq, I stated we could not turn back. The fact remained that Saddam Hussein was a vicious and brutal dictator and the Iraqi people, Middle East security and the security of the entire world would be better off without him. To not liberate Iraq at that point would be detrimental to American leadership in the world. As I predicted at the start of the war, the troops' actions resulted in a quick resolution of the war but led to prolonged occupation involving guerrilla operations.

With each week that goes by, we continue to lose more American lives in Iraq. Recently, President Bush requested an additional $87 billion to pay for the occupation and rebuilding of Iraq. While I am not against increasing funds to stabilize Iraq, the Administration must provide more than a mere spending request. A clear and workable plan is necessary.

Furthermore, I believe a broader post-war contingency is needed consisting not only of American and other coalition soldiers but also military police, civilian advisors, and international troops. In addition, I support continued efforts to return control back to the Iraqi people. By training Iraqi police forces, government employees, and civilian personnel, we will be leading the nation and the Iraqi people toward a more stable and efficient democracy. This is an approach top State Department and Pentagon officials have recently stated is necessary as part of the post-war strategy.

Now, more than ever, America needs the monetary and manpower support of our allies to rebuild Iraq. We should diligently re-establish relations with the international community so peace and stability can be brought to the region. The United States should begin working immediately with the United Nations and our friends around the world to share in all aspects of the post-war reconsideration efforts. More flexibility is needed in allowing other nations to share in the rebuilding process. Securing Iraq unilaterally has the potential for failure; therefore, involving other countries in the nation-building efforts should be a core objective.

Some have argued we have already invested too much in Iraq and we need to pull all of our troops out immediately. However, abandoning post-war operations in Iraq now is simply not an option. Leaving now not only would be damaging to the Iraqi people, but would also weaken America's position on the world stage. The consequences for the United States in the Middle East would be severe. Larger efforts by the Administration to help bring the international community into the fold are necessary, but so are our continued Iraq rebuilding efforts. Even if other countries refuse to participate, the United States cannot afford to have this job left unfinished now, and we must continue to strongly support efforts to provide Iraq with stability.

Mr. ISRAEL. Mr. Chairman, I will cast my vote on the $87 billion supplemental appropriation for Iraq based on two conflicting influences.

First, this central premise: we simply cannot invade a country, destroy its infrastructure, leave it without lights, water, or jobs, and then walk away from it. We made a commitment to rebuild Iraq, and voting against this bill is effectively canceling the check.

Conversely, Mr. Chairman, is my belief that this bill, and particularly the political process that brought it to the Floor, is deeply flawed. There is no doubt in my mind that the Administration is essentially holding the safety of our troops hostage to the passage of this bill without any of the commonsense compromises sought by the Democratic Caucus.

The issue for me, Mr. Chairman, is whether flaws should override final passage of the appropriation. I have come to the conclusion that the Administration's irresponsible handling of Iraq and this supplemental bill cannot allow us to irresponsibly defeat it. But, I cast my vote with the demand that the Administration use these resources to make immediate and dramatic improvements in several areas of engagement in Iraq.

We used force in Iraq based on the view that we could create a transformative model in the Middle East of democracy, prosperity, human rights, education and empowerment. Defeating this appropriation would be the equivalent of saying we are canceling the check for those vital goals. It is the equivalent of saying, "We broke the merchandise, and now we are returning it."

And to what are we returning it? Waging war on Iraq and refusing to pay for the peace would not create a transformative model of peace and prosperity, but of violence and poverty. It would bolster the calls for jihad against the West. It would fuel permanent resentments against our country and the West. It would be handing terrorists a long-term victory after we supposedly won a short-term war. It would create a rubble-strewn stage on which Baathists could stand, holding Iraq as an example to the world: "What have the Americans brought: no jobs, no lights, no roads." They would exploit the instability and proselytize an ideology that places suicide bombings ahead of ballots as the agent of change in society. They would make Afghanistan under the Taliban look like a summer camp.

Additionally, Mr. Chairman, there is the issue of our troops. Last week, I met in my Long Island office with two soldiers who are serving in Iraq. They were home on rest and recreation. I believe the Administration's horrible planning of post-war activities has already left our troops exposed and fatigued. The Pentagon's own Stars and Stripes newspaper has surveyed our troops and found widespread dissatisfaction, low morale, weak sense of mission, and potentially serious reenlistment problems. Our soldiers need flak jackets, they need armored vehicles, they need communications equipment, they need a much more serious program of military police and civil affairs training.

When things go wrong, as they have in Iraq up to this point, there are two ways to respond. We can say, "What went wrong and who do we blame? or we can say, "What went wrong and how do we fix it?" Refusing to fund our troops and the construction of Iraq is not the way to fix the Administration's current failures there. The way to fix those failures is to fund improvements and require accountability and responsibility.

Therefore, Mr. Chairman, I use this vote today to put the Administration on notice that it must use these resources to improve the following specific areas: create broader alliances; crack down on cronyism and war profiteering; hasten the supply of flak jackets and armored vehicles needed by our troops, end the strain and fatigue on our Guard and Reserve and provide them with a realistic return date, and account for every penny that is being spent. If the Administration fails basic tests of responsibility and accountability, then they cannot and should not ask for my vote again.

Finally, Mr. Chairman, I also wish to express my outrage at the leadership of this House for putting politics over the military, for putting partisanship over the very lives of our troops. The Republican leadership has steadfastly refused to even consider Democratic amendments that would have made this bill more palatable by releasing funds in increments on an as-needed basis. The Republican leadership refused to move forward like statesman President Harry Truman working with a responsible Republican Senate to create and implement a transparent Marshall Plan. Instead, they have forsworn consensus for cronyism and have basically said, "It is our way or the highway." They have essentially held our troops as political hostages to a cynical legislative strategy: either vote for the bill as we demand it, or leave our troops behind.

I will not play that cynical game, Mr. Chairman. To protect our troops and bring them back to Long Island safe, I will vote for this bill. But let everyone understand that this Administration and the leadership of this Congress has compounded bad planning with bad politics, and is shamefully exploiting the vulnerability of our troops to advance a legislative strategy.

It is for the future of a safer world, a stable Middle East, and the lives and well-being of our troops that I support this bill. It is not for the present policies and politics of those who drafted it and sullied it with partisanship. I rise to vote "aye" because I am proud to stand with our troops during these dark days. But I am not proud to stand with those who exacerbated the problems and manipulated the process. The future will judge them. The present requires me to support this bill with the improvements I have stipulated.

Mr. TOWNS. Mr. Chairman, I stand today to state my continued opposition to the funding of our invasion and occupation of Iraq.

Some of my colleagues have mourned the apparent death of U.S. domestic policy. They have detailed what this $87 billion could provide in this country. If we pass this bill, every person in this country will lose services in education, healthcare, housing, veterans programs, homeland security and social security. This is a fact.

Other colleagues have come to this floor to question our entry into the war, our standing in the world community, our ability to govern an occupied nation and our exit strategy. The Administration has never revealed plans which indicate when we will have done enough, committed enough resources, or restored enough of the infrastructure to leave Iraq. It is strange that a country like America, born out of a desire to shake off British colonialism may now be engaging in a new era of imperialism. I align myself with those who have expressed doubts about the short-term consequence and the long-term wisdom of such a policy.

And while I share those concerns, I am most concerned about the lack of accountability throughout this Iraqi adventure. We have already passed a $79 billion spending bill for the current conflict in Iraq. However, no one here knows how that money was spent. We do not have any accounting of the no-bid contracts, but we do know that the majority of our soldiers are wearing Vietnam era flak jackets. And while we talk about building an Iraqi democracy, we refuse to allow the Iraqis the ability to directly participate in the rebuilding of their own nation.

We do know that the money is not getting to the soldiers and it is not getting to the people of Iraq. So we are obligated as good stewards of the hard-earned dollars of the American people to ask where is the money? Where has it gone and where will it go? No one from this Administration has bothered to answer and if they cannot answer this basic question of accountability, this body—which controls the purse strings—must keep the purse closed. Under the Constitution we have a duty to be responsible for governmental spending. Because this Administration has spent the budgetary surplus left by the Clinton Administration by providing $387 billion in tax cuts which primarily benefitted the wealthy, it is clear that the cost of this war can only be paid by borrowing money. My children's grandchildren will end up bearing the cost of this war. It would be irresponsible to saddle them with a $166 billion burden.

I will not support this resolution. I cannot uphold my constitutional duties as a Member of this House while signing over a blank check to this Administration. It is wrong and your vote should reflect it. Vote no on this supplemental.

Mrs. CAPPS. Mr. Chairman, I rise in opposition to this bill.

Last year I voted against the war in Iraq because I believed this administration had overstated its case for this preemptive war, rushed us unilaterally into this conflict, and ultimately had no real plan for the postwar reconstruction. Despite the President's protests, these concerns have proved legitimate.

Iraq is still in chaos. American soldiers, international diplomats, and Iraqi civilians are being killed every day. And the administration is still a long way from pacifying Iraq or setting up a stable government.

Mr. Chairman, when U.S. soldiers are in harm's way, the first concern of Americans is how to best support our troops. We want to be sure they have the material and equipment they need to protect themselves and complete their mission. And we want to know that our troops are being used appropriately and that the administration is doing everything feasible to keep them as safe as possible.

Mr. Chairman, the American people have their doubts about the progress in Iraq and the administration's wisdom in handling this situation. So do I.

The administration clearly did little or no planning for postwar Iraq. It has proven to be unprepared for the complexities and dangers of restoring Iraqi stability. And we have not yet realized the success in Iraq that the administration claimed it delivered when it declared the mission accomplished five months ago. In their rush to get public support for the war administration officials scoffed at experts who predicted that more troops and more money would be needed.

Now the President has requested a staggering $87 billion in taxpayer money to fund his efforts in Iraq. I am amazed at the audacity of the President's request.

While I do believe we will have to make a substantial financial commitment to the rebuilding of Iraq, I am concerned that this administration is starving efforts to solve problems here at home. The size of this package, on top of the trillions of dollars in tax cuts mostly for the wealthiest Americans, will significantly add to the budget deficit, already the largest in history. And yet the Administration has said over and over again that there is not enough money for Medicare, for education, for housing, or for any of our domestic priorities.

And Americans seem to be bearing this burden in Iraq alone. The President has failed to get international support or give the UN a prominent role in this mission. And the Administration has not shown the Congress or the American people a plan for completing the reconstruction. Nor does it show any signs of having a plan that will reduce the threat to our soldiers in the near future. In fact, the Administration seems to be in denial that anything is wrong in Iraq.

I support giving our troops the funding they need. And I understand and agree with our responsibility to rebuild Iraq. I firmly believe that after dismantling the Iraqi government we cannot pull out until we have restored stability. But sometimes the best way to achieve our goals and support our troops is to send a strong message that the current policy is not working.

This Administration needs a wake-up call on its Iraq policy. Defeating this supplemental would be that wake-up call.

The proposal I support would be much better for the troops than the President's request. It allocates more resources to improve the quality of life for the men and women serving in Iraq. It would have provided for much more accountability for the Administration's efforts in Iraq. And it would have paid for this huge amount of spending so it would not increase the budget deficit.

It is time for the Administration to reexamine its policy in Iraq. It is time for the US to make changes to assure success. And it is time for the President to swallow his pride, admit that things are not going well in Iraq and ask for international support.

Let's send him this message by defeating this bill.

Mr. EMANUEL. Mr. Chairman, today I rise in strong support of our troops in Iraq. Thousands of young men and women, my neighbors and yours, remain in harm's way. They are suffering casualties daily and fatalities every week.

We must do all we can to provide for their protection and safe return. We are indebted to our troops for their service and sacrifice. The men and women of our Armed Forces make all Americans proud.

My vote for this bill is for one reason only: to give our troops the resources they need to carry out their mission. But my vote should not be interpreted as supporting this Administration's post-war policy in Iraq or the lack of one.

The only way my vote should be interpreted is of one opposing this administration's post-war policy in Iraq or the lack of one.

As I cast my "yes" vote, I will supply the troops with the resources they need. My hope is that the President will finally supply a policy the Nation deserves. Because the absence of a policy has never measured up to the valor and patriotism of our troops.

As we will do our part in Congress, now it is long overdue for the administration to do theirs—enunciating a policy.

Our troops will get the Humvees and the Kevlar vests they need. But the policy is as important for their protection as this equipment, and this administration has failed in that endeavor.

Just over 2 years have passed since the September 11 attacks when the world reached out and expressed sympathy and solidarity to America and all Americans. Because of our arrogance we have turned the world's sympathy into antipathy.

This administration lacks a coherent policy that spells out a clear vision for the Iraq mission, invites the support of our allies, and provides an exist strategy that will bring our troops home.

I supported the war, and I still believe that getting rid of Saddam Hussein was the right thing to do.

But the administration has made a legitimate war illegitimate through its actions. While it sold the war on a set of claims that were not true, the administration never leveled with the American people.

As we fought the war nearly alone, so we are left to go it alone in the reconstruction.

The irony is that this administration is committing American families to pay for investments in Iraq that it is unwilling to provide for here at home. We are paying for basic health care for half of Iraq's population, but will not provide coverage for any of the almost 44 million uninsured Americans.

We are footing the bill for world-class police and security forces in both Iraq and Afghanistan, but American communities are imperiled by deep funding cuts to their police and firefighters. With taxpayers spending nearly $6 billion to completely overhaul Iraq's electricity system, not one single dollar is provided in the Energy bill for overhauling our own electrical grid.

Because the administration's reconstruction budget for Iraq is so flawed and filled with cronyism, it has insisted on attaching it to the military budget—in effect, holding our own troops hostage.

I will not cast a vote that might endanger our troops in any way. But I will not continue to support indefinitely a failing and flailing policy in Iraq, and neither should the American people.

When this administration comes back to Congress again for more funding, as it surely will, it must accompany that request with a real plan, which to date it has not—or it must bring our troops home.

Mr. GEPHARDT. Mr. Chairman, Congress today will vote on an issue of great importance to the Nation.

This week, Congress will vote on the President's request for $86.7 billion in supplemental spending to fund ongoing military operations in Iraq and Afghanistan, as well as the reconstruction effort in Iraq.

Like many, I have grave concerns about this administration's failure to forward a plan on the reconstruction of Iraq that will lead to Iraqi self-rule, lessen the financial burden of the reconstruction effort on American taxpayers, and successfully conclude our military efforts in that nation. And I believe this failure has unnecessarily put our troops in harm's way and made our nation less secure. Yet while I have significant reservations about this administration's prosecution of the aftermath of the war in Iraq, I will support this request because I believe supporting our troops in the field and providing them with the necessary resources to successfully complete their mission is the right thing to do.

While some may attempt to characterize my support for the supplemental legislation as an endorsement of the Administration's failed policy, nothing could be farther from the truth. I met with President Bush and congressional leaders following the terrorist attacks of September 11, 2001. I told him that we would have to trust each other and put politics aside if we hoped to successfully address the new threats confronting our Nation. My paramount objective has always been to keep our people safe, and that objective has motivated my every action without fail since September 11.

To that end, I worked with the President in an honest, good-faith effort last year to develop legislation that would provide a responsible policy framework to address the threat posed by Saddam Hussein's leadership of Iraq. At my insistence, this legislation included provisions that: Called on President Bush to work with our allies and others through the UN to build a consensus for action; demanded that the President's actions against Iraq not undermine our nation's broader efforts to prevent terrorism; and required the President to develop a plan to promote stability and democracy in post-war Iraq.

Congress adopted this legislation with wide majorities in both the House and the Senate, and President Bush signed it into law. Unfortunately, he subsequently failed to implement any of these guidelines, which I believed were necessary to ensure the success of our effort. In my view, it is undeniable that this failure has led to the situation we find ourselves in today in Iraq and across the globe.

First, by not working with other nations and building a broad international consensus, America is now much more isolated. Even our closest allies are reluctant to join a U.S.-led peacekeeping force in Iraq and contribute the necessary resources to the reconstruction effort. This administration's posture has also made it extremely difficult to obtain support for a meaningful United Nations role in Iraq, needlessly delaying tangible support that is critical to reducing the burden on the U.S. with respect to the restoration of Iraq's civil authorities and provision of ongoing humanitarian assistance. In addition, without broader international support, our goal to turn authority back to the Iraqi people and their new democratic institutions will take much longer to accomplish. Our goal must be the tangible support of our allies in the form of a meaningful financial contributions and additional troops on the ground, not just their unanimous consent on a piece of paper at the U.N. Security Council.

Second, in many ways we are now more vulnerable to terrorist threats, especially our troops in Iraq who are subject to attack on a daily basis. Saddam Hussein has assumed a role similar to that of Osama bin Laden, encouraging terrorism against the United States by disgruntled Iraqis and other extremists. Furthermore, the President's continued articulation of the so-called "preemption doctrine" and his lack of a coherent diplomatic strategy has inspired other nations not to stop their pursuit of dangerous materials, but to accelerate their efforts in order to avoid being "preempted." North Korea—which today appears to be ramping up for full-scale production of nuclear weapons—is a very troubling case in point.

Third, with a unique opportunity to help the Iraqi people establish a stable, democratic government and society—and serve as a model in a critical area of the world—the President failed to plan ahead for many predictable post-war challenges. As a result, today we are spending more time—and money—trying to protect our troops and prevent chaos than we are helping the Iraqi people build democratic and fee-market institutions that will provide a foundation for long-term stability.

Let me make one thing clear to our president: I believe Congress will support our troops and the Iraq reconstruction effort by approving the supplemental request currently under consideration, and I will cast my vote reluctantly in favor. It is my hope that he will take this opportunity to come to terms with the significant challenges before us and reorient his policies accordingly. In my view, failure is not an option in Iraq, we must see this hard work through with the support of the international community and the Iraqi people. I only ask that the President use this supplemental funding in a manner that ensure our men and women in uniform can come home soon, having completed a mission that we all can be proud of.

Mr. SERRANO. Mr. Chairman, I rise to express my intention to vote against the Iraq supplemental. This is a vote that can only be explained if taken in the context of an earlier vote—my vote last year against the war with Iraq.

At the time of that earlier vote, the administration was arguing that we had to invade Iraq because of the imminent threat posed by Iraq's weapons of mass destruction. The situation was so desperate that we couldn't wait for the weapons inspectors to finish their work or for the diplomacy to gain the support of the international community. Our President argued that action needed to be taken preemptively and quickly.

Now, with the passage of time, and with the issuance of subsequent reports, it has become more and more unlikely that those threatening weapons of mass destruction existed. So now the administration is engaging in revisionist history as to why we went to war in the first place.

Today, Congress is again facing a vote on Iraq. This time the vote is on whether or not to continue funding for our misguided policy in Iraq. Again the administration is arguing that we don't have a choice—we must quickly and immediately pass this important war spending bill. Again, the patriotism of those who oppose this effort is being questioned.

I think it is time for us to pause. Our troops stationed in Iraq are brave but suffering. They are experiencing hardships that are the direct result of this flawed policy. It is time for Congress to challenge the administration's policy with respect to Iraq.

My vote today is a vote of protest. I was opposed to the war and I am opposed to funding the results of this unjustified war. I do not believe that when the needs of our own country are so great, we should be asked to fund this war spending bill. When I look around the South Bronx, I see man wants. I see housing, education and health requirements that have been put on hold by this administration, because it claims it does not have the resources. If we don't fund this war spending, we could change so much in the South Bronx. I want may constituents' tax dollars spent to make positive changes that can impact the lives of many.

Since I voted against this war, I do not believe I now have an obligation to fund the results of a unjustified action that I so strongly opposed. Some might say we have a responsibility—and we do have a responsibility, to end this funding. We should no longer pretend that what we did in Iraq was right. It is time to stop this charade.

If I were to support this war spending, it would serve to legitimize the war against Iraq. The war was fought based on intelligence manipulated for political ends and with a total disregard for international conventions, coalitions, and public opinion. We need to revise our foreign policy with respect to Iraq. We need to work cooperatively with the international community and truly listen to their concerns. We can no longer afford the cost or lost of life that is accompanying our unilateral approach to Iraq. The only way to end this terrible loss of life in Iraq is to end the funding, and so as an appropriator, I must vote my conscience and vote against supporting this war spending bill.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, a great challenge lies before this Congress as we debate a supplemental spending package for the reconstruction of Iraq. American forces bravely liberated an oppressed population from decades of terror and the evil rule of Saddam Hussein's regime. While freedom may have been born on the streets of Iraq after the fall of the regime, its long-term survival clearly depends on our commitment to help the Iraqi people establish a government and infrastructure that will allow freedom and democracy to grow.

History highlights situations where wars may have been won, but long-term peace and security clearly was not. In the 1980's, for example, the United States helped Afghanistan defeat the Soviets, but failed to follow through to ensure long-term security and stability. Just 20 years later, Afghanistan's governing body—the Taliban—protected and housed Osama Bin Laden and the Al Qaeda terrorist network.

Abandoning Iraq without ensuring stability will only provide opportunities for terrorists and extremists to eliminate Iraq's hopes for freedom and democracy. This will ultimately bring a greater threat to the United States and our allies.

America's commitment to freedom and democracy is unwavering. The soldiers that bravely liberated the Iraqi people and brought an end to an evil regime, demonstrated this commitment to freedom and democracy that America has fought for throughout its history. We must not turn our backs on the very principles this nation fought for. We must not return the Iraqi people to a state that sponsors terrorism, lacks all regard for human rights and poses an international threat to peace.

As Members of Congress we must support measures that will ultimately protect America and the American people. Along with President Bush's support, this body has passed major initiatives to protect Americans since September 11. The authorization to use force against Saddam Hussein's regime was one such initiative. However, those efforts—and the successes since the fall of the regime—will be meaningless if we abandon Iraq and allow for similar regimes to emerge.

Initiatives to protect Americans must exist far beyond our borders. Threats to our security are developed far from our borders and should be addressed long before they have a chance to reach one of our major cities. We must not allow Iraq to become another breeding ground for anti-American terrorist dictators that will not only abuse its people, but also seek to destroy the United States.

Some of our colleagues on the other side of the aisle have expressed concerns with this reconstruction package. Such hesitation is reminiscent of similar hesitation on this very floor in 1947, while the House and Senate were debating the Marshall Plan after the conclusion of World War II. At that time, some Members had concerns that the Marshall Plan was expensive, poor policy and would ultimately fail.

One Senator claimed that the American people "are thoroughly disgusted with the whole program, when they know anything about it, or when it is explained to them, and when they understand that it may lead to the destruction of the United States." Another Senator stated that "the Truman-Marshall Plan will be no more successful than our previous adventures in foreign policy." One Member of the House even referred to the plan as a "campaign of propaganda."

As history recorded, the Marshall Plan became one of the most successful foreign policies in American history. We were able to secure an unstable region of the world, build long-term international relations and ensure the security of America and our allies. A comprehensive assistance program was essential in securing the stability of Europe, especially Germany. Had America and our allies walked away from Europe after we fought to liberate it, destabilization would have certainly been a consequence.

Like the Marshall Plan, our reconstruction package seeks to ensure the long-term stability of a region that plays a major role in the security of America. We must ensure that future generations are not faced with the same threatening regimes we have faced. The only way to make that assurance, however, is to help rebuild a nation that has been significantly damaged by a government which had no regard for its own citizens.

I proudly stand in support of this initiative, which will create long-term stability in Iraq and will ensure that a terrorist regime will never reemerge. We own this to the people of Iraq and to all Americans—here and abroad—that must be protected from every threat to their security and safety.

I encourage my colleagues to join me in voting for this legislation, which will protect our troops, the principles of freedom and democracy, and will ultimately eliminate a major threat to the United States that has existed for decades.

Mrs. CHRISTENSEN. Mr. Chairman, I rise to oppose President Bush's request of $87 billion for the rebuilding of Iraq.

Mr. Chairman, these are the most troubling days this country has gone through in my lifetime, not just because we are at war, or even because of the terrorist attacks on 9/11, as horrific as that event and its aftermath has been, but because we are living in a time when we cannot rely on government to protect our civil liberties, and we cannot rely on the word and the stated intent of the administration in power. Moreover, it is a time when those sworn to uphold the Constitution undermine it at every opportunity.

For the President to ask then for $87 billion after having sent this country into the largest deficit in year with tax cuts for the wealthy and an ill conceived economic policy, without being accountable for the prior $65 billion, or even trying to justify this new request, is unbecoming of the high office he holds and a slap in the face of Members of Congress and the people we represent.

Mr. Chairman, I want our men and women protected, well equipped and with their needs addressed. I want us to restore basic stability and services to Iraq. I want troop support in Iraq from our allies, and I want the bulk of our soldiers home and out of harm's way.

More than anything, I want us to become a better nation and to regain the respect and the moral leadership that the current administration has squandered away.

Reliable reports such as one done recently by the Congressional Research Service has shown that this funding is not needed immediately. Other reports open questions on the efficiency and efficacy of what has already been spent. Just about every American has questions about why Bechtel and Halliburton have sole and uncontested claim to so much of the millions spent and proposed.

Mr. Chairman, there are too many questions which we have not only a right but a constitutional obligation to ask and have answered.

We do not help our soldiers, Iraq or our country by giving the President this blank check.

I urge my colleagues to vote no, and to insist that the President respect the Constitution, this body and the American people, and respond to our request for the important and accurate information needed to vote responsibly on this request.

Mr. STARK. Mr. Chairman, I rise today in opposition to this bill spending $87 billion for Iraq and Afghanistan.

We have a responsibility to finish what the President started in Iraq. We must honor our commitment to help the Iraqi people rebuild. Our troops must have the resources to safely complete their mission.

But, what is the President's strategy for Iraq? Where is the Administration's plan other than this bloated spending bill that continues to throw good money after bad. The American people deserve more accountability for the billions we continue to spend.

In Iraq, we're still witnessing chaos and violence in the streets. There's been little improvement in basic living standards as many Iraqis continue to suffer without water or electricity. It is unclear how and when authority will be transferred to a new, unified Iraqi government.

In the meantime, our young men and women in uniform are walking targets—daily casualties continue to rise. Terrorist groups have found safe haven in Iraq and now pose a threat far greater to our security than any previously posed by Saddam Hussein. And not one shred of evidence has been recovered showing Iraq possessed weapons of mass destruction as the President falsely claimed.

In the midst of it all our commander-in-chief has not shown the vision and leadership to right the course. His Administration is divided and confused. And the world refuses to aid our nation with our President having been so arrogant as to shun their full participation, foolishly believing we can win the peace alone.

In fact, the Administration is trying so hard to keep a lid on this daily disaster and keeping information from getting out, that they even have the Army on the ground in Iraq doing spin control.

As reported in yesterday's Washington Post, an officer with the Combined Joint Task Force in Mosul inadvertently distributed an internal email to the media giving strict orders to the 101st Airborne not to "highlight killing the enemy" in their press releases. "The intent to show that we are taking the fight to the enemy etc. is well understood," wrote the captain. "However, we don't want to get into an enemy body count," he concluded.

I guess the Administration thinks making a good impression is better than presenting the facts when lives are on the line. This deception must not be tolerated.

It is time for Congress to hold this President accountable. I will not support writing a blank check to fund this disaster without a strategy for ending it. There are billions in borrowed money for this failed policy that'll shoot the deficit farther through the roof while burying our children in debt. And this won't be the last time this Administration comes begging at the trough.

Make no mistake, we will continue to pay the price for this misadventure. According to the National Priorities Project, the cost to California so far for overall Iraq spending is over $18 billion. This is money being taken away from important priorities for Californians, like expanded unemployment benefits for those out of work, teacher training and smaller class sizes in our schools, improved access to health care for families, and investments in our infrastructure and security.

In fact, while Iraq is plush with billions in new funding for roads and infrastructure, housing, schools, hospitals and medical care, these same investments have been cut by Republicans here at home.

Today, there are 9 million Americans out of work. America has lost 3.2 million private sector jobs since this President took office. Yet, this same President wants us to pay for the creation of 3 million new jobs in Iraq.

There is no question the Iraqi people need and deserve our help to rebuild. But, we have our own reconstruction needs at home amidst the war the Bush Administration has been waging on working Americans and middle class families.

It is this majority of Americans who are being forced to bear the cost of this war. They are making the sacrifices. Yet the richest Americans get to keep the lush tax breaks they don't need as big defense contractors grow fat on wasteful budget pork they don't deserve.

If we were to suspend President Bush's tax cuts to the richest 1% of Americans—the top income tax bracket—it is estimated that we could save $125 to $150 billion that could be used to fund ongoing operations in Iraq.

We could also save billions by suspending funds that have been appropriated in the Pentagon's 2004 budget for unneeded and wasteful programs. We could take away $9 billion appropriated for the pie-in-the-sky Star Wars program; $1.1 billion being paid to Northrop Grumman for design of the Navy's DDX Land Attack Destroyer the Congressional Budget Office says ought to be scrapped; $2.3 billion to General Dynamics for one Virginia Class submarine, just one of 18 the Pentagon plans to build; $3 billion to Boeing for the F–18 E/F that according to the General Accounting Office hasn't met performance goals justifying its development; $3.7 billion to Lockheed Martin for the controversial F–22, the most expensive plane ever built that was designed to combat Soviet aircraft that no longer exist; and $4.3 billion to Lockheed Martin for the F–35 Joint Strike Fighter, a program CBO argues could save $17 billion between now and 2013 if Congress just slowed down its development. In suspending these Fiscal Year 2004 appropriations alone, we would save nearly $24 billion that could be applied to operations in Iraq.

Congress has a clear message to send to the President: winning the peace in Iraq cannot be won on the backs of working Americans. Investments made abroad must be made at home and the sacrifices being made for Iraq must be shared. I urge my colleagues to hold this President accountable to the American people. Demand a clear strategy from this Administration, rip up this blank check, and vote down this bill.

Mr. BISHOP of New York. Mr. Chairman, I rise today to express my grave concerns with the Administration's additional $87 billion supplemental request for Iraq. Earlier this year, Congress gave a good faith approval of $78.5 billion in Iraq and other related costs as part of the Administration's FY2003 supplemental request. At that time, those of us concerned with the long-term budgetary impact of the operation were repeatedly assured that any additional funding needed would be negligible, and that Iraq's own resources would go a long way towards financing the reconstruction. In spite of repeated pleas for an honest accounting of future plans, we were frustrated by the Administration's refusal to be straightforward with the American people about the long-term costs necessary to secure on the ground the stability that fosters peace.

Our frustration continues today, as the Administration now asks us to pass along to the American taxpayers the burden of funding an additional $87 billion for Iraq. And we know now—as many of us suspected then—that the $165.5 billion in spending from the two supplemental requests thus far is only the tip of the iceberg. The American people deserve real answers and accountability with their hard-earned dollars, and I believe they are already doubting the Administration's insistence that our financial house is in order and all is ok: the Administration would like us to think that we can afford to pour billions into Iraq, give greater tax cuts to millionaires, and still meet the needs of working families. We can't.

It doesn't take a mathematician to notice that someone loses out in this unbalanced equation, and I believe the losers will be working-class families. Working families know a lot about getting by on tight budgets, and they know that you cannot balance your checkbooks if you refuse to sacrifice. It is simply wrong to continue to impose an American taxpayers the results of a failed economic policy that promises to burden future generations with the costs of today's failures.

This is why I joined with Congressman TOM LANTOS in offering an amendment before the Rules Committee that would offset the cost of the $87 billion supplemental by reducing the size of the tax cut for the wealthiest one percent of Americans. This is a commonsense amendment that allows us to follow through with the responsibilities we've assumed in Iraq without abandoning our responsibilities to the American people. Unfortunately, the Rules Committee blocked our amendment. Throughout history, when our troops have been in harms way abroad, the American people have been asked to sacrifice at home. However, this Administration seems to think it is perfectly fine to pad the pockets of the millionaires and billionaires, while ballooning deficit to the detriment of most American taxpayers, and taxpayers of generations to come.

At a time when so many Americans are out of work and down on their luck, we find ourselves shouldering the significant costs of rebuilding Iraq. We find ourselves in this conundrum because of a conscious decision by the current Administration to abandon diplomacy in order to launch a preemptive war, due to a threat that now appears to have been far less than imminent. In a world threatened by the clear and present danger of Al Oaeda and other terrorist groups, we decide to divert our resources to pursue a threat that was not at all clear and, the evidence seems to indicate, was not at all a present danger.

In the months after 9/11 the entire world was behind us, people from nations far and wide opened their arms to us, as did their governments. It defies reason that our government could have squandered this almost unprecedented international goodwill, pursued a course of unilateralism, and treated our allies in a dismissive if not contemptuous manner. Consequently, we are essentially single-handedly assuming the lion's-share of costs associated with maintaining security and rebuilding Iraq. An even more profound consequence of this unilateralist approach is that it is overwhelmingly our men and women in uniform who are bearing this burden, who are away from their families, suffering casualties, and giving their lives.

Despite all of my objections to the supplemental request under consideration today, I believe that we are basically left with no choice but to complete our mission. I urge Congress to offset the costs of Iraq by reducing the tax cut for millionaires. This is why I offered an amendment before the Rules Committee, and this is why I voted against the previous question in an effort to make the Obey substitute in order. The Administration sent us down this path, and now we cannot afford to create greater regional instability by wiping our hands of our unfinished business in Iraq. However, in order to assure that we are doing everything possible to restore fiscal order to these immense funding requests, I believe we must at minimum make wise choices about the long-term costs of our mission, hold the Administration accountable for the funding in this Supplemental, and insist upon the imposition of real benchmarks.

Mr. SOUDER. Mr. Chairman, one of the most difficult challenges of this job is to balance the responsibilities of being an elected official with those of one's family. Too often, the family is sacrificed.

On Monday, my mother-in-law, Helen Zimmer, passed away. At 91 she lived a full life as a wife and mother, serving her family, friends, and God. Today she is in paradise with the Lord, her husband George, her brothers and sisters, her parents, my dad, and others who died before her.

She has no more pain or periods of loneliness, because there are no tears in heaven. She is celebrating with our Lord and Saviour. It is her family who is left behind that grieves.

Edmund Burke referred to family as our "Little Platoons." Weddings, funerals, and the occasional reunions are the times we pass our values to our children and to one another.

Our time together reminds us all of the comparative brevity of our lives. How do we redeem the time God has given us? Did we use it selfishly? Did we spend our life serving others or serving ourselves? Did we stand up and be counted? Were we "strong and courageous" or did we crave popularity? Were we fearful of being looked down upon or laughed at for standing for what is right and just?

I wanted to be with my family as we spend these rare days together from far and near. Thus, I will miss these critical votes. I personally prepared this statement because I didn't want my absence to be misunderstood as any sign of weakening of my support for President Bush and his policies.

And, if my vote is needed—which my understanding is that it is not—I will fly back to vote in favor of this supplemental. But I will not abandon my family at this time for a vote that is not needed.

I have been disappointed in some of my colleagues who have been expressing "surprise" and "frustration" at the difficulty of the reconstruction of Iraq.

Where were you the last few years? Did you meet with any Iraqis before you voted?

In Fort Wayne we have Iraqi Shiites, Sunnis and Kurds, all with substantially different experiences. If there are Iraqis in Fort Wayne, they are probably in the home districts of many, if not most, Members.

Are you leading us to believe you were uninformed when you voted to send our troops to war? Are you learning just now that there are no other democracies among Arab nations in the region? If no such examples exist, it only makes sense that trying to establish one is a massive challenge. Those of us who voted for the war, like me, have no excuse for not knowing that this would be expensive, hard, and potentially lengthy.

President Bush came before this body and clearly laid out his goals and the work necessary to achieve them. Members in this Chamber applauded and cheered. Now, some of the same Members whine: "$87 billion is too much."

Sixty-seven billion of this emergency funding request is for our soldiers. It seems to me that many of the critics want these same troops to do even more—be museum curators, traffic cops, and water system managers—but without casualties. How do they propose to do this without spending the dollars?

The $20 billion for reconstruction will go largely to American companies employing American workers. We are, for the most part, paying ourselves.

As for loan repayments, can you imagine the outcome if we were to take revenue from the limited current Iraqi oil as payment for a staggering long-term debt that no elected Iraqi chose to obligate?

We will face additional funding requests to rebuild Iraq, and I support the Administration in trying to develop some variation of the idea put forth by Congressman CHARLES TAYLOR of North Carolina. Congressman TAYLOR proposes a blended cost recovery—as oil revenues rise, a proportion of previous debt and American taxpayer contributions are retired, but at a level that gives the free Iraq room to grow and breathe. If in the future, Iraq enjoys massive oil revenue increases, the American taxpayer should be repaid accordingly. More repayment than France ever received.

At the end of World War II, the United States invested billions of dollars in Western Europe. The United States believed rebuilding war torn Western Europe would keep Communism from spreading. The Marshall Plan, perhaps some of my colleagues have heard of it, is often considered one of America's most successful foreign policy initiatives.

From the amount of reconstruction necessary to the existence of a functioning government, Western Europe and Iraq are worlds apart, but there is one unifying goal that transcends any differences between the two situations—stability and democracy.

What alternative do we actually have? If we pull out now, we probably will have to return to Iraq yet again when terrorists regain government control.

An investment of billions of dollars is painful but less than large human losses in combat or thousands of deaths from weapons of mass destruction.

We—the United States, President Bush, and Congress—may fail to give the Iraqi people the chance for peace and freedom but we will have exhausted every effort in doing so because it is the right thing to do.

The alternatives seem to guarantee more death and destruction in the future. And of course, greater financial costs over the long run.

To my Republican colleagues especially, let's not be "summertime soldiers" and "sunshine patriots" who pose with President Bush when he's at 75 percent in the polls, and criticize him and whine when he is not as popular.

We need to do this. We need to do it because it is the right thing to do, not because it is popular or unpopular.

Ms. ESHOO. Mr. Chairman, I rise today in opposition to the President's $87 billion request which represents a combination of funding for the reconstruction of Iraq and funding for our troops.

This extraordinary request of Congress should be bifurcated, with 2 individual bills, one for our troops, and the other vote on the reconstruction package. However, the House Leadership refuses to allow a bifurcated vote, knowing one would pass, support for the troops, and one would fail, reconstruction.

I will vote against the President's request because it furthers a failed policy; because the Administration continues to operate without a plan; and because the President has yet to account to the Congress and the American people exactly how the $65 billion appropriated in April, 2003, for Iraq has been spent.

I firmly believe that the policies of unilateralism and preemption are wrong but the reality today is that our troops are in Iraq and cutting and running is not an American option. We need transparency, we need a plan and we need the truth.

Supporting our troops is essential and that's why I voted for the $65 billion appropriation in April. But now we find out that our troops don't even have Kevlar flak jacket inserts or portable jammers that block radio signals used to detonate remote control bombs that have been used repeatedly to kill and injure our troops.

The Administration is still incapable or unwilling to articulate a coherent and workable strategy to accomplish our mission in Iraq and bring our troops home. The power of the purse remains the only effective means that the Congress has to ensure for the American people that such a strategy exists and that it has a reasonable chance for success.

To support this huge request for funds prior to evidence of such a strategy would be an abdication of my responsibility.

For these reasons, I urge my colleagues to vote against this measure.

Ms. BALDWIN. Mr. Chairman, I rise today with a heavy heart. It is weighed down by the many peace and security challenges our nation faces in Iraq, Afghanistan, North Korea, Iran, Syria, Liberia, Colombia, Israel, the West Bank and Gaza, China and Taiwan, and India and Pakistan. It is weighed down by the humanitarian crises we face: famine, displaced persons, AIDS and other health care challenges. And it is also weighed down by the very serious challenges we face here at home: unemployment, budget deficits, the need for affordable health care, improving education for our kids, keeping our promises to our veterans, investing in our infrastructure, guaranteeing Social Security and Medicare, and protecting our homeland and our civil liberties.

I wish we had the ability to work on all of these challenges simultaneously. I wish our leaders in the executive branch and those of us here in Congress could give each of these challenges the focused attention needed to make significant progress.

I wish we had enough resources to pay for a war, rebuild two countries, fight the war on terrorism, stop nuclear proliferation, negotiate peace in the Middle East, stop the spread of AIDS, return refugees to their homes, ensure that every child in every country has food to eat and is vaccinated against preventable diseases. I wish at the same time we could get our economy growing and put people to work. I wish we could give everyone a tax cut without underfunding our health care, education, and homeland security, or borrowing from our retirement and leaving the bill for our children.

I have all of these wishes, but simply wishing will not make it so.

Our job is to listen to the American people as they talk about their needs and their desires, and then set and fund our nation's priorities. Our job is to keep our homeland safe. And our job is to protect our freedom and liberty.

Mr. Chairman, the war in Iraq is the wrong priority, conducted in the wrong way, at the wrong time.

We all were shocked and horrified by the attacks of September 11. All Americans faced a new sense of vulnerability, one that could find them here at home, out of the blue. It was natural for us to be afraid. Our reaction as Americans was to demand action. Our reaction as national leaders was to act to confront the threat and protect our homeland.

All Americans were united in the desire to seek justice by finding and punishing the perpetrators of September 11. The world came together in solidarity with our loss, working with us to find the perpetrators, to break up Al Qaeda, arrest its leaders, and to interrupt the flow of money to terrorists. It should have been crystal clear that fighting terrorism and protecting American security would require friends and allies; cooperation, not confrontation.

Yet, the Bush Administration instead engaged in a singled-minded drive to achieve its Iraq objectives at any cost, instead of developing a policy to deal with Iraq by working with our allies and the entire world community. It is particularly troubling that the very rationale used by the Bush Administration to try to win the endorsement of the United Nations Security Council—the urgent threat of Iraq's use of weapons of mass destruction—cannot now be verified. Some in the Bush Administration have even suggested that the imminent threat of WMDs was not the main reason for the war. The shifting justifications for war and the lack of WMD evidence undermines U.S. credibility around the world. If the intelligence that Colin Powell brought before the U.N. Security Council now appears inaccurate, how will future intelligence presented by the U.S. be received? Will it be believed?

Throughout our history, the United States has been viewed by the world as a beacon of freedom and a pillar of democratic principle.

Following the devastation of World War II, the United States showed tremendous leadership as we created international institutions and a framework of international law to prevent war and to sustain and maintain peace. We were the leaders in promoting a world where conflicts could be resolved peacefully and cooperatively. While never perfect, this system of international institutions has been remarkably effective. The United States was seen as a constructive force in the world. Right now we are seen by many as a destructive force in the world. That is not the vision for America that I have, and it is not the vision that Americans have.

Many around the world are shocked and dismayed by the unilateral, confrontational approach that the Bush Administration has taken in the world arena. I share their concern. We must recognize the consequences in the world community of our rejection of Kyoto, of the International Criminal Court, of the treaty to ban land mines, our failure to ratify the Nuclear Test Ban Treaty and the Convention to End All Forms of Discrimination Against Women, and our own withdrawal from the ABM treaty. We must be mindful about how our criticism of the UN and NATO are heard throughout the world community. Calling longtime allies "Old Europe" is terribly counterproductive. The war in Iraq is seen against this larger backdrop.

I stand here today to urge this President and this Congress to return to our tradition of constructiveness rather than destructiveness. We should be builders rather than destroyers.

Before the war started, I wrote to President Bush asking a series of questions concerning possible U.S. military engagement in Iraq. One question asked was, "what is the exit strategy and how do we know when the campaign has successfully concluded?" I still have not received an answer to this critical question, nor have the American people.

In May, the President dramatically declared an end to major combat operations in Iraq. It may have made compelling television, but nearly 170,000 American troops are still in Iraq or the immediate region, facing attacks and wondering when they are coming home. No doubt, they are doing the best they can to carry out their mission. All Americans should be proud of their dedication, hard work and professionalism. We must give our troops every tool they need to protect their safety as well as provide them with every possible comfort during their incredible service in this military campaign.

The problem is that the military campaign continues with no end in sight. Since the end of "major combat operations" the Bush Administration has been reacting to events and improvising. It is becoming apparent that they still do not have a plan.

And they should have had a plan. Prior to the war, most experts were saying that military conquest was the easy part, rebuilding the peace was the challenge.

While I am very critical of the rosy scenarios painted by the Defense Department, purposely spread to allay the concerns of Americans about the costs and consequences of war, the real problem here is the lack of leadership. It is unacceptable to claim that events in Iraq could not have been anticipated. It is simply not true that the extent of damage to the electrical and water systems in Iraq were unknown. Prior to the war, the United Nations conducted a detailed assessment of Iraq's infrastructure which clearly delineated the problems and the requirements for repair and rebuilding. The report was unheeded.

There was planning for a post-Saddam Hussein Iraq. The State Department organized the "Future of Iraq Project" that brought together exiled Iraqis to develop detailed plans for Iraq's economy, security, and governance. A series of working groups completed these comprehensive plans. So what happened to the recommendations of the "Future of Iraq Project?" The first civilian in charge of postwar Iraq reconstruction, General Jay Garner, has said publicly that he was instructed to ignore those proposals.

It should be no surprise that so many American troops are still in Iraq attempting to maintain order and begin reconstruction of Iraqi society. Army Chief of Staff Eric Shinseki testified to Congress that "several hundred thousand soldiers" would be needed for a year or more. What did Deputy Secretary of Defense Paul Wolfowitz say about General Shinseki's estimate? He testified that it was "wildly off the mark."

It should be no surprise that the costs of the war and reconstruction are running far higher than suggested by the Administration. When asked about the likely cost of a war with Iraq, then-Chairman of the White House Council of Economic Advisors Lawrence Lindsay said it would cost between $100 million and $200 million. Budget Director Mitch Daniels and economic advisor Glenn Hubbard immediately said the cost would be much less. If we approve this $87 billion request, we'll be approaching $140 million so far. And with no plan, there is no end in sight.

Mr. Chairman, my heart is heavy today because the President of the United States is coming to this Congress and asking us to appropriate $87 billion to a policy without a plan and a military commitment without an exit strategy. The American people have so many questions about our mission in Iraq, but they have received so few answers.

I have no doubt that there has been progress in Iraq. Our servicemen and women are working hard to restore security in the streets. No-bid contractors are working on the electrical system and water treatment facilities. I have heard from Iraqis that progress is being made. But I have also heard their fears and concerns. Despite our best efforts, too many streets are unsafe for women to walk along. Jobs are scarce, leaving people with few options to earn a living. Gas lines are long and telecommunications are mostly inoperable. The problem in Iraq isn't that the stories of our successes are not getting out in American media. The problem is we're not making progress fast enough. No PR campaign will fix the electrical system, purify the water, make the streets safe, restore oil production, reconstitute a representative Iraqi government, create jobs, restore hope, or bring our troops home any sooner. Failure to convey a positive message is not the problem, the policy (or rather lack of policy) is the problem.

Emblematic of the policy failure is the $87 billion emergency supplemental spending request submitted by the Bush Administration. It contained essential funds to support our men and women involved in the military campaign, but even that amount was insufficient in crucial areas like bulletproof vests and spare parts for Bradley fighting vehicles and Humvees. At the same time, the Administration requested: $400 million to construct two new prisons, at a cost of $50,000 per bed; $20 million for a four-week business course at $10,000 per student; $100 million to enroll 100 five-person families in a witness protection program, at a cost of $200,000 per person; $100 million to finance 500 experts to investigate crimes against humanity, at a cost of $200,000 per person; $9 million to create zip codes and $4 million to create area codes; $100 million to build seven new model communities; and $900 million to import petroleum products like kerosene and diesel to one of the largest oil producing nations in the world.

The need to import millions of dollars of petroleum products to Iraq speaks volumes about how poorly the administration of postwar Iraq was planned. Officials did not expect oil refineries and pipelines to be sabotaged or U.S. troops to be continually ambushed. Their revenue projections for Iraqi oil production were off the mark. Deputy Secretary Wolfowitz testified that oil revenues "could bring in between $50 and $100 billion over the course of the next two or three years. Now we know that this year the revenues are only going to be a few billion dollars. Today, Defense Department Comptroller Dov Zakheim told the House Budget Committee that revenues are now projected at $31 billion for the next two years. Even if these oil revenues are achieved, it will not all be available for reconstruction since a large portion will need to be used for essential government services like police, health care, education and transportation.

I am glad that the House Appropriations Committee dropped many of the most outrageous spending items requested by the Administration. However, I still have major concerns about how much of the reconstruction funds will be used. It is impossible to evaluate whether or not, or how much, money is needed in each area.

Iraq's needs are great. It is a country that has gone years under a brutal dictatorship and subject to debilitating international sanctions. By virtue of being the occupying power, under international law, the United States is responsible for what happens in Iraq. We have no choice but to meet our legal responsibility. Beyond legal requirements, we have a moral obligation to help Iraq rebuild. As New York Times columnist Thomas Friedman has said, "You break it, you buy it." By unilaterally attacking Iraq, we have assumed the task of ensuring it is reconstructed.

I hope that the Administration will succeed at the international donor's conference later this month. Iraq needs more help than the United States alone can provide. Debts owed by Iraq, taken out by Saddam Hussein, should be forgiven. Rebuilding Iraq will be hard enough without large debt payments to wealthy countries absorbing Iraq's oil revenues. In deciding to go to war in Iraq with few international allies, the Bush Administration has left the United States in a very difficult situation and with a very large financial obligation. It should be no surprise that those nations that never supported our war with Iraq remain, at this juncture, unwilling to pay for rebuilding it. Because of Iraq's great need, I hope that other countries will reconsider and provide the Iraqi people with the generosity they so desperately need.

Mr. Chairman, the Administration has come back to Congress for $87 billion, on top of the $62.3 billion we previously appropriated. It is difficult for those of us who opposed the President's decision to attack Iraq to now give the Administration a blank check, a down-payment on an occupation without an exit strategy and a rebuilding fund without a real plan. Based on the Administration's track record, this funding request is just the tip of the iceberg.

Recently, Ambassador Paul Bremer, who is the U.S. Administrator for Iraq, said the country would need $100 billion for rebuilding efforts. Only $20 billion of that is included in the President's current $87 billion request for emergency funding. Since current estimates of likely foreign contributions total a few billion dollars at best, there are huge bills coming due just a short way down the road.

The bill we have before us today is inadequate in so many ways. I think that this House could have significantly improved the bill. Many of my colleagues proposed amendments that, if considered, would have improved the bill. The bill could have been improved in many ways, but there are two changes that I believe are essential. First, the bill should require a detailed report from the President describing how funds in the previous war supplemental have been spent, how funds appropriated in this bill will be spent, and the level and types of funding needed for future years for both military and reconstruction activities.

Second, the bill should require that Congress be notified of non-competitive contracting, require a report from the General Accounting Office on accountability, and tighten public disclosure requirements. The initial Iraq reconstruction contracts were issued without a standard competitive bidding process. These contracts went to firms closely connected with the Bush Administration. One large contract went to Brown, Root & Kellogg, a subsidiary of Halliburton, the company formerly headed by the Vice President CHENEY. The Halliburton, no-bid contract was worth an initial $948 million. Because of this contract, Halliburton has a competitive advantage over other businesses during future rounds of bidding. Another large contract was awarded to Bechtel, a company that is lead by former officials from the first Bush Administration. We need to make sure that every cent of the $20 billion for Iraq reconstruction is awarded fairly and openly.

What is wrong with the House voting on these and other amendments? I wish someone would tell us. Unfortunately, the Republican House leadership used procedural roadblocks to prevent debate on most of these alternatives and improvements. The Administration is going to get the bill they wanted, with few amendments, requirements or limitations. I believe it is a mistake to reward their previous poor estimates, bad planning, withholding of information, and refusal to provide cost estimates with a blank check now. It is time for some accountability.

Mr. Chairman, as I said earlier, the Iraq Supplemental must be considered within the context of our national priorities. We do not have unlimited funds to spend. With our federal budget in deficit, every dollar we spend in Iraq is money that we are borrowing from our children.

Even under the most optimistic scenario for Iraq, in which this is the last request for funding, we will add $178 billion to our nation's budget deficit. Of that $178 billion, $66 billion will be interest payments on that debt. A more realistic scenario, in which our military remains in Iraq until the end of 2006, we draw down our force over that period, and we spend an additional $5 billion for reconstruction, would add $238 billion to the debt, $84 billion just in interest.

It's almost surreal to live in a time when our budget deficit is growing by leaps and bounds, the wealthiest 1 percent of Americans get massive tax cuts in the midst of economic difficulties, and now this huge unpaid bill is being amassed in Iraq. We have very real domestic priorities that need to be addressed. We must get our people back to work. We must provide funding for "No Child Left Behind." We must to take care of our veterans. We must protect our homeland. Each of their priorities requires resources. The situation in Iraq does not mean that we should not move forward at home.

This Administration spends a lot of time talking about fiscal discipline. Yet they have spent more than any Administration in our nation's history. Instead of fiscal discipline and instead of providing funding for our nation's key priorities, they squandered our budget surplus and continue to amass greater and greater debt to pay for tax cuts that we cannot afford. This does not serve our nation well.

Our funding priorities must include protecting our brave servicemen and women in Iraq and taking care of their families back home with hazard pay and other tools to make the separation easier to bear. This supplemental bill only takes modest steps to help them.

I opposed authorizing the use of force in Iraq. I urged the President to not use that authority after it was granted by Congress. This is not a war that I support. Putting tens of billions of dollars into an inadequate plan with no end in sight makes no sense. I cannot in good conscience vote for this supplemental spending bill. What I suggest is that the Administration go back to the drawing board and work to develop a real plan, with Iraqis, the United Nations and other countries. After we have a real plan, with better cost estimates, the President can come back to us with a detailed proposal.

I strongly support our troops. We must ensure they have the resources they need. It is fortunate that a vote against this bill will not harm our troops. An analysis by the Congressional Research Service estimates that already appropriated funds will last until at least early April 2004. That is plenty of time for this Administration to regroup, figure out what they are doing, and return to Congress with a better proposal.

Mr. Chairman, my vote today will be cast with a heavy heart. But I cast it with confidence that it is the best vote to serve our country.

Mr. SWEENEY. Mr. Chairman, protecting and securing America's homeland remains a top priority within out national borders and abroad.

Global stability or instability directly affects the United States in all areas, rural or suburban.

Investing money now to defeat terrorists overseas where they plot evil schemes is unquestionably better than spending money later to rebuild New York City or Los Angeles, after thousands of innocent lives are potentially lost.

The war on terrorism is one America cannot afford to lose. Our way of life is at stake as we defend freedom, democracy and peace around the world. I support this approach.

One necessary campaign in the war against terror was in Iraq.

We went to war to dispose of a brutal dictator guilty of the most atrocious human rights violations in the modern world.

I voted to support the use of force against Iraq for many reasons: a litany of ruthless atrocities by Saddam Hussein against his own people; decades of deception and violation of United Nations resolutions; invading neighboring countries; and, links to al Qaeda and other terrorist training camps.

David Kay recently issued a statement that his team has indeed found substantial evidence that Iraq had many programs hidden from view to produce nuclear, biological and chemical weapons and had active illegal programs to deliver them using ballistic missiles, cruise missiles and unmanned aerial vehicles.

I believe this is 95 percent of a smoking gun.

I remain convinced these are solid justifications for war and asking our brave men and women in uniform to potentially sacrifice their lives so we can live in freedom.

The rebuilding of Iraq will take considerable time, effort and resources.

It requires the support and will of the American people.

The country is devastated after being neglected for years by an evil leader that spent money on palaces and weapons instead of infrastructure.

America has no desire to be an occupying power in Iraq but instead wants to transfer power and accountability to the Iraqi people as soon as realistically possible.

The $18.6 billion portion as part of the President's supplemental request for Iraq reconstruction funds is an important part of the overall effort to win the war on terrorism by helping to rebuild Iraq.

The President recently told the country that Iraq has become the central front in the war on terrorism.

Without this money, there is a real risk Iraq will become a breeding ground for terrorism.

This request will pay for essential needs, not Iraqi foreign debt or frivolous desires.

The President's request includes funding to enable this progress to continue.

It will help create and train the New Iraqi Army to enable Iraqi forces to work with Coalition forces to eliminate remaining remnants of the Saddam Hussein regime.

The request also include money to equip and train an Iraqi police service, civil defense force, and border patrols—all of which will increase the security of and reduce the need for U.S. troops performing these missions.

Finally, the supplemental request includes funds for U.S. force protection through additional body armor and quality of life funding for extended hazardous duty pay and travel assistance for military families.

After achieving military victory, we must now ensure a peaceful and prosperous Iraq emerges.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Pursuant to the order of the House of today, before consideration of any other amendment, except pro forma amendments by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, it shall be in order to consider the following amendments:

Number 1, an amendment in the nature of a substitute by Mr. OBEY, which shall be debatable for 15 minutes;

Number 2, an amendment by Mr. YOUNG of Florida regarding sustenance, which will be debatable for 10 minutes;

Number 3, an amendment by Mr. OBEY regarding quality of life, which shall be debatable for 30 minutes;

Number 4, an amendment by Mr. PENCE regarding loans, which shall be debatable for 1 hour; and

Number 5, an amendment by Mr. OBEY and Mr. LANTOS regarding loans, which also shall be debatable for 1 hour.

Each such amendment may be offered only in the order specified, may be offered only by a Member designated or a designee, shall be considered as read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Clerk will read.

The Clerk read as follows:

H.R. 3289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, and for other purposes, namely:

The CHAIRMAN. It is now in order to consider the amendment by the gentleman from Wisconsin (Mr. OBEY).

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a splendid amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the Nature of a Substitute offered by Mr. OBEY:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—NATIONAL SECURITY

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $12,188,870,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $816,100,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $753,190,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $3,384,700,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $24,355,664,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $1,934,058,000, of which up to $80,000,000 may be transferred to the Department of Homeland Security for Coast Guard Operations: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,198,981,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,598,368,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $4,485,452,000, of which—

(1) not to exceed $15,000,000 may be used for the CINC Initiative Fund account, to be used primarily in Iraq and Afghanistan; and

(2) not to exceed $1,300,000,000, to remain available until expended, may be used, notwithstanding any other provision of law, for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical and military support provided, or to be provided, to United States military operations in connection with military action in Iraq and the global war on terrorism: *Provided,* That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further,* That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations on the use of these funds:

Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $16,000,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $53,000,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $214,000,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for "Overseas Humanitarian, Disaster, and Civic Aid", $35,500,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For "Iraq Freedom Fund", $1,988,600,000, to remain available for transfer until September 30, 2005, for the purposes authorized under this heading in Public Law 108–11: *Provided*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; military construction; the Defense Health Program; and working capital funds: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $101,600,000, to remain available until September 30, 2006: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $1,250,287,000, to remain available until September 30, 2006: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $158,600,000, to remain available until September 30, 2006: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $76,357,000, to remain available until September 30, 2006: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $123,397,000, to remain available until September 30, 2006: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $53,972,000, to remain available until September 30, 2006: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $20,450,000, to remain available until September 30, 2006: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $3,418,006,000, to remain available until September 30, 2006: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $418,635,000, to remain available until September 30, 2006: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $34,000,000, to remain available until September 30, 2005: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $39,070,000, to remain available until September 30, 2005: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $195,817,000, to remain available until September 30, 2005: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $600,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $24,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $658,380,000 for Operation and maintenance: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $73,000,000: *Provided*, That these funds may be used for such activities related to Afghanistan: *Provided further*, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That the funds transferred shall be merged with and be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Intelligence Community Management Account", $21,500,000, to remain available until September 30, 2005; of which $3,000,000 may be transferred to and merged with the Department of Energy, "Other Defense Activities", and $15,500,000 may be transferred to and merged with the Federal Bureau of Investigation, "Salaries and Expenses": *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

GENERAL PROVISIONS—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 1101. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided* *further*, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2004, except for the fourth proviso: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Sec. 1102. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

Sec. 1103. Sections 1318 and 1319 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 571), shall remain in effect during fiscal year 2004.–

Sec. 1104. From October 1, 2003, through September 30, 2004, (a) the rates of pay authorized by section 310(a) of title 37, United States Code, shall be $225; and (b) the rates of pay authorized by section 427(a)(1) of title 37, United States Code, shall be $250.

Sec. 1105. (a) Defense Emergency Response Fund Close-Out Authority.—Section 1313 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 569), is amended by inserting "unobligated" before "balances".

(b) Accounts Chargeable.—Effective November 1, 2003, adjustments to obligations that before such date would have been properly chargeable to the Defense Emergency Response Fund shall be charged to any current appropriation account of the Department of Defense available for the same purpose.

Sec. 1106. During the current year, funds made available in this Act to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

Sec. 1107. Notwithstanding any other provision of law, from funds made available in this Act to the Department of Defense under "Operation and Maintenance, Defense-Wide", not to exceed $100,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance only to the New Iraqi Army and the Afghan National Army to enhance their capability to combat terrorism and to support U.S. military operations in Iraq and Afghanistan: *Provided*, That such assistance may include the provision of equipment, supplies, services, training and funding: *Provided further*, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees not less than 15 days before providing assistance under the authority of this section: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Sec. 1108. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2004 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees.

Sec. 1109. In addition to amounts made available elsewhere in this Act, there is hereby appropriated to the Department of Defense $413,300,000, to be used only for recovery and repair of damage due to natural disasters including Hurricane Isabel, to be distributed as follows:

"Operation and Maintenance, Army", $73,600,000;

"Operation and Maintenance, Navy", $126,400,000;

"Operation and Maintenance, Marine Corps", $9,200,000;

"Operation and Maintenance, Air Force", $201,900,000; and

"Other Procurement, Air Force", $2,200,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Sec. 1110. During the current fiscal year, from funds made available in this Act to the Department of Defense for operation and maintenance, not to exceed $180,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, established by the Administrator of the Coalition Provisional Authority for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying our programs that will immediately assist the Iraqi people, and to establish and fund a similar program to assist the people of Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports, beginning on January 15, 2004, to the congressional defense committees regarding the source of funds and the allocation and use of funds made available pursuant to the authority provided in this section.

Sec. 1111. Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing an Analysis of Alternatives for replacing the capabilities of the existing Air Force fleet of KC–135 tanker aircraft.

Sec. 1112. (a) Providing Medical and Dental Screening for Reservists Called to Active Duty.—Section 1074a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) At any time after the Secretary concerned notifies members of the Ready Reserve that the members are to be called or ordered to active duty, the administering Secretaries may provide to each such member any medical and dental screening and care that is necessary to ensure that the member meets the applicable medical and dental standards for deployment.

"(2) The Secretary concerned shall promptly transmit to each member of the Ready Reserve eligible for screening and care under this subsection a notification of eligibility for such screening and care.

"(3) A member provided medical or dental screening or care under paragraph (1) may not be charged for the screening or care.

"(4) Screening and care may not be provided under this section after September 30, 2004.".

(b) Appropriation.—In addition to amounts appropriated or otherwise made available in this or any other Act, $40,000,000 is hereby appropriated to the Department of Defense under the heading "Defense Health Program" only for covering the costs of reservists medical and dental screening and care. Such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Sec. 1113. (a) Extending Transitional Health Care Benefits for Reservists.—Subject to subsection (b), during the period beginning on the date of the enactment of this Act and ending on September 30, 2004, section 1145(a) of title 10, United States Code, shall be administered by substituting for paragraph (3) the following:

"(3) Transitional health care for a member under subsection (a) shall be available for 180 days beginning on the date on which the member is separated from active duty.".

(b) Applicability.—(1) Subsection (a) shall apply with respect to separations from active duty that take effect on or after the date of the enactment of this Act.

(2) Beginning on October 1, 2004, the period for which a member is provided transitional health care benefits under section 1145(a) of title 10, United States Code, shall be adjusted as necessary to comply with the limits provided under paragraph (3) of such section.

(c) Appropriation.—In addition to amounts appropriated or otherwise made available in this or any other Act, $60,000,000 is hereby appropriated to the Department of Defense under the heading "Defense Health Program" only for covering the costs of extending transitional health care benefits for reservists. Such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Sec. 1114. (a) Increase in Support for Reserve and National Guard Family Assistance Centers.—In addition to any other amounts appropriated in this or any other Act for fiscal year 2004, $50,000,000 is hereby appropriated to the Department of Defense for operation and maintenance for fiscal year 2004, as follows:

(1) For the Army Reserve, $4,000,000.

(2) For the Army National Guard, $42,000,000.

(3) For the Air National Guard, $2,000,000.

The the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

(b) Availability.—Amounts appropriated pursuant to subsection (a) shall be available only for family assistance centers.

Sec. 1115. Permanent Elimination of Subsistence Fee for Members Hospitalized for Wounds Received While in Combat or Training.—Subsection (c) of section 1075 of title 10, United States Code (as added by section 8146(a)(2) of the Department of Defense Appropriations Act, 2004 (Public Law 108–87)), is repealed.

Sec. 1116. (a) Prepaid Phone Cards for Members Deployed in Combat Zone.—Beginning on the first day of the first month following the date of the enactment of this Act, the Secretary of Defense shall establish and implement a program to provide prepaid phone cards to members of the Armed Forces stationed outside the United States who are directly supporting military operations in a combat zone. The value of the benefit shall be at least $50 per month per person.

(b) Telephone and Internet Service for Members Deployed in Combat Zone.—To the maximum extent practicable, the Secretary should seek to provide free telephone and Internet access to members of the Armed Forces stationed outside the United States who are directly supporting military operations in a combat zone.

(c) Appropriation.—In addition to amounts appropriated or otherwise made available in this or any other Act, $65,000,000 is hereby appropriated to the Department of Defense only for covering the costs of providing telephone and Internet service to members of the United States Armed Services in Iraq and Afghanistan. Such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Sec. 1117. (a) Government-Paid Travel Under Rest and Recuperation Leave Program for Members Serving One Year or More In-Theatre.—In the case of a member of the Armed Forces serving outside of the United States for a period of one year or more who is granted rest and recuperative leave, and provided the travel and transportation allowances authorized by section 411c(a) of title 37, United States Code, in connection with that leave, the Secretary of Defense shall also pay the member for transportation, or provide transportation for the member, between—

(1) the locations specified in paragraph (1) or (2) of such section; and

(2) the permanent duty station of the member, the home of record of the member, or other location in the United States or overseas approved by the Secretary.

(b) Applicability.—Subsection (a) shall apply with respect to travel beginning on or after the date of the enactment of this Act in connection with rest and recuperative leave described in subsection (a).

(c) Appropriation.—In addition to amounts appropriated or otherwise made available in this or any other Act, $50,000,000 is hereby appropriated to the Department of Defense only for covering the costs of providing transportation for service to members of the United States Armed Services in Iraq and Afghanistan on rest and recuperation leave. Such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Sec. 1118. Providing Essential Goods and Services for Troops.—Of amounts appropriated under the heading "Operation and Maintenance, Army" in this Act, $10,500,000 shall be made available only for providing essential goods and services to the military exchange services.

Sec. 1119. (a) Military Campaign Medals To Recognize Service in Operation Enduring Freedom and Operation Iraqi Freedom.—The President shall establish a campaign medal specifically to recognize service by members of the Armed Forces in Operation Enduring Freedom and a separate campaign medal specifically to recognize service by members of the Armed Forces in Operation Iraqi Freedom.

(b) Eligibility.—Subject to such limitations as may be prescribed by the President, eligibility for a campaign medal established pursuant to subsection (a) shall be set forth in uniform regulations to be prescribed by the Secretaries of the military departments and approved by the Secretary of Defense or in regulations to be prescribed by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy.

Sec. 1120. (a) Enhanced Transition Assistance for Disabled Servicemembers Returning to Civilian Life.—In addition to amounts appropriated in this or any other Act, $50,000,000 is appropriated for the Disabled Transition Assistance Program, in addition to any other amounts available for that program. Such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

(b) Use of Appropriated Amounts.—Amounts appropriated pursuant to subsection (a) shall be used to increase the number of personnel within the Department of Veterans Affairs and the Department of Defense assigned as case managers and discharge planners with responsibility for managing the case of a member of the Armed Forces who is very seriously ill, or seriously ill.

Sec. 1121. Increase for Reconstituting the Military Forces.—In addition to amounts appropriated in this or any other Act, the sum of $3,126,400,000 is appropriated only for the maintenance, repair, replacement, or reconstitution of weapon systems and equipment used in Operation Iraqi Freedom and Operation Enduring Freedom, to be distributed to the following accounts and in the following amounts:

(1) "Operation and Maintenance, Army", $323,700,000;

(2) "Operation and Maintenance, Navy", $861,000,000;

(3) "Aircraft Procurement, Army", $467,100,000;

(4) "Procurement of Weapons and Tracked Combat Vehicles, Army", $129,200,000;

(5) "Other Procurement, Army", $329,700,000;

(6) "Aircraft Procurement, Navy", $61,000,000;

(7) "Procurement, Marine Corps", $220,400,000;

(8) "Aircraft Procurement, Air Force", $146,300,000;

(9) "Missile Procurement, Air Force", $33,000,000; and

(10) "Other Procurement, Air Force", $555,000,000:

Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Sec. 1122. Increase in Army Manpower End-Strength Level.—Notwithstanding the limitations set forth in Section 691 of title 10 United States Code, as amended by Public Law 107-314 (116 Stat. 2524), the number of members of the Army on active duty at the end of fiscal year 2004 shall not be less than 500,000: *Provided*, That in addition to amounts appropriated in this or any other Act, $1,000,000,000 is hereby appropriated to the Department of Defense, to be allocated as follows:

(1) "Military Personnel, Army", $600,000,000; and

(2) "Operation and Maintenance, Army", $400,000,000:

Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004

CHAPTER 2

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

Military Construction, Army

For an additional amount for "Military Construction, Army", $364,100,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Military Construction, Navy

For an additional amount for "Military Construction, Navy", $45,530,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Military Construction, Air Force

For an additional amount for "Military Construction, Air Force", $292,550,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Family Housing Operation and Maintenance, Army

For an additional amount for "Family Housing Operation and Maintenance, Army", $8,151,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Family Housing Operation and Maintenance, Navy and Marine Corps

For an additional amount for "Family Housing Operation and Maintenance, Navy and Marine Corps", $6,280,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Family Housing Operation and Maintenance, Air Force

For an additional amount for "Family Housing Operation and Maintenance, Air Force", $6,981,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

GENERAL PROVISION—THIS CHAPTER

Sec. 1201. (a) Temporary Authority To Use Operation and Maintenance Funds for Military Construction Projects.—During fiscal year 2004, the Secretary of Defense may use this section as authority to obligate appropriated funds available for operation and maintenance to carry out a construction project outside the United States that the Secretary determines meets each of the following conditions:

(1) The construction is necessary to meet urgent military operational requirements of a temporary nature involving the use of the Armed Forces in support of Operation Iraqi Freedom or the Global War on Terrorism.

(2) The construction is not carried out at a military installation where the United States is reasonably expected to have a long-term presence.

(3) The United States has no intention of using the construction after the operational requirements have been satisfied.

(4) The level of construction is the minimum necessary to meet the temporary operational requirements.

(b) Limitation on Use of Authority.—The total cost of the construction projects carried out under the authority of this section using, in whole or in part, appropriated funds available for operation and maintenance shall not exceed $500,000,000 in fiscal year 2004.

(c) Quarterly Report.—(1) Not later than 30 days after the end of each fiscal-year quarter of fiscal year 2004, the Secretary of Defense shall submit to the congressional committees specified in subsection (e) a report on the worldwide obligation and expenditure during that quarter of appropriated funds available for operation and maintenance for construction projects.

(2) The report shall include with regard to each project the following:

(A) Certification that the conditions specified in subsection (a) are satisfied with regard to the construction project.

(B) A description of the purpose for which appropriated funds available for operation and maintenance are being obligated.

(C) Relevant documentation detailing the construction project.

(D) An estimate of the total cost of the construction project.

(E) The total amount obligated for the construction project as of the date of the submission of the report.

(d) Relation to Other Authorities.—The temporary authority provided by this section, and the limited authority provided by section 2805(c) of title 10, United States Code, to use appropriated funds available for operation and maintenance to carry out a construction project are the only authorities available to the Secretary of Defense and the Secretaries of the military departments to use appropriated funds available for operation and maintenance to carry out construction projects.

(e) Congressional Committees.—The congressional committees referred to in this section are the following:

(1) The Committee on Armed Services and the Subcommittees on Defense and Military Construction of the Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Subcommittees on Defense and Military Construction of the Committee on Appropriations of the House of Representatives.

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

United States Coast Guard

operating expenses

For an additional amount for "Operating Expenses", $23,183,000 for costs related to Hurricane Isabel damage: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

TITLE II—IRAQ AND AFGHANISTAN RECONSTRUCTION AND INTERNATIONAL ASSISTANCE

CHAPTER 1

Department of Justice

Legal Activities

General Legal Activities

For necessary expenses for "Salaries and Expenses, General Legal Activities", $15,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Department of State and Related Agency

Department of State

Administration of Foreign Affairs

Diplomatic and Consular Programs

(including rescission)

For necessary expenses for "Diplomatic and Consular Programs", $156,300,000, of which $35,800,000 shall remain available until expended. Of the funds appropriated under this heading in the Emergency Wartime Supplemental Appropriations Act, 2003, $35,800,000 are rescinded. Each such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Embassy Security, Construction, and Maintenance

For necessary expenses for "Embassy Security, Construction, and Maintenance", $43,900,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Emergencies in the Diplomatic and Consular Service

(including transfer of funds)

For necessary expenses for "Emergencies in the Diplomatic and Consular Service", $50,000,000, to remain available until expended, which may be transferred to, and merged with, the appropriations for "Diplomatic and Consular Programs": *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

International Organizations

Contributions for International Peacekeeping Activities

For necessary expenses for "Contributions for International Peacekeeping Activities", $245,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Related Agency

Broadcasting Board of Governors

International Broadcasting Operations

For necessary expenses for "International Broadcasting Operations", for activities related to the Middle East Television Network broadcasting to Iraq, $40,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

GENERAL PROVISION—THIS CHAPTER

Sec. 2101. Funds appropriated under this chapter for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956, as amended.

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

United States Agency for International Development

Operating Expenses of the United States Agency for International Development

For necessary expenses for "Operating Expenses of the United States Agency for International Development", $40,000,000, for direct support of operations in Afghanistan, to remain available until September 30, 2005: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Other Bilateral Economic Assistance

Iraq Relief and Reconstruction Fund

(including transfers of funds)

For necessary expenses to carry out the purposes of the Foreign Assistance Act of 1961, for security, relief, rehabilitation and reconstruction in Iraq, $14,031,000,000, to remain available until September 30, 2005, to be allocated as follows: $2,104,000,000 for security and law enforcement; $1,081,000,000 for justice, public safety infrastructure, and civil society; $3,735,000,000 for the electric sector; $1,800,000,000 for oil infrastructure; $3,507,000,000 for water resources and sanitation; $500,000,000 for transportation and telecommunications; $185,000,000 for roads, bridges, and construction; $793,000,000 for health care; $73,000,000 for private sector development; and $253,000,000 for education, refugees, human rights, democracy, and governance: *Provided*, That the President may reallocate up to 10 percent of any of the preceding allocations, except that the total for the allocation receiving such funds may not be increased by more than 20 percent: *Provided further*, That such reallocations shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 and notifications shall be transmitted at least 15 days in advance of the obligation of funds: *Provided further*, That an annual spending plan for reconstruction programs under the preceding allocations, including project-by-project detail, shall be submitted by the President to the Committees on Appropriations not later than January 1, 2004, and shall be updated and submitted every 180 days thereafter: *Provided further*, That funds appropriated under this heading shall be apportioned only to the Coalition Provisional Authority in Iraq, the Department of State, the Department of Health and Human Services, the Department of Treasury, the Department of Defense, and the United States Agency for International Development: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That of the amount appropriated in this paragraph, not less than $35,000,000 shall be made available for administrative expenses of the Department of State Bureau of International Narcotics and Law Enforcement Affairs and the United States Agency for International Development for support of the reconstruction activities in Iraq: *Provided further*, That up to 1 percent of the amount appropriated in this paragraph may be transferred to "Operating Expenses of the Coalition Provisional Authority", and that any such transfer shall be in accordance with the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization, may be credited to this Fund and used for such purposes: *Provided further*, That the Committees on Appropriations shall be notified quarterly of any collections pursuant to the previous proviso: *Provided further*, That the Coalition Provisional Authority shall work, in conjunction with relevant Iraqi officials, to ensure that a new Iraqi constitution preserves full rights to religious freedom: *Provided further*, That, notwithstanding any other provision of law, 10 percent of the total amount of funds apportioned to the United States Agency for International Development under this heading that are made available on a subcontract basis shall be reserved for contracts with small business concerns, including small business concerns owned and controlled by veterans, small business concerns owned and controlled by service-disabled veterans, HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women (as such terms are defined for purposes of the Small Business Act): *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Operating Expenses of the Coalition Provisional Authority

For necessary expenses of the Coalition Provisional Authority in Iraq, established pursuant to United Nations Security Council resolutions including Resolution 1483, for personnel costs, transportation, supply, equipment, facilities, communications, logistics requirements, studies, physical security, media support, promulgation and enforcement of regulations, and other activities needed to oversee and manage the relief and reconstruction of Iraq and the transition to democracy, $858,000,000, to remain available until September 30, 2005: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Economic Support Fund

For necessary expenses for "Economic Support Fund", $872,000,000, to remain available until December 31, 2004: *Provided*, That not less than $672,000,000 is available only for accelerated assistance for Afghanistan: *Provided further*, That not to exceed $30,000,000 may be used for activities related to disarmament, demobilization, and reintegration of militia combatants, including registration of such combatants, notwithstanding section 531(e) of the Foreign Assistance Act of 1961: *Provided further*, That not to exceed $2,000,000 may be used to provide additional policy experts in Afghan ministries and that not more than five senior advisors to the United States Ambassador may be deployed in Afghanistan: *Provided further*, That not less than $17,250,000 is available only for security requirements that directly support United States and Coalition personnel who are implementing assistance programs in Afghanistan, including the provision of adequate dedicated air transport and support for civilian personnel at provincial reconstruction team sites: *Provided further*, That upon the receipt by the Speaker of the House of Representatives and the President of the Senate of a determination by the President that the Government of Pakistan is fully cooperating with the United States in the global war on terrorism, not to exceed $200,000,000 appropriated under this heading may be used for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan: *Provided further*, That amounts that are made available under the previous proviso for the cost of modifying direct loans and guarantees shall not be considered "assistance" for the purposes of provisions of law limiting assistance to a country: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

International Disaster and Famine Assistance

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for International Disaster and Famine Assistance utilizing the general authorities of section 491 of the Foreign Assistance Act of 1961, to respond to or prevent unforeseen complex foreign crises, especially in Sudan and Liberia, $100,000,000, and by transfer not to exceed 1 percent of the funds appropriated under any other heading in this chapter, to remain available to the Secretary of State until September 30, 2005: *Provided*, That funds appropriated under this heading may be made available only pursuant to a determination by the President, after consultation with the appropriate congressional committees, that it is in the national interest and essential to efforts to reduce international terrorism to furnish assistance on such terms and conditions as he may determine for such purposes, including support for peace and humanitarian intervention operations: *Provided further*, That none of these funds shall be available to respond to natural disasters: *Provided further*, That funds made available under this heading to respond to or prevent unforeseen complex foreign crises shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Department of State

International Narcotics Control and Law Enforcement

For necessary expenses for "International Narcotics Control and Law Enforcement", $170,000,000, to remain available until December 31, 2004, for accelerated assistance for Afghanistan: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Nonproliferation, Anti-Terrorism, Demining and Related Programs

For necessary expenses for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $35,000,000, for accelerated assistance for Afghanistan: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

MILITARY ASSISTANCE

Funds Appropriated to the President

Foreign Military Financing Program

For necessary expenses for the "Foreign Military Financing Program", $297,000,000, for accelerated assistance for Afghanistan: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Peacekeeping Operations

For necessary expenses for "Peacekeeping Operations", $50,000,000, to support the global war on terrorism: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2201. None of the funds appropriated by this Act or any unexpended funds provided in Public Law 108–11 may be used to repay, in whole or in part, principal or interest on any loan or guarantee agreement entered into by the Government of Iraq with any private or public sector entity including with the government of any country (including any agency of such government or any entity owned in whole or in part by the government of such country) or with any international financial institution, prior to May 1, 2003: *Provided*, That for the purpose of this section, the term "international financial institution" shall mean those institutions contained in section 530(b) of division E of Public Law 108–7.

SEC. 2202. (a) COMPETITION IN CONTRACTING FOR THE RECONSTRUCTION OF INFRASTRUCTURE IN IRAQ.—Notwithstanding any other provision of law, none of the funds appropriated by this Act under the heading "Iraq Relief and Reconstruction Fund" and made available under the same heading in Public Law 108–11 may be used to enter into any Federal contract (including any follow-on contract) unless—

(1) the contract is entered into in accordance with title III of the Federal Property and Administrative Services Act (41 U.S.C. 251 et seq.); and

(2) in any case in which procedures other than competitive procedures are to be used to enter into such a contract—

(A) if such procedures are to be used by reason of the application of a paragraph (other than paragraph (2)) under section 303(c) of such Act (41 U.S.C. 253(c)), the head of the executive agency entering into the contract shall submit to the committees described in subsection (b), not later than 7 calendar days before award of the contract—

(i) notification of the use of such other procedures; and

(ii) the justification for such use; and

(B) if such procedures are to be used by reason of the application of paragraph (2) of section 303(c) of such Act (41 U.S.C. 253(c)(2)), the head of the executive agency entering into the contract shall submit to the committees described in subsection (b), not later than 7 calendar days after approval of the justification for the use of such other procedures under section 303(f)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)(B))—

(i) notification of the use of such other procedures; and

(ii) the justification for such use

(b) Committees.—The committees referred to in subsection (a)(2) are—

(1) the Committees on Government Reform, on International Relations, and on Appropriations of the House of Representatives; and

(2) the Committees on Governmental Affairs, on Foreign Relations, and on Appropriations of the Senate.

(c) Applicability.—This section shall not apply to contracts entered into before the date of the enactment of this Act or after September 30, 2010.

(d) GAO Report on Noncompetitive Contracting.—The Comptroller General shall submit a report to the appropriate committees on a quarterly basis on the contracts awarded under procedures other than competitive procedures that were subject to the notification requirements of paragraph (a). Such review shall include an evaluation of the reasons for using other than competitive procedures and an evaluation of the selection procedures used to make final contract awards.

Sec. 2203. (a) Public Disclosure of Noncompetitive Contracting for the Reconstruction of Infrastructure in Iraq.—

(1) Publication and public availability.—The head of an executive agency of the United States that enters into a contract for assistance for Iraq, using funds described in paragraph (3), through the use of procedures other than competitive procedures shall publish in the Federal Register or Commerce Business Daily and otherwise make available to the public, not later than 5 days before the date on which the contract is entered into, except in the case of urgent and compelling contracts issued pursuant to paragraph (2) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)), the following information:

(A) The amount of the contract.

(B) A brief description of the scope of the contract.

(C) A discussion of how the executive agency identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers.

(D) The justification and approval documents (as required under section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)) on which was based the determination to use procedures other than competitive procedures.

(2) Funds.—The funds referred to in paragraph (1) are—

(A) any funds available to carry out sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2151d; 2346 et seq.); and

(B) any funds appropriated by Public Law 108–11 under the heading "Iraq Relief and Reconstruction Fund" (in chapter 5 of title I; 117 Stat. 573).

(3) Applicability.—Paragraph (1) shall not apply to contracts entered into before the date of the enactment of this Act or after September 30, 2010.

(b) Classified Information.—

(1) Authority to withhold.—The head of an executive agency may—

(A) withhold from publication and disclosure under subsection (a) any document that is classified for restricted access in accordance with an Executive order in the interest of national defense or foreign policy; and

(B) redact any part so classified that is in a document not so classified before publication and disclosure of the document under subsection (a).

(2) Availability to congress.—In any case in which the head of an executive agency withholds information under paragraph (1), the head of such executive agency shall make available an unredacted version of the document containing that information to the chairman and ranking member of each of the following committees of Congress:

(A) The Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(B) The Committees on Appropriations of the Senate and House of Representatives.

(C) Each committee that the head of the executive agency determines has legislative jurisdiction for the operations of such department or agency to which the information relates.

(c) Relationship to Other Disclosure Laws.—Nothing in this section shall be construed as affecting obligations to disclose United States Government information under any other provision of law.

(d) Definitions.—In this section, the terms "competitive procedures" and "executive agency" have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

Sec. 2204. Section 1503 of Public Law 108–11 is amended—

(1) by striking "equipment" and inserting in lieu thereof "equipment, including equipment"; and

(2) by striking "2004" and inserting in lieu thereof "2005".

Sec. 2205. Section 1504 of Public Law 108–11 is amended by striking "controlled" and inserting "or small arms controlled".

Sec. 2206. Section 202(b) of the Afghanistan Freedom Support Act of 2002 (Public Law 107–327) is amended by striking "$300,000,000" and inserting in lieu thereof "$450,000,000".

Sec. 2207. (a) Until January 2005, the Coalition Provisional Authority (CPA) shall, on a monthly basis, submit a report to the Committees on Appropriations and International Relations of the House of Representatives and the Committees on Appropriations and Foreign Relations of the Senate that details, for the preceding month, Iraqi oil production and oil revenues, and uses of such revenues.

(b) The first report required by subsection (a) shall be submitted not later than 30 days after enactment of this Act.

(c) The reports required by this section shall also be made publicly available, including through the CPA's Internet website.

Sec. 2208. Any reference in this chapter to the "Coalition Provisional Authority in Iraq" shall be deemed to include any successor United States Government entity with the same or substantially the same authorities and responsibilities as the Coalition Provisional Authority in Iraq.

Sec. 2209. Assistance or other financing under chapter 2 of this title may be provided for Iraq and Afghanistan notwithstanding any other provision of law not contained in this Act that restricts assistance to foreign countries and section 660 of the Foreign Assistance Act of 1961: *Provided*, That funds made available for Iraq pursuant to this section shall be subject to the regular reprogramming notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except that notification shall be transmitted at least 5 days in advance of obligation.

Sec. 2210. Funds made available in chapter 2 of this title are made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956, as amended.

Sec. 2211. Notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: *Provided*, That funds made available pursuant to the authority of this section shall be subject to the regular reprogramming notification procedures of the Committees on Appropriations.

Sec. 2212. (a) Report on Military Operations and Reconstruction Efforts in Iraq and Afghanistan.—The President shall prepare and transmit to Congress on a quarterly basis, beginning January 15, 2004, a report on United States military operations and reconstruction efforts in Iraq and Afghanistan.

(b) Contents.—The report shall, at a minimum, contain the following information:

(1) A detailed and complete accounting of amounts appropriated under any previous Acts used to support military or reconstruction activities in and around Iraq and Afghanistan; a detailed and complete accounting of funds appropriated in this Act that were expended during the preceding quarter for military operations and reconstruction efforts in and around Iraq and Afghanistan; and, an estimate of the remaining total cost to the United States of military operations and reconstruction efforts in Iraq and Afghanistan for fiscal year 2004 and subsequent fiscal years.

(2) A description of activities undertaken and findings made in the search for weapons of mass destruction in Iraq.

(3) A description of progress made in reconstruction efforts in Iraq and Afghanistan, particularly efforts relating to public safety, defense and law enforcement, energy infrastructure, water, sewage systems, road construction and other public works, transportation and telecommunications infrastructure, medical and hospital services, and private sector development.

(4) A description of progress made to reduce attacks against members of the United States Armed Forces in Iraq; a detailed listing of the casualties suffered by United States Armed Forces personnel in Iraq and Afghanistan during the preceding quarter and cumulatively; a listing of equipment, weapons, and spare parts shortfalls (compared to stated military service requirements) and a description of the actions taken to address the shortfalls; and a timeframe for the withdrawal of all United States Armed Forces from Iraq.

(5) An analysis of the impact that military operations in Iraq and Afghanistan have had on overall readiness of the Armed Forces.

(6) An analysis of the impact the deployment of members of the Armed Forces in connection with Operation Iraqi Freedom and Operation Enduring Freedom is having on recruiting and retention efforts in the active and reserve components.

(7) An estimate of the remaining cost of repairing or replacing the combat vehicles, aircraft, and other equipment damaged or destroyed by combat, by prolonged use in Iraq and Afghanistan, or by exposure to the extreme climatic and terrain conditions in Iraq and Afghanistan.

(8) A description of progress made toward holding of free and fair elections in Iraq.

(9) A description of the extent of international participation (including financial and other) in the stabilization and reconstruction of Iraq.

(10) A detailed accounting of the number of United States Armed Forces currently deployed in connection with Operation Iraqi Freedom and Operation Enduring Freedom.

(11) A detailed accounting on the use of private contractors for contracts over $10,000,000, including the costs of salaries, insurance payments, oversight plans, costs of security provided by coalition troops to contractors, performance schedules, plans to train Iraqi national to assume functions of the contract, and the extent of the use of local procurement and local management.

(c) LIMITATION.—Beginning on January 15, 2004, none of the funds made available by this Act that remain for obligation may be obligated unless and until the President has submitted to Congress the report described in subsections (a) and (b) of this provision.

SEC. 2213. (a) REVIEW OF CONTRACTING PROCEDURES.—The Comptroller General shall review each covered contract and task or delivery order entered into during a review period to determine whether the procedures used to enter into the contracts and orders were in compliance with the requirements of this Act and other applicable laws and regulations.

(b) REPORT.—At the end of each review period, the Comptroller General shall submit to Congress a report on the results of the review.

(c) REVIEW PERIOD.—A review under subsection (a) shall be carried each quarter of a fiscal year, beginning with the first quarter beginning after the date of the enactment of this Act.

(d) COVERED CONTRACTS AND ORDERS.—This section applies to any contract or task or delivery order entered into using funds appropriated by this Act for foreign assistance if—

(1) in the case of a contract, the contract is in an amount in excess of the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403), and

(2) in the case of a task or delivery order, the order is in an amount in excess of $1,000,000.

SEC. 2214. (a) TRANSPARENCY IN CONTRACTING: NOTIFICATION TO CONGRESS.—(1) The head of an executive agency that enters into a contract, or task or delivery order under a task or delivery order contract, in excess of $5,000,000 relating to activities in Iraq shall, within 7 days after entering into the contract or order, notify the chairman and ranking member of the committees described in subsection (b) that the contract or order has been entered into.

(2) Upon request of the chairman or ranking member of a committee described in subsection (b), the head of an executive agency shall provide, within 14 days after receipt of the request, unredacted copies of any documents required to be maintained in the contracting office contract file, the contract administration office contract file, and the paying office contract file pursuant to subpart 4.8 of the Federal Acquisition Regulation, including—

(A) copies of the contract and all modifications;

(B) orders issued under the contract;

(C) justifications and approvals;

(D) any government estimate of contract price;

(E) source selection documentation;

(F) cost or price analysis;

(G) audit reports;

(H) justification for type of contract;

(I) authority for deviations from regulations, statutory requirements, or other restrictions;

(J) bills, invoices, vouchers, and supporting documents; and

(K) records of payments or receipts.

(b) COMMITTEES.—The committees referred to in subsection (a) are the following:

(1) The Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(2) The Committees on Appropriations of the Senate and House of Representatives.

(3) Each committee that the head of the executive agency determines has legislative jurisdiction for the operations of the department or agency to which the contract, task or delivery order, or documents referred to in paragraph (1) or (2) of subsection (a) relates.

SEC. 2215. (a) IRAQI INVOLVEMENT PLAN.—The head of each executive agency entering into a contract relating to activities in Iraq shall develop a plan for minimizing costs to the Federal Government through the use of Iraqi firms.

(b) COMPONENTS OF PLAN.—(1) The plan shall require the head of each executive agency to assess, before entering into a contract relating to activities in Iraq, whether the use of Iraqi firms to carry out the contract could reduce the costs of such contract to the Federal Government.

(2) The plan may provide for the waiver of otherwise applicable Federal procurement laws or regulations with respect to the contract if the head of the executive agency determines that such laws or regulations impede the ability of the executive agency to reduce the costs of such contract to the Federal Government through the use of Iraqi firms.

(3) The plan shall ensure that all contracts with respect to which laws or regulations are waived pursuant to paragraph (2) are entered into using contracting procedures that are open, fair, accountable, and, to the maximum extent practicable, competitive.

SEC. 2216. (a) LEGAL STATUS OF COALITION PROVISIONAL AUTHORITY FOR IRAQ.—For purposes of the following provisions of law, the Coalition Provisional Authority for Iraq shall be considered to be an executive agency within the meaning of the term in section 105 of title 5, United States Code:

(1) Procurement statutes, including chapters 137 and 141 of title 10, United States Code, title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), and the Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.).

(2) Section 552 of title 5, United States Code (known as the Freedom of Information Act).

(3) Financial management statutes requiring the preparation of audited financial statements, including section 3535 of title 31, United States Code.

(b) DEFINITION.—For purposes of this section, the term "Coalition Provisional Authority for Iraq" means the entity charged by the President with directing reconstruction efforts in Iraq.

TITLE III—GENERAL PROVISIONS—THIS ACT

SEC. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 3002. None of the funds made available in this or any other Act for fiscal year 2004 may be used for any defense or reconstruction activities in Iraq or Afghanistan coordinated by any officer of the United States Government whose office is not subject to appointment by the President by and with the advice and consent of the Senate.

SEC. 3003. For purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)), children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or due to the death of a military parent or legal guardian while on active duty, are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at the same school that they attended prior to their change in eligibility status.

SEC. 3004. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country participating with coalition forces in Afghanistan or Iraq if the Secretary of State or the Secretary of Defense has credible evidence that such unit has committed gross violations of human rights, unless the appropriate Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: *Provided*, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the appropriate Secretary shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

SEC. 3005. None of the funds in this Act, or any other appropriations Act, may be used to execute the Lateral Repatriation Program, or any other program under which citizens or nationals of Mexico are removed by land from the United States by returning them to a location other than the United States port of entry closest to the location where they were apprehended or last imprisoned, or, in the case of an alien who is removed upon being acquitted of a criminal charge, the port of entry closest to the courthouse where the acquittal occurs. If the Secretary of Homeland Security determines that compliance with the preceding sentence is not feasible, the Secretary shall notify the Committees on the Judiciary and on Appropriations of the House of Representatives and of the Senate.

SEC. 3006. None of the funds in this Act, or any other appropriations Act, may be used for the issuance of Form I-20A by the San Antonio Office of Detention and Removal of the Bureau of Immigration and Customs Enforcement and the Border Patrol sectors served by said office.

TITLE IV—IRAQ RECONSTRUCTION TRUST FUND

SEC. 4001. SHORT TITLE.

This title may be cited as the "Iraq Reconstruction Trust Fund Act".

SEC. 4002. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional

committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) Coalition provisional authority.—The term "Coalition Provisional Authority" means the entity charged by the President with directing reconstruction efforts in Iraq.

(3) Governing council in Iraq.—The term "Governing Council in Iraq" means the Governing Council established in Iraq on July 13, 2003, or any successor governing authority in Iraq.

(4) Secretary.—The term "Secretary" means the Secretary of State.

(5) Trust fund.—The term "Trust Fund" means the Iraq Reconstruction Fund .

(6) World bank.—The term "World Bank" means the International Bank for Reconstruction and Development.

SEC. 4003. LIMITATION OF USE OF FUNDS.

Of the funds appropriated in title II under the subheading "Iraq Relief and Reconstruction Fund" under the heading "Other Bilateral Economic Assistance Funds Appropriated to the President" other than amounts appropriated under such subheading for security and. for refugees, human rights, democracy, and civil society, **$7,000,000,000** may not be obligated or expended before the Secretary negotiates with the World Bank, in consultation with the Coalition Provisional Authority, the member nations of the World Bank, and other interested parties, for the establishment within the World Bank of the Iraq Reconstruction Trust Fund in accordance with the provisions of this title.

SEC. 4004. DESCRIPTION OF THE TRUST FUND.

(a) Purposes.—The purposes of the Trust Fund shall be to use contribute funds to—

(1) assist in restoration of infrastructure and essential services in Iraq;

(2) assist in the creation of civil society in Iraq; and

(3) ensure a secure environment for the people of Iraq.

(b) In General.—As part of the negotiations required by section 4003, the Secretary shall negotiate with the World Bank to establish conditions under which the Trust Fund will be terminated.

(c) Repayment of Contributions.—If the Trust Fund is terminated, any amounts contributed. to the Fund that have not been expended shall be returned to the countries that contributed funds to the Trust Fund, on basis proportionate to their contribution.

SEC. 4005. USE OF FUNDS.

(a) Loans and Loan Guarantees.—In carrying out the purposes set out in section 4004(a), the Trust Fund shall be used to provide loans and loan guarantees under terms that will facilitate economic development in Iraq.

(b) Activities Supported.—The funds in the Trust Fund shall be used to provide loans and loan guarantees that carry out the purposes of the Trust Fund, including projects to—

(1) create or repair infrastructure to—

(A) produce and distribute electricity;

(B) extract, refine, and distribute oil;

(C) provide drinking water;

(D) treat and dispose of wastewater;

(E) provide transportation; and

(F) facilitate communications;

(2) promote public health;

(3) provide housing;

(4) ensure public safety; and

(5) develop a private sector economy.

SEC. 4006. CONTRIBUTIONS AND ACCOUNTABILITY.

(a) Authority To Solicit and Accept Contributions.—The Trust Fund shall be authorized to solicit and accept contributions from governments, the private sector, and nongovernmental entities of all kinds.

(b) Accountability of Funds and Criteria for Programs.—The Secretary shall, consistent with subsection (c)—

(1) take such actions as are necessary to ensure that adequate procedures and standards are in place to account for and monitor the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund; and

(2) seek agreement with the World Bank on the criteria to be used to determine the programs and activities to be assisted by the Trust Fund.

(c) Selection of Projects and Recipients.—The Trust Fund and its contributors shall establish—

(1) criteria for the selection of projects to receive support from the Trust Fund;

(2) standards and criteria regarding qualifications of recipients of such support;

(3) such rules and procedures as may be necessary for cost-effective management of the Trust Fund; and

(4) such rules and procedures as may be necessary to ensure transparency and accountability in the making of loans and loan guarantees.

(d) Transparency of Operations.—The Trust Fund shall establish procedures to ensure full and prompt public disclosure of the proposed objectives, financial organization, and operations of the Trust Fund.

(e) Access to Records.—The Comptroller or any duly authorized representatives of the Comptroller shall have access to any books, documents, papers, and. records of the Trust Fund for the purpose of preparing the reports required in section 4007(b).

SEC. 4007. REPORTS TO CONGRESS.

(a) In General.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the duration of the Trust Fund, the Secretary shall submit to the appropriate congressional committees a report on the Trust Fund.

(b) Report Elements.—Each report required by paragraph (1) shall include a description of—

(1) the goals of the Trust Fund;

(2) the programs, projects, and activities supported by the Trust Fund;

(3) private and governmental, contributions to the Trust Fund; and

(4) the criteria that have been established that would be used to determine the programs and activities to be assisted by the Trust Fund.

SEC. 4008. AVAILABILITY OF FUNDS.

(a) In General.—In addition to any other funds available for multilateral or bilateral programs related to the purposes of the Trust Fund, of the amounts appropriated in title II under the subheading "Iraq Relief and Reconstruction Fund" under the heading "Other Bilateral Economic Assistance Funds Appropriated to the President", other than amounts appropriated under such subheading for security, and for refugees, human rights, democracy, and civil society, **$7,000,000,000** shall be made available for the fiscal year 2004 for contribution to the Trust Fund. Such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

(b) Matching Contributions.—Subject to the maximum amount available for contributions to the Trust Fund under this Act, the United States shall contribute to the Trust Fund out of the additional amount made available under subsection (a), the amount that equals the total amount contributed by foreign countries to the Trust Fund during the 180-day period that begins on the date of the enactment of this Act.

(c) Transfer of Funds.—On the date that is 180 days after the date of the enactment of this Act, any amount made available for the Trust Fund under subsection (a) that exceeds the amount required to be contributed to the Trust Fund under subsection (b) shall cease to be available for transfer to the Trust Fund and shall be transferred to an account to be available to the Coalition Provisional Authority for use as loans to, or to guarantee loans made by the Governing Council in Iraq.

SEC. 4009. NOTIFICATION REQUIREMENT.

Not later than 15 days prior to the initial obligation or expenditure of funds appropriated pursuant to section 4009, the Secretary shall certify to the appropriate congressional committees that—

(1) the Trust Fund has been created in accordance with the provisions of this title; and

(2) adequate procedures and standards have been established to ensure accountability for and monitoring of the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund.

TITLE V—REVENUE PROVISION

SEC. 5001. TOP MARGINAL RATE INCREASED TO 39.6 PERCENT BEGINNING IN 2005.

(a) In General.—The table contained in paragraph (2) of section 1(i) of the Internal Revenue Code of 1986 (relating to reductions in rates after June 30, 2001) is amended to read as follows:

"In the case of taxable years beginning during calendar year:	**The corresponding percentages shall be substituted for the following percentages:**			
	28%	**31%**	**36%**	**39.6%**
2001	27.5%	30.5%	35.5%	39.1%
2002	27.0%	30.0%	35.0%	38.6%
2003 or 2004	25.0%	28.0%	33.0%	35.0%
2005 and thereafter	25.0%	28.0%	33.0%	39.6%."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

This Act may be cited as the "Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004".

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 7½ minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the administration has asked us to approve $87 billion in the second installment for Iraq. I understand the necessity for military appropriations and for a reconstruction package. I understand the necessity that they be tied together. But the majority has set up the debate in this House so that a single Member will be able to prevent a comprehensive amendment from being voted upon. That is the way they ensure a victory for their approach.

We are offering this amendment in hopes that the majority will not exercise its right to strike it from the floor, because we believe that if the Congress is going to spend $87 billion on this operation, that this amendment represents a better way to do it. It does more to support our troops. It does more to protect the taxpayers. It does more to restore balance between obligations on us and our allies.

First, it would scale back reconstruction funding by roughly one-third in order to force the administration to redesign its approach in Iraq so that more contracts will go to small indigenous companies and fewer to huge multinational corporations. I have already told the story about General Patreas who, when told by his own engineers that it would take $15 million to build a cement plant in Iraq, managed to get that plant built for $80,000 by using local ideas and local approaches. That is what we ought to be looking for.

Second, we convert half of the remaining funds from grants to loans by running them through the World Bank. This has three advantages. It internationalizes the burden because it will be matched with contributions from other countries on a two-to-one basis. Secondly, it insulates the contracting process from cronyism that can result if it is run by an agency that is responsive to political appointees in the executive branch. And thirdly, because of the way the World Bank can capitalize it, it will, in fact, deliver more assistance to Iraq on the ground at less cost to the taxpayers. It is patterned after a Senate amendment that has been promoted by Senator HUTCHISON.

We transfer $4.5 billion to support our troops. First, we add money to provide U.S. troops in Iraq with clean drinking water. Eighty percent of them now do not have it. That is a shame. It is a shameful indictment of the poor planning associated with this operation.

Secondly, we provide predeployment health and dental screening for Guard and Reserve forces. Right now, they have to pay it.

Thirdly, we extend health coverage for returning Guard and Reserve personnel from the existing 60-days that they are now entitled to, to 6 months.

Fourthly, we provide the full amount that the Services have requested to be used this year to refurbish military equipment that has been used and used up in Iraq. Without it, that equipment will be unusable for 2 years and our readiness to deal with other problems around the world will be substantially inhibited.

Fifth, we face up to General Shinseki's warning that we should not have a 12-division strategy if we only have a 10-division Army. The administration ignored that warning, and as a result, we are at least a division short. That is why Guard and Reserve forces have effectively been drafted for an extra year of service, and that is why regular Army troops have seen their rotation schedules obliterated. This amendment helps to fix that over time.

Most importantly, we try to pay for this operation. In the spirit of shared sacrifice, what we are asking is that we do not limit the sacrifice only to the troops in the field and their families. We are asking that we pay for it in the most fair way possible, by saying to the most prosperous of all Americans, the top 1 percent of the population, that we want to scale back the tax cut that they have just been given by the President and the Congress so that they will only get a $52,000 tax cut rather than $130,000 tax cut they would otherwise receive.

I would point out that if we follow that approach, we would also be able to save $4 billion a year in interest costs. That $4 billion is larger than all of the money that we will spend this year for Alzheimer's research, research on autism, breast cancer, ovarian cancer, prostate cancer, diabetes, Parkinson's, Lou Gehrig's disease and all kidney diseases combined.

□ 1645

It is a responsible amendment. I am amazed that, once again, the majority feels that the only way that they can win the debate is by denying us the opportunity to waive the same rules that they waived in bringing their approach to the floor.

This is an attempt to be more prudent with the taxpayers' money, more balanced in terms of responsibilities between us and our allies, and more responsive in terms of meeting the needs of the troops. It can neither be called a liberal nor a conservative amendment. It is a hard-headed approach to real problems; and I would urge the majority to, despite the fenced-in rule which they adopted, to allow us to at least have a vote on this proposition. If it does not have the merits to beat the majority party approach, then it will be defeated. If it does, it should be adopted. All we ask is for the opportunity to put this issue to a vote, Mr. Chairman.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. KOLBE), the distinguished chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the Obey substitute amendment. I have the greatest respect for the gentleman from Wisconsin (Mr. OBEY). He does very serious work not only in the full committee but also with the Foreign Operations subcommittee. His devotion to our international posture in the world and to foreign affairs is genuine. Having said that, I do disagree with the approach of this amendment.

This amendment aims to be a complete substitute. But, it really completely turns, I think, what we are trying to do in terms of our foreign policy direction in Iraq on its head. At the end of my remarks in the opening part of this general debate, I quoted General Abizaid, who made it clear in testimony before our subcommittee that the work of the reconstruction is every bit as important as what we do for the military. The Obey amendment would take and convert much of the reconstruction money and would put some of it into additional funds for the military.

Mr. Chairman, we can argue whether or not there should be additional funds there or not, whether or not we were adequate in the efforts that we made in terms of giving the right support to our troops there or not. I think that this legislation today, this supplemental bill that is before us today, does address that issue, however, on the military side of the equation. What we have attempted to do here is to balance that with roughly one-fifth of this total amount, $20 billion, going to reconstruction in Afghanistan and Iraq. I think that that amount is a relatively small amount and a very much-needed amount.

Now, let me turn to the issue of whether or not this money, or even half of it, as the gentleman's amendment suggests, whether this amount should be done in the form of a grant or whether it should be done in the form of a loan. We have heard, and we will continue to hear today, a very extensive debate on an amendment that deals with the issue of whether or not the funds that we provide under this heading should be in the form of a grant or a loan. But let me just say that for the purposes of this debate here on this substitute, in my view, the arguments against the loan are very persuasive.

We do not have a legal government that exists in Iraq now. By doing it through the World Bank, we may get around that, although the World Bank and the president of the World Bank made clear in a meeting with me that the World Bank is not in any position to loan the amount of money we are talking about here today at any time in the near future. So we would really be saying that we are not going to make this money available at all for reconstruction to Iraq. And I think it is very clear this money is needed and it is needed within the next year.

Now, will it all be spent in the next 12 months? No. But can most of it be obligated? I believe it can. And that is why our subcommittee worked hard to go through this line by line, to take out those items we did not think could be obligated in the course of the next year. I think what we have come up with is a carefully crafted bill that covers those items which are most needed and which can be used.

The second reason that we ought to oppose a loan agreement is that it sends the wrong signal to our allies as well as sending the wrong signal to Iraq and to the Middle East. It says to our allies who are going to the donors conference in Madrid next week, it says to them that while we are asking you to give cash, we are giving ours in the form of a loan. It is the wrong signal to send. To the Iraqis it says we came into this country, and now we are going to loan you money that is going to go to hire American contractors and you are going to pay them back. It is the wrong signal to send.

Mr. Chairman, I just believe this is not the right approach to dealing with what is a very complicated, complex issue. We need to give the maximum flexibility to the President of the United States to carry out the purpose of the Foreign Assistance Act and our foreign policy, consistent, I might add, with our obligations as a Congress to make sure that we provide proper oversight of the spending of these funds. The bill that we have before us today does do that. It does require reporting. It requires regular reporting. It requires there be notification of changes. It gives some flexibility to move money from one account to the other, but requires notification in order to accomplish that.

So we have, I think, balanced the needs of the President to be able to carry out the foreign policy of the United States with the need of Congress to provide the oversight that is its responsibility under article one of the Constitution.

The amendment offered by the gentleman from Wisconsin is indeed a comprehensive amendment; and it is given, I know, with the best of ideas in mind of the gentleman from Wisconsin, but I think it is simply the wrong approach. It robs the President of his responsibility as well as the flexibility that he needs to carry out the purposes of the Foreign Assistance Act, and I think it would needlessly tie the President's hands in carrying out those responsibilities.

I urge my colleagues to reject this amendment, if it is indeed voted on, though I believe a point of order lies against it. I think this is the wrong approach, and I would hope that we would not adopt this approach to this very important legislation.

Mr. OBEY. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG).

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time, and I will simply say two things.

We have heard a lot of talk about supporting the troops today. I would urge Members to simply put their vote where their mouths are. This amendment gives far more support to the troops before, during, and after their service than the committee bill or the administration plan.

Secondly, I would note the gentleman from Arizona said that he disagreed with the approach that I take in this amendment. That is his right. That is perfectly appropriate. All we are asking is at least let us vote on it.

For years, whenever spending propositions hit the floor, people would say, "How are you going to pay for it?" Well, we are showing you how we will pay for it. We are trying to pay for it. You are denying us the ability to pay for it if you object to our ability to bring this to a vote.

So I would ask the majority to forego the opportunity that it has given itself under the rules to wipe out this amendment without a vote, and at least let the House face this issue squarely and vote on it. This is, after all, supposed to be the greatest deliberative body in the world. This is a democracy. Let us act like it.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I have no further debate on this amendment, but I do make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states, in pertinent part, "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment directly amends existing law, and I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order of the gentleman from Florida?

Mr. OBEY. Mr. Chairman, I would simply say the minority leader said it was ironic that the rules of the House could be used in order to deny Members an opportunity to pay for whatever it was they were suggesting. I regret that. We could have faced this, if the Committee on Rules had given us the same courtesy in waiving rules that they gave to themselves. However, they did not; and so I, unfortunately, must concede the point of order.

The CHAIRMAN. The gentleman has conceded the point of order. The point of order is sustained and the amendment is not in order. It is now in order to consider the amendment by the gentleman from Florida (Mr. YOUNG).

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. YOUNG of Florida:

Page 19, after line 20, insert the following new section:

ENHANCEMENTS TO EXEMPTION FOR MEMBERS WITH COMBAT-RELATED INJURIES FROM REQUIREMENT FOR PAYMENT OF SUBSISTENCE CHARGES WHILE HOSPITALIZED

SEC. . (a) EXEMPTION MADE PERMANENT.—Subsection (c) of section 1075 of title 10, United States Code (as added by section 8146(a)(2) of the Department of Defense Appropriations Act, 2004 (Public Law 108–87)), is repealed.

(b) RETROACTIVITY.—Subsection (b) of section 8146 of the Department of Defense Appropriations Act, 2004 (Public Law 108–87), is amended to read as follows:

"(b) EFFECTIVE DATE.—(1) Subsection (b)(2) of section 1075 of title 10, United States Code, as added by subsection (a), shall apply with respect to any period of hospitalization on or after September 11, 2001, because of an injury covered by that subsection that is incurred on or after that date.

"(2) The Secretary concerned (as defined in section 101 of title 37, United States Code) shall take such action as necessary to implement paragraph (1), including—

"(A) refunding any amount previously paid under section 1075 of title 10, United States Code, by a person who, by reason of paragraph (1), is not required to make such payment; and

"(B) waiving recovery of any unpaid amount for which a person has previously been charged under that section and which that person, by reason of paragraph (1), is not required to pay.".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume in order to offer this amendment for myself and for my friend, the gentleman from Wisconsin (Mr. OBEY), who has been part of this effort from the very beginning.

Members of the House were astonished when we learned that military members of our Armed Forces injured on the battlefield and recuperating in military hospitals were charged $8.10 a day for the food they consumed during that hospital stay. So this is stage three and the final stage of the congressional effort to correct that problem.

The first stage was including in the defense appropriations bill, that became law on October 1, a repeal of that act that made that requirement. However, because it was an appropriations bill, it could only be effective for 1 year. So the second phase was when the House passed by a unanimous vote H.R. 2998 to make the repeal permanent. And that passed, as I said, on a unanimous vote in the House.

Now, this third and final phase makes it retroactive to September 11 of 2001 and provides for repayment to those members of the armed services who actually did pay that charge. So it provides for refunding of the amounts previously paid, and it waives recovery of any unpaid amount for which a person was charged because of that law.

This, I think, this was an insult to the men and women who serve in our military and who are injured on the battlefield and who recuperate in our military hospitals. So I am very happy that we are going to fix this permanently and that we are going to make it retroactive to September 11, 2001. I appreciate the fine support all of this Congress have given and especially the gentleman from Wisconsin (Mr. OBEY) as we move through the three stages.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume, and I would simply say that I know the chairman and Mrs. Chairman, as well, have spent considerable time focusing on this issue, and I appreciate that. We agree with the amendment and would urge support.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I hope that we can expeditiously approve this amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider the amendment by the gentleman from Wisconsin (Mr. OBEY).

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

On page 2, line 9 of the bill, strike the dollar amount "$12,188,870,000" and insert the dollar amount "$12,238,870,000".

On page 4, line 19 of the bill, strike the dollar amount "$4,485,452,000" and insert the dollar amount "$4,600,452,000".

On page 7, line 7 of the bill, strike the dollar amount "$1,988,600,000" and insert the dollar amount "$5,294,000,000".

On page 13, line 8 of the bill, strike the dollar amount "$658,380,000" and insert the dollar amount "$808,380,000".

On page 30, line 1, strike "$18,649,000,000" and insert "$15,028,000,000".

On page 30, line 2, strike "$3,243,000,000" and insert "$2,355,000,000".

On page 30, line 3, strike "$1,318,000,000" and insert "$1,133,000,000".

On page 30, line 4, strike "$5,650,000,000" and insert "$4,118,000,000".

On page 30, line 5, strike "$2,100,000,000" and insert "$1,866,000,000".

On page 30, line 6, strike "$4,332,000,000" and insert "$3,688,000,000".

On page 30, line 8, strike "$370,000,000" and insert "$225,000,000".

On page 30, line 9, strike "$153,000,000" and insert "$91,000,000".

On page 30, line 10, strike "$280,000,000" and insert "$259,000,000".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Arizona (Mr. KOLBE) each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

☐ 1700

Mr. OBEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, as I said earlier, we have heard a lot of talk today about supporting the troops. This is an opportunity to do so. What this amendment does is increase by $3.6 billion funds that are not provided in the committee mark for quality-of-life items for the troops as well as other items reconstituting the force.

What we try to do, for instance, is first of all to correct the problem that we face with our troops not having clean water. Eighty percent of our troops in Iraq have to drink bad water. They get dysentery. The President's request contains only $15 million for such purposes. We try to provide an amount consistent with meeting the needs of all of the troops in that country. Secondly, we provide funding to allow Reservists to obtain medical and dental screening prior to activation. Right now, they have to pay for that themselves. Thirdly, we say that for troops returning from theater and returning to a normal, back-home life, that we will extend their coverage under the military health care program from the existing 60 days to 180 days. We also provide additional funding, $50 million, to cover the cost of increasing support for Reserve family assistance centers to address domestic problems resulting from extended deployments. We also provide additional funds for prepaid phone cards for the troops in theater, $65 million. And we provide funds to fully cover service members' transportation while on R&R. Finally, we provide additional case managers for the VA and DOD joint Disabled Transition Assistance Program to enhance transition assistance for disabled service members.

In addition to that, as I indicated earlier, we have about a $20 billion task facing us to reconstitute and refurbish and replace the equipment that was used or used up in Iraq. We have almost half of our Army divisions with, at this point, equipment which is not up to full readiness standards. We need to correct that as soon as possible. The services asked for the full amount necessary for this year. The Department denied them a good share of the funds. We provide the full funding levels that were requested by the services.

Basically, Mr. Chairman, that is it. If you are for the troops, I, for the life of me, do not understand why people would not support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment as I understand it here is designed to improve the quality of life for our forces in Iraq and Afghanistan. Nobody can dispute the need to do so. However, my concern is obviously where the funds come from. The amounts that are taken here are all from various accounts that are devoted to the reconstruction in Afghanistan. One can argue it is relatively small amounts here and there, it is a couple of hundred million in this account, a couple of hundred million in that account, but when it comes to the reconstruction which is only 25 percent of the total amount of this supplemental bill, the amounts that are taken out of here are rather substantial. The amounts that are added in on the military side are not that large. But this cuts very deeply into what Ambassador Bremer and this administration and this United States and the Coalition Authority is trying very hard to do in Iraq, which is not only to make sure that the quality of life for our Armed Forces is adequate, but to improve the quality of life for the Iraqi citizens, to improve not just the material quality of life for the Iraqi citizens, but to improve the quality of governance life under which they live.

That is, to make sure that the institutions of democracy begin to take root in Iraq, that there is freedom for people to speak out, that there is freedom for those who are Shiites to practice their religion freely. That there is the ability of people to have electricity and water that is essential not only for their livelihoods but, in many cases, for their very lives. To be able to have the health care that they need. These items, where these reductions come from, would come from those accounts. It also comes out of the security. A very large part of this comes out of the security within Iraq.

Mr. Chairman, it is important to have the security for the United States military forces, but if we are going to bring our forces home as rapidly as possible, it is very important that we provide for the security within Iraq. That is, that the forces, the army and the national police forces in Iraq are able to be constituted as quickly as possible, stand on their own two feet and that they can substitute for the United States forces the security needs of Iraq. That is the only way in which we are going to be able to bring our troops home in a timely fashion.

And so this amendment, I think, is misdirected. On the one hand, it says we want to improve the quality of life for our forces in Iraq, but on the other hand, it cuts in a disproportionate way from the accounts that are necessary to get them out of there and to get them back with their families, in the United States with their families.

Mr. Chairman, I think that this is unfortunate, because on the one hand, it looks like it is a good thing to do to help the quality of life for our troops, and no one disputes that motive. But on the other hand by disproportionately taking from these categories, security, health care, electricity, the water and sanitation, the constitutional reconstruction needs in Iraq, by disproportionately taking from those accounts, we damage the ability of the Coalition Provisional Authority. We damage the ability of the United States. We damage the ability of our Armed Forces in Iraq to carry out the foreign policy objectives that we are trying to achieve and for our forces to be removed from Iraq as quickly as possible. We damage our ability to help the Iraqis take the responsibility for their own security and for running their own country.

This is the wrong approach, Mr. Chairman, and I hope that we will reject this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to vigorously support the quality-of-life provisions, the very modest quality-of-life provisions, but important provisions that my good friend, the gentleman from Wisconsin, has included in this bill. I would say that we have worked together to develop many of these proposals. We have winnowed them through several different processes, the personnel subcommittee, the Democratic side of the personnel subcommittee, the House Armed Services Committee.

Go through this bill, $87 billion. It does all manner of things for Iraq and the Iraqi people, the Iraqi army, the Iraqi police force, and ask what it does for our troops. They are the ones who not only won the war, but in the aftermath of the war when there was a real vacuum, through improvisation saved the day. They are the ones who, right now, are the foot troops who are putting Iraq back together. They have been called for hard duty, they have been asked to extend their tours, and the least we can do for them and their families is to show some concern and say thank you, and that is what these provisions do.

First of all, we know that family assistance centers which help Reservists, many of whom have had their tours extended, help their families deal with problems, are underfunded by $50 million. This corrects that deficiency. Secondly, we know, if we have been there, that one of the chief complaints is the inability just to call home and talk to your family. In this era of telecommunications, it is the least we can give our troops, and this bill provides $50 million to help our troops call home and stay in touch with their families. Transportation costs. The biggest complaint in Bosnia, the biggest complaint, you have been to Bosnia, all of you have been to Bosnia, all of you have been to Iraq. The biggest complaint was R&R is great, but if you are at Fort Bragg and happen to live in El Paso, it can cost you an arm and a leg if you are an E–6 or an E–7 to get home. And so this bill provides the money to fly all the way home and get back to your duty station.

Finally, funds are provided for transition assistance for disabled service members. Many of us have been out to Walter Reed. A very affecting piece of testimony was given by General Jack Keane, where he recounted the case of a blind GI who had lost one limb, who cannot be reintegrated back into the Army, but he said, let me tell you something, we're going to see that this GI, wounded as he is, gets reintegrated into society. We're going to help him get to school, we're going to give him a mentor, help him every step of the way. The problem, and I take General Keane at his word, there is no money to provide for that. This bill would provide for that.

These are four modest provisions. The least we can do for our troops is to support this package and help our troops.

Mr. KOLBE. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for yielding me this time. I will not take that much time, but it is very important to know that within the bill, we do provide for hazardous-duty pay, for the extra funding that is required to make sure that we take care of our troops. Indeed, over recent years, we have done a fantastic job by way of the regular order to improve the pay levels, the housing circumstances, et cetera, for our troops. We are doing everything we can to make sure there is a pattern set there that encourages our people not just to serve, but to reup when they have finished a specific tour of duty. We have made fantastic progress there. And we commit ourselves to continuing that progress.

In the meantime, I think it is instructional to mention the very important conversation we had with General Sanchez when our group was in Iraq. The General is in charge of our men and women who are representing us in that country, and he said very clearly that it is impossible to delink the relationship between the security of our troops, the job that they are doing for us in Iraq, from the reconstruction effort in Iraq. If we want to stabilize the circumstances there, he said, secure our troops as well, make sure they are as best possible protected, then we have got to move forward quickly with reconstruction. To take this amount of money out of the reconstruction process is bound to slow it down. That in turn will have an effect upon how long our troops will have to remain there. This is the wrong place to be moving money at this point in time.

So I would strongly object to this decision at this moment. I do appreciate the support long-term for improving the living condition and otherwise as well as the current hazardous-duty pay and support for the troops that we are expressing in this bill.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank my friend the distinguished ranking member of the Committee on Appropriations for yielding me this time.

Mr. Chairman, I do not know, but I do not think that any Member of Congress has a son or a daughter actually serving in Iraq. If they do, I hope we hear about it. But if we did, I trust that our fatherly love would trump our political loyalties. But even though we may not have children, it is we who are responsible for sending the children of our constituents, the young men and women of America, to fight our wars. And we have to determine how much we spend on their protection and on their fighting capability.

In a recent trip by the members of the Subcommittee on Defense of the House Committee on Appropriations, they found that there was a shortfall of protective body armor for 40,000 troops in theater. That has been reduced subsequently, but there are still tens of thousands. The supplies of portable jammers used to defeat land mines and other radio-detonated bombs are woefully short. The division patrolling the most dangerous area in the Sunni Triangle had only nine where 86 were required. In the First Armored Division which is responsible for that most dangerous area, a third of the division's Bradley vehicles had been sidelined due to a lack of spare track. In that same division, 40 percent of the Humvee vehicles were out of commission due to a lack of spare parts. And overall, 46 percent, almost half of all the Army's spare parts needed in the country were not available.

All this amendment does is to take the word of the Armed Services, not of the politicians, but of the people in uniform as to what they need.

☐ 1715

We are told that 80 percent of our troops are drinking dirty water. In a recent survey, 30 percent had dysentery. And we will not provide this relatively small amount of money specifically targeted to correct those deficiencies?

This is our responsibility, we in the Congress, whether or not the executive branch acknowledges it. This is an opportunity to accept that responsibility, to do the right thing. It is easy to talk the talk about how much we support the troops. This is one amendment that is only designed to do what we would do for our own children fighting in Iraq. This is absolutely essential. There are no excuses to vote down this amendment. It is the right thing to do. I urge the Congress to do the right thing.

Mr. KOLBE. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have been told that we cannot afford to cut back the reconstruction package, the $20 billion reconstruction package in Iraq, in order to fund these few additional services for our troops and to restore the readiness of our military units around the world.

Let me point out we are taking $3.6 billion out of the reconstruction program in order to fund these efforts. That still leaves us with $15 billion. That means that it still leaves us with a reconstruction package that will spend $650 for every Iraqi, $650. That means that we will be spending seven times as much per Iraqi as we spent on a per capita basis for the entire population of Europe in the Marshall Plan.

It is also a dead letter fact that Mr. Bremer is not going to be able to obligate $15 billion in the time frame that this bill envisages, and it is a fact that some of those contracts would not be finished for 5 years. Surely we recognize that even with this reduction, this assistance package on a per capita basis would be the most generous aid program in the history of the world.

What are we trying to use that money for? We are trying to provide water for the troops that will not make them sick. Is that too much to ask? Is there something wrong with our dedication to the war against terrorism if we are for that?

We also are trying to provide health and dental screening for Guard and Reserve personnel before they go into active service to do their duty, and what we are trying to say is just in case that when they were on active duty and got a health problem that is not going to show up for a few months, we are going to give them 6 months of coverage after they have done their duty and they are back home. Is that too much to ask? I know this Congress will not help provide health coverage for the 42 million Americans who do not have it, but can we not at least do it for these?

And then, lastly, we are asking for a little bit of money so that our soldiers can pick up a cell phone, so that they can pick up one of these, open it up, it is against the rules to use this on the House floor, but we want them to be able to pick up one of these, open up a cell phone and dial their family when they are lonely. That is what we are asking.

I think this amendment represents a far better balance of priorities than does the administration request or the committee package, and I respectfully and urgently ask for an "aye" vote for the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I listened to the debate and the arguments that were made by the gentleman from South Carolina and the gentleman from Virginia and the gentleman from Wisconsin, it occurs to me that the problem in this debate is it is as though it was taking place in some kind of vacuum, that the only thing we were talking about here was the amount of money that is in this bill for the reconstruction of Iraq and Afghanistan. It is as if the assertion is that we are not doing anything for our troops that are over there. Let us not neglect the fact that three-fourths of all the dollars that are in here, or the $67 billion, is for the military forces in Iraq and in Afghanistan. It is to replenish those accounts. It is to do exactly some of the things that the gentleman from Wisconsin just described to us a minute ago. It is not as though we were not cognizant of that, that we were not thinking about that when this bill was crafted by the administration and worked on in the Committee on Appropriations. But what the gentleman is suggesting is that more of the money should be going there. So as I said earlier, we are adding a relatively small amount to the military to help the quality of life there and taking a very large amount out of what is necessary for the reconstruction of Iraq.

Let me just give a few of the figures. Out of security and law enforcement, these are the people that we are asking to train them to replace our security forces. The amendment would take almost $900 million out of that account. For justice and public safety, the amendment would reduce about $180 million. Out of electricity, the gentleman from Wisconsin suggests that we would reduce that by $1,530,000,000.

When we were in Iraq in August and we were in Basra, we had a briefing by the commanding general, the British commanding general, who talked about how the temperature had gotten up in August to 130 degrees. The electricity system just simply collapsed under those circumstances. They were without any electricity in Basra for 4 days, and that is when the riots took place. People went out in the street and started throwing rocks out of sheer frustration. I would be doing that. You would be doing that. And that put the safety, in this case of British soldiers, and the same is true in Baghdad and elsewhere where American soldiers are located, put the safety of those soldiers at risk. We need to get that electric system up, and we need to get it running.

Let me repeat this again. General Abizaid said we cannot separate the reconstruction dollars from what we are doing for the military. They are just as important. It is just as much a part of the security of the forces that we have in Iraq as is every dime that we give for ammunition or for any weapons or for clothing or for food for our troops over there. The reconstruction dollars are part and parcel of the security of our forces over there. I am paraphrasing what General Abizaid said. I quoted it directly a few minutes ago in my general remarks.

Let me just close with this statement, Mr. Chairman: If we are concerned about the quality of life of our American forces that are in Iraq, we do no favors to the quality of life of those troops by keeping them there longer and by denying the reconstruction effort and the constitution of the security forces in Iraq that will get our troops out of Iraq. If the Members want to improve the quality of life of our troops, bring them home; and the fastest way to do that is to improve the security of the Iraqis to allow them to take back the country and allow our forces to leave.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) will be postponed.

It is now in order to consider the amendment offered by the gentleman from Indiana (Mr. PENCE).

AMENDMENT NO. 33 OFFERED BY MR. PENCE

Mr. PENCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. PENCE:

In the item relating to "OTHER BILATERAL ECONOMIC ASSISTANCE—IRAQ RELIEF AND RECONSTRUCTION FUND—(INCLUDING TRANSFERS OF FUNDS)", add at the end before the period the following: ": *Provided further*, That 50 percent of the total amount of funds appropriated under this heading shall be withheld from obligation and expenditure until (1) the initial 50 percent of funds appropriated under this heading have been obligated giving priority consideration to the emergency purposes of security, electric sector infrastructure, oil infrastructure, public works, water resources, transportation and telecommunication infrastructures, and other emergency needs, (2) the President prepares and transmits to the Committees on Appropriations of the House of Representatives and the Senate a report in writing that describes the programs, projects, and activities that are or have been financed by such initial funds and includes a detailed analysis of the extent to which such programs, projects, and activities are or have been successful, and (3) the President determines and certifies to Congress that a democratically elected government in Iraq has been established: *Provided further*, That the remaining 50 percent of the total amount of funds appropriated under this heading shall be made available in the form of loans subject to repayment to the United States Government, on terms and conditions determined by the President".

Mr. KOLBE. Mr. Chairman, I reserve a point of order against the amendment.

Mr. OBEY. Mr. Chairman, I also reserve a point of order.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Indiana (Mr. PENCE) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I come before this Chamber in support of the Pence amendment tonight, but I do so with a great sense of gratitude for the strong leadership that the gentleman from Florida (Chairman YOUNG), the gentleman from Arizona (Mr. KOLBE), and other members of the Committee on Appropriations have provided in preparing this important legislation in the life of our Nation, and I strongly support the measure in every respect save one. And it is on the question of whether reconstruction costs in Iraq should take the form of a grant or a loan.

I have considered the arguments of the administration, the opinions of my constituents with much deliberation and prayer, and on this question I have decided that it is appropriate for me to stand firm in my belief that a portion of the reconstruction costs should be eventually repaid by the Iraqi people to the people of the United States. The gentleman from Florida (Chairman YOUNG) before the Committee on Rules yesterday said, memorably, a difficulty with a loan is that "there is no authority in Iraq to whom we may make a loan," and that is a legitimate and significant point as we consider other loan proposals before this Chamber. The gentleman from Wisconsin (Mr. OBEY), ranking member, also made, in my view, a compelling point in saying that the debate between pure grant and pure loan was not constructive, that what we needed was a rational balance of the short-term and long-term needs of the people of Iraq and the people of the United States of America. And I would humbly offer that the Pence amendment is precisely that middle ground which addresses the lack of a governing authority present in Iraq against the needs of the American people who see this oil-rich nation as needing to bear some of the cost at some point in the future of the creation of their own civil society.

As the administration has argued and the chairman noted, it is simply impossible to extend a loan from the United States to a nation not yet formed. In recognition of this reality, the Pence amendment makes the first 50 percent of the funding available immediately as a grant, giving priority consideration to the emergency purposes of security, electricity, oil infrastructure, public works, and the like. And then, Mr. Chairman, once the administration informs Congress that a democratically elected government in Iraq has been established, the balance of the funding would be made available in the form of a loan from the United States Government under terms and conditions to be negotiated by the President of the United States.

Having addressed the logistical issues raised by the chairman and by the administration, I believe it is appropriate that Congress defer to the consent of the governed, especially in matters of foreign aid. Many Americans, even in my conservative district, overwhelmingly support some repayment of reconstruction costs. Most Americans know Iraq is an oil-rich nation, possessing by some estimates some $7 trillion, the second largest oil reserve of any nation on the planet.

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Most Americans know Iraq will eventually be able to bear the burden of repaying some of the costs of rebuilding its infrastructure. In fact, it was Iraq's interim trade minister, Ali Alawa, who said, in Australia just yesterday, that Iraq was announcing plans in the middle of 2004 to increase their oil production from the current 2 million barrels a day to 3.5 million barrels a day. The American people know this, and they desire earnestly to partner with the people of Iraq when it comes to the bricks and mortar of building their own civil society.

At a time of mounting deficits, also making a portion of the reconstruction costs a loan reassures the American people that there is a financial end-game strategy. In my district, very few Americans, it seems, Mr. Chairman, worry about a military quagmire. We have won the war decisively and humanely. But even in my rural district in Indiana, many Americans worry about a financial quagmire. By partnering in a loan for a portion of these reconstruction costs, we allow for an end-game strategy to begin to emerge.

Finally, by making a portion of the infrastructure reconstruction a loan, Congress will set an important precedent as we partner with the Iraqi people in establishing a free society. This is especially important since most anticipate this request for reconstruction will likely not be the last.

In the end, I am grateful for the opportunity agreed upon by both parties to bring the Pence amendment to the floor with such thorough opportunity for debate. As I have said before, I will support the final version of the Iraq supplemental as the Congress works its will, because I fully support the President and am anxious to continue to support the courageous work of our military-civilian personnel and the members of the committee. Nonetheless, I am offering the Pence amendment humbly today, with the firm belief that the United States should provide for the liberty and security of Iraq, but improvements in the civil society in Iraq should ultimately be borne by the Iraqi people.

Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, I thank the gentleman for yielding me time, and I thank the chairman for bringing this bill forward in good form.

I supported going into Iraq. In fact, I served on the President's working group for Iraq, and I think it was the right thing to do. I believe it was still the right thing to do, and I support our troops, the men and women in uniform over there giving their all for us. There is no question about that. I want them to see that they have all the resources that they need at this difficult time in their lives to protect themselves and to protect us. And we need to remember, we are over there fighting so we do not have to be fighting here on our own shores.

But I come from a district where there has been a great deal of hardship lately, a lot of job loss, and my people, frankly, do not understand why this cannot be a loan instead of a grant. A lot of them say to me that this just does not make any sense. Iraq has all that oil. I think it has the second largest oil reserves in the world. They are going to be running a surplus in their oil reserves very soon, I think by the end of next year. So if they would pay for part of their reconstruction, they buy into the process, and literally they have a commitment there to help with their own freedom.

I work for the people of the Ninth District of North Carolina, and they feel very strongly about that, and I feel very strongly that I would like to see this be a loan as well. That is why I support the Pence amendment. I would like to have a vote on this amendment, so we could express our opinions and the thoughts of our people at home. I do support the underlying bill.

The CHAIRMAN. Does the gentleman from Arizona claim the time in opposition to the amendment?

Mr. KOLBE. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman is recognized for 30 minutes in opposition to the amendment.

Mr. KOLBE. Mr. Chairman, I yield myself 5½ minutes.

Mr. Chairman, those of us who have served in the military know the meaning of the old term "hurry up and wait." Well, that is what we have got here, a hurry up and wait amendment. It says we are going to withhold 50 percent of the money that the President seeks on an urgent basis until we know how the first 50 percent worked out.

If between $18 billion and $20 billion in reconstruction aid is needed to get our troops back from Iraq, to put Iraq on its feet, to be able to get our troops out of there, and I believe that a majority of this House is prepared to provide that much money, this amendment says to our troops over there in Iraq, do not plan on coming home for a while, because we are going to see how this first half works out. We will see whether or not we get a democratically-elected government, how it gets established in Iraq. I guess if we want to be facetious, we could say what happens if they decide to have a recall election, if there are some hanging chads over there?

But the reality is, not speaking facetiously, that the return of our troops and the utilization of the urgently needed second $9 billion to $10 billion for reconstruction under this amendment would be put on hold until there is a democratically-elected government. So we are, in other words, putting ourselves in the hands of the Iraqis to decide when our forces are going to be able to come home.

The amendment gives priority consideration to various sectors of reconstruction in the first half that it allows to be spent as a grant. It says it gives priority consideration to uses for security, for power, for oil, for public works, for water, for transportation and telecommunication. Well, those items are 80 percent of what is in the $20 billion that we have got in this bill. So which of those priority items are going to be done and which ones really are not priority items, or how much of them are not really priority items? Which of these things do we decide are really not priorities until we have a democratically-elected government in Iraq?

The fact is, these are important, and we need to move these things forward now, and we need to do it on an orderly basis.

While not all of this money is going to be spent during this first year, the vast majority will be. That is what our subcommittee looked at very carefully, how much of this money can be obligated in the next 15 months, and I believe the vast majority of it can be obligated during that time. That provides for an orderly flow of the contracts.

One of the reasons we are considering this supplemental bill now is because many of us pushed with the administration to get it up here so that in January when the contracts run out of the existing funds that were in the last supplemental bill, we will not have a break in the construction process. What would happen if we were not able to go forward with the water projects, the sanitation projects, the electric projects, the projects to restore the oil production in Iraq. The worst thing we could have is to have a break in the reconstruction process. And yet this is exactly what this amendment would do. "Once we see what happens with the first half, then we will decide how to proceed with the second half."

The supplemental bill that you have before you, talking about the reconstruction part of this, is comprehensive. It addresses security, such as border enhancement. It is needed to get the oil industry up, to get the industry operating, and all the aspects of long-term recovery are dependent on whether or not the Iraqis are able to get their oil production up so they will have the funds they need to do these things themselves.

It fixes the transportation infrastructure in the Port of Umm Qasr. It addresses education, and helps the Iraqis deal with investigating the crimes of Saddam Hussein against humanity.

Mr. Chairman, I want to reiterate as to what the supplemental package is all about. It is about the strategic interests of the United States. It is about creating a peaceful and stable Iraq. It is about creating a more peaceful Middle East. It is very much about fighting terrorism. But, most of all, this is about winning the war, winning the war against terrorism, and it is about the safety of our troops, the men and women in uniform.

I know I have said it several times on this floor, and I have quoted him and paraphrased him several times, but I think it is worth repeating, and I am sure I will do it more times today. General Abizaid in testimony before our subcommittee said that you can pay the U.S. military, but you will be paying them to stay in Iraq forever without fully providing the direct assistance for reconstruction.

What this supplemental appropriation is designed to do is not keep our forces there forever, but to find a way to get them home, by saying to the Iraqis we are going to train your security forces, your military forces, your police forces, so that you can take over those responsibilities from us. If we say that we are not going to do those responsibilities now, we are saying to ourselves that we are going to keep our military forces there for a longer period of time, and the longer we delay with the construction, the longer our troops will be there.

If you want to bring our troops home, let us move on with the reconstruction, and let us oppose this amendment.

Mr. PENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. FEENEY), who has been from virtually day one an outspoken and unapologetic advocate of a loan partnership between the people of America and the people of Iraq in the reconstruction of their nation.

Mr. FEENEY. Mr. Chairman, first I want to thank the chairman and his committee for the wonderful job they have done in empowering the White House, and the President's team and our military for the wonderful prosecution of this very difficult war.

Second, I want to thank the gentleman from Indiana (Mr. PENCE) for the courage he has shown to stand up and do the right thing for the American taxpayer, and yet continue to help the White House and our military successfully prosecute the aftermath of the war.

Third, I want to thank God. I want to thank God for President Bush's team that has done such a terribly important job in the aftermath of September 11 in Iraq. In particular Vice President CHENEY, Secretary Rumsfeld, Condoleezza Rice and Colin Powell, just to name a few.

I remember in Washington's first farewell address, he warned all of us about entering into "entangling alliances" oversees. The second President of the United States, John Adams, said "America does not go abroad in search of monsters to destroy."

But on September 11, all of us recognized that this is a much smaller world, because monsters found America and tried to destroy us, and they are going to do it again. The next attack could be from a vial of nerve gas, a nuclear weapon, a chemical or other biological weapon that may be built in the hills of Afghanistan or the deserts of Iraq. We understand that. We recognize that, and we fully support the prosecution of the war.

I will tell you that for some 220 years, my view is that America has been the moral conscience of the world. I will tell you that at times in this very difficult global-terrorist-threat environment, we will have to be the world's policeman in certain regions.

We will never be able to be the world's nanny. When it comes to building a nation's infrastructure, when that nation has the type of oil availability and resources that Iraq does, we ought to do the right thing by the American taxpayer.

I believe that President Bush is 100 percent right. The oil fields belong to the Iraqi people. But I also believe that the infrastructure, the roads, the bridges, the hospitals, the schools that we will build, the electric grids, also belong to the Iraqi people, and it is fitting that America lead the way and that we help the Iraqi people establish, for the first time, a real, serious infrastructure that can help their people survive and thrive, and that we help them with our moral leadership, teaching them about democracy, teaching them how to be prosperous and peaceful, things like free trade, low tax rates, respect for private property and individual freedoms, from the right to speak or choose your own religion.

But ultimately, Mr. Chairman, I believe that the American taxpayer is owed nothing less than to say with respect to building infrastructure or nation-building, that it is only right that our children not bear the brunt of the cost of building schools, hospitals and roads ultimately in Iraq.

The proposal of the gentleman from Indiana (Mr. PENCE), I think, does a marvelous job in balancing the needs that the administration has to successfully prosecute the aftermath of the war to make our troops successful so we can bring them home. But it also respects the challenges that face America's taxpayers.

Finally, we should help Iraq build for the future. We should adopt principles of prosperity and freedom, but, ultimately, we should never be their nanny or be the only people spending money to build their country.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the committee.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me time.

I rise in opposition to the Pence amendment.

Mr. Chairman, some feel that we should give loans to Iraq rather than provide direct assistance. I believe that this is the wrong approach. As the Washington Post asserted in its lead editorial yesterday, "To make a loan in these circumstances is like swimming out to a drowning man and handing him a 10 pound weight."

I could not agree more. For two decades, Saddam Hussein spent billions of dollars building his elaborate palaces and war machine and neglecting his oil infrastructure, while the people of Iraq were forced to bear the burden of his neglect of basic health and educational services. Now, Saddam has left Iraq $225 billion in debt, including approximately $100 billion owed to France, Germany, Russia and other nations, and an additional $125 billion in reparations owed to Kuwait and Saudi Arabia for damage done by his invasion of Kuwait in 1990.

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At this point, why should the Iraqi people bear the brunt of debt incurred by their former dictator?

There is an underlying premise that we must never forget: support for reconstruction and stabilization in Iraq is inextricably linked to the security of our soldiers on the ground. With success, a free Iraq will send a clear message to the people of the Middle East and beyond that freedom and democracy, not violence and terrorism, are the best paths for the future.

A larger crushing debt burden will lead to greater discontent and instability, and again make Iraq an incubator for terrorists who will stop at nothing to hinder our mission.

To lessen this risk, this supplemental request will provide the resources necessary to help ensure stability, peace, and democracy in Iraq. This will create a safer environment for our troops and a safer world for our children and grandchildren and, indeed, our strategic interests.

Mr. Chairman, I urge the rejection of this amendment.

Mr. PENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. NEY), who has been an outspoken advocate of this junior Member's efforts to bring this issue to the floor.

Mr. NEY. Mr. Chairman, I want to commend the gentleman from Florida (Chairman YOUNG) for his good bill and diligence on this bill, and also President Bush for his standing up for America in both Afghanistan and Iraq, and standing up for the Iraqi people and a better stability in the world. I also want to thank my good friend, the gentleman from Indiana (Mr. PENCE), for his leadership on this issue. He has been a leader in fiscal responsibility throughout his time in Congress.

Mr. Chairman, this amendment is the right policy for our Nation. It takes the fiscally responsible approach for rebuilding Iraq and protecting our troops at the same time.

I think we can all agree that money is needed now to help Iraq lift itself up into a stable country. This is in the best interests of all nations. We also recognize that rebuilding Iraq is necessary to protect our troops. The truth is that the more quickly we can rebuild Iraq and alleviate critical shortages, the more quickly we can bring about peace and stability so that our brave men and women in uniform are no longer the targets of Iraqi hostilities.

However, there is no reason that the money needed to carry out this rebuilding must be free of charge. I think it is fair and reasonable that some of the money we are providing today be a loan.

Iraq is a very resource-rich nation. They will soon have the capability to provide for their own rebuilding and will not need U.S. money. The funds we are providing today provide a bridge to take Iraq from the shambles Saddam Hussein left to a country capable of providing for itself. Once the Iraqi people are on their feet and are able to produce oil, they will have plenty of income and will be able to repay us for loans.

In my district there are people who are losing their jobs because we cannot even see fit to provide domestic steel companies with loans to modernize and compete with foreign producers; yet, somehow, we are going to find the money to give, not loan, but to give Iraq $19 billion.

In closing, this amendment is at the core of how we believe the United States should carry out its foreign policy. We need to ask ourselves if the United States is a charity or a partner for Iraq.

Some countries, by the way, are demanding to be repaid for loans that they gave to help prop up Saddam Hussein's dictatorship. The least we can do is ask to be repaid for part of the money that will be used to rebuild the ruins Saddam Hussein left.

With our help, Iraq can quickly rebuild and become prosperous and productive with enough resources to make it one of the wealthiest nations.

Again, it is a very sensible amendment by the gentleman from Indiana, and I urge support of the amendment.

The CHAIRMAN. Does the gentleman from Arizona (Mr. KOLBE) continue to reserve his point of order?

Mr. KOLBE. Yes, I do, Mr. Chairman.

Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Chairman, I rise in opposition to this amendment. I think perhaps not for the same reasons that some may; but, from my view, this is simply a fig leaf for those people who were in favor of the war but do not want to pay for it.

The Geneva Convention says that when you occupy a country, you are responsible for putting that country back on its feet.

Now, the idea that we are going to go in there and sock them with how many billions of dollars' worth of debt, I do not know, half the debt? Half of $87 billion? It makes absolutely no sense, especially when we read the papers. If we read the al Ahram Weekly out of Egypt and they talk about the privatization that our viceroy has announced, the viceroy said that every state-owned company will be sold to private investors. This is the equivalent of pillaging. My colleagues know: rape and pillage that comes after war. This is pillage, and the war profiteers are gathering around the White House and around Mr. Bremer waiting to buy these companies on 10 cents on the dollar. And we are going to say to the Iraqi people, wherever this money comes from, you people are going to be responsible for it.

Now, I do not know how many times I have heard people come in here and talk about the Third World and they say, the way we are going to help the Third World is to lift the debt. And here we are sitting right here, looking at it, knowing the oil industry is not functioning; and we are saying, we are going to stick you with the debt. We are going to put this debt on their children. We do not like putting it on our children; I agree with you. That is why I am going to vote "no." But this puts the debt on their children. That is certainly fair, is it not? I mean, these kids over there that we bombed and kept from medical care and everything else with our sanctions, now we are going to give them some debt to worry about for the rest of their lives.

This is simply a bad amendment so that some people can say, well, I voted to make a loan, but the House turned me down, and so I had to go for the full boat out of your pocket to their own taxpayers. I understand why you are a little anxious about going home and defending this bill, since you know there is no plan. I mean, who has decided they are going to privatize Iraq's economy? One man, the viceroy, Mr. Bremer. He got some guy in the council who says the new policy will create a free and market-oriented economy, without any precedent in the Arab world. He claims the reforms would promote economic growth and raise the living standards of all Iraqis.

Every time you privatize, you put people out of work.

We have hundreds of thousands of people out of work in that country, and you are planning to put more out.

This is a bad amendment.

Mr. PENCE. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Indiana (Mr. PENCE) has 17 minutes remaining; the gentleman from Arizona (Mr. KOLBE) has 19 minutes remaining.

Mr. PENCE. Mr. Chairman, I yield myself such time as I may consume.

As a point of clarification, I would say to the gentleman from Washington that the Pence amendment does not call for a 50 percent loan of the entire Iraq supplemental; it specifically applies to the section of other bilateral economic assistance, Iraq relief, and reconstruction funds. The debate today on the floor with respect to the gentleman from Washington is about the reconstruction funds in the legislation.

Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. BURTON), my colleague and friend.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me this time.

If this amendment were put to a vote tonight, it would pass overwhelmingly; I am just confident of that. But the Committee on Rules chose not to make this amendment in order. Yet we are allowing the gentleman from Indiana (Mr. PENCE) and those who oppose this amendment to debate this for an hour. And I would just say to my colleagues, this is nothing more than a facade. It is something that we should not be doing, because this amendment is going to be ruled nongermane.

The American people overwhelmingly would support this as a loan to Iraq, a noninterest loan that could be paid back in 20 or 30 years; but at least when the oil comes in and they start making money over there, it could be repaid.

So the only thing I wanted to say tonight is that I am very disappointed that this was not made in order, number one; and, number two, I am disappointed that we are debating this for an hour when everybody knows we are not going to have a chance to vote on it. It is just not right to do business that way.

Mr. KOLBE. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Arizona for yielding me this time, and I thank the gentleman from Indiana for bringing up the amendment which he and his followers feel is balanced as far as the loan versus grant issue that we are now debating. I think if it were a year from now and we were debating further supplementals for Iraq, it would be very appropriate; but it is not a year from now.

We have tens of thousands of American soldiers in Iraq. Many of us have visited them. There is, when we look into their eyes, a deep sense of courage; but there is also, as anybody that has ever been in combat can see, there is a deep sense of fear. Coupled with that, there is urgency. There is not a sense of urgency; there is urgency.

There is urgency that we get the supplemental out tonight so the 60-some billion dollars reinforces what our soldiers have, and there is an urgency that we heard from every military person we met at every base we went to that money is ammunition. What that means is, if we can get the electric turned back on, that puts Iraqis back to work. If we can get 80,000 Iraqi police within the next year, that will relieve our MPs from guarding the city streets and guarding the prisons. If we can get 27 battalion Iraqi units on the road, on the borders, in the hinterlands, in this famous peninsula area that is very, very dangerous, 27 Iraqi battalions, that will bring our troops home. There is real urgency in this supplemental, not as a loan, but as money that will go to secure the troops in Iraq to ensure their safety and to ensure their quick and speedy return.

Mr. Chairman, we did not debate loans or grants at the height of World War II. There is a critical juncture that we must realize. We are at that fork in the road. We do it with a sense of urgency, with a sense of responsibility. We will succeed. If we falter, it makes it much more difficult. Our troops will be in Iraq a great deal longer.

So I urge a "no" vote on this amendment.

Mr. PENCE. Mr. Chairman, I am pleased to yield 1½ minutes to the distinguished gentleman from Florida (Mr. STEARNS), a great leader of the House on this issue.

Mr. STEARNS. Mr. Chairman, I am glad to see that the gentleman from Maryland will vote for a loan in the next supplemental that is going to come, and I rise in support of the Pence amendment.

Despite the arguments that we have heard against the use of these loans, we need to reinforce the point that the taxpayers of this country should not be required to foot the entire bill for Iraq reconstruction indefinitely. So maybe not this time, but maybe next.

I think many of my colleagues know I have an amendment also; it is a sense of the Congress that, once Iraq is on their feet again, that they will help pay back some of these loans. We do not want to tie the hands of the administration or the Iraqi Government, but we want to allow some type of flexibility. So I may offer my sense of the Congress on this same matter.

The people of Iraq should not be burdened, of course, with the lavish spending of the Saddam Hussein regime which borrowed heavily to oppress his people and to enrich its own leaders.

Mr. Chairman, I also believe that it is unfair to compare the proposed U.S. loan idea in support of Operation Iraqi Freedom to the debts amassed under Saddam Hussein and his evil regime. We and the American taxpayers want to rebuild hospitals, schools, and prisons. Saddam's debt went to gilded toilet paper holders, a backyard zoo for his delinquent children, and, of course, a weapons of mass destruction program.

We will give the President the funds our country needs to protect and sustain our troops and rebuild a country whose people want to live proud and free again. All we are seeking is some measure to ensure that the American people are not permanently footing this bill.

I rise in support of the Pence amendment. I believe, despite some of the arguments that we have heard against the use of loans, that we need to reinforce the point that the taxpayers of this country should not be required to foot the entire bill for Iraqi reconstruction indefinitely.

At recent town hall meetings in my district, constituents voiced concerns on this very subject. Why can Iraq not begin to provide funding for reconstruction and security themselves? I think all of my colleagues would agree this is a valid question. Late into last night, my staff fielded call after call from constituents who were proud of America's efforts to rebuild Iraq, yet they wanted to see Iraq begin to shoulder the burden of reconstruction once a sovereign and viable government is in place.

I also have an amendment a sense of the Congress that once Iraqis are on their feet again they can help pay us back these loans, but felt compelled to speak on this amendment. We don't want to tie the hands of the Administration or the Iraqi government. What we want to do is allow for flexibility. I may offer the sense of the Congress later on.

At the center of this debate over loans vs. grants is the massive outstanding debt that European and Arab powers are holding over the recently freed heads of the Iraqi people. Last night we debated a resolution that would ask that these countries no longer saddle the war torn nation with what is at best a dubious debt.

Forgiving these debts would constitute both an historic contribution to the economic development of post-Saddam Iraq and a major gesture of support for the Iraqi people. Estimates of Iraq's indebtedness vary greatly, from 60 billion to several hundred billion dollars. The most comprehensive study of Iraqi debts, by the Center for Strategic and International Studies (CSIS), calculates Iraq's total debt to be $127 billion, of which $47 billion is accrued interest. Iraq owes a further $199 billion in Gulf War compensation and $57 billion in pending contracts signed between the Saddam Hussein regime and foreign companies and governments. Iraq's overall financial burden, according to the CSIS figures, is $383 billion.

Based on these figures, Iraq's financial obligations are 14 times its estimated annual gross domestic product (GDP) of $27 billion—a staggering $16,000 per person.

Arguably, the people of Iraq should not be burdened with the lavish spending of a tyrannical regime, which borrowed heavily to oppress its people and enrich its own leaders. I also believe that it is unfair to compare the proposed US loan idea in support of Operation Iraqi Freedom to the debts amassed under Saddam and his evil regime. We, and the American taxpayer, want to rebuild hospitals, schools, and prisons. Saddam's debt went to gilded toilet paper holders, a backyard zoo for his delinquent children, and, of course, a weapons of mass destruction program.

Mr. Chairman, we will give the President the funds our country needs to protect and sustain our troops and rebuild a country whose people want to live proud and free again. All we are seeking is some measure to ensure that the American people aren't permanently footing this bill.

The American people are generous people. They understand that it is for the greater good to help another help themselves. But the American people also recognize we cannot continue to provide open-ended monetary assistance if we do not receive something in return. It is a meet-us-halfway approach.

Are we asking too much for the administration to provide opportunities for American generosity, persistence, patience and sacrifice to be acknowledged, appreciated and repaid? I think not. Americans will not shy away from the mission it has been tasked to complete. We are making progress every day, and our troops, while facing danger, are at the same time offering their time, money, and supplies to assist the local Iraqi people.

I hope that my colleagues will consider supporting this amendment. It strikes the right balance between grants and loans and shows the American people that we are approaching the use of their taxpayer dollars in as a responsible manner as possible as we help rebuild a newly freed country.

The CHAIRMAN. Does the gentleman from Arizona continue to reserve his point of order?

Mr. KOLBE. Mr. Chairman, I reserve the point of order and I reserve my time.

□ 1800

Mr. PENCE. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I asked for 1 minute because I have got three simple reasons that I think the Pence amendment is good.

First I would like to suggest, after serving 5 years in the Nixon administration, the wisdom and common sense in this body is just as good as it is in the Department of State that made this recommendation to the President of not having any loan. That is probably the biggest reason we are pursuing a no-loan provision.

The second is what is the implication on our kids? Let me remind everybody we are borrowing this money which means our kids and our grandkids are going to have to pay it back. It is reasonable to have half of this money in a loan.

The third reason that we want to pursue it is to try to encourage other countries to forgive part of their loan. And the language in the Pence amendment gives the administration the authority to bargain, to move ahead, to encourage other countries to forgive their loan.

I say let us vote on the Pence amendment. I suggest the leadership make it in order.

Mr. KOLBE. Mr. Chairman, I continue to reserve the balance of my time.

Mr. PENCE. Mr. Chairman, I would inquire about the amount of time we have remaining.

The CHAIRMAN. The gentleman from Indiana (Mr. PENCE) has 13 minutes remaining.

Mr. PENCE. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Chairman, since September 11, 2001, the American people, in fact, people throughout the world have lived in particularly tumultuous times. As a result of that, our Nation finds itself in deficit spending for the first time in 4 years.

There is no question that the American people are a compassionate and generous people and they want to help the people of Iraq. But we also have needs in America today, transportation needs, health care needs, educational needs.

So at this time of deficit spending I want to commend the gentleman from Indiana (Mr. PENCE) for his commonsense and practical approach to solve the funding needs in Iraq. His amendment simply says that we will give 50 percent of the $20 billion, approximately, as a grant to the Iraqi people that would not need to be repaid. But the other 50 percent would be a loan, once the President of the United States, President Bush, determines and certifies to the Congress that a democratically-elected government in Iraq has been established.

I want to commend the gentleman from Indiana (Mr. PENCE) for his amendment and urge Members to support it.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have had some very general discussion about this issue of loans. I just want to go through this amendment kind of piece by piece so that people understand what we are talking about were this amendment to be adopted. And I believe we will sustain our point of order against it.

But this deals with, let us make it clear, it is dealing only with that part, and the gentleman from Indiana (Mr. PENCE) has made this clear, that is the reconstruction for the IRRF money, as it is called, in Iraq.

And it says that 50 percent of the total amounts of the roughly $20 billion, 50 percent of the amounts appropriated under this heading "shall be withheld from obligation and expenditure until," and then there are several conditions. The first condition is the money will be withheld until the initial 50 percent of the funds appropriated has been obligated—giving priority consideration to emergency purposes of security, electric sector infrastructure, oil infrastructure, public works, water resources, transportation and telecommunications infrastructures, and other emergency needs.

Well, Mr. Chairman, 80 percent of the total amount of $20 billion is for those items. So the question legitimately raised, I think, here is which 50 percent of that is a priority and which part is not a priority?

The second condition is the money will be withheld, until the President prepares and transmits to the Committees on Appropriations of the House and of the Senate a report that describes the programs, projects, and activities that have been financed by the initial funds and includes a detail analysis of the extent to which such programs, projects, and activities are, or have been, successful.

Mr. Chairman, that means that we have to have a, basically, a completion of the project. You cannot tell us immediately when you start a project whether it has been successful. You have to have a completion of that project. Then you prepare an analysis of it. And then you can release the second half of the money.

So there is necessarily a very large gap in here. All of the 50 percent has to be done and all of it has to be analyzed before you can release the second half.

And the third condition, Mr. Chairman, is the 50 percent is withheld until the President determines and certifies to Congress that a democratically-elected government in Iraq has been established.

So, Mr. Chairman, we are going to say that our ability to finish this job in Iraq and our ability to get the security forces in place in Iraq is going to depend, and the ability therefore, to get our troops home from Iraq, is going to depend on whether or not we are successful in getting a democratically-elected government there.

Mr. Chairman, I just would suggest to you that I think this is not the right approach, that we ought to be doing everything we can as quickly as possible to get Iraqi security forces in place so that American troops can come home. And that means spending the money that is necessary to build the Iraqi Army, to build the Iraqi national police, to build the oil and the electric infrastructure, to put the security forces that guard those facilities in place. All of that has to be done as quickly as possible so that American military forces can get out of those duties that every day puts them in harm's way as they are in the inner sections of Baghdad, as they are beside these facilities around the country. That ought to be the responsibility of the Iraqi people to do that, but it cannot be done until we spend the money to train the people, to equip them, to arm them and to get them out there to do this.

Mr. Chairman, I retain the balance of my time.

The CHAIRMAN. The gentleman reserves the balance of his time and also his point of order.

Mr. PENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I prepare to introduce our next speaker on the Pence amendment, I would express my deep respect for the gentleman from Arizona (Mr. KOLBE), but to say of the Pence amendment that, with regard to the language of the amendment, it says that the funds appropriated under this heading would simply give priority consideration to the emergency purposes of security electric structure infrastructure.

It was very much my intention in drafting this amendment, Mr. Chairman, to defer to the authorities on the ground and to the President of the United States to set the priorities in the disbursement of funds on an as-needed basis.

Mr. Chairman, I yield 1 minute the gentleman from New Jersey (Mr. GARRETT), a courageous voice for taxpayers.

Mr. GARRETT of New Jersey. Mr. Chairman, I rise in support of Mr. PENCE's amendment which will provide the funding necessary through 50 percent of the funding for the emergency funds that are needed today. The question has been raised if those funds are 80 percent and this is just 50 percent, I would ask this administration do what all families have to do, and that is prioritize. So when it comes to issues like water resources, perhaps we do not have to spend the money right now on marsh restoration. When it comes to transportation, perhaps we do not have to spend the money right now on escalators, parking lots, and esthetic improvements at airports as far as transportation needs.

So we must prioritize these issues and put the rest of the money into a loan. The American public and my constituents know that this is an oil rich nation and they will be able to bear the burden of paying this money back, if not today, then at least some time in the future.

My constituents also realize that this is a nation that we want to stand behind and stand with to provide for liberty and security, but we know, as well, that liberty and security is not free and the price of freedom is not free. Some of this burden must be borne by the people of Iraq.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. WALSH), a distinguished member of the Committee on Appropriations.

Mr. WALSH. Mr. Chairman, I thank the chairman for his hard work in support of this appropriation. I rise in opposition to the gentleman from Indiana's amendment.

Our former great President Ronald Reagan was proud of saying America is great because America is good. I think that is what this debate is about. I just returned from Iraq and met many of the people, including some of the ministers, the council of ministers. Put yourself in Iraqi shoes for just a minute. Think of the leap of faith it would take you to conclude that America, first of all, these people for the last 30 years have had the boot of tyranny on their throats. Americans come through and they liberate, or concur, however you want to interpret it, this is the Iraqi thinking, what are they going to do next? The Americans are saying we are going to help you rebuild your country and give it back to you. It takes a real leap of faith.

I suggest to Members if we give them this money, help them to invest it, build their country back as opposed to putting more loans on them, the leap of faith will be aided. The goodness of America will be noted.

We were also briefed by the coalition provisional authority. The estimates of oil-derived revenue for Iraq after 2 or 3 years when production increases roughly estimates the cost of running this country of managing the systems, of teaching its kids, of providing its health care and for the welfare of the people. But if we put additional burdens on them, they will not be able to payment to manage the country in addition to the debt service.

We also, by the way, lose tremendous credibility with this donor's conference that is coming up in just a week. If we put additional debt upon the Iraqi people how can we go to the French, the Germans, the Russians, and the Kuwaitis who are owed reparations of $100 billion and say to them you have to forgive your debt, but we are not going to forgive ours, we are going to put additional debt on this poor country.

This country has tremendous potential, but we have to help them to reach it. And they cannot get there without us. No one has helped the Iraqi people in the last 30 years. We believe that we have come to do that, and I believe that we will.

The Marshall Plan model that you have heard about really did work in Western Europe. It prevented the third world war. As my good friend and colleague, the gentleman from Illinois, has said over and over, the best way to prevent the third Iraqi war or sending American soldiers back to the Middle East, is by investing in the future of this country, in this really accomplished and thoughtful and resourceful people who have not had the ability to express themselves or their potential for the past 30 years.

So, in conclusion, I would just argue very strongly that we help them. The American public with a good explanation will support us on this. If we do not sell it, the American people will not support us. We need to sell it to them, but it is a good investment in our future and in the future of democracy in the world.

PARLIAMENTARY INQUIRY

Mr. DEFAZIO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. DEFAZIO. Mr. Chairman, I have been in my office and trying to find out what was going on. My understanding is that are we are at the moment debating the Pence amendment, is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. DEFAZIO. Mr. Chairman, as I understand the Pence amendment, that Mr. KOLBE from Arizona has risen to reserve a parliamentary point of order against this amendment, is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. DEFAZIO. So, basically, Mr. Chairman, we are debating an amendment which is not going to be allowed so all of this debate is meaningless. Is that correct, Mr. Chairman?

The CHAIRMAN. The gentleman is not stating a parliamentary inquiry. And at this moment in time the gentleman from Arizona (Mr. KOLBE) has reserved a point of order. No one has yet made the point of order. So the gentleman is incorrect.

Mr. DEFAZIO. Mr. Chairman, could I have a further inquiry. Do we anticipate that there is some prospect that an actual vote might be allowed on this amendment?

Mr. PENCE. Regular order.

The CHAIRMAN. The Chair is not clairvoyant, and the Chair will wait for the points of order to be made.

Mr. DEFAZIO. I thank the Chair.

Mr. PENCE. Mr. Chairman, might I inquire about the time remaining?

The CHAIRMAN. The gentleman from Indiana (Mr. PENCE) has 10½ minutes. The gentleman from Arizona (Mr. KOLBE) has 9½ minutes.

Mr. PENCE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER), a long-time advocate of taxpayers' interests on Capitol Hill.

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Pence amendment. We are talking about $18.6 billion of reconstruction funds. Should it be a loan? Should it be a gift?

I have legislation, an amendment that I have submitted and have been pushing for the last week, suggesting that all of that money should be in the form of loans. We should not, when we have to borrow this money, and we are already $400 billion in deficit spending this year, we have got to borrow this money in order to give it to Iraq, which is going to be rich with oil 10 years from now.

□ 1815

And our children are going to have to pay that back and their children will not? That is ridiculous. It is obscene.

The Pence amendment goes half way. If it passes, I will be supportive of this amendment and withdraw my amendment. But if the Pence amendment is struck down by a point of order, I would suggest my Republican colleagues join me in supporting the Obey-Lantos amendment which accomplishes the same goal of a 50/50 loan versus grant of the reconstruction money, and I understand that that will not be struck down by a point of order.

Let us get something done here today. The American people bear too much of the burden. Let us think of them for a change.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise with great reluctance in opposition to this amendment from my friend and colleague, the gentleman from Indiana (Mr. PENCE); but I feel it is important that I must speak out about what I view is the right thing to do.

I am joined by many of my colleagues who have been to Iraq. Certainly I cannot speak for every Member who has been to Iraq, but everyone that I have spoken with has seen the hope and seen the optimism, seen the possibilities that our support of the Iraqi people can bring, not only to Iraq but to all Americans here at home.

We realize this is not only an investment in the Iraqi people; this is an investment in the future generations of America. Because if we can help the Iraqi people build a secular, strong, free government and a viable economy, the ripple effects of freedom and democracy and stability will reach our shores in great waves.

Mr. Chairman, I will say that we will be paid back, that we must make this a grant; but we will be paid back in the dividends of freedom and hope and stability and more security right here in our country. And I think that is the most valuable dividend we could ever receive.

Mr. PENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana (Mr. BUYER), a veteran of the Persian Gulf War and a senior member of the Indiana delegation of Congress.

Mr. BUYER. Mr. Chairman, in response to all these monies should be in the form of a loan, I disagree. Of the $87 billion, those monies which go to pay for our military and our equipment, our military are not mercenaries. The only cause for which they fight is that of freedom. They do not fight for any bounty of their own. And that should not be.

With regard to reconstruction, I think many of my constituents in Indiana supported the military ouster of Saddam Hussein. These very same Hoosiers recognize that if you are willing to invest in the success of the war, you also have to be willing to invest in the peace.

Our Hoosiers also know that we are in the middle of a jobless recovery with growing domestic needs combined with a growing budget deficit. This amendment attempts to recognize two very important concerns: investment in the success of a new Iraq, a country with the potential of great wealth, along with the concerns of our budget deficits and growing domestic needs of our citizens. I believe the Pence amendment reflects our culture and our heritage.

In an emergency over the years we were there, whether it was a hurricane, fire, flood or even war. Just like the Red Cross or Salvation Army we were always there to respond. And that is exactly what this amendment tries to reflect. In the state of an emergency we are there to help develop the new nation-state and as soon as they are on their feet, then they have the ability to repay.

I think this is only another tool which we can use, our negotiators can use with other countries at the donors conference with regard to getting other countries to forgive these debts that were incurred during Saddam Hussein's reign.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT), a distinguished member of the Committee on Appropriations.

Mr. TIAHRT. Mr. Chairman, the "Book on Terror" has a chapter in it labeled "Iraq." You cannot close the Book on Terror without closing the chapter on Iraq.

We are there to make America safe. On September 11 we were thrust into this war on terrorism. We realized then we cannot make every airport, every water tower, every bus line, every shopping center in America safe. We decided we had to find the root cause of terrorism and sever the root. That is why we are in Iraq. We are finding the root cause of terrorism and severing the root.

What we found 3 weeks ago when I went to Iraq and when we met with the commander of the Marine Fourth Infantry Division, General Odeniero, that in areas where we have rebuilt the community, where we have opened the playgrounds, where we have opened the schools, where we have made sure the hospitals were open, the water was running, the lights were on, where they had a community, those are the areas where people of Iraq have come forward and showed us where the bad guys were.

He told a story about two young kids who came up to a Humvee and pointed out a position where an ambush site was set up. They went and investigated, and sure enough it was true. They learned a lot about making our troops safe by seeing how the terrorist try to ambush our troops.

Well, these kids did that because their playground was opened by United States servicemen and -women. Their school was opened because of our military; and they liked that idea and they wanted to preserve that, so they came forward.

Up to this point we have been funding the opening of schools and playgrounds and communities with money confiscated from the old regime. Well, that money has run out, and now it is time for us to step forward. And the reason we are doing this is because this is how we are going to make our troops safe in Iraq. This is how we are going to encourage the Iraqi people to come forward and point out the bad guys. This is how we are going to have the ability to find the root causes for terrorism in Iraq and sever the root.

I think it is important for the safety of our troops that we move forward with this and do it as a grant instead of a loan. With all respect for the gentleman from Indiana (Mr. PENCE), the best thing to do is to do the grants. We can get it done effectively without throwing their economy into chaos. And the sooner we do that, the sooner we bring our troops home.

Mr. PENCE. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. TANCREDO), one of the most tenacious Members of the Congress.

Mr. TANCREDO. Mr. Chairman, I thank the gentleman for yielding me time.

I asked to speak because I had to respond to so many things that I have heard, especially those that suggest that this attempt, that this amendment has to be defeated because it would send the wrong message if we were to make a loan, that message being that we were losing the moral high ground, that, in fact, we would not be showing the best side of America.

Let me state, I believe we have the highest moral high ground possible. And it was not bought even with the hundreds of billions of dollars already spent on our military and on that war. It was built on the over-300 dead that were a result of our desire to free that nation. That is the high ground we stand on. It is high enough. We do not need any more. And to suggest for a moment that asking them to pay just a tiny bit of this cost in some way diminishes that moral high ground is ridiculous.

We stand on the highest possible ground: the dead Americans that have died and that are still dying and that probably will die. That is high enough for me.

Mr. KOLBE. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) has 6½ minutes remaining. The gentleman from Indiana (Mr. PENCE) has 7 minutes remaining.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me time. I rise in strong support of the base legislation and in passionate opposition to the Pence amendment.

There is no one on this floor who has fought harder for the American taxpayer than I have, and I defy anyone who makes a claim to the contrary. And there is no one on this floor who has been to Iraq and seen more than I have seen because I spent 3 days in Iraq in August. But I think those who posit this as a taxpayer issue miss the point. There is no one in this debate who is saying that out of concern for our taxpayers we should not give aid to our military.

What they are saying is, rather, out of concern for the taxpayer, we should make the nonmilitary side of this, the reconstruction side of this, a loan. That makes a fundamental error. There is no nonmilitary sides of this.

If you go to Iraq as I went to Iraq, if you talk to the troops on the ground, if you talk to their commanders, they will tell you that they must rebuild that country in order to obtain the cooperation of the people there. The reconstruction money is to ensure the safety of our soldiers. It is that essential, and it is that critical. And no one less than our colleague, the Democrat from the opposite side, the gentleman from Georgia (Mr. MARSHALL), who regrettably cannot be with us in this debate tonight because he has suffered a health problem, makes the point clear. When he went to Vietnam and he fought in a similar war, he said the most important ally in a war like this are the local people. You need them because they know where the bombs are. They know where the improvised explosive devices are. And if they are on your side, they will come to you and they will tell you. And then you can go find those IEDs, and you can destroy them before they kill an American soldier.

The gentleman from Georgia (Mr. MARSHALL), the Democrat from Georgia, has made that point on this floor and across this Nation. Let me make it clear. There is no nonmilitary portion of this funding effort.

It is absolutely critical that we aid our soldiers by helping to rebuild Iraq. And if we do not do that, make no mistake about it, we are hurting our soldiers. Do not rely on my word; trust the gentleman from Georgia (Mr. MARSHALL) who was on the ground in Vietnam and who said, and it is working in Iraq today; our soldiers are being helped by the Iraqi people because they believe in this cause.

Now, let us talk about the other issues that have been discussed here, and that is, well, we should make it a loan because other countries have debts owed to them and we will then be in a better position to negotiate those debts away. That again misses the point. The reality is if we make this a loan, if America who initiated this effort to get rid of a brutal dictator now says we do not believe enough in the cause of protecting our own soldiers and we do not believe enough in the cause of the Iraqi people and of being a friend to an ally in the Middle East to make a grant, to help them rebuild this country so we will make it a loan, I have a flash for you: no country in the world will make a grant of their own. They will instead say, we want to be repaid our loan, and we will only go forward on a loan basis. We will cripple the Iraqi economy. We will fail in Iraq.

I urge my colleagues in the strongest possible terms, if they care about national defense, if they care about the safety of our soldiers, oppose the Pence amendment and support the base bill.

Mr. PENCE. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Indiana (Mr. PENCE) has 7 minutes remaining. The gentleman from Arizona (Mr. KOLBE) has 3½ minutes remaining.

Mr. PENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would be the first in line to say that the gentleman from Arizona (Mr. SHADEGG) has a record unparalleled in the Congress of defending taxpayers' interests. And I am a great admirer of his for that reason. But the remarks of the gentleman from Arizona (Mr. SHADEGG) seem to suggest that those of us who support the Pence amendment would in some way refuse to rebuild and withhold funds. There is no withholding.

The first 50 percent is a direct grant which secures the nation of Iraq; the balance is a loan to this nation which possesses nearly $7 trillion in oil beneath its sand, its surface.

Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. WAMP), a distinguished member of the Committee on Appropriations, without whose conceptual leadership and outspoken advocacy of this concept early on, the Pence amendment would not have come into existence.

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding me time.

The reason the Pence amendment was given an hour of debate by the leadership is because this is the most important amendment I think considered on the loan proposal because it is really the only one that works. Even the amendment that is being considered in the other body today has got problems in the technicalities of whether it could even be done or carried out. And certainly we do not want to put U.S. tax dollars in the World Bank where we do not even have control of our own resources.

There is a workable proposal. I will say that the developments that happened with the administration in the United Nations today certainly show me and prove to me that what the President told me last week when I deferred to him and withdrew this amendment at the full Committee on Appropriations is coming true, and that is we are convincing other countries and the United Nations to engage in Iraq. There is great agreement here among conservatives, among patriots and principled people that we have to finish what we started.

□ 1830

The only debate is whether or not we can secure the taxpayers, interest.

Let me just say this. I think we will be back here in a few months for more money. The gentleman from Indiana (Mr. PENCE) may be ahead of his time, but we have got to secure this funding over time for the U.S. taxpayers, and for that reason alone, this is an important debate to speak out to secure the U.S. taxpayers in the future.

Mr. KOLBE. Mr. Chairman, I reserve the balance of my time.

Mr. PENCE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Wisconsin (Mr. KIND) as evidence that support for the Pence amendment is truly bipartisan, my colleague and friend.

Mr. KIND. Mr. Chairman, I thank my friend from Indiana for bringing this amendment and discussing a very important issue in tonight's debate.

This was an amendment that I intended to offer myself because it made sense, one-half grant, one-half loan. Grant money can go out the door right away to keep continuity of the reconstruction effort which is important, but the loan aspect is a fundamental recognition that the Iraqis are sitting on a $7 trillion oil reserve, the second largest in the world, but also, it may leverage our negotiator's position going into Madrid next week that they have $10 billion to put on the table to get other countries to give up the loans that they currently have. It also addresses an issue in regard to whether fiscal responsibility is going to seep into this debate.

We can continue the gifts and the grants to the Iraqi people but continue leaving this tremendous legacy of debt for our children and grandchildren to inherit, or we can try making a statement that it is this generation's obligation to pay the ongoing obligations that we have incurred, not our children and not our grandchildren. That is why this amendment makes sense, and I commend my friend from Indiana for raising this issue this evening.

Mr. PENCE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I appreciate the gentleman from Indiana (Mr. PENCE) bringing this to the floor. All of us here support our troops. To not ultimately vote for these dollars is, first of all, I think a slap in the face to all of the families who have lost a loved one in this battle for independence for Iraq, and it would do a disservice to our principles of freedom for this country. And certainly for the $70 billion for our troops, all of us, I would think, stand united in support.

But there is one fundamental question here as we strive to make Iraq an independent and strong country and we help them out. Why not make that $16 billion a loan to that country like many other countries in the past have loaned?

I would also suggest, I would like to add something to the gentleman's amendment and say, well, maybe more of this should be made a grant, based on the condition that France, Germany, Russia, Saudi Arabia, those countries that will stand first in line for repayment, that when they forgive their loans to Iraq, then this loan can be forgiven. That is what I think this is about.

Americans do not want to stand behind in line from an oil rich country while they pay off other countries while we hold the bag.

Mr. PENCE. Mr. Chairman, may I inquire about the time remaining?

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Indiana (Mr. PENCE) has 3 minutes remaining. The gentleman from Arizona (Mr. KOLBE) has 3½ minutes remaining.

Mr. PENCE. Mr. Chairman, with an abundance of riches of speakers for the Pence amendment today, I yield 30 seconds to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, if we go out and we go back to our Districts and talk to the constituents, what they are saying is while our school districts have to apply for loans to build schools, it is only fair that the people of Iraq will eventually pay back to the American public part of this as a loan. The Pence amendment says grant first, loan next.

We have to remember that this is a very oil rich country, and they will someday be able to repay us. I think we owe it to our taxpayers to show some responsibility and some accountability here and to support the Pence amendment. Remember, loan second, grant first.

Mr. PENCE. Mr. Chairman, it is a privilege for me to yield for the purpose of making a unanimous consent request to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Chairman, I rise in support of the gentleman's amendment.

Mr. Chairman, it has often been said that freedom is never free. Deposing the tyrannical regime of Saddam Hussein has indeed proved costly to America in terms of both lives and treasure. While we have joined with the Iraqi people to win their freedom, much remains to be done in order to secure that freedom for generations to come.

This debate is of similar gravity as that of last October, when this Congress authorized the use of force to enforce all relevant U.N. resolutions on Iraq. Today, we debate not the future war, but the future peace of a region.

After much deliberation, I find that the amendment offered by the gentleman from Indiana achieves the best balance between our obligations in Iraq as well as the obligation of the Iraqi people to play a prominent role in securing their own future. The parallel system of grants and loans would first build the foundations for a democratically elected government in Iraq. This new government would then find a willing partner in the United States to help finance needed investments in infrastructure and security. Democracy is not a spectator sport, and the Iraqi people must take the leading role to secure the peace for the long-term.

While I am well aware that this amendment might be ruled out of order on parliamentary grounds, it represents the best policy for our nation and for the Iraqi people. That said, failure in Iraq is simply not an option. It is with serious reservations that I will support this supplemental without the inclusion of the Pence amendment. As such, I urge the Administration to re-examine loans as a means of financing the reconstruction of Iraq.

Mr. PENCE. Mr. Chairman, I am pleased to yield 30 seconds to the gentleman from Indiana (Mr. HOSTETTLER), a colleague and friend and stalwart conservative.

Mr. HOSTETTLER. Mr. Chairman, I thank the gentleman from Indiana, my colleague, for yielding me the time.

Mr. Chairman, in short, we are talking a lot today about values, a very ambiguous time, from time to time, but in fact, Mr. Chairman, with the blood, sweat and tears of our men and women in uniform, they have bought the freedom of the Iraqi people.

If the Iraqi people do not learn that one invaluable lesson of our American values, then we can throw hundreds of billions of dollars into the restructuring of their country. That is why I think the Pence amendment is a very logical, reasonable, rational approach to the funding of the reconstruction of that country.

Mr. PENCE. Mr. Chairman, I am honored to yield 30 seconds to the gentleman from California (Mr. SHERMAN), demonstrating the bipartisan support for this concept.

Mr. SHERMAN. Mr. Chairman, I commend the gentleman from Indiana for this amendment. It may be ruled out of order, but then the real debate will start on the Obey-Lantos amendment which will achieve the same effect. I echo the words of my colleague from California (Mr. ROHRABACHER) that that is the key debate for us, to say at least half loan, half gift. As a matter of fact, it is a $9 billion loan on an $87 billion bill. Only 10 percent of the money would be a loan, half of the $18 billion that is going to rebuild Iraq.

Secondly, let us remember that Iraqi school children will help our troops, whether there is a promissory note in the American Treasury or not. The schools will be open either way.

Mr. KOLBE. Mr. Chairman, I yield 2½ minutes to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Chairman, with some reluctance I rise in opposition to my friend the gentleman from Indiana's (Mr. PENCE) amendment. The gentleman knows that. We spoke about this. I considered it very heavily, but here is where I come down in opposition.

I think we have to go back to thinking about why we got here, how we got here. We got here for the sake of freedom, for the sake of the freedom of our own people. I go back to the morning of September 11 in my own memory, and we have to remind ourselves that we were attacked. This was an act of war, and we went to war for the sake of freedom.

Those that attacked us are in multiple places around the world, certainly not the nation of Iraq, but the people in power in Iraq were part of those, as the President put it, supporting terror, you are either with us or you are against us.

I used to be a banker. I was never able to walk up and down the streets of my communities and force people to sign loan documents: This is the amount that I force you to borrow, and these are the terms and conditions that I am going to force you to repay me on. It does not work that way.

What we are about in this is about freedom, and in this very building that we have the privilege of serving in, there were people once that served here for the sake of freedom who said they would pledge their lives, their fortunes and their sacred honor for the sake of freedom. We have the same obligation. They did not say this is the price tag, these are the terms and I expect a check back. We cannot force this upon the people of Iraq. We have to be willing to stand up and pay the price, the price of freedom.

I would love to go home for political reasons and say, oh, we loaned the money, we are going to get a check back. That is not the way it works when the obligation is freedom, an ideal that we pledge our lives, our fortunes and our sacred honor for.

So with great reluctance, I am in opposition to the gentleman from Indiana's (Mr. PENCE) amendment, but I know that we are together in spirit in the overall objective to win this war on terror.

Mr. PENCE. Mr. Chairman, I yield myself the remaining time.

I am deeply humbled by the level of support and utterances of respect even from those who disagree with the Pence amendment tonight, and I close tonight urging my colleagues to give due consideration to the Pence amendment. As the gentleman from Tennessee (Mr. WAMP) said so eloquently, it is the only solution that will work, that will balance the needs of the American taxpayers and the needs of a nation, nation of Iraq, and it does not trouble itself, Mr. Chairman, with the choice between should we make the reconstruction dollars a grant or should we make them a loan.

The Pence amendment is the reasonable middle ground that says that we will speed the first 50 percent of resources urgently to the needs on the ground in Iraq, securing that nation for the blessings of liberty for themselves and their posterity, but in the balance we will recognize, as millions of Americans do, that this is an oil rich nation, producing 2 million barrels of oil a day, Mr. Chairman, and by the middle of next year their own foreign minister projects 3.5 million barrels a day with revenues in the tens of billions of dollars, a truly creditworthy nation and a nation with whom we should enter into a creditor and debtor relationship.

A partnership is the very core of the Pence amendment between the American people and the people of Iraq, a partnership in their civil society and future.

I urge its consideration. I urge its passage.

Mr. KOLBE. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I want to begin by thanking the gentleman from Indiana (Mr. PENCE) for bringing this amendment because I think the debate here has been an important debate and a very worthy debate of this House.

I also want to commend him and many others who have spoken for their attention to the fiscal responsibility of this body. I think all of us feel very strongly about the need for us to exercise fiscal caution, fiscal prudence when American taxpayer dollars are at stake here. I certainly feel very strongly that way myself.

I have never said that I did not believe that in the future that loans could be made available in Iraq, that indeed, in fact, that I believe in the year 2005 in the fiscal year 2005 that moneys there probably should be made available as loans. By then I expect we will have a constituted legal government in the country, but I think, at this moment, it would be the wrong approach, it would be the wrong thing to do. So I would say, Mr. Chairman, this is simply premature to be talking about loans at this very moment.

The last point, Mr. Chairman, I would like to make is in response to what many have said: Listen to what people are telling you back in your districts. I think we should listen to what people are telling us back in our districts, but this is also about leadership. It was about leadership when we said yes to the President when we gave him the authority to take action, military action in Iraq. We stood up and took that kind of action even though there was opposition at home.

So, Mr. Chairman, this is about leadership, and I think we, as Members of this body, have a responsibility to exercise leadership. With that, Mr. Chairman, under my reservation, I would make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill, and, therefore, violates clause two of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment, in item four, imposes additional duties. I ask for a ruling.

Mr. BURNS. Mr. Chairman, I rise today to express my support for the Pence amendment to the supplemental appropriations bill.

Representative PENCE has offered a reasonable amendment with a balanced approach to financing post-war operations in Iraq. This approach is fiscally responsible, as it withholds fifty percent of funding until certain conditions are met. It encourages Iraq to establish a democratically-elected government. It requires that fifty percent of funds be depleted before the remaining fifty percent may be tapped. And it requires the administration to report to the House and Senate on the use and success of funding dispersed of the initial fifty percent.

I support the President and his initiative in the rebuilding of Iraq, and I also believe that we must do it in a balanced manner. A combination of loans and grants is in the best interest of the American taxpayer, and also in bringing other nations to the table in the rebuilding efforts of Iraq.

Mr. Chairman, I support the supplemental appropriations bill because it is an investment. We must build on the accomplishments we have made in Iraq and help bring forth a democratic way of life for the Iraqi people.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I fully support the supplemental for the conflict in Iraq and would wholeheartedly have voted in favor of the Pence amendment to grant half the funds for reconstruction and loan the balance once an Iraqi government was in place next year. Unfortunately this amendment was ruled out of order. I thank the gentleman from Indiana for his efforts.

Mr. ISAKSON. Mr. Chairman, I rise today to voice my support for the Pence amendment to H.R. 3289, the Supplemental Appropriations Act for FY 2004. Representative PENCE's amendment would make the first 50 percent of Iraq Reconstruction funding available immediately as a grant, and would prioritize that money for the emergency purposes of security, electric sector infrastructure, oil infrastructure, public works, water resources, and transportation and telecommunication infrastructures. The balance of the funding would be made available in the form of loans from the United States Government, under terms determined by the President, once a democratically elected government has been established in Iraq and certified by the Administration. I support the goals of Mr. PENCE's amendment, and am disappointed that it will not be ruled in order.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from Arizona (Mr. KOLBE) make a point of order on the amendment?

Mr. KOLBE. Mr. Chairman, I think I have made my point of order. I believe that this does impose additional duties.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment includes language imparting direction. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

It is now in order to consider an amendment by the gentleman from Wisconsin (Mr. OBEY).

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

Page 51, after line 11, insert the following new section:

SEC. 3007. (a) LIMITATION.—None of the funds made available in this Act under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND" may be provided in a form other than loans.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to the obligation of the initial 50 percent of the funds referred to in such subsection.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

☐ 1845

Mr. OBEY. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, first of all, let me say that I have a great deal of respect for the gentleman from Arizona (Mr. KOLBE). He is standing here tonight doing his duty. That is what we are supposed to do. And even though I disagree with his position, we ought to be able to debate these issues. I think the gentleman from Indiana (Mr. PENCE) should have been able to debate and get a vote on his amendment, and I am happy that we have figured out a way to accomplish the same thing. I would invite the support of those gentlemen who supported the previous amendment.

I think often we have in this place what I would call compulsive statesmanship, a tendency for people to want to do the right thing so badly that they sometimes lean overboard in taking into consideration the interests of other countries and in the process miss opportunities to take into account the interests of our own. I am not so afflicted, at least not on this issue.

I want to make clear I am an internationalist. I believe that it would be irresponsible for us to convert this entire package to loans. I believe that the administration is going to need some money available immediately in order to transact the business associated with trying to restart the Iraqi economy and rebuild the Iraqi society. But I think we have to get past the cliches and past the stereotypes and get into the actual details, into the specifics in assessing our obligation.

What this amendment does, very simply, is to, within the rules of the House, provide that, of the $18.6 billion in the bill available for reconstruction purposes in Iraq, that half of that be provided as a loan. We wanted to also provide that that half would run through the World Bank so that we could specifically require matching by other countries and then use the bank's ability to capitalize in order to expand the amount of aid available in Iraq by a factor of four. We cannot, under the House rules, do that directly; but this amount would still allow the administration to do that. They could still negotiate an international fund. Second, they could still run it through the World Bank with that matching requirement.

Now, I would simply like to say that I know that there are some people who will look at this in stereotypical fashion and assume that because the United States is a wealthy country and Iraq is not, (they are not poor, they are a middle income country) but I think that they will assume that because we are wealthy and Iraq is not, that somehow it is unfair for us to require any portion of this to come back as loans. The reason that people say that we cannot do this to Iraq is because they say Iraq has huge foreign debts. I want to point out that foreign debts cannot be paid off with domestic production. So it is misleading to assume that because the United States is a rich country and Iraq is a somewhat poorer country that we are in a better position to pay off foreign debts than they are. We are not.

This country has run such large trade deficits for so long, and we are going to be running such huge trade deficits in the future, that our country has no realistic possibility anytime in the next decade to be paying off any significant portion of our own foreign debt. And the only way foreign debt can be paid off is by running trade surpluses. So what that means is that the United States' foreign debt on a per capita basis roughly equals Iraq's, and next year Iraq's will probably be somewhat smaller than ours.

The fact is that because Iraq has a long-term prospect of multi-billion dollar benefits from the oil they have in the ground, it in fact means that the United States has less of an ability to pay off foreign debt in the future than Iraq does. And that is why I think it is absolutely legitimate to consider requiring 50 percent of the money that we spend in this reconstruction operation to be provided in the form of loans.

The gentleman from California (Mr. LANTOS) and I are offering this amendment. There are a lot of other Members who I know wanted to do it. I know the gentlewoman from Michigan (Ms. KILPATRICK) also has demonstrated a great deal of leadership in this. But what we are trying to do is to provide a way to deliver more assistance on the ground for Iraq at less burden to our taxpayers.

For all the reasons cited by all of the gentlemen who supported the previous amendment, Mr. Chairman, I would urge an "aye" vote on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I rise to claim the time in opposition to the amendment, and I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON), who has been a leader in national security issues and knows the issues in Iraq very well.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the distinguished chairman of the subcommittee for his leadership, and I look forward to this debate.

Mr. Chairman, I rise to make one simple point. From the period of time in the 1990s, starting with President Bush, Sr., and continuing through President Clinton, our troops were deployed 149 times around the world. Many of these deployments were considered minor deployments. But of the 149 deployments that President Clinton and President Bush got us into, President Bush, Sr., 38 were considered major deployments. One of those deployments, which President Bush, Sr. got us into, was Desert Storm. And he went out, with no requirement legislatively by this body, and was able to bring in over $50 billion of reimbursements from our allies after Desert Storm was over. There was no mandate. There was no loan. He did it.

The other 37 deployments, Mr. Chairman, which President Clinton got us into, which includes Macedonia, East Timor, Somalia, Haiti, Colombia, Kosovo, Bosnia, all of those were paid for after the fact. The President inserted the troops in harm's way, and we were left to foot the bill.

Now, what was the cost of that? Mr. Chairman, those deployments cost well in excess of what we are talking about today. In fact, we passed, under the Republican leadership, 11 emergency supplementals funding President Clinton's deployments after the fact. Eleven. Eleven emergency supplementals. And we cut the defense budget by $43 billion to put that money into those deployments.

All of those supplementals and those cuts in defense spending, which in a bipartisan way we replaced, were to fund what kinds of activities, Mr. Chairman? Well, let us see. We subsidized the troops for other countries, we paid for OSCE observers, we built hundreds of new schools, we trained police departments in these countries, we bought fire engines and sent the fire engines overseas, and we started small businesses. All of those expenditures were funded by the Republican Congress in support of a Democrat President who had gotten us into 37 major deployments.

There was no loan. There was no situation where my colleagues on the other side or this side stood up and said, well, Macedonia should pay us back, Colombia should pay us back, or East Timor should pay us back, or Bosnia, where we have spent $25 billion and where we were told we would be out of by Christmas of 1996. None of that money was offered in the form of a loan. All of that came out of the taxpayers' pockets.

So, Mr. Chairman, I do not understand how all of a sudden, because the President does a legitimate thing, the honorable thing, and tells us up front how much it is going to cost to do the same things we funded in the entire period of the 1990s, how we can say that somehow this is different.

Do I hope that President Bush will negotiate our allies reimbursing us? Absolutely. I hope he will do what his father did in 1991 and what President Clinton did not do in those other 37 deployments. It should not be a mandate. We should fund the President's request and it should be bipartisan, and the Democrats and Republicans in this body and the other body should come together and do what we did time and again in paying for President Clinton's deployments. We should fund this provision, we should support the base bill, and we should oppose the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from California (Mr. LANTOS), who is a cosponsor of the amendment.

Mr. LANTOS. Mr. Chairman, I thank my distinguished friend for yielding me this time. I am very pleased that he and I are jointly sponsoring this amendment.

I would like all of our colleagues on both sides of the aisle to note that the Obey-Lantos amendment is one amendment on which we will get a vote, and all of our colleagues who supported the Pence amendment just a few minutes ago should be supporting this amendment and will be able to vote on this amendment.

Mr. Chairman, as my colleagues know, I have been a strong supporter of regime change in Iraq. I am convinced that the removal of Saddam Hussein is in the interest of the people of Iraq, the people of the region, and the people of the United States. And I believe the day when a civilized regime is in place, in a stable Iraq, is not far off.

This supplemental comes in two parts. I am, of course, totally committed to all of the funds in this bill for the safety and security of the brave men and women of our armed services. Since the reconstruction component of this bill is indispensable to achieving our goal of seeing Iraq become a functioning and independent society, I also support the reconstruction portion of the supplemental, with one key modification. Let me explain.

Iraq is potentially one of the wealthiest nations on this planet. The oil wealth of Iraq is estimated at $7 trillion. My colleagues, that is seven thousand billion dollars. I find it absurd, Mr. Chairman, and so do my constituents, that our taxpayers should fund as a grant necessary infrastructure improvements in Iraq. The stream of Iraq's oil revenue is limited at the moment, but in a few years it will be abundant. I find no reason on Earth why the American people should grant this soon-to-be wealthy nation some $18.6 billion for improvements of its infrastructure.

I want to address, Mr. Chairman, the argument that Iraq's debt burden precludes further loans. Let me deal with this phony argument head on. Iraq's debt is of two types: some $50 billion is owed to Saudi Arabia and Kuwait. Neither of these countries would be in existence today if we and our allies had not waged the first Gulf War. Their security has been immeasurably increased as a result of our recent military actions against Saddam Hussein. I fully expect that both of those countries will cancel Iraq's debt to them.

Mr. Chairman, the balance of Iraq's debt was incurred for a vast armament procurement program and a nauseating chain of Saddam's presidential palaces which dot the landscape along the Tigris and Euphrates rivers like gaudy and ostentatious and conspicuous versions of Las Vegas hotels.

□ 1900

The countries and companies which were pumping billions to build up Saddam Hussein's military might and his ego should now show humility and remorse and eagerly cancel Iraq's debts. Today, Mr. Chairman, the United Nations Security Council adopted a resolution which explodes the flimsy argument that there is no Iraqi Government that can commit to loans. The Security Council adopted a resolution which declares that the Iraqi Governing Council, and I quote, embodies the sovereignty of the State of Iraq.

This U.N. Security Council resolution urges the World Bank and other international institutions, and I quote again, to take immediate steps to provide their full range of loans and other financial assistance to Iraq working with the Governing Council and appropriate Iraqi ministries.

If the Security Council believes that the World Bank can make loans to Iraq, then I believe this administration will find a way to do so as well.

Mr. Chairman, it would be a mistake, particularly at a time when our own economic recovery is still so feeble, to ask the American people to shoulder the financial obligations that, by right, should devolve to the people of Iraq who, in the foreseeable future, will be more than capable of bearing it. It is obvious, Mr. Chairman, that we have made a national commitment to building a stable and civilized Middle East. I support such a goal. But let us not foist the cost of this struggle entirely onto the backs of the next generation of Americans. That is the result if we adopt the administration's all-grants approach.

For the sake of fairness, good sense and for the sake of the American taxpayer, I urge all of our colleagues to support the Obey-Lantos amendment.

Mr. KOLBE. Mr. Chairman, I am pleased to yield 4 minutes to the distinguished gentleman from Mississippi (Mr. WICKER), vice chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. WICKER. Mr. Chairman, let me say at the outset that I have the utmost respect for the previous speaker on the floor this evening. He has been a champion throughout his career for freedom and for regime change in this particular instance, and I salute him for that, although I disagree with the amendment that he has offered.

The gentleman from California stated that the issue concerning whether there is a government which can indeed enter into a loan agreement, he considered to be flimsy. I would submit to Members of the House, Mr. Chairman, that that issue has certainly been called into question and is far from settled at this point. The fact remains that a loan can be made only with a binding agreement between an agency of the U.S. Government and a willing borrower with the authority to commit the Iraqi people to repayment. I question whether a binding commitment can be undertaken by the Iraqi Governing Council or by Ambassador Bremer on Iraq's behalf. Certainly members of the administration who have brought this to our attention are not at all convinced that a loan can even be effected in a binding way.

But, Mr. Chairman, beside this technical point, let me make a couple of policy arguments as to why I oppose the amendment and why I support the President in his effort to keep this a grant package. Iraq already has well over $100 billion in outstanding debt. Obviously, we are working to get this debt restructured. But still, the nation will be left with enormous obligations for past borrowing. Creating a new U.S. debt will dampen our efforts to get others to forgive debt. We have seen what has happened in the past few days, Mr. Chairman. Secretary Powell and others are going to Madrid to get donors to contribute to the reconstructing of Iraq. Japan is talking about contributing a substantial amount of money, it may be $1.5 billion, in grants. We are hoping that it will more closely approach the figure of $5 billion in grants. If we were to enter into a policy of loans even for a portion of this, then the Madrid conference would be changed to a loaners conference rather than a donors conference, and we would lose a great opportunity.

Why is Japan considering doing this? They are considering doing this in their national interest. It is in their interest just as it is in the interest of the United States taxpayers to have a stable, peaceful, democratic and economically viable Iraq. I think we are going to approve this money, Mr. Chairman, and I think we will get our repayment. We are going to be repaid in an invaluable way. By getting water, power and infrastructure reestablished in Iraq, we will help to create a peaceful, stable and democratic Iraq government and a more secure America, and it is hard, Mr. Chairman, to put a price tag on that.

The cost of the Marshall Plan was $13 billion in 1948, or some 5 percent of our gross domestic product. This entire package in front of us, reconstruction for Iraq and Afghanistan, represents only one-fifth of 1 percent of our GDP. The reality is that we are trying to rebuild an Iraq and an Iraqi economy that has suffered from decades of a corrupt Saddam Hussein regime. We must achieve peace in Iraq. We cannot allow Iraq to become a failed state or to disintegrate into several states that foment terrorism and instability.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. I thank the gentleman for yielding me this time and for his work and also the gentleman from California and rise to support their amendment.

Mr. Chairman, the question before us is whether we give the President a blank check for $86 billion or whether we fashion a bill that promotes the best interests both of our troops and the American people. I for one do not intend to write a blank check for a plan that just came here yesterday with no exit strategy, no clear link to this supplemental and no detailed plan after January of this coming year. I do not intend to send $18.6 billion in grants to a country that has the second largest oil reserve in the world valued at over $7 trillion.

Why should we not expect Iraq to pay back some of this money? It is not a poor country, and it will not be a poor country. And for all of my friends who have been deficit hawks, you are just going to add another $18.6 billion to this year's deficit, estimated at over $480 billion. We have a responsibility to the American people to demand an Iraq package that will not in essence bankrupt future generations. That is why the gentleman from California (Mr. LANTOS), his package along with my colleague the ranking member of the Committee on Appropriations is the appropriate vehicle, a loan package. They can and should pay back reconstruction costs with future oil revenues. Period.

Finally, this administration has failed to present us with a financially responsible plan for reconstruction in Iraq. Their Iraq request would have invested over $255 per person on electricity in Iraq, when we only spend 71 cents per person in the United States on our own failing electricity grid. Their request would have spent over $38 per person in Iraq for medical infrastructure while we spend about $3.30 per person in the United States. The administration's total request of $87 billion is more than all 50 States combined would need to make up for budget shortfalls in 2004. Their total request is more than the Federal Government hopes to spend next year on elementary and secondary education and on homeland security combined. Combined.

This is clearly not the way that the American people want to see us proceed. They understand that maybe that there are those things that we have to make investments in, but that should be paid back. Our troops should not be held hostage to an outright grant for Iraq's reconstruction, and that is why this amendment should pass. Let us loan the money to Iraq, let us help rebuild it, but let us not mortgage the future of the next generation of Americans.

Mr. KOLBE. Mr. Chairman, I am very pleased to yield 3 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I thank the gentleman from Arizona for giving me the opportunity to state my position on this issue. In fact, it is the position of a large number of people in the United States. I have heard positive reinforcement from my constituency. I stand in support of the supplemental and opposed to the amendment. $67 billion for our troops, $19 billion for reconstruction should be a grant. This is simply the right thing for us to do.

This Congress voted to support the President and our military action in Iraq. The United States does as it usually does and took the lead in freeing the Iraqi people from a tyrannical dictator, and we have succeeded. The job is not complete. We cannot say we did half the job that we decided to do and then ask someone else to pay us to finish the job. We removed Iraq from the list of countries supporting terrorism. We are currently in a struggle to rebuild that country, to help the good people of Iraq to take back their country. Our military, together with our State Department, together with dedicated Iraqis are working together to defeat the remnants of Hussein's regime and to move toward a better future. Already, schools have opened, businesses are opening. People are going back to their lives. They have a hopeful future. They are making great progress.

Last Saturday in Butler County, Pennsylvania, I was the speaker at a dinner. I spoke of this issue. I spoke of the controversy that we have regarding whether or not that $19 billion should be a loan. I explained that it is our responsibility as we have taken the lead, and we here in Congress are leaders. It is our responsibility to talk to our constituents, to discuss with them why we went in, how we have succeeded and what we need to do to finish the job. This $19 billion is what we need to do that. I knew that the talk shows and some of my colleagues were opposed to this. Yet, I stood in front of this group and asked them what they thought. They support this. This is the right thing to do. Sure they are concerned, but their feedback was positive. This is an investment in peace. This is an investment in the defeat of terror. This is an investment in the independence of a too-long terrorized nation and a very strong and proud people. And it is an investment in the return of our troops, and that is key. This is part of the whole project.

If we offer this only as a loan, then we are failing our own military. I stand here in support of the grant. We should help Iraq to rebuild as we have in history, as the United States has chosen to be involved and support freedom. We need to stand strong and support the grant for the rebuilding of Iraq.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Without objection, the gentleman from Mississippi (Mr. WICKER) will control the time in opposition.

There was no objection.

Mr. WICKER. Mr. Chairman, I am pleased to yield 4 minutes to the distinguished gentleman from Ohio (Mr. REGULA), a subcommittee chairman.

Mr. REGULA. Mr. Chairman, those who do not learn from the mistakes of history are doomed to repeat these mistakes. After World War I, we had the Versailles Treaty. It was punitive. It spawned resentment in Germany. The result was World War II. You need only to read William Shirer's book "The Rise and Fall of the Third Reich" to realize that the punitive approach to a vanquished foe breeds the poverty and resentment that make people easily led by a demagogue.

□ 1915

Fifty million people died throughout the world because of the mistake of the Versailles treaty at the end of World War I. President Truman and Secretary of State George Marshall had the wisdom and the foresight to not repeat the tragedy of Versailles, and the result was a rebuilt Europe that has given us 50 years of peace.

President Bush, in his policy on this, recognizes that if we want to build a stable, peaceful world where people can enjoy the fruits of freedom that we too have to be a generous people. We too have to follow the pattern of the Marshall Plan that was so effective at the end of World War II. The Iraqi people are already burdened with $200 billion worth of debt. Let us not try to add to that and only spawn the same resentments that generated World War II.

I think we have an opportunity, and President Bush recognizes that, to build a stable Middle East that can be our legacy to the generations that follow us just as we had the legacy of President Truman and Secretary of State George Marshall that gave us the peace in Europe and avoided the mistake of Versailles.

I urge the rejection of this amendment. I urge the support of the President's position. I think it serves not only the people of Iraq, but it serves the best interests of the people of the United States of America.

Mr. WICKER. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank my colleague for yielding me this time.

I come out to speak against this amendment. In the global war on terror, Iraq is a major theater of conflict. We chose to take the war to the terrorists, where they live, where they seek refuge, and not allow them to again gather strength and the resources to attack us in the United States. We removed Saddam Hussein's regime. But the job is only partially complete. We must finish our duty by securing and stabilizing Iraq. This rebuilding effort cannot be done on the cheap. It is an investment in the safety and the security of the United States and its allies. It is a long-term investment. Our troops must have the resources necessary to win the war on terror.

This supplemental will enable the American-led coalition the opportunity to leave Iraq under the stable and secure control of the Iraqi people. It will also assist the Iraqi people in rebuilding their country. While Saddam Hussein built dozens of palaces for himself and his family and funded the accumulation of weapons and a massive military buildup, he allowed the infrastructure such as the water and sewer systems and electrical grid to crumble. As a result, Iraq is more than $100 billion in debt and unable to tap the full potential of its resources. As Iraq rebuilds its economy and infrastructure, it will assume more of the costs on its own. The supplemental will provide an important bridge, a bridge that provides the resources necessary to continue rebuilding Iraq and the opportunity to create jobs for Iraqis. The funding cannot be a loan to be paid back with oil revenue, or it will send the message to the world that we removed Saddam Hussein's regime for Iraq's oil. That is not why we did it. We did it to build a model of representative government and freedom and democracy for the rest of the Middle East and the rest of the world to see.

It is important that the United States demonstrate its commitment by passing the supplemental before a donor conference next week. The Coalition is making great progress and has avoided many pitfalls, and it needs funding to complete its job. To date, most major Iraqi cities and most towns have municipal councils and the Iraqi Governing Council has appointed a cabinet. An independent Iraqi Central Bank has been established and a new currency announced. Five thousand small businesses have been opened since the liberation, and foreign banks are competing to get into Iraq. Virtually all major hospitals and universities have been reopened and hundreds of schools, until a few months ago used as weapons caches, have been rebuilt and are ready for the fall semester.

This does not mean that all is well in Iraq. I have been to Iraq twice during the last 2½ months. We know the dangers that our troops face there each and every day. It is a dangerous place. We are making progress. We need to pass this supplemental and continue the good work that is going on.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Without objection, the gentlewoman from New York (Mrs. LOWEY) will control the time.

There was no objection.

Mrs. LOWEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, over the last few weeks, the issue of loans versus grants has dominated the debate on this supplemental. On the one side we see the administration and some Members of Congress arguing that increasing Iraq's loan burden would hobble its recovery and delay its transformation to a stable democracy. They also look to next week's donor conference in Madrid and worry that the United States move to assist Iraq using loans rather than grants would lead to similar approaches from other international donors, thus hindering Iraqi recovery further.

On the other side, I have talked to many of my colleagues who feel, and they feel on behalf of their districts, that their districts would benefit tremendously from even a small portion of that $87 billion. They believe that we are prepared to give a bonanza to a country with the second largest oil reserve in the world, and they say, should this resource-rich country not pay us back? We need this money as much as they do, for our hospitals, our schools, our neighborhoods.

The Obey-Lantos amendment is an attempt to compromise by providing half of the fund through grants and the other half through loans.

The reason I strongly support this concept is we have seen reports in the last few weeks that only approximately $6 billion can be spent this year. We know because we have gotten all kinds of reports, some from the World Bank, some from others, that the total bill could be upwards of $25 billion, $50 billion in the long run; but this year we have been told by the World Bank that they estimate we cannot spend more than $6 billion.

I want to make it clear that in committee I supported an approach that would provide the loans through the World Bank; and I continue to believe that this is the best approach, allowing the United States to ask for matching funds from other countries and enabling the bank to leverage as much as four times the current funds available for Iraq reconstruction. Unfortunately, this amendment does not use the bank. It does not do so because it was disallowed in the rules process from constructing the amendment in that way. The Obey-Lantos proposal to give half of the reconstruction money in grants and the other half in loans, in my judgment, is still a good approach, even though I would have preferred the World Bank as the vehicle.

I believe this will help Iraq, we will be able to provide the money that is needed for reconstruction, and it will also save the United States taxpayers from the entire burden of reconstruction.

The Obey-Lantos approach, in my judgment, is the right one. I am going to support it, and I urge my colleagues to support it as well.

Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the gentlewoman from New York for yielding me this time.

I rise in strong support of the Obey-Lantos amendment. The issue here is bringing these young men and women home from Iraq when their mission is done as quickly as possible, as safely as possible, as many of them as possible. And that requires the job of reconstructing Iraq to get done.

But the issue of whether there will be reconstruction is not a grant versus a loan. It is who is going to borrow the money to finish the reconstruction. The choice before us is whether the Iraqi people borrow the money and at the right time repay that money out of the proceeds from their $7 trillion worth of oil assets or whether the children of the United States repay the loan. The question is not a grant versus a loan. It is a loan owed by the citizens of Iraq or a loan owed by the citizens of the United States.

This proposal takes the right approach. It says when the time is right, when the reconstruction will justify such an expenditure, this reconstruction should be in a loan taken out by the Iraqi people. It is the right way to bring the young men and women home safely from Iraq.

I urge my colleagues, most especially those who spoke in favor of the earlier amendment by the gentleman from Indiana, to vote "yes" on the Obey-Lantos amendment.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Obey-Lantos amendment, and very few times has anyone ever heard me say those words. And let me note that I will be voting for the $87 billion supplemental bill, whichever form the $18.6 billion reconstruction part of the package takes. However, the fairest way to the American people is to make sure that we do not just give away money that could be repaid to us once Iraq gets back on its feet.

Again, the former speaker said it right. This is whether it is going to be a loan from our children and repaid by our children or repaid by the Iraqi children once Iraq is on its feet and the wealthiest oil producing country in the world. There is no reason to burden Americans any further. They have paid their debt and met their responsibility with treasure and blood. For Pete's sake, let us think about them and not just think about what is best for the world. Lending the money will get the job done, and they can repay it. That is what it is all about. Anyone who spoke for the Pence amendment should be supporting the Obey-Lantos amendment.

I will be withdrawing my amendment in favor of the Obey-Lantos amendment.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Michigan (Ms. KILPATRICK), a member of our committee.

Ms. KILPATRICK. Mr. Chairman, I thank the gentlewoman from New York for yielding me this time.

I too rise to support the Obey-Lantos amendment. It is a good amendment. We do need to make sure that we do what is necessary here, and I believe this amendment is a step in the right direction.

If we do the 50/50 separation now, it gives us a chance to take a look at it and also allows Iraq, which must become a sovereign nation, time so that they can use that $2 trillion worth of oil reserves they have to pay back some of the money that we are now lending and giving to them. It is the proper way to go.

I too have an amendment that I will withdraw and support this Obey-Lantos amendment. We had a good amendment in committee. It did not seem to make its way to the House floor, but this is a good amendment, and I hope that our colleagues would support it.

Iraq is not a poor country. They do have the wherewithal to pay the resources back. We right now need our own schools built better. We need our own roads. We need our judiciary system better financed and funded. So the very same things that we are helping Iraq with, we have got to do it for our own country. This will allow us to do some of that and to recoup some of the moneys that we are giving to Iraq.

As the Members know, this $87 billion builds Iraq better than Iraq was built before. We do have some responsibility there. We must take care of our troops. We must see that they get what they need.

So, Mr. Chairman, this is a good amendment. I rise to withdraw my own amendment and to support the Obey-Lantos amendment and ask that the entire Congress follow.

□ 1930

Mr. WICKER. Mr. Chairman, it is my pleasure to yield 4 minutes to the distinguished gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Chairman, this spring I voted against the war in Iraq for a number of reasons. Principally I was concerned that intervention would prove counterproductive. But all of us must recognize that both Houses of Congress by majority vote authorized this action. Now we, collectively, have to bear the consequences of a constitutionally-sanctioned decision. We have no choice but to work together to get out of the predicament in which we have put ourselves.

It may have been wrong to initiate war, but once American Armed Forces defeated Saddam's army and occupied Iraq, we became obligated to ensure that a more progressive kind of Iraqi society is created.

Prior to the war, the cost of conflict was grossly underestimated by the administration. While, implicitly, cost implications were part and parcel of the decision some of us made against the war in the first place, they are no longer as credible a basis for denying American responsibility today. Great power, when it is unleashed, entails responsibility for actions contemplated and uncontemplated.

I have grave concern about our inability to get Security Council sanction for the original intervention; also for a reluctance to allow greater internationalization of responsibility today.

Nevertheless, the endorsement by the Security Council this afternoon of a resolution legitimizing the Coalition Provisional Authority and calling for a timetable for the drafting of a new Iraqi constitution has to be recognized as a positive step. The administration would be well-advised to build on this new international consensus, so reluctantly arrived at, to expedite the timetable for turning over the powers of government to the Iraqi people, and, in the meantime, to press for greater international responsibility and burden-sharing.

Nothing could be worse for world order and for our budget than a long-term, largely solo American entanglement in Iraq. Hence, votes tonight should not be considered a preview of support next year.

Given the thinness of the patience of the American people and the world community, the case for significant acceleration in the rebuilding of Iraq's political society and domestic economy, which the resources in this bill make possible, is compelling.

While the administration may have been wrong to go to war this past spring, Congress grievously errs if we allow Iraq to disintegrate into chaos today.

The issue is not principally Presidential credibility, although it, frankly, has been damaged. At issue is the American national interest as it now exists. If we refuse to rebuild a society we tore down, Muslims and others around the world will conclude we are a bullying power, uninterested in anybody else's fate but our own.

If we are to deter terrorism in an increasingly anarchistic world, the vocabulary of war must be replaced by a commitment to reconstruction. The sooner we commit to this task, the sooner our troops can come home.

The approach contained in this amendment, which I found quite attractive when it was first broached in the other body last week, appears less persuasive upon thoughtful review. It should be defeated. The right thing to do is to invest in peace today.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 1½ minutes to the very distinguished gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, I voted for the Iraq resolution last October. I support our troops. This amendment is the key vote of the evening. If everyone who spoke for the Pence amendment, everyone who spoke in their district about how we should be making loans to Iraq (rather than gifts), if they have the courage to actually vote for this amendment, it will pass.

We are told that somehow this amendment makes us seem to be cheap, ungrateful, unwilling. I say that we have paid in blood and treasure for the freedom of the Iraqi people, and, if this bill passes, we will be spending another $76 billion toward that end. If we need to prove to the world that we are the good guys, another $9 billion is not going to do it.

Look at this bill if we pass this amendment: $87 billion to help the Iraqi people; $9 billion of it is loans. Looked at another way, $18 billion for reconstruction; half loans, half gift.

The money will still be spent. Every school in Iraq that would have been rebuilt, will be rebuilt just as quickly. The only question will be whether there will be a promissory note in the U.S. Treasury so that we get repaid next decade.

Two plans for the Iraqi balance sheet: One is to leave them indebted $100 billion and more to these creditors, chiefly Saudi Arabia and Kuwait, and another $100 billion to Kuwait for reparations, a $200 billion debt load. But some say, oh, we cannot inflict them with another $9 billion in debt to the United States.

Plan two, have them renounce the $200 billion allegedly owed for Saddam's sins and start anew, and then they can pay us $9 billion, and maybe the Europeans will loan them another $1 billion. West Germany never paid Hitler's debts. It is time to wipe the Iraqi balance sheet clean.

Mr. KOLBE. Mr. Chairman, I am pleased to yield 3 minutes to the very distinguished gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Defense of the Committee on Appropriations and certainly a gentleman who just recently led a large delegation to Iraq.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for yielding me time. I would like to take just a moment of the time given me to respond to my colleague from California about wiping the slate clean.

There is little question that is a piece of what we ought to be about here if we are sincere about playing a role in getting Iraq's economy back on track very quickly. The sooner we do that, the sooner they are going to be able to go forward on their own and further rebuild their oil tapping capabilities, the sooner they are going to be able to go further than they have already progressed with the some 85 percent of the communities within Iraq trying to establish local governments and the like, and the sooner we get their economy back on track.

One step to that involves the donors conference in Spain at the end of October. At that point in time, many of the countries that are key, involved in the lending circumstance, will be present. It is our purpose there to actively encourage others to participate in forgiveness of loans, forgiveness of reparations and the like, so that this country will have a chance to get that economy in order.

If we cannot do that, if we find ourselves by way of extending loans causing this Spain meeting to become a lenders conference, we will hold this country's opportunity to recover back years and years and years.

The people of Iraq have never in modern history had an opportunity for economic growth, private sector growth and the kind of opportunity that is part of a free economy. They have not experienced democracy, the opportunity of freedom. Indeed, a piece of it involves their fundamental economy.

What we are talking about here by way of this lending avenue that causes some people politically to feel good about it sounds great. To me it was quite appealing initially. But when you take a hard look at what it practically does to a quick recovery of the Iraq economy, and then in turn what that means in terms of quickly bringing our troops home, it complicates the problem. Our people will be there longer. It will be tougher to stabilize the country. Indeed, we could quash the hope that many of us have for freedom and democratic growth in Iraq.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I cannot believe Members of Congress saying the American people are not generous, they are not willing to give. We borrowed $79 billion in the spring to pursue the war in Iraq. We are going to be asked to borrow $87 billion more in the name of the American people tonight.

But what we are saying here is for the money to build the infrastructure, not rebuild, this is not war damage, this is to give the Iraqis a spiffy new state-of-the-art telecommunications system, water and sewer, roads and bridges, all sorts of things the American people would like to have, good projects, public works, but to give it to them free of charge, because Saddam Hussein stole their money and neglected to do it.

Now, this is a country that has seven thousand billion dollars in oil reserves, and we cannot ask them to foot a little bit of the bill?

How about when we talk about welfare people in this country, "have them bootstrap themselves." Well, how about having the Iraqis pick up half of the bill to build their country? Otherwise, we are going to obligate Americans, working Americans, for the next 30 years, to carry the entire tab for building this country, not rebuilding it, and committing the American people to pay for projects there that we need here at home that are being neglected because we do not have enough money.

We cannot borrow the money here in the United States of America to build the roads, bridges, highways, water and sewer systems, to pay extended unemployment benefits out of the trust fund, but we can borrow the money in Iraq to pay for no-show jobs, to build water systems, sewers, state-of-the-art telecommunications and all that, and we cannot ask them to obligate themselves out of a seven thousand billion dollar oil reserve to pay a tiny fraction of that?

One gentleman said it is one-fifth of one percent of our GDP and we should not care. It figures out to one-fifth of one percent of their seven thousand billion dollar oil reserves.

Fair is fair. They should at least pick up half of the bill.

Mr. KOLBE. Mr. Chairman, I yield myself 1 minute here to respond to the previous speaker who alleged barrels of cash were going to be rolling into Iraq at the American taxpayers' expense.

Obviously, he has not taken the time or just does not understand how this process works. But there is not cash that goes to Iraq with this money. This money is appropriated for purposes of the Foreign Assistance Act to be carried out by agencies, organizations of the Federal Government, that are qualified to enter into contracts. That would be the USAID, the Agency for International Development; it would be the Corps of Engineers; it could be the Centers for Disease Control or other Federal agencies that might enter into these kinds of contracts. But there is not cash that is going to be paid by the United States to Iraq.

So it is simply a misunderstanding to assume that this is going to be cash being paid to Iraq. There is not a government to pay the cash to. It is projects that are needed to get the Iraqis on their feet, projects needed to create democracy in that country.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I rise in strong support of the Lantos-Obey amendment and in opposition to the underlying bill.

When my mother brought me across the vastness of the Pacific Ocean to America, she did so with the hope that I would become a good citizen, a good American citizen. I doubt that she ever dreamed that I would become a U.S. Congressman as well. Whether as citizen or as Congressman, however, we learn certain fundamental values from parents, from teachers and mentors. Some of the most crucial of those values are responsibility, accountability and having a plan for the future.

By all three of these standards, the administration's request for $87 billion for Iraq fails, and I must reluctantly vote against it. Responsibility, accountability and a plan for the future.

Responsibility: A year ago I stood in this well and expressed my grave concern that we were embarking upon an unnecessary war, and, by so doing, that we were going to lower the barriers to future wars.

We were told that Iraq was an imminent threat to our national security. Well, here we are enmeshed in a quagmire in Iraq, and we have lowered the international threshold for war with this new doctrine of preemption, or first strike. The administration architects for these policies must be held responsible. We need responsibility.

Accountability: We have been asked for over $400 billion in regular appropriations and in supplemental appropriations. We have spent a lot of money on defense and on Iraq. However, we find that our troops are going without the best bulletproof vests. We find that troops are traveling in Humvees with soft canvas backs rather than armored vehicles, because their armored vehicles do not have tracks to take them around.

□ 1945

Where is the accountability? Where has the money gone? Where is the accountability for our troops? Where is the accountability to their spouses, to their parents, and to their children? And where is the accountability to my fellow Oregonians who have been told that there is not enough money to keep their schools open or to pay for their unemployment?

We need accountability. We need a plan for the future. Approving this funding without a plan for the future is nothing less than writing a blank check. We need a plan for proceeding on two fronts. At the one end on the international front, we need to bring the international community into Iraq to share the burden, both in terms of blood and treasure; and at the other end, at the local end, we need as rapidly as possible to restore self-government to the Iraqi people. The administration resists both of these efforts.

There is no cogent plan. Mr. Chairman, we have no responsibility, no accountability, and no plan, because this administration is not listening to either Congress or the American people. Congress has very few tools to influence foreign policy; and today, we only have the power of the purse to make this administration open its ears and listen to this Congress and to the American people. If we fail to use our limited powers to make this administration listen, then we are nothing more than a rubber stamp. My mother did not bring me across the ocean to be a rubber stamp citizen, and Oregonians did not send me across this continent to be a rubber stamp Congressman.

Mr. Chairman, I ask my colleagues to vote for this amendment and against the underlying bill.

Mr. KOLBE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), a distinguished member of the subcommittee.

Mr. KNOLLENBERG. Mr. Chairman, I rise in opposition to this amendment, and I thank the gentleman from Arizona (Chairman KOLBE) for yielding me this time.

Iraq is in the central front in the war on terrorism. We are not going to get a second chance at doing this right. We face some strong challenges, so we have to be determined and remain focused on establishing a new Iraq.

I might say, incidentally, that in my district back in Michigan, I have some 35,000 Iraqis who have immigrated to America, and they have become solid citizens. They communicate, obviously, very well with the community; and, in fact, they have improved the quality of life in that community. Many are entrepreneurs, and I think they have been a tremendous addition to my own district.

The same thing would be true, I believe, in Iraq. As we work to stabilize this country and strengthen a new Iraqi government, we cannot afford to make our job any harder than it already is.

Yesterday's Washington Post editorial nails the point: "To make a loan in these circumstances is like swimming out to a drowning man and handing him a 10-pound weight."

If we turn our assistance into loans, we will be cutting our legs out from under ourselves. Our mission in Iraq is critical to the security of our country, and we cannot afford to undermine ourselves.

Right now the administration is working hard to get foreign governments to contribute to the rebuilding of Iraq. Turning our assistance into loans turns the upcoming donors conference into a loaners conference. We simply cannot afford to make this mistake.

Mr. Chairman, I urge all Members to vote against this unwise amendment.

Mr. OBEY. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, it is very simple. This aid package is the largest aid package this country will have ever given to any country with whom it was at war. It is the largest aid package we have provided in the history of the world. I think that is doing something. All we are saying is that we should recognize that because of the oil reserves in the ground, that Iraq, by next year, is expected to have a better ability to pay back its foreign debt on a per capita basis than the United States does; and in 5 years, they will have a substantially better opportunity to pay that debt back than we do.

We face no prospects of trade surpluses over the next 10 years, so we are not going to be paying back our foreign debt. Iraq, with that oil in the ground, if we have any management ability at all in this situation, Iraq will wind up being able to pay back a significant portion of their debt as soon as that oil starts being pumped again.

We are simply asking for a decent balance between long-term burdens placed on their taxpayers and long-term burdens placed on ours. The House would not put the troops first today on the previous amendment, at least a lot of folks do not appear to be comfortable doing that; they would prefer to stay with the committee position. I would ask at least to put the taxpayers first.

This is a balanced amendment. It is fair. It is not in any way punitive. It does not in any way inhibit Mr. Bremer's ability to get the job done. It simply indicates that we are sensitive to the needs of our taxpayers as well as our need to provide leadership in the world in restoring the Iraqi society and the Iraqi country.

Mr. Chairman, I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I am pleased to yield the balance of our time to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding me this time; and, actually, I thank the gentleman from California (Mr. LANTOS) for offering this amendment and in prompting this debate. The gentleman from California (Mr. LANTOS) is a brave and thoughtful leader, and every time he steps on the floor of this House, he brings honesty, courage, and dignity with him. He is a true mensch, and I am proud to call him my friend.

But, Mr. Chairman, I must oppose, strongly oppose this amendment for it flies in the face of our mission in Iraq and everything the war on terror stands for. Of course we want our money back. But the reconstruction of Iraq is not about $20 billion in roads and sewers halfway around the world. It is about freedom: ours, the Iraqis', and all of humanity's.

The moment our Coalition crossed into Iraqi airspace to remove Saddam Hussein from power, we sent a message to the world, friends and foes alike, that the nexus of outlaw regimes, weapons of mass destruction, and international terrorism would no longer be tolerated. We will pay any price and bear any burden to advance the cause of human liberty. And after the shock and awe of major combat, the price and burden of human hope shift from the battlefield to the town hall and the town market. That hope, Mr. Chairman, cannot come in the form of a promissory note. It is our fight, and now it is our job.

Putting aside the practical shortcomings of this specific proposal, it neither stipulates who would receive the loans nor suggests who might be responsible for paying them back. This is a vote about the broader question of the United States' moral responsibility, moral authority in the war on terror. Choking off economic development in Iraq will not foster democracy, prosperity, or security. It will only serve to benefit those who have sought to undermine the very idea of a free Iraq all along.

We did not start this war, but history and providence have called upon us to finish it. And before September 11, if we had debated $20 billion to build a free and independent democracy in Iraq, I would have asked, Given the cost, how could we possibly afford to do it?

But, Mr. Chairman, today, 2 years after 3,000 of our countrymen were lost, as we debate that very thing, I ask all of my colleagues, Given the cost, how could we possibly afford not to?

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that this 15-minute vote on the Obey loans amendment will be followed by a 5-minute vote on the Obey quality-of-life amendment.

The vote was taken by electronic device, and there were—ayes 200, noes 226, not voting 9, as follows:

[Roll No. 546]

AYES—200

Abercrombie
Ackerman
Alexander
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chabot
Clyburn
Coble
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hulshof
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Slaughter
Smith (MI)
Solis
Spratt
Stearns
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—226

Aderholt
Akin
Allen
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chocola
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hoyer
Hunter
Hyde
Isakson
Issa
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McDermott
McHugh
McInnis
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Stark
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Clay
Gephardt
Jones (OH)
Marshall
McKeon
Moran (VA)
Oberstar
Putnam
Souder

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 2017

Mrs. MUSGRAVE, Mr. DAVIS of Florida, Mr. MOLLOHAN, and Mr. SMITH of Washington changed their vote from "aye" to "no."

Mr. TIBERI changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MORAN of Virginia. Mr. Chairman, on rollcall No. 546, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 209, noes 216, not voting 10, as follows:

[Roll No. 547]

AYES—209

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kennedy (RI)
Kildee

Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—216

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berman
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Clay
Cox
Gephardt
Jones (OH)
Marshall
McKeon
Moran (VA)
Oberstar
Putnam
Souder

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 2027

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MORAN of Virginia. Mr. Chairman, on rollcall No. 547, I was unavoidably detained from voting. Had I been present, I would have voted "aye."

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

☐ 2030

LIMITATION ON CERTAIN AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 3289, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 3289 in the Committee of the Whole pursuant to House Resolution 396, before consideration of any other amendment, except pro forma amendments by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, it shall be in order to consider the following amendments:

An amendment by Mr. SHADEGG; an amendment by Mr. GOODE; an amendment by Mr. KIRK; an amendment by Mr. FILNER; an amendment by Mr. SPRATT; an amendment by Mr. MARKEY; an amendment by Mr. HOLT; an amendment by Mr. WAXMAN; an amendment by Ms. SLAUGHTER; an amendment by Mrs. MALONEY; an amendment by Mr. BLUMENAUER, an amendment by Ms. LORETTA SANCHEZ of California.

Each such amendment may be offered only by a Member designated or a designee, shall be considered as read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. An amendment may amend a portion of the bill not yet read, except that an amendment proposing to transfer appropriations among objects in the bill must conform to clause 2(f) of rule XXI.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Mr. Speaker, reserving the right to object, I would simply say to the House, I do not even know what the content of most of these amendments is, but what is going on here is that the staff has been attempting to work out understandings under which a huge number of amendments can be disposed of in the most efficient way possible.

As I understand it, there are approximately 39 pending amendments which are probably in order and about 69 that are not, and those numbers may be off a little bit but they are not bad for government work at 8:30 in the middle of a Red Sox game. But having said that, what this represents is that the sponsors of these amendments have agreed—all but two of these amendments as I understand it are in order, and those amendments, the sponsors have agreed to a severe time limit in order to have them considered. And in the case of the two amendments offered by persons who did not have germane amendments, my understanding is that those Members have agreed to drop all of their other amendments in return for a 5-minute consideration for their amendment before the point of order is lodged.

I think that is roughly what it is that we are agreeing to, if this is, in fact, agreed to by the body. So it is simply an attempt to try to take a huge universe of amendments and to create some smaller, manageable universes so that we can move the process along.

Let me say that, without even knowing the content of these amendments, I have strong feelings about the fact that Members are being reduced to having important issues on something like this considered in such a reduced time frame, but that is the choice we have under the rule that we have been given, and so we can either try to extend Members opportunities as much as possible or not, and that is what we have been trying to do.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, as usual the gentleman understands the process well and has explained it well, and that is certainly our intent, to offer every Member every legitimate amendment.

For those that are subject to a point of order, we will raise the point of order, but we believe that Members should have the opportunity to debate the important issues, and at the same time, we would like to get finished sometime this week so that we can go to conference with the other body as soon as possible.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

Mr. NADLER. Mr. Speaker, reserving the right to object, first I would inform the gentleman from Wisconsin that it is the Yankees as well as the Red Sox game.

Secondly, I would ask the distinguished gentleman, the distinguished chairman, there are a number of Members who desire at some point tonight to strike the last word, and if we agree to this unanimous consent request, would that preclude an opportunity at some point tonight of striking the last word?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, striking the last word will be in order, but I would urge our colleagues, we had 6 hours of debate under a special ruling of the House. We had another hour of debate on the rule. We had another hour of debate under general debate on the bill itself. We have had a lot of debate. However, if Members feel inclined to prolong the debate even further beyond those many hours already concluded, that would be in order.

Mr. NADLER. Mr. Speaker, I would point out that some Members would be interested in doing that after the last vote tonight, but as long as it will be in order.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Ms. JACKSON-LEE of Texas. Mr. Speaker, reserving the right to object, if I might, my question is to the chairman.

What is the status of the other amendments? I appreciate the desire to move forward on this compromise, this unanimous consent. There are other amendments that are equally in order, and what is the position on those amendments?

Mr. YOUNG of Florida. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, this unanimous consent that we have propounded at this point, like the one earlier today, would have no prejudice on any other amendment that may be offered following these 11 amendments. So this does not affect anyone's right to offer their amendment that they intend to offer. It is just a matter of trying to get some cohesive organization of how we are going to proceed to conclude this bill.

Mr. OBEY. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, these amendments simply represent negotiations that we have been able to reach with the sponsors of the amendments. Negotiations are still going on with the other sponsors of the other amendments, and as those are resolved, the hope is to have other packages to bring before the House.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for his comments.

Since this is a place of speech and debate, I would hope that we take our responsibility seriously.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Florida?

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 396 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3289.

□ 2037

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from Wisconsin (Mr. OBEY) had been disposed of.

Pursuant to the order of the House of today, before consideration of any other amendment, except pro forma amendments by the chairman and ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, it shall be in order to consider the following amendments:

Number 1, an amendment by Mr. SHADEGG;

Number 2, an amendment by Mr. GOODE;

Number 3, an amendment by Mr. KIRK;

Number 4, an amendment by Mr. FILNER;

Number 5, an amendment by Mr. SPRATT;

Number 6, an amendment by Mr. MARKEY;

Number 7, an amendment by Mr. HOLT;

Number 8, an amendment by Mr. WAXMAN;

Number 9, an amendment by Ms. SLAUGHTER;

Number 10, an amendment by Mrs. MALONEY;

Number 11, an amendment by Mr. BLUMENAUER; and

Number 12, an amendment by Ms. LORETTA SANCHEZ of California.

Each such amendment may be offered only by a Member designated or a designee, shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WAXMAN:

In chapter 2 of title II, under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND"—

(1) after the first dollar amount (page 30, line 1) insert "(reduced by $250,000,000)"; and

(2) after the fifth dollar amount (page 30, line 5) insert "(reduced by $250,000,000)".

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment. Like the Chair, we have not seen copies of the amendments, and so I would be reserving a point of order on each one of them until I see copies.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The gentleman from California (Mr. WAXMAN) is recognized for 5 minutes.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

This supplemental includes a request by the Bush administration for an additional $2.1 billion in oil reconstruction funds for Iraq. This request nearly triples the administration's previous estimate for Iraqi oil reconstruction costs.

□ 2045

On September 12, the gentleman from Michigan (Mr. DINGELL) and I wrote to the Office of Management and Budget asking for basic details about this request and for an explanation of the enormous increase. We received no response. More than a month now has passed and the administration has provided absolutely no information to explain this vast increase.

I contacted the U.S. Army Corps of Engineers, the agency in charge of oil reconstruction, to ask how this request for $2.1 billion was developed. They told me they could not provide any information because they were not involved in preparing this request; it was done by the Coalition Provisional Authority in Iraq.

So I contacted the CPA to ask for some basic details about how much the taxpayer has been paying Halliburton for work under the oil reconstruction contract. They said they did not know and told me to talk to the Army Corps, which had already told me they were not involved with the administration's request.

In this morning's New York Times, OMB officials said they do not know about this either. They said they would try to talk to the CPA, but that this was difficult because Baghdad is so many time zones away.

It is an Abbot and Costello "Who's on First" routine, and it might even be funny if it were not going to cost the taxpayers $250 million in wasted money. The fact is, Halliburton, the company importing gasoline into Iraq, is overcharging U.S. taxpayers. Although gasoline, and you can see this from this chart, costs 71 cents per gallon in the gulf, Halliburton is charging the taxpayers more than twice as much, $1.62 to $1.70 per gallon. This costly gasoline is then sold inside Iraq for as little as a nickel per gallon. As a result, the U.S. taxpayer loses $1.50 or more every time a gallon of gas is sold in Iraq.

Independent experts have looked at this and have been stunned by the Halliburton inflated prices, calling them outrageously high, a huge ripoff, and highway robbery; but no committee in the House is investigating, no committee is asking Halliburton or the CPA or the Corps or OMB to justify this gouging; and it seems no one in the administration is exercising any oversight.

Enough is enough. Millions of Americans are willing to help the Iraqis, but they do not want to be fleeced. We have to stop turning a blind eye when Halliburton overcharges the taxpayers by millions of dollars. Now, I realize Halliburton is a big campaign contributor and has a special relationship with the Bush administration. I realize it would be easier to look the other way. But this has to end. We owe that to the taxpayer. And at some point everyone in this House is going to have to explain why we are making the taxpayer pay for gasoline at $1.70 per gallon and then selling the gasoline to Iraqis for a nickel.

Our amendment is a small, but important, step in restoring some sanity to this process. It reduces the amount that will be paid to Halliburton to purchase gasoline by $250 million. This is a conservative estimate of the amount the taxpayer will be overcharged. I urge my colleagues to end the fleecing of taxpayers and support this amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. DINGELL), the cosponsor of this amendment and the distinguished ranking member of the Committee on Energy and Commerce.

Mr. DINGELL. Mr. Chairman, I commend my good friend and colleague. I urge my colleagues to vote for this amendment.

Listen to what is at stake here. Halliburton buys gas over there at 71 cents a gallon. It sells it to the Federal Government at $1.62 to $1.70 a gallon. They make huge sums of money at the expense of the taxpayer. This was done on a very quiet, secret no-bid contract, without anything else other than a GAO audit triggered by my good friend, and which I am happy to have assisted with, which brought this whole sorry mess to light.

In a nutshell, they are buying 190 million gallons of gasoline from Kuwait that is going to be moved into Iraq. Imagine that, the second biggest oil pool in the world is going to be getting gas and gasoline from the United States. It is going to cost something like $1.59 per gallon. It is going to also be marked up to $1.62. It goes for 71 cents a gallon in the market over there in the Middle East. That shows what a fat deal they have gotten. Support the amendment.

Mr. Chairman, I rise in support of this amendment to reduce the appropriation to pay Halliburton to supply gasoline to Iraq.

From the moment Representative WAXMAN and I learned about secret no-bid contracts given to large companies like Halliburton and Bechtel for activities in Iraq we have tried to get the facts on the matter. As a result of our letter to GAO on April 8, the General Accounting Office is looking into the process of those bids.

Among those contracts was a no-bid contract to Halliburton that provided for a variety of activities dealing with oil. At first, the Administration tried to portray the contract as dealing solely with putting out oil fires. We now know it is far more extensive.

When the President sent up his supplemental request before us today, we spotted a request for an additional 2.1 billion dollars for Halliburton under its oil contract. On September 12, we wrote to OMB Director Joshua Bolten to explain the request. To date, we have not received the courtesy of a response.

What we learned is that included in the request is $900 million to import petroleum products into Iraq. We subsequently learned some interesting facts:

As of September 18, 2003, the United States has paid Halliburton $300 million to import 190 million gallons of gasoline. That is an average price of $1.59 per gallon. On top of that Halliburton receives an additional fee, increasing the cost to the taxpayers to $1.62 to $1.70 per gallon. This gasoline is being imported from Kuwait.

According to the Congressional Research Service, the average price for gasoline in the Middle East was about 71 cents per gallon. In other words, Halliburton was collecting an additional 91 to 99 cents a gallon from the U.S. government for every gallon of gasoline. When our staffs contacted independent oil experts about such a markup, they said that if those were the prices being charged the government, it was a "huge ripoff" to the taxpayers.

According to interviews conducted by the Minority staff of the Committee on Government Reform, the gasoline is then resold to Iraqis for just 4 to 15 cents a gallon.

This oil contract is just one example of the potential ripoff of the American taxpayer through the granting of no-bid deals to companies like Halliburton. It is also an example of the attitude of this Administration that it owes absolutely no explanation of how these funds are being spent. And it is an example of the lax oversight being conducted by my colleagues on the other side of the aisle in examining these deals.

The amendment simply cuts $250 million from the oil purchase account, in order to provide for the reasonable cost of importing the oil while preventing Halliburton from price gouging the American people.

Whether price gouging occurs here in the United States or in Iraq, we should not allow it. But it is particularly disturbing in this bill, where this gouging comes at the expense of the safety and well-being of our troops in Iraq.

Perhaps in the future when Members of Congress have legitimate questions about the Administration's requests for money, we will receive answers. For now, we must send a signal that we will not pay outrageous and unjustified prices to a no-bid contractor like Halliburton, while failing to meet the needs of our troops.

Vote "yes" on this amendment.

The CHAIRMAN. The gentleman's time has expired.

Does the gentleman from Florida (Mr. YOUNG) continue to reserve his point of order?

Mr. YOUNG of Florida. Mr. Chairman, I do.

Mr. KOLBE. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) is recognized in opposition to the amendment for 5 minutes.

Mr. KOLBE. Mr. Chairman, under reservation of a point of order, let me, if I might, rise in opposition to this amendment.

Mr. Chairman, the amendment would seek to strike, as has been explained by the gentleman from California, would seek to strike $256 million from the provision that allows Iraq to import petroleum products. Now that, on the surface, seems very odd. This is an oil-exporting country, and a lot of people are going to say why in the world would we be importing oil at all. That is the first question, regardless of the price that is being charged by Halliburton or any of the other contractors there. So the first issue that has to be dealt with is why are we importing oil, and the second question is why is the cost as high as it is once it is delivered at the gas pump, so to speak, in Iraq.

The reason that we have a petroleum shortage in Iraq and that we are importing oil is fourfold: one, Saddam Hussein had completely neglected the infrastructure with chronic underinvestment over the last 30 years, and this has resulted in a tremendous amount of underproduction, which leaves the infrastructure even more susceptible to sabotage and to devastation.

And that is the second point. There is criminal sabotage which is taking place. Some of us remember the pictures of Saddam Hussein releasing 100,000 prisoners last October; kind of our first hint that something big was changing in Iraq. He released 100,000 criminals, and they have been engaged, systematically, for the last several months in sabotage.

Third, there is the political sabotage by the remnants of the Baathist Party and Saddam Hussein's cronies there who continue to sabotage the oil fields in Iraq.

The fourth reason is that Saddam Hussein used the Food for Oil program for his own benefit. He established a comprehensive smuggling ring, which meant a lot of the money that was supposed to be coming and the oil that was supposed to be coming out of that were siphoned off and went elsewhere. We have clamped down on most of this smuggling activity, but it continues to be a problem.

Since the liberation, we have been working to restore the oil production, and we are now back up to about 1.9 million barrels of oil per day. The Coalition Provisional Authority's goal is to increase that to 3 million barrels a day by December 2004. Meanwhile, the people have urgent needs for petroleum resources. They use it for cooking food, their power plants are completely dependent on oil, and of course all the vehicles in the country depend on it, as well as diesel trucks and most of the industry within Iraq.

The second question, of course, is why is this cost per gallon as expensive as it is. Well, I would challenge anybody that has not been over there to go and see what it is like to get oil in, refined products into Iraq. The main source of that is from Kuwait, refineries in Kuwait producing and shipping this into Iraq. There is a tremendous amount of sabotage and vandalism along the highways with the trucks. There is a premium that is charged for this coming in there. It is an expensive process to bring it into the country.

When we are talking about Americans firms that are doing this, there is a tremendous cost for security to these American firms that are bringing this oil in, these refined products in, by truck there.

If you go to neighboring countries, you will find, and this is of course largely because, or partly because of tax structures, but you will find in neighboring countries prices for petroleum countries that are as high or higher than we are talking about here in Iraq where it is very, very expensive. So it is not an unusual thing, even in the Middle East, with all of its capacity for crude petroleum products, to find that when you get the refined products, such as cooking oil, oil for gasoline for automobiles and for industry, that you will find that there is a much higher price for this.

Mr. Chairman, because of these reasons, I would suggest that this amendment is not a wise amendment. In fact, it goes exactly counter to what we want to do. If we want to get the oil production up in a way that Iraq can produce as much of its oil as necessary and refine products, then we better put as much investment as possible into that as quickly as possible, rather than doing the opposite, which is to take the money out of it, as this amendment suggests that we do.

Mr. McDERMOTT. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Pursuant to the previous order of the House of today, there are 10 minutes on this amendment. When the amendment is disposed of, the gentleman may move to strike the last word before we begin the next amendment.

Mr. McDERMOTT. When this amendment is disposed of then you can strike?

The CHAIRMAN. As a designee of the managers of the bill.

Mr. YOUNG of Florida. Mr. Chairman, I withdraw my point of order on this amendment.

The CHAIRMAN. The point of order is withdrawn.

All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote on the amendment.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. WAXMAN) will be postponed.

PARLIAMENTARY INQUIRY

Mr. McDERMOTT. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. McDERMOTT. Mr. Chairman, would you clarify for the House what the rules are under which someone can get an additional amount of time to speak on these amendments? You have to be designated by whom?

The CHAIRMAN. When no amendment is pending, Members may rise for pro forma amendments only as the designee of the managers of the bill. In this instance, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Arizona (Mr. KOLBE), as the designee of the gentleman from Florida (Mr. YOUNG)

Mr. McDERMOTT. The gentleman from Arizona (Mr. KOLBE) is the only one who can give that recognition?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) as well.

Mr. McDERMOTT. The gentleman from Wisconsin (Mr. OBEY)?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from Arizona (Mr. KOLBE).

Mr. McDERMOTT. I thank the Chairman.

AMENDMENT OFFERED BY MR. KIRK

Mr. KIRK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KIRK:

In section 2202(2), in the matter preceding subparagraph (A), strike "(other than paragraph (2))".

In section 2202(2), strike subparagraph (B).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Illinois (Mr. KIRK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, sole-source contracting should be part of our country's past and not its future. While sole-source contracting has had some limited utility, it more often leads to questions of integrity that discredit our Federal Government. I believe that this bill should have no sole-source contracting allowed, but the base text says differently.

The text of this bill requires competitive contracting procedures to be used. But under section 2201 it provides an exception, and that exception says that sole-source contracting can be used, but only if the Congress is notified 7 days in advance.

□ 2100

But the bill goes on to then include a second exception which would allow sole-source contracting with 7 days notice following the award of a contract. Our experience has been that if a contract award is made, it is too late for effective oversight by the Congress. For me, I would hope that we would take up Ambassador Paul Bremer's commitment that none of the funds under this act be used for sole-source contracting. I recognize that in certain, very limited, circumstances we may need that, but only with 7 days prior notice to the Congress.

Let me speak as someone who used to work for the State Department. That prior notification provision will intimidate the bureaucracy so that only true emergency situations are brought for a sole-source contract. But if, on the other hand, we are allowing Congress to be out of the loop and only notified after the award of a sole-source contract, then hundreds of contract authorities now stationed in Baghdad will be able to do a noncompetitive contract.

Let me say very bluntly, I do not think that any of these sole-source contract opportunities will be misused by the Oval Office or the State Department or the Defense Department or the leadership of AID. But I am not so sure of the hundreds of other procurement officials that will be running this program. I fear that sometime next year one of them will embarrass the President, and I do not want our President to be embarrassed. That is why I hope that the House will adopt this amendment, and if it is adopted, we will allow a limited set of sole-source contracting but only after the Congress is notified in advance.

I would urge that the House adopt this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Let me say to my friend that this amendment strikes a very critical provision in this supplemental that provides for congressional notification 7 days before a determination is made under the procurement laws. Understand that we are dealing with a situation in Iraq where there is no electronic inventory system for supplies. We are basically dealing with carbon paper inventory. Consequently, there is often no warning when supplies are depleted, where we need to act in a very fast manner.

Under the gentleman's amendment, we would not be able to go out and procure something that is needed without going out and finding additional bidders or waiting 7 days. Sometimes the situation does not allow for that.

Recently, it was discovered that the stock of baby formula in the country was gone, and it was not available anywhere in the country. Under the gentleman's provision, we would have had to wait 7 days before we could go out sole source, or we would have had to source it which could take up to a week or an even longer time than that.

In this particular case under the exemption, they would have been allowed to move ahead as they did, a contract was awarded using the exemption to the supplier who could provide immediate delivery. In the meantime, you would go out and source this and compete it for any longer period of time. This would be only for an emergency situation.

We had another situation where 2 days before the scheduled distribution of the new currency was to take effect, it was found there were not enough trucks or security to accomplish the distribution. You ask, how were we faced with that? Again, we are dealing not with an electronic inventory system in the country, but a carbon copy inventory. A contract was awarded very quickly using the urgency exemption to a company that could supply immediately the needed trucks and security guards for a limited, finite period. Only in those most exceptional cases should we allow sole sourcing. That is why we have agreed in our committee to a 7-day preaward notification for Congress in all but the most exceptional circumstances. But I think we are dealing with a wartime situation. There are times when you have to act and do not have time to go out and competitively compete for all the necessities you may need to fight a war. It is only in the most dire situations that we would allow this. The gentleman's amendment strikes even our ability to do that. That is why I oppose the gentleman's amendment, although, in principle, I think we are in agreement.

I think it is critical that the unusual and compelling urgency exemption in current law operate as intended in Iraq of all places where the situation is fraught with danger, and circumstances seem to change by the minute.

Mr. Chairman, I yield back the balance of my time.

Mr. KIRK. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman for his comments. I hold in my hand a letter from Citizens Against Government Waste. While they had a number of negative opinions on several amendments here, the one amendment that Citizens Against Government Waste endorsed on this bill is my amendment, which would prevent no notice sole-source contracting.

I want to thank the gentlewoman from New York (Mrs. LOWEY), the ranking member of our committee, for giving her support to this amendment, and I would say to the very distinguished chairman of the Committee on Government Reform that this amendment would send a message that the administration should use innovative techniques like indefinite quantity contracts to cover unforeseen circumstances. But it would know that in the overwhelming case, it would have to have competitive contracts and would have to go to the scrutiny of the Congress before it did any sole-source contracting.

I think to defend this President and to defend the vital work of our government in Iraq, we should send a message that all contracts should be competed and that the integrity of the process should be defended.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KIRK. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois (Mr. KIRK) will be postponed.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FILNER:

After the appropriating clause (preceding title I), insert the following:

TITLE IA—DOMESTIC EMERGENCIES

SEC. 101. For an additional amount for elimination of the disabled veterans tax (the prohibition on concurrent receipt of military retired pay and veterans disability compensation), $4,500,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Mr. KOLBE. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. A point of order has been reserved.

Pursuant to the order of the House of today, the gentleman from California (Mr. FILNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I yield myself such time as I may consume.

Tonight, Mr. Chairman, we have talked about the lack of accountability of this administration, the poor wisdom of unilateral action, and the lack of a plan on the part of this administration, but I want to spend the few minutes that is allotted to me on priorities.

Looking at this chart, we have requested $87 billion this evening for Iraq for a total of $201 billion. What we spend on veterans benefits this year is less than $62 billion; on food and nutrition 46; on education 34; on the environment 30; on housing 30. Where are our priorities? We are spending an obscene amount of money on an unwise action. But what about the troops that are coming home after they have been in Iraq? Are we going to provide for them? We have not provided sufficient money for their health care as veterans. We have not provided money for what we call concurrent receipt. My amendment says that there shall be full funding for those military retirees, for their pension and for their disability if they are so disabled. It provides the money for full funding of concurrent receipt.

Why must we do this? Why must we work for our veterans? Why must we make sure that when our young men and women come home, they are provided for? In our budget resolution of this House, we make sure that over 150,000 veterans are still waiting 6 months for their first appointment. Thousands, tens of thousands of veterans are waiting for their disability claims to be adjudicated. We have not provided enough money for their care. And we have levied a tax on our military retirees for their disability. Yes, we have a disability, a veterans disability tax on those retirees. On the one hand, they earned their pension through their service to our Nation. And we have talked a lot about support of our troops tonight, but we are not supporting them when they come home because they have to choose between getting their pension and, if they are disabled, getting their disability. They are actually having to pay for their own disability. We are making them pay for their food in the hospitals right now, except for an amendment by the chair of the Committee on Appropriations, so we are taxing them on their disability.

Mr. Chairman, this is not the priorities for this Nation. This is not the way a grateful Nation treats its young men and women who are so brave in their service whether to our Nation in Korea or Vietnam or in the Persian Gulf.

Mr. Chairman, there is rumor today that the Republicans will say they have taken care of concurrent receipt. They have made a deal to cover this. What the Republicans have done, and which I urge all veterans groups to oppose, is to say those veterans with over 50 percent disability, only those will get some money, and we will phase that in over 10 years. So in the first year, they will get one-tenth of one-half of what they deserve. That is not a way to treat the folks who we are supposed to be supporting with our supplemental today.

Let me tell you under the Republican proposal for concurrent receipt what occurs. A Vietnam retiree who is disabled by an amputation below the knee is not covered by the Republican plan for concurrent receipt. He gets no disability. He continues to pay his veterans disability tax. The Korean vet who has numbness and tissue loss in both feet because he had a cold weather injury in Korea, he gets zero disability under the Republican plan. This is not a way to treat our troops. And if you were in the Persian Gulf and have Persian Gulf War illness, and you can work with less than 50 percent of the efficiency you had before you went to war, you get no disability. The Republican plan gives very little support to those retirees who are on disability. My amendment gives full funding for disability of the retirees. Let us fund concurrent receipt. Let us vote for the Filner amendment.

The CHAIRMAN. The time of the gentleman from California has expired.

Does the gentleman from Arizona still reserve his point of order?

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, I will make my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. KOLBE. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriation bill and therefore violates clause 2 of rule XXI. That rule states, in its pertinent part, "an amendment to a general appropriation bill shall not be in order if changing existing law." This amendment includes an emergency designation under section 502 of House Concurrent Resolution 95 of the 108th Congress and as such constitutes legislation in violation of clause 2 of rule XXI.

I would ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. FILNER. I would, Mr. Chairman.

We have just heard some very arcane rules that are never followed by the other side. They make waivers to legislation on an appropriations bill every day. There must be dozens in this bill today. Yet, you do not want to make the exception for a bill for our military retirees for their disability, their disability payments.

Mr. KOLBE. Mr. Chairman, point of order. The gentleman is not speaking to the point of order.

Mr. FILNER. Let the Nation know that on a technicality, the Republicans refused to fund concurrent receipt for our veterans.

The CHAIRMAN. The gentleman from California will suspend.

Mr. FILNER. * * *

The CHAIRMAN. The gentleman from California will suspend.

Mr. FILNER. * * *

The CHAIRMAN. The Chair would ask the gentleman to heed the gavel and cease his conversation.

Mr. FILNER. * * *

The CHAIRMAN. The gentleman will suspend.

The Chair would ask the courtesy of all Members to address their remarks only to the point of order and also to heed the gavel.

Mr. FILNER. * * *

The CHAIRMAN. The gentleman is not in order.

The Chair is prepared to rule.

As the Chair ruled on June 19, 2000, with regard to an amendment offered by the gentleman from California to the Department of Veterans Affairs and Housing and Urban Development Appropriations Act for fiscal year 2001, the amendment proposes to designate an appropriation as an emergency for purposes of budget enforcement procedures. As such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained.

AMENDMENT OFFERED BY MR. GOODE

Mr. GOODE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GOODE:

At the end of the bill (before the short title), insert the following:

SEC. . The amounts otherwise provided by this Act are revised by reducing the aggregate amounts made available for "INTERNATIONAL DISASTER AND FAMINE ASSISTANCE" and for "INTERNATIONAL ORGANIZATIONS-CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES" to $0.

□ 2115

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Virginia (Mr. GOODE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, I yield myself such time as I may consume.

My amendment would eliminate funding for reimbursement to the United Nations for peacekeeping in Liberia and the United States foreign assistance to Liberia and Sudan. Neither account was included in the President's original request; nor, would I submit, are they relevant to Iraq and Afghanistan.

Let me be clear. The main purpose of this supplemental is Iraq, not Liberia; $245 million for U.N. peacekeeping in Liberia is an item on the State Department's wish list. It should be considered in the course of normal appropriations in fiscal year 2005. It should not be considered here as part of an emergency to the Iraq supplemental.

I also fear that the $100 million for Sudan and Liberia will not be utilized in a way that will be to the best interest of the United States. I am fearful that in the end that will not bring the peace and the hope for a good Liberia and good Sudan. So I hope it would be the pleasure of this body to adopt my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the amendment. There is a peace agreement ready to be signed in Sudan. Osama bin Laden lived in Sudan from 1991 to 1996. The terrorists who attempted to kill Mubarak came out of Sudan. Probably the weapons for Adid that killed our American soldiers in Somalia came out of Sudan. To take this money out of the administration's hands now would be a mistake. There is a civil war going on: 18 years, 2 million people killed. So that part of the amendment would just devastate what the administration is trying to do, and Members on both sides have worked very hard on this for years.

With regard to Liberia, over 250,000 persons have lost their lives in the Liberian conflict. Mass graves, 1.3 million people uprooted, women raped, atrocities under Charles Taylor. The decision to create the peacekeeping force has already been made. The administration decided that using the United Nations would allow us to bring peace and good governance to Liberia. Also, we did not want American soldiers to serve therein, and this was the substitute; so none of the 15,000 will be Americans. The U.S. voted to establish the peacekeeping mission. This is really our idea. It rests with the unanimous Security Council vote. The $245 million is our share. If the funding in this supplemental is stricken, we will not be able to pay these bills, and we will be in arrears; and it will be a disaster for the people of Sudan and a disaster for the people of Liberia.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if I thought $345 million would bring peace for some time to Liberia and Sudan, I would be for it. We poured millions into Iran when the Shah was there, and we said we would have peace forever in Iran. Such did not work out. In Afghanistan we poured in tens of millions of dollars for a number of years, and what resulted? The Taliban. Then back in the 1950s and the 1960s, we poured multimillions of dollars into South Vietnam, propping up Diem, and we said that would bring peace inside Vietnam. All of that money went down the drain. If the Members want to pour more money down the drain, vote against my amendment; and they can pour $345 million down the drain.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I appreciate the gentleman's yielding, and I appreciate what the gentleman just said about our need to oppose this amendment.

I was baffled, a little bit stunned by the gentleman's amendment and cannot understand why he would single out Liberia and Sudan to be excluded. I think it is unwise. I think his motives are questionable, and I would hope that the gentleman from Virginia's (Mr. WOLF) caucus would follow his wise leadership and guidance and not allow an issue like this to create any kind of suspicion about anyone's motives. I know that on this floor we are not supposed to question our colleagues' motives, but this is kind of an unusual amendment that just jumps out at one; and, again, I do not understand why the gentleman is doing it, but I would like to say to the gentleman from Virginia (Mr. WOLF) thanks for opposing it.

Mr. WOLF. Mr. Chairman, the gentleman from Virginia (Mr. GOODE) is a good friend of mine, and we have been friends for a long time. I think we just see differences here. I would strongly urge a "no" vote on the amendment.

Ms. LEE. Mr. Chairman, I stand tonight in absolute opposition to the Goode amendment.

Peacekeeping forces in Liberia are critical and we should be increasing funds for these forces, not cutting vital funds.

Mr. Chairman, we watched the bodies mount at the U.S. embassy, the child soldiers take up arms, and water and food become scarce; the United States dragged its feet and produced a short, lackluster peacekeeping effort.

Today, Liberia needs more than temporary military assistance; they need a significant peacekeeping force which will allow the transitional government to take control in an environment of security and opportunity.

The United States must play a role in helping create the conditions for peace, prosperity, and long-term democracy. The Bush administration has pulled out U.S. peacekeeping troops and now is the time to commit financially to the U.N. and Ecomil effort.

Today we have an opportunity and obligation to Liberia.

To foster peace and ensure freedom, we must develop a comprehensive strategy that includes security and peace throughout all of Liberia (not just the capital of Monrovia), support the transitional government and democratic elections in 2005, and finally we must revive our commitment to Africa financially and diplomatically.

Diplomacy is the mechanism to bring about a peace, and playing our part to finance the U.N. peacekeeping mission is the way to preserve it.

I urge a "no" vote on the Goode amendment and yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. GOODE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

In chapter 1 of title I of the bill, strike paragraph (2) in the text under the heading "Operation and Maintenance, Defense-Wide."

In chapter 1 of title I of the bill, strike the first through sixth provisos in the text under the heading "Iraq Freedom Fund".

In chapter 1 of title I of the bill, strike the second through forth provisos in the text under the heading "Drug Interdiction and Counter-Drug Activities, Defense".

Strike section 1101.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from California (Mr. LEWIS) each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I yield myself 4 minutes.

Let me begin by saying that if we pass this bill with the type of blank check transfer authority that it currently contains, we will live to regret it in this House. We will only be furthering the restoration of an unaccountable imperial Presidency, a phenomenon that many of us saw emerge during the Vietnam era, much to our Nation's regret; and we will have handed over one of the principal powers of the Constitution that is granted to this body, the power of the purse.

While there is lots of debate and discussion about President Bush's $87 billion supplemental request for military operations, there is no discussion about how Secretary Rumsfeld and President Bush can use most of this as a slush fund pretty much any way they want.

Most of the supplemental is pretty straightforward: $87 billion in total funding, $64.7 billion in military spending. But buried in the supplemental, there are also a number of provisions which would grant the Bush administration broad authority to transfer billions in funding appropriated in the bill for one purpose to be instead used for a completely different purpose with only minimal congressional oversight. Nearly, listen to this, $53 billion of the $87 billion appropriation is subject to one or more of these retransfer or reallocation provisions.

What exactly do these blank check provisions do? Essentially they allow Secretary Rumsfeld and President Bush to create their very own slush funds that they can use for virtually whatever they want to do. Number one, there is $1.3 billion in defense-wide operations and maintenance funds that can be transferred over for use "for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical and military support provided, or to be provided, to United States military operations."

So here we are essentially letting Secretary Rumsfeld take money appropriated for operations and maintenance and the military and instead using it as walking-around money to pay off countries that he thinks may be helpful to us. He decides who gets the money. He decides how much they get, and he decides whether or not those expenditures are really justified. All we are going to get back here in Congress are quarterly reports as he will tell us who he gave the money to.

Second, there is $1.98 billion appropriated for the Iraq Freedom Fund that can be transferred over to appropriations for military personnel operations and maintenance; overseas humanitarian, disaster, and civic aid. So if the Secretary does not like how the Congress has appropriated for these accounts, he can increase them by $2 billion. Congress just gets notified about what the Secretary has done, but we have no ability to stop him.

Third, there is $73 million in drug interdiction and counter-drug activity funds for Afghanistan which can be transferred by Secretary Rumsfeld to appropriations for military personnel; operation and maintenance; procurement; and research, development. In this section there is not even any requirement for congressional notification. The money just gets shifted out of drug interdiction.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

I must say to my colleagues that I am very appreciative of the gentleman from Massachusetts' (Mr. MARKEY) expression of concern about making sure that we control the funds that flow from us by way of the Department of Defense to a variety of our needs. But let me say to my colleagues that none of these are new authorities. Indeed, many of them were in the supplemental that we passed in April, and many are in the annual appropriations bill that was just signed into law recently.

If I could take a moment to discuss what this provision actually does, it is a provision that would prevent us from reimbursing allies like Pakistan and Jordan as the gentleman from Massachusetts (Mr. MARKEY) suggested, but that was a rather straightforward thing that was discussed out front by the Department. It is money for reimbursement for military activities and support they gave us to our benefit. They were activities that we wanted to accomplish, and reimbursement was understood. It is the kind of activity that we have carried forward from time to time over especially the last couple of years since 9–11.

Among other things, the gentleman from Massachusetts' (Mr. MARKEY) provision would specifically prevent expenditure of $73 million in efforts to counter drug activities in the area, for example, specific drug activities I am concerned about in Afghanistan. We are interested in drying up this problem, and we should be in it together; and I do not think the gentleman from Massachusetts (Mr. MARKEY) really means to dry that up, but that is the effect of part of what he is doing here.

It would also prevent DOD from being able to reprogram funds, as he suggests. Those funds provide flexibility for the Department, which they often need, especially in a circumstance like this when we are really in a war setting; but they do that reprogramming after approval from the authorizing in the Committee on Appropriations. It is not an unusual thing. It is a part of our regular activity. It does tend to deny the kind of flexibility that we need for these sorts of military activities, but essentially the gentleman's provision strips out language we carried in provisions of this bill and other bills, language which combines the need to give our forces all the flexibility that is a part of a very difficult region.

I am not sure that he is really getting a handle on what he had hoped to prevent that he thinks happens out there, but this is a relationship between the committees and the Department of Defense, similar to the ones that the gentleman has between his committee and the Energy Department. It is not always perfect, but it works pretty good so far.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

The problem with the bill the way it is written is that, for example, the $73 million, which we all agree should be put in for drug interdiction, could just get shifted out of drug interdiction over to a Defense Department R&D program, a procurement program. We will not have any say over that. We agree on the drug interdiction, but Rumsfeld can put it anywhere he wants.

My amendment does not cut a single nickel out of this entire budget. What it says, though, is if they want to reprogram it, they have got to come back to us. If they have changed their mind on drug interdiction, if they want $1.3 billion in walking-around money to give to Jordan or any other country, they come back to us. They ask for our permission. This is a war in which we are the elected people of our country. This is where "no taxation without representation" started as a revolution in my district. It was about a war. It was about taxation. It was about proper representation.

I do not believe the American people want to hand over to Donald Rumsfeld and over to Condoleezza Rice and over to Wolfowitz and all of them the authority to make decisions which we, as their elected representatives greeting the body bags coming back to our district, are expected to make on behalf of our constituents.

□ 2130

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in conclusion, the gentleman from Pennsylvania (Mr. MURTHA) and I have been involved in this sort of providing of flexibility for a long, long time.

The gentleman from Massachusetts was not correct in suggesting that they could reprogram money out of drug control efforts. Indeed, if they want to make some reprogramming from one drug control effort to another, they have to come to us to get our permission before the fact. Indeed, I think the gentleman is chasing after windmills that do not exist in this particular provision.

Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, I think because the Red Sox are ahead, the gentleman has gotten really vigorous here in his opposition. He thinks he is on a roll here.

No, we have tight control over the Pentagon. They do not do anything without coming to us. They ask us for permission for everything. They come to this committee, your Committee on Appropriations, and make sure that they get what they wanted.

Mr. Chairman, we have limited them substantially from what they originally asked, and I would hope Members would oppose this amendment.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) will be postponed.

Mr. OBEY. Mr. Chairman, my understanding is that under the unanimous consent request, pro forma amendments by the managers on each side are still allowed, is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just must respond to the comments made about the necessity to leave maximum flexibility with the Pentagon. I would simply observe that we did that with the last $60 billion that we gave them, and that is, I guess, how we came up with 40,000 troops that still did not have the Kevlar linings for their body armor; that flexibility is how we came up with an inadequate number of jammers so that our soldiers are still dying and being maimed by remotely detonated bombs; I guess that is why some of the Humvees over there still are not protected with Kevlar blankets; and I guess that is how we came up with the recommendation from the Pentagon that still leaves 80 percent of our troops in Iraq without drinkable water.

So I think we ought to keep that in mind when we hear these general discussions about the need for "flexibility." Flexibility for people whose judgment has earned that flexibility is one thing; flexibility for people who have demonstrated an interest in keeping as much information away from the Congress as possible and who have a track record of making as many miscalculations as possible is not something that thrills me very much.

AMENDMENT OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOLT:

Page 30, lines 1 and 5, insert after the dollar amount the following: "(reduced by $900,000,000)".

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from New Jersey (Mr. HOLT) will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are a number of problems with this legislation; the lack of planning to turn the rebuilding over to Iraqis, the lack of planning to involve other countries, the lack of attention to domestic concerns, such as the health care for our veterans, and the flexibility that the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Wisconsin (Mr. OBEY) just spoke about that certainly betray a lack of planning in the sense that the Pentagon has to ask for total flexibility in how they might use the money in the future. But I would like to talk about one specific thing that is wrong with this bill.

When I was growing up, we had a phrase called "taking coals to Newcastle." It meant pointless activity, redundant activity.

The chairman might call it taking oranges to Florida, or the gentleman from Idaho (Mr. SIMPSON) might call it taking potatoes to Idaho, or the gentleman from Alaska (Mr. YOUNG) might call it taking snow to Alaska.

This legislation before us today creates a new unbelievable expression for America, taking oil to Iraq. My amendment would eliminate the $900 million of taxpayer money, American taxpayer money, that would be used to import petroleum to Iraq. Think about it. Petroleum to Iraq.

Mr. Chairman, why are we dunning our taxpayers for hundreds of millions of dollars to import petroleum products into the country which has the second greatest oil reserves in the world?

Yes, I know the gentleman from Arizona or others will say, well, the pipelines break or the refineries are not highly efficient, and others, like the gentleman from California (Mr. WAXMAN) and the gentleman from Michigan (Mr. DINGELL) will point out that this is gouging, that Halliburton Corporation is engaged in blatant price gouging. But I want to put all that aside and just ask, as my constituents have been asking me, does it pass the smell test for us to spend taxpayer money to import oil to Iraq?

I ask for support of my amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Who seeks time in opposition to the amendment?

Mr. KOLBE. Mr. Chairman, I rise in opposition to this amendment.

The CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from New Jersey has said this is like carrying coals to Newcastle, but it is not coals to Newcastle at all. We are talking about refined petroleum products. We are talking about kerosene and liquefied natural gas, the very things that will get the Iraqi people through this next winter when it gets cold over there. It seems hard to believe, having been there in August, that it gets cold, but it gets cold in the winter.

To say it is carrying coals to Newcastle is saying that a country like Guinea or Chile would never import any copper. But of course they import copper products, because they may have a lot of raw copper, but they do not necessarily make the refined copper products that may be needed, so the copper goes out and comes back as a refined product.

In this case we are talking about refined petroleum products that are absolutely vital to not just the reconstruction, but to the very lives and the very well-being of the Iraqi citizens.

This is needed by the Coalition Provisional Authority in the same way we provide food and other stocks in other nations. We have all seen examples of countries where there are vast amounts of food, but through a breakdown in communications, through a hurricane, through another natural disaster, there may be a temporary shortage.

That is exactly what we have in Iraq today, a shortage; a shortage that is brought about by a complete neglect of the system, the oil system, the entire oil infrastructure over the last several years; a breakdown that is brought about by the sabotage, the criminal sabotage and the political sabotage that is going on. The result is there are simply not the refined oil products that these people need to cook this winter, in order to keep themselves warm this winter, in order to be able to keep their children and their infants warm.

What the gentleman is suggesting is that we cut off these stocks, this money that goes for these stocks that provide for the very existence of these people, the very chance for them to survive; not to be comfortable, but to survive during the course of this coming winter.

This is humanitarian assistance that we are talking about. If we want to assure that we are going to have trouble for our forces, if we want to assure there will continue to be attacks on our military men and women in Iraq, this is the way to do it, Mr. Chairman. This is the way to do it. Cut off the kinds of things that are absolutely vital to their very survival, and then we will have attacks on our military forces.

This is a wrong-headed, wrong idea, and we ought not to approve this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman over dramatizes. It is not as if there are no refineries operating at all. It is not as if there is no opportunity to transport refined products around the country. Sure, there are shortages. Of course, the country is disrupted. But ask the American people if they think it is appropriate to take $900 million, when we are struggling each year to fund the LIHEAP program here, when we are struggling each year to fund the food programs for Americans, when we are struggling each year to provide basics for Americans, to, yes, take coals to Newcastle. It just seems to me that oil to Iraq says it all.

I challenge the gentleman to go home to his constituents and say, among other things that I did last week in Congress, I voted $900 million of your money to purchase oil, petroleum products, to take to the country that has the second largest oil reserves in the world. I challenge the gentleman to do that, and I will be interested to hear the reports from back home.

Mr. Chairman, I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, I would simply say the gentleman has made my point with his last comments. He concedes there are shortages. He concedes there is not the oil, the refined products, necessary to heat homes. He concedes that it is not there for them to cook, to provide for their families. He concedes that this problem exists. So he reverts instead to the argument that we should go home to our constituents and find out what they think about this.

Mr. Chairman, we are elected to be leaders here, and we have led in this body by allowing the President to implement our foreign policy and take the action he did in Iraq. We have an obligation to follow through. We have an obligation to see this thing through to the end.

I would say that this is one of the tough ones. Yes, I will go home happily, as a matter of fact, to my constituents and say that I supported what was necessary in order to make sure that reconstruction could go forward, so that we can move as rapidly as possible to turn Iraq back to the Iraqi people and that we can have the Iraqi people provide the security for themselves so that our military forces can come home.

That is what this amendment is about, Mr. Chairman, and this amendment ought to be defeated.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. HOLT) will be postponed.

AMENDMENT OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. MALONEY:

Page 34, line 5, insert after the colon the following: "*Provided further*, That $60,000,000 shall be available for assistance to Afghan women and girls as authorized by section 103(a)(7) of the Afghanistan Freedom Support Act of 2002 (Public Law 107-327) and $5,000,000 shall be available for the National Human Rights Commission of Afghanistan as authorized by section 103(a)(7)(B)(ii) of such Act:".

The CHAIRMAN. Pursuant to the order of the House today, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment which I am offering with the gentlewoman from Illinois (Mrs. BIGGERT) designates $60 million of the $672 million in the supplemental bill before us for accelerated assistance to Afghanistan to help women and girls.

The amendment also directs $5 million to the National Human Rights Commission of Afghanistan, established by the Bond Agreement, which is doing critical work to monitor, remedy and create public awareness about rights abuses against women and others.

Without human rights, the Afghan project and the efforts to create a constitution are seriously threatened.

Mr. KOLBE. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I am prepared to accept the amendment and take the issues involved to the conference.

Mrs. MALONEY. Mr. Chairman, reclaiming my time, I would like to thank the gentleman from Arizona (Mr. KOLBE), the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Chairman YOUNG) for their support.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. SHADEGG

Mr. SHADEGG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. SHADEGG:

Page 28, line 5, after the dollar amount insert "(reduced by $245,000,000)".

Page 30, line 1, after the dollar amount insert "(increased by $245,000,000)".

The CHAIRMAN. Pursuant of the order of the House today, the gentleman from Arizona (Mr. SHADEGG) and a Member opposed each will be recognized for 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment shifts $245 million from U.N. peacekeeping activities in Liberia to the Iraqi reconstruction account.

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I want to make it clear at the outset that following a discussion between myself and the gentleman from Virginia (Mr. WOLF), along with the gentleman from California (Mr. ROYCE), it is my intention to both offer this amendment and, at the end of my remarks, to withdraw it out of deference to their concerns.

Let me make it first very clear that I am not opposed to peacekeeping efforts in Liberia. What I do believe, however, Mr. Chairman, is that this legislation, the legislation we are here to debate tonight, should be about Iraq and our efforts to secure a free, democratic, stable, and prosperous Iraq.

The funds for Liberia that are in the legislation as it cleared committee were not sought by the President and were not a part of his effort. Indeed, he made it very clear that his legislation was seeking funding for Iraq and Afghanistan, and those two only. Those funds could be sought elsewhere. They could and should be a part of the normal 2004 appropriations process. They could be a part of the CJS appropriations bill, the foreign operations bill, or one of the omnibus bills that we will deal with in the future. Moreover, the U.N. mission in Liberia has yet to even request these funds or to proffer a budget for that effort.

But I want to make it clear again, this is not about Liberia. This issue tonight that we are debating is about Iraq. For that reason, I will withdraw my amendment at the end of this discussion.

I want to make the point, Mr. Chairman, that I was in Iraq in August. I spent 3 days in that country. I am convinced of this, and I urge my colleagues to pay attention. I am convinced that, if anything, if we fund our effort in Iraq at the request level that the President sought, we are underfunding our military effort in Iraq, and we are underfunding our effort to reconstruct that country.

Mr. Chairman, let me make it clear. For 3 days in Iraq, in multiple cities in Iraq, I met with the troops there, and I met with the leaders of those troops. And they made it clear to me that these funds are essential to rebuild that country and to put the Iraqi people on our side in this struggle.

Whether one supported this war at the outset or opposed it, and I understand there is a legitimate debate on that issue, we should all be in agreement now that we must win, that failure is not an option, that we owe it to the world to establish a free, democratic, stable, and prosperous country in Iraq, both for the Iraqi people and, as well, for all of the people of the Middle East, for all of the good that it will do to end the threat that other nations had in that region of the world as a result of the Iraqi regime. We can only do that, Mr. Chairman, if we have the Iraqi people on our side. And again, I fear we are underfunding our military effort and underfunding our reconstruction effort. I am convinced in the post-Vietnam world, Mr. Chairman, that it is dangerous to engage in half measures. If we as a Nation are committed to the war against terror, then we must win in Iraq; and if we are to win in Iraq, then we must spare no effort.

I would argue, Mr. Chairman, that it is regrettable that the committee decided to reduce the President's funding request level in this legislation by $1.7 billion. I believe that money could have protected our troops. I believe that money could have made our servicewomen and our servicemen on the ground in Iraq tonight, as we speak, safer. And I believe that because they told me when I was there that they believe this money would make their efforts safer.

Now, we can quibble about whether we should be funding a children's hospital or whether we should be funding their electricity infrastructure or whether or not we should be funding housing needs or prison beds. But let me make it clear. The authorities on the ground there, the commander of the 101st Airborne, with whom I met, the commander of the 4th Infantry Division, with whom I met, and Ambassador Bremer, with whom I met, made it clear that this money is needed so that our troops can win the battle, can win the battle for the hearts and minds of the Iraqi people, and can defeat international terrorism as we confront it in Iraq.

Yes, terrorists are coming into that country from around the world to take us on; and, yes, we better not underfund that fight.

Now, Mr. Chairman, I would have preferred to offer an amendment restoring the entire 1.7, or a little bit less than that, billion dollars that was reduced in this bill. I would note that the Senate legislation does not reduce that. But that amendment would not have been in order. The amendment I did offer to restore $245 million was in order. But again, I do not oppose funding for Liberia, and I understand that the President made a commitment to assist with Liberia. But this money is needed. I urge my colleagues and I urge our conferees to accede to the President's request and fully support our fight for freedom and democracy in Iraq.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. SLAUGHTER:

In section 2202(2)(A)(ii), before the semicolon insert ", including the amount of the contract and a brief description of its scope, a discussion of how the executive agency identified and solicited offers from contractors, a list of the contractors solicited, and the justification and approval documents (as required under section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 2534(f)(1)) on which was based the determination to use procedures other than competitive procedures".

In section 2202(2)(B)(ii), before the period insert ", including the amount of the contract and a brief description of its scope, a discussion of how the executive agency identified and solicited offers from contractors, a list of the contractors solicited, and the justification and approval documents (as required under section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 2534(f)(1)) on which was based the determination to use procedures other than competitive procedures".

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from New York (Ms. SLAUGHTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Chairman, I yield myself such time as I may consume.

We are seeing a trend where the Pentagon is contracting out services at a higher rate than we have ever seen before. A recent study by the Brookings Institute found that there is one contractor for every 10 soldiers in Iraq. In fact, it has been widely reported that the USA began secretly soliciting bids from a limited pool of contractors even before the war started. Let me say that again. They were secretly soliciting bids from a limited pool of contractors before the war started.

Whether one agrees or disagrees, as I do, with this trend, we should all be troubled that many of these contracts are being awarded on a no-bid or sole-source basis. Contracts to repair and rebuild Iraq should not be the spoils of war. The awarding of no-bid or sole-source contracts to companies with known ties to prominent executive branch officials certainly gives that impression.

We should all be concerned that the pool of engineering and construction firms considered for the $680 million contract to rebuild Iraq's power grid and the water system and airport were limited to seven companies. These contractors collectively contributed $306 million to Federal election campaigns.

I am pleased that the Committee on Appropriations recognized that there needs to be more transparency. They adopted a provision that would require congressional and public notification on future Iraqi reconstruction contracts awarded on a no-bid basis, if there are any more to be awarded. But more needs to be done, and it falls on this body to keep the administration honest. Congress, who should control the purse strings, must be the check on whether the administration abuses its capacity to enter into sole-source, no-bid contracts.

With the cost of rebuilding Iraq estimated at over $100 billion, we need to ensure that lucrative contracts are not viewed as political favors. The selection of contractors with close ties to the members of the executive branch risks creating that very impression.

Specifically, the fact that the two most prominent beneficiaries who stand to profit from USAID sole-source or limited-source contracts are Halliburton and the Bechtel Group has not gone unnoticed. We should all be concerned about the costs associated with the no-bid contract that USAID entered into with the Houston-based Halliburton in March of 2003. As of September 25, the contract was valued at $1.2 billion. It is steadily climbing and is projected to reach $2 billion by the end of the contract term.

Now, why is the cost of this contract exploding? A report released today by my colleagues, the gentleman from California (Mr. WAXMAN) and the gentleman from Michigan (Mr. DINGELL), sheds some troubling light on Halliburton's practices. I would note that the General Accounting Office has found that contracts entered into in secret, outside the framework of standard Federal contracting processes, rarely are the best buy.

Now, let us look at the Bechtel Group, which was USAID's choice for overseeing Iraq's entire electrical infrastructure. Recent reports suggest that Bechtel may not be up to the job. In a recent New York Times column, Paul Krugman attributes the frequent blackouts in Iraq to the fact that Bechtel has excluded local experts and institutions from their repair business. In August, Iraqi officials told The Washington Post that Bechtel has not only been slow to undertake repairs, but continues to ignore the pleas by Iraqi engineers for essential spare parts.

What is to become of the contract for the wireless telephone service? The announcement of a sole-source contract recipient was scheduled for September 5, but it keeps being delayed. Recognizing a vacuum in cell service for the Iraqi people, two Middle Eastern firms filled the void to set up a wireless system in July. However, the Coalition, led by the United States Government, promptly shut down the service, waiting for a contractor of their own choosing. I hope the fact that MCI was selected to provide cell service to Paul Bremer does not mean they will have the inside track on the Iraqi contract. Should we really be rewarding a company that perpetrated one of the largest accounting frauds in history?

As good stewards of tax dollars, we, the House of Representatives, have a responsibility to ensure an open, competitive bidding process is utilized on Iraqi reconstruction and, in those rare instances where no big contracts are entered into, a full and timely justification is made to the Congress. We must take concrete steps to reject the no-bid model and bring an end to real or perceived cronyism and war profiteering.

My amendment is a technical correction to the committee's action. It spells out that the administration must disclose to Congress prior to awarding a no-bid contract.

Under this amendment, the administration must notify Congress about the amount of the contract and a brief description of its scope. The justification would have to set forth how the executive agency identified and solicited offers from contractors. A list of the contractors solicited must also be provided.

I hope that this important amendment will pass, Mr. Chairman. I think it will greatly enhance our ability to contain no-bid contracts.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

This amendment, as the gentlewoman from New York has described, modifies our competition and contracting provisions and adds some additional reporting items. This one, unlike the one we debated earlier, is not opposed by the Committee on Government Reform.

Mr. Chairman, I am prepared to accept this amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPRATT:

In chapter 1 of title I of the bill—

(1) after the heading "GENERAL PROVISIONS—THIS CHAPTER", insert the following heading:

"Part A";

(2) strike section 1104; and

(3) add at the end of the chapter the following:

Part B

SEC. 1121. INCREASED RATES FOR HOSTILE FIRE AND IMMINENT DANGER SPECIAL PAY AND FOR FAMILY SEPARATION ALLOWANCE.

(a) HOSTILE FIRE AND IMMINENT DANGER PAY.—Section 310(a) of title 37, United States Code, is amended by striking "$150" and inserting "$250".

(b) FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of such title is amended by striking "$100" and inserting "$250".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on November 1, 2003.

(d) FUNDING.—In addition to other amounts provided in this chapter, there is hereby appropriated $40,000,000 to carry out the amendments made by subsections (a) and (b) during the current fiscal year, of which —

(1) $34,000,000 is for "Military Personnel, Army";

(2) $4,000,000 is for "Military Personnel, Marine Corps"; and

(3) $2,000,000 is for "Military Personnel, Air Force".

SEC. 1122. INCREASE FOR FISCAL YEAR 2004 IN RATE FOR HARDSHIP DUTY PAY.

(a) INCREASE.—For duty performed during the period beginning on the first day of the first month beginning after the date of the enactment of this Act and ending on September 30, 2004, section 305(a) of title 37, United States Code, shall be applied by substituting "$600" for "$300".

(b) FUNDING.—In addition to other amounts provided in this chapter, there is hereby appropriated $275,000,000 to carry out subsection (a), of which —

(1) $233,800,000 is for "Military Personnel, Army";

(2) $27,500,000 is for "Military Personnel, Marine Corps"; and

(3) $13,800,000 is for "Military Personnel, Air Force".

SEC. 1123. USE OF BASIC ALLOWANCE FOR HOUSING TO ELIMINATE OUT-OF-POCKET HOUSING COSTS FOR MEMBERS.

(a) POLICY.—Section 403(b)(1) of title 37, United States Code, is amended by adding at the end the following new sentence: "In prescribing the rates of the basic allowance for housing under this subsection, the Secretary of Defense shall ensure that the rates are sufficient to eliminate, not later than January 1, 2004, out-of-pocket housing costs for members entitled to the allowance to obtain adequate housing in that military housing area.".

(b) FUNDING.—In addition to other amounts provided in this chapter, there is hereby appropriated $190,000,000 to carry out the amendment made by subsection (a) during the current fiscal year, of which —

(1) $55,100,000 is for "Military Personnel, Army";

(2) $57,000,000 is for "Military Personnel, Navy";

(3) $17,100,000 is for "Military Personnel, Marine Corps"; and

(4) $60,800,000 is for "Military Personnel, Air Force".

SEC. 1124. INCREASE IN SUPPORT FOR RESERVE AND NATIONAL GUARD FAMILY ASSISTANCE CENTERS.

(a) FUNDING.—In addition to other amounts provided in this chapter, there is hereby appropriated—

(1) for "Operation and Maintenance, Army Reserve", $3,900,000;

(2) for "Operation and Maintenance, Army National Guard", $42,000,000; and

(3) for "Operation and Maintenance, Air National Guard", $2,000,000.

(b) PURPOSE.—Amounts appropriated by subsection (a) are available only for Department of Defense family assistance centers.

SEC. 1125. PERMANENT ELIMINATION OF SUBSISTENCE FEE FOR MEMBERS HOSPITALIZED FOR WOUNDS RECEIVED WHILE IN COMBAT OR TRAINING.

Subsection (c) of section 1075 of title 10, United States Code (as added by section 8146(a)(2) of the Department of Defense Appropriations Act, 2004 (Public Law 108–87)), is repealed.

SEC. 1126. FREE TELEPHONE AND INTERNET SERVICE FOR MEMBERS DEPLOYED TO A COMBAT ZONE.

(a) PREPAID PHONE CARDS.—Beginning on the first day of the first month following the date of the enactment of this Act, the Secretary of Defense shall establish and carry out a program to provide prepaid phone cards to members of the Armed Forces stationed outside the United States who are directly supporting military operations in a combat zone. The value of the benefit shall be at least $50 per month per person.

(b) TELEPHONE AND INTERNET SERVICE.—To the maximum extent practicable, the Secretary should seek to provide free telephone and internet access to members of the Armed Forces stationed outside the United States who are directly supporting military operations in a combat zone

(c) FUNDING.—In addition to other amounts provided in this chapter, there is hereby appropriated for fiscal year 2004 an additional amount of $63,800,000 to be available for the purposes of this section, of which—

(1) $54,200,000 is for "Operation and Maintenance, Army";

(2) $6,400,000 is for "Operation and Maintenance, Marine Corps"; and

(3) $3,200,000 is for "Operation and Maintenance, Air Force".

SEC. 1127. GOVERNMENT-PAID TRAVEL UNDER REST AND RECUPERATION LEAVE PROGRAM FOR MEMBERS SERVING ONE YEAR OR MORE IN-THEATRE.

(a) TRAVEL ALLOWANCES AUTHORIZED.—In the case of a member of the Armed Forces serving outside of the United States for a period of one year or more who is granted rest and recuperative leave, and provided the travel and transportation allowances authorized by section 411c(a) of title 37, United States Code, in connection with that leave, the Secretary of Defense shall also pay the member for transportation, or provide transportation for the member, between—

(1) the locations specified in paragraph (1) or (2) of such section; and

(2) the permanent duty station of the member, the home of record of the member, or other location in the United States or overseas approved by the Secretary.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect travel commenced on or after the date of the enactment of this Act in connection with rest and recuperative leave described in subsection (a).

(c) FUNDING.—In addition to other amounts provided in this chapter, there is hereby appropriated for fiscal year 2004 an additional amount of $50,000,000 to be available for the purposes of this section, of which—

(1) $42,500,000 is for "Operation and Maintenance, Army";

(2) $5,000,000 is for "Operation and Maintenance, Marine Corps"; and

(3) $2,500,000 is for "Operation and Maintenance, Air Force".

SEC. 1128. MILITARY CAMPAIGN MEDALS TO RECOGNIZE SERVICE IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

(a) REQUIREMENT.—The President shall establish a campaign medal specifically to recognize service by members of the Armed

Forces in Operation Enduring Freedom and a separate campaign medal specifically to recognize service by members of the Armed Forces in Operation Iraqi Freedom.

(b) Eligibility.—Subject to such limitations as may be prescribed by the President, eligibility for a campaign medal established pursuant to subsection (a) shall be set forth in uniform regulations to be prescribed by the Secretaries of the military departments and approved by the Secretary of Defense or in regulations to be prescribed by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy.

SEC. 1129. ENHANCED TRANSITION ASSISTANCE FOR DISABLED SERVICEMEMBERS RETURNING TO CIVILIAN LIFE.

(a) Appropriations.—In addition to other amounts provided in this chapter, there is hereby appropriated for fiscal year 2004 an additional amount of $50,000,000 for "Defense Health Program" to be available for transition assistance for disabled members of the Armed Forces, as provided in subsection (b).

(b) Purpose.—The amount appropriated by subsection (a) shall be used

(1) to increase the number of personnel within the Department of Veterans Affairs and the Department of Defense assigned as case managers and discharge planners with responsibility for managing the case of a member of the Armed Forces who is considered to be very seriously ill, seriously ill, or in a Special Category; and

(2) to provide additional funds to assist service members who are in transition.

SEC. 1130. POLICY ON NOTIFICATION OF UPCOMING MOBILIZATION TO BE PROVIDED TO RESERVE COMPONENT MEMBERS.

(a) Policy Required.—The Secretary of Defense shall establish a policy and process that provides the maximum amount of notice for members of the reserve components who are being mobilized. The Secretary shall ensure that such notification of mobilization provided to a reserve component member include information on the timing and duration of the mobilization of that member.

(b) Notification to Congress.—The Secretary shall submit to the congressional defense committees a copy of the policy established pursuant to subsection (a).

SEC. 1131. ABOVE-THE-LINE INCOME TAX DEDUCTION FOR OVERNIGHT TRAVEL EXPENSES OF NATIONAL GUARD AND RESERVE MEMBERS.

(a) Deduction Allowed.—Section 162 of the Internal Revenue Code of 1986 (relating to certain trade or business expenses) is amended—

(1) by redesignating subsection (p) as subsection (q); and

(2) by inserting after subsection (o) the following new subsection:

"(p) Treatment of Expenses of Members of Reserve Component of Armed Forces of the United States.—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such service.".

(b) Deduction Allowed Whether or not Taxpayer Elects to Itemize.—Section 62(a)(2) of the Internal Revenue Code of 1986 (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

"(E) Certain expenses of members of reserve components of the armed forces of the united states.—The deductions allowed by section 162 which consist of expenses, determined at a rate not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States for any period during which such individual is more than 100 miles away from home in connection with such services.".

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2002.

SEC. 1132. EXCLUSION FROM GROSS INCOME OF CERTAIN DEATH GRATUITY PAYMENTS TO MEMBERS OF UNIFORMED SERVICES.

(a) In General.—Paragraph (3) of section 134(b) of the Internal Revenue Code of 1986 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

"(C) Exception for death gratuity increase.—Subparagraph (A) shall be applied by substituting 'December 31, 1991' for 'September 9, 1986' in the case of a death gratuity payable under chapter 75 of title 10, United States Code, with respect to a death occurring after September 10, 2001.".

(b) Conforming Amendment.—Subparagraph (A) of section 134(b)(3) of such Code is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

(c) Effective Date.—The amendments made by this section shall apply to amounts paid with respect to deaths occurring after September 10, 2001.

SEC. 1133. LOANS FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY QUALIFIED RESERVISTS.

(a) In General.—The Administrator of the Small Business Administration may make loans under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) to small business concerns owned and controlled by qualified reservists.

(b) Special Rules.—Notwithstanding the requirements of section 7 of the Small Business Act (15 U.S.C. 636), the following special rules apply to loans described in subsection (a):

(1) Purpose of loans.—The Administrator may make such loans for any business purpose, including the refinancing of any outstanding business debt.

(2) Deferral of payments without interest.—No payment of principal on any such loan shall be due or payable before December 31, 2004. Any interest payable with respect to such loan for any period ending before January 1, 2005, shall be paid by the Administration.

(3) Amount of loans.—Any such loan may be made if the total amount outstanding and committed to the borrower under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) would not exceed $3,000,000.

(4) Guaranteed loans.—In the case of an agreement to participate on a deferred basis in any such loan—

(A) Participation.—Such participation by the Administration shall be equal to 50 percent of the balance of the financing outstanding at the time of disbursement of the loan.

(B) Guarantee fees.—The Administrator shall collect (except in the case of a loan that is repayable in 1 year or less) a guarantee fee, which shall be payable by the participating lender, and may be charged to the borrower as follows:

(i) A guarantee fee equal to 0.5 percent of the deferred participation share of a total loan amount that is not more than $150,000.

(ii) A guarantee fee equal to 1.5 percent of the deferred participation share of a total loan amount that is more than $150,000, but not more than $700,000.

(iii) A guarantee fee equal to 2 percent of the deferred participation share of a total loan amount that is more than $700,000.

(C) Annual fees.—The annual fee assessed and collected on any such loan shall not exceed an amount equal to 0.15 percent of the outstanding balance of the deferred participation share of the loan.

(5) Credit elsewhere.—The Administrator may make such loans without regard to the ability of a small business concern to obtain credit elsewhere.

(6) Collateral.—The Administrator may make such loans without regard to the adequacy or availability of collateral to secure such loans.

(7) Loan forgiveness.—Upon application by a borrower suffering severe economic hardship, the Administrator may undertake all or part of the small business concern's obligation to make the required payments under such loan, or may forgive all or part of such obligation if the loan was a direct loan made by the Administrator, if, and to the extent that, the Administrator finds that the inability of the qualified reservist to repay such loan is due to his service on active duty.

(c) Small Business Concerns Owned and Controlled by Qualified Reservists.—For purposes of this section:

(1) In general.—The term "small business concern owned and controlled by qualified reservists" means any small business concern if—

(A) at least 51 percent of the concern is owned by one or more qualified reservists or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more qualified reservists; and

(B) the management and daily business operations of the business are controlled by one or more qualified reservists.

(2) Qualified reservist.—The term "qualified reservist" means any member of a reserve component of the Armed Forces who has, at any time, been ordered to report for a period of active duty which is 179 days or longer.

(3) Small business concern.—The term "small business concern" has the meaning given such term under section 3 of the Small Business Act (15 U.S.C. 632) and relevant regulations promulgated thereunder, except that if the Administrator determines it to be necessary or appropriate, the Administrator may waive any size standard established under such section with respect to a business concern that does not exceed 150 percent of each size standard applicable to such concern.

(d) Other Definitions.—For purpose of this section, the terms "Administrator", "Administration", and "credit elsewhere" have the meanings given such terms in section 3 of the Small Business Act (15 U.S.C. 632).

(e) Funding.—There is hereby appropriated to carry out this section $25,000,000 for fiscal year 2004.

SEC. 1134. VOCATIONAL DEVELOPMENT PROGRAM FOR QUALIFIED RESERVISTS.

(a) Establishment.—In accordance with this section, the Administrator of the Small Business Administration shall make grants to small business development centers to enable such centers to provide to qualified reservists a program of assistance that includes training in a vocational or technical trade and entrepreneurial assistance in establishing and operating a small business concern that provides services in such trade.

(b) MINIMUM GRANT.—The Administrator shall not make a grant under this section for an amount less than $500,000.

(c) APPLICATION AND AWARD.—Each small business development center seeking a grant under this section shall submit to the Administrator an application in such form as the Administrator may require. The application shall include information regarding the applicant's goals and objectives for the program of assistance described in subsection (a). In awarding the grants, the Administrator shall consider the needs of the area served by the small business development center, including whether the small business development center is located in the proximity of a United States military installation.

(d) QUALIFIED RESERVIST.—For purposes of this section, the term "qualified reservist" means any member of a reserve component of the Armed Forces who has, at any time, been ordered to report for a period of active duty which is 179 days or longer.

(e) COORDINATION WITH SMALL BUSINESS ACT.—Grants made under this section shall not be taken into account for purposes of section 21 of the Small Business Act (15 U.S.C. 648).

(f) OTHER DEFINITIONS.—For purposes of this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Small Business Administration.

(2) SMALL BUSINESS DEVELOPMENT CENTER.—The term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648).

(g) FUNDING.—There is hereby appropriated to carry out this section $25,000,000 for fiscal year 2004, to remain available until expended.

In chapter 2 of title II, in the text under the heading "Iraq Relief and Reconstruction Fund", insert "(reduced by $820,000,000)" after the aggregate dollar amount and after the dollar amount specifying funds for the electric sector.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from California (Mr. LEWIS) reserves a point of order.

Pursuant to the order of the House of today, the gentleman from South Carolina (Mr. SPRATT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

This amendment actually consists of a number of different provisions, all designed to enhance the quality of life of our troops, the men and women in the front lines in Iraq and Afghanistan. I do not believe that these brave Americans should be left out of this supplemental.

Read this $87 billion bill, however, and we will find there is very little in it for them. We will find every conceivable benefit for Iraq and Iraqis; but we will find very, very little for our own troops, and these are the ones who won the war in 3 weeks. These are the ones who saved Iraq from catastrophe in postwar chaos. These are the ones who right now are carrying out the reconstruction of Iraq, a thankless job in which they take casualties almost every day.

These provisions that I offer in this amendment would lighten their burdens just a bit, both in Iraq and in Afghanistan, and, to some extent, ease their families' burdens back home. These provisions would say thank you. They have not been able to savor victory because of the chaos that followed the war. It would say to them, we appreciate and understand and are grateful for what you are doing.

The cost, the cost is less than 1 percent of this entire package. Surely we can scrub this package down and provide 1 percent as a way of saying thank you to our troops.

What is in it? Hostile fire pay, imminent danger pay, combat pay. The chairman of this subcommittee, the Subcommittee on Defense, last year raised imminent danger pay and raised family separation pay, to his great credit. Let us make it permanent. Let us take imminent danger pay and raise it up to $250. Add that to family separation pay, and it means every time a father or a mother goes into a field of combat and is faced with shots fired at them every day, if they are in imminent danger, they will get $500. I do not think that is too much to ask.

The Pentagon wanted the increase in imminent danger pay and family separation pay to revert to its prior level. Once again, the Subcommittee on Defense did not stand for that. The Pentagon then said, let us, instead of paying imminent danger pay, have hardship pay, and requested that it be increased up to $600 a month. It is discretionary with the commanders; it has to be approved by the Department of Defense. It would have provided this in lieu of family separation pay or at least in lieu of imminent danger pay. It is a bad idea. But I picked up on the basic idea, if the Pentagon thinks that discretionary pay like this for living in abysmal, miserable conditions ought to be raised to $600 so that the division commander will have at his disposal and use at his discretion with Pentagon approval, then let us do it, and that is what this particular amendment would provide.

Several years ago, provision number three, we set out to say to those enlisted personnel who have families and live off base, we want you to be able to live off base with your base housing allowance and not have to dig into your own pocket to pay some of the costs. We have gradually, step by step every year, implemented this plan. We simply say here, to ease the burden on the families back home, we are going to implement it all together next year instead of making you wait 2 years.

□ 2200

Family assistance centers. There are lots of Reservists and Guard personnel. You have had them call you. They have called me. They have got problems. They are stressed out. They have businesses they owned and they are finding it hard to operate because a family member has been deployed.

This would provide the family assistance centers who help these folks with money that it is acknowledged they are short of, $48 million short. This would give them $48 million to meet the needs of the Guard and Reserve who call on them frequently.

If you have been to Iraq, you know that the troops, when you meet with them, all tell you that the telephone service is pretty spotty. Some feel that they are being scalped. Some feel that they cannot get to telephone or Internet, not nearly easy enough, in any event. We say to this we want DOD to correct that, and we want to give the troops access to a discounted telephone card, at least up to $50 a month.

Here is one that is really popular. And I think it will probably emerge as part of this bill. But let us say tonight, we give it some recognition on the House floor. I went to Bosnia several years ago, and the biggest complaint I found amongst troops there who had been deployed for longer than they expected was that even though they got R&R in some cases, they would go back to Fort Bragg or somewhere like that, and they would get dropped in and it was on them, it was up to them to get home to El Paso or Fresno, California, wherever it might be.

The proposal is very simple. When we give troops R&R, let us give them a ticket to go all the way and come all the way back. It costs a little money, but it is the least we can do.

We had very affecting testimony before our committee by General Jack Keane, very affecting testimony. He told of going out to Walter Reed and seeing a soldier who was blind and lost one arm. He said we want to provide transition assistance to these soldiers. We provide that transition assistance.

This is a package full of things that have been whittled down. They are good provisions. I know what the gentleman is about to say. I wish I could talk him into accepting this, but if he does not accept it on a point of order, a technicality, I hope he will remember some of these things in conference.

Mr. LEWIS of California. Mr. Chairman, I guess this is a parliamentary inquiry. I, frankly, would like to be able yield to the gentleman from South Carolina (Mr. SPRATT) a minute of my time before I express my reservation.

The CHAIRMAN. If the gentlemen claims the time in opposition to the amendment, the gentleman will be recognized for 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I claim the time in opposition and am happy to yield a minute to the gentleman from South Carolina (Mr. SPRATT). I would like to hear the rest of his statement.

Mr. SPRATT. Mr. Chairman, I am flattered. I hope this means we are about to close the deal.

Mr. LEWIS of California. Mr. Chairman, beyond being charming, I agree with most of what the gentleman from South Carolina (Mr. SPRATT) is saying.

Mr. SPRATT. Mr. Chairman, I will take a minute or two, if I could.

As I was saying, General Keane came before our committee and said that he had been to Walter Reed and he met there a young soldier who had lost his eyesight and lost a limb, badly injured. You may have heard this story. He said, "We cannot put that soldier back in the Army. We would love to do it, and he would love to come back because he has been a good troop. But I tell you what we can do," he said, "we can give him a mentor to help him every step of the way. We can see that he can learn to read braille. We can help him get a college education. We can reintegrate him into civil society again, into the civilian society again."

But it will cost money to do all of those things. That money is not in this bill. We put $50 million in there so that Jack Keane's vision can become a reality. Good provision.

There are a number of other provisions in there. There is one in particular that I would like to mention, Mr. Chairman, and that is small business loans for Reservists. I am reacting to problems I am hearing from Guard and Reserve people who have left behind small businesses, a dry cleaner in one instance, their wife is trying to run it. They will probably going to need to borrow some money before it is all over with.

Surely, we could put something in the bill somewhere for the SBA to help these folks obtain a loan to keep their business going.

Finally, there is a bill here at the desk which would provide a deduction for Reservists and Guard personnel who travel more than a certain distance to get to their point of duty or for deployment. It is right here at the desk. We ought to take that bill and make those expenses deductible.

Exempts the $6,000 death gratuity from income taxes. This is another idea with bipartisan support. The death gratuity, modest as it is, should not be subject to federal income taxes. My amendment would ensure that it is not.

This amendment provides $50 million to enhance DOD–VA transition programs for disabled service members. At an Armed Services Committee hearing a couple of months ago, General Jack Keane, Vice Chief of Staff of the Army, talked of a serviceman blinded and badly injured in Iraq. He told our committee that the Army was going to take care of the young man, but he was more specific than that. He spoke of mentoring him, of helping him go to college, and providing him with training so that he could reintegrate into civilian life. This is the right thing to do, but it will not be easy or free. My amendment provides resources to help make General Keane's vision a reality for our disabled veterans.

My amendment contains several other provisions, also designed to provide a lift to our troops and their families. Some of these provisions may be subject to points of order, but they are all moves that would directly benefit America's fighting men and women and their families.

My amendment would take the increases (to $250/month) in committee bill and make that higher level permanent. In so doing, the Congress can address an area of real uncertainty that has brought anxiety to many troops; just ask your state's Adjutant General.

This provision would permanently eliminate the $8.10 daily subsistence charge imposed on wounded servicemembers who are hospitalized. I want to take Chairman BILL YOUNG's praiseworthy idea to eliminate the daily subsistence fee and make it the law, rather than a temporary, FY 2004-only, fix.

Requires separate campaign medals for service in Operation Enduring Freedom and Operation Iraqi Freedom. I believe the men and women who risked their lives to depose Saddam's regime deserve recognition that is distinct from the recognition we rightly award to those who successfully fought the Taliban in Afghanistan.

Directs DOD to provide maximum advance notice to mobilized Guard and Reserve personnel on the timing and duration of their duty.

* * * * *

Provides $25 million for SBA grants for vocational or technical training for reserve-owned small businesses. For the same reason I believe we should offer low-interest loans to distressed Guardsmen and Reservists, my amendment would also fund a modest program of grants to reservists who need them.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I very much appreciate my colleague's expression of concern here. I must say that this Member feels very strongly about the relationship between authorizing committees and the Committee on Appropriations. He is an able member of the authorizing committee. I certainly do not want to impose appropriations' position on their work. So I encourage him to consider a lot of these things by way of the authorizing process, and then we will talk about it.

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and continues and constitutes legislation on an appropriations bill, thus, dealing with the authorizers' business, violates clause 2 of rule XXI. The rule states specifically in pertinent part, an amendment to a general appropriations bill shall not be in order if it is changing existing law.

The CHAIRMAN. Does the gentleman from South Carolina (Mr. SPRATT) wish to be heard on the point of order?

Mr. SPRATT. Mr. Chairman, some parts of this clearly are germane and applicable, even under the rule that prohibits us from legislating on an appropriations bill. I would say to the chairman, who I have great respect for, this bill should have gone, the $87 billion bill has enough policy in it, enough money in it that it should have gone through the typical two-step process. The authorizing committee should have had a hand in it and we did not. We asked for it and did not have that opportunity.

In light of that, I would ask him to take a broader view of what happens here on the House floor in the appropriations process to acknowledge the fact that we did not get a chance to put it through committee and, therefore, give us a chance to make a little bit of law, which is not very complicated law. Most of this stuff has been around a long time. We whittled down a package of old ideas to deal with inequities and deficiencies and shortcomings in personnel policy. This stuff has been around a long time. It is not complicated. There is no reason we should not be able to add it to an appropriations bill. As my colleague knows from writing many appropriations bills, there are often a lot more complicated authorizations in it than this particular one.

Mr. LEWIS of California. Mr. Chairman, I know it is obvious to the gentleman from South Carolina (Mr. SPRATT) that I look forward to continuing to work with him.

Mr. SPRATT. Mr. Chairman, I hope we can accomplish some of this before that bill comes out of committee.

The CHAIRMAN. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule. The Chair finds that this amendment directly amends existing law. The amendment, therefore, constitutes legislation in violation of clause 2, rule XXI. The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BLUMENAUER:

Page 29, line 14, after the dollar amount insert "(increased by $20,000,000)".

Page 30, line 1, after the dollar amount insert "(reduced by $500,000,000)".

Page 33, line 19, after the dollar amount insert "(increased by $192,000,000)".

Page 33, line 20, after the dollar amount insert "(increased by $174,750,000)".

Page 34, line 6, after the dollar amount insert "(increased by $17,250,000)".

Page 36, line 22, after the dollar amount insert "(increased by $35,000,000)".

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, 2 years ago the United States went back to Afghanistan, a troubled nation we had largely abandoned after the collapse of the former Soviet Union. The conflict in Afghanistan including the war with the Soviet Union has left about 2 million people dead, created 700,000 widows and orphans. While we must help both Iraq and Afghanistan, Afghanistan, in fact, is larger, it has more people, it is poorer, and has been more devastated under decades of unrest and war.

For example, the United Nations estimates that 5 to 7 million unexploded land mines are scattered throughout the country. An estimated 400,000 Afghans have been killed or wounded by land mines producing the highest per capita number of amputees in the world.

One in 12 Afghan women die during childbirth, the highest maternal mortality rate in the world. Over a quarter of these children die before reaching age five. And Afghanistan has the lowest per person caloric intake in the world. I could go on and on.

The fact is that we have a serious problem that remains in Afghanistan. The NATO troops have little control outside the areas of Kabul. Suicide bombings and assassination attempts by the Taliban and al Qaeda remnants have persisted. Even President Karzai's life is in danger every day. The drug and crime rate are on the rise. After the fall of the Taliban, Afghanistan, once again, has become the world's top opium producer.

The Committee on Appropriations, I commend them for recognizing these burdens. I commend my colleagues for adding an additional $400 million above the administration's request. But it is not enough to meet these huge unmet needs, which could total as high as $30 billion over the next decade and are wildly disproportionate to what we are putting in Iraq.

There is no shortage of need and the bottom line is that we can do more. Even after the $500 million that this amendment would remove from Iraqi reconstruction, that nation will still be receiving the most generous aid package in history. We can spend more money this next year. Our efforts in Afghanistan have been largely self-limited, not just by a lack of money in the budget, but we have had a determination to keep a small footprint on the ground for security reasons.

My amendment addresses this issue by doubling to over $34 million the funding available for security requirements that would directly support personnel who would be implementing the assistance. The amendment would increase administrative capacity by $20 million. Simple little things like giving these people a fixed-wing aircraft that could have six to 12 people flying around Afghanistan could dramatically increase their productivity. It is an outrage that we do not do it.

This amendment would address the land mine and unexploded ordnance issue by doubling to $70 million funding for demining operations.

Overall, this amendment increases aid to Afghanistan by $247 million, provides the security and operating expense needed for assistance to be granted more efficiently. This is a country still in agony and things can get worse. Our progress is simply too slow after 2 years, and we can do something about it tonight.

Afghanistan is this country where the al Qaeda threat was real and remains. We need to make sure that Afghanistan does not once again spiral out of control.

This amendment increases security, increases our capacity, accelerates process, and saves the taxpayer one-quarter of a billion dollars.

I urge my colleagues to vote to increase aid to perhaps the most damaged nation in the world and vote for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to oppose this amendment, but as I have privately said to my friend from Oregon, we do believe that we are on the same philosophical page. We are just arguing about different dollar amounts.

I am opposed to it, though, for two different reasons, really. Number one, we have increased these accounts, and we have increased it in opposition of what the administration originally requested. So the House did take into account the need, and we did bump things up. For example, USAID, we are increasing it $40 million. The gentleman from Oregon (Mr. BLUMENAUER) is at $60 million.

In terms of the economic support fund, we have increased it $272 million; he is at $864. For diplomatic security, we are at $17 million; he is at $34 million. As far as the demining account, we have increased it to $35 million, and I believe the gentleman is at $70 million.

But we have already taken money out of Iraq and out of the administration's request, and that is in the report outlined on page 22. And we also recognize the need for so many of these projects that the gentleman from Oregon in his amendment is supporting.

For example, we have a major, a major push to finish the road from Kabul to Kandahar. And the gentleman, I think, has been to Afghanistan, as has this committee. And I hope that that road goes all the way to Bagram, eventually. But the road is a top priority of this committee.

Also, we are pushing for private sector development and power generation is a top priority of the committee. We are also asking for help with infrastructure in Afghanistan and schools and myriad of other things.

The gentleman from Oregon (Mr. BLUMENAUER) had mentioned also about the need for an airplane. We actually in a different portion of this to instruct USAID to get that aircraft that the gentleman mentioned. That is on page 15 of the report, where we require the use of dedicated, contract air service within Afghanistan.

So many of the things that this amendment supports, the committee is supporting. And also, we have taken the money out of Iraq. We have taken the lower-lying fruit and lower-hanging fruit out of the account.

And that leads me to the second reason why I oppose this amendment. And that is that what we are doing, if we accept this amendment, is we are reducing the money by $500 million that would go to Iraq's reconstruction. We do not know where that money is coming from, Mr. Chairman. Will it come out of electricity, will it come out of schools, will it come out of roads? Where it will come from? Because what we have already done when we have taken the money out of what the subcommittee recommended is we identified certain areas in Iraq that we thought the money could be shifted to Afghanistan.

But this amendment, while it is very specific on where it should be spent in Afghanistan, it is not specific on where it should not be spent in Iraq.

And because of that, we believe, the subcommittee and the full committee, the bill is already scrubbed fairly well and that, at this point, it would be unwise to accept this amendment.

Mr. Chairman, I reserve the balance of my time.

□ 2215

Mr. BLUMENAUER. Mr. Chairman, I yield 30 seconds to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I will take 15 seconds. I will quickly thank the gentleman for bringing these important issues to our attention, and I know that the chairman of the committee shares the gentleman's views of the importance of the funding for Afghanistan. I hope that we can work with the gentleman as we approach the 2004 conference bill and work together to increase funding and investment in Afghanistan.

Mr. BLUMENAUER. Mr. Chairman, I yield myself the balance of my time.

I appreciate what my friend, the gentleman from Georgia (Mr. KINGSTON), has said and the work that the subcommittee and the full committee have done. But the fact remains we are investing more than 15 times as much in Iraq as in Afghanistan. We cannot spend all that money in Iraq in the next year. We can put more money on the ground to help this troubled nation. And I look forward to working with the committee to see if we can advance a little more progress in that troubled country.

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me conclude by saying we will continue to work with the gentleman from Oregon (Mr. BLUMENAUER). As the gentleman knows, the subcommittee chairman, the gentleman from Arizona (Mr. KOLBE), has a particular passion about reconstruction in Afghanistan, and this subcommittee will remain committed to it.

Mr. Chairman, I want to conclude, though, by saying the urgency in Iraq right now to try to get the reconstruction efforts jump-started for the world community, we think, is very important; and we do not want to take money out of it that is not being identified as to where the money will come from. For that reason, we will oppose the amendment, but again want to say to my friend that we will work with him.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was rejected.

AMENDMENT OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. LORETTA SANCHEZ of California:

Page 23, beginning on line 13, strike "or the Global War on Terrorism".

The CHAIRMAN. Pursuant to the order of the House today, the gentlewoman from California (Ms. LORETTA SANCHEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very straightforward amendment. It would simply strike the "Global War on Terrorism" segment of section 1301, hence prohibiting the Secretary of Defense the ability to carry out military construction projects in excess of $1.5 million outside Iraq without the prior notification to Congress.

This emergency supplemental was not intended to broadly fund the global war on terrorism, but to finance emergency defense and reconstruction efforts in Iraq and Afghanistan. And I am deeply concerned with section 1301 of the bill which grants the Secretary of Defense broad authority to carry out up to $500 million in military construction projects outside the United States without the prior approval of Congress.

The supplemental appropriations bill we are discussing today is not intended to be a slush fund for the Secretary of Defense. And if my amendment is approved, the Secretary of Defense would still, would still be able to use the new temporary authority to make temporary constructions in Iraq for up to $500 million. The Secretary would also maintain his ability to use the operations and maintenance budget to construct temporary military installations overseas with a cost of up to $1.5 million.

Let us keep in mind that these are supposed to be temporary structures, according to the bill, "the minimum necessary to meet the temporary operational requirements."

It is my understanding that most of the construction projects we are talking about cost $250,000 or less. So $1.5 million is more than a generous ceiling for projects without congressional approval.

So I urge my colleagues to support this amendment and to support responsible congressional oversight over our military construction spending overseas.

Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the gentlewoman's concern about this provision. But I must urge everybody in this Chamber to vote against this amendment. This amendment causes very serious strategic consequences for our military personnel in the field fighting the war on terrorism.

The war on terrorism is not confined to just one area. It could be most anywhere. In essence, the Sanchez amendment prohibits our troops from constructing strategically important projects necessary to fight the war on terrorism until Congress agreed that they were necessary. This level of micromanagement is inappropriate, especially in wartime conditions, when real-time decisions must be made quickly and troops cannot wait for the committee in Congress to agree. Our troops in the field need this flexibility.

Though the amendment excludes Iraq from its effects, it precludes construction projects in Afghanistan and in other areas, that might become part of the global war on terrorism, from moving forward expeditiously. This level of micromanagement is especially awkward if the war on terrorism expands in an unexpected fashion.

In addition, the bill already includes a requirement that DOD notify the Congress four times a year about any projects constructed under this limited authority. I can assure my colleagues in the Chamber that my subcommittee, the MILCON committee, the Subcommittee on Defense, the House Committee on Armed Services will watch very carefully in a very careful manner how DOD uses this authority. And like the gentlewoman points out, authorizing military construction projects should not be bypassed without extremely good reasons. However, in this case I believe the oversight I have just mentioned gives the oversight over this provision included in the bill to be sufficient to ensure that DOD does not misuse its authority.

I urge Members to vote against the Sanchez amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just remind my colleague that the first $60 billion we spent on this has been unaccounted for. In fact, we had the Department of Defense before us, and even one of the chairmen from appropriations said he could not tell us where all that $60 billion, or even some of it really, had been spent.

So we are really talking here about reasonable oversight and accountability, especially notice alone. Notice. That merely gives Congress the prerogative to maintain oversight while funds are being executed. To say that field commanders should not be accountable runs contrary to common sense and historic practice.

Can opponents cite one example of how a notice provision cost lives or undermined a mission? The answer is no. This is about accountability. And the Secretary of Defense still has other funds available, other abilities. We are talking about temporary structures, most of which are under $250,000.

Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I just wanted to say in response to the gentlewoman's comments. I can assure the gentlewoman that we know about every penny that is spent in the MILCON bill.

Mr. Chairman, I yield back the balance of my time.

Ms. LORETTA SANCHEZ of California. Once again, Mr. Chairman, I urge my colleagues to support this amendment and to support responsible congressional oversight on our military construction spending overseas.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ) will be postponed.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House today, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

An amendment by the gentleman from California (Mr. WAXMAN), an amendment by the gentleman from Illinois (Mr. KIRK), an amendment by the gentleman from Massachusetts (Mr. MARKEY), an amendment by the gentleman from New Jersey (Mr. HOLT), and an amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. WAXMAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 15-minute vote followed by four 5-minute votes.

The vote was taken by electronic device, and there were—ayes 197, noes 224, not voting 13, as follows:

[Roll No. 548]

AYES—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Barton (TX)
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Garrett (NJ)
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—224

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Oxley
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—13

Clay
Culberson
Gephardt
Greenwood
Jones (OH)
Majette
Marshall
McKeon
Meek (FL)
Putnam
Souder
Stark
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2245

Mr. ROGERS of Michigan and Mr. CASTLE changed their vote from "aye" to "no."

Mr. DICKS and Mr. BARTLETT of Maryland changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. LARSEN of Washington. Mr. Speaker, let the RECORD show that although I voted "no" on rollcall 548, my intention was to vote "aye."

AMENDMENT OFFERED BY MR. KIRK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. KIRK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 405, noes 20, not voting 9, as follows:

[Roll No. 549]

AYES—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—20

Blunt
Cantor
Carter
Cox
Cubin
Davis, Tom
DeLay
Houghton
Johnson, Sam
Knollenberg
Kolbe
McCrery
Osborne
Otter
Rehberg
Reynolds
Sessions
Terry
Thornberry
Waxman

NOT VOTING—9

Clay
Gephardt
Jones (OH)
Marshall
McKeon
Putnam
Souder
Stark
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

☐ 2253

Mr. LaTOURETTE changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MARKEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 146, noes 279, not voting 9, as follows:

[Roll No. 550]

AYES—146

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clyburn
Conyers
Crowley
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Emanuel
Eshoo
Etheridge
Farr
Filner
Ford
Frank (MA)
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hinojosa
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Slaughter
Solis
Spratt
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Woolsey
Wu
Wynn

NOES—279

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Evans
Everett
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood

Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—9

Clay
Gephardt
Jones (OH)
Marshall
McKeon
Putnam
Souder
Stark
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

☐ 2301

Mr. BAIRD changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HOLT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 256, not voting 9, as follows:

[Roll No. 551]

AYES—169

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Berkley
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Duncan
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Lewis (GA)
Lipinski
Lofgren
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Slaughter
Smith (WA)
Solis
Spratt
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—256

Ackerman
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Oxley
Pascrell
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Vitter
Walden (OR)
Walsh
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—9

Clay
Gephardt
Jones (OH)
Marshall
McKeon
Putnam
Souder
Stark
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 2309

Mr. BALLANCE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

[Roll No. 549]

AYES—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—20

Blunt
Cantor
Carter
Cox
Cubin
Davis, Tom
DeLay
Houghton
Johnson, Sam
Knollenberg
Kolbe
McCrery
Osborne
Otter
Rehberg
Reynolds
Sessions
Terry
Thornberry
Waxman

NOT VOTING—9

Clay
Gephardt
Jones (OH)
Marshall
McKeon
Putnam
Souder
Stark
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

☐ 2253

Mr. LaTOURETTE changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MARKEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 146, noes 279, not voting 9, as follows:

[Roll No. 550]

AYES—146

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clyburn
Conyers
Crowley
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Emanuel
Eshoo
Etheridge
Farr
Filner
Ford
Frank (MA)
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hinojosa
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Slaughter
Solis
Spratt
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Woolsey
Wu
Wynn

NOES—279

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Evans
Everett
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood

Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—9

Clay
Gephardt
Jones (OH)
Marshall
McKeon
Putnam
Souder
Stark
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

☐ 2301

Mr. BAIRD changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HOLT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 256, not voting 9, as follows:

[Roll No. 551]

AYES—169

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Berkley
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Duncan
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Lewis (GA)
Lipinski
Lofgren
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Slaughter
Smith (WA)
Solis
Spratt
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—256

Ackerman
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Oxley
Pascrell
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Vitter
Walden (OR)
Walsh
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—9

Clay
Gephardt
Jones (OH)
Marshall
McKeon
Putnam
Souder
Stark
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 2309

Mr. BALLANCE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 128, noes 295, not voting 11, as follows:

[Roll No. 552]

AYES—128

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell
Berkley
Berry
Bishop (NY)
Blumenauer
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Case
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Duncan
Emanuel
Eshoo
Etheridge
Filner
Ford
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hinojosa
Holt
Honda
Hooley (OR)
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Kaptur
Kilpatrick
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lofgren
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Nadler
Napolitano
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Snyder
Solis
Strickland
Tauscher
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOES—295

Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Evans
Everett
Farr
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McNulty
Meehan
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—11

Clay
Fattah
Gephardt
Johnson (CT)
Jones (OH)
Marshall
McKeon
Putnam
Souder
Stark
Young (AK)

□ 2323

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, last spring Congress approved a $673 billion supplemental appropriation for our troops in Iraq. I voted for that appropriation because I felt that, regardless of whether or not we should have invaded Iraq, the fact is that we are there now, and we cannot afford to allow Iraq to slide into civil war and disorder. That is what happened in Afghanistan after the defeat of the Soviet Union. The failure of the world community to rebuild that country allowed it to become an extremist theocracy and a haven for al Qaeda with catastrophic results.

But we have not received an accounting of the use of those funds. We have discovered that American soldiers have died because, despite the funds we voted, the administration did not supply all our troops with Kevlar plates for their body armor or armor plates for their Humvees. We have learned of no-bid contracts for Halliburton and a $15 million contract for cement factories that the Iraqis can build for $80,000. We have not learned of realistic plans to share the costs and the burdens with other countries and to prevent the nationalist guerrilla war against us by demonstrating to the Iraqi people that we are running an international reconstruction, not an American occupation.

Last October, I voted against authorizing the use of military force in Iraq. I believed that the resolution was far too broad a blank check to the President and that it would send us down a perilous course. We know now, as some suspected then, that the administration misled us when it asserted that Iraq had weapons of mass destruction, that it was developing nuclear weapons, that it had cooperated with al Qaeda in the 9/11 attacks, and that it posed an imminent threat to this country.

I believed then, as I believe now, that the war in Iraq has diverted resources and attention away from the deadly, serious war waged against the United States by al Qaeda and other Islamic terrorist groups, a war which poses a very real threat to our safety and security, and to which I do not believe we are giving sufficient resources or attention.

This bill is another blank check to the President. I cannot support it, given the administration's obvious failure to plan for the realities of postwar Iraq and its refusal to make good faith adequate proposals to share the power and the burden of the reconstruction of Iraq so that our soldiers do not continue to do almost all the dying and our taxpayers almost all the paying for the cost of cleaning up the mess in Iraq.

I cannot support it, given the administration's insistence on increasing the deficit and the debt burden on our children and grandchildren by refusing even to let us vote on paying for this bill by reducing the tax cuts for the wealthiest 1 percent of Americans.

Mr. Chairman, we need not approve this bill in order to support our troops. The $63 billion we approved last spring will fund the military personnel and operations through at least next April and May.

We should defeat this bill and insist that the President and the Republican leadership of the House come back to us with a proposal that accounts for the public's money, protects our troops and shares the burden with other nations. We have the time and the ability to do this job right.

Mr. MCDERMOTT. Mr. Chairman, as the designee of the gentleman from Wisconsin (Mr. OBEY), I move to strike the last word.

Mr. Chairman, today the United Nations passed a resolution. This is another fig leaf. It changes nothing. It does not create a timetable, it does not give up any power by the United States. The situation in Iraq with respect to the United Nations is exactly as it was before.

This is like a sense of the congress resolution that went through the United Nations, offering the opportunity for people to contribute money or offering people the opportunity to contribute soldiers. It does not change the fact that this war is in violation of the United Nations charter, and it does not change that situation.

Now, we have created a situation over there where there is no frontline. Another Vietnam person and myself were sitting in the back, and the worst thing about Vietnam was there was no frontline.

□ 2330

You were never sure. You were never safe. You did not know where they were coming from. And we have that situation going on today.

Mr. Chairman, I will enter into the RECORD an article from The Telegraph, a British newspaper. We would not find it in an American newspaper: "U.S. Army suicides in Iraq three times the usual rate." Our people are killing themselves at three times the rate of any other war we have ever been in.

Now, as a psychiatrist who dealt in Vietnam, I know what some of this is about. I saw this. And if we do not pay attention to this, we simply are ignoring it. We can stand out here and argue about the price of gasoline, whether it is 71 cents or $1.14, or whatever it is in Iraq. That misses the point of what is going on in that country. We are sending troops over there on a regular basis.

Mr. Chairman, I will enter into the RECORD an article from the Oregon Live which talks about the fact that 700 soldiers from Oregon's second battalion, 162nd Infantry, left their homes on Sunday for training and duty in Iraq. These soldiers have the old-style body armor, not the new Kevlar, but the old stuff; and they have hope, they say, because they are relieving a Florida unit which is fully outfitted in modern armor. The arriving Oregon troops hope they can swap vests with the departing Floridians. When asked about why the Floridians have the vests and the Oregonians do not, they said, oh, it is politics. Look where the money comes from.

Mr. Chairman, we are putting people over there on a daily basis in real trouble. And I know we have had delegations go over there and they ride around in Humvees; they never get out in the street. They are not allowed. They do not allow them to get into danger. We cannot have a Congressman shot in Baghdad or in a Humvee that blows up. What kind of a story would that be in the newspaper? We can believe that no Congressman is going to get anywhere near anything close to being bad.

But our kids are. There is a kid I saw up at Walter Reed Hospital this week. I go up there every week. And this kid's name is PFC Kushnow. He said I could use his name, so I am going to name him. He is from Baltimore. PFC Kushnow said, "You know what I can't understand? I had to pay $1.75 a minute to make a phone call home to my wife, and you are spending millions of dollars putting in a cell phone system for the Iraqis. What is going on? Doesn't anybody care about me talking to my family?"

This is what is going through the minds of our kids, because they can see. They see it on the ground.

Another kid was riding in a Humvee; he is a civil affairs officer from South Dakota. He was a clerk in a store. He gets called up on National Guard duty. So he goes over there, he is riding out in this car to go and talk about setting up a school. The machine blows up and he has no leg.

Now, this is what we are dealing with here, and it is not going to be dealt with by us talking about this. If the military, if the Defense Department, or the war department, really, if they really cared about these kids, there would not be 44,000 of them over there without the Kevlar vests. They could have done something about it. They refused to do it. They were making 3,000 a month, and now they are making 25,000 a month. Where were they when the war started?

[From the Telegraph, Oct. 14, 2003]

U.S. ARMY SUICIDES IN IRAQ THREE TIMES THE USUAL RATE

(By Oliver Poole)

LOS ANGELES.—Suicides among American servicemen in Iraq are running at up to three times the usual rate, the army has revealed.

Since the start of the war 11 have been confirmed and a dozen more deaths are being investigated as suspected suicides. If all are confirmed it would mean an annualised rate of 34 per 100,000 servicemen.

Most have happened after May 1 when "major combat operations" were declared over. Since then troops have had to cope with increasing paramilitary attacks with less opportunity to defend themselves.

The usual army suicide rate is 10 to 13 per 100,000, mirroring the figure for the same age group in the general population.

Officials say the unsettled situation in Iraq, combined with long deployments away from home and spartan barrack conditions, can make any symptoms of depression worse.

Accessibility of weapons in a war zone can also quickly turn a passing thought into action. "It just takes a second to put it to your head and pull the trigger," said Lt Col Elspeth Ritchie, a psychiatrist at the army's Uniformed Services University.

The army said it would send doctors to Iraq to try to reduce the problems and improve the identification of soldiers at risk. It has sent 478 home with mental health issues.

One of the latest victims was buried yesterday in the village of East Berlin, Pennsylvania. Corey Small, 20, killed himself after calling home, in front of other troops waiting to use the telephone.

There are no official figures for the number of GI suicides in Vietnam. But when the U.S. pulled out in 1975 it had lost 60,000 troops and according to the Veterans of Foreign Wars, the American equivalent of the British Legion, 180,000 Vietnam veterans have since committed suicide.

In Britain, more than 260 Falklands veterans have since committed suicide, greater than the number killed in the conflict.

[From Oregon Live, Oct. 15, 2003]

HAND-ME-DOWN BODY ARMOR

The safety of U.S. troops should not rest on their parents, their congressman or their military status.

The best-equipped military in the world should not depend on worried parents to outfit U.S. soldiers in Iraq with body armor strong enough to stop bullets fired by modern assault rifles.

Yet that's what's happening now.

Members of Congress estimate that at least 44,000 U.S. troops are still wearing Vietnam-era vests that will not stand up to the high-velocity weaponry the soldiers are facing on the mean streets of Iraq. So, anxious parents in this country are frantically shopping for modern body armor to send to their sons and daughters in Iraq.

Most of the thinly protected troops are National Guard units. In replies to e-mails, Oregon guardsmen serving in Iraq reported Monday they were still wearing old-style body armor. They said they hope new vests arrive soon.

They shouldn't hold their breath. The Pentagon admits it will be months before all troops have modern "Interceptor" vests with tough ceramic plates.

Another 700 soldiers from Oregon's 2nd Battalion, 162nd Infantry, left their homes Sunday for training and duty in Iraq. These soldiers have the old-style body armor, but they may get lucky. They are to relieve a Florida unit fully outfitted in modern armor. The arriving Oregon troops hope to swap vests with the departing Floridians.

Why do all of the Florida guardsmen have the modern vests, and the Oregon soldiers do not? The answer is political clout: Rep. C.W. Bill Young, R–Fla., is the powerful chairman of the House Appropriations Committee.

The safety of U.S. troops should not depend on who represents them in Congress or how quickly their parents can acquire hard-to-find body armor. It also should make no difference whether the soldier is on active duty or a year long National Guard commitment.

Only the ceramic body armor can stop bullets such as the 7.62mm rounds fired by Kalashnikov rifles found everywhere in Iraq and Afghanistan. The vests work: Army Sgt. Chris Smith, 24, was shot in the chest during

> an ambush in Iraq in August. Smith's armor shattered as it was designed to do and he suffered only a bruised chest. He returned fire and killed his attacker.
>
> The Interceptor vests have been in production since 1999, but only now, with Congress and soldiers' parents criticizing the Pentagon, has the pace of manufacturing rapidly increased.
>
> The Pentagon is trying to lay the blame on manufacturers, but that won't wash. A year ago, when the military was preparing for war with Iraq, it was content to hire just three manufacturers producing about 3,000 ceramic plates for Interceptor vests per month. Now that U.S. soldiers are being shot down and the political pressure is on, the Pentagon has scrambled to hire more manufacturers, which are churning out more than 25,000 plates a month.
>
> There should have been a sense of urgency about this long before now. The shortage of body armor among U.S. troops in Iraq is not a matter of money; it is a matter of priorities.
>
> The Bush administration promises that all the U.S. troops in Iraq will have Interceptor vests by December—a "Merry Christmas" from the Pentagon. We're guessing a National Guard unit will be the last to get the body armor, and with it the measure of safety the Pentagon should have provided long ago.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LINDER) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

LIMITATION ON CERTAIN AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 3289, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 3289 in the Committee of the Whole, pursuant to House Resolution 396, before consideration of any other amendment, except pro forma amendments by the chairman and ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, it shall be in order to consider the following amendments: an amendment by Mr. KIND or Mr. CARDIN; an amendment by Ms. MILLENDER-MCDONALD; an amendment by Mr. HOEFFEL; an amendment by Ms. JACKSON-LEE of Texas; an amendment by Mr. RAMSTAD or Mr. MOORE; an amendment by Mrs. TAUSCHER; an amendment by Mr. STUPAK; an amendment by Mr. REYES; an amendment by Mr. DEFAZIO; an amendment by Mr. WEINER; an amendment by Mr. DEUTSCH; an amendment by Ms. VELÁZQUEZ; and an amendment by Mr. SHERMAN.

Each such amendment may be offered only by a Member designated or a designee, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. An amendment may amend a portion of the bill not yet read, except that an amendment proposing to transfer appropriations among objects in the bill must conform to clause 2(f) of rule XXI.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LINDER). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Illinois (Mr. LIPINSKI).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

CONCERNS ABOUT EMERGENCY SUPPLEMENTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I had hoped to be in the well this evening to offer an amendment to the pending legislation, the legislation under which the House of Representatives has been asked by the President of the United States to borrow $87 billion to continue to pursue the conflict in Iraq and nearly $20 billion of that will be used to build Iraq. This is not an issue of rebuilding Iraq; it is building Iraq. Many of the things that are included in this legislation will provide Iraq with infrastructure that they could not even have dreamed of before this war: wireless Internet network, a 911 cellular system, new sewer systems, combined cycle turbines for their electricity. These are not things that were destroyed in the war; they are things that were neglected through 30 years of dictatorial rule by Saddam Hussein.

☐ 2340

And now we are being told that somehow it is the responsibility of the American people to borrow money to construct these projects generally in an exorbitant price.

I had hoped to offer an amendment to the American Parity Act that the gentleman from Illinois (Mr. EMANUEL) and I introduced early in the year, that would require that we match dollar for dollar the expenditures in Iraq with similar expenditures in the United States. For instance, under this legislation we are going to invest, the United States of America is going to borrow on behalf of the American people and send $50 million more to Iraq to further improve their port, which is already a fully functioning port in which the American people have already invested $50 million since the war. But I have ports in my district that cannot get a penny for dredging.

Under this legislation, the United States Congress is going to borrow, at the request of the President, on behalf of the American people, and send to Iraq tens of millions of dollars to pay Iraqis for no-show jobs, former members of the regime, former members of the military. They will be paid not to work. Yet the President tells us that we cannot afford to draw down the $20 billion unemployment trust fund here in the United States of America and give extended unemployment benefits to Oregonians and others who have exhausted their benefits and cannot find a job through no fault of their own.

We are going to give them a state-of-the-art energy infrastructure despite the fact that the lights blinked out here in the eastern U.S. this summer, in my part of the country two summers ago. Our whole system is underinvested in, unstable, but the Iraqis have 1960s boilers, and Mr. Bremer is appalled so we are going to purchase them brand new combined-cycle turbines at exorbitant prices to be installed by Halliburton and others to give them a state-of-the-art energy infrastructure with money borrowed from the American people.

The American people are going to borrow money and spend tens of millions of dollars to buy new AK-47s for the police force of Iraq. We could not even have a buy America provision and give them M-16s or something made in the United States of America. These things are not going to benefit the American people. I do not believe they are going to protect our troops. Our troops need the flak vests, they needed armored Humvees. They need rides all the way home. They need some basic things they are not getting. And none of the billions in this bill are going to that either.

But this amendment that I would have offered, I went to the Committee on Rules, and I asked to have it made in order. I said just allow us a vote. All we want is a simple vote up or down, do the Members of this House think it is at least as important to invest in the economic reconstruction and stimulation of this country, putting people to work, unemployment benefits, roads, bridges, highways, hospitals, schools, health care. That would have been a statement from this Congress where we would have put more than a million people back to work by matching the investment in Iraq.

But I have been shut down by the Republican majority, the majority Committee on Rules. I am not being allowed to offer that amendment. And that is too bad because I think a majority, a large majority of the American people would support such an amendment.

There has been a lot of hypocrisy here tonight. People who said they supported loans instead of grants, but then when they were given finally an opportunity to vote for a loan instead of a grant, those who stood bravely here and said they would support a loan instead of a grant and were denied a vote by the Republican majority, their own party, when they were given a chance to vote on a Democratic amendment for loans versus grants, they voted no. And I hope they are held to account by their constituents.

I hope people are held to account by their constituents for the fact that this House, the people's House, the Republican majority, are refusing to allow us to vote on matching investments, investing in our country, in our people, in our infrastructure, in our economy, at least comparable to that which we are borrowing to invest in Iraq.

EXCHANGE OF SPECIAL ORDER

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent to claim the time of the gentleman from Ohio (Mr. BROWN) on my behalf.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENTS TO THE SUPPLEMENTAL APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker, I want to associate myself with the remarks of my colleague, the gentleman from Oregon (Mr. DEFAZIO) who just spoke in the well and fully agree with him that we should have been given an opportunity to make the same kind of investments in America that we are prepared now and voting on to make in Iraq. I think we owe it to the American people. We owe it to our economy. We owe it to our families.

Earlier, just a few minutes ago our colleague, the gentleman from Washington (Mr. MCDERMOTT), spoke about the realities of the war taking place in Iraq and the real impact on the young men and women who are there fighting that war, fighting the continued hostilities that rain down on them on a daily basis, many, many times a day.

He has, like so many of us, had the honor and the privilege to visit with some of our soldiers who have returned home in a wounded condition, in many instances in a severely wounded condition. Young men and women who are now amputees, in some cases multiple amputees, who have been received at Walter Reed Hospital for their care.

When you meet these young men and women, you are honored to be in their presence. You are honored by their decision to take part in our Armed Forces. But we have not served them well with the plan that currently exists for postwar Iraq. We did not serve them well in the first days and weeks and the months since this ceasing of hostilities in Iraq with the formal fighting.

And I would like to read a letter from a young man from my district who is part of a military police unit. He sent this letter to me after he talked with me on the phone from Baghdad. And I want to quote part of the letter beginning with, he says, "Now, I feel it is my duty as an American to point out a few simple facts to the people who depend on me and my compatriots to be strong, reliable soldiers in the National Guard. First of all, often when my military police unit discovers large caches of weapons, 80 millimeter rockets, mortars, and rocket-propelled grenades, we are ordered to leave them where we found them, completely unsecure, waiting to fall in the hands of the enemy. The reason? There are not enough EODs, explosive ordnance disposal teams available. So dangerous weapons that are used to kill Americans are left just to sit there. Imagine how frustrating it is to walk away from the weapon cache as neighborhood children climb and play on it, hoping beyond hope that yours won't be the life taken by something in that pile.

"Secondly, it may surprise you that many of us do not even have bulletproof vests and that everyone in my unit is driving an old first-generation Humvee, and, also, that does not repel bullets. My unit was on the ground in Iraq for a month without vests. Our communications equipment is archaic. Regular Army personnel have all of the up-to-date equipment, National Guard gets the leftovers.

"Our unit is now west of Baghdad living in a disgusting old prison that, among many other things, is an asbestos nightmare. Will there be health care available for those when we come home ill? Probably not since the Veterans Administration budget has already been trimmed by $1 billion. I would be willing to bet that the officials who gave the thumbs up to extending the National Guard tours for 6 months to 1 year wouldn't have done so if they had been in Iraq facing the very dangers that we do every day. Morale has begun to go downhill pretty darn fast and we are likely to crash if the extension stays in effect."

That is a letter from a young soldier who puts his life in harm's way every day doing his duty as ordered by this country. One of the things he points out is that the National Guard units are now showing up in the theater of combat in Iraq with inferior equipment. Hopefully, tomorrow we will have made in order an amendment by the gentlewoman from California (Mrs. TAUSCHER) and myself that will take some of the money from the hunt for weapons of mass destruction because we add 600 million new dollars to continue this quest where we found no weapons, we would take $300 million of that and transfer that to the National Guard so that no longer will we send these young people and these military police units that are from my district and from the West Coast to go into harm's way in a Humvee that is a first generation.

The National Guard, which we are going deeper and deeper into calling up them, and the Army Reserve, ought to be able to go in with the same first-class equipment as the Regular Army. These are not second-class citizens. We are relying on them to do a job in Iraq. We rely on them to do a job in Afghanistan.

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We rely on them to do jobs all over the world for the security of this Nation. They certainly are entitled to the care of this Congress by making sure that they have first-class and the same good equipment as the regular Army. We will have a chance to vote on this tomorrow.

THE INTRODUCTION OF THE COMPASSIONATE VISITOR VISA ACT TO FACILITATE THE TEMPORARY ADMISSION OF NONIMMIGRANT ALIENS IN CIRCUMSTANCES OF FAMILY EMERGENCY OF CITIZENS OR PERMANENT RESIDENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. CASE) is recognized for 5 minutes.

Mr. CASE. Madam Speaker, I rise today to introduce the compassionate Visitor Visa Act, a bill to facilitate the temporary admission into our country of nonimmigrant aliens, who present no security risk, in times of family emergency for close relatives that are United States citizens or legal permanent residents.

Mr. Speaker, each of us tries to make the best decisions we can on the national and international issues of our day. But each of us is also committed to helping those we serve with their individual concerns, where the rubber of our national policies meets the road of everyday life. And those of us who represent communities of proud immigrants maintaining close ties to their homelands know that a large, growing, and increasingly difficult and frustrating portion of our casework is devoted to immigration.

In my own case, these issues involve citizens and legal residents with ties to the countries of Asia and the Pacific, the Philippines foremost among them (my district has more Filipino-Americans than any other congressional district in our country.) And of the related immigration concerns my constituents have sought my assistance with, none have been more difficult and heartwrenching than those involving the efforts of families to be reunited in time of family emergency.

Consider the following real-life examples from my own district experience:

A U.S. citizen mother was diagnosed with a terminal illness. She wanted to see her daughter, a Philippine citizen, from whom she had been separated for 15 years, one last time. Her daughter had remained in the Philippines by choice with her husband and children when the rest of the family emigrated to the U.S. She had no desire to emigrate and was willing to travel to see her dying mother without her husband and children. Nonetheless, she was denied a temporary nonimmigrant visa to say a final farewell and to attend her mother's funeral because she was not able to demonstrate affirmatively that she would in fact return to the Philippines.

A terminally ill U.S. citizen had not seen any of her siblings for more than 20 years and wanted to see just one of them one last time. Her sister applied for a nonimmigrant visa to be able to visit and care for her sibling in her final days. Similarly, she was going to leave her own husband and young children behind in the Philippines. Her visa application was denied, the reason cited being that because her husband's income was modest and she was not employed, the assumption was the she would not return to the Philippines.

Madam Speaker, these are compelling stories of a well-intentioned immigration policy gone very wrong.

Let me first say that the problem these stories graphically illustrate and the solution my bill offers have nothing to do with preserving our homeland security. The reason for the rejection of these applicants was in no way related to any assessment of their security risk. They were subject to a security review like other applicants, and nothing in the compassionate Visa Act would alter that. All of that stands as it is and as it should be. (I will comment that resources to process security reviews in a timely and efficient manner are woefully inadequate to meet demand, but that is another discussion.)

The reason lies instead in the application of the presumption clause in current immigration law. In practice, applicants for nonimmigrant visas are presumed to be at risk of defaulting on their visas and remaining in our country illegally unless they can affirmatively prove that they will return to their countries. In the cases above, the applicants provided documentation to overcome this presumption and demonstrate they had every reason to return to their country of origin: they maintained homes, businesses, bank accounts, and would leave other family members, often children, behind, but to no avail.

We can and should have an in-depth debate about whether this policy, in theory and practice, is wise or fair across-the-board as to all nonimmigrant visa applicants, but this bill does not engage in that larger picture. What the Compassionate Visa Act does say, however, is that the presumption clause, as applied to close family members, who are not security risks, of U.S. citizens or legal permanent residents that are seriously ill or who have died, is wrong and should be changed.

Opponents of the bill may argue that the results would be to detract from homeland security and enhance the default rate on nonimmigrant visas. First, for the third time, nothing in this bill changes or compromises procedures designed to identify and weed out security threats, so that cannot be used as an excuse to avoid the focus of this bill. Second, this bill does not say that consular officers cannot consider evidence of applicants' willingness to honor visa terms and return to their countries, but it does say that the deck won't be virtually impossibly stacked against them from the get-go. And third, this bill applies only in the narrow case of an applicant whose close family member has a serious illness or has died or has some other similar family emergency, as demonstrated by proof to the satisfaction of the immigration officers. Frankly, I don't accept that changing the presumption clause will increase the default rate.

Madam Speaker, this is the right thing to do, and we should do it.

SAY NO TO ADDED DEBT FOR OUR CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Madam Speaker, this is not a debate about whether or not to fulfill our moral obligation to continue to work in Iraq. It is a debate about how to do it. It does not matter how we got into Iraq. We are there now. Americans of all stripes, those who supported the war and those who oppose it, know in their hearts that we are united in our desire to support our proud troops in the field and to continue our work in Iraq.

I will be joining the gentleman from Michigan (Mr. STUPAK) and others in an attempt to increase the pay of those men and women who are making such a sacrifice in Iraq and Afghanistan tomorrow. But we owe these proud Americans in the field more than just that. We owe them a willingness to make some measure of sacrifice at home that is even the smallest fraction of the sacrifice they make overseas.

The bill before us takes the irresponsible road and fails to truly call upon us at home to actually pay for the costs of this war. This bill proposes to avoid any sacrifice at home by stealing every single dollar it spends from the Social Security trust fund to wage this war. Every single dollar proposed to be spent will deplete the very funds that will be depleted by the forthcoming retirement of the baby boom generation. Every single dollar spent will be new debt foisted upon the shoulders of our children. Every single dollar that will be borrowed could hinder our economic recovery.

Why is this? Why is this short-sighted way being taken? Well, it is the addiction to the credit cards and it is wrong. It is a multi-billion dollar moral wrong to our children who have this debt put on their shoulders. And there is a better way.

We ought to ask for the smallest sacrifice at home to match that of our troops and reduce just a portion of the tax cut that people who earn over $300,000 will otherwise receive to pay for this war.

Do you know anyone who thinks that is unfair? Now, I remember the gentleman from Texas (Mr. DELAY) urged us to fight. Well, we will do that, but we cannot just fight the war in Iraq. We have got to fight the war on the Federal deficit too. And this bill will only fight one of those wars. We ought to have the courage to fight both.

If it is important enough for us to ask our troops to pay for this war with their lives, with their limbs, then it ought to be important enough for us to pay for this war without passing the cost on to our children, on to our soldiers' children.

This bill guarantees defeat. It runs up the white flag in the face of the deficit. It cuts and runs from the war on the Federal deficit and we should fight both.

Today there are men and women standing up for us in Iraq and we ought to stand up for them and say yes to supporting our troops and stand up for their children and say no to $87 billion in debt.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2004 AND THE 5-YEAR PERIOD FY 2004 THROUGH FY 2008

Mr. NUSSLE. Madam Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2004 and for the five-year period of fiscal years 2004 through 2008. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 501 of the conference report on the concurrent resolution on the budget for fiscal year 2004 (H. Con. Res. 95). This status report is current through October 15, 2003.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for fiscal years 2004 through 2008, because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the "section 302(a)" allocations made under H. Con. Res. 95 for fiscal year 2004 and fiscal years 2004 through 2008. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. A separate allocation for the Medicare program, as established under section 401(a)(3) of the budget resolution, is shown for fiscal year 2004 and fiscal years 2004 through 2013. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the Committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2004 with the "section 302(b)" allocations of discretionary budget authority and outlays among Appropriations subcommittees. This table also compares the current level of total discretionary appropriations with the section 302(a) allocation for the Appropriations Committee. These comparisons are needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach either the section 302(a) allocation or the applicable section 302(b) suballocation.

The last table gives the current level for 2005 of accounts identified for advance appropriations under section 501 of H. Con. Res. 95. This list is needed to enforce section 501 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2004 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95

[Reflecting action completed as of October 15, 2003—on-budget amounts, in millions of dollars]

	Fiscal year 2004	Fiscal years 2004–2008
Appropriate Level:		
Budget Authority	1,880,555	(1)
Outlays	1,903,502	(1)
Revenues	1,325,452	8,168,933
Current Level:		
Budget Authority	1,872,765	(1)
Outlays	1,890,048	(1)
Revenues	1,331,108	8,377,091
Current Level over (+)/under (−) Appropriate Level:		
Budget Authority	−7,790	(1)
Outlays	−13,454	(1)
Revenues	5,656	208,158

[1] Not applicable because annual appropriations Acts for fiscal years 2005 through 2008 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2004 in excess of $7,790,000,000 (if not already included in the current level estimate) would cause FY 2004 budget authority to exceed the appropriate level set by H. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2004 in excess of $13,454,000,000 (if not already included in the current level estimate) would cause FY 2004 outlays to exceed the appropriate level set by H. Con. Res. 95.

REVENUES

Enactment of measures that would result in revenue reduction for FY 2004 in excess of $5,656,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

Enactment of measures resulting in revenue for FY 2004 through 2008 in excess of $208,158,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF OCTOBER 15, 2003

[Fiscal years, in millions of dollars]

House Committee	2004		2004–2008 Total		2004–2013 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture:						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Armed Services:						
Allocation	70	34	70	70	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	−70	−34	−70	−70	n.a.	n.a.
Education and the Workforce:						
Allocation	39	47	201	245	n.a.	n.a.
Current Level	2	1	2	2	n.a.	n.a.
Difference	−37	−46	−199	−243	n.a.	n.a.
Energy and Commerce:						
Allocation	−170	−170	439	439	n.a.	n.a.
Current Level	1,502	254	949	1,051	n.a.	n.a.
Difference	1,672	424	510	612	n.a.	n.a.
Financial Services:						
Allocation	0	375	0	1,250	n.a.	n.a.
Current Level	−1	−1	−2	−2	n.a.	n.a.
Difference	−1	−376	−2	−1,252	n.a.	n.a.
Government Reform:						
Allocation	−1	0	−3	−1	n.a.	n.a.
Current Level	1	1	16	16	n.a.	n.a.
Difference	2	1	19	17	n.a.	n.a.
House Administration:						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	1	1	3	3	n.a.	n.a.
Difference	1	1	3	3	n.a.	n.a.
International Relations:						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Judiciary:						
Allocation	19	19	95	95	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	−19	−19	−95	−95	n.a.	n.a.
Resources:						
Allocation	24	24	522	342	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	−24	−24	−522	−342	n.a.	n.a.
Science:						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Small Business:						
Allocation	0	0	0	0	n.a.	n.a.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF OCTOBER 15, 2003—Continued

[Fiscal years, in millions of dollars]

House Committee	2004		2004–2008 Total		2004–2013 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Transportation and Infrastructure:						
Allocation	9,256	0	41,134	0	n.a.	n.a.
Current Level	6,405	0	6,405	0	n.a.	n.a.
Difference	−2,851	0	−34,729	0	n.a.	n.a.
Veterans' Affairs:						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Ways and Means:						
Allocation	20,626	20,054	24,079	23,876	n.a.	n.a.
Current Level	17,979	17,960	22,810	22,850	n.a.	n.a.
Difference	−2,647	−2,094	−1,269	−1,026	n.a.	n.a.
Medicare:						
Allocation	0	0	n.a.	n.a.	0	0
Current Level	0	0	n.a.	n.a.	0	0
Difference	0	0	n.a.	n.a.	0	0

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2004—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of July 22, 2003 (H. Rpt. 108–228)		Current level reflecting action completed as of October 15, 2003		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development	17,005	17,686	18,430	18,244	1,425	558
Commerce, Justice, State	37,914	41,009	38,363	40,626	449	−383
National Defense	368,662	389,221	368,183	388,642	−479	−579
District of Columbia	466	464	509	514	43	50
Energy & Water Development	27,080	27,211	26,206	26,301	−874	−910
Foreign Operations	17,120	20,185	23,709	22,380	6,589	2,195
Homeland Security	29,411	30,506	29,411	30,110	0	−396
Interior	19,627	19,400	20,109	19,345	482	−55
Labor, HHS & Education	138,036	134,766	134,471	133,929	3,565	−837
Legislative Branch	3,512	3,662	3,548	3,620	36	−42
Military Construction	9,196	10,282	10,777	10,521	1,581	239
Transportation-Treasury	27,502	71,360	28,255	70,345	753	−1,015
VA–HUD–Independent Agencies	90,034	95,590	87,313	92,642	−2,721	−2,948
TOTAL (Section 302(a) Allocation)	785,565	861,342	789,284	857,219	3,719	−4,123

Statement of FY 2005 advance appropriations under section 501 of H. Con. Res. 95 reflecting action completed as of October 15, 2003

[In millions of dollars]

	Budget Authority
Appropriate level	23,158
Current Level:	
Homeland Security Subcommittee	
Bioshield[1]	2,528
Interior Subcommittee	
Elk Hills	0
Labor, Health and Human Services, Education Subcommittee	
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (head start)	0
Special Education	0
Vocational and Adult Education	0
Treasury, General Government Subcommittee	
Payment to Postal Service	0
Veterans, Housing and Urban Development Subcommittee	
Section 8 Renewals	0
Total	2,528
Current Level over (+)/under (−) Appropriate Level	−20,630

[1] This advance appropriation was not on the list of accounts identified for advance appropriations included in the joint explanatory statement of the committee of conference in the conference report to accompany H. Con. Res. 95. Still, since the provision has been enacted, it is included as part of the current level for advance appropriations.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 16, 2003.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2004 budget and is current through October 15, 2003. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for the Emergency Wartime Supplemental Appropriations Act, 2003, and the Jobs and Growth Tax Relief Reconciliation Act of 2003. These revisions are authorized by sections 421 and 507 of H. Con. Res. 95, respectively.

Since my last letter, dated September 4, 2003, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues for 2004:

The Legislative Branch Appropriations Act, 2004 (Public Law 108–83);

The Continuing Resolution, 2004 (Public Law 108–84);

The Defense Appropriations Act, 2004 (Public Law 108–87);

The Surface Transportation Extension Act of 2003 (Public Law 108–88);

An act to extend the Temporary Assistance for Needy Families block grant program (Public Law 108–89);

The Homeland Security Appropriations Act, 2004 (Public Law 108–90);

An act to amend chapter 84 of title 5 of the United States Code (Public Law 108–92); and

An act to amend the Immigration and Nationality Act (Public Law 108–99).

The effects of these new laws are identified in the enclosed table.

Sincerely,
DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

FISCAL YEAR 2004 HOUSE CURRENT LEVEL REPORT AS OF OCTOBER 15, 2003

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous session:			
Revenues	0	0	1,466,370
Permanents and other spending legislation	1,089,029	1,061,356	0
Appropriation legislation	0	345,754	0
Offsetting receipts	−366,436	−366,436	0
Total, enacted in previous sessions:	722,593	1,040,674	1,466,370
Enacted this session (excluding emergencies [1]):			
Authorizing Legislation			
American 5-Cent Coin Design Continuity Act of 2003 (P.L. 108–15)	−1	−1	0
Unemployment Compensation Amendments of 2003 (P.L. 108–26)	4,730	4,730	145
Jobs and Growth Tax Relief Reconciliation Act of 2003 (P.L. 108–27)	13,312	13,312	−135,370
Welfare Reform Extension Act of 2003 (P.L. 108–40)	99	108	0
Burmese Freedom and Democracy Act (P.L. 108–61)	0	0	−10
Smithsonian Facilities Authorization Act (P.L. 108–72)	1	1	0
An act to amend Title XXI of the Social Security Act (P.L. 108–74)	1,325	100	0
Chile Free Trade Agreement Implementation Act (P.L. 108–77)	0	0	−5
Singapore Free Trade Agreement Implementation Act (P.L. 108–78)	0	0	−55
Continuing Resolution, 2004 (P.L. 108–84)	−2,222	1	−2
Surface Transportation Extension Act of 2003 (P.L. 108–88)	6,405	0	0
An act to extend the Temporary Assistance for Needy Families block grant program (P.L. 108–89)	15	−36	33
An act to amend chapter 84 of title 5 of the United States Code (P.L. 108–92)	1	1	0
An act to amend the Immigration and Nationality Act (P.L. 108–99)	0	0	2
Total, authorizing legislation	23,665	18,216	−135,262
Appropriation Acts:			
Emergency Wartime Supplemental Appropriations Act, 2003 (P.L. 108–11)	215	27,349	0
Legislative Branch Appropriations Act, 2004 (P.L. 108–83)	3,548	2,949	0
Defense Appropriations Act, 2004 (P.L. 108–87)	368,694	251,486	0
Homeland Security Appropriations Act, 2004 (P.L. 108–90)	30,216	18,192	0
Total, appropriation acts	402,673	299,976	0
Continuing Resolution Authority:			
Continuing Resolution, 2004 (P.L. 108–84)	366,209	193,807	0
Total, enacted this session	792,547	511,999	−135,262
Entitlements and mandatories:			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	357,625	337,375	0
Total Current Level[1, 2]	1,872,765	1,890,048	1,331,108
Total Budget Resolution	1,880,555	1,903,502	1,325,452
Current Level Over Budget Resolution	0	0	5,656
Current Level Under Budget Resolution	7,790	13,454	0
Memorandum:			
Revenues, 2004–2008:			
House Current Level	0	0	8,377,091
House Budget Resolution	0	0	8,168,933
Current Level Over Budget Resolution	0	0	208,158

Notes.—P.L.=Public Law.

[1] Per section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes outlays of $262 million from funds provided in the Emergency Supplemental Appropriations for Disaster Relief Act of 2003 (P.L. 108–69), and budget authority of −$9 million and outlays of $573 million from funds provided in the Legislative Branch Appropriations Act, 2004 (P.L. 108–83).

[2] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include outlays of $508 million from prior appropriations for Social Security administrative expenses. As a result, the current level excludes these items.

SOURCE: Congressional Budget Office.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 55 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0101

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 1 o'clock and 1 minute a.m.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3289, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–322) on the resolution (H. Res. 401) providing for further consideration of the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARSHALL (at the request of Ms. PELOSI) for today on account of illness.

Mr. PUTNAM (at the request of Mr. DELAY) for today and the balance of the week on account of the birth of his child.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEORGE MILLER of California) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mr. CASE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

(The following Members (at the request of Mr. KOLBE) to revise and extend their remarks and include extraneous material:)

Mr. MCCOTTER, for 5 minutes, October 17.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1474. An act to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes.

H.R. 3229. An act to amend title 44, United States Code, to transfer to the Public Printer the authority over the individuals responsible for preparing indexes of the Congressional Record, and for other purposes.

ADJOURNMENT

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 2 minutes a.m.), the House adjourned until today, Friday, October 17, 2003, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4783. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Michael E. Zettler, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4784. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Raymond P. Huot, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4785. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Michael L. Dodson, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4786. A letter from the Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule—Special Demonstration Programs-Model Demonstrations to Improve the Literacy and Employment Outcomes of Individuals With Disabilities (RIN: 1820–ZA29) received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4787. A letter from the Regulations Coordinator, Administration for Children and Families, Department of Health and Human Services, transmitting the Department's final rule—Charitable Choice Provisions Applicable to Programs Authorized Under the Community Services Block Grant Act (RIN: 0970–AC13) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4788. A letter from the Chief Counsel, WTB/CWD/Policy & Rules Branch, Federal Communications Commission, transmitting the Commission's final rule—Public Mobile Services and Personal Communications Services [WT Docket No. 01-108; FCC 02-229 and FCC 02-247] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4789. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 1, 43, and 63 of the Commission's Rules—received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4790. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule—Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services [CC Docket No. 92-297] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4791. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule—FWCC Request for Declaratory Ruling on Partial-Band Licensing of Earth Stations in the Fixed-Satellite Service That Share Terrestrial Spectrum [IB Docket No. 00-203 RM-9649] FWCC Petition for Rulemaking to Set Loading Standards for Earth Stations In the Fixed-Satellite Service that Share Terrestrial Spectrum; Onsat Petition for Declaratory Order that Blanket Licensing Pursuant to Rule 25.115 (c) is Available for Very Small Aperture Terminal Satellite Network Operations at C-Band [SAT-PDR-19990910-00091] Onsat Petition for Waiver of Rule 25.212(d) to the Extent Necessary to Permit Routine Licensing of 3.7 Meter Transmit to the Committee on Energy and Commerce.

4792. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Undersanding and Arrangements [IB Docket No. 99-67] Petition of the National Telecommunications and Information Administration to Amend Part 25 of the Commission's Rules to Establish Emission Limits for Mobile and Portable Earth Stations Operating in the 1610-1660.5 MHz Band [RM no. 9165] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4793. A communication from the President of the United States, transmitting a report including matters relating to post-liberation Iraq as consistent with the Authorization for Use of Military Force Against Iraq Resolution of2002 (Public Law 107-243); (H. Doc. No. 108—135); to the Committee on International Relations and ordered to be printed.

4794. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4795. A letter from the Chief, Coordination and Review Section, Civil Rights Division, Department of Justice, transmitting the Department's final rule—Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance; Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance; Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance (RIN: 2105–AC96, et. al.) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4796. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Outer Continental Shelf Facility Security [USCG-2003-14759] (RIN: 1625–AA68) received October 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4797. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Facility Security [USCG-2003-14732] (RIN: 1625–AA43) received October 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4798. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Vessel Security [USCG-2003-14749] (RIN: 1625–AA46) received October 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4799. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Area Maritime Security [USCG-2003-14733] (RIN: 1625–AA42) received October 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4800. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Automatic Identification System; Vessel Carriage Requirement [USCG-2003-14757] (RIN: 1625–AA67) received October 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[October 17 (legislative day of October 16), 2003]

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 401. Resolution providing for further consideration of the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–322). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII The Committee on Armed Services discharged from further consideration. H.R. 3214 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3214. Referral to the Committee on Armed Services extended for a period ending not later than October 16, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. CAPITO:

H.R. 3305. A bill to revise the boundary of Harpers Ferry National Historical Park, and for other purposes; to the Committee on Resources.

By Mr. CASE (for himself, Mr. Abercrombie, Ms. Bordallo, Ms. Millender-McDonald, Mr. Serrano, Ms. Roybal-Allard, and Mr. Honda):

H.R. 3306. A bill to amend the Immigration and Nationality Act to remove from an alien the initial burden of establishing that he or she is entitled to nonimmigrant status under section 101(a)(15)(B) of such Act, in the case of certain aliens seeking to enter the United States for a temporary stay occasioned by the serious illness or death of a United States citizen or an alien lawfully admitted for permanent residence, and for other purposes; to the Committee on the Judiciary.

By Mr. CHOCOLA (for himself, Mr. Davis of Tennessee, Mr. Cole, Mr. Rogers of Michigan, Ms. Harris, Mr. Schrock, Mr. Rogers of Alabama, Mr. Sherwood, Mr. Barrett of South Carolina, Mr. Bishop of Utah, Mr. Souder, Mr. Green of Wisconsin, Mr. Pearce, Mr. Porter, Mrs. Miller of Michigan, Mr. Burton of Indiana, Mr. LaHood, Mr. Renzi, Mr. McCotter, Mr. Feeney, Mr. Carter, Mr. English, Ms. Hart, Mr. Putnam, Mr. Otter, Mr. Chabot, Mr. Wicker, Mr. Franks of Arizona, Mr. Shadegg, Mr. Bartlett of Maryland, Mr. Jones of North Carolina, Mr. Pitts, Mr. Ryun of Kansas, Mr. Herger, Mr. Buyer, Mr. Calvert, Mr. Ney, Mr. Weldon of Florida, Mr. Doolittle, Mr. Burns, Mrs. Musgrave, Mr. Gibbons, and Mr. Nunes):

H.R. 3307. A bill to amend title 18, United States Code, to create the Federal crime of eco-terrorism; to the Committee on the Judiciary.

By Mr. DOOLEY of California (for himself, Mr. Gutknecht, Mr. Boehner, Mr. Ose, Mr. Janklow, Mr. Rush, Mr. Davis of Illinois, Mr. Kirk, Mr. Manzullo, Mr. Souder, Mr. LaTourette, Mr. Ford, Mr. Rodriguez, Mr. Sessions, Mr. Kind, and Mr. Petri):

H.R. 3308. A bill to amend the Agricultural Adjustment Act to convert the dairy forward pricing program into a permanent program of the Department of Agriculture; to the Committee on Agriculture.

By Mr. FILNER:

H.R. 3309. A bill to amend the Immigration and Nationality Act to restore certain provisions relating to the definition of aggravated felony and other provisions as they were before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

By Mr. FOLEY (for himself, Mrs. Jones of Ohio, Mr. Nussle, Mr. Hayworth, Mr. Manzullo, Ms. Velázquez, Mr. Weller, Mr. Lewis of Kentucky, Mr. Davis of Alabama, Mr. English, Mr. Shaw, Mr. Bachus, Mr. Putnam, and Mr. McKeon):

H.R. 3310. A bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for roof systems; to the Committee on Ways and Means.

By Mr. McKEON (for himself, Mr. Boehner, Mr. Isakson, Mr. Petri, Mr. Cole, and Mr. Duncan):

H.R. 3311. A bill to amend the Higher Education Act of 1965 to address the rising cost of postsecondary education; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Washington (for himself, Mr. Nethercutt, and Mr. Walden of Oregon):

H.R. 3312. A bill to amend the Agricultural Adjustment Act to add pears and cherries to the list of fruits and vegetables subject to regulation in a marketing order by grade, size, quality, or maturity, and for other purposes; to the Committee on Agriculture.

By Mr. HOSTETTLER (for himself, Mr. Pence, Mr. Smith of Michigan, Mr. Garrett of New Jersey, Mr. Goode, Mr. Akin, Mr. Gutknecht, Mr. Weldon of Florida, Mr. Jones of North Carolina, Mr. Bartlett of Maryland, Mr. Forbes, and Mr. Paul):

H.R. 3313. A bill to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act; to the Committee on the Judiciary.

By Mr. McCOTTER:

H.R. 3314. A bill to provide criminal penalties for false information about the status of a member of the Armed Forces engaged in armed conflict; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 3315. A bill to curtail the use of high-stakes tests in elementary and secondary schools; to the Committee on Education and the Workforce.

By Mr. PALLONE:

H.R. 3316. A bill to reauthorize the Marine Mammal Protection Act of 1972, and for other purposes; to the Committee on Resources.

By Mr. POMEROY:

H.R. 3317. A bill to expand the travel and transportation allowances available to members of the Armed Forces granted leave under the Rest and Recuperation Leave program, to amend title 10, United States Code, to provide TRICARE program eligibility for members of the Ready Reserve and financial support for continuation of health insurance for mobilized members of reserve components, and to increase the amount of basic educational assistance for members of the Selected Reserve, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTER (for himself, Mr. Gerlach, Mr. Cole, Mr. Carter, Mr. Wilson of South Carolina, Mr. Paul, Mr. Barrett of South Carolina, Mr. Nunes, Mr. Rogers of Michigan, Mr. Platts, Mr. Burns, Mr. King of Iowa, Mr. Garrett of New Jersey, and Mrs. Musgrave):

H.R. 3318. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income employer contributions to college tuition plans and education savings accounts; to the Committee on Ways and Means.

By Mr. REHBERG (for himself, Mr. Pomeroy, Mr. Case, Mr. Green of Wisconsin, Mr. Paul, Mr. Sherwood, and Mr. Janklow):

H.R. 3319. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit the Administrator of the Environmental Protection Agency to register a Canadian pesticide; to the Committee on Agriculture.

By Mr. ROSS (for himself, Mr. Pickering, and Mr. Berry):

H.R. 3320. A bill to improve migratory bird management by the Animal and Plant Health Inspection Service of the Department of Agriculture, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUPPERSBERGER:

H.R. 3321. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Baltimore, Maryland, metropolitan area; to the Committee on Veterans' Affairs.

By Ms. SCHAKOWSKY (for herself, Ms. Waters, Mr. Sanders, Ms. Carson of Indiana, Mr. McGovern, Mr. DeFazio, Mr. Gutierrez, Ms. Slaughter, Ms. Lee, Ms. Norton, Mr. Payne, Mr. Owens, Mr. Waxman, Mr. Pallone, Ms. Woolsey, Mrs. Jones of Ohio, Ms. Bordallo, Mr. Grijalva, Mr. George Miller of California, Mr. Kucinich, Mr. Rush, Ms. Kaptur, Ms. Jackson-Lee of Texas, Mr. Bell, Mr. Green of Texas, Mr. Honda, Mr. Brady of Pennsylvania, and Mrs. Christensen):

H.R. 3322. A bill to amend the Truth in Lending Act, the Revised Statutes of the United States, the Home Mortgage Disclosure Act of 1975, and the amendments made by the Home Ownership and Equity Protection Act of 1994 to protect consumers from predatory lending practices, and for other purposes; to the Committee on Financial Services.

By Mr. SCHIFF (for himself and Mr. Radanovich):

H.R. 3323. A bill to permit States to require insurance companies to disclose insurance information; to the Committee on Financial Services.

By Mr. SHAYS (for himself, Mr. Grijalva, Mr. George Miller of California, Mr. Hinchey, Mr. Blumenauer, Mr. Holt, Mr. Markey, and Mr. McDermott):

H.R. 3324. A bill to provide compensation to livestock operators who voluntarily relinquish a grazing permit or lease on Federal lands, and for other purposes; to the Committee on Resources, and in addition to the Committees on Agriculture, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Ms. Lee, Mr. Lantos, Ms. Eshoo, Mr. Stark, Mrs. Tauscher, Mr. Thompson of California, Ms. Roybal-Allard, Ms. Harman, Mr. Berman, and Mr. Honda):

H.R. 3325. A bill to designate certain public lands as wilderness and certain rivers as wild and scenic rivers in the State of California, and to establish the Ancient Bristlecone Pine Forest, and for other purposes; to the Committee on Resources.

By Mr. THOMPSON of California:

H.R. 3326. A bill to extend the King Range National Conservation Area boundary in the State of California to include the Mill Creek, Squaw Creek, and Indian Creek Forests; to the Committee on Resources.

By Mr. THOMPSON of California (for himself, Ms. Solis, Mr. Lantos, Ms. Harman, Ms. Eshoo, Mr. Stark, Mrs. Tauscher, Ms. Roybal-Allard, and Ms. Lee):

H.R. 3327. A bill to designate certain public lands as wilderness and certain rivers as wild and scenic rivers in the northern portion of the State of California, to designate Salmon Restoration Areas, to establish the Sacramento River National Conservation Area, and for other purposes; to the Committee on Resources.

By Mrs. WILSON of New Mexico:

H.R. 3328. A bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards; to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina (for himself, Mr. HENSARLING, Mrs. BLACKBURN, Mr. GOODE, Mrs. MYRICK, Mr. KINGSTON, Mr. CHOCOLA, Mr. BARRETT of South Carolina, Mr. PAUL, Mr. PLATTS, Mrs. MUSGRAVE, Mrs. NORTHUP, Mr. GREEN of Wisconsin, and Mr. PUTNAM):

H.R. 3329. A bill to prevent abuse of Government credit cards; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. SANDERS, and Mr. MARKEY):

H.J. Res. 72. A joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H. Con. Res. 303. Concurrent resolution expressing the sense of the Congress with respect to obesity in the United States; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself and Ms. WOOLSEY):

H. Con. Res. 304. Concurrent resolution expressing the sense of Congress regarding oppression by the Government of the People's Republic of China of Falun Gong in the United States and in China; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER:

H. Res. 400. A resolution honoring the 25th anniversary of Pope John Paul II's ascension to the papacy; to the Committee on International Relations.

By Mr. BURTON of Indiana (for himself, Mr. GREEN of Wisconsin, Mr. NUNES, Mr. CHABOT, Mr. SHAYS, Mr. HALL, Mr. PETRI, Mr. KIND, Mr. HERGER, Ms. SCHAKOWSKY, and Mr. ROHRABACHER):

H. Res. 402. A resolution expressing the sense of the House of Representatives regarding the urgent need for freedom, democratic reform, and international monitoring of elections, human rights, and religious liberty in the Lao People's Democratic Republic; to the Committee on International Relations.

By Mr. COOPER (for himself and Mr. KOLBE):

H. Res. 403. A resolution recognizing the 30th anniversary of the founding of the National Foundation for Cancer Research; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself, Mr. EMANUEL, Mr. PRICE of North Carolina, Mr. LARSON of Connecticut, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. FARR, Mr. BERMAN, Mr. PASCRELL, Mrs. MALONEY, Mr. BROWN of Ohio, Mr. MCGOVERN, Ms. WATSON, Mr. GORDON, Mr. BERRY, Mr. MORAN of Virginia, Mr. MARKEY, Ms. SCHAKOWSKY, Mr. HOLT, Mr. BLUMENAUER, Mr. STRICKLAND, Mr. RYAN of Ohio, Mr. DELAHUNT, Mr. BELL, Ms. LEE, Mr. WATT, Mr. ISRAEL, Mrs. JONES of Ohio, Ms. MCCOLLUM, Mr. HONDA, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. ALLEN, Mr. JACKSON of Illinois, Mr. CAPUANO, Ms. JACKSON-LEE of Texas, Mr. OBERSTAR, Mr. UDALL of Colorado, Ms. ESHOO, Mr. HINCHEY, Ms. WOOLSEY, Ms. BERKLEY, Mr. SPRATT, Mr. VAN HOLLEN, Mr. INSLEE, Ms. NORTON, Ms. SLAUGHTER, Ms. SOLIS, Mr. LAMPSON, Mr. KLECZKA, Mr. HASTINGS of Florida, Mr. MICHAUD, Mr. OWENS, Mr. SCHIFF, Mr. TIERNEY, Mr. BRADY of Pennsylvania, Mr. ETHERIDGE, Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. PALLONE, and Ms. KILPATRICK):

H. Res. 404. A resolution expressing the sense of the House of Representatives that the position of Iraqi Reconstruction Coordinator should be established within the Department of State to be accountable for all reconstruction funding in Iraq, and for other purposes; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 180: Mr. HENSARLING.

H.R. 290: Mr. VAN HOLLEN, Mr. KENNEDY of Rhode Island, and Mr. CUNNINGHAM.

H.R. 463: Ms. CARSON of Indiana, Mr. CASE, and Mr. GOODLATTE.

H.R. 486: Mr. BEAUPREZ.

H.R. 570: Ms. HOOLEY of Oregon.

H.R. 571: Mr. ISTOOK and Mr. LARSEN of Washington.

H.R. 617: Mr. JONES of North Carolina.

H.R. 673: Mr. MATHESON and Mr. GORDON.

H.R. 718: Mr. BOSWELL.

H.R. 745: Mr. LAMPSON.

H.R. 785: Mr. TURNER of Ohio and Mr. CARTER.

H.R. 786: Mr. LEVIN.

H.R. 792: Mr. PITTS.

H.R. 857: Mr. THOMPSON of California.

H.R. 876: Ms. SLAUGHTER, Mr. BROWN of South Carolina, and Mr. BURR.

H.R. 919: Mr. NEUGEBAUER.

H.R. 935: Mr. PASTOR.

H.R. 936: Mr. CLAY.

H.R. 962: Mr. OLVER.

H.R. 997: Mr. TURNER of Ohio and Mr. CRANE.

H.R. 1046: Mr. PLATTS.

H.R. 1102: Ms. PELOSI.

H.R. 1105: Mr. PASTOR, Mr. GORDON, Mr. BELL, and Mr. CASE.

H.R. 1121: Mr. KING of New York.

H.R. 1205: Mr. MEEHAN and Mr. EMANUEL.

H.R. 1212: Mr. MENENDEZ.

H.R. 1236: Mr. ANDREWS.

H.R. 1250: Mr. LAHOOD.

H.R. 1285: Mr. HASTINGS of Florida and Ms. PELOSI.

H.R. 1316: Mr. ISRAEL and Mr. CUMMINGS.

H.R. 1322: Mr. MICHAUD, Mr. DEFAZIO, Mr. ACKERMAN, Mr. LANGEVIN, and Ms. SOLIS.

H.R. 1336: Mr. GOSS, Mr. BECERRA, and Mr. NORWOOD.

H.R. 1421: Mr. ROGERS of Michigan and Mr. COLE.

H.R. 1470: Mr. CUMMINGS.

H.R. 1501: Ms. LEE and Ms. ESHOO.

H.R. 1523: Mr. PORTER.

H.R. 1534: Ms. NORTON.

H.R. 1660: Mr. DEMINT.

H.R. 1695: Mr. MICHAUD.

H.R. 1708: Ms. NORTON, Mr. FORBES, and Mr. BLUMENAUER.

H.R. 1734: Mr. JENKINS, Mr. ALLEN, Mr. DEUTSCH, and Mr. SMITH of New Jersey.

H.R. 1742: Mr. GALLEGLY.

H.R. 1760: Ms. MILLENDER-MCDONALD.

H.R. 1778: Mr. JEFFERSON.

H.R. 1784: Mr. LAMPSON.

H.R. 1790: Mr. JANKLOW.

H.R. 1796: Ms. WATSON.

H.R. 1819: Mr. MCINTYRE.

H.R. 1862: Mr. CANNON.

H.R. 1873: Mr. OSBORNE.

H.R. 1886: Mrs. JO ANN DAVIS of Virginia.

H.R. 1938: Mr. FROST.

H.R. 1943: Mr. BOEHNER.

H.R. 1956: Mr. SABO.

H.R. 2045: Mr. MCHUGH, Mr. ROSS, Mr. KELLER, and Mr. PETERSON of Pennsylvania.

H.R. 2094: Mr. ISTOOK.

H.R. 2102: Mr. CANNON.

H.R. 2131: Mr. SOUDER, Ms. HARRIS, Mr. GALLEGLY, Mrs. WILSON of New Mexico, Mr. BOOZMAN, Mr. CUNNINGHAM, Mr. GOSS, and Mr. TOWNS.

H.R. 2133: Mr. MANZULLO.

H.R. 2166: Mr. HOUGHTON.

H.R. 2217: Mr. MCCOTTER.

H.R. 2218: Ms. SCHAKOWSKY.

H.R. 2237: Mrs. KELLY.

H.R. 2239: Mr. DEUTSCH, Mr. SANDERS, Ms. HOOLEY of Oregon, Mr. CUMMINGS, and Mr. THOMPSON of Mississippi.

H.R. 2327: Mr. FORBES.

H.R. 2347: Mr. KOLBE.

H.R. 2348: Mr. SHIMKUS and Mr. BALLANCE.

H.R. 2437: Mr. CUMMINGS.

H.R. 2456: Mr. BISHOP of New York.

H.R. 2485: Mr. ALLEN.

H.R. 2491: Mr. KILDEE.

H.R. 2494: Mr. JEFFERSON.

H.R. 2711: Mr. MEEKS of New York, Mr. ABERCROMBIE, Mr. BLUMENAUER, Mr. RODRIGUEZ, Mr. SPRATT, Mr. ORTIZ, and Ms. BERKLEY.

H.R. 2719: Mrs. CAPITO, Mr. SOUDER, Mr. WELLER, Mr. DEFAZIO, Ms. LINDA T. SÁNCHEZ of California, Mr. WYNN, Mr. NORWOOD, and Mrs. MALONEY.

H.R. 2720: Mr. BOEHLERT, Mr. FROST, Mr. GILLMOR, Mr. HOUGHTON, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. KING of New York, Mr. PETRI, Mr. RANGEL, Mr. SWEENEY, and Mr. WALSH.

H.R. 2727: Mr. SABO.

H.R. 2732: Mr. HAYWORTH.

H.R. 2735: Mr. MEEKS of New York, Mr. SHAW, Mr. NORWOOD, Mr. NUNES, Mr. BALLANCE, and Mr. BOUCHER.

H.R. 2743: Mrs. MUSGRAVE and Mr. SULLIVAN.

H.R. 2760: Mr. TANCREDO.

H.R. 2764: Mr. INSLEE.

H.R. 2768: Mr. BAKER, Mr. COSTELLO, Mr. SULLIVAN, and Mr. BERRY.

H.R. 2771: Mr. KING of New York and Mr. SWEENEY.

H.R. 2821: Mr. EVANS, Mr. TOWNS, and Ms. DELAURO.

H.R. 2833: Mr. COOPER, Mr. CUMMINGS, Mr. JENKINS, Mr. TANNER, Mr. RUSH, Mr. JEFFERSON, and Mr. WAMP.

H.R. 2837: Mr. ETHERIDGE.

H.R. 2849: Mr. SULLIVAN.

H.R. 2851: Mr. SOUDER.

H.R. 2864: Mr. CARTER.

H.R. 2889: Mr. ANDREWS.

H.R. 2897: Mr. FROST.

H.R. 2914: Mr. LARSEN of Washington.

H.R. 2924: Mr. JANKLOW.

H.R. 2978: Mr. SIMPSON, Mrs. MILLER of Michigan, Mrs. MUSGRAVE, and Mr. NETHERCUTT.

H.R. 3010: Mr. FROST.

H.R. 3042: Mr. NEUGEBAUER, Mr. SHAYS, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 3051: Mr. HOLT, Ms. LOFGREN, and Mr. DOYLE.

H.R. 3063: Ms. KAPTUR, Mr. BERMAN, Mr. FOLEY, and Mr. WEXLER.

H.R. 3066: Mr. KENNEDY of Minnesota, Mrs. MALONEY, Mr. HOEKSTRA, Mr. SPRATT, and Mrs. CUBIN.

H.R. 3078: Mr. WAXMAN and Mr. SANDERS.

H.R. 3099: Mr. PASCRELL.

H.R. 3103: Mr. KILDEE and Mr. HYDE.

H.R. 3104: Mrs. CAPPS, Mr. FRELINGHUYSEN, and Mr. TIERNEY.

H.R. 3111: Ms. HARRIS and Mr. OSBORNE.

H.R. 3112: Mr. UPTON, Mr. STUPAK, and Mr. CAMP.

H.R. 3119: Mr. ROGERS of Kentucky, Mr. PORTMAN, Mr. RYAN of Ohio, and Mr. PEARCE.

H.R. 3125: Mr. TAYLOR of Mississippi.

H.R. 3129: Mr. WEXLER.

H.R. 3130: Mr. HAYWORTH.

H.R. 3142: Mr. RADANOVICH, Mr. PEARCE, Mr. NUNES, Mr. MCHUGH, Mr. HOUGHTON, Mr. LAHOOD, Mr. WALSH, Mr. BROWN of South Carolina, Mr. FOLEY, Mr. WELLER, Mr. REYNOLDS, Mr. PUTNAM, Mr. MARIO DIAZ-BALART of Florida, Mr. PITTS, Mr. QUINN, Mr. HERGER, Mr. RYAN of Wisconsin, Mr. SHIMKUS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WICKER, Mr. RODRIGUEZ, Mr. MCGOVERN, Ms. HOOLEY of Oregon, Mr. FARR, Mr. DOOLEY of California, Mr. BISHOP of Georgia, Mr. BACA, Mr. HINOJOSA, Mr. WEXLER, Mr. GRIJALVA, Mr. THOMPSON of California, Ms. LOFGREN, Mr. PASTOR, Ms. ROYBAL-ALLARD, Mr. ABERCROMBIE, Mr. MEEK of Florida, Mr. HONDA, Mr. BECERRA, Mr. SABO, and Mr. FRANK of Massachusetts.

H.R. 3158: Mr. LEWIS of Georgia, Mr. CLAY, Mr. MATSUI, Mr. PETERSON of Minnesota, Mr. GUTIERREZ, and Mr. RODRIGUEZ.

H.R. 3177: Mrs. MUSGRAVE, and Mr. SMITH of Michigan.

H.R. 3190: Mr. GOODE.

H.R. 3191: Mr. NORWOOD, Mr. NEY, Mrs. JO ANN DAVIS of Virginia, and Mr. UPTON.

H.R. 3192: Ms. WOOLSEY, Mr. FROST, Mr. STRICKLAND, Ms. NORTON, Mr. CASE, and Mr. WEXLER.

H.R. 3199: Mr. RANGEL and Ms. LOFGREN.

H.R. 3203: Mr. TERRY and Ms. MILLENDER-MCDONALD.

H.R. 3205: Mr. TOM DAVIS of Virginia.

H.R. 3214: Mr. LATOURETTE, Ms. DEGETTE, Mr. TERRY, Mr. MARKEY, Mr. MOORE, Ms. SCHAKOWSKY, Ms. LEE, Mr. HONDA, Mr. BECERRA, Ms. DUNN, Mr. KENNEDY of Minnesota, Mr. ACEVEDO-VILÁ, Mr. MICHAUD, Ms. MAJETTE, Mr. LANTOS, Mr. KANJORSKI, Mr. KIND, Mr. BOYD, Mr. DICKS, Ms. ESHOO, Mr. ISRAEL, Mr. PRICE of North Carolina, Mr. LYNCH, Mr. TAYLOR of North Carolina, Mr. PALLONE, Mrs. JONES of Ohio, Mr. VITTER, Mr. ETHERIDGE, Mr. LEACH, Mr. SHAYS, Mr. GUTIERREZ, Mr. SWEENEY, Mr. JEFFERSON, Mr. HASTINGS of Florida, Mr. MCCOTTER, Mr. SMITH of New Jersey, Mr. THOMPSON of Mississippi, Mr. SIMMONS, Mr. TIBERI, Mr. HOYER, Mr. BARTLETT of Maryland, Mr. BOEHLERT, Mr. CLAY, Mr. MENENDEZ, Mr. BACA, Mr. ROHRABACHER, Mr. MURTHA, Mr. TIERNEY, Mr. TURNER of Ohio, Mr. PORTMAN, Mr. NEAL of Massachusetts, Mr. BELL, Mr. WELLER, Ms. MCCOLLUM, Mr. CASTLE, Mr. ANDREWS, Mr. BRADY of Pennsylvania, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. DOYLE, Mr. FATTAH, Mr. GORDON, Mr. HASTINGS of Washington, Ms. KILPATRICK, Mr. LEVIN, Mr. PAYNE, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. WELDON of Pennsylvania, Mr. VAN HOLLEN, Mr. BEAUPREZ, Ms. PELOSI, Mr. BURR, Mr. MATSUI, Mr. DAVIS of Illinois, Mr. INSLEE, Mr. LEWIS of Georgia, Mrs. LOWEY, Ms. LORETTA SANCHEZ of California, Mr. RYAN of Ohio, Mr. POMEROY, Mr. SABO, Mr. PASCRELL, Mr. HOUGHTON, Mr. LARSON of Connecticut, Mr. RAHALL, Mr. THOMPSON of California, Mr. KUCINICH, Mr. SCOTT of Georgia, Mr. BOSWELL, Mr. CARSON of Oklahoma, Mr. CLYBURN, Mr. DOGGETT, Mrs. EMERSON, Mr. GONZALEZ, Mr. HINOJOSA, Ms. KAPTUR, Mr. LIPINSKI, Mr. REYES, Mr. OXLEY, Mr. GILLMOR, and Mr. UPTON.

H.R. 3220: Mr. CANNON and Mr. OXLEY.

H.R. 3228: Ms. SOLIS.

H.R. 3244: Ms. SOLIS and Mr. PASTOR.

H.R. 3246: Mr. MOORE, Ms. MCCOLLUM, Mr. GREENWOOD, and Mr. CHOCOLA.

H.R. 3247: Mrs. CUBIN.

H.R. 3251: Mr. EMANUEL and Ms. WOOLSEY.

H.R. 3257: Mr. LATOURETTE.

H.R. 3263: Mr. EHLERS and Mr. SHIMKUS.

H.R. 3266: Mrs. MYRICK, Mr. SHAYS, and Mr. WELDON of Pennsylvania.

H.R. 3281: Mr. FRANK of Massachusetts.

H.R. 3295: Mr. PLATTS.

H.J. Res. 65: Mr. KELLER.

H. Con. Res. 37: Mr. CUMMINGS.

H. Con. Res. 226: Mr. DEFAZIO.

H. Con. Res. 247: Mrs. JO ANN DAVIS of Virginia.

H. Con. Res. 257: Mr. BROWN of South Carolina.

H. Con. Res. 269: Mr. RANGEL.

H. Con. Res. 280: Mr. COBLE, Mr. RAHALL, Ms. BERKLEY, and Mr. GERLACH.

H. Con. Res. 284: Mr. KING of New York.

H. Con. Res. 285: Mr. RYAN of Wisconsin, Mr. WALSH, Mr. UPTON, and Mr. RYAN of Ohio.

H. Con. Res. 292: Mr. DAVIS of Illinois, Mr. VAN HOLLEN, Mr. SERRANO, Mr. HINCHEY, Ms. ROYBAL-ALLARD, Mr. WAXMAN, Mr. KENNEDY of Rhode Island, Mr. FROST, Mr. STARK, Mr. GRIJALVA, Mr. ACEVEDO-VILÁ, Ms. SLAUGHTER, Mr. MCDERMOTT, Mrs. MCCARTHY of New York, Mr. DOGGETT, Ms. KILPATRICK, Mr. GEORGE MILLER of California, Mr. KIND, Mr. MCNULTY, Mr. BERMAN, Mr. BELL, Ms. LEE, Mr. KILDEE, and Mr. TOWNS.

H. Con. Res. 298: Mr. DEMINT.

H. Res. 42: Mr. GUTKNECHT.

H. Res. 144: Mr. FILNER.

H. Res. 167: Mr. RANGEL.

H. Res. 236: Mr. GOODE and Ms. LOFGREN.

H. Res. 261: Ms. NORTON and Ms. HOOLEY of Oregon.

H. Res. 325: Mr. WAXMAN.

H. Res. 373: Ms. CORRINE BROWN of Florida, Ms. DEGETTE, and Ms. WOOLSEY.

H. Res. 378: Mr. BARTLETT of Maryland, Mr. MILLER of North Carolina, and Mr. GILLMOR.

H. Res. 382: Mr. GUTIERREZ and Ms. BORDALLO.

H. Res. 394: Mr. HAYES.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3289

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 39: Page 31, line 5, strike ", the Department of Defense".

H.R. 3289

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 40: Page 29, line 14, after the dollar amount insert "(increased by $20,000,000)".

Page 30, line 1, after the dollar amount insert "(reduced by $500,000,000)".

Page 33, line 19, after the dollar amount insert "(increased by $192,000,000)".

Page 33, line 20, after the dollar amount insert "(increased by $174,750,000)".

Page 34, line 6, after the dollar amount insert "(increased by $17,250,000)".

Page 36, line 22, after the dollar amount insert "(increased by $35,000,000)".

H.R. 3289

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 41: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) MODIFICATION OF HIGHEST INCOME TAX RATE.—The table contained in paragraph (2) of section 1(i) of the Internal Revenue Code of 1986 (relating to reductions in rates after June 30, 2001) is amended to read as follows:

"In the case of taxable years beginning during calendar year:	The corresponding percentages shall be substituted for the following percentages:			
	28%	31%	36%	39.6%
2003	25.0%	28.0%	33.0%	35.0%
2004, 2005, or 2006	25.0%	28.0%	33.0%	39.6%
2007	25.0%	28.0%	33.0%	37.0%
2008 and thereafter	25.0%	28.0%	33.0%	35.0%".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

(c) APPLICATION OF EGTRRA SUNSET.—The amendment made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

H.R. 3289

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 42: Page 30, on each of lines 1 and 3, insert after the dollar amount the following: "(reduced by $209,000,000)".

H.R. 3289

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 43: At the end of the bill (preceding the short title), add the following:

SEC. ____. None of the amounts made available and allocated for oil infrastructure under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND" may be used to enter into any contract (except for a contract that is entered into using competitive procedures).

H.R. 3289

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 44: Page 30, line 1, after the dollar amount insert "(reduced by $153,000,000)".

Page 30, beginning on line 9, strike "$153,000,000 for private sector development;".

H.R. 3289

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 45: Page 30, line 1, after the dollar amount insert "(reduced by $2,100,000,000)".

Page 30, beginning on line 5, strike "$2,100,000,000 for oil infrastructure;".

H.R. 3289

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 46: Page 51, after line 11, insert the following new section:

SEC. 3007. None of the funds made available in this Act under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND" may be obligated or expended until the President certifies to Congress that the United States Government has received assurances from the Iraqi Governing Council or other appropriate Iraqi entity that a future Iraqi Government will repay to the United States Government all amounts expended under such heading and that this repayment will take priority over repayment of debts owed by Iraq to other countries.

H.R. 3289

OFFERED BY: MR. TANNER

AMENDMENT NO. 47: Page 51, after line 11, insert the following new section:

SEC. 3007. None of the funds made available in this Act under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND" may be provided in a form other than loans.

H.R. 3289

OFFERED BY: MR. DEUTSCH

AMENDMENT NO. 48: At the end of the bill (before the short title), insert the following:

SEC. 3007. None of the funds made available under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND" may be provided until September 30, 2004.

H.R. 3289

OFFERED BY: MR. FILNER

AMENDMENT NO. 49: After the appropriating clause (preceding title I), insert the following:

TITLE IA—DOMESTIC EMERGENCIES

SEC. 101. For an additional amount for elimination of the disabled veterans tax (the prohibition on concurrent receipt of military retired pay and veterans disability compensation), $4,500,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

H.R. 3289

OFFERED BY: MR. LARSON OF CONNECTICUT

AMENDMENT NO. 50: At the end of the bill (before the short title), insert the following:

SEC.   . (a) PROVISION OF FUNDS FOR SECURITY AND STABILIZATION OF IRAQ THROUGH PARTIAL SUSPENSION OF REDUCTIONS IN HIGHEST INCOME TAX RATE FOR INDIVIDUAL TAXPAYERS.—The table contained in paragraph (2) of section 1(i) of the Internal Revenue Code of 1986 (relating to (relating to reductions in rates after June 30, 2001) is amended to read as follows:

"In the case of taxable years beginning during calendar year:	The corresponding percentages shall be substituted for the following percentages:			
	28%	31%	36%	39.6%
2001	27.5%	30.5%	35.5%	39.1%
2002	27.0%	30.0%	35.0%	38.6%
2003 and 2004	25.0%	28.0%	33.0%	35.0%
2005 and thereafter	25.0%	28.0%	33.0%	38.2%".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

(c) APPLICATION OF EGTRRA SUNSET TO THIS SECTION.—The amendment made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

H.R. 3289

OFFERED BY: MR. LARSON OF CONNECTICUT

AMENDMENT NO. 51: At the end of title II of the bill, add the following:

SEC.   . (a)(1) Of the funds appropriated under chapter 2 of this title under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND"—

(A) not more than $5,000,000,000 may be obligated or expended before April 1, 2004; and

(B) the excess of the total amount so appropriated over $5,000,000,000 may not be obligated or expended after April 1, 2004, unless—

(i) the President submits to Congress in writing the certifications described in subsection (b); and

(ii) Congress enacts an appropriations law (other than this Act) that authorizes the obligation and expenditure of such funds.

(2) Paragraph (1) does not apply to the $3,243,000,000 provided under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND" for security and law enforcement or the $1,318,000,000 provided under such heading for justice, public safety infrastructure, and civil society (which includes funds for Iraqi border enforcement, enhanced security communications, and the establishment of Iraqi national security forces and the Iraq Defense Corps).

(b) The certifications referred to in subsection (a)(1)(B)(i) are as follows:

(1) A certification that the United Nations Security Council has adopted a resolution (after the adoption of United Nations Security Council Resolution 1483 of May 22, 2003, and after the adoption of United Nations Security Council Resolution 1500 of August 14, 2003) that authorizes a multinational force under United States leadership for post-Saddam Hussein Iraq, provides for a central role for the United Nations in the political and economic development and reconstruction of Iraq, and will result in substantially increased contributions of military forces and amounts of money by other countries to assist in the restoration of security in Iraq and the reconstruction of Iraq.

(2) A certification that the United States reconstruction activities in Iraq are being successfully implemented in accordance with a detailed plan (which includes fixed timetables and costs), and with a significant commitment of financial assistance from other countries, for—

(A) the establishment of economic and political stability in Iraq, including prompt restoration of basic services, such as water and electricity services;

(B) the adoption of a democratic constitution in Iraq;

(C) the holding of local and national elections in Iraq;

(D) the establishment of a democratically elected government in Iraq that has broad public support; and

(E) the establishment of Iraqi security and armed forces that are fully trained and appropriately equipped and are able to defend Iraq and carry out other security duties without the involvement of the United States Armed Forces.

(c) Not later than March 1, 2004, the President shall submit to Congress a report on United States and foreign country involvement in Iraq that includes the following information:

(1) The number of military personnel from other countries that, as of such date, are supporting Operation Iraqi Freedom, together with an estimate of the number of such personnel to be in place in Iraq for that purpose on May 1, 2004.

(2) The total amounts of financial donations pledged and paid by other countries for the reconstruction of Iraq.

(3) A description of the economic, political, and military situation in Iraq, including the number, type, and location of attacks on Coalition, United Nations and Iraqi military, public safety, and civilian personnel in the 60 days preceding the date of the report.

(4) A description of the measures taken to protect United States military personnel serving in Iraq.

(5) A detailed plan, containing fixed timetables and costs, for establishing civil, economic, and political security in Iraq, including restoration of basic services, such as water and electricity services.

(6) An estimate of the total number of United States and foreign military personnel that are necessary in the short term and the long term to bring to Iraq stability and security for its reconstruction, including the prevention of sabotage that impedes the reconstruction efforts.

(7) An estimate of the duration of the United States military presence in Iraq and the levels of United States military personnel strength that will be necessary for that presence for each of the future 6-month periods, together with a rotation plan for combat divisions, combat support units, and combat service support units.

(8) An estimate of the total cost to the United States of the military presence in Iraq that includes—

(A) the estimated incremental costs of the United States active duty forces deployed in Iraq and neighboring countries;

(B) the estimated costs of United States reserve component forces mobilized for service in Iraq and in neighboring countries;

(C) the estimated costs of replacing United States military equipment being used in Iraq; and

(D) the estimated costs of support to be provided by the United States to foreign troops in Iraq.

(9) An estimate of the total financial cost of the reconstruction of Iraq, together with—

(A) an estimate of the percentage of such cost that would be paid by the United States and a detailed accounting specified for major categories of cost; and

(B) the amounts of contributions pledged and paid by other countries, specified in major categories.

(10) A strategy for securing significant additional international financial support for the reconstruction of Iraq, including a discussion of the progress made in implementing the strategy.

(11) A schedule, including fixed timetables and costs, for the establishment of Iraqi security and armed forces that are fully trained and appropriately equipped and are able to defend Iraq and carry out other security duties without the involvement of the United States Armed Forces.

(12) An estimated schedule for the withdrawal of United States and foreign armed forces from Iraq.

(13) An estimated schedule for—

(A) the adoption of a democratic constitution in Iraq;

(B) the holding of democratic local and national elections in Iraq;

(C) the establishment of a democratically elected government in Iraq that has broad public support; and

(D) the timely withdrawal of United States and foreign armed forces from Iraq.

(d) Every 90 days after the submission of the report under subsection (c), the President shall submit to Congress an update of that report. The requirement for updates under the preceding sentence shall terminate upon the withdrawal of the United States Armed Forces (other than diplomatic security detachment personnel) from Iraq.

(e) The report under subsection (c) and the updates under subsection (d) shall be submitted in unclassified form.

H.R. 3289

OFFERED BY: MR. LARSON OF CONNECTICUT

AMENDMENT NO. 52: At the end of the bill (before the short title), add the following new section:

SEC.   . (a) STUDY BY COMPTROLLER GENERAL.—The Comptroller General shall conduct a study to assess the effect on the Armed Forces, including the reserve components, of the foreign policies of preemption and unilateralism. The study shall include a discussion of the effect of those policies on military deployment capabilities, readiness, recruiting and retention rates, morale, total force structure, and end strength.

(b) REPORT.—Not later than March 1, 2004, the Comptroller General shall submit to Congress a report containing the findings and conclusions of the study conducted pursuant to subsection (a).

H.R. 3289

OFFERED BY: MR. LARSON OF CONNECTICUT

AMENDMENT NO. 53: Page 19, after line 20, insert the following new section:

SEC.   . (a) Any member of the Armed Forces described in subsection (b) who purchases protective body armor, and any individual who is a family member of such a member of the Armed Forces and purchases protective body armor for that family member, shall be reimbursed for the cost of such purchase. Such reimbursement shall be made directly from the Treasury to the individual to be reimbursed. Such reimbursement shall be made upon presentation of proof of purchase to the Secretary of Treasury and the Secretary's verification from the Secretary of Defense as to the duty status of the individual purchasing or receiving the body armor.

(b) A member of the Armed Forces described in this subsection is a member who—

(1) is serving on active duty and is deployed as part of the global war on terrorism, including Operation Noble Eagle, Operation Enduring Freedom, and Operation Iraqi Freedom; and

(2) as a member of a reserve component, receives activation orders for mobilization and deployment as described in paragraph (1).

(c) The Secretary of Treasury shall take such steps as necessary to begin implementation of subsection (a) not later than the end of the 30-day period beginning on the date of the enactment of this Act.

H.R. 3289

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 54: At the end of the bill (before the short title), insert the following:

SEC.——. No funds in this act shall be disbursed for purposes of reconstruction in Iraq unless the President, in coordination with the Governing Council of Iraq or a successor governing authority in Iraq, first establishes an Iraq Reconstruction Finance Authority to obtain financing for the reconstruction of the infrastructure in Iraq by collateralizing the revenue from future sales of oil extracted in Iraq. The Authority shall obtain financing for the reconstruction of the infrastructure in Iraq through—

(1)(A) issuing securities or other financial instruments; or

(B) obtaining loans on the open market from private banks or international financial institutions; and

(2) to the maximum extent possible, securitizing or collateralizing such securities, instruments, or loans with the revenue from the future sales of oil extracted in Iraq.

H.R. 3289

OFFERED BY: MR. HOEFFEL

AMENDMENT NO. 55: In section 2212(b) (relating to report on military operations and reconstruction efforts), strike paragraphs (7) through (9) and insert the following:

(7) A description of progress made toward the establishment of an independent, sovereign, and democratic government for Iraq, including an estimated schedule for the drafting of a constitution and the holding of free and fair elections.

(8) A description of the extent of international participation in the stabilization and reconstruction of Iraq, including the amount and schedule for the provision of financial assistance by other countries and international organizations.

(9) The number of members of the Armed Forces (including national guard and reserve troops) deployed in connection with Operation Iraqi Freedom and Operation Enduring Freedom, an estimate of the period of time for which such forces will be deployed, and a description of progress made in replacing such forces with international or foreign peacekeeping units.

H.R. 3289

OFFERED BY: MR. WEINER

AMENDMENT NO. 56: Page 51, after line 11, insert the following:

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 3007. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Libya, North Korea, Iran, Saudi Arabia, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

H.R. 3289

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 57: Page 30, line 1, after the dollar amount insert "(reduced by $20,000,000)".

Page 33, lines 19 and 20, after each dollar amount insert "(increased by $20,000,000)".

H.R. 3289

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 58: Page 42, lines 2 and 3, strike "the date of the enactment of this Act" and insert "October 1, 2002,"

H.R. 3289

OFFERED BY: MS. KILPATRICK

AMENDMENT NO. 59: Page 51, after line 11, insert the following new section:

SEC. 3007. None of the funds made available in this Act under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND" may be provided on a non-repayable basis.

H.R. 3289

OFFERED BY: MR. WEINER

AMENDMENT NO. 60: Page 51, after line 11, insert the following:

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 3007. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations (including direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents) to Cuba, Libya, North Korea, Iran, Saudi Arabia, or Syria.

H.R. 3289

OFFERED BY: MR. WEINER

AMENDMENT NO. 61: Page 51, after line 11, insert the following:

PROHIBITION AGAINST DIRECT FUNDING FOR SAUDI ARABIA

SEC. 3007. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations (including direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents) to Saudi Arabia.

H.R. 3289

OFFERED BY: MR. WEINER

AMENDMENT NO. 62: Page 51, after line 11, insert the following:

PROHIBITION AGAINST DIRECT FUNDING FOR SAUDI ARABIA

SEC. 3007. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Saudi Arabia: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

H.R. 3289

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 63: At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this Act may be used to fund any contract in contravention of section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)).

EXTENSIONS OF REMARKS

A TRIBUTE TO HAMILTON PASCAL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Hamilton Pascal for his accomplishments in the business world for which he has earned the Thomas R. Fortune Business Award.

Hamilton was born and raised in Trinidad where he attended public elementary school and later, Burke High School. After graduating from Burke High School, he went on to obtain his license in Electrical Installation from Victoria Institute.

In 1976, Hamilton came to the United States and settled in Brooklyn, New York. He decided that he wanted to further his education in building maintenance and repairs, obtaining his license as a real estate salesperson.

Wanting to become more involved in civic affairs and learn more about politics in the United States, Hamilton became a member of Unity Democratic Club in the early 1990's. By joining Unity Democratic Club, he became involved with the Men's Council and took an active role in several of the activities held by UDC.

For the future, Hamilton is planning to own a home improvement store along with his son Eric Pascal, who currently resides with him.

Mr. Speaker, Hamilton Pascal has worked to improve his business skills and has shown a genuine interest in becoming actively involved in his community. As such, he is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

FREEDOM FOR BERNARDO AREVALO PADRON

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak of a Cuban prisoner of conscience. I rise today in honor of Bernardo Arevalo Padron.

Mr. Arevalo Padron founded the Cuban independent news agency Linea Sur Press in October 1996 to condemn the atrocious human rights violations committed by Castro's tyrannical regime. Mr. Arevalo Padron's insistence on reporting about the deteriorating plight of the Cuban people under Castro's machinery of repression led directly to his arrest.

Bernardo Arevalo Padron was jailed for six years in November 1997 for "insulting" Fidel Castro and calling him a "liar" for not keeping his promises about democracy and so many other matters. Mr. Arevalo Padron was sentenced to six years behind bars because he dared to print the truth about a government that ruthlessly represses any kind of dissent.

After five years of sadistic cruelty in Castro's gulag, Mr. Arevalo Padron has been diagnosed with leptospirosis, which is spread by rats. According to a report issued by Reporters Without Borders, Mr. Arevalo Padron should have been freed on parole in October 2000, but the government refuses to release him because he has not cooperated in the so called re-education program.

Mr. Speaker, Mr. Arevalo Padron has been slowly festering in Castro's inhumane dungeons since 1997 because he called Fidel Castro "a liar". Has ever a man been through so much for a single word of truth?

One of the key reasons why I bring the plight of Mr. Arevalo Padron to the attention of Congress is because there is no independent press in Cuba. None, Mr. Speaker.

Here in the United States we often say, "the truth will set you free"; in Castro's deplorable dictatorship the truth will set you in the gulag for six years. I implore my colleagues to stand for truth, democracy and decency and call with one voice for the instant release of Bernardo Arevalo Padron.

HONORING ROBERTA R. GOLDMAN

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. McGOVERN. Mr. Speaker, I rise today to honor an outstanding individual, Roberta R. Goldman who will be receiving the Eleanor Roosevelt Humanitarian Award from the Shrewsbury Democratic Town Committee.

Mrs. Goldman has worked for years to improve her community in many different ways. In 1982, she joined the Shrewsbury Democratic Town Committee, which she has served on ever since, and currently serves as chairperson of the Eleanor Roosevelt Humanitarian Awards program and vice-chairperson of the town committee itself. In 1998 Mrs. Goldman was elected to the Massachusetts Democratic State Committee, of which she is now an elected representative from the Second Worcester Senatorial District and a member of the State Committee's Rules Committee. During Michael Dukakis' term as Governor of the Commonwealth of Massachusetts, Mrs. Goldman was Director of Education Reform in the Office of Educational Affairs. Her efforts helped to create the Education Reform Act of 1985, an act that she helped to pass when she was a representative of the Eleventh Worcester District in the Massachusetts House of Representatives. As State Representative, she served on the committees on Education, Human Services and Elder Affairs.

Although Mrs. Goldman generally concentrates on helping Democratic candidates in Massachusetts, she has also ventured outside of the state frequently to campaign in New Hampshire as well as spending a summer in Texas, working for Ann Richards, who was running for Governor. Mrs. Goldman has also worked in Wisconsin partaking in the Dukakis presidential campaign and has given much time to aid former President William Clinton in New Jersey.

In addition to Mrs. Goldman's many political endeavors, she is an enthusiastic teacher, working for the Shrewsbury school system since 1971. In 1987, Mrs. Goldman began working at Shrewsbury High School as a social studies teacher. In the early 1990's, Mrs. Goldman established the Political Action Group, a non-partisan organization at Shrewsbury High School, which has enhanced many students' interests in politics and current events.

Finally, her contributions to improving the lives of individuals with developmental disabilities are significant. She is in her sixth term as President of the FOR Special Friends, Inc.

Mr. Speaker, I know my colleagues join me in congratulating my friend, Roberta Goldman.

A TRIBUTE TO HUGH ERROL BOSTON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Hugh Errol Boston for his accomplishments in the business world for which he has received the Thomas R. Fortune Business Award.

Hugh was born to Mr. & Mrs. Samuel and Ruth Boston of Bush Lot, Essequibo, Guyana. Hugh, the fourth of seven children, immigrated to the United States of America in December 1974.

He attended the Anna Regina Primary School and then continued his education by attending Burnette High School. After graduation, Hugh Errol became a member of the Guyana Police Force, where he was employed for four years.

Throughout his years in America, Hugh worked in various enterprises including the construction industry. He also worked at Pfizer Pharmaceuticals as a Quality Control Inspector and a mailroom supervisor at Philip Holtzer and Associates. However, Hugh never lost sight of his goal to establish himself as an entrepreneur. He would eventually realize his goal, opening Boston Shipping Enterprises at 506 Decatur Street, Brooklyn, NY.

He is committed to giving back to the community and has followed his motto of "making a difference in anyone's life," to assist whenever possible. This is demonstrated by his numerous contributions to his community. He built a Church in honor of his mother at Bush

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Lot in Guyana where he sponsors a Vacation Bible School every summer, providing meals and organizing field trips. He also distributes toys to children at the community block party near his residence. Additionally, he offers part-time employment to youngsters who live within the vicinity of his business.

Hugh is married and is the proud father of four daughters.

Mr. Speaker, Hugh Errol Boston has achieved his life ambition in establishing his own business and has used his success to give back to his community. As such, he is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

TRIBUTE TO OYSTER BILINGUAL SCHOOL

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. HINOJOSA. Mr. Speaker, as the Hispanic Heritage Celebration—2003 draws to a close, I rise to pay tribute to Oyster Bilingual Elementary School, a pearl right here in the Nation's Capital. For over 30 years, Oyster School has proudly served the Hispanic community in Washington, DC.

The Oyster School, named after former D.C. Public Schools Superintendent, James F. Oyster, first opened its doors in the 1920's.

By 1970, the Oyster School was home to many immigrant families from Central America who began to settle in the Adams Morgan neighborhood in the District of Columbia.

These new parents along with community activists pushed for the creation of a bilingual program, one that would best instruct their children, whose first language was Spanish.

In the spring of 1971, the D.C. Public School Board approved a two-way bilingual program at the Oyster School. From the beginning, the Oyster School program was a partnership effort.

In addition to support from D.C. Public Schools, Oyster Bilingual Elementary School received Federal funding and a grant from the Ford Foundation for teacher training, curriculum development, and program evaluation.

As a result, a generation before the "No Child Left Behind Act" weaved "scientifically-based research" into the education lexicon, Oyster School put into place a scientifically-based model for teaching children to achieve to high standards in two languages—Spanish and English.

At the Oyster Bilingual Elementary School, approximately half the students speak Spanish as their first language and half the students speak English.

Students come from diverse ethnic and socio-economic groups. This year, 35 percent of Oyster's students are eligible for free or reduced-price lunch. All students are expected to master the D.C. Public Schools content in both languages. Oyster students measure up and test well in both languages, consistently placing Oyster Bilingual Elementary School in the top ten of the over 100 elementary schools in the District of Columbia.

The Oyster Bilingual Elementary School is a model for the Nation. It has received numerous accolades, including a citation for excellence from the U.S. Department of Education and an Exemplary School Award from the National Association for Bilingual Education.

Perhaps a more significant measure of the value of the Oyster Bilingual Elementary School experience is the fact that until D.C. Public Schools introduced a lottery system for admission, hundreds of parents would camp out for days in order to get a coveted "first come, first serve" slot at the school.

Oyster Bilingual Elementary School has fostered a sense of community and shared values between the immigrant community and the largely upper-middle class residents of the Woodley Park neighborhood. When the school faced closure in the early 1990's because of its dilapidated facilities, the community rallied and formed the 21st century school fund.

Through this community-public-private partnership, the financing was made available to build the first new school building in the District of Columbia in 20 years—a beautiful new facility that will serve both the growing Hispanic community and the D.C. community at large.

Oyster Bilingual Elementary School's long-term success is a product of community involvement and public-private partnerships.

The school has produced many distinguished alumni who serve as role models and continue to serve the Hispanic community in our nation's capital. Among them are:

Mirna Amaya, a child development specialist who works at Mary's Center for Maternal and Child Care in D.C.;

Nathanial Beers, a doctor at Children's Hospital Medical Center;

Olga Artiga, a kindergarten teacher at Oyster. Her sister Connie Artiga Oliver runs the after-school care program at Oyster; and

Cecilia Arce, a library assistant and a parent of three children at Oyster.

As Oyster Bilingual Elementary School begins to serve a new generation of students I commend it for staying true to its mission, which states:

"We believe that native Spanish-speaking children will learn to perform better in English in an environment that respects their native language and provides continued growth in their native language. In addition, we believe that the education of English speaking children will be enriched by achieving competency in a second language at an age when achieving such competency is easiest."

Mr. Speaker, the administration at Oyster School is fulfilling this mission and I urge my colleagues in Congress to commend them for their efforts.

HONORING TAIWAN'S NATIONAL DAY

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to belatedly mark the occasion of Taiwan's National Day, October 10, 2003. It nonetheless gives me great pleasure to report that Taiwan is a thriving democracy that guarantees and protects essential human rights of all its citizens.

Taiwan stands as a remarkable testament to what humankind is capable of when freedom and democracy combine to fuel the economic engine. Even with only 23 million citizens, Taiwan remains one of Asia's strongest economic "tigers". With the world's 17th largest economy and the world's 15th largest trade volume, Taiwan has made significant contributions to the global economy.

Mr. Speaker, Taiwan remains a critical U.S. ally, and it is my hope that Taiwan will continue to serve as a beacon for freedom and democracy throughout East Asia.

Today I would like to extend my solidarity to the 23 million freedom loving citizens of Taiwan and their democratically elected leader, President Chen Shui-bian in commemoration of Taiwan's recent National Day of celebration.

A TRIBUTE TO ROY KING

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Roy King for his dedication to his community which has earned him the Thomas R. Fortune Exemplary Service Award.

Roy was born in Georgia and at the age of 6 months he and his family moved to Far Rockaway, NY, where he still resides.

Roy attended public elementary school and junior high schools and graduated from Far Rockaway High School. After high school, he attended Queens Borough Community College, receiving a degree in physical education.

As someone who loves to be around children, Roy applied for a position in security and was hired by the New York City Board of Education where he worked for several years. In 1977, Roy was hired as a counselor for the New York City Department of Social Services—Youth Division where he still works as a child care specialist at the Atlantic Diagnostic Center.

Roy was introduced to the Unity Democratic Club by J.J. Johnson, where he also is an active member of the Men's Council.

He has been a member of St. John Baptist Church in Rockaway Beach, NY for over 20 years where Elder J.D. Williams is the Pastor. He is a faithful member of the Usher Board and the Men's Ministry.

With his wife Anne, Roy has a beautiful home in Rockaway Beach, where they are raising three girls and two grandchildren. All his children and other children around him call him "Pa Pa". Roy feels blessed to have his mother and five siblings living in the Far Rockaway area as well.

Mr. Speaker, Roy King has shown that he is committed to his community through both his professional choices and participation in the Unity Democratic Club. As such, he is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

URGING THE SAUDI AMBASSADOR TO THE UNITED STATES TO HELP RESOLVE A LONG STANDING DISPUTE

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. TANCREDO. Mr. Speaker, I rise today to urge the Saudi Ambassador to the United States to help resolve a long standing dispute between another Saudi Prince—a cousin to the Ambassador—and a resident in my home state.

Nearly 20 years ago, Prince Abdul Aziz, son of Prince Salman, the current Governor of Riyadh, borrowed $1.7 million from Bob Burch in Colorado.

In 1991, an independent accounting study confirmed the debt. Regrettably, after promising to honor the results of the study, Prince Abdul Aziz never paid up.

Bob Burch had been a great friend to the Royal family, supporting them through medical and personal crises, college degrees and even a plane crash.

This is a time of great challenge in the U.S. relationship with Saudi Arabia. Never before have we asked the Saudis to work so closely with us to fight terrorism. It is in that spirit of cooperation that I urge the Saudi Ambassador to work to put this longtime dispute behind us.

INTRODUCING THE AFFORDABILITY IN HIGHER EDUCATION ACT OF 2003

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. McKEON. Mr. Speaker, I rise today to voice my strong support for the Affordability in Higher Education Act, legislation I authored to address the college cost crisis that is facing our Nation. This bill moves beyond the rhetoric, and offers real solutions that will hold colleges accountable and empower consumers as we all work together to keep higher education affordable.

For decades, the cost of higher education has been rising dramatically. Tuition increases have far outpaced increases in the rate of inflation and the growth in family incomes, and these skyrocketing costs are having a devastating impact on American students and families. This is not a new problem. Over half a decade ago I stood here and voiced these same concerns. And several years before that, Senator FRANK LAUTENBERG was leading a similar charge to keep college affordable. Yet in all that time, we have been unable to find solutions, and the cost of college just keeps going up.

According to the Advisory Committee on Student Financial Assistance, cost factors are preventing 48 percent of college-qualified low-income students from attending a four-year institution, and 22 percent from having access to any college at all. At the rate we are going, by the end of the decade 2 million students will lose out on the chance to achieve the dream of a college education. This is unacceptable, and I believe we can no longer stand idly by while our Nation's students, the future of our country, are being priced out of the promise of higher education.

The Affordability in Higher Education Act is simple in its purpose, but monumental in its potential to help struggling students and families. The bill proposes to empower the consumers of higher education—students and parents—with significant information on higher education, and hold colleges and universities accountable for the dramatic cost increases that are hampering our Nation's ability to make the dream of higher education a reality for needy students.

The bill establishes a "College Affordability Index," a standard measure by which the consumers of higher education can understand and compare tuition increases in real terms. Using data already being reported by colleges and universities, the U.S. Department of Education will make information about college costs, including the College Affordability Index, publicly available through a user friendly website.

The bill provides colleges and universities with ample time to meet the challenge of affordability, and beginning in 2008, schools will begin to be held accountable for their cost increases. Using the College Affordability Index, schools that increase their tuition and fees by more than twice the rate of inflation over a three year period will be required to provide more information and undertake actions to improve affordability.

I believe one of the most important factors in addressing the college cost crisis is the need to empower consumers. Parents and students simply do not have access to adequate information necessary to make informed decisions in the higher education marketplace. And as we empower consumers and encourage accountability, we must also embrace innovation.

That's why the Affordability in Higher Education Act includes a demonstration program that will encourage schools to look for innovative strategies to hold down costs without sacrificing quality. The bill would grant waivers to schools which apply and are chosen to participate—allowing these institutions to have the freedom to find new ways to improve affordability and ultimately, increase access.

The face of higher education has changed significantly in recent years, and while college costs are a formidable barrier, the fact is, today's students face other obstacles as they work to reach their higher education goals. One of the most needless and often frustrating obstacles is an inability to transfer credits among institutions.

Recent data from the Department of Education tells us that over half of the nation's postsecondary education students attend more than one college or university. Yet many of these students struggle to transfer their credits, and as a result must retake coursework which costs both time and money. The bill recognizes that students deserve to have freedom and flexibility, and would make it easier for students to transfer credits. Let me be clear—the bill does not mandate coursework, nor does it require that particular credits be accepted to or from particular institutions. It simply makes it clear that credits cannot be denied based solely on what organization accredited the institution, so long as it is recognized by the U.S. Secretary of Education. Such territorial or political practices are harming students, and must not continue.

As colleges and universities strive to meet the challenge of affordability, I also believe we must also do our part at the Federal level to make that possible. Schools often tell us that they are burdened by voluminous and often unnecessary regulations and paperwork requirements. We must ease that burden by eliminating such cumbersome requirements. Last year, through the FED UP initiative, we made great strides in reducing red tape and eliminating unnecessary and costly regulations. The bill I'm offering today will continue that effort, and help institutions as they work to increase affordability.

Taken together, the reforms in this bill will make a real difference to the millions of students and families who are counting on us. The future of our Nation—today more than ever—depends on our ability to educate our students. We cannot allow the continued explosion of college costs to go unchecked. The time has come to find solutions, and today, I believe we are taking a step in the right direction.

I encourage my colleagues to join me in supporting this important measure, Mr. Speaker; and I look forward to a higher education system that is accessible to every single American student who strives for it, regardless of financial circumstances. Our students, and our Nation, deserve nothing less.

TRIBUTE TO DUB RITER

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. HALL. Mr. Speaker, I rise today to honor a truly great American, great leader and dear friend—A.W. "Dub" Riter of Tyler, Texas—whose passing on September 23, was mourned by friends and admirers from East Texas to the White House. Dub was admired and respected not only for his many civic contributions and professional success but also for his goodness, compassion and humility. Dub truly cared about people and wanted to make life better for everyone. He gave selflessly of his time, talent and financial backing to countless civic, business and educational causes locally, statewide and nationally, and in doing so he sought to help others—not call attention to himself.

Dub was my dear friend and advisor for many years. He was a highly recognized and successful banker, retiring from his 50-year banking career as senior chairman of the Board of NCNB in Tyler (now Bank of America) in 1988. Throughout his career and after his retirement, he was tirelessly devoted to a host of community and State activities and organizations.

Education was particularly important to Dub. In 1997 Gov. George W. Bush appointed him to serve as a member of the Board of Regents of The University of Texas System for a six-year term ending Feb. 1, 2003. Gov. Rick Perry then asked him to extend his term through the legislative session this year. He was a vice chairman of the board and a member of the Finance and Planning Committee, Facilities Planning and Construction Committee and the Student, Faculty and Staff Campus Life Committee. Dub was currently serving as a member of the Governor's Select Task Force on Public Education.

Dub and his wife, Betty Jo, also were devoted to The University of Texas at Tyler, where Dub served as chairman of the development board. Dr. Rodney Mabry, UT Tyler President, said that Dub was the "heart and soul" of the university the past several years. Dub and Betty Jo donated a $1.35 million gift to UT Tyler to create the Dub and B.J. Riter Millennium Carillon Tower and Plaza and were involved in many activities at the university.

Dub also served as chairman of the University of Texas Health Center at Tyler Development Board and was a past president of the UT Tyler Educational Foundation, Inc., and the Texas Chest Foundation. At one time he served as president of the East Texas State Fair Association, East Texas Hospital Foundation, East Texas Symphony Association, Mother Frances Hospital Foundation, Texas Rose Festival Foundation, Tyler Area Chamber of Commerce, Tyler Economic Development Council, Tyler Industrial Foundation and United Way. He was a board member of the East Texas Communities Foundation, East Texas Medical Center Regional Healthcare System, Regional East Texas Food Bank, Salvation Army and Tyler Junior College Foundation.

As a testament to his lifetime of service, he received the W.C. Windsor Award as Tyler's Most Outstanding Young Man of the Year in 1958 and the T.B. Butler Award as Tyler's Most Outstanding Citizen of the Year in 1968. In 1987 he received the Patriot of the Year award from UT Tyler, and in 1994 he and his wife received the All Saints Episcopal School Flame of Excellence award. This year he received the Business Hall of Fame honor from Junior Achievement of Greater Tyler, of which he was a charter member.

At the State level, Dub was a life board member of the Texas Research League, serving as treasurer for six years, and served two terms as president of the Texas Association of Taxpayers. He was a past board member of the Texas Chamber of Commerce, which named him East Texan of the year in 1992. In 1989 Gov. Bill Clements appointed him to the Texas Growth Fund Board of Trustees, and in 1990 he was appointed to the Teacher Retirement System Board of Trustees. He was a member of the Governor's Business Council Executive Committee and the Executive Committee of the Chancellor's Council for The University of Texas System.

This legacy of outstanding achievement speaks to the dedication and leadership of this incredible man—and underlying his remarkable lifetime of service was his basic goodness and kindness. His gentle spirit, positive attitude and belief in others were evident in all that he did. Dub inspired, guided and served as a mentor to so many. He had an abiding faith in God and was a leader in the First Presbyterian Church of Tyler, where he served as elder, trustee, deacon and Sunday School teacher.

There was an outpouring of sympathy following Dub's death. The President and Mrs. Bush sent their condolences. National, State and local dignitaries attended his memorial service, and hundreds in the community expressed their love and support to his family—his beloved wife of 53 years, Betty Jo; son A.W. "Whit" Riter III and daughter-in-law Cynthia; daughter Melinda Shoemake and son-in-law Tom, six grandchildren and one great-grandson.

Dub touched and enriched so many lives, and in his absence there will be a void that will be difficult to fill. But Dub also leaves a powerful legacy of service and selflessness that will be felt for years to come. Mr. Speaker, as we adjourn today, let us join his family and many friends in celebrating and honoring the life of this great Texan and great American—A.W. "Dub" Riter—whose exemplary life we will remember and cherish.

PERSONAL EXPLANATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. BRADY of Texas. Mr. Speaker, I regret that I missed rollcall votes Nos. 524, 525, 526, 527, 528, 529, 530, and 531 during the week of September 30 through October 2. Had I been present, I would have voted the following:

Rollcall vote No. 524: Sandlin Motion to Instruct on H.R. 1—"no"; rollcall vote No. 525: Pallone Motion to Instruct on H.R. 1308—"no"; rollcall vote No. 526: H. Res. 357—"yes"; rollcall vote No. 527: Dicks Motion to Instruct on H.R. 2691—"no"; rollcall vote No. 528: Case Motion to Instruct on H.R. 1—"no"; rollcall vote No. 529: Davis (AL) Motion to Instruct on H.R. 1308—"no"; rollcall vote No. 530: Adoption of the Conference Report on S. 3—"yes"; rollcall vote No. 531: Obey Motion to Instruct on H.R. 2660—"no"; rollcall vote No. 532: H. Con. Res. 274—"yes"; rollcall vote No. 533: Motion to Instruct Conferees on H.R. 1—"no"; and rollcall vote No. 534: Motion to Instruct Conferees on H.R. 1—"no."

HONORING LAURA BERG

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mrs. NAPOLITANO. Mr. Speaker, it is with tremendous pride that I rise today to honor one of my constituents from Santa Fe Springs, California, Laura Berg, who has recently been named to the U.S. Olympic Women's Softball Team. Laura has been a member of this team in the 1996 and 2000 Olympic games, winning gold medals both times. She is one of four two-time Olympic champions on the current team which will compete in the 2004 Olympic games in Athens, Greece. Berg started as a centerfielder in all 10 games in the 2000 Olympics and will play outfield for the team in 2004.

Berg has been a part of the USA Softball national system since 1994 when she was member of the USA Team that captured gold at the ISF Women's World Championship in St. John's, Newfoundland, Canada. In addition to her Olympic glory, Laura has won numerous accolades for her softball skills at the high school, college, national and international levels, including two gold medals at the Pan American Games and three World Championship gold medals. A graduate of Santa Fe High School and Fresno State University, she is of three players at Fresno State to ever boast 300 or more career hits and post a 160-game defensive errorless streak. She also spent 4 years as an assistant coach for the Fresno State Bulldogs team.

Laura firmly believes in setting challenging goals for herself and working hard to achieve them, whether she is practicing softball and studying in school. Her commitment to her sport, positive attitude, and strong work ethic have led to her extraordinary success and make her a role model for other young women.

Laura began playing softball as a child, tagging along to a program in which her parents had enrolled her twin sister, Randi. She continues to be inspired by the challenges of the game and has become a veteran leader for her teammates.

Laura is married to Rob Peterson, the Assistant Athletic Director at the University of South Dakota. The two met when Peterson was Director of Facilities at Fresno State.

For the next 11 months, Laura and her teammates will be working hard in preparation of defending their Olympic title. I ask all of my colleagues to join me in congratulating Laura and the other outstanding women who make up the team and in wishing them great success.

RECOGNIZING THE 125TH ANNIVERSARY OF THE ST. HELENA HOSPITAL IN ST. HELENA, CA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the St. Helena Hospital of Napa County as it celebrates its 125th Anniversary.

On June 1, 1878, the Rural Health Retreat opened its doors to the public. 125 years later, the Rural Health Retreat has a new name and a new look but its commitment to quality healthcare remains the same. Today, the St. Helena Hospital is the world's oldest continuously operating Seventh-day Adventist hospital.

The hospital has grown substantially over the years, both in its ability to heal and in its physical space. What began as a small two-story building has matured into a state-of-the-art facility, which includes a 24-hour emergency room, a heliport, and top-of-the-line surgical suites.

Mr. Speaker, among other services, the St. Helena Hospital offers a wide range of facilities to assist our community members in overcoming their illnesses including addictions. Specifically, the hospital has a mental health unit, an alcohol and chemical recovery program and it houses wellness programs such as the Nicotine Addiction Program.

In 1974, a team of surgeons performed the first open-heart surgery in the North Bay, paving the way for St. Helena Hospital to become a leader in cardiac care. Today, history continues to be written and St. Helena Hospital has been named among the Top 100 Cardiovascular Hospitals in the country.

Mr. Speaker, during its 125 years of existence, the St. Helena Hospital has been a medical sanctuary for thousands of people from both in and out of our community. The hospital has a wonderful tradition of providing for the sick. Regardless of who you are or where you are from, you will receive the best medical assistance possible at the St. Helena Hospital.

Mr. Speaker, for maintaining such a high standard of excellence and for healing our community for over 125 years, it is appropriate that we honor the St. Helena Hospital as they recognize their 125th anniversary.

HALF-EMPTY, HALF-FULL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the October 5, 2003, an editorial from the Omaha World Herald, which is entitled "Half-empty, half-full." As the editorial correctly notes, Iraq remains a country "full of positive potential but also fraught with danger."

[From the Omaha World-Herald, Oct. 5, 2003]

HALF-EMPTY, HALF-FULL

Gene Taylor, a Democratic U.S. representative from Mississippi, recently returned from a trip to Baghdad. He struck the right note when he said the situation in Iraq "is neither going as well as the administration says it's going nor as badly as the media say it is going."

Indeed, the situation is decidedly mixed. That hasn't stopped diehard partisans on either side from trying their best to highlight only one facet of the matter, however.

The catalog of challenges is well known. Saddam Hussein loyalists and outside terrorists have succeeded, for the time being, in rattling people's nerves about security. Enemies of the U.S. campaign have assassinated one member of Iraq's Governing Council and murdered a Shiite cleric who advocated tolerance for the American presence. They have used pinprick attacks to kill and would U.S. soldiers at a slow but relatively steady rate that has diminished support for the Iraq operations among many Americans.

Meanwhile, saboteurs continue to hobble the electrical grid and oil-pipe network. Large numbers of Iraqis remain without jobs. Mafia-style gangs have become a serious concern in Baghdad. Ethnic tensions simmer among Iraq's Sunnis, Shiites and Kurds, sometimes erupting violence.

The United States has come up short, so far, in gaining financial assistance from foreign governments. And a variety of uncertainties beset the ambitious endeavor to move Iraq's political system toward a constitutional republic.

And yet, much is going right. A vivid description of the progress came in an opinion essay written by Julie Flint, a veteran Middle East journalist, for a Lebanese newspaper. Media depictions of Iraq as trapped in bottomless turmoil are wrong, she argued:

"Outside Baghdad, in the Shiite south, the mood was overwhelmingly upbeat. In Basra, ordinary people gave the thumbs-up at the mere sight of a Briton. . . . In Amara, streets were buzzing well after midnight. . . . Shops are overflowing with imported goods; food prices are lower than they were during Saddam's last years. Approximately 85 percent of primary and secondary schools have reopened. . . . All Iraqi cities and 85 percent of its smaller towns have fully functioning municipalities."

Similarly, Pamela Harris, a United Press International writer praised for her wartime reporting, noted in a recent good news/bad news analysis how she had seen "happy children running out to greet Marines when they walk through downtown Hillah without body armor or rifles because they have worked long and hard to win the trust of the townspeople, and they have succeeded."

USA Today recently noted that, thanks to U.S. policy that as tapped $1.7 billion in Iraqi assets frozen during the Gulf War of 1991, government workers in Iraq have received major pay increases. The article described a police officer whose monthly pay has gone from $25 before the war to $275 now.

This leap in the purchasing power of many Iraqis, combined with a tariff-free influx of imported products, has spurred a dramatic flurry of consumer spending, not least on major items such as refrigerators and ovens. (The average price for home appliances has fallen by 41 percent from prewar levels)

Iraq, in short, is in the middle of a momentous time of transition—full of positive potential but also fraught with danger.

As the debate rages over whether the glass is half-empty or half-full, one thing is certain: The United States cannot cut and run. Together with the Iraqi people and whatever support can be mustered from the international community, we will have to see this through—without minimizing how difficult the task will be.

TRIBUTE TO DAVIS HELBERG

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. OBERSTAR. Mr. Speaker, I rise today to commend Davis Helberg's leadership with the Northeast-Midwest Institute. Davis has been an Institute director for the past eight years and ably led the board's nominations committee. With his effortless management style, he ensured that the Institute balanced the region's needs for economic vitality and environmental quality. But this should surprise no one.

If there is one word I could use to describe Davis, it is "passionate." A native Minnesotan who grew up on a family farm in a small Finnish community where hard work was considered a hometown value, Davis has been a passionate worker and leader throughout his varied careers. Living near Lake Superior, it's not surprising that in 1959, at the age of 17, Davis worked his first paying job as a deckhand on a lake steamer. After a few years as a newspaper reporter, he returned to his maritime career, working as a vessel agency employee, port public relations director, president of a stevedoring company and, until his retirement earlier this year, Executive Director of the Seaway Port Authority of Duluth. For more than forty years, Davis has tirelessly, served Duluth, the broader Great Lakes community, the national maritime industry, and the northeast and midwest States. It is said that Davis Helberg's name is synonymous with the Great Lakes maritime industry in many national and international circles. I couldn't agree more. Might I add that I believe he is the most passionate Finn I have ever met.

I have known Davis for almost three decades. During that time, I have been the recipient of much of his passionate maritime advocacy. But his many accomplishments are attributable to more than just passion. Davis succeeded in his many endeavors because of solid leadership, vast knowledge, unparalleled experience and energetic dedication, not to mention his legendary storytelling ability. He served 24 years as executive director of the Duluth Seaway Port Authority—the longest serving in the Great Lakes, and he has been a frequent chairman of the American Association of Port Authorities. After eight years, his invaluable service at the Northeast Midwest Institute will be sorely missed.

Mr. Speaker, I was a founder of the Northeast-Midwest Congressional Coalition. The Coalition and the Institute long have provided valuable analysis on an array of economic and environmental issues. They have worked hard to ensure bipartisan cooperation among Midwestern and Northeastern lawmakers. Davis Helberg, with his unique talents and unwavering passion, has improved that tradition. He made a difference. His contributions to the Northeast-Midwest Institute are much appreciated.

PERMANENT AUTHORITY FOR EXEMPTION FOR CERTAIN MEMBERS OF THE ARMED FORCES FROM PAYING SUBSISTENCE CHARGES WHILE HOSPITALIZED

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to voice my strongest possible support for H.R. 2998, and urge my colleagues to join me in passing this important legislation.

I am extremely pleased that the leadership has brought this bill to the floor today, but I am thoroughly confused as to why the Department of Defense has even made this legislation necessary. It is absolutely mind-boggling that they charge military personnel for meals while they are hospitalized with injuries suffered while in combat or training.

Mr. Speaker, on September 24 we passed the conference report for the FY04 Defense

Appropriations bill, which provided appropriations for the DoD totaling $368 billion dollars. This figure marked an increase of approximately $13 billion for the DoD. I voted in support of this conference report because I felt that it provided important funding for our troops and for the war on terrorism, but I cannot believe that the DoD, with around $355 billion in funds for FY03, could possibly charge these men and women for the meals they eat while they recover from injuries. This is unconscionable, and I thank Mr. YOUNG for introducing his legislation to remedy this outrage.

I am a cosponsor of this legislation and I will most certainly be voting in support of its passage. I urge my colleagues to join me in support of our troops and to correct this ridiculous situation.

INTRODUCTION OF THE ARMENIAN VICTIMS INSURANCE FAIRNESS ACT

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to introduce the "Armenian Victims Insurance Fairness Act"—legislation to provide states with the authority to assist survivors of the Armenian Genocide.

At the end of the 19th century, major American and European insurance companies began expanding their operations into the Ottoman Empire and thousands of Armenians in the area purchased life insurance policies as a form of savings and investment for the future. By 1915, it is reported that one French-based company had sold more than 11,000 policies in the area. Almost all of these policyholders were massacred when a systematic campaign of ethnic cleansing was launched, killing more than 1.5 million Armenians.

Over eighty years later, insurance companies still have not paid the benefits due on the thousands of policies sold. Some families have tried for years to obtain owed benefits, but insurance companies have demanded that the survivors produce non-existent documents, such as death certificates.

In order to provide victims with the justice they deserve, California enacted legislation to assist both Armenian victims and Holocaust victims in recovering outstanding insurance claims. In addition to providing a right of action for claims arising out of such policies, California enacted an additional law requiring insurance companies doing business in their state to disclose information about Holocaust-era insurance policies. A similar requirement was omitted from the Armenian victims legislation because of a pending Supreme Court challenge of the Holocaust disclosure law.

In a 5–4 ruling, the Supreme Court in AIA v. Garamendi recently struck down the California disclosure law, citing Administration efforts to settle Holocaust insurance claims and stating that "Congress has done nothing to express disapproval of the President's policy [with respect to settling such claims and preempting state efforts in this area]."

Although no similar Administration efforts have interfered with the settlement of Armenian claims, it is important for Congress to speak clearly on this issue. Private settlement negotiations between insurance companies and families have been slow with no final resolutions reached to date. Families should not have to wait any longer for disclosure of policyholder lists.

I have introduced two pieces of legislation to specifically allow states to collect insurance information for victims and survivors of the Armenian Genocide and the Holocaust. The Armenian Victims Insurance Fairness Act specifically provides states with the authority to pass disclosure laws related to insurance policies in effect at any time between 1875 and 1923 that were issued to persons domiciled in the Ottoman Empire, such as Armenians, Greeks, and Assyrians.

The Armenian Victims Insurance Fairness Act, and my companion legislation the Holocaust Victims Insurance Fairness Act (H.R. 3129), specifically provide states with the authority to pass policyholder disclosure laws and explicitly express Congressional disapproval of any Executive branch policy or agreement that preempts State efforts in this area. Pleasejoin me in this effort to finally provide justice to those who have been denied it for so long.

RECOGNIZING PANCREATIC CANCER AWARENESS MONTH

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. SENSENBRENNER. Mr. Speaker, I rise today in support of recognizing Pancreatic Cancer Awareness Month. This resolution comes at a fitting time for me and other Members and staff in the House. I recently lost a good friend and former aide, Barry Beringer, to pancreatic cancer.

Barry was a remarkable man, a warm friend and a consummate counsel. His love of history permeated his work as a Committee General Counsel. His warmth and gently inclusive approach to difficult negotiations and situations made him a friend to all, even to those who may have disagreed with him. His pure motives earned him universal respect and admiration from his friends and colleagues.

Barry served as my General Counsel during my tenure as Chairman of the House Science Committee. His sage advice, thoughtful perspective, and his respect for the history of the institution guided many a decision. His counsel was invaluable and will be missed greatly not only by me but by all who worked with him and around him. His warm humor and collegial approach to everything is unique in this institution . . . and will be missed.

In addition to being a loving husband and father, Barry was a loving human being who left us all richer for having known and worked with him.

Congressman Platts introduced this important resolution to raise awareness of pancreatic cancer. Unfortunately, no one knows the exact causes of pancreatic cancer. Doctors are rarely able to explain why one person gets pancreatic cancer and another does not. I am pleased that the House is acknowledging this deadly disease and raising awareness of pancreatic cancer so others may not suffer the same fate as my friend Barry.

HONORING TYLER MATTHEW PINCHOT

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor the life of Tyler Matthew Pinchot, a 23-year veteran of the Buena Park Police Department.

Tyler was raised in my district in the city of Garden Grove and he was a graduate of Golden West College's police program in 1979.

He was the only Buena Park police officer to win the Officer of the Year Award two years in a row in 1991 and 1992.

When not on duty protecting citizens, he volunteered his time for his community. He was a Special Weapons and Tactics team member, station house Santa Claus and a tactical officer at Fullerton College's police reserve academy.

Sadly, on June 13 Tyler was trying to catch up to a traffic violator when a car struck his motorcycle. He later died as a result of his injuries.

Tyler was a great citizen. He was a man who devoted himself to his community. His hard work and dedication will serve as an inspiration to others.

RECOGNIZING CITIZENS FINANCIAL GROUP FOR ITS ACHIEVEMENTS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. LANGEVIN. Mr. Speaker, I rise today to congratulate Citizens Financial Group on being recognized with both the "Seven Seals" and "Pro Patria" awards.

In response to the U.S. military actions in Iraq, this Rhode Island business implemented an enhanced military leave policy in February of 2003 that included matched pay, continuance of insurance coverage, job guarantee upon return, and support to employees affected by a family member's call to duty. Due to this comprehensive policy, the Office of the Secretary of Defense awarded Citizens the New Hampshire Committee for the Employee Support of the Guard and Reserve "Seven Seals" award, and the Rhode Island Guard and Reserve gave the company its "Pro Patria" award. The "Pro Patria" award honors the most outstanding employer of reservists.

Citizens Financial Group should be commended for the work they have done to help ensure an employee will not undergo financial or emotional hardships after he or she is called upon to protect our country. It is my hope that other businesses will follow in these noble steps to show much-deserved gratitude for members of the National Guard and Reserves.

I hope our colleagues will join me in congratulating Citizens Financial Group on its achievements.

TRIBUTE TO THE MASHANTUCKET PEQUOT TRIBAL NATION

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. KILDEE. Mr. Speaker, as cochairmen of the Congressional Native American Caucus, my colleague Congressman J.D. HAYWORTH and I would like to ask our colleagues to join us in paying tribute to the Mashantucket Pequot Tribal Nation on the 20th anniversary of the passage of the Mashantucket Pequot Indian Land Claims Settlement Act. This landmark legislation settled the Tribes' land claim and granted federal recognition to the Mashantucket Pequot Tribal Nation.

Mr. Speaker, for thousands of years, this land has been home to the Mashantucket Pequots and their ancestors. Centuries before the arrival of Columbus, the Pequots had a sophisticated understanding of their land, which stretched across present-day Southeastern Connecticut.

Like other northeastern Tribes, the Pequots had developed a rich and complex culture. Their language, medicine, rituals, horticulture, trade, government, and social organization defined what it meant to be a Pequot. Within two decades of contact with the white settlers, smallpox and other diseases killed more than half of the Pequots and devastated the social structure of those who survived. Then, in 1637, the settlers in colonial Massachusetts and Connecticut waged war on the Tribe. In a little more than an hour, hundreds of Pequot men, women and children died. The survivors were dispersed, and the settlers took their land.

As a testament to the bravery and resiliency of the Pequot people, these tragic events did not bring about the end of the Pequot Tribe. Rather, the past three centuries has marked a period of strife, conflict, and a determination to regain its land and bring its people home.

Mr. Speaker, two important themes run through the Pequot history: a persistence to maintain a tribal identity and a struggle to hold onto tribal land. By the mid-17th century, the Mashantucket Pequots had already returned to the land from which they had been banished. In the decades that followed, they were relocated to an area within their historic territory, but then were slowly and wrongfully deprived of most of that land as well. Throughout the centuries, the reservation's population dwindled as Tribal members were forced to seek jobs and housing elsewhere. For many years, the State of Connecticut blocked the return of Tribal members to their land. Still, the Tribe endured.

Finally, in 1983, after years and years of struggle, the Congress enacted the legislation that settled the Tribes' land claim and provided federal recognition to the Tribe. The legislation transformed all aspects of the Tribe's existence and was critical in the Tribe's dramatic economic resurgence. Through the years, Tribal members have worked to re-establish a community and are achieving self-sufficiency by providing employment, health care, social services, education and infrastructure to their people.

A primary concern of the Mashantucket Pequot Tribal Nation continues to be the preservation of Pequot history and culture. To accomplish this, the Nation maintains a Cultural Resources Department and a Historical and Preservation Committee made up of Tribal members. The Tribe has also worked to protect important archaeological sites within its territory.

Mr. Speaker, in a short twenty years, the Mashantucket Tribal Nation, led by their elected leaders, have done so much to protect and enhance the tribal sovereignty of their people. They have persevered as a Tribe for centuries under the harshest of conditions and their status as a federally recognized Tribe has been long overdue. Today, the Tribe is an economic catalyst in their community and they employ over 13,000 people, mainly non-Indians needing jobs and opportunity.

The Mashantucket Pequots are also responsible neighbors. Over the last 20 years, the Tribe has generously donated to the Connecticut Special Olympics, the Smithsonian National Museum of the American Indian, the Mystic. Marine Life Aquarium, the United Way and many other organizations. Additionally, their revenue sharing agreement with the State of Connecticut has provided State coffers over $1.5 billion in additional revenue.

We ask our colleagues in the United States House of Representatives to join us in congratulating the Mashantucket Pequots on the 20th anniversary of the passage of this legislation and wish them continued success in the future.

CONGRATULATING DR. TONDA HUGHES

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to offer my congratulations to Dr. Tonda Hughes, who was recently named to the Chicago Gay and Lesbian Hall of Fame for her scientific contributions and advocacy in lesbian health.

Dr. Hughes has spent over a decade conducting research on the health needs of lesbian women. She is currently conducting the first long-term assessment of lesbian women's drinking patterns, the results of which will have important policy implications for treatment and prevention. Lesbian health has been largely ignored by scientists, and Dr. Hughes' work represents much-needed efforts to better the lives of lesbian Americans and all Americans.

Dr. Hughes is an associate professor of nursing at the University of Illinois at Chicago and is the director of research for the University's Center of Excellence in Women's Health. She has published professional journal articles, book chapters, and government monographs. In addition to her scholarly work, Dr. Hughes serves on advisory boards for several Chicago-area health foundations.

Each year since 1991, the Chicago Gay and Lesbian Hall of Fame has honored members of the Chicago lesbian, gay, bisexual, and transgender community. The only municipal hall of fame of its kind, the Chicago Gay and Lesbian Hall of Fame recognizes members of the Chicago community whose volunteer and professional activities have enriched the lives of gay and lesbian residents and the city of Chicago as a whole.

I congratulate Dr. Tonda Hughes for this honor and applaud her important research and the beneficial effects her work has had on the well-being of lesbian women in Chicago and beyond.

FIFTH ANNUAL RACE FOR THE CURE IN TEMECULA, CALIFORNIA

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. ISSA. Mr. Speaker, there will be an estimated 21,100 new cases of female breast cancer in California this year. Breast cancer is the second most frequently diagnosed cancer in women in the United States. Every 3 minutes a woman is diagnosed with breast cancer.

All of us know someone who has been touched by this disease. That is why I am proud to announce that this Sunday, October 19, the Susan G. Komen Breast Cancer Foundation will sponsor the fifth annual Race for the Cure in Temecula, CA.

All the funds raised during the event will go to support breast cancer research grants, meritorious awards, educational and scientific conferences and local breast health and breast cancer outreach programs.

Mr. Speaker by supporting such private efforts as the annual Race for the Cure, we pay tribute to the victims and survivors of breast cancer. We also honor those whose efforts will one day eradicate breast cancer as a life-threatening disease.

HONORING THE UNIVERSITY COMMONS NURSING CARE CENTER

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. MCGOVERN. Mr. Speaker, I rise today to join the city of Worcester in celebrating the University Commons Nursing Care Center's 10 years of service. During the week of October 20–25, 2003, the Center will celebrate its anniversary with events honoring residents, staff, and families.

Affiliated with the University of Massachusetts Health Care, The University Commons Nursing Care Center is a 164-bed facility that provides skilled, sub-acute, and long-term care services. Residents benefit from an environment that provides expert rehabilitation and medical services. Residents also benefit from social and cultural activities that are designed to maximize opportunities for stimulation and growth. Moreover, the University Commons Child Care Service offers educational day care services to children of employees as well as the community at large. This provides residents with an on-going intergenerational program.

Mr. Speaker, I am sure that my colleagues in the U.S. House of Representatives join me in congratulating the University Commons Nursing Care Center for its 10 years of service to the community.

SECTION 8e LEGISLATION

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. HASTINGS of Washington. Mr. Speaker, Washington state the largest pear and sweet cherry producing state in the nation. In recent years pear and cherry growers in Central Washington have invested time and resources into developing the market for high quality fruit.

Under federal marketing orders U.S. fruits and vegetables are held to certain grade, size and quality standards. The bill I am introducing today simply holds foreign grown pears and cherries to these same standards.

My bill would add pears and cherries to Section 8e of the Agricultural Adjustment Act. Section 8e lists certain imported fruits and vegetables that are held to the same federal requirements as domestic produce.

Agriculture is at the heart of Central Washington's economy and our farmers are working harder than ever to produce some of the world's finest products. My bill would ensure that our pear and cherry farmers are able to compete more fairly and aggressively with foreign growers in the U.S. marketplace.

IN REMEMBRANCE OF MOTHER TERESA OF CALCUTTA

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. PLATTS. Mr. Speaker, I rise today to honor the exceptional life of Mother Teresa, who began her decades of service to humanity with the simple goal of helping the less fortunate and grew to be a symbol for human rights all over the world.

At the age of eighteen, Mother Teresa became a Roman Catholic sister, the beginning of her life as an educator, a leader, and a servant of God. Perhaps her greatest accomplishment was the establishment of the religious order, Missionaries of Charity. With over 5,000 sisters, the goal of Missionaries of Charity is to help the poor in all aspects of life, providing food, clothing, and shelter to millions of the world's most destitute. Additionally, Mother Teresa initiated countless relief projects, international peace-keeping missions, and medical assistance projects for the needy. Later in life, even as her own health deteriorated, she pressed on with new projects, including the creation of hospice programs for those living with AIDS.

A well-deserving recipient of the Nobel Peace Prize and the Presidential Medal of Freedom, the impact of this remarkable woman will last forever. I could not be more pleased to join in remembering Mother Teresa of Calcutta as a shining example of selfless dedication to human kindness. She was an inspiring example for us all.

YOU'VE GOT MAIL—BUT IS IT SECURE? AN EXAMINATION OF INTERNET VULNERABILITIES AFFECTING BUSINESSES, GOVERNMENTS, AND HOMES

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I would like to commend Chairman DAVIS and Ranking Member WAXMAN for calling this important hearing on Internet vulnerabilities and security threats. One such vulnerability is computer viruses and I know first hand how tedious and cumbersome computer infections can be. In the past year, I have had several computer viruses and they are costly and time consuming to fix.

Through my Washington Update, I regularly email my constituents about what's happening in DC. When I wrote to my constituents about today's hearing and requested that they share with me some of their experiences with computer viruses, the response was immediate and resounding. I was immediately inundated with e-mails about the economic, social, and personal toll computer viruses have on the lives of my constituents.

Let me share a sample of these stories with you today to highlight the impact viruses can have on our daily lives.

Mark Patton, Vice President of American Remedial Technology, a small company in my community, wrote in and said:

> Our business was victimized by a number of computer viruses on one occasion. We had hired an IT consultant to provide maintenance of our network, but unfortunately they were not keeping up with our virus protection. As a result we had to replace our server, upgrade our system, and subsequently fire our IT consultant. This episode cost our small business over $10,000 without considering the lost time we incurred. Viruses are a threat to all businesses. . . . The lesson is buyers beware when hiring an IT consultant, but more importantly as businesses become more dependant on the Internet, Internet security becomes a very important issue.

Mission Hills Mortgage Bankers/Gateway Business Bank wrote in and said:

> During the height of the virus-infected e-mail, Mission Hills Mortgage Bankers/Gateway Business Bank webmail site was swamped with thousands of virus-laden e-mail a day in August and September. Fortunately, our firewall and virus software caught and cleaned up the e-mail, but the sanitized e-mail was passed through to the individuals to whom it was addressed. Personally, I was deleting 30 to 50 e-mails a day, both annoying and time consuming.
>
> What I didn't know was how vulnerable a home computer with DSL or cable access is without a firewall even with virus-checker software. I wasn't aware that viruses can come thru to your computer in ways other than on an e-mail until I got one. That was a month ago. I purchased and installed a firewall right away. But I am still experiencing a problem with my computer. Apparently, the damage to files can remain after the virus is cleaned up.

This problem has not only affected businesses. Rio Hondo College wrote in and said:

> We were hit hard by the "worm" at Rio Hondo College during the first week of our semester this Fall. Our mainframe computer and every desktop computer on campus were unusable for a week. We could not register students, certify athletic eligibility of athletes, process financial aid requests, conduct many classes, or function in any capacity for a whole week. Eight weeks later we are still trying to get computers and printers and e-mail functioning for every one.

Diane Schumacher wrote in and said:

> I had a virus in September of this year. It was the SO/BIG Virus. I got it when I purchased an item over the Internet that came with an attachment. I have been laid-off. The last thing I needed was to be out of contact with not only EDD, the Employment Development Department, but also with my job search and support groups. Not to mention the expense of repair.

If the stories could not get any worst, this particular antidote affected me the most, Mark Calt wrote in and said:

> I'd like to take pictures of my daughter who currently is 2 years old. I used my digital camera to take a picture of her from the moment she was born and every single month until she reached her first birthday. I stored all those pictures in my hard drive so when I am ready, I'll sort them all out and have them developed and make a nice album that I can show to my daughter when she grows up and maybe play a slide show during her debut (18th Birthday Party). But my computer was hit by the virus just before I got them developed . . . my one year worth of project, my dream, and my gift to my daughter are all gone together with the pictures. I would pay—no matter what the price—if I could retrieve all those pictures . . . they were priceless . . . you cannot bring back the hands of time!

The stories I've shared with you today underscore the prevalence of computer infections. Furthermore, computer viruses are a "real problem" not just for businesses, but home users are also affected by this costly burden. An unemployed constituent, a community college, a bank and a father, all have been victimized by computer viruses. Computer viruses affect all of us.

There is much work ahead of us to eradicate threat, so I thank each of the witnesses for being here today to discuss this important topic and I look forward to your testimony. Again, I would like to thank the Chairman and Ranking Member for having this hearing.

INTRODUCING THE MARINE MAMMAL PRESERVATION AND RECOVERY ACT (MMPRA) OF 2003

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. PALLONE. Mr. Speaker, when the Marine Mammal Protection Act (MMPA) was enacted in 1972, it was with a vision of protection and precaution. It was created to right the ecological wrongs caused by generations of slaughter driven by our collective greed for the products that marine mammals supplied. The founding goal of the MMPA was to provide a broad moratorium on the taking of marine mammals in order to maintain and rebuild healthy populations of whales and dolphins, seals and sea lions, and other marine mammals.

To a noteworthy extent, protection and precaution have paid off. We should celebrate that some marine mammal species have recovered to estimated pre-harvest levels. But we should not be lulled into a false sense of complacency. Many populations, such as North Atlantic right whales and bowhead whales in the Arctic, remain endangered. We also cannot ignore that the full breadth and intensity of human activity in the ocean, including shipping, oil and gas exploration, and military activity, has a profound effect on marine mammals, even if we do not seek to kill them outright.

It is for these reasons that I introduce this bill today that would reauthorize the Marine Mammal Protection Act in a way that preserves its precautionary intent. Summarizing key provisions, the bill would:

Provide a refined definition for the term "harassment" that is consistent with the recommendations of the National Research Council and accounts for the cumulative, as opposed to merely incidental, effects of behavioral changes in marine mammals.

Enhance protections for marine mammals in captivity, including the establishment of a new advisory committee to encourage the promulgation of regulations by the Secretary of Agriculture for captive care and maintenance, an updated and publicly accessible captive marine mammal inventory, and elimination of all marine mammal traveling exhibits.

Provide increased funding opportunities for the development of fishing gear that would decrease harmful interactions with marine mammals.

Authorize research and grant programs to study methods of non-lethal deterrence and control of nuisance seals and sea lions, whose robust populations have been of growing concern in coastal California.

Reauthorize and improve the John H. Prescott funding assistance program to allow an improved nationwide response to stranding and entanglement events.

Clarify the provisions regarding the import and export of Native marine mammal handicrafts.

Modernize the system of penalties and fines for violations of the Act for the first time in 30 years.

Expand the list of fisheries included in the take reduction team process to include both commercial and non-commercial fisheries using comparable gear.

Contrary to the efforts of others in this Congress to weaken the MMPA through strategic piecemeal amendments, I have always urged that the MMPA deserves nothing less than a comprehensive reauthorization.

The Resources Committee Subcommittee on Fisheries Conservation, Wildlife and Oceans, to the immeasurable credit of Chairman WAYNE GILCHREST and his predecessor, the former Chairman JAMES SAXTON, invested significant time and resources over the past 4 years in conducting a series of oversight hearings regarding implementation of the Act and needs for reauthorization. This substantive analysis has not been squandered and has, in fact, been incorporated into this legislation.

This bill also reflects the best of the ideas forwarded by the Administration in their proposal regarding priorities and recommendations for reauthorization of the Act. Moreover, this bill incorporates the best ideas offered by a wide range of stakeholders ranging from the sportfishing and public display industries to the animal welfare and environmental communities.

Maintaining protection for marine mammals need not be a contentious or partisan issue. I urge support of this comprehensive and precautionary-minded reauthorization of the Marine Mammal Protection Act.

ALLEN-BRADLEY BRAND MARKS 100TH ANNIVERSARY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. KLECZKA. Mr. Speaker, on January 30, 2003 Rockwell Automation, a world-leading provider of industrial automation power, control and information solutions, began a yearlong celebration of the centennial anniversary of the Allen-Bradley Brand. This outstanding company has a rich history and has made major contributions to the automation industry. Allen-Bradley has also played a significant role as a major employer and contributor to the economic and cultural growth of the city of Milwaukee.

The extraordinary transformation story of Allen-Bradley starts with the humble beginnings of two young Bradley brothers starting their business in an office over a delicatessen located on Milwaukee's near south side. Today, Rockwell Automation International Inc. has become a $4 billion industry leader with more than 22,000 employees in 450 locations around the world—serving customers in more than 80 countries. This story typifies the American dream and a dream realized beyond expectation.

In 1893 Lynde Bradley at the age of fifteen invented a compression rheostat that had the capability of regulating electrical current. His friend Dr. Stanton Allen offered to invest a thousand dollars to develop a prototype crane controller, which would use the newly invented rheostat control, and a business was born. Subsequently Lynde Bradley and Dr. Allen formed Compression Rheostat in 1903. In 1910 the company was renamed Allen-Bradley. After a series of dissolutions, mergers, and acquisitions Rockwell International purchased the company in 1985 for $1.651 billion, the largest acquisition in the history of the state of Wisconsin.

Since the start of this company there has been a pioneering spirit that valued innovation, creativity and a constant striving for excellence in products. This spirit has driven the company for 100 years.

The Allen-Bradley Brand is a symbol of great corporate strength, pre-eminence in the industrial controls field and an outstanding example of on-going and continuous support of the Milwaukee community. Thank you and congratulations on this 100th anniversary and continued success in the future.

INTRODUCING THE SOUTHERN CALIFORNIA WILD HERITAGE WILDERNESS BILL

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Ms. SOLIS. Mr. Speaker, I rise to introduce the Southern California Wild Heritage Wilderness Act. If enacted, this bill will protect approximately 1.6 million acres of land in California.

The State of California has lost over 675,000 acres of California's wild lands since 1978. One can only predict that this harmful trend will continue as California's population is expected to explode. California is expected to gain 17.7 million more people by 2025—nearly the entire population of New York State. As the population rises, more development will take place. More development often means less open space and the destruction of precious lands. This bill will prevent that destruction.

Thousands of diverse organizations, businesses, and others see the importance of this legislation and have given it their support. Additionally, hundreds of local elected officials have voiced support for the protection of their local areas.

I am pleased to be a part of this effort and look forward to working with Senator BOXER and Congressman THOMPSON to spearhead this effort and protect our natural resources.

RECOGNIZING RONN OWENS FOR RECEIVING THE NATIONAL ASSOCIATION OF BROADCASTERS' MARCONI AWARD

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mrs. TAUSCHER. Mr. Speaker, I rise to pay tribute to Ronn Owens, who received the National Association of Broadcasters' prestigious Marconi Award for major market personality of the year on October 2, 2003.

Ronn Owens began his broadcast career in 1968, hosting radio programs in Atlanta, Miami, Cleveland, and Philadelphia before moving to the Bay Area and KGO in 1975.

Over his thirty-five year radio career, Ronn Owens has established himself as the host of the most compelling and thought-provoking morning talk show in Northern California. A half-million fans tune into The Ronn Owens Show every morning to hear his opinions on a range of issues, from popular culture and gossip to current events and politics. He refers to his show as "the ultimate town meeting."

Ronn's guest list reads like a roster of Who's Who among world leaders, top celebrities, personalities, and newsmakers of the day. He has brought his devoted Bay Area audience numerous political figures, such as Al and Tipper Gore, JOHN MCCAIN, Bill Bradley, and Ralph Nader and celebrity personalities, such as tennis player Andre Agassi, theatrical legend Carol Channing, and attorney Johnnie Cochran. Ronn is the newsmen's news man. He has interviewed ABC News anchor Peter Jennings, veteran Washington Correspondent for ABC News Sam Donaldson, NBC's Washington Bureau Chief and Meet the Press host Tim Russert, Hardball host Chris Matthews, and CNN's Wolf Blitzer, to name a few.

Ronn Owens' sense of humor, directness, and intellect has made him a legend in the morning radio talk show industry. Ronn is quoted as saying that he is "just like everybody else—I look at the world around me and comment on it." His fans will forever love Ronn as the man who tickled their funny bones, increased their awareness of national and local issues, and opened their hearts and minds.

Before being elected to Congress, I was a Ronn Owens listener. Over the past seven years, I have gotten to know Ronn as a guest on his show, and I have come to respect him a great deal. I have always found him to be insightful, funny and—even when we are at opposite ends of an issue—fair.

Congratulations, Ronn, on thirty-five years and the Marconi Award. Here's to thirty-five more.

HONORING THE MONTEREY PARK COMMUNITY RELATIONS COMMISSION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Ms. SOLIS. Mr. Speaker, I rise today to pay tribute to the Monterey Park Community Relations Commission for celebrating cultural diversity in the fourteenth annual Harmony Festival.

For thirteen years, the City of Monterey Park has been instrumental in bridging the cultural divide amongst its residents. Their leadership and initiative on multicultural awareness have set a high standard for other cities. The 32nd Congressional District is a culturally diverse district, and it is important that all of us work together to ensure that everyone has the opportunity to achieve the dreams for our families and ourselves.

Throughout my career in public service, I have advocated for policies that promote greater multicultural harmony and recognize the strength that lies in the great diversity of our community, our State, and our Nation. In order to build upon the strength of our diverse communities, we must break down the discriminatory barriers that exist in our country. In this regard, I am fighting in Congress for efforts to eliminate discrimination in all aspects of society, including health care, education, housing, and employment.

I take great pride in the cultural diversity that can be found in Monterey Park and throughout the Los Angeles region. I commend the City of Monterey Park and the Monterey Park Community Relations Commission for their efforts to promote greater multi-cultural harmony and understanding. These types of events bring the community together to focus on diversity and appreciation of our differences.

TRIBUTE TO PRIVATE FIRST CLASS JOSE CASANOVA JR.

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Ms. SOLIS. Mr. Speaker, I rise to pay tribute to Private First Class Jose Casanova Jr., United States Army 82nd Airborne Division. This young man, from my hometown of El Monte, was a communications specialist who served his country with courage, pride and loyalty. On October 13, 2003, Private Jose Casanova Jr. made the ultimate sacrifice and was killed while serving our country.

Private Jose Casanova Jr., a product of the public school system, earned his high school diploma in June of 1999 from Arroyo High School. During high school, Private Casanova was an active member of the student body participating in football, soccer, track and band. After graduation, his passion for music and helping people led him to return to Arroyo High School as a mentor to younger musicians.

On January 3, 2002, Private Casanova enlisted in the United States Army to serve his country and to achieve his dream of going to college and becoming a firefighter. Private Jose Casanova Jr. received training in Fort Bragg North Carolina. His 82nd Airborne unit was activated and deployed to Iraq on February 14, 2003.

Jose Casanova Jr., a United States citizen and a true patriot, is survived by his mother Teresa Muñoz De Casanova and father Jose Casanova Jr. and eight siblings: Sergio, Gustavo, Olga de Carmen, Veronica, Teresa, Maria De Lourdes, Melissa and Gerardo.

Private Casanova's sacrifice will not be forgotten. We are forever in his debt.

ADOPTION PROMOTION ACT OF 2003

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. RENZI. Mr. Speaker, as a member of the House Adoption Caucus, I rise in support of the Adoption Promotion Act of 2003, H.R. 3182, to continue rewarding States for their efforts to promote adoption of children in need of loving families. Since 1997, the number of children adopted from foster care has increased 64 percent. I am happy that States have made substantial progress in finding safe, permanent homes for kids. However, many older children still linger in foster care, and this bill will assist States to find adoptive families for these children. Approximately 126,000 children currently are awaiting adoption, half of whom are age nine or older. The Adoption Promotion Act of 2003 enhances the current incentive program, which rewards States that make gains in the number of children adopted, by creating a new incentive for States that increase adoptions of children age 9 or older. This change reflects a proposal outlined by the Bush Administration.

PALESTINIAN LEADERSHIP MUST STOP TERRORIST ATTACKS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise today to express my deepest sympathy to the families of the three Americans who were killed yesterday, and a fourth who was seriously injured by a massive terrorist explosion, while they were traveling along the main road toward Gaza City. They were employees of a government contractor that provides security services to the U.S. Embassy in Tel Aviv.

I also want to express my outrage at the continued terrorist attacks that take the lives of children and innocent people in Israel, Gaza and the West Bank. Only twisted minds could ever conceive of such murders as "warfare."

What made this particular terrorist attack unusual was that it involved American citizens, part of a diplomatic and security convoy traveling to Gaza to interview Palestinian candidates for a Fulbright scholarship. Ironically, this scholarship was established to increase mutual understanding between the people of the United States and other countries through the exchange of persons, knowledge and skills. What was tragically not unusual, however, was that this was just the latest in a string of hundreds of violent killings spanning several years.

Mr. Speaker, when I visited Israel a few months ago, I met with Palestinian leaders who expressed their opposition to terrorist attacks. However, their actions have not backed up their rhetoric. Yesterday's terrorist bombing further demonstrates the Palestinian authority's continued reluctance—perhaps even aversion—to aggressively dismantle the terrorist infrastructure in areas under its control. Although Palestinian officials condemned this attack, their inability to act against such acts of terrorism has led to continued terrorist attacks against both Americans and Israelis.

In order to have real progress toward peace, Palestinians must have a leader who is willing to stop terrorism—leadership the world has not seen from Yasser Arafat. The Palestinian authority, while denouncing terrorism, has never fought terrorists or terror organizations in a serious or effective way either under Arafat's direct leadership, or in the shadow of his leadership.

It is clear that despite the best efforts of people of good will on both sides, real progress toward peace can never happen as long as the Palestinians have a President who is unwilling to stop terrorists from blowing up innocent Israelis and Americans.

NATIONAL VETERANS CEMETERY IN MARYLAND

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. RUPPERSBERGER. Mr. Speaker, today I am introducing a bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in Baltimore, Maryland, metropolitan area.

We need little reminder today of the courage and sacrifice of our service men and women. Whether protecting us in past World Wars, in North Korea, Vietnam, or the Persian Gulf, or fighting today in the deserts of Iraq and Afghanistan, our military has rarely questioned their mission to protect the freedoms and liberties we American citizens enjoy every day. In exchange for their service, we promised to take care of our veterans in life and in death. This bill addresses the most basic of those promises for our veterans of yesterday, today and tomorrow.

Maryland has a long-standing tradition of military service and sacrifice dating back to the Revolutionary War—when the Old Line Soldiers were considered General Washington's favorite after saving the Continental Army from destruction as only the Marylanders were left standing. This historical tie was reinforced when the Secretary of the Navy established the Naval Academy in Annapolis, Maryland in 1845—a testament to Maryland's contribution to the future service of our nation.

That tradition continues today with bases in Ft. Meade, Aberdeen, Ft. Detrick, and Andrews Air Force Base, just to name a few. Maryland is home to over 45,000 active, reserve and guard service men and women, as well as their families. And there are over half a million civilian veterans residing in the State of Maryland.

Yet there is no longer federal or national cemetery space for first interments—for veterans who wish to have a casket burial. While there is state cemetery space, I stand here today on behalf of the veterans I represent, on behalf of their families, and on behalf of the veterans throughout my home state of Maryland to ask my colleagues to keep the national promise to all veterans. At the very least, we should offer choices to veterans between national and state cemetery burials. Families should not be forced to travel great distances to visit their loved ones.

There are approximately 27 million veterans in the United Sites today—10 percent of our national population. And Roll Call on September 29, 2003, said that we are losing 1,500 veterans a day. It is for these brave veterans that I introduce this bill and ask my colleagues for swift passage.

50TH ANNIVERSARY OF CHEMTRONICS, INC.

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. HUNTER. Mr. Speaker, I rise today to recognize an important business in my district celebrating it's 50th anniversary. In 1953, Bert Gross, James Lowry and Daniel Brimm joined together to start Chemtronics, Inc., a local small-business specializing in technology that could remove metal in a very rapid and controlled manner. Chem-tronics, Inc. was incorporated in October 1953, with company offices and chemical etching facilities set up in rented World War II surplus barracks on Gillespie Field in El Cajon, California.

Early sales efforts were focused on aircraft frames and skins but they soon realized that the chemical milling process could be applied advantageously to jet engine components as well. With this new opportunity, the company embarked on a campaign to earn a contract with General Electric Co., working on their TF–39 jet engine. From the middle 1960's into the early 1970's, Chem-tronics Inc., built around nine hundred of these parts.

By the early 70's, tools and trained personnel were developed for repairing and accurately reforming titanium fan blades for jet engines utilizing a process patented by the company. This activity has expanded in scope and size over the years and is now a major element of the business with its own specialized management and marketing staff, known as Aviation Repair, also located in El Cajon, California.

Chem-tronics, Inc., while still small, was becoming recognized as a high quality product-producing, vertically integrated, one-stop-shop facility. By 1975, Chem-tronics had products on space launch systems, most of the larger commercial airframes, and several of General Electric Co. and Pratt & Whitney Co.'s larger commercial jet engines.

During this same period of time, Daniel Brimm, who had bought out his earlier partners, developed a unique integral stiffening feature with chemical milling that he patented called Unistructure. This was a critical turning point in the success of Chem-tronics, Inc. Since 1976, Unistructure stiffened light-weight products have been designed and built for virtually every new By-pass Outer Duct for every military jet engine built in the USA. Driven by a company commitment to provide each customer with a one-stop-shop, Chem-tronics began to supply complete product design services in 1978, which included computer aided design and computer, aided manufacturing.

The trend of expanding Chem-tronics' technology has continued over the years with increasing levels of production, factory floor space, manpower and facilities. Major customers include General Electric Co., Pratt and Whitney Aircraft, Rolls-Royce-Allison, Allied Signal, Lockheed Martin, Northrop Grumman and Boeing. Through these customers, Chem-tronics' products have become an important part of military and commercial aircraft, such as the B–1B and B2 Bombers, Joint Strike Fighter, F22 Raptor, as well as the space shuttle and various space launch systems.

The current president, James Legler, joined the company in 1978. Through his leadership, Chem-tronics, Inc. has continued to grow as an aerospace industry leader in technology, quality products, and commitment to customer satisfaction. My fellow colleagues, Chem-tronics, Inc. represents the small-business spirit that made America great. Join me in congratulating this company for their success in creating jobs, providing critical services and products to our country's national security, and making the San Diego community proud for 50 years.

SYRIA ACCOUNTABILITY AND LEBANESE SOVEREIGNTY RESTORATION ACT OF 2003

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Ms. McCOLLUM. Mr. Speaker, I rise today in cautious support of the Syria Accountability and Lebanese Sovereignty Act (H.R. 1828).

It is entirely appropriate that we send a strong message to the Syrian government that they have not done enough to weaken terrorist activities in their country. Syria's continued support of international terrorist organizations like Hizballah, Islamic Jihad and Hamas is unacceptable. The United States has given Syria ample opportunity to remove these terrorist threats, and we cannot stand idly by while terrorist operations continue.

In addition, the United States must clearly state that the Syrian occupation of Lebanon will not be tolerated. The people of Lebanon deserve to be ruled by the Lebanese, and not an occupying Syrian force with ties to terrorism. Syrian troops in Lebanon represent a destabilizing force that threatens the peace of Israel and the entire Middle East region.

The Syria Accountability Act must be used as a political lever intended to send an unmistakable message to Syrian President Assad that his government's support for terrorist organizations and occupation of Lebanon cannot be allowed. It must not, however, be interpreted as a catalyst for military action in Syria. Inflaming the dialogue about Syria's reported connections with al-Qaeda or Iraq will only lead to rash decisions unreflective of the best interests of the United States and our allies in the global war on terrorism.

We must remain committed engaging the Syrian government in diplomatic exchange. Only by talking can we expect to improve our bilateral relations with Syria and bring about a peaceful resolution to this challenging issue.

ON THE INTRODUCTION OF DAIRY FORWARD CONTRACTING LEGISLATION

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. DOOLEY of California. Mr. Speaker, today I introduced legislation to make permanent the authority for dairy producers and processors to have an important risk management tool known as forward pricing contracts. As the ranking minority member of the Agriculture Committee's subcommittee that has jurisdiction over dairy policy, I hope to move this legislation forward before the existing statutory authority expires next year. I am very pleased that my subcommittee chairman, Mr. Gutknecht of Minnesota, has joined me in introducing this legislation, along with 14 other of our colleagues.

Forward pricing contracts allow farmers and their customers the opportunity to freely negotiate a long-term contract for the sale of their agricultural products at a fixed price. This risk management tool gives farmers greater predictability for income streams, which in turn allows for better management of farm and business operations.

Buyers and sellers of many farm commodities rely heavily on forward contracts. According to a report by the GAO, forward cash contracting is the risk management tool most frequently used by producers outside the dairy sector. A majority of cotton (76 percent), corn (65 percent), and wheat (57 percent) producers use forward contracts to lock in their prices and revenue. Dairy producers have utilized this tool less, primarily because the legal requirements of the federal milk marketing order system have prevented dairy processors from offering this risk management tool to dairy farmers.

In 1999, Congress decided to amend federal law to remove this impediment to dairy forward pricing contracts. A pilot program was established, allowing dairy producers and processors to enter into voluntary agreements for the sale of a set amount of milk for a fixed price over a specified period of time. These contracts are based on a negotiated price rather than the minimum price set monthly under federal milk marketing orders.

The pilot program went into effect in July 2000, and is due to expire December 31, 2004. Although it has only been in place for a few years, it is an important tool for the dairy industry to have that deserves permanence. The bill that I introduced today would make this program a permanent authority and thereby ensure the availability of forward pricing contracts to any and all producers and processors who voluntarily want to use such a risk management tool.

I hope my colleagues will join me in supporting this legislation and making it become law in the near future.

SPINA BIFIDA AWARENESS MONTH

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. STUPAK. Mr. Speaker, I rise today to let my colleagues know that October is National Spina Bifida Awareness Month and to pay tribute to the more than 70,000 Americans—and their family members—who are currently affected by Spina Bifida—the nation's most common, permanently disabling birth defect. The Spina Bifida Association of America (SBAA), an organization that has helped people with Spina Bifida and their families for nearly 30 years, works every day—not just in the month of October—to prevent and reduce suffering from this devastating birth defect.

The SBAA was founded in 1973 to address the needs of the individuals and families affected by this disease and is currently the only national organization solely dedicated to advocating on behalf of the Spina Bifida community. As part of its service through 57 chapters in more than 100 communities across the country, the SBAA puts expecting parents in touch with families who have a child with Spina Bifida. These families answer questions and concerns and help guide expecting parents. The SBAA then works to provide lifelong support and assistance for affected children and their families.

Together the SBAA and the West Michigan Spina Bifida Association, the Spina Bifida Association of Southeastern Michigan, the Spina Bifida Association of Upper Michigan, and the Southwest Michigan Spina Bifida & Hydrocephalus Association work tirelessly to help families meet the challenges and enjoy the rewards of raising their child. I would like to acknowledge and thank SBAA and these local Spina Bifida organizations in Michigan for all that they have done for the families affected by this birth defect, especially those living in my state.

Spina Bifida is a neural tube defect that occurs when the central nervous system does not properly close during the early stages of pregnancy. Spina Bifida affects more than 4,000 pregnancies each year, with 1,500 babies being born with Spina Bifida each year. There are three different forms of Spina Bifida with the most severe being Myelomeningocele Spina Bifida, which causes nerve damage and severe disabilities. This severe form of Spina Bifida is diagnosed in 96 percent of children born with this condition. Between 70 to 90 percent of the children born with Spina Bifida are at risk of mental retardation when spinal fluid collects around the brain.

The exact cause of Spina Bifida is not known, but researchers have concluded that women of childbearing age who take daily folic acid supplements reduce their chances of having a Spina Bifida pregnancy by up to 75%. Progress has been made convincing women of the importance of consuming folic acid supplements and maintaining diets rich in folic acid. However, this public education campaign must be enhanced and broadened to reach segments of the population that have yet to heed this call.

Although folic acid consumption reduces the risk and incidence of Spina Bifida pregnancies, we will still have babies born with Spina Bifida who need intensive care and families that need guidance and support in caring for and raising these children. The result of this neural tube defect is that most babies suffer from a host of physical, psychological, and educational challenges, including paralysis, developmental delay, numerous surgeries, and living with a shunt in their skulls in an attempt to ameliorate their condition. Today, approximately 90 percent of all babies diagnosed with this birth defect live into adulthood, approximately 80 percent have normal IQs, and approximately 75 percent participate in sports and other recreational activities. With proper medical care, people who suffer from Spina Bifida can lead full and productive lives. However, they must learn how to move around using braces, crutches or wheelchairs, and how to function independently. They also must be careful to avoid a host of secondary health problems ranging from depression and learning disabilities to skin problems and latex allergies.

After decades of poor prognosis and short life expectancy, breakthroughs in research combined with improvements in health care and treatment children with Spina Bifida are now living long enough to become adults with this condition. However, with this extended life expectancy people with Spina Bifida now face new challenges in the fields of education, job training, independent living, health care for secondary conditions, aging concerns, and other related issues.

I am proud to Co-Chair the newly established Congressional Spina Bifida Caucus with my colleague Representative CHRISTOPHER SMITH. The Congressional Spina Bifida Caucus will bring increased attention to this condition and advance initiatives that will improve the quality of life for those individuals and their families living with Spina Bifida.

I again wish to thank the SBAA and its chapters for all of their hard work to prevent and reduce suffering from this birth defect and for their commitment to improve the lives of those 70,000 individuals living with Spina Bifida throughout our nation. The Spina Bifida community and our nation owe a tremendous debt to the SBAA for its work over the past three decades. Much more work still needs to be done, and I am confident this fine organization and its chapters will lead the effort for decades to come. I wish the Spina Bifida Association of America the best of luck in its endeavors and urge all of my colleagues and all Americans to support its important efforts.

CHICAGO SAYS REPEAL THE PATRIOT ACT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Ms. SCHAKOWSKY. Mr. Speaker, I would like to enter into the record a resolution passed by the City Council of Chicago calling on Congress to actively work for the repeal of sections of the PATRIOT Act that "violate fundamental rights and liberties as stated in the U.S. Constitution and its Amendments." This resolution was passed on October 1, 2003.

I supported this resolution and I want to thank Aldermen Helen Shiller, Joe Moore, Freddrenna Lyle, and Ricardo Munoz for introducing it. I would also like to recognize and thank the City Council of Evanston and the President and Board of Trustees of Wilmette for passing similar resolutions.

I voted against the PATRIOT Act two years ago and I continue to remain skeptical of its effectiveness at keeping us safe. I believe the PATRIOT Act violates our civil liberties, our right to due process, and unnecessarily targets immigrants. Therefore, I am pleased to join with the Chicago City Council in affirming the rights of all people living within Chicago and the country and in saying that we must repeal the PATRIOT Act.

The following is the resolution passed by the City Council of the City of Chicago:

RESOLUTION ON THE USA PATRIOT ACT AND RELATED EXECUTIVE ORDERS

Whereas, the City of Chicago houses a diverse population, including citizens of other nations, whose contributions to the community are vital to its character and function; and

Whereas, the United States Constitution guarantees certain fundamental rights including: freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings; and a fair, speedy and public trial; and

Whereas, the USA PATRIOT Act signed by George W. Bush on October 26, 2001, in the opinion of many American, contains a number of provisions that undermine the above mentioned rights and which fundamentally alter our civil liberties without increasing our security; and

Whereas, examples of the provisions in the USA PATRIOT Act and Executive orders that may undermine the constitution and the rights and civil liberties of Chicago residents include:

A significant expansion of the government's ability to access sensitive medical, mental health, financial and educational records about individuals; and lowers the burden of proof required to conduct secret searches and telephone and Internet surveillance

Giving law enforcement expanded authority to obtain library records, and prohibits librarians from informing patrons of monitoring or information requests

Giving the Attorney General and the Secretary of State the power to designate domestic groups, including religious and political organizations, as "terrorist organizations"

Granting the Attorney General the power to subject citizens of other nations to indefinite detention or deportation even if they have not committed a crime

Authorizing eavesdropping on confidential communications between lawyers and their clients in federal custody

Limiting disclosure of public documents and records under the Freedom of Information Act; and

Whereas, the Department of Justice interpretations of this Act and these Executive Orders particularly target immigrants, including Hispanics, people of Middle Eastern and South Asian descent and citizens of other nations, thereby potentially encouraging racial profiling by law enforcement and the unintended consequence of increase in hate crimes by individuals in our community; and

Whereas, almost 200 other cities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values, and are demanding accountability from federal agencies regarding the use of these new powers; now therefore be it

Resolved, That the City of Chicago joins the almost 200 other U.S. cities and affirms its strong opposition to terrorism, and also affirms that any efforts to end terrorism not be waged at the expense of the fundamental civil rights and liberties of the people of Chicago, the United States and the World; and be it further

Resolved, That the City of Chicago affirms the rights of all people, including United States citizens and citizens of other nations, living within the City in accordance with the Bill of Rights and the U.S. Constitution by lawfully resisting every effort to erode those rights and protections including: freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings; and fair, speedy and public trial; and be it further

Resolved, that the members of the City Council of the City of Chicago call on our United States Representatives and Senators to monitor the implementation of the U.S. Patriot Act and the Orders in furtherance thereof and actively work for the repeal of only those sections of the Act and those orders that violate fundamental rights and liberties as stated in the US Constitution and its Amendments by sending a copy of this resolution to the Illinois delegation to Congress.

HONORING HIS HOLINESS, POPE JOHN PAUL II, UPON HIS SILVER JUBILEE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. HYDE. Mr. Speaker, I am honored to join in the celebration of His Holiness, Pope John Paul II, who is marking his Silver Jubilee as the spiritual leader of more than 1 billion Catholics around the world.

It was 25 years ago today that Cardinal Karol Wojtyla, the Archbishop of Krakow, was elected Pope—the youngest chosen in a century. This Cardinal, little-known outside of native-Poland, stood before a crowd of 200,000 in St. Peter's Square and emotionally stated that he had been afraid to accept the nomination, but had done so in obedience to Christ.

While he came from meager beginnings, he will be remembered for fostering peace throughout the world. This is because His Holiness knows the persecution of oppression. He studied for the priesthood in secrecy and saw those he grew up with killed and victimized due to the Nazi Occupation. He later witnessed firsthand the communist subjugation of his native Poland.

Since becoming Pope, he has traveled more extensively throughout the world than any predecessor, during which time he has spread the message of peace, religious freedom, and human dignity.

His Holiness was instrumental in the demise of communism in his native Poland, which in turn fostered the spread of democracy throughout the world.

His Holiness has reached out in an unprecedented manner to peoples of other beliefs and religions all over the world to establish a dialog which may lead to greater understanding, healing, and harmony, including praying for unity among Christian churches, reconciliation with the Jewish people, and specifically acknowledging those times in which the Catholic Church has failed to act in accordance with its teachings. He has also led a pilgrimage to the Middle East, preaching coexistence, peace, tolerance, and goodwill throughout this historically conflicted territory.

His Holiness has used his position as a world leader to become the foremost voice in fostering ties of brotherhood and promoting peace and reconciliation in the world today. His many efforts have invited his being bestowed with the Congressional Medal of Honor on January 8, 2001.

I ask my congressional colleagues to join me in paying tribute to this devoted spiritual leader and to celebrate with him this Jubilee.

SAVE OUR HOMES ACT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Ms. SCHAKOWSKY. Mr. Speaker, I am pleased to announce that today I am reintroducing the "Save Our Homes Act." I want to thank my colleagues MAXINE WATERS, BERNARD SANDERS, JULIA CARSON, JAMES MCGOVERN, PETER DEFAZIO, LUIS GUTIERREZ, LOUISE SLAUGHTER, BARBARA LEE, ELEANOR HOLMES NORTON, DONALD PAYNE, MAJOR OWENS, HENRY WAXMAN, FRANK PALLONE, LYNN WOOLSEY, STEPHANIE TUBBS JONES, MADELEINE BORDALLO, RAUL GRIJALVA, GEORGE MILLER, DENNIS KUCINICH, BOBBY RUSH, MARCY KAPTUR, SHEILA JACKSON-LEE, CHRIS BELL, GENE GREEN, MICHAEL HONDA, DONNA CHRISTENSEN, and ROBERT BRADY for joining me today as original cosponsors of this legislation.

The Save Our Homes Act would help protect homebuyers from unscrupulous lenders and brokers by creating strong new protections for homeowners throughout the country. The Save Our Homes Act provides a floor, not a ceiling for consumer protections. Strong States and local anti-predatory lending laws would not be preempted by this legislation. The Save Our Homes Act is supported by leading consumer rights organizations, such as the Association of Community Organizations for Reform Now (ACORN), National People's Action, and National Community Reinvestment Coalition. This is the strongest anti-predatory lending bill in Congress

The Coalition for Responsible Lending estimates that homeowners lose $9.1 billion annually due to predatory loans. In Chicago, foreclosures increased by 74 percent between 1993 and 2001. Remarkably, over that same time period, foreclosures in the subprime market increased by 500 percent. Half of all the foreclosures occurred within 2 years of origination, signaling fraudulent and abusive lending practices. Under the leadership of Mayor Daley and Governor Blagojevich, Illinois and the City of Chicago have passed tough anti-predatory lending laws. Nevertheless, under current Federal law, State and local governments cannot stop some abusive lending practices. In addition, most States do not have strong anti-predatory lending laws. My legislation would close these loopholes and ensure that all homeowners, in every State, are protected from predatory lenders and brokers.

We are all united in support of homeownership. However, supporting homeownership is not enough; we need to make sure people are able to stay in their homes. That is why we need to crackdown on predatory lenders and brokers.

Predatory lenders and brokers are out to make a fast buck on the backs of the elderly, homeowners in financial distress, low-income families and people of color. Predatory lenders are thieves, preying on consumers who are house rich, but cash poor. They don't wear ski masks or hold a gun to your head. They come knocking on your door with neckties and loan papers, charge you credit card high interest rates, and steal the equity, that you've built in your home.

People living in underserved communities have a difficult time obtaining conventional loans. Despite all the progress that has been made, redlining continues to be a major problem. In 2000, HUD completed a study that found that borrowers in upper income African American neighborhoods, who would easily qualify for conventional, low rate loans, were twice as likely as homeowners in low-income white neighborhoods to receive subprime refinance loans.

Of course, not all subprime lending is abusive and predatory. Responsible subprime lending expands homeownership opportunities for those who cannot qualify for conventional loans. However, it is clear that abusive practices are a major problem in the subprime industry. People who turn to subprime lenders are more likely to obtain abusive loans. That is why homeowners who are forced to turn to the subprime market need strong, Federal protections.

I am looking forward to working with my colleagues to pass this legislation, the Save Our Homes Act, into law.

EDUCATION SAVINGS ACT OF 2003

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. PORTER. Mr. Speaker, today I am introducting the "Education Savings Act of 2003". This legislation will change current tax law to make it clear that employers can make tax-deductible contributions to employees' education savings accounts, such as 529 or 530 accounts.

Saving for our children's higher education has become increasingly important as we continue to see the cost of college education steadily rising. As a Member of the Committee on Education and the Workforce I have been afforded the opportunity to participate in many hearings outlining some of the difficulty student's face with the rising cost of tuition. Tuition is outpacing the rate of inflation, increases in family income, and even increases in State and Federal financial aid—which have grown tremendously in recent years. Planning for our children's future education by setting up savings accounts is essential now more than ever.

I have seen first hand the effects that can occur from rapidly increasing tuition rates. The State of Nevada has one of the lowest numbers of college graduates per capita. Setting up savings accounts early on for higher education can displace some of the burden created by the high costs of attaining a college education.

The United States tax code offers options for families to SAVE—to Set Aside for the Value of Education. Two such options, the 529 College Savings Plan and the 530 "Coverdell Accounts", have benefited thousands of students and have helped their families meet the rapidly escalating costs associated with attaining a college degree. Unfortunately, current tax law penalizes workers for accepting contributions from their employers to these accounts by considering it earned income to the employees.

The "Education Savings Act" will clarify that any amount contributed to these education accounts will NOT count towards an employee's taxable income.

By allowing employers to contribute to 529 and 530 accounts without the contribution being considered taxable income, I hope to increase the ease with which we send our children to college. Employers are able to provide health and retirement benefits and it is time for businesses to be able to provide an education benefit as well without penalizing the employee. The "Education Savings Act" is another effort to help defray the ever growing costs of attaining a college education.

Congress should do all we can to encourage our youth to pursue higher education opportunities and eliminate any barriers.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Ms. ESHOO. Mr. Speaker, I was absent from votes on the morning of September 25 because I was attending meeting with the National Security Advisor at the White House.

I requested a leave of absence from September 30 through October 8 due to a family illness. Had I been here, I would have voted "yea" on rollcall votes 520, 524–529, 531–533, and 535–539 and "nay" on rollcall votes 530 and 534.

VETERANS RECOGNIZED BY THE SILVER ROSE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. PAUL. Mr. Speaker, I rise to thank Gary Chenett, and Robert Baker. These two gentlemen are responsible for awarding The Silver Rose to our military veterans in Texas and across the Nation.

Established in 1997 by Mary Elizabeth Marchand, The Order of The Silver Rose gives many veterans the satisfaction of being recognized for making the ultimate sacrifice for our nation. Mrs. Marchand's father, Chief Hospital Corpsman Frank Davis, died from illnesses resulting from the use of Agent Orange in the Vietnam War. A combat veteran, Chief Davis was not wounded in combat but exposed to a dangerous substance while fighting for his country. Exposure to Agent Orange resulted in Davis losing his life some years later. Subsequently, determination was made by the Department of Defense that Chief Davis and many like him do not qualify for The Purple Heart.

The Order of The Silver Rose recognizes the courage, heroism, and contributions of American service personnel who were exposed to Agent Orange in a combat zone. There are thousands of veterans who served this country faithfully who are now suffering illnesses, some fatal, directly due to being exposed to harmful substances during the war.

Gary Chenett and Robert Baker award veterans with The Silver Rose. To date over one thousand veterans have received this award. Sadly, many of these awards have been made posthumously. October is now recognized as Agent Orange month in Texas and many other states. On behalf of Texas, I thank our brave patriots for their sacrifices.

HOUSE OF REPRESENTATIVES—*Friday, October 17, 2003*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. SIMMONS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

> *Washington, DC, October 17, 2003.*
>
> I hereby appoint the Honorable ROB SIMMONS to act as Speaker pro tempore on this day.
>
> J. DENNIS HASTERT,
> *Speaker of the House of Representatives.*

PRAYER

The Most Reverend Thomas Wenski, Coadjutor Bishop of Orlando, Florida, offered the following prayer:

O God, all powerful Creator and loving father of all mankind, Maker of nature and nature's law:

You are the source of the inalienable rights which our union was formed to protect and to promote.

We ask You to look lovingly upon this Congress as its Members convene this morning to seek to provide for the common good of our people.

You know what is in the human heart and You justly judge the rectitude of our intentions.

May these representatives in their deliberations today be guided by Your wisdom.

And, may they rely on the protection of Your Divine Providence which You in Your goodness have extended over our Nation from its beginnings.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

> S. 618. An act to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, 326–K, and for other purposes.

WELCOMING THE MOST REVEREND THOMAS WENSKI

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, it is my pleasure and high honor to have Bishop Wenski visiting with us today. The Bishop was born in West Palm Beach, Florida, and grew up in Lake Worth, my hometown, where he attended Catholic school at his home parish, Sacred Heart.

Bishop Wenski has provided for the pastoral and spiritual needs of the Haitian communities of south Florida. Through the 1980s, he conducted a circuit-riding ministry that led him to help establish Haitian-Catholic communities from Homestead in the south to Fort Pierce to the north, Immokalee to the west and Fort Lauderdale to the east.

In late 1996, he spearheaded a relief operation that delivered over 150,000 pounds of food to Caritas Cuba, the social service arm of the Catholic Church in Cuba, for distribution to people left homeless by Hurricane Lilly. This was the first time that Cubans in Miami participated in a humanitarian relief effort directed to their native land of Cuba.

In 2001, Governor Jeb Bush appointed him to the Florida Council on Homelessness.

Bishop Wenski speaks Haitian, Creole and Spanish fluently and preaches and celebrates mass regularly in both languages. He also has knowledge of Polish, the language of his immigrant father and Polish-American mother, as is my family of Polish-American descent.

Pope John Paul II appointed Bishop Wenski as coadjutor bishop of the Dioceses of Orlando on July 1, and I know the gentleman from Florida (Mr. KELLER) and the gentleman from Florida (Mr. MICA) and the gentleman from Florida (Mr. FEENEY), among others, join me in welcoming their new bishop of Orlando. He is the only native Floridian serving as bishop in our great State of Florida, and Bishop Wenski's motto is: All things to all men, Corinthians 9:22.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute speeches per side.

AMERICA CONTINUES TO FIGHT WAR ON TERROR

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday was a significant day in the War on Terror with countries all over the world joining in to help the United States bring civil order to Iraq. The morning began with Japan announcing $5 billion in aid for Iraq redevelopment. The Washington Post reported Ambassador Howard Baker, Jr., thanked our Japanese allies for being "generous." This was followed by the unanimous vote of the Security Council to approve a new resolution backed by America. The New York Times today editorialized "President Bush won a big victory yesterday at the United Nations."

Later, there was an historic meeting here at the Capitol of Speaker Ognyan Gerdjiko of Bulgaria with the gentleman from Illinois (Mr. HASTERT), the first meeting ever of speakers from Bulgaria and America. Speaker Gerdjiko pledged partnership in the War on Terror, substantiated by providing 500 Bulgarian troops currently in Iraq.

With the supplemental vote today, America is proving its determination to win the war on terror by making all efforts to complete our commitment for victory to protect the American people.

In conclusion, God bless our troops.

BUREAUCRATIC INCOMPETENCE, INDIFFERENCE AND INTRANSIGENCE AT PENTAGON

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, today the House will vote to borrow $87 billion to continue the conflict in Iraq

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and build and revitalize the Iraqi economy. They say it is necessary to support the troops. It is not for dearth of funds that our troops lack ceramic body armor or armored Humvees and other essentials. There are ample, unspent funds, billions from the $79 billion we borrowed for this war last April, but it is bureaucratic incompetence, indifference and intransigence at the Pentagon. Secretary Rumsfeld and his advisors did not order armor because they did not think that we would need it, and they could never admit they were wrong. It did not fit their scenario.

They say it is necessary for the security of the American people that we are going to borrow $20 billion in the name of working Americans to invest and stimulate the Iraqi economy, to build their infrastructure, roads, bridges, highways, state of the art telecommunications, sewer and electric.

Well, it is not going to boost our economy here at home, and that is the security that my constituents and most Members' constituents are worried about. If we invest in the economy as the Democrats have advised, it would provide 1 million jobs for Americans.

WHY ARE WE BEING SO GENEROUS?

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, there has been a lot of discussion about our reconstruction efforts in Iraq, and why are we doing it, why are we not lending them the money at some exorbitant interest rate? Why are we being so generous? Well, there are five real reasons.

Number one, Iraq is saddled with a $200 billion debt already. If we give them a loan, what is going to happen is similar to what happened between France and Germany after World War I with the reparations: It will not help Iraq become independent and free and strong.

Number two, practicality. There is no ruling authority in Iraq at this point to make a loan to, and it will take a lot more time if we go that route.

Number three, we need to lead by example. As the gentleman from South Carolina (Mr. WILSON) just said, because of the U.S. efforts, we already have other donor nations stepping forward.

Number four, perception. There is already an anti-American, anti-Western mood amongst Arab countries in the Middle East, and by doing this, we will become free of that suspicion.

Number five, it is in our national interest to have a stable, secure, democratic country emerging in the Middle East.

Mr. Speaker, this is why we are doing what we are doing. It is an important vote, and it is the right vote.

NATIONAL GUARD GETS HAND-ME-DOWN EQUIPMENT

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, under current practices today, the National Guard gets hand-me-down equipment from the regular Army. In many instances, it is never really anticipated those Guard units will go into combat. Now, because of manpower shortages, we are reaching so deeply into the Guard that we are having the Guard show up in Baghdad with old-generation Humvees without the proper equipment.

We will have an amendment later today to transfer $300 million out of the weapons of mass destruction search by David Kay that has turned up a vial of botulism that we are now told by the experts has never been turned into a weapon, and it was sold by an American company back in the 1980s and given to the National Guard so that when they rotate into Baghdad and into other parts of Iraq, they will have modern equipment.

We cannot sacrifice the lives of these young people because we failed to provide them the equipment or we gave them old equipment 7, 8, 10 years ago and they have to take that equipment into battle. This is absolutely crucial in terms of the safety and protection of our fighting men and women who are in the Guard who now find themselves stationed in combat zones in excess of a year.

RUSHED DEBATE ON SUPPLEMENTAL APPROPRIATION INAPPROPRIATE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, this morning we discovered that one more MP lost his life in the midst of Operation Iraqi Freedom. I heard yesterday the majority leader say "our war." This war was rendered by a resolution of this House, but not by a Constitutional vote under the Constitution that required this Congress to declare war. This war was rendered on the premise of weapons of mass destruction and the fact that the United States of America was under imminent attack. We found both of those to be fallacies and untrue.

Mr. Speaker, today we are asked to abrogate our responsibilities as Members of Congress and do a circumscribed debate on issues important to the future of this Nation. I spent time with those young women and men on R&R from Iraq. Their courage has not been diminished, but their morale has been obliterated. Eleven of them have committed suicide. They recognize they do not have the proper equipment that they need; and I respect the appropriators for doing the best they can, but this rush to judgment in this debate on this particular appropriation is not appropriate. If we are to stand with the troops, we should be debating this through the weekend, and we should talk about the quality of life and provide them the resources necessary. This is a travesty and a farce because we are not doing what we are supposed to do, in supporting in the fullest way our U.S. troops by a thoughtful deliberative process of debate.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 396 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3289.

□ 0913

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, October 16, 2003, the bill had been read through page 2, line 2, and amendments considered under a previous order of the House had been disposed of.

Pursuant to the order of the House of that day, before consideration of any other amendment, except pro forma amendments by the chairman or ranking minority of the Committee on Appropriations or their designees for the purpose of debate, it shall be in order to consider the following amendments: An amendment by the gentleman from Wisconsin (Mr. KIND) or the gentleman from Maryland (Mr. CARDIN); an amendment by the gentlewoman from California (Ms. MILLENDER-MCDONALD); an amendment by the gentleman from Pennsylvania (Mr. HOEFFEL); an amendment by the gentlewoman from Texas (Ms. JACKSON-LEE); an amendment by the gentleman from Minnesota (Mr. RAMSTAD) or the gentleman from Kansas (Mr. MOORE); an amendment by the gentlewoman from

California (Mrs. TAUSCHER); an amendment by the gentleman from Michigan (Mr. STUPAK); an amendment by the gentleman from Texas (Mr. REYES); an amendment by the gentleman from Oregon (Mr. DEFAZIO); an amendment by the gentleman from New York (Mr. WEINER); an amendment by the gentleman from Florida (Mr. DEUTSCH); an amendment by the gentlewoman from New York (Ms. VELÁZQUEZ); and an amendment by the gentleman from California (Mr. SHERMAN).

Each such amendment may be offered only by a Member designated or a designee, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT OFFERED BY MR. KIND

Mr. KIND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KIND:

Page 48, after line 21, insert the following:

SEC. 2213. The dollar amounts otherwise provided in this chapter under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND", are each reduced by 50 percent.

The CHAIRMAN. Pursuant to the order of the House of Thursday, October 16, 2003, the gentleman from Wisconsin (Mr. KIND) and the gentleman from Arizona (Mr. KOLBE) each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, last week I had the opportunity to travel to Iraq visiting our troops in the field, and they are doing an incredible job under difficult and dangerous circumstances. Clearly, our Nation is paying a very high price in both lives and money due to the unilateral action that was taken in Iraq. Their high level of sacrifice, quite frankly, has not been met by the high level of planning that is required for this mission. I believe we have been derelict in our duty in Congress in demanding more accountability and more justification in regards to the expenditure and the use of the funds that are before us today and have been appropriated earlier this year.

That is why the gentleman from Maryland (Mr. CARDIN) and I are offering this amendment which could be titled The Enhanced Accountability and Detailed Accounting Amendment, which would slash the reconstruction funds by one-half, not because we do not believe in the mission, but because we believe the administration should come before Congress to justify in a detailed fashion what current funds are being used for and what future funds are being requested and for what purpose.

The World Bank and IMF released a report last week that indicated that for the next year in Iraq, we cannot spend, more than $5 billion without running into difficulty, and yet we have a $20 billion reconstruction request before us today.

As a member of the Committee on the Budget, it has been very frustrating trying to get detailed listings of the amount of money being spent and for what purpose. Mr. Zakheim, Comptroller for Defense, indicated yesterday before us that it was the administration's intent to keep coming to Congress for future supplemental requests which do not have to be offset, which will result in more deficit financing, instead of budgeting it in the normal budget process.

We think it should be budgeted with future requests. I also believe by slashing funds by one-half, we would encourage greater savings and cost efficiencies.

I met with Kuwaiti officials last week who indicated that they did not understand what the administration was doing in Iraq. They were sitting on multiple 3,000 megawatt generators not being used and not being requested by the United States for use in Iraq. They are also sitting on multiple desalinization machines that could be used in Iraq to help with clean water difficulties; but again, they were not being asked to contribute.

General Petraeus of the 101st Airborne, when he discovered from U.S. engineers that it was going to cost somewhere between $15-$20 million to restore a cement factory in northern Iraq went out and talked to local Iraqi officials and was able to get the job done for $80,000.

I believe this Congress has an obligation to the American taxpayer, an obligation to our children and to our grandchildren to ask questions and to demand accountability in regards to the use of these reconstruction funds, and I would encourage support for my amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Maryland (Mr. CARDIN), one of the most fiscally responsible Members of this Congress.

Mr. CARDIN. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. KIND) for offering this amendment. The gentleman has brought forward an important amendment that I hope we will consider and pass.

Regardless of how one may feel in support of the supplemental appropriation, I hope we all agree that reconstruction aid requires a higher level of scrutiny. That is exactly what this amendment does. It provides 50 percent of the money now. That is consistent with the analysis of the World Bank, the United Nations, and the International Monetary Fund as to how much funds can effectively be used by Iraq in the next year. It is consistent with our initiative to get our allies to pay a larger share of the reconstruction act.

The vote in the United Nations Security Council yesterday was encouraging. If Members believe our allies should be paying more of these reconstruction funds, Members should support the Kind amendment.

It is also consistent with our desire to have the Iraqis repay some of this money. We know that the other body has already taken action in that regard. If Members believe that we should be considering whether the Iraqis have the resources to repay some of these funds later, then Members should support the Kind amendment.

It is consistent with our responsibility for oversight. It is our responsibility to make sure these monies are properly spent, to monitor the use and get more accounting. If Members believe we should exercise that responsibility, they should support the Kind amendment.

It also allows us to get a plan from the administration to transfer authority to the Iraqis and bring our troops home. We should have that information. This amendment is consistent with that request.

Then if more funds are needed, this body can take it up with the condition, and in the form, that is consistent with the goals that we are trying to achieve. At that time, the Congress can take up additional resources and act on that request. I urge my colleagues to support this amendment. It is the right thing for us to do in order to successfully complete our mission in Iraq.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment, and would like to point out that this is a little different amendment than we originally thought we would be looking at today.

This issue was debated twice yesterday on this floor, once with the Obey amendment which would have cut the amount by half and put some in loans, the other time during debate on the amendment offered by the gentleman from Indiana (Mr. PENCE) which would have done the same thing. We have had a lot of discussion about the idea of how much we should have and whether we should reduce it, and whether some should be in the form of a loan or not. I believe that issue has been dispensed with.

I have just heard a couple of arguments from the other side that this amendment will require more scrutiny. Where in the words here does it require any more scrutiny? It just says it will cut it by 50 percent. It says that we think that the Committee on Appropriations' work is insufficient, we are just going to cut it in half.

Where does it say that it is going to require some repayment by the Iraqis? There is nothing in here about repayment or loans. It just says we are going to take the aid and the assistance we are going to provide to the Iraqis, and we are going to slice it exactly in half because we think that they do not really need that money for reconstruction.

Mr. Chairman, what we have heard over the last several days, and I know I am sounding like a broken record by repeating this, as General Abizaid, Ambassador Bremer, and many others have told us over and over again, every dollar for reconstruction is just as important as every dollar we provide to our men and women in uniform in Iraq. It is just as important.

If we are going to get our men and women home from Iraq, we have to turn the security of the country over to the Iraqis, and that means we have to train the Iraqis. We have to train the police force and the national army. If we are going to get our men and women home, we have to restore the Iraq economy and put Iraq back on its feet. Cutting the assistance to Iraq in half is not the way to accomplish that. If we want to be sure that our men and women in uniform stay in Iraq a lot longer, this is the amendment Members want to vote for.

I have great respect for the gentlemen who have offered this amendment, they are very thoughtful people, but I must say this amendment is absolutely the wrong direction. It does not accomplish what they want. It does not accomplish the kind of scrutiny they want, which is what we will find in the general provisions of the bill. We have a lot of oversight. We have more reporting, we have more oversight requirements, we have requirements that if there are changes in the amount of the funds, if it is moved from one to the other, there has to be notification to the Congress. We are doing that oversight. That is the responsibility of Congress. But cutting the amount of assistance to Iraq in half is not the way to proceed. I urge my colleagues to reject this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. KIND).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KIND. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. KIND) will be postponed.

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUPAK:

In the paragraph in chapter 1 of title I under the heading "Military Personnel, Army", insert after the dollar amount the following: "(increased by $188,420,000)".

In the paragraph in chapter 1 of title I under the heading "Military Personnel, Navy", insert after the dollar amount the following: "(increased by $12,616,000)".

In the paragraph in chapter 1 of title I under the heading "Military Personnel, Marine Corps", insert after the dollar amount the following: "(increased by $11,643,000)".

In the paragraph in chapter 1 of title I under the heading "Military Personnel, Air Force", insert after the dollar amount the following: "(increased by $52,322,000)".

In the paragraph in chapter 2 of title II under the heading "Iraq Relief and Reconstruction Fund", insert after the aggregate dollar amount the following: "(reduced by $1,007,000,000)".

Mr. STUPAK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. Pursuant to the order of the House of Thursday, October 17, 2003, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I yield myself such time as I may consume.

I ask that my amendment to provide a $1,500 bonus to the men and women who have served in Iraq be joined by the gentleman from Pennsylvania (Mr. DOYLE), the gentleman from Washington (Mr. INSLEE), the gentleman from Texas (Mr. LAMPSON), the gentleman from California (Mr. CARDOZA), and the gentlewoman from Minnesota (Ms. MCCOLLUM), and all those who have cosponsored my base bill, H.R. 3051. They have all asked to join with me in providing this bonus to the men and women who have served in Iraq and Afghanistan during fiscal year 2004.

This amendment provides a $265 million increase in the base pay for all of our military services' troops. This is the amount that is needed to provide a $1,500 bonus to each person serving, including our National Guard and Reserve units serving in Iraq or Afghanistan.

This $1,500 bonus is paid for by cutting the appropriate sum from the bill, from the amount set aside to import petroleum products into Iraq. In this $87 billion supplemental appropriation for Iraq, we surely can afford to boost the pay of the service men and women by $1,500.

What this amounts to when we look at the total bill, for every $328.30, we are giving our troops $1. Certainly, we can afford $1 for every $328 we spend in Iraq and Afghanistan. Our troops are really carrying the true burden of our commitment to Iraq and Afghanistan, and at least we can give them $1 compared to $328 which we are pouring into Iraq and Afghanistan.

Our soldiers have lived basically in nearly primitive conditions. We had an amendment yesterday on the floor, the Obey amendment, which would increase the quality of life for our Armed Services while there, and when they come home. Unfortunately, that amendment was defeated. This is an opportunity to show our troops that this Congress is united behind them in the service they are providing.

These deployments that we are now undertaking of our troops, our Guard and our Reserve units, is the longest deployment we have had of military personnel since Vietnam. They have now been deployed for up to a year in Afghanistan and Iraq. Recently, the Pentagon provided a 2-week leave for our troops after they serve 12 months. We know some 700 soldiers a day come back to the United States. They are only paid to fly into BWI, Baltimore-Washington International Airport, and then they are stuck. If their family is in Michigan, Iowa, Tennessee, they have no way of getting home. They do not even get a government rate to finish the trip home. The military does not provide a ticket for them to see their families.

And how about our National Guard and Reserve units over in Iraq and Afghanistan, first they were only going to be called up for a few months, then 6 months, and now it is a year. While our National Guard and Reserve units are proud to serve, and are willing to leave their civilian jobs to serve, how do they support their families back home, when they leave their civilian jobs?

In my district, National Guard Unit 1437 from Slt. St. Marie, Michigan, just came back. They told me about the financial hardship it is to make ends meet at home while they are over in Iraq.

☐ 0930

Right now the U.S. Army Reserve Unit 652, a bridge-building unit, is in Iraq. It is from the Harvey and Marquette, Michigan area. What about their financial burdens? What about the financial burdens we place on the families? Well, this $1,500 bonus is not going to solve all of these financial burdens for these people, and I do not believe that asking for $1 out of every $328 we are going to pour into Iraq and Afghanistan, to give our troops $1 is asking too much.

Again, to pay for this, in the amendment we propose to cut the oil import into Iraq. Iraq possesses the second largest oil reserves in the world. I did not know why we even have to import into Iraq, but I think we should at least be able to cut that and provide this bonus to these people.

I know some may argue that Iraq may not have enough diesel fuel or kerosene to see them through the winter. Therefore, we somehow ask the American taxpayers to make sure that they will have the diesel and kerosene to get through this winter to heat their homes. But what about our own energy needs here in this country? What about this winter? Heating oil, natural gas, and propane is expected to go sky high, and we will be in short supply here at home. Americans will be scraping and sacrificing to get through the winter. The Iraqis should at least share in this sacrifice when it comes to their oil needs.

Mr. Chairman, it still does not make much sense to me to have oil imported into Iraq which, again, possesses the second largest oil reserves in the world.

Mr. YOUNG of Florida. Mr. Chairman, I claim the time in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, on the first amendment offered today, the amendment offered actually was different than the one that we had agreed to last night in the unanimous consent request, and that is okay; we have no problem with that. But I would just ask my colleagues that in the event that any amendment that they would offer, if it is different than the one that we agreed to last night, please let us know that when they actually offer the amendment, so that we are prepared to deal with the proper amendment.

Mr. Chairman, I ask unanimous consent that the balance of the time be controlled by the gentleman from California (Chairman LEWIS) of the Subcommittee on Defense.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume. Good morning, Mr. Chairman, and welcome back. The Chairman carried forward a very full day yesterday, and we appreciate his help.

This amendment, and amendments like it that we have seen much of the day yesterday, is a very appealing sort of amendment, for it essentially says we have money in this package, and why do we not take some of it and add additional funding for our troops one way or another. Obviously, that has appeal.

The gentleman from Michigan (Mr. STUPAK) is a very fine Member from Michigan and he has expressed his concern about the troops before. Yesterday I heard people who had never expressed concern for our troops and, in fact, had not even voted for our bill in the past who were suddenly very, very concerned, and that is a little disconcerting. The gentleman from Pennsylvania (Mr. MURTHA) and I, my colleague and partner, have made every effort in this package and packages before it to aggressively increase funding available for our troops, especially those who are serving our country overseas and those who are in harm's way.

This specific proposal adds $265 million to the military personnel accounts. It suggests that it is enough to pay for a $1,500 bonus for each serviceman who is in the region. The offset is to reduce $1 billion for the reconstruction effort in Iraq.

I must say, one of the strongest arguments regarding this, besides the fact that we have done everything we can to help our troops in the previous bills and in this one, is the reality that the experts, the generals in charge of our military effort over there, say that their number one priority is reconstruction, because it is the way to, first of all, secure our troops while they are there and, secondly, the way to make certain they get home as quickly as possible is to see the economy of Iraq move forward, get it back on track, and that is part of what this bill is about.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I know that there is no one in this Chamber who has more concern about the Reserve and Guard than the gentleman from Michigan (Mr. STUPAK). He has units that have been deployed, as all of us have. I am getting questions and concerns from the families in my district, and all over the country they are writing to me. I had a 67-year-old say that he was retired for 10 years and they were trying to call him back.

But I do not think, as hard as we work for pay, I do not think an amendment like this helps us. I think we really have a problem. I know we all want to help the troops, but we struggle all the time trying to make sure we balance out the money they make. I just do not think this is the right way to do it. I think what we have to do is certainly take a look at it, working with the services themselves.

Mr. Chairman, 65 percent of our money right now goes to personnel. We put a big health care package in. Our subcommittee works helping the troops; that is what we concentrate on. I think it is just something we cannot accept. I would ask the Members to vote against this amendment, no matter how all of us would like to see the troops get more money.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman from Pennsylvania for his comments.

Mr. Chairman, here we go again. The last amendment cut 50 percent of the reconstruction dollars; this only cuts 1 billion of the dollars out of reconstruction. But I am still left with the question, what is it that members do not understand regarding the importance of reconstruction assistance? We have been told over and over again by our commanders, by everybody that is out there, that the dollars we are spending on reconstruction is part of national security. It is just as important as what we do for our Guard and Reserves. It is just as important as what we do in terms of providing ammunition and vehicles and all the armor and the other items that are needed by our troops that are over there.

The reconstruction is a vital part of this program; and if we short that, all we are doing is saying to the men and women in uniform who are there in Iraq that we are going to leave you there better off, with maybe more creature comforts, maybe with more vehicles, but we are going to leave you in this bleak, hostile landscape.

Where is this billion coming from? Is it coming from what we are going to do to try to create a new constitution? Is it coming from the governing council? Is it coming from the kerosene funding? Is it coming from the clean water for the children over there? Where is it coming from?

Mr. Chairman, to take this money out of the reconstruction is the wrong approach. We should not be doing that. I hope my colleagues will reject this amendment.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STUPAK. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. STUPAK) will be postponed.

AMENDMENT OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used for the participation of Iraq in the Organization of Petroleum Exporting Countries (OPEC).

Mr. DEFAZIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN. Pursuant to the order of the House of Thursday, October 16, 2003, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

This amendment will not, as has previously been criticized, deduct from the funds that will be used to build Iraq or, I should say, the money we will borrow to build Iraq. It is a simple amendment. It says, none of the funds made available in this act, U.S. taxpayer dollars, may be used for the participation of Iraq in the Organization of Petroleum Exporting Countries.

Now, why would we want to restrict that?

Well, the Organization of Petroleum Exporting Countries is a cartel. It is an energy cartel. They flout international law, the World Trade Organization, and other agreements by artificially constraining production in violation of the World Trade Organization's precepts to drive up the price, to profit themselves; and, of course, U.S. consumers are the losers.

Now, OPEC controls about 40 percent of the world's oil production, three-quarters of the reserves, and they set these production quotas for its 11 members.

We have heard a lot about how Iraq is going to become a free market economy. It is going to have a tremendous impact on world oil prices when its production hits the free market. If they join OPEC, they will be assigned a quota; and their quota will be controlled in the interests of OPEC, not international oil supply, not the consumers of the United States of America, but solely to benefit members of a price-fixing oil cartel.

This same cartel agreed to cut oil production, they just voted a couple of weeks ago, on November 1, by 900,000 barrels a day, which is already raising the price of gasoline at the pump here in the United States, jacking up the price of home heating oil as we go into a home heating season here in the United States. And the Iraqi representative who was sent to the last meeting at the behest of Mr. Bremer and the United States, in all probability with U.S. funds, Ibrahim Bahr al-Uloum said Iraq should play an active role in achieving the objectives of this organization, which translated, means Iraq fully intends to participate in the price-fixing, the manipulation, and the cartel.

I do not believe that U.S. taxpayer dollars should participate in this activity, which is contrary to the United States, the precepts we advocate in world trade, and our own consumers and taxpayers.

Now, why do we need the amendment? Well, Mr. Bremer has supported the membership of Iraq in OPEC, the price-fixing cartel. There are ample discretionary funds in the bill in addition to the $2.1 billion that will go to rebuild the Iraq oil infrastructure and flows through the Iraqi oil ministry which could be used to facilitate the participation in this price-fixing cartel. I just do not think that the United States taxpayers should be asked to foot this bill.

Hopefully, in fact, the U.S. will try and convince the Iraqi council and others that it would not be in their best interests to participate in a price-fixing cartel, particularly if they are going to depend upon us for so many billions of dollars to fix their oil infrastructure.

I know the gentleman from Arizona believes very much in the rule of law and is a big advocate of the World Trade Organization, their dispute mechanism, resolution mechanism; and I am certain he is very well aware that the quotas of OPEC violate the precepts of the WTO. They are not based in a shortage; they create shortages. The only way we can constrain supply under the WTO in this manner is if we have a certified shortage or conservation of resources. This is neither. This is price-fixing to gouge American consumers and others in oil-importing countries, and the United States taxpayers should have none of this.

Mr. Chairman, I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I rise to claim the time in opposition. I will not take 5 minutes. I yield myself such time as I may consume.

I agree with most everything the gentleman from Oregon has said. I certainly do not believe the taxpayers of the United States should be paying for Iraq when there is a newly constituted government there to be participating in the Organization of Petroleum Exporting Countries, known as OPEC. The fact is they most certainly, almost certainly, will continue to be a member of that organization; and, in fact, they have already attended meetings in kind of an observer status. But none of our funds should be used to do that, since they are generating a fair amount of oil funds now that are paying for much of their internal costs of government, although not enough to do the reconstruction, which is what we are having the discussions today about. That would be the funds that they would use to do that, but I quite agree that funds from the United States taxpayers should not be used for that.

Therefore, Mr. Chairman, I am prepared to accept this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. MILLENDER-MCDONALD:

In the paragraph in chapter 1 of title I under the heading "Operation and Maintenance, Defense-Wide", insert after the aggregate dollar amount preceding paragraph (1) the following: "(reduced by $50,000,000) (increased by $50,000,000)".

The CHAIRMAN. Pursuant to the order of the House of October 16, 2003, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and a Member opposed each will control 5 minutes on the amendment.

The Chair recognizes the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-McDONALD. Mr. Chairman, I yield myself such time as I may consume.

Today I am offering an amendment that directs $50 million from the Operation and Maintenance Defense-Wide account to the Family Advocacy program that is administered by the Defense Department. This amendment addresses the fundamental needs that will be facing our returning military personnel and their families when they return home from Operation Enduring Freedom and Operation Iraqi Freedom.

The Family Advocacy program provides support services to families that are transitioning from the frontline to the home front. This additional $50 million in funding will enable military families to get personal and marriage counseling which will work to reduce the incidence of domestic violence and suicide among our military personnel.

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As we are all aware, Mr. Chairman, domestic violence occurs within all groups and levels of society. However, the military presents families with particular challenges not normally found in civilian society.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Ms. MILLENDER-McDONALD. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate very much the gentlewoman yielding, and she is in the midst of a very important statement, but I wanted to share with her, as well as my colleagues, that I believe she is highlighting a very important problem.

We do provide for $22 million within the bill, but frankly, the Department tells me that the challenges are very real, we may need more money, and rather than taking my 5 minutes, I am inclined to let the gentlewoman know that we are going to accept her amendment.

Ms. MILLENDER-McDONALD. Mr. Chairman, I thank the gentleman so much.

Mr. Chairman, I need not say anymore. I appreciate the other side accepting this.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD).

The amendment was agreed to.

Mr. KOLBE. Mr. Chairman, as the designee of the gentleman from Florida (Mr. YOUNG), I move to strike the last word, and I yield to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I was prepared to introduce an amendment. There will be a better time under the rules to do that, but I will just take a couple of minutes to explain what that amendment would have done, if that is okay with the gentleman from Arizona (Mr. KOLBE).

The amendment that we had been prepared to introduce, and which, actually, we will execute in another way as the chairman of the Committee on Small Business regards the reporting requires of H.R. 3289, and, essentially, what we are trying to do here is two things.

The first thing is to have the reporting requirement so that every 60 days the Federal Government will have to file a written report with the United States Congress stating the nature of these contracts that are being used for the reconstruction of Iraq, the country of origin of incorporation or entity getting the contract and the country of origin of the services or manufactured items. There is a very rich opportunity in this country to help restore the crumbling manufacturing base by taking the $21 billion in money to rebuild Iraq and to target that at United States' manufacturing companies which have lost nearly 3 million workers in the past 2½ years.

The present reporting requirements of H.R. 3289 are not adequate for Congress to perform the oversight functions. The present bill requires no reporting to Congress where a foreign company wins a contract to assist Iraq in a free and open competition. The bill, however, does require a report to Congress where a contract is awarded on the basis of restricted competition such as a small business set aside awarded to U.S. small business.

The issue here is accountability and, essentially, the issue is under Article I of the Constitution, section 9, where it says, No money shall be drawn from the Treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

We simply would have asked in the amendment, had it been ruled in order, for the United States Congress to follow the constitutional mandate of reporting. So we will find another time to do that.

Meanwhile, Mr. Chairman, what we have going on in this country is 93,000 manufacturing jobs have been lost in the past 60 days in America. The slide has continued for over 3 years at the rate of about 57- to 60,000 manufacturing jobs per month, and this Congress should step up to the bat and say if we are going to spend $21 billion in taxpayers' dollars, let us at least use it to help keep the jobs of the hard-hit manufacturing sector in this country.

I want to thank the gentleman from Florida (Chairman YOUNG) for the opportunity to speak, look forward to working with him. I will be writing to the people in charge of the conference to ask them to consider this extremely important amendment.

Another amendment that we would have introduced, had it been in order, would have been at least to request the people buying supplies in Iraq with American taxpayers' dollars to prefer American manufacturers and American suppliers of services. We need to find a way to help create jobs, to help stop the ebb of service sector jobs and manufacturing jobs in this country. We should be using this process to rebuild Iraq for that opportunity.

AMENDMENT OFFERED BY MR. REYES

Mr. REYES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REYES:

In chapter 1 of title I, in the item relating to "INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT", after the first dollar amount, insert the following: "(reduced by $5,000,000) (increased by $5,000,000)".

The CHAIRMAN. Pursuant to the order of the House of Thursday, October 16, 2003, the gentleman from Texas (Mr. REYES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume.

This amendment is designed to address serious shortfalls in two critical areas to our national security, foreign language proficiency and diversity in their workforce.

Specifically, my amendment will cut $5 million from the general intelligence community management account and add $5 million for programs designed to increase language proficiency and workforce diversity in the intelligence community.

Success in the global war on terrorism and in Iraq demands that our Nation have the best intelligence collection and analysis possible. Officers with only a marginal understanding of the language and the culture of intelligence targets will only be marginally effective for this country.

The report of the joint inquiry into the events of 9/11 reflects my longstanding concerns about the lack of progress that has been made by the intelligence community in enhancing language proficiency and diversifying its workforce.

Specifically, it recommended that the intelligence community implement, expeditiously, measures to identify and recruit linguists outside the community whose abilities are relevant to the needs of counterterrorism.

The joint inquiry further recommended that the intelligence community should enhance recruitment of a more ethnically and culturally diverse workforce and devise a strategy to capitalize upon the unique cultural and linguistic capabilities of first-generation Americans.

To address these critical needs, my amendment will provide funds for training in critical foreign languages and language maintenance and award programs. It will also fund scholarship programs, recruitment efforts and other nontraditional programs that are designed to enhance the recruitment and the retention of a diverse workforce.

The intelligence community must have a diverse set of people that have the cultural awareness, the language familiarity and the skill sets that will allow our Nation to succeed against an increasing number of formidable foes around the globe. My amendment will provide funds for increasing diversity of the workforce and language proficiency, two vital and important national security imperatives.

I hope that I can get the support of all my colleagues on this very critical amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I rise very reluctantly to oppose this amendment.

The CHAIRMAN. The gentleman from California (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from Texas (Mr. REYES) is pointing to an area that the committee is very concerned about, and indeed the intelligence community has been, as has our Permanent Select Committee on Intelligence here in the House.

The amendment seems to have no real overall effect on the intelligence community's management account. It decreases the account by $5 million and then increases that same account, but the point that I would make is that this shifting of money would tend to have a direct impact upon both the FBI and the Department of Energy, as well as the broader intelligence community, in their efforts to develop our effort on the intelligence side in the war on terrorism.

In turn, in recent years, there has been sizeable adjustment in those accounts that addressed the question of linguistics, the training of people who know foreign language, et cetera, and as my colleague knows, identifying such people, first of all, takes time and takes time to train them, and so we just cannot throw money at it and cause a change like that. I mean, unlike a lot of accounts where we just put money in and something happens tomorrow, linguistic development, that kind of training is very difficult. So it is much more a regular order kind of process.

I could describe this in great detail in private between us, but some of the intelligence questions here really should not be discussed in this environment, but in turn, it is an important problem. If I thought a $5 million shift would make a difference and not affect other elements of our war on terrorism, I would support the gentleman's amendment, but I reluctantly oppose it.

Mr. Chairman, I reserve the balance of my time.

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume.

I have a high degree of respect for my colleague. I have been on the Permanent Select Committee on Intelligence finishing up my third year, and the bottom line is that we have not seen a strategic plan to, in fact, diversify the workforce or specifically address issues dealing with language.

My purpose in offering this amendment is to continue to highlight the critical nature and the imperative challenge that we face when we do not have this as a priority for our country. That is really why I left this at $5 million because I did not want to try to hurt any one program or this account in particular, but I specifically wanted to highlight the critical need and the lack of a strategic plan by our intelligence community to work in this particular area.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. REYES. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I am pleased to have this exchange with my colleague. We are really coming from the same position. These accounts are very delicately balanced now, as the gentleman knows, and the impact that this shifting might very well have on work that is vital within the FBI, et cetera, concerns me.

In turn, I think our dialogue here, I think, is highlighting the matter. There is no doubt that the committee is reflecting the Permanent Select Committee on Intelligence's concern about improving what we are doing relative to foreign language training and linguistics. There is little doubt that the Congress, the House of Representatives, has said very clearly in this bill in other sections, as well as this dialogue, that this is a priority. We expect the entire intelligence community to respond.

So, frankly, I want to be very complimentary of the gentleman's effort, but shifting the money here could make it very difficult to deal with the other body in a fashion that we hope to move forward with. So I am reserved relative to this amendment, but do very much appreciate my colleague's helping us highlight this important area.

Mr. REYES. Mr. Chairman, in deference to my colleague, I would close by saying I hope we can have a recorded vote, so that we can understand the importance of the issue. I hope the gentleman is in agreement.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

We certainly will but, frankly, I will end up opposing, asking for a "no" vote on that vote. I frankly do not like to see us end it that way, and we could very well end it that way, and maybe that does not help with the highlighting.

Mr. GIBBONS. Mr. Chairman, I rise in support of this amendment, and I commend my colleague on the Subcommittee on Human Intelligence, Analysis, and Counterintelligence for his work on this issue.

Today, our Nation is fortunate to have General Abizaid leading our troops in Central Command. General Abizaid is an expert on Middle Eastern affairs, and fluent in Arabic. He is the perfect man to have leading our troops in this region.

Unfortunately, people like General Abizaid are rare in the United States. Our Nation has neglected programs that build proficiency in those languages, and we are struggling to catch up. Last year, the GAO reported that the FBI had thousands of hours of audio tapes and pages of written material that have not been reviewed or translated due to the lack of qualified translators.

The GAO also noted that the State Department suffers from a language proficiency shortfall whereby Foreign Service officers are put in positions with lower-than-desired levels of proficiency. These shortfalls have not existed without cost. These shortfalls have weakened the fight against international terrorism and drug trafficking; and resulted in less effective representation of U.S. interests overseas.

The lack of trusted interpreters and human intelligence sources is slowing down the work to expose Saddam Hussein's weapons programs.

Most critically, the lack of skilled interpreters has slowed our efforts in the war on terrorism. This amendment will help alleviate these problems by focusing on the critical need to address the shortfall.

We cannot ignore this shortfall—the need for improved HUMINT is an emergency that I urge my colleagues to support with this amendment.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

Mr. REYES. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. REYES).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. REYES. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. REYES) will be postponed.

AMENDMENT OFFERED BY MR. RAMSTAD

Mr. RAMSTAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAMSTAD:

Page 3, line 13, insert after the dollar amount the following: "(decreased by 98,000,000)".

Page 7, line 7, insert after the dollar amount the following: "(increased by 98,000,000)".

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The CHAIRMAN. Pursuant to the order of the House of Thursday, October 16, 2003, the gentleman from Minnesota (Mr. RAMSTAD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Chairman. I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to the supplemental appropriations bill to provide travel and transportation costs for our brave troops to return home during R&R breaks. I want to thank my friend, the gentleman from Kansas (Mr. MOORE), for his work on this important legislation. I would also like to thank the chairman and ranking member for their tireless work on the underlying legislation, which is so critical to our mission in Iraq.

Mr. Chairman, our military recently began employing its first Rest and Recuperation program during the Vietnam War. This means that soldiers who have served 12 straight months in Iraq qualify for R&R, and some 700 troops per day are currently returning to the United States to see their families. Unfortunately, once the troops reach our shores, they are too often stranded at the airport. That is because the airports to which they are flown are nowhere near their homes or families, and same-day airline fares are far too expensive for most of our troops to afford. Being stranded at the Baltimore Washington Airport will not provide much rest or relaxation to those who are making such great sacrifices to defend our freedom.

Anyone, Mr. Chairman, who has served in the military knows how important it is to get home, especially those serving in combat. The Ramstad-Moore amendment simply shifts $98 million in funds from the Iraq Freedom Fund to the Army's personnel account.

Mr. Chairman, an amendment stating Congress' intent to expand the R&R program to cover domestic travel costs was agreed to by unanimous consent during the other body's consideration of the Iraq supplemental. This amendment today would provide the funding necessary to pay for these costs and would put this body on record in support of this important initiative for our brave troops.

The Federal Government should clearly cover all travel and transportation costs necessary to return our brave troops to their homes, briefly reuniting wives and husbands, parents and children, friends and loved ones. Getting our brave troops home for rest and recuperation is the very least we can do to show our troops and their families that we appreciate their service and their great sacrifice, and I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I rise to claim the time in opposition, though it is my pleasure to say that I am highly inclined to support the Ramstad amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RAMSTAD. Mr. Chairman, I yield myself such time as I may consume to thank the distinguished chairman for accepting this important amendment to show our troops that we truly do appreciate their important service to our country and their great sacrifice.

Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman has 2½ minutes remaining.

Mr. RAMSTAD. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Chairman, I want to thank my good friend, the gentleman from Minnesota (Mr. RAMSTAD), for his great work on this bill. This is a worthy bill that should be considered and adopted by this body, and I urge all of my colleagues to vote for the Ramstad-Moore amendment.

Mr. Chairman, back on October 1, I introduced House Resolution 387, a bipartisan resolution that now has 127 cosponsors, and basically it did exactly what the gentleman from Minnesota (Mr. RAMSTAD) has written into this amendment, and that is pay for the rest and recuperation travel, full travel cost, for all of our military personnel serving in Iraq and Afghanistan.

I heard a story on NPR about 3 weeks ago and was frankly stunned to hear that young people who had been serving in Afghanistan and Iraq were being brought home for R&R after serving their several months in Afghanistan or Iraq, and then being deposited in Baltimore or some other port city, and said, you are here, you have to pay for your own travel home and back.

I was stunned. In fact, I did not believe that was really true. I asked my staff to check, and found out in fact it was true, that they were required to pay their travel costs home and back. This is not the way we show honor and respect for the young people who serve our military and protect our country.

So I applaud again the gentleman from Minnesota (Mr. RAMSTAD) for his work on this, and I ask all of our colleagues to join with us in supporting this. Again, 127 have signed on a similar bill. There is broad bipartisan support in this body. And as the gentleman from Minnesota (Mr. RAMSTAD) said, the other body has already passed a similar amendment by voice vote.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume to say that I am prepared to accept the amendment and to yield back.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I simply would say that we certainly have no objection to this amendment on this side. We have had several other amendments, so it is about time it is accepted.

Ms. BORDALLO. Mr. Chairman, I rise to voice my support to the Ramstad-Moore amendment, which would allow troops on rest and recreation leave to return from Iraq to their home of record. This amendment benefits every member of the military serving in Operation Iraqi Freedom and Operation Enduring Freedom from across the United States, its territories and possessions. I am pleased that this amendment will enable servicemen and women from Guam to return home, even if only for a few days. This amendment will make a great improvement in the morale of our troops because they will be re-united with friends and family who are hoping and praying for their safe return. On behalf of the children that will be reunited with a parent and the couples that will see each other for the first time in months, I strongly urge my colleagues to adopt this amendment.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

Mr. RAMSTAD. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. RAMSTAD).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Ms. JACKSON-LEE of Texas:

Page 30, line 1, after the dollar amount insert "(reduced by $100,000,000)".

Page 30, line 5, after the dollar amount insert "(reduced by $300,000,000)".

Page 30, line 10, after the dollar amount insert "(increased by $300,000,000)".

Page 33, lines 19 and 20, after each dollar amount insert "(increased by $70,000,000)".

The CHAIRMAN. Pursuant to the order of the House of Thursday, October 16, 2003, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it is important as we proceed with this debate for the framework to be established that this is the largest supplemental in the history of our country. If we were to follow the instructions of the Federalist Papers, where this body was the place of speech and discourse and debate, our Members would be engaged in this very serious debate for an extended period of time.

Our Founding Fathers established this place of democracy so that we could represent our constituents. In a town hall meeting just a few days ago, my constituents asked about issues such as accountability and issues as to how this money will impact both the peace and harmony of the world we have come to know and come to love. They were concerned about some very important issues: their children, the 19- and 20-year-olds that we have on the front lines.

Over this past weekend, I had the opportunity to meet with many of our troops that are experiencing an R&R from the Mideast. Mr. Chairman, I was aghast at some of the issues that they were concerned about. And I respect the appropriators, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), and I know the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) have worked very hard, as has the gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Mrs. LOWEY); but it disturbs me not having the ability to offer important amendments. I hope I can work with both the authorizers and the appropriators so that we would have the opportunity to address the questions that I heard out of the mouths of these young men and women.

This young man, Mr. Chairman, is playing the song "Amazing Grace." These young people are saying that it is important to understand what they are dealing with. Carpenters and electricians are being used as police officers without any training. Reservists and National Guard are not getting their pay on time. And they asked me the simple question of why they cannot rotate in a period of 7 to 8 months, as opposed to not knowing when they would leave. So I was going to offer an amendment that would ensure that if this is passed that no monies are expended until the Reservists and the National Guard monies are back on track and are being paid.

Secretary Wolfowitz said that we had enough money in Iraq so that we should not have had to have this supplemental of $20 billion; so the least we can do, if we are not using the Iraqi oil money, is to at least make sure our young troops are paid on time; that our young troops as well are able to come home in an orderly time. And I am going to engage the authorizers. I do not want their commentary to me, their plea for help to go on deaf ears. I hope there is someone on the other side of the aisle paying attention. Of course, Mr. Chairman, whenever a Democrat says anything, it is of no value. Most of our amendments have been voted down, and there is not a collegial and collaborative method of looking at this.

The amendment I intend to offer this morning is very simple. It responds to the concerns about Afghanistan, Iraq and human rights and the rights of women. And it simply asks that we move money out of the Iraqi oil, which is $2.1 billion. And, Mr. Chairman, if we want to put a new face on America and Iraq, if we want people to understand our values and the importance of protecting human rights, we want to move beyond the graves of bones and not have those who move into positions of power disrespect the diversity that is in Iraq, then we must invest in human rights.

If we are going to make sure that the Taliban stays out, then we must invest in the teachers of Afghanistan. Those are the women. We must enhance human rights. We know recently that in the human rights area in Afghanistan, we have found that there have been 2,000 complaints. It is imperative that we have this money.

Mr. Chairman, we continue to shortchange Afghanistan's reconstruction and security, and at the peril of jeopardizing the rights of Afghan women and girls and hopes for a peaceful, democratic Afghanistan. The funding levels in H.R. 3289 neither adequately make up for the small amounts of reconstruction funding thus far nor do they meet the country's needs. In particular I am concerned about the rights of women and girls in Afghanistan. I am also concerned about human rights efforts in Iraq.

This amendment increases the funds for Afghanistan Relief and Reconstruction by $70 million in order to adequately support the human rights needs of Afghan women and girls. This amendment also addresses the human rights needs in Iraq by shifting $300 million within the funds for Iraq Reconstruction to the areas of human rights, education, refugees and democracy and governance.

My visit to Afghanistan in March 2002 demonstrated that we cannot abandon Afghanistan and must take necessary steps to help the women and children of that nation. In 1989 America turned its back on Afghanistan after Soviet withdrawal. The events of September 11th have proven that we cannot afford to turn a blind eye on a country that is still susceptible to deterioration, yet that is what we have done.

After the military intervention by a US-led coalition that led to the end of the Taliban regime in November 2001 Colin Powell, US Secretary of State, declared that, "The recovery of Afghanistan must entail the restoration of the rights of Afghan women. Indeed, it will not be possible without them. The rights of the women of Afghanistan will not be negotiable."

We must honor our promises to the women of Afghanistan, that is why a significant portion of the $70 million my amendment designates to Afghanistan relief and reconstruction must go directly to the Afghan Independent Human Rights Commission. The Independent Human Rights Commission was established by the Bonn Agreement and is chaired by the courageous Dr. Sima Samar, the first Minister of Women's Affairs who was then forced from that position by fundamentalist forces. While there have been improvements since the fall of the Taliban, human rights violations continue to be rampant and the human right situation in Afghanistan has actually deteriorated over the past few months due to the lack of security. Since the Human Rights Commission was established in June 2002, it has received over 2,000 complaints of human rights violations, over 900 of these complaints have been since June 2003.

Under Dr. Samar's leadership, the Commission has established regional offices which create public awareness about women's rights and human rights and monitors rights violations, led human rights education programs, provided leadership for the inclusion of women's rights in the Afghan constitution, has established human rights training programs for police, and has intervened directly in numerous cases of human rights violations. As an independent agency, the Human Rights Commission is able to act on behalf of those whose rights are most vulnerable. We must strengthen the Human Rights Commission as a permanent institution within Afghanistan so that it can safeguard women's rights and human rights into the future. I urge that at least $10 million of the funds from this amendment be devoted to the Afghan Independent Human Rights Commission to carryout their brave work.

Girls' schools are under attack by fundamentalist extremists. In the past year, more than 30 girls schools have been burned down or violently attacked. At most of the sites of these attacks, leaflets have been distributed threatening the families of girls who attend school or the teachers who teach them. Flyers distributed at the site of one of the first attacks read "Stop sending your women to offices and daughters to schools. It spreads indecency and vulgarity. Stand ready for the consequences if you do not heed the advice." Some families are now afraid to send their daughters to school.

Recently, mosques in Kabul warned that if women did not quit their work with NGOs that jihad would be waged. Women who do not wear burqas routinely face harassment and threats. Trafficking of young women is a major problem in Afghanistan. Warlords in some areas continue to impose Taliban-like restrictions on women. In Herat, women are still forced to wear the burqa, are sometimes pulled off of the street for forced chastity tests, and are not allowed to attend classes taught by men.

Even if the constitution adopted by the Loya Jirga in December contains women's rights provisions, the work for women's rights will be far from over. Security in the country must be dramatically improved and rule of law established for the constitution to be enforced. Massive human rights and women's rights public education programs are necessary to make people aware of their rights, to deter human rights violations, and to bring the violators of these rights to justice, which is one of the reasons that the work of the Afghan Independent Human Rights Commission is so essential.

Forced marriages are a major form of human rights violation faced by women. Under Taliban and also today, women routinely taken from their homes into forced marriages that are imposed against their will. Often these are underage marriages as well, with girls as young as 8 forced to marry old men. Some are cases where commanders force marriages on women in order to take control of land that the women have inherited.

Warring factions continue to fight, and in these areas of the country military commanders routinely rape women. In one case, women fled into a river and drowned father than suffer sexual violence at the hands of the commanders.

In the last two years only 1 percent of Afghanistan's reconstruction needs have been met. The country remains in shambles from two decades of war and lack of development. Most people in the country do not have access to electricity, health care, schools, and sanitation. Not only is the lack of reconstruction depriving people of very basic services, but it is contributing to instability in the country and a lack of confidence in the central government.

The transitional government in Afghanistan estimates that between $20–30 billion is needed over the next five years. In other post-conflict settings, an average of $250 per person was spent per year in aid. But in Afghanistan, donors spent only $64 per person in 2002.

The proposed $800 million Afghanistan reconstruction supplemental spending request represents less than 1 percent of the total $87 billion Iraq and Afghanistan package. The $20 billion request for Iraq reconstruction funding is 25 times as large as the Afghanistan request. Yet Afghanistan has approximately the same population size as Iraq and suffered more destruction over 23 year of war.

The administration has talked about modeling reconstruction efforts on the Marshall Plan. Yet funding proposed for Afghanistan in crucial areas is low or nonexistent—$49 million for health care, $191 million, for road construction and nothing specifically for human rights.

The mark to increase reconstruction funding for Afghanistan by $400 million is a step in the right direction. But still more must be done, especially for women and girls.

Women and girls continue to face severe hardship and violations of their rights in Afghanistan. Yet the Afghanistan request does not specify funds for programs to improve the status of women and to remedy the tremendous injustices they faced under the Taliban regime. My amendment proposes designating $70 million for women's programs in the area of political rights and human rights, education and training, and security, protection and shelters.

Some girls have gone back to school in Afghanistan, but the majority have not because there are not enough schools and those that do exist are in very bad shape. The Asian Development Bank estimates that an additional 13,851 primary schools need to be constructed, but the Administration request is only for 275 schools. Some 40% of schools in Afghanistan were completely destroyed during the war, another 15% were heavily damaged, and in many areas of the country there were no schools for girls.

We must provide direct support to help strengthen those women-led, permanent Afghan institutions whose mission it is to promote women's rights and human rights. That is why the Afghan Independent Human Rights Commission and the Ministry of Women's Affairs should get support from this bill. These are funds already authorized in the Afghan Freedom Support Act of 2002, but which still for the most part have not been appropriated. We must take bold and meaningful steps to keep our promise to the women and girls of Afghanistan.

Mr. Chairman, In addition to my desire to express vehement opposition to the supplemental appropriation request for $87 billion of H.R. 3289 and the need for better accounting of this request, I rise at this time in support of amendment number JACKSO.150 that I offered to the Rules Committee for this bill. The amendment reads as follows:

> Effective as of the end of the 45-day period beginning on the date of the enactment of this Act, none of the funds made available in this Act for the Department of Defense may be obligated or expended unless the backlog, as of the date of the enactment of this Act, in the payment to members of the reserve components of pay and allowances accrued by reason of active-duty service has been eliminated so that such payments are current and in accordance with regular disbursement cycles.

This language will give the Department of Defense a reasonable amount of time to make timely payment of compensation funds to reservist and National Guard personnel and eliminate the backlog that causes these men and women financial hardship.

During my visit to the As-Sayliyah Central Command Base in Doha, Qatar last weekend, I heard first-hand accounts as to the extent of the delay in receiving pay experience by these ladies and gentlemen who protect our lives each day in the Middle East. These troops, many of who rely on military compensation to provide the lion's share of support for spouses and children. When the compensation is untimely or nonexistent, the troops suffer the compound effect of stress over delayed payment of personal bills and the problems that stem from the misallocation of duties, namely, ineffective directives and increased vulnerability to potential attacks.

Army reservists and National Guard members are fielding threatening phone calls from bill collectors because the federal government is not promptly reimbursing them for lodging costs and other expenses. Military officials have repeatedly confirmed that there are delays affecting thousands of reservists and Guard members, including those stationed at the U.S. Central Command in Tampa, FL. They said the scope of the war on terror has overwhelmed the Pentagon's check-writing office.

Our reservists receive repeated telephone calls demanding payment for overdue bills from the Bank of America, ironically the administrator of government-issued credit cards. A reservist at MacDill Air Force Base complained that bank representatives called at all hours—at home, at work and on a cell phone. A Pentagon official said that the backlog in compensation affects 23,000 reservists, both Army Reserve and members of the Army National Guard. The Pentagon is considering creating the Reserve Pay Center of Excellence in Cleveland to help resolve pay issues. Another official familiar with the back-pay issue at CentCom, the nerve center of the Iraq war said hundreds of Army reservists and members of the Army National Guard were having trouble getting reimbursed for travel pay.

A commander of the Army Reserve Forces learned of the problem in recent weeks during town hall meetings with reservists. Our soldiers surely do not need that kind of pressure.

An Army Reserve spokesman at Fort McPherson in Atlanta, Steve Stromball, blamed the money problem on the Defense Finance and Accounting Service, the accounting arm of the Defense Department. He said the accounting service's workload has tripled because of the number of reservists who have been mobilized to help fight the war on terror.

Since 9/11, 80,000 Army reservists have been mobilized. Over 78,238 members of the Army National Guard also have been deployed. At MacDill Air Force Base, where there are about 1,400 reservists from the various services, the problem appears to be especially acute for soldiers who live off base. The problem often boils down to rent payments. When reservists arrive at MacDill for assignments that range from six months to a year, they can get lodging on base at the MacDill Inn, which has 300 quarters assigned to military personnel. Often there is no room available, so reservists are assigned off-base housing. MacDill has contracts with 35 hotels and 10 to 15 apartment complexes.

Moreover, Reservists can choose to cover the rent themselves, but many charge it on government-issued Bank of America credit cards. The credit cards, used to cover business expenses, including rent, food and car rental, are issued depending upon how often reservists travel. However, the delay in compensation frequently leads to diminishing creditworthiness for these heroes. Each credit card has a limit of several thousand dollars and the entire balance must be paid off each month.

To cover the rent, reservists file a voucher for reimbursement and pay off the credit card balance when they get reimbursed. A transaction that used to take federal officials eight days to process, however, now takes as much as 23 days, according to a spokesman for the Defense Finance and Accounting Service. Some reservists have been unable to pay their credit card bills on time, triggering telephone calls from the bank and diminished creditworthiness. If payment is more than a month late, the bank freezes the credit card account. People who fight on the front line for our freedom and safety shouldn't experience this hardship.

Instead of creating hardship and compounded stress for our war heroes, we need to adequately and timely compensate them. It is bad enough that they must fight under extremely vulnerable conditions and with no known exit plan. The least we can do is pay them for their services.

Mr. Chairman, although the War in Iraq will cost all American taxpayers dearly, the toughest burden will fall on the shoulders of our troops serving overseas and their families here at home. This amendment states that none of the funds made available in this Act may be obligated or expended until personnel policies have been implemented to ensure that none of our troops or employees are being required to remain in Iraq for more than six months at a time. This amendment will help ensure that our troops and their families remain mentally fit and rested, and that military tours will remain a reasonable commitment in service to this nation.

I would like to commend your attention to an article in today's Washington Post, titled "Many Troops Dissatisfied, Iraq Poll Finds." I know that a lot of you do not believe our nation's biggest newspapers, and feel that they are painting an unfairly gloomy picture of the situation in Iraq. But this article is just reporting on a study conducted in Iraq by the Stars and Stripes newspaper funded by the Defense Department. That study questioned 1,935 U.S. Service members serving in Iraq on their attitudes toward the war, and the jobs they are doing.

Of those, half responded that their unit's morale is low. In a statistic with ominous implications for the future of our military, 49 percent reported that they did not plan to reenlist. The most troubled of our soldiers were reservists, who used to be known as "weekend warriors"—many of whom have families and careers put on hold almost indefinitely, as this War continues without a clear exit strategy.

The president has stated that the War on Terror will be a long and involved one. Therefore, must pace ourselves and our troops, and we must ensure that our armed services can continue to recruit good people in the future. This amendment will help do just that. As the Stars and Stripes confirmed, life in Iraq is extremely stressful for our soldiers risking their lives trying to make the best of a difficult situation. Keeping our soldiers on six-month rotations will give them time to decompress and unwind—to see friends and family, or just to get a change of scenery.

If we plan to continue to have a voluntary service military, we must make every reasonable effort to retain the soldiers we have and to make service more palatable to potential recruits. There are many brave American men and women who would be willing to commit to protecting this nation and its interest. However, we cannot expect them to make unreasonable sacrifices. A six-month tour in Iraq is a great commitment, and it is reasonable.

I hope my colleagues will support this amendment.

Mr. Chairman, I yield 10 seconds to the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD) in support of the amendment.

Ms. MILLENDER-McDONALD. Mr. Chairman, I thank the gentlewoman from Texas for yielding me this time, and I stand in accord with what the gentlewoman from Texas has said.

It is critical, Mr. Chairman, that we recognize the importance or the violation of human rights in Iraq and the women's rights in Afghanistan. For years, I have worked with a lot of Members of the House in working on women's rights in Afghanistan and ensuring that they have more of a governance, more education, and the same as in Iraq. So I urge everyone to support the gentlewoman's amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment, and I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time, and I plead with my colleagues to understand that this is a monumental decision that we are making. We need to change the face of America and Iraq and Afghanistan. We need to engage by ensuring that they understand the true values of Americans, our love for democracy, equality, and our love and respect for women's rights, our respect for human rights. It is important that we overcome the undermining of our world status after 9–11 by a preemptive attack against Iraq.

It is important as well that we respond to the needs of our young troops who have been willing to give the ultimate sacrifice and who have lost their lives on the front lines in Iraq, by ensuring that we pay them on time and that we have an exit strategy to bring our troops home. With that, Mr. Chairman, I ask that my colleagues vote for the Jackson-Lee amendment that invests in human rights and women's rights in Afghanistan and Iraq and further I ask that my amendment regarding troop pay for Reservists and the National Guard adjusted so their pay is received by them promptly and my amendment regarding a date certain for the troops to return home to the U.S. be immediately addressed.

Mr. KOLBE. Mr. Chairman, I yield I yield myself such time as I may consume, and I do rise in opposition to the amendment.

Mr. Chairman, let me begin with noting my disappointment in the remarks of the gentlewoman from Texas (Ms. JACKSON-LEE) that Democratic amendments have not been accepted or not been listened to. We are now in our third day of debate on this bill. We have had a large number of amendments, most of which have come from the minority side, and a number of Democratic amendments have been accepted.

When the gentlewoman said it is not done in a collegial way, let me just note specifically in the area she is talking about, education in Iraq, that there is $90 million specifically set aside for education in Iraq that was not requested by the President, because the gentlewoman from New York (Mrs. LOWEY), the ranking Democrat on the subcommittee, came to me and talked to me about this issue. So we have these funds in there at the request of the gentlewoman from New York (Mrs. LOWEY), at the request of the minority, not because of the President's request, but because this body, this subcommittee, has worked in a collegial fashion.

Now, what the gentlewoman is suggesting is putting more money into that and more money into Afghanistan. But our committee, again not at the President's request, but recognizing the need for us to follow through with our commitment in Afghanistan and recognizing the deteriorating security conditions in Afghanistan, our subcommittee has increased the amount of assistance for Afghanistan by almost $400 million.

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I have already noted that we specifically set aside $90 million for education in Iraq that was not requested by the administration.

As far as the areas where this would come out of, $100 million out of the IRRF fund, $300 million out of restoring the oil production in Iraq which, by the way, is the only way Iraq is ever going to generate enough funds that they can do their own reconstruction, that they can stand on their own feet, to take that $300 million out of there is to not only harm the infrastructure, the effort to reconstruct the infrastructure, but harm the immediate needs of Iraqi citizens to have heating oil and kerosene for cooking, the cooking and heating oil that is absolutely vital as we go into the winter months there in Iraq. It has to do not just with comfort for the people in Iraq but in many cases the very livelihoods, the very survival, particularly when children are involved.

I think the gentlewoman's intentions are good, but that is why we discussed this issue at length in the subcommittee and that is why we discussed it at the full committee level too. I think we have come with what, I think, is a fair and a balanced division of the funds as it is going to the various accounts in Iraq.

And so, Mr. Chairman, I think that this would upset that balance. I do not think it is the right way to go, though I respect the gentlewoman's intentions.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the gentleman for his very thoughtful explanation. This is the kind of debate I would like to see continue in this House. I respectfully, if you will, acknowledge our difference of opinion, but what my point was is that there were many, many amendments that we had on issues that were very important on this very historic and important vote and those were not allowed. But what I would like to simply ask the gentleman from California (Mr. LEWIS) is on the amendments that I did not ask on the payment of the National Guard, and all of us have had certainly constituents in our district who have been on the front lines and who are Reservists and National Guards. One of the issues they raise, and it may be a logistical issue, is getting their pay on time. I did not get a chance to offer an amendment that said, let us ensure that we put procedures in place so that our National Guards and Reservists get their pay on time. Can we work together or can we just ensure that the logistics will ensure, since it is authorized pay, that they will be able to get those payments?

Mr. KOLBE. Mr. Chairman, I yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentleman for yielding, and the gentlewoman is much too young to remember this.

Ms. JACKSON-LEE of Texas. I thank the gentleman for his compliment.

Mr. LEWIS of California. During the big war, there was a word, a phrase, it is really a word, a snafu was common among all people who were in the service. The military has often screwed up, I must tell you, and it is ridiculous. Absolutely, we agree with the gentlewoman's position. We will do everything we can to improve that process. Your highlighting it here is very helpful.

Mr. KOLBE. Mr. Chairman, reclaiming my time, I would urge the Members to reject this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

AMENDMENT OFFERED BY MR. HOEFFEL

Mr. HOEFFEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOEFFEL:

In section 2212(b) (relating to report on military operations and reconstruction efforts), strike paragraphs (7) through (9) and insert the following:

(7) A description of progress made toward the establishment of an independent, sovereign, and democratic government for Iraq, including an estimated schedule for the drafting of a constitution and the holding of free and fair elections.

(8) A description of the extent of international participation in the stabilization and reconstruction of Iraq, including the amount and schedule for the provision of financial assistance by other countries and international organizations.

(9) The number of members of the Armed Forces (including national guard and reserve troops) deployed in connection with Operation Iraqi Freedom and Operation Enduring Freedom, an estimate of the period of time for which such forces will be deployed, and a description of progress made in replacing

such forces with international or foreign peacekeeping units.

Mr. HOEFFEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Pursuant to the order of the House of Thursday, October 16, 2003, the gentleman from Pennsylvania (Mr. HOEFFEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I believe we need more information about our situation in Iraq. I would like to offer an amendment to add additional requests for information to a section of the bill that the Appropriations Committee added, appropriately so, an amendment offered by the gentleman from Maryland (Mr. HOYER) that requires the President to submit quarterly reports to Congress on military operations and reconstruction efforts in Iraq. I think the committee did the right thing. I think we should ask for more information. And so my amendment would add additional requirements to three sections of the reporting provision already in the bill.

One provision in the bill asks for a description of progress made toward the holding of free and fair elections. My amendment would add to that section a schedule for the transfer of power to the Iraqi people, including the drafting of an Iraqi constitution.

A second section already in the bill asks for a description of the extent of international participation in the stabilization and reconstruction of Iraq, including the amount of provision for financial assistance. I would add a schedule for the provision of financial assistance from other nations and from the United Nations be added as a requirement.

And, finally, a section of the bill asks for the number of Armed Forces deployed in connection with Operation Iraqi Freedom and Operation Enduring Freedom be reported quarterly. I would add to that section an estimate on how long our troops, including the National Guard and Reserves, will remain in Iraq and the progress being made in replacing them with troops from other nations or from U.N. peacekeepers.

I think these reports on a quarterly basis would help us understand the situation in Iraq, would help this Congress fulfill our constitutional duties of oversight and would help us better exercise our power of the purse. I am concerned that we have not had an adequate and a concrete plan to win the peace in Iraq. Our soldiers performed brilliantly and bravely and the military victory was a rousing success. I am concerned that we are not winning the peace. And we have a number of national goals in Iraq. We need to stabilize the country; we need to support and better protect our troops; we need to establish a pluralistic society and a representative self-government; we need to internationalize the construction and the security in Iraq; we need to put Iraqis quickly back in charge of Iraq. For us to do our job appropriately and to exercise our oversight and exercise our power of the purse, we need more information. I would ask the House to approve this amendment that would give on a quarterly basis more information to the Congress.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

Mr. KOLBE. Mr. Chairman, I rise to claim the time.

The CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

I will not oppose this amendment. This perfects some language that was adopted in the committee offered by the gentleman from New York (Mr. HINCHEY) on requiring quarterly reports to be made and placing some additional requirements in that report which, I think, is useful information for us to have. This substitutes some language in three of the paragraphs and adds to it, tightens that up, and, for the most part, I do not have any objection to it.

I do find a problem, and I just want the gentleman to know this because that is really an issue, I think, in the conference. I do have a problem with one issue in paragraph nine where it requires that the administration give the Congress an estimate of the period of time for which such forces will be deployed. That is probably not possible for them to do, to actually tell how long the forces are going to be deployed because we do not know the circumstances of what is going to happen in Iraq either with the democracy there or with external circumstances that might require them to be there longer than we would like. But other than that, I would think the language here is helpful, and we can deal with that issue in the conference. And so, Mr. Chairman, I am prepared to accept the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HOEFFEL. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman for his comments. Just two quick comments. I gave credit to the gentleman from Maryland (Mr. HOYER) for this amendment in committee. The gentleman gave credit to the gentleman from New York (Mr. HINCHEY). Whoever deserves the credit should get it, because the Committee on Appropriations did a good job with that. Regarding the requirement of an estimate of the period of time, I am asking for an estimate, not an ironclad statement of future requirements because I know that is difficult. And as part of my language also, a description of the progress of bringing other troops in, I think that is all part of trying to get quarterly reports to the Congress so we can better understand what is happening. I thank the gentleman for his cooperation and his leadership.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. HOEFFEL).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. TAUSCHER

Mrs. TAUSCHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. TAUSCHER:

Page 3, line 13, after the dollar amount, insert the following: "(increased by $300,000,000)".

Page 19, after line 20, insert the following new section:

SEC. . ___ . The total amount appropriated by this chapter is hereby reduced by $300,000,000.

Mrs. TAUSCHER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. Pursuant to the order of the House of Thursday, October 16, 2003, the gentlewoman from California (Mrs. TAUSCHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I yield myself such time as I may consume.

I am offering an amendment with my friend and colleague from California (Mr. GEORGE MILLER) to transfer $300 million from the weapons inspectors in Iraq to pay for lifesaving equipment for the Army National Guard and Reserve troops currently serving there. Our amendment would leave the remaining $300 million to focus on finding weapons of mass destruction in Iraq, if there are any. Some 300,000 of our Guard and Reserve personnel have been called to active duty to fight terrorists in Africa and Asia and secure the peace in Afghanistan, the Balkans and Iraq. They are being called on to serve multiple tours and will continue to serve until we either stabilize Iraq or get international troops in there to share the burden. Yet our Guard and Reserve forces are working in Iraq without bulletproof jackets, armored vehicles and other basic lifesaving equipment. I am deeply concerned that if the demands of the Guard and Reserve do not ease up in the coming months, we will severely undermine our ability to attract new Reservists and keep ones that we have, which will prevent those who are currently serving in Iraq from returning to civilian life. If we are to depend on our brave citizen-soldiers to secure the peace in Iraq and prosecute the war on terrorism elsewhere, it is critical that they have the same equipment as everyone else.

I urge my colleagues to vote for this amendment to increase funds to protect the lives of our troops currently serving in Iraq.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank my colleague from California for introducing this amendment and making sure that it was in order. It raises a very important question. It is a matter of life and death for the members of our National Guard.

Currently we have a policy in place which makes a lot of sense in ordinary circumstances for the taxpayer and for the use of our equipment and, that is, that the Guard gets essentially hand-me-down equipment as we buy new equipment for the active forces to engage in combat. But now what we find out is because of our manpower problems and the longer deployments of the Guard and a deeper reaching into the Guard structure in this country to deploy people in Iraq, in Afghanistan, we are in the situation where we now have the Guard entering the field of combat with old and, in some cases, obsolete equipment, equipment that is not compatible, communications equipment that is not compatible, Humvees that are from the first generation that do not provide the kind of protection to the occupants of that vehicle that the newer Humvees do. Yet, now we find, as I have been told by Guard members on the phone from Baghdad, in letters from Baghdad, they are seeing modern equipment being rotated back to the United States as those units are rotated out and the Guard is still left with old, obsolete, unsafe equipment.

The National Guard must not be put into the theater of combat with less than the same equipment that the active Army is put into the field of combat with. We cannot treat them as second-class citizens. This is a policy that makes sense in peacetime, but this is a policy that is now lethal to our Guard members. I would hope that the committee, in its deliberations, would be able to address this problem.

I thank the gentlewoman for yielding.

Mrs. TAUSCHER. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, I thank the gentlewoman from California and the gentleman from California for this amendment which would provide additional equipment to our troops and still leave our U.S. inspections team with adequate resources for the search. But there is a simple way for the United States to supplement our search efforts by bringing back the highly trained U.N. troops to help in the effort. We have all said the international community should share in the burden and share in the cost. We have an opportunity right now. The U.N. has a team of over 354 inspectors on the ground, trained, ready to go on short notice. What would it cost the United States? Nothing. They are paid for through the U.N. dues. They can also supplement our effort in another way. They can bring us something that money cannot buy, which is credibility. The fact of the matter is that this administration has lost much of its credibility with respect to claims it made of weapons of mass destruction.

□ 1030

If we want the international community and the American people to have faith in the findings, it is important that we bring in an independent inspection team to join our efforts. Only then can we convince the international community that any findings they make are legitimate and unbiased.

So I thank the gentlewoman for offering this important amendment. It is a win-win.

Mrs. TAUSCHER. Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from California (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

I do not intend at this moment to use the 5 minutes, but I must say I absolutely understand the gentlewoman's presenting this amendment for, indeed, we spent time together in Iraq. I have been saying a whole month in one weekend in Iraq together. That is not because of our wonderful charm, but because of what we experienced there together, the reality that Saddam Hussein is the worst tyrant, clearly competing with Hitler and Stalin. We learned that he was capable of almost anything. I will never forget the gentlewoman, as we were together at the killing fields, urging me and others to join together in a moment of silence, thinking about the potential of mass destruction as a part of this guy's everyday existence as long as he was ruling that country.

Indeed, I do not know exactly what we might find. I am hesitant about reducing this amount of money. I am going to be willing to talk about it as we go forward, but, indeed, the things that David Kay is about in his work are very important for us as we look at the challenges of dealing with people like this. So it is with great reluctance that I resist and ask for a "no" vote on the gentlewoman's amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the chairman of the Defense Subcommittee of the Committee on Appropriations for not only including me on the trip but for his eloquence and his leadership. I appreciate the fact that he recognizes the urgent needs of our Guard and Reserve. I know that he intends to work diligently to provide them with the money to get this new equipment. I do think that it would be wiser for us to have U.N. inspectors in there not only to have more credibility but also to share the burden. And I urge my colleagues to vote "aye" on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

I just might mention that the gentlewoman's expression of international involvement is a very appropriate one, and I would highlight her remarks by mentioning that the U.N. voted unanimously yesterday, getting the U.N. really on board for the first time in helping us with this effort. In the meantime, moving this money around in this fashion when we have done so much as we have in O & M and the bill in general, I hesitate about it, and therefore I ask for a "no" vote. And I want to tell the gentlewoman I very much appreciate the work she has done with me.

I might mention, just to take the time, when we were together following our weekend, we actually sat down together for hours, our team of 17, and in the midst of it, one of our colleagues said, I am one, a liberal Democrat, who voted "no" to going to war, but after seeing what I see here about Saddam Hussein, I must say I have got to be ahead of my people. It is going to be unpopular at home.

It is time for us to lead, and therefore I am going to support this request of the President to carry forward this war on terrorism.

Mr. VAN HOLLEN. Mr. Chairman, we have an opportunity to immediately obtain the help of the international community in sharing the burden and cost of some of our efforts in Iraq.

As part of his $87 billion request, President Bush has asked for an additional $600 million to pay for our team of weapons inspectors in Iraq—known as the Iraq Survey Group—so that they may continue their search for weapons of mass destruction. This team of 1,200 inspectors, led by David Kay, has searched for WMD in Iraq for many months now. The President's request would increase that team to 1,400 inspectors.

I had an amendment prepared would allow us to greatly reduce the costs to the American taxpayer of conducting that search and dramatically increase the credibility of any findings made by the inspectors. The Republican majority refused to allow that amendment to come to a vote. I am pleased that Rep. Tauscher has offered this amendment. It provides for better equipment for our troops and leaves $300 million for our inspection team. We can supplement our team by bring back the U.N. inspectors. The President should immediately invite the existing team of United Nations' inspectors—known as UNMOVIC—to participate in the search for WMD in Iraq. The U.N. has a pool of inspectors who have 12 years of experience investigating Iraq's programs and many of whom speak Arabic. According to its most recent report, UNMOVIC has a roster of 354 trained experts available to serve in Iraq at short notice. This important resource should be put to use, allowing us to reduce the size and costs of our team of inspectors.

What would it cost us to engage these trained experts? Nothing. The costs of UNMOVIC are borne by the United Nations and paid for through the dues of the member nations.

Engaging the U.N. weapons inspectors in the search for WMD would also get us something that money can't buy—credibility. With respect to the existence of weapons of mass destruction in Iraq, the Bush Administration has lost its credibility with the American people and has undermined American credibility in the international community. Before the war, our Secretary of State told the United Nations that the Iraqis were attempting to import nuclear weapons material from Africa. The U.N. inspectors reviewed the evidence and determined the claims were based on forged documents. The U.S. conceded the point and, worse, it turns out that agencies within the U.S. government had already questioned the veracity of the documents. Our Secretary of Defense told the world that we knew the location of the weapons of mass destruction. We now know that was untrue. In the aftermath of the war, the President claimed that two mobile trailers found in Iraq were evidence of a biological weapons program. Our inspection team has recently had to retreat from that claim. Again and again, Administration officials from the President on down have made false claims about Iraqi WMD. Even the Economist magazine, which had been a booster of the war, has stated that the Bush Administration is seen around the world as having its own arsenal of WMD—Wielders of Mass Deception.

The only way to restore confidence in the search for WMD is to bring in an impartial team of international inspectors. David Kay, the leader of our team, is stuck in a fundamental contradiction. He wears two hats, serving as both fact finder and salesman for the Administration. No matter how high his personal integrity, this dual role undermines the credibility of any findings his team may make.

It is critical to the integrity of the process that independent U.N. weapons inspectors be invited to participate in the search and given the opportunity to independently evaluate any claims made by David Kay and the Iraq Survey Group. The American people should not be asked to spend an additional $600 million to fund a search that is widely perceived to be an effort to provide cover for an Administration that has lost its credibility on this issue at home and abroad.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentlewoman from California (Mrs. TAUSCHER).

The amendment was rejected.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Rhode Island (Mr. LANGEVIN) for the purposes of colloquy.

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding and the opportunity to address this critical issue on the floor today.

Mr. Chairman, as we are poised to invest billions of dollars in the reconstruction of Iraq and Afghanistan, I believe that it is imperative that we address the infrastructure needs of people with disabilities in the rebuilding process. Conflicts in other countries result in higher-than-average rates of disabilities for people, and the need for their consideration in the planning and design stages of new construction simply cannot be understated. Furthermore, given the history of discrimination and abuse of people with disabilities in Iraq, targeted programs through multi-inclusion of Iraqis with disabilities in public life and education will be necessary and, in fact, imperative. Including these matters, I believe, as a forethought will result in little up-front cost and save significant time and expense down the road. It is always more difficult and more costly to retrofit than it is to plan it in the earlier stages when construction is just being planned.

Finally, I believe that it is time to align our foreign policies with our national priorities, and currently foreign assistance funding is not required to be used in a manner that ensures access to people with disabilities. And this is inconsistent with our own civil rights laws, most notably the Americans with Disabilities Act.

Mr. Chairman, I was hoping and wanted to ask as this bill moves forward and goes to conference that the gentleman would be willing to work with me to perhaps ensure that those things are considered.

Mr. KOLBE. Mr. Chairman, I thank the gentleman from Rhode Island for bringing this issue to our attention, but most importantly for his strong leadership on this issue.

I agree with him that our foreign assistance dollars ought to be spent in a manner that is not only efficient but that is inclusive of all peoples including those with disabilities. I agree that the needs of people with disabilities ought to be a priority as we proceed with the reconstruction in Iraq and Afghanistan; and as we negotiate the terms of this spending bill, I certainly intend to keep the gentleman's comments today here in mind as we look at the report language and bill language. I thank the gentleman for his comments.

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman and look forward to working with him.

AMENDMENT OFFERED BY MR. SHERMAN

Mr. SHERMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHERMAN:

At the end of the bill (preceding the short title), add the following:

SEC.   . None of the amounts made available and allocated for oil infrastructure under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND" may be used to enter into any contract using procedures other than competitive procedures.

The CHAIRMAN. Pursuant to the order of the House of October 16, 2003, the gentleman from California (Mr. SHERMAN) and a Member opposed each will control 5 minutes of time on the amendment.

The Chair recognizes the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, I yield myself such time as I may consume.

The supplemental proposal before us today provides $2.1 billion for oil infrastructure improvements and reconstruction in Iraq. The public and the world are a bit skeptical as to how that money will be spent. The answer to that skepticism is in government contract law which provides for procedures for competitive bidding. However, there are on many occasions exceptions to the competitive bidding rules that have been employed by this administration.

The purpose of this amendment is to say that, with regard to the oil work, there will be no further exceptions at least for the money being spent under this bill.

This amendment does not affect our military procurement or our troops. It does not affect any emergency acquisitions of food or medicine or other humanitarian assistance. It deals only with the lucrative construction projects for the Iraqi oil system. And as to those projects, we should say no sole-source contracts.

Last night we debated a part of this issue. Congress demanded notification whenever there was sole-source contracting, and that is important as far as it goes. But with regard to these highly sensitive oil contracts, we need to go further and say no sole-sourcing at all. It is not just a matter of notification. There is no exigency, no national security justification for secrecy and sole-source contracting when we are talking about building oil wells in Iraq.

I am particularly concerned with the one company, Halliburton. This administration seems unable to contain its affection for this one corporation. Before the war, Halliburton won $1.4 billion for Iraq on a no-bid basis—before the hostilities even began and at a time when the administration was saying that hostilities were our last resort. The Halliburton Company greatly overcharged the American Government for its work in Kosovo. Recently, the gentleman from California (Mr. WAXMAN) and the gentleman from Michigan (Mr. DINGELL) brought to the attention of this House the fact that Halliburton was charging a $1.70 a gallon for gasoline in Iraq at a time and a place where others were selling it for only 70 cents. American taxpayers are being ripped off for over half the price. This amendment will make sure that the building of the Iraqi oil infrastructure is done legitimately, that American taxpayers and the entire world know that fair processes are being pursued.

Given the incredible justification for skepticism as to how oil contracts have been let by this administration, it is appropriate for us to impose "regular order" in dealing with these oil contracts.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I claim time in opposition, and I reserve the balance of my time.

Mr. SHERMAN. Mr. Chairman, I yield myself such time as I may consume.

Let me use this 1 minute to address another issue, and that is to commend the United States Senate for adopting an amendment yesterday similar to one debated here on this floor. That amendment says that half the money being used to rebuild Iraq will be in the form of loans. That is an important decision by the United States Senate. The Senate version of that amendment was, I think, crafted in a more sophisticated manner than we were able to offer here on this floor given the House rules. I think that amendment might have passed this House, and in any case I urge our conferees to recede to the Senate on the issue of a $9 billion loan, $9 billion gift to rebuild Iraq.

Mr. Chairman, I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

I do rise in opposition to this amendment. We already had a full debate on this issue last night, as a matter of fact. The bill that we have before us has provisions, rather extensive provisions, dealing with competition and providing for full and open competition. These were provisions that were worked out with the chairman of the Committee on Government Reform and the staff and, I believe, ranking members as well. Those provisions were amended last night here on this floor in the House. A perfecting amendment was added to it, which struck a particular exception on the notification. If it was a sole-source contract, it struck the exceptions for that. So notification has to be given before those contracts are awarded.

This sets up a separate procedure that has no exception at all for it, even for an urgent situation. I am not sure if the gentleman has thought about what happens if there is a break in an oil line, what happens if there is a fire. They cannot go through a long bidding process for that. They have to take the money that is available and do an immediate contract. But even under those circumstances, there are procedures for competitive bidding and for open bidding, for making sure it is done in an open manner; and that is basically what the law that the Committee on Government Reform has the responsibility for is all about. That legislation, which is quite extensive, provides for open competition, provides for the bidding process, and it provides for the exceptions which are in there. And as I said last night on this floor, this body decided to eliminate at least one of those particular exceptions.

So I think we have thoroughly debated this issue, and I might say that the language as it is drafted here is not really, it seems to me, in legislative or legal form where it says "enter into any contract using procedures other than competitive procedures." That "other than competitive procedures" is not a term which appears in the law anyplace, so we do not know exactly what "competitive" means there. "Fully competitive" is something that does appear in the law, but "competitive" does not.

□ 1045

So it is not at all clear what really the impact of this would be. Mr. Chairman, I oppose this amendment and urge its rejection.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from California (Mr. SHERMAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SHERMAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. SHERMAN) will be postponed.

The CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. LEWIS of California) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

The Committee resumed its sitting.

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, I have with me a bullet-proof vest. My colleagues can see that it is extremely heavy. It weighs about 16 pounds. I was horrified to learn that tens of thousands of our troops were sent out to battle without the proper armor and, to this day, they still lack necessary items, life-saving items like this bullet-proof vest.

Mr. Chairman, 44,000 troops do not have this bullet-proof vest that costs $1,500. The family members are writing the checks and sending these vests to their family members. So the taxpayers are paying twice. They are paying their dollars. We are not getting assistance from any foreign sources. The family members are writing checks, sending these vests to their family members to make sure that they have the necessary items to protect their lives. This is unacceptable.

This is an important issue. I want every American citizen to know that the President did not request one penny for these vests. He did not request one penny for these vests. Mr. Chairman, 44,000 soldiers in Iraq without body armor, and the President did not ask for a cent to protect these soldiers. I guess our brave men and women will have to wait until Halliburton, Halliburton, Halliburton starts making body armor before they can get the protection they need and deserve.

Congress approved $310 million in April to buy 300,000 bullet-proof vests for our troops; but, sadly, only 75 million of these dollars have gone to the officers, Army officers that are responsible for purchasing these vests.

Where is the accountability that this administration promised this Nation?

The Republicans keep telling us that this bill is all about the soldiers, and everyone in this Congress supports our soldiers. But how can a bill for our soldiers not include money for basic protection like body armor, boots, armored vehicles, Humvee tires, signal jammers, and chemical suits? We cannot even provide those brave men and women with simple, necessary items like drinking water, showers, tennis shoes, and even toothpaste. And women, they do not have personal items that they need. This is unacceptable.

Just 6 months ago, we appropriated $79 billion for the war effort; and yet relatives have to resort to sending body armor to protect their family members.

The American people who are writing the checks for Iraq do not want a grants program. Like anyone who lends money in the real world, they want their money back.

I would encourage every citizen, if it were me, to call their Senator or their Congressperson and let them know that they do not support a blank check slush fund for this administration.

Vote "no" on the bill and "no" for another blank check for the President and his campaign contributors. Mr. President, this account is overdrawn.

I was horrified to learn that tens of thousands of our troops were sent out to battle without proper armor. And to this day, they still lack many necessary items. I spoke with several soldiers who suffered injuries to their legs, and many who totally lost their legs when bullets crashed through their vehicles because the cars were not fortified with armored plates. I met with soldiers who suffered chest injuries because they did not have bulletproof vests.

This is a very important issue, and I want the American public to clearly understand this point. Even though we have 44,000 soldiers in Iraq today without proper bulletproof vests, the President asked for absolutely nothing to protect these troops. Let me repeat that. We have 44,000 soldiers in Iraq without body armor, and the President didn't ask for a single cent to protect these soldiers. I guess these brave men and women will have to wait until Hailburton starts making body armor before they can get the protection they need and deserve.

Congress approved $310 million in April to buy 300,000 bulletproof vests for our troops. But sadly, only $75 million of that money has gone to the Army office that is responsible for purchasing these vests. Where is the accountability that this Administration promised this Nation.

The Republicans keep telling us this bill is all about the soldiers, and everyone in this Congress supports our soldiers. But how can a bill for our soldiers not include money for basic protections like Body Armor, Boots, Camouflage, Rucksacks, Armored Vehicles, Tank Tracks, Humvee Tires, Signal Jammers, and Chemical Suits. We can't even provide these brave men and women with simple necessities like drinking water, showers, tennis shoes, and even toothpaste.

Just 6 months ago, we appropriated $79 billion dollars for the war effort, and yet relatives have resorted to buying body armor in the U.S. and shipping it to troops in Iraq. What happened to this money, Mr. President. These families and this Congress want and deserve to know.

The American people who are writing the check for Iraq do not want a grant program. Like anyone who lends money in the real world, they want their money back. I would encourage every citizen to call their Senators and Congressperson to let them know that you do not support another Blank Check slush fund for this administration.

Vote no on this bill, and no on another blank check for the President and his campaign contributors. Mr. President, this account is already overdrawn.

I was shocked to find out that the Services did not fully meet immunization and other predeployment requirements. Based on GAO review of deployments from four installations, between 14 and 46 percent of servicemembers were missing at least one of their required immunizations prior to deployment. As many as 36 percent of the servicemembers were missing two or more of their required immunizations, such as influenza and hepatitis. We cannot send our servicemembers to war without first making certain that they are protected from in theater disease threats.

Mr. OBEY. Mr. Chairman, reclaiming my time, I was amazed to hear a Member of the other body on radio yesterday say despite all of the discussion about this problem, that he had not yet heard about the shortage of body armor. I think that when the American public understands what has not been provided, they are going to be very, very angry.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind all Members to direct their comments to the Chair and not to the President of the United States.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Page 51, after line 11, insert the following:

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 3007. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Libya, North Korea, Iran, Saudi Arabia, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

Mr. WEINER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Pursuant to the order of the House of October 16, 2003, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

I am offering an amendment that I doubt will provide much controversy for this House. It is something that mirrors language that was inserted in the Foreign Operations Appropriations bill this year. It essentially says that no funds allocated in this bill should go to the countries Libya, North Korea, Iran, Syria, and Saudi Arabia. The only change from section 507 of past bills that we have done is that we add Saudi Arabia to that list. It should be no mystery to anyone in this House why we would be taking this action.

First of all, let me make it very clear that there is no direct funding allocated to Saudi Arabia, just many, many pots of money that could conceivably fund that kingdom. I could go through the list; it is quite substantial. We have a Saudi Arabian Government that supports terrorism, supports it overseas, funds homicide bombers in Israel. We have a Saudi Government that exports the type of hatred that leads to terror with Wahabbism throughout the world. We have a Saudi Arabian Government that was directly connected to September 11. Simply put, there is no reason there should be a single dime of U.S. taxpayer dollars going to that kingdom.

Putting it on a purely economic level, one that I think will appeal to just about everyone in this House, why would we offer even a hint of a suggestion that we would provide funding to the richest nation on Earth at the time when we are struggling to pay our bills as well?

The legislation is excruciatingly simple. It simply says no funds, no authority can go to these rogue nations and adds Saudi Arabia to that list, where they rightfully deserve to be.

Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the Weiner amendment.

This week this Congress sent a strong message to Syria bypassing the Syria Accountability and Lebanese Sovereignty Restoration Act. We must ensure the United States does not provide funding to the nations that finance terrorism around this world. I am specifically speaking today about Saudi Arabia.

The Saudis claim to be our allies; but at the same time, they offer assistance in our war on terrorism, they are funding the terrorists who desire to attack us. Saudi blood money does not only threaten the United States, but also our good friend and ally, the State of Israel.

Saudi Arabia provides money for Palestinian organizations that kill innocent Israelis on what feels like almost a daily basis. In fact, if I were told tomorrow that the Saudis were helping support the terrorists that killed three Americans recently in the Gaza Strip, I would not be surprised.

Mr. Chairman, we cannot decide that one country funding terrorism is any different from another. I urge all of my colleagues to pass this amendment and send Saudi Arabia the message that this Congress will not stand for their support of hate and terrorism anymore. We must hold the Saudi family accountable for their actions.

Mr. WEINER. Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I claim the time in opposition. I do oppose this amendment, and I will have some comments at the end.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I rise in opposition to my friend's amendment, and I will be precise in why.

I sit on several committees that deal with foreign nations. I would tell my friend, he knows I am a very strong supporter of Israel. I flew there, flew Mirage there. But I would tell my friend also that Saudi Arabia, since May, has done a total turnaround. There are 15,000 members in the royal family. Some of those are helping some of our enemies, possibly so; but there are no direct links that have been caught yet. And I believe that there are more people in Saudi Arabia who want to be the friend of the United States than those who oppose us. I believe that.

I think the wrong message to send them is to slap them right smack upside the face when we are trying to get them to help us. So I know the gentleman's amendment is well-intentioned, and I understand why, and I supported the Syrian one; but I think this is wrong.

Mr. KOLBE. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague yielding me this time. I would simply rise to say that this is a very delicate foreign affairs matter. An amendment like this was presented when the Foreign Operations bill was before us and was defeated on the House floor. We have had this debate before; and, frankly, this supplemental is hardly a time and place for us to readjust very sensitive, very important foreign affairs questions.

So I would urge that the House in this case just reserve itself, vote "no" on the amendment, and have the gentleman know that we intend to discuss this matter in a very serious way in the months and years ahead. I appreciate the gentleman's effort.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

Let me just address some of the brief comments that have been made so far. First of all, if I had a dime or a dinar for every time I have heard that the Saudis were thinking about changing, I would be a very wealthy man.

The fact of the matter is, the Saudis talk a very good game. Whenever there is a flash point of terrorism that comes back to them, they say, oh, we have changed. They have become professionals at dividing up the royal family and having a handful go talk about peace while a handful talk about terror. Let me just say they are not just talking and this is not just a thing of the past. As recently as 6 months ago, it was revealed that the Saudi royal family was paying bounties to terrorists, bounties to terrorists.

I would also point out to my distinguished friend from California who said that the timing is not right, well, to be honest with my colleagues, that is exactly the same argument that was made on this floor during the Foreign Operations Appropriations bill. The timing is now.

I would point out that we cast the vote on that amendment which was narrowly defeated early in the morning of the day that the report came out on who was behind the terrorist attack on September 11. And while the 28 pages were not released, and I have not seen them, let me say this: the Saudi Arabians had a role in the attack on our country on September 11. Every arrow points that way. Frankly, now that we have that information, we should act upon it.

Mr. Chairman, I reserve the balance of my time.

Mr. WEINER. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Chairman, I thank the gentleman for yielding me this time. I rise to urge support for this amendment.

Mr. Chairman, today we are going to vote to provide $87 billion to Iraq to fight terrorism and protect against weapons of mass destruction; but if we ask the Government of Saudi Arabia, Mr. Chairman, what weapons of mass destruction are, they will tell us that this is a weapon of mass destruction, that this breeds terrorism, a Barbie doll. The Saudi Government recently said that the Barbie doll is a Jewish-influenced toy.

□ 1100

Mr. Chairman, dolls do not kill innocent civilians. Plastic toys are not terrorists.

We should pass this amendment and stop subsidizing terror and violence, intolerance and anti-Semitism.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just conclude by saying this: This is an opportunity for all of us in this Chamber to express in the strongest possible terms, and, frankly, it is not that strong, it may wind up costing a net zero dollars to the Saudis, but in strong terms we can show how fundamentally upset we are at the way that Saudi Arabia has acted with two faces. One is the side that they show us in the TV commercials and the meetings and the negotiations and in the well-orchestrated press conferences. On the other side are the facts.

We all too often in this part of the world judge people based on what they say rather than what they do. And the Saudis should see what we do in this House. No more aid to the Saudi Arabians.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I quite agree with the gentleman from New York that we should be upset with many of the actions of the Saudi Arabian government, but I do not think this is the right approach.

As the gentleman pointed out, this was tried in the foreign assistance bill earlier this year, the foreign operations bill earlier this year, and it was defeated. But there is a major change, a major difference between that time and this time. That was the foreign assistance bill for the entire world; this deals with Iraq reconstruction and our military.

And this refers to assistance, not just foreign assistance which that bill dealt with, but assistance. So it also would deal with anything in the Defense Department. And if anything in this bill could in any way be characterized as cooperation or coordination between the Defense Department and Saudi Arabia over a radar, over aircraft, anything that would be cooperation, that would be funded out of this, that would be prohibited.

Mr. Chairman, I think the impact of this amendment is broader than, perhaps, what the gentleman from New York (Mr. WEINER) intended it to be, but that is the affect of it. It does mean that no assistance of any sort, including defense assistance, can be used.

Now, the reason that we have that provision in the regular Foreign Operations bill is to set up a list of terrorist states that are not eligible for any kind of foreign assistance. Again, this bill is not about that. This bill is strictly about Iraq and Afghanistan. It is a clever way, I commend the gentleman from New York (Mr. WEINER) for his amendment as a clever way of getting a backdoor way into the list of terrorist states, but I think it is a wrong approach.

The administration has written a letter which says that they strongly oppose the efforts to add the Kingdom of Saudi Arabia to the list of state sponsors of terrorism and urges the House to reject this amendment that is offered by the gentleman from New York (Mr. WEINER). "It would severely," they go on to say, "undermine our counterterrorism cooperation with Saudi Arabia at precisely the moment when it is moving to a new level of effectiveness."

Mr. Chairman, similarly, the Defense Department has sent a memorandum saying that they are strongly opposed to this because it would prohibit any kind of cooperation under the terms of this bill with the Saudi Arabian Defense Department.

I would urge this body to reject this amendment. I think it is not the right time, nor the right place, to be doing this. I hope that we will vote no.

Mrs. LOWEY. Mr. Chairman, I thank Mr. WEINER for his leadership and persistence on this critical issue, and rise in strong support of his amendment.

I do not say this lightly—Saudi Arabia is an ally of the United States; they have come to our aid in Gulf military actions several times. The U.S. has worked hard to get Saudi cooperation to apprehend terrorist suspects, share intelligence, and professionalize their counterterrorism efforts, and I support those efforts.

However, there can be no doubt now that Saudi Arabia has two faces. On the one hand, Saudi Arabia stood—they said—in shock and solidarity with the U.S. when our citizens were murdered by an Al Qaeda gang comprised primarily of Saudi citizens. They have allowed the U.S. military to again use Saudi air fields as staging grounds for the emission in Iraq.

But on the other, the Council of Foreign Relations reports that Saudis and Saudi charities are a major source—the "most important" source, according to CFR—for Al Qaeda, and states plainly that Saudi officials have turned a "blind eye" to this reality. Senior U.S. officials criticize Saudi Arabia for being uncooperative in terrorism investigations, Saudi citizens shower the families of Al Qaeda terrorists with money, and the ruling family in Saudi Arabia seems to have come no closer to acknowledging its own complicity in terrorist financing.

Further evidence of Saudi Arabia's support for terrorism came from Congress itself. Our investigative report on the September 11th attacks contained a great deal of information on Saudi Arabia in both its classified and unclassified sections. 28 pages remain classified, but according to the New York Times, the section states that "senior officials of Saudi Arabia have funneled hundreds of millions of dollars to charitable groups and other organizations that may have helped finance the September 11 2001 attacks."

In the past, and this Congress, have been hesitant to call the Saudis on their actions in support of terrorism. But I have come to the conclusion that the U.S. government must stop shielding the Saudis from the criticism and the penalties their actions warrant.

Saudi Arabia and its citizens have proven to be major supporters of terrorism against the United States and its citizens around the world. That is clear. Fighting terrorism must be our first priority, and our actions must match our priorities.

I urge all my colleagues to support this amendment, and I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WEINER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. WEINER) will be postponed.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. VELÁZQUEZ:

At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this Act may be used to fund any contract in contravention of section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)).

The CHAIRMAN. Pursuant to the order of the House of Thursday, October 16, 2003, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are voting on an $87 billion spending bill that is solely funded by American taxpayers and with nothing in this legislation to ensure that U.S. small businesses have an opportunity to compete for the rebuild contracts. This funding will once again be funneled to large corporations.

The amendment I am offering today on behalf of myself and the gentleman from Illinois (Mr. DAVIS) will give small businesses a chance. It will require that all large companies submit a subcontracting plan prior to being awarded an Iraq reconstruction contract.

We have already spent $79 billion on war efforts in Iraq. And with this $87 billion funding request, President Bush is once again abandoning the Federal Government's longstanding commitment to ensure small businesses can compete in the Federal marketplace.

The administration has awarded billions of dollars in mega contracts to a handful of well-connected U.S. corporations. These contracts were not open to fair competition. They were doled out in secret backroom negotiations. Bechtel alone received a $680 million construction contract. Halliburton received a $1 billion logistical support contract, and recently received a noncompetitive contract to rebuild Iraq's oil infrastructure worth up to $7 billion. These companies have very close ties to the White House. And these secret closed-door deals further damage our international credibility and endanger our rebuilding efforts.

If we are going to spend this money we need to ensure that some of these funds are also available to small businesses. And that is exactly what my amendment will do.

Mr. Chairman, there are 23 million small businesses in the United States. They represent 99 percent of all employers, create three out of four new jobs, employ more than half of all private sector workers, and make up half of our gross domestic product.

The financial commitments the administration makes in Iraq directly impact the viability of our economy here at home. This $87 billion spending measure will put this Nation even deeper in debt.

We have heard a lot today about the costs of this bill. And I feel that we do have a responsibility. But if we are going to spend the money, we should make every effort possible to ensure it assists our struggling economy here at home. We can do that by ensuring small businesses get a fair chance to participate in these contracts.

My amendment will require large businesses to make every effort possible to subcontract with small companies in this reconstruction effort while ensuring that taxpayers are getting their money's worth.

Under current law, large contractors in the United States are required to submit subcontracting plans prior to receiving contract awards. And that is what I am proposing for corporations seeking contracts in Iraq.

This is a simple amendment. It does not prevent the government from entering into contracts with large corporations or limit the size of these awards. It ensures that large corporations are subject to the same self-contracting requirements for Iraq contracts as they are for contracts here at home.

If we are going to spend this money, we need to recognize that funding it only to large corporations will not only hurt small businesses and likely squander taxpayer dollars. It will also hinder our ability to get our economy back on track.

This amendment is a vote for a fair and open Federal marketplace. It is a vote to protect taxpayer dollars from waste and abuse, and it is a vote to give America's small businesses a chance to compete and succeed.

I urge passage of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I intend to accept this amendment. We just saw it for the first time this morning, and it is problematic. It raises some concerns in that it requires everybody that is a contractor in Iraq to comply with all sections of the Small Business Act. That would mean that a subcontractor in Iraq has to have a small business plan. I think there are some real problems with this, but we have not had a chance to really examine it that closely.

And, Mr. Chairman, in the interest of expediting the business of the House, my intention would be to accept this and review it in conference and review it with the gentlewoman from New York (Ms. VELÁZQUEZ) in conference. So I am prepared to accept the amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I want to thank the gentleman from Arizona (Mr. KOLBE) for accepting this amendment. And I will work with him and look forward to working with him in addressing some of the concerns.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DEUTSCH

Mr. DEUTSCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEUTSCH:

At the end of the bill (before the short title), insert the following:

SEC. 3007. None of the funds made available under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND" may be provided until September 30, 2004.

The CHAIRMAN. Pursuant to the order of the House of Thursday, October 16, 2003, the gentleman from Florida (Mr. DEUTSCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, yesterday eight of the Republican Members in the United States Senate voted not to have the $20 billion grant that is in our bill as a grant. And I have had the opportunity to listen to part of that debate. That debate was similar to some of the things that I mentioned on this floor in the substance of our debate but was not able to convince enough of our colleagues.

This amendment is an attempt to do that and give people a second chance. The question is why should we give a grant to construction in Iraq? And I think we need to focus on this very specifically, why we should not, and why eight Republican colleagues in the Senate, after intense lobbying by the President, refused to do that. I think there is a very simple reason for it, and I think we need to focus on that reason.

Iraq has the second largest oil reserves in the world. Trillions, not billions anymore, nor hundreds of billions, but trillions of dollars. It is not a relatively large country. Less than 30 million people. They have a natural resource to build themselves. But even more significantly than their natural resources, during the years of Saddam Hussein, even today with American troops in Iraq, and, clearly, once we leave, by all indications Iraq would be part of OPEC.

Now, what has OPEC done to America and the citizens of America, our constituents? OPEC has put, effectively, the largest tax on the citizens of both the United States and the rest of the world, but of the United States, the largest tax in the history of the world. That is who Iraq is. They are those people that have taxed American citizens again in the hundreds of billions, if not trillions of dollars, by OPEC monopoly power.

And if we think about that for a second, as illogical as it sounds that we as Americans and the American taxpayers and the citizens of this country who, all of us know, are struggling every week, every month to make their ends meet, whether it is a senior citizen that literally cannot afford prescription drugs, or the parent who unfortunately cannot send their kid to college, or the person who has lost their house because of a foreclosure that they cannot meet their payments or someone who has canceled their vacations, OPEC has directly, adversely affected every person in the United States and continues to do that.

And by our actions, we are strengthening OPEC if we pass this legislation as part of a proposal that does not include not only a loan part of the proposal, but a loan part of the proposal that would, in fact, increase the production capacity of Iraq to 6 billion barrels of oil a day.

□ 1115

That is probably the best thing that this Congress can do for Iraq is to help them increase the capacity of their oil fields to 6 million barrels a day, to give them the ability, as opposed to what this legislation does, which is literally the country with the second largest oil reserves in the world, we have importation of oil at these exorbitant prices through sole-source contracting that is going on now. We have the opportunity. We have a moment in time on this House floor right now to pass an amendment that would lead to the effort of requiring the World Bank as part of a loan effort to increase the production capacity of oil fields in Iraq, which they have the ability to do, to 6 million barrels a day. If we do that, if we do that, OPEC will end. OPEC will end. We have the opportunity.

We talk about tax cuts in this Congress, and we debate them, and we talk about what good they can do and what problems they create. Well, let me state there is one tax cut that everyone in this Chamber should agree with and that is the tax cut to stop the hundreds of billions of dollars, trillions of dollars of taxes that OPEC is taxing our constituents, and we have the opportunity to stop that today with this amendment.

Mr. KOLBE. Mr. Chairman, I claim the time in opposition to the amendment.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if we were to take the Deutsch amendment, we could just finish today and come back a year from now or 10 months from now and we could have this debate again because that is exactly what the gentleman from Florida (Mr. DEUTSCH) would have us do. The gentleman would say that none of the funds in here for the reconstruction are available until September 30 of next year, which is more than 11 months away.

Now, we have already had confirmation from Ambassador Bremer in the hearings that the funds that are existing now for reconstruction in Iraq will expire in January, roughly January, December to January, that is, all the contracts that are under way now will run out of money in January. That means there will be nothing for clean water. There will be nothing for the sewers, sewage systems. There will be nothing for the food programs. None of this will be there.

The gentleman is suggesting that we should have this gap from roughly just January to next September of 9 months where no reconstruction is done.

Now, if you really want to make sure that people start throwing rocks and shooting bullets at our troops, I guess that is the surest way to make sure that happens is by cutting off all the reconstruction for the next year. I cannot imagine what the thought or the idea behind it is, but I cannot imagine anything that would be worse for us.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman.

As the gentleman knows, I have taken the position that we should not be providing all grants. I have taken the position we should not be providing all loans. We ought to have an intelligent and balanced mix. I certainly would like to see changes in the reconstruction program; but clearly to eliminate all funding for reconstruction, especially recognizing the fact that we did attack Iraq and did cause certain damage, I think is clearly unacceptable.

Mr. KOLBE. Mr. Chairman, I thank the gentleman from Wisconsin for his comments.

Mr. DEUTSCH. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Florida.

Mr. DEUTSCH. Mr. Chairman, I appreciate the gentleman's courtesy.

Mr. Chairman, as the gentleman knows, my comments were directly related to the issue of oil production capacity in Iraq and, in fact, Iraq's participation in OPEC. And this was the only way that I could get at that issue in terms of the mandatory process.

I would be happy to withdraw this amendment; and I would hope that in the conference process that we are about to enter that there is an acknowledgment that OPEC membership and limitation on production capacity is problematic for the United States of America, and we need to focus on that.

Mr. KOLBE. Reclaiming my time, if that indeed is what the gentleman is after, which is certainly not apparent at all in reading this amendment here, we have already dealt with that in an amendment that was accepted. The DeFazio amendment prohibits any of U.S. funds being used to support OPEC membership by Iraq.

Mr. DEUTSCH. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Florida.

Mr. DEUTSCH. Mr. Chairman, the DeFazio amendment only deals with our money, not their money. There is every indication that Iraq will remain part of OPEC, will remain part of a monopoly that taxes Americans to the tune of hundreds of billions of dollars.

Mr. KOLBE. Reclaiming my time, I understand what the gentleman is after. As I said, there is not a clue in reading this amendment that that is his intent, other than what the gentleman has just told us here, because that is not, of course, what the impact of this amendment will be. We ought to pay attention to the impact, not just the words. The impact is to stop all reconstruction. Let me repeat that. All reconstruction would cease from now until next September. That is the only thing it says. It does not say anything unless they do not participate in OPEC. It does not say anything about that, so it would not have any effect actually on Iraqi membership or participation or expenditure of funds in OPEC.

Mr. Chairman, nothing could be worse for us than to do that. Whether or not Iraq decides to participate in OPEC with their own dollars is going to be something the Governing Council is going to have to do. And that will be done out of their oil revenues that they generate and goes into an account which is controlled by the Iraqi Governing Council. So that is not something that we are going to make that decision.

I do agree that our dollars certainly should not go to support Iraq's participation in that oil cartel. But again, Mr. Chairman, to close, let me say this amendment has nothing to do with that. It does not have anything to do with Iraqi participation in OPEC. The effect of this amendment is to stop all reconstruction, to cease all reconstruction, all money spent on reconstruction in Iraq. Everything that would be spent on humanitarian needs, everything spent to rebuild the water systems, the sewage systems, the education, to start the constitution, to develop those groups that will be writing the constitution, all of that would cease from now, when the current amounts of money run out, until September 30 of next year. It would be catastrophic to our forces and national security policy. It would be absolutely disastrous for our national security.

Mr. Chairman, I urge the rejection of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. DEUTSCH).

The amendment was rejected.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by the gentleman from Wisconsin (Mr. KIND); amendment by the gentleman from Michigan (Mr. STUPAK); amendment by the gentleman from Texas (Mr. REYES); amendment by the gentlewoman from Texas (Ms. JACKSON-LEE); amendment by the gentleman from California (Mr. SHERMAN); amendment by the gentleman from New York (Mr. WIENER).

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MR. KIND

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. KIND) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of the series will be conducted as 5-minute votes.

The vote was taken by electronic device, and there were—ayes 156, noes 267, answered "present" 1, not voting 10, as follows:

[Roll No. 553]

AYES—156

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Cardin
Cardoza
Carson (IN)
Clyburn
Conyers
Costello
Cummings
Davis (AL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Duncan
Emanuel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lynch
Majette
Maloney
Manzullo
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Petri
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—267

Ackerman
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berman
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Matheson
McCotter
McCrery

McHugh
McInnis
McNulty
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Stearns
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (CO)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Kucinich

NOT VOTING—10

Becerra
Capps
Clay
Culberson
Gephardt
Jones (OH)
Marshall
McKeon
Putnam
Souder

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1145

Mrs. MYRICK and Messrs. GINGREY, HAYWORTH and RUPPERSBERGER changed their vote from "aye" to "no."

Mr. OLVER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. STUPAK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. STUPAK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 213, noes 213, not voting 8, as follows:

[Roll No. 554]

AYES—213

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Ford
Frank (MA)
Frost
Gonzalez
Goode
Gordon
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Woolsey
Wu
Wynn

NOES—213

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Granger
Graves
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Oxley
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Stearns
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Capps
Clay
Gephardt
Jones (OH)
Marshall
McKeon
Putnam
Souder

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

☐ 1157

Messrs. HOYER, DICKS and LIPINSKI changed their vote from "no" to "aye."

Messrs. TOOMEY, PORTER and RENZI changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. REYES

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. REYES) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 206, noes 221, not voting 8, as follows:

[Roll No. 555]

AYES—206

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Barton (TX)
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gibbons
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Lynch
Manzullo
McCotter
McCrery
McHugh
McInnis
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Capps
Clay
Gephardt
Jones (OH)
Marshall
McKeon
Putnam
Souder

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1205

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 271, not voting 8, as follows:

[Roll No. 556]

AYES—156

Abercrombie
Ackerman
Allen
Baca
Baldwin
Ballance
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Cardin
Carson (IN)
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—271

Aderholt
Akin
Alexander
Andrews
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berman
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint

Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Lynch
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Capps
Clay
Gephardt
Jones (OH)
Marshall
McKeon
Putnam
Souder

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1212

Mr. SIMMONS changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SHERMAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. SHERMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 248, noes 179, not voting 8, as follows:

[Roll No. 557]

AYES—248

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Buyer
Capito
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chabot
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frost
Gallegly
Gonzalez
Gordon
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hayworth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shuster
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—179

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery
McInnis
Mica
Miller (FL)
Miller (MI)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Oxley
Pearce
Pence
Peterson (PA)
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryun (KS)
Saxton
Schrock
Sessions
Shadegg
Sherwood
Shimkus
Simmons
Simpson
Smith (MI)
Smith (TX)
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Capps
Clay
Gephardt
Jones (OH)
Marshall
McKeon
Putnam
Souder

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1225

Mr. OSE changed his vote from "aye" to "no."

Messrs. RUPPERSBERGER, JONES of North Carolina, FERGUSON, FORBES, JOHNSON of Illinois, PICKERING, NEUGEBAUER, SHUSTER, FOSSELLA, and Mrs. CAPITO changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. OBEY. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman may inquire.

Mr. OBEY. Mr. Chairman, in light of all the vote switching that just occurred on the last amendment, has everybody who needed to gotten to the well on that vote yet?

The CHAIRMAN. The gentlemen has failed to state a parliamentary inquiry.

AMENDMENT OFFERED BY MR. WEINER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 233, not voting 9, as follows:

[Roll No. 558]

AYES—193

Andrews
Baca
Baird
Ballance
Barrett (SC)
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Cantor
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chabot
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Frank (MA)
Franks (AZ)
Frost
Garrett (NJ)
Gonzalez
Goode
Gordon
Graves
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hayworth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Kennedy (RI)
Kildee
Kind
Kingston
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Moore
Moran (KS)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Shays
Sherman
Simmons
Solis
Stearns
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Van Hollen
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Wexler
Woolsey
Wu
Wynn

NOES—233

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Bachus
Baker
Baldwin
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Capito
Carson (IN)
Carter
Castle
Chocola
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Flake
Fletcher
Forbes
Fossella
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kilpatrick
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McDermott
McGovern
McHugh
McInnis
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rush
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Stark
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Turner (TX)
Upton
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Watt
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Capps
Clay
Gephardt
Jones (OH)
Marshall
McKeon
Putnam
Souder
Spratt

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1233

So the amendment was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, with the knowledge that there are over some 120 amendments, my understanding is that there will be an announcement that the committee now rise and a proposed rule.

My inquiry is, is this the end of the Committee of the Whole, and does this mean that the amendments of Democrats who wanted to impact on the $87 billion, over 100 amendments will now be denied and issues dealing with our troops in Iraq, will not be able to be responded to by these amendments?

The CHAIRMAN. The Chair is about to entertain a simple motion to rise. The Chair is not able to respond to the gentlewoman's inquiry with respect to future events that may take place in the House.

Mr. KOLBE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction for Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, my understanding is that we have called for the committee to rise and we are now in the full House under H.R. 3289.

My inquiry is, are we about to enter into a discussion on a rule that will supersede the submitting, if you will, of amendments by Members of this body? My understanding is that we passed an open rule, and we had at least 100 or more amendments offered by Members from both sides of the aisle, many of them dealing with the quality-of-life issues of our troops, many of them dealing with the mental health issues with respect to the huge numbers of suicides, many of them dealing with bulletproof vests, but focusing on the intent of H.R. 3289, which is a supplemental that funds the actions in Iraq with respect to our troops, but also deals with the Iraqi reconstruction.

My concern is whether or not debate is now going to cease because of this newly presented rule and the basis upon which the House now moves to implement a rule that supersedes the original rule that allowed us to have the opportunity to present our amendments.

I believe the American people deserve an answer, Mr. Speaker.

The SPEAKER pro tempore. The Chair cannot give an advisory opinion on a hypothetical situation which may arise. The gentlewoman raises a proper question for debate during the debate on the rule.

Ms. JACKSON-LEE of Texas. May I inquire as to the next step of the proceedings of this House with respect to H.R. 3289? Are we about to enter into a discussion on a rule eliminating debate?

The SPEAKER pro tempore. The Chair is prepared to recognize a member of the Committee on Rules to call up a rule.

Ms. JACKSON-LEE of Texas. I would appreciate very much if we would be able to get a answer. Is the Chair yielding to the Committee on Rules?

The SPEAKER pro tempore. The Chair is prepared to recognize a member of the Committee on Rules.

Ms. JACKSON-LEE of Texas. Will we get an answer at that point whether debate will cease?

The SPEAKER pro tempore. That is a proper question for debate on the rule.

Ms. JACKSON-LEE of Texas. And we will get a proper answer as to whether debate will cease and desist? But the intent of the rule is to cease and desist our debate and to cut off debate on these amendments.

The SPEAKER pro tempore. That is a proper question for the debate on the rule.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3289, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 401 ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 401

Resolved, That, during further consideration of the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes in the Committee of the Whole, the bill shall be considered as read and no further motion or amendment shall be in order.

The SPEAKER pro tempore. The gentleman from Washington (Mr. Hastings) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. Frost), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 401 provides that H.R. 3289, the Emergency Supplemental Appropriations Act for Defense and the Reconstruction of Iraq and Afghanistan, shall be considered as read, and that no further motion or amendment shall be in order.

Mr. Speaker, the House began debate 3 days ago on this emergency appropriations bill that provides for the needs and protection of our troops in Iraq. The unanimous consent agreement provided for 5 hours of general debate that began on Wednesday. The House resumed debate yesterday morning with discussion and consideration of amendments lasting well into last night. The House began a third day of debate this morning with consideration of 13 amendments.

After hours and days of debate, delay of a final vote on the emergency supplemental bill means a delay in getting the men and women in our military the resources and the equipment that they need. This rule, H. Res. 401, would end the delay and give our troops the funding they require and the support that they deserve.

I urge my colleagues to support both the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule is a travesty, but certainly no surprise. In the years since the Republican Party took control of this body, their leadership has made a concerted effort to strip away the rights of Members of the House of Representatives, bit by bit by bit. This rule is just more of the same, and every Member of this House who believes in the small "d" democratic process should vote to defeat it.

The Republican Party's leadership has been nothing short of disingenuous about the debate on this supplemental.

Mr. Speaker, this has been anything but an open process. There have been some very important discussions on the floor, but those discussions have been truncated. Over 120 amendments were noticed to this bill, yet, despite the fact that there is obviously so much interest on the part of Members of the House in this $87 billion bill, the Republican leadership is now cutting off the last opportunity to bring over half of those amendments to the floor.

Mr. Speaker, I voted in favor of the resolution authorizing the President's action in Iraq. I still believe my vote was the right vote to take. But, if I recall correctly, one of the many reasons the President and the Secretary of Defense and the Secretary of State gave the American people about why we should take military action against the regime of Saddam Hussein was to bring democracy to the Iraqi people.

Quite frankly, I think it is time we bring democracy back to the United States House of Representatives. The way the Republican Party runs this House makes a mockery of the President's laudable goal of bringing democracy to Iraq and its people.

Mr. Speaker, in September the President requested $87.5 billion in emergency funding for the continuing military operations in Iraq as well as to fund reconstruction projects in that country. He made the request and expected the Congress to rush it back to him ready to be signed into law.

We have no authorization for legislation for these funds. In fact, the committees with jurisdiction over the programs funded here have not even been given the chance to add their views to the bill.

On Wednesday, the Committee on Rules reported a so-called open rule, but I have to point out that the Republican Party's version of an open rule is one that does not allow Members the right to amend this bill in a way that affects the policies it moves forward. In fact, the chairman of the Committee on Rules told the committee that an open rule could and should waive all points of order against the committee bill, but not against Member amendments. And why? Why can legislative language offered by other Members be made in order? Because, Mr. Speaker, as the chairman said, "We are considering this in the same manner which the Democrats did before 1995."

Mr. Speaker, that is not the case. In fact, if we just take the emergency supplemental for fiscal year 1994, the Committee on Rules, controlled by the Democrats, reported a rule for that supplemental that waived all points of order against two Republican amendments. The gentleman from California (Mr. Dreier) expressed his opposition to the rule at that time because two other Republican amendments were not allowed to be considered under the rule. We may have cut off those two amendments during the consideration of that supplemental, but we did waive points of order against other Republican amendments because, as my chairman so ably pointed out on Wednesday evening, "We are the Committee on Rules. We do have the authority to do that." So I have to ask, why did the Republican Party's leadership not grant waivers to at least some of the thoughtful and constructive policy amendments brought to the Committee on Rules on Wednesday?

As reported by the Committee on Appropriations, the funds for reconstruction in Iraq are $1.4 billion more than were contained in the entire foreign operations appropriation passed by the House and $500 million more than the Senate's foreign operations bill. That represents every single foreign assistance program this country participates in for the entire fiscal year. Yet the Committee on International Relations was not given an opportunity to consider the President's request in a legislative forum and amendments that sought to impose policy in this bill were denied the opportunity to be voted on during this debate.

The Committee on Appropriations has reported funds for the military operations in Iraq and Afghanistan that amount to 56 percent of the funds for all operations and maintenance in the Department of Defense for fiscal year 2004.

□ 1245

I strongly support this funding, but certainly the Committee on Armed Services should have been given an opportunity to fully examine the request and report legislation that would set some policy about how this money is to be spent. Perhaps amendments offered by the members of that committee who have great expertise in these matters might have added substantive policy limits to ensure that these funds are going to be used in the best interests of the men and women in uniform who are on the front lines in Iraq and Afghanistan right now.

Yesterday I heard far too many Members on the other side of the aisle come to the floor and impugn the motives and perhaps the patriotism of Members who sought to reprioritize the funds in this bill. Mr. Speaker, those kinds of remarks are a shameful blemish on this institution. Every Member of this body is entitled to hold his own opinions. We are not elected to march in lockstep with the dictates of the Republican Party's leadership.

No, indeed, Mr. Speaker. We are all here to do what we think is best for the United States of America and its citizens. I hold a different view on going to war in Iraq than do many of my colleagues on this side of the aisle. I cannot and I do not hold them in any less regard for holding views that differ from mine. I believe that a vibrant and vital democracy requires that all of these views be heard, not hidden or muffled to escape the withering attacks of ideologues. I also believe that these views should be brought to this floor and discussed in a civil atmosphere, not subjected to the partisan pot shots that have been lobbed by the other side of the Chamber during this debate.

This rule shuts off debate, pure and simple. This rule cuts Members out of the discussion. By denying Members waivers to bring up amendments that address policy in addition to money, Members were shut out of the process in the first rule. But at least there was a chance for Members to bring up those issues before a point of order would be lodged against them. Now, the autocratic Republican Party leadership, for whatever reason, be it to go home for the weekend or to leave on a CODEL, or perhaps even to cut off debate so that the American people could not find out what the Congress is up to, has brought to the floor a rule that says, That's all, folks. Well, Mr. Speaker, that is just wrong.

In one last attempt to try to give the House an opportunity to set policy, it is my intention to oppose the previous question in order to give the House one last chance to discuss a matter that is of grave concern to millions of Americans who are deeply alarmed about using so many American tax dollars to rebuild Iraq. If the previous question is defeated, I would amend this rule to allow the House to vote on an amendment adopted by the Senate, by the other body, yesterday. That amendment, which is similar to the amendment offered by the gentleman from Wisconsin (Mr. OBEY) yesterday in his substitute, is identical to the amendment offered by the senior Senator from Texas, a Republican, and would require half of the reconstruction funds of this bill to be funded through the World Bank. That passed in the United States Senate yesterday on a vote of 51 to 47. Under this rule, we will not even be permitted to vote on that measure on the floor today.

The House should go on record on this language; and if the previous question is defeated, it will have the opportunity to do so. Otherwise, it is, That's all, folks. What a mockery we will make of ourselves.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Missouri (Mr. BLUNT), the majority whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the rule. We have had hours of debate on this legislation. It started 3 days ago. There have been plenty of opportunities to discuss what needs to happen and what this House needs to do. Our appropriators have done a great job. They have asked the hard questions. The gentleman from California (Chairman LEWIS) and the gentleman from Florida (Chairman YOUNG) in the subcommittee and in the full committee have asked questions. We have not given the President everything he asked for, because part of our job is to put the difficult questions to the administration and try our best to do the right thing.

We all know the right thing here is to continue to work for peace and freedom in Iraq. The international community is beginning to respond. This is exactly the moment when this House should step forward, when our country should step forward and show we have a commitment that will not stop. The message we send to others in the international community who can help needs to be sent today. The message we send to the donor conference to meet later this month is important that we send and we send it strongly and clearly.

Iraq is not a nation that needs to be saddled down with debt that they cannot deal with. The President has asked us to make a commitment not just to bullets and ammunition, but to the basic services that keep our troops alive. I had someone from St. Louis in my office the other day; and as he was leaving, talking about a totally different topic, he pulled out a picture of his son in his pilot's outfit who is in Iraq and said, all of the money the President asked for will keep my kid alive.

So this is a country where people have not had basic services for 25 or 30 years. But for the last 25 or 30 years when they came up and they were mad in the morning and they got out on the streets, the tyrants that worked for Saddam Hussein just killed them or put them in jail. We do not do that any longer. We can make a commitment to the fundamental infrastructure of this society. We can make a commitment to our troops. We need to do that here today.

Afghanistan and Iraq are now central to the war on terrorism. This is a war that we all knew months ago would not be over in a short period of time. We have to engage the terrorists where they are. We have to show the kind of resolve that the world respects and people in all parts of the world respect.

Mr. Speaker, it is not just the American soldier and sailor, Marine and airman who is a target in Iraq; it is anyone who wants to bring stability to that country. It is policemen in their headquarters. It is Iraqi policemen lined up to get their paychecks. It is a Muslim cleric who sends signals he wants to work with us for peace and stability. We need to do what we can to win this war on terror, and an important part of that is to show our commitment to those who live in the center of this most dangerous part of the world.

The committee has brought a product that allows us to do that. We do not need to continue to debate this for more than 3 days. This debate has gone on for hours. I urge not only support of this rule, but quick and speedy action that sends a message to the world; and that action needs to happen today.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

My friend who just spoke and I are going to vote together on final passage of this bill, but my friend and I disagree on the process that we are pursuing to accomplish the objectives of which he speaks. He speaks of the objectives and not the process because he feels comfortable defending the end result, but obviously not comfortable discussing the process. Why?

This bill that we are considering is larger than 10 of the 13 appropriation bills. As a matter of fact, it is almost 100 times larger than the District of Columbia appropriation bill which we spent in debate in committee and in hearings 10 times longer to consider. Hear me. The District of Columbia bill is 1/100ths of the dollars that we are appropriating in this bill, yet we spent 10 times the time of Congress and Members and allowing the public to have input as we have on this bill.

Now, we passed a bill, I tell the gentleman from Missouri, just a few months ago, almost $70 billion. It tragically has not made our men and women safe, as the gentleman says this bill will. I hope the gentleman is right. But we have over 100 amendments and a number particularly that are very substantive in nature that ought to be considered on their merits, because it may make the bill better. It may make the men and women in our armed services safer. It may more cheaply accomplish the objective of reconstruction in Iraq that will pursue our progress and make our success more probable.

So I say to my colleagues that we ought to reject this rule, this gag rule that shuts down the consideration on one of the largest bills we will pass this year for just a few more hours to give Members, elected by 600,000 Americans, the opportunity to offer their alternatives.

Now, in committee, we considered some of those alternatives; but that committee is but a portion of the House of Representatives. In particular, I say to my colleagues, the ranking member who would be the chairman of this committee if his party, my party, were in control, so he is not just a back-bencher, has a very substantive alternative that got a lot of votes in committee. And what it says is, yes, we need to take responsibility. And, yes, we need to sacrifice. But guess what? We who are here at home, safe in our sanctuary, ought to make a little sacrifice too, and we ought to pay for this bill and not pass it along to our children and to our grandchildren. That is responsible. That is fair. That is the moral position, in my opinion, we ought to be taking.

But the gentleman from Wisconsin who has that amendment is being precluded from offering that amendment, along with 30 or 40 other Members who have substantive, important proposals to bring before this House, the people's House, the people's representatives, to consider the alternatives available. Is that not sad? Does it not undermine our democracy and our product?

Let us reject this rule. Let us vote against the previous question. Let us consider in full the proposals made by the Members elected to this House by the American public.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I rise in opposition to this rule. We are talking a lot about a reconstruction of Iraq, our commitment to bring democracy in this area; and all I can see is war, war, war and read about the numbers of Americans that are in harm's way that are losing their lives. All we are saying is that we have the responsibility to share with our constituents why we are making this second down payment on a war which we have no idea as to when, if ever, it is going to conclude, how many lives are going to be lost, where is it going to be spread. Most of us accept the fact that the decision to unilaterally attack Iraq was made before 9–11, but how many other countries are on the list? Where do we go from here?

It just seems to me that somewhere along the line we were looking for Osama bin Laden and then we were looking for Saddam Hussein. God knows how long the President's list is. We should be able to ask these questions. We should not leave here until every Member of this House feels satisfied that they have explored the direction in which our country is going.

It bothers me that what we are talking about today is rebuilding a country that we started bombing. I do not remember coming here to rebuild Iraq, Baghdad, or any other place in the Middle East, and yet we are supposed to feel guilty if we do not fulfill this obligation, as though our mail is coming in from the GIs and the Marines that are overseas saying, for God's sakes, send some money to rebuild Iraq if you love me, because the quicker you rebuild Iraq, the quicker I will be able to get home. That is not my mail. My mail is, I want to come home because, guess what? They started the draft. No, not the draft that I advocated. But if you volunteer to serve this country, either in the active service or in the Reserves or in the National Guard, you are being drafted. Your time is being extended. They are taking you away from your home and your family. And these families are not talking about rebuilding Iraq; they want their lives rebuilt.

So give us some time to better understand the President's position, and we might find out where he is going to take us from Baghdad.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it seems to me that the 17 years I have been in Congress, most of that time on the Committee on Rules, that things have changed in such an incredible way, I can hardly recognize it. I remember the times when just the defense budget alone, we would take testimony from the beginning of the morning until late at night for days at a time, hundreds of amendments. We thought that was just fine. It was wonderful. We wanted everybody to get a chance to talk about what was one of the most important things we do in the country, and certainly one of the most expensive.

But it seems to me lately that because we can only work 2 days a week in Washington, next week I think we are going to be here a day and a half, that we have to condense everything. It is sort of the Reader's Digest version of the House of Representatives.

□ 1300

And so we cut out everybody's rights to speak. We make sure that nobody has a chance to be in any way distasteful by saying something that another person may not like.

We are elected by the people of the country to come down here and speak for them, nobody here, nobody in the gallery, nobody else can get up on this floor and speak except those of us they sent here to do it for them. And yet we are being stifled at every turn. And, believe me, I have never seen anything so egregious to us as what happened last night at about 1 a.m. in the morning when they said that this, the largest bill, the money we pass and what many of us believe is a debacle, and for reconstruction and so much malfeasance going on that it almost rivals Teapot Dome, that we will not be able to discuss it, and we will not be able to do much about it.

I want to close with a quote that is one of my very favorites here. Quote, "I rise in strong opposition to this rule. It is unfair, undemocratic and elitist, disenfranchising nearly every Member of Congress and the voters whom they were elected to represent." This description was from the gentleman from California (Mr. DREIER) the chairman, of a rule from 1994, and, boy, is it applicable today.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. McGOVERN. Mr. Speaker, I rise in strong opposition to this rule. Once again, the Republican leadership that runs this House is attempting to stifle debate. Once again, they are trying to rush important legislation through without adequate deliberation. And, once again, they are wrong. And I urge my colleagues on both sides of the aisle to reject their tactics.

It saddens me to say this, but the United States House of Representatives has become a place where trivial issues are debated passionately and important ones barely at all. And this is an important issue. We are talking about the war in Iraq. We are talking about an enormous, complicated $87 billion supplemental appropriations bill. We are talking about providing the resources our soldiers need to do their jobs in Iraq and Afghanistan. And we are talking about the financial health of our Nation and about the priorities of this Congress.

Now, at least we were talking about those things until the Republican leadership decided just after midnight last night that they did not want to listen anymore. The Committee on Rules is intended to be a place where debate is structured. It can, and it should be, a tool to manage the House. But under this leadership, the Committee on Rules has become a weapon, a weapon that does not manage debate but smothers it.

Now, here is the situation: Yesterday, we passed what the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), and other Republican leaders described as an open rule. In reality, the rule was not all that open since it did not allow us to offer very thoughtful and important amendments. Amendments to pay for the $87 billion without passing the debt on to our kids, amendments to require the administration to actually come up with a plan for winning the peace in Iraq. Those amendments and so many others, Republican and Democrat, were not made in order. But they said even though we could not vote on our amendments, we could at least talk about them. They called it an open rule. So let us go with that.

Now, we are told by the Republican leadership that the Republican leadership is tired. They do not want to debate. They do not want to vote past 2 or 3 today. They are tired or they have trips to take or planes to catch or somewhere else to be.

With all due respect, Mr. Speaker, too bad. This is one of the most important pieces of legislation we will consider this year, and we need to get it right. Is this the new standard for appropriations bills? You use an open rule that really is not open until you get sleepy, and then you shut off debate and go home? You muzzle Members of Congress and the people they represent?

There has been a lot of rhetoric in this Chamber this week about establishing democracy in Iraq. I want to say to the Republican leadership that you are setting a lousy example for the Iraqi people to follow. We spent one day authorizing this war, one day as legislatures of parliaments from London to Berlin, to Ankara to Santiago spent significant and meaningful time discussing the issue of war and peace. The United States House of Representatives rushed to a war resolution in a single day.

We did not ask the tough questions, we did not get the straight answers. I do not think there is a Member in this House who really believes that we met our responsibilities, and here we go again.

Now, the leadership tells us you have had 3 days. Well, I do not care if it takes 3 weeks. Let us stay here all weekend for the soldiers in Iraq, for their families, for the people we represent, we cannot afford to get this wrong.

Let me say to my colleagues on the other side of the aisle, many of you had important amendments and thoughtful things to say. If this rule passes, you will be silenced. You know this is wrong. Please take a stand. Do not be a cheap date. Vote no. Because if you do not, this is going to happen again and again and again. Reject this rule and let us get back to work.

Mr. FROST. Mr. Speaker, I have an inquiry of the other side. Is the other side going to just play rope-a-dope here and not have any speakers? I guess the answer to that is yes.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend, the gentleman from Texas (Mr. FROST), the ranking member, for yielding the time.

Mr. Speaker, I rise today in strong opposition to this rule. Not only does this second rule prohibit further amendments to the supplemental, but it also shortchanges the substance of debate on a bill that costs $87 billion: $200 million per congressional district that will not be used to build schools, provide health care or improve the Nation's infrastructure.

My objection to this rule is as much about substance as it is about process. It is as much about the needs of the American people as it is about the needs of the Iraqi people. It is as much about democracy as it is about tyranny. As we deliberate an $87 billion supplemental appropriations request from the President, House Republicans are saying that we cannot ask questions. We cannot ask what the money is going to be used for and how we are going to pay for it. We cannot ask because the Republicans do not know. They do not know because the President will not tell them.

Mr. Speaker, if we allow the dictatorial Republican majority to decide what is worthy to debate, then the House will quickly become an insignificant Constitutional trophy sitting on the President's mantle.

Do my colleagues realize that the other body has been debating this bill for 15 days? Some Senators have spoken more, each one, more than all of the Members of the House, while the House has not spent 15 hours, and we have more than four times as many Members.

So I echo what Mr. RUSH said last night: It ain't Christmas, it ain't New Years, and it ain't Easter. Why not work through the weekend and all the Members be heard? American troops will be working this weekend. Why cannot Congress? Our soldiers are fighting and dying, three last night, while Republicans are cutting and running.

When Democrats ask questions about cost, strategy, and accountability, Republicans label us as unpatriotic. As I see it, the only unpatriotic thing about this debate is the majority's abandonment of the House's Constitutional responsibility to, as Mr. Madison put it, have a will of its own.

As written, H.R. 3289 gives the President carte blanche to spend nearly $87 billion before he has explained how he spent $79 billion we appropriated a few months ago. As I said yesterday, we have seen what happens when we relinquish our oversight authority and fail to hold this administration accountable ahead of time for its actions.

Last night, when America was sleeping, Republicans on the Committee on Rules dredged out the familiar formula of pushing their self-serving agenda by oppressing debate, deliberation and dialogue. There is an acronym in the United States Armed Forces that best describes what Republicans are saying to the American people today: The soldiers say BOHICA, B-O-H-I-C-A. Bend over, here it comes again.

Mr. FROST. Mr. Speaker, I gather in this time of the World Series that my friend on the other side is the designated "sitter."

Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, this legislation before us provides $87 billion to pay for the consequences of our war against Iraq, and the $20 billion reconstruction section provides $872 per capita aid to every single person in Iraq; 872 bucks. That is the size of this package. That ought to merit a lot more debate than we have had.

The bill before us got to the floor only because the majority went to the Committee on Rules and made a number of exceptions to the House rules so that this bill could come to the floor. And then the leadership guarantees that they are not going to lose any votes, the Republican leadership, by denying to the alternative to their proposal, those same exceptions to the rule.

That is what you did yesterday. Then yesterday you said any Member who had a germane amendment was given the grand total of 5 minutes to discuss it before the hammer came down. And now today, you are saying that the rest of the Members, who have not yet been able to even offer an amendment for consideration, are going to be denied the opportunity to do so.

Now, this happens in this Chamber, in Washington D.C., the capital of the greatest democracy in the world, supposedly, at the same time we are all supposed to swoon at the thought of how quickly Iraq is going to become a beacon of democracy and the second imitation of New Hampshire on the Presidential primary circuit.

Well, I am sorry, I agree with the gentleman from Massachusetts (Mr. MCGOVERN), what a lousy example you are setting for the Iraqis. You got a rigged game in this House. And any time you see an amendment you cannot beat, you solve it the easy way. You say we cannot even vote on it. Incredible. Where is your fairness? Where is your guts? If you cannot beat us fair and square, you should not be in this Chamber at all.

Now, last night eight of your Republican colleagues in the Senate voted for a proposal that provided a good portion of this aid in the form of loans. It does not matter whether you agree with that or not, we ought to be able to vote on that same proposition. But you do not think you can beat it, and so you are denying us the opportunity to even vote on it. Where is your guts?

So, Mr. Speaker, the only way we have a chance of a snowball in you know where of getting a vote on an amendment to protect the interest of the taxpayers is for us to vote down this antidemocratic rule so that we have an opportunity to change it. And that is why you need to vote against the previous question on this rule so that while we are prattling on about how much democracy we are going to bring to Iraq, we occasionally provide a little in this Chamber.

Mr. FROST. Mr. Speaker I would inquire as to the time remaining.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. FROST) has 3½ minutes remaining. The gentleman from Washington (Mr. HASTINGS) has 26 minutes remaining.

Mr. FROST. Mr. Speaker, I gather the other side is not intending to use any time at this point.

Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to the rule because it blocks amendments such as the one I would like to introduce which would increase the pay by $1,000 a month for anybody who is serving in excess of 6 months in Iraq.

Extended deployment strains all families, especially Reservists and those in the National Guard who have seen their deployments extended to 12 months. USA Today recently reported that one-third of Reservists and National Guard members suffered a cut in pay when called to active duty, especially those called up on short notice, those who have made personal business arrangements for a 6-month leave only to be told later that it is going to be a full year.

The cost of this amendment would be a drop in the bucket. If you figure that a third of those over there will be on extended deployment, that would cost about $50 million a month, $600 million a year, less than 1 percent of the cost of this bill.

□ 1315

Moreover, the amendment will not cost anything if the deployments are limited to 6 months, and at the same time it discourages the 12-month deployment.

Mr. Speaker, I ask that the rule be defeated so that amendments like this can be considered. Defeat the rule and allow other amendments.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Democratic leader.

Ms. PELOSI. Mr. Speaker, I thank our distinguished ranking member of the Committee on Rules for yielding me time and the fight he and the other members of the Committee on Rules are making in that venue for openness on the floor of this House.

Mr. Speaker, this is a solemn and serious matter that we have before the House today. And the question is what is the best way for us to provide for our troops, help with the reconstruction in Iraq, and accomplish our mission so that we can bring our troops home safely and soon. We know that it is not about cutting and running. We take our responsibilities seriously that we have inherited in Iraq, and it is not about cutting and running. It is about accomplishing our mission. But cutting and running is what is happening here in this House of Representatives.

The debate on these issues relating to the $87 billion supplemental is just too painful for the Republicans to hear. The fact that there was no plan for postwar Iraq is just too painful for them to listen to.

The amendments that have been thoughtfully considered and presented here by our colleagues on both sides of the aisle point out the shortcomings of this supplemental to begin with. The gentleman from Minnesota (Mr. RAMSTAD) had an excellent amendment earlier talking about paying for transportation for our men and women in uniform, that we would pay for that. Why would that not have been in the President's proposal to begin with? Why is it not the law now? The list goes on and on.

We said it over and over again that, without the intervention of the gentleman from Pennsylvania (Mr. MURTHA) and the cooperation of the gentleman from California (Mr. LEWIS), our troops would still not have funding for Kevlar in their jackets, jammers to stop the detonation of explosive devices, spare parts for their equipment, and armor for their Humvees. They still do not have it. It will hopefully be in this package. But it was not there in the summer after we gave the administration $63 billion, and it was not in the President's proposal. And that is why these amendments are important, but they again show the concern for the troops was much less than it should be on the part of the administration.

So we come to the floor with this very important matter, a matter relating to war, how we support our troops, how we reconstruct and bring stability to Iraq so that we can accomplish our mission. And we are told that we have an open rule, that the discussion will consider what people propose. And immediately the rule becomes restrictive in terms of what it will allow to be brought to the floor for a vote.

It is beneath the dignity of this House for us to have a debate on the war and not allow the proposal of the Democrats, the Democratic substitute, to come to this floor. And the main reason it could not come to this floor is because it paid for, it paid for what we would do for the troops and the reconstruction of Iraq. So it is against the rules here to be fiscally responsible to pay for the proposals that we are putting forth.

The gentleman from Florida (Mr. HASTINGS) put forth some saying that he heard in the Army. I cannot repeat it and I would not repeat it if I could, but I want to go to the Marines. The Marines have an expression, "Proper Preparation Prevents Poor Performance."

Our men and women were properly prepared and they performed their duties excellently, but there was no planning for after the military action, which still continues but which the President declared over May 1. There is no plan. There has been no plan. And to quote General Zinni, "The level of sacrifice has not been met by the level of planning."

How can we ask our troops to make those sacrifices when we are not really willing to have a plan? And if there was a plan, it is a failure. And if there is a plan, nobody knows what it is. And if there is a plan, it did not take into consideration the risks in postwar Iraq and, therefore, properly protect our troops. It misunderstood the conditions in Iraq and the challenges that we would face, again, endangering our troops. And it misrepresented what the cost would be to the American people.

Again, we have heard Secretary Wolfowitz's statement about how quickly Iraq would be able to provide for its own reconstruction. So that is why there is some level of disapproval of what is happening here. It is an open rule except we will restrict what we can hear and besides, we are sick and tired of hearing what is wrong with this policy.

That is cutting and running. We are opposed to it in anything we undertake.

We are professional people. We have the privilege of representing the American people. They have serious questions about this, and we are cutting and running and stifling debate.

So I hope that the opportunity that is presented under this rule, under the consideration of the previous question, will enable this House to vote on what happened in the Senate in a bipartisan way last night, which basically said that the American people should not be taking all the risks as far as their troops are concerned and paying all the bills. And this amendment specifically addresses the bills. It says if those oil fields get gushing, this is what it means, if these oil fields get gushing and Iraq amasses resources, then and only then would they pay back the loan. If they cannot, there is consideration for that. It could not be more fair. It could not be more reasonable. It should be voted upon by this body. But it is really unfortunate because time is what we were sent here to use for the American people; and if we cut and run, if we cut and run on a matter of this solemnity and this seriousness to the American people, shame on us.

I urge our colleagues to support the motion that the gentleman from Texas (Mr. FROST) will be making in regard to the previous question.

Mr. FROST. Mr. Speaker, we have only one concluding speaker, and I would ask if the other side intends to close. If they have any other speakers, do they intend to close after our concluding speech.

Mr. HASTINGS of Washington. Mr. Speaker, I would advise the gentleman to use his speaker.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge Members to oppose the previous question. If the previous question is defeated, I would offer an amendment to the rule. This will give Members an opportunity to vote on an amendment by the ranking member, the gentleman from Wisconsin (Mr. OBEY), which is identical to the bipartisan amendment passed in the other body last night by a vote of 51 to 47. That amendment will require that a portion of the money for reconstruction efforts will be in the form of a loan.

The amendment provides $5 billion as a grant to rebuild Iraqi security services, and it provides $5.2 billion as a grant for water, power and other critical infrastructure facilities. Congressional notification would be required for any projects in excess of $250 million; $10 million would be considered as a loan but would convert to a grant upon 90 percent forgiveness of prewar debt by other countries.

I want to stress that a "no" vote will not prevent us from voting on this supplemental. But a "no" vote will allow Members to vote on the identical language that will be included in the Senate bill.

Mr. Speaker, I ask unanimous consent that the text of this amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Speaker, I urge a vote "no" on the previous question so we can have an opportunity to vote on the Senate loan amendment.

Mr. Speaker, I yield back balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as has been mentioned in different forms earlier in this debate, this is serious business. It is serious business. And I believe knowing that we are engaged in this war on terrorism, which we have been now for over 2 years, we have to respond in a timely manner to those Americans that we put at risk. And I would remind my colleagues that three-fourths of this bill, or slightly more, goes to support our troops. And we have focused on other parts. Probably that is good for the debate, but we should not lose sight of the fact that three-fourths of this goes directly to our troops.

Now, we have some difference of opinion between the other House with their supplemental budget. The quicker we can get this into conference, the quicker we can get a bill passed; and the quicker we can get the President to sign it to support our troops, frankly, the better off we are.

I would just make one observation that I found rather interesting, because we spent a great deal of time debating before I was here on the Gulf War resolution. I was not here. But I understand that was a debate that was inspiring for the Congress. That really, when we look at that from a historical standpoint, is why we are here today, because of whatever reasons and agreements were made following the Gulf War, Saddam remained in power.

Now we are in a situation where we have to complete that. We had a long debate when we decided to go to war in Iraq this year, properly the right thing to do. And now we have debated this supplemental to support our troops for into the third day.

From a historical standpoint, I would just like to remind Members that sometimes this body moves extremely fast on important issues. Right after December 7, 1941, when we declared war on Japan and Germany, the U.S. House of Representatives allocated 40 minutes for each of those resolutions. I think it is important for us to get this done as quickly as we possibly can. So I urge my colleagues to vote for the previous question.

Ms. SHEILA JACKSON-LEE. Mr. Speaker, I oppose this new rule to recklessly cease debate and eliminate all opportunity for amendments on behalf of the American people. I now will speak to H.R. 3289 before us. The task of stabilizing and reconstructing Iraq may end up being one of the greatest challenges of our generation. Although we are getting rosy reports of progress in Iraq from the administration, the fact that we have 130,000 troops in the area and are now being handed an $87 billion tab paints a fully different picture. It is now obvious that the administration grossly underestimated the cost and difficulty of stabilizing Iraq, almost to the same extent that they overestimated the threat posed to the American people by Saddam Hussein. Even the so-called "soft costs" of the war and its aftermath are enough to cripple some nations.

This is not revisionist history; at least a hundred of us in Congress, millions of citizens who took to the streets, and even a handful of brave souls in the administration itself, tried to warn the administration of what it was getting into with its pre-emptive strike on Iraq. We were ignored, and those in the administration—the Shinseki's and the Lindsey's have been encouraged to move on. But the problems in Iraq have not gone away so gracefully. We are now at an important crossroads. We can continue to beat this dead horse with the same policies of isolation from our allies around the world and partisanship here in the United States or, we can start working together—employing the collective wisdom of all of us here and around the Nation with the experience and expertise to be of service in this endeavor—and who are committed to our troops, and to fulfilling the promise the President made to the people of Iraq and Afghanistan and to the world.

As this debate comes to the Halls of Congress, the people who marched us into this war will try to paint this vote as a vote for or against our troops. This is absolutely a false picture. For one thing, our military is extremely well funded. As I just described, including the Iraq supplementals, the Defense budget will be approaching $500 billion. Furthermore, Iraq is not an indigent nation.

If they wanted to, they could take better care of our troops. Secretary Rumsfeld wants to spend billions of dollars on a Star Wars defense system, while we are getting reports that our soldiers risking their lives in Iraq don't have adequate body armor, or clean water supplies, or basic human necessities like feminine hygiene products for our women soldiers. Six months after this battle started, we still have soldiers without kevlar body armor and water purifiers. What did they do with the first $79 billion war supplemental? We now have a new request for money, but we still have not heard details of how they spent the first money, what progress has been made, and what challenges remain.

I visited the As-Sayliyah Central Command Base in Doha, Qatar last weekend and heard the concerns of the troops from their own mouths. I heard testimony about how a ground soldier, watched his partner and the operator of a military vehicle get tossed out as the vehicle was thrown airborne by a land mine. "Why did you hit this mine," I asked. "It was just one of those mines that was missed in the sweep . . .," said the soldier. Because there isn't enough personnel or specialists to assign to technical tasks, unskilled or untrained technicians frequently get asked to do jobs that they have not mastered enough to guarantee the lives of those who must traverse the sands of Baghdad. The soldier misses his wife and newborn baby dearly. Because there hasn't been a change in the personnel on the front lines in several months, many reservists and active duty servicemen and women have spent a longer time in Iraq than was promised by the Administration. May 1, 2003 was supposed to have been a day of hope and homecoming; instead, it was a sham. Some of these troops feel like "sitting ducks" out in the foreign terrain. They don't speak Arabic. They don't know Tikrit like they know their hometowns. When I asked them if they have seen any troops of other coalition nations, they responded, "what coalition troops?" They need support and they need continuous relief.

The President and his friends in Leadership in Congress did not listen to the warnings of the Congressional Black Caucus, or our international allies, or hundreds of thousands of like-minded citizens who took to the streets. Some of my Democratic colleagues voted for this war, because they believed in the institution of the Presidency, and thought they had to give this administration the benefit of the doubt. I did not. Regardless, now the President has cut open this patient, and the patient is laying on the surgical table. The President has made a promise to the people of Iraq and to the world that we will leave the patient better than we found it—and it is up to our American soldiers and the American taxpayers to fulfill that promise.

Much of the toughest burden will fall on the shoulders of the families of our troops overseas. Therefore, I have submitted amendments that speak to alleviation of this burden. (1) I firmly believe that before any further funds are sent to Iraq to rebuild that country, we need to ensure that our men and women in the armed forces—reservists as well as active servicemen and women are receiving the money and services that they deserve and in a timely fashion. Dr. Jones, who works under Lt. Col. Corbett shared this concern with me during my visit. (2) I also believe that the Pentagon needs to develop a plan to ensure that none of our troops or government employees must remain stationed in Iraq for more than 6 months at a time. (3) Furthermore, the administration must announce a definite and clear exit plan for the troops to give them real hope and a notion that an end to the fighting is truly near. (4) There should also be more trained military policemen and women stationed in Iraq to mitigate the vulnerabilities experienced by these men and women. (5) Similarly, they need proper job allocation so that lives are not lost due to erroneous assignment of duties. (6) Moreover, as to the national guard servicepersons, the scheduled end of deployment should be honored rather than making them continue fighting until their respective units are released. Despite their frustrations, I encouraged them with the following phrase, "you are as much defenders as you are peace-keepers" to let them know that their work truly matters the most for the people of Iraq as well as the people at home in the United States.

I sincerely wish the President had not put us in this situation, but he and his administration did. And now we have to deal with it. If we are going to deal with it, I feel at this point it is critical to take some of the control away from the people who have made horrible misjudgments at every step of the way, who misled the American people and the Congress about the need for war, and who ignored warnings from inside and outside the administration. Either they knew the truth, chose to mislead us, or they did not take the time to adequately assess and plan for the true situation. Either way, senior members of this administration were not doing their jobs.

That is why before any appropriations are sent to rebuild Iraq, the Congress and the American people need to see an independent investigation in progress, looking deeply into several questions: whether U.S. intelligence reports were manipulated in order to misrepresent the threat Saddam Hussein posed to American interests; whether the costs and dangers of invading and occupying Iraq were deliberately understated; whether American officials who offered differing views of Iraq became the victims of inappropriate or illegal retaliation; and whether one or more individuals within the administration is or are responsible for the leak of classified information regarding intelligence reports and the veracity of accounts as to the purchase of "yellowcake" for nuclear weapons production.

If any of these allegations are proved true, those responsible must be held accountable. I am concerned that there has been a methodical and undemocratic effort to mislead and intimidate the American people and the world in order to march us into this war. And now we are being given an $87 billion bill to pay for that effort.

As we move forward in Iraq, unfortunately, we have severely limited options. Because people like Secretary Rumsfeld have used reckless speech that has angered and exasperated our allies, many of our most staunch allies are now reluctant to get involved in stabilizing and reconstructing Iraq. While our State Department has been reaching out around the world with a hand of cooperation and partnership, Mr. Rumsfeld has proudly displayed his arrogance and disdain for anyone not walking lockstep with him.

Too much is at stake to distance ourselves from those whose help we need. People from democracies around the world are now being asked to trust this administration with the lives of their sons and daughters in the military, by sending them to fight under a U.S. command whose leaders show them blatant disrespect. They are being encouraged to send their hard-earned money to reconstruct Iraq under the authority of this administration that gives the largest contracts to its political supporters, that seems to have no credible plan for the future, and that ignores the advice of even the most trusted experts on the world stage. It is not surprising that they are not stepping up with money and troops.

I think the problem is basically a lack of trust. I can't blame them. I do not trust this administration to do the right thing in Iraq either. I do not intend to vote to send another dime to Iraq until the President takes some dramatic steps to restore credibility to his Administration:

First, I want to see new faces in top positions, starting with Donald Rumsfeld. We need people who choose integrity over politics and respect over arrogance. Second, I want to see a full accounting of how they spent the first $79 billion, and exactly how they came up with this $87 billion figure. Our sources say that the armed services were barely consulted on those numbers—that some critical needs were totally left out, and others grossly exaggerated. We need honest accounting. And third, once we have a true picture of what funds are necessary to support our troops, Congress should be able to vote on that funding alone—separate from the money needed for reconstruction of Iraq. That "bifurcated vote" will allow us to quickly get money to protect our brave soldiers, but will also give us the time we need to thoughtfully craft a plan for reconstruction—a plan that will include our allies, and the World Bank, nongovernment organizations (NGOs), and oil and natural resources from Iraq itself.

Those are the three things I want to see before I can consider giving any more money to this administration for the United States effort in Iraq. This does not mean that I do not want to support our troops. And this does not mean that I want to break the president's promise to the Iraqi people and to the world that he would make things better in Iraq.

Instead, it is a call for action. I want to get the appropriate amount of money to the people who deserve it—but right now I am not confident that $87 billion is the right amount or that it would be spent in a way that would help our troops, help the Iraqi people, stabilize the region, or prevent terrorism.

Mr. Speaker, there are just too many questions and not enough answers. Why do we need $950 million for recruiting and training of police forces in Iraq, when we need more money for police and firefighters in Houston, New York, Washington, DC, and Philadelphia? Why do we need $209 million for prison and detention facilities, and $100 million for construction of a new prison in Iraq, when our Federal prisons are overcrowded and severely underfunded. Too many questions, and not enough answers, Mr. Speaker. Do we really need $100 million for a witness protection program, and $5.65 billion to repair and rehabilitate the infrastructure in Iraq, when a few months ago the whole Eastern seaboard was without power? Are we really serious?

Finally, Mr. Speaker, are we really serious about supplying Iraq with $793 million for health care programs, when we still have children without health insurance, elderly without health insurance, and our poor citizens without health insurance. There are just too many questions, and not enough answers.

There will be many thoughtful amendments offered that could ensure that the funds that we do not bankrupt our Treasury, while failing our troops and the people who need our help. I urge all of my colleagues to put politics and pride aside and consider them, so that together we can get our efforts in the Middle East back on track.

I have several amendments that I think will help get our policies back on track.

My first amendment states that none of the funds made available in this act may be obligated or expended until Government personnel policies have been implemented to ensure that no members of the Armed Forces or Government employees are being required to be stationed in Iraq continuously for a period greater than 6 months. The President has stated that the war on terror will be a long and involved one. Therefore we must pace ourselves, and we must ensure that our armed services can continue to recruit good people in the future. This amendment will help ensure that our troops and their families remain mentally fit and rested, and that military tours will remain a reasonable commitment in service to this Nation.

The second states that of the funds made available in this act may be obligated or expended until all Reserve and National Guard personnel are paid in full.

The third amendment requires that none of the funds made available in this act may be obligated or expended until the President has submitted to Congress a report setting forth in detail the strategy and projected timetable for withdrawing U.S. forces in Iraq. Without goals, I am concerned that our efforts in Iraq could drift indefinitely. Congress and the American people must know what lies ahead, so that we can plan appropriately.

The fourth is a sense of the House of Representatives that, before any appropriation under this act is obligated, a special counsel should be appointed to investigate the propriety and legality of actions by the administration in connection with the unauthorized release of classified information. We have a complex mission ahead of us in the Middle East. To succeed we will need to take advantage of every single national security asset at our disposal. Recently, one of our top CIA operatives was "outed" by White House employees, thus compromising her work and even the lives of her sources and acquaintances overseas. If we do not show the appropriate immediate vigorous response, we could undermine our efforts in the Middle East, by discouraging people to come to American officials with assistance or information.

Finally, I have two amendments that will help refocus some of our energy and resources on Afghanistan. The supplemental continues to shortchange Afghanistan's reconstruction and security, and it does this at the peril of jeopardizing the rights of Afghan women and girls and hopes for a peaceful, democratic Afghanistan. The proposed funding levels neither adequately make up for the small amounts of reconstruction funding thus far nor do they meet the country's needs.

In the last 2 years only 1 percent of Afghanistan's reconstruction needs have been met. The country remains in shambles from two decades of war and lack of development. Most people in the country do not have access to electricity, health care, schools, and sanitation. Not only is the lack of reconstruction depriving people of very basic services, but it is contributing to instability in the country and a lack of confidence in the central government.

The transitional government in Afghanistan estimates that between $20 to 30 billion is needed over the next five years. In other post-conflict settings, an average of $250 per person was spent per year in aid. But in Afghanistan, donors spent only $64 per person in 2002.

The proposed $800 million Afghanistan reconstruction supplemental spending request represents less than 1 percent of the total $87 billion Iraq and Afghanistan package. The $20 billion request for Iraq reconstruction funding is 25 times as large as the Afghanistan request. Yet Afghanistan has approximately the same population size as Iraq and suffered more destruction over 23 years of war.

House Chairman YOUNG's mark to increase reconstruction funding for Afghanistan by $400 million is a step in the right direction. But still more must be done. My first Afghanistan amendment will shift $20 million from the Iraq budget toward Afghanistan to be used for developing electricity-generation and transmission infrastructure. If Afghanistan is ever going to thrive and progress, it will need consistent sources of energy, to power its factories, hospitals and homes. These funds will help.

The other amendment will improve the plight of Afghan women and girls. Women and girls continue to face severe hardship and violations of their rights in Afghanistan. Yet the Afghanistan request does not specify funds for programs to improve the status of women and to remedy the tremendous injustices they faced under the Taliban regime. My amendment proposes designating $300 million for women's programs in the area of political rights and human rights, health care, education and training, and security, protection and shelters. I also propose earmarks of $10 million of the Afghan Independent Human Rights Commission and $24 million for the Ministry of Women's Affairs. We must provide direct support to help strengthen those women-led, permanent Afghan institutions whose mission it is to promote women's rights and human rights. These are funds already authorized in the Afghan Freedom Support Act of 2002, but which still for the most part have not been appropriated.

Some girls have gone back to school in Afghanistan, but the majority have not because there are not enough schools and those that do exist are in very bad shape. The Asian Development Bank estimates that an additional 13,851 primary schools need to be constructed, but the administration request is only for 275 schools. Some 40 percent of schools in Afghanistan were completely destroyed during the war, another 15 percent were heavily damaged, and in many areas of the country there were no schools for girls.

What's more, the advances in girls' education that have been made are under attack. In the past year, fundamentalist extremists have burned down, bombed, and otherwise violently attacked more than 30 girls schools. At most of the sites of these attacks, leaflets have been distributed threatening the families of girls who attend school or the teachers who teach them. Flyers distributed at the site of one of the first attacks read "Stop sending your women to offices and daughters to schools. It spreads indecency and vulgarity. Stand ready for the consequences if you do not heed the advice." Some families are now afraid to send their daughters to school. Our Nation promised to help free Afghan women; we cannot allow the extremists to take back these newly won freedoms.

I hope my colleagues will support these amendments. We must look toward a brighter future in Iraq, and work together to make that vision happen.

Ms. LEE. Mr. Speaker, and thank you to my colleague on the Rules Committee for your leadership and for yielding me the time.

Mr. Speaker, I rise in strong opposition to this rule to gag the strong, growing, and justified opposition to this $87 billion blank check bill and to prohibit its amendment.

Mr. Speaker, if the Republican majority had not issued this draconian, unfair rule to prohibit amendments to this wrong, blank check to President Bush, I would have offered a very important amendment that deserves this body's consideration.

My amendment was simple. It would have added $1 billion to our global AIDS initiative this year, in order to reach the original $3 billion authorization that this Congress and the President approved in May.

If the President can ask for a blank check of $87 billion, for the life of me I don't understand why he won't ask for this $1 billion.

He promised it, he traveled to African and touted his commitment, but in what has become his MO (modus operandi) he has mislead us again.

And in failing to live up to his commitment on AIDS, he is also neglecting a vital matter of national security.

Make no mistake about it, in Sub-Saharan Africa, the region worst hit by AIDS, the disease has contributed to the destabilization of whole communities, tearing at the very fabric of society by killing mothers, fathers, teachers, farmers, health professionals, business-people, and soldiers, and undermining the governing authority and political stability of entire nations. In short, AIDS is creating chaos.

Secretary of State Colin Powell has already described the global AIDS pandemic as something far worse than terrorism. And even our own national intelligence council has already concluded that a wholesale political, social, and economic collapse is very likely to occur in those countries that are already severely affected by AIDS.

Millions of lives are hanging in the balance, and we have the power to save them. We cannot allow further delay, and AIDS will not wait for us to act. I urge the Republican leadership and the administration to wake up to this reality.

And I urge all members to join me in voting "no" on this rule which denies us the opportunity for continued debate on this and denies members the opportunity to offer important amendments, like the one I would have offered today.

The material previously referred to by Mr. FROST is as follows:

Strike all after the resolved clause and insert:

That during further consideration of the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, in the Committee of the Whole, it shall be in order to consider the amendment specified in section 2 of this resolution if offered by Representative Obey of Wisconsin or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent.

SEC. 2. The amendment referred to in the first section of this resolution is as follows:

At the appropriate place in the bill add the following new section:

SEC. . (a) Of the amounts appropriated under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND"—

(1) the $5,136,000,000 allocated for security, including public safety requirements, national security, and justice shall be used to rebuild Iraq's security services;

(2) $5,168,000,000 shall be available for the purposes, other than security, set out under such subheading; and

(3) $10,000,000,000 shall be available to the President to use as loans to Iraq for the purposes, other than security, set out under such subheading until the date on which the President submits the certification described in subsection (c).

(b) The President shall submit a notification to Congress if, of the amounts referred to in paragraphs (1) and (2) of subsection (a), an amount in excess of $250,000,000 is used for any single purpose in Iraq.

(c)(1) The certification referred to in subsection (a)(3) is a certification submitted to Congress by the President stating that not less than 90 percent of the total amount of the bilateral debt incurred by the regime of Saddam Hussein has been forgiven by the countries owed such debt.

(2) On the date that the President submits the certification described in paragraph (1)—

(A) the unobligated balance of the $10,000,000,000 referred to in subsection (a)(3) may be obligated and expended with no requirement that such amount be provided as loans to Iraq; and

(B) the President may waive repayment of any amount made as a loan under subsection (a)(3) prior to such date.

(d) The head of the Coalition Provisional Authority shall ensure that the amounts appropriated under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND", are expended, whether by the United States or by the Governing Counsel in Iraq, for the purposes set out under such subheading and in a manner that the head of the Coalition Provisional Authority does not find objectionable.

(e) It is the sense of Congress that each country that is owed bilateral debt by Iraq that was incurred by the regime of Saddam Hussein should—

(1) forgive such debt; and

(2) provide robust amounts of reconstruction aid to Iraq during the conference of donors scheduled to begin on October 23, 2003, in Madrid, Spain and during other conferences of donors of foreign aid.

(f) In this section:

(1) The term "amounts appropriated under the subheading 'IRAQ RELIEF AND RECONSTRUCTION FUND'" means the amounts appropriated by chapter 2 of this title under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT".

(2) The term "Coalition Provisional Authority" means the entity charged by the President with directing reconstruction efforts in Iraq.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 221, nays 199, answered "present" 1, not voting 13, as follows:

[Roll No. 559]

YEAS—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watson
Watt

Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Paul

NOT VOTING—13

Blunt
Boehlert
Brown-Waite, Ginny
Capps
Clay
Conyers
Johnson, E. B.
Jones (OH)
Marshall
McKeon
Putnam
Souder
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1346

Messrs. HILL, CARDOZA, RODRIGUEZ, FORD, NEAL of Massachusetts and WEINER and Ms. MILLENDER-McDONALD changed their vote from "yea" to "nay."

Mr. PETERSON of Pennsylvania changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I missed rollcall No. 559, because I was unavoidably detained. Had I been present, I would have voted "Nay."

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 221, noes 201, not voting 12, as follows:

[Roll No. 560]

AYES—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
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Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—12

Boehlert
Brown-Waite, Ginny
Capps
Clay
Johnson (CT)
Jones (OH)
Marshall
McKeon
Pryce (OH)
Putnam
Souder
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1354

Mr. DICKS and Mr. RUPPERSBERGER changed their vote from "aye" to "no."

Mr. OXLEY changed his vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 396 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3289.

□ 1355

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from New York (Mr. WEINER) had been disposed of and the bill had been read through page 2, line 2.

Pursuant to House Resolution 401, the bill is considered read for amendment and no further motion or amendment is in order.

The text of the remainder of the bill is as follows:

TITLE I—NATIONAL SECURITY

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $12,188,870,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $816,100,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $753,190,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $3,384,700,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $24,355,664,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $1,934,058,000, of which up to $80,000,000 may be transferred to the Department of Homeland Security for Coast Guard Operations: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,198,981,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,598,368,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $4,485,452,000, of which—

(1) not to exceed $15,000,000 may be used for the CINC Initiative Fund account, to be used primarily in Iraq and Afghanistan; and

(2) not to exceed $1,300,000,000, to remain available until expended, may be used, notwithstanding any other provision of law, for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical and military support provided, or to be provided, to United States military operations in connection with military action in Iraq and the global war on terrorism: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations on the use of these funds: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $16,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $53,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $214,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for "Overseas Humanitarian, Disaster, and Civic Aid", $35,500,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For "Iraq Freedom Fund", $1,988,600,000, to remain available for transfer until September 30, 2005, for the purposes authorized under this heading in Public Law 108-11: *Provided*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; military construction; the Defense Health Program; and working capital funds: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $101,600,000, to remain available until September 30, 2006: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $1,250,287,000, to remain available until September 30, 2006: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $158,600,000, to remain available until September 30, 2006: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $76,357,000, to remain available until September 30, 2006: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $123,397,000, to remain available until September 30, 2006: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $53,972,000, to remain available until September 30, 2006: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $20,450,000, to remain available until September 30, 2006: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $3,418,006,000, to remain available until September 30, 2006: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $418,635,000, to remain available until September 30, 2006: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $34,000,000, to remain available until September 30, 2005: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $39,070,000, to remain available until September 30, 2005: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $195,817,000, to remain available until September 30, 2005: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $600,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $24,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $658,380,000 for Operation and maintenance: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $73,000,000: *Provided*, That these funds may be used for such activities related to Afghanistan: *Provided further*, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That the funds transferred shall be merged with and be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Intelligence Community Management Account", $21,500,000, to remain available until September 30, 2005; of which $3,000,000 may be transferred to and merged with the Department of Energy, "Other Defense Activities", and $15,500,000 may be transferred to and merged with the Federal Bureau of Investigation, "Salaries and Expenses": *Provided*, That all such amounts are designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

GENERAL PROVISIONS—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 1101. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2004, except for the fourth proviso: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

SEC. 1102. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 1103. Sections 1318 and 1319 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 571), shall remain in effect during fiscal year 2004.

SEC. 1104. From October 1, 2003, through September 30, 2004, (a) the rates of pay authorized by section 310(a) of title 37, United States Code, shall be $225; and (b) the rates of pay authorized by section 427(a)(1) of title 37, United States Code, shall be $250.

SEC. 1105. DEFENSE EMERGENCY RESPONSE FUND CLOSE-OUT AUTHORITY.—(a) Section 1313 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 569), is amended by inserting "unobligated" before "balances".

(b) Effective November 1, 2003, adjustments to obligations that before such date would have been properly chargeable to the Defense Emergency Response Fund shall be charged to any current appropriations account of the Department of Defense available for the same purpose.

SEC. 1106. During the current year, funds made available in this Act to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 1107. Notwithstanding any other provision of law, from funds made available in this Act to the Department of Defense under "Operation and Maintenance, Defense-Wide", not to exceed $100,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance only to the New Iraqi Army and the Afghan National Army to enhance their capability to combat terrorism and to support U.S. military operations in Iraq and Afghanistan: *Provided*, That such assistance may include the provision of equipment, supplies, services, training and funding: *Provided further*, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees not less than 15 days before providing assistance under the authority of this section.

SEC. 1108. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2004 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees.

SEC. 1109. In addition to amounts made available elsewhere in this Act, there is hereby appropriated to the Department of Defense $413,300,000, to be used only for recovery and repair of damage due to natural disasters including Hurricane Isabel, to be distributed as follows:

"Operation and Maintenance, Army", $73,600,000;

"Operation and Maintenance, Navy", $126,400,000;

"Operation and Maintenance, Marine Corps", $9,200,000;

"Operation and Maintenance, Air Force", $201,900,000; and

"Other Procurement, Air Force", $2,200,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

SEC. 1110. During the current fiscal year, from funds made available in this Act to the Department of Defense for operation and maintenance, not to exceed $180,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, established by the Administrator of the Coalition Provisional Authority for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to establish and fund a similar program to assist the people of Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports, beginning on January 15, 2004, to the congressional defense committees regarding the source of funds and the allocation and use of funds made available pursuant to the authority provided in this section.

SEC. 1111. Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing an Analysis of Alternatives for replacing the capabilities of the existing Air Force fleet of KC–135 tanker aircraft.

CHAPTER 2

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $23,183,000, for costs related to Hurricane Isabel damage: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

CHAPTER 3

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $185,100,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

MILITARY CONSTRUCTION, NAVY

For an additional amount for "Military Construction, Navy", $45,530,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $292,550,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Family Housing Operation and Maintenance, Army", $8,151,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For an additional amount for "Family Housing Operation and Maintenance, Navy and Marine Corps", $6,280,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Family Housing Operation and Maintenance, Air Force", $6,981,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

GENERAL PROVISION—THIS CHAPTER

SEC. 1301. (a) TEMPORARY AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR MILITARY CONSTRUCTION PROJECTS.—During fiscal year 2004, the Secretary of Defense may use this section as authority to obligate appropriated funds available for operation and maintenance to carry out a construction project outside the United States that the Secretary determines meets each of the following conditions:

(1) The construction is necessary to meet urgent military operational requirements of a temporary nature involving the use of the Armed Forces in support of Operation Iraqi Freedom or the Global War on Terrorism.

(2) The construction is not carried out at a military installation where the United States is reasonably expected to have a long-term presence.

(3) The United States has no intention of using the construction after the operational requirements have been satisfied.

(4) The level of construction is the minimum necessary to meet the temporary operational requirements.

(b) LIMITATION ON USE OF AUTHORITY.—The total cost of the construction projects carried out under the authority of this section using, in whole or in part, appropriated funds available for operation and maintenance shall not exceed $500,000,000 in fiscal year 2004.

(c) QUARTERLY REPORT.—(1) Not later than 30 days after the end of each fiscal-year quarter of fiscal year 2004, the Secretary of Defense shall submit to the congressional committees specified in subsection (e) a report on the worldwide obligation and expenditure during that quarter of appropriated funds available for operation and maintenance for construction projects.

(2) The report shall include with regard to each project the following:

(A) Certification that the conditions specified in subsection (a) are satisfied with regard to the construction project.

(B) A description of the purpose for which appropriated funds available for operation and maintenance are being obligated.

(C) Relevant documentation detailing the construction project.

(D) An estimate of the total cost of the construction project.

(E) The total amount obligated for the construction project as of the date of the submission of the report.

(d) RELATION TO OTHER AUTHORITIES.—The temporary authority provided by this section, and the limited authority provided by section 2805(c) of title 10, United States Code, to use appropriated funds available for operation and maintenance to carry out a construction project are the only authorities available to the Secretary of Defense and the Secretaries of the military departments to use appropriated funds available for operation and maintenance to carry out construction projects.

(e) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in this section are the following:

(1) The Committee on Armed Services and the Subcommittees on Defense and Military Construction of the Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Subcommittees on Defense and Military Construction of the Committee on Appropriations of the House of Representatives.

TITLE II—IRAQ AND AFGHANISTAN RECONSTRUCTION AND INTERNATIONAL ASSISTANCE

CHAPTER 1

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

GENERAL LEGAL ACTIVITIES

For necessary expenses for "Salaries and Expenses, General Legal Activities", $15,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING RESCISSION)

For necessary expenses for "Diplomatic and Consular Programs", $156,300,000, of which $35,800,000 shall remain available until expended. Of the funds appropriated under this heading in the Emergency Wartime Supplemental Appropriations Act, 2003, $35,800,000 are rescinded. All such amounts are designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for "Embassy Security, Construction, and Maintenance",

$43,900,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Emergencies in the Diplomatic and Consular Service

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for "Emergencies in the Diplomatic and Consular Service", $50,000,000, to remain available until expended, which may be transferred to, and merged with, the appropriations for "Diplomatic and Consular Programs": *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

International Organizations

Contributions for International Peacekeeping Activities

For necessary expenses for "Contributions for International Peacekeeping Activities", $245,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Related Agency

Broadcasting Board of Governors

International Broadcasting Operations

For necessary expenses for "International Broadcasting Operations", for activities related to the Middle East Television Network broadcasting to Iraq, $40,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

GENERAL PROVISION—THIS CHAPTER

SEC. 2101. Funds appropriated under this chapter for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956, as amended.

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

United States Agency for International Development

Operating Expenses of the United States Agency for International Development

For necessary expenses for "Operating Expenses of the United States Agency for International Development", $40,000,000, for direct support of operations in Afghanistan, to remain available until September 30, 2005: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Other Bilateral Economic Assistance

Iraq Relief and Reconstruction Fund

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the purposes of the Foreign Assistance Act of 1961, for security, relief, rehabilitation and reconstruction in Iraq, $18,649,000,000, to remain available until September 30, 2005, to be allocated as follows: $3,243,000,000 for security and law enforcement; $1,318,000,000 for justice, public safety infrastructure, and civil society; $5,560,000,000 for the electric sector; $2,100,000,000 for oil infrastructure; $4,332,000,000 for water resources and sanitation; $500,000,000 for transportation and telecommunications; $370,000,000 for roads, bridges, and construction; $793,000,000 for health care; $153,000,000 for private sector development; and $280,000,000 for education, refugees, human rights, democracy, and governance: *Provided*, That the President may reallocate up to 10 percent of any of the preceding allocations, except that the total for the allocation receiving such funds may not be increased by more than 20 percent: *Provided further*, That such reallocations shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 and notifications shall be transmitted at least 15 days in advance of the obligation of funds: *Provided further*, That an annual spending plan for reconstruction programs under the preceding allocations, including project-by-project detail, shall be submitted by the President to the Committees on Appropriations not later than January 1, 2004, and shall be updated and submitted every 180 days thereafter: *Provided further*, That funds appropriated under this heading shall be apportioned only to the Coalition Provisional Authority in Iraq, the Department of State, the Department of Health and Human Services, the Department of Treasury, the Department of Defense, and the United States Agency for International Development: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That of the amount appropriated in this paragraph, not less than $35,000,000 shall be made available for administrative expenses of the Department of State Bureau of International Narcotics and Law Enforcement Affairs and the United States Agency for International Development for support of the reconstruction activities in Iraq: *Provided further*, That up to 1 percent of the amount appropriated in this paragraph may be transferred to "Operating Expenses of the Coalition Provisional Authority", and that any such transfer shall be in accordance with the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization, may be credited to this Fund and used for such purposes: *Provided further*, That the Committees on Appropriations shall be notified quarterly of any collections pursuant to the previous proviso: *Provided further*, That the Coalition Provisional Authority shall work, in conjunction with relevant Iraqi officials, to ensure that a new Iraqi constitution preserves full rights to religious freedom: *Provided further*, That, notwithstanding any other provision of law, 10 percent of the total amount of funds apportioned to the United States Agency for International Development under this heading that are made available on a subcontract basis shall be reserved for contracts with small business concerns, including small business concerns owned and controlled by veterans, small business concerns owned and controlled by service-disabled veterans, HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women (as such terms are defined for purposes of the Small Business Act): *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Operating Expenses of the Coalition Provisional Authority

For necessary expenses of the Coalition Provisional Authority in Iraq, established pursuant to United Nations Security Council resolutions including Resolution 1483, for personnel costs, transportation, supply, equipment, facilities, communications, logistics requirements, studies, physical security, media support, promulgation and enforcement of regulations, and other activities needed to oversee and manage the relief and reconstruction of Iraq and the transition to democracy, $858,000,000, to remain available until September 30, 2005: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Economic Support Fund

For necessary expenses for "Economic Support Fund", $872,000,000, to remain available until December 31, 2004: *Provided*, That not less than $672,000,000 is available only for accelerated assistance for Afghanistan: *Provided further*, That not to exceed $30,000,000 may be used for activities related to disarmament, demobilization, and reintegration of militia combatants, including registration of such combatants, notwithstanding section 531(e) of the Foreign Assistance Act of 1961: *Provided further*, That not to exceed $2,000,000 may be used to provide additional policy experts in Afghan ministries and that not more than five senior advisors to the United States Ambassador may be deployed in Afghanistan: *Provided further*, That not less than $17,250,000 is available only for security requirements that directly support United States and Coalition personnel who are implementing assistance programs in Afghanistan, including the provision of adequate dedicated air transport and support for civilian personnel at provincial reconstruction team sites: *Provided further*, That upon the receipt by the Speaker of the House of Representatives and the President of the Senate of a determination by the President that the Government of Pakistan is fully cooperating with the United States in the global war on terrorism, not to exceed $200,000,000 appropriated under this heading may be used for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan: *Provided further*, That amounts that are made available under the previous proviso for the cost of modifying direct loans and guarantees shall not be considered "assistance" for the purposes of provisions of law limiting assistance to a country: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

International Disaster and Famine Assistance

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for International Disaster and Famine Assistance utilizing the general authorities of section 491 of the Foreign Assistance Act of 1961, to respond to or prevent unforeseen complex foreign crises, especially in Sudan and Liberia, $100,000,000, and by transfer not to exceed 1 percent of the funds appropriated under any other heading in this chapter, to remain available to the Secretary of State until September 30, 2005: *Provided*, That funds appropriated under this heading may be made available only pursuant to a determination by the President, after consultation with the appropriate congressional committees, that it is in the national interest and essential to efforts to reduce international terrorism to furnish assistance on such terms and conditions as he may determine for such purposes, including support for peace and humanitarian intervention operations: *Provided further*, That none of these funds shall be available to respond to natural disasters: *Provided further*, That funds made available under this heading to respond to or prevent unforeseen complex foreign crises shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Department of State

International Narcotics Control and Law Enforcement

For necessary expenses for "International Narcotics Control and Law Enforcement", $170,000,000, to remain available until December 31, 2004, for accelerated assistance for Afghanistan: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Nonproliferation, Anti-Terrorism, Demining and Related Programs

For necessary expenses for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $35,000,000, for accelerated assistance for Afghanistan: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

MILITARY ASSISTANCE

Funds Appropriated to the President

Foreign Military Financing Program

For necessary expenses for the "Foreign Military Financing Program", $297,000,000, for accelerated assistance for Afghanistan: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Peacekeeping Operations

For necessary expenses for "Peacekeeping Operations", $50,000,000, to support the global war on terrorism: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2201. None of the funds appropriated by this Act or any unexpended funds provided in Public Law 108–11 may be used to repay, in whole or in part, principal or interest on any loan or guarantee agreement entered into by the Government of Iraq with any private or public sector entity including with the government of any country (including any agency of such government or any entity owned in whole or in part by the government of such country) or with any international financial institution, prior to May 1, 2003: *Provided*, That for the purpose of this section, the term "international financial institution" shall mean those institutions contained in section 530(b) of division E of Public Law 108–7.

SEC. 2202. Notwithstanding any other provision of law, none of the funds appropriated by this Act under the heading "Iraq Relief and Reconstruction Fund" and made available under the same heading in Public Law 108–11 may be used to enter into any Federal contract (including any follow-on contract) unless—

(1) the contract is entered into in accordance with title III of the Federal Property and Administrative Services Act (41 U.S.C. 251 et seq.); and

(2) in any case in which procedures other than competitive procedures are to be used to enter into such a contract—

(A) if such procedures are to be used by reason of the application of a paragraph (other than paragraph (2)) under section 303(c) of such Act (41 U.S.C. 253(c)), the head of the executive agency entering into the contract shall submit to the committees described in subsection (b), not later than 7 calendar days before award of the contract—

(i) notification of the use of such other procedures; and

(ii) the justification for such use; and

(B) if such procedures are to be used by reason of the application of paragraph (2) of section 303(c) of such Act (41 U.S.C. 253(c)(2)), the head of the executive agency entering into the contract shall submit to the committees described in subsection (b), not later than 7 calendar days after approval of the justification for the use of such other procedures under section 303(f)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)(B))—

(i) notification of the use of such other procedures; and

(ii) the justification for such use.

(b) COMMITTEES.—The committees referred to in subsection (a)(2) are—

(1) the Committees on Government Reform, on International Relations, and on Appropriations of the House of Representatives; and

(2) the Committees on Governmental Affairs, on Foreign Relations, and on Appropriations of the Senate.

(c) APPLICABILITY.—This section shall not apply to contracts entered into before the date of the enactment of this Act or after September 30, 2010.

SEC. 2203. PUBLIC DISCLOSURE OF NONCOMPETITIVE CONTRACTING FOR THE RECONSTRUCTION OF INFRASTRUCTURE IN IRAQ.

(a) DISCLOSURE REQUIRED.—

(1) PUBLICATION AND PUBLIC AVAILABILITY.—The head of an executive agency of the United States that enters into a contract for assistance for Iraq, using funds described in paragraph (3), through the use of procedures other than competitive procedures shall publish in the Federal Register or Commerce Business Daily and otherwise make available to the public, not later than 7 days before the date on which the contract is entered into, except in the case of urgent and compelling contracts issued pursuant to paragraph (2) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)), the following information:

(A) The amount of the contract.

(B) A brief description of the scope of the contract.

(C) A discussion of how the executive agency identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers.

(D) The justification and approval documents (as required under section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)) on which was based the determination to use procedures other than competitive procedures.

(2) FUNDS.—The funds referred to in paragraph (1) are—

(A) any funds available to carry out sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2151d; 2346 et seq.); and

(B) any funds appropriated by Public Law 108–11 under the heading "Iraq Relief and Reconstruction Fund" (in chapter 5 of title I; 117 Stat. 573).

(3) APPLICABILITY.—Paragraph (1) shall not apply to contracts entered into before the date of the enactment of this Act or after September 30, 2010.

(b) CLASSIFIED INFORMATION.—

(1) AUTHORITY TO WITHHOLD.—The head of an executive agency may—

(A) withhold from publication and disclosure under subsection (a) any document that is classified for restricted access in accordance with a Executive order in the interest of national defense or foreign policy; and

(B) redact any part so classified that is in a document not so classified before publication and disclosure of the document under subsection (a).

(2) AVAILABILITY TO CONGRESS.—In any case in which the head of an executive agency withholds information under paragraph (1), the head of such executive agency shall make available an unredacted version of the document containing that information to the chairman and ranking member of each of the following committees of Congress:

(A) The Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(B) The Committees on Appropriations of the Senate and House of Representatives.

(C) Each committee that the head of the executive agency determines has legislative jurisdiction for the operations of such department or agency to which the information related.

(c) RELATIONSHIP TO OTHER DISCLOSURE LAWS.—Nothing in this section shall be construed as affecting obligations to disclose United States Government information under any other provision of law.

(d) DEFINITIONS.—In this section, the terms "competitive procedures" and "executive agency" have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SEC. 2204. Section 1503 of Public Law 108–11 is amended—

(1) by striking "equipment" and inserting in lieu thereof "equipment, including equipment"; and

(2) by striking "2004" and inserting in lieu thereof "2005".

SEC. 2205. Section 1504 of Public Law 108–11 is amended by striking "controlled" and inserting "or small arms controlled".

SEC. 2206. Section 202(b) of the Afghanistan Freedom Support Act of 2002 (Public Law 107–327) is amended by striking "$300,000,000" and inserting in lieu thereof "$450,000,000".

SEC. 2207. (a) Until January 2005, the Coalition Provisional Authority (CPA) shall, on a monthly basis, submit a report to the Committees on Appropriations and International Relations of the House of Representatives and the Committees on Appropriations and Foreign Relations of the Senate that details, for the preceding month, Iraqi oil production and oil revenues, and uses of such revenues.

(b) The first report required by subsection (a) shall be submitted not later than 30 days after enactment of this Act.

(c) The reports required by this section shall also be made publicly available, including through the CPA's Internet website.

SEC. 2208. Any reference in this chapter to the "Coalition Provisional Authority in Iraq" shall be deemed to include any successor United States Government entity with the same or substantially the same authorities and responsibilities as the Coalition Provisional Authority in Iraq.

SEC. 2209. Assistance or other financing under chapter 2 of this title may be provided for Iraq and Afghanistan notwithstanding any other provision of law not contained in this Act that restricts assistance to foreign countries and section 660 of the Foreign Assistance Act of 1961: *Provided*, That funds made available for Iraq pursuant to this section shall be subject to the regular reprogramming notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except that notification shall be transmitted at least 5 days in advance of obligation.

SEC. 2210. Funds made available in chapter 2 of this title are made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956, as amended.

SEC. 2211. Notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: *Provided*, That funds made available pursuant to the authority of this section shall be subject to the regular reprogramming notification procedures of the Committees on Appropriations.

REPORT ON MILITARY OPERATIONS AND RECONSTRUCTION EFFORTS IN IRAQ AND AFGHANISTAN

SEC. 2212. (a) REPORT.—The President shall prepare and transmit to Congress on a quarterly basis a report on United States military operations and reconstruction efforts in Iraq and Afghanistan.

(b) CONTENTS.—The report shall, at a minimum, contain the following information:

(1) A full accounting of amounts appropriated under this Act or any other Act that were expended during the preceding quarter for military operations and reconstruction efforts in Iraq and Afghanistan.

(2) A description of progress made in reconstruction efforts in Iraq and Afghanistan, particularly efforts relating to public safety, defense and law enforcement, energy infrastructure, water, sewer, roads, and other public works, transportation and telecommunications infrastructure, medical and hospital services, and private sector development.

(3) A description of progress made to reduce attacks against members of the United States Armed Forces in Iraq and Afghanistan.

(4) An analysis of the impact that military operations in Iraq and Afghanistan have had on overall readiness of the Armed Forces.

(5) An analysis of the impact that the extended deployment of members of the Armed Forces in connection with Operation Iraqi Freedom and Operation Enduring Freedom is having on recruiting and retention efforts in the active and reserve components.

(6) An estimate of the cost of repairing or replacing the combat vehicles, aircraft, and other equipment damaged or destroyed by combat, by prolonged use in Iraq and Afghanistan, or by exposure to the extreme climatic and terrain conditions in Iraq and Afghanistan.

(7) A description of progress made toward holding of free and fair elections in Iraq.

(8) A description of the extent of international participation in the stabilization and reconstruction of Iraq and the amount of financial assistance that the United States has secured from the international community during the preceding quarter.

(9) The number of members of the Armed Forces deployed in connection with Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 2213. (a) REVIEW OF CONTRACTING PROCEDURES.—The Comptroller General shall review each covered contract and task or delivery order entered into during a review period to determine whether the procedures used to enter into the contracts and orders were in compliance with the requirements of this Act and other applicable laws and regulations.

(b) REPORT.—At the end of each review period, the Comptroller General shall submit to Congress a report on the results of the review.

(c) REVIEW PERIOD.—A review under subsection (a) shall be carried each quarter of a fiscal year, beginning with the first quarter beginning after the date of the enactment of this Act.

(d) COVERED CONTRACTS AND ORDERS.—This section applies to any contract or task or delivery order entered into using funds appropriated by this Act for foreign assistance if—

(1) in the case of a contract, the contract is in an amount in excess of the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403), and

(2) in the case of a task or delivery order, the order is in an amount in excess of $1,000,000.

TITLE III—GENERAL PROVISIONS—THIS ACT

SEC. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 3002. None of the funds made available in this or any other Act for fiscal year 2004 may be used for any defense or reconstruction activities in Iraq or Afghanistan coordinated by any officer of the United States Government whose office is not subject to appointment by the President by and with the advice and consent of the Senate.

SEC. 3003. For purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)), children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or due to the death of a military parent or legal guardian while on active duty, are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at the same school that they attended prior to their change in eligibility status.

SEC. 3004. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country participating with coalition forces in Afghanistan or Iraq if the Secretary of State or the Secretary Defense has credible evidence that such unit has committed gross violations of human rights, unless the appropriate Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: *Provided*, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the appropriate Secretary shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

SEC. 3005. None of the funds in this Act, or any other appropriations Act, may be used to execute the Lateral Repatriation Program, or any other program under which citizens or nationals of Mexico are removed by land from the United States by returning them to a location other than the United States port of entry closest to the location where they were apprehended or last imprisoned, or, in the case of an alien who is removed upon being acquitted of a criminal charge, the port of entry closest to the courthouse where the acquittal occurs. If the Secretary of Homeland Security determines that compliance with the preceding sentence is not feasible, the Secretary shall notify the Committees on the Judiciary and on Appropriations of the House of Representatives and of the Senate.

SEC. 3006. None of the funds in this Act, or any other appropriations Act, may be used for the issuance of Form I–20A by the San Antonio Office of Detention and Removal of the Bureau of Immigration and Customs Enforcement and the Border Patrol sectors served by said office.

This Act may be cited as the "Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004".

The CHAIRMAN. Are there any points of order?

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Chairman, I make a point of order that section 3005 fails to comply with clause 2 of rule XXI. By addressing funds in all appropriations acts, it implicates funds other than those in the pending bill and therefore constitutes legislation on an appropriations bill in violation of the rule.

I ask for a ruling by the Chair on the point of order.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. YOUNG of Florida. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained. The section is stricken from the bill.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Chairman, I make a point of order that section 3006 fails to comply with clause 2 of rule XXI. By addressing funds in all appropriations acts, it implicates funds other than those in the pending bill and therefore constitutes legislation on an appropriations bill in violation of the rule.

I ask the Chair for a ruling on the point of order.

The CHAIRMAN. Does the gentleman from Florida (Mr. YOUNG) wish to be heard on the point of order?

Mr. YOUNG of Florida. Mr. Chairman, I reluctantly concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained. The section is stricken from the bill.

Mr. KANJORSKI. Mr. Chairman, as I did a year ago this month, I rise to address this chamber with a heavy heart. Over the past several days, we have engaged in a debate worthy of this institution's history. These deliberations have focused on providing additional funding for the Administration's Iraqi policy. Specifically, the resolution we are considering today would provide approximately $86.9 billion in emergency funding for U.S. military operations in Iraq and Afghanistan, $18.6 billion of which would be used for ongoing reconstruction efforts in Iraq.

The debate over the President's policy in Iraq runs deeper than the discussions over the monetary size of this bill. At this moment, before us is the question of how we, as Members of Congress charged with the responsibility to represent our diverse constituencies, should fulfill our constitutional responsibilities. This is an obligation that I take very seriously.

After careful consideration of all sides of today's debate, I have decided to vote against the House's initial supplementary appropriations bill. I do so for three primary reasons. First, this proposal would continue to support a foreign policy that lacks a clear objective and fails to identify a well-reasoned plan for removing our troops from the region. Second, it would unfairly burden American taxpayers and future generations. Third, I look forward to a second opportunity to address this issue and vote on an improved bill based on negotiations with the Senate. I further believe that the Congress can, and should, take this time to reevaluate the Administration's approach to Iraq and recommit itself to our constitutional duties.

During these debates, many have stressed the importance of supporting our troops who find themselves in harm's way. I share these concerns. The fact of the matter is that Members of Congress on both sides of this debate recognize our responsibility to support our troops in Iraq and Afghanistan. These brave American men and women are serving their country with great distinction and this Congress must ensure that they have the equipment, training, resources and amenities necessary to carry out their duties. I therefore very strongly support the more than $60 billion contained in this bill designated for supporting our troops.

Moreover, a vote on this bill is not about whether one political party or one individual Member of Congress supports our armed services. Instead, this debate is a question about how we can most effectively support our troops in Iraq and Afghanistan, encourage regional stability over the long term, and ensure the appropriate use of taxpayer dollars. In a larger context, we must also seek whether this Congress will continue to unquestionable accept the Bush Administration's foreign policy approach to Iraq.

Given the chain of events of the past year, I believe that during this debate we should carefully review and studiously scrutinize the Administration's policy on Iraq. Last fall, President Bush and officials within his Administration made the argument to the Congress, to the American people, and to the world community that the threat to the United States posed by Iraq was imminent. They went to great lengths to present information to Members of this House, including personal presentations to me, about Iraq's imminent capabilities to use weapons of mass destruction against our citizens. Based on the evidence presented at that time, particularly pertaining to Iraq's use of mobile facilities to hide its biological weapons research and especially relating to Iraq's ability to use unmanned aerial vehicles to deliver these weapons to specific targets within the United States, I voted to grant the President the specific powers laid out in the congressional resolution authorizing the use of military force in Iraq.

Following the failure of the Administration to reach consensus on a unified course of action in the United Nations, the onset of hostilities authorized under that resolution, and the President's subsequent declaration of the end of the major combat operations, the Administration has thus far failed to locate any specified weapons of mass destruction in Iraq and the means to deliver them. Moreover, it has uncovered no conclusive evidence of mobile facilities to the best of my knowledge. At this point, the evidence to support the Administration's fundamental premise for going to war—that Iraq posed an imminent threat to our country's national security—has not emerged.

Given these facts and circumstances, my vote today signals my unwillingness at this time to blindly accept the Administration's policy position on proceeding in Iraq. Until this point, I have given the President the benefit of the doubt. I supported the resolution passed by this House authorizing the use of force. When the President came before this Congress last spring requesting $63 billion in emergency funding for operations in Iraq, I joined an overwhelming number of my colleagues in supporting his request. At this time, I must demand accountability from this President in his management of the Iraqi effort and the use of U.S. taxpayer dollars that underwrite it.

One potential approach for promoting fiscal accountability and ensuring that the Iraqis and Americans support our rebuilding effort over the long term is to demand that American taxpayers have the opportunity to recover their investments in Iraq's reconstruction. Iraq is a country with considerable financial and natural resources. It could harness this capital to pay for the rebuilding of its infrastructure and the completion of new projects. In light of this reality, I presently believe that we should provide the reconstruction funds contained in this emergency spending measure in the form of a loan, not an outright grant.

Additionally, before proposing this emergency spending legislation Bush Administration officials had repeatedly heretofore stated that Iraq possessed the financial capability to self-finance its reconstruction efforts. For instance, in February then-White House Press Secretary Ari Fleischer said, "Iraq has tremendous resources that belong to the Iraqi people. And so there are a variety of means that Iraq has to be able to shoulder much of the burden for their own reconstruction." Additionally, when speaking about Iraq's reconstruction before the Senate Appropriations Committee in March Defense Secretary Donald Rumsfeld stated, "I don't believe that the United States has the responsibility for reconstruction, in a sense. [Reconstruction] funds can come from those various sources I mentioned: frozen assets, oil revenues and a variety of other things, including the Oil for Food, which has a very substantial number of billions of dollars in it."

In contrast to these statements, Administration officials in recent weeks have now argued that Iraq cannot incur additional debt and that the only way to promote stability in Iraq is through the issuance of an outright grant. For example, during his testimony before the House Appropriations Committee just last month, Secretary Rumsfeld averred, "Iraq is in no position to pay its current debt service, let alone take on more additional debt. If we want to encourage Iraqi self reliance, so that Iraqis can fund their own reconstruction and so that American troops can go home, it would not be helpful to saddle Iraq with more debt it could not be reasonably expected to pay." The rhetorical about-face regarding this element of the Bush Administration's policy toward Iraq has been unmistakable and undisputed.

Yet these same Administration officials have been remiss in explaining why reality in postwar Iraq has not conformed to their original rhetoric. Is this a question of miscalculation, insufficient planning, or arrogance? Is this perhaps a question of a fundamental misunderstanding of the level of sacrifice required to implement a policy? The Congress has a responsibility to ask these questions and to probe the assumptions underlying the Administration's approach to Iraq in light of this significant, and as yet unexplained, foreign policy turnaround.

While I fully recognize the potential logistical difficulties in accessing Iraq's resources to pay for reconstruction efforts, I remain confident that Iraq ultimately will overcome these problems and have the financial capacity to repay these loans to the American people. In the unlikely event that Iraq's financial potential does not emerge, this Congress also can revisit this issue and forgive the loans at a later moment in time. It is, moreover, my understanding that our counterparts in the Senate are actively considering this issue as well, and they have already included a provision in their bill converting at least a portion of the funds appropriated from a grant to a forgivable loan, an approach which I consider fitting.

A vote in favor of this emergency spending legislation at this time would essentially send a message that I am satisfied with its content and the policies it supports. Simply stated: I am not. I, therefore, must fulfill my constitutional obligations to discharge the duties of my office, which include oversight of the executive branch, to the best of my abilities. As a result, I will vote against this bill.

Just one example of the need to scrutinize this Administration's implementation of reconstruction efforts is the repairs made to an Iraqi cement factory. Rather than spending the $15 million U.S. engineers estimated it would cost to transform the factory into a state-of-the-art facility, our troops worked with Iraqis to make the factory operational at a cost of just $80,000.

Moreover, voting against the initial House proposal at this time will, in my view, strengthen the Senate's position as we move into negotiations between the House and Senate on this important legislation and, hopefully, develop a realistic consensus for future action in Iraq. Furthermore, our vote today constitutes just the first step in the legislative process, and it is my strong hope that the coming deliberations on this bill will incorporate a forgivable loan provision or some similar stipulation. Observers should consequently construe my vote following the initial debate in the House over this matter as both evidence of my deep skepticism of the President's current Iraqi policy as well as my position that reconstruction funding should be allocated in the form of a loan to the Iraqi people.

The completion of today's proceedings brings to a close the initial debate over this legislation. It, however, should not end congressional evaluation of the President's Iraqi policy. Moving forward, this Congress must demand accountability from the President and officials in his Administration on these matters. Specifically, we should require the President to outline his objectives in Iraq, detail a logical plan and timetable for achieving those goals, and present long-term estimates of the costs of his proposed policies. We must accomplish these tasks while supporting the needs of our troops and their families.

The American commitment in Iraq has been thus far an open-ended affair, characterized by daily reports of troops under siege. Now my good friend and colleague from Pennsylvania (Mr. MURTHA) has brought to the attention of this House evidence that our troops are, in some cases, lacking the equipment they need and the amenities they deserve while selected favored corporations receive contract awards without participating in a competitive bidding process. In the face of all of these inconsistencies, the Administration additionally has to date failed to locate the imminent threats that served as the basis for war. The Congress consequently should take this opportunity to question these developments and ensure that this legislation and any subsequent allocation of federal funds include appropriate accountability measures.

The Constitution vests all legislative powers in us. As Members of this great institution, we should take that responsibility seriously. While the President can, and does, submit legislative proposals for consideration, we have an obligation to our nation's founders, ourselves, and, most importantly, our constituents to deliberate on these matters, make necessary adjustments to them, and enact laws. I have worked with the President in an effort to remove the perceived threat in Iraq and bring greater stability to the region and the world. The developments of the past few months, however, should serve as evidence of the Administration's ineffective planning effort and misunderstanding of the challenges facing our troops. As this Congress works to support our troops, we must now hold the Bush Administration to account and demand that it provide a justification for its further use of taxpayer dollars to support these endeavors. Anything less would represent a failure of this Congress to meet its constitutional responsibilities and its leaders to provide clear direction for the future.

Mr. MATSUI. Mr. Chairman, in October 2002, I voted against the war in Iraq because there were other viable options the Bush Administration should have pursued before sending our troops into harm's way. The Administration then moved too hastily in invading Iraq without a clear vision for how to bring our troops home. We were prepared to win the war, but we were not prepared to keep the peace.

In April of this year, we approved $60 billion the Administration requested for the wars in Iraq and Afghanistan.

Now, just five months later, the President is asking for an additional $87 billion without accounting for how the original funds were spent.

I cannot in good conscience vote for this request. The Bush Administration has not presented a coherent, credible plan to the American people to address any of the challenges facing our soldiers in Iraq.

I supported an alternative plan offered by Representative DAVID OBEY (D–WI), which was voted on yesterday. His proposal gives our troops the equipment they need to conduct their mission in Iraq, requires the Administration to account for how they are spending the supplemental funds, and ensures international funding and cooperation.

The Obey proposal requires the Administration to account for the funds from the previous war supplemental and for how additional funding will be used to support both the military and reconstruction efforts. Congress should not agree to provide the Administration additional funds without knowing how they will be spent.

In addition, by internationalizing reconstruction efforts in Iraq, the Obey proposal ensures American taxpayers do not shoulder this burden alone.

We have all heard about the deplorable conditions our soldiers are operating in as they carry out their important mission in Iraq. Our troops lack even the most basic equipment, such as bullet-proof Kevlar vests, to keep themselves safe. The drinking water is impure at nine out of the ten American bases in Iraq, because the Bush Administration did not provide needed water purification equipment. When they are given much-needed leave for a visit back to the United States, they have to buy their own tickets from their point of entry to their homes, creating a significant financial burden on the troops and their families.

This is how the Bush Administration treats our soldiers in combat and their $87 billion proposal does nothing to fix this. Our troops deserve better.

Mr. SANDLIN. Mr. Chairman, I rise today to express my full ongoing support for the brave men and women engaged in the war on terrorism. In this great nation, we made a solemn commitment to strike from the face of this earth those fanatics who threaten our freedom and our civilization with acts of unrestrained barbarity. It is our firm resolve to achieve a stable and lasting peace, and, accordingly, we must devote the necessary resources to achieve that noble aim.

Since the tragic events of September 11, 2001, we as a nation along with our allies have been engaged in a broad and violent battle against terror—against radicals who target and kill innocent men, women and children in a misguided struggle with the West, with freedom, with equality, with democracy. This battle continues today on many fronts, including, most prominently, Iraq and Afghanistan.

Accordingly, Mr. Chairman, we are called upon today to fulfill our constitutional responsibility to appropriate monies for our national defense. In reviewing the President's $87 billion request, I believe our first priority must be to provide our forces in Iraq the resources they need in order to complete their security mission throughout the country, prevent militias from taking hold, and enhance troop safety and security while they are performing their vitally important mission.

Mr. Chairman, I want to make clear at the outset that, while I have grave concerns about the lack of accountability provided for in this legislation, I plan to support the legislation, because it is critically important that we do not leave the war on terror unfinished and our troops on the ground in Iraq less than safe and secure.

On that point, I want to commend the members of the Appropriations Committee for making two critically important improvements to the President's request. The parents and families of the brave men and women who are now in harm's way in defense of our freedom will doubtless be relieved that this bill requires the Department of Defense to provide Kevlar flak jacket inserts—basic body armor—to our troops. In addition, I am pleased that the Appropriations Committee included specific direction requiring the provision of portable jammers to block the radio signals used to detonate the remote-controlled bombs that have been repeatedly used to kill and wound our troops.

For reasons that defy comprehension, the current civilian leaders at the Pentagon failed to provide adequate supplies of these two types of equipment even after it became terribly apparent this summer that shortages were costing American lives. I was recently appalled to read multiple press reports describing how parents and spouses of our troops found it necessary to purchase body armor to protect their loved ones whom we placed in peril. How is it that we can spend tens of billions of dollars to fight a war on terror while not providing for the basic safety and security of the brave men and women that we have placed in harm's way? I just don't understand. I doubt those families do either.

In addition to perpetuating an unaccounted for and unexplained policy, this bill is also inadequate to meet the needs of our nation's armed services. The Administration failed to consult with the uniformed leadership of the Pentagon in preparing its request. As a consequence, this bill only provides a tenth—10 percent—of the Army's stated needs for spare parts, reconditioning and depot maintenance for critically important heavy machinery. As a result, thousands of pieces of equipment, such as Bradley fighting vehicles and M1 tanks, equipment that the uniformed leadership of our armed services designate as vital to our military success, will sit idle in unusable condition throughout this year and well into the next. In my district, despite the ongoing war effort and the Army's need, my constituents—men and women who have devoted most of their working lives to maintaining our military's equipment needs—at Red River Army Depot are still not working at full capacity.

To allow some of our military's most effective equipment to lay fallow is foolish and short-sighted. The men and women working for our national security at the Red River Army Depot and other depot facilities across the country stand ready—as they have for decades—to ensure that our military has all its heavy equipment needs met, and we should do no less. Let us resolve to give our military all that its uniformed leadership says it needs, not less.

Mr. Chairman, the Republican leadership of this House frequently comes to the floor of this great body to denounce waste, fraud and abuse. Yet it has acted with a single-minded passion to thwart every effort by members of this House to seek an accounting of our nation's ongoing operations in Iraq.

I understand as well as any members of this House the dangers that we confront in the war on terror. There is no question that the United States faces daunting and unprecedented challenges in combating an enemy unlike any other we have ever confronted before. Nevertheless, the Congress of the United States has a sacred and constitutional obligation to ensure that the American taxpayers' money is spend wisely and well. The United States Congress is not the President's personal ATM and should not be treated that way.

Mr. Chairman, this bill does not provide the necessary accountability. The taxpayers of this nation sent us here to deliberate and debate, to discuss and dissect so that we can arrive at policies and practices that produce the best return on our nation's investment—at home or abroad. However, Mr. Chairman, the Republican leadership of this House is determined to quell any debate or discussion.

The Republican leadership of this House insists that to question the wisdom of this legislation or of this Administration's policy is to commit acts bordering on traitorous. Such accusations are mean-spirited and disingenuous. We have no less than a constitutional obligation to carefully consider each and every component part of this legislation and of this Administration's policy in Iraq. It is our responsibility. The founding fathers of this great nation gave us an important power, the power of the purse. To fail to exercise that power, including the necessary oversight, is to fail the people who elected us. There is nothing unpatriotic about questioning his legislation or the Administration's policy. As a matter of fact, it would be unpatriotic not to do so.

As members of this House, we are obliged to ensure that the legislation that we pass, that becomes law, does what it purports to do and does it effectively and efficiently. Unfortunately, the leadership of this House seems to have a different view of our obligations as members of Congress than the Constitution contemplates.

Accordingly, one has to ask, Why? Why does the leadership of this House refuse to permit a full-throated debate of both the monies being spent on our ongoing operations in Iraq and the policy underlying the provision of those resources? Why are we in Congress not entitled to have the Administration's plans and proposals explained to us in detail—not the broad brush explanations that this Administration insists we must accept?

The legislation we debate today allocates $87 billion to our operations in Iraq. Yet the Administration has not offered—and the Republican leadership of this House has not allowed—a full and complete explanation of how these dollars will be spent. That is not acceptable. I have every confidence that if we called upon each taxpaying family in this country to write a check directly to the government to pay for our efforts in Iraq, they would demand to know exactly where their money was going. Our constituents would not sign a blank check, and neither should we.

Moreover, Mr. Chairman, the supplemental appropriations provided in this bill are borrowed money. This legislation, however, noble its purpose, piles another $87 billion on to our already crippling national debt—a debt that will be paid by our children and grandchildren, by the brave men and women now serving in Iraq and their children and grandchildren. Personally, I am certain that the taxpaying families in my district will demand to know exactly how their money and that of their children and grandchildren is used, and I demand to know the details for them.

Mr. Chairman, I cannot understand why there is an $18.6 billion gift in this bill devoted to building Iraq's infrastructure, when the Administration cannot even find the monies to fully and appropriately equip our own military personnel. I cannot understand why the taxpayers of the United States need to provide $18.6 billion in grants to Iraq, a country with the world's second largest oil reserves. Nevertheless, the President insists that loans are out of the question.

Again, Mr. Chairman, I ask, Why? The Administration says that loans to Iraq are not workable, because Iraq has an unbearable debt load already. The Administration believes we should borrow $18.6 billion from the American taxpayer to build highways, hospitals, schools, houses, and community centers in Iraq, because Iraq has too much debt. Is this the same Iraq that the Administration said could pay for its own reconstruction six months ago? It certainly makes you wonder.

I object to borrowing $18.6 billion from the American taxpayer to build infrastructure in Iraq, when we neglect our own citizens here at home.

The Administration expresses considerable concern about the debt burden of the Iraqis but ignores the continuing fiscal crisis that confronts our own government. It is reported that Iraq has $100 billion in outstanding debts from the Saddam era, which is less than one quarter of the amount the Administration has piled onto our national debt in this year alone. The vast majority—at least 75 percent—of Iraq's debts are owed to its oil-rich neighbors—poor struggling nations such as Saudi Arabia and Kuwait. Mr. Chairman, it is farcical for this House to accept the proposition that Iraq is unable to bear any additional debt—despite being the world's second most oil-rich nation—because it owes approximately $75 billion to its oil-rich neighbors.

Mr. Chairman, I am firmly committed to fighting through to victory over terror. The American people are resolved to secure themselves against the threat to our freedom and democracy represented by a few violent fanatics. I support and share that resolve. Nevertheless, I continue to question the wisdom of this Administration's plan to conduct the war on terror. Our troops are in the field. They are in harm's way. This Congress must not do anything to compromise the safety and security of these brave men and women.

Mr. Chairman, I will support the bill before the House today, but not without serious concerns. As we continue the war on terror, I would hope that the members of this House from both sides of the aisle will insist on true and complete accountability from this Administration for the expenditure of these funds. It is our right and obligation to do so. Failure to do that is failing the American people.

Mr. BECERRA. Mr. Chairman, last year, during debate on the resolution granting the President the authorization he sought to commence a war against Iraq, I was concerned that the Administration was ignoring the fact that actions and words have consequences. The consequences of our actions then are exactly what we are trying to address through H.R. 3289 today. We took the burden of a notoriously ill-advised, preemptive war and placed it on the shoulders of our young men and women in the military to carry virtually alone. Now we are asking the American taxpayers to take on the burden almost exclusively of rebuilding an entire nation, while our own nation finds its schools in disrepair, forty-four million Americans without health care, and our homeland security needs under-funded.

If this were a spending package focused on supporting and protecting our troops, this would be an easy vote for me. Nearly 5 months after the Commander-in-Chief declared, "mission accomplished," too many of our troops are dying daily. I do not think these young men and women in the armed forces, National Guard, and Reserves expected to still be there so long after our President's proud and premature declaration of success in Iraq. Our soldiers are sacrificing too much: some their lives, and others their valued role as a parent, breadwinner, or caregiver to their families and their communities.

I would support whatever it takes to bring these young men and women home as quickly as possible, and to ensure their success and safety in their mission while they are away.

But even the portion of the bill that would support our military's "post-war" efforts in Iraq is deficient. We know from reports that weapons caches are poorly secured and that our troops are lacking absolutely vital equipment such as body armor. The bill also would leave 80 percent of our troops in Iraq without the ability to ensure a clean water supply for themselves. We should also be paying for our soldiers' rare calls home and for the full cost of traveling home while on leave. Equally disturbing are reports that our troops in Iraq are fatigued and suffering from low morale, the direct consequence of the Administration's failure to secure extensive international cooperation and compose a comprehensive exist strategy.

A significant portion of this bill's $87 billion is for rebuilding Iraq, and like it or not we now have a moral responsibility to carry much of this burden. When scrutinized in the light of day, however, many of the items for which the Administration is asking us to sign away precious tax dollars simply do not make sense. I was appalled by findings reported in the New York times that Halliburton has been exploiting the American taxpayer with a 140 percent mark-up for a gallon of gas in Iraq. Despite our best efforts today to include some Congressional oversight to the contracting process, I am afraid that the Administration and its representatives in Iraq will continue to oppose sensible oversight even while they have compiled a very poor track record of ensuring that the largesse of the American taxpayer will not further be abused. As an example of what is already occurring on the ground, I would reiterate what the Democratic members of the Appropriations Committee reported about the reconstruction of a cement factory in Northern Iraq. In that instance, after the American contractor estimated that it would take $15 million to upgrade the factory, local Iraqis got the job done for $80,000. Something is wrong here, and I do not believe we have done enough to make sure the Administration does not continue to make these mistakes.

I understand the overwhelming pressure to rebuild as quickly as possible, but we cannot afford to do this at any cost and without greater discipline.

The American people know that this will not be the only request on their tax dollars—some have characterized the President's $87 billion request as a mere down-payment in a rebuilding effort that I expect to be long and very expensive. I am heartened that our international allies are starting to offer help, but these agreements should have been taken care of long ago through a collaborative international partnership. Again, the consequence of acting alone and without credible evidence has come back to haunt not just the President, but America's soldiers and taxpayers.

Having said all of this, the most troubling aspect of this bill before us today is that it is not paid for at all; the full amount is added to this year's already alarming $500 billion deficit. Why? We have been told that the funds are simply not available. Why not? In large part it is because of the cost of the excessive tax cuts benefiting the wealthiest among us that this Administration decided were its first priority. The 2001 repeal of the estate tax alone—which benefits 30,000 of America's wealthiest individuals and only them, at the expense of more than 140,000,000 other taxpayers—costs more in two years than this entire appropriations package.

Mr. Chairman, this is a policy with no fiscal discipline that stands in stark contrast to the discipline and sacrifices our young men and women are demonstrating every day in Iraq and Afghanistan.

I sincerely wish I could have voted for the amendment offered by the gentleman from Wisconsin (Mr. OBEY) that would have met the burden that we have assumed in Iraq in a responsible way. I do not understand why the leadership denied us the ability to vote on that amendment, which would have reset our priorities in a very sensible manner, asking Americans to heed the call of shared sacrifice and asking the wealthiest 1 percent of Americans to give up just a little bit of their tax cut to help bring our troops home and rebuild Iraq.

What the Administration has asked us to do here today—approve deficit spending in the amount of $87 billion—will place the cost of rebuilding Iraq and Afghanistan squarely on the shoulders of our children and grandchildren and those of our soldiers, too many of whom have already made the ultimate sacrifice. We should be more responsible than that. I will vote against H.R. 3289.

Ms. DEGETTE. Mr. Chairman, I rise to oppose the FY '04 Supplemental bill.

In April 2003, President Bush asked the American people to provide $77.9 billion for military and reconstruction spending in Iraq. At the time, his administration repeatedly assured Congress that they would not need additional money for Iraq. We now see that this was either poor planning or a calculated and gross underestimation of the cost. Today, congress is being asked to vote on $87 billion in additional spending for our military actions in Iraq and the reconstruction of both Iraq and Afghanistan for 2004.

Congress needs to start acting in a fiscally responsible manner. In this bill's current form there are no corresponding spending cuts or revenue generators to pay for the nearly $87 billion cost. President Bush is asking for $20.3 billion in reconstruction funds with no strings attached. This proposal has no accountability and, equally as disturbing, there has been no effort made to provide an offset to cover the cost. As a result, the proposal would add significantly to the already massive $500 billion federal budget deficit.

I have attempted to inject some fiscal responsibility into this process by offering an amendment that would eliminate the Bush tax giveaway for taxpayers in the top federal income bracket. My proposal would only impact the top 0.7 percent of all taxpayers with annual incomes of more than $312,000 and would restore approximately $90 billion to the federal budget. Unfortunately my amendment was not allowed and we are left with a bill that we are utterly unable to afford.

We have an obligation to protect our troops in Iraq and to help rebuild Iraq and Afghanistan so that they are no longer havens for the tyranny and misery that spawn violence. This must be done responsibly and within the context of a clear plan for the U.S. to accomplish its goals and turn over both the governance and security of Iraq to the Iraqi people.

Unfortunately, the bill before us today encapsulates all of the problems with the Administration's Iraq policy. President Bush has not explained how the $87 billion in spending helps us meet our goals of protecting our troops and restoring order in Iraq. The President has failed to make clear how many more American tax dollars will be spent on Iraq or the duration of our occupation. The President has no plan for how to pay for the $87 billion without adding dramatically to an already record federal deficit.

The spending for our troops is vital. However, the President's plan needs to include guarantees that the $67 billion in military spending will go to getting critical supplies to our troops in a timely fashion. This is particularly important in the wake of a report this week that more than 40,000 G.I.s in Iraq still do not have the protective body armor for their Kevlar vests that stops rounds from AK–47s, the assault weapon favored by Iraqi guerrillas.

The most troubling portion of this proposal is the $20 billion allocated for the rebuilding of Iraq. To this point, many of the reconstruction contracts have been awarded without competition to companies with close ties to the White House. These no-bid contracts preclude the accountability that is critical to ensuring that our tax dollars are not wasted and that every contract is implemented to meet the goal of a quick restoration of order and self-governance in Iraq.

The question of cost points to the other major concern I have with this request. The President did not provide any way for us to pay for it. Instead of cutting spending or finding another revenue source, he is borrowing on our children's future by adding to the federal deficit. This is the continuation of a reckless economic policy that has already turned a budget surplus in 2000 into a projected $500 billion deficit for 2004.

There is also the question of whether this plan makes our nation more secure. Last year, I voted against the Iraqi war resolution because I believed that there was no clear evidence showing Iraq was an imminent threat or that there were ties between Saddam Hussein and al Qaeda. I was extremely concerned that the Bush Administration's unilateralist approach would seriously harm our international standing, our ability to wage the War on Terror and our ability to rebuild Iraq after the fall of Saddam Hussein.

These concerns have been borne out. Weapons of mass destruction have yet to be found and the Bush Administration has recently admitted that there is very little evidence to tie Iraq to al Qaeda. There is a growing consensus that the Bush Administration did not have the solid evidence they once claimed to have in order to justify invading Iraq.

Congress has an obligation to pass a bill that contains a clear and coherent plan for our troops and the reconstruction of Iraq and does not balloon the deficit. This proposal does not meet these standards.

I urge a no vote on the Supplemental.

Mr. LANGEVIN. Mr. Chairman, today Congress again considers the important issue of providing additional funding for military and reconstruction activities in Iraq and Afghanistan. As a member of the House Armed Service Committee, I appreciate the valiant service of our men and women in uniform, and we must not hesitate to provide them with the appropriate resources to continue their success in the global war on terrorism. However, I have serious concerns with this measure—not because I believe the U.S. should not contribute to rebuilding Afghanistan and Iraq, but because so much of the burden is falling upon American taxpayers. I am frustrated that we are paying for this request through increased deficit spending—thereby shifting the cost to future generations—without considering the options of international loans through the World Bank, as Congressman OBEY has recommended, or other revenue sources that would spread the burden to those who can most afford it. Nonetheless, I believe that the United States ultimately has a responsibility to follow through on our international commitments.

While much discussion about the supplemental will focus on the reconstruction request, we must not forget that the majority of its funding goes toward ensuring the safety and success of our troops. For example, the bill will increase the number of protective body suits, flak jackets and armored vehicles available to our military's men and women serving in hostile areas. Just last week, I visited Walter Reed Army Medical Center and spoke with soldiers whose injuries might have been prevented if they had been driving the armored vehicles included in this bill. Additionally, the measure recognizes that the difficult terrain and often inhospitable climate of Iraq have necessitated frequent maintenance of military equipment, and therefore provides funding for parts replacement and much-needed upgrades.

A far more controversial aspect of the bill is the $18.6 billion for reconstruction activities in Iraq and $1.2 billion for Afghanistan. I was concerned with some of the items in the President's original request—including the establishment of postal codes and the purchase of a fleet of pricey garbage trucks—and am pleased that the Appropriations Committee deemed them unworthy of emergency funding. The remaining items, such as utility infrastructure projects, health care improvement and security upgrades, are important building blocks that will help improve the safety of the Iraqi people while allowing them to develop self-sufficiency and independence. While some regions in Iraq are still hostile to U.S. presence, we must build on the progress that we have made in other areas of the nation. Insufficient investment now in Iraq could lead to the spread of religious extremism, an increase in illegal arms trading, and an explosion in anti-American sentiment. To fall short in our reconstruction efforts could have a devastating effect on the stability of the region, causing it to descend into chaos and become a breeding ground for terrorists.

However, I am disappointed that the reconstruction portion of the request was not considered separately from the military component so that Congress could have provided immediate assistance to our troops while having greater opportunity for deliberation and consideration of the longer-term reconstruction proposals and the larger issues of U.S. involvement in Iraq.

Unfortunately, the military improvement and reconstruction efforts come at a high cost, and no one in this chamber should have any question about the impact of this measure on our nation's financial situation. To an already historic deficit projected at $480 billion in fiscal year 2004, we are adding $87 billion. This combination translates into larger interest payments on the national debt and less funding for important domestic priorities such as health care, education, and homeland security. My constituents are fully aware of the impact on our budget; I recently met with a man who has been unemployed for two years who questioned why we are not focusing our spending efforts on job training and other programs to address the nation's unemployment problem. I believe that the costs of this package fall unfairly on American taxpayers, and we must rectify this problem. Consequently, I sent a letter to President Bush asking that he aggressively pursue international cooperation to help defray the costs of reconstruction. Absent a major influx of foreign aid, I requested that he consider options that would require small sacrifices from those Americans who can most afford them. One possibility would be to reduce a portion of the recent tax cut for the top income tax bracket to generate enough revenue to cover the $87 billion request. This reduction would slightly impact fewer than one million taxpayers, while maintaining the tax cuts for the middle class. Our men and women in uniform have served heroically to safeguard our nation's security, and we must now endure other sacrifices to keep from endangering the economic security of future generations.

What frustrates me most about the current situation is that it was not unforeseen. Many of my colleagues and I cautioned the Bush Administration about the consequences of pursuing military intervention in Iraq without a broad coalition of support. Almost exactly a year ago, I cam to the floor to speak on the resolution authorizing the use of force against Iraq. At that time, I said that I could not vote for it because it lacked a clear mandate that the President seek U.N. Security Council support for military operations in Iraq. I specifically noted that an international coalition would broaden regional support for military intervention and would be essential in promoting a new government in Iraq and undertaking reconstruction efforts. Unfortunately, those words were not heeded, and the onus of reconstruction now falls heavily on our Nation.

The bill before us is a flawed bill, not because of the provisions it contains or the programs that it funds, but because the circumstances that brought us to its consideration could have been different. However, we must not judge this bill based on its history, but on what it can do to shape the future. As Shakespeare wrote, "What's past is prologue," and we cannot allow finger-pointing to obscure the task at hand. Our Nation successfully toppled two oppressive regimes and freed the Afghan and Iraqi people from cruelty, abuse and torture. We bear responsibility in assisting their nations as they transform themselves into successful democratic entities. In so doing, we can also prevent the dire conditions of poverty and political and religious extremism that have led to terrorism and tyrannical regimes throughout the region and the world.

While I will support this measure because our nation must complete what we have started, my vote is by no means an endorsement of the Administration's policies in Iraq, which are severely deficient in accountability, clarity and vision. I know that many of my colleagues share my reservations, and I look forward to the upcoming amendment process as an opportunity to address some of these concerns. I urge the Administration to pay close attention to our debate and recognize that a serious shift in strategy and attitude is needed immediately if we are to avoid having this same discussion again in the near future.

Ms. ROYBAL-ALLARD. Mr. Chairman, when President Bush's $87 billion supplemental request was presented to the Appropriations Committee, Chairman YOUNG, Chairman LEWIS and Chairman KOLBE had corrected a number of serious deficiencies in the President's budget request. For that reason, I reluctantly voted to support the committee bill with the hope that the serious weaknesses that still remained would be strengthened as the bill moved through the process.

Unfortunately, that has not happened. Therefore, I will not support the supplemental bill before us today, because the majority has chosen to prevent the House from addressing the concerns many of my colleagues and I still have on the critical questions American taxpayers are asking. Questions such as: Are we doing all we can for our troops? How are we going to engage the international community for financial support? How are we going to pay for the $87 billion price tag and where is the accountability for this enormous and unprecedented request?

The Obey amendment is the very amendment that best addresses these critical questions. Yet the House will not be allowed to vote on it. And for good reason, because if given the opportunity, the majority knows it would pass. The Obey amendment strengthens the quality of life provisions of our troops, provides accountability to the taxpayers and to Congress, and pays for the $87 billion request instead of adding it to the already enormous debt created by the misguided policies of this Administration—a debt that will be passed on to our children and our children's children.

Let me briefly highlight some of the key provisions of the Obey amendment. First, the Obey amendment addresses quality of life issues for our troops by helping to correct some of the alarming conditions our troops have found themselves. For example, as reported by our colleagues who have visited Iraq, not all our fighting men and women in Iraq have purified drinking water, and many of our troops are getting sick and suffering from dysentery as a result. The Obey amendment, had we been allowed to vote on it, would have provided enough funding for purified drinking water plants so that all our troops have clean water, not just one of nine U.S. bases in Iraq as proposed by the Administration, which would leave 80 percent of the troops unprotected.

The Obey amendment also shows respect and appreciation for the sacrifices made by our troops by providing reservists with pre-deployment medical and dental screening, which they now pay for themselves. The amendment also extends their health care coverage from 60 days to six months following deployments and provides for an adequate supply of prepaid phone cards so all U.S. soldiers can call home. Finally, because troops are currently required to pay their own transportation home once they have reached the U.S., the Obey amendment pays for the R&R transportation costs for troops on a 12-month deployment. Unfortunately, these important quality of life issues for our troops will not be permitted to be a part of the bill before us.

Second, the Obey amendment engages the international community financially by devoting

$7 billion to a trust fund at the World Bank. The advantage of the World Bank is that these funds would be conditioned on contributions of at least $3.5 billion from other nations. The accumulated $10.5 billion could then be used as security for an additional $42 billion in World Bank bonds for the reconstruction in Iraq. This would help to eliminate the drain on our own U.S. Treasury by generating the vast majority of the estimated $54 billion needed for Iraq reconstruction. Equally as important is the fact that using the World Bank would eliminate the cronyism and no-bid contracts that have been awarded to Haliburton and Bechtel with funds from the first supplemental bill. As we all know, there is still little disclosure about these no-bid contracts and their resultant long-term costs. Again, the majority has denied us a vote on this important issue.

Finally, Mr. Chairman, the Obey amendment would fully pay for the $87 billion supplemental appropriation by returning the tax rate for individuals with incomes in excess of $350,000 to the level that existed in January 2001. That means that although they will not get the bonus tax cut, the richest one percent will still get the largest tax cut provided to any American. Given the sacrifices that are being made by our servicemen and women and their families, having the richest Americans do their fair share to pay for this appropriation with a smaller tax cut honors the American spirit of "shared sacrifice." Yet again, the majority will prevent this House from voting on the Obey proposal that would pay for this costly appropriation.

And finally, Mr. Chairman, is the issue of accountability, another key issue the House will be unable to adequately address on behalf of the American people, who have a right to know how their tax money is being spent. What makes the lack of transparency and accountability for this $87 billion even more incredible is the fact that the Administration has failed to account for the $63 billion Congress already allocated for the safety of our troops. This is critical especially when we know that the full $63 billion that should have gone for Kevlar flak jacket "body armor" and jammers to block the radio signals used to detonate the remote controlled bombs never reached all our troops. Why the current civilian leaders in the Pentagon failed to provide these life-saving supplies to our troops prior to the U.S. invasion of Iraq and even after it became apparent that these shortages were costing American lives must be answered. And it must be answered before we give Secretary Rumsfeld discretion to spend over an estimated $9 billion of taxpayer dollars without being accountable to Congress and the American people for how the money will be spent.

For those who say we cannot afford to wait—that this is an emergency and our troops need these funds right away—I would direct them to the report by the Congressional Research Service on this very question. CRS states that based on the available sums provided through the regular FY '04 Defense Appropriations Bill that military operations can be sustained until early May of next year, and that the billions of dollars of unobligated funds remaining in the last supplemental appropriations also can be used to address the immediate needs of our troops. That means that we can protect our troops and Congress can take the time to get this right and have our questions answered. We do not have to hastily pass $87 billion of taxpayers' dollars in order to meet the Administration's arbitrary deadline.

Since the bill before the House today leaves too many unanswered questions and because the majority has prevented this House from voting on the key policy issues that responsibly should be considered before giving away $87 billion of taxpayers' money, I believe my vote against this appropriation is a responsible vote. Hopefully, it will send a clear message to the Bush Administration that we must pass a bill giving real protection to our troops and improving their quality of life while at the same time requiring a clearly defined plan with transparency and accountability that does not saddle future generations with a huge debt that prevents us from addressing the needs of Americans in our own country.

Mr. CARDIN. Mr. Chairman, the Congress has a responsibility to work with the President to protect the national security of our nation. When our soldiers are sent in to war, it is the Congress' responsibility to make sure that all resources necessary are provided to carry out their missions. Although I disagreed with President Bush's request for unrestricted use of force against Iraq, such a resolution was approved by Congress. It was clear to me from the outset that although we would win the war, the Administration did not have an adequate plan to win the peace; that is, to rebuild Iraq, and to establish democratic institutions in that abused country. To succeed after the war it was critical to engage the international community. Yet the Administration refused to seek international support early or to share responsibility with the international community for the governing of Iraq.

Because of these failures, Americans have paid a heavy price. It is primarily American troops stationed in Iraq that face continuing attacks. It is our taxpayers that are being asked to almost exclusively pay the cost to rebuild Iraq.

I stand behind our brave men and women who have performed admirably in Iraq and Afghanistan. They have made tremendous sacrifices on behalf of their country and have served longer deployments than expected. We should provide our troops with all the resources necessary to carry out their mission. Therefore it is necessary to support the supplemental appropriations bill. Most of the funds in this bill will go directly to support our troops in Iraq and Afghanistan. The funding of the reconstruction efforts are also fundamental to the successful completion of our missions in Iraq and Afghanistan.

However, I believe that the Administration's request of $18 billion for reconstruction requires a higher level of scrutiny. There were a series of amendments considered by Congress during the consideration of the supplemental appropriations bill that I supported. These amendments included:

(1) An amendment to transfer some of the Iraqi reconstruction funds to repair and replace military equipment used in current operations, as well as improve the quality of life for the families of active and reserve forces. The amendment failed by a vote of 209 to 216.

(2) An amendment which would have converted half of the Iraqi reconstruction grants into loans. This amendment was similar to an amendment that was adopted by the Senate yesterday. Although the amendment failed in the House by a vote of 200 to 226, I hope in conference the House will agree with the Senate action.

(3) An amendment which I authored with Congressman KIND of Wisconsin, which would have reduced the reconstruction funds to Iraq by 50 percent. I sponsored that amendment because I thought it was important for the administration to obtain more help from the international community, use loans rather than grants, provide more details to Congress and the American people on the use of these funds, have a plan to transfer authority to Iraqis, and have a plan to bring home our troops stationed in Iraq within a reasonable period of time. The Administration could then seek Congressional approval of additional resources if needed once these conditions have been met. Unfortunately, the amendment failed by a vote of 156 to 267.

The Administration has relied almost exclusively on U.S. troops to take most of the risks in Iraq. The Administration's "go-it-alone" strategy must end. I am pleased that on Thursday the United Nations unanimously adopted a resolution, initiated by the Secretary of State Colin Powell, which will strengthen the role of the United Nations and the international community in the reconstruction of Iraq. Iraq must make a transition to a nation that adopts a constitution, holds elections, and creates a democratic government that respects minority rights and operates under the rule of law. The U.S. must show enough flexibility in working with our allies to effectively implement this U.N. resolution, so that other countries will pledge both troops and funds to alleviate the burden on our American soldiers and taxpayers. Ultimately, the quickest way to bring our troops back home is to reach out more aggressively to the international community, establish order and security in Iraq, and transfer authority to the Iraqis.

Mr. LEVIN. Mr. Chairman, from the outset I have opposed the Bush administration's approach to Iraq. It embraced the notion of preemptive strike where the U.S. could act alone when it determined that there was a threat, even if that threat did not pose imminent danger to the United States. Within this misguided doctrine of the Administration, other nations and the United Nations would merely be notified of an American decision with little emphasis on the United States using our unique leadership position in the world community to obtain support for collective action; strengthening the international role rather than the U.S. going it alone.

As the administration was moving to implement their doctrine, I joined others in actively opposing it. When the President asked for the authority to undertake unilateral military action against Iraq, I worked with others to draft an alternative that required the President to come back to the Congress for its approval before taking unilateral military action in the absence of authorization by the U.N. Security Council.

Unfortunately, our resolution did not pass. The rest is history—the use of false arguments to justify unilateral action, the failure to find weapons of mass destruction that were reasons given for taking unilateral military action, the inadequate planning for the aftermath in Iraq, the lack of accountability by the administration on spending to date, and the irresponsibility of not providing our troops the ceramic body armor strong enough to stop bullets fired from assault rifles.

Once again, domestic public and international pressures have forced the administration to consult in recent days with the international community through the U.N. We need to be clear that ensuring the U.N. and the international community a meaningful role in rebuilding Iraq isn't just a matter of approving a new U.N. resolution. The Administration's words must be backed by action and a change in its approach in Iraq.

So today the question for Congress remains—now that the U.S. is where it is, what should happen next?

I totally reject the propagandistic framing of the issue yesterday by Majority Leader TOM DELAY. The issue is not whether or not one supports the battle against terrorism. Mr. DELAY mistakenly describes that if you are for the battle, you are for the supplemental appropriation, and if against that battle, against the supplemental. During this debate we have heard a strong bi-partisan commitment to supporting our troops and to the reconstruction of Iraq. Whether one voted for or—as I did—against the resolution authorizing the President to unilaterally undertake a war with Iraq, we all take seriously the responsibility to protect our troops and stabilize Iraq now.

The Administration and the Republican majority have resisted dividing the issue before us into two parts: the $65 billion for military equipment and services to support of our armed forces, and $20 billion for reconstruction efforts in Iraq. I think it is useful to consider each of the two components on their own as well as their connections.

As to the $65 billion, there seem only two realistic alternatives. One is to pull out American armed forces quickly and thus oppose the $65 billion. The other is to conclude that such a withdrawal would only add to the chaos and take a chance on what would result. No one has seriously suggested a third alternative—to say but to reduce significantly the $65 billion in military assistance.

Going beyond the rhetoric that the U.S. should not "cut and run," I believe that an abrupt withdrawal of American troops, once the Administration positioned them in Iraq, would lead to chaos that could result in turmoil and potentially dangerous results in Iraq as well as the entire region.

Then, how about the $20 billion for reconstruction? No matter how strongly one opposed the unilateral, pre-emptive military action by the Bush Administration, it is hard to conclude that the U.S. should not bear any responsibility for reconstruction efforts. No matter how vehemently one rejected the Administration's misguided notion that everything would easily fall in place after the military captured Iraq, and how frightful was the lack of effective planning by the administration for its aftermath, it seems inescapable that our Nation must now assist substantially in reconstruction efforts.

But this does not mean that we should bear all the costs and basically control the decisions in this period of reconstruction. As usual, the Administration has dug in its heels, and said it is their way and nothing else. I regret that the Majority Leadership in the House would not even allow a vote on the Obey amendment, which would have offset the entire $87 billion cost of the Iraq package by rolling back a small portion of the 2001 tax cuts for the top 1 percent of income earners in this country. Instead, every dollar of this package will be added to the already huge Federal deficit.

We tried in the House to build into American assistance a mixture of grants and loans. I voted for this approach and was disappointed that it lost by a narrow margin because there were more Republicans who supported the idea than voted for it as a result of pressure from their leadership and the White House. One reason to support this approach is that it is likely to further the Iraqi engagement and investment in the decision making process and results of reconstruction.

The Senate last night passed an amendment that provides for a mixture of grants and loans. The way it is worded, it might well lead to a greater financial responsibility on the part of other nations.

The action of the Senate provides a real hope that the final package will have a mixture of financing and spread the cost of reconstruction with other nations and Iraq, which possesses the second largest reserves of oil in the world. I believe, therefore, there is now more, not less, reason to support the $20 billion for reconstruction.

Therefore, if one does not oppose the $65 billion for the Armed Forces and one does not believe that we can avoid substantial involvement in the reconstruction of Iraq, my conclusion is that a yes vote is warranted today. I will withhold a decision on the conference bill that is now necessitated by the Senate action last night because an effort to strip out the Senate provision on a loan would again call into question this administration's commitment to internationalizing the reconstruction of Iraq. A major reason to vote no on this bill would be to protest further the mistaken path followed by the Administration from the very start. I respect that approach, through I have chosen otherwise on this bill and I will continue to urge that the mind set and the perspectives of this administration that led them to their go-it-alone actions in Iraq are more than adequate cause for their defeat at the ballot box in 2004.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I was horrified to learn that tens of thousands of our troops were sent out to battle without proper armor. And to this day, they still lack many necessary items. I spoke with several soldiers who suffered injuries to their legs, and many who totally lost their legs when bullets crashed through their vehicles because the cars were not fortified with armored plates. I met with soldiers who suffered chest injuries because they did not have bulletproof vests.

This is a very important issue, and I want the American public to clearly understand this point. Even though we have 44,000 soldiers in Iraq today without proper bulletproof vests, the President asked for absolutely nothing to protect these troops. Let me repeat that. We have 44,000 soldiers in Iraq without body armor, and the President didn't ask for a single cent to protect these soldiers. I guess these brave men and women will have to wait until Halliburton starts making body armor before they can get the protection they need and deserve.

Congress approved $310 million in April to buy 300,000 bulletproof vests for our troops. But sadly, only $75 million of that money has gone to the Army office that is responsible for purchasing these vests. Where is the accountability that this Administration promised this nation?

The Republicans keep telling us this bill is all about the soldiers, and everyone in this Congress supports our soldiers. but how can a bill for our soldiers not include money for basic protections like Body Armor, Boots, Camouflage, Rucksacks, Armored Vehicles, Tank Tracks, Humvee Tires, Signal Jammers, and Chemical Suits. We can't even provide these brave men and women with simple necessities like drinking water, showers, tennis shoes, and even toothpaste.

Just six months ago, we appropriated $79 billion dollars for the war effort, and yet relatives have resorted to buying body armor in the U.S. and shipping it to troops in Iraq. What happened to this money, Mr. President? These families and this Congress want and deserve to know.

Yesterday I was shocked to find out that the Services did not fully meet immunization and other predeployment requirements. Based on GAO review of deployments from four installations, between 14 and 46 percent of servicemembers were missing at least one of their required immunizations prior to deployment. As many as 36 percent of the servicemembers were missing two or more of their required immunizations, such as influenza and hepatitis. We cannot send our servicemembers to war without first making certain that they are protected from in-theater disease threats. We need to take care of the basics for our troops!

The American people who are writing the check for Iraq do not want a grant program. Like anyone who lends money in the real world, they want their money back. I would encourage every citizen to call their Senators and Congressperson to let them know that you do not support another Blank Check slush fund for this Administration.

Vote no on this bill, and no on another blank check for the President and his campaign contributors. Mr. President, this account is already overdrawn.

Mr. HASTERT. Mr. Chairman, I come before you today to urge your continued support for the War on Terror. While there has been spirited debate in this Chamber during the past two days, the stakes are too high for us not to meet the obligations and responsibilities at hand. Make no mistake about it: by passing this War on Terror Bill, we are investing in the future safety and security of the American people.

None of us will ever forget September 11th, 2001, when terrorists attacked our freedom, our peacefulness, our American way of life. I still remember looking out my office window and seeing the smoke from the Pentagon attack rolling across the Washington Mall, at that moment, I knew this Congress—Republicans and Democrats—would stand shoulder-to-shoulder with our President to say "Never

Again." The very next day, this House moved swiftly.

We approved emergency funding to rebuild what the terrorists destroyed, and to buttress our homeland security and our intelligence efforts. We enacted new, stringent laws giving our judicial system and law enforcement the tools necessary to fight this new war on terrorism. We embarked on the most ambitious reorganization of our federal government in more than 50 years, establishing a Department of Homeland Security, whose core mission is to prevent terrorist attacks against America.

Now, we must approach the reconstruction of Iraq and Afghanistan with the same vigor with which we undertook the defense of our homeland. The pending legislation does just that. It is estimated that the Terrorists of 9/11 spent less than $500,000 to undertake an operation whose economic toll far exceeds $150 Billion. There is no question as to the significant economic consequences that terrorism holds for the global economy. Yet, there are those who question the need for this War on Terror Bill. Worse yet, they also question our overall mission—

Why are we in Iraq?

Why are we in Afghanistan?

Why spend this money in this way?

Let me be clear; to protect America: Terrorism cannot stand; Terrorism must be rooted out and destroyed.

My colleagues, we have taken the battle to the enemy. Iraq and Afghanistan are now the central fronts in the War on Terror. Our brave men and women in uniform are stamping out terrorists in Baghdad, Iraq and Kandahar, Afghanistan before these methodical killers strike Brooklyn, New York, or Batavia, Illinois.

And while much remains to be achieved, the Commander in Chief and is National Security Team are having remarkable success. We liberated the people of Afghanistan from the Taliban's cruel grip; We rid Iraq of the evil of Saddam Hussein; We have taken into custody hundreds of al-Qaida operatives and benefactors, reducing the likelihood of future attacks on all countries. And, we have begun to sever the financial ties that bank roll these evil acts. Terrorist training camps in Iraq and Afghanistan have been uncovered and destroyed; Forty-three of the fifty-five most wanted former Iraqi leaders are dead or in custody; and, thousands of other Baath Party loyalists and terrorists have met their ultimate fate.

This is an investment in our future. The President is calling on us to provide our courageous troops the tools they need to fight terrorism abroad, finish the job, and return home safely. Our President needs our continued support to help the emerging, democratic government take hold in Baghdad and Kabul. This cause is worthy of our assistance. While I have heard some say we should use this money to rebuild our roads, bridges, and schools here at home, I must remind my colleagues that peace and stability in Iraq and Afghanistan is very much an investment in America's safety and security—both now and in the future.

We all know that until democracy firmly takes root in these two nations, Americans, joined by troops from Poland, Australia, Britain, and thirty allied countries will remain on the ground, risking their lives on our behalf. To date, some sixty nations from around the globe have already pledged their support. Why? Because they understand keenly that what happens in Iraq and Afghanistan affects the Persian Gulf and beyond.

Running water, functioning electricity, an impartial judicial system, and properly trained law enforcement are basic, and essential elements of a government infrastructure that must be in place before we should leave. When it comes to our commitment of resources, let's do it right from the outset so our American military can finish these missions and return home as soon as possible—safe and sound.

Let me be clear: this is much more than a vote on dollars and cents; this is a vote to protect Americans from future attacks both at home and abroad.

We pledged on September 11th, 2001, we would "Never Again" fail to do what's necessary. Let us not fail today.

Vote "yes" on this War on Terror Spending Bill.

Ms. WOOLSEY. Mr. Chairman, I rise today to talk about the brave men and women who are fighting in Iraq at this very moment; the hundreds who lost their lives; and the thousands who have been wounded.

Despite the fact that Congress appropriated $310,000 in April for bulletproof vests, nearly one-third of the 130,000 U.S. troops in Iraq still have not been issued these vests, which are strong enough to stop bullets from assault rifles. Nor have most of our troops been issued CamelBak hydration systems to protect them from the scorching desert heat. In fact, many families have resorted to sending protective bulletproof vests and CamelBak hydration systems to their sons and daughters stationed in Iraq. No family should be paying extra to help keep their loved ones safe; the federal government has this responsibility. After all, who sent these young people to war in the first place? Certainly not their families.

In August of this year, I stayed in Bethesda Naval Hospital where I visited with wounded men and women and their families who will never again experience the world in the same way as a result of this war. We don't talk about the impact of this war. In fact, we don't talk about the impact of any war on the wounded and their loved ones. I met with individuals who had lost limbs, their sight, their hearing, parts of their beautiful faces, and we are still not providing our troops with the best equipment available!

Mr. Chairman, we must do the right thing for our troops and give them the support they deserve, in the way they deserve it. Now is the time to make permanent the increases to the Imminent Danger Pay and Family Separation Allowance, which Congress approved for our soldiers only through next year. We must make the commitment to our troops, right now, that we will take care of them after this war is over. That means ensuring the permanent end to the Disabled Veterans Tax by providing full concurrent receipt for all veterans. And it means not denying, but treating, the illnesses they will face ten, twenty, and thirty years down the road.

It is pretty simple, really. If we are willing to spend another $65 billion to keep our troops in danger, then we must care enough to bring them home, bring them home safely, bring them home soon, and support them after the war. Since I see no real commitment to doing this from the Administration, and I see no real reason for being in Iraq in the first place, I will be voting no on the supplemental.

Mr. OLVER. Mr. Chairman, I cannot support a bailout for poor preparation and bad foreign policy. The President squandered the $79 billion that Congress appropriated in April. He is now requesting an $87 billion blank check, and I will not vote to sign it.

This year, America will run the largest deficit in our history—more than $475 billion, excluding the President's request for Iraq. The $87 billion would be better used to create jobs and improve health care and education for Americans.

The substitute to the President's request offered by Congressman DAVID OBEY in the Appropriations Committee is a far better alternative. The Obey substitute insists on accountability and transparency for the expenditure of reconstruction dollars and encourages support from other nations thereby reducing the burden on American taxpayers.

Unfortunately, the Obey substitute was rejected in the Appropriations Committee and Republican leadership has blocked it from consideration by the full House. But the Obey substitute offered the best plan for fixing the chaos in post-war Iraq.

I voted against the original bill authorizing the President to use force against Iraq, but once our troops were put in harms way I, like all members of Congress, have done everything necessary to support our troops. Despite many reservations about going to war, my colleagues and I overwhelmingly supported the President's $79 billion supplemental to cover the cost of deploying and operating troops in Iraq. At that time, it was the largest supplemental bill ever considered by Congress.

These funds were to cover our troops' basic necessities such as water, body armor and the correct equipment needed for a desert conflict. I thought the necessary funds had been provided to achieve victory and bring our troops home swiftly and safely, and I assumed the President had a plan.

Yet, six months later, 80 percent of U.S. troops have been drinking putrid water and whole units have come down with dysentery. As many as 40,000 troops do not have the standard issue body armor and, in fact, are using outdated body armor from the Vietnam era.

Our Guard and Reserve Forces are caught in a hidden draft. They are being required to serve far longer in Iraq than they had been told because the troop rotation schedule is in chaos.

Sadly, this could have been avoided because the war on Iraq was a war of choice, not of necessity.

The administration's two primary reasons for the war—Saddam Hussein's alleged weapons of mass destruction and his alleged links to Al-Qaeda—were both intentionally exaggerated to build support for that war. No weapons of mass destruction have been found and the President has now downplayed the alleged link between Saddam Hussein and Al-Qaeda.

If the aftermath of the war were going well, Americans would probably overlook the deliberately misrepresented intelligence on Iraq's weapons of mass destruction and its ties to Al-Qaeda. Now, as Americans are killed almost every day and it is clear that winning the peace will be a long, difficult and expensive process, people are questioning how we got to where we are today.

The swell of opposition to the President's request should surprise no one.

The American people are learning that the President's insistence on a unilateral war means that we will pay for a unilateral peace.

Even our closest allies are reluctant to pay for the aftermath of our war. International donors scheduled to meet in Madrid next month are expected to contribute no more than $2 billion to the reconstruction effort, while most recent estimates to rebuild Iraq over the next four years call for $55 billion above the President's current request.

By channeling $7 billion of reconstruction funds through the World Bank, the Obey substitute would reduce the burden on American taxpayers. This is an effective way to prevent cronyism in reconstruction contracts and to encourage international donors to contribute to the redevelopment of Iraq. The World Bank is much more likely to rely on indigenous workers and companies to carry out construction projects than is an organization that is tied to political appointees in the White House.

The President's request allows for sole-source, no bid contracts to be awarded without the notification of Congress. This is a thinly disguised appropriation for Halliburton, Bechtel and the President's other fundraisers. The Obey substitute includes mechanisms that limit these contracts and directs funding to cost-effective projects, rather than the large, capital-intensive, expensive contracts the President favors.

Mr. Chairman, the Obey substitute is an excellent proposal that will provide for much more effective reconstruction in Iraq.

The Obey substitute also provides the body armor, adequate purified drinking water, portable jammers and 20,000 additional troops to relive Guard and Reserve Forces. It allows our troops to finish their jobs and return home quickly and safely. It prepares for the return of our Guard and Reserve Forces by extending their healthcare coverage from 60 days to 6 months. The Obey substitute will force the President to fess up to the actual long-term costs of our military action, relieve pressure on the Guard and Reserve over time and make our troops safer.

Mr. Chairman, I opposed the President's war on Iraq, but I support the Obey substitute amendment. It makes better use of our limited resources to fix a horrible and dangerous situation.

Mr. BLUMENAUER. Mr. Chairman, Congress will provide the necessary support for our troops and we will make a significant investment in stabilizing and rebuilding Iraq. The question before Congress is how best to provide that troop support and how to make the appropriate investment in both Iraq and Afghanistan—two troubled nations that the United States now "owns" as a result of the Bush administration's policies. This $87 billion supplemental appropriation is not the best answer.

We have already provided huge sums that have not been well spent. The costs of Iraq policy are approaching $200 billion dollars of borrowed money with no end in sight. Our troops continue to have unmet needs that were entirely foreseen, like the flat jacket liners and armoring of vehicles. Tales abound of questionable expenditures and contracts, yet proposals were included in this request that simply don't meet the laugh test; millions of dollars for garbage trucks, zip codes, and a witness protection program (at $1,000,000 a person). It was wrong to give this administration a blank check to wage unilateral war and it is wrong to give them a blank check for reconstruction.

During debate, I offered an amendment that would save American taxpayers a quarter of a billion dollars and would have transferred money from Iraq reconstruction efforts to provide $247 million in additional funding for Afghanistan—a country with the same population as Iraq, an even larger land area, and that is still harboring terrorists.

Decades of conflict of Afghanistan, including the war against the Soviet Union, have left about 2 million dead and created 700,000 widows and orphans. Afghanistan remains a hot bed and safe haven for Al Qaeda—responsible for the launching of murderous attacks against the U.S. The UN estimates that 5–7 million unexploded landmines are scattered throughout the country. An estimated 400,000 Afghans have been killed or wounded by mines, leading to the highest per capita number of amputees in the world.

Estimates for reconstruction in Afghanistan range as high as $30 billion over the next decade. There is no shortage of need and the bottom line is we can do much more. Even after the $500 million this amendment removes from Iraq reconstruction, that country is still receiving the most generous aid package in history. Afghanistan was a real threat. We need to do more to make sure Afghanistan does not again spin out of control.

While my amendment did not pass, I was encouraged by the reaction of my colleagues from both sides of the aisle who recognize the importance of additional funding in Afghanistan. I will continue to fight to ensure that the administration's discredited program for Iraq does not leave other Middle East priorities under-funded and ineffective.

Even though the administration was wrong to claim that this Iraq reconstruction could be financed by Iraq's own oil revenues, and even though it will be ill advised to hopelessly burden the future Iraqi government, the American public should not bare the burden of vast sums of borrowed money because the administration had neither the foresight nor the patience to develop realistic plans and partnerships. We should be working with creditors like the Russians and the French as well as international organizations like The World Bank to soften the impact on American tax payers.

While this proposal has been improved by the Appropriations Committee, it still falls short. There is still too much spent on the wrong things and administered by the wrong people. Congress does no favors to our troops, our citizens, or the Iraqi people, to continue to fund the administration's ill-advised plans.

Mrs. TAUSCHER. Mr. Chairman, it is with a heavy heart that I vote for this bill. While I am deeply troubled at the prospect of adding even more to our rapidly spiraling debt, poor planning and severe mismanagement by the White House have left 113,000 American troops in a deadly situation in Iraq without the training or equipment they need.

We cannot make this bill a retroactive referendum on all the mistakes President Bush has made about this war. Nearly $65 billion in this bill is for our troops who are still in Iraq and Afghanistan, and they desperately need it. When I went to Iraq last month, I learned that there are literally thousands of American troops there who lack basic life-saving equipment like bullet-proof vests. How can we tell them their lives are not worth the price tag?

If we don't send the money our troops need, we leave them stranded in an incredibly dangerous environment. If we pull out our troops now, we will leave innocent Iraqis in a security and economic situation worse than before the war began and our own country more vulnerable.

I attempted to amend this bill to hold the administration more accountable for the $20 billion they are requesting for reconstruction. I believe that part, but not all, of the responsibility for reconstructing Iraq lies with the United States, and I call on the administration to increase its efforts to seek international support to pay for the reconstruction of Iraq. Until it is stabilized and self-governing, Iraq will remain a potential breeding ground for terrorism in a volatile region.

Mr. Chairman, I urge you to put good public policy over politics and ensure bills as distasteful as these cease to be the norm in the House of Representatives.

Mr. CAPUANO. Mr. Chairman, I rise today in opposition to H.R. 3289, President Bush's $87 billion funding request for Iraq. This supplemental appropriations bill is not about showing support for our troops. We are all united behind their courageous efforts. This is about where the United States goes from here.

I think most Americans realized that our commitment overseas would be lengthy and it would be costly. However, the Administration has been unwilling or unable to state its plans for the creation of stable representative governments, able to police and defend themselves, in Iraq or in Afghanistan. We have absolutely no idea how long troops will be stationed in Iraq and Afghanistan and we have no idea how much money will be required to complete this mission. When pressed by the Appropriations Committee for answers on these points, the Administration declined to give any answers. That is not good enough. It is time for the President to provide us all with answers to those questions.

I understand that the President cannot set out a precise timetable for troop withdrawal and he may not be able to provide a guaranteed final budget figure. I am not expecting that level of detail. However, I do expect, and this great country deserves, basic information about the future of this mission. That information is not forthcoming, and yet we are being asked to provide an additional $87 billion for an effort that has already cost billions of dollars and hundreds of American lives—without an end in sight to costing more of both.

I opposed the initial decision to invade Iraq because I did not believe that we had given the international inspectors sufficient time to confirm the President's allegations. Furthermore, I do not agree that the United States can or should impose democracy by force. I believe that my vote was correct at the time and every passing day confirms my conviction that I judged rightly. I did not approve of the initial invasion, and until I hear a responsible and realistic plan for dealing with the consequences of the invasion, I cannot in good conscience vote to approve these funds.

I fear that we are lacking more than an exit strategy. We need a foreign policy. This Administration has failed to meet the challenges of the post Cold War, post 9/11 world. Today, I insist on a plan for Iraq. Further, I would respectfully ask for clarification on our plans relative to other countries—notably North Korea, Iran and Syria. I understand that these countries differ from Iraq, and from each other, in their domestic politics and geopolitical importance. Nonetheless, the President has singled out these countries as he did Iraq. How does he plan on addressing his stated concerns relative to each of these? Does he plan another military campaign? Will he rely on diplomacy? Will he engage the international community?

Finally, I would certainly approve the replacement of armaments used in Iraq—we need a well-equipped military. I would approve funds to rebuild Iraq—we have an obligation to leave that country on its feet when we depart and the world expects no less. I would approve funding to increase the size of our military so that Congress would not have to resort to the use of private security to protect our military bases as this proposal allows. If necessary, I would approve funds to provide basic necessities for our troops—such as Kevlar, adequately armored vehicles, necessary communications equipment and comfortable living accommodations. However, I believe that these latter items should have been funded in the annual Defense appropriation; they are foreseeable and should have been available prior to engagement.

I have supported similar appropriations requests in the past, for Iraq and for Afghanistan. I would support similar funding if it were accompanied by a plausible plan for the phased withdrawal of our troops from Iraq. However, absent such information, I cannot, and will not, support this request for funding at this time.

Mr. OBERSTAR. Mr. Chairman, the most solemn and weighty power conferred by our Constitution upon the Congress is the power to declare war and the power of the purse.

Last year, Congress abdicated its constitutional responsibility by approving a deeply-flawed resolution that gave the President the power to initiate a preemptive war against Iraq, which, in my judgment, expressed at that time, did not pose a clear and present danger to the United States. I opposed that resolution in the strong belief that Congress should have required the President to seek a formal declaration of war because the President had failed to demonstrate a link between Iraq and the al Qaeda terrorist attacks of September 11, failure to prove the presence in Iraq of chemical, biological weapons of mass destruction, a nuclear capability, or the capacity to deliver such weapons against the United States.

After September 11, our Nation was united in common purpose to combat terrorism, and the United States enjoyed near universal support among the community of nations for our actions to destroy the al Qaeda terrorist bases and their Taliban protectors in Afghanistan. While this Administration has not yet been able to achieve many of the goals for Afghanistan, I support the funding in this legislation for continued support to complete our mission there.

Our military campaign against al Qaeda and the Taliban enjoyed strong bipartisan support, and Congress moved quickly to appropriate the necessary funds to carry out this important mission. In the aftermath of the U.S. lightening military strike that toppled the Taliban in Afghanistan, the President maneuvered fervently to muster support at home and abroad for a preemptive war against Iraq. Even though these efforts failed to mobilize the support of many of our key allies, the Administration launched this unilateral war against Iraq, with the result that, we squandered the moral high ground and the support of the international community.

The Administration finds itself in this uncomfortable position, and also has retreated from presidential candidate Bush's pledge not to engage the United States in nation-building during his presidency. Now staring in the face of the reality of a long-term, debilitating military occupation of Iraq, the President has asked Congress to approve a second supplemental payment for the ongoing military operations and reconstruction efforts in Iraq, without providing to Congress and the American people a full accounting of how the previous billions of taxpayer dollars were used, nor a detailed plan for how this money will be utilized. On that point, Congress must assert its constitutional responsibilities to ensure that this spending request is consistent with our national and international budget priorities. Because of the President's misguided economic and foreign policies, this $87 billion request represents money that we will have to borrow, which will increase the national debt, and this spending also represents dollars that could have been utilized to meet urgent needs at home.

It is very troubling that this Administration has expended considerable time and energy to advance a divisive agenda at home and abroad that has not improved our national security. Recently, Congress approved the first appropriations bill for the Department of Homeland Security, which provides $30 billion for that agency to fulfill its critical responsibilities. The money in this supplemental package that we will spend in Iraq over the next several months is roughly equal to funding the Office of Homeland Security for three years—which raises the question, which is the more appropriate use of $87 billion to promote our national security.

The policy option the President and his team have set before the Congress and the American people will add $87 billion to our already exploding national debt while refusing to ask the wealthiest of the wealthy to forego a portion of their tax breaks in order to help finance this war. At a time when our brave men and women in the armed forces have made significant sacrifices for their nation, and some have made the ultimate sacrifice, it is unthinkable that the President has not asked wealthy Americans to make a modest sacrifice to pay for this war. It is further shameful that the Administration has failed to deliver on its pledge to restore Iraq's oil exports to pay for its own reconstruction.

Because the President failed to win broad international support for this war, the U.S. taxpayer must shoulder the costs of this ill-advised military campaign. It is quite clear, as well, that this $87 billion spending package will not be the final payment, as Congress will be asked to approve billions of additional dollars for Iraq, for many years to come, if this Administration remains in office and on its chosen course.

This supplemental request for Iraq, like all spending bills, reflects our national priorities. In the current budget environment, we must be ever mindful that every dollar that we borrow and spend in Iraq is a dollar that is added to the national debt and denies funds that we need to educate our children, heal the sick, and improve our infrastructure in this country. With this spending request, the President has made clear that he supports massive deficit-spending that will burden working families in this country, and opposes shard sacrifice for the rich or international burden sharing.

In short, this $87 billion spending bill is fiscally irresponsible, fundamentally unfair, and ignores our urgent domestic needs to finance a failed foreign policy. Congress has already provided a blank check for the President to initiate war; Congress must now reassert its constitutional responsibility and deny President Bush a blank check to continue this misguided mission. I cannot vote for this policy of ever-spiraling failure.

Mr. UDALL of Colorado. Mr. Chairman, I cannot vote for this supplemental appropriations bill.

I voted against the resolution that authorized the President to begin military actions in Iraq at a time and under conditions of his own choosing, regardless of the likely costs and sacrifices that would be required. I was concerned that the Bush administration had a plan only for invasion, not for the subsequent "peace" and occupation, and was too ready to go it alone.

But Congress unwisely authorized the President to make Iraq the center of our war on terrorism, even without broad-based international support, and did so without a responsible debate that fully weighed the pros and cons of this strategic choice.

In short, I did not think Congress should give the President such a blank check—but we did, and the bills are coming due.

The people of Iraq are freer with Saddam Hussein out of power—at least for now—but our go-it-alone policies have left us with few friends willing to help cover the costs of his removal or Iraq's reconstruction. And with both the stories Iraqi weapons of mass destruction and Saddam himself among the missing, it remains an open question whether the major result of our invasion and occupation of Iraq will be to make America safer or to fuel anti-American sentiment and support for terrorism in the Islamic world. It would be a terrible irony if the way we have waged this war means a critical loss of precious momentum against al-Qaeda and the creation of conditions for more attacks on our country.

So now, President Bush, having gotten us into one hell of a mess, is asking Congress for an emergency appropriation of $87 billion—the largest supplemental appropriations in history.

He is requesting this enormous sum at a time when our economy is weak and when domestic programs are being shortchanged. With 2.7 million jobs lost since 2001, we are on track to see a net loss of jobs over a presidential term for the first time since the Great Depression. New estimates project $5 trillion in Federal deficits over the next decade. And the president wants more tax cuts primarily benefiting the wealthy, despite escalating needs for national defense, homeland security, health care and education.

With the bills coming due, there are several questions to consider. First, should they be paid? I think the answer is yes. I support equipping our troops. And I support the concept of helping Iraq rebuild. I think a stable Iraq is in our national interest. A stable Iraq means a secure Iraq, which leads to a safer environment for our troops and eventually their ticket home.

But I don't support the idea that American taxpayers should pay for the entire $87 billion package.

And that leads me to the second question—who should pay the bills for Iraq? The bill we are voting on today puts the responsibility for rebuilding Iraq squarely on the shoulders of the American people, who didn't ask for this burden. It puts the responsibility on the shoulders of our children, as they will inherit the debt this $87 billion package will incur. And they didn't have a say in selecting the administration that has led us into this quagmire. Still, we ask them to sacrifice.

The Administration says its reconstruction proposal is like the Marshall plan for Europe after World War II. But the Marshall plan was not a $20 billion handout: It provided loans as well as grants. One way to offset reconstruction costs could be to provide loans to Iraq, conditioned on being matched by funds from other donors. Another way is to persuade our allies to forgive part of Iraq's $200 billion debt. The House voted yesterday on a resolution urging Germany, Russia, and France to do just that.

But the best way to offset reconstruction costs is to roll back the President's tax cuts for the wealthiest taxpayers. That's why I would have preferred the Obey substitute. Under this plan, the entire $87 billion bill would be paid for by canceling the tax rate cut for individuals with incomes in the top 1 percent. The substitute would take funds from the reconstruction portion of the bill and add them to programs that help our active and reserve forces and their families with their health care. It would also add funds to repair and replace equipment used in operations and construct water treatment facilities for our troops in Iraq. It would create accountability by requiring a detailed report from the President describing how funds in the previous supplemental have been spent, how funds appropriated in this bill will be spent, and the level and types of funding needed for the future. The substitute would also convert $7 billion of the reconstruction package to loans at a trust fund at the World Bank to leverage additional World Bank loans.

But we weren't allowed to vote on this substitute. Nor were we allowed to change the terms of the debate. For weeks now we have been debating where money should be spent. We should have been debating who should pay—because so long as we refuse to discuss that, we will not be facing all the realities.

We should also have been debating about the priorities on the war on terrorism. I have always believed that Iraq was not the imminent threat this administration made it out to be. While we have been preoccupied with Iraq, we've deprived Afghanistan of the funding it needs—and now that country threatens to revert to the lawless haven for terrorism it was before 9–11. The bill includes some funding for Afghanistan, but not enough.

And we should have been debating more broadly about this country's priorities, period. Sending $87 billion to Iraq undermines our ability to address unmet domestic priorities. The amount the President has requested is more than twice the amount of the Homeland Security Department's entire budget for FY2004—and yet we will still haven't provided our States and local governments with the assistance they need to improve the security of American citizens.

The leadership has refused to allow the House to even consider changing the tax cuts—in the same way that they are insisting on combining the reconstruction costs with the funds necessary to support and supply the troops. This is not the way we should do our work.

So I cannot vote for this bill today.

Rejecting this flawed bill will not immediately cut off funds for our troops. CRS has confirmed that they have enough money to continue operations at least for the rest of this year.

It seems clear that the Senate will pass a different version of this bill. If the House considers a revised version of the bill, I hope it is one I can vote for.

But today I must vote to send the bill back to the President, with this message: I will not vote to spend billions in Iraq unless the administration does what it should already have done—that is, to provide detailed plans for Iraq's reconstruction and security; make concerted efforts to secure increased international participation under a U.N. resolution; demonstrate greater flexibility and openness toward questions of control over reconstruction and democratization; and craft a fiscally responsible plan to provide for the billions of dollars necessary.

Mr. VAN HOLLEN. Mr. Chairman, last spring many of us warned that unilateral military action against Iraq would open a Pandora's Box; that the President had not prepared the American people for the sacrifices that would be entailed by such an action; and that to act without the support of the international community would seriously jeopardize our ability to win the post-war peace in Iraq. Regretfully, I fear that we were right. And there is little satisfaction in that realization—because the implications for our Nation and the American people are very serious indeed. Our President and his advisors have backed this country into a corner from which there is no easy escape.

Now the President has asked this Congress—asked the American people—for an additional $87 billion for the upcoming year to pay primarily for our efforts in Iraq. This request comes on top of the $79 billion already appropriated for these purposes this fiscal year and we can be sure that this will not be the President's last request for funds for Iraq. Iraq's stabilization and reconstruction needs over the next five years have been estimated at over $50 billion—without taking into the account the costs of continued troops deployment there.

In deciding whether or not to support this request, I believe we must consider three fundamental questions:

How did we get to the situation we are in today?

In light of the current state of affairs in Iraq, is the kind of investment the President has requested necessary to enhance our security and protect our national interests? and,

If this investment is necessary, has the Administration presented us with a responsible plan that will achieve our key national objectives, both in Iraq and at home?

HOW DID WE GET HERE?

Six months ago, the President informed the American people that Saddam Hussein posed such a dangerous threat to the United States that we had to wage war in Iraq to protect our national security. The President and his advisors sold the Iraq war to the American people primarily based on the argument that Saddam Hussein was a ticking time bomb; that he posed a serious and growing danger to America; and that the only way to eliminate the threat was to eliminate Saddam Hussein.

The Administration's argument was based on the marriage of two claims. The first was the claim that Iraq possessed an arsenal of chemical and biological weapons and would soon obtain a nuclear weapons capability. The second was the claim that Saddam Hussein was in league with Al Qaeda. Taken together, these claims painted a very ominous picture. While many in the international community—and here at home—had strong doubts about the nature, magnitude and imminence of the threat posed by Saddam, in its rush to war, the Administration exploited the fears of a post 9/11 America. They portrayed the United Nations Security Council, the U.N. weapons inspectors, most of the international community, and critics here at home as a bunch of spineless procrastinators who wanted to look the other way in the face of a growing Iraqi threat.

It now appears that the Administration's two most fundamental arguments for war were false. After interviewing hundreds of former Iraqi military personnel and allowing more than 1,200 of our own inspectors to roam across Iraq over the last six months, we have failed to uncover any actual weapons of mass destruction. The interim report submitted by Dr. David Kay, the Administration's own arms inspector, provides no hard evidence to support the kind of danger President Bush depicted when he made the case for immediate military action. In the absence of evidence of actual weapons, U.S. officials have shifted their rhetoric to focus on "weapons programs" and "the intent" of the pre-war Iraqi regime. And while it may be true that Iraq was not in full compliance with U.N. Security Council resolutions, it also appears that the sanctions regime, coupled with the inspectors deployed under Resolution 1441, was successful at containing

Iraq's ambitions to develop weapons of mass destruction.

Time has also not borne out the Administration's claim that Al Qaeda was in league with Saddam Hussein. There is no credible evidence of any collaboration between Saddam Hussein and Al Qaeda. This argument, made over the objections of many in the intelligence community and most regional experts in this town, was a calculated effort to establish a false link in the minds of the American people between the terrible terrorist attacks of September 11, 2001 and the need to go to war in Iraq. This strategy of fear was not based on the facts, but on a desire to do whatever it would take to win public support for the war.

It is undeniable that Saddam Hussein was a brutal dictator. However, the security threat he posed to the United States was grossly exaggerated by the President and his public relations gurus. The question now looms—Having eliminated the regime of Saddam Hussein, are Americans safer today than they were six months ago?

SITUATION ON THE GROUND

By almost every measure, the U.S. post-war mission in Iraq is not going well and the Administration remains deeply divided over the best way to proceed. While it is true that we have removed Saddam Hussein from power, it is far from clear that we have made the American people more secure as a result. The jury is still out on the implications of our actions for the Middle East region, the fight against terrorism and efforts to control the proliferation of weapons of mass destruction.

The Iraq of today does not reflect the rosy pre-war predictions made by the Bush Administration. The situation on the ground is far from secure. Since the President declared the end of major combat operations, 198 brave Americans have died—sixty more than died during the war itself. Hundreds more have been severely wounded. Every week more Americans are killed, more car bombs go off and more international aid workers leave the country.

Our military forces are stretched thin and our troops are prime targets for former Baasthists and other extremists in a country overflowing with supplies of arms and munitions. The senior American commander in the Persian Gulf region has told us that we are engaged in a "guerrilla war" in Iraq. At the same time, the political process in Baghdad is bogged down over security issues, the friction of the occupation and increasingly bitter Iraqi-American arguments over the pace of turning over control and responsibility to Iraq's Governing Council. Increasingly, we find ourselves in a shooting gallery with no real exit strategy.

Terrorist Threat. In one of the terrible ironies of the war, in the name of fighting terrorism, we have increased the level of terrorist activity in Iraq. Administration officials report that Baghdad has become a new magnet and breeding ground for extremists and terrorists from around the region. Even worse, our actions in Iraq appear to have forged a link for the first time between the fanatical Islamic extremists of Al Qaeda and the traditionally secular remnants of Saddam's Baathist regime. These two groups, ideological antagonists before the war, have now been driven together in an unholy alliance to wage war on Americans. While the terrorist attacks attributed to this newly forged partnership have so far been confined to Iraq, this virulent combination could begin to extend their activities elsewhere.

International Community. The Bush Administration's contempt for the international community in the lead-up to the war has seriously complicated our ability to gain the cooperation and assistance of the rest of the world in support of common objectives. In the immediate aftermath of September 11, 2001, the entire world stood with us in the war on terrorism. The United Nations and NATO unanimously pledged their support in our fight and multinational involvement in our mission against the Taliban and Al Qaeda in Afghanistan was the highest ever. However, today this situation has greatly changed. Our friends and allies have been unwilling to participate in a substantial way in the reconstruction effort in Iraq. Even under the auspices of a new U.N. Security Council Resolution establishing a United Nations role along side the U.S. in Iraq, very little is expected in new troops and financial pledges for the Iraqi mission.

U.S. Credibility. The Administration's misleading statements about the nature and magnitude of the Iraqi threat have undermined our credibility around the world. Secretary of State Powell's report to the United Nations prior to the war relied on forged documents and information we later admitted to be unreliable. The nuclear specter that Administration officials pointed to has been discredited. Even more recently, Administration Inspector David Kay has been forced to back down from post-war claims that two mobile trailers found in Iraq were used for making biological weapons. The huge credibility gap that now exists for the Administration undermines our future ability to sound the alarm based on sensitive intelligence matters. Future claims about Iran, North Korea and others will be viewed with deep suspicion by a more skeptical public and an international community that, as the Economist described, sees the Bush Administration as having its own arsenal of WMD—"Wielders of Mass Deception."

Regional Stability in the Middle East. The Bush Administration's predictions that the fall of Saddam Hussein would put extremists in retreat throughout the Middle East and spur progress in the Arab-Israeli conflict have not be realized. The Arab-Israeli conflict has gone from bad to worse in the six months since the end of the Iraq war. And while it is premature to reach any conclusions about the long term effects, the Administration's prediction that the fall of Saddam Hussein would trigger a kind of democratic domino effect, spreading democracy throughout the Middle East, looks unlikely in the foreseeable future. The trend is toward more violence and polarization in that troubled region.

Conflict Management. The new "preventive war doctrine," articulated by the Bush Administration to justify our action in Iraq, has set a dangerous precedent in international relations. The Administration's assertion that America has the right to attack another nation based on the perception of a future threat has—especially in light of what we know now to be faulty and hyped intelligence—undermined many of the long existing norms for international engagement. The world will become much less secure if nations with long histories of bitter differences, such as India and Pakistan, should choose to follow our example.

By almost every measure, our virtually unilateral attack on Iraq has, at least in the short term, made American less—not more—secure. The difficult question we must now face is: Where do we go from here?

WHERE DO WE GO FROM HERE?

The President's request for this $87 billion marks the culmination of his repeated failures—his gross exaggeration of the threats posed by Iraq in order to justify the war; his contempt for the international community before the war; his inability to gain significant international backing to share the military burden and the financial costs of rebuilding Iraq; his failure to level with the American people about the cost and challenges of "winning the peace"; and, the list goes on. The Bush Administration deserves to suffer the political consequences of these miscalculations, misrepresentations, and missteps. But that decision will—and should—be left to the American people at the ballot box.

In the meantime, we here in the 108th Congress have an obligation and a responsibility to limit the extent to which the American people will suffer the consequences of the President's bad decisions. These decisons have placed not just the Bush Administration—but our entire county—in a difficult predicament. The terrible irony of the war in Iraq is that, in the name of making America more secure, it has—at least for now—made us less secure.

We cannot turn back the clock. The stablization and reconstruction of Iraq is now a critical interest of the United States, Iraq and the international community. I believe that we must help in the reconstruction of Iraq for two reasons. The first is based on the simple principle: "If you break it, you fix it." The second is based on our security interests in preventing another rogue state from emerging in Iraq or the outbreak of a violent crime conflict that will further destablize the volatile Middle East region and further enflame Muslim and world public opinion against the United States. Unless we invest in maintaining and protecting our troops, and in helping to rebuild Iraq, we will make a bad situation worse; we will compound the damage done by the reckless actions of this Administration—and make the challenges facing our Nation in the years to come even more difficult.

AMERICAN TROOPS ARE STILL NECESSARY

Over two thirds of the request before us—$67 billion of the $87 billion—is allocated to cover the costs of maintaining and protecting the U.S. troop presence on the ground in Iraq. These troops are providing the security framework necessary to maintain some semblance of law and order as efforts are made to create a mechanism for writing a new constitution, holding elections and returning sovereignty to an internationally recognized and legitimate Iraqi authority. The immediate withdrawal of American troops would produce tremendous instability and would likely lead to civil war between the three major communities in Iraq—the Shia, the Sunnis and the Kurds. Just as the precipitous U.S. disengagement from Afghan affairs following the Soviet withdrawal from that country opened the door to the

Taliban regime, premature U.S. withdrawal from Iraq would benefit extremists and terrorist groups. If we don't fill the power vacuum that exists, groups like Al Qaeda and Ansar Al Islam will help fill it.

In addition, the immediate withdrawal of American troops would undermine the status of our country around the world. The President engaged our military in Iraq with strong rhetoric about the type of Iraq Americans wished to enable Iraqis to create for themselves. He made pledges to the Iraqi people in our name. We must do what we can to make good on those pledges. Our hasty withdrawal would likely embolden our enemies in the region and around the world. It would be a setback to our common effort to expand representative government and combat terrorism.

The Administration has been forced to recognize that we cannot achieve our post-war goals in Iraq alone. We must do everything we can to replace our troops with international forces and a new Iraqi police force. However, we must be realistic. We face time and resource constraints. For now, it appears that we will be able to attract only a limited number of foreign troops. Our allies and other nations, still seething from the Bush Administration's pre-war treatment are not yet prepared to provide substantial troops and financial support for the current mission. The Security Council resolution passed on October 16th is unlikely to significantly change this situation. In addition, it will take time to train an Iraqi force that can assume day-to-day responsibility for security. Until that Iraqi force is trained, American forces will be needed to prevent chaos and anarchy.

IRAQI RECONSTRUCTION IS A CRITICAL U.S. INTEREST

About twenty billion of the President's $87 billion request is slated for reconstruction efforts in Iraq. This large investment is particularly difficult to stomach given both the mounting deficits caused by the Bush tax cuts weighted toward the super rich and the Administration's gross neglect of pressing needs here at home. However, I strongly believe that it would be short-sighted—and even dangerous—for our country not to do what is necessary to attempt to win—or at least not lose—the battle for the hearts and minds of the Iraqi people. This will not be easy and the outcome is not guaranteed. Our chances of defeating the remnants of the Hussein regime and various extremists elements will be based in large part on our ability to show that the standard of living is better in the post-Saddam era. If we fail to create an environment in which the great majority of Iraqis see themselves as better off, we will open the door to ethnic, religious and regional strife. This could endanger our troops and undermine our efforts to build a new Iraq at peace with itself and its neighbors and on the course to representative government.

In the long run, our only chance of salvaging the situation is to make a substantial investment. The cost of not making a substantial investment today will be much greater sums tomorrow. We have opened a pandora's box. Significant funds are now needed to try to extricate ourselves from this difficult situation and try to ensure that over the long term the American people will not have been made less secure as a result of this war. The immediate withdrawal of our troops now is not a viable option. Handing the shattered Iraqi infrastructure, economy and body politic over to a makeshift government prematurely, is only a recipe for disaster. We must now all pay the price of the President's misrepresentations, miscalculations, and missteps.

RESPONSIBLE LEADERSHIP

The key question facing Members of Congress today, however, is whether the supplemental request before us reflects an effective and sustainable plan for U.S. engagement in Iraq—and one that meets the test, both at home and abroad, of responsible leadership.

The task before us is enormous. To succeed in Iraq we need a coherent and international plan for moving forward. The Administration's record has been poor and they have given us little reason to believe that they understand the mistakes they have made and will make much needed adjustments to the course they are taking.

Experience with other nation-building efforts tells us that the mission before us is difficult and costly. It will require an extended commitment over a long period of time. And, unlike the military campaign, winning the peace will require the help of our friends and others in the international community. The American people are only beginning to realize the enormous implications of our involvement.

The World Bank has estimated Iraq's reconstruction needs at an additional $55 billion over the next four years—not including the costs of the continued military presence in that country. In Bosnia, a country one-eighth the size of Iraq, the international community has spent close to $50 billion over the last 8 years in nation-building and reconstruction—troop deployments have cost an additional tens of billions for individual countries—and the end is not in sight. Let there be no doubt that the request before us today is just the tip of the iceberg.

Given the record of the last six months it is frankly stunning how unwilling the Administration has been to meet its critics even halfway, to address the problems that exist, to provide a coherent roadmap for moving forward together with the international community, and to ensure that the bill for this mission will not be borne by America's children and grandchildren.

First, the Administration has stubbornly failed to admit the serious mistakes that it has made and to address the serious credibility problem that they have created for themselves among the American people, the U.S. Congress and the international community. This was evident most recently in the President's handling of the report on weapons of mass destruction submitted by former U.N. inspector David Kay, now working for the Bush Administration. The Kay report findings seriously undermined key elements of the Administration's pre-war claims. Yet, the President stubbornly sighted them as proof of his case. In a recent interview, Vice President CHENEY suggested a link between Saddam Hussein and the attacks of September 11th, a claim the Administration had never previously made, and a link which the President himself rejected in statements a short time earlier. Unless the Administration is willing to address the serious credibility issue that exists—or at least not compound it—it will be difficult for the American people to have any confidence in its statement about the situation in Iraq and its assessment of what needs to be done.

In addition, the Administration continues to act as though it has no responsibility or legal obligation to inform the Congress and the people of this country about how they plan to use the money that we approve in this chamber. In recent hearings Administration officials have refused to answer questions regarding the expenditure of funds previously authorized by this institution and to give little or no information on future projected costs. In my own committee I asked Administration representatives about U.S. commitments, financial and other, to the Turkish government in return for deployment of Turkish troops in Iraq and I was not able to get any satisfactory answers. If the American taxpayer is going to foot the bill for Turkish troops—by grant or by loan—they have the right to know. And if we are planning to send U.S. troops to fight—and maybe die—pacifying Turkish-Kurds opposing the Turkish government, then I believe the American people deserve the right to know about that deal.

Second, it has been true from the very start that the President's Iraq policy has suffered from deep divisions within the Administration on the most fundamental issues—dealing with the international community, organizing for reconstruction and interpreting the threat itself. These divisions have been the subject of recent public discussion over the announcement of a new task force headed by National Security Advisor, Condeleeza Rice, with the task of coordinating the stabilization and reconstruction efforts in Iraq. This announcement notwithstanding, there is considerable evidence to suggest that little real progress has been made in this area. Recent statements attributed to senior Administration officials are highly critical of the Bremer mission in Iraq and raise serious questions about who is calling the shots, even today, on U.S. policy.

Without a coherent plan that is implemented by a united Administration we cannot succeed. This plan does not exist today.

Third, it has long been clear that we cannot succeed in the post-war mission in Iraq alone. We must engage the international community for both political and material reasons. The Administration badly miscalculated the extent to which Iraqi suffering under Saddam Hussein would translate into goodwill toward America's role in Iraq. We must understand the complex situation we face today in our new role as an occupying force in Iraq.

Fourth, the Administration's actions must match its rhetoric about supporting Iraqi democracy. The $20.3 billion reconstruction budget presented by the Administration was drawn up without meaningful consultations with Iraqis. In addition, we watch as Administration officials arm twist the Iraqi Governing Council to accept the deployment of Turkish troops in Iraq over the strong objections of all three major Iraqi communities—the Kurds, the Shia and the Sunnis. It appears that the Administration has not grasped the first tenet of nation-building—that the Iraqi people must believe that they are rebuilding their own country.

Fifth, the Administration has ignored the importance of its role in accounting for the funds that we approve and preventing corporate profiteering and abuse of taxpayer money. It must take serious steps to allay fears that appropriated funds will be wasted on large favored corporations. In light of the many stories of abuse we have heard in recent weeks, the "prudent" transparency mentioned in Mr. Bremer's testimony before members of Congress does not go far enough. The Administration must provide a satisfactory accounting of how funds have been spent to date and how additional funds are being planned for.

Finally, and most importantly, the President is asking us to ignore the enormous budget implications of this request. Let's not fool ourselves or the American people. It won't be just this $87 billion. It will also require billions more in the months and years ahead.

While we have a responsibility to maintain security on the ground in Iraq and assist with the reconstruction of that country, we also have an obligation to level with the American people. The President totally failed to prepare the American people for the true costs of the war and of "winning the peace." Now he seeks to escape responsibility for those costs by putting them on our national credit card and running up huge deficits. Every penny of the $87 billion requested by the President is borrowed money. But we all know there is no free lunch. His "out-of-sight, out-of-mind" approach to such important issues will wind up costing our children down the road.

We should not be waging war and peace by credit card. If we are willing to pay any price to defeat the scourge of terrorism, we must pay for it in an honest way. While the President has asked our troops and their families to make the ultimate sacrifice, he has given the wealthiest Americans a huge tax cut. That is wrong. It is wrong to pass the buck to the next generation; it is wrong to ask the younger generation, including our troops and their children, to bear the burden alone; and it is wrong to shield the wealthiest Americans from paying their fair share.

We have a huge responsibility gap in our government. It is the gap between those who understand that we have a responsibility to establish stability and help rebuild Iraq—and who are prepared to pay for it now, and those who call upon the country to pay any price in Iraq, but run from responsibility paying that price.

I had an amendment to fill that responsibility gap. It was an amendment to scale back the tax cuts for the wealthiest 1 percent of Americans to pay their share of the costs of this bill. Incredibly, the House leadership prohibited that amendment from coming to a vote.

This is a difficult time to be asking the American people to invest billions of dollars of their money to build schools, hospitals, roads, electric grids and communications systems. Here at home, our Federal, State and local governments are experiencing huge revenue shortfalls. The President's budget request for this year falls $9 billion short of what was promised by the Federal Government to meet our obligations to America's school children under the No Child Left Behind legislation. Three our of five children eligible for Head Start cannot receive help because of lack of funds. Years ago the Federal Government pledged to cover 40 percent of the costs of ensuring that children with disabilities received a good education, but today we are meeting only 18 percent of that cost. The same shortfalls occur in health programs, our national transportation infrastructure, and a range of other important domestic needs.

We must meet our needs at home at the same time we meet our international responsibilities in Iraq, Afghanistan and other places around the globe. We as a nation have enormous resources. We can meet both our domestic needs and our international responsibilities. We can help the Iraqis rebuild their country while we construct new hospitals and schools here at home. But we must be prepared to pay for them. If we refuse to pay now for our efforts in Iraq by reducing portions of the tax cut, it will make it impossible to make the investments we must make in education, health, transportation and other needs here at home. Already this year, when many of us called for full funding for No Child Left Behind and meeting our national obligations for special education we were told that we didn't have resources because of the large tax cuts. Adding this $87 billion to the deficit will make it even more difficult to meet those pressing needs. That is why we must pay now for the costs of our efforts in Iraq. We cannot put everything on our national credit card.

The President has totally abdicated his leadership responsibilities. His job is to level with the American people—to inform them that our international responsibilities require us to pay the price of leadership. Leadership is about setting priorities. The war in Iraq was a war of choice. Regardless of what each of us may think about how that choice was made, we now have a responsibility to pay for the consequences of that choice. The President—by refusing to pay for the war and its aftermath—refuses to acknowledge the real costs of those choices.

There are those who argue that, because the President has refused to scale back his tax cuts to pay for the war and its aftermath, those of us who believe we have a responsibility to provide security and aid in the reconstruction in Iraq have no alternative but to support the President's request for $87 billion without condition; that we have to go along with the President's plan to wage war and peace by credit card. That is an irresponsible position and a false choice. If paying for security and reconstruction is that important—and I believe that it is—when we should insist that we pay for it the right way. To do any less is to abdicate our responsibility to the American people.

THE FALSE CHOICE

Money alone is not the answer to the problems we face in Iraq. The stakes are high and the mission is difficult. For those of us who support making this enormous investment I believe that we have a duty to ask if the money will be spent wisely and where it will come from.

The Bush Administration has treated our concerns, and those of others, with contempt and arrogance—the same way they treated the international community prior to the war. I fear that if we buckle-in to the Administration's demand to do it "our way or the highway," we will simply be acquiescing in the continuation of a fundamentally failed approach to a very sensitive and vital mission. We cannot allow ourselves to be caught in the false choice that we must engage the Administration's way or no way at all.

For weeks I have struggled with this vote. As the son of a U.S. foreign service officer, I have always had a strong personal commitment to our country's international role. It is with great difficulty that I cast a vote against funds requested by a President in pursuit of U.S. policies abroad. However, the Administration's arrogant refusal to consider alternative approaches and, most of all, its refusal to pay now for the consequences of its choices has convinced me that they will not address these issues in a responsible manner until we demand a higher standard of leadership. If the President believes, as I do, that we have an obligation to provide security and help rebuild Iraq, he should have the simple courage to pay for it. Despite all my other reservations, if the President were to present a plan to pay now for the costs of our efforts in Iraq, or if my amendment to reduce the tax cuts to cover our costs were adopted, I would support this bill. The choice is not between doing nothing and doing it the President's way. We have a responsibility to the American people to do it the right way.

Mr. RYUN of Kansas. Mr. Chairman, I rise in support of the Iraqi supplemental spending request.

I strongly believe that both portions of the supplemental request are necessary. We have won the war in Iraq, now we must win the peace. The investment we make in Iraq today will help to ensure our safety and security against terrorism here at home in the future. We cannot leave the job of reconstruction unfinished in Iraq and leave open the very real possibility that another dictator or a terrorist regime will take over Iraq by winning the hearts and minds of the Iraqi people.

As a strong fiscal conservative, my first instinct was to provide the $21 billion for reconstruction as a loan—not a grant as requested. However, after a great deal of thought and research, I believe that the loan proposal is not the right approach. With a debt of $350–$600 billion, the likelihood that Iraq could pay off another loan is remote at best. It is important that America takes the lead and convinces Iraq's largest creditors, Russia, France and Germany, to forgive Iraq's burdensome debt. We must therefore not be hypocritical and contribute an additional financial burden.

Additionally, the $21 billion in reconstruction funding is just a portion of the $50–$75 billion overall cost of Iraqi reconstruction. Clearly, Iraqi oil revenues will be used to fund reconstruction and ongoing government operations in Iraq. Now that the United Nations has passed a resolution that will pave the way for greater international involvement, the remaining funds will hopefully come from international contributions. If the United States provided its reconstruction portion as a loan, we would find it very difficult to convince the rest of the world to contribute.

Although the $87 billion price tag is indeed a great sum of money, it is important to put the cost in perspective. The total Iraqi war is going to cost about 0.5 percent of our Gross Domestic Product (GDP), while the Vietnam War cost 12 percent and World War II cost 130% of GDP.

This supplemental spending request will give our troops the tools and support they need to further secure Iraq from the foreign terrorists trying to disrupt our reconstruction efforts while giving the Iraqi people a hope for a free and democratic country for years to come.

Mr. BISHOP of Georgia. Mr. Chairman, I'm proud to represent the Second Congressional District of Georgia, which is home to several major military installations and where military retirees and veterans make up a big percentage of the population. At last count, 11,248 active duty, Reserve and National Guard personnel from Georgia bases are serving in Iraq and Afghanistan. A total of 149 Georgia-based soldiers have been wounded in Operation Enduring Freedom, and Operation Iraqi Freedom, and 49 have been killed in action—49 brave Americans.

Like virtually everyone who lives in my area of southwest Georgia, I believe it would be an unconscionable dereliction of duty if we failed to provide for the essential needs of our troops we have sent into harms way. In spite of the strong objections many of us have about the bill's flaws, we cannot deny funding for such things as safe drinking water, which many soldiers lack; body armor and other equipment essential to the safety and success of our troops; and housing and other basic living needs.

We've learned many of the troops serving in Iraq have never been issued the Kevlar flak jacket inserts, or body armor, and some have spent up to $650 out of their own pockets to purchase this updated protective gear. We're told our troops have gone without other critical equipment, such as portable jammers to block the radio signals used to detonate remote control bombs—the same bombs we continually hear about, day in and day out, in attacks that are wounding and killing our soldiers.

Today, we have an opportunity to correct these troubling deficiencies. And we must not fail.

At the same time, people in the Second District are also concerned about the extreme federal deficit, the shortcomings in our own infrastructure, and the burden this added spending imposes on taxpayers. I, too, am concerned when Congress could avoid a bigger deficit by deferring tax cuts just for the wealthiest 1 percent of our citizens, and when U.S. taxpayers are stuck with the entire cost of Iraqi reconstruction even though Iraq is capable of eventually paying for its infrastructure upgrades from its vast oil reserves, the second largest in the world.

It's an affront to the people I represent to spend millions of dollars for roads, schools, hospitals and economic development initiatives in Iraq while these same needs are drastically under funded in the U.S.; to provide high-speed internet access to the people of Iraq while widespread areas of the U.S. including areas of the Second District, are denied the same access; to provide millions of dollars to train unemployed Iraqi workers while U.S. job training programs are cut.

I'm not against helping Iraq rebuild. I support efforts to secure Iraq's borders, to train Iraq's security forces, to restore Iraq's water sanitation, electricity and other utility services, to restore Iraq's transportation and oil production capability, and to help provide the Iraqi people educational and employment opportunities.

But I'm concerned when we unnecessarily pay for these needs with borrowed money, when we fund non-essential reconstruction projects as well as essential ones, which we shortchange the needs of our own communities, and when our international partners have not stepped up to the plate to contribute their fair share of the reconstruction costs.

Mr. Chairman, I support our troops and the funding they must have, while I continue to look to the Administration to present a clear and fiscally responsible plan that makes it possible for our service men and women to carry out their mission as safely and effectively as possible and to bring stability and democracy to the suffering people of Iraq and Afghanistan.

Mr. SCOTT of Virginia. Mr. Chairman, the entire Persian Gulf war 12 years ago cost the United States much less than $8 billion. The total cost of that war was $61 billion, but because allies were participating, our share was only 12 percent of the total cost. We have already spent $79 billion on the present war on Iraq, and now we are asked to appropriate another $87 billion for a total of $166 billion, so far.

To put the $166 billion into perspective, the total appropriation for this fiscal year (FY 2003) for the U.S. Department of Homeland Security, the U.S. Department of Transportation, the U.S. Department of Education, the U.S. Department of Labor, and the U.S. Department of State was less than $166 billion.

And on a per person basis, $166 billion is more for each person in Iraq than the total annual U.S. Government spending for each American citizen for everything other than Social Security and Defense.

Although this is a huge expenditure, the administration fails to even give lip service to explain how the bill will be paid. No outline of spending cuts or increased taxes has been presented. The Administration has opposed lending any portion of the funds to Iraq because the Administration claims that Iraq is too far in debt already, even though the national debt in Iraq is approximately $4,000 per person while the national debt in the United States is approximately $20,000 per person. It therefore has to be assumed that all of the money will be borrowed by the United States government. At 5-percent interest, the annual interest on this $166 billion of additional debt will be $8.3 billion or $160 million per week. A yes vote on the bill commits this country to additional annual interest payments that are more than the annual cost of the entire Head Start program.

The vote on this bill represents the only opportunity Congress has had to consider the President's policies in Iraq since October of last year. The President's decision to invade unilaterally, without allies, has meant that we are paying 100 percent of the costs of the war, in cash and in casualties. In the Persian Gulf war, allies paid more than 85 percent of the costs; if they were paying only 50 percent of the costs of this war, we would save $80 billion and countless lives. Unfortunately, a yes cot on the bill will mean that no significant attempt will be made to engage the international community's participation.

There have been widespread reports of financial waste in Iraq. A few weeks ago, "60 Minutes" chronicled the profitable no-bid contracts enjoyed by Halliburton and others and pointed out that there were firms who could do much of the work for half of the price paid to Halliburton under those contracts. Last week, National Public Radio's "Morning Edition" described sweetheart deals and corruption. Questions have also been raised about the extravagance of the reconstruction of Iraq and whether more modest construction might accomplish the same goals. A yes vote on this bill will mean that no change in contracting procedures will be made.

During his campaign, President Bush frequently insisted that no troops should ever be deployed without an "exit strategy". Not only do we have no apparent exit strategy, we also have no apparent entry strategy: the President recently admitted that Iraq had nothing to do with September 11th; no weapons of mass destruction have been located; Iraq was never an imminent threat to the United States. We cannot develop an exit strategy, if we cannot articulate what the entry strategy was. A yes vote on the bill forfeits a Congressional opportunity to require the administration to clearly establish an exit strategy.

Notwithstanding all of the reasons to vote "no", if the passage of the bill would result in a safer America, it would be worth the cost. Unfortunately, even before the war, the CIA concluded that Iraq posed very little threat to the United States at the time, but would pose an increased threat if we attacked them. A letter form CIA Director George Tenet to the Chairman of the Senate Select Committee on Intelligence, dated October 7, 2002, and printed in the CONGRESSIONAL RECORD stated that: "Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or CBW (chemical and biological weapons) against the United States. Should Saddam conclude that a United States-led attack could no longer be deterred, he would probably become much less constrained in adopting terrorist actions." Certainly we cannot be any safer than the CIA said we were before we attacked; but, most recent reports describe more terrorists now gathering in Iraq than before the war. So, the policy which includes the expenditure of $166 billion and the loss of many courageous lives has failed to make us safer.

Because the appropriations in the bill represent more than the United States last year for the United States Department of Homeland Security, the U.S. Department of Transportation, the U.S. Department of Education, the U.S. Department of Labor, and the U.S. Department of State; because there is no plan for paying the bill; because failed policies will be validated by the passage of the bill; and because we are in fact more at risk, not safer as result of those polices, I urge my colleagues to oppose the bill.

Mr. PAUL. Mr. Chairman, I rise in opposition to this request for nearly $87 billion to continue the occupation and rebuilding of Iraq and Afghanistan. This is money we do not have for a foreign welfare program. The burden on our already weakened economy could well be crippling.

Those who argue that we must vote for this appropriation because "we must succeed" in

Iraq are misguided. Those who say this, have yet to define what it means—in concrete terms—to have "success" in Iraq. What is success in Iraq? How will we achieve success in Iraq? How will we know when we have succeeded in Iraq? About how long will "success" take to achieve and about how much will it cost? These are reasonable questions to have when we are asked to spend billions of taxpayers' dollars, but thus far we have heard little more than nice-sounding platitudes.

We have established a troubling precedent that no matter how ill-conceived an intervention, we must continue to become more deeply involved because "we must succeed." That is one reason we see unrelated funding in this supplemental for places like Liberia and Sudan.

Mr. Chairman this reconstruction of Iraq—that we are making but a down-payment on today—is at its core just another foreign policy boondoggle. The $20 billion plan to "rebuild" Iraq tilts heavily toward creating a statist economy and is filled with very liberal social-engineering programs. Much of the money in this reconstruction plan will be wasted—as foreign aid most often is. Much will be wasted as corporate welfare to politically-connected corporations; much will be thrown away at all the various "non-government organizations" that aim to teach the Iraqis everything from the latest American political correctness to the "right" way to vote. The bill includes $900 million to import petroleum products into Iraq (a country with the second largest oil reserves in the world); $793 million for healthcare in Iraq when we're in the midst of our own crisis and about to raise Medicare premiums of our seniors; $10 million for "women's leadership programs" (more social engineering); $200 million in loan guarantees to Pakistan (a military dictatorship that likely is the home of Osama bin Laden); $245 million for the "U.S. share" of U.N. peacekeeping in Liberia and Sudan; $95 million for education in Afghanistan; $600 million for repair and modernization of roads and bridges in Iraq (while our own infrastructure crumbles).

There has been some discontent among conservatives about the $20 billion reconstruction price tag. They fail to realize that this is just the other side of the coin of military interventionism. It is the same coin, which is why I have consistently opposed foreign interventionism. There is a lesson here that those who call themselves fiscal conservatives seem to not have learned. There is no separation between the military intervention and the post-military intervention, otherwise known as "nation-building." Fiscal conservatives are uneasy about nation-building and foreign aid. The president himself swore off nation-building as a candidate. But anyone concerned about sending American tax dollars to foreign countries must look directly at military interventionism abroad. If there is one thing the history of our interventionism teaches, it is that the best way for a foreign country to become a financial dependent of the United States is to first be attacked by the United States.

This request—which was not the first and will not be the last—demonstrates in the most concrete terms that there is a real and concrete cost of our policy of interventionism. The American taxpayer paid to bomb Baghdad and now will pay to rebuild Iraq—its schools, hospitals, prisons, roads, and more. Many Americans cannot afford to send their own children to college, but with the money in this bill they will be sending Iraqi kids to college. Is this really what the American people want?

The real point is that the billions we are told we must spend to rebuild Iraq is indeed the natural outcome of our policy of pre-emptive military intervention. All those who voted for the resolution authorizing the president to attack Iraq have really already voted for this supplemental. There is no military intervention without a "Marshall Plan" afterward, regardless of our ability to pay. And the American people will be expected to pay for far more. This current request is only perhaps step four in what will likely be a 10 or more step program to remake Iraq and the rest of the Middle East in the image of Washington, D.C. social engineers and "global planners." What will be steps five, six, seven, eight? Long-term occupation, micro-managing Iraq's economy, organizing and managing elections, writing an Iraqi constitution. And so on. When will it end?

There is also much said about how we must support this supplemental because to do otherwise would mean not supporting the troops. I resent this dishonest accusation. It is nothing but a red herring. I wonder if an American currently serving an open-ended occupation in Iraq would think that bringing him home next week would be a good show of support for our troops. Maintaining an increasingly deadly occupation of Iraq and bankrupting many of our reservists and national guard troops by unilaterally extending their contracts to serve in an active deployment is hardly "supporting the troops." Perhaps that is why a Stars and Stripes newspaper survey of the troops in Iraq this week found that a majority had very low morale. And according to the same Stars and Stripes survey, an increasing number are not planning to re-enlist.

Conservatives often proclaim that they are opposed to providing American welfare to the rest of the world. I agree. The only way to do that, however, is to stop supporting a policy of military interventionism. You cannot have one without the other. If a military intervention against Syria and Iran are next, it will be the same thing: we will pay to bomb the country and we will pay even more to rebuild it—and as we see with the plan for Iraq, this rebuilding will not be done on the cheap. The key fallacy in the argument of the militarists is that there is some way to fight a war without associated costs—the costs of occupation, reconstruction, "institution-building," "democracy programs."

I opposed our action against Iraq for two main reasons. I sincerely believed that our national security was not threatened and I did not believe that Saddam Hussein's regime was involved in the attack on the United States on 9/11. I believe what we have learned since the intervention has supported my view. Meanwhile, while our troops are trying to police the border between Syria and Iraq our own borders remain as porous as ever. Terrorists who entered our country could easily do so again through our largely un-patrolled borders. While we expend American blood and treasure occupying a country that was not involved in the attack on the U.S., those were responsible for the attack most likely are hiding out in Pakistan—a military dictatorship we are now allied with and to which this supplemental sends some $200 million in loan guarantees.

Our continued occupation of Iraq is not producing the promised results, despite efforts paint a brighter picture of the current situation. What once was a secular dictatorship appears to be moving toward being a fundamentalist Islamic regime—not the democracy we were promised. As repulsive as Saddam's regime was, the prospect of an Iraq run by Islamic clerics, aligned with Iranian radicals and hostile to the United States, is no more palatable. There are signs that this is the trend. The press reports regularly on attacks against Iraq's one million Christians. Those handpicked by the United States to run Iraq have found themselves targets for assassination. Clerics are forming their own militias. The thousands of non-combatants killed in the U.S. intervention are seeking revenge against the unwanted American occupiers.

Mr. Chairman, throwing billions of dollars after a failed policy will not produce favorable results. We are heading full-speed toward bankruptcy, yet we continue to spend like there is no tomorrow. There will be a tomorrow, however. The money we are spending today is real. The bill will be paid, whether through raising taxes or printing more money. Either way, the American people will become poorer in pursuit of a policy that cannot and will not work. We cannot re-make the world in our own image. The stated aim was to remove Saddam Hussein. That mission is accomplished. The best policy now for Iraq is to declare victory and bring our troops home. We should let the people of Iraq rebuild their own country. I urge my colleagues to vote against this supplemental request.

Mrs. MYRICK. Mr. Chairman, first and foremost, I want to say that I fully support our troops. I am so proud of the job they are doing in Iraq and Afghanistan. They are sacrificing greatly overseas so we don't have to fight the war on terror here on our shores. To bring this conflict to a successful conclusion, $65.2 billion of this supplemental request is essential to help provide every resource our men and women need.

That being said, I work for the people of the 9th District of North Carolina and they cannot understand why the remaining $21.6 billion of the Iraq Supplemental may not be given in the form of a loan. Iraq contains the second largest oil reserve in the world and will have an astonishing $5 billion surplus at the end of this year—all this, while we have record deficits in our own country. For decades to come, America's children will be paying for this reconstruction grant on behalf of the Iraqi children. That is unconscionable! Again, that country has the great wealth of oil. They can pay us back.

The majority of this bill will provide for our troops and that is good. It was my strong desire to have the opportunity to debate and vote on the defense money and the Iraq reconstruction money of this supplemental in separate bills. However, we don't have clean bills in this House; so we don't have that opportunity.

Mr. STENHOLM. Mr. Chairman, I will vote for the legislation to approve the administration's request for $87 billion in additional funding for operations in Iraq. We must provide our men and women in uniform in Iraq with the resources they need to complete their mission, as safely and securely as possible. They have performed brilliantly—protecting civilians, maintaining order and promoting democracy while facing the threat of attacks each and every day. We are proud of them and we need to continue supporting them. I will vote to provide whatever resources our troops need to complete their mission.

Unfortunately, the administration and leadership have brought this request before us under a process which forces us to approve $20 billion in spending for an ill-advised plan for Iraq reconstruction. Many of the items in the reconstruction are more appropriately the responsibility of the Iraqi provisional government or have extremely inflated costs. I commend the work of Chairman YOUNG, Ranking Member OBEY and the rest of the Appropriations Committee to scrub the administration's request and remove many questionable or low-priority items.

Even with these improvements, many questions remain about how these funds will be used. Our constituents deserve to know that their tax dollars are being used in the most effective manner possible. The missteps of the past must not be compounded by wasteful spending now. The President must be willing to report to Congress—and the American people—on how the money is spent. That is what this amendment would require. A detailed accounting is needed.

The American people also deserve to know what our plan is for successfully completing our mission in Iraq to improve the security and political situation and reducing our presence. While the battle to oust Saddam Hussein was well-planned and well-executed, we did not plan well for winning the peace and rebuilding the nation of Iraq. Our troops have been taking almost all the risks, and American taxpayers have been paying all the bills.

Our "go-it-alone" strategy must end. This amendment will require the President to present a detailed plan for improving the situation in postwar Iraq and report on our progress in achieving the goals of improving the political and security conditions in Iraq.

Congress and the American public need to know the impact our operations in Iraq will have on a federal budget that is nearly a half trillion dollars in deficit already. It is now abundantly clear that the costs of operations in Iraq will be much greater than was anticipated when the budget was approved just six months ago. Already, we have spent $63 billion in Iraq this year, and we are being asked to provide an additional $87 billion in this bill.

That would bring the total spending on operations in Iraq to $150 billion in the year 2003—a staggering figure for one year—with more to come. There is no question that we will be in Iraq for a long time, at great expense to the American taxpayers.

We have a responsibility to reevaluate our budgetary priorities to reflect that reality so that these additional expenses are not simply added to the national debt. It would be irresponsible to completely ignore those costs. We need to budget honestly for the costs of continued operations in Iraq so that Congress can consider the tradeoffs necessary to provide the needed funding without adding to the national debt. Paying for our operations in Iraq will require sacrifices. It would be extremely irresponsible for us to refuse to make any sacrifices ourselves and expect our troops to also pay the financial debts once they return home. The cause of freedom and justice is great, but it demands great commitment and sacrifice by all of us who enjoy its benefits, not simply by the men and women in uniform.

Like all of my colleagues, I pray for the successful completion of our mission in Iraq and the safe return of our men and women in uniform. This amendment will help ensure that we have a plan to accomplish this goal as quickly as possible.

The CHAIRMAN. There being no further amendments in order, pursuant to House Resolution 396, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, pursuant to House Resolution 396, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MS. KILPATRICK

Ms. KILPATRICK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. KILPATRICK. Yes, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. KILPATRICK of Michigan moves to recommit the bill, H.R. 3289, to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 51, after line 11, insert the following new section:

SEC. 3007. (a) LIMITATION.—None of the funds made available in this Act under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND" may be provided in a form other than loans.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to the obligation of the initial 50 percent of the funds referred to in such subsection.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes in support of her motion to recommit.

□ 1400

Ms. KILPATRICK. Mr. Speaker, I rise to recommit the bill and ask that the Members please look at this closely. Here we have an amendment before you to recommit that would require that 50 percent of the funding for reconstruction be given in a loan, and we have had much discussion over that, although we did not finish the discussion. Because Iraq has at least $2 trillion of oil reserves in the ground it is anticipated that they will be able to cultivate over the next year, because Iraq will have the wherewithal over the next 5 years to repay much of their debt, the question before us is should we require 50 percent of our reconstruction funds be repaid back?

It is very disturbing to this Member that we are worried about Iraq's debt and not worried about our grandchildren's debt. This is a very straightforward amendment that would ask that 50 percent of our reconstruction dollars be in the form of a loan to Iraq. We have talked about it quite a bit, and it is because the long-term tax burden will be great on our own United States citizens that we do this at this time so that we will see, in our own efforts, that half of the money for reconstruction be given back to the American taxpayers to lighten their burden over the next several years. There are no surpluses projected for our own country over the next 10 years, and the least we can do is ask that half of the reconstruction money be in the form of a loan.

Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, the reason that I keep hearing over and over as to why the American taxpayer needs to give an additional $10 billion to Iraq in foreign aid cash is that when Saddam Hussein was in power, he accumulated approximately $130 billion in debt primarily owed to France and Germany. So if we put that additional $10 billion in loans on top of the $130 billion, then it is going to make it more difficult to pay back France and Germany. In other words, the American taxpayer needs to give cash in its foreign aid so that Iraq can save its oil revenue to pay back France and Germany. If you agree with that rationale, you should vote "no" on this motion to recommit. But if you think this $10 billion should be paid back to America to build schools, roads and bridges in this country, then vote "yes" on the motion to recommit.

Ms. KILPATRICK. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, $87 billion is a lot of money to add to our already exploding debt. There is no question we will be in Iraq for a long time at great additional expense to American taxpayers. Many of us are willing to make tough choices to pay for these costs. The cost of freedom and justice is great, but it demands great commitment and sacrifice by all of us who enjoy its benefits. Since the leadership of this body will not even allow us to consider options to pay for these costs, the least we can do is require a portion of the spending on rebuilding Iraq to be repaid by those who will benefit most from that spending. Every dime we spend in Iraq will come from borrowed money added to our national debt. It is extremely irresponsible for us to expect the young men and women who are making great sacrifices in Iraq today to also bear the burden of the financial debts for rebuilding Iraq once they return home.

I urge a vote for this motion to recommit.

Ms. KILPATRICK. And so, Mr. Speaker, we ask Members to support the motion to recommit. Are we going to take care of the taxpayers of America and our children and our health centers and our roads and bridges? Are we going to allow a country who has $2 trillion in oil reserves in the ground not to pay us back at a time when our country sees no surpluses and will, in fact, be in debt over the next 10 years? I urge a vote of "aye" on the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Florida (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, I plan to use about 30 seconds for myself and to say that we have debated this issue over and over and over again. During the debate on the rule, we have heard that we did not give you enough debate. We just spent 3 days, almost, on this one subject alone. The House dealt with this issue already. The House rejected this proposal, and we are going to reject it again today.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, 37 times in the 1990s President Clinton put our troops in harm's way. Thirty-seven times. In none of those cases were we asked to pay the money up-front. Eleven times the Congress, led by the Republican side, gave the money that President Clinton wanted to pay for those 37 deployments after the fact. Eleven emergency supplementals. Eleven times. We also cut the Defense budget by $43 billion to pay for those deployments. Where is the consistency? None of those deployment costs, none of them, were made in the form of loans. All of them were allocations directly from the appropriations by this body.

I say to our colleagues on both sides of the aisle, we did it 37 times for President Clinton. Thirty-seven times we voted for those supplementals to support those deployments. This time we need to fund the support for President Bush and to solve the problem in Iraq.

Mr. YOUNG of Florida. Mr. Speaker, I yield the balance of my time to the gentleman from Arizona (Mr. KOLBE), distinguished chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations.

Mr. KOLBE. Mr. Speaker, as we come to the end of this debate, as the gentleman from Florida pointed out, we have debated this issue many times. Let me, once more, reiterate why this is a bad idea to do this through a motion to recommit.

First of all, there are, of course, the technical reasons. The amendment states that 50 percent of the obligations from the Iraq reconstruction funds must go in the form of loans, but there is no authority to provide those loans. There is an implication, but there is no actual authority provided in this recommittal motion. It is not clear whether the amendment intends the loans to be guaranteed, whether it is mixed financing, what form of loans they would be in. The terms of the loans are not at all clear. Are we talking about no interest for 50 years? Are we talking about repayment over 25 years? How would they be repaid? There are a lot of the questions that remain on the technical issues. It puts a lot of faith, frankly, Mr. Speaker, in the Office of Management and Budget and the President to interpret what the Congress would do here with this very simple, very broad loan authority and to make a determination as to what that actually means.

But there are the substantive arguments that I think are more important, and I know my colleagues have listened to me say this several times here in the last 3 days on the floor, but, again, let me point out, in testimony before the Subcommittee on Foreign Operations, Export Financing and Related Programs, General Abizaid, the Central Command commander, when asked how important are the dollars for the troops as opposed to the dollars for reconstruction, he said in very clear terms, every dollar that we spend on reconstruction is just as important as what we spend on our troops, that if we really want to have our troops come home, if we really want to protect them, if we really want to have them carry out their mission, then the dollars for reconstruction are an absolute, vital part of it.

Mr. Speaker, you cannot separate what we are doing militarily in Iraq in that region, you cannot separate it from the dollars that we are spending on reconstruction. They are both a part of our national security objectives. They must go together.

Mr. Speaker, in closing, let me say there is only one thing we really ask from Iraq in terms of repayment. We ask for them to give us a stable, a free, a democratic government, a people committed to peace and security in the region that will help to bring about peace and security for all the peoples of that region and for the United States. What more repayment could we wish than that? And how can we achieve that better than by helping to speed the reconstruction process forward?

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 191, noes 235, not voting 8, as follows:

[Roll No. 561]

AYES—191

Abercrombie
Ackerman
Alexander
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chabot
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larson (CT)
Lee

Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—235

Aderholt
Akin
Allen
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carter
Case
Castle
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Capps
Clay
Greenwood
Jones (OH)
Marshall
McKeon
Putnam
Souder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1428

Mr. PETRI changed his vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall votes and would like the RECORD to reflect that I would have voted as follows: Rollcall Nos. 553—"yes"; 554—"yes"; 555—"yes"; 556—"yes"; 557—"yes"; 558—"no"; 559—"no"; 560—"yes"; 561—"no."

The SPEAKER pro tempore. The question is on passage of the bill. Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 303, nays 125, not voting 7, as follows:

[Roll No. 562]

YEAS—303

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McNulty
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—125

Abercrombie
Baird
Baldwin
Ballance
Becerra
Bell
Berry
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Carson (IN)
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Duncan
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kildee
Kilpatrick
Kleczka
Kucinich
Larson (CT)
LaTourette
Lee
Lewis (GA)
Lofgren
Majette

Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Petri
Rahall
Rangel
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Stark
Strickland
Stupak
Tancredo
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Capps
Clay
Jones (OH)
Marshall
McKeon
Putnam
Souder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1436

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I take this time for the purpose of inquiring about the schedule.

Mr. Speaker, at this time I yield to my friend the distinguished majority leader for the purpose of discussing the schedule for the coming week and perhaps the weeks thereafter.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman from Maryland yielding to me.

Mr. Speaker, the House will convene on Monday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of today.

On Tuesday, the House will convene at 9 a.m. for morning hour and 10 a.m. for legislative business. We may consider additional legislation under suspension of the rules. We also hope to have the conference report on H.R. 6, the Energy Policy Act of 2003, ready for consideration.

In addition to that, there is a chance that we could consider a number of appropriations conference reports, as well as the Department of Defense authorization conference report.

Members should also be aware that we will likely move a continuing resolution next week, as the current one expires on October 31.

Finally, I would like to make all Members aware that we may be working into the late evening on Tuesday as we work to complete these important pieces of legislation. I urge Members to plan accordingly.

Mr. Speaker, I will be happy to answer any questions the gentleman may have.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the majority leader for his information.

Just to reiterate for the Members, am I correct that we will have votes starting at 6:30 on Monday?

Mr. DELAY. That is correct.

Mr. HOYER. Then we will be going in at 9 a.m. on Tuesday?

Mr. DELAY. That is correct.

Mr. HOYER. Which is different, a little earlier. I thank the gentleman for that.

The continuing resolution, Mr. Leader, you point out there will be a continuing resolution that, perhaps, will be considered next week. The current one goes to October 31.

Can you tell the Members what date you contemplate the continuing resolution going to?

Mr. DELAY. If the gentleman will yield further, we have not consulted with everyone yet, and certainly we will consult with the minority, but in talking to the other body, our goal would be to complete the first session by November 7. So, hopefully, the continuing resolution would match that timetable.

Mr. HOYER. So am I correct then that the contemplation would be that the CR that we would consider next week would go until November 7? I know that is not firm, but is that your current thought, that that would be the objective?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding further. We are talking to the committee now, and really have not decided what that would be. I would assume that, at the very least, the CR would be until November 7, but there may be other CRs under consideration.

Mr. HOYER. Reclaiming my time, with respect to the appropriations conferences, I know the chairman is on the floor, but could the leader tell us which conference reports are most likely to be on the floor and will those be, I take it, single in nature, that is to say, a conference report on one of the appropriations bills, as opposed to an omnibus bill or a multiappropriation bill piece of legislation?

Mr. DELAY. If the gentleman will yield further, this is a very difficult thing to predict with any level of certainty. It does appear that the more likely candidates for conference reports are the four appropriation bills that are now in conference. Off the top of my head, I think they are Labor-HHS, Military Construction, Energy and Interior. The other body has not passed six of their remaining appropriations bills.

Mr. HOYER. Reclaiming my time, I will certainly not ask you which party is in charge of the other body. That might not be an appropriate question on the floor of the House. But having said that, Mr. Leader, the chairman, again, being on the floor, I am on the Labor-HHS committee, and I have not attended any meeting of any conference committee on the Labor-HHS bill. You say it is in conference. Where?

Mr. DELAY. If the gentleman will yield, I am not advised as to any meetings that are going on. I am sure I can convey the gentleman's interest in going to meetings. I know of his love for meetings. But we have encouraged the Committee on Appropriations to get these conference reports done.

☐ 1445

All we can do on our side: our Members are ready to go. The other body has their own problems that I cannot discuss here, but as soon as we can get the two sides together, hopefully, they will have those meetings and the gentleman will be invited.

Mr. HOYER. Mr. Speaker, reclaiming my time, I am sure if it is up to the chairman of the Committee on Appropriations I will be; but in a nonhumorous, but still friendly way, we are very concerned on this side, Mr. Leader, when we hear you announce that there are conferences going on, that conference reports may come out and, to our knowledge, we have not been invited to any conferences. We have not sat down to try to resolve differences in the bills.

As the gentleman knows, the labor-health bill in particular was very controversial on this side of the aisle. We want obviously to participate and try to resolve those differences and try to address those deficiencies that we see. Therefore, in light of the fact that we are going to be leaving tonight, tonight is Friday, not coming back until Monday night, and if we have a conference report, presumably that has to come out and the staff work is going to be done, because we cannot have a conference Tuesday morning or Monday night; no conference has been called as far as I know on the labor-health bill, and we cannot have the committee staff do its work between Tuesday morning if we had a conference and Tuesday afternoon, that just will not work, for us to consider the conference report.

So we have a concern on our side of the aisle, Mr. Leader, in terms of how conferences are being carried out and, frankly, the definition of what a conference is now-a-days. A conference seems to be the appointment of conferees on either side of the aisle, and then the ranking Republican, either of the committee or subcommittee, meeting with the ranking Republican or

Chair of the committee or subcommittee in the other body; and that is now called a conference. That may be a meeting of your side of the aisle, but it is not our perception that that is a conference as we have historically known it.

When we were in charge, frankly, I did attend on a regular basis conferences with both sides of the aisle, with my ranking member when I chaired the Subcommittee on Transportation, Treasury and Independent agencies, and where the gentleman from Michigan (Mr. DINGELL) and his ranking member attended when they had conferences. I do not mean that they did not discuss things, but I think it is appropriate for us to voice that concern.

Next, on the Iraq supplemental which we have just passed, do you expect a motion to go to conference next week on that? I yield to the leader.

Mr. DELAY. Mr. Speaker, I believe the other body is prepared to complete consideration of their bill, hopefully, this afternoon; and assuming they finish and request a conference, I would expect us to be able to appoint our conferees when we return next week.

Mr. HOYER. The gentleman mentioned also, Mr. Leader, reclaiming my time, the energy conference report. How likely is it that we will have that on the floor next week? Is the gentleman pretty confident that that will be here? I yield to the gentleman.

Mr. DELAY. Mr. Speaker, from all of the numerous meetings that have been held, it is my indication that progress on that bill has been very encouraging. A lot of hard work has been done on the Energy Policy Act, and we have every expectation that we could consider that bill next week.

If the gentleman will further yield, I would just point out to the gentleman, as the gentleman knows and the other Members, but especially to the new Members to this body, when we get into an end-of-the-session like this, these things are very hard to predict. Once a decision is made on a bill, it could usually come straight to the body for a vote, but sometimes these bills take quite a bit of time to work out the differences between the two Houses.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for that information. I would reiterate, having discussed with the gentleman from Michigan (Mr. DINGELL), who is, of course, the dean of this House and has 50 years of experience in this House, his concern that he is not sure what is going on in the conference on the energy bill. He is not sure what the schedule is on the energy bill. Neither his staff nor he know what product is going to be reported out.

Again, we are meeting next week for maybe, if we go late into the night, maybe 10 hours, 15 hours next week, and without really having had the opportunity to be fully involved in that conference. As a result, if that happens, our conferees on our side are not going to have any time to consider that substantively, not to mention the Members who will not have time to consider it in a very substantive way.

So I do not think there is any way to solve it now, because as far as we know, there have been no meetings of the conference scheduled. We have not been noted for conferences either Saturday, Sunday, or Monday. So that if something is going to happen, it apparently is going to happen without a formal meeting of the conference if that conference report comes to the floor on Tuesday.

I do not know whether the gentleman wants to comment on that. That is just our concern, Mr. Leader.

Mr. DELAY. Mr. Speaker, if the gentleman will yield.

Mr. HOYER. I am glad to yield.

Mr. DELAY. Mr. Speaker, the gentleman's concern is duly noted. And as the gentleman knows, at the end of a session like this, there are conferences and meetings going all over the place trying to get these bills wrapped up for the end of the session, and formal notices and appropriate notices will go out in a timely fashion so that Members will have time to understand what is in these bills before they vote on them.

Mr. HOYER. Mr. Speaker, reclaiming my time, I am not sure how that is going to happen, Mr. Leader. I hope it happens. I hope the gentleman's representation is carried out, but it is hard to see in the next 72 hours how that can be effected, not counting the balance of today.

In any event, can the gentleman tell me if the gentleman expects the conference report to include the Clear Skies initiative? Does the gentleman have knowledge?

Mr. DELAY. Mr. Speaker, is the gentleman asking me if the Clear Skies initiative is going to be in the energy conference report?

Mr. HOYER. Yes, sir. Does the gentleman know that?

Mr. DELAY. If the gentleman will yield.

Mr. HOYER. I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I have no knowledge and have not been advised as to what is in the conference report that has not been completed. So when I know, the gentleman will probably know.

Mr. HOYER. Mr. Speaker, I do not know, but I do know that our conferees again who have not been included in the discussions are very concerned about an issue that is rumored to be included in the conference report that has not been debated at all by either the conferees or by the House. So I raise that concern and would hope that the gentleman would raise that concern with the Chair of the conference committee.

I know today is the day the congressional Republican leaders have articulated as the day that they would complete the conference on the Medicare prescription drug bill. Could the majority leader bring us up to date on the status of that and when, if the gentleman expects between now and November 7, for that conference report to be brought back to the House. I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. On the Medicare conference, a lot of meetings have been held. Progress is being made. But as the gentleman knows, this is a very, very complicated issue with a whole lot of different, moving parts; and it is a very difficult issue to bring together. But even with the time frame that we have and have laid out, as far as timing as to when we might be able to finish that, I really cannot tell the gentleman with any degree of, any level of certainty. Work is going on. Those that want a bill are working very hard to get one, and we just hope that they can get it done before the end of this session.

Mr. HOYER. Mr. Speaker, reclaiming my time, of course, as the gentleman knows, we all would like to have a bill; but there are, obviously, differences of opinions as to what ought to be included in that bill, which always makes the legislative process difficult and time consuming. But this is another example, Mr. Leader, whereon Mr. BREAUX and Mr. BAUCUS on the Senate side have been included, to some degree, in the conference. However, on this side, none of our Members have been included in meetings related to the policies that ought to be included in the conference report.

I have mentioned now the appropriation bills, the energy bill, and now the prescription drug bill. It is of great concern to us that there is an obvious pattern of not including the minority, who are appointed conferees by the Speaker, not including them in discussions. And in light of the fact that there are no meetings formally of conferences and are not noted for conference meetings, it is impossible for us to know, A, what is going on; B, to have input; and, C, reach any kind of an agreement which might make the passage of prescription drugs, child care tax credits, an energy bill, appropriations bills, or any other legislation on behalf of the American public, made easier. I do not know if there is anything further the leader can say on that.

Mr. DELAY. Mr. Speaker, if the gentleman will yield, the Members will have every one of their rights protected when it is time for the conference to formally act on a bill. Certainly they will be included. As the gentleman knows, around here, the meetings that are being held in different areas and in different subsets of Members are being held with Members that want a bill and are trying to get a bill done, rather than to obstruct a bill. And Members' rights are always protected whenever they want to change a bill, substitute it, or whatever; and in the formal meetings of a conference, they can do so. But it wastes everybody's time, quite frankly; the reason for a conference committee is to be small with just a few Members so that we can work it out and get it done in an expedited manner. So those meetings are being held with Members who want to get a bill to the floor and to the President.

Mr. HOYER. Mr. Speaker, reclaiming my time, I do not want to be very confrontational, and I do not think these colloquies ought to be confrontational; I think it is a good discussion, but I think the gentleman needs to know honestly our view on this.

Let me remind the gentleman of the Patients' Bill of Rights. It passed the 106th Congress of this House with some 60-plus Republicans. However, the gentleman indicates that conferences are being held with people who want to pass a bill. The Speaker, as the gentleman knows, appointed over two-thirds of the Republican conferees who voted against the bill, and that bill never came out of conference. We were not surprised. In the 107th Congress, we were precluded from having a bipartisan bill because the gentleman from Georgia (Mr. NORWOOD) concluded that he was going to withdraw from discussions with the gentleman from Michigan (Mr. DINGELL) on that.

So with all due respect, Mr. Leader, if you make a judgment that you are not going to include people that you think do not have the same view that you have or that your chairmen have or that your Chairs of subcommittees have, then calling them conferences, we believe, is not appropriate. They may be meetings; they may be meetings of the Members of your side of the aisle who have responsibilities for the bills, but they are not conferences in any classic sense of bringing together the two Houses and all of the conferees who were appointed by the Speaker, not by us.

Conferees are appointed by the Speaker. We are not given any notice of hearings, we do not attend any hearings. And for the gentleman to say that people are meeting, we do not doubt that. We think the gentleman is absolutely right. We hear about those meetings. We read about those meetings. We read about the large conference on the energy bill when the gentleman from Louisiana (Mr. TAUZIN) and Mr. DOMENICI get together and talk. We think that is appropriate. They ought to do that. They need to do that. It is their responsibility. But it is not a conference from our perspective. And there is not an opportunity for us to sit down and represent the point of view that we bring to the table, that we have been elected to put forth.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I am glad to yield to my friend.

Mr. DELAY. I would just remind the gentleman, again, that formal conferences are held. When the formal work of the House, through its conference committees are to be done, at that particular time, Members that oppose the bill will have all of their rights protected, and they can go to those meetings and participate in the conference process.

But in order to get a bill, particularly a bill as complicated as an energy bill or the Medicare bill, it has never been, even when the gentleman's party was in the majority, it has never been the practice of having big, huge conference meetings and debates on a daily basis or a regular basis. These things are worked out with those who want a bill and then presented to the full conference in the light of day so that people can express themselves, and it is brought to this floor for further debate.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for his observation; and, obviously, he and I disagree as to how this process occurred when we were in charge and how it is occurring now. But the gentleman and I have both had the privilege of being on the Committee on Appropriations for many years.

□ 1500

Mr. HOYER. The gentleman from Texas (Mr. DELAY) is now, as the majority leader, not on the committee because he has been elevated to his present position. But the gentleman and I have sat in many conferences together, he on one side of the aisle, me on the other side of the aisle, in which we had probably 30 members of the Committee on Appropriations from our side, usually eight or nine from the majority side, 12 or 15, so 20 to 25 Members, and discuss issue by issue and go through it. That is what we expect the conference to be, because that is what we expect the democratic process provides in a conference committee to resolve differences that might exist.

Mr. DELAY. Mr. Speaker, would the gentleman yield? I just remind the gentleman from Maryland (Mr. HOYER) in that particular case the gentleman is absolutely right. But everyone sitting at that table, at the time, wants a bill. And they work hard to get the bill rather than try to kill a bill. So, it is very easy to work in that configuration as the appropriators usually do.

And when everybody comes together and everybody knows that they are trying to get a bill and want a bill to be brought to the House, they are included. And it is no different than any other conference.

Mr. HOYER. Mr. Speaker, reclaiming my time, I want to assure the majority leader we want a prescription drug bill. We have been fighting for a prescription drug bill, but that does not necessarily mean we want your prescription drug bill. We want a bill that has the support of the majority, the American people, and that we believe we can have. We are fighting for such a bill.

We want an energy bill. We think this country needs an energy bill, certainly in light of the August 14 blackout in the northeast. We think we need to address that issue.

So let me assure the gentleman from Texas (Mr. DELAY) that we want to see these bills passed. But let me also assure the gentleman that if the condition preceding to having a conference in which we are included is saying that we will agree to it as it passed the House, if we oppose it, that is neither a reasonable request on your part, I believe, nor is it the expectation of either side that they be included in a conference only on a condition that they will agree to what the leadership wants to do.

I think we have probably discussed this sufficiently, but it is a real concern that we are not including both sides in these conferences. Because on the energy bill, I do not believe there has been a conference nor does the gentleman from Michigan (Mr. DINGELL) as we understand a conference. But we have a different view, perhaps.

Mr. Speaker, unless the majority leader wants to make additional comments, I would yield back the balance of my time.

ADJOURNMENT TO MONDAY, OCTOBER 20, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–136)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect beyond October 21, 2003, to the Federal Register for publication. The most recent notice continuing this emergency was published in the Federal Register on October 18, 2002.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property of interests in property that are in the United States or within the possession or control of United States persons and by depriving them of access to the United States market and financial system.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 16, 2003.*

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. MUSGRAVE). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TROOP/VETERANS AMENDMENTS BLOCKED BY HOUSE LEADERSHIP FOR CONSIDERATION OR DEFEATED ON HOUSE FLOOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, well, that was a quite a week's work for the United States Congress. We just managed to add $87 billion to the debt of the United States of America if this legislation stands in conference with the Senate. $87 billion will be borrowed to continue the conflict in Iraq and to build a vibrant new economy for Iraq, roads, bridges, highways, telephone systems, 9/11 ports, a lot of things that we could use here in the United States, investment that if it was made in the United States, would put more than a million people to work.

But in the wisdom of the Republican majority in the House, this will be money that will be borrowed and spent in Iraq. They would not allow us to convert it to loans. One gentleman from Indiana famously stood up with an amendment to convert it to loans last night. He knew his amendment was not going to be made in order. He got an hour to debate it and then went away like a sheep when his amendment was not allowed, did not even challenge the ruling of the Chair, did not even try to get a vote. And then when he was offered a chance to vote on a democratic amendment to turn it into a loan because they have $7 trillion of oil reserves, he voted no.

People like that are going to have to explain that to their constituents. How is it more important that the working people of America assume billions of dollars of debt, that people for three generations are going to repay over the next 30 years for the people of Iraq so they may prosper, so they may better exploit their $7 trillion of oil reserves, and we cannot ask them to contribute to that process. It is not about war damage. It is about the damage done to their economy by a brutal dictator.

Here are a few things that were not in the bill. Even though we are borrowing $87 billion, it did not include $4.6 billion transferred from rebuilding Iraq to quality-of-life enhancements for our troops so they can have potable water, health and dental screening, postdeployment health care coverage for the Guard and Reserve, prepaid phone cards, transportation home on leave, they would not allow that. It was more important to borrow the money and spend it on Iraq.

An amendment to increase imminent-danger pay for the troops, the American men and women serving over there. And family separation allowance, prepaid phone cards, and $25 million in loans to Reservists who own small businesses disrupted by this deployment. That was not in the bill because it was more important to borrow and spend the money to rebuild Iraq and to benefit the Iraqi people.

An amendment to add $1.8 billion for veterans health care was not part of this bill. An amendment to add $1.8 billion, another, a second one, by reducing the Iraqi construction account for veterans health care was not allowed.

I guess we know where the parties stand. We hear a lot about the Republicans are with the troops. They may be good at wrapping themselves in the flag, but when it comes to putting the money and their vote where the troops are, they are not there. They are AWOL. And they were AWOL on these amendments. They were AWOL on the amendment to add the Armed Forces Tax Fairness Act to the bill. It would not have taken any money away from the Iraqi people, but would have given benefits to the people in the Armed Forces here.

An amendment to provide additional compensation to Guard and Reserve members, an amendment to provide Guard and Reserve members medical and dental screening upon being called to active duty, tricare coverage to certain Reserve members. An amendment to increase the basic pay of Reservists by $1,000 a month.

An amendment, this one was quite an amendment, it was a tie vote, so that means that any person who voted against it on that side of the aisle, and 99 percent of them did, to give a $1,500 bonus to those serving in Iraq or Afghanistan, and it would have come out of the foreign aid portion, the build-Iraq portion of this budget.

So the Republican majority decided it was more important to give more money to a country with $7 trillion of oil reserves than it was to give a $1,500 bonus. I guess they have not talked to their Reservists who have been called up. I have. Many of them have taken huge cuts in pay. They are putting their family businesses at risk, if they have family businesses. Yeah, they may get their jobs back when they return, but they are never going to make up for that income.

This would have just been a fraction of what many of them lost. But, no, they could not do that. It was more important to give $20 billion to the Iraqi people to build their infrastructure, their roads, their bridges, their health care, their education system, their sewer, their water systems, things that we could use across America.

An amendment to reimburse any servicemember or any family who purchases protective body armor. We voted $79 billion last April, we borrowed, the House of Representatives, the Senate, the President, borrowed $79 billion for this war last April, and it did not include the body armor. Well, the money was there, yes. But Rumsfeld did not order it because he said, oh, the troops are not going to be there long enough to need it, and people are going to greet them by waving little tiny American flags. So he just did not order the body armor. It is not that they did not have the money. They did not order it. They did not order the armored Humvees for our troops.

What they have not done is incredible, but what they have done is even worse. They have indebted the people of the United States of America for $87 billion, most of it to benefit the residents of another nation and not here in America.

DISAGREEING WITH THE PASSAGE OF H.R. 3289

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I think we need to put in perspective what just happened and unfolded on the floor of the House. And I think it is important to share this with the CONGRESSIONAL RECORD because that is what we are sharing with this afternoon, the journey that we just took and the importance and the monumental statement that we made today.

Just for a slight bit of history and fairness to the debate, might I just say that I opposed the War Resolution of 2002 on the basis of facts. The first question was whether or not the administration made its case on the existence of weapons of mass destruction and whether or not the United States was under imminent attack.

Though I am trained to be polite, and I do not want to say I told you so, clearly this war was not about weapons of mass destruction which have not yet been found, and clearly the United States with the condition of Saddam Hussein and the poorness of his country were not about to be imminently attacked. But the war did occur.

And so I disagree with the majority leader, it is not war. The war against terrorism is our war. And that war had the embrace of the world leaders and nations after 9/11. And we blew up that coalition by going singly, unilaterally without a Constitutional vote in a war against Iraq. We broke the coalition. We broke the friendships and the alliances around the war against terrorism. The war against terrorism is our mutual vote. But there is no suggestion that Iran or Iraq or Korea is anymore engaged in the war against terrorism that would have warranted a preemptive attack against Iraq. But yet our young men and women went forward to the front lines, our neighbors or friends, our sons and daughters, and we rallied around them.

I take issue with the majority leader who would question any Member's patriotism because we refused to go down the rosy path of destruction and foolishness of this administration. How dare you suggest who is unpatriotic and who is not? Yes, I support the troops, and you cannot dare tell me I do not. What have you done?

This past weekend I spent many, many hours with troops in the Middle East, young men and women who did not care whether or not their names were cited. They wanted us to know that there is no exit strategy, that they have been there for 7 and 8 and 9 months and no one will tell them when they can go home, that there are no jobs for them to do there in terms of their particular responsibilities, that the part of their work is over, and yet they still cannot go home, that carpenters and painters and electricians are being used as police officers to knock open doors. Why not the Iraqi police?

When they ask about their pay, Reservists and National Guard, they cannot even get paid proficiently and efficiently. But yet, Madam Speaker, today the majority of this Congress voted $3.2 billion for security and law enforcement in Iraq, $1.3 billion for justice public safety and civil society infrastructure, $5.65 billion for electrical generation, and $2.1 billion for oil infrastructure, and $4.3 billion for water resources.

□ 1515

Of course we should help rebuild Iraq; I am not an isolationist. As we should Liberia and Haiti. But it is interesting how you can find little help and little resources for them.

This U.N. Security Council resolution that we are bragging about, it is a paper tiger. There is no commitment of troops. There is no fresh infusion of troops. The RAND Corporation said that if we were going to have the number of troops that we needed, we needed 350,000 troops on the ground. We have barely 130,000. We do not have fresh troops to be able to put in so our other troops can go home. And then on top of that we have a situation where we are not paying our troops.

So my amendments regarding making sure they get paid, not allowed. My amendments saying there should be an exit strategy, not allowed. My amendment to prohibit funds to be used until there is an exit strategy, not allowed. My amendment that would restore back to Condoleezza Rice the right to coordinate the funds to oversee the President's plan, stricken or not allowed. They have language in there that says she cannot control the monies, and she has been put over the plan that should be rebuilding Iraq.

My amendment to separate the vote, meaning vote from the troops separately from the rebuild so that we can collaborate in the Madrid conference, not allowed. None of the serious amendments allowed on the basis of supporting our troops was in order. We were stopped in our tracks.

I am glad to say that most of the American people have enough sense to know that this is a foolish, misdirected, and unfortunate policy of the United States. I hope we will come together on behalf of the troops. And how dare you suggest that any of our patriotism should be questioned.

MISGUIDED POLICY OF NATION BUILDING IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Madam Speaker, I want to spend a little bit of time this evening talking about the bill that we spent 3 days debating. That is the $87 billion appropriations bill that we just voted on and passed, not so much that I want to rehash what we did during these 3 days as much as to make a point that we ought to be debating something other than the technicality of how to spend $87 billion of the taxpayers' money. And that has to do with overall policy.

I think so rarely we deal with policy and we deal only with technicality and accounting and an attempt made at oversight. So I would like to spend a little bit of time emphasizing a different type of foreign policy that we have become unaccustomed to. Because there was an American foreign policy once well known to us, to our country and especially to our founders, a policy of nonintervention. Today, and essentially for a hundred years, we have been following a policy of foreign intervention, that is, that we assume more than I believe we should overseas. And I object to that because I see it as not gaining a constitutional mandate as well as I see it as being a great danger to us both in the area of national defense, national security, as well as the economic dangers it presents.

The debate has ended, it is said, with this vote; but in many ways I think the debate is only really getting started. The debate has been going on a long time dealing with Iraq.

It did not even start after 9–11. It is true within weeks after 9–11 the Project for New American Century saw this as an opportunity to bring forth their suggestions that they had made many years ago, and they have been agitating forth for over 10 years, and that is to go into Iraq; and they saw this as an opportunity. But actually, this debate has been going on even a lot longer. Certainly since the first Iraqi war in 1990 and the persistence of our bombing of Iraq, as well as the embargo and boycotts of Iraq served to do a lot of internal damage to the Iraqi people.

But the debate, instead of ending, I think is really just starting. Because the vote today, although it was overwhelmingly in support of the $87 billion, I noticed a lot more people in the Congress voted against the appropriations reflecting probably the views of many taxpayers in this country who are very reluctant to spend this kind of money overseas, especially if they perceive what we are doing is not being very productive. And not only do we have to deal with whether or not what we are doing is productive or not, but the final analysis will be, can we afford it?

It may be that the lack of affordability may bring us to our senses before the logic of a foreign policy. That might make more sense than what we have been doing. Before the Iraqi war, the 18 months, actually there was a pretty strong debate here in the Congress. Several of us, quite a few of us, got to the floor and talked about the potentiality of war and why we thought it was a bad idea. My conclusion in October of 2002, 6 months or so before the invasion, was that we should not go in to Iraq. And it was a deeply held conviction, not only philosophically, because of a strong belief I have in nonintervention and the restraints that are placed on us by the Constitution, but also because I was convinced that our national security was not threatened by Saddam Hussein and that 9-11 had nothing to do with Iraq and Iraq had nothing to do with 9-11 nor Saddam Hussein. And I think the events since that time have proven that assumption to be correct.

There is no evidence that Saddam Hussein was capable of fighting or invading anybody. There was no resistance and he had been shooting at our airplanes for over 12 years and never hit one of them. To assume he was a threat to the world was, I think, overblown. Those are the reasons why I so strongly objected to it.

Now, the argument goes that whether or not we supported the war at the beginning, we should support the troops now. The troops are there and if you vote against the appropriations, it means that you lack support for the troops. Well, this is not true; and those who argue that case know it is the case, that it is not true because the funding that is already in the pipeline is certainly enough for several months of leaving and coming home. And so that argument just does not hold water. And besides, if you really talk to the troops, and now we are getting so much more information from the troops, if you ask them whether there is somebody in the Congress that votes to have them come home, whether that indicates a lack of support for them, I think you would get a very clear answer. Probably a very large number, if not all of them, would like to come home tomorrow and they do not see a lot of benefit by the sacrifices that are being made over there. But I think if the support for the war is weak, why are we there? What drives us? And what drives our foreign policy?

Basically, we have come to the acceptance, at least especially throughout the 20th century, of accepting the notion that we have some moral obligation to make the world safe for democracy. And we have heard so much about this that we are over there to spread democracy. Well, if you look to the Constitution, there is no grant of authority even to the Congress or to the President that that should be a goal. That does not mean that our values should not be looked upon and spread; but to be done through the military and by force, that is an entirely different story.

What we are involved here now with our intervention in Iraq and Afghanistan and other places, we are involved in nation-building. And nobody in this country campaigns, whether it is for the Presidency or for a congressional seat or a Senate seat, nobody goes out and says, Elect me to Congress because I want to get into the business of nation-building. Nobody does that and yet really that is what we are talking about today.

We are very much involved in nation-building in Afghanistan, and the successes there are very shaky. We probably occupy one city and not much more. And everybody reads daily about the shakiness of our occupation of Iraq. And we are very much involved in internal affairs of other nations, the kind of thing our founders said do not get involved in. Do not get involved in the internal affairs of other nations. Stay out of entangling alliances. And we are very much involved. The entangling alliance that I had the strongest objection to is the entangling alliance with the United Nations.

So although it was seen by the world that we went into Iraq by defying the United Nations, if anybody would like to check and go back and look at the authorization for the use of force which was a transfer, illegal transfer of power to the President to pursue war, the United Nations was cited 16 times. There was a need to enforce the United Nations resolution. That was the justification for the Congress to transfer this power to the President in allowing him to make his own decision.

Well, that is technically flaunting the Constitution and that the proper method for us going to war is for the Congress to declare war, and then, of course, go out and win the war. But the authority comes from the people to the Congress and the Congress cannot transfer this power and this decision-making to the President under a majority vote in the legislative body.

There have been others, in particular the neo-conservatives who have been very influential in foreign policy the last several years and who have been associated with the Project for a New American Century. They have been explicit in their goals. And one of their explicit goals has been to redraw the lines of the Middle East and to have preemptive regime change. These are serious beliefs that they have; and everybody has a right to their beliefs. Their beliefs that we have this obligation to remove regimes that we do not like and to redraw lines and to spread our way of life and our democracy by the use of force, they sincerely hold those beliefs; and I sincerely disagree with them.

But I believe that the Constitution is on my side and not on their side. And when we do what they want and what we have done and have been doing, it is dangerous. It is dangerous to our security. It is dangerous to our financial situation and our economy. And it is a tremendous drain on so many taxpayers here trying to struggle and make a living.

There are others who influence our policy, and it is not the conspiracy buffs that had coined the phrase "the military industrial complex." And everybody knows where that phrase came from. But it is alive and well. Believe me, it is alive and well. There is a tremendous amount of influence by those who make profits, refurbishing the weapons they get, rebuilding the bombs, rebuilding the airplanes and lining up at the trough to see how they will get to participate in this $87 billion that has just been recently appropriated.

□ 1530

This is one of the reasons why I think the debate just in these last couple of days on whether or not the money would be a loan or a grant really did not have a whole lot of merit. I happen to have supported all the amendments that said it should be a loan, not a grant, but it does not make a bit of difference because the likelihood of a country like Iraq, that does not have a government, being able to make a promise and then pay us back, we generally never get paid back anything. So that to me was a red-herring argument that was sort of one of the tactical or accounting arguments that occupied a tremendous amount of time here by avoiding the bigger issue on whether or not it is a proper role for the United States to be telling the rest of the world how to live and it is our obligation to nation-build and our obligation to redraw the lines of the Middle East. That is the bigger question, and this is the debate I hope to hear that we have on this floor some day.

The policy of interventionism, I think it is dangerous as instead of reducing the odds of a terrorist attack, I believe it increases the odds of a terrorist attack. When I see us occupying Saudi Arabia, having an air base on land which is considered holy land, occupying the Persian Gulf that has a lot of oil, and it has been said we are there to protect our oil, that it would be equivalent to the Chinese coming in to the Gulf of Mexico and saying we do not have enough oil. And if they happen to be stronger and that they could come over and say, well, we are more powerful, we need imports, we are going to protect our oil in the Gulf of Mexico, we will have our Navy in the Gulf of Mexico, and if we need to we are going to put air bases in Florida and Texas and wherever. And then if the Chinese come in and say, well, your way of life is not our way of life, and we should teach you a better system, that is what I see as being equivalent to us being in the Persian Gulf occupying the Arab lands, and especially, now, Afghanistan and Iraq.

In other words, no matter how well-intended those individuals are who drive our foreign policy and drive these expenditures and drive our military around the world, no matter how well-intended under these circumstances, if what I am saying is correct, there is no way it is going to work, and the sooner we admit it and the sooner we discover it is not going to work, the better it is for all of us and the less killing that is going to occur.

So I am strongly suggesting that we here in the House someday get serious about talking about the big picture, the strategic picture, the philosophic picture and the Constitution, deciding what we really should be doing in our foreign policy.

Some people say, well, it sounds to me like what you are advocating is isolationism, and nobody wants to be an isolationist. When they throw that term out, it is usually done there to try to discredit those individuals, like myself, who are arguing the case for nonintervention. Isolationism is quite a bit different. Isolationism is those who want to put barriers on trade and travel in exchange of ideas. That is true isolationism. That is mercantilism and protectionism. That is not what I am talking about, and that is not what nonintervention is.

Nonintervention in foreign policy means we do not impose our will on other people, something that a lot of very conventional politicians have talked about for years as a matter of fact, especially when they are campaigning.

I would like to quote from the memoirs of George Bush, Senior, which he wrote, and they were published approximately 5 years ago, dealing with Iraq and what he thought about it, about the invasion of Iraq and why he did not go into Iraq. This comes from A World Transformed. This is George Bush, Senior. He says, Trying to eliminate Saddam would have incurred incalculable human and political costs. Apprehending him was probably impossible. We would have been forced to occupy Baghdad and, in effect, rule Iraq. There was no viable exit strategy we could see, violating another of our principles. Furthermore, we had been self-consciously trying to set a pattern for handling aggression in the post-Cold War period. Had we gone the invasion route, the United States could conceivably still be an occupying power in a bitterly hostile land.

That comes from George Bush, Senior. That is not coming from me, who has always had great concern about our military activity. I think that is sound thinking and sound advice, totally ignored.

In the campaign before the last Presidential election, our President said, If we are an arrogant Nation, they will resent us. If we are a humble Nation but strong, they will believe us. If we are a humble Nation, they will respect us as an honorable Nation.

I think we have lost a little bit of our humility, to say the least, and, as of now, I do not think that our reputation has been enhanced, especially in the Arab-Muslim world, and that concerns me because it is this lack of civility between countries and the antagonism which leads to conflicts and hatreds and killing and guerrilla wars which we are fighting right now.

I express my concern about the way we went to war because it was a transfer of power from the Congress by mere vote, which circumvented the Constitution, rather than a declaration of war, and I base my concern on the fact that we have had a lot more trouble in the last 50 years when we quit declaring war and at least prior to that the wars we declared, they came to an end.

Look at Korea. We did not declare war there. We went there under a U.N. resolution. We are still there. We spent over $1 trillion, and we are still in conflict with North Korea, and it is a serious problem, and we do not trade with them.

Going into Vietnam, we went once again into Vietnam without a declaration of war. It really came to no resolution other than the fact that we walked away. We had to get out because we were not winning. The determination to win was not there because the Vietnamese were not a threat to our national security. Nobody was going to declare war, but look at the difference.

We are still in North Korea. That was under a U.N. resolution, and just look at what has been achieved by leaving Vietnam. They have become Westernized and, to a degree, capitalized. They are more capitalistic. We trade with them, making the point that it is very, very hard to impose our will and our system of values on somebody with the use of arms, but by the willingness of trade and exchanges with people and ideas, they are more likely to come in our direction. So the difference between the 10 terrible years in the 1960s, as we lost 60,000 men and achieved nothing, compared to the next decade or two, how we have become more friends with the Vietnamese, there is a powerful message there if we would listen to it and pay attention to it, but no, since that time we have continued to go into many areas.

I think this was a problem going into Iraq in 1990. It was an undeclared war. It was a U.N. war. It did not end it. It continued and it is still continuing into its 15th year, and here we are still arguing over the financing which I think is at very early stages. How long will we be there and how many men are going to die and how is it going to end? I am convinced as long as we follow this principle of foreign interventionism that we take it upon ourselves to spread democracy around the world, we are going to be running into trouble like this.

James Madison early on in 1798 gave us some advice about the Presidential power and congressional power to go to war, but he was explaining why it was important to keep it in the hands of the legislative body. He says, The Constitution supposes what the history of all governments demonstrate, that the executive is the branch of power most interested in war and the most prone to it. It has accordingly with studied care vested the question of war in the legislature.

That is what our Constitution did, but because now it has drifted from the legislature, we allow our Presidents to do more than they should be able to do, and then we allow them to incorporate this into United Nations' mandates. It means that the people have lost their control.

How do the people stay involved in this? In one way, they pay the bills and the young people die. That is what is at stake. Our economy's at stake, our young people are at stake and our freedoms are at stake because we allow the prerogatives that were explicitly given to the Congress to drift away and get into the hands of the executive branch and into the United Nations. We do not declare war. We do not win them. They persist, they last a long time, and this is the reason why we should really and truly talk about how do we get out of this mess, instead of just expanding the mess, how do we get out and restore a policy that makes a lot more sense.

The famous General, General Douglas MacArthur, who knew a lot about war, also had advice to us about how to handle the issue of war, and he said, The powers in charge keep us in a perpetual state of fear, keep us in a conscious stampede of patriotic fervor, with a cry of grave national emergency. Always there has been some terrible evil to gobble us up if we did not blindly rally behind it by furnishing the exorbitant sums demanded. Yet, in retrospect, these disasters seem never to have happened, seem never to have been quite real.

Here is a man who knew about World War I, World War II and Korea, and he was suggesting that they were overblown.

One thing that we did not talk about in the debate of the $87 billion was a $600 million appropriation. It is not written in there explicitly, but there is a $9.3 billion authority to transfer funds over into the Pentagon and more or less having a slush fund to spend just about any way they want without any significant congressional oversight, but the $600 million has been asked for and will be achieved through this appropriation to continue the search for weapons of mass destruction. They have spent $300 million for six months, with 1,200 individuals combing the entire country of Iraq, and nothing has been found. So typically, American style, modern America, that is, double the amount of money, double the number of people and keep searching, because something will be found.

My answer is, what if you do find something? What does it prove? Does it prove that he was a threat to our national security? No way. Does it prove that it was a relationship to Iraq and 9/11? No way. So this obsession is for saving face and nothing more. If there was a major nuclear or chemical weapon available that was about to be unleashed against us, it would have surely been found by now, but that was not debated, but I am sure that search will go on, and "when something is found," and I put that in quotes, there will be a lot of questions asked. More questions will be asked than answers given.

I guess early this week we also had another vote that emphasizes my concerns, because it again is going in the wrong direction, and that was the vote we had on Syria. A couple of us voted against this. Syria is a hard country to defend, and I am not going to defend Syria. I am defending the Constitution, and I am defending nonintervention, but the Syrian resolution was more or less the first major step in the direction of war against Syria.

This is exactly what the project for a new America century wants. Syria is on their list and the sanctions put on Syria are essentially a prelude to war because that country, as part of the axis of evil, we have to get rid of that regime and they are helping the Iraqis so, therefore, war is coming, and I just cannot see how the average American is sitting around worrying about the Syrians, but they said the Syrians, there may be some people going back and forth from Syria and participating in the guerrilla war in Iraq, which may well be true, but then again, what about other borders?

There is a border between Pakistan and Afghanistan. Pakistan's on our side, Afghanistan is half and half, but right on that border is Osama bin Laden most likely.

□ 1545

And he is probably in Pakistan. So do we decide that we have to go after Pakistan? No, we recognize that the borders are uncontrollable.

Here we are putting sanctions on Syria because we do not like the way they are handling their borders, but there are a lot of people in this country who would like to see us do a better job with our own borders. We do not have control of our own borders, yet here we are putting on sanctions and initiating another step towards war against Syria because we are not satisfied with what they are doing.

We cannot achieve some of these goals that we have set for ourselves through force. We have what comes close to an obsession with democracy. You hear it constantly. We are over in Iraq because we are going to make it a democracy. Well, democratic elections are the way we all get here; but this obsession with democracy, well, democracy means there is a ruling of the majority. But what if the majority does not support freedom?

I would like to see a time come to this place where we talk a lot less about democracy and more about liberty. Liberty is where the minority is protected. Under democracy, the majority is protected, and they can obliterate the minority. And this, in a sense, is what we keep talking about. But let us say they do not want democracy. Are we going to force it upon them? It looks like that is our goal; that we will, by gosh, force them into it if we have to.

I have come to the conclusion that you cannot achieve this through the force of arms and that if you are participating in an unwelcome occupation, you cannot change a culture, you cannot change religious values, you cannot change a legal system. We would not accept the Chinese trying to tell us to live like the Chinese; and we are just as strange and different in Iraq as the Chinese would be here. So even with this grand motivation, it is a lost cause; and the sooner we own up to it, the better.

If we want Iraq and other countries to act more like we do, it can be done; and that should be a goal. But there is a difference. There are two different ways we can do it. One, we can force people to do things and the other way is we can try to talk them into doing it in a voluntary fashion. If we did an exceptionally good job and we had a truly prosperous economy, which I believe a free market would achieve, which we do not have, where the greatest number of people would have the greatest benefits, truly set an example, have democratic elections but obey a constitution that is designed to protect liberty and protect minorities, if we set an example, then I sincerely believe others then would be more inclined to emulate us and to see us as an example.

In a way, what happened in Vietnam, the achievement there without the Army was far better than the losses that occurred when we were trying to use force. But I just am worried about what is happening. I am worried about the expenditures. I am worried that the guerilla war is going to spread. I am concerned because I believe so sincerely that our policy of foreign intervention serves more to incite terrorists against our country than we will calm down by our being over there.

I am convinced that these articles that now appear in the media about the al Qaeda now having an easier time recruiting, I believe those stories. I believe them. Whether it is right or wrong, I do not want to get into that issue, but I believe they are true. And that is a practical reason why nonintervention is so much better than intervention. Intervention leads to trouble, and it leads to expenditures. It leads to debt.

It is such a grand idea that the Founding Fathers gave us about nonintervention and nonentangling alliances. It will do more to serve the cause of peace and prosperity than any other single change of any policy we could have here in this Congress.

I am a little bit encouraged, though, about the fact that the debate may be shifting. In the Congress, not yet. Not yet. There are not too many supporters, and I know that, for nonintervention, for a constitutional foreign policy, to looking to the Founders. It is considered old-fashioned, and that truths do not stay so static, and times are different, and we have this obligation, and all the reasons why we have this moral obligation to go about the world. But where I am encouraged is outside of this place, where the American people are getting concerned.

I would bet if we had a referendum in this country today with this $87 billion, I will tell you where I think that vote would have come down. I bet the American people would not have voted for it. I am convinced of that. But just yesterday, there was an announcement of a group that has organized that I find very fascinating and very encouraging. This group is called Coalition for a Realistic Foreign Policy.

I have a copy of their statement of principles. More than 100 individuals are involved, mostly professors and other academicians and think-tank people. I do not know if there are any politicians in there. Hopefully, no politicians will be involved. But this is important. This is important because they want to get together and try to change the tone and the nature of the debate. Now, are they liberals or are they conservatives? Are they libertarian or are they constitutionalists? All of them. It is a mixture. They do not want just the liberal flavor or just the right-wing conservative flavor. It is anybody who is willing to sit down and talk about the disadvantage, the practical disadvantage of this road to empire and why we come up on the short end and that this moral obligation of us policing the world really is not a wise idea.

I want to read a little bit from their statement of principles. It says: "We are a diverse group of scholars and analysts from across the political spectrum who believe that the move toward empire must be halted immediately. The need for a change in direction is particularly urgent because imperial policies can quickly gain momentum with new interventions begetting new dangers, and thus the demand for further actions. If current trends are allowed to continue, we may well end up with an empire that most Americans, especially those whose sons and daughters are or will be sent into harm's way, don't really favor.

"The American people have not embraced the idea of the American empire, and they are unlikely to do so. Since rebelling against the British Empire, Americans have resisted the imperial impulse, guided by the founders' frequent warnings that republic and empire are incompatible. Empire is problematic because it subverts the freedoms and liberties of freedoms at home while simultaneously thwarting the will of the people abroad. An imperial strategy threatens to entangle America in an assortment of unnecessary and unrewarding wars.

"There are ominous signs that the strategy of empire has already begun to erode our fundamental rights and liberties. More and more power is being claimed by the executive branch. And on the economic front," which is important in my argument, "on the economic front, an imperial strategy threatens to weaken us as a Nation, overextending and bleeding the economy and straining our military and Federal budgets."

Further reading on from the Coalition for a Realistic Foreign Policy: "The defenders of empire assert that the horrific acts of terrorism on September 11 demand that we assume new financial burdens to fund an expensive national security strategy, relax our commitment to individual liberty at home, and discard our respect for stated sovereignty abroad. Nothing could be further from the truth. Following 9–11, we should have refocused our attention on the very threats facing us in the 21st century. As a nation, we must not allow the events of 9–11 to be used as a pretext for reshaping American foreign policy in a manner inconsistent with our traditions and values and contrary to our interests."

And that is basically a brief outline of the principles of the Coalition for a Realistic Foreign Policy.

We have been told by some of our leaders that standing up for good against evil is very hard work and it costs a lot of money and blood, but they have gone on to say we are willing to pay. These are the politicians. This has been true for thousands of years. The politicians are always grandiose in their goals and their schemes and their plans for what they think is best for the world, and they are always willing to pay with dollars and blood.

But the politician never pays. Politicians here on the floor who are so anxious to go, many of them have not served, and many of them would not be very anxious to be serving over there. It is the politicians who promote the wars that rarely serve. The only way that anybody on this floor should ever vote to send our troops into harm's way is they should look at it in a very personal way. They should look at it in the sense of what would it be like if I would go there and I would be carrying a rifle on the front line, or I would be a target for some sniper. Do I want to be there? Is it worth that? Or would I send my son to do that, or would I send my grandson or my granddaughter to that type of danger?

It has to be personalized. Because if it is just, oh, we are willing to pay. Where does the money come from? We are flat-out broke. We have had the biggest deficit ever. Our dollar is going down on the market, and we are now assuming more liabilities. When we spend $87 billion in Iraq, that is literally taken out of our economy. Imagine how many jobs and how much improvement on the standard of living of Americans could occur with $87 billion, and at the same time believe sincerely that a policy of nonintervention would be the best policy for peace and prosperity.

I do not know how anybody could reject that policy. It is fantastic. It is the policy of free people. It is not the policy of empire. It is not the policy of imperialism.

But I am going to win this argument. Not because I am persuasive. I will win this argument that we have gone too far and have overextended. Sadly, I will win this argument because we are going to go broke. Because all great nations who believe that they can spread their will around the world, they always overextend; and then it virtually always leads to the debasement of the currency.

In the old days, they deluded the metal or clipped the coins. Today, it is more sophisticated, because we run up the debt, we send it over to the Fed, and they print the money. But that is debasing the currency, and it undermines the standard of living, already occurring with people on fixed incomes. So it will finally come to a halt, just as our intervention in Vietnam finally came to a sad halt. It did end. But the rest will come to an end when we can no longer afford it.

We should have greater faith and greater confidence in freedom. Freedom works. And that was the message of the Founders. That is the message of the Constitution. But we have lost our confidence. We have lost our way. We cannot even have one single problem exist throughout the country without coming here for another law.

I think it is time that free people gain some confidence, believing sincerely that we will all be better off, we will all be more prosperous, we will all be much freer, and we will all be much safer. And then, when we achieve that, then I believe other countries of the world will have a stronger desire to emulate us, rather than hate us.

□ 1600

MEETING OUR RESPONSIBILITY IN IRAQ

The SPEAKER pro tempore (Mrs. MUSGRAVE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. VAN HOLLEN. Madam Speaker, I opposed the President's decision to rush to war earlier this year. Many of us, at that time, warned of the high costs and difficulties of winning the peace that we face today in Iraq. But the President's poor decisions have painted our country into a difficult corner, and I believe that we now have a responsibility to provide funds and to maintain security on the ground in Iraq and to assist in the reconstruction of that country.

Let us not fool ourselves or the American people. It will not just be the tens of billions of dollars that we passed in the bill today. It will require billions more in the years ahead. We also have other responsibilities, to level with the American people and to pay for our efforts in Iraq in a straightforward and up-front manner. The President shirked the first responsibility by failing to prepare the American people for the true costs of the war and winning the peace.

Now, he seeks to escape responsibility for the second by putting those costs on our national credit card and running up huge deficits. Every penny of the $87 billion requested by the President is money borrowed from the next generation of Americans. His out-of-sight, out-of-mind approach to such important issues will end up costing our children down the road. We should not be waging war and peace by credit card. If we are willing to pay the price to defeat the scourge of terrorism, we must pay for it in an honest way. While the Bush administration has asked our troops and their families to make the ultimate sacrifice, the President has given the wealthiest Americans a huge tax cut. That is wrong. It is wrong to pass the buck to the next generation. It is wrong to ask the younger generation, including our troops and their children, to bear the burden alone. And it is wrong to shield the wealthiest Americans from paying their fair share.

We now face a huge responsibility gap in our government. It is the gap between those who understand that we now have a responsibility to establish stability in Iraq and help rebuild Iraq and who are prepared to pay for it the right way and up front and those who call upon the country in their rhetoric to pay any price in Iraq, but then run from responsibly paying that price. I filed an amendment in this House to fill that responsibility gap. It was an amendment to scale back the Bush tax cut for the wealthiest 1 percent of Americans to pay for the costs of the bill we passed today. Incredibly, the House leadership prohibited that amendment from even coming to a vote.

The President is asking the American people to invest billions of dollars of our money to build schools, hospitals, roads, electric grids and communications systems in Iraq when here at home our Federal, State and local governments are experiencing huge revenue shortfalls in this very difficult economy. The President's budget request of this year falls $9 billion short of what was promised by we, the Federal Government, just a year and a half ago to meet our obligations to America's schoolchildren under the No Child Left Behind legislation. Three out of five children in this country who are eligible for Head Start cannot receive help because of lack of funds. Years ago, the Federal Government pledged to cover 40 percent of ensuring that children with disabilities receive a good education in this country. That was the right thing to do. But today we are only paying 18 percent of what was promised. The same shortfalls occur in health programs, our national transportation infrastructure, job creation initiatives and a range of other important domestic needs. We must meet our needs here at home at the same time that we meet our international responsibilities in Iraq, Afghanistan and other places around the globe. We as a Nation, as a people, have enormous resources. We can meet both our domestic needs and our international responsibilities, but we must be prepared to pay for them. If we refuse to pay now for our efforts in Iraq by reducing portions of the tax cut to the wealthiest 1 percent of Americans, it will make it much, much harder to make the investments that we also must make in education, health, transportation and other needs here at home.

Already this year when many of us in the Committee on Education and the Workforce called for full funding for No Child Left Behind and for special education programs, we were told we did not have the resources because of the large tax cuts disproportionately weighted to the wealthiest. Adding this $87 billion to the deficit will make it even more difficult to meet those pressing needs. We must pay now for the costs of our efforts in Iraq. We cannot put everything on our national credit card.

The President, I believe, has totally abdicated his leadership responsibilities in this area. Our international responsibilities now require us to pay the price of leadership. Leadership is about setting priorities. The war in Iraq was a war of choice. Regardless of what any of us may think about how that choice was made, we now have a responsibility to pay for the consequences of that choice. The President, by refusing to honestly pay for the war and its aftermath, by refusing to reverse the tax cuts on even the wealthiest 1 percent of Americans, refuses to acknowledge the real costs of those choices.

There are some who argue that because the President has refused to scale back his tax cuts to pay for the war and its aftermath, those of us who believe we have a responsibility to provide security and aid in reconstruction of Iraq have no alternative but to support the President's request for $87 billion without conditions, that we have to go along with his plan to wage war and peace by credit card. That is a false choice, and, I believe, an irresponsible position. We have an obligation as a Congress to hold the President to a higher standard of leadership. If the President believes, as I do, that we now have an obligation to provide security and help rebuild Iraq, he should have the simple courage to ask the wealthiest Americans to give up some portion of the huge tax cuts to help pay for our efforts in Iraq. The choice is not between doing nothing and doing it the President's way. We should do it the right way.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARSHALL (at the request of Ms. PELOSI) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, October 20.

ADJOURNMENT

Mr. VAN HOLLEN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, October 20, 2003, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4801. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995, pursuant to 50 U.S.C. 1641(c) 50 U.S.C. 1703(c); to the Committee on International Relations.

4802. A letter from the Secretary, Department of the Interior, transmitting the revised Strategic Plan for the fiscal years 2003 to 2008, pursuant to the Government Performance and Results Act (GPRA); to the Committee on Government Reform.

4803. A letter from the Secretary, Department of the Treasury, transmitting the strategic plan for fiscal years 2003 through 2008 in compliance with the Government Performance and Results Act (GPRA); to the Committee on Government Reform.

4804. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled "Comparative Analysis of Actual Cash Collections to Revised Revenue Estimates Through the 3rd Quarter of Fiscal Year 2003"; to the Committee on Government Reform.

4805. A letter from the Chairman, U.S. International Trade Commission, transmitting the sixteenth report in a series on The Impact of the Caribbean Basin Economic Recovery Act (CBERA), pursuant to 19 U.S.C. 2704; to the Committee on Ways and Means.

4806. A letter from the Chairman, United States International Trade Commission, transmitting the ninth annual report on the Andean Trade Preference Act (ATPA) entitled "Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution," pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BUYER:

H.R. 3330. A bill to amend title 36, United States Code, to amend the Federal charter of the United States Olympic Committee; to the Committee on the Judiciary.

By Ms. CARSON of Indiana (for herself, Mr. OWENS, Mr. LIPINSKI, Mrs. NAPOLITANO, Mrs. JONES of Ohio, Mr. RYAN of Ohio, Mr. DAVIS of Illinois, Mr. HINCHEY, Mr. THOMPSON of Mississippi, Ms. LEE, and Mr. SANDERS):

H.R. 3331. A bill to amend the Consumer Credit Protection Act to protect consumers from unfair and deceptive practices by organizations providing debt counseling, debt consolidation, or debt settlement services, and for other purposes; to the Committee on Financial Services.

By Mr. BURTON of Indiana:

H.R. 3332. A bill to amend title XVIII of the Social Security Act to establish a safety net Medicare outpatient prescription drug program for indigent beneficiaries without other outpatient prescription drug coverage; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOYD:

H.R. 3333. A bill to exempt certain coastal barrier areas in Florida from limitations on Federal expenditures and financial assistance under the Coastal Barriers Resources Act, and limitations on flood insurance coverage under the National Flood Insurance Act of 1968; to the Committee on Resources, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT:

H.R. 3334. A bill to authorize the Secretary of the Interior to participate in the design and construction of the Riverside-Corona Feeder in cooperation with the Western Municipal Water District of Riverside, California; to the Committee on Resources.

By Mr. GILLMOR:

H.R. 3335. A bill to reduce the instances of releases from underground storage tanks by strengthening tank inspections, operator training, program enforcement, oxygenated fuel cleanup, and providing States greater Federal resources from the Leaking Underground Storage Tank Trust Fund; to the Committee on Energy and Commerce.

By Mr. GILLMOR:

H.R. 3336. A bill to clarify congressional approval of certain State energy production tax practices; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA (for himself, Mr. Shays, Mr. Marshall, Mr. Hastings of Florida, Mr. George Miller of California, Mr. Hinchey Mr. Blumenauer, Mr. Markey, Mr. Frank of Massachusetts, and Mr. Holt):

H.R. 3337. A bill to give livestock operators holding a grazing permit or lease on Federal lands in the State of Arizona the opportunity to relinquish their grazing permit or lease in exchange for compensation, and for other purposes; to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself and Mr. Osborne):

H.R. 3338. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina (for himself, Mrs. Tauscher, Mr. Taylor of Mississippi, Mr. McIntyre, Mr. Istook, Mr. Miller of Florida, Mr. Tiahrt, and Ms. DeGette):

H.R. 3339. A bill to expand upon the Department of Defense Energy Efficiency Program required by section 317 of the National Defense Authorization Act of 2002 by authorizing the Secretary of Defense to enter into energy savings performance contracts, and for other purposes; to the Committee on Armed Services.

By Mr. FILNER:

H. Con. Res. 305. Concurrent resolution expressing the sense of Congress that Major League Baseball officials should select Monterrey, Mexico, to host 25 percent of the total number of Montreal Expos games in the 2004 season as a gesture of goodwill between the United States and Mexico; to the Committee on International Relations.

By Mr. RENZI (for himself, Ms. Norton, Mrs. Christensen, Mr. Grijalva, Mr. Jefferson, Mr. Pastor, Mr. McIntyre, Mr. Moran of Virginia, Mr. Bereuter, and Mr. Frost):

H. Con. Res. 306. Concurrent resolution honoring the service of Native American Indians in the United States Armed Forces; to the Committee on Armed Services.

By Mr. HOEKSTRA (for himself, Mr. Rogers of Michigan, Mr. Dingell, Mr. Upton, Mr. Conyers, Mr. Camp, Mr. Kildee, Mr. Ehlers, Mr. Levin, Mr. Knollenberg, Mr. Stupak, Mr. McCotter, and Mrs. Miller of Michigan):

H. Res. 405. A resolution commending Michigan State University President Peter McPherson for his service to his country and his significant contribution to the financial reconstruction of Iraq; to the Committee on Education and the Workforce.

By Mr. KING of New York:

H. Res. 406. A resolution recognizing the 10th anniversary of the dedication of the Vietnam Women's Memorial; to the Committee on Armed Services, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 34: Mr. Bell.

H.R. 65: Mr. Jones of North Carolina.

H.R. 97: Mr. Jackson of Illinois.

H.R. 284: Mrs. Jones of Ohio.

H.R. 303: Mr. Toomey.

H.R. 331: Mr. Filner.

H.R. 391: Mr. Thornberry.

H.R. 645: Mr. Bishop of Utah, Mr. Gordon, and Mr. Otter.

H.R. 664: Mr. Sherman.

H.R. 742: Mr. Udall of Colorado, Ms. Ros-Lehtinen, and Ms. Granger.

H.R. 764: Mrs. Lowey, Ms. Loretta Sanchez of California, Mr. Tierney, Mr. Dicks, Ms. Linda T. Sánchez of California, Ms. Eshoo, Mr. Bell, and Mrs. Tauscher.

H.R. 791: Mr. Rehberg.

H.R. 806: Mr. Lucas of Oklahoma and Mr. Ryan of Ohio.

H.R. 839: Mr. Sweeney, Ms. Bordallo, Mr. Bell, Mr. Waxman, and Mr. Lantos.

H.R. 1155: Mr. Cardin, Mr. Levin, and Mr. Jackson of Illinois.

H.R. 1157: Mr. Ballance.

H.R. 1345: Mr. Grijalva, Mr. Acevedo-Vilá, Mr. Ross, and Mrs. Maloney.

H.R. 1372: Mr. Wu.

H.R. 1430: Mr. Schiff and Mr. Pastor.

H.R. 1482: Ms. Lofgren.

H.R. 1513: Ms. Berkley.

H.R. 1554: Mrs. Davis of California.

H.R. 1563: Mr. George Miller of California and Mr. Price of North Carolina.

H.R. 1592: Mrs. Jones of Ohio and Mrs. McCarthy of New York.

H.R. 1662: Ms. Harris.

H.R. 1749: Mr. Goss and Mr. Lucas of Kentucky.

H.R. 1755: Mr. Crane.

H.R. 1787: Mr. Lucas of Kentucky, Mr. Case, and Mr. Cox.

H.R. 1860: Ms. Schakowsky.

H.R. 1910: Mr. Cardoza, Mr. Acevedo-Vilá, Ms. McCarthy of Missouri, Mr. Gephardt, Ms. Ros-Lehtinen, and Ms. Majette.

H.R. 1916: Mrs. Jo Ann Davis of Virginia, Mr. Watt, and Mr. Tierney.

H.R. 1919: Mr. Holden, Mr. Hinchey, and Mr. Ruppersberger.

H.R. 1924: Mrs. Jones of Ohio and Mr. Miller of Florida.

H.R. 1943: Mr. Ballenger, Mr. Castle, Mr. Hoekstra, Mr. Stupak, and Mr. McIntyre.

H.R. 2021: Mr. Moran of Virginia.

H.R. 2038: Mr. Wynn.

H.R. 2047: Mr. Lewis of Georgia.

H.R. 2096: Mr. Israel, Mr. Sessions, Mrs. Maloney, Mr. DeMint, Mr. Lynch, Mr. Wilson of South Carolina, Mrs. McCarthy of New York, Mr. Baker, Ms. DeLauro, Mr. Gonzalez, and Mr. Burgess.

H.R. 2131: Mr. Platts, Mr. Dreier, Mr. Burton of Indiana, Mr. Brown of South Carolina, Mr. Coble, Mr. Doolittle, Mrs. Emerson, Mr. Gutknecht, Mr. Lucas of Oklahoma, Mr. Moran of Kansas, Mr. Otter, Mr. Peterson of Pennsylvania, Mr. Pombo, Mr. Abercrombie, Mr. Acevdo-Vilá, Mr. Bell, Mr. Cramer, Mr. Crowley, Mrs. Davis of California, Mr. Etheridge, Mr. Farr, Mr. Filner, Mr. Gonzalez, Mr. Honda, Mr. Lampson, Ms. Millender-McDonald, Mr. Ortiz, Mr. Pastor, Mr. Rodriguez, Mr. Sandlin, Mr. Skelton, Ms. Solis, Mr. Ballenger, Mr. Duncan, Mr. Ehlers, Mr. Frelinghuysen, Mr. Jenkins, Mrs. Johnson, of Connecticut, Mr. Kingston, Mr. Lewis of Kentucky, Mr. Ose, Mr. Rogers of Kentucky, Mr. Saxton, Mr. Shays, Mr. Smith of Texas, and Mr. Weldon of Pennsylvania.

H.R. 2203: Mr. Murphy.

H.R. 2244: Mr. Frelinghuysen.

H.R. 2246: Mr. Rodriguez, Mr. Engel, and Mr. Spratt.

H.R. 2255: Mr. Leach.

H.R. 2262: Mr. Rahall.

H.R. 2318: Mr. Deutsch.

H.R. 2366: Mr. McGovern and Mr. DeFazio.

H.R. 2394: Ms. McCollum and Mr. Larson of Connecticut.

H.R. 2402: Mr. McDermott.

H.R. 2517: Mr. Wilson of South Carolina.

H.R. 2519: Mr. Pascrell and Mr. Tierney.

H.R. 2638: Mr. Cantor.

H.R. 2694: Mr. Frelinghuysen, Mr. Neal of Massachusetts, and Ms. DeGette.

H.R. 2699: Mr. McCrery, Ms. Eddie Bernice Johnson of Texas, Mr. Burns, and Mr. Cantor.

H.R. 2700: Mr. Lynch and Mr. Emanuel.

H.R. 2719: Mr. Rehberg.

H.R. 2720: Mr. Regula, Mrs. Kelly, and Mr. Oxley.

H.R. 2816: Mr. Ackerman.

H.R. 2883: Mr. Payne.

H.R. 2915: Mr. Walsh and Mr. Kennedy of Rhode Island.

H.R. 2932: Mr. Honda and Mr. Sabo.

H.R. 2952: Mr. SHERMAN, Mr. ROTHMAN, Mr. DEFAZIO, and Mr. EMANUEL.

H.R. 2953: Ms. MCCARTHY of Missouri.

H.R. 3003: Mr. MCHUGH.

H.R. 3015: Mr. DEMINT, Mr. DAVIS of Illinois, Mrs. MUSGRAVE, Mr. BACHUS, and Mrs. BONO.

H.R. 3051: Mr. RYAN of Ohio, Ms. BERKLEY, Mr. TOWNS, Mr. GRIJALVA, Mr. MICHAUD, and Mr. REYES.

H.R. 3052: Mr. FOLEY.

H.R. 3069: Mr. DEMINT.

H.R. 3109: Mr. TIBERI.

H.R. 3122: Mr. MCHUGH.

H.R. 3125: Mr. CARTER.

H.R. 3130: Mr. HENSARLING.

H.R. 3160: Mr. TANNER.

H.R. 3190: Mr. BACHUS.

H.R. 3204: Mr. KANJORSKI, Mr. MCDERMOTT, Mr. HOLDEN, Mr. UPTON, Mr. WOLF, Mr. FROST, and Mr. GERLACH.

H.R. 3208: Mr. MEEKS of New York and Mr. RYUN of Kansas.

H.R. 3226: Mr. GRIJALVA and Mr. FROST.

H.R. 3228: Ms. ROS-LEHTINEN and Mr. WOLF.

H.R. 3235: Mr. JONES of North Carolina and Mrs. BLACKBURN.

H.R. 3237: Mrs. LOWEY and Ms. WOOLSEY.

H.R. 3242: Mr. HOUGHTON, Mr. ETHERIDGE, Mr. PASTOR, Mr. THOMPSON of Mississippi, and Mr. FOLEY.

H.R. 3243: Mr. GEORGE MILLER of California, Ms. ESHOO, Mr. GRIJALVA, Mrs. BONO, and Mr. FOLEY.

H.R. 3244: Mr. ETHERIDGE, Mr. CUMMINGS, Ms. WOOLSEY, and Mr. SCHIFF.

H.R. 3263: Mrs. WILSON of New Mexico, Mr. LAMPSON, Mr. PRICE of North Carolina, Mr. BOOZMAN, Mr. CUNNINGHAM, Mr. GOSS, Ms. HARRIS, Mr. GIBBONS, Mr. PLATTS, Mr. BROWN of South Carolina, Mr. COBLE, Mr. DOOLITTLE, Mr. LUCAS of Kentucky, Mr. MORAN of Kansas, Mr. OTTER, Mr. PETERSON of Pennsylvania, Mr. POMBO, Mr. ABERCROMBIE, Mr. ACEVEDO-VILÁ, Mr. BACA, Mr. BELL, Mr. CRAMER, Mr. CROWLEY, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. ETHERIDGE, Mr. FARR, Mr. FILNER, Mr. FROST, Mr. GONZALEZ, Mr. HONDA, Mr. MCNULTY, Ms. MILLENDER-MCDONALD, Mr. ORTIZ, Mr. PASTOR, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. SKELTON, Ms. SOLIS, Mr. WYNN, Mr. BALLENGER, Mr. DUNCAN, Mrs. EMERSON, Mr. FRELINGHUYSEN, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Mr. KINGSTON, Mr. LEWIS of Kentucky, Mr. OSE, Mr. ROGERS of Kentucky, Mr. SAXTON, Mr. SHAYS, Mr. SMITH of Texas, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. PETRI, Mr. BURR, Mr. BURTON of Indiana, Mr. HAYWORTH, Mr. LINDER, Mr. DREIER, Mr. COOPER, Mr. COSTELLO, Mr. EVANS, Mr. LARSEN of Washington, Mr. LIPINSKI, Mr. MENENDEZ, and Ms. VELÁZQUEZ.

H.R. 3270: Mr. WALSH.

H.R. 3275: Mr. ISRAEL, Mr. BERMAN, Mr. UDALL of Colorado, Mr. ALLEN, Mr. FROST, and Mr. RUSH.

H.R. 3276: Ms. WOOLSEY.

H.R. 3295: Mr. KANJORSKI.

H.R. 3306: Ms. LOFGREN.

H.R. 3323: Mr. PALLONE.

H.R. 3325: Mr. CASE and Ms. WOOLSEY.

H. Con. Res. 69: Ms. MCCOLLUM.

H. Con. Res. 87: Mr. GARY G. MILLER of California.

H. Con. Res. 126: Mrs. CUBIN.

H. Con. Res. 165: Mr. GARY G. MILLER of California.

H. Con. Res. 247: Mr. WAMP.

H. Con. Res. 266: Mr. ROGERS of Michigan.

H. Con. Res. 280: Mr. MARIO DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, Mr. JANKLOW, and Mr. BUYER.

H. Con. Res. 285: Mr. WOLF, Mr. GOODE, and Mr. EHLERS.

H. Con. Res. 288: Mr. TIERNEY, Mr. LANTOS, Mr. CROWLEY, Mr. LEVIN, Mr. BERMAN, Mr. DAVIS of Florida, Mr. SANDLIN, Mr. RAHALL, Mr. PALLONE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FROST, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. WYNN, and Mrs. TAUSCHER.

H. Con. Res. 292: Ms. CARSON of Indiana, Mr. ACKERMAN, Mr. BAIRD, Ms. KAPTUR, and Mr. MURPHY.

H. Res. 38: Mr. MCNULTY.

H. Res. 300: Mr. FLETCHER and Mr. DEMINT.

H. Res. 307: Mrs. DAVIS of California, Mr. ANDREWS, Mr. KUCINICH, and Mr. NADLER.

H. Res. 387: Mr. BERMAN, Mr. MCDERMOTT, Mr. MEEKS of New York, Mr. KENNEDY of Rhode Island, Mr. HOLDEN, Mr. HOEFFEL, Ms. LOFGREN, Ms. DELAURO, Mr. EHLERS, Mr. HONDA, Mr. RYAN of Ohio, Mr. KILDEE, Ms. MILLENDER-MCDONALD, and Mr. WYNN.

H. Res. 400: Mr. HYDE, Mr. SENSENBRENNER, Mr. FOLEY, Ms. BORDALLO, Mr. ANDREWS, Mr. LAMPSON, Mr. MURPHY, Mr. DUNCAN, Mr. KENNEDY of Minnesota, Ms. ROS-LEHTINEN, Mr. GRIJALVA, Mr. JOHN, Mr. QUINN, Mr. REYES, Mr. KING of New York, Mr. HOLDEN, Mr. LAHOOD, Mr. ALEXANDER, Mr. CAMP, Mr. RENZI, and Mr. WOLF.

SENATE—*Friday, October 17, 2003*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our rock, our fortress, and our deliverer, the author and fountain of all truth, Your name is holy and You are worthy of our praise. Thank You for Your love and power. You have been better to us, Lord, than we deserve. We thank You for unmerited mercies that are new each day. You have kept us from falling and our enemies have not prevailed. Purify not only our words but our thoughts, that our lives will be acceptable to You.

Bless our Senators as they labor for liberty. May they remember to call on Your name during moments of perplexity. Give them Your wisdom, and make them fruitful in their efforts to do Your will. And, Lord, sustain our military people who are in harm's way.

We pray this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will be proceeding immediately to a series of stacked votes on some of the pending amendments to the Iraq-Afghanistan supplemental. Last night, we were able to reach an agreement which has put us in a position to finish this bill today. Following the early sequence of votes, the chairman will be working on either clearing or scheduling for votes the other pending amendments.

In addition, under the order there are a few other amendments that may yet be offered. I ask those Senators who still intend to offer amendments to share those amendments with both sides so they can be reviewed. This will be helpful and allow us to schedule any necessary debate and votes in a timely way today.

The Senate will finish the bill today. We will remain in session until it is complete. A busy session is expected, and I ask for Members' patience as we approach the final hours of this bill. I remind my colleagues they should remain close to the Chamber throughout today's session to allow us to finish at the earliest hour.

During this morning's series of votes, all votes after the first will be 10 minutes in length. We will be closing these votes quickly, and it is imperative that Members remain in or around the Senate Chamber to avoid missing a vote.

Having said that, I believe we are ready to begin, and I thank Members for their patience and cooperation during this busy morning.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I thank everyone who has worked with us to get to this point. We have had a very good debate. We have many amendments to be considered today. I hope we can have a good debate on those that are yet to be offered.

We have tried to protect Senators who have indicated a desire yet to offer amendments following the stacked votes. I need to discuss with the majority leader his plans for the conference. Obviously, I have noted, both to him personally as well as publicly, that before we are able to go to conference, we need to have assurances that the Democrats will be at the table and that we will be working in conference, unlike what is now happening on energy as well as prescription drugs and other bills. So I will talk with him through today on that and hope to reach some accommodation with regard to the importance of having a full conference on this bill, given the differences that now exist between the Senate and House versions of the legislation.

I look forward to the votes ahead and appreciate everybody's help.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. TALENT). Under the previous order, the leadership time is reserved.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1689, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 1689) making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Byrd/Durbin amendment No. 1819, to prohibit the use of Iraq Relief and Reconstruction Funds for low-priority activities that should not be the responsibility of United States taxpayers, and shift $600 million from the Iraq Relief and Reconstruction Fund to Defense Operations and Maintenance, Army, for significantly improving efforts to secure and destroy conventional weapons, such as bombs, bomb materials, small arms, rocket-propelled grenades, and shoulder-launched missiles, in Iraq.

Bond/Mikulski amendment No. 1825, to provide additional VA Medical Care Funds for the Department of Veterans Affairs.

Durbin amendment No. 1837, to ensure that a Federal employee who takes leave without pay in order to perform certain service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

Daschle amendment No. 1854, to achieve the most effective means of reconstructing Iraq and to reduce the future costs to the American taxpayer of such reconstruction by ensuring broad-based international cooperation for this effort.

Reid (for Landrieu) amendment No. 1859, to promote the establishment of an Iraq Reconstruction Finance Authority and the use of Iraqi oil revenues to pay for reconstruction in Iraq.

Boxer modified amendment No. 1843, to make retroactive the relief of hospitalized members of the uniformed services from the obligation to pay for food and subsistence while hospitalized.

Reid (for Chafee/Leahy) modified amendment No. 1807, to provide for humanitarian assistance and reconstruction in Liberia.

Durbin amendment No. 1879, to provide funds for the prevention, treatment, and control of, and research on HIV/AIDS.

Corzine amendment No. 1882, to establish a National Commission on the Development and Use of Intelligence Related to Iraq.

AMENDMENT NO. 1837

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes evenly divided prior to a vote on the Durbin amendment No. 1837.

The Senator from Alaska.

Mr. STEVENS. This amendment would require Federal agencies to pay any difference between military pay and civilian compensation for employees of the Federal Government who are called to active duty. We have concerns about requiring all Federal agencies to absorb the cost of implementing this

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

program. The Congressional Budget Office estimates the initial cost is $80 million this year.

We have not opposed this amendment. I offered to take it to conference. The authors have demanded a vote. I will not oppose the vote. I intend to work with the two authorization committees that have jurisdiction over this matter, the Senate Armed Services and Governmental Affairs Committees, to ensure this is the appropriate policy to address the Guard and Reserve retention. I believe it will be modified in conference.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Of the nearly 1.2 million members of the National Guard and Reserve, 120,000, or 10 percent, are Federal employees; 14,000 Federal employees are currently mobilized and serving on active duty. We ask with this amendment that the Federal Government treat its employees the way State after State after State has decided to treat them. If they are activated, we will make up the difference in their lost pay, the difference between their pay as activated members of the military and what they would have earned with the Federal Government.

We know we are asking the Guard and Reserve to accept greater and longer responsibilities, with more hardship for their families. I would like to make it clear with a record vote this morning that we want the Federal Government to serve as an example for governments across America to stand behind the men and women in uniform, to make up their difference in pay, stand by their families, as they risk their lives to serve our country.

I urge my colleagues to give this a strong, overwhelming vote so the conference will stand behind it and this will become the law of the land.

Mr. STEVENS. Have the yeas and nays been requested?

The PRESIDING OFFICER. The yeas and nays have not been requested.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I call to the attention of the Senate there will be a normal time limit on this amendment. All amendments thereafter will be limited to 10 minutes, with 2 minutes equally divided, 1 minute each before each amendment. I urge Senators to stay in the Chamber so we can move on this bill as rapidly as possible.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The result was announced—yeas 96, nays 3, as follows:

[Rollcall Vote No. 390 Leg.]

YEAS—96

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—3

Inhofe
Kyl
Nickles

NOT VOTING—1

Lieberman

The amendment (No. 1837) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURBIN. Mr. President, I ask unanimous consent that Senator SARBANES be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1854

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes evenly divided on the Daschle amendment No. 1854.

Mr. STEVENS. Mr. President, this amendment will cap future funds for reconstruction unless the President certifies that additional funds are "equal to or exceeded by" an amount contributed by members of the international community. The President may waive the requirement if he deems it in the interest of national security. But part of this money is money for reconstruction and development of Iraq. The amendment will potentially impact on the momentum for reconstruction which, as we have said, is critical to bringing our troops home as soon as possible. I don't think you can have it both ways. I don't think you can support the troops for military operations and oppose reconstruction efforts.

At the appropriate time I intend to move to table the amendment.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, the essence of this amendment is really very simple. We have to demonstrate at some point that we are not alone, that we have help from the international community. We are going to have committed this year $166 billion in help for Iraq. That may be unprecedented. I don't know of another time in all of history when we have committed that much money to one country in 1 year. What this simply says is that from here on out, after that $166 billion is committed, the President needs to go to the international community and make the case and ask for help. That is all it does. It says we have to get some additional help from the international community after we have expended the $166 billion. But even if we don't get it, the President can come back and certify that it is still in our national interest for us to dedicate more of American resources to this effort.

I hope our colleagues on both sides of the aisle will support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. STEVENS. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 1854. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 391 Leg.]

YEAS—55

Alexander
Allard
Allen
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Landrieu
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)

Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—1

Lieberman

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STEVENS. Mr. President, we have a 10-minute limit and that vote went over again.

The next amendment is the Landrieu amendment.

AMENDMENT NO. 1859

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes of debate equally divided prior to the vote on the Landrieu amendment No. 1859.

The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, on October 14, an amendment offered by the Senator from North Dakota was tabled by a vote of 57–39. This is a similar amendment.

This amendment states that no further funds will be committed for reconstruction beyond those in the underlying bill; all future reconstruction funds must come from revenues from Iraqi oil production.

They could not spend any State Department money. They could not spend any Defense Department money—no funds except from moneys secured through oil production.

This is another one of those amendments that will slow down the momentum of reconstruction in Iraq and really is another amendment that possibly will delay the return of our troops.

I intend at the proper time to make a motion to table this amendment.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

Mr. President, with all due respect to the chairman, who is doing a good job of leading us through this bill, I say emphatically this amendment is in line with Security Council Resolution 1483, which was drafted in large measure by this administration when we lifted the sanctions on Iraq. Resolution 1483 passed by the Security Council was a U.S.-led effort.

This resolution says we should use the oil reserves in Iraq for Iraq's reconstruction. This resolution says we should ask Iraq to be a partner, not a begger. This resolution says we should not create a welfare state in Iraq but we should create a strong and vibrant democracy.

Iraq, at conservative estimates, can generate $40 billion a year, and it could go up to $100 billion a year.

Mr. BIDEN. Mr. President, I rise in support of the Landrieu amendment. The amendment would require the President to direct the Coalition Provisional Authority in Iraq to establish, in consultation with the Iraqi Governing Council or a successor entity in Iraq, an Iraq Reconstruction Finance Authority. The authority would be required to obtain financing for the reconstruction of Iraq's infrastructure from three sources: First, issuing securities or other financial instruments; second, international loans; and third, collateralizing this debt with revenue from future sales of Iraqi oil.

This amendment does not require a single dollar of Iraqi oil revenue to be paid to the United States to reimburse us for the substantial costs we have already paid and will continue to pay to stabilize and rebuild Iraq. Instead, it establishes a body in Iraq that would be designed to use future oil receipts as collateral to fund Iraq's reconstruction after the $20 billion in this bill is expended. That is a critical distinction and it is why I am supporting this amendment.

Because of the huge investments that will be required to increase Iraqi oil output beyond pre-war levels of 2.5 to 3 million barrels per day, we should not expect that collateralizing future oil receipts will significantly impact the huge investments that we will continue to have to make even after we pass this bill. Iraqi oil is not the bonanza that it was advertised to be by some in the administration prior to the war.

I would have preferred to give the President the option to set up the Iraq Reconstruction Authority rather than requiring him to as the amendment does, and I would have preferred giving the authority the option to collateralize oil rather than requiring it to do so. However, I believe that the Senator from Louisiana has written her amendment in such a way that it meets my fundamental concern that we not be perceived as attempting to "steal" Iraqi oil.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAFFEE). The Senator's time has expired.

Ms. LANDRIEU. Senator LEVIN, Senator DORGAN, and Senator STABENOW offer this amendment for the Senate's consideration.

Mr. STEVENS. Mr. President, I move to table the amendment and ask for the yeas and nays, and I ask that the Chair instruct the clerks to deliver to the Chair this vote at the end of 10 minutes.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 1859. The clerk will call the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 392 Leg.]

YEAS—52

Alexander
Allard
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Chafee
Chambliss
Cochran
Coleman
Collins
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Feingold
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—47

Akaka
Allen
Baucus
Bayh
Biden
Boxer
Breaux
Byrd
Campbell
Cantwell
Carper
Clinton
Conrad
Cornyn
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—1

Lieberman

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1843

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to the vote on Boxer amendment No. 1843.

The Senator from Alaska.

Mr. STEVENS. This amendment, which we offered to accept, deals with reimbursement for the costs of services and food to military personnel while in the hospital. We offered to accept the amendment, but the Senator demands a vote. I have already accepted the amendment so I would renew my request that we pass it by a voice vote.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. The amendment I have offered would continue the good work of Congressman BILL YOUNG, Senator STEVENS, and Senator GRAHAM. It would reimburse our troops, who are injured and in hospital, for the meals they were charged for. What we have done previously, with the help of Senator STEVENS, is prospectively say they will not be charged for meals, but those who went into Afghanistan and Iraq are getting hit with $200 and $300 bills. Maybe they lost a leg or an eye and when they come out they go back to their job. One was a sheriff who got hit with a $200 bill. This would completely remove that burden. I would ask that there be a recorded vote.

The PRESIDING OFFICER. The yeas and nays were previously ordered.

The question is on agreeing to amendment No. 1843. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 393 Leg.]

YEAS—99

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—1

Lieberman

The amendment (No. 1843) was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1879

The PRESIDING OFFICER. Under the previous order, there are 2 minutes equally divided prior to the vote on the Durbin amendment.

The Senator from Illinois.

Mr. DURBIN. Mr. President, this is the morning's headline in the Washington Post: "Global Fund Slows Aid."

That is aid going to fight HIV, tuberculosis, and malaria. There is not enough money to fight the global epidemic which, like no other, threatens this Nation and every nation on Earth.

Don't take my word for it. A quote from Secretary of State Colin Powell before the General Assembly just days ago:

> AIDS is more devastating than any terrorist attack, any conflict or any weapon of mass destruction.

We promised $3 billion in the authorization bill to fight global AIDS. We have failed to come up with that money. The President of the United States promised that he would pledge $15 billion over 5 years to fight global AIDS. We have failed to come up with the money. Over 70 Members of the Senate voted, saying we will stand for $3 billion this year even if it breaks the budget. And we failed to come up with the money. With this amendment, $879 million will move out of the reconstruction part of Iraq into the global AIDS fight. The House has already cut $20.6 billion out of this bill. Certainly we can come up with the $800 million needed to keep our word to the world.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senate has already defeated a similar amendment by a vote of 71 to 24 on July 17. This amendment would cut funding that will help bring our troops home from the region at the earliest possible date.

Mr. President. I ask unanimous consent that a letter dated October 16, 2003, to Chairman STEVENS from Joseph O'Neill, Deputy Coordinator and Chief Medical Officer, Office of the Global AIDS Coordinator, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, October 16, 2003.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN STEVENS: It is my understanding that an amendment regarding funding for HIV/AIDS, tuberculosis and malaria may be offered today to the Fiscal Year 2004 Supplemental Appropriations bill currently under consideration on the Senate floor.

I want to reiterate the Administration's strong support for the Fiscal Year 2004 budget request of $2 billion for all international HIV/AIDS, tuberculosis and malaria activities, including $200 million for the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria, as part of the President's larger commitment to spend $15 billion over the next five years through the Emergency Plan for AIDS Relief. I also want to highlight that it is by careful design that the President's Fiscal Year 2004 budget request is for $2 billion.

The cornerstone of the President's Emergency Plan for AIDS Relief is its focused approach to use $9 billion in new funding over the next five years to bring comprehensive and integrated HIV/AIDS prevention, care and large-scale antiretroviral treatment to 14 countries in Africa and the Caribbean. These countries are home to nearly 70 percent of HIV-infected persons in Africa and the Caribbean and 50 percent of the HIV-infected persons in the world. There are considerable challenges inherent in meeting the bold goals the President has set for these 14 countries which must be addressed in the early years of implementation. We believe it is important to ramp up spending on these countries in a focused manner, increasing the amount spent each year to efficiently and effectively create the necessary training, technology, and infrastructure base needed to deliver appropriate long-term medical treatment in a sustainable and accountable way.

Similarly, the U.S. Government's support for the Global Fund to Fight AIDS, Tuberculosis and Malaria is strong. Currently, the United States is responsible for 40 percent of all contributions made to the Global Fund. We have reached a critical time in the Global Fund's development, and other nations must join the United States in supporting the work of the Global Fund.

For the reasons stated above, the Administration strongly opposes any efforts to increase funding beyond the $2 billion requested in the President's Fiscal Year 2004 budget. I appreciate your support on this issue and look forward to the continued strong bipartisan support of the Senate in ensuring the success of this lifesaving initiative.

Sincerely,
JOSEPH F. O'NEILL, MD, MPH,
Deputy Coordinator and Chief Medical Officer, Office of the Global AIDS Coordinator.

Mr. COCHRAN. Mr. President, the Senate should reject the amendment. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the motion to table amendment No. 1879, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 394 Leg.]

YEAS—56

Alexander
Allard
Allen
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—43

Akaka
Baucus
Bayh
Bingaman
Boxer
Byrd
Cantwell
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl

Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—1

Lieberman

The motion was agreed to.

Mr. REID. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1882

Mr. STEVENS. Mr. President, I ask the Chair to lay before the Senate the Corzine amendment No. 1882.

The PRESIDING OFFICER. The amendment is pending.

Mr. REID. Mr. President, I could not hear.

Mr. STEVENS. Mr. President, I ask unanimous consent that on this matter there be 20 minutes under the control of Senator ROBERTS, 5 minutes under the control of Senator ROCKEFELLER, and 5—whatever time Senator CORZINE requests.

Mr. REID. I ask Senator CORZINE, how much time do you desire on your amendment? You spoke last night.

Mr. CORZINE. I would presume 10 minutes.

Mr. REID. Ten minutes.

Mr. STEVENS. And 10 minutes for Senator CORZINE, and there be a vote in relation to that amendment upon the expiration of that time, with no amendments in order to this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

Mr. STEVENS. Let's have the Chair state the understanding of the time limitation. Can the Chair state the time limitation?

The PRESIDING OFFICER. Eighteen minutes for the Senator from Kansas, Mr. ROBERTS—

Mr. STEVENS. No. That is 20 minutes, Mr. President.

The PRESIDING OFFICER. Twenty minutes for the Senator from Kansas, Mr. ROBERTS; 5 minutes for the Senator from West Virginia, Mr. ROCKEFELLER; and 10 minutes for the Senator from New Jersey.

Mr. STEVENS. With no amendments in order. That is my unanimous consent request.

Mr. CORZINE. Reserving the right to object, I could not hear.

Mr. REID. You have your 10 minutes.

Mr. STEVENS. It is 20 minutes for Senator ROBERTS, 5 minutes for Senator ROCKEFELLER—

The PRESIDING OFFICER. And 10 minutes for the Senator from New Jersey.

Mr. STEVENS. Senator ROCKEFELLER, 5 minutes. Twenty minutes for the Senator from Kansas. Ten minutes for the Senator from New Jersey. There are five Members sharing the 20 minutes.

Mr. CORZINE. I know we will have some Members who want to speak. I wonder, could we increase the 10-minute agreement to 15 on my side?

Mr. STEVENS. We have no objection. We can change the Corzine limitation to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding that following the disposal of that, by vote, we would move to the Byrd-Durbin amendment No. 1819. It is my understanding that Senator BYRD would speak no longer than 20 minutes on that amendment. There would be no other limitation of time. I ask my friend from Alaska if he would approve that.

Mr. BIDEN. Reserving the right to object, did you say the Byrd amendment?

Mr. REID. Byrd-Durbin amendment.

Mr. BIDEN. Byrd-Durbin, I am sorry. I would like some time on that amendment.

Mr. REID. The only limitation, Mr. President, on my unanimous consent request would be Senator BYRD speaking no longer than 20 minutes. Of course, there would be no amendments in order, and there would be a vote on or in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. The limitation applies only to Senator BYRD; is that correct?

The PRESIDING OFFICER. That is correct.

Without objection, it is so ordered.

AMENDMENT NO. 1882

The PRESIDING OFFICER. Who yields time?

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I rise to express my very strong opposition to the Corzine amendment, not in terms of intent but in terms of substance.

Mr. President, I yield 2 minutes to a distinguished member of the Senate Intelligence Committee, a new Member of the Senate who has had a great deal of experience serving as a valued member of the House Intelligence Committee, Senator CHAMBLISS.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in strong opposition to this amendment. The amendment establishes bad policy. Let me tell you why.

I had the privilege of serving on the House Intelligence Committee for 2 years. I had the privilege of serving under Chairman PORTER GOSS in the House. I served side by side with now ranking member JANE HARMAN. We did an outstanding job in the House Intelligence Committee of conducting oversight work of the intelligence community worldwide.

I have had the privilege of serving under the strong leadership of Chairman ROBERTS and Vice Chairman ROCKEFELLER in the Senate Intelligence Committee, and, once again, they have led a terrific effort from an oversight perspective of the intelligence community, whether it is Iraq, whether it is North Korea, whether it is any other issue. They have done a great job in a bipartisan way.

I have to commend all members of the Senate Intelligence Committee. We have asked the tough questions time and time again because that is our job. We are charged with the responsibility of conducting this oversight.

Now to send this outside the Intelligence Committees establishes simply bad policy and moves the intelligence community in the wrong direction.

I was a member of the Joint Inquiry Committee that was established last year between the House and Senate Intelligence Committees to look at 9/11. That Joint Inquiry Committee was unable to function properly because most of the real hard substantive issues are classified issues. No joint committee can really do their work without having the availability of classified information.

The Senate Intelligence Committee and the House Intelligence Committee have the availability of that classified information at their fingertips. That is the way the system is designed to work. That is the way it should work. That is the way it is working. It is working properly, and it is working in a very bipartisan way.

Whatever the intelligence failures were involved in Iraq will be disclosed. Whatever the wrong things that were done will ultimately be disclosed. But it has to be done within the right framework. And that right framework is within the Intelligence Committees of the House and the Senate.

Again, I commend the strong, bipartisan leadership of Vice Chairman ROCKEFELLER and Chairman ROBERTS. They are leading us in the right way on this issue, and that is the way it needs to continue.

So I urge my colleagues to vote against this amendment.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I yield an additional 2 minutes to the distinguished Senator from Mississippi, another valued member of the Senate Intelligence Committee, Mr. LOTT.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the distinguished Senator from Kansas, the chairman of the Intelligence Committee, for yielding me this time.

Mr. President, should we just go ahead and eliminate committees in Congress? Should we just go ahead and limit the House and the Senate? We have a job to do. Are we going to turn everything over to so-called independent commissions that drag their feet. It takes months to get people appointed. They hire staff. What are we here for? Another "independent" commission?

We have one underway right now, headed by former Governor Kean. It is a very good, bipartisan group of capable men and women looking at the events prior to 9/11 but also looking at the intelligence component of what happened there. So there is already one independent commission.

But I have never liked these commissions. I have been involved in creating some of them. They are always an excuse to shove it off on somebody else. It is as if we are trying to put hands over our eyes and say, "Oh, no, we can't do it" or, "Don't show me. Let's let somebody else do the job."

What do we have the Intelligence Committee for? Formerly I would get briefings related to intelligence information, but I am a new member, actively sitting on the Intelligence Committee. I have faith in this bipartisan committee. It should be, and for the most part it is, a nonpartisan committee.

I have faith in PAT ROBERTS. He is not exactly a pushover on any issue, whether it is agriculture, defense, or intelligence. JAY ROCKEFELLER, the distinguished Senator from West Virginia, is very aggressive on this issue. We are doing our job. We are having hearings, lots of hearings. And we are going to get at the truth of the intelligence.

Do they have what they need? Were they giving us some bad analysis of the intelligence?

We are in that process. We are doing our job. Let's let the Intelligence Committee do its job. We don't need another independent commission. I trust this committee. The Senate should give us the chance to do the job. We should not have another commission out there spending money, hovering around and accomplishing very little.

Mr. ROBERTS. Mr. President, may I inquire of the Senator from New Jersey if he would like to respond on his time or what his plans are? I have several speakers. I did not want to dominate the discussion.

Mr. CORZINE. If the distinguished Senator from Kansas will recall, I gave a presentation last night of about 30 minutes on this subject. I will be happy to respond to different elements. I thought I would hear what the arguments were and then make a response. If you would like to see it all now, I would be more than happy to do some responding, but I would like to hear the overall argument.

Mr. ROBERTS. I understand. Mr. President, I yield 2 minutes to the distinguished chairman of the Armed Services Committee, a valued member of the Intelligence Committee, the Senator from Virginia, Mr. WARNER.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished chairman. I say with all due deference to our distinguished colleague from New Jersey that on its face there is a very serious flaw. I am opposed to the principle of having a commission at this time examine the subject, but on its face it reads:

> There is established a National Commission on Development and Use of Intelligence Related to Iraq.

Iraq is but one piece of a matrix of nations in that region of the world. You cannot focus on just the narrow Iraq situation without Iran, without looking at the other areas of the world which are being affected by this spread of terrorism. I say to my good friend, his intentions may well have been the best, but personally I think it is inappropriate and ill-advised at this time to usurp in many respects the responsibility of the Congress, certainly not in a way in which you just look at one small area of intelligence unrelated to the broad picture throughout that region.

Mr. ROBERTS. Mr. President, Senator ROCKEFELLER, our distinguished vice chairman, has been granted 5 minutes. I think from a parliamentary standpoint, however, it is my responsibility to yield to him at this particular time. If that is not correct, I stand to be corrected by the Presiding Officer.

The PRESIDING OFFICER. The Senator from West Virginia controls 5 minutes.

Mr. ROBERTS. I ask the Senator from West Virginia if he may want to make his remarks at this time.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank the distinguished Senator from Kansas.

I oppose this amendment. I oppose this amendment for a variety of reasons. I do not oppose this amendment because of the intent of trying to get to the bottom of all of the problems we face in the work we are doing in the Intelligence Committee, on which I serve as vice chair. But I oppose it because it would have the effect of undermining what we are doing, further diluting the focus on the issue of WMD prewar intelligence, all the rest of it.

I do not mean to imply by that that the investigation is moving at the speed with which I would like to see it in the committee. Those issues are being addressed between the chairman and myself and members on each side of the aisle trying to work in a bipartisan fashion. This is an investigation which not only has the comparison of prewar intelligence to what we more recently discovered or may be discovering, but it also has the whole question of wherever the trail leads, which is a phrase the chairman of the committee has used.

There are other aspects of this, whether you use the word dissemination of intelligence; you collect it; you analyze it, and then it gets put over to the policy people. Then they use it in one way or another. The use of that, whether there was any pressure brought to bear, all of those things are areas that we are in the process of examining right now. It is a difficult subject.

There is already another commission on this subject, the Kean-Hamilton Commission, but that is covering something of a different area. If another commission is set up, another group is set up to look at prewar WMD, postwar WMD, intelligence on all of that, it just simply duplicates what we are or will shortly be doing.

As the chairman knows and as my members know, if we do not reach the depth and breadth of satisfaction of investigation on this, then we will have to come back and reconsider all of this at another time. It is my judgment that because of talks and things going on now, dynamics which are internal and intense, we are making that kind of progress, and the threshold of making the kind of progress we have to make to reach a final conclusion and do a report is on the move.

This would be damaging to us. I don't say that as turf because one is on this committee for 8 years and then one is off this committee. That is a whole other subject for another day. But we need to focus this. We do not need to dilute it. I understand the purpose of the amendment of the Senator from New Jersey. I do not happen to support it.

The PRESIDING OFFICER. Who yields time?

The Senator from Kansas.

Mr. ROBERTS. May I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator from Kansas has 12 minutes remaining. The Senator from West Virginia has 1½ minutes remaining, and the Senator from New Jersey has 15 minutes remaining.

Mr. ROBERTS. If I might inquire of the Senator from New Jersey if he is ready to make a comment now or would he prefer to wait?

Mr. CORZINE. Mr. President, I would still like to hear the full development of the argument. I understand very clearly the comment that the committee is in the midst of its work. I appreciate and believe very strongly in the distinguished Senators from Kansas and West Virginia about this process. But to my knowledge, there have not been public hearings even on things that can be talked about in public. I am very clear in my amendment that the Congress underscores its commitment to and support for ongoing congressional views regarding the collection and analysis of intelligence related to Iraq.

This is not an attempt to usurp. It is trying to bring additional attention to a very difficult issue. As I said last night, there has been since the last time we debated this on the floor a long litany of weaknesses, questions about the development and use of intelligence.

It is in that vein that I will be speaking, as I did last night. I would like to hear why it is so important only to do it in one vein when we certainly thought it was important to look at the intelligence operations failures.

Mr. ROBERTS. If the Senator will yield, I would like to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kansas is controlling the floor right now.

Mr. ROBERTS. So the Senator is making a speech on my time?

The PRESIDING OFFICER. That is correct.

Mr. CORZINE. If the Senator from Kansas will yield a couple of minutes to my side back.

Mr. ROBERTS. I would like to reclaim my time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. How much time do I have?

The PRESIDING OFFICER. The Senator from Kansas has 10 minutes remaining.

Mr. ROBERTS. I have two other requests for time: Senator BOND and Senator STEVENS.

Let me simply say, when we first considered the Iraq commission proposal during debate on the Defense appropriations bill, the Senate voted it down. I urge my colleagues to oppose it again today.

My opposition to this amendment is simple. I disagree with its underlying principle that Congress somehow is incapable of thorough, independent, and nonpartisan analysis of the prewar intelligence on Iraq. As I address you today, the professional staff, 10 of them, of the Senate Intelligence Committee are diligently conducting the very review this amendment now seeks. Working together, as has been indicated by the distinguished vice chairman, Senator ROCKEFELLER and I have broadly framed the mandate for the committee's review. Our efforts have focused on the following: The quantity and quality of U.S. intelligence concerning Iraqi WMD programs; Iraq's ties to terrorist groups; the regime's human rights violations; and the effect of Saddam Hussein on regional stability. Secondly, the objectivity, the reasonableness, the independence, and accuracy of the judgments of the intelligence community—whether those judgments were properly disseminated to policymakers; and finally, whether inappropriate pressure regarding politics was brought to bear on intelligence analysts.

I can report to you that after interviewing many analysts—and I will not get into specifics here—there has been no evidence of that as of today.

Those are the goals of the mission of the current inquiry of the Senate Intelligence Committee, and they mirror exactly the nine functions called for in the independent commission as proposed by the Senator from New Jersey. This review is well underway; in my opinion, it is probably 85 to 90 percent done. It is being conducted in the unique nonpartisan atmosphere of the select committee. The work our staff has done is worthy of the Senate's praise. Over 19 volumes of prewar intelligence, thousands of pages of text have been carefully reviewed.

As a matter of fact, I offer an opportunity to the distinguished Senator. I will play Bob Barker and say, come on down, come to room 219, and I will be happy to show you the national intelligence estimate, our committee work, and the staff work. I think the Senator would be very impressed with the work of our staff. Additional information has been sought and provided in a manner of cooperation by the executive branch. Numerous interviews of the intelligence community and officials from the administration have also been conducted. Status reports have been provided on several occasions to committee members.

In addition to these efforts, committee members have been able to question several in the intelligence community and officials from the administration at a series of closed hearings. The reason it is not public is simple. At the top of every document, and regarding every subject, it says "top secret code word." That doesn't mean we will not have public hearings or a public report. I have promised that and so has the vice chairman.

I have also invited all Members of this body who are interested in prewar Iraq intelligence to seek answers to their questions from the committee. I renew that invitation to Senator CORZINE. Come on down; take a look at our committee's work. Our staff can direct you to the information that will answer every question set forth in your amendment. I remind the Senator that ours is not the only review of the intelligence community's performance. The able members of the House Intelligence Committee have conducted their review. The President's Foreign Intelligence Advisory Board is examining the topic. The State Department and the CIA have carefully examined the Niger uranium issue. This list doesn't include the efforts of the 9/11 Commission, the joint inquiry of the congressional intelligence committees, and the efforts of the other congressional committees. All told, over 40 Members of Congress, numerous professional staff, and countless career and nonpolitical employees of the executive branch will have looked into this topic. We don't need another 12 members to duplicate that effort.

When we set out on this review, I promised to follow the facts wherever they might lead. I will do so. I remain committed to that promise. We will report our findings and, as necessary, we will recommend any needed improvements. Most important, we will continue our efforts to ensure the intelligence community does provide the policymakers with unbiased and actionable intelligence. As we approach completion of the committee's review, I ask Members not to prejudge our thorough, nonpartisan efforts.

At this time, would the Senator like to take his time?

How much time do I have?

The PRESIDING OFFICER. The Senator has 4½ minutes remaining.

The Senator from New Jersey is recognized.

Mr. CORZINE. Mr. President, I made a few opening remarks last night. I want to start by saying we are all looking for the same objective; that is, to get to the bottom of understanding the development and the use of intelligence that was the basis on which we entered into a conflict during which we have now lost 335 men, and literally thousands have been injured. There is a reason to understand whether the development and use of that intelligence was appropriately handled.

The commission I am suggesting, as I read before, underscores its commitment to the process the distinguished Senator from Kansas outlined. It is not to usurp; it is to make sure everyone will have the view that it is bipartisan, that it is independent of any kind of political process. It is to build upon what is going on in the intelligence committees, not to usurp it.

There is no intention to undermine the credibility of the individuals who are involved in it. I will say that 10 people, as staff, working on and reviewing the intelligence that involves 250,000 troops, where there has been untold loss of life, and the arguments that were made preceding, do not match the reality of what we are finding afterwards—whether it is in regard to aluminum tubes and centrifuges, yellow cake from Niger, connections of al-Qaida and Iraq, claims about mobile laboratories, missile technology, and now the Kay report which, at least at this stage—and it is an interim report—has disputes about almost all elements that were used as the basic topic. I think the public has a reason to be concerned.

I have other issues when I look at how the 9/11 Commission has actually been able to operate. I don't know whether the same kind of concerns are operating with regard to the Intelligence Committee. I know the 9/11 Commission chairman, who is a respected New Jersey former Governor, a person of great esteem, a Republican, is saying there is difficulty in getting the information to be able to look at the events that led up to 9/11. As a matter of fact, subpoenas have had to be issued to get the records of the FAA. It strikes me when you add the difficulty the 9/11 Commission has had in getting the information—and we don't know what has gone on in the Intelligence Committee. You look at the fact that senior administration officials have been willing to out a CIA agent, to discredit somebody who actually comes into the public to talk about it. I think the public has a reason to want to have independence in making an assessment of whether the intelligence has been used properly and the development and the use of it have been done properly. That is where my interest is.

I know the distinguished Senator from Kansas and the distinguished Senator from West Virginia want to get to the bottom of this just as much as this Senator does, as much as this body ought to want to; and the people of America ought to have an understanding that we are not developing intelligence for purposes of winning political arguments or winning arguments on the floor of the Senate but to form what is the proper policy. To me, I think we ought to do everything possible to make sure intelligence is properly developed. That is what I have been trying to suggest. I did it earlier in July and I am doing it again.

I believe very strongly that this is an important issue. There are a whole series of issues about which there are questions. There are very visible examples of challenges to the facts by people who were either close or near to the effort. I will go ahead and say it. On Wednesday night, there was a follow-through by an individual who was in a senior position in the State Department, and I will quote how he felt the intelligence was framed. "Plenty of blame to go around," according to Mr. Thielmann, who, by the way, was a senior officer in the State Department, a 25-year veteran in the Office of Strategic Proliferation and Military Affairs.

He said:

> The main problem is senior administration officials have what I call a "faith-based approach to intelligence." They knew what they wanted the intelligence to show. They were really blind and deaf to any kind of countervailing information the intelligence community would produce. I would assign some blame to the intelligence community and most of the blame to senior administration officials.

I just believe there are enough questions in the public's mind, and they grow incrementally all the time, that it is time for us to have an independent view of this matter. That in no way is undermining what is going on in the Intelligence Committee. It builds on it. That is the purpose. That is certainly where I come from. That is the argument I have tried to make and I will continue to make.

Again, I have great respect for the leadership on the Intelligence Committee. I am sure there is a good-faith willingness to try to get to the bottom of this situation. I think this is very important.

We have other questions: North Korea, Iran, and the terrorist networks that exist across this globe. If we cannot trust our intelligence, then we are going to have a hard time making fundamental decisions in this Chamber, and the American people are going to have a hard time judging whether we made the right decisions and whether we are working in their best interests.

I yield to my distinguished colleague from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague. I will be brief. I rise in support of the amendment. The bottom line is, in our post-9/11 world, we have learned that intelligence is more important than ever. To prevent terrorism, in essence, small groups of people who can do real damage to us, depends on intelligence.

Maybe things are working fine, but maybe they are not. The amendment of my colleague from New Jersey casts no aspersion on the job the Intelligence Committee is doing. But it seems to me perfectly logical, in our post-9/11 world, to get as many voices with different perspectives as possible, especially early on because this war on terrorism is going to be with us for decades. It makes eminent sense.

I have never served on the Intelligence Committee, and I have no doubt that the 10 staffers on that committee who were mentioned by my friend from Kansas and praised by my friend from West Virginia are excellent, but they have one perspective. They have been involved day to day in dealing with intelligence matters, and to have a new outside commission take a look at these specific instances can only benefit the American people.

Having some experience with this leak of the name of the CIA agent, I am utterly amazed at what is going on here and among some—not all, not a majority but some—in the administration, there is an idea that we should not get at the full truth; an idea that if someone tells you something you don't like, they are to be disparaged and, in the case of Ms. Plame, hurt much worse than that.

The bottom line is very simple: If we are going to stay a great power—and I hope and pray we will—we need the truth. We need to know what is going right and we need to know what is going wrong. There is no greater time than now.

To say that a 10-staff-member group that has been thoroughly involved in intelligence matters cannot add much perspective is totally wrong, but just as much, to say that a new commission of fresh blood with a new look at the matter might come to some different conclusions than that 10-member staff is equally totally wrong and hurts America.

This amendment of my colleague from New Jersey is not aimed to be nasty; it is not aimed to be political; it is not aimed to be partisan. It is aimed to find different ways to get to the truth because we all know in the wake of 9/11 that our intelligence was not what it should be. It probably was good enough for a preterrorism world, but it is not good enough for a terrorism world.

I hope my colleagues will support this amendment. It is not, again, to disparage what the committee is doing, but to say we should only have one voice at a time when intelligence is so important, to me at least makes no sense, and I hope my colleagues on both sides of the aisle will support this very much needed amendment.

Mr. CORZINE. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from New Jersey controls 4½ minutes.

Mr. STEVENS. Mr. President, the time used by the Senator from New Jersey in answering the question of the Senator from Kansas was taken out of the time of the Senator from Kansas?

The PRESIDING OFFICER. The Senator from Kansas yielded to the Senator from New Jersey for the purpose of a question.

Mr. STEVENS. I want some time. I ask unanimous consent that 4 minutes be added to this time.

The PRESIDING OFFICER. Is there objection?

The assistant minority leader.

Mr. REID. Mr. President, I have no problem whatsoever if the majority gets 4 minutes, but why not add 4 minutes to this side also?

The PRESIDING OFFICER. Is there objection to the modification of the unanimous consent request?

Mr. STEVENS. I withdraw the request.

The PRESIDING OFFICER. The request is withdrawn. Who yields time?

Mr. ROBERTS. Mr. President, I am delighted to yield 2 minutes to the Senator from Alaska.

Mr. STEVENS. Mr. President, I am appalled by the statement of the Senator from New York. There is no distress in this country of the intelligence system. The distress is all political. We have had a problem. There has been a leak. There have been leaks before. This President relied on the same intelligence that President Clinton did when he made the speech in 1998 saying: We are going to invade Iraq.

I don't know what is going on here that suddenly this becomes another subject to send more people into harm's way to find out what went on in Iraq.

Under amendments already adopted, we have two different inspectors general, and we have the GAO going in on two different amendments, and now we want to send another independent commission into Iraq. What is going to happen when they get there? They are going to use all the people in uniform to protect them. Last night, four more people were killed in Iraq.

What is going on here? I don't see any reason to bring the campaign of 2004 to this Chamber on this bill, but that is what is going on with what has just been said by the Senator from New York. I take great offense at that. We are investigating this matter. There is no question we are investigating it. It is being investigated by the commission, it is being investigated by the Department of Justice, and it is being investigated by the CIA. To get into the political harangue I just heard is just absolutely nonsense.

The PRESIDING OFFICER. Who yields time? The Senator from New Jersey.

Mr. CORZINE. I yield 1 minute to my friend.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, as aggravated as my colleague from Alaska is with me, I am with him. This is not intended to be political. I believe that our intelligence needs improvement. I think most Americans—Democrat and Republican—believe that. And if every time we say improve intelligence, look for different ways, people get accused of being political, that is the very point I am making.

Let's debate this on the merits. Let's not call people names because they happen to disagree that our intelligence is doing a fine job. I don't. It may have been doing a fine job in the cold war for a cold-war era, but the whole tectonic plates of foreign policy have changed. Maybe it works and maybe it doesn't.

I ask my colleague to go on the streets of any city in New York or any city in America, mine or his—in New York or Alaska—and ask the average citizen do they think the intelligence is working fine. My guess is they will say it needs tuning up. That is all this Senator is trying to do, without being political.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. ROBERTS. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Each side has approximately 3 minutes remaining.

Mr. ROBERTS. I thought there was granted—

The PRESIDING OFFICER. There was no unanimous consent request for additional time. That request was withdrawn.

Mr. CORZINE. The unanimous consent request was withdrawn, if I am not mistaken, Mr. President.

The PRESIDING OFFICER. That is correct.

Mr. ROBERTS. Mr. President, I ask unanimous consent for an additional 2 minutes so I may conclude my remarks and also yield to the distinguished Senator from Missouri for 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I ask that be modified to allow 2 additional minutes to the Senator from New Jersey.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, 2 additional minutes will be added to each side. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I ask for an additional 1 minute for the distinguished vice chairman of the committee.

The PRESIDING OFFICER. Is there objection for an additional minute to be added to the time controlled by the Senator from West Virginia?

Mr. CORZINE. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia now controls 2½ minutes.

Who yields time?

Mr. ROBERTS. I would like to recognize the distinguished vice chairman, the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I tremendously regret the argument that took place between the Senator from Alaska and the Senator from New York, because that is exactly what we do not need around here. I thought the Senator from Alaska, as much as I respect him, should not be trying to cast political aspersions, and then I thought the Senator from New York should not be saying we are not in any sense being political, we only want the truth, and talking about weapons of mass destruction and the intelligence, because we all agree that the intelligence was wanting.

We all agree that it is very different from the cold war, but what is really important that has to happen and something which only the Intelligence Committee can do, and which has to be in continuity with the work we are doing now, is after we finish investigating what went wrong is to figure out what we are going to do to make it go right. That is a whole other chapter. That is getting rid of the stovepipes and determining whether we want a director of national intelligence.

It is an entirely different relationship now between intelligence and warfighting. Intelligence and warfighting used to be separate. They are now integrated. Intelligence and policy used to be separate. They are now integrated. That is what our committee is doing, but first we need to finish the investigation and then we get to that.

Our problem is we are doing so much investigating we cannot get to that. It is very frustrating to me. We have not finished doing a lot of the investigating that we need to do.

As the chairman has said, we will follow all trails to where they lead. There is a lot of work and it is very sensitive. It is not just a matter of creating another commission to start all over again and to do what will probably be virtually the same work with something called a fresh idea. The people on the Intelligence Committee, on both sides, are smart. They are invigorated. They are determined. There is controversy in the committee, which is good. There is no single approach to it. There is a lot of discussion going on. That process must continue and that is what the Intelligence Committee was created for. We are becoming a new Intelligence Committee because we are in an entirely different world.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. CORZINE. How much time remains?

The PRESIDING OFFICER. The Senator from New Jersey has 5 minutes remaining.

Mr. CORZINE. Mr. President, I yield 2 minutes to my distinguished colleague from Illinois and a member of the Intelligence Committee.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, as a member of the Senate Intelligence Committee, I salute the chairman and the ranking member for the fine work they do and for the fine staff we have. As the Senator from Kansas has said, we have 10 people who are working hard in this committee. Put it in perspective: 10 excellent staffers, responsible for overseeing the intelligence agencies of the Federal Government; 10 excellent staffers who in addition to that are initiating an investigation of the intelligence that led up to Iraq. It is totally inadequate. We are totally understaffed. That is why Senator CORZINE's amendment is so important.

We have lost 335 American lives. Thousands have been wounded. We have put ourselves in a position in Iraq where we will be vulnerable for years to come, and we want to ask the hard questions with the Corzine commission. Was our intelligence right in leading us into this war? It is a difficult question and a painful question but it must be asked.

When Dr. Kay comes back empty-handed, after more than 5 months of inspections, with hundreds of inspectors, with no evidence of weapons of mass destruction, it is a condemnation of one of two things: either our intelligence gathering or the use of that intelligence leading to the war. As painful as it is, we have to face that reality.

The reality is this: Next to the failure of the United States to recognize the collapse of the Soviet Union at the end of the cold war, this could be the most colossal intelligence failure in our history. Can we face that reality? I think we can and we should, because intelligence is key to America's security. Intelligence is key to winning the war on terrorism.

What Senator CORZINE has said is turn this over to an independent, nonpartisan group to get the job done. I do not think that is a reflection on the Senate Intelligence Committee. They are doing a fine job, and I am glad to be a part of it, but for goodness' sake, do not be afraid to get to the truth. That is what the Corzine commission amendment is all about.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from New Jersey.

Mr. CORZINE. I yield 1 minute to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I echo the words of my colleagues who support this amendment. I really do see it as a way of getting it out of politics, of taking it away from partisanship.

I could not agree more with the argument that something went wrong. We can pretend it did not or we can face up to the fact that it did.

This is not just about the past. It is also about the present and the future. We face continuing threats. Those of us in this Chamber who have that intelligence information given to us know that, and we have to be as vigilant and well prepared as we possibly can.

I do not ever want to have to face another constituent of mine and say, well, we missed it, we did not get it right.

Yes, we do have to go forward with new plans. But how can we build a new intelligence system, with all due respect to the chairman and the ranking member, both of whom I hold in the highest regard, without having an honest and independent appraisal of what went wrong?

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from New Jersey.

Mr. CORZINE. Mr. President, the goal of this commission is not about blame. This is about trying to find out what went wrong and why we had the kind of development and use of intelligence that is so patently inconsistent with the facts that seem to be coming out.

Most of us do not sit inside those quiet halls of the Intelligence Committee. The public does not, but they are seeing fact after fact refuted. They see CIA agents outed. They see people who were a part of the intelligence community complaining. One of the ways to restore the confidence in something that is absolutely necessary to be able to carry out the war on terrorism, which we all believe in and want to support, is to have confidence in our intelligence community. It is not to undermine the Intelligence Committee.

This amendment underscores a commitment to support the ongoing congressional reviews regarding the collection and analysis of data. It is not to undermine it. We all have tremendous faith in the chairman and the ranking member of the Intelligence Committee, but this is to restore the confidence of the American people, to restore the confidence of all of us who have to use the information to draw the conclusions that are necessary as to whether we are going to put men and women in harm's way.

I could not agree more with the Senator from West Virginia. Intelligence and military operations now are absolutely intimately linked. They are one in the same. If it is faith based, then we will reach the wrong conclusions. I hope the Senate will support my amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROBERTS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Kansas has 5 minutes remaining. All other time has expired.

Mr. ROBERTS. Mr. President, I yield 2 minutes to the distinguished Senator from Missouri, a valued member of the intelligence community.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, comments were made by the distinguished Senator from New Jersey saying that the intelligence was faith based. He insinuated that intelligence had been changed somehow perhaps by the administration.

Let me first point out that this intelligence has been acted upon by previous administrations. I quote from President Clinton, 1998:

> If Saddam rejects peace and we have to use force, our purpose is clear. We want to seriously diminish the threat posed by Iraq's weapons of mass destruction program.

Madeline Albright, Secretary of State, February 18, 1998:

> Iraq is a long way from here, but what happens there matters a great deal here. For the risks that the leaders of a rogue state will use nuclear, chemical or biological weapons against us or our allies is the greatest security threat we face.

Sandy Berger, National Security Adviser, same day:

> He will use those weapons of mass destruction again, as he has 10 times since 1983.

Having said that, I think we all agree we need better intelligence. That is why I made the same commitment that my colleagues, Democrat and Republican, have made to serve on the Intelligence Committee and spend the time, without our personal staff but in intelligence hearings, going through the testimony and looking at the documents, as is required of the Intelligence Committee.

It is frustrating for some of us on the Intelligence Committee to listen to speeches by people who have not taken the time to read the classified information, and be briefed, as all Senators are entitled to, after we have done the work. We listened to speeches that, unfortunately, reflected a lack of information about what is going on in Intelligence that is available. The insinuation has been made of improper influence. The Intelligence Committee will and has examined that.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERTS. Mr. President, I renew the invitation to my friend from New Jersey to take a look at our committee's work. Our staff is not understaffed. I know some people like to have more staff. They have been working very hard. I can direct you to the information that will answer every single one of the questions set forth in your amendment which reflects exactly the mission of our inquiry. All told, over 40 Members of Congress, numerous professional staff, and countless career nonpolitical employees in the executive branch have looked into this topic which you are suggesting we have another 12 Members do the same thing.

Washington has been overrun with independent blue ribbon commissions. The intelligence community has been a frequent target of these activities—Aspin, Brown, Hart, Rudman, and the Bremer Commission, the 9/11 Commission, and the list goes on and on.

We have to consider the unseen effects caused by the constant, unrelenting reviews of the intelligence community. I do not discount the importance of reexaminations of our past actions. We have had oversight responsibility. If we don't know the mistakes of the past, we are bound to repeat them.

But following September 11, we asked intelligence analysts to aggressively pursue all available leads: Please connect every possible dot, even when the connections may seem weak. We cannot continue to castigate these analysts when they make reasoned judgments based on the available information. This second-guessing erodes morale and it discourages the thoughtful analysis we need. These people have their lives on the line.

I urge my colleagues to oppose this amendment.

How much time do I have?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. ROBERTS. I yield 1 minute to the distinguished Senator from California, Mrs. FEINSTEIN.

Mrs. FEINSTEIN. Mr. President, I thank the chairman of the Intelligence Committee. Regretfully, I must oppose this amendment. As a member of the committee, I believe we have set upon a course which is the soundest course in terms of getting at any flaws that may exist among the variety of intelligence agencies.

I think to establish another commission at this time is to very much undercut the oversight commitment and mandate of the Intelligence Committee. I believe it would be a mistake to do so at this time. There may be a time that would come where that might be the case, but I do not believe now is the time. We have set upon a course. The chairman is committed to public hearings. We will be having those hearings. The investigations are taking place.

Regretfully, I must oppose this amendment.

The PRESIDING OFFICER. All time has expired. Under the previous order, the question is on agreeing to the amendment.

Mr. STEVENS. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The Senator from Alaska moves to table the amendment.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 1882. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 32, as follows:

[Rollcall Vote No. 395 Leg.]

YEAS—67

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Kohl
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Nelson (NE)
Nickles
Pryor
Roberts
Rockefeller
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—32

Akaka
Bingaman
Boxer
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerry
Landrieu
Lautenberg
Leahy
Levin
Murray
Nelson (FL)
Reed
Reid
Sarbanes
Schumer
Stabenow

NOT VOTING—1

Lieberman

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1884 TO AMENDMENT NO. 1819

Mr. BYRD. I call regular order with respect to amendment 1819, and I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. DURBIN, Mr. BIDEN, Mr. LEAHY, Mr. DORGAN, Ms. MIKULSKI, Ms. LANDRIEU and Mrs. FEINSTEIN, proposes an amendment numbered 1884 to amendment No. 1819.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Purpose: to reduce unnecessary spending in the Iraq Relief and Reconstruction Fund; increase reconstruction assistance to Afghanistan; protect our troops by increasing funding for the destruction of conventional weapons in Iraq; provide disaster relief in Liberia; and provide funding to repair Hurricane Isabel damage to military and Coast Guard facilities

In the amendment, strike all after (a) in line 1 and insert the following:

SEC. 3002. Notwithstanding section 3001 of this Act, all of the amounts provided in section 3003 of this Act, excluding amounts contained in subsections (j), (k), (1) and (m) of section 3003 of this Act, are designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress).

SEC. 3003. (a) Notwithstanding any other provision of this Act, amounts appropriated under the heading "Iraq Relief and Reconstruction Fund" shall be reduced by $1,655,000,000 and the total amount appropriated under this heading shall be allocated as follows:

(1) $3,243,000,000 for security and law enforcement; (2) $1,268,000,000 for justice, public safety infrastructure, and civil society, of which not less than $107,000,000 shall be made available for the Iraqi Civil Defense Corps; (3) $5,646,000,000 for the electric sector; (4) $1,850,000,000 for oil infrastructure; (5) $4,332,000,000 for water resources and sanitation: (6) $500,000,000 for transportation and telecommunications; (7) $240,000,000 for roads, bridges, and construction; (8) $850,000,000 for health care: (9) $155,000,000 for private sector development; and (10) $245,000,000 for refugees, human rights, democracy, and governance: *Provided*, That none of the funds appropriated by this Act may be used to fund (1) traffic police buildings, fleet, and equipment; (2) parking lots and cosmetic improvements at airports; (3) electric sector institutional strengthening; (4) solid waste management; (5) an Iraqi-American Enterprise Fund; (6) wireless internet capabilities for the Iraqi Telephone Postal Company (ITPC); (7) technical and management training for ITPC; (8) postal information technology architecture and systems; (9) management for Iraqi television and radio; (10) a numbering schema and 911 initiative for ITPC; (11) new housing communities and new government buildings; (12) a national security communications network; (13) market-oriented specialized training; (14) municipal public information centers; and (15) catch-up business training: *Provided further*, That of the funds appropriated by this Act, not more than $765,000,000 may be made available for petroleum product imports, and not more than $100,000,000 may be made available for new prison construction.

(b) In addition to amounts made available elsewhere in this Act, there is hereby appropriated to the Department of Defense $363,300,000, to be used only for recovery and repair of damage due to natural disasters including Hurricane Isabel, to be distributed as follows:

"Operation and Maintenance, Army", $66,600,000;

"Operation and Maintenance, Navy", $118,400,000;

"Operation and Maintenance, Marine Corps", $9,200,000;

"Operation and Maintenance, Air Force", $166,900,000; and

"Other Procurement, Air Force", $2,200,000.

(c) For an additional amount for "Military Construction, Army", $65,200,000, to remain available until September 30, 2008, to be used only to repair facilities damaged by Hurricane Isabel at Fort Monroe, Virginia: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

(d) For an additional amount for "Military Construction, Navy", $45,530,000, to remain available until September 30, 2008, to be used for facilities damaged beyond repair by Hurricane Isabel, including $40,920,000 to replace the central chilled water plant at the United States Naval Academy, Maryland, and $4,610,000 to replace Building 3104, Lucas Hall, at Quantico, Virginia: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

(e) For an additional amount for "Family Housing, Operation and Maintenance, Army", $8,151,000 to repair family housing units damaged by Hurricane Isabel at Fort Monroe and Fort Lee, Virginia: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

(f) For an additional amount for "Family Housing, Operation and Maintenance, Navy and Marine Corps", $6,280,000 to repair family housing units damaged by Hurricane Isabel at various locations in Virginia and North Carolina: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

(g) For an additional amount for "Family Housing Operation and Maintenance, Air Force", $6,981,000 to repair family housing units damaged by Hurricane Isabel at Langley Air Force Base, Virginia: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

(h) For an additional amount for "Operation and Maintenance, Navy", $23,183,000, which may be transferred to the Department of Homeland Security for Coast Guard Operations.

(i) In addition to the amounts otherwise made available in this Act, $600,000,000 shall be made available for "Operation and Maintenance, Army"; *Provided*, That these funds are available only for the purpose of securing and destroying conventional munitions in Iraq, such as bombs, bomb materials, small arms, rocket propelled grenades, and shoulder-launched missiles.

(j) For an additional amount for "United States Emergency Fund for Complex Foreign Crises", $150,000,000: *Provided*, That not less than $200,000,000 of the funds made available under this heading shall be made available for humanitarian relief and reconstruction activities in Liberia: *Provided further*, That funds appropriated under this heading shall be made available for Sudan.

(k) Notwithstanding any other provision of this Act, amounts appropriated for accelerated assistance for Afghanistan under the heading "Economic Support Fund" shall be increased by $261,000,000 and the total amount appropriated under this heading for Afghanistan shall be allocated as follows:

(1) not to exceed $60,000,000 should be used for activities related to disarmament, demobilization, and reintegration of militia combatants, including registration of such combatants, notwithstanding section 531(e) of the Foreign Assistance Act of 1961; (2) not to exceed $120,000,000 for major and provincial road construction and repair; (3) not to exceed $95,000,000 for schools and education; (4) not to exceed $55,000,000 for private sector development including to repair and procure electric power generation and distribution infrastructure; (5) not to exceed $50,000,000 to support the Government of Afghanistan; (6) not to exceed $2,000,000 for additional policy experts in Afghan ministries; (7) not to exceed $65,000,000 for elections, governance, and human rights; (8) not to exceed $50,000,000 for projects directly involving requirements identified by provincial reconstruction teams; (9) not to exceed $66,000,000 for health services; (10) not to exceed $25,000,000 for water projects; (11) not to exceed $25,000,000 for environmental projects related to drought relief; (12) not to exceed $25,000,000 for emergency food, fuel, clothing and shelter materials for Afghans who are internally displaced; and (13) not to exceed $45,000,000 for additional activities that are specifically targeted to advancing the social, economic, and political rights and opportunities of women.

(l) Notwithstanding any other provision of this Act, amounts appropriated under the heading "International Narcotics Control and Law Enforcement" shall be increased by $50,000,000.

(m) Notwithstanding any other provision of this Act, amounts appropriated under the heading "Foreign Military Financing Program" shall be increased by $75,000,000.

(n) The entire amount in:

(i) subsection (b) shall be available only to the extent that an official budget request for that amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress;

(ii) subsection (c) shall be available only to the extent that an official budget request for that amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress;

(iii) subsection (d) shall be available only to the extent that an official budget request for that amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress;

(iv) subsection (e) shall be available only to the extent that an official budget request for that amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress;

(v) subsection (f) shall be available only to the extent that an official budget request for that amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress;

(vi) subsection (g) shall be available only to the extent that an official budget request for that amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress;

(vii) subsection (h) shall be available only to the extent that an official budget request for that amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress;

(viii) subsection (i) shall be available only to the extent that an official budget request for that amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress;

Mr. BYRD. Mr. President, by now it has become evident to even the most die-hard supporter of the President's goals for the reconstruction of Iraq that the $20.3 billion request presented to Congress contains scores of questionable projects and programs: $95 million for basic cosmetics at Iraq's airport; $19 million to build a wireless Internet system for the Iraq post office; $9 million to outfit Iraq with ZIP Codes; $54 million for a computer study for the Iraq Postal Service. The list goes on and on and on.

In fact, the budget request for the reconstruction of Iraq is riddled with frivolous, preposterous items. This is not just my conclusion. The Republican-controlled House Appropriations Committee last week found a total of $1.655 billion in questionable and unnecessary expenditures buried deep within the President's $20.3 billion request for Iraq's reconstruction. As a result, the Republican-controlled House Appropriations Committee reallocated that money to other priorities. I applaud the actions of the House Appropriations Committee.

The amendment I am proposing, and which is cosponsored by Senators DURBIN, BIDEN, LEAHY, DORGAN, MIKULSKI, LANDRIEU, and FEINSTEIN, would mirror the cuts made by the House Appropriations Committee and reallocate those funds to four areas of far more urgent priority: $600 million to secure and destroy conventional weapons in Iraq; $386 million to accelerate reconstruction activities in Afghanistan; $200 million for disaster relief for Liberia, of which $50 million is allocated from funds in the bill; and $519 million to repair critical military and Coast Guard facilities in the United States damaged by Hurricane Isabel.

The projects for which the President is seeking $1.655 billion in funding have nothing to do with protecting American troops in Iraq, and they have nothing to do with enhanced security in Iraq.

Why does the administration need to spend $2 million on 40 garbage trucks, at $50,000 each? Why does the administration need $20 million for a 4-week business course at $10,000 per student? Why does a country rich in oil reserves—the second largest in the world—need $900 million to import petroleum products?

According to the Congressional Research Service, if we purchased those petroleum products at market prices, it would cost $704 million. I wonder who is profiting from this sweetheart deal at the U.S. taxpayers' expense. And that is to say nothing about the billions of dollars being requested to upgrade the transportation, water, and energy sectors of the Iraq economy to levels not seen in decades.

These are not funds to buy body armor for our troops or secure munitions that may be used against them. We are talking about building dams in the middle of the desert. There is no need more urgent than the need to protect U.S. troops in Iraq from the vicious guerrilla warfare that has been overshadowing their operations and causing intolerable deaths and injuries.

Almost 200 U.S. troops have been killed in Iraq since the President declared an end to major combat operations last May, more than half as a result of guerrilla warfare. American soldiers have been the victims of assassinations, mortar attacks, rocket-propelled grenades, snipers, and road mines. These are all conventional weapons attacks.

Earlier, senior American officials estimated that as much as 650,000 tons of ammunition remained unguarded at thousands of sites used by the Iraqi security forces. This week, the New York Times reported that military officials now believe there may be as much as 1 million tons of leftover weapons and ammunition scattered throughout Iraq.

Even more troubling, the Times asserted that two recent suicide bombings in Baghdad and virtually every other attack on American soldiers and Iraqis were carried out with weapons looted from Saddam Hussein's arsenal.

GEN John Abizaid, commander of U.S. troops in Iraq and Afghanistan, told the Senate Appropriations Committee last month:

> [T]here is more ammunition in Iraq than any place I've ever been in my life, and it is all not securable . . . I wish I could tell you that we had it all under control, but we don't.

Mr. President, we know that scores of conventional weapons sites are not secure. We know these sites are being looted. We know these weapons could be and are being used against our troops. Yet the administration is asking us to believe that garbage trucks and parking garages are a higher priority than securing these weapons sites.

The President's budget request includes only $300 million in a catchall account that lumps munitions security in with critically needed bulletproof vests and the rapid fielding of technological advances. This is the same budget request that includes $697 million for sewage improvements in Iraq, $150 million for the aforementioned garbage trucks and landfill sites, $200 million for an America-Iraqi Enterprise Fund, and $110 million for something called Market Oriented Specialized Training.

Where on Earth is the administration getting its priorities? The Defense Department needs significantly more than an unspecified web of an already underfunded account to accelerate the effort to shut down Iraq's weapons dumps.

This amendment is an attempt to restore a measure of sensibility to this bill. This amendment would delete $600 million from some of the most egregious provisions included in the President's request, and would reallocate those funds for the search and destruction of conventional weapons.

The amount of money that is being redirected to this crucial mission is not a random figure. It is equal to the amount of money the media has reported was requested in this bill for the—so far—futile search for weapons of mass destruction in Iraq, and it is the sum U.S. authorities say they could use to expedite the efforts to secure and destroy loose conventional weapons in Iraq.

Without additional funding, and a stepped-up program, U.S. officials estimate it could take 18 years to disarm Iraq.

Mr. President, America's soldiers in Iraq cannot wait that long. We have already spent substantial sums of money in Iraq in an effort to find some scrap of evidence that Saddam Hussein possessed and was poised to use weapons of mass destruction.

In the first Iraq war supplemental last spring, Congress approved $300 million for that purpose. For some reason, the administration has classified the current funding request for the Iraq survey team. It is unclear to me why this should be a classified figure. The creation of a group to locate weapons of mass destruction is not classified. Their mission to find weapons of mass destruction is not classified. The funding request included in the first supplemental for Iraq was not classified. It seems the only reason to classify that information now is to protect this administration from further embarrassment about how much it is spending to justify its largely discredited claims.

This administration made a momentous effort out of preparing our troops for attack from weapons of mass destruction, and here we are losing a life almost every day to common, generic, conventional weapons being dug out of piles without even a simple fence. So accelerating the effort to secure and destroy conventional weapons in Iraq is a matter of the highest priority.

Another priority in the war against terror is to speed the stabilization and reconstruction of Afghanistan. Contrary to assertions by Vice President CHENEY that Iraq is the central front on the war on terror, Afghanistan, the Taliban, and most especially al-Qaida and Osama bin Laden represent the true heart of the war on terror. And these demons are not to be found in Iraq. Their power base is in Afghanistan. We cannot afford to forget Afghanistan.

The President's budget request includes just $799 million for relief and reconstruction in Afghanistan. This is not enough. The situation in Afghanistan appears to be deteriorating as the Taliban shows signs of reconstituting itself. The House Appropriations Committee allocated an additional $375 million to speed up the reconstruction efforts in Afghanistan. The Senate should do no less. So this amendment adds $386 million for Afghanistan.

We need to deal with the damage that Hurricane Isabel inflicted on U.S. military installations and Coast Guard facilities in the United States. As sympathetic as I am to the need for garbage trucks and vocational training institutes and employment offices in Iraq, I am even more concerned about the devastation Hurricane Isabel brought to a number of our east coast military and Coast Guard facilities. The operational facilities and family housing units alike suffered severe damage.

Unfortunately, the military cannot tap into homeowners insurance when a storm sweeps through. The cost of repairing the damage caused by Hurricane Isabel comes out of operating expenses or it comes at the expense of other needed facility improvements.

We have many glaring needs in Iraq and elsewhere that the President's budget request fails to meet. I believe we can be far more effective than the President by redirecting a small portion of the funds requested for dubious programs in Iraq to programs of obvious and immediate priority.

I urge my colleagues to endorse the reduction made by the House Appropriations Committee and to redirect the $1.655 billion in funding to secure and destroy conventional weapons in Iraq, to accelerate the relief and reconstruction activities in Afghanistan, to provide emergency relief to Liberia and Sudan, and to help the United States military and Coast Guard recover from the devastation of Hurricane Isabel.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise in opposition to the amendment. I don't want to take too much time. The hour grows late and all of my colleagues would like to finish up with this legislation.

Everybody knows there are two phases to the Iraqi conflict. One is the military phase, which for all intents and purposes expired, finished, and was completed some months ago. Now we face the most difficult challenge; that is, the rebuilding and reconstruction of this country which was damaged not only in the conflict—and, by the way, surprisingly little given the brevity of the conflict and the enormous success our military enjoyed—but mostly because of the cruel and criminal neglect of the infrastructure and on the people of Iraq inflicted by Saddam Hussein.

There were several mis-estimations concerning the conflict. But perhaps the greatest mis-estimation was our failure to understand the degree of deterioration of the goods, fundamental services, and infrastructure of Iraq.

We all know, whether we support or oppose our effort in Iraq, that a vital ingredient is the reconstruction. Without the people of Iraq being provided with the fundamental services they need to conduct a normal life, sooner or later the people of Iraq will turn against us. They will fall prey to the propaganda of our enemies who say the United States invaded, will not help you rebuild your country, and wants to take your oil—one of the unfortunate aspects of the vote last night.

I don't know if every single item the administration asked for is most necessary. I had a chance to review most of these projects. More importantly, the Appropriations Committee, in its deliberations and hearings, did also. We had hearings in the Armed Services Committee, of which I am a member. This was a subject raised.

I note in the amendment of the Senator from West Virginia that no funds could be used to build maximum security prisons, as one example. I am sure the Senator from West Virginia knows that one of the most terrible aspects of the postcombat phase is the tragic deaths of young American soldiers. What if we have no place to put these people we capture who are killing American soldiers? If we agree to the amendment of the Senator from West Virginia, no maximum security prisons can be built.

No communications network: One of the greatest difficulties for the Iraqi police force—that we are trying to rebuild and actually build—is their ability to communicate with one another.

These are security projects: Traffic police buildings, fleet, and equipment. It seems to me that one of the fundamentals and first priorities would be to build a capable police force. That is Ambassador Bremer's priority. That is an Iraqi ruling council priority. Yet we couldn't spend any money if the amendment of the Senator from West Virginia were approved to help traffic police buildings, fleet, and equipment.

I will not go through every one of these items on which the Senator would like to prohibit us from spending any money. Some of them are legitimate questions. But we have hearings. That is why we have congressional scrutiny. That is why there will be, when this bill is passed, a conference with the other body whose changes will be considered as well.

Again, legitimate debate will go on for years and years. Historians will judge, of the 77 Senators who voted in favor of authorizing the President of the United States to go to Iraq and the 23 who voted against it, which ones were right. History will make that judgment. But there is no one who believes that once we are there in Iraq that we don't have an obligation, an absolute obligation, to do what we can to help them rebuild their country, which is a fundamental if we expect democracy to take root in a place in the world which has never known it.

I travel a fair amount. I believe it is part of my duties as a member of the Armed Services Committee. Frankly, I enjoy it because I find it to be the most informative way for me to be able to understand our national security, our foreign policy, and many other issues.

I went to the city of Basra. I wish the Senator from West Virginia could have been with me. Since 1991, Saddam Hussein allowed that city, the second largest city in Iraq, to deteriorate to the point where it is a total disaster. It is a giant slum. Stagnant water is sitting around everywhere. There is filth, disease, the threat of cholera. I notice that the Senator from West Virginia wants to remove a Basra water pipeline and treatment plant.

I say to the Senator from West Virginia, if he doesn't want to travel there, I would be glad to show him pictures of the absolute criticality of taking care of the sewage and waste that abound throughout that city, if only from a humanitarian standpoint, to save the children who are dying every day there because of the lack of basic sanitation.

Mr. WARNER. Will the Senator yield for a question?

Mr. McCAIN. I am glad to yield.

Mr. WARNER. Mr. President, I, too, have traveled to the region, as has the Senator from Arizona. It was clear to me that there is a direct correlation between the efforts to repair the infrastructure in Iraq and, frankly, lowering what is in the minds of us every day: the danger to the individual men and women of the Armed Forces and the coalition forces. On every vote I cast in connection with this important measure, I have focused and faced that soldier patroling in Iraq and said: Does this help him or her, or not?

I wonder how the Senator from Arizona feels about this amendment in correlation to the infrastructure and the reduction of the risk and danger of those undertaking the military mission.

Mr. McCAIN. I thank the Senator from Virginia who I know made a trip to Iraq as well. Again, I am sure Ambassador Bremer will kill me, but I urge all of my colleagues. The Chair and I took a trip together. You cannot appreciate the degree of devastation to that country inflicted by Saddam Hussein—not by the U.S. military—until you see it. Yes, any student of history knows that democracy cannot take hold where there are no fundamental services that allow people to deal with issues other than their own survival. And unless this democracy moves forward, then the forces in opposition grow and the risk to American lives is obvious. Parts of Iraq are still up for grabs; we are still trying to win the hearts and minds of the people in the Sunni triangle, and to say we will not help them build their infrastructure, in my view, would be a serious error.

As the Senator from Virginia said, it could increase the casualties and risks to the American men and women fighting there. I am sure that that is not the intent of the Senator from West Virginia. So I hope we can dispense with this amendment rapidly. I do believe that in the upcoming weeks and months we will be examining our programs and progress. There are numerous amendments that require auditing by the GAO. They require reporting as to how money is expended. There are numerous requirements included in this legislation, both in its original form and through amendments.

The Senator from Delaware and I have added an amendment, that was accepted, that requires GAO auditing of this money and how it is spent, regular reporting to the Congress. I believe this money will be as heavily scrutinized as any appropriation that the Congress has allocated in history, and that is justified because this is a huge amount of money. So I hope we will understand that taking these items out of our aid to reconstruct the country of Iraq would be a serious mistake.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, let me say at the outset that I am an original cosponsor of the Byrd amendment. I seldom have disagreements with my friend from Arizona on these issues. But I argue that this is a place where reasonable men and women can differ.

At the outset, I wish to be clear that I am going to support final passage of this bill. I announced that when the President announced his initiative. I am sorely disappointed that the President failed to tell us how we were going to pay for this, other than adding to the debt of my grandchildren, and we are approaching a debt of $600 billion. I think that is a terrible abdication of responsibility. I do believe that, notwithstanding the fact that I am not going to get what I want out of this legislation, we have no choice. To paraphrase President Clinton: We went in; we broke it; we paid for it; we own it; we have to fix it.

Let's get to the reality. I voted to go in. It was the right vote, the correct vote. I did not count on the incompetence of the administration in handling the aftermath—their failure to anticipate what many of us on both sides of the aisle, most think tanks, and the State Department warned we would have to face. Nonetheless, that doesn't absolve me of the responsibility for trying to make sure it works.

What Senator BYRD and I and others are doing here is what is the Congress's responsibility: we are overseeing whether the money asked for by a President is being spent in the most appropriate way. That is our job. I say to my friend from the State of Virginia, the chairman of the Armed Services Committee who asked my friend from Arizona the question about whether or not this amendment would enhance or diminish in the minds of the average soldier over there their security.

I can tell you, having been the first Senator to go over there, that it will enhance them. If you give them a choice of whether they agree with Senator BYRD and me, that we should redirect the money from garbage trucks to securing those stockpiles of weapons, I guarantee what they will say.

Mr. McCAIN. Will the Senator yield for a question?

Mr. BIDEN. Sure.

Mr. McCAIN. I noticed the Senator was talking about how the money would be spent in the amendment. It includes $200 million available for relief in Liberia, and $50 million should be made available for Sudan. What in Sudan would this money go for, I wonder.

Mr. BIDEN. I will be happy to respond to all of that in my statement.

Mr. MCCAIN. While you are at it, if I may continue my question, not to exceed $50 million to support the Government of Afghanistan. Of course, not surprisingly, there is specific money for Fort Monroe, VA.

Mr. BIDEN. I am happy to respond.

Mr. MCCAIN. My question is, Why is $50 million made available for Sudan and $50 million to support the Government of Afghanistan, which was not requested by the administration in any way, not scrutinized? Congratulations; hello, Sudan; here is $50 million.

I ask my colleague, if he is concerned about how some of the money is being spent, should he not justify how the amendment would like to have that money spent?

Mr. BIDEN. If the Senator will allow me to continue my statement, I will be delighted to. I was responding to the comment of the Senator from Virginia, at the outset of my statement, as to what he thought the average soldier on the ground in Iraq would think of this amendment. My answer to that is, I believe because of how the money is redirected to be spent, that portion is redirected to be spent in Iraq, most soldiers—if you walked up to them and told them Senator BYRD and Senator BIDEN had this idea that, instead of paying $35,000 per pickup truck, we should pay $19,000; instead of building the following $499 million worth of prisons, build $199 million worth of prisons now; instead of going out and spending thirty-some thousand dollars per unit of housing—we don't know who is going to live in it and how it is going to be paid for—would you rather have us do those things or go and secure those arms depots that are now not being secured because our administration tells us they don't have the manpower or the money to do it?

The New York Times article that I have lays out in detail what we all know. It says:

> The compound—part factory, part warehouse, with several reinforced bunkers sprinkled about the grounds—is rubble now, demolished by American bombs. But missiles are everywhere. There is a 30-foot missile with Russian markings, still on its trolley, on a sidewalk. The propellant appears to have been removed, but the nose cone is intact.
>
> Two Exocet missiles—clearly labeled as such and stamped "Aerospatiale"—lie on the ground several hundred yards away. They seem to have been rendered largely useless by the bombing, but parts may be of some value.
>
> The best-preserved missile, the 15-footer, appeared to be another Exocet—

Et cetera, et cetera.

All I am saying is I believe it is totally legitimate for us to sit here and do what we do on every appropriations bill—just as the distinguished chairman of the committee does when the Pentagon says we want to build a certain aircraft. You may come along and say we studied it, we know as much as you do about it, and we don't think you should build it.

The chairman and I have been here a long time. I have been here 31 years, and he has been here longer than that. I know as much or more about this than Bremer. I have more experience than he does. So I am not going to sit here and, because Bremer—and he is a great guy—says, this is what I think, say, yes, sir, Mr. Bremer, lord high counsel, you are right. I am not going to do that. I know as much as he knows.

I may be wrong. I used to tell the old joke about the Texan. I don't say "Texan" now because people think I am talking about the President. The old joke used to be: I don't know much about art, but I know what I like. Well, I may be wrong, but I know what I think.

I think in terms of priorities—and I am voting for this $87 billion, and I voted against raiding Iraqi oil, and I voted against many of the amendments my Democratic colleagues have put forward. But the idea that our reallocating $1.7 billion out of a total of $21 billion is somehow going to ruin this—hey, if you want to go back and look at the record at who is more likely right in predicting what will happen in Iraq—Bremer, the Defense Department, CHENEY, or me—I will take that bet.

These guys have an incredibly lousy track record on judging what was going to take place after Saddam fell.

The only point I want to make is, we are not doing anything radical. We are saying: Hey, look, don't pay 30-some thousand bucks a pickup truck. Pay 19 like you do at home. Some of us think, and I am one of them—clearly, no one speaks for the Senator from West Virginia ever, so I am not pretending to speak for him. He may not wish to associate himself with the remark I am about to make. But the fact is, I think there is some padding in this request. I think they padded this request because they don't want to come back to us again.

Remember, I said this on the Senate floor, and I hope I am proved to be wrong—this is a dangerous thing to do, to make a prediction before all the world on the floor of the Senate—but the prediction I made and many others made, not just me, 9 months ago was this was going to cost us billions of more dollars. Guess what. It is costing billions of more dollars.

I was not, nor was, I suspect, my friend from Arizona, surprised the President came along with an $87 billion request. Guess what, folks. He is going to have to come back again, even with international support. I think part of this was padded. Pad a little bit more of another several billion dollars so we get through the next election and don't have to come back. They are going to have to come back, whether it is a Democratic President or a Republican President.

We should level with the American people. This is not done. This is nowhere near done, and the $87 billion will not do it. Even if we don't put an extra penny in reconstruction from this moment on, it is still going to cost us 4 billion bucks a month to keep our troops there. So they are going to come back for that. I don't hear anybody. I say to the chairman of the Armed Services Committee, suggesting we are not going to have 100,000-plus troops there a year after this.

Look, all I am saying is, this is our responsibility. Senator BYRD and I and others have looked at this very closely. I had a bill that was slightly different than Senator BYRD's. We have a slight disagreement on what we would cut and wouldn't cut. It is called compromise. I wouldn't have cut as much out of the prisons. I didn't do it that way, and I would have put more money in other places.

The bottom line is this: There are very serious problems that warrant our attention. Yesterday, the World Bank and the United Nations released their assessment of Iraqi needs. They anticipate the total cost of reconstruction through 2007 will be on the order of $56 billion. That is $35 billion above what we are about to vote on.

From where is it going to come? Based on what we were told by Ambassador Bremer, if all goes well, Iraqi oil will generate—and I appreciate his candor—$5 billion to $6 billion a year above and beyond the operating expenses through the year 2005. That still leaves you $20 billion short.

I remember talking with the chairman of the Armed Services Committee when I came back from my trip. He is an incredible gentleman, I must say, and straight as an arrow. He said: Joe, what did you think? Is there enough oil there? I think he will remember this.

I said: Our folks over there said, Mr. Chairman, no; oil can't pay for this, can't get it done.

Guess what. We all acknowledge oil can't get it done.

I have joined Senator BYRD, Senator DURBIN and others, not because I oppose the underlying request, but because I think it needs to be improved—it seems that this request was not adequately vetted by the Office of Management and Budget.

In addition to that, as my friend from Virginia remembers, we sat in a leadership meeting with the three leading Iraqi members of the council from Iraq. We asked them: Did anybody vet this with you? He will remember, they said no.

We said: You want the $21 billion for reconstruction, but would you do it this way?

They said no.

Then they said: If you let us do it, we could do it more cheaply. And they said: You are wasting money.

That is what they said.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. BIDEN. I will not yield at this moment. I want to finish.

Mr. WARNER. I am not asking the Senator to yield the floor, but the other part, in fairness—

Mr. BIDEN. I will be happy to yield to my friend.

Mr. WARNER. I do add the fact that I was present and I recall being somewhat concerned, I say to my distinguished colleague, but they had only been in office several weeks. The head of the electricity board, a magnificent woman, very well-skilled in technical matters, and the head of water and sewage, a gentleman—I was so impressed with them, but they said: We have only been in office 2 or 3 weeks.

We ought to add that fact to the Senator's point. I am somewhat concerned when you say Bremer padded. Do you have any evidence on this?

Mr. BIDEN. Yes, if my colleague will let me speak, I will be happy to show you. I have not spoken once on this entire legislation since it has been on the floor. The answer is yes, not padding in the sense they think this is some nefarious scheme, but I can't fathom how you can justify spending $34,000 for a pickup truck. We are not talking Humvees. We are not talking armored personnel carriers. We are talking plain old Ford pickup trucks. Where the heck do you get that? That may not be padding in the sense—and I am not suggesting there is some nefarious activity going on here. I am saying it is better for them to err on the side of having this a higher number than a lower number now, and the reason is because they know they are going to have to come back. They know this is not going to get the job done.

As the predecessor to my friend JOHN MCCAIN—and I do consider him a great friend—his predecessor, Barry Goldwater, with whom I served, used to say: In your heart, you know I'm right, John. In your heart, you know I'm right. This is not going to be enough. They are going to have to come back again.

I can't understand some of the earmarks in this request. I don't deny the good intentions, but as I said, and I know my colleagues are not saying this, but for me not to have the right to question their judgment on what is right for Iraq would be a little like my saying the Armed Services Committee has no right to question the judgment of the Joint Chiefs of Staff when they make a recommendation as to what they need.

The point I am making here is, we are talking about essentially redistributing, reallocating, as we do on every single bill, $1.655 billion of this money to other purposes. We are not even cutting it. We are not eliminating it. We are not building housing in Dubuque, which we should, or Wilmington—wherever. We are just saying we don't think a portion of what you are asking for is appropriately allocated.

Let me tell you what we want to do. Among the items in our amendment, we cut $100 million that is going to be used to build 3,258 housing units. Do they need housing units in Iraq? Yes, they do. Should the international community go along with that and help rebuild the Government? Yes, they should. But this seems to be a disproportionately large sum relative to the small number of units that will be built.

It is also unclear for whom these units are being built and whether the residents are going to be paying for housing when it is built. We just need some facts. It doesn't mean we are never going to come back and help people with housing. While we cut $100 million from, I think, this dubious purpose—dubious in the sense that in terms of priorities—we have left intact $130 million for government buildings and other construction projects, as well as $240 million for roads and bridges.

We also cut $200 million from the American Iraqi Enterprise Fund. Enterprise funds can be very effective in places where there is no prior expertise or entrepreneurship. As we heard repeatedly in the Foreign Relations Committee from witnesses of this administration for the last year and a half, the Iraqis are very sophisticated folks. They need capital; they don't need enterprise funds. They are good businessmen.

This is not like going into Liberia and trying to get a business class educated. That is what we do with enterprise funds. This is an established, educated business class. Businessmen are not in short supply in Iraq. The country has a strong business community, even if it was squeezed under Saddam's rule. In fact, we might be able to learn a thing or two about Middle Eastern commerce by working with Iraqi businessmen, not to mention getting more value out of our assistance fund.

That was one of the things said by the Iraqis who came to see us from the Iraqi Governing Council. They said: Let us get in on these contracts. Let Iraqi businessmen build some of this stuff. We will employ more Iraqis. We will do it more cheaply. We know the business.

Again, keep in mind what we are talking about here. Out of $21 billion, we are talking about reallocating $1.655 billion of it. The savings we think should be obtained by these and other cuts we apply to critical programs in Iraq, Afghanistan, and Liberia.

Now I hope I can answer some of the questions my friend from Arizona raised. First, we have redirected $600 million in savings to the Army to accelerate securing and destruction of Iraqi's vast stockpiles of conventional weapons.

I ask unanimous consent that an article entitled "At Iraqi Depot, Missiles Galore And No Guards" by Mr. Bonner and Mr. Fisher of the New York Times October 17, 2003, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 17, 2003.]

AT IRAQI DEPOT, MISSILES GALORE AND NO GUARDS

(By Raymond Bonner and Ian Fisher)

MUSAYYIB, IRAQ, Oct. 16.—It weighs more than a thousand pounds, so carting it away could present a few logistic problems for the average looter. But the fact remains that there is a very nice 15-foot-long missile, in mint condition, there for the taking, at one of Saddam Hussein's defense factories a few miles west of here.

The missile, along with a dozen ready-to-fire 107-millimeter antitank rounds, just a few feet away, is part of a problem that the American military has only begun to grapple with: as much as one million tons of ammunition is scattered around Iraq, much of it unguarded—like the armaments here—simply because the United States does not have the personnel to keep watch.

On Thursday in Baghdad, an American brigadier general, Robert L. Davis, acknowledged the scope of the problem, saying that there are 105 large ammunition dumps as well as scores of smaller sites, not all of them guarded regularly. But General Davis, who is overseeing the cleanup, sought to give assurances that the Pentagon is working as fast as possible.

In the past three weeks alone, he said, recently deployed private civilian contractors have destroyed more than 2.5 million pounds of ammunition, whereas American soldiers were able to destroy only a million pounds in the last six months.

"It's a very high priority," General Davis told reporters.

But on Thursday, not a single soldier or guard was to be seen at this compound in the desert 40 miles south of Baghdad. A few Iraqis wandered about, and vehicles drove on the roads in the compound; one man drove off on his three-wheeled motorcycle with a bounty of long sections of pipe.

Evidently, American soldiers were here during the war. Their graffiti attests to that—"Saddam Free Zone," "Go Team USA #1." Apparently, they left before thoroughly searching the site, or perhaps they simply lacked the time or expertise to clean it up.

The compound—part factory, part warehouse, with several reinforced bunkers sprinkled about the grounds—is rubble now, demolished by American bombs. But missiles are everywhere. There is a 30-foot missile with Russian markings, still on its trolley, on a sidewalk. The propellant appears to have been removed, but the nose cone is intact.

Two Exocet missiles—clearly labeled as such and stamped "AEROSPATIALE"—lie on the ground several hundred yards away. They seem to have been rendered largely useless by the bombing, but parts may be of some value.

The best-preserved missile, the 15-footer, appeared to be another Exocet, though because of the container's position against the

> wall, only the cone could be seen. The writing on the shipping tube, in French and English, was inconclusive.
>
> Outside in the rubble was a shoulder-fired SA-7, a Russian-made surface-to-air missile, caked with dirt.
>
> It is impossible to know how much has been looted from this factory. In the desert about five miles away is the shell of a truck. Bedouins said the truck had belonged to looters who were captured several weeks ago by Americans.
>
> The desert sand around where the truck was found is littered with mounds of mortar and artillery shells. Most of them appeared to have been defused, but a few live, small rockets, as well as several hundred live large caliber rounds, were found among the litter. It is not clear how the munitions got here.
>
> The issue of unguarded Iraqi ammunition dumps has taken on greater urgency recently as the pace of bomb attacks against American forces and other targets has increased. Military officials say much of the explosives being used in the attacks come from ammunition sites like this one, which had once belonged to Mr. Hussein's army.
>
> As if to underscore the threat, six rockets were fired on Wednesday into the green zone in Baghdad, the heavily guarded cocoon that protects senior American officials, including L. Paul Bremer III, the top civilian administrator. No one was hurt. It was the second such attack.
>
> After American troops took over in Iraq, they were confronted with an astonishing number of obvious weapons caches: in schools and mosques, and in houses in neighborhoods where the residents had apparently been moved out before the war.
>
> Sometimes those dumps exploded, killing and wounding people and stoking Iraqis' anger against the Americans.
>
> Soldiers are finding more dumps every day. General Davis said that in one military zone in northern Iraq, commanders first reported 730 weapons caches. More recently, the number climbed to 1,089, though General Davis said all but 12 had been destroyed.
>
> General Davis said the military had not ignored the problem. He said that the Pentagon had hired private contractors, but that they had only been working about three weeks and were still not here in full force.
>
> "I don't think we've been slow to recognize the problem," he said. "You can already see the difference in what we could do in about a six-month period and what they can do in a three-week period at partial mobilization."
>
> While he said the job of guarding the dumps was not under his command, he said many of them were either protected by American soldiers or at least patrolled regularly.
>
> But he conceded that some were not. "I don't know why we could not guard them all," General Davis said.
>
> Another military official said that 6,000 American soldiers had been assigned to manning the dumps, but that more were needed.
>
> General Davis said $285 million had been allocated in the next year to clean up the ammunition, a job that he said would take several years.
>
> Right now, there are 160 civilian contractors from four private companies, with another 120 in Kuwait. In total there will be 430 people dedicated to destroying the ammunition when the operation is at full capacity in December, he said.

Mr. BIDEN. I would ordinarily read it, but I know a lot of my friends want to head home, and I do not want to hold them up very much longer in terms of keeping us late today.

No one doubts this is a critical issue, dealing with and securing this stockpile of conventional weapons, which our military tells us on the ground is now being used in more sophisticated ways by the old Fedayeen, by the thugs, by the old Iraqi Army, by the people attacking us. The need in this area is enormous.

Consider these facts: The head of the central command, General Abizaid, testified before the Senate Appropriations Committee on September 24:

> There is more ammunition in Iraq than anyplace I've ever been in my life.

Continuing:

> And it is all not securable.

He goes on to say:

> I wish I could tell you that we had it all under control but we don't.

General Abizaid estimates Saddam Hussein amassed 650,000 tons of ammunition. That is about a third of the entire United States military stockpile. Take all of the amassed ammunition the United States of America has stockpiled, with our close to $400 billion military budget, and Saddam has amassed about a third that much, and 650,000 tons is sitting in Iraq right now.

Now, of that 650,000, only 70,000 to 80,000 tons have been secured by the American military. Why? They do not have the manpower. CENTCOM has estimated it will take 5 years to destroy those weapons already confiscated.

I say to my friends, as important as housing is, that is more important. General Abizaid, and these are his words, not mine. According to a front-page story in USA Today of September 30:

> Coalition forces had uncovered 102 large caches of small arms throughout Iraq and hundreds of more smaller caches. A large cache is defined as requiring at least 10 tractor-trailer loads to remove. Of the several hundred arms caches, 50 remain unguarded, monitored only by cameras. Easy access to arms and explosives poses the most immediate threat to coalition troops.

That is what I meant when I said to my friend from Virginia I believe he asked the coalition troops what they are most worried about, if they are worried about whether Senator BYRD and I are cutting housing money and garbage trucks and adding it to getting these arms caches, or whether they would rather have us build the housing and the garbage trucks.

Experts estimate there are enough guns in these stockpiles to arm each and every one of Iraq's 25 million people. The same USA article says: An AK-47 with ammo can be bought on the street, as we both know, having been there, for 10 bucks.

People are walking around after going to these caches and saying, I have a little AK-47 with all the ammo, 10 bucks will get it for you.

A story last Wednesday in the New York Times:

> U.S. can't locate missiles once held in arsenal of Iraq.

They related that coalition soldiers—that is basically American soldiers, although there are brave Poles and brave Brits, but we are the bulk of it—have been unable to locate possibly hundreds of shoulder-fired missiles, which as all of us who pay a lot of attention to what is going on in Iraq know is why the Baghdad Airport is not open.

We are going to get all this commerce going in Iraq. We have the Secretary of Commerce over there saying invest in Iraq; it is a good deal. The airport cannot even be open. Why? Because we cannot account for—and this is not a criticism; it is an observation—shoulder-fired missiles that have gone missing from these stockpiles.

In case someone thinks I am exaggerating, the coalition put the word out on the street, we will pay 500 bucks to anybody—it is like a gun retrieval program in Richmond or Wilmington—who brings in that shoulder-held missile and gives it back to us. Three hundred Iraqis have walked up to coalition soldiers with a shoulder-held missile and said, here is a missile. Where is my 500 bucks?

These weapons can fetch as much as $5,000 on the black market. Do I need to explain to anybody on this floor—I clearly do not—how porous the Iraqi border is? Every day the administration is talking about Iranians crossing the border, about al-Qaida, about terrorists. Here we are unable to account for hundreds of shoulder-held missiles that are selling for $5,000 on the black market.

Again, to make the point, do my colleagues think our soldiers would rather have us be able to confiscate those missiles and not let any more get out or spend $30,000 for a pickup truck? Given Iraq's porous borders, this is a disaster.

Second, our amendment redirects $386 million of the $1.655 billion from what we believe to be nonemergency spending to Afghanistan in areas where every dollar counts. That is less money than I would like to see devoted to Afghanistan, but it is nearly a 50 percent increase in the funds the President requested.

We held a hearing yesterday with the administration in our Foreign Relations Committee. They are pointing out to us they do not have the money, I say to my friend from Arizona, to train up the ANA, the Afghan National Army, because, as we both know, the President announced after he came back from Tokyo the new Marshall plan for Afghanistan—not BIDEN's words, not MCCAIN's words, not WARNER's words, but Bush's words. He announced the Marshall plan for Afghanistan, God love him. Well, guess what. The Marshall plan is the Marshall without the general, because the money is not there.

So what is Karzai saying? We have this new plan to train up immediately the ANA, the Afghan National Army.

There is not enough money. So we say we are going to take $386 million of this and give it to spend in Afghanistan.

Now, why Afghanistan? Look, there are bookends around a little country called Iran, with 40 million people, which is seeking a nuclear weapon. It is now run by an oligarchy made up of ayatollahs who control the military and all the security apparatus. You have a failed state on your east and a failed state on your west. You have an incredibly emboldened Iran. Kiss goodbye modernity—the fancy word we like to use for modernizing the Arab world. Kiss goodbye democracy.

We cannot afford to let Afghanistan fail.

So, just as in Iraq—and my friend from Arizona and I agree we need more forces in Iraq, not fewer. I am getting my brains kicked in for that and he is, too, but we are right. We have General Abizaid saying we don't need more forces. Guess what. We can't secure these depots. Come on. If you can't secure the depots, why can't you secure them? Because you don't have the forces.

Oh, I get it. Then you don't need the forces because you don't think these 650,000 tons of ammunition matter. Is that what you are saying to me?

Mr. WARNER. Will my colleague yield?

Mr. BIDEN. I will not yield. I will not yield. I am almost finished, and you can have the floor, and I will be happy to discuss it in any way.

To keep the continuity of the point I am trying to make here, the same thing exists in Afghanistan. They don't have the money to do what this administration says it wants to do. So guess what. We are trying to help them. We are trying to help them. So we are reallocating $386 million of the $1.655 billion, out of $21 billion. We are reallocating it where we think—we may be wrong, but we have a right to think it—to allocate it where we think it is needed.

Where will it go in Afghanistan? Mr. President, $75 million of that $366 million will go to the Afghan National Army, which currently pays, I might add—do you know how much they pay? Let's everybody remember this. I know we know it, but sometimes there are so many facts it is easy to forget.

We are trying to get an army in Afghanistan that is made up of Tajiks, made up of Pashtun, made up of all the ethnic groups. That is what we are trying to do. You know, that is our objective. But right now the war lords, who historically control them all and have armies bigger than the national army, are paying their armies that they have made up—they are paying them a fair amount of money. They are also the biggest opium traders, now, in the world.

Do you know what we are paying the Afghan Army, what Karzai gets to pay them? It is $50 a month—$50 a month. We went back and looked, Senator LUGAR and I. That is less money than we are paying the guy to clean the latrines in the army barracks where we are training them.

Look, I am not a businessman, as is often pointed out to me by my Republican friends. But let me tell you, if I am trying to attract from the warlord in Herat, Ismael Kahn, some of his folks to come and join the Afghan National Army, then it seems to me I have to be able to compete in the marketplace for them. Fifty dollars?

So what do we do? We follow through. We follow through with what the administration says it needs. We give them the money. We give them, of this money, 75 million more dollars to train up an Afghan National Army.

Again, why is that important? The reason that is important is, as long as we do not have an Afghan National Army, we have to have American forces there. I don't want American forces to stay there, which is the administration's rationale. I agree with the rationale, just as we are saying in Iraq, train up an indigenous force as quickly as you can.

What are we trying to do here? What we are trying to do here is meet the objective stated. The objective stated is train up, as fast as you can, an army. So we give them $75 million more. We take $50 million, I say to my friend from Arizona—and there is accountability under the existing legislation—for more police.

The one thing everybody says in Afghanistan, which I have also visited, is that we don't have enough police, especially outside of Kabul. The local Governors and mayors cannot control Kandahar, cannot control all the various cities. We already have a program for police. We say: We are going to give you $50 million more for that program.

We also increase schools.

You say: OK, Biden, now you get the fuzzy stuff, $55 million for schools. You just got done saying you don't want housing in Iraq, but you take Iraqi housing money and use it for schools? Simple reason: The Saudis and the Wahabi extremists have built 7,000 madrasahs, 7,000 hate-spewing institutions in the country of Afghanistan.

President Karzai says: Help me.

My friend, the Presiding Officer, is a very well educated guy. He remembers why so many people in the Middle Ages sent their kids to monasteries. It wasn't because they wanted them all to be priests. It was because they had a roof over their heads, three square meals, and clothes on their back. They were ready to trade for that, in their view, to have them indoctrinated or otherwise. That is why the people are in madrasahs.

Karzai said—listen, I spent hours with him, as many of you have—I need more schools. How can I get you to take your kid out of that madrasah unless I have someplace to put him? Guess what; $20,000 will hire you a schoolteacher for a year and build you a rudimentary school in Afghanistan.

Then we take $38 million for public health and $15 million for road construction.

I will not go into any more detail. I apologize for taking this long, but it is the first time I have spoken on this entire matter.

We heard testimony in the Foreign Relations Committee about one of the major projects. I ask staff to correct me if I am wrong here, but I believe a road project from Herat to Kabul, being built by the international community with U.S. funds, is considered essential but they don't have enough money to finish it. So guess what. We are helping out. We think it is a higher priority to build that road than it is to reestablish the swamps now in Iraq.

This is all about, as my dad, who just died, used to say:

> Joey, if everything is equally important to you, nothing is important to you.

You have to prioritize. We are prioritizing based on what Senator BYRD, who views Iraq very differently than do I, and I know is the best bang for the buck in United States interests.

It provides $41 million for more support for human rights, free elections, and the day-to-day functioning of the Karzai government.

Moreover, this amendment provides funds for priorities that are completely omitted from the Administration's request.

It provides $45 million for projects targeted to women and girls.

It gives $50 million for drought relief and other urgently-needed water projects. It directs $25 million to help internally-displaced people, most of whom had returned from squalid refugee camps abroad only to find that their homes were scarcely less horrific.

Finally, our amendment also adds $200 million for Liberia.

The Administration made a glaring oversight by not including a request for Liberia funding in its request. Our amendment corrects that deficiency.

There is a glimmer of hope for a lasting peace in Liberia after nearly 14 years of civil war. President Charles Taylor has been forced out of the country, and the UN has begun to deploy a 15,000 person peacekeeping force.

We're not part of that force, but we should be a part of the effort to help Liberia recover from over a decade of violence and misrule.

Over the course of the war, Liberia's development has taken a quantum leap backwards. There is no running water or electricity in the capital.

The current generation of school-aged children in Liberia is less literate than the preceding one.

Nearly one hundred thousand people have been forced out of their homes and are living in make-shift camps.

Sickness and hunger have affected much of the population.

The State Department has estimated that $200 million in assistance will be needed from the U.S. to assist Liberia over the next year. Our amendment provides the State Department with the full amount that it says will be needed.

I am about to conclude, believe it or not, folks. The fact is, we are not eliminating this fund. We are not in any way fundamentally altering what this administration is asking.

We are saying that the Congress, based on priorities, sends the wrong message with $1.5 billion of the $20 billion. That is an oversight responsibility of the Congress, whether it is Iraq, whether it is a missile system, or whether it is a leave-no-child-behind proposal for education.

I want to emphasize again that I intend to vote for this supplemental bill, notwithstanding the fact—because I have nothing left but a Hobson's choice here—we are not paying for it the way we should. We are just sending it to the deficit column.

I believe we have a responsibility to scrutinize the bill before us, decide on priorities, and to cut spending that is not the highest priority and direct those funds to efforts which we think have been shortchanged. That is precisely what our amendment does. It is precisely what our Republican colleagues on the House Appropriations Committee have done.

I will conclude by saying the reason I amended my legislation to conform with that of my friend from West Virginia precisely is because he is a smarter parliamentarian and legislator than anybody here. He knows the chances of this becoming law are increased in direct proportion to the degree to which it matches with the House. What we have done is take the House language, which I would like to modify in the margins—and I expect maybe Senator BYRD would even like to modify in the margins. But as an old bad joke goes, it is close enough for government work. What will happen is it gets us on the same page and will not slow up, if this passes a conference, reporting out this entire bill and the money getting to where it needs to be.

I know no one, particularly the four leading Senators on this floor, including myself—the Senator from Alaska, the Senator from Virginia, the Senator from West Virginia, the Senator in Arizona—I know them. I have watched them for years and years. None of them believes we should be a rubberstamp. I am not about to be a rubberstamp, nor are any of them. This is our honest assessment of what we should do to make this $21 billion go further with greater priority, more rapidly, and enhance our chances at success in both Iraq and Afghanistan. Remember: The President's proposal covers both Iraq and Afghanistan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I want to be extremely brief.

We spent a long time on this amendment. There are other amendments pending. I in no way criticize or take exception to the rights of the Senator from Delaware, nor the Senator from West Virginia. In fact, I wish more would exercise scrutiny in the work of the Appropriations Committee. But I think we ought to know what this amendment is about. It is taking $1.65 billion from the reconstruction of Iraq and putting it to work in Fort Monroe, VA, the Sudan, Liberia—places that are worthy and deserving, perhaps. The purpose of this legislation is to provide money for the military and reconstruction of Iraq plus Afghanistan. Tough choices have to be made on other issues.

I share the concern of the Senator from Delaware about the situation in Afghanistan. But I don't share his open-ended desire to send money just to the Sudan, just to Liberia, and another open-ended $75 million for foreign military financing programs.

I think we need to stick to what we have. It has already been examined by the Appropriations Committee. It has been examined by all Members. I hope the motion to table will be agreed to.

Mr. BIDEN. Mr. President, will the Senator yield?

Mr. WARNER. Mr. President, I would be happy to yield and enter into a colloquy and questions with the Senator from Delaware and to address my good friend from Arizona.

Mr. BIDEN. I will be very brief.

Senator McCAIN raises an important point about the Sudan. Why are we all of a sudden sending money to the Sudan? The answer is that this amendment does not send funds to Sudan. I know of no one other than Senator Howard Metzenbaum who scrutinizes legislation more precisely than my friend from Arizona. The legislation which the committee reported out and which we are about to vote on—$21 billion—and which we are debating right now contains an additional $150 million for new complex emergency funds in addition to the $100 million already in the bill. That is what is in the legislation. If this amendment passes there will be an additional $150 million available for complex foreign emergencies and these funds shall be available for the Sudan. Notice I didn't say these funds are for the Sudan—they are available to the Sudan. The reference in the Byrd amendment will allow these funds to go to the Sudan.

That is what the administration said they are working on: to spend part of this complex emergency funding. They have already said as it came out of the committee that they want to spend some of this $100 million—$250 million if our amendment passes—in the Sudan. We didn't make this up out of whole cloth. We are giving them more money than they are likely to want to spend on the Sudan. It is not like all a sudden we picked out Northern Ireland, and, by the way, why don't we help them, too. That is a generic point.

Mr. McCAIN. I think the Sudan is important. I don't think it is as important right now, to be honest with you, as the projects the Senator from West Virginia cuts out: Iraqi national community network, maximum security prisons, traffic police, water pipelines, treatment plants, on and on. These are cut out so we can send money to the Sudan.

We have taken a long time here. Our colleagues are getting restless in their offices all over the Capitol. I don't want to continue this. We have a difference of opinion as to this amendment and to how the money should be spent. But to take money from Iraq and send it to Fort Monroe, VA, which is a worthy cause, is not appropriate for the way this bill was designed.

Mr. BIDEN. Mr. President, on that one point, there is a compromise. It is a good one. We essentially reprioritize and stand by those priorities.

Mr. WARNER. Mr. President, if I could direct a question to my colleague, first, I hope in the course of this debate we have not impugned in any way the integrity of Ambassador Bremer.

Mr. BIDEN. Just his judgement; I mean that sincerely.

Mr. WARNER. That is an important addition the Senator just made because this is a man who uprooted himself from a difficult situation here at home, volunteered to go over there, and, as the Senator knows, those living conditions are not the best.

Mr. BIDEN. Absolutely.

Mr. WARNER. The point being, he is on the scene 14 hours a day. He is working.

Mr. BIDEN. Agreed. Agreed.

Mr. WARNER. When the Senator says he has experience and he understands things, I defer to that. I have a great deal of experience, and he does, too. I admire him. He knows that. But my point is we certainly have to have a degree of confidence in those who render their best judgment on the various items.

The Senator raised the question, and I have a document here to refer to. If I could just pose a question, the Senator pointed out the seriousness of these vast ammunition depots. No matter how great Saddam Hussein may have been with his military—from the debriefings, they have no explanation why he put in every corner of Iraq these enormous caches of ammunition. The Senator from Delaware brings out the necessity to go in and eradicate those in various ways as quickly as possible so they do not fall into the hands of those who are acting against us.

The point I wish to make is, in the document and carefully buried in the $67-plus billion for the Department of Defense is the specific item of $300 million for initiatives for battlefield cleanup. It is in there. You don't have to take it out of other portions. That is in addition to $24 billion for the Department of the Army which they are going to expend for those purposes.

Has the Senator examined in detail to know that some of the items he is asking for, such as the cleanup of the battlefields, is already included?

Mr. BIDEN. Mr. President, I have. I have looked in great detail. That is not just for ammunition dumps. That is across the board.

I also point out the military said there is no explanation for why Saddam would have these caches all over the country. I suggest we look to history. It is for the same reason Tito had the same kind of caches all over the former Yugoslavia. He trusted no one anywhere, and he wanted to be certain that if he was ever deposed or moved, he would have access to a cache sufficient to keep him in the game. That is why it is done. Read history.

Lastly, we have looked at that. We do know there is money for battlefield cleanup. This goes well beyond the depots. Assume that the Senator is right, that it is sufficient; it is not sufficient to do the whole job.

Lastly, in response to my questioning, Paul Bremer is a fine man. I have come back praising him. However, you are entitled to question a person's judgment—I am not questioning his motive—just as the Secretary of Defense was entitled to question the judgment of General Shinseki. He did not say he was not an honorable man. The day a U.S. Senator, particularly one with 30 years of experience, can not question the judgment of an ambassador is the day we should close up this shop. He may be right; I think he is wrong. I am just questioning his judgment.

I do not think these are the priorities. To state it another way, $19.5 billion of this we are not even talking about.

I yield the floor.

Mr. STEVENS. Mr. President, there is some concern about the individual items pledged. We are going to take care of the problem of some of the allocations that have been listed in the report from Mr. Bremer's office about how this money should be spent.

I ask unanimous consent Senator BOND be added as an original cosponsor to Cantwell amendment No. 1857.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am a cosponsor of this amendment, which I strongly support.

I will be brief. Senator BYRD has already described in detail what the amendment does.

It has only been a few weeks since the White House sent us a bill for $87 billion for Iraq and Afghanistan. This amendment deals with the $21 billion that the President wants for reconstruction activities in these countries. Of that amount, only $799 million—less than 1/20th—is for reconstruction in Afghanistan, a country where the standard of living for most people is reminiscent of the Middle Ages.

It is also a country whose former Taliban government harbored Osama bin Laden, and in doing so enabled al-Qaida to plan the attacks of September 11. But for whatever reason, and despite the difficulties and dangers that our troops and our aid workers are facing in Afghanistan, the White House has only asked for a tiny fraction of these supplemental funds to be provided to Afghanistan.

I have looked at what the administration wants this $21 billion for. Much of it makes sense. But there are expenses here unlike any I have seen before in a foreign aid bill.

Let me be clear. We all want to help Iraq. But we also have a duty to protect the taxpayers' money, and this request is extravagant.

Let's look at just a few examples. These are some of the amounts we are being asked to spend for these items, for Iraq, compared to how much it would cost if they were purchased right here in the United States: $33,000 pickup trucks; $6,000 satellite telephones; $400 million to build two prisons; and, studies costing tens of millions of dollars.

What is going on here? Who is profiting from these unnecessary expenses? We know who isn't—U.S. taxpayers.

We have never, in my 29 years here, given foreign aid on such a scale to a country that in a few years could be the second largest oil producing nation in the world.

Help Iraq, yes. But $20 billion? All at once? Out the door, with no real strings attached? And for things like this?

There are communities in our own country that don't have internet access, whose citizens can't get free computer training, that need new garbage trucks, or police cars, or prisons. The list goes on and on.

This amendment attempts to make the best use of the funds in this bill, by cutting $1.6 billion of the Iraq reconstruction funds and shifting them to other needs, including for urgent humanitarian needs in Afghanistan, Liberia and Sudan.

Frankly, I think we should cut more than $1.6 billion. From what I have seen in the meager justification materials we got from OMB, there is a lot of money here that is going to be spent on consultants and for things that the Iraqis could do themselves for a fraction of the cost.

But at least this amendment would get at some of the unnecessary things, and use the funds for things that are necessary.

Senator BYRD has spoken about the use of $600 million to locate and destroy ammunition caches in Iraq, that are the source of weapons being used to kill and maim our troops. It is beyond comprehension why the Pentagon has not acted sooner to deal with this problem. This amendment would finally address it.

But I want to speak briefly on the $386 million that would be transferred to programs in Afghanistan, because I don't think there is anyone here who would not agree that we need to do more to prevent the situation in Afghanistan from unraveling. My friend from Kentucky, the chairman of the Foreign Operations Subcommittee, Senator MCCONNELL, just returned from Afghanistan. I am sure he saw how urgent the needs are.

The Karzai government is fragile, at best. Warlords continue to rule vast areas of the country. Our troops are in a continuing fight with al-Qaida and remnants of the Taliban, who strike from their sanctuaries in Pakistan.

Many Afghans remain displaced, living in squalor. They have too little to eat, not enough fuel for the winter, and many tens of thousands remain homeless.

Women and girls continue to face great hardships. Girls schools are being destroyed. Health care remains a dream for millions of rural Afghans.

The crop of opium poppy is the largest in years.

The list of needs is long, but a little money can make a big difference in Afghanistan if it is spent wisely—not for internet access, but to build primary schools and irrigation systems.

The $386 million that would be transferred to Afghanistan in this amendment mirrors what the House Appropriations Committee did last week. Both Democrats and Republicans in the House agreed that these funds were better spent in Afghanistan. For health clinics, to train and equip the army, for anti-drug programs, for irrigation, to support elections and governance.

The amendment also provides $45 million for programs that specifically help women, and $25 million for Afghans who are internally displaced and need emergency aid.

This amendment would bring the total in this bill for reconstruction in Afghanistan, a country of 22 million impoverished people, a country that could easily revert to a terrorist haven, to slightly over $1 billion. That compares to $20 billion for Iraq, a country of 25 million people with a standard of living that already far exceeds what most Afghans could dream of.

Let's inject a little common sense into this process. Both Iraq and Afghanistan need help. Both are security issues for the United States.

I thank the Senator from West Virginia for his amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent when I yield the floor that I be permitted to yield to Senator BYRD to finish his remarks. He has time remaining on his allocation; following his remarks, I be recognized for the purpose of making a motion to table the Byrd amendment. I would like to have 2 minutes for my time before making that motion to table. I ask the two cloakrooms as a courtesy to Senators at lunch to send out word there will be a vote on a motion to table within 15 minutes.

I further ask that the time on that vote not be 10 minutes because people are out of the building and they have to return. I ask this amendment not be a 10-minute vote, that it be a regular vote.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I ask my friend to modify the request. I just received a message from the cloakroom that Senator KENNEDY wishes to speak for 15 minutes.

The PRESIDING OFFICER. Is there objection to Senator KENNEDY also being allowed to speak for 15 minutes?

Mr. STEVENS. I have no problem with that. I just ask his time occur after or before Senator BYRD's time but at his discretion.

Mr. REID. Maybe afterwards.

Mr. STEVENS. I leave that up to Senator BYRD, whether he wants to speak before or after.

Mr. BYRD. Mr. President, in response, I think everything has been said as far as I, personally, am concerned. I would say that a good bit has been said about the funding for a prison. There are funds in the bill for 26 detention facilities. It will take years to build the new prison that is proposed by the President. I don't know how a prison that will not be finished for years protects our troops today or tomorrow or a year from now. I find it hard to imagine that our troops would be protected by projects such as this.

As far as I am concerned, I am ready to yield back time.

The PRESIDING OFFICER. Is there any objection to the unanimous consent request as modified?

Without objection, it is so ordered.

Mr. STEVENS. As I understand, there is an allocation of 15 minutes for Senator KENNEDY; is that correct?

The PRESIDING OFFICER. The Senator is correct. The Senator from West Virginia still controls 7½ minutes.

Mr. REID. I ask unanimous consent the previous order be amended to withdraw the time of Senator KENNEDY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Senator BYRD still has time.

The PRESIDING OFFICER. The Senator has 7½ minutes, and the Senator from Alaska has been allocated 2 minutes prior to a motion to table.

Mr. BYRD. I yield back the remainder of my time.

Mr. STEVENS. I merely point out, as the Washington Post editorial did on Wednesday, rebuilding the electricity grid, fixing the water supply system, getting oil flowing, maintaining public safety is all central to the hopes for stability and a representative government that is the means of getting our troops back.

I have had conversations—as a matter of fact, I just could not answer a call from Ambassador Bremer. I have great admiration for him. He has said there is no doubt the funds will help contribute to the peace and stability of not only Iraq but the entire region being stabilized. To deny them will delay the return home of our U.S. troops.

I understand there is pending an underlying amendment and second-degree amendment. I make a motion to table the underlying amendment which will take both amendments, if I am successful, and I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 396 Leg.]

YEAS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Dayton
DeWine
Dole
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—2

Domenici
Lieberman

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I have a unanimous consent request to make that will terminate the consideration of this bill if the Senate will listen.

I ask unanimous consent that the only remaining amendments in order be the following: Senator BYRD, regarding flexibility of money, 10 minutes equally divided; Senator BYRD, National Guard deployment, 10 minutes equally divided; Senator BYRD, amendment No. 1819 as a substitute, 10 minutes equally divided; Senator BROWNBACK, an amendment on rescission of money, 20 minutes—15 minutes for him and 5 minutes for the manager of the bill. Those will be the last votes.

We also have the Leahy amendment; the Dorgan amendment on oil; the Boxer-Schumer amendment on shoulder-fired missiles, as modified by the two managers; Senator DOMENICI wishes to speak for 5 minutes; and we have a Bond amendment which we believe will be adopted and will not require a vote. We have at this time four votes.

I further ask unanimous consent that upon the disposition of the above-listed amendments and any final debate, the bill be read a third time and the Senate proceed to vote on passage of the bill, with no intervening action or debate. I further ask unanimous consent that when the Senate receives from the House H.R. 3289, the House companion, that all after the enacting clause be stricken and the text of S. 1689, as amended, be inserted in lieu thereof; that the bill then be read for a third time and passed, with no intervening action or debate.

I further ask unanimous consent that following passage of the bill, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint the full Committee on Appropriations as conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object.

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I do not intend to object. I want to clarify, based on the discussions we have been having with the distinguished chairman of the committee, the Dorgan-Wyden amendment involves a number of savings provisions. We are going to be working with the chairman's staff and the staff of Senator BYRD. We think we can find common ground on a provision that will save upward of $1 billion. I withdraw my reservation.

Mr. LEAHY. Reserving the right to object.

Mr. STEVENS. The Leahy amendment, the Dorgan amendment, the Boxer amendment, Domenici, and the Bond amendment will be worked out with the managers and accepted without a vote.

Mr. LEAHY. Reserving the right to object, to make sure we are clear on this, on the Leahy amendment, am I correct, Mr. President, the yeas and nays have already been ordered?

The PRESIDING OFFICER. Yes, they have. The Senator from Vermont is correct.

Mr. LEAHY. We would need, am I further correct, Mr. President, a further unanimous consent request to vitiate the yeas and nays on the Leahy amendment?

The PRESIDING OFFICER. The Senator from Vermont is correct.

Mr. STEVENS. I thought this unanimous consent request says there are only four votes left?

The PRESIDING OFFICER. Is there objection?

Under the unanimous consent request propounded, there will still be a requirement to vitiate the yeas and nays on the Leahy amendment.

Is there objection to the unanimous consent request?

Mr. BOND. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I was off the floor, and I am not sure whether the chairman asked for a vote on the Bond-Mikulski amendment.

Mr. STEVENS. I have not.

Mr. BOND. We would like to have a vote on that amendment. This is an extremely important amendment providing veterans health care. It will be vitally important. I would like to have a recorded vote.

Mr. STEVENS. I have an objection to that. I have to withdraw the request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I renew my request, but I ask that all references to votes be deleted. We have no agreement on how many votes there will be. We believe there will be four, maybe five, maybe six.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Senator BYRD is first in line.

AMENDMENT NO. 1886

Mr. BYRD. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1886.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds for the involuntary deployment overseas in support of Operation Iraqi Freedom of members of the National Guard and Reserves who have been involuntarily deployed for more than six months during the preceding six years)

At the end of title I, add the following:

SEC. 316. No funds appropriated or otherwise made available by this Act may be obligated or expended for the involuntary deployment overseas in support of Operation Iraqi Freedom of a member of the National Guard or Reserves if that member has been involuntarily deployed for any period of six months or more during the six-year period ending on the date the involuntary deployment overseas would otherwise commence.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, the National Guard has been stretched to the breaking point. Not since the Korean war has the United States deployed so many members of the National Guard and the Reserves. Right now, more than 160,000 members of the National Guard and the Reserves are on active duty around the world, and more reservists are getting ready to ship out to Iraq.

Last month, the President activated 10,000 more guardsmen for service in Iraq and put an additional 5,000 troops on alert. More callups are doubtlessly in the works. I have heard from many families anxious to know when their deployed loved ones might return home. I expect that all Senators have received similar letters and telephone calls.

All of these families expressed a deep frustration with the open-ended, unfocused deployment of Guard and Reserve units. While the Nation's citizen soldiers are proud to serve their country overseas, they also have obligations at home. These part-time soldiers are full-time doctors, firemen, policemen, and a host of other roles which are critical to the security of American communities. We must do better to balance their commitments at home with their deployments overseas.

The amendment before the Senate will help to relieve the strain that is being placed on our citizen soldier. It would prohibit the involuntary deployment of a member of the National Guard or the Reserves to support Operation Iraqi Freedom if that member has been deployed for a period of more than 6 months in the previous 6 years.

This amendment would put an end to the back-to-back deployments that are causing the most strain on our reservists and their families.

The amendment is based in part upon the direction that Secretary Rumsfeld issued on July 9, 2003, that members of the National Guard and Reserves should not be subject to more than one long deployment every 6 years. We are engaged in a long-term occupation mission under hostile circumstances. There are better ways to get the troops we need for this mission than calling tens of thousands of Guard and Reserve troops away from their homes, away from their jobs, away from their communities for 1 year at a time.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. There is 10 minutes equally divided. I yield our 5 minutes to Senator BOND, chairman of the National Guard caucus.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we have addressed this matter before. I think all of us are concerned about the time that has been taken up with the National Guard and Reserve being deployed overseas. This, however, is what they signed up for. We are in a war on terrorism. The war in Afghanistan and the war in Iraq are very important and critical elements in that war. We believe the Defense Department has to be more concerned about the time the Guard and Reserve are deployed. There is no question it causes strain on the families and causes strain on employment opportunities.

I have talked to members of the Reserves who have been stationed from my State. They are concerned about the effect on employment. All of these things, however, are what we need to deal with without taking a hatchet to the effectiveness and the utility of the Guard and the Reserves. It is not hard to assume that if one looks at the provision that no one who has been deployed in the past 6 years could be deployed in Operation Iraqi Freedom, that would probably have wiped out all of the most experienced and most needed people in the Guard and Reserves.

Whatever we do, we do not want to take away from the important missions the Guard and the Reserves play with this blanket prohibition across the board that all of the Guard and Reserve who have gained experience, perhaps serving in Afghanistan, perhaps serving earlier in Iraq, perhaps serving in Bosnia or Kosovo, cannot be sent to Iraq. We hope that if this supplemental is passed, we will be bringing troops home sooner rather than later, particularly if we give the full $87 billion to the President. That will be undercut if this blanket prohibition goes through. I have heard previously from the leaders, the Guard caucus, the members of the Guard in August, and others, who do not believe such a prohibition is worthwhile.

I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. There are 2½ minutes remaining.

Mr. STEVENS. Mr. President, I point out that Senator BYRD's amendment would prohibit the obligation of funds to deploy to Operation Iraqi Freedom a member of the National Guard or Reserves if that member has been involuntarily deployed for any period of 6 months or more during the 6-year period ending on the date the involuntary deployment overseas would otherwise commence.

As I understand it, that would mean these people could be deployed to Pakistan, Afghanistan, or anyplace except to Iraq, where they are needed most.

When the Senator has completed his time, I ask that I might be recognized to make a motion to table the amendment.

How much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 1½ minutes remaining. The Senator from West Virginia has 2 minutes 13 seconds.

Mr. STEVENS. I yield the remainder of our time to Senator WARNER, but I ask at the end to be recognized to make a motion to table the amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would simply say, briefly, the Secretary of Defense has issued policy guidance that covers members of the Reserve and Guard, and that guidance says they should not be subject to more than one long deployment every 6 years. That has enabled them to continue their civilian pursuits and their family lifestyles. Of course, that can be waived in times of national emergency, as it is right now. But to impose this management restriction on the President as Commander in Chief I think would severely begin to limit, for planning and other purposes, the utility of the Guard and Reserve.

I remember serving under Secretary of Defense Melvin Laird when the concept of the total force was evolving, and that is that men and women of the Guard are respected and treated with equal effectiveness as those of the regular Active Forces. I think this would be a very serious step backward in what I believe has been an absolutely glorious contribution by the National Guard and the Reserve Forces for some years now in their deployments in the war on terrorism.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 2 minutes 13 seconds remaining.

Mr. BYRD. Mr. President, we need to restore predictability in the lives of those who serve in the National Guard and the Reserves. This amendment would stop the back-to-back deployments that are straining the Guard and the Reserves to the breaking point. It adopts the approach suggested by none other than Secretary Rumsfeld. Our men and women in the National Guard and the Reserves need relief from their long missions in Iraq. We should not look to other units of the Guard and Reserve for relief. We need more help, and it all boils down to this point that we should have thought of long ago, that we need more help from the international community. It is the administration's fault that that help has not been sought more diligently, more timely, and more intensely.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska is recognized for a motion.

Mr. STEVENS. Mr. President, I move that the Senator's amendment be tabled. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. STEVENS. I ask that this be the first vote in the stacked order when we agree to a time later and ask that we temporarily set aside this amendment so we might take up the next amendment on the list.

Mr. REID. What was that, Mr. President?

Mr. STEVENS. I asked that the amendment be set aside temporarily after the yeas and nays have been ordered so we may have a series of stacked votes later on. There is another Byrd amendment, a third Byrd amendment, and a Brownback amendment. We wish to consider all of those and have stacked votes after they are completed.

Mr. REID. Would the Senator yield?

Mr. STEVENS. Yes.

Mr. REID. I have spoken to the distinguished Senator from West Virginia. He desires to have a vote right now. The Senator has made a motion to table.

Mr. STEVENS. Well, I did make a motion to table. I apologize to the Senator from West Virginia. I thought we had an understanding we would go through these and have one series of votes that would be 10 minutes apiece.

Mr. REID. That was not the agreement.

Mr. STEVENS. All right. The Senator is entitled to his vote, if there is an objection to putting it off.

The PRESIDING OFFICER. Does the Senator wish to withdraw his motion to table?

Mr. STEVENS. No; we will just go to the vote. The other request was objected to.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the motion to table amendment No. 1886. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

I further announce that if present and voting the Senator from Tennessee (Mr. ALEXANDER) would vote "Yes."

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 15, as follows:

[Rollcall Vote No. 397 Leg.]

YEAS—82

Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
DeWine
Dodd
Dole
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Johnson
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (NE)
Nickles
Reed
Reid
Roberts
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—15

Akaka
Boxer
Byrd
Cantwell
Dayton
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Kennedy
Nelson (FL)
Pryor
Rockefeller
Sarbanes

NOT VOTING—3

Alexander
Domenici
Lieberman

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1887

Mr. STEVENS. I ask unanimous consent there be 10 minutes on the Dorgan-Wyden amendment, 4 minutes apiece for Senators DORGAN and WYDEN, and 2 minutes for myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. WYDEN, proposes an amendment numbered 1887.

The amendment is as follows:

(Purpose: To reduce unnecessary spending for reconstruction in Iraq)

On page 25, strike lines 7 through the colon on line 18, and insert the following:

For necessary expenses for security, rehabilitation and reconstruction in Iraq, $18,449,000,000, to remain available until expended, to be allocated as follows: $3,243,000,000 for security and law enforcement; $1,318,000,000 for justice, public safety infrastructure, and civil society; $5,560,000,000 for the electric sector; $1,900,000,000 for oil infrastructure; $4,332,000,000 for water resources and sanitation; $500,000,000 for transportation and telecommunications; $370,000,000 for roads, bridges, and construction; $793,000,000 for health care; $153,000,000 for private sector development; and $280,000,000 for education, refugees, human rights, democracy, and governance:

Mr. DORGAN. Mr. President, when this bill was considered by the House Appropriations Committee there were a number of reconstruction spending requests for Iraq they decided to delete. For example, the House Appropriations Committee deleted $4 million for a telephone numbering system, $9 million for ZIP Codes and a postal architecture, $10 million to modernize the business practices of the Iraqi television and radio industries, $312 million for unspecified transportation and communication projects, including cosmetic improvements at airports; $100 million to build 7 housing communities including roads, schools, mosques, markets, clinics; $200 million to establish an American-Iraqi Enterprise Fund; $90 million to open public information centers in Iraq's 266 municipalities; a month-long catchup business training course at $10,000 per pupil, which is twice as much as the Harvard Business School would cost for an equivalent period; and $100 million to buy 2,000 garbage trucks.

The point is that there is a long list of specifics dealing with reconstruction in Iraq that are not urgent and are not, in fact, emergencies. The House Appropriations Committee deleted these. When they deleted them, they indicated these were not emergencies and were not urgent. As a result of that, Senator WYDEN and I have put together an amendment that deletes the identical accounts from the reconstruction part of this bill as the House cut, which comes to $1.655 billion.

In addition, our amendment cuts $200 million from the amount the administration is requesting to import fuel into Iraq, which the Congressional Research Service indicates may be in excess to what is actually needed.

I ask my colleague Senator WYDEN if he could comment on that piece of the legislation. In total, our amendment would reduce the reconstruction piece of this legislation by $1.855 billion from the $20.3 billion requested for Iraq reconstruction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, obviously $87 billion is an eye-popping sum of money, and taxpayers want the Congress to turn every penny over twice. That is what Senator DORGAN and I have done. We've gone through every number with a sharp pencil. This amendment, without in any way hampering the efforts to deal with the grave concerns in Iraq, could save taxpayers $1.8 billion.

For example, in a report for Senator BINGAMAN and myself, the Congressional Research Service found $200 million could be saved in connection with the purchase of petroleum products. They have indicated it would be significantly cheaper to buy gasoline in neighboring countries such as Saudi Arabia and Turkey.

Without the Dorgan-Wyden amendment, in effect, the Senate would be saying to the American taxpayers the Federal Government cannot get a better price per gallon for gas when buying a 30-day supply of gas for a country the size of California than you and I could get at the gas station just down the street from the Capitol.

So we believe this is an important amendment. I have worked on these issues with a number of colleagues, particularly Senator COLLINS. We are able to get competitive bidding now on all of the contracts. The Dorgan-Wyden amendment complements this effort.

I particularly want to thank Senator STEVENS and Senator BYRD for working closely with us to be able to save at least $1.8 billion, at the end of this debate, in a responsible fashion, in a fashion that will not injure our troops, that will not injure the reconstruction effort.

This is a significant step forward for the Senate, and I urge my colleagues to support this amendment, and thank again Senator STEVENS for working with us.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, is all time yielded back on the other side?

Mr. WYDEN. Yes.

Mr. STEVENS. Mr. President, we have agreed to take this to conference. The House has deleted approximately the same amount of money. I do not think it is precisely the same items covered but very close. The allocations are close to what the House made. We want to do our best to work in conference. We accept the fact the Congress is going to reduce this bill, but I do want to make certain the urgent needs particularly of oil production are met.

I know the Senator from Oregon and I may have a little disagreement on that. I do not think he disagrees that all production means should be really modernized sufficiently so we can be assured of that oil production. That oil production is essential to Iraq taking on their own future.

We will work in conference. Senator DORGAN will be in the conference, so we will keep them informed of what is going on. But we are going to take this amendment and adopt it. As I said, it is quite similar to what the House has done, and we are going to work it out to the best of our ability, to use this money and prioritize it in a way that meets the needs of those people who have the job to do in Iraq.

I yield back the remainder of my time and ask for the adoption of the amendment.

The PRESIDING OFFICER. All time is yielded back.

Without objection, the amendment is agreed to.

The amendment (No. 1887) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Now, Mr. President, Senator BYRD has an amendment No. 1819, 10 minutes equally divided.

I ask the Senator, are you prepared to go forward now?

Mr. BYRD. Yes.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 1888

Mr. BYRD. Mr. President, may I say to the distinguished manager of the bill, Mr. STEVENS, I wish to go forward with the amendment protecting the powers of the Congress, striking broad new executive authorities.

Mr. STEVENS. Which amendment is that?

Mr. BYRD. No. 1888.

Mr. STEVENS. Very well.

Mr. BYRD. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. LAUTENBERG, Mr. SARBANES, Mr. FEINGOLD, Mr. WYDEN, Mr. JEFFORDS, and Mr. DAYTON, proposes an amendment numbered 1888.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate the flexibility given to the President to reallocate all of the $20.3 billion Iraq Relief and Reconstruction Funds, without approval by Congress)

On page 27, line 9, strike "Provided further, That the President may reallocate funds provided under this heading:"

On page 27, line 21, strike "used for such purpose" and insert "shall be available only to the extent that the funds are made available in a subsequent appropriations act".

On page 12, line 11, strike, ", and in addition such funds as necessary, not to exceed $5,000,000,000, as approved by the House and Senate Appropriations Committees, Subcommittees on Defense";

On page 15, strike Section 312;

Mr. BYRD. Mr. President, I offered this amendment on behalf of myself, Mr. LAUTENBERG, Mr. SARBANES, Mr. FEINGOLD, Mr. WYDEN, Mr. JEFFORDS, and Mr. DAYTON.

On page 27 of the supplemental bill it reads:

> Provided further, That the President may reallocate funds provided under this heading.

Those 12 little words, disguised as legalese, mean the President can spend $20.3 billion for the reconstruction of Iraq in any manner in which he pleases. The fine print in the bill allows the President to spend $20.3 billion in Iraq as he pleases.

On page 27 I believe we find this language, beginning on line 9. This is page 27, line 9, of the bill:

> Provided further, That the President may reallocate funds provided under this heading.

The President may reallocate those funds regardless of what the rest of this bill may say under this heading. The President may reallocate this.

Now, if we want to make the President a king, this is the place to start. All those who believe in a monarchy in this country, support this against my amendment. That is what it says. Read the fine print:

> Provided further, That the President may reallocate funds provided under this heading.

What is the heading? The heading is as follows: "Iraq Relief and Reconstruction Fund." So that is the heading. And in the very first line, it reads as follows:

> For necessary expenses for security, rehabilitation and reconstruction in Iraq, $20,304,000,000, to remain available until expended, to be allocated as follows:

And then it goes right down the line, item after item after item after item, and the dollar amounts. And then come over here to the fine print. Now hear me. Look at the fine print:

> Provided further, That the President may reallocate funds provided under this heading.

Here is what it does. Here is what it does to the bill. It tears it up. The President can just reallocate it. The heck with the bill.

Mr. SARBANES. Will the Senator yield for a question?

Mr. BYRD. Yes.

Mr. SARBANES. I say to the Senator from West Virginia, this is a very important item. We do this provision, we set out all these numbers—

Mr. BYRD. Yes.

Mr. SARBANES. We link the numbers with particular activities, and then, when you go over and look at the next page, and look at the fine print, you discover the President can reallocate the funds provided under this heading.

This is giving the President $20,304,000,000 in effect to do as he pleases, without reference to the money figures that are set out.

We may argue about how much should be appropriated and what it should be appropriated for, but there ought not to be any argument it is the Congress that is to determine what the appropriations are to be and what the money is going to go for. To simply hand over $20 billion, and then have a clause that enables the President to use it for any of these purposes he chooses is to completely abdicate the congressional responsibility and the power of the purse.

Mr. BYRD. It does. The Senator has stated the situation very well.

Our forefathers disdained even a gentle master. Now here we are, we come along, and we pass this bill with these provisions, fulfilling the control of the power of the purse by the Congress, and then we turn around and say: The President may reallocate these funds as he pleases.

Do we want to be like that? I am not ready to make a King George. It is President George Bush now. I am not ready to make him King George Bush. If that is what you want to do, this is the place to start.

So I hope Members will vote for my amendment. Congress should retain its power of the purse. But always read the fine print. That is what the fine print says.

Then the supplemental bill also gives the Secretary of Defense the authority to transfer among accounts up to $5 billion of the $65.6 billion in funds for the military.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. Very well.

I hope the Senate will support my amendment.

Mr. LEAHY. Mr. President, I agree with Senator BYRD that the more that one reads the fine print of this legislation, the worse it gets. The budget document submitted by the Coalition Provisional Authority, CPA, leaves one with the distinct impression that money will be spent on specific items.

For example, $9 million will be spent on projects for ZIP Codes, $100 million will be spent on the witness protection program, $75 will be spent on irrigation pumps. And so on and so forth.

But, after a little digging, one uncovers a provision on page 27 of the supplemental appropriations bill that the Senate is now considering. This is a provision that the administration requested. It says "Provided further, That the President may reallocate funds provided under this heading."

What does this means? It means that you can take the CPA's 53 page budget justification and throw it in the garbage can. Its just for show saying how much money is appropriated for any item in this bill. What the Senate is doing is giving the President all of the money for Iraq reconstruction, and saying "do what ever you want with it."

If you want to doubled the amount of money for pickup trucks and pay $66,000 a truck instead of $33,000 a truck, go ahead.

If you want to buy even more satellite phones, go ahead. If you want to spend more money on wireless internet, which many American communities don't have, go ahead. If you want to slash money for refugees or police training, go ahead. If you want to spend every dollar to pay consultants, go ahead, because, Mr. President, it is up to you.

It is certainly true that the President can spend the money the way it is spelled out in the CPA's budget justification.

But, nothing, absolutely nothing, in this legislation requires the President to even come close to meeting the amounts that are justified to Congress.

This is not some inside-the-beltway, policy-wonk issue. This issue is about the Constitution. This issue is about our duty as Senators.

The Constitution unequivocally gives the Congress the power of the purse.

And this provision all but hands over the power of the purse to the President with respect to Iraq reconstruction. It essentially says "you decide, because we won't".

It sets a dangerous precedent. And, we all know that once we give away authority to the executive branch, it is almost impossible to get that genie back in the bottle.

Moreover, this new authority is completely unnecessary.

We didn't include this provision in the previous Iraq supplemental.

The administration never complained that we did not give them enough flexibility before. Why should we do this now? Like last time, we can easily come up with an approach that gives the administration the flexibility it needs, but maintains important protections to ensure the money is accounted for.

This provision is not unlike the use of force resolution that we passed last fall. Congress has the sole responsibility to declare war.

Instead of having a vote on that, we passed a resolution that said, "Mr. President, you decide."

Let's not go down that road again.

This is not some partisan issue. I would be saying the same thing if a Democrat was in the White House.

This is about our responsibility. This is about watching out for the taxpayers' money. This is about making sure the Senate does not become a rubberstamp for blank checks.

We should not give this power to this administration or any other administration. I urge my colleagues to support the Byrd amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we had extended in the previous supplemental similar discretion to the President. During the period of great change, such as the global war on terrorism, we have done that since from September 11, 2001. This provision in our bill does not eliminate or reduce congressional oversight. Every transfer of these funds above the threshold must be—notice must be given in advance to the Appropriations Committee and the Senate Armed Services Committee.

We have done this in the past, and it is necessary for the future. We put up the money. They come to us and tell us how they are going to spend it. We approve it or modify it, but we have oversight, and we continue to have oversight.

The commander of the special operations command seeks and needs authority to prevent new terrorist cells from forming. We have enormous needs from the combatant commander who really has the key job in Iraq in fighting the war on terrorism that is now developing even more intensely in Iraq after the magnificent victory of our forces. We believe the authority is no different than what the Congress has approved in the past.

Madam President, has all time been yielded back?

The PRESIDING OFFICER (Ms. MURKOWSKI). The time of the Senator from West Virginia has expired.

Mr. STEVENS. Madam President, I yield back the remainder of my time. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 1888. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER), the Senator from Mississippi (Mr. LOTT), and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

I further announce that if present and voting the Senator from Tennessee (Mr. ALEXANDER) would vote "yes."

Mr. REID. I announce tha the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 46, as follows:

[Rollcall Vote No. 398 Leg.]

YEAS—49

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—5

Alexander
Domenici
Kerry
Lieberman
Lott

The motion was agreed to.

Mr. STEVENS. Madam President, if I can have the attention of Senators, I have three amendments we have worked out. We have one more to work out. I ask unanimous consent that there be 1 minute for Senator BOXER and 1 minute for Senator SCHUMER to explain the modification of their amendment, which we will accept. I have a statement to make with Senator DOMENICI on his amendment. Senator BROWNBACK has his amendment. He has agreed to limit his remarks to 8 minutes, and we have 5 minutes if we want to use them after that.

I remind the Senate, after these amendments are handled, there will just be one more vote. We then have to proceed to a vote on final passage. I understand there are some Senators who wish to make a statement before final passage.

Mr. REID. Will the Senator yield?

The Senator from Florida, Mr. GRAHAM, was going to speak. He has now indicated he will very briefly address the Senate and make his speech after the passage of the bill—I assume passage. Senator BYRD is going to speak for up to 25 minutes.

Mr. STEVENS. Before passage?

Mr. REID. Before passage. We are still working with Senator LEAHY on our side.

Mrs. BOXER. Will the Senator yield?

Mr. STEVENS. After those speeches, there still will be a vote on final passage.

AMENDMENTS NOS. 1807, AS FURTHER MODIFIED, 1850, AS MODIFIED, AND 1860, AS MODIFIED, EN BLOC

Mr. STEVENS. Madam President, I send to the desk three amendments that have been cleared by both sides: Senator LEAHY's amendment No. 1807, which is on the list; Senator CLINTON's amendment which is amendment No. 1850, which is on the list; and Senator HARKIN's amendment which is amendment No. 1860. Two of them are modified. I ask that they be modified and presented to the Senate so we may call them up en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered en bloc and agreed to en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 1807, AS MODIFIED

(Purpose: An amendment, with offsets, to provide emergency assistance to the people of Liberia)

On page 29, line 17, strike "$100,000,000, to remain available until expended" and insert "$200,000,000, which shall be made available for assistance for Liberia of which $100,000,000 shall be derived by transfer from funds appropriated under any other heading of this Chapter"

On page 29, line 18, after "heading" insert ", shall remain available until expended, and"

AMENDMENT NO. 1850

(Purpose: To provide for an audit of funds appropriated under this Act by the General Accounting Office, and for other purposes)

On page 28, line 15, before the period, insert the following: *Provided further*, That funds appropriated under this heading shall be made available to the General Accounting Office for an audit of all funds appropriated under this Act, including tracking the expenditure of appropriated funds, a comparison of the amounts appropriated under this Act to the amount actually expended, and a determination of whether the funds appropriated in this Act are expended as intended by Congress.

AMENDMENT NO. 1860, AS MODIFIED

(Purpose: to provide up to $13,000,000 for conflict resolution, rule of law and democracy activities)

On page 28, line 15, insert before the period: : *Provided further*, That of the funds appropriated under this heading, up to $13,000,000 may be made available to facilitate interethnic and inter-religious dialogue, conflict resolution activities, support rule of law programs, and train Iraqi leaders in democratic principles.

Mr. LEAHY. Mr. President, let me take a very short time to summarize what amendment No. 1807 does. This is a very important amendment offered by myself and the Senator from Rhode Island.

The Chafee-Leahy amendment is supported by the Archbishop of Monrovia. A man, who for years, stood up to the brutal regime of Charles Taylor.

It provides $200 million to address basic needs—food, water, shelter—of the people of Liberia. There is a humanitarian emergency in that country, as 74% of Liberians lack access to safe drinking water, 60 percent lack access to acceptable sanitation, and 75 percent live in poverty.

The administration's own number for Liberia is $200 million. In testimony before the House, the top Africa official at the State Department said the U.S. needed $200 million to address this crisis.

The amendment is extremely flexible. It allows the administration to spend these funds virtually any way it wants, including humanitarian, reconstruction, long-term development, or security assistance.

The amendment is fully offset. It does not add a dime to the Iraq supplemental.

Relief groups with operations in Liberia strongly support this amendment. Catholic Relief Services, Amnesty International and a range of other NGOs strongly support this amendment.

Mr. President, I want to thank the cosponsors of this amendment Senators COLEMAN, BIDEN, LIEBERMAN, DASHLE, REID, FEINGOLD, REED, LAUTENBERG, LANDRIEU, and JEFFORDS.

I especially want to thank the chairman of the Appropriations Committee for working with me on this amendment. This amendment will be adopted, and I will not insist on a rollcall vote. This is a very important amendment and I am glad that the Senate has acted decisively to approve it.

Mr. HARKIN. Mr. President, I thank the managers of the bill for accepting my amendment, directing that $13 million of the relief and reconstruction funds in the bill may be used to facilitate inter-ethnic and inter-religious dialog, conflict resolution activities, support rule-of-law programs and train Iraqi leaders in democratic principles. In my view, the United States Institute of Peace is uniquely qualified to undertake these activities.

We have been debating the President's request for $87 billion in supplemental funds for Iraq and Afghanistan. At times, it has seemed that we in the Senate agree on very little. But there is one goal that I believe every Senator strongly endorses: We all want to bring our American troops home from Afghanistan and Iraq as soon as possible.

Without so much as batting an eye, we appropriate billions for war, billions for weapons, and billions for post-war reconstruction. Meanwhile, it seems that we overlook one key activity—conflict resolution and peacemaking. Conflict resolution and peacemaking must be addressed specifically and not simply as a by-product or hoped for outcome of rebuilding roads and repairing infrastructure.

The U.S. Government has one agency that can help to reduce conflict, build democratic institutions, and even assist in the drafting of the new Iraqi constitution—all prerequisites to bringing our troops home sooner rather than later. I am talking about the United States Institute of Peace. This institute has a proven track record of accomplishing those prerequisites which I just mentioned.

I am going to take a few minutes to explain the origins of the United States Institute of Peace because I am concerned that very few Americans know about this institute and its remarkable work.

Throughout our long history, America has been proud of its strong, well-led military. And this outstanding military leadership is no accident. It is possible because we maintain prestigious, world-class military academies which train some of the best and brightest minds in America in the art and science of war.

But Americans also have a long history as a peace-loving people. Time and again, we have brokered peace between warring nations, and we have intervened to head off potential conflicts. The Institute of Peace draws on this proud tradition, and today makes a vital intellectual investment in the art and science of peacemaking.

Today's Institute of Peace is the fruit of a dream and vision that goes back to our Nation's Founders. Benjamin Banneker, often called "the first black American man of science," and physician Benjamin Rush, a signer of the Declaration of Independence, noted and lamented the Constitution's failure to establish a Department of Peace to balance the Department of War. In their correspondence with Thomas Jefferson in 1792, Banneker and Rush envisioned a "Peace Office" which would be on an equal footing with the Department of War and would be charged with promoting and preserving perpetual peace in the United States.

George Washington also supported the establishment of a Peace Office. And his support was not just casual. He believed that such an office should be an essential pillar of the new Nation. When he died in 1799, Washington's last will and testament bequeathed in perpetuity 50 acres in Potomac County to be used "toward the endowment of a university—under the auspices of the general Government." This bequest was intended to make possible the proper "Peace Establishment" that President Washington had written about as early as 1783.

More recently, in a 1980 report by the Matsunaga Commission strongly recommended the establishment of the United States Academy of Peace. In the course of more than 70 meetings and hearings all across the United States, Senator Matsunaga of Hawaii and other Senators surveyed the full range of threats to world peace, and explored ways to counter those threats.

After much thoughtful debate a compromise was reached and the United States Institute of Peace Act was passed and signed into law by President Ronald Reagan in 1984. A board was installed and the Institute's first meeting was held in February 1986. Since that time, the Institute has done remarkable work in such disparate nations as Afghanistan and Korea, Bosnia and the Philippines.

Today, at the direction of Congress, the Institute actively pursues six interrelated activities:

Expanding society's knowledge about the changing nature and conduct of international relations and the management of international conflict;

Supporting policymakers in the legislative and executive branches;

Facilitating the resolution of international disputes;

Training international affairs professionals from the United States and abroad in conflict prevention, management, and resolution techniques;

Strengthening the education of emerging generations of young people in the United States and in foreign zones of conflict;

Increasing public understanding about the nature of international conflicts, as well as approaches to their prevention, management, and resolution.

I also want to stress that in accord with the agency's enabling legislation, the Institute of Peace does not advocate specific policies, nor does it take policy positions.

In recent years, the Institute has pursued several special initiatives that I believe are particularly noteworthy and germane to our debate on the Iraq supplemental bill.

I especially want to highlight the Institute's work in Bosnia. After the Dayton Accords of 1995, the Institute activated the Bosnian Inter-religious Council, which now provides a model for reconciliation among Bosnia's Muslim, Catholic, Serb and Jewish communities. The Institute worked on the ground in both Bosnia and Washington addressing contentious issues such as rule of law, peace agreements, political restructuring, and the role of religion in conflict.

I would also cite the Institute's Special Initiative on the Muslim World, which addresses a broad range of political, social, cultural, and religious issues—many of which are acutely relevant in the wake of the September 11 terrorist attacks.

At the same time, the Institute's Religion and Peacemaking Initiative is doing excellent work enhancing the capacity of faith communities to be forces for peace.

In another example of the Institute's work with a Muslim community, in May 2003 the administration asked the Institute of Peace to play a facilitating role in peace talks between the government of the Republic of the Philippines and the Moro Islamic Liberation Front. A team from the Institute visited the Philippines in August. And in meetings I conducted just 2 days ago, I learned that significant progress is being made.

In Afghanistan the institute, through its role of law program, has participated in efforts to reconstruct the judicial system. USIP was the originator of the concept to establish a judicial commission. The institute is also working on the integration of new judicial system with traditional Afghani legal practice.

The Institute stands alone among U.S. agencies in these efforts to work with the international Muslim community. Based on the Institute's brilliant work in other Muslim countries, I believe that it can play an especially constructive role in Iraq. In particular, it will take a lead role in building up Iraq's civil society, and in nurturing Iraq's fledgling democratic institutions.

With adequate funding, the Institute wants to go to Iraq to facilitate inter-ethnic and inter-religious dialogue among community, political and civic-society leaders. One of the biggest threats to our reconstruction effort in Iraq is the possibility that full-fledged fighting could break out between religious and ethnic communities. The Institute can play a vital role in preventing this. The Institute also will work to establish the rule of law by supporting the constitution-writing process and designing a framework for bringing to justice leaders of the former dictatorial regime. So, exactly as envisioned by our Nation's founders, the United States Institute of Peace is playing a vital role in restoring and strengthening peace around the world—and now, in particular, in Iraq. As I said, this is the key to bringing our troops home soon, with their mission truly accomplished.

I am pleased that we have allocated $13 million for conflict resolution and peacemaking in Iraq. In order to adequately fund the Institute's work in Iraq the Institute needs only one hundredth of one percent of the President's total request. Surely this is not too high a price to pay for "making peace."

Time and again in recent years—including in Iraq—our Nation has shown that it is brilliant at winning wars. But time and again, we have had difficulty winning the peace. As we continue to increase funding for the Department of Defense by tens of billions of dollars each year, we must also be generous in our support and funding for this all-important agency, the United States Institute of Peace.

Mr. REID. Madam President, through the Chair to the Senator from Alaska, Senator SCHUMER does not wish any time.

Mr. STEVENS. Very well.

Mr. REID. I ask that that be stricken.

Mr. STEVENS. Does Senator BOXER wish her time?

Mr. REID. Yes, she does.

Mr. STEVENS. I yield to Senator BOXER.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1845, AS MODIFIED

Mrs. BOXER. Madam President, I thank Senator STEVENS for helping me on this amendment, and I thank Senator COCHRAN as well.

Senator SCHUMER and I have been very concerned about the threat of shoulder-fired missiles to American commercial aircraft. What we have found out is that there are a number of planes—about 900 planes—that are also used in the civil reserve air fleet, meaning that many times our military will ask a commercial company, such as United Airlines or USAir, to make planes available for our armed services personnel. We simply say in this amendment that when counter-measures are placed on commercial aircraft, the first priority will be those planes.

To conclude, all we are saying in this amendment is when we do start to make sure that our commercial aircraft are protected from shoulder-fired missiles and we place those defenses on those commercial aircraft, the first priority will be the civil air reserve fleet because, again, that entails protecting our men and women in uniform.

I again thank everyone. Madam President, is this going into the managers' package, I ask Senator STEVENS, or do we need a separate vote on it?

Mr. STEVENS. Madam President, I send to the desk amendment No. 1845, as modified, the one Senator BOXER just described, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. SCHUMER, and Mr. LAUTENBERG, proposes an amendment numbered 1845, as modified.

The amendment, as modified, is as follows:

(a) FINDINGS.—The Senate finds that—

(1) In May 2002, the Federal Bureau of Investigation issued a warning to law enforcement personnel to be alert to the potential use of shoulder-fired missiles against U.S. aircraft;

(2) In May 2002, al-Qaeda was suspected of firing a shoulder-fired missile at U.S. military aircraft near Prince Sultan Air Base in Saudi Arabia;

(3) In November 2002, an Israeli commercial jetliner was fired upon by a shoulder-fired missile shortly after take-off in Mombasa, Kenya;

(4) In August 2003, a weapons smuggler was arrested after agreeing to sell a Russian SA-18 to an undercover FBI agent posing as a Muslim extremist;

(5) During recent operations in Iraq, U.S. commercial airlines—as part of the Civil Reserve Air Fleet (CRAF)—flew nearly 2,000 flights carrying U.S. troops and supplies into Kuwait, Saudi Arabia, the United Arab Emirates, Qatar, and Bahrain;

(6) No U.S. commercial airliners are currently equipped with defenses against shoulder-fired missiles.

(b) PRIORITIZATION.—

When counter measures against the threat of shoulder-fired missiles are deployed, the Secretary of Homeland Security, in conjunction with the Secretary of Defense and the Secretary of Transportation, shall make it a priority to equip the aircraft enrolled in the Civil Reserve Air Fleet.

The PRESIDING OFFICER. Is there further debate?

Mrs. BOXER. Madam President, what is the modification? I thought we had agreed on this amendment.

Mr. STEVENS. It is the one the Senator sent to us.

Mrs. BOXER. It is the same one. Absolutely. I just ask that we do this by voice vote and get this done.

Mr. STEVENS. That is what we seek to do.

Mrs. BOXER. Mr. President, during the recent operations in Iraq, and as recently as this June, U.S. commercial airliners, such as Delta and U.S. Airways, flew nearly 2,000 flights carrying U.S. troops and supplies into Kuwait, Saudi Arabia, the United Arab Emirates, Qatar, and Bahrain.

Unlike U.S. military transport aircraft, such as the C–17, none of these commercial jets were equipped with defenses against shoulder-fired missiles.

Yet these aircraft, known as the civil reserve air fleet, CRAF, are contractually obligated to support Department of Defense airlift requirements during times of emergency, when the need of airlift exceeds the capability of military aircraft. Civil reserve air fleet carriers must make aircraft available for the start of assigned missions within 24 hours after callup when stages I or II are activated and within 48 hours when stage III is activated.

These constitute our most vulnerable aircraft. They land in areas that are highly volatile, where we know terrorists groups operate, where we know they have shoulder-fired missiles, and where they have attempted to use them.

The bottom line is, it is only a matter of time before terrorist succeed in bringing down a commercial airplane with a shoulder-fired missile. We cannot afford for our luck to run out.

The administration has presented a plan that would fail to equip any aircraft until fiscal year 2006, at the earliest. We need to move faster. Thousands of these weapons are in the hands of terrorists all around the world and are easily available on the black market.

The Federal Bureau of Investigation has issued a warning to law enforcement personnel to be alert to the potential use of shoulder-fired missiles against U.S. aircraft given al-Qaida's demonstrated objective to target the U.S. airline industry, its access to U.S. and Russian made systems and its targeting of U.S.-led military forces in

Saudi Arabia. In August 2003, a weapons smuggler was arrested after agreeing to sell a Russian SA-18 to an undercover FBI agent posing as a Muslim extremist. At least 19 missiles have been launched against coalition aircraft since the end of major combat operations in Iraq. In November 2002, an Israeli jetliner was fired upon seconds after takeoff in Mombasa, Kenya; al-Qaida is suspected. And, in May 2002, al-Qaida was suspected of firing a shoulder-fired missile at U.S. military aircraft near Prince Sultan Air Base in Saudi Arabia.

That is why I am pleased that the Senate has accepted my amendment to ensure that when countermeasures are placed on commercial aircraft, the civil reserve air fleet receives first priority. This is a commonsense amendment that will protect our flying public and our military personnel.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1845), as modified, was agreed to.

Mrs. BOXER. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, I ask unanimous consent that Senators FEINSTEIN and CRAPO be added as original cosponsors to amendment No. 1864.

AMENDMENT NO. 1864, AS MODIFIED

Mr. STEVENS. Madam President, I send amendment No. 1864, offered by Senator DOMENICI and others, to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DOMENICI, for himself, Mr. BOND, Mr. BENNETT, Mr. CRAPO, and Mr. ALEXANDER, proposes an amendment numbered 1864, as modified.

The amendment is as follows:

(Purpose: To require reports on the United States strategy for relief and reconstruction efforts in Iraq)

Insert where appropriate in the bill:

SEC. . (a) INITIAL REPORT ON RELIEF AND RECONSTRUCTION.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report on the United States strategy for activities related to post-conflict security, humanitarian assistance, governance, and reconstruction to be undertaken as a result of Operation Iraqi Freedom. The report shall include information on the following:

(1) The distribution of duties and responsibilities regarding such activities among the agencies of the United States Government, including the Department of State, the United States Agency for International Development, and the Department of Defense.

(2) A plan describing the roles and responsibilities of foreign governments and international organizations, including the United Nations, in carrying out such activities.

(3) A strategy for coordinating such activities among the United States Government, foreign governments, and international organizations, including the United Nations.

(4) A strategy for distributing the responsibility for paying costs associated with reconstruction activities in Iraq among the United States Government, foreign governments, and international organizations, including the United Nations, and for actions to be taken by the President to secure increased international participation in peacekeeping and security efforts in Iraq.

(5) A comprehensive strategy for completing the reconstruction of Iraq, estimated timelines for the completion of significant reconstruction milestones, and estimates for Iraqi oil production.

(b) SUBSEQUENT REPORTS ON RELIEF AND RECONSTRUCTION.—(1) Not later than 60 days after the submittal of the report required by subsection (a), and every 60 days thereafter until all funds provided by this title are expended, the President shall submit to Congress a report that includes information as follows:

(A) A list of all activities undertaken related to reconstruction in Iraq, and a corresponding list of the funds obligated in connection with such activities, during the preceding 60 days.

(B) A list of the significant activities related to reconstruction in Iraq that the President anticipates initiating during the ensuing 60-day period, including—

(i) the estimated cost of carrying out the proposed activities; and

(ii) the source of the funds that will be used to pay such costs.

(C) Updated strategies, objectives, and timelines if significant changes are proposed regarding matters included in the report required under subsection (a), or in any previous report under this subsection.

(2) Each report under this subsection shall include information on the following:

(A) The expenditures for, and progress made toward, the restoration of basic services in Iraq such as water, electricity, sewer, oil infrastructure, a national police force, an Iraqi army, and judicial systems.

(B) The significant goals intended to be achieved by such expenditures.

(C) The progress made toward securing increased international participation in peacekeeping efforts and in the economic and political reconstruction of Iraq.

(D) The progress made toward securing Iraqi borders.

(E) The progress made toward securing self-government for the Iraqi people and the establishment of a democratically elected government.

(F) The progress made in securing and eliminating munitions caches, unexploded ordinance, and excess military equipment in Iraq.

(G) The measures taken to protect United States troops serving in Iraq.

Mr. DOMENICI. Mr. President, this amendment requires reporting on the reconstruction of Iraq. This amendment ensures congressional oversight for the $20.3 billion portion of the supplemental bill designated for the reconstruction of Iraq.

As I look at what is going on in Iraq, I see tremendous progress and good that is taking place. Unfortunately, the media have not seen fit to report on these good things and the fact that our men and women there are making life better for the Iraqi people.

But my amendment puts in place a way to measure that progress so as to clearly show the American people what we are doing. It requires that the plan for reconstruction is regularly reported so Americans can plainly see that Iraq is moving toward independence and toward a day when our troops will come home.

I have been fortunate enough to talk to people in Iraq with firsthand knowledge of the situation on the ground. Based on my conversations with these individuals, it seems to me there are a few critical elements that must be met in order to achieve the kinds of things we want.

For example—we need to get the electricity working. We also need to get the water running. We need to get the oil pumping, and the police trained. I believe improving these services is the key to a new civil society in Iraq, and I think Mr. Bremer is working very hard to make them happen.

My amendment gives clarity for measuring the progress that is being made in these areas because it calls for the reporting of specific timelines and objectives relating to that progress.

In a word, this amendment ensures accountability—accountability through reporting requirements. And I would submit that these are substantially detailed reporting requirements and that they are fair requirements.

For example, my amendment contains provisions such as submission of a "master plan" for reconstruction efforts within 60 days of enactment. Also, it requires submission of subsequent reports every 60 days thereafter detailing how funds have been expended and how they will be expended.

Furthermore, these reporting requirements cover many specific issues, such as a description of expenditures and the progress made in restoring basic services such as water, electricity, sewer and oil infrastructure; a description of the goals to be achieved by these expenditures; a description of the roles of foreign governments and international organizations in the Iraq reconstruction efforts; and a description of the progress made toward securing Iraqi democracy.

This is a very fair amendment because it respects the Constitution by giving the executive branch primacy in the area of foreign affairs policymaking, while at the same time giving Congress appropriate oversight of the funds used for implementing that policy. I also think this is a very important amendment because it satisfies the concerns of many Senators—especially in the area of submitting a clear plan that has guideposts for measuring progress.

It is my hope that Senators will support this amendment that will ensure funds are spent wisely and in a way that will hasten the day when our troops will come home.

Mr. STEVENS. I ask for consideration of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is considered and agreed to.

The amendment (No. 1864), as modified, was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1825

Mr. STEVENS. Madam President, I yield 3 minutes each to Senator BOND and Senator MIKULSKI concerning amendment No. 1825.

The PRESIDING OFFICER. Without objection, the Senator from Missouri is recognized.

Mr. BOND. Madam President, I rise to speak in support of this amendment on behalf of my colleague, Senator MIKULSKI, and a number of other colleagues. I ask unanimous consent that Senator SPECTER be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. This amendment provides $1.3 billion in emergency funding for VA medical care to address the medical care needs of returning service members from Iraq and Afghanistan. I believe the $1.3 billion in emergency funding meets the criteria under section 502 of the budget resolution. This is consistent with the final figures approved in the budget adopted. This meets the figures included in the original budget. Unfortunately, the Office of Management and Budget sent us a budget that achieved these goals by increasing fees on veterans, and neither body has shown any enthusiasm for that.

Under section 502, an expenditure may be designated an emergency if it meets five criteria: One, necessary, essential, or vital; two, sudden, quickly coming into being, and not building up over time; three, an urgent, pressing, and compelling need requiring immediate action; four, unforeseen, unpredictable, and unanticipated; and five, not permanent, temporary in nature. It is clear that this amendment meets the five criteria due to the compelling, vital, and essential needs of veterans who seek medical care services from the VA.

As I trust all of our colleagues know, the VA cannot currently keep up with the demand of the current veteran population. Tens of thousands of veterans have been told to wait at least 6 months. Even more distressing is the fact that many of them have to wait up to 2 years to see a doctor. That is unacceptable. If the VA cannot help those who are in the system, how will they help the veterans returning from Afghanistan and Iraq?

In the legislation before us today, we provided the funds that I think are vitally needed to the Department of Defense to fight these wars and reconstruction funds to ensure that the peace is secure and we bring our troops home. I strongly support these funds, but I believe we must ensure that when our troops do return home, the Government will be there to treat their medical care needs. If we are willing to provide emergency funding to fight wars, we must be willing to provide emergency funding to meet the medical care needs to treat injuries and wounds suffered from the war.

In other words, we would have to ensure there is a continuum of care for our service members from basic training to deployment to discharge.

Let me illustrate the urgent and pressing needs for these emergency funds. According to a recent VA analysis, 15,813 service members who served in Operation Iraqi Freedom have separated from military duty as of September 22, 2003. Among these service members, almost 2,000, or 12.4 percent, had sought VA health care during 2003. I point out that these numbers do not include those military men and women who are returning from Afghanistan and other parts of the world fighting the war on terrorism.

Every day in the news we hear the unfortunate and sad news of American soldiers killed in Iraq, but as illustrated by the VA's analysis and scores of news reports, there are thousands of service members who were fortunate to live but who were wounded in combat.

As reported in the October 1, 2003, edition of the USA Today: "At least seven times as many men and women have been wounded in battle" as those killed in battle. As these wounded service members are discharged from the military and confront new and challenging hardships in piecing together a new life, most of them will depend on the VA to meet their needs.

According to the VA, some of our returning servicemen and women are currently being served through VA/DoD sharing agreements and others, such as Pvt Jessica Lynch, are being discharged and turning to VA for specialized services, services that only the VA can provide not found in the private sector. This level of demand for VA services has not been foreseen or anticipated.

Further, we know that the overall demand for VA medical care is not going to lessen. We have already seen the VA medical care system being overwhelmed by the staggering increase in demand for its medical services. Since 1996, the VA has seen a 54 percent in growth or 2 million patients in total users of the medical care system. Further, the VA projects that its enrollments to grow by another 2 million patients from a current level of 7 million to 9 million in 2009.

Again, I urge my colleagues to support these emergency funds. In a time of war with thousands of injured troops returning from battle, it is clearly an emergency to include these funds. It is our moral responsibility to ensure that we provide adequate resources to the VA to meet the vital medical needs of our veterans. If these emergency funds are not included in this bill, the VA will have enormous difficulties in treating veterans returning from Iraq and Afghanistan due to the current backlog of veterans waiting for medical care. Without these funds, those waiting veterans will wait longer for medical care and the VA will be forced to deny medical care to another 585,000 veterans. I cannot accept these outcomes. This is medical care they have earned through risk of life and all too often at the cost of their limbs and their long-term health.

I ask my colleagues to think about our service members who have already returned from service, about our service members who are currently serving, and about those who want to serve. If we do not provide these funds, what kind of message does this send to those currently fighting overseas and those who will be sent overseas? I hope my colleagues agree with me that we want to tell these men and women that we will not turn our backs on them and that we will keep our promises to them. I urge your support on the Bond-Mikulski amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I am sorry to interrupt the Senator from Maryland. I ask consent that the Senator from Vermont be recognized to speak for 1 minute following the Senator from Maryland.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Maryland is recognized for 3 minutes.

Ms. MIKULSKI. Madam President, I rise as an enthusiastic advocate of the Bond-Mikulski VA medical care amendment. I ask unanimous consent that Senator DEBBIE STABENOW be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, along with Senator BOND, I urge my colleagues to support this amendment. It provides $1.3 billion for veterans medical care. It is necessary for three reasons: One, it will deal with the growing long lines in which some of our veterans have to wait in order to see a doctor or a specialist. Second, it rejects the concept of having to pay a membership fee to get veterans medical care if they are a category 7 or a category 8. Third, it also rejects the ballooning copayments that were suggested by the administration.

First, in the administration's budget, the request was to charge veterans $250 a year to be able to pay their dues. Well, Senator BOND and I believe the veterans did pay their dues. They paid them at Iwo Jima, Pork Chop Hill, the Mekong Delta, and now the burning sands of the Iraqi desert. We are working on a bipartisan basis to reject these new co-fees and these new toll charges. We need this amendment to ensure that the VA can care for returning service members.

Under the legislation that was passed by this Congress, the law requires the VA to provide 2 years of medical care for returning service members. You bet we ought to do that. But if we are going to pass the legislation, we should not only put it in the Federal law books, we have to put it in the Federal checkbook, and that is what Bond-Mikulski does.

The VA has already treated 2,000 returning soldiers from the war, but this VA system, with its wonderful doctors and nurses, is strained to the limit. There are now many who are waiting for care. There are many who ought to get care. They should not have to pay membership fees. Adopt Bond-Mikulski and keep the promises made to America's veterans.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, I believe that most Americans are very aware of the human cost of the Iraq war and the significant toll it has taken on the lives and health of many American military personnel. We all have anguished over the casualties and rejoiced in the moments of relief, such as the rescue of Jessica Lynch. Americans, regardless of their views on the war, hung on every bit of news of her recovery, and watched with fascination as she spoke her few but powerful words upon returning home to West Virginia. We just assumed that the cost of her health care and rehabilitation would be covered by the U.S. Government. After all, that is only fair.

The system that is responsible for caring for wounded service members after they are discharged is over-burdened and under-funded. The Veterans Administration health care system has been shortchanged for years, with health care budgets falling well short of inflation. While the Bush administration proposed a slight increase in funding this year, it is still not enough to keep up with inflation. Vietnam Veterans of America has estimated that at expected appropriations levels for this coming fiscal year, the VA health care system is $52 million short of the amount needed to implement existing VA programs and to keep pace with inflation since 1997. Every VA hospital has been forced to do more with less, to continuously reduce costs, year after year, and to limit services to veterans. Long waiting lines have developed at many VA centers, sometimes keeping veterans waiting as much as a year for an initial appointment. Due to inadequate funding, Secretary Principi, a strong advocate for veterans, has been forced to deny an entire category of veterans treatment at VA hospitals.

I compliment my colleagues, Senator BOND and Senator MIKULSKI, for their efforts to address this funding shortfall. As the chair and ranking member of the subcommittee with jurisdiction over appropriations for the Veterans Administration, they are well aware of the urgency of the VA's needs. I am pleased to be a cosponsor of their amendment to add $1.3 billion to this legislation specifically for VA health care. In drafting the VA's appropriations bill for the coming fiscal year, they identified this funding as urgently needed by the VA, and it is imperative that this funding be provided in this bill.

Our top priority must be caring for the men and women who answered the President's call and stepped into harm's way. They must be taken care of. If the Federal Government has any obligation to its people, is not its first obligation to care for the wounds of its soldiers?

Every day we hear of more Americans injured in Iraq. I cringe for them and for their families. It is a great burden that most of them will carry all their lives. I also fear that in the years to come, we will learn that the harsh conditions in Iraq today have in more subtle ways damaged the health of our troops stationed there. The burden of studying these problems and caring for these soldiers will fall on the VA health care system.

I, for one, cannot stand by while the VA is starved for resources. This is the time to act. I urge all my colleagues to support the Bond-Mikulski amendment to add $1.3 billion to care for America's veterans.

Mr. GRAHAM of Florida. Madam President, as ranking member on the Committee on Veterans Affairs, I rise to lend my support to the Bond-Mikulski amendment for an additional $1.3 billion for VA health care. I think it is abundantly clear to everyone in the chamber that the VA health care system is in dire need of additional and significant resources.

The administration has extolled the proposed VA budget as a historic increase, when in reality this type of increase is beyond what anyone could expect in the current economic climate. It has been touted as an increase of 7 to 11 percent over last year's budget, depending on who is speaking.

When you look at the budget proposed by the administration, a different story comes to light. Once the new copayments and fees are stripped away, the theoretical management efficiencies discounted for what they really are, and the accounting tricks are identified, we are left with an appropriation that barely keeps pace with inflation.

As we shape VA's budget for the next year, we must move beyond hopeful rhetoric and quack accounting to take an honest assessment of the needs of veterans.

We all know—and many of us have mentioned—that more than 100,000 veterans must wait more than 6 months to see VA physicians. While VA's committed professionals are struggling to handle the increased patient load, they are doing it without a corresponding increase in resources. This must be rectified.

When we debated and voted on the first war supplemental bill in April, I secured additional health dollars for VA to care for servicemembers returning from the Gulf. This money was simply a start, since VA will continue to see troops coming home and seeking health care in the coming years. If we can afford to send tens of billions of dollars overseas to support the troops while in conflict, how can we possibly not fully fund their care when they return home?

Veterans groups know that the VA health care system is in crisis—and so do both the House and Senate. Congress passed a $3.1 billion increase in the budget resolution, meeting the mark for VA health care determined by experts in the veterans community. Yet, it has proven difficult to secure these funds for VA.

It is important to note that there is still a $300 million deficit in veterans health spending for next year. While the Bond-Mikulski amendment ensures that a large portion of the money will be there for veterans without the subjective emergency spending designation, it is just a first step. We need to finish the job and make sure that health care is fully funded for our veterans.

I am proud to lend my name to this amendment. Indeed, my good friend JAY ROCKEFELLER and I were planning on offering a similar one to the VA spending bill. I urge all my colleagues to support this amendment—we owe our servicemembers and veterans nothing less.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, is amendment No. 1825 before the Senate now?

The PRESIDING OFFICER. Yes, it is.

Mr. STEVENS. We have held this until last because of the budget problem involved. This takes $1.3 billion from the amount that has already been allocated to the VA/HUD Subcommittee that causes considerable consternation as to what we are going to do with it in the future. We all admit that is the problem. We all know there is a severe problem for veterans to deal with medical care, and we look forward to working with the Senators from Missouri and Maryland to work out this problem.

To the best of my knowledge, we now have one remaining amendment to be debated, and that is the amendment of Senator BROWNBACK.

I ask that amendment 1825 be adopted.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1825.

The amendment (No. 1825) was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Could we make the inquiry as to who intends to speak after the Brownback amendment so Members might know how long it will be before the vote on final passage?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, through you to the distinguished Senator from Alaska, Senator BYRD wishes to speak for not to exceed 25 minutes. Senator GRAHAM, as I indicated, will make a very brief statement, a matter of a couple of minutes, and then give his full statement after passage of the bill.

Senator LEAHY, we will talk to him to find out what is his desire.

Senator DAYTON desires to speak after the vote.

At this stage, I ask unanimous consent Senator BYRD be recognized for not to exceed 25 minutes. We will work on the others.

Mr. STEVENS. We have no objection to that, but I do not want to indicate—we have not had any requests yet from this side. We will have to determine that. But it will mean a vote on final passage will start sometime after 4 o'clock.

I yield the floor.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The Senator from Kansas.

AMENDMENT NO. 1885, AS MODIFIED

Mr. BROWNBACK. Madam President, I call up amendment No. 1885, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 1885, as modified.

Mr. BROWNBACK. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce the amount appropriated for reconstruction in Iraq by $600,000,000 and to increase the amount available to the Iraqi Civil Defense Corps by $50,000,000, the amount available for Afghanistan by $400,000,000, and the amount available for Liberia)

On page 38, between lines 20 and 21, insert the following new sections:

SEC. 2313. (a) The total amount appropriated in chapter 2 of this title under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT", is hereby reduced by $600,000,000.

(b) Of the total amount appropriated in chapter 2 of this title under the subheading referred to in subsection (a), $5,186,000,000 shall be available for security, including public safety requirements, national security, and justice, of which not less than $126,000,000, shall be available for the Iraqi Civil Defense Corps.

SEC. 2314. None of the funds appropriated by this Act may be used to fund the following:

(1) Solid waste management in Iraq.

(2) WiFi capabilities for IPTC in Iraq.

(3) Housing in Iraq.

(4) Market-oriented specialized training for Iraqis.

(5) Catch-up business training for Iraqis.

(6) Development or construction of the Abu Gharaib Memorial, or any similar memorial.

(7) The Athletes Committee in Iraq, including any conference or memorial that addresses atrocities committed against Iraqi athletes.

SEC. 2315. Not more than $450,000,000 of the funds appropriated by this Act may be used to fund petroleum product imports.

On page 28, beginning on line 18, strike "$422,000,000" and all that follows through "*Provided,*" on line 20 and insert "$822,000,000, to remain available until September 30, 2005, for accelerated assistance for Afghanistan, of which not less than $60,000,000 shall be available for disarmament, demobilization, and reintegration; $50,000,000 shall be available for a venture capital fund to promote development of the private sector; $150,000,000 shall be available for accelerated funding for the National Army of Afghanistan; $60,000,000 shall be available for the Government of Afghanistan to provide security and minimal services, collect revenue, and pay salaries for military and civilian officials; $15,000,000 shall be available for power generation projects; $35,000,000 shall be made available for additional activities that are specifically targeted to advancing the social, economic, and political rights and opportunities of women; $25,000,000 shall be made available for emergency food, fuel, clothing and shelter materials for Afghans who are internally displaced; and $5,000,000 shall be available for natural resources assessments: *Provided,*".

On page 29, line 17, strike "$100,000,000" and all that follows through "*Provided*" beginning on line 17, and insert "$250,000,000, to remain available until expended, of which not less than $200,000,000 shall be made available for humanitarian relief and reconstruction activities in Liberia: *Provided*, That funds appropriated under this heading shall be made available for Sudan: *Provided further,*".

Mr. BROWNBACK. Madam President, this is a very simple, straightforward amendment. It does some of what the House has done. I will explain this briefly because I think most of the people are knowledgeable of these particular issues.

What we do with this particular amendment is rescind $600 million from nonsecurity accounts—none of the security money, all nonsecurity grant funding—that is not immediately necessary for reconstruction. It prohibits projects such as memorials, athletic committees, solid waste removal, catchup business training, telephone/postal company, housing. It would limit some of the petroleum product imports. That is where we take the funds from.

The resulting savings would be reallocated to a couple of areas—enhancing security efforts in Iraq, where we would put $50 million above the President's request for the Iraq civil defense corps. It would, too, bolster funding for reconstruction of Afghanistan. There we put $400 million into Afghanistan. We take the funds there and reallocate them into Afghanistan, into a series of areas that are high priority.

I think it is important to remember we invaded and fought to remove terrorists in Afghanistan. Afghanistan is somewhat the forgotten child. We have not put nearly the resources forward that resource-poor country needs. This is in line with some of the thinking and the actions the House took.

We also put a portion of resources into the United States Emergency Fund For Complex Foreign Crises, increasing this account to $250 million—80 percent of which, or $200 million, will go to Liberia, earmarked for humanitarian relief and reconstruction in Liberia. I think colleagues are well familiar with what is taking place in that country.

So we have taken $600 million from nonsecurity accounts, key areas a lot of people identified as areas that may be useful to fund but not high priorities, not things into which we need to put these emergency funds, and shifted them into Afghanistan, Liberia, and $50 million to increase the civil defense in Iraq. This is what is going to help us bring our troops home faster, the faster we stand up an Iraqi military and paramilitary force.

It is pretty straightforward. This is a Brownback-Leahy amendment. It is a bipartisan amendment a number of my colleagues are supporting. I ask for favorable consideration.

I do ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The Senator has asked for the yeas and nays. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Madam President, $600 million from Iraqi reconstruction funds? The Senate has just acted along with the House to cut approximately $1.6 billion. This amendment also prohibits funds appropriated in this act from being used for solid waste management, housing, and other items.

Some of the solid waste management involves contaminated materials, materials with unexpended ordnance, all sorts of hazards. We have already reduced this amount, as I said, by $1.6 billion. Any further reduction, as far as I am concerned, would further weaken the assistance we are trying to give the Iraqi people in order to bring our people home.

I move to table this amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The motion to table can only be made after the sponsor's time has expired.

The Senator from Kansas.

Mr. BROWNBACK. I yield a minute to my colleague from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I urge this amendment be adopted. I think Senator BROWNBACK has been very careful in what he has taken out of the measure. It does mirror pretty much what the House did. The lion's share of the $20 billion is going to be there. But I think Congress has the right to prioritize, and I think these are better priorities.

I yield the floor.

Mr. STEVENS. Do I have any time left?

The PRESIDING OFFICER. The Senator from Alaska has 4 minutes 20 seconds remaining.

Mr. STEVENS. Madam President, I merely point out we voted now on this subject, further reductions, reconciliation moneys, six times today. We have finally agreed to reduce by $1.6 billion, as much as the House has. I think this would be a further redundant reduction and I urge the motion to table.

I yield the remainder of my time.

Has the Senator yielded the remainder of his time?

Mr. BROWNBACK. Senator LEAHY is a cosponsor. I wanted to offer a minute. I just saw Senator LEAHY step inside.

I do have one other comment I would like to make.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I think these are very carefully crafted areas we are going at. We have looked through this bill. I have worked in this region for some period of time. So I think it is important we consider higher priorities and we really think about what we are doing in shifting some of these resources. It is important to take from lower priority areas in Iraq which a lot of people identified, and put in higher priority areas.

With that, I yield a minute to my colleague from Vermont, who is a cosponsor of this particular amendment, if he seeks recognition.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I will not add to what the Senator from Kansas has said other than to say I do support this amendment. I think it shows the priorities that have to be met by the United States, priorities we sometimes overlook.

I commend the Senator for his support of this. I hope the Senate will pass it overwhelmingly.

I yield the floor.

Mr. BROWNBACK. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, has the vote started?

The PRESIDING OFFICER. The motion to table has not yet been formally made.

Mr. REID. Madam President, if I could direct this question to the Senator from Alaska, does the Senator wish to table or just an up-or-down vote?

Mr. STEVENS. I was willing to agree to go ahead with the Senator's speech, if he wishes to do that.

Mr. REID. Madam President, the Senator from Alaska has been gracious enough to allow the Senator from West Virginia to proceed. Under the previous order, he is to be recognized to speak up to 25 minutes on this bill. I ask that time begin now.

Mr. STEVENS. So there is no misunderstanding, I make the motion to table this amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I ask that be set aside so the Senator may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Madam President, I thank the distinguished chairman of the Appropriations Committee, Senator STEVENS, and I also thank the distinguished Democratic whip for their courtesies.

Madam President, in 1837, Danish author Hans Christian Andersen wrote a wonderful fairytale which he titled "The Emperor's New Clothes." It may be the very first example of the power of political correctness. It is the story of a ruler of a distant land who was so enamored of his appearance and his clothing that he had a different suit for every hour of the day.

One day two rogues arrived in town, claiming to be gifted weavers. They convinced the emperor that they could weave the most wonderful cloth, which had a magical property. The clothes were only visible to those who were completely pure in heart and spirit.

The emperor was impressed and ordered the weavers to begin work immediately. The rogues, who had a deep understanding of human nature, began to feign work on empty looms.

Minister after minister went to view the new clothes and all came back exhorting the beauty of the cloth on the looms even though none of them could see a thing.

Finally a grand procession was planned for the emperor to display his new finery. The emperor went to view his clothes and was shocked to see absolutely nothing, but he pretended to admire the fabulous cloth, inspect the clothes with awe, and, after disrobing, go through the motions of carefully putting on a suit of the new garments.

Under a royal canopy the emperor appeared to the admiring throng of his people—all of whom cheered and clapped because they all knew the rogue weavers' tale and did not want to be seen as less than pure of heart.

But, the bubble burst when an innocent child loudly exclaimed, for the whole kingdom to hear, that the emperor had nothing on at all. He had no clothes.

That tale seems to me very like the way this Nation was led to war.

We were told that we were threatened by weapons of mass destruction in Iraq, but they have not been seen.

We were told that throngs of Iraqis would welcome our troops as liberators. They have not been seen as liberators but as occupiers.

We were told that the throngs of Iraqis would welcome our troops with flowers, but no throngs or flowers appeared.

We were led to believe that Saddam Hussein was connected to the attack on the twin towers and the Pentagon, but no evidence to that effect has ever been produced.

We were told in 16 words that Saddam Hussein tried to buy "yellow cake" from Africa for production of nuclear weapons, but the story has turned into empty air.

We were frightened with visions of mushroom clouds, but they turned out to be only vapors of the mind.

We were told that major combat was over but 101—as of October 17—Americans have died in combat since that proclamation from the deck of an aircraft carrier by our very own emperor in his new clothes.

Our emperor says that we are not occupiers, yet we show no inclination to relinquish the country of Iraq to its people.

Those who have dared to expose the nakedness of the administration's policies in Iraq have been subjected to scorn. Those who have noticed the elephant in the room—that is, the fact that this war was based on falsehoods—have had our patriotism questioned. Those who have spoken aloud the thought shared by hundreds of thousands of military families across this country, that our troops should return quickly and safely from the dangers half a world away, have been accused of cowardice. We have then seen the untruths, the dissembling, the fabrication, the misleading inferences surrounding this rush to war in Iraq wrapped quickly in the flag.

The right to ask questions, debate, and dissent is under attack. The drums of war are beaten ever louder in an attempt to drown out those who speak of our predicament in stark terms.

Even in the Senate, our history and tradition of being the world's greatest deliberative body is being snubbed. This huge spending bill—$87 billion—has been rushed through this Chamber in just 1 month. There were just three open hearings by the Senate Appropriations Committee on $87 billion—$87 for every minute since Jesus Christ was born—$87 billion without a single outside witness called to challenge the administration's line.

Ambassador Bremer went so far as to refuse to return to the Appropriations Committee to answer additional questions because, and I quote: "I don't have time. I'm completely booked, and I have to get back to Baghdad to my duties."

Despite this callous stiff-arm of the Senate and its duties to ask questions in order to represent the American people, few dared to voice their opposition to rushing this bill through these halls of Congress. Perhaps they were intimidated by the false claims that our troops are in immediate need of more funds.

But the time has come for the sheeplike political corrections which has cowed Members of this Senate to come to an end.

The emperor has no clothes. This entire adventure in Iraq has been based on propaganda and manipulation. Eighty-seven billion dollars is too much to pay for the continuation of a war based on falsehoods.

Taking the nation to war based on misleading rhetoric and hyped intelligence is a travesty and a tragedy. It is the most cynical of all cynical acts. It is dangerous to manipulate the truth. It is dangerous because once having lied, it is difficult to ever be believed again. Having misled the American people and stampeded them to war, this administration must now attempt to sustain a policy predicated on falsehoods. The President asks for billions from those same citizens who knew that they were misled about the need to go to war. We misinformed and insulted our friends and allies and now this administration is having more than a little trouble getting help from the international community. It is perilous to mislead.

The single-minded obsession of this administration to now make sense of the chaos in Iraq, and the continuing propaganda which emanates from the White House painting Iraq as the geographical center of terrorism is distracting our attention from Afghanistan and the 60 other countries in the world where terrorists hide. It is sapping resources which could be used to make us safer from terrorists on our own shores. The body armor for our own citizens still has many, many chinks. Have we forgotten that the most horrific terror attacks in history occurred right here at home? Yet, this administration turns back money for homeland security, while the President pours billions into security for Iraq. I am powerless to understand or explain such a policy.

I have tried mightily to improve this bill. I twice tried to separate the reconstruction money in this bill, so that those dollars could be considered separately from the military spending. I offered an amendment to force the administration to craft a plan to get other nations to assist the troops and formulate a plan to get the U.N. in, and the U.S. out, of Iraq. Twice I tried to rid the bill of expansive, flexible authorities that turn this $87 billion into a blank check. The American people should understand we provide more foreign aid for Iraq in this bill, $20.3 billion, than we provide for the rest of the world.

I attempted to remove from this bill billions of dollars in wasteful programs and divert those funds to better use, but at every turn my efforts were thwarted by the vapid argument that we must all support the requests of the Commander in Chief.

I cannot stand by and continue to watch our grandchildren and their children become increasingly burdened by the billions of dollars that fly out of the Treasury for a war and a policy based largely on propaganda, hype, and prevarication. We are borrowing $87 billion to finance this adventure in Iraq. The President is asking this Senator to pay for this war with increased debt, a debt that will have to be paid by our children and by those same troops who are currently fighting this war.

I cannot support outlandish tax cuts that plunge our country into potentially disastrous debt while our troops are fighting and dying—four more died within the last 24 hours—in a war that the White House chose to begin.

I cannot support the continuation of a policy that unwisely ties down 150,000 American troops for the foreseeable future with no end in sight.

I cannot support a President who refuses to authorize the reasonable change in course that would bring traditional allies to our side in Iraq.

I cannot support the politics of zeal and "might makes right" that created the new American arrogance and unilateralism that passes for foreign policy in this administration.

I cannot support this foolish manifestation of the dangerous and destabilizing doctrine of preemption that changes the image of America into that of a reckless bully.

The emperor has no clothes and our former allies around the world were the first to loudly observe it. I shall vote against this bill because I cannot support a policy based on prevarication. I cannot support doling out 87 billion additional of our hard-earned tax dollars when I have so many doubts about the wisdom of its use.

I began my remarks with a fairytale. I shall close my remarks with a horror story in the form of a quote from the book "Nuremberg Diaries," written by G.M. Gilbert, in which the author interviews Herman Gehrig:

> We got around to the subject of war again and I said that, contrary to his attitude, I did not think that the common people are very thankful for leaders who bring them war and destruction.
>
> . . . But, after all, it is the leaders of the country who determine the policy and it is always a simple matter to drag the people along, whether it is a democracy or a fascist dictatorship or a Parliament or a Communist dictatorship.
>
> There is one difference. . . . In a democracy the people have some say in the matter through their elected representatives, and in the United States only Congress can declare wars.
>
> Oh, that is all well and good, but voice or no voice, the people can always be brought to the bidding of the leaders. That is easy. All you have to do is tell them that they are being attacked and denounce the pacifists for a lack of patriotism and exposing the country to danger. It works the same way in any country.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator's speech demonstrates the greatness of our country in terms of freedom of speech. I could not be more proud to stand where I am standing today to support our President and to support our people in uniform and those who are part of this authority trying to restore freedom and democracy in Iraq.

Sometimes I wonder how I ended up here. I have no real background that ever gave me thought I would ever be here. But when I hear speeches like that, I know why I am here. I believe in this President. I believe in this military.

I voted for this intervention. The Senator from West Virginia did not. I am urging the Senate to support this bill, $66 billion for our men and women in uniform and $20.3 billion—they have taken $1.6 billion out—but nearly $20 billion for the operation to try to assure there is a new government in Iraq, Iraq committed to freedom and committed to work with the United States in trying to bring peace to that region.

If there is a volatile part of the world, it is the Middle East. We have been involved in strife there longer than I can remember. I remember when President Eisenhower sent troops into Lebanon. This has been a thorn in our side as long as I have been involved in government. That is over 50 years.

Again, the Senator is entitled to his point of view. I saw those intelligence reports. I believe there were weapons of mass destruction being thought of and being prepared in Iraq. I believe they had chemical weapons. I believe they were trying to buy uranium and sought a new weapons program as they did before the Iraqis destroyed that first program with their famous raid on Iran which was 15 years ago. I don't understand people who say this was a falsehood. Think of the young men and women in Iraq. They are watching this program. They get it on C-SPAN. They get it on the Internet. Think of what they are thinking when a Senator says they are over there because of a falsehood, because the President of the United States lied. I don't believe he lied. I believe he told the truth.

I believe he is now on an important mission around the world. I have never heard a President criticized so much when he was overseas as this President has been criticized. He is on a mission to China. He is on a mission to many places in the Pacific. I believe the Senate should vote today in support of this bill.

Those who vote against this bill will be voting against supporting our men and women in the field. They are still in harm's way. That is one point on which I agree. There are too many people still being killed in Iraq, but they are being killed because there is too much confusion over there. There is not the ability to bring about the control we should have. We need a civilian force from the Iraqis. We need to stand up a new army for the Iraqis as we are trying to do in Afghanistan. This is an important move of the United States, a move to establish freedom in the Middle East.

We are dependent upon oil now. I wonder how many know that within 10 years we will be dependent upon Qatar for liquefied natural gas. They have 1,000 times the amount of natural gas we have in our State of Alaska, and we have half the natural gas in the United States. That region of the world will be important to the United States for 50 to 100 years from now. Our future depends upon having people there who understand freedom, who seek freedom, who seek stability through governmental control and are willing to make agreements and keep them and not willing to build up armaments such as Saddam Hussein did. He was a threat not only to that part of the world, he was a threat to the whole world. I said I believed he was a new Hitler, and he would have been a new Hitler.

I urge the Senate to vote for this bill, to vote for it and vote to support the men and women in uniform who have fought the war we asked them to fight.

Mr. BYRD. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 8½ minutes remaining.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. May I say to the distinguished Senator from Alaska that he holds no monopoly on the support for the troops. I was supporting American troops before the Senator from Alaska ever came to Washington. I have been supporting the American troops for over 50 years.

And let the RECORD not stand with the Senator's words, if I interpreted them correctly, that those who vote against this bill are voting against the troops. I defy that statement. I defy that statement, and I hurl it back into the teeth of the Senator from Alaska.

I support the troops. I would say that every Senator here, regardless of how he or she votes, supports the troops. So do not throw that old canard over here, over this way.

I am sorry that the Senator from Alaska takes that view. I thought each of us could have our own viewpoint here without being charged with not supporting the troops. I regret the Senator from Alaska takes this view.

I am sure that there are a lot of the American people out there—millions of them—for whom I speak and for whom those who vote against this bill today speak who do not believe that this war was justified, who do not believe in the doctrine of preemption, who do not believe that there were weapons of mass destruction in Iraq. They have not been found yet.

So, Mr. President, I close by congratulating those Senators who have the courage to speak their will, to stand up for their own consciences, and who speak for those soldiers, men and women, who are in Iraq today who did not ask to go there but who feel that those of us who speak our will speak for them and who do not support the doctrine of preemption.

Fie on that doctrine of preemption! Fie on it! Here we have an America that has invaded another country that did not invade our country, that did not attack us. That is a dangerous doctrine. Those who vote against this bill are voting against that doctrine. So do not be ashamed of it.

I close with the words written on a statue to Benjamin Hill that stands in Atlanta, GA:

> Who saves his country, saves himself, saves all things, and all things saved do bless him! Who lets his country die, lets all things die, dies himself ignobly, and all things dying curse him!

Vote to save your country, I say to my colleagues. Vote to save your country. I was not brought here by any Commander in Chief. No Commander in Chief brought me here, and no Commander in Chief is going to send me home.

My first and last stand by which I live and by which I hope to die is this Constitution of the United States. It says I have a right, and the men and women of this Chamber have a duty, to speak the people's will.

There are millions of people out there, millions of men and women, there are many men and women in Iraq who believe that we who vote against this bill today speak for them. I am not ashamed to do it. I am proud to do it.

Yes, I voted against sending American troops into Iraq. Yes, I am one of the 23. And if I had it to do over again, I would vote the same way again—10 times, 10 times 100 against this doctrine, this doctrine of preemptive strikes.

Fie on that doctrine! Fie on it!

Now, if the Senator from Alaska wishes to talk further, I will be glad to hear him.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. Under the previous order, at the conclusion of Senator BYRD's time, a vote was to take place on the motion to table the Brownback amendment.

Mr. STEVENS. Mr. President, there is still my minute and a half left of time.

The PRESIDING OFFICER. The time of the Senator from Alaska has expired.

Mr. McCAIN. Mr. President, is there 2 minutes?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thought I had a minute and a half left on Brownback.

The PRESIDING OFFICER. The Senator from Alaska has no time remaining.

The Senator from West Virginia has 2 minutes remaining.

Mr. BYRD. Does the Senator wish for me to yield him 2 minutes?

Mr. McCAIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 2 minutes.

Mr. McCAIN. I thank you, Mr. President.

AMENDMENT NO. 1885, AS MODIFIED

Mr. President, I want to speak on the Brownback amendment. It will be the last signal that we send before final passage.

My colleagues should know that it diverts $450 million out of Iraq into what are largely unspecified projects. It ignores the fact that the reconstruction of Iraq is as vital as is the defense of Iraq and the military portion of it.

Basically, the sponsor of the amendment has decided what is necessary and what is not necessary to be allocated to Iraq, whether it be housing or other programs that have been deemed necessary by the administration, and decided that $450 million would go to Afghanistan and to Liberia.

So the fact is, this is another micromanagement amendment, point No. 1. No. 2, it ignores the fact that the reconstruction of Iraq is equally as vital as the military side of it.

There are some provisions that I do not particularly agree with, but the fact is, these have been scrutinized, and I believe it would be a terrible mistake to divert this money from the projects for which they are intended. The Appropriations Committee had hearings and discussion with the administration and with Ambassador Bremer.

This amendment is not very much different from the Byrd-Biden amendment which the Senate decided not to accept some time ago.

I urge a "no" vote on the part of my colleagues on this amendment.

The PRESIDING OFFICER. All time has expired. The question is on the amendment.

The assistant Democratic leader.

Mr. REID. Mr. President, I have a unanimous consent request. I ask unanimous consent that there be no speeches prior to the final passage vote, except for a 2-minute speech by the Senator from Florida, Mr. GRAHAM. All other speeches would come after final passage.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. No objection.

The PRESIDING OFFICER. Hearing none, it is so ordered.

The question is on agreeing to the motion to table Brownback amendment No. 1885, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Idaho (Mr. CRAIG) are necessarily absent.

I further announce that if present and voting the Senator from Tennessee (Mr. ALEXANDER) would vote "yes".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 399 Leg.]

YEAS—55

Allard
Allen
Baucus
Bennett
Bingaman
Bond
Boxer
Breaux
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Crapo
Dayton
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Inhofe
Inouye
Kyl
Landrieu
Lieberman
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Talent
Thomas
Voinovich
Warner

NAYS—43

Akaka
Bayh
Biden
Brownback
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hutchison
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Sununu
Wyden

NOT VOTING—2

Alexander
Craig

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. The Senator from Florida has 2 minutes. After that 2 minutes, there will be a vote on final passage. After the vote, there will be some speeches concerning the bill. This next vote will be the final vote on this bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Florida will be recognized for 2 minutes.

The majority leader.

Mr. FRIST. Mr. President, just for the information of our colleagues, on Monday we will have a vote in the afternoon around 5 or 5:30. I am discussing with the Democratic leader what we will be doing on Monday. We initially talked about bringing forward Healthy Forests, but I think we will not be doing that at this juncture. We will have an announcement later about that.

I know a lot of people will be leaving after the vote, so for their information, we will be having one vote I know for sure on Monday around 5 or 5:30. We will pin that down later tonight.

The PRESIDING OFFICER. The assistant minority leader.

Mr. REID. Mr. President, I have conferred with the distinguished chairman from Alaska and he has no objection. I hope no one else does. I ask unanimous consent that Senator LEAHY be the first speaker after the final vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

Mr. GRAHAM of Florida. I thank the Chair.

Mr. President, it is my intention to vote no on final passage of this legislation. I am deeply concerned about the implications of this $87 billion expenditure on domestic fiscal issues, such as the enormous addition this will make to an already enormous deficit this fiscal year and the effect this will have on pursuit of important priorities within the United States of America.

My fundamental reason for voting against this is that I think we have two choices: We can either continue to go it alone in Iraq, or we can seriously internationalize this occupation and reconstruction. By seriously, I mean something beyond the words of the U.N. resolution that was passed yesterday and the reality of troops on the ground and dollars in the Treasury for reconstruction.

I believe this $87 billion blank check appropriation removes whatever incentive this administration may have had to negotiate seriously a burden sharing and a decisionmaking sharing with those countries which have the capability of providing real support in Iraq.

Because I believe the effect of the $87 billion appropriations will be to make our troops less secure, more exposed to danger without any exit strategy, I will vote no.

At an appropriate time after this vote, I am going to ask recognition to give a fuller statement of my position.

The PRESIDING OFFICER. All time has expired. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

AFGHAN WOMEN'S PROGRAMS

Mrs. MURRAY. I ask the Chairman, as you know, late last night a very important amendment regarding funding for Afghan women's programs previously authorized by the Afghanistan Freedom Act of 2002 was accepted in the House version of this bill. The amendment was introduced by Congresswoman CAROLYN MALONEY of New York.

I know you share my concerns about the treatment of women in Afghanistan. And as we discussed earlier today, I have agreed not to offer my amendment, which was similar to the one accepted in the House bill, with the understanding that you will support this issue in conference.

Mr. STEVENS. I am aware of the House amendment. I appreciate your interests in this area and will work with my colleagues in conference to support funding for women's programs in Afghanistan.

Mr. BYRD. I would like to echo Chairman STEVENS' remarks and thank the Senator from Washington, Mrs. MURRAY, for bringing this issue before the Senate.

Mrs. MURRAY. I thank the Chairman and Senator BYRD.

USNA HURRICANE ISABEL DAMAGE

Ms. MIKULSKI. Mr. President, I have introduced an amendment to provide for recovery of the United States Naval Academy from damage caused by Hurricane Isabel. I appreciate Senators COCHRAN, SARBANES, and MCCAIN cosponsoring this amendment. The four of us serve on the U.S. Naval Academy's Board of Visitors. We share a commitment to this outstanding institution to educate and develop America's future military leaders.

On September 18, Hurricane Isabel struck the eastern seaboard. It was one of the worst storms in the last 100 years. Isabel left some Marylanders homeless and most Marylanders without electricity. From Bowley's Quarters to Shadyside, the storm surge caused by Isabel flooded homes and businesses. I appreciate the help that FEMA has provided to so many of my constituents in their time of need.

The U.S. Naval Academy in Annapolis, MD was one of the places most devastated by Hurricane Isabel. Over 8 feet of water surged through Bancroft Hall, where the midshipmen live, as well as the kitchens and dining hall where they eat. Classroom and laboratory facilities were flooded, leaving them unusable.

I went to Annapolis to see the damage with the new Naval Academy Superintendent, ADM Rod Rempt. Bancroft Hall still had several feet of standing water. A few midshipmen were boating across the yard. Boats and debris littered the fields. Labs were under water. The chiller and electrical systems were flooded. Mold and rot was beginning to set in, despite great efforts to contain the damage.

The U.S. Naval Academy was not shut down by a storm. Classes are being held on a barge tied up on the Severn River. But we must get the Naval Academy repaired and restored. As the Senior Senator from Virginia has pointed out, the military can't turn to FEMA, they have to turn to Congress.

I joined with Senator WARNER and others in offering an amendment which provides $500 million to address storm damage to military and NASA facilities. I believe that amendment covers what I intended with my amendment. The Warner amendment was accepted last night. The funds should be sufficient to provide the Navy Operations and Maintenance and Military Construction funding needed to make the Naval Academy whole. I would appreciate the distinguished chairman of the Armed Services Committee, and the former Secretary of the Navy, confirming that that was his intent in offering his amendment. But first I would yield to one of the Naval Academy's distinguished alumni, the Senator from Arizona.

Mr. McCAIN. Mr. President, I share Senator MIKULSKI's commitment to the U.S. Naval Academy, and I greatly appreciate her outstanding leadership in addressing all matters that concern the health and welfare of midshipmen, especially in this matter of the serious damage which occurred at the Academy. I join her in seeking assurances from the Appropriations Committee and the Department of Defense that the funding provided by Chairman WARNER's Amendment will include funding to fully meet the needs of the Naval Academy to recover from Hurricane Isabel. Admiral Rempt, the Superintendent of the Naval Academy, and Mullen, the Vice Chief of Naval Operations, are still determining the extent of the damage and its total costs caused by the hurricane. According to ADMs Rempt and Mullen, there may be additional resources that may be required to relocate the Chiller Plant which provides critical heating and air conditioning and was seriously damaged by the floods from Hurricane Isabel. I thank Senator MIKULSKI for her leadership in this matter.

Mr. WARNER. Mr. President, I thank Senator MIKULSKI for joining with me in offering the amendment to address the damage done by Hurricane Isabel to military facilities, and for her help in getting that amendment adopted. I can assure you that I intend the needs of the U.S. Naval Academy and all other military facilities damaged by the storm to be fully met from the funds provided by that amendment.

Ms. MIKULSKI. The House also provides funding in its bill to address Hurricane Isabel's damage to military facilities. I would appreciate assurances that the conferees will work to ensure that the needs of the U.S. Naval Academy will be funded as this supplemental bill goes to conference.

Mr. BYRD. I am fully in agreement with the Senator from Maryland on this issue. I look forward to working in conference so that the needs of the U.S. Naval Academy to recover from Hurricane Isabel are fully funded.

Ms. CANTWELL. Mr. President, I rise to discuss the emergency supplemental spending bill before us that will give our troops the resources they need to do their jobs; hold the President more accountable for his postwar plan; and help the Iraqi people get back on their feet.

I believe that the Iraqi people very much deserve U.S. assistance getting their country back on its feet. It is for this reason that I am supporting funding in this supplemental appropriations bill for Iraqi reconstruction.

However, I am very concerned that the administration does not have a clear, comprehensive and convincing plan to do this.

It is for this reason that I have strongly opposed providing the Bush administration with a blank check in the expenditure of funds in this supplemental.

Instead, this supplemental bill includes a broad set of reports and oversight mechanisms, including:

A permanent inspector general charged with overseeing the Coalition Provisional Authority on its operations and financial transactions.

Audits for the use of reconstruction funds, including how they are solicited, bid and granted.

A monthly report from the Coalition Provisional Authority on its progress in the stated goal of replacing U.S. troops with multinational forces and Iraqi security personnel.

A report on the administration's utilization of National Guard and Reserves, and the impact that this has on our country's homeland security.

A requirement for the President to submit to Congress its projected costs for Iraqi operations through 2008 and any changes to these projections.

Quarterly reports to Congress on the status of the hunt for weapons of mass destruction.

These are important mechanisms that demonstrate clearly that this funding does not come without strings attached. On the contrary, these mechanisms will hold the administration accountable for developing a strategy and ensure transparency in supporting Iraqi reconstruction.

We also need to be clear that the U.S. cannot do this alone. I believe the U.S. must take the leadership role to ensure that Iraq benefits from the legitimacy, cooperation and money that only a broad coalition can guarantee.

That is why I supported a provision in this bill that requires the President to report to Congress on his efforts to increase international donations and to assess how the U.S. can best leverage U.S. taxpayer dollars for international support and international debt forgiveness.

The administration has had some successes in gaining international support, notably yesterday's United Nations Security Council resolution, which was a unanimous statement supporting multilateral efforts to stabilize, reconstruct and support Iraq's transition towards a sovereign democracy.

Also, the administration has taken an important step in engaging foreign countries to commit troops, including the recent agreement from Turkey. The administration has also shown progress in soliciting financial contributions, including the $1.5 billion Japanese commitment.

However, this is really just a start. Foreign troops and foreign contributions remain terribly lower than where they need to be.

The administration needs to be committed to broadening its coalition of support and making the Iraqi reconstruction a global challenge met by the international community.

I believe that it is also very important that the administration speaks with a solid, unified voice regarding its efforts and strategy in Iraq.

It seems that every day we hear a different plan, a different projection, a different statement on needs and demands from one of several agencies and "spokespeople" that claim to speak for the administration.

The American people need and deserve accountability and clarity—not only on the challenges that we face, but on the solutions that we are seeking to execute.

This clarity is particularly important for the central questions of how long reconstruction will take, what the U.S. role will be, and, perhaps most importantly, how long our troops will remain in harm's way.

The uniformed men and women of our armed forces have served their country well. Their military efforts have demonstrated historic success, and they continue to sacrifice for our country on a daily basis in securing and stabilizing Iraq.

Washington State is proud to be the home of thousands of troops, sailors and airmen that have served in Iraq and Afghanistan from home bases from such places as Fort Lewis, Fairchild Air Force Base, and Everett Naval Station.

These men and women are meeting the call of duty superbly and we must provide them with the equipment and support that they deserve.

We also owe a particular debt of gratitude for our National Guard and Reserve units, which have been mobilized in historic numbers and for sustained lengths of time—leaving their jobs and families to serve their countries. In fact, in my state, the 81st Armored Brigade—almost 4,000 citizen-soldiers—were alerted for a possible deployment to Iraq.

Given this important sacrifice made by reservists, I am particularly pleased that this supplemental package includes my bipartisan fair deployment amendment.

Like many guard and reservists—including the National Guard Association, the Reserve Officers Association, and the National Military Families Association—I was disturbed last month by the administration's sudden change in deployment policy.

My amendment addresses the change by requiring that deployment times for guard and reserves begin as soon as they are activated, we ensure that every day of service counts.

I have long said that we need to be consistent in how we calculate the deployment times for our Guard and Reserve personnel and this will do this by starting the clock ticking when their boots are out of the house.

In addition, this includes resources for health care for reservists and their families, as well as critical funding for our veterans.

First, I was a proud co-sponsor of an amendment that will extend TRICARE coverage to reservists and their families who are not currently covered by health insurance, and provide assistance to those reservists who are called up to duty so that they do not have to cancel their existing health care coverages.

Second, I also proudly cosponsored a Bond-Mikulski amendment that will provide $1.3 billion in funding for veterans health care. This amendment means that Washington State will receive approximately $30 million in new VA health care funding, providing care to approximately 6,000 veterans who would not receive it.

This has been an important, productive and historic debate for the future of Iraq, the Middle East region and, most importantly, in shaping America's role in the world.

This ultimate bill ensures that Congress will retain a major role in overseeing the way this money is spent and I remain committed to ensuring that we give our troops the tools they need to do their jobs; get the international support that we need; and making sure that our mission in Iraq is completed quickly and that our troops can come home.

Mr. PRYOR. Mr. President, I rise today to address the historic legislation before the Senate. I refer to S. 1689, the Emergency Supplemental Appropriations for Iraq and Afghanistan Security and Reconstruction Act, 2004.

Let me begin with what seems to be the reaction of most Americans. I am captivated by the sheer sum of the bill—$87 billion.

Once beyond the initial sticker shock, I began to look at the content of this package. I was sent to the Senate by Arkansans in part to watch over the Federal budget so I wanted to know what Americans were getting for their hard-earned $87 billion—$87 billion that will propel our Nation even further into debt.

I want to go on record commending the work of my colleagues on the Appropriations Committee. They did the best that they could given the circumstances. I think that I am a fair-minded American but this $87 billion request was dumped in Congress's lap by the President on September 17, 2003.

Today is October 17 only 4 weeks since we have received this package. It takes most people longer to do their taxes than we have had to figure out an $87 billion package. And while we have heard testimony from the top brass in the Defense Department, we have not from any outside witnesses with views that might differ from the administration. For instance, would it not make sense to hear from the Iraqi Governing Council regarding this bill?

Regardless, here we are, and I have made every effort to fairly examine this package. This is what I have found.

The $87 billion package is broken down into two titles—National Security and International Affairs.

Title I, the National Security section of the bill, provides $66.5 billion to carry out the war in Iraq and Afghanistan. The committee report accompanying S. 1689 says that these funds are for increased operational tempo, military personnel costs, military construction, procurement of equipment, increased maintenance and military health care support.

Title II, the International Affairs section of the bill, provides $21 billion to help secure the transition to democracy in both Iraq and Afghanistan. The committee states that these funds are for enhanced security and reconstruction activities including border enforcement, building a national police service in Iraq, standing up a new Iraqi army and continued building of the Afghan National Army, reconstituted judicial systems, rehabilitation of Iraq's oil infrastructure, and provision of basic electricity, water and sewer services and other critical reconstruction needs in Iraq and Afghanistan.

Let me tell you that once into the details, there is much in this bill that is straightforward and I wholeheartedly support.

For example, under the National Security section, this bill contains $1.2 billion for enhanced Special Pays including Family Separation Allowance, Imminent Danger Pay, and Hostile Duty Pay. The Senate Appropriations Committee should be commended for their decision to support the continuation of the Family Separation Allowance and the Imminent Danger Pay at the levels authorized for all of fiscal year 2004, rather than the Defense Department's request.

Title I contains other essential funding for personnel, operation and maintenance, procurement, the Defense Health Program, and military construction that one would expect to support our obligations to the uniform services totaling around $62-$63 billion.

I support this funding. It is responsible. It is necessary and part of our obligation to our troops.

The National Security section further provides funding for the Iraq Freedom Fund, the Overseas Humanitarian account, the Disaster and Civic Aid account, drug interdiction and counterdrug activities, and the intelligence community management account. While I wish we had greater details about these programs, I will put my trust in this administration who believes that these funds are needed to support the missions in Iraq and Afghanistan.

However, I can only extend so much good faith and trust—which brings us to Title II of the bill. Title II or the International Affairs section of the supplemental is intended to help secure the transition to democracy in both Iraq and Afghanistan. Its price tag is $21 billion.

Some of this reconstruction request makes sense to me, such as the $35 million to establish a U.S. diplomatic presence in Iraq and Afghanistan and the $90 million for emergencies in the Diplomatic and Consular Service which includes reward funds to be paid for information leading to the capture or whereabouts of Osama bin Laden and Saddam Hussein. It is expensive, but we have to back the work that our troops have done and keep our commitment to the Iraqi people.

But overall I, along with many Arkansans, struggle to embrace the administration's obtuse and costly approach to reconstruction in Iraq.

I have followed the progress of the war in Iraq keenly. I have attended the administration's war briefings faithfully. I have gone to the Senate Armed Services Committee hearings consistently. I have had the benefit of firsthand accounts from Secretary Rumsfeld, Ambassador Bremer, and General John Abizaid, to name a few.

Yet I was not prepared for the strategy, or lack thereof, of rebuilding Iraq.

I was never told that the American people would be footing the entire bill for Iraqi reconstruction. Therefore, I understand the reaction of many Americans. I understand that they have questions and concerns. So do I, and they are reasonable questions:

We must ask: One, what reconstruction efforts should the U.S. be solely responsible for and what should the Iraqis pay for? Two, what does Iraq need, and what does Iraq need right now?

There are many reconstruction items that this administration is asking for that should be scrutinized so we can properly determine whether they are truly needed to stabilize Iraq. I fully understand that Iraq has needs, but Arkansas has needs, too.

The Senate has just had an important debate on this bill and I have used this time to be open to fresh ideas. There have been a few good alternatives to consider and I have supported several alternatives. One such measure was Senator BYRD's amendment that would have split U.S. troop funding from the Iraqi reconstruction proposal and given Congress an opportunity to sort through some of the administration's more questionable funding requests.

I want to hold this administration accountable but I do not wish to hold our troops hostage. By separating this money, we can ensure our troops get the support they need while making sure we are spending taxpayers' money in a wise and effective manner.

I also supported Senator DORGAN's amendment that would have used Iraqi oil revenues to offset the U.S. direct grant payments. Unfortunately, both amendments failed.

I came to Washington to protect the best interests of my constituents and all Americans. In spite of the rhetoric that many Americans hear every day about the partisan nature of Capitol Hill, last night a vote was held on the Senate floor that demonstrates that my friends on both sides of the aisle take their commitments very seriously.

In the spirit in which this Nation was founded, last night the Senate adopted, with my support, a bipartisan agreement on Iraqi reconstruction. I am proud to support this bipartisan agreement sponsored by Senators BAYH, BEN NELSON, ENSIGN, GRAHAM and CHAMBLISS, to name a few.

Under the bipartisan agreement, the proposed $20 billion grant to rebuild Iraq will be divided into two parts: One, a $10.2 billion grant for security efforts in Iraq; and, two, a $10 billion loan.

Importantly, the $10 billion loan will be converted into a grant if 90 percent of Iraq's preliberation debts are forgiven. I am told that Iraq may have the largest oil reserve in the world, but is currently captive to more than $100 billion in foreign pre-war debt owed to countries such as Saudi Arabia, France and Russia. Even if the United States were to provide the $10 billion up front as a grant, Iraq will have a very difficult time recovering economically from the burden of the $100 billion debt. This amendment encourages the international community to forgive the debt incurred by Saddam Hussein by leveraging our negotiations for debt relief with the incentive that the United States will provide a $10 billion reconstruction grant—above the $10 billion already provided for in the supplemental—if the international community forgives 90 percent of its bilateral debt.

I support this proposal. It would help the Iraqi people and it would provide a long-term solution to rebuilding Iraq. More importantly, it helps the United States to move forward on our own important domestic spending, as the Iraqi debt issue will hopefully be resolved. I hope that the administration will join in supporting this bipartisan plan.

Wars must be paid for and I intend to honor our commitments. I will support the amended version of the $87 billion Iraq supplemental bill. It supports our troops and it starts to address a long-term solution for the economic viability of Iraq. I believe that this amended request offers a better solution than what was originally offered by administration. It is a small, but positive step toward meeting our obligations in Iraq while protecting the American taxpayer.

Mr. VOINOVICH. Mr. President, as we continue discussion on the supplemental spending request to support military operations and reconstruction in Iraq and Afghanistan, I would like to take a few minutes to again express my strong support for the funding included in this bill.

I believe these resources are essential to our efforts to secure a stable future for the people of Iraq. This funding is also crucial to American soldiers serving on the ground in Iraq, providing necessary resources to help them finish the job, and to bring them back home as quickly as possible.

This is true not only of the military portion of the request, totaling approximately $66 billion, but also the $20.3 billion in funding for reconstruction in Iraq.

Some of my colleagues believe this funding for reconstruction should be in the form of a loan. While I understand their rationale, after carefully considering the situation and listening to the points raised by Ambassador Bremer and our colleagues, I have concluded this funding must be in the form of a grant. It is important for several reasons.

First, if we tell the American people we are going to loan this money and that it is going to be paid back somewhere down the road, many of them will be very cynical about whether or not we will get the money back. There is no Iraqi government to agree to repay a loan. I think we ought to level with them and say, this initial grant is a grant. If we are asked to look at additional funding down the road, then that is a different story. However, there is very little chance that Iraq would be able to pay back this money in the near future.

Next, as we look to increase contributions from the international community, I think this funding must be in the form of a grant and not a loan. This is particularly important as we approach the Donors' Conference in Madrid next week. We must do all that we can to make this a shared responsibility, and if we make U.S. funds for infrastructure projects contingent upon a loan, I do not think our friends and allies would be willing to come to the table and support additional money for Iraq.

This is also crucial as we call on those countries that did business with Saddam Hussein to eliminate the debt owed to them by the former Iraqi dictator. I would suggest to those who have made loans to the former regime in Iraq that they step up quickly and waive those loans. This will go a long way in helping a new, democratic Iraq move forward.

I am pleased that the Senate accepted an amendment that I introduced on October 2, 2003, which requires the President to report to Congress within four months regarding steps taken to increase financial commitments from the international community. The amendment also requires a detailed list of countries that have contributed funds, as well as information on those countries that have eliminated debt owed to them by the former Iraqi regime.

Further, as we encourage other countries to eliminate their debt, we should not saddle Iraq with any more loans. Countries that chose to do business with Saddam should, as I said, eliminate that debt as a way to share in the task of rebuilding a democratic Iraq.

Iraq's debt is already mountainous, totaling nearly $200 billion in debts and reparations. As Ambassador Bremer has pointed out, Iraq can hardly service its existing debt, let alone take on more. As a matter of fact, as one member of the Iraqi Governing Council has said, in his opinion, those loans are morally repugnant to the Iraqi people because they were made to a dictator who killed thousands of their brothers and sisters and who made them live under a 35-year reign of terror.

Finally, providing assistance to Iraq at this time in the form of a grant is the right thing to do.

As I remarked on the floor of the Senate on October 1, 2003, we now have the chance of a lifetime to create a new paradigm of democracy in the Middle East, and to do for this part of the world what we did for Germany and Japan in the aftermath of World War II.

As we consider this question, it is appropriate that we look to the lessons of history. We should look to the peace that prevailed in Europe following World War II under the Marshall plan, when our assistance was given as a grant, as contrasted with the events that took place following the signing of the Treaty of Versailles.

Ambassador Bremer said it well in testimony before the Senate a few weeks ago. He observed that after World War I, the allied forces "celebrated their victory, mourned their dead and demanded the money they were owed."

He said, "We know the results of that policy. Extremism, bred in a swamp of despair, bankruptcy and unpayable debts, gave the world Fascism in Italy and Nazism in Germany."

Today we find ourselves with another historic opportunity to promote a new era of peace, stability and democracy in Iraq and in the Middle East. By extending support to help Iraq in the form of a grant, our actions will demonstrate better than any rhetoric could that we are genuinely interested in supporting humane reconstruction in Iraq, as we did following World War II.

We must remember that our war on terrorism began after 9/11. Two years ago, after it happened, I said, "Our actions must be ongoing and relentless, and dedicated to excising the cancer of terrorism wherever it raises its ugly head. We owe it to the victims and their families, especially their children and grandchildren, to make sure this never happens again. Most of all, we owe it to the American people and the world community to bring an end to terrorism everywhere and forever."

There are millions of young people under the age of 20 in the Middle East and we want them chanting, "Freedom and Democracy!" not Jihad against the rest of the world.

This funding is critical as we continue that effort.

Mrs. LINCOLN. Mr. President, as debate about the supplemental appropriation for military operations and reconstruction in Iraq and Afghanistan comes to a close, I would like to ensure that our focus remains on the welfare of our Nation's troops.

That is why I would like to speak on behalf of the men and women who are serving in our Nation's Armed Forces—those currently on active duty as well as in the National Guard and Reserves—who are serving today in Iraq, Afghanistan, and across the globe.

Since the President declared an end to major combat operations in Iraq 5½ months ago, 195 American troops have died in action, and over 1,900 have been wounded.

Even if combat in Iraq is being waged at a lesser level than it was 6 months ago, it is still agonizingly clear that, in many parts of Iraq, our troops remain in danger.

The imminent and ever-present danger of guerilla attacks is one of the most severe threats that our soldiers in the field are facing.

Many U.S. troops have expressed concern that they are not adequately trained for the specialized demands of peacekeeping and policing that the reconstruction effort requires. Despite the fact that many of these soldiers are burdened with jobs and responsibilities outside their area of expertise, they have shown themselves to be resourceful and resilient in taking hold of their assignments.

But, alarmingly, the dangers and difficulties that our troops face go far beyond the threat posed by attacks from insurgents and guerillas.

There are additional threats to their safety and security that we cannot neglect. I have grown increasingly concerned about the conditions under which many of our troops are being forced to serve in the Middle East.

Currently, the difficult conditions posed by a desert deployment—including brutal temperatures of 120 degrees or even higher in the summer months, along with high winds and sandstorms—are compounded by shortages of quality water and food.

While the military has emphasized to these troops the need to drink plenty of fluids and to eat properly, we have seen reports that military field hospitals in Iraq are contending with cases of dehydration and heat exhaustion on a fairly regular basis.

Given the nature of the desert climate, are our soldiers adequately supplied? It has become quite clear that they are not.

Troops are limited to a ration of two 1-liter bottles of water per day, according to numerous reports we have heard from the field.

I know of at least one mother in Arkansas who has routinely shipped cases of bottled water to her son who is serving in Iraq. I hear frequently from spouses or mothers who are forced to ship food, water, or other needed supplies to their loved ones in the field, at their own expense.

In many respects, the food supply situation is also a cause for concern.

One news report from this summer detailed the dismay of American troops who, while surviving on MRE rations, learned that Italian troops serving alongside them were being fed freshly cooked pasta.

These shortages of quality water and food are causing troop morale to flag.

On top of that, many soldiers are growing concerned, confused, and frustrated by the length of their deployments—particularly members of the National Guard and Reserves who are now bumping up against what should be the end of their deployment time.

Many of these soldiers have already served longer than they had been led to believe, causing great stress and hardship for them and for their families.

Adding to the uncertainty and frustration, news reports from earlier this summer indicated that the Bush administration was exploring a cost-cutting proposal to reduce the pay of reservists and guardsmen.

The administration quickly backpedaled from this plan in the face of an outcry from the public, but the pay-cut proposal was the next in a series of indignities and insults to the thousands of brave men and women who left their jobs and families for what they were led to believe would be a short stay in the Middle East.

On the front page of yesterday's Washington Post is a story about the dissatisfaction of our troops in the field, based upon an informal survey of soldiers conducted by the Stars and Stripes newspaper. According to the survey, half of the troops questioned rated their unit morale as "low" or "very low." Forty percent, according to the survey, believe that the jobs they are doing have "little or nothing to do" with what they have been trained to do.

Right now, Arkansas reservists in the 39th Infantry Brigade have been called up for rotation into Iraq beginning early next year. Nearly 3,500 Arkansas soldiers are being activated, which is the largest deployment of troops from our State in Arkansas history. As a Senator and as an Arkansan, I want to know that these troops are going to receive the supplies that they need to do the job, and the pay that they deserve for their service.

When this President ran for office 3 years ago, one of his central promises was that he would make the needs of the uniformed military a paramount concern.

But the record of this administration in supporting our troops and their families suggests otherwise.

Now the President comes to Congress seeking an additional $87 billion to sustain our engagement in Iraq and Afghanistan.

While this legislation was being crafted, I asked that the President use his leadership to place a higher priority on the well-being and quality of life of American troops serving in these war-torn nations.

The President has expressed his great pride in our troops, and I share that pride. I ask that he now match that pride with a commitment to these troops and their families.

First, the President and the Pentagon need to review the allocation of rations, water, and supplies to our troops to ensure that they can maintain their strength and health, as well as a modicum of comfort, in an extremely harsh desert environment.

Third, the President should instruct military commanders to develop greater certainty with regard to the length of combat assignments, so that troops and their families can plan for their futures.

Finally, the President should continue working to build an international coalition of countries to share in the burden of post-war Iraq.

American troops have paid with their lives and American taxpayers are paying for the reconstruction at rates that are greatly disproportionate to the rest of the free world.

The model of international forces working together for security and reconstruction has worked before. In fact, this model is working right now in places like Afghanistan, where troops from Germany and Holland, among other countries, are working alongside United States troops to bring security and peace to that nation.

Although Afghanistan still faces a number of security challenges and we still face a long commitment to the Afghan people, there is no doubt that the country is much better off now than it was at this time 3 years ago. This progress is a direct result of the multinational force working to secure and reconstruct Afghanistan today.

We should continue to seek a similar force structure for the stabilization and reconstruction of Iraq. The United Nations Security Council resolution that was passed today is one step in the right direction. Even if we don't yet have concrete commitments of troops or funding, it does help bring our allies to the table. It does give us an opportunity to begin the process of healing the rifts in the global community and perhaps to ensure a more peaceful future. I urge the President to continue working to secure the support of our allies and the United Nations.

At this point, it is clear that there is a great deal of work to be done in Iraq, and that our commitment of troops in the Middle East is going to last for several more years at the least.

This latest request for billions of dollars to support operations and reconstruction in Iraq is the clearest suggestion from the administration that our commitment is only going to grow more intense in the coming months and years.

It is important to recognize that these decisions are not made in a vacuum. We have a responsibility to ask how these funds are being spent. We have a right to know what further resources will be needed beyond this supplemental appropriation. And we have an obligation to ask what effects this spending will have on our domestic priorities and the needs of our constituents.

I have heard repeatedly from my constituents in Arkansas, who are deeply concerned about this funding and how it is being spent. In Arkansas, we have a tremendous need for water projects, for education funding, for health care, for infrastructure, and for all the necessities that federal investment can bring. My constituents ask, how can we afford $87 billion for Iraq when we're repeatedly told that there is no money for projects at home? Where is this money going to come from? How is it going to be spent?

Further, I support providing a substantial portion of the funding in this legislation designated for reconstruction projects in the form of a loan. I do not believe my children and possibly my grandchildren should be required to pay for this effort without at least some help from the Iraqi people. I was pleased the Senate approved an amendment with my support that converts $10 billion of the reconstruction funding contained in the bill into a loan.

I also believe that to be successful in the long run, the Iraqi people and the global community must have a vested interest in this reconstruction effort.

When constituents from Arkansas come to ask me for help with projects in their communities, I have to tell them in most cases that I can't help them with funding to construct buildings, but I can help secure money for equipment, training and programming.

The rationale behind this Federal policy is that projects are much more likely to succeed if the participants have a vested interest. I think the same policy holds true for Iraq.

I am voting in favor of this supplemental appropriations bill, because I believe it is important that we support our troops and it is important that we assist the people of Iraq with rebuilding their country so that our men and women in uniform can finish the job and return home to their loved ones as soon as possible.

Even though we have made some significant improvements in this bill during consideration in the Senate, I do have some reservations. I remain concerned that we are spending too much money on reconstruction projects of dubious value, and too little on ensuring the safety and security of our troops. And I am deeply, deeply concerned of the effect of this additional spending on our burgeoning deficit—a burden that our children and grandchildren are going to have to bear.

In the weeks and months to come, I expect the administration to make a better effort to improve communications with Congress on the progress we are making in Iraq. I expect the administration to keep Congress better informed about progress in Iraq, and to present a clear plan for the future—how this money is being spent, how it is to be paid for, and what the results of this spending will be. I have supported legislation that promotes greater disclosure from the administration, and encourage the President to cooperate with Congress in good faith.

President Bush and members of his administration have told us repeatedly that this funding is needed in order to ensure that Iraq is stabilized and secured, and to ensure that we can bring down troop levels and casualty levels. I, along with the people of Arkansas, intend to hold them accountable for those goals.

Mr. CORZINE. Mr. President, after giving this matter considerable thought, I have decided to vote for this emergency supplemental. I do so with great reluctance, and I wanted to take a few moments to explain how I came to this decision.

Let me begin by saying that I voted in October 2002 against the resolution to give the President broad authority to go to war in Iraq. At the time, I believed the administration had failed to make the case that Iraq posed an imminent threat; had failed to develop a meaningful international coalition with whom to share the burdens and costs of war; had failed to prioritize the more serious risks of global terrorists, North Korea and Iran; had failed to develop a plan for reconstruction once the war was over, and had failed to be straight with the American people about why we were going to war in the first place.

Looking back at my decision, I am more convinced than ever that it was correct. It has become increasingly clear that numerous administration claims about the Iraqi threat were either exaggerated or simply wrong. With little international support, America has been left to fight the war and rebuild Iraq largely on our own. America is shouldering 90 percent of the costs, providing 90 percent of the troops, and tragically bearing 95 percent of the casualties on the ground. In that context, the administration still has not put forward a meaningful, long-term plan to rebuild Iraq and move toward its self-governance. And, after all this time, the Bush administration still has not developed a consistent position about the rationale for this war. In fact, each passing day leads me to be more certain that the development and use of intelligence pre-conflict has been misused for political justification, not informed policy formulation. This is why I continue to call for an independent, bipartisan commission to investigate the development and use of intelligence related to Iraq.

Having said all that, the decision to go to war has long since passed. And the question before the Senate today is how to move forward from here.

Needless to say, all of us are glad that Saddam Hussein, a tyrannical dictator, is out of power. However, notwithstanding Saddam's departure, Iraq is now a country with very serious problems. Violence against American soldiers, and crime generally, plagues the country. Iraq's economy is struggling. Many Iraqis have lost jobs and are having a hard time making ends meet. And we have made very little progress in shifting power from American forces to Iraqis themselves.

While I opposed this war, I also am convinced that we cannot and must not just walk away from Iraq at this point. Having invaded the country and created a situation with such problems, we have a responsibility to help address them. Even more fundamentally, helping Iraq get back on its feet is very much in the interests of the United States itself.

A strong, democratic Iraq could well help stabilize the entire Middle East region, even if this rationale is often overstated. By contrast, an unstable Iraq would not only destabilize the region, but is likely to further become a breeding ground for terrorists. Our own national security could be put at risk as a result, as it was by a festering Afghanistan.

So, I do think we need to address the problems facing Iraq in a meaningful way. And that, inevitably, is going to cost money. I voted for the first supplemental appropriations bill, which provided almost $80 billion for the effort. And I recognize that we are going to have to provide much more in future years.

At the same time, we in the Congress have a responsibility to do it right. And I have had serious concerns about the approach recommended by the administration.

Let me be clear: I fully support the funding requested for our military. But, as I see it, the administration's request for reconstruction funding was problematic in many ways.

First, the administration asked for a huge amount of money, but failed to identify a single penny in savings to offset that cost. Every dollar requested was a dollar to be added to the debt that our children, and their children, will be forced to bear long into the future. That, in my view, is fiscally irresponsible. And that is why I was pleased to join Senator BIDEN in cosponsoring an amendment to fully offset the bill's cost by merely scaling back a portion of the large new tax breaks for those with taxable incomes well over $300,000. Unfortunately, our amendment was defeated. So this bill now will be financed entirely by new debt. That is troubling to me.

I also am concerned about the sheer size of the administration's request. There is no need to appropriate $87 billion today. Funds already appropriated are sufficient to get us through the end of this year, and perhaps well beyond that. And we could sustain operations well into next year at a cost far below $87 billion. In my view, Congress would be wiser to keep the Iraq operation on a short leash, to help ensure greater accountability.

Along the same lines, I remain very concerned about the widespread reports of abuses in the management of the reconstruction effort. Huge contracts have been awarded to companies with close ties to administration officials, often without any bidding, and there already have been major cost overruns. Halliburton is the most notorious example. But there are others. I was pleased to cosponsor an amendment with Senator LAUTENBERG in an effort to address some of these abuses, and I am pleased that another amendment, proposed by Senator COLLINS, should help block future no-bid contracts. It is important that this type of protection be included in the final conference report.

Another concern I have had about the administration's $87 billion request is that it has not been matched by an effective or coherent outreach to bring other countries into the reconstruction process. So far, America has borne the overwhelming share of the costs of Iraq operations, and there is little evidence that this will change in the foreseeable future. While I was pleased that the U.N. approved a resolution yesterday that seemed to signal at least some outreach to the international community and some reciprocal accommodation, many of our allies who voted for the resolution, including France, Germany, and Russia, said that because the resolution did not go far enough, they will not provide any additional resources beyond those already pledged. As a result, American soldiers, and American taxpayers, will continue to bear a grossly disproportionate share of the operation's ongoing costs. That needs to change.

I believe it would be especially appropriate to ask the Iraqi people themselves to help share in the immediate costs of reconstruction, given that Iraq has vast oil reserves that, in the long term, will produce a huge stream of—revenue conservatively estimated $30- to $40 billion per year. As I see it, Iraq should securitize those revenues—borrowing today, using future oil production as collateral. That securitization would help relieve the huge burden that the President is imposing on American taxpayers.

Unfortunately, the administration has been unyielding in its determination to simply hand out $20 billion in grants to Iraq, with no strings attached. As I see it, that is not a responsible way to manage the people's money. Nor is it an effective way to build long-term public support for the effort in Iraq. That is why I supported the Bayh amendment, which would turn half of the President's requested grants into loans that could be forgiven only if most of our allies agree to forgive debts incurred by the regime of Saddam Hussein.

Another concern of mine about the administration's request is that it failed to include sufficient mechanisms to ensure that reconstruction money is well spent, and well accounted for. The request asks Congress to give the executive branch largely unfettered discretion to shift funding approved by Congress for virtually any other purpose related to Iraq. That is why I was pleased to support amendments by Senator BYRD to eliminate these broad grants of authority, and to improve reporting requirements. I also supported the proposal to establish an inspector general to review related spending. These accountability measures must remain in the final conference report.

Yet better reporting and monitoring of spending in Iraq still does not address the more fundamental need for the administration to develop a long-term plan for operations in Iraq. Some will argue that the administration recently did submit a document to the Congress. But that document contains few details about the number of troops that will be needed, the cost of operations beyond this year, or the process by which power eventually will be shifted from the Coalition Provisional Authority to Iraqis. In my view, it is premature, at best, to appropriate such a massive amount of money until the administration produces a real long-term plan, and until that plan is subject to full public debate.

Having said that, I was pleased that the Senate did approve an amendment I drafted that will require the President to report every 90 days to the Congress about the long-term costs of Iraq operations, including military operations and reconstruction. This requirement would force the administration to think beyond the short-term. And it would give Congress the ability to plan long term. I hope the provision will be retained in the final version of the legislation.

Today I have detailed many of the problems associated with the administration's request for Iraq. Some of those problems have been addressed on the floor through the amendment process, and I am proud to have been part of those efforts. Yet serious shortcomings remain, and the bill before us remains substantially flawed.

At the end of the day, however, I have reluctantly concluded that this flawed bill, for all its problems, is better than nothing. There is no getting around the fact that our troops are in Iraq, and they must be supported. Similarly, we have to accept that, even if we shouldn't have begun this conflict, it is now our Nation's responsibility, and it is in our Nation's interest, to ensure that Iraq is rebuilt and emerges as a modern democratic state in the context of its own culture. We simply can't walk away from Iraq. And it is imperative that we demonstrate to the Iraqi people, and the international community, that Americans across the political spectrum are committed to this cause, and will fully support the Iraqi people as they move toward a free Iraq.

Reluctantly, after balancing these many considerations, I will cast my vote "aye."

Mr. KOHL. Mr. President, 2 weeks ago when the Appropriations Committee marked up this $87 billion supplemental spending request from the President, we spent an entire day attempting to improve one of the largest supplemental requests in our history. Most of the amendments voted on that day were defeated on party-line votes, but the issues raised remain unresolved and continue to engage this body and the American people. We voted to send this request to the floor without prejudice, and it is no surprise that there has been tremendous interest in continuing to debate the substance of the funding proposed for Iraq, and the timing for disbursing that funding. The interest in this bill reflects the broader concerns that persist about the direction of our policy in Iraq.

We need to take as much time as necessary to review the administration's plans to rebuild Iraq. By way of comparison, when Congress approved the Marshall plan, it spent 11 days debating an authorization bill submitted by the Truman administration before appropriating any funds. The time, planning, and extensive oversight that went into the Marshall plan helped ensure its success. Given the miscalculations that have occurred during our time in Iraq, it behooves us to be cautious and put in place mechanisms to ensure the most vigorous oversight of the reconstruction of Iraq.

If we approve this supplemental—and I believe we will—every provision that we have added to this measure to increase accountability and to hold the administration to benchmarks and timetables must be retained in conference. I voted to support Senator BYRD's amendment to add reporting requirements for the Coalition Provisional Authority and to mandate GAO audits of Iraqi reconstruction activities and numerous other amendments were adopted by voice vote that strengthen our ability to oversee the disbursement of these funds. We could have done even more to guarantee the success of the ambitious nation building proposed by the administration if we had adopted the Leahy-Daschle amendment to transfer reconstruction authority from the Pentagon to the Department of State. It makes sense that those with the most expertise in this area be in charge of Iraq's reconstruction. The administration's indecision about how to manage the reconstruction suggests that we have not heard the last on this matter.

Americans' sense of unease about United States policy in Iraq is compounded by the sheer size of this supplemental. I have heard from countless constituents who are concerned that we are spending vast resources in Iraq when we have so many pressing needs here at home. I share their sense of irony that we are sending money to Iraq to build roads and schools, to construct housing and health facilities, and to spur economic development, when these same needs go unmet in our own States. That is why I would have voted to support the Stabenow amendment to spend $5 billion on veterans' health care, school construction, health care and transportation needs here in the United States. Addressing these vital needs would have helped create as many as 95,000 jobs at a time when the numbers of unemployed who have given up and stopped looking for work at all is climbing.

In this time of economic uncertainty, I have joined many of my colleagues in questioning why we have not been more responsible in paying for military operations and reconstruction costs in Iraq now, instead of burdening future generations with the staggering cost of this operation. That is why I voted for the Biden amendment that asked the wealthiest 1 percent of this Nation's taxpayers to give up a small portion of their future tax breaks to fully offset the $87 billion cost of the supplemental before us. And that is why I would have voted for the Dorgan amendment to require that Iraqi oil revenues be used as collateral to pay for the reconstruction in Iraq, an amendment I supported in the Appropriations Committee. Iraq is not a poor nation it has the second largest oil reserves in the world—and it is only a matter of time before the oil will begin flowing again. How can we worry about burdening the Iraqis with debt when our own debt looms so large? I hope that when Congress completes action on this bill, the Bayh amendment is a part of the final version and we will have found a way to have the Iraqis help pay for the cost of reconstruction.

We also need to do much more to gain the support of the international community in this endeavor. The U.N. Security Council vote on Thursday was an important step in that direction but the resolution itself glossed over important differences with our allies. After the vote, representatives from Russia, France, and Germany made clear that they do not plan to lend further support issuing a joint statement saying, "The conditions are not created for us to envisage any military commitment and no further financial contributions beyond our present engagement."

I have always believed that before we commit troops abroad, we must do so with international support and involvement. As I said when I cast my vote to authorize the President to use force against Iraq, I did so with the belief that "moving to disarm Saddam Hussein—in concert with the international community—was the President's great goal." And last year, before we voted, the President vowed to seek the support of the international community on Iraq. Working with the support of the international community made sense when we waged war against Iraq in 1991, and it would have made sense last year.

I wish the President had taken the time to build a broader international consensus before we went into Iraq. The price of going it alone is being paid in many ways. We have damaged our relations with some of our oldest allies. Our attitude in Iraq, coupled with this administration's approach to other international efforts has done real damage to our image in the world. While reasonable people can disagree about whether the treaties, protocols, and conventions the United States has opted out of over the last few years were good or bad for our national security, the fact remains that our friends around the world were surprised, and in some cases snubbed by our actions. At the time we may have thought the cost of leaving them behind was small but the bill has now arrived—and the first installment is $87 billion.

Even the "coalition of the willing" has come with a price. While the United Kingdom has stuck by us admirably, many of the other countries that the administration points to as cooperating with us in Iraq are being compensated for their efforts. A Washington Post article this summer pointed out that the international division headed by Poland will face roughly $240 million in expenses, $200 million of those will be paid by the United States. The supplemental before us contains some $900 million for Pakistan—to pay them to police part of their own border.

Last year, the Congress and the Nation heard all about the advantages of unilateralism. We heard that only weak countries that could not control their own destinies had to wait for the approval of the United Nations or the international community. But now we are learning the limits of our own strength. We hear stories about how our military is stretched thin and we are asking more and more of our Reserve Forces. The United States military strategy was to be ready for two nearly simultaneous major military conflicts, but now it appears that our operations in Iraq and Afghanistan are pushing the military to the limit. I believe our Armed Forces are up to the job that lies before them, but we did not have to ask this much of them. Better coordination with our allies earlier this year, or even now, could do a lot to ease the burden on our men and women in uniform.

While there has been a great deal of discussion regarding the reconstruction dollars included in this bill, no one has disputed that the military funding is crucial to the support of our troops in Iraq. Our men and women in uniform need the $67 billion included in this package to replace damaged equipment and stores of spare parts. They need it to buy necessities like body armor and improve security around facilities. They need it so they can move out of tents and into air conditioned barracks. Some of my colleagues may have opposed the war from the beginning, and others may now be doubting the value of this military adventure, but we all agree that the troops who are over there now need the best that we can give them to accomplish their mission quickly and safely. In that spirit, I supported the Dodd amendment that would have taken $322 million from Iraqi prison building and witness protection funds on the reconstruction side of this bill and would have used those funds to pay for sorely needed personnel equipment for our troops.

I wish we could have considered the reconstruction funding separately. Much of that funding is far less urgent than the military spending in this bill. That is why I supported the Byrd amendment that would have separated the reconstruction funds from the $67 billion in defense funds. If we had approved that amendment, we surely would have approved the military and security funds expeditiously and then taken the necessary time for the administration to provide us with more specificity on the plan for the political and economic reconstruction of Iraq.

Mr. President, we are being asked to approve this $87 billion request for Operation Iraqi Freedom; yet, no one can say authoritatively how long this operation will last. We are being asked to approve $87 billion when we have no information on the extent to which the international community will shoulder some of the burden of stabilizing and reconstructing Iraq. And we are being asked to approve $87 billion with no idea of how much more we will be asked to commit in taxpayer dollars and human lives.

I plan to support this supplemental. I do so after having supported amendments to try to improve the reconstruction package, and I do so because we cannot delay any further the military spending so crucial to making this mission a success. We owe our fighting men and women in the field our full support and we owe the Iraqi people a fighting chance to rebuild their nation. And while it may be true that these debts were amassed through misguided policies of unilateralism, they are debts nonetheless, and they must be paid. So I will vote for this supplemental and urge my colleagues to do the same.

I yield the floor.

Mrs. MURRAY. Mr. President, it has been a year since the full Senate debated military action in Iraq, and now the President is asking Congress for $87 billion.

It is time to assess where things stand, to look at the reality facing our troops, and to see if we are on the right track in Iraq.

Unfortunately, it is clear to me that today we are not where we need to be in protecting our troops, gaining international support, or even having a plan to win the peace.

As the daughter of a disabled World War II veteran and the representative for hundreds of thousands of Washington State veterans and military families, I will fight for every dollar our troops need to protect themselves, and to complete their mission successfully, and I am deeply troubled that the President still does not have a plan for success in Iraq.

I have invested a lot of time examining the President's $87 billion request.

I am taking a close look at what is needed and who will foot the bill.

I have attended hearings and briefings where I have questioned administration officials, from Defense Secretary Rumsfeld to Ambassador Bremer. And I have heard a great deal from the citizens I represent in Washington State.

Everywhere I go at home, I am approached by people who have a family member who is now serving or a family member who is going to be called up.

As we speak, 3,500 soldiers with the Army's 1st Stryker Brigade Combat Team at Fort Lewis are being deployed to Iraq. About 2,100 Washington reservists are serving in Iraq today. About 300 Washington National Guard are already serving in Iraq and another 3,300 are on "ready alert."

Like their families, I am very concerned about what they—and all of our troops—will encounter overseas.

Each day in Iraq, our American soldiers face vicious attacks from snipers, car bombs, roadside explosives, and rocket-propelled grenades. These attacks are taking a deadly toll. We learned this morning that four more soldiers were killed in Iraq. Our hearts and prayers go out to their families as we continue to support all of the men and women who are still there.

Five months ago, President Bush stood on an aircraft carrier—under a sign that read "Mission Accomplished"—and told us that major combat operations had ended. Since that day, however, more than 180 American soldiers have been killed, including four from Washington State. Their families will never be the same. Their communities will never be the same. They—and all of our troops—deserve our thanks and our gratitude. But they deserve much more.

They deserve a plan that will help them complete their mission successfully and return home safely. So far, there is no plan.

Many of the questions I asked on the Senate floor a year ago still have not been answered, but today we must focus on the reality on the ground.

We have about 130,000 troops in Iraq, according to the Defense Department. They are working hard in dire circumstances, and they are facing deadly attacks every day. There is still no plan for winning the peace. There is still no real international support, either in troops or treasure.

Anyone who asks a legitimate question or who talks about what is really happening is criticized. And now the administration wants $87 billion without accountability.

The way to fix this is for the White House to "swallow some pride," face reality, be accountable, and offer a credible plan. But instead of a plan, the administration is offering a public relations campaign.

Today we have complaints about media filters and a lively policy debate within the administration, but we still have no plan.

So as I assess where things stand in Iraq, I see no real international support; no tolerance for important questions; no consistent policy—even within the administration; no accountability as to how money is spent in Iraq; no plan for success; and a PR campaign to "paper-over" the failures.

With all due respect, that is not a formula that will help bring our troops home.

We have to deal with the situation as it is and figure out how to make it better.

Sound bites and speeches are not going to help our troops finish their mission and come home. A credible plan, accountability, and international support will. We do not need a PR campaign to make it look like things are going well. We need a plan that will actually help our troops succeed, and the American people are losing patience. That is the context in which we are having this debate.

Now I wish to turn to the specifics of the President's $87 billion request.

Most of it—about $65 billion—would go to military operations. I absolutely support that. Without question, we must provide our military men and women with the resources they need to complete their missions in Iraq, Afghanistan, and every corner of the global war on terrorism.

About one-quarter of the $87 billion is being proposed to rebuild Iraq. I am concerned with how the burden for Iraq's reconstruction is being shared with the rest of the world.

The Bush administration is proposing to spend more than $20 billion in Iraq, while the rest of the international community has currently pledged only $3 billion—$20 billion from American taxpayers and $3 billion from the rest of the world. This is far different than the 1991 gulf war.

In 1991, the first President Bush put together a coalition of countries to liberate Kuwait. The cost of that operation was $60 billion. Because that President had won the support of our allies and had secured the support of NATO and the United Nations, America's allies paid 90 percent of the cost of that war. The U.S. paid only $6 billion.

I am also troubled, both as a citizen who cares about my country and as a Senator who will cast a vote on this bill, that Americans were told a lot of things about Iraq before the war which have turned out to be false.

One repeated assertion was that Iraq's vast oil reserves could pay for its own reconstruction. In fact, the Deputy Defense Secretary Paul Wolfowitz said:

> There's a lot of money to pay for this that doesn't have to be U.S. taxpayer money. We're dealing with a country that can really finance its own reconstruction, and relatively soon.

Just a few months later, it is clear that the bill to reconstruct Iraq is massive, and that bill is being handed to every American family.

As my Republican colleague, Senator LINDSEY GRAHAM, said last night:

> It's very hard for me to go home and explain how you give $20 billion to a country that is sitting on $1 trillion worth of oil.

The American people were told that Iraq's oil reserves would finance its reconstruction but now we are getting stuck with the bill and I believe the American people deserve an explanation. We all agree that we must help Iraq and Afghanistan get back on their feet quickly, but we should not carry the burden alone while our own schools, hospitals, and communities are in need.

We all understand the importance of helping the Iraqi people, but it need not come at the expense of our needs here at home. Even though the administration says that Iraq should be able to produce $35 billion in oil revenues in a few years, the American taxpayer is still getting stuck with the bill.

Let's remember, there is no guarantee that President Bush will not come back to ask U.S. taxpayers to provide even more money for Iraq's reconstruction. The World Bank says Iraq's reconstruction will cost at least $60 billion.

Today our families and communities are being asked to do more with less. Americans everywhere are sacrificing to make up the difference. American families will feel this $20 billion impact in crowded classrooms, delayed transportation improvements, and less access to health care. One of the reasons American taxpayers are so upset is because we need those kinds of investments here at home. This administration's priorities are wrong.

The people I represent want to see that level of effort and resources put back into our own country. After all, we will only be strong abroad if we are strong here at home.

Let's not forget no matter how much we are sacrificing at home, the burden is always far higher on our soldiers overseas. That is why, while they are fighting for us, we must continue to fight for them. We have to make sure they come back to a country that has jobs that can support them, health care they can count on, retirement they can look forward to, and education and opportunity for their children.

Before we reach for our wallets again, the American people deserve to know how this money will help bring our troops home as soon as possible. It is clear that our concerns and questions will not be fully addressed before we are forced to vote on this legislation. It is also clear that we cannot afford to fail in Iraq.

We have situations in Iraq and Afghanistan that can go either way. Both Iraq and Afghanistan could become either havens for terrorism or nations that can inch their way toward stability. We have to get it right. We cannot allow Iraq or Afghanistan to descend into chaos.

We have tried to make this proposal better through amendments. I voted to separate the military funding from the reconstruction funding. I voted to make the entire $20 billion a loan. I voted to require a long-term plan for the reconstruction. Unfortunately, those amendments failed, but I am very pleased that last night, the Senate took a positive step to improve the proposal.

The Senate passed an amendment that will ensure the burden of debt is shared and will give the Iraqi people a greater stake in their own reconstruction. The progress last night is a dramatic improvement over the President's proposal and is a good reason to support the modified funding request.

At the end of the day, we cannot afford to fail in Iraq. The reality is that we have got 130,000 troops over there. We cannot fail to give them what they need to protect themselves and complete their mission. Reluctantly, I will vote for this $87 billion request because we cannot deny our troops the resources they need even as we demand that the administration offer a real plan.

To illustrate just how badly our troops need resources and equipment, I want to read an email I received on Wednesday from David Willet of Bellingham, WA, about his son Ian Willett.

David writes:

> My son, Specialist Ian Willet, a 2001 graduate of Sehome High School, was deployed to Iraq on September 5th, his 21st birthday.
>
> Prior to him leaving he came to me to request money in order to help him buy combat gear he would need to take with him to Iraq. This is gear the Army either would not issue him or was as old and outdated as to be virtually useless. I, of course, bought the gear that he requested.
>
> After talking with other men who have come home or are on their way to combat, I have become quite angry that our government has placed our sons and daughters in combat without the best equipment in the world. As an example, Ian spent $50.00 his grandfather gave him for his 21st birthday on knee pads. The Army-issue knee pads fall down around your ankles when you run with them on.
>
> Now I read a quarter of the combat troops in Iraq don't have the right body armor. I am outraged that it has taken over four years to get this ceramic body armor to our combat troops, and that our troops would even be sent into combat without this necessary technology. The reason front line troops don't have this body armor? Delays in funding, production and shipping. Small solace to family that has their loved one killed in combat for lack of the proper vest.
>
> Other stories in the press talk about wounded soldiers being given bills for food they ate while in the hospital in the U.S. recovering from combat wounds. The Bush Administration wants us to focus on the good news coming out of Iraq.

It is outrageous that we are sending our soldiers to Iraq without the equipment they need, forcing their parents and grandparents to buy things that our government should be providing.

Ian is married and has two children. His family can't wait for him to return home, and the burden of protecting Ian should not fall on his family. It is the job of our Government. I am voting for this amendment so that soldiers like Ian won't have to ask their parents for the equipment they need to protect themselves.

Even as I support this funding, I want to be very clear that this is not over. I am going to watch this administration very closely. I am going to watch how they spend this money; how accountable they are; how our soldiers fare; and how much international support we get.

We will hold this administration's feet to the fire. I will continue to be an aggressive advocate for moving us in the right direction because there is too much at stake to just trust that the President has learned from his failures so far.

America is a strong nation, and Americans are a determined people. In our Nation's history, we have confronted adversity. We have dealt with the challenges that have threatened our democracy. In each case, we had a clear vision and a plan to get there. There were bumps in the road, but at the times of our greatest need, America has come together with resolve and determination. Today is no different.

The American people are ready, and we are waiting for the President to face reality in Iraq and to give us a credible plan to win the war and win the peace.

Mr. BAUCUS. Mr. President, I wish to address my amendment No. 1831 to the Iraq supplemental appropriations bill.

Mr. President, today, our Nation faces three simultaneous challenges. This amendment would address each.

First, we need to support our troops and protect our national security. Second, we must not worsen our fiscal crisis. And third, we must work to restore our ailing economy.

We are considering today a bill that, among other things, provides resources to support our troops.

Now many of my colleagues have made the case, and made it well, that our government could well have avoided the quagmire that has become Iraq. And others of my colleagues have also made the case that the bill before us includes spending that is not appropriate for an emergency supplemental appropriations bill.

The merits of these disputes aside, that is not the subject of my amendment. The bill before us includes funding that will help our fighting men and women who valiantly serve our Nation. For that reason, I, and I expect the vast majority of Senators, will support this bill.

But as I noted at the outset, our entanglements in Iraq and Afghanistan are not the only challenges that face our Nation. We also face crises of fiscal solvency. And we also face a stagnant economy. This amendment would address these two challenges as well.

As would the amendment offered by my colleague from Delaware, Mr. BIDEN, my amendment would pay for the spending in the bill before us today. As was so ably argued by the Senator from Delaware, the two Senators from North Dakota, and others, our Nation faces a fiscal crisis. Even for something as important as this bill, we must now seek to pay for what we do.

The Government's two most-authoritative estimators of our fiscal condition, the President's Office of Management and Budget and the Congressional Budget Office, are agreed: The year just ended set an all-time record for budget deficits.

In its October Monthly Budget Review, CBO stated: "The federal government incurred a total budget deficit of about $374 billion for fiscal year 2003, CBO estimates, more than twice the deficit recorded in 2002."

And OMB and CBO also agree that the deficit for the year just started, fiscal year 2004, will again set a record. This summer, OMB projected this year's deficit at $475 billion. CBO projected it at $480 billion. Either way, it will once more be the largest ever.

And these summer projections did not include all of the new funding that we are debating today for the military occupation and reconstruction of Iraq. The bill before us today would provide $87 billion in additional funding, beyond the $79 billion already approved in this spring's supplemental appropriations bill. Of this new funding, the administration says $50 to $60 billion will spend out in fiscal year 2004. This would raise OMB's projection for next year's deficit to $525 to $535 billion.

This number would be in line with private forecasts. For example, the investment firm of Goldman Sachs projects a $525 billion deficit next year.

Now some say that we should ignore that these are record deficits because the numbers are smaller when compared to the size of the economy. But these deficits are large even as a percent of the GDP.

A deficit of $535 billion this year would equal 4.7 percent of the GDP. This would be the same percent of the economy as was the record $290 billion deficit in 1992. It is close on the heels of the 4.8 percent to 5.1 percent deficits of the mid 1980s. And it is not far from the all-time record 6.0 percent of fiscal year 1983.

And if one excludes Social Security surpluses from the calculation, as required by law, this year's deficit would be almost $700 billion. Not only would this set an all-time record in dollar terms, it would also set an all-time record as a share of the economy.

Over the years to come, both OMB and CBO continue to project unacceptably large deficits. OMB projects deficits larger than $200 billion for as far as it projects—the next 5 years.

And CBO's August report indicates that if one simply extends expiring tax provisions other than the bonus depreciation provision, reforms the alternative minimum tax, and spends the expected $400 billion on a Medicare prescription drug benefit, then the Government will still end the next 10 years running a deficit of more than $400 billion a year.

In other words, if the Government simply stays on its current fiscal course, CBO projects that the Government will still be running unacceptably large deficits in 2013.

Under this realistic, indeed, conservative, scenario, over the next 10 years, the Government will run deficits totaling nearly $4 trillion. And 10 years from now, the amount of Federal Government debt held by the public will almost double, to nearly $8 trillion.

Again, private forecasters back up these scenarios. If anything, their projections are more pessimistic. The investment firm of Goldman Sachs is projecting a $5.5 trillion 10-year deficit.

Using the CBO projections adjusted as I have discussed, from 2001 to 2013, the Government will have piled up $4.6 trillion in debt held by the public, or roughly $15,000 in debt for every man, woman, and child in America. Every American child born in 2013 will come into this world owing $15,000 more in taxes because of the economic decisions that the Government is making right now.

That $4.6 trillion in new debt will come in addition to the $3.3 trillion in debt that we already owed in 2001. So that new baby born in 2013 will have a total debt burden of roughly $26,000 hanging over his or her head.

And more and more of the Government's debt is being held by foreigners, like China. With this greater debt, we are transferring to overseas powers a greater ability to affect our economy.

And that level of debt means that by 2013, the Government will be spending roughly $400 billion on interest on the debt alone. Before the Government can choose to spend anything in 2013 on fighting terrorism or education or national defense, it will have to spend $400 billion—that's about 11½ percent of the total budget—that is nearly 2½ percent of the entire country's economic output—just to pay the interest on the debt that the Government will have accumulated by then.

But that is not all. If the Government stays on its current fiscal course and runs persistent and increasing budget deficits, it will increase its borrowing requirements. It will increase the Government's demand for money.

It will thus raise interest rates for mortgages, car loans, and student loans. It will thus lower economic growth. And it will thus lower the standard of living for millions of Americans.

Our Nation's high national debt and high deficits at the end of the next 10 years will leave our Nation in a vulnerable fiscal condition at exactly the wrong time, as the baby boom generation starts to retire.

We know to a near certainty the number of people who will reach the age of 65 in 2013. Unlike the likely results of particular economic policies, reasonable people cannot and do not disagree significantly over how many people were born in 1948—and thus over how many will be eligible for Social Security and Medicare in 2013. We know that we have a substantial budgetary challenge ahead of us, finding the money to pay for the retirement needs of the baby boom generation.

If we head into the next decade with high deficits, the Government will have no room to accommodate those retirement needs. The current policy will thus leave the Government with fewer choices to respond to the growing entitlement costs of the decades to come. The current policy will thus leave us with the grim choice of raising taxes, cutting long-promised and much-needed benefits, or dramatically cutting defense, education, and other core Government services.

So the first thing we need to do is to stop making things worse. We need to bring back the rule of paying as we go.

And that is what this amendment would do. It would suspend some of the tax cuts that Congress enacted earlier this year.

But my amendment would not do one thing that the amendment offered by my colleague from Delaware would have done. My amendment would not alter any of the tax cuts that Congress enacted in 2001. It would only affect tax cuts enacted earlier this year.

My amendment makes this distinction because I—and many of my colleagues—supported the 2001 tax cuts. We believed then and still believe that the tax law changes enacted in 2001 were important to our economy. And these tax cuts are still important to our Nation's economic growth. And so my amendment would not change them. Not at all.

Instead, it would postpone some of the tax cuts enacted earlier this year. When these tax cuts were debated, we were at war with Iraq. I believe—and continue to believe—that it is irresponsible to enact tax cuts during a time of war. The very fact that we are here debating an additional $87 billion for Iraq proves that.

This amendment would postpone some of the tax cuts that are targeted to wealthy individuals in order to pay for this $87 billion.

It would allow all of the funding in the underlying bill to go forward. It would thus support our troops.

It would pay for the spending in the bill. It would thus keep us from worsening our Nation's deficit crisis.

And it would pay for the spending in this bill without altering the 2001 tax cuts. It would preserve the economically beneficial effects of that tax cut in place. It would thus help our ailing economy.

I shall not press my amendment to a vote on this bill. The votes on this bill are now clear. But I urge my colleagues to consider the policies that I am seeking to advance with this amendment.

Mrs. BOXER. Mr. President, just this past April, I voted for the emergency supplemental appropriations bill authorizing $70 billion for our military operations in Iraq. I felt that funding was necessary at the time. But I expected that the administration would move us toward a multilateral approach, one that would take the burden off our troops and our taxpayers.

Now the President is asking for $87 billion more for Iraq.

While war inevitably carries great costs, both in terms of financial losses and losses in human life, the American people and the families of our troops should not be alone in shouldering those costs and burdens.

We cannot afford to continue down this path without legitimate burden-sharing. Our troops are overstretched, our financial obligations are becoming more taxing by the day, needs at home are going unmet, and the Federal deficit is absolutely soaring.

In Congress we have a responsibility to our constituents to debate and decide upon the path that is best for our country. We should not rubberstamp every proposal the administration puts forward, particularly when lives are being lost.

The American people are not satisfied with the direction of this country. But all that the administration has offered so far is the status quo, another blank check for Congress to sign that offers no plan to genuinely decrease the strain on American resources.

That is why I supported an alternative proposed by Senator BYRD. The Byrd amendment put the needs of our troops first by authorizing 100 percent of the funding requested for military operations, and requiring the administration to gain commitments of funding and manpower from other nations to ease our Nation's incredible burden.

It also would have carefully reviewed the Iraq reconstruction process.

I also supported several worthy amendments that, if passed, would have greatly improved this bill:

The Biden amendment to pay for the cost by reducing the Bush tax cuts for the wealthiest 1 percent of Americans;

The Dorgan amendment to pay for the reconstruction of Iraq with Iraqi oil revenues;

The Dodd amendment to shift $322 million in funding for new Iraqi prisons to protective gear for our troops;

The Stabenow amendment to provide $5 billion in funding for important American domestic priorities such as veterans health care, education, community health centers, and transportation. This amendment was paid for by delaying $5 billion of Iraq's reconstruction money to 2005.

Compared to this $87 billion that will be spent abroad, we are spending annually, $23.9 billion on veterans health care, $23.4 billion on higher education, and $31.8 billion in total highway spending. Our domestic priorities are going unmet.

I am pleased that my amendment to reimburse wounded soldiers for hospital meals was successful, as well as my amendment to call attention to the need to protect commercial aircraft from shoulder-fired missiles.

But basically, we are left with one huge $87 billion check which will be used to continue a policy that has led to 194 American postwar deaths and 903 Americans wounded in action to date.

Administration officials, including Defense Secretary Donald Rumsfeld and Deputy Defense Secretary Paul Wolfowitz, repeatedly, and perhaps even deliberately, downplayed the cost of reconstructing Iraq. They claimed that we would pay for this war with Iraqi oil revenues and with support from the other nations. They told us this would be easy.

No one is suggesting that we abandon our efforts in Iraq. The Byrd alternative responsibly addressed the situation in Iraq by proposing a road map for success. It would have put an end to this blank check policy and established a realistic and responsible plan for the future.

My decision to vote no on the $87 billion request and for the Byrd amendment is a stand against the status quo and for a change in this administration's go-it-alone, pay-it-alone strategy.

Mr. FEINGOLD. Mr. President, I do not support the administration's policy in Iraq. After listening to the administration's hard sell, after hearing a series of ever-shifting justifications for our policy, after discovering that some of these justifications were of extremely dubious credibility, after confronting the administration's reluctance to straightforwardly acknowledge the costs and commitments entailed in the occupation of a major Middle Eastern country, after watching the administration alienate potential allies who could help us share this burden—after all of this, I do not support the notion that American taxpayers should be saddled with astronomical burdens and tremendous debt to support this misguided approach.

I wish our policy had been different. But I must deal with the reality before us today. The stakes are too high to do anything else.

I cannot oppose this bill. I cannot pull the rug out from under our brave troops on the ground, who were called to serve and now find themselves in harm's way, confronting suicide bombings and guerilla warfare tactics. This bill contains resources that they need, and I will cast my vote to get them those resources.

I also recognize that stability and reconstruction in Iraq are in our national interest. For years now, I have urged my colleagues to recognize the dangers inherent in weak and failing states around the world. I have studied the appeal that such states hold to criminal opportunists, including terrorists. And I know that a weak or failing Iraq would present a threat to this country. To abruptly pull the plug on reconstruction, to leave Iraq to the disorder that filled the vacuum left by the fall of the Saddam Hussein regime, would make us less safe, less secure.

So I will not vote against the final passage of this very problematic bill.

But I want to be very clear about two points. My vote does not suggest that I am resigned to accepting the administration's policy. I am not, and I will continue to urge them to change it. That is my responsibility as a Member of this body, and I will not abandon it.

My vote also does not mean that I will support future funding for the Iraq mission if the administration fails to put that mission on a sounder footing. Over 330 U.S. troops have lost their lives in Iraq—and over 190 of those deaths occurred after the President declared an end to major military operations. Many more have been seriously injured.

The administration has tried to argue that Iraq is the central battlefield in the war on terror. I strongly disagree with that point of view. Iraq is at best a distraction from that war, which should be our country's main focus. At worst, our invasion and occupation of Iraq may well turn out to be a major setback in our efforts to combat terror. The extremely well-respected International Institute for Strategic Studies recently released a report indicating that "war in Iraq has probably inflamed radical passions among Muslims and thus increased al-Qaida's recruiting power and morale and, at least marginally, its operating capability."

I remember what the Vietnam war did to this country. I remember when good people convinced themselves that they had to keep accepting terrible losses because of sunk costs. I remember those desperate and destructive efforts to salvage the credibility of long-since discredited policy. Iraq is not Vietnam, but the lessons of history must not be forgotten. Without a better plan, without burden sharing, without a clear strategic vision that refocuses on this country's first foreign policy priority—he fight against the terrorists who attacked this country on September 11, 2001, and their allies—without these changes, withdrawing from Iraq will be the right thing to do.

I would like to comment on one of the most contentious issues that arose during the debate on the supplemental bill—the debate about grants versus loans. This week I was unable to support the amendment offered by Senator DORGAN to the supplemental bill before the Senate. I do not believe that it is in our national interest to have U.S. authorities making decisions about how to use future Iraqi oil revenues. On this point, the President is right. To do so would play into the hands of those who would promote the ugliest, most distorted images of American motives abroad, conjuring images of imperialism and corruption, and undermining one of our greatest sources of strength internationally—the compelling power of our principles and ideals.

But while the President is right about that point, he is wrong to place this heavy burden almost entirely on the shoulders of American taxpayers. I am by no means enthusiastic about financing Iraqi reconstruction with huge grants. Iraq's reconstruction needs should be met, to the extent possible, by Iraqis themselves. But the decisions about the use of Iraqi oil should be Iraqi choices, not decisions made by American occupation authorities.

That is why I was pleased to support the amendment offered by Senators BAYH and NELSON, which converted a portion of the grants to loans, and leverages this approach to encourage international debt forgiveness. This amendment did not involve any U.S. decisions about Iraq's future oil revenues, rightly leaving those decisions to the Iraqi people.

Once again, I urge the administration to take concrete steps to build meaningful international support and ensure real burden-sharing in the international community. I was pleased to support the amendment offered by Senators BYRD and KENNEDY, which called on the administration to present a concrete and detailed plan for working with the rest of the world to bring stability to Iraq. I am disappointed that the amendment was defeated. The best way to avoid making unfair demands on the Iraqi and American peoples is to give our allies a meaningful role in the country and ask that they in turn contribute to reconstructing the country.

I am pleased that three amendments I offered to this bill were adopted. First, I offered an amendment to establish an inspector general for the Coalition Provisional Authority, so that there will be one auditing body completely focused on ensuring that taxpayer dollars are spent wisely and efficiently, and that this effort is free of waste, fraud, and abuse. I am troubled by some of the seemingly inexplicable requests and figures contained in the administration's funding request—the $6,000 phones, the state-of-the-art postal system, the new monuments, all of them in an "emergency" request. At the very least, we should take concrete steps to ensure that vigorous oversight and auditing mechanisms are in place to protect each and every taxpayer dollar.

I also offered an amendment to help alleviate some of the difficulties faced by families of military personnel deployed or preparing to deploy for a contingency operation. My amendment allows a spouse, son, daughter, or parent who already qualifies for benefits under the Family and Medical Leave Act to use their benefits for issues arising from one additional set of circumstances—the deployment of a family member. Our military families—be they active duty, Guard, or Reserve—are coping with tremendous strains and a great deal of unpredictability. Longstanding childcare arrangements can be suddenly upended; in a matter of days, legal powers may need to br transferred to allow a spouse to maintain control of the home while his or her partner deploys. This amendment has been endorsed by the Military Officers Association of America, the Enlisted Association of the National Guard of the United States, and the National Partnership for Women and Families. I am delighted that it was adopted, and I hope it brings some measure of relief to the families who are sacrificing so much.

I was also pleased that two other amendments to help our Guard and Reserve were adopted. One was an amendment offered by Senator BILL NELSON to provide $10 million for the Family Readiness Program of the National Guard. This program provides needed support services and assistance for Guard families prior to, during, and after deployment. And I was pleased to vote for an amendment offered by Senator DURBIN, which also passed, that would ensure that Federal employees who take leave without pay in order to serve do not see a reduction in their pay.

In addition, I thank the managers for accepting a very modest amendment that I offered calling for the Coalition Provisional Authority to regularly post up-to-date information in both English and Arabic on its Web site about oil revenues, seized and frozen assets, and how these resources are spent. Recently the Advisory Group on Public Diplomacy for the Arab and Muslim World reported on how much needs to be done to address the inadequacies of our current public diplomacy efforts. Making a good-faith effort to be transparent when it comes to what is happening to Iraqi resources is just basic good sense, and that means making an effort to communicate in Arabic.

I believe that the amendments I have discussed are small steps in the right direction, but I remain deeply concerned about where the administration's policy is leading us overall. I hear the concerns of my constituents every day—constituents who wonder when their loved ones in the military will come home, constituents concerned about the massive deficit, constituents who feel betrayed by the mixed messages and shifting justifications of the administration. Voting on this bill does not mean that Congress can set aside the issue of Iraq. In fact, voting on this bill should make it painfully clear to all of us—we have a great deal of work to do to get our policy on a firm footing and we cannot afford to wait any longer.

Ms. MIKULSKI. Mr. President, 1 year ago, America was on the brink of war. One year ago, Congress debated whether America should go it alone to confront Saddam Hussein or get international support to bring the world with us. Now we are finishing work on the President's request for $87 billion for Iraq. Again we have debated whether we go it alone or find a way to share the burden and the cost of war.

Today, I will vote in favor of the supplemental bill for Iraq and Afghanistan because I will not fail in my commitment to support our troops and because the Senate voted to provide loans and not just giveaways.

Through this debate, I fought for five principles I continue to believe are critical for the Iraq supplemental:

First, we need to support for our troops. The men and women putting their lives at risk to serve our country deserve our support.

Second, we need international burden sharing. If the stability of Iraq is in the world's interest, then the world should help pay for the reconstruction.

Third, we need to give Iraq loans, not giveaways. Iraq has the world's second-largest oil reserves and is capable of pumping out millions of barrels a day. This oil revenue should help with the reconstruction.

Fourth, we need accountability and responsibility with the money we provide. We need to stop waste, cronyism contracting and profiteering.

Fifth, we need for a plan to end the occupation of Iraq. There was a plan for war. Now we need a plan for peace.

I have used my voice and my vote in the Senate to stand up for these principles as we considered the supplemental bill.

America's Armed Forces are made up of ordinary men and women that are called upon to do extraordinary, difficult and dangerous things. Last year, when we debated whether to send our troops to Iraq, I asked whether they would be met with flowers or with land mines. Now we know. Our troops are at risk and they need our help. Our troops need equipment and gear, like modern body armor and replacement vehicles to help them complete their missions as safely as possible. Military families need financial support to make ends meet.

The men and women putting their lives at risk to serve our country deserve our support not just with words but with deeds. That Is why I voted for amendments to increase combat pay, to end the practice of charging wounded soldiers for hospital meals, and to improve veterans health care.

I believe we need international burden sharing to share the risks and share the costs of occupying and rebuilding Iraq. We need more troops, but not more American troops. We need more money, but not just American money. Last year, when we debated the war, I voted to go to the United Nations, to have international legitimacy and international burden-sharing. If the stability of Iraq is in the world's interest, then the world should help pay for the reconstruction. That is why I voted 12 times for amendments to promote greater burden sharing.

Wherever possible, American aid should be loans, not give-aways. Iraq has the world's second-largest oil reserves. Iraqi oilfields are already producing close to 2 million barrels a day. That means billions of dollars a year in oil revenue. According to Ambassador Bremer, by 2005 Iraq will produce enough oil to take care of its basic needs and have additional funds.

Congress already provided $75 billion for Iraq last April. It also included $2.5 billion for Iraq relief and reconstruction. That was grant aid. Now the President wants to give Iraq another $20 billion. A better solution would have been to loan Iraq the money and have it repaid from Iraq's oil.

The facts are simple: There is a loan. $87 billion is added to our national debt. The question is whether the American taxpayer must pay it back or whether the Iraqi people will pay some of it back with their oil.

That is why I cosponsored amendments to provide loans rather than grants. I am so glad the Senate voted to make $10 billion of the aid loans. These loans would only be forgiven if the rest of the world forgives its loans to Iraq.

We need to safeguard our troops and safeguard our money. We need responsibility and accountability to stop waste, cronyism contracting and profiteering. We need to use American taxpayer dollars to invest in America. That is why I supported an amendment to require full and open competition for contracts in Iraq. That is why I voted for an amendment to end cronyism contracting by preventing these funds from going to a company in which the President or Vice President or a cabinet member has a financial interest.

The administration must lay out a plan to end the occupation of Iraq. There was a plan for war. Now we need a plan for peace. The American people deserve full disclosure and a real assessment of where we are going and how long we will be there. We must not let Iraq turn into a quagmire. We cannot just send more money and more troops with no end in sight. The President needs to present a clear exit strategy. That is why I voted for an amendment to require a comprehensive plan for Iraqi reconstruction to include goals and timelines.

I worked to fulfill my principles on this bill: to support our troops. International burden sharing; loans, not giveaways; accountability; and the need for a plan to end the occupation of Iraq.

Marylanders are patriotic people, willing to do what's necessary to defend our country and help other people when we can. But they have children to educate, parents to support, houses to buy and retirements to fund. It is not fair to ask them to pay for the rebuilding of Iraq just because this administration made critical mistakes in foreign policy.

I am going to vote for this bill because I will fulfill my commitment to America's men and women in uniform, who are risking their lives for the American people in Iraq and Afghanistan.

I will continue to press for an exit strategy to bring our troops home. I will continue to fight for greater accountability. I will continue to demand that President Bush bring in other nations to share the burden, to share the risks by sending troops to Iraq and to share the costs by contributing to Iraq's reconstruction.

Mr. KERRY. Mr. President, I have said many times, and I will say it again, it is critical that we succeed in Iraq. But it is equally important that we do the job the right way—the way that best protects our troops on the ground, enhances our security, and shields the American taxpayer from undue burden. President Bush's approach fails this test.

I support our troops in Iraq—and their mission. I believe we must do our part to reconstruct Iraq and make it a force for peace and stability in the region. I am prepared to spend whatever it takes to win the peace. But I want to spend that money responsibly and effectively—pursuant to a strategy that will maximize our prospects for success through greater internationalization and burden sharing and provide the transparency and accountability that American taxpayers expect and deserve when we spend their hard-earned money. I want to be sure that the financial costs are distributed, in the spirit of shared sacrifice, among those Americans who can best afford to pay. Unfortunately, the President and his advisers disagree.

I cannot vote for the President's $87 billion request because his is not the most effective way to protect American soldiers and to advance our interests. Simple common sense tells us that we need more countries sharing the burden and more troops on the ground providing security. We need a fairer way to pay the bill.

I had hoped that the Administration would prepare for building the peace in Iraq as well as it prepared for fighting the war. But that was not the case.

Over eager to rush to war, the administration failed to plan adequately or effectively for the peace. American forces are being targeted daily by remnants of Saddam Hussein's Ba'athist regime, newly arrived terrorists hoping to capitalize on anti-American sentiment, or a combination of both. The attacks are becoming more lethal and more sophisticated, and increasingly the attackers are going for high profile targets associated with us or our allies. But the administration played down or, worse yet, ignored the likelihood of this kind of resistance when planning for the postwar period.

It low-balled the number of forces that would be needed to seize the alleged WMD sites for which we fought the war, to protect the infrastructure needed for reconstruction, or to contain civil unrest. It failed to put together a meaningful military coalition to help us meet these needs.

The administration underestimated the magnitude of the reconstruction task and, as we now know, misrepresented the ease with which oil would flow for rebuilding. It refused to tell the American people up front the long-term costs of winning the peace. And it refused, until recently, to ask the international community to join us in this very difficult endeavor.

This administration's brazen go-it-alone policy has placed our soldiers at unnecessary risk and our hopes for success in jeopardy. It has turned American liberators into occupiers in the eyes of many Iraqis. It has created a terrorist presence in Iraq where none previously existed and made Iraq a recruiting poster for terrorists of the future. It has undermined the legitimacy of our efforts at home, abroad, and in Iraq. And it has left Iraqis wondering when they will get their country back. We cannot continue on this course. The stakes are too high—for our troops, for the Iraqi people, for the region, and for American security.

A year ago when we were debating the use of force resolution for Iraq, I said: "If we do go to war with Iraq, we have an obligation to the Iraqi people, and to other nations in the region, to help create an Iraq that is a force for stability and openness in the region." That obligation is upon us. We are now committed—as a result of our military victory and postwar occupation to building a democratic Iraq that is reasonably secure and economically viable. Our credibility and our interests demand that we succeed.

Successful reconstruction of Iraq is critical to peace and stability in the Mideast and to the security of Israel, our closest ally in that volatile region. We cannot allow Iraq to become a failed state or let the Ba'athists return to turn their wrath once again on innocent Iraqis. We must not allow Iraq to be fragmented into mini-states, warring with one another and further destabilizing the region. Nor can Iraq be dominated by Iran or any other state in the region. Success in Iraq is also crucial to our war on terrorism. The terrorist violence which has emerged in the wake of our military victory in Iraq poses a major challenge, but it is one we must meet. Iraq cannot become a terrorist sanctuary like Afghanistan, either as a platform for al-Qaida or Israeli-directed violence.

It is imperative that we succeed in Iraq, but to do so, we have to tackle the challenge of rebuilding Iraq an effective way, not the Bush administration's failed way. We need a detailed plan, including fixed timetables and costs, for establishing civil, economic and political security in Iraq.

We need to internationalize both the military and civilian sides of the occupation and build a coalition that will provide tangible assistance in terms of boots on the ground and money in the coffers for Iraqi reconstruction. Only in this way will we reduce the risk to American service members and alleviate some of the financial burden on the American taxpayer for reconstruction.

We have to give the United Nations a clearly defined, central role in the reconstruction of Iraq and in the process of establishing a new Iraqi Government, and we must provide the necessary security so that U.N. personnel will go back to Iraq. The United Nations is not perfect, but it has far more experience and capacity in these areas than the Pentagon and the Coalition Provisional Authority. The process of reconstructing Iraq and its political system must be an international process—not an American process. Only then will it have legitimacy in the eyes of the Iraqi people and the world.

We have to involve Iraqis more in the process of rebuilding their country and assure them through concrete steps that political power and responsibility will be transferred to them as quickly as possible.

The administration, albeit belatedly, has recognized that we need help in Iraq. The resolution adopted this week by the U.N. Security Council is a step in the right direction. It will provide greater international legitimacy to our efforts in Iraq. It does require that the Iraqi Governing Council lay out by December 15 of this year a timetable and program for the drafting of a constitution and national elections, but this resolution does not fundamentally change the lines of authority and responsibility for the reconstruction and governance of Iraq. It is really more show than substance. Whether it will gain meaningful international support for our efforts in Iraq remains to be seen but the prospects do not look good. Already three of our allies who voted for it—Russia, France and Germany—have indicated that they will not provide troops or funds to support our efforts. And Pakistan, which had been expected to provide troops once a resolution was passed, has now declined. If he is serious about generating funds and troops for the operation in Iraq, President Bush must see this resolution as the beginning of a process of diplomacy—not the end.

The President is asking us to give him $87 billion for Iraq. As we decide whether or not to vote for this package, there are some fundamental questions each of us should be asking.

First, what is it for? Much of it some $66 billion is for our troops on the ground. Another $20 billion is supposed to be for reconstruction of basic services, such as water, sewer, and electricity, and for training Iraqi security forces. It also includes $82 million to protect Iraq's 36 miles of coast line, new prisons at a cost of $50,000 per bed, a witness protection program at a cost of $1 million per family, nearly $3 million for pickup trucks at a cost of $33,000 each, $2 million for museums and memorials, and a whopping $9 million for a state-of-the-art postal service. I could go on, but the point is obvious: This supplemental is padded with requests that go far beyond Iraq's emergency needs.

Second, who reaps the benefit of this $20 billion for reconstruction? On one level, of course, it is the Iraqi people. But let's not fool ourselves. Halliburton and other select American companies with close, high-level connections to the Bush administration are getting the lion's share of the contracts funded by this money. No one can object to giving contracts to American firms, but those contracts ought to be offered on a competitive, open bid basis. And at a minimum, these firms should be required to seek subcontractors from outside of the United States including Iraqi companies where feasible. Opening and internationalizing the contracting process would provide much-needed transparency and give others in the international community a stake in the success of the reconstruction process.

Third, what is the plan for spending the $20 billion? We don't really know because the administration has only given us a set of goals and vague timetables—not a detailed plan. The President wants us to give him $87 billion on faith. His administration has failed miserably in anticipating the risks to our troops, planning for the peace, and building international support for our effort. Why should we trust him now?

Fourth, how does President Bush intend to pay for rebuilding Iraq? He wants to saddle future generations of American taxpayers with the bill by adding to the Federal deficit. This is fundamentally unfair. There is a better way—the one Senator BIDEN and I offered when we proposed that the tax cuts for the wealthiest Americans be repealed. At a time when men and women in uniform are sacrificing for our interests in Iraq, it is only fair to ask those Americans who can afford it to do their fair share, but President Bush's refusal to accept this approach betrays the spirit of shared sacrifice that has made our nation great.

Fifth, what is the urgency for rushing forward with such a large proposal now? There isn't one. Ambassador Bremer, the head of the Coalition Provisional Authority, has told us that his funds for reconstruction will last until the end of the year. Whether or not Iraq can absorb $20 billion over the next year is another question. The World Bank recently estimated that Iraq could absorb only $5.2 billion in reconstruction funds for next year. Instead of rushing to complete this bill, the administration should be doing more of the hard work of diplomacy to generate contributions from other countries and to generate a more accurate assessment of what Iraq's real needs are over the next year.

Finally, it is incumbent upon us to ask what needs at home are underfunded? The answer is: plenty, including health care, education and homeland security.

The President must be held accountable and he must change course. While he may still salvage success in Iraq, the question we must ask is: at what cost—in terms of dollars and lives? We should do this the right way. We can win the peace in Iraq but we cannot—and should not—do it alone. Our troops on the ground deserve a strategy that will take the target off their backs and bring them home more quickly. The American people deserve a strategy that decreases the bill, pays our costs fairly, and makes America safer. We must have a new approach, one that maximizes international cooperation and burden sharing and minimizes the risk of failure. If the President adopts that new approach, I will gladly support any proposal that funds it.

Mr. JEFFORDS. Mr. President, it is with great frustration that I come here today to address the President's request for an additional $87 billion to pay for the war in Iraq and to confront the aftermath of this conflict.

One year ago, I addressed this body, arguing against the notion that Iraq posed an imminent threat to the United States. I feared that the administration's single-minded obsession with Iraq would cost American lives, poison our relations around the world, divert resources from the real war on terror, and deal a crippling blow to critical domestic needs. I pleaded with the administration to work with the international community to address the Iraqi problem in a cooperative manner. I urged my colleagues not to grant the President a blank check to launch a reckless, unilateral, preemptive attack against Iraq.

Those words fell on deaf ears. The President got his blank check, and we now have to deal with the consequences. While the military campaign in Iraq was predictably swift and effective, the aftermath is a mess. It is now obvious that there was a shameful lack of planning for anything beyond the initial war, leaving us in a much worse position than predicted. Our military is suffering daily losses. The Iraqi population is increasingly restive and hostile. Terrorists are flowing into the region, eager to take a shot at American forces and undermine our reconstruction efforts. Longtime allies are so put off by the administration's arrogant approach to this war that they are reluctant to lend a hand when we, and the people of Iraq, so clearly need the assistance.

Through it all, the administration has refused to give straight answers to the Congress or the American people. It has misrepresented intelligence on the threat posed by Iraq. It has dodged the issue of how much the war and Iraq's reconstruction will cost. And it has refused to provide Congress with a detailed plan for post-war political and economic reconstruction.

Now the President is back before the Congress, asking for what I believe amounts to another blank check. Our economy is in dire straits. Our schools are woefully underfunded. Millions of Americans are seeking work, and many have given up trying. The number of people without health insurance is soaring. This Nation's budget deficit is spiraling out of control, in no small part because of huge tax cuts for the wealthiest Americans pushed through by this administration. Nevertheless, while the President seeks to reduce funding for pressing needs at home, he urges the Congress to quickly pass his $87 billion request for Iraq and Afghanistan.

Just like a year ago, we are presented with incomplete plans for how the money will be spent. We have not been provided with detailed information on steps the administration is taking to involve the international community in the reconstruction effort. Moreover, we are treated to blank stares when we seek concrete answers on how much more this occupation and reconstruction will cost and how long our men and women will be stationed on the ground in Iraq.

Ambassador Bremer testified recently concerning the administration's plan for rebuilding Iraq. This plan is striking in its failure to address the most critical issues. It is silent on the size of the U.S. troop commitment, a timetable for the return of U.S. troops, the financial or troop contributions we might expect from other nations, and the short-term and long-term costs associated with the U.S. invasion of Iraq. Beyond that, the plan makes assumptions that are so unduly optimistic that they call into question the credibility of other key elements of the plan. For example, the plan assumes that U.S. forces will defeat internal armed threats and deter external aggression and subversion by the end of October. That is 2 weeks from now. Anyone who reads a newspaper or watches TV would have difficulty believing this will happen. This plan seems based upon the notion that merely opening the spigot of taxpayer dollars will ultimately overcome whatever shortcomings may exist in our policies toward Iraq.

We have it in our power to do something about this situation. This Senate must demand answers to these critical questions. It has learned the hard way the consequences of granting this administration a blank check in Iraq. Enough is enough. Additional funding for Iraq should be withheld until the administration develops and presents a comprehensive, credible plan that details how the money will be spent, how the administration plans to broaden the international involvement in reconstructing Iraq, how much more this operation will cost, and when our military men and women will come home to their families. We owe at least that much to the American people. And we owe it to our brave forces on the ground in Iraq.

As a former officer in the U.S. Navy, I know firsthand the importance of supporting our troops and have great respect and admiration for their efforts. On the whole, American military personnel have done an outstanding job of providing leadership and direction in countless Iraqi communities in the wake of the collapse of Saddam Hussein's regime. Our officer corps has received widespread praise for their wise and humane conduct in a role for which they received little preparation. I am proud of many Vermonters' unsung acts of bravery, leadership and humanity. RADM Barry Costello of Rutland, VT, served with distinction and played a pivotal role in Operation Iraqi Freedom as the Commander of the U.S.S. *Constellation* battle group. But Vermont has also suffered great losses. We grieve for Mark Evnin of South Burlington, Eric Halverson of Bennington, Kyle Gilbert of Brattleboro, and Justin Garvey of Proctor, VT. My heart goes out to their families. They are but 4 of over 350 American troops killed since the war began.

We cannot continue to accept such losses. We need to make decisions that will help our troops in the long run. It is our job to ensure that scarce resources are being spent wisely, and it is our responsibility to demand something better than the floundering post-war effort we have seen to date. Writing a blank check for Iraq does a disservice to our military if there is no coherent plan for securing the peace and bringing them home.

Meanwhile, the war in Iraq has distracted the United States from the real fight against terrorism, an issue of critical importance to American security. We have reduced our forces in Afghanistan and lost focus in our hunt for Osama bin Laden. As a result, the stabilization and reconstruction of Afghanistan have suffered serious setbacks in recent months. One could even argue that the U.S. invasion of Iraq actually created an opening for terrorists. Osama bin Laden had long targeted Saddam Hussein, whose secularism he loathed. There is no evidence that Iraq under Saddam Hussein had any significant connection with al-Qaida, even though the Bush administration has tried hard to link the two. Ironically, in the chaos that has followed the collapse of Baath Party rule, Iraq has now become a haven for terrorists who see an opportunity to strike against U.S. forces.

For over 50 years, America's Presidents have led the world in constructing a web of relationships and institutions that have succeeded in promoting peace, stability, and respect for the rights of each and every human being on the face of this Earth. They worked closely with allies to meet common threats and they supported the United Nations and other world bodies as mechanisms that fit naturally with our goals of promoting freedom, trade and democracy around the world.

This administration has turned its back on the work of the last 50 years. This administration has demonstrated time after time that it has neither the patience nor the will to engage in real consultations with allies and world bodies such as the U.N. President Bush and his administration frequently assert that the attacks of September 11 made the world a different place. Their response has been to abandon long-held American policies and justify radical new approaches like the doctrine of preemptive war. I disagree wholeheartedly with this response. While the attacks of September 11 were a horrific, senseless act of evil, they have not diminished the value of the international structure that America and its allies have worked to build since the close of World War II. The new challenges are different, but now more than ever, they demand a strong and unified international community. They demand more international cooperation, not less.

The United States needs its traditional allies and it needs the U.N. It needs them to ensure that the situation in Iraq does not continue to slide toward an American occupation and to help defray the costs and challenges associated with rebuilding a deeply troubled nation. It needs them to undercut assertions that the primary interest of the United States is in controlling Iraqi oil. Moreover, America needs its allies and the U.N. because we have too many pressing needs at home to continue hemorrhaging money in Iraq.

Having spurned the international community on the way to war in Iraq, the administration must be prepared to go the extra mile to enlist international support at this hour. We must be prepared to cede meaningful control over the political and economic rebuilding of Iraq. And we must do more than adopt the "join us if you want" approach the President set forth in his recent speech to the U.N. President Bush is correct when he says that it is in the world's interest to join with us in working toward the reconstruction of Iraq. Our longtime allies and other countries around the world are equally correct, however, when they ask for a measure of control over their efforts. While I am encouraged that the U.N. Security Council stands ready to approve a resolution backing American plans for reconstruction of Iraq, this may be too little too late. Our closest allies still have deep reservations about how we have conducted ourselves thus far in Iraq, and it remains to be seen if any of them will contribute any significant funds or any troops at all. Meanwhile, because of the worsening security situation, the U.N. has been forced to withdraw nearly all of the 600 employees it had in Iraq just a couple months ago. There must be a turnaround in current conditions on the ground before most international relief organizations can do any effective work in most of the country.

We are caught in a real bind. Iraq clearly needs our help. Yet the American economy is hurting and basic domestic needs are crying out for funding. While asking for $87 billion more for the war in Iraq, the President's proposed budget shortchanges his No Child Left Behind initiative by $6.2 billion. Special education will receive less than half of what it is authorized by law to receive. The President has proposed cutting $400 million in afterschool programs, and has undermined efforts to make up for the shortfall in early education funding. Pell grants now cover only 40 percent of the cost of attending a 4-year public college, whereas in 1975 they covered approximately 84 percent of the cost. Our entire Department of Education receives only $53 billion.

The list goes on and on, and it speaks to an administration with misplaced priorities. While the administration seeks $87 billion for Iraq, water quality grants have been reduced by 32 percent, environmental enforcement staff has been cut by 6 percent, and funding for land acquisition and conservation has been reduced by 50 percent. The entire Department of Homeland Security is receiving less than half of what the President seeks in this bill. Meanwhile, our borders are porous, and first responders in our State and local governments are starved of resources. The administration seeks $87 billion for Iraq when there are over 1.1 million Americans who have exhausted their unemployment benefits without finding a job and the President's supporters in Congress have refused to extend their benefits.

Meanwhile, tax cuts weighed heavily in favor of our most wealthy citizens are driving up the deficit and politically well-connected firms such as Halliburton and Bechtel are reaping millions from no-bid contracts handed out by the administration.

Just as the President must live up to his responsibilities, so must the Congress. It has a corresponding responsibility to the American people, and to our military forces, to demand from the administration a credible plan for bringing U.S. involvement in Iraq to an end and for bringing U.S. troops home. The Congress must demand that the administration develop a plan for involving other countries in the process. We must have a credible, detailed plan for turning over political and military control to the Iraqis. And the Congress must demand a credible, detailed projection of the costs associated with our continuing presence in Iraq. Previous administration statements and testimony on these subjects have been markedly lacking in candor.

This is the largest supplemental funding request in my memory. Clearly, our military must have the funding needed to carry out its tasks. I also realize that our own security will be damaged if reconstruction efforts in Iraq are not successful. Yet this is the moment for Congress to demand answers to these critical questions, rather than simply hand the administration another blank check to pursue its policies in Iraq. We must get our efforts on the right track before it is too late.

I am left with no choice but to oppose this bill. Anything less does a disservice to the men and women of our military and to the American public.

Mr. LEVIN. Mr. President, there are very many things in the Emergency Supplemental Appropriations for Iraq and Afghanistan Security and Reconstruction bill with which I strongly disagree. For example, I object to the virtually unfettered ability of administration officials to move dollars from one classification of Iraqi relief and reconstruction to other classifications. And I object to Ambassador Bremer's unilateral approach to spend U.S. taxpayer's money on such things as zip codes for Iraq, expensive business school scholarships, and a honey pot for high-priced U.S. consultants.

Nevertheless, I will vote in favor of this bill. I do so in order to provide $67 billion to support the American troops who are in harm's way in Iraq and Afghanistan and elsewhere. And I do so because the Senate wisely decided last night to provide one-half of the funding for Iraqi reconstruction as a loan, which could become a grant only if 90 percent of Iraq's bilateral debt was forgiven. I have long maintained that Iraqis must have a stake in the reconstruction of their own country and Iraqis must have a say in decisions that affect their future. The Bayh, et al., amendment gives them the investment in their own future that is so important to them and to us.

Mr. DODD. Mr. President, 2 weeks ago the Senate began debate on President Bush's $87 billion emergency funding request for Iraq and Afghanistan. Since that time, many amendments have been considered by this body. Most of them have failed largely along partisan lines. That is unfortunate in my view. After all, we are talking about spending 87 billion American taxpayer dollars, and this during a time when so many of our national priorities remain unaddressed. Our education system, our health care system, and our homeland security priorities are all drastically underfunded. More and more Americans are finding themselves out of work. Certainly we need to continue to support our troops in Iraq and to assist the Iraqi people to rebuild their country. But we can't do this alone and ignore the vital domestic needs that so many Americans are today facing.

About a month ago, I rose in this Chamber to share my thoughts about United States policy toward Iraq. I did so shortly after President Bush's September 7th televised address to the Nation on the same subject. In that speech, the President was candid with the American people about what we should expect in Iraq, namely that it is going to be "difficult and costly" to rebuild that country and to bring democracy to a people who have had no tradition of political freedom or self-determination.

This Senator welcomed the President's honest assessment of what we are likely to be facing in Iraq. It was a positive change from the doublespeak and "non-answers" that the Congress and the American people have been hearing from some officials in the administration since before the outset of our military engagement in that country.

Of course, what the President told us wasn't news. The difficulty and the cost of our involvement are painfully apparent. More than 150,000 coalition forces remain in Iraq 5 months after the President declared the end to major hostilities. One hundred and thirty thousand of those men and women are Americans. And every day there are reports of yet another American service man or woman being killed.

With the approval of this $87 billion emergency supplemental, the United States will have committed more than 150 billion of American taxpayers' dollars in a matter of months for our missions in Iraq and Afghanistan—the vast majority of those sums for the Iraq mission.

In light of those statistics, who could disagree with the President that our mission in Iraq has become difficult and costly—both monetarily and in human terms. I only question why it took our President so long to come to that realization. In fact, it now appears that estimates of human and monetary costs that were formerly discounted by the Bush administration—statements made by Army General Eric Shinseki and the President's former Chief Economic Advisor Lawrence Lindsey—might not have been so far off the mark.

During his most recent address to the Nation, President Bush also explained, in simple terms, United States policy objectives: destroy terrorists, enlist the support of other nations for a free Iraq, and help Iraqis assume responsibility. He was less clear on how he intends to achieve those objectives, or to mitigate the myriad of costs to the American people.

That is why many of our colleagues who have spoken on the floor have decried the fact that at the very time we are being asked to approve $87 billion in additional money for the military and reconstruction costs of Iraq and Afghanistan, the administration has yet to lay out a clear plan for how any of the objectives mentioned by the President are to be achieved. Perhaps progress is now possible in internationalizing the rebuilding of Iraq. I take note in particular of yesterday's unanimous U.N. Security Council vote in support of the United States-sponsored resolution on Iraq. However, it is important to remember that this resolution is only the first step toward achieving a broad international coalition with additional governments and international organizations willing to share the burden of this difficult and costly occupation.

Our military has done an exemplary job in winning the war. They should be commended. But they also need help winning the peace. Our forces are stretched thin and our troops are tired. Tragically, more than 332 American military personnel have now died in Iraq, 1,511 have been wounded, and 335 have sustained other injuries. One hundred and twenty of those deaths were unrelated to hostile fire dehydration, auto accidents, and other causes.

These deaths have prompted legitimate questions about the adequacy of the equipment our troops have been provided for the hostile environment being encountered. Efforts by the U.S. Army to address some of these equipment shortcomings have not been fully funded in the pending legislation. That is the Army's assessment—not mine.

That is why I offered an amendment on October 2, to transfer $300 million from Iraqi reconstruction funds to U.S. Army accounts for the purchase of equipment vital to the safety of our troops or to reimburse them for equipment they were forced to buy for themselves. In the broader scope of things, I continue to believe that those few hundred million dollars were a mere drop in the bucket. But this drop could have helped protect and provide our troops with hydration and other lifesaving equipment that they need. I was very disappointed that my amendment failed, largely along partisan lines, because I strongly believe that the first and most important priority of this funding bill should be to protect our troops.

United States liberation of Iraq has not ended the suffering of the Iraqi people. They continue to suffer, and they are frustrated as well. While the decades of fear and brutality perpetrated by the dictatorial regime of Saddam Hussein are now gone, uncertainty and hardship continue despite the best efforts of U.S. Ambassador Paul Bremer and members of the Coalition Provisional Authority. And this uncertainty and hardship have brought resentment—resentment against U.S. forces, resentment against the U.N. mission headquartered in Baghdad, resentment between and within local communities.

That resentment has brought with it increasing acts of violence.

While I have not yet had an opportunity to make a first-hand assessment of the situation in Iraq, many who have believe that security remains the most immediate and pressing challenge confronting the Provisional Coalition Authority. It is my hope that the monies contained in this legislation for our troops, coupled with the $5 billion allocated to assemble and train Iraqi police and security forces will improve the security climate so that the road is clear for the equally difficult task of rebuilding the country. I fully support those elements of the supplemental request.

However, I have serious questions about some of the so-called reconstruction priorities that the administration intends to pursue once the emergency supplemental is approved—projects that the administration has identified as high priorities in need of immediate funding. A number of these misplaced priorities have been mentioned during the course of this debate. Let me remind my colleagues of some of these:

No. 1, a $100 million witness protection program for 100 Iraqi families—that is $1 million per family;

No. 2, two maximum security prisons at a total cost of $400 million—$50,000 per prison bed;

No. 3, $15 million for the purchase of computers, with a price tag of $3,000 per computer;

No. 4, $20 million for 4 weeks of business training classes at $10,000 per student; and

No. 5, $30 million to teach English as a second language to Iraqis.

These are just a few of the questionable spending priorities embedded in the measure before us.

I supported President Bush last year when he sought authority from Congress to use all necessary means to secure Iraq's compliance with U.N. resolutions. But even while doing so I was deeply concerned that absent broad international support for preemptively removing Saddam Hussein, the American taxpayer and our troops would be left holding the bag when the time came to win the peace in Iraq. That concern has proven well placed.

Indeed, I am not only troubled by the so-called emergency programs that I just mentioned; what concerns me even more is that we all know that Iraq is going to need more money—above and beyond this current request. A lot more. Yet despite the recent U.N. Security Council resolution, many doubts remain as to the administration's willingness or ability to ensure that other governments and international organizations will begin to share some of those future costs.

The President did not listen to those of us who cautioned him about the implications of removing Saddam Hussein unilaterally. This debate gives him a second chance to listen to similar concerns being articulated about attempting to unilaterally deliver democracy to Iraq. Without significant and meaningful help from others we risk an even more "costly and difficult" engagement in Iraq than the President has contemplated. Equally serious, the President risks losing the support of the American people for his policy. Without that support continued U.S. involvement will not be sustainable.

During consideration of this legislation, Members of this Congress have taken certain steps to press the administration on the issue of burden sharing. These were not partisan efforts because this is not a partisan issue. It is not partisan to insist that the President not have a blank check to pay for all of Iraq's reconstruction. It is sound fiscal policy. Quite simply, we cannot afford to write endless checks for this purpose.

Even before the administration's supplemental request, the Congressional Budget Office had calculated that the annual budget deficit would reach $480 billion—the largest in history. Over the past 3 years, 3.2 million Americans have lost their jobs—44,000 alone in July. So there are clearly pressing needs at home that remain unmet. We could do a lot with an additional $20 billion on the domestic side of the Federal ledger.

We could do a lot in the area of health care: $20 billion could provide health coverage for approximately 1.3 million Americans; current Medicare prescription drug proposals include large gaps in coverage; the $20 billion could be used to close those gaps; and $20 billion would provide Medicaid coverage for an additional 300,000 children, adults, senior citizens, and individuals with disabilities.

We could do a lot in addressing our Nation's education shortfalls: $8.5 billion would fully fund No Child Left Behind; $6.15 billion would fully fund title I programs—programs to help our poorest schools better serve our children; $750 million would bring afterschool programs to their fiscal year 2004 authorized levels; $29 million would restore the Troops to Teachers Programs.

We could also do a lot in supporting important programs for our Nation's children. Twenty billion dollars would: provide 4.4 million more kids with childcare; enable participation of 2.8 million kids in Head Start; fund enrollment of 26.7 million kids in afterschool programs; or 16.6 million more kids covered by health care.

The bottom line is that we are not going to be able to do any of those things if we continue to go it alone in Iraq. Moreover, the huge and unprecedented amounts of national debt that we are incurring are going to cripple our economy for the foreseeable future.

Why do we go through this silly budget exercise of declaring all these projects an emergency? It is so that our budget rules won't apply—so somehow it won't count. Well, Mr. President, it does count. And I think we should agree here and now that this is real money. Other programs, real programs, important programs, won't be funded because of the so-called emergency projects I mentioned earlier. There are trade-offs.

It is now clear that these trade-offs aren't going to be confronted by the President unless the voices of the unilateralists in the Bush administration are silenced, or at least the President stops listening to them. The recent U.N. resolution was an important first step toward that end. Hopefully it has taught this administration an important lesson: that to garner international help in building democracy in—Iraq help we desperately need—there must be compromise and respect for other points of view.

There is nothing wrong with compromising or with sharing the costs and responsibilities for Iraq's future. In fact, I believe that Congress has a responsibility to see that those costs and responsibilities will be shared. International burden sharing was a condition of congressional support for funding U.S. peacekeeping efforts in Bosnia and Kosovo. This very Congress included a burden sharing requirement in the legislation passed earlier this year authorizing U.S. participation in the Global HIV/AIDS Fund. Why should Iraq be different? Senate adoption last night of the Bayh amendment, which would convert a portion of the reconstruction monies to loans, should be understood as one small step toward more equitable burden sharing in the rebuilding of Iraq.

During consideration of this legislation we have taken some important first steps. But these are only small steps, and much more needs to be done if the $87 billion we are about to approve is to be effectively used. I will reluctantly support final passage of this bill because I believe we have an obligation to support our troops. However, I want to make it clear, here and now, that if this President expects my future support, he is going to have to bring together a much broader international coalition than currently exists—one that will provide significant financial and military support to our efforts.

The recent U.N. resolution holds out the promise that this may be possible, but it is only a promise—it is up to the President to see it become a reality.

We cannot and must not let this administration continue to deny what we all know to be true: namely, that "multilateralizing" the reconstruction and democratization of Iraq is the right thing to do. It is the right thing for America. It is the right thing for Iraq. And it is the only way to ensure that we will be able to fulfill our responsibilities to the American people. Let us hope that the administration will use the resources and authorities contained in this bill to accomplish that goal.

Mr. HOLLINGS. Mr. President, I oppose this appropriation because we refuse to pay for it. Foreseeing our venture into Iraq, in early January I introduced a value added tax to pay for it. On this current bill I was a strong supporter of the Biden amendment. In fact, I negotiated the rewording to require that we forego the tax cut for the top one percent of income tax payers and use that money to pay for this appropriation. Led by the Republican opposition, it was voted down.

Ambassador Bremer testified that by next July oil from Iraq would be flowing at the rate of three million barrels a day, a net export revenue of $16 billion a year and a 10-year net export revenue of $160 billion. Iraq is not Afghanistan. With the second highest oil reserves in the world Iraq is one of the richest countries and could easily pay the bill. Again with White House opposition, the collateralization of this $20.3 billion cost was voted down.

This bill includes many items not just to rebuild, but to build facilities that did not exist at the time of war. While we are denying many facilities and services for our people here in the United States, we are going to the extreme financially to correct the mistake of President Bush. I supported the Stabenow amendment for our facilities and services which also was defeated by the White House.

The attempt to equate 9/11 with Saddam fails. Al-Qaida was not operating from Iraq. Saddam was not a threat to our national security. We had overflights in both northern and southern Iraq. We knew what was going on. We had economic sanctions on Iraq. The resolution I voted for had two resolution clauses: One, to enforce the United Nations resolutions and, two, to protect the national security of the United States. Saddam was not a threat to our national security and we all know it. The United Nations at the time was in Iraq on a search for weapons of mass destruction. We preempted the search with invasion. I don't know whether it was oil or finishing the unfinished business of Desert Storm, but be that as it may, they have not met us with rejoicing in the streets. Saddam still exists. There is a daily killing of our soldiers.

At this moment we are an occupation army and the enemy. While we try to internationalize our effort, there is no question that terrorism has been internationalized in Iraq. The borders are porous and deployment for law and order is inadequate. I call Iraq a mistake because we have more terrorism since our invasion rather than less. As reported in the Financial Times: "The London-based International Institute for Strategic Studies said in its newly published Military Balance survey that while the invasion of Iraq might have isolated al-Qaida from potential state sponsors, it was also likely to have had the effect of 'swelling its ranks and galvanizing its will.' War in Iraq has probably inflamed radical passions among Muslims and thus increased al-Qaida's recruiting power and morale and, at least marginally, its operational capability, the report states."

You can't stop the killing until you have law and order. The twelfth Roman Canon still applies: Salus popli sumprema lex—the safety of people is the supreme law. In order to get safety, in order to get law and order we need more troops. The administration's approach is to regenerate the wetlands, build a sewer system, put in internet, make the people happy and then they will stop killing us. It could happen, but first you have to establish the people's security and we are trying to do it on the cheap with troops.

As I have told Secretary Rumsfeld on two occasions, more than a money supplemental we need a manpower supplemental. If our troops are sent to secure, there are too few and if they are sent to be killed daily, there are too many. The cheer to support the President and support the troops by proponents of this supplemental misleads. The cheer should be to stop the killing of our troops by supplying more manpower. My vote supports the troops by emphasizing the need for more manpower. But more particularly, it emphasizes the reality of our situation.

Money will not stop the daily killings, nor will a constitution by December. With the passage of this appropriation we are not only trying to do it on the cheap. We are telling the GI in downtown Baghdad, "We hope you don't get killed. And the reason we hope you don't get killed is that we want you to hurry home to pay for it. My generation is not going to pay for it. This Congress is not going to pay for it because we need a tax cut to get reelected next year."

Mr. DASCHLE. Mr. President, I rise in strong support of the Leahy amendment to strike wasteful funding from this supplemental and redirect that spending for humanitarian and peacekeeping assistance to Liberia. I commend my colleague for advancing this important amendment.

Last month, I had a moving meeting with Archbishop Frances of Monrovia. He relayed to me stories of suffering and pain in Liberia, a country that has been ravaged by war and brutal government. He also relayed to me the great hope the people of Liberia place in the United States and pleaded with us to help Liberia in this time of great need. This amendment is an answer to the pleas from Archbishop Frances—and a response to the hope invested in us by millions of Liberians.

Though 85 percent of Liberians are unemployed and 75 percent do not have access to clean drinking water, there are reasons for hope in Liberia. A new leader, Charles Gyude Bryant, has assumed the task of shepherding the people of Liberia from war to peace, from violence and destruction to rebuilding and reconciliation. The open violence that has plagued the country for over a decade has been checked.

An international peacekeeping force will be necessary to ensure outright war does not return. This amendment would help pay for an international peacekeeping force—an African force to stabilize an African nation.

In addition to renewed security, this amendment ensures that disaster relief and humanitarian assistance will get to thousands of Liberian families uprooted by years of conflict and children who have been separated from their parents. The amendment will provide relief for Liberians denied access to food and basic services for years.

In this supplemental appropriations package, Congress is providing funding to our Nation's efforts to restore stability and democracy in Afghanistan and Iraq. We do so not because we are obliged to, but because we need to see democratic government flourish in these countries that have been so crippled by violence and corruption. Liberia, a country to whom we are bound by shared history, enduring interest, and national security, needs our help as much as Afghanistan and Iraq.

I urge my colleagues in the Senate to answer their call.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER) is necessarily absent.

I further announce that if present and voting the Senator from Tennessee (Mr. ALEXANDER) would vote "yes."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 12, as follows:

[Rollcall Vote No. 400 Leg.]

YEAS—87

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Johnson
Kohl
Kyl
Landrieu
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—12

Boxer
Byrd
Edwards
Graham (FL)
Harkin
Hollings
Jeffords
Kennedy
Kerry
Lautenberg
Leahy
Sarbanes

NOT VOTING—1

Alexander

The bill (S. 1689), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3289. All after the enacting clause is stricken and the text of S. 1689, as amended, is inserted in lieu thereof. The bill is read a third time and passed, and the motion to reconsider is laid upon the table.

Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes on this measure, and the Chair is authorized to appoint conferees.

The Presiding Officer (Mr. SUNUNU) appointed Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. McCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. REID of Nevada, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, and Ms. LANDRIEU conferees on the part of the Senate.

Mr. STEVENS. Mr. President, I take the opportunity to express my appreciation to the Appropriations Committee staff for the many hours and days they worked on this bill. Their commitment and professionalism is critical to the bill. I have the list of the names of the majority and minority staff who worked so hard on this bill and I ask it be printed in the RECORD in recognition of their efforts.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MAJORITY STAFF

Jim Morhard, Andy Givens, Sid Ashworth, Kevin Linskey, Katherine Hennessey, Dennis Balkham, Jill Shapiro Long, Shannon O'Keefe, Jessica Roberts, Jennifer Chartrand, Alycia Farrell, Menda Fife, Tom Hawkins, and Robert Henke.

Lesley Kalan, Mazie Mattson, Kraig Suiacuse, Brian Wilson, Nicle Royal, Paul Grove, Brendan Wheeler, Dennis Ward, Sean Knowles, Rebecca Davies, Leo Spivey, Bettilou Taylor, Lisa Sutherland, and Christine Drager.

THE MINORITY STAFF

Terry Sauvain, Charles Kieffer, Charles Houy, Nicole DiResta, Betsy Schmid, B.G. Wright, A. William Simpson, Lila Helms, Kate Elrich, Chad Schulken, Tim Rieser, Mark Lippert, and Christina Evans.

Mr. DASCHLE. Mr. President, I know the regular order is to now recognize Senator LEAHY. I ask unanimous consent that we alternate between Republican and Democratic Senators following Senator LEAHY in speeches regarding the vote just taken.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I ask unanimous consent that I be recognized for a very short colloquy prior to the time Senator LEAHY is recognized for his remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I discussed the appointment of the conferees on this important legislation with Senator STEVENS and the distinguished majority leader. As I mentioned on the floor earlier, we in the minority have been concerned about our lack of input in conferences that are now ongoing. And that is unsatisfactory. I have made that clear to the majority leader.

This bill enjoys bipartisan support, as we have just seen from the vote, and provides an opportunity to begin anew. As a result, I sought and received the assurance of the chairman of the Appropriations Committee that the minority will be full participants in this conference on the bill. That should be the norm when the Senate seeks to resolve its differences with the House. This means the minority will have the opportunity to provide input on key issues for the duration of the conference and be kept fully apprised of all developments as we seek to get a conference report on this legislation which will enjoy the same broad bipartisan support as did the bill before us today.

I ask if that is in keeping with the understanding of the distinguished manager of the bill.

Mr. STEVENS. Mr. President, the Democratic leader is correct. The conference will meet and the minority will be full participants in the conference.

Mr. DASCHLE. I thank the manager of the bill.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Presiding Officer, my friend and neighbor from across the Connecticut River.

Mr. REID. Mr. President, will the Senator from Vermont, who has been so patient, withhold so that the Senator from Pennsylvania, who is here, can make a very important unanimous consent request?

Mr. LEAHY. Mr. President, I will withhold with the understanding that I be recognized after my colleague speaks.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I thank the Senators from Nevada and Vermont for their indulgence.

UNANIMOUS CONSENT REQUEST—H.R. 7

Mr. President, I rise to ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, which is the charitable choice bill. I further ask unanimous consent that all after the enacting clause be stricken and the Snowe amendment, which is the amendment on the child tax credit, and the Grassley-Baucus amendment, which is an amendment for the tax extenders, which are at the desk, be agreed to en bloc; that the substitute amendment, which is the text of S. 476, the Senate-passed version of the charitable choice bill, which has the Charitable Giving Act as well as the military fairness provisions, as amended by the Snowe-Grassley-Baucus amendment, be agreed to; that the bill, as amended, be read a third time and passed and the motion to reconsider be laid upon the table; further, that the Senate insist upon its amendments and request a conference with the House; and, lastly, that the Chair be authorized to appoint conferees of a ratio of 3 to 2 and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, I want the RECORD to be spread with the fact that this is why Senator DASCHLE just entered into a colloquy with the distinguished chairman of the Appropriations Committee. Conferences haven't worked very well in this Congress.

We are willing to pass this bill, send it directly to the House. There would be a simple amendment. We can do that quickly, soon. We feel that would be the most expeditious way to handle this most important legislation. We favor the legislation. The minority favors this legislation.

I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, what the Senator from Nevada has suggested is instead of taking the normal course, which is the House has passed a bill, the Senate has passed a bill, and for us to go to conference to negotiate the differences, the Senator from Nevada is suggesting we take our bill and send it back to the House where the House would simply take it and put a bill there and send it back here, which would be fully amendable again, and it would go back to the House and it could go back to the Senate and we never reach a conclusion. I suggest the way to solve this problem is to go to conference. I hope we can do so.

The PRESIDING OFFICER. The Senator from Vermont.

PASSAGE OF S. 1689

Mr. LEAHY. Mr. President, I speak today about the Senate's vote on the President's request for an additional $87 billion in emergency funding for Iraq and Afghanistan, of which $65 billion is for military operations and $21 billion is for relief and reconstruction. The lion's share of the funds are for Iraq.

I attended the three hearings in the Appropriations Committee, when Ambassador Bremer, Secretary of Defense Rumsfeld, General Pace, and several other witnesses testified. Unfortunately, there was not nearly enough time in those hearings to discuss the details of a budget request of such enormous size and complexity. I was also disappointed that the hearings provided a one-sided perspective, as there were no witnesses from the U.S. Agency for International Development or the State Department, and no witnesses from outside the government.

I also reviewed the materials provided by the Office of Management and Budget in support of the request, which are useful but devoid of detail. For example, a request for $800 million for police training in Iraq is justified with only three vague sentences.

It is also one thing to ask for $400 million to build two new prisons. It is another to fail to explain why on Earth it costs so much, when the price of labor in Iraq is half what it is in the United States. This is one of many examples—$33,000 pickup trucks that cost $14,000 in the U.S. and $6,000 satellite phones that sell in neighboring Jordan for $500, are others—that have been cited in the press and in speeches by Senators.

Of course there are things that need to be done in Iraq. But some of these costs are shocking and inexplicable.

The administration is cutting food aid for poor children in Nicaragua; a million children die of measles each year because they can't get the vaccine which costs pennies; a third of the world's people live in conditions most Americans would find appalling. Yet we are going to build wireless internet access on the Euphrates. It makes no sense.

And then we saw in last Thursday's New York Times that although this is a 1-year, emergency appropriation, only $6 billion, not $20 billion, can be effectively spent in Iraq next year. Could it be that the reason the White House wants this $20 billion now, and not a penny less, is because they do not want to have to defend this increasingly unpopular policy again next year before the November elections? I think the answer is obvious.

I cast my vote against this supplemental. This decision did not come easily. There are strong arguments pro and con. I know that I will be among a small minority. But for me, this is a matter of principle, and after a great deal of thought I have concluded that I can not support this proposal. I did not support the policy that got us into war alone. I do not support the tactics the White House has used to get this supplemental passed. And I do not support appropriating so much money, at one time, for an oil rich nation when the responsible thing would be to approve a portion of the money today and to revisit this again next year.

Before I explain how I reached this decision, I want to make three points.

First, I want to mention the issue of support for our troops. We all support our troops, who have endured great hardship and fought bravely. We worry about their safety. We have spoken to the grieving families of soldiers who have died. I and other Senators have worked to get them better protective equipment, after we learned that some were sent into battle in Iraq without bulletproof vests or the latest available armor for their vehicles.

But supporting the troops is not simply a matter of spending billions of dollars so they can remain in Iraq indefinitely, with no exit plan, targets in a guerrilla war that is likely to drag on for years. The President's policy that caused them to be sent there, and that will require them to remain there, must also be a policy that each of us who has to vote on this supplemental can support. And if we are to make good use of the taxpayers money, there must be an effective plan to implement that policy.

Second, it is beyond dispute that Iraq is infinitely better off without Saddam Hussein, whose rein of terror was a disaster for the Iraqi people and a blight on the civilized world. The Iraqi people have a chance to build the foundations of a more open, tolerant, peaceful and prosperous society. Whether they will succeed in that endeavor may not be know for many years, but I credit President Bush, Secretary Rumsfeld, our troops, and the Iraqi people themselves, for giving them this chance.

Third, I am voting against this proposal. If, instead, I thought the administration was being honest with the American people about its motives and its policy in Iraq and the Middle East; if this supplemental were designed to implement a credible plan to internationalize our policy rather than to continue a unilateral approach; and if this had not been a one-time only, take-it-or-leave-it, partisan approach in which almost every amendment offered by Democrats was defeated along party lines, my vote today might be different.

I want to be clear. Since 1989, I have served as either chairman or ranking member of the Foreign Operations Subcommittee. I am a strong believer in foreign aid. Spent wisely, foreign aid is in our national interests. I am not opposed to helping Iraq rebuild. In fact, I supported the supplemental, passed in April, which contained billions of dollars to rebuild Iraq and to support our military operations there. I also voted for several amendments, which were defeated along party lines, which I believe would have improved this supplemental in important ways.

For example, the Byrd-Kennedy-Leahy amendment would have allowed $10 billion of the Iraq reconstruction funds to be spent immediately. The balance of $10 billion would be withheld pending a certification by the President that the U.N. Security Council has authorized a multinational force under U.S. command in Iraq and a central role for the U.N. in the political and economic development of Iraq, and a second vote by Congress. I am convinced that if we do not truly internationalize our policy in Iraq our troops will continue to face daily attacks, our efforts to rebuild will be in jeopardy, and U.S. taxpayers, virtually alone, will pay the skyrocketing costs.

The Biden amendment would have paid for the $87 billion by repealing a tiny fraction of the President's huge tax cut for the wealthiest Americans. I have no doubt that if the American people had been able to vote on the Biden amendment it would have passed overwhelmingly.

The Dorgan amendment would have paid for the reconstruction with revenues from future Iraqi oil sales. Yearly revenues from Iraqi oil are expected to reach $100 billion in less than a decade. This amendment, had it passed, would have lifted a portion of the staggering financial burden of this war off the backs of American taxpayers.

I offered an amendment, with Senator DASCHLE, to shift responsibility for rebuilding Iraq from the Secretary of Defense to the Secretary of State. The Pentagon's role is fighting wars, which they do superbly. It is not nation building. That is the role of the State Department. It is ironic that President Bush, who ridiculed the Clinton administration for nation building in the former Yugoslavia, is today defending the Pentagon's role in the biggest nation-building effort in half a century.

These are only four of the amendments that I supported, each of which was voted down because the White House and the Republican leadership opposed them.

Mr. President, in the weeks and days leading up to this vote, I have been guided by several things.

First is the importance of multilateralism. There is no realistic alternative in the 21st century to working collectively with other nations to combat terrorism and other grave threats to our security which extend far beyond our borders. Iraq, perhaps more than any foreign policy adventure in recent memory, illustrates the costs we pay for unilateralist thinking—the cost to our soldiers, to our relations with allies and the Muslim world, to our influence with other nations on so many critical issues, and to American taxpayers.

Second, I did not vote for the resolution that President Bush used to justify the invasion of Iraq. I felt it gave the President sweeping authority that the Constitution reserves for the Congress. I was also convinced that the White House, despite its protestations to the contrary, was determined to short circuit the U.N. inspectors and go to war alone.

This administration's policy has been driven by lofty, unrealistic ambitions; White House and Pentagon officials who were so convinced of their own version of reality that they felt no need to ask questions, not to mention listen to the answers; a presumption that other nations would follow us simply because of who we are; and a naive assumption that we would be embraced as liberators and that the Pentagon's chosen exiles, unknown to most Iraqis, would be quickly enthroned in the seat of power.

Detractors were silenced. Other nations were bullied. Members of Congress who did not fall into line were called unpatriotic. The administration's justification for a preemptive war, carried out not in self defense, not in response to 9/11, and without United Nations support, has changed from month to month, depending, it seems, on what the White House's polls say the American people will believe.

And third is my concern that in the 2 years since the tragedy of September 11th, President Bush has squandered the support of the rest of the world and has largely failed to build an effective global response to terrorism.

Mr. President, I am not among those who feel that everything we have done in Iraq has been a failure. To the contrary, thanks to the heroics of our soldiers—many hundreds of whom have paid with their lives and limbs—the Iraqi people have a chance to build a government they can be proud of. But the issues before us are far more complex than whether or not we should help Iraq. We should help in ways that are right for the Iraqi people, and right for the American people.

The question each of us must answer, for ourselves and our constituents, is whether this $87 billion, for the purposes for which the Administration has requested it, is the right way to do that.

Thinking back, as I have often done since President Bush launched an essentially unilateral, preemptive war against Iraq, I believe the President got off on the wrong foot from the moment he made that famous, or infamous, remark "if you are not with us, you are against us." That statement was made shortly after September 11th, when the American people were feeling the brunt of that national tragedy, and it may have been reassuring to hear the President express his world view in such bold terms. But I, like many Vermonters, was uneasy about what the President said, and in retrospect I believe it represented a fundamentally flawed approach to the threat our Nation faced then, and will continue to face for years to come.

What the President's challenge has come to mean is that regardless of who you are, including our oldest, closest allies, if you do not agree with us we will ignore what you say, we will dismiss you as irrelevant, we will punish you if we can, and we will go our own way in spite of you. That, I believe, is a recipe for failure. It is beneath the United States. It weakens the United States.

Not only has the White House done grave damage to our foreign relations, it has squandered its credibility with the Congress and the American people.

After handily defeating Saddam Hussein's army, virtually everything this administration predicted about Iraq has turned out to be wrong. Yet one would hardly know that from listening to senior administration officials on television or in testimony before Congress. Rather than give an honest assessment of the pros and cons, they have preferred to make personal attacks against those of us who ask legitimate questions. Since jamming through a Gulf of Tonkin-like resolution last year, top administration officials have continually ridiculed those opposed to the war in Iraq, calling them pro-Saddam Hussein or pro-Osama bin Laden.

Only weeks ago, Secretary Rumsfeld accused those who were asking questions about the deteriorating security situation in Iraq of giving comfort to our enemies.

That is baloney. Every one of us wanted Saddam Hussein gone. But it is the duty of each Senator to ask questions when young Americans are dying overseas.

The administration said, over and over, that the reason we had to invade Iraq was because of weapons of mass destruction. The Vice President said, "We believe he [Saddam Hussein] has, in fact, reconstituted nuclear weapons," although there was apparently virtually no evidence to support that.

But after blaming the United Nations inspectors for being duped, and after months of searching without any interference, the administration has yet to find any weapons of mass destruction. And now, as reported in the press, they want to spend another $600 million to continue the search.

Not long ago, the Secretary of State said the weapons were the chemical weapons used against the Kurds in 1988, before the first gulf war. The gassing of the Kurds was a horrific war crime, but as much as I respect the Secretary, it is absurd, and contrary to everything we were told a year ago, to use an atrocity of 15 years ago to justify a pre-emptive war.

In fact, when Saddam Hussein used mustard gas against the Kurds, the Reagan-Bush administration did little about it. And they continued to sell weapons to Saddam Hussein for years after. The Secretary of State was a member of that administration.

This Administration apparently has no idea what happened to the weapons of mass destruction, did next to nothing to secure the sites where it believed them to be after the fall of Saddam Hussein's regime, and now seems to want to forget about them altogether.

This time last year, there were daily warnings about mushroom clouds. Yet in his speech to the Nation on September 7, the President barely mentioned the issue.

This is not, as some have suggested, a partisan issue. It is an American issue. These are questions that get to the heart of U.S. security and credibility. Where are these weapons? Were they destroyed? Are they in the hands of terrorists, like the Islamic extremists who are flooding into Iraq to attack our troops? Are they in Syria or Iran? Was this a massive intelligence failure?

The administration's handling of this issue has severely undermined the credibility of our intelligence and of the President's justification for rushing into war.

The White House's other major justification for the invasion of Iraq was to fight al-Qaida and combat international terrorism. Over and over again, hardliners in this administration tried to make this connection. They created a special unit in the Pentagon. They worked hard to link Saddam Hussein with 9/11, even if the facts did not support it.

Only recently, after misleading a majority of the American people, did the President publically concede that there is no evidence of a link. Yet, Vice President CHENEY continues to suggest there is. It would be helpful if the Vice President would agree with the President on this point.

Mr. President, I want as much as any person to mount an effective campaign to deter, prevent, and combat terrorism. But what we have been given is a partisan, "take it or leave it," rushed approach costing scores of billions of dollars that is not backed up with a credible plan.

And by a plan I mean a detailed strategy that shows us a way to internationalize this policy and bring our troops home within a reasonable time.

Many in Congress, Democrats and Republicans, warned of the costs and pitfalls of fighting a war to enforce U.N. resolutions without the support of the U.N. Security Council, and of rebuilding Iraq without the support of other nations. Iraq is a complex country with a long history of ethnic and religious conflict, and it was crucial to have a sound postwar plan and a viable exit strategy. But the administration did not want to hear those warnings. I think my good friend Senator HAGEL spoke for many of us, when he said the administration "did a miserable job of planning the post-Saddam Iraq" and "treated many in the Congress, most of the Congress like a nuisance."

We also know that the White House ignored concerns expressed by some in the administration, especially in the CIA and the State Department, about the difficulties and dangers involved. Instead, a small, secretive group in the Pentagon dominated postwar planning, and miscalculated. Vice President CHENEY said "[t]here's no question [that the people of Iraq] want to get rid of Saddam Hussein and they will welcome as liberators the United States when we come to do that."

Many Iraqis are grateful. But the Vice President says almost nothing about the fact that our soldiers, who have performed so bravely, are under constant attack or threat of attack from terrorists and remnants of the Baathist regime. He and others in the White House don't talk about the hundreds of Americans who have died, or the nearly 2,000 wounded. And many of these injuries are not just a broken bone or scrapes. They are lost limbs. Lost eyesight. Lifetime disabilities.

The Secretary of Defense does not talk about the billions of dollars in this supplemental to repair damage caused by the catastrophic looting of government buildings, electric generating equipment, hospitals, oil refineries, railroads, and communications infrastructure, because the Pentagon did not plan for the war's end and did not have enough troops in place to keep order after the fall of Saddam's government.

This $87 billion request is made by the President of the party that just a few years ago gave great speeches in support of a constitutional amendment for a balanced budget. In fact, it was the Clinton administration that actually had the fiscal discipline to achieve a balanced budget, which President Bush inherited. President Bush and

Vice President CHENEY say they are deficit hawks. Yet today we are on the road to putting a $1 trillion deficit squarely on the backs of our children and grandchildren.

This is also a President who says we cannot spend another $1 billion in emergency funds to combat AIDS this year, a disease that kills 8,000 people every day. This Administration's AIDS initiative, which has such promise, is starting looking like more talk than action. Others here have recounted the statements of former chief economic adviser Lawrence Lindsey, who estimated that it would cost between $100 billion and $200 billion to rebuild Iraq. He was right, but his analysis was disputed again and again by administration officials who wanted to paint a much rosier picture. For telling the truth, he was forced out of the administration.

Former OMB Director Daniels said between $50 billion and $60 billion.

Deputy Defense Secretary Wolfowitz said "We're dealing with a country that can really finance its own reconstruction, and relatively soon. The oil revenues of that country could bring between $50 and $100 billion over the course of the next two or three years."

Andrew Natsios, Administrator of the U.S. Agency for International Development, said that $1.7 billion was all that America's taxpayers would have to pay. $1.7 billion. That is incredible.

These estimates were wildly off the mark. After so many misstatements, misjudgments, and distortions, I have no idea who to believe. This Administration has been wrong, wrong, and wrong.

As Senator BYRD has pointed out, this $87 billion brings to $194 billion the amount the United States is spending in Iraq and Afghanistan—more than twice what the administration had led the public to believe just a few months ago.

The 1991 gulf war, by contrast, cost $61 billion, of which the United States paid only $7 billion. That is $7 billion spent in 1991 compared to $194 billion today—almost 28 times higher, and this is only the beginning.

The $20 billion that the President wants for rebuilding Iraq is more than we are spending this year on foreign aid for the entire rest of the world. The $87 billion is one and a half times the amount we spend on education in the United States. It is larger than the total economies of almost half the states of the Union.

The administration hopes that it will receive an additional $55 billion for Iraqi reconstruction from other countries and Iraqi oil revenues over the next 2 years. But that, again, may be wildly optimistic.

We are going to rebuild Iraq and put the Iraqis back to work. The President says there is money for that—$87 billion. But there is no supplemental to help the millions of Americans who have lost their jobs here at home. There is no money to fix our broken public schools. There is no money for health care for 44 million Americans who are without insurance. None for affordable housing for the growing number of Americans living in poverty.

Instead of a plan, we get more rhetoric about winning the war on terrorism. Instead of specifics, we get abstract talk about democracy in the Middle East—civilizations that predate ours by a thousand years. This administration continues to support autocratic regimes in the Middle East, Central Asia, and elsewhere, whenever it suits them. Instead of a timetable and a detailed justification of costs, we get simplistic and inaccurate comparisons with the Marshall plan.

The Marshall plan, as I, Senator DASCHLE, and others have pointed out, bore little resemblance to what we are dealing with here. The most specific thing the President has talked about is the pricetag: $87 billion. This is staggering. It gave many Americans sticker shock and awe.

Their so-called "plan" is a July 23rd document, totaling 8 pages of text and 19 pages of a hypothetical time line. It is not a plan of anything. It is a vague statement of objectives, which begins by saying, not a little presumptiously, that "now that Saddam Hussein's regime has been removed, the Iraqi people have the opportunity to realize the President's vision" for Iraq. I wonder if anyone asked the Iraqi people about their own vision for their country.

This plan, which we did not receive until August 22—the day Ambassador Bremer came to testify before the Appropriations Committee—tells us only what has become obvious to everyone—the President sent our troops into war without a postwar plan.

Is everything going badly? No. Iraq is not engulfed in flames, as some press reports might suggest. The port has been rebuilt. Businesses and schools are opening. Electric power and health services are being restored. Rubble is being cleared. A new police force is being trained. There has been progress, and I commend Ambassador Bremer, USAID, and the many private voluntary organizations who are working assiduously in extremely difficult and dangerous conditions.

But there is another picture that the White House prefers not to talk about. The coordinated, deadly attacks against our troops and Iraqi police are growing in frequency. Aid workers are facing daily threats and acts of sabotage. Many relief organizations are evacuating their employees, as the U.N. has done. Horrific bombings of civilian targets are becoming routine. There is growing resentment among the Iraqi people.

Mr. President, we are at a crossroads, not only in Iraq, but in our relations with the rest of the world. A year ago, I listened as the President suddenly, inexplicably, changed his focus from defeating al-Qaida in Afghanistan to overthrowing Saddam Hussein. I listened to his reasons, which were unconvincing given what we knew at the time, and they are less convincing today. Like many, including some of my friends on the other side of the aisle, I urged patience. We were ignored.

We waited for the evidence. It was distorted and manipulated.

After a brilliant military victory, the postwar strategy and the justification for the war itself have largely evaporated. Faced with an $87 billion down payment on what is likely to be a far more costly, far longer United States involvement in Iraq, I have tried, through hearings and amendments, to promote an approach which I believe could succeed. But the White House and the Republican Majority have been inflexible.

This has been a difficult process. I do not believe the United States, having destroyed Iraq's government, should walk away. But neither can I support a policy that was ill-conceived from the beginning, has seriously eroded our influence with our allies, further poisoned our already frayed relations with the Muslim world and weakened the United Nations. It is a policy which cannot succeed over the long term without a significant change of course.

I have listened to some in the majority argue that "we have no choice" but to "stay the course." We may have no choice but to stay in Iraq, but we do have a choice about the course. I believe we need to change course.

We should change course in three key ways.

First, as I and so many others have urged, we should internationalize our policy. The amendment I sponsored with Senator BYRD and Senator KENNEDY would have helped do that, and the U.N. resolution that was adopted yesterday is a welcome and encouraging step, for which I commend Secretary of State Powell. But it is nothing more than an expression of good intentions. We have no idea if it will change anything, as this White House has steadfastly resisted meaningful input from other nations.

Will the multinational force be anything more than a fig leaf for an ongoing U.S. military occupation involving over 120,000 troops? Will other nations contribute significant resources? Or will U.S. taxpayers continue to shoulder 99 percent of the costs?

We need to know if the U.N. resolution represents the change in policy that is long overdue, or if it is nothing more than political cover to continue drifting along as we are today alone, with our troops under fire and U.S. taxpayers mortgaging their children's savings.

Second, we must do a far better job of protecting the taxpayers' money. Today we should be voting to appropriate not a penny more than the amount of funds that can be spent wisely in Iraq and Afghanistan during the next 12 months. It should be paid for by repealing a portion of the tax cut for the wealthiest Americans, as proposed by Senator BIDEN, not by increasing the deficit. By mid-year we should hold thorough hearings, and vote again on whether to stay the course.

Third, we should get the Secretary of Defense out of the business of nation building and put the Secretary of State back in charge. My amendment would have done that.

These are not radical alternatives, but the President's advisers decided that nothing was open for discussion. It has been their latest version of "if you're not with us, you're against us." They have treated this supplemental as a referendum on the President's policy in Iraq, a policy which I believe is fraught with dangers for our Nation. It is no more the right way to build the peace than the pre-emptive, unilateral use of force was the right way to go to war.

Mr. President, I voted for every amendment that I felt would make the best use of the taxpayer's hard earned money. I voted for every amendment that I felt would support our troops and help them do their jobs better, and come home safely. I support them by spending money wisely. And I support them by voting to change course when I believe the course we are on endangers them unnecessarily.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I thank the Chair. I understood that it would go back and forth between Republicans and Democrats.

The PRESIDING OFFICER. The Senator is correct.

Mr. BENNETT. Mr. President, I take the floor to make a few personal observations. I don't want to revisit all of the arguments that have been made over and over again. But I do want to make a few statements just for the record. I want to make it very clear, speaking for myself—and I think for other Members of the Senate, but they can speak for themselves—that I have never challenged the patriotism, the motives, or the rights of any Senator who has disagreed with the President on this vote.

I have utmost respect for the senior Senator from West Virginia. I have watched him serve for many years. I watched him serve while I was a staff member for my father. He and my father served together in this body for many years. I would never, under any circumstances, suggest that I was challenging his patriotism in any way. I do think he is profoundly wrong in the decision he has made with respect to this war. But I recognize that he has every right to make that decision. He has every right to defend that decision in as vigorous language as possible, but I want to make it clear to him and to any who may have misunderstood that under no circumstances and at no time have I ever challenged his patriotism.

I am not sure I know of any other Senator who has ever challenged his patriotism. I hope we will understand that as we disagree, as vigorously as we do on this issue, we are not, in fact, engaging in what has been called the politics of personal destruction.

I believe the Senator from West Virginia is wrong because I think his world view is wrong with respect to where the world is and where the President is going in the postwar world.

We all celebrated the fall of the Berlin Wall and the end of the cold war. There were books written about it. One was entitled "The End of History." We found that history did not come to an end with the end of the cold war, that the challenges to American lives and American interests around the world did not disappear with the Soviet Union, and that we have additional challenges today.

I will not suggest that the Bush administration has done everything right. I have had my moments of disagreement with this administration, some of them relatively serious and some of them relatively recent. But I am behind the President in this effort because I think his overall global view is the correct one.

The primary challenge to peace in the world right now is coming out of the Middle East. For a variety of reasons, for a variety of historic patterns, that part of the world is producing the principal challenge to peace everywhere.

Europeans feel more secure than they have ever felt in their lives, and perhaps accurately and properly so. The Soviet Union is gone. The age-old rivalries between the Germans and the French and the other principalities in Europe are over. They are striving to write a European constitution and bring themselves together in a legitimate economic way. They feel more secure after centuries of war than they have ever felt in their lives. They are no longer the target. We are. They are no longer the focus of those who would bring instability to the world. We are. And we saw that happen in dramatic fashion on September 11, 2001.

The President has said there is no connection between what happened on September 11, 2001, and Iraq, and that is true, and the President never claimed such a connection. But there is an overall connection in the sense that those warriors for their cause who attacked us on September 11, 2001, came out of an area and a culture and an attitude that exist in the Middle East that must be addressed in the Middle East, even if there are no direct links, even if there was no direct funding, even if there was not a case that a law enforcement official could make in a court of law.

We must recognize the significance of the Middle East as the source of instability in the world and recognize those players in the Middle East who are part of that instability. I believe Saddam Hussein was a principal player for instability.

We can argue, appropriately, and we can go back and examine the mistakes that were made with respect to Saddam Hussein. We can say there are statements made prior to the attack on Iraq which, in retrospect, turned out not to be true. I can list some of them.

No. 1, I heard in this Chamber that we were going to get body bags coming back from Iraq by the thousands. We were told in this Chamber that we were going to have house-to-house fighting in Baghdad, door-to-door assaults. We were told that our troops were going to be gassed—that from people who voted against the resolution to give the President the authority to go forward.

It turns out all of those predictions are not true. Do I attack the people who made those predictions as having botched it? I suggest they read the intelligence and came to the wrong conclusion. I also recognize that whenever this Nation or any nation goes to war, you never know exactly what is going to happen.

This is perhaps a small example, but it has struck me, as I read the history of the Second World War. As carefully as we planned the assault on Normandy, as carefully as we did the disinformation to get Hitler to think we were going to attack someplace other than we did, the disguises, the false information that was put out, all of the rest of the intelligence that was done, we made one very fundamental and, in retrospect, stupid mistake. In all of the training of our troops in advance of the Normandy invasion, we assumed that the hedgerows between fields in France would be the same height as the hedgerows between fields in Great Britain.

So as we trained in Great Britain, we trained with hedgerows that were about knee height and then found ourselves in France with hedgerows that were almost as high as a building. It completely disrupted all of our tank assaults and plans because as a tank would try to go up and over one of those hedgerows, it would be vulnerable to fire from the other side. They could hit the underbelly of the tank because its tracks were exposed and the base of the tank itself was exposed and an artillery shell could take it out instantly.

It was improvisation on the field from a GI who used to work on a farm who helped create what would be a version of a snowplow on the front of a tank to drive the tank through the hedgerow. An incredible intelligence mistake of something as simple as that, and they could have determined that if they could have found a French farmer to talk to.

Did this Chamber ring with accusations that President Roosevelt had lied to the American people about our plan in Normandy? Were there denunciations of General Marshall or General Eisenhower because they made that intelligence error? Some would say the analogy doesn't hold, and certainly there are many aspects of it that do not, but the point I think is legitimate. The intelligence failures that we now know occurred with respect to Iraq were not deliberate lies. The intelligence failures that have accompanied every American military action are the best efforts of human beings doing the best they can under pressure and always making mistakes.

What matters is the overall world view and strategic direction, and, as I said, I believe George W. Bush has the right strategic direction. He recognizes that the instability in the world is coming from the Middle East; that we must do everything we can to deal with those characters who are responsible for that instability. And he made the decision that one of those characters was Saddam Hussein.

I cannot believe anyone can look back on it and say that particular decision was the wrong one. As I have said here before, one of the first people who alerted me to Saddam Hussein and his capacity to spread instability throughout the world was Madeleine Albright, Secretary of State, as we met with her in S-407 and heard her outline the description of weapons of mass destruction that were in Iraq. We heard her boss, the President of the United States, President Clinton, do the same thing in public fora.

Was there any reason to believe they were for any purpose trying to mislead the American people? We might say they were wrong based on what we now know, but they were wrong, if they were, because of the fog of uncertainty over the intelligence reports all of us had. They made the best judgments they could make on the basis of the best information they had, and then they moved ahead. President Bush did exactly the same thing.

There are those who say he has squandered our good will in the world. Everybody loved us after September 11. There were demonstrations in the streets in Europe, demonstrations of support, demonstrations of sympathy. How long would those demonstrations have nourished our position if indeed we had done nothing following September 11?

Oh, it is all right to do something as long as everybody is with you. It is all right to do something as long as everybody agrees. Well, it seemed to me the United Nations agreed. Fifteen to nothing strikes me as a fairly definite vote in the Security Council for resolution 1441.

Then when the United States said, all right, resolution 1441 is not being complied with, resolution 1441 says if it is not complied with, there will be serious consequences—serious consequences is U.N. speak for war—how about it, U.N.?

Oh, no, no, said members of the Security Council.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. BENNETT. I would be happy to yield.

Mr. LAUTENBERG. Does the Senator know how much longer his remarks will be? I ask simply because I follow the Senator and I have an airplane to catch. It would be helpful if I could get an estimate.

Mr. BENNETT. I am glad to have the Senator tell me of his schedule and I shall cut it as short as I possibly can, because I do not want to disconcert the Senator in any way.

Mr. LAUTENBERG. Not at all. When I served in Normandy, I saw a lot of things the Senator is talking about. It is very interesting.

Mr. BENNETT. No, I do not need to go on further because it has all been said.

I will conclude.

Mistakes have been made. I think both sides can admit that and should recognize that. People have been offended by the administration on both sides of the aisle. I think we can recognize that and admit that.

The fundamental question to me is whether the overall direction in which the President is trying to take the country is the right one. As I study history and as I listen to the reports that come back from Iraq, as I talk to the people in Utah who are serving there—we have a higher percentage of our Armed Forces who are Reserve and Guard in Iraq than any other State—I am convinced the President is right in his overall direction. Whatever course corrections need to be made we can talk about, but when all is said and done, this President has done the right thing.

I am proud to have voted to give him the authority in the first instance, and I am proud to be one of the 87 Senators today who have voted to give him the continuing support he requires.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Utah for his cooperation. I am sorry to interrupt. He did just what the order called for and I respect that.

I have a couple of things to talk about and I will try not to be too long. One of the things I want to talk about is the very important vote we just had. I was one of a very small group to have voted against the supplemental appropriations bill for Iraq. I want to make sure my vote is clearly understood. I support taking care of our military, making sure their conditions are as comfortable as they can be under difficult circumstances, making sure they have the latest in weaponry, and that they are treated fairly and they receive medical care and their health care is the best we can offer. I was prepared to vote for that $67 billion in a flash, but that was not the only thing we voted on. We also voted on extending $20 billion to Iraq for reconstruction.

I think it is a noble effort we are making to show we care about other people, but we also have to care about the people here. We also have to worry about the schools here that are crumbling, schools where it is hard to learn. We also have to understand that when we say Leave No Child Behind, we mean all the children, and we need more funding to do that. That has to be paid for. We do not seem to have the funds for that.

Thank goodness we have Social Security surpluses we can borrow from—money we can take from the senior citizens, those who are here now and those in the future. So we borrow money from one place and then we lend or give that money to another place, to Iraq, to make sure they have schools and garbage trucks. And I do not mean to diminish that. I think it is important to show we care about those people, but we ought to be a little more inventive in the way we do it. We ought to be able to find the kind of support we need, true support, in the United Nations which we scorned so much as we were preparing to go to war.

I was a supporter of the war, so I cast a vote I feel very good about. I thought very carefully about it. I wore a uniform, as I said before. I wore it during the "Big War." I enlisted at the end of 1942 and got out in 1946. I am very attached to the military and the responsibility they have.

Well, the vote has been cast and shortly, we will be distributing a total of $87 billion for reconstruction aid and for the resources our military men and women need.

Mrs. CLINTON. Mr. President, we have had a busy week as we have considered the $87 billion request from the administration. There has been a great deal of debate. A number of amendments and senses of the Senate have been voted on. In the end, we were faced with the difficult choice as to whether we would or would not support this request by the administration.

I have the greatest respect for my colleagues who voted against this $87 billion. I listened with great interest and attention to my friend and colleague, Senator LEAHY, as he laid out a compelling argument with a number of points concerning the reasons why he voted against the request for $87 billion.

I know, from having heard the brief remarks of the Senator from Florida, that in a few minutes we will hear his usual thoughtful exposition as to why he, too, voted against the $87 billion.

I think it is imperative we all agree that, whichever way one of us voted, for or against this funding, all of us are united in our support for our brave men and women who are literally risking, and all too tragically losing, their lives on a daily basis in Iraq.

This was a very difficult vote for many of us. There are those of us, such as myself, who voted to give the President authority. We disagree with the way he used that authority. We have many questions, and still most are unanswered, about the choices the President and his team have made over the last year. But the idea of giving our President authority to act in the global war against terrorism, if necessary in his opinion, against Saddam Hussein, was one I could support and I did so. In the last year, however, I have been first perplexed, then surprised, then amazed, and even outraged and always frustrated by the implementation of the authority given the President by this Congress.

One can agree on the goal that was adopted in 1998 for regime change. I, for one, am in the camp that believes the world is better off without Saddam Hussein at the helm of a dangerous, tyrannical regime. But it is not enough to say you support the goal. There are many different obstacles and difficulties and choices on the way to achieving that goal that have both intended and unintended consequences.

A number of my colleagues have addressed the concerns arising out of the use and misuse of intelligence. I, for one, have said repeatedly the intelligence about the threat posed by Saddam Hussein had been consistent—consistent through three administrations: the first Bush administration, the Clinton administration, and now this administration.

There was a consensus there had been and were continuing to be programs devoted to the creation of weapons of mass destruction. We certainly knew, as the world saw, that this man had no compunction about using them.

Nevertheless, I think it is clear, and it is not just a mistake, it is not just a wrong assessment—I think now it is clear that, for a combination of reasons, the administration gilded the lily, engaged in hyperbole, took whatever small nugget of intelligence that existed and blew it up into a mountain, in order, I suppose, to make the case more strongly and convincingly to the American people. But at what a cost? The cost of our credibility, the cost of our national leadership, and even more so the cost of perhaps not being able to take actions in the future that are necessary to our well-being and our interests because we may look like the nation or at least the administration that cried wolf. It is a big price to pay.

Yet continually, rather than saying what I think all of us would agree, the consensus turned out not to be right. There were some, such as my good friend from Florida, who at the time was serving as the chairman of the Intelligence Committee and was in a position to see all the different interlocking facts, who said: Wait a minute. We are heading off in the wrong direction. We are jumping on the wrong horse.

But for many of us, looking at the intelligence, being briefed continually about what the threats were, being told by the highest levels of our Government in public and in private that we were facing an imminent threat, it certainly seemed like a bet on which nobody—at least speaking for myself—wished to be on the wrong side.

I think there would be considerable understanding on the part not just of Members of Congress but of the American public if leading members of the administration would now come forward and say: You know, we may have gotten overly invested in the intelligence. We may have gotten a little ahead of the game. We may have seen more than there was, and we perhaps said a few things and made some claims that we can't support—whether it is uranium in Niger or links with al-Qaida by Saddam Hussein—but the fundamental fact remains that this man posed a threat to his neighbors. There is no doubt in anyone's mind—because we had already seen him use it—that he would have employed weapons of mass destruction at some future date. Although we may have gone a little too far, we believe we made the right decision.

But you do not hear that from this administration. This administration never makes a mistake, in their own eyes. They are never willing to back off. They have the Vice President still going on national television shows repeating discredited intelligence. That is not free. That is costly. That sends a signal not just to those of us who serve and vote in this body, not just to the American public, but to the entire world that either there is an unwillingness to accept the evidence and the facts or there is a commitment on an ideological basis to a world view or a point of view that is wrong.

Time and time again, the administration has had the opportunity to level with the American people. Unfortunately, they haven't been willing to do that.

Among the many questions that I and others raised and the many criticisms we lodged against the use of the authority, which I and the majority of this body voted for, was the administration's aborting of the United Nations process and the inspections regime in order to launch military action.

There was never any doubt in anyone's mind with any knowledge of the American military what the outcome would be. I, for one, knew there was no worry whatsoever; that we have the finest equipped, trained, and motivated military probably in the history of the world, and they would do the mission they were assigned. So they did.

But all during the period from the voting on the authority to the end of organized major conflict, we kept asking questions: What are the plans once we know the military does the job it is sent to do? How many troops will we need? How long will they be there? What will this cost us in lives and treasure? Over and over, the answer we received from the administration was: We are ready; we are prepared. And oftentimes it came with an almost embarrassingly romantic view of this conflict—that we would be met by cheering and rose petals thrown in the streets, that we would be in and out quickly, that the oil would be flowing. It sounded fabulous. But that is what it turned out to be, a fabulous fantasy.

It is hard for me to really understand how this administration, led by many—from the Vice President to the Secretary of Defense to others who have been committed to overturning the regime of Saddam Hussein since they made the mistake of not going to Baghdad in the first gulf war—could be so ill prepared. How on Earth? These people have spent 10 years obsessing over Saddam Hussein and Iraq. One would think they knew what they would do when they arrived.

They would not answer our questions, and all too often they would punish representatives of our civilian and military leadership who did answer the questions—most famously General Shinseki who told the truth about the numbers of troops it would take, and the number of years it would take, and was largely ignored or pilloried by this administration. How could they not have been prepared? How could they have turned their backs on the most obvious kinds of planning?

I know for a fact there were many from previous Republican administrations who came in over and over again and said: You are going to face a looting problem; You don't have enough troops for that: We have to be sure we can secure not just a couple of facilities but we need the troops to secure a number of the most important institutions—somehow they were not hurt, to say nothing of those from former Democratic administrations who offered the same advice.

We have the President land on the aircraft carrier. We have him declare the end to major conflict, and here we are months later losing on average a soldier a day, seeing the maiming and disabling of hundreds more, being asked to spend, last spring, $70 billion in a supplemental to sustain our military function and now being asked to spend $87 billion, $67 billion, approximately, for our military and $20 billion for necessary functions on reconstructing Iraq.

Given the level of criticism that I and others feel about this venture and its failure, it is hard not to see this $87 billion as anything but a bill for failed leadership. Yet I, for one, believe this mission in Iraq is too important for failure. If we do not stabilize Iraq, if we do not protect our forces, if we do not clearly send a signal to the Iraqi people who are and certainly will be better off because of the removal of Saddam Hussein, we will not just have failed in this mission, we will have undermined our long-term stability and we will certainly have created a more dangerous world despite our efforts to avoid that.

I understand very clearly the anger and frustration my constituents and Americans across the country feel about this $87 billion. I share it. It is really hard to vote for this money. It is hard because you wonder what is going to actually be accomplished with it given the poor track record of this administration. You wonder how you can justify it in the face of the irresponsible fiscal policies of this administration that has undermined our present obligations and our long-term economic security. You wonder how you can possibly support this request when you know you don't get the straight story out of this administration time and time again. Yet, at the same time, it is hard to walk away now. In fact, I don't think we can.

Yes, we have not found the weapons of mass destruction, but we are there. No, we do not really have any links between al-Qaida and Saddam Hussein to be proven, but we are there. We have not stabilized the country and we have not even secured the weapon caches all over the country, but we are there. It is just hard to accept that we are there without an adequate plan and understanding of what it will take to be successful.

The fact that the administration purposely left the impression that there would be a quick victory and our troops would be home in no time is very hard to accept for a lot of the husbands and wives and mothers and fathers and sons and daughters of the people serving. We have all read the story today from the interviews done by Stars and Stripes, the newspaper of the Army, reporting in great detail about the questions and concerns and poor morale of many of our soldiers and other forces in Iraq.

I understand completely why people are frustrated and angry, but I don't think we can allow our frustration and anger with the administration to undermine our commitment to our country and our national security.

So what is it we are called upon to do? For me, the choice as a member of the Armed Services Committee was to support the money for our troops, wondering, though, as I did, why so many of them still do not have the body armor they should have to protect themselves against Iraqi attacks and hoping they will shortly. We certainly put enough money into the defense budget in the last 2½ years to at least equip every one of our soldiers with adequate body armor.

I also know that we do have to work to help reconstruct Iraq. We are the only people who can and will, in part because the administration has alienated those who would have been our natural allies. It is frustrating for many, but I don't think we can at this point fail to pay this bill of $87 billion for failed leadership.

We have to put the administration on notice that this vote, 87 to 12, was a vote for our troops, a vote for our mission. Speaking as one of those who cast a yea vote, it was not a vote for our national leadership. We not only can but should expect more than we have been given.

While we confront the reality of our present situation in Iraq, we cannot find ourselves in this position again. Many will no longer be able to support this administration if they do not start listening, occasionally even admitting when they make a mistake that has life-and-death consequences, reining in their most rabid neocon ideologues when they try to "out" CIA operatives or continue to claim nonexistent links between the global war on al-Qaida and everything else that happens in the world.

I hope the administration understands the level of frustration and anger that is out there. It is not just Democratic frustration and anger, it is not just partisan, it is across the board, people wondering: Where are we going? How will we even know when we get there? Did we take on this incredible responsibility under false pretenses?

I hope the administration will build on the vote in the United Nations that gives us at least the opportunity of lessening the burden and the costs by sharing it with others who should also have a stake in a free and functioning Iraq. I hope the administration will change course when it comes to working with the rest of the world and start acting more like allies instead of bullies. We cannot keep on this path and sustain the support of the American people. That is my most important point.

I have had the great privilege of not just traveling around the country but spending a lot of time in every State in our Nation. Now I have the great honor of representing the most diverse place in America, the State of New York. Americans are not only patriotic in the best sense of the word but they are so compassionate and caring about other people. What other country would free a people from tyranny and then reach into their own pockets to help build schools and hospitals and roads and fix the electric grid? Americans do not begrudge that. But they want to feel they know where we are headed, that their Government is leveling with them.

They also wonder and ask me, How come we are spending $5 billion to fix the electric grid in Iraq and we have not spent any money to fix our electric grid in the United States? We are building schools and we have schools falling down here. We are building hospitals and we have hospitals under all kinds of pressures here. Those are totally legitimate questions. They will not go away.

One of the greatest issues for us to address is how we will provide for the needs of the American people while we spend this money abroad. Americans will stay with you, Americans will be with you and support you, if they understand where we are headed and why it is important to our future.

On that count, this administration is losing the confidence of the American people even though the mission we face in Iraq is essential, in my view, to the long-term safety and security of our country and the leadership America should provide to the world.

This is not just about money. It is not even, tragically, about the lives we lose and the issues we confront in trying to stabilize and build Iraq. It is about whether this administration can repair the trust it has lost with the American people. I hope it can because I don't think it is in anyone's interest to have the President of the United States and his top team viewed as having misled our Nation and having alienated the rest of the world.

We are in for a long-term battle in the war against terrorism. I take it very seriously. We have determined and ruthless adversaries out to destroy our way of life, inflict violence on as many Americans as possible. I take a back seat to no one in my resolve to root out and destroy global terrorism. My question is, What is the right way to do it? And how do we prepare the American people to stay the course for what will be a long, protracted struggle?

I worry deeply that this administration is undermining both our ability to win the global war on terrorism and the trust that is needed to keep the American people committed.

So I cast a vote for this supplemental for our troops and for the work that has to be done in Iraq. But I cannot endorse this administration's plans and policies very much longer if they do not recognize the reality of what we confront, not just in Iraq but elsewhere in the world and here at home.

The administration has forced false choices on this Congress and our country. It is very difficult for me, having represented New York during the horrors of 9/11, to realize that we had the will and good wishes and support of the rest of the world and we have dissipated that. We desperately need it in this war against terrorism.

This may be reported as a resounding victory for the administration—a large vote—but I do not think it was. I think this was, first of all, a vote for our troops, a vote to continue to provide the funding they need to protect themselves and to fulfill their mission. It was a vote to take responsibility for what does need to be done in Iraq. There is not, in my view, any doubt about that.

But the debate in this body, and the frustration, and even anger across the country shows clearly that it was not a vote of confidence in the administration's leadership. That needs to be won back by their actions going forward. And it is essential that they attempt to do so.

We cannot fail in Iraq. We cannot fail in the war against terrorism. Ultimately, we must not fail our own people. The American people deserve better. I hope the administration recognizes and accepts that.

The last 2 years that I have had the privilege to serve in this body have been very emotional ones—the attacks of 9/11; the military action in Afghanistan; the action in Iraq; the destruction of our budget surplus and plunging our Nation into huge deficits and burgeoning national debt; the undermining of the future, in my view, of this generation.

I come not as a partisan but as an American to say, we have to do better. I hope this administration will do so.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Thank you, Mr. President.

Mr. President, I rise this evening to elaborate on my vote against the $87 billion supplemental appropriations for the occupation and rebuilding of Iraq and Afghanistan.

This supplemental appropriation raises significant domestic issues for the United States as well as the fundamental question of what will be required for an honorable completion of our responsibilities in Iraq and an expeditious exit.

The domestic issues include an enormous addition to our national debt. This year's deficit is now estimated to surpass last year's record-setting deficit of $455 billion. With this additional $87 billion, we are imposing another crushing burden on our children and grandchildren while assuring that we will escape most of the cost.

The President, with our concurrence, has avoided any sacrifice by most Americans, including the sacrifice of paying for the occupation and reconstruction of Iraq. This is in sharp contrast with previous occupations and reconstructions such as the Marshall plan.

The Marshall plan, from 1948 to 1952, was paid for by the generation of Americans who were in this country through the period at the end of the Second World War. In fact, the national debt—that debt owed to the public—actually was lower in 1952 than it was in 1948.

But today the only Americans who are being asked to sacrifice are our brave men and women in uniform and their families, and our children and grandchildren who will eventually be called upon to pay this crushing debt.

A second domestic reality is that while American roads, bridges, schools, water and sewer lines, and electric grids are deteriorating, there will be scant Federal funding to contribute to their reconstruction because we are making the decision that it is more important to rebuild Iraq. And we are making the decision to do it alone.

In spite of my great concern about those domestic implications, I would be prepared to vote for the $87 billion of unpaid funds in this supplemental appropriations bill if I had been satisfied that it would achieve the goal of an honorable and expeditious exit from Iraq. However, it is my assessment that it will not do so. Rather, it could well extend our Iraq occupation into a 21st century sequel to Vietnam.

It is my firmly held belief that we need to extricate ourselves from the quagmire that our policy has created in Iraq. We need to refocus our foreign policy on the greatest threat facing Americans at home and U.S. interests abroad: the networks of international terrorism. We must restart the war on terrorism, which has effectively been in abeyance since this administration shifted our military and intelligence resources from Afghanistan to Iraq in the spring of 2002.

As I have said previously, that shift was misguided. We have allowed al-Qaida to regenerate. We have allowed other terrorist networks—Hezbollah, Hamas, Palestinian Islamic Jihad—to continue their devious plotting against us and our allies.

We still have not caught al-Qaida's and the Taliban's senior leaders, including Osama bin Laden and Mullah Omar. We are witnessing a resurgence of the Taliban in Afghanistan. International terrorists operating from the sanctuary of Syria are now targeting United States citizens. As a result, we have again been forced to endure bombings and significant loss of life in Riyadh, Israel, the Gaza Strip, and elsewhere.

Last October, I voted against the resolution authorizing the use of force against Saddam Hussein's regime. I argued at the time that there was no question that Saddam Hussein was anything other than an evil man but, further, that he lived in a neighborhood with many evil men and women and that we needed to remain focused on the war on terrorism in order to deter additional attacks, such as the tragedy our Nation suffered on September 11, 2001.

In fact, I offered an amendment to the Iraqi resolution to expand the President's authority to use force against al-Qaida to include five other terrorist networks that pose immediate threats to America.

In the rush to war in Iraq, the amendment failed. I am tempted to offer that amendment again to emphasize we need to disengage from Iraq as quickly as we can honorably do so and to restart the war on terrorism, a war against our real enemies, not those with phantom weapons of mass destruction.

I say: Let us take President Bush at his word, at least the words he uttered 9 days after the tragedy of September 11, when he told a joint session of Congress:

> Our war on terror begins with al-Qaida but it does not end there.
>
> It will not end until every terrorist group of global reach has been found, stopped and defeated.

In his State of the Union speech on January 29, 2002, President Bush restated our priority:

> Our Nation will continue to be steadfast and patient and persistent in the pursuit of two great objectives.
>
> First, we will shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice.
>
> And, second, we must prevent the terrorists and regimes who seek chemical, biological or nuclear weapons from threatening the United States and the world.

Frankly, I did not offer my amendment, although I thought it would have provided the legal basis for the President's objectives to be accomplished, because I knew my amendment would fail. It would fail because a coalition from the right, which has elevated the war on Iraq over the war on terrorism and now is attempting to confuse the difference between these two, with a coalition from the left which opposes any increase in President Bush's authority to use U.S. military force. So I did not offer the amendment. But I will remain true to my convictions, as I voted no on this supplemental appropriations bill.

I know a vote against this bill will be described as a vote against our troops. I would say, however, the best way to support our troops is to get other soldiers from other nations into Iraq. First, we need troops from other nations as an addition to the presence of military force in Iraq to increase security and, hopefully, end the shooting gallery which we have forced our brave men and women to endure. I would suggest an additional 50,000 troops are needed to secure the peace.

Second, we need to get additional foreign troops on the ground to substitute for American troops so our soldiers, our men and women who have been enduring long deployments in hot, dangerous conditions, can begin to rotate home. These additional foreign troops should number between 50,000 and 100,000.

Secretary Powell's efforts at the United Nations resulted yesterday in a unanimous vote by the Security Council. But that vote was immediately followed by firm statements from the French, the Germans, the Pakistanis, the Russians, and others that they will not lend additional troops or financial aid to the occupation and reconstruction of Iraq. The fact that the Security Council passed a resolution is commendable, but not one of the 100,000 to 150,000 foreign troops needed to secure Iraq and relieve our troops has been provided.

Without commitments of troops and Euros and rubles and rupees, there will be no additional protection or burden-sharing for U.S. troops who are on the ground in Iraq.

I warn my colleagues, I have detected two clocks ticking on our almost unilateral occupation of Iraq. The first clock is the increasing reluctance of other countries, countries which are capable of doing so, to participate in the occupation and rebuilding of Iraq. If the United States had requested immediately after the war that these countries participate and did so under respectful conditions, it is quite likely we would have significant support on the ground in Iraq tonight. However, almost 6 months later, as the violence and the cost of occupation and restoration in Iraq accelerates, those nations capable of sharing the burden and willing to do so have shrunk. On the current course their number may evaporate.

The second clock has been the declining support of the American people, as evidenced by recent polls. The decline has steepened since the President's request for this supplemental spending bill was announced during a televised address on Sunday, September 7, of this year. Here are the poll numbers. When Americans were asked, do you approve of the President's policy in Iraq, as recently as April, 75 percent of Americans answered yes. By June, that 75 percent had declined to 67 percent. From the latest poll, which was published on October 14, just 50 percent of Americans said they approved of the President's policy in Iraq. Clearly, the American people are not willing to write a blank check for rebuilding Iraq when we have so many unmet needs here at home, when the cost of that occupation has been so great in terms of loss of life and American dollars.

A component of this second ticking clock is the ominous state of morale among our troops in Iraq, as found in a nonscientific survey conducted by the military newspaper, Stars and Stripes.

This survey demonstrated that fully a third of regular Army troops described their morale as either low or very low. Among reservists and National Guard members, 48 percent, almost half, described their morale as low or very low.

I ask unanimous consent to print a copy of an article from the October 16 issue of Stars and Stripes in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Stars and Stripes, Oct. 16, 2003]

In Survey, Many in Iraq Call Morale Low; Leaders Say Job Is Getting Done

(By Ward Sanderson)

What is the morale of U.S. troops in Iraq?

Answers vary. High-ranking visitors to the country, including Department of Defense and congressional officials, have said it is outstanding.

Some troops on the ground have begged to differ, writing to Stars and Stripes and to others about what they call low morale on their part and on the part of their units.

There was a correlation between such things as local services and release dates on the one hand, and morale on the other.

Stars and Stripes sent a team of reporters to Iraq to try to ascertain the states of both conditions and morale. Troops were asked about morale, among many other issues, in a 17-point questionnaire, which was filled out and returned by nearly 2,000 persons.

The results varied, sometimes dramatically:

Among the largest group surveyed, Army troops, the results looked much like a bell curve. Twenty-seven percent said their personal morale was "high" or "very high." Thirty-three percent said it was "low" or "very low." The largest percentage fell in the middle, saying it was "average."

Among the second largest group, reservists and National Guard members, the differences were much starker. Only 15 percent said their own morale was "high" or "very high," while 48 percent said it was "low" or "very low."

Among Marines, the next largest group, 44 percent said their morale was "high" or "very high," and only 14 percent said it was "low" or "very low."

Among airmen, the smallest of the four major groups surveyed because fewer questionnaires were allowed to be circulated to them, the results were also very positive. Thirty-nine percent said their morale was "high" or "very high," and only 6 percent said it was "low" or "very low."

Very few Navy servicemembers could be found to question in Iraq.

The questionnaire findings can't be projected to all the servicemembers in Iraq. Still, the reporting of "lows" among the two largest groups surveyed, Army and Reserve/National Guard, seemed significant. The views of these troops, at least, appeared to contrast sharply with those of the visiting VIPs.

Respondents to the survey were not given a definition of morale. They responded according to what they interpreted the word to mean. Some believe morale reflects the degree of well-being felt by the servicemember. On the other hand, commanders say that in measuring morale, they want to know if the servicemember is following orders and getting the job done.

Lt. Gen. Ricardo Sanchez, the top U.S. officer in Iraq, said that low morale isn't an issue because troops are fulfilling the mission.

"Morale is . . . not necessarily giving them Baskin-Robbins," he said in a Stars and Stripes interview. "Sometimes it's being able to train them hard and keep them focused in a combat environment so they can survive.

"So as its most fundamental level within our Army, taking care of soldiers and their morale could have very few worldly comforts. But the morale of the soldier is good. He's being taken care of, he's accomplishing his mission, he's being successful in the warfighting."

Other military leaders say they are always looking at ways to improve the morale of their troops. "Morale begins with caring leaders looking their soldiers in the eye," said Lt. Col. Jim Cassella, a Pentagon spokesman. "When senior leaders visit the troops in Iraq, they relate that the troops tell them that moral is good, a fact that's backed up by re-enlistment and retention rates."

(These rates have been acceptable or good for the services overall. Figures for re-enlistments in Iraq are not available yet, officials said. In the Stripes survey, half or more respondents from the Army, Marines and Reserves said they were unlikely to stay in the service. Officials say reenlistments normally drop after conflicts.)

Cassella said that leaders visiting Iraq seek out the opinions of troops. Some say the views expressed may be distorted as a result of the nature of the get-togethers, "dog and pony shows," in the words of combat engineer Pfc. Roger Hunsaker.

"When congressional delegations came through," said one 36-year-old artillery master sergeant who asked not to be identified, commanders "hand-picked the soldiers who would go. They stacked the deck."

Others on the ground in Iraq think top leaders are right more times than they are given credit for.

"I heard that reports/politicians were trying to say morale was down out here," Petty Officer Matthew W. Early wrote on his questionnaire at Camp Get Some in southern Iraq. "What do people back home expect us to feel after a war? Are we supposed to be as happy here as we are with our friends and families back home? Hell no.

"Of course, when confronted by reporters, we're going to voice our opinions about our situation. Unfortunately, some people like to complain about how they live or what they don't have. The complaint concerning morale is the voice of the minority, not the majority."

In the Stripes survey, troops consistently rated their unit's morale as lower than their own. John Kay, marketing director for the Army Research Institute, said, "Soldiers always rate self [personal] morale higher than unit morale. This is nothing new."

Troops may wish to report what they perceive as the true morale situation without getting themselves into trouble, a way of saying, "I'm OK, but the unit's not."

Some of the gap can also be the result of hearing other troops complain, compounding the impression that unit morale is low, even if each complainer believes his or her own morale is better.

> "Both are true," said Charles Moskos, a military sociologist with Northwestern University.
>
> The military studies morale regularly, but "the further you go up the chain in the officer corps, the reality of day-to-day morale cannot register completely," said Lt. Col. Daniel Smith, retired chief of research for the Center for Defense Information. "Whereas when you talk to the platoon sergeants, platoon leaders and even company commanders, you get a better sense of the true state of affairs. Do the weapons work? Are they getting hot meals? Are they getting enough rest? Are their leaders competent and not taking unnecessary risks?"
>
> Unlike some officials who have visited Iraq; Defense Secretary Donald H. Rumsfeld, during a September stop in Iraq, spoke not about morale per se, but about the importance of the mission and about sacrifice.
>
> "You're people . . . who weren't drafted, you weren't conscripted, you searched your souls and decided that you wanted to step forward and serve your country," he told the 4th Infantry Division, according to a Pentagon transcript.
>
> Another speech to air assault soldiers of the 101st Airborne division echoed the sentiment:
>
> "The important thing I would also add is that every one of you is a volunteer. You all asked to do this, and that is impressive and it's appreciated."

Mr. GRAHAM of Florida. At this stage we have two options in the conflict that has engulfed us in Iraq. We can continue to carry on unilaterally, which is the course we have taken, a course which, in my judgment, will be continued through this $87 billion supplemental appropriation; or, second, to the maximum degree possible, pursue a real internationalization of the occupation and reconstruction of Iraq, a sharing of the burden of blood and treasure and responsibility for decisionmaking while also including a central role for Iraqis in determining the future of their country.

Of these two options, the second, the commitment to real internationalization, has significantly more potential to get us out of Iraq as honorably and as expeditiously as possible. If we do not change from our current unilateral course, we will continue to bear the unilateral burdens alone: One soldier killed per day, 10 soldiers maimed per day, an increasing cost of occupation. Last year the occupation cost $1 billion a week. Under the supplemental appropriation we have just voted, it will now be $1.3 billion a week. The total cost of reconstruction, including the funds we have just voted, through September 30 of next year will be almost $25 billion.

This administration has avoided answering the question: How much will we spend before we exit Iraq?

As a result, I am concerned that this $87 billion supplemental appropriation is in essence a blank check for the President's failed policy. It will remove a substantial portion of the pressure for real progress in the internationalization of the occupation and reconstruction efforts directed at Iraq. Passage of this supplemental spending bill will remove the incentive for this administration to negotiate.

Mr. President, the reality is that it is only through significant international troops and money, only with significant decision sharing by the United States with those foreign countries that our Nation has any reasonable expectation of an honorable and expeditious exit from Iraq.

This appropriation leads us in the opposite direction. We will do it alone. It will increase the risk to our brave soldiers. It will unnecessarily transfer reconstruction costs to the U.S. taxpayer, and it will lengthen the time when the United States can honorably and expeditiously leave Iraq.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TODAY IN CONGRESS

Mr. FRIST. Mr. President, today has been a very good day in the Senate, as well as in the House of Representatives, with a strong bipartisan majority vote in both Houses of Congress approving the funds necessary to support our soldiers and civilians serving in Iraq and to move quickly to stabilize Iraq and Afghanistan.

I believe this is a major victory for the President of the United States in his efforts to bring stability and peace to Iraq.

Personally, I am very pleased with the overwhelming bipartisan support for the President's proposal in the Senate. When the package was first sent to the Hill several weeks ago, very few thought it possible. We have had to make a number of difficult votes and, indeed, we worked very late last night, into the early hours of this morning, completing this bill, now, just several hours ago.

I am certain the Senate- and House-passed bills will allow us that opportunity to negotiate a final legislative package that, indeed, will give the President everything he requested.

It was important to do. It was important to complete this legislation today especially, not only to get the money to our troops as soon as possible and to rebuild the civilian infrastructure in Iraq as soon as possible but also because of the donor conference in Madrid next week.

The President, indeed, has made a strong stand for freedom and democracy in Iraq, as well as Afghanistan, and he has taken forceful action against brutality and terrorism in the region, and by doing so has made America safer and our citizens more secure.

Indeed, we are at war in Afghanistan as well as Iraq. The funds in this legislation provide both the direct support for our soldiers, as well as an investment in creating a safer environment in the countries where they serve. The legislation will make them safer and, in all likelihood, will get them home sooner.

I also want to take this opportunity to commend Senator STEVENS for his tremendous leadership on this particular legislation, as well as Senator WARNER and Senator McCAIN and Senator McCONNELL, all for their tireless efforts to pass this emergency funding request.

MEASURE RETURNED TO THE CALENDAR—S. 1689

Mr. FRIST. Mr. President, I ask unanimous consent that the vote on final passage on S. 1689 be vitiated and that the bill be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Pittsburgh, PA. On April 19, 2002, Adam Bishop was bludgeoned to death with a claw hammer by his own brother, Ian Bishop, 14, and alleged accomplice Robert Laskowski, 15. As several witnesses testified, the killing was because Ian thought his brother was gay. The victim was struck by his brother at least 15 times with the hammer and was moved to various parts of the home before he was left to die in a bathtub.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

DISARMING DOMESTIC VIOLENCE ABUSERS

Mr. LEVIN. Mr. President, last week the Brady Campaign to Prevent Gun Violence United, with the Million Mom March, released a report entitled "Disarming Domestic Violence Abusers." This report provides a guide for closing loopholes in State gun laws that allow domestic violence abusers to purchase or possess firearms and offers Congress some insight into how to help our States effectively enforce gun safety laws.

Under current Federal law, domestic violence abusers subject to restraining orders or convicted of domestic violence are prohibited from owning guns. Despite the law, some domestic violence offenders continue to gain access to firearms.

The Brady report proposes a number of ways to keep guns out of the hands of domestic violence offenders. Among the suggestions are ensuring that restraining orders clearly state that the possession of a firearm is prohibited and that restraining orders be entered into state and national databases used to conduct background checks on gun sales. Further, the report recommends that law enforcement remove firearms from the scene of domestic violence incidents. Finally, stopping domestic abusers from buying additional guns requires background checks on the sale of all firearm transfers, including those that take place at gun shows.

The deadly combination of domestic violence and guns put many women and families at great risk. While Federal laws provide a general framework to prevent abusers from purchasing or possessing firearms, the Federal laws will not be effective in protecting women from armed abusers until every State enacts complementary laws. I urge my colleagues to read the Brady Campaign's report and to support Federal efforts that assist States with enforcing our Nation's gun safety laws.

NANOTECHNOLOGY

Mr. WARNER. Mr. President, recently I hosted a luncheon of the American Chemical Society on nanotechnology. It was a pleasure to be in the company of so many brilliant minds, and those concerned with the technological and economic future of our Nation.

Of all the areas of scientific innovation being developed today, none is more profound than nanotechnology. The ability to manipulate individual atoms is unprecedented in human history and could lead to the redesign of most products we know of today. Some have even said it could lead to the "Second Industrial Revolution." Its scope is nothing other than breathtaking.

In the area of national security, nanotechnology has been identified as one of the most important strategic research areas. Revolutionary applications could include: very lightweight but extremely strong armor, vastly smaller and more powerful computers, microscopic sensor systems, and tiny unmanned vehicles. These could provide vastly increased capabilities for our armed forces. Conversely, to fall behind in these new areas will present us with a critical security risk.

Unfortunately, the United States is no longer the only world leader in many areas of nanoscience, as many countries have recognized its importance and are greatly increasing their funding. With stakes this high, we must pay close attention to the choices we make.

I understand the stakes and stand four-square behind public-private efforts to keep America in the lead in nanotechnology. Just as we led the industrial revolution, America will lead this new scientific revolution for the benefit of generations to come.

RETIREMENT OF MG ARNOLD PUNARO

Mr. WARNER. Mr. President, I was privileged to attend the retirement ceremony of MG Arnold Punaro from the U.S. Marine Corps on September 19, 2003 at the Marine Barracks here in Washington, DC. General Punaro is known to many here in the Senate from his outstanding service of many years as staff director of the Senate Armed Services Committee and on the personal staff of Senator Sam Nunn. I ask unanimous consent that there be printed in the RECORD, at this point, portions of the remarks made at the ceremony by Gen. James L. Jones, Supreme Allied Commander, Europe and Commander, U.S. European Command.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF GENERAL JAMES L. JONES, SUPREME ALLIED COMMANDER, EUROPE AND COMMANDER, U.S. EUROPEAN COMMAND

The real reason we are all here is to pay honor to a true patriot who has given so much of his time and talent to our Nation, and to each of us . . . Major General Arnold Punaro, United States Marine.

We also honor an exceptional family, which has supported him through his life in the "public sector" of Capitol Hill and in his career in the U.S. Marine Corps. Jan Punaro stands in no shadow among spouses who deserve our eternal gratitude. Her support to Arnold, through his "many" simultaneous careers, has been remarkable.

Arnold has been a marine since 1968, a personal staff member for Senator Sam Nunn for 24 years, a minority and majority staff director of the Senate Armed Services Committee for a total of 15 years, a member of Georgetown University's adjunct faculty for ten years, and a most valuable "utility infielder" of the Department of Defense on a wide range of issues all having to do with transformation, long before the term itself became popular.

As a marine, Arnold Punaro has literally "done it all" . . . Republic of Vietnam combat leader, wounded and decorated, the Marine Corps basic school "staff protocol officer." Upon leaving active duty, he went into the reserves where he saw active duty in Desert Shield/Desert Storm, and in the Balkans where he battled the largest snow storm ever to hit Zagreb. He has participated in the Marine Corps transformation starting back in 1995 until today. In 1997 he chaired the "Defense Reform Task Force" for Secretary Cohen and produced a document that remains very current. He also participated in the Hart-Rudman Commission, and currently serves on the Secretary of Defense's newly formed Defense Business Board.

In the public sector, Arnold Punaro started his post-active duty life working for Senator Sam Nunn, rapidly rising from press secretary to foreign policy/national security legislative assistant on the Senator's personal staff, before moving to the Senate Armed Services Committee and its leadership positions as Director for both the Minority and the Majority. The legislation produced during his time on the committee was both historic and transformational. Let's be clear . . . where we are today in our military has a lot to do with the fact that Arnold Punaro was where he was in a very important time for each of our services, starting with the all-volunteer force and Goldwater-Nickles legislation.

Arnold Punaro is currently serving as the Director of Reserve Affairs at Headquarters Marine Corps. He has been instrumental in bringing the "Marine for Life Program" to fruition in these past few years, for which I am sincerely grateful. Marines now can have a lifelong association with the Corps regardless of their career pursuits. Always a passionate advocate, Arnold Punaro's well known compassion for the lives of soldiers, sailors, airmen, and marines and their families defines him in all that he is and cared about.

As an adjunct professor (with one bachelor of science and two masters of arts) at my alma mater, Georgetown University, for over ten years he helped mold and shape the minds of our future leaders on national security issues.

For all he has done in his short life, Arnold Punaro has always found time for his family . . . the son of Angelo and Anina Punaro, first generation Italian-Americans from southern Italy, who watched with great admiration as young Arnold grew into manhood and became a United States Marine, going off to war in 1967.

His company commander in Vietnam, COL Jim Van Riper, and his wife Connie, are here today to pay tribute to this great American, and we welcome them back to this post where they served with distinction in the early 70's. We're all proud of Arnold and Jan and their children, especially as we celebrate the safe return of 1LT Joe Punaro, USMC from Operation Iraqi Freedom where he served at the front of Marine lines in the capture of Baghdad. Joe . . . welcome home, we're all very proud of you and your Marines.

Arnold, it is a special honor for me to be able to be here today. We've known each other for 24 years, and for 24 years I've been privileged to have a front row seat which has allowed me to witness your very significant contributions to our Nation, both in and out of uniform. Very simply, you have been and remain today a special asset, and people who make the big decisions, who need the really good advice, the thoughtful consideration on difficult issues, turn to you knowing that you will always give straightforward, thoughtful, and forthright advice. In this respect, you are in a class by yourself.

You stand here today, in our eyes, as a great Marine. The Corps has benefitted from your wise advice for many years, through both good times and bad times, and we are all the better for all you have contributed. You represent the finest example of the concept of the citizen-soldier by your selflessness and your dedication to, simply, but relentlessly, trying to do the right thing . . . regardless of the difficulty or the popularity (or lack thereof) of a given position.

All of us known full well why we are here today, and it is simply for this reason, to honor you, Jan, and your family; to say thank you for all you have done for all of us; and to wish you well in all you will do from here on out. There is still much more to be done.

Ladies and gentlemen, as you know, "semper fidelis" means "always faithful." Those words seem awfully appropriate today as we honor Major General Arnold Punaro.

Well done, my friend, well done!

ARABIA MOUNTAIN

Mr. CHAMBLISS. Mr. President, a mere 20 minutes from the steel and concrete economic dynamo that is modern Atlanta, you can find a quiet refuge where history and natural beauty still exist side by side.

I speak of the area around Arabia Mountain which contains ecosystems home to endangered species, historic structures and archaeological sites. Its proximity to Atlanta makes it accessible to millions of Americans, but also puts it in danger of urban sprawl.

No strip mall should obliterate the ancient soapstone quarry which attracted Native Americans over 5,000 years ago. Nor should overdevelopment mar Arabia Mountain, the granite outcropping at the center of the area. This region contains much pristine land, farmland, and the charming town of Lithonia. Lithonia, home to many fine buildings made of locally quarried granite, has a name which means "stone city." The Arabia Mountain area still has a few farms from the days when it was the heart of Georgia's dairy industry, and has remnants of the 1820s Georgia Gold Rush which predated the more famous California Gold Rush by two decades.

If we are serious about preserving this irreplaceable history and environment, we must act to designate Arabia Mountain in DeKalb County as a National Heritage Area. This designation will help preserve the endangered and rare species which live nearby and save historic buildings from the wrecking ball. It will also allow the kind of smart development which preserves our heritage while allowing the kind of development which will provide jobs and growth for this beautiful region.

Arabia Mountain and its surrounding area are the result of over 400 million slow years of geological changes. Men have made an impact for the last 7,000 years. All this could be changed forever in another decade or so of uncontrolled growth.

The need for this action has generated support from both sides of the aisle, in Georgia, and both houses of Congress. I thank Kelly Jordan, chair of the Arabia Mountain Heritage Area Alliance, Mayor Marcia Glenn, of Lithonia, Vernon Jones, CEO of DeKalb County, Mark Towe and Glen Culpepper who all have provided strong support to this effort. I also extend my thanks to Congresswomen DENISE MAJETTE, for working so hard for this designation, as well as my friend and senior Senator from Georgia, ZELL MILLER, for supporting this designation.

Vernon Jones, CEO of DeKalb County says:

> Nowhere in this great nation is a project more deserving of a National Heritage Area designation than this one. This began as a concept between conservationists, neighborhood activists, landowners and concerned citizens, and over the years has grown in scope to encompass some of the richest landscape Georgia has to offer. DeKalb County citizens voted to tax themselves to support this project. This local funding mechanism was absolutely critical to move this project forward. One visit to Arabia Mountain is all the proof anyone needs to demonstrate the great impact that may be achieved by diverse groups working together to preserve a truly significant natural heritage for future generations.

He is right. Let us act now to preserve this spot for succeeded generations and designate Arabia Mountain as a National Heritage Area.

ADDITIONAL STATEMENTS

A TRIBUTE TO LIL GREENWOOD

• Mr. SESSIONS. Mr. President, today I recognize the life and career of one of Alabama's musical legends, the great jazz singer Lil Greenwood.

Lil Greenwood is a living legend. She was born on November 18, 1923, as the youngest daughter of the late Maggie and Reverend Sylvester George, Sr. It was at her father's side, at the age of 3, that she began to sing in the church that he served.

A native of Prichard, AL she grew up in Mobile County and graduated from Alabama State College. Her talents were evident to all those who knew her. In fact, it was the encouragement and support she received from the Mobile County Schools Music Supervisor that fanned the flame of ambition within her, and it was a generous gift of bus fare from a former principal that allowed her to head to Oakland, CA to follow her dream.

It was in California that Lil Greenwood was to be "discovered." During a performance at the famed Purple Onion in San Francisco, she was heard by no less than the legendary Duke Ellington. Needless to say, the Duke was suitably impressed. After hearing her sing, he commented that "the girl has a voice that's a mixture of Marian Anderson, Ella Fitzgerald, Dinah Washington, and Mahalia Jackson." These women were the embodiments of jazz and blues singing, and it is inconceivable that a greater compliment could have been paid.

Recently, my home State of Alabama passed a proclamation honoring Ms. Greenwood for her personal and professional accomplishments. In honor of her upcoming 80th birthday, I would like to take this opportunity to read that proclamation into the CONGRESSIONAL RECORD.

The Proclamation reads as follows:

> Whereas, born Lillian George on November 18, 1923, a native of Prichard, Alabama in Mobile county and affectionately and professionally known as Lil Greenwood; and
>
> Whereas, Lil received her grade-school education in Mobile County and graduated from Alabama state college; and
>
> Whereas, she made her master-level vocal recording as early as 1950 and on such recording labels as Modern, Federal, Tangerine, and Columbia Records and also backed Ray Charles on Paramount Records; and
>
> Whereas, Lil Greenwood was the featured vocalist with The Duke Ellington Orchestra and co-authored with Duke Ellington and Billy Strayhorn. She has performed in many places around the world, including the Far East and Europe. She has also performed at many famous spots stateside including, The Blue Note in Chicago, the Apollo in New York and in the San Francisco Bay-Area and Oakland; and
>
> Whereas, she has appeared on numerous television shows including "The Tonight Show", with Johnny Carson, "Good Times," "The Jeffersons," "The Flip Wilson Show," and "Grady" and on stage she has portrayed major characters in such musicals as "Hello Dolly," "My People," "Buffalo Chips," "Wedding Band," "Back Alley Tales" and "Dark Symphony"; and
>
> Whereas, Lil Greenwood returned home and remains an active and revered jazz singer in Alabama and has been inducted into the Gulf Coast Ethnic and Heritage Jazz Festival Hall of Fame:
>
> Now, therefore, I, Bob Riley, Governor of the State of Alabama, do hereby proclaim July 28, 2003, as Lil Greenwood Day in the State of Alabama and encourage the citizens of Alabama to show their support.

As is obvious by the proclamation issued by the Governor of Alabama, Lil Greenwood has lived a life where her gifts have brought and still continue to bring joy to a great many people. It is only appropriate that we take the occasion of her upcoming birthday to recognize her for her contributions.•

IN HONOR OF DENNIS MAXWELL'S 75TH BIRTHDAY

• Mr. LIEBERMAN. Mr. President, today, a constituent of mine, Dennis Maxwell, will turn 75, and I would like to take this occasion to wish him a happy birthday. Dennis was born in New York City, but moved to Connecticut when he was six and grew up in Fairfield County. Dennis's mother, Marguerite Maxwell, was an accomplished classical pianist who founded the Westport School of Music, which thrives to this day. Dennis attended Yale University and received a bachelor's degree in Business Administration in 1950.

Dennis married his childhood sweetheart, Robin Tucker, and the two of them headed to Texas, where he served in the Army as an intelligence officer during the Korean War. He and his wife contributed four children to the baby boom generation and lived for a time in Michigan. The Maxwells moved (back) to Connecticut in 1966.

Dennis has had a successful business career, working for companies like Scovill Manufacturing, which was founded in Waterbury in 1802, and N.L. Industries. For the past several years, he has run his own water conditioning business.

Andre Maurois wrote, "Growing old is no more than a bad habit which a busy man has no time to form." If that's true, Dennis may be turning 75, but he's not growing old. In addition to running a company, he is an avid golfer and more important active in his community. At Christ & Holy Trinity Episcopal Church in Westport, Dennis has been a vestry member, chaired the church's capital campaign, and served on several committees. When his beloved wife Robin became wheelchair-bound from emphysema, he raised the funds to put an elevator in the church. Sadly, she succumbed to the disease in 1997, after 46 years of marriage. In addition to his church-related duties, Dennis has served as president of the local Alcohol and Drug Dependency Council, and he has been on the board of Interfaith Housing, a not-for-profit ecumenical group that provides clothing and shelter for area homeless people.

Thoreau admonishes us to "Aim above morality. Be not simply good; be good for something." Over the course of his life, Dennis has been devoted to his family, his community, and his country. I think that counts as being "good for something," and I would like to join his children—Anne, Linda, Lisa, and Gray (who has worked here in the Senate for 19 years and is currently Senator LAUTENBERG's legislative director)—and their families and Dennis' many friends in wishing him a very happy 75th birthday.•

TRIBUTE TO JEAN SUTTON

• Mr. SHELBY. Mr. President, I rise today to pay tribute to a dear friend, Jean Elizabeth Rodgers Sutton, of Linden, AL. Jean Sutton died on Tuesday, September 16, at the age of 62.

Jean was born in Jackson, MS, and attended Hinds Junior College in Raymond, MS. She received a Junior College Press Association Scholarship to continue her education at the University of Southern Mississippi.

It was at the University of Southern Mississippi that she met her husband, Goodloe Sutton, and they were married in 1964 after Jean had graduated and worked for a year as editor of the Tylertown Times in Tylertown, MS.

After moving to Linden, Jean worked as a reporter for the award-winning Democrat Reporter, the weekly newspaper owned by her husband. She also taught girls physical education and journalism at Linden High School. After teaching at Linden High School for two years, she began working full time for the Democrat Reporter where she served as managing editor.

Together, Jean and Goodloe worked as a husband-and-wife reporting team. In the 1990s, they successfully exposed corruption and a drug ring involving the Marengo County Sheriff's office, amid death threats and intense pressure throughout their community. Their investigative reporting led to an FBI investigation and the conviction of the county's sheriff in 1997.

Jean also found time to raise a family. She and Goodloe raised two exceptional sons. Their son, Howard Goodloe, is a graduate of Auburn University and I am pleased to have him as a member of my staff. He has served as my State Director since 2000. And, William Robert Sutton attends Southern Union Community College.

Jean Sutton was a good friend, a leader in the Linden community, and a role model for investigative journalists. Her tremendous courage, her hard work and sacrifices on behalf of her readers, and her dedication to her family serve as an example of excellence for every reporter, parent and citizen. She will be greatly missed by many.•

PRESIDENT OF THE ARIZONA FARM BUREAU RETIRES

• Mr. KYL. Mr. President, I would like to say a few words to my colleagues about a respected Arizonan, Ken Evans, who is stepping down as president of the Arizona Farm Bureau on November 1.

Ken has been a community leader, farmer, rancher, businessman, and agriculturist in my state of Arizona for many decades. As president of the Farm Bureau for the last 11 years, he has been an outstanding spokesman for the agricultural community. He has helped both the agricultural producers and the consumers of Arizona with his energetic leadership. His aid and advice were invaluable to me and other policymakers, both in the state and here in Washington.

I express my thanks for his service and wish him success in all of his future endeavors.•

TRIBUTE TO CHARLEEN COMBS AND BOB HARRIS

• Mr. BUNNING. Mr. President, I rise today in the Senate to honor and pay tribute to Charleen Combs and Bob Harris for each being named the Kentucky Small Business Person of the Year.

Almost 20 years ago, Charleen Combs and Bob Harris found themselves in a quandary. Their employer had been sold and was downsizing, but Charleen and Bob used this setback as a catalyst to strike out independently and started planning the formation for their own software development company. In Harlan, KY in 1983, Charleen and Bob established Data Futures Inc. Today, it has carved its own sizable niche, producing and providing administrative software to K–12 school districts and health care facilities throughout Kentucky and other states.

Data Futures is an outstanding example of how two Kentuckians used their entrepreneurial talent, drive and vision to create opportunities not just for themselves, but for others. What began as a humble home-based computer services business almost 20 years ago is now a leading developer of management systems software for school districts in at least seven States.

Eastern Kentucky is fortunate to have Data Future as a home-based business. But more importantly, it is fortunate to have Charleen and Bob call Eastern Kentucky home. I appreciate their loyalty to Kentucky and their community. They have been a shining example of leadership, hard work, and compassion. They are an inspiration to all throughout the Commonwealth. Congratulations, Charleen and Bob. You are Kentucky at its finest.•

100TH ANNIVERSARY OF THE FEDERATION OF INDEPENDENT ILLINOIS COLLEGES AND UNIVERSITIES

• Mr. DURBIN. Mr. President, I recognize and honor the Federation of Independent Illinois Colleges and Universities as it celebrates its 100th anniversary.

Founded in Chicago, the oldest private college association in the Nation has evolved from a social organization for college presidents to a dynamic advocacy organization representing 55 Illinois private colleges and universities, enrolling over 160,000 students and employing over 60,000 professional and support staff.

Headquartered in Springfield, IL, the mission of the Federation is to safeguard the interests of the member institutions and their students and to promote standards for excellence in higher education. The Federation will formally celebrate the 100th anniversary of its founding on November 11, 2003.

Under the leadership of Chairman Curtis L. McCray and President Donald E. Fouts, the Federation has taken a leading role in working to address higher education issues throughout Illinois.

I ask my colleagues to join me in congratulating the Federation of Independent Illinois Colleges and Universities on their 100th anniversary. It is my hope and expectation that in the next 100 years the Federation will continue to create and expand college opportunities for students from Illinois and across the country.●

100TH ANNIVERSARY OF THE ARIZONA BANKERS ASSOCIATION

● Mr. KYL. Mr. President, I rise today to note that the Arizona Bankers Association will commemorate its 100th anniversary next month—on November 13.

The Arizona Bankers Association was founded in 1903 by bankers from across what was still known as the Arizona Territory. The association was established to represent Arizona's diverse banking industry as it developed and grew to meet the financial needs of the early settlers. While at first its members served a sparsely populated territory, they now serve on the fastest growing States in the Nation. today, the Arizona Bankers Association represents banks of all sizes from every corner of our great State, employing over 10,500 people.

The Arizona Bankers Association's success and longevity are testament to the commitment and dedication of the banks and bankers who comprise its membership. The tremendous economic growth that draws so many people from other parts of the country to Arizona is due, in no small part, to the financial services and capital that are provided through the association's member banks. These institutions have nearly $3 billion outstanding in loans to small business and some $42 billion in total loans and leases.

To the member institutions of the Arizona Bankers Association, I offer my best wishes on achieving this impressive milestone and on beginning their second century of advocacy, service, and leadership. I look forward to continuing to work with them to provide Arizonans and Arizona's businesses with the financial services and credit that will lead the state to even greater prosperity in the years ahead.●

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 11:12 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1474. An act to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes.

H.R. 3229. An act to amend title 44, United States Code, to transfer to the Public Printer the authority over the individuals responsible for preparing indexes of the Congressional Record, and for other purposes.

The enrolled bills previously signed by the Speaker of the House, were signed on today, by the President pro tempore (Mr. STEVENS).

At 3:07 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3289. An act making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-295. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to low-interest loans for military personnel called to active duty; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 283

Whereas, The recent events in our country have served to remind us of the degree to which our nation relies upon the sacrifices of our men and women in the military. With the call to active duty of thousands of members of National Guard and reserve units for overseas deployment and an increasing range of domestic security assignments, it is clear that our military strength is rooted in both the professional ranks and those working in civilian life while serving as ready reserves; and

Whereas, The men and women called to active duty to help the country respond to a crisis such as we have faced since September 11, 2001, do so at great cost to their families and, often, their careers. The uncertain length of the activation in the current situation can make the return to active duty a devastating blow to the finances of a family or a small business. When the person called to duty is the primary breadwinner in a family, for example, as is often the case, the family can face many difficulties. The mortgage payments, food and utility bills, and costs of raising children do not go away when the regular paycheck is replaced by a military paycheck that is usually far less; and

Whereas, While it would be impossible to cover the entire burden facing many families, it would be helpful for the federal government to do all it can to address this issue. A low-interest loan program for those whose active duty pay is less than civilian levels can provide short-term help with the monthly bills. For families who have sent someone to fight terrorism, whether overseas or on assignments at airports or border crossings, this would be an appropriate step to take: Now, therefore, be it

Resolved by the house of representatives, That we memorialize the Congress of the United States to provide a program of low-interest loans for military personnel called to active duty; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-296. A resolution adopted by the Senate of the Legislature of the State of Vermont relative to the Vermont National Guard; to the Committee on Armed Services.

SENATE RESOLUTION 19

Whereas, within days of the September 11, 2001, terrorist attacks in New York City and Washington, DC, the nation's governors activated National Guard soldiers and airmen to augment security at 422 of the nation's international airports; and

Whereas, in true state-federal partnership, National Guard forces are providing aerial port security under the command and control of the sovereign states, territories, and the District of Columbia and the federal government is funding such duties "in the service of the United States" under title 32 of the United States Code, section 502(f), hereinafter referred to as "title 32 duty"; and

Whereas, title 32 duty has been used, inter alia, for more than twenty years for National Guard full-time staffing; for National Guard support for local, state, and federal law enforcement agencies under governors' counter-drug plans for more than twelve years; for National Guard civil support team technical assistance for local first responders for more than two years; and for aerial port security following the attacks of September 11; and of particular note, the National Guard counter-drug program has long included title 32 support for United States Customs, Border Patrol, and Immigration and Naturalization Service activities at United States ports of entry; and

Whereas, in the aftermath of the September 11 attacks, increased security and inadequate federal staffing have limited the flow of persons, goods, and services across our nation's borders, and these factors have contributed to a serious weakening of the American and Canadian economies, especially in states such as Vermont; and

Whereas, the governors of northern tier border states wrote President Bush in November 2001 offering to provide title 32 National Guard augmentation for United States Customs, Border Patrol, and Immigration and Naturalization Service operations at United States ports of entry, and such relief could have been, and still can be, effected within days of acceptance by the federal government; and

Whereas, there is still no relief at our borders due to inaction on the governors' offer of title 32 National Guard assistance and conflicting Department of Defense proposals to federalize the National Guard or otherwise enhance border security with active duty military personnel instead of title 32 National Guard members; and

Whereas, federalizing the National Guard under title 10 U.S.C. would degrade the combat readiness of units from which guardsmen would be mobilized, interfere with effective state force management, and prevent personal accommodations for soldiers and their civilian employers; and

Whereas, stationing federal military forces at the United States-Canada border would be an unprecedented unilateral action by the United States; and

Whereas, the nation's border states need prompt relief which can best be provided by title 32 National Guard forces being deployed to assist lead federal agencies at the borders "in the service of the United States", but under continued state command and control; and

Whereas, the Vermont State Senate opposes federalization of the National Guard or assignment of federal military forces for United States border security: Now, therefore, be it

Resolved by the Senate, That the Senate of the State of Vermont respectfully requests that Congress assures prompt augmentation of lead federal agencies at the borders by accepting the governors' offer of National Guard forces under state command and control pursuant to 32 U.S.C. sec. 502(f), and be it further

Resolved, That the Secretary of the Senate be directed to send copies of this resolution to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Vermont.

POM–297. A resolution adopted by the City Council of the City of Friendswood of the State of Texas relative to the Corps of Engineers General Reevaluation Report on Clear Creek; to the Committee on Armed Services.

POM–298. A resolution adopted by the California State Lands Commission opposing inclusion in any energy bill of a requirement that the Department of the Interior prepare a comprehensive inventory of oil and gas resources in the outer continental shelf and use harmful seismic testing; to the Committee on Energy and Natural Resources.

POM–299. A joint resolution adopted by the Legislature of the State of Washington relative to cleanup of the Hanford Reservation; to the Committee on Environment and Public Works.

ENGROSSED SENATE JOINT MEMORIAL 8023

Whereas, The Hanford Reservation in Southeast Washington state presents an unprecedented environmental cleanup challenge resulting from decades of defense production that served to bring an early end to World War II and to keep our nation safe during the Cold War years; and

Whereas, The Hanford Reservation is located near the Columbia River, which irrigates our farmland and is the lifeblood of Washington state; and

Whereas, It is imperative that cleanup of the Hanford Reservation be sustained and completed as expeditiously as possible to preserve the integrity of the environment and the safety of generations to come; and

Whereas, Significant cleanup progress is being made at Hanford, including decommissioning and deactivating more than 35 buildings; resolving safety issues associated with Hanford's 177 underground waste storage tanks; stabilizing plutonium in the Plutonium Finishing Plant; moving spent nuclear fuel out of the K-Basins and away from the river to safer storage in the central plateau; shipping transuranic waste to New Mexico for permanent storage; and moving 600,000 tons of contaminated soil away from the river; and

Whereas, The President's proposed fiscal year 2003 budget threatens the cleanup effort and jeopardizes the Department of Energy's ability to comply with federal and state laws and meet the compliance commitments set forth in the Tri-Party Agreement between the State of Washington, The United States Environmental Protection Agency, and the United States Department of Energy; and

Whereas, Budget-driven delays in Hanford cleanup activities will compromise the success of the project resulting in greater costs to taxpayers, another in a string of broken promises, and public outrage at this continuing, unaddressed threat to public health and the environment; Now, therefore

Your Memorialists respectfully pray that you fully fund the needs of a sustained environmental cleanup in keeping with federal and state laws and the Tri-Party Agreement, and providing for the protection of the great Columbia River and the citizens of the state of Washington, be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Secretary of the United States Department of Energy, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–300. A joint resolution adopted by the Legislature of the State of Washington relative to support for an oil spill prevention tugboat in the Strait of Juan de Fuca; to the Committee on Environment and Public Works.

SENATE JOINT MEMORIAL 8004

Whereas, The marine waters located in the Strait of Juan de Fuca between the State of Washington and Canada are some of the most pristine and diverse marine waters in the United States and include irreplaceable natural resources; and

Whereas, The area includes such national treasures as the Olympic Coast National Marine Sanctuary and the Olympic National Park, for which the Federal government acts as the trustee thereof; and

Whereas, The area is home to five federally recognized Indian reservations for which the Federal government has the responsibility of protecting treaty rights over tribal fishing; and

Whereas, The area is the habitat for several threatened and endangered species as designated by the Federal government; and

Whereas, The marine waters are used by a large portion of the Federal government's strategic naval fleet, which poses a risk of oil spills; and

Whereas, The marine waters are used for transportation of petroleum products that are used to meet the energy needs in the Western United States; and

Whereas, These marine waters are of great environmental and economic importance to not only the State of Washington, but also to the people of Canada and the United States; and

Whereas, The marine vessel traffic on these waters presents risks of accidents and oil spills that would be devastating to the environment and to the economy; and

Whereas, The safety of these waters is currently substantially improved on a temporary basis by an oil spill prevention tugboat stationed at the westward end of the Strait, the cost of which is currently borne solely by the State of Washington: Now, therefore

Your memorialists respectfully pray that Congress appropriate sufficient budgetary support to permanently station an oil spill prevention tugboat, of adequate size, and with rescue, fire fighting, spill response, and lifesaving capabilities, at the westward end of the Strait of Juan de Fuca, be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–301. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the Great Lakes, Great Lakes States; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 265

Whereas, the Great Lakes states have taken many steps to protect the lakes. Most recently, Annex 2001 to the Great Lakes Charter has demonstrated the concern of the people of this region that the stewardship for this fresh water resource must remain where it belongs—with the people of the Great Lakes; and

Whereas, the Great Lakes governors work closely with one another and their Canadian provincial counterparts on protecting the Great Lakes on a wide range of issues related to water management and a host of economic matters that strongly influence the lakes. This cooperation mirrors the shared stake in the quality of the lakes and reflects the appropriateness of policies that clearly affirm the authority of the Great Lakes Governors pursuant to the Great Lakes Charter; and

Whereas, Federal law states: It is hereby determined and declared to be in the public interest that (1) title to and ownership of the lands beneath navigable waters within the boundaries of their respective states and the natural resources with such lands and water and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable state law be, and they are hereby, subject to the provisions hereof, recognized, confirmed, established, and vested in and assigned to the respective states or the persons who were on June 5, 1950, entitled thereto under the law of the respective states in which the land is located, and the respective granters, lessees, or successors in interest thereof; and

Whereas, the Great Lakes states have demonstrated that we are an effective and efficient manager of Great Lakes water resources. We implore the federal government to continue to allow the Great Lakes states the ability to control the Great Lakes: Now, therefore, be it

Resolved by the house of representatives, That we memorialize the Congress of the United States to increase protections for the Great Lakes and to affirm the authority of the Great Lakes governors on matters or the usage of Great Lakes waters; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the House of Representatives, January 24, 2002

POM–302. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to restoration and protection of the Great Lakes; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 187

Whereas, The waters of the Great Lakes constitute a resource of the utmost importance of the future of our nation, as they interact with the international community. The quality and quantity of this fresh water treasure are vital to the health and commercial well-being of millions of Americans; and

Whereas, Congress over the years has provided support for numerous projects and conserve our natural resources, with the most recent being legislation to fund the restorationm of the Everglades and the South Florida ecosystem. This legislation includes several billion dollars in funding to the state of Florida. While the Everglades and the South Florida ecosystem are clearly a unique resource, the Great Lakes ecosystem has a prevailing international and national economic significance due to the shipping of raw materials, industrial products, and food, not to mention being the home of 20 percent of the world's fresh surface water, and 95 percent of the United States' fresh surface water; and

Whereas, With the Great Lakes at the heart of American industrial and agricultural production, and the source of recreation for millions, the United States of America must do all it can to assure the viability of the health of the lakes: Now, therefore, be it

Resolved by the house of representatives, That we call upon the Congress of the United States to fund the Great Lakes Basin with similar appropriations that have been afforded the Florida Everglades and the South Florida ecosystem; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representative, the members of the Michigan congressional delegation, and the United States Secretary of the Interior.

POM-303. A notification from the Lietenant Governor of the State of Alaska of the State's gratitude and support for the war on terrorism and for efforts to support democracies and promote peace wordwide; to the Committee on Foreign Relations.

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY DECLARED IN EXECUTIVE ORDER 12978 WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—PM 52

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect beyond October 21, 2003, to the Federal Register for publication. The most recent notice continuing this emergency was published in the Federal Register on October 18, 2002.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property or interests in property that are in the United States or within the possession or control of United States persons and by depriving them of access to the United States market and financial system.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 16, 2003*.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1753. An original bill to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes (Rept. No. 108–166).

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 1210. A bill to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries (Rept. No. 108–167).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment:

H.R. 1320. A bill to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users (Rept. No. 108–168).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CHAMBLISS (for himself and Mr. MILLER):

S. 1752. A bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SHELBY:

S. 1753. An original bill to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Ms. CANTWELL):

S. 1754. A bill to enhance national security by improving the reliability of the U.S. electricity transmission grid, to ensure efficient, reliable and affordable energy to American consumers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself and Mr. SPECTER):

S. 1755. A bill to amend the Richard B. Russell National School Lunch Act to provide grants to support farm-to-cafeteria projects; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CONRAD (for himself, Mr. SMITH, Mr. BREAUX, Mr. COCHRAN, Ms. LANDRIEU, and Mr. CRAIG):

S. 1756. A bill to amend the Internal Revenue Code of 1986 to protect the health benefits of retired miners and to restore stability and equity to the financing of the United Mine Workers of America Combined Benefit Fund by providing additional sources of revenue to the Fund, and for other purposes; to the Committee on Finance.

By Mr. INHOFE (for himself and Mr. JEFFORDS):

S. 1757. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH (for himself and Mr. WYDEN):

S. Res. 246. A resolution expressing the sense of the Senate that November 22, 1983, the date of the restoration by the Federal Government of Federal recognition to the Confederated Tribes of the Grand Ronde Community of Oregon, should be memorialized; to the Committee on Indian Affairs.

By Mr. LAUTENBERG (for himself, Mr. SMITH, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. CORZINE, Mrs. BOXER, Mr. DASCHLE, Mr. DODD, Mr. SCHUMER, Mr. HATCH, Mrs. MURRAY, Mr. COLEMAN, Mr. WYDEN, Mr. BROWNBACK, Mr. REID, Mr. BAYH, Mr. CHAMBLISS, Mr. LEAHY, and Mr. GRAHAM of Florida):

S. Res. 247. A resolution calling on the President to condemn the anti-Semitic sentiments expressed by Dr. Mahathir Mohamad, the outgoing prime minister of Malaysia; considered and agreed to.

ADDITIONAL COSPONSORS

S. 451

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 491

At the request of Mr. REID, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 491, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 517

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 517, a bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war.

S. 596

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 611

At the request of Mr. REID, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 611, a bill to amend the Internal Revenue Code of 1986 to treat gold, silver, and platinum, in either coin or bar form, in the same manner as stocks and bonds for purposes of the maximum capital gains rate for individuals.

S. 853

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 853, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the medicare program.

S. 1180

At the request of Mr. SANTORUM, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit.

S. 1246

At the request of Mr. ROBERTS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1353

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1353, a bill to establish new special immigrant categories.

S. 1531

At the request of Mr. HATCH, the names of the Senator from Illinois (Mr. FITZGERALD), the Senator from Nevada (Mr. ENSIGN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Colorado (Mr. ALLARD), the Senator from Oregon (Mr. WYDEN), the Senator from California (Mrs. BOXER) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1531, supra.

S. 1557

At the request of Mr. MCCONNELL, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1562

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1562, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under state law.

S. 1612

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1612, a bill to establish a technology, equipment, and information transfer within the Department of Homeland Security.

S. 1613

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1613, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and wage production credit.

S. 1693

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1693, a bill to amend section 35 of the Internal Revenue Code of 1986 to allow individuals receiving unemployment compensation to be eligible for a refundable, advanceable credit for health insurance costs.

S. 1700

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1700, a bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 1707

At the request of Ms. STABENOW, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1707, a bill to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and certain parcels sent from within the United States to members of the Armed Forces serving on active duty abroad who are engaged in military operations involving armed conflict against a hostile foreign force, and for other purposes.

S. 1730

At the request of Ms. SNOWE, the names of the Senator from Georgia (Mr. MILLER) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1730, a bill to require the health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 1734

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1734, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the medicaid and State children's health insurance programs, and for other purposes.

S. 1735

At the request of Mr. HATCH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1735, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 1736

At the request of Mr. ENZI, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1736, a bill to promote simplification and fairness in the administration and collection of sales and use taxes.

S. 1741

At the request of Ms. COLLINS, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1741, a bill to provide a site for the National

Women's History Museum in the District of Columbia.

S. 1741

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1744, a bill to prevent abuse of Government credit cards.

S. RES. 210

At the request of Mr. KENNEDY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 210, a resolution expressing the sense of the Senate that supporting a balance between work and personal life is in the best interest of national worker productivity, and that the President should issue a proclamation designating October of 2003 as "National Work and Family Month".

S. RES. 240

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. Res. 240, a resolution designating November 2003 as "National American Indian Heritage Month".

AMENDMENT NO. 1825

At the request of Mr. BOND, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 1825 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

At the request of Mr. DASCHLE, his name was added as a cosponsor of amendment No. 1825 proposed to S. 1689, supra.

AMENDMENT NO. 1837

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of amendment No. 1837 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1843

At the request of Mr. COLEMAN, his name was added as a cosponsor of amendment No. 1843 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 1843 proposed to S. 1689, supra.

AMENDMENT NO. 1857

At the request of Mr. STEVENS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 1857 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1858

At the request of Mr. NELSON of Florida, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 1858 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1864

At the request of Mr. DOMENICI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 1864 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1882

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 1882 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Ms. CANTWELL):

S. 1754. A bill to enhance national security by improving the reliability of the U.S. electricity transmission grid, to ensure efficient, reliable and affordable energy to American consumers, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. JEFFORDS. Mr. President, today I am introducing comprehensive legislation to ensure the reliable delivery of electric power in the United States. I am pleased have the Senior Senator from Massachusetts and the Senator from Washington join me as original cosponsors of this bill.

This past August, nearly 50 million people in the Northeast and Midwest were affected by a massive power outage. Hurricane Isabel and other weather systems left millions more without power. These events emphasize the vulnerability of the U.S. electricity grid to human error, mechanical failure, and weather-related outages.

Unfortunately, the electricity provisions now being considered in the ongoing energy bill conference were written well before these recent events. The pending energy bill fails to do all that is necessary to protect the grid from devastating interruptions in the future. That is why I am introducing this bill today to ensure greater reliability in our electricity delivery system.

My bill, the Electric Reliability Security Act of 2003, will help achieve reliability and security of the electricity grid in an efficient, cost-effective, and environmentally sound manner. It does so by creating mandatory, nationwide electric reliability standards.

The bill also mandates regional coordination in the siting of transmission facilities, and provides $10 billion in loan guarantees to finance "smart grid" technologies that improve the way the grid transmits power.

While a $10 billion investment may seem to be a large investment, it is significantly less than the transmission cost estimates that have circulated following the Northeast blackout. In response to the events this past August, industry experts estimated that it would cost consumers as much as $100 billion to upgrade transmission systems and site new lines to meet future reliability needs.

However, even this hefty price tag does not factor in the costs of additional generation, does not consider the rising cost of natural gas due to increasing electricity consumption, and does not include the environmental and other social costs of continued expansion of our presently centralized power system. Power lines are expensive and are rarely welcomed by the nearby public. The loan guarantees in the bill will help balance the need for new transmission lines by providing Federal resources to help improve existing ones.

In addition to addressing system operation and transmission needs, the bill also promotes sound system management. It establishes a Federal system benefits fund as a match for State programs.

Historically, regulated electric utility companies have provided a number of energy-related public services beyond simply supplying electricity that benefit the system as a whole. Such services have included bill payment assistance and energy conservation measures for low-income households, energy efficiency programs for residential and business customers, and pilot programs to promote renewable energy resources. More than 20 States, including my home State of Vermont, have public benefits programs. This bill will provide needed Federal matching money to States for these programs.

The Alliance to Save Energy estimates that a Federal program to match existing State public benefits programs would save 1.24 trillion kilowatt-hours of electricity over 20 years, and cut consumer energy bills by about $100 billion. My bill, which has the potential to save consumers $100 billion is far preferable to raising consumer electricity bills by the $100 billion to raise money for grid expansion.

The bill also establishes energy efficiency performance standards for utilities. The United States has experienced tremendous growth in electricity consumption over the past decade. Current estimates are that electricity consumption is increasing at roughly two percent per year.

Between 1993 and 1999, U.S. summer peak electricity use alone increased by 95,000 megawatts. This is the equivalent of adding a new, six-State New England to the Nation's electricity demand every fourteen months.

Energy experts estimate that as much as 50 percent of expected new demand over the next 20 years can be met through consumer efficiency and load management programs. Over the past two decades, utility demand-side efficiency programs have avoided the need for more than 100 300-megawatt power plants. However, with the advent of electricity deregulation, utility spending on these efficiency programs has dropped by almost half.

The Federal Government should seek to correct this trend, and this bill takes a strong first step in that direction by phasing in a requirement that utilities reduce their peak demand for power and their customers' power use between 2004 and 2013.

Finally, the bill enacts standards that enable increased on-site, or distributed, generation to reduce pressure on the grid and lessen the impact of a blackout should one occur. We have an obligation to ensure that the electricity grid is secure. We currently have a giant system consisting of almost 200,000 miles of interconnecting lines that constantly shift huge amounts of electricity throughout the country.

Such a giant and complex system, traversing miles of city and countryside, is inevitably subject to unforeseen problems. Simply making it bigger will never take away all uncertainty, nor can it eliminate the vulnerability of the grid to sabotage or terrorist attack. We should do all we can to make certain such vulnerabilities are reduced.

In summary, I am introducing this legislation because I feel that we should be cautious in our assumptions that the answer to our nation's reliability woes lies primarily in building a bigger, more expansive grid. Simply building more transmission lines is not the answer.

Investments in energy efficiency and on-site generation can significantly improve the reliability of the nation's electricity grid and in most cases will be cheaper, faster to implement and more environmentally friendly than large-scale grid expansion. We also must fill the regulatory gaps in the system, which my bill does. Congress should establish mandatory reliability standards and close other regulatory gaps left by state deregulation of the electricity sector. In addition, no national reliability program will be effective or complete without strong incentives for demand-side management programs, for efficiency and for on-site generation.

We cannot solve today's energy problems with yesterday's solutions. My bill is an innovative approach to ensuring electric reliability by maximizing energy efficiency, regulatory efficiency, and efficient investment. Given the high costs of power outages to our country, we cannot afford to do otherwise.

I invite my colleagues to join me in my efforts to advance energy security and reliability in the United States.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Electric Reliability Security Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RELIABILITY

Sec. 101. Electric reliability standards.
Sec. 102. Model electric utility workers code.
Sec. 103. Interstate compacts on regional transmission planning.
Sec. 104. Electricity outage investigation.
Sec. 105. Study on reliability of United States energy grid.

TITLE II—EFFICIENCY

Sec. 201. System benefits fund.
Sec. 202. Electricity efficiency performance standard.
Sec. 203. Appliance efficiency.
Sec. 204. Loan guarantees.

TITLE III—ON-SITE GENERATION

Sec. 301. Net metering.
Sec. 302. Interconnection.
Sec. 303. On-site generation for emergency facilities.

TITLE I—RELIABILITY

SEC. 101. ELECTRIC RELIABILITY STANDARDS.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

"SEC. 215. ELECTRIC RELIABILITY.

"(a) DEFINITIONS.—In this section—

"(1) 'bulk power system' means the network of interconnected transmission facilities and generating facilities;

"(2) 'electric reliability organization' means a self-regulating organization certified by the Commission under subsection (c) whose purpose is to promote the reliability of the bulk power system; and

"(3) 'reliability standard' means a requirement to provide for reliable operation of the bulk power system approved by the Commission under this section.

"(b) JURISDICTION AND APPLICABILITY.—The Commission shall have jurisdiction, within the United States, over an electric reliability organization, any regional entities, and all users, owners and operators of the bulk power system, including but not limited to the entities described in section 201(f), for purposes of approving reliability standards and enforcing compliance with this section. All users, owners and operators of the bulk power system shall comply with reliability standards that take effect under this section.

"(c) CERTIFICATION.—(1) The Commission shall issue a final rule to implement the requirements of this section not later than 180 days after the date of enactment of this section.

"(2) Following the issuance of a Commission rule under paragraph (1), any person may submit an application to the Commission for certification as an electric reliability organization. The Commission may certify an applicant if the Commission determines that the applicant—

"(A) has the ability to develop, and enforce reliability standards that provide for an adequate level of reliability of the bulk power system;

"(B) has established rules that—

"(i) assure the independence of the applicant from the users and owners and operators of the bulk power system while assuring fair stakeholder representation in the selection of its directors and balanced decision making in any committee or subordinate organizational structure;

"(ii) allocate equitably dues, fees, and other charges among users for all activities under this section;

"(iii) provide fair and impartial procedures for enforcement of reliability standards through imposition of penalties (including limitations on activities, functions, or operations, or other appropriate sanctions) and

"(iv) provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing reliability standards and otherwise exercising its duties.

"(3) If the Commission receives 2 or more timely applications that satisfy the requirements of this subsection, the Commission shall approve only the application the Commission concludes will best implement the provisions of this section.

"(d) RELIABILITY STANDARDS.—(1) An electric reliability organization shall file a proposed reliability standard or modification to a reliability standard with the Commission.

"(2) The Commission may approve a proposed reliability standard or modification to a reliability standard if it determines that the standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission shall give due weight to the technical expertise of the electric reliability organization with respect to the content of a proposed standard or modification to a reliability standard, but shall not defer with respect to its effect on competition.

"(3) The electric reliability organization and the Commission shall rebuttably presume that a proposal from a regional entity organized on an interconnection-wide basis for a reliability standard or modification to a reliability standard to be applicable on an interconnection-wide basis is just, reasonable, and not unduly discriminatory or preferential, and in the public interest.

"(4) The Commission shall remand to the electric reliability organization for further consideration a proposed reliability standard or a modification to a reliability standard that the Commission disapproves in whole or in part.

‘‘(5) The Commission, upon its own motion or upon complaint, may order an electric reliability organization to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

‘‘(e) ENFORCEMENT.—(1) An electric reliability organization may impose a penalty on a user or owner or operator of the bulk power system if the electric reliability organization, after notice and an opportunity for a hearing—

‘‘(A) finds that the user or owner or operator of the bulk power system has violated a reliability standard approved by the Commission under subsection (d); and

‘‘(B) files notice with the Commission, which shall affirm, set aside, or modify the action.

‘‘(2) On its own motion or upon complaint, the Commission may order compliance with a reliability standard and may impose a penalty against a user or owner or operator of the bulk power system if the Commission finds, after notice and opportunity for a hearing, that the user or owner or operator of the bulk power system has violated or threatens to violate a reliability standard.

‘‘(3) The Commission shall establish regulations authorizing the electric reliability organization to enter into an agreement to delegate authority to a regional entity for the purpose of proposing and enforcing reliability standards (including related activities) if the regional entity satisfies the provisions of subparagraphs (A) and (B) of subsection (c)(2) and the agreement promotes effective and efficient administration of bulk power system reliability. The Commission may modify such delegation. The electric reliability organization and the Commission shall rebuttably presume that a proposal for delegation to a regional entity organized on an interconnection-wide basis promotes effective and efficient administration of bulk power system reliability and should be approved. Such regulation may provide that the Commission may assign the electric reliability organization's authority to enforce reliability standards directly to a regional entity consistent with the requirements of this paragraph.

‘‘(4) The Commission may take such action as is necessary or appropriate against the electric reliability organization or a regional entity to ensure compliance with a reliability standard or any Commission order affecting the electric reliability organization or a regional entity.

‘‘(f) CHANGES IN ELECTRICITY RELIABILITY ORGANIZATION RULES.—An electric reliability organization shall file with the Commission for approval any proposed rule or proposed rule change, accompanied by an explanation of its basis and purpose. The Commission, upon its own motion or complaint, may propose a change to the rules of the electric reliability organization. A proposed rule or proposed rule change shall take effect upon a finding by the Commission, after notice and opportunity for comment, that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and satisfies the requirements of subsection (c)(2).

‘‘(g) COORDINATION WITH CANADA AND MEXICO.—(1) The electric reliability organization shall take all appropriate steps to gain recognition in Canada and Mexico.

‘‘(2) The President shall use his best efforts to enter into international agreements with the governments of Canada and Mexico to provide for effective compliance with reliability standards and the effectiveness of the electric reliability organization in the United States and Canada or Mexico.

‘‘(h) RELIABILITY REPORTS.—The electric reliability organization shall conduct periodic assessments of the reliability and adequacy of the interconnected bulk power system in North America.

‘‘(i) SAVINGS PROVISIONS.—(1) The electric reliability organization shall have authority to develop and enforce compliance with standards for the reliable operation of only the bulk power system.

‘‘(2) This section does not provide the electric reliability organization or the Commission with authority to order the construction of additional generation or transmission capacity or to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

‘‘(3) Nothing in this section shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any reliability standard established under this section.

‘‘(4) Not later than 90 days after the date of the application of the electric reliability organization or other affected party, and after notice and opportunity for comment, the Commission shall issue a final order determining whether a State action is inconsistent with a reliability standard, taking into consideration any recommendation of the electric reliability organization.

‘‘(5) The Commission, after consultation with the electric reliability organization, may stay the effectiveness of any State action, pending the Commission's issuance of a final order.

‘‘(j) APPLICATION OF ANTITRUST LAWS.—(1) To the extent undertaken to develop, implement, or enforce a reliability standard, each of the following activities shall not, in any action under the antitrust laws, be deemed illegal per se—

‘‘(A) activities undertaken by an electric reliability organization under this section;

‘‘(B) activities of a user or owner or operator of the bulk power system undertaken in good faith under the rules of an electric reliability organization.

‘‘(2) In any action under the antitrust laws, an activity described in paragraph (1) shall be judged on the basis of its reasonableness, taking into account all relevant factors affecting competition and reliability.

‘‘(3) For purposes of this subsection, the term ‘antitrust laws’ has the meaning given the term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that it includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 applies to unfair methods of competition.

‘‘(k) REGIONAL ADVISORY BODIES.—The Commission shall establish a regional advisory body on the petition of at least ⅔ of the States within a region that have more than ½ of their electric load served within the region. A regional advisory body shall be composed of one member from each participating State in the region, appointed by the Governor of each state, and may include representatives of agencies, States, and provinces outside the United States. A regional advisory body may provide advice to the electric reliability organization, a regional reliability entity, or the Commission regarding the governance of an existing or proposed regional reliability entity within the same region, whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest, whether fees proposed to be assessed within the region are just, reasonable, not unduly discriminatory or preferential, and in the public interest and any other responsibilities requested by the Commission. The Commission may give deference to the advice of any such regional advisory body if that body is organized on an interconnection-wide basis.

‘‘(l) APPLICATION TO ALASKA AND HAWAII.—The provisions of this section apply only to the contiguous 48 states.’’.

SEC. 102. MODEL ELECTRIC UTILITY WORKERS CODE.

Subtitle B of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621 et seq.) is amended by adding at the end the following:

“SEC. 118. MODEL CODE FOR ELECTRIC UTILITY WORKERS.

‘‘(a) IN GENERAL.—The Secretary shall develop by rule and circulate among the States for their consideration a model code containing standards for electric facility workers to ensure electric facility safety and reliability.

‘‘(b) CONSULTATION.—In developing these standards, the Secretary shall consult with all interested parties, including representatives of electric facility workers.

‘‘(c) NOT AFFECTING OCCUPATIONAL SAFETY AND HEALTH.—In issuing a model code under this section, the Secretary shall not, for purposes of section 4 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653) be deemed to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.’’.

SEC. 103. INTERSTATE COMPACTS ON REGIONAL TRANSMISSION PLANNING.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by section 101) is amended by adding at the end the following:

“SEC. 216. INTERSTATE COMPACTS ON REGIONAL TRANSMISSION PLANNING.

‘‘(a) CONSENT OF CONGRESS.—The consent of Congress is given for an agreement to establish a regional transmission planning agency if the Commission determines that the agreement would—

‘‘(1) facilitate coordination among the States within a particular region with regard to the planning of future transmission, generation, and distribution facilities;

‘‘(2) carry out State electric facility siting responsibilities more effectively;

‘‘(3) meet the other requirements of this section and rules prescribed by the Commission under this section; and

‘‘(4) otherwise be consistent with the public interest.

‘‘(b) AUTHORITY TO CARRY OUT AGREEMENT.—(1) If the Commission determines that an agreement meets the requirements of subsection (a), the agency established under the agreement has the authority necessary or appropriate to carry out the agreement. This includes authority with respect to matters otherwise within the jurisdiction of the Commission, if expressly provided for in the agreement and approved by the Commission.

‘‘(2) The Commission's determination under this section may be subject to any terms or conditions the Commission determines are necessary to ensure that the agreement is in the public interest.

‘‘(c) CRITERIA.—(1) The Commission shall prescribe—

‘‘(A) criteria for determining whether a regional transmission planning agreement meets subsection (a); and

"(B) standards for the administration of a regional transmission planning agency established under the agreement.

"(2) The criteria shall provide that, in order to meet subsection (a)—

"(A) a regional transmission planning agency must operate within a region that includes all tribal governments and all States and that are a party to the agreement;

"(B) a regional transmission planning agency must be composed of one or more members from each State and tribal government that is a party to the agreement;

"(C) each participating State and tribal government must vest in the regional transmission planning agency the authority necessary to carry out the agreement and this section; and

"(D) the agency must follow workable and fair procedures in making its respect to matters covered by this agreement, including a requirement that all decisions of the agency be made by majority vote (or majority weighted votes) of the members present and voting.

"(3) The criteria may include any other requirement for meeting subsection (a) that the Commission determines is necessary to ensure that the regional transmission planning agency's organization, practices, and procedures are sufficient to carry out this section and the rules issued under it.

"(d) Termination of Approval.—The Commission, after notice and opportunity for comment, may terminate the approval of an agreement under this section at any time if it determines that the regional transmission planning agency fails to comply with this section or Commission prescriptions under subsection (c) or that the agreement is contrary to the public interest.

"(e) Review.—Section 313 applies to a rehearing before a regional transmission planning agency and judicial review of any action of a regional transmission planning agency. For this purpose, when section 313 refers to 'Commission' substitute 'regional transmission planning agency' and when section 313(b) refers to 'licensee or public utility' substitute 'entity'.".

SEC. 104. ELECTRICITY OUTAGE INVESTIGATION.

Part III of the Federal Power Act (16 U.S.C. 824) is amended—

(1) by redesignating sections 320 and 321 (16 U.S.C. 825r, 791a) as 321 and 322 respectively; and

(2) by inserting after section 319 (16 U.S.C. 825q) the following:

"SEC. 320. ELECTRICITY OUTAGE INVESTIGATION BOARD."

"(a) Establishment.—There is established an Electricity Outage Investigation Board that shall be an independent establishment within the Executive Branch

"(b) Membership.—The Board shall consist of 7 members and shall include—

(1) the Secretary of Energy or his or her designee;

"(2) the Chairman of the Federal Regulatory Commission or his or her designee;

"(3) a representative of the National Academy of Sciences appointed by the President; a representative appointed by the Majority leader of the Senate; a representative appointed by the Minority leader of the Senate; a representative appointed by the Majority Leader of the House of Representatives; and a representative appointed by the Minority Leader of the House of Representatives. Each such appointee shall demonstrate relevant expertise in the field of electricity generation, transmission and distribution, and such other expertise as will best assist in carrying out the duties of the Board.

"(c) Terms.—The Secretary of Energy and the Chairman of the Federal Regulatory Commission shall be permanent members. The remaining members shall each serve for a term of three years.

"(d) Duties.—The Board shall—

"(1) upon request by Congress or by the President investigate a major bulk-power system failure in the United States to determine the causes of the failure;

"(2) report expeditiously to the Congress and to the President the results of the investigation; and 14

"(3) recommend to the Congress and the President actions to minimize the possibility of future bulk-power system failure.

"(e) Compensation.—Each member of the Board shall be paid at the rate payable for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the Board. Each member of the Board may receive travel expenses, including per diem in lieu of subsistence, in the same manner as is permitted under section 5702 and 5703 of title 5, United States Code.".

SEC. 105. STUDY ON RELIABILITY OF U.S. ELECTRICITY GRID.

(a) Study on Reliability.—Within 45 days after enactment of this Act, the Secretary of Energy shall contract with the National Academy of Sciences to conduct a study on the reliability of the U.S. electricity grid. The study shall examine the effectiveness of the current U.S. electricity transmission and distribution system at providing efficient, secure and affordable power to U.S. consumers.

(b) Contents.—The study shall include an analysis of—

(1) vulnerability of the transmission and distribution system to disruption by natural, mechanical or human causes including sabotage;

(2) the most efficient and cost-effective solutions for dealing with vulnerabilities or other problems of the U.S. electricity transmission and distribution system, including a comparison of investments in:

"(A) efficiency;

"(B) distributed generation;

"(C) technical advances in software and other devices to improve the 15 efficiency and reliability of the grid;

"(D) new power line construction; and "(E) any other relevant matters.

(c) Report.—The contract shall provide that within six months of entering into the contract, the National Academy of Sciences shall submit a report to the President and Congress detailing findings and recommendations of the study.

TITLE II—EFFICIENCY

SEC. 201. SYSTEM BENEFITS FUND.

(a) Definitions.—In this section:

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Board.—The term "Board" means the Board established under subsection (b).

(3) Commission.—The term "Commission" means the Federal Energy Regulatory Commission.

(4) Fund.—The terms "Fund" means the System Benefits Trust Fund established by under subsection (c).

(5) Renewable energy.—The term "renewable energy" means electricity generated from wind, ocean energy, organic waste (excluding incinerated municipal solid waste), or biomass (including anaerobic digestion from farm systems and landfill gas recovery) or a geothermal, solar thermal, or photovoltaic source. For purposes of this paragraph, a farm system is an electric generating facility that generates electric energy from the anaerobic digestion of agricultural waste produced by farming that is located on the farm where substantially all of the waste used is produced.

(6) Secretary.—The term "Secretary" means the Secretary of Energy.

(b) Board.—

(1) Establishment.—The Secretary shall establish a System Benefits Trust Fund Board to carry out the functions and responsibilities described in this section.

(2) Membership.—The Board shall be composed of—

(A) 1 representative of the Federal Energy Regulatory Commission appointed by the Federal Energy Regulatory Commission;

(B) 2 representatives of the Secretary of Energy appointed by the Secretary;

(C) 2 persons nominated by the National Association of Regulatory Utility Commissioners and appointed by the Secretary;

(D) 1 person nominated by the National Association of State Utility Consumer Advocates and appointed by the Secretary;

(E) 1 person nominated by the National Association of State Energy Officials and appointed by the Secretary;

(F) 1 person nominated by the National Energy Assistance Directors' Association and appointed by the Secretary; and

(G) 1 representative of the Environmental Protection Agency appointed by the Administrator of the Environmental Protection Agency.

(3) Chairperson.—The Secretary shall select a member of the Board to serve as Chairperson of the Board.

(c) Establishment of Fund.—

(1) In general.—The Board shall establish an account or accounts at one or more financial institutions, which account or accounts shall be known as the System Benefits Trust Fund consisting of amounts deposited in the fund under subsection (e).

(2) Status of Fund.—The wires charges collected under subsection (e) and deposited in the Fund—

(A) shall not constitute funds of the United States;

(B) shall be held in trust by the Board solely for the purposes stated in subsection (d); and

(C) shall not be available to meet any obligations of the United States.

(d) Use of Fund.—

(1) Funding of State Programs.—Amounts in the Fund shall be used by the Board to provide matching funds to States and Indian tribes for the support of State or tribal public benefits programs relating to—

(A) energy conservation and efficiency;

(B) renewable energy sources;

(C) assisting low-income households in meeting their home energy needs; or

(D) research and development in areas described in subparagraphs (A) through (C).

(2) Distribution.—

(A) In general.—Except for amounts needed to pay costs of the Board in carrying out its duties under this section, the Board shall distribute all amounts in the Fund to States or Indian tribes to fund public benefits programs under paragraph (1).

(B) Fund Share.—

(i) In general.—Subject to clause (iii), the Fund share of a public benefits program funded under paragraph (1) shall be 50 percent.

(ii) Proportionate Reduction.—To the extent that the amount of matching funds requested by States and Indian tribes exceeds the maximum projected revenues of the

Fund, the matching funds distributed to the States and Indian tribes shall be reduced by an amount that is proportionate to each State's annual consumption of electricity compared to the Nation's aggregate annual consumption of electricity.

(iii) ADDITIONAL STATE OR INDIAN TRIBE FUNDING.—A State or Indian tribe may apply funds to public benefits programs in addition to the amount of funds applied for the purpose of matching the Fund share.

(3) PROGRAM CRITERIA.—The Board shall recommend eligibility criteria for public benefits programs funded under this section for approval by the Secretary.

(4) APPLICATION.—Not later than August 1 of each year beginning in 2004, a State or Indian tribe seeking matching funds for the following fiscal year shall file with the Board, in such form as the Board may require, an application—

(A) certifying that the funds will be used for an eligible public benefits program;

(B) stating the amount of State or Indian tribe funds earmarked for the program; and

(C) summarizing how System Benefit Trust Fund funds from the previous calendar year (if any) were spent by the State and what the State accomplished as a result of these expenditures.

(e) WIRES CHARGE.—

(1) DETERMINATION OF NEEDED FUNDING.—Not later than September 1 of each year, the Board shall determine and inform the Commission of the aggregate amount of wires charges that will be necessary to be paid into the Fund to pay matching funds to States and Indian tribes and pay the operating costs of the Board in the following fiscal year.

(2) IMPOSITION OF WIRES CHARGE.—

(A) IN GENERAL.—Not later than December 15 of each year, the Commission shall impose a nonbypassable, competitively neutral wires charge, to be paid directly into the Fund by the operator of the wire, on electricity carried through the wire (measured as the electricity exits at the busbar at a generation facility, or, for electricity generated outside the United States, at the point of delivery to the wire operator's system) in interstate commerce.

(B) AMOUNT.—The wires charge shall be set at a rate equal to the lesser of—

(i) 1.0 mills per kilowatt hour; or

(ii) a rate that is estimated to result in the collection of an amount of wires charges that is as nearly as possible equal to the amount of needed funding determined under paragraph (1).

(3) DEPOSIT IN THE FUND.—The wires charge shall be paid by the operator of the wire directly into the Fund at the end of each month during the calendar year for distribution by the Board under subsection (c).

(4) PENALTIES.—The Commission may assess against a wire operator that fails to pay a wires charge as required by this subsection a civil penalty in an amount equal to not more than the amount of the unpaid wires charge.

(F) AUDITING.—

(1) IN GENERAL.—The Fund shall be audited annually by a firm of independent certified public accountants in accordance with generally accepted auditing standards.

(2) ACCESS TO RECORDS.—Representatives of the Secretary and the Commission shall have access to all books, accounts, reports, files, and other records pertaining to the Fund as necessary to facilitate and verify the audit.

(3) REPORTS.—

(A) IN GENERAL.—A report on each audit shall be submitted to the Secretary, the Commission, and the Secretary of the Treasury, who shall submit the report to the President and Congress not later than 180 days after the close of the fiscal year.

(B) REQUIREMENTS.—An audit report shall—

(i) set forth the scope of the audit; and

(ii) include—

(I) a statement of assets and liabilities, capital, and surplus or deficit;

(II) a surplus or deficit analysis;

(III) a statement of income and expenses;

(IV) any other information that may be considered necessary to keep the President and Congress informed of the operations and financial condition of the Fund; and

(V) any recommendations with respect to the Fund that the Secretary or the Commission may have.

SEC. 202. ELECTRICITY EFFICIENCY PERFORMANCE STANDARD.

Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621 note) is amended by adding at the end the following:

"SEC. 609. FEDERAL ELECTRICITY EFFICIENCY PERFORMANCE STANDARD.

"(a) IN GENERAL.—Each electric retail supplier shall implement energy efficiency and load reduction programs and measures to achieve verified improvements in energy efficiency and peak load reduction in retail customer facilities and the distribution systems that serve them.

"(b) POWER SAVINGS.—Such programs shall produce savings in total peak power demand and total electricity use by retail customers by an amount that is equal to or greater than the following percentages relative to the peak demand and electricity used in that year by the retail electric supplier's customers:

	Reduction in Demand	Reductions in Use
In calendar year 2004	1%	.75%
In calendar year 2005	2%	1.5%
In calendar year 2007	4%	3.0%
In calendar year 2009	6%	4.5%
In calendar year 2011	8%	6.0%
In calendar year 2013	10%	7.5%

"(c) BEGINNING DATE.—For purposes of this section, savings shall be counted only for measures installed after January 1, 2003.

"(d) RULEMAKING.—The Secretary of Energy is directed to establish, by rule, procedures and standards for counting and independently verifying energy and demand savings for purposes of enforcing the energy efficiency performance standards imposed by this section. Such rule shall also include procedures and a schedule for reporting findings to the Department of Energy and for making such reports available to the public. The Secretary shall consult with the association representing the nation's public utility regulators, and with the association representing the nation's state energy officials in developing these procedures and standards. This rulemaking shall be completed no later than June 30, 2004.

"(e) REPORTING.—By June 30, 2006, and every two years thereafter, each retail electric supplier shall file with the state public utilities commission in each state in which it supplies service to retail customers, a report demonstrating that it has taken action to comply with the energy efficiency performance standards of this section. These reports shall include independent verification of the estimated savings pursuant to standards established by the Secretary. A state public utilities commission may accept such report as filed, or may review and investigate the accuracy of the report. Each state public utilities commission shall make findings on any deficiencies relative to the requirements in section 2, and shall create a remedial order for the correction of any deficiencies that are found.

"(f) UTILITIES OUTSIDE STATE JURISDICTION.—Electric retail suppliers not subject to the jurisdiction of state public utilities commissions shall report to their governing bodies. Such reports shall include independent verification of the estimated savings pursuant to standards established by the Secretary.

"(g) PROGRAM PARTICIPATION.—Electric retail suppliers may demonstrate satisfaction of this standard, in whole or part, by savings achieved through participation in statewide, regional, or national programs that can be demonstrated to significantly improve the efficiency of electric distribution and use. Verified efficiency savings resulting from such programs may be assigned to each participating retail supplier based upon their degree of participation in such programs. Electric retail suppliers may also purchase rights to extra savings achieved by other electric retail suppliers, provided that the selling supplier or another electric retail supplier does not also take credit for those savings.

"(h) REMEDIES FOR FAILURE TO COMPLY.—In the event that any retail electric supplier fails to achieve its energy savings and/or load reduction target for a specific year, any aggrieved party may enter suit and seek prompt remedial action before a state public utilities commission or an appropriate governing body in the case of electric retail suppliers not subject to state public utility commission jurisdiction. The state public utilities commission or other appropriate governing body shall have a maximum of one year to craft a remedy. However, if a state public utilities commission or other governing body certifies that it has inadequate resources or authority to promptly resolve enforcement actions under this section, or fails to take action within the time period specified above, enforcement may be sought in Federal district court. If a commission or court determines that energy savings and/or load reduction targets for a specific year have not been achieved, the commission or court shall determine the amount of the deficit and shall fashion an equitable remedy to restore the lost savings as soon as practicable. Such remedies may include a refund to retail electric customers of an amount equal to the retail cost of the electricity consumed due to the failure to reach the target, and the appointment of a special master to administer a bidding system to procure the energy and demand savings equal to 125% of the deficit.

SEC. 203. APPLIANCE EFFICIENCY.

Section 325(d)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)(3)) is amended by striking subparagraph (B) and inserting instead:

"(B) The Secretary shall publish a final rule no later than January 1, 2007, to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended. Such rule shall address both system annual energy use and peak electric demand and may include more than one efficiency descriptor. Such rule shall apply to products manufactured on or after January 1, 2010.".

SEC. 204. LOAN GUARANTEES.

(a) AUTHORITY.—The Secretary may guarantee not more than 50 percent of the principal of any loan made to a qualifying entity for eligible activities under this section.

(b) CONDITIONS.—(1) The Secretary shall not guarantee a loan under this section unless—

(A) the guarantee is a qualifying entity;

(B) the guarantee has filed an application with the Secretary;

(C) the project, activity, program or system for which the loan is made is an eligible activity; and

(D) the project, activity, program or system for which the loan is made will significantly enhance the reliability, security, efficiency and cost-effectiveness of electricity generation, transmission or distribution.

(2) The Secretary shall give priority to guaranteed loans under this section for eligible activities which accomplish the objectives of this section in the most environmentally beneficial manner.

(3) A loan guaranteed under this section shall be made by a financial institution subject to the examination of the Secretary.

(c) Rules.—Not later than 1 year after enactment of this section, the Secretary shall publish a final rule establishing guidelines for loan requirements under this section. The rules shall establish—

(1) criteria for determining which entities shall be considered qualifying entities eligible for loan guarantees under this section;

(2) criteria for determining which projects, activities, programs or systems shall be considered eligible activities eligible for loan guarantees in accordance with the purposes of this section;

(3) loan requirements including term, maximum size, collateral requirements; and

(4) any other relevant features.

(d) Limitation on Size.—The Secretary may make commitments to guarantee loans only to the extent that the total principal, any part of which is guaranteed, will not exceed $10,000,000,000.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary to cover the cost of loan guarantees as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).

(F) Definitions.—In this section:

(1) The term "eligible activity" means—

(A) advanced technologies for high-efficiency electricity transmission control and operation, including high-efficiency power electronics technologies (including software-controlled computer chips and sensors to diagnose trouble spots and re-route power into appropriate areas), high-efficiency electricity storage systems, and high-efficiency transmission wire or transmission cable system;

(B) distributed generation systems fueled solely by—

(i) solar, wind, biomass, geothermal, or ocean energy;

(ii) landfill gas;

(iii) natural gas systems utilizing best available control technology;

(iv) fuel cells; or

(v) any combination of the above.

(C) combined heat and power systems; and

(D) energy efficiency systems producing demonstrable electricity savings.

(2) The term "qualifying entity" means an individual, corporation, partnership, joint venture, trust or other entity identified by the Secretary of Energy under subsection (c)(1) as eligible for a guaranteed loan under this section.

(3) The term "Secretary" means the Secretary of Energy.

TITLE III—ON-SITE GENERATION

SEC. 301. NET METERING.

(a) Adoption of Standard.—Section 111 (d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(13) Net metering.—(A) Each electric utility shall make available upon request net metering service to any electric consumer that the electric utility serves.

"(B) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of this paragraph.".

(b) Special Rules for Net Metering.—Section 115 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625) is amended by adding at the end the following:

"(i) Net Metering.—In undertaking the consideration and making the determination concerning net metering established by section 111(d)(13), the following shall apply—

"(1) Rates and charges.—An electric utility—

"(A) shall charge the owner or operator of an on-site generating facility rates and charges that are identical to those that would be charged other electric consumers of the electric utility in the same rate class; and

"(B) shall not charge the owner or operator of an on-site generating facility any additional standby, capacity, interconnection, or other rate or charge.

"(2) Measurement.—An electric utility that sells electric energy to the owner or operator of an on-site generating facility shall measure the quantity of electric energy produced by the on-site facility and the quantity of electricity consumed by the owner or operator of an on-site generating facility during a billing period in accordance with normal metering practices.

"(3) Electric energy supplied exceeding electric energy generated.—If the quantity of electric energy sold by the electric utility to an on-site generating facility exceeds the quantity of electric energy supplied by the on-site generating facility to the electric utility during the billing period, the electric utility may bill the owner or operator for the net quantity of electric energy sold, in accordance with normal metering practices.

"(4) Electric energy generated exceeding electric energy supplied.—If the quantity of electric energy supplied by the on-site generating facility to the electric utility exceeds the quantity of electric energy sold by the electric utility to the on-site generating facility during the billing period—

"(A) the electric utility may bill the owner or operator of the on-site generating facility for the appropriate charges for the billing period in accordance 29 with paragraph (2); and

"(B) the owner or operator of the on-site generating facility shall be credited for the excess kilowatt-hours generated during the billing period, with the kilowatt-hour credit appearing on the bill for the following billing period.

"(5) Safety and performance standards.—An eligible on-site generating facility and net metering system used by an electric consumer shall meet all applicable safety, performance, reliability and interconnection standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories.

"(6) Additional control and testing requirements.—The Commission, after consultation with State regulatory authorities and nonregulated electric utilities and after notice and opportunity for comment, may adopt, by rule, additional control and testing requirements for on-site generating facilities and net metering systems that the Commission determines are necessary to protect public safety and system reliability.

"(7) Definitions.—For purposes of this subsection:

"(A) the term 'eligible on-site generating facility' means—

"(i) a facility on the site of a residential electric consumer with a maximum generating capacity of 25 kilowatts or less; or

"(ii) a facility on the site of a commercial electric consumer with a maximum generating capacity of 1000 kilowatts or less

that is fueled solely by a renewable energy resource.

"(B) the term 'renewable energy resource' means solar, wind, biomass, geothermal or wave energy; landfill gas; fuel cells; or a combined heat and power system.

"(C) the term 'net metering service' means service to an electric consumer under which electric energy generated by that electric consumer from an eligible on-site generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.".

"(8) State authority.—An electric utility must provide net metering services to electric consumers until the cumulative generating capacity of net metering systems equals 1.0 percent of the utility's peak demand during the most recent calendar year. This subsection does not preclude a state from imposing additional requirements regarding the amount of net metering available within a state consistent with the requirements in this section.

SEC. 302. INTERCONNECTION.

(a) Definitions.—Section 3 of the Federal Power act (16 U.S.C. 796) is amended(1) by striking paragraph 23 and inserting the following:

"(23) Transmitting utility.—The term 'transmitting utility' means any entity (notwithstanding section 201(f)) that owns, controls or operates an electric power transmission facility that is used for the sale of electric energy." and (2) by adding at the end the following:

"(26) Appropriate regulatory authority.—The term 'appropriate regulatory authority means—

"(A) the Commission;

"(B) a State commission;

"(C) a municipality; or

"(D) a cooperative that is self-regulating under State law and is not a public utility.

"(27) Generating facility.—The term 'generating facility' means a facility that generates electric energy.

"(28) Local distribution utility.—The term 'local distribution facility' means an entity that owns, controls or operates an electric power distribution facility that is used for the sale of electric energy.

"(29) Non-federal regulatory authority.—The term 'non-Federal regulatory authority' means an appropriate regulatory authority other than the Commission.".

(b) Interconnection to Distribution Facilities.—Section 210 of the Federal Power Act (16 U.S.C. 824i) is amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

"(e) Interconnection to Distribution Facilities.—

"(1) Interconnection.—(A) A local distribution utility shall interconnect a generating facility with the distribution facilities of the local distribution utility if the owner of the generating facility—

"(i) complies with the final rule promulgated under paragraph (2); and "(ii) pays the costs of the interconnection.

"(B) The costs of the interconnection—

"(i) shall be just and reasonable, and not unduly discriminatory or preferential, as determined by the appropriate regulatory authority; and

"(ii) shall be comparable to the costs charged by the local distribution utility for interconnection by any similarly situated generating facility to the distribution facilities of the local distribution utility.

"(C) The right of a generating facility to interconnect under subparagraph (A) does not relieve the generating facility or the local distribution utility of other Federal, State or local requirements.

"(2) Rule.—Not later than six months after the date of enactment of this subparagraph, the Commission shall promulgate final rules establishing reasonable and appropriate technical standards for the interconnection of a generating facility with the distribution facilities of a local distribution utility.

"(3) Right to backup power.—(A) In accordance with subparagraph (B) a local distribution utility shall offer to sell backup power to a generating facility that has interconnected with the local distribution utility to the extent that the local distribution utility—

"(i) is not subject to an order of a non-Federal regulatory authority to provide open access to the distribution facilities of the local distribution utility;

"(ii) has not offered to provide open access to the distribution facilities of the local distribution utility; or

"(iii) does not allow a generating facility to purchase backup power from another entity using the distribution facilities of the local distribution utility.

"(B) A sale of backup power under subparagraph (A) shall be at such a rate, and under such terms and conditions as are just and reasonable and not unduly discriminatory or preferential, taking into account the actual incremental cost, whenever incurred by the local distribution utility, to supply such backup power service during the period in which the backup power service is provided, as determined by the appropriate regulatory authority.

"(C) A local distribution utility shall not be required to offer backup power for resale to any entity other than the entity for which the backup power is purchased.

"(D) To the extent backup power is used to serve a new or expanded load on the distribution system, the generating facility shall pay any reasonable cost associated with any transmission, distribution or generating upgrade required to provide such service.

(c) Interconnection to Transmission Facilities.—Section 210 of the Federal Power Act (16 U.S.C. 824i) (as amended by subsection (b)) is amended by inserting after subsection (e) the following:

"(f) Interconnection to Transmission Facilities.—

"(1) Interconnection.—(A) Notwithstanding subsections (a) and (c), a transmitting utility shall interconnect a generating facility with the transmission facilities of the transmitting utility if the owner of the generating facility

"(i) complies with the final rules promulgated under paragraph (2); and

"(ii) pays the costs of interconnection.

"(B) Subject to subparagraph (C), the costs of interconnection—

"(i) shall be just and reasonable and not unduly discriminatory or preferential; and

"(ii) shall be comparable to the costs charged by the transmitting utility for interconnection by any similarly situated generating facility to the transmitting facilities of the transmitting utility.

"(C) A non-Federal regulatory authority that is authorized under Federal law to determine the rates for transmission service shall be authorized to determine the costs of any interconnection under this subparagraph.

"(D) The right of a generating facility to interconnect under subparagraph (A) does not relieve the generating facility or the transmitting utility of other Federal, State or local requirements.

"(2) Rule.—Not later than six months after the date of enactment of this subparagraph, the Commission shall promulgate rules establishing reasonable and appropriate technical standards for the interconnection of a generating facility with the transmission facilities of a transmitting utility.

"(3) Right to backup power.—(A) In accordance with subparagraph (B), a transmitting utility shall offer to sell backup power to a generating facility that has interconnected with the transmitting utility unless

"(i) Federal or State law allows a generating facility to purchase backup power from an entity other than the transmitting utility; or

"(ii) a transmitting utility allows a generating facility to purchase backup power from an entity other than the transmitting utility using the transmission facilities of the transmitting utility and the transmission facilities of any other transmitting utility.

"(B) A sale of backup power under subparagraph (A) shall be at such a rate and under such terms and conditions as are just and reasonable and not unduly discriminatory or preferential, taking into account the actual incremental cost, whenever incurred by the local distribution utility, to supply such backup power service during the period in which the backup power service is provided, as determined by the appropriate regulatory authority.

"(C) A transmitting utility shall not be required to offer backup power for resale to any entity other than the entity for which the backup power is purchased.

"(D) To the extent backup power is used to serve a new or expanded load on the transmission system, the generating facility shall pay any reasonable costs associated with any transmission, distribution or generation upgrade required to provide such service.

(D) Conforming amendments.—Section 210 of the Federal Power Act (16 U.S.C. 824i) is amended—

(1) in subsection (a)(1)—

(A) by inserting "transmitting utility, local distribution utility," after "electric utility,"; and

(B) in subparagraph (A) by inserting "any transmitting utility," after "small power production facility,";

(2) in subsection (b)(2) by striking "an evidentiary hearing" and inserting "a hearing";

(3) in subsection (c)(2)—

(A) in subparagraph (B) by striking "or" at the end;

(B) in subparagraph (C) by striking "and" at the end and inserting "or"; and

(C) by adding at the end the following:

"(D) promote competition in electricity markets, and"; and

(4) in subsection (d) by striking the last sentence.

SEC. 303. ON-SITE GENERATION FOR EMERGENCY FACILITIES.

(a) Demonstration and Technology Transfer Program.—The Secretary shall establish a demonstration program for the implementation of innovative technologies for renewable uninterruptible power supply systems located in eligible buildings and for the dissemination of information on such systems to interested parties.

(b) Limit on Federal Funding.—The Secretary shall provide no more than 40 percent of the costs of projects funded under this section.

(c) Authorization of Appropriations.—There is hereby authorized to be appropriated $30,000,000 for each of the fiscal years 2004 through 2007 to carry out this section.

(d) Definitions.—For purposes of this section:

(1) The term "eligible facility" means a building owned or operated by a State or local government that is used for critical governmental dispatch and communication; police, fire or emergency services; traffic control systems; or public water or sewer systems.

(2) The term "Secretary" means the Secretary of Energy;

(3) The term "renewable uninterruptible power supply system" means a system designed to maintain electrical power to critical loads in a public facility in the event of a loss or disruption in conventional grid electricity, where such system derives its energy production or storage capacity solely from solar, wind, biomass, geothermal or ocean energy, natural gas; landfill gas; a fuel cell device; or from a combination of the above.

By Mr. LEAHY (for himself and Mr. Specter):

S. 1755. A bill to amend the Richard B. Russell National School Lunch Act to provide grants to support farm-to-cafeteria projects; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LEAHY. Mr. President, I am pleased to introduce today, with my respected colleague from Pennsylvania, Senator Specter, the Farm-to-Cafeteria Projects Act of 2003. This important bipartisan proposal will support grassroots efforts all across our Nation to bring school cafeterias and local farms together.

It is amazing how many kids do not know where the food that they eat comes from. It is also amazing how far some farm products travel to get to the cafeteria table. The Farm-to-Cafeteria Projects Act of 2003 will establish a U.S. Department of Agriculture, USDA, grant program to help schools connect children with local farms by bringing fresh local foods to their cafeterias and by implementing hands-on nutrition education programs.

Communities all across our Nation are beginning to explore the concept of linking farms and cafeterias. In my home State of Vermont, from rural towns like Jay and Westfield to the city of Burlington, schools have experimented with how they can integrate the daily service of school meals with classroom learning and local agriculture. And as more schools create these connections, more and more want to learn how they too can start a program. Oftentimes these are very small schools, which do not have the staff or money to kick off a project on their own. With just a little money and some technical assistance, these schools can create a program that teaches kids about good nutrition, shows them the importance of agriculture, and supports local farms by keeping food dollars within the community. In introducing The Farm-to-Cafeteria Projects Act of 2003, Senator SPECTER and I seek to provide these communities with the assistance they need to get such school and farm partnerships off the ground. I urge my colleagues to join us in support of this exciting initiative, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farm-to-Cafeteria Projects Act of 2003".

SEC. 2. GRANTS TO SUPPORT FARM-TO-CAFETERIA PROJECTS.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end the following:

"(q) GRANTS TO SUPPORT FARM-TO-CAFETERIA PROJECTS.—

"(1) IN GENERAL.—To improve access to local foods in schools and institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (other than section 17 of that Act (42 U.S.C. 1786)), the Secretary shall provide competitive grants to nonprofit entities and educational institutions to establish and carry out farm-to-cafeteria projects that may include the purchase of equipment, the procurement of foods, and the provision of training and education activities.

"(2) PREFERENCE FOR CERTAIN PROJECTS.—In selecting farm-to-cafeteria projects to receive assistance under this subsection, the Secretary shall give preference to projects designed to—

"(A) procure local foods from small- and medium-sized farms for the provision of foods for school meals;

"(B) support nutrition education activities or curriculum planning that incorporates the participation of school children in farm and agriculture education projects; and

"(C) develop a sustained commitment to farm-to-cafeteria projects in the community by linking schools, agricultural producers, parents, and other community stakeholders.

"(3) TECHNICAL ASSISTANCE AND RELATED INFORMATION.—

"(A) TECHNICAL ASSISTANCE.—In carrying out this subsection, the Secretary may provide technical assistance regarding farm-to-cafeteria projects, processes, and development to an entity seeking the assistance.

"(B) SHARING OF INFORMATION.—The Secretary may provide for the sharing of information concerning farm-to-cafeteria projects and issues among and between government, private for-profit and nonprofit groups, and the public through publications, conferences, and other appropriate means.

"(4) GRANTS.—

"(A) IN GENERAL.—From amounts made available to carry out this subsection, the Secretary shall make grants to assist private nonprofit entities and educational institutions to establish and carry out farm-to-cafeteria projects.

"(B) MAXIMUM AMOUNT.—The maximum amount of a grant provided to an entity under this subsection shall be $100,000.

"(C) MATCHING FUNDS REQUIREMENTS.—

"(i) IN GENERAL.—The Federal share of the cost of establishing or carrying out a farm-to-cafeteria project that receives assistance under this subsection may not exceed 75 percent of the cost of the project during the term of the grant, as determined by the Secretary.

"(ii) FORM.—In providing the non-Federal share of the cost of carrying out a farm-to-cafeteria project, the grantee shall provide the share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services.

"(iii) SOURCE.—An entity may provide the non-Federal share through State government, local government, or private sources.

"(D) ADMINISTRATION.—

"(i) SINGLE GRANT.—A farm-to-cafeteria project may be supported by only a single grant under this subsection.

"(ii) TERM.—The term of a grant made under this subsection may not exceed 3 years.

"(5) EVALUATION.—Not later than January 30, 2008, the Secretary shall—

"(A) provide for the evaluation of the projects funded under this subsection; and

"(B) submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the evaluation.

"(6) FUNDING.—

"(A) IN GENERAL.—On October 1, 2002, and on each October 1 thereafter through October 1, 2007, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection $10,000,000, to remain available until expended.

"(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.".

By Mr. CONRAD (for himself, Mr. SMITH, Mr. BREAUX, Mr. COCHRAN, Ms. LANDRIEU, and Mr. CRAIG):

S. 1756. A bill to amend the Internal Revenue Code of 1986 to protect the health benefits of retired miners and to restore stability and equity to the financing of the United Mine Workers of America Combined Benefit Fund by providing additional sources of revenue to the Fund, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Coal Industry Retiree Health Benefit Stability and Fairness Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—FINANCING PROVISIONS

Subtitle A—Federal Funds

Sec. 101. Mandatory transfer of general funds to Combined Benefit Fund.
Sec. 102. Annual audit.
Sec. 103. Appointment of Government trustees.

Subtitle B—Premiums

Sec. 111. Modifications of premiums to reflect transfers from general fund.
Sec. 112. Refunds to certain operators.
Sec. 113. Reduction in annual premiums to Combined Benefit Fund if surplus exists.
Sec. 114. Refund of contributions paid by certain small entities to United Mine Workers Combined Benefit Fund.
Sec. 115. First year payments of 1988 operators.
Sec. 116. Liability in the event of prefunding.
Sec. 117. Definition of successor in interest.

TITLE II—RETROACTIVE PROVISIONS

Sec. 201. Reform of retroactive provisions of Coal Industry Health Benefit System.

TITLE I—FINANCING PROVISIONS

Subtitle A—Federal Funds

SEC. 101. MANDATORY TRANSFER OF GENERAL FUNDS TO COMBINED BENEFIT FUND.

(a) IN GENERAL.—Section 9705 (relating to transfers to the Combined Benefit Fund) is amended by adding at the end the following new subsection:

"(c) MANDATORY TRANSFERS FROM GENERAL FUND.—

"(1) IN GENERAL.—There are hereby authorized and appropriated, out of any amounts in the Treasury not otherwise appropriated, to the Combined Fund such sums as may be necessary to—

"(A) pay any benefit or administrative costs of unassigned beneficiaries of the Combined Fund remaining after the transfer under subsection (b), and

"(B) eliminate any annual deficit in any premium account of the Combined Fund as certified by the Trustees of the Combined Fund.

Deficits referred to in subparagraph (B) shall be certified by the trustees only after utilizing and taking into account all premiums and other government reimbursements to the Fund.

"(2) USE OF FUNDS.—Any amounts transferred under paragraph (1) shall be available without fiscal year limitation.

"(3) TRANSFER.—The Secretary of the Treasury shall transfer amounts appropriated under paragraph (1) on October 1 of each fiscal year.".

(b) TRANSFER FROM ABANDONED MINE RECLAMATION FUND.—Section 9705(b)(2) (relating to use of funds) is amended to read as follows:

"(2) USE OF FUNDS.—Any amount transferred under paragraph (1) for any fiscal year shall be used to pay any benefit or administrative costs of unassigned beneficiaries of the Combined Fund for the plan year in which transferred."

(c) Effective Date.—The amendments made by this section shall apply to fiscal years beginning after September 30, 2003.

SEC. 102. ANNUAL AUDIT.

(a) In General.—Section 9702 (relating to establishment of the Combined Fund) is amended by adding at the end the following:

"(d) Annual Audit.—

"(1) Audit.—The Comptroller General of the United States shall conduct an annual audit of the Combined Fund. Such audit shall include—

"(A) a review of the progress the Combined Fund is making toward a managed care system as required under this subchapter, and

"(B) a review of the use of, and necessity for, amounts transferred to the Combined Fund under section 9705(c).

"(2) Report.—The Comptroller General shall report the results of any audit under paragraph (1) to the Secretary of the Treasury and to the appropriate committees of Congress, including the Comptroller General's recommendations (if any) as to any administrative savings which may be achieved without reducing the effective level of benefits under section 9703.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to plan years of the Combined Fund beginning after the date of the enactment of this Act.

SEC. 103. APPOINTMENT OF GOVERNMENT TRUSTEES.

(a) In General.—Section 9702(b)(1) (relating to the Board of Trustees), as amended by section 201(c), is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting "; or", and by inserting after subparagraph (C) the following new subparagraph:

"(D) 2 persons designated by the Secretary of the Treasury.

(b) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle B—Premiums

SEC. 111. MODIFICATIONS OF PREMIUMS TO REFLECT TRANSFERS FROM GENERAL FUND.

(a) Elimination of Unassigned Beneficiaries Premium.—Section 9704(d) (establishing unassigned beneficiaries premium) is amended to read as follows:

"(d) Unassigned Beneficiaries Premium.—

"(1) Plan years ending on or before September 30, 2003.—For plan years ending on or before September 30, 2003, the unassigned beneficiaries premium for any assigned operator shall be equal to the applicable percentage of the product of the per beneficiary premium for the plan year multiplied by the number of eligible beneficiaries who are not assigned under section 9706 to any person for such plan year.

"(2) Plan years beginning on or after October 1, 2003.—For plan years beginning on or after October 1, 2003, there shall be no unassigned beneficiaries premium.".

(b) Premium Accounts.—

(1) Crediting of accounts.—Section 9704(e)(1) (relating to premium accounts; adjustments) is amended by inserting "and amounts transferred under section 9705 (b) or (c)" after "premiums received".

(2) Shortfalls.—Section 9704(e)(3) (relating to shortfalls and surpluses) is amended—

(A) by striking "shortfall or" each place it appears in subparagraph (A),

(B) by striking "reduced or increased, whichever is applicable," in subparagraph (A) and inserting "reduced",

(C) by striking "or the unassigned beneficiaries premium account" in subparagraph (B), and

(D) by striking "Shortfalls and surpluses" in the heading and inserting "Surpluses".

(c) Effective Date.—The amendments made by this section shall apply to plan years of the Combined Fund beginning after September 30, 2003.

SEC. 112. REFUNDS TO CERTAIN OPERATORS.

(a) In General.—Section 9704 (relating to the liability of assigned operators) is amended by adding at the end the following new subsection:

"(j) Refunds to Certain Operators.—The Combined Fund shall, before December 31, 2003, refund to an assigned operator which was an assigned operator prior to the date of the enactment of this subsection (and any related person to such operator) an amount equal to the sum of—

"(1) any amount paid by such operator or person to the Combined Fund (and not previously refunded) by reason of the operator having been a signatory to a pre-1974 coal wage agreement, and

"(2) interest on the amount under paragraph (1) at the overpayment rate established under section 6621 for the period from the payment of such amount to the refund under this subsection."

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 113. REDUCTION IN ANNUAL PREMIUMS TO COMBINED BENEFIT FUND IF SURPLUS EXISTS.

(a) In General.—Part II of subchapter B of chapter 99 (relating to financing of Combined Benefit Fund) is amended by inserting after section 9704 the following new section:

"SEC. 9704A. REDUCTIONS IN HEALTH BENEFIT PREMIUM IF SURPLUS EXISTS.

"(a) General Rule.—If this section applies to any plan year, the per beneficiary premium used for purposes of computing the health benefit premium under section 9704(b) for the plan year shall be the reduced per beneficiary premium determined under subsection (c).

"(b) Years to Which Section Applies.—

"(1) In general.—This section applies to any plan year beginning after September 30, 2003, if the trustees determine that the Combined Fund has an excess reserve for the plan year.

"(2) Excess reserve.—For purposes of this section—

"(A) In general.—The term 'excess reserve' means, with respect to any plan year, the excess (if any) of—

"(i) the projected net assets as of the close of the test period for the plan year, over

"(ii) the projected 3-month asset reserve as of such time.

"(B) Projected net assets.—For purposes of subparagraph (A)(i), the projected net assets shall be the amount of the net assets which the trustees determine will be available at the end of the test period for projected fund benefits. Such determination shall be made in the same manner used by the Combined Fund to calculate net assets available for projected fund benefits in the Statement of Net Assets (Deficits) Available for Fund Benefits for purposes of the monthly financial statements of the Combined Fund for the plan year beginning October 1, 2003.

"(C) Projected 3-month asset reserve.—For purposes of subparagraph (A)(ii), the projected 3-month asset reserve is an amount equal to 25 percent of the projected expenses (including administrative expenses) from the health benefit premium account and unassigned beneficiaries premium account for the plan year immediately following the test period. The determination of such amount shall be based on the 10-year forecast of the projected net assets and cash balance of the Combined Fund prepared annually by an actuary retained by the Combined Fund.

"(D) Test period.—For purposes of this section, the term 'test period' means, with respect to any plan year, that plan year and the following plan year.

"(c) Reduced Per Beneficiary Premium.—For purposes of this section, the reduced per beneficiary premium for any plan year to which this section applies is the per beneficiary premium determined under section 9704(b)(2) without regard to this section, reduced (but not below zero) by—

"(1) the excess reserve for the plan year, divided by

"(2) the total number of eligible beneficiaries which are assigned to assigned operators under section 9706 as of the close of the preceding plan year.

"(d) Termination of Premium Reduction.—If, on any day during a plan year to which this section applies, the Combined Fund has net assets available for projected fund benefits (determined in the same manner as projected net assets under subsection (b)(2)(B)) in an amount less than the projected 3-month asset reserve determined under subsection (b)(2)(C) for the plan year—

"(1) this section shall not apply to months in the plan year beginning after such day, and

"(2) the monthly installment under section 9704(g)(1) for such months shall be equal to the amount which would have been determined if the health benefits premium under section 9704(b) had not been reduced under this section for the plan year."

(b) Conforming Amendments.—

(1) Section 9704(a) (relating to annual premiums) is amended by striking "Each" and inserting "Subject to section 9704A, each".

(2) The table of sections for part II of subchapter B of chapter 99 is amended by inserting after the item relating to section 9704 the following new item:

"Sec. 9704A. Reductions in health benefit premium if surplus exists."

(c) Effective Date.—The amendments made by this section shall apply to plan years of the Combined Fund beginning after September 30, 2003.

SEC. 114. REFUND OF CONTRIBUTIONS PAID BY CERTAIN SMALL ENTITIES TO UNITED MINE WORKERS COMBINED BENEFIT FUND.

(a) In General.—Part II of subchapter B of chapter 99, as amended by section 113, is amended by inserting after section 9704A the following new section:

"SEC. 9704B. REFUNDS OF ANNUAL PREMIUMS OF CERTAIN SMALL ENTITIES.

"(a) General Rule.—The Combined Fund shall refund to each eligible small entity any premiums paid by the entity to the Combined Fund under section 9704 for any plan year of the Combined Fund which began before October 1, 2003. This section shall not apply to any premium which was previously refunded.

"(b) Eligible Small Entity.—For purposes of this section, the term 'eligible small entity' means an assigned operator, but only if, as determined under the records of the Combined Fund, such operator (or any related person of such operator)—

"(1) was not a signatory to the 1981 or later National Bituminous Coal Wage Agreement or any 'me too' agreement related to such Coal Wage Agreement;

"(2) reported credit hours to the UMWA 1974 Pension Plan on fewer than ten classified mine workers in every month during its last year of operations under the National Bituminous Coal Wage Agreement of 1978 or any 'me too' agreement related to such Coal Wage Agreement;

"(3) has had not more than 60 beneficiaries, including eligible dependents of retired miners, assigned to it under section 9706 (determined without regard to beneficiary assignments relieved by the Social Security Administration);

"(4) was assessed premiums by the Combined Fund, made payments pursuant to those assessments, and has no delinquency as of September 30, 2003; and

"(5) is not directly engaged in the production or sale of coal engaged in the production of coal as of September 30, 2003."

(b) Conforming Amendment.—The table of sections for part II of subchapter B of chapter 99 is amended by inserting after the item relating to section 9704A the following new item:

"Sec. 9704B. Refunds of annual premiums of certain small entities."

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 115. FIRST YEAR PAYMENTS OF 1988 OPERATORS.

(a) In General.—So much of section 9704(i)(1)(D) as precedes clause (ii) is amended to read as follows:

"(D) Premium reductions and refunds.—

"(i) 1st year payments.—In the case of a 1988 agreement operator making payments under subparagraph (A)—

"(I) the premium of such operator under subsection (a) shall be reduced by the amount paid under subparagraph (A) by such operator for the plan year beginning February 1, 1993, and

"(II) if the amount so paid exceeds the operator's liability under subsection (a), the excess shall be refunded to the operator before December 31, 2003."

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 116. LIABILITY IN THE EVENT OF PREFUNDING.

(a) In General.—Section 9704 is amended—

(1) by striking "Any" in the last sentence of subsection (a) and inserting "Except as provided in subsection (k), any", and

(2) by adding at the end the following new subsection:

"(k) Related Persons Relieved of Liability Funded Through Voluntary Employees' Beneficiary Association.—

"(1) In general.—If a qualified voluntary employees' beneficiary association is established with respect to any signatory operator, then, as of the date determined under paragraph (2)—

"(A) the last sentence of subsection (a) shall not apply to any related person with respect to the operator (determined without regard to this subsection), and

"(B) all such persons shall permanently cease to be treated for purposes of this subchapter as related persons with respect to the signatory operator.

"(2) Timing of limitation on liability.—The date determined under this paragraph shall be the first date by which all of the following have occurred:

"(A) The qualified voluntary employees' beneficiary association's enrolled actuary (as defined in section 7701(a)(35)), using actuarial methods and assumptions each of which is reasonable and which are reasonable in the aggregate (as determined by such enrolled actuary), determines the balance of funds held by the association, resulting from 1 or more contributions to the association and earnings thereon, equals or exceeds the sum of—

"(i) the present value of the total premium liability of the signatory operator for its assignees under section 9704 with respect to the Combined Fund, plus

"(ii) the amount necessary to pay administrative and other incidental expenses of such association.

"(B) The enrolled actuary files a signed actuarial report with the Secretary containing—

"(i) the date of the actuarial valuation applicable to the report,

"(ii) a description of the funding method and actuarial assumptions used to determine costs of the association,

"(iii) a statement by the enrolled actuary signing the report that to the best of the actuary's knowledge the report is complete and accurate and that in the actuary's opinion the actuarial assumptions used are in the aggregate—

"(I) reasonably related to the experience of the association and to reasonable expectations, and

"(II) represent the actuary's best estimate of anticipated experience of the association, and

"(iv) such other information as may be necessary to fully and fairly disclose the actuarial position of the association.

"(C) The signatory operator provides security (in the form of a bond, letter of credit, or cash escrow) to the trustees of the 1992 UMWA Benefit Plan which—

"(i) is solely for the purpose of paying premiums for beneficiaries described in section 9712(b)(2)(B),

"(ii) is in an amount equal to 1 year's liability of the signatory operator under section 9711, determined by using the average cost of such operator's liability during its prior 3 calendar years, and

"(iii) is to remain in place for a period of 5 years.

"(D) 30 calendar days have elapsed after the report required by subparagraph (B) is filed with the Secretary, along with a description of the security required by subparagraph (C), and the Secretary has not notified the association's enrolled actuary in writing that the requirements of this subparagraph have not been satisfied.

"(3) Qualified voluntary employees' beneficiary association.—For purposes of this subsection, the term 'qualified voluntary employees' beneficiary association' means, with respect to a signatory operator, an association described in section 501(c)(9)—

"(A) which is established by the operator, a related person to the operator (determined without regard to this subsection), or a member of a controlled group of corporations which includes the operator;

"(B) the purpose of which is exclusively—

"(i) to satisfy the premium liability of the signatory operator with respect to the Combined Fund,

"(ii) to fund health benefits provided pursuant to a collective bargaining agreement, including benefits for individuals covered by sections 9711 and 9712, or to fund premiums for insurance exclusively covering such benefits, and

"(iii) to pay administrative and other incidental expenses of such association;

"(C) no part of the assets of which may be used for, or diverted to, any purpose other than the purposes described in subparagraph (B); and

"(D) payments from which may be made for the purposes described in subparagraph (B)(ii) only to the extent that—

"(i) the signatory operator no longer has an obligation to make payments under subparagraph (B)(i); or

"(ii) during any annual accounting period of the association such payments do not exceed, in the aggregate, 90 percent of the excess of—

"(I) fair market value of the association's assets, over

"(II) the present value of the liability described in subparagraph (B)(i).

Amounts under subparagraph (D)(ii) shall be determined, as of the end of the association's prior year annual accounting period, by the association's enrolled actuary (as defined in section 7701(a)(35)) using actuarial methods and assumptions each of which is reasonable and which are reasonable in the aggregate (as determined by such enrolled actuary).

"(4) Other rules relating to associations.—For purposes of this subsection—

"(A) if a qualified voluntary employees' beneficiary association makes a payment, the association's enrolled actuary shall, within 30 days after the end of the association's annual accounting period which includes the payment, file with the Secretary an actuarial report containing the information described in paragraph (2)(B) and a statement that the requirements of paragraph (3)(D) have been satisfied during the prior year; and

"(B) a signatory operator, or member of the controlled group of corporations which includes such signatory operator, which has previously established an association under section 501(c)(9) for purposes which include purposes described in paragraph (3) may use funds from such previously established association to fund all or a portion of the association established under this subsection."

(b) Conforming Amendment.—Section 419A(f)(5)(A) is amended by inserting ", including a qualified voluntary employees' beneficiary association (as defined in section 9704(k))".

(c) Effective Date.—The amendments made by this section shall apply with respect to associations established after the date of the enactment of this Act.

SEC. 117. DEFINITION OF SUCCESSOR IN INTEREST.

(a) In General.—Subsection (c) of section 9701 is amended by adding at the end the following new paragraph:

"(8) Successor in interest.—

"(A) Safe harbor.—The term 'successor in interest' shall not include any person—

"(i) who is an unrelated person to a seller, and

"(ii) who purchases for fair market value assets, or all the stock of a related person, in a bona fide, arm's-length sale which is subject to section 5 of the Securities Act of 1933 (15 U.S.C. 77f et seq.) or the Securities Exchange Act of 1934 (15 U.S.C.78a et seq.).

"(B) Unrelated person.—The term 'unrelated person' means a purchaser who does not bear a relationship to the seller described in section 267(b).

"(C) Contingent liability.—This paragraph shall only apply if the contract for sale provides that, if the seller fails to make a premium payment to the Combined Fund during the first 5 plan years beginning after the sale, then the purchaser shall be secondarily liable for any liability to the Combined Fund it would have had but for the provisions of this paragraph.

"(D) No inference.—Nothing in this paragraph shall be construed to infer that a purchaser in a sale not described in this paragraph is a successor in interest."

(b) Effective Date.—The amendment made by subsection (a) shall apply to transactions after the date of the enactment of this Act.

TITLE II—RETROACTIVE PROVISIONS

SEC. 201. REFORM OF RETROACTIVE PROVISIONS OF COAL INDUSTRY HEALTH BENEFIT SYSTEM.

(a) Agreements Covered by Health Benefit System.—

(1) In general.—Section 9701(b)(1) (defining coal wage agreement) is amended to read as follows:

"(1) Coal agreements.—

"(A) 1988 agreement.—The term '1988 agreement' means the collective bargaining agreement between the settlors which became effective on February 1, 1988.

"(B) Coal wage agreement.—The term 'coal wage agreement' means the 1988 agreement and any predecessor to the 1988 agreement."

(2) Conforming amendment.—Section 9701(b) (relating to agreements) is amended by striking paragraph (3).

(b) Definitions Applicable to Operators.—

(1) Signatory operator.—Section 9701(c)(1) (defining signatory operator) is amended to read as follows:

"(1) Signatory operator.—The term 'signatory operator' means a 1988 agreement operator.".

(2) 1988 agreement operator.—Section 9701(c)(3) (defining 1988 agreement operator) is amended to read as follows:

"(3) 1988 agreement operator.—The term '1988 agreement operator' means—

"(A) an operator which was a signatory to the 1988 agreement, or

"(B) a person in business which, during the term of the 1988 agreement, was a signatory to an agreement (other than the National Coal Mine Construction Agreement or the Coal Haulers' Agreement) containing pension and health care contribution and benefit provisions which are the same as those contained in the 1988 agreement.

Such term shall not include any operator who was assessed, and paid the full amount of, contractual withdrawal liability to the 1950 UMWA Benefit Plan, the 1974 UMWA Benefit Plan, or the Combined Fund."

(3) Conforming amendments.—

(A) Section 9711(a) is amended by striking "maintained pursuant to a 1978 or subsequent coal wage agreement".

(B) Section 9711(b)(1) is amended by striking "pursuant to a 1978 or subsequent coal wage agreement".

(c) Modifications To Reflect Reachback Reforms.—

(1) Board of trustees of combined fund.—

(A) In general.—Section 9702(b)(1) is amended—

(i) by striking "one individual who represents" in subparagraph (A) and inserting "two individuals who represent",

(ii) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively, and

(iii) by striking "(A), (B), and (C)" in subparagraph (C) (as so redesignated) and inserting "(A) and (B)".

(B) Conforming amendment.—Section 9702(b)(3) is amended to read as follows:

"(3) Special rule.—If the BCOA ceases to exist, any trustee or successor under paragraph (1)(A) shall be designated by the 3 employers who were members of the BCOA on October 24, 1992, and who have been assigned the greatest number of eligible beneficiaries under section 9706."

(C) Transition rule.—Any trustee serving on the date of the enactment of this Act who was appointed to serve under section 9702(b)(1)(B) of the Internal Revenue Code of 1986 (as in effect before the amendments made by this paragraph) shall continue to serve until a successor is appointed under section 9702(b)(1)(A) of such Code (as in effect after such amendments).

(2) Assignment of beneficiaries.—Section 9706 (relating to assignment of eligible beneficiaries) is amended by adding at the end the following:

"(h) Assignment as of October 1, 2003.—

"(1) In general.—Effective October 1, 2003, the Commissioner of Social Security shall—

"(A) revoke all assignments to persons other than 1988 agreement operators for purposes of assessing premiums for periods after September 30, 2003,

"(B) make no further assignments to persons other than 1988 agreement operators, and

"(C) terminate all unpaid liabilities of persons other than 1988 agreement operators with respect to eligible beneficiaries whose assignment to such persons is pending on October 1, 2003.

"(2) Reassignment upon purchase.—This subsection shall not be construed to prohibit the reassignment under subsection (b)(2) of an eligible beneficiary."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 246—EXPRESSING THE SENSE OF THE SENATE THAT NOVEMBER 22, 1983, THE DATE OF THE RESTORATION BY THE FEDERAL GOVERNMENT OF FEDERAL RECOGNITION TO THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY OF OREGON, SHOULD BE MEMORIALIZED

Mr. SMITH (for himself and Mr. Wyden) submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. Res. 246

Whereas the Grand Ronde Restoration Act (25 U.S.C. 713 et seq.), which was signed by the President on November 22, 1983, restored Federal recognition to the Confederated Tribes of the Grand Ronde Community of Oregon;

Whereas the Confederated Tribes of the Grand Ronde Community of Oregon historically inhabited land that extended from the summit of the Cascade Range, west along the shores of the Columbia River to the summit of the Coast Range, and south to the California border;

Whereas in addition to restoring Federal recognition, that Act and other Federal Indian statutes have provided the means for the Confederated Tribes to achieve the goals of cultural restoration, economic self-sufficiency, and the attainment of a standard of living equivalent to that enjoyed by other citizens of the United States;

Whereas by enacting the Grand Ronde Restoration Act (25 U.S.C. 713 et seq.), the Federal Government—

(1) declared that the Confederated Tribes of the Grand Ronde Community of Oregon were eligible for all Federal services and benefits provided to federally recognized tribes;

(2) established a tribal reservation; and

(3) granted the Confederated Tribes of the Grand Ronde Community of Oregon self-government for the betterment of tribal members, including the ability to set tribal rolls;

Whereas the Confederated Tribes of the Grand Ronde Community of Oregon have embraced Federal recognition and self-sufficiency statutes and are actively working to better the lives of tribal members; and

Whereas economic self-sufficiency, which was the goal of restoring Federal recognition for the Confederated Tribes of the Grand Ronde Community of Oregon, is being realized through many projects: Now, therefore, be it

Resolved, That it is the sense of the Senate that November 22, 1983, should be memorialized as the date on which the Federal Government restored Federal recognition to the Confederated Tribes of the Grand Ronde Community of Oregon.

SENATE RESOLUTION 247—CALLING ON THE PRESIDENT TO CONDEMN THE ANTI-SEMITIC SENTIMENTS EXPRESSED BY DR. MAHATHIR MOHAMAD, THE OUTGOING PRIME MINISTER OF MALAYSIA

Mr. LAUTENBERG (for himself, Mr. Smith, Mrs. Feinstein, Mrs. Clinton, Mr. Corzine, Mrs. Boxer, Mr. Daschle, Mr. Dodd, Mr. Schumer, Mr. Hatch, Mrs. Murray, Mr. Coleman, Mr. Wyden, Mr. Brownback, Mr. Reid, Mr. Bayh, Mr. Chambliss, Mr. Leahy, and Mr. Graham of Florida) submitted the following resolution; which was considered and agreed to:

Whereas the outgoing prime minister of Malaysia, Dr. Mahathir Mohamad, has become notorious over the years for his virulent opposition to Israel;

Whereas Dr. Mahathir opened the 57-nation, October 2003 summit of the Organization of the Islamic Conference in Malaysia by characterizing Israel and Jews around the world as "the enemy" who "rule the world by proxy";

Whereas Dr. Mahathir's anti-Semitic remarks are despicable and will serve to incite further sectarian violence; and

Whereas President George W. Bush will be traveling to Thailand to attend the October 20–21, 2003, meeting in Bangkok of the leaders of Asia-Pacific Economic Cooperation (APEC), which Dr. Mahathir will also be attending: Now, therefore, be it

Resolved, That the Senate—

(1) thoroughly repudiates the damaging rhetoric of the outgoing prime minister of Malaysia, Dr. Mahathir Mohamad, which makes peace in the Middle East and around the world more elusive; and

(2) calls upon President George W. Bush, on behalf of the United States, to condemn Dr. Mahathir's injurious sentiments when the President and the prime minister meet to attend the October 20–21, 2003, meeting in Bangkok of the leaders of Asia-Pacific Economic Cooperation (APEC).

Mr. SMITH. Mr. President, I rise today to join my colleague, Senator Lautenberg, in submitting an important resolution. This resolution condemns the highly inflammatory and hate-ridden statements by the Malaysian Prime Minister Mahathir Mohamad at the opening of the Organization of the Islamic Conference this Thursday.

Prime Minister Mohamad expressed the most despicable of views toward people of the Jewish faith. The Malaysian Prime Minister did not confine himself merely to vitriolic anti-Semitic remarks, however. He moved to incite Muslims throughout the world to fight Jews. These remarks are not only hateful, but directly undermine the goals of tolerance and understanding that the U.S. hopes its allies will promote.

As you are aware, President Bush is currently in Asia and will attend the Asia-Pacific Economic Conference in Thailand, October 20. This resolution urges the President to condemn the Prime Minister's remarks when the two meet next week.

I urge my respected colleagues to join us in supporting this important legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1883. Mr. DORGAN (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1884. Mr. BYRD (for himself, Mr. DURBIN, Mr. BIDEN, Mr. LEAHY, Mr. DORGAN, Ms. MIKULSKI, Ms. LANDRIEU, and Mrs. FEINSTEIN) proposed an amendment to amendment SA 1819 submitted by Mr. BYRD (for himself and Mr. DURBIN) to the bill S. 1689, supra.

SA 1885. Mr. BROWNBACK proposed an amendment to the bill S. 1689, supra.

SA 1886. Mr. BYRD proposed an amendment to the bill S. 1689, supra.

SA 1887. Mr. DORGAN (for himself, Mr. WYDEN, and Mr. HARKIN) proposed an amendment to the bill S. 1689, surpa.

SA 1888. Mr. BYRD (for himself, Mr. LAUTENBERG, Mr. SARBANES, Mr. FEINGOLD, Mr. WYDEN, Mr. JEFFORDS, and Mr. DAYTON) proposed an amendment to the bill S. 1689, supra.

SA 1889. Mrs. LINCOLN (for herself and Mr. REID) submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1883. Mr. DORGAN (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, strike lines 7 through 18, and insert the following:

For necessary expenses for security, rehabilitation and reconstruction in Iraq, $18,449,000,000, to remain available until expended, to be allocated as follows: $3,243,000,000 for security and law enforcement; $1,318,000,000 for justice, public safety infrastructure, and civil society; $5,560,000,000 for the electric sector; $1,900,000,000 for oil infrastructure; $4,332,000,000 for water resources and sanitation; $500,000,000 for transportation and telecommunications; $370,000,000 for roads, bridges, and construction; $793,000,000 for health care; $153,000,000 for private sector development; and $280,000,000 for education, refugees, human rights, democracy, and governance: *Provided*, That

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SA 1884. Mr. BYRD (for himself, Mr. DURBIN, Mr. BIDEN, Mr. LEAHY, Mr. DORGAN, Ms. MIKULSKI, Ms. LANDRIEU, and Mrs. FEINSTEIN) proposed an amendment to amendment SA 1819 submitted by Mr. BYRD (for himself and Mr. DURBIN) to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

In the Amendment, strike all after (a) in line 1 and insert the following:

SEC. 3002. Notwithstanding section 3001 of this Act, all of the amounts provided in section 3003 of this Act, excluding amounts contained in subsections (j), (k), (l) and (m) of section 3003 of this Act, are designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress).

SEC. 3003.

(a) Notwithstanding any other provision of this Act, amounts appropriated under the heading "Iraq Relief and Reconstruction Fund" shall be reduced by $1,655,000,0000 and the total amount appropriated under this heading shall be allocated as follows:

(1) $3,243,0000,000 for security and law enforcement; (2) $1,268,000,000 for justice, public safety infrastructure, and civil society, of which not less than $107,000,000 shall be made available for the Iraqi Civil Defense Corps; (3) $5,646,000,000 for the electric sector; (4) $1,850,000,000 for oil infrastructure; (5) $4,332,000,000 for water resources and sanitation; (6) $500,000,000 for transportation and telecommunications; (7) $240,000,000 for roads, bridges, and construction; (8) $850,000,000 for health are; (9) $155,000,000 for private sector development; and (10) $245,000,000 for refugees, human rights, democracy, and governance: Provided, That none of the funds appropriated by this Act may be used to fund (1) traffic police buildings, fleet, and equipment; (2) parking lots and cosmetic improvements at airports; (3) electric sector institutional strengthening; (4) solid waste management; (5) an Iraqi-American Enterprise Fund; (6) wireless internet capabilities for the Iraqi Telephone Postal Company (ITPC); (7) technical and management training for ITPC; (8) postal information technology architecture and systems; (9) management for Iraqi television and radio; (10) a numbering schema and 911 initiative for ITPC; (11) new housing communities and new government buildings; (12) a national security communications network; (13) market-oriented specialized training; (14) municipal public information centers; and (15) catch-up business training: *Provided further*, That of the funds appropriated by this Act, not more than $765,000,000 may be made available for petroleum product imports, and not more than $100,000,000 may be made available for new prison construction.

(b) In addition to amounts made available elsewhere in this Act, there is hereby appropriated to the Department of Defense $363,300,000, to be used only for recovery and repair of damage due to natural disasters including Hurricane Isabel, to be distributed as follows:

"Operation and Maintenance, Army", $66,600,000

"Operation and Maintenance, Navy", $118,400,000

"Operation and Maintenance, Marine Corps", $9,200,000

"Operation and Maintenance, Air Force", $166, 900,000; and

"Other Procurement, Air Force", $2,200,000.

(c) For an additional amount for "Military Construction, Army", $65,200,000, to remain available until September 30, 2008, to be used only to repair facilities damaged by Hurricane Isabel at Fort Monroe, Virginia: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

(d) For an additional amount for "Military construction, Navy", $45,530,000, to remain available until September 30, 2008, to be used for facilities damaged beyond repair by Hurricane Isabel, including $40,920,000 to replace the central chilled water plant at the United States naval Academy, Maryland, and $4,610,000 to replace Building 3104, Lucas Hall, at Quantico, Virginia: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

(e) For an additional amount for "Family Housing, Operation and Maintenance, Army", $8,151,000 to repair family housing units damaged by Hurricane Isabel at Fort Monroe and Fort Lee, Virginia: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

(f) For an additional amount for "Family Housing, Operation and Maintenance, Navy and Marine Corps", $6,280,000 to repair family housing units damaged by Hurricane Isabel at various locations in Virginia and North Carolina: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

(g) For an additional amount for "Family Housing Operation and Maintenance, Air Force", $6,981,000 to repair family housing units damaged by Hurricane Isabel at Langley Air Force Base, Virginia: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

(h) For an additional amount for "Operation and Maintenance, Navy", $23,183,000, which may be transferred to the Department of Homeland Security for Coast Guard Operations.

(i) In addition to the amounts otherwise made available in this Act, $600,000,000 shall be made available for "Operation and Maintenance, Army": Provided, That these funds are available only for the purpose of securing and destroying conventional munitions in Iraq, such as bombs, bomb materials, small arms, rocket propelled grenades, and shoulder-launched missiles.

(j) For an additional amount for "United States Emergency Fund for Complex Foreign Crises", $150,000,000: Provided, That not less than $200,000,000 of the funds made available under this heading shall be made available for humanitarian relief and reconstruction activities in Liberia: Provided further, That funds appropriated under this heading shall be made available for Sudan.

(k) Notwithstanding any other provision of this Act, amounts appropriated for accelerated assistance for Afghanistan under the heading "Economic Support Fund" shall be increased by $261,000,000 and the total amount appropriated under this heading for Afghanistan shall be allocated as follows:

(1) not to exceed $60,000,000 should be used for activities related to disarmament, demobilization, and reintegration of militia combatants, including registration of such combatants, notwithstanding section 531(e) of the Foreign Assistance Act of 1961; (2) not to exceed $120,000,000 for major and provincial road construction and repair; (3) not to exceed $95,000,000 for schools and education; (4) not to exceed $55,000,000 for private sector development including to repair and procure electric power generation and distribution infrastructure; (5) not to exceed $50,000,000 to support the Government of Afghanistan; (6) not to exceed $2,000,000 for additional policy experts in Afghan ministries; (7) not to exceed $65,000,000 for elections, governance, and human rights; (8) not to exceed $50,000,000 for projects directly involving requirements identified by provincial reconstruction teams; (9) not to exceed $66,000,000 for health services; (10) not to exceed $25,000,000 for water projects; (11) not to exceed $25,000,000 for environmental projects related to drought relief; (12) not to exceed $25,000,000 for emergency food, fuel, clothing and shelter materials for Afghans who are internally displaced; and (13) not to exceed $45,000,000 for additional activities that are specifically targeted to advancing the social, economic, and political rights and opportunities of women.

(l) Notwithstanding any other provision of this Act, amounts appropriated under the heading "International Narcotics Control and Law Enforcement" shall be increased by $50,000,000.

(m) Notwithstanding any other provision of this Act, amounts appropriated under the heading "Foreign Military Financing Program" shall be increased by $75,000,000.

(n) The entire amount in:

(i) subsection (b) shall be available only to the extent that an official budget request for that amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress;

(ii) subsection (c) shall be available only to the extent that an official budget request for that amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress;

(iii) subsection (d) shall be available only to the extent that an official budget request for that amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress;

(iv) subsection (e) shall be available only to the extent that an official budget request for that amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress;

(v) subsection (f) shall be available only to the extent that an official budget request for that amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress;

(vi) subsection (g) shall be available only to the extent that an official budget request for that amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress; and

(vii) subsection (h) shall be available only to the extent that an official budget request for that amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress;

(viii) subsection (i) shall be available only to the extent that an official budget request for that amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress;

SA 1885. Mr. BROWNBACK proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 38, between lines 20 and 21, insert the following new sections:

SEC. 2313. (a) The total amount appropriated in chapter 2 of this title under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT", is hereby reduced by $600,000,000.

(b) Of the total amount appropriated in chapter 2 of this title under the subheading referred to in subsection (a), $5,186,000,000 shall be available for security, including public safety requirements, national security, and justice, of which not less than $126,000,000, shall be available for the Iraqi Civil Defense Corps.

SEC. 2313. None of the funds appropriated by this Act may be used to fund the following:

(1) Solid waste management in Iraq.

(2) WiFi capabilities for IPTC in Iraq.

(3) Housing in Iraq.

(4) Market-oriented specialized training for Iraqis.

(5) Catch-up business training for Iraqis.

(6) Development or construction of the Abu Gharaib Memorial, or any similar memorial.

(7) The Athletes Committee in Iraq, including any conference or memorial that addresses atrocities committed against Iraqi athletes.

On page 28, beginning on line 18, strike "$422,000,000" and all that follows through "*Provided*," on line 20 and insert "$822,000,000, to remain available until September 30, 2005, for accelerated assistance for Afghanistan, of which not less than $60,000,000 shall be available for disarmament, demobilization, and reintegration; $50,000,000 shall be available for a venture capital fund to promote development of the private sector; $155,000,000 shall be available for accelerated funding for the National Army of Afghanistan; $60,000,000 shall be available for the Government of Afghanistan to provide security and minimal services, collect revenue, and pay salaries for military and civilian officials; $15,000,000 shall be available for power generation projects; and $5,000,000 shall be available for natural resources assessments: *Provided*,".

On page 29, line 17, strike "$100,000,000" and all that follows through "*Provided*" beginning on line 17, and insert "$250,000,000, to remain available until expended, of which not less than $200,000,000 shall be made available for humanitarian relief and reconstruction activities in Liberia: *Provided*, That funds appropriated under this heading shall be made available for Sudan: *Provided further*,".

SA 1886. Mr. BYRD proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title I, add the following:

SEC. 316. No funds appropriated or otherwise made available by this Act may be obligated or expended for the involuntary deployment overseas in support of Operation Iraqi Freedom of a member of the National Guard or Reserves if that member has been involuntarily deployed for any period of six months or more during the six-year period ending on the date the involuntary deployment overseas would otherwise commence.

SA 1887. Mr. DORGAN (for himself, Mr. WYDEN, and Mr. HARKIN) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 25, strike lines 7 through the colon on line 18, and insert the following:

For necessary expenses for security, rehabilitation and reconstruction in Iraq, $18,449,000,000, to remain available until expended, to be allocated as follows: $3,243,000,000 for security and law enforcement; $1,318,000,000 for justice, public safety infrastructure, and civil society; $5,560,000,000 for the electric sector; $1,900,000,000 for oil infrastructure; $4,332,000,000 for water resources and sanitation; $500,000,000 for transportation and telecommunications; $370,000,000 for roads, bridges, and construction; $793,000,000 for health care; $153,000,000 for private sector development; and $280,000,000 for education, refugees, human rights, democracy, and governance:

SA 1888. Mr. BYRD (for himself, Mr. LAUTENBERG, Mr. SARBANES, Mr. FEINGOLD, Mr. WYDEN, Mr. JEFFORDS, and Mr. DAYTON) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 27, line 9, strike "*Provided further*, That the President may reallocate funds provided under this heading:"

On page 27, line 21, strike "used for such purposes" and insert "shall be available only to the extent that the funds are made available in a subsequent appropriations act".

On page 12, line 11, strike, ", and in addition such funds as necessary, not to exceed $5,000,000,000, as approved by the House and Senate Appropriations Committees, Subcommittees on Defense";

On page 15, strike Section 312;

SA 1889. Mrs. LINCOLN (for herself and Mr. REID) submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 2 and 3, insert the following:

SEC. 3002. (a) Notwithstanding any other provision of law, and subject to subsection (b), none of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2004 or any fiscal year thereafter may be expended by a United States Government agency or contractor to enter into or modify any contract or subcontract with the Government of Saudi Arabia or any company or other business entity incorporated or otherwise based in Saudi Arabia.

(b) The prohibition in subsection (a) shall be in effect until the Secretary of State has certified, in writing, to Congress that—

(1) the Government of Saudi Arabia has issued and made available valid exit visas to all United States citizens who are 18 years of age or older, and the minor children of such citizens, who the Secretary of State has reason to believe desire to leave Saudi Arabia but are currently prohibited from doing so;

(2) the Government of Saudi Arabia has surrendered custody of United States citizen minor children who the Secretary of State has reason to believe were taken or removed from the United States in violation of a custody order issued by a court in the United states or in violation of United States law, to the United States or the minor child's left behind parent or guardian; and

(3) the United States citizens referred to in paragraphs (1) and (2) were provided a safe and meaningful opportunity to exit Saudi Arabia and return to the United States or their place of residence.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that privilege of the floor be granted to two congressional fellows in the office of Senator MARK PRYOR, Gita Upple and John Pierson, during consideration of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that Denese Merritt, a congressional fellow in Senator GORDON SMITH's office, be granted floor privileges during the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDEMNATION OF ANTI-SEMITIC STATEMENTS BY MAHATHIR MOHAMAD

Mr. LAUTENBERG. Mr. President, I rise this evening to call the Senate's attention to a despicable expression of hatred that occurred in Malaysia yesterday. In his address to the opening of the 57-nation summit of Islamic nations, Malaysia's Prime Minister, Dr. Mahathir Mohamad, urged Muslims around the world to unite against the Jews who he says rule the world by proxy.

Dr. Mahathir is a man known for his incendiary public condemnations of the United States, Israel, and the western world. Yesterday, his rhetoric escalated, or should I say degenerated, to a new level of hate. Using the foul canards Hitler and other anti-Semites have repeated throughout history, he accused the Jewish people of gaining control of the most powerful countries.

He said "they, this tiny community, have become a world power," and he urged the 1.3 billion Muslims throughout the world to fight this "enemy." That is his definition. How was the speech received? According to today's New York Times, it got a standing ovation from the kings and presidents, sheiks and emirs, including key U.S. allies, gathered in Malaysia's capital, Putrajaya. I believe these comments are likely to encourage violence against Jewish people worldwide, and especially in Israel.

The Organization of the Islamic Conference (OIC) charter calls for creating a favorable atmosphere for the promotion of cooperation and understanding between member states and other countries. But how can it be so, if the Prime Minister's remarks aptly capture the views of the OIC members? After all, they gave him a standing ovation. One has to wonder if they really want to promote peace between their nations and western democracies.

The Prime Minister of Malaysia, a country with one of the world's biggest Muslim populations, essentially expressed an open invitation for hate crimes and terrorism. Therefore, I am introducing a resolution that puts the Senate on record as repudiating Dr. Mohamad's loathsome remarks to the OIC.

My resolution also asks President Bush, who will be traveling to Southeast Asia next week, to repudiate Dr. Mohamad's vile sentiments when the two participate in the Asia-Pacific Economic Cooperation meeting in Bangkok, Thailand, on October 20.

I am pleased that Senator SMITH, Senator FEINSTEIN, Senator CLINTON, Senator CORZINE, Senator BOXER, Senator DASCHLE, Senator DODD, Senator SCHUMER, Senator HATCH, Senator MURRAY, Senator COLEMAN, Senator WYDEN, Senator BROWNBACK, Senator REID, Senator LEAHY, Senator GRAHAM of Florida, Senator BAYH, and Senator CHAMBLISS are all cosponsors of my resolution.

I believe the leaders of the Muslim world should be encouraging mutual tolerance and understanding between people of different faiths. Instead, Dr. Mohamad's anti-Semitic remarks will only serve to undermine the peace and security people of all faiths seek so earnestly.

I send a resolution to the desk and ask for its immediate consideration. This resolution has been cleared, as I understand it, on both sides.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 247) calling on the President to condemn the anti-Semitic sentiments expressed by Dr. Mahathir Mohamad, the outgoing prime minister of Malaysia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LAUTENBERG. I ask unanimous consent the resolution and preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 247) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 247

Whereas the outgoing prime minister of Malaysia, Dr. Mahathir Mohamad, has become notorious over the years for his virulent opposition to Israel;

Whereas Dr. Mahathir opened the 57-nation, October 2003 summit of the Organization of the Islamic Conference in Malaysia by characterizing Israel and Jews around the world as "the enemy" who "rule the world by proxy";

Whereas Dr. Mahathir's anti-Semitic remarks are despicable and will serve to incite further sectarian violence; and

Whereas President George W. Bush will be traveling to Thailand to attend the October 20–21, 2003, meeting in Bangkok of the leaders of Asia-Pacific Economic Cooperation (APEC), which Dr. Mahathir will also be attending: Now, therefore, be it

Resolved, That the Senate—

(1) thoroughly repudiates the damaging rhetoric of the outgoing prime minister of Malaysia, Dr. Mahathir Mohamad, which makes peace in the Middle East and around the world more elusive; and

(2) calls upon President George W. Bush, on behalf of the United States, to condemn Dr. Mahathir's injurious sentiments when the President and the prime minister meet to attend the October 20–21, 2003, meeting in Bangkok of the leaders of Asia-Pacific Economic Cooperation (APEC).

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I thank my distinguished colleague, the Senator from New Jersey, for introducing this resolution in such a timely manner. I was proud to be an original cosponsor. I believe it is essential the

Senate and our Congress be on record standing against hate and bias and discrimination, and particularly the kind of anti-Semitism that flowed at the meeting yesterday in Malaysia.

I join with Senator LAUTENBERG in urging the President to raise this directly with the Malaysian Government and with the other participants in the APEC meeting. I appreciate the quick action of Senator LAUTENBERG in ensuring our Senate could go on record while this meeting is still occurring.

MEASURE PLACED ON THE CALENDAR—S. 1751

Mr. FRIST. Mr. President, I understand that S. 1751 is at the desk and is due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1751) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants and for other purposes.

Mr. FRIST. I object to further proceedings.

CLASS ACTION FAIRNESS ACT OF 2003—MOTION TO PROCEED

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 117, S. 274, the class action fairness legislation. I further ask unanimous consent that all after the enacting clause be stricken, and the text of S. 1751 be inserted in lieu thereof; further, that the language be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DAYTON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to S. 1751, Senator GRASSLEY's class action bill, which is now on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. DAYTON. Mr. President, I object.

Mr. FRIST. I ask unanimous consent that it now be in order to make a motion to proceed to S. 1751.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I now move to proceed to S. 1751, and I further ask unanimous consent that the motion be temporarily set aside and that the Senate resume consideration of the motion on Monday, October 20, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL CEMETERY EXPANSION ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 307, H.R. 1516.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1516) to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery System.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

H.R. 1516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Cemetery Expansion Act of 2003".

SEC. 2. ESTABLISHMENT OF NEW NATIONAL CEMETERIES.

(a) ESTABLISHMENT.—Not later than four years after the date of the enactment of this Act, the Secretary of Veterans Affairs, in accordance with chapter 24 of title 38, United States Code, shall establish [five] *six* new national cemeteries. The new cemeteries shall be located in the following locations (those locations having been determined by the Secretary of Veterans Affairs to be the most appropriate locations for new national cemeteries):

(1) Southeastern Pennsylvania.

(2) The Birmingham, Alabama, area.

(3) The Jacksonville, Florida, area.

(4) The Bakersfield, California, area.

(5) The Greenville/Columbia, South Carolina, area.

(6) The Sarasota County, Florida, area.

(b) FUNDS.—Amounts appropriated for the Department of Veterans Affairs for any fiscal year after fiscal year 2003 for Advance Planning shall be available for the purposes of subsection (a).

(c) SITE SELECTION PROCESS.—In determining the specific sites for the new cemeteries required by subsection (a) within the locations specified in that subsection, the Secretary shall solicit the advice and views of representatives of State and local veterans organizations and other individuals as the Secretary considers appropriate.

(d) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemeteries required by subsection (a). The report shall—

(1) set forth a schedule for the establishment of each such cemetery and an estimate of the costs associated with the establishment of each such cemetery; and

(2) identify the amount of Advance Planning Funds obligated for purposes of this section as of the submission of the report.

(e) ANNUAL REPORTS.—The Secretary shall submit to Congress an annual report on the implementation of this section until the establishment of all [five] *six* cemeteries is completed and each such cemetery has opened. The Secretary shall include in each such annual report an update of the information provided under paragraphs (1) and (2) of subsection (d).

(f) DEFINITION OF SOUTHEASTERN PENNSYLVANIA.—In this section, the term "southeastern Pennsylvania" means the city of Philadelphia and Berks County, Bucks County, Chester County, Delaware County, Philadelphia County, and Montgomery County in the State of Pennsylvania.

Amend the title to read: "An Act to provide for the establishment by the Secretary of Veterans Affairs of additional cemeteries in the National Cemetery Administration.".

Mr. FRIST. I ask unanimous consent that the committee amendments be agreed to, that the bill, as amended, be read a third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The title amendment was agreed to.

The bill (H.R. 1516), as amended, was read the third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1516) entitled "An Act to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery System.", do pass with the following amendments:

(1) Page 2, line 8, strike out [five] and insert: *six*

(2) Page 2, after line 18, insert:

(6) The Sarasota County, Florida, area.

(3) Page 3, line 17, strike out [five] and insert: *six*

Amend the title so as to read: "An Act to provide for the establishment by the Secretary of Veterans Affairs of additional cemeteries in the National Cemetery Administration."

CONGRESSIONAL GOLD MEDAL TO JACKIE ROBINSON

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1900.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1900) to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of the Congress that there should be a national day in recognition of Jackie Robinson.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1900) was read the third time and passed.

CONGRESSIONAL GOLD MEDAL TO JACKIE ROBINSON

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 311, S. 300.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (S. 300) to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of the Congress that there should be a national day in recognition of Jackie Robinson.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, I come to the floor today to pay tribute to Jackie Robinson—a great ballplayer, great leader and a great American.

Most Americans know of Jackie Robinson's baseball greatness. He was the 1947 Rookie of the Year; the National League Most Valuable Player in 1949; he lead the Dodgers to six pennants and one World Series; he batted over 300 for his career; and he was elected to the Hall of Fame in 1962.

But there is, of course, far more to the story of Jackie Robinson than talent and success on the baseball diamond.

Jackie Robinson was born in 1919 in Cairo, GA. He was the grandson of a slave and son of a sharecropper. As a boy, he moved with his family to Pasadena, CA. Jackie was born a competitor and excelled at sports from a young age. His talents earned him a scholarship to UCLA, where he lettered in football, basketball, baseball, and track—and he was heralded as one of the best-all-around athletes in the country.

After college, Robinson was drafted into the Army. He rose to the rank of second lieutenant, and along the way he fought for equality and against injustice. Robinson and his good friend, the boxer Joe Louis, opened an Officer Candidate School to black soldiers. When Robinson was ordered to sit in the back of a bus at Fort Hood, TX, he refused and was court-martialed. Robinson stood his ground at the court martial, and for his bravery he was exonerated when the order was ruled a violation of Army regulations.

After the Army, Robinson signed to play for 2 years in the Negro Baseball League for the Kansas City Monarchs. Then in 1947, Robinson signed with the Brooklyn Dodgers to become the first African-American to play in the major leagues. It's hard to imagine the personal courage this demanded of Robinson. Branch Rickey, the president of the Dodgers, said that, "Robinson was the target of racial epithets and flying cleats, of hate letters and death threats, of pitchers throwing at his head and legs, and catchers spitting on his shoes."

But for all the hatred and ignorance Robinson faced, he responded with strength. Roger Kahn captured that strength in Boys of Summer when he wrote that Robinson "bore the burden of a pioneer and the weight made him stronger. If one can be certain of anything in baseball, it is that we shall not look upon his like again."

Today, it is hard to understand the significance of Robinson signing in the majors. It happened before our military was desegregated, before the civil rights marches in the South, and before the historic ruling in Brown v. the Board of Education. Robinson engaged America in a constructive conversation about race even before other great leaders like Martin Luther King. Indeed, King once said that his great crusade for racial justice would not have been possible if not for Jackie Robinson.

Robinson's skill, demeanor and fortitude made him one of the most popular people in America, and he used his fame to encourage the fair treatment of all people. His ideas and principles influenced John F. Kennedy and Dwight Eisenhower. After retiring from professional baseball in 1957, he dedicated himself to fighting for equality and justice. He was a leader with the NAACP, chairing its Freedom Fund Drive in 1957, and was awarded its highest achievement award. Jackie and his wife, Rachel, began annual concerts to benefit civil rights and voter registration drives in the South. In 1964, Jackie helped create a minority-owned commercial bank based in Harlem, New York, called the Freedom National Bank. He also started the Jackie Robinson Construction Company to build low-income housing.

On October 15, 1972, Jackie Robinson attended a World Series Game that commemorated the 25th anniversary of the breaking of the color line in baseball. At the game, as he had done in the past, Jackie called for more opportunities for black Americans. Unfortunately, Jackie passed away only 9 days—later and today—56 years after Jackie signed with the Brooklyn Dodgers—we have yet to achieve the opportunity for all he so desired.

Jackie Robinson once said that, "a life is not important, except in the impact it has on other lives." Jackie Robinson not only impacted lives, he impacted the very spirit of our country. He was more than a sports hero—he was an American hero.

And it is time for Congress to recognize his heroic contributions to the Nation by awarding him the Congressional Gold Medal. The Congressional Gold Medal is the highest expression of congressional appreciation and has been bestowed on great leaders like George Washington, Winston Churchill and Rosa Parks. I cannot think of a more deserving person to join this distinguished group than Jackie Robinson.

As I close my remarks, I thank the Boston Red Sox and Larry Luchino and George Mitrovich for helping with this legislation. I also thank Senator McCain for joining as our lead cosponsor and Representative Richard Neal for passing this legislation through the House of Representatives.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 300) was read the third time and passed, as follows:

S. 300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Jackie Roosevelt Robinson was born on January 31, 1919, in Cairo, Georgia, and was the youngest of 5 children.

(2) Jackie Robinson attended the University of California Los Angeles where he starred in football, basketball, baseball, and track. His remarkable skills earned him a reputation as the best athlete in America.

(3) In 1947, Jackie Robinson was signed by the Brooklyn Dodgers and became the first black player to play in Major League Baseball. His signing is considered one of the most significant moments in the history of professional sports in America. For his remarkable performance on the field in his first season, he won the National League's Rookie of the Year Award.

(4) In 1949, Jackie Robinson was voted the National League's Most Valuable Player by the Baseball Writers Association of America.

(5) In 1962, Jackie Robinson was elected to the Baseball Hall of Fame.

(6) Although the achievements of Jackie Robinson began with athletics, they widened to have a profound influence on civil and human rights in America.

(7) The signing of Jackie Robinson as the first black player in Major League Baseball occurred before the United States military was desegregated by President Harry Truman, before the civil rights marches took place in the South, and before the Supreme Court issued its historic ruling in Brown v. Board of Education, 347 U.S. 483 (1954).

(8) The American public came to regard Jackie Robinson as a person of exceptional fortitude, integrity, and athletic ability so rapidly that, by the end of 1947, he finished ahead of President Harry Truman, General Dwight Eisenhower, General Douglas MacArthur, and Bob Hope in a national poll for the most popular person in America, finishing only behind Bing Crosby.

(9) Jackie Robinson was named vice president of Chock Full O' Nuts in 1957 and later co-founded the Freedom National Bank of Harlem.

(10) Leading by example, Jackie Robinson influenced many of the greatest political leaders in America.

(11) Jackie Robinson worked tirelessly with a number of religious and civic organizations to better the lives of all Americans.

(12) The life and principles of Jackie Robinson are the basis of the Jackie Robinson Foundation, which keeps his memory alive by providing children of low-income families with leadership and educational opportunities.

(13) The legacy and personal achievements of Jackie Robinson, as an athlete, a business

leader, and a citizen, have had a lasting and positive influence on the advancement of civil rights in the United States.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of Congress, to the family of Jackie Robinson, a gold medal of appropriate design in recognition of the many contributions of Jackie Robinson to the Nation.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2 at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 4. STATUS AS NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medal authorized under section 2.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

SEC. 6. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) there should be designated a national day for the purpose of recognizing the accomplishments of Jackie Robinson; and

(2) the President should issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 406, 407, 408, and 409. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF COMMERCE

Peter Lichtenbaum, of Virginia, to be an Assistant Secretary of Commerce.

EXECUTIVE OFFICE OF THE PRESIDENT

Harvey S. Rosen, of New Jersey, to be a Member of the Council of Economic Advisers.

Kristin J. Forbes, of Massachusetts, to be a Member of the Council of Economic Advisers.

DEPARTMENT OF COMMERCE

Julie L. Myers, of Kansas, to be an Assistant Secretary of Commerce.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that at 5:15 p.m. on Monday, October 20, the Senate proceed to executive session to consider the following nomination on today's Executive Calendar: Calendar No. 401, the nomination of Margaret Catharine Rodgers to be U.S. District Judge for the Northern District of Florida. I further ask unanimous consent that the Senate then immediately proceed to a vote on the confirmation of the nomination; further, that following the vote, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, OCTOBER 20, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1:30 p.m., Monday, October 20. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 2 p.m., with the time equally divided between the two leaders or their designees, provided that at 2 p.m. we resume the debate on the motion to proceed to the consideration of S. 1751.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I further ask unanimous consent that at 5:15 p.m., the Senate proceed to executive session as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. For the information of all Senators, as I mentioned earlier today, it had been my hope that we could work out an agreement to consider the healthy forest issue during Monday's session. Chairman COCHRAN has been working diligently toward an agreement to consider amendments on both sides of the aisle on that legislation. Unfortunately, there is an objection to proceeding to the measure from the other side. We will continue our discussions on that important legislation. I hope we may still reach a consent for its consideration as soon as possible.

On Monday, under the previous order, we will resume debate on the motion to proceed to the class action bill. Again, this is a critically important bill that we hope to consider and complete next week, but there is an objection from the Democratic side. We do have a number of Senators who are very interested in this bill and will be here on Monday prepared to speak on its behalf.

Under the earlier consent, we will proceed to a vote on a judicial nomination at 5:15 p.m. and that will be the first vote of Monday's session.

Again, I do want to thank all Members for their tremendous efforts over the course of this week. It took many busy days, and many long hours, well into the night, but we did accomplish what we set out to do, and that was to complete the Iraq supplemental.

Today, we had 11 rollcall votes culminating with a vote on passage, 87 to 12, a strong bipartisan vote. I, once again, thank Chairman STEVENS for his tireless efforts in helping shepherd this bill through the Senate.

CONGRATULATING SENATOR SUNUNU

Mr. FRIST. Last, Mr. President, I congratulate the current occupant of the chair, the junior Senator from New Hampshire. Just a short time ago, about an hour and a half ago, at approximately 6 p.m., he reached his 100th hour of presiding time. That wasn't all just tonight, but I know he may feel like it at this time, 7:30 in the evening—100 hours during this first session of the 108th Congress. Everybody in this body owes him a debt of gratitude for his service to this institution as he presides over us just about every Friday, I believe, with a firm but a very fair gavel.

ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of Senator DAYTON.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

SENATOR SUNUNU'S GOLDEN GAVEL

Mr. DAYTON. Mr. President, I join the distinguished majority leader in expressing my appreciation for your presence here this evening. I assure the

Chair I will not take him too far down the path to his next 100 hours—not tonight, anyway.

I was in the dubious position of being 100th in seniority for the previous 2 years. I did not achieve my golden gavel status as swiftly as the Senator from New Hampshire, but I did. I suffered through many hours when I would rather have been elsewhere in order to achieve that. I again thank the distinguished Chair and also commend him for the dignity and the stature with which he presides over what are, as we both know, occasionally unruly adults.

IRAQ

Mr. DAYTON. A year ago this month, Congress cast a fateful vote. The majority decided to give the President blanket authority to declare war against Iraq. On several occasions during our deliberations over that resolution, I had the good fortune to be on the Senate floor when the great Senator from West Virginia, the senior Senator, spoke. Both Senators from West Virginia are truly outstanding Senators and men. One is extraordinary in his seniority in this body and also the wisdom he has acquired through his experience and service and his search for the history of this country and the history of other countries throughout the world and across the spans of time.

It was my great opportunity, sitting in that chair where the Presiding Officer now sits, to be instructed about this country, especially the Constitution which all of us take our oath of office to uphold, that extraordinary document which has shown, over the span of more than two centuries, a foresight, a vision, an understanding of human nature and an appreciation for the potential we bring and the pitfalls we must avoid. It has been unprecedented in the history of the world and has produced, along with the quality of our citizenry, the most successful form of self-governance that has ever been devised or practiced on this planet.

As a result of much of what I learned from Senator BYRD, I voted against the resolution which passed the Senate last October. I did that because those tutorials convinced me that by acting at that point, before the President himself had decided whether to recommend or undertake an invasion of Iraq, the commencing of a war against another country, for Congress then to pass not a declaration of war, which the Constitution prescribes, but rather a resolution authorizing, with its usual euphemism, something like "whatever force necessary in order to accomplish the objectives," Congress was abdicating to the President that constitutional responsibility which it had no right or authority to pass on.

The Constitution says clearly that the Congress shall declare war, that Congress and only Congress shall make that final decision whether or not to declare war and to commit this country to that course of action against another nation, at which point the President is the Commander in Chief and undertakes the prosecution of the war. It is exactly that balance of power the Constitution wanted to achieve.

I also said last October that I was not persuaded at that time by the intelligence and other information that I received to that point that Saddam Hussein's estimated military arsenal constituted an imminent and urgent threat to the national security of the United States of America. I may not have been privy to every piece of information that a few of the more senior colleagues in this body had at the time, particularly members of the Senate's Select Committee on Intelligence, but as a member myself of the Senate Armed Services Committee, I did have much of the information acquired from participating in a score of briefings, many of them classified top secret.

In my best judgment, from all the intelligence that was presented to me over a 5-year period of time, the case against Iraq was inconclusive and unconvincing. Furthermore, it was presented to us by our top intelligence officials as incomplete and inconclusive. Those officials, in my judgment and my experience, were very candid about the information they were providing us. They were candid about its uncertainty. They were candid about its reliability. They were candid about the difficulty to obtain reliable, accurate, and timely information in a country as closed as Iraq, where the penalty for any transgression could be torture and death.

It was reasonable to assume back then that Saddam Hussein possessed biological and chemical weapons of mass destruction, or materials with which to make them, using the supplies that presumably were not less than what were known to exist when the United Nations weapons inspectors were evicted in December of 1998. But our intelligence officials, in the meetings and briefings which I attended, never asserted more than that, nor did they assert a 100-percent certainty that those amounts of products still did remain in Iraq, nor did they ever state that Iraq was known to be close to developing nuclear weapons. They said they didn't know.

My own experience over the last year is that the discrepancies between our intelligence information and what we now know with 20/20 hindsight are far less, than the differences which on several occasions I witnessed between what the intelligence briefers were telling us and what the high level administration officials, especially the President and the Vice President, were telling us and were telling the American people and the people of the world.

Every time that occurred, administration officials portrayed the threat from Iraq's likely weapons of mass destruction as more certain, more urgent, and more dangerous than it turned out to be. The most glaring gaps, therefore, between fears and fiction and facts occurred when the intelligence information exaggerated the threat, and then the Bush administration exaggerated that threat.

When 138,000 or more U.S. troops and a reported 1,400 weapons of mass destruction hunters and investigators in the course of 6 months can find nothing, virtually none of the primary reasons we went to war in that country, that is about as glaring a gap as it gets. But blaming the intelligence gatherers missed the real culprits. The information users are the ones who should be investigated, not the providers. That is the investigation which should be conducted. That is the investigation which the White House is doing everything possible to prevent.

The investigation the administration cares about wants the answers, at least the answers that they want there to be, concerning the search for Iraq's weapons of mass destruction. That appeared to be their No. 1 priority, their No. 2 priority, and perhaps their whole top 10. Several of my colleagues on the Senate Armed Services Committee and the chairman and ranking members of the Senate Intelligence Committee and I traveled to Iraq in July and saw firsthand and were briefed about the priority operations beginning or underway there. The one that was far ahead of the rest in development, in deployment, and in resources committed to it was the search for Iraq's weapons of mass destruction.

Again, it has been reported publicly that some 1,400 professional intelligence gatherers, processors, and prosecutors have been scouring that country, investigating, incarcerating, interrogating. During that time, and the time we were there, many of the other important efforts were barely underway and were badly behind already—like finding and eliminating Saddam Hussein himself; like restoring basic services, electricity and running water; like connecting, communicating, and cooperating with the Iraqi citizenry. Those delays, and the lack of tangible progress made in those areas and others, have been costly.

The price is paid, tragically, by our own service men and women—those patriotic, courageous, and extraordinary Americans who won the military victory in Iraq just 3 weeks from the first day of the invasion to the triumphant takeover of Baghdad, the toppling of Saddam Hussein himself, and the statue coming down, symbolically, as the regime was overthrown. As other colleagues have noted here tonight, that was a great boon to the Iraqi people and to the world.

At the same time, American forces and British forces—primarily the coalition, being essentially those two nations—took over occupancy of most of Hussein's former presidential palaces. When I was there, the estimate was there were 120 of them throughout the country—the most incredible waste of resources one could imagine contrasted to the squalor in which most Iraqis were living their lives.

At that time also, American forces had accomplished dispersal of Saddam Hussein's army, of his political party, top government officials, and the henchmen who spread that tyranny, and even Saddam Hussein himself. American Armed Forces won. The mission was accomplished. Their objectives had been achieved. The job had been exceptionally well done. All of that training, all of that traveling and preparing, and all their upbringing, bravery, devotion to their country, their service, faith, and hard work, all came together effectively and successfully and they achieved what they needed to do, overwhelmingly.

That should have been the end, or very close to it. Their victory was decisive, their victory was complete, and they should have been going home. Most of them should be home today. Most of them were expected to be home today. One hundred and thirty-eight thousand American troops remain in Iraq today—more duration than what was planned for at this stage in the operation. Instead, for the present time and for the foreseeable future, 138,000, or close to that number, will have to remain in Iraq. Many of them are Minnesotans. Others have had their tours of duty extended 6 months.

Most of my colleagues and I went home to our respective States and visited with families and spouses who are getting desperate about the absence of their husbands, their wives, their sons, and their daughters with extensions of duty, not knowing when the end point will be. Many of them still do not have a definite return date.

It is a terrible way for the military and the administration to be mistreating those who are making these heroic sacrifices on behalf of their country, and who are doing so at great personal risk. Often during the course of their responsibilities, they are exposed to the rest of their surroundings, standing at station, and are targets as they guard public and private property and other locations and highways throughout that country.

Since the takeover of the country militarily by U.S. forces, they have had to become more stationary. The point which should have been the end, or close to it, but which is really barely the beginning, American soldiers every single day are being attacked, wounded, maimed, and murdered. It has occurred while they are waiting for the rest of these other operations to get started and start getting the necessary results. Every day that those other operations aren't accomplishing what they must, aren't getting the resources they need, aren't being given the priorities they should be given, for every one of those additional days American troops must remain in Iraq. American troops are likely to die in Iraq.

It is our responsibility to get the rest of that job done—to get their government elected and in charge of the country, restore domestic law and order, train the Iraqi police force so they can maintain that, get the society functioning—once again, a lot of which has been accomplished. And much has been accomplished. It is important to acknowledge that. Hospitals have reopened. They now need to be supplied with the tools and be rehabilitated. An economy that is producing again—producing jobs, producing wealth, producing resources—can bring Iraq back into the civilized world.

A genuine international sharing must be achieved. The ongoing costs of responsibilities and risks are still going to be required during this transition until Iraq can take care of itself.

For those things to occur with other nations of the world, the United States must offer to provide a genuine sharing of control of postwar Iraq. It means the Bush administration doesn't make all of the decisions. It means their corporate cronies don't get all of the contracts and the profits. It means their colleagues in the majority caucus in the Senate should not get the only military transport escort to tour that country to assess the situation and to support our troops.

In fact, I would respectfully urge the President and the Vice President especially to use the passage of this important supplemental today by both the House and the Senate to mark the beginning of a new chapter in undertaking to restore our conduct before the world, the dignity, the civility, and integrity which our great Nation deserves and upon which it has built its reputation and its leadership position in the world.

I urge especially the Vice President to stop attacking the United Nations which was founded over half a century ago by American leaders of both political parties. It has been nurtured, guided, supported, and strengthened during that time as the best hope of the human race, to keep all nations of the world striving together for the peaceful resolution of our differences and the prevention of the next world war, which most believe will be the last world war. Through that diplomatic effort, working through the differences and the difficulties and all the barriers and obstacles that remain among the human race, it has succeeded in preventing that kind of holocaust for the last half century. It has prevented the scourge. It has been successful in discouraging other nations from launching preemptive military strikes against other countries and provoking additional conflict and conflagration that always threaten and risk escalation and annihilation.

Other nations of the world have been harangued and denounced for not agreeing with the decisions that were made by this Nation's Government. I urge a new spirit of genuine cooperation, partnership, recognition of their legal and moral autonomy as they also decide whether to commit their own resources, their own citizens, the lives of their young men and women to the undertakings which we believe are important but we have no right to compel other nations to adopt.

Whether we felt one way or the other, viewed the situation one way or the other a year ago, the facts are, clearly, today we are committed to a country with 138,000 of our men and women who are risking their lives and demonstrating courage and patriotism to sustain that operation. We owe it to them. We owe it to the world and to ourselves and to future generations to now complete this undertaking in the ways that bring out the best of America, that showcase the best of America for the world. That is where our ultimate national security is going to derive, from continued military preeminence, absolutely. That in and of itself is not enough, as we learned on September 11. We need allies, friends, eyes, ears, intelligence all over the world. We need to establish in the eyes of nations that now misunderstand us and our way of life: we need to showcase as we have been doing the last 2 years in Afghanistan and as we must do now over the next 2 years in Iraq and Afghanistan, what it is about our way of life, our economy, our technological know-how, our compassion, our generosity, what it is about all Americans that makes us a people who have so much to offer the rest of our fellow citizens throughout this planet.

I urge the President and the Vice President and the administration to demonstrate the best qualities of America. If they do so, I believe what comes out of this undertaking will be one that we will all be able to live with, better off than we were for many decades to come. Conversely, a failure to do so will have catastrophic consequences for decades to come.

ADJOURNMENT UNTIL MONDAY, OCTOBER 20, 2003, AT 1:30 P.M.

The PRESIDING OFFICER. Under a previous order, the Senate stands in adjournment until 1:30 p.m., Monday, October 20, 2003.

Thereupon, the Senate, at 7:52 p.m; adjourned until Monday, October 20, 2003, at 1:30 p.m.

NOMINATIONS

Executive nomination received by the Senate October 17, 2003:

DEPARTMENT OF JUSTICE

JAMES B. COMEY, OF NEW YORK, TO BE DEPUTY ATTORNEY GENERAL, VICE LARRY D. THOMPSON, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 17, 2003:

DEPARTMENT OF COMMERCE

PETER LICHTENBAUM, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

EXECUTIVE OFFICE OF THE PRESIDENT

HARVEY S. ROSEN, OF NEW JERSEY, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

KRISTIN J. FORBES, OF MASSACHUSETTS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

DEPARTMENT OF COMMERCE

JULIE L. MYERS, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

RECOGNIZING UNION FIRE ASSOCIATION OF LOWER MERION TOWNSHIP, PENNSYLVANIA ON THEIR 100TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. GERLACH. Mr. Speaker, I rise today to recognize members of the Union Fire Association on the 100th Anniversary of their company's founding.

Ever since its establishment 100 years ago, the Union Fire Association has been an important member of Lower Merion Township. As the community has grown and prospered over the years, so has the Fire Association which now is one of the finest and well-equipped in the region.

The volunteers of this fine company deserve all the support that we may offer. They serve selflessly and tirelessly in order to protect their fellow citizens and, in the times of uncertainty we face today, their heroics are immeasurable. They are citizens just like you and I—teachers, students, doctors, lawyers, electricians, engineers, police officers. The list goes on and on—all willing to make sacrifices to ensure public safety. Before a member of this Company even sets foot into their first fire, they must undergo hours of training and, once completed, the education continues with advanced classes to learn vehicle rescue, firefighter rescue, pump operations and so on. As a service to the community, they put on demonstrations that educate us on how to stay safe in emergency situations. They are an irreplaceable and integral part of our community, whether it is raising money for a cause, adding to the joy of a local parade or hosting meetings and social functions. Clearly, the members of the Union Fire Association have served proudly and I rise today to recognize their service over the past 100 years.

I ask my colleagues to join me today in recognizing the Union Fire Association on their 100th Anniversary and salute, admire and appreciate all the volunteers that have served this community for so many years.

RECOGNIZING MRS. CARMEN VEGA

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. PALLONE. Mr. Speaker, I rise today to praise the achievements of Mrs. Carmen Vega, a paradigm of expertise in social work and education. Assistant Principal to the Long Branch High School and Middle School, Mrs. Vega has demonstrated outstanding versatility in various roles of leadership and mentorship. She proves an honorable recipient of the Latino American Committee of Monmouth County Annual Award, not solely for her work in the Long Branch public school network, but for numerous other experiences in helping the counties of Monmouth and Ocean excel as dynamic and thriving communities.

A native of Mayaguez, Puerto Rico, Mrs. Vega was raised in Long Branch, where she earned a Master's degree in Latino bilingual/bi-cultural issues from Rutgers University. More recently, she completed a Masters of Arts in Urban Education, also from Rutgers University. Her academic accolades provided her the honor as a licensed clinical social worker in the State of New Jersey.

Mrs. Vega's experience in advocacy and counseling, coupled with the framework of the Monmouth County Division of Social Services under which she worked, provided her with the skills to transform the outlooks and goals of many psychiatric patients. She was an engaging coordinator of a pre-discharge transitional program at Marlboro Psychiatric Hospital in Monmouth County, as well as a counselor to individuals and families throughout Ocean County. Mrs. Vega never forgot the importance of helping the psychiatrically handicapped, giving importance to their families and their friends as well. With a diverse background such as this, it is no wonder that in 1997, the Monmouth County Urban League honored Mrs. Vega with the Individual Equal Opportunity Award.

Once again, Mr. Speaker, I wish to congratulate Mrs. Vega for her dedication to the Monmouth and Ocean county communities. She exemplifies the ideals and aspirations of many dedicated and charitable citizens, as well as youth across all cultures. I ask that my colleagues rise and join me in honoring the distinguished Mrs. Carmen Vega.

PERSONAL EXPLANATION

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mrs. BONO. Mr. Speaker, due to a medical emergency in my family, I was unable to cast my vote for two very important pieces of legislation considered the week of October 6, 2003.

Had I been present, I would have voted for H.R. 2998 (rollcall No. 537), a bill to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized. I believe it is abhorrent that this practice has been allowed to continue for so long and am pleased the House has acted to amend this law. The least we can do for the brave men and women who were hospitalized because they served our nation and were wounded, is to not charge them for food.

In addition, I would also have voted for H.R. 2997 (rollcall No. 536), the "Veterans Benefits Act." Amongst many other provisions, this bill makes permanent the eligibility of certain former members of the Selected Reserve for veterans' housing loans and provides that the remarriage of a surviving spouse of a veteran after age 55 should not bar the payment of veterans' dependency and indemnity compensation.

Also, on Wednesday, October 15, I was unable to show my support for H.R. 1828 (rollcall No. 543), the Syria Accountability and Lebanese Sovereignty Act. Holding these nations accountable for their actions will only ensure a more stable environment in the Middle East.

Again, I am pleased the House took such decisive action on all these bills and I look forward to them moving swiftly through the legislative process.

NATIONAL SCHOOL LUNCH WEEK

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to announce the 57th year of the National School Lunch Program, which is dedicated to the health and well being of our Nation's children. National School Lunch Week commenced on October 13 and will run until October 17th. The National School Lunch Program has been joined through the years by several excellent child-feeding programs, such as: School Breakfast, Food Stamp, Child and Adult Care, Emergency Food Assistance and Summer Nutrition Programs, among others, and there is definitely a need to continue these programs in order to inspire nutrition education and awareness in our children.

President Harry S. Truman signed the National School Lunch Act on June 4, 1946, which authorized the National School Lunch Program, which is the oldest and largest of child nutrition programs. The legislation came in response to claims that many American men had been rejected for World War II military service because of diet-related health problems. The Federally assisted meal program was established as "a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities." To continue the spirit of the program, in 1998, Congress expanded the National School Lunch Program to include reimbursement for snacks served to children in after school educational and enrichment programs for children through the age of 18.

In this day and age, we are even more focused on providing nutritious, well-balanced, low-cost or free meals for our young boys and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

girls. The Program contributes to the development of healthy eating habits by providing the children with no more than 30 percent calories from fat, and less than 10 percent from saturated fat. All children can take advantage of this program, but if the child comes from a family with an income at or below 130 percent of the poverty level, that child is eligible for free meals. With about 57 percent of children receiving free or reduced price lunches, the National School Lunch Program often times provides the most nutritious meal or the only meal that some children receive in a day.

We celebrate another year of this Program because it has helped combat the growing hunger and poverty levels among children in our country. According to the Food Research and Action Center, National School Lunch Program has grown from about 7.1 million children participating in 1947 to over 27.2 million in the 2001–2002 school year. The program operates in more than 99,800 public and non-profit private schools and residential childcare institutions, with over 187 billion lunches having been served.

National School Lunch Program is just one step in developing our children into the prosperous, successful individuals we want them to become. The Program's Team Nutrition Initiative focuses on teaching and motivating children to make food choices that enhance their energy, growth, and potential. In addition, the Program is vitally important to achieving our educational goals. Poorly fed children have more difficulty learning, are less attentive in class, and suffer more chronic problems, such as absenteeism and tardiness, than children who are properly nourished. By making nutritious meals available to all school children, the National School Lunch Program will help us ensure that we leave no child behind. According to the Food Research and Action Center, proper nutrition improves a child's behavior, school performance, and overall cognitive development. All in all, properly nourished children more actively participate in the education experience, which benefits them, their fellow students, and the entire school community. Studies have shown what we already have known—that healthy school meals play a critical and positive role in students' development and learning process. Unfortunately, we have a double-sided battle to fight, with regards to mal-nourishment and obesity. A peer-reviewed study conducted by academic researchers at the University of North Carolina, Chapel Hill, and the University of Tennessee, Knoxville, found that girls in food insecure households had a significantly lower risk of being overweight if they participated in the National School Lunch Program. The findings suggest that participation in these Federal child nutrition programs can combat our growing problems with obesity in children.

According to the U.S. Department of Agriculture, in 2000, 10.5 percent of all U.S. households, representing 20 million adults and 13 million children, were "food insecure" because of lack of resources. In 2001, Illinois reported 9.2 percent of households are food insecure, which represents 3,239,229 children under the age of 18. Thanks to the National School Lunch Program, there are over 4,446 schools participating in Illinois, with over 1,083,548 students that benefits from it. Specifically in Chicago Public Schools, over 350,000 students are registered in the Program.

If President Truman found this to be important to our national security in 1946, we should continue his vision in 2003 by continuing to support National School Lunches. As the Committee on Education and the Workforce, of which I serve, continues to examine this program during its reauthorization, I will continue to ensure that good nutrition is promoted among our children, thus helping them to become healthier, positive, citizens within our country.

RECOGNIZING REVEREND FELIX SANTANA

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. PALLONE. Mr. Speaker, I rise today in memory of the late Reverend Felix Santana, a man who has served his faith and community tirelessly throughout his life. On October 17, 2003, the Latino American Committee of Monmouth County will honor the Reverend with an award for his contributions as a role model and mentor for Latino youths.

Reverend Santana was born in Humacao, Puerto Rico on August 21, 1924. In 1948 he moved to northern Indiana where he worked in the steel industry for two years. When America became entrenched in the Korean War, Reverend Santana heroically served his county in the U.S. Army and was decorated with the United Nations Service Medal. After the war, and a productive career in design, the Reverend entered the Bangor Theological Seminary in Maine.

After completing his studies, Reverend Santana and his family settled down in Monmouth County, New Jersey. It was then that Reverend Santana established the first Hispanic Ministry in Asbury Park, New Jersey. In addition, he led similar efforts in Ossining, New York, Plainfield, and Jersey City, New Jersey. However, the Reverend's commitment did not end at his religious responsibilities. Reverend Santana made time to serve Hispanics and others in his community. He helped set up an anti-poverty agency called "Checkmate, Inc" as was actively involved with the Puerto Rican Civic Association and the freeholders of New Jersey.

Mr. Speaker, Reverend Santana believed in serving his community. The legacy that he has left behind will continue to serve those he has given so much of himself too. I ask that my colleagues rise and join me to honor this most respectable man, Reverend Felix Santana.

PENSION FUNDING EQUITY ACT OF 2003

SPEECH OF

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 2003

Mr. ANDREWS. Mr. Speaker, I rise today to express my support for H.R. 3108, the Pension Funding Equity Act of 2003, a bill that passed this body last week, but also to express my dismay that a non-controversial, bipartisan provision was stripped from that bill before this House had an opportunity to vote for it. It is my hope that this provision, which would stabilize small business defined benefit pension plans, can be included in any conference report that this House may be asked to consider this year.

The provision, known as Section 415, would have replaced the 30-year Treasury bond rate with a fixed interest rate of 5.5 percent for purposes of the maximum cap on benefits under Internal Revenue Code section 415. In the case of a small business defined benefit plan, the maximum cap on benefits can have an enormous impact on funding, due to the small number of participants. The 30-year Treasury bond rate that business must currently use to calculate funding is extremely volatile, leading to unpredictable funding requirements. For example, just last year between March and September (only 6 months), the 30-year rate fluctuated by almost a full percentage point—96 basis points—resulting in funding obligations for a benefit that varied by as much as $140,000. That may not be much to a large company, but it is significant to a small business.

The cost of this unpredictability is choking off capital investments, new hires, higher wages, or better health care. The requirement to use an obsolete standard is depriving our economy of desperately needed capital at a time when our businesses and our workers need it most.

The small business provision has bipartisan support both in the House and Senate, it has no impact on current rules for calculating lump sums for rank-and-file participants, and there does not appear to be any substantive objections to its inclusion. So I am dismayed that it would have been taken out of the larger, two year pension fix.

I trust that as this process moves forward—in conference if there is an opportunity—we will be able to reattach this important small business provision to the bill.

RECOGNIZING MR. DIMAS MONTALVO

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. PALLONE. Mr. Speaker, I rise today to laud the accomplishments of Mr. Dimas Montalvo, a longtime community activist. Mr. Montalvo is the founder of the Latino American Committee and a tremendous supporter of various Latino-related programs. Friends and neighbors refer to him as a hometown hero for his many accomplishments and his longstanding service to the Latino community.

In search of a better future, Mr. Montalvo left Puerto Rico for New Jersey in 1957. He settled in Long Branch in 1959 where he began working at the Fort Monmouth Army Base barbershop before opening his own shop in 1965. Following the opening of his business, Mr. Montalvo started attending classes in the hopes of earning his GED and improving his English skills.

In 1969 Mr. Montalvo's barbershop was relocated and another business, Montalvo's Rooming House, was established in conjunction with the shop. Currently, he is still running both businesses from the same location, which has become a site for community outreach. It is there that Mr. Montalvo counsels people from all walks of life with various questions, concerns and problems. Over the years, Mr. Montalvo has become very active in numerous community organizations, including the Monmouth Community Action Program and the Spanish Fraternity of Monmouth County.

In 1992 Mr. Montalvo was appointed Commissioner of the City of Long Branch Housing Authority, while also serving as a member of the Long Branch Health Advisory Board. Later he founded the Latino American Committee, on which he served as President for many years. The LAC is responsible for many great things, such as collecting funds to be used in scholarships for Latino students and organizing the Latino Chamber of Commerce of Monmouth County, which exclusively serves the needs of Latino merchants and professionals.

Once again, Mr. Speaker, I would like to congratulate Mr. Montalvo on his hard work and dedication to the Latino community. I would like to thank him for all that he has done and all those that he has helped through the years. I ask my colleagues to rise with me in honoring the distinguished Mr. Dimas Montalvo.

PAYING TRIBUTE TO ARMY SPECIALIST JOSHUA NEUSCHE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. SKELTON. Mr. Speaker, on October 26, 2003, a memorial service in honor of Army Specialist Joshua Neusche will be held at the Camden County Courthouse Square in Camdenton, Missouri. On this occasion, participants will dedicate a tree and marker on the courthouse lawn to the memory of one of our neighbors, a young man whose life was tragically cut short while he served his fellow Americans by wearing the uniform of a citizen soldier.

Spc. Josh Neusche of Montreal, Missouri, was a member of the Missouri Army National Guard's 203rd Engineer Battalion from Joplin. He deployed to Iraq with his unit in May 2003. During this deployment, Spc. Neusche became seriously ill and passed away on July 12, 2003.

By all accounts, he was an outstanding young man and a favorite among his friends. Josh graduated from Camdenton High School in 2002. A participant in a number of extracurricular activities, Josh played in the Laker Band and the Pep Band, ran for the award winning track and cross country teams, was elected 2002 Prom King, tutored children in the A+ Program, and volunteered with the Big Brothers and Big Sisters in Camdenton. He was a member of the Buffalo Prairie Baptist Church in Montreal, Missouri.

Prior to his Guard activation, Josh attended Southwest Missouri State University while holding a full-time job and finding time to volunteer at the Boys' Club in Springfield, Missouri. He inspired loyalty and affection from his friends, as evidenced by the fact that the members of his unit took up a collection after Josh became ill which allowed his family to visit him in the hospital in Germany.

In wartime, the very best young people our country produces are asked to risk and possibly lose their lives in order to advance our national interests. In peacetime, serving as an airman, sailor, soldier, or marine also requires a great deal of hard work and sacrifice. Whether in war or in peace, those sacrifices are particularly difficult for the service members' families.

We can only imagine the pain felt by Josh's family—particularly by his mother, Cindy, his father, Mark, and his brother, Jake—as they have been forced to deal with his untimely death and this sudden, unexpected loss. Our deepest sympathy goes out to his entire family and circle of friends.

Our nation owes a debt of gratitude to Spc. Neusche for his service to our country. We also owe more than we can ever repay to Josh's family, who raised this young man and instilled in him the values that enabled him to succeed as an American soldier. On behalf of my fellow Missourians and my fellow Americans, I thank the Neusche family for their selfless contribution and immeasurable sacrifice.

HONORING WWII VETERAN TONY VITKUS

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. RYAN of Wisconsin. Mr. Speaker, I would like to take a moment to honor a veteran of World War II and a resident of Kenosha, Wisconsin, who is currently visiting our Nation's Capital for the first time in his life. His story is a remarkable one, and I'd like to share a few highlights with you.

Tony Vitkus served in the Marine Corps in the South Pacific from 1942 to 1945. He was a rear gunner in a Dauntless dive bomber and survived a crash in that airplane. That very plane is now on display at the Smithsonian's Air and Space Museum just a few blocks from here. This week, Mr. Vitkus went there and saw his aircraft.

Anyone familiar with the dangerous position of a rear gunner knows the immense risk that Mr. Vitkus took in serving his country in this capacity. And, as if this wasn't enough, he also served as plane captain of a Corsair fighter on the U.S.S. *Bennington.*

After the war, Tony Vitkus got married and raised six children while working in Kenosha as a milkman and later as a pool custodian. He has been an active member of the community, serving as an alderman and also on the Water Commission, and he stays active to this day.

It is because of Tony Vitkus and others like him that we prevailed in World War II. These courageous individuals and the military men and women who have followed in their footsteps are the reason we remain free to this day. We owe them our respect and gratitude for their service and many sacrifices for our country.

RECOGNIZING FATHER MIGUEL VIRELLA

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. PALLONE. Mr. Speaker, I rise today to acknowledge the accomplishments of Father Miguel Virella, a man dedicated to the advocacy of a solid educational foundation for the Latino youth. Father Miguel is being honored as a mentor and role model to the Latino Community's youth by the Latino American Committee of Monmouth County, Inc., for his positive influence and many contributions to the Latino community. In my mind there is no one more deserving to receive this award.

Through a strong family, Father Virella was taught that determination and compassion were imperative parts of living a devout life. His religious and academic journey was influenced by the teachings of his friends and family. It was his devotion to his faith that motivated him to pursue studies of a religious nature and eventually to join the priesthood.

In 1976 Father Miguel graduated from Juan Rios Serpas High School, in his hometown of Ciales, Puerto Rico. Soon after, he traveled to New Jersey with his family where he was introduced to the Religious Order of the Society of the Divine Word. His participation in this community led him to develop a deep interest in working with the poor and minorities of other countries. He could relate to the hardships endured by those who were starting a new life in America and his compassion for those in need compelled him to do all that he could to help.

In 1984, Father Miguel decided to continue his studies in Dubuque, Iowa at Divine Word College. Later, he enrolled at the University of Saint Louis, Missouri and was awarded a Bachelors degree in Sociology with a minor in Spanish. Father Miguel decided to continue his studies in Theology, for which he received a Masters degree in Divinity. He was ordained as a priest in the Society of the Divine Word shortly thereafter.

Following his ordination in 1995, Father Miguel was asked to minister at St. Anthony Claret parish in Lakewood, NJ where he remained for two years. Due to the large number of incoming Hispanic parishioners, he was later called to serve at St. Rose of Lima in Freehold. He remained there for four years serving as minister to his fellow Hispanics before moving to our Lady of Providence in Neptune, NJ, in January of 2001. Father Miguel still serves as the minister to that parish which is composed of over four hundred families.

Mr. Speaker, it is evident that Father Miguel Virella is an asset to the Hispanic community and should be lauded for his accomplishments. I ask that my colleagues rise up and join me in honoring this most respectable man, Father Miguel Virella.

HONORING DAN ECKSTROM FOR HIS PUBLIC SERVICE AND DEDICATION TO PIMA COUNTY

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

Mr. PASTOR. Mr. Speaker, I rise before you today to pay tribute to a man who has dedicated himself to public service and serves as a shining role model in our community. I speak none other than of Mr. Dan Eckstrom who recently retired from serving on the Pima County Board of Supervisors in Arizona.

Dan is a native of South Tucson and a 1965 graduate of Pueblo High School. In 1969, he graduated from the University of Arizona, where he earned a Bachelor of Arts in Government. In addition to his duties as County Supervisor, he has more than 30 years of progressive business management experience. Currently, he is the principal owner of a management consulting firm that provides marketing and management services to a variety of businesses. He formerly served for more than eight years as Executive Vice President and Chief Administrative Officer with Ruiz Engineering Corporation/Maya Construction Company, where he was responsible for managing and directing business activities relating to corporate planning, finance and business development.

Dan has worked on more than 50 local, state, and national campaigns, both on a partisan and non-partisan basis. His first measurable involvement in a campaign was at the age of 13 when he successfully assisted a group of neighbors who were running for the South Tucson Town Council by preparing a campaign slogan and printed literature. In 1991, he was very instrumental in organizing the successful Pima County campaign which helped to elect Ed Pastor as the first Hispanic in the state to serve in Congress. In 1994, he served a key role in the campaign of Democratic gubernatorial nominee, Eddie Basha. He has also provided valuable leadership and guidance to area non-partisan voter awareness and educational projects sponsored by the Southwest Voter Registration Education Project and the Labor Council of Latin American Advancement (LCLAA), of which he is an associate member. He is currently a member of the National Association of the Latino Elected and Appointed Officials (NALEO).

Dan has earned numerous award and honors for his community service. In March 1996, he received the League of United Latin American Citizens (LULAC) National Presidential Citation and Community Service Award. In 1993, we were both presented with the prestigious Montemayor-Barraza Award which is the highest national honor given by the Labor Council for Latin American Advancement (LCLAA). In 1992, Dan was inducted into the Arizona Democratic Party Hall of Fame. In 1991, he received the Distinguished Citizen Award by the University of Arizona Alumni Association. In 1988, his service to the City of South Tucson was best acknowledged when the Mayor and City Council named the newly constructed municipal complex in his honor.

Dan has been married for more than 30 years to Mary Alice Rosales. They reside in South Tucson with their two children, Jennifer, age 26, and Daniel, age 22. The Eckstrom family is very active in the community. His wife served four terms as President of the League of Mexican American Women. His daughter, at the age of 18 was elected to the South Tucson City Council and has the distinction of being one of the youngest elected officials in the state. His son serves as a Neighborhood Reinvestment Coordinator for the City of South Tucson and was a participant in the National LULAC Youth Legislative Conference in Washington, D.C.

Mr. Speaker, I ask that you and my colleagues join me today in honoring Dan Eckstrom for all his hard work and dedication to the people of Pima County.

PAYING TRIBUTE TO WHIT EASTMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this nation today to pay tribute to the life and memory of an outstanding citizen from my district. Whit Eastman of Gunnison, Colorado recently passed away at the age of sixty-seven. Whit was a kind, generous man who cared greatly about his community. As his family and friends mourn his passing, I would like to take this opportunity to remember Whit today.

A life-long resident of Gunnison, Whit had deep roots in the community. Whit has given much to his country and his community. He served a tour of duty in Korea during the Korean War. Upon returning home, he became the Financial Director for the City of Gunnison and, later, the President of the First National Bank. He actively strengthened the local Masonic Lodge, as well as serving as the President of the Rotary. Whit also served on the Western State College Foundation Board of Directors at his alma mater, Western State College.

Mr. Speaker, Whit Eastman was a beloved member of the Gunnison community, and he will be deeply missed. His love for life and dedication to his friends and neighbors touched many lives. While Whit has passed on, his legacy will continue to live. I am honored to join with my colleagues in honoring Whit here today. My condolences go out to Whit's family and friends during this difficult time.

IN HONOR OF WORLD POPULATION AWARENESS WEEK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in order to call attention to the Population Institute's annual World Population Awareness Week, which wild focus on "Water: Our Most Precious Resource."

This event is one of great importance, and its topic, water, is one that demands immediate action. Currently, 1.2 million people worldwide lack healthy and abundant water. As a member of the world community, the United States has a commitment to aid our fellow human beings in obtaining their natural right to water. And, even more importantly, the United States has a commitment to itself, to ensure that no American will ever be without water. Many regions in America have a water supply that is strained beyond its capacity, leaving many Americans vulnerable to massive shortages of water.

Unfortunately, the water supply problems are only becoming more prevalent, as currently there is a trend to turn water into a commodity through the privatization of the supply. Multinational companies that contract to supply developing countries focus on profit, not access. Their use of cost recovery measures increases profits for these companies through the additions of annual fees on water, but force many people to go without the essential and natural right to water because of burdensome costs.

Mr. Speaker and colleagues, please join me in recognizing the importance of water to our world community and in recognizing the Population Institute's World Awareness Week.

RECOGNIZING EDWIN R. HILL FOR HIS 30 YEARS OF SERVICE AS EAST CALN TOWNSHIP MANAGER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. GERLACH. Mr. Speaker, I rise today to recognize Edwin R. Hill for his 30 years of service as manager for East Caln Township in Chester County, Pennsylvania.

Edwin R. Hill has served as one of only two full-time employees for East Caln Township for over three decades, where he took on many duties under his title of Township Manager. With his retirement, Mr. Hill leaves behind a legacy any public official would be proud of, and East Caln Township will be hard-pressed to replace such a fine individual.

In addition to his position as Township Manager, Edwin R. Hill was a past President of the Pennsylvania State Association of Township Supervisors, a role and an honor in our state that truly illustrates his tremendous leadership abilities. Mr. Hill made it a point over the years to pass his tremendous knowledge and experience on to others. He was a part-time instructor for the Governor's Center Municipal Training Classes where he taught such courses as Road Masters Class, Commercial Drivers License Training and orientation courses for newly-elected officials. Mr. Hill also served on the Chester County Planning Commission, as well as various other local committees to resolve issues in municipal government.

Mr. Speaker, I ask my colleagues join me today in recognizing and honoring Edwin R. Hill for the hard work and dedication he has demonstrated over the years in making East Caln Township, Chester County and all of Pennsylvania a better place to live.

HONORING MAYOR ALFONSO GEREFFI

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the life of Mr. Alfonso Gereffi, former mayor of Lauderdale Lakes, Florida. A distinguished leader and great Floridian, Mr. Gereffi was also a devoted husband, father, grandfather and great grandfather.

Mr. Gereffi moved to South Florida in the late 1960's from Pittsburgh and quickly took an active role in the community. An outspoken advocate, Mr. Gereffi served on the Lauderdale Lakes City Council for nearly three decades. He served as a City Council member from 1973 to 1980 and as Mayor from 1980 to 1998. Under his exemplary leadership, the City boasted a record low tax rate and had a $9 million surplus. In addition to fulfilling his civic duties, Mr. Gereffi devoted his efforts towards charitable works as well. Among his proudest accomplishments was helping to open the Alzheimer's Day Care Center in Lauderdale Lakes.

Mr. Speaker, I am honored to stand before you today in memory of a model citizen from South Florida. Mr. Gereffi devoted his energies to his family, friends, constituents and community at large. His greatest joy was in helping his fellow man and improving the quality of life for all in his city. He is survived by his daughters, a brother, four grandchildren, four great grandchildren, and several nieces and nephews.

PAYING TRIBUTE TO OTHELL BALLAGE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. McINNIS. Mr. Speaker, it is with solemn heart that I rise before you today to pay tribute to the memory of a remarkable citizen from my district. Othell Ballage of Pueblo, Colorado was a leader in his community and a friend to many. Sadly, he recently passed away at the age of 74. As his family and friends mourn his passing, I would like to remember Othell for his kind heart and generous spirit.

Othell was transferred to Pueblo by the U.S. Army and stationed at the Chemical Depot over thirty years ago. Having seen much of the world during his time in the Army, Othell decided Pueblo would be a good place to call home upon retiring from the service in 1975. It was then that Othell chose to realign his sights from national service to a more regional focus. After his days in the Army, accomplishing what would be considered a lifetime of achievements for most, Othell began to leave his mark on Pueblo. For the next twenty years, Othell pursued his goals in both higher education and public service. He received a Bachelor of Science degree in business administration from the University of Maryland in 1982 and went on to earn a Master's degree in management from Pacific Western University in 1996. Othell also worked as a counselor for the Colorado Job Training Program and served on numerous boards, including those of the NAACP and the Pueblo Human Rights Commission, as well as the Governor's Task Force on Drunk Driving.

Mr. Speaker, the city of Pueblo and its citizens have lost a truly outstanding citizen and friend. Even more impressive than his numerous contributions to the community was Othell's role as a loving husband, father, grandfather and great-grandfather. Othell was a remarkable citizen and he will certainly be missed. I am honored to pay tribute to his life here today.

HONORING UHHS BEDFORD MEDICAL CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of UHHS Bedford Medical Center on the occasion of its 75th anniversary of service to the community. Originally no more than four beds on the second floor of a private home in Bedford, the hospital has grown through the years to keep pace with an expanding population and the demand for high quality accessible medical care.

UHHS Bedford Medical Center originally opened as the Bedford Municipal Hospital on November 29, 1928. The community strongly supported this hospital through passing 5 levies between 1943 and 1952. By 1956, the hospital was known as Bedford Community Hospital and boasted many new and modern departments and amenities. In 1962, the Joint Commission for the Accreditation of Healthcare Organizations accredited the hospital for the first time. The hospital continued to grow, adding a new wing and surgical facilities. In 1979, the name was changed to The Community Hospital of Bedford. It continued to expand and, by 1984, the hospital achieved its current capacity of 110 beds.

On November 30, 1993, the University Hospital Health System purchased the hospital, ushering in an era of rapid growth and innovation, adding a state of the art Outpatient Surgery Center and the Bretschneider Women's Unit offering enhanced obstetrics and gynecological services. Bedford Medical Center is continuing to grow: in 2001, adjoining land was purchased to augment Bedford Medical Center's current facilities.

Bedford Medical Center represents a model of collaboration and success evidenced by the relationships established between the Board of Trustees, the physicians and staff. Growth has been a key word in the hospital's history. A key to the hospital's growth is an unparalleled staff that focuses on keeping patients and the staff satisfied, well cared for, healthy and happy.

Mr. Speaker and colleagues, please join me in honor and recognition of Bedford Medical Center on its Diamond Anniversary of serving over 260,000 residents in Southeast Cuyahoga and Northern Portage and Summit Counties. In tribute to the hospital's rich tradition of commitment to the community, let us celebrate these last 75 years with motto—Generations of Caring. I hope that the Bedford Medical Center will continue to serve and care for its community for at least another 75 years.

A TRIBUTE TO TOM MOHR—SAN MATEO UNION HIGH SCHOOL DISTRICT - SUPERINTENDENT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in paying tribute to a dedicated and distinguished public servant, San Mateo Union High School District Superintendent Tom Mohr, who recently announced his retirement. During a remarkable 43-year career in public education as a teacher, counselor, principal, district level administrator, and Superintendent in my district, Mr. Mohr has demonstrated a continuous and unwavering commitment to providing the best education possible for San Mateo County's youth.

After an exceptional career in the Jefferson School District in Daly City, he joined the San Mateo Union High School District in 1985 as an Assistant Superintendent, and was promoted to Superintendent in 1996. During a time of tremendous challenges in the field of education, Superintendent Mohr has never failed in his determination to provide a superior education for our students, while building first class institutions, and supporting a first-class professional staff.

The San Mateo Union High School District serves 8,300 students from six communities in my congressional district. It maintains seven high schools—Aragon, Burlingame, Capuchino, Hillsdale, Mills, Peninsula, and San Mateo. Five of the district schools have been recognized as National Blue Ribbon, or California Distinguished Schools.

Superintendent Mohr has been a strong leader in the district. His excellent communication skills have kept the community, staff, and students informed and involved, and have effectively reduced tensions between groups. His boundless energy has enabled him to excel in the many roles and demands placed on the Superintendency. Recently, under Mr. Mohr's outstanding leadership, the community passed a $137.5 million bond issue to modernize six of the district's schools.

His erudition and experience have led to his appointment to numerous community and professional task forces and advisory boards, which include the U.S. Naval Academy undergraduate selection committee, plus nearly 30 different school accreditation teams, the majority of which he has chaired. He has worked tirelessly to establish high academic standards, encouraging all students from diverse backgrounds to pursue excellence in all of their endeavors. He initiated an exemplary safety program for the students that was endorsed by law enforcement agencies, and built strong school-community partnerships that serve the needs of citizens of all ages.

Superintendent Mohr was honored in 1999 by the Mid-Peninsula Boys & Girls Club as its

Citizen of the Year. In 2001 he was named Superintendent of the Year by the San Francisco and San Mateo County region of the Association of California School Administrators, and he is the City of San Mateo's Citizen of the Year for 2003. Upon his retirement in January 2004, Mr. Mohr plans to spend more time with his grandchildren and possibly to pursue advanced university studies. Such is his personal commitment to the value of education.

Mr. Speaker, Mr. Mohr's presence will be greatly missed in the boardroom and classrooms of the San Mateo Union High School District. His courage, intellect, integrity, and level of professionalism testify to the endless capabilities of this man and to the impact he will surely leave on the district. His legacy lives in the standards of excellence he has modeled for those who follow and in his unwavering commitment to the district's goals and programs. Mr. Mohr's efforts to better the education of San Mateo County's youth will serve as an inspiration to all of us. I urge my colleagues to join me in wishing him enjoyment in his new pursuits during his well-earned retirement!

HONORING THE FLORIDA MARLINS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. DEUTSCH. Mr. Speaker, I rise today to congratulate the Florida Marlins on winning the 2003 National League Pennant. On October 15th, they dismantled the Chicago Cubs in Game 7 of the National League Championship Series, completing a thrilled comeback in a series they once trailed three games to one. Even when down to their last few outs, the Marlins came together and rallied back to earn the right to play on baseball's highest stage; the World Series.

It should be noted, Mr. Speaker, that at the beginning of the season the Florida Marlins were not expected to be a factor in the postseason. Underestimated, overlooked, and ignored, the Marlins proceeded through the dog days of summer and down the stretch with courage and grit, and finishing the season with the best record in Major League Baseball since May.

Led by 72-year-old manager Jack McKeon, who took over the team in May when it held a losing record, the Marlins have relied on their tenacious young pitching and powerful, fast-paced offense. Josh Beckett, 23, and Dontrelle Willis, 21, have battled with hitters all season and continue to dominate. The offense has been consistent all season with the speed of Juan Pierre, the power of Ivan "Pudge" Rodriguez, the youth and enthusiasm of Miguel Cabrera, and the experience of baseball veterans Mike Lowell and Jeff Conine. This group of young players and journeymen has come together and created a powerful unit to be reckoned with in the World Series.

An expansion team in 1993, the Marlins won their first pennant in 1997, beating the perennial power, the Atlanta Braves. They went on to the World Series where they defeated the Cleveland Indians in seven games. This year the Marlins were once again the wild card team and are creating the same sort of magic as they did in 1997. It is my hope that the Marlins will continue their winning tradition next week against the New York Yankees.

Mr. Speaker, It is an honor for a team to represent their league in the World series. I am thrilled at the success of the Florida Marlins and I know that they will do their best to bring a second World Series title to South Florida.

PAYING TRIBUTE TO ERSILIA CRUZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. McINNIS. Mr. Speaker, I rise before you today to pay tribute to an outstanding citizen from my district. Ersilia Cruz of Pueblo, Colorado led the charge to revitalize her neighborhood after it had begun to deteriorate before her eyes. Her efforts have helped resuscitate the community and transform the area into a better place to live. I would like to take this opportunity to thank Ersilia for her hard work and congratulate her on her success.

Having lived in the neighborhood for more than fifty years, Ersilia has seen a great deal of change take place in her community, much of which has occurred over the course of the past nine years. Old run-down homes have been scrapped and replaced with new ones, the local school has reopened and a community center has been erected, all due to the hard work of citizens like Ersilia committed to revitalizing their community.

In addition to Ersilia's role in the revitalization of her community, she is also the mother of eight. She is a dedicated servant with numerous community action organizations and serves as a member of the local PTA, president of the neighborhood association, and a member of the Community Development Block Grant committee. For her efforts, Ersilia was recently awarded the 2003 NeighborWorks Dorothy Richardson Award, one of only ten people throughout the U.S. to receive this recognition.

Thanks to Ersilia's determination to revive her neighborhood, the Hyde Park community is again a family friendly region. Not only did she receive a national award, the city of Pueblo also acknowledged her dedication by naming one of the streets in her community Cruz Circle in her honor. It is my pleasure to recount Ersilia's efforts here today, and I would also like to thank her for her tireless work. I wish her all the best.

HONORING ARLENE A. RAK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Arlene Rak, upon her retirement as president of the UHHS Bedford Medical Center. Ms. Rak retired on August 31, 2003, after a long and successful career in health care administration.

Arlene Rak brought to the University Hospitals Health System a wealth of experience and a hands-on background in delivering health care. Her career began in nursing, but she quickly moved to administrative roles in both the non-profit and for profit sectors. She has worked in hospital administration as well as with organizations such as the Voluntary Hospitals of America and Johnson & Johnson. She also worked as an independent consultant for many years, and developed new business ventures, alternate delivery systems and helped others to focus on strategic networking.

In 1985, Ms. Rak was recruited from her private consulting practice to develop the Integrated Health Systems management center at University Hospitals. In 1992, UH persuaded Ms. Rak to return to their fold, first as a strategy consultant, then as a director of elder care and home care. Since February 2, 1996, Ms. Rak has served as the President of the Bedford Medical Center. In this role, she has worked tirelessly to make the hospital a wonderful resource to the community it serves, and a key part of University Hospital's health care system.

Mr. Speaker and colleagues, please join me in recognizing Arlene Rak for her many years of service to the Bedford Medical Center and to University Hospitals. We wish her many blessings of peace, health and happiness throughout her retirement.

KEEPING WOMEN HEALTHY—BREAST CANCER SCREENING AND AWARENESS DAY

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. RODRIGUEZ. Mr. Speaker, this month the National Breast Cancer Awareness Month (NBCAM) Campaign celebrates nineteen years of educating women about breast cancer, especially the importance of detecting the disease in its earliest stages through screening mammography. Since its inception, the number of women obtaining mammograms has more than doubled.

Today, October 17, 2003, is National Mammography Day. Mammograms are one of the most important prevention tools for breast cancer with the ability to find a cancerous growth an average of 1.7 years before a woman can feel the lump. Any breast cancer survivor can tell you that even days can make a difference.

Unfortunately, women who have limited access to care are less likely to receive mammograms. This is why I am proud to be participating, along with the Alamo Breast Cancer Foundation (ABCF), Atascosa County Ministerial Alliance, Atascosa Health Center, Atascosa Interagency Council, Greater Pleasanton Hispanic Chamber of Commerce and South Texas Regional Medical Center in Jourdanton, as an honorary sponsor of "Keeping Women Healthy," a breast cancer screening and awareness day in my district tomorrow, October 18, 2003.

I am proud of the efforts of the San Antonio Metropolitan Health District and the ABCF to purchase a mammography van to take their message to our neighborhoods. Recently, their dreams were realized as the Avon Foundation awarded them a $569,000 grant, which will allow them to purchase and operate a van throughout the greater San Antonio area. They are great advocates and work tirelessly to ensure that women in the San Antonio area have access to critical prevention and treatment services.

The fight against breast cancer is a long and hard one. In my home state of Texas, an estimated 13,700 cases of breast cancer will be detected in 2003. If breast cancer is detected early, however, a woman's chance of survival is improved by 95 percent. Nevertheless, together we have shown that we can make a difference. We must continue the fight against cancer. We only celebrate breast cancer prevention for one month, but by getting our voices heard and our message across, we can give millions a whole lifetime to celebrate.

PAYING TRIBUTE TO PALISADE SEVENTH-DAY ADVENTIST CHURCH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to a landmark institution from my district. The Palisade Seventh-Day Adventist Church of Palisade, Colorado has served its parishioners and our community for over a century. By working to promote a spirit of unity and cooperation, the church has shaped the Palisade community for the better. For dedication to serving its community, I am honored to pay tribute to the Palisade Seventh-Day Adventist Church here today.

Founded in 1903, the Palisade Seventh-Day Adventist Church has worked tirelessly to meet the needs of its parishioners and the community at large. Its work includes everything from holding a week-long Vacation Bible School in the summer to preparing individuals to serve on mission trips overseas. The church is dedicated to reaching out to all members of the community, seeking to serve everyone in need.

Mr. Speaker, the efforts of Palisade Seventh-Day Adventist Church to meet the needs of their community and foster a spirit of generosity are an inspiration. The Palisade Seventh-Day Adventist Church is an institution that many in the Palisade community turn to for guidance and encouragement in their daily lives. I am honored to join with my colleagues today in honoring the Palisade Seventh-Day Adventist Church for its tireless work and dedication to the community.

HONORING POLICE OFFICER CHARLES E. BENNING, SR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Police Officer Charles E. Benning, Sr., on the occasion of his retirement from the Cleveland Police Department. Charles E. Benning, Sr., has honorably and diligently carried out his oath to protect and serve the people of the City of Cleveland for the past twenty-three years.

Officer Benning is a life long resident of Cleveland, Ohio, educated in the Cleveland Public Schools and a graduate of John Hay High School. He attended Bowling Green State University, and was a founder of the Delta Epsilon Chapter of the Omega Psi Phi Fraternity there. Officer Benning is a dedicated member of St. James Lutheran Church, and is a member of Bible Study Group that provides male leadership to the church, the Men of St. James (M. O. S. T). He also sings with the Male Chorus.

Officer Benning began his Masonic Career in 1995 in William T. Boyd Lodge #79. He built a solid foundation in Masonry by serving in all seats preceding Worshipful Master. He is a member of Cuyahoga Chapter #36 Royal Arch Masons, Bezaleel Consistory #15, Scottish Rite Masons and El Hasa Temple #28 of the E.E.A.O.N.MS. On December 3, 2002, he was elected to Worshipful Master of William T. Boyd Lodge and has served the craft faithfully and to the best of his ability.

For the past twenty-three years in the Cleveland Police Department, Officer Benning served in Basic Patrol, in the 5th District Vice Unit, and the 5th District Strike Force. He was selected as one of nine Gang Detectives when the Department started the Youth/Gang Task Force, and during his tenure in this department has made many presentations at Universities, High Schools, and Middle Schools on gang and youth violence. He is the current President of the Ohio Chapter of the Midwest Gang Investigators Association. He is also a member of the Black Shield Police Association, and the Cleveland Police Patrolmen's Association.

Mr. Speaker and colleagues, please join me in honor, gratitude and recognition of Officer Charles E. Benning Sr., upon his retirement as a Police Officer with the Cleveland Police Department. His exceptional and courageous service on behalf of the citizens of Cleveland and beyond have served to lift the spirits and the lives of countless individuals, families within Cleveland and all along the North Coast. We wish Officer Benning, his wife Jean, mother, Katie Mae, and children Kevin, Jason, Derrick and Charles Jr. many blessings of peace, health and happiness throughout his retirement.

HONORING THE STATEWIDE HISPANIC CHAMBER OF COMMERCE OF NEW JERSEY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Statewide Hispanic Chamber of Commerce of New Jersey for its efforts in developing and advancing the role of Hispanics in small businesses, and in enhancing the interests of Hispanics throughout New Jersey. On Friday, October 17, 2003, the Statewide Hispanic Chamber of Commerce of New Jersey will hold its 13th Annual Convention and Expo at the Newark Airport Marriot Hotel in Newark, New Jersey.

The Statewide Hispanic Chamber of Commerce of New Jersey has contributed to the increase of business opportunities, prosperity and success for Hispanics throughout the state by forming new partnerships with Latin America, bringing products and jobs back to New Jersey, and creating further economic development and business opportunities throughout our region.

The Statewide Hispanic Chamber of Commerce of New Jersey has been serving as an advocate for Hispanic small businesses in the political process since its inception in 1989, successfully bringing the issues and concerns of Hispanic-owned businesses to the forefront of the local and national economic agenda.

As the Hispanic market continues to represent the fastest growing economic sector in the United States, events, such as The Statewide Hispanic Chamber of Commerce of New Jersey 13th Annual Convention and Expo, benefit the general business community, government agencies and Hispanic entrepreneurs, while providing networking opportunities.

Today, I ask my colleagues to join me in honoring the Statewide Hispanic Chamber of Commerce of New Jersey for playing a critical role in the success of Hispanic businesses throughout New Jersey.

PAYING TRIBUTE TO FLO GALLEGOS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. MCINNIS. Mr. Speaker, I rise today before this body of Congress and this nation today to pay tribute to an outstanding citizen from my district. Flo Gallegos of Arboles, Colorado has played an instrumental role in the recent renovations and rededication of the Saint Francis of Assisi Mission Church in Arboles. For her hard work and dedication, I am honored to pay tribute to Flo here today.

The Saint Francis of Assisi Mission Church, built in the early twentieth century, desperately needed renovation: the roof needed replacing, the exterior needed refurbishing, and the interior needed fixing up. Flo spearheaded the effort to get funds, volunteers, and artisans to do the work. She saw a need in her community and refused to sit by or to give up before that need was filled. When times got tough, Flo refused to give in, and she got the job done. The renovations Flo worked so hard to secure were finally achieved this year, and the church was recently rededicated.

Mr. Speaker, the determination and hard work of Flo Gallegos are truly inspirational. She displayed tremendous focus and fortitude in her quest to see that the renovation of the Saint Francis of Assisi Mission Church went forward. For her resolve and dedication, I am honored to join with my colleagues in paying tribute to Flo here today.

HONORING THE SCHOOL OF UKRAINIAN STUDIES, CLEVELAND, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the School of Ukrainian Studies on the occasion of its 50th Anniversary serving students in the Ukrainian community of Cleveland, Ohio.

The School of Ukrainian Studies was established fifty years ago to ensure that the Ukrainian youth in Cleveland would retain the full glory of their language, culture, and community in the United States. The Ukrainian School has succeeded in keeping together a vibrant and cohesive community of Ukrainian-Americans by teaching its students in the language of their mother country, and bringing to the students the traditional dress and cultural awareness of the Ukraine.

The School of Ukrainian Studies will celebrate its 50th Anniversary by holding a banquet resplendent with traditional foods from the Ukraine, and presenting a performance in which all of its students will participate to demonstrate the knowledge, skills and traditions they have learned during their years of study at the School.

Mr. Speaker, I ask that my colleagues rise with me today in celebration of the commemorative banquet celebrating the 50th Anniversary of the School of Ukrainian Studies. Many young persons have surely benefited from the work of this wonderful school, and our community has benefited from its efforts to keep the language and tradition of the Ukraine alive in the United States. Let us honor this distinguished school and let us wish them 50 more years of fantastic service to our population.

PAYING TRIBUTE TO BILL HARPEL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I rise before you today to pay tribute to the memory of a wonderful citizen from my district. Bill Harpel of Pueblo, Colorado recently passed away at the young age of 40 after a hard-fought battle with leukemia. As Bill's family and friends mourn his passing, I would like to recognize his life before this body of Congress and this nation.

Bill will always be remembered as a staple of the Pueblo theater community. A kind and caring family man at home, Bill was a highly respected professional on stage. Bill was a Pueblo native and studied acting at the University of Southern Colorado. He had an amazing passion for the theater and devoted his time to his acting. Bill spent most of his time in the theater on stage, but also could be found directing several productions. Bill served as President of the "Impossible Players," a local theater company. He was recently awarded the Lifetime Service Award for 2003 by the organization. Away from the theater, Bill was known as a loving husband and a proud father of two.

Mr. Speaker, there is no doubt that the Pueblo theater community lost one of its most prominent members this past September, and the City of Pueblo has lost a remarkable citizen. Bill Harpel's memory will live on in the hearts of his friends and family. He will certainly be missed.

HONORING MOTHER TERESA

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor Mother Teresa, a beloved humanitarian revered throughout the world for her charity toward the poor and afflicted.

Mother Teresa, who died on September 5, 1997, at 87 years old in her Missionaries of Charity home in central Calcutta, India, was truly a spiritual guide whom we admire and respect for her uncompromising generosity. Her impact was felt by millions worldwide, and she made all those she touched view the world with a kinder and gentler eye.

A Roman Catholic nun and missionary, she served impoverished people unselfishly, never asking for anything in return. She firmly believed that the poorest of the poor required self-esteem and hope to escape poverty, and she devoted her life to providing it one person at a time until the day that she died.

She was rightfully awarded a Nobel Peace Prize in 1979 following a lifetime of reaching out to the needy, the suffering and the dying. Her efforts have inspired generations to contribute to the well-being of humanity in both large and small ways.

Mr. Speaker, I offer these remarks to honor the beatification of Mother Teresa by Pope John Paul II on October 19, 2003, in Rome. Her tireless, inspirational work is missed, but her legacy will live on for eternity.

RECOGNIZING THE 150TH ANNIVERSARY OF THE VILLAGE OF NEWARK

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. WALSH. Mr. Speaker, I rise today in recognition of the Village of Newark's Sesquicentennial Anniversary. Incorporated on July 21, 1853, the Village of Newark along the Erie Canal in Wayne County, New York is 150 years old this year, and a host of celebratory events are planned to recognize this milestone this month.

Newark is the only village in Wayne County, New York established as a result of the building of the Erie Canal. Begun in 1817, canal construction crossed the bountiful farmlands of Wayne County, where land was cheap but virtually inaccessible overland or by natural waterways.

In 1820, Joseph Miller received the contract to construct a mile and a quarter of the canal through what is today the Town of Arcadia. In addition to constructing the waterway, Miller purchased some 100 acres for the establishment of a canal side village, plotting streets and dividing parcels into building lots.

The Village of Newark grew into a busy merchant port along the canal, and served as a gateway to markets for Wayne County farmers. Newark has a strong history as being the founding home to many well-known business entities, including Sarah Coventry Jewelry, the Jackson & Perkins Company, and Ultralife Batteries. Today, Newark remains a commercial center for the region and is Wayne County's most populated urban center.

On behalf of the people of New York's 25th Congressional District, it is my honor to recognize and congratulate the residents of Newark on the Village's 150th Anniversary.

PAYING TRIBUTE TO JOAN RICHARDSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. McINNIS. Mr. Speaker, I rise before you today to pay tribute to a wonderful citizen from my district. "Grandma Joan" Richardson of Grand Junction, Colorado volunteers her time to help area students in the classroom, providing them with a helping hand and teaching them how to read. Joan is a valued citizen of the Grand Junction community, and I am honored to stand before this body of Congress and this nation today to honor her altruistic virtues.

Twice a week, for two and a half hours at a time, Joan devotes her time in an area that she is quite familiar with: the classroom. Having retired from her career as a high school and middle school teacher, Joan has felt the urge to continue to contribute toward the education of local children. The students benefit from having an additional teacher in the classroom a few days per week, while Joan is able to share her valuable skills as a teacher. Joan began helping out on a part time basis when her grandson began school over five years ago. Today she continues to donate her time, helping schools in the Mesa Valley School District.

By making the educational process both interesting and fun for the students, Joan is instilling learning habits that will benefit them for their entire lives. Thanks for your dedication to our youth Joan. I wish you all the best in your retirement.

PERSONAL EXPLANATION

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. SAXTON. Mr. Speaker, I rise today to provide an explanation for the votes I missed on October 15 and 16, 2003. Due to a Congressional fact-finding trip to Iraq and other parts of the Middle East, I unfortunately missed several votes on the floor of the House on the evening of October 15. Additionally, I missed votes on October 16 because I had to attend a conference regarding information technology at the Department of Defense, an issue over which my Subcommittee on Terrorism and Unconventional Threats and Capabilities has sole jurisdiction.

Had I been present, I would have voted in the following fashion:

Rollcall vote 540: "Aye" (H.R. 6, On motion to instruct Conferees on the Energy Conservation, Research, and Development).

Rollcall vote 541: "No" (H.R. 1308, On motion to instruct Conferees on the Tax Relief, Simplification, and Equity Act).

Rollcall vote 542: "No" (H.R. 1, On motion to instruct Conferees on the Medicare Prescription Drug and Modernization Act).

Rollcall vote 543: "Aye" (H.R. 1828, On motion to suspend the rules and pass the Syria Accountability and Lebanese Restoration Act of 2003).

Rollcall vote 544: "Aye" (H. Res. 396, On ordering the previous question for providing for the Consideration of H.R. 3289: Emergency Supplemental Appropriations for Defense and for the Reconstruction of Iraq and Afghanistan for Fiscal Year 2004).

Rollcall vote 545: "Aye" (H. Res. 198, On agreeing to the resolution as amended which expressed the sense of the House of Representatives that France, Germany, and Russia, can initially best contribute to the reconstruction of Iraq by forgiveness of outstanding debt).

I would like to also note, that I am a cosponsor and strong supporter of the Syria Accountability and Lebanese Restoration Act of 2003 (H.R. 1828) because it holds Syria accountable for the serious international security problems it has caused in the Middle East. Specifically, H.R. 1828 calls on Syria to halt its support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, and cease its illegal importation of Iraqi oil and illegal shipments of weapons and other military items to Iraq.

Knowing the importance of this bill, I have been a long-time supporter of H.R. 1828. As such, I would have voted in favor of its passage and will continue to work to ensure it is signed into law as soon as possible.

MOURNING THE LOSS OF STEPHEN WYATT

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. HALL. Mr. Speaker, the grim realities of the war in Iraq came home to the Fourth District this week with the death of Private First Class Stephen E. Wyatt, 19, of Kilgore, Texas. Stephen died on October 13 in Balad, Iraq, in support of Operation Iraqi Freedom. He was in a convoy that was hit by an improvised explosive device and small arms fire. He was assigned to C Battery, 1st Battalion, 17th Field Artillery Regiment, Fort Sill, Oklahoma and had been in Iraq since April.

Stephen enlisted in the Army on his 18th birthday, having expressed his desire to join the military at an early age. He looked forward to the opportunity to serve his country, to travel and broaden his horizons, and to pursue a higher education degree through the Army. Stephen was a 2002 graduate of Kilgore High School, where his teachers described him as hard working, determined, and likeable. He returned to his high school for a visit in the spring before being deployed to Iraq. While there, he spoke to a government class about how well he liked the military, and he encouraged students to sign up if they were interested.

Stephen was described as an avid outdoorsman who loved hunting and fishing. His ultimate goal would have been to pursue his interest in wildlife preservation. Those aspirations ended on October 13 on the battle front in Iraq.

Our prayers go out to his family and friends. His wife, Kelly Wyatt, is a service member stationed in Hawaii. They were married on Thanksgiving, 2002. His father, Charles Wyatt, and stepmother Lilmah reside in Kilgore. His mother is deceased. Friends and residents of Kilgore responded to his death with an outpouring of sympathy. Mayor Joe Parker signed a proclamation honoring Stephen, asking that flags in Kilgore be flown at half-staff for a week.

Stephen's death is a tragic loss to his family and friends—and to all of us who mourn the loss of one so young who gave his life in defense of our Nation. We owe a debt of gratitude that can never be repaid to Stephen and all those who have made the ultimate sacrifice, generation after generation, in defense of the freedoms that we enjoy today. Without their service, and their willingness to place themselves in the line of fire, America would not be the great Nation that we know today.

Mr. Speaker, as we adjourn today in the House of Representatives, let us do so by honoring Stephen E. Wyatt and extending our deepest condolences to his family and friends. America is free today because of the sacrifices of such young American heroes. Stephen Wyatt is one of those heroes, and we will never forget him.

PAYING TRIBUTE TO THE BARBARA DAVIS CENTER FOR CHILDHOOD DIABETES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an' outstanding organization. The Barbara Davis Center for Childhood Diabetes at the University of Colorado Health Sciences Center, Fitzsimons Campus in Denver, Colorado provides care and support for children with Type I diabetes and their families. For their diligent work and extraordinary commitment to excellence, I wish to pay tribute to the Barbara Davis Center for Childhood Diabetes here today.

Since 1980, the Davis Center has worked tirelessly to meet the needs of countless children throughout Colorado and the world who suffer from Type I, or Childhood On-Set, diabetes. The Center's clinics have received worldwide recognition for their care of those affected by this debilitating disease. In addition, the Center is a first-class teaching and research facility on the forefront of the investigation into the cause, treatment, and elimination of diabetes.

Mr. Speaker, the Barbara Davis Center for Childhood Diabetes is relentless in its efforts to treat children with diabetes, support their families, and find ways to prevent this devastating disease. For many years, the Center has proudly served the children of Colorado, our nation, and the world. The workers at the center have dedicated themselves to bettering the lives of those affected by diabetes. They are true heroes and I am honored to recognize their work here today.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. BALLENGER. Mr. Speaker, on October 15, I inadvertently did not vote on rollcall vote 543, the Syria Accountability and Lebanese Sovereignty Restoration Act (H.R. 1828). I supported this amendment.

HONORING WILLIAM DANIEL BROWN

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Ms. BERKLEY. Mr. Speaker, on October 12, 2003, Nevada lost a friend and our nation lost a true patriot, when the Silver State's oldest veteran, William Daniel Brown passed away at 109 years old. Mr. Brown lived a long, rich life filled with many unique experiences. I had the pleasure to meet this wonderful, mild man and to watch as he was honored for his bravery on the battlefield in the First World War.

A grandson of slaves, Willie was born in a log cabin on August 23, 1894 in Cuero, Texas. He grew up in rural America, ate only what he and his family planted and harvested, attended school in a one-room school house, and learned at a young age what it meant to work hard. In 1918, Mr. Brown, a man of peace, left Texas when President Wilson called on him to serve his country in World War I. Upon his arrival in France, he fought with other black soldiers under French units because the United States Army was still segregated. "I was assigned to repair barbed wire. I'd fix it at night, and the Germans would shoot it up during the day and I'd go back at night and fix it again," he recalled.

After the war, Willie, as his friends called him, returned to Cuero and made a living doing odd jobs around town. In 1935, he married Louise and they moved to California to start anew life together. In California, he worked in an old soldier's home for $5 a day, but found better work hauling freight for the Pacific Motor Trucking Co. until he retired. After the loss of his first wife, he married again in 1960 and enjoyed a happy life with his second wife Lucille, until her death in 1980. Although he never had children of his own, he was surrounded by the love and loyalty of his 30 nieces and nephews throughout his life.

Thirty years ago, Willie moved to Las Vegas, where his niece, Jennie Jefferson, cared for him. Even after he had surpassed the century mark, Willie continued to be active in the Las Vegas community and attended the New Jerusalem Baptist Church. As Nevada's oldest veteran, he took pride riding in parades and participating in the Veterans of Foreign Wars organization.

On the 80th anniversary of the armistice, Willie was overlooked by the French government when it awarded the Legion of Honor—its highest national award—to 900 American World War I veterans who fought on French soil. After I was made aware of this by the Veterans of Foreign Wars, I worked with the French government to ensure that William Brown's service was recognized. On his 107th birthday in 2001, I was truly honored to stand with the Nellis Air Force Base Honor Guard and several Nevada veterans when the French Consul General named Mr. Brown the Chevalier of the National Order of the Legion of Honor.

On the day before Mr. Brown was awarded the medal, I spoke with him and asked if there was anything that he wanted to do that he had not done already. He replied without hesitation that he wanted to meet President Clinton. Coincidentally, Bill Clinton was visiting Las Vegas on that day and I called the Las Vegas Sun Publisher, Brian Greenspun, who called President Clinton. Without hesitation, President Clinton invited William to his hotel so that he could personally thank him for his service to our country.

The day before Mr. Brown's death, he received a U.S. Presidential Citation from President Bush for his longevity and his wartime service during World War I.

Mr. Brown lived a long and fruitful life despite facing many challenges. He had said of prejudice, "In my life I never cared about a person's nationality, the color of their skin or anything else because we are all God's people." He was a man of faith and lived his life one day at a time. He will be remembered as an extraordinary man who was treasured by his family, veterans, and the Las Vegas community.

PAYING TRIBUTE TO EVA BACA ELEMENTARY SCHOOL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. McINNIS. Mr. Speaker, I rise before you today to pay tribute to an outstanding elementary school from my district. Eva Baca Elementary School in Pueblo, Colorado recently received national recognition as an award winning "Blue Ribbon" school under the "No Child Left Behind" initiative. It is a privilege to stand here and recognize the amazing accomplishments of this terrific school and pay tribute to its success before this body of Congress and this nation today.

Thanks to the hard work of everyone from administrators to students, Eva Baca Elementary has dramatically improved its performance ratings. By focusing on individual student achievement, the school targets kids beginning to show signs of difficulty with their studies and provides them with the extra help they need to succeed. Helping children excel in learning requires a tremendous amount of effort from the school's staff and a high level of participation on the part of the parents. Overall test scores at Eva Baca Elementary are in the top ten percent of the state, making it one of the top performing schools in the nation. National recognition by the "Blue Ribbon" program signifies Eva Baca Elementary School as one of Colorado's best.

Mr. Speaker, I am proud to stand before this body of Congress and this great nation to recognize the accomplishments of Eva Baca Elementary School. They provide a shining example for the educational system in Colorado. Keep up the good work.

HONORING PAUL C. LAUTERBUR ON HIS RECEIPT OF THE 2003 NOBEL PRIZE IN MEDICINE

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. BISHOP of New York. Mr. Speaker, I rise today to honor Dr. Paul C. Lauterbur, who was recently awarded the 2003 Nobel prize in medicine for his groundbreaking research in magnetic resonance imaging (MRI). Dr. Lauterbur conducted his work on MRI technique during his tenure at the State University of New York at Stony Brook, which is located in the First Congressional District of New York. His research was a revolutionary contribution to the field of medicine, and has since enhanced the lives of millions of patients suffering from devastating illnesses in the United States and around the world.

The development of MRI represents a breakthrough in medical diagnostics and research, which has led to improved treatment and better health for millions of patients. MRI is a medical diagnostic technique that can create thin-section images of any part of the body, including the heart, arteries, and veins, from any angle in a relatively short period of time. Given the level of detail MRI can provide a physician on a patient's anatomy and condition, its use has dramatically improved accuracy in medical diagnostics and has become an indispensable tool in medical research. The technique has proven especially useful for detailed study of the brain and spinal cord. Perhaps the most important contribution of MRI to medicine is that it has, in many cases, replaced the need for patients to undergo invasive surgery for diagnosing illnesses.

It was Dr. Lauterbur's research in the area of nuclear magnetic resonance (NMR) that aided the development of modern MRI. Dr. Lauterbur was the first researcher to use NMR, a process in which molecules are entrained in a strong magnetic field and zapped with radio waves, to produce an image and apply it to the field of medicine. In doing so, he introduced gradients to the magnetic field, which, he discovered, made it possible to create two-dimensional images of structures that could not be visualized by other techniques. Among the first images that Dr. Lauterbur made through NMR was of a clam and two test tubes of heavy water in a beaker of ordinary water. In 1971, the doctor realized that his idea could be used for producing medical images and, in 1973, his findings on the technique were published. Dr. Lauterbur's work led to the development of the MRI scanner, and has been called the most significant medical diagnostic study of the 20th century.

Dr. Lauterbur spent 22 years at Stony Brook before joining the University of Illinois faculty in 1985. He earned a bachelor's degree in chemistry in 1951 from the Case Institute of Technology in Cleveland, Ohio, and a doctorate in chemistry in 1962 from the University of Pittsburgh. Dr. Lauterbur's other achievements include the National Academy of Sciences Award for Chemistry in Service to Society (2001); the Kyoto Prize from the Inamon Foundation of Japan for lifelong research accomplishments in advanced chemistry (1994); and the National Medal of Science (1987).

Mr. Speaker, the development of MRI has spared millions of patients the physical discomfort and risk associated with the surgical diagnosis of disease. Last year, 22,000 MRI cameras were in use worldwide, and more than 60 million scans were performed. Clearly, without Dr. Lauterbur's groundbreaking work, modern MRI might not be in existence today. Every patient who has been spared surgery and accurately diagnosed through the use of MRI has Dr. Lauterbur to thank. I am proud that Dr. Lauterbur conducted this important work at Stony Brook and I commend him for his invaluable contribution to medicine and humanity.

HONORING THE LATE TONY GARCIA, JR.

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of the late Tony Garcia, Jr., longtime community leader and executive director of the Tampa United Service Organization (USO). His dedication to America's servicemen and -women and his hometown of Tampa is an inspiration to us all.

A veteran of World War II and the Korean War, Tony worked for the Tampa USO for 35 years, ensuring that military personnel had a pleasant stay while in Tampa. In the 50's and 60's, he was known for bringing in celebrities to perform at Christmas shows for the men and women of our armed services that were unable to go home for the holidays.

Tony was also known for his remarkably selfless and never ceasing service to the community. As a board member of the West Tampa Chamber of Commerce; he crusaded for improvements in the area, day after day. He was also active in the Tampa Urban League, the Optimist Club, the Sertoma Club, and the Hillsborough Education Foundation. Tony was continually organizing fundraisers and events. A friend referred to him as "a unique blend of humility and charity," and his service to the Tampa Bay area was exactly that. He used his personal gifts to bring people together, making our community stronger.

On behalf of the Tampa Bay community, I would like to extend my deepest sympathies to Tony's family—his wife of 58 years, Blanche, a son, two siblings, two grandchildren, and one great grandchild. They have been truly blessed by having such a caring person in their lives, as we all have. The Tampa community will always remember Tony's bountiful dedication and generosity.

PAYING TRIBUTE TO CARI SUE MICHAELS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to a remarkable citizen from my district. Cari Sue Michaels of Durango, Colorado has shown tremendous courage in the face of a devastating disease. For her courage and unconquerable spirit, I am honored to pay tribute to Cari here today.

In January of 2003, Cari began her courageous battle against ovarian cancer and underwent surgery to remove a tumor on her ovary. Shortly thereafter, Cari learned that she suffered from a very rare and difficult to treat form of cancer. She underwent radiation and chemotherapy, but they appeared to do little to fight the cancer. Despite the battle that lay before her, Cari refused to give up. She has remained committed to fighting every day and living her life to the fullest.

Mr. Speaker, Cari Sue Michaels' unconquerable spirit and courage are an inspiration to us all. Through difficult and trying times, she has maintained her positive attitude and has refused to give in to the disease that she battles every day. I know that Cari's fight is far from over, and I am honored to join with my colleagues here today in recognizing her courage in continuing her fight.

IN HONOR OF DR. TOMÁS A. ARCINIEGA

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. BECERRA. Mr. Speaker, it is with utmost pleasure and privilege that I rise today to recognize and pay tribute to Dr. Tomás Arciniega, President of California State University Bakersfield. Dr. Arciniega has been a champion of higher education, a trailblazer who has opened doors for countless underrepresented students, and a good friend. After 30 years with the California State University system, this exceptional teacher and administrator will complete his service at CSU Bakersfield, retiring soon after the commencement of the Class of 2004. Recognizing that his career has been both distinguished and memorable, the Hispanic Association of Colleges and Universities will honor him tonight in its first ever Roast and Fundraiser, which will support a scholarship in Dr. Arciniega's name.

Growing up in the projects of El Paso, Texas, Tomás learned his strong work ethic and core values from his parents, Tomás and Judith Arciniega. In tenth grade, he met his future wife, Concha, and together they became an indivisible team, blessed with a true partnership, friendship and love. Tomás and Concha are now the proud parents of four daughters (Wendy, Lisa, Judy and Laura) and seven grandchildren (Nico, Melina, Vanessa, Natalie, Jakob, Lukas and Benjamin). Family has always been the top priority for Tomás and Concha, who relish their regular road-trips to San Diego, Albuquerque and Phoenix to ensure their active and valuable role in the lives of their grandchildren.

The first in his family to attend college, Tomás's successes in his early years demonstrate his commitment to learning, competing, and serving. He earned his bachelor's degree from New Mexico State University in teacher education. He holds a master's and doctorate in educational administration—both completed at the University of New Mexico. And his pursuit of education has taken him east to Harvard where he attended the Institute for Educational Management program for senior university executives.

A well-rounded scholar athlete, Tomás played football and baseball throughout high school and received a football scholarship to New Mexico State University. He even played catcher in baseball's minor leagues on a farm team for the Pittsburgh Pirates.

Tomás proudly served his country, first as an officer in the United States Army, and later as a foreign officer for the U.S. Department of State, where he was responsible for the coordination and contracting of technical support services in health and education in the Dominican Republic. Tomás continued his work overseas in Colombia, on behalf of UNM, as a principal advisor in school administration and higher education to the Colombian Ministry of Education.

Tomás's educational career has always combined his passion for students with his commitment to making a difference as an administrator. His career has taken him from the Las Cruces Independent School District's hall of administration, to teaching at the intermediate and high school levels in Albuquerque, New Mexico, and then on to the University of Texas, El Paso where he served as an associate professor of educational administration and assistant dean. From there, he was named the dean of the School of Education and professor of educational administration at San Diego State University.

The California State University system recognized Tomás's achievements by appointing him vice president for academic affairs and professor of educational administration at California State University, Fresno. In that capacity, Tomás accomplished significant changes including the reorganization of the academic budget management system, increasing the level of outside grant activities, revising the system for tenure and promotion of faculty, reorganizing the School of Social Work and Health Services, and initiating and implementing major affirmative action initiatives in academic affairs.

For the last 20 years, Tomás has served as the president and a professor of education at California State University, Bakersfield. During his tenure, CSUB has grown dramatically as demonstrated by the institution achieving university status and record enrollment gains. CSUB has enjoyed increased funding for research and training, as well as major capital outlay projects, including an athletics activities center, a new library, a Child Care Center, an outdoor amphitheatre, a student union, and the Business Development Center. Tomás has been central to the fundamental redefinition of CSUB's institutional mission to achieve a closer nexus between CSUB and its regional community, resulting in the community's generous support for and coordination with the university. Furthermore, Tomás has demonstrated true leadership in promoting educational equity and access to a quality higher education for the region's diverse population, thus, helping to dramatically increase the enrollments of minority and women students and the hiring of ethnic minorities and women at the faculty, staff and administration levels.

Mr. Speaker, as family, friends, and colleagues gather to roast and pay tribute to Tomás's many accomplishments, it is with great admiration and pride that I ask my colleagues to join me today in saluting this truly remarkable example of the American dream. Tomás is a fortunate man who can retire with the knowledge that he made a difference fighting his entire life to improve education for all students, but even more importantly, he did so while also maintaining a sincere commitment to loving and supporting his family. Tomás sent his own children off to school every morning with the simple, yet profound, message to "just remember you're the greatest!" And he worked hard every day to provide those same opportunities for all children to believe in themselves, dream big and obtain a first-rate education. As Tomás closes this chapter of his distinguished career, I would like to say "thank you" on behalf of the students, teachers and families whose lives he has changed by opening doors, leading by example and always holding firm to his convictions. His countless contributions will be felt for generations to come.

ANNUAL SIKH CONVENTION LAYS PLANS FOR EXPANDING STRUGGLE FOR FREEDOM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. TOWNS. Mr. Speaker, the International Sikh Organization held its annual convention on the weekend of October 10–11–12, 2003 in Houston. The convention laid plans for the expansion of the movement to free Khalistan, the Sikh homeland that declared its independence on October 7, 1987.

The convention was attended by many delegates from all around the United States and Canada. They made plans to expand their office in Washington, which has been an invaluable resource to us here in Congress in getting out information about the oppression of the Sikhs and other minorities by the Indian government. This is good to see. The glow of freedom still burns brightly in the hearts of these Sikh leaders.

The delegates also congratulated Dr. Gurmit Singh Aulakh, President of the International Sikh Organization and the Council of Khalistan, for his tireless work in support of the interests of Sikhs in this country and the cause of freedom for Khalistan. I can say from my personal experience that Dr. Aulakh has worked for that cause with great dedication for several years and he has provided a lot of information to those of us in Congress who are interested in the cause of human rights and freedom in South Asia.

Mr. Speaker, I would simply like to take this opportunity to salute the International Sikh Organization on a very successful convention and wish it continued success in the future. We can support its efforts to bring freedom to the Sikh people, and other regions in South Asia by insisting that human rights are observed and by declaring our support for a free and fair plebiscite under international monitoring on the question of independence.

HONORING LOCAL ORGANIZATIONS FOR THEIR CONTRIBUTIONS TO CIVIC EDUCATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. ANDREWS. Mr. Speaker, I rise today to honor local organizations throughout our great nation for their contributions to civic education. Estimates are that State governments have slashed over $11–15 billion from their education budgets this year. At the same time, public opinion surveys indicate that education is at the top of the list of issues of interest to American citizens.

It is at times like this that we are particularly grateful that private sector individuals and organizations contribute to the education of America's youth. One such group is the Committee for Citizen Awareness, a not-for-profit organization that produces award-winning educational videotapes addressing civic subjects. In cooperation with organizations across America, they give these civic videotapes for free to high schools, community colleges, many libraries and community access cable television stations. Over 30 million students and countless others have viewed these award-winning videos, free of charge.

At this moment in American history, when others are challenging our system of government, it is essential that our citizens understand their country's civic underpinnings. Helping to educate our citizens, particularly our young Americans, about these civic issues is indeed a noble and worthwhile goal. Mr. Speaker, I ask that my colleagues join me in showing sincere gratitude to all organizations that have contributed to this effort, including:

The Cooper Health System
Dr. Mamie Howard Golladay, President of Sullivan County Community College
Elizabeth N. Hamilton, President & CEO of Summit Credit Union
Carole Biggers, Corporate Counsel of Syngenta Crop Protection
Todd Hendricks, General Partner of T. H. Properties
Dale Schumacher, President of Tampa Bay Federal Credit Union
Loy M. Howard, President/CEO of Tanner Health System
Wayne Mansur, President and CEO of Texoma Community Credit Union
Paul M. Pantozzi, Chairman, President, and CEO of The Provident Bank
Dr. James A. "Red" Duke, Trauma Surgeon of The University of Texas Health Science Center @ Houston
Stephen P. Dexter, President and CEO of Thomas Memorial Hospital
Robert B. Tracy, Jr., CEO of TPS Credit Union, Inc.
Dan Kampen, President and CEO of U.S. Central Credit Union
Dr. James Moeser, Chancellor of UNC at Chapel Hill
Dr. Kathryn Martin, Chancellor of University of Minnesota Duluth
Glen R. Kershner, COO/VP Business Development of Universal 1 Credit Union, Inc.
Michael C. Engel, President and CEO of University of Kentucky Federal Credit Union
Dr. John D. Stobo, President of University of Texas Medical Branch at Galveston
Dr. Dan Johnson, President of University of Toledo
Michael F. Ambrose, President and CEO of USAlliance Federal Credit Union
Diana Dykstra, President and CEO of Vandenberg Federal Credit Union
Albert G. Duff, Board of Directors of Ventura County Credit Union
Dr. Bryan K. Blanchard, President of Vincennes University
Dr. Gary S. Kaplan, Chairman and CEO of Virginia Mason Medical Center
Nancy Farber, CEO of Washington Township Health Care District
Dr. Christine Sobek, President of Waubonsee Community College
Dr. Michael H. Gerwitz, Director of Pediatrics of Westchester Medical Center
F. Nicholas Jacobs, President of Windber Medical Center
Dr. Harold L. Martin, Sr., Chancellor of Winston-Salem State University
Dr. Robert Lowdermilk, President of Wood College
Douglas A. Fecher, President and CEO of Wright-Patt Credit Union
Dr. Anthony Parker, President of Albany Technical College
Lawrence E. Dewey, CEO of Allison Transmission Division General Motors
Jude Thompson, Vice President and General Manager of Anthem Blue Cross and Blue Shield
Dennis Smith, Associate Executive Director of Arthur G. James Cancer Hospital and Richard J. Solove Research Institute
Dr. William Frame, President of Augsburg College
Calvin E. Bellamy, Chairman of Bank Calumet
Joel Allison, President and CEO of Baylor Health Care System
Patrick Magoon, President and CEO of Children's Memorial Hospital
Jeffery L. March, President and CEO of Citadel Federal Credit Union
Dr. Karen A. Nicodemus, President of Cochise College
Randy Segler, CEO of Comanche County Memorial Hospital
Keith Spivey, Vice President of Branch Operations of EECU
Denise Floyd, President/CEO of Fort Sill Federal Credit Union
John N. Kastanis, President and CEO of Hospital for Joint Diseases
R. Michael Barry, FACHE, Chief Executive Officer of Jupiter Medical Center
Jean G. Leon, RNMPA, Executive Director of Kings County Hospital Center
Jean M. Yokum, President and CEO of Langley Federal Credit Union
Todd L. Swims, President & CEO of Leaders Credit Union
Jose R. Sanchez, CSW, ACSW, Senior Vice President of Lincoln Medical & Mental Health Center
Parker H. Petit, Chairman, President and CEO of Matria Healthcare, Inc.
Thomas Rozek, President and CEO of Miami Children's Hospital
Gregory K. Smith, President of Mountain State Blue Cross Blue Shield
Kevin A. Johnson, CEO of Mountain View Hospital
Laurence C. Hinsdale, President and CEO of NorthEast Medical Center
Ed Piper, Ph.D., CEO of Onslow Memorial Hospital
Niels Vernegaard, President/CEO of Parkridge Medical Center, Inc.
Thomas F. Schutte, President of Pratt Institute
Neil DeFeo, Chairman, President, and CEO of Remington Products Company LLC
Timothy G. Rupert, President & CEO of RTI International Metals, Inc.
James W. Henderson, Division Manager of RTI International Metals, Inc.
Wallace Strickland, President and CEO of Rush Foundation Hospital
Fred Fraizer, President and CEO of Saint Mary's Hospital
Bob Peebles, CAO of Saint Vincent Catholic Medical Centers
Dr. Steven Gamer, Chief Medical Officer of Saint Vincent Catholic Medical Centers
Thom Clark, President and CEO of Saints Memorial Medical Center
Bruce Rampage, President of St. Anthony Memorial Health Centers
George Winn, President and CEO of St. Elizabeth Health Services
Colleen L. Kannaday, President of St. Francis Hospital & Health Center
Andrew S. Passeri, Ph.D., President and CEO of Adolescent Medicine of Staten Island University Hospital
April C. Lee, M.D., Director of Adolescent Medicine of Staten Island University Hospital
Catherine Ann Paura, CEO of The National Research Group, Inc.

Dr. Catherine Bannerman, Medical Director, Quality Improvement of Torrance Memorial Medical Center
Arlene Rak, President of UHHS/Bedford Medical Center
Bruce L. Barnett, President and CEO of Education of Vantage Credit Union
Dr. Peter C. Mehas, Superintendent, Fresno County Department of Education of Vantage Credit Union
Richard Davis, Esquire, Partner of Weil Gotshal & Manges, LLP
Charles M. O'Brien, Jr., President and CEO of West Penn Allegheny Health System
Richard Brvenik, President and CEO of Windham Community Memorial Hospital
Dr. J.P. (Jack) London, Chairman, President and CEO of CACI International Inc.
Bernard W. Dan, President and CEO of Chicago Board of Trade
Dr. Michael Schwartz, President of Cleveland State University
K. Peter Maneri, Vice President of Corporate Communications of Computer Sciences Corporation
Gary J. Holt, President of Delta School of Business & Technology
George L. Kerns, President and CEO of Digex Incorporated
Dr. David G. Carter, President of Eastern Connecticut State University
Joe Shearin, President and CEO of Eastern Virginia Bankshares, Inc.
J.A. Lacy, President and CEO of FinishMaster, Inc.
Jim Sartain, President and CEO of FirstCity Financial Corporation
S. Dale High, President of High Industries
Daniel J. Wetta, CEO of John Randolph Medical Center
Dr. Betty Siegel, President of Kennesaw State University
Dr. F. Javier Cevallos, President of Kutztown University of Pennsylvania
Charles W. Thomas, President and CEO of Mid-Atlantic Federal Credit Union
Mark Griffin, Executive Vice President of Nishikawa Standard Company
Dr. David Sam, President, North Harris College of North Harris Montgomery Community College District
Charles Florio, Ph.D., President of Northeast Texas Community College
Gary Wehrle, President and CEO of Pacific Crest Bank
Dr. Paul J. McCarthy, President of Prairie State College
Barbara Berghoff, President and CEO of Professional Federal Credit Union
Dr. John Waddell, President of St. Paul's College
Michael T. Dan, Chairman, President and CEO of The Pittston Company W.R. Timken Jr., Chairman and CEO of The Timken Company
Marv Athey, CEO/General Manager of Trico Electric Cooperative
Bobbie Booker, Chairwoman of Tulsa Teachers Credit Union
Bill Sterner, President/CEO of U of C Federal Credit Union
Dr. Don Huff, President of Weatherford College
Bob Worth, Bay Area Region President of Wells Fargo & Company
Glen F. Post, President, Chairman and CEO of CenturyTel
David R. Anderson, President and COO of American Family Insurance
Robert S. Curtis, President and CEO of Ball Memorial Hospital
Frank V. Murphy, President and CEO of BayCare Health System
William Longfield, Chairman and CEO of C.R. Bard, Inc.
Dr. Antoinette Iadarola, President of Cabrini College
Deborah H. Trotter, President and CEO of Charlotte Fire Department Credit Union
David Macoubrie, Esquire of Cleaveland, Macoubrie & Cox
John A. Calderone, Ph.D. of Corona Regional Medical Center
Paul Dell Uomo, CEO of Covenant Health Care System, Inc.
Allan G. Komarek, Executive Director of Delano Regional Medical Center
Dr. Bryant Cureton, President of Elmhurst College
Kevin C. Martin, President & CEO of EMH Regional Healthcare System
Lauren Rock, COO of Euclid Hospital
Jim Tadvick, Senior Vice President of Farmers State Bank
Gary Duncan, President and CEO of Freeman Health Systems
George Irwin, President and CEO of Great Falls Bank a.k.a Greater Community Bank
Carl J. Sorgatz, President of Hawthorne Credit Union
Michael D. Means, FACHE, President and CEO of Health First
Dr. Johnathan M. Astroth, President of Heartland Community College
Norman F. Mitry, President and CEO of Heritage Valley Health System
Thomas R. Martin, Senior Vice President of ITT Industries
Father Edward Glynn, S.J., President of John Carroll University
Steven Kazan, Managing Partner of Kazan McClain Edises Simon & Abrams.

PERSONAL EXPLANATION

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. KIRK. Mr. Speaker, on October 15, 2003, I was recorded as a "nay" vote on rollcall No. 540. Please let the RECORD show that I intended to vote "yea" on this motion.

TRIBUTE TO DR. LEONARD L. COLEMAN

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. TURNER of Texas. Mr. Speaker, I rise today in tribute of a distinguished public servant, Dr. Leonard L. Coleman. To the people of Grimes County, in East Texas, Dr. Coleman is a living legend. Considered by many to be the father of modern medicine in Grimes County, Dr. Coleman's surgical skills have helped mend and save lives for more than 34 years.

Dr. Coleman's distinguished medical career, during which he touched the lives of thousands of East Texans, represents the very best American values of commitment, selflessness, and hard work.

Not only a fine doctor, Dr. Coleman has been a dedicated public servant as well. At a time when many physicians were moving to larger communities and increasing the sizes of their practices, Dr. Coleman remained committed to the community in which he was raised throughout his career. As part of this commitment, Dr. Coleman has been a community leader, serving in a variety of civic positions, including President of the School Board, City Commissioner, Elder in the Presbyterian Church, and school physician. He has been a lifelong public servant in the truest sense of the word.

Dr. Coleman was also a teacher. He mentored young men who thought they might be interested in a medical career. During many summers, high school and college students assisted Dr. Coleman in surgery, while he made rounds and house calls, and worked with him in the Navasota Clinic laboratory. Dr. Coleman's charm, wit, and warmth enchanted everyone he met, including both his patients and his students.

Mr. Speaker, please join me in commending Dr. Coleman on a distinguished career and in thanking him for a lifetime of outstanding medical care and selfless service to the citizens of East Texas.

RECOGNIZING LUPUS INTERNATIONAL

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. COX. Mr. Speaker, I rise today to call this Congress' attention to a devastating disease that affects millions of Americans.

Systematic Lupus Erythematosus, commonly known as lupus, is a chronic, complex, and often life-threatening autoimmune disease. It causes the immune system to become hyperactive and attack the body's own tissue, damaging vital organs which can lead to severe disability or death.

Research shows that 2.8 million people have been diagnosed with lupus in the United States—more than those affected by AIDS, Cerebral Palsy, Multiple Sclerosis, Sickle Cell Anemia and Cystic Fibrosis combined. Although lupus can affect people of all ages, it strikes primarily women between the ages of 16–45, and is currently the fourth leading cause of disability in females.

To date, there is no known cure for lupus and there are still very few treatments specific to the disease. However, with increased public awareness, education, and innovative research, we are hopeful that this battle can and will be won. Lupus International, a nonprofit organization in Irvine, California, has been a champion in the field of lupus research since it was founded in 1983. Over 2 decades, Lupus International has worked to alleviate suffering for millions of patients through support services and early detection of undiagnosed cases through awareness promotion.

Today, I ask my colleagues to join me in honoring Lupus International for its 20-year commitment to finding a cure for lupus, and its tremendous service to millions of Americans suffering from this devastating disease.

WHY WE NEED MORE MILITARY END STRENGTH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. SKELTON. Mr. Speaker, throughout my years of service, I have spent considerable time learning and understanding the complexities of our Nation's national security programs, and in particular our military personnel policies. It is with this experience and appreciation that I rise to share with my colleagues my deep concerns regarding the Nation's military end strength.

In February 1991, this Nation joined with our allies and went to war in the Persian Gulf. American service members were sent to the Middle East to help restore liberty and freedom to the citizens of Kuwait. The defense authorization bill for fiscal year 1991, provided the Army an end-strength of 702,170, the Navy 570,500, the Marine Corps 193,735, and the Air Force 510,000. When we went to war in 1991, the Army had 12 divisions, the Navy had 529 ships and the Air Force had 165 air wings.

The fall of the Berlin Wall, the end of the Cold War, and the successful prosecution of the first Persian Gulf War all led to the demand and belief that our country should and needed to reduce its military end-strength. The pressure for a "peace dividend" became the popular call.

By 1996, we had reduced Army end strength to 495,000, a reduction of over 207,000. The Navy was cut to 428,340, the Marine Corps downsized to 174,000, and the Air Force lost 129,000 for an end-strength of 388,200. The "peace dividend" was fast becoming a reality—in 5 years the military end-strength had been reduced by more than a half million.

However, the world has remained far from peaceful. The end of the Cold War has brought its own challenges—nearly 100,000 American forces have been called to serve in Bosnia and Kosovo, and thousands of National Guardsmen and Reserves are still being called to serve today. The United States has also sent our men and women in uniform to other operations around the world, including humanitarian assistance missions to Somalia and Haiti, drug interdiction operations in South America, and training government troops opposed to insurgents in the Philippines. Unfortunately, as the number of military operations has increased, there has also continued to be a slow and steady decrease in the size of our military.

But starting in 1995, the harsh reality of the worldwide operational burden on our forces led to calls for more forces. In 1995, Army Lieutenant General Ted Stroup, then Deputy Chief of Staff for Personnel, testified that the Army's active end strength should be 520,000, not the 495,000 that was requested in the 1996 budget request. Army Chief of Staff, General Eric Shinseki, reiterated that position during a hearing before the Armed Services Committee in July 2001. He told us that the Army needs a force of 520,000 people.

However, instead of proposing to increase military end-strength, the Bush administration has sought to gain greater efficiencies in the current force. Secretary of Defense Donald Rumsfeld directed the services to find ways to convert military positions that were not on the tip of the spear to civilian positions or private contractor jobs. The services also have been conducting reviews of their own to find ways to convert non-combat units to units with missions more relevant to actually fighting wars in order to relieve the burden on the front line forces now deployed around the world.

While I agree that we need to support more efficient use of the force, the administration's solution to our operational dilemma is wrong, shortsighted and self-defeating. Failing to increase our end strength will only increase the pressure on our current force. There is simply no substitute for having enough people to do the job—"boots on the ground" in military parlance and all the organizational efficiency in the world is no substitute.

It is said that history often repeats itself. Our Nation has historically reduced the number of men and women in uniform following major conflicts, such as World War I, World War II, Vietnam, Korea, and the Cold War. As a result of this historical phenomenon, we had a relatively small force by historical standards when we were violently attacked by terrorists on September 11, 2001. In the days since then, hundreds of thousands of National Guard and Reservists have been called to active duty to provide security at our Nation's airports, bridges, nuclear power plants, and other important facilities. Thousands of men and women in uniform were sent to Afghanistan to remove terrorists and their supporters in Operation Enduring Freedom. And, in March of this year, Armed Forces personnel were sent to invade Iraq and remove a cruel and ruthless dictator from power, and are likely to be in Iraq for years to come. The message from these events is clear—because there are not enough troops to meet our worldwide military obligations, troops in Iraq and Afghanistan, and even those guarding against terrorism inside the United States, face longer call ups, deployments and hardships than would be required if we had a larger force. We simply need more people in our military to do the job right!

On September 23, 1999, then presidential candidate Bush stated, "Frustration is up, as families are separated and strained. Morale is down. Recruitment is more difficult. And many of our best people in the military are headed for civilian life." Just four short years later, I say the same words to the President. Frustration is up, and families have been separated and strained more today than at any other time in recent history. Morale is declining. Although military recruiting is now satisfactory, many military leaders have expressed their fear that retention and recruiting will decline as troops rotate back home.

The time has come for Congress to ensure that our Nation has the military manpower that it needs to successfully execute the missions we ask our brave service men and women to perform. We need to increase our military end-strength, particularly in the Army, now. We need to ensure that the all volunteer force will continue to work as well as it has for the last 30 years. And that will only happen if we have enough people in uniform.

RECOGNIZING BOB WENZEL

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. PORTMAN. Mr. Speaker, I rise to recognize an exemplary public servant, Bob Wenzel. Bob recently concluded 40 years of government service, 38 of which were spent with the Internal Revenue Service. I am privileged to say that I know Bob, and I commend him for dedicating his professional career to the betterment of our country.

A son of German immigrants, Bob's patriotism to our Nation began as a young child, when he would daily raise and lower the family's American flag. In his words, "[w]hat it instilled in me was what this country represents."

Bob's interest in taxes was initially developed through his responsibility for calculating the family's taxes. This chore, coupled with a desire to contribute to his country, led him to join the IRS in 1963, turning down significantly more lucrative private sector positions. Bob has made serving his country a guiding principle for his entire working life, and has made his life choices based on what he could contribute. He rose up through the ranks, from a revenue officer in Chicago, to director of the IRS Service Center in Ogden, Utah, eventually rising to Deputy Commissioner and even Acting Commissioner. Bob's commitment to customer service won a presidential award for his quality improvements in Utah.

Bob's demonstrated leadership in customer service led former IRS Commissioner Charles Rossotti to name him as Deputy Commissioner during a time of great transition following passage of the IRS Restructuring and Reform Act of 1998. Upon confirmation of Mark Everson as Commissioner earlier this year, Bob was again named Deputy Commissioner, where his efforts continue to result in a more favorable public perception of the IRS.

Bob leaves the IRS with the universal respect of his peers, including former Commissioners, front-line managers, and the union. His contributions will long be remembered at the IRS. Mr. Speaker, on behalf of my colleagues, we pay tribute to Bob's service and wish him and his family good health and good fortune in his well-deserved retirement.

RECOGNIZING MICHAEL RICHARDS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Michael Richards, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 412, and in earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop, participating in many scout activities. Over the

9 years Michael has been involved with scouting, he has held numerous leadership positions, serving as Troop-Patrol Leader, Assistant Patrol Leader, librarian, and Troop Guide. Michael is also a Brave in the Tribe of Mic-O-Say and was inducted into the Order of the Arrow where he is a Brotherhood member.

For his Eagle Scout project, Michael built picnic tables and hitching posts for two rest areas on the horse and hiking trail around Smithville Lake. His project will be enjoyed by many visitors and horseback riders.

Mr. Speaker, I proudly ask you to join me in commending Michael Richards for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mrs. MUSGRAVE. Mr. Speaker, on Wednesday, October 15, if the voting machine was working properly, it would have recorded my vote in favor of H.R. 1828, the Syria Accountability Act. The Syria Accountability Act is extremely worthwhile legislation and I was proud to cosponsor it on May 22, 2003.

TIME FOR SOLUTIONS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the October 4, 2003, editorial from the Norfolk Daily News, which is entitled "More of a problem than a solution." Although this Member certainly is pleased that the United Nations (U.N.) Security Council unanimously approved a resolution which establishes a U.S.-led multinational force in Iraq, he continues to hold many of the concerns outlined in the editorial with regard to the failure of the U.N. to adapt to current realities.

Recently, this Member became a co-sponsor of the National Commission on the Modernization of the United Nations Act of 2003 (H.R. 3079). Through this measure, which was introduced by the distinguished gentleman from Florida (Mr. CRENSHAW), Congress would create an independent commission to explore how the U.S. could encourage structural changes in the U.N. Indeed, for the U.N. to remain relevant, the institution must be open and willing to reassess its structure, and the United States should lead the campaign for changes.

[From the Norfolk Daily News, Oct. 4, 2003.]

MORE OF A PROBLEM THAN A SOLUTION

President Bush has asked the United Nations for help in rebuilding Iraq. But instead of responding with a loud "yes" and saying they will finally do the right thing for people in need, many members harrumphed and growled and once more demonstrated that the world organization may be on the road to irrelevance.

Kofi Annan, the U.N. secretary general, reminded anyone who would listen how the world body had "imperfectly" kept the planet peaceful for 58 years and that the current U.S. policy of pre-emptive action puts all of that at risk.

Someone should bring it to his attention that the imperfections have included round after round of genocide and incessant war in Africa.

A policy of pre-emption in the absence of clear, immediate danger is, in fact, a policy that could be pronounced unwise at one point in human history. That point was prior to the advert of weapons of mass destruction and multiple acts of catastrophic terrorism.

The Bush administration was awakened by the Sept. 11 terrorism to new realities that make some previous policies as outdated as would be the manufacturing of carriages instead of cars in Detroit. It is naive to suppose, as Mr. Annan does, that the U.S. example may lead other nations to protect themselves through aggressive action they would not otherwise have employed.

The United Nations demonstrated that it is more problem than solution when it failed to follow through on the last in a series of resolutions that Iraq must account for weapons of mass destruction, and it will not somehow absolve itself of irresponsibility through negligence and antagonistic rhetoric now.

If the United Nations does not come through, the United States must ponder whether it can instigate a positive restructuring or become increasingly less supportive of the organization.

NATIONAL BREAST CANCER AWARENESS MONTH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to remind my colleagues that October is National Breast Cancer Awareness Month and today, October 17, 2003, is especially important as National Mammography Day. Today we celebrate the significant contributions that early detection through mammography has made in reducing deaths from breast cancer.

And tomorrow, on October 18th, thousands of people in my district in Dallas, TX, will turn out for the Race for the Cure 5K event sponsored by the Susan G. Komen Breast Cancer Foundation, headquartered in Dallas. This year marks the 20th anniversary of the celebrated Komen Race for the Cure Series. The first Race for the Cure was held in 1983 in Dallas with 800 participants. At a time when breast cancer remained a taboo topic for many people, this life-affirming event was a public way to discuss breast cancer issues positively and meaningfully. Breast cancer survivors were celebrated, and those who had lost their battle with the disease were honored by their friends and family. In addition, participants were able to do something healthy and proactive to support the cause. The event was a tremendous success and quickly gained momentum and visibility. Today, the Komen Foundation hosts Race for the Cure events in 112 U.S. cities and in two foreign countries with nearly 1.5 million participants each year, making it the largest series of 5K events in the world. Each participant receives the life-saving message of early detection. Perhaps most importantly, the Komen Race for the Cure has raised hundreds of millions of dollars for critical breast cancer research, education, screening and treatment programs.

This year, more than 200,000 women will be diagnosed with breast cancer and nearly 40,000 women will die from this disease. Every 3 minutes a woman is diagnosed with breast cancer, and every 13 minutes a woman dies from this disease. Breast cancer is the leading cause of death among women ages 40–59. Men also succumb to this disease, particularly in the elderly African American male population.

All of us here today will be touched by breast cancer in some way during our lifetimes. There is no simple way to prevent breast cancer, but there are ways to detect it early, at a time when patients have more treatment options and a greater chance of survival. The most effective method used today in detecting breast cancer early is mammography screening.

Today, to celebrate "National Mammography Day," the Komen Foundation is launching a campaign to urge Congress to renew the National Breast and Cervical Cancer Early Detection Program (NBCCEDP). Unfortunately, the authorization for this highly successful program expired on September 30, 2003. Congress must move immediately to reauthorize the NBCCEDP program at a higher funding level of $250 million for FY2005.

By reauthorizing the program and providing at least $250 million for the program, Congress will help provide low-cost mammograms and follow-up care to thousands of women who otherwise could not afford these potentially life-saving services. The NBCCEDP is essential to help eradicate breast cancer as a life-threatening disease. Since the program's inception 13 years ago: approximately 2 million women have been screened, mammography use has increased by approximately 20 percent among women over 50 years of age, and nearly 13,000 cases of breast cancer have been detected.

The tragic fact is that the current NBCCEDP funding level allows it to cover only about 18 percent to 20 percent of the eligible population—which means that four out of five eligible women are not being served. Additional funding is needed to ensure that no eligible woman is denied quality screening and care. Raising the funding to $250 million next year would enable the NBCCEDP to provide approximately 122,000 additional screenings to women in need next year.

During my tenure in Congress and the Texas State Legislature, I have always strived to ensure that America has the resources needed to combat the terrible diseases that plague our communities. I absolutely share your support for an increase in funding for stronger medical research. As a former nurse, that's why I support the National Institutes of Health (NIH). NIH is an investment that saves lives, and helps Americans to live longer and to live better.

That is why I am so proud to be a cosponsor of the Breast Cancer Patient Protection

Act of 2003 (H.R. 1886), the Mammogram Availability Act of 2003 (H.R. 736), and the Better Screening Test for Women Act (H.R. 1241). H.R. 1886 improves treatment for breast cancer patients. H.R. 736 requires that health insurance companies provide coverage for annual screening mammography for women 40 years of age or older. H.R. 1241 authorizes additional appropriations to the National Institutes of Health for research on early detection of breast cancer.

To help recognize National Mammography Day, and make it much more than just a commemorative day, I urge my colleagues to join me in calling for the immediate reauthorization of the National Breast and Cervical Cancer Early Detection Program at $250 million and more for the coming years. We owe nothing less to our grandmothers, mothers, daughters, sisters and the men in our lives in the race to find a cure for breast cancer.

RECOGNITION OF CHELTENHAM TOWNSHIP TWINNING CELEBRATION AND CHARTER SIGNING CEREMONY

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. FATTAH. Mr. Speaker, I rise today to recognize the Cheltenham Township Twinning Celebration and the Charter Signing Ceremony at the annual Harvest Festival on Saturday, October 11, 2003.

Located on the northwest border of Philadelphia in the heart of the Northern Greater Philadelphia Region, Cheltenham Township is a mixture of distinctive neighborhoods, tree-lined streets, abundant parks, convenient shopping districts, and apartment complexes. Cheltenham's multiethnic community dates back to Quaker emigrants who settled in the area around 1690. Two of these new settlers came from Cheltenham, England, and thus the name was established.

Historically famous for the spa waters that drew King George III for a visit in the late 1700s, Cheltenham, England, is a mostly urban town located on the edge of Cotswold Hills retains much of its stylish Regency architecture. Having established a long-standing friendship, the Lord Mayor and Mayoress of Cheltenham, England, along with other councilors and dignitaries, will visit Cheltenham Township to formalize their friendship in an official "twin city" relationship in an effort to expand opportunities for residents in each community to get to know one another. I would like to insert the following language of the Twinning Charter into the record:

CHELTENHAM TWINNING CHARTER

Cheltenham Township, Pennsylvania, USA, and Cheltenham, Gloucestershire, UK, having already established a long-standing tradition of friendship and goodwill through visits and exchanges for more than 50 years, do hereby formally resolve:

To continue to foster and develop mutual understanding and respect between the people of Cheltenham Township, Pennsylvania, USA, and the people of Cheltenham, Gloucestershire, UK; and

To encourage and assist youth and adult organizations, clubs, companies, groups and all classes of people in Cheltenham Township, Pennsylvania, USA, and Cheltenham, Gloucestershire, UK, to communicate and exchange visits with each other, thereby developing human and cultural relations and maintaining a firm foundation for future understanding, respect and friendship for all time.

Now, therefore, we do solemnly declare in the names of our citizens this Twinning Charter between Cheltenham Township, Pennsylvania, USA, and Cheltenham, Gloucestershire, UK.

Done on October 11, 2003, in Cheltenham Township, Pennsylvania, USA.

Mr. Speaker, I commend both Cheltenham Township of Pennsylvania and Cheltenham of Gloucestershire, UK, in their efforts to foster goodwill between its people. Their relationship will undoubtedly grow as its citizens build upon their common bond.

REMARKS OF ROBERT REDFORD

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. DICKS. Mr. Speaker, I was honored last month to attend the annual Nancy Hanks Lecture at the Kennedy Center, an annual tribute to the memory of the woman who served as the Chair of the National Endowment for the Arts from 1969 to 1977. Each year a prominent American is asked to deliver personal remarks about the importance of the arts in public policy, and it was a great pleasure this year to hear from the accomplished actor, Robert Redford, who delivered a poignant, funny and meaningful address about the importance of supporting creativity and artistic development in our Nation. I am very pleased to bring his remarks to the attention of my colleagues in the House of Representatives.

REMARKS OF ROBERT REDFORD

I've been coming to Washington, D.C. for the past 30 years, either filming here, as was the case in All the President's Men, or for lobbying efforts on behalf of issues relating to the environment, energy, human rights and art. In the beginning, it was a heady experience to be in the halls of power surrounded by history and event, feeling what it is like to be an integral part of a democracy—particularly if you were fortunate enough to move someone on an important issue.

In time, you experience changes in political climates, different attitudes and priorities. The strength of the system that controls decisions and compromises became clear over time, and expectations of success had to be tendered with failure relating to these realities. But still, you feel fortunate to have access to the ears that made decisions.

Even though you knew that celebrity was maybe a door opener, it nonetheless cuts both ways in politics. Like the time I was on the Presidential campaign trail and speaking to thousands of kids on a college campus about the importance of their vote and environmental issues. In the roar of their connection with what I was saying, I thought for a moment "I'm really getting through here!" Then I walked off stage and immediately a reporter stuck a microphone in my face and said, "Who do you think is better looking, you or Dan Quayle?

So, just when you might be feeling your oats, reality has a way of sneaking up and putting it all in perspective. But as a citizen and an artist, I try to remember that it is a right and a responsibility to be able to partake in the process of democracy.

I'm here today because of my belief that art is a great translator of that which is both familiar and unfamiliar and that it is through art that we can come to know ourselves and others. To me, the vitality and insight which art brings to civil society is more important now than ever.

I grew up in a time when democracy was taken for granted since it was drummed into our minds as a fundamental definition of America and why it was great. I was shaped by WW II and a time when we were all united in its purpose—unlike conflicts of today. Because times were tough, and my family financial resources slim, we didn't have fancy toys or luxuries and had to be creative in inventing worlds of our own. My imagination was my most valuable commodity and thankfully it became a life force for me at a very young age. I saw the world around me not only as it was. I saw the world around me as it could be. Art and the imagination that gave it life became my closest companions.

Before anyone was much interested in what I had to say, they were interested in what I created. As a kid, I remember sketching everything in sight. My parents and their friends played cards and I began drawing them as a group, individual faces and the like. Then I moved under the table and began sketching their feet at which point I think everyone started to worry. Even though they thought I was a bit weird, I got attention and encouragement for my "art" at a young age.

While I was a poor student academically, I shined in sports and in art and my third grade teacher was next to recognize that art was a legitimate means of expression for me as I struggled with more traditional approaches.

I remember she had me come to the front of the room and draw a story on this big pad of newsprint on an easel. I think we were studying English and she used it as a basis to make a point. The whole class seemed to get it and all learned a little about sentence structure and storytelling in ways that engaged and made sense. I didn't know what "it" was that they got, but it sure felt good.

My teacher's encouragement of my artistic tendencies continued, making me realize art. was something legitimate to pursue and that it was integral to how I was finding my way in this world and making sense of things. If not for this, I may have taken a path that wasn't as fulfilling and productive. That's the main reason I'm here, to pay tribute to the work that so many of you do every day, to keep art alive in schools and in communities all across the country.

Being in this hall tonight prompted me to remember some of the writings of President John F. Kennedy. I became reacquainted with a speech he gave in 1963 at Amherst College where he paid tribute to the American poet Robert Frost, and reflected on the value of the arts to a society. It was less than a month before his assassination. "I look forward to an America which will reward achievement in the arts as we reward achievement in business or statecraft. I look forward to an America, which will steadily raise the standards of artistic accomplishment and will steadily enlarge cultural opportunities for all of our citizens."—John F. Kennedy.

To me, art, in all its forms, is the purest reflection of the most diverse aspects of us as individuals, as communities, as nations and as cultures. It's art that feeds and nurtures the soul of a society; provokes thought; inspires critical thinking; and fosters understanding of things foreign to our own immediate world. In the end, art plays a primary role in encouraging healthy tolerance of diversity in any culture. In times like these—in this very hour—more of this kind of encouragement would serve us well. Joseph Campbell felt that a society without mythology was doomed. I feel the same way about the role that art can play in a society's sustainable future. On the surface, it may not have the weight of the SEC, the Dept. of Defense, or Social Security and other programs that may be easier to quantify. But it is still a part of the whole. More importantly, it exemplifies one of our great, maybe our greatest critical luxuries—freedom of expression.

Throughout the 80s and into the 90s, battles over free expression were furious and frequent. On the one side, the perception that art was undermining the moral fabric of our society began to stick and took on a life of its own and it became the order of the day. When the moralistic posturing gave way to the rationale to cut funding, for a time it was the political value of attacking the arts that increased significantly in stature. By falsely positioning the debate as one of morals and money, these forces hoped to use fear to obscure the real truth—0the value of art to every community—and fear is a very dangerous platform to work off of.

I wondered then, why aren't they going after tabloid media or corporate greed with such a vengeance? Why isn't there the same fervor about the dismal state of literacy in our schools, the AIDS epidemic, or homeless men, women and children? Why is the zeal not pointed at the virtual flood of guns and drugs into our nation's streets, or pollution into our air and water and the resulting public health implications? When has a painting ever instigated the destruction of a culture? Is a song or a play, a painting or a photograph that much of a threat to our nation's well being? That notion seems particularly absurd in light of the larger threats we are currently facing.

Luckily the collective voice against this trend won out, and of course, the political winds changed substantially. And, while the cultural wars may have subsided, they still rear their ugly head too frequently. But there's more than one way to strangle the arts and today, funding cuts being discussed all across this country at all levels of government could paint a truly devastating picture when all is said and done.

As most of you know all too well, when the economy is in as bad a shape as it is now, art becomes the "throw-away." Art and art education becomes the funding cut they feel won't have a tangible effect. In other words, it's the cut from which they think nobody will suffer and they think nobody will notice its absence. Well that's not true. It may take a while to get it, but society at large will suffer and I believe, society at large will ultimately notice.

Government support for the arts is not the frivolous give-away that some would have you believe. It's a good investment and it is sound economic development. Art and public policy is good business. Let's look at the financial stake government has in the arts. The non-profit arts world is roughly a $134 billion a year industry, employing millions. It generates nearly $81 billion in spending by those who partake in its cultural offerings and is responsible for some $24 billion in taxes going back to federal, state and local governments annually.

And, this doesn't take into consideration the impact the non-profit sector has as the training ground for writers, musicians, actors, dancers, painters, photographers, filmmakers and the like. It doesn't take into consideration the ultimate effect these people and their work have on a thriving multi-billion dollar private sector.

So, supporting the arts is good business and the numbers bear this out. It's also good public policy. A study by the Justice Dept., Americans for the Arts and the NEA demonstrated that arts programs helped at-risk-youth stay out of trouble, perform better in school and improve how they felt about themselves and their future. How do you put a price on that?

Yet, President Bush recommended virtually no increase for arts grants administered by the NEA. President Bush also recommended terminating funding of the Arts in Education program, which is administered through the Dept. of Education. State legislatures all across the country are making substantial cuts. Several states proposed wiping out their entire state budget for the arts.

Are these federal and state governments missing something in turning their backs on the arts? You bet they are. We need people in office who will have a vision for our country that goes beyond the next election. We need people in office who understand that encouraging creative pursuit could be critical to any number of sectors, from the next great technological idea to the next historic medical discovery. How do you put a price on that?

Creativity is made all the more special because it is a great intangible. It can come from the most unlikely places and from those that might not fit the "traditional" model of the artist. Creativity is inherent in all great endeavors whether traditionally artistic or not. It is creativity that must continue to be nurtured if we hope to reap the benefits of the many great minds we don't yet know. How do you put a price on that?

Yes there are pressing needs all around us. But completely ceasing to fund the arts is sadly shortsighted in any economy. Governments have to find a way to remain in the mix of resources for the arts and the private sector—corporations, foundations and individuals—they all need to find ways to help fill the gap during these tough times such as we're in now.

And that includes my industry, which benefits greatly from a vital and thriving artistic force. When one thinks of Hollywood, art isn't necessarily the first thing to come to mind. Some would say it is often anti-art. No. It's first a business. But it is a business that cannot exist without creative talent in every facet of the making of its product. So, in the end, the challenge to create art still rests squarely on the artist not the industry. As in any medium, sometimes we succeed and sometimes we fail. But we succeed often enough to create films that inspire, expose, transform and provoke, amuse, entertain and even teach.

Just as all other arts did at the moment of their own conception, cinema transformed the world. For good or for bad, it is a universal communicator on a global platform. Film is an indigenous American art form even though it's always been a struggle to have it taken seriously as an art form. But we can't deny that business has significantly infiltrated the practice of art in general, and in particular film. The constant talk of grosses—dollars and cents as the benchmark of a film's worth—is very debilitating to the body of serious film discussion and appreciation. And after all, where would the business of film be without art as its seed.

While mine is a somewhat solid industry, it will be important in the years to come for it to embrace risks as readily as it does sure things. It must make sure that freedom of artistic expression is honored and nurtured across a broad spectrum. I believe strongly that keeping diversity alive in my industry will keep the industry alive.

For example, the Sundance Institute is a step toward making sure diverse voices and the creative energy they bring with them are given an opportunity to grow and evolve. Those who come to the Sundance labs to make films and those who come to the Festival, to show films really are a microcosm of the kind of diverse voices which our industry needs to continue to support and nurture if it wants to maintain itself. They are also the kind of voices that will join in characterizing us to the rest of the world in the years to come. It's all connected.

Even after two decades, Sundance continues to be a community work in progress, success and failure simultaneously evident, treating failure as a step toward growth, rather than the destruction of a vision. I look at the Sundance Film Festival and the innovative hustle demonstrated by scores of young filmmakers to bring their vision to the screen. They haven't curled up and died because they can't get government backing for their projects. Somehow they find a way. But I'm sure if I took a quick poll, I'd find that most of them found art, found their voice, in neighborhood, community and school arts programs. That's where they began the dance with the wonders of creativity.

By the way, I started the Sundance Institute with a grant from the NEA when many others were skeptical of the idea's potential and ultimate worth. I will always be grateful to the NEA for believing in us at the time. It was instrumental in getting us started. It wasn't just the seed funding, but the seal of approval that gave the idea impetus.

What most of you know that maybe others don't is that out there right now is some kid with a great song in their head we've yet to hear or a novel in their heart that has yet to be written. There's someone out there that hasn't picked up a paintbrush yet but has a masterpiece on the horizon. There's a kid out there who hasn't picked up a camera yet but could end up making a memorable film of their time.

What most of you know that others might not as clearly see, is that the nurturing of creativity comes into play in everything from world diplomacy to world economics, business endeavors to social endeavors and everything in between. It is creativity that gives all of it the nuance that often makes the difference. In all its forms, art plays a critical role in finding our way as people and as a culture.

As President Kennedy said that day in Amherst: "I see little more importance to the future of our country and our civilization than full recognition of the place of the artist. If art is to nourish the roots of our culture, society must set the artist free to follow his vision wherever it takes him."

We hear the word freedom bandied about a lot these days. It's a sacred concept. How fortunate we are to have it. How viscerally we need to feel the commitment to protect it. To be able to be part of a freedom of expression that allows us to tell stories of our choice in the uniqueness of our own voices as citizens and as artists is not to be taken lightly. To be able to freely voice dissent in our hearts or in our art is something to protect at all costs. But then, the glory of art is that it can, not only survive change, it can inspire change.

It is for all these reasons that it behooves governments to sustain an environment that enables, supports and nurtures the free and creative expression of its citizenry.

I have great hope for the future of art and thus civil society as I look out over this room, and imagine the collective power, the collective voice that will not cower in the face of budget slashing critics, and will not surrender its advocacy for art and free expression. My hope comes from not only those gathered here tonight, but from the efforts of grassroots, state and national organizations; young artists I meet at Sundance film labs; inner-city elementary school kids who are learning to play music and write poetry; the literary and theater programs in prisons; and traveling exhibitions to rural communities all across the country.

Thank you to the co-sponsors of this evening. To Americans for the Arts my gratitude for your tireless and effective advocacy on behalf of art and all that comes with that. You truly make a difference and we're all the better for it. And to the Film Foundation a recognition and respect for the important work you do to inspire young artists through education and for protecting and restoring some of the greatest films of all time and thus enabling the diverse perspective of it all to live on.

Lastly, it is an honor to pay tribute to the memory and the contribution of Nancy Hanks whom I knew and remember fondly. Nancy Hanks had a profoundly gifted perspective on cultural policy in the United States, that being access to the arts. Her legacy is the success of many of your programs; the creative mastery of many of the artists here tonight; and the commitment to freedom of expression that we collectively embrace. The life she lived really meant something.

So we go forth from here tonight to continue to try to enlighten those who dismiss the arts as unnecessary, irrelevant or dangerous. And we do so not only in the memory of Nancy Hanks, but in the name of the active and deserving imagination of every American child.

TRIBUTE TO DR. KENNETH CHAMBERS

HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Mr. WATT. Mr. Speaker, I am proud to honor Dr. Kenneth Chambers, a friend and constituent who is retiring after 40 years of practicing medicine. Dr. Chambers will be honored on Saturday, October 18 at Friendship Missionary Baptist Church in Charlotte, North Carolina, in my congressional district.

Dr. Kenneth Chambers graduated from Meharry Medical College in 1959 and started a general practice in Wadesboro, NC. In 1966, he completed his residency in obstetrics and gynecology at Harlem Hospital in New York. He later moved to Charlotte, where his brother Julius Chambers was practicing law.

I had the privilege to get to know Kenneth Chambers through his brother, who is the person who convinced me to return to my hometown of Charlotte to practice law. Dr. Kenneth Chambers helped blaze the trail for black doctors in Charlotte and went on to serve in many leadership positions such as President of the Charlotte Medical Society, the Old North State Medical Society and he served on the North Carolina Medical Board from 1995–2001.

Dr. Chambers has impacted the lives of many people throughout his remarkable career. I am pleased to honor him and wish him, his wife, Grace, and his entire family all the best as he begins the next chapter of his life.

CONCURRENT RESOLUTION REGARDING THE FAILURE OF THE ISLAMIC REPUBLIC OF IRAN TO ADHERE TO ITS OBLIGATIONS UNDER A SAFEGUARDS AGREEMENT WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

Ms. HARMAN. Mr. Speaker, I rise to join my colleagues MARK KIRK, CURT WELDON and HOWARD BERMAN in introducing today a resolution expressing Congress's deepening concerns about Iran's nuclear program.

For many years, I have been persuaded by the available evidence that Iran was pursuing a nuclear weapons program, starting with transfers of nuclear and missile technology and expertise from Russia. Indeed, it was my resolution in the 105th Congress (House Concurrent Resolution 121) that called on the President to demand that the Government of Russia take actions to stop governmental and nongovernmental entities in the Russian Federation from providing missile technology and technical advice to Iran in violation of the Missile Technology Control Regime.

Evidence continues to accumulate raising questions about Iran's intentions, notwithstanding that country's signing of the Treaty on the Non-proliferation of Nuclear Weapons. Recently, environmental sampling by the International Atomic Energy Agency (IAEA) at Iran's Natanz nuclear facility revealed the presence of two types of highly enriched uranium that can be used to develop nuclear weapons. And, earlier in the year, IAEA announced that Iran was constructing a facility to enrich uranium.

These developments prompted the Director General of the IAEA to express concern over the failure of the government of Iran to report material, facilities and activities at its nuclear facilities, including those that have the potential to enrich uranium and develop nuclear weapons. As a result, last month, the IAEA board of directors adopted a resolution calling on Iran to provide that organization, by October 31st, with a full declaration of all imported material and components relevant to the uranium enrichment program and to grant unrestricted access to IAEA inspectors.

Mr. Speaker, concerns about Iran's intentions are further underscored by Iran's successful test earlier this summer of the 800-mile range Shahab-3 missile and the persuasive evidence that is it seeking to produce a 1,200 mile Shahab-4 missile.

Coupled with Iran's known support for terrorist groups, it is clear to me and my colleagues that Iran poses a serious national security threat to the United States and its allies and other countries in the region. We can't idly wait for developments to unfold.

The concurrent resolution we introduce today clearly expresses Congress' view that the President must use all appropriate means to prevent Iran from acquiring nuclear weapons. It also calls on the members states of the United Nations, particularly Russia, to join together to dissuade Iran and, if necessary, to impose sanctions if Iran does not fulfill its obligations to the International Atomic Energy Agency by October 31.

Failure to act can only encourage Iran to pursue a dangerous and destabilizing course. Iran must cease all efforts to acquire nuclear capabilities until it is able to verify that it is not continuing to engage in a nuclear weapons program.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

The House in Committee, of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. BACA. Mr. Chairman, I rise today in support of our troops and in support of the Obey Amendment to the Iraq Supplemental Bill. I urge my colleagues to allow a vote on this amendment.

This Amendment is a better plan for the reconstruction of Iraq, a better plan for the safety of our troops, and a better plan for America.

This Administration has already received $63 billion to help pay for this war and now they want an additional $87 billion, which could even be more in the future.

We have a deficit that is rapidly rising in this nation, an unemployment rate that is nearly the greatest it has been in a decade, families struggling without healthcare and a president who has drastically cut education by $9.2 billion. The American people have to make a decision between losing their home and healthcare.

We have an administration that went into Iraq without a plan. They asked the nation to trust them and now our troops are overseas dying every day. And at greater rates then when we were at war.

Our soldiers are exhausted and we do not know when they will be coming home! From my district the 1st Battalion 185th Armored Regiment, California National Guard could be shipped to go to Iraq as early as November.

One year ago when this nation was debating whether we should go to war, I questioned whether our troops had the equipment they needed to protect themselves. And I am still asking this question. We are losing American lives every single day.

Our troops are tired. We need more manpower. This amendment increases the troops from 480,000 to 500,000. The safety of our soldiers must not be ignored!

I keep thinking about a young man in my district that we recently lost. His name was Jorge Gonzales and I thought about his parents Mario and Rosa from Rialto. Regardless of the details of the reconstruction plan, we must make sure our soldiers have the equipment they need to survive and make it home safe.

But I also cannot stress enough, that I support this amendment because it makes the administration accountable for the spending they are doing in Iraq. Under this amendment, the president must give a detailed report about how the funds in Iraq have already been spent and how they will be spent.

We must know who and why the administration is granting contracts to. We must know why they have decided to ignore the competitive bidding process and award contracts secretly.

I urge my colleagues to support the Obey Amendment, an amendment that creates accountability, protects our soldiers, and does not hurt the American economy or its people.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Ms. WOOLSEY. Mr. Chairman, for the past 2 days Members of Congress have spoken about sacrifice and responsibility, and about supporting our troops. The way to support our troops, many say, is to vote "yes" on the supplemental spending bill that is currently before the House. One part of the supplemental that nobody is talking about is the administration's $900 million request for the importation of gasoline and other fuel products into Iraq.

The average wholesale price of gasoline in the Persian Gulf is just 71 cents a gallon. According to independent oil experts, transporting the gasoline the 400 miles from Kuwait to Iraq could reasonably cost an additional 10 to 25 cents per gallon. So a logical price per gallon for gasoline delivered to Iraq would be about a dollar. But figures from the Army Corps of Engineers show that Halliburton is charging the U.S. taxpayer between $1.62 and $1.70 per gallon for this gasoline that is purchased at much cheaper rates—an outrageous markup of over a dollar per gallon that would be considered illegal price-gouging if it occurred in the United States. So U.S. taxpayers are now faced with a $900,000 bill that pays for cheap gas that is marked up to ridiculously not-so-cheap prices.

It seems that Bechtel and Halliburton aren't as motivated by the notions of sacrifice and responsibility as many Members of this House. Perhaps this is because the Halliburton Company has never before imported gasoline. Or perhaps all those no-bid contracts have gone to their heads.

Let's not forget on March 8, 2003, Halliburton was given a secret, sole-source contract for improvements to Iraq's oil infrastructure. Halliburton did not have to compete with any other company for this contract. And why is Halliburton getting this sweetheart deal? I think it has something to do with the fact that the Vice President of the United States is the former CEO of this very same company. But his connections are not former connections—they still exist to this day. Despite what he says to the press about having severed all ties to Halliburton, DICK CHENEY received almost $400,000 in deferred salary from his former company in 2001 and 2002, and he still has 433,333 unexercised stock options. The facts speak for themselves: DICK CHENEY is not fully divested of his connections to Halliburton, and yet this same company receives U.S. Government contracts worth billions of dollars for which they are not required to place a single bid. This is unfair to the American people, and this is downright wrong.

This is not about supporting the troops. This is about supporting companies with ties to the Bush-Cheney administration by giving them get-rich-quick deals at the expense of U.S. taxpayers. The amendment that Congressman WAXMAN has introduced is a reasonable way to bring some sense and some oversight into a bill that is otherwise no more than a bailout for President Bush's failed policies. I urge my colleagues to vote for the Waxman amendment.

SENATE—*Monday, October 20, 2003*

The Senate met at 1:30 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who is, and was, and is to come, before whose face the generations rise and fall, give us that reverential awe which forms the root of wisdom. Let integrity and uprightness preserve us, for we wait on You. Lord, give us courage to listen to You and to receive strength from Your presence.

Stand by our Senators today, sustaining them in their going out and coming in. You have not failed them in the past, so we trust You with the future. May their love for You ripen as they lean upon Your strength.

Protect our military men and women from dangers seen and unseen. Remind us that You are the sole source of peace and righteousness.

We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. COCHRAN. Mr. President, at the request of the majority leader, I have been asked to announce that this afternoon there will be a period of morning business until 2 p.m. It had been the majority leader's hope, and the desire of many Members on this side of the aisle, to begin consideration of the Healthy Forests issue during today's session. Unfortunately, there is an objection on the Democratic side of the aisle.

Given that objection, it had been the intent of the leader to begin consideration of the class action fairness legislation. Again, there was an objection to proceeding to that measure on Friday; and, therefore, a motion to proceed was made by the majority leader.

Today, at 2 p.m., the Senate will resume debate on the motion to proceed to the class action bill. Members are expected to come to the floor throughout the day to speak on this motion. If we are unable to proceed on the bill today, it may be necessary to file a cloture motion on that pending motion to proceed.

Under a previous order, at 5:15 today, the Senate will vote on the confirmation of Margaret Catharine Rodgers to be a U.S. district judge for the Northern District of Florida. This will be the first vote of today's session.

UNANIMOUS CONSENT REQUEST—H.R. 1904

Mr. COCHRAN. Mr. President, on behalf of the leader, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the minority leader, the Senate proceed to the consideration of H.R. 1904, the Healthy Forests bill, under the following limitations: that the following first-degree amendments be the only amendments in order, and that any listed first-degree amendments be subject to second-degree amendments which must be relevant to the first degree to which offered: managers' amendment; Leahy-Boxer, buyback provisions; Bingaman-Leahy-Boxer, appeals process; Bingaman-Leahy-Boxer, wildland-urban interface; Bingaman-Leahy-Boxer, NEPA; Boxer-Leahy-Cantwell-Murray, additional area exclusion; Campbell-Inouye, tribal lands and hazardous fuels; Collins-Snowe, suburban sprawl; Kyl, wildfire research institutes; Kyl, wildland-urban interface; Leahy-Boxer judicial review; Smith, land grant universities; and Ensign, animals.

I further ask unanimous consent that following the disposition of these amendments, the bill be read a third time, and the Senate proceed to a vote on passage, with no intervening action or debate.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, this is bringing a bill up that has some problems in that this matter has not gone before the Energy and Natural Resources Committee, at least as far as Senator BINGAMAN is concerned. I have spoken to him on a couple of occasions, and he has not been given any degree of consideration as to what this final piece of legislation is that is now coming before the Senate.

Additionally, a bill such as this should be brought to the Senate floor and debated like all bills are debated. I do not have a position on this piece of legislation at this time. Personally, I have not read it. I do not know if it is good or bad. But, for the reasons I have announced, in addition to the fact that a number of Senators on this side have some problems, I object.

The PRESIDENT pro tempore. Objection is heard.

The acting leader is recognized.

HEALTHY FORESTS RESTORATION ACT

Mr. COCHRAN. Mr. President, on July 24, the Committee on Agriculture, Nutrition, and Forestry reported to the Senate H.R. 1904, the Healthy Forests Restoration Act.

This bill reflects a comprehensive effort to improve forest health on both public and private lands. The bill provides Federal land managers the tools to implement scientifically supported management practices on Federal forests, in consultation with local communities, while establishing new conservation programs to improve water quality and regenerate declining forest ecosystem types on private lands.

The legislation will reduce the amount of time and expense required to conduct hazardous fuels projects. But it also will require rigorous environmental analysis of such projects.

Over the past few years, we have seen many communities destroyed and many firefighters' lives lost due to forest fires that could have been prevented. Instead of managing our national forest treasures, the U.S. Forest Service has been forced to spend great amounts of time and resources battling lawsuits. The result has been months and even years of delays in fuel reduction projects. Our forests have continued to suffer, and they have continued to burn.

I have also introduced, with 13 cosponsors, an amendment to title I of the bill which contains several modifications to the House bill the committee reported. This amendment embodies recommendations made by a bipartisan group of Senators who are committed to getting this legislation passed and signed by the President.

The amendment establishes a predecisional administrative review process. It allows an additional analysis under the National Environmental Policy Act. It directs the Secretary of Agriculture to give priority to communities and watersheds in hazardous fuel reduction projects. It contains new language protecting old growth stands. And it encourages the courts to expedite the judicial review process.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The reported legislation contains a biomass title authorizing grant programs to encourage utilization of certain forest waste materials. Another title in the bill provides financial and technical assistance to private forest landowners to encourage better management techniques to protect water quality.

The pest and remote sensing titles would authorize funding for the U.S. Forest Service, land grant institutions, and 1890 institutions to plan, conduct, and promote the gathering of information about insects that have caused severe damage to forest ecosystems.

Title V, the Healthy Forest Reserve Program, is a private forestland conservation initiative that would support the restoration of declining forest ecosystem types that are critical to the recovery of threatened, endangered, and other sensitive species.

Two additional titles were added to the House-passed bill by our committee. One would establish a public land corps to provide opportunities to young people for employment and at the same time provide a cost-effective and efficient means to implement rehabilitation and enhancement projects in local communities. The other new title will promote investment in forest-resource-dependent communities.

This legislation provides new legal authority to help us manage the Nation's forests in a safe and effective manner. The bill will help us do a better job of safeguarding these priceless national resources. I urge the Senate to support this bill.

RECOGNITION OF ACTING MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, has morning business time started?

The PRESIDENT pro tempore. We have not instituted that as yet. I intend to do that now as soon as the Senator has spoken.

FINISHING APPROPRIATIONS BILLS

Mr. REID. If I may be heard briefly, the Presiding Officer is chairman of the Appropriations Committee. I know the chairman of the Appropriations Committee and Senator BYRD have worked very hard to get appropriations bills through this soon.

I want to respond to my friend from Mississippi to indicate we may not like what is proceeding—that is, the Healthy Forests initiative and the way it has been brought to the floor, and class-action legislation. They are important pieces of legislation; we understand that. But the most important business to be conducted in this body is to finish our appropriations bills. We simply are not doing that.

I am extremely concerned the House is out of session this week. They will be in one week. They have conferences that cannot be completed because they are not here. They are AWOL. In addition to the conference reports—and there are a significant number of those: military construction, Energy and water, Interior, and Labor-HHS—there are six other bills people on the majority side are talking about lumping into one big omnibus bill. That really doesn't work well. Those bills are so large and unwieldy, it is difficult to get the detail to find out what is in them. They become a mishmash of legislation.

I hope Members understand the best thing we can do is work to get these appropriations bills passed. There is no reason we cannot pass them. The bills that have come before the Senate have passed in a reasonably short period of time.

I hope in addition to the other things the majority leader wants to do, he will focus on these appropriations bills. They are important. It is not good to have large, unwieldy omnibus bills, and it appears it is being done for reasons I don't fully understand. Part of it is simply that the numbers are not there and there is some effort being made, especially in light of the $87 billion and the attention focused on that, the $21 billion spent on Iraq and very little being spent in America—the American people are concerned. These bills being brought to the Senate would focus more direct attention on that.

The PRESIDENT pro tempore. The acting majority leader.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the time for morning business be extended to 2:15 p.m.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, I say to my friend, is there any way we could get a little more time on that?

Mr. COCHRAN. I am advised there are Senators who have been told they could come over and talk on the motion to proceed to consider the class action at 2:15.

Mr. REID. That will be fine. I ask that the time between now and 2:15 be equally divided, even though my friend gave a very fine speech and took a long time. But we won't count that against morning business.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, according to this unanimous consent request, there will be a period for the transaction of morning business until the hour of 2:15, with the time equally divided between the two leaders or their designees.

Mr. COCHRAN. Mr. President, I yield the Senator from Idaho such time as he may consume.

The PRESIDENT pro tempore. The Senator from Idaho.

FOREST HEALTH

Mr. CRAPO. Mr. President, I rise to speak for a moment on the Healthy Forests bill which, as we just heard from previous discussion, will not be brought up. I understand the points made by the Senator from Nevada with regard to the importance of the appropriations bills. None of us deny the fact that we have important work to do with regard to our budget and the appropriations process. However, there are other critical pieces of legislation this Senate must consider. Among the most critical of those is the Healthy Forests bill. I serve as chairman of the subcommittee of the Agriculture Committee which handles forestry issues. It was that committee to which this legislation was referred when it came to the Senate. Our distinguished chairman of the Agriculture Committee, Senator COCHRAN, has worked closely with me as we have crafted bipartisan legislation to bring before the Senate. We have also worked closely with the Energy Committee, Senator DOMENICI, and Senator CRAIG, my colleague from Idaho, who happens by coincidence to chair the forestry subcommittee of the Energy Committee, and other Senators on the Republican side of the aisle as we worked to craft a meaningful piece of legislation.

We also reached out and worked closely in a bipartisan fashion with Senators from the Democratic side of the aisle because we knew this important legislation should not be stalled as a result of partisan politics. The result of those efforts, the initial effort in committee and subcommittee, was bipartisan legislation which Democratic Senator BLANCHE LAMBERT LINCOLN from Arkansas and I cosponsored to bring before the full Committee on Agriculture. The Agriculture Committee then made several amendments to the legislation, working in a bipartisan fashion with other Senators on the committee, and brought that legislation out to the floor. At that time there were still concerns being raised and, therefore, our leader, Senator COCHRAN, brought together a group of Republican and Democratic Senators with concerns about our forests and the conditions they face, and for several months we negotiated—again, on a bipartisan basis—to address the needs of our forests and the concerns raised by those who wanted to be sure we had a bipartisan, balanced bill.

We achieved that support. We came forward in a group of bipartisan Senators, Republicans and Democrats, with legislation that expanded the number of Democrats who would join with us on the legislation, including our minority leader and other leaders in the west from areas where serious forest fire problems are facing us.

Now after that long period and working in a bipartisan fashion, as we are prepared to bring the legislation forward, we are told it cannot be brought forward because there is objection to the unanimous consent request. We don't want to have a filibuster fight. We don't want to have a cloture vote. We have been working to build a balanced approach which can achieve support in the Senate.

It is my concern that what we see now is further delay, coming at a late time in the session, when we will jeopardize the ability of the Senate to meet its time considerations to address critical issues.

Our forests need support and help now. All anyone has to do with regard to the threat of fire danger is look back at the last 3 or 4 or 5 months to see the kind of threat our forests face. In addition, we expanded the legislation to deal not simply with fire threats but also threats from insect infestation—some of the most critical needs facing our forests in America today.

This legislation, as Senator COCHRAN indicated, is balanced. It is fair. It protects old-growth forests. It makes certain that public participation in the process of decisionmaking is preserved. It assures that the implementation of management plans by experts on the forests has a meaningful chance to proceed so we aren't tied up in litigation paralysis, and it gives us an opportunity to move forward and develop a plan that will help us achieve our objective, which is healthy forests.

I commend all Senators who have been working together on this issue, Republicans and Democrats. I particularly thank my colleague from Idaho, Senator CRAIG, and our colleague from New Mexico, Senator DOMENICI, as they have worked so closely with us at the Energy Committee level; and especially my chairman, Senator COCHRAN, who also worked closely with us; Senator LINCOLN, who has worked with us from the start, Senators WYDEN, FEINSTEIN, BAUCUS, and others; Senator KYL, Senator MCCAIN. Many Senators have come together to work with us.

I am hopeful this critical, bipartisan, balanced legislation will not fall prey to the loss of time we face on the Senate floor at these late days in the session as we are moving forward. I urge Senators to come forward and help us find a path by which we can bring this legislation before the Senate and achieve its early consideration.

Mr. REID. I yield 5 minutes to the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, over 6 weeks ago, the Senate appointed 13 conferees to the conference with the House on the Energy bill. Six of those conferees are Democrats. They were appointed to represent the 49 Democrats who serve in this body.

The day after our appointment, there was one meeting of the conference to allow for opening statements. Since then, there has been no opportunity for Democratic conferees to actually act as conferees. Some of the proposed text for the conference report, which was written without our involvement, has been circulated to us for comment by our staff.

On the most important issues before the conference—that being electricity and ethanol—we have not yet seen a draft text. Our concern about the way the conference has been conducted is not new information to this body. I have conveyed those concerns directly to the chairman of the conference. I have been joined publicly in expressing those concerns by other Democratic conferees, both in the Senate and House.

The blackout on information about the conference became even more complete during this past weekend. We understand there are agreements on most of the issues involved with the Energy bill. In fact, the settled energy provisions probably represent well over 500 pages of legislative text.

This text contains many details and it is important that we be able to view the text before we are called into a final conference meeting for an up-or-down vote. Our staff was standing by all weekend in hopes of getting to see this text. We were not able to do so. I personally cannot think of any valid reason why the completed text—those portions that have been completed by the Republican conferees—should not be distributed to the rest of the conferees immediately.

There are numerous new sections on topics that have not been yet dealt with, as we understand it. We need to see those. Some of those may be provisions that were neither in the House nor the Senate bill. Others may entail spending of which we previously have not been informed.

I have spoken to the chairman of the conference in the last few minutes. He has informed me that he and our majority leader are insisting that this conference not be concluded until we are given the full text of this bill and until we have at least 24 hours to review the text and have a final meeting at which we can raise objections and offer amendments. I appreciate that courtesy.

This is far short of what I think would be required in an appropriate conference, but it is certainly some effort to accommodate, which I very much appreciate.

I do believe the sections that have not yet been released—that being the sections on electricity and ethanol—need to be released at the earliest possible moment, and hopefully today. These are very important sections. They are going to affect Americans in their pocketbook in very real ways. It is very important we get the provisions out so we can understand them, debate them, and consider them before we are called upon to finally pass on this conference.

The right thing to do is to make the documents—that is, the text of this proposed Energy legislation—public as soon as possible. There is no doubt in anybody's mind that this is what the Democratic conferees continue to ask for. I hope this is the course of action that will be taken by the leadership of the House and Senate at the earliest possible moment.

With that, I yield the floor.

The PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I yield 5 minutes to the distinguished Senator from Idaho, Mr. CRAIG.

Mr. DOMENICI. Will the Senator yield?

Mr. CRAIG. Yes.

Mr. DOMENICI. Senator BINGAMAN spoke to an issue to which I would like to respond.

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senator from New Mexico be granted 2 minutes, not to be taken from my time. I think it is critical that he speak to the issue of the energy conference.

Mr. REID. Reserving the right to object, whose time is it taken from?

The PRESIDENT pro tempore. The majority's time.

Mr. DOMENICI. Mr. President, I say to Senator BINGAMAN that I heard what he said. He and I have talked a number of times. I would like to share with him the following so there is no misunderstanding. I have taken the position—although I have not been able to tell him every day and I have not issued a release about it every day—that the Senator must have the bill for 24 full hours prior to markup. We have taken that position with our leadership and with everyone who has to do with the hierarchy of this bill. That is where we are. That will be enforced. I now have the support I need for that to happen.

Secondly, I will do my very best to get you the portion of the bill that you would like to see on electricity even before that. I am working very hard on seeing if I can do that. There are a whole lot of people who want to look at that provision, and I want to get it to you as soon as possible.

I thank the Senator for his comments, and I understand his concern. I hope that, in the end, whatever your concerns are for that bill—let's hope you are for it, but I hope you will conclude that you have had a chance to review everything and offer amendments. I thank the Senator for yielding.

The PRESIDENT pro tempore. The Senator from Idaho is recognized for 5 minutes.

Mr. CRAIG. Mr. President, I had hoped that today I would be on the floor debating with my colleagues the issue of Healthy Forests and H.R. 1904. When the chairman of the Agriculture Committee brought the bill to the floor today asking unanimous consent to move forward, there was an objection heard from the other side. I must tell you it is phenomenally frustrating to me that we have worked on this issue in a totally bipartisan mode since the day it came from the House and, yet, there is still objection from the other side on this issue.

The bill brought to the floor today, chaired and lead-sponsored by the chairman of the Agriculture Committee, Senator COCHRAN, has Senator DASCHLE, Senator DOMENICI, Senator WYDEN, my colleague from Idaho, Senator CRAPO, who chairs the Forestry Subcommittee on Agriculture, Senators FEINSTEIN, LINCOLN, BURNS, JOHNSON, MCCAIN, and CRAIG, who chairs the Forestry Subcommittee in the Energy and Natural Resources Committee, together on this issue.

Yet the other side is saying no. Is it because the fire season is over? Is it because of the rains starting to hit the forests of the Great Basin West, and the smoke clouds that filled the air of the West this summer are depleted? Is that why there is objection now to this legislation?

I and others have been on this floor for the last 3 years pleading with the Congress of the United States, and especially this body, to craft a forest health bill that allows us to begin some active management of our forests, to change the character of our forests, and to improve their health. The House acted this year. The bill came to the Agriculture Committee. My colleague from Idaho, Senator CRAPO, chaired the subcommittee, and the work began under the leadership of Senator COCHRAN. They produced a very good bill. We looked at it in the Energy and Natural Resources Committee. It is not that our committee has not seen it. You darn right we have seen it; for 3 years, this issue has been before the Energy and Natural Resources Committee and my forestry subcommittee. Now the ranking member, Senator WYDEN of Oregon, and I—myself chairing—have agreed this is the bill that ought to come to the floor. Yet we are still being told that, no, somehow it hasn't been vetted enough and somehow there is no understanding of this issue.

There is a lot of understanding of this issue. There is a fundamental disagreement between those who want the forests left alone to burn, to let Mother Nature take her course, and those of us who have said the economies of the West, the watersheds of the West, the wildlife of the West, and of all of our public land forests deserve a policy of active management so our forests can return to a state of good health, so our watersheds can produce clear and valuable water for our urban environments, and so the wildlife can flourish; they deserve that. Yet it is being denied by a select few who would see it in an entirely different way.

The President began to speak out on this issue a couple of years ago. He stood in the ashes hip deep in Oregon, where fires ravaged nearly a million acres, and said that somehow this country has to change its policy.

Guess what. Eighty-seven percent of Americans in a recent poll agree that something is wrong in our national forests. It looks something like this: 79 percent of the folks in the West say: Got to fix it. In the Midwest, 82 percent say: Got a problem, ought to fix it. In the South, 84 percent say—and this is the area the chairman of the Agriculture Committee is from—got a problem in our public forests, ought to fix it. And the chairman of the Agriculture Committee, Senator COCHRAN, set out to do that, along with the Senator from Idaho, Mr. CRAPO, and myself.

This is a national issue today. It is not an issue of the elitist or the select few of the environmental community who say nothing should happen on our public lands; that they should be a preserve only managed by Mother Nature. We have seen what Mother Nature has done in the last 5 years. She has burned 3 million to 5 million acres a year. She has destroyed watersheds. She has destroyed wildlife. In many instances, she has destroyed thousands of homes, and she has cost Americans their lives. Many Americans have died in the last few years just trying to fight these unusually hot and devastatingly damaging wildfires that have swept the West.

Here are the facts. The American public understands these fires are destroying our forests. They understand that we need to do more thinning.

Eighty-three percent of the wildland firefighters have told this Congress and the public that the most important step we can take to increase their safety—is to thin these forests.

Because the Sierra Club and the Wilderness Society and other radical environmental groups want no timber harvesting in our Federal forests, we are destroying 6 to 7 million acres of land each year—6 to 7 million acres of wildlife habitat are being destroyed each year.

The bipartisan amendment that was reached as a compromise with 13 of my colleagues responds to the needs of the American public. It responds to those who are concerned about the loss of wildlife habitat. It responds to the wildland firefighters who tell us we need to increase the number of acres thinned each year. And, most importantly it responds to the needs of our forests.

We have seen communities destroyed by fire and important wildlife habitats destroyed. Yet we, in this Senate, fiddle.

I am tired of our fiddling around. We all know that this body must address this issue. We all know the that the bipartisan amendment is a good one that is fair and balanced and good for our forests.

Last year, all we asked for was an up-or-down vote on our amendment, but the minority would not allow that.

This year, a few Members seem to be saying no debate, no vote, and yes to the destruction of or forests. This simply has to stop.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. CRAIG. Mr. President, that is the issue before us today. It is an issue that this Senate ought to debate. I plead with my colleagues on the other side to work with us to get this bill to the floor for purposes of debate and passage.

Mr. COCHRAN. Mr. President, I yield the remainder of the time on this side to the Senator from Wyoming, Mr. THOMAS.

The PRESIDENT pro tempore. The Senator is recognized for 2 minutes 9 seconds.

Mr. REID. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. The Senator from Nevada.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, Senator HATCH has been courteous as always. He is slated to speak at 2:30 p.m. He said the time for morning business can be extended until 2:35. It is OK with him that we extend morning business until 2:35 with the time equally divided. I ask unanimous consent that be the case.

The PRESIDENT pro tempore. Is there objection to extending the time for morning business until 2:30 p.m. as under the previous order with the time equally divided?

Mr. REID. Mr. President, 2:35 p.m.

The PRESIDENT pro tempore. Is there objection to extending morning business until 2:35 p.m.?

Morning business is extended until 2:35 p.m.

The Senator from Wyoming is recognized for 2 minutes 9 seconds.

Mr. THOMAS. Under the new circumstances, perhaps I could have 5 minutes.

Mr. COCHRAN. I yield to the distinguished Senator 7½ minutes.

The PRESIDENT pro tempore. The Senator is recognized for 7½ minutes.

HEALTHY FORESTS

Mr. THOMAS. Mr. President, I join my colleagues in talking about the problems I guess particularly in the West, although not only in the West. When I was in high school, I lived near the Shoshone Forest in Cody, WY, and I would help the firefighters fight fires. I remember that so very well, particularly one mountain close to home. It was very steep. As the fire went up the rocks, it would loosen the rocks and they rolled down. Since that time, it has become even more of a problem.

I always think about those who say we ought to leave things the way they are, and I think about the wild horses. If we would get too many wild horses, what would happen to them in the old days? They starved to death. We don't let that happen anymore. We have to keep the numbers down. The same is true with the forests.

We are using the forests differently than we did in the past. More people live closer to the forests. People are using the forests differently. We have more insect problems to manage. We are talking about managing the resource.

There will be areas, of course, where we will not have forest protection—on roadless areas and wilderness areas. But much of the forests are areas where there are many people all the time, where there are roads and buildings, and we have to do something different than we have been doing.

Fires burn at naturally high temperatures and cause severe damage to the soil, watersheds, and air quality, as well as, of course, to the trees. Fires destroy habitat, including endangered species.

It is our responsibility to protect the health and safety of the community in neighboring lands. There is a lot we must do to do a better job.

In Wyoming—and we have not had as much fire as some other States—in the Shoshone Forest where I grew up, many of those trees are infected by insects. Yet only 1 percent of the corridor is available for any kind of treatment and care for these trees. In Big Horn National Forest, a fire burned for 3 weeks causing evacuation of dozens of cabins and loss of other facilities.

Black Hills National Forest—interestingly enough, we had some agreements before that were limited to the Black Hills to do forest fighting, clearing, and so on. We ought to extend that to some of the other forests because we have had experience in that area. Grand Teton, of course.

It is clear we need to have a program. Firefighting is extremely costly. It is expensive to suppress and control. It is much less expensive to seek to avoid fires.

The Forest Service this year has already spent $1 billion in forest fighting. We passed nearly $700 million to cover the cost of the shortfall; otherwise, it had to come from other projects. We cannot continue to have these kinds of resources consumed by the fire.

It has already been mentioned that the House has a bill and we have a bill and we will be taking up the differences. There are differences in view as to how different parts should be handled.

Between the House and the Senate, there has been a compromise on almost all the issues that are important: administrative appeals and all the suits that take place. We have an agreement to cut those down, so instead of having to do studies for a year before something can be done, it can be done in 30 days. We have wildlife-urban interface, with half a mile around facilities in which more of this control will take place.

We have the old-growth issues where there can be changes if old growth is in that interface close to buildings. There can be exemptions.

I am most disappointed that, having talked about this issues for years, knowing the impact of not doing something, here we are with objections to moving forward when we have an opportunity to create some solutions to the problem that exists and will continue to exist.

I hope we can do something this week. This is our chance to come together and pass a bill that will be usable. I hope we do that.

I yield the floor.

Mr. COCHRAN. Mr. President, how much time remains on the morning business allocation for this side of the aisle?

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator has 5 minutes 51 seconds remaining.

Mr. COCHRAN. Mr. President, I yield the remaining time to the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair. I thank the Senator from Mississippi, Mr. COCHRAN.

First, on the way to the floor, something very interesting happened to this bill. The Parliamentarian read it and said: Chairman DOMENICI—who had been waiting anxiously to do this bill—you don't have jurisdiction the way the bill is written and said the Agriculture Committee did.

For a little while I had a sourpuss look on me until I found out that, indeed, we were fortunate because Senator THAD COCHRAN and his committee, letting us help him, did a magnificent job. In fact, I can say so there will be no doubt on the record that they did a better job than we could have. So I am very pleased the bill came roundabout that way.

As always happens in a bill of this type, you cannot win on the floor with just a bill produced by committee because there are Senators who are not on any of the committees of jurisdiction who have big interests in the bill. Guess what. Those Senators are now supporting this bill. We must have somebody around here who is against this bill. Senator WYDEN is for it. He has had some of the biggest problems with forests and forest fires in his State of any Senator.

We met under Senator COCHRAN's leadership for weeks. And Senator WYDEN is for this bill. Surely, he is not for not bringing up this bill. Whoever is for not bringing it up—I don't understand.

California has so much of everything that we sometimes forget they have huge forests and huge forest fires, and it burns a lot of things down.

They need to fix the law. Guess what. She is not on the Agriculture Committee. Right?

Mr. COCHRAN. Right.

Mr. DOMENICI. So she came in and said: Let me help. She went to meeting after meeting. Of course, they invited me and my staff. I had more than a few things to do, and I probably was there less than the Senators I just mentioned, but I came. I was one who pursued it and pushed it.

On the Democrat side of the Agriculture Committee, the Senator from Arkansas, BLANCHE LINCOLN, was there all the time. She came to these meetings and she is for it. MAX BAUCUS, Democrat from Montana, a State with huge problems, he was there. He is for it.

Everybody knows the Senator from New Mexico is for it. I have been trying to do this for 10 or 12 years. I got one big bill through that nobody thought could happen in the midst of the forest fires. It passed in an amendment on the floor. We got $250 million times 2—that is $500 million—for each agency. We named that bill "happy forests." We named it happy forests because we thought if it works, these forests that cannot see sunlight may see sunlight and they might be happy when they look up at the sun.

So I nicknamed the bill the happy forests, with the trees of America once again being unclogged. The clogging makes the trees limp but also makes them burn like wildfire. We got that one through and it did a lot of good, but we are stuck with the problem that this bill tries to solve; namely, we cannot get anything done in a reasonable period of time. That is the issue.

We do not have to talk about the fancy words, jurisdiction, courts, and all of that. The truth is, for those who do not want things to happen, they have an inordinate amount of time that they can make everybody waste without doing anything. At least in this bill, for instance, if there is an infested forest—and I do not know anyone that does not have one around—they are ugly, they burn like tinder, and at least in this bill that would be handled very expeditiously.

People wonder why that is not the case right now. In a few months, why can't there be a contract to cut those trees down? Well, those kind of things are getting fixed in this bill.

I am grateful to have these few minutes. I am thankful that this bill went to the Agriculture Committee. The staff did most of the work, and I am very grateful the outsiders came in and helped. I do not want to fail to mention, on the Republican side, the distinguished Senator from Arizona, JOHN McCAIN, who was not on the committee of jurisdiction, also came with his competent staff. They presented their views and some of the bill was adjusted their way.

So I say to the leadership, I hope when some Senators come and say let's delay this bill, let's not take it up, I hope they would ask, what is this about? When are we going to do it? When are we going to stop destroying our forests or at least do some positive things that we all know are right?

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Under the order, how much time remains on this side?

The PRESIDING OFFICER. There is no time remaining.

Mr. REID. I yield the remaining time on this side to the Senator from North Dakota, Mr. CONRAD.

The PRESIDING OFFICER. The distinguished Senator from North Dakota is recognized.

OSAMA BIN LADEN AND SEPTEMBER 11

Mr. CONRAD. Mr. President, over the weekend, Osama bin Laden was again seen vowing that al-Qaida would launch suicide attacks against Americans and our allies. Frankly, it angered me to see these taped reports that again Osama bin Laden is threatening Americans.

It has now been 771 days since al-Qaida launched terrorist attacks on American targets on September 11, 2001. For me, this report raised the question of why is Osama bin Laden still able to threaten this country? Why have we not been able to find him and bring him to account?

I was reminded, in seeing these tapes, that just several weeks ago Newsweek magazine did a detailed analysis on where Osama bin Laden might be. They narrowed it down to Kunar province on the border between Afghanistan and Pakistan. They had detailed reports in that article of Osama bin Laden being seen in this area.

It struck me at the time, if we have a pretty good idea of where Osama bin Laden is, why are we not flooding that area with American forces to take him out? Newsweek went on to report that:

> . . . bin Laden appears to be not only alive, but thriving. And with America distracted in Iraq and Pakistani President Pervez Musharraf leery of stirring up an Islamist backlash, there is no large-scale military force currently pursuing the chief culprit in the 9/11 attacks, U.S. officials concede.

I find that alarming. Osama bin Laden led the attacks on this country. We know that. There is no doubt about it. If we are being distracted by Iraq, in my view, that is a serious mistake. I must say it is one that I very much feared one year ago when we were considering whether to attack Iraq. I voted against attacking Iraq at that time because I believed our top priority ought to be going after al-Qaida and Osama bin Laden.

There has just recently been a report in the Boston Globe that says: As the hunt for Saddam Hussein grows more urgent, and the guerilla war in Iraq shows no signs of abating, the Bush administration is continuing to shift highly specialized intelligence officers from the hunt for Osama bin Laden in Afghanistan to the Iraq crisis.

I believe that is the wrong priority. I believe the priority ought to be al-Qaida and Osama bin Laden, and we ought to be going into this area that has been identified in seeking to find him and holding him to account.

When I reflect on the decision to go into Iraq, I am reminded that many in the public believe that Iraqis were part of the 9/11 operation. In fact, 69 percent of the American people believe Saddam was involved in the September 11 attacks. Half of Americans believe that Iraqis were among the 9/11 hijackers.

We know that is not the case. There were no Iraqis, none, zero, involved in the 19 who hijacked the planes in our country that turned them into flying bombs that attacked the World Trade Center and the Pentagon. Of the 19 hijackers, 15 were from Saudi Arabia, two were from the United Arab Emirates, one was from Egypt, and one was from Lebanon. Not a single one was from Iraq. Yet even now many Americans believe it was in fact Iraqis who attacked this country. In fact, more Americans believe most of the hijackers were Iraqis—21 percent—than the 17 percent who correctly stated none of the hijackers was Iraqi.

We are making decisions here, and the American people are supporting decisions, and apparently they do not have the accurate information.

Unfortunately, it is not hard to figure out why. In speech after speech, the President and his top officials have juxtaposed 9/11 with Saddam and Iraq, strongly implying there is a clear and direct link between Saddam and 9/11. To take only one of dozens of examples, as recently as last month Vice President CHENEY again linked 9/11 with Iraq, describing Iraq as the geographic base of the terrorists who have had us under assault for many years, but most especially on 9/11.

This is the Vice President of the United States suggesting that Iraq was at the center of the attack on America on 9/11.

The President himself was forced to correct the record just a few days later, when he said we have had no evidence Saddam Hussein was involved on September 11; no evidence.

The record is overwhelmingly clear. We know who attacked us on September 11. It was not Iraq. There were no Iraqis. The people who attacked us on September 11 were al-Qaida, led by Osama bin Laden. In 770 days, we have not yet held him to account. That has to be our priority.

The President and his top officials have sought to link Saddam not just with 9/11 specifically but with al-Qaida more generally. They have cited three pieces of evidence to back that claim.

First, the administration stated that one of the 9/11 hijackers, Mohamed Atta, met with an Iraqi agent in Prague in the spring of 2001. For example, last year the Vice President asserted:

> We have reporting that places him [Atta] in Prague with a senior Iraqi intelligence officer a few months before the attacks on the World Trade Center.

That is what the Vice President said then. But what do we know now? The fact is, the CIA and FBI have concluded this report was simply not accurate because Mohammed Atta was in this country, in Virginia Beach, VA, at the time the Vice President had asserted he was in Prague. As the Washington Post reported on September 29:

> In making the case for war against Iraq, Vice President Cheney has continued to suggest that an Iraqi intelligence agent met with a September 11, 2001, hijacker months before the attacks, even as the story was falling apart under scrutiny by the FBI, the CIA, and the foreign government that first made the allegation.

Second, the administration has argued a senior al-Qaida operative, Al-Zarqawi, was seen in Baghdad. He may very well have been in Baghdad, but that doesn't prove anything about a formal link between Iraq and al-Qaida. We know senior operatives spent months in our own country prior to 9/11. That doesn't make the United States an ally of al-Qaida any more than the presence of an al-Qaida operative in Baghdad makes Saddam Hussein an ally of Al-Qaida.

Third, the administration said al-Qaida maintained a training camp in northern Iraq. Again, this sounds convincing, but as the former director of the Strategic Proliferation and Military Affairs Office at the State Department's intelligence bureau points out, one finds this is not a very honest explanation: " . . . I mean, you had terrorist activity described that was taking place in Iraq, without the mention that it was taking place in an area under the control of the Kurds rather than an area under the control of Saddam Hussein."

On this map, this is the camp they were talking about. This is the Ansar al-Islam area. There was a terrorist camp here.

This is a map of Iraq that shows very clearly that is an area controlled by the Kurds. The Kurds are our allies. This is an area that was not under the control of Saddam Hussein.

If the American people are going to make sound judgments about who is responsible for what, and who we ought to hold responsible, and who we ought to prioritize for attack, it seems very clear to me the ones we ought to be attacking are al-Qaida. The ones we ought to be going after first and foremost are Osama bin Laden and his allies. Over and over, I believe the American people have been led to believe there is this strong link between al-Qaida and Saddam Hussein. I do not think the facts bear out that connection.

The President himself has now said Saddam Hussein has not been linked to September 11. Yet the majority of the American people believe that he was. That mistaken understanding is right at the core of what has been to me a serious mistake in the strategy in fighting this war on terror. Our first priority, our top priority, one we should not be distracted from, is going after Osama bin Laden and al-Qaida. I don't think we should be distracted, chasing the mirage of terrorism being fundamentally a product of Iraq. I don't think the record bears that out.

If there is not a strong connection between Iraq and al-Qaida, why have we repeatedly had that linkage made? I think there has been very little credible evidence of a direct connection between al-Qaida and Saddam Hussein. As a former State Department intelligence official said in the same Front Line interview:

> His [Secretary Powell's] own intelligence officials and virtually everyone else in the terrorist community said there is no significant connection between al-Qaida and Saddam Hussein.

If there is not a strong connection, why have we heard so many references linking the two? That is a question we all need to ask and try to answer.

In addition to the link to al-Qaida, the President and his administration have also repeatedly indicated that Iraq had weapons of mass destruction. First the President suggested over and over there were close links between Saddam and al-Qaida, implying Saddam had something to do with the September 11 terrorist attack on this country. We now see that is a very weak case.

Is there better evidence to substantiate the second set of claims used to justify war with Iraq, that Saddam Hussein was about to acquire nuclear weapons, and was producing chemical and biological weapons, all of which could be used for an imminent attack against the United States?

First, on nuclear weapons, the President and top officials repeatedly warned of Saddam's efforts to acquire weapons of mass destruction. They buttressed these general claims with two very specific assertions. First, the President and his top officials said there was direct evidence of Saddam Hussein trying to buy uranium in Africa. In his State of the Union Address last January, President Bush told Congress and the American people:

> The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

That is what the President said then. But what do we know now? We now know that the CIA knew, months before the State of the Union Address, and months before the war on Iraq started, the allegation was simply not accurate; it was based on a crude forgery that did not pass the credibility test for CIA experts. Here is just one news story, "Bush Claim on Iraq Had Flawed Origin, White House Says."

> The White House acknowledged for the first time today that President Bush was relying on incomplete and perhaps inaccurate information from American intelligence agencies when he declared in his State of the Union speech that Saddam Hussein had tried to purchase uranium from Africa.

Second, the President and his aides have repeatedly asserted Iraq had tried to purchase aluminum tubes that could be used to enrich uranium for nuclear weapons.

The President said:

> Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes, suitable for nuclear weapons production.

That's what the President said then. But what do we know now?

The International Atomic Energy Agency's director concluded this spring, before the war on Iraq started, that the tubes were for conventional artillery rockets. As the Washington Post reported:

> ElBaradei rejected a key Bush administration claim made twice by the President in major speeches and repeated by the Secretary of State that Iraq had tried to purchase high-strength aluminum tubes to use in centrifuges for uranium enrichment. . . . ElBaradei's report yesterday all but ruled out the use of the tubes in a nuclear program. . . . "It was highly unlikely Iraq could have achieved the considerable redesign needed to use them in a centrifuge program," ElBaradei said.

But the Bush administration did not stop with these specifics. It repeatedly asserted there was an imminent danger of Saddam acquiring and using nuclear weapons.

In a speech 1 year ago, President Bush said:

> The evidence indicates that Iraq is reconstituting its nuclear weapons program.

The Vice President last March went even further, stating that "we believe he has in fact reconstituted nuclear weapons."

That is what they said then. But what do we know now? We have occupied Iraq for 5 months. We have full, unrestricted access to the whole country and more than 1,000 investigators looking for illegal weapons. The Bush administration's chief investigator leading the search for weapons of mass destruction has found no evidence of any serious recent effort to build nuclear weapons. I think this quote from the October 3 Washington Post sums up the most recent finding:

> After searching for nearly six months, U.S. forces and CIA experts have determined that Iraq's nuclear program was only in the very most rudimentary state, the Bush Administration's chief investigator formally told Congress yesterday.

On nuclear weapons, specific allegations underlying the administration's claims had certainly been discredited before we went to war, and since the war we have found no evidence to support the more general claims of Iraqi efforts to reconstitute its nuclear weapons program.

What about chemical and biological weapons?

We all knew Iraq had possessed and had used chemical weapons in the 1980s. We all knew intelligence had not conclusively demonstrated that all of these weapons had been destroyed. In fact, I must say I believed Iraq was likely to have chemical and biological weapons because we knew they did at one point. The United Nations investigators found them. But those weapons have not been found since. We have searched high and low for biological and chemical weapons. We may still find them. I think we have to ask ourselves, would that have justified a preemptive attack on Iraq? My own judgment is it would not. Why? The Soviet Union had weapons of mass destruction; we never launched a preemptive attack on them. China has weapons of mass destruction; we never launched a preemptive attack on them. You can go through country after country where we have decided to use containment rather than military assault.

The President told us the Iraqi regime possesses and produces chemical and biological weapons. I believe he believed that, and there was reason to believe that. I don't diminish that argument. But the fact is we were wrong, or at least so far it appears we were wrong. I must say I believed—and I say it again—I believed they had chemical and biological weapons. But after searching for nearly 6 months, U.S. forces and the CIA experts have found no chemical or biological weapons in Iraq. We still may find them.

That still leaves us with the question: Did their mere possession of such weapons justify a preemptive attack? What did our own CIA tell us? I remember those briefings, elements of which have been made public. I am not revealing any secrets. The CIA told us there was a low likelihood of an Iraqi attack on us or our allies unless we attacked them first.

The point is simply this: We have not found biological and chemical weapons. We have not found evidence of a reconstituted nuclear program. We have not found any serious links between al-Qaida and Iraq. Those were the fundamental reasons we went to war with Iraq. I believe it was a mistake to attack Iraq at the time we did. I believe it was a priority that simply did not make sense given the threat to this country.

The imminent threat to this country is in the form of al-Qaida. The imminent threat to this country is the forces led by Osama bin Laden. It has now been 771 days since they attacked this country. Newsweek magazine reports they have a pretty good idea where Osama bin Laden is—right on the border between Pakistan and Afghanistan. Yet there is no large-scale military operation underway to take out Osama bin Laden. I think the American people deserve to know why not. Why not? Why aren't we launching massive forces into the area identified as the place where Osama bin Laden is hiding? Have we been distracted by Iraq? I hope not. But the evidence I see is that the resources and the attention, which I believe should have been first directed at taking out Osama bin Laden and al-Qaida, are going to Iraq.

I very much hope we will have answers to these questions in the coming days.

The Senator in the Chair, whom I count as a friend in this body, is the chairman of the Intelligence Committee. Obviously he has knowledge none of the rest of us possess. As one Senator, I saw Osama bin Laden on these tapes again over the weekend and read the stories in the news magazines that said we have a pretty good idea where Osama bin Laden is. But we have not found him, leading to the suggestion that we have been distracted by Iraq. That disturbs me a great deal. I believe the overriding priority for this country and the national security of America is in holding Osama bin Laden to account, finding him, and stopping him.

The PRESIDING OFFICER. The time of the distinguished Senator has expired.

Mr. CONRAD. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Utah.

Mr. HATCH. Mr. President, I have heard a lot of speeches on the Senate floor about Osama bin Laden, about Iran, Iraq, and the Middle East. As a member of the Senate Intelligence Committee, I can only talk briefly about this matter, but I think it is important to note I was probably the first Member of Congress—at least to my knowledge and I believe anybody's knowledge—to mention the Clinton administration had better get on top of Osama bin Laden, or he is going to kill Americans. At one particular point in that period of time between that statement and when President Clinton left office, there was one time they could have captured Osama bin Laden, and he would have been turned over to them. They blew it, not realizing how important this matter was.

As a matter of fact, we now know he is behind terrorist activities all over the world, especially in our country and especially in the Middle East. We have had more than ample unclassified information, and person after person, group after group has tried to infiltrate our country to cause terrorist activities within this country, in each case tied back to Osama bin Laden.

We also know he has escaped Afghanistan and with the help of certain friends probably is residing somewhere in northeastern Pakistan but no one really knows. To make a long story short, we do not just have the right to go into northeastern Pakistan and conduct a major warfare search for Osama bin Laden without the permission of the Pakistanis. Everyone knows that. That relationship is a very important relationship.

We also know Osama bin Laden is not just dedicated against the United States of America but against anyone that stands for freedom. Particularly, he is against his own fellow Arabs in Saudi Arabia and other parts of the Middle East. It is apparent that many claims are made that some of the terrorism that happens in the Middle East is caused by al-Qaida, inspired by none other than Osama bin Laden. There is also no question that there have been ties to Saddam Hussein.

But be that as it may, anyone who tries to make out the case that we should not be in Iraq is ignoring decades of facts. Anyone who tries to pin the Iraqi matter strictly on whether or not Osama bin Laden had weapons of mass destruction is ignoring an awful lot of matters that indicate that if the United States did not act, it would be only a matter of time until it would be too late to act and there would be many thousands of others killed, networks set up, deterioration throughout the Middle East, which is, as a whole, strictly important to the United States of America, as well as other countries in the world.

I get a little tired of hearing people in the Senate criticizing President Bush for stopping these people for letting it be known throughout the world that we will not put up with acts of terrorism, that we will hit them where it hurts for doing what has been done in Iraq. Anyone with any brains has to realize there are so many facts there you do not even need weapons of mass destruction today to show what we have done there has placed a huge dent in terrorism around the globe and has rocked Osama bin Laden back on his heels. Yes, he is still capable of making an occasional television announcement. He is still capable of acting like he is more important than he is. But the fact is, we have put a big dent in his terrorist operations around the world.

That is not to say we should not stay vigilant, that we should not do everything in our power to make sure that terrorism is fought not just in our land but all around the world. One has to look pretty far to look beyond the terrorist incidents of Saddam Hussein, his sons, and the Baathists in Iraq. All that is important in the Middle East as well as in other parts of the world. I will not take time to go through the fact that 10 years ago, the U.N. even verified he has the capacity to make weapons of mass destruction, was making weapons of mass destruction, used them against his own people, et cetera, et cetera.

It seems strange to me we have to go through this every day, with people lambasting the President, who literally has stood up the way he should stand up, ignoring the fact that many in the country of Iraq are thrilled we are there, bringing peace and stability, decency, honor, freedom, education, health care, infrastructure, and other matters to benefit that nation. Naturally, those who love terrorism, those who love hatred, are not going to like him. Instead of condemning the President for crass political reasons at that, we ought to be thanking him for having the guts to stand up and to take these actions that have long been overdue.

I have a lot more to say, but I let it go at that today. It is demoralizing to me to see a lack of support by some on the other side for what has been necessary for foreign affairs action. It used to be that offshore we supported whoever was President. I guess that was because most of the time the President was a Democrat. I guess it is different when there is a Republican President. All we have had are attempts to undermine everything President Bush is trying to do with probably the best foreign policy team I have seen in my 27 years in the Senate, composed of people who complement each other, who have cross-currents of belief, who basically come behind the President and support what is being done in ways that I don't think any other group of people could have done, certainly not as well as they have done.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CLASS ACTION FAIRNESS ACT OF 2003—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the hour of 2:35 having arrived, the Senate will resume consideration of the motion to proceed to the consideration of S. 1751, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to consideration of S. 1751, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes of class members and defendants, and for other purposes.

Mr. HATCH. Mr. President, I note that Senator CORNYN is here. I ask unanimous consent he be permitted to speak, and then I be granted the floor thereafter.

The PRESIDING OFFICER. The distinguished Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I thank the distinguished chairman of the Judiciary Committee, the Senator from Utah. It is because of his leadership on this issue, that of class action fairness, it has reached this stage in the proceedings. He is a true gentleman in the finest traditions of the Senate. He also happens to be the iron fist and the velvet glove who helps make things happen in the Senate Judiciary Committee, a place where, unfortunately, things do not always happen the way they should, notwithstanding his heroic, Herculean efforts.

Mr. CORNYN. Mr. President, I ask unanimous consent I be added as a cosponsor to the Class Action Fairness Act of 2003.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

Mr. CORNYN. Mr. President, this bill is important for so many reasons. I will generally lay out what I believe to be some of the important reasons the Senate should take up this bill that was voted out of the Senate Judiciary Committee on a bipartisan basis, why the Senate should take this bill up, vote it out, and do everything in our power to see it is enacted into law.

My colleague, the Senator from Iowa, Mr. GRASSLEY, deserves a great deal of credit for his hard work on this issue and for promoting this important legislation. I publicly acknowledge his leadership on the issue as well.

Like a number of the Members of this body, I have been a member of the bar, a lawyer, for a number of years. I have seen the ways in which the law and lawyers have contributed in a tremendous fashion both to the public administration of justice and to that maxim, that saying, that is engraved into the edifice of the U.S. Supreme Court, which is really a national value and ideal: Equal justice under law.

That is indeed one of the fundamental values upon which this Nation was founded. But I do not think it is news to anyone that that aspiration, that value, that we all agree is important, has suffered in the administration when it comes to class action lawsuits.

I wish to make clear, I believe class actions do have an important role in the administration of justice. In other words, the class action was created so that individuals with relatively small claims and who would not be able to bring those claims forward in an economical way—indeed, the economics would discourage them from doing so—would not be denied access to the courts and access to justice simply because their claims were rather small because, indeed, if in fact that were the case and there were no mechanism to bring those small claims forward, there would be those who would abuse individuals and who would know they could continue in that posture because individuals would not be able to economically bring those claims forward.

So the class action mechanism provides a means for aggregating or collecting those claims so that it can be done in an economical fashion, in a way that will not deny those individuals who are aggrieved access to the courts so they may have access to that justice that I mentioned a moment ago.

So the intent of the class action mechanism was to provide consumers with access to the courts. The problem is, today, the reality is that our system has turned into one that now benefits the few at the expense of the many. In other words, the people who benefit from class actions today, too often, are the lawyers who bring those lawsuits rather than the consumers for whose benefit this whole procedure was first conceived.

I think it ought to be our goal in the policy of the U.S. Government and our courts to see that those with valid claims have a means to vindicate those claims, but it should not be a means by which the few can be enriched at the expense of consumers who may not even know they are involved in a class action lawsuit, where they receive token compensation whereas the class action lawyer receives millions, literally, in attorney's fees.

Modern class action litigation has brought forward what we have now come to recognize as the entrepreneurial lawyer. That is a lawyer who may not have a client but if they are smart enough to try to figure out a way to create a claim or find somebody who arguably has a claim, then they can go out and seek a class representative; that is, somebody whose claim is representative of perhaps hundreds or thousands or even millions of other people who might be in a similar situation and, thus, seek certification of a class action and settle the case because, frankly, class action lawsuits are almost never tried because the consequences of a trial and the loss are so devastating that the person who has been sued or the company that has been sued does not really want to risk an adversarial proceeding in a court of law.

So class action lawsuits are filed to be settled and to use the economic pressure that is created thereby because the number of claims that are aggregated and the amount of money that is at stake is literally a bet-the-ranch lawsuit or, I should say, bet-the-company or bet-your-life-savings lawsuit.

The problem is, our system of class action litigation is not just broken; it is falling apart. That is not right, and that is not justice, and that cries out for reform. I believe this bill is an important step forward in providing that reform.

Now, the truth is, as great as I believe this bill is that has passed out of the Judiciary Committee, it, frankly, is not all we should strive for when it comes to class action fairness.

For example, many people find out only after they receive a coupon or something in the mail that they were, indeed, a member of a class; in other words, they were a party to a lawsuit, and they did not know it until they received some token compensation, whether it be a coupon or perhaps a few pennies.

I think if we were to engage in the sort of class action reform that I think would genuinely address part of the problem, we would have a system not where people are asked to opt out of a class but literally where consumers are given an opportunity to opt in; that is, I do not think we ought to presume somebody wants to be a party to a lawsuit unless they say: Count me in.

I do not think that is too much to ask. But that is not what this bill does yet. But that is where I think we need to go ultimately.

What this bill does is provide a means of access to a court and the kind of careful review of a legal claim that I think is important in order to preserve the goal of class action litigation; that is, to serve the interests of consumers and not the interests of entrepreneurial class lawyers.

I want to give just one or two examples from my own experience. As I said, like many in this body, I have been a practicing lawyer. I also happen to have been a judge in my earlier life and exposed to some of the abuses of class action litigation. And of one I will never forget. I want to just mention a few of those details.

Well, it seems that General Motors created a sidesaddle gasoline tank pickup truck, one that was the subject of or involved in a rather spectacular explosion and terrible injury and death in Georgia, which was obviously a personal injury and a wrongful death claim.

What happened in Texas, and elsewhere, was we saw that some lawyers realized this was perhaps a product design over which consumers may have a potential claim. So they brought a lawsuit, not for personal injury or death but for the economic loss incurred by consumers who owned sidesaddle gasoline tank pickup trucks.

Of course, they had a couple of problems. One, they had the problem of being able to establish a true measure of loss as a result of merely owning them because, in fact, the evidence seemed to be that there was no actual loss in value just by driving a truck that had a sidesaddle gasoline tank. But, moreover, what ultimately happened in this case was that the consumers got a coupon, redeemable upon the purchase of a new General Motors pickup truck, and the lawyers who filed the lawsuit got nearly $10 million in cash.

As it turned out, the court on which I served, the Texas Supreme Court, unanimously reversed that decision—that settlement really, the approval of that settlement, saying: Look, we have gotten this exactly backward. Class action lawsuits are brought for the benefit of consumers, not for the benefit of the lawyers who file them.

So in order to correct this abuse represented by the settlement, we said: Look, the consumers have to get something of value, and it has to be more than a coupon redeemable upon the purchase of a new General Motors pickup truck.

Now, frankly, what happened was, it looked as though the class lawyers, the class counsel, cut a deal that was good for them, and General Motors agreed to a deal that was pretty good for them under the circumstances, although I am sure they would have rather not been there. But they were able to basically effectuate a marketing scheme for the sale of more GM pickup trucks; in other words, make lemonade out of this lemon. The problem was, consumers in the process got nothing. Indeed, many consumers, because they were constrained by bidding requirements—for example, trucks owned in a motor pool by a municipality or otherwise constrained by those requirements—could not even take advantage of the coupon. Of course, others didn't have the money to buy a new pickup truck and so they couldn't use the coupon which gave them some money as against the purchase of another truck.

We can all testify, based on our own experience, how we have perhaps received a notice in the mail. I remember not too long ago when my wife and I went to a Blockbuster video rental store. We got an extra long tape when we rented our video that had a notification of a class action settlement attached to it. Of course, after reading the fine print, we found out that we had, unbeknownst to us, been involved in a lawsuit and had some nominal claim we could make to a few pennies, while the lawyers in the case received $9 million in cash. The consumers got a coupon for about a buck, and the lawyers got $9 million in cash.

I don't want to take long today because the chairman of the committee has graciously allowed me to say a few words now. I know we will be continuing to talk about this issue for some time this week, as well we should. But there is another part of class actions that we need to be careful about. It is not just the entrepreneurial lawyers who settle for cash while consumers get a coupon. Class actions can also be used by defendants—that is, people being sued for various claims—to preempt or to stop future claims by those who have them because there is what we lawyers call res judicata. That is, no one else can bring another claim if, in fact, they were notified they had a potential claim and failed to object and thus were included in the class. So some defendants will potentially go out and collude with an entrepreneurial lawyer in order to get a final class action settlement which meets their bottom line but which basically precludes future claims by others who genuinely are aggrieved and harmed and whose rights are totally cut off.

This is not lawyer bashing, I assure you, as a lawyer myself. People need to have access to the courts. Consumers need to have a means to vindicate their just claims. But it cannot be through a method which rewards entrepreneurial lawyers with millions in cash and consumers with a coupon. It cries out for reform. I believe the class action liability reform bill Chairman HATCH has navigated through the Judiciary Committee, which enjoys bipartisan support in that committee, is a big step in the direction of reform.

With that, I thank the Senator from Utah for allowing me to say a few words. I will relinquish the floor from whence it came.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator BREAUX be recognized and then I be recognized immediately following his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Mr. BREAUX. Mr. President, I thank the chairman of the Judiciary Committee for yielding to me.

I will take a few moments to explain my position on this important legislative effort and point to the fact that I have worked on a substitute amendment that has the ability to bring both sides together in a way we have not yet achieved.

It is clear that in all difficult legislative areas, when you have a very closely divided Senate, the only way we will actually get legislation adopted and passed and sent to the President for his signature is if we aggressively work together to limit our differences and maximize the things we have in common in order to produce a legislative package that can sustain the rules of the Senate and allow a bill to actually pass and become law.

There is room for reform in class action litigation. I do not think it is as bad as some portray the situation to be, but it is probably a problem that does need to be addressed. For those who think we should do nothing in this area, I would say there are some things we can do that improve the situation and, most importantly, get us a product that can actually become law.

Many times we in the Senate are faced with the question of, do I want to try to do everything I would like to do and risk getting nothing done, or would I like to try to reach a legitimate compromise and actually get something passed that may not be everything I would like but would be far superior to doing nothing at all. That is the situation we face with regard to the question of class action litigation.

My substitute bill, which would be offered, hopefully, as an amendment, does the following: It builds on the committee report in the sense that what we do is say to those plaintiffs who file a class action case in a particular State, where one-third or less of the plaintiffs, the people who are injured in a State, happen to be from that State, that like the committee bill, that case would clearly be a matter of Federal jurisdiction. Where two-thirds or more of the plaintiffs who are injured or alleged to be injured reside in a particular State—say Louisiana—where the injuries were alleged to have occurred, if two-thirds or more of those injured citizens who have filed a case, two-thirds or more, happen to be from my State of Louisiana, then it is a State court in which the action should be brought.

As the committee bill, my bill also says that when you have a situation between one-third and two-thirds of the plaintiffs coming from a State, a particular State where the injury occurred, then the Federal judge would look at the circumstances, as the committee bill, and make a determination of whether that case more appropriately belongs in the Federal court or belongs in the State court.

What is the difference between the two approaches? One big difference is that in the committee bill it says, that even if two-thirds or three-fourths or 98 percent of the injured people reside in Louisiana, where the alleged injury occurred, if the defendant happens to be a citizen of some other State, as so many corporations are, then the case goes automatically to the Federal court to interpret as best they can the State laws, such as my State of Louisiana.

That is incorrect. If the majority of the injuries are in the State of Louisiana—say it is a meatpacking company that has sales in Louisiana and it has caused injuries in my State of Louisiana by selling tainted products of meat that cause real injuries in Louisiana—and 75 percent of the injured people are in Louisiana but because the company may be domiciled or a citizen of the State of Delaware, that all of a sudden the Federal court is better situated to handle that case. That defies logic. If the injured people are in my State, two-thirds or more, then logic says the case can best be handled and interpreted by the State courts and the State supreme court which would be interpreting the State tort law that the State legislature passed.

Why should we say merely because one defendant's cause for alleged injuries happened to be in Delaware, where so many companies are incorporated, that automatically means it should be in the Federal court? The Federal court does a great job of interpreting Federal law, but I suggest when it comes to interpreting State law, on which these plaintiffs would be judged, the State court is better situated to make those determinations. I will have more to say about that particular aspect.

Let me mention briefly when it comes to the so-called coupon settlements the distinguished Senator from Texas mentioned, our legislation addresses that, to the extent that we can, by saying where coupons are issued to many plaintiffs who may have bought a defective product, the situation in the past has been many plaintiffs' attorneys would have their fees set not on the number of coupons that were actually redeemed, but only on the number of coupons that were actually issued in terms of the settlement.

For instance, people buy a defective product and many times the resolution of the case is based on each plaintiff getting a coupon or discount on a future purchase. The problem was many attorneys were getting paid on the total number of coupons issued rather than the ones redeemed. Our legislation says their fees would only be based on the number of coupons actually redeemed, and I think that makes a great deal of sense as well. It also says you cannot run a merry-go-round and continue trying to take cases from one court to the next. Under our legislation, we say defendants have a right to try to remove a case to the Federal court, but they cannot do it an unlimited amount of times. Our legislation simply says such removal would occur in a timely fashion, and we suggest within 30 days after filing of the complaint. Surely the defendants know whether they want to be in Federal court or State court. They cannot wait up until the end of the case in the State court, after years of litigation, and say, oops, we want to move it to Federal court and have that as an absolute right. They ought to do it in a timely fashion. Our legislation addresses that as well.

Mr. President, I will conclude my remarks by saying the good Senator from Utah is a very respected chairman of the committee. I think he wants legislation to pass. My fear is, unless we sit down and work together, we are going to have a stalemate. Both sides will have an argument. Democrats will have one argument and Republicans will have another argument, but the result will be nothing will pass.

My approach is simply that we can say don't proceed to this bill until we have had serious discussions between both sides, such as we have done on asbestos. I think those asbestos cases have made progress. It is not quite there yet, but they have made progress. Why? Because they have been willing to sit and talk among all the parties. I think we should do the same thing with the class action litigation. We can say we are not going to proceed to this bill until we have had an opportunity to sit down and have good, legitimate discussions.

I think we can come to an agreement so that we will not have the bill passed by just one vote or lose by one vote, but rather have it pass by 75 or more votes in this body. I think that is possible, but it is going to take, first of all, saying we are not going to proceed to the legislation until we have had those discussions. We are going to share what we have just outlined with my good friend, the chairman of the Judiciary Committee. Hopefully, they can look at it and see if there is room for legitimate talks and legitimate compromise. I think there is. The alternative is to do nothing. I think that is unacceptable.

I thank the chairman for yielding me a few moments to make some comments. I yield back my time.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank my colleague for his kind remarks. We will certainly look at whatever he has to offer in this matter. We will keep an open mind and see if we can get together.

I rise in strong support of S. 1751, Class Action Fairness Act of 2003. It used to be S. 274, but now it is renumbered to S. 1751. This bill represents a carefully balanced legislative solution in response to the widespread abuse of the class action lawsuits in our State courts. Over the past decade, it has become painfully obvious that class action abuses have reached epidemic proportions. What began as occasional outrageous class action settlements, drawing light humor, has now become a routine occurrence that is just not funny anymore. It has become equally clear that the true victims of this epidemic have been every-day consumers who represent the silent majority of unnamed class members throughout the country.

It has become too common where plaintiff class members are not adequately informed of their rights or the terms and practical implications of a proposed class action settlement. Making matters worse, judges too often approve settlements that primarily benefit class counsel, the attorneys, rather than the class members or the victims. That is turning the law on its head.

In the coming days, we will hear numerous examples of egregious State court settlements, where class members habitually receive little or nothing of value, while their attorneys receive millions of dollars in fees. The cases are numerous, but just too extensive to list.

To put these settlements in perspective, allow me to share a recent class action settlement that one of my own staff members recently actually received in the mail. This settlement notice comes from a State court in Jefferson County, TX. It involves the settlement of a class action lawsuit brought on behalf of purchasers of Bridgestone and Firestone tires. This technical legal document informs my staffer—an apparent class member by virtue of owning a set of Firestone tires—of a proposed class action lawsuit settlement that will award the lawyers $19 million in fees and costs. That is not a bad payday for lawyers when compared to what the clients get: a promise from defendants that they will make safer tires and initiate a safety program.

It strikes me these class members are getting a so-called benefit they should be getting, anyway. It seems to me they should try to have safer tires and the benefit of a safety program.

But the laughable settlement terms don't end there. Unlike the unnamed class members who do not stand to gain a single penny, those lucky enough to be named plaintiffs get to walk away with a $2,500 cash bounty. This proposed settlement, which will likely be approved by the State court, represents everything wrong with the class action system today and underscores the importance of reform—$19 million, where no one really gets any benefits except a few they choose to be named plaintiffs, who get $2,500. The attorneys walk off wealthy, happy, fat, and laughing.

The need to reform our class action system is not a new issue to the Senate. The Judiciary Committee conducted hearings in the 105th, 106th, and 107th Congresses, reporting a similar bill out of committee in the 106th Congress on a bipartisan basis. We have received mountains of evidence demonstrating the drastically increasing injustices caused by class action abuses.

After working extensively with numerous legislative proposals throughout the various Congresses, the committee reported a bill—again with bipartisan support—which I believe provides a measured response to the underlying class action problem.

This being said, I would not be surprised to hear somebody deny the existence of any problem at all. Others will try to confuse the issue with dubious claims that proposed reforms would somehow disadvantage victims with legitimate claims or further worsen class action abuses. Others may even contend past legislative reforms have contributed to recent financial debacles and that the proposed reforms will encourage more. Rest assured, Mr. President, such claims are nothing more than red herrings intended to divert the debate from the real issues.

In this regard, let me emphasize a few points regarding this bill. First, this bill doesn't eliminate all State court class action litigation. Class action suits brought in State courts have proven in many contexts to be an effective and desirable tool for protecting consumer interests and rights. Nor do the reforms we will discuss today in any way diminish the rights or practical ability of victims to band together to pursue claims against large corporations. In fact, we have included several consumer protection provisions in our legislation that I believe will substantially improve plaintiffs' chances of achieving a fair result in any settlement proposal.

There are three key components to our legislation. First, the bill implements consumer protections against abusive settlements by:

No. 1, requiring simplified notices that explain to class members the terms of proposed class action settlements and their rights with respect to the proposed settlement in "plain English."

No. 2, enhancing judicial scrutiny of the abhorrent coupon settlements.

No. 3, providing a standard for judicial approval of settlements that would result in a net monetary loss to plaintiffs.

No. 4, prohibiting bounties to class representatives.

No. 5, prohibiting settlements that favor class members based upon geographic proximity to the courthouse.

And No. 6, requiring notice of class action settlements be sent to appropriate State and Federal authorities to provide them with sufficient information to determine whether the settlement is in the best interest of the citizens they represent.

Second, the bill corrects a flaw in the current diversity jurisdiction statute that now prevents most interstate class actions from being adjudicated in Federal courts. Specifically, the Class Action Fairness Act amends the diversity-of-citizenship jurisdiction statute to allow larger interstate class actions to be adjudicated in Federal court by granting original jurisdiction in class actions where there is "minimal diversity" and the aggregate amount in controversy among all class members exceeds $5 million.

The bill balances the State's interest in local disputes by providing that class actions filed in the home State of the primary defendants would remain in State court subject to a triple-tiered formula that looks at the composition of the plaintiffs' class membership. This formula has become known as the Feinstein Compromise.

To enforce the jurisdictional changes, the bill modifies the Federal removal statutes to ensure that qualifying interstate class actions initially brought in State courts may be heard by Federal courts if any of the real parties in interest so desire.

Although some critics have argued this amendment to diversity jurisdiction somehow violates the principles of federalism or is inconsistent with the Constitution, I think their concerns miss wide of their mark. I fully agree with Mr. Walter Dellinger, former Solicitor General, who previously testified at one of our Judiciary Committee hearings that it is "difficult to understand any objection to the goal of bringing to the Federal court cases of genuine national importance that fall clearly within the jurisdiction conferred on those courts by article III of the Constitution."

Finally, I wish to express my appreciation to the many individuals who have shared with me the details of their experiences of class action litigation. In particular, I am grateful to those victims of various abuses of the current system who have come forward and told their stories in the hope that something positive might come out of their terrible experiences.

Among those who have come forward is Irene Taylor of Tyler, TX, who was bilked out of approximately $20,000 in a telemarketing scam that defrauded senior citizens out of more than $200 million. In a class action brought in Madison County, IL, a notorious county for these cases, a forum shop county where attorneys forum shop to get these big verdicts and these favorable court rulings, the attorneys purportedly representing Mrs. Taylor negotiated a proposed settlement which will exclude her from any recovery whatsoever.

Martha Preston of Baraboo, WI, provides another excellent example. Ms. Preston was involved in the famous BancBoston case brought in Alabama State court which involved the bank's alleged failure to post interest to mortgage escrow accounts in a prompt manner.

Although Ms. Preston received a settlement of about $4, approximately $95 was deducted from her account to help pay the class action counsel's legal fees of $8.5 million. Notably, Ms. Preston testified before my committee 5 years ago asking us to stop these abusive class action lawsuits, but it appears that at least thus far her plea has not been heard. So I urge my colleagues to support this modest effort to reform the abuses in the current system, abuses that are actually hurting those the system is supposed to help.

Mr. President, I wish to take a minute or two with some charts to show how bad the system is. Under current law, in many State class action lawsuits, all of the money—every stinkin' dime—goes to the attorneys. I am not against attorneys. I am one myself. I think they deserve to be paid reasonable fees, but in these class action suits every bit of the money goes to attorneys.

In the BancBoston case, lawyers got $8.5 million. In the case I just mentioned, some of the plaintiffs had to pay the attorneys additional moneys, getting nothing out of it, but the attorneys got $8.5 million.

I don't know, but that just smells to me a little bit. Maybe I am just too critical, but when the attorneys who represent the clients get $8.5 million and the clients have to again pay the attorneys even more, there is something wrong with that.

Take the second one, the Blockbuster case. The lawyers got $9.25 million. What did the plaintiffs get? One dollar off their next movie. Come on. Doesn't that seem a little disproportionate to you, $9.25 million for attorneys and $1 for the client? Now, true, there are many clients, but it doesn't seem too right to me.

Take the frequent flier case. The lawyers got $25 million. The plaintiffs got a coupon worth $25 to $75. Again, now I understand in that particular case—I may have it mixed up with another case—after getting a huge settlement, they then turned around and sued the plaintiffs for more money.

Take the Coca Cola sweetener case. The lawyers got $1.5 million and the plaintiffs get a 50-cent, a 50-penny coupon. I don't know about you, but that also smells to me. Again, I am not against attorneys getting reasonable fees, but it seems to me these are scams more than anything else. They will say they are correcting societal wrongs, but why then do they get all the money and the plaintiffs who have to put their names on the line get relatively nothing? Talk about class action abuse.

Let's go to that Blockbuster Video case. After being named in 23 class action lawsuits, Blockbuster agreed to provide class members with only $1-off coupons, "buy one get one free" coupons, and free Blockbuster favorites video rentals . . . while attorneys are reported to receive around $9.2 million in fees. That is according to the RockyMountainNews.com. It just does not seem right. But that is the way it is.

The class action abuse I mentioned in the BancBoston settlement over disputed accounting practices produced $8.5 million in attorneys fees and actually cost class members around $80 each. Later plaintiffs' attorneys in this case also sued the class members—the individuals who they brought the suit for—they sued them for an additional $25 million. There is something wrong with that. I don't care what anybody says.

Take this one. This is a class action abuse, something this bill would correct. There was a settlement with Cheerios over food additives that produced $2 million in attorneys fees while class members only received coupons for more Cheerios, something they complained about to begin with. I happen to like Cheerios. I have nothing against Cheerios. I eat them. But why would attorneys get $2 million while class members get a coupon for another box of Cheerios? It does not seem right to me.

As my colleagues can see, this is a policy that is being abused, and we are only mentioning a few of the abuses. I have no problems with legitimate, honest class action suits where attorneys are acting in the best interests of their clients. But I do have problems with some of these phony approaches that it seems to me are blatantly wrong on their face, where the attorneys get huge fees and the class members get virtually nothing. That is what is happening in these particular cases.

This bill will correct some of those ills without taking away the right to pursue class actions, and in certain cases they will have to be pursued in Federal court. I remember when I practiced law—that was a long time ago, before I became a Senator—we would die to get into Federal court because everybody knew it was a more important case, that the Federal courts handle more important cases, people thought, and still do think that.

For some reason, these class action lawyers do not want to go to Federal courts. Now, why is that? Because they can forum shop into Madison County, IL, where they get judges and jurors to hammer the defendants with outrageous verdicts that benefit basically only the attorneys. Now, that is wrong.

There are at least five States in this Nation where they forum shop class action cases. Grisham wrote a book about this. He is a great storyteller, but I can almost name every fictionalized attorney in that book.

Some of them are great lawyers. Some of them are leaders in bringing litigation to correct societal wrongs. Some of them deserve credit for doing that. But this is a system that is out of control. This bill will help to straighten it out, and I think resuscitate the respect for my profession because attorneys who bring these actions will have to do so pursuant to fairness and rules that make sense rather than forum shop to areas where they can get big verdicts and big legal fees but do injustice.

Now I will speak about "Let's Play Class Action Monopoly." Go. Come up with an idea for a lawsuit, it states on the top of the board. Find a plaintiff to pay off, or a set of plaintiffs. Make allegations. You do not need any proof to make allegations. Get out of rule 23 free. So you get out of the rule. Convince your magnet State court judge to certify the class, which is also another scam in some of these jurisdictions where the judges do not seem to appreciate the law or abide by the law.

File copycat lawsuits in State courts all over the country. Sue as many companies in as many States as possible even if they have no connection to the State.

It states in the bottom right: Who gets the money? Go left on the bottom. Columbia House case, $5 million for lawyers, discount coupons for plaintiffs; Blockbuster case, $9.25 million for lawyers, free movie coupons for plaintiffs, and not too many of them; BancBoston case, $8.5 million for lawyers. Some plaintiffs pay more fees rather than get anything out of it.

So in the bottom left, what happens to me? Your employer takes a hit, maybe lays you off. Next one, your health and car insurance premiums go up. The lawyers win. You lose.

I have tried cases on both sides of the table. I started out as a defense lawyer, and I defended these types of cases. Then in the latter years of my practice, I became primarily a plaintiff's lawyer where I brought cases for and on behalf of individuals who were injured. I brought cases for injured people and got them big verdicts they deserved. They walked away with the bulk of the money, which is only right. Yes, they were happy to pay my fees because they always came out well.

In some of these cases, this is a scam. Now, there are legitimate class action cases, but there are many of them out there today that are not. It is a disgrace to our profession. This bill will clarify and straighten out some of the wrongs that are going on. It is high time we do this. The only reason we might not do it is because there is a filibuster on the motion to proceed. Normally, we never have a filibuster on a motion to proceed. Normally, we just go to the bill, and then if somebody wants to filibuster, they filibuster the bill, especially if they have the votes. Why not?

But a filibuster is happening even on the motion to proceed. Why is that? Why a filibuster to begin with, on something that really makes sense? Because there are trial lawyers in this country who pay big premiums. That is why they make a lot of this money, so they can pay big premium dollars to politicians who will vote for them no matter what the rules are.

I want to make it clear, not all class action lawyers are bad. Some of them do what is right, and they are not afraid to go to Federal court. They know they can get their big verdicts in Federal courts as well because they have cases where they should get verdicts. When we have these forum shop cases, something is wrong.

Why is it that we have to have a filibuster on the motion to proceed, or require a cloture vote on the motion to proceed to a bill? Why do they not just let us bring the bill up, and then if they want to filibuster, filibuster the bill? Because we are at the end of a session where every minute counts, every second counts, every hour counts, every day counts. By delaying, those who do not want this bill can help their trial lawyer friends who are very involved in the political process because they have millions of dollars that, in many cases, they do not deserve; that they can give for political purposes to keep these types of injustices going. That is why this bill is important. That is why there is a huge bipartisan vote for this bill.

The question is: Can we get 60 votes? I personally believe we can. I believe it would be a disgrace for this body to not overwhelmingly vote for this bill. It is a bipartisan bill. It has been well thought out. We have worked hard to accommodate various members on both sides of the aisle. I think it will redeem our profession from those fly-by-nights who are just in it for the money, without regard to helping their real clients.

I would like to see that happen because the law profession is a great profession, but in recent years it has been steadily eroded by people who are not doing what is right in the profession. These are just some egregious cases that are all too often happening because some lawyers do not do what is right.

I am for the good lawyers. But I am against those who are just in it for the money and not really helping their clients. This bill will not stop them from bringing litigation, but it will even up the situation so at least there will not be the same amount of forum shopping, and better, more honest judges will be deciding these cases along with better and more honest juries.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we have heard discussion of the so-called Class Action Fairness Act. I oppose the Class Action Fairness Act for the simple reason that it is not fair. Actually, the legislation makes it more difficult for citizens to protect themselves against violations of State civil rights, consumer, health, and environmental protection laws. The way it would hurt them is it would force these cases out of convenient State courts, which have experience with the legal facts and issues involved in such cases; instead, it would push them into Federal courts with new barriers to lawsuits, with new burdens on plaintiffs.

For the many Americans who are watching this debate, we have to at least mention the first, basic question that scheduling this debate right now raises. Here we are, 3 weeks beyond October 1. October 1, of course, is the beginning of the new fiscal year. It is a deadline for passing the appropriations bills that fund the basic work of the Federal Government. It is the law that the House and the Senate must pass the 14 appropriations bills that fund our Nation and do it by October 1. We have not done that. The Congress has not lived up to the responsibility the law mandates. We are in the final few weeks, if not days, of this congressional session, but here we are, 3 weeks past the legal deadline to do what we are required to do, and what we are paid to do, and instead we are devoting these precious days not to acting on the people's priorities, but we will spend several days debating a bill which is a priority of some special interests.

Over the past several weeks, I have received call after call from Vermonters who are more and more anxious over Congress's ability—in fact, Congress's willingness—to finish appropriations for fiscal year 2004. I know other Senators, both Republicans and Democrats, are getting similar calls. I have told those Vermonters who call me to hang in there. I assure them that Congress will eventually get around to doing its work.

Then the Republican leadership decides to have us consider controversial special interest legislation such as this bill. Apparently the special interests can go to the front of the line. The people's interests go to the back of the line. I suggest we have it the wrong way around. Do the people's legislation first; do the appropriations bills first; do the things we are required to do by law. Do the work that we go back home and tell everybody we are going to do, and if there is time left over for the special interests, let them come up then; don't put them ahead of the people.

My colleagues and I who serve on the Appropriations Committee worked long and hard to get the fiscal year 2004 bills voted out of our committee. We got them all out. They could go anytime they wanted. The Republican leadership has decided not to. The House has passed all 13 of the regular appropriations bills. They are waiting for the Senate to act. We are not acting. Instead, we are bringing up special interest legislation.

The new fiscal year began 3 weeks ago, but the Senate has not even bothered to take up the appropriations bills that fund Agriculture or Commerce, Justice, State, and, our Federal law enforcement, the FBI, the Department of Justice, the actions we take to counter terrorism.

As for Commerce, we might do that, so we might actually get us some jobs in this country at a time when we are losing a million a year.

Foreign operations? That hasn't been brought up.

Transportation? We all know our roads and bridges and rail system are falling apart. We ought at least to be voting. We may vote not to give any money to fix any of the problems of the Nation. We did vote, incidentally, to send $87 billion to Iraq and we will fix their roads; we will fix their electrical system; we will fix their communication system; we will fix their postal system; we will even give them a new ZIP Code. But maybe we could take a few minutes and bring up those things that might actually pay for roads and transportation and electrical grids and ZIP Codes in the United States.

Veterans Affairs is in there. The administration is cutting veterans benefits all over the country. They are cutting our veterans hospitals. They are cutting out what is available to our veterans. At the same time we are asking our men and women to serve in Iraq, we are cutting out their money. We ought at least to bring that up. Let's vote on it.

We voted to send money to the veterans of the Iraqi army. We voted to send money there. We ought to spend some time here voting on veterans in the United States.

We have the Housing and Urban Development appropriations bills. We have a great housing shortage in this country. We just spent billions. We had plenty of time to vote billions of dollars to build houses in Iraq. We can't even bring up the housing bill for the United States, but this special interest legislation we do make time to address.

What I would say is: OK, we voted to do all these things now for the Iraqi people. Can we at least spend a day or two voting on the same bills that might help the American people at the national, State, and local levels?

Let me tell you about a few of these programs that are being pushed aside so we can take up this special interest legislation.

In the area of agriculture, there is more than $1 billion in conservation assistance for farmers to help them improve water quality and stop sprawling development. Last year, the aid was delayed by more than 4 months. Each month is critical. The men and women who farm in this country are just barely getting by.

They stalled the Justice spending bill so we could get money as quickly as we possibly could to the police forces of Iraq. But because we stalled it, there is no money for the Bulletproof Vests Partnership Program which helps State and local police agencies buy armored vests to protect the lives of their officers. This is a good bipartisan program that Senator BEN NIGHTHORSE CAMPBELL and I put together.

I have had police officers come up to me all over the country, people I have never met, who want to shake hands and say, We really want to thank you and Senator CAMPBELL and those who joined you to help us get this money. Now I am going to have to tell them it is stalled. We had to wait to get the money for Iraq, that is fine, but now we have to stall again because we have special interest legislation that comes up.

Take the COPS Program; this puts new police officers on the community streets and in our schools; the Violence Against Women Act programs that provide services for victims of domestic violence, sexual assault and stalking. Those were all set aside so we could bring up this special interest legislation.

All funding for transportation and critical infrastructure projects was bottled up. In fact, the Senate has failed to pass the transportation reauthorization bill. We don't have time to bring that up. We can bring up special interest legislation, we can bring up highways in Iraq, but we can't bring up the highway transportation bill here in the United States. And what is the cost to us? It is 90,000 jobs here in America.

All foreign assistance to nations other than Iraq and Afghanistan are on hold. In fact, all the funding to combat HIV/AIDS and other infectious diseases is also on hold.

We have another group of Americans awaiting action by Congress. Those are our veterans. They need Congress to make basic decisions about their medical care and benefits, decisions that are being held in limbo, and they have no idea where we are going to go.

These are priorities. American priorities are being set aside, and we will take care of Iraq. We will take care of the special interest legislation. In fact, the special interest legislation is going to do more harm than help.

I think the American people are entitled to ask why we are bogged down considering this controversial and unfair class action bill when the Senate has yet to take up and debate five important appropriations bills amounting to $301 billion.

I hope the Senate gets down to the business of the people and carries out the responsibilities given to us by the Constitution: taking up, debating, and passing the remaining appropriations bills. And we can pass them. There will be a bipartisan majority of both Republicans and Democrats working together to pass them, if we are even allowed to vote on them. We were allowed to vote on Iraq and special interest legislation.

Can we take a little bit of time to vote on legislation that actually helps the people of America?

The American people and the people around the world depend upon the funds and services supplied through the spending measures that are now held hostage. Let us do our job. Let us move these bills. Let us spend a couple of weeks on the floor of the Senate legislating for the people of America. It would be a nice refreshing time. We could pass these bills.

Earlier this year, I joined with Senators KENNEDY, BIDEN, FEINGOLD, DURBIN, and EDWARDS in requesting a hearing on class action litigation in order to help the Judiciary Committee develop consensus reforms—something that we could have done. Republicans and Democrats could have joined on it. But our request was ignored. Actually, our letter went unanswered.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 25, 2003.

Hon. ORRIN HATCH,
Chairman, Senate Judiciary Committee, Senate Dirksen Building, Washington, DC.

DEAR CHAIRMAN HATCH: We were surprised by your announcement in last week's Executive Business Meeting of the Judiciary Committee that S. 274, the Class Action Fairness Act of 2003, would be marked up "in the next couple of weeks." This bill, and indeed the entire subject on the proper scope and disposition of class actions cases, has been the topic of intense and inconclusive debate for years. In fact, legislation similar to S. 274 has failed repeatedly to pass the Senate.

In light of this history and the far-reaching impact of this legislation, we respectfully request that the Committee hold a hearing on class action litigation to help the Committee develop consensus reforms to better serve defendants and plaintiffs before the Committee proceeds to a markup on the Class Action Fairness Act, S. 274. We look forward to working with you and other Members of the Committee on this effort, and appreciate your consideration of our request.

Sincerely,

PATRICK LEAHY.
JOE BIDEN.
DICK DURBIN.
TED KENNEDY.
JOHN EDWARDS.
RUSSELL D. FEINGOLD.

Mr. LEAHY. Mr. President, I had hoped that the Judiciary Committee would undertake a deliberate and careful review of information from parties actually involved in class action litigation to provide a realistic picture of the benefits and problems with class actions. But instead of doing the work for America, we are proceeding with a special interest piece of legislation which has repeatedly failed to pass the Senate in recent years. Our Judiciary Committee did not carry out the kind of thorough and thoughtful legal analysis of this difficult issue it should have. The committee did not provide our fellow Senators with the assistance that they may want and need in this complex area.

I acknowledge the hard work and dedication of my friend, the senior Senator from California, Mrs. FEINSTEIN, who took on an enormous task, attempting with her amendment to rectify some of the harms created by this bill. I appreciate the sincerity of her concern. I appreciate the genuine effort she made. But her amendment touches on only a sliver of the class action cases which this bill would affect—only when plaintiffs and primary defendants are from the same State—and even then it could cause harm.

At its core, this bill deprives citizens of the right to sue on State law claims in their own State courts if the principal defendant is a citizen of another State, even if that defendant has a substantial presence in the plaintiff's home State, and even if the harm done was in the plaintiff's home State. The amendment does not remedy that problem. It burdens the plaintiff even more.

I also want to recognize the sincere efforts made by my friend from Wisconsin, Senator KOHL. I may disagree with him about the nature of the problem. I may disagree with the appropriate solution in this area. But I do so respectfully. He has worked very hard, and I appreciate his efforts.

I would like to note the significant changes in the bill since it passed out of committee.

As originally drafted, this bill included mass tort claims along with class actions. It actually treated them like they were class actions.

One improvement the Judiciary Committee did manage to make to the bill was to strike that provision. We struck it. We voted on that, and we struck it. But somehow, mysteriously, after the bill left the committee with nobody voting, that was reversed. Now mass tort actions are again included in this bill.

Just in case anybody says this is what we voted out of committee, it is not. We changed that.

Now we find out how we actually get things changed in the committee because, apparently, our friends on the other side of the aisle could care less about what we actually did in committee. They just change it in the draft on the way over here. It is fascinating. I have never seen that in 29 years here. But I guess we live under new rules.

In the old days, we just lived under the Senator rules. But now we have rules outside the Senate rules. In fact, this bill is not the bill reported by the Judiciary Committee, S. 274. It is another bill—S. 1751—which was introduced last week. We didn't have hearings on that. We didn't have votes on that. I guess the special interest says, OK, as soon as you finish with the roads in Iraq, as soon as you finish the schools in Iraq, as soon as you finish giving the power grid to Iraq, as soon as you finish paying for the police officers in Iraq, as soon as you are finished with veterans' benefits for Iraq, before you do anything for American citizens, give us our special interest legislation, and we can just drop it in and go forward.

The special interest legislation will be subjected to the same shunting to a Federal court, and plaintiffs will endure the same unnecessary difficulties in making their claims and pursuing their remedies. But these mass tort cases are not class actions. They have not been analyzed under rule 23 standards or State law.

Mass tort actions have entirely different procedural vehicles to reach justice than class actions. They shouldn't be lumped in with class actions in any kind of class action bill, either this misguided attempt or a better wrought piece of legislation.

Some special interest groups are distorting the state of class action litigation by relying on a few anecdotes and an ends-oriented attempt to impede plaintiffs bringing class action cases. If we really want to correct things, we can and should take necessary steps to correct the problems in class action litigation. But simply shoving most suits into Federal court with the new one-sided rules isn't going to correct the real problems faced by plaintiffs and defendants. It will clog up the Federal courts, but it won't accomplish anything.

We forget that our State-based tort system remains one of the greatest and post powerful vehicles for justice anywhere in the world—no doubt around the world—as a vehicle for justice. It lets ordinary people ban together to take on powerful corporations—sometimes even their own government.

Defrauded investors, deceived consumers, victims of defective products, and environmental torts, and thousands of other ordinary people have been able to rely on class action lawsuits in their State court systems to seek and receive justice.

I remember when the Soviet Union broke up. A group of legislators from the Duma came in to see me, as they did several other Senators. One of them asked a question. They said: We have heard it is actually possible that citizens in your country can band together and sue the government. I said that is true.

They said: We have heard further that not only do they sometimes sue the government, but there are times the government loses. They win.

I said: Oh, yes.

They said: You mean you don't fire the judge and make him do it over again?

I said: You don't understand our system. It is not the Soviet Union. Here in the United States, we are able to band together to take on the government. If the government is wrong, the government is going to lose.

It was an eye-opener to them. Actually, it was a bit of an eye-opener to me because I realized those things we take for granted other countries haven't had the opportunity to have.

I am old enough to remember the civil rights battles of the 1950s and the 1960s and the impact of class actions in vindicating basic rights through our courts. When Congress sat back and did nothing, when Presidents sat back and did nothing, it was class action lawsuits that won.

The landmark Supreme Court decision of Brown v. Board of Education was a culmination of appeals from four class action cases, three from Federal court decisions in Kansas, South Carolina, and Virginia, and one from a decision of the Supreme Court of Delaware.

Only the Supreme Court of Delaware, the State court, got the case right by deciding for the African-American plaintiffs.

The State court justices understood they were constrained by the existing Supreme Court law but nonetheless held that the segregated schools of Delaware violated the 14th amendment. The Federal courts did not get it right; before any Federal court did so, a State court rejected separate and unequal schools. The U.S. Supreme Court, to their credit, joined in a unanimous decision in Brown v. Board of Education and closed down the highly discredited separate but equal idea, Plessie v. Ferguson. There was no separate but equal in the schools and they knew it—separate and unequal. The State courts realized that first in a class action suit and then the U.S. Supreme Court followed.

Many civil rights advocates, including the Lawyers' Committee for Civil Rights Under Law, Leadership Council on Civil Rights, Mexican American Legal Defense and Education, and the National Asian Pacific Legal Consortium have written to Senators in opposition to this legislation. The civil rights advocates conclude this legislation "would discourage civil rights class actions, impose substantial barriers to settling class actions and render federal courts unable to provide swift and effective administration of justice."

I ask their letter, dated September 16, 2003, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, DC, September 16, 2003.

OPPOSE THE CLASS ACTION FAIRNESS ACT OF 2003: IT WOULD IMPOSE NEW AND SUBSTANTIAL LIMITATIONS ON ACCESS TO COURTS FOR VICTIMS OF DISCRIMINATION

DEAR SENATOR: We, the 42 undersigned civil rights organizations, write to express the opposition of the civil rights community to S. 274, the Class Action Fairness Act to 2003, a bill that would substantially alter the constitutional distribution of judicial power. If passed, this bill would: remove most state law class actions into federal court; clog the federal courts with state law cases and make it more difficult to have federal civil rights cases heard; deter people from bringing class actions; and impose barriers and burdens on settlement of class actions.

Class actions are essential to the enforcement of our nation's civil rights laws. They are often the only means by which individuals can challenge and obtain relief from systemic discrimination. Indeed, federal class actions were designed to accommodate, and have served as a primary vehicle for, civil rights litigation seeking broad equitable relief.

There are several reasons why the civil rights community is troubled by this particular legislation:

This bill will overburden and create further unnecessary delay in our federal courts. This bill will amend federal law to extend federal jurisdiction to most state class actions, overloading federal courts and inevitably delaying the resolution of all cases in federal court, including many civil rights claims. The effect of these provisions will be particularly damaging in cases where civil rights plaintiffs are seeking immediate injunctive relief to prohibit discriminatory practices of a defendant.

The bill will burden the federal judiciary, rendering it a less effectual mechanism by which plaintiffs may seek access to justice. We strongly believe that S. 274 is an unnecessary attempt to impose federal judicial regulation on matters of law clearly committed to the states under our Constitution. Indeed, the determination of state law tort, contract and consumer cases is, unequivocally, not the responsibility of the federal judiciary under the Constitution. The imposition of such substantial new responsibilities on the federal courts will further impair the ability of those courts to carry out the essential functions they are intended to serve under the Constitution—the determination of matters involving Federal interests, rights and responsibilities. In short, true access to the Federal courts and to the class action device to secure justice in matters where Federal issues are at stake would be severely curtailed by enactment of this legislation.

The bill could discourage people from bringing class actions by prohibiting settlements that provide named plaintiffs full relief for their claims. Now, for example, a named plaintiff who sues an employer can receive a full award of back pay, and in a proper case, obtain an order placing him or her in the job denied because of discrimination, while also affording all members of the class the opportunity to share in available relief. However, under the guise of protecting class members, the language of the proposed bill prohibits courts from approving settlements that "provide[] for the payment of a greater share the award to a class representative . . . than that awarded to the other class members." This language is susceptible to the interpretation that it prevents the award of positions or "rightful place" seniority to class representatives where the number of vacancies for which class members were prevented from competing by discrimination is less than the total number of class members. If the price of trying to protect others is the loss of the full measure of individual relief, individuals will be deterred from becoming a class representative. Thus, this provision would hinder, rather than reform, civil rights class actions.

The bill could impose new, burdensome, and unnecessary requirements on litigants and the Federal courts. It seeks to impose inordinately difficult and costly notice requirements, which will needlessly complicate and delay the settlement of class actions. Specifically, the proposed bill would require notice to Federal and state officials based on the residence of all class members and would require a 120-day waiting period. These additional, substantial and costly notice requirements and built-in delays are not a matter of due process, but are overly burdensome and improperly assume that Federal and state officials have both proper interest in, and a capacity to respond to, each and every class action.

For the reasons stated above, the proposed Class Action Fairness Act of 2003 could discourage civil rights class actions, impose substantial barriers to settling class actions, and render Federal courts unable to provide swift and effective administration of justice. The bill also compromises delicate Federal/State relations by questioning the competency of the state judiciary and overburdening our already overworked Federal courts. In short, we believe the impact of this legislation would be profound, and would result in new and substantial limitations on access to the courts for victims of discrimination. We, therefore, urge you to reject this harmful legislation. If you have any questions, or need further information, please contact Nancy Zirkin, LCCR Deputy Director/Director of Public Policy, at 202/263-2880.

Sincerely,

Leadership Conference on Civil Rights
ADA Watch/National Coalition for Disability Rights
AFL-CIO
Alliance for Justice
American Association of University Women
American Civil Liberties Union
American Federation of Government Employees
American Federation of State, County and Municipal Employees
American-Arab Anti-Discrimination Committee
Americans for Democratic Action
Bazelon Center for Mental Health Law
Center for Women Policy Studies
Commission on Social Action of Reform Judaism
Disability Rights Education and Defense Fund
Federally Employed Women
Jewish Labor Committee
Lawyers' Committee for Civil Rights Under Law
Mexican American Legal Defense and Educational Fund
NAACP Legal Defense and Educational Fund
National Alliance of Postal and Federal Employees
National Association for the Advancement of Colored People
National Association for Equal Opportunity in Higher Ed
National Bar Association
National Center on Poverty Law
National Coalition on Black Civic Participation
National Committee on Pay Equity
National Employment Lawyers Association
National Fair Housing Alliance
National Gay and Lesbian Task Force
National Legal Aid and Defender Association
National Organization for Women
National Partnership for Women and Families
National Women's Law Center

NOW Legal Defense and Education Funds
People For the American Way
Project Equality
Religious Coalition for Reproductive Choice
Sierra Club
UNITE!
United Food and Commercial Workers International Union
United Steelworkers of America
Women Employed

Mr. LEAHY. We all know without consolidating procedures, such as class action lawsuits, it might be impossible for plaintiffs to receive effective legal representation. Lawyers tend to be paid by the hour. They are well paid. But lawyers usually hope they get a portion of the proceedings to take on either the governmental or culprit defendants. They have to do so on a case-by-case individual basis. Sometimes that is what cheaters count on. That is how the cheaters get by on their schemes. If you cheat thousands of people just a little bit, you still cheat; if you only cheat them by $3 or $4, nobody will sue them. But if you are cheating a million people of $3 or $4 each, it adds up.

Class actions allow the little guys to band together and get a competent lawyer and address wrongdoing. The best class action made it possible for individual tobacco victims to take on the powerful tobacco conglomerates in ways individuals could not. It allows stockholders and small investors to join together and go after investment scams.

Another example of a class action litigation serving the public interest is the Firestone tire debacle. The national tire recall was started in part by the disclosure of internal corporate documents on consumer complaints of tire defects and design errors that were discovered in the litigation against Bridgestone/Firestone, Inc. Then the plaintiff's attorneys turned this information over to the National Highway Safety Administration. That started a Government investigation.

Months later, because some people had banded together, Bridgestone/Firestone finally did what they should have done right from the beginning: They recalled 6.5 million tires—but not until after there were 101 fatalities, 400 injuries, and 2,026 consumer complaints.

As reported by Time magazine at the time, it is doubtful that the internal corporate consumer complaint information would have ever seen the light of day absent the civil rights justice discovery process.

The bill before the Senate creates unique risks and obstacles to plaintiffs that are not in the current system. A particularly troubling aspect of S. 1751 is it allows the removal of a case at any time. Anybody who has ever practiced law, anybody who has ever litigated cases—and I, as many other Senators, have—knows the possibilities for abusing this provision are obvious.

As more than 100 legal experts, law professors, noted in a letter to the distinguished Republican leader and the distinguished Democratic leader, Senators FRIST and DASCHLE, they said:

> This would give a defendant the power to yank a case away from a state-court judge who has properly issued pretrial rulings the defendant does not like, and would encourage a level of forum-shopping never before seen in this country. Moreover, this provision would allow an unscrupulous defendant, anxious to put off the day of judgment so that more assets could be hidden, to remove a case on the eve of a state-court trial, resulting in automatic delay of months or even years before the case would be tried in Federal courts.

I ask unanimous consent that the letter of the 100 law professors be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 3, 2003.

Hon. WILLIAM FRIST,
Majority Leader, Dirksen Senate Office Building, U.S. Senate, Washington, DC.
Hon. TOM DASCHLE,
Minority Leader, Hart Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATORS FRIST AND DASCHLE: We are professors of constitutional law, civil procedure, and other subjects, at law schools across the nation. We are writing this letter because of grave concerns over the so-called "Class Action Fairness Act" (S. 274) and its House counterpart (H.R. 1115), specifically the effect these bills would have on the administration of justice in the United States and on the ability of American consumers, small businesses, and others to obtain relief for injuries done to them. We also have serious questions about the constitutionality of the Act. We urge the Senate to reject this legislation.

PRACTICAL EFFECT OF ENACTING THE BILL INTO LAW

As approved by the Senate Judiciary Committee, S. 274 would result in transferring to the federal courts jurisdiction over most class actions filed in state courts, under state law. The Federal courts do not have the resources to administer justice to both their present dockets and the large number of complex state-court cases that would be added if S. 274 or its House counterpart were to become law. Passage of the bill would lead to significant delays in all the business of the federal courts, harming the ability of the federal courts to decide cases that only they can decide, or in which there is a strong federal interest.

ENACTMENT OF THE BILL WOULD HARM THE ABILITY OF PLAINTIFFS TO OBTAIN JUSTICE

We believe that several specific provisions in the bill would be very unwise. The federal courts have responded to claims of abuse in class-action procedures by studying the claims, inviting comments from bar associations, attorneys and others, carefully considering the comments, proposing draft rules, receiving comments on the drafts, and fine-tuning their proposals. If a reform is inadequate to meet the need, they can propose refinements. A substantial set of changes to Rule 23, the class action rule, are expected to go into effect on December 1, 2003, in the event that Congress does not direct otherwise. All of these changes were made pursuant to the Rules Enabling Act, the process Congress created to try to keep politics out of the process of setting rules for the judiciary. Sec. 3 of S. 274 would override some of these changes, and elminate the ability of the Advisory Committee on the Civil Rules to deal with others. If it is enacted in its present form, the rulemaking process would become politicized, and lobbyists' demands would replace the careful consideration now given to these matters. In the event that Congress deems it necessary to legislate as to areas traditionally covered by court rules, we urge that the legislation be as limited as possible, that this part of the legislation be in the form of rules rather than freestanding statutes, and that the legislation expressly preserve the ability of the Advisory Committee on the Federal Rules, the U.S. Judicial Conference, and the Supreme Court to amend the new rules or procedures to the extent necessary to accomplish their purposes more effectively or to cure any unanticipated problems. Congress would, as always, have the final say under the Rules Enabling Act.

The administration of justice would also be harmed by removing much of the ability of state courts to construe their own laws. Many important questions are most likely to arise when the stakes make it worthwhile to litigate them, i.e., in class actions or other large cases. When the case is removed to federal court, the federal court cannot give a definitive interpretation of state law, but can only predict what the state supreme court would find state law to be, if the state supreme court had the same case. If there are other cases from other parts of the country against the same defendant, even without any overlapping classes, the Judicial Panel on Multidistrict Litigation may assign the case—and the task of interpreting state law—to a federal court thousands of miles away. Not every state has adopted procedures allowing a federal court to certify state-law questions so there may be no practical means by which a federal court in Topeka, for example, may be able to obtain guidance as to the law of California.

A further unwarranted provision in S. 274 would allow a defendant to remove state-law cases filed against it in the courts of its own home state, where it chose to be incorporated or chose to have its principal place of business. This type of removal has long been considered an abuse, and is forbidden by current law.

Equally troubling is a provision in S. 274 that allows removal of a case at any time. This would give a defendant the power to yank a case away from a state-court judge who has properly issued pretrial rulings the defendant does not like, and would encourage a level of forum-shopping never before seen in this country. Moreover, this provision would allow an unscrupulous defendant, anxious to put off the day of judgment so that more assets can be hidden, to remove a case on the eve of a state-court trial, resulting in an automatic delay of months or even years before the case can be tried in federal courts. The House bill creates an even further opportunity for delay, by overruling Rule 23(f)'s provision for obtaining permission from a court of appeals to appeal a class certification ruling, and providing for a right to trigger an automatic appeal and for an automatic stay of discovery while the appeal is pending, even if there is no legal basis for an appeal.

LACK OF JUSTIFICATION FOR A REMEDY THIS SWEEPING

We understand that the supporters of the bill base its justification on assertions that the courts in one or two counties in the United States have too freely granted class certifications in some cases. The bill is not limited to curing claimed abuses in one or two counties, but applies equally to the 3,066 counties in which there is not even a claimed problem. In general, courts have been very responsive to complaints of abuses, and have instituted corrective measures, such as allowing petitions for interlocutory appeal from orders granting or denying class certification. The Federal courts have adopted Rule 23(f) of the Federal Rules of Civil Procedure, and many State courts have followed suit.

The need for a state court to interpret the law of a different state has never been seen as an adequate justification for removal. Article III of the Constitution does not recognize this as a basis for federal-court jurisdiction and the Full Faith and Credit clause already requires state courts to accord respect to the laws of their sister states. As a practical matter, state courts frequently have to interpret the law of different states even in individual cases properly brought in state courts. This is part of the normal business of the state courts, not a reason for federal jurisdiction.

CONSTITUTIONAL ISSUES

There is substantial cause to doubt the constitutionality of a massive transfer of state-court cases to federal courts. This transfer would effectively substitute federal-court Rule 23 class certification standards for the class certification standards set forth in the statutes, court rules, and case law of the various states. Unbelievably, such a substitution would provide for dismissal of cases that do not meet the federal standards even though they may meet the standards of the states, and even though the standards of the states may meet every requirement of due process. The Supreme Court has not devoted nearly as much attention to construing the Tenth Amendment to the Constitution as it has devoted to the Eleventh Amendment, but passage of S. 274 or its House counterpart may change that comparative lack of attention.

Similarly, the "minimal diversity" trigger for removal under S. 274 and its House counterpart creates an untested and unprecedented expansion of diversity jurisdiction under Article III of the Constitution. Congress certainly has the power to expand diversity jurisdiction to reach cases in which one party on one side of a case is diverse from any adverse party, see 28 U.S.C. §1335(a)(1) (the interpleader statute). There is, however, substantial cause to doubt the constitutionality of these bills' approach, in which diversity is based on the citizenship of any potential class members. We say "potential" because the bill allows removal of a case before the state court has even decided that the case should go forward as a class action, or what the scope of the class should be. While class members are to be protected by the court, and while their rights may be determined by the class action, they are not full parties to the action. Prior to the determination of liability and a proceeding on class members' individual remedies, unless they intervene and become parties, they do not individually have the right to take discovery from the defendants, to file motions in court, to question witnesses, to introduce evidence, or even to take an appeal from an adverse ruling. Yet, under this legislation they would be allowed to remove a complex state law class action into federal court.

At the very least, litigation over the constitutionality of the bill is likely to embroil the courts for years and is yet a further reason to oppose the enactment of this misguided legislation. We urge you to consider our concerns about the unwarranted changes this legislation mandates as well as the very troubling aspects of the legislation that undermine fair administration of justice in the federal and state judicial systems in the United States.

Respectfully submitted.

Mr. LEAHY. Added to the "removal-at-any-time" problems in the legislation are the hurdles established by Senator FEINSTEIN's amendment adopted in committee. I know it is well intentioned, but the amendment does set up cumbersome requirements for determining whether an action is to be heard in State or Federal court. It provides that a Federal judge may use five factors in deciding jurisdiction of a class action where between one-third and two-thirds of the plaintiffs are from the same State as primary defendants; and if two-thirds of the plaintiffs are from the same State as the primary defendants, then the case will stay in State court.

The bill fails to determine when this measurement takes place during the litigation. It has been my experience that membership in class actions frequently changes. So the two-thirds provision or the middle-third provision which is subject to judicial discretion could open up easily to judicial gamesmanship. The defendant could try to remove a case from State court at the discovery stage. Someone takes a deposition and finds, oops, this is going against us, let's get it out of here. Or the judge has made a ruling they do not like and they know they can never win on appeal, let's get it out of here, even after all the evidence is presented, or after closing arguments.

Actually, the way the bill is currently written, it could be done while the jury is deliberating. Considering the vast resources of defendants in many class actions as compared to plaintiffs, it will make it more difficult for class members to ever have a final ruling, where the bill will cause unnecessary and expensive litigation. It favors corporate defendants.

I like to think the scale of justice is even. This tilts the scale of justice and it will bounce right off the stand.

If there were ever a time to think about protecting the consumers, the investors, and the employees, think of Enron, WorldCom, and other corporate scandals. Think of the employees who worked so hard and were told to put their money in the corporate pension program. Look what has happened. Look at the employee investors. I am not too concerned about some of the leaders of a company like that. They might have to sell one of the $50 million homes or they no longer will have several billions of dollars but rather several hundred million, but I am worried about the people who truly had their lifesavings or their pension destroyed or their company destroyed.

This bill does nothing to make the Enrons of the world more accountable for their actions. Actually, the bill undercuts Congress's other efforts to make the companies more responsible or accountable for their misdeeds or more susceptible to penalties when they do wrong. The legislation makes it more difficult for the victims of corporate wrongdoing to join to make those companies accountable. It seems to me that is the exact opposite to the approach we should be taking.

Now, not surprisingly, consumers and those representing consumers object strongly to the enactment of this legislation.

I ask unanimous consent to have printed in the RECORD letters from numerous consumer advocates in opposition to this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Consumers Union, Consumer Federation of America, U.S. Public Interest Research Group,
February 5, 2003.

DEAR SENATOR: we are writing to you as organizations dedicated to working on behalf of the rights and interests of consumers to express our opposition to S. 274, the "Class Action Fairness Act of 2003." This legislation will deny consumers access to adequate redress against corporate wrongdoers and will undermine the ability of state courts to hear cases primarily concerned with their own citizens. While class actions are an important and efficient legal tool for consumers to use in order to obtain redress from wrong doing, we are concerned abcut abuses of the class action process and agree that these abuses should be curtailed. However, S. 274 will not eliminate these abuses, but rather would create barriers to a consumer's effort to obtain redress. S. 274 is unfair to consumers and we urge you to oppose it.

Congress should work to prevent unjust enrichment by lawyers at the expense of consumers in class action settlements. This legislation however, will not solve this problem. Instead, while purporting to curtail class action abuses, S. 274 will virtually wipe out state class actions and thus remove an important venue for redress of injury or fraud for consumers. The bill will make it more difficult for consumers to obtain effective and efficient judicial relief for injuries caused by defective products, fraud in the marketplace, or discrimination.

Congress should seek to hold negligent wrongdoers accountable for their actions. Yet this bill does just the opposite: it places obstacles to accountability by providing fewer incentives for companies to keep their products safe and their action fair.

S. 274 will create numerous barriers to participating in class actions by permitting defendants to remove most state class action suits to federal court. This removal from state court to federal court would leave consumers shuttling back and forth between state and federal court because while a consumers' class could meet state law class certification requirements, it could fail to meet the class certification requirements set forth in federal law. This will result in the federal courts' denial of class certification and dismissal (not remand) of the case. A consumer would not have two options, none of which would result in access to a court proceeding. A consumer could bring the claim in state court as an individual action. However, individual cases would be impractical to litigate, would not have the same deterrent effect, and would have the potential to overwhelm state courts. In the alternative, consumers could re-file an amended class certification in state court. This re-filing again opens the door created by S. 274 for the defendant to remove the case to federal court.

S. 274 will also clog an already overburdened and understaffed federal judiciary and slow the pace of certifying class action cases. This considerable delay will likely result in the denial of justice to injured consumers. In addition, this removal to federal court takes away an important and traditional function of state courts and will slow—and in some cases thwart—the continual interpretation of state law. Federal court decisions on issues of state law solve the narrow legal issue of the particular case without providing legal precedent for future state court cases of the particular state law in question. Further, class actions are among the most resource-intensive cases before the federal judiciary. U.S. Supreme Court Chief Justice William Rehnquist has expressed concern that this bill will result in further overloading an already-backlogged federal docket.

We agree that class actions can be made a more effective means of consumer redress; we support changes to the class action system that would prevent unjust enrichment and act as a deterrent to future wrongdoing, including modification of notice requirements and simplification of certification procedures and standards; but the jurisdictional changes mandated by S. 274 are designed to impede class actions, not to make them fairer or more efficient.

This class action "reform" legislation is especially inappropriate in light of recent events. Just last year in the scandals of Enron, WorldCom and others, we saw how corporations need to be held accountable for their actions. Class actions effectively hold corporations accountable.

S. 274 does not provide the right solution to a class action system in need of reform; rather it makes it more difficult for consumers to obtain redress, to hold bad actors accountable for the harms they caused, and to deter future misconduct. The Class Action Fairness Act will substantially reduce the effectiveness of one of the most important legal tools consumers now have.

We strongly urge you to oppose S. 274. We urge you to do the right thing for American consumers.

Sincerely,

SALLY GREENBERG,
Senior Product Safety Counsel, Consumers Union.
RACHEL WEINTRAUB,
Assistant General Counsel, Consumers Federation of America.
CHRIS PETERSON,
Consumer Attorney, U.S. Public Interest Research Group.

JUDICIAL CONFERENCE OF
THE UNITED STATES,
Washington, DC, March 26, 2003.

Hon. ORRIN G. HATCH,
Chair, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN HATCH: I write to provide you with the recently adopted views of the Judicial Conference of the United States, the policymaking body for the Federal judiciary, on class action legislation, including S. 274, the "Class Action Fairness Act of 2003," introduced by you and other cosponsors.

On March 18, 2003, the Judicial Conference unanimously adopted the following recommendation: "That the Judicial Conference recognize that the use of minimal diversity of citizenship may be appropriate to the maintenance of significant multi-State class action litigation in the Federal courts, while continuing to oppose class action legislation that contains jurisdictional provisions that are similar to those in the bills introduced in the 106th and 107th Congresses. If Congress determines that certain class actions should be brought within the original and removal jurisdiction of the Federal courts on the basis of minimal diversity of citizenship and an aggregation of claims, Congress should be encouraged to include sufficient limitations and threshold requirements so that Federal courts are not unduly burdened and States' jurisdiction over in-State class actions is left undisturbed, such as by employing provisions to raise the jurisdictional threshold and to fashion exceptions to such jurisdiction that would preserve a role for the State courts in the handling of in-State class actions. Such exceptions for in-State class actions may appropriately include such factors as whether substantially all members of the class are citizens of a single State, the relationship of the defendants to the forum State, or whether the claims arise from death, personal injury, or physical property damage within the State. Further, the Conference should continue to explore additional approaches to the consolidation and coordination of overlapping or duplicative class actions that do not unduly intrude on State courts or burden Federal courts."

The Conference in 1999 opposed the class action provisions in legislation then pending (S. 353; H.R. 1875, 106th Cong.). That opposition was based on concerns that the provisions would add substantially to the workload of the Federal courts and are inconsistent with principles of federalism. The March 2003 position makes clear that such opposition continues to apply to similar jurisdictional provisions.

The Conference recognizes, however, that Congress may decide to base a statutory approach to remedy current problems with class action litigation by using minimal diversity jurisdiction. The Conference position recognizes that the use of minimal diversity may be appropriate to the maintenance of significant multi-State class action litigation in the Federal courts. The use of the term "significant multi-State class action litigation" focuses on the possibility of multi-State membership within the plaintiff class. The actions to which this term applies are nationwide class actions, as well as class actions whose members include claimants from States within a smaller region or section of the country. Minimal diversity in these cases would facilitate the disposition of litigation that affects the interest of citizens of many States and, through their citizens, affects the many States themselves.

Parallel in-State class actions in which the plaintiff class is defined as limited to the citizens of the forum State are not included within the term "significant multi-State class action litigation." Parallel in-State class action might share common questions of law and fact with similar in-State actions in other States, but would not, as suggested herein, typically seek relief in one State on behalf of the citizens living in another State. Accordingly, parallel in-State class actions would not present, on a broad or national scale, the problems of State projections of law beyond its borders and would present few of the choice of law problems associated with nationwide class action litigation. In addition, to the extent problems arise as a result of overlapping and duplicative in-State class actions within a particular State, the State legislative and judicial branches could address the problem if they were to create or utilize an entity similar to the Judicial Panel on Multidistrict Litigation, as some States have done.

Further, the position seeks to encourage Congress to include sufficient limitations and threshold requirements so as not to unduly burden the Federal courts and to fashion exceptions to the minimal diversity regime that would preserve a role for the State courts in the handling of in-State class actions. The position identifies three such factors that may be appropriately considered in crafting exceptions to minimal diversity jurisdiction for class actions. These factors are intended to identify those class actions in which the forum State has a considerable interest, and would not likely threaten the coordination of significant multi-State class action litigation through minimal diversity. (The factors do recognize certain situations where plaintiffs from another State may be included in an otherwise in-State action.)

The first factor would apply to class actions in which citizens of the forum State make up substantially all of the members of the plaintiff class. Such an in-State class action exception could include consumer class action claims, such as fraud and breach of warranty claims. The second factor would apply to a class action in which plaintiff class members suffered personal injury or physical property damage within the State, as in the case of a serious environmental disaster. It would apply to all individuals who suffered personal injuries or losses to physical property, whether or not they were citizens of the State in question. The third factor recognizes that it may be appropriate to consider the relationship of the defendants to the forum State. Such consideration is not intended to embrace the term "primary defendants" (or a similar term), which language has been used in past and present class action bills as part of an exception to minimal diversity. Such a reading could extend minimal diversity jurisdiction to cases in which a single important defendant lacked in-State citizenship. While the relationship of the defendant to the forum may have some bearing on State adjudicatory power, an insistence that all primary defendants maintain formal in-State citizenship is too limiting and may preclude in-State class actions where a defendant has sufficient contacts with the forum State, regardless of citizenship.

We would appreciate your consideration of these comments and the position of the Judicial Conference. Should you or your staff have any questions, please contact Michael W. Blommer, Assistant Director, Office of Legislative Affairs, Administrative Office of the U.S. Courts, at (202) 502-1700.

Sincerely,

LEONIDAS RALPH MECHAM,
Secretary.

Mr. LEAHY. Last year a group of investors recovered millions of dollars in lost investments under State corporate fraud laws and a State class action case in Baptist Foundation of Arizona v. Arthur Andersen. These investors, mostly elderly, banded together to successfully recoup $217 million from Arthur Andersen. Why? Because of questionable accounting practices surrounding an investment trust. The case is just one example of how a State-based class action litigation holds corporate wrongdoers accountable and helps defrauded investors recoup their losses.

Like most Vermonters, I am a strong supporter of the environment. But I look at this bill and I think, what a green light for polluters and others responsible for environmental damages to avoid accountability in court. So many polluters, who would fear class action suits if they were to violate the law, now know they could get caught. With this legislation, they might take the old idea of: Go ahead and pollute; nobody gives a hoot. They are going to get away with it.

This legislation removes almost all important environmental class actions from State to Federal court. Not only does this deny State courts the opportunity to interpret their own State's environmental protection laws, but it also hampers and deters plaintiffs in pursuing important environmental litigation. It means we Vermonters would not have a say in our own courts—or those in Utah or in any other State.

Under this bill, environmental class action suits may not get litigated, reducing the incentive to keep our environment clean. Plaintiffs' attorneys may not be willing to take these high-risk, high-cost, and time-consuming cases, particularly when what they are looking for is injunctive relief. That is an injunction to stop the polluter from polluting. Intentionally or not, this bill protects polluters and ignores innocent victims of their negligence.

Just a few months ago, as I recall, we read about a horrible toxic dumping situation in Alabama and a monumental settlement in State court to clean up an entire community. It was in State court, though—in State court.

In Anniston, AL, the Monsanto Company manufactured PCBs—carcinogens—from 1929 to 1971. For more than 40 years, in arrogant—arrogant—disgusting disregard of people's health and the environment, Monsanto dumped untreated, unfiltered waste from its PCB plant into the streams and landfills of Anniston. They never let the residents—many of whom actually worked, and worked very hard, for Monsanto—they never let them know of the horrific risk to their environment and their health.

When the undeniable truth of Monsanto's malfeasance became clear, several thousand residents of Anniston sued in State court. They recently won a liability jury verdict. When the case moved into the damages phase, Monsanto was not out there defending and saying: Well, we did not do something bad. They knew they did something terrible. They did not start arguing about: Well, people were not injured by it. They knew they were injured by it.

So what did they do? They tried to get the judge removed. That is what they tried to do. Although the Alabama Supreme Court, a conservative supreme court, had already held that the trial judge was acting properly, Monsanto continued to oppose his participation. They tried everything they possibly could do to confuse people and escape facing up to the issues. They then had to focus on the merits of the case and settled with the local residents for $600 million and pledged to pay additional cleanup costs for the town.

The Alabama Supreme Court, the Alabama State court, did this very well. Not under this bill. Under this bill, it would have been yanked away from those courts, yanked away from the Alabama State court, yanked away from the Alabama Supreme Court, and stuck into Federal court.

Why? More than 100 people lived in Anniston. Even though all the people suffered, they lived just a block or a driveway from each other. We, those of us who say we really care about States having their rights, would reach down and yank it right out of the State and say: You are not good enough to handle the case that involves your own people.

Cases such as this one would provide hard evidence that our State-based civil justice system is working—it is working—to protect the environment and to protect victims of polluters, and there is no reason to prefer a Federal reform for resolution of their claims. State courts, unlike the Federal courts, have a sound understanding of evolving local law and the open dockets to resolve conflicts in a manner that would protect our society from polluters.

In fact, we ought to at least ask, Do the Federal courts want this? The Judicial Conference, headed by Chief Justice William Rehnquist, wrote a letter in March of this year opposing this bill because its "provisions would add substantially to the workload of the federal courts and are inconsistent with principles of federalism."

They singled out serious environmental disasters as an example of class actions that should remain in State courts.

Chief Justice Rehnquist and the Judicial Conference said: What are you doing to us? Why are you sending these cases over there? State courts can handle them better.

I would be a very wealthy person if I had a couple dollars for every time I heard speeches or statements from my fellow Senators about how we have to better respect our individual States. After all, that is why we have a Senate. Each one of the 50 States has equal representation here to make sure the States are not subsumed in the Federal system. Those who would support this bill are giving the back of their hand to their States and saying: You are not smart enough, you are not good enough to take care of the laws of your own State.

Numerous organizations devoted to the protection of the environment oppose this bill, including Clean Water Action, Earthjustice, the Environmental Working Group, Friends of the Earth, Greenpeace, the Mineral Policy Center, the Natural Resources Defense Council, the Sierra Club, and the U.S. Public Interest Research Group.

These advocates conclude, in a letter, this bill "would benefit polluters at the expense of people and communities harmed by public health and environmental disasters." I ask unanimous consent their letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 2, 2003.

Hon. ORRIN HATCH,
Chair.
Hon. PATRICK LEAHY,
Ranking Member, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH AND RANKING MEMBER LEAHY: We are writing to express our opposition to S. 274, the so-called "Class Action Fairness Act of 2003." This legislation would not be fair to citizens bringing class action cases based on state environmental or public health protection laws who wish to have their cases heard by their state's courts. The bill would allow corporate defendants in pollution class actions to remove virtually any type of state environmental law case from state court to federal court, placing such cases in a forum that could be more costly, less timely, and disadvantageous to the citizen plaintiffs. We urge you to oppose this anti-environmental legislation.

Class actions protect the public's health and the environment by allowing people with similar injuries to join together for more efficient and cost-effective adjudication of their cases. All too often, hazardous spills or toxic contamination from one source affects large numbers of people, not all of whom may be citizens of the same state. In such cases, a class action lawsuit based on state common law doctrines of negligence or nuisance, or upon rights and duties created by state statutes, is often the best way of resolving the claims. Recent examples of such incidents include the Asarco lead contamination in eastern Omaha, the Nicor Gas mercury spills in suburban Chicago, and emissions from an illegally operated rock quarry in San Rafael, California—incidents that harmed thousands of people—as well as many cases in which injured plaintiffs have sought access to medical monitoring in the wake of a community's toxic exposure.

S. 274 would benefit polluters in state environmental class actions by allowing them to remove these claims from state courts that may be better equipped to handle them to federal courts where the judges are likely to be less familiar with state law. This removal could occur even if the citizen plaintiffs object.

The bill would even allow polluters to remove to federal courts cases brought by more than one hundred plaintiffs even if the citizens do not seek certification as a class.

One such case is underway now in Anniston, Alabama, where a state court jury is currently deciding damages to be paid by Monsanto and Solutia for injuring more than 3,500 people the jury found were exposed, with the companies' knowledge, to cancer-causing PCBs over many years. There is little doubt in the Anniston case that, had S. 274 been law, the defendants would have tried to remove the case from the state court serving the community that suffered this devastating harm.

Allowing defendants to remove to cases such as these that properly belong in state court—even cases based solely on state law—is not only unfair to the injured parties in the state law cases, it will needlessly delay justice for all in the overburdened federal courts, creating delays for those parties in environmental cases whose claims must be heard in federal court, as well as for other parties who require a federal forum.

Last month, the Judicial Conference of the United States wrote to your committee stating the continued opposition of the Judicial Conference to broadly written class action removal legislation. Their letter states that, even if Congress determines that some "significant multistate class actions" should be brought within the removal jurisdiction of the federal courts, Congress should include certain limitations and exceptions, including for class actions "in which plaintiff class members suffered personal injury or personal property damage within the state, as in the case of a serious environmental disaster." The letter explains that this "environmental harm" exception should apply "to all individuals who suffered personal injuries or losses to physical property, whether or not they were citizens of the state in question." S. 274 does not provide any exception for environmental harm cases.

As U.S. Supreme Court Chief Justice Rehnquist has stated in the past, "Congress should commit itself to conserving the federal courts as a distinctive judicial forum of limited jurisdiction in our system of federalism. Civil and criminal jurisdiction should be assigned to the federal courts only to further clearly defined national interests, leaving to the state courts the responsibility for adjudicating all other matters." The so-called "Class Action Fairness Act" does not conserve the federal forum but would allow corporate polluters who harm the public's health and welfare to exploit that forum whenever they perceive an advantage to defending class actions in federal court, regardless of whether the class action would be better adjudicated in a state court.

We urge you to oppose S. 274, legislation that would benefit polluters at the expense of people and communities harmed by public health and environmental disasters.

Sincerely,

Joan Mulhern, Senior Legislative Counsel, Earthjustice Legal Defense Fund.

Debbie Sease, Legislative Director, Sierra Club.

Lexi Shultz, Legislative Director Mineral Policy Center.

Sara Zdeb, Legislative Director, Friends of the Earth.

Paul Schwartz, National Campaigns Director, Clean Water Action.

Richard Wiles, Senior Vice President, Environmental Working Group.

Erik Olson, Senior Attorney, Natural Resources Defense Council.

Anna Aurilio, Legislative Director, U.S. Public Interest Research Group.

Rick Hind, Legislative Director, Greenpeace.

Mr. LEAHY. Mr. President, as colleagues may have gathered, I am not in favor of this piece of legislation, the Class Action Fairness Act. Man, I have heard things. There ought to be a law against misleading labels on legislation we pass because this would break the law. These many injured parties who have valid claims would have no effective way to seek relief. Class action suits have helped win justice and expose wrongdoing by the polluters, the big tobacco companies, and the civil rights violators, and brought about Brown v. Board of Education, as I said earlier. It gives average Americans at least a chance for justice. We should not take that chance for justice away from the American people.

So I hope Senators will consider the harm this bill would do the American people and to their constituents and join me in opposition.

Lastly, Mr. President, as I said, we found time to get highway money for Iraq, but we do not have time to pass the highway bill for America. We had time to get money to improve police departments and law enforcement in Iraq, but we do not have time to pass a bill to do the same here for Americans.

We had time to pass legislation to help military veterans in Iraq, but we can't find time to pass legislation for veterans in the United States.

Mr. REID. Will the Senator yield for a question?

Mr. LEAHY. Of course, I yield to my friend from Nevada.

Mr. REID. As I am here in the Chamber today, there are four members of the Appropriations Committee: The Presiding Officer, the senior Senator from Vermont, the Senator from Nevada, and the Senator from Illinois. This morning I asked, Why aren't we able to do appropriations bills? The House has gone home. They are AWOL. So matters that we have to resolve in conference we can't do either. We have six that have not passed this body. The Senator from Vermont hit the nail on the head.

I commented this morning, we can think of a lot of reasons that the bills haven't passed. One is what the President has done with the monetary functions of this country. The economy is in disastrous shape. If we did these appropriations bills now, there would be a focus on each bill. The people of America would say: Well, they can't do that for us. Look at what they have just done for Iraq with $21 billion.

So the Senator from Vermont hit the nail on the head. I compliment him for recognizing the problem we have. What are we going to do? I think the Senator from Vermont will agree, we are going to have an omnibus bill with as many as 10 appropriations bills jammed into it.

Mr. LEAHY. Did the Senator say omnibus or ominous?

Mr. REID. The Senator is correct. We are going to have an ominous omnibus bill. It is too bad we are going to do that because it will be a massive document. It will be done at the last minute. There will be a lot of little things jammed in there by the leadership. And then, of course, as the Senator knows, conferences that we do have are just one-sided. They don't include us in them. It is a funny way to run the country. This decision has been made by a Republican President, a Republican-controlled House and Senate.

I appreciate very much the Senator yielding.

Mr. LEAHY. I appreciate the comments of my friend from Nevada. I can't think of any person who has worked harder to help get legislation through. The senior Senator from Nevada has a good reputation of working with both Republicans and Democrats. There are two primary reasons. One is the fact that he knows legislation better than anybody else around here. Secondly, he is totally honest and truthful to everybody.

It is frustrating because, again, there is legislation for highways in Iraq, but not in the United States, all these other things. We passed a transportation bill. That would mean 90,000 jobs right there that we could put Americans back to work.

I thank him for saying that. I don't care if people want to spend time on this bill. It is a terrible bill. If they want to spend time on it, let's at least get the appropriations bills done. Let's answer the questions of our veterans, whether the benefits will be there or not; answer the questions police officers have about benefits; answer the questions those in education have, whether the money will be there.

I see my good friend, the senior Senator from Illinois. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the ranking Democrat in the Senate Judiciary Committee, Senator LEAHY, as well as Senator REID of Nevada, for coming to the floor today to discuss the agenda of Congress. It is worthy of reflection.

Some of us went home last week after the vote dispirited because this administration was afraid to offer the Iraq reconstruction package as an up-or-down vote. They believed—and I think they were right—they couldn't pass it. So many Members of Congress had so many questions and reservations, the only way it could pass was to combine it with the money for our troops. Many of us, looking at this terrible Faustian bargain, had to vote for the bill to support the troops, believing that, frankly, if it were my child, someone near or dear to my family, as it is for so many people in Illinois, I wouldn't want to shortchange the troops one penny. So we ended up passing about $15 or $16 billion in reconstruction for Iraq.

Trust me, stories are already pouring in about some of the questionable contracting that is going on over there. There is real doubt among some as to whether this money will achieve the goal we are seeking. We want peace in Iraq. We want stability. We want our troops to come home. But we want to do it in the right way.

So far, this administration, since the declaration of the military victory, has seen a long string of embarrassments and defeats and setbacks. There have been pretty pictures painted by some on the other side who have gone there, but they can't overcome the reality of every morning's newscast which tells about another soldier being killed or another 10 soldiers being maimed.

I have visited with some of those soldiers who have returned from Iraq. Their lives will never be the same. To say they got by because they were simply wounded is to overlook the obvious. Many of them will carry scars for the rest of their lives because of a policy of this administration which, frankly, has not stood the test of time.

The reason I think it is important to reflect on that is to consider where we are today. Now that we have moved from the issue of Iraq, we are back on an issue which is near and dear to the Republican leadership in Congress as well as to the White House. Take a look at the agenda of this Congress and particularly what we are discussing today. It is an agenda which attempts to slow down the legitimate responsibilities of government directly through Executive orders and indirectly with historic deficits.

Yes, this fiscal conservative, compassionate Republican President has stood by and watched as we have reached record depths in terms of debt in America. Although he can point to a recession which he blames on the previous President, which is fair game in Washington, he can point to a war on terrorism, the fact is, most of this deficit is his own creation.

President Bush's tax policy, his economic plan has been a failure for America's economy. But it has been a dramatic success for those who were praying for a bigger deficit. I don't know who that might be, but if you were looking for a President to deliver the biggest deficit in the history of the United States, this President has done it. That deficit, of course, shortchanges us when we need to really pursue the valuable and vital functions of government.

There are some things which only government can do. I know my friends from the conservative side of the political spectrum hate to concede this point, but there are certain things only government can do. Certainly military defense is one. Defense against terrorism is another. But there are others, and they will come to our attention as we consider the debate before us on a bill related to class action lawsuits.

The agenda of the Republicans in Congress and the President is one that is guided by the naive belief that the balance of power within our Government is outdated. It is an agenda which would close the courthouse doors to ordinary Americans in the name of penalizing trial lawyers but continue to protect the most politically powerful. This is nothing new in government. The people who have the power to line the Halls of Congress with their lobbyists in their three-piece suits and fancy shoes are well represented. They are the voices you hear when you come to vote for a bill.

The voices that are not heard are those of consumers and families and working people who are disadvantaged time and again by these special interests. The Class Action Fairness Act is a special interest piece of legislation designed exclusively to protect those who are wealthy and powerful from even being held accountable in court.

When you look at the options available to us, if you have a President who really doesn't care to work for consumers and working families, and a Government which is unresponsive because of that President or the lack of funds, and a Congress unwilling to address these same issues, there is only one place for an American to turn. That is the court system. So what this Congress tries to do time and time again is to close the doors of the courthouse so that that family, that consumer, that small business, that individual doesn't have a chance to go into the courthouse and ask for justice. They are doing that with this class action bill.

Whether the agenda is driven by the White House, the leadership of the House of Representatives, the committees on the floor of the Senate, the not so invisible hand of the right-wing agenda is busily at work. We see it in the nominees sent up for lifetime appointments to the Federal judiciary, men and women who are not even close to the center stripe of political thinking, in the hopes that if you cannot close the courthouse door, make sure there is a judge on the bench who will rule consistently on behalf of the wealthy and powerful in America.

Some will say what I am saying sounds a lot like class warfare. I can recall what Warren Buffet, one of the wealthiest men in America, told us a few weeks ago. He came to a luncheon on Capitol Hill and spoke to a group of Senators and talked about President Bush's tax cuts for the wealthy. This wealthy man from Omaha, NE, said, "Some people say this is class warfare." He said, "I want to tell you something. It is true, and my class is winning the war."

That is a fact. They have won the war with the President's tax cuts. They will continue to win the war when it comes to closing the courthouse doors. The agenda is being driven by President Bush and his gang of compassionate conservatives. It is not just this issue of litigation and tort reform. It stretches in so many directions. This is an administration that wants to drill for oil in the Arctic National Wildlife Refuge rather than to demand that automobile manufacturers in Detroit make more fuel-efficient cars, which they can do. The technology is available. But this administration would much rather invade a pristine wildlife refuge set aside by President Eisenhower 50 years ago than pick up the phone and say to the Big Three in Detroit that you have to do better. We need more fuel-efficient cars and we are going to support legislation to make it happen.

That shows you where they are coming from. They would much rather drill in a wildlife refuge than to ask for more fuel efficiency from the automobile manufacturers. This is an administration that cuts education funding for schoolchildren to pay for tax benefits for the wealthiest people in America. It is an administration that would restrict background checks on gun purchasers while protecting gun manufacturers from liabilities. Rather than to make certain that we keep guns out of the hands of people with criminal records or a history of mental illness, they say instead, in the name of a second amendment, we cannot ask those questions and, if we do, we cannot keep the records long enough for law enforcement to use them. It is a constitutional right as far as they are concerned under the second amendment.

Yet when it comes to gun manufacturers making defective products and dangerous products and selling them, this administration falls over backward in an effort to protect them from any liability in court, this administration which would cap the compensation of injured victims of medical negligence, medical malpractice, and never question the insurance companies that continually make mistakes and charge the most outrageous premiums. Now we are forced to debate a bill that divides instead of unifies us.

It is especially troubling at a time when so many appropriations bills have not even been considered in the Senate and we are going to work on this bill for special interest groups. The majority leader brought this bill before us instead of an appropriations bill. Here we are after October 1, at a time when we should have passed all of our appropriations bills, but instead of addressing the immediate needs of Government, we are going to address the immediate needs of the special interest groups.

I find it interesting that the bill before us is not the bill that passed the Judiciary Committee, which I served on a little earlier this year. There is a provision back in the bill called a mass tort provision. I will not go into all the details of it other than to tell you the special interests have won again. There was a bipartisan motion in the Judiciary Committee—I am not sure there was debate—to delete a section of the bill for so-called mass tort actions. It was a motion by Senator SPECTER, a Republican, and Senator FEINSTEIN, a Democrat. It was removed without controversy.

Guess what happened. That bill was thrown away. The bill before us today reinstates this prohibition against mass tort actions. That is fundamentally unfair, and we knew that. The special interest groups prevailed again.

How fair is the Class Action Fairness Act before us? It is not about fairness or justice. It is about protecting the powerful against legal challenges from the little guy. Who wants this bill? Who wants this class action bill? I will tell you those who line up on the side of this bill. It is the major tobacco companies, including Philip Morris, which is sick and tired of being sued by those who have been damaged by their deadly tobacco products. They have come to the Republican Congress and prevailed on them to make it more difficult for the victims of those tobacco products to come to court. So the tobacco companies want this bill to pass. Gun manufacturers, understanding their exposure to liability by selling defective guns, selling them in quantities where they knew or should have known they would fall in the hands of criminals, don't want to be sued in court anymore. Even though the death rate in America—on the streets of Chicago, New York, and Washington—continues to climb from gun murders, this bill says the victims are going to have a tougher time suing the gun manufacturers.

Those who pollute want this bill. Those involved in environmental pollution are less likely to be sued because of this bill.

Others include the pharmaceutical companies, every insurance company in America that I know of, the National Association of Manufacturers, and Financial Services Roundtable. The list of special interest groups is very lengthy.

There is another group on the other side who oppose this bill—an interesting coalition. Listen to those who have come out in opposition to the bill. The first name on the list may be the most curious. It is Chief Justice of the U.S. Supreme Court, William Rehnquist. Why? Because this bill shifts a lot of class action lawsuits from State courts to Federal courts. Chief Justice Rehnquist understands that the Federal courts are not in a position to deal with these lawsuits. He said this is a bad bill; it is bad for the administration of justice in America. He is not a bleeding heart when it comes to consumer cases. His precedents and rulings will speak for themselves. But he says this bill is bad, and he is right.

Then the list of organizations—which I will not read—is two pages long. These groups are a clear indication of why it should not be passed. I will say generically that many of the leading medical groups, including the American Cancer Society, the Heart and Lung Society, many leading environmental groups in America, and almost every one of the major consumer groups in America, say this is a bad bill. It will keep ordinary Americans from having their day in court.

I ask unanimous consent that the list be printed in the RECORD.

NATIONAL ORGANIZATIONS OPPOSED TO FEDERAL CLASS ACTION LEGISLATION

AARP.
AFL-CIO.
Alliance for Justice.
Alliance for Retired Americans.
American Association of People with Disabilities.
American Cancer Society.
American Heart Association.
American Lung Association.
Brady Campaign to Prevent Gun Violence United with the Million Mom March.
Campaign for Tobacco Free Kids.
Center for Disability and Health.
Center for Responsible Lending.
Clean Water Action.
Coalition to Stop Gun Violence.
Consumer Federation of America.
Consumers for Auto Reliability and Safety.
Consumers Union.
Earthjustice.
Environmental Working Group.
Families USA.
Friends of the Earth.
Gray Panthers.
Greenpeace.
Homeowners Against Deficient Dwellings.
Lawyers' Committee for Civil Rights Under Law.
Leadership Conference on Civil Rights.
Mexican American Legal Defense and Educational Fund.
Mineral Policy Center.
National Asian Pacific Legal Consortium.
National Association for the Advancement of Colored People.
National Association of Consumer Advocates.
National Association of Protection and Advocacy Systems.
National Campaign for Hearing Health.
National Partnership for Women & Families.
Natural Resources Defense Council.
National Workrights Institute.
National Women's Health Network.
National Women's Law Center.
People for the American Way.
Public Citizen.
Service Employees Union International.
Sierra Club.
Tobacco Control Resource Center.
Tobacco Products Liability Project.
USAction.
U.S. Public Interest Research Group.
Violence Policy Center.
Women Employed.

GOVERNMENT ORGANIZATIONS OPPOSED TO FEDERAL CLASS ACTION LEGISLATION

Judicial Conference of the United States.
Conference of Chief Justices.
Attorney General of California, Bill Lockyer.
Attorney General of Illinois, Lisa Madigan.
Attorney General of Maryland, J. Joseph Curran, Jr.
Attorney General of Minnesota, Mike Hatch.
Attorney General of Missouri, Jeremiah W. Nixon.
Attorney General of Montana, Mike McGrath.
Attorney General of New Mexico, Patricia A. Madrid.
Attorney General of New York, Eliot Spitzer.
Attorney General of Oklahoma, W.A. Drew Edmondson.
Attorney General of Vermont, William H. Sorrell.
Attorney General of West Virginia, Darrell Vivian McGraw, Jr.

Mr. DURBIN. This is a classic battle between the biggest companies in America, that don't want to face legal responsibilities, and the most vulnerable people in America, who have no other recourse but the courts. Consumers, environmentalists, gun control advocates, and civil rights champions often turn to the class action process of our civil justice system because the Government—beholden to the special interest groups and the corporate agenda—simply is unwilling to take on these same big corporations.

Unfortunately, when you pit these two sides together on Capitol Hill, consumers don't have a chance. This bill is a clear indication of that.

The bill is fundamentally unfair and unnecessary. How can you be sure it is only the plaintiffs who are guilty of abusing forum shopping but never the defendant? That is the argument being made. They say we have to restrict the people who can bring lawsuits in court.

The argument on the other side is that there are so many frivolous lawsuits. The honest answer is that there are some frivolous lawsuits, and there always will be in a system open for any individual to file a lawsuit. On the other hand, we know many of these lawsuits—and I will recount several later on—give clear indications and evidence of the fact that many people who are sued in class action lawsuits have a real responsibility to the consumers and the American people that they don't meet.

I am concerned when they tell me the bill will restrict their ability to fight for rights of consumers and victims of corporate malfeasance, and I hope the sponsors can carry their burden in explaining to the American people why they believe this bill will not tilt the advantage to the corporate defendants.

To the extent there are abuses in the class action process, it should be addressed with a scalpel, not a sledgehammer, which this bill does. If the problem is concentrated only in a handful of State courts, the solution isn't to remove every case to Federal court. That is what this bill does.

The American Tort Reform Association, which represents all of the special interest groups that would close the courthouse doors, obviously championed this bill. They released a study recently which I find amazing and, in a way, offensive.

In their report, entitled, "Bringing Justice to Judicial Hellholes 2002," this organization identified 13 counties or cities that they define as "judicial hellholes," because they supposedly attract lawsuits from around the Nation to plaintiff-friendly courts.

What does that mean? If you are a lawyer in some part of the country and want to file a class action suit, this association argues that you can shop around to find the friendliest judges who will certify your class. That is the first step in a class action suit. The court has to basically certify under State law whether you can gather together the individuals you call your "plaintiffs' class" to sue a defendant. They argue that in some parts of America it is more likely to be certified than not. They characterize those as judicial hellholes. One of them is near and dear to me because it is in my home State, in Madison County, IL. I was born in St. Clair County, the adjoining county. I am familiar with Madison County and most of the people who practice law there and the judges on the bench.

Well, with all of their valiant and well-funded national research, the American Tort Reform Association came up with about a dozen "hellhole" counties, and a few more they call "honorable mentions."

That is about a total of 20 counties they have identified out of over 3,000 counties in the United States and more than 18,000 cities, villages, and towns—20 problem counties out of 21,000 cities and counties. That is fewer than .0001 percent of all the counties and cities in the country.

Clearly, if that is where the problem lies, with 20 places, why would we pass Federal legislation to affect every county and every city in America? Yet the solution the sponsors seek is exactly that.

Let me speak for a moment about the real story of Madison County because it has been recounted over and over by the advocates of tort reform as an outrageous, out-of-control situation.

It is said there have been hundreds of consumer class action cases filed in the last few years and rarely are any not certified for trial. That is what the American Tort Reform Association says. Yet while the number of filings increased, the number of consumer class action certifications in that county has actually declined over the last 2 years.

State judges, including those in Madison County, are disposing of frivolous consumer class action cases by refusing to certify them for trial. Moving them to Federal court simply transfers the responsibility for making that determination.

Let me give some numbers so we can get a feel for one of these judicial "hellholes" from the groups that advocate this legislation.

Madison County, IL: Consumer class actions filed—1999, 12; 2000, 39; 2001, 60; 2002, 76; 2003, 44 as of July 2.

Let's go back for each of those years and find out how many were actually certified to go forward and be tried. In 1999, 12 were filed, 6 were certified; in 2000, 39 filed, 14 certified; in 2001, 60 filed, 2 certified; in 2002, 76 filed, 1 certified; in 2003 so far, 44 filed, none certified.

Does this sound like a situation out of control? The sum total of all the class action lawsuits for these 5 years so far is 23 over 5 years—23 class action lawsuits in Madison County, IL, the so-called judicial "hellhole." Frankly, the arguments made on the floor just are not borne by the facts.

Additionally, of 166 verdicts that were reached in all cases filed in Madison County, 55 resulted in no monetary verdicts to plaintiffs. Only 11 verdicts in the 166 cases tried resulted in verdicts in excess of $1 million. The median verdict for all cases in Madison County, IL, is $28,649.

If there are problems in any jurisdiction or any State, they can be solved there. In Alabama, for example, one of the favorite targets for criticism by tort reformers, the State supreme court reprimanded a few State judges who had certified numerous classes.

In Mississippi, another jurisdiction frequently mentioned by supporters of class action reform, the State legislature recently repealed Mississippi's venue and joinder statutes, making it more difficult to bring mass tort claims.

Removing these cases to Federal court does not solve the problem. In fact, it is going to heap more of a burden and demand for more specialization and responsibility on our Federal courts, many of which are already overburdened.

I see my colleagues are on the floor. I am going to take a few minutes to point out the kinds of lawsuits about which we are talking.

When the average person hears "class action lawsuit," they may not have an idea of what it is about. I would like to give a few examples of class action lawsuits and understand, I hope, for a moment that those who are coming to the floor trying to restrict the rights of plaintiffs to come into a class and file a lawsuit have to face the reality of the history of class action legislation. We will find in these cases some recurring themes, but the most recurring theme is this:

The plaintiffs in a class action lawsuit were usually damaged a very slight amount or in a very limited way individually or as families, but when you take together the sum total of all the damage done by the defendant, it becomes substantial. If someone—Senator LEAHY used this example in committee—if someone overcharges a person 2 cents a gallon for gasoline so that each time they fill up they lose 40 cents, there is not a great loss to an individual. But when you put that together in terms of the millions of people buying gasoline, one can understand that if the defendant corporation has been guilty of fraud or wrong dealing, they have made millions of dollars at the expense of 40 cents a fill-up of individual consumers. So class action lawsuits bring all these consumers in one group against a corporation that may have harmed them only a slight amount individually.

Let me give some examples. Foodmaker, Inc., the parent company of Jack-in-the-Box restaurants, agreed to pay $14 million in a class action settlement in the State of Washington. The class included 500 people, mostly children, who became sick in early 1993 after eating undercooked hamburgers tainted with *E. coli*. The victims suffered from a wide range of illnesses, from more benign sicknesses to those that required kidney dialysis. Three children died. The settlement was approved in 1996. So 500 individual families, instead of suing Jack-in-the-Box and its parent company Foodmaker, came together as a class because that corporation was selling products so tainted and adulterated that it led to death and serious illness—500 people, $14 million, but deaths were involved in the process.

Let me give another example. General Chemical of Richmond, CA. On July 26, 1993, the chemical oleum, a sulfuric acid compound, leaked from a railroad tank car. The leak caused a cloud to spread directly over North Richmond, CA, a heavily populated community. Over 24,000 people sought medical treatment because of that leak. General Chemical entered into a $180 million settlement with 60,000 northern California residents who were injured and sought treatment for the effects of that pollution. Individual plaintiffs received up to $3,500.

What is the likelihood that if you personally or a member of your family ended up going to a hospital or a doctor and had $500 or $600 or $1,000 in medical bills that you would turn around and hire a lawyer and sue General Chemical responsible for that illness in your family? I don't think the likelihood is very strong. But when they brought together the 60,000 people who were damaged because of this environmental leak of a sulfuric acid compound, the company agreed to pay $180 million to some 60,000 people.

Let me give another example. Beech-Nut Corporation, and its parent company Nestle, were accused of deceptive business practices, guilty of selling—listen to this—Beech-Nut and Nestle were found guilty of selling sugar water labeled as pure apple juice for infants. After passing blame back and forth between companies and suppliers, they eventually agreed to settlements of $3.5 million to reimburse consumers who unknowingly fed their babies sugar water instead of apple juice. Is that the kind of thing that merits a lawsuit? In an individual situation you may ask, How sick is the baby?

The bottom line is, these companies were trying to make money by deceiving parents into believing they were selling a nutritious product and ended up paying $3.5 million because of it.

Class action lawsuits by consumers who as individuals would never have a day in court, but coming together finally found justice in their State courts, a justice which is threatened by the so-called class action fairness bill which is before us today.

There was a class action lawsuit brought against Ford Motor Company for defective ignition systems in millions of cars that stalled on highways, and Mobile Corporation paid a $14 million settlement because of a class of residents in New Orleans who, after a fire at a Mobile Oil refinery and scattered debris sent volatile and hazardous compounds in the air, were forced to evacuate. The settlement was $13.4 million to those exposed to this pollution from the Mobil Oil refinery.

It was a class action lawsuit against a corporate giant. How many of those individual families would stand together seeking justice? In this case, they did stand together successfully. Individually would they have gone to court? Highly unlikely.

Blue Cross and Blue Shield of Iowa paid a $14.6 million settlement in three class action lawsuits because of fraudulent billing practices. Blue Cross apparently negotiated secret discounts with hospital and providers and failed to pass those along to those who should have received them—their customers. The list goes on and on.

I see several of my colleagues on the floor. I will close and say I am sure we are going to return to this issue in a short time. I ask my colleagues in the Senate who may not have practiced law, who may not be familiar with class action lawsuits to please do the following: Read these cases. Understand class action lawsuits are not always frivolous ideas.

I can recall some that were. There was a lawsuit brought by a class, not certified, for all the people who bought Milli Vanilli records, and then came later to learn that those two people were not even singing on the records. To me, that is a joke, a bad one. It is a fraud on the public but certainly not deserving of a class action suit.

How can one compare that to companies that sell tainted and adulterated food, to companies that deceive parents about the nutritious value of the foods they sell, or companies that are engaged in pollution that endangers the lives of individuals? Those companies need to be held accountable.

This bill tries to absolve them from liability, to move the cases to Federal court, to make it more difficult to push the classes together, and make it more difficult to recover. These are real live stories of ordinary families and people who will ultimately lose if this bill passes.

I hope the Senate has the good sense to stop this in its tracks, stand up for consumers and working families who need a voice in this Chamber even if they cannot afford a lobbyist in the hallway.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Illinois.

Mr. FITZGERALD. Mr. President, I thank my colleague from Illinois for yielding the floor for a few moments. The Senator may wish to resume debate following my remarks.

I want to present a counterpoint, I guess, to the opinions of my distinguished colleague. I think he made a very eloquent case in favor of why we should have class action lawsuits in this country, and I would simply point out to my colleagues that this bill does not in any way diminish our ability to have worthwhile class action lawsuits. In fact, I think the intent of the bill that is passed out of the Judiciary Committee and which Senator HATCH spoke about earlier this afternoon is, in fact, to make the process for class action suits better, fairer, and more beneficial to the plaintiffs.

One of the things the bill would do is create a consumer bill of rights to protect the class action plaintiffs, the actual clients of the class action lawyers. We have all heard about cases in which a class action lawsuit is filed, and in the end, the defendant corporation settles for millions of dollars paid to the lawyer and all the clients, or the plaintiffs get a coupon or something of insignificant value. So contrary to the impression created by Senator DURBIN, I want to make it clear to my colleagues that this bill does not in any way seek to do away with class action lawsuits. In fact, we seek to make them better and more beneficial to the plaintiffs, the clients themselves, and cut down on some of the abuses.

I rise to support S. 1751, the Class Action Fairness Act of 2003, and I do so today with a special interest in the commonsense fairness of this legislation. There is, in my State of Illinois, as mentioned by Senator DURBIN, one of the infamous venues that have come to be commonly described as "judicial hellholes," State courts where plaintiffs' lawyers know they can file abusive, frivolous, and even extortionate class action lawsuits against defendant companies operating nationwide and get results they could not get in the vast majority of fair jurisdictions elsewhere in the United States.

It is an abuse that must stop. Under S. 1751, every person's right to file a lawsuit is preserved. Every current legal theory for relief may still be advanced. Under S. 1751, a class action lawsuit can be filed just as easily as it can be today. S. 1751 is a limited and commonsense approach to a widely recognized abuse in our judicial system. It simply makes truly national lawsuits easier to hear in Federal court, and it simply requires judges to take a close look before approving some of the greedier and more abusive features of class action litigation, such as coupon settlements that I mentioned at the outset, where lawyers get millions of dollars and class action members get virtually worthless coupons.

My State has the dubious distinction of hosting one of the judicial hellholes to which Senator DURBIN was referring. In fact, if anyone has been following the editorial page in the Wall Street Journal, they have written several editorials about this county. It is Madison County, IL. It is in southwestern Illinois, across the Mississippi River from St. Louis. If my colleagues have never been to Madison County, it is a suburban county with a surge in shuttered plants and steel mills and a new cottage industry in abusive class action litigation.

Several recent studies have looked at class actions in the Madison County courts, and here is what they found: Over a 2-year period, the number of class actions in the county increased by 1,850 percent. In 1998, there were only two class actions filed in Madison County, a number consistent with a community with Madison County's size and economic base.

During 2000, the number rose to 39. During 2001, 43 new class action lawsuits were filed, another 10-percent increase, and the upward trend is increasing.

As of the middle of this year, Madison County was already up to 39—I think Senator DURBIN said 43 cases—as of July of this year. That puts it on pace to break its own record.

These findings suggest that Madison County has one of the highest class action filing rates in the country. Indeed, according to an article in the St. Louis Post Dispatch, Madison County has developed a nationwide reputation as the place to file nationwide class actions, even though it only has one-tenth of 1 percent of the U.S. population. It has about 259,000 people.

Here is another troubling statistic: In recent years, only a few thousand class actions were filed annually in the entire Federal court system. That amounts to a per capita rate of about 7.6 class actions for every million residents. In Madison County in 1999, the per capita rate of State court class actions was nearly 9 times higher, with about 61 class actions filed per million people.

These are not local disputes. The vast majority of class actions in Madison County were brought on behalf of nationwide classes. The percentage seeking nationwide class action status is a whopping 81 percent. In Madison County, lawyers have sought to certify classes over the last 3 years that included all Sprint customers nationwide who have ever been disconnected on a cell phone call—I am sure that has happened to all of us—all RotoRooter customers nationwide whose drains were repaired by allegedly unlicensed plumbers, and all consumers in the Nation who purchased limited edition Barbie dolls that were later allegedly offered for a lower price elsewhere.

Why were all these suits filed in Madison County? Why were they not filed in Utah, Idaho, Arizona, or State courts elsewhere in Illinois? Well, because a few lawyers have figured out that the judges in Madison County are very friendly to plaintiffs. It is no surprise that the same five firms appeared as counsel in approximately 45 percent of the cases filed during the 1999-to-2000 period, and that most of these firms are not located in Madison County.

Of the 66 plaintiffs' firms that appeared in the Madison County cases filed during 1999 and 2000, 56, or 85 percent, listed office addresses outside of Madison County.

These studies present a real mystery. Lawyers from all over the country are flocking to Madison County, IL, to file class actions on behalf of people who do not live in Madison County, against companies that do not reside in Madison County, concerning events that did not occur in Madison County.

What is wrong with this picture? Does anybody really think that it is just an accident that these lawyers from all over the country are flocking into Madison County with their cases?

As the Washington Post recently noted in an editorial criticizing class action abuses, having invented a client, the lawyers also get to choose a court. Under the current absurd rules, national class actions can be filed in just about any court in the country.

Large, nationwide class actions should be in Federal court, not in some small county court in some remote location that has nothing to do with the parties or the case. This is an abuse of the system, plain and simple. We are nowhere near the outer perimeter of tort reform here. This is an easy one. This is common sense, a simple, honest, straightforward reform narrowly tailored to achieve fairer results in cases of truly national significance.

I urge you, Mr. President, and all my colleagues, to support S. 1751.

I yield the floor.

If none of my other colleagues wishes to speak at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, it was my privilege to be in the chair during the exchange of views between the two Senators from Illinois. I could not resist the opportunity to take the floor now and add my experience to that which has been referred to.

The senior Senator from Illinois spoke of those who did not have a legal background, and I fit into that category. I have never been in court, except as a juror and occasionally as a witness. I have never been to law school. However, I would just share this one experience with the Senate with respect to class action lawsuits and how they can be abused.

When my father left the Senate, he was invited, as is often the case for those who have senior experience in business, to serve on a number of boards of directors. He went on one particular board, thinking it was a relatively safe kind of activity for him, only to be distressed at the beginning of the next calendar year when he was served with this pile of papers. There was a lawsuit being filed on behalf of the shareholders of that particular company, and my father was named as the principal defendant.

Somewhat disturbed by this, he called the general counsel of the firm and asked what was going on.

Oh, said the general counsel, nothing to worry about. You are named because members of the board of directors are listed alphabetically and Bennett comes ahead of any other name. So you are named: Bennett et al. Don't worry, we will take care of this.

He said: Of what am I being accused? Of what is the board being accused?

Well, said the general counsel, this happens every year. He said: The members of the board have a compensation plan that is tied to the profitability of the company. Whenever the company increases its profitability by formula, the directors' pay increases by a similar formula amount.

My father said: That's very clear. It's outlined. What is the cause of this class action lawsuit being brought on behalf of all of the shareholders of the company?

Well, said the general counsel, this lawyer every year files a lawsuit on behalf of the shareholders, claiming that the board of directors is looting the company for its own purposes. That is, members of the board are trying to enrich themselves on the basis of this increase in compensation at the expense of the shareholders.

My father said: What do we do? Do you go to court and prove that this is a legitimate activity?

No, said the general counsel, that costs too much money. For us to go to court would cost us more in legal fees than the amount the lawyer will settle for.

What amounts are we talking about, my father asked.

He was told by the general counsel: The lawyer who files this suit will settle for $100,000. It would cost us more than $100,000 to defend our position, so every year when the formula kicks in and the directors' compensation is increased, the lawyer files his lawsuit, we send him a check for $100,000, the lawsuit goes away, and we forget this until the next year.

That is extortion, plain and simple. Yet the general counsel would say, with some accuracy, the shareholders are better served if we simply pay him his $100,000 than if we go to court and defend ourselves. Even though we would win, we would end up paying $200,000 or $250,000 or some number like that. So, he said, we have come to the conclusion the best thing to do for the shareholders is simply settle this class action lawsuit every year for $100,000. The lawyer knows we will do that. So every year he files the lawsuit, we send him the check, the plaintiffs in whose behalf he is suing get nothing because his legal fee for filing the suit is $100,000, and we simply go through this charade every year.

I am happy to report that this particular lawyer, as I understand it, decided to do this in some other instances and Merrill Lynch, the large brokerage firm, took him to court. They spent close to $1 million in legal fees proving he was wrong and, furthermore, proving he had acted in a frivolous manner and ultimately put him out of business. The shareholders of Merrill Lynch were paying for an action that benefited the shareholders of the company on whose board my father sat, and many others.

We can be grateful that Merrill Lynch was willing to accept that financial burden in order to put a stop to this practice. But it demonstrates that standing on the floor of the Senate and deciding how valuable class action lawsuits are does not properly address the problem that this, and similar legislation, has sought to solve.

I wanted to add that personal experience to the debate that has been going on here so anybody who is following the debate will understand that it is not a question of whether one should allow class action lawsuits. It is not a question of whether plaintiffs are entitled to relief as a result of joining a class. It is a question of cleaning up abuses that are carried on by lawyers who say, in the words of one of them: I have a perfect law practice. I have no clients.

They file class action lawsuits on behalf of classes, but they are not in fact real clients. The lawyers benefit, ultimately to the detriment of the shareholders of the companies that are being sued. These shareholders are individuals. We are not talking about companies as if they were abstract entities. They are individuals who are being hurt by improper practices. Those are the kinds of practices this legislation seeks to resolve.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MARGARET CATHARINE RODGERS, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA

The PRESIDING OFFICER. Under the previous order, the hour of 5:15 p.m. having arrived, the Senate will proceed to executive session to consider Executive Calendar No. 401, which the clerk will report.

The legislative clerk read as follows:

Nomination of Margaret Catharine Rodgers, of Florida, to be United States District Judge for the Northern District of Florida.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a vote on the confirmation of the nomination.

Mr. THOMAS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Margaret Catharine Rodgers, of Florida, to be United States District Judge for the Northern District of Florida? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CORNYN), the Senator from Tennessee (Mr. FRIST), the Senator from Nebraska (Mr. HAGEL), the Senator from Texas (Mrs. HUTCHISON), the Senator from Indiana (Mr. LUGAR), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Missouri (Mr. TALENT) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mr. SCHUMER) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. LAUTENBERG) would each vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 0, as follows:

[Rollcall Vote No. 401 Ex.]

YEAS—82

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Coleman
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Graham (FL)
Graham (SC)
Grassley
Gregg
Harkin
Hatch
Hollings
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Leahy
Levin
Lincoln
Lott
McCain
McConnell
Miller
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Thomas
Voinovich

NOT VOTING—18

Biden
Cochran
Cornyn
Edwards
Frist
Hagel
Hutchison
Kerry
Landrieu
Lautenberg
Lieberman
Lugar
Mikulski
Murkowski
Schumer
Talent
Warner
Wyden

The nomination was confirmed.

Mr. HATCH. Mr. President, I am pleased today to speak in support of Margaret Catharine Rodgers, who has been confirmed to the United States District Court for the Northern District of Florida.

Judge Rodgers has had an impressive legal career. After graduating magna cum laude from California Western School of Law, she clerked for Judge Lacey Collier on the U.S. District Court for the Northern District of Florida. She then entered private practice with the Pensacola law firm of Clark, Partington & Hart as an associate. After 4 years, she went to work for the West Florida Medical Center Clinic as its general counsel and director of human resources. She then returned to private practice, where her areas of expertise focused on medical liability and employment law. Last year she was appointed as a Federal magistrate judge in the Northern District of Florida, which reflects the high regard in which the judges of that court hold her.

I am confident that Judge Rodgers will continue to serve with compassion, integrity, and fairness as a Federal district court judge.

Mr. LEAHY. Mr. President, the selection of Margaret Catharine Rodgers to be the nominee for the Northern District of Florida serves as an example of how the judicial nominations process should work. Judge Rodgers was interviewed and recommended by Florida's bipartisan judicial selection commission. This selection commission was created by Senators GRAHAM and NELSON in negotiated agreement with the White House and it has produced a consistent stream of talented and well-respected attorneys for the lifetime appointments on the district courts in Florida.

Judge Rodgers currently serves the Northern District of Florida as a magistrate judge. She received a "well qualified" rating from the American Bar Association, having proven her qualifications in the district in which she will serve, on the bench, in private practice, and in her community. Prior to becoming a lawyer, Judge Rodgers served for several years in the United States Army and received several commendations for her service.

With tonight's vote on Judge Rodgers' nomination, the Senate will have confirmed a total of 165 judicial nominations of President George W. Bush. Despite all of the false charges of obstruction leveled by the White House and Republican Senators, we have now reached a historic level of confirmations of judicial nominations.

In less than 3 years, President Bush has now equaled the total number of judges appointed by President Reagan in his first 4 full years in office. Republicans tout President Reagan as the "all-time champ" in judicial appointments and yet he attained 165 confirmations at the conclusion of his first 4-year term in office, while President Bush has achieved the same benchmark in less than 3 years in office. President Reagan's entire first term saw a Republican Senate majority enabling the President to achieve that milestone. That Democrats in the Senate have cooperated with President Bush to exceed it is extraordinary and reveals the truth about the confirmation process. Only a few of the most extreme of President Bush's judicial nominees have been blocked.

Of course, you will not hear Republican Senators or the White House tell the public today that this historic level of appointments has been reached, that President Bush has matched President Reagan's first-term judicial appointments with 15 months remaining in his term. You will not hear that truth from this administration. The Senate has opposed only the most extreme nominees and has moved cooperatively and expeditiously on less controversial nominees.

The record will reflect that Democrats have worked hard to balance the need to fill vacancies on the Federal bench with the imperative that the judges chosen will be fair to all people. With this confirmation, there are now only 40 vacant seats in the Federal bench. Until this year, this mark had not been reached in 13 years or during the entire Clinton administration, when more than 50 judicial nominees were blocked from receiving confirmation votes. Had we not authorized almost 20 judgeships last year, the vacancies might be in the 20's.

President Bush is on pace to appoint judges far in excess of those of any other President in American history. In fact, this President has had so many vacant seats to fill because Senate Republicans did such an effective job of blocking scores of Clinton nominees with impunity. When I became chairman of the Judiciary Committee in mid-2001, we inherited 110 vacancies. In a little more than 2 years since then Democrats and Republicans have worked together to confirm 165 judicial nominees of President Bush. The White House and the Republicans in the Senate refuse to declare themselves victorious in their efforts to appoint a historic number of judges chosen by the President. They insist on seeing the glass half empty, when it is nearly full to the brim. They refuse to take any steps to address the fact that fully 20 percent of President Clinton's judicial nominees were blocked from getting votes when Republicans controlled the Senate. In those 6 years, they allowed only 248 judicial nominees to be confirmed and blocked another 63. Today, in less than 3 years, President Bush has achieved what it took President Reagan four full years to achieve 165 judicial confirmations.

Nominations from bipartisan selection commissions can proceed expeditiously. Judge Rodgers received a committee hearing within weeks of her paperwork being completed and she will be confirmed less than a month after her hearing. Her confirmation could have occurred even sooner since she has been pending on the floor for several weeks but I am happy that the majority leader has decided to turn to her confirmation this afternoon.

Judge Rodgers' appointment to the district court in the Northern District of Florida will bring her legal career full circle since her first job out of law school was as a judicial clerk on this very court. I am pleased to cast a vote for her confirmation today and I congratulate Judge Rodgers and her family.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. NELSON of Florida. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, am I in order to speak on the class action tort reform legislation?

The PRESIDING OFFICER. The Senator is in order.

CLASS ACTION FAIRNESS ACT OF 2003—MOTION TO PROCEED—Resumed

Mr. GRASSLEY. I am pleased that the Senate is finally reaching the point of moving ahead with this very important legislation. We call this the Class Action Fairness Act of 2003 because, quite frankly, everything dealing with class action lawsuits—maybe I should not say everything because I admit there is a very important role in some instances for class action lawsuits, but the way the regime is working out now is very unfair, particularly in instances where consumers get practically nothing and lawyers representing the class get millions.

That is not an occasional happening. That is happening quite regularly. So the current class action system is rife with problems which undermine the rights of both the plaintiffs and defendants alike; hence, our legislation. Class members are often in the dark about their rights, with class lawyers driving lawsuits and driving the settlement. Class members receive court and settlement notices in hard-to-understand legalese. Many class action settlements only benefit the lawyers, with little or nothing going to the class members. We are all familiar with class action settlements where the plaintiffs received coupons of little value or no value, and the lawyers received all the money available in the settlement agreements.

More and more, we are seeing lawyers bringing frivolous lawsuits which are of no real interest to class members but are just a bonanza of quick and easy legal fees for the class lawyers because companies want to settle those cases rather than expend lots of money in frivolous litigation defense.

I have been invited into class action lawsuits. One gets a notice in the mail, probably because they did business with a particular company. Maybe it is because I am in agriculture and a family farmer that I might get some notices of this, but I can speak to the fact that—and obviously I hope people know I am not a lawyer, but the legalese that comes in these notices informing you why you might possibly be a member of a class, or you might possibly benefit, quite frankly I do not give those notices much consideration. Maybe I should. Maybe there is a jackpot out there that I could get something out of. I do not know.

It really is not very inviting to the people who may have been injured. Even if it is inviting, and they join it and they win, they could get a coupon; whereas the lawyers are going to get millions of dollars.

In addition to current class action rules, the current ones are such that a majority of the large nationwide class actions can only proceed in our State courts, when these are clearly the kinds of cases that should, in fact, be heard in Federal courts. It makes sense that these class action cases have the opportunity to be heard in Federal courts because these cases involve lots of money, citizens from all across the country, and issues of nationwide interest.

To further compound the problem, the present rules are easily gamed by unscrupulous lawyers who steer class actions to certain preferred State courts where judges are quick to certify a class and approve a settlement with little regard to class member interest and the parties' due process rights. For example, class lawyers manipulate pleadings to avoid removal of the lawsuit to Federal court by claiming that their client suffered under $75,000 in damages in order to avoid meeting a Federal threshold, even though their client may have suffered greater injury. Class lawyers craft lawsuits to defeat the complete diversity requirements by ensuring that at least one named class member is from the same State as the defendant.

These are just a few of the games that are played and the gamesmanship tactics that we have heard of that lawyers like to utilize to bring down the entire class action legal system.

The Class Action Fairness Act that is before us will address some of the most egregious problems with the class action system; yet preserving class action lawsuits is an important tool which brings representation to the unrepresented.

I will briefly summarize what this bipartisan bill does. First, the act requires that notice of proposed settlements in all class actions, as well as all class notices, must be in clear, easily understood English and must include all material settlements, including amounts and sources of attorney's fees.

When that happens, and I get one of those notices, I am going to read it and maybe I can make a decision that I ought to join that class. But I am not going to mess around with trying to have some lawyer interpret to me whether or not I ought to be in a class action lawsuit when I get those notices.

These notices that most plaintiffs receive are written in small print and in confusing legal jargon. Since plaintiffs are giving up their right to sue, it is important that they understand what they are doing and the ramifications of their actions.

Second, this act requires that State attorneys general, or other responsible State government officials, be notified of any proposed class settlement that would affect the residents of their State. This provision helps protect class members because such notice would provide these State officials with an opportunity to object if the settlement terms are unfair for their citizens.

Third, this act disallows bounty payments to lead plaintiffs so lawyers looking for victims cannot promise them unwarranted payoffs to be their excuse for filing a suit. The bill also prevents class action settlements that discriminate on the basis of geography so that one plaintiff does not receive more money than other class members who have been equally injured just because that plaintiff lives near the courthouse.

Fourth, the act requires that courts closely scrutinize settlements where the plaintiffs only receive coupons or noncash awards while the lawyers get the bulk of the money. The bill requires the judge to make a written finding that the settlement is fair and reasonable for class members. A court will still be able to find that a noncash settlement, as in the case of injunctive relief banning some type of bad conduct, is fair and reasonable, but a court would also be able to throw out sham settlements where lawyers get big paychecks while the plaintiffs get nothing or, as I have said before, worthless or almost worthless coupons.

The bill also requires the judicial conference to report back to Congress on best practices in class action cases and how to best ensure fairness of a class action settlement. Finally, the Class Action Fairness Act allows more class action lawsuits to be removed from State court to Federal court, either by a defendant or even by an unnamed class member. However, the bill is drafted to ensure that truly local disputes would continue to be litigated in State court. Current law provides that class lawyers can avoid removal of a class action to Federal court if the individual claims are $75,000 or less, even if hundreds of millions of dollars in total are at stake, or if just one class member is from the same State as the defendant.

Our bill would eliminate the "complete diversity" rule but leave in State court class actions with fewer than 100 plaintiffs, class actions that allow less than $5 million, class actions in which a State entity is a primary defendant, and class actions brought against a company in its home State if two-thirds or more of the class members are residents of that State.

We have been working on finding a fair solution to the class action problem for several years. For the past four Congresses, Senator KOHL, Senator HATCH, and others have joined me, as the main sponsor of this bill, in studying the problems with the class action system and working on a way to deal with such egregious abuses of our tort system.

Over the years, the House and Senate Judiciary Committees have convened numerous hearings on these class action abuses, making very obvious the need for reform. The House has passed similar versions of the class action bill in several Congresses, and they have done it with strong bipartisan support, so frankly I don't understand why we are running up against opposition on the other side to even bringing this bill up for discussion.

In the Senate, in the 105th Congress, I held hearings in the Judiciary Committee's Administrative Oversight Subcommittee and then marked up the first Grassley-Kohl class action bill. In the 106th Congress my subcommittee held another hearing on class actions and the Judiciary Committee marked up and reported out class action legislation. The Judiciary Committee held a hearing on class actions in the 107th Congress, and in this Congress the Judiciary Committee marked up the language of the bill we are considering today.

Chairman HATCH, Senator KOHL, and I worked closely with Senator FEINSTEIN of California to make sure that more in-State class actions stayed in State court. We also worked with Senator SPECTER to make sure his concerns relative to class actions were also addressed.

The bill then was approved by the Judiciary Committee and it was approved on a solid, bipartisan vote. I wanted to elaborate on the history of this bill to show how much time Congress has spent on the problems with our class action system and all the work and all the compromises that have been put into this bipartisan bill.

The Class Action Fairness Act has garnered increasing support over the years and I expect it will receive even greater support now with the significant changes we have made in the Judiciary Committee several months ago. We need class action reform badly. Both plaintiffs and defendants alike are calling for change in the area of tort and class actions. The Class Action Fairness Act is a good, modest bill that will help curb many problems that have plagued the class action system. The bill will help class members know what their rights are, increase their members' protection, and ensure the approval of fair settlements. It will allow nationwide class actions to be heard in the proper forum, and that is the Federal courts, but keep primarily State class actions where they ought to be, in State court.

It will preserve the process, but put a stop to the more egregious abuses. It will also help to put a stop to the more frivolous lawsuits that are very much a drag on the economy.

I hope we can proceed to this bill. We are very happy to consider amendments. This bill is something that has had so much work on it over the last four Congresses that it should move ahead. The situation has not improved any during that period of time. In fact, TV magazine-type programs are full of stories about continuous abuse of the tort class action system. We have situations where someone, a lowly county judge in some State, is making a decision that is applicable to all 50 States in a way that should not be done by one isolated judge. These are cases that should be decided at the Federal level and have something that is going to be a Federal policy applying to all 50 States done by a Federal court as opposed to a county court system.

There are a lot of things we can say about this bill, but it is about time. I would think there would be some embarrassment on the other side of the aisle, considering the fact of the bipartisan support of this bill in the House of Representatives and how it has come out of our Senate Judiciary Committee with solid, bipartisan support, considering modifications that have been made for Democratic Senators who were not part of the original bipartisan coalition putting this bill together, that the legislative process is working, the Senate is working its will, and now we are up against what could be a stone wall of resistance that is unjustified.

I hope we can move forward. We will find out with votes very shortly.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 1751, with all first-degree amendments relevant to the bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, this is a very important piece of legislation. A significant majority of Senators on this side of the aisle want to do something athletics in the United States and the world.

S. 1531

At the request of Mr. HATCH, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from Indiana (Mr. BAYH), the Senator from New Hampshire (Mr. GREGG), the Senator from Montana (Mr. BAUCUS), the Senator from Florida (Mr. NELSON), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1558

At the request of Mr. ALLARD, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1558, a bill to restore religious freedoms.

S. 1612

At the request of Ms. COLLINS, the names of the Senator from Georgia (Mr. MILLER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1612, a bill to establish a technology, equipment, and information transfer within the Department of Homeland Security.

S. 1708

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S . 1708, a bill to provide extended unemployment benefits to displaced workers, and to make other improvements in the unemployment insurance system.

S. 1751

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 1751, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 1756

At the request of Mr. CONRAD, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 1756, a bill to amend the Internal Revenue Code of 1986 to protect the health benefits of retired miners and to restore stability and equity to the financing of the United Mine Workers of America Combined Benefit Fund by providing additional sources of revenue to the Fund, and for other purposes.

S. CON. RES. 21

At the request of Mr. BUNNING, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Con. Res. 21, a concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 1758. A bill to require the Secretary of the Treasury to analyze and report on the exchange rate policies of the People's Republic of China, and to require that additional tariffs be imposed on products of that country on the basis of the rate of manipulation by that country of the rate of exchange between the currency of that country and the United States dollar; to the Committee on Finance.

Mr. VOINOVICH. Mr. President, today Senator DEWINE and I have introduced legislation that will help level the playing field for American manufacturers futilely struggling to keep pace with their Chinese competitors. My legislation, the Currency Harmonization Initiative Through Neutralizing Action (CHINA) Act of 2003, would allow for the use of tariffs to punish China for unfair trade practices that makes Chinese exports cheaper, in effect subsidizing them, and U.S. exports more expensive. Representatives ENGLISH, BALLENGER, and MARK GREEN, my colleagues on the other side of the Capitol, have already introduced this legislation in that body.

I am deeply concerned with the harm that the People's Republic of China (China) is doing to our economy by pegging the value of its currency, the renminbi, to the U.S. dollar because Ohio is a manufacturing State. Manufacturing contributes to the quality of life in Ohio by providing more than one million jobs for Ohio workers, an annual payroll of more than $45 billion, the second highest weekly earnings of any economic sector, support for local communities and schools with more than $1 billion in corporate franchise and personal property taxes, and more than $26 billion in products to more than 196 countries.

After a significant recession in 2001, the 2002–2003 manufacturing recovery has been the slowest on record; during this time, roughly 2.7 million jobs have been lost. In Ohio, we have lost 170,000 manufacturing jobs since July 2000—that's nearly 16 percent or one out of six. Over the past year, I have held numerous listening sessions throughout the State of Ohio to hear from these manufacturers and see what they attribute this loss of jobs to. Overwhelming, I have heard that China, and particularly its policy of pegging its currency to the dollar, is one of their top concerns and is costing Ohio manufacturing jobs. It is these concerns which have led me to introduce this legislation.

If the value of the renminbi is allowed to float freely, as the currencies of our other major trading partners do, it would reflect China's enormous trade surplus and increase significantly in value. China's systematic undervaluation of its currency makes its exports less expensive and puts U.S. workers at a severe disadvantage. This is both unfair and unacceptable.

I have long advocated free trade, provided it is fair trade. China's currency policy clearly tilts the international playing field against workers in Ohio and across the entire United states. This is unacceptable. As a major international trading nation, China's currency should be allowed to float and to have its value reflect its net trade positions with other nations. This is only fair.

My bill will help level the playing field by requiring the Secretary of the Treasury, within sixty days of enactment, to analyze and report to Congress whether China is manipulating its currency to achieve an advantage in trade. If the Secretary finds manipulation, the report to Congress will indicate the degree of manipulation against the dollar. Within thirty days after reporting manipulation to Congress, the Secretary is required to levy tariffs equal to the percentage of manipulation found. This is in addition to tariffs currently in place on Chinese imports.

Furthermore, the Treasury Secretary is directed to report to Congress thereafter on a yearly basis from date of enactment. Finally, the legislation expresses the sense of Congress that the Administration should pursue all means available (WTO, IMF and Sections 301-310 of the Trade ACt of 1974) to remedy China's currency manipulation.

If we are to stop the hemorrhaging of American manufacturing jobs, we must take strong measures to persuade China to abandon its peg policy and allow its currency to be set in the free and open marketplace. This is exactly what my legislation does.

I would ask that my colleagues, especially from those States that are feeling the effects of this manufacturing crisis deeply, support this legislation and consider cosponsoring it.

By Mr. COLEMAN:

S. 1760. A bill to amend title 35, United States Code, with respect to patent fees, and for other purposes; to the Committee on the Judiciary.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the bill I introduce today to amend title 35, U.S. Code, to moderrnize patent and trademark fees, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1760

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Patent and Trademark Fee Modernization Act of 2003".

SEC. 2. FEES FOR PATENT SERVICES.

(a) General Patent Fees.—Section 41(a) of title 35, United States Code, is amended to read as follows:

"(a) General Fees.—The Director shall charge the following fees:

"(1) Filing and basic national fees.—

"(A) On filing each application for an original patent, except for design, plant, or provisional applications, $300.

"(B) On filing each application for an original design patent, $200.

"(C) On filing each application for an original plant patent, $200.

"(D) On filing each provisional application for an original patent, $200.

"(E) On filing each application for the reissue of a patent, $300.

"(F) The basic national fee for each international application filed under the treaty defined in section 351(a) of this title entering the national stage under section 371 of this title, $300.

"(G) In addition, excluding any sequence listing or computer program listing filed in an electronic medium as prescribed by the Director, for any application the specification and drawings of which exceed 100 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium), $250 for each additional 50 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium) or fraction thereof.

"(2) Excess claims fees.—In addition to the fee specified in paragraph (1)—

"(A) on filing or on presentation at any other time, $200 for each claim in independent form in excess of 3;

"(B) on filing or on presentation at any other time, $50 for each claim (whether dependent or independent) in excess of 20; and

"(C) for each application containing a multiple dependent claim, $360.

For the purpose of computing fees under this paragraph, a multiple dependent claim referred to in section 112 of this title or any claim depending therefrom shall be considered as separate dependent claims in accordance with the number of claims to which reference is made. The Director may by regulation provide for a refund of any part of the fee specified in this paragraph for any claim that is canceled before an examination on the merits, as prescribed by the Director, has been made of the application under section 131 of this title. Errors in payment of the additional fees under this paragraph may be rectified in accordance with regulations prescribed by the Director.

"(3) Examination fees.—

"(A) For examination of each application for an original patent, except for design, plant, provisional, or international applications, $200.

"(B) For examination of each application for an original design patent, $130.

"(C) For examination of each application for an original plant patent, $160.

"(D) For examination of the national stage of each international application, $200.

"(E) For examination of each application for the reissue of a patent, $600.

The provisions of section 111(a)(3) of this title relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in this paragraph with respect to an application filed under section 111(a) of this title. The provisions of section 371(d) of this title relating to the payment of the national fee shall apply to the payment of the fee specified in this paragraph with respect to an international application. The Director may by regulation provide for a refund of any part of the fee specified in this paragraph for any applicant who files a written declaration of express abandonment as prescribed by the Director before an examination has been made of the application under section 131 of this title, and for any applicant who provides a search report that meets the conditions prescribed by the Director.

"(4) Issue fees.—

"(A) For issuing each original patent, except for design or plant patents, $1,400.

"(B) For issuing each original design patent, $800.

"(C) For issuing each original plant patent, $1,100.

"(D) For issuing each reissue patent, $1,400.

"(5) Disclaimer fee.—On filing each disclaimer, $130.

"(6) Appeal fees.—

"(A) On filing an appeal from the examiner to the Board of Patent Appeals and Interferences, $500.

"(B) In addition, on filing a brief in support of the appeal, $500, and on requesting an oral hearing in the appeal before the Board of Patent Appeals and Interferences, $1,000.

"(7) Revival fees.—On filing each petition for the revival of an unintentionally abandoned application for a patent, for the unintentionally delayed payment of the fee for issuing each patent, or for an unintentionally delayed response by the patent owner in any reexamination proceeding, $1,500, unless the petition is filed under section 133 or 151 of this title, in which case the fee shall be $500.

"(8) Extension fees.—For petitions for 1-month extensions of time to take actions required by the Director in an application—

"(A) on filing a first petition, $120;

"(B) on filing a second petition, $330; and

"(C) on filing a third or subsequent petition, $570.".

(b) Patent Maintenance Fees.—Section 41(b) of title 35, United States Code, is amended to read as follows:

"(b) Maintenance Fees.—The Director shall charge the following fees for maintaining in force all patents based on applications filed on or after December 12, 1980:

"(1) 3 years and 6 months after grant, $900.

"(2) 7 years and 6 months after grant, $2,300.

"(3) 11 years and 6 months after grant, $3,800.

Unless payment of the applicable maintenance fee is received in the United States Patent and Trademark Office on or before the date the fee is due or within a grace period of 6 months thereafter, the patent will expire as of the end of such grace period. The Director may require the payment of a surcharge as a condition of accepting within such 6-month grace period the payment of an applicable maintenance fee. No fee may be established for maintaining a design or plant patent in force.".

(c) Patent Search Fees.—Section 41(d) of title 35, United States Code, is amended to read as follows:

"(d) Patent Search and Other Fees.—

"(1) Patent search fees.—(A) The Director shall charge a fee for the search of each application for a patent, except for provisional applications. The Director shall establish the fees charged under this paragraph to recover an amount not to exceed the estimated average cost to the Office of searching applications for patent either by acquiring a search report from a qualified search authority, or by causing a search by Office personnel to be made, of each application for patent.

"(B) For purposes of determining the fees to be established under this paragraph, the cost to the Office of causing a search of an application to be made by Office personnel shall be deemed to be—

"(i) $500 for each application for an original patent, except for design, plant, provisional, or international applications;

"(ii) $100 for each application for an original design patent;

"(iii) $300 for each application for an original plant patent;

"(iv) $500 for the national stage of each international application; and

"(v) $500 for each application for the reissue of a patent.

"(C) The provisions of section 111(a)(3) of this title relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in this paragraph with respect to an application filed under section 111(a) of this title. The provisions of section 371(d) of this title relating to the payment of the national fee shall apply to the payment of the fee specified in this paragraph with respect to an international application.

"(D) The Director may by regulation provide for a refund of any part of the fee specified in this paragraph for any applicant who files a written declaration of express abandonment as prescribed by the Director before an examination has been made of the application under section 131 of this title, and for any applicant who provides a search report that meets the conditions prescribed by the Director.

"(E) For purposes of subparagraph (A), a 'qualified search authority' may not include a commercial entity unless—

"(i) the Director conducts a pilot program of limited scope, conducted over a period of not more than 18 months, which demonstrates that searches by commercial entities of the available prior art relating to the subject matter of inventions claimed in patent applications—

"(I) are accurate; and

"(II) meet or exceed the standards of searches conducted by and used by the Patent and Trademark Office during the patent examination process;

"(ii) the Director submits a report on the results of the pilot program to the Congress and the Patent Public Advisory Committee that includes—

"(I) a description of the scope and duration of the pilot program;

"(II) the identity of each commercial entity participating in the pilot program;

"(III) an explanation of the methodology used to evaluate the accuracy and quality of the search reports; and

"(IV) an assessment of the effects that the pilot program, as compared to searches conducted by the Patent and Trademark Office, had and will have on—

"(aa) patentability determinations;

"(bb) productivity of the Patent and Trademark Office;

"(cc) costs to the Patent and Trademark Office;

"(dd) costs to patent applicants; and

"(ee) other relevant factors;

"(iii) the Patent Public Advisory Committee reviews and analyzes the Director's report under clause (ii) and the results of the pilot program and submits a separate report on its analysis to the Director and the Congress that includes—

"(I) an independent evaluation of the effects that the pilot program, as compared to searches conducted by the Patent and Trademark Office, had and will have on the factors set forth in clause (ii)(IV); and

"(II) an analysis of the reasonableness, appropriateness, and effectiveness of the methods used in the pilot program to make the evaluations required under clause (ii)(IV); and

"(iv) the Congress does not, during the 1-year period beginning on the date on which the Patent Public Advisory Committee submits its report to the Congress under clause (iii), enact a law prohibiting searches by commercial entities of the available prior art relating to the subject matter of inventions claimed in patent applications.

"(2) Other fees.—The Director shall establish fees for all other processing, services, or materials relating to patents not specified in this section to recover the estimated average cost to the Office of such processing, services, or materials, except that the Director shall charge the following fees for the following services:

"(A) For recording a document affecting title, $40 per property.

"(B) For each photocopy, $.25 per page.

"(C) For each black and white copy of a patent, $3.

The yearly fee for providing a library specified in section 12 of this title with uncertified printed copies of the specifications and drawings for all patents in that year shall be $50.".

(d) Adjustments.—Section 41(f) of title 35, United States Code, shall apply to the fees established under the amendments made by this section, beginning in fiscal year 2005.

(e) Conforming Amendments.—

(1) Section 41 of title 35, United States Code, is amended—

(A) in subsection (c), by striking "(c)(1)" and inserting "(c) Late Payment of Fees.—(1)";

(B) in subsection (e), by striking "(e)" and inserting "(e) Waivers of Certain Fees.—";

(C) in subsection (f), by striking "(f)" and inserting "(f) Adjustments in Fees.—";

(D) in subsection (g), by striking "(g)" and inserting "(g) Effective Dates of Fees.—";

(E) in subsection (h), by striking "(h)(1)" and inserting "(h) Reductions in Fees for Certain Entities.—(1)"; and

(F) in subsection (i), by striking "(i)(1)" and inserting "(i) Search Systems.—(1)".

(2) Section 119(e)(2) of title 35, United States Code, is amended by striking "subparagraph (A) or (C) of".

SEC. 3. ADJUSTMENT OF TRADEMARK FEES.

(a) Fee for Filing Application.—The fee under section 31(a) of the Trademark Act of 1946 (15 U.S.C. 1113(a)) for filing an electronic application for the registration of a trademark shall be $325. If the trademark application is filed on paper, the fee shall be $375. The Director may reduce the fee for filing an electronic application for the registration of a trademark to $275 for any applicant who prosecutes the application through electronic means under such conditions as may be prescribed by the Director. Beginning in fiscal year 2005, the provisions of the second and third sentences of section 31(a) of the Trademark Act of 1946 shall apply to the fees established under this section.

(b) Reference to Trademark Act of 1946.—For purposes of this section, the "Trademark Act of 1946" refers to the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes.", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 4. CORRECTION OF ERRONEOUS NAMING OF OFFICER.

(a) Correction.—Section 13203(a) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107-273; 116 Stat. 1902) is amended—

(1) in the subsection heading, by striking "Commissioner" and inserting "Director"; and

(2) in paragraphs (1) and (2), by striking "Commissioner" each place it appears and inserting "Director".

(b) Effective Date.—The amendments made by subsection (a) shall be effective as of the date of the enactment of Public Law 107-273.

SEC. 5. PATENT AND TRADEMARK OFFICE FUNDING.

Section 42 of title 35, United States Code, is amended—

(1) in subsection (b), by striking "Appropriation"; and

(2) in subsection (c), in the first sentence—

(A) by striking "To the extent" and all that follows through "fees" and inserting "Fees"; and

(B) by striking "shall be collected by and shall be available to the Director" and inserting "shall be collected by the Director and shall be available until expended".

SEC. 6. EFFECTIVE DATE, APPLICABILITY, AND TRANSITIONAL PROVISION.

(a) Effective Date.—Except as provided in section 4 and this section, this Act and the amendments made by this Act shall take effect on October 1, 2003, or the date of the enactment of this Act, whichever is later.

(b) Applicability.—

(1)(A) Except as provided in subparagraphs (B) and (C), the amendments made by section 2 shall apply to all patents, whenever granted, and to all patent applications pending on or filed after the effective date set forth in subsection (a) of this section.

(B)(i) Except as provided in clause (ii), sections 41(a)(1), 41(a)(3), and 41(d)(1) of title 35, United States Code, as amended by this Act, shall apply only to—

(I) applications for patents filed under section 111(a) of title 35, United States Code, on or after the effective date set forth in subsection (a) of this section, and

(II) international applications entering the national stage under section 371 of title 35, United States Code, for which the basic national fee specified in section 41 of title 35, United States Code, was not paid before the effective date set forth in subsection (a) of this section.

(ii) Section 41(a)(1)(D) of title 35, United States Code as amended by this Act, shall apply only to applications for patent filed under section 111(b) of title 35, United States Code, before, on, or after the effective date set forth in subsection (a) of this section in which the filing fee specified in section 41 of title 35, United States Code, was not paid before the effective date set forth in subsection (a) of this section.

(C) Section 41(a)(2) of title 35, United States Code, as amended by this Act, shall apply only to the extent that the number of excess claims, after giving effect to any cancellation of claims, is in excess of the number of claims for which the excess claims fee specified in section 41 of title 35, United States Code, was paid before the effective date set forth in subsection (a) of this section.

(2) The amendments made by section 3 shall apply to all applications for the registration of a trademark filed or amended on or after the effective date set forth in subsection (a) of this section.

(c) Transitional Provisions.—

(1) Search fees.—During the period beginning on the effective date set forth in subsection (a) of this section and ending on the date on which the Director establishes search fees under the authority provided in section 41(d)(1) of title 35, United States Code, the Director shall charge—

(A) for the search of each application for an original patent, except for design, plant, provisional, or international application, $500;

(B) for the search of each application for an original design patent, $100;

(C) for the search of each application for an original plant patent, $300;

(D) for the search of the national stage of each international application, $500; and

(E) for the search of each application for the reissue of a patent, $500.

(2) Timing of fees.—The provisions of section 111(a)(3) of title 35, United States Code, relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in paragraph (1) with respect to an application filed under section 111(a) of title 35, United States Code. The provisions of section 371(d) of title 35, United States Code, relating to the payment of the national fee shall apply to the payment of the fee specified in paragraph (1) with respect to an international application.

(3) Refunds.—The Director may by regulation provide for a refund of any part of the fee specified in paragraph (1) for any applicant who files a written declaration of express abandonment as prescribed by the Director before an examination has been made of the application under section 131 of title 35, United States Code, and for any applicant who provides a search report that meets the conditions prescribed by the Director.

(d) Existing Appropriations.—The provisions of any appropriation Act that make amounts available pursuant to section 42(c) of title 35, United States Code, and are in effect on the effective date set forth in subsection (a) shall cease to be effective on that effective date.

SEC. 7. DEFINITION.

In this Act, the term "Director" means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

SEC. 8. CLERICAL AMENDMENT.

Subsection (c) of section 311 of title 35, United States Code, is amended by aligning the text with the text of subsection (a) of such section.

By Ms. CANTWELL (for herself, Mr. Smith, Mrs. Murray, Mrs. Feinstein, and Mr. Wyden):

S. 1761. A bill to provide guidelines for the release of Low-Income Home Energy Assistance Program contingency funds; to the Committee on Health, Education, Labor, and Pensions.

Ms. CANTWELL. Mr. President, I rise today to introduce the Low-Income Home Energy Assistance Program (LIHEAP) Emergency Reform Act, which will put in place guidelines for the release of LIHEAP contingency funds.

The LIHEAP program, created in 1981, is the primary vehicle by which the Federal Government, through block grants to States, provides energy assistance to low-income families. I applaud the provisions contained in pending energy legislation that will raise the LIHEAP authorization from $2 billion to $3.4 billion for Fiscal Years 2004 through 2006. As in most parts of the country, demand for LIHEAP dollars far outpaces the supply in my home State of Washington, where, even when fully funded under the current authorization, only 19 percent of eligible families receive home energy assistance.

The legislation I'm introducing today, however, deals not with the block-grant portion of the current program, in which allocations to States are determined via formula. Rather, it applies to the contingency fund, which was also authorized in 1981 "to meet the additional home energy assistance needs of one or more States arising from a natural disaster or other emergency." As my colleagues are aware, this money is not released according to formula but solely at the discretion of the Health and Human Services Secretary.

The LIHEAP Emergency Reform Act does four things, designed to provide clarity to States that are in the unfortunate position of suffering from an emergency, as defined in the LIHEAP statute. My legislation: gives Governors the explicit authority to apply to the HHS Secretary for the release of LIHEAP contingency funds; adds transparency to the release of emergency money by directing HHS, in cooperation with the States and Department of Energy, to put in place procedures for the equitable consideration of these applications; requires HHS to include in these procedures the consideration of regional differences in sources of energy supply for low-income households, relative energy price trends and relevant weather-related factors such as drought; and finally, directs HHS to grant States' applications within 30 days unless the Secretary certifies that an emergency, as defined in the statute, has not been demonstrated.

Since 1990, a total of $2.67 billion in LIHEAP contingency funds have been distributed. And while there is no doubt in my mind that, in all cases, this money has helped meet the needs of low-income families across this Nation, I believe there have also been widely varying eligibility rules leading to instances in which HHS has overlooked very real energy emergencies.

In the Pacific Northwest, for example, we have over the past two years suffered from an unprecedented rise in retail energy rates, the burden of which has fallen disproportionately on low-income families. In fact, today, Washington State families at or below the 50 percent Federal poverty level spend 34 percent or more of their annual income on home energy bills. That is a huge burden, especially in view of our rising unemployment rate and the severe downturn in our economy.

Unfortunately, Northwest States have not received emergency LIHEAP funds consistent with their needs. In part, I believe this is because of the perception that our rates will, notwithstanding any increases we might suffer, always be lower, and because this money has traditionally been used to defray the costs of natural gas and home heating oil in the Midwest and Northeast.

This legislation requires HHS to consider regional factors such as the fact that home heating oil prices are not relevant to Washington State's low-income families, 77 percent of which have homes reliant on electricity.

In addition, it directs HHS to consider regional rather than absolute, price trends. This is a very important point, because, regardless of how low a State's prices might be compared to its neighbor's, a drastic run up in rates has devastating impacts when its manufacturing base, residential homes and truly its entire economy are built upon access to an affordable power supply.

In summary, LIHEAP Emergency Reform Act provides additional certainty to states across the country.

I understand that the Senate Health, Education, Labor and Pensions (HELP) Committee will soon consider legislation to reauthorize the LIHEAP program. As my colleagues may recall, the provisions of the LIHEAP Emergency Reform Act were originally included in the Senate energy bill, now the subject of conference committee deliberations. During floor debate on that bill, I was pleased that the distinguished Chairman and Ranking Member of the HELP Committee, Senators GREGG and KENNEDY, agreed to examine the contingency fund issue during reauthorization of the LIHEAP program. I believe that clear rules for the release of LIHEAP contingency funds will ensure that, in the unfortunate event of an energy emergency, low-income families will receive much-needed assistance in keeping the lights and the heat turned on, which is precisely what Congress intends when it appropriates money to the LIHEAP contingency fund. I believe the LIHEAP Emergency Reform Act will help provide this additional certainty.

AUTHORITY FOR COMMITTEES TO MEET

SPECIAL COMMITTEE ON AGING

Mr. HATCH. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Monday, October 20, 2003, from 1:30 p.m.–4 p.m., in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent the following staffers be granted privilege of the floor during the pendency of the class action fairness debate: Rebecca Seidel, Harold Kim, Ryan Triplette, Jay Greissing from Senator HATCH's staff; and Rita Lari and Matt Reed from Senator GRASSLEY's staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I ask unanimous consent Lindsey Kiser and Chip Roy, members of my staff, be given floor privileges during the duration of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that Doug MacCleery, an employee of the Department of Agriculture who has been detailed to the Agriculture Committee, and Eric Steiner, a fellow on the committee staff, be granted privileges of the floor during today's session.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION ACT, 2004

On Friday, October 17, 2003, the Senate passed H.R. 3289, as amended, as follows:

H.R. 3289

Resolved, That the bill from the House of Representatives (H.R. 3289) entitled "An Act making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—NATIONAL SECURITY

CHAPTER 1

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $12,858,870,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $816,100,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $753,190,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $3,384,700,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $24,946,464,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $1,976,258,000, of which up to $80,000,000 may be transferred to the Department of Homeland Security for Coast Guard Operations.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,198,981,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,516,368,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $4,218,452,000, of which—

(1) not to exceed $15,000,000 may be used for the CINC Initiative Fund account, to be used primarily in Iraq and Afghanistan; and

(2) $1,000,000,000, to remain available until expended, may be used, notwithstanding any other provision of law, for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations on the use of these funds.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $16,000,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $53,000,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $214,000,000.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for "Overseas Humanitarian, Disaster, and Civic Aid", $35,500,000.

IRAQ FREEDOM FUND

(TRANSFER OF FUNDS)

For "Iraq Freedom Fund", $1,988,600,000, to remain available for transfer until September 30, 2005, for the purposes authorized under this heading in Public Law 108–11: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster Assistance, and Civic Aid; procurement; military construction; the Defense Health Program; and working capital funds: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That not less than $4,000,000 shall be transferred to "Office of the Inspector General" for financial and performance audits of funds apportioned to the Department of Defense from the Iraq Relief and Reconstruction Fund.

PROCUREMENT

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $6,200,000, to remain available until September 30, 2006.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $104,000,000, to remain available until September 30, 2006: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $1,078,687,000, to remain available until September 30, 2006: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $128,600,000, to remain available until September 30, 2006.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $76,357,000, to remain available until September 30, 2006.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $123,397,000, to remain available until September 30, 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $40,972,000, to remain available until September 30, 2006.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $20,450,000, to remain available until September 30, 2006.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $3,441,006,000, to remain available until September 30, 2006.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $435,635,000, to remain available until September 30, 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $34,000,000, to remain available until September 30, 2005.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $39,070,000, to remain available until September 30, 2005.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $265,817,000, to remain available until September 30, 2005.

REVOLVING AND MANAGEMENT FUNDS

WORKING CAPITAL FUND, DEFENSE-WIDE

For an additional amount for "Working Capital Fund, Defense-Wide", $600,000,000.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $24,000,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $658,380,000 for Operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $73,000,000: Provided, That these funds may be used only for such activities related to Afghanistan: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test, and evaluation: Provided further, That the funds transferred shall be merged with and be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Intelligence Community Management Account", $21,500,000, to remain available until September 30, 2005; of which $3,000,000 may be transferred to and merged with the Department of Energy, "Other Defense Activities", and $15,500,000 may be transferred to and merged with the Federal Bureau of Investigation, "Salaries and Expenses".

CHAPTER 2

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for '''Military Construction, Army'', $119,900,000, to remain available until September 30, 2008: Provided, That such funds may be obligated and expended to carry out military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $292,550,000, to remain available until September 30, 2008: Provided, That such funds may be obligated and expended to carry out military construction projects not otherwise authorized by law.

CHAPTER 3

GENERAL PROVISIONS, THIS TITLE

SEC. 301. Section 202(b) of the Afghanistan Freedom Support Act of 2002 (Public Law 107-327) is amended by striking "$300,000,000" and inserting "$450,000,000".

SEC. 302. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,500,000,000 of the funds made available in this title, and in addition such funds as necessary, not to exceed $5,000,000,000, as approved by the House and Senate Appropriations Committees, Subcommittees on Defense: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2004.

SEC. 303. Funds appropriated in this title, or made available by transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 304. None of the funds available to the Department of Defense may be obligated to implement any action which alters the command responsibility or permanent assignment of forces until 90 days after such plan has been provided to the congressional defense committees.

SEC. 305. Sections 1318 and 1319 of Public Law 108–11 shall remain in effect during fiscal year 2004.

SEC. 306. From October 1, 2003 through September 30, 2004, (a) the rates of pay authorized by section 310(a) of title 37, United States Code, shall be increased to $225; and (b) the rates of pay authorized by section 427(a)(1) of title 37, United States Code, shall be increased to $250.

SEC. 307. (a) Section 1313 of Public Law 108–11 is amended by adding the word, "unobligated", before "balances".

(b) After October 31, 2003, adjustments to obligations that would have been properly chargeable to the Defense Emergency Response Fund shall be charged to any current appropriation account of the Department of Defense available for the same purpose.

SEC. 308. Within 30 days after the enactment of this Act, the Secretary of Defense shall report to the Committees on Appropriations on progress to implement the terms of section 8082 of the Department of Defense Appropriations Act, 2004.

SEC. 309. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal year 2003 or 2004 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees.

SEC. 310. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq: Provided, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations regarding support provided under this section.

SEC. 311. Notwithstanding any other provision of law, from funds available to the Department of Defense for operation and maintenance in fiscal year 2004, not to exceed $200,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance only to the New Iraqi Army and the Afghan National Army to enhance their capability to combat terrorism and to support U.S. military operations in Iraq and Afghanistan: Provided, That such assistance may include the provision of equipment, supplies, services, training and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense shall notify Congress not less than 15 days before providing assistance under the authority of this section.

SEC. 312. (a) REPORT ON MILITARY READINESS IMPLICATIONS OF OPERATION IRAQI FREEDOM.—

(1) The Secretary of Defense shall submit to the congressional defense committees a report assessing the implications for United States military readiness of the participation of United States ground combat forces in Operation Iraqi Freedom.

(2) The report shall be submitted not later than 30 days after the date of the enactment of this Act.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) An estimate of the total number of forces required to carry out Operation Iraqi Freedom, including forces required for a rotation base.

(2) An estimate of the expected duration of the operation.

(3) An estimate of the cost of the operation together with an explanation of how the Secretary will use the funds provided for the operation, and an assessment of how such proposed funding plan would affect overall military readiness.

(4) An assessment of how readily forces participating in the operation could be redeployed to additional overlapping major conflicts while providing for the President the option to call for victory in one of those conflicts, as well as to conduct a limited number of smaller-scale contingency operations, including an analysis of the availability of strategic lift, the likely condition of equipment, and the extent of retraining necessary to facilitate such a redeployment.

(5) An assessment of the effect of the operation on the general combat readiness and deployability of combat units to defend the homeland and for the Global War on Terrorism.

(6) An assessment of the effect of the operation on the four 2001 Quadrennial Defense Review defense policy goals, namely assuring allies and friends, dissuading future military competitors, deterring threats and coercion against United States interests and, if deterrence fails, decisively defeating any adversary.

(7) An assessment of the effect the operation would have on the general combat readiness and deployability of combat units not designated to be part of the operation including active forces, reserve, and National Guard.

(8) For current deployment and subsequent rotations, an assessment of the number and type of combat support and combat service support units required from active forces, reserve, and National Guard, and the expected duration of each rotation.

(9) An assessment of the degree to which the operation will require the use of reserve component units and personnel and the use and timing of involuntary Selected Reserve callup authority as provided by section 12304 of title 10, United States Code.

(10) An assessment of the anticipated annual cost of equipment refurbishment and replacement resulting from the operation.

(11) An assessment of how the increased operational tempo associated with the operation would affect the mission capable readiness rates and overall health of both strategic and theater airlift assets.

(12) An assessment of the effect the operation will have on the ability of the United States Armed Forces, including the active forces, reserve, and National Guard, to meet recruiting goals.

(13) An assessment of the effect of the operation on training infrastructure and instrumentation of United States training ranges, including the active forces, reserve, and National Guard.

(14) An assessment of the effect the operation will have on retention among active forces, reserve, and National Guard.

(15) An assessment of the effect of the operation on quality of life issues for active forces, reserve, and National Guard.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term "congressional defense committees" means—

(1) the Committees on Armed Services and Appropriations of the Senate; and

(2) the Committees on Armed Services and Appropriations of the House of Representatives.

SEC. 313. (a) Section 1075 of title 10, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "When"; and

(2) by striking the second sentence and inserting the following:

"(b) EXCEPTIONS.—Subsection (a) shall not apply to any of the following:

"(1) An enlisted member, or former enlisted member, of a uniformed service who is entitled to retired or retainer pay or equivalent pay.

"(2) An officer or former officer of a uniformed service, or an enlisted member or former enlisted member of a uniformed service not described in paragraph (1), who is hospitalized under section 1074 of this title because of an injury or disease incurred (as determined under criteria prescribed by the Secretary of Defense)—

"(A) as a direct result of armed conflict;

"(B) while engaged in hazardous service;

"(C) in the performance of duty under conditions simulating war; or

"(D) through an instrumentality of war.".

(b) Section 1075(b) of title 10, United States Code, as added by subsection (a), shall take effect as of September 11, 2001, and shall apply with respect to injuries or diseases incurred on or after that date.

SEC. 314. (a) TRANSFER AUTHORITY.—Subject to subsection (b), the Secretary of Defense may transfer not more than $150,000,000 of the funds appropriated in this title to the contingency construction account, authorized under section 2804 of title 10, United States Code, to carry out *military construction projects not otherwise authorized by law. Funds so transferred shall be merged with and be available for the same purposes and the same time period as the appropriation to which transferred. The transfer authority under this section is in addition to any other transfer authority available to the Department of Defense.*

(b) CONDITIONS ON TRANSFER.—A transfer of funds under subsection (a) may not be made until the end of the 7-day period beginning on the date the Secretary of Defense submits written notice to the appropriate committees of Congress certifying that the transfer is necessary to respond to, or protect against, acts or threatened acts of terrorism or to support Department of Defense operations in Iraq, and specifying the amounts and purposes of the transfer, including a list of proposed projects and their estimated costs.

(c) NOTICE OF OBLIGATIONS.—Notwithstanding section 2804(b) of title 10, United States Code, when a decision is made to carry out a military construction project using funds transferred to the contingency construction account under subsection (a), the Secretary of Defense shall submit written notice to the appropriate committees of Congress no later than 15 days after the obligation of the funds for the project, specifying the source of the transferred funds and the estimated cost of the project, including form 1391.

(d) DEFINITIONS.—For purposes of this section, the terms "appropriate committees of Congress", "military construction", and "military installation" have the meanings given such terms in section 2801 of title 10, United States Code, except that, with respect to military construction in a foreign country, the term "military installation" includes not only buildings, structures, and other improvements to real property under the operational control of the Secretary of a military department or the Secretary of Defense, but also any building, structure, or other improvement to real property to be used by the Armed Forces, regardless of whether such use is anticipated to be temporary or of longer duration; and further excepting that "appropriate committees of Congress" shall include the Subcommittees on Military Construction of the Committees on Appropriations of the Senate and House of Representatives.

SEC. 315. COMMENDING THE ARMED FORCES FOR EFFORTS IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM. (a) PURPOSE.—Recognizing and commending the members of the United States Armed Forces and their leaders, and the allies of the United States and their armed forces, who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq and recognizing the continuing dedication of military families and employers and defense civilians and contractors and the countless communities and patriotic organizations that lent their support to the Armed Forces during those operations.

(b) FINDINGS.—The Senate finds that—

(1) the September 11, 2001, terrorist attacks on the United States, which killed thousands of people from the United States and other countries in New York, Virginia, and Pennsylvania, inaugurated the Global War on Terrorism;

(2) the intelligence community quickly identified Al Qaeda as a terrorist organization with global reach and the President determined that United States national security required the elimination of the Al Qaeda terrorist organization;

(3) the Taliban regime of Afghanistan had long harbored Al Qaeda, providing members of that organization a safe haven from which to attack the United States and its friends and allies, and the refusal of that regime to discontinue its support for international terrorism and surrender Al Qaeda's leaders to the United States made it a threat to international peace and security;

(4) Saddam Hussein and his regime's longstanding sponsorship of international terrorism, active pursuit of weapons of mass destruction, use of such weapons against Iraq's own citizens and neighboring countries, aggression against Iraq's neighbors, and brutal repression of Iraq's population made Saddam Hussein and his regime a threat to international peace and security;

(5) the United States pursued sustained diplomatic, political, and economic efforts to remove those threats peacefully;

(6) on October 7, 2001, the Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, that quickly caused the collapse of the Taliban regime, the elimination of Afghanistan's terrorist infrastructure, and the capture of significant and numerous members of Al Qaeda;

(7) on March 19, 2003, the Armed Forces of the United States and its coalition allies launched military operations, designated as Operation Iraqi Freedom, that quickly caused the collapse of Saddam Hussein's regime, the elimination of Iraq's terrorist infrastructure, the end of Iraq's illicit and illegal programs to acquire weapons of mass destruction, and the capture of significant international terrorists;

(8) in those two campaigns in the Global War on Terrorism, as of September 27, 2003, nearly 165,000 members of the United States Armed Forces, comprised of active, reserve, and National Guard members and units, had mobilized for Operation Enduring Freedom and Operation Iraqi Freedom;

(9) success in those two campaigns in the Global War on Terrorism would not have been possible without the dedication, courage, and service of the members of the United States Armed Forces and the military and irregular forces of the friends and allies of the United States;

(10) the support, love, and commitment from the families of United States service personnel participating in those two operations, as well as that of the communities and patriotic organizations which provided support through the United Services Organization (USO), Operation Dear Abby, and Operation UpLink, helped to sustain those service personnel and enabled them to eliminate significant threats to United States national security while liberating oppressed peoples from dictatorial regimes;

(11) the civilian employees of the Department of Defense, through their hard work and dedication, enabled United States military forces to quickly and effectively achieve the United States military missions in Afghanistan and Iraq;

(12) the commitment of companies making their employees available for military service, the creativity and initiative of contractors equipping the Nation's Armed Forces with the best and most modern equipment, and the ingenuity of service companies assisting with the global overseas deployment of the Armed Forces demonstrates that the entrepreneurial spirit of the United States is an extraordinarily valuable defense asset; and

(13) the Nation should pause to recognize with appropriate tributes and days of remembrance the sacrifice of those members of the Armed Forces who died or were wounded in Operation Enduring Freedom and Operation Iraqi Freedom, as well as all who served in or supported either of those operations.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate—

(1) conveys its deepest sympathy and condolences to the families and friends of the members of United States and coalition forces who have been injured, wounded, or killed during Operation Enduring Freedom and Operation Iraqi Freedom;

(2) commends President George W. Bush, Secretary of Defense Donald H. Rumsfeld, and United States Central Command commander General Tommy Franks, United States Army, for their planning and execution of enormously successful military campaigns in Operation Enduring Freedom and Operation Iraqi Freedom;

(3) expresses its highest commendation and most sincere appreciation to the members of the United States Armed Forces who participated in Operation Enduring Freedom and Operation Iraqi Freedom;

(4) commends the Department of Defense civilian employees and the defense contractor personnel whose skills made possible the equipping of the greatest armed force in the annals of modern military endeavor;

(5) supports the efforts of communities across the Nation—

(A) to prepare appropriate homecoming ceremonies to honor and welcome home the members of the Armed Forces participating in Operation Enduring Freedom and Operation Iraqi Freedom and to recognize their contributions to United States homeland security and to the Global War on Terrorism; and

(B) to prepare appropriate ceremonies to commemorate with tributes and days of remembrance the service and sacrifice of those service members killed or wounded during those operations;

(6) expresses the deep gratitude of the Nation to the 21 steadfast allies in Operation Enduring Freedom and to the 49 coalition members in Operation Iraqi Freedom, especially the United Kingdom, Australia, and Poland, whose forces, support, and contributions were invaluable and unforgettable; and

(7) recommits the United States to ensuring the safety of the United States homeland, to preventing weapons of mass destruction from reaching the hands of terrorists, and to helping the people of Iraq and Afghanistan build free and vibrant democratic societies.

SEC. 316. (a) In addition to other purposes for which funds in the Iraq Freedom Fund are available, such funds shall also be available for reimbursing a member of the Armed Forces for the cost of air fare incurred by the member for any travel by the member within the United States that is commenced during fiscal year 2003 or fiscal year 2004 and is completed during either such fiscal year while the member is on rest and recuperation leave from deployment overseas in support of Operation Iraqi Freedom and Operation Enduring Freedom, but only for one round trip by air between two locations within the United States.

(b) It is the sense of Congress that the commercial airline industry should, to the maximum extent practicable, charge members of the Armed Forces on rest and recuperation leave as described in subsection (a) and their families specially discounted, lowest available fares for air travel in connection with such leave and that any restrictions and limitations imposed by the airlines in connection with the air fares charged for such travel should be minimal.

SEC. 317. (a) Section 1074a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) At any time after the Secretary concerned notifies members of the Ready Reserve that the members are to be called or ordered to active duty, the administering Secretaries may provide to each such member any medical and dental screening and care that is necessary to ensure that the member meets the applicable medical and dental standards for deployment.

"(2) The Secretary concerned shall promptly transmit to each member of the Ready Reserve

eligible for screening and care under this subsection a notification of eligibility for such screening and care.

"(3) A member provided medical or dental screening or care under paragraph (1) may not be charged for the screening or care.

"(4) Screening and care may not be provided under this section after September 30, 2004.".

(b) The benefits provided under the amendment made by subsection (a) shall be provided only within funds available under this Act.

SEC. 318. (a) Chapter 55 of title 10, United States Code, is amended by inserting after section 1076a the following new section:

"§1076b. TRICARE program: coverage for members of the Ready Reserve

"(a) ELIGIBILITY.—Each member of the Selected Reserve of the Ready Reserve and each member of the Individual Ready Reserve described in section 10144(b) of this title is eligible, subject to subsection (h), to enroll in TRICARE and receive benefits under such enrollment for any period that the member—

"(1) is an eligible unemployment compensation recipient; or

"(2) is not eligible for health care benefits under an employer-sponsored health benefits plan.

"(b) TYPES OF COVERAGE.—(1) A member eligible under subsection (a) may enroll for either of the following types of coverage:

"(A) Self alone coverage.

"(B) Self and family coverage.

"(2) An enrollment by a member for self and family covers the member and the dependents of the member who are described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

"(c) OPEN ENROLLMENT PERIODS.—The Secretary of Defense shall provide for at least one open enrollment period each year. During an open enrollment period, a member eligible under subsection (a) may enroll in the TRICARE program or change or terminate an enrollment in the TRICARE program.

"(d) SCOPE OF CARE.—(1) A member and the dependents of a member enrolled in the TRICARE program under this section shall be entitled to the same benefits under this chapter as a member of the uniformed services on active duty or a dependent of such a member, respectively.

"(2) Section 1074(c) of this title shall apply with respect to a member enrolled in the TRICARE program under this section.

"(e) PREMIUMS.—(1) The Secretary of Defense shall charge premiums for coverage pursuant to enrollments under this section. The Secretary shall prescribe for each of the TRICARE program options a premium for self alone coverage and a premium for self and family coverage.

"(2) The monthly amount of the premium in effect for a month for a type of coverage under this section shall be the amount equal to 28 percent of the total amount determinea by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.

"(3) The premiums payable by a member under this subsection may be deducted and withheld from basic pay payable to the member under section 204 of title 37 or from compensation payable to the member under section 206 of such title. The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums by members not entitled to such basic pay or compensation.

"(4) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subparagraph (B) of such section for such fiscal year.

"(f) OTHER CHARGES.—A person who receives health care pursuant to an enrollment in a TRICARE program option under this section, including a member who receives such health care, shall be subject to the same deductibles, copayments, and other nonpremium charges for health care as apply under this chapter for health care provided under the same TRICARE program option to dependents described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

"(g) TERMINATION OF ENROLLMENT.—(1) A member enrolled in the TRICARE program under this section may terminate the enrollment only during an open enrollment period provided under subsection (c), except as provided in subsection (h).

"(2) An enrollment of a member for self alone or for self and family under this section shall terminate on the first day of the first month beginning after the date on which the member ceases to be eligible under subsection (a).

"(3) The enrollment of a member under this section may be terminated on the basis of failure to pay the premium charged the member under this section.

"(h) RELATIONSHIP TO TRANSITION TRICARE COVERAGE UPON SEPARATION FROM ACTIVE DUTY.—(1) A member may not enroll in the TRICARE program under this section while entitled to transitional health care under subsection (a) of section 1145 of this title or while authorized to receive health care under subsection (c) of such section.

"(2) A member who enrolls in the TRICARE program under this section within 90 days after the date of the termination of the member's entitlement or eligibility to receive health care under subsection (a) or (c) of section 1145 of this title may terminate the enrollment at any time within one year after the date of the enrollment.

"(i) CERTIFICATION OF NONCOVERAGE BY OTHER HEALTH BENEFITS PLAN.—The Secretary of Defense may require a member to submit any certification that the Secretary considers appropriate to substantiate the member's assertion that the member is not covered for health care benefits under any other health benefits plan.

"(j) ELIGIBLE UNEMPLOYMENT COMPENSATION RECIPIENT DEFINED.—In this section, the term 'eligible unemployment compensation recipient' means, with respect to any month, any individual who is determined eligible for any day of such month for unemployment compensation under State law (as defined in section 205(9) of the Federal-State Extended Unemployment Compensation Act of 1970), including Federal unemployment compensation laws administered through the State.

"(k) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

"(l) TERMINATION OF AUTHORITY.—An enrollment in TRICARE under this section may not continue after September 30, 2004.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076a the following new item:

"1076b. TRICARE program: coverage for members of the Ready Reserve.".

(c) The benefits provided under section 1076b of title 10, United States Code (as added by subsection (a)), shall be provided only within funds available under this Act.

SEC. 319. (a)(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1078a the following new section:

"§1078b. Continuation of non-TRICARE health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents

"(a) PAYMENT OF PREMIUMS.—The Secretary concerned shall pay the applicable premium to continue in force any qualified health benefits plan coverage for an eligible reserve component member for the benefits coverage continuation period if timely elected by the member in accordance with regulations prescribed under subsection (j).

"(b) ELIGIBLE MEMBER.—A member of a reserve component is eligible for payment of the applicable premium for continuation of qualified health benefits plan coverage under subsection (a) while serving on active duty pursuant to a call or order issued under a provision of law referred to in section 101(a)(13)(B) of this title during a war or national emergency declared by the President or Congress.

"(c) QUALIFIED HEALTH BENEFITS PLAN COVERAGE.—For the purposes of this section, health benefits plan coverage for a member called or ordered to active duty is qualified health benefits plan coverage if—

"(1) the coverage was in force on the date on which the Secretary notified the member that issuance of the call or order was pending or, if no such notification was provided, the date of the call or order;

"(2) on such date, the coverage applied to the member and dependents of the member described in subparagraph (A), (D), or (I) of section 1072(2) of this title; and

"(3) the coverage has not lapsed.

"(d) APPLICABLE PREMIUM.—The applicable premium payable under this section for continuation of health benefits plan coverage in the case of a member is the amount of the premium payable by the member for the coverage of the member and dependents.

"(e) MAXIMUM AMOUNT.—The total amount that the Department of Defense may pay for the applicable premium of a health benefits plan for a member under this section in a fiscal year may not exceed the amount determined by multiplying—

"(1) the sum of one plus the number of the member's dependents covered by the health benefits plan, by

"(2) the per capita cost of providing TRICARE coverage and benefits for dependents under this chapter for such fiscal year, as determined by the Secretary of Defense.

"(f) BENEFITS COVERAGE CONTINUATION PERIOD.—The benefits coverage continuation period under this section for qualified health benefits plan coverage in the case of a member called or ordered to active duty is the period that—

"(1) begins on the date of the call or order; and

"(2) ends on the earlier of—

"(A) the date on which the member's eligibility for transitional health care under section 1145(a) of this title terminates under paragraph (3) of such section;

"(B) the date on which the member elects to terminate the continued qualified health benefits plan coverage of the dependents of the member; or

"(C) September 30, 2004.

"(g) EXTENSION OF PERIOD OF COBRA COVERAGE.—Notwithstanding any other provision of law—

"(1) any period of coverage under a COBRA continuation provision (as defined in section 9832(d)(1) of the Internal Revenue Code of 1986) for a member under this section shall be deemed to be equal to the benefits coverage continuation period for such member under this section; and

"(2) with respect to the election of any period of coverage under a COBRA continuation provision (as so defined), rules similar to the rules under section 4980B(f)(5)(C) of such Code shall apply.

"(h) NONDUPLICATION OF BENEFITS.—A dependent of a member who is eligible for benefits under qualified health benefits plan coverage paid on behalf of a member by the Secretary

concerned under this section is not eligible for benefits under the TRICARE program during a period of the coverage for which so paid.

"(i) REVOCABILITY OF ELECTION.—A member who makes an election under subsection (a) may revoke the election. Upon such a revocation, the member's dependents shall become eligible for benefits under the TRICARE program as provided for under this chapter.

"(j) REGULATIONS.—The Secretary of Defense shall prescribe regulations for carrying out this section. The regulations shall include such requirements for making an election of payment of applicable premiums as the Secretary considers appropriate.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078a the following new item:

"1078b. Continuation of non-TRICARE health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents.".

(b) Section 1078b of title 10, United States Code (as added by subsection (a)), shall apply with respect to calls or orders of members of reserve components of the Armed Forces to active duty as described in subsection (b) of such section, that are issued by the Secretary of a military department before, on, or after the date of the enactment of this Act, but only with respect to qualified health benefits plan coverage (as described in subsection (c) of such section) that is in effect on or after the date of the enactment of this Act.

(c) The benefits provided under section 1078b of title 10, United States Code (as added by subsection (a)), shall be provided only within funds available under this Act.

SEC. 320. (a) Section 1074 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) For the purposes of this chapter, a member of a reserve component of the armed forces who is issued a delayed-effective-date active-duty order, or is covered by such an order, shall be treated as being on active duty for a period of more than 30 days beginning on the later of the date that is—

"(A) the date of the issuance of such order; or

"(B) 90 days before date on which the period of active duty is to commence under such order for that member.

"(2) In this subsection, the term 'delayed-effective-date active-duty order' means an order to active duty for a period of more than 30 days in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title that provides for active-duty service to begin under such order on a date after the date of the issuance of the order.

"(3) This section shall cease to be effective on September 30, 2004.".

(b) The benefits provided under the amendment made by subsection (a) shall be provided only within funds available under this Act.

SEC. 321. (a) Subject to subsection (b), during the period beginning on the date of the enactment of this Act and ending on September 30, 2004, section 1145(a) of title 10, United States Code, shall be administered by substituting for paragraph (3) the following:

"(3) Transitional health care for a member under subsection (a) shall be available for 180 days beginning on the date on which the member is separated from active duty.".

(b)(1) Subsection (a) shall apply with respect to separations from active duty that take effect on or after the date of the enactment of this Act.

(2) Beginning on October 1, 2004, the period for which a member is provided transitional health care benefits under section 1145(a) of title 10, United States Code, shall be adjusted as necessary to comply with the limits provided under paragraph (3) of such section.

(c) The benefits provided under the amendment made by subsection (a) shall be provided only within funds available under this Act.

SEC. 322. (a) Of the funds provided in this title under the heading "IRAQ FREEDOM FUND" up to $191,100,000 be available for the procurement of Up-Armored High Mobility Multipurpose Wheeled Vehicles in addition to the number of such vehicles for which funds are provided within the amount specified under such heading.

(b) The Secretary of the Army shall reevaluate the requirements of the Army for armored security vehicles and the options available to the Army for procuring armored security vehicles to meet the validated requirements.

SEC. 323. (a) Of the amounts appropriated by chapter 1 of this title under the heading "OPERATION AND MAINTENANCE, ARMY" and available for the operating expenses of the Coalition Provisional Authority (CPA), $10,000,000 shall be available for the establishment of the Office of the Inspector General of the Coalition Provisional Authority and for related operating expenses of the Office.

(b) The Office of the Inspector General of the Coalition Provisional Authority shall be established not later than 30 days after the date of the enactment of this Act.

(c)(1) The head of the Office of the Inspector General of the Coalition Provisional Authority shall be the Inspector General of the Coalition Provisional Authority.

(2) The Inspector General shall be appointed by the President in accordance with, and shall otherwise be subject to the provisions of, section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), except that the person nominated for appointment as Inspector General may assume the duties of the office on an acting basis pending the advice and consent of the Senate.

(3) The Inspector General shall have the duties, responsibilities, and authorities of inspectors general under the Inspector General Act of 1978. In carrying out such duties, responsibilities, and authorities, the Inspector General shall coordinate with, and receive the cooperation of, the Inspector General of the Department of Defense.

(d)(1) Except as provided in paragraph (2), not later than 75 days after the date of the enactment of this Act, and every 10 days thereafter, the Inspector General of the Coalition Provisional Authority shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report that sets forth—

(A) an assessment of the financial controls of the Coalition Provisional Authority;

(B) a description of any financial irregularities that may have occurred in the activities of the Authority;

(C) a description of—

(i) any irregularities relating to the administration of laws providing for full and open competition in contracting (as defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))); and

(ii) any other irregularities related to procurement;

(D) a description of any actions taken by the Inspector General to improve such financial controls or address such financial irregularities;

(E) a description of the programmatic goals of the Coalition Provisional Authority; and

(F) an assessment of the performance of the Coalition Provisional Authority, including progress made by the Coalition Provisional Authority in facilitating a transition to levels of security, stability, and self-government in Iraq sufficient to make the presence of the Coalition Provisional Authority no longer necessary.

(2) The Inspector General of the Department of Defense shall prepare and submit the reports otherwise required to be submitted by the Inspector General of the Coalition Provisional Authority under paragraph (1) until the earlier of—

(A) the date that is 150 days after the date of the enactment of this Act; or

(B) the date on which a determination is made by the Inspector General of the Coalition Provisional Authority that the Office of the Inspector General of the Coalition Provisional Authority is capable of preparing timely, accurate, and complete reports in compliance with the requirements under paragraph (1).

(3) The reports under this subsection are in addition to the semiannual reports required of the Inspector General by section 5 of the Inspector General Act of 1978 and any other reports required of the Inspector General by law.

(4) The Inspector General of the Coalition Provisional Authority (or the Inspector General of the Department of Defense, as applicable) shall publish each report under this subsection on the Internet website of the Coalition Provisional Authority.

(e) The Office of the Inspector General of the Coalition Provisional Authority shall terminate on the first day that both of the following conditions have been met:

(1) the Coalition Provisional Authority has transferred responsibility for governing Iraq to an indigenous Iraqi government; and

(2) a United States mission to Iraq, under the direction and guidance of the Secretary of State, has undertaken to perform the responsibility for administering United States assistance efforts in Iraq.

SEC. 324. REPORT ON REPLACEMENT OF U.S. TROOPS. (a) FINDINGS.—The Senate finds that:

(1) The Coalition Provisional Authority states that 80 percent of Iraq is a permissive environment with people returning to a normal pace of life, while 20 percent is less permissive with entrenched Saddam loyalists, international terrorists and general lawlessness hindering recovery efforts.

(2) On September 9, Deputy Secretary of Defense John Wolfowitz testified, ". . . the predominantly Shia south [of Iraq] has been stable and I would say far more stable than most prewar predications would have given you. And the mixed Arab, Turkish, Kurdish north has also been remarkably stable, again, contrary to fears that many of us had that we might face large-scale ethnic conflict.".

(3) On September 14, Secretary of State Colin Powell stated, "We see attacks against our coalition on a daily basis . . . but in many parts of the country things are quite secure and stable.".

(4) The Coalition Provisional Authority states that a major focus of its security efforts has been to increase Iraqi participation in and responsibility for a safe and secure Iraq.

(5) On September 14, Secretary of Defense Donald Rumsfeld stated, "90 percent of the people in Iraq are now living in an area that's governed by a city council, or a village council.".

(6) The Coalition Provisional Authority reports that 60,000 Iraqis are now assisting in security, including 46,000 Iraqi police nationwide.

(7) Of the 160,000 coalition military personnel serving in Iraq, 20,000 are comprised of non-United States forces.

(b) REPORT.—Beginning 30 days after the enactment of this Act, the President or his designee shall submit a monthly report to Congress detailing—

(1) the areas of Iraq determined to be largely secure and stable; and

(2) the extent to which United States troops have been replaced by non-United States coalition forces, United Nation forces, or Iraqi forces in the areas determined to be largely secure and stable under this subsection.

SEC. 325. (a) Congress makes the following findings:

(1) During Operation Desert Shield and Operation Desert Storm (in this section, collectively referred to as the "First Gulf War"), the regime of Saddam Hussein committed grave human rights abuses and acts of terrorism against the people of Iraq and citizens of the United States.

(2) United States citizens who were taken prisoner by the regime of Saddam Hussein during the First Gulf War were brutally tortured and forced to endure severe physical trauma and emotional abuse.

(3) The regime of Saddam Hussein used civilian citizens of the United States who were working in the Persian Gulf region before and during the First Gulf War as so-called human shields, threatening the personal safety and emotional well-being of such civilians.

(4) Congress has recognized and authorized the right of United States citizens, including prisoners of war, to hold terrorist states, such as Iraq during the regime of Saddam Hussein, liable for injuries caused by such states.

(5) The United States district courts are authorized to adjudicate cases brought by individuals injured by terrorist states.

(b) It is the sense of Congress that—

(1) notwithstanding section 1503 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 579) and any other provision of law, a citizen of the United States who was a prisoner of war or who was used by the regime of Saddam Hussein and by Iraq as a so-called human shield during the First Gulf War should have the opportunity to have any claim for damages caused by the regime of Saddam Hussein and by Iraq incurred by such citizen fully adjudicated in the appropriate United States district court;

(2) any judgment for such damages awarded to such citizen, or the family of such citizen, should be fully enforced; and

(3) the Attorney General should enter into negotiations with each such citizen, or the family of each such citizen, to develop a fair and reasonable method of providing compensation for the damages each such citizen incurred, including using assets of the regime of Saddam Hussein held by the Government of the United States or any other appropriate sources to provide such compensation.

SEC. 326. (a) FINDINGS.—Congress makes the following findings:

(1) The National Guard and Reserves have served the Nation in times of national crises for more than 200 years. The National Guard and Reserves are a critical component of homeland security and national defense.

(2) The current deployments of many members of the National Guard and Reserve have made them absent from their communities for an abnormally long time. This has diminished the ability of the National Guard to conduct its State missions.

(3) Many members of the National Guard and Reserves have been on active duty for more than a year, and many more have had their tours of active duty involuntarily extended while overseas.

(b) REPORT ON UTILIZATION OF NATIONAL GUARD AND RESERVES.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the utilization of the National Guard and Reserves in support of contingency operations during fiscal year 2004.

(2) The report under this subsection shall include the following:

(A) Information on each National Guard and Reserve unit currently deployed, including—

(i) the unit name or designation;

(ii) the number of personnel deployed;

(iii) the projected return date to home station; and

(iv) the schedule, if any, for the replacement of the unit with a Regular or multinational unit.

(B) Information on current operations tempo, including—

(i) the length of deployment of each National Guard and Reserve unit currently deployed, organized by unit and by State;

(ii) in the case of each National Guard and Reserve unit on active duty during the two-year period ending on the date of the report, the aggregate amount of time on active duty during such two-year period; and

(iii) the percentage of National Guard and Reserve forces in the total deployed force in each current domestic and overseas contingency operation.

(C) Information on current recruitment and retention of National Guard and Reserve personnel, including—

(i) any shortfalls in recruitment and retention;

(ii) any plans to address such shortfalls or otherwise to improve recruitment or retention; and

(iii) the effects on recruitment and retention over the long term of extended periods of activation of National Guard or Reserve personnel.

(3) The report under this subsection shall be organized in a format that permits a ready assessment of the deployment of the National Guard and Reserves by State, by various geographic regions of the United States, and by Armed Force.

(c) REPORT ON EFFECTS OF UTILIZATION OF NATIONAL GUARD AND RESERVES ON LAW ENFORCEMENT AND HOMELAND SECURITY.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall, in consultation with the chief executive officers of the States, submit to Congress a report on the effects of the deployment of the National Guard and Reserves on law enforcement and homeland security in the United States.

(2) The report under this subsection shall include the following:

(A) The number of civilian first responders on active duty with the National Guard or Reserves who are currently deployed overseas.

(B) The number of first responder personnel of the National Guard or Reserves who are currently deployed overseas.

(C) An assessment by State of the ability of the States to respond to emergencies without currently deployed National Guard personnel.

SEC. 327. (a) FINDINGS.—Congress makes the following findings:

(1) The Iraq Survey Group is charged with investigating the weapons of mass destruction programs of Iraq.

(2) The Special Advisor to the Director of Central Intelligence for Strategy and Iraq heads the efforts of the Iraq Survey Group.

(b) QUARTERLY REPORTS ON STATUS OF EFFORTS OF IRAQ SURVEY GROUP.—Not later than January 1, 2004, and every three months thereafter through September 30, 2004, the Special Advisor to the Director of Central Intelligence for Strategy and Iraq shall submit to the appropriate committees of Congress a comprehensive written report on the status of the efforts of the Iraq Survey Group to account for the programs of Iraq on weapons of mass destruction and related delivery systems.

(c) FORM OF REPORT.—Each report required by subsection (b) shall be submitted in both classified and unclassified form.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(2) the Permanent Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 328. (a) In the administration of laws and policies on the period for which members of reserve components of the Armed Forces called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, are deployed outside the United States, the deployment shall be considered to have begun on the first day of the active-duty service to which called or ordered and shall be considered to have ended on the last day of the active-duty service to which called or ordered.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

SEC. 329. Of the amounts appropriated by this title, $10,000,000 shall be available only for the Family Readiness Program of the National Guard.

SEC. 330. (a) FINDINGS.—Congress makes the following findings:

(1) The Committee on Armed Services of the Senate specified in Senate Report 107–151 to accompany S. 2514 (107th Congress) that the Chief of Naval Operations submit to the congressional defense committees a report, not later than June 2, 2003, on the plans of the Navy for basing aircraft carriers through 2015.

(2) As of October 16, 2003, the report has not been submitted.

(b) REPORT ON AIRCRAFT CARRIER BASING PLANS THROUGH 2020.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the plans of the Navy for basing aircraft carriers through 2020.

SEC. 331. (a) In addition to the strengths authorized by law for personnel of the Army as of September 30, 2004, pursuant to paragraphs (1) and (2) of section 115(a) of title 10, United States Code, the Army is hereby authorized an additional strength of 10,000 personnel as of such date, which the Secretary of the Army may allocate as the Secretary determines appropriate among the personnel strengths required by such section to be authorized annually under subparagraphs (A) and (B) of paragraph (1) of such section and paragraph (2) of such section.

(b) The additional personnel authorized under subsection (a) shall be trained, incorporated into an appropriate force structure, and used to perform constabulary duty in such specialties as military police, light infantry, civil affairs, and special forces, and in any other military occupational specialty that is appropriate for constabulary duty.

(c) Of the amount appropriated under chapter 1 of this title for the Iraq Freedom Fund, $409,000,000 shall be available for necessary expenses for the additional personnel authorized under subsection (a).

SEC. 332. (a) SHORT TITLE.—This section may be cited as the "Reservists Pay Security Act of 2003".

(b) NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD.—

(1) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"§5538. Nonreduction in pay while serving in the uniformed services or National Guard

"(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

"(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

"(2) the amount of pay and allowances which (as determined under subsection (d))—

"(A) is payable to such employee for that service; and

"(B) is allocable to such pay period.

"(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

"(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

"(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

"(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

"(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

"(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of the service on active duty to which called or ordered as described in subsection (a).

"(c) Any amount payable under this section to an employee shall be paid—

"(1) by such employee's employing agency;

"(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

"(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

"(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

"(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

"(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

"(f) In this section—

"(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given them in section 4303 of title 38;

"(2) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

"(3) the term 'basic pay' includes any amount payable under section 5304.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

"5538. Nonreduction in pay while serving in the uniformed services or National Guard.".

(3) EFFECTIVE PERIOD.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this section and ending September 30, 2004.

SEC. 333. (a) FINDINGS.—Congress makes the following findings:

(1) That on October 7, 2001, the Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, that quickly caused the collapse of the Taliban regime, the elimination of Afghanistan's terrorist infrastructure and the capture of significant and numerous members of Al Qaeda.

(2) That on March 19, 2003, the Armed Forces of the United States and its coalition allies launched military operations, designated as Operation Iraqi Freedom, that quickly caused the collapse of Saddam Hussein's regime, the elimination of Iraq's terrorist infrastructure, the end of Iraq's illicit and illegal programs to acquire weapons of mass destruction, and the capture of significant international terrorists.

(3) That success in those two campaigns in the Global War on Terrorism would not have been possible without the dedication, courage, and service of the members of the United States Armed Forces and their coalition partners.

(4) That throughout the proud military history of our Nation, we have recognized our brave men and women of the Armed Forces by awarding them service medals for personal bravery and other leadership actions and for their service in military operations abroad and for support operations at home and abroad.

(5) That historically the President has relied on senior military officers to recommend the personal and theater campaign medals and that, in keeping with these longstanding traditions, the Joint Chiefs of Staff and the combatant commanders, including General Tommy Franks, United States Army, former Commander of the United States Central Command, recommended the awards described below in recognition of the worldwide nature of the current conflict.

(6) That following the advice of his senior military and civilian defense leaders, President Bush, by Executive Order 13289 on March 12, 2003, established the Global War on Terrorism Expeditionary Medal to be awarded to service members who serve in military operations to combat terrorism on or after September 11, 2001, including, but not limited to actions in Operation Enduring Freedom and Operation Iraqi Freedom, in such locations as Afghanistan, Iraq, the Republic of the Philippines, and elsewhere in Southwest Asia, in recognition of the sacrifice and contributions military members make in the global war on terrorism.

(7) That eligibility for the Global War on Terrorism Expeditionary Medal is predicated on deployment abroad for 30 days or more in support of Global War on Terrorism operations on or after September 11, 2001.

(8) That by the same Executive Order, the President established the Global War on Terrorism Service Medical recognizing duty in Operation Noble Eagle and the homeland defense mission against further terrorist attacks, and which recognizes duty in support of military operations performed in areas that do not qualify for the Global War on Terrorism Expeditionary Medal.

(9) That implementing regulations for eligibility have not been issued by the Secretary of Defense.

(b) SENSE OF THE SENATE ON THE AWARD OF CAMPAIGN MEDAL.—It is the sense of the Senate that the Secretary of Defense should, on an expedited basis, issue the necessary regulations to implement these awards and ensure that any person who renders qualifying service with the Armed Forces in those phases of the Global War on Terrorism including Operation Iraqi Freedom, Operation Enduring Freedom and Operation Noble Eagle should promptly receive these awards.

SEC. 334. Notwithstanding any other provision of law, the Federal share of the cost of any disaster relief payment made under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for damage caused by Hurricane Isabel shall be 90 percent.

SEC. 335. Of the funds appropriated by this Act, $500,000,000 shall be available for repair or replacement of Department of Defense and National Aeronautics and Space Administration infrastructure damaged or destroyed by Hurricane Isabel, related flooding, or other related natural forces: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of House Concurrent Resolution 95 (108th Congress): Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes the designation of the entire amount of the request as an emergency requirement as defined in House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

TITLE II—INTERNATIONAL AFFAIRS

CHAPTER 1

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING RESCISSION)

Of the funds provided under this heading in Public Law 108–11 (117 Stat. 561), $35,800,000 are rescinded.

For an additional amount for "Diplomatic and Consular Programs", $35,800,000, to remain available until September 30, 2005.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for "Emergencies in the Diplomatic and Consular Service", $90,500,000, to remain available until expended: Provided, That of the funds made available under this heading, $50,000,000 shall only be available for rewards: Provided further, That of the funds made available under this heading, $32,000,000 is for the reimbursement of the City of New York for costs associated with the protection of foreign missions and officials during the heightened state of alert following the September 11, 2001, terrorist attacks on the United States: Provided further, That of the funds made available under this heading, $8,500,000 is for costs associated with the 2003 Free Trade Area of the Americas Ministerial meeting: Provided further, That of the funds previously appropriated under this heading, $2,000,000 is for rewards for an indictee of the Special Court for Sierra Leone: Provided further, That of prior year unobligated balances available under this heading, $8,451,000 shall be transferred to and merged with the appropriation for "Diplomatic and Consular Programs" and shall be available only for the Border Security Program: Provided further, That the entire amount shall be available only to the extent that an official budget request for $90,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in House Concurrent Resolution 95, the concurrent resolution on *the budget for fiscal year 2004, is transmitted by the President to the Congress.*

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

United States Agency for International Development

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $40,000,000, of which not less than $4,000,000 shall be transferred to and merged with "Operating Expenses of the United States Agency for International Development Office of Inspector General" for financial and performance audits of the Iraq Relief and Reconstruction Fund and other assistance to Iraq, to remain available until September 30, 2005.

CAPITAL INVESTMENT FUND

For an additional amount for "Capital Investment Fund", $60,500,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for $60,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in House Concurrent Resolution 98 (108th Congress), the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

OTHER BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

Iraq Relief and Reconstruction Fund

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for security, rehabilitation and reconstruction in Iraq, $18,449,000,000, to remain available until expended, to be allocated as follows: $3,243,000,000 for security and law enforcement; $1,318,000,000 for justice, public safety infrastructure, and civil society; $5,560,000,000 for the electric sector; $1,900,000,000 for oil infrastructure; $4,332,000,000 for water resources and sanitation; $500,000,000 for transportation and telecommunications; $370,000,000 for roads, bridges, and construction; $793,000,000 for health care; $153,000,000 for private sector development; and $280,000,000 for education, refugees, human rights, democracy, and governance: Provided, That of the funds made available pursuant to the previous proviso, not less than $100,000,000 shall be made available for democracy building activities in Iraq: Provided further, That none of the funds appropriated under this heading may be allocated for any capital project, including construction of a prison, hospital, housing community, railroad, or government building, until the Coalition Provisional Authority submits a report to the Committees on Appropriations describing in detail the estimated costs (including the costs of consultants, design, materials, shipping, and labor) on which the request for funds for such project is based: Provided further, That in order to control costs, to the maximum extent practicable Iraqis with the necessary qualifications should be consulted and utilized in the design and implementation of programs, projects, and activities funded under this heading: Provided further, That the Administrator of the United States Agency for International Development (USAID) shall seek to ensure that programs, projects, and activities administered by USAID in Iraq and Afghanistan comply fully with USAID's "Policy Paper: Disability" issued on September 12, 1997: Provided further, That the Administrator shall submit a report to the Committees on Appropriations not later than December 31, 2004, describing the manner in which the needs of people with disabilities were met in the development and implementation of USAID programs, projects, and activities in Iraq and Afghanistan in fiscal year 2004: Provided further, That the Administrator, not later than 180 days after enactment of this Act and in consultation, as appropriate, with other appropriate departments and agencies, the Architectural and Transportation Barriers Compliance Board, and nongovernmental organizations with expertise in the needs of people with disabilities, shall develop and implement appropriate standards for access for people with disabilities for construction projects funded by USAID: Provided further, That of the funds appropriated under this heading, assistance shall be made available for Iraqi civilians who have suffered losses as a result of military operations: Provided further, That not later than 90 days after enactment of this Act the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the Committees on Appropriations describing the progress made toward indicting and trying leaders of the former Iraqi regime for war crimes, genocide, or crimes against humanity: Provided further, That notwithstanding any provision of this chapter, none of the funds appropriated under this heading may be made available to enter into any contract or follow-on contract that uses other than full and open competitive contracting procedures as defined in 41 U.S.C. 403(6): Provided further, That the President may waive the requirements of the previous proviso if he determines that it is necessary to do so as a result of unforeseen or emergency circumstances: Provided further, That the President may reallocate funds provided under this heading: Provided further, That these funds may be transferred to any Federal account for any Federal Government activity to accomplish the purposes provided herein: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization, may be credited to this Fund and used for such purposes: Provided further, That funds appropriated under this heading or transferred or reallocated under provisions of this chapter or section 632 of the Foreign Assistance Act of 1961 that are made available for assistance for Iraq shall be subject to notifications of the Committees on Appropriations, except that the notifications shall be transmitted at least 5 days in advance of the obligation of funds: Provided further, That the Coalition Provisional Authority shall work, in conjunction with relevant Iraqi officials, to ensure that a new Iraqi constitution preserves full rights to religious freedom for all individuals, including a prohibition on laws that would criminalize blasphemy and apostasy: Provided further, That not later than 90 days after enactment of this Act and every 90 days thereafter until the ratification of a new Iraqi constitution, the President shall report to the appropriate Committees of the Congress, on efforts by the Coalition Provisional Authority and relevant Iraqi officials to ensure that the Iraqi constitution preserves religious freedom: Provided further, That funds appropriated under this heading shall be made available to the General Accounting Office for an audit of all funds appropriated under this Act, including tracking the expenditure of appropriated funds, a comparison of the amounts appropriated under this Act to the amount actually expended, and a determination of whether the funds appropriated in this Act are expended as intended by Congress: Provided further, That of the funds appropriated under this heading, up to $13,000,000 may be made available to facilitate inter-ethnic and inter-religious dialogue, conflict resolution activities, support rule of law programs, and train Iraqi leaders in democratic principles.

Economic Support Fund

For an additional amount for "Economic Support Fund", $422,000,000, to remain available until September 30, 2005, for accelerated assistance for Afghanistan: Provided, That these funds are available notwithstanding section 660 of the Foreign Assistance Act of 1961, and section 620(q) of that Act or any comparable provision of law: Provided further, That these funds may be used for activities related to disarmament, demobilization, and reintegration of militia combatants, including registration of such combatants, notwithstanding section 531(e) of the Foreign Assistance Act of 1961: Provided further, That not to exceed $200,000,000 appropriated under this heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004, may be used for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan: Provided further, That amounts that are made available under the previous proviso for the cost of modifying direct loans and guarantees shall not be considered "assistance" for the purposes of provisions of law limiting assistance to a country.

United States Emergency Fund for Complex Foreign Crises

For necessary expenses to enable the President to respond to or prevent unforeseen complex foreign crises, $200,000,000, which shall be made available for assistance for Liberia, of which $100,000,000 shall be derived by transfer from funds appropriated under any other heading of this Chapter: Provided, That funds appropriated under this heading, shall remain available until expended, and may be made available only pursuant to a determination, after consultation with the Committees on Appropriations, by the President that it is in the national interest to furnish assistance on such terms and conditions as he may determine for such purposes, including support for peace and humanitarian intervention operations: Provided further, That none of these funds shall be available to respond to natural disasters: Provided further, That from these funds the President may make allocations to Federal agencies to carry out the authorities provided under this heading: Provided further, That funds appropriated under this heading shall be subject to the same conditions as those contained under the same heading in chapter 5 of title I of S. 762, as reported by the Committee on Appropriations on April 1, 2003: Provided further, That the President may furnish assistance under this heading notwithstanding any other provision of law: Provided further, That the provisions of section 553 of Division E of Public Law 108-7, or any comparable provision of law enacted subsequent to the enactment of that Act, shall be applicable to funds appropriated under this heading: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the obligations of funds: Provided further, That the requirements of the previous proviso may be waived if failure to do so would pose a substantial risk to human health and welfare: Provided further, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of such circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such waiver shall contain an explanation of the emergency circumstances.

DEPARTMENT OF STATE

International Narcotics Control and Law Enforcement

For an additional amount for "International Narcotics Control and Law Enforcement", $120,000,000, to remain available until September 30, 2004, for accelerated assistance for Afghanistan.

Nonproliferation, Anti-Terrorism, Demining and Related Programs

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $35,000,000, for accelerated assistance for Afghanistan.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

Foreign Military Financing Program

For an additional amount for the "Foreign Military Financing Program", $222,000,000, for accelerated assistance for Afghanistan.

Peacekeeping Operations

For an additional amount for "Peacekeeping Operations", $50,000,000, to support the global war on terrorism.

CHAPTER 3

GENERAL PROVISIONS, THIS TITLE

SEC. 2301. In addition to transfer authority otherwise provided in chapter 2 of this title, any appropriation made available in chapter 2 of this title may be transferred between such appropriations, to be available for the same purposes and the same time as the appropriation to which transferred: Provided, That the total amount transferred pursuant to this section shall not exceed $200,000,000: Provided further, That the Secretary of State shall consult with the Committees on Appropriations prior to exercising the authority contained in this section: Provided further, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations, except that notification shall be transmitted at least 5 days in advance of the obligation of funds.

SEC. 2302. Assistance or other financing under chapter 2 of this title may be provided for Iraq, notwithstanding any other provision of law: Provided, That funds made available for Iraq pursuant to this authority shall be subject to the regular reprogramming notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except that notification shall be transmitted at least 5 days in advance of obligation: Provided further, That the notification requirements of this section may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the appropriate congressional committees shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

SEC. 2303. Funds made available in chapter 2 of this title are made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956, as amended.

SEC. 2304. Section 1503 of Public Law 108–11 is amended by, in the last proviso, striking "2004" and inserting in lieu thereof "2005".

SEC. 2305. Section 1504 of Public Law 108–11 is amended by—

(1) in the first proviso, striking the first proviso, and inserting in lieu thereof: "Provided, That subject to the determination and notification requirements of this section, exports are authorized to Iraq of lethal military equipment designated by the Secretary of State for use by a reconstituted (or interim) Iraqi military, private security force, other official Iraqi security forces or police forces, or forces from other countries in Iraq that support United States efforts in Iraq:"; and

(2) in the last proviso, striking "2004" and inserting in lieu thereof "2005".

SEC. 2306. Public Law 107–57 is amended—

(1) in section 1(b), by striking "2003" wherever appearing (including in the caption), and inserting in lieu thereof "2004";

(2) in section 3(2), by striking "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002, as is" and inserting in lieu thereof "annual foreign operations, export financing, and related programs appropriations Acts for fiscal years 2002, 2003, and 2004, as are"; and

(3) in section 6, by striking "2003" and inserting in lieu thereof "2004".

SEC. 2307. Notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq.

SEC. 2308. Funds appropriated by chapter 2 of this title under the headings "Economic Support Fund", "International Narcotics Control and Law Enforcement", Peacekeeping Operations", and " Foreign Military Financing Program" shall be subject to the regular notification procedures of the Committees on Appropriations.

SEC. 2309. (a) The Coalition Provisional Authority (CPA) shall, on a monthly basis, submit a report to the Committees on Appropriations which details, for the preceding month, Iraqi oil production and oil revenues, and uses of such revenues.

(b) The first report required by subsection (a) shall be submitted not later than 30 days after enactment of this Act.

(c) The reports required by this section shall also be made publicly available in both English and Arabic, including through the CPA's Internet website.

SEC. 2310. (a) REPORTS OF COALITION PROVISIONAL AUTHORITY.—Not later than January 1, 2004, and every 90 days thereafter, the Administrator of the Coalition Provisional Authority (CPA) shall submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a report on all obligations, expenditures, and revenues associated with reconstruction, rehabilitation, and security activities in Iraq during the preceding 90 days, including the following:

(1) Obligations and expenditures of appropriated funds.

(2) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Iraq, together with the estimate of the Authority of the costs to complete each project and each program.

(3) Revenues attributable to or consisting of funds provided by foreign nations or international organizations, and any obligations or expenditures of such revenues.

(4) Revenues attributable to or consisting of foreign assets seized or frozen, and any obligations or expenditures of such revenues.

(5) Operating expenses of the Authority and of any other agencies or entities receiving funds appropriated by title.

(b) COMPTROLLER GENERAL AUDIT, INVESTIGATIONS, AND REPORTS.—(1) The Comptroller General of the United States shall conduct an ongoing audit of the Coalition Provisional Authority, and may conduct such additional investigations as the Comptroller General, in consultation with the Committees on Appropriations, considers appropriate, to evaluate the reconstruction, rehabilitation, and security activities in Iraq.

(2) In conducting the audit and any investigations under paragraph (1), the Comptroller General shall have access to any information and records created or maintained by the Authority, or by any other entity receiving appropriated funds for reconstruction, rehabilitation, or security activities in Iraq, that the Comptroller General considers appropriate to conduct the audit or investigations.

(3) Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a report on the audit and any investigations conducted under paragraph (1). The report shall include information as follows:

(A) A detailed description of the organization and authorities of the Authority.

(B) A detailed description of the relationship between the Authority and other Federal agencies, including the Department of Defense, the Department of State, the Executive Office of the President, and the National Security Council.

(C) A detailed description of the extent of the use of private contractors to assist in Authority operations and to carry out reconstruction, rehabilitation, or security activities in Iraq, including an assessment of—

(i) the nature of the contract vehicles used to perform the work, including the extent of competition used in entering into the contracts and the amount of profit provided in the contracts;

(ii) the nature of the task orders or other work orders used to perform the work, including the extent to which performance-based, cost-based, and fixed-price task orders were used;

(iii) the reasonableness of the rates charged by such contractors, including an assessment of the impact on rates of a greater reliance on Iraqi labor or other possible sources of supply;

(iv) the extent to which such contractors performed work themselves and, to the extent that subcontractors were utilized, how such subcontractors were selected; and

(v) the extent to which the Authority or such contractors relied upon consultants to assist in projects or programs, the amount paid for such consulting services, and whether such consulting services were obtained pursuant to full and open competition.

(D) A detailed description of the measures adopted by the Authority and other Federal agencies to monitor and prevent waste, fraud, and abuse in the expenditure of appropriated funds in the carrying out of reconstruction, rehabilitation, and security activities in Iraq.

(E) A certification by the Comptroller General as to whether or not the Comptroller General had adequate access to relevant information to make informed judgments on the matters covered by the report.

(4) The Comptroller General shall from time to time submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a supplemental report on the audit, and any further investigations, conducted under paragraph (1). Each such report shall include such updates of the previous reports under this subsection as the Comptroller General considers appropriate to keep Congress fully and currently apprised on the reconstruction, rehabilitation, and security activities in Iraq.

SEC. 2311. None of the funds made available by this Act or any unexpended funds provided in Public Law 108–11 may be made available to *pay any costs associated with debts incurred by the former government of Saddam Hussein.*

SEC. 2312. Title III of Public Law 107–327 is amended as follows by inserting the following new section:

"SEC. 304. REPORTS.

"The Secretary of State shall submit reports to the Committees on Foreign Relations and Appropriations of the Senate, and the Committees on International Relations and Appropriations of the House of Representatives on progress made in accomplishing the 'Purposes of Assistance' set forth in section 102 of this Act utilizing assistance provided by the United States for Afghanistan. The first report shall be submitted no later than December 31, 2003, and subsequent reports shall be submitted in conjunction with reports required under section 303 of this title and thereafter through December 31, 2004.".

SEC. 2313. (a) NEW OFFENSE.—

(1) IN GENERAL.—Chapter 47 of title 18, 5 United States Code, is amended by adding at the end the following:

"SEC. 1037. WAR PROFITEERING AND FRAUD RELATING TO MILITARY ACTION, RELIEF, AND RECONSTRUCTION EFFORTS IN IRAQ.

"(a) Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with the war, military action, or relief or reconstruction activities in Iraq, knowingly and willfully—

"(1) executes or attempts to execute a scheme or artifice to defraud the United States or Iraq;

"(2) falsifies, conceals, or covers up by any trick, scheme or device a material fact;

"(3) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

"(4) materially overvalues any good or service with the specific intent to excessively profit from the war, military action, or relief or reconstruction activities in Iraq;

shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both. In lieu of a fine otherwise authorized by this section, a defendant who derives profits or other proceeds from an offense under this section may be fined not more than twice the gross profits or other proceeds.

"(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(c) VENUE.—A prosecution for an offense under this section may be brought—

"(1) as authorized by Chapter 211 of Title 18;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting at the end the following:

"1037. War profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq."

(b) FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting after "1032," the following: "1037,".

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting before ", section 1111" the following: ", section 1037 War Profiteering and Fraud Relating to Military Action, Relief, and Reconstruction Efforts in Iraq)".

(d) EXPIRATION OF AUTHORITIES.—The authorities contained in this amendment shall expire upon the date that major combat operations in Iraq cease and desist, the Coalition Provisional Authority transfers responsibility for governing Iraq to an indigenous Iraqi government, and a U.S. mission to Iraq, under the direction and guidance of the Secretary of State, is responsible for U.S. assistance efforts in Iraq.

SEC. 2314. Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report on the efforts of the Government of the United States to increase the resources contributed by foreign countries and international organizations to the reconstruction of Iraq and the feasibility of repayment of funds contributed for infrastructure projects in Iraq. The report shall include—

(1) a description of efforts by the Government of the United States to increase the resources contributed by foreign countries and international organizations to the reconstruction of Iraq;

(2) an accounting of the funds contributed to assist in the reconstruction of Iraq, disaggregated by donor;

(3) an assessment of the effect that—

(A) the bilateral debts incurred during the regime of Saddam Hussein have on Iraq's ability to finance essential programs to rebuild infrastructure and restore critical public services, including health care and education, in Iraq; and

(B) forgiveness of such debts would have on the reconstruction and long-term prosperity in Iraq;

(4) a description of any commitment by a foreign country or international organization to forgive any part of a debt owed by Iraq if such debt was incurred during the regime of Saddam Hussein; and

(5) an assessment of the feasibility of repayment by Iraq—

(A) of bilateral debts incurred during the regime of Saddam Hussein; and

(B) of the funds contributed by the United States to finance infrastructure projects in Iraq.

SEC. 2315. (a) Not later than April 30, 2004, the Secretary of Defense shall submit a certification to Congress of the amount that Iraq will pay, or that will be paid on behalf of Iraq, during fiscal year 2004 to a foreign country to service a debt incurred by Iraq during the regime of Saddam Hussein, including any amount used for the payment of principal, interest, or fees associated with such debt. Such certification shall include—

(1) the actual amount spent for such purpose during the period from October 1, 2003 through March 31, 2004; and

(2) the estimated amount that the Secretary reasonably believes will be used for such purpose during the period from April 1, 2004 through September 30, 2004.

(b) On May 1, 2004, the Director of the Office of Management and Budget sholl administratively reserve, out of the unobligated balance of the funds appropriated in this title under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT", the amount that is equal to the sum of the amount certified under paragraph (1) of subsection (a) and the estimated amount certified under paragraph (2) of such subsection. The amount so reserved may not be obligated or expended on or after such date.

(c) The Director of the Office of Management and Budget shall impose such restrictions and conditions as the Director determines necessary to ensure that, in the apportionment of amounts appropriated as described in subsection (b), the balance of the total amount so appropriated that remains unobligated on May 1, 2004, exceeds the amount that is to be reserved under subsection (b).

(d) It is the sense of Congress that each country that is owed a debt by Iraq that was incurred during the regime of Saddam Hussein should forgive such debt, including any amount owed by Iraq for the principal, interest, and fees associated with such debt.

SEC. 2316. (a) Congress finds that—

(1) in a speech delivered to the United Nations on September 23, 2003, President George W. Bush appealed to the international community to take action to make the world a safer and better place;

(2) in that speech, President Bush emphasized the responsibility of the international community to help the people of Iraq rebuild their country into a free and democratic state;

(3) for a plan for Iraq's future to be appropriate, the provisions of that plan must be consistent with the best interests of the Iraqi people;

(4) premature self-government could make the Iraqi state inherently weak and could serve as an invitation for terrorists to sabotage the development of a democratic, economically prosperous Iraq.

(b) It is the sense of Congress that—

(1) arbitrary deadlines should not be set for the dissolution of the Coalition Provisional Authority or the transfer of its authority to an Iraqi governing authority; and

(2) no such dissolution or transfer of authority should occur until the ratification of an Iraqi constitution and the establishment of an elected government in Iraq.

SEC. 2317. GENERAL ACCOUNTING OFFICE REVIEW. (a) The Comptroller General of the United States shall—

(1) review the effectiveness of relief and reconstruction activities conducted by the Coalition Provisional Authority (hereafter in this section "CPA") from funds made available under the "Iraq Relief and Reconstruction Fund" in this title, including by providing analyses of—

(A) the degree to which the CPA is meeting the relief and reconstruction goals and objectives in the major sectors funded under this title, and is enhancing indigenous capabilities;

(B) compliance by the CPA and the Government departments with Federal laws governing competition in contracting; and

(C) the degree to which the CPA is expending funds economically and efficiently, including through use of local contractors;

(2) report quarterly to the appropriate congressional committees on the results of the review conducted under paragraph (1).

(b) In this section, the term "appropriate congressional committees" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

SEC. 2318. None of the funds appropriated or otherwise made available by this Act under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND", or under any other heading, may be obligated or expended for the purpose of arming, training, or employing individuals under the age of 18 years for the Facilities Protection Service, to carry out any function similar to the functions performed by the Service, or for any other security force.

SEC. 2319. (a) Of the amounts appropriated under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND"—

(1) the $5,136,000,000 allocated for security, including public safety requirements, national security, and justice shall be used to rebuild Iraq's security services;

(2) $5,168,000,000 shall be available for the purposes, other than security, set out under such subheading; and

(3) $10,000,000,000 shall be available to the President to use as loans to Iraq for the purposes, other than security, set out under such

subheading until the date on which the President submits the certification described in subsection (c).

(b) The President shall submit a notification to Congress if, of the amounts referred to in paragraphs (1) and (2) of subsection (a), an amount in excess of $250,000,000 is used for any single purpose in Iraq.

(c)(1) The certification referred to in subsection (a)(3) is a certification submitted to Congress by the President stating that not less than 90 percent of the total amount of the bilateral debt incurred by the regime of Saddam Hussein has been forgiven by the countries owed such debt.

(2) On the date that the President submits the certification described in paragraph (1)—

(A) the unobligated balance of the $10,000,000,000 referred to in subsection (a)(3) may be obligated and expended with no requirement that such amount be provided as loans to Iraq; and

(B) the President may waive repayment of any amount made as a loan under subsection (a)(3) prior to such date.

(d) The head of the Coalition Provisional Authority shall ensure that the amounts appropriated under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND", are expended, whether by the United States or by the Governing Counsel in Iraq, for the purposes set out under such subheading and in a manner that the head of the Coalition Provisional Authority does not find objectionable.

(e) It is the sense of Congress that each country that is owed bilateral debt by Iraq that was incurred by the regime of Saddam Hussein should—

(1) forgive such debt; and

(2) provide robust amounts of reconstruction aid to Iraq during the conference of donors scheduled to begin on October 23, 2003, in Madrid, Spain and during other conferences of donors of foreign aid.

(f) In this section:

(1) The term "amounts appropriated under the subheading 'IRAQ RELIEF AND RECONSTRUCTION FUND'" means the amounts appropriated by chapter 2 of this title under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT".

(2) The term "Coalition Provisional Authority" means the entity charged by the President with directing reconstruction efforts in Iraq.

SEC. 2320. (a) Congress makes the following findings:

(1) A coalition of allied countries led by the United States entered Iraq on March 19, 2003, to liberate the people of Iraq from the tyrannical rule of Saddam Hussein and the Baathist party and to remove a threat to global security and stability.

(2) Achieving stability in Iraq will require substantial monetary investments to develop a secure environment and improve the physical infrastructure.

(3) A stable and prosperous Iraq is important to peace and economic development in the Middle East and elsewhere.

(4) As of October 2003, the United States has provided the majority of the personnel and financial contributions to the effort to rebuild Iraq.

(5) Congress fully supports efforts to establish a stable economic, social, and political environment in Iraq.

(6) The President is currently seeking to increase global participation in the effort to stabilize and reconstruct Iraq.

(7) While the United States should aid the people of Iraq, the participation of the people of Iraq in the reconstruction effort is essential for the success of such effort.

(b) It is the sense of Congress that the President should—

(1) make every effort to increase the level of financial commitment from other nations to improve the physical, political, economic, and social infrastructure of Iraq; and

(2) seek to provide aid from the United States to Iraq in a manner that promotes economic growth in Iraq and limits the long-term cost to taxpayers in the United States.

SEC. 2321. (a) INITIAL REPORT ON RELIEF AND RECONSTRUCTION.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report on the United States strategy for activities related to post-conflict security, humanitarian assistance, governance, and reconstruction to be undertaken as a result of Operation Iraqi Freedom. The report shall include information on the following:

(1) The distribution of duties and responsibilities regarding such activities among the agencies of the United States Government, including the Department of State, the United States Agency for International Development, and the Department of Defense.

(2) A plan describing the roles and responsibilities of foreign governments and international organizations, including the United Nations, in carrying out such activities.

(3) A strategy for coordinating such activities among the United States Government, foreign governments, and international organizations, including the United Nations.

(4) A strategy for distributing the responsibility for paying costs associated with reconstruction activities in Iraq among the United States Government, foreign governments, and international organizations, including the United Nations, and for actions to be taken by the President to secure increased international participation in peacekeeping and security efforts in Iraq.

(5) A comprehensive strategy for completing the reconstruction of Iraq, estimated timelines for the completion of significant reconstruction milestones, and estimates for Iraqi oil production.

(b) SUBSEQUENT REPORTS ON RELIEF AND RECONSTRUCTION.—(1) Not later than 60 days after the submittal of the report required by subsection (a), and every 60 days thereafter until all funds provided by this title are expended, the President shall submit to Congress a report that includes information as follows:

(A) A list of all activities undertaken related to reconstruction in Iraq, and a corresponding list of the funds obligated in connection with such activities, during the preceding 60 days.

(B) A list of the significant activities related to reconstruction in Iraq that the President anticipates initiating during the ensuing 60-day period, including—

(i) the estimated cost of carrying out the proposed activities; and

(ii) the source of the funds that will be used to pay such costs.

(C) Updated strategies, objectives, and timelines if significant changes are proposed regarding matters included in the report required under subsection (a), or in any previous report under this subsection.

(2) Each report under this subsection shall include information on the following:

(A) The expenditures for, and progress made toward, the restoration of basic services in Iraq such as water, electricity, sewer, oil infrastructure, a national police force, an Iraqi army, and judicial systems.

(B) The significant goals intended to be achieved by such expenditures.

(C) The progress made toward securing increased international participation in peacekeeping efforts and in the economic and political reconstruction of Iraq.

(D) The progress made toward securing Iraqi borders.

(E) The progress made toward securing self-government for the Iraqi people and the establishment of a democratically elected government.

(F) The progress made in securing and eliminating munitions caches, unexploded ordinance, and excess military equipment in Iraq.

(G) The measures taken to protect United States troops serving in Iraq.

SEC. 2322. REQUIREMENTS RELATING TO UNITED STATES ACTIVITIES IN AFGHANISTAN AND IRAQ. (a) GOVERNANCE.—Activities carried out by the United States with respect to the civilian governance of Afghanistan and Iraq shall, to the maximum extent practicable—

(1) include the perspectives and advice of women's organizations in Afghanistan and Iraq, respectively;

(2) promote the inclusion of a representative number of women in future legislative bodies to ensure that the full range of human rights for women are included and upheld in any constitution or legal institution of Afghanistan and Iraq, respectively; and

(3) encourage the appointment of women to high level positions within ministries in Afghanistan and Iraq, respectively.

(b) POST-CONFLICT RECONSTRUCTION AND DEVELOPMENT.—Activities carried out by the United States with respect to post-conflict stability in Afghanistan and Iraq shall, to the maximum extent practicable—

(1) encourage the United States organizations that receive funds made available by this Act to—

(A) partner with or create counterpart organizations led by Afghans and Iraqis, respectively; and

(B) to provide such counterpart organizations with significant financial resources, technical assistance, and capacity building;

(2) increase the access of women to, or ownership by women of, productive assets such as land, water, agricultural inputs, credit, and property in Afghanistan and Iraq, respectively;

(3) provide long-term financial assistance for education for girls and women in Afghanistan and Iraq, respectively; and

(4) integrate education and training programs for former combatants in Afghanistan and Iraq, respectively, with economic development programs to—

(A) encourage the reintegration of such former combatants into society; and

(B) promote post-conflict stability in Afghanistan and Iraq, respectively.

(c) MILITARY AND POLICE.—Activities carried out by the United States with respect to training for military and police forces in Afghanistan and Iraq shall—

(1) include training on the protection, rights, and particular needs of women and emphasize that violations of women's rights are intolerable and should be prosecuted; and

(2) encourage the personnel providing the training described in paragraph (1) to consult with women's organizations in Afghanistan and Iraq, respectively, to ensure that training content and materials are adequate, appropriate, and comprehensive.

TITLE III—LEAVE FOR MILITARY FAMILIES

SEC. 3001. SHORT TITLE. This title may be cited as the "Military Families Leave Act of 2003".

SEC. 3002. GENERAL REQUIREMENTS FOR LEAVE. (a) ENTITLEMENT TO LEAVE.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) ENTITLEMENT TO LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—

"(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total *of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—*

"(i) on active duty in support of a contingency operation; or

"(ii) notified of an impending call or order to active duty in support of a contingency operation.

"(B) Conditions and Time for Taking Leave.—An eligible employee shall be entitled to take leave under subparagraph (A)—

"(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

"(ii) only for issues relating to or resulting from such family member's—

"(I) service on active duty in support of a contingency operation; and

"(II) if a member of a reserve component of the Armed Forces—

"(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

"(bb) service on active duty in support of such operation.

"(4) Limitation.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.".

(b) Schedule.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) Substitution of Paid Leave.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting "or subsection (a)(3)" after "subsection (a)(1)".

(d) Notice.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

"(3) Notice for Leave Due to Family Member's Active Duty.—An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employer as is practicable.".

(e) Certification.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) Certification for Leave Due to Family Member's Active Duty.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

Sec. 3003. Leave for Civil Service Employees. (a) Entitlement to Leave.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

"(3)(A) Subject to section 6383(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

"(i) on active duty in support of a contingency operation; or

"(ii) notified of an impending call or order to active duty in support of a contingency operation.

"(B) An eligible employee shall be entitled to take leave under subparagraph (A)—

"(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

"(ii) only for issues relating to or resulting from such family member's—

"(I) service on active duty in support of a contingency operation; and

"(II) if a member of a reserve component of the Armed Forces—

"(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

"(bb) service on active duty in support of such operation.

"(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.".

(b) Schedule.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) Substitution of Paid Leave.—Section 6382(d) of such title is amended by inserting "or subsection (a)(3)" after "subsection (a)(1)".

(d) Notice.—Section 6382(e) of such title is amended by adding at the end the following:

"(3) An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employing agency as is practicable.".

(e) Certification.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

TITLE IV—DEPARTMENT OF VETERANS AFFAIRS

Veterans Health Administration

MEDICAL CARE

For an additional amount for medical care and related activities under this heading for fiscal year 2004, $1,300,000,000, to remain available until September 30, 2005.

TITLE V—GENERAL PROVISION, THIS ACT

Sec. 5001. Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter until December 31, 2007, the President shall submit to each Member of Congress a report on the projected total costs of United States operations in Iraq, including military operations and reconstruction efforts, through fiscal year 2008. The President shall include in each report after the initial report an explanation of any change in the total projected costs since the previous report.

Sec. 5002. The amounts provided in this Act are designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress).

Sec. 5003. (a) None of the funds appropriated by this Act may be obligated or expended by the head of an executive agency for payments under any contract or other agreement described in subsection (b) that is not entered into with full and open competition unless, not later than 30 days after the date on which the contract or other agreement is entered into, such official—

(1) submits a report on the contract or other agreement to the Committees on Armed Services, on Governmental Affairs, and on Appropriations of the Senate, and the Committees on Armed Services, on Government Reform, and on Appropriations of the House of Representatives; and

(2) publishes such report in the Federal Register and the Commerce Business Daily.

(b) This section applies to any contract or other agreement in excess of $1,000,000 that is entered into with any public or private sector entity for any of the following purposes:

(1) To build or rebuild physical infrastructure of Iraq.

(2) To establish or reestablish a political or societal institution of Iraq.

(3) To provide products or services to the people of Iraq.

(4) To perform personnel support services in Iraq, including related construction and procurement of products, in support of members of the Armed Forces and United States civilian personnel.

(c) The report on a contract or other agreement of an executive agency under subsection (a) shall include the following information:

(1) The amount of the contract or other agreement.

(2) A brief discussion of the scope of the contract or other agreement.

(3) A discussion of how the executive agency identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers.

(4) The justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(d) The limitation on use of funds in subsection (a) shall not apply in the case of any contract or other agreement entered into by the head of an executive agency for which such official—

(1) either—

(A) withholds from publication and disclosure as described in such subsection any document or other collection of information that is classified for restricted access in accordance with an Executive order in the interest of national defense or foreign policy; or

(B) redacts any part so classified that is in a document or other collection of information not so classified before publication and disclosure of the document or other information as described in such subsection; and

(2) transmits an unredacted version of the document or other collection of information, respectively, to the chairman and ranking member of each of the Committees on Governmental Affairs and on Appropriations of the Senate, the Committees on Government Reform and on Appropriations of the House of Representatives, and the committees that the head of such executive agency determines has legislative jurisdiction for the operations of such executive agency to which the document or other collection of information relates.

(e)(1)(A) In the case of any contract or other agreement for which the Secretary of Defense determines that it is necessary to do so in the national security interests of the United States, the Secretary may waive the limitation in subsection (a), but only on a case-by-case basis.

(B) For each contract or other agreement for which the Secretary of Defense grants a waiver under this paragraph, the Secretary shall submit a notification of the contract or other agreement and the grant of the waiver, together with a discussion of the justification for the waiver, to the committees of Congress named in subsection (a)(1).

(2)(A) In the case of any contract or other agreement for which the Director of Central Intelligence determines that it is necessary to do so in the national security interests of the United States related to intelligence, the Director may waive the limitation in subsection (a), but only on a case-by-case basis.

(B) For each contract or other agreement for which the Director of Central Intelligence grants a waiver under this paragraph, the Director shall submit a notification of the contract or other agreement and of the grant of the waiver, together with a discussion of the justification for the waiver, to the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Governmental Affairs of the

Senate and to the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Governmental Reform of the House of Representatives.

(f) Nothing in this section shall be construed as affecting obligations to disclose United States Government information under any other provision of law.

(g) In this section—

(1) the term "full and open competition" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403);

(2) the term "executive agency" has the meaning given such term in section 105 of title 5, United States Code, and includes the Coalition Provisional Authority for Iraq; and

(3) the term "Coalition Provisional Authority for Iraq" means the entity charged by the President with directing reconstruction efforts in Iraq.

SEC. 5004. (a) Congress finds that—

(1) Israel is a strategic ally of the United States in the Middle East;

(2) Israel recognizes the benefits of a democratic form of government;

(3) the policies and activities of the Government of Iraq under the Saddam Hussein regime contributed to security concerns in the Middle East, especially for Israel;

(4) the Arab Liberation Front was established by Iraqi Baathists, and supported by Saddam Hussein;

(5) the Government of Iraq under the Saddam Hussein regime assisted the Arab Liberation Front in distributing grants to the families of suicide bombers;

(6) the Government of Iraq under the Saddam Hussein regime aided Abu Abass, leader of the Palestinian Liberation Front, who was a mastermind of the hijacking of the Achille Lauro, an Italian cruise ship, and is responsible for the death of an American tourist aboard that ship; and

(7) Saddam Hussein attacked Israel during the 1990-1991 Persian Gulf War by launching 39 Scud missiles into that country and thereby causing multiple casualties.

(b) It is the sense of Congress that the removal of the Government of Iraq under Saddam Hussein enhanced the security of Israel and other United States allies.

SEC. 5005. (a) The Comptroller General shall conduct studies on the effectiveness and efficiency of the administration and performance of contracts in excess of $40,000,000 that are performed or are to be performed in, or relating to, Iraq and are paid out of funds made available under this Act or the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11). The studies shall specifically examine the profits, administrative overhead, management fees, and related expenditures for the management of subcontracts (and further subcontracting) under any such contract. In conducting studies under this section, the Comptroller General shall have access to any information and records created or maintained by the United States, or by any entity receiving funds for contracts studied under this section that the Comptroller General considers appropriate.

(b) Not later than 6 months after the date of enactment of this Act and again 4 months thereafter, the Comptroller Government shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report that includes—

(1) an evaluation of the studies conducted under this section; and

(2) any recommendations for the improvement of the contracting process for contracts performed or to be performed in Iraq and for contracts generally, including the selection process, contract content, and oversight of the administration and performance of contracts.

SEC. 5006. Section 1605 of title 28, United States Code, is amended by adding a new subsection (h) as follows:

"(h) Notwithstanding any provision of the Algiers Accords, or any other international agreement, any United States citizen held hostage during the period between 1979 and 1981, and their spouses and children at the time, shall have a claim for money damages against a foreign state for personal injury that was caused by the foreign state's act of torture or hostage taking. Any provision in an international agreement, including the Algiers Accords that purports to bar such suit is abrogated. This subsection shall apply retroactively to any cause of action cited in section 1605(a)(7)(A) of title 28, United States Code.".

SEC. 5007. (a) The Senate finds the following:

(1) When Saddam Hussein came to power in the 1970's Iraq was a prosperous county with no foreign debt and significant foreign cash reserves.

(2) Iraq's reserves were exhausted during the Iran-Iraq War in the 1980's and Iraq became a debtor nation.

(3) Today, the debts incurred by Saddam Hussein's regime are estimated to be as much as $150,000,000,000.

(4) A process has been put in place that will establish a new representative Iraqi government based on a democratic political system with a free market economy. The goal is a prosperous Iraq that is not a threat to its neighbors.

(5) For Iraq to be prosperous it must rebuild. In the near term the United States and other donor countries will provide grants to begin the process. In the longer term Iraq must be able to fully participate in the international financial system.

(6) It is impossible for Iraq to borrow funds in international financial markets based on its existing debt. Eliminating that debt will make possible Iraq's continued rebuilding toward a prosperous and stable nation. A prosperous nation is less likely to be a threat to its neighbors and to be a breeding ground for terrorists. A prosperous Iraq is more likely to be a positive force in the region and participant in the world economy.

(b) It is the sense of the Senate that all countries that hold debt from loans to the former Iraqi regime of Saddam Hussein should be urged to forgive their debt.

SEC. 5008. (a) FINDINGS.—The Senate finds that—

(1) in May 2002, the Federal Bureau of Investigation (FBI) issued a warning to law enforcement personnel to be alert to the potential use of shoulder-fired missiles against United States aircraft;

(2) in May 2002, Al Qaeda was suspected of firing a shoulder-fired missile at United States military aircraft near Prince Sultan Air Base in Saudi Arabia;

(3) in November 2002, an Israeli commercial jetliner was fired upon by a shoulder-fired missile shortly after take-off in Mombasa, Kenya;

(4) in August 2003, a weapons smuggler was arrested after agreeing to sell a Russian SA-18 to an undercover FBI agent posing as a Muslim extremist;

(5) during recent operations in Iraq, United States commercial airlines—as part of the Civil Reserve Air Fleet (CRAF)—flew nearly 2,000 flights carrying United States troops and supplies into Kuwait, Saudi Arabia, the United Arab Emirates, Qatar, and Bahrain;

(6) no United States commercial airliners are currently equipped with defenses against shoulder-fired missiles.

(b) PRIORITIZATION.—When counter measures against the threat of shoulder-fired missiles are deployed, the Secretary of Homeland Security, in conjunction with the Secretary of Defense and the Secretary of Transportation, shall make it a priority to equip the aircraft enrolled in the Civil Reserve Air Fleet.

SEC. 5009. Paragraph (1) of section 1314 of Public Law 108–11 is amended by inserting "without fiscal year limitation" after "available" the first place it appears.

This Act may be cited as the "Emergency Supplemental Appropriations for Iraq and Afghanistan Security and Reconstruction Act, 2004".

ORDERS FOR TUESDAY, OCTOBER 21, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that at 10:30 a.m. on Tuesday, October 21, the Senate proceed to the conference report to accompany S. 3, the partial-birth abortion ban legislation, and that it be considered under the following terms: 4 hours for debate equally divided between the two leaders or their designees, provided that following the use or yielding back of time, the Senate proceed to a vote on the adoption of the conference report with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I only ask that the distinguished Senator modify his consent request to have that time on our side under Senator BOXER's control.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 tomorrow morning. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 10:30 a.m., with the first half of that time controlled by the Democratic leader or his designee, and the second half of the time under the control of Senator HUTCHISON or her designee. I further ask unanimous consent that at 10:30 a.m., the Senate begin consideration of the conference report to accompany S. 3 as under the earlier consent. I also ask unanimous consent that the Senate recess from 12:30 until 2:15 p.m. for the weekly party conferences to meet. I further ask unanimous consent that following the vote on the conference report to accompany S. 3, the Senate resume debate on the motion to proceed to S. 1751.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, tomorrow morning following the period of morning business, the Senate will begin consideration of the conference report to accompany the partial-birth abortion ban bill. Under that agreement, there will be up to 4 hours of debate, and therefore a vote on adoption of the conference report will occur sometime tomorrow afternoon. The vote on the conference report will be the first vote of the day.

Following that vote, the Senate will resume consideration of the motion to proceed to S. 1751, the class action reform bill.

As a reminder, cloture was filed on the motion to proceed to the bill just a few moments ago. That cloture vote will occur on Wednesday. Senators obviously will be notified when that vote is scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:36 p.m., adjourned until Tuesday, October 21, 2003, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate October 20, 2003:

THE JUDICIARY

MARGARET CATHARINE RODGERS, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA.

HOUSE OF REPRESENTATIVES—*Monday, October 20, 2003*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ADERHOLT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 20, 2003.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1900. An act to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of the Congress that there should be a national day in recognition of Jackie Robinson.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1516. An act to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery System.

H.R. 3289. An act making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3289) "An Act making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, and Ms. LANDRIEU, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 300. An act to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

EQUAL RIGHTS: A PERSONAL ODYSSEY

Mr. BLUMENAUER. Mr. Speaker, the evolution of the gay and lesbian civil rights issue has touched my notion of fairness in government policy in very profound ways. Since I chaired the Oregon Legislature's first hearing on nondiscrimination some 30 years ago, I have observed the ebb and flow of the debate on gay rights, attended hearings, and learned the stories of real people. I have also developed a wide circle of friends and have many colleagues who are gay and in committed relationships. I have come to understand the equality for gays and lesbians as an issue of justice for us all regardless of our sexual orientation or political philosophy.

Along the way, I have experienced a couple of painful episodes that helped define my thinking. As a county commissioner in the 1980's, we enacted one of the first and most comprehensive nondiscrimination ordinances in the country. The backlash, however, from some of the extreme right was brutal. And faced with an opposing referendum that would threaten to divide the community, leaders in the local gay and lesbian movement urged the commission to repeal the ordinance. But that did not make it any easier to explain to gay citizens sitting in the front rows, some of whom were crying with disbelief and anger.

Twelve years later in Congress, I confronted the Defense of Marriage Act to create a Federal definition of marriage as a union between a man and a woman. Until DOMA, marriage issues had not been a high priority for the gay and lesbian movement nor for Congress. But with the introduction of this legislation, all that changed when some people from the extreme right wing were pushing the hot button issue of same sex marriage in order to assure the political failure of the gay and lesbian civil rights agenda. The country was not simply ready to discuss same sex marriage in any rational way.

Hoping to deny the extreme right wing the opportunity to exploit this issue further, I cast my vote in favor of DOMA. Looking back 8 years later, while my analysis may have been accurate, it remains one of the few votes in Congress that I would change. Sadly, people who choose to exploit fear and bigotry based on sexual orientation continue to do so regardless of any evidence to the contrary.

My vote on DOMA also caused political confusion and pain for people who knew of my commitment for equality for gays and lesbians. Most troubling for me was the implication that my vote somehow may have been interpreted as an attack on people's ability to make their own choices about their personal relationships and their dignity as human beings.

Recently, gay civil rights victories in the Supreme Court, the State of Vermont, and in Canada have created a resurgence of controversy surrounding this issue. These successes do not have to lead to more antigay proposals and rhetoric. Most Americans today have friends and relatives who are involved with same sex relationships based on the same deep emotional commitment and affection found in the heterosexual community.

It is now time for Congress to play a constructive role in affirming civil rights for gays and lesbians. The House should start by enacting nondiscrimination in employment, which should be one of the bedrocks of a society that claims to value self-reliance and the opportunity for individuals to reach their full potential. The Congress should also forcefully reject H.J. Res. 56, a constitutional amendment which would define marriage solely as a union between a man and a woman. It simply makes no sense to deny the benefits, legal rights, and opportunities afforded to married couples to others who want to commit to a long-term loving relationship, especially when the administration proposes to spend hundreds of millions of dollars to "promote marriage."

This attempt to preempt decisions at the State level is not just stunningly hypocritical; it will fuel fear and prejudice, create further divisions in our communities, and intolerance throughout our society. Instead of pitting citizen against citizen over questions of identity, sexuality, and private behavior, the Congress should model the behavior it expects of others: fairness, tolerance, and a basic respect for human dignity.

THE WIND AT OUR BACKS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates.

Mr. DELAY. Mr. Speaker, this week the House will begin moving into the end game for the legislative session, and we will do so with the wind at our backs.

Thanks to our passage of President Bush's Jobs and Growth agenda, jobless claims are down, and corporate profits and economic growth are way up. Last week, we even learned the Federal deficit has come in much lower than anticipated, as Republicans predicted it would.

In other words, the Bush economy and the Federal Government are recovering with a vengeance from the "bin Laden" slump. The faster the economy grows, the sooner we can balance the budget, all the while maintaining our commitment to our national priorities.

Of course, the war remains our Nation's defining objective. Without victory over international terror and the security and prosperity victory will bring, no other item on any agenda is even possible. The reconstruction and democracy-building now underway in Iraq is a central component of that war, as a stable Iraq will be an invaluable ally in our fight against terror.

To highlight the progress we are making over there and to draw the public's and the media's attention to the good being done, we have created FREEDOM.GOV. On the FREEDOM.GOV Web site, citizens can find articles and features from Members of Congress who have been to liberated Iraq and reported back on what they have seen and our need to finish the job there. Further, with our economy roaring to life in recent months, we are now even better able to keep our commitment to strengthen and improve health care services for America's seniors. We expect a Medicare bill to do just that, and it will be ready for passage before we adjourn.

And, finally, Congress will soon be able to pass a comprehensive energy bill which will lower gas prices, create jobs, and reduce our dependence on foreign oil.

To put Congress's work this year in perspective, Mr. Speaker, consider: We are winning the war on terror and securing Iraq. We are cutting the deficit and balancing the budget through fiscal discipline. We are growing the economy and creating jobs, and we are meeting the health care needs of American seniors. This is the agenda we ran on, promised, and in just another few weeks will have delivered for the American people.

PAYING TRIBUTE TO DR. NAT COBB

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from New Mexico (Mr. UDALL) is recognized during morning hour debates for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to one of my constituents, Dr. Nat Cobb of Corrales, New Mexico. I want to congratulate Nat on his participation in the Lance Armstrong Tour of Hope which concluded this past weekend here in the Nation's capital.

Nat Cobb was chosen to ride across the country with 25 other riders and cycling champion Lance Armstrong. This amazing team of riders rode for 7 days from Los Angeles to Washington, DC, covering 120 miles per day per rider. They rode during the day and during the night. The Tour of Hope team climbed mountains and crossed rivers and reached communities across America to inspire millions and share the importance of cancer research. They used this ride to share their personal stories to help raise awareness about the need for cancer patients to participate in clinical trials so that we might achieve cures more quickly. Participation is of crucial importance to finding a cure. If clinical trials are not performed on new drugs, these drugs will not be available to those afflicted with cancer.

Nat's personal story is especially important to New Mexico and all Native Americans. Nat Cobb is actively engaged in making cancer screenings and clinical trials available to Indian populations all over the country. He has worked with a number of hospitals and clinics to enroll patients in trials and to educate people about preventing cancer through programs on tobacco control and life-style changes. He was an excellent choice to ride in the Tour of Hope.

I also want to say how proud I was to ride alongside Nat and Lance Armstrong this past weekend as the Tour of Hope concluded in Washington, DC. I was honored to join them along the final stretches of the journey and am pleased to have lent my support to their efforts which are so important to Native Americans suffering from cancer.

Mr. Speaker, I am pleased to help them spread the word that we can do more here in Congress to help them as well. For one, we can fund research programs to help increase awareness about clinical trials so that more adults participate in clinical drug trials. Nearly 85 percent of children participate in some type of drug trial, but less than 10 percent of adults do. I am hopeful that by raising awareness through the Tour of Hope, Lance Armstrong, Nat Cobb, and other team members and Bristol Meyers Squibb and others can achieve this important goal of finding cures more quickly for all types of cancer.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 43 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Your prophets and leaders in the Hebrew Scriptures, as well as the disciples in the Christian Scriptures, all knew friendship. In and with associates and friends, they accomplished Your will and served Your people.

May friendships flourish here in the House of Representatives. Because friends hold us accountable and sustain us in difficult times, these men and women of Congress need such supportive relationships.

Bless their work and may their debate and endeavors bring them to deeper understandings and create respected friendships.

This we ask of You, O Lord, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. FOLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. FOLEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TUESDAY, OCTOBER 21, 2003

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMENDING THE NATIONAL ENDOWMENT FOR DEMOCRACY ON THE 20TH ANNIVERSARY OF ITS ESTABLISHMENT.

Mr. HYDE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 66) commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. Con. Res. 66

Whereas November 22, 2003, marks the 20th anniversary of the establishment of the National Endowment for Democracy (hereinafter the "Endowment"), a bipartisan nongovernmental institution that promotes democracy around the world;

Whereas through the National Endowment for Democracy Act (22 U.S.C. 4411 et seq.), signed into law by President Ronald Reagan on November 22, 1983, Congress has made possible the funding of the Endowment's worldwide grant programs;

Whereas 2003 also marks the 20th anniversary of the National Republican Institute for International Affairs (which was subsequently renamed the International Republican Institute (IRI)), the National Democratic Institute for International Affairs (NDI), and the Center for International Private Enterprise (CIPE), all of which joined the Free Trade Union Institute (which was subsequently renamed as the American Center for International Labor Solidarity) to form the four affiliated institutions of the Endowment;

Whereas the Endowment and the affiliated institutes have supported grassroots programs to build democratic institutions, spread democratic values, encourage free market institutions, and promote political parties, worker rights, independent media, human rights, the rule of law, civic education, conflict resolution, political participation by women, and many other essential components of civil society and democratic governance in emerging and transitional democracies, nondemocracies, and war-torn societies;

Whereas the programs carried out or funded by the Endowment have made significant contributions to the efforts of democratic activists to achieve freedom and self-governance around the world;

Whereas the Endowment, through the Journal of Democracy, the International Forum for Democratic Studies, the Reagan-Fascell Democracy Fellows Program, and the World Movement for Democracy, has served as a key center of democratic research, exchange, and networking, bringing together thousands of democracy activists, scholars, and practitioners from around the world; and

Whereas the spread of democracy throughout the world, to which the work of the Endowment has contributed significantly, has enhanced the national security interests of the United States and advanced democratic ideals and values throughout the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the National Endowment for Democracy for its major contributions to the strengthening of democracy around the world on the occasion of the 20th anniversary of the establishment of the Endowment; and

(2) endeavors to continue to support the vital work of the National Endowment for Democracy.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

ECONOMY IS IMPROVING

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, it is a pleasure to be back in Washington here on a Monday and obviously reflect on the past week, and hope that we have seen some brighter economic news emerging: The Dow Jones Industrial Average, the NASDAQ, unemployment numbers dropping slightly. Even though we are still concerned about unemployment, we are making progress.

Some of the other intrinsic things that we can judge the economy by are starting to show real signs of progress. Numbers of companies reporting record earnings, improved performance, back order of supplies in inventory diminishing, which is all pointing us in the right direction that this President and Congress has delivered an economic package, a tax incentive package that is starting to stimulate, albeit slowly, the economy back into a performing economic model.

We have more to do, and the Committee on Ways and Means will start debating next week opportunities to create jobs here in this country by providing the economic and tax incentives for corporations to remain here in the United States, producing jobs, providing incomes and hopefully financial stability for Americans everywhere. So we will be reporting that bill out next week, bringing it to the floor hopefully with the cooperation of both the Democrats and Republicans to assure that we have the kind of economic job producing model that will create the incentives for our citizens to once again return to the active workforce and create the kind of economies that are so vitally important to this Nation.

So I want to salute our committee, particularly the Committee on Ways and Means, for undertaking what will be a very difficult task. There are a lot of people who would be opposed to any tax relief whatsoever, but if they look at the significance and substance of this bill, they will see this is, in fact, earmarking to create jobs, manufacturing jobs to States like North Carolina and Georgia and Pennsylvania and, of course, the high-tech corridor in California.

So all of these things are important, the debate is important, and so I join with my colleagues in saluting in particular this President, saluting our efforts in Iraq. Our prayers are with our troops there as we continue to liberate Iraqis from the grips of Saddam Hussein. It has been difficult. We have had loss of lives, but at the same time, if we look at the progress we have made, we will see that we are starting to find great solutions to the problem in Iraq.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

RECORD votes on postponed questions will be taken after 6:30 p.m. today.

EXPRESSING SENSE OF HOUSE REGARDING MAN-MADE FAMINE THAT OCCURRED IN UKRAINE IN 1932–1933

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 356) expressing the sense of the House of Representatives regarding the man-made famine that occurred in Ukraine in 1932–1933.

The Clerk read as follows:

H. Res. 356

Whereas 2003 marks the 70th anniversary of the height of the famine in Ukraine that was deliberately initiated and enforced by the Soviet regime through the seizure of grain and the blockade of food shipments into the affected areas, as well as by forcibly preventing the starving population from leaving the region, for the purposes of eliminating resistance to the forced collectivization of agriculture and destroying Ukraine's national identity;

Whereas this man-made famine resulted in the deaths of at least 5,000,000 men, women, and children in Ukraine and an estimated 1-2 million people in other regions;

Whereas the famine took place in the most productive agricultural area of the former Soviet Union while foodstocks throughout the country remained sufficient to prevent the famine and while the Soviet regime continued to export large quantities of grain;

Whereas many Western observers with first-hand knowledge of the famine, including The New York Times correspondent Walter Duranty, who was awarded a Pulitzer Prize in 1932 for his reporting from the Soviet Union, knowingly and deliberately falsified their reports to cover up and refute evidence of the famine in order to suppress criticism of the Soviet regime;

Whereas Western observers and scholars who reported accurately on the existence of the famine were subjected to disparagement and criticism in the West for their reporting of the famine;

Whereas the Soviet regime and many scholars in the West continued to deny the existence of the famine until the collapse of the Soviet regime in 1991 resulted in many of its archives being made accessible, thereby making possible the documentation of the premeditated nature of the famine and its harsh enforcement;

Whereas the final report of the United States Government's Commission on the Ukraine Famine, established on December 13, 1985, concluded that the victims were "starved to death in a man-made famine" and that "Joseph Stalin and those around him committed genocide against Ukrainians in 1932–1933"; and

Whereas, although the Ukraine famine was one of the greatest losses of human life in the 20th century, it remains insufficiently known in the United States and in the world: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the millions of victims of the man-made famine that occurred in Ukraine in 1932-1933 should be solemnly remembered and honored in the 70th year marking the height of the famine;

(2) this man-made famine was designed and implemented by the Soviet regime as a deliberate act of terror and mass murder against the Ukrainian people;

(3) the decision of the Government of Ukraine and the Verkhovna Rada (the Ukrainian parliament) to give official recognition to the famine and its victims, as well as their efforts to secure greater international awareness and understanding of the famine, should be supported; and

(4) the official recognition of the famine by the Government of Ukraine and the Verkhovna Rada represents a significant step in the reestablishment of Ukraine's national identity, the elimination of the legacy of the Soviet dictatorship, and the advancement of efforts to establish a democratic and free Ukraine that is fully integrated into the Western community of nations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution recognizes and remembers the victims of one of the greatest tragedies of the 20th century, namely, the more than 5 million men, women and children in Ukraine who were deliberately starved to death by the Soviet regime in the terrible decade of the 1930s. That regime perpetrated many horrors in its seven decades of existence, but surely this must rank among its most damnable.

It is important to stress that this famine was not a natural phenomenon, but was instead deliberately engineered. Virtually all sustenance in the targeted area was seized, even as the availability of food elsewhere in the Soviet Union remained sufficient to prevent the famine. The export of grain never ceased even at the height of the death tolls.

Nor was this the result of mere indifference to life, but an uncaring regime. Soviet troops and secret police forces were deployed to forcibly prevent the starving population from leaving the area in the desperate search for food. A sentence of mass death had been pronounced and was mercilessly enforced.

The purpose of the artificial famine was to break resistance to the regime's policy of forced collectivization of agriculture, but this was coupled with a murderous determination to destroy Ukraine's national identity, which the regime considered as a mortal threat to its empire and, therefore, brutally suppressed.

There is a legacy of shame that the West must bear. Many prominent Westerners, including journalists and scholars who had firsthand knowledge of the famine, deliberately falsified their reporting to cover up and refute evidence of the tragedy in order to suppress criticism of the Soviet regime. We know their actions were deliberate because they confessed their knowledge at the time to confidantes and to their diaries. The most notorious of these was Walter Duranty, a correspondent for The New York Times who had won a Pulitzer Prize for his reporting from the Soviet Union. But he was far from alone.

Those few who accurately reported on the famine were subject to considerable abuse from their colleagues and others in the West, and their reports were generally disregarded. That lamentable record continued until after the fall of the Soviet regime in 1991, with Robert Conquest's book, The Harvest of Sorrow, being a lonely exception.

In remembering and honoring the victims, I must stress that in addition to millions of ethnic Ukrainians, the dead included large numbers from many other ethnic groups, including Russians, Jews, and a host of others large and small.

It is also important to note that other areas of the Soviet Union were also subjected to this man-made famine, especially those neighboring regions where an estimated 1½ million people of many ethnic origins were starved to death.

This tragedy knew no artificial divisions, no insulating borders, no refuge. All who perished were equal in their innocence, but the blow fell heaviest in Ukraine.

I would like to take this opportunity to praise the gentleman from Michigan (Mr. LEVIN) for his resolution on the famine in Ukraine, H. Res. 254. His has long been one of the most important and influential voices in Congress for ensuring that Ukraine and its people remain prominent in our thoughts, and we owe him our gratitude for his many labors.

Ukraine's reermergence in 1991 from the Soviet prison house was of momentous significance, not merely for Ukraine, but for the entire world, because its independence signaled the death of that empire.

But I regret to say that Ukraine's great and continuing importance to the United States and to the West remains largely unmeasured here. For an independent Ukraine is an indispensable element in ensuring the freedom and security of Europe from the Atlantic to the Urals.

Our interests and those of the West as a whole require that Ukraine complete its transformation into a true democracy; that it establish a vibrant economy equal to its national and natural wealth and the talents of its people; and that it assume its rightful place in the Western community of nations. Although we can provide assistance towards these ends, the first two must remain largely the responsibility of the Ukrainian people.

But Urkaine's accession to the institutions of the West can only occur with our active support and encouragement. It is my hope we will have the wisdom to understand our own interests and will act to secure these with permanence.

Our long-delayed recognition of Ukraine's suffering is also a recognition of its emergence from darkness and the reestablishment of its independence and is one more step in extending to it our embrace. Let us remember that as we now honor the victims of a terrible past that it is hopefully gone forever.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I might consume, and I rise in strong support of this resolution.

Mr. Speaker, at the outset I would like to express publicly my delight at the decision of the distinguished chairman of the Committee on International

Relations to continue his service in this Congress and for our Nation. This is the best news of the weekend, and I know that all of my colleagues on this side of the aisle join me in saying how proud and pleased we are that the gentleman from Illinois (Chairman HYDE) will continue his wit and wisdom and extraordinary statesmanship to the work of this body.

□ 1415

Mr. Speaker, I would like to commend the gentleman from Illinois (Mr. HYDE) for introducing this very timely resolution, which marks the 70th anniversary of the atrocity that Joseph Stalin committed against the people of Ukraine. We must never forget that Joseph Stalin killed more citizens of the Soviet Union through his inhumane and murderous policies than any invader of the Soviet Union, or Russia before.

I also want to commend my good friend and colleague, the gentleman from Michigan (Mr. LEVIN), for introducing a similar resolution; and he will speak to this issue in just a moment.

While the official estimates of the number of Ukrainians killed by Stalin's vicious policies during the 2 years of the Ukrainian famine is about 5 million, the more considered unofficial estimates suggest that about 7 million Ukrainians could have been killed because of a deliberately induced policy of starvation on the people of Ukraine. This act of terror and mass murder was designed to squash the national aspiration of the Ukrainian people. Grain shipments were seized, the borders of Ukraine blockaded, and all the while the Soviet regime continued to export large quantities of grain and suppress the news of Ukraine's suffering.

The Soviet Government successfully hid this famine from the West, and only since the collapse of the Soviet Union in 1991 have we been able to obtain access to documents confirming the deliberate and premeditated murder of vast numbers of the innocent men, women, and children of Ukrainian heritage by Stalin's Soviet dictatorship.

It is a joy, Mr. Speaker, to see Ukraine take its proper place among the free and independent nations, no longer a part of the Soviet Union but a proud and independent nation, which, after the enormous difficulties of the Soviet period, is building a new future for the Ukrainian people; and so I urge all of my colleagues to support H. Res. 356.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. LEVIN), my friend and colleague.

Mr. LEVIN. Mr. Speaker, first, I want to join in the words of the gentleman from California (Mr. LANTOS) regarding our colleague from Illinois. His eloquence and his civility mean a great deal to us, both when we agree with him and when we do not. The gentleman from Illinois (Mr. HYDE) has, I think, set a standard for everyone to follow in discussion of issues on the floor of the United States House and helps us be proud that we are Members of this institution.

I also want to join with the gentleman from Illinois (Mr. HYDE) in his comments, as well as the gentleman from California (Mr. LANTOS), regarding this issue, and also with what the gentleman from Illinois had to say about the present and future of Ukraine. As we look back, it is important also that we look forward, and the challenge before Ukraine today is an important one, both their steps forward and sometimes backward. We all join in hoping that the steps forward will increase as Ukraine joins fully the ranks of the democratic nations of this globe. They have an important role to play.

But we also have to look back because if we do not look back, we will not effectively face the future. So I rise today, Mr. Speaker, to join my colleagues in commemorating the 70th anniversary of the tragedy of the Ukrainian famine of 1932-33. This resolution recalls the incredible suffering and loss sustained by the Ukrainian people, and others, as the gentleman from Illinois pointed out, as a result of intentional policies implemented by the former Soviet Union which led to the deaths of at least 7 million people. Even today, the magnitude and gravity of this atrocity remains unknown to too many in the world. And this is why every 5 years, at least, we introduce a resolution to mark the anniversary.

As mentioned, more than 7 million women, men, and children died; and it was not because of drought or pestilence or crop failure. It was because of the deliberate policies of Joseph Stalin and other leaders in the Soviet Union. The Soviet Government ruthlessly employed policies of forced collectivization and grain seizures to suppress and politically neutralize Ukrainian aspirations for independence. Red Army soldiers performed systematic house-to-house searches where every scrap of food was taken. Grain silos were guarded by military troops, and police denied access to even those who had harvested the grain in the immediate area, while trains loaded with food left that area.

The seizures were so harsh that villages were often left with no food for their citizens, making the crisis even worse. Soviet authorities ordered the borders of Ukraine sealed to prevent anyone from escaping the famine and preventing any international food aid from providing relief to the starving. Witnesses spoke of Ukrainians eating bark, weeds, and even insects to survive.

Observing the commemoration of this anniversary is significant because Stalin and his closest associates concealed the artificially created famine for decades. In the aftermath of the collapse of the Soviet Union, the world has learned more and more about the harsh reality of life under a totalitarian regime, and the truth surrounding this atrocity has been revealed.

We gained greater knowledge after the congressionally mandated U.S. Commission on the Ukraine Famine began its work in 1985 to "provide the American public with a better understanding of the Soviet system by revealing the Soviet role in the famine."

I had a chance recently to go back and read a summary of that report, and I urge my colleagues to do likewise. That commission issued its final report in 1988, noting 19 findings, including that, and I quote, "Joseph Stalin and those around him committed genocide against Ukrainians in 1932-33."

We also gained knowledge through the recollections of survivors. Dr. Walter Lyzohub of Redford Township, Michigan, wrote me a letter explaining that he survived the famine, but that the famine took the lives of his sister Vera as well as his brother Ivan. His sister and brother were aged 10 and 9 respectively. It was heartbreaking, heartbreaking, to read that letter. Dr. Lyzohub and all the victims of this famine, this atrocity, must never be forgotten or ignored. Only through remembrance of the victims and recognition of that famine can such acts of senseless cruelty and violence against humankind be prevented from happening again.

I also would like to recognize Michael Sawkiw of the Ukrainian Congress Committee of America, who has been in the forefront of helping to bring this issue and all important issues regarding Ukraine to the attention of Members of Congress. So, Mr. Speaker, House Resolution 356 provides us once again with an opportunity for remembrance and for recognition; and I urge all my colleagues to join the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS), and me in supporting this resolution.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 356, the resolution under consideration.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume, and I would like to thank the gentleman from Michigan (Mr. LEVIN) and the gentleman from California (Mr. LANTOS) for their extraordinarily generous remarks, and I wish to say the sentiment that animated those is indeed reciprocated.

Mr. SMITH of New Jersey. Mr. Speaker, I am proud to be an original cosponsor of H. Res. 356. I thank and commend Mr. HYDE for introducing this resolution commemorating and honoring the memory of victims of an abominable act perpetrated against the people of Ukraine in 1932–33. Seventy years ago, millions of men, women and children were murdered by starvation so that one man, Soviet dictator Joseph Stalin, could consolidate control over Ukraine. The Ukrainian people resisted the Soviet policy of forced collectivization. The innocent died a horrific death at the hands of a tyrannical dictatorship which had crushed their freedom.

In an attempt to break the spirit of an independent-minded Ukrainian peasantry, and ultimately to secure collectivization, Stalin ordered the expropriation of all foodstuffs in the hands of the rural population. The grain was shipped to other areas of the Soviet Union or sold on the international market. Peasants who refused to turn over grain to the state were deported or executed. Without food or grain, mass starvation ensued. This manmade famine was the consequence of deliberate policies which aimed to destroy the political, cultural and human rights of the Ukrainian people.

In short, food was used as a weapon in what can only be described as an organized act of terrorism designed to suppress a people's love of their land and the basic liberty to live as they choose.

Mr. Speaker, I recall back in the 1980s seeing the unforgettable movie, Harvest of Despair, which depicted the horrors of the Famine, as well as the fine work of the congressionally-created Ukraine Famine Commission, which issued its seminal report in 1988. Their work helped expose the truth about this horrific event. I am pleased that the resolution notes that there were those in the West, including The New York Times correspondent Walter Duranty, who knowingly and deliberately falsified their reports to cover up the Famine because they wanted to curry favor with one of the most evil regimes in the history of mankind.

The fact that this denial of the Famine took place then, and even much later by many scholars in the West is a shameful chapter in our own history.

Mr. Speaker, this is an important resolution which will help give recognition to one of the most horrific events in the last century in the hopes that mass-murders of this kind truly become unthinkable.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H. Res. 356.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING THE 25TH ANNIVERSARY OF POPE JOHN PAUL II'S ASCENSION TO THE PAPACY

Mr. McCOTTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 400) honoring the 25th anniversary of Pope John Paul II's ascension to the papacy, as amended.

The Clerk read as follows:

H. RES. 400

Whereas Karol Józef Wojtyla, known as John Paul II since his October 1978 election to the papacy, was born in Wadowice, Poland, on May 18, 1920, the day of the "Polish Miracle", the nation's first military victory in 200 years and a day which set in motion events which briefly restored Poland's independence;

Whereas he made his First Holy Communion at age 9 and was confirmed at 18, and saw his mother, father, and eldest brother all die before he turned 21, and upon graduation from Marcin Wadowita high school in Wadowice, he enrolled in Cracow's Jagiellonian University in 1938 and in a school for drama;

Whereas the Nazi occupation forces closed Cracow's Jagiellonian University, where he was enrolled in 1939 and young Karol had to work in a quarry and then in a chemical factory to earn his living and to avoid being deported to Germany;

Whereas in 1942, aware of his call to the priesthood, he began courses in the clandestine seminary of Cracow, run by Cardinal Adam Stefan Sapieha, archbishop of Cracow, and at the same time, Karol Wojtylla was one of the pioneers of the "Rhapsodic Theatre", which was forced to hold clandestine performances;

Whereas in 1948 he returned to Poland and was vicar of various parishes in Cracow as well as chaplain for the university students until 1951, when he took up again his studies on philosophy and theology;

Whereas on January 13, 1964, he was nominated Archbishop of Cracow by Pope Paul VI, who made him a cardinal June 26, 1967;

Whereas on October 16, 1978, Karol Wojtylla began his pontificate as Pope John Paul II;

Whereas Pope John Paul II has used his pontificate in unique fashion, emerging as more than just the leader of the Catholic Church, but a global voice against communism, oppression, and tyranny; working both in public and private, to exercise his influence against the forces of injustice;

Whereas in the 1980s, Pope John Paul II was a vocal supporter of the Polish Solidarity movement and his support for striking workers at the Gdansk Shipyard was a key to the downfall of communism in Poland, and started in motion a chain of events ultimately leading to the dissolution of the Soviet Union and the Warsaw Pact;

Whereas his criticism of such dictators as Alfred Stroessner in Paraguay, Augusto Pinochet in Chile, and Ferdinand Marcos in the Philippines encouraged opposition movements that eventually brought down those governments;

Whereas Pope John Paul II has become the most traveled Pope in history, journeying more than a half million miles visiting 125 countries, conducting meetings with numerous government leaders during 38 official visits, holding 690 audiences and meetings held with Heads of State and 226 audiences and meetings with Prime Ministers;

Whereas Pope John Paul II has welcomed more than 16,000,000 pilgrims in the General Audiences which were held weekly at the Vatican; and met with tens of millions of the faithful during pastoral visits made in Italy and throughout the world, including more than 8,000,000 pilgrims during the Great Jubilee of the Year 2000 alone;

Whereas Pope John Paul II has been a prolific writer completing 14 encyclicals, 13 apostolic exhortations, 11 apostolic constitutions, and 42 apostolic letters, and he has also published three books: "Crossing the Threshold of Hope" (October 1994); "Gift and Mystery: On the 50th Anniversary of My Priestly Ordination" (November 1996); and "Roman Tryptych—Meditations", a book of poems (March 2003);

Whereas John Paul II has presided over 139 beatification ceremonies (1,311 Blesseds proclaimed) and 48 canonization ceremonies (469 Saints) during his pontificate, and he has held 9 consistories in which he created 231 cardinals;

Whereas in 1981, Pope John Paul II survived an assassination attempt after being shot twice by Mehmet Ali Agca in St. Peter's Square, whom the Pope would later personally meet and forgive;

Whereas Pope John Paul II, a survivor of fascism, communism, and terrorism, has been a tireless voice for morality and decency; and

Whereas Pope John Paul II has emerged as more than just a spiritual leader for the world's Catholics, but as one of the most influential and inspirational leaders of the 20th and 21st centuries, as a consistent voice for peace and human dignity: Now, therefore, be it

Resolved, That the United States House of Representatives honors the 25th anniversary of Pope John Paul II's ascension to the papacy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. McCOTTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. McCOTTER).

GENERAL LEAVE

Mr. McCOTTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 400, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. McCOTTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I thank the gentleman from Michigan (Mr. McCOTTER) for yielding me this time and for introducing this important resolution, as well as for all his work and leadership on the Committee on International Relations.

Mr. Speaker, I am honored to join in the celebration of His Holiness, Pope

John Paul II, who is marking his Silver Jubilee as the spiritual leader of more than one billion Catholics around the world.

On October 16, 1978, Cardinal Karol Wojtyla, the Archbishop of Krakow, was elected Pope. This cardinal, little known outside of his native Poland, addressed a crowd of over 200,000 in St. Peter's Square that day and emotionally expressed his fears about the awesome responsibility of being chosen for such a position. He also told the world that day, "Be not afraid."

Twenty-five years ago tomorrow, he was installed as the Bishop of Rome and celebrated his first mass as Pope. John Paul II is the 263rd successor of St. Peter. He was the youngest Pope in over a century, the first non-Italian Pope in over 450 years, and the first Slav Pope.

This man was formed at a remarkable time in human history. He knew the persecution of oppression and witnessed the false ideologies of the 20th century. He studied for the priesthood in secrecy and lived through the Nazi occupation and Communist subjugation of his native Poland. He was a philosopher, theologian, and pastor. He was instrumental in the demise of the Communist regime in Poland and played an important role in the collapse of communism throughout central and Eastern Europe, which ended the Cold War.

The Holy Father has continued to promote freedom and peace throughout the world during his Pontificate, a freedom based on the truth of the "transcendent dignity" of each individual human person, the truth that every human being has a dignity that goes beyond Earthly advantages and accomplishments.

□ 1430

The Holy Father during his pontificate has expounded Catholic doctrine and the Magisterium of the Church, and has expanded the Second Vatican Council's engagement with modernity and modern culture. He has accounted for the Church's past, and has pushed Catholic teaching into all areas of modern life.

Perhaps most importantly for the future, the Holy Father has truly internationalized the Catholic Church. Over the past 25 years, the number of Catholics worldwide has grown from 757 million to over a billion, an increase of over 40 percent. In Africa, the number of Catholics has increased nearly 150 percent, and in Asia, over 80 percent. The Holy Father has internationalized the Roman Curia. Italians controlled half of the top 20 Vatican departments, and today they head only four, and the College of Cardinals, cardinals representing approximately 20 countries, but today represent over 60 countries. He has traveled more extensively throughout the world, more than any predecessor, visiting 129 countries, and more people have seen this one man in person than any other human being in history.

His Holiness has reached out in an unprecedented way to peoples of other beliefs and religions all over the world in an effort toward greater understanding, healing and harmony. He has particularly promoted unity among Christian churches, reconciliation with the Jewish people, and a dialogue with Islam. The Holy Father was the first Pope to visit a synagogue and the first to visit a mosque.

His Holiness with bestowed with the Congressional Gold Medal January 8, 2001.

Last week during the Silver Jubilee celebrations, Cardinal Ratzinger recalled the new Pope's first words 25 years ago. Cardinal Ratzinger was speaking to the Holy Father, "You said then that you came from a far-away place. But we understood right away that the faith in Jesus Christ that came through your words and your person overcame all distances." Through the years, he continued, you have announced God's will without fear, even when it contrasts with what men think and want."

I consider it an honor to be able to recognize Pope John Paul II on his 25th anniversary, and I ask my colleagues to join me in paying tribute to this devoted spiritual leader and to celebrate with the Holy Father this Jubilee.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution, and at the outset I want to commend my distinguished colleagues, the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. MCCOTTER) for their work on this important resolution.

Mr. Speaker, it is right and fitting that we in Congress offer a resolution to honor the 25th anniversary of John Paul II's papacy. The Pope is a remarkable individual whose actions in the last quarter century have altered the course of world events. Polish-born Karol Jozef Wojtyla became Pope John Paul II on October 16, 1978, a quarter century ago. After a long succession of Western Europeans at the head of the world's largest Christian denomination, he brought an extraordinary and historically unique perspective to his task. It was reflected in his first address to the people who gathered that day to see him in St. Peter's Square, as well as to the people of faith around the globe. He said, "Be not afraid." This was an important message as the Soviet Union dominated not only his native Poland but the gigantic Soviet Union and all the satellites in Central and Eastern Europe. From that moment on, His Holiness has steadfastly used his pontificate to speak out against global injustices and oppression, and he has committed to do so until his very last breath. He is widely recognized as a leader not only of the Catholic Church, but as a man of great moral authority for the entire globe.

In the 1980s, the Pope played a pivotal role in supporting the Polish Solidarity movement, which was instrumental in the downfall of communism in Poland and throughout Central and Eastern Europe. This, in turn, helped launch the chain of events that led to the dissolution of Stalin's empire and the end of communist domination in the eastern half of Europe.

Pope John Paul has been actively involved in social justice causes of all kinds, speaking out against dictators in Paraguay, Chile, the Philippines and traveling to 125 countries to visit with government leaders, but more importantly, to visit with ordinary people.

Under his leadership, the Vatican's diplomacy around the globe has spanned a wide range of subjects, from small arms trafficking to the great gulf between rich and poor in the developing world. One of his unique features was his steady fight against the plague of anti-Semitism and this week when the leader of Malaysia has again raised in the ugliest form anti-Semitism at an international gathering, the important and decency of this Pope stands out in sharp contrast. The Pope has also welcomed tens of millions of visitors to the Vatican. My wife, Annette, and I were fortunate enough to have an audience with His Holiness. We were both impressed with his presence, his kindness, his wisdom and with his authority. He is one of the most influential and inspirational leaders of our time.

I feel particularly close to him personally, Mr. Speaker, because he has survived the evils of both fascism and communism, as have I. This pontiff has remained a constant voice for human dignity and peace. His admonition to forgive was most poignantly exemplified by his forgiveness of the man who attempted to kill him in St. Peter's Square.

Mr. Speaker, I ask all of my colleagues to join all of us who are supporting this resolution to this remarkable man and to his 25 years of unique and exemplary service to all mankind.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCOTTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I commend the gentleman from Michigan (Mr. MCCOTTER) for introducing and honoring Pope John Paul II. I rise in strong support of this resolution, and I am grateful we are discussing it today, the 25th anniversary of his papacy.

As a Roman Catholic whose grandmother came to America from Poland, nothing has made me or my family more proud of our heritage than has Pope John Paul II. For the last 25 years, he has been a constant reminder that everything is obtainable if you pour your heart and soul into the work and trust in God's guidance.

Faced with adversity since his own childhood, Pope John Paul II has always persevered and uplifted those cast aside by society, giving them hope through his compassion and through his example. Whether it was surviving the Nazi reign in Poland, or helping heroes like Ronald Reagan end the grip of communism on the world, Pope John Paul II never met a fight that was bigger or more powerful than his vision and his faith.

And while past religious beliefs were often barriers, Pope John II accomplished a mission to bridge those divides no matter how daunting the task or how deep the divide. He has elected the first non-Italian pontiff in 455 years. He was the first pontiff from Poland, and the first pontiff from a country headed by a Marxist and atheist government, all circumstances that would pose huge challenges for anyone. My Polish grandmother, who came to America, knew some of those same entrenched barriers and stereotypes that this great man had to overcome at the start of his election. But in the 25 years since that election, Pope John Paul II has long surmounted those challenges and has become the world's leading voice against oppression, tyranny and injustice.

Cardinal Ratzinger said, "You turn to young and old, rich and poor, powerful and humble, and always showed according to the example of Jesus Christ, a particular love for the poor and the defenseless." In his prayer this weekend in St. Peter's Square, "I renew in the hands of Mary, beloved Mother, the gift of myself, of the present and the future, everything will be done according to your will. Supreme Pastor, stay among us so that we can proceed with you securely to the house of the Father."

Mr. Speaker, he is a real-life hero and a role model in a world that has far too few, and I join my colleagues in honoring Pope John Paul II in commemorating his 25th anniversary.

Mr. McCOTTER. Mr. Speaker, I yield such time as he may consumed to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I thank the gentleman from Michigan (Mr. McCOTTER) for yielding me this time.

Mr. Speaker, I rise today in recognition of the 25 years of prayer, compassion, and leadership of the man of prayer, Pope John Paul II. What a beautiful legacy and example Pope John Paul has shown in his deep belief in God, in the knowledge that God created us to be men and women of labor and love. His Holiness has become an inspirational light to the world, and has stood as a beacon of fight between good and evil. A man whose intellect and spirit is delivered to others within a warm conviction to consistently show love from his big Polish heart. This good and humble man has taught us to carve out our faith through prayer, a prayer in a deep, pure and humble manner, from the dirt of the earth, through each fiber of our being, always extolling the virtues of truth, forgiveness and compassion toward every living soul.

His life demonstrates that prayer is a means of learning, growth and understanding, always to continually be drawn to his knees, persevering each day in strong heartfelt prayer.

This simple man of prayer, of discipline, has been a Godsend these last 25 years, and in God's mercy, I hope he sees fit to relieve John Paul of some of the burden as he continues to travel along the trying road of life, leading people to God. Thank you, John Paul II, for the exceptional service to mankind you have given, and for being such a beautiful man of prayer.

Mr. McCOTTER. Mr. Speaker, I yield myself such time as I may consume.

Briefly, this resolution is here this week which I appreciate, but I would like for the "eternal record" to record that any delay in this resolution, please not be added to my sentence in purgatory should I get that far.

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Pope John Paul II as the world celebrates the 25th anniversary of his ascension to the papacy. Born Karol Joozef Wojtylla in Wadowice, Poland in 1920, he entered the seminary in 1942 and was named Archbishop of Krakow in 1964. Three years later, he became a cardinal under Pope Paul VI. Karol Wojtylla was named Pope John Paul II on Oct. 16, 1978.

Pope John Paul II means many things to many people of different faiths, cultures and backgrounds throughout the world. Adoring crowds, Catholic and non-Catholic alike, meet him wherever he goes to hear his messages of peace and hope, especially during troubled times. As a child he suffered greatly from the death of his infant sister and mother before the age of nine, only to face the death of his older brother three years later. He musters strength, from these challenges in his childhood and an assassination attempt on his life in adulthood, to help others. Indeed Pope John Paul II is one of the most recognized people in the world for his work on human rights and humanitarian assistance.

Growing up during the times of Nazi Germany, he witnessed the very real atrocities committed against Jews, and in Poland worked to end communism by sending messages and instructions with priests to imprisoned union leaders. He was the first pope to visit the memorial at Auschwitz to pay homage to the victims of the Holocaust. Pope John Paul II is often credited with fostering a greater understanding between Christians and Jews and he leads by example, being the first pope to ever visit a synagogue.

Pope John Paul II is also the most traveled pope in the 2000-year history of the church—traveling to over 100 countries and speaking eight languages, he reaches out to families and citizens in need. Often we see pictures of the pope with sick children or ailing seniors and we hear his message of generosity and care towards others.

He is a scholar. Pope John Paul II studied at an underground seminary to become a priest and is an accomplished author of two doctoral dissertations as well as numerous speeches. He taught at the Catholic University of Lublin—the only Catholic university in the communist world—and was later appointed to the Chair of Ethics at Catholic University before becoming an auxiliary bishop.

Pope John Paul II is a pope of many firsts. He was the first non-Italian pope in 455 years and at age 58 was the youngest pope in 132 years. He met with Mikhail Gorbachev—the first meeting between a pope and a Kremlin chief—and also visited Cuba at the behest of Fidel Castro.

As the world joins him in celebrating his 25th anniversary, I hope all of us can agree that Pope John Paul II is surely a man of great courage, conviction, bravery and integrity. He has positively impacted the world and the mark he leaves will surely inspire and teach generations to come.

Ms. BORDALLO. Mr. Speaker, I rise today in support of House Resolution 400, honoring the 25th anniversary of Pope John Paul II's ascension to the papacy. I want to thank Mr. McCotter for introducing the resolution.

As the successor of Peter, Pope John Paul II is the beloved leader of Catholics all over the world and as we celebrate his 25th anniversary, we pay tribute to a man whose leadership, courage and compassion is a model for everyone. Through the many challenges that has faced the Catholic Church and the world, Pope John Paul II has stood firm in his faith. He has been unafraid to use his influence to shape world events, speaking for peace and advocating for human rights. His willingness to reach out to the different faith traditions and his forgiveness of his would-be-assassin has earned him the respect of many and is an example for all leaders.

Pope John Paul II has presided at 142 beatification ceremonies where he proclaimed 1,315 Blesseds, including Blessed Diego Luis de San Vitores of Guam, and 50 cannonization ceremonies resulting in 476 Saints of the Church. He has held 8 consistories in which he created 201 cardinals.

During his Pontificate, 17,350,000 pilgrims have participated in the General Audiences. This does not include the special audiences, religious ceremonies and the millions of people he has met during his pastoral visits throughout the world. He has met with numerous government officials during 38 official visits and the 700 audiences and meetings held with Heads of State and the 231 audiences and meetings with Prime Ministers.

The people of Guam were honored when Pope John Paul II chose to visit Guam in 1981 at the invitation of Archbishop Anthony Apuron. Many people camped overnight in streets and parking lots near the plaza where he was to say mass. For many, this would be their only opportunity to see him. Tens of thousands of people attended the service. It was an awesome sight to see everyone, children with their parents and grandparents, religious and government leaders, gathered to celebrate mass with the Holy Father. It was a day that will never be forgotten by the people of Guam.

On behalf of the people of Guam, I fully support House Resolution 400, honoring the 25th anniversary of Pope John Paul II's ascension of the papacy.

Mr. MCCOTTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Michigan (Mr. MCCOTTER) that the House suspend the rules and agree to the resolution, H. Res. 400, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1445

CALIFORNIA MISSIONS PRESERVATION ACT

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1446) to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of those missions, and for other purposes.

The Clerk read as follows:

H.R. 1446

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "California Missions Preservation Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The California missions represent some of our Nation's oldest historical treasures.

(2) The first of the California missions was founded in 1769, and eventually a chain of 21 missions and various sub-missions extended along the coast of California on El Camino Real.

(3) The California missions contribute greatly to the rich historical, cultural, and architectural heritage of California and the American West.

(4) The knowledge and cultural influence of native California Indians made a lasting contribution to the early settlement of California and the development of the California missions.

(5) More than 5,300,000 people visit the California missions annually, and the historical importance of the California missions extends worldwide as they have become a frequent destination for foreign visitors to the United States.

(6) The history of the California missions is an important educational component in California schools, and the study of the California missions is part of the Statewide fourth grade curricula on California history.

(7) Restoration and repair of the California missions, and the preservation of the Spanish colonial and mission-era artworks and artifacts of the California missions, for the public enjoyment will ensure that future generations also have the benefit of experiencing and appreciating these great symbols of the spirit of exploration and discovery in the American West.

SEC. 3. SUPPORT FOR THE RESTORATION AND PRESERVATION OF THE CALIFORNIA MISSIONS.

(a) DEFINITIONS.—In this section:

(1) CALIFORNIA MISSIONS.—The term "California missions" means the following historic Spanish missions located in the State of California and designated as California Registered Historical Landmarks:

(A) Mission La Purisima Concepcion, Lompoc.

(B) Mission La Soledad, Soledad.

(C) Mission San Antonio de Padua, Jolon.

(D) Mission San Buenaventura, Ventura.

(E) Mission San Carlos Borromeo del Rio Carmelo, Carmel.

(F) Mission San Diego Alcala, San Diego.

(G) Mission San Fernando Rey de Espana, Mission Hills.

(H) Mission San Francisco de Asis, San Francisco.

(I) Mission San Francisco Solano, Sonoma.

(J) Mission San Gabriel Arcangel, San Gabriel.

(K) Mission San Jose, Fremont.

(L) Mission San Juan Bautista, San Juan Bautista.

(M) Mission San Juan Capistrano, San Juan Capistrano.

(N) Mission San Luis Obispo de Tolosa and its Asistencia (sub-mission) of Santa Margarita de Cortona, San Luis Obispo.

(O) Mission San Luis Rey de Francia and its Asistencia (sub-mission), Oceanside.

(P) Mission San Miguel Arcangel, San Miguel.

(Q) Mission San Rafael Arcangel, San Rafael.

(R) Mission Santa Barbara Virgen y Martir, Santa Barbara.

(S) Mission Santa Clara de Asis, Santa Clara.

(T) Mission Santa Cruz, Santa Cruz.

(U) Mission Santa Ines Virgen y Martir, Solvang.

(V) Asistencia San Antonio de Pala, Pala.

(2) CALIFORNIA MISSIONS FOUNDATION.—The term "California Missions Foundation" means the charitable corporation established in the State of California in 1998 to fund the restoration and repair of the California missions and the preservation of the Spanish colonial and mission-era artworks and artifacts of the California missions. The Foundation is exempt from State franchise and income tax and is organized and operated exclusively for charitable purposes under section 501(c)(3) of the Internal Revenue Code of 1986.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) GRANTS AUTHORIZED.—The Secretary of the Interior may make grants to the California Missions Foundation to support the efforts of the California Missions Foundation to restore and repair the California missions and to preserve the artworks and artifacts associated with the California missions. As provided in section 101(e)(4) of the National Historic Preservation Act (16 U.S.C. 470a(e)(4)), the Secretary shall ensure that the purpose of a grant under this section is secular, does not promote religion, and seeks to protect those qualities that are historically significant.

(c) APPLICATION.—In order to receive a grant under this section for the preservation of the California missions, the California Missions Foundation shall submit to the Secretary an application that includes—

(1) a status report on the condition of the infrastructure and artifacts for each of the California missions; and

(2) a comprehensive program for restoration, repair, and preservation of such infrastructure and artifacts, including prioritized preservation efforts to be conducted over a 5-year period and the estimated costs of such preservation efforts.

(d) MATCHING FUND REQUIREMENT.—The Secretary shall require the California Missions Foundation to match grant funds provided under this section.

(e) REPORT.—As a condition of a grant under this section, the California Missions Foundation shall submit to the Secretary an annual report on the status of the preservation efforts undertaken using grant funds provided under this section. The Secretary shall submit a copy of each report to Congress.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary a total of $10,000,000 during the five-fiscal year period beginning October 1, 2003, to make grants under this section. Funds appropriated pursuant to the authorization of appropriations in this section shall be in addition to any funds made available for preservation efforts in the State of California under the National Historic Preservation Act.

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1446, introduced by the gentleman from California (Mr. FARR), would authorize the Secretary of the Interior to make matching grants to the California Missions Foundation to support the efforts of the foundation to restore and repair the California missions and to preserve the artworks and artifacts associated with the California missions. Currently, the 21 California missions of the El Camino Real, or Royal Highway, have had to rely on nominal entrance fees, sales from gift shops, donations and special events to cover their operating expenses. Unfortunately, these sources of income have not been enough to keep up with the increasing structural needs of these aging missions that date back all the way to 1769, when Father Serra founded Alta California, the first Spanish mission in California. Today over 5 million people annually visit the mission system, and it is obvious to many that outside financial help is needed.

The California Missions Foundation, a charitable corporation established in California in 1998, is dedicated to raising funds for the ongoing preservation, restoration. and maintenance needs of the California missions to ensure that their historical legacy is kept alive for future generations. As a condition of a grant, the foundation must submit to the Secretary an annual report on the status of the preservation efforts.

I urge my colleagues to support H.R. 1446.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1446, introduced by the gentleman from California (Mr. FARR), is a bipartisan and noncontroversial measure that authorizes grants to support the restoration and preservation of the historic California missions. The California missions, dating back to the mid-1700s, are important historical and cultural resources that made significant contributions to the settlement of California and the American West. In early California, these 21 missions were the center of the social, economic, and religious development of the region.

The $10 million in historic preservation grants authorized by H.R. 1446 will help restore and preserve these historic missions for the benefit of all Americans. Under the terms of the legislation, the Federal funds must be matched by funds from non-Federal sources and will be used for secular purposes to protect those qualities of the missions that are historically significant.

Mr. Speaker, as I noted earlier, H.R. 1446 is bipartisan legislation. It has the cosponsorship of 48 members of the California delegation. The legislation is relatively small in terms of the amount of money, but important in an effort to preserve these missions and the historical and cultural history that they embody. I support the bill and urge its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. RENZI. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I rise in support of H.R. 1446, which is known as the California Missions Preservation Act. This is truly a bipartisan piece of legislation cosponsored by 48 of my California colleagues. I also want to thank the efforts of the gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL) for moving this legislation to the floor today.

Mr. Speaker, even before the fuse that led to the explosion of American independence was lit at the Boston Tea Party, the first California mission was established in San Diego in 1769. The last mission in the chain was established in 1823 in Sonoma. All 21 missions are California registered historical landmarks, seven of which have Federal status of national historical landmarks. I am fortunate to have five of the 21 missions in my congressional district extending along the coast of California on what is known as the El Camino Real, or the King's Highway, that would link the missions, now commonly known as Highway 101. Those missions are in Santa Cruz, in San Juan Bautista, in the city of Soledad, a mission called San Antonio de Padua which is in Fort Hunter Liggett; and in my own hometown of Carmel, San Carlos Borromeo del Rio Carmelo, known as Carmel Mission.

The California missions represent a historic vein running through the State from the south to the north. They also symbolize the east to west exploration that expanded our Nation to its four corners. Of all the institutions that define California's heritage, none has the historic significance and emotional impact of the chain of Spanish missions that stretch from San Diego to Sonoma. The missions are an important part of the State's cultural fabric and must be preserved as priceless historic monuments. They are a living link to our past.

The missions stand as landmarks of more than 2 centuries and are recognized for the important impact they have had on the development of California, including California art, architecture, agriculture, food, music, language, apparel, and recreation. The missions help drive tourism, the State's third largest industry. These symbols of California are the most visited historical attractions in the State, attracting over 5.3 million visitors a year. They account for a sizable contribution to the State's economy from millions of tourists, including a large number of international visitors. And they have become synonymous with the State's fourth grade curriculum. Students build mission models and write research reports as part of California history lessons. This serves as an important education function in teaching young students about the role of missions in the history of our State and our Nation.

For 230 years, the missions have stood as symbols of Western exploration and settlement. Time, natural deterioration, and neglect have taken a toll on the missions. Some are crumbling and are at risk of full destruction. Most need preservation and seismic work to restore their antique beauty and bring them up to modern safety standards. Without immediate repairs, these centuries-old structures could be lost. The need is urgent and of near-crisis proportions: rotting roofs, cracking tiles, crumbling adobe. The backlog of needed repairs is long, the price tag is high, and the message is clear: the California missions need our help. Now.

H.R. 1446 will provide an important step toward addressing some of the most severe problems the missions are facing. This legislation provides authorization for funding of up to $10 million over 5 years. In partnership with the State of California and in partnership with the California Missions Foundation, a statewide funding campaign has begun. Under this legislation, the process requires that each mission submit a list to the foundation of its most urgent preservation needs. All mission repairs and restoration projects are reviewed, approved, and supervised by professionals qualified in the disciplines of history, history archaeology, architectural history, planning, architecture, folklore, cultural anthropology, curation, conservation, landscape architecture, or related fields. Projects must be accomplished in accordance with the applicable Secretary of the Interior's standards for the treatment of historical properties. All repairs and capital improvements must have competitive bids, which the foundation's funding review committee reviews. The foundation board of directors assesses the proposal and has final approval on all restoration projects funded. The missions are required to submit timely progress reports and an accounting to the foundation on all projects funded.

Since the Spanish friars and native peoples joined together in building these settlements, the land we call California has been shaped and influenced by what they accomplished in the most ambitious undertaking. From the vineyards of Sonoma to the ranches of Santa Barbara to the adobe arcades and red tile roofs of San Diego, the California missions have left their mark on who we are and what we have become.

H.R. 1446 presents us with the opportunity to address the needs of the missions and to preserve an integral part of our Nation's history and the heritage of the West that combines with the East to make this truly the United States.

Ms. WOOLSEY. Mr. Speaker, I rise in support of H.R. 1446, the California Missions Preservation Act. I would like to thank the gentleman for introducing this bill, and I am proud to be an original cosponsor.

The California Missions provide such an important part of California's past and their history can be traced to 1493, just after the discovery of America. The sixth district of California, north of San Francisco and just over the Golden Gate Bridge, which I am pleased to represent, is fortunate to have one of these missions and another just outside of the sixth district that my constituents visit.

The San Raphael mission was originally built in 1817 as an outpost chapel of the San Francisco mission. Named for Saint Raphael, the angel of bodily healing, it was thought that the sunny hillside on the north side of the bay would be a good place for the sick to convalesce. In fact, it is the first known sanitarium in California. In five years it was a healthy settlement and became an independent mission on October 19, 1822. After it was secularized, the mission fell into ruin and in 1854 the original mission was torn down. In 1947 a new mission was built, near the original site, based on a painting of the old mission.

The San Francisco Solano Mission, founded in 1823, was the last and most northerly of the 21 Franciscan missions of Alta California. Sonoma Mission, as it is popularly called, was the dedicated goal of the young and zealous Padre Jose Altimira. He headed into the northern wilderness to find a more healthy location for a mission than the crowded San Francisco de Asis Mission. In Sonoma Valley he found his ideal location, with fertile soil and mild, sunny climate.

Secularization of the mission in 1834 was followed by neglect and decay. In 1881 the church and padres' quarters were sold and used as a hay barn, winery and blacksmith shop. However, the mission was rescued from disintegration in 1903 when it was bought by the Historic Landmarks League and turned over to the State. Full restoration began in 1911.

There is still more to do to restore these historic treasures. It is important that we save these missions so that we can pass on their history to future generations. Mr. Speaker, I urge my colleagues to join me in support of this bill.

Ms. LEE. Mr. Speaker, I would like to acknowledge my California colleagues, Congressman FARR, Congressman DREIER, Congressman CALVERT and Congresswoman CAPPS for leading the effort on this important legislation.

Preserving our California culture, art and history is a priority for our entire delegation as evidenced by this bill's long list of cosponsors. The $10 million this legislation provides for the 21 missions will stimulate our economy through tourism, the minds of our youth through education, and will help preserve our history for generations to come. I am a proud supporter of this bi-partisan endeavor to save and restore our historic landmarks.

Ms. PELOSI. Mr. Speaker, I am pleased to rise in support of H.R. 1446, the California Missions Preservation Act. This legislation will provide $10 million in matching grants for the preservation of California's 21 historic missions, to be matched with $50 million in private donations. The missions are the most frequently visited historical attractions in the state, receiving more than 5.3 million visitors annually.

As every California schoolchild learns, the missions shaped the future of California. Built between 1769 and 1798, the missions were the first European settlements in our region and formed a chain along the coast from San Diego to Sonoma. Each mission became a bustling settlement inhabited by Europeans and Native Americans.

Mission San Francisco de Asis, the sixth mission to be created, was founded on June 29, 1776, just give days before the signing of the Declaration of Independence on the opposite side of the continent. Popularly known as Mission Dolores, it grew to become the great City of San Francisco. It now lies near the geographic center of the city and at the heart of the city's cultural and religious life.

Built with adobe and massive beams of sequoia wood, Mission Dolores survived the devastating earthquake of 1906 practically without damage. But as the oldest building in San Francisco, Mission Dolores is suffering the ravages of time and heavy usage. The main altar, two side alters, the statuary, the gardens, and the cemetery are in need of repair and restoration. The mission museum must be enlarged and upgraded to ensure that mission artifacts are properly preserved and protected. Funds are needed for the construction of a memorial honoring the Native Americans on whom the success and the very survival of the mission depended.

While Mission Dolores needs significant repairs and improvements, some of the other missions are at even greater risk, needing seismic retrofits to ensure that they survive the next earthquake. If we lose these missions, we will lose an essential strand in the fabric of our state's history. I urge my colleagues to vote for the California Missions Preservation Act.

Mr. PALLONE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 1446.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REPEALING RESERVATION OF MINERAL RIGHTS IN LIVINGSTON PARISH, LOUISIANA

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 542) to repeal the reservation of mineral rights made by the United States when certain lands in Livingston Parish, Louisiana, were conveyed by Public Law 102–562.

The Clerk read as follows:

H.R. 542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF RESERVATION OF MINERAL RIGHTS, LIVINGSTON PARISH, LOUISIANA.

(a) AMENDMENTS.—Section 102 of Public Law 102–562 (106 Stat. 4234) is amended—

(1) by striking "(a) IN GENERAL.—";

(2) by striking "and subject to the reservation in subsection (b),"; and

(3) by striking subsection (b).

(b) IMPLEMENTATION OF AMENDMENT.—The Secretary of the Interior shall execute the legal instruments necessary to effectuate the amendment made by subsection (a)(3).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

H.R. 542, introduced by the gentleman from Louisiana (Mr. BAKER), would give private citizens in Livingston Parish, Louisiana, mineral rights that have been rightfully theirs for generations. The 640 acres of land in question were held in private ownership when the United States purchased the Louisiana Territory from France in 1803; but due to poor recordkeeping by French colonial authorities, the Federal Government ultimately came into possession of the title to this property.

The citizens who rightfully held the land remained on the land for nearly 2 centuries. In 1825, an order of survey was signed by a Federal agent asserting the landowner's claim to the land, but those documents were never filed in Washington. Again, in 1875 the owners' claim was acknowledged but a land patent was never issued. Finally, in the late 1960s and early 1970s, the Federal Government surveyed the inventory of Louisiana properties and discovered that no patent had been issued for the Livingston Parish properties in question. While some legislative attempts were made, it was not until 1992 that the gentleman from Louisiana (Mr. BAKER) and Senator J. Bennett Johnston passed legislation that conveyed the surface rights of the land to its rightful owners. That bill did not convey the mineral rights to the private owners. Historical precedent, however, shows that the mineral rights should have been conveyed to them at the time, since private landholders in the Louisiana Purchase territory were given title to both surface and subsurface property rights.

Because the Federal Government was never actually entitled to the 640 acres in Livingston Parish, the mineral rights should be conveyed to the rightful and patient owners of this property. Incidentally, there is currently no oil and gas development on these lands and the U.S. Geological Survey reports potential for only marginal minerals production. H.R. 542 conveys these property owners their mineral rights and corrects a 200-year-old bureaucratic error.

I urge my colleagues to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 542 would repeal the reservation of mineral rights made by the United States when lands in Livingston Parish, Louisiana, were conveyed by Public Law 102–562, which was enacted in 1992. The Congressional Budget Office's cost estimate of the proposed legislation found that any foregoing receipts to the United States would be negligible.

Mr. Speaker, we would have preferred that this bill be considered under regular order with a hearing in the Committee on Resources prior to markup and floor consideration. However, we will not object to its consideration today.

□ 1500

Mr. Speaker, I reserve the balance of my time.

Mr. RENZI. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. BAKER), the author of this bill.

Mr. BAKER. Mr. Speaker, I thank the gentleman for yielding me this time, and I wish to express my appreciation to him and the minority for their courtesies extended in the consideration of this important measure.

As has been previously recited, at the time of the Louisiana Purchase in 1803, the French law provided that the State at that time would maintain control of mineral rights. Upon the acquisition of the property by the United States Government, there was an effort to restore mineral rights with surface rights. On March 3, 1819, Congress passed an act adjusting the claims to land, establishing land offices in the district east of the island of New Orleans. Specifically, this was aimed at the property now in question.

For some 200 years, the property rights and mineral rights have been legally and arbitrarily separated. In 1992, I offered legislation which conveyed only surface rights of the property to the landowners now awaiting resolution. At that time, there was some debate as to the value of these mineral rights to the United States Government. Pursuant to the intervening decade, there is now a geological survey determination that any such value would be so minimal in effect as to not adversely affect any taxpayer interest by transferring these unquestioned mineral rights to the rightful owner.

I respectfully request that the House do now consider and adopt H.R. 542 in order to restore the property rights with mineral rights to those who have been waiting 200 years for resolution.

Mr. PALLONE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 542.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

INTERNATIONAL FISHERIES REAUTHORIZATION ACT OF 2003

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2048) to extend the period for reimbursement under the Fishermen's Protective Act of 1967, and to reauthorize the Yukon River Restoration and Enhancement Fund, as amended.

The Clerk read as follows:

H.R. 2048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Fisheries Reauthorization Act of 2003".

SEC. 2. EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967.

Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking "2003" and inserting "2008".

SEC. 3. REAUTHORIZATION OF YUKON RIVER SALMON ACT OF 2000.

Section 208 of the Yukon River Salmon Act of 2000 (16 U.S.C. 5727) is amended by striking "2000" and all that follows through "2003" and inserting "2004 through 2008".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2048 reauthorizes two important laws dealing with international fisheries: the Fishermen's Protective Act and the Yukon River Salmon Act.

At the hearing the Fisheries Conservation, Wildlife and Oceans Subcommittee held on May 22, 2003, we heard from the Departments of State, Interior, and Commerce on the significance of these two laws. Without going into any of the details about the successes of these two laws, let me state that reauthorizing these laws will provide Federal assistance to important conservation work being done on the shared salmon stocks of the Yukon River. Without a new agreement on the shared Yukon River stocks, we are not able to work together with Canada on research, restoration, and management of these unique salmon stocks.

In addition, this legislation will continue an important self-funded insurance program for U.S. fishermen who fish outside of U.S. waters as well as maintain a critical provision in the Fishermen's Protective Act that allows the United States to take action against nations that are not in compliance with international fishery conservation and management agreements.

At a time when there has been much media attention on the status of our marine fisheries and in particular those large, highly-migratory species, the Pelly Amendment allows the United States to hold our trading partners accountable if they are not in compliance with internationally-agreed-upon management regimes.

This legislation is a critical component to continuing the process we are making on sustainable international fishery agreements, and I urge Members to support this important legislation.

Mr. Speaker, I urge my colleagues to support H.R. 2048.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill.

Effective international fisheries agreements are critical for both economic and ecological reasons. Improper or unfair management of international fisheries costs our constituents millions of dollars in lost revenue each year. And our oceans are a global resource: fish and habitats on which they depend do not respect national boundaries. This bill, H.R. 2048, would reauthorize two important fisheries laws: the Fishermen's Protective Act and the Yukon River Salmon Act.

Congress has both a right and a duty to protect our fishermen's interests in the global resources market. It remains vital that our fishermen are able to work harmoniously with fishermen from neighboring countries, and reauthorization of these acts will ensure future cooperation.

Mr. Speaker, I want to thank the gentleman from Maryland (Mr. GILCHREST), chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans, for introducing this legislation and in expediting its consideration by the committee. And I also want to commend the gentleman from California (Mr. POMBO), chairman of the Committee on Resources, and his staff for their cooperation in working with Democratic Members to clear this noncontroversial legislation for the floor. I urge the House to adopt the bill.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I have no further requests for time, and I yield back the balance of time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 2048, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to extend the period for reimbursement under the Fishermen's Protective Act of 1967, and to reauthorize the Yukon River Salmon Act of 2000."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bills, H.R. 1446, H.R. 542, and H.R. 2048.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

EDWARD O'GRADY, WAVERLY BROWN, PETER PAIGE POST OFFICE BUILDING

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1591) to redesignate the facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, as the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building."

The Clerk read as follows:

S. 1591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, and known as the "Nyack Post Office" shall be known as the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to shall be deemed to be a reference to the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1591 introduced by Senator CHARLES SCHUMER of New York, designates this postal service facility in Nyack, New York as the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building." The three namesakes of this post office designation were tragically killed during a malicious robbery of a Brinks Corporation armored vehicle on October 20, 1981, 22 years ago today. This bill has already passed the other body, and I am pleased the House is taking it up today.

On that dreadful October day in 1981, a gang attacked a Brinks armored car in broad daylight outside a shopping mall in the New York City suburb of Nyack. The two guards, Peter Paige and Joseph Trombino, were both shot, and Paige died from his wounds. The ruthless gang also shot and killed Nyack police officers Edward O'Grady and Waverly Brown, who courageously responded to the robbery.

Mr. Speaker, this senseless, wicked crime ended the lives of these three men who were each carrying out their daily duties 22 years ago today. With the enactment of S. 1591, this post office in Nyack will forever carry the names of these three slain heroes.

Peter Paige dutifully served the Brinks Corporation for 25 years as a security guard prior to the 1981 robbery. He was a gentle, yet diligent man, who was known by his colleagues, friends, and family for his selflessness.

Waverly Brown was a caring and disciplined Nyack police officer who earned a reputation as a no-nonsense law enforcer. In addition, Officer Brown was known for his aptitude in the kitchen, as he regularly prepared meals for his fellow officers at his station.

Edward O'Grady also served with the police force in the Village of Nyack. Prior to his police service, Mr. O'Grady was a Marine who served two tours, two tours, in Vietnam. He also selflessly worked with the Volunteer Fire Department in his hometown of Nyack.

Mr. Speaker, I commend the Senator from New York for helping us all to remember the wonderful lives as well as the sacrifices of Edward O'Grady, Waverly Brown, and Peter Paige. I also congratulate the Senator for having S. 1591 considered by the House, and I want to recognize the gentleman from New York (Mr. ENGEL) for introducing an identical piece of legislation, H.R. 3167, in this body. He, certainly, also should be commended for his work to commemorate the lives of these three men.

Mr. Speaker, I strongly urge all Members to support the passage of S. 1591.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the Committee on Government Reform, I rise in support of S. 1591, legislation naming a postal facility in Nyack, New York, after Edward O'Grady, Waverly Brown, and Peter Paige. This measure was introduced by Senator CHARLES SCHUMER on September 8, 2003. S. 1591 was unanimously passed by the Senate and unanimously approved by the Committee on Government Reform. The gentleman from New York (Mr. ENGEL) has an identical bill, H.R. 3167, that has met the committee cosponsorship policy and has the support of the entire New York delegation.

Twenty-two years ago on October 20, 1981, members of a radical group, the Weather Underground, killed two police officers and a Brinks guard in two separate but deadly incidents. On that Wednesday, gunmen held up an armored vehicle just outside the Nanuet National Bank and killed Brinks guard Peter Paige. Minutes later, while on the run, the killers opened fire and mortally wounded two Nyack policemen, Edward O'Grady and Waverly Brown. These men paid the ultimate sacrifice for doing their job and died in the line of duty.

Mr. Speaker, I commend Senator SCHUMER and the gentleman from New York (Mr. ENGEL) for seeking to honor the memory of these slain individuals by naming a postal facility in their honor. I am indeed pleased to join with the gentleman from Connecticut (Mr. SHAYS) in consideration of this measure and urge its swift passage.

□ 1515

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL), the sponsor of this legislation.

Mr. ENGEL. Mr. Speaker, I thank my friend from Illinois for yielding time, as well as my friend from Connecticut.

Mr. Speaker, I rise in support of S. 1591, legislation I have worked on with our Senator, Senator SCHUMER, to name the United States Postal Service facility at 48 South Broadway in Nyack, New York, in my district, after three heroes: Nyack Police Officers Edward O'Grady and Waverly Brown, and Brinks Guard Peter Paige.

I am proud to have introduced H.R. 3167, the House version of this bill, that has the support of the entire 29-member New York State delegation in the House. It is a true testament to those three brave men who helped prevent the deaths of countless others 22 years ago today when an armed gang attempted to rob a Brinks armored truck in the middle of the day at a crowded mall with no regard for the lives that would fall in their wake. The naming of this Federal building will serve as a living memorial to these fine men who made the ultimate sacrifice while serving their community.

Mr. Speaker, there are few events that rock a community such as this. To this day, the people of Rockland County can recount the events of October 20, 1981, as if it were yesterday. This wonderful, tranquil community was awakened by the stark gunfire of a gang of heavily armed murderers and thieves who struck at the heart of the community, the Nanuet Mall, where children and families shop, eat, and spend time throughout the year. This brazen act forever changed Rockland County and the families of those gunned down.

It is reassuring to know that Peter Paige, Edward O'Grady, and Waverly Brown did not die in vain. After this horrific incident, Rockland County implemented new training measures and policies that have saved the lives of many officers over the last 22 years.

In addition to better coordination with State and Federal agencies, the Rockland County Police Department also began rigorous new training programs designed to deal with these types of crises. These new policies undoubtedly enhanced the Rockland PD's response to September 11 and the subsequent war on terror.

Also, every year on October 20, and as we are speaking now this is happening at this moment, the community gathers at a park on the Hudson River dedicated to their memory to honor their lives and their heroism. Today, the loved ones of these fine men are there remembering their son, their father, their friend. I am honored and humbled to inform them that the House of Representatives is recognizing them as well, and that the memory will be forever imprinted on Rockland County and, indeed, on our entire Nation.

This honor comes at a difficult time for the families of the victims as a participant in the robbery, Kathy Boudin, was recently paroled. Although she has regained her freedom, the lives of Edward O'Grady, Waverly Brown, and Peter Paige can never be replaced and the wounds their families and friends and the community still feel can never be healed. So, again, this is a fitting tribute to the memory of those lost and the lives of those still with us who grieved for their loved ones.

Mr. Speaker, I want to thank both the chairman of the Committee on Government Reform, the gentleman from Virginia (Mr. TOM DAVIS), and the ranking member, the gentleman from California (Mr. WAXMAN), for moving this legislation quickly through the committee and to the floor so it can be considered today, the exact anniversary of that tragic day.

I also want to thank the majority leader, the gentleman from Texas (Mr. DELAY), for his help and cooperation in facilitating this process, and the minority leader, the gentlewoman from California (Ms. PELOSI), for her support today. In addition, today would not be possible without the tireless work of our Senator, CHUCK SCHUMER, and the entire New York delegation, who have come together as New Yorkers do in a time of need and have unanimously supported this legislation.

Mr. ENGEL. Mr. Speaker, I rise in support of S. 1591, legislation I am working on together with Senator SCHUMER, to name the United States Postal Service facility at 48 South Broadway in Nyack after three heroes, Nyack Police Officers Edward O'Grady and Waverly Brown, and Brinks Guard Peter Paige. I am proud to have introduced H.R. 3167, the House version of this bill that has the support of the entire New York delegation. It is a true testament to these brave men who helped prevent the deaths of countless others 22 years ago when an armed gang attempted to rob a Brinks Armored Truck in the middle of the day at a crowded mall with no regard for the lives that would fall in their wake. The naming of this federal building will serve as a living memorial to these fine men who made the ultimate sacrifice while serving their community.

Mr. Speaker, there are few events that rock a community such as this. To this day, the people of Rockland County can recount the events of October 20, 1981, as if it were yesterday. This wonderful, tranquil community was awakened by the stark gunfire of a gang of heavily armed murderers and thieves who struck at the heart of the community, the Nanuet Mall, where children and families, shop, eat, and spend time throughout the year. This brazen act forever changed Rockland County and the families of those gunned down.

It is reassuring to know that Peter Paige, Edward O'Grady, and Waverly Brown did not die in vain. After this horrific incident, Rockland County implemented new training measures and policies that have saved the lives of many officers over the last 22 years. In addition to better coordination with state and federal agencies, the Rockland County Police Departments also began rigorous new training programs designed to deal with these types of crisis. These new policies undoubtedly enhanced the Rockland PD's response to September 11th and the subsequent war on terror. Also, every year on October 20th, the community gathers at a park on the Hudson River dedicated to their memory to honor their lives and their heroism. Today, the loved ones of these fine men are there—remembering their son, their father, their friend. I am honored and humbled to inform them that the House of Representatives is recognizing them as well, and that their memory will be forever imprinted on Rockland County, and our entire Nation.

This honor comes at a difficult time for the families of the victims as a participant in the robbery, Kathy Boudin, was recently paroled. Although she has regained her freedom, the lives of Edward O'Grady, Waverly Brown, and Peter Paige can never be replaced and the wounds their families and friends still feel can never be healed. So again, this is a fitting tribute to the memory of those lost and the lives of those still with us who grieve for their loved ones.

Mr. Speaker, I want to thank both Chairman TOM DAVIS and Ranking Member HENRY WAXMAN for moving this legislation quickly through the Committee and to the floor so it could be considered today on the anniversary of that tragic day. I also want to thank Majority Leader TOM DELAY for his help and cooperation in facilitating this process and Minority Leader NANCY PELOSI for her support. In addition, today would not be possible without the tireless work of Senator CHUCK SCHUMER, and the entire New York delegation who have come together as New Yorkers do in a time of need and have unanimously supported this legislation.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHAYS. Mr. Speaker, thanking Members for their cooperation, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the Senate bill, S. 1591.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

BRIGADIER GENERAL (AUS-RET.) JOHN H. McLAIN POST OFFICE

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3068) to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the "Brigadier General (AUS-Ret.) John H. McLain Post Office".

The Clerk read as follows:

H.R. 3068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BRIGADIER GENERAL (AUS-RET.) JOHN H. MCLAIN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, shall be known and designated as the "Brigadier General (AUS-Ret.) John H. McLain Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Brigadier General (AUS-Ret.) John H. McLain Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3068.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am happy to join with the gentleman from Illinois (Mr. DAVIS) to introduce H.R. 3068, which was introduced by my colleague, the gentlewoman from Florida (Ms. HARRIS), which designates this U.S. Postal Service facility in Sarasota, Florida, as the Brigadier General John H. McLain Post Office. The entire delegation from the State of Florida has signed on as cosponsors to this legislation.

Mr. Speaker, Brigadier General John McLain was a national hero who this body appropriately recognizes today. A veteran of both World War II and the Korean War, General McLain served his Nation in the U.S. Army for 37 years. He earned countless honors during his career, including the Bronze Star, Meritorious Service Medal, and the Legion of Merit.

John McLain was born in Pittsburgh, Pennsylvania, on January 21, 1919. After finishing high school, he enlisted in the Army in 1940. His very enlistment at this time exhibited bravery and a love of country, as Hitler's Nazi Germany had already invaded several countries in Europe by this time at the outbreak of World War II. Sure enough, McLain was soon sent to Europe as part of General George Patton's Third Army. He fought bravely during the infamous Battle of the Bulge that began in December 1944 and was promoted to the rank of captain for his valor.

When he returned to his hometown following World War II, McLain enrolled at the University of Pittsburgh, where he graduated with honors in 1947. As war erupted in Korea, Captain McLain volunteered for active duty, despite being a Reserve in the Army. During the war, he served as a senior advisor with the Korean Military Advisory Group. After he returned safely home from his second war in 1953, he returned to the University of Pittsburgh, where he earned his second degree, this time a master of arts.

The Korean War concluded General McLain's distinguished combat service, but he remained in the Army Reserves until his retirement in 1977. He deservedly earned the rank of brigadier general in 1972. It is important to note that the general spent much of his years following his active duty teaching. He taught English classes at Florida State University in Tallahassee, Admiral Farragut Academy in St. Petersburg, Florida, and St. Petersburg High School in Edgewood, Pennsylvania. He also returned to his alma mater to teach English history classes at the University of Pittsburgh.

From the time of his retirement until his death, General McLain lived in Sarasota with his wife of 50 years, Patricia Ann. He contributed to his community by volunteering countless hours at schools and organizations in the Sarasota area.

Mr. Speaker, for all these reasons, I urge all Members to support passage of H.R. 3068 that will name this post office after Brigadier General John McLain. General McLain will be laid to rest in Arlington National Cemetery on November 5 with full military honors.

Mr. Speaker, I thank the gentlewoman from Florida for her work toward honoring General McLain through this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join with my colleague, the gentleman from Connecticut (Mr. SHAYS), in support of H.R. 3068, legislation naming a postal facility in Sarasota, Florida, after Brigadier General John H. McLain.

This measure was introduced by the gentlewoman from Florida (Ms. HARRIS) on September 10, 2003. H.R. 3068, which was unanimously approved and reported by the Committee on Government Reform on September 18, 2003, has the support and cosponsorship of the entire Florida congressional delegation.

General McLain served his country bravely for nearly 4 decades, both on active duty and as a Reservist. He enlisted in the United States Army in 1940 and served in World War II and the Korean War. He attained the rank of brigadier general in 1972 and was inducted into the Field Officer Candidate School Hall of Fame in 1976. During his career, he received the Legion of Merit, the Bronze Star Medal, Meritorious Service Medal, and the United Nations Service Medal, among others.

An active member of his community, General McLain passed away last month on September 23, 2003. He left behind a wife, four children, grandchildren, and a great grandchild. General McLain will be buried with full military honors in Arlington National Cemetery on November 5, 2003.

Mr. Speaker, naming a postal facility after the late General John H. McLain continues in our tradition of honoring individuals of great character and service to their community and to their country. I urge swift passage of this bill.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. DAVIS) for his help in passage of both these pieces of legislation. I also know the gentlewoman from Florida (Ms. HARRIS) badly wanted to be here for consideration of H.R. 3068. I commend her for her work on this bill.

Mr. Speaker, this legislation honors a devoted American patriot, Brigadier General John H. McLain. I, along with the gentleman from Illinois (Mr. DAVIS), urge all Members to support its passage.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the bill, H.R. 3068.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMENDING TITLE XXI OF THE SOCIAL SECURITY ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3288) to amend title XXI of the Social Security Act to make technical corrections with respect to the definition of qualifying State.

The Clerk read as follows:

H.R. 3288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS RELATING TO THE DEFINITION OF QUALIFYING STATE UNDER TITLE XXI OF THE SOCIAL SECURITY ACT.

Effective as if included in the enactment of Public Law 108-74, section 2105(g)(2) of the Social Security Act, as added by section 1(b) of such Act, is amended—

(1) by striking "185" the first place it appears and inserting "184";

(2) by inserting "August 1, 1994, or" before "July 1, 1995"; and

(3) by inserting before the period at the end the following: ", or, in the case of a State that had a statewide waiver in effect under section 1115 with respect to title XIX that was first implemented on October 1, 1993, had an income eligibility standard under such waiver for children that was at least 185 percent of the poverty line and on and after July 1, 1998, has an income eligibility standard for children under section 1902(a)(10)(A) or a statewide waiver in effect under section 1115 with respect to title XIX that is at least 185 percent of the poverty line".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3288.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3288 and urge swift passage of this bipartisan bill. H.R. 3288 corrects technical errors in the recently enacted State Children's Health Insurance Program, S-CHIP, legislation. This important legislation extended the availability of State S-CHIP allotments from prior years to allow States to use this money to continue to provide health care coverage for children. The bill also permitted certain States that had previously covered children with higher incomes through their

Medicaid program prior to the creation of S-CHIP to use a small portion of their S-CHIP allotments to pay for the costs associated with covering these children.

Unfortunately, a definition included in the new S-CHIP law inadvertently excluded a number of States. As a result, New Mexico, Maryland, Hawaii, and Rhode Island were barred from being able to use their allotments to pay for the expenses of their kids with higher incomes.

It was always the intent of the sponsors of the S-CHIP legislation that these States would be allowed to use their money in this way. For that reason, my chairman, the gentleman from Louisiana (Mr. TAUZIN), and the ranking member, the gentleman from Michigan (Mr. DINGELL), introduced H.R. 3288, which amends the definition of eligible States to correct the technical error.

I would urge all Members to unanimously support this bipartisan bill, which would allow these States to use a portion of their S-CHIP allotments to provide health coverage for their low-income children.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise in support of H.R. 3288. First, I also want to thank the gentleman from Louisiana (Chairman TAUZIN) and our ranking member, the gentleman from Michigan (Mr. DINGELL), for working in a spirit of bipartisan cooperation on this issue. Our Committee on Energy and Commerce has repeatedly worked together to deal with issues related to the State Children's Health Insurance Program, or S-CHIP.

☐ 1530

As recently as July, we developed a compromise to protect health care coverage for hundreds of thousands of children under the SCHIP program.

The SCHIP program was enacted in 1997 and currently provides health care coverage to approximately 4.3 million children, but there have been some growing pains. The State funding allotment mechanism has not worked perfectly. And, as a result, some States have been left with excess funding and others with too little funding.

In July, we passed legislation that preserved the nearly $1.2 billion of funding intended for children's health insurance coverage from returning to the Treasury, not for lack of need but as a result of these problems with the funding allocation.

In addition, the bill passed in July extended, for one additional year, the availability of $1.5 billion in SCHIP funds from fiscal years' 2000 and 2001 allotments, thereby allowing 50 percent of each year's unspent money to be retained by States that have not used their entire allotment.

The remaining 50 percent of unspent money was distributed to States that have spent all of their respective year's allotment, and New Jersey is one of those states.

Finally, the bill allowed certain States to use a portion of their unspent funds for children covered through Medicaid.

Mr. Speaker, unfortunately there were technical errors in that bill which inadvertently excluded New Mexico, Maryland, Hawaii, and Rhode Island. And as a result these four States were unable to receive their portions of these allotments which assisted them in providing health coverage to the children of their State. Neither the gentleman from Louisiana (Mr. TAUZIN) nor the gentleman from Michigan (Mr. DINGELL) intended this to happen so they introduced H.R. 3288 to correct this technical error.

Again, I want to thank the chairman for his efforts to move this legislation forward to make it possible for these four States to receive their allotment and protect health care for children under SCHIP. I hope that the Senate will act quickly, so that we can get this bill to the President's desk and expedite the flow of needed funding for children's health care.

Mr. PALLONE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 3288.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. UPTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 34 minutes p.m.) the House stood in recess until approximately 6:30 p.m.

☐ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DUNCAN) at 6 o'clock and 31 minutes p.m.

QUESTION OF PRIVILEGES OF THE HOUSE

Mr. McDERMOTT. Mr. Speaker, pursuant to rule IX, I rise to a question of privileges of the House, offer a resolution, and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

RESOLUTION

Correcting the Record of Tuesday, January, 28, 2003.

Resolved, That an asterisk be placed in the permanent Record of Tuesday, January 28, 2003, noting that the following statements contained in the State of the Union Address by the President of the United States are inaccurate:

(1) "The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."

(2) "Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production."

(3) "From intelligence sources, we know, for instance, that thousands of Iraqi security personnel are at work hiding documents and materials from the U.N. inspectors, sanitizing inspections sites, and monitoring the inspectors themselves."

(4) "Evidence from intelligence sources, secret communications, and statements by people now in custody reveal that Saddam Hussein aids and protects terrorists, including members of al Qaeda.".

The SPEAKER pro tempore. The Chair will hear argument on the question of whether the resolution constitutes a question of the privileges of the House under rule IX.

The gentleman from Washington (Mr. McDERMOTT) is recognized.

Mr. McDERMOTT. Mr. Speaker, on Thursday, October 16, I gave notice of my intention to raise a question of privileges of the House.

Mr. Speaker, the first definition of rule IX(1) is "affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings." Rule IX is designed to give Members of the House the means to protect the dignity and integrity of this body, and that is what my resolution seeks to do.

I believe that our rights, our dignity, and our integrity are affected and are harmed when inaccurate statements are made in our Chamber and recorded in our official proceedings without note being taken that they are inaccurate. I believe that the integrity of the CONGRESSIONAL RECORD is harmed and the dignity of the body issuing the RECORD is harmed.

I am aware that it is conceivable that Members of this body may, at least in theory, at times make statements on the floor that might be shown to be inaccurate. When this occurs, however, other Members have the opportunity and the responsibility to engage in debate to identify the offending statements. Readers of the Congressional Record, citizens, future historians, have the opportunity to learn from our debate what is and is not accurate.

When the four statements I have identified were made in this Chamber on January 28, there was no such opportunity to engage the person making these statements in debate in order to identify the statements as inaccurate as there is normally in the House. Unless we act today, when future historians go back to examine our proceedings, they will find these four statements presented in the Record unchallenged.

Normally, dubious statements in the Record are not unchallenged. Normally, we collectively take responsibility for the accuracy of the statements made in the Record through our debate and discussion. The statements of January 28 were made outside the normal process Congress uses to identify inaccurate statements. Therefore, the only opportunity Congress has to protect the integrity of its proceedings is to identify in the Record the statements that are inaccurate.

I believe that the integrity of our proceedings, as protected under rule IX, requires the House to consider my resolution. To fail to consider this resolution would leave the implication that these statements were of no consequence, or that this body did not care to identify them as inaccurate. I do not think we can afford to leave that impression in a journal that will be examined in the future as a basis for writing the history of our entrance into the war.

Mr. Speaker, for that reason, I ask that we consider this resolution at this time.

The SPEAKER pro tempore. The Chair is prepared to rule.

The resolution alleges certain inaccuracies in the address of the President of the United States before a joint session of the two Houses earlier in this Congress and resolves that those precise statements be footnoted by asterisks in the permanent Congressional Record.

The Chair has examined precedents permitting questions of the privileges of the House to address the accuracy and propriety of the Congressional Record. In each of these occasions where questions of privilege have been permitted, it was alleged that a Member had been proceeding out of order, that remarks were improperly transcribed, or that unauthorized matter was inserted in the Record.

On several occasions, the Chair ruled that where remarks that were made in order were printed in the Record, collateral challenges under the guise of questions of privilege were not in order. (See Hinds V, 6974; Cannon's VIII, 3469, 3498). While the Chair is not aware of any precedent with regard to the accuracy of an address by the President of the United States in a joint session, the Chair rules that allegations of factual inaccuracy in the contents of a speech, as opposed to the fidelity of its transcription, whether by the President or by a Member, are matters for subsequent proper debate and do not give rise to a question of the privileges of the House. To rule otherwise would be to permit collateral challenges under the guise of a question of privilege to the factual correctness of every word uttered, whether or not alleging the unauthorized inclusion of those remarks on the Record.

The Chair, therefore, rules that the resolution does not constitute a question of the privileges of the House under rule IX.

PARLIAMENTARY INQUIRY

Mr. McDERMOTT. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. McDERMOTT. Is the effect of your ruling that whatever the President says must be considered correct since we have no chance to debate him, we have no chance to question him?

The SPEAKER pro tempore. The Chair has ruled that debate over the next weeks or months in the House can go to the question of the factual accuracy of the previous statements of the President; but it would not be proper to do so in this type of resolution or in this form.

Mr. McDERMOTT. So the body does not have a way to deal with the statements made in the State of the Union message? We must accept it, and there it is?

The SPEAKER pro tempore. The House has the right and the responsibility to respond to the President's address during subsequent debate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 356, by the yeas and nays;

H. Res. 400, by the yeas and nays; and

H.R. 3288, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

EXPRESSING SENSE OF HOUSE REGARDING MAN-MADE FAMINE THAT OCCURRED IN UKRAINE IN 1932–1933

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 356.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. Hyde) that the House suspend the rules and agree to the resolution, H. Res. 356, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 52, as follows:

[Roll No. 563]

YEAS—382

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Castle
Chabot
Chocola
Clyburn
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh

McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—52

Ackerman
Barton (TX)
Becerra
Bell
Brady (PA)
Brown, Corrine
Burr
Capps
Carson (OK)
Case
Clay
Coble
Davis (FL)
Delahunt
Doggett
Doolittle
Fattah
Fletcher
Ford
Gallegly
Gephardt
Gingrey
Gutierrez
Harman
Hoeffel
LaHood
Leach
Lewis (GA)
Lucas (OK)
Manzullo
Marshall
McCarthy (NY)
Neal (MA)
Northup
Owens
Pryce (OH)
Putnam
Ramstad
Reyes
Rogers (KY)
Roybal-Allard
Sessions
Simpson
Slaughter
Stark
Stenholm
Taylor (MS)
Visclosky
Vitter
Weiner
Wexler
Whitfield

☐ 1858

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN). Pursuant to clause 8 of rule XX, the next vote will be conducted as a 5-minute vote.

HONORING THE 25TH ANNIVERSARY OF POPE JOHN PAUL II'S ASCENSION TO THE PAPACY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 400, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. MCCOTTER) that the House suspend the rules and agree to the resolution, H. Res. 400, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 52, as follows:

[Roll No. 564]

YEAS—382

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Castle
Chabot
Chocola
Clyburn
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—52

Ackerman
Barton (TX)
Becerra
Bell
Brady (PA)
Brown, Corrine
Burr
Capps
Carson (OK)
Case
Clay
Coble
Davis (CA)
Davis (FL)
Delahunt
Doggett
Doolittle
Fattah
Fletcher
Ford
Gallegly
Gephardt
Gingrey
Gutierrez
Harman
Hoeffel
LaHood
Leach
Lewis (GA)
Lucas (OK)
Manzullo
Marshall
McCarthy (NY)
Neal (MA)
Northup
Owens
Pryce (OH)
Putnam
Ramstad
Reyes
Rogers (KY)
Roybal-Allard
Sessions
Slaughter
Stark
Stenholm
Taylor (MS)
Visclosky
Vitter
Weiner
Wexler
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1906

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. DAVIS of California. Mr. Speaker, on rollcall No. 564, had I been present, I would have voted "yea."

AMENDING TITLE XXI OF THE SOCIAL SECURITY ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3288.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 3288, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 52, as follows:

[Roll No. 565]

YEAS—382

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capito
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Castle
Chabot
Chocola
Clyburn
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—52

Ackerman
Barton (TX)
Becerra
Bell
Brady (PA)
Brown, Corrine
Burr
Cantor
Capps
Carson (OK)
Case
Clay
Coble
Davis (FL)
Delahunt
Doggett
Doolittle
Fattah
Fletcher
Ford
Gallegly
Gephardt
Gingrey
Gutierrez
Harman
Hoeffel
LaHood
Leach
Lewis (GA)
Lucas (OK)
Marshall
McCarthy (NY)
Neal (MA)
Northup
Owens
Pryce (OH)
Putnam
Ramstad
Reyes
Rogers (KY)
Roybal-Allard
Ruppersberger
Sessions
Slaughter
Stark
Stenholm
Taylor (MS)
Visclosky
Vitter
Weiner
Wexler
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1922

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBER TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore. Pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 Note), amended by section 681(b) of the Foreign Relations Authorization Act, fiscal year 2003 (22 U.S.C. 2651 Note), the order of the House of January 8, 2003, and upon the recommendation of the minority leader, the Speaker appointed the following member on the part of the House to the Commission on International Religious Freedom for a 1-year term ending May 14, 2004, to fill the existing vacancy thereon:

Ms. Patricia W. Chang, San Francisco, California.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 2535, ECONOMIC DEVELOPMENT ADMINISTRATION REAUTHORIZATION ACT OF 2003

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent that it shall be in order anytime without intervention of any point of order to consider in the House H.R. 2535; the bill shall be considered as read for amendment; the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment that I have placed at the desk, shall be considered as adopted; all points of order against the bill, as amended, shall be waived; the previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except, one, 1 hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure; and, two, one motion to recommit, with or without instructions; and the amendment that I have placed at the desk shall be considered as read for purposes of this unanimous consent request.

The text of the amendment is as follows:

Page 15, line 25, strike the closing quotation marks and the final period and insert the following:

"(4) PRESERVATION OF SECURITIES LAWS.—

"(A) NOT TREATED AS EXEMPTED SECURITIES.—No securities issued pursuant to paragraph (2)(C) shall be treated as exempted securities for purposes of the Securities Act of 1933 or the Securities Exchange Act of 1934, unless exempted by rule or regulation of the Securities and Exchange Commission.

"(B) PRESERVATION.—Except as provided in subparagraph (A), no provision of this subsection or any regulation issued by the Secretary under this subsection shall supersede or otherwise affect the application of the securities laws (as such term is defined in section 2(a)(47) of the Securities Exchange Act of 1934) or the rules, regulations, or orders of the Securities and Exchange Commission or a self-regulatory organization thereunder.".

Page 24, line 2, strike the period at the end and insert the following:

; except that recipients may use grant funds awarded under this section for the administrative costs of economic development activities.

Page 25, line 15, strike the period at the end and insert the following:

; except that recipients may use grant funds awarded under this section for the administrative costs of economic development activities.

At the end of the bill, add the following:

TITLE VIII—APPALACHIAN REGIONAL DEVELOPMENT

SEC. 801. ADDITIONS TO APPALACHIAN REGION.

(a) KENTUCKY.—Section 14102(a)(1)(C) of title 40, United States Code, is amended—

(1) by inserting "Nicholas," after "Morgan,"; and

(2) by inserting "Robertson," after "Pulaski,".

(b) OHIO.—Section 14102(a)(1)(H) of such title is amended—

(1) by inserting "Ashtabula," after "Adams,";

(2) by inserting "Fayette," after "Coshocton,";

(3) by inserting "Mahoning," after "Lawrence,"; and

(4) by inserting "Trumbull," after "Scioto,".

(c) TENNESSEE.—Section 14102(a)(1)(K) of such title is amended—

(1) by inserting "Giles," after "Franklin,"; and

(2) by inserting "Lawrence, Lewis, Lincoln," after "Knox,".

(d) VIRGINIA.—Section 14102(a)(1)(L) of such title is amended—

(1) by inserting "Henry," after "Grayson,"; and

(2) by inserting "Patrick," after "Montgomery,".

SEC. 802. AUTHORIZATION OF APPROPRIATIONS.

Section 14703(a) of title 40, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

"(1) $88,000,000 for each of fiscal years 2002 and 2003.

"(2) $91,000,000 for fiscal year 2004.

"(3) $93,000,000 for fiscal year 2005.

"(4) $95,000,000 for fiscal year 2006.".

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003.

Mr. MARKEY. Mr. Speaker, subject to rule XXII, clause 7, I hereby announce my intention to offer a motion to instruct on H.R. 6, the Energy Policy Act.

The form of the motion is as follows:

Mr. MARKEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 6 be instructed to insist upon the provisions contained in—

(1) section 14011 of the House bill relating to secure transfer of nuclear materials;

(2) section 14012(d) of the House bill relating to nuclear facility threats, directing the Nuclear Regulatory Commission to issue regulations, including changes to the design basis threat, to ensure that nuclear facilities licensed by Commission address the threat of a terrorist attack against such facilities; and

(3) section 14013 of the House bill requiring the Nuclear Regulatory Commission, before entering into any agreement of indemnification with respect to a utilization facility under section 170 of the Atomic Energy Act of 1954, to consult with the Assistant to the President for Homeland Security (or any successor official) with respect to that facility concerning whether the location of the facility and the design of that type of facility ensures that the facility provides for the adequate protection of public health and safety if subject to a terrorist attack, and that the Nuclear Regulatory Commission also consult with the Secretary of Homeland Security before issuing a license or a license renewal for a sensitive nuclear facility concerning the emergency evacuation plan for the communities living near the sensitive nuclear facility.

The SPEAKER pro tempore. The notice will appear in the RECORD.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RESOLUTION 73, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–323) on the resolution (H. Res. 407) providing for consideration of the joint resolution (H.J. Res. 73), making further continuing appropriations for fiscal year 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003.

Ms. WOOLSEY. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, Tax Relief, Simplification, and Equity Act of 2003.

The form of the motion is as follows:

Ms. WOOLSEY moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the *Columbia* disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceeding provisions of this instruction, not later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore. Notice will appear in the RECORD.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. BROWN of Ohio. Mr. Speaker, subject to rule XXII, clause 7, I hereby announce my intention to offer a motion to instruct on H.R. 1, Medicare Prescription Drug and Modernization Act of 2003.

The form of the motion is as follows:

Mr. BROWN of Ohio moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed to reject the provisions of subtitle C of title II of the House bill.

The SPEAKER pro tempore. Notice will appear in the RECORD.

□ 1930

RECOGNIZING THE PASSING OF WILLIAM C. CRAMER

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute.)

Mr. YOUNG of Florida. Mr. Speaker, I rise to announce to my colleagues the death of one of our former Members of Congress, William C. Cramer of St. Petersburg, Florida. Bill Cramer died on Saturday afternoon. He had served in the State House of Representatives prior to being elected to Congress where he served 16 years until he left after the election of 1970.

Our heartfelt sympathies and condolences go out to his wife Sara and to his three sons Billy, Mark, and Allyn. And I know that not only some of the Members today served with Mr. Cramer, but he continued to be a presence here in Washington and continued to make friends among the membership of the House.

And I would say that, having been a member of his staff in the late 1950s, in his district staff, and our friendship was a long-standing friendship, that I certainly shall miss Mr. Bill Cramer.

RECOGNIZING THE PASSING OF WILLIAM C. CRAMER

(Mr. MICA asked and was given permission to address the House for 1 minute.)

Mr. MICA. Mr. Speaker, it is with sadness that I join my colleague, the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the Committee on Appropriations, in recognizing the passing of one of our former colleagues of the House of Representatives, William C. Cramer.

Bill Cramer served in this Chamber as a representative from Florida's west coast from 1955 to 1970. Over the past decades, Congressman Cramer was more than a former colleague to me. I affectionately referred to him as my old boss for I had the great honor and privilege also to work with him, and I worked as a campaign aid in his bid for the United States Senate in 1970.

Bill Cramer was a pioneer for the Republican party. He was a Florida State legislator and the first GOP Member from the State of Florida since the post-Civil War reconstruction era. Not only was he one of the true contemporary founders of Florida's Republican majority, Bill Cramer served initially as a minority of one, our State's only GOP Member in Congress in 1955.

In the House of Representatives, Congressman Cramer rose to leadership positions in both the Public Works Committee and also the House GOP conference with his distinguished service. And as part of his legacy, the Republican party of Florida now has 18 of 25 GOP Members of Congress, a Republican Governor, and majorities in both the State Senate and State House.

Our country has lost a great American and an honored veteran. Mr. Speaker, the Congress, the State of Florida, and the Republican party have lost a distinguished leader. With Bill Cramer's passing, I have lost a great mentor and a good friend.

To the Cramer family, Sara his wife, his sons Billy, Jr., Mark, Allyn, and his family, I extend my personal sympathy.

HONORING JUDGE KAY SPAULDING ROBILIO

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, today I wanted to take time to honor one of Tennessee's most accomplished Memphians, Judge Kay Spaulding Robilio of the U.S. Circuit Court, Division 5, 30th Judicial District.

For more than 20 years of dedicated service as a judge and the 2002–2003 president of the Tennessee Lawyers' Association for Women, Judge Robilio has committed her life to the pursuit of justice and equality for all. She has helped open the way for women interested in serving on the bench and in public office. And as a mother and volunteer, her dedication to the community extends beyond her profession. Her dedication to exploring legal issues surrounding emotional abuse claims is helping expand recognition of the problem and establishes her as a true pioneer.

Judge Robilio is an asset to Memphis and a shining light in our legal community. I want to thank Kay for her decades of service and let her know we look forward to many more years of legal excellence and integrity from her court.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHERWOOD). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART of Florida) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I, once again, want to speak a little bit on the cause the Washington Waste Watchers is trying to get done and that is to highlight and try to get rid of some of the everlasting waste in the Federal Government, waste of the taxpayer's money that the Federal Government seems so apt at doing so well.

Mr. Speaker, for example, the postal service managers received over $500 million in incentive awards for allegedly improving financial performance when, in fact, all indicators showed at the same time that the financial performance had actually declined. And, yet, we still gave that $500 million because of the performance which, again, the same performance had declined.

The examples are just never-ending. For example, the EPA had no knowledge whatsoever of the work that a certain EPA applicant was going to perform, but still awarded that same applicant with a $700,000 grant even though it did not know what it was for, Mr. Speaker.

HUD paid the full amount of $227,000, Mr. Speaker, for a project even though that same project that it was paying for, the full project, one-third of the project had only been completed. And, yet, the entire sum went out.

Again, no accountability whatsoever. And nothing seems to happen.

The public housing authority in Bridgeport, Connecticut, received an extra $750,000 in operating subsidies during the year 2000, while incurring $300,000, Mr. Speaker, in unnecessary utility expenses for units that had been vacant for years. Again, these are not new issues.

And, yet, the Democrats, Mr. Speaker, still insist on trying to raise the taxes of the hard-working American people to do more of this.

You see, Mr. Speaker, the Federal Government has grown at an uncontrollable size. And the Democrats insist on raising the taxes on the hard-working Americans to do more of this, of throwing good money after bad and bad money after good and good money after bad. Because it is not once, it is over and over and over. And their solution, Mr. Speaker, is it is not a problem, there is more money where that comes from.

The American people will take more money out of their hard-earned dollars, take it out of their pockets, send it to D.C. so D.C. can continue to do what it has done year after year after year.

I am encouraged, Mr. Speaker, by the President's new initiative to try to curtail this. But let me tell my colleagues what I am a little bit discouraged about, Mr. Speaker. The Federal Government loses almost $20 billion before it can even waste it. When the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, had an amendment in the committee after we see the amount of money that is wasted, he said let's cut 1 percent, just 1 percent on waste, fraud and abuse. Mr. Speaker, how many votes were there from our distinguished friends of the Democratic party for the motion of the chairman of the Committee on the Budget to cut just 1 percent of waste, fraud and abuse? Zero. Not one. Because, again, they believe in raising taxes.

Take the money from the hard-working American people. They all keep sending it up here so they can come up and the money can come up here and the Federal Government can continue to waste it.

Mr. Speaker, again I will continue to highlight this waste. I am going to continue to thank the President for the initiatives that he has taken to change this, and we are going to continue to highlight it. And we have already filed some legislation, and we are going to file more legislation in order to try to change this culture of spending and of misspending to the culture of fiscal responsibility.

In the meantime, I would ask my friends in the other party to change their attitude from just asking for more money, for asking for more taxes and increases in taxes, and help us change this attitude that the President is trying to change, and we are going to continue to try to change.

PURCHASING PRESCRIPTION DRUGS FROM CANADA AND EUROPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, people from around the world come to America for their medical care. Yet Americans are forced to travel around the world for their prescription drugs and medications. Today, in the Washington Post, there was a poll conducted by the Washington Post and ABC News showing more than two-thirds of Americans think it should be legal to purchase medications from Canada and Europe and other industrialized nations.

I think this is significant given on the eve that the conference on prescription drugs is meeting to know where the American people are on the major issue of allowing them to purchase medications from either Europe or Canada, allowing competition to pervade in the prescription drug area, allowing choice to consumers. Two-thirds of the Americans think it is the right thing to do.

In the meantime, millions of Americans are forced to either cut their medications in half, skip a month, forgo their prescription drugs entirely, or cut their pills, as I said, in half. Yet of those who choose not to do that, many are forced to go to Canada to buy their medications.

And what do our drug companies provide these seniors who are in dire need of life saving medications? Today, Eli Lilly announced joining other major companies like Glaxo, AstraZeneca, and Pfizer, they are going to begin to limit their sales to Canada, cut off their supplies to Canada. Rather than allowing competition and choice to exist in the system, these prescription drug companies are going to deny access to the Canadians where Americans get competitive prices.

You take the cancer drug Tamoxifen, $360 in the United States; Canada, $33. Life-saving medication for women with breast cancer. You go down the list, line by line. Last week, USA Today ran an article going line by line over major medications, and they were all somewhere between 40 to 50 percent cheaper in Canada than they are in the United States.

And the irony of all of that is many of those medications were developed with U.S. taxpayer dollars. So what have we provided? Not only do we fund the research and development of these new life-saving medications, we are provided the unique opportunity of paying the most expensive prices in the world for medications that were originally developed with U.S. tax dollars.

Many in the industry not only now are limiting sales, they argue about the safety of these medications purchased from Canada. Yet today, we import $15 billion worth of medications from around the world. Nobody argues about their safety. And the most telling example about the issue of Canada is that in October 2000 when the United States Government needed a vaccine for anthrax, where did they turn because there was a shortage here in the United States?

□ 1945

They turned to Canada. If it was so unsafe for our consumers to go to Canada to buy medications, where did the United States Government go in dire need? They went to Canada because the system in Canada is comparable to our system.

A recent Wall Street Journal/Harris Interactive poll shows 77 percent of Americans believe it is unreasonable for pharmaceutical companies to take actions like Eli Lilly did today.

The facts are that the claims made by the FDA and the pharmaceutical companies about the dangers of these drugs simply do not hold. They did not hold when the United States Government needed them, and they do not hold today when our seniors and others are forced to go to Canada to get life-saving medications.

This system is not some great beyond that we do not know. Today in Europe the system of parallel trading exists, free trade where people in Germany or France or England or Ireland buy medications wherever they need them in Europe. That system exists, and it is the most competitive market in the pharmaceutical industry.

What I am suggesting, what others in bipartisan fashion have passed in July, the legislation known as market access, are suggesting is allow the United States to participate in that market access. Allow the barriers to come down, allow the market to organize and properly manage itself and prices in the United States would come down, rather than allowing a 40 to 50 percent disparity between the prices in Canada and Europe between the United States. That is what would happen if we passed this legislation today.

For too long, if we take a look at it, in Families USA, the 50 most commonly used drugs by our seniors have risen 3½ times the rate of inflation. Between 2000 and 2003, seniors' expenditures on prescription drugs increased by 44 percent.

The costs of medications are too expensive. Eli Lilly and the other pharmaceuticals are limiting the sales to Canada in an attempt to cut off the seniors. And what does the United States Congress do and what does the United States Senate do? When they passed a prescription drug, when it came to the issue of price and affordability, the Congress did nothing. And so people are forced to take action in their own hands and go to Canada.

We should not turn our grandmothers and our grandfathers into drug runners, filling up prescription bags for people that live in the housing centers with them. We can deal with the issue of cost. Allow the free market system to work and allow choice to exist and prices would come down here in the United States.

For too long the American people have been forced to subsidize the starving French and Germans. We should give them competitive prices, give them choice, allow the free market to work; and we will finally get the prescription drugs people need and deserve.

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is recognized for 5 minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise to join my colleagues, and in particular the gentleman from Florida (Mr. MARIO DIAZ-BALART), as a vigilante for the American taxpayer. In the 10 short months that I have been a Member of Congress, I have been appalled by the waste, fraud, and abuse that I have found to exist within the Federal Government.

As a member of the Washington Waste Watchers and of this body, I believe it is my duty to bring to the public's attention instances of fraud, waste, and abuse. It not only steals from taxpayers but also from the beneficiaries who truly need the benefits.

I have been given the honor of serving on the House Committee on Veterans' Affairs. In this position, I exercise oversight responsibilities over the second largest agency in the Federal Government. The VA is a laudable institution with lofty goals and worthy intentions. However, as evidenced by long wait times suffered by many veterans, not only in my district but in other districts as well, it has not always flourished under the best management practices. Again this year, the GAO placed the VA on its high-risk list for fraud, waste, and abuse. Here are but a few examples of fraud and waste that I will discuss that happened in the VA where we stood to lose over $130 million to unscrupulous felons.

They have been vulnerable to this because of poor management practices and loose accounting standards. Three VA employees, two in my home State of Florida and one in New York, embezzled nearly $1.3 million by exploiting internal weaknesses in the VA benefit program. With this money one employee purchased a Mazda Miata, a Mitsubishi 3000 GT, and two engagement rings.

After a review was conducted as a result of this crime, auditors uncovered 136 other cases of potential fraud or mishandling of veterans' benefit checks from offices in St. Pete, Florida, and St. Louis, Missouri, alone.

We need to seek out this fraud, not just believe that the solution is to raise taxes and turn our backs on fraud, waste, and abuse.

The VA has also identified approximately 7,000 possible cases of individuals who may be receiving benefits intended for deceased veterans. The VA estimates that they netted nearly $21 million over 5 years by identifying these cases. Can you imagine that they are continuing to pay for veterans who have passed away?

For more than 7 years, nearly 400 veterans actually received VA educational benefits even though they did not attend class. The veterans had a great scheme going with the instructor who falsified their attendance. Nineteen defendants have been convicted in this scheme, and the government has recouped over $4.5 million.

Lastly, the Department's Inspector General estimated that roughly 13,700 veterans have been paid about a million dollars nationwide and that the Department has no systematic method to identify these people who are prisoners. Prisoners should not be paid veterans benefits.

Here are a few recent examples of waste within the VA: the Veterans Administration keeps an excess inventory of medical supplies totalling $64 million, or 62 percent of its $132 million inventory. An example is at four pharmaceutical facilities surveyed, the Inspector General found 48 percent of the inventory was actually in excess.

The VA medical supply procurement practices are also questionable because very often they pay more for medical supplies than the market price, and here is an example of that. During a 6-month period, seven out of 10 VA medical centers that purchased standard powder-free surgical gloves failed to use the established FFS contractor and overpaid an open-market vendor by 28 percent. This error in disposable gloves alone cost the taxpayers $34,000.

As evidenced by these instances of fraud and abuse which are only the tip of the iceberg within the VA and other Federal agencies, it is imperative that the culture in Washington change.

Instead of the knee jerk reaction to raise taxes to fund programs or to create mandatory spending entitlements (the answer favored by Democrats) we must look into the wasteful spending practices the result from unchecked bureaucracy!

It is my deepest hope that by highlighting these abuses and bringing them to the attention of the American taxpayer, the VA will continue to take corrective action under the leadership of Sec. Principi and respect that the money that they are spending is the people's money. Not their own.

Waste, fraud, and abuse throughout the federal government is decades old, and Republicans—led by Budget Chairman NUSSLE and Speaker HASTERT—are working to eliminate the culture of waste that has existed in the federal government.

As a Republican, I will work to reduce wasteful spending in the government and protect your tax dollars.

CONSTITUENT LETTERS REGARDING IRAQ WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, about 170 or so years ago, John Quincy Adams came to the House floor night after night reading letters from his constituents because the conservative leaders of the House of Representatives in those days passed a rule prohibiting banning the debate and discussion of slavery in the United States. He read letters mostly from women in his Massachusetts district protesting the cutting off of debate, the fact that conservative leadership in Congress simply did not want this discussed.

Today, 165 years later, I have come to the House night after night reading letters from any constituents, talking about corruption in the Bush administration, talking about the money we are spending on reconstruction in Iraq, talking about the billion dollars a week, a third of it from private contractors, money that goes to the friends of the President and the companies and contributors supporting the President, and really wondering why this administration and the conservative leaders in this Congress will not allow us to discuss this.

I have gotten letter after letter from my Ohio constituents wondering why Vice President CHENEY still gets $13,000 every month from the Halliburton Company, the company of which he was CEO 3 years before he was Vice President, a company that is still receiving millions, hundreds of millions of dollars in unbid government contracts.

Just last week I tried to offer an amendment to the $87 billion appropriations that would have stopped some of the corporate tax evaders who have evaded taxes at the expense of the American citizens. The amendment would have banned corporate tax evaders, tax dodgers, from receiving any contracts on the reconstruction of Iraq.

We know that Halliburton companies have broken Federal law, yet we still give them these contracts and they still pay the Vice President of the United States, this is on record, pay him $13,000 a month.

I will begin to share some of these letters.

Jill from Akron, Ohio writes, "It is a disgrace that our government is willing to spend billions on another country when the education system in our country is crumbling."

Dr. Steve in Hinckley writes, "The Iraq war has not made it safer. It has harmed relationships with key NATO allies as well as helped fuel more anti-American sentiment in the Middle East. This has to stop."

Francene from Akron, Ohio writes, "Please do not vote for additional funding for this war. It took lies and deceit to get us into this war, and we should back off now and let the United Nations help rebuild the mess in Iraq that Mr. Bush created." She is talking about the things that the administration told us that simply are not true: the weapons of mass destruction, the al-Qaeda connections, all of those things.

Terence of Avon Lake writes, "We need to hold the Bush administration accountable for their poor Iraq planning and nonexistent exit strategy. Please withhold the funds requested until they lay out an exit strategy from Iraq."

One of the things that Terence is talking about is the fact that a year or 14 months after President Bush said he wanted to attack Iraq, we still do not have body armor for our troops. One-quarter of our troops still do not have body armor, are not going to have it at earliest until December; and I am hearing from families who just cannot believe that we knew we were going to do this, yet we are not taking care of the troops. We are not supplying them with antibiotics. We are not supplying them with safe drinking water. We are not supplying them with body armor, yet we are forcing them when they get leave, if they do, to pay for their own plane tickets home. Yet we are spending a billion dollars a week and a third of it is going to private contractors, many of them contributors to and friends of the President.

Eric of Akron writes, "I am dismayed this country can find billions of dollars to pay for an unnecessary and illegitimate war in Iraq but cannot find in its heart to solve some of the real problems this country and the world are facing. I am saddened and I am sickened. Very few of you in Congress and the Bush administration are really looking out for the people of this country."

Corky of Strongville, Ohio writes, "It is time the American people hold the Administration accountable for lies in regard to Iraq. No more money or troops should be committed until a full investigation is conducted."

PARLIAMENTARY INQUIRY

Mr. CUNNINGHAM. Mr. Speaker, I have a parliamentary inquiry. Is it proper decorum of the House to call the President a liar?

The SPEAKER pro tempore. If the gentleman's remarks were of that tenor, they would be out of order.

Mr. BROWN of Ohio. Mr. Speaker, I did not mean to say that. I was reading a letter and talking about the Bush administration. If I actually called the President a liar, I withdraw that. I do not mean to say that.

The SPEAKER pro tempore. Without objection.

Mr. CUNNINGHAM. Mr. Speaker, further parliamentary inquiry, there are slick ways to get around calling the President a liar and still doing it. I would object.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BROWN) may proceed in order.

Mr. BROWN of Ohio. Mr. Speaker, is that time taken away from me during the parliamentary inquiry?

The SPEAKER pro tempore. No, the clock was stopped during the inquiry.

Mr. BROWN of Ohio. Mr. Speaker, Deborah of Akron, Ohio, writes, "Please do not give $87 billion to President Bush. He and his advisors did not plan well for the rebuilding of Iraq." I think she is talking about the Kevlar jackets, the body armor that simply was not planned, even the war was planned maybe more than a year and a half ago.

"Control of this project should be under the authority of the U.N. We should help but not by throwing more money after a very unsuccessful plan by the Bush team. Maybe the President should ask his rich friends for the money since they are the only ones benefitting big time from his tax cuts."

She is talking about the tax cut where millionaires get $93,000 while 50 percent of people in my home State and the home State of the gentlewoman from Ohio (Ms. KAPTUR) got zero dollars from that tax cut.

□ 2000

TRIBUTE TO MR. JAMES W. FEE OF HUTCHINSON, KANSAS

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise this evening to honor a public servant, James W. Fee of Hutchinson, Kansas, and join with his family and community in mourning his recent passing. In his life, Jim loved his family, his community and his country.

Jim proudly served his country for nearly 50 years in the United States Navy, first aboard the U.S.S. Albany and then as captain of the U.S. Naval Reserve. His patriotism and allegiance to the principles of freedom were shared with all who would listen.

Jim's tireless commitment and devotion to his hometown was unrivalled. Throughout his life, Jim took a lead role in making certain his community was always an attractive place to call home. Without fail, Jim would report to his friends, family and colleagues upon his return home from travel. It was great to visit, but I could not wait to get home to Hutchinson.

Jim's actions equalled his words. His service as mayor of the city of Hutchinson and as a member of the Hutchinson City Commission was guided by the goal of doing the common good for the most people. His leadership and dedication to his church, his professional trade associations and his business interests were always marked with charisma, honesty and sincerity.

Jim was also, by every account, a successful businessman. Along with his brother Franklin and his father Frank T., Jim teamed to build the Fee Insurance Group into an industry-leading independent insurance agency. With a disciplined approach and a vision for success, Jim directed the agency for over a quarter century.

Most important to Jim was his family. He and his wife of nearly 50 years, Martha, raised five children, Jim, Jr., Stacy, Allen, Bob, and Dan, and devoted endless love and attention to 18 grandchildren.

Jim Fee personified the words of Abraham Lincoln, "I like to see a man proud of the place in which he lives. I like to see a man who lives in it so that his place will be proud of him." Jim Fee made his community, State and Nation a better place. He and his family can be proud of the life he lived.

I join his many friends and his admirers in extending my deepest sympathies to Martha and the Fee family.

A JOBLESS RECOVERY IS NO RECOVERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I rise on behalf of unemployed Americans.

The administration and our Republican leadership tell us that the economy is rebounding and that we are in an economic recovery, but to the hardworking Americans who are still looking for those jobs, the statistics do not amount to a hill of beans because they still cannot find work. To them, a jobless recovery is no recovery at all.

America's unemployed have this administration to thank for an economic recovery that has produced few jobs and has little impact on their lives. Sure, the administration will tell us that job creation is its number one priority. In fact, over the past year, the President has gone on a nationwide public relations tour touting his tax cut in front of backdrops that proclaimed "Strengthening America's Economy" and shout "Jobs, Growth and Opportunity."

The truth of the matter is, however, that any growth produced by the administration's economic policies has come at the expense of jobs or Congress' opportunity to create them.

Let us take the administration's catch-all solution for any of our economic woes, tax cuts. The administration said that our economic recovery would be fueled by consumers who spent the extra money. Unfortunately, an income tax cut does not help unemployed workers without an income. They do not feel the economic recovery.

To this argument, the administration is sure to say, wait a minute, we also gave businesses tax cuts to expand and create jobs. Well, our businesses did not take their advice. Instead, they invested in technology and innovation, and in doing so, they increased productivity and can now produce more products without producing more jobs.

In fact, a recent Department of Labor study determined that our high unemployment levels are due not just to layoffs, but primarily to the lack of newhires in expanding businesses. So tax cuts for businesses have provided little relief for unemployed workers.

Our trade policies have also been truly devastating for the American worker. By implementing fast-track trade negotiating authority and permanent normal trade relations for China, we have seen American jobs go out on a fast track out of this country. I would remind my colleagues that 3 years ago, we were promised that trade with China would lead to an increase in American jobs and exports. Well, certainly, we were not told that, 3 years later, our main export to China would actually be American jobs, about 1 million of them to be specific.

Frankly, we have given American businesses little incentive to keep their jobs in this country. In ratifying a flurry of free trade agreements, we have made it increasingly difficult for American products to compete with their inexpensive foreign competitors. We have left many American businesses with few choices other than to move production, and jobs, offshore.

Additionally, too many of our service sector businesses are outsourcing their jobs to cheaper foreign labor. Today, we already have 400,000 jobs outsourced to a country like India. That number is bad enough, but even worse is a recent study indicating that over 3 million of these jobs will likely be outsourced over the next 10 years.

This country has already felt the tremendous pain of losing almost 3 million jobs. We need to take action now to encourage private sector business to keep these much-needed jobs at home.

Mr. Speaker, the unemployment rate in this country stands at 6.1 percent. The sad news, however, is that that number does not even take into account the thousands of Americans who have looked for work but have now given up. Labor force participation, the percentage of Americans who are either working or looking for work, is only 66 percent. It is at the lowest level since 1991.

We need true job creation in this country, not the administration's idea of job creation through permanent tax cuts, tort reform and more free trade legislation. That kind of trickle-down job creation will not work any better than their trickle-down economics.

Instead of their faulty economic policies, we need to stimulate the economy directly by aiding our cash-strapped States so that our law enforcement and teachers can keep their jobs. We should create jobs through public works programs that will employ our skilled workers while repairing America's crumbling roads and bridges. This is the kind of economic stimulus needed in our country. This is the kind of economic stimulus that creates jobs on the ground.

The administration tells us to be patient, the economy is growing and the jobs will come. Unfortunately, however, recovery based on increased productivity only lessens the chance for job creation because to create jobs the economy must grow faster than productivity, and it does not seem likely that our sputtering economy will be meeting these expectations in the near future.

So, here we are, with record-level trade deficits brought on by record-level tax cuts that will not do a thing for most of the American people hurting the most. And it is a shame, particularly because we had a choice. The administration could have pursued economic policies in the best interests of both our country and America's unemployed workers. Instead, they pursued economic policies in the best interest of their campaign and reelection efforts, and the unfortunate result is a jobless recovery, or if we ask our unemployed workers, no recovery at all.

WASTE, FRAUD AND ABUSE IS RAMPANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. NEUGEBAUER) is recognized for 5 minutes.

Mr. NEUGEBAUER. Mr. Speaker, I rise today because of the serious concerns I have about wasteful spending practices by the United States Government. Waste, fraud and abuse is rampant.

Financial management, for instance, at the Department of State is a problem. Although it accounts for billion of dollars annually in appropriations and possesses over $20 billion in assets, it usually cannot determine how much its programs cost or how much money it has. An audit revealed that the State Department owes $3.5 million on past orders that have never been delivered, a revelation which the Department's accounting books failed to reflect. One contract billed the Department for $92,000 in insurance premiums for a policy that never existed.

The financial management service at the Department of Treasury could not produce details on many outstanding checks, and in one case, caused a $3.1 billion overstatement of its cash position. The Inspector General reviewed 24 individual cases of government purchase on credit cards at the same department. The investigation revealed that purchases were unsupported and unjustified, and while none of those were large, had large price tags, they concluded that the system is more than moderately subject to fraud, waste and abuse.

Last November, the GAO investigators created a fictitious graduate-level school they called Y Hica Institute for the Visual Arts, purportedly located in London, and received student loans on behalf of fictitious students, including one name which was the same as the chair of the Permanent Subcommittee on Investigations of the Senate Government Affairs Committee.

Employment Training Administration's accounting system for grants is consistently poor. For example, transfers of Workforce Investment Act funds are not even noted on the agency's books.

The Department of Labor Inspector General estimates that the IRS overcharged the Unemployment Trust Fund by $174 million in fiscal years 1999 through 2002.

$238 million in funds were found that the States no longer needed on projects that should have been redirected to other projects. Of this amount, $54 million was idle for 16 years on a freeway project in Connecticut that had never even started.

The Environmental Protection Agency awarded $700,000 on a contract without knowledge of the work the recipient was going to perform. The work plan did not have clear objectives, milestones, deliveries or outcomes.

The Inspector General of the EPA audited a sample of 116 assistant agreements awarded by the Office of Air Radiation and the Office of Water. In 79 percent of these projects, using over $100,000, project officers could not document the costs or document cost reviews of the proposed budgets. In 42 percent of these projects, the EPA did not even determine the environmental outcomes. For example, EPA awarded a recipient $200,000 to regulate costs charged by power companies. The work plan contained no environmental outcomes and stated that specific projects would be identified at a later date.

These are just a few examples of the waste, fraud and abuse, a problem which is decades old. Republicans, led by the gentleman from Iowa (Mr. NUSSLE), the Committee on the Budget chairman, and President Bush and those of us here tonight are working hard to eliminate the culture of waste that exists today, and I believe we have a chance. I urge my colleagues to join this effort because waste, fraud and abuse within the Federal Government not only steals from the taxpayers, but the beneficiaries so desperately in need of quality services.

This is not a debate about which programs should be funded. This is about bringing accountability to the money that is spent. As Members of Congress, we have a responsibility to do make sure that the American families do not get ripped off.

2004 ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this evening I wish to talk about the elections of 2004 and how we prepare for them across our country, and I wish to attach an article from the Cleveland Plain Dealer today entitled, "Computer Voting Is Not Fool-proof" and also a front-page story from the New York Times entitled "Replacement Near, Old Vote Machines Are New York Issue."

[From the Cleveland (OH) Plain Dealer, Oct. 2003]

COMPUTER VOTING ISN'T FOOL-PROOF

(By Lawrence M. Krauss)

Anyone who was not in a coma in November 2000 remembers the agony caused by the now infamous butterfly ballots and hanging chads. Concerns about the possible repeat of events almost caused the California recall election to be delayed.

Following the election debacle in Florida, Congress became determined that in the next elections the winners actually would be determined by all the votes casts. Last October, they passed the Help America Vote Act in order to help states prepare for the next election. Unfortunately, the solutions being proposed, involving an assortment of computer-voting systems, may be worse than the problems they were designated to fix.

We are used to depending on computers for almost every aspect of our lives, from governing our bank accounts to controlling our cars. So it doesn't seem highly radical to suggest computer-aided voting. That is, until you think of the possible problems.

How can you be assured after you vote that the machine actually recorded your vote? With a paper ballot, even a flawed ballot, at least there is a semi-permanent record that we can return to—and argue over, if necessary. Would you buy an airplane ticket by computer if there was no way to obtain a printed receipt of your transaction?

There already have been problems. For example, in the 2002 election, the new computer voting systems in Florida lost more then 100,000 votes due to a software error.

Voting is not like a physics experiment. We learned in Florida that even if the first attempt is flawed, no large-scale election is likely to be repeated merely to verify the result—as one would do in any good scientific measurement. Thus, you have to get it right the first time and allow some method of secure verification.

It is not surprising, therefore, that one of two Ph.D. scientists in Congress, physicist Rush Holt of New Jersey, has proposed new legislation that would require a paper record of every vote and require that all software for use in elections be verified in advance.

In spite of this, various states have indicated a willingness to go ahead with systems that experts in the field find suspect. As reported in the New York Times last month, software flaws in a popular voting machine, the Diebold Accuvote-TS machine, make it vulnerable to manipulation. More than 33,000 of these machines are used in 38 states.

In the Science Applications International Corporation report, commissioned by Maryland (which nevertheless plans to use the Diebold machines in its next election), "several high risk vulnerabilities" were identified—even based on the assumption that the machines are isolated and not connected to the Internet. But in a March primary in California, the Diebold machines were connected to the Internet with election tallies posted on the Internet before polls closed.

It is interesting in this regard that Walden O'Dell, the CEO of Diebold, an Ohio company, was quoted in The Plain Dealer as telling Republicans in a recent fund-raising letter that he is "committed to helping Ohio deliver its electoral votes to the president next year."

As we rush to install computer voting systems, we should remember the admonition of a former chief scientist at Sun Microsystems Inc., who said in a television interview following the 2000 election: "If your life depended on the measurement of a single ballot, would you prefer it be read by a machine, or examined carefully by three different human beings?"

If we are to avoid a host of articles on this page explaining how the election of 2004 might have been stolen, state governments must step back from the current headlong rush to install computer-voting system until the necessary verification systems and security guarantees, certified by outside experts, are in place. Certainly no one wants to relieve the frustration that followed the 2000 election—without any possibility of rechecking the results.

[From the New York Times, Oct. 20, 2003]

REPLACEMENT NEAR, OLD VOTE MACHINES ARE NEW YORK ISSUE

(By Eric Lipton)

James Parks, on his knees, struggled to find the one screw amid the 20,000 parts that would unjam the scraped and dented New York City voting machine he was repairing. Ray Crews, another mechanic, had a handful of thin metal straps, which he carefully threaded, one at a time, into the back of the 800-pound behemoth he was servicing nearby. And Jamie Wilkins used a screwdriver to flip back tiny copper switches in the endlessly complex guts of another battleship-gray machine.

Almost three years have passed since the Election Day debacle in Florida that generated calls for a comprehensive nationwide modernization in voting equipment. But this cavernous Brooklyn warehouse, filled with row after row of mechanical lever voting machines, purchased mostly when John F. Kennedy was in the Oval Office, shows just how far New York City has to go.

"It's sticking," Mr. Parks finally yelled out to Mr. Crews, a more experienced mechanic, as he tried to reset a vintage Shoup voting machine so it could be used in the Nov. 4 election. "I am trying to get to the screw. But I can't get to it."

New York State has a plan to buy new voting equipment, replacing New York City's 7,295 machines as well as the 12,000 similarly antiquated machines elsewhere in the state. The federal government has already delivered $65 million in aid to New York to get this modernization project under way, and up to $180 million more could ultimately come from Washington.

Though New York City's voting machines broke down 603 times in the 2002 primary and general elections, forcing thousands to vote by paper ballot, not a cent of the federal funds has been spent in New York State so far. And as each month passes, it is looking increasingly uncertain that the state will comply with a federal requirement that all the lever machines be retired by 2006.

"It is a very tight schedule, even without delay," said Lee Daghlian, a spokesman for the New York State Board of Elections. "It is going to be very difficult to do. And if we don't meet the deadlines, we are in violation of the law."

The federal government has the right to sue states that fail to comply, and to withhold aid.

Many other states are also struggling with voting modernization, with just a few, like Georgia and Maryland, already installing or selecting new machines statewide. Just why New York is off to a slow start comes back, at least in part, to that perennial source of roadblocks: partisan-charged squabbling among the Senate, the Assembly and Gov. George E. Pataki in Albany. But in this case, it is more complicated.

A long list of fundamental questions must be answered about how best to remake the voting experience across New York State: what the new ballot should look like, how a new statewide voter registration database should be set up, what kind of security should be incorporated into the new machines to prevent fraud, whether there should be one machine statewide or several models, and who should select the machines the state will buy.

Resolving each question will be hard enough. But the choices must come amid the charged atmosphere sure to form as lobbyists from the nation's biggest manufacturers of voting equipment descend on Albany, trying to grab a piece of what could be one of the largest voting machine contracts in the nation's history.

"This is going to be intense," said Brian O'Dwyer, a Democratic Party activist and a lobbyist for Sequoia Voting Systems. Sequoia, a California company, has also hired a Republican lobbying team, led by Jeff Buley, who was general counsel to Governor Pataki's re-election campaign last year.

"It is huge," added Dan McGinnis, senior vice president for domestic sales at Election System & Software, an Omaha, Neb., company that wants into the New York market.

Regardless of who wins the contract, voters will see the biggest changes in nearly a century. So a small army of government watchdog types is monitoring the debate, ready to intervene if politics intrudes on one of democracy's fundamental rights.

"How you run your election is a cornerstone of democracy," said Blair Horner, legislative director for the New York Public Interest Research Group. "We are very concerned that a voting system may be put into place that is less voter-friendly than the one we have right now."

PARTISAN DISPUTES

President Bush signed the Help America Vote Act into law in October 2002. From the moment New York began to try to comply, politics intervened.

When Governor Pataki set up a task force to draft a plan detailing how New York would spend its cut of the expected $3.7 billion in federal funds, he passed over Thomas R. Wilkey, the executive director of the State Board of Elections, a Democrat, and instead named the deputy director, Peter S. Kosinski, a Republican, as the task force's chairman. Mr. Kosinski then filled most of the task force's other 19 seats with members of the Pataki administration or other Republicans. Mr. Wilkey has since retired from the agency.

Groups like Common Cause/New York and New York Immigration Coalition had requested that the task force include disabled people, young voters and members of ethnic minorities. Unhappy with the result, critics accused the Pataki administration of trying to hijack the election modernization effort to benefit his party.

"From the start this process has been flawed, absolutely flawed," said Assemblyman Keith L. T. Wright of Manhattan, chairman of the Assembly's Election Law Committee and one of the Democrats on to the task force. "And I will blame the governor."

Mr. Daghlian, the Board of Elections spokesman, said it should come as no surprise that a Republican governor created a Republican-dominated task force. He said Gov. Mario M. Cuomo, a Democrat, did the same thing the last time there were federally mandated changes in state election law. Now the Democrats, he said, "do not control this process" and are "moaning about not being in the loop."

The quarreling has implications for voters. One of the first federal requirements is to create a unified database of registered voters, to eliminate duplication and possible fraud that result from each county keeping its own tally. A 2004 deadline was set; already, New York has asked for a waiver until 2006.

Mr. Pataki had put $3 million in his budget plan for this year to start on the task, which is expected to cost $20 million. But the Assembly struck that money when it adopted, with the Senate, its own budget this year.

"Until there is an understanding that this is a bipartisan operation, the money coming loose will not happen right away," said Assemblyman Herman D. Farrell Jr., a Manhattan Democrat who is chairman of the Ways and Means Committee and of the state Democratic Party.

Joseph E. Conway, a spokesman for Mr. Pataki, said the governor was committed to moving expeditiously and fairly toward modernizing the election system. "These criticisms are just the same old tired partisan politics. New Yorkers know that the governor has worked to bring bipartisan cooperation to our election process."

Before the state can even start to buy new election machines, a fundamental question must also be answered about their design. New York is one of only two states that require a so-called full-faced ballot, which means that all the races and candidates, as well as any ballot questions, can be seen at once by voters. Party loyalists can easily flip switches down the line from race to race.

The mechanical lever machines were designed to accommodate large ballots. But most of the modern touch-screen voting devices, which resemble automated teller machines, cannot. They are set up so that a voter can scroll through one contest at a time. Advocates for disabled people prefer the scrolling machines, as they are smaller and easier for a person in a wheelchair to use.

New York State officials have not taken a final stand on the issue. But sides are forming. C. Virginia Fields, the Manhattan borough president, and State Senator Liz Krueger, both Democrats who have issued reports on the election modernization effort, each concluded that the state should abandon the full-face ballot requirement, citing the disadvantages it will create for disabled people. They also said it limited the options of manufacturers.

Some Republican leaders, meanwhile, say they want to keep the law as it is. "I think people ought to be able to see everything that is going on at one time instead of flipping menus," said State Senator Thomas P. Morahan, a Rockland County Republican and the chairman of the Senate Elections Committee. "I don't believe I would be able to get a bill out of the Senate on changing the full-face ballot."

That is only the start of the unresolved questions that may turn into partisan disputes. The Assembly, as well as the Election Commissioners' Association of the State of New York and the New York Public Interest Research Group, has pressed to have a single new machine statewide, arguing it would make maintenance and training easier and be better for voters who move within the state.

But Mr. Kosinski, whom Mr. Pataki has hinted he would like to see named permanent executive director of the Board of Elections, said he thought the state should simply certify the electronic machines that meet state and federal requirements and then leave it up to the local governments to pick the one they want. "New York has always had a decentralized system of elections," he said.

The list of politically charged issues goes on and on. The new federal law, for example, requires that certain voters who have registered by mail present identification when they show up at the polls for the first time. Democrats, who have almost twice as many registered voters in New York State as Republicans, want an expansive list of acceptable forms of identification, including college identification cards and public housing rent statements.

"If you have too strict adherence to identification procedures, it could lead to possible disenfranchisement and suppression of votes, especially in communities of color," Assemblyman Wright said. "In the history of the United States, this has happened many times before, and I have seen it happen in New York."

Working through these and other sensitive issues, such as ensuring that the machines are essentially fraud-proof and tamper-proof, will not be easy, some critics said. Though Mr. Pataki's task force produced a report that is supposed to be a framework for moving forward, it offers few solutions, they said. "The state plan succeeds only in putting off or pushing down to the staff or county level the critical decisions that must be mad," said Jeremy Creelan, associate counsel at the Brennan Center for Justice at the New York University School of Law, a voting rights and election reform group. "The process, from the beginning, has been a sham."

A CENTURY OF CONTROVERSIES

In a way, it should come as no surprise to New Yorkers that a voting machine contract would generate controversy. Since the first mechanical voting machine was introduced in the United States—in 1892, when an upstate New York inventor named Jacob H. Myers turned his fascination with bank vaults into the "automatic ballot cabinet"—acquiring the machines for New York has been a touchy process.

Buffalo and Rochester moved to adopt the machines early on, buying into promises that they would "protect mechanically the voter from rascaldom, and make the process of casting the ballot perfectly plain, simple and secret." But New York City fought an order by the state in 1925 that it abandon pencil-marked ballots for the supposedly more efficient machines.

"I can see the day when good Americans can sit motionless in their chairs and live without touching anything," complained John R. Voorhis, then president of the city Board of Elections, after the city backed down and finally purchased its first complete set of election machines.

When New York City moved to buy a second generation of machines in 1962, a lawsuit nearly blocked the purchase, this time with claims that the contracting process had been corrupted.

Pressure started to build on the city to replace its 1960's-era machines after the 1984 presidential primary, as supporters of the Rev. Jesse Jackson, the first major black presidential candidate, charged that there had been too many machine breakdowns in predominantly black neighborhoods.

But even before the city had awarded a contract for computerized voting machines, there was controversy, with one lobbyist claiming he had been asked for a bribe and a secret city report on the contest turning up in the hands of one of the bidders. Ultimately, the city spent at least $4.5 million on consultants and other costs, but the machines never arrived, partly because a contractor could not deliver vote-counting software that satisfied the city.

Though neither a mechanism for awarding a contract nor specifications for an acceptable voting terminal have been agreed to yet, lobbyists for manufacturers have been gearing up.

The most aggressive campaign has come from Sequoia Voting Systems, which won the New York City contract in the 1990's but was never allowed to deliver on it.

To pitch to Republican lawmakers in Albany, Sequoia has hired Mr. Buley, a legal consultant to the New York State Republican Committee and a counsel to Governor Pataki's 2002 campaign, at $7,500 a month. Mr. Buley said he has met with staff members from the offices of Joseph L. Bruno, the Senate majority leader, and Senator Morahan, the Elections Committee chairman, among others.

Sequoia also has a Democratic lobbying firm, the law firm O'Dwyer & Bernstien, which is earning $10,000 a month. When that firm learned that Assemblyman Farrell had concerns about whether elderly voters would be able to adjust to computerized voting machines, a Sequoia machine was brought in and a demonstration was organized for Mr. Farrell's staff at a Washington Heights restaurant in northern Manhattan.

Elderly voters were recruited from local community centers, with an offer of a free lunch. A bus was chartered. And for about $4,000, Sequoia's lobbyists delivered a litany of testimonials about how easy the Sequoia machine was to use.

"This won't be too hard," said Mary Frances Howard, 76, a regular at the Wilson Major Morris Community Center at 152nd Street and Amsterdam Avenue, which sent about a dozen volunteers to the demonstration and free lunch in June. "It is easy."

Mr. O'Dwyer said the event was a success. "He is very important," Mr. O'Dwyer said of Mr. Farrell, who sent his chief of staff to the event. "His concerns have to be our concerns."

Because of Sequoia's aggressive early lobbying, some call it the front-runner for the contract. "There is an undercurrent up here in Albany that says Sequoia is a lock," said Assemblyman Wright. "I think it is horrible."

But Sequoia is not the only firm going the lobbying route. Diebold Election Systems, based in McKinney, Tex., and known mostly for its A.T.M.'s, is spending $12,500 a month to retain Greenberg Traurig, a Manhattan law firm. Greenberg's lobbyists are Robert Harding, former deputy mayor under Rudolph W. Giuliani, and John Mascialino, a lawyer and former first deputy commissioner of a city agency charged with buying equipment and supplies under Mr. Giuliani.

Election Systems & Software pays Davidoff & Malito, one of the state's biggest lobbying firms, $10,000 a month. Its senior partners, Sid Davidoff and Robert Malito, are former aides to Mayor John V. Lindsay.

Liberty Election Systems, a new outfit owned by the executives of an Albany printing company that has produced election ballots for decades, is spending $3,000 a month on lobbyists from Capitol Group.

Mr. Daghlian of the State Board of Elections said that regardless of any lobbying pitch, no preference would be shown in evaluating voting machines. "There will be no sweetheart contracts with anybody," he said.

PARTS BY THE THOUSANDS

John P. O'Grady, New York City's chief voting machine technician, was hired by the city Board of Elections to help oversee the addition of computerized voting machines when his daughter was 1 year old. Today, Megan, the daughter, is 12. The city still has not installed its first computerized machine.

"I can't wait to see them, I just can't wait to see them," he said. "I know it has to come, and the mechanical machines have served the city well, but the city and its voters deserve a more modern machine."

Until that happens, he spends his days leading a crew of 65 full-time mechanics who work out of warehouses like the one at 645 Clinton Street in the Red Hook section of Brooklyn. In just this one warehouse, 2,200 machines are stored, each with dents and other marks that attest to decades' worth of city service.

Keeping them running is not easy, as all the knobs, springs, straps, gears, cogs, rollers, screws, counters and green, cherry, yellow and white light bulbs must be constantly checked and rechecked. "Wear and tear will break you down," said Jamie Wilkins, 44, a machine technician from International Election Systems, a New Jersey contractor hired by the city to repair and prepare the machines for elections.

Yet even with weeks of effort by Mr. O'Grady's army of mechanics, the Shoup machines are breaking down too often, he concedes. In the November 2000 election, the last presidential contest, 412 machines broke down citywide for an average of 45 minutes to an hour each. As a result, 20,717 voters had to use emergency paper ballots, leading to lines so long that some voters gave up. Last November, when turnout was lighter, there were still 358 breakdowns among the 6,788 machines in use.

> The city at least has a sufficient supply of backup parts, like the thousands of extra black metal levers at the Brooklyn warehouse. Far from the good of beginning a phase-in of new machines by 2004, it will have to do for now.
>
> "Let's get this thing done," said John Ravitz, executive director of the New York City Board of Elections, a Republican who is also a former member of the State Assembly. "Let's settle the differences in Albany and give us the opportunity to bring a modern system to the voters of New York."

Anyone who was not in a coma last November 2000 remembers the election debacle in Florida. Still today, thousands of votes remain uncounted. Congress, as a result, passed the Help America Vote Act in October of last year, and we provided at least language that directed the Bush administration to give funds to the States to buy new machines and also to help educate voters how to use this new equipment and to provide standards at the Federal level, so that local officials buying this equipment would know what they were doing and the machines that they were buying would be both secure and easily accessible to the voters. The problem is it is not happening, and we are facing the election of 2004.

The law HAVA, the Help America Vote Act, does not require any board of elections to purchase equipment by a year from next month, November. That can wait until 2006. I have been surprised at the confusion that exists across our country regarding the requirements of HAVA. States are afraid the Federal Government is going to fine them, but the Federal Government has not kept its word. It has not given the States the money that it needs because the Bush administration is not asking us for the proper amount of money, nor is the Congress appropriating the proper amount of money. Indeed, the Congress has appropriated less than half of what is needed to really provide machines and equipment that are trustworthy and the education that the voters need in order to use it.

That is the purpose of my remarks this evening. The Cleveland paper says, "Unfortunately, the solutions being proposed, involving an assortment of computer-voting systems, may be worse than the problems they were designed to fix."

"How can you be assured after you vote" in your home precinct "that the machine actually recorded your vote?" And "with a paper ballot, even a flawed ballot, at least there is a semi-permanent record that we can return to . . . Would you buy an airplane ticket by computer if there was no way to obtain a printed receipt of your transaction?"

That is one of the problems of what is happening across our country. There is no paper audit trail required in every precinct. That is why the gentleman from New Jersey's (Mr. HOLT) bill here in the House is an absolutely proper way to proceed, requiring a paper audit trail at every precinct in this country.

□ 2015

And if we do not have that, we should not ask these States and localities to purchase equipment that cannot provide a verifiable audit trail.

Because there is so much confusion around the country, in every single State, we should also provide for no-fault absentee voting. We should pass that as a Congress. It should be a no-brainer, because we should not leave our communities in upheaval as we face the elections of 2004. We have already had experience with that.

The Cleveland Plain Dealer says, "In the 2002 election, new computer voting systems that were brought on in Florida lost more than 100,000 votes due to software error." The bill that the gentleman from New Jersey (Mr. HOLT) has offered would require a paper record of every vote and require that all software for use in elections be verified in advance.

I can tell my colleagues that in Ohio I sent five computer security specialists down to the Statehouse to look at the five systems that were being considered in Ohio. I was shocked at what they came back to me with. There was not a single system Ohio was considering that was both deemed very good or excellent in terms of computer security and in terms of ease of use. In other words, because the Federal standards do not exist, there is not a dependable system that a big State like Ohio can actually purchase. But our States and localities are under the impression that HAVA is forcing them to do all this by a year from this November. Absolutely untrue. Go back and read HAVA. It does not say that.

As reported in The New York Times last month, software flaws in a popular system called Diebold Accuvote made it vulnerable to manipulation. More than 33,000 of these machines are operating in 38 States and high-risk vulnerabilities were identified. In the March primary election in California of this year, for example, these Diebold machines were connected to the Internet with election tallies posted on the Internet before the polls closed, which is absolutely not supposed to happen. Those votes are supposed to be protected.

So if your life depended on the measurement of a single ballot, would you prefer it be read by a machine or examined by three different human beings at the precincts, as we have done it historically in this country?

Mr. Speaker, I will have more to say on this in the days ahead.

The Presidential elections of 2000 were a debacle. Deep concerns remain until today whether votes in Florida and in many other States were accurately recorded.

Therefore, Congress passed the Help America Vote Act, which authorized $650 million to enable our States and localities to modernize their voting machines should they be needed, plus $3 billion for a range of activities, including training poll workers and election officials, voter education projects, and other matters routinely involved with voting.

Importantly, the bill also authorized the establishment of an Election Assistance Commission to serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections. But that commission is not functional to this day!

Money for Title I—the voting machines—was fully funded at $650 million.

The Election Assistance Commission was supposed to have been appointed by the President within 120 days of enactment of the act. The act was signed on October 29, 2002. 120 days expired on February 26 of this year, and the Commission was not appointed. The White House sent the nominations to the Senate on October 3—219 days late. Hearings on the nominations are scheduled for October 28—244 days late. By the time confirmations are completed and officials are in place, it will be basically 1 year late.

So, while our local election officials are counting on $3 billion to help them improve election systems, the administration has not requested nor has the Congress provided the amount authorized by the act.

We authorized $1.4 billion for title II activities for fiscal year 2003, but appropriated only $830 million—only 59.26 percent of the authorization.

We authorized $1 billion for fiscal 2004. The administration requested only $490 million. The FY'04 Treasury/Transportation appropriations bill provides a little more—$495 million. But it is only 49.5 percent of the authorized amount.

Meanwhile, in the absence of sufficient guidance from the Federal level, States have put together election improvement plans and are looking to buy machines that will impact our elections for decades to come without sufficient guidance from the yet-to-be appointed Election Commission. Localities are scrambling to keep up with the requirements of these State plans.

What has it meant? Recent studies have come out that seriously question the security of these electronic voting machines, especially the Diebold machines which are being purchased in Ohio, and in other States. The manufacturers have dismissed these studies, but this dismissal cannot be accepted.

The integrity of our voting system was the reason we adopted HAVA, and is at the core of our election system.

Where is the Federal oversight that we are supposed to have?

What has the State of Ohio done to be sure that it is providing adequate guidance to localities regarding secure equipment?

Several stories in the Cleveland Plain Dealer, the Columbus Dispatch, and the Toledo Blade have highlighted ethical concerns regarding gifts and favors provided by vendors trying to sell $100 million in high-tech voting machines to 88 county election offices;

Stories have also highlighted the disturbing fact that Waledn O'Dell, chief executive of Diebold, Inc., in the words of the Cleveland Plain Dealer, "The head of a company vying to sell voting machines in Ohio told Republicans in a recent fund-raising letter that he is "committed to helping Ohio deliver its electoral votes to the President next year."

Integrity—voters need to have voting devices that are beyond reproach;

Dependability—we need systems that will work time and time again;

Sufficiency—funds must be available to provide the technical assistance that our election systems need to achieve the goals that were set out by HAVA while recovering from the loss of credibility created by the 2000 election experience.

Integrity, Dependability, and Sufficiency are what we need. Instead we have gotten

Half measures—funding that barely meets 50 percent of the authorization requested by this administration and sanctioned by the Congress;

Empty promises—an Election Assistance Commission that exists in name only;

Confusion—our local officials do not know where to turn or exactly what is expected of them;

Ethical lapses and suspect activities—selling voting machines like we are at the Bazaar in Baghdad instead of the credible and demanding American marketplace.

America deserves better. If we can afford to spend $3.9 billion a month to "secure democracy in Iraq," and can approve a supplemental which contains more funding than might be available for several Federal departments, can't we afford to spend $3 billion over 3 years to help secure democracy here at home? Mr. HOYER has said that he hopes to see this amount of funding added to the final omnibus appropriations bill. I will support him on it, and our leadership should as well. In order to assure intregity in the election of 2004, we must pass legislation to require (1) audible paper trail of votes at every precinct that can be counted and verified, no fault absentee voting if a voter wishes to use that option. (2) no fault absentee voting if a voter wishes to use that option.

STATE OF MEDICINE IN AMERICA

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I rise tonight to speak once more about the state of medicine in America brought on by an overly-litigious environment that pits patients against doctors and lines the pockets of special interest lawyers.

This crisis reduces the access to care and ultimately increases the cost of health care for all Americans. This is a situation that must be resolved. And in fact, in March this House took a big step toward that resolution when we passed H.R. 5 that will take great strides to address this glowing national crisis.

At a time, Mr. Speaker, that we are debating costs in health care, in 1996 the Quarterly Journal of Economics published a study on the cost of the current medical liability system and the cost of that system on the overall cost of health care in our country. That report, written by Dr. Daniel Kessler and Dr. Mark McClellan, shows that States where liability reform had occurred and had placed a cap on damage awards, if they would abolish mandatory prejudgment interest and place limits on the amount of lawyers' contingency fees, hospitals' expenditures could be reduced by 5 to 9 percent within 3 to 5 years of adoption of those reforms.

The costs incurred by the current environment are borne by the entire system, from the family purchasing their own health insurance to the businessperson trying to provide coverage for his employees, to the American taxpayer who supports medical services through Medicare, Medicaid, and CHIPs.

And how does this 5 to 9 percent savings translate in terms of real dollars? McClellan and Kessler's model showed that in States with effective tort reform, Medicare costs were 5.3 percent less for a new diagnosis of acute myocardial infarction, that is heart attack, and 9 percent less for ischemic heart disease. If applied nationally, this would mean that the direct liability reforms would save $600 million a year in the Medicare program. Extrapolating these costs across America's health care system, this amount would come to an average savings of $50 billion a year.

Why are costs higher in States that have not enacted reforms such as those we passed in H.R. 5? Because doctors have become accustomed to practicing defensive medicine, ordering tests they know their patients do not need, but, gosh, it could save their practice should a lawyer file suit against them. This unnecessary type of health care spending drives up the cost of health care for everyone. In fact, Mr. Speaker, it even drives it up for trial lawyers. So average Americans are saddled with the additional cost to the system when they go to the doctor.

Now, some will argue additional medical services are a good thing. They may say a doctor performing more tests will save more lives. However, the study did show between reform States and nonreform States mortality rates remain constant, indicating that a litigious environment does not improve health outcomes. The current environment is not conducive to low-cost quality health care and must be changed. In fact, it is our duty to change this environment. The Congressional Budget Office has concluded that reform would lead to "an increase in the number of employers offering health insurance to their employees."

As we have already seen in California, health care costs in that State are an estimated 6 percent lower than in other States, saving California patients $6 billion a year on health care, all because California had the foresight in 1975 to adopt meaningful medical liability reforms. Now the Congress has the same opportunity to positively impact the cost of health care in the United States by adopting much-needed medical liability reform.

Today, in an address to the American College of Surgeons, Senator FRIST, the Senate majority leader, spoke to this issue. He spoke and described the miracle of American medicine. And the miracle of American medicine is a gift. Not just to our Nation, but in fact to the world. And lest there be any doubt about this question, just look at the incredible story of the separation of the Egyptian twins in Dallas last weekend.

Truly, American medicine is an incredible gift; and we cannot, we should not, we must not allow that gift to be wasted. I urge my colleagues in the other body to make a commitment to the health of American families. Preserve the gift and the miracle of American medicine, and pass this very necessary liability reform.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind all Members not to make adjurations to the other body.

GUARD AND RESERVISTS TREATED AS THIRD-CLASS CITIZENS

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, at the conclusion of my remarks, I will be entering into the RECORD an article entitled, "Sick, wounded U.S. troops held in squalor." This is a story that comes out of UPI. The author is Mark Benjamin, who is a UPI investigator editor, and he reports that 1 month after President Bush greeted the soldiers at Fort Stewart, the home of the famed Third Infantry Division, as heroes on their return from Iraq, approximately 600 sick or injured members of the Army Reserve and National Guard are warehoused in rows of spare, steamy, and dark cement barracks in a sandy field, waiting for doctors to treat their wounds or illnesses.

Now, these National Guard and Army Reserve soldiers' living conditions are so substandard and the medical care so poor that many of them believe the Army is trying to push them out with reduced benefits for their ailments. One document showed to this reporter stated that no more doctor appointments are available from October 14 through November 11. These Reserve and National Guard people are on what are called medical hold. If you are wounded and you are badly injured, you are in the hospital. But after you get to a certain point, they can do it on an outpatient basis. So you are put into a medical hold status.

As one member of the Guard said, there are two armies, one is the regular army and the other is the reserve army, and we are second class citizens. We are being ignored. Now, Mr. Speaker, 40 percent of the people now on medical hold are people who served in Iraq. Those who went described clusters of strange ailments, like heart and lung problems, among previously healthy troops. They said the Army has tried to refuse them benefits and claims the injuries and illnesses were due to preexisting conditions prior to military service.

One particular case caught my eye. First Sergeant Gerry Mosley. He crossed into Iraq from Kuwait on March 19 with the 296th Transportation Company, hauling fuel while under fire from the Iraqis as they traveled north alongside combat vehicles. Mosley said he was healthy before the war. He could run 2 miles in 17 minutes. Pretty good. Those are 8½ minute miles, at 48 years of age. He also developed a series of symptoms: lung problems; shortness of breath; vertigo, that means he was dizzy; migraines; and tinnitus, that is ringing in his ears; and he thinks maybe the anthrax vaccine had something to do with it. He also has a torn shoulder from an injury there.

Mosely said he has never been depressed before, but he found himself looking at shotguns recently and thinking about suicide. Sergeant Mosely is paying $300 a month to get better housing than the cinder block barracks. He has a notice from the base that appears to show that there are no more doctor appointments available for Reservists from October 14 to November 11. He said he had never been treated like this in 30 years in the Army Reserves and his quote was, "Now I won't go back to war for the Army."

Mr. Speaker, it is shameful that this kind of article appears in the newspapers in the United States at a time when we are sending people over to a war for very unclear reasons. No one really knows why they are over there. We have called up Reservists for months on end. What started out as 6 months has now been extended to a year.

I recently spoke at the retirement of one my Reservists in the State of Washington up at Everett at the naval base. Before I went up to speak about him, I asked him about their deployment. He told me all about it. And I asked if everybody came back to their job. He said 25 percent of the people in his unit came back to no job. They lost their job while they were gone.

This is an unacceptable situation. Those people who voted and said they care about the troops ought to be asking some very tough questions of the Army.

Mr. Speaker, the article I referred to above is as follows:

[From United Press International, Oct. 17, 2003]

SICK, WOUNDED U.S. TROOPS HELD IN SQUALOR

(By Mark Benjamin)

FORT STEWART, GA., Oct. 17 (UPI).—Hundreds of sick and wounded U.S. soldiers including many who served in the Iraq war are languishing in hot cement barracks here while they wait—sometimes for months—to see doctors.

The National Guard and Army Reserve soldiers' living conditions are so substandard, and the medical care so poor, that many of them believe the Army is trying push them out with reduced benefits for their ailments. One document shown to UPI states that no more doctor appointments are available from Oct. 14 through Nov. 11—Veterans Day.

"I have loved the Army. I have served the Army faithfully and I have done everything the Army has asked me to do," said Sgt. 1st Class Willie Buckels, a truck master with the 296th Transportation Company. Buckels served in the Army Reserves for 27 years, including Operation Iraqi Freedom and the first Gulf War. "Now my whole idea about the U.S. Army has changed. I am treated like a third-class citizen."

Since getting back from Iraq in May, Buckels, 52, has been trying to get doctors to find out why he has intense pain in the side of his abdomen since doubling over in pain there.

After waiting since May for a diagnosis, Buckels has accepted 20 percent of his benefits for bad knees and is going home to his family in Mississippi. "They have not found out what my side is doing yet, but they are still trying," Buckels said.

One month after President Bush greeted soldiers at Fort Stewart—home of the famed Third Infantry Division—as heroes on their return from Iraq, approximately 600 sick or injured members of the Army Reserves and National Guard are warehoused in rows of spare, steamy and dark cement barracks in a sandy field, waiting for doctors to treat their wounds or illnesses.

The Reserve and National Guard soldiers are on what the Army calls "medical hold," while the Army decides how sick or disabled they are and what benefits—if any—they should get as a result.

Some of the soldiers said they have waited six hours a day for an appointment without seeing a doctor. Others described waiting weeks or months without getting a diagnosis or proper treatment.

The soldiers said professional active duty personnel are getting better treatment while troops who serve in the National Guard or Army reserve are left to wallow in medical hold.

"It is not an Army of One. It is the Army of two—Army and Reserves," said one soldier who served in Operation Iraqi Freedom, during which she developed a serious heart condition and strange skin ailment.

A half-dozen calls by UPI seeking comment from Fort Stewart public affairs officials and U.S. Forces Command in Atlanta were not returned.

Soldiers here estimate that nearly 40 percent of the personnel now in medical hold were deployed to Iraq. Of those who went, many described clusters of strange ailments, like heart and lung problems, among previously healthy troops. They said the Army has tried to refuse them benefits, claiming the injuries and illnesses were due to a "pre-existing condition," prior to military service.

Most soldiers in medical hold at Fort Stewart stay in rows of rectangular, gray, single-story cinder block barracks without bathrooms or air conditioning. They are dark and sweltering in the southern Georgia heat and humidity. Around 60 soldiers cram in the bunk beds in each barrack.

Soldiers make their way by walking or using crutches through the sandy dirt to a communal bathroom, where they have propped office partitions between otherwise open toilets for privacy. A row of leaky sinks sits on an opposite wall. The latrine smells of urine and is full of bugs, because many windows have no screens. Showering is in a communal, cinder block room. Soldiers say they have to buy their own toilet paper.

They said the conditions are fine for training, but not for sick people.

"I think it is disgusting," said one Army Reserve member who went to Iraq and asked that his name not be used.

That soldier said that after being deployed in March he suffered onset of neurological symptoms in Baghdad that has gotten steadily worse. He shakes uncontrollably.

He said the Army has told him he has Parkinson's Disease and it was a pre-existing condition, but he thinks it was something in the anthrax shots the Army gave him.

"They say I have Parkinson's but it is developing too rapidly," he said. "I did not have a problem until I got those shots."

First Sgt. Gerry Mosley crossed into Iraq from Kuwait on March 19 with the 296th Transportation Company, hauling fuel while under fire from the Iraqis as they traveled north alongside combat vehicles. Mosley said he was healthy before the war; he could run two miles in 17 minutes at 48 years old.

But he developed a series of symptoms: lung problems and shortness of breath; vertigo; migraines; and tinnitus. He also thinks the anthrax vaccine may have hurt him. Mosley also has a torn shoulder from an injury there.

Mosley says he has never been depressed before, but found himself looking at shotguns recently and thought about suicide.

Mosley is paying $300 a month to get better housing than the cinder block barracks. He has a notice from the base that appears to show that no more doctor appointments are available for reservists from Oct. 14 until Nov. 11. He said he has never been treated like this in his 30 years in the Army Reserves.

"Now, I would not go back to war for the Army," Mosley said.

Many soldiers in the hot barracks said regular Army soldiers get to see doctors, while National Guard and Army Reserve troops wait.

"The active duty guys that are coming in, they get treated first and they put us on hold," said another soldier who returned from Iraq six weeks ago with a serious back injury. He has gotten to see a doctor only two times since he got back, he said.

Another Army Reservist with the 149th Infantry Battalion said he has had real trouble seeing doctors about his crushed foot he suffered in Iraq. "There are not enough doctors. They are overcrowded and they can't perform the surgeries that have to be done," that soldier said. "Look at these mattresses. It hurts just to sit on them," he said, gesturing to the bunks. "There are people here who got back in April but did not get their surgeries until July. It is putting a lot on these families."

The Pentagon is reportedly drawing up plans to call up more reserves.

In an Oct. 9 speech to National Guard and reserve troops in Portsmouth, New Hampshire, Bush said the soldiers had become part of the backbone of the military.

"Citizen-soldiers are serving in every front on the war on terror," Bush said. "And you're making your state and your country proud."

LET IRAQ TAKE CARE OF IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, many Americans today may not be familiar with Will Rogers. However, Will Rogers was at one time considered by many to be the most popular man in America. He once said, "America has a great habit of always talking about protecting American interests in some foreign country." Then he said, "Protect them here at home. There is more American interest right here than anywhere."

The passage of an additional $87 billion for an operation in Iraq seems to many to be anything but fiscally conservative. The request includes, among many other things, $5.7 billion for a new electric power system; $3.7 billion to improve drinking water; $856 million to upgrade and repair three airports, rail lines, and phone service; $240,000 each for 1,500 police trainers to train Iraqi police; $1.71 per gallon for gas that they are then selling to Iraqi citizens for $4.15 per gallon, according to The New York Times.

Earlier billions have been used to build or rebuild thousands of Iraqi schools, give free health care to many Iraqi citizens, make backpayments to the Iraqi military and Iraqi retirees, and even send 60,000 soccer balls there. Our Founding Fathers could not have imagined all this in their wildest dreams.

A distinguished Member of the other body, the gentleman from Ohio, Mr. VOINOVICH, said, "Look at the needs we have here at home, with our roads, sewers, and water projects. It is hard to tell people there isn't money for sewers and water and then send that kind of money to Iraq." Another distinguished Member of the other body, Mr. HAGEL, the gentleman from Nebraska, said, "There is a great unease about all this reflected across this land. We are getting deeper and deeper into something we have never been in before in this part of the world. This is complicated, dangerous and uncertain."

Conservatives, Mr. Speaker, have never believed in massive foreign aid, yet our occupation of Iraq has become the largest foreign aid program in the history of the world. Conservatives, Mr. Speaker, have never believed in huge deficit spending, yet we are now told that our deficits for just this year and next will reach close to an astounding $1 trillion.

Supporters of the war scoffed at the predictions that we would spend between $200 billion to $300 billion in Iraq over the next 10 years. Now, by the most conservative efforts, not counting many things that should be counted, the Iraqi operation will cost $167 billion in just the first 2 years.

□ 2030

And because we are in such a deep fiscal hole already, we will have to borrow all these billions we are spending there.

Conservatives have never believed in world government, and have been strong critics of the U.N. Yet, some prominent war supporters, while criticizing the U.N. in one breath, will say in the next we had to go to war to enforce all the U.N. resolutions Saddam Hussein had violated. Most conservatives surely do not believe it is fair to place almost the entire burden of enforcing U.N. resolutions on American taxpayers and the U.S. military. Most conservatives, while believing strongly in national defense, have never believed the U.S. should be the policeman of the world. Most conservatives believe we would not have nearly as many enemies around the world if we followed a noninterventionist foreign policy and did not get involved in so many religious, ethnic, and political disputes around the world.

Now, we are following a so-called neoconservative foreign policy that is anything but conservative. This interventionist policy is breeding resentment, creating more enemies, and putting our children and grandchildren into a financial black hole, and worst of all killing many young American military.

Fortune magazine in its November 25 issue, long before the war started, printed an article entitled, "Iraq—We Win. What Then?" The article said a "military victory could turn into a strategic defeat," and an American occupation could turn U.S. troops into sitting ducks for Islamic terrorists. These predictions have turned out to be deadly accurate.

The columnist Georgie Ann Geyer wrote, "Critics of the war against Iraq have said since the beginning of the conflict that Americans, still strangely complacent about overseas wars being waged by a minority in their name, will inevitably come to a point where they will see they have to have a government that provides services at home or one that seeks empire across the globe."

Saddam Hussein was an evil man but he had a military budget only about two-tenths of 1 percent of ours and was never any real threat to us. Everyone knew we would win the war quickly and easily.

Winning the peace, everyone said, would be much more difficult. Now, we are hearing noble-sounding cliches like "we have to get the job done" and "we must stay the course" and "the American people must be willing to sacrifice." Well, we should all be asking why?

Mr. Speaker, it is clear that the Iraqi people do not want us running their country, they only want our money. Any country would want all these billions. Now war supporters seem to be criticizing the media for reporting all the killing but failing to emphasize all the good that is going on there. For all of the billions we are spending there, I certainly hope some good things are going on, but these good things should be paid for by the Iraqi citizens with their own oil wealth. Let us leave Iraq to the Iraqis.

A very small minority of very powerful Neo-Cons have apparently dreamed of war with Iraq for many years. They got their wish. But what they may have thought would be their crowning achievement may instead lead to their downfall.

So many people in the United States and around the world feel that they were misled about the need to go to war in Iraq that they almost certainly will be much harder to convince the next time around.

No matter who is President, almost all the leaders of the Defense Department, the State Department, the National Security Council, and our intelligence agencies are going to advocate more and more involvement in foreign affairs, even those which should be none of our business or even when there is no threat to our vital interests.

This is because all their power and glory, and most importantly, their funding are determined in large part by our involvement in the affairs of other nations. These people are not seen as men and women of action and world statesmen when they urge that we do more and more in other countries.

I wish more of our leaders would heed the advice of President Kennedy who said in 1962: "We must face that fact that the United states is neither omnipotent nor omnisicient—that we are only six percent [now four percent] of the world's population—that we cannot impose our will upon the other 94 percent of mankind—that we cannot right every wrong or reverse each adversity—and that therefore there cannot be an American solution to every world problem."

There is nothing conservative about the U.S. policy in Iraq.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURGESS). The Chair reminds Members that remarks in debate may not include quotations of Senators except as specified in clause 1(b)(2)(B) of rule XVII.

ILL-CONCEIVED WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, last week in a marathon time frame of probably about 48 hours this House made one of the most important decisions that we will ever have to make and that is the expenditure of $87 billion based on the premise of a continuing war in Iraq.

When I debated the question on the floor of the House, I reminded my colleagues that this was a war that was not declared under the Constitution, and it was a war that had moved from one so-called premise to the next. When the President presented it to us, he suggested that we were about to be under imminent attack, and we were about to be attacked by the existence of weapons of mass destruction.

As time went on, we heard the words "liberating Iraq," then we heard the "war against terrorism," but we have never been able to determine the factuality or the truth of the issue of whether or not this Nation was about to be imminently attacked that would warrant a preemptive strike against another nation.

But even so, our young men and women went on the frontlines of Iraq and offered themselves as the ultimate sacrifice for our freedom. Therefore, none of us in our support for those troops, will waver away from standing shoulder to shoulder with their families and with their needs. I know that my colleagues will be discussing accusations by Members on the other side of the aisle with respect to a so-called litmus test. They have questioned Members' patriotism because they have had a vehement opposition to an ill-conceived war.

My perspective of that is we live in a democracy and opposition is what the Federalist Papers were all about. I will continue my vehement opposition to this war, but my enthusiastic and unwavering support of the troops. I would raise the question to the majority leader as to why any such comment should even be appropriate in this democracy and in this body.

Mr. Speaker, I bring to the attention of those who call themselves patriotic by sending troops into war the number of young men and women who have committed suicide in Iraq since May 11. We have had 11. That represents a number of 34. If we had an annualized rate, it would mean 34 per 100,000 service people. What we have found is since the start of the war and after the war, after major combat operations have ended, since then, troops have had to cope with increasing paramilitary attacks with less opportunity to defend themselves.

When I met with troops from Iraq, they indicated that they are constantly going over landmines or IEDs, I believe they are called, going over the same pathways and having their tankers blow up. They do not have the same jobs. They are using carpenters and painters and others to be part of the MPs and knock down doors. It is an unusual Army suicide rate, and when I brought this to the attention of my colleagues in the debate, no one seemed to be concerned. The usual Army rate of suicide is 10 to 13 per 100,000. What we have in Iraq is like 34 out of a 100,000. I would think that Members would be concerned.

In Iraq and Afghanistan, we have hand-to-hand combat going on. We have, basically, wars going on on two fronts, and we have our troops in hand-to-hand combat and they need additional resources.

When I met with some of the leadership from the Arab region, they suggested they would welcome the opportunity for an Arab-U.S. summit to truly see how we could bring peace to the region in Iraq, and I would like to see the administration take them up on that offer to sit down and talk with our Arab leaders about how we can bring peace to Iraq, not with an aftermath, makeshift program that none of us understand, with a number of sniper shootings going on, and IEDs killing our young people.

Mr. Speaker, I would finally say this idea of privatization should be studied because the random privatization of Arabic countries should not be willy-nilly, and gifts to those that would think that this would be a gift, but we need to expand the opportunity to small and minority and women-owned businesses.

As I close, we are going to see a CR come to the floor of the House, and I do not know if we are going to see a tax cut for those with children or whether or not we are ever going to see a guaranteed prescription drug benefit, but we will have a continuing resolution that Republicans want to promote.

HONORING POPE JOHN PAUL II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY. Mr. Speaker, earlier today the House voted on H. Res. 400 acknowledging Pope John Paul II's 25th year as the pontiff.

I wanted to take a few minutes to reflect on his remarkable life that so many can draw tremendous strength from in a world that often challenges our strength.

Some who see him now see this older man, stooped and bowed by age, trembling with his hands, now leaning on his crosier when he can stand for support, and what a different view that is from the young Karol Wojtyla who had such strength and vibrancy of character. And yet despite his age, it is remarkable how he continues to be such an example for all the world. Even though there are so many challenges around, his strength continues to shine through in a changing world.

I thought it was worth reflecting on what it is about the Holy Father that has given him his strength that adds particular interest to our resolution today in commemorating such an incredible life.

Some have said that to understand this Pope you need to go back to his roots in Poland. He was born on May 18, 1920. From early on in life, suffering was very much a part of him. Poland itself is a nation that has seen itself go from perhaps one of the leaders in medieval days to a country divided up and essentially had so many of its citizens turned into near slaves in this century and the last. Many Polish citizens continue to reflect upon their own history as a source of strength, and indeed it is with the Pope.

His father was a devout and upright man, a decorated World War I officer. His mother, apparently of delicate health, would suffer much on her own, and had a young daughter who died before Karol was born. His own mother died when he was eight, and his father when he was a young man. And his brother died, too. He said at one point, "By the time I was 20, I had already lost all the people I loved, even those who I might have loved, like my older sister, who died 6 years before I was born."

His suffering gave him incredible meaning in his life. As a young man, he and his father stood in line once with other refugees of World War II, and they were sprayed with machine gun fire from aircraft. He was arrested at age 21, narrowly escaping being sent to Auschwitz. He lay in the basement of his house praying with his arms outstretched in the shape of a cross while Nazi officers went through the house. He was hit by a speeding truck during the war, and probably would have died if caring citizens did not take care of him.

It was the problems he had with World War II which gave him strength during the time when the communists took over Poland as well. Again, the suffering continued. The oppression of the Catholic Church, that he saw so much of during World War II, continued as well. And yet he used his position as a bishop and cardinal to give guidance and strength to the people of his region.

It was no wonder when he was chosen to hold the position of Holy Father some 25 years ago, the other cardinals and people in a world saw him as a source of strength in a world that was badly needed in a world that was weakened by lack of courage and moral fiber.

His struggles have shaped him and given him incredible strength. He has visited some 125 countries around the world, remained active in sports, visited many churches, and as incredible as it may seem, still could draw crowds of hundreds of thousands of youth. A million came to the World Youth Day that he had not too long ago, youth wanting to see him and get a glimpse of this man, the Holy Father whom they see as a great source of strength. He is gentle. Despite his strength, the most incredible thing that stands out is still how he would reach out to those weak, sick, poor, those who were sinners. Some fail and blame their history, some move forward despite their history, and some achieve greatness because of the suffering they have been through. We owe a great deal to this incredible man.

□ 2045

EXAMINING MINORITY LEADER'S VOTING RECORD ON DEFENSE ISSUES

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, before I actually get into what I want to talk about, I would like to mention a couple of things that I heard on the floor tonight. I heard that going into Iraq was not against the Constitution, but I remind my colleagues that this President came to the United States Congress and asked for permission. The previous President, President Bill Clinton, did not when he went into Haiti, Somalia, Bosnia and Iraq five times. We hit an aspirin factory in the Sudan; 214 deployments. I did not hear much from the other side of the aisle during that time frame. This President came to this Congress to do that. We were told that we would be in Bosnia 1 year. We are still there. Take a look at Haiti and Somalia today. I think the popular movie, "Black Hawk Down," shows how the denial of armor caused a bunch of our troops to be killed. I think that when we talk about different things, I think we need to put it in perspective.

I saw that this week President Izetbegovic passed away. President Izetbegovic in Sarajevo used Svilanovic, who was his minister who trained under Qaddafi, put Mujah Hadeen, Hamas and al Qaeda into Sarajevo. And I will tell the Speaker that many of those individuals are still there from those terrorist organizations and are under scrutiny.

The main reason I came today is I heard that my colleagues on the other side of the aisle were going to do a hit piece on Mr. DELAY. Well, I think it is unfortunate that if they cannot win with ideas, they hit our leadership and they try to do anything that they can to discredit the Republican Party. Mr. Speaker, in counter to that, I am going to go through a few things about their leadership. I challenged the gentlewoman from California (Ms. PELOSI) a while back and said that she had in 1993 and 1994 a 15 percent national security voting record. In 1995 she had a 20 percent national security voting record. In 1996, 21 percent. In 1997, 30. 1998 through 2002, 36 percent. The gentlewoman got on the floor and said the gentleman can say anything he wanted but that it was inaccurate, that I vote for every defense bill. Tonight I researched, Mr. Speaker; and I researched that information and it is just not true.

The gentlewoman voted against the defense appropriations bill in 1998. She voted against it in 1997, in 1996, in 1992, in 1991, and in 1989 against defense appropriations. I have got lists here where she voted against defense authorization bills. I would also state that that rating is not just for the bill itself but for the overall defense and how the gentlewoman from California, the minority leader, voted.

She voted to reduce military spending by $41.9 billion. That was an amendment. She voted to reduce funding for ballistic missile defense; Mr. Dellums at that time, $1.5 billion. To downsize U.S. forces. Prohibit U.S. command of U.S. forces, she voted for that. Reduce defense and technology spending. Support sharp cuts in defense spending which included pay and allowances for our troops. Of the 20 votes that year, the gentlewoman voted against defense 17 times.

The next year. Provide national defense funding, pay raises, combat readiness. The gentlewoman from California voted against that. So again the statement that the gentlewoman from California made was inaccurate and the votes are recorded here.

She voted to reduce funding for the F–22 fighter, the B–2 bomber; and we saw how efficient the B–2 was in Bosnia and in Kosovo and in Baghdad as well. The gentlewoman voted of the 20 times, 16 times against national security positions.

EXAMINING RECENT COMMENTS BY MAJORITY LEADER ON ADMINISTRATION'S POLICY IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, last week during debate on the $87 billion supplemental appropriations bill to fund military and reconstruction efforts in Iraq, Majority Leader TOM DELAY said Members who had the audacity to challenge the Bush administration's foreign policy and not support the appropriations bill were not supporting our troops over in Iraq. This statement, Mr. Speaker, comes on the heels of statements that Mr. DELAY made last month after Senator EDWARD KENNEDY seriously questioned the Bush administration's reasoning for the war in Iraq and its handling of Iraq during the postwar period. The majority leader called KENNEDY's criticism "hate speech." During a speech at the Heritage Foundation on September 24, Mr. DELAY said, and I quote, "Ted Kennedy unleashed the most mean-spirited and irresponsible hate speech yet."

One day earlier, the Associated Press quoted Mr. DELAY as saying, and I quote, that "Kennedy's brand of hate speech has become a mainstream in the Democratic Party."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the gentleman that he must refrain from improper references to Senators.

Mr. PALLONE. Mr. Speaker, the majority leader must have a short memory. If these statements are hate speech and mean-spirited, I would hate to see how Mr. DELAY would characterize his own comments about President Clinton on the eve of a successful bombing campaign that ejected Serbian troops from Kosovo and led to the uprising that ended the murderous regime of another dictator, Slobodan Milosevic.

Here are some examples of DELAY's criticism of President Clinton during that Kosovo conflict that I would like to point to this evening. This was a statement that TOM DELAY said, a floor statement opposing the resolution commending America's successful campaign in Kosovo on July 1, 1999.

He said, and I quote, "For us to call this a victory and to commend the President of the United States as the Commander in Chief showing great leadership in Operation Allied Forces is a farce."

On the same resolution, floor statement, Mr. DELAY said, and I quote, "So what they are doing here is they are voting to continue an unplanned war by an administration that is incompetent of carrying it out. I hope my colleagues will vote against the resolution."

I would like to point out to my colleagues that on one occasion, Mr. DELAY is basically questioning the President's ability as Commander in Chief, in the case of President Clinton; and in this other case, he is suggesting that the Clinton administration is incompetent of carrying out the war in Kosovo. Again, the reality of it is that these statements by Mr. DELAY went much further than Senator KENNEDY's and than those of most of my colleagues during last week's debate on the Iraq supplemental. Of course as a Member of the House of Representatives, Mr. DELAY has a right, even a duty, to question the administration when he does not agree with its policies, just like Members of the other body have the right to speak out and Senator KENNEDY did several weeks ago.

The problem that I see, and I point this out to my Republican colleagues, it stems from the fact that whenever someone speaks out criticizing the Bush administration or its policies, there is a concerted effort on the part of the Republican side to attack those critics as unpatriotic. This is what we keep getting over and over again, that those on the Democratic side of the aisle that suggest that the administration's policy in Iraq is wrong or that it should not continue or that it should not be funded are somehow unpatriotic. I just want to remind my colleagues on the other side, and I just would like to use a quote that was made by Thomas Jefferson in 1815, because I think it says it all and the reason that I am here tonight and some of my Democratic colleagues are here tonight. Thomas Jefferson said in 1815, and I quote, that "differences of opinion lead to inquiry and inquiry to truth and that I am sure is the ultimate and sincere object of us both. We both value too much the freedom of opinion sanctioned by our Constitution not to cherish its exercise, even where in opposition to ourselves."

That quote, I think, from Thomas Jefferson says it all, because I think what he says is that we should feel free to criticize the administration when we do not agree with its foreign policy, when we do not agree with a war, when we do not agree with paying for the war, when we do not agree with the conduct of the war. And for anyone, particularly the majority leader on the Republican side, to question whether it is a Member of the other body or a Member of this body's patriotism or say that they do not support the troops or that they are unpatriotic or that they do not care about this country because they oppose the war in Iraq or any aspect of it, I think, is an outrage; and it is important for us to say this over and over again tonight as well as in the future.

I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I thank my friend from New Jersey for his persistent work in bringing the truth and bringing important issues to the floor of the House of Representatives night after night. We all have heard people in the administration, highly placed people in the administration, from the Attorney General to Mr. DELAY and leaders in the House of Representatives, Republican leaders, talk about patriotism in sometimes directly, certainly by implication, sometimes directly, question the patriotism of Americans, whether they are Americans in Congress or American people generally, question the patriotism of people who disagree with them on a whole host of issues.

I remember during the trade debate, during the Trade Promotion Authority whether we should extend NAFTA to Latin America that many of us were accused of not being patriotic because we did not want to pass these trade agreements, which incidentally tend to hemorrhage lots of jobs overseas in this country that never come back, manufacturing jobs, all kinds of jobs.

But when I think about patriotism, I want to tell a story. I met 2 weeks ago in Akron at St. Paul's Episcopal Church with 25 families who had loved ones in Iraq, sons, daughters, husbands, wives, cousins, nephews, nieces, whatever. These 20 families talked about the treatment that their loved ones were getting by the United States military, by the administration, by our government. There were not enough Kevlar vests, not enough body armor for our troops, one-fourth of our troops do not have adequate body armor, even though the President of the United States knew that we were going to war well over a year ago. They are now saying, well, we will probably have enough body armor for our troops by December of this year. They talked to us about not having safe drinking water, hundreds and hundreds, thousands probably, of our troops have come down with dysentery. They talked about some shortage of antibiotics, that they actually had to go to the corner drug store and send antibiotics to their son, one in the case of a son, another in the case of a wife he had to send antibiotics to her. Many servicemen and servicewomen when coming home on leave, if they got leave, had to pay their flights home.

When you talk about patriotism, and then you look at the other side of that issue, while we simply, this administration is spending a billion dollars a week, a third of it going to private contractors, much of that money going to Halliburton and Bechtel and friends of the President and contributors to the President, when they accuse people who disagree with them, the administration, of a lack of patriotism, then I look and see we are not taking care of our troops but we are taking care of the contributors to the President? Hundreds of millions of dollars have gone to Halliburton. Much of that has been unbid contracts. Yet Halliburton still pays Vice President CHENEY $13,000 a month. Halliburton contributes thousands of dollars, its executives and its company, thousands of dollars to President Bush.

And while our troops are not being supplied with Kevlar jackets, our troops are not being supplied with body armor, our troops are not getting safe drinking water, our troops are not getting the antibiotics they should get, this administration has the gall to charge injured soldiers $8 a day for their food at Bethesda Medical Hospital, in other hospitals around the country. At the same time we are shoveling money to contributors of the President. And they call us unpatriotic? And they call people who disagree with them unpatriotic? There is just no room for that in this debate. The fact is we ought to do this right. We ought to be working together in this effort in Iraq. We ought to come up with an exit strategy. We ought to come up with a plan. We ought to bring the United Nations in. We should not be shoveling money to private contractors who are friends of the President, who are contributors to the President, who continue to pay DICK CHENEY, the Vice President of the United States, $13,000 a month. We ought to do this right.

The charges of lack of patriotism ought to stop. We ought to get down to business. We ought to do this right. We ought to make this work. There is just simply no reason for those charges to continue, whether they are from TOM DELAY, whether they are from the top people in the administration, whether they are from anybody else.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I am going to be very brief, but I was just moved by the comments of the distinguished gentleman from Ohio, and I appreciate the fact that he has met with families, military families. So have a number of us. I would like to just add that these comments certainly are protected by the first amendment. Some of them are protected by the rules of this House.

□ 2100

But I think they need to cease and desist because they are on the brink of or on the verge of cutting a very divisive line in this body and the other body, and that is that the appropriate discourse and debate is no longer allowed.

As we moved toward the Declaration of Independence and the Revolutionary War, I know, by reading history books, that there was a vigorous divide in America as to whether or not we should stay with the British, get along to go along, live and let live, or whether or not we should follow the pathway of independence and seeking equal opportunity and become a sovereign Nation. I can imagine it was probably a deeply dividing debate, and I would hope to think that the reason why this sovereign Nation has withstood the test of time is because that debate went forward and each side managed to get through that debate without undermining the other's patriotism to a certain extent or love for this new fledgling 13-colony group of States. And one maybe wanted to stay with the British Kingdom, if you will, or the United Kingdom, and others wanted an independent land. I cannot imagine why we have now a majority leader that, one, cannot remember his words of just a few years ago, and now wants to divide this body by suggesting who is patriotic and who is not.

And I would just like to share with my colleagues some words that are constantly found throughout the CONGRESSIONAL RECORD as President Clinton tried to direct this country in a way that would provide defense to the defenseless, whether it was Somalia, and that, of course, was not the best military operation but there was a desire there to help those who could not help themselves, whether it was Bosnia or whether it was Kosovo.

So this statement on March 11, 1999, said "Bombing a sovereign nation for ill-defined reasons with vague objectives undermines the American stature in the world. The international respect and trust for America has diminished every time we casually let the bombs fly. We must stop giving the appearance that our foreign policy is formulated by the Unibomber." One could take from that that he has just called a President of the United States the Unibomber. That happened to be Kosovo, where millions of Muslims were being ethnically cleansed. People were actually dying. The world could see it, and we were asked to come in by the NATO allies.

There is no such basis in the preemptive attack against Iraq. We were told there were weapons of mass destruction. We still cannot find them. And so what is the reason for not having the right discourse and debate on issues that are confusing and where the administration has been, if you will, less than forthright on its reasons for going to war? Saddam Hussein still exists. Osama bin Laden still exists. Then I think debate is appropriate.

Let me close on this point. I, likewise, have had the opportunity to engage military families in a townhall meeting that I held in Houston. No one can experience their pain. Even though their loved ones are alive, they feel the pain of those whose families are now experiencing the continuing devastating pain of having lost a loved one in Iraq. But one has to know what it is like to know their loved ones do not have body armor, bulletproof vests, that their loved ones who are in the National Guard or Reserve cannot get their paycheck on time, or they have loved ones who are there who have not seen their newly born child and ask a simple question of Secretary Rumsfeld which is when can we go home? There is nothing wrong with that.

And I do not want to point the finger at the military because they are following orders, and the policymakers are the ones who set priorities. So when we do not have priorities that deal with 11 suicides, that represent 34 out of 100,000 when we analyze the number, 11 suicides since May 1; and we pass an $87 billion supplemental and we do not provide for paychecks on time to Reservists and the National Guard; we do not have a date certain on exit strategy; we do not deal with suicides and mental health resources in Iraq and on the bases when they return home? Then I would question the person who questions our patriotism for asking these questions on behalf of the troops. And that is what the gentleman from Texas (Mr. DELAY) has done, and I think it is unpardonable. I will certainly uphold his right to the First Amendment, but when we debate on this floor, we should not cast those kinds of ugly statements about one's patriotism because we allow free debate, when he in 1999 suggested that our President was the Unibomber. And I can assure my colleagues that we are still being thanked for what we did in Kosovo. And I thank those troops there. I thank them in Bosnia, and I thank them in Iraq. Because the troops are not the issue. It is the policies that have sent them there, and each of us have the responsibility and the obligation under this Constitution to engage in debate and discourse, certainly on behalf of our constituents.

They say that lawyers get two and three closings; so let me make this the last one, in fact, and I want to thank the gentleman from New Jersey (Mr. PALLONE) for his leadership, but I can assure him that the kind of unpatriotic actions that we are being subjected to in Texas where we are losing 50 years of congressional experience, individuals who happen to be prominently placed on the Committee on Appropriations and have been champions of veterans' rights are being drawn out because of political reasons in this politically-gerrymandered massacre of a redistricting process, I can assure the gentleman that we could probably use a lot of names to call people, but that is not appropriate. The issue is a legal issue, a political issue, a court issue or judiciary issue. And taking up and casting about and calling people names as it relates to their patriotism, which anyone could do, is not what we choose to do, and I do not believe we should choose to do it in this body.

I thank the gentleman for allowing me to participate this evening, and maybe we can bring some civility to this place and debate fairly without name calling because people passionately have a difference of opinion, and maybe someone would say "I told you so" after all of this is over.

Mr. PALLONE. Mr. Speaker, I appreciate the comments from the gentlewoman from Texas. And, again, I know other speakers are going to follow me, but I just want to point out, again, I find it incredible that the majority leader, who just a few years ago in the case of Kosovo, severely questioned and essentially called the President of the United States names because of the actions that he was taking in Kosovo, now gets up on the floor and essentially has the audacity to criticize Democrats for questioning this President's policies in another war.

I yield to the gentleman from Washington.

Mr. McDERMOTT. Mr. Speaker, I thank the gentleman from New Jersey for yielding. It is a pleasure. I am pleased that he would raise this issue. The questioning of Members of Congress because they dispute with the President is not unpatriotic. And those who take that route, I think, are simply not understanding what this country is all about.

This country was formed by dissenters, people who said, We will not be taxed without representation. Now, they were speaking to the King, for heaven's sake, who could cut their head off. All we have to deal with is the gentleman from Texas (Mr. DELAY). And I think Thomas Jefferson's words in 1815 need to be repeated: "Difference of opinion leads to inquiry and inquiry to truth, and that, I am sure, is the ultimate and sincere object of us both. We both value too much the freedom of opinion, sanctioned by our Constitution, not to cherish its exercise even where in opposition in ourselves."

For us to be unwilling to have debates out here and categorize people who are talking here as being unpatriotic is absolutely nonsense. What is really fun, though, is to go through the RECORD and see what the gentleman from Texas (Mr. DELAY) says. I really had a great time doing this. We have already heard this quote, which I think he was talking about the President in bombing Baghdad when he said "Bombing a sovereign nation for ill-defined reasons with vague objectives undermines the American stature in the world. The international respect and trust for America is diminished every time we casually let the bombs fly. We must stop giving the appearance that our foreign policy is being formulated by the Unibomber."

If I did not know that came from March 11, 1999, and had to do with Kosovo, I would think that one of my colleagues had made that statement about our present President. When it was said on that day, nobody got up and said "You are unpatriotic, Mr. DELAY. You are unpatriotic." We let him say it. He is wrong. History has proven him wrong, but he has a right to say it in this country.

My favorite quote of all the quotes is one that I wish that I had said. I wish that I was as smart as my distinguished colleague from Texas. He said "I cannot support a failed foreign policy." I wish I had said that about 3 days ago. He said it on April 28, 1999. "History teaches us that it is often easier to make war than peace." I thank the gentleman from Texas (Mr. DELAY) for laying that out for me. I agree with him. I agree with the gentleman from Texas (Mr. DELAY). It is very seldom that I can think of a way to agree with him. "This administration is just learning that lesson right now." You had better believe it. Read a newspaper. Pick it up every day. Kids are dying over there. Go out to Walter Reed and you can see kids without limbs, you can see all kinds of horrible things that have happened to our troops. It is easy to make war, hard to make the peace, and they are learning over in Iraq day by day that when you treat people that way, hey, they are going to maybe fight back. I do not know why people think that only Americans would fight back. Why would the other side not fight back? It should not be any surprise. But they did not plan for that. They thought these people were going to come out with flowers and put them in the ends of their rifles. What nonsense could have been going on in the Pentagon I have no idea, but it certainly was a failed foreign policy.

"The President began this mission with very vague objectives and lots of unanswered questions." He must have been talking about Mr. Bush. Who else could he mean?

"A month later these questions are still unanswered." No, I say to the gentleman from Texas (Mr. DELAY, 6 months later these questions are still unanswered. Things that were said here on the floor were inaccurate. We all know it, but the President says nothing.

"There are no clarified rules of engagement. There is no timetable." One of the amendments out here the other day was let us have a timetable, but the gentleman from Texas (Mr. DELAY) said no, we cannot put a timetable on our President, let him kind of fumble around until he figures it out or put the training wheels on his bike or whatever. I do not know. But no timetable was allowed. The amendment was not allowed here to say we had to have a timetable before we gave $87 billion away.

"There is no legitimate definition of victory." Boy, that certainly fits this situation. How are we going to declare victory and get out of there?

"There is no contingency plan for mission creep." He means Syria and he means Iran, and I do not know where else he means. "There is no clear funding program." Oh, yes, there is. Borrow. Borrow from the Social Security and Medicare funds; put us deeper in debt. That is what the gentleman from Texas (Mr. DELAY) wants. That is what he came out here and did. He took $87 billion out of thin air and gave it to the President and said, Hey, go over there and do whatever you have to.

"There is no agenda to bolster our overextended military." That is exactly what we are hearing. The Reservists are being kept away from their jobs. Everybody is in trouble. The troops are worn out. The equipment is worn out. Things that were supposed to go 80 hours have gone 500 hours, and so things are breaking down. Gee, he was prescient about what Mr. Bush was going to do.

"There is no explanation defining what vital national interests are at stake." Well, we are still looking, boy. It must be they are connected to al Qaeda. No, that is not true. It must be because of weapons of mass destruction. No, it is not that. What is it? What was our national interest? Oil, or something else? I do not know.

I can hardly wait for our President to come here next year and stand in the well and tell us what our national interests have been saved from, because it is not clear what happened before.

"There was no strategic plan for war when the President started this thing, and there is still no plan today."

I watched with amazement and amusement in a certain sad sort of way when we had this hurricane out here, Isabel, and they had all these generators lined up and all these water purification units lined up. They saw that coming out a week before, and they said, hey, we are going to need electricity, we are going to need water. They planned for 3 years for going into Iraq, at least for a year, fully planning, all the time. From October right after 9/11, they started planning, and they did not think they would need an electrical generator. They did not think they would need purification of water. Did they think they were just going to kind of march in and it would all come back up out of the dust after they had bombed it? They bombed them for how many days, until there was nothing hardly standing, and they could not figure out that if they bomb something, they are going to have to build it back up. They should have had all that planning done. They prepositioned every weapon imaginable to man and woman on the border with Kuwait. It was right there ready to go, but they had nothing behind it in the way of planning for how they were going to deal with the aftermath.

The gentleman from Texas (Mr. DELAY) wants to come out here and say we are unpatriotic for raising these questions. This is what he said to President Clinton. It was not unpatriotic, I guess, when the gentleman from Texas (Mr. DELAY) does it, but if the gentleman from New Jersey (Mr. PALLONE) or I do it or the gentlewoman from Texas (Ms. JACKSON-LEE) or anybody else comes out here and does it, the gentleman from Texas (Mr. SANDLIN), I mean suddenly we are unpatriotic. No way.

I say to the gentleman from Texas (Mr. DELAY) answer these questions. Answer your own questions. You put those questions to a President. Why do you not put them to your fellow Texan and ask him?

□ 2115

What is the answer? What do I say to these guys? Because they are tearing us apart. We intend to keep it up until we see a way out. There is no plan, there is no timetable, and our troops are dying day by day.

The worst thing about it, you pick up the New York Times today, the young man who was killed yesterday, he is not on page 1, he is not on page 2, or, 3, or 4, or 5, or 6, or 7; he is on page 8. Like, you know, just a kid, right? Those are our young men and women. We asked them to go over there. They ought to be on the front page, every day. They ought to be in the President's mind every day.

I really thank the gentleman for giving us an opportunity to come and raise these questions and make it very clear to the American people.

I wear this little button. I started wearing it. I am not one who goes around, but I got that because I served during the Vietnam War. Now, in the war, I spent 2 years in Long Beach, California, dealing with casualties coming back. The gentleman from Texas (Mr. DELAY) did not serve. I do not know where he was. I know he loves his country; I would not even question that. But the question ought to be, how do we get out of this, not is somebody patriotic or not.

I thank the gentleman for the opportunity to speak.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman's comments.

I would like to yield to the gentleman from Texas.

Mr. SANDLIN. Mr. Speaker, I thank my colleague from New Jersey for yielding.

Mr. Speaker, one time the House majority leader said, "American foreign policy is now one huge big mystery." I think I would have to agree with that.

I enjoyed listening to my colleague from Washington as he gave the quote, and I have a copy of that quote, and I began reading it. Without going through that long quote again, it does have a lot of relevance to the situation our country finds itself in today and to our debate tonight, where the leader says, "I cannot support a failed foreign policy. The President began the mission with vague objectives and lots of unanswered questions. There is no timetable, no legitimate definition of victory, no contingency plan for mission creep, no clear funding program."

Those are the very issues that we debate today, and those are legitimate questions raised by the majority leader. Those are legitimate issues. That is a legitimate debate.

Those comments were about, of course, the war in Kosovo. And while I may not agree with all of those points, I certainly do not see it as unpatriotic to raise those issues, just as it is not unpatriotic to raise those same issues today.

Just last week, Mr. Speaker, as we engaged in one of the most important debates of this Congress on the $87 billion supplemental appropriations bill to fund the military reconstruction efforts in Iraq, not Kosovo, the majority leader denigrated the Members of the House who had the audacity to question the administration's Iraq policy or to ask for an accounting or to ask for a justification for the spending of taxpayer money.

Those, just like in the Kosovo effort, were legitimate questions, it raised legitimate issues, it was a part of legitimate debate. It was a different war; it was a different political situation, different politics. Legitimate debate, different politics. And yet, once again, our majority leader equated a failure to blindly go along with the administration policy to be unpatriotic, while in actuality many on this side of the aisle wanted to make sure that the funds went directly to our servicemen and servicewomen and to their protection, and not just to the beneficiaries of no-bid contracts.

Recently, the majority leader said this "isn't about patriotism. It is about judgment."

Certainly, Mr. Speaker, judgment requires a presentation of the facts, and judgment is important. But, speaking of judgment, in a press release the majority leader complained about what he called the "vociferous Democratic critics," from KERRY to Dean, and DASCHLE to PELOSI, claiming they used "hateful rhetoric." Now, what sort of judgment is that, when we are talking about legitimate debate, legitimate issues, about funding, about how we make sure our servicemen and servicewomen are protected in the field, and to call that hateful rhetoric?

We may not agree in this House on all the points of the war effort. We do not even agree completely within the confines of each party, Mr. Speaker. That is clear. But it is our duty to examine these issues closely and to account for the American taxpayer dollar. It is our duty to exercise the judgment that the majority leader was speaking about.

But I am sad to say he seems to be suffering from a crippling short memory. In questioning the administration's policy in Iraq, the manner in which it is handling operations in Iraq and the examining of the accounting, I would be interested to know how the majority leader would now characterize his own comments on the eve of the war in Kosovo.

Many of them have been set forth tonight, but in case some of us have forgotten the rhetoric that was "spewed," to use that term at that time, he said in April that "this is the President's war." These are the comments made while we are in war, comments made about our Commander in Chief: "This is the President's war."

Next he said, "There is no national interest of the United States in Kosovo. It is flawed policy. It was flawed to go in. I think this President is one of the least effective Presidents in my lifetime. He has hollowed our forces while running around the world with these adventures."

That is what he said in 1999 about Kosovo, in the middle of a military action.

He said, "American foreign policy is now one huge big mystery." That is what he said. He said, "Bombing a sovereign nation for ill-defined reasons with vague objectives undermines the American stature in the world." That is what was said by the majority leader in the middle of a conflict.

He said, "Mr. Chairman, I rise today to voice my complete opposition to sending American troops to Kosovo. There is simply no vision to this mission."

Later he said, "It is clear that any deployment in Kosovo will simply drag on and go enormously over budget," some of the same comments being made today.

Later he said, "So what they are doing here is they are voting to continue an unplanned war by an administration that is incompetent of carrying it out."

In April he said, "It is very simple: the President is not supported by the House and the military is supported by the House."

The quotes go on and on. I do not want to bore this House with quote after quote after quote after quote, but the point is made. Those were legitimate issues, legitimate questions, legitimate things to debate in the House of Representatives. And while I do not agree with many of those points, I agree that it is legitimate to talk about these things in the greatest deliberative body that the world has ever known. And no one at the time questioned the patriotism of the leader or anyone setting forth those positions.

He had no problem in questioning the legitimate action of American policy when it suited his political fancy, but now there are problems for those that question the actions we are taking today. When anyone speaks out criticizing the lack of accounting, the lack of justification for spending money, the lack of a plan, those folks are attacked as unpatriotic.

I think it is important, Mr. Speaker, that we look at what was said recently, on March 27 of this year, by the leader when he said, "Now is not the time to question the carrying out of the present war." A week earlier he said, "Rhetoric does nothing more than demoralize the troops."

Well, Mr. Speaker, if rhetoric demoralizes the troops, I wonder what a lack of planning does. I wonder what a lack of equipment does. I wonder what a lack of preparation does. I wonder what a lack of an exit plan does. I wonder what those sorts of things do.

Those are legitimate questions. The point being, it is hypocritical to raise them in one war, and it is then later unpatriotic to talk about it in the other. Either our majority leader was not supporting the troops in 1999, or he is the one that is spewing hypocrisy today.

We are obligated, obliged in this body, to have an honest and full-throated debate about all the issues that are being brought up and about the accounting of the public's money for the support of this war effort.

Mr. Speaker, I think it is important to remember what Mahatma Gandhi said one time. He said, "Honest disagreement is often a good sign of progress," and Mark Shields said, "Debate and dissent are the very oxygen of democracy."

Mr. Speaker, our country faces many challenges today, both from within and from without. From within we face challenges of addressing a budget with record deficits, record debt, and reckless budgeting. We face a challenge of making prescription drugs available to our seniors. We have the challenge of educating our children and giving them access to quality health care at affordable prices.

From without we face the threat from nameless, faceless, hateful terrorists who are bent on destroying the freedoms that we believe in this country are unalienable, granted to us by the Creator and protected by our Constitution and our Armed Forces.

All of these issues deserve and demand a full debate and a complete examination. To turn this debate, this effort, this war effort into a political platform, to criticize or to call names or to point at one side or the other and say you are unpatriotic for asking for an accounting, for a justification, for asking that we air out the issues in this war is beneath this House.

Our troops and our country deserve a full and complete debate on these issues. Our country supports knowing what our plan is, what we hope to accomplish, how we are going to get out, and how much it is going to cost. That is a complete support of the troops and our efforts, and our House needs to support the will of the American public in those areas. Calling one side or the other unpatriotic is simply improper.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Texas for what he said and for pointing out to us those many statements made by the majority leader, because, again, I think that it is very simple, the point we are trying to make tonight, which is the majority leader, the Republican majority leader many times during the war in Kosovo questioned President Clinton about the conduct of the war and the paying for the war, and did so in ways that were, to say the least, very unflattering. Now, when Democrats question the conduct of the Iraq war, we are accused of being unpatriotic. So he cannot have it both ways. Obviously, he is trying to have it both ways.

□ 2130

I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for gathering us together to call for some accountability, some of the remarks of the majority leader of the House, but actually to make an even more important point, I think. When I was elected to this great body in 1998 and came to the U.S. House of Representatives in 1999, I was under no illusion that the elected Members would agree on every issue. I looked forward to the vigorous debate that would take place between Republicans and Democrats and even among Members of my own party and would expect that since free and open debate is not only a tradition of this Congress, it is, perhaps, the most highly-valued principle of our great democracy.

The very first amendment to our Constitution is freedom of speech, our precious right to say exactly what we believe, even when those words challenge those who are in power. Maybe I should say particularly when those words challenge people that are in power.

Voltaire's words, quote, "I disapprove of what you say, but I will defend to the death your right to say it," is the spirit of the first amendment. And all of our great Presidents have defended that right to speak one's mind in this great country. And one of those eloquent statements was made by a Republican President, Theodore Roosevelt, who said, "To announce that there must be no criticism of the President or that we are to stand by the President right or wrong is not only unpatriotic and servile, but is morally treasonable to the American public." Very strong words.

But now in an environment in which one party dominates the U.S. House, the U.S. Senate, the Presidency, and even the Supreme Court, those who challenge the policy decisions of the Republicans are being accused of being unpatriotic, of aiding and abetting terrorists, disloyalty to the Commander in Chief, of needing to apologize for voicing their views. And leading that effort has been the majority leader, the gentleman from Texas (Mr. DELAY). And I think it is time to call him to account for his hypocritical comments and his effort to stifle important and legitimate debate.

We are now engaged in war, in a war in Iraq. And our young men and women as well as innocent Iraqis are dying every day. There is nothing more serious than this. Many of us have been critical of the decision to engage in a preemptive war of choice, not necessity, of the poor planning, of the lack of proper equipment provided to our troops, of the lack of accountability of the billions of dollars being spent, more than a billion per week, much of which has gone to friends of this administration and not to provide things like clean water and modern body armor to our troops. There are legitimate issues to raise whether one agrees or not.

But rather than deal with the substance, the gentleman from Texas (Mr. DELAY) has, to put it bluntly, slimed the questioners. On March 20 of this year, Mr. DELAY said, quote, "This destructive rhetoric does nothing more than demoralize our troops and second-guess our Commander in Chief," unquote. But in May of 1999 while our troops were there fighting against genocide and ethnic cleansing in Kosovo, that same gentleman from Texas (Mr. DELAY) said, quote, "It is a flawed policy, and it was flawed to go in. I think this President is one of the least effective Presidents of my lifetime. He has hollowed out our forces while running around the world with these adventures."

It was perfectly fine then for him to make this critical and, I would argue, somewhat intemperate comment about his Commander in Chief in 1999 while our troops were engaged in conflict. But not now. Oh, no.

Last week during the debate on handing another $87 billion to this administration that cannot seem to provide enough fresh water or sunscreen to our troops, the gentleman from Texas (Mr. DELAY) said, "Let me just say that the old debating tactics of 'I support the troops but' is just not going to cut it this time. If you support the war, and you support the troops, you must, you must vote for this bill."

Well, that is a very, very different story, again, from what he said in 1999. Our leader, the Republican majority leader, came to the floor of this house, stood probably over there, and said to this body, quote, "This is a very difficult speech for me to make because I normally, and I still do, support our military and the fine work that they are doing, but, I cannot support a failed foreign policy."

Now last week, he is saying "no buts," and in 1999 he was all about "but he could not support a failed foreign policy."

Mr. DELAY can say what he wants because that is his right, not only as the majority leader or an elected Representative, but because that is the right of every American. But I have the right and we have the right, and I think an obligation, to demand that he act in the spirit of the oath that he took to uphold the Constitution, to take responsibility for the hypocritical and, I would say, unpatriotic remarks he has made for the purpose of demeaning and defeating his critics and critics of the failed policies of the Republican administration and Republican Congressional leaders.

I urge him, once again, to heed the wise words of the President from his own party, Teddy Roosevelt and let me repeat that quote, he said, Teddy Roosevelt, "To announce that there must be no criticism of the President or that we are to stand by the President right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American public."

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from Illinois (Ms. SCHAKOWSKY) for her comments, and I may ask that we leave up that quote, if we could, from Teddy Roosevelt, because I think it says it all about what this special order is tonight and why so many of my colleagues have gotten up here and spoken out about the statements that have been made by the majority leader.

And if I could conclude tonight, I would like to conclude with a couple of quotes comparing what the majority leader said this year, in regard to the war in Iraq, and what he said a few years ago, with regard to the war on Kosovo, because I think that one of the greatest concerns I have is this notion that he has tried to spread that somehow if you do not support the war in Iraq or if you criticize this different aspects of the war or if you do not vote for the funding for the war in various ways, that you do not support the troops. Nothing could be further from the truth.

Everybody in this House of Representatives on the Democratic side, and I know on the Republican side as well, support the troops and want to do whatever we can to support the troops. And much of the controversy and much of the debate last week on the supplemental was about how best to support the troops. But at no point was anybody suggesting that we not support them, just how best to support them.

And the thing that is amazing about it is if you look up one of the quotes that the gentleman from Texas (Mr. DELAY) made this year with regard to the Iraq war, and this is the gentleman from Texas (Mr. DELAY) on March 20 of this year, a quote from the Washington Times where he said, "I think it is hypocritical to say on the one hand that you support the troops, while on the other hand you say the reason they are risking their lives was wrong. I think it undermines the effort and the unity this country ought to be showing right now." Yet just a few years earlier, talking about the Kosovo war, as quoted in the USA Today regarding floor votes on Kosovo, the majority leader, the gentleman from Texas (Mr. DELAY), then said, "It is very simple: The President is not supported by the House and the military is supported by the House." What he essentially was saying that you do not have to support the President in the war in order to support the troops.

And that is the bottom line. Everyone here on the Democratic side and the Republican side wants to do whatever is necessary to support the troops and to make sure that they are not unnecessarily in harm's way. But the bottom line is that you can support the troops and not support the President's foreign policy, either collectively in Iraq, or separately on different votes.

And I think it is very, very important for us as Democrats to continue to make that point. And we will continue to make it unless the majority leader stops his criticism and his comments relative to the patriotism of the Democrats.

SUPPORTING OUR PRESIDENT AND MAJORITY LEADER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. FEENEY) is recognized for 60 minutes as the designee of the majority leader.

Mr. FEENEY. Mr. Speaker, I just sat through a fairly extraordinary hour with a lot of criticism of the majority leader of the United States. And first thing I want to make clear that I am not here to question anybody's patriotism. I think we have 435 patriotic Members of this wonderful body, and we have got some delegates in addition to that that are patriotic.

What I would say is that Lord Chamberlain, Prime Minister of Britain right before World War II, was a very patriotic Brit, but his policies were very foolish. And they took the free world into some very dangerous times, and we could have lost our freedom throughout the globe.

Lady Thatcher said, as early as 1986, that terrorism thrives on appeasement, much like the problem with Lord Chamberlain's policy, not that he was unpatriotic, but his foolish policies actually encouraged and empowered the Nazis. The same is true, according to Lady Thatcher. And I would submit that the gentleman from Texas (Mr. DELAY) and George W. Bush, our President, are the Churchills of our time when it comes to fighting the war on terror.

Churchill took a lot of criticism leading up to World War II. Our President and our majority leader are the ones that have the courage to lay out a policy to stick to it and make sure that we do what is necessary to win the war on terror just like we won the war against the Nazis in World War II, just as, as Lady Thatcher said, Ronald Reagan won the Cold War without firing a single shot.

The question here is not whether the Republicans or Democrats are patriotic. We are all patriots in this room. The question is who is better prepared to win the war on terror. Because if we lose this war, we will lose our way of life and probably our very lives themselves. The principle is that partisan politics ought, when we have men and women overseas, ought to stop at the water's edge.

And that does not mean nobody is arguing that the debate has to stop about what is best in terms of prosecuting the war. It does not mean that one cannot ask questions, and it does not mean that one cannot vote your conscience. But when one exploits partisan politics while there are men and women fighting for our freedom and our survival and fighting for our way of life against this threat, the international terrorist threat, then there is something fundamentally wrong.

We ought to engage in civilized debate, but what we ought not to do is to let partisan politics dominate our judgment.

Mr. Speaker, I have got a number of Members that want to say a few words about some of the partisan aspects of this debate which are very disappointing. For those of us that are supporting the President, supporting our troops, are certainly supporting our majority leader who has done a wonderful job leading the House through these days, our big question is where the vision of the other party is.

Now, I recognize in parliamentary governments around the world you often have a minority party that stands up and lays out their vision. We actually are going through a conflict where the President has laid out a plan, the majority leader has laid out a plan, we are following that plan, we have won the first part of the war, and we are doing our level best to win the peace as rapidly as possible, secure freedom for the Iraqi people, and bring our men and women home. That is the game plan. And there are lots of details to it, but that is the general game plan.

But the problem we have is that there is nothing united about the Democratic side of this debate in terms of whether or not the war on terror is critical, in terms of whether or not we should have gone into Iraq, in terms of whether or not Saddam is an evil tyrant and dictator that we should have taken down. The only thing the Democrats seem united on is that the enemy is in the White House and majority leader's office of the United States House of Representatives.

That is not the kind of leadership that I think the American people expect from the minority party. Thank goodness it is not the type of leadership that the President and the majority leader are giving.

I want to tell my colleagues as we start the opportunity for some of the other Members to express their views about the partisan nature of a lot of attacks on our President and our majority leader, I want to tell you about a great speech that Ronald Reagan gave known as the Westminster Speech, when he went to the British Parliament June 8, 1982.

□ 2145

He was referring back to World War II when he said that the island was really struck with terror and the potential for being taken over. Ronald Reagan said Winston Churchill exclaimed about British adversaries, "What kind of a people do they think we are?"

That is a great question to ask about the international terrorists. What kind of people do they think we are? Well, Britain's adversaries found out what extraordinary people the British are, but all the democracies paid a terrible price for allowing the dictators to underestimate us. We dare not make that same mistake again.

So let us ask ourselves as Churchill, and then later Reagan said, What kind of people do we think we are? That is the message that we are trying to send international terrorists. What kind of people do the American people think we are? And are you more comfortable, ultimately, with the plans and the policies, the determination, the extraordinary courage of President Bush and the gentleman from Texas (Mr. DELAY), or are you more comfortable turning it over to a disarrayed party that has no policy other than to attack the White House and the majority leader's office.

What kind of people do Americans think we are? That is what the international terrorists want to know.

Osama bin Laden said several years ago that as soon as the blood starts flowing, the Americans would pull out; and yet appeasement in the Lord Chamberlain style seems to be the policy of many of our Democratic colleagues and friends, not all but many. And I would state that we have got to stand up and we have got to insist that our majority leader not come under attack here on the House floor for the great things that he has done, for standing by our President, for standing by our troops, and for leading the effort to make sure that the wherewithal is there in Iraq to complete the war and to continue going after international terrorists elsewhere around the globe.

Mr. Speaker, I yield to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman for his comments. I want to thank him for really bringing to the attention of the American people that, indeed, at a time of war, at a time of conflict, we should be considering working together in a bipartisan manner.

It was distressing to me as I learned last week that there was going to be the presentation by the minority party here to attack the majority leader of the Republican Party, the gentleman from Texas (Mr. DELAY).

I am fairly new to Congress. A little bit more senior than the gentleman from Florida (Mr. FEENEY) but just a little bit; and it has just been an extraordinary opportunity for me to be able to serve with somebody of the great integrity, the competence, the dedication of the gentleman from Texas (TOM DELAY).

I can give a personal statement as recent as last Thursday. I was very pleased that I had the opportunity in a bipartisan way to welcome Ognian Gerdjikov, who is the Speaker of the National Assembly of Bulgaria, and he is a democratically elected speaker in a country that has emerged from totalitarianism, which is now one of the dynamic Balkan democratic nations. And it was really exciting to meet with Speaker Gerdjikov. And I had contacted the gentleman from Texas (Mr. DELAY) a couple of weeks ago and told him that he would be coming, and if he could meet with him it would mean so much to the people of Bulgaria who, again, have emerged from totalitarian Communism and into democracy.

The gentleman from Texas (Mr. DELAY) recognized immediately how important this was. It was a wonderful meeting we had at his office with members of the National Assembly, with Ambassador Elena Poptodorova of Bulgaria. He was so positive. He was so enthusiastic, thanking the people of Bulgaria for their support of the United States in the United Nations. They are on the Security Council. Thanking the National Assembly for their strong vote to provide for an American military base to be located in Bulgaria to defend southeastern Europe and to defend the people of Bulgaria and, ultimately, to become part of NATO, and also to thank the people of Bulgaria for providing 500 troops to be currently in Iraq to provide for security and to promote the development of democracy in Iraq, which we know is mutually beneficial to the people of Iraq and the United States. Because as we work to redevelop Iraq, we are denying the terrorists a breeding ground for more terrorists, and the same standard that we used after World War II where we helped redevelop Germany so that would not be a breeding ground for communists. We defeated Communism. We will defeat terrorism, but we need to have strong leaders as we have with the gentleman from Texas (Mr. DELAY).

So that is my testimonial to a very fine gentleman that I am just so honored, as is the gentleman, to be serving with. And when he has made statements concerning the members of the minority, particularly their leader, the gentlewoman from California (Ms. PELOSI), there has been substance. It is not to question her patriotism, but it is to certainly question her judgment. And I know that in my service, 17 years in the State Senate of South Carolina and now my almost 2 years of service here, what I look at are the statements that I have made and the votes that I have made.

And I really want to bring to everyone's attention that the gentlewoman from California (Ms. PELOSI) made this statement on December 17, 1998: "Saddam Hussein has been engaged in the development of weapons of mass destruction technology which is a threat to the countries in the region and he has made a mockery of the weapons inspection process. The responsibility of the United States in this conflict is to eliminate weapons of mass destruction, to minimize the danger to our troops and to diminish the suffering of the Iraqi people."

What the gentlewoman said then was accurate, but the difference is that, of course, there was a different President in 1998. Of course, Mr. Clinton was in office at that time. And this was the defense of what many of us would actually give him credit for and that is recognizing the threat of Saddam Hussein to world peace.

Mr. FEENEY. Mr. Speaker, if I may, I want to show Americans the quote that the gentleman just referred to. This is from our minority leader, who is a wonderful woman. She is a great leader from California, but we sometimes usually disagree with her policies when it comes to big issues in American politics. This is what she said and I think it is important:

"Saddam Hussein has been engaged in the development of weapons of mass destruction technology which is a threat to countries in the region and has made a mockery of the weapons inspection process."

All over America there are candidates running for President on the other ticket claiming that President Bush lied about weapons of mass destruction in 2002 in Iraq. Here, 4 years earlier, our current minority leader is telling the American people her assessment of the situation.

The question is whether George W. Bush, having spent a year or two in the White House, should have known more than leading Congress members 6 years into the process. So if the gentleman will continue, we have got some other speakers, if we can get to them.

Mr. WILSON of South Carolina. Mr. Speaker, indeed, I want to reiterate the difference between 1998 and 2002, 2003 is that we have a new President. And I regret, I feel that the reason that the change in judgment, not patriotism is politics.

When we consider how persons are to be judged, I believe what we need to look at is how people vote. Their statements are very significant, but we see statements can be shifted and can have different meaning according to who the President is. I will state that going back on votes, and I want to cite from the Center for Security Policy, which is an organization that was created in 1988. It is nonprofit, nonpartisan, committed to stimulating and informing the national and international debates about all aspects of security policy, notably those policies bearing on foreign defense, economic, financial and technology interest in the United States. According to the Center for National Policy, national security score card, I want to bring up votes and I will go back to 1993.

This is the 103rd Congress. The gentleman and I were back in Florida and back in South Carolina. But the gentlewoman from California (Ms. PELOSI) was right here voting.

The significance of 1993 is that when the first significant attack occurred on the United States, that was the first attack on the World Trade Center, we know later that the al Qaeda and the terrorists attacked our country in 1998 by blowing up embassies across Africa killing dozens of innocent people. And then, of course, in 2000 there was the attack on the USS *Cole* and, finally, the attack of September 11, 2001.

This was a war brought upon the United States. This was not one, as has been indicated by some people, that was contrived. We did not start this war. We are acting, I believe, in self-defense. But I want to raise some votes that the gentlewoman from California (Ms. PELOSI) made in 1993, which I think show her judgment as not being in the interest of national security.

First of all, there was a vote on March 18, 1993, which would have reduced defense spending by $41.9 billion. What an extraordinary time. Can you imagine, $41.9 billion of 1993 dollars, what that would have done to the defense in the United States. Fortunately, it was rejected, overwhelmingly rejected.

Next there was a vote to reduce funding for the ballistic missile defense system. Again, the gentlewoman from California (Ms. PELOSI) voted incorrectly. She voted to reduce the spending for the ballistic missile defense system. And of course we all knew my predecessor, the late Congressman Floyd Spence, chairman of the Committee on National Security, warned that there was the great prospect of North Korea, where I was a couple of months ago, of being able to develop a ballistic missile capability to attack the west coast, including California, of course. And at that time, the gentlewoman voted against the funding for the ballistic missile defense system.

Additionally, there was another vote which provided for increasing funding for ballistic missile defense and she was consistent. She voted against that. Then there was a vote to downsize U.S. forces in Europe. And this would have been a vote to reduce the funding for U.S. forces in Europe, a very critical part of our defense of the United States. And it was a billion dollar reduction, and she voted to reduce that which would have crippled our ability to promote the development of democracy in Central and Eastern Europe at a very crucial time, and in addition to protect the people of the United States.

Additionally, there was another vote and this was an amendment by the late Congressman Floyd Spence of South Carolina which would have limited the control exerted by a foreign national in U.N. operations which meant that the United States would maintain control of our forces. Again, the gentlewoman from California (Ms. PELOSI) voted incorrectly.

Another vote in 1993 was to reduce defense and technology spending. This would have reduced the Federal spending for defense at a crucial time of $51.5 billion over 5 years. That would have been just further crippling.

In the same session of Congress I have three more votes I want to go over and then let other people speak because the gentleman has some really talented people here tonight. I want to congratulate the gentleman on recruiting fine persons to come and address our colleagues as to the issue before us.

There was a further vote in 1994 by Congressman Bob Michel of Illinois and this would have provided prohibition of U.N. troops being under U.N. command. And again the gentlewoman from California (Ms. PELOSI) voted incorrectly. Can you imagine placing U.S. troops under the command which could possibly be under the command of someone as far out at that time as Saddam Hussein but also as Kaddafi of Libya. Just, I think, incredibly irresponsible in terms of our national security and defense.

Then again in another vote in 1994 by the gentlewoman from California (Ms. PELOSI), and that was to reduce the Defense Authorization Act. There was a provision to significantly cut defense spending to a level far below that which was being proposed, at a time in 1993, 1994, the beginning of the war on terrorism, where we were trying to maintain defenses as strong as we could provide, and I just want to reiterate that it is not a question of patriotism at all. Our leader, the gentleman from Texas (Tom DeLay), has never questioned a person's patriotism. It is judgment on votes. And those of us who have the privilege of serving the people of the United States need to be judged on our votes.

Mr. FEENEY. Mr. Speaker, I thank the gentleman from South Carolina (Mr. WILSON). I want to reiterate what he said because the whole last hour was a lot of our Democratic colleagues just terrified and enormously angry at our majority leader because he thinks that somehow he called them unpatriotic. This is not about whether you are patriotic or not. Actually, our majority leader, to quote him accurately, and none of them quoted our leader, but on July 25 of this year what he said was: "When criticized for these comments, the Democrats said we were questioning their patriotism. Not so. The Democrats' problem is not a lack of patriotism. It is a lack of seriousness. They do not hate their country. They just refuse to lead it."

□ 2200

I will never call the Democratic party unpatriotic, but I will call their current leadership unfit to face the serious challenge of the 21st century. This is not about who is patriotic. We have got 435 voting patriotic Members of this body. This is about whether the American people trust a Churchill or a Chamberlain to lead this fight, a Reagan or a McGovern during the Cold War. This is about whether they trust George W. Bush or the appeasement wing of the Democratic party. That is what the debate is about.

With that, I would like to very quickly have one more quote if I can and then recognize our friend from Florida. I want to point out the difference between the last minority leader, who, again, we often did not agree with, and the current minority leader.

The gentleman from Missouri (Mr. GEPHARDT), when he was minority leader, said on September 17, right after the terrorist attacks, the following: "The terrorists who did this want us to break up and fight with one another and that is the last thing we are going to do. We are going to fight together with the President and the people who have been heroic and courageous and wonderful, and we are going to win this." That is former Leader GEPHARDT.

One more thing he said. "It is the American political tradition that politics ought to stop at the water's edge." What our current minority leader says, and again we respect her, we just disagree with her judgment, "I am devastated," the gentlewoman from California (Ms. PELOSI) recalls saying on the morning after the bombing began in Baghdad, "by the fact that we are going to war." In other words, actually prosecuting the war on terrorism in Iraq was terribly offensive to her.

With that, I would like to yield to the gentleman from Florida (Mr. MARIO DIAZ-BALART), my friend.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I could not agree with my colleague more. He just quoted our leader the gentleman from Texas (Mr. DELAY), and yet we have just heard for an hour our good friends on the Democrat side wailing into the gentleman from Texas (Mr. DELAY), saying that he said things, and again, they did not bring out quotes because they do not have them, saying that he said something that he did not say. He said exactly what the gentleman just quoted.

Let me quote, and I am going to read part of the quote that my colleague had up here a little while ago when he had the distinguished minority leader, the gentlewoman from California (Ms. PELOSI), when she says "Saddam Hussein has been engaged in the development of weapons of mass destruction technology which is a threat to countries in the region, and he has made a mockery of the weapons inspections process."

Mr. Speaker, I think this is important. She also said, and these are her words, "The responsibility of the United States in this conflict is to eliminate weapons of mass destruction, to minimize the danger to our troops and to diminish the suffering of the Iraqi people."

To me, it is kind of almost overwhelming when our good friends in the other party just from one day to another totally do a 180 to what they said. Of course, they try to put words in our mouths, in the President's mouth that he did not say, that the majority leader did not say, and that is why we did not hear a quote on the floor from the Democrats stating what the gentleman from Texas (Mr. DELAY) said.

The gentleman from Texas (Mr. DELAY) has been very clear. He is not questioning the Democrats' motives. He is questioning their policies, but here the gentlewoman from California (Ms. PELOSI) said what the United States responsibility is, and yet with her own votes, she has not done anything. She has done absolutely nothing to eliminate the weapons of mass destruction which she said the United States had a responsibility to do, or to minimize the danger of our troops which she said the United States had a responsibility to do, or to diminish the suffering of the Iraqi people. No. She voted against authorizing President Bush to use military force against Iraq.

On the floor a little while ago from our friends in the minority party, we heard them say, well, some of our troops do not have sufficient body armor. It is a serious wording. We need to make sure they are prepared, but then they vote against the $60 billion to give our troops the necessary equipment to wage this war against terrorism.

That is what we are talking about here. I have heard of people speaking through two sides of their mouth, but two sides are not enough. There are more sides of a mouth on that side of the aisle than there are seats on that side of the aisle, Mr. Speaker, and again, what we are talking about here is the policy, the policy.

What we then heard also was an hour of personal attacks, yes, personal attacks with innuendos and saying things because they could not quote them, saying that the gentleman from Texas (Mr. DELAY) said things he did not say. That should not surprise us, Mr. Speaker.

Mr. Speaker, the Chair is from the wonderful State of California, and just in his wonderful State, they had an election, and I could not help but notice the smear campaign that the new

Governor-elect had to endure. I heard him say that it was the puke politics, the smear politics. He said, "This is puke politics." It seems to be the modus operandi. It seems to be the way that our good friends in the Democratic party get taught when they go to campaign school, and again, what is important is that we cut through the rhetoric and look at the policy, not the puke politics, the policy.

The gentleman from Florida (Mr. FEENEY) mentioned how this President is leading this country in this war against terrorism. The gentleman from South Carolina said it very eloquently. We did not pick this war; we were bombed. Our people were assassinated in cold blood. We did not pick this war, and we did not have an option but to now defend ourselves, and we do not have an option but to win this war. And yes, those that want to have the politics of appeasement, I will throw out another Winston Churchill quote. He said that appeasement was like feeding an alligator, hoping that you last. You know something, that alligator has already struck. Thank God we have a leader in the White House that understands we are at war.

I want to quote another thing that the distinguished gentlewoman from the State of California, the minority leader, said about the war. She said, "I don't really consider ourselves at war," May 6, 2002. She has the right to not consider ourselves at war, but I for one, Mr. Speaker, will not forget the Americans who have died in the embassies abroad, in the USS *Cole*, in Somalia and in 9/11. This country is at war. We will not forget.

The gentleman from Missouri (Mr. GEPHARDT) said that we will not be divided, and that we are at war, and that we will not be fighting among ourselves. Frankly, I am a little bit upset of what I just heard over the last hour which were personal attacks. Personal attacks were leveled at the majority leader in that puke politics that we saw so evident in California.

Having heard all that, Mr. Speaker, I know and I am confident that because we have the gentleman from Texas (Mr. DELAY) as our leader and because we have George W. Bush in the White House, know, we do realize that we are at war. We do realize that there is a lot at stake, and those that want to hide their heads in the sand like an ostrich, including in violation of their own words, when the gentlewoman from California (Ms. PELOSI) said, "The responsibility of the United States in this conflict is to eliminate weapons of mass destruction, to minimize the danger to our troops and to diminish the suffering of the Iraqi people," despite having to not argue, despite the fact that she is not arguing these are her words, I am confident because of the leadership of the gentleman from Texas (Mr. DELAY) and the White House we are going to win this war that the gentlewoman from California (Ms. PELOSI) does not think we are in.

We are going to win it because this country has stood up to every single challenge. This country will not stand by and let its children die with impunity, be murdered with impunity. We are at war. The President understands it. The American people understand it. If the minority leader does not understand, it is her right and our right to disagree.

Mr. FEENEY. Mr. Speaker, I thank my friend from Florida, and I want everybody to be able to see exactly what the minority leader the gentlewoman from California (Ms. PELOSI) actually said. She said it on May 6, 2002, on the Democratic show, Miles Benson. "I don't really consider ourselves at war," PELOSI said.

Now, Americans can decide whether they think we are at war or not, but I will tell my colleagues this points out an interesting distinction to me because forever when we really have a war going on, and most of us know when we are at war, it is not hard to tell, most of us are divided between one extreme of hawks and one extreme of doves on the war.

It seems like most of the Democratic party are people running for President, the people that come down here and speak on Iraq every day, they are divided, too, between doves and ostriches, but the fact of the matter is, like a dove, you cannot fly away from terrorist attacks, and like an ostrich, putting your head in the sand will not protect you from the terrorist activity.

Why do terrorists hate us so bad? This is one of the things all of us Americans have so much trouble understanding, and I will tell my colleagues that just like the Nazis hated us, just like the Communists hated us, the fact of the matter is they are very jealous, because, after all, as they see it, we are rich, they are poor. Our people are well-fed, while their people are often hungry. We are technologically advanced, while they are mired in unsophisticated ways. We are strong, while they are weak. Our wives and daughters are free to pursue diverse careers or home making as they choose, while theirs are treated as chattel. We have individual freedoms secured by a Constitution; they are enslaved by dictators and violent religious zealots. They hate us.

Terrorists throughout the world hate us. We have to get used to it. We are at war, despite the minority leader's judgment.

With that, I yield to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as a member of the House Committee on the Budget, I have heard hours and hours of testimony from Democrats about funding Federal programs.

They claim that if we do not vote for an increase in the budget of welfare, then we do not care about the needy; if we do not vote for an increase of the budget of the National Institutes of Health, we do not care about cancer patients; if we do not favor major increases for the Department of Education, we must not care about our children learning their A, B, C's. In other words, in their world, support can only be measured by money.

I have heard this line of reasoning over and over again in countless speeches by my Democrat colleagues, but when it comes to protecting the American homeland, all of the sudden the Democrats throw that reasoning out the window because now, Mr. Speaker, we are being told by the leader of the Democrats that they support our troops, they just do not support funding them. Which is it?

If they support our troops but they do not want to fund them, what are we to do? Are we to pass around collection boxes at sporting good stores asking for donations of ammunition for our troops? Are we to start food drives at churches and synagogues and mosques in order to feed our soldiers who are in harm's way in Iraq and Afghanistan? Are we to shop at Goodwill for the uniforms that they need? I think not.

Mr. Speaker, almost a year after 9/11, the leader of the Democrats in the House said she really did not consider that we were at war. I hope she has now come to a realization that we very much are. This is the same Democrat leader that described our simple resolution to support our troops in the field as a bitter pill to swallow. The real bitter pill to swallow is the realization that so many Democrats claim to support our troops, but they will not vote to arm and equip them.

But the Democrat leader in the House is not the lone Democrat making outrageous political statements at this time in our Nation's political history. A Democrat leader in the other body stated that the war on terror is a fraud, made up in Texas.

Let us ask 68-year-old mother Zahra Khafi if this war is a fraud. After her 28-year-old son was summarily executed 2 years ago by Saddam Hussein's regime for merely practicing his religion, she said, "Should I be afraid? Is Saddam coming back?"

Let us ask Ali Khemy if this war is a fraud. After the 1st Marine Expeditionary Unit liberated his village, he said, "Americans very good, Iraq wants to be free."

Let us ask one of their religious leaders if this war is a fraud. When his country was being liberated by our troops, he said "We need freedom more than we needed air."

A recent survey showed that 70 percent of the Iraqis are clear they want our help. Clearly, the people of Iraq know that this war is about something real and tangible: freedom, democracy, security, not just theirs but, more importantly, ours.

For any Democrat who still believes that there is no war, no threat from the forces of terrorism, let us ask the families of the nearly 3,000 innocent Americans who lost their lives in the terrorist attacks after September 11. Let us ask the family members of those who recently lost their lives in terrorist attacks against the U.N. headquarters, those who lost their lives in Baghdad's Jordanian embassy or against the Shrine of Ali Mosque. Let us see if they believe that there is no war with terrorists.

There is an old adage, Mr. Speaker, that those who fail to learn the lessons of history are condemned to repeat them. Today, those who do not consider our Nation at war or consider it a fraud, clearly have not learned the lessons of history.

During 8 years under President Clinton when he deployed our troops 37 different times, Republicans came to the floor of the House and voted to support our men and women in uniform. In those 37 deployments, Republicans gave President Clinton the funding he needed.

□ 2215

Now, if Republicans can support a Democrat President during time of war, why do so many Democrats refuse to support a Republican President during time of war? If Democrats are unwilling to recognize the war that we must confront, if they are unwilling to support our troops against these threats, then what do they propose that we do to avoid another attack against Americans on American soil? What is their solution to avoiding another potential attack with chemical, biological or a nuclear weapon that can make 9-11 pale in comparison?

Under this President, with the support of Republicans and some Democrats in Congress, we are winning and fighting the war on terror. We are restoring stability and order. Just this month, the United States military and Iraqi police conducted joint raids, arresting more than 50 terrorists and criminals. Approximately 50,000 Iraqi police officers are back to work, Coalition forces are working with 36,000 local Iraqi workers to refurbish 1,600 schoolhouses across Iraq, and last week Iraqis started a new path towards economic stabilization by introducing a new currency.

Mr. Speaker, I hope my Democrat colleagues will move beyond the political rhetoric of their party's leadership and their Presidential candidates. We must continue the hard and expensive work of seeing freedom and democracy take root in Iraq and Afghanistan. For as they do, those countries will cease to offer safe haven to terrorists and the safer America will be.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NUNES). The gentleman from Florida will suspend.

The Chair must remind Members that remarks in debate may not include quotations of Senators, except as specified in clause 1(b)(2)(B) of rule XVII.

The gentleman from Florida may continue.

Mr. FEENEY. Mr. Speaker, I would like to yield to another gentleman from Texas (Mr. BURGESS). We have several great gentlemen from Texas here tonight.

Mr. BURGESS. Mr. Speaker, I thank the gentleman from Florida for putting this together this evening, and I certainly thank him for yielding to me.

Mr. Speaker, I was fortunate enough to be in Iraq at the end of the summer, the last week in August. And during that trip, we talked with General Ricardo Sanchez, who talked to us about the accomplishments that had happened since the end of the major combat phase of Operation Iraqi Freedom, essentially 3 months later, the 90 days of progress.

During that 90 days, schools had completed their academic year and conducted testing. Ninety percent of the major cities and towns had functioning town councils. At that point, over 50,000 Iraqis were contributing to their own security under uniform, that is either in the Iraqi Army or as border patrols. The prisons were on the verge of reopening. The judicial system was up and functioning. Food distribution was going on without much in the way of any hindrance. In fact, no humanitarian crisis grew as a result of the major combat phase of Operation Iraqi Freedom. The hospitals, although substandard, remained open and functional. And four and a quarter million children were immunized during those 3 months in the summer.

Well, Mr. Speaker, we sat here for a good deal of time this evening and listened as our leadership, the leadership of the administration, the leadership of this House was criticized for the lack of a plan. I would just ask you: Does this litany of accomplishments that occurred during those 90 days sound to you like the lack of a plan? And just to put it in some perspective for our friends on the other side of the aisle, all of these things that I just mentioned that were pointed out by General Ricardo Sanchez, all of these things occurred within 90 days. None of those things had happened a year after the end of combat in Kosovo. I ask you: Does it sound like there was a lack of a plan, a post-war plan in Iraq? I think not.

And let us just talk for a minute about humanitarian crisis. Let us try to put that in some perspective. What would we have been hearing from the other side of the aisle tonight if there had been 15,000 heat-related deaths in Baghdad this summer? Well, I will tell you what we would have been hearing. We would not have wanted to hear the words that would have been coming from the other side tonight. But the reality was there were not 15,000 heat-related deaths in Iraq this summer. Was the summer harsh enough to cause 15,000 deaths? Well, how about in France, where the average high temperature was 25 degrees cooler and where they had 15,000 heat-related deaths this summer. There is your humanitarian crisis. It did not occur in Iraq; it occurred in France.

Mr. Speaker, one of the reasons we are here this evening is because of the criticism leveled at our majority leader, the gentleman from Texas (Mr. DELAY). The gentleman from Texas (Mr. DELAY) is the duly-elected majority leader of the House of Representatives. He has a duty not just to be a leader but to maintain his majority in the House of Representatives, and it is the fact that he is so successful in doing that, and the recent redistricting in Texas points to just how successful he is in that job, that that is what leads to his criticism.

The gentleman from Florida is quite correct when he talks about people who are critical. It is largely not what we do wrong but what we are doing right that makes others so critical. Well, I, for one, am very glad that we have the type of leader we have in Leader DELAY. It is a privilege to serve in this House with him, and I look forward to serving with him for a great many more years to come.

Mr. FEENEY. Well, I thank the gentleman for those comments.

Mr. Speaker, we have been reminding some of our Democrat colleagues of the irresponsible positions that they have taken on the war on terror and the war on Iraq. But, in fairness, not all of the Democrats in this country have been totally irresponsible. For example, the former minority leader, before the gentlewoman from California (Ms. PELOSI), Congressman GEPHARDT, on September 13 in the year 2001, 2 days after the bombing, said the following: "There was no air and no light between the President and Congress and the two parties." In other words, we were together at that point on the war on terror.

And just recently our colleague, the gentleman from Georgia (Mr. MARSHALL), said, and I quote, "Responsible Democrats should carefully avoid using the language of failure. It is false. It can be unforgivably self-fulfilling." So there are responsible things being said, but they are in the minority and they are being drowned out.

Before I turn to my colleague from Tennessee, I want to say that more like the gentlewoman from California (Ms. PELOSI), the minority leader, is the position of the last Secretary of

State under President Clinton. And let me first state that the National Democratic Institute for International Affairs is headed by Madeleine Albright, who recently returned from a fact-finding tour in Iraq, and what they found was that throughout the north, the south, and in Baghdad, secular religious Sunni, Shiite, and Kurdish groups in both urban and rural areas there were what they called a newly formed umbrella movement. The Iraqi Coalition for Democracy said, "We already see the positive results that the Americans have brought. We are free to talk to you, to organize a movement and party, free to meet and demonstrate. And all this was made possible by the Americans."

And almost at the same time, Secretary Albright, violating the old rule of not playing partisan politics against your own country while men and women are in the fields while you are overseas, said the following, and she said it on French radio and she spoke in French. Here is what she said, translated into English: "It is difficult to be in France and criticize my government, but I am doing so because Bush and the people working for him have a foreign policy that is not good for America, not good for the world."

Thank you, Secretary Albright, for traveling the world and basically encouraging people that wish us no good.

And I would note finally that one of the other great terror threats on the planet is North Korea, and Secretary Albright's great contribution in North Korea during her administration was to actually help facilitate the use of nuclear capabilities for power generation in North Korea. Not the kind of thing that has really been productive.

With that, Mr. Speaker, I would like to yield to a friend and colleague and marvelous spokesperson for the conservative and Republican-principled cause, the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman so much. You know, the gentleman just used the quote from former Secretary Madeleine Albright, and I heard some about this this weekend while I was back in Tennessee, people who were disappointed, Democrats who were disappointed that she had chosen to make that remark of saying that our policy and our President's policy was not good for America and not good for the world.

This past weekend, I was literally all over the State in Tennessee. We were over in Memphis, in Shelby County, which is part of my district, the seventh district of Tennessee. Also part of the ninth and eighth districts of Tennessee. And then I was over with our good colleague, the gentleman from Tennessee (Mr. WAMP), in his district, the fourth district, and up in Knox County, with our colleague, the gentleman from Tennessee (Mr. DUNCAN), in his district. And I can tell my colleague that I was very encouraged with the way Tennesseeans support our President, the way they support our troops, they way they support our leadership in fighting this war on terrorism, the way they recognize that this is a global effort to destroy terrorism.

And, Mr. Speaker, the people back home are really watching this. They are listening to the news, they are getting their information on the Internet, they are paying attention. They know that there are numerous links between Iraq and terrorism, and they understand the importance that it is. They know that it is vital that we secure an ally with Iraq; that we help them build a free and open society; that we help them get the underpinnings and the foundation so that they have a productive and aggressive economy. And they are committed to working with us as we get through the war on terrorism. I even had one of my constituents this weekend say that they thought that it was only in this stratified Potomac fevered air of Washington that people did not have the courage and the commitment to see this war through.

Mr. Speaker, I was today reading some e-mails that had come to me, and one of them I thought was just terrific. It came from a gentleman who is a Vietnam veteran who said some things so very well, talking about how when he was serving in Vietnam that the liberal news media flamed the sparks of unrest and how that played on Congress and how Congress' decisions during that time affected him as a soldier.

It was interesting to sit here and to read all of this. He went on in his e-mail and he used the Patrick Henry quote that I absolutely love: "Give me liberty or give me death." And as he has watched the war in Iraq, he said this had come back to him so many times and how he thought that that is so true, that without that personal freedom, which is the foundation of our constitution and of our society, then nothing else means as much, and how important it is that we recognize what a threat terrorism is; how important it is to win this war in Iraq; how important it is to build an ally with Iraq.

And, of course, we have talked much tonight about the gentlewoman from California, the minority leader, and her comments in December of 1998 when she gave her floor speech characterizing Saddam Hussein as a tyrant, which we all believe he is; and a threat to international security, which we all agree that he is. We have been through that quote tonight, but I want to go back into it. There is plenty of proof he had engaged in the development of weapons of mass destruction. I agree with what the minority leader said at that time; we all do.

We need to realize that in 1998 Bill Clinton was the President. Today, we do have a different President. And President George Bush is leading us in this war on terror. Our colleague from Texas just talked about the great work that the men and women are doing over in Iraq and the difference that they are making. I look forward to going and seeing this firsthand.

Now the minority leader is coming along and she is questioning what we are doing in Iraq, and she is charging the administration with having a failed plan. The only thing this administration has failed to do, I believe, is to foresee how quickly Saddam Hussein's regime was going to collapse. To some extent, I think they have been victims of their own success. Because as our colleague from Texas pointed out, things have moved rather quickly. No one expected Baghdad to fall that quickly. They thought it was going to take months instead of weeks.

I would like to quote from another Member of the minority party, who, unlike Minority Leader PELOSI, is considering the big picture. This is a quote from the gentleman from Missouri (Mr. SKELTON), he is a Democrat, and he is considering the big picture. This is what the gentleman from Missouri (Mr. SKELTON) had to say in September of 2003, this year, in the publication "The Hill," and I quote.

□ 2230

"The media stresses the wounds, the injuries, and the deaths, as they should, but for instance in Northern Iraq, General David Petraeus," and I will pause here and say General Petraeus commands the 101st Airborne from my district, "has 3,100 projects, from soccer fields to schools to refineries, all good stuff and that is not being reported. Failure is not an option. Should the reconstruction effort fail, Iraq would become a snake pit, a haven for terrorists."

Mr. Speaker, we have learned the lessons of World War I. We learned from the successes of World War II. We know it is incredibly important that we see Iraq through to being firmly planted and seated on a firm foundation so they can be a success. I do not think it is patriotic for us to sit back and let terrorism take hold there or come over here and take ahold on our shores. I do not think it is patriotic to let tyrants kick dirt in our faces for a decade. I know the people in my district are tired of America choosing rhetoric over action, and they are pleased with the action that they are seeing. September 11 gave us cause for action.

There is a great song that one of my friends and songwriter, David Worley has written. The song is Have You Forgotten, and that song is a reminder to each and every one of us that September 11 occurred, that men and women lost their lives, that terrorism brought its war to our shores, and it is important that we support the reconstruction in Iraq and support our leadership as they lead through this.

Mr. FEENEY. Mr. Speaker, I thank the gentlewoman for her leadership on this.

Again, to point out, the two big debates tonight are not whether or not you are patriotic, the question is whether you are fit and responsible in the fight against the war on terror. The sad thing for a lot of us that enjoy working with our Democratic colleagues is that traditionally when there is an international war going on and America is heavily involved, and our security and lives are potentially at stake, are you a hawk and tend towards the hawkish side, or are you a dove and tend towards the dovish side, but in much of the Democratic caucus, the debate is between whether or not you are a dove or an ostrich.

The terrorists came and found us on September 11, and they will do it again. Fortunately, there are some responsible Democrats that say responsible things. Unfortunately, we have not seen a lot of leadership out of the minority leader's office. I want to share a quote that talks about the fight to water down the resolution to fight the war on terror in Iraq. Minority leader, the gentlewoman from California (Ms. PELOSI), fought to tone down support for Bush and delete other passages opposed by antiwar Democrats.

But at the same time, you have the second ranking person in the Democratic caucus, the gentleman from Maryland (Mr. HOYER) who basically said he would vote for the bill that his leader opposed. I am glad there are Members who put partisan politics aside and support our President, even though all of us have questions how we can do things better. That ultimately is not the question.

I want to go back to the question whether or not we are at war with terrorism, and again the gentlewoman from California (Ms. PELOSI) suggested we are not at war, and that while the war has not been officially declared by the United States Congress, we have not had one since I believe the Korean War, in over 50 years, this war is a declared war. The terrorists declared this war on the United States, and they did it in a resounding, ugly, atrocious way on September 11.

But this threat is not new. In 1986 during the great Libya debate in the House of Commons, Lady Thatcher defended American's strike against Libya as she said, "Terrorism thrives on a free society. The terrorist uses the feelings in a free society to sap the will of a civilization to resist. If the terrorist succeeds, he has won and the whole of free society has lost." Like Lord Churchill, Lady Thatcher is prescient, and she issued warnings a decade before the war was launched on America, much like Prime Minister Netanyahu in his book Fighting the War on Terrorism warned that ultimately the target of international religious zealot terrorism is not Israel, they are the temporary target. Ultimately, the great Satan is the United States.

We were told in 1995 by Prime Minister Netanyahu that we would, in fact, be the target. But we do not have to believe our friends and allies on the topic of terrorism being a threat to our children, our grandchildren and our very civilization, if fact, it was over a decade ago that Osama bin Laden declared, "We with God's help call on every Muslim who believes in God and wishes to be rewarded to comply with God's order to kill the Americans, and plunder their money whenever and wherever they find it. We also call on Muslim leaders, youths, and soldiers to launch the raid on Satan's U.S. troops and the devil supporters aligned with them, and to displace those who are behind them so they may learn a lesson."

We have been warned over and over again that they are coming to do us evil. We know it, and yet putting our heads in the sand is not an effective response, and hope is not a strategy.

Winston Churchill said in the 1930s, warning about Hitler's Germany, if you give into aggression, there will be end to humiliation you have to suffer.

Remember, it was Abraham Lincoln who basically said in terms of having to complete the war to put the Union back together, let us strive on to finish the work we are in.

But again, we have great leadership from our President in very difficult, very challenging times. We have wonderful support and leadership from our majority leader who came under intense attack tonight, and where is the plan of the opponents of the President, where is the plan of the opponents of our majority leader, where is the plan of the opponents of the people who want to prosecute, fight and win the war on terror and to establish a free constitutional democracy in Iraq that is not a threat?

Well, candidly, the Democratic party is very divided. The gentleman from Rhode Island (Mr. KENNEDY) split from his own father in criticism his father leveled against President Bush for attacking Iraq. The gentleman from Rhode Island (Mr. KENNEDY) said the country is better off without Saddam Hussein. His quotes are, "I do not agree with his stance," speaking about his father. "I believe that the United Nations needs to be a viable international organization, and the only way it is viable is if its proclamations and resolutions are enforced."

Despite all that warning about the fact that we cannot wait on permission from people in the U.N. to protect ourselves, there are still people attacking the President for the preemptive war on terrorists. This is a responsive war given the fact that Saddam Hussein has tried to export terrorism at every opportunity.

It is not just the Democrats fight amongst themselves, sometimes the same Democrat is on both sides of the issue, like General Wesley Clark, depending on what day it was. Early in the campaign, he could not decide whether he was fully supportive of the President and our troops, or whether he would have voted against the resolution. It just depends on which version of General Clark's statements that we hear, now as he is running for President, and again using partisan rhetoric in trying to undermine the President in a time of war.

Governor Dean has no such problem. He has been very consistent. In that old battle of hawks versus doves, the fact of the matter is that I think it is pretty clear that Mr. Dean is in fact on the ostrich side of that debate. He opposes the war, he opposes the doctrine of preemptive war, which means we have to wait, according to the doctrine of Mr. Dean, who is apparently one of the frontrunners for nomination for President, we have to wait until the next set of bombs, perhaps filled with nuclear weapons, hits an urban center in New York or Detroit. Maybe we have to wait until poison water in Los Angeles or in Miami poisons millions of our citizens. Terrorists maybe will have to drop nerve gas on population centers in Atlanta or Seattle before we can defend ourselves, and even at that point Governor Dean regularly suggests that we need to ask the United Nations before we defend ourselves.

Let me remind Members that means that Libya, led by Colonel Quadafi, who declared basically a terrorist war on America 15 years ago, Libya controls the chairmanship of the Human Rights Commission of the United Nations. Maybe we should have to ask Syria, a state that sponsors terrorism on a regular basis and that serves on the Security Council of the United Nations, one of the top 15 votes in the United Nations. We should not have to ask for permission to defend ourselves.

Mr. Speaker, I want to say, hopefully, this debate can return to not who said what when, but who believes we need to stand up and fight to do the right thing to protect Americans to secure our interests and to ultimately bring our men and women from Iraq home as we continue to prosecute this war on terror.

I will go back to what I started with tonight, in a great speech President Reagan gave to the British Parliament in 1982 called the Westminster Speech, he said, "During the dark days of the Second World War, when this island was incandescent with courage, Winston Churchill exclaimed about Britain's adversaries, 'What kind of a people do they think we are?' "

Mr. Speaker, all over the world, terrorists are watching to see what kind of people we think we are. Ultimately, it is the President of the United States, sometimes imperfectly, ultimately it is the majority leader and it is the leadership of the Republican Party in the United States House that the terrorists fear and know can defeat them, and the whole world is watching to see whether we back down to this terrorist threat.

Mr. Speaker, I know what kind of people I think Americans think we are. We are ready for this challenge, and it is not easy; but the gentleman from Texas (Mr. DELAY) and President Bush are our leaders.

SOCIAL ILLS SEEN AS RUIN OF NATIONS

The SPEAKER pro tempore (Mr. NUNES). Under the Speaker's announced policy of January 7, 2003, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes.

Mr. OSBORNE. Mr. Speaker, I was privileged to hear British Prime Minister Tony Blair speak in this Chamber a few months ago, and one comment he made particularly caught my attention. He said, "As Britain knows, all predominant power seems for a time invincible, but in fact, it is transitory." I think what he was saying is that essentially nothing lasts forever, including great nations.

History teaches us that, most of the world's great powers are not overcome by external force, but rather disintegrate internally. And let us take a quick study of three such examples.

Rome, of course, 2,000 odd years ago, stood astride the then-civilized world and appeared to be invincible. Yet it fell from preeminence, and the reasons historians have given us, there was a general decline in morality, increasing corruption and instability in leadership, an increasing public addiction to ever more violent public spectacles, an increase in crime and prostitution, and a populace that had become more self-absorbed, apathetic, and unwilling to sacrifice for the common good.

Then, of course, the country that Tony Blair was referring to, Great Britain, had a colonial empire that dominated much of the world through much of the 1800s, and, of course, that empire slowly began to crumble. The reasons that some have given for this demise was that Great Britain had lost the national resolve to maintain its territory, values that led to ascendancy were eroded, spiritual underpinnings were shifted at some point.

The third example would be the Soviet Union, one of two great super powers as recently as 20 years ago, and in a matter of months, Russian disintegrated before our eyes. Alexander Solzhenitsyn reflected on this fall when he observed that, "Over a half century ago, while I was still a child, I recall a number of older people offering the following explanation for the great disasters that had befallen Russia, men have forgotten God, that is why all of this has happened."

And so, Marx and Lenin dismantled Russia's heritage and value system. Russia's foundation was broken, and it collapsed like a house of cards with nothing to sustain it.

□ 2245

These are just three examples. I think there are many others that history is replete with that show the declines of some great nations, again without any outside military intervention. I think some of the common themes that we begin to see are that in cases like these, citizens are less willing to sacrifice for others and for country, citizens become more self-absorbed, a greater desire for comfort, for the state to provide for their welfare, a weakening of commonly held values and a decline of spiritual commitment in those countries.

What does all this have to do with the United States and our present situation? I hope I am not overdrawing the case here, but I would have to say that right now we are certainly on top, we have the most powerful military, the strongest economy, the most stable government of any nation in the world and so it is easy to think, as Tony Blair mentioned, that we are invincible but also as he said, as Britain knows, all predominant power for a time seems invincible, but in fact it is transitory. I think that was a well-taken word of warning.

Over 36 years of coaching and dealing with young people, I saw some very disturbing signs. I am going to take some time this evening to develop the theme that I saw occurring before my very eyes over that 36-year period that I think certainly bode a sense of warning, at least as far as I am concerned. The young men that I worked with were more talented with each year, yet they showed more signs of stress, they had more personal struggles, and they had less moral clarity as the years went by.

This chart here to my left reflects at least one alarming trend. In 1960, which was about the time that I started working with young people, we had roughly 400,000 cases that were referred to the juvenile courts. In 1999, that figure was well over 1.6 million. I would say today in 2003, this is the most recent figures that we have, but I would imagine that by 2002, 2003, the caseload is much higher. That represents a 400 percent increase. I really do not care what figure you look at; you will find that the chart looks about like this for issues such as teen pregnancy, teenage murder, violence, drug and alcohol abuse involving teenagers and, of course, the divorce rate for seniors and all the other social pathology that we are so familiar with. I think there are several factors that contributed to these changes that we see here. I would say the first major factor is simply some of the things that have happened to our family structure in the United States. In 1960, the out-of-wedlock birthrate was 5 percent. Today it is right at 33 percent, a 600 percent increase. So roughly one out of three children coming into our Nation today have basically two strikes against them and in most cases will not have both a father and mother to care for them. Some will, but most will not.

In 1960, the great majority of children lived with both biological parents. Today nearly one-half grow up without both biological parents. Only 7 percent of today's families are traditional families as we would normally define it, with usually a father working full-time, a mother at home full-time or vice versa, but at least one parent being at home and one parent being the primary provider. This is according to the Fatherhood Initiative statistics.

So actually in many cases, and as a matter of fact in some cases, in most cases with our children, nobody is home after 3 p.m., and between 3 and 6 p.m. we find the greatest source of problems, of criminal activity and so on with our children, because no one is home. Parents today spend 40 percent less time with their children than they did a generation ago. The divorce rate, of course, has increased 300 percent since 1960 and 24 million children today live without their biological father. Fatherless children are more likely to be abused, have mental and emotional problems, abuse drugs and alcohol, commit suicide, commit a crime and be promiscuous.

I think this is graphically driven home when we realize what a greeting card company did a few years ago when they approached the prisoners in one of our Federal prisons. It was Mother's Day. They said, we'll give you prisoners a Mother's Day card free if you'll just simply send your mother a card and they had almost 100 percent participation. And so they thought that this was somewhat gratifying. They thought, well, when Father's Day comes around, we will do the same thing. They made the same offer with Father's Day cards and as you may suppose, maybe you would not suppose, there were no takers. That shows you the devastation, particularly in some of our disaffected population, that fatherlessness has caused and I think really is at the root of most of the social pathology that we see in front of us.

The foundation of our culture, the family, is certainly under assault and we have seen great changes over the last 30 to 40 years. Another major issue that has contributed to some of the problems that our young people are dealing with today is that the environment has changed. The environment that they live and move and have their being in is not the same as it was back in the 1940s and the 1950s and even the early part of the 1960s. In 1960, drug abuse was almost unheard of. I know in the area of the country that I lived in, I had heard the word marijuana, I had never seen any instances of it, had never heard of cocaine, methamphetamines, ecstacy and so on; and of course today those drugs are of somewhat epidemic proportion. Alcohol abuse involving underage drinking has exploded.

I would like to take a little time right now, Mr. Speaker, to develop this particular theme because so often we feel in the United States that the drug problem has to do with hard drugs, but by far the biggest drug problem that we are facing today with our young people is that of alcohol. A recent National Academy of Science study that was released, I believe 2 weeks ago, showed that alcohol kills 6.5 times more children than all other drugs combined. More than cocaine, methamphetamine, ecstasy and all of those drugs put together, alcohol kills 6.5 times more.

Underage drinking costs the U.S. $53 billion annually, 2½ times what it is going to cost us to rebuild Iraq. There are more than 3 million teenage alcoholics estimated in our country today. This is by far the biggest drug problem. The average age of first drink in our country is currently 12.8 years of age, less than 13 years of age; and the discouraging thing is that when young people drink, on the average they will consume almost twice as much alcohol per occurrence as an adult will. So young people on average tend to drink to get drunk and they often do. Twenty percent of our eighth graders drink regularly. Children who drink before age 15 are four times more likely to become alcoholics because of psychological and physiological immaturity. Alcohol impacts them much differently when they are 12 and 13 and 14 and 15 years old than it impacts them when they are 24, 25, or 26. And so there is a great increase in addiction.

The thing that I would really like to emphasize, Mr. Speaker, is this, that young people for the most part do not start their experimentation with illegal drugs by using marijuana, they do not start with cocaine, they do not start with methamphetamine. They start with alcohol. Therefore, if you really want to stop the abuse of hard drugs, the important thing to do is start with stopping the abuse of alcohol with underage drinkers.

Yet we have really pretty much ignored this whole problem because we spend more than 25 times as much money on curbing illegal hard drugs as we do on underage drinking. We spend a minimal amount discouraging young people from drinking as underaged young people. We spend hundreds of millions to fight drug production in Afghanistan and Colombia and around the world and a fraction of that money spent on curbing underage drinking would be more cost effective. It would dry up the demand. I think some type of a national advertising program, a national education program with a fairly large infusion of dollars at the Federal level is warranted. It would probably help us cure and clear up the drug problem more than anything else that we could do in this country.

Another issue that is certainly affecting our young people as they try to weave their way through the environment that they are placed in is the violence factor. As many people know, the United States is currently the most violent Nation in the world for young people ages 14 through 23, 24. The second-place country is not even close to us. We lead the world in homicide rates and suicide rates for young people.

Pornography has exploded. We have over 1 million porn sites on the Internet. Not 1,000. Not 100,000. We have 1 million porn sites currently on the Internet. That is unthinkable. I think when the Internet first began many years ago, no one would have assumed that this was even possible or probable. And here it is and so nine out of 10 children ages 9 through 16 have viewed pornography on the Internet. Again, that is nine out of 10 children who are ages 9 through 16 have viewed pornography. Much of that is hard core pornography, which really sears an impression into your mind that sometimes you really cannot get out of it and most of that viewing has been unintentional. It has been by accident.

We have corporations such as AT&T that have been involved in hard core pornography. At one time AT&T I think was the gold standard as far as how a large corporation should be run. Yet we find some of our most reputable companies involved in this industry which yields profits of 10 to $15 billion a year. And so the profit motive certainly supersedes any national interest that they might perceive. Such words as Barbie, Disney, ESPN, at one time my name, would pull up a porn site. And so a child who innocently wants to do research or look at some information regarding their hobby will oftimes pull up a porn site, and we do not seem to be able to do anything about it.

Many of us are dismayed by the way the FCC is regulating obscenity on the Nation's airwaves. They are the primary arbiter. They are the ones who are supposed to be the watchdog in this area. According to the Parents Television Council as of July 23, 2003, the FCC had not fined a single broadcast station in the United States for airing indecent material. Also they had not suspended a single license in the United States for airing indecent material. Not in the entire history of the FCC have they done anything like this, despite thousands of complaints. This is something, Mr. Speaker, that absolutely needs to change. Many of us in this body are attempting to cause the FCC to begin to take their responsibility seriously.

The Department of Justice has been focusing on eliminating child pornography but has done relatively little to enforce hard core Internet obscenity laws. Of course the Department of Justice has had their hands full, particularly since 9/11. We realize that they have a very heavy caseload. But we have really petitioned the Department of Justice to get more active. In the preceding 8 years prior to 2000, practically nothing was done to enforce obscenity laws in the Department of Justice, and we feel that we have not seen a whole lot of action in the last couple of years as well.

Another issue that has been a concern is that of the video game industry, eight- to 18-year-old children average spending 40 minutes per day playing video games. Again, 40 minutes a day on the average, ages 8 through 18. And video games, as most people know, have become increasingly violent. A recent video game that was displayed to Members of Congress showed stalking and killing activities that are used on training films in the military to teach people how to kill people. In this particular video game, if you were a good shot and you hit somebody in a vital spot, such as the head, blood spurted and everything happened; the reward was several frames of pornographic material.

This is, as far as I am concerned, off the charts. I do not think the average adult can even conceive of some of the things that our children are seeing in terms of video games. The average player of video games is 12 years of age. The Kentucky school shooter who was very effective and killed several of his classmates had never fired a gun prior to the day that he took a gun to school, but he had been very proficient in playing video games, and he had done a lot of firing and shooting in video games which translated apparently quite well into his activities on the school ground that day.

Of course much music, some television, many movies are graphic. The current content would have been impossible to present for public consumption 30 years ago or even 20 years ago. This is particularly disturbing to me because I have grandchildren ages 4 through 11. I am very concerned about the environment that they are moving into and the things that they are either advertently or inadvertently exposed to because it certainly has an impact on the way they see the world.

□ 2300

In addition to some of these issues, I would have to say that our value system has shifted considerably. Stephen Covey wrote the book "Seven Habits of

Highly Effective People" several years ago, and the thing that he noted was this: he said that in the first 150 years of our country's history, success was primarily defined in terms of character traits. A successful person was honest, a successful person was loyal, a successful person was hard working, kind, et cetera, generous. And then he said something happened about 50, 60 years ago as he began to survey the literature of our Nation as it had to do with the issue of success, he noticed that success began to be defined more and more in terms of material possessions. A successful person was no longer one who had good character; a successful person was one who had money; a successful person was one who had power; a successful person was one who had celebrity. And so today we find that many people who are labeled successful are really not people of character. They are people who have material wealth, celebrity, publicity, and so on. So certainly our value system has switched a great deal. And we have seen this affect the business world, WorldCom, Enron. We have seen it in the press. We have seen it in athletics, in the church, and in politics; and so it is quite concerning as to what effect this has on our culture at the present time.

The predominant world view that I noticed today, Mr. Speaker, is something called post-modernism, and what this states, the view of the world being post-modernism, is that there are no moral absolutes. So murder is not absolutely wrong. It depends on the circumstance. There may be cases when this is justified. Adultery is not absolutely wrong. There may be circumstances in which it is okay. Everything is relative. It may be okay to dishonor one's father and one's mother. It may be okay to steal or to lie or to do all of the things that have been taboo in societies throughout history.

So we have a system of relativism that leaves our young people with nothing firm to hold on to at the present time; and particularly on the college campus we will find that post-modernism is currently almost 100 percent holding sway in terms of the minds of our young people.

So, Mr. Speaker, in view of the family breakdown, the decline in our culture and shifting values, it is an extremely difficult time for our children. We are asking them to weave their way through a minefield littered with alcohol and drug abuse, harmful video games, music, TV, movies, promiscuity games, violent behavior, and broken homes; and we are asking them to do this with little or no parental guidance in an ever-shifting value system.

So it is a very difficult time, and I think we need to pay very close attention to these changes in our family, to these changes in our environment. And as de Toqueville said, he made an observation that I thought was rather astute a couple hundred years ago. He said: "America is great because America is good," and what he was doing was he was referring to the large number of churches, civic clubs, youth groups, and individuals who reach out and help others. This was somewhat unique to the United States at that time that we would help those who were less able to help themselves, and we had all of the different groups who were reaching out, and he had not noticed that in Europe. He said this is really the key to America's greatness. So he was referring to the inherent decency of the American people. He was referring to the strong moral and spiritual underpinning of the Nation. He was referring to the basic American ethic: "Do unto to others as you would have them do unto you." So I think the important thing to remember, that these observations were made 200 years ago, and I suppose the corollary to his observation would be this: if America is no longer good, then America may no longer be great.

I am not one who believes that we are not a great country, and I believe there is a tremendous reservoir of innate goodness in our country today. But by the same token, I think it is important to point out that some of the standards and some of the values that have made us great have slipped considerably.

So one may say, what can be done? This has been a discouraging picture that I have painted, and sometimes I even hesitate to do this, but I think it is something that we need to face, we need to talk about on this floor. So some of the things that can be done in this body and throughout our culture are as follows: number one, we can do some things to provide mentoring for some of our young children, and mentoring is simply providing an adult who cares about the lives of young persons. So many of our young kids today do not have anyone who cares for them unconditionally and to have someone who is not a father, not a mother, not a preacher, not a teacher, no one who has an ax to grind, is paid to do so, to have a person who is a mentor, who is an adult who cares enough about someone, to show up and say I care about you unconditionally, and whatever happens, I am here for you.

It is very powerful in the life of a young person. A mentor is one who affirms, who says I believe in you, I know you can do it. I think that this is something that you are capable of. I see great promise in you. And I saw that in athletics, that if they affirmed a young person, they ofttimes became that which they did not even know they could be; and on other hand if they did not affirm them, if they beat them down, if they are negative, which so many of our kids experience all the time, it would not be long before that player played down to that level, and before long he would quit.

And of course a mentor also provides a vision. So many of our young people simply have no vision of what they could be, that they could go on to college, that they could do something in electronics, that they have musical ability. So a mentor is one who guides them in those directions. Mentoring reduces dropout rates, drug and alcohol abuse, teenage pregnancy, violence. And the President has proposed $150 million annually over the next 3 years for mentoring initiatives. Actually, the funding will be about half of that, but it is still much better than we had in the past.

The National Mentoring Partnership says that roughly 18 million children in the United States today are badly in need of a mentor, and yet at the present time we have roughly 2 million who are being mentors. Roughly one out of every 10 has a mentor. So I think one thing that could greatly change the shape of our Nation and our future would be to provide a much more systematic mentoring program, and I think the President is behind that.

I think some legislation can help. The Internet Gambling Bill, H.R. 2143, is something that I think could be very beneficial. We have a great many young people, particularly college students, who are inundated with credit cards. And anymore all one has to do to build a huge gambling debt is to have a credit card and a computer. So we would like to shut this practice down because some kids run up a 10, 15, $20,000 gambling debt in a matter of days; and of course their future and their credit rating is ruined. So we feel that this would be an important bill. H.R. 669, Protect Children from Video Game Sex and Violence Act of 2003, sponsored by the gentleman from California (Mr. BACA), of which I am a cosponsor, prevents marketing extremely graphic violent video games to children. We think this would be a step in the right direction; but, again, we would worry about the courts declaring it unconstitutional. So I think we need a fundamental shift in court decisions regarding the first amendment.

I am not a constitutional expert and do not pretend to be so, but I would like to point out some court cases that have certainly shaped the course of our Nation's history and its future. In 1996 Congress passed the Communications Decency Act that made it illegal to send indecent material to children via the Internet; but in June of 1997, the Supreme Court overturned portions of the law and, get this, said in the opinion: "Indecent material is protected by first amendment." So this was one of the first times, I believe, that the Supreme Court said that indecent material is okay. The first amendment gives one the ability to do that, and we are not going to stand in the way of people sending indecent material to children over the Internet.

□ 2310

That was a landmark case.

In 1996 also, the Child Pornography Prevention Act outlawed child pornography, including visual depictions that appeared to be of a minor. So the issue at hand was this: You cannot have an actual minor involved in the production of child pornography, but if you use computer-generated images, which you can not tell whether they are real or not real, then that type of child pornography is apparently okay, according to this particular Supreme Court decision.

In October 1998 the Children On-Line Protection Act was signed into law to prohibit the communication of harmful material to children on publicly accessible web sites. The Supreme Court's refusal to rule on the 1988 law prevented the law from being enacted, so we were not able to protect children who were involved in receiving harmful material on publicly accessible web sites.

The 106th Congress passed the Children's Internet Protection Act to require schools and libraries that receive Federal funds to use Internet filtering to protect minors from harmful material on the Internet. In May 2002 a Federal Court declared the law unconstitutional.

What we have here is free speech is protected for pornographers and, in some case pedophiles, while women and children are attacked. Roughly 80 to 90 percent of pedophiles and rapists report using pornography, oft times before they commit an event.

So, some people say, well, what is the big deal? Pornography is harmless. It does not really have any victim. Yet, if you think about it, we spend billions of dollars in this country on commercials, and if those commercials did not change behavior, if what you see and what you hear and what you read does not change your behavior, then we are spending billions of dollars unnecessarily. So, obviously, the pornography industry does have a tremendous impact on behavior and the environments that our young people exist in.

I would also point out that there have been some issues that have to do with prayer that are somewhat concerning in our schools. In 1962 the Supreme Court ruled the following prayer unconstitutional. This was the landmark decision. This was the particular prayer: "Almighty God, we acknowledge our dependence on thee and we beg thy blessings upon us, our teachers and our country." It seemed relatively innocuous and relatively simple, but that prayer was ruled unconstitutional because of separation of church and state.

It would appear that many court rulings regarding separation of church and state have ranged far afield from the intent of our framers of the Constitution. The First Amendment states, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Of course, most everyone realizes where that came from, the Constitution, was that this country was founded by people who were attempting to escape from a religious state, the Church of England, so they did not want a government-sponsored religion which took over the country.

But I think that in the interpretations that we have seen in the courts, we have ranged far afield from what the Constitution actually intended. The framers of the Constitution were assumed to be hostile to expressions of faith in the recent interpretations of the court that we have seen.

Benjamin Franklin, who was one of the framers of the Constitution, said this: "We have been assured, sir," and this is his quote, "In the sacred writings, that except the Lord build a house, they labor in vain that build it. I firmly believe this. I also believe that without his concurring aid, we shall succeed in the political building no better than the builders of Babel. We shall be divided by our little partial local interests. Our projects will be confounded, and we ourselves shall become a reproach and a byword down future ages. I therefore beg leave to move that, henceforth, prayers imploring the assistance of heaven and its blessings on our deliberation be held in this assembly every morning before we proceed to business."

What he was talking about was in this body, on this floor, he was saying we should have a prayer at the start of business every day. This is one of the framers of the Constitution. So at this point, both the House and the Senate begin their business daily with a prayer, and yet we have moved so far as a Nation away from what Franklin originally intended.

George Washington said this: "The propitious smiles of heaven can never be expected on a nation that disregards the eternal rules of order and right which heaven itself has ordained."

In assessing the writings of some of the Founding Fathers, David Barton, an historian, said this: "Franklin had warned that forgetting God and imagining that we no longer needed his concurring aid would result in internal disputes, the decay of the Nation's prestige and reputation and a diminished national success. Washington had warned that if religious principles were excluded, the Nation's morality and political prosperity would suffer. Yet despite such clear words in cases beginning in 1962, the Supreme Court offered rulings which eventually divorced the Nation, its schools and its public affairs from more than three centuries of its heritage. America is now learning exponentially what both Washington and Franklin knew to be true. We are suffering in the very areas they predicted."

I think it is important that the Founding Fathers really did not intend for the pendulum to swing as far as it has. I think that they obviously acknowledged the importance of issues of faith, and this was the foundation upon which the Nation was built.

There are some other decisions that I think are worth looking at. In 1992 a Supreme Court decision declared an invocation and benediction at a graduation ceremony constitutional, so a preacher, a rabbi, a Muslim cleric, cannot at a graduation exercise lead any type of prayer. That was decided in 1992.

The court also has held more recently a minute of silence in school is unconstitutional, so at the beginning of the classroom day it is not constitutional for a minute of silence to be held in which a child may choose to pray in his own way. He may look out the window, he may think about his history lesson, but it is just a minute of silence. There is no formal, organized prayer, no one is proselytizing, and yet that has become unconstitutional.

Then this, one of the strangest rulings that I heard of, was the court ruled that a student-led prayer at a football game was unconstitutional. This is not inside the school building, it is not a school administrator, it is not a teacher; this was a prayer that was chosen to be selected by the students, and a student was going to lead the prayer. Yet this was unconstitutional because the football players might have to listen to it and might be offended, I guess.

Of course, most recently, the Ninth Circuit Court of Appeals struck down the term "under God" from the Pledge of Allegiance, and that will now be heard by the Supreme Court, probably within the next few months, and it appears that those are there is a very strong probability that this may be a four-to-four deadlock, which means that the Ninth Circuit Court will be upheld and that will become the law of the land, at least for that part of the country.

Certainly I am not advocating here that teachers or administrators be allowed to proselytize in the schools. I do not think that would be appropriate. I do not think that is intended. But it does seem that we have come a long, long ways from where the framers of the Constitution originally intended us to go.

The Constitution is increasingly being interpreted as a "living document." That sounds really good, does it not, because it is kind of progressive. It sounds like we are forward-thinking and the Constitution is not a dead piece of legislation, but it is currently alive and it is being changed and it is moving ahead.

Yet the important thing to realize is that the Constitution is often not interpreted as it was written, but rather as justices believe that it should be. Look at the legal decisions increasingly coming down, based not upon what the law states, but based upon the personal ideology of the jurists.

The Constitution is not based upon absolute principles, but rather the shifting sands of relativism. This philosophical bent of the Supreme Court justices and District Court justices determines the course of the Nation.

Over the last 20 or 30 years we have seen the Nation slowly but surely driven in certain directions that many people would believe is not what the framers of the Constitution intended. That, Mr. Speaker, is why the activities in the other body regarding the makeup of the courts and the court appointees is becoming such an important issue, because, within the next 1 or 2 or 3 years, the shape of the Supreme Court certainly will be determined, and, with it, the direction that our Nation proceeds over the next 15, 20, 30 years I think will largely be decided.

The willingness of Congress to focus upon the pernicious influences impacting our children, the willingness of the American people to demand that those profiteering at the expense of our culture and our young people be reined in, will largely shape the future of our Nation.

☐ 2320

Terrorism is an ever-present threat. The economy is of concern. However, terrorism and economic distress will not prevail as long as our national character is sound. I would like to say that one more time. There is certainly no intent on my part to minimize the critical nature of terrorism, the crisis in the Middle East, the situation in Iraq, the difficulties with the economy, health care, Medicare, all of those types of things. Those are critical issues and they occupy almost 100 percent of this body's attention. But the reason I am here tonight is to try to point out the fact that we will handle all of those problems. None of those problems will overcome the United States if our character is sound, if our young people are nurtured in the right direction.

And, therefore, something that I think is very pernicious is slipping under the radar screen and something that this Congress, this body, and the American people need to address on a consistent manner. So this struggle may present the most critical crisis facing the United States today.

As Congress addresses important issues such as national defense, economy, health care, and so on, it is critical that we not lose sight of the fact that our Nation's survival is directly linked to the character of our people.

I would conclude by saying this our future rests with our young people and with the soundness of their character, their willingness to sacrifice, and their spiritual grounding. And I hope that we will give adequate attention to these issues some of which can be handled through legislation, some through expenditures of money, for instance, in the trying to prevent underage drinking, some in our attention to who goes on to the courts and who does not, but above all this really rests with the American people and with their willingness to persevere.

And I would like to echo what de Tocqueville said, "America is great because America is good." And I think we need to maintain our vigilance that America continues to be good.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. CASE (at the request of Ms. PELOSI) for today and October 21 on account of official business in the district.

Ms. HARMAN (at the request of Ms. PELOSI) for today on account of illness.

Mr. MARSHALL (at the request of Ms. PELOSI) for today and the balance of the week on account of medical reasons.

Mr. REYES (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today and October 21 on account of illness.

Mr. COBLE (at the request of Mr. DELAY) for today on account of medical reasons.

Mr. LUCAS of Oklahoma (at the request of Mr. DELAY) for today on account of attending to official business in his district.

Mr. MANZULLO (at the request of Mr. DELAY) for today on account of medical reasons.

Mr. PUTNAM (at the request of Mr. DELAY) for today on account of the birth of his child, Emma Katharine Putnam.

Mr. RAMSTAD (at the request of Mr. DELAY) for today and October 21 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mrs. BLACKBURN) to revise and extend their remarks and include extraneous material:)

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. NEUGEBAUER, for 5 minutes, today.

Mr. BEAUPREZ, for 5 minutes, today.

Mr. GUTKNECHT for 5 minutes, today and October 21.

Mr. BURGESS, for 5 minutes, today.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today and October 21.

Mr. MURPHY, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and October 21.

Mr. DUNCAN, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, October 21.

Mr. CUNNINGHAM, for 5 minutes, today.

ADJOURNMENT

Mr. OSBORNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 21, 2003, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4807. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received October 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4808. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7626] received October 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4809. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received October 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4810. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received October 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4811. A letter from the Assistant General Cousel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule — Participation in HUD Programs by Faith-Based Organizations; Providing for Equal Treatment of all HUD Program Participants [Docket No. FR-4782-F-02] (RIN: 2501-AC89) received October 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

REPORTS OF COMMITTEES

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of Oct. 16, 2003]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3214. A bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes, with an amendment (Rept. 108-321, Pt. 1). Ordered to be printed.

[Submitted October 20, 2003]

Mr. LINDER: Committee on Rules. House Resolution 407. Resolution providing for consideration of the joint resolution (H.J. Res. 73) making further continuing appropriations for the fiscal year 2004, and for other purposes (Rept. 108–323). Referred to the House Calendar.

Mr. BOEHLERT: Committee on Science. H.R. 1081. A bill to establish marine and freshwater research, development, and demonstration programs to support efforts to prevent, control, and eradicate invasive species, as well as to educate citizens and stakeholders and restore ecosystems, with an amendment (Rept. 108-324 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1081. Referral to the Committees on Transportation and Infrastructure, Resources, and House Administration extended for a period ending not later than October 31, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RUSH (for himself, Mr. Emanuel, Mr. Lipinski, Mr. Costello, Ms. Schakowsky, Mr. Johnson of Illinois, Mr. Davis of Illinois, Mr. Evans, Mr. Jackson of Illinois, and Mr. Shimkus):

H.R. 3340. A bill to redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the "James E. Worsham Post Office" and the "James E. Worsham Carrier Annex Building", respectively, and for other purposes; to the Committee on Government Reform.

By Mr. ALLEN (for himself, Mr. Strickland, Mr. Michaud, Mr. Moore, Mr. Case, Mrs. Jones of Ohio, Mr. Filner, Mr. Frost, Mr. Etheridge, and Mr. Hoeffel):

H.R. 3341. A bill to amend the Elementary and Secondary Education Act of 1965 to require the Comptroller General of the United States annually to report on whether amounts appropriated to carry out the grant programs authorized under such Act are adequate to permit grant recipients to meet the conditions imposed by receipt of the grant; to the Committee on Education and the Workforce.

By Mr. BERRY (for himself, Mr. Boozman, Mr. Cole, Mr. Tanner, Mr. Carson of Oklahoma, Mr. Gordon, Mr. Sullivan, Mr. Aderholt, Mr. Davis of Tennessee, and Mr. Cramer):

H.R. 3342. A bill to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments for such trail, and for other purposes; to the Committee on Resources.

By Mr. COLLINS:

H.R. 3343. A bill to amend the Internal Revenue Code of 1986 to reduce the highest rate of income tax for corporations; to the Committee on Ways and Means.

By Mrs. DAVIS of California (for herself, Ms. Corrine Brown of Florida, Mr. Rodriguez, Mr. Reyes, Mr. Paul, Mr. Evans, Mr. Filner, and Mr. Michaud):

H.R. 3344. A bill to amend title 38, United States Code, to allow the payment of veterans' benefits in all hospitalization and convalescent claims to begin effective on the day on which hospitalization or treatment begins; to the Committee on Veterans' Affairs.

By Mr. FLAKE:

H.R. 3345. A bill to enhance the public safety by rendering aliens ineligible to receive visas and ineligible for admission to the United States if their entry poses a danger to national security, and for other purposes; to the Committee on the Judiciary.

By Mr. HERGER:

H.R. 3346. A bill to amend the Internal Revenue Code of 1986 to modify the application of the passive loss limitations to timber activities; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN:

H.R. 3347. A bill to amend the Iran and Libya Sanctions Act of 1996 to prevent the direct and indirect financing of the development of weapons of mass destruction programs by Iran and Libya, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Financial Services, Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 3348. A bill to reauthorize the ban on undetectable firearms; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 3349. A bill to authorize salary adjustments for Justices and judges of the United States for fiscal year 2004; to the Committee on the Judiciary.

By Mr. UPTON (for himself, Ms. Eshoo, Mr. Ramstad, Mr. Bachus, Mr. Brown of Ohio, Mr. Towns, and Mr. Jackson of Illinois):

H.R. 3350. A bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity; to the Committee on Energy and Commerce.

By Mr. WALSH:

H.R. 3351. A bill to amend title 38, United States Code, to provide the same type of vocational rehabilitation benefits and services under laws administered by the Secretary of Veterans Affairs for certain children with spina bifida as are currently available to veterans with service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Florida:

H.J. Res. 73. A joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes; to the Committee on Appropriations.

By Mr. WELDON of Pennsylvania (for himself, Ms. Harman, Mr. Kirk, and Mr. Berman):

H. Con. Res. 307. Concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 54: Mr. Doolittle, Mr. Sandlin, Mr. Wilson of South Carolina, Mrs. Wilson of New Mexico and Mr. Souder.

H.R. 333: Mr. Grijalva and Mr. Hinojosa.

H.R. 339: Mr. Ford.

H.R. 486: Mr. Pence.

H.R. 713: Mr. Frelinghuysen and Mr. Sessions.

H.R. 775: Mr. Boucher.

H.R. 857: Mr. Shaw, Mr. Boucher, Mr. Thompson of Mississippi, and Mr. Pence.

H.R. 876: Mr. Bishop of Utah.

H.R. 946: Mr. Culberson.

H.R. 993: Mr. Smith of Michigan.

H.R. 1052: Mr. Price of North Carolina.

H.R. 1110: Mr. Sessions, Mr. Bachus, Mr. Fletcher, and Ms. Lee.

H.R. 1117: Mr. Norwood.

H.R. 1231: Mr. Ehlers, and Mr. Gary G. Miller of California.

H.R. 1336: Mr. Cardoza and Mr. Crane.

H.R. 1552: Ms. Bordallo.

H.R. 1657: Mr. Emanuel, Mr. Bishop of Georgia, Mr. Serrano, and Ms. Norton.

H.R. 1717: Mr. Conyers.

H.R. 1738: Mr. Larsen of Washington and Mr. Pascrell.

H.R. 1819: Mr. Johnson of Illinois and Mr. Crane.

H.R. 1886: Mr. Skelton and Mr. Bishop of Georgia.

H.R. 2092: Mr. Ballance.

H.R. 2176: Mr. Peterson of Minnesota, Mr. Berry, and Mr. Tiberi.

H.R. 2256: Mr. Farr.

H.R. 2303: Mr. Sullivan.

H.R. 2371: Mrs. MALONEY and Mr. SANDERS.

H.R. 2402: Mr. CUMMINGS.

H.R. 2455: Mr. MCNULTY and Mr. BRADY of Pennsylvania.

H.R. 2512: Mr. WALSH.

H.R. 2626: Mr. BALLANCE.

H.R. 2630: Mr. TURNER of Texas.

H.R. 2723: Mr. YOUNG of Alaska, Mr. HASTINGS of Washington, Mr. WALDEN of Oregon, and Mr. OTTER.

H.R. 2764: Mr. LARSEN of Washington.

H.R. 2871: Mr. GIBBONS and Mr. BISHOP of Georgia.

H.R. 2932: Mr. ABERCROMBIE and Mrs. NAPOLITANO.

H.R. 2963: Mr. HAYWORTH.

H.R. 3049: Mr. MATHESON and Mr. BACA.

H.R. 3051: Mr. DINGELL and Ms. KAPTUR.

H.R. 3063: Mrs. NAPOLITANO and Mr. FORD.

H.R. 3109: Ms. PRYCE of Ohio and Mr. RANGEL.

H.R. 3157: Mr. NUNES, Mr. PETERSON of Minnesota, Mr. RADANOVICH, Mr. JANKLOW, Mr. BISHOP of Georgia, and Mr. TERRY.

H.R. 3184: Mr. PRICE of North Carolina.

H.R. 3190: Mr. HOSTETTLER.

H.R. 3201: Mr. BOUCHER.

H.R. 3220: Mr. REGULA.

H.R. 3235: Mr. DEAL of Georgia and Mr. SHAYS.

H.R. 3243: Mr. LANGEVIN.

H.R. 3246: Mr. KELLEY and Mr. THOMPSON of California.

H.R. 3247: Mr. CANNON.

H.R. 3257: Mr. NEY.

H.R. 3284: Mr. GEPHARDT.

H.R. 3308: Mr. WU, Mr. EMANUEL, and Mr. CARTER.

H.R. 3313: Mr. NORWOOD, Mr. BARRETT of South Carolina, Mr. NEUGEBAUER, AND MR. SAM JOHNSON of Texas.

H. Con. Res. 165 Mrs. CAPPS.

H. Con. Res. 194: Mr. KENNEDY of Rhode Island, Mr. FILNER, Mr. CAPUANO, Mrs. LOWEY, Mr. GONZALEZ, Ms. MCCARTHY of Missouri, Mr. TANNER, Mr. WALSH, Ms. NORTON, Mr. THOMPSON of Mississippi, Mr. FATTAH, Mr. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. TIERNEY.

H. Con. Res. 247: Mr. MATHESON.

H. Con. Res. 254: Mr. ROTHMAN.

H. Con. Res. 280: Mr. CHOCOLA and Ms. BORDALLO.

H. Con. Res. 285: Mr. SULLIVAN, Mr. ISAKSON, Mr. SOUDER, Mr. PLATTS, Mr. BURR, and Mr. JONES of North Carolina.

H. Res. 38: Mr. CUMMINGS.

H. Res. 42: Mr. POMEROY and Mr. UDALL of Colorado.

H. Res. 261: Mr. OBERSTAR and Mr. SERRANO.

H. Res. 313: Mr. FROST, Mr. KILDEE, Ms. LOFGREN, and Mr. MCDERMOTT.

H. Res. 378: Mr. BOSWELL and Mr. UPTON.

H. Res. 400: Mr. PAUL, Mr. BURGESS, Mr. HINOJOSA, Mr. VITTER, Mr. JONES of North Carolina, Mr. WAXMAN, Mr. SHAYS, Mr. UPTON, Mr. LANTOS, and Mr. COSTELLO.

H. Res. 404: Ms. CARSON of Indiana.

EXTENSIONS OF REMARKS

CONGRATULATING THE PEOPLE OF TAIWAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. LANTOS. Mr. Speaker, on the occasion of the national day of the Republic of China on Taiwan, I extend to the government and people my warmest congratulations and best wishes on this important occasion.

Mr. Speaker, over the past half century Taiwan has become an outpost of democracy in East Asia, and its business community has created a robust and innovative economy. Taiwan's political and economic development is a shining example of East Asia's extraordinary potential.

Under outstanding leaders, Taiwan has shown the desire and the ability to play an increasingly important role on the international stage. As my colleagues know, I have strongly supported the vigorous participation of the government and people of Taiwan in the international community. I support and encourage Taiwan to continue to work for full participation in international organizations such as the World Health Organization and other United Nations institutions.

Mr. Speaker, during over fifty years of cooperation between the United States and Taiwan, we have become valuable allies and friends. In recent years Taiwan has proven to be a consistent champion of human rights, environmental responsibility, and democracy. I particularly applaud Taiwan for its support of the United States in our war against global terrorism and for Taiwan's pledge of humanitarian assistance to Afghanistan and Iraq.

Mr. Speaker, I congratulate our friends, the people of Taiwan and the government of the Republic of China on Taiwan on this national day. We all wish them a future of continued prosperity, peace, freedom, and democracy.

HONORING JAMES W. HEAD

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Ms. LEE. Mr. Speaker, I rise today to honor James W. Head on the occasion of his retirement as President of the National Economic Development & Law Center (NEDLC). James has provided creative leadership and inspired vision for seventeen years. He leaves behind an organization that is nationally recognized for its success in creating strategies to address the economic and social conditions of low income and communities of color.

James is a pioneer in the community economic development (CED) movement. Along with being NEDLC's longest serving President, he served on the Board of Directors of the National Congress for Community Economic Development and led the formation and served on the Board of Directors of the California Community Economic Development Association, it's California statewide affiliate. During his tenure, the CED movement grew to encompass over 3,000 organizations.

Additionally, Mr. Head was instrumental in the expansion of the number of federally-funded legal services programs that provide CED representation and the formation and support of CED pro bono legal services within the private bar. He has also trained hundreds of law students in CED, and led the formation of numerous law school CED clinics and courses.

Within his field, James is a national leader in developing new strategies for securing jobs for disadvantaged persons. He promoted the sector concept, which links low-income and communities of color with regional labor markets. Under his leadership, the National Network of Sector Partners, an association of over 150 sector practitioners, was founded. Sector initiatives are being used by public agencies, community groups and Workforce Investment Boards across the county. As well, James is recognized for his work in developing new tools for investment in low-income communities. He played a key role in the creation of the Community Capital Investment Initiative, a model program that will result in the investment of millions of dollars in the San Francisco Bay Area's poorest communities.

Lastly, I would like to applaud Mr. Head for his efforts to promote the Community Reinvestment Act of 1977 as a tool for bringing new financial resources to impoverished communities. James chaired the Consumer Advisory Council of the Federal Reserve Board, promoting community banking and helping leaders understand the potential market in low-income areas. He served on the Board of Directors of the California Reinvestment Committee, a statewide advocacy organization that holds financial institutions accountable for meeting the banking needs of low-income communities.

On behalf of the 9th Congressional District of California, I take great pride in joining his friends and colleagues to salute an extraordinary leader, James W. Head.

CELEBRATING THE 20TH ANNIVERSARY OF PAUL VI CATHOLIC HIGH SCHOOL

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to honor the 20th anniversary of Paul VI Catholic High School on October 12, 2003.

Since opening in September 1983, Paul VI has been committed to graduating well-educated, responsible, and moral young adults. The Diocese of Arlington purchased the old 1934 Fairfax High School building to be administered by the Oblates of St. Francis de Sales according to the teachings of the Gospel of St. Francis de Sales. Paul VI quickly established an excellent academic reputation, helping it grow to its 1,200-student capacity; yet it is especially important to note that the school's mission extends far beyond academia. Faith, outreach, and extracurricular activity also have helped make Paul VI a unique, popular, and admired school community.

Spiritually, students are supported by an active Campus Ministry program which offers Masses, liturgies, and retreats, as well as opportunities for students to meet in healthy social situations. As many as 100 students a year have signed up to be part of the Campus Ministry Team, known for planning activities such as World Hunger Day in order to better empathize with others.

Service plays an equally large role at Paul VI. In 1999, the school was recognized as one of only three Virginia Service Learning Leader Schools. Freshmen and sophomores are required to donate time to helping their school, parish, or community. Juniors and seniors must choose a volunteer project of direct service to the poor, homeless, elderly, or dispossessed. In addition, senior government classes encourage students to volunteer for political candidates and become responsible American citizens.

Paul VI also has taken a leading role nationally as one of the first three Catholic schools in the nation with a program of modified inclusion for developmentally disabled high school students. Through another unique program, Paul VI students became the first high school students ever allowed to work with hospice patients in the Washington, DC, area. In a pilot program run by Hospice of Northern Virginia, seniors taking the Paul VI Death and Dying class are paired with Hospice patients to establish relationships and compile life histories for patients and their families.

Many clubs, sports teams and student organizations add yet another dimension to life at Paul VI. The school newspaper, yearbook, and literary magazine are rated in top categories among scholastic publications. Paul VI offers a successful athletic program with a number of sports teams and an extensive intramural program. Both girls and boys cross-country teams have won state championships; girls volleyball won the Washington Catholic Athletic Conference championships the past 4 years, and boys basketball won the WCAC title in 2003. Students at Paul VI also select a different charity each year to support. Their pledges greatly have helped organizations such as the Hospice of Northern Virginia, the Northern Virginia Training Center, and the American Heart Association.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, in closing, I would like to congratulate Paul VI Catholic High School on 20 years of excellence. With its alumni spanning the far comers of the world involved in the Peace Corps and armed services and holding a variety of other noble positions, Paul VI seems to be living out the words of its patron, Saint Francis de Sales, "Do Ordinary Things Extraordinarily Well." I call upon my colleagues to join me in applauding the Paul VI and its dedicated administration, faculty, staff, and students.

JOIN IN SUPPORTING THE CALIFORNIA MISSIONS PRESERVATION ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. LANTOS. Mr. Speaker, I would like to ask my colleagues to join me in supporting the California Missions Preservation Act. This legislation, which would authorize $10 million to repair some of our Nation's most important historical landmarks, promises to allow future generations to enjoy California's unique cultural heritage.

From San Diego to Sonoma, the missions of California dot the Pacific coast with beauty and tradition. They were constructed in the 18th and early 19th centuries by the Spanish government as a defense against Russians who, it was thought, desired to move south from the Bering Straight. Spain hoped the settlements would solidify its political authority, as well as extend its religious values into the New World.

Since the missions were built two hundred years ago, the Golden State has evolved from a sparsely populated frontier to the world's technological epicenter. The missions still stand, however, as a source of pride and tradition to all Californians. All 21 are California historical landmarks, and seven have national landmark status. The missions are the State's most popular historic sites, attracting an estimated 5.3 million sightseers last year. Some 745,000 of these visitors are schoolchildren. Mission visits are a valued part of California's fourth grade curriculum, as students build mission models and write research reports on this colorful aspect of California's history.

Mr. Speaker, my colleagues will no doubt be disappointed to learn that California's missions are in various states of decay and disrepair. At San Gabriel Archangel, east of Los Angeles, a termite-infested redwood beam crashed to the ground at the church's main entrance last year, forcing another five beams to be removed as a safety precaution. The beautiful mission at San Miguel has cracks in its façade that are large enough to fit several fingers. San Francisco's famous Mission Dolores is also slowly crumbling away.

Mr. Speaker, the passage of the California Missions Preservation Act, along with the significant fundraising efforts of the nonprofit California Missions Foundation, will enable us to preserve our State's historical legacy. I strongly encourage my colleagues to vote for its passage.

RECOGNIZING THE 10TH ANNIVERSARY OF THE ADVANCED LIGHT SOURCE RESEARCH CENTER

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Ms. LEE. Mr. Speaker, this Wednesday, October 22, 2003, marks the 10th anniversary of one of our Nation's premier scientific research centers, the Advanced Light Source (ALS), a Department of Energy facility located at Lawrence Berkeley National Laboratory. The 9th District of California is the proud home of this remarkable facility and many of the scientists, students and administrators at the ALS are my constituents.

The ALS is a national user facility that generates intense light for scientific and technological research. It produces light in the x-ray region of the electromagnetic spectrum that is one billion times brighter than the sun. As one of the world's brightest sources of ultraviolet and soft x-ray beams—and the world's first third-generation synchrotron light source in its energy range—the ALS makes previously impossible studies possible.

The light is directed along 27 different beamlines toward experimental workstations, giving a wide range of researchers almost simultaneous access to the light source. This extraordinary tool offers unprecedented opportunities for state-of-the art research in materials science, biology, chemistry, physics, and the environmental sciences. Ongoing research topics include the electronic structure of matter, protein crystallography, ozone photochemistry, x-ray microscopy of biological samples, and optics testing.

Since its inception in 1993, the ALS has been at the forefront of science. Among its many accomplishments, it has helped reveal how bacteria resist antibiotics, how inexpensive and efficient solar cells can be fabricated, and how strange substances like quasicrystals possess properties never before seen. And among the ALS's many distinguished users is Roderick MacKinnon, a biophysicist who recently won the Nobel Prize in Chemistry based in part on research conducted at ALS beamline 5.0.2. His prize-winning foray into the properties of ion channels in cell membranes could lead to potential treatments for diseases like cystic fibrosis, epilepsy, and heart arrhythmia.

In the future, the ALS will stay at the forefront of science thanks to the dedicated staff at Lawrence Berkeley Laboratory and the more than 1,200 scientists who each year travel from around the world to conduct cutting edge research.

I ask my colleagues to join me in congratulating the dedicated employees at Lawrence Berkeley Laboratory past and present who have worked so diligently to reap the full benefits of one of the world's great tools of science.

CELEBRATING THE 50TH ANNIVERSARY OF GARFIELD ELEMENTARY SCHOOL

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to honor the 50th anniversary of Garfield Elementary School on October 16, 2003.

Garfield Elementary School, located in the heart of Springfield, currently serves approximately 335 students in kindergarten through sixth grade. In 1952, the Garfield School was established to meet the educational needs of the rapidly emerging Springfield area of Fairfax County. First staffed with only seven teachers, Garfield conducted classes on the grounds of Franconia Elementary School under the supervision of then Franconia principal, Mr. James Robinson. The following year, in September 1953, Garfield opened its own school on Old Keen Mill Road, staffed with 18 faculty members and with Mr. Robinson as its first principal.

Since then, Garfield School has been renovated twice in order to better meet the needs of its students. First, in 1967–68 the library was refurbished, administrative offices were added, kindergarten and primary classes were created and a gymnasium was built. Later in 1989, a fresh look was added to the front of the building. And most recently in 2001, new state of the art windows were installed to help reduce the noise created by the ever-widening Old Keene Mill Road.

For the past 50 years Garfield has demonstrated great commitment to providing a high-quality learning environment for the students of Springfield. By placing emphasis on literacy, hands-on experience, critical thinking, cooperation, and cultural sensitivity, Garfield has exceeded all standards set by the Virginia Department of Education. Today, Garfield embraces a richly diverse cultural population and is known statewide for its language arts program. From humble beginnings, Garfield most certainly has emerged as an exemplary elementary school.

Mr. Speaker, in closing, I would like to congratulate Garfield Elementary School on their 50th anniversary and wish them continued success for the future. I call upon my colleagues to join me in applauding their dedication to excellence in the field of education.

IN MEMORY OF BARRY BERINGER, CHIEF COUNSEL FOR THE HOUSE COMMITTEE ON SCIENCE

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. EHLERS. Mr. Speaker, I rise today in memory of Barry Beringer, chief counsel for the House Committee on Science, who passed away 3 weeks ago.

Barry served the Science Committee for 14 years, under three different Chairmen. He had an immense store of knowledge about the history and jurisdiction of the Committee. He was an invaluable asset in guiding bills through the legislative process, which at times can be cumbersome and confusing. I was always confident that Barry's thoughtful, careful work on parliamentary procedures would result in high-quality legislation and proper procedures.

Prior to joining the Science Committee, Mr. Beringer served as associate undersecretary for economic affairs in the U.S. Department of Commerce. He was a graduate of Dickinson College and active in the Arlington County Republican Committee. I will always remember Barry for his high ethical standards, and his kind way of always putting others' needs before his own. Mr. Beringer was a consummate gentleman, always polite and considerate, and had a wry, but always funny, sense of humor.

I extend my heartfelt condolences to Barry's wife, Bonnie, and their children Francis and Katie. He will be missed by all of us who were privileged to work with him.

IN MEMORY OF BARRY BERINGER

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. BOEHLERT. Mr. Speaker, I want to draw attention today to Barry Beringer, who served on the House Science Committee for over a decade and was the Committee's Chief Counsel for eight years.

Tragically, Barry was taken from us on September 29, after a courageous fight with pancreatic cancer. Until the very end, Barry was committed to the work of the Science Committee. He remained intimately involved even when he could not make it into the office. He acted as a mentor to our associate counsel through frequent telephone conversations, and he always wanted to do more, even as he was struggling with the fatigue and other ordeals of his illness.

Barry had an enormous impact on all of us who worked with him on Capitol Hill—both as a chief counsel and as a person. Barry served as chief counsel under three Chairmen, and that was no accident. Everyone who knew Barry knew that he could be relied upon for sound and proper advice, that he did not shade his answers. We also knew that he knew the Committee history backwards and forwards, that no one would have a better sense of how to make use of precedent. And, above all, we knew that no one knew more people on the Hill and had better relationships with a wide variety of colleagues. Barry could draw upon these relationships for information, for guidance, for assistance. In all his years on the Hill, Barry made only friends.

The strengths Barry had as a colleague grew out of the strengths he had as a person. He could draw upon so many friends on Capitol Hill because of the warm and decent person he was. Barry did not spend his time "networking" or building relationships for utilitarian purposes. He had a network simply because everyone who dealt with him liked him. They knew he was a caring person and a straightforward one. He treated everyone with respect. That is all too rare around the Capitol, and many of the notes we have received about Barry since his death pointed to his basic friendliness and decency.

But those of us who worked with him most closely knew that there was far more to Barry than just a pleasant congeniality. He was smart, funny, passionate, caring and kind. He pursued his interests in politics and history with fervor and good humor.

Yet there was nothing he cared about so much as he cared about his family. He talked often about his wife, Bonnie, and was as proud (and worried) as any parent could be about how his son Francis and his daughter Katie were faring. No one could know Barry without knowing about his family, and Fran gave a moving eulogy for his father.

Barry's loss will be hardest, of course, on his family. But those of us who worked with him all these years will also always have him in our minds and hearts. We still look for Barry when we have a question, and are caught up short by his absence. We tell a joke and wait to hear his laughter, or his quip in response. We look to him to show us how to behave well in difficult situations, and have to rely instead on the memory of how he acted. But that memory will be kept with us and will help us always.

Barry was, among so many other things, a devoted and model public servant. I know this body will mourn his loss and feel his absence for years to come.

RECOGNIZING THE NEW PRESIDENT OF THE COLLEGE OF DuPAGE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. HYDE. Mr. Speaker, I rise today to recognize Dr. Sunil Chand as the new President of the College of DuPage in Glen Ellyn, Illinois. Dr. Chand, who began his new duties in July, is only the fourth president to serve at the college since it opened its doors in 1967.

Dr. Chand's career includes teaching and administrative leadership positions in India, his homeland, and in England and the United States. He earned his B.A. and M.A. in English at St. Stephen's College in Delhi, India, where he later taught English. He earned his Doctorate of Literature at Kent State.

Dr. Chand held a variety of positions at Triton College in Illinois, including Dean of Arts and Sciences. He also served as Vice President of Academic Services at Richmond College in London, England, before serving as Executive Vice President for Academic and Student Affairs at Cuyahoga Community College District in Cleveland, Ohio. From there, he moved to his new position at the College of DuPage.

Therefore, I take great pleasure in welcoming Dr. Chand to the Sixth Congressional District of Illinois, and I wish him and the College of DuPage continued success.

TRIBUTE TO MRS. MARGARET WILLIS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. VISCLOSKY. Mr. Speaker, I am pleased and honored to recognize the valuable services of Mrs. Margaret Willis, as she retires as a director of the Northeast-Midwest Institute. For the past 9 years, Margaret has provided commonsense leadership by arguing effectively for policies that protect the environment and provide valuable comfort and dignity for those who are less fortunate. She has also served as the Northwest-Midwest Institute's treasurer and has been very active on several committees of the organization.

Margaret Willis is from Chesterton, IN, and has formerly served as both a member of the Porter County Council, as well as a board member and officer of the Northern Indiana Commuter Transportation District. While serving as a Democrat County Council member, Margaret was also a liaison to the Porter County Health Board. She has been a true leader within my Northwest Indiana community by serving as an editor of the Chesterton Tribune, as well as several other local community organizations.

Before her dedicated work in government service, Margaret was the founder of the Indiana Coalition Against Sexual Assault within her community, which was the first support group in Porter County. She has given her time and efforts selflessly through many generous avenues. She has also served on the Chesterton Adult Learning Center Advisory Board, the Porter County League of Women's Voters, as well as the Porter/LaPorte County AIDS Task Force and the Duneland Sierra Club.

Mr. Speaker, I have personally served as vice-chair of the Northeast-Midwest Congressional Coalition. The Institute and Coalition provide many valuable information resources to both Republicans and Democrats. They help to ensure that the region's lawmakers advance Great Lakes restoration, brownfield redevelopment, as well as many other very important environmental issues. I ask that you and my other distinguished colleagues join with me in congratulating and applauding Margaret Willis for her sincere dedication and guidance to not only the Northeast-Midwest Institute, but for her lifetime of hard work and leadership to all members of her community.

OCTOBER SCHOOL OF THE MONTH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mrs. McCARTHY of New York. Mr. Speaker, it's with great pride that I announce McVey Elementary School in the East Meadow Union Free School District as School of the Month in the Fourth Congressional District for October 2003.

The principal of McVey Elementary School is Dr. Rita Meyerowitz, Ellen Waldron is the

Assistant Principal, and the Superintendent of Schools is Dr. Robert Dillon and its three Assistant Superintendents are Leon Camp, Lou DeAngelo, and Lynn Manouvrier. McVey Elementary School has over 832 students in grades kindergarten through grade 5, with over 100 dedicated staff members.

McVey Elementary School recently completed commemorative September 11 gardens, which is why, with their continued strong curriculum, I have chosen McVey as school of the month. Since 2001, the students have been taking part in the planting and caring for the gardens. The gardens were given names by the students and stones were engraved with patriotic names. The gardens allowed the opportunity for the students, and faculty, to remember the lost in their own way while constructing a memorial. Students gave much time and dedication towards this project and although some of the students have moved on to middle school, the garden will be there as a reminder of their work and more importantly as a tribute to those who lost their lives.

The learning begins in Kindergarten. McVey Elementary School has an activity called "Dino-dig." This allows the students to learn about the history of dinosaurs and fossils while having fun. Education is about learning but if children are enjoying themselves while in the classroom the participation and retention levels will be higher. McVey understands this and practices it for all grades.

Following the school motto, "McVey all the way", the Parent Teachers Association (PTA) will be hosting a blood drive. The school is out in front of the cause to help solve Long Island's blood shortage and hopefully other Long Island schools will follow their lead.

Mr. Speaker, the faculty and students, of McVey, along with the community, have created a wonderful learning environment. I am proud to name McVey Elementary School the school of the month for October 2003.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. COSTELLO. Mr. Chairman, I rise today in strong opposition to the process being used by the Republican Leadership to bring the Supplemental Appropriations bill before the House.

This process denies members from having the opportunity to consider or vote on the Obey substitute or to have two separate votes: one to provide the funds for our troops and the other to fund the reconstruction of Iraq.

Each Member of this body strongly supports our troops and will provide the necessary money, supplies, and equipment to ensure their safety. However, the President and the Republican Leadership has tied funding for our troops to funding for Iraq reconstruction. They know that tying the reconstruction money with the money for our troops makes it very difficult to vote no on this $87 billion package. This puts me and other members in a position to either vote for the entire package, which includes giving the President a blank check with little accountability for spending or risk having them accuse those who vote against the package as being unpatriotic or not supporting our troops. Both charges are not only false but also outrageous.

I voted against the resolution to give the President the authority to send our troops to war in Iraq. I did so because I believed that allowing the weapons inspectors to continue to do their job in Iraq would cost us nothing and would give us more time to attempt to bring the United Nations on board. The President should have assembled an international coalition similar to the coalition that his father put together to undertake Desert Shield and Desert Storm in 1990–1991. However, this President instead decided to go it alone and told the United Nations and other countries that they were either with us or against us. Unfortunately, when one country decides to go it alone as the President did with Iraq, American soldiers fight alone, die alone and the American taxpayers pay for it alone.

There was a great deal of national support at the start of the war with Iraq because the American public was told the operation would be short and that reconstruction would be financed with revenue generated from the oil in Iraq. In fact, Deputy Defense Secretary Paul Wolfowitz told congressional committees that American soldiers could be out of Iraq within 30–60 days and the vast revenue from the oil in Iraq could pay for the entire reconstruction of Iraq. The administration is now estimating that we could be in Iraq for the next five years and with this supplemental today, the American taxpayers will have already spent between $150–$200 billion.

Congress has already provided $103 billion in defense funding, over and above regular defense appropriations, for military operations in Afghanistan, for homeland defense, and, most recently in April's Emergency Wartime Supplemental appropriations bill for the war in Iraq. The deficit is growing to new highs and the government cannot keep spending at this rate.

Since coming to Congress, I have consistently and strongly supported our troops and national defense spending. I am extremely proud of our servicemen and woman that have sacrificed so much in Iraq and elsewhere around the world. I am very concerned about the safety of our troops, who are serving long tours in tough conditions. Our men and women in uniform and their families are going well beyond the call of duty.

It is disgraceful that the Bush Administration and my Republican colleagues would tie funding for our military with controversial and unaccounted reconstruction funding. It is important to note that the nonpartisan Congressional Research Service contradicts the administration's position that the $67 billion for the military is needed immediately. According to the study, the Army could finance operations through next April or May with the money already appropriated.

Mr. Chairman, I cannot in good conscience support giving this President or any president a blank check with little or no accountability. Therefore, I ask my colleagues to join me and reject the $86.9 billion Supplemental Appropriations bill and send it back to the committee with instructions to immediately bring the bill back to the floor as two separate bills today: one that provides funding for our troops, which would pass unanimously, and one that would provide for reconstruction. We should let the decision concerning money for reconstruction and who will profit from it stand on its own merits.

HONORING THE WORK AND DEDICATION OF JAY SANDELIN

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Ms. GRANGER. Mr. Speaker, today I rise to recognize and honor a good friend, Jay Sandelin, for his outstanding contributions to the practice of osteopathic medicine, the Osteopathic Health System of Texas/Osteopathic Medical Center of Texas, and to the citizens of Fort Worth, Texas. Jay Sandelin not only exemplifies great leadership in his professional life, but has also shown leadership by being a current or past member of at least seventeen civic, trade, philanthropic, cultural, and business groups.

In 1989, Jay Sandelin was elected Chairman of the Board of Health Care of Texas, which comprises both the Osteopathic Health System of Texas and the Osteopathic Medical Center of Texas. During his time as Chairman of the Board, Mr. Sandelin helped influence the transition of Texas College of Osteopathic Medicine from a private institution to a state medical school, which has evolved into the University of North Texas Health Science Center. Previous to his work as Chairman of the Board, Mr. Sandelin served for many years on the boards of various osteopathic organizations in the course of a distinguished career in the financial services industry.

Mr. Sandelin's leadership has been vital in raising the profile of the osteopathic medical profession and its philosophy to a greater level of awareness and acceptance in North Texas and throughout the Nation. Because of his work, today I want to congratulate Jay Sandelin on an outstanding career and wish him well in his retirement.

IN RECOGNITION OF THE 2003 NATIONAL LEAGUE CHAMPIONS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. SHAW. Mr. Speaker, I rise today in recognition of Major League Baseball's 2003 National League Champions, the Florida Marlins.

Earning the reputation of a team that does not quit or tire, the Marlins will now compete in their second World Series in only 10 short years. Down 3 games to 1 to the San Francisco Giants, the Marlins fought their way back earning two thrilling victories at home to the delight of thousands of South Florida fans. Many will never forget Game 4 of the National League Division Series where the Giants and Marlins battled back and forth to finally conclude on a spectacular play at home plate. Thanks to the solid hands of catcher Ivan "Pudge" Rodriquez, the Marlins were on their way to face the Chicago Cubs in the National League Championship Series.

The National League Championship Series garnered the excitement and thrill baseball fans have not witnessed in some time. Playing in famed Wrigley Field, the Marlins took Game 1 and headed home to the friendly confines of Pro Player Stadium with a split in the series. Games 3 and 4 went the way of the Cubs resulting in a 3 to 1 deficit that looked monumental to overcome. However, under the leadership of Manager Jack McKeon and behind the arm of pitcher Josh Beckett, the Marlins and Beckett gave baseball fans an exciting two-hit, complete game shutout sending the series back to Chicago. Down 3 games to 2, the Marlin players were never swayed from their sheer competitive spirit and gamesmanship. With the undaunting task of facing Cubs ace Mark Prior, the Marlins battled the Cubs the entire game. However, with one out in the top of the eighth inning, a World Series berth seemed out of reach. Throughout the 2003 regular season and the postseason to date, the Marlins have fought back when trailing an opposing team. Game 6 was no different. In a span of 10 minutes, the Marlins had turned Game 6 from being down 3–0, to leading 8–3 due to the solid hitting of men like Juan Pierre, Pudge Rodriquez, Miguel Cabrera, Jeff Conine, Derek Lee, and utility fielder Mike Mordecai. The thrilling series was now deadlocked 3 games apiece.

Last night's Game 7 is every fan's postseason dream. Two teams tied and playing with everything on the line with the chance of being crowned National League Champions and a trip to the fall classic. As we all know, the Marlins came out swinging against Cubs star pitcher Kerry Wood. Despite losing a lead, the Marlins continued their case of consistent and timely hitting. In the end, the Marlins once again shocked the baseball world.

Mr. Speaker, this Marlins fan congratulates Chairman and CEO Jeffrey Loria, Skipper Jack McKeon, the Marlins coaching staff, MVP Pudge Rodriguez, each player and the entire Marlins organization and fans on a wonderful National League Series and much luck in the World Series.

FRANK RAFLO, HONORED BY KIWANIS INTERNATIONAL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. WOLF. Mr. Speaker, it is my pleasure today to recognize my constituent Mr. Frank Raflo, of Leesburg, VA, upon his receipt of "The Hixon Award," the highest award presented by Kiwanis International.

Frank, referenced fondly by friends and associates as "Mr. Leesburg," has earned the admiration of many for his tireless efforts on behalf of the community. Frank served Leesburg as mayor, county supervisor and chairman of the Loudoun County Board of Supervisors. Now in his early eighties he remains active on the Governor's Council of Virginia Towns and writes his weekly column "Just Being Frank," for the Leesburg Today newspaper.

In 1957, Frank and some associates founded the Leesburg Kiwanis Club and soon after instituted the Leesburg Halloween Parade, said to be the largest of its kind east of the Mississippi River.

No recognition of Frank's contributions to the Leesburg community would be complete without mention of his wife Frances, a source of inspiration and encouragement.

I am proud to call attention to the achievements of Frank Raflo as he is honored with this prestigious award. On behalf of the people of Virginia's 10th Congressional District and the Leesburg community, I congratulate Frank for his outstanding contributions to the community.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Ms. KILPATRICK. Mr. Chairman, I rise for the purpose of responding to the comments of the gentleman from Pennsylvania, Congressman MURTHA. As the gentleman from Pennsylvania knows, I am interested in seeing that Army Air Force Exchange Service obtains adequate funding, so it can recover some of the losses it has incurred in supporting our troops in immediate combat areas. It is my understanding that the Committee intends to allocate $30 million of the funds allocated to the Army Operations and Maintenance account to the Amy Air Force Exchange Service, but I understand the needs of the AAFES is $40.5 million.

I was considering offering an amendment to increase the amount for AAFES by $10.5 million. However, it is my understanding that the Defense Appropriations Subcommittee shares my concern in this area and is willing to address the funding shortfall when we prepare an Omnibus Appropriations bill.

A BILL TO MODIFY THE APPLICATION OF THE PASSIVE LOSS LIMITATIONS TO TIMBER ACTIVITIES

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. HERGER. Mr. Speaker, I am introducing legislation today to help small and family owned timber owners comply with the passive activity rules as set out in the Internal Revenue Code and the Treasury Department regulations. The current rules require a taxpayer owning timber to devote at least 500 hours per year to the tree growing business or 100 hours of personal work under an unpredictable "facts and circumstances" test.

While the typical small grower assumes huge risk from pests, fire and wind and costs such as local property taxes, clearing and pest control, he or she would be hard pressed to devote even 100 hours a year to working in the forest. With little or no income in the years between harvests, small timber owners' expenditures become passive losses deductible many, many years in the future, severely impacting the owners' already modest cash flow.

My bill would provide a narrow exception to small (80 percent owned by no more than 5 people) and family timber owners. The bill would provide an exception for these taxpayers performing fewer than 100 hours or in the instance when the owners manage a third party to perform the needed services.

We must create a self-sustaining resource of trees to ensure raw materials for paper products as well as to provide a continuing supply of reasonably affordable building materials for consumers. And it is increasingly obvious that our most reliable source will be the millions of acres of privately owned forestlands. Timber farming is a long-term, high-risk venture, subject to the uncertainties of disease, fire and a highly unpredictable marketplace. My bill will ensure that small timber holders continue to be a viable part of this essential industry.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr MURTHA. Mr. Chairman, I want to respond to the concerns shared by the gentle lady from Michigan, Ms. KILPATRICK, and assure her that we do share her concerns. We agree that the AAFES and the other exchanges should be reimbursed for extraordinary costs serving in forward deployed areas. As the gentlelady knows, the Exchange Service is a nonappropriated fund activity. But there have been times when Congress has had to appropriate funds to help the exchange services with extraordinary costs for supporting our troops in immediate combat areas. This is one of those times. We agree that we need to do more to help the Exchange Services so our troops can have access to items we consider basic necessities here at home. We think we can take a look at this issue when we begin serious negotiations on an Onmibus Appropriations bill.

HONORING MICHAEL BRADY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. BISHOP of New York. Mr. Speaker, I rise today to honor Michael Brady, a dedicated and noteworthy humanitarian, who was a committed public servant to his community of Smithtown, Long Island. On August 28, 2003, Mike lost his battle with cancer, and left behind a legacy of caring for the youth of his community.

Mike Brady bravely served our country in the Vietnam War from 1962 to 1967 as a Navy Machinist mate 3rd Class on the USS *Long Beach*. Upon his return to New York, he became an active member of the Vietnam Veterans of America.

Mike Brady displayed an overwhelming concern for children that showed through his many actions. He was a co-founder of the Smithtown Veterans Youth Program. This valuable program provides the youth of Smithtown and the surrounding communities a safe place to go every weeknight of their summer vacation to enjoy friendship and fun. This program has been used as a nationwide model by veteran's organizations in an effort to fight drugs and keep America's youth drug-free.

Mike also worked with children as a little league coach. His patience and commitment to children made a difference in the lives of so many. The ancient saying that "it takes a village to raise a child" was one that Mike understood and embraced.

Mike Brady is described by his family and friends as a simple, caring person, who constantly gave back to the community with his service and dedication to every person he met. These admirable characteristics led Mike Brady to be honored as a recipient of the Chapel of Four Chaplains Humanitarian Award. He joins recipients such as Bob Hope and Ronald Reagan who received the award with the purpose of recognizing the service that a veteran provides to their comniunity above and beyond the call of duty.

Some people come into our lives and leave without a trace. Some stay for awhile and remain close to our hearts. And we are never, ever the same. Mike Brady has left his mark on the Smithtown Community and he will be missed.

HONORING RUSH ELEMENTARY ON THEIR 50TH ANNIVERSARY

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. NEUGEBAUER. Mr. Speaker, it gives me great pleasure to rise today to celebrate Rush Elementary th School in Lubbock, Texas' 50th anniversary, which will occur on October 24th. Rush Elementary has played an intergral role in developin gand nurturing young students in West Texas for half a century. The faculty's contributions to the lives of young people have strengthened the foundation of the community and continue to be an invaluable resource.

The school strives to continue the spirit of connnunity service that was characteristic of George A. Rush, the school's namesake. Mr. Rush was a pioneering citizen who helped lay the foundation on which Lubbock was built. Mr. Rush served on the first Lubbock City Council and originally owned the 9.5 acres of land where the school is now built. By emphasizing community outreach, the facility has fostered in its students a spirit of serving others with dedication. We have been especially fortunate in my home, that my wife, Dana, attended Rush. Senate Majority Leader BILL FRIST's wife Karyn, also benefited from attending Rush during her elementary years.

Rush Elementary School was founded in 1953 and it only consisted of four classrooms in two temporary buildings with combined grade levels. The existing building opened on December 19, 1957. Mrs. Maggie Hammer served as the head teacher of the four teacher staff. In 1959 twelve classrooms were added, followed by a new gymnasium and an air-conditioning system in 1989, as well as technical upgrades to support a new computer system. Rush currently enrolls 580 students.

Today, as we celebrate the 50th anniversary of Rush Elementary School in Lubbock, Texas, I thank them for their service to the area. I am proud to join the citizens of Lubbock, and others who have benefited from the elementary school, in extending my deepest thanks and appreciation for all of their hard work. Our community would not be the same without the unparalleled contributions of the school and its dedicated faculty and staff.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

Mr. REYES. Mr. Chairman, tomorrow we will vote on spending 86.9 billion dollars of American taxpayers' hard-earned money on our ongoing military operations and reconstruction in Iraq and Afghanistan.

This massive request for supplemental funds to pay for our activities in Iraq and Afghanistan brings home—to the pocketbooks of every American taxpayer—the cost of our involvement in these countries.

If this bill passes tomorrow, we will have spent a total of 175 billion dollars on Iraq and Afghanistan—38 billion dollars more than we are spending for Federal health, education and labor programs here at home. And 47 billion dollars more than we are spending for our veterans, housing, economic development, NASA, environmental protection and scientific research here at home.

I am not going to argue about our activities in Afghanistan—they are wholly appropriate and necessary in order to dismantle the Al-Qaeda terrorist network.

However, Iraq is different.

We have gotten ourselves into a situation in Iraq that is both dangerous to our troops and critically important to our worldwide leadership duties and responsibilities. The situation is now so serious that, to me, it is less important that we arrived at this point by serious miscalculation, perhaps manipulation and half-truths, than to understand that "failure is not an option."

We have the most professional, most dedicated, best-trained and best-equipped military in the world. It is absolutely necessary that we supply anything and everything to support and ensure the safety and success of our troops. They represent the best this country has to offer, and their sacrifices should never be taken lightly or for granted. As commander in chief, the president committed them to this war, and now we must provide them with all the resources and support they need. I support every penny of this request that supports our troops. And in addition to supporting them this week, we must also remember to fully support and fund the veterans programs that they will rely on in the future.

The Administration is asking us to support a request for reconstruction in Iraq of 18.6 billion dollars that, according to Ambassador L. Paul Bremer (administrator of the Coalition Provisional Authority), is probably just the down payment. Bremer has indicated that reconstruction costs alone may top 60 to 70 billion dollars.

This bill would provide 5.7 billion dollars to rehabilitate Iraq's electric power infrastructure. In my district, which includes the city of El Paso, and in other districts on the U.S.-Mexican border, hundreds of thousands of our own citizens don't have electricity. Never mind that a failure in our own power grid caused a huge blackout in the Northeast recently, and that Hurricane Isabel left hundreds of thousands in the dark, while many of my colleagues were told by Federal disaster relief agencies that they don't have the funds to help.

Also included in this bill is 793 million dollars for health care programs and upgrades to hospitals and clinics. El Paso, a city of 700,000, is in desperate need of affordable health services and is in the midst of a health care crisis caused by severe budget cutbacks at the State and Federal levels.

This bill includes 4.3 billion dollars to expand access to safe drinking water and improve sanitation. Hundreds of thousands of people along our Nation's border don't have safe drinking water or sanitation services. In fact, nearly 5,000 households in the El Paso area lack complete plumbing.

This supplemental includes another 500 million dollars for transportation and telecommunications projects in Iraq. Meanwhile, more than 10,000 households in the El Paso area have no telephone service available for their use.

Mr. Speaker, there are those in the Administration who talk about our "responsibility" to provide these services to rebuild Iraq when we along the border are constantly told there is not enough money to assist in the development of these services here at home. What about the responsibility to our own citizens in our own country?

This Administration comes to us and the American people expecting to receive a blank check with no questions asked. It seems to think the tragedy of Sept. 11, 2001, can be used to ramrod anything and everything. It acts as though it is unpatriotic to ask for justification and accountability. Mr. Speaker, it is not unpatriotic to ask for justification and accountability for the taxpayers' money—it is one of the most patriotic actions a member of this body can take.

The request for funds to rebuild Iraq is bundled together in this bill with the money essential to support our troops. At the same time that their sons and daughters are being wounded and killed in Iraq, the American people are being asked to pay the bill for programs and projects in Iraq that are desperately needed here.

I intend to support this flawed supplemental request, but only because the safety of our brave men and women in uniform depends on it.

RECOGNIZING AND HONORING AMERICA'S JEWISH COMMUNITY ON ITS 350TH ANNIVERSARY, AND SUPPORTING THE DESIGNATION OF AMERICAN JEWISH HISTORY MONTH

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of H. Con. Res. 106, a concurrent resolution that recognizes the 350th anniversary of Jewish life in the United States. The resolution encourages all Americans to celebrate September 2004 as American Jewish History Month.

I am proud to represent notable Jewish American artists, musicians, doctors, spiritual leaders, entrepreneurs, lawyers, inventors, and authors that reside in South Florida. I wish to celebrate and honor 350 years of Jewish life in America with my Jewish friends, and, through this resolution, commemorate this landmark event with the Jewish community nationwide.

Mr. Speaker, the success of the American Jewish community is testament to the basic American rights to liberty, opportunity, and inclusion. These men and women of Jewish descent have substantially transformed the Nation and its communities.

American Jewish culture has played a critical role in the multi-dimensional evolution of this country. In part because of Judaism's emphasis on social justice and in part because of Jews' experience as a marginalized minority, Jews led many of the protest and social justice movements of the 1960s and 1970s. In turn, Judaism continues to respond to changes in American culture; feminism, environmentalism, and other social movements have influenced how many Jews practice their religion.

The story of Jews in America is also the story of America itself. Thus, it is only fitting that this Congress recognize the enormous contributions of the American Jewish Community to our Nation by designating an American Jewish History Month.

CONGRATULATING NED McGINLEY FOR BEING HONORED AT THE ANCIENT ORDER OF HIBERNIANS NATIONAL PRESIDENT'S DINNER

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to Ned McGinley of Wilkes-Barre, Pennsylvania who will be honored at the Ancient Order of Hibernians National President's Dinner Saturday, October 25, 2003 at King's College in Wilkes-Barre.

I am proud to say that Mr. McGinley is the first National President of the Ancient Order of Hibernians who is from Northeastern Pennsylvania. Mr. McGinley earned this honor through his 25 years of leadership in the Ancient Order of the Hibernians, where he has served on its National Board as Director and National Organizer.

The Ancient Order of Hibernians is the oldest and largest Irish-Catholic organization in the United States. It was founded in New York with its roots in Northeastern Pennsylvania around 1836.

Mr. McGinley has proved that he is a strong leader and is involved in a variety of activities in the community. Mr. McGinley is a graduate of Wilkes College in Wilkes-Barre and worked as an educator there for over 30 years. He created a Division III wrestling program at King's College and was inducted into the Division III Wrestling Hall of Fame.

Mr. Speaker, it is a privilege and honor to represent a man who has displayed a lifetime leadership role in serving his community. I ask that my colleagues pay tribute to Ned McGinley as he receives this well deserved honor.

HONORING FRANCES "FRANKIE" BOCK FOR 28 YEARS OF VOLUNTEERISM

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. MURTHA. Mr. Speaker, I rise before my colleagues today to honor a very special lady from the 12th Congressional District of Pennsylvania, Frankie Bock. With her visionary ideas and tireless work, she has touched the lives of countless people with her compassion and dedicated service to the terminally ill and their families in Southwestern Pennsylvania.

Caring for others is not just a concept to Frankie Bock; it has been a way of life for over 60 years. With three younger siblings and fragile parents who depended on her, 10-year-old Frankie was indoctrinated into care giving as a means of family survival. Eventually, as a young mother of six children of her own, Frankie somehow found time to become involved with Cub Scouts and also began teaching Sunday School at the First Lutheran Church. She would continue teaching for 35 years, while also serving in the Church's Bereavement Ministry. Volunteerism not only became a way of life for her, but would lead her to her true calling, hospice care.

In 1977, Frankie Bock saw a need and set out to fill it. She joined forces with Dr. Earl Shope, who had been providing hospice care on his own, visiting patients at their homes to comfort them. Together, they established Laurel Highland Hospice of Pennsylvania. The hospice movement worldwide was in its infancy at the time, but it was a natural transition for Frankie. Laurel Highland Hospice was the first rural hospice in the United States and the first formal hospice in Pennsylvania. Its name was changed to Windber Hospice after it was given a home by the Windber Hospital.

Frankie's calling was helping people when they most needed it—at the end of their lives, when they were suffering from pain and the knowledge that there was no hope for a cure for their illness. Their only hope was that someone would care; that someone could somehow ease the pain; that someone would understand.

Many of us, too many of us, know the anguish of losing a friend or a loved one to a fatal illness. To us, but moreover to those who are ill and suffering, people like Frankie are truly angels of mercy sent by God. From kindness, compassion and companionship to managing pain and sickness with needed medicines, to helping families prepare both emotionally and financially for what was to come, Frankie saw the enormous need and made all these things possible.

From its humble beginnings a generation ago, the Windber Hospice Program has reached impressive milestones. It has grown enormously and now serves a large portion of Southwestern Pennsylvania, to include six counties. Its impact reaches much farther, however. Because it inspired the establishment of numerous similar programs, it serves as a powerful example of just how much one person can truly make a difference in the lives of so many.

In 1981, the Windber Palliative Care Unit was opened, a direct result of the establishment of the hospice program Frankie and Earl started. Its newest facility was just dedicated in 2000. Presently, the program boasts 90 volunteers serving in the Palliative Care Unit, Home Care, Bereavement, and Pastoral Care. No one is denied services due to the lack of insurance or the inability to pay.

After more than 25 years and the recent passing of her dear friend and hospice co-founder Dr. Shope, Frankie continues to train hospice volunteers and touch the lives of hundreds of terminally ill patients, providing personal care to the dying and loving comfort to their families. She also volunteers her "spare" time to help further the cause of Children's Hospice International. Frankie and the volunteers at Windber Hospice hosted CHI's 14th World Congress in Johnstown recently. It was attended by 150 health care providers from around the world.

Few would argue that Frankie sets the standard for volunteerism and community service. Her name is familiar to many families in the area because so many of them at one time or another have had a loved one in the program. I felt her name should be heard here in Congress as well, because she embodies the best the American spirit has to offer.

Frankie, I cannot think of twenty-eight years better spent. Thank you, Frankie, for your amazing work on behalf of dying patients and their families.

TRIBUTE TO GERALD LOSEY IN APPRECIATION FOR HIS DEDICATED SERVICE TO HIS COMMUNITY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. STUPAK. Mr. Speaker, I rise today to congratulate and acknowledge Gerald Losey, of Crystal Falls, Michigan for decades of devoted and effective service to his community.

Jerry is one of those people who saw the light and migrated up to Iron County in 1983, after making his mark near Flint through years of hard work as a political organizer and Democratic campaign worker. He was chairman of the Political Action Committee of the United Autoworkers Local 651 in Flint at AC Delco. He also served during this time as alternate committeeman, district committeeman and shop committeeman for Local 651.

Jerry served the DORT Federal Credit Union at AC Delco as a member of its board of directors, as chairman of the credit committee and as chairman of its building committee.

In 1960, Jerry was actively involved in John F. Kennedy's campaign for President in Genesee County and helped organize an extremely successful Democratic rally for JFK at the Atwood Stadium in Flint.

Aside from his union contributions, in the early 1960's Jerry organized the Vienna Township Democratic Club in the Flint area. His guidance of its grass roots activities resulted in the defeat of all but one of the long-standing Republican office holders in Vienna Township.

In the early 1980's, when Jerry learned that The Landing supper club in Crystal Falls, Michigan was for sale, he bought it and began his journey to becoming a respected businessman and fixture in Iron County community life. Jerry hosted many receptions for candidates and dinners for the Iron County Democratic Party at The Landing over the years until he sold the restaurant in December, 2000.

It was also during this time that Jerry met his lovely wife, Shelly, who is a happy part of his life today.

After coming to Iron County, Jerry eventually embarked on a campaign of his own and was elected to the Iron County Board of Commissioners. He served with distinction from 1990 through 1992, acting as vice chairman of the board and chair of its law enforcement committee.

During his tenure as a County Commissioner, Jerry served a number of community organizations, including the Dickinson-Iron District Health Department, the Iron County Department of Social Services, the Iron County Community Hospital and the Iron County Rodeo Committee.

He has also been president of the Iron County Trailblazers and actively participated in its snowmobile trail work. Jerry has been a member of the Iron County Fair Board, the Stambaugh Township Compensation Committee and the Executive Board of the Iron County Democratic Party.

Lower Michigan's loss has been northern Michigan's gain, and it is clear that Jerry Losey has become a vital and valued part of the Iron County community. He is a true example of dedication and service, which was recognized by his selection as the Burr Sherwood Vintage Democrat of 2003 by the Iron County Democratic Party. I am happy to join in the applause and congratulations for Gerald Losey in recognition of his lifetime of service to his fellow Michiganians.

HONORING RODERICK MACKINNON ON HIS RECEIPT OF THE 2003 NOBEL PRIZE IN CHEMISTRY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. BISHOP of New York. Mr. Speaker, I rise today to honor Dr. Roderick MacKinnon on his receipt of the 2003 Nobel Prize in chemistry for his research on the biophysics of cells, which revealed the intricate process of electrical signaling in human beings and other living organisms. Dr. MacKinnon conducted much of this research at the National Synchrotron Light Source at Brookhaven National Laboratory, a federal scientific research institution that is located within the First Congressional District of New York. His work has the potential to enhance the lives of millions, as it has contributed to a deeper understanding of such diseases as cystic fibrosis and heart arrhythmias, which will likely lead to more effective ways of treating these devastating illnesses.

Dr. MacKinnon's research focused on the study of ion channels, the pores through which vital materials—potassium, chloride, calcium and sodium ions—enter or leave the cells of the body. In 1998, Dr. MacKinnon was the first to determine the structure of an ion channel and, through a process called crystallography, produced exceptionally detailed portraits of the potassium ion structure. These high resolution "snapshots" not only revealed the basic structure of an ion channel, but also the process by which ions are expelled or admitted by cells. This process, electrical signaling, involves the rapid fire opening and closing of the channels to release ions and move electrical impulses from the brain in a wave to their destination in the body. Dr. MacKinnon's research determined the specific conditions that control whether ion channels are opened or closed, a process that puzzled researchers for over 50 years.

The discoveries made through Dr. MacKinnon's work offers researchers a renewed potential for understanding and curing illnesses derived from defective ion channels. Such diseases, many of which affect the kidneys, heart, muscles, and nervous system, cause ion channels to interfere with proper electrical signaling and can be fatal. Dr. MacKinnon's findings have refined the medical community's understanding of how ion channels slam shut or remain open and other critical bodily functions. This discovery offers important insight into the future development of drugs to control channels more precisely, and can potentially save human lives.

Dr. MacKinnon received a B.A. degree in biochemistry from Brandeis University in 1978 and an M.D. from Tufts University in 1982. He has served as a full faculty member at Harvard Medical School, professor and head of Laboratory Molecular Neurobiology and Biophyics at The Rockefeller University, and was appointed an investigator of the Howard Hughs Medical Institute. In recognition of his work on ion channel structure and function, Dr. MacKinnon received the 1999 Lasker Award, the 2000 Rosenstiel Award, and the 2001 Gairdner Award.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Dr. Roderick MacKinnon on his important accomplishments in the field of biophysics, and his receipt of the 2003 Nobel prize in Chemistry. Dr. MacKinnon's work represents a significant contribution to medical research, and offers great potential to finding cures to many of the world's most devastating diseases. I am very proud that Dr. MacKinnon is associated with Brookhaven National Laboratory, an institution that has produced five Nobel Prize recipients since its founding, and I applaud him for his many contributions to science and the medical profession.

HONORING DEACON WALTER GRAY

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. PICKERING. Mr. Speaker, I rise today to pay tribute to Deacon Walter Gray, affectionately known as Walter, a constituent of mine from the Norris-High Hill community in

Scott County, Mississippi, who died on September 13, 2003. Walter was 81 years of age, and a World War 11 veteran.

Walter was born and raised in Scott County, and before adulthood was an active leader in his community. God, Family, and Friends, in that order, were his priorities. He instilled these priorities in his family and community. He was a trustee and the treasurer of the Green Grove United Methodist Church, and was thoroughly respected by church members and parishioners. He set a peerless example in the way he conducted his own life.

Aside from his church, and being an employee of Forest County, Walter loved basketball and particularly enjoyed cheering his grandson, Greg Carter, playing for the Forest High School Bearcats and the Mississippi State Bulldogs. When either of these two teams were playing during Greg's time as a player, you could always count on Walter's presence. One of the highlights of his life was seeing Greg attain a basketball scholarship at Mississippi State University, graduating and being named to the All SEC Team. Because he loved to talk about his church, his grandchildren, basketball, and Mississippi State University, anyone could always generate a good conversation with Walter.

In his funeral eulogy his pastor found it difficult to find enough adjectives to describe the high esteem the community held for Walter, and how sorely he was going to be missed by his family, friends, his county, and Mississippi. He stood, as a stout oak, as mentor and role model for his children Lenal, James, Bobbye Carter, Lois Briskey and eleven grandchildren, thirteen great-grandchildren, a host of nieces and nephews, and countless other young people of his church family. What a legacy for Mississippi!

Perhaps, the most soulful words of all voiced about Deacon Walter Gray were those written by Nancy, his wife and helpmate of 64 years:

A golden heart stopped beating,
Hard-working hands at rest,
God broke our hearts to prove to us,
He only takes the best.

Mr. Speaker, Deacon Walter Gray truly represents the best of Mississippi. I ask Congress join me in remembering him and recognizing his life now that he has gone on to be with his Heavenly Father.

REMEMBERING McPHELAN REESE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. HALL. Mr. Speaker, I am honored today to pay tribute to a talented and endearing man who contributed so much to the community of Bonham, Texas, and to the Sam Rayburn Library in Bonham for the past quarter of a century—McPhelan Reese, who passed away this past summer at the age of 97.

Mac Reese was a fixture in Bonham as the writer-in-residence at the Sam Rayburn Library from 1975 until his retirement in 2001. He was the oldest full-time employee in The University of Texas System. Mac wrote the introduction to each chapter of Sam Rayburn's autobiography, Speak, Mister Speaker, and wrote the preface to the Library's collection of political cartoons, Impressions of Mister Sam. He was the author of two books of poetry, Showdown and other Poems and Gullible's Travails and was working on this third volume, All About Us, a tribute to his beloved Bonham, when failing health forced him to stop.

Born in Bonham, Mac was raised by his mother, Victoria Phelan Reese, an actress and teacher who instilled in him a love of the arts, and his grandfather, Leonidas Reese. Mac pursued singing at the Kidd-Key Conservatory in Sherman and then at the Fine Arts Academy in Cincinnati. While in Cincinnati he also trained to be a boxer at Speedy Bishop's Gym, where many of the Midwest's fighters worked out. Mac simultaneously pursued singing and boxing careers before facial injuries brought both efforts to an end. He then spent some time in Hollywood, where he played small roles in the movies and worked as a writer.

Eventually Mac moved back to Texas—first to Houston, where he worked as a master painter. In the 1970s he moved to Bonham, his hometown, following the death of his first wife, Pan Carr Reese, and his marriage to Ila Rogers Carr. In 1975 he began working at the Sam Rayburn Library as a writer-in-residence and the unofficial poet laureate of Fannin County. He delighted in telling stories and was considered by many to be Bonham's greatest storyteller. Even after retirement, he continued to come to the Library and entertain children and visitors with his many delightful stories.

Mac was a beloved and much appreciated fixture in the community and at the Sam Rayburn Library. Generations of schoolchildren and visitors to the Library will remember him with fondness, and through him they will remember and appreciate so many stories associated with Bonham. On behalf of his many friends and fans, I want to take this opportunity in the House of Representatives to pay our last respects to this beloved and colorful Texan—McPhelan Reese.

ANNUAL SIKH CONVENTION LAYS PLANS FOR EXPANDING FREEDOM STRUGGLE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. TOWNS. Mr. Speaker, the International Sikh Organization held its annual convention on the weekend of October 10–11–12, 2003, in Houston. The convention laid plans for the expansion of the movement to free Khalistan, the Sikh homeland that declared its independence on October 7, 1987.

The convention was attended by many delegates from all around the United States and Canada. They made plans to expand their office in Washington, which has been an invaluable resource to us here in Congress in getting out information about the oppression of the Sikhs and other minorities by the Indian government. This is good to see. The glow of freedom still burns brightly in the hearts of these Sikh leaders.

The delegates also congratulated Dr. Gurmit Singh Aulakh, President of the International Sikh Organization and the Council of Khalistan, for his tireless work in support of the interests of Sikhs in this country and the cause of freedom for Khalistan. I can say from my personal experience that Dr. Aulakh has worked for that cause with great dedication for several years and he has provided a lot of information to those of us in Congress who are interested in the cause of human rights and freedom in South Asia.

Mr. Speaker, I would simply like to take this opportunity to salute the International Sikh Organization on a very successful convention and wish it continued success in the future. We can support its efforts to bring freedom to the Sikh people, as well as the other captive nations of South Asia such as Nagaland, Kashmir, and others, by stopping American aid and trade with India until human rights are observed and by declaring our support for a fair plebiscite under international monitoring on the question of independence.

I would like to place the ISO's press release on its very successful convention into the RECORD at this time.

ANNUAL CONVENTION ON KHALISTAN VERY SUCCESSFUL—PLANS TO STRENGTHEN OFFICE FORMULATED

WASHINGTON, D.C., October 14, 2003—The annual convention of the International Sikh Organization on Khalistan was very successful. Delegates from all around the United States and Canada attended. The convention was held October 10–11–12 in Houston, Texas.

The convention recognized Dr. Gurmit Singh Aulakh, President of the International Sikh Organization and the Council of Khalistan, for his dedication, vision, persistence, and commitment to the cause of liberating Khalistan, the independent Sikh homeland declared on October 7, 1987. Since then, it has been under Indian occupation. When India became independent, Sikhs were equal partners in the transfer of power and were to receive their own state, but the weak and ignorant Sikh leaders of the time were tricked into staying with India on the promise that they would have "the glow of freedom" and no law affecting the Sikhs would pass without their consent. Sikhs ruled an independent and sovereign Punjab from 1710 to 1716 and again from 1765 to 1849. No Sikh representative has ever signed the Indian constitution. The Council of Khalistan is the government pro tempore of Khalistan.

At the convention Dr. Bakshish Singh Sandhu of Pennsylvania and Sardar Harjinder Singh of New Jersey offered to spearhead the acquisition of a building in Washington, D.C. to house the International Sikh Organization's offices.

The delegates emphasized the need for an office in Washington to protect the interests of Sikhs in this country, as well as to work for freedom for Khalistan. An example of this need is the video recently removed from the State Department website entitled "Terrorism: A War Without Borders" which portrayed all Sikhs as terrorists. Because of the letter by U.S. Representatives Dan Burton (R–Ind.), Edolphus Towns (D–NY), and Wally Herger (R–Cal.), the State Department recently removed this video and its text from its website. The convention passed a resolution of appreciation of these Congressmen.

Other resolutions included one asking every Gurdwara to contribute $500 per month to the Washington office, one urging Sikhs not to support the various branches of the

Akali Dal, which is under Indian government control, one calling for young Sikhs to step forward into leadership roles, and one demanding freedom for Khalistan.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. India is ruled by Hindu theocrats whose agenda is "Hindu, Hindi, Hindutva, Hindu Rashtra," or total Hindu domination of every facet of Indian life. An Indian Cabinet minister said that everyone who lives in India must be a Hindu or subservient to Hindus.

"We thank everyone who attended this important convention," Dr. Aulakh said. "Their commitment, their ideas and their support are helpful as we move forward in our work to protect the interests of Sikhs in this country and to continue working for the liberation of Khalistan," he said. "We sincerely thank and appreciate the hospitality of the Management Committee of the Houston Gurdwara. Special thanks are due to the Council advisors of the Houston area."

The Indian government has murdered over 250,000 Sikhs since 1984, more than 200,000 Christians since 1948, over 85,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipuris, Dalits, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family. The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. Ghotna has never been brought to trial for the Jathedar Kaunke murder. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra. According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984!

THE HOSPITALIZED VETERANS FINANCIAL ASSISTANCE ACT OF 2003

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mrs. DAVIS of California. Mr. Speaker, I rise today to correct an inequity facing America's disabled veterans. Many brave men and women, who sustained permanent injuries while defending our nation and the liberties we cherish, must spend extended periods in hospitals because of their service-connected disabilities.

When they do require extended hospital stays, disabled veterans must take time away from their jobs, causing them to lose out on the salaries they rely upon to pay their rent or mortgages and to care for their families.

Because extended care can cause financial hardships, veterans who are ordinarily rated at less than 100 percent for their service-connected disabilities qualify for a special 100 percent rating to help them compensate for their temporary financial losses.

An inequity exists in the current law, however. The Department of Veterans Affairs (VA) does not begin the temporary total disability compensation until the beginning of the month following their admission. That is, if a veteran is hospitalized on the 15th, their special compensation does not start until the first of the next month.

Even though they are incapacitated, veterans must sometimes wait almost 2 months to receive payment at the 100 percent level. Unfortunately, they still have bills due during this time and cannot always wait for several weeks for their compensation.

Today I am introducing the Hospitalized Veterans Financial Assistance Act of 2003 to correct the flaws in the law and to give America's disabled veterans our full support throughout their convalescence. Under this legislation, the VA would begin the special 100 percent disability rating on the day they are admitted to the hospital.

By making this adjustment to the law, a disabled veteran may not be faced with the difficult decision of declining medical treatment because of their financial concerns. I urge my colleagues to join me in supporting those who have made the most tremendous sacrifices on our behalf by correcting this inequity.

PREMATURE BIRTH: A SILENT HEALTH CRISIS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. UPTON. Mr. Speaker, premature birth is a serious and growing problem. Each day 1,305 babies are born too soon, and the rate of preterm birth increased 27 percent between 1981 and 2001. In 2001, 476,000 babies were born prematurely in the United States. Tragically, premature infants are 14 times more likely to die in their first year of life, and preterm births account for 23 percent of deaths in the first month of life. Further, premature babies who survive may suffer lifelong consequences, including cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss. Preterm delivery can happen to any pregnant woman, and in nearly one-half of the cases, no one knows why.

That is why today I am introducing, with my colleagues ANNA ESHOO, JIM RAMSTAD, SHERROD BROWN, SPENCER BACHUS, ED TOWNS, and JESSE JACKSON, Jr., the bipartisan Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act, or "PREEMIE Act." The goal of the PREEMIE Act is designed to reduce the rates of preterm labor and delivery, promote the use of evidence-based care for pregnant women at risk of preterm labor and for infants born preterm, and reduce infant mortality and disabilities caused by prematurity. This will be accomplished by expanding federal research related to preterm labor and delivery and increasing public and provider education and support services. Expanding these federal initiatives is supported by the March of Dimes, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, and the Association of Women's Health, Obstetric and Neonatal Nurses.

We hope that you and many more of our House colleagues will join us in the fight to ensure a healthy start for all of America's children by cosponsoring and working with us for the enactment of the PREEMIE Act.

AMERICAN COMPETITION ENHANCEMENT ACT OF 2003 (THE ACE ACT OF 2003)

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. COLLINS. Mr. Speaker, today, I am proud to introduce legislation that will protect American jobs and will create new job opportunities for those Americans in search of employment.

The American Competition Enhancement Act of 2003 would ultimately provide an across-the-board tax cut of 5 percent for all corporations. Specifically, the ACE Act will cut the corporate tax rate by 3 points in 2004, initially lowering the corporate rate to a tax level of 32 percent. Three years later, the ACE Act would cut the tax rate by an additional 2 points, lowering the rate for corporations to 30 percent in 2007.

Since 1996, our trading partners have realized that being competitive in the global marketplace requires cutting taxes of the businesses that employ their workers. Many countries, including Australia, Canada, France, Germany, Japan, Poland and Turkey, have cut their corporate tax rates drastically—some by 10 percent or more. In fact, the average top corporate tax rate for governments in the Organization for Economic Coöperation and Development (OECD) has dropped from a rate of 41 percent in 1986 to 30.9 percent in 2003, while the U.S. corporate rate has remained unchanged at 35 percent over the same period. When state and local taxes are added on top of this rate, the U.S. corporate tax rate averages 40 percent—which is more than 9 percentage points higher than the OECD average.

While other countries have learned that lower taxation enables them to compete for business, and ultimately jobs, the United States has failed to respond, and American workers have suffered. Many in this Congress have remained content to sit idly by as other nations have lowered corporate taxes. Instead of freeing American businesses and our workers from oppressive taxation and burdensome regulations, this Congress has continued to support efforts to make our tax code more ambiguous and difficult to navigate.

Over the past 20 years, the Congress has passed tax law that has led to the creation of complicated and excessive rules—rules that have negatively impacted the ability of American companies to compete in the world market. These have been "defensive" responses to competition, not "offensive" responses to increasing worldwide competition. Throughout, the Twentieth Century, the United States competed aggressively in the world market, and as a result our competitors responded. To remain competitive, this Congress MUST act again, and we MUST begin by reforming our tax policy that has become a choke collar on our American workers, restricting them from being free to compete with other workers in the world market.

As this Congress debates export subsidies and global competition, we will continue to hear much about the challenges faced by American manufacturers. Yet, the first and foremost challenge that American manufacturers, and all American employers, face is an increasingly restrictive and oppressive tax code. The ACE Act would address this fundamental issue and enable American workers in all sectors, including manufacturing, to once again compete in the world market. This bill would instill confidence in our manufacturing industry and would entice many other industries to operate here instead of locating overseas.

As the greatest workers in the world, there is little doubt about the outcome, if only the Congress will free our workers to compete.

Some will say that we cannot afford the ACE Act, but American workers cannot afford the alternative—continued taxation that restricts, limits and chokes their ability to compete. Some are saying that any tax legislation must be budget neutral; yet, over the last two years, the corporate income tax structure remains unchanged, and corporate revenue has only declined. In fact, Corporate Income Tax Revenue has decreased significantly—from 2000 to 2001 Corporate Income Tax Revenues fell from $207.3 billion to $151.1 billion, a decrease of $56.2 billion; in 2002, Corporate Income Tax Revenue dropped to $148 billion—a decrease of $59.3 billion from the 2000 level. In 2 years, our corporate tax laws have resulted in lost jobs, lost dollars in American workers' pockets, and a combined loss in revenue of $115.5 billion (See Table F–3 of the Congressional Budget Office—Budget and Economic Outlook: Fiscal Years 2004–2013).

Over the past 3 years the United States has seen a loss of 2.7 million manufacturing jobs—with an average of 60,000 job losses per month over the past 2 years. Some of these jobs have disappeared due to increased production efficiencies, but many more have been relocated overseas.

History has shown that lower taxation leads employers to keep the employees they have, to invest in capital expenditures that create new jobs, and to increase their profits which, in turn, means economic growth, more jobs, more exports, more production, and, ultimately, more dollars flowing to the Federal Treasury. Let us learn from history and pass meaningful tax relief to stimulate economic growth and, in turn, increase the funds in workers' pockets; ultimately, this would mean more dollars for the Treasury of the United States.

I urge my colleagues in this House to consider the actions of others around the world, to consider history's lessons, and, most importantly, to consider the effect of our tax code on workers in their own districts. I have considered this all and am determined that we must free American workers from the choke collar of taxation. This Congress must act and provide much needed relief for all American corporations that employ our people.

Mr. Speaker, I call on the House to consider American workers and consider the challenges they face. It is time that the House pass solid, meaningful tax legislation that supports the American worker.

[From the Tax & Budget Bulletin, CATO Institute]

THE U.S. CORPORATE TAX AND THE GLOBAL ECONOMY

(By Chris Edwards, Director of Fiscal Policy, Cato Institute)

The corporate income tax is at the center of numerous policy debates today. First, the World Trade Organization has ruled that the U.S. Foreign Sales Corporation/Extraterritorial Income Exclusion (FSC/ETI) tax break given to exporters is illegal. The European Union has threatened the United States with trade retaliation unless it repeals FSC/ETI by the end of this year. Next, corporate tax avoidance has been in the news in the wake of the Enron scandal. Finally, there is growing concern that the corporate income tax damages business competitiveness and reduces U.S. economic growth.

In response to the WTO ruling, bills have been introduced to repeal FSC/ETI, including H.R. 2896 by Ways and Means chairman Bill Thomas (R–Cal.) and H.R. 1769 by Phil Crane (R–Ill.) and Charles Rangel (D–N.Y.). The Thomas bill, and a similar proposal by Senator Orrin Hatch (R–Utah), includes many useful tax reforms in exchange for repeal of the $5 billion per year FSC/ETI provision. However, more fundamental tax reforms are needed, including a large cut to the corporate tax rate.

CORPORATE TAX REFORM IS LONG OVERDUE

Global direct investment flows rose sixfold in the past decade, and research shows that these flows are increasingly sensitive to corporate taxes. To attract capital and build the economy, the United States should have a neutral and low-rate corporate tax. Instead, the United States has perhaps the most complex corporate tax and the second highest corporate tax rate among major nations.

The U.S. statutory corporate tax rate is 40 percent, which includes the 35 percent federal rate and an average state rate of 5 percent. By comparison, Figure 1 shows that the average rate for the 30-nation Organization for Economic Cooperation and Development is 30.9 percent, down sharply from 37.6 percent in 1996.

Aside from a high rate, the U.S. corporate tax has uncompetitive rules for firms that compete in foreign markets. The U.S. Treasury's assistant secretary for tax policy, Pam Olson, recently testified that "no other country has rules for the immediate taxation of foreign-source income that are comparable to the U.S. rules in terms of breadth and complexity." The complexity of the U.S. rules on foreign income are infamous—Dow Chemical has calculated that 78 percent of its 7,800-page U.S. tax return relates to the rules on foreign income.

Part of the problem is that Congress has viewed corporations as cash cows, and has shown little concern that high taxes reduce investment and drive capital and profits abroad. One example of how the demand for more tax revenue can backfire is the taxation of "foreign base company shipping income." It used to be that the foreign income earned by cargo ships and other vessels owed by U.S. subsidiaries was not taxed until repatriated to the United States. However, Congress changed the rules in 1975 and 1986 to tax that income immediately as earned. But rather than raising federal revenue, the changes reduced revenue as the U.S.-owned shipping fleet shrunk and the tax base disappeared. The U.S. share of the world's open-registry shipping fleet fell from 25 percent in 1975 to less than 5 percent today. The Thomas and Hatch bills include a fix to this counterproductive tax provision.

THOMAS BILL INCLUDES MODEST REFORMS

The corporate tax reform bill introduced by Bill Thomas would reduce the double taxation of foreign income earned by U.S. multinational corporations (MNCs) and simplify the rules for foreign tax credits and subpart F income. Simplifying and reducing taxes on MNCs would benefit the U.S. economy in a number of ways. U.S. MNCs would be able to increase U.S.-based research and other headquarters activities if their foreign operations were larger and more profitable. Also, MNCs could better penetrate global markets with U.S. exports if their foreign affiliates were more competitive. Indeed, U.S. Department of Commerce data show that U.S. MNCs account for two-thirds of all U.S. merchandise exports. By making U.S. MNCs more competitive, the Thomas bill would boost U.S. exports, employment, and incomes. The Thomas bill also includes other useful but limited reforms, including faster depreciation for some equipment investment, liberalizing the subchapter S rules for small corporations, and changes to the corporate alternative minimum tax.

The Crane-Rangel bill provides a targeted tax break for manufacturing. A new deduction would reduce the tax rate for domestic manufacturing by 3.5 percentage points, but would not cut taxes for other types of businesses. This is poor policy compared to a broad-based tax cut because it would increase tax complexity and divide the business sector even further into separate lobbying camps, each wanting narrow breaks rather than overall reforms.

MORE FUNDAMENTAL REFORMS NEEDED

Rather than provide narrow breaks, Congress should cut the 35 percent corporate tax rate to 20 percent so that the United States becomes a tax reform leader, not a laggard. In order not to increase the deficit, a rate cut could be paired with cuts to federal spending on business subsidies, which currently total about $90 billion per year. Such a reform package would increase investment and employment incentives for all firms and reduce government favoritism and business distortions.

Beyond a rate cut, Congress should consider full repeal of the corporate tax or replacement with a cash-flow tax. A cash flow tax would increase domestic investment and make U.S. firms more competitive in global markets because firms would not be taxed on their foreign business income. A cash-flow tax would also reduce wasteful tax sheltering. Indeed, most of Enron's tax shelters would not have been possible under a cash-flow tax.

Congress should aim to give this country the best possible corporate tax environment, not one of the worst. A good first step would be to simplify and reduce taxes for U.S. MNCs, and then follow up with a reduction of the corporate tax rate to 20 percent.

IN APPRECIATION FOR A LIFETIME OF DEDICATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. ROSS. Mr. Speaker, I rise today to honor and congratulate an outstanding Arkansan, and native of the Fourth Congressional District, whose dedication to historic preservation and to our National Park system is beyond extraordinary.

Parker Westbrook is a recipient of the Gold Star Award, which is one of the most prestigious awards the President's Advisory Council on Historic Preservation bestows to its members.

I am also here to honor Mr. Westbrook for his active involvement as a member of the advisory board for the National Park System.

Through his selfless, unyielding service to both organizations, Parker played a major role in protecting our Nation's resources, and preserving our precious national landmarks.

For the past 8 years, Parker has spent countless hours serving on both of these prestigious boards. His dedication went well beyond mere membership; he never missed a meeting for either organization.

Throughout his life, Parker has sought to better his community and his country by preserving our country's heritage for future generations. He is a role model to all Americans who strive for exceptional public service. I congratulate him on his recent accomplishment, and I wish him the best in what I know will be many more years of selfless service to our country.

HONORING THE REV. JOHN P. MINOGUE

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. EMANUEL. Mr. Speaker, I rise this evening to recognize the Reverend John P. Minogue, a great American and dedicated leader in the Catholic and higher education communities of Chicago. Last week, Father Minogue announced his plans to retire after a decade as the tenth president of DePaul University, located in my district on the North side of Chicago.

Under Father Minogue's leadership, DePaul has reached major goals projected under the university's strategic plan, "Vision 2006." DePaul's students, faculty, staff and trustees, as well as the City of Chicago itself, have benefited tremendously from Father Minogue's leadership and vision. During Father Minogue's tenure, DePaul University has become the largest Catholic university and the eighth-largest private university in the United States. This fall's record enrollment of nearly 24,000 students represents the tenth consecutive year that DePaul has posted historic enrollment gains.

Expanding access to learning has been the hallmark of Father Minogue's presidency. The university supports 130 academic programs and a faculty and staff totaling over 4,200 people. He led efforts to provide increased access to high-quality education for a diverse student population. He also championed global education by establishing a variety of international sites and programs. Suburban campuses grew from two to five, and the university welcomed Barat College into the DePaul family as its ninth college in 2001.

During Father Minogue's tenure, DePaul celebrated its centennial and transformed its city campuses with additional facilities that offer students every state-of-the-art service. Those facilities include the renovation of DePaul Center; construction of the McGowan Biological and Environmental Sciences Center and Centennial Hall; the Ray Meyer Fitness and Recreation Center and a car parking facility on Clifton Avenue; the new student center; and the University Center of Chicago joint residence hall in the Loop to be completed in 2004.

Father Minogue also revolutionized student access to and implementation of technology at DePaul. He worked tirelessly to redesign university business processes to offer students real-time services on the Web, ultimately enabling them to conduct many transactions at any hour of the day from any computer station. It was under his leadership that the School of Computer Science, Telecommunications and Information Systems was created and became one of the largest computer science schools in the nation. A man on the cutting edge of the digital age, Father Minogue conceived DePaul's Digital Media Center and has helped to develop an innovative program that will enable students to be in the forefront of a new form of global communication.

Both academics and student satisfaction have flourished under Father Minogue's guidance. In 1998, DePaul was named one of seven finalists for College of the Year in "The Best College for You," by Time magazine and the Princeton Review. Additionally, U.S. News & World Report has ranked DePaul's part-time MBA in the nation's top ten for eight consecutive years. Father Minogue can be especially proud that DePaul's students were named happiest in the nation twice by the Princeton Review. He devoted a considerable amount of personal time and energy to building relationships with students and often could be found joining them in community service and leadership opportunities.

Mr. Speaker, on behalf of a deeply grateful community and with enormous appreciation for a decade of dedicated service to students, alumni, faculty, staff and friends, I thank Father Minogue for his extraordinary leadership and selfless commitment to learning and to the City of Chicago. Father Minogue left a mark on the institution that will not be forgotten, and we will always remember his countless contributions and wish him continued success in his future endeavors.

U.S. MUST NOT ACQUIESCE TO ANTI-SEMITISM

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. MEEK of Florida. Mr. Speaker, I would like to share with my colleagues a disturbing editorial that appeared in the Saturday, October 18 edition of the New York Times.

It details statements of anti-semitism voiced by the Prime Minister of Malayasia, Mahathir Mohamad, in a speech to the 57-member Organization of the Islamic Conference, and approving comments by the Egyptian Foreign Minister, Ahmed Maher, and Afghan President Hamid Karzai.

There is little doubt that we in the United States have much to learn from the leaders of Moslem countries, and I think it is important that we pursue closer political, economic and cultural ties with these nations. Americans are sympathetic to the plight of the Muslim world.

At the same time, I believe we cannot tolerate international anti-semitism or allow anti-semitic statements that are expressed at international forums to go unchallenged. While Americans are sympathetic to the plight of the Muslim world, we will never accept leaders who preach hate and prejudice.

The Times editorial reports that the European Union refused to condemn the Malaysian Prime Minister's comments. I therefore call upon the Bush Administration to do so. By failing to respond to this anti-semitism, we become party to it by virtue of our silence.

[From the New York Times, Oct. 18, 2003]

ISLAMIC ANTI-SEMITISM

It is hard to know what is more alarming—a toxic statement of hatred of Jews by the Malaysian prime minister at an Islamic summit meeting this week or the unanimous applause it engendered from the kings, presidents and emirs in the audience. The words uttered by the prime minister, Mahathir Mohamad, in a speech to the 57-member Organization of the Islamic Conference on Thursday were sadly familiar: Jews, he asserted, may be few in number, but they seek to run the world.

"The Europeans killed six million Jews out of 12 million, but today the Jews rule the world by proxy," he said. "They get others to fight and die for them." Muslims are "up against a people who think," he said, adding that the Jews "invented socialism, communism, human rights and democracy so that persecuting them would appear to be wrong, so that they can enjoy equal rights with others."

When Israeli officials noted that such talk brought Hitler to mind, the assembled leaders were mystified. Yemen's foreign minister said he agreed entirely with his Malaysian colleague, adding, "Israelis and Jews control most of the economy and the media in the world." The Egyptian foreign minister, Ahmed Maher, called the speech "a very, very wise assessment." Even the Afghan president, Hamid Karzai, said the speech was "very correct."

Perhaps the saddest element is just how impotent the representatives of the world's 1.3 billion Muslims feel. When Syed Hamid Albar, Malaysia's foreign minister, sought to contain the controversy, he explained that because of the wars in Afghanistan and Iraq, Muslims feel "sidelined or marginalized," so please understand why they complain about the power of a tiny competing group like the Jews.

Sympathy for the Muslims' plight must not be confused with the acceptance of racism. Most Muslims have indeed been shoddily treated—by their own leaders, who gather at feckless summit meetings instead of offering their people what they most need: human rights, education and democracy.

The European Union was asked to include a condemnation of Mr. Mahathir's speech in its statement yesterday ending its own summit. It chose not to, adding a worry that displays of anti-Semitism are being met with inexcusable nonchalance.

TRIBUTE TO JAMES E. WORSHAM

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. RUSH. Mr. Speaker, I rise to bring this legislation to the attention of the House for it would be a fitting tribute to James E. Worsham to rename the Grand Crossing Postal Station after him. Mr. Worsham has served the public with considerable distinction as a postal worker and as a union leader.

Before joining the Post Office, Mr. Worsham served in the U.S. Air Force for 4 years and then the city of Chicago as a traffic court clerk. Mr. Worsham began what would become an illustrious postal career on the southeast side of Chicago at the Grand Crossing Station on January 16, 1963. On that day in Chicago, the actual air temperature reached twenty-seven degrees below zero. Having no experience as a letter carrier, he was sent out into the elements to deliver what mail he could. As it was his first day, he was not appropriately dressed for a prolonged exposure to the severe weather conditions and, as a result, suffered frostbite to his ears. Undaunted by this initial experience, he returned to work the next day. He had been out of work for some time; and a job at the Post Office offered security and benefits for his family. From day one, James adhered to the literal meaning of a carrier's creed—neither rain nor snow, heat nor cold shall stay a carrier from his appointed rounds.

His coworkers were the first to recognize Mr. Worsham's fiery and staunch determination, and they drafted him to become their shop steward. Immediately, his leadership qualities became evident, and they were acknowledged by the then President of Branch 11 of the National Association of Letter Carriers. Soon he was slated to run for Sergeant-at-Arms with his focus to protect the rights of postal employees and to serve the public with its entitled postal services.

Mr. Worsham became an Auditor for Branch 11 and then its Chief Steward. In January of 1979, while holding these positions, he ran for President and won overwhelmingly. As President, his skills became known nationwide; and the National President recruited him to become a National Trustee while maintaining his position as President of Branch 11. Upon retirement, Mr. Worsham didn't slow down at all—he became Director of Retired Members for the Letter Carriers in Washington, DC, for 4 years. He returned to Chicago as President of Branch 11, and he turned the city's membership attainment into a 97.8 percent rate—the highest in the nation. Mr. Worsham still currently serves as President of Branch No. 11 of the National Associations of Letter Carriers.

Mr. Worsham attended and graduated from William Gladstone Elementary and William McKinley High Schools. His wife, the late Corrine Kelly, was his childhood sweetheart and the love of his life. To this union were born three children—Valerie, Vance, and Adrienne. Mr. Worsham is a thirty second degree Mason and a faithful member and Deacon of Emmanuel Baptist Church.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. FRANKS of Arizona. Mr. Chairman, on October 16, 2003, the Chair sustained Mr. KOLBE's point of order against H. Amdt. 408, an amendment offered by Mr. PENCE, to H.R. 3289. Had there been opportunity to vote, I would have voted "yes" on H. Amdt. 408 to H.R. 3289, which sought to make the first 50 percent of Iraq reconstruction funding available immediately as a grant giving priority consideration to the emergency purposes of security, electric sector infrastructure, oil infrastructure, public works, water resources, transportation, telecommunication infrastructures and other emergency needs, and also provide that once the Administration informs Congress that a democratically elected government in Iraq has been established, the balance of funding would be made available in the form of loans from the U.S. Government, under terms determined by the President.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest-designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 21, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 22

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine federal involvement in the regulation of the insurance industry.
SR–253

Commerce, Science, and Transportation
Oceans, Fisheries and Coast Guard Subcommittee
To hold an oversight hearing on fisheries.
SR–428A

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine counterterror initiatives in the terror finance program and organization of terror groups for funding and future U.S. responses.
SD–538

Indian Affairs
To hold hearings to examine the nomination of David Wayne Anderson, of Minnesota, to be an Assistant Secretary of the Interior; to be followed by a business meeting to consider pending calendar business.
SR–485

Judiciary
To hold hearings to examine the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.
SD–226

10:30 a.m.
Governmental Affairs
Business meeting to consider pending calendar business.
SD–342

2:30 p.m.
Foreign Relations
European Affairs Subcommittee
To hold hearings to examine Anti-Semitism in Europe.
SD–419

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

OCTOBER 23

9:30 a.m.
Armed Services
Business meeting to consider pending military nominations.
SR–222

Commerce, Science, and Transportation
To hold hearings to examine Boeing.
SR–253

Environment and Public Works
Business meeting to consider S. 994, to protect human health and the environment from the release of hazardous substances by acts of terrorism, and S. 1757, to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts.
SD–406

Foreign Relations
International Operations and Terrorism Subcommittee
To hold hearings to examine how to achieve the necessary security improvements in a global environment relating to the post-9/11 visa reforms and new technology.
SD–419

Judiciary
Business meeting to consider pending calendar business.
SD–226

10 a.m.
Banking, Housing, and Urban Affairs
To resume hearings to examine proposals for improving the regulation of the Housing GSEs; and to hold a business meeting to consider the nominations of Roger Walton Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of Governors of the Federal Reserve System, Ben S. Bernanke, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System, and Paul S. Atkins, of Virginia, to be a Member of the Securities and Exchange Commission.
SD–538

Health, Education, Labor, and Pensions
To hold hearings to examine federal and state role in pharmacy compounding and reconstitution.
SD–430

2 p.m.
Finance
To hold hearings to examine company owned life insurance.
SD–215

2:30 p.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings to examine railroad shipper issues and S. 919, to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates.
SR–253

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

OCTOBER 28

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine certain health issues.
SD–430

OCTOBER 29

10 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by a hearing on the Tribal Self Governance Act Amendments of 2003.
SR–485

Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine the New Freedom Commission Report.
SD–430

OCTOBER 30

10 a.m.
Health, Education, Labor, and Pensions
Aging Subcommittee
To hold hearings to examine financial abuse and exploitation.
SD–430

Banking, Housing, and Urban Affairs
To hold hearings to examine the Treasury Department's report to Congress on international economic and exchange rate policy.
SD–538

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 1097, to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program.
SD–366

3 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine Senator Frist's Report on Africa.
SH–902

CANCELLATIONS

OCTOBER 22

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

HOUSE OF REPRESENTATIVES—*Tuesday, October 21, 2003*

The House met at 9 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader, or the minority whip limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Texas (Mr. SMITH) for 1 minute.

LIBERAL BIAS IN THE MEDIA

Mr. SMITH of Texas. Mr. Speaker, several days ago President Bush observed that "a lot of times there's opinion mixed in with news."

The media generally present a liberal bias. For example, the three major television networks all carry more negative stories about President Bush than positive ones. Two of the country's largest dailies, The New York Times and The Washington Post, have not endorsed a Republican for President since the 1950s. The few media organizations without a liberal slant do not have nearly as many viewers or readers. For instance, Fox News has less than 1 million viewers while the three network stations have 25 million.

In a democracy we cannot afford anything less than fair and accurate news coverage. The media should trust the American people with the facts, not tell them what to think.

WASHINGTON WASTE WATCH

The SPEAKER. Pursuant to the order of the House of January 7, 2003, the gentleman from Colorado (Mr. BEAUPREZ) is recognized during morning hour debates for 1 minute.

Mr. BEAUPREZ. Mr. Speaker, I and many of my Republican colleagues calling ourselves the Washington Waste Watchers are concerned about out-of-control spending by the Federal Government. Especially concerning to us is waste, fraud, and abuse that is far too prevalent here in Washington. Allow me to highlight but a few examples.

Duplication of programs wastes enormous human and financial resources. By government reports we know that there are 342 separate economic development programs, 130 programs serving the disabled, 130 different programs serving at-risk youth, 90 early childhood development programs, 72 separate Federal programs dedicated to assuring safe water, 50 homeless assistance programs, 12 food safety agencies, and 23 separate agencies providing aid to the former Soviet Union.

Yet, Mr. Speaker, if ever we propose to consolidate or eliminate duplicitous programs to save taxpayers money, we are called heartless and insensitive rather than fiscally responsible.

I call on my colleagues from both sides of the aisle to tone down the rhetoric of class warfare and pull together for the common good of the people who have entrusted us as their representatives in this great Chamber.

CUBS' FAN SALUTES HIS NORTH CAROLINA CONSTITUENTS

The SPEAKER pro tempore (Mr. PORTER). Pursuant to the order of the House of January 7, 2003, the gentleman from North Carolina (Mr. COBLE) is recognized during morning hour debates for 5 minutes.

Mr. COBLE. Mr. Speaker, I want to revisit the recently concluded American and National League Championship Series. I represent neither Boston, New York, Florida, nor Chicago; but I do have a direct interest in that two of the managers in the aforementioned series are my constituents in North Carolina's Sixth Congressional District. Manager Jack McKeon of the Florida Marlins calls Alamance County his home while Boston Red Sox skipper Grady Little hangs his hat in Moore County, known to many Americans as America's golf capital.

I am a long-time Cubs fan, Mr. Speaker, but I compromise my Cubs' loyalty in favor of my constituent Mr. MCKEON. And speaking of the Cubs, I hope the Chicago fans will permit the beleaguered left field fan who is now internationally known to become the beneficiary of goodwill in lieu of hostility. Steve Bartman, by his own admission, is a true-blue solid Cubs fan. An isolated ill-fated attempt to retrieve a foul ball does not a seven-game series make or break. Other circumstances as well contributed to the Cubs' elimination; so cut Steve Bartman some slack.

While my love for the Cubs caused me some anxiety while cheering for the Marlins, I felt no such discomfort while I was supporting Grady Little and his Bosox, since I am not a Yankee fan.

Mr. Speaker, permit me to focus on the World Series. Strike that. Permit me to focus on the 2004 World Series. Not unlike many American baseball fans, it is my hope that the Red Sox and the Cubs will square off in that series. Even then I may be forced again to relegate my Cubs' loyalty to the shelf in favor of Grady Little. Constituency loyalty, Mr. Speaker, runs deeper and closer to the heart than does baseball loyalty.

Finally, I extend my best wishes to Trader Jack McKeon and his Marlins as they attempt to conquer the Yankees. If this series, unfortunately, results in the Yanks prevailing, I will reluctantly tip my hat to them and to my New York colleagues who serve here in the people's House with me. Insufferable fans though they are, on balance they are pretty good folks. Meanwhile, go Marlins.

WAXMAN AMENDMENT ON H.R. 3289

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the company from which Vice President CHENEY, the sitting Vice President of the United States, the company from which he continues to draw $13,000 a month, Halliburton, is back in the headlines.

The latest example of impropriety from the Vice President's company comes in the form of price-gouging gasoline in Iraq at the expense of American taxpayers. Halliburton is overcharging United States citizens, as reported in The New York Times, as reported in studies, to the tune of $250 million, money we are not spending on prescription drugs for seniors, money we are not spending on education, money we are not spending on highways. Halliburton is overcharging U.S. citizens $250 million, a ploy that independent experts have termed simply "highway robbery."

Here is how their scheme works: Halliburton procures gasoline that they generally get from Kuwait, gasoline that can be bought in the Persian Gulf for 71 cents a gallon. It could be transported to Iraq for no more than 25 cents per gallon. It is brought to the United States, to New York Harbor, for under a dollar. So they buy it for 71 cents; they transport it to Iraq for 25 cents. That brings the total to 96 cents a gallon. Halliburton then adds on its

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

profit margin 2 to 7 percent, bringing the price total to $1.03 a gallon. Yet Halliburton charges the Federal Government, the government where DICK CHENEY is the Vice President, the government where the Vice President, DICK CHENEY, used to work for Halliburton and still gets $13,000 a month from Halliburton. Halliburton charges our government, us taxpayers, between $1.62 and $1.72, an extra 60 or 70 cents per gallon, a profit margin of over 55 percent. That is the $250 million which independent experts have called highway robbery from Halliburton.

To add insult to injury, the American taxpayer subsidizes that cost when it is sold to the Iraqi people for between a nickel and 15 cents a gallon.

My constituents in northeast Ohio remember seeing gas prices skyrocket the afternoon of September 11, 2001, as some gas station owners sought to make profit from a national tragedy. It did not work for them when they tried that kind of war profiteering. Unfortunately, it is working for Halliburton, and my constituents are outraged that Halliburton is making money at our taxpayers' expense ultimately from a national tragedy.

The Bush administration has asked for an additional $2 billion for the Iraqi oil sector. One billion of that would go to buying gasoline, cooking gas, kerosene, and diesel fuel for Iraq; and it costs about $4 million a day. Halliburton will continue to pocket outrageous, some might say corrupt, profits.

All taxpayers bear the burden of unbid contracts, of price hikes, of inadequate supplies for our troops in Iraq. We are spending $1 billion a week in Iraq. That number will go up as Congress just appropriated last week $87 billion more for Iraq, as we had already appropriated $70 billion before that. We are spending $1 billion a week. A third of that money is going to private contractors. A lot of that money goes to Halliburton and Bechtel, companies close to the President. Companies which are major contributors to the President of the United States in those unbid contracts simply are not accountable.

At the same time, this administration has not been able to supply and to provide for our troops. Not enough safe drinking water for our troops. Too many of them have come down with dysentery. Not enough body armor, Kevlar jackets for our troops. One quarter of them do not have body armor. The administration has said by December, even though they knew they we were going to war a year ago, they would finally get the body armor to our troops. All of that against the backdrop of $1 billion a week, $300 million of that going to unbid contracts to companies like Halliburton. And, again, understand, Mr. Speaker, Halliburton is still paying $13,000 a month to the Vice President of the United States.

The private contractors seem to have all the money and supplies they want, but our troops do not. Something is wrong with this picture.

The gentleman from California (Mr. WAXMAN) offered an amendment to cure this gasoline gouging problem, this highway robbery problem where Halliburton has taken $250 million extra from U.S. taxpayers. I cannot understand how Members of this body can support Halliburton as it continues to gouge the U.S. taxpayers. In almost a party-line vote, this House of Representatives rejected the amendment that would have stopped the abuses from Halliburton from the Vice President's company, that would have stopped this highway robbery.

The administration continues to give Halliburton a free hand to exploit American taxpayers for every last dime they could get. Halliburton should be ashamed. This Congress should be ashamed. The administration should be ashamed for that kind of a ripoff of U.S. tax dollars especially in wartime.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 13 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 10 a.m.

PRAYER

The Reverend Tom Nelson, Senior Pastor, Denton Bible Church, Denton, Texas, offered the following prayer:

Could we pray. Our Father in Heaven, You created us. Your law, the edict of Thy very nature is our protection and our guide. Your benevolence continually sustains us. Your grace hath protected us always in the defense of the weak. Guide now these men and women to steer a clear path and to guide our Nation amidst the obstacles of our day. Grant them discernment to perceive the true, the courage to stand in it, and mercy to administer it to all.

And in so doing, may You be pleased and may You lift up the light of Thy countenance upon us. For Your pleasure is our solitary good and our confidence. May evil be winnowed at this our gate and may the sun of Thy favor rise upon us. For it is in Thy saving name that we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. SMITH) come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of New Jersey led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND TOM NELSON, GUEST CHAPLAIN

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, today is a special day for me and a special day for this House to have our deliberations blessed by the Reverend Tom Nelson.

Born in 1950 in Waco, Texas, Tom grew up in a family of four boys. For higher education, he chose the University of North Texas, my alma mater, where he graduated in 1973.

Reverend Nelson received his calling to the Ministry early and entered Dallas Theological Seminary from 1977 to 1982 while he was Associate Pastor at Denton Bible Church. He has been pastoring at Denton Bible Church for 25 years and is presently the Senior Pastor.

Some of his outreach has included being a national speaker for the Fellowship of National Athletes and active leader for Campus Crusade for Christ and the Navigators.

In the past 15 years, Tom has built Denton Bible Church into one of the largest congregations in north Texas. Besides the four Sunday services at Denton Bible Church, Tom disciples 30-plus young men each year. The program includes ministry, evangelism, and service and meets four times a week. Tom also teaches two men's bible studies, one on Tuesdays in Lewisville at Lakeland Baptist Church and one on Wednesdays at Denton Bible Church. At home in Highland Village, I have attended his Tuesday bible study. His messages are powerful and prepare us well to go out into the playing field of life.

He has authored three books, "The Big Picture, "The Book of Romance," and, "The Problem of Life With God," a commentary on the Book of Ecclesiastes. He is also the teacher for three video series and his taped messages travel throughout the world.

His wife, Teresa, is his best friend and secretary. Their older son, Benjamin, and his wife Amanda, live in Lewisville, Texas, and have just made them the proud grandparents of a baby boy, Thomas Clark. Their other son, John Clark, played baseball for the University of Kansas Jayhawks, and has gone on to play professional baseball with the St. Lewis Cardinals.

I am honored the Reverend Tom Nelson could be with us here today. I know his blessing will make us more respectful in our debates, more careful in our deliberations, and more accountable for our decisions.

STARVATION IS AN INHUMANE WAY TO DIE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, death by dehydration is a painful, agonizing, and arduous process that takes 10 to 14 days. In addition to feeling the pangs of hunger and thirst, the skin, lips, and tongue crack, the nose bleeds because of the drying of the mucus membranes, heaving and vomiting may ensue because of the drying out of the stomach lining, and the victim may experience seizures.

Compared to starvation and dehydration, death by hanging, firing squad, or even the electric chair seems humane. But right now that death sentence is being carried out not against murderers, rapists, and child molesters, but on one of the most disabled in our midst.

Terri Schiavo is not on a respirator or any artificial life-support equipment. Any reasonable person who sees this woman reacting to her parents will realize she is not in a coma or, as is sometimes called, a persistent vegetative state.

Have we, as a Nation, become so callous that we have bought into the "quality of life" argument that some people simply are not worth the effort to protect and rehabilitate? I hope not.

SUPPORT BILL TO ELIMINATE TAX SHELTERS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, I rise to commend the members of the other Chamber for introducing bipartisan legislation to shut down abusive accounting tax shelters costing U.S. taxpayers over $18 billion every year and leaving middle-class Americans to pick up the tab.

Fairness and economic growth should be synonymous with the tax code. That is why I will introduce companion legislation to eliminate the way firms market tax shelters to their audit clients. This bill will eliminate tax shelters created by the accounting firms selling "tax advice" directly to publicly-traded companies whose books they regularly audit. As today's hearing on tax shelters in the other body will show, this process makes a mockery of auditor independence and creates irreconcilable conflicts of interest for auditors.

Mr. Speaker, the economic principle of transparency and the American value of accountability are essential to economic growth. These abusive accounting schemes do neither, burdening the middle class and slowing down our economic recovery. I am proud to support this real reform to get real results.

PLIGHT OF TERRI SCHINDLER SCHIAVO

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, Terry Schiavo smiles, tries to talk to her family and friends, and moves her arms and legs on command. But at the direction of her husband, and against the will of the rest of the family, her feeding tube was removed last Wednesday.

This is what Terri is experiencing right now in this, the 7th day of her court-ordered dehydration and starvation: Extreme thirst, nausea and stomach cramping, dry skin, dizziness, extreme headaches, cramping in her arms and legs because she is losing electrolytes, sodium and potassium in her blood. Her mouth is very dry. Her saliva is thick.

And as the abuse continues, soon her lips and her mouth will crack, she will bleed, and her heart rate will increase, her blood pressure will drop, and she will probably experience stroke. She will finally go into shock as her whole body begins to shut down.

No one, Mr. Speaker, deserves to be treated with such incredible cruelty. Terri's life is valuable and she should not be sentenced to death because she has a disability or someone feels she is a burden.

Hopefully, the Florida Legislature will act in time and the Governor will intervene.

PLEDGE OF ALLEGIANCE: PUBLIC ACKNOWLEDGMENT OF GOD IS AN OLD AMERICAN TRADITION

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, a steady assault on public religious expression undermines Americans' constitutional right to worship.

The Supreme Court announced it will hear a case alleging the phrase "under God" in the Pledge of Allegiance establishes a religion. Not at all. Acknowledging the Creator, in public, is an American tradition, not a religion.

The Declaration of Independence declares that all men were given rights to life, liberty, and the pursuit of happiness by their Creator. The Declaration ends with "A firm reliance upon the protection of Divine Providence." Abraham Lincoln at Gettysburg expressed his fervent hope that "This Nation under God shall have a new birth of freedom."

Mr. Speaker, the question before the Supreme Court is whether America's tradition of free expression of religion will continue or be further undermined by a new creed of hostility towards religion. I echo Benjamin Franklin, who requested that prayer begin the Constitutional Convention, and every session of Congress since then, because, as he acknowledged, "God governs in the affairs of men."

GOD IS ON OUR SIDE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, last week Army Lieutenant General William Boyken was embroiled in controversy over suggesting that in our struggle against the regime of Saddam Hussein, that God was on our side. One commentator on the Fox News Network said, and I am quoting now, "That it is 'folly' to argue that God takes sides on battlefields." It may be wise to ask the question, but as President Lincoln famously said, it is more relevant to ask whether we are on God's side, rather than whether God is on ours."

But to the General's point, that in our struggle against the tyranny of the murderous regime of Saddam Hussein, I say the General was right. It is written that "Where the spirit of the Lord is, there is liberty." And, therefore, in the struggle against tyranny in all of its forms, Mr. Speaker, God is not neutral in this cause in the struggle between freedom and tyranny, between dictatorship and human dignity. Let it be said that in this Congress, God is on our side. And may it ever be so.

PRIME MINISTER MUHAMMAD MAHATHIR OF MALAYSIA SHOULD NOT BE WELCOME IN THE U.S.

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, there comes a time in international diplomacy when we set aside diplomatic language and speak the truth from the heart.

Last week, Malaysia's Prime Minister Muhammad Mahathir took the coward's way out to blame his misrule on the Jews. He said, and I quote, "The Europeans killed 6 million Jews out of 12 million, but today the Jews rule this world by proxy. They get others to fight and die for them. They survived 2,000 years of pogroms not by hitting back but by thinking. They invented and successfully promoted human rights and democracy so that persecuting them would appear to be wrong, so that they may enjoy equal rights with others."

Mr. Speaker, the Prime Minister of Malaysia is an anti-Semite, a racist, and a bigot. He should not be welcome again in the United States. By following the path of Hitler and Stalin, the international community should work against Malaysian exports until this prime minister steps down.

COALITION REVITALIZING EDUCATION OF IRAQ'S CHILDREN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I am proud to announce that after visiting Iraq, I saw that after a decade of neglect, the children of Iraq are benefitting from their Coalition Provisional Authority and the United States Agency for International Development's revitalization of the country's education system.

Under Saddam Hussein and the Ba'ath Socialist Party's rule, schools fell into disrepair and teaching materials were scarce, distorted as propaganda, and outdated. Today, after the American military's success in Operation Iraqi Freedom, schools are being renovated, textbooks have been updated and distributed, and teachers and principals are being introduced to the most current standards of education.

As an example of the real difference we are making in children's lives, I have here a sample of the bookbags that we have given out. It includes essential items for education, pens, pencils, calculators, and notebooks without propaganda. 1.5 million of these student kits will be given out during the school year.

We are making meaningful progress in the war on terror and making a real difference in the quality of life for Iraqis and their children in order to protect the American people.

In conclusion, God bless our troops.

FOUR OUTSTANDING SENIORS FROM PLANO INDEPENDENT SCHOOL DISTRICT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, Texas is home to great schools, great teachers, and great students, and today I want to highlight four outstanding seniors from the Plano Independent School District who made perfect scores on their college entrance exams; four of them.

Greg Bussell of Plano East, Jennifer Wu of Plano West, and Brian Young of Plano Senior High all scored 1600 on their SATs, while Jeffrey Lin of Plano West received a 36, the highest possible on the ACT.

In addition to smarts and savvy, they all shine outside the classroom. Both Jennifer and Jeffrey play the violin in the orchestra, Greg stars in a school play, and Brian is on the school's academic decathlon team.

These students are shining examples of the best and brightest in Texas and in America, and they deserve a Lone Star-size applause. I want to congratulate them and tell them that we are proud of them.

□ 1015

CONSERVATIVES NOT WELCOME ON COLLEGE CAMPUSES

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, in last Friday's New York Times, columnist Thomas Friedman quoted some advice Richard Brodhead, the dean of Yale College, recently gave to incoming freshmen:

" Above all," Dean Brodhead told the students, "do not limit your associations to people who agree with you."

Yet as David Brooks pointed out in the September issue of the Atlantic Monthly magazine, the place where there is the least diversity today is on college faculties. Conservatives simply are not welcome, except for a few tokens in some places. As Mr. Brooks wrote, "No group of people sings the diversity anthem more frequently than administrators at our elite universities, but elite universities are amazingly undiverse in their values, politics, and mores. Professors, in particular, are drawn from a narrow segment of the population." Mr. Brooks pointed out that conservative students and professors may be one of the groups most discriminated in this country today.

Mr. Speaker, I hope our elite universities will strive for true diversity and academic freedom and allow at least a few conservatives to teach in their classrooms and speak on their campuses.

REMEMBERING GOVERNOR PRESTON SMITH

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to pay tribute and salute one of our fallen heroes in Texas, Governor Preston Smith, who lived a life of service from the 1940s into the 1950s when he served the State as Governor. I want to emphasize his commitment to education, as we battle in this House on the issue of Leave No Child Behind, as we find out that many of our educational leaders across the Nation are looking to us to give them and to provide them with a partnership to educate the Nation's children. I believe that his work in education helped the State of Texas reach its mission, or attempt to reach its mission, of lifting all boats.

One of the issues that he championed was the idea of teacher compensation and to ensure that the teachers in our classrooms were paid a respectable salary so they in fact could teach our children.

He loved the State and he served in the State senate. He was certainly someone who this State will miss because he loved us as we loved him. We say to his family our deepest sympathy; but more importantly, we are gratified for the opportunity he had to serve. And when he served, he promoted the people who needed him most, and those are the people whose voices could not be heard.

Mr. Speaker, we thank him for his service and know that his spirit will remain because he was truly a tall Texan, as he worked for all of us during the time he served the State of Texas; and we know that he will be considered a great Texan and a great American.

THREAT OF SADDAM HUSSEIN ELIMINATED

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, we have heard much in the press regarding weapons of mass destruction and the former Iraqi regime. I think it is important to note that both the Clinton and Bush administrations realized the powerful capacity for terror that Saddam Hussein openly wielded.

In 1998, President Clinton said, "If Saddam rejects peace and we have to use force, our purpose is clear. We want to seriously diminish the threat posed by Iraq's weapons of mass destruction program." In this statement, it is clear that the Clinton administration acknowledged weapons of mass destruction and was prepared to end Saddam Hussein's control of them. Even former Secretary of State Madeleine Albright admitted an Iraq capable of using "nuclear, chemical or biological weapons against us or our allies is the greatest security threat we face." The threat of

Saddam Hussein has been clear for decades. Finally, that threat has been eliminated.

STOP ARAB BASHING

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, some of these later speakers have talked about religious bigotry, and I think one of the things that if we care about what is going on in Iraq, they will stop the Arab bashing. The President was smart enough when he used the word "crusade" to realize that was a serious mistake because it raises issues from thousands of years ago.

On the one hand I agree with condemning Prime Minister Mahathir of Malaysia for his anti-Semitic remarks, but one has to use the same standard on the general who starts talking about "our God." In Ireland, where my family came from, God was on both sides. I do not know if the Catholics had him or the Protestants had him. Who is right?

When Members inject that into this debate, they simply inflame those people in the Shiite community and the Sunni community who see us as occupiers and destroyers of their religion. That means more people attack our people. That creates al Qaeda volunteers. Those are the people shooting our troops. Stop it.

HONORING FORMER GOVERNOR PRESTON SMITH

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Speaker, I rise today to remember a great American and a great man in Texas politics. Former Governor Preston Smith passed away Saturday at the age of 91. His impact on the State of Texas, especially in the area of education, is immeasurable. One of his many focuses during his years in politics was improving education in Texas. He was responsible for opening more colleges and universities than any other Governor in our State. Known as the people's Governor, it was not surprising to call his office and have him answer his own phone.

Just a few of his accomplishments during his tenure include the creation of four new State schools, a new University of Texas Medical School in Houston, the Texas Tech Medical School in Lubbock, Texas, the University of Texas dental branch and a nurses training school in San Antonio, a new undergraduate nursing school in El Paso, and an expansion of the University of Texas medical branch at Galveston.

Governor Smith was married 63 years to his loving wife, Ima, also a Texas Tech graduate, who died in 1998. A kind, caring soul, as her health declined, the Governor would walk into her bedroom each morning with a fresh-cut flower and a note.

Thousands of Tech students each day walk past a 9-foot bronze statue of Smith that stands in front of the administration building. He will continue to watch over Texas and Texas Tech for years to come. Texas, West Texas, and Lubbock are better places today because of the distinguished service of Governor Preston Smith.

MORATORIUM ON DEHYDRATION CASES IN FLORIDA

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, Terry Schiavo had her feeding tubes removed last Wednesday, and she may needlessly die. Last night, I spoke with Governor Jeb Bush about Terry, and he assured me that he and the Florida legislature are moving expeditiously to give him the powers to intervene to save her life and fulfill the wishes of Terry's parents. Terry's parents are in a last-minute battle to save her.

Governor Bush and the Florida legislature are taking the necessary steps. Three years ago, the circuit court ordered Terry's feeding tubes to be withdrawn; and despite the objections of Terry's parents and request to take custody and care for her, all court cases have failed. Terry is not unconscious. Terry is not on life support. She is not dying of an underlying disease, and she is responsive to human interaction.

This is a grave injustice. Yesterday, Governor Bush called for a special session to pass a moratorium on all dehydration cases in Florida. The Florida House passed this bill with Governor Bush's support, and the Florida senate will take it up today. Support the legislature and support Governor Bush in this effort to save this young lady's life.

PROVIDING FOR CONSIDERATION OF H.J. RES. 73, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 407 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 407

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 73) making further continuing appropriations for the fiscal year 2004, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. BASS). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. LINDER. Mr. Speaker, H. Res. 407 is a closed rule providing for the consideration of H.J. Res. 73, which is a continuing resolution that makes further appropriations for fiscal year 2004. The rule provides for 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution, and provides for one motion to recommit.

Mr. Speaker, this joint resolution provides an additional week of funding for government agencies because the fiscal year 2004 appropriations bills have not yet been enacted into law. Specifically, this resolution extends until November 7, 2003, the provisions of the previous continuing appropriations resolution that were to expire on October 31, 2003. In addition, this resolution conjoins the six fiscal year 2004 appropriations bills that have passed the House, but have not yet been considered by the other body.

Mr. Speaker, we are approaching the completion of the first session of this 108th Congress, and I urge my colleagues to join me in supporting this rule so we may proceed to the consideration of the underlying continuing resolution. While the House has passed each of the appropriations bills, it is clear that there are issues left to resolve in the other body that will require additional time to complete the work on the remaining appropriations bills. I am hopeful that the continuing resolution covered by this rule will give us the time we need to complete the appropriations process in a thoughtful and orderly manner.

The rule was approved by the Committee on Rules yesterday, and I urge my colleagues to support it so we may proceed with general date and consideration of the joint resolution. The House hopes to complete the appropriations process as soon as possible, and this resolution will provide the time to resolve the issues that remain outstanding.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the new deficit numbers came out yesterday, and they confirm what we already know: this Republican government has given America the biggest government deficit in our history, nearly $400 billion in fiscal year 2003, the year just concluded, plus an additional $500 billion deficit in fiscal year 2004, the year we just started, according to the Bush administration.

Mark my words, these Republican deficits will end up raising taxes, and worse, raising our children's taxes. The Republican leaders are going to do everything in their power to hide their abominable record of fiscal mismanagement.

Just listen to the Bush administration's Treasury Secretary in today's New York Times. He predicts that this jobless recovery will somehow magically add 2 million new jobs before next year's elections. He is saying this economy, which has lost nearly 3 million jobs since President Bush took office, the worse job records since Herbert Hoover and the Great Depression, is now going to create 200,000 new jobs a month. Perhaps the Bush administration still believes in Santa Claus, and perhaps they really believe that 2 million jobs will magically appear under the election Christmas tree next year; but the American people know a snow job when they see one. And make no mistake, they are seeing one today on the House floor.

Mr. Speaker, this so-called continuing resolution is a procedural shell game to hide Republican mismanagement of the government. This is not trick or treat, Mr. Speaker, just tricks. This entire process today makes clear that this is a Republican government that refuses to do its job, at the same time that too many hard-working Americans are still suffering from the Republican recession. While millions cannot find any jobs, Republicans refuse to do the job that they have and that taxpayers pay them to do

As my Republican friend on the Committee on Rules, the gentleman from Florida (Mr. GOSS), once said about another continuing resolution, "Congress is failing to fulfill its obligations in a timely and responsible way, choosing to fall back on one CR after another instead of putting in the time to do our jobs." Or as he said another time, "a continuing resolution erodes the credibility of the Congress."

☐ 1030

After misleading the American people for too long, neither this Republican Congress nor this Republican administration has much credibility to erode anymore. And as for "putting in the time to do our jobs," this Republican Congress hardly even bothers anymore. This House has not put in a full week's worth of work in months. And this week we are not even going to be here for 24 hours. It has gotten so bad that this resolution is the only so-called substantive legislation before the House this week, and everyone knows that it will not actually do anything. It is just a procedural shell which they will use to hide from the taxpayers the massive omnibus spending bill that they are going to sneak through this House later this year. And mark my words, when this resolution comes back to the House in its massive and bloated form, you will not even recognize it.

My friends in the majority will tell you that the House did its work. They will tell you that the other body caused the problem they are addressing today with this shell game. Mr. Speaker, they want Americans to forget one simple truth. The Republican Party controls the Senate just like it controls the House, just like it controls the White House and the entire executive branch. And Republicans refuse to use that power for the people still suffering from the second Bush recession and the third Republican recession in the past 20 years. For example, some 1.4 million Americans have been unemployed so long in this economy that they have exhausted their unemployment insurance. After the end of this year, Americans who lose their jobs, people like the nearly 3 million jobs lost since President Bush took office, will not be able to enroll in unemployment insurance. But Republicans refuse to help them before this Congress closes up shop for the year. Some will say that Republicans are simply incompetent, that they cannot figure out how to run the government. That would be bad enough. But I do not think it gives the Republican Party the credit it deserves, because this Republican government can be ruthlessly effective when its priorities are involved. Unfortunately for the American people, the priorities of this Republican government are largely limited to the political priorities of the Republican Party.

Mr. Speaker, time and again Republican leaders have proven their willingness to use their power over the government to get more power for the Republican Party. As the Washington Post suggested last week, Republicans are creating an almost Soviet-style system. They treat the people's government as just another arm of the Republican Party.

Republican leaders have moved heaven and earth to protect big corporate tax dodgers, but they will not give military and working families the same tax credit that they gave to the wealthiest. Just last week, House Republican leaders twisted enough arms to block a Democratic pay raise for the military which would have given soldiers in Iraq and Afghanistan a $1,500 bonus, but they cannot be bothered to do anything about high health care costs. And earlier this year TOM DELAY's office used Federal resources to track down his legislative opposition in Texas, and even urged the FBI to arrest the Democratic State legislators who dared to stand up to him. But now House Republican leaders will not use the Federal resources of the Congress to help the millions of Americans who need unemployment insurance in the midst of President Bush's jobless recovery.

Mr. Speaker, this is not a government of the people, by the people and for the people. It is a government of the Republican Party, by the Republican Party and for the Republican Party. And if the Republican Party wants this Republican government to raise the debt tax on Americans, while at the same time shortchanging education and veterans' health care, then they should at least have the courage to be honest with the public about it.

So I urge my colleagues to oppose this rule. Do not help the Republican leaders keep Americans in the dark this year.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the gentleman for yielding me this time.

Mr. Speaker, let me share with my colleagues my initial thoughts as I was beginning to read the continuing resolution that was on the floor of the House. I read it with disbelief. I was reading and thought maybe that there had been a misprint. And so I come to oppose this rule, because I happen to come from the school of thought that this House and this body, this Congress, has to do its work on behalf of the American people.

I join in acknowledging that we are now facing the largest deficit that we have had in the last decade, or at least in the last 5 years since we were able to undermine that deficit in 1993 with House Democrats, not one single Republican vote, on that budget resolution that provided us in the spring of 2001 with a $5.3 trillion projected surplus over the next 10 years. That, of course, has gone to heck in a handbasket because we do not have that surplus anymore. What we have is the $400 billion deficit of 2003 and now projected $500 billion deficit in 2004. But what we also have is an $87 billion supplemental that is still sitting on the table and we have no way of paying for it. This resolution wants us to put in place, as standing bills, five House bills without any consultation with the other body and any conference.

How do we know, for example, that we have put in more money for NASA safety dollars after the *Columbia 7* tragedy? Have we put any money for food security in the foreign operations bill when we have given millions of dollars to the countries that are facing famine like Ethiopia to feed them, but we have given no money to provide them with the opportunity for irrigation and food science, agricultural science so they can learn to feed themselves, as opposed to giving them only moneys to help feed them during this famine? Do we have any hope for a good Medicare bill that is now in conference? Is there any debate on that where we are now raising the cost of Medicare for our seniors and leaving many seniors aside? Is our appropriations process going to be able to address the question of how we fund Medicare? None of that is taken into account in this continuing resolution. It is a blind eye, if you will, a blind-sided effort to come to this floor and blindside us with smoke and mirrors by telling us to vote for a continuing resolution that will not work. And then for them to say that we are going to make these bills, Commerce-Justice, Foreign Ops, VA-HUD, the bills that we will ultimately pass is ludicrous, is outrageous, they know it will never happen. And then the real question is, how are we going to pay for all of this?

I would ask my colleagues to vote against this rule and vote against this continuing resolution.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, every year this House has a responsibility to pass the 13 appropriations bills that fund the activities of the Federal Government. Once the House passes those bills, the United States Senate is supposed to pass them. After that, the House and the Senate get together on a conference committee to resolve the differences between the two versions. Those final bills are passed and then sent to the President for his signature. This is all supposed to happen before the fiscal year ends on September 30.

I think it is important to review this material from the perspective of a ninth grade civics class because the Republican leadership seems to have forgotten it. Despite the fact that they control the House, they control the Senate, they control the White House, they even control the courts, they cannot seem to get their act together and do the people's work. So we are forced once again to pass a continuing resolution.

It used to be that the Republicans blamed President Clinton for all the delays in legislation. They really got good at blaming him for everything. In fact, I think they kind of miss him. I know I do because the economy was so good and the budget was in surplus. Now, the economy under their leadership is lousy, and we have record deficits. In fact, we have the largest deficit in the history of the United States of America. Then the Republicans used to blame the Democratic Senate for everything. That excuse is gone now, too. We are here for one simple reason. The majority of this House has failed. They did not do their job. They do not want to do their job. And the American people deserve to know that. And what is really amazing is that the House is in session for a day and a half this week. It is Tuesday and this is the last day of business scheduled for the week. I am not sure about other parts of the country, Mr. Speaker, but in Massachusetts, a workweek is generally 5 days and sometimes it is longer, given that in this economy, people have to work sometimes two or three jobs. I doubt that firefighters or steelworkers or teachers or accountants in my district could skip work on Wednesday, Thursday and Friday and expect to get a full paycheck.

The American people deserve a Congress that functions, that does the job given to it by the Constitution and they are not getting it. We all know what is going to happen in the next few weeks. We are going to see some huge, omnibus bill that a few people in a back room have worked out over pizza and cigars and be told that it is a fait accompli, take it or leave it, all because the leadership cannot or will not do their jobs. They did not do their job on the Iraq supplemental because we were not allowed to debate and vote on amendments, amendments that would have paid for the package, as opposed to adding $87 billion to the national credit card burdening our children and our grandchildren with debt.

This continuing resolution represents failure and not progress. But failure, Mr. Speaker, has become business as usual around here. Mr. Speaker, we are supposed to be a deliberative body. We are supposed to debate issues. We are supposed to amend bills to make them better to represent the concerns of our constituents. Unfortunately, Mr. Speaker, we have a leadership in this House that does not believe in democracy, that does not believe in open debate, that does not believe in the deliberative process. We have a Committee on Rules that kind of acts like the State of California. It does not believe in debate. The fact of the matter is under the Constitution, this is supposed to be a deliberative body. We should debate issues regarding education, regarding unemployment, regarding the economy, regarding health care, regarding things that matter to our constituents each and every day. Yet under this process, we are just kind of kicking the ball down the field and we are told we are going to put this off for another day. And when we put it off, it is going to come back to us in a huge package and no one is going to know what is in the bill.

This process is broken. The American people need to understand that the Republican leadership in this House is not doing its job. The Republicans wanted power. It appears they wanted power just for the sake of power. The fact of the matter is they cannot even get along with each other. This is a disgrace that we are at this moment. I would urge my colleagues to vote "no" on the rule.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, once again we are being asked to pass a resolution that keeps the government open because Congress has not finished its work on appropriation bills. That is not unprecedented. Many times in the past we have faced this situation. But I do think that it is harder to understand when we have one party in control of all of the tools of government. When one party is in control of the Presidency and both the House and the Senate, it ought to be somewhat easier to get the work done on time. Over the past 34 years, one party has been in control of all three of those power centers, the Presidency, the Senate and the House, 6 years. The average number of appropriation bills that had been passed by the time the fiscal year ended in those 6 years was twice as high as it is today. Today we have only three appropriation bills passed. That, in my view, is no reflection whatsoever on the majority leadership of the Appropriations Committee. I think if things were left to the committee, we would be much further along the road. The reason that we have not completed our work is largely because the majority party leadership in this House has determined that they only want to pass appropriation bills on the majority party's side of the aisle.

The majority party has a right to define itself and lay out what its first preferences are. The minority party has a similar right and obligation. But then both parties, in the end, are supposed to seek a way to resolve those differences. I recognize, being a member of the minority, that the majority party is likely to, and under our system is entitled to, win most of those fights. That is the way the system works. But for the good of the system and for the good of both parties, there are some occasions where the issues are so tight that you can use a little help across the aisle.

☐ 1045

And it is the obligation of the minority party to try to do that if and when some legitimate compromises are made, not so that the minority party wins the argument on those bills but so that the minority party can at least feel that some of its concerns have been modestly attended to. That has not been the case in this Congress on appropriation bills and outside of the appropriation realm.

I, for the life of me, do not understand why we do not have bills on energy and water before us, why we do not have the military construction bill before us. On bills like that, those are relatively simple bills. They are normally fairly noncontroversial, and on bills like that what we have today is the majority in a fight with itself, and so far it has not been able to triumph. So we are stuck with those bills in limbo. On the labor, health, education bill, which I had hoped would be passed on a bipartisan basis eventually, we are stuck because the majority party is insisting on a fairly extreme approach to that bill.

The administration asked the Congress to vote for No Child Left Behind. We did. But now the funding for No Child Left Behind is being left behind.

The bill that we have on labor-H is some $7 billion short of where it ought to be in order to meet those promises.

And then we have similar problems with respect to the Commerce-Justice-State bill where efforts are being made to pretend that more money is being provided to local law enforcement than in fact is being provided because to understand what is being provided, we have to compare both homeland security and regular crime funding.

So, Mr. Speaker, I would simply say that we could be a lot further along if there was any indication whatsoever that there would be a conciliatory approach coming on any of these bills from the majority side of the aisle. Even outside of the appropriations process, we see efforts made to really radically change Medicare in the prescription drug bill, whereas if people were to back off of that, we could easily pass a decent prescription drug bill.

So I would say, I used to think we had a good shot at getting out of here by November 1. It is obvious we are going to be very lucky, Mr. Speaker, to get out of here by Thanksgiving. I regret that because I think the longer the Congress is in session, the more damage is being done to the Republic. But because of these disagreements we will be here next week with another continuing resolution. The Members can bet on it. I just hope that sooner or later the majority party recognizes that in the minority they have a willing partner in passing some of these if they are willing to compromise in the slightest on some of these issues before us.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the ranking member of the Committee on Rules for yielding me this time.

Mr. Speaker, we are all going to vote for this CR; but I think as we consider it, it is appropriate for us to reflect on the allegations of mismanagement that were made over the years about how Democrats ran this House, to reflect on that and relate it to present performance and look at how well the appropriations process has been managed since the Republicans took over in 1995.

I want to look at the facts here. It is now October 21, 21 days since the start of the fiscal year, 2004, and this Congress has passed and President Bush has signed only three of the 13 annual spending bills into law: defense, homeland security, and the legislative branch appropriation bill. The Members will notice in addition that the military construction bill, one of the least controversial bills considered by this House every single year, is still mired in conference, although I would observe it is going to have maybe the distinction of being the only real conference that we have had in some period of time. If that is not indicative of this Congress's mismanagement, then I am not sure what is.

The fact of the matter is since the majority party regained the House majority, this Congress has had to pass an omnibus appropriation bill in 7 out of 9 years. That is right. In only 2 years since consideration of the fiscal 1996 spending bill did this Congress pass stand-alone legislation for all 13 appropriation bills. By comparison, and I hope everybody on my side of the aisle will note this, and the other side of the aisle, of course, will discount it and not believe it, by comparison in fiscal year 1994, that is 1993, and fiscal year 1995, that is 1994, when we had a Democratic President, Bill Clinton, and a Democratic Congress, we passed every single spending bill as a stand-alone piece of legislation, every one, which meant that we could fully debate and not hide anything in those bills.

Mr. Speaker, the Members of our side of the aisle can hardly wait to hear what excuse is now used by our colleagues on the majority side for failing to complete the appropriation work on time. It is going to be tough to blame poor Senator DASCHLE who was the scapegoat last year when not only did we not pass the fiscal year in the year in which we were supposed to, we had to go to the next year and did not pass most appropriation bills until January of the following year. They certainly cannot blame the Democrats on this side because we do not make many decisions on this side.

So what is their excuse? We all know what the truth is, and it is not that the gentleman from Florida (Mr. YOUNG), the chairman of our committee, or anybody on the committee has mismanaged the appropriation process. It is the direct result of the majority party's inability to agree with itself. It is an affliction that is not just holding up the appropriations process. It is also preventing us from passing an energy bill, from extending the child tax credit to 6.5 million working American families, and from giving our seniors a real prescription drug benefit that is not designed to destroy Medicare. The truth is we have not completed our work on time and the majority party is the only group that is responsible for this failure.

Mr. Speaker, we will vote for this continuing resolution, which is an admission and a perfect example of not getting the work done that the American people expect us to get done on time and for their benefit and for the benefit of this country.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I urge my colleagues to support this rule.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 219, nays 189, not voting 26, as follows:

[Roll No. 566]

YEAS—219

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood

Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—189

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dooley (CA)
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—26

Andrews
Bell
Burton (IN)
Case
Coble
Cubin
Doggett
Engel
Fletcher
Gallegly
Gephardt
Kelly
Leach
Lewis (GA)
Marshall
McCollum
Owens
Ramstad
Rangel
Reyes
Sanchez, Loretta
Slaughter
Vitter
Wexler
Whitfield
Young (AK)

□ 1117

Messrs. ISRAEL, DAVIS of Illinois, CRAMER, HALL, and JOHN changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1117

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution (H.J. Res. 73) making further continuing appropriations for the fiscal year 2004, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 407, I call up the joint resolution (H.J. Res. 73) making further continuing appropriations for the fiscal year 2004, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 73 is as follows:

H.J. RES. 73

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 108–84 is amended by striking the date specified in section 107(c) and inserting "November 7, 2003".

SEC. 2. Section 8144(b) of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), as amended by Public Law 108–84, is further amended by striking "October 31, 2003" and inserting "November 7, 2003".

SEC. 3. Section 8091(b) of the Department of Defense Appropriations Act, 2004 (Public Law 108–87) is hereby repealed.

SEC. 4. The provisions of the following bills of the 108th Congress are hereby enacted into law:

(1) AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES.—H.R. 2673, as passed by the House of Representatives on July 14, 2003.

(2) COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES.—H.R. 2799, as passed by the House of Representatives on July 23, 2003.

(3) DISTRICT OF COLUMBIA.—H.R. 2765, as passed by the House of Representatives on September 9, 2003.

(4) FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS.—H.R. 2800, as passed by the House of Representatives on July 24, 2003.

(5) TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES.—H.R. 2989, as passed by the House of Representatives on September 9, 2003.

(6) VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES.—H.R. 2861, as passed by the House of Representatives on July 25, 2003.

The SPEAKER pro tempore. Pursuant to House Resolution 407, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, the legislation before the House, H.J. Res. 73, is the second continuing resolution for fiscal year 2004. As you know, the current CR expires on October 31, 2003. This bill will extend the CR through November 7, 2003, but more importantly it will provide a vehicle to address the remaining six appropriations bills that have been passed by the House but that have not been passed by the Senate as of today.

These bills are the following: the Agriculture appropriations bill; the Commerce, Justice, State and Judiciary appropriations bill; the appropriations bill for the District of Columbia; the Foreign Operations appropriations bill; the Transportation and Treasury appropriations bill, and the VA, Housing and Urban Development appropriations bill.

Section 4 of this CR, H.J. Res. 73, will consolidate these six bills for the purpose of finishing the remaining appropriations bills. As you are aware, the House has passed all 13 regular appropriations bills and last week passed a supplemental appropriations for fiscal year 2004.

Three very important bills have already been signed into law, the Defense appropriations bill, the Homeland Security appropriations bill, and the Legislative Branch appropriations bill, which was also the vehicle for a supplemental appropriations for natural disasters and forest fires. We continue to move forward on conferences with the other body on four bills that they have passed.

We hope to have the conference reports for Energy and Water, Military Construction, Interior, and Labor and Health and Human Services ready for House consideration as early as next week.

Mr. Speaker, I believe the CR itself is noncontroversial. I urge the House to move this legislation through the Senate so the government can continue to operate smoothly and efficiently so that we can come closer to finishing our regular appropriations bills.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I think Members need to understand where this CR fits in the scheme of things. As the chairman of the committee, the gentleman from Florida (Mr. YOUNG), has indicated, this continuing resolution when it moves to the Senate will become the vehicle by which the committee deals with the omnibus appropriations bills or the bills that will be included in the omnibus bill.

That will mean that the real CR will have to be brought up next week. And at that time we will see a continuing resolution that keeps the government open to a date somewhere between November 15 and Thanksgiving, I presume. I sincerely hope that by Thanksgiving there will be no need for additional CRs, but I am very skeptical that that will be the case. I am afraid that it is beginning to look a lot like Christmas. I hope that that is not true, but I suspect it may be.

So having already said everything that needs to be said on the CR, I am prepared to yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. OBEY) and the committee for all of the support and the cooperation that we have had. As I have said numerous times on the floor, with the cooperation of the gentleman from Wisconsin (Mr. OBEY) we have managed all of our bills well on time to have concluded by the end of the year. But we are only one House of the Congress.

We will work with our partners in the Senate to conclude this business of appropriations as early as we possibly can.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I simply want to observe, as I think the gentleman from Maryland (Mr. HOYER) indicated this morning, that last year when we had so many appropriation bills not passed until the next session of Congress, the cry we frequently heard on the majority side of the aisle was that "The Senate made me do it." And they were all too eager to blame the Senate for the fact that most appropriation bills had gone nowhere.

As the saying goes, this year they do not have Senator DASCHLE to kick around anymore with the Democrats being in the minority. And so I think it will be interesting to see whether or not the majority sooner or later can either end its debate with itself or else on several of these bills reach across the aisle and try to work out a more bipartisan solution.

I know the gentleman from Florida (Mr. YOUNG) has certainly tried, and I believe I have tried; but sometimes things are settled at a level above our pay grade. That is the way life is, and that is the way this institution is.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I urge that we pass this CR and get the process moving, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The joint resolution is considered read for amendment, and pursuant to House Resolution 407 the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

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RECESS

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for approximately 5 minutes.

Accordingly (at 11 o'clock and 30 minutes a.m.), the House stood in recess for approximately 5 minutes.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore at 11 o'clock and 39 minutes a.m.

GRADUATE OPPORTUNITIES IN HIGHER EDUCATION ACT OF 2003

Mr. HOEKSTRA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3076) to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Graduate Opportunities in Higher Education Act of 2003".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 2. JAVITS FELLOWSHIP PROGRAM.

(a) INTERRUPTIONS OF STUDY.—Section 701(c) (20 U.S.C. 1134(c)) is amended by adding at the end the following new sentence: "In the case of other exceptional circumstances, such as active duty military service or personal or family member illness, the institution of higher education may also permit the fellowship recipient to interrupt periods of study for the duration of the tour of duty (in the case of military service) or not more than 12 months (in any other case), but without payment of the stipend.".

(b) ALLOCATION OF FELLOWSHIPS.—Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended—

(1) in the first sentence, by inserting "from diverse geographic regions" after "higher education"; and

(2) by adding at the end the following new sentence: "The Secretary shall also assure that at least one representative appointed to the Board represents an institution that is eligible for a grant under title III or V of this Act.".

(c) STIPENDS.—Section 703 (20 U.S.C. 1134b(a)) is amended—

(1) in subsection (a)—

(A) by striking "1999-2000" and inserting "2004-2005";

(B) by striking "shall be set" and inserting "may be set"; and

(C) by striking "Foundation graduate fellowships" and inserting "Foundation Graduate Research Fellowship Program"; and

(2) in subsection (b), by amending paragraph (1)(A) to read as follows:

"(1) IN GENERAL.—(A) The Secretary shall (in addition to stipends paid to individuals under this subpart) pay to the institution of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided in subparagraph (B), such allowance shall be, for 2004-2005 and succeeding academic years, the same amount as the institutional payment made for 2003-2004 adjusted for 2004-2005 and annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 705 (20 U.S.C. 1134d) is amended by striking "fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years".

SEC. 3. GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED.

(a) DESIGNATION OF AREAS OF NATIONAL NEED; PRIORITY.—Section 712 (20 U.S.C. 1135a) is amended—

(1) in the last sentence of subsection (b)—

(A) by striking "and an assessment" and inserting "an assessment"; and

(B) by inserting before the period at the end the following: ", and the priority described in subsection (c) of this section"; and

(2) by adding at the end the following new subsection:

"(c) PRIORITY.—The Secretary shall establish a priority for grants in order to prepare individuals for the professoriate who will train highly-qualified elementary and secondary school teachers of math, science, and special education, and teachers who provide instruction for limited English proficient individuals. Such grants shall offer program assistance and graduate fellowships for—

"(1) post-baccalaureate study related to teacher preparation and pedagogy in math and science for students who have completed a master's degree or are pursuing a doctorate of philosophy in math and science;

"(2) post-baccalaureate study related to teacher preparation and pedagogy in special education and English language acquisition and academic proficiency for limited English proficient individuals; and

"(3) support of dissertation research in the fields of math, science, special education, or second language pedagogy and second language acquisition.".

(b) COLLABORATION REQUIRED FOR CERTAIN APPLICATIONS.—Section 713(b) (20 U.S.C. 1135b) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new paragraph:

"(10) in the case of an application for a grant by a department, program, or unit in education or teacher preparation, contain assurances that such department, program, or unit collaborates with departments, programs, or units in all content areas to assure a successful combination of training in both teaching and such content; and".

(c) STIPENDS.—Section 714(b) (20 U.S.C. 1135c(b)) is amended—

(1) by striking "1999-2000" and inserting "2004–2005";

(2) by striking "shall be set" and inserting "may be set"; and

(3) by striking "Foundation graduate fellowships" and inserting "Foundation Graduate Research Fellowship Program".

(d) ADDITIONAL ASSISTANCE.—Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amended—

(1) by striking "1999-2000" and inserting "2004–2005"; and

(2) by striking "1998-1999" and inserting "2003–2004".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 716 (20 U.S.C. 1135e) is amended by striking "fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years".

(f) TECHNICAL AMENDMENTS.—Section 714(c) (20 U.S.C. 1135c(c)) is amended—

(1) by striking "section 716(a)" and inserting "section 715(a)"; and

(2) by striking "section 714(b)(2)" and inserting "section 713(b)(2)".

SEC. 4. THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

(a) CONTRACT AND GRANT PURPOSES.—Section 721(c) (20 U.S.C. 1136(c)) is amended—

(1) by amending paragraph (2) to read as follows:

"(2) to prepare such students for study at accredited law schools and assist them with the development of analytical skills and study methods to enhance their success and promote completion of law school;";

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(6) to award Thurgood Marshall Fellowships to eligible law school students—

"(A) who participated in summer institutes authorized by subsection (d) and who are enrolled in an accredited law school; or

"(B) who are eligible law school students who have successfully completed a comparable summer institute program certified by the Council on Legal Educational Opportunity.".

(b) SERVICES PROVIDED.—Section 721(d)(1)(D) (20 U.S.C. 1136(d)(1)(D)) is amended by inserting "in analytical skills and study methods" after "courses".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 721(h) (20 U.S.C. 1136(h)) is amended by striking "1999 and each of the 4 succeeding fiscal years" and inserting "2004 and each of the 5 succeeding fiscal years".

(d) GENERAL PROVISIONS.—Subsection (e) of section 731 (20 U.S.C. 1137(e)) is repealed.

SEC. 5. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

(a) CONTRACT AND GRANT PURPOSES.—Section 741(a) (20 U.S.C. 1138(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) the encouragement of the reform and improvement of, and innovation in, postsecondary education and the provision of educational opportunity for all, especially for the non-traditional student populations;";

(2) in paragraph (2), by inserting before the semicolon at the end the following: "for postsecondary students, especially those that provide academic credit for programs";

(3) by amending paragraph (3) to read as follows:

"(3) the establishment of institutions and programs based on the technology of communications, including delivery by distance education;"; and

(4) by amending paragraph (6) to read as follows:

"(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering postsecondary institutions and pursuing programs of postsecondary study tailored to individual needs;".

(b) AREAS OF NATIONAL NEED.—Section 744(c) (20 U.S.C. 1138c(c)) is amended by striking paragraph (4) and inserting the following:

"(4) International cooperation, partnerships, or student exchange among postsecondary educational institutions in the United States and abroad.

"(5) Establishment of academic programs including graduate and undergraduate courses, seminars and lectures, support of research, and development of teaching materials for the purpose of supporting faculty and academic programs that teach traditional American history (including significant constitutional, political, intellectual, economic, diplomatic, and foreign policy trends, issues, and documents; the history, nature, and development of democratic institutions of which American democracy is a part; and significant events and individuals in the history of the United States).

"(6) Support for planning, applied research, training, resource exchanges or technology transfers, the delivery of services, or other activities the purpose of which is to design and implement programs to enable institutions of higher education to work with private and civic organizations to assist communities to meet and address their pressing and severe problems, including economic development, community infrastructure and housing, crime prevention, education, healthcare, self sufficiency, and workforce preparation.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 745 (20 U.S.C. 1138d) is amended by striking "$30,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "$40,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years".

SEC. 6. URBAN COMMUNITY SERVICE.

Part C of title VII (20 U.S.C. 1139 et seq.) is repealed.

SEC. 7. DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

(a) SERVING ALL STUDENTS WITH DISABILITIES.—Section 762(a) (20 U.S.C. 1140a(a)) is amended by striking "students with learning disabilities" and inserting "students with disabilities".

(b) AUTHORIZED ACTIVITIES.—

(1) AMENDMENT.—Section 762(b)(2) is amended—

(A) in subparagraph (A), by inserting "in order to improve retention and completion" after "disabilities";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (E), respectively;

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) EFFECTIVE TRANSITION PRACTICES.—The development of innovative, effective, and efficient teaching methods and strategies to ensure the smooth transition of students with disabilities from high school to postsecondary education."; and

(D) by inserting after subparagraph (C) (as redesignated by subparagraph (B) of this paragraph) the following new subparagraph:

"(D) DISTANCE LEARNING.—The development of innovative, effective, and efficient teaching methods and strategies to provide faculty and administrators with the ability to provide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of electronic communication for instruction and advisement.".

(2) CONFORMING AMENDMENT.—Section 762(b)(3) is amended by striking "subparagraphs (A) through (C)" and inserting "subparagraphs (A) through (E)".

(c) APPLICATIONS.—Section 763 (20 U.S.C. 1140b) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) a description of how such institution plans to address the activities allowed under this part;";

(2) by striking "and" at the end of paragraph (2);

(3) by striking the period at the end of paragraph (3) and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(4) a description of the extent to which an institution will work to replicate the best practices of institutions of higher education with demonstrated success in serving students with disabilities.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 765 (20 U.S.C. 1140d) is amended by striking "fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3076.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3076, the Graduate Opportunities in Higher Education Act, a bill that will not only build upon the successes of our graduate education programs, but will also help fulfill areas of critical National need which will help trigger improvement at all levels of education, including K–12.

I would like to thank my colleagues on both sides of the aisle, particularly the ranking member of the subcommittee, the gentleman from Texas (Mr. HINOJOSA) who, again, we have been very able to work very well together, and his cooperation has been able to bring these bills together in a bipartisan way.

We all recognize the importance of graduate education, particularly as we work to meet the challenges of the No Child Left Behind Act and place a highly-qualified teacher in every public school classroom by the 2005–2006 school year. I believe the legislation before us today will help our States and schools as they strive to achieve that important goal.

The Federal Government has long been involved with graduate-level education, providing fellowships that assist students who excel in their chosen fields to complete education beyond the baccalaureate level. These programs have been tremendously successful, encouraging in-depth study and creating knowledgable experts, particularly in subject areas facing national need.

Graduate education authorized under Title VII of the Higher Education Act produces immeasurable benefits for our Nation. Not only do these programs enrich our citizenry, but they also nurture discovery and innovation that will some day lead to medical and technological advancements. Graduate programs train the next generation of teachers, researchers, engineers, doctors, lawyers, poets and professors. These individuals will be vitally important in preparing the United States to meet the challenges of the future.

Title VII of the Higher Education Act authorizes three graduate fellowship programs, the Graduate Assistance in Areas of National Need program, the Jacob K. Javits Fellowship program, and the Thurgood Marshall Legal Educational Opportunity program.

Collectively, they encourage students to advance their knowledge in scientific and technical fields, the arts and humanities, and legal studies by providing financial assistance as well as support services to those displaying academic excellence in their field of study.

Each year, Congress appropriates nearly $45 million to assist these students in pursuing their goals. The Graduate Opportunities and Higher Education Act seeks to build upon the success of these programs by targeting fellowships in subject areas facing national need, not only at the graduate level, but also by encouraging study of subject areas where there are shortages in K–12 education as well. This will help to expand the number of educators prepared to train the teachers of tomorrow in critical subject areas such as math, science, and special education. By placing a priority on these subject areas with a demonstrated national need, graduate fellowships will serve to strengthen education from the halls of universities down to the classrooms filled with children.

In addition to placing a priority on these three subject areas, the Graduate Opportunities in Higher Education Act also recognizes the rapidly-growing need for teachers prepared to meet the needs of students with limited English proficiency. The Graduate Opportunities and Higher Education Act is an essential piece of our higher-education reform efforts. By strengthening graduate education and targeting the Federal investment towards those areas facing demonstrated need, we cannot only improve graduate education but education at all levels in this Nation.

I encourage my colleagues to join me in supporting this important piece of legislation and help make our already successful graduate education programs even better.

Mr. Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of in support of H.R. 3076, the Graduate Opportunities in Higher Education Act. I would like to commend our subcommittee chairman, the gentleman from Michigan (Mr. HOEKSTRA); the chairman of the full committee, the gentleman from Ohio (Mr. BOEHNER); and our ranking member, the gentleman from California (Mr. GEORGE MILLER) for the way they have managed this process, enabling us to bring this bipartisan measure to the House floor today.

This bill reauthorizes Title VII of the Higher Education Act. Although it only represents a small percentage of the Federal investment in higher education, it is a critical investment. This education legislation reaffirms the Federal interest in promoting access to advanced and professional degrees, as well as assisting colleges and universities in meeting the needs of the growing number of students with disabilities who aspire to earn college degrees.

This legislation make important improvements to our graduate education programs. If we are to reach our goal of ensuring that there is a highly-qualified teacher in every classroom, we must address our teacher preparation pipeline in its entirety.

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In No Child Left Behind we addressed the need for professional development and mentoring for teachers already in our schools. In the Ready to Teach Act, we worked on improving the preparation of new teachers. And now, in the Graduate Opportunities in Higher Education Act, we are going to address faculty shortages in our colleges of education, especially in the fields of math, science, special education, and teaching of limited English proficiency students to ensure that our teacher colleges have the well-prepared faculty to prepare new teachers and conduct the scientifically-based research that will be used to inform instruction in classrooms across the whole country.

This is an important addition to the Higher Education Act, and I thank the chairman for working with us to include it in this bill.

I am also pleased that this bill reauthorizes and makes improvements to the Thurgood Marshall Legal Educational Opportunity Program, demonstration projects to ensure that students with disabilities receive a quality higher education and the funds for the improvement of postsecondary education.

Mr. Speaker, I would like to commend the staff on both sides of the aisle on a job well-done in preparing this legislation. In particular, I would like to recognize the work of Alison Ream for the majority, and I would like to recognize Mr. Ricardo Martinez for this side of the aisle.

Again, thank the chairman for working to bring forward a bill that we can all support.

Mr. Speaker, I reserves the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I thank the gentleman for yielding me this time and for shepherding this legislation through the committee in a truly bipartisan fashion. I think it is well-written and well-received by everyone concerned, so I would like to express my support for H.R. 3076.

H.R. 1, better known as No Child Left Behind, certainly raises the bar regarding teacher qualifications. And so to do this, we will need to improve our teacher training programs at the post-secondary level.

We are currently experiencing a teacher shortage crisis of tremendous magnitude across the country, especially in the areas of math, science, special ed, and bilingual language teachers. My daughter, actually, is an English-as-a-second-language teacher, and I realize how scarce these teachers are. This bill will especially improve teacher training in these underserved areas.

Another area of the legislation that really appeals to me is that it provides for some competitive grant programs to encourage innovation and reform in higher education. So often, in our teachers' colleges, we see things done the same way they were done 20 years ago, and so I think this is badly needed, to have some innovative creative ideas. So these grants, I think, will serve us well.

So I think this is an excellent piece of legislation, Mr. Speaker. I endorse it wholeheartedly, as I think everyone on the Committee on Education and the Workforce does, and I thank the chairman for his efforts in this regard.

Mr. HOEKSTRA. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. EHLERS), a member of the Committee on Education and the Workforce.

Mr. EHLERS. Mr. Speaker, I commend both the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Michigan (Mr. HOEKSTRA) for their work on the Graduate Opportunities in Higher Education Act. I also thank the committee staff for working to address my concerns surrounding the Graduate Assistance in Areas of National Need program, better known as the GAANN program.

I also commend the Secretary of Education for identifying as the current areas of national need biology, chemistry, computer and information sciences, engineering, geological and related sciences, and math and physics.

There is good reason for him to do so: It is estimated that more than half of the economic growth of the United States today results directly from research and development in science and technology. The effectiveness of the United States in promoting economic growth will be largely determined by the intellectual capital of the United States. Education is critical in developing this resource.

Currently, a shortage exists of scientists, engineers and other technology-proficient workers. It is hard to believe that when we have an economy, as we have right now, with massive unemployment, but there are an estimated 200,000 open positions for scientists, engineers, and technology professionals. This is in addition to approximately 200,000 H-1B visa recipients who are currently in the United States filling other technical positions.

Unfortunately, the United States enrollment in both undergraduate and graduate mathematics, science and engineering majors is lower than enrollment in most other majors, and enrollment has been on the decline over the past decade. Especially worrisome is the fact that enrollments in undergraduate engineering which is training for a key specialty that we need in our manufacturing work, has declined steadily for 20 years. Graduate enrollment in engineering, however, has increased. How can that be? The difference is students from other countries coming in to do graduate work in our country because we are not producing enough students at the undergraduate level to fill the available graduate spaces. That is not good for the long-term health of our economy and our country.

This declining enrollment affects the education of our prospective elementary and secondary mathematics and science teachers as well. Teachers provide the essential connection between students and the content they are learning. Student performance on the recent Third International Mathematics and Science Study highlights the shortcomings of current K-12 science and mathematics education in the United States, particularly when compared to other countries. We must expect more from our Nation's educators and students if we are to build on the accomplishments of previous generations.

New methods of teaching mathematics and science are required, as well as better curricula and improved training of teachers. Just to illustrate that, the TIMSS study I mentioned showed that we are near the bottom of all developed nations in the accomplishments of our high school students in science in general. We are even lower in the performance of our students in mathematics, and we are dead last out of all developed nations in the performance of our high school physics students. Clearly, we need improvements if we are going to continue discoveries and the growth of our economic engine.

To achieved improved training of teachers, this legislation establishes a priority for grants under the GAANN program in order to prepare individuals for the professoriate who are committed to training highly-qualified elementary and secondary school teachers of mathematics and science. I encourage the secretary to provide priority to departments that engage in such activities, and encourage the secretary to regard departments of mathematics and science, as well as departments of engineering, as departments that may provide such activities. Already, departments of engineering have demonstrated a focus on preparing highly-qualified elementary and secondary mathematics and science teachers. We must have those teachers in the K-12 system. If we do not, we are not going to solve the problem, and we will continue to be short on trained technical personnel, we will continue to suffer in our economy.

Mr. HINOJOSA. Mr. Speaker, I yield back the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume to, once again, thank my colleague for working with us. I think we have developed a great partnership on this subcommittee. We had a great hearing down in the gentleman's district, a couple of weeks ago, in Texas. We had a very, very good hearing, a very, very good roundtable, and a delicious dinner together with great hospitality. And I just want to publicly express my appreciation for the cooperation in that process and also the continued partnership on the legislation coming through this committee.

Mr. HINOJOSA. Mr. Speaker, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from Texas.

Mr. HINOJOSA. Mr. Speaker, I would like to also express my appreciation for the way in which the gentleman conducted the hearing that we had here in Washington, wherein you brought in experts to show us the great demand that there is for programs and for classes and the shortage that we have of faculty, prepared faculty, in the colleges and universities. And the gentleman responded so quickly to be able to bring that then to our subcommittee, pass it unanimously, and now bring it to the House floor. So this will make all those deans, who came all the way to Washington to testify before us, extremely happy, as it makes me, and I am sure that many of those in higher education are going to be elated that this finally has passed.

Mr. HOEKSTRA. Mr. Speaker, reclaiming my time, I thank the gentleman for those kind words.

Mr. BOEHNER. Mr. Speaker, I rise today in support of H.R. 3076, the Graduate Opportunities in Higher Education Act. I'm particularly pleased that this bill has the potential not only to enhance graduate education, but to build on the strength of education at all levels by helping to increase study of subject areas facing particular shortages at the K–12 level.

I'd like to first applaud Select Education Subcommittee Chairman PETE HOEKSTRA—the author of this measure—for his leadership in bringing this bill forward. He has crafted a bill, with bipartisan support, that ensures our Federal investment in graduate education is money well spent. I'd also like to thank Mr. MILLER, the ranking member on the Committee, and Mr. HINOJOSA, the ranking member on the subcommittee, for their cooperation and leadership in bringing this measure forward.

This legislation will build on the success of the graduate programs currently authorized under Title VII of the Higher Education Act, and additionally, the bill will also help to fulfill the demand for highly qualified teachers at the K–12 level.

Witnesses have testified before the Education & the Workforce Committee that an important key to placing highly qualified teachers in every public school classroom, as called for by the bipartisan No Child Left Behind Act, is having adequate faculty available to train the teachers of tomorrow. This is particularly important in subject areas facing severe shortages. I believe the importance of this cannot be overstated. If we are serious about ensuring every child learns from a highly qualified teacher, we must address the issue comprehensively.

Elementary and secondary classrooms across the Nation are facing severe shortages of highly qualified teachers, particularly in high-demand subject areas. States and schools tell us they are struggling to find highly qualified math, science, and special education teachers. And as our schools work to educate those whose native language is not English, we need teachers who are prepared to meet the needs of students with limited English proficiency (LEP). For those reasons, this bill places a priority on these particular subject areas, ensuring that our investment in graduate education continues to improve education at all levels in America.

Although I believe the role graduate education plays in creating a pipeline of highly qualified teachers is extremely important, the many other benefits of graduate education cannot be overlooked. As we enter the 21st Century, the need for advanced education is becoming increasingly vital to successfully maintaining our place in the technologically-advanced economy. Now, more than ever, our citizens are obtaining graduate degrees in order to gain more expertise in their field of study. This bill will help ensure the continued availability of such graduate study opportunities for students.

I'd like to thank members of my staff for their hard work in brining this bill forward today; particularly Krisann Pearce, Alison Ream, Kathleen Smith, Alexa Marrero, and Rebecca Hunt with Mr. HOEKSTRA's staff. Additionally, I would like to thank the Democratic staff, including Ricardo Martinez, Alex Nock, Ellynne Bannon and Moira Lenehan with Mr. HINOJOSA's staff. Thanks to the leadership of Chairman HOEKSTRA, the bipartisan cooperation from members on both sides of the aisle, and the hard work of our staff, we have before us today a bill that will allow for the continued success of graduate fellowships that enrich student knowledge while building up our teaching workforce.

As we move forward with the reauthorization of the Higher Education Act, we must continue to build on the success of these valuable programs that prepare the next generation of scholars. Graduate education is essential to maintaining our economic leadership, as well as ensuring the success of education reform in classrooms across America. I hope my colleagues will join me in supporting this bill, and the continued success of graduate education.

Mr. HOLT. Mr. Speaker, I rise today to support H.R. 3076, the Graduate Opportunities in Higher Education Act.

The bill authorizes a total of $120 million for Title VII graduate education programs, including Javits Fellowships, Graduate Assistance in areas of National Need, Thurgood Marshall Legal Education Opportunities and the Fund for the Improvement of Post-Secondary Education programs.

Mr. Speaker, I would like to thank Chairman BOEHNER for his work on this bill and for accepting my amendment in committee.

Under the graduate Assistance in Areas of National Need program, the Higher education Act provides grants to colleges and universities to address subject areas where America doesn't have enough people with advanced degrees—including education, where new teachers are trained.

My amendment would require that any schools of education that apply for GAANN grants collaborate with a department, program, or unit in science, math, or other appropriate content area to assure a successful combination of training in both teaching and relevant content. This should go almost without comment. Most graduate schools already do this.

With the enactment of the historic No Child Left Behind Act, Congress committed itself to ensuring that every student would have the opportunity to improve academically, to attend a safe school in a challenging and nurturing classroom environment, and to have a chance for real scholastic success.

Critical to achieving these goals is having highly qualified teachers in every classroom—teachers who are not only versed in general teaching skills, but who also have expertise in the subject matter they teach.

This is because when teachers pursue a graduate degree in education, they often focus on education theory and policy, rather than combining such a curriculum with substantive research in a particular subject area like math, science, or literature.

If we hope to achieve the goals of No Child Left Behind, we must ensure that the teachers in our children's classrooms are indeed "highly qualified," which should include expertise in the subject matter they teach.

That is why I offered, and the committee accepted, an amendment that will reaffirm our commitment to improving teacher quality so that all of our schools can meet the standards of No Child Left Behind.

Mr. Speaker, I thank the chairman for his support of my amendment, and I ask my colleagues to support this bill.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of H.R. 3076, to reauthorize Title VII of the Higher Education Act to authorize graduate fellowship programs with the financial support necessary to complete advanced degrees in areas of national need and in the humanities, social sciences and the arts. I would like to commend Chairman HOEKSTRA and Ranking Member HINOJOSA on their exceptional work on this resolution.

I am pleased that we are continuing to encourage our young people to persist with their education and obtain higher levels of knowledge. There are three types of graduate fellowship programs that are authorized: the Jacob K. Javitis Fellowships, the Graduate Assistance in Areas of National Need (GAAN) Fellowships and the Thurgood Marshall Legal Education Opportunity Program. We should be proud of these programs which are set up to give opportunity to individuals who may not have the change otherwise to gain a graduate degree.

Unfortunately, the Urban Community Service program, which was created to provide incentives to urban academic institutions to allow these schools to work with private and civic organizations to implement solutions to pressing problems in their communities, was eliminated. I understand that the program has not received funding since Fiscal Year 1996, yet this program is very rich on how urban colleges and universities can work with the surrounding area to strengthen and lift up the community by making it safer and a better place to live for both the students and the people in the community. At too many urban colleges and universities, the only safe place to be in the area is on the campus. I hope in the future we can try to implement this program or a similar program as a way to encourage urban academic institutions to not forget about the community that surrounds its campus and to proactively work with the community.

Again, I support the Chairman and Ranking Member for their efforts on this legislation. I encourage my colleagues to support this legislation.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 3076, the Graduate Opportunities in Higher Education Act.

The Graduate Opportunities in Higher Education Act, H.R. 3076, builds upon the success of the graduate fellowship programs within the Higher Education Act (HEA). Because graduate education trains the faculty who train the teachers of tomorrow, the legislation recognizes subject areas in elementary and secondary education facing shortages, and places a priority on those subject areas, working to create a pipeline of highly qualified teachers to improve education at all levels.

Since enactment of No Child Left Behind, this Congress, the administration and educators nationwide have recognized the importance of having highly qualified teachers in the classroom. We need to raise teacher quality standards in our education system, but also help our teachers find the means to meet these goals. H.R. 3076 is an important step toward this end. By expanding our graduate programs, we guarantee that our students will be educated by highly qualified teachers with an extensive knowledge base. It is a great step toward the betterment of our education system.

I encourage my colleagues to support H.R. 3076 as an important reform to our higher education system and ultimately to our Nation.

Mr. HOEKSTRA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Michigan (Mr. HOEKSTRA) that the House suspend the rules and pass the bill, H.R. 3076, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

INTERNATIONAL STUDIES IN HIGHER EDUCATION ACT OF 2003

Mr. HOEKSTRA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3077) to amend title VI of the Higher Education Act of 1965 to enhance international education programs, as amended.

The Clerk read as follows:

H.R. 3077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "International Studies in Higher Education Act of 2003".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; references; table of contents.
Sec. 2. International and foreign language studies.
Sec. 3. Business and international education programs.
Sec. 4. Institute for International Public Policy.
Sec. 5. Evaluation, outreach, and dissemination.
Sec. 6. Advisory Board.
Sec. 7. Recruiter access to students and student recruiting information; safety.

SEC. 2. INTERNATIONAL AND FOREIGN LANGUAGE STUDIES.

(a) FINDINGS AND PURPOSES.—Section 601 (20 U.S.C. 1121) is amended—

(1) in subsection (a)—

(A) by striking "post-Cold War" in paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(C) by inserting after paragraph (3) the following new paragraph:

"(4) The events and aftermath of September 11, 2001, have underscored the need for the nation to strengthen and enhance American knowledge of international relations, world regions, and foreign languages. Homeland security and effective United States engagement abroad depend upon an increased number of Americans who have received such training and are willing to serve their nation.";

(2) in subsection (b)(1)—

(A) by striking "; and" at the end of subparagraph (D) and inserting ", including through linkages overseas with institutions of higher education and relevant organizations that contribute to the educational programs assisted under this part;";

(B) by inserting "and" after the semicolon at the end of subparagraph (E);

(C) by inserting after such subparagraph (E) the following new subparagraph:

"(F) to assist the national effort to educate and train citizens to participate in the efforts of homeland security;"; and

(3) in subsection (b)(3), by inserting "reinforce and" before "coordinate".

(b) GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS AND PROGRAMS.—Section 602(a) (20 U.S.C. 1122(a)) is amended—

(1) in paragraph (1), by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—The Secretary is authorized to make grants to institutions of higher education or consortia of such institutions for the purpose of establishing, strengthening, and operating—

"(i) comprehensive foreign language and area or international studies centers and programs; and

"(ii) a diverse network of undergraduate foreign language and area or international studies centers and programs.";

(2) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (G);

(B) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(C) by inserting after subparagraph (H) the following new subparagraphs:

"(I) supporting instructors of the less commonly taught languages;

"(J) widely disseminating materials developed by the center or program to local educational agencies and public and private elementary and secondary education schools, and institutions of higher education, presented from diverse perspectives and reflective of the full range of views on the subject matter, except that no more than 50 percent of funds awarded to an institution of higher education or consortia of such institutions for purposes under this title may be associated with the costs of dissemination; and

"(K) projects that support in students an understanding of science and technology in coordination with foreign language proficiency."; and

(3) in paragraph (4)—

(A) by amending subparagraph (B) to read as follows:

"(B) Partnerships or programs of linkage and outreach with 2-year and 4-year colleges and universities, including colleges of education and teacher professional development programs.";

(B) in subparagraph (C), by striking "Programs of linkage or outreach" and inserting "Partnerships or programs of linkage and outreach";

(C) in subparagraph (E)—

(i) by striking "foreign area" and inserting "area studies";

(ii) by striking "of linkage and outreach"; and

(iii) by striking "(C), and (D)" and inserting "(D), and (E)";

(D) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(E) by inserting after subparagraph (B) the following new subparagraph:

"(C) Partnerships with local educational agencies and public and private elementary and secondary education schools that are designed to increase student academic achievement in foreign language and knowledge of world regions, and to facilitate the wide dissemination of materials related to area studies, foreign languages, and international studies that are reflective of a full range of views on the subject matter.".

(c) LANGUAGE RESOURCE CENTERS.—Section 603(c) (20 U.S.C. 1123(c)) is amended by inserting "reflect the purposes of this part and" after "shall".

(d) UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS.—Section 604 (20 U.S.C. 1124) is amended—

(1) in subsection (a)(1), by striking "combinations" each place it appears and inserting "consortia";

(2) in subsection (a)(2)—

(A) in subparagraph (B)(ii), by striking "teacher training" and inserting "teacher professional development";

(B) by redesignating subparagraphs (I) through (M) as subparagraphs (J) through (N), respectively;

(C) by inserting after subparagraph (H) the following new subparagraph:

"(I) the provision of grants for educational programs abroad that are closely linked to the program's overall goals and have the purpose of promoting foreign language fluency and knowledge of world regions, except that not more than 10 percent of a grant recipient's funds may be used for this purpose;"; and

(D) in subparagraph (M)(ii) (as redesignated by subparagraph (B) of this paragraph), by striking "elementary and secondary education institutions" and inserting "local educational agencies and public and private elementary and secondary education schools";

(3) in subsection (a)(4)(B), by inserting "that demonstrates a need for a waiver or reduction" before the period at the end;

(4) in subsection (a)(6), by inserting "reflect the purposes of this part and" after "shall";

(5) in subsection (a)(8), by striking "may" and inserting "shall"; and

(6) by striking subsection (c).

(e) RESEARCH; STUDIES; ANNUAL REPORT.—Section 605(a) (20 U.S.C. 1125(a)) is amended by inserting before the period at the end of the first sentence the following: ", including the systematic collection, analysis and dissemination of data".

(f) TECHNOLOGICAL INNOVATION AND COOPERATION FOR FOREIGN INFORMATION ACCESS.—Section 606 (20 U.S.C. 1126) is amended—

(1) in subsection (a)—

(A) by striking "or consortia of such institutions or libraries" and inserting "museums, or consortia of such entities";

(B) by striking "new"; and

(C) by inserting "from foreign sources" after "disseminate information";

(2) in subsection (b)—

(A) by inserting "acquire and" before "facilitate access" in paragraph (1);

(B) by striking "new means of" in paragraph (3) and inserting "new means and standards for";

(C) by striking "and" at the end of paragraph (6);

(D) by striking the period at the end of paragraph (7) and by inserting a semicolon; and

(E) by inserting after paragraph (7) the following new paragraphs:

"(8) to establish linkages between grant recipients under subsection (a) with libraries, museums, organizations, or institutions of higher education located overseas to facilitate carrying out the purposes of this section; and

"(9) to carry out other activities deemed by the Secretary to be consistent with the purposes of this section."; and

(3) by adding at the end the following new subsection:

"(e) SPECIAL RULE.—The Secretary may waive or reduce the required non-Federal share for institutions that—

"(1) are eligible to receive assistance under part A or B of title III or under title V; and

"(2) have submitted a grant application under this section that demonstrates a need for a waiver or reduction.".

(g) SELECTION OF GRANT RECIPIENTS.—Section 607(b) (20 U.S.C. 1125a(b)) is amended—

(1) by striking out "objectives" and inserting "missions"; and

(2) by adding at the end the following new sentence: "In keeping with the purposes of this part, the Secretary shall take into account the degree to which activities of centers, programs, and fellowships at institutions of higher education advance national interests, generate and disseminate information, and foster debate on American foreign policy from diverse perspectives.".

(h) EQUITABLE DISTRIBUTION.—Section 608(a) (20 U.S.C. 1128(a)) is amended by adding at the end the following new sentence: "Grants made under section 602 shall also reflect the purposes of this part.".

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 610 (20 U.S.C. 1128b) is amended—

(1) by striking "1999" and inserting "2004"; and

(2) by striking "4 succeeding" and inserting "5 succeeding".

(j) CONFORMING AMENDMENTS.—Sections 603(a), 604(a)(5), and 612 (20 U.S.C. 1123(a), 1124(a)(5), 1130–1) are each amended by striking "combinations" each place it appears and inserting "consortia".

SEC. 3. BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS.

(a) CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.—Section 612 (20 U.S.C. 1130–1) is amended—

(1) in subsection (c)(1)(D), by inserting "(including those that are eligible to receive assistance under part A or B of title III or under title V)" after "other institutions of higher education"; and

(2) in subsection (e), by adding at the end the following new paragraph:

"(5) SPECIAL RULE.—The Secretary may waive or reduce the required non-Federal share for institutions that—

"(A) are eligible to receive assistance under part A or B of title III or under title V; and

"(B) have submitted a grant application under this section that demonstrates a need for a waiver or reduction.".

(b) EDUCATION AND TRAINING PROGRAMS.—Section 613 (20 U.S.C. 1130a) is amended by adding at the end the following new subsection:

"(e) SPECIAL RULE.—The Secretary may waive or reduce the required non-Federal share for institutions that—

"(1) are eligible to receive assistance under part A or B of title III or under title V; and

"(2) have submitted a grant application under this section that demonstrates a need for a waiver or reduction.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 614 (20 U.S.C. 1130b) is amended—

(1) by striking "1999" each place it appears and inserting "2004"; and

(2) by striking "4 succeeding" each place it appears and inserting "5 succeeding".

SEC. 4. INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.

(a) FOREIGN SERVICE PROFESSIONAL DEVELOPMENT.—Section 621 (20 U.S.C. 1131) is amended—

(1) by striking the heading of such section and inserting the following:

"SEC. 621. PROGRAM FOR FOREIGN SERVICE PROFESSIONALS. ";

(2) by striking the second sentence of subsection (a) and inserting the following: "The Institute shall conduct a program to enhance the international competitiveness of the United States by increasing the participation of underrepresented populations in the international service, including private international voluntary organizations and the foreign service of the United States.";

(3) in subsection (b)(1), by striking subparagraphs (A) and (B) and inserting the following:

"(A) An Indian Tribal College or University or Alaska Native and Native Hawaiian-serving institution eligible for assistance under title III, an institution eligible for assistance under part B of title III, or an Hispanic-serving institution eligible for assistance under title V.

"(B) An institution of higher education which serves substantial numbers of underrepresented students."; and

(4) by striking subsection (e) and inserting the following:

"(e) MATCH REQUIRED.—The eligible recipient of a grant under this section shall contribute to the conduct of the program supported by the grant an amount from non-Federal sources equal to at least one-half of the amount of the grant. Such contribution may be in cash or in kind. The Secretary may waive or reduce the required non-Federal share for institutions that—

"(1) are eligible to receive assistance under part A or B of title III or under title V; and

"(2) have submitted a grant application under this section that demonstrates a need for a waiver or reduction.".

(b) INSTITUTIONAL DEVELOPMENT.—Section 622 (20 U.S.C. 1131a) is amended by inserting before the period at the end of subsection (a) the following: "and promote collaboration with colleges and universities that receive funds under this title".

(c) STUDY ABROAD PROGRAM.—Section 623(a) (20 U.S.C. 1131b(a)) is amended by inserting after "1978," the following: "Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions,".

(d) ADVANCED DEGREE IN INTERNATIONAL RELATIONS.—Section 624 (20 U.S.C. 1131b) is amended—

(1) by striking "**MASTERS**" in the heading of such section and inserting "**ADVANCED**";

(2) by striking "a masters degree in international relations" and inserting "an advanced degree in international relations, international affairs, international economics, or other academic areas related to the Institute fellow's career objectives"; and

(3) by striking "The masters degree program" and inserting "The advanced degree study program shall be designed by the consortia, consistent with the fellow's career objectives, and".

(e) INTERNSHIPS.—Section 625 (20 U.S.C. 1131c) is amended—

(1) in subsection (a), by inserting after "1978," the following: "Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions,";

(2) in subsection (b)—

(A) by inserting "and" after the semicolon at the end of paragraph (2);

(B) by striking "; and" at the end of paragraph (3) and inserting a period; and

(C) by striking paragraph (4); and

(3) by amending subsection (c) to read as follows:

"(c) RALPH J. BUNCHE FELLOWS.—In order to assure the recognition and commitment of individuals from underrepresented student populations who demonstrate special interest in international affairs and language study, eligible students who participate in the internship programs authorized under (a) and (b) shall be known as the 'Ralph J. Bunche Fellows'.".

(f) REPORT.—Section 626 (20 U.S.C. 1131d) is amended by striking "annually prepare a report" and inserting "prepare a report biennially".

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 628 (20 U.S.C. 1131f) is amended—

(1) by striking "1999" and inserting "2004"; and

(2) by striking "4 succeeding" and inserting "5 succeeding".

SEC. 5. EVALUATION, OUTREACH, AND DISSEMINATION.

Part D of title VI is amended by inserting after section 631 (20 U.S.C. 1132) the following new section:

"SEC. 632. EVALUATION, OUTREACH, AND DISSEMINATION.

"The Secretary may use not more than 1 percent of the funds made available for this title for program evaluation, national outreach, and information dissemination activities.".

SEC. 6. ADVISORY BOARD.

Part D of title VI is amended by inserting after section 632 (as added by section 5) the following new section:

"SEC. 633. INTERNATIONAL HIGHER EDUCATION ADVISORY BOARD.

"(a) ESTABLISHMENT AND PURPOSE.—

"(1) ESTABLISHMENT.—There is established in the Department an independent International Higher Education Advisory Board (hereafter in this section referred to as the 'International Advisory Board'). The International Advisory Board shall provide advice, counsel and recommendations to the Secretary and the Congress on international education issues for higher education.

"(2) PURPOSE.—The purpose of the International Advisory Board is—

"(A) to provide expertise in the area of national needs for proficiency in world regions, foreign languages, and international affairs;

"(B) to make recommendations that will promote the excellence of international education programs and result in the growth and development of such programs at the postsecondary education level that will reflect diverse perspectives and the full range of views on world regions, foreign language, and international affairs; and

"(C) to advise the Secretary and the Congress with respect to needs for expertise in government, the private sector, and education in order to enhance America's understanding of, and engagement in, the world.

"(b) INDEPENDENCE OF INTERNATIONAL ADVISORY BOARD.—In the exercise of its functions, powers, and duties, the International Advisory Board shall be independent of the Secretary and the other offices and officers of the Department. Except as provided in this subsection and subsection (f), the recommendations of the International Advisory Board shall not be subject to review or approval by any officer of the Federal Government. Nothing in this title shall be construed to authorize the International Advisory Board to mandate, direct, or control an institution of higher education's specific instructional content, curriculum, or program of instruction. The Board is authorized to study, monitor, apprise, and evaluate a sample of activities supported under this title in order to provide recommendations to the Secretary and the Congress for the improvement of programs under the title and to ensure programs meet the purposes of the title.

The recommendations of the Board may address any area in need of improvement, except that any recommendation of specific legislation to Congress shall be made only if the President deems it necessary and expedient.

“(c) MEMBERSHIP.—

“(1) APPOINTMENT.—The International Advisory Board shall have 7 members of whom—

“(A) 3 members shall be appointed by the Secretary;

“(B) 2 members shall be appointed by the Speaker of the House of Representatives, upon the recommendation of the Majority Leader and the Minority Leader; and

“(C) 2 members shall be appointed by the President pro tempore of the Senate, upon the recommendation of the Majority Leader and the Minority Leader.

“(2) REPRESENTATION.—Two of the members appointed by the Secretary under paragraph (1)(A) shall be appointed to represent Federal agencies that have national security responsibilities, after consultation with the heads of such agencies. The members of the International Advisory Board shall also include (but not be limited to) representatives of States, institutions of higher education, cultural organizations, educational organizations, local education agencies, students, and private citizens with expertise in international concerns.

“(3) QUALIFICATION.—Members of the International Advisory Board shall be individuals who have technical qualifications, professional standing, experience working in international affairs or foreign service occupations, or demonstrated knowledge in the fields of higher education and international education, including foreign languages, world regions, or international affairs.

“(d) FUNCTIONS OF THE COMMITTEE.—

“(1) IN GENERAL.—The International Advisory Board shall provide recommendations in accordance with subsection (b) regarding improvement of programs under this title to the Secretary and the Congress for their review. The Board may—

“(A) review and comment upon the regulations for grants under this title;

“(B) monitor, apprise, and evaluate a sample of activities supported under this title based on the purposes and objectives of this title in order to provide recommendations for improvement of the programs under this title;

“(C) make recommendations that will assist the Secretary and the Congress to improve the programs under this title to better reflect the national needs related to the homeland security, international education, and international affairs, including an assessment of the national needs and the training provided by the institutions of higher education that receive a grant under this title for expert and non-expert level foreign language training;

“(D) make recommendations to the Secretary and the Congress regarding such studies, surveys, and analyses of international education that will provide feedback about the programs under this title and assure that their relative authorized activities reflect diverse perspectives and the full range of views on world regions, foreign languages, and international affairs;

“(E) make recommendations that will strengthen the partnerships between local educational agencies, public and private elementary and secondary education schools, and grant recipients under this title to ensure that the research and knowledge about world regions, foreign languages, and international affairs is widely disseminated to local educational agencies;

“(F) make recommendations on how institutions of higher education that receive a grant under this title can encourage students to serve the nation and meet national needs in an international affairs, international business, foreign language, or national security capacity;

“(G) make recommendations on how linkages between institutions of higher education and public and private organizations that are involved in international education, language training, and international research capacities to fulfill manpower and information needs of United States businesses; and

“(H) make recommendations to the Secretary and the Congress about opportunities for underrepresented populations in the areas of international relations, international affairs, and international economics, in order to effectively carry out the activities of the Institute under part C.

“(2) HEARINGS.—The International Advisory Board shall provide for public hearing and comment regarding the matter contained in the recommendations described in paragraph (1), prior to the submission of those recommendations to Secretary and the Congress.

“(e) OPERATIONS OF THE COMMITTEE.—

“(1) TERMS.—Each member of the International Advisory Board shall be appointed for a term of 3 years, except that, of the members first appointed (A) 4 shall be appointed for a term of 3 years, and (B) 3 shall be appointed for a term of 4 years, as designated at the time of appointment by the Secretary. A member of the International Advisory Board may be reappointed to successive terms on the International Advisory Board.

“(2) VACANCIES.—Any member appointed to fill a vacancy occurring prior to the expiration of the term of a predecessor shall be appointed only for the remainder of such term. A member of the International Advisory Board shall, upon the Secretary's request, continue to serve after the expiration of a term until a successor has been appointed.

“(3) NO GOVERNMENTAL MEMBERS.—Except for the members appointed by the Secretary under subsection (c)(1)(A), no officers or full-time employees of the Federal Government shall serve as members of the International Advisory Board.

“(4) MEETINGS.—The International Advisory Board shall meet not less than once each year. The International Advisory Board shall hold additional meetings at the call of the Chair or upon the written request of not less than 3 voting members of the International Advisory Board.

“(5) QUORUM.—A majority of the voting members of the Board serving at the time of a meeting shall constitute a quorum.

“(6) CHAIR.—The International Advisory Board shall elect a Chairman or Chairwoman from among the members of the International Advisory Board.

“(f) SUBMISSION TO DEPARTMENT FOR COMMENT.—The International Advisory Board shall submit its proposed recommendations to the Secretary of Education for comment for a period not to exceed 30 days in each instance.

“(g) PERSONNEL AND RESOURCES.—

“(1) COMPENSATION AND EXPENSE.—Members of the International Advisory Committee shall serve without pay for such service. Members of the International Advisory Board who are officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the International Advisory Board. Members of the International Advisory Board may each receive reimbursement for travel expenses incident to attending International Advisory Board meetings, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

“(2) PERSONNEL.—The International Advisory Board may appoint such personnel as may be determined necessary by the Chairman without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no individual so appointed shall be paid in excess of the rate authorized for GS–18 of the General Schedule. The International Advisory Board may appoint not more than 1 full-time equivalent, nonpermanent, consultant without regard to the provisions of title 5, United States Code. The International Advisory Board shall not be required by the Secretary to reduce personnel to meet agency personnel reduction goals.

“(3) CONSULTATION.—In carrying out its duties under the Act, the International Advisory Board shall consult with other Federal agencies, representatives of State and local governments, and private organizations to the extent feasible.

“(4) ASSISTANCE FROM OTHER AGENCIES.—

“(A) INFORMATION.—The International Advisory Board is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this section and each such department, bureau, agency, board, commission, office, independent establishment, or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the International Advisory Board, upon request made by the Chairman.

“(B) SERVICES AND PERSONNEL.—The head of each Federal agency shall, to the extent not prohibited by law, consult with the International Advisory Board in carrying out this section. The International Advisory Board is authorized to utilize, with their consent, the services, personnel, information, and facilities of other Federal, State, local, and private agencies with or without reimbursement.

“(5) CONTRACTS; EXPERTS AND CONSULTANTS.—The International Advisory Board may enter into contracts for the acquisition of information, suggestions, estimates, and statistics for the purpose of this section. The International Advisory Board is authorized to obtain the services of experts and consultants without regard to section 3109 of title 5, United States Code and to set pay in accordance with such section.

“(h) TERMINATION.—Notwithstanding the sunset and charter provisions of the Federal Advisory Committee Act (5 U.S.C. App. I) or any other statute or regulation, the International Advisory Committee shall be authorized through September 30, 2009.

“(i) FUNDS.—The Secretary shall use not more than one-half of the funds available to the Secretary under section 632 to carry out this section.”.

SEC. 7. RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION; SAFETY.

Part D of title VI is amended by inserting after section 633 (as added by section 6) the following new sections:

“SEC. 634. RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION.

“Each institution of higher education that receives a grant under this title shall assure that—

“(1) recruiters of the United States Government and agencies thereof are given the same access to students as is provided generally to other institutions of higher education and prospective employers of those students for the purpose of recruiting for graduate opportunities or prospective employment; and

“(2) no undue restrictions are placed upon students that seek employment with the United States Government or any agency thereof.

“SEC. 635. STUDENT SAFETY.

“Applicants seeking funds under this title to support student travel and study abroad shall submit as part of their grant application a description of safety policies and procedures for students participating in the program while abroad.”.

SEC. 8. NATIONAL STUDY OF FOREIGN LANGUAGE HERITAGE COMMUNITIES.

Part D of title VI is further amended by inserting after section 635 (as added by section 7) the following new section:

“SEC. 636. NATIONAL STUDY OF FOREIGN LANGUAGE HERITAGE COMMUNITIES.

“(a) STUDY.—The Secretary of Education, in consultation with the International Advisory Board, shall conduct a study to identify foreign language heritage communities, particularly such communities that include speakers of languages that are critical to the national security of the United States.

“(b) FOREIGN LANGUAGE HERITAGE COMMUNITY.—For purposes of this section, the term ‘foreign language heritage community’ means a community of residents or citizens of the United States who are native speakers of, or who have partial fluency in, a foreign language.

“(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Education shall submit a report to the Congress on the results of the study conducted under this section.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3077, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I stand here today in strong support of H.R. 3077, the International Studies in Higher Education Act, a bill I offered to build on programs that encourage the study of international issues and foreign languages in higher education. Such programs not only foster knowledge of the world, but, importantly, these programs train experts prepared to meet America's national security needs.

Title VI of the Higher Education Act provides support for a critically important group of programs at colleges and universities which work to advance knowledge of world regions, encourage the study of foreign languages, and train American students to have the international expertise and understanding to fulfill pressing national security needs.

As we continue efforts to reauthorize the Higher Education Act and strengthen and improve the state of higher education in America, we cannot neglect these important programs for international studies. The bill before us, which I am proud to have crafted in a bipartisan fashion, updates the programs under title VI to reflect our national security needs in a post-9/11 era, as well as in the current international climate.

Again, I would particularly like to thank my colleague, the gentleman from Texas (Mr. HINOJOSA), the ranking minority member on the subcommittee for his cooperation in moving this bill forward. In the spirit of bipartisan cooperation, the International Studies in Higher Education Act moved through our committee and stands before us today with positive reforms that will strengthen and enhance international and foreign language studies programs that play such a critical role in training experts at colleges and universities across our Nation.

The International Studies in Higher Education Act would increase coordination between these important international and foreign language studies programs to better meet America's national and international security needs. The bill also clarifies that programs under title VI of the Higher Education Act are to support and coordinate with other Federal programs in the areas of foreign language, area studies, and other international affairs.

International and foreign language studies have taken on increased importance in today's word climate, and as such, it is more important than ever that Congress and the Secretary of Education do all we can to ensure these programs are fulfilling their purpose.

For that reason, the bill would create a new International Education Advisory Board, in consultation with homeland security agencies, for all title VI programs to increase accountability by providing advice, counsel, and recommendations to the Secretary of Education and Congress on international education issues for higher education. This board is advisory in nature and will not be responsible for dictating curriculum or administrating the programs. However, the advisory board will serve as an important new resource for those of us at the Federal level as we work to ensure the continued success of international and foreign language studies programs at campuses across our Nation.

Taken together, the reforms included in the International Studies in Higher Education Act will continue our efforts to strengthen higher education as a whole, while at the same time helping to ensure international studies programs are working to fulfill our critical national and international security needs. I stand in strong support of this legislation and encourage my colleagues to join me in our efforts to build on the success of these programs.

Mr. Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume, and I rise today in support of H.R. 3077, the International Studies in Higher Education Act.

International education is increasingly important in today's world. We are part of a global economy, and our fortunes are directly tied to the fortunes of other nations. As a global community, we must face many shared challenges: Protecting the earth's natural resources, meeting our energy needs, feeding the growing world population, eradicating diseases, protecting human rights, and ensuring that all people have the opportunity to reach their full potential through education and meaningful work.

We must build our Nation's capacity to operate in this global environment. As our challenges in Iraq demonstrate, lack of understanding of other people's culture and language can have deadly consequences. All of our young people, from elementary school through the university, must be exposed to the world at large. We must encourage and value multilingualism. That is why I am very pleased that we are considering H.R. 3077, which reauthorizes the International Studies Program in Higher Education Act.

I would like to thank our subcommittee chairman, the gentleman from Michigan (Mr. HOEKSTRA), the chairman of the full committee, the gentleman from Ohio (Mr. BOEHNER), and our ranking minority member, the gentleman from California (Mr. GEORGE MILLER), for working to produce a bill that deserves bipartisan support.

This bill reauthorizes our international education programs, the international and foreign language studies programs, the business and international education programs, and also the International Institute for Public Policy. These are the core international education programs that have served our Nation very well for many years.

The legislation makes some needed improvements to these programs. It will ease the financial burdens that may discourage needy institutions, such as Hispanic-serving institutions, HSIs; it will benefit Historic Black Colleges and Universities, HBCUs; and it will also benefit tribally-controlled colleges and universities from participating in the programs by allowing the Secretary of Education to reduce the matching requirement on a case-by-case basis. It also encourages institutions to work in partnerships with minority-serving institutions in the international business programs.

Mr. Speaker, these are steps in the right direction. We must ensure that our national efforts in international education reflect the increasingly diverse population here at home in the United States.

Finally, I would like to thank my colleagues on the other side of the aisle for working with us to clarify the role and the responsibilities of the new advisory board. The International Advisory Board will make recommendations to improve the international education programs under title VI. It will not interfere with curriculum nor with academic freedom.

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Mr. Speaker, our professional staff on the committee have once again done an excellent job in preparing this legislation for our consideration. I would like to recognize the efforts of Alison Ream for the majority and Mr. Ricardo Martinez on our side of the aisle. I urge my colleagues to support this education legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join my colleague in thanking our staff for the work that they have done not only on this bill but also the previous bill. It is their work behind the scenes so often which enables us to come together and work out our differences and come to the floor on a bipartisan basis.

Again, these programs, the international education programs, they work to advance the knowledge for our young people of world regions. As we found in a post-9/11 world, it is very, very important that we train more of our young people in the area of foreign languages. It is a critical need. It is an area where we are woefully short of the resources that we need. It is a weakness that we face, so this bill will help encourage the study of foreign language. It will train Americans to have the international expertise and the understanding to fulfill pressing national security needs.

This bill will encourage the coordination between these important international and foreign language study programs and America's national and international security needs. Since 9/11, we have seen and received heightened awareness of how important these types of programs are. We have found that these no longer are nice to have, but these are now essential programs that we need to build the expertise within the United States to face some of the international security threats that we face.

H.R. 3077 also seeks to strengthen and improve international education programs to ensure they are reaching their full potential to expand opportunities for international studies and enhance international knowledge and understanding.

As my colleague mentioned, the bill also creates an education advisory board. There were those who were concerned as we began this process that the language was not clearly written and that the end result would be that the advisory board would become more than an advisory board and that it would become a board that could dictate curricula. Working together, we were able to clarify that language to make sure that everyone understands that this is clearly an advisory board intended to provide feedback to the Department of Education, provide feedback to Congress, and provide feedback to the institutions as the best way to get the maximum amount of benefit out of each and every one of these programs and the dollars that are administered, and also to foster cooperation between various universities so that they can learn from each other as to what the most effective practices are, what the new innovative programs might be, and how colleges and campuses can move forward aggressively. So this bill is a significant step forward. It builds on the long-term successes that we have had.

Mr. Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PAYNE), a member of the Committee on Education and the Workforce.

Mr. PAYNE. Mr. Speaker, let me begin by commending the subcommittee chairman and our ranking member, the gentleman from Texas (Mr. HINOJOSA), who has demonstrated tremendous leadership on this whole question of international studies. His background and the need for internationalizing our workforce, internationalizing our universities, bringing attention to Hispanic-serving institutions and ensuring that they get their just do as we move forward to educate the workforce in this Nation is second to none. It is certainly a pleasure for me to serve with him on this Committee on Education and the Workforce.

I rise in strong support of H.R. 3077, the International Studies and Higher Education Act of 2003. Education programs are vital to our Nation's colleges and universities. It is imperative that we train young men and women of all backgrounds to be prepared for our increasingly global society. Today we live in a global village. Everything is interdependent. World trade organizations, world bank organizations, organizations that deal with world health, the current campaign to eradicate polio in countries needs to have physicians from throughout the world, and the U.S. Centers for Disease Control needs to have doctors that reflect the various cultures of the world.

So as we look at education, even though it is on a college level, we need to see the impact that it will have and should have in other agencies such as health, such as banking. So we must do more to prepare our students to take their place.

Unfortunately, though, this bill does not go far enough in recruiting and maintaining minority students in the field of international service. During the markup of the bill, I introduced an amendment which would have authorized the establishment of a Ralph J. Bunche scholarship for selected undergraduate fellows in the Institute for International Public Policy. We will be celebrating 100 years of Dr. Ralph Bunche's birth. The scholarship would have helped to underwrite the cost of studies of minority students. Dr. Ralph Bunche was a Nobel Peace Prize recipient. He did a tremendous amount of work in the Middle East, and he was a dedicated person during the 20 years he worked in trying to achieve global peace. The scholarship I was proposing would have helped to underwrite the cost of studies of more diverse students, minority students, in our country because in order for us to really have a foreign service that truly reflects the diversity of America, we must have more students from minority groups. We must have more Asian Americans and more Hispanic Americans and African Americans in our foreign service if we are, in fact, going to be successful.

The institute was created in 1992 in order to attract and retain women and minorities who are underserved. This legislation was supported by the United Negro College Fund and the American Council on Education; and hopefully as we move forward, that legislation will be adopted.

Mr. Speaker, I do support H.R. 3077, but in the future, hopefully, we can be a little more sensitive so we can really, truly have our foreign service reflect the great diversity of our Nation.

Mr. HOEKSTRA. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. EHLERS), a member of the Committee on Education and the Workforce.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to register my support for the bill that is currently before us, H.R. 3077. It is something that is badly needed. I am very pleased to see it come out of committee, and I hope it will soon pass the House of Representatives.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H.R. 3077, the International Studies in Higher Education Act.

I want to particularly commend the gentleman from Michigan, the chairman of the Subcommittee on Select Education, for including in the bill section 6, providing for the establishment of the International Higher Education Advisory Board.

This seven-member independent board will be empowered to review and comment upon the selection criteria for title VI grants, monitor and evaluate the activities of grantees based upon the purposes of title VI, and make recommendations regarding how to improve the programs to better reflect national needs, among other functions. Section 6 makes clear that the purpose of the Board's recommendations is to foster the "growth and development of international education programs at the postsecondary level that encourage diverse perspectives . . ."

I am encouraged that the creation of this Advisory Board will help redress a problem which is a great concern of mine, namely, the lack of balance, and indeed the anti-American bias that pervades title VI-funded Middle East studies programs in particular. To the extent that it advances the national interest to commit taxpayer funds to institutions of higher education for the purpose of fostering expertise with regard to key regions of the world—and I would emphatically affirm that it does—then surely it is troubling when evidence suggests that many of the Middle East regional studies grantees are committed to a narrow point of view at odds with our national interest, a point of view that questions the validity of advancing American ideals of democracy and the rule of law around the world, and in the Middle East in particular.

The Advisory Board's oversight function does not impinge on the academic freedom that is and must be enjoyed by our institutions of higher education. In establishing the board, we are doing no more than exercising our responsibility to ensure that the Federal funds we authorize and appropriate are expended properly.

I commend the Committee on Education and the Workforce for addressing this issue, and urge my colleagues to support this important legislation.

Mr. BOEHNER. Mr. Speaker, I rise today in strong support H.R. 3077, the International Studies in Higher Education Act. This bill is part of our comprehensive efforts to strengthen and renew higher education, and it will make real improvements to international and foreign language studies programs in campuses across America.

I'd like to commend my colleague Mr. HOEKSTRA, chairman of the Select Education Subcommittee, for his work on this bill. Thanks to his efforts, the measure before us today has received bipartisan support, as well as a positive response from those in the higher education community who are administering these critical international and foreign language programs. I'd also like to thank my good friend Mr. MILLER, the ranking member on the committee, and Mr. HINOJOSA, the ranking member on the subcommittee, for their cooperation in bringing this bill before us today.

The International Studies in Higher Education Act renews and reauthorizes the international and foreign language studies programs under title VI of the Higher Education Act. These programs are not only an important part of our postsecondary education system, but they are also a critical piece of our national efforts to fulfill national and international security needs.

Today, in the post-9/11 era, our Nation has been confronted with a new reality. Now, more than at virtually any other time in our history, we must understand our national interests and security concerns within an international context. We do not live in a vacuum, and our higher education system must reflect this. That's why the bill before us today is so important.

International and foreign language studies programs are often responsible for training experts with the skills and knowledge necessary to meet our changing national security needs. Grants provided through title VI of the Higher Education Act allow colleges and universities across the country to offer programs that foster this type of learning, and help students gain significant understanding of international perspectives and foreign languages.

The bill before us today will allow the continued success of these programs by allowing for increased undergraduate study, including study abroad. In addition, the bill allows for the creation of national resource centers to serve as information sources for international and foreign language at the K–12 level, encouraging international studies at all levels of education. The bill also seeks to enhance diversity among those participating in the Institute for International Public Policy, requiring that all underrepresented populations be included.

Because of the increased prevalence and importance of international and foreign language studies programs, particularly in meeting our changing national security needs, this bill creates an important new resource for information and guidance through the establishment of an advisory board for international education. This advisory board will serve as a valuable information source for Congress and the Secretary of Education as we work to strengthen these programs and ensure their continued success.

I'd like to acknowledge the hard work of members of my staff in bringing this bill forward today; particularly Krisann Pearce, Alison Ream, Kathleen Smith, Alexa Marrero, and Rebecca Hunt with Mr. HOEKSTRA's staff. Additionally, I would like to thank the Democratic staff, including Ricardo Martinez, Alex Nock, Ellynne Bannon and Moira Lenehan with Mr. HINOJOSA's staff. Thanks to the leadership of Chairman HOEKSTRA, the bipartisan cooperation from members on both sides of the aisle, and the hard work of our staff, we have before us today a bill that will allow for the continued success of international and foreign language studies programs at campuses across the Nation. I'm pleased to support this measure, and encourage my colleagues to join me in our efforts to ensure international and foreign language studies continue to thrive at colleges and universities across America.

Mr. HOLT. Mr. Speaker, I rise today to support H.R. 3077, the International Studies in Higher Education Act.

This bill authorizes a total of $108 million in FY 2004 for higher education international studies and foreign language programs. It also establishes a seven-member International Education Advisory Board to provide advice and recommendations to the Education Department and Congress on all title VI programs but specifically states that nothing in it should be construed as authorizing the advisory board to "mandate, direct or control" the specific instructional content, curriculum or program of instruction of any institution of higher education.

I would like to highlight two amendments that I offered in the Higher Education Committee and were accepted in the committee's final version of the legislation. One of the serious challenges facing our nation today is that our country lacks people who are fluent in a foreign language and also have a background in science and technology.

There are few Americans who can understand technical documents, including research studies and scientific papers, written in foreign languages.

If we are to stay competitive with emerging economies in Asia, Central and South America, and Africa, this will have to change.

That is why I offered one amendment, which would support programs with curricula that combine studying science and technology in a foreign language.

This amendment would allow universities to use grants to set up immersion programs here in the United States where students take science technology-related course work taught completely in foreign languages.

It also would provide for other programs, such as summer workshops, that emphasize the intense study of a foreign language and of science and technology.

Funds can further be used to support immersion programs for students to take science and math courses in a non-English speaking country.

To stay on top of innovations in science, mathematics, and technology, more professionals in these fields will also have to be proficient in a foreign language.

It is only with the knowledge of technical terms in foreign languages—words not taught in the average high school or college language class—that America can stay technologically and economically competitive.

I would like to thank Chairman BOEHNER for accepting this amendment. I hope in the future Congress will be able to expand upon this amendment and authorize new funding for the study of science and technology in foreign languages.

The second amendment would allow the Department of Education to conduct a national study to identify heritage communities with native speakers of critical foreign languages. This will enable us to identify the foreign language capacity currently existing in the United States.

Members of heritage communities are better and less expensive educational investments than nonnative speakers with no previous foreign language experience.

More importantly, cultivating native speakers is critical to national security. The 9/11 Joint Inquiry released in July reports that the American intelligence community is only at 30 percent readiness in languages critical to national security. As a member of the Intelligence Committee, I find this statistic quite troubling.

The al Qaeda terrorist network currently operates in over 75 countries where hundreds of different languages and dialects are spoken.

Unfortunately, 99 percent of American school, college, and university programs concentrate on only a dozen languages, most of which are European.

In fact, more college students currently study Ancient Greek (16,402) than Arabic (5,505), Korean (4,479), and Farsi (614) put together.

We need to raise these numbers. Unfortunately, for nonnative speakers, learning languages like Arabic takes years of intensive effort and years of in-country study.

In this time of heightened awareness of national security and intelligence capabilities, we need to identify the foreign language resources already existing in this country, especially native speakers of languages that are rarely taught in our schools.

The only way to know what we have available to us in terms of native language speakers—and we can take advantage of this knowledge—is by conducting a comprehensive study. The results of this study should be extremely valuable to the intelligence community, to educators, and to Congress.

I again want to thank my colleagues on the Education and the Workforce Committee, and I want to express my strong support for this bill. I hope the leadership of this Congress will see fit to properly fund it.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of H.R. 3077, which reauthorizes title VI of the Higher Education Act to authorize grant programs designed to increase the number of graduates who are trained in foreign language and international studies. I would like to thank the gentleman from Michigan, Chairman HOEKSTRA, for his leadership on this bipartisan resolution and in the Subcommittee on Select Education. I would also like to thank Ranking Member HINOJOSA for his leadership as well.

I believe we can all realize the great need to have educated individuals in our Nation with the main focus being in foreign language and international studies after the events of September 11. This bill will allow our country to strengthen that aspect of our education system by offering competitive grants to our nation's colleges and universities. Some of the included grants offer institutions of higher education to establish graduate and undergraduate language area centers and programs as well as to create new programs or to strengthen existing programs in international studies and foreign language. I am pleased that this resolution has expanded the role of international centers and programs by allowing the centers and programs to serve as a national resource for courses and materials for elementary and secondary schools. This encourages an outreach to all school children to become more familiar and knowledgeable on international affairs and cultures.

Another section of this resolution will make grants available to establish centers for international business education. These centers promote the ability for our Nation to strengthen our economic enterprise and knowledge of international understanding. I believe this is a great quality for our future business and small business leaders to have to not only support their businesses but as a way to expand and enrich their businesses.

Mr. Speaker, I again want to commend my colleagues, Chairman HOEKSTRA and Ranking Member HINOJOSA for an outstanding job on a solid piece of important legislation. I urge all my colleagues to support this legislation.

Mr. KILDEE. Mr. Speaker, international education and Federal support for it is critical as we work to strengthen our economy and expand our diplomatic efforts around the world.

International education programs are vital in building and maintaining the nation's supply of experts in foreign languages, international affairs, and international business. Providing high quality, useful opportunities for students to become knowledgeable in international issues and foreign languages has become increasingly important. America's interests are tied to our knowledge and understanding of the rest of the world.

This legislation strengthens and reauthorizes the existing Title VI programs related to the study of international affairs, world regions and foreign languages in higher education. In addition, this bill makes significant improvements to the International Business Education program by reducing the match that Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges must make to participate in this program. This provision alone is likely to spur new ideas and perspectives in this area.

One provision I do want to express caution on is the International Advisory Board created by this legislation. This board has been created to provide recommendations to the Secretary in the area of international education. While I support this legislation, we should continue to refine the purpose and scope of the Board's responsibilities. As this bill moves to conference later this Congress, I will work to ensure that the role of this Board reflects a true need in the area of international education.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 3077, the International Studies in Higher Education Act.

H.R. 3077 updates international and foreign language studies programs by ensuring these programs reflect the current international climate and national security needs. The bill also emphasizes coordination between these programs and homeland security interests, while ensuring the programs continue to enrich higher education by enhancing international knowledge.

As a former Member of the Intelligence Committee I authored legislation encouraging American students to study foreign languages and join the federal government in national security capacities. It is vital to our entire national security that we address our foreign language deficiencies and support educational initiatives that amend this problem. Our lack of highly-trained linguistics experts seriously hampers our ability to fight the war on terrorism and this legislation provides incentive to focus these programs on the reality of the situations our men and women in uniform face overseas. It is important that we build a critical base of future leaders both in government service and in higher education who have cultivated international relationships and worked and studies alongside experts of other countries.

I encourage my colleagues to support H.R. 3077.

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Mr. HINOJOSA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Michigan (Mr. HOEKSTRA) that the House suspend the rules and pass the bill, H.R. 3077, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ECONOMIC DEVELOPMENT ADMINISTRATION REAUTHORIZATION ACT OF 2003

Mr. LATOURETTE. Mr. Speaker, pursuant to the order of the House of Monday, October 20, 2003, I call up the bill (H.R. 2535) to reauthorize and improve the program authorized by the Public Works and Economic Development Act of 1965, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Monday, October 20, 2003, the bill is considered read for amendment.

The text of H.R. 2535 is as follows:

H.R. 2535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Economic Development Administration Reauthorization Act of 2003''.

SEC. 2. AMENDMENTS TO PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.).

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS AND DECLARATIONS.

Section 2 (42 U.S.C. 3121) is amended to read as follows:

"SEC. 2. FINDINGS AND DECLARATIONS.

``(a) FINDINGS.—Congress finds the following:

``(1) There continue to be areas experiencing chronic high unemployment, underemployment, outmigration, and low per capita incomes, as well as areas facing sudden and severe economic dislocations due to structural economic changes, changing trade patterns, certain Federal actions (including environmental requirements that result in the removal of economic activities from a locality), and natural disasters.

"(2) Economic growth in our Nation, States, cities, and rural areas is produced by expanding economic opportunities, expanding free enterprise through trade, developing and strengthening public infrastructure, and creating a climate for job creation and business development.

"(3) The goal of Federal economic development programs is to raise the standard of living for all citizens and increase the wealth and overall rate of growth of the economy by encouraging communities to develop a more competitive and diversified economic base by—

"(A) creating an environment that promotes economic activity by improving and expanding public infrastructure;

"(B) promoting job creation through increased innovation, productivity, and entrepreneurship; and

"(C) empowering local and regional communities experiencing chronic high unemployment and low per capita income to develop private sector business and attract increased private sector capital investment.

"(4) While economic development is an inherently local process, the Federal Government should work in partnership with public and private local, regional, tribal, and State organizations to maximize the impact of existing resources and enable regions, communities, and citizens to participate more fully in the American dream and national prosperity.

"(5) In order to avoid duplication of effort and achieve meaningful, long-lasting results, Federal, State, tribal, and local economic development activities should have a clear focus, improved coordination, a comprehensive approach, and simplified and consistent requirements.

"(6) Federal economic development efforts will be more effective if they are coordinated with, and build upon, the trade, workforce investment, transportation, and technology programs of the United States.

"(b) DECLARATIONS.—In order to promote a strong and growing economy throughout the United States, Congress declares the following:

"(1) Assistance under this Act should be made available to both rural- and urban-distressed communities.

"(2) Local communities should work in partnership with neighboring communities, the States, Indian tribes, and the Federal Government to increase their capacity to develop and implement comprehensive economic development strategies to alleviate economic distress and enhance competitiveness in the global economy.

"(3) Whether suffering from long-term distress or a sudden dislocation, distressed communities should be encouraged to support entrepreneurship to take advantage of the development opportunities afforded by technological innovation and expanding newly opened global markets.".

SEC. 102. DEFINITIONS.

(a) ELIGIBLE RECIPIENT.—Section 3(4)(A) (42 U.S.C. 3122(4)(A)) is amended—

(1) by striking clause (i) and redesignating clauses (ii) through (vii) as clauses (i) through (vi), respectively; and

(2) in clause (iv) (as so redesignated) by inserting ", including a special purpose unit of a State or local government engaged in economic or infrastructure development activities," after "State".

(b) REGIONAL COMMISSIONS.—Section 3 (42 U.S.C. 3122) is amended—

(1) by redesignating paragraphs (8), (9), and (10) as paragraphs (9), (10), and (11), respectively; and

(2) by inserting after paragraph (7) the following:

"(8) REGIONAL COMMISSIONS.—The term 'Regional Commissions' means the following entities:

"(A) The Appalachian Regional Commission established under chapter 143 of title 40, United States Code.

"(B) The Delta Regional Authority established under subtitle F of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa et seq).

"(C) The Denali Commission established under the Denali Commission Act of 1998 (42 U.S.C. 2131 note; 112 Stat. 2681–637 et seq.).

"(D) The Northern Great Plains Regional Authority established under subtitle F of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb et seq.).".

(c) UNIVERSITY CENTER.—Section 3 (42 U.S.C. 3122) is amended by adding at the end the following:

"(12) UNIVERSITY CENTER.—The term 'university center' means an institution of higher education or a consortium of institutions of higher education established as a University Center for Economic Development under section 207(a)(2)(D).".

SEC. 103. ESTABLISHMENT OF ECONOMIC DEVELOPMENT PARTNERSHIPS.

Section 101 (42 U.S.C. 3131) is amended—

(1) in subsection (b) by striking "and multi-State regional organizations" and inserting "multi-State regional organizations, and nonprofit organizations"; and

(2) in subsection (d)(1) by striking "adjoining" each place it appears.

SEC. 104. COORDINATION.

Section 103 (42 U.S.C. 3132) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary";

(2) in subsection (a) (as so designated) by inserting "Indian tribes," after "districts,"; and

(3) by adding at the end the following:

"(b) MEETINGS.—To carry out the responsibilities in subsection (a), or for any other purpose related to economic development activities, the Secretary may convene meetings with Federal agencies, State and local governments, economic development districts, Indian tribes, and other appropriate planning and development organizations.".

TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

SEC. 201. GRANTS FOR PLANNING.

Section 203(d) (42 U.S.C. 3143(d)) is amended—

(1) in paragraph (1) by inserting ", to the maximum extent practicable," after "developed" the second place it appears;

(2) by striking paragraph (3) and inserting the following:

"(3) COORDINATION.—Before providing assistance for a State plan under this section, the Secretary shall consider the extent to which the State will consider local and economic development district plans."; and

(3) in paragraph (4)—

(A) by striking "and" at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

"(D) assist in carrying out a State's workforce investment strategy; and".

SEC. 202. COST SHARING.

(a) FEDERAL SHARE.—Section 204(a) (42 U.S.C. 3144(a)) is amended to read as follows:

"(a) FEDERAL SHARE.—The Secretary shall issue regulations to establish the Federal share of the cost of projects carried out under this title based on the relative needs of the areas in which the projects will be located. Except as provided in subsection (c), the Federal share of the cost of any project carried out under this title shall not exceed 80 percent.".

(b) NON-FEDERAL SHARE.—Section 204(b) (42 U.S.C. 3144(b)) is amended by inserting "assumptions of debt," after "equipment,".

(c) INCREASE IN FEDERAL SHARE.—Section 204 (42 U.S.C. 3144) is amended by adding at the end the following:

"(c) INCREASE IN FEDERAL SHARE.—

"(1) INDIAN TRIBES.—In the case of a grant to an Indian tribe for a project under this title, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.

"(2) CERTAIN STATES, POLITICAL SUBDIVISIONS, AND NONPROFIT ORGANIZATIONS.—In the case of a grant to a State, or a political subdivision of a State, that the Secretary determines has exhausted its effective taxing and borrowing capacity, or in the case of a grant to a nonprofit organization that the Secretary determines has exhausted its effective borrowing capacity, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.".

SEC. 203. SUPPLEMENTARY GRANTS.

(a) IN GENERAL.—Section 205(b) (42 U.S.C. 3145(b)) is amended to read as follows:

"(b) SUPPLEMENTARY GRANTS.—Subject to subsection (c), in order to assist eligible recipients in taking advantage of designated Federal grant programs, on the application of an eligible recipient, the Secretary may make a supplementary grant for a project for which the recipient is eligible but for which the recipient cannot provide the required non-Federal share because of the recipient's economic situation.".

(b) REQUIREMENTS APPLICABLE TO SUPPLEMENTARY GRANTS.—Section 205(c) (42 U.S.C. 3145(c)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1) AMOUNT OF SUPPLEMENTARY GRANTS.—The share of the project cost supported by a supplementary grant under this section may not exceed the applicable Federal share under section 204.

"(2) FORM OF SUPPLEMENTARY GRANTS.—The Secretary shall make supplementary grants by—

"(A) the payment of funds made available under this Act to the heads of the Federal agencies responsible for carrying out the applicable Federal programs; or

"(B) the award of funds under this Act, which will be combined with funds transferred from other Federal agencies in projects administered by the Secretary."; and

(2) by striking paragraph (4).

SEC. 204. REGULATIONS ON RELATIVE NEEDS AND ALLOCATIONS.

Section 206 (42 U.S.C. 3146) is amended—

(1) by striking "and" at the end of paragraph (1)(B);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following:

"(3) grants made under this title promote job creation and will have a high probability of meeting or exceeding applicable performance requirements established in connection with the grants.".

SEC. 205. GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.

(a) In General.—Section 207(a)(2) (42 U.S.C. 3147(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (F);

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following:

"(G) studies that evaluate the effectiveness of coordinating projects funded under this Act with projects funded under other Acts; and". .

(b) Cooperation Requirement.—Section 207(a) (42 U.S.C. 3147(a)) is amended by adding at the end the following:

"(4) Cooperation requirement.—In the case of a project assisted under this section that is national or regional in scope, the Secretary may waive the provision in section 3(4)(A)(vi) requiring a nonprofit organization or association to act in cooperation with officials of a political subdivision of a State.".

SEC. 206. PREVENTION OF UNFAIR COMPETITION.

Section 208 (42 U.S.C. 3148), and the item relating to section 208 in the table of contents contained in section 1(b), are repealed.

SEC. 207. GRANTS FOR ECONOMIC ADJUSTMENT.

(a) Direct Expenditure or Redistribution by Recipient.—Section 209(d) (42 U.S.C. 3149(d)) is amended by striking "an eligible recipient" each place it appears and inserting "a recipient".

(b) Special Provisions Relating to Revolving Loan Fund Grants.—Section 209 (42 U.S.C. 3149) is amended by adding at the end the following:

"(e) Special Provisions Relating to Revolving Loan Fund Grants.—

"(1) In general.—The Secretary shall issue regulations to maintain the proper operation and financial integrity of revolving loan funds established by recipients with assistance under this section.

"(2) Efficient administration.—The Secretary may—

"(A) at the request of a grantee, amend and consolidate grant agreements governing revolving loan funds to provide flexibility with respect to lending areas and borrower criteria;

"(B) assign or transfer assets of a revolving loan fund to a third party for the purpose of liquidation, and a third party may retain assets of the fund to defray costs related to liquidation; and

"(C) take such actions as are appropriate to enable revolving loan fund operators to sell or securitize loans (except that the actions may not include issuance of a Federal guaranty by the Secretary).

"(3) Treatment of actions.—An action taken by the Secretary under this subsection with respect to a revolving loan fund shall not constitute a new obligation if all grant funds associated with the original grant award have been disbursed to the recipient.".

SEC. 208. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

Section 211 (42 U.S.C. 3151) is amended to read as follows:

"SEC. 211. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

"(a) In General.—In the case of a grant to a recipient for a construction project under section 201 or 209, if the Secretary determines, before closeout of the project, that the cost of the project, based on the designs and specifications that were the basis of the grant, has decreased because of decreases in costs, the Secretary may approve, without further appropriations action, the use of the excess funds (or a portion of the excess funds) by the recipient to increase the Federal share of the cost of a project under this subtitle to the maximum percentage allowable under section 204 or to improve the project.

"(b) Other Uses of Excess Funds.—Any amount of excess funds remaining after application of subsection (a) may be used by the Secretary for providing assistance under this Act.

"(c) Transferred Funds.—In the case of excess funds described in subsection (a) in projects utilizing funds transferred from other Federal agencies pursuant to section 604, the Secretary shall—

"(1) utilize the funds in accordance with subsection (a), with the approval of the originating agency; or

"(2) return the funds to the originating agency.".

SEC. 209. SPECIAL IMPACT AREAS.

(a) In General.—Title II (42 U.S.C. 3141 et seq.) is amended by adding at the end the following:

"SEC. 214. SPECIAL IMPACT AREAS.

"(a) In General.—On the application of an eligible recipient, the Secretary may determine that the recipient is unable to comply with the requirements of section 302 and designate the area represented by the recipient as a special impact area.

"(b) Waivers.—Subject to the requirements of this section, the Secretary may waive, in whole or in part, as appropriate, the requirements of section 302 with respect to a special impact area designated under subsection (a) if the Secretary determines that the waiver will carry out the purposes of the Act.

"(c) Notification Requirement.—At least 30 days before issuing a waiver under this section, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a written notice of the waiver, including a justification for the waiver.".

(b) Conforming Amendment.—The table of sections contained in section 1(b) is amended by inserting after the item relating to section 213 the following:

"Sec. 214. Special impact areas.".

SEC. 210. PERFORMANCE INCENTIVE GRANTS.

(a) In General.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

"SEC. 215. PERFORMANCE INCENTIVE GRANTS.

"(a) In General.—The Secretary may make a performance incentive grant in connection with a project grant made, on or after the date of enactment of this section, to an eligible recipient under section 201 or 209.

"(b) Performance Measures.—

"(1) Regulations.—The Secretary shall issue regulations to establish performance measures for making performance incentive grants under subsection (a).

"(2) Considerations.—In issuing regulations under paragraph (1), the Secretary shall consider including performance measures that assess the following factors:

"(A) Whether the recipient meets or exceeds scheduling goals.

"(B) Whether the recipient meets or exceeds job creation goals.

"(C) Amounts of private sector capital investments leveraged.

"(D) Such other factors as the Secretary determines appropriate.

"(c) Amount of Grants.—

"(1) In general.—The Secretary shall base the amount of a performance incentive grant under subsection (a) on the extent to which a recipient meets or exceeds performance measures established in connection with the applicable project grant.

"(2) Maximum amount.—The amount of a performance incentive grant may not exceed 10 percent of the amount of the applicable project grant.

"(3) Federal share.—Notwithstanding section 204, the amounts of a performance incentive grant may be used for up to 100 percent of the cost of an eligible project or activity. For the purposes of meeting the non-Federal share requirements of this Act, or any other Act, the amounts of a performance grant shall be treated as funds from a non-Federal source.

"(d) Use of Performance Incentive Grants.—A recipient of a performance incentive grant under subsection (a) may use the grant for any eligible purpose under this Act, in accordance with section 602 and such regulations as the Secretary may prescribe.

"(e) Terms and Conditions.— In making performance incentive grants under subsection (a), the Secretary shall establish such terms and conditions as the Secretary considers appropriate.

"(f) Funding.—The Secretary shall carry out this section using any amounts made available for economic development assistance programs.

"(g) Reporting Requirement.—The Secretary shall include information regarding the award of performance incentive grants under this section in the annual report required under section 603.

"(h) Review by Comptroller General.—

"(1) Review.—The Comptroller General shall review the implementation of this section in each fiscal year.

"(2) Annual report.—Not later than one year after the date of enactment of this section, and annually thereafter, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the Comptroller's findings under this subsection.".

(b) Conforming Amendment.—The table of sections contained in section 1(b) is amended by inserting after the item relating to section 214 the following:

"Sec. 215. performance incentive grants.".

SEC. 211. SUBGRANTS.

(a) In General.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

"SEC. 216. SUBGRANTS.

"(a) In General.—Subject to subsection (b), a recipient of a grant under section 201, 203, or 207 may directly expend the grant funds or may redistribute the funds in the form of a subgrant to other eligible recipients to fund required components of the scope of work approved for the project.

"(b) Limitation.—A recipient may not redistribute grant funds received under section 201 or 203 to a for-profit entity.".

(b) Conforming Amendment.—The table of sections contained in section 1(b) is amended by inserting after the item relating to section 215 the following:

"Sec. 216. Subgrants.".

SEC. 212. BROWNFIELDS REDEVELOPMENT.

(a) In General.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

"SEC. 217. BROWNFIELDS REDEVELOPMENT.

"(a) In General.—On the application of a qualified eligible recipient, the Secretary may make grants under sections 201, 203, 207, and 209 for projects to expand, redevelop, or reuse brownfield sites.

"(b) Limitations.—Projects carried out under this section shall be subject to the limitations of section 104(k)(4)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(4)(B)).

"(c) Definitions.—In this section, the following definitions apply:

"(1) Brownfield site.—The term 'brownfield site' has the meaning given such term in section 101(39) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(39)).

"(2) Qualified eligible recipient.—The term 'qualified eligible recipient' means an eligible recipient that meets the definition of 'eligible entity' in section 104(k)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(1)).".

(b) Conforming Amendment.—The table of sections contained in section 1(b) is amended by inserting after the item relating to section 216 the following:

"Sec. 217. Brownfields redevelopment.".

SEC. 213. BRIGHTFIELDS DEMONSTRATION PROGRAM.

(a) In General.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

"SEC. 218. BRIGHTFIELDS DEMONSTRATION PROGRAM.

"(a) In General.—On the application of a qualified eligible recipient, the Secretary may make a grant for a project for the development of brightfield sites if the Secretary determines that the project will—

"(1) utilize solar energy technologies to develop abandoned or contaminated sites for commercial use; and

"(2) improve the commercial and economic opportunities in the area where the project is located.

"(b) Limitations.—Projects carried out under this section shall be subject to the limitations of section 104(k)(4)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(4)(B)).

"(c) Definitions.—In this section, the following definitions apply:

"(1) Brightfield site.—The term 'brightfield site' means a brownfield site (as defined in section 217) that is redeveloped through the incorporation of solar energy technologies.

"(2) Qualified eligible recipient.—The term 'qualified eligible recipient' has the meaning given such term in section 217.

"(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2008. Such sums shall remain available until expended.".

(b) Conforming Amendment.—The table of sections contained in section 1(b) is amended by inserting after the item relating to section 217 the following:

"Sec. 218. Brightfields demonstration program.".

TITLE III—COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

SEC. 301. COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES.

(a) In General.—Section 302(a)(3)(A) (42 U.S.C. 3162(a)(3)(A)) is amended by inserting "maximizes effective development and use of the workforce consistent with any applicable State or local workforce investment strategy," after "access,".

(b) Approval of Other Plan.—Section 302(c) (42 U.S.C. 3162(c)) is amended by adding at the end the following: "To the maximum extent practicable, a plan submitted under this paragraph shall be consistent and coordinated with any existing comprehensive economic development strategy for the area.".

TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

SEC. 401. PROVISION OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES TO REGIONAL COMMISSIONS.

(a) In General.—Section 404 (42 U.S.C. 3174) is amended to read as follows:

"SEC. 404. PROVISION OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES TO REGIONAL COMMISSIONS.

"If any part of an economic development district is in a region covered by one or more of the Regional Commissions (as defined in section 3), the economic development district shall ensure that a copy of the comprehensive economic development strategy of the district is provided to the affected Regional Commission.".

(b) Conforming Amendment.—The table of sections contained in section 1(b) is amended by striking the item relating to section 404 and inserting the following:

"Sec. 404. Provision of comprehensive economic development strategies to Regional Commissions.".

TITLE V—ADMINISTRATION

SEC. 501. ECONOMIC DEVELOPMENT INFORMATION CLEARINGHOUSE.

Section 502 (42 U.S.C. 3192) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) maintain a central information clearinghouse on the Internet with—

"(A) information on economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment programs and activities of the Federal Government;

"(B) links to State economic development organizations; and

"(C) links to other appropriate economic development resources;";

(2) by striking "and" at the end of paragraph (2);

(3) by striking the period at the end of paragraph (3) and inserting "; and"; and

(4) by adding at the end the following:

"(4) obtain appropriate information from other Federal agencies needed to carry out the duties under this Act.".

SEC. 502. BUSINESSES DESIRING FEDERAL CONTRACTS.

Section 505 (42 U.S.C. 3195), and the item relating to section 505 in the table of contents contained in section 1(b), are repealed.

SEC. 503. PERFORMANCE EVALUATIONS OF GRANT RECIPIENTS.

Section 506(c) (42 U.S.C. 3196(c)) is amended by striking "after the effective date of the Economic Development Administration Reform Act of 1998".

SEC. 504. CONFORMING AMENDMENTS.

(a) Standards.—Section 602 (42 U.S.C. 3212) is amended—

(1) in the first sentence by striking "in accordance with" and all that follows before the period at the end and inserting "in accordance with subchapter IV of chapter 31 of title 40, United States Code"; and

(2) in the third sentence by striking "section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)" and inserting "section 3145 of title 40, United States Code".

(b) Evaluation Criteria.—Section 506(d)(2) (42 U.S.C. 3196(d)(2)) is amended by inserting "program performance," after "applied research,".

TITLE VI—MISCELLANEOUS

SEC. 601. RELATIONSHIP TO ASSISTANCE UNDER OTHER LAW.

Section 609 (42 U.S.C. 3219) is amended—

(1) by striking subsection (a); and

(2) by striking "(b) Assistance Under Other Acts.—".

TITLE VII—FUNDING

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Section 701 (42 U.S.C. 3231) is amended to read as follows:

"SEC. 701. GENERAL AUTHORIZATION OF APPROPRIATIONS.

"(a) Economic Development Assistance Programs.—There are authorized to be appropriated for economic development assistance programs to carry out this Act—

"(1) $400,000,000 for fiscal year 2004;

"(2) $425,000,000 for fiscal year 2005;

"(3) $450,000,000 for fiscal year 2006;

"(4) $475,000,000 for fiscal year 2007; and

"(5) $500,000,000 for fiscal year 2008.

Such sums shall remain available until expended.

"(b) Salaries and Expenses.—There are authorized to be appropriated for salaries and expenses of administering this Act $33,377,000 for fiscal year 2004 and such sums as may be necessary for each fiscal year thereafter. Such sums shall remain available until expended.".

The SPEAKER pro tempore. The committee amendment in the nature of a substitute printed in the bill, modified by the amendment designated by the previous order of the House, is adopted.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Economic Development Administration Reauthorization Act of 2003".

(b) Table of Contents.—

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to Public Works and Economic Development Act of 1965.

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings and declarations.

Sec. 102. Definitions.

Sec. 103. Establishment of economic development partnerships.

Sec. 104. Coordination.

TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

Sec. 201. Grants for planning.

Sec. 202. Cost sharing.

Sec. 203. Supplementary grants.

Sec. 204. Regulations on relative needs and allocations.

Sec. 205. Grants for training, research, and technical assistance.

Sec. 206. Prevention of unfair competition.

Sec. 207. Grants for economic adjustment.

Sec. 208. Use of funds in projects constructed under projected cost.

Sec. 209. Special impact areas.

Sec. 210. Performance awards.

Sec. 211. Planning performance awards.

Sec. 212. Subgrants.

Sec. 213. Brownfields redevelopment.

Sec. 214. Brightfields demonstration program.

TITLE III—COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

Sec. 301. Comprehensive economic development strategies.

TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

Sec. 401. Incentives.
Sec. 402. Provision of comprehensive economic development strategies to regional commissions.

TITLE V—ADMINISTRATION

Sec. 501. Economic development information clearinghouse.
Sec. 502. Businesses desiring Federal contracts.
Sec. 503. Performance evaluations of grant recipients.
Sec. 504. Conforming amendments.

TITLE VI—MISCELLANEOUS

Sec. 601. Relationship to assistance under other law.
Sec. 602. Sense of Congress regarding economic development representatives.

TITLE VII—FUNDING

Sec. 701. Authorization of appropriations.

SEC. 2. AMENDMENTS TO PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.).

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS AND DECLARATIONS.

Section 2 (42 U.S.C. 3121) is amended to read as follows:

"SEC. 2. FINDINGS AND DECLARATIONS.

"(a) Findings.—Congress finds the following:

"(1) There continue to be areas experiencing chronic high unemployment, underemployment, outmigration, and low per capita incomes, as well as areas facing sudden and severe economic dislocations due to structural economic changes, changing trade patterns, certain Federal actions (including environmental requirements that result in the removal of economic activities from a locality), and natural disasters.

"(2) Economic growth in our Nation, States, cities, and rural areas is produced by expanding economic opportunities, expanding free enterprise through trade, developing and strengthening public infrastructure, and creating a climate for job creation and business development.

"(3) The goal of Federal economic development programs is to raise the standard of living for all citizens and increase the wealth and overall rate of growth of the economy by encouraging communities to develop a more competitive and diversified economic base by—

"(A) creating an environment that promotes economic activity by improving and expanding public infrastructure;

"(B) promoting job creation through increased innovation, productivity, and entrepreneurship; and

"(C) empowering local and regional communities experiencing chronic high unemployment and low per capita income to develop private sector business and attract increased private sector capital investment.

"(4) While economic development is an inherently local process, the Federal Government should work in partnership with public and private local, regional, tribal, and State organizations to maximize the impact of existing resources and enable regions, communities, and citizens to participate more fully in the American dream and national prosperity.

"(5) In order to avoid duplication of effort and achieve meaningful, long-lasting results, Federal, State, tribal, and local economic development activities should have a clear focus, improved coordination, a comprehensive approach, and simplified and consistent requirements.

"(6) Federal economic development efforts will be more effective if they are coordinated with, and build upon, the trade, workforce investment, transportation, and technology programs of the United States.

"(b) Declarations.—In order to promote a strong and growing economy throughout the United States, Congress declares the following:

"(1) Assistance under this Act should be made available to both rural- and urban-distressed communities.

"(2) Local communities should work in partnership with neighboring communities, the States, Indian tribes, and the Federal Government to increase their capacity to develop and implement comprehensive economic development strategies to alleviate economic distress and enhance competitiveness in the global economy.

"(3) Whether suffering from long-term distress or a sudden dislocation, distressed communities should be encouraged to support entrepreneurship to take advantage of the development opportunities afforded by technological innovation and expanding newly opened global markets.".

SEC. 102. DEFINITIONS.

(a) Eligible Recipient.—Section 3(4)(A) (42 U.S.C. 3122(4)(A)) is amended—

(1) by striking clause (i) and redesignating clauses (ii) through (vii) as clauses (i) through (vi), respectively; and

(2) in clause (iv) (as so redesignated) by inserting ", including a special purpose unit of a State or local government engaged in economic or infrastructure development activities," after "State".

(b) Regional Commissions.—Section 3 (42 U.S.C. 3122) is amended—

(1) by redesignating paragraphs (8), (9), and (10) as paragraphs (9), (10), and (11), respectively; and

(2) by inserting after paragraph (7) the following:

"(8) Regional commissions.—The term 'Regional Commissions' means the following entities:

"(A) The Appalachian Regional Commission established under chapter 143 of title 40, United States Code.

"(B) The Delta Regional Authority established under subtitle F of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa et seq.).

"(C) The Denali Commission established under the Denali Commission Act of 1998 (42 U.S.C. 2131 note; 112 Stat. 2681-637 et seq.).

"(D) The Northern Great Plains Regional Authority established under subtitle F of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb et seq.).".

(c) University Center.—Section 3 (42 U.S.C. 3122) is amended by adding at the end the following:

"(12) University center.—The term 'university center' means an institution of higher education or a consortium of institutions of higher education established as a University Center for Economic Development under section 207(a)(2)(D).".

SEC. 103. ESTABLISHMENT OF ECONOMIC DEVELOPMENT PARTNERSHIPS.

Section 101 (42 U.S.C. 3131) is amended—

(1) in subsection (b) by striking "and multi-State regional organizations" and inserting "multi-State regional organizations, and nonprofit organizations"; and

(2) in subsection (d)(1) by striking "adjoining" each place it appears.

SEC. 104. COORDINATION.

Section 103 (42 U.S.C. 3132) is amended—

(1) by inserting "(a) In General.—" before "The Secretary";

(2) in subsection (a) (as so designated) by inserting "Indian tribes," after "districts,"; and

(3) by adding at the end the following:

"(b) Meetings.—To carry out the responsibilities in subsection (a), or for any other purpose related to economic development activities, the Secretary may convene meetings with Federal agencies, State and local governments, economic development districts, Indian tribes, and other appropriate planning and development organizations.".

TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

SEC. 201. GRANTS FOR PLANNING.

Section 203(d) (42 U.S.C. 3143(d)) is amended—

(1) in paragraph (1) by inserting ", to the maximum extent practicable," after "developed" the second place it appears;

(2) by striking paragraph (3) and inserting the following:

"(3) Coordination.—Before providing assistance for a State plan under this section, the Secretary shall consider the extent to which the State will consider local and economic development district plans."; and

(3) in paragraph (4)—

(A) by striking "and" at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by adding after subparagraph (C) the following:

"(D) assist in carrying out a State's workforce investment strategy; and".

SEC. 202. COST SHARING.

(a) Federal Share.—Section 204(a) (42 U.S.C. 3144(a)) is amended to read as follows:

"(a) Federal Share.—The Secretary shall issue regulations to establish the Federal share of the cost of projects carried out under this title based on the relative needs of the areas in which the projects will be located. Except as provided in subsection (c), the Federal share of the cost of any project carried out under this title shall not exceed 80 percent.".

(b) Non-Federal Share.—Section 204(b) (42 U.S.C. 3144(b)) is amended by inserting "assumptions of debt," after "equipment,".

(c) Increase in Federal Share.—Section 204 (42 U.S.C. 3144) is amended by adding at the end the following:

"(c) Increase in Federal Share.—

"(1) Indian tribes.—In the case of a grant to an Indian tribe for a project under this title, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.

"(2) Certain states, political subdivisions, and nonprofit organizations.—In the case of a grant to a State, or a political subdivision of a State, that the Secretary determines has exhausted its effective taxing and borrowing capacity, or in the case of a grant to a nonprofit organization that the Secretary determines has exhausted its effective borrowing capacity, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.".

(d) Planning Grants.—Section 204 (42 U.S.C. 3144) is further amended by adding at the end the following:

"(d) Planning Grants.—Notwithstanding subsection (a), the Federal share of the costs of planning activities under section 203 shall be at least 65 percent and not more than 80 percent.".

SEC. 203. SUPPLEMENTARY GRANTS.

(a) In General.—Section 205(b) (42 U.S.C. 3145(b)) is amended to read as follows:

"(b) Supplementary Grants.—Subject to subsection (c), in order to assist eligible recipients in taking advantage of designated Federal

grant programs, on the application of an eligible recipient, the Secretary may make a supplementary grant for a project for which the recipient is eligible but for which the recipient cannot provide the required non-Federal share because of the recipient's economic situation.''.

(b) Requirements Applicable to Supplementary Grants.—Section 205(c) (42 U.S.C. 3145(c)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) Amount of supplementary grants.—The share of the project cost supported by a supplementary grant under this section may not exceed the applicable Federal share under section 204.

''(2) Form of supplementary grants.—The Secretary shall make supplementary grants by—

''(A) the payment of funds made available under this Act to the heads of the Federal agencies responsible for carrying out the applicable Federal programs; or

''(B) the award of funds under this Act, which will be combined with funds transferred from other Federal agencies in projects administered by the Secretary.''; and

(2) by striking paragraph (4).

SEC. 204. REGULATIONS ON RELATIVE NEEDS AND ALLOCATIONS.

Section 206 (42 U.S.C. 3146) is amended—

(1) by striking ''and'' at the end of paragraph (1)(B);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following:

''(3) grants made under this title promote job creation and will have a high probability of meeting or exceeding applicable performance requirements established in connection with the grants.''.

SEC. 205. GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.

(a) In General.—Section 207(a)(2) (42 U.S.C. 3147(a)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (F);

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following:

''(G) studies that evaluate the effectiveness of coordinating projects funded under this Act with projects funded under other Acts; and''.

(b) Cooperation Requirement.—Section 207(a) (42 U.S.C. 3147(a)) is amended by adding at the end the following:

''(4) Cooperation requirement.—In the case of a project assisted under this section that is national or regional in scope, the Secretary may waive the provision in section 3(4)(A)(vi) requiring a nonprofit organization or association to act in cooperation with officials of a political subdivision of a State.''.

SEC. 206. PREVENTION OF UNFAIR COMPETITION.

Section 208 (42 U.S.C. 3148), and the item relating to section 208 in the table of contents contained in section 1(b), are repealed.

SEC. 207. GRANTS FOR ECONOMIC ADJUSTMENT.

(a) Direct Expenditure or Redistribution by Recipient.—Section 209(d) (42 U.S.C. 3149(d)) is amended by striking ''an eligible recipient'' each place it appears and inserting ''a recipient''.

(b) Special Provisions Relating to Revolving Loan Fund Grants.—Section 209 (42 U.S.C. 3149) is amended by adding at the end the following:

''(e) Special Provisions Relating to Revolving Loan Fund Grants.—

''(1) In general.—The Secretary shall issue regulations to maintain the proper operation and financial integrity of revolving loan funds established by recipients with assistance under this section.

''(2) Efficient administration.—The Secretary may—

''(A) at the request of a grantee, amend and consolidate grant agreements governing revolving loan funds to provide flexibility with respect to lending areas and borrower criteria;

''(B) assign or transfer assets of a revolving loan fund to a third party for the purpose of liquidation, and a third party may retain assets of the fund to defray costs related to liquidation; and

''(C) take such actions as are appropriate to enable revolving loan fund operators to sell or securitize loans (except that the actions may not include issuance of a Federal guaranty by the Secretary).

''(3) Treatment of actions.—An action taken by the Secretary under this subsection with respect to a revolving loan fund shall not constitute a new obligation if all grant funds associated with the original grant award have been disbursed to the recipient.

''(4) Preservation of Securities Laws.—

''(A) Not treated as exempted securities.—No securities issued pursuant to paragraph (2)(C) shall be treated as exempted securities for purposes of the Securities Act of 1933 or the Securities Exchange Act of 1934, unless exempted by rule or regulation of the Securities and Exchange Commission.

''(B) Preservation.—Except as provided in subparagraph (A), no provision of this subsection or any regulation issued by the Secretary under this subsection shall supersede or otherwise affect the application of the securities laws (as such term is defined in section 2(a)(47) of the Securities Exchange Act of 1934) or the rules, regulations, or orders of the Securities and Exchange Commission or a self-regulatory organization thereunder.''.

SEC. 208. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

Section 211 (42 U.S.C. 3151) is amended to read as follows:

''SEC. 211. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

''(a) In General.—In the case of a grant to a recipient for a construction project under section 201 or 209, if the Secretary determines, before closeout of the project, that the cost of the project, based on the designs and specifications that were the basis of the grant, has decreased because of decreases in costs, the Secretary may approve, without further appropriations action, the use of the excess funds (or a portion of the excess funds) by the recipient to increase the Federal share of the cost of a project under this title to the maximum percentage allowable under section 204 or to improve the project.

''(b) Other Uses of Excess Funds.—Any amount of excess funds remaining after application of subsection (a) may be used by the Secretary for providing assistance under this Act.

''(c) Transferred Funds.—In the case of excess funds described in subsection (a) in projects utilizing funds transferred from other Federal agencies pursuant to section 604, the Secretary shall—

''(1) utilize the funds in accordance with subsection (a), with the approval of the originating agency; or

''(2) return the funds to the originating agency.''.

SEC. 209. SPECIAL IMPACT AREAS.

(a) In General.—Title II (42 U.S.C. 3141 et seq.) is amended by adding at the end the following:

''SEC. 214. SPECIAL IMPACT AREAS.

''(a) In General.—On the application of an eligible recipient, the Secretary may determine that the recipient is unable to comply with the requirements of section 302 and designate the area represented by the recipient as a special impact area.

''(b) Waivers.—Subject to the requirements of this section, the Secretary may waive, in whole or in part, as appropriate, the requirements of section 302 with respect to a special impact area designated under subsection (a) if the Secretary determines that the waiver will carry out the purposes of the Act.

''(c) Notification Requirement.—At least 30 days before issuing a waiver under this section, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a written notice of the waiver, including a justification for the waiver.''.

(b) Conforming Amendment.—The table of contents contained in section 1(b) is amended by inserting after the item relating to section 213 the following:

''Sec. 214. Special impact areas.''.

SEC. 210. PERFORMANCE AWARDS.

(a) In General.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

''SEC. 215. PERFORMANCE AWARDS.

''(a) In General.—The Secretary may make a performance award in connection with a grant made, on or after the date of enactment of this section, to an eligible recipient for a project under section 201 or 209.

''(b) Performance Measures.—

''(1) Regulations.—The Secretary shall issue regulations to establish performance measures for making performance awards under subsection (a).

''(2) Considerations.—In issuing regulations under paragraph (1), the Secretary shall consider including performance measures that assess the following factors:

''(A) Whether the recipient meets or exceeds scheduling goals.

''(B) Whether the recipient meets or exceeds job creation goals.

''(C) Amounts of private sector capital investments leveraged.

''(D) Such other factors as the Secretary determines appropriate.

''(c) Amount of Awards.—

''(1) In general.—The Secretary shall base the amount of a performance award made under subsection (a) in connection with a grant on the extent to which a recipient meets or exceeds performance measures established in connection with the grant.

''(2) Maximum amount.—The amount of a performance award may not exceed 10 percent of the amount of the grant.

''(d) Use of Awards.—A recipient of a performance award under subsection (a) may use the award for any eligible purpose under this Act, in accordance with section 602 and such regulations as the Secretary may prescribe.

''(e) Federal Share.—Notwithstanding section 204, the amounts of a performance award may be used for up to 100 percent of the cost of an eligible project or activity.

''(f) Treatment in Meeting Non-Federal Share Requirements.—For the purposes of meeting the non-Federal share requirements of this Act, or any other Act, the amounts of a performance award shall be treated as funds from a non-Federal source.

''(g) Terms and Conditions.— In making performance awards under subsection (a), the Secretary shall establish such terms and conditions as the Secretary considers appropriate.

''(h) Funding.—The Secretary shall carry out this section using any amounts made available for economic development assistance programs.

''(i) Reporting Requirement.—The Secretary shall include information regarding performance awards made under this section in the annual report required under section 603.

"(j) Review by Comptroller General.—

"(1) Review.—The Comptroller General shall review the implementation of this section in each fiscal year.

"(2) Annual report.—Not later than one year after the date of enactment of this section, and annually thereafter, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the Comptroller's findings under this subsection.".

(b) Conforming Amendment.—The table of contents contained in section 1(b) is amended by inserting after the item relating to section 214 the following:

"Sec. 215. Performance awards.".

SEC. 211. PLANNING PERFORMANCE AWARDS.

(a) In General.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

"SEC. 216. PLANNING PERFORMANCE AWARDS.

"(a) In General.—The Secretary may make a planning performance award in connection with a grant made, on or after the date of enactment of this section, to an eligible recipient for a project under this title located in an economic development district.

"(b) Eligibility.—The Secretary may make a planning performance award to an eligible recipient under subsection (a) in connection with a grant for a project if the Secretary determines before closeout of the project that—

"(1) the recipient actively participated in the economic development activities of the economic development district in which the project is located;

"(2) the project is consistent with the comprehensive economic development strategy of the district;

"(3) the recipient worked with Federal, State, and local economic development entities throughout the development of the project; and

"(4) the project was completed in accordance with the comprehensive economic development strategy of the district.

"(c) Maximum Amount.—The amount of a planning performance award made under subsection (a) in connection with a grant may not exceed 5 percent of the amount of the grant.

"(d) Use of Awards.—A recipient of a planning performance award under subsection (a) shall use the award to increase the Federal share of the cost of a project under this title.

"(e) Federal Share.—Notwithstanding section 204, the amounts of a planning performance award may be used for up to 100 percent of the cost of a project under this title.

"(f) Funding.—The Secretary shall carry out this section using any amounts made available for economic development assistance programs.".

(b) Conforming Amendment.—The table of contents contained in section 1(b) is amended by inserting after the item relating to section 215 the following:

"Sec. 216. Planning performance awards.".

SEC. 212. SUBGRANTS.

(a) In General.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

"SEC. 217. SUBGRANTS.

"(a) In General.—Subject to subsection (b), a recipient of a grant under section 201, 203, or 207 may directly expend the grant funds or may redistribute the funds in the form of a subgrant to other eligible recipients to fund required components of the scope of work approved for the project.

"(b) Limitation.—A recipient may not redistribute grant funds received under section 201 or 203 to a for-profit entity.".

(b) Conforming Amendment.—The table of contents contained in section 1(b) is amended by inserting after the item relating to section 216 the following:

"Sec. 217. Subgrants.".

SEC. 213. BROWNFIELDS REDEVELOPMENT.

(a) In General.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

"SEC. 218. BROWNFIELDS REDEVELOPMENT.

"(a) In General.—On the application of a qualified eligible recipient, the Secretary may make grants under sections 201, 203, 207, and 209 for projects to expand, redevelop, or reuse brownfield sites.

"(b) Limitations.—Projects carried out under this section shall be subject to the limitations of section 104(k)(4)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(4)(B)); except that recipients may use grant funds awarded under this section for the administrative costs of economic development activities.

"(c) Definitions.—In this section, the following definitions apply:

"(1) Brownfield site.—The term 'brownfield site' has the meaning given such term in section 101(39) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(39)).

"(2) Qualified eligible recipient.—The term 'qualified eligible recipient' means an eligible recipient that meets the definition of 'eligible entity' in section 104(k)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(1)); except that for any project undertaken under this section the term may include a nonprofit organization acting in cooperation with officials of a political subdivision of a State.".

(b) Conforming Amendment.—The table of contents contained in section 1(b) is amended by inserting after the item relating to section 217 the following:

"Sec. 218. Brownfields redevelopment.".

SEC. 214. BRIGHTFIELDS DEMONSTRATION PROGRAM.

(a) In General.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

"SEC. 219. BRIGHTFIELDS DEMONSTRATION PROGRAM.

"(a) In General.—On the application of a qualified eligible recipient, the Secretary may make a grant for a project for the development of brightfield sites if the Secretary determines that the project will—

"(1) utilize solar energy technologies to develop abandoned or contaminated sites for commercial use; and

"(2) improve the commercial and economic opportunities in the area where the project is located.

"(b) Limitations.—Projects carried out under this section shall be subject to the limitations of section 104(k)(4)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(4)(B)); except that recipients may use grant funds awarded under this section for the administrative costs of economic development activities.

"(c) Definitions.—In this section, the following definitions apply:

"(1) Brightfield site.—The term 'brightfield site' means a brownfield site (as defined in section 217) that is redeveloped through the incorporation of solar energy technologies.

"(2) Qualified eligible recipient.—The term 'qualified eligible recipient' has the meaning given such term in section 217; except that for any project undertaken under this section the term may include a nonprofit organization acting in cooperation with officials of a political subdivision of a State.

"(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2008. Such sums shall remain available until expended.".

(b) Conforming Amendment.—The table of contents contained in section 1(b) is amended by inserting after the item relating to section 218 the following:

"Sec. 219. Brightfields demonstration program.".

TITLE III—COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

SEC. 301. COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES.

(a) In General.—Section 302(a)(3)(A) (42 U.S.C. 3162(a)(3)(A)) is amended by inserting "maximizes effective development and use of the workforce consistent with any applicable State or local workforce investment strategy," after "access,".

(b) Approval of Other Plan.—Section 302(c) (42 U.S.C. 3162(c)) is amended by adding at the end the following: "To the maximum extent practicable, a plan submitted under this paragraph shall be consistent and coordinated with any existing comprehensive economic development strategy for the area.".

TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

SEC. 401. INCENTIVES.

Section 403 (42 U.S.C. 3173), and the item relating to section 403 in the table of contents contained in section 1(b), are repealed.

SEC. 402. PROVISION OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES TO REGIONAL COMMISSIONS.

(a) In General.—Section 404 (42 U.S.C. 3174) is amended to read as follows:

"SEC. 404. PROVISION OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES TO REGIONAL COMMISSIONS.

"If any part of an economic development district is in a region covered by one or more of the Regional Commissions (as defined in section 3), the economic development district shall ensure that a copy of the comprehensive economic development strategy of the district is provided to the affected Regional Commission.".

(b) Conforming Amendment.—The table of contents contained in section 1(b) is amended by striking the item relating to section 404 and inserting the following:

"Sec. 404. Provision of comprehensive economic development strategies to Regional Commissions.".

TITLE V—ADMINISTRATION

SEC. 501. ECONOMIC DEVELOPMENT INFORMATION CLEARINGHOUSE.

Section 502 (42 U.S.C. 3192) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) maintain a central information clearinghouse on the Internet with—

"(A) information on economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment programs and activities of the Federal Government;

"(B) links to State economic development organizations; and

"(C) links to other appropriate economic development resources;";

(2) by striking paragraph (2) and inserting the following:

"(2) assist potential and actual applicants for economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment assistance under Federal and State laws in locating and applying for the assistance;";

(3) by striking the period at the end of paragraph (3) and inserting "; and"; and

(4) by adding at the end the following:

"(4) obtain appropriate information from other Federal agencies needed to carry out the duties under this Act.".

SEC. 502. BUSINESSES DESIRING FEDERAL CONTRACTS.

Section 505 (42 U.S.C. 3195), and the item relating to section 505 in the table of contents contained in section 1(b), are repealed.

SEC. 503. PERFORMANCE EVALUATIONS OF GRANT RECIPIENTS.

Section 506(c) (42 U.S.C. 3196(c)) is amended by striking "after the effective date of the Economic Development Administration Reform Act of 1998".

SEC. 504. CONFORMING AMENDMENTS.

(a) STANDARDS.—Section 602 (42 U.S.C. 3212) is amended—

(1) in the first sentence by striking "in accordance with" and all that follows before the period at the end and inserting "in accordance with subchapter IV of chapter 31 of title 40, United States Code"; and

(2) in the third sentence by striking "section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)" and inserting "section 3145 of title 40, United States Code".

(b) EVALUATION CRITERIA.—Section 506(d)(2) (42 U.S.C. 3196(d)(2)) is amended by inserting "program performance," after "applied research,".

TITLE VI—MISCELLANEOUS

SEC. 601. RELATIONSHIP TO ASSISTANCE UNDER OTHER LAW.

Section 609 (42 U.S.C. 3219) is amended—

(1) by striking subsection (a); and

(2) by striking "(b) ASSISTANCE UNDER OTHER ACTS.—".

SEC. 602. SENSE OF CONGRESS REGARDING ECONOMIC DEVELOPMENT REPRESENTATIVES.

(a) FINDINGS.—Congress finds the following:

(1) Planning and coordination among Federal agencies, State and local governments, Indian tribes, and economic development districts is vital to the success of an economic development program.

(2) Economic Development Representatives of the Economic Development Administration provide distressed communities with the technical assistance necessary to foster this planning and coordination.

(3) In the past five years, the number of Economic Development Representatives has declined by almost 25 percent.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should maintain a sufficient number of Economic Development Representatives to ensure that the Economic Development Administration is able to provide effective assistance to distressed communities and foster economic growth and development among the States.

TITLE VII—FUNDING

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Section 701 (42 U.S.C. 3231) is amended to read as follows:

"SEC. 701. GENERAL AUTHORIZATION OF APPROPRIATIONS.

"(a) ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS.—There are authorized to be appropriated for economic development assistance programs to carry out this Act—

"(1) $400,000,000 for fiscal year 2004;

"(2) $425,000,000 for fiscal year 2005;

"(3) $450,000,000 for fiscal year 2006;

"(4) $475,000,000 for fiscal year 2007; and

"(5) $500,000,000 for fiscal year 2008.

Such sums shall remain available until expended.

"(b) SALARIES AND EXPENSES.—There are authorized to be appropriated for salaries and expenses of administering this Act $33,377,000 for fiscal year 2004 and such sums as may be necessary for each fiscal year thereafter. Such sums shall remain available until expended.".

TITLE VIII—APPALACHIAN REGIONAL DEVELOPMENT

SEC. 801. ADDITIONS TO APPALACHIAN REGION.

(a) KENTUCKY.—Section 14102(a)(1)(C) of title 40, United States Code, is amended—

(1) by inserting "Nicholas," after "Morgan,"; and

(2) by inserting "Robertson," after "Pulaski,".

(b) OHIO.—Section 14102(a)(1)(H) of such title is amended—

(1) by inserting "Ashtabula," after "Adams,";

(2) by inserting "Fayette," after "Coshocton,";

(3) by inserting "Mahoning," after "Lawrence,"; and

(c) TENNESSEE.—Section 14102(a)(1)(K) of such title is amended—

(1) by inserting "Giles," after "Franklin,"; and

(2) by inserting "Lawrence, Lewis, Lincoln," after "Knox,".

(d) VIRGINIA.—Section 14102(a)(1)(L) of such title is amended—

(1) by inserting "Henry," after "Grayson,"; and

(2) by inserting "Patrick," after "Montgomery,".

SEC. 802. AUTHORIZATION OF APPROPRIATIONS.

Section 14703(a) of title 40, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

"(1) $88,000,000 for each of fiscal years 2002 and 2003.

"(2) $91,000,000 for fiscal year 2004.

"(3) $93,000,000 for fiscal year 2005.

"(4) $95,000,000 for fiscal year 2006.".

The SPEAKER pro tempore. The gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2535, the Economic Development Administration Reauthorization Act, continues the work of the EDA by reauthorizing the agency for 5 years, updates the statute to reflect a changing economy, promotes the efficient use of resources, eliminates unnecessary and outdated provisions, and gives the Secretary flexibility to assist particularly hard-hit parts of the country. This reauthorization also includes several new provisions that will be important additions to the work of the EDA.

This legislation creates a performance-based incentive program in which eligible recipients are eligible for a bonus of up to 10 percent of the project cost by meeting criteria established in regulation; allows for the improved management and operation of revolving loan funds by amending loan areas and consolidating overlapping loans with the operator's consent and by crafting regulations that would allow for the securitization of loans consistent with security laws; and creates a planning performance award that awards up to 5 percent of a grant amount if a recipient meets several mandated criteria. By adding these provisions, EDA can better serve its constituents and do more to improve the economic future of America.

This legislation was developed through an intense process of hearings and markups. It was an open process that allowed for the input of all Members and groups with an interest in the legislation. This process has resulted in legislation that has broad bipartisan support, the support of the administration, and the support of such important partners as the National Association of Development Organizations, International Economic Development Council, National League of Cities, National Association of Counties, and the United States Conference of Mayors. This is a well-crafted piece of legislation. I want to thank the chairman of our full committee the gentleman from Alaska (Mr. YOUNG); the ranking member of the full committee the gentleman from Minnesota (Mr. OBERSTAR); and my distinguished ranking member on the subcommittee the gentlewoman from the District of Columbia (Ms. NORTON) for helping us put this legislation together.

I urge my colleagues to join me in supporting it.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I want to commend the chair of the subcommittee for the several hearings he had with great profit on the bill before us today and with the way he conducted those hearings so as to bring out many new ideas that have improved this bill. I rise, therefore, in support of H.R. 2535 as amended by the manager's amendment, a bill to reauthorize the program authorized by the Public Works and Economic Development Act of 1965.

This bill will reauthorize the Economic Development Administration for 5 years and provide authorization for sufficient funding levels to carry out its statutory obligations to provide economic opportunities in distressed areas of our country. This bill is of great importance to many struggling rural communities in our country and has very strong bipartisan support in this body.

The bill being considered this morning authorizes some new concepts, such as performance grants, and reinforces some tried and true approaches, such as ensuring economic development proceeds with close cooperation between local governments and Federal partners. One of the new concepts is the authorization of a performance grant program. Under this new program, grantees that meet or exceed goals for projects scheduled, jobs creation and financial leverage will be eligible for a performance grant of up to 10 percent of the project grant.

Further, for purposes of this act, the grantee can consider the proceeds as local funds to meet the non-Federal share requirements of this or other economic development acts. This is a new and innovative approach to rewarding high performance and provides the grantees with a tangible asset for future use. This will, we think, bring important new efficiencies to a program where there was already great efficiency according to many who testified.

The bill also authorizes the Secretary to make grants for projects to expand, redevelop or reuse brownfields sites. This is a much needed authority for major industrial sites.

I also appreciate the consideration the committee gave to my own interest in university centers and the expertise and resources they can bring to small and disadvantaged communities, just as they are well known to bring such advantages to big cities. Report language will highlight the committee's intent that the EDA should consider increasing the number of university centers. With the increase in authorized sums, I hope new university centers will become a reality.

Most of the districts that will benefit from this bill are rural communities, some of them very small, some of them larger communities. Many communities wanted to be a part of this bill because of its long history of promoting economic development and leveraging private resources, where otherwise that would be very difficult. Although, I represent a highly-urbanized district, I certainly know firsthand the singular importance of economic development, the benefits associated with economic opportunities that are created with a strong, vibrant economic development program and, of course, the persistent need for funding to transform ideas into reality.

At the April hearing on economic development, I mentioned the recent opening of the new Washington Convention Center and the immediate economic effect that it is having on my community and on the residents and community at large, including the entire region. I want to especially thank Chairman YOUNG and Ranking Member OBERSTAR for their constant and beneficial leadership on this bill. I also extend my personal thanks and congratulations to the gentleman from Ohio (Mr. LATOURETTE) for the interest and attention and expertise in committee he brought to reauthorizing this agency which is so vital to so many rural Americans. I strongly support H.R. 2535 and urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I want to commend the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) for their good work on the reauthorization of EDA. I, as the cochairman of the Congressional Rural Caucus, rise today in strong support of this reauthorization for the Economic Development Agency. The programs under the EDA are tremendously vital to rural areas. Without Federal economic development investment in rural economies, many of these communities would lack the resources to attract the next generation of manufacturing jobs and they would wither and dry up.

The reauthorization passed in the 105th Congress focused these programs toward serving the most needy, and I am pleased this reauthorization will continue to build upon those achievements. I have seen firsthand how the past reauthorization has focused Federal dollars to target communities that lack the resources.

I want to give my colleagues a few examples. When Knox Glass closed in Clarion County, it was EDA who stepped up to the plate with a grant that allowed them to build a new industrial park there on 80 and replace many of those jobs. When Franklin Steel closed, it was an EDA grant that allowed Franklin Industries to reopen that factory and have several hundred people working there. When Kendall Refining closed in McKean County, and now we reopened American Refineries, it was an EDA grant that allowed that to happen. When the Stackpole Corporation closed and thousands of jobs left Elk County in Pennsylvania, it was an EDA grant through the North Central Planning Commission that now has 200 and 300 people working in different companies within that complex. And when the Cyclops Steel Plant closed 5 miles from my home and 1,000 good jobs went down the drain, it was an EDA grant that allowed that facility to be taken over by a local development agency, and there are several hundred jobs and about 20 companies providing employment there today.

Do we need it in the future? Yes, we do. In my 16-county rural district in Pennsylvania, we have lost 17,000 manufacturing jobs in the year 2001 and 2002. So I stand here today saying we need an expanded EDA. We need an EDA with more money, with a bigger budget. And I am here today on behalf of the reauthorization of this agency because their structure allows them to go into a rural community that has been devastated by losing their major employer and give that grant that is the glue that will put an economic opportunity back there in those communities.

Rural America is in trouble. We need a bigger, stronger EDA to help us. They have an agency with a good track record. I want to commend Secretary David Sampson for his strong leadership there, and I want to commend the committee for their good work in bringing forth this reauthorization.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman who has just spoken. I want him to know that I think I would speak for the chair, as well as myself, when I say it was heartbreaking not to have more money for this bill because of the way in which communities came forward and wanted to be included. But we thought that pretty soon you are going to have every community from a rural area in the United States included in this bill, and for good reason. What made it heartbreaking, of course, is that we are not just talking about another bill that will throw some money out here for communities, even hard-pressed communities. What was really so rewarding was to hear experts who had looked at the program testify as to its benefits and its efficiency.

There came a time in the hearings when I wondered if I was hearing a discussion of a Federal program when its efficiencies were being touted the way they were. What the chairman and I did was to work on making these efficiencies even more widespread with new ways to not only measure performance but to reward performance. I do want to say a word about rewarding performance. The incentive portion of this bill will also mean that the private sector, whose resources get leveraged as well, will understand why this bill is important for their participation, because they understand incentives. The joining of the performance with incentives, which means that some of that actually comes back to you to use, is a model I would like to see in other Federal legislation as well. I regret that there was not more money. I applaud the fact that there is a greater amount than before. I thank the gentleman from Ohio (Mr. LATOURETTE) for his hard work on this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume to make a couple of observations. One, to thank the gentleman from Pennsylvania for his eloquent statement. I think as he recited those communities that have been helped by the EDA, that was the only commercial that we needed for the reauthorization of this valuable program. In the exhaustive hearings that we had on this issue where the gentlewoman from the District and I had the opportunity to listen to economic development experts from around the country, they talked about the fact that the average size of EDA grant is $600,000. So we are not talking about hundreds of millions, we are not talking about billions, but that $600,000 when then translated into the local community and what it meant, as recounted by the gentleman from Pennsylvania, I think was truly remarkable. It really is life-changing and community-changing money, and the work that they do is certainly not only well-spent but it is productive.

The second piece, the amendment that was self-executed by the agreement of the House of yesterday, I think, is important in that we have added 12 counties to the Appalachian Regional Commission. Some people expressed concern about that, particularly those communities that are already located within the ARC. I want to highlight and commend the distinguished work of one of our committee members, the gentlewoman from West Virginia (Mrs. CAPITO) that was concerned about the fact that that might stress the resources. She made sure that an amendment was included therein that also made sure that there were sufficient funds so that that fine organization could continue its work and continue its work at a fiscally responsible level.

□ 1230

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for yielding me this time and allowing me the opportunity to speak on this bill.

I am enthusiastic about this bill. It has bipartisan support, supported by development organizations. It is supported by the U.S. Conference of Mayors, the Education Association of the University Centers. So it has clearly met the needs of a number of folks. But as we take a look at what the bill does specifically, it creates a new program that allows for the designation of special impact areas which allows the Secretary to waive certain planning requirements to help isolated areas in distressed communities.

This designation, I think, really will enable the Secretary to respond more quickly to get help to those areas, to get economic help to those communities that need it; and when they need it, they need it quickly. It creates a performance-based incentive program that rewards high performance, as determined by criteria established in regulation, with a bonus of up to 10 percent of the project cost that can be used on other eligible activities.

Again, these reforms focus on getting better results. It creates a planning performance award equal to 5 percent of the grant amount, which may be awarded prior to closeout of a grant if the recipient satisfies four mandated criteria. And as with any program or any reform, it removes outdated and burdensome administrative procedures. It updates several citations and allows for subgranting of assistance to eligible recipients. It also authorizes the issuance of grants for brownfields redevelopment. Again, important in many communities because if we want to revitalize a community, what we want to do is we want to revitalize those areas that we classify as brownfields. It also allows the EDA to explore the use of photovoltaic technology in brownfield redevelopment on a limited basis, again, enabling us to use perhaps break-through technology in cleaning up the brownfields. So I rise in strong support of H.R. 2535, the Economic Development Administration Reauthorization bill, and I thank my colleague.

Mr. LATOURETTE. Mr. Speaker, we have had a couple of additional speakers show up here, and I am not sure whether the gentlewoman from the District of Columbia was expecting that. So I would ask unanimous consent that the time that she has yielded back be restored to her in case she wants to make some observations.

The SPEAKER pro tempore (Mr. SHAW). Without objection, the gentlewoman from the District of Columbia's (Ms. NORTON) time is restored.

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentleman from Ohio (Mr. LATOURETTE) for his hard work and dedication in increasing economic opportunities through the reauthorization of the Economic Development Administration.

I strongly support this legislation. Established in 1965, the ADA was created in an effort to improve conditions of substantial and persistent economic distress throughout the United States. I am fortunate to have been able to work with the EDA, and specifically Dr. David Sampson, on economic development issues that are vitally important to the future and the people of the eighth district of North Carolina.

H.R. 2535 requires Federal agencies to coordinate their economic development initiatives, including a requirement for comprehensive economic development strategies, CEDS, to maximize the effective use of workforce investment strategies. Our CEDS committee is a local initiative led by Chairwoman Judy Stevens and comprised of local economic development, education, and chamber officials. With the hard work of Dr. Sampson and his staff at EDA, our CEDS committee is coming closer to a final recommendation to present to EDA which will serve as a blueprint for regional economic development for the eighth district of North Carolina.

With relatively small investments of Federal funds, the EDA has been able to achieve remarkable successes and change the economic outlook for many citizens. As an example, since 1965, the Appalachian Regional Commission has invested over $400 million toward transportation, business development, education, health care, and community projects in North Carolina. As a direct result of this investment, poverty rates in the commission region have been cut almost in half.

These are real results for real people, and I look forward to continuing to work with Dr. Sampson and the EDA as we continue to address economic development and jobs in areas such as the eighth district of North Carolina. I am hopeful that the 108th Congress will authorize the Southeast Crescent Authority, or SECA, which will provide 428 counties in the southeastern United States access to Federal funds and expertise that will support increased economic opportunity, prosperity, and jobs for our citizens.

I again thank the gentleman from Ohio (Mr. LATOURETTE) for his service and leadership on his issue, and I support the bill strongly.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for moving to restore my time by unanimous consent. And since we do have the time, I want to note how long-lasting this bill has been. I mentioned that it was first authorized in 1965 when the President was Lyndon Johnson. It was a bipartisan bill then, and it remains bipartisan today. And it comes at a time of special need for such a bill.

Since January, 2001, if we look nationwide, the number of unemployed have increased by 50 percent. We know what that means in big cities because of the media in big cities. The effect on small communities is far more serious because they do not have the economic development vehicles in the first place and because those areas by definition have found it harder to attract the vehicles on their own.

The importance of this bill is that it has given the signal to the private sector to come on in, and the bill is so successful because that is exactly what the private sector has done in rural communities where they would not have thought of coming without the Economic Development Act. So these grants are critical to economic development in good times and in poor times. They keep economic development alive very often. And what kind of money are we talking about? The chairman indicated the size of the average grant. When we come on the floor with a bill that authorizes $400 million for fiscal year 2004 and $500 million by the year 2008, we are really talking pocket change for bills that come before this body. And look at what it does. Hundreds of millions more is leveraged from private resources because of this bill.

I am very proud of the work the committee has done, but I am prouder still of what came before us in the form of benefits to rural communities and efficiencies that they had incorporated into their own economic development work.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman for yielding me this time, and I congratulate him and the ranking member on bringing this important legislation to the floor. And I am rising in strong support of passage of H.R. 2535.

I would like to share a very personal story. Sometimes we talk in grand pictures and sometimes abstract pictures about our impact of legislation. I want to cite for the Members of this body a very specific example. In 1995 with the BRAC closures, the Base Realignment and Closure Act, the Fitzsimmons Army Medical Hospital in Aurora, just on the edge of Denver, found itself on that list. And one can imagine the impact on a community when it finds out that about 4,500 jobs, both direct and indirect, are going to be lost from that community, a tremendous financial and economic impact to a relatively small neighborhood and a community. To make lemonade out of lemons, the EDA came in with some assistance, provided assistance in the form of an infrastructure grant to provide basic infrastructure needs, transportation needs for this old Army base. That Army base now is going to be home for a health sciences center, a collaborative health sciences center, involving the University of Colorado Health Sciences. We hope the Veterans Hospital will move there. We have an cancer center there, an eye center there. A bioethics clinic is locating there.

A long story made short, 35,000 jobs, 35,000 jobs are expected to be on that site by the year 2010, 35,000 high-paying jobs. And indirectly we estimate 66,000 jobs will come to Colorado in large part because of the EDA's willingness to step up to the plate, be a partner with the community in redeveloping a site and creating a huge opportunity.

Net gains in Colorado for a $5.1 million grant by the EDA to provide this basic infrastructure, as the ranking member just cited a minute ago, so as to attract private industry, it is estimated that by 2010, $3.1 billion will be generated for the Colorado economy and $6.3 billion once the site is fully developed in about another 10 years.

So it is with great pride that I again compliment the chairman and the ranking member on bringing this legislation to the floor and with great comfort that I can strongly support this legislation.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

To close, I just want to remind Members of what the mission is of this bill that was declared in 1965, to enhance community success in attracting private capital investment and lucrative job opportunities. This is not a classic public works program. What we are providing, Mr. Speaker, is seed money. And the indication of that is worth putting on the record. The average project, EDA project, leverages $10 million in private sector investment for every $1 million in Federal assistance. And I spoke earlier of the efficiency of this program that was presented at hearings. Here is an indication of that: 99 percent, that is 99 percent, which is a rare number on this floor, of EDA infrastructure projects are completed as planned and 91 percent of projects are completed on time. Would that we could say that about some other projects I can think of. I will not even mention the Visitors Center.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

I again thank the gentlewoman from the District of Columbia, who has truly been a wonderful cooperative partner during this first year of the 108th Congress, and I look forward to a good number of legislative successes with her in the coming year.

Mr. OXLEY. Mr. Speaker, I rise in strong support of H.R. 2535, the Economic Development Administration Reauthorization Act, offered by my colleague from the great state of Ohio, Mr. LATOURETTE, and urge its immediate passage. As you know, the Committee on Financial Services has jurisdiction over aid to commerce and industry, and based on that jurisdiction received an additional referral of the bill.

Mr. Speaker, while the country experienced record growth during the 1990s, there continued to be pockets of the country that did not enjoy that bounty. An economic downturn of the sort we have had over the past couple of years hits these area especially hard. Now, as the economy is turning up again, even as we tend to the economic wounds suffered by the rest of the country, we must remember that these areas were even harder-hit, and for this reason I salute Mr. LATOURETTE's diligent work on this matter.

Operating out of six regional offices as widely spread as Seattle and Philadelphia, the EDA provides community and regional grants on a cost-share basis for economic adjustment assistance, public works, development facilities, and planning and technical assistance, all aimed at leveraging public and private sector investments, creating or retaining long-term private-sector jobs and generating industrial and commercial development in both urban and rural areas.

Importantly, Mr. Speaker, the EDA is focused not only on reversing or mitigating the effects of long-term economic distress, but also on dealing with sudden economic impact brought on by the closing of, say, a military base or a large manufacturer or group of manufacturers in a particular industry. As the United States economy experiences the loss of some manufacturing jobs due to increased foreign competition, it is imperative for us to find or stimulate new jobs for displaced workers, and the EDA is an important tool in this effort.

David A. Sampson, Assistant Secretary of Commerce for Economic Development, is fond of saying that President Bush is committed to increasing the productivity and wealth of the American economy, and then noting that the President is firmly committed to ensuring that "all regions, States and communities share in economic opportunity." Mr. Speaker, I echo the President and Secretary Sampson. I am sure that the President's goal is the goal of each and every one of us, regardless of which state or which party we represent.

I commend Mr. LATOURETTE for his creativity in this area, and note that the reauthorization of the EDA contains a number of new and exciting programs, including the securitization of some economic development loans in a way that will give us even more bang for our economic buck in these areas. This is a forward-looking bill that seeks to help some of America's hardest-hit economic areas. I commend it, and seek its immediate passage.

Mrs. MYRICK. Mr. Speaker, I come here today in support of the reauthorization of the Economic Development Administration at Commerce. We in the Ninth District of North Carolina have had great success with the programs from EDA. Most importantly, EDA helped my district come together and formulate a comprehensive economic development plan for the next decade. This was the first time all of the economic development officials, business leaders, and community developers came to one place and really discussed where they saw our counties going and what was needed to ensure economic success.

Our area has been hit extremely hard by job losses, particularly in the manufacturing and textile sectors. The help that the EDA has provided and will continue to provide has given my district a vision for the future and a way for each citizen to become involved in its community. I thank the EDA for their help and assistance and commend them for the important work they do in districts like mine all around the country.

If the EDA is given the resources provided in this bill, it will result in the creation of approximately 623,314 jobs and the leveraging of $46.4 billion in private-sector investments over 5 years. With job challenges facing all of our districts every day, how can we not support a bill that will result in this many jobs being created?

I support this bill and I urge my colleagues to support it.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 2535, as amended by the manager's amendment, a bill to reauthorize the Economic Development Administration (EDA). In 1965, I was present when President Lyndon Johnson signed the Public Works and Economic Development Act creating EDA. In fact, I still have the pen he used at the signing ceremony. Since its inception, I have been a strong supporter of EDA and now, nearly 40 years later, I continue to believe in EDA's core mission—to create economic opportunity for those living and working in economically distressed communities.

EDA's mission—to create economic opportunities for all—remains as vital and necessary today as it was four decades ago. As our economy continues to struggle, the importance of EDA becomes even more apparent. Since January 2001, the national unemployment rate has risen to 6.1 percent, the highest level in 9 years. Further, in that time, the number of unemployed workers has increased from 5.9 million people to almost 9 million—an increase of more than 3 million unemployed workers, or 50 percent. Moreover, workers who have lost their jobs are having more trouble finding new jobs. The average length of unemployment is now almost 20 weeks, the longest it has been in nearly two decades. Within the last 2 weeks, the number of workers who have been unemployed for longer than 6 months has increased by more than 1.5 million to more than 2.1 million—an increase of 218 percent. One-half of the unemployed are out of work for more than 9 weeks and more than one in five have been out of work for more than 6 months. As in every recession, it is the people living in our Nation's economically distressed communities—the very people who are served by EDA—that are hardest hit by the economic downturn.

Mr. Speaker, EDA works. I know it works because I've seen it work—providing jobs, job training, and real economic opportunities in distressed communities across the country. A recent series of Rutgers University studies found that every $1 million in EDA public work funding creates 325 jobs; leverages $10 million in private sector investment; and increases the local tax base by $10 million.

EDA grants are particularly vital for many smaller, rural communities where deterioration of infrastructure facilities is especially prevalant. Deterioration in infrastructure is often part of a downward cycle that contributes to erosion of human and financial resources. For these rural communities, EDA grants are critical to improve their economic condition.

This bill enhances the agency's ability to deliver economic development services to those who need it most. The bill authorizes EDA for 5 years and provides the agency with the financing levels necessary to affect real growth and development in economically distressed communities. To that end, the bill authorizes $400 million for the agency in fiscal year 2004, increasing to $500 million in fiscal year 2008. Further, the bill moves the agency forward by building on a solid base of good administrative practices. It requires comprehensive economic development planning at the State and local level. Such planning is essential for state and local governments to tackle effectively the tremendous economic development challenges they face and to take full advantage of EDA's program. EDA planning grants, which are reauthorized under the bill, provide a vital tool for state and local governments to undertake this important planning.

There are also many new, innovative programs in the bill. For example, the bill authorizes EDA to award performance incentive awards to high performing grantees. Grantees can use their performance award money in any manner consistent with the Act. The bill also authorizes an EDA brownfields program and establishes a demonstration program for brightfields, which are brownfields developed through the use of photovoltaic solar energy systems. The ability to invest in these areas and technologies provides communities with the tools needed to reap further benefits.

When EDA was last reauthorized in 1998, this House and the Transportation and Infrastructure Committee took the lead in enacting that legislation. I am proud that we are again leading the efforts to reauthorize EDA with this bill. It is a true bipartisan product, and I extend my thanks to Chairman YOUNG, Subcommittee Chairman LATOURETTE, and Subcommittee Ranking Member NORTON for their hard work and diligence on this bill. I urge its passage.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 2535, legislation to reauthorize the Economic Development Agency for an additional 5 years.

Since its inception in 1965, the EDA has been successful. Positive changes have occurred in every State of this Nation. More than $18 billion in Federal money has been invested in rural and urban communities, which has leveraged more than $74 billion in private sector investments. More than 2.8 million jobs have been created. In my congressional district, the EDA has provided assistance for a variety of economic development projects—ranging from ports to business parts—to improve the region's economy.

The bill we have before us today will continue the success of the EDA by providing the agency with $2.25 billion over a 5-year period for economic development assistance. These resources will result in the creation of almost 625,000 jobs and leverage $46.4 billion in private sector investments.

Mr. Speaker, the bill we have before us today is a good bill. It builds on the success of the EDA, and will improve the responsiveness and flexibility of the EDA, while improving coordination with other Federal agencies.

I urge my colleagues to join me in supporting this bill.

Mr. HINOJOSA. Mr. Speaker, I rise in strong support for H.R. 2535, the Economic Development Administration Reauthorization. In my congressional district, under the leadership of Pedro Garza, the Austin regional director, EDA has been a strong partner in helping my rural and urban communities in a variety of ways.

EDA grants have helped my small rural towns build wastewater facilities and other infrastructure projects. With EDA grants, South Texas Community College has built an allied health center that is training hundreds of new nurses and health professionals. These students will have the opportunity to work in a high-paying career and alleviate the nursing shortage that is plaguing the entire State of Texas. EDA funding helped us complete a new pediatric speciality clinic in one of the poorest counties in the nation. An EDA planning grant is currently helping the Delta Region of Hidalgo County develop an economic development plan that will lead the region into a new era of economic growth. Whenever we have called on Mr. Garza, he has been there to help us to the best of his ability. I want to thank him for all he has done for the 15th Congressional District of Texas.

The EDA model of leveraging public and private sector investment is a proven success. Every $1 million in EDA investment helps rural and urban communities leverage $10.8 million in private-sector investments. We need to encourage this type of success in other Federal programs. I urge my colleagues to vote in favor of H.R. 2535 and allow EDA to continue its mission of helping our rural and urban communities grow.

Mr. RAHALL. Mr. Speaker, I want to express my strong support for the reauthorization of the Economic Development Administration (EDA).

The EDA enhances regional competitiveness and provides critical long-term support for regional economies. In my own district of southern West Virginia, the EDA has been an important catalyst that has created or saved an estimated 2,240 jobs just since 1993. Similarly, over $31 million in federal funding has enabled 78 projects in southern West Virginia to leverage more than $50 million in private sector funding as well as approximately $24 million in state and local funding. In 2003. alone, EDA programs have provided much-needed funding for projects as diverse as University Center funding at several of West Virginia's institutions of higher education, an airport business park in Raleigh County, and engineering for building construction in Hinton, WV.

But in some regions of our Nation, EDA cannot complete its mission without additional help. For example, the Appalachian Regional Commission (ARC) works in coordination with EDA to serve America's Appalachian region. Historically, the Appalachian region has faced levels of poverty and economic distress higher that national averages as a result of its geographic isolation and inadequate infrastructure. My home State of West Virginia lies entirely in the Appalachian region. Mr. Speaker, neither of these two important programs can sufficiently serve the area without the other.

For over 30 years, the ARC has provided for development and jobs for more than 22 million people. The ARC's assistance to West Virginia, and to my constituents in the southern part of the state, through the West Virginia Infrastructure and Jobs Development Council has been critical. It has aided the West Virginia Department of Health and Human Resources to develop educational funding, training and job opportunities for local health care. In my district, the ARC made $1 million available to the Mingo County Redevelopment Authority to provide water service, and to create 130 jobs by processing West Virginia timber into hardwood flooring and related projects. Similarly, the ARC provided water service to 312 new customers in Crum, West Virginia, and it helped to improve the quality of mathematics and science education in Bluefield, WV.

Tragically, however, the Bush administration proposed decreased funding levels for the ARC's nonhighway program by more than 50 percent. Of course, President Bush's friends in the Republican-led House followed through with his wishes by imposing the cuts in appropriations for next year. Now, the administration and the House Republicans say that they want to shift the ARC's nonhighway responsibilities to EDA for larger multijurisdictional projects, diluting the unique attention ARC provides this region of vast potential to serve our Nation.

Mr. Speaker, I am glad to have to be able to express my strong support for the EDA, and I support reauthorization of this vital agency. But, on behalf of West Virginians and all those throughout the Appalachian region, I mourn for the cuts to the ARC.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Monday, October 20, 2003, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2535, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on the motion to go to conference on H.R. 3289.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1245

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 3289 making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, be instructed to insist on the provisions of the Senate bill:
>
> Regarding medical screening for members of the Ready Reserve of the Armed Forces (Section 317),
>
> Regarding transitional health care and benefits for 180 days from separation for members of the Armed Forces (Sec. 321)
>
> Regarding the provision that $10,000,000,000 of the amounts provided for the reconstruction of Iraq be in the form of loans, subject to certain conditions (Sec. 2319), and
>
> Regarding the provision of $1,300,000,000 to the Veterans Health Administration for medical care for Veterans (Title IV).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) will each control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I yield myself 9½ minutes.

Mr. Speaker, we are about to go to conference on a bill which spends $87 billion. It is the second installment of what will be many installment payments to deal with the consequences of the war in Iraq. This motion to instruct attempts to put the House on record in favor of three provisions which the Senate passed earlier last week.

First, with respect to the issue of loans versus grants, this motion would provide that after $5.1 billion is set aside for military and security operations, and after $5.1 billion is set aside for Ambassador Bremer to deal with other costs associated with the effort in Iraq, that the remaining $10 billion of the reconstruction portion of the package be provided in the form of a loan, unless the President certifies that 90 percent of the bilateral debt owed by Iraq to other countries is forgiven.

The purpose of this first provision is to recognize that, over the next 5 years, the per capita foreign debt of the United States will be larger than is the per capita debt of Iraq, and since foreign debts can only be paid off by a country running trade surpluses, that means that, in effect, over the next 5 years Iraq will be in a better position to repay their foreign debts than we will be.

Secondly, we ask the House to go on record in support of two provisions that relate to quality-of-life measures for our troops. The first is to provide medical screening and dental screening for Guard and Reserve personnel prior to their being mobilized; and, second, to extend the transitional health care coverage to servicemembers who have been on active duty in Iraq and are now returning home, to extend that transitional health care coverage from the existing 60 days to 180 days. Certainly, that is the least we can do for these returning servicemen and women.

Thirdly, we ask the House to go on record in support of $1.3 billion in additional funds for veterans health care so that Priority 7 and Priority 8 veterans can make better use of veterans health care facilities without having to pay a $250 deductible and without seeing the cost of their prescriptions virtually doubled. This is, in essence, the content of the Bond-Mikulski amendment adopted in the other body.

That is what this does, and I would ask Members to support it.

I would also ask that if they do support it, they recognize that they have an obligation to then insist that these provisions be contained in the conference report, because they are already in the Senate bill. As Members know, conference committees are supposed to deal only with those matters which are in dispute between the two bodies. So I would urge any veteran or any other interested American citizen watching this debate to keep close track of how Members vote today, and compare that vote with how they vote when this conference report comes back. I think in that way it will in effect mean that they will be acting as a "hypocrisy detector," which is always good for this body, when someone is looking over our shoulders.

I want to say one other thing. I know that the President of the United States is a powerful man. I know that in this town he is probably the biggest man on campus that you can find. But the fact is that I have never yet met a White House who did not think that Article I of the Constitution was a drafting error by the Founding Fathers. And I think that we need to remind all Presidents that we represent the same citizens that they do. We owe every President our respect, we owe every President a respectful hearing, but he also owes us the same thing, and that means that we need to work with each other.

Checks and balances: Mr. Speaker, in my view checks and balances is not simply an ornamental concept of democracy; it is a core element. It is the heart of our democratic system, and we have a right to expect the same respectful hearing from the President if we have an opinion that differs from his, as we have an obligation to give his views a respectful hearing.

But I note in today's article by E.J. Dionne in the Washington Post that the President, in a meeting last week, appears to have provided something other than that respectful hearing to Members of Congress.

Now, I know that the President is a business school graduate of a distinguished university, and I know that he regards himself in many ways as being an MBA President. He wants to bring business practices to the White House. Fine. But I would say that if that is the case, then even under the model that he sees, that means we are the Board of Directors.

We owe it to the country, it seems to me, to approach issues like this with great deliberation and great care.

When we rubber-stamp the desires of any President, we, in essence, do not behave like the greatest deliberative body in the world; we behave instead like a poor imitation of the Board of Directors at Enron.

I do not think we ought to do that. Yet I notice in Mr. Dionne's column of today, he is describing a discussion that took place at the White House between the President and a number of Senators, and he is quoted by one Senator as saying, "I'm here to tell you that this is what we have to do and this is how we have to do it," one Senator quoted the President as saying.

Then that Senator went on to say that after she had asked a question of the President, "He looked at me and said, 'it is not negotiable, and I don't want to debate it.'"

Now, I would suggest that that might be a proper attitude if a parent is dealing with a minor child. It is not a proper approach when we are dealing with co-equal branches of government.

So I ask every Member today to use their own judgment and think through what they think is in the best interests not just of this country, but of the Guard and Reserve forces who we are asking to fight our battles over in Iraq and our veterans who have done their duty and who are looking for some help with health care problems that they incur along the way.

Mr. Speaker, I would urge support for the motion to instruct.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, motions to instruct are usually a very strong tool of the minority party, and the reason I know that is because we were in the minority for a lot of years. As a matter of fact, one party controlled the House of Representatives for 40 years without a break. During that time, the minority party, our party, used a lot of motions to instruct. Most of these never passed, because the majority party has to manage and has to function and pass bills. So motions to instruct, although they are not binding, still seem to carry weight in the conference meeting. We need to move this conference quickly.

After lengthy debate in the House on Wednesday, Thursday and Friday of last week, and for nearly 2 weeks in the Senate, a lot of debate on amendments took place. Some amendments were agreed to; some amendments were adopted, and some were defeated.

Two of the amendments we dealt with seriously through most of the debate had to do with loans to Iraq. As we all know, the House spoke rather emphatically that loans are not the way we were going to proceed. One problem is there is no government in Iraq to whom we would make a loan. Our own laws require that there be a government established before we can make a loan to a country.

But what we are dealing with primarily, is to finish the job that was started in Iraq; and, when we finish the job, that means bringing our troops home. In order to bring our troops home, we are going to have to complete what they set out to do.

Saddam is gone, his regime is gone, but we cannot guarantee that another Saddam will not arise from the ashes of Baghdad if we do not help the Iraqi people establish a government, if we do not help the Iraqi people establish a health system, if we do not help the Iraqi people establish an educational system, and we are doing very well on the educational system. The health system is ongoing, and we are providing additional money in the supplemental to provide additional health systems.

We need to rebuild the infrastructure, electrical generation and distribution to people of Iraq, and to create a security force, where the people themselves can own their government, control their government, and not have to worry about a dictatorial regime raising its ugly head. When that happens, we can bring our troops home. The safety of our troops and the bringing of our troops home is important to me.

I do not know that this motion to instruct would actually delay the process, but it could. This should be understood, although most of the debate has been about the construction funds and the reconstruction in Iraq and Afghanistan, most of the money in the bill supports our own troops. It provides them with more adequate drinking water and potable water facilities. We have spoken strongly on several occasions, and we speak strongly again in this bill, that no American soldier should be in Iraq or any other place of hostility without body armor. In addition, having armor on the Humvees and the military vehicles that are not armored today, also needs to be done for the protection of our troops.

□ 1300

So we need to get this country stabilized and get our troops back home so that they do not have to be deployed constantly, not only our active duty troops but our Guard and Reserves.

The gentleman from Wisconsin (Mr. OBEY) has put together a pretty interesting motion to instruct. I would have to tell him that I like a lot of the things he has put in there, but there is one thing that we are not going to agree to: the conferees will not agree to this loan provision.

The President has spoken strongly on loans numerous times. The House has spoken strongly on it. And for those who think that the Senate is opposed to doing it like the House did, understand that the Senate already included $10 billion in their bill as a grant to the construction of Iraq and Afghanistan. And so the Senate is not opposed to doing it this way. They just have a little different arrangement.

So I am going to vote against this motion to instruct primarily because of the provision dealing with loans to Iraq, which the President feels very strongly about. And in the statement of the administration's position, the director of OMB has said specifically that the President's leadership, his top leaders and advisors, would advise for a veto if that loan provision stayed in the bill.

So I am going to vote against this because I am not sure that motions to instruct have ever had any influence whatsoever, as they are not binding. But for any Members on our side who feel that this is something they should vote for to have a symbolic vote, I will have no problem with that. And I am not going to ask the House to defeat this motion. I am just going to say that for the reasons that I mentioned I am going to vote against it and primarily because I am not going to agree in conference to the loan provision. I am going to support the President's position on that issue.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. EVANS), the ranking Democrat of the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Speaker, I rise in strong support of the motion to instruct conferees today to add $1.3 billion to the supplemental for veterans health care. This motion to instruct offered by Mr. OBEY recognizes caring for our veterans is a continuing constant war.

Last week, the Committee on Veterans' Affairs heard testimony from four veterans who spoke about the terrible injuries they and their families sustained in combat in the global war on terrorism. The costs of caring for these veterans, 2,000 who have used VA to date and hundreds of thousands more who will be eligible for VA health care when they return to the United States, all should be considered part of the cost of this war.

I urge my colleagues to support this motion. Let us not let our veterans down with a budget that will not meet the needs of returning troops or those it currently serves.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, last week I went to the Committee on Rules during its consideration of the supplemental request for Iraq in order to seek protection for an amendment to transfer 1.8 billion to our veterans when it came from the Iraqi reconstruction to veterans health care. My amendment was not protected, thus not found to be in order. So I greatly appreciate the gentleman from Wisconsin (Mr. OBEY) for offering this motion, and I urge all my colleagues to support it.

I would consider this vote, if you look at additional monies that the Senate has allocated for our veterans at this time, if today, like many other days since Operation Iraqi Freedom began, wounded troops will continue to arrive at Walter Reed Army Hospital and other military facilities on an average of 10 each day, 10 veterans who need services and who need assistance.

The military lists thousands, in fact, close to 1,600 now, that have been injured, have lost their limbs. Thousands more may come to our veterans hospitals in search of medical care for the conditions that may become evident in days and months after their military service has ended.

This summer the House broke its promise with our veterans. Our budget resolution promised to add $1.8 billion for veterans, yet the appropriations we approved for the VA added nothing. We have another chance to correct that situation. We have a chance to do the right thing for our veterans. We have asked them to go to Afghanistan; we have asked them to go to Iraq. And they have been willing, but we have to be there for them when they come back home.

This money will allow the military to provide better equipment and supplies to men and women who also have volunteered to defend our country. We also need to recognize that these veterans, this additional resource is not money that is above and beyond; it is for existing services. So it becomes important that we do the right thing. We ask that you support the efforts of the gentleman from Wisconsin (Mr. OBEY) on this motion.

Mr. YOUNG of Florida. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of this motion to instruct conferees. Let me note I support our President in his military requests for Iraq, and I applaud his leadership and the great job that our military has done in Iraq.

The question is not the $66 billion that we are providing in the supplemental for our military, but the $18.6 billion in reconstruction money. And the question is should we just give this as a grant or should half of that $18.6 billion, at least half of it, be in the form of a loan that will be repaid after 20 years.

Well, I do not see any reason why after bearing such a heavy burden, it is not like the $66 billion, but so many other billions of dollars, why the American people have to carry the whole burden. Why do we not permit half of this, $10 billion of this, to go in the form of a loan that can be repaid? After all, we are in debt $400 billion a year. That is our level of deficit spending. We have to borrow that $10 billion to give it to Iraq as a gift. Why do we not let them repay it after 20 years, put it in the form of a loan? That way our children will not have to repay this $10 billion 20 years from now. Instead, Iraqi children, who will have benefited from all of our investment and will probably be the richest kids in the world because Iraq is one of the richest oil producing country's in the world, let them pay it back.

Mr. Speaker, I would support this motion to instruct. Let us give the American people a little break.

Mr. OBEY. Mr. Speaker, could I inquire how much time I have remaining.

The SPEAKER pro tempore (Mr. LINDER). The gentleman has 16½ minutes.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, this clearly is a better bill than we received from the White House. It specifies that money has to be used for Kevlar jackets, for example, for the jamming devices. There is no question but that there are improvements.

What this instruction would do is to improve those improvements so that this is a bill that is far more in keeping with what our constituents would like to see. I have no question about that. I know that from the perspective of Americans who want to protect our troops overseas, and from the perspective of taxpayers, they would want this entire body to support this instruction to the conferees. Because that is what it is about, troops and taxpayers.

First of all, the troops. It provides the kind of quality-of-life improvements that every single one of our constituents would want us to include in this bill. Every single one. I would challenge any Member on the Republican or the Democratic side of the aisle to show me one constituent who would not want us to have these improvements in this supplemental appropriations bill.

And then from the standpoint of taxpayers, I have yet to find anyone of any political persuasion that does not think when you sit down with them privately that we should not be fronting all this money as grants when Iraq could conceivably be one of the wealthiest countries in the world, has potentially $7 trillion of oil reserves, when the money that we are talking about, which is always used as the excuse for why it has to be a grant, why it cannot be a loan because they have got $200 billion of outstanding debt.

Who does Iraq owe that money to? Kuwait, Saudi Arabia, Russia, France, some to Germany. How was that money spent? A whole lot of it was spent to build the palaces. Some we know was taken by Saddam and his henchmen. That is the way all of that works, that corruption is pervasive.

And why those countries that were dealing with Saddam should be first in line before the American taxpayer is beyond me and beyond every single one of our constituents.

That is why the Senate put this provision in the bill. We know our constituents want the provision in the bill. I know the gentleman from Florida (Mr. YOUNG) wants the provision in the bill. I know I cannot speak and I should not be speaking for him, but he is doing what the White House has asked us to. I am saying we have already told the White House we can fashion a better bill. This fashions an even better bill, one much more consistent with what our constituents would want us to do.

Mr. Speaker, vote in the interest of the troops and the taxpayers; approve this motion to instruct.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. EDWARDS), the ranking Democrat on the Military Construction Subcommittee on Appropriations.

Mr. EDWARDS. Mr. Speaker, it is wrong to be making promises to Iraqis while breaking promises to America's veterans. It is wrong to say Americans can afford to build new hospitals in Baghdad, but we cannot afford to keep open veterans hospitals here at home.

This motion is about doing right by America's veterans, veterans such as Robert Armstrong. I met this brave American, a constituent of mine, recently at Walter Reed Army Hospital. Sergeant Armstrong was protecting a children's medical center in Baghdad when a grenade went off close by. He was badly wounded and near death. Army doctors were so sure that he would die that they ushered him out of the Army in order to help his family receive higher death benefits.

But Sergeant Armstrong did not die even though his heart flatlined five times and he lost an eye and a leg. In and out of consciousness, Sergeant Armstrong kept repeating the name Mary, Mary, Mary. It turns out that Mary was his 15-year-old daughter, and he had promised her he would come home alive.

My wife was with Mary at Walter Reed Hospital when she saw her loving father for the first time in 5 months. His first words to his daughter were, "Mary, I always keep my promises." Mr. Speaker, this motion is about America saying to Sergeant Armstrong that we will keep our promise to you, the promise to provide you with quality health care because of your service and sacrifices for our Nation.

The truth is the proposed VA health care budget does not even keep up with inflation, even during the time of war. It would require cuts in services that are already stretched to the limit.

□ 1315

It is $1.8 billion below the VA health care budget promised by Republicans in this House earlier this year in their budget resolution. The Senate provides $1.3 billion more than the House bill, coming much closer to keeping our promise to veterans. And we should support that higher level of funding for our veterans hospitals and we know it. Our veterans deserve no less.

Sergeant Armstrong kept his promise to his daughter. Now, it is time for America to keep our promise to him. Let us, in a bipartisan fashion, support this motion to instruct. Let us, on a bipartisan basis, vote to increase funding for veterans hospitals by $1.3 billion and then let us mean it, because to vote for this resolution and then not to push it through conference committee would be breaking a promise to our veterans one more time. They deserve better than that.

Mr. OBEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. LINDER). The gentleman from Wisconsin (Mr. OBEY) has 10½ minutes.

Mr. OBEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I rise in support of the motion, and I hope that everybody on both sides of the aisle will take it seriously. This issue was debated in the House and our effort was turned down. It was also debated in the Senate and the issue of a loan was thoroughly examined and the Senate voted in favor of this approach.

In the Senate, even more so in the House, we heard all the arguments against it, that there is no government to sign it. They already have a debt. It would make it clear that we were interested in oil from the beginning. That is one of the arguments that is given and also that it would diminish efforts from others. But I think these arguments were effectively answered within the Senate.

There is a governing council, an entity that is now working. It is hard to believe that in the next months, if we do our job well and we get some help from others, that they would not be in a position to handle this issue. As to their already having a debt, it is possible, I think, for a loan to be put together to take that into account and remember the Senate version.

The Senate version would trigger an event if other nations forgave their debt. In terms of participation of others, I do not see how this would affect it. What this would bring about if adopted would be that the Senate would be encouraged to persist in their approach. And the reason to consider this is it could be amended, perhaps somewhat differently than the Senate put it together, but it would still be there. There would be participation more fully by the Iraqis. They would have greater investment in their own future. And also they would share the cost of this with the American public.

So I urge that there be support for this motion. This loan provision needs to be continued in terms of discussion and not simply thrown aside by an administration that has been headstrong from the very beginning. We should not allow it to be headstrong about this loan provision.

Mr. OBEY. Mr. Speaker, who has the right to close?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has the right to close.

Mr. OBEY. Does the gentleman from Florida (Mr. YOUNG) have any other speakers?

Mr. YOUNG of Florida. Mr. Speaker, I have no other speakers.

Mr. OBEY. Mr. Speaker, since I have the right to close, I will let the gentleman proceed. I have only one speaker.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as I said earlier in my opening comments, the gentleman from Wisconsin's (Mr. OBEY) motion has a lot of things to feel good about. The conference on the authorization committee for the Committee on Armed Services is working on a lot of these details already that the House is supporting.

We have done a number of good things for quality of life for our military. To listen to some of the speakers on the other side, you would think we had done nothing for the members of our military. That is just not true. That is a little misleading, but then we know in debate, things get a little misleading. We provided hazard pay and separation allowances and fully funded them in this bill. We have authorized travel assistance for military families, that is, continued payment of per diem for travel of family members of our military personnel who are ill or injured as a result of active duty service.

Clothing allowances. We provided the Department of Defense authority to provide monetary stipends to soldiers to purchase civilian clothing to wear during their hospital stays.

Meal allowances. The House has moved on three separate occasions and moved very quickly to abolish the outrageous system of soldiers in military hospitals being billed for the food that they consume while they are recovering from the wounds on the battlefield. Outrageous.

The House moved quickly on three different occasions to not only repeal that law but to make it retroactive through September 11, 2001 and to provide for repayment of any of those bills that had already been collected from wounded military personnel. We are going to pay them back. The House has moved very quickly on that. And I thank the House again, because we made it retroactive here when I offered an amendment for myself and the gentleman from Wisconsin (Mr. OBEY) to not only make that repeal permanent, but to actually make it retroactive until September 11.

We have directed the Department of Defense to increase the availability of modern hydration systems for the soldiers in Iraq. It gets really hot there, and the soldiers need as much water hydration as they can get, and we insist on that being provided. We took the President's request; we made some changes. I think we produced an even better bill than the President requested. We have a good bill that was passed by the House after debating for 3 days, and I do not want to do anything to limit our ability to advance this important bill, and to have some flexibility in the conference. It is the same thing that they wanted when they were in the majority party, they wanted flexibility to negotiate with the other body and we do too.

As I have said earlier, Mr. Speaker, I am not going to ask my side of the aisle to defeat this motion to recommit and this motion to instruct. It is nonbinding, and it has a lot of good-sounding symbolic items. I am going to vote against it myself, because I cannot agree to the provision that talks about the loan provision that the Senate included that the House defeated on two separate occasions. So I will be there to defend the position of the House and to negotiate with the other body to get the best bill that we can and one that will not be vetoed. And it has been suggested that it could be subject to a veto if that loan provision remains in the bill.

So other than that, Mr. Speaker, I hope we can get about our business. We would like to get to conference quickly on this bill. We would like to be able to conclude a conference early next week and have this bill to the President as soon as possible.

Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this motion has nothing to do with the question of whether the troops will come home sooner or not; but it has a whole lot to do with how we will treat those troops before they go to Iraq and after they return home. That is why we provide in this motion that the House ought to accept the Senate provision providing for premobilization health care and dental screening for Guard and Reserve forces and why we extend health coverage, the military health coverage to them for 4 additional months after they return home, above and beyond that to which they now are entitled.

This amendment has nothing whatsoever to do with making it harder for Iraq to repay its debts. In fact, this provision has a huge incentive for all other countries in the world to forgive their debts, just as they did with Poland when Poland became a democracy. Because this says that 50 percent of the reconstruction money to Iraq will be in the form of a loan unless the rest of the world forgives their debts. And then if the rest of the world forgives their debts, then we will too.

If we are looking for a way to put Iraq in the strongest possible position and to make sure that Uncle Sam's taxpayers are not the only ones stuck with the bad deal, you need to vote for this amendment.

I would also say that we have heard the argument that somehow this proposal might slow down consideration of the bill; just the opposite. All this motion does is to accept three items that the Senate has already agreed to. The Senate has already determined that half of the reconstruction funds ought to be in the form of loans. The Senate has already determined that we ought to provide the additional health care to our military personnel that I have just described. The Senate has already determined that veterans deserve the additional $1.3 billion in veterans health care that we are trying to provide. So all we are doing is narrowing the differences between the two Chambers, which ought to make it faster in terms of the time it takes to deal with there bill.

I do hope, however, that particularly veterans groups, I hope veterans groups will put out a very large "Beware" sign on this vote, Mr. Speaker, because I am afraid that there will be a number of Members who will vote for this motion in the belief that it is merely symbolic, fully intending to support efforts by the Senate and House Republican leadership to then jettison these provisions as soon as they get to conference. That would be the ultimate act of insincerity.

And I hope that veterans groups will not let Members of this House pose for political holy pictures on this vote and then bug out of their responsibilities to stick to that vote when the bill goes to conference and comes back from conference.

I also would like to say one other thing. The President, as I said earlier, deserves the respect of every Member of this House, if for no other reason than by virtue of the office that he holds. But I want to say that the President is our leader; he is not a one-man band.

This Congress has an obligation also to weigh in with its own best judgments. I think this President, rather than telling Members of Congress that items like this are nonnegotiable, I think, as teachers often say to parents, he needs to learn to "work well with others". And I think that applies to how well he needs to be able to work with the Congress, and I think it also applies to how well he needs to work with our allies. And I would hope that, I would hope that that would happen.

After all, this is the same administration that did not provide the needed Kevlar linings for body armor for over 40,000 American troops.

This is the same administration that did not provide enough jammers, electronic jammers, to our troops in Iraq. And as a consequence, we have had American servicemen and women killed or maimed because they could not prevent the remote detonation of bombs and mines.

This is, after all, the same administration that did not see to it that we had enough armor for the Humvees so that they would not be vulnerable to explosions from the roadbed.

And this is the same administration that asked for so little money for clean water for our troops that 80 percent of our troops in Iraq, right now, are still drinking putrid water.

□ 1330

So I would say, with all due respect, no one is perfect. This administration certainly does not have a monopoly on wisdom. Neither do we on this end of Capitol Hill; but we ought to be able to work together in an effort to reach reasonable compromises. I think this recommit motion is, in fact, an effort at a reasonable compromise; and with that, I would ask for an "aye" vote, Mr. Speaker.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct will be followed by a 5-minute vote on the question of passage of H.J. Res. 73.

The vote was taken by electronic device, and there were—yeas 277, nays 139, not voting 18, as follows:

[Roll No. 567]

YEAS—277

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Bachus
Baird
Baldwin
Ballenger
Bartlett (MD)
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chabot
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doyle
Duncan
Dunn
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frost
Garrett (NJ)
Gerlach
Gillmor
Gonzalez
Goode
Gordon
Graves
Green (TX)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Hayworth
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Rehberg
Renzi
Rodriguez
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wamp
Waters
Watt
Waxman
Weiner
Weldon (PA)
Whitfield
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—139

Akin
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Buyer
Calvert

Camp
Cannon
Cantor
Carter
Castle
Chocola
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Tom
DeLay
DeMint
Doolittle
Dreier
Ehlers
Emerson
English
Feeney
Flake
Fossella
Frelinghuysen
Gibbons
Gilchrest
Gingrey
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Harris
Hart
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Latham
Lewis (CA)
Linder
Lucas (OK)
McCotter
McCrery
McHugh
McKeon
Miller (MI)
Miller, Gary
Murtha
Nethercutt
Neugebauer
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Reynolds
Rogers (KY)
Rogers (MI)
Ryan (WI)
Schrock
Sessions
Shadegg
Sherwood
Shimkus
Simmons
Simpson
Smith (TX)
Souder
Sullivan
Sweeney
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Walden (OR)
Walsh
Weldon (FL)
Weller
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Andrews
Ballance
Case
Coble
Doggett
Fletcher
Gallegly
Gephardt
Kelly
Marshall
Ramstad
Regula
Reyes
Sanchez, Loretta
Slaughter
Vitter
Watson
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER) (during the vote). There are 2 minutes remaining in this vote.

□ 1354

Messrs. NUNES, YOUNG of Alaska, HOBSON, BASS, CHOCOLA, ISSA, COLE, and FRELINGHUYSEN changed their vote from "yea" to "nay."

Messrs. KELLER, TANCREDO, ROGERS of Alabama, GRAVES, BALLENGER, NORWOOD, BACHUS, MARIO DIAZ-BALART of Florida, HEFLEY, BARTLETT of Maryland, DICKS, SKELTON, LINCOLN DIAZ-BALART of Florida, PETERSON of Pennsylvania, SHAYS, and Mrs. CUBIN and Ms. DUNN changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BALLANCE. Mr. Speaker, I inadvertently did not vote on the Democratic Motion to Instruct Conferees on H.R. 3289, Supplemental Appropriations Act for FY04. This motion directs conferees to keep the Senate-adopted language to: convert half of the Iraq rebuilding funds into a loan provided 90 percent of Iraq's bilateral debts are forgiven; provide quality of life improvements for our troops; and provide $1.3 billion in emergency funds for veterans' health care. Had I been present, on rollcall Vote No. 567, I would have voted "aye."

Ms. WATSON. Mr. Speaker, on Tuesday, October 21, I was unavoidably detained and missed a recorded vote number 567 on a motion to instruct conferees for H.R. 3289, the Emergency Supplemental Appropriations for Defense and for the Reconstruction of Iraq and Afghanistan for FY 2004. Had I been present, I would have voted "yea."

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

The SPEAKER pro tempore. The pending business is the question of passage of the joint resolution, House Joint Resolution 73, on which the yeas and nays are ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 19, not voting 18, as follows:

[Roll No. 568]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—19

Becerra
Blumenauer
Capuano
Davis (CA)
DeFazio
Filner
Holt
Jackson-Lee (TX)
Kucinich
Lee
McDermott
Miller, George
Olver
Paul
Sánchez, Linda T.
Stark
Tancredo
Tauscher
Tierney

NOT VOTING—18

Andrews
Case
Coble
Collins
Doggett
Fletcher
Gallegly
Gephardt
Kelly
Marshall
Ramstad
Regula
Reyes
Rush
Sanchez, Loretta
Slaughter
Vitter
Wexler

□ 1402

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 3289, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

The Speaker pro tempore (Mr. LINDER). Without objection, the Chair appoints the following conferees: Messrs. YOUNG of Florida, LEWIS of California, ROGERS of Kentucky, WOLF, KOLBE, WALSH, KNOLLENBERG, OBEY, MURTHA, Mrs. LOWEY, Mr. SERRANO, and Mr. EDWARDS.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2821

Mrs. MCCARTHY of New York. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2821.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentlewoman from New York?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Madam Speaker, I yield to the gentleman from Texas (Mr. DELAY) for the purpose of informing us of the schedule, and it seems to me we did this just yesterday.

Mr. DELAY. Madam Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, the House will convene on Tuesday at 12:30 for morning hour debates and 2 p.m. for legislative business. We will consider several measures under suspension of rules. A final list of these bills will be sent to Members' offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m. on Tuesday.

On Wednesday, the House will convene at 10 a.m. for legislative business. We may consider additional legislation under suspension of the rules, as well as H.R. 2443, the Coast Guard and Maritime Transportation Act of 2003. Next week we hope to have the conference report for H.R. 6, the Energy Policy Act for 2003 ready for consideration, as well as the Department of Defense authorization conference report. And in addition to that, there are four appropriations bills currently in conference that will be ready at any time.

Members should also be aware that we will be in session next Friday, October 31, and expect to have votes that day. Finally, I would like to make all of the Members aware that we hope the following week, the week of November 3, will be our last week of the session. We expect our first votes of that week to occur after 6:30 p.m. on Tuesday, and we anticipate having votes through Friday, November 7.

I thank the gentleman for yielding, and I will be happy to answer any questions the gentleman may have.

Mr. HOYER. Madam Speaker, I thank the gentleman for that information, and for his optimism. The gentleman indicated that Members should expect there will be votes in the House next Friday. That is Halloween. How certain is the gentleman that we are going to have votes on that day?

Mr. DELAY. I am pretty certain we are going to have votes on that day. If Members look at the conference reports and the fact that the present continuing resolution runs out on that day, if things do not go as we expect them, we could have some very important legislation on that day, although we understand that it is Halloween and Members want to be home with their families and want to trick or treat. And hopefully even if we work on that day, we can let Members out in time to go trick or treating.

Mr. HOYER. Better trick or treating at home than here.

Mr. DELAY. I understand.

Mr. HOYER. Mr. Leader, November 7 is indicated as the target date for adjournment. So that Members can plan, how confident is leadership that we can meet that date? How strong is leadership's intention to meet that date?

Mr. DELAY. As the gentleman knows, any date is tentative at the end of any session; but we are working very hard. The Senate is working very hard. If we get the conference reports that I outlined in my opening remarks next week, then we really only have the Medicare conference report, the finishing of the appropriations process, and we hope that we can do all of that in the next 2 weeks.

Mr. HOYER. Madam Speaker, I ask the gentleman, would it be fair to conclude there will be no action on the child tax credit?

Mr. DELAY. I would hope there would be. I would hope that the Senate would realize that allowing the child tax credit to expire in just a couple of years is actually raising taxes, and would accept the House bill that makes them permanent.

Mr. HOYER. Mr. Leader, I think I am correct that every tax bill that we have passed over the last 3 years has been sunsetted. Therefore, pursuant to your rationale on child tax credit, in effect those bills would be raising taxes, sometimes in 2010, sometimes a little before, and sometimes a little after, 2006, 2007 some sunset. How does that rationale differ from the rationale being applied to the child tax credit?

Mr. DELAY. Madam Speaker, it is pretty simple. The House has voted for a bill which covers more families than the Senate bill, and we think that they ought to receive that child tax credit, and they ought to receive it on a permanent basis. The House has spoken, and the Senate does not seem to want to come together with the House and work out our differences.

Mr. HOYER. Unfortunately, it is our position that the children, those 12 million children, the 6.5 million families, the 200,000 military families who would otherwise be eligible, are the ones who are paying the price for the inability of the two Houses to come together when apparently both Houses believe that they ought to get the tax relief of which we speak, and but for the difference on making it permanent, would be getting.

I would again reiterate our hope in the next 2 weeks that we plan on being in session, that if we cannot resolve the differences between the two Houses, we would urge leadership to reconsider that and pass at least the 1- or 2-year extension while we try to reach agreement on the differences that exist between the two Houses.

Mr. Leader, on the FSC bill, it is our understanding that the Committee on Ways and Means will mark up this legislation on Monday. Does leadership expect the bill to be on the floor next week or does leadership expect it to pass before we leave?

Mr. DELAY. Madam Speaker, the Committee on Ways and Means is considering a markup in the very near future, and once the committee has completed its work, because this bill has been a work in progress and has taken longer than we thought it would take to mark it up in committee, we have not scheduled time for it. But obviously, it is a very important piece of legislation; and once the committee has completed its work, we will look for floor time to move it. But at this point we cannot give an exact prediction of whether it is next week or the following week.

Mr. HOYER. As the leader knows, this bill comes about by a WTO ruling which places in jeopardy the United States, and we believe that we have a solution which advantages U.S. manufacturers, and we are very hopeful this does move ahead so our country does not confront at the end of this year, as the European Union has suggested it might, take action if we have not corrected the deficiency which the WTO has found. I hope that we could move that bill before we leave here.

The leader mentioned several conference reports which will come up next week. Which are the most likely? Energy was mentioned. Energy was a possibility for this week. How confident is leadership that energy will come next week? This is a complicated bill, a very important bill; and I would ask you to comment, and I would ask you to facilitate the availability of this bill as soon as possible, and more than 24 hours before because it is a complicated bill. We need time to review it; and as the leader knows, we have not been included, from our perspective, in the conference proceedings so we do not know what is in this bill at this point in time.

First, how confident is the gentleman that the conference report will come next week; and, second, can we be assured that we will receive a copy of the report and the accompanying bill hopefully by Friday afternoon?

Mr. DELAY. Madam Speaker, as the gentleman knows, we do not have to be in session for us to get our work done in conference committees or other committees. People are going to be working the rest of this week to finalize what will be submitted to formal proceedings of the conference committee on the energy bill, the comprehensive energy bill. The gentleman is correct in that it is a very complicated bill. Obviously we want to make sure that Members have enough time to review it so they can vote with some sort of understanding of what is in the bill. Obviously, I cannot predict when the final proceedings on the energy bill will be, but we will get to the Members as soon as we have the paperwork so they can look at the bill and be informed as to how to vote on it.

□ 1415

Mr. HOYER. Reclaiming my time, we would hope that would give Members no less than 48 hours to review the bill, have the staffs review it, so we know what is in it. Because, as I said, we have not had the opportunity to be included in the conference.

On the Medicare prescription drug, the gentleman mentioned the Medicare bill in response to my question. Can he tell me the status of the Medicare conference, and can he tell me whether or not he expects that bill to be on the floor prior to the November 7 target date for adjournment?

Mr. DELAY. A lot of people are working very hard to try to get that very complicated piece of legislation put together. The chairman of the conference continues to work with the various parties interested in reaching a compromise by the end of this session.

There have been several bipartisan, informal meetings since last week. I expect that there will be a few more before the end of this week. Hopefully, these meetings will produce a draft product that all the members of the conference can review at the next formal conference meeting. I would anticipate that that would start happening, probably next week or so.

We really think it is important to improve and strengthen Medicare and provide the kind of health care that seniors need before we adjourn in this session. A lot of people are working very hard to accomplish that.

Mr. HOYER. Reclaiming my time, Mr. Leader, I keep harping on this because I think it is important to make the point. Our folks are not included in whatever discussions are going on. As a result, we have no idea as to whether or not we think, in fact, Medicare is being strengthened or whether it is being weakened, whether prescription drugs are being made available to seniors, whether they are affordable, accessible, guaranteed, all of which we think is very important. We think this needs to be a voluntary program. I think we agree on that.

But as a result of not being included, we do not know, and we think it is not good for the process that whatever meetings are going on are not what we believe to be conferences of conferees because conferees are not being included. The gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. DINGELL), specifically, have not been included, and they are chief conferees, as the gentleman knows. The gentleman from Texas is a conferee himself, as I understand. We would hope that if, in fact, they are going to bring this bill to the floor, and if, in fact, a real conference is to be scheduled that it be done soon and that all of the conferees be included to discuss the parameters of a bill which can pass both House and Senate and be sent to the President.

Of the appropriation bills the gentleman mentioned, does he know which ones are most likely to be on the floor next week?

Mr. DELAY. A lot of people are working, conferees are working and have been working very hard. I anticipate all four that are eligible in conference, right now, could very well come to the floor sometime next week when they are finished, the Labor-HHS bill, the Interior bill, the Energy and Water bill and the Military Construction bill. These are very close to being settled. At least that is what I am being informed. I think those four bills could very well be voted on by next week.

Mr. HOYER. Reclaiming my time, again on the Labor-Health bill, I am a conferee and I have not been either invited to nor have I attended any conferences on that bill. So if it is reported next week, I am not sure when the conferees are going to meet and consider it. But it is, again, indicative of the fact that on our side, we do not get notice of, or we are not being included in, conferences. That is not, we believe, the way the process ought to work.

Mr. DELAY. If the gentleman will yield, I just want to correct the gentleman, in that the gentleman has been invited to any formal conferences that have been held and I am sure that to finish the work of the conference, formal conferences will be held on these bills so that Members can look at them and make determinations as to whether they will support them or not. If the gentleman is not being invited to formal conferences, let me know, and I will make sure that he gets the invitation.

Mr. HOYER. Reclaiming my time, and I will notify the gentleman that I am not being noticed. My conclusion is different than his, however. My conclusion is that I would be invited if they were having them. I do not think they are having them, but I may be in error, Mr. Leader. If the gentleman will check on that and let us know whether or not, in his terms, a formal conference has been held or is scheduled to be held on the Labor-Health bill, it will be news to me. But I would appreciate that information, and I appreciate the gentleman's offer.

Madam Speaker, last week the gentleman and I had a discussion about these conferences. On the Labor-Health bill, we are very concerned about the Labor-Health bill's funding as the gentleman knows. In the No Child Left Behind, the President was very strong on the No Child Left Behind. We believe in that bill, that that is short about $8 billion. Does the gentleman have any information as to whether or not such sums may be added to the Labor-Health bill to fully fund the No Child Left Behind Act?

Mr. DELAY. The gentleman knows that we have a strong disagreement as to whether the No Child Left Behind has been fully funded or not. From my perspective, it has been fully funded. I know the gentleman, and I think every Democrat voted against the bill because they wanted more funding. We have that disagreement. As far as what the conference is ultimately going to have, I am not advised. I could not tell the gentleman today if there has been any agreement on whether we are going to give more money than fully funding the No Child Left Behind.

Mr. HOYER. Reclaiming my time, the last question, the gentleman will be happy to hear. The House voted by a pretty good number to instruct the conferees on the issue of overtime pay, a substantial number of votes from his side and most of the votes from our side, if not all, all but two. Can the leader tell me whether or not he believes that instruction is being implemented by the conference?

Mr. DELAY. As the gentleman knows, motions to instruct are not binding. Many times it is just an expression of how you feel that day. The House voted on that issue, put it in the bill, and it is in the House bill. It is a very controversial issue between the House and the Senate. It is one of the issues that the conference committee is struggling with. As far as I know, they have not come to any resolution on how to handle that issue as of yet.

Mr. HOYER. Reclaiming my time, Mr. Leader, I look forward to hearing from the gentleman as to where these conferences are occurring because I assure the gentleman that I will be enthusiastic about participating and raising this issue and other issues when we find out where that elusive conference is occurring.

I thank the leader for his information.

MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

Mr. MARKEY. Madam Speaker, I offer a motion to instruct.

The SPEAKER pro tempore (Mrs. EMERSON). The Clerk will report the motion.

The Clerk read as follows:

Mr. MARKEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 6 be instructed to insist upon the provisions contained in—

(1) section 14011 of the House bill relating to secure transfer of nuclear materials;

(2) section 14012(d) of the House bill relating to nuclear facility threats, directing the Nuclear Regulatory Commission to issue regulations, including changes to the design basis threat, to ensure that nuclear facilities licensed by Commission address the threat of a terrorist attack against such facilities; and

(3) section 14013 of the House bill requiring the Nuclear Regulatory Commission, before entering into any agreement of indemnification with respect to a utilization facility under section 170 of the Atomic Energy Act of 1954, to consult with the Assistant to the President for Homeland Security (or any successor official) with respect to that facility concerning whether the location of the facility and the design of that type of facility ensures that the facility provides for the adequate protection of public health and safety if subject to a terrorist attack, and that the Nuclear Regulatory Commission also consult with the Secretary of Homeland Security before issuing a license or a license renewal for a sensitive nuclear facility concerning the emergency evacuation plan for the communities living near the sensitive nuclear facility.

Mr. MARKEY (during the reading). Madam Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Madam Speaker, I yield myself such time as I may consume.

I am offering this motion today to address one of the most inexplicable and indefensible decisions made by the House and Senate Republican energy conferees in their closed-door meetings. I am talking about the decision that has apparently been made by the Republican majority to weaken critical nuclear security provisions Democrats had earlier attached to the energy bill, H.R. 6, in order to better secure our Nation's 103 currently operating civilian nuclear power plants from the threat of terrorist attack.

Remember less than 2 years ago, President Bush told the Nation in his State of the Union address, quote, our discoveries in Afghanistan confirmed our worst fears and showed us the true scope of the task ahead. We have seen the depths of our enemies' hatred in videos where they laugh about the loss of innocent life and the depth of their hatred is equaled by the madness of the destruction they design. We have found diagrams of American nuclear power plants and public water facilities, detailed instructions for making chemical weapons, surveillance maps of American cities and thorough descriptions of landmarks in America and throughout the world.

So we know that nuclear power plants are at the very top of al Qaeda's list of potential targets in the United States. Despite this fact, the Republican conferees have apparently decided to weaken the nuclear security language in the energy bill. My motion covers three of the major weakening changes that have been made in the nuclear antiterrorism provisions in the energy bill.

The first part of my motion addresses the decision by the House Republican conferees to eliminate the requirement for a mandatory Nuclear Regulatory Commission rulemaking to upgrade nuclear security regulations. Section 14012 of the House bill entitled Nuclear Facility Threats requires the NRC to issue regulations, including changes to the design basis threat, to ensure that licensees addressed the threats of a terrorist attack against a nuclear power plant in the United States. Under the provision, these new rules are required to be issued not later than 270 days after the submission of a detailed report by the President assessing the nature of the terrorist threat to the nuclear facilities in the United States or a year after enactment.

The Republican conferees have now weakened this provision so that it no longer mandates a new NRC rulemaking, but instead merely authorizes the NRC to make such revisions to the design basis threats promulgated before the date of enactment of this section as the commission deems appropriate, based on the summary and classification report. There is no deadline. There is no requirement for any formal Nuclear Regulatory Commission rulemaking. This language guts the entire section and appears to allow the NRC to deem the interim orders that it has already adopted since the September 11 attacks to be sufficient and take no further action.

This new language reflects what the NRC and the nuclear industry have always wanted, no action by Congress to require them to do anything more than that which they have already done on nuclear security. But is that the position that this body, which has twice voted to mandate Nuclear Regulatory Commission nuclear security rulemaking, really wants to take?

You might say, perhaps the NRC has already addressed the problem in its secret orders. No, it has not. The NRC orders are classified and were prepared following closed-door consultations with the nuclear industry and no opportunity for public comment. I have read the NRC orders very carefully. And while I cannot discuss them in a public forum due to their security classification, I can tell this House that the NRC's orders are inadequate in several respects and fail to address the kind of threats that we now must be prepared for in a post-September 11 environment. I would suggest to the Members that if they took the time to read these orders and to consult with anyone with any real expertise on security matters, they would share my concern that the NRC has failed to do enough to beef up security at our Nation's nuclear facilities.

□ 1430

But despite the President's warnings, the Republican energy conferees have now decided not to even require the Nuclear Regulatory Commission to undertake a rulemaking to tighten up security at these sensitive facilities.

The second part of my motion addresses the Republican conferees' decision to weaken the House-passed requirements for full consultation with Homeland Security regarding nuclear security risks. Section 14013 of the House bill, "Unreasonable Risk Consultation," requires the Nuclear Regulatory Commission to consult with the Department of Homeland Security concerning whether the location of a new nuclear power plant or its design provides for adequate protection of public health and safety if subject to a terrorist attack before Price-Anderson liability indemnification is provided to the plant.

This provision originated as an amendment offered by the gentleman from California (Mr. WAXMAN) to last year's Price-Anderson bill, which this year was attached to the base text of H.R. 6. It also requires the Nuclear Regulatory Commission to consult with the Department of Homeland Security before issuing or renewing a license to operate a new or existing nuclear power plant to determine the adequacy of the emergency evacuation plan for communities around the plant. This provision originated as an amendment that I authored. We have also been informed that they are preparing to eliminate the requirement for consultation prior to a relicensing of an existing power plant, although the Republican conferees have yet to share this new language with us in this bill.

The Republican conferees have now de-linked the Waxman amendment's consultation requirement from Price-Anderson's liability indemnification and eliminated the Markey amendment's requirement for consultation regarding adequacy of emergency evacuation plans. We have also been informed that they are preparing to eliminate the requirement for consultation prior to a relicensing of an existing power plant, although the Republican conferees have yet to share this new language with the Democrats.

The elimination of the Waxman amendment's linkage between NRC consultation with Homeland Security and Price-Anderson indemnification takes all of the teeth out of the Waxman provision. Instead of mandating a consultation aimed at determining whether the design or location of a nuclear facility poses an unreasonable risk before giving the owner government-subsidized insurance, we are now merely calling for such consultation to take place.

Moreover, tying consultation to the initial licensing of a plant, and not recovering relicensing of the 103 currently-operating nuclear power plants, greatly narrows the application of the amendment since no new nuclear power plant has been successfully ordered since 1973 and no new nuclear power plants are likely to be ordered for decades, if ever. If this change is made, there would be no mandatory consultation by the Nuclear Regulatory Commission with the Department of Homeland Security for any of the existing nuclear power plants in this country, not for Seabrook, not for Pilgrim, not for Indian Point, not for Diablo Canyon, for none.

Finally, eliminating the specific requirement for consultation regarding the adequacy of emergency evacuation plans in the event of a successful terrorist attack on a nuclear power plant means that we are failing to do what is needed to ensure that citizens living near plants such as the Indian Point reactor right outside of New York City are fully protected against the threat of a terrorist attack.

And third and finally, my amendment addresses the decision to weaken nuclear materials transportation requirements: section 14011 of the House-passed bill, requiring the NRC to establish a system to better ensure the security of nuclear materials transferred to, from, or within the United States. This provision originated as an amendment I authored that has now passed the House twice in H.R. 6 in this Congress and as part of Price-Anderson reauthorization last year.

The latest Republican conference report draft, in contrast, limits the NRC's regulations to the security of imports or exports of nuclear materials, failing to cover the transportation of these materials within our own country. This limitation is inexplicable in light of the fact that the Nuclear Regulatory Commission told Congress in 2002 that there are 2 million radioactive sources in the United States and that each year there are on average 300 reports of lost or stolen or abandoned radioactive materials.

The NRC also reported at that time that in the past 5 years, there have been 1,495 reports of lost, stolen, or abandoned radioactive materials; 835 these have not been found. According to the NRC, a radioactive source as small as 1Curie, if dispersed by a bomb, "could spread low-level contamination over an area up to several city blocks, possibly resulting in restriction of the area until the area was surveyed and decontaminated." But the Republican energy conferees have exempted transfers of these radioactive materials within the country from the new nuclear security requirements. That makes no sense.

I urge my colleagues to vote for this motion today and send a strong message to the House and Senate Republican energy conferees that this body insists on tougher protections against a terrorist attack on our Nation's nuclear facilities; that this body insists on tougher protections against the threat of a radiological dirty bomb; and that this body rejects secret, backroom talks that result in the weakening of critical antiterrorism protections.

I heard the majority leader earlier make reference to the fact that a motion to instruct might just reflect what the Members in this body are feeling that day. That is not what the provisions that we are talking about reflect. They reflect what has happened on this House floor several times with the Members voting for it. In fact, taking it out reflects what, in my opinion, a small number of Members and nuclear industry officials might feel on any particular day. But they do not capture what the consensus was that was reached by House Members and the general public about what must be done to enhance nuclear security.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield myself such time as I may consume.

We are not going to oppose the Markey motion to instruct conferees. I have listened to his comments closely and would say that they do reflect the changes as outlined. I would point out that while the gentleman from Massachusetts (Mr. MARKEY) is absolutely correct that the House has passed twice the issues that he refers to in his comments in the Senate conference with the House last year, Senate conferees, which at that time were a majority of Democrats, voted to strip all the provisions out that he has just alluded to and that the energy bill that we went to conference with with the Senate this year had none of these provisions in; and the provisions that he alluded to in his motion to instruct, section 14011, 14012(d), and 14013, are in the conference report. They have been changed in the ways that he said.

Section 14011 did apply to domestic and international shipments. In the conference report, it does only apply to international; so he is correct on that. 14012(d), the gentleman from Massachusetts' (Mr. MARKEY) amendment that has passed the House did say "shall" and the conference report will come back with "may"; so he is correct on that. And section 14013, the Department of Homeland Security as passed by the House did require a consultation before the grant of a Price-Anderson indemnification agreement. And also before the issuance of a license for a new facility, as it is going to come out of conference, it will apply only to those issuances of a new license.

So he is right in his characterization of the changes. So we get down to a situation, is the glass half full or half empty; and since the Senate had none of these provisions last year or this year, as a conferee, I would suggest to the gentleman from Massachusetts (Mr. MARKEY) that the glass is half full as opposed to the glass is half empty. Changes have been made; but we still have the issues in play, not as strong as he would wish them to be, but they are still in the bill, and it will be good public policy to make these changes that he supports. So I would hope that, while we support the motion to instruct conferees, the truth of the matter is that most of the conferring has been done. We expect to have this bill on the floor sometime next week. It is very unlikely we are going to reopen the conference; but certainly if it were to be reopened, we would support the gentleman from Massachusetts' (Mr. MARKEY) motion because since the House has already passed what the motion is instructing us to support, we have every reason to continue to support it knowing that it is a bicameral body and that the House does not always get everything it wants when we are negotiating with the Senate.

So I support the motion to instruct and commend my friend for all his good work in this area over many years and pledge that we will continue to work together not just on this conference report but on future bills to make our nuclear facilities the best and the safest in the world.

Madam Speaker, I reserve the balance of my time.

Mr. MARKEY. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Madam Speaker, as a conferee to the energy bill, I rise in strong support of the gentleman from Massachusetts' (Mr. MARKEY) motion to instruct conferees, and I want to commend him for his long history of leadership on the issue of nuclear security, which is the subject of this motion.

Madam Speaker, I am delighted to hear the chairman of the subcommittee accept the gentleman from Massachusetts' (Mr. MARKEY) motion, but I do want to make two points: point one, that this motion should be accepted because of the substance of the gentleman from Massachusetts' (Mr. MARKEY) amendment; and, two, because of the process.

Madam Speaker, on substance, the gentleman from Massachusetts' (Mr. MARKEY) motion is right on the money. The House-passed version of the energy bill contained important language pertaining to nuclear security. This language in H.R. 6 addresses a chronic failure on the part of the Nuclear Regulatory Commission to tighten up security at our nuclear power plants around the country. This language passed the House and was marked up in the Committee on Energy and Commerce. It is important that this language remains in the bill as a critical national security plank to protect our citizens from a terrorist attack. The fact that the latest draft of the conference report significantly weakens these security requirements is very disturbing and very perplexing. I know that the ranking member of the committee indicated that there was an acceptance on the part of the Republican conferees to accept this language. However, Madam Speaker, I just want to emphasize the fact that this was not done in a way that we can be proud of here in the House in regards to how this event came about.

Madam Speaker, I just want to say that the second reason to vote for the motion is the lousy process that has infected this entire conference committee. The Republican conferees altered these important nuclear security provisions behind closed doors and without any input from Democratic conferees who sit on the committee of jurisdiction. And it is inexcusable that the gentleman from Massachusetts (Mr. MARKEY), myself, and other Democratic members, especially from the Committee on Energy and Commerce, had no opportunity to discuss this important matter with our Republican counterparts.

□ 1445

For this reason alone, and in the name of a rational and deliberative process, I urge the Members of the House to accept this motion to instruct. Let us send a message that this bill is far too important to be discussed behind closed doors, without any input from the minority members of the conference committee.

Madam Speaker, I add that it is really shameful and harmful to the democratic process for the Democratic conferees to not be included in the full deliberations of the conference committee.

Mr. BARTON of Texas. Madam Speaker, I yield myself such time as I may consume, just to reiterate that we do not oppose the motion to instruct, and we support the gist of the gentleman's motion to instruct in terms of the policy. The House has already supported it twice, and the committee supported it twice. We just have to get the other body to support it, which, unfortunately, they have been unwilling to do in its totality.

Madam Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). Members will refrain from characterizing action or inaction of the other body, including urging the Senate to take a specific action.

Mr. BARTON of Texas. Madam Speaker, I said "the other body." What did I say wrong?

The SPEAKER pro tempore. Members will refrain from characterizing the other body.

Mr. MARKEY. Madam Speaker, I yield myself such time as I may consume in order to conclude this debate.

Madam Speaker, without question, back in 1787 when a deal was being cut on the construction of the Union and the small States demanded that, rather than equal representation for all States, that another body be created in order to represent them, that other body that was created at the time has developed peculiar characteristics that, unfortunately, are manifesting themselves here on the House floor today.

There are many who look back with regret that that deal was ever cut, the grand compromise in the Constitution, allowing for that disproportionate influence, and I see nodding bipartisan agreement on the Republican side on this subject.

Mr. BARTON of Texas. Madam Speaker, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Madam Speaker, I think that agreement that the gentleman alluded to in the Constitution was one of the biggest mistakes in the Constitution.

Mr. MARKEY. Madam Speaker, reclaiming my time, I thank the gentleman very much. I regret that Texas was not part of the Union at the time. Perhaps they could have exercised some influence in that final decision making.

But the other body, as it likes to be called, and I understand why in many instances, this is a good example of where anonymity is something to be much desired and sought, that the other body here, according to the majority, is calling all the shots in terms of nuclear security, which is a premise which I doubt is actually accurate. I do believe that it was a bicameral Republican decision to take out the nuclear security issues, since we know that the Democrats in the Senate, like the Democrats in the House, are searching the corridors of this building trying to find where the meetings are taking place. We have no idea.

We do know this though, that reports are rampant that the bill, when it comes out on the House floor, is going to be loaded with billions of dollars of subsidies for the nuclear industry. I understand it is that time of the year where the oil, gas, coal and nuclear industries just really think that they deserve billions of dollars in subsidies for each one of their industries from the taxpaying public, even though they are the wealthiest industries in the United States.

But, it seems to me, the least that the nuclear industry should be willing to accept are antiterrorism provisions that are attached to the nuclear gifts which it appears the Republican House and Senate and White House is willing to, and I am sorry I said "Senate," I meant the other body, that they appear willing to confer upon them.

They should accept those additional safety measures, because the public, without question, gave an additional measure of wholehearted support to the President in his campaign to eradicate the threat of Saddam Hussein to the world because of his nuclear mujahideen, because of the contention he was trying to reconstitute his nuclear weapons program.

Here, domestically, we know that nuclear power plants are similarly at the top of the terrorist target list for al Qaeda, and it seems to me the nuclear industry is acting in an irresponsible fashion in not accepting reasonable measures being adopted which guarantee that terrorists cannot be successful in using domestic nuclear materials to terrorize our country.

So I regret that that language has been removed, and at this point I urge an "aye" vote on this motion to instruct.

Madam Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that it is not in order to characterize the actions or inactions of the Senate.

The Chair would clarify for all Members that referring to the Senate as "the other body" does not cure such an infraction in debate.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MARKEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. BROWN of Ohio. Madam Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. BROWN of Ohio moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed to reject the provisions of subtitle C of title II of the House bill.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Ohio (Mr. BROWN) and the gentleman from Florida (Mr. BILIRAKIS) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, my motion instructs the conferees working on the Medicare prescription drug coverage bill to abandon provisions in the House bill that would privatize Medicare by turning it into a private insurance voucher program. The public has asked this Congress and President Bush to supplement Medicare by adding prescription drug coverage to the Medicare benefits package.

You may remember early this year, almost a year ago, President Bush proposed a prescription drug plan only if people left fee-for-service Medicare and went into a privatized plan. Clearly, the public rejected that. Even members of his own party said no to that. The American public has not asked this Congress, has not asked President Bush, to dissolve Medicare and replace it with a private insurance voucher program.

The voucher provisions in the bill have nothing to do with prescription drug coverage. The voucher provisions do not supplement Medicare, the voucher provisions destroy Medicare. They choke off funding for the program and force enrollees back into the private insurance market to try their luck.

If you do not believe me, Madam Speaker, ask the bill's authors. Ask these questions:

First, under the voucher provisions of H.R. 1, will every senior be guaranteed access to the same reliable health coverage, regardless of geographical location, regardless of a senior's income, regardless of health status? If the authors are honest, they know the answer is no.

Two, will the Federal Government's financial commitment to Medicare automatically keep pace with the costs of the health care seniors need? If the authors of the bill are honest, the answer is no.

Three, will the private health medical organizations, private HMOs which accept Medicare vouchers, will they be required to provide ongoing, reliable coverage to Medicare beneficiaries? In other words, will HMO cost-sharing and benefit levels be predictable year after year, will beneficiaries even be able to rely on the same plan being available next year and the year after? Again, if the authors are honest in answering that question, they will admit the answer is no.

History also says that senior after senior in this country in State after State and district after district and plan after plan have seen their coverage drop as they are unceremoniously dumped from their Medicare HMO. Today, Medicare offers reliable medical coverage to seniors and disabled Americans, regardless of where they live, how much they earn, or their health status. Enrollees go to the doctor of their choice and the hospital of their choice.

The insurance voucher provisions in H.R. 1 simply throw all that away. Under these provisions, seniors will be given a voucher to cover part of the cost of their health coverage. They will then be required to shop in the private insurance market, what they had to do before 1965, before Medicare was available, shop in the private insurance market for whatever HMO happens to be in town that year.

Over the last 4 years, HMOs participating in Medicare+Choice enrolled and then unceremoniously dropped 2.4 million Medicare beneficiaries. That means 2.4 million of our senior constituents got notice in October or November that, come January, they would have to find another place to deliver their health care.

By undermining the existing Medicare program, by forcing seniors to pick and choose between and among private insurance plans, the voucher provisions in H.R. 1 would ensure that every Medicare beneficiary has an opportunity, an opportunity to be abandoned by their HMO.

The core Medicare program, the program that would be replaced if the voucher provisions in H.R. 1 make it into the final prescription drug bill, the core Medicare program does not drop anyone, period. In fact, over the last 4 years, one of its most important roles has been to pick up the pieces when HMOs abandoned seniors and left town, to clean up after privatized Medicare+Choice HMO plans abandoned seniors. The fee-for-service, traditional Medicare, has had to clean up afterwards.

Under the voucher provisions in H.R. 1, the core Medicare program would itself be abandoned. Proponents of the voucher provisions, proponents of Medicare privatization, say that seniors deserve more choice. That is what we are going to hear today. That is what we have heard for years from my friends on the other side of the aisle, that seniors deserve more choice. That is why vouchers are such a good thing.

But does anybody in this body really think retirees are clamoring for their choice of HMOs? Just like you and me, seniors want their choice of doctor, they want their choice of hospital. They do not want their choice of insurance companies. They do not want their choice of insurance agents. They do not want their choice of HMO brochures. They do not want their choice of enrolling in one fly-by-night HMO after another fly-by-night HMO has dropped them.

Proponents of the voucher provisions claim that private HMOs operate more efficiently than the core Medicare program, so they say first of all you get more choice with an HMO, so you can choose among insurance company brochures and agents. They say you have more choice in HMOs. Then they try the second myth, and that is the myth that HMOs operate more efficiently than core Medicare.

My Republican friends know that Medicare operates more efficiently than HMOs. HMO administrative costs, Madam Speaker, are actually five times higher than traditional Medicare. Private insurance premiums have consistently grown faster than the cost of providing Medicare, not just recently, but over the past 30 years since the time Medicare first existed.

H.R. 1 will not reduce Medicare spending unless, and this, I guess, is their third point, unless the Federal Government caps its contribution to Medicare.

So privatized Medicare HMOs are not more efficient, privatized Medicare HMOs do not give more choice, and privatized Medicare HMOs do not cost less, do not save the government more, unless government simply caps the money. In other words, unless seniors pay more out-of-pocket.

□ 1500

That is the cost control mechanism in H.R. 1, seniors picking up more of the cost. That is not efficiency; that is betrayal of our senior constituents.

The American public asked this Congress and this President to add a prescription drug benefit to Medicare, not to privatize and dismantle Medicare.

This motion tells their conferees to keep their eye on the ball. The voucher provisions would undo 38 years of reliable cost-effective health care for our Nation's retirees.

I urge my colleagues, Madam Speaker, to take a stand on behalf of seniors, on behalf of disabled Americans, and on behalf of taxpayers who finance Medicare. If you want a Medicare program with a prescription drug benefit, you vote "yes." If you want to privatize Medicare, if you want to cost-shift health care costs to seniors, if you want more HMOs and privatization of Medicare, then you vote "no" on this motion. It is an easy choice. Vote for the motion to instruct.

Madam Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, a group of Members, both Republicans and Democrats, have been meeting for months in an attempt to reach a compromise on a very important and complicated subject, namely, Medicare reform or Medicare modernization.

There are Members who care deeply about Medicare who have very different views about how to best strengthen and improve Medicare for future generations, which is why there are some substantial differences between the House and the Senate-passed Medicare prescription drug bills. That is why it has taken so long for this bipartisan group of negotiators to reconcile the differences between the two bills.

However, Madam Speaker, I am pleased to report that this group is making substantial progress and that it is my sincere hope that we will get a conference report done this year and provide our seniors with a prescription drug benefit they need and deserve.

Motions to instruct like this are not helpful; and, in fact, they hinder our ability to reach a compromise on Medicare prescription drugs. I honestly, and I mean this sincerely, do not believe that that is the goal of the author of this motion. And it certainly is not mine. I want a bill.

The particular section the gentleman refers to is not without controversy. And that is why we are working through it in a bipartisan manner. However, the section that we are talking about, which would inject competition into the Medicare program and provide seniors with choices similar to those choices Members of Congress enjoy, is probably the most misunderstood provision in the House-passed bill, and the most mischaracterized, I might add.

Let me attempt to clarify some of the issues that are often misunderstood surrounding so-called FEHBP-style competition. First, H.R. 1 contains no changes, no changes to the basic entitlement to Medicare. The traditional Medicare program will continue to be available to all seniors throughout the country and will continue to pay providers in the same way as today. However, it is an undisputed fact that we need to reform Medicare to ensure that it is around for future generations.

Social Security, Medicare, and Medicaid currently comprise more than 40 percent of the Federal budget. By 2030 the General Accounting Office estimates that these three programs could consume 75 percent of the Federal budget if no changes are made. In addition, the Medicare part A trust fund is scheduled to go insolvent in 2026 while the Medicare part B trust fund will require increases in Medicare part B premiums to remain solvent, increases that are much higher than the 13.5 percent increase Medicare beneficiaries will see in 2004.

So reforms must be made to ensure that Medicare continues to exist for future generations. As we add a $400 billion drug benefit to a program that already has $13 trillion in unfunded liabilities, we must also enact real reforms that will place the program in a sound financial footing for the future. The provision in the House-passed bill attempts to do that. Is it the best way to go? I do not know. I do not know. But that is why members of the conference committee are working on the provisions and the issue right now.

I would urge Members to allow the process to work its will and to not support the motion to instruct which, while nonbinding, would do more harm than good.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. McDERMOTT), who has been a leader in health care in the Committee on Ways and Means.

Mr. McDERMOTT. Mr. Speaker, in order to think about Medicare, you have to think about us all being in the same boat. Right now we made a decision a long time ago that all seniors will be in the same boat, we would get the same benefits, we would have the same amount we would put into it no matter where you lived, or how old you were, or whatever your medical condition was, what color you were, what State you lived in, how much money you had. It did not make any difference; we were all in the boat.

Now the Republicans have said we are going to blow the bottom out of the boat. They have done that with tax cuts, and they set up a situation in 2010 where it is going to be absolute chaos in this body over how we fund anything because of the bottom having been blown out of the boat when we made these tax cuts recently.

Their answer to the seniors of this country is, well, we are going to give you all the same life ring. You can just take this life ring and go out and do the best you can with it.

Now, I sat on the Medicare commission for a year and heard this issue debated. What we have today is a program where all senior citizens get the same guaranteed set of benefits, no matter who you are, where you are, or anything. And what is attempted to be done in this bill is to say that in 2010 we are going to take away those guaranteed benefits and we are just going to give you a life ring of a voucher for $5,500.

Now, I could just take my own example. I am 65. My mother is 93. So you are going to give us each the same life ring? Now, do you think for one moment, any Member of this Congress, do you think that my mother and I could go out and get a benefit package of the same size for the same cost? I mean, who has not bought any insurance? We all know from our government employees insurance thing that you have got to pay more if you are older, if you have got kids, or you have got some pre-existing condition or whatever. Well, to send me and my mother out with the same amount of money is basically what we are going to say to 40 million people on Medicare. You have got to go out there and find an insurance company that wants you.

Now, I do not know how many of you have dealt with somebody who is in their 90s. Some of them are doing pretty well, some are doing a little less well, some are in real trouble. But to say to them that on an individual basis we are going to throw you out of the life boat and here is your life ring and good luck, I hope you make it to good health, it simply does not make any humane sense.

Leaving people, they say, well, we are not going to do that until 2010. What are you worried about? People are going to wake up in 2010 and say what in the world was the legislature, the Congress, thinking in 2003 when they set this mess up? Many of us may not be here. And there will be a whole new bunch here trying to put back together what we destroyed today, what we take away from seniors, which is security of health care.

I have not spent a dime on my mother. Nobody in this room has spent a dime on their parents because the medical plan under Medicare has taken care of them. Now, I paid my taxes, of course, and we all paid our taxes. That is what the lifeboat is all about, is we all pay our taxes and those in it that need it. And what is being proposed in this bill that is now in conference is that in 2010 we take away the lifeboat.

This motion by the gentleman from Ohio (Mr. BROWN) simply says we do not want to take Medicare apart and destroy the life boat in which we all sit. We do not want to put every senior citizen out there on their own. Dealing with insurance companies, my God, we have all dealt with insurance companies. We have dealt with automobile insurance companies and casualty insurance companies and all these insurance companies. You know what they do to you individually. There is no individual market today. If you are under 65 and you try and buy insurance, you have an awful time because of the prices they charge you.

The value of Medicare is that we put everybody together, we share the risk. And most of us hope we never take a dime out of this program. It is an insurance program, surely, but it is also one that we do not want to take advantage of. And to say to people, well, why do you not go buy your own and see if you can make a little money on the side simply makes no sense.

I urge this entire House to vote for the gentleman from Ohio's (Mr. BROWN) resolution.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is no intent, never has been any intent to take that life boat away in the year 2010. The programs that we are talking about are strictly voluntary. And that choice will be available in 2010 as it is today. And anybody who would say otherwise either does not know what is included in the legislation or else they are ignoring it.

Mr. Speaker, I yield such time as he might consume to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, we spoke before about the reforms in H.R. 1 which are similar to some provisions of the Federal Employee Health Benefits program. I want to address that for a moment. The FEHBP-style reforms in H.R. 1 seek to place the traditional Medicare program on a level playing field with private plans. Only by creating this type of competition within Medicare can we hope to bend the growth curve and place Medicare on a sound financial footing for the future.

These reforms make no changes to the basic entitlement to Medicare. The traditional Medicare program will continue to be available to all seniors throughout the country. These reforms simply provide incentives for seniors to choose the most cost-efficient form of care in areas in which a vibrant private plan market exists.

This type of competition can only be triggered in areas in which two or more private plans are in operation, where they have a certain level of enrollment and meet certain market penetration requirements. In areas where these conditions are not met, nothing changes after 2010. In areas in which these conditions are met, the traditional Medicare program is compared directly to private plans in the market, and seniors will have incentives to choose the most cost-efficient form of care in their area.

Reforms must be made to ensure that Medicare continues to exist for future generations. As we add a $400 billion drug benefit to a program that already has a $13 trillion unfunded liability, we must also enact real reforms that will place the program on a sound financial footing for the future.

Now, some of my colleagues on the other side of the aisle have had some concerns. They have continued to claim that traditional Medicare is more efficient than private plans. And, if that is the case, then they have nothing to fear from the FEHBP-style reforms that are in H.R. 1. If Medicare truly is more efficient than private plans, then beneficiaries in competitive areas who remain in traditional fee-for-service will see their premiums decrease.

In these reforms we want to provide incentives for beneficiaries to choose the most cost-efficient form of care. If traditional Medicare is the most efficient form of care in the area, then beneficiaries will be given incentives to remain in traditional Medicare through premium decreases. If, however, private plans can deliver Medicare services more efficiently than the traditional program, then we want beneficiaries to have the incentives to join private plans.

These reforms are necessary to bring Medicare costs under control and ensure the long-term viability of the program.

And, now, before I just close and urge my colleagues to vote "no" on this motion to instruct because it is unnecessary, the sponsor of this motion, my friend, the gentleman from Ohio (Mr. BROWN), had asked some questions earlier. I just want to reassure him, because I know he is very concerned, and thus the reason he raised these questions.

☐ 1515

The first question was, under H.R. 1 will the entitlement to Medicare continue? The answer to my friend from Ohio is yes. Traditional Medicare will continue to be available to all seniors in all parts of the country.

The second question the gentleman from Ohio (Mr. BROWN) raised was, will government contributions keep pace with the cost of health care? The answer to my friend is yes. Government payments to providers in the traditional program will continue the same way that they do today.

The third question my friend from Ohio raised was, will private plans be required to provide reliable benefits and cost sharing? The answer again to my friend is yes. Plans must be reviewed and approved by CMS. CMS, the very agency that runs Medicare today, will also be running these programs in the future. If you can trust them now, you can trust them in the future.

Mr. Speaker, I urge my colleagues to vote no on this motion.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I rise today in support of the motion by my colleague from Ohio.

As a Representative of a rural area in California, I must voice strong opposition to any provision in the Medicare conference that would put my seniors at risk of higher premiums and reduced quality of care as this so-called premium support would do.

The House plan includes provisions that would for all intents and purposes, I believe, could spell the demise of Medicare system as we know it.

In the year 2010 Medicare beneficiaries would be given something similar to a voucher that they could use to purchase health care services in what the majority would have you believe would be better than the Medicare system provides.

The move creates a defined contribution system in one that for decades has been a defined benefit. Just trying to explain it to my constituents at home has been a trying experience. Medicare has always been a program that you are eligible to receive at age 65. In the current program, once you reach that golden age, you know exactly what you are going to receive and exactly what services you are going to be covered with.

Premium support creates a situation where seniors will receive a benefit determined by their health, by where they live, or by what they are willing to risk.

Why do we not put our resources, Mr. Speaker, into crafting a Medicare bill that will actually help those who need the assistance? Why do we not close the doughnut hole? Why do we not give our hospitals the basic funding levels that they need to survive? Why do we not give seniors a prescription drug benefit that they can understand?

I predict that if we pass this measure with the provisions that are in it currently, we will be acting upon a repeal within months. Privatizing Medicare is not the answer.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to the gentleman that we learned of the doughnut hole from the Democratic plan in the last Congress. And I also would join the previous speaker in voicing strong opposition to any legislation which would adversely effect my senior constituents. I, obviously, do not feel that this legislation would do that. And I would again ask the Members to vote against the motion to instruct.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I wanted to speak for just a minute on why the Federal Employee Health Benefit Plan style reforms are needed in Medicare.

As the chairman as pointed out so eloquently, spending on Medicare is projected to nearly double over the next decade, just as the baby boomers begin to retire. Social Security, Medicare and Medicaid currently comprise more than 40 percent of the Federal budget; but by 2030, the Government Accounting Office estimates that these three programs could constitute 75 percent of the Federal budget if no changes are made. Truly, that would be blowing out the bottom of the boat, to borrow a metaphor from the gentleman from Seattle.

This level of entitlement spending is unsustainable and will crowd out other essential functions of government. Reforms must be made to ensure that Medicare continues to exist for future generations. And after all, that is what this debates is all about, ensuring that Medicare is going to be there for future generations. As we add a $400 billion drug benefit to a program that already has $13 trillion in unfunded liabilities, we must enact real reforms that will place the program on sound financial footing for the future.

To modernize Medicare and ensure its long-term fiscal viability, H.R. 1 includes incentives for beneficiaries to choose the health care system that provides services in the most efficient manner. Even with these competitive reforms, seniors retain complete freedom to choose a private plan or remain in the traditional fee-for-service program.

H.R. 1 contains no changes to the basic entitlement of Medicare. The traditional Medicare program will continue to be available to all seniors throughout the country and will continue to pay providers in the same way as today.

Again, I must correct the gentleman from Seattle in that this is not a voucher proposal; but these competitive reforms are needed to put Medicare on a sound financial footing for the future. Any changes to the premiums of the fee-for-service beneficiaries will also be phased in over a 5-year period.

Finally, I would close with just echoing what the chairman so eloquently stated in that motions to instruct are generally not helpful.

Mr. Speaker, I urge my colleagues to vote no on the motion to instruct.

Mr. BILIRAKIS. Mr. Speaker, I do not have any further requests for time, and I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I have heard my friends on the other side of the aisle talk about, particularly the gentleman from New Jersey (Mr. FERGUSON) talk about that privatized HMOs are so efficient. And I hear that over and over and over. Just because they are private business, that they must be extraordinarily efficient, that they must do such better work than the government could do. But my friend from New Jersey also knows that, in fact, Medicare, traditional fee-for-service Medicare has one-fifth the administrative costs as a privatized HMO, as an insurance company, as a health care plan that he is talking about.

I would like to give one reason why and just read a couple of statistics and then ask for my colleagues' "yes" vote on this motion to instruct.

In the year 2000, the Inspector General documented that in a survey of Medicare+Choice, privatized Medicare, plans, that they tried to bill taxpayers for $116 million in inappropriate administrative costs. Now, this is one of the reasons that private insurance is so much more administratively cumbersome and wasteful than is traditional Medicare. The private insurance industry tried to bill the government $250,000 for a meeting with foods, gifts and alcohol; $190,000 for a sales award meeting in Puerto Rico; $157,000 for a company's 150th anniversary party; $100,000 for sporting events and theater tickets; $69,000 for holiday parties; $37,000 for wine and gift tickets; $1 million in lobbying, they have got their monies worth there, that is for sure; $25,000 for a stadium luxury box. That was in 2000.

In 2001, the Inspector General again looked at $97 million and asked for billed charges from private insurance interests to the government: $284,000 in entertainment costs like stadium skyboxes, sporting events; $90,000 for golf club memberships; $30,000 for a Christmas party; $3,400 for cost of alcohol at various functions.

Mr. Speaker, the fact is that traditional Medicare works. It works because it gives full choice of physician, choice of provider, choice of hospital; not choice, as private insurance does, not the choice among insurance agents and insurance HMO brochures.

Traditional fee-for-service Medicare works because it is reliable. It will always be there. You will not find yourself unceremoniously dropped like 2.4 million seniors have been for Medicare HMOs. Ultimately, traditional Medicare is more efficient than these private insurance plans with huge salaries, huge bonuses, huge stock benefits and wasteful extraneous spending as I just outlined. I ask my colleagues to vote "yes" on the motion to instruct.

The SPEAKER pro tempore (Mr. CULBERSON). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Ohio (Mr. BROWN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BROWN of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, and the Chair's prior announcement, further proceedings on this motion will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATON, AND EQUITY ACT OF 2003

Ms. WOOLSEY. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. WOOLSEY moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Florida (Mr. SHAW) each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the motion to instruct conferees on the child tax credit bill. It is time that this Congress proves to working families that we care about them and that we care about their children. We can do that by providing immediate payment to those families left out of the Jobs and Growth Tax Relief Reconciliation Act.

Mr. Speaker, you may wonder who exactly was left out of that bill. How about military families with personnel serving in Iraq, Afghanistan and other combat zones. What about more than half the children of janitors and maids, cooks and other kitchen workers; farmers and farm workers; child care workers; nurses and secretaries; sales workers; bus, truck and cab drivers. These are the very workers that need our support.

Now, let us look at those who this bill benefitted the most. The millionaires, the tax cut legislation enacted in May created an average child tax credit increase of $615 this year for those who are lucky enough to meet the income requirements. However, tax filers with incomes of more than $1 million will receive an average tax cut of $93,500 this year. That is $93,500 as compared to $615, or as compared to 12 million children who have been left behind because the Republican leadership failed to include them in the child tax credit, and they have yet to receive the $615 benefit.

Mr. Speaker, the families I am talking about are those with dedicated workers that have put in full-time hours at minimum pay, pay taxes and earn less than $26,000 a year.

□ 1530

It is unfortunate that Republicans believe these forgotten children and their families do not contribute enough to deserve a break. Actions like these leave me no doubt that the priorities are dead wrong on the other side of the aisle. We must correct this injustice.

While the House passed a child tax credit bill, we missed the chance to pass a clean bill that would immediately grant our Nation's hardworking families with an increased child tax credit. The Republican initiative was a squandered opportunity to invest in our children and their families.

This supposed party of compassionate conservatism has exploited the child tax credit issue to pass even more tax cuts for their wealthy friends. Instead of bringing up the other body's child tax credit bill, which would cost $3.5 billion with offsets to fully pay for it, they passed a bill that costs $80 billion with no offsets, at a time when America's Federal deficit will exceed $400 billion.

The other body has handed us a bill that would have increased tax credits for 6.5 million tax-paying families months ago, and I support their effort. That is why I have introduced this motion instructing the conferees to adopt the other body's language, to put money in the pockets of the working families that need it the most. Even the President has come out in strong support of this clean legislation.

Our priority should be putting money in the hands of working Americans. That is the way to create jobs and build a strong economy. If we do not help our children now, how can we expect to strengthen our Nation in the future?

Mr. Speaker, the House's Republican leadership failed our children and working families. I am disappointed that the leadership is refusing to address the real issue here. It is time to restore true compassion for our Nation's working families. Working families need to know that we have not forgotten them.

I urge my colleagues, support this motion so we can pass the child tax credit to those who need it most.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is sort of an interesting omission of the history of this bill and how we got where we got. The gentlewoman from California is absolutely correct. This was a part of an $80 billion bill, but part of the $80 billion was made up of the tax break that we gave the low-income people that, in effect, took them off of the tax rolls. So when they say that people lost their tax credit, they lost their tax credit because they were no longer paying taxes. It is just that simple.

So the question before this House is, Should the House take money from people who pay taxes and give it to people who do not pay taxes and do it under the Tax Code? If we are going to put this in the form of handouts, then it should go to the Committee on Appropriations, and this is where it ought to be; but when we put it in the form of tax credits, we are simply taking money from people who pay taxes and giving it to people who do not pay taxes. But let me go through this motion to instruct point by point because there are some points here that we should cover, particularly as it affects the men and women in the military.

The gentlewoman from California (Ms. WOOLSEY) in her motion to instruct has said that the conference report should provide the refundable credit to families in the form of immediate payments in the same manner it was provided to taxpayers who qualified under the original bill. Our response is, this provision is no longer valid. The child tax credit payments approved in the Jobs and Growth Tax Relief Reconciliation Act of 2003 have already been mailed out to the families who qualified. Moreover, the House bill does not deny immediate payment. It lets the IRS decide the most efficient way to deliver the payments.

The second point provides that the conference should require that combat pay be included in the definition of earned income for purposes of calculating the refundable child credit for military families. The response is, ironically, that the Senate version of the 2001 tax bill specifically excludes combat pay from the calculation of the child credit, unlike what is being asked for by the other side. The Senate is now seeking to reverse its own provision.

The decision to exclude combat pay from the definition of earned income was based on President Clinton's 2001 budget proposal and the Joint Committee on Taxation's simplification study. The motion to instruct contradicts President Clinton's proposal, the JTC simplification recommendation, and the Senate's own action. Nonetheless, a proposal is being considered in the context of the conference; but, again, this is not in the Senate bill.

Number three, the conference report should include tax benefits not found in the Senate bill unless the tax benefits are offset. Our response is that the instruction would effectively cut the child credit from $1,000 to $700 in 2005 as provided in the Senate bill. Why would we want to do that? Why would the other side want to do that? In addition, this instruction would prevent us from eliminating the marriage penalty and the child credit. If the instruction were adopted, millions of children would be denied the child credit simply because their parents were married.

The fourth point says that the conference report should include tax relief for military personnel and astronauts who died in the *Columbia* shuttle disaster. The underlying House bill already provides this tax relief; the Senate bill does not. So this has gone over.

The fifth point that is in is simply a rehash of the other four points.

So I cannot see why anyone on either side of the aisle would want to support this motion to instruct. I urge a "no" vote.

Mr. Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of my Republican colleagues favored arguments against extending the child tax credit to the families left out is that these families do not pay taxes and they should not receive a credit. They argue that Congress should not grant tax relief to families who are unemployed or who do not pay Federal income taxes. However, the truth is that all of these excluded hardworking families do pay taxes. They pay payroll taxes, State and local sales taxes, property taxes, excise taxes; and we must ensure that they receive their fair share.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California, one, for her leadership as the chairwoman of the Democratic Caucus Task Force on Children and her willingness to take this very important step to instruct the conferees. I thank her very much.

Mr. Speaker, we just have an enormous disagreement, plain and simple;

and I am glad that I am standing on this side of the disagreement. One side, our good friends on the other side of the aisle really believe that the only ones who should get tax cuts are the 1 percent richest Americans. They are getting almost 80 percent to 90 percent of the tax cut. So, frankly, they have a one-sided view of the world.

On this side of the aisle, we truly believe, and the Senate agreed with us with a 94 to 2 vote, 94 for a child tax credit that includes those individuals who are willing to have their lives taxed, I believe that is the ultimate tax that has been paid, that is, the men and women on the front lines in Afghanistan and Iraq. Who is paying a tax like that? So are we suggesting that military families who are making between $10,000 and $26,000 a year are not worthy of a very small, minute child tax credit? What an outrage.

I believe there are two bodies. The Constitution set up the House and the Senate; but I do not believe that one has the one-upsmanship for doing good work, and if the Senate, or other body, excuse me, because I am going to be admonished about mentioning the other body, believes that is a viable approach, 94 to 2, how silly it is for us to continue to have this ongoing debate with the same dried-up story, they do not pay taxes. They pay payroll taxes. They pay sales taxes, and I have not looked at every one of their filings or every one of their personal conditions. There may be a myriad of other taxes that they might pay, car tax, property tax. So they do pay taxes.

But the tax credit is on children, the ability to be able to have a credit back to people on the number of children that they have to support, and in doing that, many of our families have used that for the necessities of life. Maybe they have used it for school books. Maybe they have made a rental payment on it. Maybe they have used it to buy extra food.

I do not know how many of my colleagues realize that military personnel are sometimes on what we call WIC and welfare because the moneys they have as their military allotment or salary is not enough for them to be able to support their families, and so it is unbelievable that we would not want to provide the partnership to the already-passed Senate provision that says that they will get a child tax credit in the backdrop of the increasing number of poverty. For the first time in a decade, poverty is up and the median household income is down for 2 consecutive years.

New census data recently released shows that the U.S. poverty rate grew from 11.7 percent to 12.1 percent. Who would not think that would happen in this administration? Jobs have been lost. We have lost over 3 million jobs. We just debated and passed an unwieldy $87 billion supplemental that no one can get their hands around, and our troops are not getting their paychecks. They do not know when they are going to come home. There is no exit strategy, and we are building schools galore in Iraq.

And I believe in a charitable foreign policy. I just believe we should do it collaborating with others; but we are going to be building schools, hiring police, building roads and bridges, and giving them $2.1 billion on behalf of the restructure of their oil, but yet we can stand here on the floor of the House and have someone get up and suggest that it is not right, not necessary to provide our young men and women in the military families with a simple child tax credit.

It is unbelievable that we would stand here and argue against the value of providing our children, our Nation's children, with the idea of a child tax credit.

The other thing that I would want to say is it is interesting how we do not want to provide this child tax credit when we ask the administration to put a moratorium on this multibillion dollar tax cut to the richest Americans and then in addition to this tax credit that goes nowhere but to the richest Americans does not create any jobs. In fact, some of them have rejected it and said we do not need it. Warren Buffett happens to be one of them.

We are still willing to saddle America's children with an enormous debt because in the spring of 2001 we had a $5.3 trillion projected surplus. Today, we have $500 billion in a deficit and growing.

So this is a simple request to this House, and I ask my colleagues to vote enthusiastically to render a child tax credit that will be implemented in this process so we can address the needs of our children in America.

Mr. SHAW. Mr. Speaker, in that this is the 16th time we have been through this exercise, at this time I have no requests for speakers, and I reserve the balance of my time. I do recognize that the gentlewoman from California does have the right to close. So if she would appropriately advise me when she wants to close, I would be glad to do so.

Ms. WOOLSEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. MCINTYRE), a co-chair of the Children and Families Task Force.

Mr. MCINTYRE. Mr. Speaker, I rise today on behalf of the 184,000 families in North Carolina who are unfairly excluded from the child tax credit package. These hardworking families struggle daily to afford food, clothing, school supplies, even sports uniforms for their children. During these tough economic times, it is unfortunate that the families and children who need assistance the most are being left behind.

I urge my colleagues to come together out of compassion and cooperation and commitment for extending relief to the 6.5 million low-income families that are struggling to support their children.

First, we must demonstrate compassion for those who are less fortunate. During tough economic times, we have a lot of families working hard to provide for their children; and we should leave no stone unturned in doing everything we can to help them.

Second, we must also demonstrate a sense of cooperation to ensure that all working families benefit under the child tax credit. Last May, we voted to accelerate the child tax credit and send many families a check for $400. Now is the time for this body to reach yet another agreement and not deny the same $400 check to our low-income families.

□ 1545

Where I come from, $400 goes a long way to help families with school supplies, clothes, rent and other very personal family needs.

Finally, we must uphold our commitment to restructuring economic growth for the entire population, including many of our military families. Last year alone, 1.7 million individuals fell into poverty. We must not delay in helping them any longer. We must show that we do have the compassion, the cooperation and the commitment that this body can work together and help these families.

For 4 months now, we have debated the child tax credit. Today is the time for compassion, cooperation and commitment to passing the child tax credit and helping our families, our children, and our future.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

I would like to reiterate again the families who did not receive child tax credit relief when checks were mailed out this summer:

More than three-quarters, 801,000, of the children of sales workers; more than half, 903,000, of the children of janitors and maids; more than half, 526,000, of the children of cooks and other kitchen workers; more than half, 290,000, of the children of farmers and farm workers; two out of five children, 376,000, of child care workers and their aides; one in four, 711,000, children of nurses and their aides; one in four, 483,000, children of secretaries and related office workers; one in five, 264,000, children of truck, bus and cab drivers; more than 260,000 of active duty armed forces personnel.

Mr. Speaker, how can we forget so many families who are the backbone of our Nation's safety, transportation, health, food supply and other children's care?

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to make a few points that I think are very important. The gentleman from North Carolina gave a very impassioned speech, but what he did leave out is that to go ahead and get this bill conferenced and stick to the House language, most of the people he talked about will be off of the tax rolls, in fact, all of them will be off of the tax rolls if this happens. And that is a good thing, because we have in our bill that we passed, the $80 billion bill, we took millions and millions of Americans off of the tax rolls. And they are low-income people where we need to do this.

Also, the gentlewoman's motion to instruct would cut the tax credit from $1,000 to $700. Why do we want to do that? Why does the other side want to do that? I really do not understand the logic in doing this.

But, in any event, we have been through this many, many times. We are going over worn-out roads, and at this point I would, again, urge a "no" vote on the motion to instruct.

Mr. Speaker, I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume, and in closing, I wish to repeat that the working families we are talking about pay taxes. They pay their employment taxes, their payroll taxes, they pay local sales taxes, they pay property taxes and franchise taxes, sometimes. They are taxpayers. They earn a living, and they are the backbone of this Nation.

Mr. Speaker, according to the Citizens for Tax Justice, the child tax bill passed on June 12, 2003, by the House Republicans, would give almost two and a half times more to families with children under 17 that have incomes above $104,000 than it would give to families making less than $28,000 a year.

This is just bad policy, and this motion to instruct will correct that bad policy. And I ask that my colleagues vote "yes" on this motion to instruct.

Ms. SOLIS. Mr. Speaker, I rise to express my outrage regarding the Republican leadership's unjust treatment of the child tax credit.

Week after week, month after month, Republican leaders scheme and delay, unable or unwilling to find an ounce of compassion for families making under $26,625 dollars a year.

In my district, one out of every 4 families will get no child tax credit or compassion from the Republican leadership.

Military families who live in my district, and whose children serve proudly in our military, will get no child tax credit.

Yet somehow, Republicans found $90 billion to give to 200,000 millionaire families, while 1.6 million working class Latino families got nothing.

And yet again, Republicans found $20 billion for reconstruction in Iraq, while working class families got nothing for reconstruction here at home.

As our deficit grows, $400 billion for Fiscal Year 03 and $500 billion for Fiscal Year 04, these working families will get something . . . a higher debt burden they can pass onto their children, loss of essential health services, infrastructure funds, environmental protections and social security.

These families deserve more than that, they deserve a child tax credit.

I implore my colleagues of good conscience and compassion across the aisle to join me in supporting the Motion to Instruct Conferees and give our working families, our military families and all American children a Child Tax Credit!

Ms. DELAURO. Mr. Speaker, it is hard to believe that we have been discussing this matter for 5 months now. 5 months ago, the extension of the child tax credit was stolen from six-and-a-half million families, 12 million children—a million of whom are in military and veterans families. 5 months have passed since we first discussed how every one of these low-wage-earning families pay more in taxes than Enron, a multibillion-dollar company that paid no taxes in the last 4 or 5 years.

It is simply unconscionable. The other body passed a bill months ago. The president's spokesperson said then that the House should take it up, and the president would sign it. Why then is the Republican leadership so reluctant to lift a finger to help people who work—people who pay taxes, people who have children? Republicans pass tax cut after tax cut for the wealthiest Americans, and then they cut out the families of 12 million children.

As much as the other side of the aisle would like to say that they do not pay taxes, they do pay taxes—they pay property taxes, they pay sales taxes, they pay payroll taxes, and they work and live paycheck to paycheck. Unlike so many of the millionaires who received a $93,000 tax cut in the $350 billion tax bill, these families who earn between $10,500 and $26,000 per year and know what it is to work and pay taxes. We should walk in their shoes.

And let me remind the majority who this injustice has affected disproportionately. Two-thirds of the parents who will not be receiving this tax cut are women. 4 million single mothers, a million married couples with stay-at-home moms. Fifty-five percent of all married-couple families. Two hundred thousand military families. All have been left out by this Republican majority. On average, these families would have received $276 in this year alone had the tax credit been extended to them.

Maybe that does not sound like a lot of money to some, particularly those millionaires who are going to get their $93,000, but it can be a difference between a child going to school with or without school supplies, it helps the families of the 9 million children in this country without health insurance pay for the health care services that they need.

Assisting these families, these 12 million children, is a moral issue. It is a matter of values. Mr. Speaker, we must call on the president to use his moral authority, do something about those six-and-a-half million working families. They have earned that child tax credit like we will never know. We should pass this motion to instruct.

Ms. WOOLSEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion to instruct offered by the gentlewoman from California (Ms. WOOLSEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. WOOLSEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, and the Chair's prior announcement, further proceedings on this question will be postponed.

ADJOURNMENT TO FRIDAY, OCTOBER 24, 2003

Mr. SHAW. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, October 24, 2003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ADJOURNMENT FROM FRIDAY, OCTOBER 24, 2003 TO TUESDAY, OCTOBER 28, 2003

Mr. SHAW. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, October 24, 2003, it adjourn to meet at 12:30 p.m. on Tuesday, October 28, 2003, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida.

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SHAW. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LETTERS FROM CONSTITUENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, back in 1838, the conservative leadership in the U.S. House of Representatives passed a rule prohibiting the discussion of slavery, essentially banning the debate of slavery in this body, which was the largest blot on our national heritage. For 4 years, people were not allowed to debate the issue of slavery on the floor of the House of Representatives.

Former President, then Congressman John Quincy Adams, night after night, day after day, week after week, came to the House floor, and not being able to debate slavery, he read letters from his constituents, most of them women, who could not vote in those days in the middle of the 19th century. So he read letters from his constituents protesting government policy on slavery.

Today, we have seen in this body the continued suppression of debate on whether or not the Bush administration told the truth about Iraq, a continuation of disallowing of amendments that would have provided and supplied for our soldiers better than they have been, and that the military is able to, and so, as a result, Mr. Speaker, today I want to read letters from my constituents about some of those issues.

Sharyn from Fairlawn, Ohio, writes: No to $87 billion to Iraq. Yes to education that has suffered under President Bush. Yes for the creation of jobs that have suffered under Bush. Yes for giving financial aid to the small business manufacturing industry that has suffered to the point of near extinction. Let us get our country back.

Sharyn of Fairlawn, Ohio, was talking about the fact that we have lost 3½ million jobs since President Bush took office. In my State of Ohio, one out of every seven manufacturing jobs has disappeared, much of it because of bad trade agreements, and much of it because of Bush economic policies. One out of seven jobs has disappeared.

Erica, from Clinton, Ohio, writes: To continue writing blank checks to the team responsible for the deplorable mess in Iraq is throwing good money after bad. With the current team overseeing the reconstruction of Iraq, there will be no end in sight to further demands for additional monies. Keep large corporations from making important decisions in Iraq.

What Erica from Clinton, Ohio, is talking about is the fact that the Halliburton corporation and many other companies have received large, unbid contracts from President Bush and from the Pentagon to rebuild Iraq. It is the same company, Halliburton, which still is paying its former CEO, present Vice President of the United States, RICHARD CHENEY, still paying Vice President CHENEY $13,000 every month.

So we have Halliburton, which has gotten literally billions of dollars in contracts, many of them unbid gifts from taxpayers, unbid contracts. Hundreds of millions of dollars in unbid contracts, billions of dollars overall. Halliburton has gotten this money and much of it is not accounted for. Yet the Vice President of the United States is still receiving $13,000 a month from this company, not to mention Bechtel and other corporations, most of which are friends of the President and major contributors of the George Bush reelection campaign.

Celia from Strongsville writes: No more money should be allocated for Iraq until we make Bush's administration accountable for it and tell us what he is doing with it.

Again, she is talking about Halliburton, the $13,000 a month to Vice President CHENEY, and all the money unaccounted for going to these large corporations which are major contributors to the President.

Celia continues to write: You cannot cut taxes and continue to increase spending without bankrupting the next generation in this country. When Congress appropriated $87 billion last week, at the President's demand, understand every one of those $87 billion was borrowed money from the next generation.

Celia then closes by saying: I used to think Republicans were more fiscally responsible than Democrats. I know that is not true any more.

Jack from Strongsville, Ohio, writes: Enough is enough. Let us stop losing American lives and get back to saving our country.

Ed from Strongsville, Ohio, writes: We seem to have no money for anything other than defense initiatives. The Iraq war has totally distracted us from the real issues of terrorism and from our domestic economic agenda.

What Ed from Strongsville is talking about is the President and the administration have lost sight of going after Osama bin Laden, lost sight of going after al Qaeda, lost sight of protecting us at home, lost sight of spending money on our security at home, from jobs to homeland security, and, instead, has gone into another country and is spending these untold billions on reconstructing Iraq.

Ed concludes by saying: It is time for a constructive effort to fiscal responsibility.

Mr. Speaker, many of us have received hundreds, thousands of letters from our constituents upset about this policy and they want some direction. They want no more corruption in Iraq.

□ 1600

HOUSE SHOULD ELIMINATE DEATH TAX

The SPEAKER pro tempore (Mr. CULBERSON). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am back on the floor again. This is my fourth or fifth week of coming down at least one time a week to remind the leadership of the House, both Republican and Democrat, that each and every time a man or woman dies for this country, whether it be in training or in Iraq or Afghanistan, when the family not only buries that loved one, the next year they will receive a tax from Uncle Sam on a small amount of money called a death gratuity. It is $6,000.

I have a bill in, and it is my second year of introducing legislation to eliminate that tax. It was put on by mistake in the early 1990s; but since that time, everyone in uniform that has died for this country, whether peacetime or wartime, the families have paid the gift of that child who died for freedom, particularly now in the war in Iraq and Afghanistan. Behind me are the faces of those, just a few, who have given their lives for America. Outside of my office, 422 Cannon, we update each and every week the faces of those who have given their lives.

It touches one's heart to see people walking down the hall stop to take a moment to look into the faces of those who have died for freedom. That is the purpose of honoring those who have given their lives and families, by having people never forget there is an expensive cost for freedom, and that is the lives of those who have given their lives for this great Nation. I am hopeful that the leadership will be bringing legislation to the floor that will reduce and eliminate that tax on the death gratuity.

Mr. Speaker, I show this photograph of a young man whose name is Tyler Jordan. Tyler is from Connecticut. His father was Marine Gunnery Sergeant Philip Jordan. This was one of the shots I saw in the newspaper that touched my heart so much that I contacted the photographer and asked him to buy this photograph. This young man is 6 years old. He has the American flag under his arm which draped his father's coffin, and he is looking at the coffin holding his father.

The reason I keep bringing this to the floor along with these other photographs is because this Congress cannot leave this year without passing legislation to eliminate the tax on the death gratuity. For this young man and his family to receive a bill from Uncle Sam in 2004 to pay the tax on the gift of his father, and the husband and son, it just does not make any sense.

Mr. Speaker, I am encouraged. The gentleman from Arizona (Mr. RENZI) and I have been working on this issue, and I have been told that the gentleman from Arizona (Mr. RENZI) will be bringing legislation to the floor that will increase the death gratuity and also eliminate the tax. I am pleased to say that I know that every Member of Congress on both sides of the aisle will join us in passing the legislation and send it to the other body, and plead with the other body to please pass the same legislation and send it to the President before we end this year. It is wrong and unacceptable that any family that gives a loved one to this Nation for freedom would be sent a bill from Uncle Sam. I am pleased that I have been told that there will be legislation coming to the floor that will eliminate the tax and also will raise the death gratuity.

Mr. Speaker, we must remember that these men and women who have given their lives for this country, that the families have given enough and they need not give any more to Uncle Sam.

With that, Mr. Speaker, I close by asking God to please bless our men and women in uniform, please bless their families, for God to please hold in his loving arms those who have given a loved one for freedom. I ask God to please bless the young men and women in uniform. I ask God to please bless the House and Senate that we will do what is right in the eyes of the Lord. I ask God to please give the President of the United States wisdom, courage, and strength to do what is right.

Mr. Speaker, I close by asking three times, please God, please God, please God, please God continue to bless America.

TRIBUTE TO TERRI SCHINDLER-SCHIAVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FEENEY) is recognized for 5 minutes.

Mr. FEENEY. Mr. Speaker, tonight I rise to speak for the life of a fellow citizen, Ms. Terri Schindler-Schiavo. Her story has been heard worldwide and I join millions across the world, including our Governor, Jeb Bush, to urge that her feeding tube be replaced and her life spared.

According to the web site established on her behalf, Terri was 26 years old when she suffered brain damage from a sudden collapse. She receives her food and water by means of a feeding tube. Terri's other bodily functions are physically stable. Terri smiles, laughs and cries. Terri recognizes voices and responds. At times, she vocalizes sounds, trying in her best way to speak.

While these situations are heart-breaking for all of those involved, we need to remember that all life is precious. It is not for us to measure what constitutes "valuable life v. invaluable." We never know how one's life may impact others. While Terri's life seems "a waste" or "over" to others, she obviously brings delight and happiness to her family and those around her. Her parents and siblings have fought in court to keep Terri alive.

Members, the prospect of a society that places price-tags on human life, is terrifying. We must uphold the American precedent that ". . . All men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life . . ." I stand in support of Terri's family, as well as our Governor and State leaders who are trying to preserve this precious life.

WAR ON TERROR

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCCOTTER. Mr. Speaker, I rise to address the issue of Iraq, and specifically how our war on terror, a truly just war in the defense of American civilization, entailed the strategic imperative for Iraq's regime change and reconstruction, and now how in the war on terror we stand at a crucible for our country and civilization.

On September 11, 2001, America was shaken by a sudden and concerted act of terrorism by fanatics who possessed no justification and our Nation no culpability for their willful, deliberate, and premeditated murder of innocents. Stunned, we resolutely marshaled our courage and solemnly accepted the duty to defend our country and human civilization from the atavistic nihilism of Islamic extremism which amorally and arbitrarily colors and conditions the unviable sanctity of human life within the skewed prism of its adherents' abject pursuit of power.

This is neither the first nor undoubtedly the last time our Nation will be called upon to protect itself and all the world from an extremist enemy with inhuman aims. In our relatively brief existence, we have led the successful efforts to eradicate the evils of imperialism, fascism and communism; and, heartened by our storied tradition of valor and victory, our current efforts must and will continue to tighten nooses around the necks of the practitioners of terror until they have joined their extremist antecedents in the ash can of history.

It will be a long, hard, bitter task to defeat these disparate, desperate denizens of terror, who skulk in the shadows and steep in the venom of their perverted political phantasms. Their strength is their stealth and ruthlessness which, in the absence of their own nation-state, was spawned by their inability to wage conventional war upon traditional combatants. Their weakness, in turn, is their inability to subsist and act without sustenance from a cut-throat confederation of sheltering nation-states and sympathizers.

These murderers are at once everywhere and nowhere; shrill in their threats, silent in their tactics: housed in the bosoms of evil and hunted in the citadels of freedom. They are the faceless foes of a million-mile front in a war without borders or bounds, but with this grim reality: they want to kill us. They want to kill our children. And to kill us, they will kill themselves, too. Make no mistake, the only way to stop them from killing us is to first kill them until they capitulate. The war is here. The war is now.

And unless and until our victory is won, every American man, woman and child will live in a perpetual state of imminent threat from terrorists and their patrons because, as proven by the sneak attack on September 11, the extremists' existence is an imminent threat to our existence.

Given this grim reality and our enemies' assets and liabilities, defeating terrorists requires severing them from their sponsoring states and sympathizers in tiered theaters of operations determined and devised as necessity demands and opportunity provides; and within these theaters of operations involved, diplomatic, economic and military, must each be tailored by time and circumstance for maximal advantage and efficiency. It is a root-and-branch approach. The U.S. and its allies must uproot regimes supporting terrorism; serve notice on other rogue regimes to cease and desist in their succor of terror, lest they suffer the same fate; and leave terrorists to die on the vine of their own dependencies and the steel of our resolve.

Within this mission, theaters of operations must first be defined. Tragically, the tier-one theater has already been designated for us: the homelands of America and her allies. Tier-two theaters exist within those nations in which America and her allies must diplomatically, economically, and/or militarily act to end a rogue regime's intransigent sponsorship of terrorism.

Prioritizing and selecting tier-two theaters is an agonizingly difficult task; but a practical, tripartite regime change, reconstruction calculus can be formulated from the factors of necessity, victory, and stability.

First, necessity is determined by the rogue regime's continued support of terrorism, a question answered only by these nations' actions.

Secondly, victory's viability is determined by the prospects for a successful regime change through diplomatic, economic, and/or military means.

Third, stability is determined by the prospects of reconstructing within the newly liberated nation a stable, civilized, indigenous government opposed to terrorism.

Regime change and reconstruction are the twin pillars of one policy: victory. Having effectuated a regime change, the U.S. and its allies cannot idly and anxiously await a newly liberated nation's indigenous developments in the areas of politics and economics for, devoid of stability and a steady progression toward democracy and prosperity, a deposed regime's vacuum will be filled by more ruthless rulers or by anarchy, and either outcome will foster terror's network.

The U.S. and its allies must promptly and purposely act, even prior to the final ending of military hostilities, to commence reconstructing newly liberated countries and actively facilitating their reentry into the community of civilized nations opposed to terrorism. Such reconstruction will not happen instantaneously; such reconstruction will not happen inexpensively. But happen it must, lest the war on terror never end.

But strategic imperatives are insufficient rationales for Americans to wage war. As a civilized people, we will only fight a just war, one necessarily engaged and morally waged.

In prosecuting the war on terror, America solidly stands on the moral high ground.

The moral legitimacy of our war on terror is lost upon many amidst the fog of rhetoric surrounding the determination of which rogue regimes supporting terror must be changed through American military force. Regardless, the logic remains: as all civilized nations have allied to end terrorism, any contrary country harboring and helping these criminals is, itself, uncivilized and criminal; and such a rogue country's immoral regime is illegitimate within the community of moral nations.

As for the moral legitimacy of unilateral American preemption of rogue regimes aiding and abetting terrorism, the United States, a sovereign Nation, cannot and will not delegate or subordinate to any country or international organization our morally justified duty of defend and deliver ourselves from evil. Having already been grievously wounded by an unannounced, unprovoked attack on our soil, the U.S. is already in a state of war against terrorists and their state sponsors, and is morally justified in speaking out and bringing to justice all who are, all who aid, and all who abet our self-appointed enemy. The doctrine of preemption, then, is both morally justified and wholly irrelevant, because the terrorists' insidious onset to this war means the war on terror is now. America is not arbitrarily or preemptively prosecuting a prospective war on terror; America is necessarily defending itself against terrorists and their state sponsors in a war which reached our shores over 2 years ago.

In the final analysis, because America was immorally and unilaterally attacked, America can morally and unilaterally counterattack. We have the moral right to do so, and the moral duty to do no less. Throughout this just war on terror, America possesses a moral right to seek rogue regime changes; and America possesses a moral responsibility to reconstruct liberated nations. This is not a novel path to a just and equitable peace for Americans who, in rebuilding our war-torn enemies following World War II, honorably fulfilled the promise of their late President, Franklin Roosevelt: "Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain those rights to keep them. Our strength is our unity of purpose."

Presently, such unity of martial and moral purpose can only be fulfilled by rehabilitating the newly liberated countries of Afghanistan and Iraq into democratic Middle Eastern allies in the world's war on terror.

Immediately following September 11, 2001, the United States and its allies against terror squarely set their sites upon Afghanistan, whose primitive Taliban regime repeatedly refused to terminate its assistance for the butchers of innocents.

Affirmatively evaluating the necessity for and viability of a regime change, and the prospects for reconstruction and post-conflict stability within Afghanistan and the region, on October 7, 2001, America's initial tier-two theater of operations opened in Afghanistan. Then, targeting terrorist enclaves and training camps and various Taliban military and political assets, the U.S. and our allies, including indigenous anti-Taliban Afghans, struck with unprecedented speed and success and the rogue regime rapidly disintegrated and capitulated on November 13.

Following the fall of Kabul, the U.S. and its allies have engaged in both military operations against terrorists and Taliban loyalists and reconstruction operations with the Afghan people. Militarily, there exists a NATO force of 5,000 troops in Kabul to provide security and stability to the fledgling government of President Hamid Karzai, and there remains a U.S.-led coalition force of 11,500 troops throughout the country to hunt down al-Qaida and Taliban diehards. In reconstruction efforts, the U.S. alone has contributed over $900 million in assistance to the people of Afghanistan, including the rehabilitation of 72 hospitals, clinics and women's health care centers; the vaccination of 4.3 million children against measles; the treatment of 700,000 cases of malaria, the enrollment of 4 million children in school, the repatriation of 2.5 million Afghans to their homes, the commencement of 6,100 water projects to aid farmers, and commitment to rebuild the Kabul Kandahar road.

To date, this concerted implementation of the regime change rebuilding nexus, still in its infancy, has been successful in eliminating the state-sponsored terrorism of the Taliban, facilitating a stable new government progressing toward democracy and prosperity, and increasing America's and the world's security.

For the allied forces, this success in the Afghan tier-two theater of operations provided concrete milestones and guideposts along the path toward the next tier-two theater of operations, Iraq.

Under the despotic direction of Saddam Hussein, Iraq long posed a danger to America and the international community. Suffice to say the threat was recognized by all nations after Iraq's 1991 invasion of and expulsion from Kuwait. Curiously, though, after the onset of the war on terror, minds have differed over whether or not Iraq's threat to America, in particular, and the world community in general, sufficiently existed to compel martial force be used to effectuate an Iraqi regime change.

□ 1615

There should be no doubt. Applying the regime change-reconstruction calculus proves opening the Tier 2 Iraqi theater of operations was a strategic imperative in the war on terror. First, Iraq constituted a necessary Tier 2 theater of operations due to its refusal to stem and, instead, perpetuate its state sponsorship of terrorism. Interestingly, as early as 1998, the agreement on this point appeared nearly unanimous. "The only answer to aggression and outlaw behavior is firmness. He Saddam will rebuild his arsenal of weapons of mass destruction and someday, some way, I am certain he will use that arsenal again as he has ten times since 1983." National Security Adviser Sandy Berger, February 18, 1998.

From the same day I quote:

"Iraq is a long way from here but what happens there matters a great deal here. For the risks that the leaders of a rogue state will use nuclear, chemical or biological weapons against us or our allies is the greatest security threat we face." Secretary of State Madeleine Albright, February 18, 1998.

"One way or the other, we are determined to deny Iraq the capacity to develop weapons of mass destruction and the missiles to deliver them. That is our bottom line." President William Jefferson Clinton, February 4, 1998.

Given Saddam Hussein's unabashed and unabated hatred of Americans and his willingness to conspire with murderers of any stripe to kill Americans, the evidence of which continues to slowly but surely seep to the surface despite the old regime's attempts to bury and burn their intelligence records, the terror attacks on September 11, 2001, seemed to solidify the early consensus American national security required a regime change in Iraq.

"We know that he, Hussein, has stored secret supplies of biological and chemical weapons throughout his country. Iraq's search for weapons of mass destruction has proven impossible to deter, and we should assume that it will continue for as long as Saddam is in power." Former Vice President Al Gore, September 23, 2002.

The necessity test met, what was the viability of deposing Hussein and his minions? While the level of U.S. and allied military force required was debated, especially in the absence of the United Nations' cooperation, the viability of successful Iraqi regime change was little disputed by knowledgeable minds. Iraqi forces remained hobbled after their defeat during the liberation of Kuwait, and its economy languished under postwar economic sanctions. Still, it was not an easy decision and never is when sending good American sons and daughters into harm's way. But it was a decision which nearly all involved concluded would lead to a victorious military operation. Events, to date, have validated this original assessment.

On March 20, 2003, the U.S. and its Coalition of the Willing allies launched military strikes against Iraqi leaders. By April 5, U.S. tanks entered Baghdad. By April 9, U.S. troops aided Baghdad residents in toppling a statue of Saddam Hussein, thereby symbolizing his removal from power. By April 14, the Pentagon announced it "would anticipate that the major combat operations are over" and it began the process of sending air and naval forces home. And finally on May 1, President Bush declared an end to major combat operations in Iraq. Yet even as the general assessment of the viability of an Iraqi regime change was upheld, significant opposition has arisen and jeopardizes the final stage of the operation, the reconstruction of a stable, democratic and prosperous Iraq.

Initially, the postregime change reconstruction of Iraq portended a long, but ultimately successful, transition to a stable democratic state. The Iraqi people, though long oppressed by Hussein, remained a highly-industrious, highly-educated people, possessed of a long history replete with notable accomplishments in the areas of agriculture, commerce, science and scholarship. Once liberated, it was projected, Iraqis would seize upon their newfound freedoms to forge a new nation of equality and prosperity and join the league of civilized nations.

According to the State Department, Iraq has experienced enormous post-Saddam progress in the areas of security, essential services, economics and governance. On the security front, significant accomplishments have occurred.

More than 40 of the 55 most wanted former Iraqi officials have been apprehended by Coalition forces. Northern Iraq and the Shi'a heartland, running from just south of Baghdad to the Kuwaiti border, have been secured: and recruitment for the first battalion of the new Iraqi army has commenced, with 1,200 Iraqi being trained this year and 40,000 to be trained over the next 2 years.

Essential services, too, have progressed. All of Iraq's hospitals and 95 percent of its health clinics have opened and are providing services, including the dissemination of 22.3 doses of measles, TB, hepatitis B, diptheria, whooping cough, tetanus and polio vaccines required to inoculate 4.2 million children.

More than 100 schools have been rehabilitated, with 600 more projected to be completed prior to the start of the school year. Ninety percent of Iraq's public schools and all of Baghdad's universities have reopened.

Dilapidated and looted power, water, and sewage treatment facilities have been rehabilitated and electricity generation now nears 75 percent of prewar levels.

Further, phone service has been restored to hundreds of thousands of customers; and massive cleanups of Baghdad's poorest neighborhoods have been completed.

Economically, Iraq is beginning to flourish. The streets of major cities bustle with commerce, markets now access many previously sanctioned goods, including more than 150 Iraqi published newspapers. Long-term growth is being promoted through regional integration and increased trade.

Banking reforms, including the unification of currency with new bank notes in circulation and new monetary policies based upon transparency and discipline are being implemented.

And oil production has passed 1 million barrels per day and soon will reach 2 million barrels per day. And the governance of this once captive country is finally in the hands of the Iraqi people. Iraq's new, diverse, 25-member Governing Council was fully formed on July 13. All major Iraqi cities have city councils, and over 85 percent of Iraqi towns have town councils. All Baghdad neighborhoods have advisory councils.

Eleven government ministry buildings have been rehabilitated or equipped, and dozens of nongovernmental organizations are being funded to deliver local services and build a civil society. As noted by Secretary of Defense Donald Rumsfeld on September 25, when measured against past reconstruction efforts, specifically those in Germany following World War II, the progress in Iraq is striking:

"Within 2 months, all major Iraqi cities and most towns had municipal councils, something that took 8 months in postwar Germany. Within 4 months the Iraqi Governing Council had appointed a cabinet, something that took 14 months in Germany. An independent Iraqi Central Bank was established and a new currency announced in just 2 months, accomplishments that took 3 years in postwar Germany. Within 2 months a new Iraqi police force was conducting joint patrols with Coalition forces. Within 3 months we had begun training a new Iraqi army, and today some 56,000 are participating in the defense of their country. By contrast, it took 14 months to establish a police force in Germany and 10 years to begin training a new German army."

Moreover, Iraqi reconstruction successes are especially striking when one realizes the new Germany's reconstruction only followed Nazi Germany's unconditional surrender and complete cessation of hostilities. In Iraq, while the major operational conflict is over, the Coalition is rebuilding a country with which we are still at war. The major military conflict phase ended with the fall of Baghdad. But the fall of Baghdad was not a surrender. It was a strategic retreat, one devised to commence the war's guerilla phase.

Baathist diehards, Saddam loyalists and terrorists from or drawn to Iraq are employing terror's ruthless tactics to wage a guerilla war against American soldiers and a psychological war against American citizens. These cowardly criminals' ghoulish goal is to kill enough American soldiers to force a disheartened American public to demand a hasty withdrawal from Iraq. The criminals learned this lesson from the successful North Vietnamese military dictum asserting their war with the U.S. would not be won or lost on battlefields of Southeast Asia but in the streets of America. Thus, heartened by every politician's or pundit's groundless pontificating to the effect Iraq is our new Vietnam, these Iraqi extremists kill on as they cling to any false hope they will usurp power when a dispirited America retreats. They are, of course, wrong. America will not retreat from Iraq. America will reconstruct Iraq. And we will do so in the very face of this guerilla phase of the Iraqi campaign.

Unfortunately, this act of humanitarianism is both unprecedented in world history and little noticed by the world community, including many Americans. The failure to fully recognize the context and accurately gauge the progress of Iraqi reconstruction forms a misguided basis for opposition to Iraqi reconstruction, jeopardizes the coalition's efforts to win the Iraqi theater of operations, and increases the odds of Iraq becoming the first setback in America's and its allies' war on terrorism. And it is not the only misguided basis for opposing Iraqi reconstruction. While subsequent events have so far vindicated the decisions dictated by the regime change-reconstruction calculus regarding the necessity and viability of regime change in the Iraqi theater of operations in the war on terror, the stability wrought only through successful reconstruction efforts remains elusive due to international, Iraqi and American opposition.

In 1940, England's finest hour arrived as it singlehandedly fought off the Wehrmacht war-machine subjugating continental Europe, and its steadfast lion, Mr. Churchill, implored the United States to abandon its intransigent, antiquated isolationism and join the struggle to save civilization from Naziism. Ironically, we now find ourselves similarly situated in the concert of international events and the court of world opinion. Yet unlike the opposition Prime Minister Churchill faced from international appeasers and American isolationists in the nascent stages of World War II, in the war on terror no civilized country denies the danger and all demand its end. Still, many nations are reticent to make the hard sacrifices needed to end terror. This is thoroughly disgusting but hardly surprising. Nearing the close of World War II, a former isolationist and an eventual bipartisan leader in international cooperation, U.S. Senator Arthur Vandenberg, Republican of Michigan, squarely addressed the problem of international cooperation against common foes:

> It means the continued and total battle fraternity of the United Nations. It must mean one for all and all for one, and it will mean this unless somewhere in this grand alliance the stupid and sinister folly of ulterior ambitions shall invite the enemy to postpone our victory through our own rivalries and our own confusion. The United Nations, in even greater unity of military action than heretofore, must never, for any cause, permit this military unity to fall apart. If it does, we shall count the cost in mortal anguish even though we stumble on to a belated though inevitable victory. This is an obligation which rests no less upon our allies than upon us and no less upon us than our allies. First things must come first. History will not deal lightly with any who undermine this aim ere it is achieved. Destiny will one day balance any such ghastly accounts.
>
> Now I am not so naive as to expect any country to act on any final motive other than self-interest. I know of no reason why it should. That is what nations are for. I certainly intend that intelligent and loyal American self-interest shall be just as vigilantly and vigorously guarded as is amply obvious from time to time in their own behalf by the actions of our allies. The real question always becomes just this, where does real self-interest lie?

Until last week, the answer was mixed, with too many nations cravenly calculating to meanly subsidize their security from terrorism with the blood of American and allied soldiers. Yes, the recent unanimous approval by the United Nations' Security Council of Resolution 1511, (2003) provides a faint, begrudging admission a democratic Iraq would benefit the world community.

However, these nations' true test will come not through their delicate words, but through their concrete deeds. The international community's first concrete deed must be relieving the new Iraq of the debts amassed by the old Iraq. The resolution of this issue involving billions of dollars of debt, much of it munitions debts owed to members of the very United Nations Security Council which sanctioned Iraq, yet who continued to sell weapons and dual-use technologies to the former rogue regime until the removal of Mr. Hussein, will prove the real answer to where these nations believe their real self-interest lies. Regardless of their decision on the debt, and their track record does not portend a proper one, the U.S. and its allies must still fulfill the obligation of international etiquette to ask these other nations' participation and cooperation. But we must, throughout the process, rid ourselves of any delusion these nations will suddenly abandon their old greed and accept their true duty. And we must dedicate ourselves to the arduous task of reconstructing the new Iraq wherever these nations perceive their real self-interest to lie.

This debt test also applies to American supporters of reconstruction efforts who advocate U.S. reconstruction funds to Iraq be tendered as a loan rather than a grant. If America shares the taint of short-term pecuniary interest, it will eclipse the faint hope the world's predator-creditor community will relent from their billions in claims upon Iraq. The death of this slim hope will then write its own wicked epithet by crushing this nascent democracy under oceans of red ink, precluding Iraqi prosperity, undermining Iraqi democracy, and spawning a new Iraq regime of the old Iraq regime, by the old Iraqi regime and for the Iraqi regime, or worse.

Prior to determining where their real self-interest lies, these international amassers of Iraqi debt and American loan proponents should read an elementary treatise recording the mounting miseries of their philosophical predecessors beginning with the Treaty of Versailles up to the Weimar Republic and on through the rise of Nazi Germany. Then they might see their position may or may not "saddle our children with tomorrow's debt"; but it will saddle our children with today's threat.

Not surprisingly, active Iraqi opposition to reconstruction is comprised of the same thugs who opposed Iraqi regime change, namely, deposed members of the former Baathist regime, former soldiers who were disbanded under the first wave of de-Baathification, and terrorists both native to and newly arrived in the country. These bands' opposition to a new, democratic Iraq is self-evident. They will fight to the death to restore the old Iraq, for they have nothing to live for in the new Iraq. The larger, long-term obstacle to reconstruction is the passive nonparticipation of large segments of Iraq's general population. Typified by a reticence to assist Coalition forces and nongovernmental organizations in rebuilding efforts, this de facto opposition is a direct result of recent history. Too often Iraqis have witnessed Saddam's apparent demise only to see him resurrected; and, not illogically, a chary Iraqi populace will not risk life and limb in reconstruction efforts so long as there exists a glimmer of danger the Coalition will depart and Saddam will return.

□ 1630

Despite this indigenous opposition, the beneficent prospects for long-term reconstruction remain. The active opposition must and will be dealt with by both coalition forces and the new Iraqi security apparatus; while the defacto opposition must be dealt with through a firm coalition commitment to reconstruction, consistent progress towards democracy and prosperity, and by Saddam's corpse.

Finally, there exists domestic American opposition to the reconstruction of postwar Iraq. Such opposition is fascinating, particularly when viewed in light of the President's $87 billion Iraqi reconstruction request, a reasonable request, the New York Post observed, as it was less than "the sum to replace a chunk of Manhattan, which could easily top $100 billion, not to mention the toll on the broader economy." And not to mention the death toll of 3,000 Americans on September 11.

Why this domestic opposition? To begin with, all previous combatants in war utilized information, or more crudely, propaganda, to galvanize one's homefront and demoralize an opponent's homefront. In the war on terror, contrarily, and especially in the area of homeland security, unprecedented propaganda constraints severely delimit a nation's ability to broadcast its victories to its citizens.

Practically and strategically, the U.S. and its allies cannot list all of the terrorist attacks prevented without jeopardizing precious and often scarce intelligence sources, instructing terrorists as to the real internal machinery of homeland defenses, and disconcerting and demoralizing our citizenry. The American public is reduced then to accepting the proposition "no news is good news," equating government officials' silence with homeland security's efficacy, and all the while they are expect to remain fully engaged in the war on terror. It is a daunting chore and dangerous circumstance.

In yet another dubious precedent of the war on terror, Americans rarely hear of our wins and our enemies rarely hear of their losses. The inverted equation becomes elementary and insidious: the more successful the effort to stop terrorist attacks on American soil, the more likely Americans are to believe the war has already been won or the threat significantly diminished. And for terrorism's adherents, one successful attack amidst a sea of defeats will delude them into believing they are winning and will lead them to ever greater depths of depravity.

Exacerbating and intertwining with the "no news is good news" conundrum of the war on terror is the man-bites-dog dictum of journalism fostering a barrage of reports upon solely the setbacks in Iraqi reconstruction efforts. Such reporting has crafted an inaccurate public perception to the effect an ungrateful Iraqi people are bent upon killing the very American infidels who liberated them. This public perception is demonstrably false. Polls consistently prove the overwhelming majority of Iraqis are grateful for their liberation, and once the threat of a Baathist resurgence is finally vanquished, Iraqis will prove the ultimate architects of their own emancipation and realization of democracy. Nevertheless, an American public bombarded by no news or negative news will not prove easily disabused of this misconception, and it will continue to prove a formidable obstacle to garnering domestic support for Iraqi reconstruction efforts.

Finally and most formidably of all domestic opposition to reconstruction stems from America's still retaining a strong current, however scattered and misdirected, of isolationism, comprised of the twin branches of traditional isolationism and, ironically, liberalism's post-Cold War hyperglobalism. Liberalism's post-Cold War hyperglobalism is, in reality, a thinly veiled venture to delegate and thereby subordinate America's national interests to international organizations. Inveterately, such hyperglobalist requests for international aid or assistance or cooperation or partnership on issues affecting American national security are but a pretext to providing an international veto prior to America's defending its interests. In doing so, hyperglobalism would alienate America from its own national security interests by subordinating America to the United Nations. This, in effect, would isolate America from its supreme sovereign duty to defend its own interests and from its especial role to defend freedom and democracy throughout the world.

Naturally, while America must still always welcome international support to defend freedom and ourselves, in the war on terror where America is the enemies' primary target, isolationism disguised as hyperglobalism is ridiculous and dangerous: if we surrender our self-defense to the whims and good wishes of the U.N., soon we will never be more loved and never more dead.

The separate branch of the same tree, traditional isolationism, once thought as ideological casualty of Pearl Harbor, has never expired because of its emotional, albeit fanciful, appeal: Who would not want to avoid foreign wars costing the lives of Americans? Of course, so few people argue against a wish so enticing, and this of course is why so many politicians propound isolationism, be it however subtly or less than subtly.

For example, consider these excerpts from a certain Senator's radio address:

"My friends, it is this satanically clear, clever propaganda that appeals to Christianity, the idealism, the humanity, and the loyalty of the American people that takes us into war.

"Do not let yourselves be swayed by mass hysteria.

"Warmongers, sordid romanticists, reckless adventurers, and some whose sympathies and sentiments are stronger than their reasoning powers would plunge this Nation into war. Plunge us into a war from which we would gain nothing.

"Don't let yourselves be misled by the so-called notables . . . they do not represent labor, the farmer, the youth and the mothers or fathers of America.

" . . . Americans in greater numbers must firmly resolve and express themselves that we will fight no offensive war."

The Senator continued: "America's war ought to be against industrial unemployment and low farm prices . . ."

"We sympathize with the oppressed and persecuted everywhere. We also realize that we have great problems at home, that one third of our population is ill-fed, ill-housed and ill-clad, and unless and until this situation is corrected, our democracy is in danger."

He then concluded: "I cannot help but feel that we should settle our own problems before we undertake to settle the problems of Asia, Africa, Australasia, South America and Europe. As Americans interested first in America, what is our present stake?"

This isolationist ode to only spending Americans' money solving Americans' domestic problems comes not from the current Iraqi reconstruction debates. They were the remarks of U.S. Senator Burton Wheeler, Democrat, Montana, in opposing the Roosevelt administration's lend-lease proposal with England.

Still, the crude crux of the matter, originally posited by Wheeler and later by his isolationist ilk from the debates over aid to Greece and Turkey through the Marshall Plan right up to today's debates over Iraqi reconstruction remains: What is in it for us? A bitterly ironic inquiry from baby boomer Democrats who once applauded JFK's inaugural challenge to "ask not what your country can do for you," but I digress.

What is in it for us is what is in it for everyone: a stable, democratic, and prosperous new ally in the war on terror serving for generations to come as a bulwark in the struggle for the survival of our Nation and world civilization.

True, some isolationists find the survival of freedom and civilization far less tactile goals than, say, a new road or free condoms, but the survival of freedom and civilization must suffice as our abiding cause in this time of national crisis.

Seriously, what is more presently pressing: erecting schoolchildren new classes or eradicating schoolchildren's killers? Where must we must urgently expends our resources: finishing the liberation of Iraq and standing tall at the front door of terrorism, or spending ever more money at home so when terrorists blow in our back door, they can admire our compassion as they kill us?

Right now, more than ever, we must resist all of isolationism's shortsighted and selfish special interest appeals, lest America asphyxiate upon its tissue of lies. And may God spare the souls of those who do partake of the isolationism's fools gold only to find its blood money, blood money borrowed at the collateral cost of future Americans killed.

This we will not do to our children. This we will not do to our civilization. This we will not do to ourselves. History is a harsh mistress, beautifully chaste in her truth, but brutally cruel in her treatment of fools who fail to learn her lessons. So while many today may not recall Senator Burton Wheeler's name and many presently reprise his siren song of isolationism, for both, history will record and return an equally ignominious and indelible indictment. Or worse, for our contemporary isolationists.

After all, the isolationist Wheeler railed before 2,300 Americans were killed at Pearl Harbor. The new isolationists rail after 3,000 Americans were killed on 9-11.

Mr. Speaker, waging and winning the war on terror requires the arduous global eradication of terrorists through diplomatic, economic, and military operations, often including the concomitant tactics of rogue regime change and reconstruction, in tiered theaters of operations. To do so throughout this unsought struggle, we must mobilize our Nation's greatest resource: ourselves.

For while our path is clear, our road is hard. But we must trod it ever bravely to a better world for ourselves and our children. There is no turning back to await an ignoble death.

In his December 26, 1941, address to a joint session of Congress, Prime Minister Winston Churchill warned another shocked generation of Americans sucked into a world conflagration to firmly press on: "Some people may be startled or momentarily depressed when, like your President, I speak of a long and hard war. But our peoples would rather know the truth, somber though it be. And, after all, when we are doing the noblest work in the world, not only defending our hearths and homes but the cause of freedom in other lands . . . Sure I am that this day, now we are masters of our fate, that the task which has been set us is not above our strength, that its pangs and toils are not beyond our endurance. As long as we have faith in our cause and an unconquerable willpower, salvation will not be denied us."

Once again ambushed but unbowed, we heirs of Franklin Roosevelt and Winston Churchill have again allied and formed a coalition of the willing to defeat the common enemies of our countries and our civilization, while much of the world stands mute or worse and seems blithely ambivalent to the arrival of the terrorists upon their doorsteps. But we cannot evade this crusade. We cannot wish the world away. Today's war on terror will yield either a bitter death or a better day. And thusly does our generation of Americans face our fiercest foe and our finest hour.

As Americans, we are honor bound to defend freedom for ourselves and all the world. And no one more ably embodied and expressed this grim acceptance of our sacred duty than our valiant wartime Commander in Chief, whom I quote: "There comes a time when you and I must see the cold, inexorable necessity of saying to these inhuman, unrestrained seekers of world conquest and permanent world domination by the sword: 'You seek to throw our children and our children's children into your form of terrorism and slavery. You have now attacked our own safety. You shall go no further.'

"Normal practices of diplomacy, note writing, are of no possible use in dealing with international outlaws who . . . kill our citizens.

"One peaceful nation after another has met disaster because each refused to look the danger squarely in the eye until it actually had them by the throat.

"The United States will not make that fatal mistake . . . "

Our President continued: "I have no illusions about the gravity of this step. I have not taken it hurriedly or lightly. It is the result of months and months of constant thought and anxiety and prayer. In the protection of your Nation and mine, it cannot be avoided.

"The American people have faced other grave crises in their history, with American courage, and with American resolution. They will do no less today.

"They know the actualities of the attacks upon us. They know the necessities of a bold defense against these attacks. They know that the times call for clear heads and fearless hearts.

"And with that inner strength that comes to a free people conscious of their duty and conscious of the righteousness of what they do, they will, with Divine help and guidance, stand their ground against this latest assault upon their democracy, their sovereignty, and their freedom."

Those were the inspirational words our wartime President, Franklin Delano Roosevelt, which he used to conclude his fireside chat on national defense. The date: September 11, 1941.

Be it September 11, 1941, or September 11, 2001, our Nation, founded as a revolutionary experiment in democracy and remaining so to this day, so too remains the primary target of all would-be world despots. Consequently, as every generation of Americans inherits the blessings and the burdens of our liberty, every generation of Americans has the right and responsibility to defend our Nation and civilization against every tyrant and terrorist who knows they cannot enslave and exterminate humanity so long as the United States and its people breathe and fight on against them.

Mr. Speaker, in this, our moment, such is our duty, we must accept. And it will be met, in this, our finest hour, until tomorrow where a finer, kinder day awaits. May God continue to grace and guard and bless our United States of America.

SUPPORTING ROAD MAP FOR DEMOCRACY IN BURMA CONFERENCE

The SPEAKER pro tempore (Mr. PORTER). Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I rise today to congratulate and support the Road Map for Democracy in Burma Conference, which was held in Fort Wayne, Indiana, my hometown, on October 11 through 12, 2003. I had the distinct pleasure to address the conference and speak to some of the attendees. I pledged to them to insert this Road Map for Democracy in Burma into the CONGRESSIONAL RECORD, and let me explain why.

My colleagues are well aware of the military dictatorship currently ruling in Burma. In July of this year, the House passed the Burmese Freedom and Democracy Act, which imposes sanctions on Burma until the military gives up power and a new democratic Burma is established.

While the Burmese appreciate the support of the United States, they are working among themselves to organize a future democratic Burma. The conference in Fort Wayne brought together members of the democratically elected Burmese government-in-exile and various Burmese ethnic groups.

As the gentleman from Michigan (Mr. MCCOTTER) recently explained in the last few minutes, the problems that we face in Iraq, Burma, in fact, is trying to address these in advance. They had a democratic government overthrown by the junta, and they are now trying to pull the different factions together to be prepared, when this junta collapses, with a balanced democratic government.

□ 1645

Burma has long been plagued with ethnic tensions. The delicate balance among ethnic groups was shattered early in Burmese independence. Since the military takeover in the 1960s, many ethnic groups have been persecuted and harassed. In such an atmosphere, suspicion and mistrust have been the norm.

This conference was particularly significant, because so many of the Burmese ethnic groups were brought together to discuss Burma's future. The fact that the groups were able to meet in one room together is a noteworthy accomplishment. Compare this to the problems we had in Iraq. In my hometown we have 125 Iraqis who fled. There are Sunni, Shia and Kurds. Prior to the recent conflict in Iraq, when I wanted to meet with the different groups, they would not meet together. That was a pretty good forerunner of what was going to happen when we got into Iraq.

In fact, we have nearly 2,000 Burmese in Fort Wayne. When we tried to meet there, initially some of the ethnic divisions were a problem even in meeting with their United States Congressman from that district.

This conference, unlike what we are seeing in many places of the world, we see the Burmese and the different ethnic groups trying to pull together to address what kind of country should Burma be when democracy is restored. Cooperation among the groups at this conference is an important step towards a future democratic Burma.

The road to democracy is not easy for any country, and Burma is no exception. I believe that the resolution unanimously passed by the conference is a positive step in the right direction. Democracy in Burma will only be achieved if all Burmese work together. I encourage the groups to continue their dialogue and their work together.

I admire the courage and tenacity of all the Burmese people, and I will continue to work with them and do what I can to help them achieve their goal of a free and democratic Burma for all Burmese.

Mr. Speaker, I will insert in the RECORD following my remarks "The Full Road Map for Democracy," and I will just summarize a couple points.

In this Road Map for Democracy, they established a long-term goal. For example, number one is, "To fully realize that goal, the committee in charge of establishing a self-help, fund-raising body has been formed." Because, as they state right at the beginning, "The conference firmly believes that the objective of the struggle to abolish dictatorship and promote democracy in our country," Burma, "can successfully be achieved only through self-reliance." They understand that basic principle.

In the section "Future Plan for Inland and Overseas Democratic Struggles," they say, "In accordance with the belief of the Road Map for Democracy in Burma Conference held in Fort Wayne, that the elimination of the dictatorial system in Burma is the only way to successfully achieve genuine democracy and genuine national reconciliation among all ethnic nationalities, and that the only path that can lead to the realization of that goal is a correct road map from all of us."

Then they proceed to lay out who are some of the steering committees. Under "Solidarity of Nationalities of Burma," point Number 1 is, "There must be equality and self-determination for all ethnic nationalities," a major step that we do not see in many other nations around the world. They have detailed things on unity-building committees.

Under strengthening ethnic unity, for example, they say, "All nationalities should learn the language of at least one nationality other than their own," and "Ethnic nationalities should mutually respect each other."

For a strategy to end military dictatorship in Burma, they have things as diverse as, "Accept the leadership of Daw Aung San Suu Kyi and the National League for Democracy," the elected president who has been held in exile.

Number 2 is, "Any political change not based on the results of the 1990 elections will not be accepted."

They also point out, "The unwavering political objective of this conference is democracy and the establishment of a federal union."

So they are very clear where they stand on the issue of democracy.

They have also, in conclusion, how to press the military regime in Burma by international communities and the United Nations.

Point one was to step up economic sanctions against the military regime of Burma through the United Nations Security Council.

Two is to seek stronger pressure from the international community to secure the release of Daw Aung San Suu Kyi and all political prisoners.

But they also have very explicit things in the resolutions. For example, to urge the Burmese expatriate communities to stop paying tax to SPDC, the military junta, embassies, and other specific things.

I commend this group and this conference for actually laying out a road map, having a plan of how to work together, how to build a country, so we do not see repeats of our struggles in Iraq, which are very important, which we must back up. We do not really have much option.

But, at the same time, to the degree we can to this in advance of a people getting their freedom back, this is what we need to do.

Mr. Speaker, I include the following for the RECORD:

[From the News Sentinel, Oct. 13, 2003]

PARTICIPANTS WORKED OUT SEVERAL KEY RESOLUTIONS

(By Kevin Kilbane)

They agreed any transition to democracy in Burma would begin with leader Aung San Suu Kyi, whom the ruling military dictatorship has kept under virtual house arrest for more than a decade.

Members of the various ethnic groups making up the Burmese refugee community agreed they all must be given political equality and the right of self-determination.

Most importantly, however, Burmese attending the two-day Road Map for Democracy in Burma conference this weekend in Fort Wayne agreed to work together.

"All arguments are settled," said U Peter Limbin of Bluffton, who was elected to the Burmese parliament in 1990. He and other pro-democracy officials elected then had to flee to escape government persecution.

About 300 Burmese gathered for the conference Saturday and Sunday at Neff Hall on the campus of Indiana University-Purdue University Fort Wayne. Organizers held the event here because the 1,500 Burmese in Fort Wayne make up the largest Burmese community in the United States.

The conference drew representatives from Burmese pro-democracy groups around the world. People flew in from Australia, New Zealand, Japan and Thailand, said Zar Wint, 30, of Fort Wayne, who attended the conference.

"I feel like I am home again," Wint said as many different conversations swirled around him, all in Burmese.

Guests also included Sein Win, acting prime minister of the exiled democratic government.

Burmese pro-democracy groups have enjoyed support from the United States and European Union, Win said during a break Sunday. Trade sanctions and travel restrictions those nations have placed on the Burmese government apply pressure for change. But Burmese refugees must network more to increase the pressure on the regime to step down.

"We need more push," he said.

To develop such strategies, people attending the conference broke into six panels to discuss key topics and propose future action. Discussion topics included how to replace the ruling military dictatorship and how to build solidarity among Burma's ethnic groups. Panels also debated how to fund the democratic movement and how to increase international and United Nations pressure on the ruling regime to step aside.

Some of the key resolutions passed included:

To lobby leaders of conference goers' current country of residence to increase pressure on Burma's military rulers to relinquish control.

To follow Aung San Suu Kyi (pronounced Ahn Sahn Sue She) once military dictators leave power. The 1991 Nobel Peace Prize laureate largely has been kept under house arrest since the government cracked down in 1988 on a student pro-democracy movement.

To unify pro-democracy groups' power by working through the National Coalition Government of the Union of Burma, the exile government based in Washington, D.C.

To more actively support prodemocracy movements inside Burma, which the current rulers have renamed Myanmar.

To recognize the equality and right to self-determination of all Burmese ethnic groups. Members of the Mon, Karen, Shan and Chin ethnic groups exhibited unprecedented cooperation when planning the conference.

The resolutions how to replace the ruling government and on ethnic solidarity generated the most emotional debate. All of the discussion took place in Burmese peppered with occasional English words or phrases—"U.S.-China dialogue," for example—when no Burmese equivalent existed.

The room where the presentation's took place, Neff Hall's auditorium, resembled an international hearing room. The red, gold and white flag of the Democratic Burmese Students Association and letters spelling out "Road Map for Democracy in Burma Conference" hung on a velvet curtain behind the long tables set up on stage for panel members. Portraits and posters of Aung San Suu Kyi hung on the sides and front of the stage.

Men in blue jeans, suits and ties or traditional skirtlike longis—and, occasionally, women in business or traditional attire—would stand to make a comment or propose an amendment. Listeners often clapped or cheered in response.

The proposed resolutions for following Aung San Suu Kyi and working for replacement of Burma's dictatorship drew the most enthusiastic cheers and applause.

The conference closed with an appearance by area U.S. Rep. Mark Souder, who pledged to get resolutions "in the hands of the right people" in Washington.

The "Roadmap for Democracy in Burma Conference" held in Fort Wayne, Indiana, 11–12 October 2003, unanimously passed the following resolutions:

The conference firmly believes that the objective of the struggle to abolish dictatorship and promote democracy in our country, Burma, can be successfully achieved only through self-reliance.

(1) To fully realize that goal, the committee in charge of establishing a self-help fund raising body has been formed.

(2) The term of the committee will be (12) months.

(3) The committee will draft and approve rules, regulations, and procedures which will extensively be global in nature.

(4) The committee, which will come into force immediately from the date it is formed, has been assigned to undertake self-funding programs.

Future Plan for Inland and Overseas Democratic Struggles

In accordance with the belief of the "Roadmap for Democracy in Burma Conference" held in Fort Wayne that the elimination of the dictatorial system in Burma is the only way to successfully achieve genuine democracy and genuine national reconciliation among all the ethnic nationalities, and that the only path that can lead to the realization of that goal is the correct roadmap for all of us.

A concerted struggle must be waged both domestically and internationally through various means to remove the vicious SPDC military clique. After careful considerations of all issues, it is decided that: the force inside the country is the key force and the force inside the country is the deciding factor.

The key players who will be waging the deciding struggle are:

(a) The Committee Representing the People's Parliament and the National League for Democracy led by Daw Aung San Suu Kyi;

(b) The "Veteran Politicians";

(c) United Nationalities League for Democracy and the ethnic nationalities; and

(d) Masses (students, monks, workers, farmers, etc.) from all strata.

To provide all-round support to the intensification and improvement of the "anti-dictatorship and people's liberation activities" of these key players is the most important requisite and vital responsibility of our forces outside the country.

The conference unanimously viewed that a work committee is needed to effectively perform responsibilities, and it was formed accordingly.

Solidarity of Nationalities of Burma

1. There must be equality and self-determination for all ethnic nationalities.

2. Like all other ethnic nationalities, Myanmar nationalities should also be sincere and decisive in standing as one racial group.

3. The other ethnic nationality groups should recognize that the Burmese military is not an organization that represents the Myanmar nationalities.

4. When choosing a name for the federal union of the future, it should be representative of all the ethnic nationalities in the country.

5. Unity Building Committee comprising representatives of all ethnic nationalities should be formed.

6. With a view to strengthen ethnic unity, all nationalities should learn the language of, at least one nationality other than their own.

7. Ethnic nationalities should mutually respect each other.

Strategy to End Military Dictatorship in Burma

The conference resolves to:

1. Accept the leadership of Daw Aung San Suu Kyi and the National League for Democracy.

2. Any political change not based on the results of the 1990 elections will not be accepted.

3. To support and enhance the role of the Committee Representing People's Parliament.

4. To continue the struggle through all means to eliminate the dictatorship in Burma.

5. To secure victory through the revolutionary movement inside the country.

6. That the unwavering political objective of this conference is democracy and establishment of a federal union are:

7. To form ad hoc committee comprising individuals and organizations under the political leadership of the National Coalition Government of the Union of Burma and the National Council the Union of Burma. The committee is to be formed with members of the Strategy Panel and to be expanded later.

8. To support and assist the just revolutionary war of the ethnic nationality groups.

Forward Actions Planned at the Conference

1. Myanmar democratic forces abroad are to stage demonstrations on December 10 (Human Rights Day) to display unity.

2. To urgently carry out organizational work in different regions (of the world).

3. To organize and encourage all the people of Myanmar and organizations to oppose the dictatorship in Burma and participate in the activities to liberate the people.

Press Against Military Regime in Burma by International Communities & United Nations

1. To step up economic sanctions against the military regime of Burma through the United Nations Security Council.

2. To seek stronger pressure from the international community to secure the release of Daw Aung San Suu Kyi and all political prisoners.

3. To work toward the implementation of resolutions passed by the International Labor Organization at its conference in Year 2000.

4. To work toward the European Union to use stronger pressure mechanisms, including economic sanctions.

5. To request the United Nations Secretary General to fully implement the Burma resolutions passed by successive sessions of the United Nations General Assembly.

6. For the Burmese democratic forces worldwide to urge international governments and members of Parliament concerned to exert pressure on the Burmese military regime.

7. To collect information and prepare reports to increase the effectiveness of the visa ban on SPDC leaders and their close relatives, the freezing of their assets, and the ban of transfer of funds imposed by the United Sates and the European Union.

8. To urge Burmese expatriate communities to stop paying tax to SPDC Embassies.

9. To raise the awareness of the people of the world about the true condition in Burma through educational and lecture tours.

10. Believes that the nuclear reactor project being carried out jointly by the SPDC and Russia directly threatens regional security.

11. To work for the reversal of the ruling by the United States Department of Justice to suspend lawsuits against UNOCAL.

12. To prevent the SPDC from selling off land owned by the Burmese people in foreign countries where Burmese Embassies are located.

13. Proposed to the conference to form a Networking Committee so that Burmese democratic forces all over the world can coordinate their activities and work in unity.

THE INCREASING ECONOMIC DIVIDE AMONG AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Vermont (Mr. SANDERS) is recognized for 60 minutes as the designee of the minority leader.

Mr. SANDERS. Mr. Speaker, the corporate media does not talk about it too much, and we do not discuss it terribly much here in the Congress, but the United States of America is rapidly on its way to becoming three separate nations: An increasingly wealthy elite, a small number of people who have incredible wealth and incredible power; a middle class, the vast majority of our people, which is shrinking, where the average person is working longer hours for lower wages; and, at the bottom we have a growing number of Americans who are living in abject poverty, barely keeping their heads above water.

Mr. Speaker, there has always been a wealthy elite in this country, that is not new, and there has always been a gap between the rich and the poor. But the disparities in wealth and income that currently exist in this country have not been seen since the 1920s.

In other words, instead of becoming a more egalitarian country, with a stronger middle-class, we are becoming a Nation in which the rich have more wealth and power, the middle-class is shrinking, and poverty is growing.

Mr. Speaker, today the wealthiest 1 percent own more wealth than the bottom 95 percent. One percent own more wealth than the bottom 95 percent. The CEOs of large corporations today earn more than 500 times what their employees are making. While workers are being squeezed, being forced to pay more for health insurance, while their pensions are being cut back, the CEOs of large corporations make out like bandits.

Mr. Speaker, the Nation's 13,000 wealthiest families, which constitute one one-hundredth of one percent of the population, receive almost as much income as the bottom 20 million families in the United States. One one-hundredth of one percent, more income than the bottom 20 million families. That, to my mind, is not what America is supposed to be.

New data from the Congressional Budget Office shows that the gap between the rich and the poor in terms of income more than doubled from 1979 to 2000. In other words, we are moving in exactly the wrong direction. The gap is such that the wealthiest 1 percent had more money to spend after taxes than the bottom 40 percent. The richest 2.8 million Americans had $950 billion after taxes, or 15.5 percent of the economic pie, while the poorest 110 million had less, 14.4 percent of all after-tax income. Once again, that is not what America is supposed to be. While the rich get richer and receive huge tax breaks from the White House, the middle-class is struggling desperately, in my State of Vermont and all over this country.

It is increasingly common to see people work at not one job, but two jobs, and occasionally three jobs. When I was growing up, the expectation for the middle-class was that one worker in a family could work 40 hours a week and earn enough income to pay the bills. Well, in the State of Vermont, and all over this country, it is becoming increasingly uncommon when that happens. Much more often than not, wives are forced to work alongside husbands in order to bring in the necessary income, and kids, in many instances, do not get the care that they need.

Unemployment in our country is now at a 9-year high. We are over 6 percent, and there are now over 9 million people who are unemployed. But in truth the real number is higher than that, because there are a lot of people who are working part-time because they cannot find full-time jobs, and there are a lot of people who are not part of the statistics because they have given up and are not actively seeking employment.

Mr. Speaker, of the 3.3 million private sector jobs that have been lost over the last 3 years, 2.7 million were in the manufacturing sector. This is an issue I want to spend a moment on, because what is happening in manufacturing today is a disaster for this country and bodes very poorly for the future of our Nation.

Mr. Speaker, the bottom line is, and this Congress must finally recognize it, our trade policies are failing. Permanent, normal trade relations with China has been a disaster. NAFTA has been a disaster. Our membership in the World Trade Organization has not worked for the middle-class and working families, for this country, and the time is long overdue for the United States Congress to stand up to corporate America, to stand up to the President of the United States, to stand up to all of the editorial pages all over America who have told us year after year after year how great unfettered free trade would be.

They were wrong. Their policies have led to enormous economic problems for the middle-class in this country. The decline of manufacturing is one of the reasons why our middle-class is shrinking and why wages for middle-class workers are in decline.

Many people understand the pain involved when we have lost 3 million jobs in the last few years. But we also have got to point out that our trade policies and our overall economic policies have been a disaster for the wages that American workers receive.

Today, American workers in the private sector are earning 8 percent less than they were in 1973. Now, just think for a moment. Think for a moment. In the last 30 years, there has been a revolution in technology. We all know that. We all know what computers have done, what e-mail has done, what faxes have done. We know what robotics in factories have done. In other words, we are a much more productive Nation than we used to be. Every worker is producing more.

Given that reality, why is it that the average worker in the private sector today is earning 8 percent less? That is an issue we have to put right up there on the radar screen, and we need to debate.

Mr. Speaker, manufacturing in this country is currently in a state of collapse. Let us be honest about it. In the last 3 years, we have lost 2.7 million manufacturing jobs, which comprise 16 percent of the total. That is right. You heard that right. In the last 3 years, we have lost 16 percent of our manufacturing jobs. At 14.7 million, we are at the lowest number of factory jobs since 1958.

In my own State of Vermont, my small State of Vermont, we have lost some 8,700 manufacturing jobs between January 2001 and August 2003, and the pity of that is that in Vermont, manufacturing jobs pay workers middle-class wages. In Vermont, on average, a worker working in manufacturing makes over $42,000 a year. That is a decent wage. We are losing those jobs, and the new jobs that we are creating are paying only a fraction of what manufacturing jobs are paying, and almost always provide much, much weaker benefits.

Mr. Speaker, in 2002 the United States had a $435 billion trade deficit, a $435 billion trade deficit. This year, the trade deficit with China alone, one country, China, is expected to be $120 billion, and that number is projected to increase in future years. It has gone up and up and up. The National Association of Manufacturers estimates that if present trends continue, our trade deficit with China will grow to $330 billion in 5 years.

□ 1700

But our disastrous trade policy is not only costing us millions of decent paying jobs; it is squeezing wages. It is squeezing wages. Because many employers are saying if you do not take the cuts in health care, if you do not take the cuts in wages, we are going to move to China, we are going to move to Mexico.

One of the areas where people are being most severely hurt is among young workers without a college education. For entry-level workers without a college level education, the real wages that they have received, that they are now receiving, have dropped by over 20 percent in the last 25 years. And the answer and the reason for that is quite obvious. 25 years ago, 30 years ago if somebody did not go to college, as most people did not, what they would be able to do is go out and get a job in manufacturing. And millions and millions of workers did that. And with those wages and those benefits they were able to lead a middle-class existence and raise their kids with a decent standard of living. But the reality now is that the new jobs that are being created, the jobs at McDonald's and the jobs in Wal-Mart are not paying people a living wage.

What is happening to our economy today is best illustrated by the fact that some 20 years ago our largest employer was General Motors. And workers in General Motors earned, and still earn today, a living wage. Today, Mr. Speaker, our largest private employer is Wal-Mart. And that is what has happened to the American economy. We have gone from a General Motors economy where workers earned decent wages and decent benefits to a Wal-Mart economy where people earn low wages and poor benefits. Today Wal-Mart employees earn $8.23 per hour or $13,861 annually. And that, Mr. Speaker, is an income which is below the poverty level.

And that is what the transformation of the American economy is about, an economy where workers used to work, produced real products, made middle-class wages, had good benefits, to a Wal-Mart economy where our largest employer now pays workers poverty wages, minimal benefits, huge turnover.

Frankly, Mr. Speaker, in hindsight it did not take a genius to predict that unfettered free trade with China would be a disaster, which is why I and many other Members in the House have opposed it from the beginning. With educated, hardworking Chinese workers available at 40 or 50 cents an hour, and with corporations having the capability of bringing their Chinese-made products back into this country tariff-free, why would American multinational corporations not shut down their plants in this country and move to China? It did not take a genius, frankly, to think that that would happen.

Should anyone be surprised that Motorola eliminated 42,900 American jobs in 2001 and invested $3.4 billion in China or that IBM has signed deals to train 100,000 software specialists in China over 3 years? Who is shocked that General Electric has thrown tens of thousands of American workers out on the streets while investing $1.5 billion in China. Honeywell is a sophisticated corporation. Should anybody be really surprised that they have built 13 factories in China or that Ethan Allen furniture has cut jobs at three sawmills and 17 U.S. manufacturing plants, including some in my State of Vermont, as they import more medium-priced furniture from China into the United States? Nobody should be surprised at these developments.

China, for American multinational corporations, is a great place to do business, if by "doing business" we mean making products for export to the United States that companies previously made here. Not only are wages extremely low in China, but if workers attempt to stand up for their rights in China and form unions, those workers go to jail. Now, what a great place to do business where when workers try to organize, they go to jail. What more could a company ask for?

In China today environmental regulations are almost nonexistent. And while China becomes one of the most polluted countries on Earth, companies that invest in China, they do not have to "waste money on environmental safeguards." In our country we said many years ago to companies you just cannot willy-nilly throw your garbage into our lakes and into our streams. You cannot pollute the air any way you want. You have got to have some environmental safeguards. Those safeguards are expensive. But in China, no problem, you can do whatever you want. Great place to do business.

Mr. Speaker, over the years advocates of unfettered free trade have tried to gloss over the bad news about the decline in factory employment by promising that a new economy was in the making. A new economy was in the making, one in which Americans would be working at good wages in the high-tech field. We have all heard it. Hey, you do not have to worry about them factory jobs anymore. We are the United States of America. We all have new clean, high-tech computer jobs. All of our young people will go out there, make $50,000, $60,000, $70,000 a year. That is the future for the United States. That is what they told us.

Unfortunately, the advocates of unfettered free trade are wrong again. We now know that blue collar manufacturing jobs are not the only casualty of unfettered free trade. Estimates are that some 50 to 60,000 high-tech white collar jobs have been lost in this country in the last 2 years, and that many of them have ended up in India. If any of the listeners sometimes want to argue with the phone company that your phone bill was wrong, you get on the phone and you are calling up and arguing, well you may end up going not to Chicago or New York or Los Angeles, you may be talking to somebody in India. And that is happening more and more.

According to Forest Research, a major consultant on this issue, they say, and I quote, "Over the next 15 years 3.3 million U.S. service industry jobs and $136 billion in wages will move offshore. The information technology industry will lead the initial overseas exodus." That is from Forest Research. According to Booz Allen Hamilton, companies can lower their costs by as much as 80 percent by shifting tasks such as computer programming, accounting, and procurement to China.

Among many other companies moving high-tech jobs abroad is Microsoft, which is spending $750 million over the next 3 years on research and development and outsourcing in China. Just the other day, just last week, Intel Corporation chairman Andy Grove warned that the U.S. could lose the bulk of its information technology jobs to overseas competitors in the next decade, largely to India and China.

In other words, Mr. Speaker, not only has unfettered free trade cost us our textile industry, cost us our shoe industry, our steel industry, our tool and die industry, our electronic industry, much of our furniture industry, as well as many, many other industries, it is now going to cost us, unless we change it, millions of high-tech jobs as well.

Now, let me be very clear. The United States needs to have a strong and positive relationship with China. I am not anti-Chinese. I am an internationalist. China is the largest country on Earth, and this country must have a good and positive relationship with China; and there are a number of ways that we can do that. But doing that, having a positive relationship with China, does not mean allowing corporate America and their supporters in the White House, in Congress, to destroy the American middle class by making jobs America's number 1 export.

We want our exports to be products manufactured by American workers, not the jobs that American workers have. If we continue to force American workers to, quote unquote, compete against desperate people from China and other developing countries, both in manufacturing and high tech, the United States will be the loser.

By definition a sensible and fair trade agreement works well for both parties, not just for one. Trade is a good thing. Trade is a good thing when both sides benefit. The New York Yankees do not engage in free trade by exchanging their top ball player for a third string minor leaguer.

The United States is the most lucrative market in the world. We need to leverage the value of that market to achieve trade agreements that result in fairness for the American worker. And we can do that. Trade is a good thing. But our current trade policies are not working for American workers.

When we talk about trade with China, Mr. Speaker, we should also understand that today 60 percent, 60 percent of Dell Computer parts are made in China. Boeing recently said that it expected to purchase $1 billion worth of aviation equipment annually in China by 2009 and $1.3 billion by 2010, up from $500 million this year.

North Carolina's Pillowcase Corporation filed for bankruptcy on July 20, 2003, laying off 6,450 of its 7,650 workers and made plans to sell its textile-producing machinery to several nations, including China. Over the past year, Intel has added 1,000 software engineers in China and India. And on and on it goes. The bottom line is that American workers cannot and must not be forced to compete against workers in China who are paid extremely low wages.

Two-thirds of China's 1.3 billion citizens live on less than a dollar a day. The average factory wage in China is 40 cents an hour, 1/10th of what U.S. factory workers are paid. The average annual salary for an information technology programmer in the U.S. is $75,000; in China it is $8,952.

Mr. Speaker, for all of these reasons and more, I have introduced H.R. 3228, which would repeal permanent normal trade relations with China. My legislation, once again, would repeal permanent normal trade relations with China. It will acknowledge that our current trade policies with that country are a failure. And we have got to begin negotiating trade policies not only with China but with other countries that work well for the American worker and the American middle class.

I am happy to say that in just over 3 weeks, this tripartisan legislation has garnered 52 cosponsors, including 14 Republicans. So we are moving forward in that area, Mr. Speaker, in a tripartisan way.

Mr. Speaker, when we talk about the decline of the middle class, we are talking about high unemployment; we are talking about the conversion of the United States from a manufacturing economy to a service economy whereby wages and benefits are much lower.

□ 1715

We are also talking about the fact that in the United States, workers today are now working the longest hours of the workers in any major country on earth. There should be little wonder why the average American family is so stressed out. And one of the reasons that they are so stressed out is that people are working incredibly long hours in order to make enough money to pay the bills. Today, the average American employee works by far the longest hours of any worker in the industrialized world, and the situation is getting worse.

According to statistics from the International Labor Organization, the average American last year worked 1,978 hours, up from 1,942 hours in 1990. That is an increase of almost one week of work. Since 1990, the average American is now working an additional week a year of work. We are now, as Americans, putting more hours into our work than at any time since the 1920s. Just think about that. Huge increases in productivity and an explosion of technology, logically, would lead one to believe that people would be working fewer hours for higher wages, but the converse is true. People are working longer hours for lower wages.

Americans are now putting in more hours at our work than at any time since the 1920s, 65 years after the formal establishment of the 40-hour workweek under the Fair Labor Standards Act, almost 40 percent of Americans now work more than 50 hours a week; and we should do a lot of thinking about that. An explosion of productivity and technology, people working longer and longer hours; and in almost every instance in the middle class, two bread winners are needed to pay the bills. Real wages for workers in the private sector have declined since 1973. The rich get richer. The middle class shrinks and poverty increases.

Mr. Speaker, I have talked a moment about what is going on with the middle class. I have talked a little bit about the conversion from a manufacturing society, a General Motors society, to a service industry economy, a Wal-Mart economy, but let us look for a moment at the people who are not even in the middle class. People who have not made it into the middle class. People who are at the lower end of the socioeconomic ladder in our country, the 34.8 million people in America who live in poverty. Sadly, Mr. Speaker, while the rich get richer, 1.3 million more Americans became poor and entered poverty, the group of poor people in America.

In the midst of those people, Mr. Speaker, we have got to ask about the 11 million Americans who are trying to survive on the pathetic minimum wage of $5.15 an hour which exists here, and I think it is morally repugnant that this Congress voted to provide huge tax breaks for millionaires and billionaires, but somehow the President of the United States and the Republican leadership, not for one moment have thought about raising the minimum wage, which today is at a pathetic $5.15 cents an hour.

How do people earning those wages survive? And I will tell you how some of them do it. After working 40 hours a week, they live in their automobiles because they cannot afford housing units in order to survive. They just cannot afford the housing because their wages cannot pay the rent. And what, Mr. Speaker, about the 43.6 million Americans who lack any health insurance? That is 15.2 percent of our population. What about the 3.5 million people who will experience homelessness in this year, 1.3 million of them children? What about our elderly citizens who cannot afford the outrageously high cost of prescription drugs? And the many of them who cut their pills in half or do not even bother trying to fill the prescriptions that their doctors write for them? What about those people? What about the veterans who have put their lives on the line defending this country and then try to get into a VA hospital but find out that they are on a waiting list?

Mr. Speaker, one of the clear crises being faced by the American middle class is the crisis in health care and the cost of prescription drugs. In the last several years, we have seen huge increases in health insurance and with the increase of unemployment, we have seen more and more working people lose their health insurance. In terms of losing health insurance, people then are open to bankruptcy, because if they end up with an accident or a serious illness, they go to the hospital, but they are unable to pay those bills. And the highest amount of people who are bankrupt are the people who cannot pay their health expenses that have been generated as a result of an accident or illness.

Mr. Speaker, our health care system today is in a state of collapse. More and more people are uninsured and more and more people are underinsured. That is, people have higher and higher copayments, higher and higher deductibles, higher and higher premiums. To my mind, the only solution, the only serious solution to our health care crisis is for this country to do what every other major industrialized nation on Earth has done and that is to move toward a national health care system which guarantees health care to every man, woman and child.

A hundred years ago, the United States of America said that every young person, regardless of income, could get a quality public education. Well, the rest of the world has said that every person in their country, regardless of income, is entitled to health care. But we lag behind what countries throughout Europe, Scandinavia and Canada are doing. To my mind, health care is a right, not a privilege. It is wrong that more and more Americans delay and hesitate going to the doctors because they do not have health insurance or because they cannot pay the deductible or the copayments.

When people in America get sick, they have a right to go to the doctor, to go to the hospital and get the health care that they need. The irony with regard to our collapsing health care system is that it is an extremely costly and wasteful system. The fact of the matter is that we spend more than twice as much per capita on health care as any other nation, and yet we end up with 43 million people with no insurance and many more who are underinsured. For the sake of our children, for the sake of our parents, for the sake of the middle class of this country, we have got to adopt a national health care system which finally says with no ifs, ands, or buts about it that in America, all of our people will receive the care that they need as a right of citizenship.

Now, Mr. Speaker, given the very, very serious problems facing the American people and especially our middle class, it is appropriate, I believe, to ask what President Bush and his administration have done to begin addressing some of these problems. What are their priorities? What are they doing to reach out to the middle class and say we are going to expand the middle class; we are going to lower poverty; we are going to improve health care? What are they doing in that direction?

Well, let me tell you a little bit about what they have done. They have given hundreds of billions of dollars in tax breaks to the very richest people in our country while cutting back on the basic needs of working families. Now, at a time when the middle class is shrinking, when poverty is increasing, when the number of people without health insurance is going up, when unemployment is far too high, who are the people that the Bush administration are reaching out to? Well, needless to say, it is their campaign contributors and the very wealthiest people in this country who have received hundreds and hundreds of billions of dollars in tax breaks.

Through legislative and administration efforts, the Bush administration is making it more and more difficult for workers to form unions and to protect their jobs and incomes. When a worker is a member of a union, by and large that worker will earn 30 percent more than a worker doing a similar job who is nonunion. That is why many workers want to join unions, and yet it is getting harder and harder for workers to do that because the law very clearly sides with the employer and the large corporation and not with the worker.

The Bush administration, if you can believe it, is now attacking overtime for American workers and trying to undo laws that have been on the books for decades which say that if you worked over 40 hours a week, you will get time and a half. And I am proud that a number of Republicans join many of us on this floor of the House to say that when the middle class is shrinking, when real wages are declining, we are not going to cut back on the overtime pay that workers need.

Now, when we talk about the achievements of the Bush administration, and we understand that our deficit is now at an all-time high, that our national debt is going higher, that in the midst of all of this, our conservative friends who year after year told us how terrible deficits were and what kind of terrible obligations we were leaving to our kids and our grandchildren, well, these are the folks that are driving up the deficit, and they are driving up the national debt. Now, why are they doing that? Why are conservatives doing that?

Well, I think there are two reasons. Number one, obviously, the tax breaks for the rich are not hard to understand. Here in Washington, D.C. there are fund-raising dinners in which individuals have contributed $25,000 a plate, large corporations and their executives make huge contributions and that is payback time. Nothing new. The rich make contributions. They get paid back in tax breaks. They get paid back in corporate welfare. They get paid back with their trade policy which makes it easier for them to throw American workers out on the street and move out to China. That we can understand. That is obscene, but easily understood.

But, Mr. Speaker, let me suggest to you that there is another even more cynical reason for driving up this deficit and driving up the national debt. And I believe that that reason is that as the debt and the deficit become higher and higher, this President, or any other President, may be forced to come before the American people and say our deficit and our debt is so very high that we have no choice but to privatize Social Security, privatize Medicare, privatize Medicaid, privatize public education.

□ 1730

We have got to do it. We have a huge deficit. Oh, yeah, we did give hundreds of billions of dollars in tax breaks to the rich; but nonetheless, the deficit is so high that we are going to have to do away with all of the benefits, all of the guarantees that the American people have fought for over the last 100 years; and it is my belief that this administration really does want to take us back to the 19th century, where working people and the middle class had no protections whatsoever, where workers and poor people were dependent upon the largess of the wealthy for charity, but there were no guarantees.

Social Security has its problems; and in my view, Social Security must be strengthened. Seniors must be receiving larger COLAs, but the solution to the problems that we may have are not to privatize Social Security and bring us back to the 1920s when elderly people were the poorest segment of our society; but that is the direction that these folks are moving us towards, and they are moving us toward the privatization of Medicare.

Think about how many private insurance companies are really going to provide insurance for elderly, low-income sick people. The function of an insurance company is to make money, not to provide health care; and if a person is old and sick and poor, who is going to insure them? They are on their own.

In terms of prescription drugs, an issue that I have worked very hard on for a number of years, the Bush administration is working hand-in-glove with the pharmaceutical industry, the most powerful lobby here on Capitol Hill. While Americans pay by far the highest prices in the world for their prescription drugs, the pharmaceutical industry year after year after year is the most profitable industry in this country.

In order to maintain their status as the most profitable industry, they have hired over 600, 600 paid lobbyists right here in Washington, D.C., to descend on the Congress, on the House and the Senate, to make sure that we do not pass any legislation which will lower the cost of prescription drugs. Nonetheless, despite all of the hundreds of millions of dollars that they have spent on all of their lobbying efforts, all of their campaign contributions, I am happy to tell my colleagues, Mr. Speaker, that 6 weeks ago, longer than that, the House of Representatives, in a bipartisan way, had the courage to stand up to the pharmaceutical industry and pass legislation that would allow our pharmacists, prescription drug distributors, and individuals to buy FDA-approved medicine in 26 countries including Canada; and if we can get that bill through the Senate, we will be able to lower prescription drug costs in this country by between 30 to 50 percent. Unfortunately, on this issue, we are fighting not only the pharmaceutical industry but the Bush administration and the Bush campaign, which has received substantial support from the drug companies.

Mr. Speaker, on another area that is of enormous importance to the American people and more and more Americans are getting involved in it, the Bush administration is moving in precisely the wrong direction in terms of media consolidation. In my view, one of the crises that we face in our country today is fewer and fewer large media conglomerates own and control what we see, what we hear, and what we read. I know the average person says, well, man, I have got 100 channels on my cable. Check out who owns those 100 channels. Check out who owns NBC, which is General Electric; who owns CBS, which is Viacomm; who owns ABC, which is Disney; who owns Fox Television, which is Rupert Murdoch, an extreme right-wing billionaire. What we are seeing in terms of media is fewer and fewer large corporations controlling the flow of information in America. Clear Channel Radio now owns 1,200 radio stations all over this country.

In America, what our freedom is about is debating different points of view. No one has all the right answers, but we cannot flourish as a democracy unless we hear different points of view; and that is becoming harder and harder to achieve, as fewer and fewer companies own what we see, hear, and read.

Instead of acknowledging that problem and moving us to a more diversified media, where we will have local media reporting on local issues, where it will be different points of view being heard, where there will be more diversity in our media, the Bush administration is moving in exactly the wrong direction.

Michael Powell, who is chairman of the FCC, with the strong backing of the Bush administration, passed with a three to two vote on June 2 more media deregulation, which will allow for even fewer companies to own what we see, hear, and read; and one of the manifestations of that decision, if it is allowed to stand, is there will be cities in America where one company will own the local newspaper, will own the largest television station, will own many of the radio stations, and will own the local cable TV system.

Mr. Speaker, that is not what America is supposed to be; and I am happy to tell my colleagues that all over this country, in a grassroots fashion, millions of Americans have written and communicated to the FCC, some of them conservatives, the National Rifle Association, some right-wing organizations, some of them progressives, some left-wing organizations, some in the middle, different points of view philosophically on almost every issue, but they have come together to say that in America we need to have a diverse ownership of media and different points of view to be heard.

The Senate, listening to the demands of the American people, had the courage in a bipartisan way, Senator BYRON DORGAN, Senator TRENT LOTT helping to lead the effort, had the courage to pass a resolution of disapproval with regard to what the FCC did. In other words, they said we want to junk it. That bill is now here in the House of Representatives; and working with some of my colleagues again in a tripartisan way, we have now garnered 190 signatures on a letter to the Speaker of the House, because the bill is now on the Speaker's desk, and we have said, Mr. Speaker, let the American people have the debate and a vote about whether or not we want more media consolidation. I sincerely hope that the Speaker will allow that debate because if that debate takes place, I believe that the American people will win and that Republicans, Democrats, and Independent on the floor of this House will vote to junk what the FCC has done.

Mr. Speaker, when we talk about America, we often pride ourselves upon being a free country, a free country; and it is easier to stand in front of the American flag and give great speeches about freedom than it is to really fight for freedom, because one of the elements of freedom is to understand, among other things, that not everything, not everything that somebody says or does is something that we agree with, but what freedom is about is tolerating and respecting other points of view, of understanding that people have the right to read whatever they want to read, have the right to an attorney when they need an attorney.

I was one of the relatively few people in the House who voted 6 weeks after the horror of 9/11 against the USA PATRIOT Act, and I voted against the USA PATRIOT Act not because I am not concerned about terrorism. I happen to believe that terrorism is a very serious issue and that the United States Government must do everything that it can to protect the American people and fight terrorism, but I voted against the USA PATRIOT Act because I believe we can fight terrorism without undermining basic constitutional rights, which is what the USA PATRIOT Act is doing.

Again, on this issue, we have seen some very interesting nonideological coming-together. We have seen some really very conservative people who are honest conservatives who say because they do not believe in Big Government they do not want the United States Government monitoring the reading habits of the American people in their libraries or their bookstores. Unfortunately, again, on this issue, the Bush administration and Attorney General John Ashcroft are on the wrong side. They are, in many respects, working to undermine the basic constitutional rights that are given, that have made this country a free country.

So, Mr. Speaker, let me conclude by stating that it is high time that the Congress of the United States begin to focus on the needs of the middle class, the vast majority of our people, the middle class of which is shrinking, the middle class in which the average person is working longer hours and for lower wages. America will grow when the middle class grows; and to do that, we need some fundamental changes in our policies.

We need a national health care system which guarantees health care to all Americans. We need to raise the minimum wage to a living wage. We need to fundamentally change our trade policies so that we do not continue to see the collapse of manufacturing. We need to make sure that every American, regardless of income, has a right to go to college. We need to rescind the tax breaks that have been given to the wealthiest people and the largest corporations and create a tax structure which works for the middle class and not just for the wealthy and the powerful.

There is a lot of work that must be done, and I look forward to participating in that effort.

PRESCRIPTION DRUG COSTS

The SPEAKER pro tempore (Mr. KLINE). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I come here tonight to set the record straight because last night the Food and Drug Administration Commissioner, Mr. Mark B. McClellan, made some statements in a speech before the National Press Club that I think need to be corrected.

One of the big problems that we face as a Nation is that pharmaceutical products and the cost of them is totally out of line with the rest of the world. For instance, and I have used this example many times on the floor of the House, a woman who has breast cancer, a doctor will tell her the drug of choice is Tamoxifen, and Tamoxifen in Canada costs about one-sixth or one-seventh of what it does here in the United States. There are a number of other pharmaceutical products that cost five, six, or seven times what they cost here in the United States. The same thing is true in Germany, in Spain, and France and a lot of other countries in the world. So the American people are paying five, six, or seven times what it costs in other parts of the world for the very same pharmaceutical product.

The big issue has been whether or not these products, if they are reimported into the United States, are safe. Over 1 million, probably a million and a half, American citizens have been buying their pharmaceutical products from Canada because they can get them so much cheaper up there than they can here in the United States. So there was a question of safety, are these people being injured by reimporting these pharmaceutical products from Canada?

I had four hearings before my committee and subcommittee on this very issue, and we had people from the Food and Drug Administration, Mr. Hubbard who is a deputy over there, come and testify before our committee about the safety of the reimportation of these pharmaceutical products. I asked him on four separate occasions to give us any examples of where people had been injured by pharmaceutical products, FDA-approved, that had been reimported into the United States. He could not find one example, not one, and yet the FDA continues to say that there is a safety issue about the reimportation of these pharmaceutical products.

They do not mention that they are supposed to check the food supply and the importation of foods from around the world, but 40 percent of our orange juice comes from around the world, and that is not checked, maybe 1 percent of it is, and raspberries are imported from Guatemala. We had 1,024 people either get sick or die from those that we know of, and yet we do not mention those, and yet they talk about the safety of pharmaceutical products when we have not had one case of people being damaged by reimportation of pharmaceutical products from Canada.

Yet, last night, Mr. McClellan said in his speech, "But at the same time, these Members," talking about Members of Congress, "at the same time, these Members" of Congress "are clearly out of touch with the realities of keeping our drug supply safe, and the clear and present dangers to America's drug supply that their bills would create."

□ 1745

He is talking about a bill that we passed overwhelmingly here in the House that would allow American citizens to buy pharmaceuticals at lower cost from other parts of the world because they are costing so much here in the United States.

Now, the Food and Drug Administration, in my opinion, is marching in lockstep with the pharmaceutical industry, which is making huge profits here, while in other parts of the world they are making very small profits. The big profits and the big costs are to the American consumer, while the rest of the world does not bear those expenses. I just think that is dead wrong.

The safety issue is a bogus issue. And there is another example that I would like to cite that shows that it is not a safety issue. The FDA has approved 949 different sites where they produce FDA approved drugs in the world. That is 949, and in places like Haiti and India and China and elsewhere. There are 949 sites. When they produce drugs in those sites, they send them out in large containers. Now, if there is a safety issue, it would be at those sites, because they are sending these drugs out in large containers where there could be some tampering taking place. But when they are sent in in very small amounts from Canada or Germany to United States citizens, they are usually in containers that are tamper proof, or could be made tamper proof so that the people would have absolutely no safety issue to be concerned about.

So I am very disappointed that the Food and Drug Administration continues to say to the American people and is trying to scare senior citizens and others that they should not buy their pharmaceuticals from Canada or Germany or elsewhere, because the safety issue simply has not manifested itself. As a result, many Americans, who cannot afford prescription drugs, are going to the pharmacist and saying, How much is it? And the pharmacist says, Well, it costs this much; and they say, Well, maybe I will come back tomorrow, or they buy half a prescription and split the pills, while at the same time they could go to Canada and buy the same prescription product at one-sixth or one-seventh what it costs here in the United States.

The Food and Drug Administration ought to be doing everything they can to make sure Americans get the best product, the best prescription drug at the best price in the world marketplace. World class drugs at world class prices. They should not be trying to say there is a safety issue when none exists.

THE CASE FOR LIFE

The SPEAKER pro tempore (Mr. KLINE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes.

Mr. PENCE. Mr. Speaker, it is a privilege to come before the House tonight in a continuous series that this Member of Congress had the privilege of beginning scarcely a month ago, but a series of speeches that I hope will periodically and intermittently be a part of the fabric of my congressional career for howsoever long the Lord permits me to serve here.

I simply call it, Mr. Speaker, the case for life, and it is my ambition from time to time to come onto this blue and gold carpet of this Capitol and speak to my colleagues, and anyone else who may be listening, on the moral and intellectual and historical arguments for the sanctity of human life; and to perhaps, Mr. Speaker, in some small way enliven the moral sensibility of a Nation and be a part of an ongoing debate in America on this topic.

Mr. Speaker, this is a debate that continues at this very hour in the other body of this Congress. At this very moment, I am pleased to say, as a pro-life Member of Congress, that the United States Senate is at this very moment passing a conference report on the Partial-Birth Abortion Ban Act. That legislation, as of today, will have three times passed the Congress since 1995 and will be delivered for the first time to the willing desk of President George W. Bush, where, unlike the veto stamp of President Clinton that met the ban of partial-birth abortion not once but twice, President George W. Bush, upon returning from his tour of the Asia-Pacific Rim, will no doubt, in an emotional ceremony, put his pen to this legislation and end a practice that has no place in civilized society.

So it is especially poignant for me, just a few steps down the hallway from that Chamber, to rise tonight and continue my discussion of the case for life. And particularly tonight, Mr. Speaker, I feel prompted to speak about abortion and American women. You see, it has always been my belief, since first having my conscience enlivened on this issue, that there is not one victim of abortion, but there are two. There is undoubtedly the nascent human life that is ended abruptly and in darkness, but there is the other life that goes on that pays a price that psychologists are talking about today, but many Americans simply choose to ignore.

There are also other voices that I want to reflect on tonight as well, chiefly from our own history. As we think about the great American women who led this Nation in increasing measure towards equal status for women in voting rights and in property and in station in our society, women like Susan B. Anthony, Emma Goldman, and Elizabeth Cady Stanton come to mind.

I just came from a stroll in the rotunda, Mr. Speaker, where I grabbed a piece of paper and scribbled the names of a few of those heroic women that actually appear on a statue at the very center of our Capitol. In the rotunda, there is a statue that bears the likeness of the three great heroes of the suffrage movement. Two of them I would like to speak about tonight as we talk about great American women and abortion, but then also talking about what women of America today face in the struggle over the sanctity of human life.

One of the faces on that statue is Susan B. Anthony, a name that is almost like mom and apple pie for most Americans. Susan B. Anthony was born February 15, 1820 in Adams, Massachusetts. She was brought up in a Quaker family that had long activist traditions. Early in life, she developed a deep sense, historians tell us, of justice and what could only be described as moral zeal.

After teaching for 15 years, Susan B. Anthony became active in the temperance movement. Because she was a woman, she was not allowed to speak at rallies, and this experience, as well as her acquaintance with Elizabeth Cady Stanton, led her to help form what became the Women's Movement in 1852. Soon afterwards, she would dedicate her entire life to winning women not only the right to vote, Mr. Speaker, but Susan B. Anthony and Elizabeth Cady Stanton were about winning women a seat at the civic table; the opportunity not to be viewed, as women were in some aspects of common law, as the property of their husbands, but rather to be seen as coequal heirs of everything that freedom offers.

Ignoring opposition and abuse, Susan B. Anthony traveled, lectured, and canvassed across the Nation for the vote. She also campaigned for the abolition of slavery, women's rights to their own property and earnings, and even women's labor organizations. In 1900, she achieved a major victory in convincing the University of Rochester to admit women for the first time in their storied history.

Susan B. Anthony, who had never married, and was remembered as an aggressive and compassionate person with a keen mind and the ability to inspire, she remained active in the movement that she began until her death in March of 1906.

And Susan B. Anthony was pro-life. Let me read, if I may, from her publication, "The Revolution," on this topic, published July 8, 1869. Susan B. Anthony wrote: "No matter what the motive, love or ease or a desire to save from suffering the unborn innocent, the woman is awfully guilty who commits the deed." Referring to abortion. She went on to write: "It will burden her conscience in life; it will burden her soul in death. But, oh," she wrote, "oh thrice guilty is he who drove her to the desperation which impelled her to the crime."

So wrote Susan B. Anthony, words that we will reflect on before I take my seat tonight. Brokenhearted words of the suffering of the unborn innocent and also of the suffering of the American woman who would burden her conscience in life and burden her soul in death, but of the guilt of the man who drove her to the desperation which impelled her to perform the abortion.

Susan B. Anthony, memorialized in marble in the rotunda of the United States Capitol, a woman whose name is synonymous with the voting rights and the equal status that women of 21st century America enjoy, was pro-life and understood the moral consequences of the act on an American woman and the deplorable position of a man that would force the outcome.

Elizabeth Cady Stanton also appears on the monument in the rotunda. And she, like Susan B. Anthony, her friend and colleague and colaborer for women's issues in America, was pro-life. Elizabeth Cady, the daughter of Daniel Cady, a lawyer and a politician, was born in Jonestown, New York, 12 November 1815. She studied law under her father, who became a New York Supreme Court judge, and during that period of time she became a very strong advocate for women's rights.

In 1840, Elizabeth married the lawyer, Henry B. Stanton. The couple became active in the American antislavery movement, and later that year Stanton and Lucretia Mott traveled to London as delegates to the World Antislavery Convention. Both women, history records, were furious when they, like the British women at the convention, were refused the permission to speak at the meeting to denounce slavery.

Stanton later recalled, "we Resolved to hold a convention as soon as we returned home and form a society to advocate the rights of women." And so she did. But it was not until 1848 that Stanton and Lucretia Mott organized the Women's Rights Convention in Seneca Falls. Stanton's resolution, that it was "The duty of the women of this country to secure to themselves the sacred right to the elective franchise," was passed, and this became the focus of the group's campaign for years to come.

□ 1800

In 1866, Stanton, Lucretia Mott, Susan B. Anthony, and Lucy Stone established the American Equal Rights Association. The following year, the association became active in Kansas where Negro suffrage and women's suffrage were to be decided in a popular vote, although both ideas were sadly rejected at the polls. Stanton was a historian, a scholar, and one of the founders of the American Woman Suffrage Association formed in the 1880s and from which the suffragette movement was born that ultimately resulted in the passage and adoption of the 19th amendment of the Constitution of the United States of America.

This great American woman, Elizabeth Cady Stanton, is by all definitions a hero of American women. Like Susan B. Anthony, her friend, who also appears on that extraordinary monument in the Rotunda, Elizabeth Cady Stanton was pro-life, and unapologetically so. Think about these two women who appear on a miniature version of Mount Rushmore right here in the Capitol. We have three women who essentially represent a life-size smaller version of Mount Rushmore for women's issues in America; and they were women committed to equal rights, to the right to vote, and they were women committed to the right to life.

Elizabeth Cady Stanton classified abortion as a form of infanticide. She wrote in a letter to Julia Ward Howe, which is recorded in Howe's diary at Harvard University library on October 16, 1873, Elizabeth Cady Stanton wrote, "When we consider that women are treated as property, it is degrading to women that we should treat our children as property to be disposed of as we see fit."

Elizabeth Cady Stanton in essence saw a connection, Mr. Speaker, between that vile reality that was part of American life that the woman herself was property and the belief that an unborn child within the woman was property as well. She saw them as equal evils, related together; and so they are. On 12 March, 1868, Elizabeth Cady Stanton wrote, "There must be a remedy even for such a crying evil as this," referring to abortion, "but where shall it be found, at least where it begin, if not in the complete enfranchisement and elevation of women."

Elizabeth Cady Stanton looked at abortion that was a reality in America in 1868 and said the antidote to end this evil is to raise women up. She saw abortion as a natural consequence of the subordination of women in our society. It is an astounding historical fact and a dark irony, Mr. Speaker, when one thinks of the extraordinary sacrifices and advancements of Susan B. Anthony and Elizabeth Cady Stanton and the great American women that won women their equal status in our society, that that same momentum would be used in 1973 to rejustify the practice of abortion, which those same heroic American women loathed to the depths of their being.

Think about those words. Elizabeth Cady Stanton, one of the three heroes of the women's movement in America that is memorialized in this Capitol building in stone. In the Rotunda where only Presidents, Alexander Hamilton, and the Reverend Martin Luther King, Jr., are memorialized, there are also these three women. Elizabeth Cady Stanton saw a relationship between reducing women to property and reducing the unborn children growing within them to property.

Let me read these words again. She said, "There must be a remedy for even such a crying evil as this, but where shall it be found, at least where it begin, if not in the complete enfranchisement and elevation of women." A powerful thought that the heroes of the suffragette movement would look to future generations and say that the abortions that were taking place in the middle 19th century would some day go away, we would no longer treat unborn children as property if we could achieve the day when women were not viewed as property.

Alice Paul is credited as one of the leading figures responsible for the passage of the 19th amendment, which is the women's suffragette amendment extending to women the right to vote in the Constitution of the United States of America. Alice Paul was raised as a Quaker, attended Swarthmore College and worked at the New York College Settlement while attending the New York School of Social Work. She left for England in 1906 to work in a settlement house movement there for 3 years. She was Chair of a major committee of the National American Woman Suffrage Association within a year, in her mid-twenties.

In England she had taken part in the women's suffragette movement, even participating in hunger strikes to make her point. She brought back this sense, some would say, of militancy, I would say more generously of urgency, to the women's movement in America. It was that urgency that characterized the life of Alice Paul.

Her emphasis on a Federal constitutional amendment for suffrage was at times at odds even with some within the women's movement; and after the 1920 victory for the Federal amendment, Alice Paul became involved in the struggle to pass an Equal Rights Amendment, which actually passed this Congress in the year 1970, was sent to the States, and it failed. Paul died in 1977 in New Jersey with the heated battle of the Equal Rights Amendment having brought her international acclaim.

Like Susan B. Anthony and Elizabeth Cady Stanton before her, Alice Paul was pro-life. Alice Paul said famously, and remember now, this is Alice Paul, born January 1885, died 1977, essentially the author of the Equal Rights Amendment, seen even as a young woman as one of the principal driving forces behind the constitutional amendment which won women the right to vote; Alice Paul was pro-life. It is an astonishing thing to think about, that the author of the Equal Rights Amendment, which I scarcely doubt I would have supported for a variety of cultural arguments, but someone who undoubtedly would be a hero of feminists to this day, and Alice Paul said, "Abortion is the ultimate exploitation of women."

Let me say again, hoping that somewhere in America those words land with a thud in the conscience of a feminist, that these women who are rightly remembered as heroes of the women's movement in America, a woman in Alice Paul who even in her twenties was seen as a driving force behind the constitutional amendment that won women the right to vote, seen as instrumental in the passage of the 19th amendment, and then would go on, however I might disagree with her, to be the author of the Equal Rights Amendment which passed this Congress in 1970, some 33 years ago.

Alice Paul would say, "Abortion is the ultimate exploitation of women."

Like Elizabeth Cady Stanton and Susan B. Anthony, Alice Paul knew and spoke the truth. And so it ever was of women who achieved great distinction in the cause of women's rights in America from the 19th century through the 20th century, until 1973 when women's issues became simply another way of speaking about the right to have an abortion.

It is an extraordinary irony of history, Mr. Speaker, to think that a women's movement that was born on names like Susan B. Anthony, Elizabeth Cady Stanton, Alice Paul, that was born on the moral consciousness of women, who said I am not property to be owned by a man, and who understood that that unborn child within them likewise should never be seen as property, that that same women's movement in 1973 would be hijacked by those whose moral view of the sanctity of human life is diametrically opposed to those that founded the women's movement in America.

Abortion is the ultimate exploitation of women, so said Alice Paul, author of the Equal Rights Amendment, and I agree. It is an exploitation of women for physical and emotional reasons. Let me speak to those tonight as I conclude this portion of the case for life, abortion, and American women.

There are many who believe that abortion is safe in America. But truthfully, despite the use of local anesthesia, a full 97 percent of women that have abortions report experiencing pain during the procedure, which more than a third describe as intense, according to medical studies, severe, or very severe. Compared to other pains, researchers have rated the pain from abortion as more painful than a bone fracture, about the same as a cancer pain, although not as painful as amputation, according to medical experts.

There are some, including former President Bill Clinton, who used to repeat the mantra that it was his goal that abortion would be safe, legal and rare; but abortion is not safe for women, Mr. Speaker. Complications are common. According to medical experts, bleeding, hemorrhaging, laceration of the cervix, menstrual disturbance, inflammation of reproductive organs, bowel and bladder perforation, and serious infection are commonplace in the aftermath of the most routine abortions in America. Even more harmful than the short-term pain, which women describe as severe, are the potential long-term physical complications that we never talk about in America.

□ 1815

And when I say "we," I mean those who support the right to an abortion and even those of us in the pro-life movement. I will never forget President Clinton's Surgeon General saying, so thoughtfully, that one particular denomination of Christianity needed to get over their "love affair with the fetus." So said Surgeon General Joycelyn Elders. Despite the horrific aspects of her comment, the truth is that even we, in the pro-life movement, have not thought enough about the other victim of abortion as well, for there are, as I said at the opening of this Case for Life, two victims. We grieve the loss of unborn life, but we need to speak more boldly about the impact on American women, physical and emotional, that abortion extracts.

Among those long-term physical complications, Mr. Speaker, for example, overzealous curettage, a medical procedure, can damage the lining of the uterus and lead to permanent infertility. Overall, women who have abortions face an increased risk of tubal pregnancy and more than double the risk of future sterility. Perhaps the most important are that all the risks of these sorts of complications, along with the risk of future miscarriage, increases with each subsequent abortion. I am not altogether sure that women that make their way into clinics know that, that with each abortion they risk infertility, sterility or when the time comes that they decide to say yes to life, that they may be greeted with the heartbreak of miscarriage in increasing measure. More controversially, according to the Journal of the National Cancer Institute, there is strong evidence that abortion increases the risk of breast cancer. A study by the Institute of more than 1,800 women in 1994, which was published in the Journal of the National Cancer Institute, found that overall women having abortions increased their risk of getting breast cancer before the age of 45 by 50 percent. For women under 18 with no previous pregnancies, having an abortion after the eighth week increased the risk of breast cancer, according to this medical study, by 800 percent. Women with a family history of breast cancer fared even worse. All 12 women participating in the study who had abortions before 18 and had a family history of breast cancer themselves contracted breast cancer before the age of 45. I say this as someone who has consistently supported research with the National Institutes of Health to confront breast cancer. I have had dear friends beset by this scourge and disease and I do not mean to speak in any way insensitively about it or in any way to associate breast cancer with abortion, that one fits the other, but rather simply to cite the research, that we can hear the truth echoing perhaps from this place tonight that according to the medical community and the Journal of the National Cancer Institute, there is strong evidence that abortion increases the risk of breast cancer and women should know that.

There are also psychological consequences to American women for abortion. It seems to me that this may have been in the mind of Alice Paul, the author of the Equal Rights Amendment, when she said, "Abortion is the ultimate exploitation of women." Because it seems to me it is altogether convenient for men for a woman to have an abortion. Men have a rather unlimited capacity to compartmentalize and move on, but what the medical community is finding out is what most men have known throughout the eons, that women by and large have better hearts than we do, have a greater moral sensitivity than we do, and it is reflected in the research of what has come to be known as postabortion syndrome, which is rising to epidemic levels in America. Clinical research provides a growing body of scientific evidence that having an abortion can cause psychological harm to some women. Psychologist Wanda Franz, Ph.D., in the March 1989 congressional hearings on the impact of abortion said, quote, women who report negative aftereffects from abortion know exactly what their problem is. They report horrible nightmares of children calling to them. When they are reminded of the abortion, Franz testified the women reexperience it with terrible psychological pain. They feel worthless and victimized because they failed at the most natural of human activities, the role of being a mother.

I think in my own heart of conversations with women of my generation who have become active in the pro-life movement but who have found in their faith the grace and the healing to move beyond that choice. And I think of a woman who said in my presence once, some 20 years after having an abortion, that not a day went by that she did not think how old that child would be. They do not tell you that in the lobby at the abortion clinic, Mr. Speaker, but they should. The exploding incidence of postabortion syndrome has even caused major medical associations in this country to recognize it. Women suffering postabortion stress may experience drug and alcohol abuse, personal relationship disorders, sexual dysfunction, communication difficulties and even in some cases attempt suicide. Postabortion syndrome appears to be a type of pattern of denial which may last for 5 to 10 years before emotional difficulties surface.

Now that clinicians have established that there is an identifiable pattern to PAS, postabortion syndrome, they face a new challenge. What is still unknown is how widespread psychological problems are among women who have had abortions. The LA Times did a survey in 1989 and found that 56 percent of women who had abortions felt guilty about it. And 26 percent, quote, mostly regretted the abortion, in a poll done by the LA Times. Clinicians' current goal now is to conduct extensive national research studies to obtain data on the size and scope of postabortion syndrome.

When one thinks, Mr. Speaker, of 1.5 million women undergoing abortions every year since 1973, it is almost overwhelming to think of the heartache that must grip the quiet moments of millions of women in our land. And because I am not standing in my home church, Mr. Speaker, I will not tonight explain to them that there is a way out under it, that there is grace and there is forgiveness and there is healing, and in a church near to them they can find it. It will always be my prayer as the Case for Life series goes forward in this Chamber that any woman who has experienced this under the sound of my voice would never in any way feel judged by this sinner, but that they would know that there is healing and there is grace in a God of mercy, and they would know there is a Nation that urgently needs them to take a stand and to tell the truth to the next generation of women about the cost of an abortion, not just the ending of an innocent human life and every potential that it would ever have but, Mr. Speaker, about the breaking of a heart.

Oftentimes, as I stand before groups of young women in the prime of their life, I am asked about my position on abortion. My pro-life views are fairly widely known in Indiana. I always make the point to offer young women in the room a promise, and it is a good place for me to close this installment of the Case for Life tonight as I think about Alice Paul and Susan B. Anthony who believed that abortion was the ultimate exploitation of women. I will look at these young women, oftentimes in a high school classroom, sometimes in a small church group, and I will look around the room knowing just statistically speaking that there may be some young women in that room who are faced with an unwanted pregnancy and are faced with a choice between bringing that unborn baby to term or ending its life in the womb. I always look at those young women and I say, I want to make you a promise that the other side can never make. I said, if you are faced with an unwanted pregnancy and you make the decision, however difficult, with your family's assistance or a crisis pregnancy center near you to take that baby to term and even if you turn that baby over to another family for adoption, versus if you choose to end that life in the womb, if you choose life, I will promise you from the moment they hand you that wiggling little baby in the operating room, whether you raise it or you give it up, there will never be a day in your life but that you know that you did the right thing. And the other side cannot make that promise.

And if the statistics that we heard tonight, the physical cost and the emotional cost of abortion, are not jarring, perhaps that challenge would be, Mr. Speaker. My prayer is that as we think about the great women of American history, the great women of the suffragette movement that won women the right to vote, that wrestled equal status for women in our society, people like Susan B. Anthony and Alice Paul and others, when I think about the tender and wonderful women of my family and of America, I have hope for the cause of life, because I cannot help but believe that women who could take American society from a medievalist view of women as property and have the moral courage to win the right to vote and to win equal standing in the public square because of their courage and their conscience, that those same

American women and their daughters and their granddaughters will not someday lead us back to the truth that life is sacred, to the truth that echoes through history in those ancient words, "See, I set before you today life and death, blessings and destruction. Now choose life, so that you and your children may live."

It is my belief that it will be when that day comes, that abortion comes to an end in America, it will be the women of America who lead us home, just as it was the women of America who led us to a more just society and to an equal station in our culture for women.

With that, I would conclude my part of this Case for Life series, Mr. Speaker, and yield for whatever approach he would choose to make to this issue to a man who while he has served in Congress for over 20 years, his vibrancy and vitality is intimidating to most of us who serve with him.

□ 1830

The gentleman from New Jersey (Mr. SMITH) has been an advocate of the cause of life since before Roe v. Wade, and he brings an energy and a commitment to this cause like no other, and I am deeply humbled that he would join me in this series of a case for life, and I yield gratefully to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank the gentleman from Indiana (Mr. PENCE) for his leadership in realizing that we need to accelerate our efforts to inform, to enlighten, and hopefully to motivate America to stand up on behalf of life, to let women know that there are alternatives. We spoke the other day, actually the gentleman from Indiana (Mr. PENCE) and I and a few others, the gentleman from Arizona (Mr. FRANKS), and we cosponsored a forum on women who had had abortions. As a matter of fact it was called Women Deserve Better, and we were able to hear from four very brave women, including Jennifer O'Neil and Melba Moore and others, who told their stories of having had abortions and the horrific consequences to their emotions, to their bodies, to their psychological health as a direct result of that abortion.

And the abortion lobby would like to have us believe that this is something that is benign, and it is anything but. It is an ugly, very destructive act that is committed upon her unborn child, and women are the co-victims of every abortion. We know that the baby is either chemically poisoned, or he or she is dismembered as a result of the abortion; but we also know that the woman carries with her a terrible price that goes on year in and year out, and regrettably the abortion lobby enables that and somehow suggests that she ought to be happy with that decision.

And what we are trying to say is that there is reconciliation. The Women Deserve Better campaign is trying to reach out to those women who are suffering in carrying the burden of that abortion and to say that there is hope, there is reconciliation, and there is life after an abortion; but they need to come to terms with it. And I would encourage all those women who are perhaps listening to be in contact with the Women Deserve Better organization or to talk to some others who have direct experience, have experienced an abortion themselves and can bring, like I said, some reconciliation to them because, again, there needs to be that, I think, individually and collectively in America if we are to go forward.

Let me also point out, as my good friend and colleague I am sure pointed out, today is truly a historic day having seen the Senate pass by a very wide margin a ban on the gruesome act known as partial-birth abortion where a baby is partially delivered only to have his or her head punctured with scissors in the back of the head and the brains of that tiny innocent baby snuffed out, vacuumed out to complete this horrific procedure known as partial-birth abortion.

Partial-birth abortion, I would respectfully submit, is but the tip of an ugly and unseemly iceberg. Just below the surface, the surface appeal of choice, is a reality almost too horrific and cruel to contemplate, let alone face. Yet we persist in our allusions and denial as a country ever enabled by clever marketing, bias news reporting, and the cheap sophistry of choice. Let us be clear, and I do not think we can say this often enough, abortion is child abuse and it exploits women. Women deserve better than having their babies stabbed or cut or decapitated or poisoned. Women deserve nonviolent, life-affirming positive alternatives to abortion.

Thirty years after Roe v. Wade and Doe v. Bolton, the companion decision, the national debate on partial-birth abortion has finally pierced the multiple layers of euphemisms and collective denial to reveal child battering in the extreme. The cover-up is over, and the dirty secret concerning abortion methods is finally getting the scrutiny that will usher in reform and protective statutes. I would say to my colleagues that there is nothing compassionate, there is absolutely nothing benign about stabbing babies in the head with scissors so that their brains can be sucked out. That is child abuse. And yet over on the Senate side today and previously here in the House, we had Members for whom I have an enormous amount of respect defending the indefensible. We reach out to them and say, look at what you are saying. If they did this, if they were a young mother and they had a little baby girl, a young child who took her doll and took a pair of scissors and stuck those scissors into the back of the head of that baby, they would get counseling. They would say no, my daughter should not be play-acting that kind of activity. And yet there are Members of this Chamber who embrace, enable, facilitate, and defend that indefensible act on a tiny living baby girl or baby boy.

As the gentleman from Indiana (Mr. PENCE) knows and as my colleagues know, the loss of human life to abortion in this country has been staggering; 44.4 million babies have been killed by abortions since Roe v. Wade. And, yes, there were tens of thousands killed even prior to it in those States where abortion had been legalized like New York, like Hawaii, like Oregon, but 44.4 million kids. That is one out of every three of this generation missing. I say to my colleagues, the next time they are in a classroom, look around at the desks, count one, two, then the missing child; one, two, the missing child. This generation, perhaps more than any other in our own history, perhaps any other's history, is missing children who by "choice" have been destroyed by an abortionist.

Let me just conclude. On the WorldNetDaily site, there was an article on October 17, and I will just read part of it: "Attendees of a national conference for abortion providers watched and listened with rapt attention as the inventor of the partial-birth abortion procedure narrated a video of the grizzly procedure, and then they burst into applause when the act was over and the unborn child was destroyed. The disturbing and eye-opening event featuring abortion doctor Martin Haskell, addressing members of the National Abortion Federation, was actually captured on audiotape, calmly and dispassionately describing each step of the process up to and including the insertion of the scissors into the base of the baby's head, followed by the sound of the suction machine sucking out the baby's brain. Dr. Haskell walks his audience through the procedure that opponents hope will finally be banned," that is us, "during this congressional session. At the end of the procedure," the article goes on to say, "after the late-term fully developed unborn child's life has been violently and painfully terminated, the audience breaks into applause."

That is sick, I say to my colleagues. These are the providers of abortion. These are the ones that our friends on the other side of this issue will defend passionately. They broke into applause as that baby met his death. That is what partial-birth abortion is all about. It is a horrific, grisly procedure. We are all about life, life affirmation. Thank God we have a President who respects the dignity and the value of each and every life and will sign this legislation into law, unlike his predecessor, Bill Clinton, who on two occasions vetoed this legislation.

And I want to thank the gentleman from Indiana (Mr. PENCE), my friend, for having these times on the floor so that we can begin the process of educating America. Much work needs to be done, and for those people who watch C-SPAN, know this: we care about life, the unborn, the newly born, all of those who are weak and disenfranchised. Many of us are the leaders on human rights, religious freedom, Trafficking Victims Protection Act, and a whole host of other important legislation designed to protect the innocent from the strong, the weak, and the vulnerable from those who would do them harm. That is what it is all about. Government is for the weakest and the most at risk. The unborn in our society are the weakest and the most at risk. Again I thank the gentleman from Indiana (Mr. PENCE), and I yield back to my good friend and colleague.

Mr. PENCE. Mr. Speaker, I thank the gentleman from New Jersey for his passion, for his generous remarks, and for his dogged determination in this issue.

We come to the close of this case for life much as we began, and it is always remarkable to me how sometimes God bookends things in ways that we could never have planned. Because we heard the gentleman from New Jersey begin his remarks by simply using a phrase I heard him use many times on floor, but I know he did not hear me use tonight. He said, "Abortion is the ultimate exploitation of women," which was precisely the words of Alice Paul, who in her 20s was a driving force behind winning women the right to vote in America; a woman who was the driving force behind even another great signature item of the feminist movement in America, the Equal Rights Amendment. She said, "Abortion is the ultimate exploitation of women."

And I close with the words of Susan B. Anthony, who now every time I walk through the Rotunda and I look at those heroes of the suffrage movement carved in stone, I will think of it, if the Speaker will forgive me, as much a memorial to their moral courage as to their political accomplishment because these women were simultaneously about the elevation of women to equal political status, but they were also women committed to the sanctity of human life. Susan B. Anthony, and I close, said of abortion: "No matter what the motive, love of ease, or a desire to save the suffering of the unborn innocent, the woman is awfully guilty who commits the deed. It will burden her conscience in life. It will burden her soul in death. But, oh, thrice guilty is he who drove her to the desperation which impelled her to the deed."

Susan B. Anthony, without whom American women would have not a fraction of the status and the political power they have today, was a woman committed to the sanctity of human life. And as we go forward and as American women, in particular, listen in on our conversations on this Capitol floor, it is my hope that another generation of courageous and visionary American women of courage and conscience will lead us back to that profound moral truth echoed through the ages to choose life.

With that I yield to the gentleman from New Jersey (Mr. FERGUSON), another of my colleagues in this series, a man who brings with him an enormous pedigree in the right-to-life movement.

Mr. FERGUSON. Mr. Speaker, I am a little out of breath. I just got over here from my office. I was watching the debate and the conversation in my office, and I wanted to participate for a couple of different reasons. Number one, I wanted to pay tribute to the gentleman from Indiana (Mr. PENCE), who really is showing tremendous leadership and vision in helping to use this forum and use this opportunity to refocus our Nation's attention on an issue which is as fundamental to us and to our lives and to our society as any that we take up in this House and in these halls of Congress. I am proud to call him a friend, and I am so pleased and proud of his leadership on this issue.

I also want to pay tribute to the gentleman from New Jersey (Mr. SMITH), who has been fighting these battles for almost 25 years. He has brought passion and intelligence and commitment to an issue in trying to educate people around the country and around the world about the value of human life and this, unfortunately, very slippery slope which we have proceeded down in the years since Row v. Wade and even since before that.

□ 1845

Earlier today I was here on the floor and we were debating Medicare and talking about health care and talking about innovation and talking about trying to provide new health opportunities for our seniors, for people around this country. So much of the Medicare debate has been about medicines, it has been about medical devices, it has been about providing care to people who we care about.

One of the thoughts that I had as my friend the gentleman from New Jersey was talking about the millions and millions and millions of people who have been lost over the years to the terrible tragedy of abortion, I am thinking about that one out of three desks in the classroom. I used to be a teacher, and I was thinking back to those classrooms, one out of three desks where a child has been lost to abortion.

But it got me thinking about those who have been lost in another way. Think about the cures and the innovations, all the good that could have come from these millions and millions of human beings, these people who would be with us today, who would be participating. Researchers and scientists. They would be teachers, they would be moms, they would be dads. Thinking about the enormous good that would come from these individuals, these human beings who would be here to grow their hearts in love, to show love to other people, and compassion; the incredible insights they would be able to share with us. The philosophers, the theologians, the priests, the ministers, the rabbis, those who would seek to make our society better and stronger, more compassionate and loving. All that has been lost. So much of that has been lost. Of course, we are blessed with people today who are able to share these things with us.

But think of what has been lost by those who have not been able to be with us today and who we have lost over the years to the terrible tragedy of abortion. It is sad, but I think it also should instill in us a new commitment, a new understanding and perhaps a new perspective as to how important this issue is.

It is not just important in the ways that we know it is, the fundamental values that we all stand for as Americans, that we are fighting for around the world, but it is important, too, because we could be so much better, were it not for those who have been lost.

With that, I yield back to my friend the gentleman from Indiana.

Mr. PENCE. Mr. Speaker, I thank the gentleman from New Jersey (Mr. FERGUSON), who, along with his wife, Maurine, has been a champion for life in and out of the Congress for many years.

Mr. Speaker, I yield to the gentleman from Alabama (Mr. ADERHOLT), a moral leader in the United States House of Representatives.

Mr. ADERHOLT. Mr. Speaker, I thank the gentleman for yielding.

First of all, let me say it is a great day in the House, it is a great day in the United States Senate and it is a great day in the United States of America. I say to the gentleman from Indiana (Mr. PENCE), as we have said and talked about on many occasions, a lot of times we hear the courts speak on different issues. Well, today we have had an opportunity to hear the people speak, that this is an issue that we should not put up with in this Nation.

I believe we will be judged by how we treat those who are the most vulnerable in society. For that reason, it is especially exciting to be here on the Floor of the United States House of Representatives in the United States Capitol when this legislation has passed.

Certainly, I was pleased to join 161 of my house colleagues in cosponsoring this legislation. This is the fifth Congress during which this debate has taken place. I am thankful we have done the right thing to outlaw this procedure once and for all, and look forward to President Bush having a signing ceremony and inviting all the

Members of Congress that are very interested in this issue to be there, because I think this will be a great day for America and I think it will be a great day for not only this administration when he signs that, but also the United States Congress.

Mr. PENCE. Mr. Speaker, I thank my colleagues, the gentleman from New Jersey (Mr. FERGUSON), the gentleman from New Jersey (Mr. SMITH) and the gentleman from Alabama (Mr. ADERHOLT), for joining me in this case for life.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. REYES (at the request of Ms. PELOSI) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

(The following Members (at the request of Mr. MCCOTTER) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, October 28.

Mr. BURTON of Indiana, for 5 minutes, October 28.

Mr. BILIRAKIS, for 5 minutes, October 28.

Mr. FEENEY, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today and October 28 and 29.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 1900. An act to award gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of the Congress that there should be a national day in recognition of Jackie Robinson.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on October 20, 3003, he presented to the President of the United States, for his approval, the following bill.

H.R. 3229. To amend title 44, United States Code, to transfer to the Public Printer the authority over the individuals responsible for preparing indexes of the Congressional Record, and for other purposes.

ADJOURNMENT

Mr. SMITH of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Friday, October 24, 2003, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the third quarter of 2003, pursuant to Public Law 95–384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, SLOVENIA, AND FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 5 AND SEPT. 10, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. J. Dennis Hastert	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Livingood	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Eisold	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Palmer	9/5	9/7	Germany	695.50	750.16		(3)				
Ms. Morrison	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Walker	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Van Der Meid	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Charlie Johnson	9/5	9/7	Germany	695.50	750.16		(3)				
Hon. J. Dennis Hastert	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Livingood	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Eisold	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Palmer	9/7	9/8	Slovenia	54,560	248.00		(3)				
Ms. Morrison	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Walker	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Van Der Meid	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Charlie Johnson	9/7	9/8	Slovenia	54,560	248.00		(3)				
Hon. J. Dennis Hastert	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Livingood	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Eisold	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Palmer	9/8	9/10	France	[4] 730	794.00		(3)				
Ms. Morrison	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Walker	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Van Der Meid	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Charlie Johnson	9/8	9/10	France	[4] 730	794.00		(3)				
Committee total											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

[4] Euro dollar.

J. DENNIS HASTERT, Speaker of the House, Oct. 15, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. MARGARET PETERLIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 13 AND AUG. 23, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Margaret Peterlin	8/13	8/16	Australia		1,050.00						
	8/16	8/18	Singapore		522.00						
	8/18	8/21	Thailand		615.00						
	8/22	8/23	Japan		239.00						
	8/21	8/22	Vietnam		193.00						
Committee total					2,619.00						

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARGARET J.A. PETERLIN, October 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DAVID TEBBE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 27 AND SEPT. 2, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Tebbe	8/27	9/2	Egypt		868.00		6,718.00				
Committee total					868.00		6,718.00				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID TEBBE, Oct. 1, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO AFRICA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 3, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Sheila Jackson-Lee	8/27	8/28	Ethiopia		71.00						71.00
	8/23	8/27	Zambia		588.00						588.00
Commercial airfare							10,647.29				10,647.29
Cathleen Harrington	8/24	8/27	Zambia		588.00						588.00
	8/27	8/27	S. Africa		161.00						161.00
	8/28	8/29	Ethiopia		504.00						504.00
Commercial airfare							9,555.45				9,555.45
Committee total					1,912.00		20,202.74				22,114.74

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SHERWOOD BOEHLERT, Chairman, Oct. 10, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE PARLIAMENTARY ASSEMBLY MEETING IN THE NETHERLANDS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 4 AND JULY 10, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Christopher Smith	7/4	7/7	Netherlands		1,489.45		(3)				1,489.00
Commercial airfare							3,349.90				3,349.90
Hon. Steny H. Hoyer	7/5	7/7	Netherlands		1,075.30		(3)				1,075.00
Hon. Benjamin L. Cardin	7/5	7/7	Netherlands		1,075.00		(3)				1,075.00
Hon. Alcee L. Hastings	7/4	7/9	Netherlands		2,317.00		6,771.70				9,088.70
Hon. Robert B. Aderholt	7/5	7/7	Netherlands		1,075.00		(3)				1,075.00
Hon. Louise McIntosh Slaughter	7/5	7/7	Netherlands		1,075.00		(3)				1,075.00
Hon. Joseph R. Pitts	7/5	7/7	Netherlands		1,075.00		(3)				1,075.00
Hon. Diane E. Watson	7/5	7/7	Netherlands		1,075.00		(3)				1,075.00
Mr. Ronald J. McNamara	7/5	7/7	Netherlands		1,075.00		(3)				1,075.00
Mr. Chadwick R. Gore	7/4	7/10	Netherlands		2,731.00		6,477.18				9,208.18
Mr. Donald Kursch	7/5	7/7	Netherlands		868.00		(3)				868.00
Ms. Marlene Kaufmann	7/5	7/10	Netherlands		2,317.00		(3)				2,317.00
Commercial airfare							3,827.80				3,827.80
Mr. David Killion	7/4	7/7	Netherlands		1,489.00		6,477.18				7,966.18
Ms. Janice Helwig	7/4	7/9	Netherlands		1,235.00		685.00				1,920.00
Mr. Patrick Prisco	7/5	7/10	Netherlands		2,317.00		(3)				2,317.00
Commercial airfare							3,792.00				3,792.00
Ms. Elizabeth Singleton	7/5	7/7	Netherlands		1,075.00		(3)				1,075.00
Mr. Fred Turner	7/4	7/9	Netherlands		2,317.00		6,422.70				8,739.70
Mr. Bill van Horne	7/5	7/7	Netherlands		1,075.00		(3)				1,075.00
Delegation Expenses									13,335.28		13,335.28
Committee total					26,755.00		37,803.46		13,335.28		77,892.74

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

CHRISTOPHER H. SMITH, Chairman, Sept. 30, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ISRAEL, IRAQ, JORDAN, AND ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 26 AND AUG. 4, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tom DeLay	7/27	7/31	Israel		$1,448.00		[3]				$1,448.00
Hon. Ander Crenshaw	7/27	7/31	Israel		$1,448.00		[3]				$1,448.00
Brett Shogren	7/27	7/31	Israel		$1,448.00		[3]				$1,448.00
Stuart Roy	7/27	7/31	Israel		$1,448.00		[3]				$1,448.00
Dawn Loffredo	7/27	7/31	Israel		$1,448.00		[3]				$1,448.00
Hon. Tom DeLay	7/31	8/2	Jordan		476.00		[3]				476.00
Hon. Ander Crenshaw	7/31	8/2	Jordan		476.00		[3]				476.00
Brett Shogren	7/31	8/2	Jordan		476.00		[3]				476.00
Stuart Roy	7/31	8/2	Jordan		476.00		[3]				476.00
Dawn Loffredo	7/31	8/2	Jordan		476.00		[3]				476.00
Hon. Tom DeLay	8/2	8/4	Italy		892.00		[3]				892.00
Hon. Ander Crenshaw	8/2	8/4	Italy		892.00		[3]				892.00
Brett Shogren	8/2	8/4	Italy		892.00		[3]				892.00
Stuart Roy	8/2	8/4	Italy		892.00		[3]				892.00
Dawn Loffredo	8/2	8/4	Italy		892.00		[3]				892.00
Committee total											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

Note: Congressmen DeLay, Crenshaw and Stuart Roy and Brett Shogren travelled to Iraq on 8/1 returning to Jordan on same day via military air transportation. No per diem.

TOM DELAY, Majority Leader, Sept. 3, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, SLOVENIA, AND FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 5 AND SEPT. 10, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. J. Dennis Hastert	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Livingood	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Eisold	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Palmer	9/5	9/7	Germany	695.50	750.16		(3)				
Ms. Momson	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Walker	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Van Der Meid	9/5	9/7	Germany	695.50	750.16		(3)				
Hon. J. Dennis Hasters	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Livingood	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Eisold	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Palmer	9/7	9/8	Slovenia	54,560	248.00		(3)				
Ms. Momson	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Walker	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Van Der Meid	9/7	9/8	Slovenia	54,560	248.00		(3)				
Hon. J. Dennis Hasters	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Livingood	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Eisold	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Palmer	9/8	9/10	France	[4] 730	794.00		(3)				
Ms. Momson	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Walker	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Van Der Meid	9/8	9/10	France	[4] 730	794.00		(3)				
Committee total											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

[4] Euro dollar.

J. DENNIS HASTERT, Speaker of the House, Sept. 28, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Dreier	6/27	7/2	Italy		2,486.00		(3)				2,486.00
Bradley W. Smith	6/27	7/2	Italy		2,486.00		(3)				2,486.00
Hon. David Dreier	7/26	7/28	Senegal		541.50		(3)				541.50
	7/28	7/29	Mali		202.00		(3)				202.00
	7/29	7/31	Tunisia		412.00		(3)				412.00
	7/31	8/2	Malta		506.00		(3)				506.00
Bradley W. Smith	7/26	7/28	Senegal		541.50		(3)				541.50
	7/28	7/29	Mali		202.00		(3)				202.00
	7/29	7/31	Tunisia		412.00		(3)				412.00
	7/31	8/2	Malta		506.00		(3)				506.00
Robert Lawrence	7/26	7/28	Senegal		541.50		(3)				541.50
	7/28	7/29	Mali		202.00		(3)				202.00
	7/29	7/31	Tunisia		412.00		(3)				412.00
	7/31	8/2	Malta		506.00		(3)				506.00
Committee total					9,956.50						9,956.50

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Mililtary air transportation.

DAVID DREIER, Chairman, Oct. 7, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOEL HEFLEY, Chairman, Oct. 2, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON PRINTING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT W. NEY, Chairman, Oct. 2, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, Oct. 8, 2003.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4812. A communication from the President of the United States, transmitting requests for FY 2004 budget amendments for the Departments of Agriculture and the Interior to reimburse emergency expenses to suppress forest fires in FY 2003; (H. Doc. No. 108—137); to the Committee on Appropriations and ordered to be printed.

4813. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106—246, section 3204 (f) (114 Stat. 577); to the Committee on Armed Services.

4814. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Indian Incentive Program [DFARS Case 2002-D033] received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4815. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Approval of Services Contracts and Task Orders [DFARS Case 2002-D024] received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4816. A letter from the Under Secretary, Department of Defense, transmitting a report required pursuant to title 10, United States Code, section 12302(d), relating to those units of the Ready Reserve of the Armed Forces that remained on active duty under the provisions of section 12302 as of July 1, 2003; to the Committee on Armed Services.

4817. A letter from the Under Secretary, Department of Defense, transmitting the Department's report on the amount of purchases from foreign entities in Fiscal Year 2002, pursuant to Public Law 107—117, section 8036(b); to the Committee on Armed Services.

4818. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Charles H. Coolidge, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4819. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency Administrator of National Banks, Department of the transmitting the Department's final rule — Electronic Filing and Disclosure of Beneficial Ownership Reports [Docket No. 03-23] (RIN: 1557-AC75) received October 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4820. A letter from the Secretary, Department of Housing and Urban Development, transmitting notification that it is estimated that the limitation on the Government National Mortgage Association's ("Ginnie Mae's") authority to make commitments for a fiscal year will be reached before the end of that fiscalyear, pursuant to 12 U.S.C. 1721 nt; to the Committee on Financial Services.

4821. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services [CC Docket No. 92-297] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4822. A letter from the Deputy Chief, Wireline Competition Bureau TAPD, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Jt Bd on Universal Service [Dkt No. 96-45] 1998 Biennial Regulatory Review Streamlined Contributor Reporting Requirements Assoc'd with Admin. of Telecom. Relay Service, [Dkt No. 98-171]; Telecomm Services for Individuals with Hearing & Speech Disabilities & the A.D.A. Act of 1990 [Dkt No. 90-571]; Admin. of the N. Amer. Numbering Plan & N. Amer. Numbering Plan Cost Recovery Contribution Factor & Fund Size [Dkt. No. 92-237; NSD File No. L-00-72]; No. Resource Optimization [Dkt. No. 99-200; Telephone No. Portability [Dkt. No. 95-116]; Truth-in-Billing Format [Dkt. No. 98-170] Received October 16, 2003, to the Committee on Energy and Commerce.

4823. A letter from the Deputy Chief, Wireline Competition Bureau/TAPD, Federal Communications Commission, transmitting the Commission's final rule — Telecommunications Services for Individuals with Hearing and Speech Disbilities; Recommended TRS Cost Recovery Guidelines; Request by Hamilton Telephone Company for Clarification and Temporary Waivers [CC Docket No. 98-67] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4824. A letter from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems [ET Dkt No.00-258] The Establishment of Policies and Services Rules for the Mobile-Satellite Services in the 2 GHz Band [IB Dkt No.99-81] Amendment of the U.S. Table of Frequency Allocations to Designate the 2500-2520/2670-2690 MHz Frequency Bands for the Mobile-Satellite Service [RM-9911] Petition for Rule Making of the Wireless InformationNetworks Forum Concerning the Unlicensed Personal Communications to the Committee on Energy and Commerce.

4825. A letter from the Chief, Enforcement Bureau, Federal Communications Commission, transmitting the Commission's final rule — Forfeiture Proceedings [FCC 97-2] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4826. A letter from the Chief, Enforcement Bureau, Federal Communications Commission, transmitting the Commission's final rule — Inflation Adjustment of Maximum Forfeiture Penalties [FCC 00-347] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4827. A letter from the Assoc. Chief, CPD, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Policy and Rules Concerning the Interstate, Interexchange Marketplace [CC Docket No. 96-61] Implementation of Section 254(g) of the Communications Act of 1934, as amended [CC Docket No. 98-183] 1998 Biennial Regulatory Review-Review of Customer Premises Equipment and Enhancement Services Unbundling Rules In the Interexchange, Exchange Access And Local Exchange Markets — received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4828. A letter from the Deputy Director, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — The Pay Telephone Reclassification And Compensation Provisions Of The Telecommunications Act of 1996 [CC Docket No. 96-128] RBOC/GTE/SNET Payphone Coalition Petition for Clarification [NSD File No. L-99-34] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4829. A letter from the Assistant Chief, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Access Change Reform [CC Docket No. 96-262] Price Cap Performance Review for Local Exchange Carriers [CC Docket No. 94-1] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4830. A letter from the Chief, Wireline Competition Bureau/TAPD, Federal Communications Commission, transmitting the Commission's final rule — Schools and Libraries Universal Service Support Mechanism [CC Docket No. 02-6] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4831. A letter from the Assistant Division Chief, Wireline Competition Bureau/TAPD, Federal Communications Commission, transmitting the Commission's final rule — Petition by the United State Department of Transportaiton for Assignment of an Abbreviated Dialing Code (N11) to Access Intelligent Transportation System (ITS) Services Nationwide [NSD-L-99-24] Request by the Alliance of Information and Referral Systems, United Way of America, United Way 211 (Atlanta, Georgia), United Way of Connecticut, Florida Alliance of Information and Referral Services, Inc., and Texas I&R Network for Assignment of 211 Dialing Code [NSD-L-98-80] The Use of N11 Codes and Other Abbreviated Dialing Arrangements [CC DOcket No. 92-105] Received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4832. A letter from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission's final rule — Review of Part 15 and other Parts of the Commission's Rules [ET Docket NO. 01-278 RM-9375 RM10051] Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment authorization Requirements for Digital Devices [ET Docket NO. 95-19] M/A-COM Private Radio Sysytems, Inc. Petition for Declaratory Ruling — received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4833. A letter from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2 and 97 of the Commission's Rules to Create a Low Frequency Allocation of the Amateur Radio Service [ET Docekt No. 02-98 RM-9404] Amendment of Parts 2 and 97 of the Commission's Rules Regarding and Allocation of a Band near 5 MHz for the Amateur Radio Serivce [RM-10209] Amendment of Parts 2 and 97 of the Commission's Rules Concerning the Use Of the 2400-2402 MHz Band by the Amateur and Amateur-Satellite Services [RM-9949] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4834. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation in South Asia for the period April 1, 2002 through September 30, 2003, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

4835. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Kuwait (Transmittal No. DTC 100-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4836. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to the United Kingdom (Transmittal No. DDTC 098-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4837. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's determination and certification for Fiscal Year 2004 concerning Argentina's and Brazil's Ineligibility Under Section 102(a)(2) of the Arms Export Control Act, pursuant to 22 U.S.C. 2799aa—2; to the Committee on International Relations.

4838. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4839. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2004-03 on Waiving Prohibition on United States Military Assistance to Parties to the Rome Statute Establishing the International Criminal Court; to the Committee on International Relations.

4840. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2003-40 on Waiving Prohibition on United States Military Assistance to Parties to the Rome Statute Establishing the International Criminal Court; to the Committee on International Relations.

4841. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4842. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report entitled "Competitive Sourcing: Reasoned and Responsible Public-Private Competition"; to the Committee on Government Reform.

4843. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's Strategic Plan for Fiscal Years (FYs) 2003 to 2008, as required by The Government Performance and Results Act of 1993; to the Committee on Government Reform.

4844. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery; Quota Harvested for Main Mahogany Quahog Fishery [Docket No. 021017238-2314-02; I.D. 090503B] received October 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4845. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Western Aleutian District [Docket No. 021212307-3037-02; I.D. 100103B] received October 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4846. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule -Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 092903C] received October 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4847. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Establishment of a Threshold for Gamma-Butyrolactone [Docket No. DEA-203F] (RIN: 1117-AA52) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4848. A letter from the Program Manager, Bureau of Alcohol, Tobacco, Firearms & Explosives, Department of Justice, transmitting the Department's final rule — Implementation of the Safe Explosives Act, Title XI, Subtitle C of Public Law 107-296-Delivery of Explosive Materials by Common or Contract Carrier [ATF No. 2; AG Order No. 2683-2003 and Docket No. ATF2002R-341P] (RIN: 1140-AA20) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. OTTER (for himself, Mr. Simpson, Mr. Conyers, Mr. Sanders, Mr. Kucinich, Mr. Paul, Mr. Frank of Massachusetts, Mr. Udall of New Mexico, Mr. Meeks of New York, and Mr. Flake):

H.R. 3352. A bill to amend the Foreign Intelligence Surveillance Act of 1978 and title 18, United States Code, to strengthen protections of civil liberties in the exercise of the foreign intelligence surveillance authorities under Federal law, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BALLANCE (for himself, Mr. Miller of North Carolina, Mr. Ballenger, Mr. Coble, Mr. Price of North Carolina, Mr. McIntyre, Mr. Watt, Mrs. Myrick, Mr. Burr, Mr. Jones of North Carolina, Mr. Etheridge, and Mr. Hayes):

H.R. 3353. A bill to designate the facility of the United States Postal Service located at 525 Main Street in Tarboro, North Carolina, as the "George Henry White Post Office Building"; to the Committee on Government Reform.

By Mr. BOYD:

H.R. 3354. A bill to include in St. Marks National Wildlife Refuge, Florida, the land and facilities comprising St. Marks lighthouse; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. Dingell, Mr. Stark, Mr. Brown of Ohio, Mr. Frost, Mr. George Miller of California, Ms. Schakowsky, Mr. Carson of Oklahoma, Mr. Rodriguez, Mr. Markey, Ms. Norton, Ms. Kaptur, Mr. Sanders, Mr. Hoeffel, Mrs. Maloney, Mr. Grijalva, Mr. Hinchey, Mr. Udall of New Mexico, Mr. Acevedo-Vilá, Mr. Kucinich, Mr. Moore, Mr. Lantos, Ms. Corrine Brown of Florida, Mr. Thompson of Mississippi, Mr. Berman, Mr. Wexler, Mr. Evans, Ms. Roybal-Allard, Mr. Kildee, Ms. Baldwin, Mrs. Capps, Ms. Solis, Mr. Stupak, Mr. Kleczka, Mr. Baca, Mr. McGovern, Mr. Holt, Mr. Pallone, Ms. Eshoo, Mr. Brady of Pennsylvania, Mr. Clay, and Mr. McDermott):

H.R. 3355. A bill to amend titles XVIII and XIX of the Social Security Act to establish minimum requirements for nurse staffing in nursing facilities receiving payments under the Medicare or Medicaid Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. Mario Diaz-Balart of Florida, and Mr. Feeney):

H.R. 3356. A bill to amend chapter 8 of title 5, United States Code, to establish the Joint Administrative Procedures Committee; to the Committee on Rules, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS (for himself, Mr. Wynn, Mr. Bereuter, and Mr. Norwood):

H.R. 3357. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to provide protections to members of the Armed Forces who terminate certain consumer contracts and real estate residential purchase contracts entered into before permanent change of station or deployment orders or motor vehicle leases entered into before military service; to the Committee on Veterans' Affairs.

By Mr. HENSARLING (for himself, Mr. Barrett of South Carolina, Mr. Mario Diaz-Balart of Florida, Mr. Barton of Texas, Mr. Akin, Mr. DeMint, Mr. Goode, Mr. Manzullo, Mr. Thornberry, Mr. Gutknecht, Mr. Flake, Mrs. Myrick, Mr. Beauprez, Mr. Franks of Arizona, Mr. Garrett of New Jersey, Mr. Pitts, Mr. Tancredo, Mr. Miller of Florida, Mr. Chabot, Mr. Neugebauer, Mr. Carter, Mr. Culberson, Mr. Cole, Mr. Sessions, Mr. Pence, Mr. Shadegg, Mr. Terry, Mr. Wilson of South Carolina, Mr. Toomey, Mr. Smith of Michigan, and Mr. Feeney):

H.R. 3358. A bill to require a balanced Federal budget by fiscal year 2009 and for each year thereafter, to combat waste, fraud, and abuse, to establish biennial budgets, to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to impose spending safeguards on the growth of entitlements and discretionary spending, and to enforce those requirements through a budget process involving the President and Congress and sequestration; to the Committee on the Budget, and in addition to the Committees on Rules, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island (for himself and Mr. Upton):

H.R. 3359. A bill to increase awareness of and research on autoimmune diseases, such as lupus, multiple sclerosis, rheumatoid arthritis, and fibromyalgia, and for other purposes; to the Committee on Energy and Commerce.

By Ms. LOFGREN (for herself, Mr. Case, Ms. Jackson-Lee of Texas, Ms. Millender-McDonald, Mr. Farr, Mr. Frank of Massachusetts, Mr. Abercrombie, Ms. Slaughter, Ms. McCollum, Mr. Emanuel, and Mr. Gutierrez):

H.R. 3360. A bill to amend the Immigration and Nationality Act to provide for the automatic acquisition of citizenship by certain Amerasians; to the Committee on the Judiciary.

By Ms. LOFGREN (for herself, Mr. Cannon, Mr. Conyers, Ms. Hart, Mr. Meek of Florida, Mr. Smith of New Jersey, Ms. Ros-Lehtinen, and Ms. Schakowsky):

H.R. 3361. A bill to provide for the protection of unaccompanied alien children, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY:

H.R. 3362. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage of screening for breast, prostate, and colorectal cancer; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCRERY (for himself and Mr. Allen):

H.R. 3363. A bill to amend title XIX of the Social Security Act to permit States to obtain reimbursement under the Medicaid Program for care or services required under the Emergency Medical Treatment and Active Labor Act that are provided in a nonpublicly owned or operated institution for mental diseases; to the Committee on Energy and Commerce.

By Mrs. MYRICK (for herself and Mr. Spratt):

H.R. 3364. A bill to authorize appropriate action if the negotiations with the People's Republic of China regarding China's undervalued currency and currency manipulation are not successful; to the Committee on Ways and Means.

By Mr. RENZI (for himself, Mr. DeLay, and Mr. Jones of North Carolina):

H.R. 3365. A bill to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity payable with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Georgia (for himself and Ms. Majette):

H.R. 3366. A bill to designate the building located at 493 Auburn Avenue, N.E., in Atlanta, Georgia, as the "John Lewis Civil Rights Institute"; to the Committee on Resources.

By Mr. SESSIONS:

H.R. 3367. A bill to provide for additional responsibilities for the Chief Information Officer of the Department of Homeland Security relating to geospatial information; to the Committee on Government Reform, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER:

H.R. 3368. A bill to direct the Secretary of Labor to establish a pilot grant program to retrain displaced workers in high technology fields; to the Committee on Education and the Workforce.

By Mr. SOUDER (for himself, Mr. Wynn, Mr. Osborne, Mr. Hastings of Washington, Mr. Keller, and Mrs. Musgrave):

H.R. 3369. A bill to provide immunity for nonprofit athletic organizations in lawsuits arising from claims of ordinary negligence relating to the passage or adoption of rules for athletic competitions and practices; to the Committee on the Judiciary.

By Mr. STUPAK (for himself, Mr. Fossella, and Mr. Engel):

H.R. 3370. A bill to establish a permanent grant program to improve public safety communications and the interoperability of emergency communications equipment; to the Committee on Energy and Commerce.

By Mrs. TAUSCHER (for herself, Mr. Greenwood, Mr. Lampson, Ms. Jackson-Lee of Texas, Ms. Lee, Mr. Towns, Ms. Millender-McDonald, Ms. DeLauro, Mr. Sanders, Mr. Payne, Mr. Schiff, Mrs. Napolitano, Ms. Norton, Mr. Weldon of Pennsylvania, Mr. Baird, Ms. McCarthy of Missouri, Mr. Frost, Mr. Stenholm, Mr. Wu, Ms. Corrine Brown of Florida, and Ms. Schakowsky):

H.R. 3371. A bill to provide for infant crib safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TAYLOR of Mississippi (for himself, Mr. Wicker, Mr. Thompson of Mississippi, and Mr. Pickering):

H.R. 3372. A bill to designate the facility of the Agriculture Research Service of the Department of Agriculture located at State Highway 26 West in Poplarville, Mississippi, as the "Thad Cochran Southern Horticultural Laboratory"; to the Committee on Agriculture.

By Mr. GOODLATTE (for himself, Mr. Stenholm, Mr. Lucas of Oklahoma, and Mr. Holden):

H.J. Res. 74. A joint resolution recognizing the Agricultural Research Service of the Department of Agriculture on the occasion of its 50th anniversary for the important service it provides to the Nation; to the Committee on Agriculture.

By Mr. BISHOP of New York (for himself, Ms. Kaptur, Mr. Walsh, Mr. Rodriguez, Mrs. Blackburn, Mr. Bell, Mr. Sessions, Ms. Berkley, Mr. King of New York, Mr. Ryan of Ohio, Mr. Fossella, Mr. Michaud, Mr. Jenkins, Mr. Towns, Mr. Terry, Mr. Bishop of Georgia, Mr. Frost, Mr. Grijalva, Mr. Hinojosa, Mrs. McCarthy of New York, Mrs. Tauscher, Mr. Levin, Mr. Peterson of Minnesota, Mr. Van Hollen, Mr. Holden, Mr. Kildee, Ms. Harman, Mr. Serrano, Mr. Israel, Mr. Edwards, Mr. Matheson, Mr Boyd, Mr. Rangel, Mr. Payne, Mr. Emanuel, Ms. Waters, Mr. Alexander, Mr. Sandlin, Mr. Acevedo-Vilá, Mr. Case, Mrs. Jo Ann Davis of Virginia, Mr. Langevin, Mr. Rothman, and Mr. Green of Texas):

H. Con. Res. 308. Concurrent resolution recognizing the members of AMVETS for their service to the Nation and supporting the goal of AMVETS National Charter Day; to the Committee on Veterans' Affairs.

By Mr. MEEHAN (for himself, Ms. DeLauro, Mr. Castle, Mr. Langevin, Mr. Bass, Ms. Kaptur, Ms. Schakowsky, Mr. Emanuel, Mr. Inslee, Ms. McCarthy of Missouri, Mr. McGovern, Mr. Delahunt, Mr. Quinn, Mr. Kind, and Mr. Pallone):

H. Con. Res. 309. Concurrent resolution expressing the sense of Congress regarding the improvement of combined sewer overflow control programs; to the Committee on Transportation and Infrastructure.

By Mr. STEARNS (for himself and Mr. Aderholt):

H. Con. Res. 310. Concurrent resolution requiring the posting of the Ten Commandments in the Capitol; to the Committee on House Administration.

By Mr. SOUDER (for himself, Mr. DeLay, Mr. Crane, Mr. Shadegg, Mr. Stearns, Mr. Chocola, Mr. Doolittle, Mr. Boozman, Mrs. Musgrave, Mr. Feeney, Mr. Hunter, Mr. Royce, Mr. Toomey, and Mr. Camp):

H. Res. 408. A resolution recognizing the 50th anniversary of The Conservative Mind, and for other purposes; to the Committee on Government Reform.

By Mr. BLUNT (for himself, Mr. Hoyer, Mr. Cantor, and Ms. Berkley):

H. Res. 409. A resolution repudiating the recent anti-Semitic sentiments expressed by Dr. Mahathir Mohamad, the outgoing prime minister of Malaysia, which makes peace in the Middle East and around the world more elusive; to the Committee on International Relations.

By Ms. LEE (for herself, Mrs. Tauscher, Mr. Waxman, Mr. Kucinich, Mr. McDermott, Mr. George Miller of California, Mr. Brown of Ohio, Ms. Woolsey, Mr. Watt, Mr. Lewis of Georgia, Mr. Cummings, Ms. Watson, Mr. Hinchey, Ms. Kaptur, Mr. Farr, Ms. Schakowsky, Mrs. Jones of Ohio, Mrs. Christensen, Ms. Eddie Bernice Johnson of Texas, Mr. Clay, Ms. Carson of Indiana, Mr. Tierney, Mr. Serrano, Mr. Stark, Ms. Norton, Mr. Becerra, Mr. Clyburn, Mr. Grijalva, Mr. Doggett, Mr. Honda, Mr. Bell, Mr. Davis of Illinois, Mr. Capuano, Mr. Thompson of Mississippi, Mr. Owens, and Mr. Rush):

H. Res. 410. A resolution expressing the sense of the House of Representatives that prior to the conclusion of the first session of the One Hundred Eighth Congress the House should pass legislation that would create an independent commission or select House committee to investigate United States intelligence relating to Operation Iraqi Freedom; to the Committee on Intelligence (Permanent Select), and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of California:

H. Res. 411. A resolution expressing the sense of the House that John Wooden should be honored for his contributions to sports and education; to the Committee on Education and the Workforce.

By Mr. SOUDER (for himself, Mr. Coble, Mr. Cummings, Mr. Tom Davis of Virginia, Mr. Deal of Georgia, Mr. Mica, Mr. Ose, Mr. Serrano, and Mr. Smith of Texas):

H. Res. 412. A resolution honoring the men and women of the Drug Enforcement Administration on the occasion of its 30th Anniversary; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

206. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 130 memorializing the United States Congress to maintain the current imminent danger pay and family separation allowances for members of the military in combat zones; to the Committee on Armed Services.

207. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 134 memorializing the United States Congress to address the issue of traffic stopages at railroad crossings; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. Baker.

H.R. 129: Mr. Rothman.

H.R. 284: Mr. Herger.

H.R. 369: Mr. Hoyer.

H.R. 375: Mr. Gephardt.

H.R. 391: Mr. Smith of Michigan.

H.R. 434: Mr. McCotter, Mr. Calvert, Mr. Burgess, and Mr. Fossella.

H.R. 528: Ms. McCollum.

H.R. 713: Mr. Rogers of Michigan.

H.R. 728: Ms. Pryce of Ohio.

H.R. 785: Ms. Schakowsky.

H.R. 806: Mr. Castle.

H.R. 839: Mr. Tiahrt.

H.R. 840: Mr. Boehlert.

H.R. 852: Mr. Emanuel, Ms. DeGette, and Mr. Filner.

H.R. 936: Mr. Allen and Mr. Ortiz.

H.R. 998: Mr. Rothman.

H.R. 1117: Mr. Ryun of Kansas.

H.R. 1125: Ms. Linda T. Sánchez of California.

H.R. 1228: Mr. Andrews.

H.R. 1231: Mr. Becerra.

H.R. 1322: Ms. McCollum.

H.R. 1345: Mr. Baird.

H.R. 1385: Mr. Deal of Georgia, Mr. Manzullo, Mr. Watt, and Mr. Leach.

H.R. 1428: Mr. Ruppersberger.

H.R. 1430: Mr. Meek of Florida.

H.R. 1532: Mr. Tierney, Mr. Sanders, Mr. Pascrell, Mrs. Maloney, Ms. Baldwin, and Mr. Weller.

H.R. 1563: Ms. Schakowsky.

H.R. 1582: Mr. McDermott.

H.R. 1657: Mrs. McCarthy of New York, Ms. McCarthy of Missouri, Mr. Lynch, and Mr. Gutierrez.

H.R. 1660: Mr. Souder.

H.R. 1695: Mr. Payne.

H.R. 1726: Mrs. Jo Ann Davis of Virginia.

H.R. 1735: Ms. Millender-McDonald.

H.R. 1742: Mr. Gonzalez and Mr. Sherman.

H.R. 1749: Ms. Ros-Lehtinen.

H.R. 1782: Mrs. Jones of Ohio.

H.R. 1818: Mr. Ryun of Kansas.

H.R. 1856: Mr. Davis of Florida.

H.R. 1914: Mr. Sessions.

H.R. 2131: Mr. Cooper, Mr. Costello, Mr. Evans, Mr. Larsen of Washington, Mr. Lipinski, Mr. Menendez, Ms. Velázquez, Mr. Bass, Ms. McCarthy of Missouri, Ms. Harman, Ms. Pryce of Ohio, Mr. Hayes, Mr. Simpson, Mr. Hastert, Mr. Matheson, Mr. Rogers of Alabama, and Mr. Tanner.

H.R. 2133: Mr. Smith of Texas, Mr. Crane, Ms. Granger, and Mr. Sandlin.

H.R. 2333: Mr. Allen.

H.R. 2366: Mr. Cardoza and Mr. Acevedo-Vilá.

H.R. 2494: Mrs. Johnson of Connecticut.

H.R. 2509: Mr. Kleczka.

H.R. 2553: Mr. Cummings.

H.R. 2625: Ms. Majette and Mr. Spratt.

H.R. 2719: Mr. Langevin and Mr. Watt.

H.R. 2720: Mrs. Maloney, Mr. Ryan of Wisconsin, Mr. Tiberi, Mr. Ney, and Mr. Peterson of Minnesota.

H.R. 2727: Mr. Cardin.

H.R. 2743: Mr. Collins.

H.R. 2768: Ms. Pelosi, Mr. Snyder, Mr. Platts, and Mr. Cummings.

H.R. 2813: Ms. Pryce of Ohio.

H.R. 2821: Mr. Deutsch, Mr. Price of North Carolina, Mr. Young of Florida, and Mr. Gutierrez.

H.R. 2839: Mr. Peterson of Minnesota, Mrs. Miller of Michigan, Mr. Taylor of Mississippi, Mr. Matheson, Mr. Lincoln Diaz-Balart of Florida, Mr. Rogers of Kentucky, Mr. Crane, and Mr. Goss.

H.R. 2866: Mr. Case, Mr. Bishop of Georgia, Mr. Isakson, Mr. Norwood, Mr. Deal of Georgia, Mr. Gingrey, and Mr. Scott of Georgia.

H.R. 2906: Mr. Doolittle.

H.R. 2929: Mr. Buyer.

H.R. 2956: Mr. Spratt and Mr. Udall of Colorado.

H.R. 2959: Mr. Rothman, Mr. Rangel, and Mr. Wexler.

H.R. 3058: Mr. Ballance.

H.R. 3085: Mr. Gutierrez, Mr. Gonzalez, Mr. Baca, Mr. Ortiz, Mr. Udall of New Mexico, Ms. Millender-McDonald, Mr. Davis of Alabama, and Mr. Rangel.

H.R. 3103: Mr. Schiff and Mr. Garrett of New Jersey.

H.R. 3107: Mr. Grijalva, Mr. Ackerman, Mr. McDermott, Mr. Ballance, Mr. Bishop of Georgia, Ms. Slaughter, Mr. Terry, Mr. Blumenauer, Mr. Stark, Mr. Hastings of Florida, and Mr. Kildee.

H.R. 3119: Mr. Foley and Mr. Turner of Ohio.

H.R. 3139: Mr. Baca.

H.R. 3142: Mr. Dreier, Mr. Walden of Oregon, Mr. Sweeney, Mrs. McCarthy of New York, Mrs. Capps, and Ms. Solis.

H.R. 3152: Mr. McDermott, Ms. Norton, Mr. Rangel, Mr. Fattah, and Mr. Watt.

H.R. 3154: Mr. Pallone.

H.R. 3178: Mr. Terry, Mr. Acevedo-Vilá, Mr. Markey, Mr. Frank of Massachusetts, Mr. Janklow, and Mr. Miller of North Carolina.

H.R. 3184: Mr. Peterson of Minnesota and Mr. Allen.

H.R. 3190: Mr. Beauprez.

H.R. 3191: Mr. Barrett of South Carolina, Mr. Miller of Florida, Mr. Green of Texas, and Mrs. Musgrave.

H.R. 3193: Mr. Kingston, Mr. Manzullo, Mr. Crane, Mr. Norwood, Mr. Ryun of Kansas, Mr. Bishop of Utah, Mr. Baker, Mr. Pitts, Mr. Terry, Mr. Rogers of Michigan, Mr. Wamp, Mr. Aderholt, Mr. Weller, Mr. McCrery, and Mr. Beauprez.

H.R. 3204: Mr. LaHood, Mr. Platts, Mrs. Johnson of Connecticut, Mr. Houghton, Mr. Boehlert, Mr. Ehlers, Mr. Bass, and Mr. Kirk.

H.R. 3208: Mr. Cummings and Mr. Neugebauer.

H.R. 3215: Mr. Janklow, Mr. Hyde, Mrs. Bono, and Mr. Nethercutt.

H.R. 3225: Mr. Ramstad.

H.R. 3237: Mrs. Maloney.

H.R. 3242: Mrs. Bono and Mr. Oberstar.

H.R. 3244: Ms. Waters, Mr. Acevedo-Vilá, Mr. Visclosky, Mr. Brown of Ohio, Ms. Schakowsky, Mr. Boucher, Mr. Nadler, Mrs. Jones of Ohio, Mr. Costello, Mr. Larsen of Washington, Mr. Wu, and Mr. Kucinich.

H.R. 3251: Ms. Schakowsky, Ms. Eshoo, and Mr. Serrano.

H.R. 3263: Mr. Akin, Mrs. Biggert, Mr. Bilirakis, Mr. Blunt, Mr. Collins, Mr. Hastert, Mr. Hayes, Mr. McCrery, Mr. Rohrabacher, and Mr. Simmons.

H.R. 3266: Ms. Dunn, Mr. Gibbons, Mr. Shadegg, Mr. King of New York, and Mr. Sweeney.

H.R. 3270: Mr. Camp and Mr. LoBiondo.

H.R. 3271: Mr. Rangel, Mr. Pastor, and Mr. Emanuel.

H.R. 3275: Mr. Brown of Ohio, Mr. Sanders, and Mr. Van Hollen.

H.R. 3281: Mr. LaHood and Mr. Boehlert.

H.R. 3294: Mr. Gutierrez.

H.R. 3313: Mr. Wilson of South Carolina and Mr. Tiahrt.

H.R. 3329: Mr. Gutknecht, Mr. Forbes, and Mr. Garrett of New Jersey.

H.R. 3344: Mr. Larsen of Washington.

H.J. Res. 40: Mr. Beauprez.

H.J. Res. 62: Mr. Hayes.

H. Con. Res. 99: Mr. Rothman.

H. Con. Res. 213: Ms. Berkley.

H. Con. Res. 247: Mr. Tanner, Mr. Garrett of New Jersey, Mr. Putnam, and Ms. Baldwin.

H. Con. Res. 257: Mrs. Jones of Ohio.

H. Con. Res. 264: Mr. Putnam.

H. Con. Res. 269: Mr. Cummings.

H. Con. Res. 280: Mr. Hoeffel.

H. Con. Res. 285: Mr. McHugh and Mr. Barrett of South Carolina.

H. Con. Res. 291: Mr. Upton.

H. Con. Res. 292: Mr. Cardoza, Mr. Cummings, Ms. Millender-McDonald, and Ms. Eshoo.

H. Con. Res. 302: Mr. Sessions, Mr. Hinchey, Mr. Deutsch, Mr. Souder, Mr. Berman, Mr. Bell, Mr. Wu, Mr. Lantos, Mr. Ortiz, Ms. Ros-Lehtinen, Mr. Tancredo, and Mr. Kirk.

H. Res. 103: Mr. Manzullo.

H. Res. 300: Mr. Deal of Georgia.

H. Res. 354: Mr. Dingell and Mr. Bell.

H. Res. 373: Mrs. Musgrave.

H. Res. 390: Mr. Burton of Indiana, Mr. Lampson, Mr. Blumenauer, Mr. McInnis, Mr. Gillmor, Mr. Hastings of Florida, Mr. Smith of New Jersey, Mr. Houghton, Mrs. Tauscher, Mr. Tanner, Mr. Berman, Mr. Crowley, and Mr. Pitts.

H. Res. 393: Mrs. Jones of Ohio, Ms. McCarthy of Missouri, Ms. Bordallo, Mr. Lantos, and Ms. Norton.

H. Res. 394: Mr. Matheson and Mr. Wicker.

H. Res. 397: Mr. Snyder, Mr. Berry, and Mr. Ross.

H. Res. 402: Mr. Holden.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2821: Mrs. McCarthy of New York.

SENATE—*Tuesday, October 21, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, You are life, wisdom, truth, and blessedness. You are our hope and the center of our joy.

Lord, the Founders of this great land walked in Your guidance and rested in Your compassion. Unite us so that we can do Your will. Remove from us all evil desires and empower us to embrace the good. Speak to our Senators so that they may understand Your will for our Nation and our world.

Illuminate their understanding with beams of celestial grace. Make us thankful for the privilege of prayer. May we never take it for granted. Let us see Your goodness in our daily bread and in the gift of each new day. And, Lord, touch our world with Your peace. We pray this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore. I ask the distinguished assistant Democratic leader to lead us in the Pledge of Allegiance to our flag.

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning there will be a period for morning business to allow Senators to make statements. At 10:30 today, the Senate will begin consideration of the conference report to accompany the partial-birth abortion ban bill. Under a unanimous consent agreement, there will be up to 4 hours of debate on that conference report. Under a previous order, the Senate will stand in recess from 12:30 until 2:15 for the respective party caucus meetings. After that recess, the Senate will continue consideration of the partial-birth abortion ban, with a vote on the conference report expected this afternoon. That vote will be the first vote of the day.

Following the vote on the partial-birth abortion ban, the Senate will resume consideration of the motion to proceed to S. 1751, the class action fairness bill. I remind my colleagues that we had hoped to begin consideration of the class action legislation yesterday. Unfortunately, there was an objection to proceeding which is why it was necessary for us to proceed to move to that bill. Yesterday, we filed a cloture motion on the motion to proceed and that vote will occur tomorrow morning.

It is important that we are able to proceed with that bill. I understand there are differences on the substance of the legislation. However, the Senate should be allowed to consider those issues through debate and votes, as appropriate. Therefore, I once again encourage my colleagues on the other side of the aisle to allow us to begin work on the bill to bring some sense to the overall class action process.

I was also disappointed with the objection to proceeding to the Healthy Forests initiative. Chairman COCHRAN and others on both sides of the aisle have been working in good faith to bring that bill to the floor in a way to consider some concerns that may exist on the Democratic side. Again, there was an objection to proceed to that measure. I hope Members can, over the course of this morning and today, rethink that objection and allow debate to begin on this very important initiative, the Healthy Forests legislation.

We are also working hard to clear for Senate action a number of other important issues, including the fair credit reporting bill, the so-called spam legislation, as well as an agreement to move forward on the charitable giving bill.

I remind my colleagues, both the Senate and the House have already passed their respective versions of that legislation and it is now time for us to move to conference and reconcile those differences. Having said that, we will continue to work with the Democratic leadership in an effort to reach an agreement to move forward on all of the bills I just mentioned.

As we approach the last weeks of this session, we need to redouble our efforts to stay focused and disciplined on these agreements so we can allow the Senate to consider all of these bills. I thank my colleagues in advance for their cooperation.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The assistant Democratic leader is recognized.

Mr. REID. While the majority leader is in the Chamber, I say on behalf of the minority, we acknowledge the importance of class action, Healthy Forests, charitable choice. Those are the ones I remember the leader speaking of. For example, charitable choice could be done within a matter of minutes and sent directly to the House. There has been a decision made by the majority—and I think not a proper one—to take it to conference. We could send it immediately to the House.

We are working very hard to try to cooperate with the majority on the most important piece of legislation, class action. A vast majority of Members on this side of the aisle want to do something on class action. We have had as our point person on this JOHN BREAUX, and he has had contact with the majority to try to come up with something on this issue. I think we are very close to working something out.

Healthy Forests, as the leader knows, is a difficult issue. For Western States it is extremely important. We hope that can be resolved quickly.

I bring to the leader's attention, however, we also have those appropriations bills we need to do. I spoke very briefly this morning with the distinguished Presiding Officer. He has been in contact, as I am sure the leader knows, with Senator BYRD. Maybe there is still something we can do on those appropriations bills to get, if not all of the six we have not passed here done, at least some of them completed. We have those most important conferences. We have had, as far as I am concerned, a difficult time getting a conference completed on the energy and water appropriations bill. That has been a bill we usually bring up first because it is so important to Members in the House and Senate. I spoke this morning to Majority Leader DELAY, saying we need a little help from the leadership in trying to move that.

I hope, in addition to these other important items the leader has mentioned, we can work together to come up with some program to get some of the appropriations bills passed. I think it is important for the country.

Mr. FRIST. Mr. President, I appreciate the comments just made by my colleague and I think his comments reflect the amount of work we absolutely must accomplish in the next few days. I say that because in terms of the numbers of days in the weeks remaining, there are very few legislative days. We should all redouble our efforts and focus on each and every one of these bills. They are all very important.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I know it may seem, as the Republican leader, I am encouraging the resolution of these bills by bringing them to the floor. That is exactly what I am doing, so we can all redouble our efforts to accomplish what really we want to do mutually: Go through each of these, have the appropriate debate and amendment on the floor as we go forward.

Mr. REID. One bill I did not mention that I feel strongly about is fair credit reporting. That is also very important. I bet my office has received 100 phone calls in the last couple of legislative days dealing with that legislation. We hope something can be worked out on that also.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until the hour of 10:30 a.m., with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the Senator from Texas, Mrs. HUTCHINSON, or her designee.

The majority leader.

ECONOMIC GROWTH

Mr. FRIST. Mr. President, on leader time, I want to make a very brief comment to highlight a few of the encouraging developments on our economic front. I know we will be going to morning business, and some of my colleagues will be talking shortly on the issue of our economy and where we are in terms of jobs and job creation.

There have been some very encouraging developments on the economic front. When the third quarter GDP figures are released next week, it is anticipated we will very possibly see growth as high as 6.5 percent. All signs, at this point, point to a very robust holiday buying season.

The Department of Commerce reports consumption is strong. In the third quarter, consumption grew by an annual rate of over 12 percent. Many economists tell us this third quarter consumption may be the strongest we have seen over the last 4 years—again, very good news.

Likewise, the Department of Labor reports the initial jobless claims are at their lowest levels since February. In August, the nonfarm sector employment rose by 57,000 jobs. In the area of manufacturing, mid-Atlantic manufacturing is showing promising signs of recovery. The index for new orders showed the highest gains in 8 years, and the monthly index of regional manufacturing significantly topped the economists' expectations. Inflation, meanwhile, remains very low. Short-term interest rates are also at historically low levels. There is much to cheer about in this positive news.

Smart, progrowth fiscal policy is helping lead this creation of new jobs. But we have a lot more work to do. There are some structural problems we need to tackle on this Senate floor in order to strengthen the marketplace. We need a more efficient marketplace, a more transparent marketplace. We need to make it less risky for businesses to go out and hire workers and to retrain those workers, and we can do that by focusing on appropriate reforms such as strengthening trade; reducing health care costs; reducing litigation costs; reducing insurance costs; strengthening energy policy, which we are doing in conference right now; and, I would also add, enacting strong asbestos reform. These are the sorts of policies that will increase productivity. They will increase predictability in the marketplace, and they ultimately will stoke the engines of economic growth.

I am really, for the first time, becoming optimistic that we have turned this corner and that we will see continued improvement. The agenda items we are working on to complete this session—many of which we just discussed—will lead to more jobs, more prosperity, and a solid economic recovery.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

Mr. REID. Will the Senator yield for a request?

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, before the majority leader leaves, I ask unanimous consent that in morning business each side get their full half hour. That would extend the vote a few minutes this afternoon.

The PRESIDENT pro tempore. That would add 12 minutes to the time.

Mr. REID. Yes.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Does the Senator from Nevada yield time?

Mr. REID. Yes. Mr. President, I yield 15 minutes to the Senator from North Dakota, Mr. DORGAN; 5 minutes to Senator KOHL; and 10 minutes to Senator STABENOW.

The PRESIDENT pro tempore. I thank the Senator.

The Senator is recognized.

APPROPRIATIONS, ENERGY, AND CUBA TRAVEL

Mr. DORGAN. Mr. President, let me make a comment about the appropriations bills, then about the Energy conference, and then I want to talk a bit about the Department of Homeland Security and the ban on travel to Cuba.

First, the appropriations bills.

Our colleague, the majority leader, Senator FRIST, talked just a bit about that today in response to questions by the Senator from Nevada. My understanding is the bills are all ready to come to the floor of the Senate. We were told in early September that we would, when returning from the August break, be on appropriations bills. We passed all 13 appropriations bills through the Appropriations Committee in the Senate. Yet since we passed a continuing resolution, because we did not have the appropriations bills done by October 1, since that time we have not completed even one additional appropriations bill.

I know the chairman of the Appropriations Committee wants to get these bills to the floor. But instead the leader is scheduling other issues. I am not suggesting the other issues are unimportant, but we have a responsibility to meet a deadline with appropriations bills; and the question is, Where are they, and why are they not being brought to the floor of this Senate?

I do not understand it, nor do most of my colleagues.

If the Committee on Appropriations has finished its work on the bills, why are they not being debated on the floor of the Senate? If there is an intention to do one, big, continuing resolution, one large omnibus bill, and not have us consider on the floor of this Senate up to six appropriations bills, then the opportunity for a good many Senators to offer amendments and deal with these in a routine legislative way will be lost. I suspect that is what some are wanting to have happen. It is not something that looks like the legislative process as I know it.

Mark Twain once said: The more you explain it, the more I don't understand it. That is the case with these appropriations bills. They are ready. They ought to be brought to the floor, and they ought to be a priority now. I hope the majority leader and others who are doing the scheduling here in the Senate will understand that and bring appropriations bills to the floor.

Mr. President, let me now just talk for a moment about something else that is happening that concerns us. We have an Energy conference. My colleague Senator BINGAMAN spoke on the floor about this yesterday. We have an Energy conference. I am a conferee. I have not been invited to a conference meeting at this point because the Republicans have decided they will not allow Democratic conferees to be a part of the process.

What they are saying is, they will give us the conference report 24 hours ahead of time, and then we will have a meeting. Apparently that is now planned for next week. We were told it was going to be last Saturday, then perhaps a meeting this Monday. Now it will probably be next Friday, and a meeting the following Monday.

In any event, there are a couple hundred pages of that report which have been agreed to by Republicans dealing with very important, very complicated pieces of legislation—the electricity title, the ethanol title—and yet we are told, despite the fact it is now agreed to and completed, that those of us who were never invited to a conference are not allowed to see the conference report.

It is inexplicable to me. It is, in my judgment, a legislative process that is broken. I have told the chairman of the committee on this side, he would not stand for that in a moment. He would be on this floor pointing into the noses of those who are doing it to say that is not the way to legislate. To ask representatives of 49 Senators here in the Senate to simply sit by patiently while a conference occurs and while Democrats are excluded is an arrogance I think that is fundamentally wrong and unsound, and I think it threatens the future of an energy bill. It is the wrong way to get cooperation and the wrong way to write an energy bill.

It seems to me there are good ideas on both sides of the aisle in the Congress, and they ought to be available in a conference, as conferences are usually held, to be able to improve and write a bipartisan energy bill. But, once again, quoting Mark Twain: The more you explain it, the more I don't understand it.

The fact is, you can talk about this 100 different ways, and there is no justification for two people in the Congress to decide: We are going to convene in a room someplace, shut the door, and tell you what the energy policy is going to be for this country. It risks, I think, the ability to get an energy bill. I believe we need an energy bill for this country's future.

Having said that, Mr. President, let me just talk about another issue that has gotten very little attention but ought to, in my judgment.

The President gave a speech a couple of weeks ago saying he is going to crack down on travel in Cuba, because there is a law against traveling in Cuba.

Inexplicably, Americans cannot travel in Cuba. This country is trying to punish Fidel Castro for his abuses, and I agree with that. But in order to slap Fidel Castro around and punish Fidel Castro, this administration is going to limit the American people's freedom to travel. Oh, the American people can travel almost anywhere else—to Communist China, Communist Vietnam—but you cannot travel in Cuba.

The President gave a speech, I suspect aimed mostly at voters in Florida, saying we are going to crack down on casual travel in Cuba. He did not say "casual travel." But I know it is casual travel because they are chasing retired schoolteachers who rode bicycles in Cuba. They are denying licenses to farm groups who want to go and promote and sell agricultural products in Cuba, part of which is now legal because of an amendment that I and then-Senator Ashcroft got passed in the Senate that became law. But they are trying to stop farm groups from promoting agriculture products in Cuba by denying licensees travel in Cuba.

The President said we are going to have the Department of Homeland Security, which is designed to protect this country against a terrorist attack, exert its resources to clamp down on travel in Cuba. Here is what the Department's Web site says: "The Department of Homeland Security will use intelligence and investigative resources to identify travelers or businesses engaged in activities that circumvent the embargo."

We are going to have the Department of Homeland Security, which is supposed to be protecting us from terrorists, now using investigative resources and also intelligence resources to try to track down people who are traveling in Cuba. They are doing that at the direction of the President.

Well, let me just give as example one of the kind of people they are going to use their intelligence and investigative capabilities to track down: Joan Slote. Joan, as you can see from this picture, rides a bicycle. She is in her mid 70s. She is a Senior Olympian. She joined a bicycle tour of Cuba with a Canadian group.

She had no idea it was illegal for an American to bicycle in Cuba. But she went there and came back and discovered she was fined $7,630 by the U.S. Department of Treasury. They slapped her around. Shame on you for bicycling in Cuba. We will fine you $7,630.

I said to the Department of Treasury's Office of Foreign Assets Control, which is called OFAC: You ought to be ashamed of yourselves. You are supposed to be tracking financial records of terrorists, and you are tracking little old ladies who ride bicycles in Cuba. They agreed, after some embarrassment, to reduce her fine to $1,900. Then 2½ months after she sent them a check, she got a letter from a collection agency saying they were going to enforce collection, and they were going to begin to take her Social Security payments. This was after she had paid the fine.

But there are more than just Joan Slote. Let me give other examples of whom they are investigating. Cevin Allen decides to take the ashes of his dead father to Cuba to sprinkle on the lawn of the church where his father ministered. It was his father's last request. They fine him for illegal travel to Cuba. That is who Department of Homeland Security now says they will use intelligence and investigative methods to track, people who travel illegally in Cuba, taking your dead father's ashes to sprinkle on the ground in Cuba.

Marilyn Meister, a 72-year-old Wisconsin schoolteacher, she also had a bicycle trip to Cuba. She was fined $7,500. Donna Schutz, a social worker from Chicago, went on a tour, she was fined $7,600; Kurt Foster. Tom Warner, 77 years old, a World War II veteran, posted on his Web site the schedule for the February annual meeting of the U.S.-Cuba Sister Cities Association in Havana. He never even went to Cuba. But this administration, clamping down on Cuban travel, said Warner was "organizing, arranging, promoting, and otherwise facilitating the attendance of persons at the conference without a license." He did not attend the conference. And the conference was licensed by OFAC. All he was doing was posting information on his Web site. He was given 20 days to tell OFAC everything he knows about the conference and the organizations that participate in it. He has now hired a lawyer.

What is going on? We are chasing Joan Slote who rode a bicycle in Cuba for thousands of dollars of civil fines, and now the President says we want to use the Department of Homeland Security to investigate and use intelligence resources to identify Americans who travel to Cuba. It is the most preposterous thing. Have they lost all common sense?

I understand the President's announcement. That is pure politics. But ordering the Department of Homeland Security to use precious assets? Do you know that we inspect less than 5 percent of the 7.6 million containers that come into this country every year on ships. Yet we are going to use Homeland Security assets to track little old ladies riding bikes in Cuba so we can slap a $7,500 fine on them? It is unbelievable to me. Yet nobody seems to be too concerned about it. We are going to hurt Fidel Castro by limiting the right of the American people to travel.

We have enough votes to lift the travel ban. You can travel virtually anywhere else in the world. I happen to believe the best way to get rid of Fidel Castro is travel and trade. Just as we argue that is the case with Communist China, just as we argue that is the case with the Communist country of Vietnam, it is clear to me that the quickest way to change the Government in Cuba is travel and trade. That Government will not be able to resist the influences of travel and trade. It will undermine it.

But a 40-plus year embargo has failed. It is time to understand that. It makes no sense. I am wondering how many of my colleagues really support this, having the Department of Homeland Security use scarce investigative and intelligence assets to identify travelers who are going to Cuba to ride a bicycle or perhaps to take their dead father's ashes to sprinkle on the church where he ministered. Is that what we should be doing? I think not. Yet the President gives a speech aimed directly at the center of the bull's eye of Florida politics and says: We are going to tighten up. We are getting tough. I will have the Department of Homeland Security investigate and use intelligence to track Americans who travel in Cuba. It is unbelievable.

I hope we can get a vote on this. One of the reasons we may not is we may not get appropriations bills on the floor of the Senate because a half a dozen of them are through the Appropriations Committee and are not being brought to the floor. If they are here, we have a chance to offer an amendment. Without it, when they are put in an omnibus, there will be no amendments. So we will see. If there is in the future some omnibus appropriations bill that is cobbled together by the leadership in the month of October with appropriations bills that have not previously been considered on the Senate floor, we will not be able to. We will be prevented from offering amendments.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Michigan is recognized.

HEALTH CARE

Ms. STABENOW. Mr. President, I thank my colleague from North Dakota for his comments and associate myself with them as well.

As we move through Appropriations Committees, there are a number of important issues that confront us. I rise to speak to the issue of health care and add my voice to the growing chorus of people who are concerned about our Nation's health and want us to have a sense of urgency about health care.

We have just passed a bill that will allow our tax dollars to be used in Iraq for a universal government-paid health care system for the Iraqis. There are people in the United States asking: What about us; what about making sure each of us has health care as well?

There are businesses seeing their premiums double. The average small business is seeing their premiums double now every 5 years, and that is, in fact, growing even higher. Large businesses, negotiating contracts, find themselves dealing with the issue of health care as the top concern of both the business and employees.

When we look internationally at our ability to compete around the world, the health care system that is tied to employment has created a situation where our large businesses competing in the world are having more difficulties competing successfully in this competitive environment where every dollar counts. We are hearing from unusual places a call for a focus on health care, a focus on a more universal kind of system that will allow us to have the health care we want for our families and our businesses to be able to compete both within our country and around the world.

What is most disturbing is when we look at the numbers in terms of the costs going up and the number of people now without insurance. A new survey by the Kaiser Family Foundation and the Health Research and Education Trust found that employer-sponsored health insurance premiums increased almost 14 percent this year. This is the seventh straight year of premium increases and the largest increase since 1990. Premiums now average over $9,000 a year for the typical family health insurance policy. And for an individual, it is $3,383. Rising premiums are placing a very heavy financial burden on our families and are making it increasingly difficult for families to find and afford health care.

Because there is no successful plan to stimulate the economy right now, we are seeing more and more Americans go without health care and other basic needs. According to a recently released U.S. Census Report, the number of Americans without health insurance has jumped by 5.7 percent to almost 44 million people. That equals the populations of 24 States plus Washington, DC. Think about that. The number of people who are uninsured now equals the population of 24 States and Washington, DC. If this is not a crisis, if we do not need a sense of urgency, I don't know when we will, when we look at what is happening.

Families U.S.A. has done their 2001–2002 survey and determined that in Michigan 2.3 million Michiganians under age 65 went without health insurance sometime within that year. That means one in four people in my great State of Michigan, under the age of 65, went without health care during this time period. This is not acceptable and we need a sense of urgency about these issues.

Who are these people? Well, the majority of them are working. Actually, more than 80 percent of the uninsured live in working families. The majority of those who are uninsured are working. So this is a small business issue. This is an issue of people who are working but are not in businesses that can afford health insurance themselves for their employees, which is why we need to tackle this issue working with our small business community as well as our large business community.

When one member of a family is uninsured, it can affect all of the family and their quality of life. We know many young people going out into their first jobs are not insured and run a high risk of something happening and of their not being able to deal with it in a productive way.

One of my major concerns right now, as we move forward in the work on a Medicare prescription drug benefit, is that we not forget that there are important parts of cost containment in that legislation that would affect all of those who need health insurance, or have health insurance. We know that about half of the reason the cost of insurance premiums is going up for businesses right now is because of the cost of prescription drugs.

So one of the primary ways we can help businesses to be able to afford health insurance and be able to provide more opportunities for people to have health insurance is to lower the price of prescription drugs. The average prescription brand name drug is going up faster than three and a half times the rate of inflation. So when we look at what we are debating right now under Medicare, there are two very important focus areas for us. One is to eliminate patent loopholes that stop patents from coming to an end and allow lower cost, unadvertised brands to be able to go on the market through our generic drug process.

We passed a bipartisan bill in the Senate not once but twice since I have been here in the last 2½ years. This needs to be passed by the entire Congress and put on the President's desk this year, whether it is part of the Medicare conference report or whether it is done separately.

We also know that if we create more competition by tearing down this artificial border which doesn't allow Americans to purchase safe FDA-approved prescriptions from other countries, particularly Canada, where we know their supply chain and safety processes are virtually equivalent to ours, if we do that, we can also create great competition to lower prices.

There are a lot of stories right now in the paper about concerns about the safety of prescription drugs at home as well as abroad—legitimate issues that deal with what is happening with wholesalers in our country, issues that need to be addressed by the FDA and all of us. We need to be increasing the ability for the FDA to have the inspectors and enforcement powers against those kinds of activities that create unsafe medication.

But when you talk about the issue of what has been called importation, we are talking about a process that allows the local pharmacist, the licensed pharmacist at the local pharmacy or the local hospital, to have the same ability to do what every part of the pharmaceutical industry does right now, which is to do business with those in another country and bring a supply chain of prescription drugs back to the local pharmacies.

The reason we are seeing so much activity now, so many ways people are trying to find prescription drugs that are affordable to them, is because prices are too high. The fact is that people cannot afford their cancer medicine, their blood pressure medicine, and those other kinds of medicines they need to be able to live productive lives or, in many cases, be able to survive.

The reason we are seeing so many people looking for other ways to find prescription drugs is because the prices are too high. We need to work together to have a system with integrity and with safety, that creates a product that is affordable, that creates a product that can be available to our citizens who desperately need these lifesaving medicines.

If we do that, we address half the reason health care costs are rising. We then need to focus on the question of the uninsured and how we partner to be able to make sure people have access to health care, so we can bring those prices down.

In closing, we need a sense of urgency about health care. We need a sense of urgency here just as every business, every employee, every family has a sense of urgency about health care now and whether it will be available to their families. I hope we will make that a top priority for this Senate.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Delaware is recognized.

Mr. CARPER. Madam President, before the Senator leaves the floor, I have observed that she has been diligent in continuing to focus on health care issues, including our need to somehow effect and moderate the growing cost of health care in this country. She has seen an exodus of manufacturers out of her State and millions of manufacturing jobs from the United States. Among the reasons why they are leaving is the extraordinary cost of health care. Companies also tell us they are considering other places to locate and do business because of litigation costs, legal costs that flow out of the costs of doing business in our country. Those costs could deal with asbestos litigation, which has taken down now over 60 companies that have gone bankrupt.

Unfortunately, a lot of people who have been hurt or exposed to asbestos haven't gotten the kind of money their families deserve, and people who haven't been sick have taken away money from those who need it.

Another area with respect to legal costs that will get a lot of attention on this floor this week is the cost of class action litigation and whether or not the way our class action system works in this country is appropriate or needs to be changed.

Let me say from the outset that I think when a person is hurt or damaged in some way by the acts of another person or a company, that person should be compensated. They should be made whole. When a number of people, or a class of people, are hurt or damaged in some way by the actions of a company or business, that class of people should be compensated and made whole as well.

I submit to my colleagues today that our sense of balance, though, has been lost. We are seeing national class action litigation not taking place in Federal courts but in many instances taking place in local courts with locally elected judges against defendants from other States.

When the Framers of our Constitution provided for a Federal judiciary, one of the reasons they did so was to say when you have plaintiffs in one State and you have defendants in another State, just to make sure there is an objective legal system, we need a Federal judiciary to help provide for that leveling of the playing field.

All too often today national class action litigation pits plaintiffs in one State and defendants in another State in a local court where you have a locally elected judge whose election or reelection depends in no small part on their ability to satisfy the plaintiffs within their State. We've just lost our sense of balance.

There have been efforts for five years now to try to make changes with respect to class action litigation. It started out far different than where it has ended up. The current bill is much more moderate than those that came before it. Also, there is no effort with this bill to cap noneconomic or attorneys' fees. There is no effort to limit joint and several liability.

I want to talk about the bill that will come to the Senate floor if we agree to the motion to proceed tomorrow.

First of all, the legislation that will come to us is not perfect. It might need to be amended or changed further. It is certainly not the final product, but it is a good starting point. If we agree to the motion to proceed tomorrow—it takes 60 votes—we will have the opportunity for those of us on our side, the Democratic side, and the Republican side, to offer amendments, to have a full and open debate and decide whether or not we are going to change the bill. It can be improved, and I certainly will support amendments. I may talk about those later today or tomorrow.

Let me take a minute to describe the legislation that may come to the floor. The issue we are trying to get at is venue shopping, where you have, in some cases, litigation that is being brought and litigation of national scope that ought to be in a Federal court, where the attorneys who brought the lawsuit are looking for a venue where they can get a friendly judge and friendly jury.

In some places, it is almost a cottage industry, whether it is Madison County, IL; Jefferson County, TX; and other places, such as Alabama and Mississippi. There is a perception that a defendant is not going to get a fair shake in a national class action litigation in those venues.

The PRESIDING OFFICER. The time controlled by the minority for morning business has expired.

Mr. CARPER. I thank the Chair. I will have more to say about this later today.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Madam President, I ask that the next 15 minutes be equally divided between the Senator from Idaho, Mr. CRAIG, and the Senator from Oregon, Mr. SMITH.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho.

Mr. CRAIG. Madam President, I and my colleague need to be off the floor by 10:30 a.m. Will the Chair alert me when 5 minutes have passed?

The PRESIDING OFFICER. The Chair will so notify the Senator.

ENERGY AND THE ECONOMY

Mr. CRAIG. Madam President, I am here this morning to talk about the reality of U.S. prosperity and how it is so closely tied to a reliable, affordable energy supply. The U.S. economy has suffered for the last 3 years because of severe energy price fluctuations. Energy supplies have often been barely adequate and, in most instances, in high demand. I believe failure to enact an Energy bill will have dire consequences on all Americans, especially our economy, our workforce, and those who are building the American dream.

There is a growing sense of urgency amongst American manufacturers, small businesses, and others that they simply cannot remain competitive unless we have enough reasonably priced energy to meet their demands at a time when certain costs in our energy sector are skyrocketing, and that, in my opinion, has been a major factor in contributing to the prolonging of a recession.

Rising fuel costs helped cause the deepening of the recession in the past four recessions we have recorded: In the 1970s, in the early 1980s, in 1990 and 1991, and now the 2000 recession. When we look backward, when we talk with economists who study this issue, all of them will tie it to a spike in energy prices and the cost of energy rippling across the economy.

Abundant, affordable energy stimulates economic growth. Fluctuating energy prices have cost America many jobs in the last 3 years. The manufacturing sector has experienced over the past 2 years consecutive job losses, having lost over 2 million jobs. The National Manufacturing Association said that it has been caused in significant part to energy price spikes in 2000.

During the winter of 2000 and 2001, natural gas prices skyrocketed. Curtailments became common in the

Northeast and in the upper Midwest. Skyrocketing natural gas prices of last winter went even higher than 2 years ago. Now many companies that have tried to secure this gas are shutting down simply because they can't afford to blend it into their stream. They can't afford the costs, and their product produced by it becomes noncompetitive. As a result, significant job loss has occurred.

The U.S. chemical, plastics, and fertilizer industries have been among the hardest hit, largely due to their dependency on affordable natural gas in the face of fierce international competition.

Electric utilities continue to build natural gas generation. Houses continue to be built and are plugged into the gas lines.

The Energy bill we are working on will both save jobs and create jobs by bringing affordable natural gas out of Alaska. The Presiding Officer certainly knows about this. Some 35 trillion cubic feet of natural gas can be brought to the lower 48 States. That and the construction of that pipeline could well create over 400,000 jobs. Federal royalties could flow from it at $48 billion, a new Federal revenue to reduce our deficit and again create jobs.

The Energy bill we are completing in conference calls for the investment of hundreds of millions of dollars in research and development in new energy technologies. This investment creates new jobs in engineering, math, chemistry, physics, science, and all related fields are tied into this kind of investment, this kind of development.

The bill increases America's stake in nuclear energy, encouraging the construction of a Federal advanced nuclear reactor for the production of electricity and hydrogen and new technology, driving that industry forward and, once again, allowing America to lead the world in this kind of technology, this kind of advancement: Clean, manageable, safe forms of electrical production.

Our bill will facilitate the expansion and the modernization of our national electrical grid. It will create additional opportunities for investments in pipelines and transmission lines and encourage the private investment in electricity transmission—all this creating more jobs.

The Energy bill will provide $2 billion in investment and clean coal technology, creating engineering and research jobs. The investment also protects existing coal mining jobs and processing jobs to ensure the longevity of the American coal industry.

We protect jobs in the gas and oil industry by encouraging deep well exploration of oil and natural gas at a time when domestic oil production is dropping and that level of production is flat.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. CRAIG. I will proceed for 1 more minute.

By stimulating our production of oil and gas, we not only produce the energy necessary to fuel our economy, we not only protect tens of thousands of jobs, but we will create abundant new jobs.

Lastly, we had Federal Reserve Chairman Alan Greenspan, who spoke before the Energy Committee, both of the House and the Senate, and he said:

> It is essential that we do not lose sight of the policies needed to ensure long-term economic growth. One of the most important objectives of these policies should be an assured availability of energy . . . Developments in energy markets will remain central in determining the longer run health of our nation's economy.

We all understand that. Now is the opportunity and the time to finalize a national energy policy, to pass it out of the Congress and put it on our President's desk. It is our future. It is one of the greatest job creators on which the Senate will ever vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

THE ECONOMY

Mr. SMITH. Madam President, along with my colleague from the State of Idaho, I will talk in morning business about the economy. We have heard for 2½, nearly 3 years of the Bush Presidency that President Bush is responsible for the economic downturn. Little is said about the economic facts that existed when he took his oath of office; specifically, that the economy was in a tailspin, that Wall Street had lost at least $7 trillion of equities, and unemployment was rising dramatically.

Indeed, President Bush inherited a situation that was not of his making and frankly not even of President Clinton's making, because we had witnessed the bursting of a stock market bubble and the dashing of hopes of tens of thousands of pensioners all over this country.

It is a fact of political life that politicians are given too much credit and too much blame for the natural, immutable cycles of a free market economy. The latest casualty in this judgment on politicians is probably Governor Gray Davis of California. I remember during the heydays, the bubble days, California was held up as the miracle model and Governor Davis was hailed as a hero. He accepted the credit.

I heard, with some pain, frankly, the other day when he acknowledged how much economic trouble they were in and that he had gotten too much credit for the good times and now was getting too much blame for the bad times. Guess what. Governor Davis was right. The truth of the matter is we in public life do not control a free market economy, and if we ever do, we will have a socialist economy which will ill serve the American people.

Before I came to this Chamber, I ran a business. On a seasonal basis, we employed as many as 1,200 people. During the Reagan years, they were boom years; they were wonderful years. In trying to expand my business, I always remembered the factors that helped me make a decision whether to invest in a new piece of equipment or to acquire another plant. It had little to do with who the President of the United States was. It had little to do with the fact that I was proud that Ronald Reagan was my President.

Two of the factors Government did have an impact upon, beyond regulation, were interest rates, which are controlled by the Federal Reserve, and taxes, which are controlled by the Congress and the President.

In those days, taxes were coming down, interest rates were falling, and the American economy was booming. Then during the Clinton years, there was a business correction under President Bush. As President Clinton took his oath of office, the American economy again boomed with productivity and prosperity, and President Clinton was great to take credit for the conditions of our free market economy but wanted nothing to do with its collapse as he left the Presidency. Again, too much credit, too much blame, for President Clinton and President Bush.

As I listen to those who aspire to the Presidency to replace our current President, I hear them speak of the Bush economy in the most derisive of terms, but I wonder how they are beginning to factor in all the good news that is beginning to come out about the American economy, as the immutable cycles of supply and demand, the falling of tax rates, the falling of interest rates, are beginning to show up in the lives of the American people. How will they deal with the fact that consumption has been rising and topped 12 percent on an annual rate last month, and that has the potential to translate into economic growth, GDP, of 6 percent? I suspect it will probably top out somewhere around 4 percent, but that is a very healthy economy. How will they deal with the fact that jobless claims are falling, and quickly, in many parts of our country? In fact, jobless claims are now lower than they were in February.

More good news: production in our Nation's factories has increased, not decreased. Home-building starts are now at record levels. Over 1.9 million new homes on an annual basis are on the books now and being built as we speak. This is the second highest level of home building in 17 years.

I believe consumers understand that things are improving and there is reason to feel that once again morning is coming to America and good days are ahead. But we can yet do more. I think we can do that in the FSC bill that has gone through our Finance Committee and is now in a conference committee. It contains a feature I helped get into the bill, as a most important provision, called repatriation. This is a provision that will bring at least $300 billion of new investment in the next year into the United States. What does it mean to companies in Oregon such as Nike, Intel, and Hewlett-Packard, which are our biggest employers? It means they can bring these foreign profits back for investment in American jobs.

Some say it is not good tax policy. Some say it is not fair. I say, do we want the jobs or do we not? If one wants to understand what this means in very real human terms to this country, recently Dr. Allen Sinai completed a study on what repatriation would mean to this country. He said it would mean up to 650,000 additional jobs created in the first 2 years. He said $70 billion of the deficit would be eliminated. He said that increased GDP could be enhanced by 7 to 9 percent by 2005. He also said business capital spending, primarily of equipment, could peak at $75 billion by 2005. We can do more and Government should do what it can. It cannot control the cycles of supply and demand, but we can keep downward pressure on interest rates. We can keep downward pressure on taxes. We can keep rules and regulations reasonable and we can allow the genius of the American people to be manifested again in a free market economy.

Finally, I think it is very important to note that our friends on the other side who say the key to American prosperity is to invest in public things, in public investments, are right at the margins, but they are not right at the center. What makes America work is entrepreneurial spirit with the right environment to invest to produce quality products we can afford, and to provide a service that makes us happy.

Ultimately, those who come with great jobs bills of public works—if that really could make an economy hum, then Japan would be leading the world and many European countries would be leading the world because they have fallen for this short-term, sugar-coated candy that says the government can do it, private industry does not need to do it, and it can be done through public works. If that were true, then the New Deal would have ended the Great Depression, but it did not. World War II did.

If that were true, then Japan and Europe would be leading the economies of the world instead of waiting for the American free market economy to begin taking off again.

In conclusion, I think the good news is the American economy is beginning to hum again. For that, I am very thankful.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Wyoming.

Mr. THOMAS. Madam President, I will take the remainder of our time to talk a little bit about jobs, an issue that has been highest on our agenda on this side of the aisle for a good long time, and continues to be. First, I have to react a little bit to some of the comments that were made earlier about moving forward. I am very frustrated that each bill brought to this floor is slowed down either by objection or by a week's discussion and debate of amendments. Of course, everyone is entitled to offer amendments. But when you have to stay with a bill that is fairly simple and be there for a week and a half and then complain about not getting our jobs done, that is sort of ironic.

Obviously, we have at least four things that need to be done in the next several weeks. We have to continue the supplemental bill to pay for our Armed Forces in Iraq as well as to get Iraq in a position to allow us to leave and take care of themselves.

We do have appropriations left. We have six that are not done yet. So we do have to worry about that and move forward.

We have the opportunity to do something with health care, particularly pharmaceuticals and Medicare, and we are in a position to do that.

We also have an opportunity to do more with energy than we have done for a very long time. I recall, having been on the Energy Committee both this year and last year, when we were in conference. We had a conference last year, you recall, and never succeeded in getting the bill finished.

So we have some real challenges. Frankly, I have become surprised at the kind of reaction we get off the floor, that almost every issue is designed to be critical of the Bush administration. What we ought to be doing is doing our job, to do the things that need to be done and that are pending for us to do and that we can do and will do some great things for the country.

I would like to talk a little about jobs. Of course they are most important to all of us. There are some good signs in the job market. The Labor Department reported on October 3 that employment rose by 57,000 last month, the first increase since January. The unemployment rate held steady. So we seem to be having some signs of getting that job situation back where we would like it to be.

We have had on our agenda a list of things that are designed to help create jobs and, as the Senator from Oregon indicated, the economy is what creates jobs—not the Government. But we can do things that help stimulate the economy which cause job growth.

One of them that is most important, and that has already been talked about by my friend from Idaho, an issue that is very important to me, is energy security, the Energy bill. Energy security for this country means job security and the creation of jobs.

The comprehensive Energy bill we are talking about here has been scored to have about 700,000 jobs that could be accentuated and could be encouraged by the passage of this bill. Many of the jobs will come from construction. Some have to do with the possibility of a pipeline in Alaska. Others have to do with domestic production.

Of course, energy has a great deal to do with our whole business community, our whole business interest. Everyone relies on available and affordable energy. Certainly one of the things we have to continue to recall is we have become almost 60-percent dependent on foreign oil. We need to do something about that. We have seen our gas supply in great demand and the prices rise while at the same time we have resources of gas that can be made available. We need to encourage that development.

We have an Energy bill that is quite balanced, it seems to me. We talk about research that will make coal more clean so we can use the coal, which is our largest fossil resource that we have available to us for electricity.

We have renewables in there. We will continue to work on electric energy created by wind and make that more efficient. We have some things in there for conservation. We can make better use of our energy and certainly that ought to be important to us as well.

In addition to that, and perhaps more important in the short term, is to increase domestic production. To do that, one of the opportunities is to make it economically possible for those who are developing it through some tax changes. Those seem to be held up now. We are hopeful we can move forward and get that job done. It is available for us to do immediately—this week, next week. We can get this done for the first time in a number of years.

There are other items on the agenda that have to do with jobs. There is tort reform, asbestos litigation reform—which is available now to come to the floor. There are different views about that, of course. There is nothing wrong with that. But the fact is that would create new jobs by allowing companies to divert some of their dollars from litigation toward new investment, which creates jobs. The litigation defense costs are tied directly to offset expenditures relating to 138,000 jobs that could be replaced if we can do something about those distortions in the economy.

Class action reform is here. In fact, we are going to vote on the opportunity to proceed with it tomorrow because it has been stopped by the other side of the aisle. Here again, class action litigation causes a good deal of confusion and uncertainty about the marketplace. Industries do not know whether their money is going to be available for expansion and investment or whether it is going to have to be saved for payments on those things.

We have the workforce investment reauthorization. This will improve job training by focusing on core skills and encouraging effective cooperation among job training partners so people will be better prepared to take on the jobs that are available. Certainly what is happening in this economy is it is a more high-tech economy and more training is needed.

We have the Foreign Competitiveness Act, which we are dealing with now in the Finance Committee, where the tax situation we have now has caused a WTO objection. But we can change that so it does fit into our foreign trade operation and at the same time continue to create more jobs and to have businesses do better.

The Small Business Administration bill is there. That would help ensure that SBA programs will continue to provide products and services essential for small businesses. That is where most of our jobs are, particularly in a State such as mine, Wyoming. Almost all of our jobs are small businesses. So the SBA bill is certainly extremely important.

The Homeland Investment Act is pending, too. That allows the Internal Revenue Code to change with the objective of encouraging reinvestment of foreign earnings in this country. You would be surprised at the amount of money that is involved, if we allowed companies that do some of their work overseas to take some of their profits home with a reasonable tax payment, and we would have more money for investment.

So we have a lot of things to do. We have some great opportunities. Jobs certainly has to be the priority for all of us. The stock market is great. We love to see that grow up. But the fact is, jobs are the key to our success. We want to continue to improve there.

Finally, let me say quickly that I certainly hope we can come out of the committee and finish our work on the supplemental to supply funding for our Armed Forces overseas and to do something in Iraq so we can move ahead.

I had the occasion to be in Iraq and Afghanistan a week ago for a week. Certainly it was an interesting situation. There is a little different view there than what you hear from here. Certainly our troops have done an outstanding job, and continue to do an outstanding job not only on the war, not only on terrorism, but also helping to rebuild. We, obviously, have some continuing problems there with terrorism and that has to be handled, but we are moving toward having the Iraqis and their own police force moving into that.

But my point is, I hope we can get over there and put Iraq more quickly in a position to take care of themselves so we can bring our troops home. In terms of overall expenditure, that of course would be our greatest saving.

I yield the floor and yield back the remaining time we have in morning business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany S. 3. The clerk will report.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion, having met, have agreed that the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

(The Conference Report was printed in the House proceedings of September 30, 2003.)

The PRESIDING OFFICER. Under the previous order, there will be up to 4 hours for debate equally divided between the majority leader or his designee and the Senator from California or her designee.

The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I would like to enter into a time agreement for the first portion of the time allotted in this debate. I ask unanimous consent I be given the first 20 minutes until 11 o'clock; following that, the Senator from California be recognized for 20 minutes; following the Senator from California, the Senator from Alabama, Mr. SESSIONS, be recognized for 10 minutes; following the Senator from Alabama, the Senator from Kansas, Mr. BROWNBACK, be recognized for 20 minutes; following Senator BROWNBACK, the Senator from California would then be recognized for 30 minutes. We will stop there and go from that point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I have a question. That would take Senator BROWNBACK until 11:40 or 11:45?

Mr. SANTORUM. To 11:50, and the Senator from California would have until 12:20.

Mrs. BOXER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, we are here today on the verge of something the United States has done on two previous occasions; that is, pass a conference report to ban a partial-birth abortion procedure to be done in the United States of America. The only difference this time is we have a President who has said he is willing to sign this legislation. This is a very important day for this country and for those babies who would be the object of this brutal procedure. Having it banned in the United States of America is a historic event and a step forward in human rights for this country.

We have overcome two Presidential vetoes but now have a President who will sign this legislation.

The other thing that stopped this legislation from moving forward and becoming law was the United States Supreme Court decision in the Nebraska partial-birth abortion case. We have addressed those issues. There were two issues the court cited as its reason—in a 5-to-4 decision—for finding the Nebraska partial-birth abortion statute unconstitutional.

Those two reasons were, No. 1, that the statute was vague. We have amended the language of this statute to make sure that the description of a partial-birth abortion is clear to include only those types of abortions and not other late-term abortion procedures, which was the concern of the court. We did so by a couple of things, but the most essential part was that the court found that the prior description could have included other forms of abortion because during other types of late-term abortion procedures there may be a portion of the baby's body that at some point during the abortion procedure may come outside of the mother.

As a result of that, this could have been broadly construed to abolish those procedures, also.

In our language we are very clear. We say that the term "partial-birth abortion" means an abortion which the person performing the abortion:

> (A) deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, [all new language] the entire fetal head is outside of the body of the mother, or, in the case of breech presentation, [that is, feet first] any part of the fetal trunk past the navel is outside of the body of the mother . . .

Now, that specificity of talking about the way in which the child is delivered and then killed is fundamentally different than anything we had before. All we said before was that some portion of a living, intact fetus must be outside of the mother. That, the court found, was a little too vague for them. It could have included other types of abortions. So we are being very clear. There is no other abortion procedure which the entire fetal head would be presented with the child still being alive out of the mother, or the child would be delivered all but the head at this point and then be killed. There can be no confusion as to what procedure we are talking about in this case.

We believe with the language we have put in this bill we have now solved the constitutional problem of vagueness.

The second issue is the issue of women's health. We have a substantial section of findings in this legislation. Much of those findings occurred since the case was tried at the district court level of Nebraska, which was the record upon which the Supreme Court made its decision. There has been a substantial amount of evidence that has been printed in the record in Congress at congressional hearings that show not only the overwhelming weight of evidence but the dispositive weight of that evidence in this procedure is never—I underscore never—necessary to protect the health of the mother.

So the court found there needed to be a health exception because there may have been, according to the record they looked at in the Nebraska case, there may have been an instance in which this could have been necessary.

We have, without question, clarified that record to make sure that the court knows that there is no medical evidence out there that this procedure is ever necessary to protect the health of a mother, and therefore falls outside of Roe v. Wade where a health exception is necessary. In fact, the overwhelming weight of medical evidence suggests this is a dangerous procedure, a much more dangerous procedure for a woman than the other abortion procedures that are used at this time in pregnancy.

We believe this bill is constitutionally sound and obviously very necessary from the standpoint of who we are as a society and, I argue, for just basic human rights.

The question is, Why are we doing this? Let me describe the procedure. I did not do that when we had the conference report being moved to conference, but I think it is important for people who may not be familiar with this procedure to see this procedure. I hope sensibilities are shaken to the point where I do not have to explain why we want to ban this procedure; that by going through this procedure and showing what happens to a baby who is at least 20 weeks of gestation—in other words, at least halfway through the pregnancy; with 40 weeks gestation, this is at least 20 weeks, and in many cases, 21, 22, 23, 24 weeks, and in rarer cases, beyond that—but these are babies who would otherwise, had they been delivered, be born alive.

Now, in the case of 20 and 21 weeks, the chance of them surviving are not particularly high, although there are cases in which babies at 21 weeks have survived. But the point is these are children who would otherwise be born alive, and the people who perform these abortions, the abortion provider organizations, have testified that these abortions are performed on healthy mothers with healthy children. These are healthy children who otherwise would be born alive had this procedure not been performed on them. I put that in the context of this is what we are doing to healthy children, with healthy mothers who otherwise would be born alive. These are children who, again, the medical evidence has been presented, that experience and feel pain.

The partial-birth abortion takes 3 days. That is the normal time. What the doctor does when the mother presents to the abortionist—and I say the "abortionist" because these are only done—again, this is clear from the record—these are only done in abortion clinics. The person who designed this procedure did so, and he testified to this, for his convenience because he can do more of them quicker. He can do more abortions more often. He is in business. These late-term abortions are more complicated than earlier term abortions, and they take more time using other methods, so he designed a method that would take less time. So this method was designed not to protect the health of the mother.

In fact, it is less healthy; it is not to protect the mother's life. It is never done in the case of an emergency.

You would not do this in the case of an emergency because it takes 3 days to do this. It is done for the convenience of the abortionist, for them to make more money.

So this procedure was designed for the mother to be presented, to be given something to help dilate the cervix. So when the mother re-presents in a couple of days, her cervix is dilated, the doctor has access to the baby at this point.

What happens is, the doctor then takes the baby—because usually at that gestational age the baby is in a breach position—and goes into the uterus and grabs the child by one of the limbs, usually the leg or the foot, and then—if the next chart will come up—pulls out the baby through the birth canal, feet first.

Now, I have been blessed to have my wife deliver seven children. One of the fears of any pregnancy is having the child being in a breach position. Every obstetrician knows, everybody who has ever gone through a pregnancy knows, that a breach position is a dangerous position for the baby to be in; it is not the natural position to deliver a child. So what we are doing here is performing a procedure that is inherently dangerous; that is, delivering in a breach position.

So you are pulling the baby through the birth canal. Again, this baby is alive. If the baby is not alive, it is not a partial-birth abortion under the definition of the statute. The baby has to be alive and intact. So the baby is being pulled by these forceps from the mother.

Again, it is being pulled out completely—and, again, the definition that is in the statute—until the trunk is exposed, at least past the navel. So at least the lower extremities of the baby are exposed outside of the mother. As such, the term "partial birth" comes from the fact that the baby is partially born, is in the process of being delivered.

The physician—as you can see—is holding the baby in his or her hand. This child weighs about 1 pound. This is a fully formed baby. It is not completely formed, obviously, because it is of only 20 weeks gestation, but hands, arms—everything—legs, toes, ears, et cetera, all these things you see here, that is what a baby at that gestational age looks like. And the relative size, vis-a-vis the size of the hand, is a pretty accurate depiction. This is not a cartoon. This is an accurate scale medical drawing.

As you can see from the next depiction, the baby is born, really, with the exception of the head. The thing that grabs at me is, here is this child who is literally inches away from being born, who would otherwise be born alive, and in almost all cases is a healthy child—it is not being done for any health reason of the mother or life reason of the mother; it is simply being done because the mother wants to terminate her pregnancy very late in the pregnancy—and the doctor has to hold this living child in his or her hand, with the heart beating, with the baby, who is probably in shock at this point, but moving and alive.

Then what the procedure calls for is these scissors, called Metzenbaum scissors. The doctor feels up the baby's back. The doctor finds the base of the skull and then takes these sharp scissors and probes in to find the point right at the base of the skull—and, as you know, a baby's skull is soft. So they take these scissors and they thrust them into the baby's skull.

Now, Nurse Brenda Shafer, who has testified before Congress, said that when that thrusting action took place, she saw the baby's arms and legs spasm out like this—like a baby you would hold, and if you pretended you were going to drop the baby, how the baby sometimes would spasm their arms and legs out like that. That is what she said happened.

Then, as you see from this picture, the baby's arms and legs go limp, because when you thrust a pair of scissors in the back of baby's skull, you kill the baby.

But that is not enough. Now we have to remove the rest of the baby. So what the abortionist does is take a suction catheter, a vacuum hose, and, in the hole created by these scissors, they place a vacuum hose, and they suck the baby's brains out to collapse the skull. It is a soft skull. At that point, the rest of the baby can then be removed from the mother's womb.

This goes on in America virtually every day, maybe more than once or twice a day, depending on whom you believe, anywhere from a few hundred times a year to a few thousand times a year. We never have very good information because the very people who collect that information are the people who oppose this procedure being banned, so they try not to publicize too much about what they do.

But the fact is, if it occurred once in America a year, this kind of treatment to an innocent child, who would otherwise be born alive—was healthy, with a healthy mother—there is no excuse for it.

So when people ask the question, "Senator, why do you keep bringing this procedure back up to the Senate floor; it only stops one procedure; you are not banning other procedures that are used," my answer is, "Because this is horrendous."

In America, whether we like it or not, we are the beacon of freedom, but in many cases we are also the model of what is right and just. The world looks to us as Americans, as free people, as people who, probably uniquely in the world, get a chance to determine what our law should be, what our collective morality should be, what our culture looks like because of the enormous freedom we have.

The heart and soul of America is reflected through our laws, unlike other countries that do not allow that democratic process to work so effectively. So when America passes laws, or when America allows certain behavior to occur, the world looks at that law or that behavior as supported by the collective consciousness and morality of the American public.

When they see this, what do they think of us? What do they think of us? What kind of culture do you think the rest of the world thinks America is all about? What kind of morality or ethics do you think the world thinks America is all about when they look at us and see that we allow this to be done to innocent little children?

So I think it is important for us to have laws that proscribe things that we would not want our children to see, that I know a lot of people do not want their children to see. My goodness, this goes on and you want little children to see this? We don't want the rest of the world to see that we allow this kind of brutality to occur to innocent little children.

So the answer is, we need to do this for ourselves. We need to police ourselves in what we are going to allow in our culture. We cannot allow this kind of brutality to corrupt us, to corrupt our soul. And that is what it does. It makes us a much more brutal and harsh country if we stand here and say, yes, for whatever reason, we are going to allow this to occur. It coarsens us, it dulls our senses, and that dulling of the senses has a corrupting effect on not just how we treat little ones here but how we treat each other in every aspect of our lives.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from California.

Mrs. BOXER. Mr. President, do let me know when I have 2 minutes remaining out of my 20 minutes.

The PRESIDING OFFICER. The Chair will so advise the Senator.

Mrs. BOXER. Mr. President, I stand before my colleagues as a Senator from California but also as a mother who had two complicated pregnancies and two wonderful, fabulous children, and also as a proud grandmother. I stand before you to tell you this is a very sad day for the women of America, a very sad day for the families of America, because what is about to happen here is this Senate is about to pass a piece of legislation that for the first time in history bans a medical procedure without making any exception for the health of a woman. This is a radical thing that is about to happen.

Let's clear something up for the record. When the clerk read the bill, she said this is banning something commonly called partial-birth abortion. There is no such term in medicine as partial-birth abortion. There is either a birth or there is an abortion. There is a miscarriage. There is no such thing as partial-birth abortion. It is a made-up term to inflame passions.

My friend knows very well, if he was willing to agree to a health exception to protect the health of women, if he would have sat down with us on our side, we are ready to ban all late-term abortion. We are ready to ban all late-term abortion on our side, as long as there is an exception for the life and the health of a woman, which is the centerpiece of Roe v. Wade. If he was willing to do that, we would not be taking the time of the Senate. This would be done.

This is more a case of wanting to keep an issue alive out there to make people believe those on the other side are cruel, whether we are mothers or grandmothers or aunts. That is what it is about. It took me a while to figure that out. But once I saw this bill come back to us in this form—clearly unconstitutional, clearly without a health exception, clearly vague, and all those who have discussed this with me tell me it is clearly going to be declared unconstitutional because it is practically identical to other bills that have been declared unconstitutional—I saw what this is about. This is about politics. That is what I believe. Because we could have a bill today, as long as we protected the health of the women of this country.

Why would anyone in this Chamber be so callous as to pass a law knowingly keeping out a health exception for women? Well, if you listen to my friend's words and you hear the words he uses, you will understand why this is happening from the other side. My colleague uses the term "killing the child." As the author of the Violence Against Women Act and the Violence Against Children Act, I take deep offense at that language—deep offense. Women do not want to kill their child. Women who have had this procedure have come to the Congress, have begged Members of Congress: Do not pass this without a health exception for the mother. If I didn't have this procedure, I would have been made infertile.

I am going to go into those stories later in the debate. But here is the situation. If you listen to the language "killing the child," you must come to the conclusion my colleague believes abortion is murder and women are murderers and doctors are accomplices. I thought we moved away from that when Roe v. Wade became the law of the land.

Why are we here today? I will be honest with you: because I didn't want this bill to go through, and neither do people who believe women are important. Women deserve to have their health and lives protected and their fertility protected and their organs protected. Women want to take a look at what this debate is all about. I have already told you we were willing to go down the aisle with my friend and ban this, as long as it was not vague and had a clear health exception for women. Forget all this other talk about how cruel we all are. We were ready to do that. But no, my friend and his colleagues had to keep this thing going. It is their way or the highway.

Forget about what the Supreme Court has said about vagueness. Forget about what the Supreme Court has stated many times. This is basically a Republican court that has upheld Roe v. Wade.

With the next breath my colleague says: This bill is consistent with Roe v. Wade. It doesn't do anything to Roe v. Wade.

If that is the case, why in the conference—and I was a conferee along with the Senator from Pennsylvania—did they say—and they run the Senate and the House and the White House—we are taking out the Senate amendment authored by TOM HARKIN which simply said: The Congress believes that Roe v. Wade ought to be upheld?

There are two things in my friend's verbiage that show exactly what this is about. One, the term, used over and over again, "killing a child," which gives me a very chilling feeling that what this whole thing is about is eventually saying women are murderers and should go to jail, and doctors are their accomplices and they should go to jail. When you listen to verbiage, you hear a lot around here. And then, no problem, this bill, he says, is just in concert with Roe v. Wade, even though there is no health exception because they declared, in writing this bill, that this procedure is never necessary to save the health of a woman, which I will prove to you is made up.

The Senators on the other side who are pushing this are not doctors. There is one, but he is not an OB/GYN. I would rather listen to the doctors. I would rather listen to the health organizations rather than my friend from Pennsylvania. I like him. We are friends. That is not the point. We just strongly see this very differently. And we will continue to see this very differently as this issue goes on and on.

There we are. We are sitting in a conference committee. Here is where we are. The House and the Senate passed different bills. What was different about our bill, S. 3? Senator HARKIN put in language, and the Senate voted on it twice—twice: once was unanimous, once was a majority—to keep Roe v. Wade in the bill, a simple statement of support of Roe. So I come to the conference committee ready, along with Senator FEINSTEIN, and other Congress people, to debate this issue. After all, my friend says here, we don't have any problem with Roe. This has nothing to do with Roe.

Fine. Let's keep it in the bill, folks, a sense of the Senate that Roe v. Wade should not be overturned. The Senate voted for it twice.

Let me tell you how long it took them to kick that amendment out. It was about 5 minutes. Not even a real discussion, not even a discussion about an amendment that passed this Senate twice, not even a discussion about a law which was a landmark law which passed in 1973, which has been upheld by the Supreme Court over and over and over. That is the kind of attitude you find from the other side when it comes to a woman's right to choose. They threw out Roe v. Wade faster than you could blink an eye. That is what they want the Court to do, and that is what this bill is about. That is why I want to take time here.

I know this thing is going to pass. I know exactly that it is going to pass. I have respect for that. I wish my friends would have respect for the fact that Roe passed also and leave it in this bill, so we do not send a confusing signal to the women of this country that their health no longer matters.

The Senator from Pennsylvania says, no problem, there is no reason ever to use this procedure. Let's look at what some of the doctors' organizations say. Let's hold up some of our charts on that. I will tell you something: I never dreamed I would be down here with Senators who think they know more than doctors, but that is what happens. Let me read you a statement by the American College of OB/GYNs:

> Especially for women with particular health conditions, there is medical evidence that D&X [that is the procedure being banned] may be safer than available alternatives. A select panel convened by ACOG concluded that D&X may be "the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman."

Look at this. You are in the Supreme Court and you are hearing this case, S. 3; this bill is coming before you. They are going to quote Senator SANTORUM that never is this needed to save the life—though he will not say that—of a woman. It is not a problem. Are you going to believe Senators or the doctors who deal with this every day of their working lives? Common sense tells me, when I want to go to the doctor, I don't go to the Senator from Pennsylvania. We might have a nice chat about things, a good political talk, but I don't want him telling me or my daughter; I want a doctor who knows what they are talking about.

The doctors tell us this is necessary. Let's look at some other statements. This is a very important letter from the University of California-San Francisco, Center for Reproductive Health Research and Policy. This is a very important letter signed by a very important physician. What does she tell us. This print is too small to read, so let's get the large one that lists the problems women can face. What Dr. Stewart tells us in very clear terms is there are serious health consequences of banning safe procedures, which she considers the procedure that is being banned in this bill to be, a safe procedure: hemorrhage, uterine rupture, blood clots, embolism, stroke, damage to nearby organs, and paralysis. This is a partial list of what doctors tell us could happen to a woman if this procedure that is being banned is no longer an option.

Who do you think the Supreme Court will listen to? Senators with no degree in OB/GYN or doctors who are telling us this is what could happen to a woman? Do you think we are doing the right thing by banning a procedure without which a woman could face damage to a nearby organ, paralysis, or a blood clot? What is it about this bill that makes it so sacrosanct that you cannot add an exception for the health of the mother? We tried everything. The straight health exception is the one that is the most constitutional. Others around here said serious adverse health consequences. Oh, no, that wasn't good enough.

There wasn't anything we could say on behalf of the women in this country that the other side would not shoot down. I don't understand it. I do not understand that kind of mentality. Don't we love our wives and our daughters and our aunts and all the women in our lives? How could we pass a bill that would say even if a woman's health is threatened, this procedure cannot be used, when we could have walked down the aisle together and passed a bill with a health exception?

So when I come before the Senate this morning, it is with a very heavy heart. But it is also with the knowledge that I think this Court is going to throw out this bill, regardless of whether colleagues say in the beginning there is no problem, no relation to a woman's health, because doctors have told us the serious health consequences of banning this procedure include all these horrible things. By the way, what is not listed here is infertility. Later today I will show you the cases of women who were spared that problem because this procedure was used on a very complicated, difficult, emergency abortion where the brain was outside the baby's head, where the child would have suffered.

I am telling you that I don't know where the compassion is, when we would have agreed to do this with a health exception. I don't know where the compassion is on the other side. My friend talked about a civilized society. I want a civilized society. That means you care about the women of this country. That means you care about their pregnancies. That means you want to help them through the most difficult times. That means you don't play doctor here because you are not a doctor. We are about to play doctor in a big way. Fortunately, across the street in the Supreme Court they will see right through it.

So there are many things I could tell you about this bill. I will show you some others. Let's see what the Supreme Court said about why we believe this bill is unconstitutional. There was a case called Stenberg v. Carhart. The Supreme Court found their ban of this procedure in this State—it was Nebraska, I believe—was unconstitutional. They said it put an undue burden on women because the definition is vague.

Now the other side said they fixed that problem. We don't think they did. That will be decided. The second reason it was thrown out is there is no exception to protect women's health. I have to tell you that on both of these counts S. 3 failed the Supreme Court test. It failed it. Even some of the most anti-choice people out there have written letters criticizing the other side because they said why don't you do something that matters.

This is going to be overturned in the Supreme Court. So why are we going through this, seeing these pictures? Once I was on the Senate floor and a colleague wanted a 5-year-old to sit up there and look at these pictures. I objected to that. That is inflaming passions. I can show pictures of what it looks like when a woman gets a blood clot or when a woman is in a wheelchair and paralyzed, but I would not do that because this is not about sensationalizing anything. It is about doing the right thing.

I will yield the floor at this time. I see the Senator from Alabama here. I will return to continue this debate.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from California. I know she cares deeply about this. I just suggest that things are not as a lot of people think with regard to the question of abortion—particularly partial-birth abortion, which we are talking about today. That is all this bill has to do with.

I will just note that Faye Wattleton, a former president of Planned Parenthood, a very pro-choice group, and now head of a new organization, the Center for the Advancement of Women, recently commissioned a survey by the Princeton Survey Research Associates. It involved 3,329 women. This was a scientific survey. That is a very large number. A lot of polls on Presidential elections don't have that many people polled.

That survey found that 51 percent of the women, who are supposed to be offended by this small, but horrible procedure, wanted to ban abortion altogether, or limit it to cases of rape or incest or where the mother's life is in danger.

Another 17 percent said abortion—this is abortion in general—should be available under stricter laws than now apply. That means that 68 percent of women polled think we ought to tighten up the laws. This idea, that dealing with partial-birth abortion is offensive to women, does not strike me as being sound based on that poll. But, of course, polls are not what we are about here. We are here to do what is right.

I do not believe this is the kind of action that most women in America are going to be offended by. I suspect if they knew the nature of partial-birth abortion, as Senator SANTORUM has explained, the numbers would be higher than 68 percent opposing it. I think we are having a growing understanding of the issue.

I thank Senator SANTORUM for raising this issue. He has been a good advocate of it. It is time now that we take a step that will make America a better place. We must just say no to this procedure. There are some activities that we can't allow. There are some activities that can't be justified and are so beneath the decency of a nation as great as America that we ought to ban.

I remember the debate a number of years ago when Senator Bob Smith, a former Senator from New Hampshire, raised this issue for the first time in this Chamber. He was attacked bitterly as being an extremist, talking about things he ought not to be talking about on the floor of the Senate. But Bob Smith stood firm, as he always did, for what he believed in. He said this was wrong. But year after year has gone by. We have had hearings, and I was on the Judiciary Committee when we had hearings on it. We heard the implacable opposition from the pro-abortion forces. They wanted no yielding, no compromise, nothing that would give an inch on this issue, and they dismissed facts and figures. Senator Bob Smith will now be vindicated. He displayed courage and determination in bringing this issue up and making sure that the American people understood what it is about and why this is a significant step in protecting the innocent unborn, but certainly does not have any broad impact throughout the abortion debate.

Many people probably did not believe what Senator Smith was saying at the time, frankly, but we have seen more about it. I think it is true that many people have not wanted to know about the gruesome details of this procedure: How a child, a baby, just 3 inches from complete birth is deliberately and systematically killed. That is not something about which we want to talk. We cringe to say the words. I wish they were not true, but unfortunately, they are true.

The destruction of a partially born child continues to this day. It is an affront to the decency of America, and I do believe this is a rational and appropriate legislative response on behalf of the American people.

The Senate is on record as agreeing with this view. Last year, we answered a very important question when we passed the Born Alive Infant Protection Act. This legislation basically said that if a child is accidentally born during a partial-birth abortion procedure—that is, the baby was actually born and removed from the mother—if the head was to move that final couple of inches, then that child's life would be protected. What else could we do? Why should we even have a law that would say that you have a right to kill a child who has been removed from the mother? The Born Alive Infant Protection Act was passed unanimously by this body. Partial-birth abortion inflicts pain and suffering on the child being born. That we know today. A few years ago, we were told by the experts that the anesthetic given to the mother would ensure the child feels no pain. However, we have learned this is just not true. Professional societies of anesthesiologists have refuted this claim.

The most mind-boggling aspect of this procedure, however, is that it is absolutely unnecessary. Almost all of the partial-birth abortion procedures that are performed in America are elective and not due to any danger to the mother's life. A number of people during this debate have expressed concern about the life of the mother, and that is a valid concern. I heard this argument during my time on the Senate Judiciary Committee. We had a number of hearings on the subject.

There are exceptions included in this bill to protect the life of the mother if it is in danger, although the evidence suggests that such circumstances virtually never occur.

Even in extremely rare circumstances where the life of the mother may be endangered by a pregnancy, the only medical requirement is that she be separated from the child. There is no requirement that the child be killed. The legislation provides, however, for a contingency in which the life of a mother is threatened. It would permit this partial-birth abortion procedure but only "to save the life of a mother whose life is endangered by physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself."

That is a pretty broad protection to a mother who may be endangered, but I really think it is unnecessary. The fact is the American Medical Association, a major institution in America, one that has consistently defended abortion rights, has declared this procedure is never medically necessary. That is an official position of the American Medical Association that it is never medically necessary. This is not what we need to be doing when there is a danger to the life of the mother. It is not necessary, and it should be outlawed.

The support for ending this procedure goes beyond our traditional debate on abortion. The support exists overwhelmingly in a bipartisan way because the partial-birth abortion procedure deeply offends our sensibilities as a people, as human beings who care about one another, who know that life is fragile, and who believe that all human beings need to be treated with respect and dignity, even though they may be weak.

The Declaration of Independence notes life, liberty, and the pursuit of happiness as the ideals of the American life. Without this bill, a child partially born has those rights ripped away in a most vicious way. Allowing partial-birth abortion is a dangerous policy. It is a thin line. There is a thin thread that can justify this procedure that is, in essence, I believe, infanticide, as said by the former Senator Daniel Patrick Moynihan from New York.

This is a dangerous line we are pushing. If we say that a child partially born can be killed——

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be given 4 additional minutes?

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, we certainly have no problem with that request, just that it come out of the time of the Senator from Pennsylvania, Mr. SANTORUM.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, the pro-abortion groups implacable in their opposition to any reduction in so-called choice powers, emphatically insisted and went around the country declaring that the number of partial-birth abortions performed every year was small.

They insisted these despicable procedures were only performed in extreme medical circumstances. Therefore, they said the Federal Government should not pass laws to stop it, but that was a flat out lie. I do not use that word often, but I will repeat it. It was not just an error. It was a lie.

These claims were either manufactured or disseminated in an attempt to minimize the significance of the issue and to dismiss the issues raised by Senator SMITH. In my view, it was based on an ends justify the means theory.

As reported in a 1997 front-page article in the Washington Times, Mr. Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers—let me say that again, the executive director of the National Coalition of Abortion Providers, who had been traveling the country saying these procedures were rare, had a change of heart. In his own words, he publicly admitted that he had "lied through his teeth" about the number of partial-birth abortions that were performed.

He estimated that "up to 5,000 partial birth abortions are performed annually, and that they are primarily done on healthy women and healthy fetuses." That is what we are dealing with today.

So I say to my colleagues on both sides of the aisle, how can we answer to our children and our constituents, our highest ideals as Americans, if we allow children to be destroyed in this way? If we are a nation that aspires to goodness, that aspires to be above the coarse and to meet minimum standards of decency, this legislation is most strongly needed.

I find it very puzzling that there continues to be strong resistance by a few to the banning of this one brutal procedure. I ask myself: Why is that? I have heard it said that the people who oppose partial-birth abortion do so for religious reasons, as if that is an illegitimate reason to consider as one evaluates public policy.

Was it illegitimate when Dr. Martin Luther King marched for freedom based on his belief in the Scriptures? Religious principle is not an illegitimate reason for a motivation, but that has been a complaint about those who question the procedure.

I have analyzed the opposition to this bill and I cannot see that it can be founded on the law. I cannot see that it can be founded on science; the AMA says it is not necessary. I cannot see that it can be founded on ethics; certainly not. Why is it? The only thing I can see is that there is a sort of a secular religious opposition to any control whatsoever on abortion that is, I believe, driven by an extremist group. We are going to allow these procedures to go forward as long as abortionists wish to perform them, they say, and you, Congress, just have no say in it whatsoever.

I do not believe that is a rational argument. It is not justified. This legislation is specific.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I ask unanimous consent that I have 1 additional minute.

Mr. REID. Mr. President, under the same conditions previously asked.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, this legislation would ban one simple, gruesome, unjustifiable procedure for destroying the life of a partially born child. I do not believe that threatens anybody's principles, but I will say one thing, not doing it threatens the decency and morality of the American people. Every day that it continues is a stain on the conscience of America.

I support this legislation, and I thank the Senator from Pennsylvania for his leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 20 minutes.

Mr. BROWNBACK. Mr. President, this is an historic day. For the first time since Roe v. Wade, we are going to deal with the issue of abortion and limit the practice in one significant way. This is an historic day for life; for establishing and supporting a culture of life in the United States; for freedom; and for human rights—for the dignity of the weakest and most vulnerable amongst us, which we all profess to support.

This is will go down in history as a pivotal day, where we start to recognize that the child in the womb is a child. The child in the womb is not a piece of property. The child is, indeed, a person with dignity and rights and is entitled to life. That is a very important thing for us to recognize and for the United States to support.

I will begin my comments by showing a picture of a very young child. Thanks to modern technology, we are able to see a lot more these days. We now have what is called 4D, four dimensional, CAT scans of children in the womb. We can see children smiling and yawning in the womb at a very young age.

I recently had a gentleman in my office—we actually had him testify in front of the Commerce Committee—who performs surgeries on children in the womb—in utero surgeries. This gentleman works on children in the womb a great deal, and in doing these surgeries, for example, he says a child in the womb acts just like a child outside the womb. One has to go into the womb, when they are performing the surgery, to anesthetize the child. When a doctor goes in with a needle to poke the child in the womb, they have to chase them. There is a confined area that the child can run around in the womb, but as they go in with that needle the child jerks back, holds their buttocks back. They do not like to get the needle in them.

Having five children myself—two of them are five now—I know it is a major procedure for us to go in and get immunizations in the doctor's office. For us to get two children immunized, it takes five people—two holding down, one giving the shot, and a couple of us saying, there, there, it is all right.

It turns out that children in the womb are very similar. They do not like the pain. They feel it. They pull back from it. They repulse, and yet it is something we need to do.

I wish to continue my remarks by talking about a famous young child who is probably more famous before he was born than most people are during their life—Samuel Alexander Armas. I had him testifying about 2 months ago. He is now 3 years old. Samuel is a unique and beautiful child. He actually testified in front of the committee.

This is his hand coming out of his mother's womb. He had spina bifida, which a number of people recognize is a very difficult thing. The spinal cord does not develop. The child generally has great difficult in mobility and can also be deaf resulting from that. Yet we have now found a way that in utero, in the womb, that we can operate on that child and close that area.

When Samuel testified at age 3 in front of my committee, he was fine; though, he does have some mobility problems with his legs. When his parents discovered that he had spina bifida, they had recommendations from their physicians that the pregnancy should be terminated. The parents said, no, no, we believe in life. We are not going to do this to our child. At that time, they had even named him Samuel. They asked: What else can we do? They were told of in utero surgeries, and they decided to try it.

This in utero surgery actually took place at 21 weeks of age, which is about the timeframe that partial-birth abortions occur—21 weeks. I want to show a positive side of this. They went in and did the surgery on Samuel. They fixed the problem of the spina bifida. As they were concluding the surgery on Samuel, this picture was taken of his mother's womb. The surgery on Samuel was resolved and a photographer from USA Today was in the room taking pictures. USA Today had asked previously if they could be present at the surgery, taking pictures. This surgery was being done at Vanderbilt University Medical Center. The photographer was there. He had taken pictures throughout the surgery. The surgery was just wrapping up when all of a sudden they saw the womb shake a little bit and Samuel's hand comes out of the womb.

The doctor is looking at it. Out of curiosity, I guess, as much as anything, he puts his finger near the womb and Samuel grabs the doctor's finger—21 weeks of age, and Samuel holds onto it.

The photographer, in just a moment's notice, just clicks it. He doesn't know if he even gets the picture. He just senses that there is something important that has just happened. The hand lets go and goes back into the womb—Samuel likes it better in the womb at this point in time—and they close up the womb. The surgery is successful.

This picture that appeared in USA Today—it has actually been all over the world and is one of those famous pictures—has been renamed "The Hand of Hope," as Samuel reaches out from the womb and grabs hold of that next generation already there, seeking and yearning to join them.

The photographer was stunned about it. He was stunned how the picture had come out. He was stunned by the response that he received around the world. He gets e-mails on a regular basis, all the time, frankly, in response to this "Hand of Hope." It has appeared in USA Today and in newspapers around the world multiple sets of times.

We had Samuel in to testify. We had his parents testify about what they went through to undergo this surgery. We had a doctor testify about the number of things we can now cure in utero. I think it is important that we start to cover children in utero because, when you have these sorts of surgeries, they are expensive, but they are important and they are better covered at that point in time. This is a heroic thing. It is a beautiful thing.

It is the other end of the tragedy that we close here today because Samuel, until this procedure is banned, could be aborted legally and killed by this brutal procedure called partial-birth abortion. Partial-birth abortion is a procedure that we have had gruesomely described to the American public on numerous occasions. So while at this stage of life, Samuel has a hand of hope. He also could legally be killed at this point in time by that brutal procedure, partial-birth abortion, which involves no anesthetic, nothing—just a brutal, gruesome procedure that we will not stand for anyplace in the world, being the country that we are that believes in freedom and hope and in opportunity for everybody. We believe in life and liberty and the pursuit of happiness.

The central debate we are finally getting out into is this little hand of Samuel, and asking is that the hand of a person or is that the hand of a glob of tissue? Is it the hand of an individual? Is it the hand of an extension of the mother? Is it a person or is it a piece of property? That is the central question, and it is a question we have wrestled with before. We wrestled with this question on the slave issue when we—in that original sin of the United States of having slavery—would not recognize an individual as a person but rather as a piece of property. It was a horrible thing, a horrible chapter. We have all recognized that and we say it was a bad thing.

Now we are on the same debate. Here is little Samuel's hand. Is it the hand of a person or the hand of a piece of property? If it is property, we can dispose of it as we choose to see fit. If it is a person, it has rights and we have responsibilities towards that beautiful child; that Samuel is and is on a continuum, this child, from that point of time as well.

Do we want that child killed or do we want that child cured? Do we want that child in our society or do we want that child somehow just kind of done away with for whatever reason the case might be?

I do hope we get into a substantial and long-term debate about the nature of Samuel and his hand of hope as he reaches out from the womb and, by that little hand, says to us: I am a person. I am yearning to be free, yearning to live. I have much to give to you. I have much to give to this society. I have much to help with, and I want to do it and I want to be able to help you. I want to be there with you when my time comes. And Samuel did. He came out, and he is now with us.

We are this day moving forward on an issue of human dignity that I think is incredibly important. I think it is also an obligation for us to stand and recognize that human life—at whatever stage—is sacred, unique, and a precious gift. Each day when we have the call that says we lost a soldier in Iraq—two—three—each of us in this country just gets sick at the stomach because that person was somebody's brother; that person was somebody's sister; that person was somebody's father or mother; that person is unique, sacred, and that person is precious to us.

Is Samuel Alexander Armas any less unique and sacred and precious? If you kill him at this point in time, isn't he dead for the rest of his life? Is it somehow that because he is in the womb he is not a life continuum at that point in time? Is there something different here?

At this point in time he is property, and then when he comes out of the womb he becomes a person with rights and responsibilities? Why? Is it that he is dependent here in the womb? He is dependent when he is born, but he is property here that can be disposed of, and he is a person who must be protected when he is born? His hand speaks to us. His hand challenges us. His hand is a hand of hope to us as a society that says, yes, we recognize the rights of the most vulnerable amongst us, and we are going to protect them. We are going to stand for them. We are not going to let them be killed.

This is an enormous day. This has been a long, 7-year fight about the issue of partial-birth abortion. In many ways it has been instructive to us as a country. I am absolutely convinced the American people are convinced that Samuel is a child and not somehow a piece of property or a lump of tissue. People in this country do not want children killed. They do not want that to take place.

As this debate has gone on and on, what we found is the American public has shifted. Now, particularly amongst young women of child-bearing age, you are seeing for the first time since this has been recorded that they are more pro-life than pro-choice. They are recognizing this is a child, it is a person, it has rights, it has beauty, it has things it wants to contribute. It is important that we let that child contribute.

Last weekend was a celebration of Mother Teresa's beatification. It is quite something. A number of people in this body had a chance to meet Mother Teresa—a great contributor to the society around the world to the most weak and defenseless. She often came to the United States and graced us with her presence. She talked about the beautiful things, and she would talk about each of us having our own Calcuttas, where we can help people wherever we are. She talked about poverty in America. Actually, she was talking about the poverty of love.

She was most harsh about the institution of abortion, where a mother would end the life of her own child. She cared deeply for the mother and she cared deeply for the child.

She once said this: If we can accept that a mother can kill her own child, how can we tell other people not to kill one another?

She asked this sort of haunting, piercing question. If we allow this in society, don't we spawn a continual culture of death instead of a culture of life at the very inception of things? What do we say to Samuel later on? Well, OK, we could have killed you by a brutal procedure at this point in time, legally, and that would have been fine, or we could have saved your life. There was no protection in particular one way or the other.

This is an important day for life. It is an important day for a transition in the culture of life. I ask people who are opposed to this ban to look at this hand of Samuel.

My colleague from California cares passionately about this issue, and about the issue of choice and the right of a woman to choose. But I don't know that she or anybody else can deny that this is the hand of a child, and we have some responsibilities to that child as well. Maybe we can call a hand a piece of property. But I don't know how else biologically it could be defined. I don't know how else physically it could be defined.

With each passing day, and our technology getting better and better and better, I really do ask people on the other side. Is this not a child?

Am I not a person? Am I not a brother? A sister? Am I not?

Others care deeply about the right to choose. I respect that. But we all have choices to make. Is it one that we choose to terminate a brother or sister, a person who could be a parent, a person who could be a contributor, or do we not?

It really is a defining moment. I hope people on the other side would look at this picture and say: Yes, I cannot deny the humanity of that hand, the hand of hope. I support the ban on partial-birth abortion and look forward to the day when it is signed.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized for 30 minutes.

Mrs. BOXER. Mr. President, will you let me know when I have used 7 minutes and I will yield time to the Senator from New Jersey.

I am very pleased to be joined by Senator LAUTENBERG. I will respond with my comments to the comments of the Senator from Kansas who was very eloquently talking about the most vulnerable among us.

As the author, when I was in the House, of the Violence Against Women Act, as the person who offered the amendment which allowed abortion after rape in the House—and that passed for Medicaid patients—and as the author of the Violence Against Children Act today—and I hope my colleague will cosponsor that bill because it is a wonderful way to highlight the most vulnerable among us—the example the Senator talked about the case of Samuel, illustrates why the prochoice position is so much the right position—In that case, the doctor recommended an abortion but the parents made another choice. The parents acted and said to the doctor: We do not agree. So they had the right to choose what they wanted to do. And good for them.

But if we legislate bans on this and bans on this—you have to have a child, you do not—and we turn into China or countries like Romania that said you shall have the babies, on the one hand, or you may not ever have a baby, on the other, then we lose the ability for families, with their God, with their conscience, with their doctor, to make the decision they want to make.

The important thing is that the family have the choice. That is why I stand here today.

Mr. BROWNBACK. Will the Senator yield?

Mrs. BOXER. I will not yield time because Senator LAUTENBERG is in a rush.

Mr. BROWNBACK. I ask that it not be taken off your time.

Mrs. BOXER. I yield for a short time.

Mr. BROWNBACK. Is this the hand of a child?

Mrs. BOXER. Senator, you did not listen to what I said, because you were talking to your staff, when I stood up.

Mr. BROWNBACK. I am responding to what you were saying.

Mrs. BOXER. No, you did not. I said, good for the parents for making the choice and standing up for the doctor who gave them another suggestion. Fine. That is what a pro-choice position is. That is why I am so much for Roe v. Wade. That is why I stand here as a mother, as a grandmother, as a Senator from a very large State, admitting, Senator, and admitting to all my friends in the Senate, in the CONGRESSIONAL RECORD for all times, that I am not a doctor and I am not God. I am a human being. I trust other human beings to make these decisions. I trust Samuel's family to make the decision they made. The doctor gave his opinion.

Mr. BROWNBACK. Will the Senator yield?

Mrs. BOXER. And I will not yield at this time.

Mr. BROWNBACK. Just a question.

Mrs. BOXER. I will not yield at this time. I will continue my statement. I do not want to lose my trend of thought because we are about to do something today that, although hailed by the other side, is the first time in history that the Senate is going to ban a medical procedure that is considered by many doctors—and we have put it in the RECORD, pages and scores, and I ask unanimous consent that they be printed in the RECORD—doctors and nurses have told us this procedure is often essential to protect the life and health of a woman.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN COLLEGE OF
OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC, March 6, 2003.

Hon. BARBARA BOXER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOXER: The American College of Obstetricians and Gynecologists (ACOG) reaffirms its Statement of Policy on Intact Dilation and Extraction, initially approved by the ACOG Executive Board in 1997.

Sincerely,

RALPH HALE, MD,
Executive Vice President.

Attachment.

ACOG STATEMENT OF POLICY

STATEMENT ON INTACT DILATION AND EXTRACTION

The debate regarding legislation to prohibit a method of abortion, such as the legislation banning "partial birth abortion," and "brain sucking abortions," has prompted questions regarding these procedures. It is difficult to respond to these questions because the descriptions are vague and do not delineate a specific procedure recognized in the medical literature. Moreover, the definitions could be interpreted to include elements of many recognized abortion and operative obstetric techniques.

The American College of Obstetricians and Gynecologists (ACOG) believes the intent of such legislative proposals is to prohibit a procedure referred to as "Intact Dilatation and Extraction" (Intact D & X). This procedure has been described as containing all of the following four elements:

1. Deliberate dilatation of the cervix, usually over a sequence of days;
2. Instrumental conversion of the fetus to a footling breech;
3. Breech extraction of the body excepting the head; and
4. Partial evacuation of the intracranial contents of a living fetus to effect vaginal delivery of a dead but otherwise intact fetus.

Because these elements are part of established obstetric techniques, it must be emphasized that unless all four elements are present in sequence, the procedure is not an intact D & X.

Abortion intends to terminate a pregnancy while preserving the life and health of the mother. When abortion is performed after 16 weeks, intact D & X is one method of terminating a pregnancy. The physician, in consultation with the patient, must choose the most appropriate method based upon the patient's individual circumstances.

According to the Centers for Disease Control and Prevention (CDC), only 5.3% of abortions performed in the United States in 1993, the most recent data available, were performed after the 16th week of pregnancy. A preliminary figure published by the CDC for 1994 is 5.6%. The CDC does not collect data on the specific method of abortion, so it is unknown how many of these were performed using intact D & X. Other data show that second trimester transvaginal instrumental abortion is a safe procedure.

Terminating a pregnancy is performed in some circumstances to save the life or preserve the health of the mother. Intact D & X is one of the methods available in some of these situations. A select panel convened by ACOG could identify no circumstances under which this procedure, as defined above, would be the only option to save the life or preserve the health of the woman. An intact D & X, however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances can make this decision. The potential exists that legislation prohibiting specific medical practices, such as intact D & X, may outlaw techniques that are crucial to the lives and health of American women. The intervention of legislative bodies into medical decision making is inappropriate, ill advised, and dangerous.

Approved by the Executive Board.
January 12, 1997.

AMERICAN MEDICAL WOMEN'S
ASSOCIATION, INC.,
Alexandria, VA, March 25, 2003.

Hon. JERROLD NADLER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN NADLER: The American Medical Women's Association (AMWA) strongly opposes HR 760, the "Partial-Birth Abortion Ban Act of 2003." While the Association has high respect for each member and their right to hold whatever moral, religious and philosophical beliefs his or her conscience dictates, as an organization of 10,000 women physicians and medical students dedicated to promoting women's health and advancing women in medicine, we believe HR 760 is unconscionable.

AMWA has long been an advocate for women's access to reproductive health care. As such, we recognize this legislation as an attempt to ban a procedure that in some circumstances is the safest and most appropriate alternative available to save the life and health of the woman. Furthermore, this bill violates the privilege of a patient in consultation with her physician to make the most appropriate decision regarding her specific health circumstances.

AMWA opposes legislation such as HR 760 as inappropriate intervention in the decision-making relationship between physician and patient. The definition of the bill is too imprecise and it includes non-medical terminology for a procedure that may ultimately undermine the legality of other techniques in obstetrics and gynecology used in both abortion and non-abortion situations. At times, the use of these techniques is essential to the lives and health of women. The potential of this ban to criminalize certain obstetrics and gynecology techniques ultimately interferes with the quality of health and lives of women. Furthermore, the current ban fails to meet the provisions set forth by the Supreme Court in Stenberg v. Carhart, a ruling that overturned a Nebraska statute banning abortion because it contained no life and health exception for the mother.

AMWA's position on this bill corresponds to the position statement of the organization on abortion and reproductive health services to women and their families.

AMWA believe that the prevention of unintended pregnancies through access to contraception and education is the best option available for reducing the abortion rate in the United States. Legislative bans for procedures that use recognized obstetrics and gynecological techniques fails to protect the health and safety of women and their children, nor will it improve the lives of women and their families. If you have any questions please contact Meghan Kissell, at 703-838-0500.

Sincerely,

LYNN EPSTEIN, MD,
President.

MARCH 10, 2003.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: We are writing to urge you to stand in defense of women's reproductive health and vote against S. 3, legislation regarding so-called "partial birth" abortion.

We are practicing obstetrician-gynecologists, and academics in obstetrics, gynecology and women's health. We believe it is imperative that those who perform terminations and manage the pre- and post-operative care of women receiving abortions are given a voice in a debate that has largely ignored the two groups whose lives would be most affected by this legislation: physicians and patients.

It is misguided and unprincipled for lawmakers to legislate medicine. We all want safe and effective medical procedures for women; on that there is no dispute. However, the business of medicine is not always palatable to those who do not practice it on a regular basis. The description of a number of procedures—from liposuction to cardiac surgery—may seem distasteful to some, and even repugnant to others. When physicians analyze and debate surgical techniques among themselves, it is always for the best interest of the patient. Abortion is proven to be one of the safest procedures in medicine, significantly safer than childbirth, and in fact has saved numerous women's lives.

While we can argue as to why this legislation is dangerous, deceptive and unconstitutional—and it is—the fact of the matter is that the text of the bill is so vague and misleading that there is a great need to correct the misconceptions around abortion safety and technique. It is wrong to assume that a specific procedure is never needed; what is required is the safest option for the patient, and that varies from case to case.

THE FACTS

(1) So-called "partial birth" abortion does not exist.

There is no mention of the term "partial birth" abortion in any medical literature. Physicians are never taught a technique called "partial birth" abortion and therefore are unable to medically define the procedure.

What is described in the legislation, however, could ban all abortions. "What this bill describes, albeit in non-medical terms, can be interpreted as any abortion," stated one of our physician members. "Medicine is an art as much as it is a science; although there is a standard of care, each procedure—and indeed each woman—is different. The wording here could apply to any patient." The bill's language is too vague to be useful; in fact, it is so vague as to be harmful. It is intentionally unclear and deceptive.

(2) Physicians need to have all medical options available in order to provide the best medical care possible.

Tying the hands of physicians endangers the health of patients. It is unethical and dangerous for legislators to dictate specific surgical procedures. Until a surgeon examines the patient, she does not necessarily know which technique or procedure would be in the patient's best interest. Banning procedures puts women's health at risk.

(3) Politicians should not legislate medicine.

To do so would violate the sanctity and legality of the physician-patient relationship. The right to have an abortion is constitutionally-protected. To falsify scientific evidence in an attempt to deny women that right is unconscionable and dangerous.

The American College of Obstetricians and Gynecology, representing 45,000 ob-gyns, agrees: "The intervention of legislative bodies into medical decisionmaking is inappropriate, ill advised, and dangerous."

The American Medical Women's Association, representing 10,000 female physicians, is opposed to an abortion ban because it "represents a serious impingement on the rights of physicians to determine appropriate medical management for individual patients."

THE SCIENCE

We know that there is no such technique as "partial birth" abortion, and we believe this legislation is a thinly-veiled attempt to outlaw all abortions. Those supporting this legislation seem to want to confuse both legislators and the public about which abortion procedures are actually used. Since the greatest confusion seems to center around techniques that are used in the second and third trimesters, we will address those: dilation and evacuation (D&E), dilation and extraction (D&X), instillation, hysterectomy and hysterotomy (commonly known as a c-section).

Dilation and evacuation (D&E) is the standard approach for second-trimester abortions. The only difference between a D&E and a more common, first-trimester vacuum aspiration is that the cervix must be further dilated. Morbidity and mortality studies indicate that this surgical method is preferable to labor induction methods (instillation), hysterotomy and hysterectomy.

From the years 1972-76, labor induction procedures carried a maternal mortality rate of 16.5 (note: all numbers listed are out of 100,000); corresponding rate for D&E was 10.4. From 1977-82, labor induction fell to 6.8, but D&E dropped to 3.3. From 1983-87, induction methods had a 3.5 mortality rate, while D&E fell to 2.9. Although the difference between the methods shrank by the mid-1980s, the use of D&E had already quickly outpaced induction, thus altering the size of the sample.

Morbidity trends indicate that dilation and evacuation is much safer than labor induction procedures, and for women with certain medical conditions, e.g., coronary artery disease or asthma, labor induction can pose serious risks. Rates of major complications from labor induction were more than twice as high as those from D&E. There are instances of women who, after having failed induction, acquired infections necessitating emergency D&Es, which ultimately saved her fertility and, in some instances, her life. Hysterotomy and hysterectomy, moreover, carry a mortality rate seven times that of induction techniques and ten times that of D&E.

There is a psychological component which makes D&E preferable to labor induction; undergoing difficult, expensive and painful labor for up to two days is extremely emotionally and psychologically draining, much more so than a surgical procedure that can be done in a few hours under general or local anesthesia. Furthermore, labor induction does not always work: Between 15 and 30 percent of cases require surgery to complete the procedure. There is no question that D&E is the safest method of second-trimester abortion.

There is also a technique known as dilation and extraction (D&X). D&X is merely a variant of D&E. There is a dearth of data on D&X as it is an uncommon procedure. However, it is sometimes a physician's preferred method of termination for a number of reasons: it offers a woman a chance to see the intact outcome of a desired pregnancy, thus speeding up the grieving process; it provides a greater chance of acquiring valuable information regarding hereditary illness or fetal anomaly; and there is a decreased risk of injury to the woman, as the procedure is quicker than induction and involves less use of sharp instruments in the uterus, providing a lesser chance of uterine perforations or tears and cervical lacerations.

It is important to note that these procedures are used at varying gestational ages. Neither a D&E nor a D&X is equivalent to a late-term abortion. D&E and D&X are used solely based on the size of the fetus, the health of the woman, and the physician's judgment, and the decision regarding which procedure to use is done on a case-by-case basis.

THE LEGISLATION

Because this legislation is so vague, it would outlaw D&E and D&X (and arguably techniques used in the first-trimester). Indeed, the Congressional findings—which go into detail, albeit in non-medical terms—do not remotely correlate with the language of the bill. This legislation is reckless. The outcome of its passage would undoubtedly be countless deaths and irreversible damage to thousands of women and families. We can safely assert that without D&E and D&X, that is, an enactment of S. 3, we will be returning to the days when an unwanted pregnancy led women to death through illegal and unsafe procedures, self-inflicted abortions, uncontrollable infections and suicide.

The cadre of physicians who provide abortions should be honored, not vilified. They are heroes to millions of women, offering the opportunity of choice and freedom. We urge you to consider scientific data rather than partisan rhetoric when voting on such far-reaching public health legislation. We strongly oppose legislation intended to ban so-called "partial birth" abortion.

Sincerely,

Natalie E. Roche, MD,
Assistant Professor of Obstetrics and Gynecology, New Jersey Medical College.
Gerson Weiss, MD,
Professor and Chair, Department of Obstetrics, Gynecology and Women's Health, New Jersey Medical College.

March 5, 2003.

Hon. Barbara Boxer,
U.S. Senate, Hart Office Building,
Washington, DC.

Dear Senator Boxer: I understand that your will be considering Senate S. 3, the ban on abortion procedures, soon and would like to offer some medical information that may assist you in your efforts. Important stakes for women's health are involved: if Congress enacts such a sweeping ban, the result could effectively ban safe and common, pre-viability abortion procedures.

By way of background, I am an adjunct professor in the Department of Obstetrics, Gynecology and Reproductive Sciences at the University of California, San Francisco, where I co-direct the Center for Reproductive Health Research and Policy. Formerly, I directed the Reproductive Health program for the Henry J. Kaiser Family Foundation and served as Deputy Assistant Secretary for Population Affairs for the United States Department of Health and Human Services. I represented the United States at the International Conference on Population and Development (ICPD) in Cairo, Egypt, and currently serve on a number of Boards for organizations that promote emergency contraception and new contraceptive technologies, and support reducing teen pregnancy. My medical and policy areas of expertise are in the family planning and reproductive health, prevention of sexually transmitted infections including HIV/AIDS, and enhancing international and family planning.

The proposed ban on abortion procedures criminalizes abortions in which the provider "deliberately and intentionally vaginally delivers a living fetus . . . for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus . . ." The criminal ban being considered is flawed in a number of respects:

It fails to protect women's health by omitting an exception for women's health;

It menaces medical practice with the threat of criminal prosecution;

It encompasses a range of abortion procedures; and

It leaves women in need of second trimester abortions with far less safe medical options: hysterotomy (similar to a cesarean section) and hysterectomy.

The proposed ban would potentially encompass several abortion methods, including dilation and extraction (d&x, sometimes referred to as "intact d&e"), dilation and evacuation (d&e), the most common second-trimester procedure. In addition, such a ban could also apply to induction methods. Even if a physician is using induction as the primary method for abortion, he or she may not be able to assure that the procedure could be effected without running afoul of the proposed ban. A likely outcome if this legislation is enacted and enforced is that physicians will fear criminal prosecution for any second trimester abortion—and women will have no choice but to carry pregnancies to term despite the risks to their health. It would be a sad day for medicine if Congress decides that hysterotomy, hysterectomy, or unsafe continuation of pregnancy are women's only available options. Williams Obstetrics, one of the leading medical texts in Obstetrics and Gynecology, has this to say about the hysterotomy "option" that the bill leaves open:

"Nottage and Liston (1975), based on a review of 700 hysterotomies, rightfully concluded that the operation is outdated as a routine method for terminating pregnancy."—Cunningham and McDonald, et al., Williams Obstetrics, 19th ed., (1993), p. 683.

Obviously, allowing women to have a hysterectomy means that Congress is authorizing women to have an abortion at the price of their future fertility, and with the added risks and costs of major surgery. In sum, the options left open are less safe for women who need an abortion after the first trimester of pregnancy.

I'd like to focus my attention on that subset of the women affected by this bill who face grievous underlying medical conditions. To be sure, these are not the majority of women who will be affected by this legislation, but the grave health conditions that could be worsened by this bill illustrate how sweeping the legislation is.

Take for instance women who face hypertensive disorders such as eclampsia—convulsions precipitated by pregnancy-induced or aggravated hypertension (high blood pressure). This, along with infection and hemorrhage, is one of the most common causes of maternal death. With eclampsia, the kidneys and liver may be affected, and in some cases, if the woman is not provided an abortion, her liver could rupture, she could suffer a stroke, brain damage, or coma. Hypertensive disorders are conditions that can develop over time or spiral out of control in short order, and doctors must be given the latitude to terminate a pregnancy if necessary in the safest possible manner.

If the safest medical procedures are not available to terminate a pregnancy, severe adverse health consequences are possible for some women who have underlying medical conditions necessitating a termination of their pregnancies, including: death (risk of death higher with less safe abortion methods); infertility; paralysis; coma; stroke; hemorrhage; brain damage; infection; liver damage; and kidney damage.

Legislation forcing doctors to forego medically indicated abortions or to use less safe but politically-palatable procedures is simply unacceptable for women's health.

Thank you very much, Senator, for your efforts to educate your colleagues about the implications of the proposed ban on abortion procedures.

Sincerely,

Felicia H. Stewart, M.D.

Center for Reproductive Rights,
Washington, DC, March 6, 2003.

Hon. Barbara Boxer,
U.S. Senate,
Washington, DC.

Dear Senator Boxer: On June 29, 2000, in Stenberg v. Carhart, 530 U.S. 914 (2000), the U.S. Supreme Court held that Nebraska's sweeping ban on abortion—misleadingly labeled a ban on so-called "partial-birth abortion"—was unconstitutional. I was one of the attorneys who represented LeRoy Carhart, M.D., the Nebraska physician who challenged the ban in that case.

In Carhart, the Court held that Nebraska's abortion ban was unconstitutional for two reasons. First, the Court held that the ban did not prohibit only one type of abortion procedure, but instead outlawed several methods, including the safest and "most commonly used method for performing pre-viability second trimester abortions," Carhart, 530 U.S. at 945, and therefore constituted an undue burden on women's right to choose. Second, the Court held that the Nebraska ban was unconstitutional because it failed to include an exception for women's health. The Court noted that "a State may promote but not endanger a woman's health when it regulates the methods of abortion" and that "the absence of a health exception will place women at an unnecessary risk of tragic health consequences." Carhart, 530 U.S. at 931, 937.

The new federal bill (H.R. 760, S. 3) contains the same two flaws. Like the Nebraska law, the federal bill fails to limit the stage of pregnancy to which the bill's provisions apply, so the ban could criminalize abortions throughout pregnancy (nor just post-viability or "late term" abortions, as the bill's sponsors often claim), and the definition of "partial birth abortion" in the bill is broad enough to criminalize numerous safe abortion procedures, including the safest and most commonly used method for performing abortions early in the second trimester, the D&E method (not just one abortion procedure, as the bill's sponsors misleadingly imply). Moreover, the federal bill fails to limit its prohibitions to abortions involving an "intact" fetus, fails to explicitly exclude the D&E technique or the suction curettage abortion method from the law's prohibitions, and fails to include definitions of key terms such as "living" or "completion of delivery." Like the Nebraska law, the federal bill also fails to include the constitutionally mandated health exception. Therefore, the federal bill is unconstitutional for the same reasons as the Nebraska law struck down in Carhart.

Because the U.S. Supreme Court has already struck down legislation containing the same constitutional flaws contained in the new federal bills, these bills can only be seen as a direct attack on the Supreme Court's decision, on the safest and most common abortion procedures in the second trimester, and on the protection for women's health that have been consistently reaffirmed throughout three decades of abortion jurisprudence.

Please feel free to contact me with any further inquiries.

Sincerely,

Priscilla Smith,
Director.

Mrs. BOXER. Let me reiterate who is being compassionate. Our side of the aisle, down to every person, and the pro-choice side of the aisle. On the other side we have a few. We agree to this ban if there is an exception for the health and life of a woman. The other side said no. And the clear fact is, when the other side says there will not be an exception for the health of the woman, the other side is not being compassionate.

Let me tell you, when a woman is told—and we will take out what could happen to a woman if this is not available—some of the health consequences, when a woman is told she could have a stroke, that she could wind up paralyzed, that she could wind up hurting or harming other organs, we are talking about a major problem to women.

To say you are being compassionate and you are being caring to the most vulnerable when you turn your back away from the fact that a woman could have a hemorrhage, she could have her uterus ruptured, she could be made infertile, she could have blood clots, embolism, a stroke, damage to nearby organs, or paralysis if this particular procedure is not available to her—if you have no compassion, if you smile when you look at this, if you do not feel what it is like for a woman to face this, if you put this in the back of your mind, I am sorry, in my view you are not for the most vulnerable at all.

We could have banned this procedure if we had added a health exception. But the other side is so demagogic on this, they will not walk down the bipartisan aisle with us. That is a very sad commentary. They said the health exception is too broad. They do not trust women. Face it, they think a woman is going to make something up?

We said, OK, add "serious adverse health consequences." No, they would not do that either.

The Supreme Court decided a very similar ban was unconstitutional. What the Supreme Court said about the fact that there was no health exception in the Stenberg v. Carhart case, that came out of Nebraska law, that had no health exception and was vague—first, they said the bill bans more than one procedure:

> Even if the statute's basic aim is to ban D&X, its language makes clear that it also covers a much broader category of procedures.

Some would say that is the intent of the other side, to take away a woman's right to choose. So they say they are banning one procedure when, in fact, it is so vague that maybe they are banning more.

I would have more respect and admiration for my friends on the other side if they just said, let's just ban abortion, just call it killing, put away the women into jail who have an abortion, send the doctors to jail. That is what is in their heart. But no, they do not want to do that.

My colleague from Alabama talked about a poll. I have other polls that did not track that which I will print in the RECORD. The polls I have do not go along with those polls.

The PRESIDING OFFICER. The 7 minutes the Senator asked to be notified of have elapsed.

Mrs. BOXER. I will take 3 more minutes before I yield as much time as he may consume to my colleague from New Jersey.

The poll I have is very difficult. We have a majority of 56 percent believing abortion should be legal in all or most cases. That is a very recent poll. It has a margin of error of 1 to 3 points; 55 percent believe the Government should not be involved in this private medical decision. I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NARAL PRO-CHOICE AMERICA 2004 PRESIDENTIAL POLL

Anna Greenberg of Greenberg, Quinlan, Rosner Research Inc. conducted this poll for NARAL Pro-Choice America between June 5, 2003 and June 12, 2003 among 1,200 likely voters with a margin of error of 1/3.

While the 2004 election will be shaped by the economy, security and the war on terrorism, a woman's right to choose will play an important role in the presidential contest. Protecting a woman's right to choose, especially when it is framed as protecting her right to privacy and freedom from government interference, can move important swing voters including Independents and suburban voters toward a pro-choice Democratic candidate.

Here are our findings:

The country is pro-choice. A majority, 56 percent, believes that abortion should be legal in all or most cases.

The country does not want the government involved in a woman's private medical decisions. Eighty percent of voters believe that abortion is a decision that should be made between a woman and her doctor as compared to just 11 percent who say it's a decision that should be made by the government. Only 27 percent of those who are identified as "pro-life" believe that government should make the decision. Even a majority of those who identified as "pro-life" (55 percent) believe that a woman and her doctor should make the decision.

The presidential race will be competitive and choice can play an important role. After a fully informed debate that includes the candidate's position on a woman's right to choose, the race between President Bush and a generic Democrat tightens considerably. Initially, a generic Democratic candidate trails President Bush 15 points, 38 to 53 percent; after hearing the candidates' competing agendas that includes support for a woman's right to choose, the race tightens to a 6-point race, 44 to 50 percent.

Choice moves swing voters. After hearing two statements describing the Democratic candidate and President Bush's position on choice, support for a generic Democratic candidate increases from 44 to 46 percent, while support for President Bush drops 2 points, 48 to 46 percent. This movement is driven by moderately pro-choice voters who did not yet support the Democratic candidate at that stage of the survey (more below).

A principled commitment to privacy is the strongest message a pro-choice can make about choice. The privacy message is the strongest pro-choice message for a Democratic candidate and is consistent with the values promulgated in recent Supreme Court decisions. Fully 71 percent of voters say the privacy argument is a convincing reason to support the Democratic candidate for president; a majority (52 percent) says it is a very convincing reason.

A woman's right to choose is a private and very personal choice, and it should remain that way. The decision to have an abortion should be a decision made between a woman and her doctor. The government should stay out of private medical decisions.

Important swing voters move towards a pro-choice Democratic candidate. After a fully informed debate that includes the candidate's position on choice, there is a 16-point shift toward the Democratic candidate among Independent voters, a 12-point shift among suburban voters and a 10-point shift among moderate voters.

A pro-choice Democratic candidate can improve his or her standing with moderately pro-choice voters. Voters who describe themselves as pro-choice move from a 7-point margin for a Democratic candidate (49 to 42 percent) in the initial vote to vote to a 28-point margin for a Democrat (61 to 33 percent) in the final post-choice positioning vote.

Democrats have a strong advantage on gender issues. Whether that means women's rights, a woman's right to choose or abortion, voters believe that Democrats do a better job on these issues. The strongest advantage is on a woman's right to choose with 60 percent of voters saying Democrats do a better job on the issue as compared to just 19 percent who believe Republicans do a better job on the issue.

Other findings of interest: 61 percent of Americans know someone who had an abortion, including 56 percent of those who identified themselves as "pro-life."

Mrs. BOXER. We have different polls. But my friend from Alabama is totally correct. This is not about polls. He can prove in one poll that he is right; I can prove in one poll that I am right. The issue is in our hearts. We do not agree with each other.

If you want to make a woman a criminal, make a doctor a criminal, come here, we will have a vote up or down on that. Do not chip away, chip away, chip away, and hurt women in the process. The Court has stated that this is unconstitutional, bottom line.

On the other hand, my colleague said: our bill that bans this procedure is not violative of Roe because we have declared in the findings that the health issue is immaterial.

Well, good luck. When you have doctors testifying, when you have nurses testifying, when you have health professionals testifying, when you have women testifying, "We have had this procedure," because they knew they might die if they did not or they would be made infertile, and compare that to Senators or Congresspeople. I think the Court will look at the professional judgment of doctors because we are not doctors here. And we are certainly not God.

So let's call it what it is. It is not compassionate to pass a bill today that turns its back on the health of women. That is not compassionate. And the Supreme Court, let's see what else they said about this particular philosophy that you are going to get in this bill and why they overturned the last one that did the same thing.

Even if it only banned D&X, meaning the proposal my colleagues say they are banning, this ban would pose grave health risks. This is the Supreme Court:

> The record shows that significant medical authority supports the proposition that, in some circumstances, D&X would be the safest procedure.

This is the Court, the same Court that is going to hear your ban that has no health exception:

> A statute that altogether forbids D&X creates a significant health risk. The statute consequently must contain a health exception.

I ask my colleague if he is ready to speak because I am ready to yield the floor.

Mr. LAUTENBERG. Yes.

Mrs. BOXER. Here is what we know so far. We have a bill that has no health exception. It bans a procedure doctors say is needed. We have a bill that looks just like the Supreme Court case, and the Supreme Court said it is unconstitutional. And in the course of the conference, the conferees on the other side threw out the language that supports the Roe v. Wade decision.

This is a bad package for the families of America. I know the handwriting is on the wall that it will pass, but the issue is not going away.

I yield to my colleague as much time as he may wish to consume, Senator LAUTENBERG from New Jersey. I thank him for coming over today.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my colleague from California for her courage to stand up here and take a position when what we are seeing on the other side, with its pictures and statements about how this process is running rampant through America. It is not. We ought to face up to reality.

My position is kind of: There they go again. There they go again, wanting to curb people's rights, rights that are abundant and ought to remain in place without us touching them, civil rights such as affirmative action, rights such as the ability to have your day in court to make your case, and not have it snatched away to protect the gun industry from lawsuits no matter how reckless their behavior.

We do not hear anything nor have we ever seen a picture here of a gunshot victim who may never be able to walk again. We know Jim Brady will not walk again on his own, because of a gunshot wound. Do we see those kinds of pictures, the horror? Do we see surgical procedures depicted here in the Chamber, pictures of people having their intestines removed or something of that nature? Sure, they are ugly, but the point is that sometimes doctors have to do them to preserve someone's health, and that's a positive purpose.

At any rate, the other side wants to take away workers' rights to join unions and get overtime pay. The other side wants to promote judicial nominees who are anti-choice, anti-union, and anti-civil rights.

This is an attempt to regulate people's behavior.

I have noticed one thing here since this debate has begun: We have not seen one woman talk in favor of the side that says: This procedure ought to be banned. Put the doctors in jail. We have 15 women in the Senate, but not one is here defending the position that says: Take away the doctors' ability to practice medicine as they see fit.

Listen. I want to be clear here. And I want everybody to hear my voice: I am not pro-abortion. I am pro-choice. I believe a woman has the right to make a decision, in concert with her doctor, about her health.

What happens if she has another sick child or she herself suddenly finds that her health is being ruined, physically or mentally? Does she have a right to make her decision? I think so.

I have a child who is now pregnant with my 10th grandchild. We do not talk about abortions. Thank God, my other grandchildren and their mothers have been healthy. But we had their health checked to make sure everything was going to be OK because nothing is more important than having my three daughters and my daughter-in-law available to take care of the children they have and to make sure that their families stay intact.

But here, in what I call the "malegarchy" that is the United States Senate, we have the men deciding what ought to happen with women who, with their doctor, want to make a decision to protect their health.

The Senator from California was eloquent. She said: Provide those exceptions for the health and well-being of a mother. But no, that is not good enough: We don't like the way these women are making these decisions. We don't like it. We don't think they are mature enough to make these decisions. They are mature enough to be a mother, but are they mature enough to make their own decisions about their body? No, not according to the "Big Boys' Club" here; they should not be allowed to do that.

This is always a very difficult discussion. I don't think my friends who are on the opposite side are evil; they just happen to be wrong, in my view. I do not attribute anything to them except that I want to expose what I think is the truth; and that is, this growing trend to regulate people's behavior in this free, democratic society about which we talk so much.

When our young people fight in Iraq, when they fought in Vietnam, or in other wars—I fought in World War II—the fight has been to protect people's freedoms—freedoms. What are we doing trying to take away a right, and threatening doctors who perform a procedure they judge necessary to protect the life and health of the mother?

I voted against this bill, and I intend to vote against the conference report. A woman's right to choose is in greater danger now than it has been at any time since the Supreme Court issued its decision in Roe v. Wade 30 years ago.

Supporters of this bill use the term "partial-birth abortion." There is no medical term "partial-birth." It is a term deliberately concocted by the anti-choice movement to inflame passions. Make no mistake: the procedure(s) covered by this phony term are not chosen lightly. Does anybody here think that a woman who is 6 or 7 months along in her pregnancy, who falls prey to illness or disease, or discovers for some other reason that the pregnancy must be terminated—does anybody think that is an easy decision? It absolutely is not.

I am the father of 4 and, as I mentioned, the grandfather of 9—Lord willing, 10 soon.

But how can such a decision be challenged? How can the woman's decision, made in concert with her doctor, who says, "I recommend this as a necessary procedure"—be challenged? Well, here in the "Boys' Club," a woman and her doctor won't be allowed to make that decision. In my opinion, that is not right. I think the message the other side is sending to women is: Your behavior is abominable. We don't want you to do it. And here we have these poor people, these poor woman, who are risking their own health, carrying a fetus for 6 or 7 or 8 months—never a pleasant experience, I assure you.

As I said, there is no such medical term as "partial-birth abortion," and that is intentional because this bill is not designed to ban one particular abortion procedure but many safe and legal medical procedures. If S. 3 is ultimately passed, and President Bush signs it into law, as he has promised, he will become the first U.S. President to criminalize safe medical procedures.

Nobody is fooled by the real objective here, which is to chip away at a woman's right to choose and, ultimately, to criminalize legal and safe abortion procedures.

No. When people know what this bill is really about, they are opposed. An ABC News poll showed that 61 percent of Americans oppose criminalizing abortion procedures if a woman's health is threatened.

The bill is deceptive. It is extreme. We already know this bill won't pass the constitutional test. When we debated this bill back in March, many of us who are pro-choice said clearly, directly, that we would accept this bill if the bill's proponents would just make an exception for the life and health of the mother. That is what we were asking for. What is wrong with that? I don't understand the other side's objection to that.

Their obstinance shows the true position of those who want to police our conduct and decide how people ought to behave. It is too bad. It is not right.

The sponsors of S. 3 have repeatedly resisted reasonable attempts to include a health exception such as the Feinstein substitute, which was defeated. This bill is purely political. Everybody here knows it will be ruled unconstitutional. Five members of the current Supreme Court have struck down a State ban on so-called partial-birth abortions. The same fate awaits this legislation. And in New Jersey, my State, the State Supreme Court overturned a similar ban in 2000.

About a month ago we had a very enlightening debate on the Senate floor over an important amendment offered to S. 3 by our colleague, Senator HARKIN. The amendment reaffirmed support for the Supreme Court's decision in Roe v. Wade. The House Republican leadership decided that the Senate did not have the wisdom, and their leadership and their anti-choice friends removed Senator HARKIN's language in conference. Striping this bill of the Harkin amendment that reaffirms Roe v. Wade shows us what the President and his anti-choice allies are really after. They want to overturn Roe v. Wade. It has been said many times. Unfortunately, this bill puts them on that path.

During the previous debate on this bill, the junior Senator from Pennsylvania characterized the Harkin amendment, a reaffirmation of current law, as extreme. That is absurd. Not being willing to protect a woman's health is extreme. It is extreme, and it is wrong.

We know where this administration is headed. We know the true motives of the anti-choice administration and its allies in Congress. Look no further than the recent decision in 2002 made by the Bush administration to amend the State Children's Health Insurance Program to provide coverage for fetuses and embryos rather than for pregnant women.

This rabid ideology extends so far that the administration won't allow the United States to participate in international family planning programs. We are so paranoid about this, it is ridiculous.

I urge my colleagues to think this whole matter through, to put women's health and access to safe medical care before ideology, not to vote for this thinly veiled attempt to overturn Roe v. Wade. I urge that they vote against this unconstitutional bill before us.

I yield the floor.

Mrs. BOXER. Mr. President, how much time do I still retain?

The PRESIDING OFFICER. The time remaining is 76 minutes.

Mrs. BOXER. I mean under the agreement.

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mrs. BOXER. I thank the Chair. I will use the 6 minutes and then the time will revert to my colleague from Pennsylvania.

I thank my colleague and friend from New Jersey for coming to the Chamber to lay out so many of the unstated issues that revolve around this debate. The points he made today are important. Before he leaves, I want to ask him a question on my time. I know he is the proudest grandpa of 9, soon to be 10, we hope and expect. You have served for many years not only in public life but as a leader in business and leader of the community.

We hear from the other side about the need to protect the vulnerable. My friend stands with me as a supporter of the Violence Against Women Act, a supporter of the Violence Against Children Act and the need to do everything we can for the most vulnerable, to protect them from environmental hazards.

I find it interesting that they will talk on the other side and show pictures on the other side of fetuses before they are born. And the compassion, I don't doubt that for a minute. I have no doubt that my colleagues feel such compassion. Believe me, I do as well. Having given birth to two premature babies, I totally understand the love and compassion you give to the child you are carrying.

But I want to say to my friend, isn't there something missing here from this discussion of compassion? Should we not show compassion for a woman who desperately seeks to have a child and is told in the 7th month, the 6th month, something has gone terribly awry, that the baby's head is so large, the brain perhaps is developing outside of the skull, there are other problems, that the doctor says, to spare this woman a terrible life-threatening illness or to spare her infertility, that he recommends or she recommends that this procedure that is now being outlawed is the only way to, A, spare the woman from these possible health consequences which are serious and long term, could even land her in a wheelchair, render her unable to take care of her other children, and to spare that fetus, if it were born, the worst nightmare of a brief and short life? This happens to women. Does my friend not see the compassion in working with this family in a way that would give the woman dignity, preserve her health, the fetus dignity? I will talk about this because we have pro-life women, very religious, who went through this to spare the indignity to the fetus, to spare the pain to the fetus, to spare their own health. Is there not compassion in that decision and in that choice?

Mr. LAUTENBERG. Mr. President, in fact, the question is a very good one. It addresses the issue we are discussing. Why is there no agreement to the request of so many of us to go along and outlaw certain procedures altogether, get rid of them, as long as the health and well-being of the mother is taken care of?

I endowed initially—and it is still in existence—a cancer research center. It is called the Lautenberg Cancer Research Center, paid for with my own funds and people from whom I have raised money. We focus on breast cancer and other issues. We try to protect the women's health at all costs. We are not as generous here as we are to the fat cats who are going to get those huge tax cuts. Oh, no, they are entitled to theirs. But when it comes to potentially taking care of women's health, a child's health, men's health, all of it—well, it is OK to do that to a point. But to let women make their own decisions is outrageous.

There is nothing more tragic than to see a woman unable to take care of herself or her family as a result of continuing with a pregnancy that robbed her of her well-being.

Mrs. BOXER. Well, my friend is right. I just hope we recognize, because I know the Supreme Court recognizes it, that if we turn our backs on the women of this country as we are going to do today, first, it will never hold up across the street in the Supreme Court—no way.

Second of all, we are threatening the health of so many women. Before my friend leaves, I want to give him two brief stories. Eileen Sullivan of California—and these women are so courageous to tell the stories—is a Catholic with 10 brothers and sisters. Eileen had long awaited her first child. She and her husband were devastated to discover, at 26 weeks of pregnancy, that testing revealed overwhelming fatal abnormalities in their son, including an improperly formed brain, a malformed head, no lungs, and a nonfunctioning liver. The severe anomalies were incompatible with life.

The PRESIDING OFFICER. The Senator's time is up.

Mrs. BOXER. I ask unanimous consent for just 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Eileen and her husband sought the advice of medical specialists, but the prognosis grew worse with each additional test. Finally, the Sullivans, religious Catholics, made the decision they thought was most compassionate for their son, safest for Eileen, and most likely to allow them to have a healthy child in the future. Eileen had a D&X abortion in July of 1996.

I will conclude by saying I don't think it is compassionate to take away the choice of a woman such as this who is grappling with her religion, ethics, and making a decision with her family to do what is right for her family and for this unborn child. I think it is such a statement that there is no respect for the people of this country, there is no value given to their values, their souls, their religion, to their way of dealing with tragedy.

I don't understand how my friends from the other side of the aisle, who always talk about Big Brother interfering, could move into this area and turn their backs on the American families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, it is very clear to me that the Senator from New Jersey and I have a fundamental difference on how we view this issue. For the Senator from New Jersey to liken this procedure to the removal of an intestine, to compare the killing of a fetus——

Mr. LAUTENBERG. Will the Senator yield?

Mr. SANTORUM. To compare the killing of a fetus to the removal of an intestine—a fetus like in this picture, where you can see that little hand, that is a 21-week-old. That is the age at which these children are killed by partial-birth abortion. To compare the killing and extinguishing of life to the removal of an intestine is——

Mr. LAUTENBERG. Will the Senator yield for a very brief question? My father was 42 when he was stricken with colon cancer and he had his intestine removed to try to save his life. It was an ugly, painful procedure. As I equate this with any painful procedure that is surgically necessary. They tried to save his life but were unsuccessful.

Mr. SANTORUM. The Senator from New Jersey is equating the removal of tissue that was damaging to the person involved—removing an intestine to preserve that health or life. This little child, in almost every situation—in fact, the industry agrees: healthy mothers, healthy children—that little child is not a threat to this mother. It is not a cancerous lesion. It is not a defective or deformed part of that person's body that is threatening their health. This is a living organism. It happens to be a human being inside of the mother, and it is being killed not for the health of the mother or for the life of the mother but because the mother no longer wants the child.

The father of the Senator from New Jersey whose operation was performed was removing something that was damaging his health and potentially threatening his life. That is not the case here. To compare the two shows you the fundamental difference in our view.

What are we saying to people when we liken little children to cancerous parts of someone's body? We just see these little children as, what, threats? As something to be excised because they are not wanted? Is that the way we look at children? Is that how we see them—as cancerous lesions? Then we wonder why we have so much child abuse in this country, why one-third of the pregnancies end in abortion, why our culture is degraded, because we compare them to cancerous intestines on the floor of the Senate.

I yield 10 minutes to the Senator from Nevada.

Mr. ENSIGN. Mr. President, the first thing I want to address is: the other side has been talking about the health of the mother and that this bill includes a provision if the life of the mother is threatened. As far as the health of the mother is concerned, a select panel convened by the American Medical Association could not find any "identified circumstance" where a partial-birth abortion was the only appropriate alternative.

We have heard a lot of testimony from OB/GYNs and all kinds of medical experts that this procedure is never necessary. To argue that it is somehow medically necessary is a false argument. This procedure is so grotesque that when it is described, it makes people shudder. I once described this procedure when I spoke to some high school kids, and I used it as an example. I got complaints from the parents because we talked about such a gruesome procedure in a school. I can understand why they would be upset.

But people have to understand that this gruesome procedure is happening in the United States. What we are trying to do now in the Congress is to say this is so outrageous that we need to ban it.

I am a health care professional and I cannot even imagine a doctor or a nurse being involved in one of these procedures, delivering the baby out of the birth canal up to about here, the neck—arms and legs moving, holding that little baby in their hand, feeling life in their hand, a little heartbeat—and voluntarily taking forceps and jabbing them into the back of the skull. The skull is too big to come out so they have to collapse the skull down, sucking out the contents of the skull—the brains, basically. The baby at that point can feel pain. It is documented. In fact, it feels pain more than a normal child that has inhibitory pain fibers. We are saying this is somehow humane for the child, and that is literally beyond me.

This procedure is completely, in my mind, indefensible; it is infanticide. I want to talk about abortion in general because the other side is saying this is just chipping away at the rights of abortion. I remember when President Clinton said that abortion should be safe, legal, and rare. I think those were his terms. I was thinking to myself, safe, I can understand that; legal, from his perspective, I can understand that; but if you don't believe it is wrong, who cares whether it is rare?

If there is nothing wrong with abortion, why should it be rare? Who cares? If it is not a baby, if it is just a blob of tissue, like the other side says, who cares whether it happens all the time? Why do we care whether it is rare?

The reason even somebody like Bill Clinton says it should be rare is because there is something in our conscience that is telling us abortion is wrong. Eighty-six percent of Down syndrome babies are aborted today—86 percent. We have an incredible young man right out here who runs the elevators. His name is Jimmy. He has Down syndrome.

We have a great organization in Las Vegas called Opportunity Village which deals with a lot of people. It employs a lot of people, finds them a job, people with either congenital problems, whether Down syndrome or other problems, or whether they have had a brain injury. We are saying to those people: You don't have the right to live. We are saying to the Jimmys of the world: You know what, you aren't perfect, so you don't have the right to live. That is what abortion is about. Is it going to be difficult? Yes, but life isn't guaranteed to be easy.

Mr. President, we have to look at what we are becoming as a society. If we do not value human life to the point where it is OK to have little imperfections, what are we becoming as a society? Haven't we seen in history the societies that have tried to create the perfect race, how immoral that was? Isn't that what we are trying to do somewhat with abortions and some of the other new medical technologies that are coming out?

This is a very emotional issue, and I understand people who believe abortion should be legal. There are a lot of women who have had abortions, who have gone through incredible stress—post-abortion syndrome, as it is known. It is likened to post-traumatic stress syndrome. I feel badly, and I feel pain for those women and men who have been involved with abortions.

Sometimes as a defense mechanism, one tries to justify what one did. I think it is important for us to show compassion for those people who have been involved and it is important not to judge other people's motives. But at the same time, we have to look, as a country, at whether it is right or wrong. If it is a baby, it is wrong. It just is. If it is a baby, it is murder. If it is not a baby, if it is some tissue, like the other side says, that is exactly right, it should be legal. It should be absolutely legal, if it is just tissue. But if it is a human life, then that human life deserves to be defended. That innocent human life deserves all the protections of the law, whether they have

Down syndrome, spina bifida, or any other congenital ailment. They deserve the same protection under our law any other "normal" healthy child has.

We have to look at ourselves as a society and what type of a society we want to have going into the future. America's greatness has been because we have had strong moral standards. This is the great moral problem of our day about which we have to do some soul-searching as a country, to be on our knees in prayer to figure out the right course of action. For me, it is clear.

I urge all of our colleagues to do a lot of soul-searching on this issue. I believe if you are honest, people will see the rights of a baby deserve to be protected.

I thank the manager of the bill and others who have been involved in this issue for the great work they have done. This is truly a fight worth doing and worth doing right.

I thank the Chair. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. DEWINE).

The PRESIDING OFFICER. The Senator from Pennsylvania.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003—CONFERENCE REPORT—Continued

Mr. SANTORUM. Mr. President, I yield 10 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I commend the Senator from Pennsylvania, Mr. SANTORUM, and Senator FRIST for their leadership on this particular issue. Both have worked extremely hard. I also commend the Presiding Officer for his leadership for the rights of the unborn.

I am pleased to be a cosponsor of the Partial-Birth Abortion Act, which is S. 3. This legislation is designed to help protect unnecessary suffering of the unborn child and also to protect the mother. It prohibits a partial-birth abortion, which is a partial delivery of a living baby, the killing of a baby before complete delivery.

The bill allows partial-birth abortion except for the life of the mother, and in cases where there is endangerment by physical disorder, illness, and injury.

I will go through some of the bill's definitions, which I think say a lot about what this bill is all about.

The term "partial-birth abortion" means an abortion which, first, "the person performing the abortion deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus." That is the way it is defined in the bill. Further, the term "partial-birth abortion" means an overt act, other than completion of delivery, that "kills the partially delivered living fetus with this procedure."

This type of abortion is called a D&X abortion, which would be prohibited, also referred to as a dilation and extraction abortion. The bill defines "extraction" as: "Extraction from the uterus and into the vagina of all of the body of a fetus except the head, following which the fetus is killed by extracting the contents of the skull." After the baby's skull tissue is rooted out, then the remains of the baby are removed.

I emphasize, this bill does not prohibit other abortions. For example, it does not prohibit what is commonly referred to as D&E, or dilation and evacuation, a procedure which includes dismemberment of the baby inside the uterus, induction of preterm labor with the fetus forced from the uterus, and suctioning of the baby out of the uterus. It does not prohibit suction abortion, which involves scraping the fetus apart from the placenta, or suctioning the baby out of the uterus. It does not prohibit all other types of abortion that might be applied, such as a Caesarian section or a hysterotomy.

The bill protects the life and safety of the mother. Partial-birth abortion was never intended to be a procedure to protect the health of the mother. This procedure has become a form of abortion. On the contrary, we need a ban in order to protect the health of the mother. It is a dangerous procedure, it is a fringe procedure, and it is outside the mainstream of routine medicine.

The American Medical Association, for example, which is an organization that is committed to medical excellence on behalf of patients and professionals, opposes this procedure. The AMA has described this procedure as unsafe and dangerous. The American Medical Association has stated it is "not good medicine," "not medically indicated."

There are some specific exceptions: If the mother's life is in danger. The bill allows abortion if endangered by physical disorders or illness or injury.

In the bill, again, it says:

> Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than 2 years or both. This subsection does not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

I went through a lot of the procedures of the bill just to let the Members of the Senate know how grotesque this procedure is. This bill is necessary and important.

This legislation is designed to protect infants. Testimony in committee indicates there is pain to the baby when this partial-birth abortion procedure is conducted. Professor Robert White, who is director of the Division of Neurosurgery and Brain Research Laboratory at Case Western Reserve School of Medicine, testified before the Constitution Subcommittee in 1995. These are his exact words:

> The fetus within this time frame of gestation, 20 weeks and beyond, is fully capable of experiencing pain. Without question, all of this is a dreadfully painful experience for any infant subject to such a surgical procedure.

The procedure should not exist or be permitted, in my view. It is painful, morbid, inhumane, and simply barbaric. A majority of Americans believe we should end this practice and it should be illegal except if necessary to save the life of the mother.

The House and Senate have passed a number of times on this legislation. We passed a partial-birth abortion bill from this body in the 104th, 105th, and 106th Congresses. In the 108th Congress, both the House and the Senate passed this ban—with a vote in the House of 181 for, 142 against. It was a bipartisan vote. Again, we had a bipartisan vote in the Senate, where we had 64 for and 33 against.

It is important that we pass this particular legislation. The President strongly supports S. 3. President Bush, in his State of the Union Address, asked Congress to:

> . . . protect infants at the very moment of birth, and end the practice of partial-birth abortion.

We need to act now. I again thank my colleagues in the Senate who have been such strong advocates of eliminating partial-birth abortion except in situations threatening the life of the mother. I am pleased we are acting now, and I thank my colleagues for their support of this important ban for the Nation's children.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. After conferring with my colleague from California, we set this in place. I will yield to the Senator from Illinois for 10 minutes. I ask unanimous consent that following that 10 minutes, the Senator from Ohio be recognized for 10 minutes.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I yield 10 minutes to the Senator from Illinois. If he needs further time, I agree to an additional 5 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this debate is not something I look forward to on the floor of the Senate. This is one of the toughest issues any elected official ever has to face. It is highly controversial. In my home State of Illinois, in my hometown of Springfield, virtually everywhere I travel, there is a strong difference of opinion on the issue of abortion.

I understand that, and I really have to say as to all those who come to the floor today on either side of this issue, we should never question their motives because I think each and every one of us has tried to search our soul to find out what is fair and what is just. In many instances here, we are talking about things beyond our expertise as individuals. Some of us are lawyers, some have other backgrounds. Very few, if any of us, have medical credentials. But we come today to consider something which is historic, and that is that we would ban in the United States a medical procedure.

To my knowledge, that has never been done. It is being done here under the pretense that it is the humane and right thing to do. Yet when you speak to the professionals, those who do this for a living, the obstetricians and gynecologists, they basically tell you, be careful, because you can't really predict in every instance what a mother might face late in a pregnancy. But this bill has decided that regardless of the medical emergency that might face a mother late in her pregnancy—regardless, we are going to eliminate once and for all this medical procedure. I think that is a very historic and very dangerous action.

I wonder if, in retrospect, we would do it in any other area of medicine. But when it comes to the politically controversial area of abortion, many politicians and elected officials just come roaring through the door and say: Let me tell you what we are going to do and what we are not going to do.

I have tried to look at this in honest and fair terms. Let me tell you what I believe. I believe all late-term abortions should be strictly construed and prohibited in almost every case. I only allow two exceptions for any type of late-term abortion procedure: The life of the mother, and where the mother faces grievous physical injury if she goes through the pregnancy.

I said in an amendment I brought to the floor, just to make certain we know what we are doing, two doctors have to certify that either her life is at stake or, in fact, she runs the risk of grievous physical injury. I can stand behind that. I can say in good conscience that those are the only two exceptions for which I will stand.

But the bill before us today does not allow those two exceptions. If a mother faces the possibility of grievous physical injury if she continues the pregnancy, this bill will still ban a procedure which some doctors believe is best for her under those circumstances. Consider that for a moment. Consider what we are saying. Even if the woman faces grievous physical injury, she has to continue the pregnancy, or at least seek some other way of terminating the pregnancy that might not be as good for her.

Don't take my word for it. Again, I am a lawyer, I am a legislator. But the American College of Obstetricians and Gynecologists was asked about this procedure, and this is what they said. When abortion is performed after 16 weeks, intact D&X, which is what is called partial-birth abortion here, is one method of terminating a pregnancy. This is the important language from the professionals, from the obstetricians and gynecologists. Listen closely:

> The physician, in consultation with the patient, must choose the most appropriate method based upon the patient's individual circumstances.

If it were your wife whose life was at stake, whose physical well-being were at stake, isn't that the standard you would want, that the doctor and your wife and family would make the best decision, appropriate to her medical circumstances? There is no doubt in my mind. There is no doubt in the minds of the women who have come to tell me of the sad stories of their pregnancies that ended so badly.

Yet in this bill we are saying, as politicians and legislators, we want to step into that room in the doctor's office, we want to stand between the doctor and the patient, and we want to make the decision. We want to say to that doctor, regardless of what you think is best for this woman who faces grievous physical injury if she goes forward with the pregnancy, regardless of what is best for her in your medical, professional opinion, we are going to take away from you one procedure which you can use. It might be the best one for her, but it is not the best one politically. That is why this bill is before the Senate. That is a sad circumstance.

In one of the most frightening times in a woman's life, when she is so late in her pregnancy that they have decorated the room for the baby, picked the name, they know what they will do when the baby comes home, she gets the tragic news that something has happened no one anticipated. One of the ladies from my State came forward. I met her a few years ago. Vicki talked about having two children and a third child on the way. Here she was, late in her pregnancy. She described the pregnancy as disgustingly normal. At 32 weeks in the pregnancy, 8 months into the pregnancy, she went in for an ultrasound and discovered the little boy she was carrying had at least 9 major anomalies, including a fluid-filled cranium with no brain tissue at all, compacted, flattened vertebrae, congenital hip dysplasia, skeletal dysplasia, and hyperteloric eyes. The doctor told her this baby will never survive outside the womb and because of her physical condition he said she should terminate the pregnancy if she wanted to live and if she ever wanted to have another child.

Her husband, a doctor, sat down with her. They told me, personally, of crying through the night, making this decision and finally deciding they had to do this. And they did. She terminated this pregnancy with the very procedure that is being banned by this bill. She did it because she thought she had no choice. The doctor told her she had no choice. Frankly, if this bill passes, that procedure would not be available to her.

What has happened to Vicki since? The good news is she became pregnant again and she delivered a son, Nicholas, a little boy I met right outside the Capitol. This is a woman who did not want to be a mother, who did not want to be pregnant? No. It is a woman who, through no fault of her own, found herself facing a 'medical emergency and deciding at the last moment, with her husband and her conscience, what was the best thing to do. She chose the very procedure which is going to be banned and prohibited by this bill.

That is unfortunate. There has been so much publicity back and forth about abortion procedures. Trust me, there is no way to terminate a pregnancy which is clean and sanitary and something you would want to publicize on television. It is a gruesome procedure at any stage in the pregnancy. Yet we have been led to believe this termination of pregnancy is somehow much different.

When I came before the Senate and said, all right, I will go along with terminating all late-term abortion procedures except when the mother's life is at stake or she is running the risk of grievous physical injury, we will require two doctors to certify that and will penalize a doctor if he misrepresents or lies about that, I thought, finally, we found a reasonable middle ground. Those who are opposed to virtually all abortions still would not vote for that amendment. Even though we had support of people who are pro-life and pro-choice, they could not support it.

The Supreme Court, across the street, has told us what happens to bills such as the one we are passing today. If you do not include a provision in there to consider the health of the mother, grievous physical injury, for example, if you do not include that provision, then you fail by the Roe v. Wade test.

Do not ask this Senator to stand here and make this statement with no evidence. The Court already mandated that decision in Stenberg v. Carhart. Nebraska, in that case, struck it down, with virtually the same language before the Senate today. They said it lacks any exception for the preservation of the health of the mother. This bill lacks any exception for the preservation of the health of the mother.

Why are we here today? Because some people understand that regenerating this issue on a regular basis is good for some politically. But it is not good for this Nation, not to have closure on an issue or at least some reasonable compromise where we can limit all late-term abortion procedures.

There are some who are opposed to all forms of abortion. I respect their point of view. I respect the principles that bring them to that decision. But for those who believe, as I do, that abortion should be rare and should be safe, that we should limit it to the most extraordinary cases, particularly late-term abortions, I offered an amendment to do that. It was rejected. Instead, we have this bill coming before the Senate, headed to the Supreme Court, which does not include the exception necessary to protect the health of the mother—protect the health of the mother I met, a woman who faced an extraordinary medical emergency.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized for 10 minutes.

Mr. DEWINE. Mr. President, I thank my friend and colleague from Pennsylvania, Senator SANTORUM, Senator BROWNBACK, Senator GRAHAM, Majority Leader FRIST, also my colleague, Senator ALLARD, who spoke just a moment ago, for their unending and unwavering efforts to put a permanent end to this horrible partial-birth abortion procedure.

We are here today because a civilized society cannot tolerate this type of procedure. With all due respect to my colleague, my friend from Illinois, this is not about politics. This is about what kind of a society we have, what kind of a country, what kind of a people we are.

This will be the third time for the Senate and the Congress to vote to ban this inhumane procedure—a procedure which, I point out, has absolutely no medical purpose. Time and time again, the testimony we heard in front of our Judiciary Committee is this procedure is never—I repeat, never—medically indicated. I also point out, just to make sure there is a a provision in this bill that provides for a life-of-the-mother exception, the testimony time and time again from all the experts was this is never medically indicated.

This has been before the Senate before. We have voted on this before. The difference today is after Congress votes to ban this procedure this time, this time the President of the United States will sign this bill into law. Soon, once this becomes the law of the land, the abortionist will not be able to legally perform this brutal act on our society's most innocent victims. Once this becomes the law of the land, the abortionist will no longer pull living babies feet first out of their mother's wombs, puncturing their skulls and sucking out their brains. Those are the facts, much as we hate to talk about them.

I have come to the Senate before and talked about different specific stories. I have talked about the story of Baby Hope. The stories of little children like Baby Hope will no longer occur. I described before in the Senate in detail the story of Baby Hope. This was the story where the abortionist, Dr. Mark Haskell, in Dayton, OH, inserted, as he has done thousands of times, a surgical instrument into this little child—in this case, Baby Hope—into Baby Hope's mother to dilate her cervix so Baby Hope could eventually be removed and killed. In this case, Baby Hope's mother went home to Cincinnati expecting to return 3 days later to Dayton for the completion of the procedure. This is a 3-day procedure. In this case, the mother's cervix dilated too quickly and as a result Baby Hope was actually born but died shortly thereafter.

Mr. President and Members of the Senate, on the death certificate there is a space for the cause of death or "Method of Death." In Baby Hope's case, the method of death is written in with the word "natural." Well, that, of course, is simply not true. There is nothing natural about the events that led to the death of this tiny little child. We all know that Baby Hope did not die of natural causes.

We cannot nor should we ever forget this tragedy, nor others like it as recounted by medical professionals.

My colleagues may recall the story of Brenda Pratt Shafer, a registered nurse who was assigned to Dr. Haskell's abortion clinic one morning in the early 1990s. I have told this story on the Senate floor many times.

Nurse Shafer observed Dr. Haskell use the partial-birth abortion procedure to abort babies that day. In fact, she testified before our Senate Judiciary Committee in 1995.

I would like to share with my colleagues again—and I pray that this time will be the final time we have to tell this story on the Senate floor—exactly what the nurse saw and what she testified to in front of the Judiciary Committee.

Nurse Shafer gave very gripping, very telling, very truthful testimony. This is what she said. She described the partial-birth abortion she witnessed on a child that was 26½ weeks. This is what she said:

> The young woman was 18, unmarried, and a little over six months pregnant. She cried the entire three days she was at the abortion clinic. The doctor told us, "I'm afraid she's going to want to see the baby. Try to discourage her from it; we don't like them to see the babies."

The nurse continues:

> Dr. Haskell went in with forceps and grabbed the baby's legs and pulled them down into the birth canal.
>
> Then he delivered the baby's body and arms—everything but the head. The doctor kept the head right inside the uterus. The baby's little fingers were clasping and unclasping and his little feet were kicking.
>
> The baby was hanging there, and the doctor was holding his neck to keep his head from slipping out. The doctor took a pair of scissors and inserted them into the back of the baby's head, and the baby's arms jerked out in a flinch, a startle reaction, like a baby does when he thinks he might fall. The doctor opened up the scissors, stuck a high-powered suction tube in the opening and sucked the baby's brains out.

The nurse continues:

> Now the baby went completely limp. We cut the umbilical cord and delivered the placenta. He threw the baby in a pan along with the placenta and the instruments he had just used. I saw the baby move in the pan.
>
> I asked another nurse and she said it was just reflexes. The baby boy had the most perfect angelic face I think I have ever seen in my life. When the mother started coming around, she was crying—"I want to see my baby."

"I want to see my baby."

> So we cleaned him up and put him into a blanket. We put her in a private room and handed her the baby. She held that baby in her arms and when she looked into his face, she started screaming—"Oh my God, what have I done? This is my baby."

Soon we will rest more easily knowing we are very near the end, very near the day when we do not have to retell Nurse Shafer's story—the day when my colleagues, such as Senators SANTORUM and BROWNBACK and GRAHAM and Majority Leader FRIST and the rest of us who have fought this battle, will not have to come to the Senate floor and talk about partial-birth abortion. Nobody wants to talk about this act. Nobody wants to tell the story, to tell Nurse Shafer's story.

Now is finally the time we will ban this horrible, horrible procedure. I look forward to this forthcoming vote in just a few hours and our subsequent delivery of this bill to the President for his prompt signature.

This is the right thing to do. The facts are there. The facts are that this procedure is not medically indicated; it is not medically necessary. We should be judged, I believe, not just by what we do in society; I think we also should be judged by what we put up with, by what we tolerate.

I say to my colleagues, no civilized society should tolerate this type of action. We should say today, by our vote, we simply will not tolerate this, that this is wrong. We cannot allow this to continue in this great country of ours.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. Crapo). Who yields time?

The Senator from California.

Mrs. BOXER. Mr. President, could you tell us how much time remains on Senator Santorum's side and how much time remains on our side?

The PRESIDING OFFICER. The Senator from Pennsylvania has 38 minutes remaining. The Senator from California has 58½ minutes remaining.

Mrs. BOXER. Would the Presiding Officer be so kind as to tell me when I have used 20 minutes?

The PRESIDING OFFICER. Yes.

Mrs. BOXER. Thank you very much.

Mr. President, you have heard a tragic story here of a woman who had an abortion who really did not want to have one. I have to tell you, that is why I am so proud to be a pro-choice Senator, a pro-choice American, a pro-choice Californian, fighting for that woman's right to never, ever, ever have to have an abortion if she decided she did not want one.

At the same time, I want the other side to understand that Roe v. Wade is the law of the land and that at the early stages of a pregnancy Government should stay out of a personal, private, moral, and religious decision. That is exactly what being pro-choice means. It means the woman described by my friend must never be forced to have an abortion, ever, no matter what goes wrong with the pregnancy—no matter what—if she insists on going through with it and wanting to have that child. Regardless of the risk to her health, she has the right to do it. That is what being pro-choice is about. Being anti-choice means that Government will dictate that situation.

What we have here today and why our side has decided we wanted to have another debate on this is because, just as the other side has said, the anti-choice side has said this is a historic day, we agree. This is, indeed, a historic day because, for the first time in history, Congress will be banning a medical procedure that is considered medically necessary by physicians, physicians who know. And we will put those statements in the Record once again.

My colleague, Senator DeWine, very eloquently said this debate is about what kind of a country we are. That is true. What kind of a country would say to half of its population, "We don't trust you; We think you would choose murder"? What kind of a country would say to its doctors, who take the Hippocratic oath, "Do no harm. We don't trust you. You are going to jail!"? In this bill, they will go to jail if they use this technique and it was not to save the life of a mother.

Imagine the circumstance where a doctor is making this decision: I think my patient might die if I don't use this. My God, I have to read the law. Oh, my God, she might live. How could I be sure? I am not positive. I think she might die.

That woman lying in front of that doctor is in great danger. That is why so many medical organizations and OB/GYNs are saying: Please, Senators, stop playing doctor. When we were kids, we had a doctor's set. We put on the white coat. If we want to do that, we should go get our medical degree. But don't stand here and talk about the fact that we can just make this a better country by outlawing medical procedures without an exception for the health of the woman. What kind of country does that? What kind of country says to half of its population: Yes, you are important, but if you are lying on the table and you could wind up being paralyzed or getting a stroke, you are just not that important. What kind of country says that to women? That is why I am here today. This bill is going to pass overwhelmingly. We know the drill. This President is going to sign it. There is going to be a big signing ceremony. There is going to be an immediate court suit. The bill will be stayed. The debate will occur across the street in the Supreme Court. This bill is the same bill essentially that was declared unconstitutional before because the judges understand—maybe better than my colleagues over here understand—the life and the health of a woman is very important, and it must be protected in accordance with the law.

We have been told by physicians—we have the statements in the Record—that by banning this procedure, a woman might get a hemorrhage. She might rupture her uterus. She could get very serious blood clots. She could get a stroke, an embolism. She could have damage to nearby organs. She could be paralyzed for life. Do you want to vote that way? You have a chance. If you don't make a health exception, then you are essentially saying women are just not that important.

If you love your mother, don't vote for this bill. If you love your daughter, don't vote for this bill. Because if she finds herself in this horrific circumstance of a pregnancy gone desperately wrong, where the doctor informs her, perhaps, that the baby's brain is outside of the skull, that there would be excruciating pain if the baby is born, that she could lose her fertility, that she could perhaps suffer a stroke, she won't be able to do anything about it. Is that what we want to do here in the Senate?

In many ways this is an exercise in politics, because we believe very strongly this bill will be overturned when it gets across the street. It is not an exercise I take lightly when colleagues think so little of the women of this country, of the mothers of this country, of the daughters of this country that they would pass a bill with no health exception.

I don't think that is what Americans want. When they really understand this, they turn against it. If you hear it without the full explanation, of course we say: Let's not do this procedure. But if you say, but it may be necessary to save the life or health of a woman, people say: OK, then at least allow it in those circumstances.

There isn't a Democrat on this side of the aisle who wouldn't have voted for a health exception along with a life exception, and this procedure would be banned. As a matter of fact, we have proposed—and I have written legislation—banning all late-term abortions except for a health exception and a life exception.

We all come here and say we know what Americans want. It is interesting because, of course, we are trying to determine that. Senator Sessions had a poll that said women in this country no longer want the right to choose. That is what he said. I have a poll that shows everyone in this country believes Roe is a fair balance and should continue. But let me tell you what I think Americans want. Let me tell you what I know Californians want. I don't speak for every Californian. I couldn't. There are 35 million of us. But the vast majority of us—and we have had amazing polls on this point—want American women protected. They want children protected. They want privacy protected. They want women respected. They trust women more than they trust Senators. They want us to do the right thing, and they know what the right thing is.

They understand Roe v. Wade took a very difficult decision and explained it in a way that is a balance between all the rights involved.

Here is what Roe v. Wade essentially says: In the first 3 months after pregnancy, a woman has the right to choose and the Government cannot get involved. After that, the Government can get involved. As a matter of fact, after viability, the Government could ban all abortion, which I support, except for the life or health of a woman. I happen to believe that was a Solomon-like decision. It balanced all the concerns. But the most important thing it did is it respected women for the first time.

This was a struggle. Women died. The Senator from Pennsylvania says it was only 85 women a year who died before Roe. We have evidence and we have articles to put in the Record today that will show you we believe the 5,000-a-year figure is more on the mark, because the 85 is only a report to the CDC from States where abortion was legal and in many States abortion was illegal in those years. Thousands of women died.

As I said before, let's face it, that is what the underlying tension is in the debate, because this particular procedure is done very rarely. What is really at stake here is Roe v. Wade.

How do I know that? I know it because of the language used on the other side over and over again: Killing children, killing children, killing children. My God, as someone who wrote the Violence Against Children Act, I have to hear people talk about the fact that women are out there every day killing children, that doctors are out there killing children.

Roe v. Wade is not about killing children. Roe v. Wade is about respecting women to say this is a moral issue. This is a religious issue. This is a family issue. This is a privacy issue. Government should stay out in the early stages. In the later stages, government can in fact legislate.

If you take the rhetoric used in the Chamber today and you extrapolated it in a logical fashion, it means the other side thinks all abortion is murder from the minute of conception. If there is a murder committed, there is a murderer, and you have to say that is the woman because, if you listen to their rhetoric, that is what it is about. The doctor is an accomplice in this act. Frankly, I would have more, shall we say, legislative respect for my colleagues—I have personal respect for them, but I would have more legislative respect for them—if they just came out and said, call it what it is: Abortion is murder. That is why we threw out the Harkin amendment that was in this bill supporting Roe. We think abortion is murder. We want women in jail. We want doctors in jail. Maybe they even want the death penalty for a woman. I don't know. I haven't probed them on it.

That is really what this debate is about. It is why it is important to take the debate to the American people. The beauty of being pro-choice is you totally respect the woman regardless of her view.

If she is 18 years old, or 17, or 19, and she wants to have that child, a pro-choice American says: What can we do to help you make it easier? But if she doesn't and it is something she wants to deal with very early in the pregnancy, then just the same way, we say it is your choice; we respect that choice.

This debate is a very important one, a very historic debate. It is true that this bill has passed several times. We expect it to pass today. But this is the first President who will ever sign a bill outlawing a medically necessary procedure.

Now, I am going to prove it is a medically necessary procedure because I am going to put in the RECORD a series of letters. First is the ACOG statement, the American College of Obstetricians and Gynecologists. We can play doctor all we want here. These are the folks who are out there birthing our children, out there telling us month after month, as we go back for our checkup when we are pregnant, how important it is to have good nutrition, not to smoke, not to have alcohol, how to protect that fetus and have a healthy baby. These are the people who want healthy babies born. What do they say? They say:

> The intervention of legislative bodies into medical decisionmaking is inappropriate, ill-advised, and dangerous.

I will repeat that. The obstetricians and gynecologists from all over this country told us that:

> The intervention of legislative bodies into medical decisionmaking is inappropriate, ill-advised, and—

The last word is powerful—

> dangerous.

This bill, if it is upheld by the Court—which I don't believe it will be—is putting women's lives in danger. Don't ask me; ask the doctors. The testimony of Anne Davis is clear. She is a physician. She is very eloquent on the point. She even says that the life exception in the bill is very narrow, which is something I agree with, but I hope the Court will look at that. She says this procedure that is about to be banned by this bill may well be the safest procedure for women in certain circumstances. She was very clear in her testimony.

I commend to my colleagues her testimony on March 25, 2003, before the House Subcommittee on the Constitution.

Mr. President, the American Public Health Association writes:

> We are opposed to [this bill] because we believe this and other legislative and judicial restrictions to safe, medically accepted abortion procedures severely jeopardize women's health and well-being.

You are going to hear my colleagues on the other side say: This bill doesn't hurt women's health—not a problem, not an issue. This bill doesn't conflict with Roe. Why? Because they wrote in the findings that this bill has nothing to do with the health of a woman. Please. Give women just a little bit of credit here.

So here is the American Public Health Association clearly telling us why they believe this is a jeopardy to women's health and their well-being.

Then we have the American Medical Women's Association in a letter they wrote to us. They strongly oppose this ban, and this is what they say, because I think it is a very important thing they say here:

> While the Association has high respect for each member and their right to hold whatever moral, religious and philosophical beliefs his or her conscience dictates, as an organization of 10,000 women physicians and medical students dedicated to promoting women's health and advancing women in medicine, we believe [this bill] is unconscionable.

Doctors are telling us this bill is "dangerous." These doctors are telling us that this bill puts women's health "in jeopardy." Doctors are telling us loudly and clearly that this bill is "unconscionable." But it is going to be passed and it will get the signature of the President and, if not overturned, it is going to hurt the women of our country.

They go on to say:

> Legislative bans for procedures that use recognized [OB/GYN] techniques fail to protect the health and safety of women and their children, nor will it improve the lives of women and families.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL WOMEN'S
ASSOCIATION, INC.,
Alexandria, VA, March 25, 2003.

Hon. JERROLD NADLER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN NADLER: The American Medical Women's Association (AMWA) strongly opposes HR 760, the "Partial-Birth Abortion Ban Act of 2003." While the Association has high respect for each member and their right to hold whatever moral, religious and philosophical beliefs his or her conscience dictates, as an organization of 10,000 women physicians and medical students dedicated to promoting women's health and advancing women in medicine, we believe HR 760 is unconscionable.

AMWA has long been an advocate for women's access to reproductive health care. As such, we recognize this legislation as an attempt to ban a procedure that in some circumstances is the safest and most appropriate alternative available to save the life and health of the woman. Furthermore, this bill violates the privilege of a patient in consultation with her physician to make the most appropriate decision regarding her specific health circumstances.

AMWA opposes legislation such as HR 760 as inappropriate intervention in the decision-making relationship between physician and patient. The definition of the bill is too imprecise and it includes non-medical terminology for a procedure that may ultimately undermine the legality of other techniques in obstetrics and gynecology used in both abortion and non-abortion situations. At times, the use of these techniques is essential to the lives and health of women. The potential of this ban to criminalize certain obstetrics and gynecology techniques ultimately interferes with the quality of health and lives of women. Furthermore, the current ban fails to meet the provisions set forth by the Supreme Court in Stenberg v. Carhart, a ruling that overturned a Nebraska statute banning abortion because it contained no life and health exception for the mother.

AMWA's position on this bill corresponds to the position statement of the organization on abortion and reproductive health services to women and their families.

AMWA believes that the prevention of unintended pregnancies through access to contraception and education is the best option available for reducing the abortion rate in the United States. Legislative bans for procedures that use recognized obstetrics and gynecological techniques fails to protect the health and safety of women and their children, nor will it improve the lives of women and their families. If you have any questions please contact Meghan Kissell, at 703–838–0500.

Sincerely,

LYNN EPSTEIN, MD,
President.

Mrs. BOXER. Then you have the Physicians for Reproductive Choice and Health. They make a very good point—a point we have made over and over again: There is no mention of the term "partial-birth abortion" in any medical literature. Physicians are never taught a technique called "partial-birth abortion" and cannot even define it, which is one of the things the Court said was too vague a definition. So why do you think my colleagues are banning something called partial-birth abortion when there is no such thing, according to physicians, as partial-birth abortion? I will give you 10 seconds to think it over.

The PRESIDING OFFICER. The Senator has used 20 minutes.

Mrs. BOXER. I ask unanimous consent for 10 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I gave you 10 seconds to think about why we are banning something called partial-birth abortion when there is no such medical procedure. The answer is, it is a highly charged bunch of words. There is no such thing as partial-birth abortion in the medical literature; you either have a birth or an abortion. But it charges people up. It gives you a picture that is not accurate.

This is what the Physicians for Reproductive Choice and Health tell us:

> Physicians need to have all medical options available in order to provide the best medical care possible. It is unethical and dangerous—

There is the word again "dangerous"—

> for legislators to dictate the details of specific surgical procedures. Banning procedures puts women's health at risk.

"Risk," "danger," "jeopardy," and "unconscionable" are the words that go along with this bill. They are not my words. They are words of physicians who have lived their life to help women have babies. That is what they are about.

> Politicians should not legislate decision-making by doctors.

They call it medical decisionmaking.

> To do so would violate the sanctity and legality of the physician-patient relationship. To falsify scientific evidence in an attempt to deny women their right is unconscionable.

There it is. "Unconscionable," "dangerous," "jeopardy," and "at risk" are the words we are being told. But we are going to vote for this bill because it is about politics. It is easy to say I cannot buy this procedure. We could have banned it completely. We could have banned all late-term abortion completely with a life exception, health exception. But, oh, no, I think the other side would rather have an issue than make progress. That is not just me talking, that is very anti-choice people who have said this is going to be overturned across the street in 5 minutes.

I ask unanimous consent to print this letter from Physicians for Reproductive Choice and Health in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PHYSICIANS FOR REPRODUCTIVE
CHOICE AND HEALTH,
New York, NY.

Hon. JERROLD NADLER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN NADLER: We are writing to urge you to stand in defense of women's reproductive health and vote against H.R. 760, legislation regarding so-called "partial birth" abortion.

We are practicing family physicians; obstetrician-gynecologists; academics in obstetrics, gynecology and women's health; and a variety of other specialties in medicine. We believe it is imperative that those who perform terminations and manage the pre- and post-operative care of women receiving abortions are given a voice in a debate that has largely ignored the two groups whose lives would be most affected by this legislation: physicians and patients.

It is misguided and unprincipled for lawmakers to legislate decision-making in medicine. We all want safe and effective medical procedures for women; on that there is no dispute. However, the business of medicine is not always palatable to those who do not practice it on a regular basis. The description of a number of procedures—from liposuction to cardiac surgery—may seem distasteful to some, and even repugnant to others. When physicians analyze and refine surgical techniques, it is always for the best interest of the patient. The risk of death associated with childbirth is about 11 times as high as that associated with abortion. Abortion is proven to be one of the safest procedures in medicine, significantly safer than childbirth, and in fact saves women's lives.

While we can argue as to why this legislation is dangerous, deceptive and unconstitutional—and it is—the fact of the matter is that the text of the bill is so vague and misleading that there is a great need to correct the misconceptions around abortion safety and technique. It is wrong to assume that a specific procedure is never needed; what is required is the safest option for the patient, and that varies from case to case.

THE FACTS

(1) So-called "partial birth" abortion does not exist.

There is no mention of the term "partial birth" abortion in any medical literature. Physicians are never taught a technique called "partial birth" abortion and therefore are unable to medically define the procedure.

What is described in the legislation, however, could ban *all* abortions. "What this bill describes, albeit in non-medical terms, can be interpreted as any abortion," stated one of our physician members. "Medicine is an art as much as it is a science; although there is a standard of care, each procedure—and indeed each woman—is different. The wording here could apply to nay abortion patient." The bill's language is too vague to be useful; in fact, it is so vague as to be harmful. It is intentionally unclear and deceptive.

(2) Physicians need to have all medical options available in order to provide the best medical care possible.

Tying the hands of physicians endangers the health of patients. It is unethical and dangerous for legislators to dictate the details of specific surgical procedures. Until a surgeon examines the patient, she does not necessarily know which technique or procedure would be in the patient's best interest. Banning procedures puts women's health at risk.

(3) Politicians should not legislate medical decision-making.

To do so would violate the sanctity and legality of the physician-patient relationship. The right to have an abortion is constitutionally protected. To falsify scientific evidence in an attempt to deny women that right is unconscionable and dangerous.

The American College of Obstetricians and Gynecologists, representing 45,000 ob-gyns, agrees: "The intervention of legislation bodies into medical decision making is inappropriate, ill advised, and dangerous."

The American Medical Women's Association, representing 10,000 female physicians, is opposed to an abortion ban because it "represents a serious impingement on the rights of physicians to determine appropriate medical management for individual patients."

THE SCIENCE

We know that there is no such technique as "partial birth" abortion, and we believe this legislation is a thinly-veiled attempt to outlaw all abortions. Those supporting this legislation seem to want to confuse both legislators and the public about which abortion procedures are actually used. Since the greatest confusion seems to center around techniques that are used after the first trimester, we will address those: dilation and evacuation (D&E), dilation and extraction (D&X), instillation, hysterectomy and hysterotomy (commonly known as a c-section).

Dilation and evacuation (D&E) is the standard approach for second-trimester abortions. The D&E is similar to first-trimester vacuum aspiration exception that the cervix must be further dilated because surgical instruments are used. Morbidity and mortality studies indicate D&E is preferable to labor induction methods (instillation), hysterotomy and hysterectomy because of issues regarding complications and safety.

From the years 1972–76, labor induction procedures carried a maternal mortality rate of 16.5 (note: all numbers listed are out of 100,000); the corresponding rate for D&E was 10.4. From 1977–82, labor induction fell to 6.8, but D&E dropped to 3.3. From 1983–87, induction methods had a 3.5 mortality rate, while D&E fell to 2.9. Although the difference between the methods shrank by the mid-1980s, the use of D&E had already quickly outpaced induction.

Morbidity trends indicate that dilation and evacuation is much safer than labor induction procedures and for women with certain medical conditions, labor induction can pose serious risks. Rates of major complications from labor induction, including bleeding, infections, and unnecessary surgery, were at least twice as high as those from D&E. There are instances of women who, after having failed inductions, acquired infections necessitating emergency D&Es as a last resort. Hysterotomy and hysterectomy, moreover, carry a mortality rate seven times that of induction techniques and ten times that of D&E.

There is a psychological component which makes D&E preferable to labor induction, undergoing difficult, expensive and painful labor for up to two days can be extremely emotionally and psychologically difficult, much more so than a surgical procedure that can be done in less than an hour under general or local anesthesia. Furthermore, labor induction does not always work: Between 15 and 30 percent or more of cases require surgery to complete the procedure. There is no question that D&E is the safest method of second-trimester abortion.

There is also a technique known as dilation and extraction (D&X). There is a limited medical literature on D&X because it is an uncommonly used variant of D&E. However, it is sometimes a physician's preferred method of termination for a number of reasons: It offers a woman the chance to see the intact outcome of a desired pregnancy, to speed up the grieving process; it provides a greater chance of acquiring valuable information regarding hereditary illness or fetal anomaly; and D&E provides a decreased risk of injury to the woman, as the procedure is quicker than induction and involves less use of sharp instruments in the uterus, providing a decreased chance of uterine perforations or tears and cervical lacerations. The American College of Obstetricians and Gynecologists addressed this in their statement in opposition to so-called "partial birth" abortion when they said that D&X "may be the best or most appropriate procedure in a particular circumstances to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based on the woman's particular circumstances, can make this decision."

It is important to note that these procedures are used at varying gestational ages. Both D&E and D&X are options for surgical abortion prior to viability. D&E and D&X are used solely based on the size of the fetus, the health of the woman, and the physician's judgment, and the decision regarding which procedure to use is done on a case-by-case basis.

THE LEGISLATION

Because this legislation is so vague, it would outlaw D&E and D&X (and arguably techniques used in the first trimester). Indeed, the Congressional findings—which go into detail, albeit in non-medical terms—do not remotely correlate with the language of the bill. This legislation is reckless. The outcome of its passage would undoubtedly be countless deaths and irreversible damage to thousands of women and families. We can safely assert that without D&E and D&X, that is, an enactment of H.R. 760, we will be returning to the days when an unwanted pregnancy led women to death through illegal and unsafe procedures, self-inflicted abortions, uncontrollable infections and suicide.

The cadre of physicians who provide abortions should be honored, not vilified. They are heroes to millions of women, offering the opportunity of choice and freedom. We urge you to consider scientific data rather than partisan rhetoric when voting on such far-reaching public health legislation. We strongly oppose legislation intended to ban so-called "partial birth" abortion.

Sincerely,

MEMBER PHYSICIANS.

Mrs. BOXER. Mr. President, I am going to read you the story of Viki Wilson. Viki is a pediatric nurse. She lives in California. Her husband Bill is an emergency room physician. The Wilsons were expecting their third child when they received a devastating diagnosis at 36 weeks of pregnancy.

I hope every colleague will listen to this story and, for a moment, think about this couple and what they faced.

Viki was married to an emergency room physician. They were told after 36 weeks of pregnancy, of looking forward to this baby, that a large portion of the brain was formed outside the skull and most of the baby's tissue was abnormal. They were told by several physicians, including geneticists and perinatologists that their daughter they named Abigail could never survive outside her mother's womb, and that the so-called healthy baby kicks that Viki had thought for sure she was feeling were, in fact, seizures caused by the pressure as the baby's head had lodged in her pelvis.

Think about how you would feel if you were that father, if you were that mother, if you were that grandma, if you were that grandpa, if you were the mother of Viki or the mother-in-law or the father or the father-in-law or you were the brother of Viki or you were the brother-in-law or you were the sister or you were the aunt. They learned this pregnancy was doomed. They learned the baby they wanted so much could never live outside the womb. They learned the risks of this continued pregnancy to Viki, the very severe risks she faced.

They decided this procedure that is being banned today was the safest and best procedure for Viki. They talked about it; they prayed on it; they discussed it with their family; they discussed it among themselves with their physicians. They brought in every specialist one can think about, and they decided this was the best thing for Viki's family and for her children and for her children she hoped to have in the future.

The Wilsons held a funeral for Abigail, and a playground at their children's Catholic school is named in her honor. And then, very soon after, the Wilson family welcomed a baby son, actually through adoption. Is this the kind of person you want to harm? Is this the kind of woman you want to put at risk? Is this the kind of couple to which you are saying: Sorry, even if your doctors say Viki might have a stroke, Viki might be paralyzed, no can do; we can't help you because Senators playing doctor decided this procedure should no longer be a choice, an option for a woman in a severe and tragic circumstance.

I have to tell you, I have looked inside my heart up and down. I do not understand how we move forward as a society, how we move forward as a compassionate country when we do something that can conceivably hurt thousands and thousands of women and thousands and thousands of families. We could have passed this bill in a nanosecond. Just make a health exception. It would have met the objections of the Court with the health exception and a little bit less vagueness on the procedure, and we would have done something that would have been important. But, oh, no, I guess in the end the women of this country just don't matter that much.

I think this record is very clear. The physicians who know what they are talking about, who deal with these pregnancies every day don't want us to do this. The women, many of them very religious, who have been faced with this crisis tell us: Please, please make a health exception because if we didn't have this procedure, A, we might have died; B, we might have been paralyzed; C, we might have been made infertile; D, we might have had a stroke or embolism or damaged our nearby organs.

Why are we doing this? There is no such procedure called "partial-birth abortion." It is in every letter from the physicians. There is no such procedure. It is a made-up term to make this debate what it really is not about. It is a very sad day for us that we are banning a procedure that I have proven, by putting into the RECORD letter after letter from physicians, is necessary sometimes to save the life and health of a woman. We are banning this with no health exception. This is not the right thing to do.

This bill was stripped of the supportive language of Roe v. Wade that this Senate passed twice—not once but twice—saying that Roe v. Wade should remain the law of the land. Oh, no, they were so radical in that conference committee, they kicked out that very simple statement where most Americans agree that Roe v. Wade, making this decision in the early stages of a pregnancy in private—Government stay out of it; Senator BOXER, I might think you are really a good gal, but stay out of my private life. They are right. I don't deserve to be in it.

Senator HARKIN has just come to the Chamber. He is the one who had that amendment which was adopted by this Senate twice, and how proud I was to stand with him. I wonder if it is OK with my colleagues, since Senator HARKIN has arrived, if I give him 10 minutes.

Mr. President, can Senator HARKIN take about 10 minutes? Does the Senator want more time?

Mr. HARKIN. Yes, if I can have a couple minutes.

Mrs. BOXER. Fifteen minutes, 20? I yield up to 20 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for up to 20 minutes.

Mr. HARKIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HARKIN. Mr. President, are we under time constraints on this measure?

The PRESIDING OFFICER. Yes, we are.

Mr. HARKIN. Will the Chair please state for the Senator what the situation is right now in terms of this conference report?

The PRESIDING OFFICER. The Senator from California has 27½ minutes. The Senator from Pennsylvania has 37, almost 38 minutes.

Mr. HARKIN. I thank the Presiding Officer.

Mr. President, I wish to take a few minutes to talk about this pending measure. First and foremost, I applaud the Senator from California, Mrs. BOXER, for her unwavering leadership and commitment in protecting a woman's right to privacy and to choose. No one has fought harder and longer, both in the House and in the Senate and in all of their public life, to protect a woman's right to choose than Senator BOXER of California.

Senator BOXER has my highest esteem for all the work she has done to make sure that the women of this country are not controlled by ideology, by one religious belief, or by the actions of a male-dominated Senate and House of Representatives and, I might add, now a male-dominated Supreme Court.

We are going to vote this afternoon on this so-called late-term abortion bill. I have serious questions about whether it will pass constitutional muster. I don't believe it will. So what we are doing is really a political exercise. This is what I call something to go out and get the vote for, by exciting passions, arousing fears, and by trying to state in overblown terms what this is all about.

The bottom line and what it really comes down to is whether or not the health of the mother is a constitutionally protected right of women in this country.

In 2000, the U.S. Supreme Court said similar State legislation was not constitutional because it lacked a health exception. It was not constitutional because there was no protection for the health of the mother. So what does the Senate and the House do? Pass legislation that still lacks the health exception. That is why it is unconstitutional.

I am also very disappointed that the conferees stripped from the bill my sense-of-the-Senate resolution about a woman's right to privacy. I had offered, as I had before, a simple statement that it was the sense of the Senate that we supported the Roe v. Wade Supreme Court decision and it should not be overturned. It passed 52 to 46. It was attached to this late-term abortion bill which also passed the Senate. The Senator from California said the conference took less than 5 minutes to drop my resolution, without discussion.

Roe v. Wade is the moderate, mainstream policy American women have come to rely on, and it took the conferees less than 5 minutes, without discussion, to drop it. What that says to me is very startling. Congress has turned its back on America's women—their right to privacy, their right to choose. America's women are now second-class citizens.

Let me again give a brief review of what I am talking about. On January 22, 1973, the U.S. Supreme Court announced its decision in Roe v. Wade, a challenge to a Texas statute that made it a crime to perform an abortion unless a woman's life was at stake. That was the Texas law. The case had been filed by Jane Roe, an unmarried woman who wanted to safely and legally end her pregnancy. Siding with Roe, the Court struck down the Texas law. In its ruling, the Court recognized for the first time the constitutional right to privacy "is broad enough to encompass a woman's decision whether or not to terminate her pregnancy."

It also set some rules. The Court recognized the right to privacy is not absolute and that a State has a valid interest in safeguarding maternal health, maintaining medical standards, and protecting potential life. A State's interest in "potential life" is not compelling, the Court said, until viability, the point in pregnancy at which there is a reasonable possibility for the sustained survival of the fetus outside of the womb.

A State may but is not required to prohibit abortion after viability, except when it is necessary to protect a woman's life or health.

That is what my resolution was all about, to say we agree that Roe v. Wade was an appropriate decision and should not be overturned.

Before the 1973 landmark ruling of Roe v. Wade, it is estimated that each year 1.2 million women resorted to illegal abortions, despite the known hazards of frightening trips to dangerous locations in strange parts of town, of whiskey as an anesthetic, of "doctors" who were often marginal or unlicensed practitioners, sometimes alcoholic, sometimes sexually abusive, unsanitary conditions, incompetent treatment, infection, hemorrhages, disfiguration, and death. By invalidating laws that forced women to resort to back-alley abortions, Roe was directly responsible for saving women's lives.

It is estimated as many as 5,000 women died yearly from illegal abortions before Roe. Only 10 pieces of legislation were introduced in either the House or the Senate before the Roe decision, but in the 30 years since the ruling more than 1,000 separate legislative proposals have been introduced. The majority of these bills have sought to restrict a woman's right to choose.

Unfortunately, what is often lost in the rhetoric and in some of those proposals is the real significance of the Roe decision. The Roe decision recognized the right of women to make their own decisions about their own reproductive health.

The decision whether to bear a child is profoundly private and life altering. As the Roe Court understood, without the right to make autonomous decisions about pregnancy, a woman could not participate freely and equally in society. Roe not only established a woman's reproductive freedom, it was also central to women's continued progress toward full and equal participation in American life.

In the 30 years since Roe, the variety and level of women's achievements have reached a higher level. As the Supreme Court observed in 1992:

> The ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives.

As I have often said, the freedom to choose on the part of women is no more negotiable than the freedom to speak or the freedom to worship in our Constitution.

I do not believe any abortion is desirable. I do not think anybody does. I have struggled with this issue all my adult life as a father. However, I do not believe it is appropriate to insist my personal views be the law of the land and that I impose those on anyone else. So I urge my colleagues to vote against the final bill, first because it is unconstitutional, but also because by dropping the resolution we adopted saying Roe v. Wade should continue to be the law of the land, it sends the wrong message to American women. What it says is they are not equal to men. They cannot make decisions for themselves. We men will make those decisions for them. They do not have the same protections under the Constitution in this bill. Somehow they are second-class citizens.

I say to the women of this country, as I have said before on the floor, they must be concerned about this.

We passed the resolution on Roe v. Wade 52 to 46. Well, that was a win, I guess one might say, for upholding the belief that Roe v. Wade continue to be the law of the land, but 46 Senators basically voted to say Roe v. Wade ought to be overturned, that it should not be the law of the land, that we need to go back in time to prohibit all abortions, regardless.

I say to those who may think this is just one particular procedure that we are somehow prohibiting here—and again I want to point out, as the Senator from California so eloquently pointed out time after time, this is the first time in the history of this Senate that Senators have decided against a medical procedure, the only time we have somehow put on the cloak of knowing better than doctors, professionals, and women that somehow we politicians know better.

Aside from that, if my colleagues think this is all this is about, they are sadly mistaken. That is not what this is about. I say to the women of America, this is step one. I say especially to young women, who sort of take it for granted—I mean, Roe v. Wade was 30 years ago, ancient history in the United States of America—especially young women who believe, as they have grown up, having this freedom to choose, having the right to control their own reproductive health, if they think this is something that inures to them because they were born in America, they have another think coming. There are people who do not want them to have that right. There are people in this Senate who want to turn the clock back and say women have no right to make any decision on their reproductive health. But, then again, isn't that what we had in Texas before Roe v. Wade? That is what this country was like before that.

The Supreme Court said no, there is something else that has to do with the health of a woman, too, and a woman's right to control her own body and a woman's right to privacy.

Again, I see where this is going with 46 votes in the Senate. Just think, a couple of votes here or there in the next election, you can kiss Roe v. Wade goodbye, because that is what will happen. And with one or two Justices on the Supreme Court who feel this way, that will be the end of Roe v. Wade. That will be the end for women who think they have the right to control their own reproductive health in this country—to make their own decisions. That is where this is headed.

I know Senators, many Senators have personal feelings about that. Fine. There are Senators who believe very deeply that Roe v. Wade should not be the law of the land, who believe it never should have been decided that way, who believe that women should not have a right over their reproductive health. There are people who believe that.

Fine, if they want to believe that for themselves, that's their belief structure. But in this pluralistic society in which we live, in which we respect each other's rights but do not try to impose our own personal religious or moral beliefs on others, the Supreme Court really did, in fact, reach a logical and I think fair and balanced approach.

Yet there are those who want to strip that away—that no matter what—a woman does not have the right to make her own decisions and the right to privacy. And what does that mean? Well, it will mean we're going back to the back alley.

This, really, to me is more than just an issue about some narrow procedure, I say to my friend from California. This is about whether or not the women of this country are going to be treated as equals with men or as second-class citizens. I ask the Senator from California, rhetorically, what other times has the Senate said there are certain medical procedures which applied to men that cannot be conducted? What is next? Is there something else coming down the pike we don't know about? I don't think it will affect men but it will affect women. It is a holdover from mediaeval times, a holdover from the days in which women did not have the right to participate fully in society. That is what this is about more than anything else.

I thank the Senator from California for her courage, for her wisdom, for her judgment, and for being so stalwart, making sure we know what this battle is about. I think we see the writing on the wall here. It is going to pass. It is going to pass. If the Supreme Court adheres to its previous decisions, it will throw it out because there is no exception for the health of the mother. I guess then there will be a political issue to whip up emotions around the countryside.

I wish we could take emotions out of this and just talk about it on the basis of what women want. I will close on this. I have often asked, think to yourself, what would happen if we had 100 women sitting here? I mean a cross section of America, liberal, conservative, moderate, different religions, different ethnic backgrounds—just a good cross section of women in America. Do you really think, down deep in your heart, this would be passed before the Senate? No way. No way would this ever pass. Or, if you had a majority of the women in the House of Representatives? Absolutely not.

Women do make up more than half of our society. I forget, how many women Senators do we have now?

Mrs. BOXER. Fourteen.

Mr. HARKIN. There are 14 out of 100. So women are drastically underrepresented in the body. They are underrepresented on the Supreme Court.

Women have made great strides. Fourteen is more than there were when I came here—there were only one or two at the time I came here. They are making strides.

What this says is we are going to turn the clock back. I don't want to turn the clock back and neither does the Senator from California. We have to make sure women in America have their constitutional right to privacy, just like men. That is what this is really about.

I thank the Senator. I am proud to be on her side.

I retain the remainder of our time. I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I yield 10 minutes to the chairman of the Judiciary Committee who has done incredible work on this legislation now for a fourth Congress that he has been involved in moving this forward. This moment of accomplishment here would not have happened except for the great work of the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 10 minutes.

Mr. SANTORUM. I ask unanimous consent that following the remarks of the Senator from Utah, the Senator from California be recognized under Senator BOXER's time for 15 minutes.

The PRESIDING OFFICER. The Senator should be advised——

Mr. SANTORUM. Mr. President, while I have the floor, let me ask unanimous consent that the vote on adoption of the conference report to accompany S. 3, the partial-birth abortion ban bill, occur at 5 p.m. today, provided that the time between the expiration of the current time allocation and 5 p.m. be equally divided between Senators SANTORUM and BOXER or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah is recognized for 10 minutes.

Mr. HATCH. Mr. President, I rise today because it is difficult for me to understand how anybody could support this barbaric, heinous approach toward abortion. The Senate passed S. 3, the partial-birth abortion ban of 2003, with strong bipartisan support, 64 to 33, back in March of this year. The legislation passed the House in June with similarly strong bipartisan support, 282 to 139. We were then forced to debate the motion to go to conference in September.

We completed the conference in September. Now we are finally able to vote on passage of the conference report. Let's get on with it. This has taken a long time in this Congress, but it also has taken 7 years to get to this point. Even though the Congress has passed similar legislation before, finally we will be able to send it to President Bush, who will sign it into law.

I know the people of my home State of Utah recognize the importance of this effort. The vast majority of people in Utah and, I believe, in our country, recognize that the practice of partial-birth abortion is immoral, offensive, and impossible to justify. This procedure is so heinous that even many who consider themselves pro-choice cannot defend it.

Senator SANTORUM should be applauded for his tireless efforts to achieve this goal. His leadership has been essential and very much appreciated. I admire his efforts to protect innocent human life, especially here, where it is so graphically obvious this procedure cannot be defended.

By now we have all seen Dr. B. Benoit's film of the 3-dimensional ultrasound of the baby in utero, yawning and even smiling. This appeared in the Evening Standard in London. It is a picture of an unborn baby smiling inside the womb. It says: "Picture Exclusive, Proof Babies Smile in Womb." It is truly amazing and enlightening what advancing technology has enabled us to see. This truly is an incredible window into the mother's womb, where it has to be clear to all who view it that this is a living human being, a living baby.

Yet there are those who want to protect the ability to violently crush this young life. In the case of the procedure we seek to ban with this legislation, it is a baby just inches away from being born. Yes, inches away from being born.

For those who may not have a clear understanding of this procedure, let me describe it. This is a little graphic, I agree, but we need to ensure that the American people understand what is going on. How anyone can justify this barbaric procedure is beyond me. A baby is almost fully delivered with only her head remaining inside the birth canal when the doctor stabs scissors into the base of the baby's skull to open a hole into which he then inserts a suction tube and sucks out the brain so the skull collapses. Then they pull the baby out and say it is not a living human being even though just seconds before this was a full human being, a living human being with legs dangling and kicking. I honestly do not know how anyone can avoid being truly sickened when they see a baby being killed in this gruesome manner. It is not done on a mass of tissue but to a living baby capable of living outside the womb, capable of feeling pain, and at the time this procedure is typically performed, capable of living outside the womb.

All this legislation does is ban the one procedure. As the testimony in the House made clear, the fact is, there is no medical need to allow this type of procedure. It is never medically necessary, it is never the safest procedure available, and it is morally reprehensible and unconscionable.

As I mentioned when we debated the bill in the spring, we have all heard in recent years about teenage girls giving birth and dumping their newborns into the trash can. One woman was criminally charged after giving birth to a child in a bathroom stall during the prom and strangling and suffocating the baby before leaving the body in the trash. Tragically, there have been several incidents around the country in the past few years. This should not surprise us. This is what happens when we continue, as some would do here, to devalue human life—those who would like to stop this bill by and large.

William Raspberry argued in a column in the Washington Post:

> . . . only a short distance [exists] between what [these teenagers] have been sentenced for doing and what doctors get paid to do.

He got it right. When you think about it, it is incredible that there is a mere 3 inches separating a partial-birth abortion from murder. Partial-birth abortion simply has no place in our society and rightly should be banned. President Bush has described partial-birth abortion as "an abhorrent procedure that offends human dignity." With that, I wholeheartedly agree.

Basic human decency, I hope, will prevail. I pray that never again will it be legal in this country to perform this barbaric procedure. Unfortunately, I am sure the opponents of this measure will seek to challenge the law in court where I hope good judgment will ultimately prevail.

In Stenberg v. Carhart, the Supreme Court confirmed:

> . . . by no means must physicians [be granted] unfettered discretion in their selection of abortion methods.

The House has already passed this conference report. It is time for this Congress to finish its work and send this bill to the President for his signature.

Oddly enough, young girls out there, young women, are becoming more and more opposed to abortion. I believe it has been this debate, this barbaric procedure that is the cause for them to think it through and to acknowledge that inside that womb of the mother is a living human being, a living baby, and especially one capable of living outside the mother's womb.

This is a serious debate. This is as serious a bill as we can have before the Senate. I hope our colleagues will vote overwhelmingly to pass the conference report as we simply have to get rid of this barbaric and inhumane procedure.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I rise in opposition to the conference report accompanying S. 3 which some, I think inaccurately, call the partial-birth abortion bill. In fact, this bill, originally introduced by Senator SANTORUM, is more accurately called the unconstitutional anti-choice bill, given the fact that it is flagrantly unconstitutional and its primary result will be to chill second-trimester abortion procedures.

I voted against this conference report in the recent House-Senate conference on this bill and also on the floor of the Senate last March.

This is the first bill since Roe v. Wade in 1973 that outlaws safe medical procedures and recriminalizes abortion. It is a major step forward in the march to obliterate a woman's right to control her own reproductive system and to eviscerate the entire choice movement in this country.

This bill is unconstitutional, I believe, for two reasons. First, it uses a vague definition of dilation and extraction abortion, or D&X abortion. This technique is also called intact dilation and evacuation, or intact D&E. It is also sometimes called, inaccurately, partial-birth abortion.

The sponsors of the bill have refused to use a definition of D&X that I suggested and that tracks the medical definition submitted by the American College of Obstetricians and Gynecologists. Why? Why would they refuse to use a definition suggested by the elite medical group of obstetricians and gynecologists who deal with this issue—a definition that would enable those obstetricians and gynecologists to know exactly what this legislation makes a crime?

I believe there is a reason. I believe that this bill deliberately uses a vague definition of D&X in order to affect other kinds of second-trimester abortions and thus impact the right to choose. Because its definition is so loose, the bill would ban and otherwise interfere with perfectly legal, permissible abortion techniques. It will also have a chilling effect on doctors, who will be afraid to perform abortions other than D&X for fear they will be subject to investigation and prosecution. Why? Because the bill does not use an accepted medical definition of D&X.

Second, the bill lacks any health exception. This has been spoken about before, and I will do it again. The Supreme Court ruled in Stenberg v. Carhart that any ban must have a health exception. This bill has no health exception. Why are we bothering to pass a bill that is so clearly unconstitutional?

The only reason I can think of is the proponents of the bill do not believe the health of a mother is sufficient reason to interrupt a pregnancy.

In fact, the supporters of the bill are not trying to remedy its constitutional defects. Rather, they are just making minor alterations to the findings in the bill.

I also oppose the bill because it omits language a majority of the Senate added last March recognizing the importance of Roe v. Wade and stating that this important opinion should not be overturned.

Unfortunately, as has been said, this language was stripped out in conference over the strenuous opposition of Senator BOXER, Congressman NADLER, Congresswoman LOFGREN, and myself.

As an initial matter, I want to lay one myth to rest; that is the myth that most Americans support this bill. Supporters of the bill have repeatedly and erroneously argued that a majority of the country supports banning D&X abortion.

For example, in introducing this bill, Senator SANTORUM stated on the floor that "the American people clearly believe this is a procedure that should be prohibited."

However, such statements are not borne out by recent polls. For example, last July, ABC News released a nationwide poll which showed 61 percent of

Americans oppose bans on so-called partial-birth abortion procedures if a woman's health is threatened. The bill now before us contains no health exception. That means a substantial majority of Americans think this bill is wrong.

I also want to mention a poll taken by Greenberg, Quinlan, Rosner Research, Inc. between June 5, 2003, and June 12, 2003, of 1,200 likely voters. The poll found a majority of Americans—56 percent—believe abortion should be legal in all or most cases.

In addition, this poll found the country does not want the Government involved in a woman's private medical decisions. Eighty percent of voters believe abortion is a decision that should be made between a woman and her doctor. In fact, even a majority of those who identified themselves as pro-life said a woman and her doctor should make the decision.

In stark contrast, this bill criminalizes safe abortion procedures, and it puts the abortion decision in the hands of the Government and in the hands of politicians, not the woman and her doctor.

I would now like to mention Randall Terry, the founder of Operation Rescue, and the man who the New York Times called "an 'icon' of the pro-life movement." Mr. Terry is one of the staunchest foes of the right to choose in the entire Nation. He is known for harboring views so strong on the abortion issue that he has been jailed dozens of times for blocking clinics and for having a human fetus delivered to former President Bill Clinton. He is also known for speaking his mind.

Let me read some quotes from Mr. Terry in a press release issued through the Christian Communication Network, dated just a month ago, September 15, 2003. This press release is entitled: "Randall Terry, Founder of Operation Rescue Says, 'Partial-Birth Abortion Ban is a Political Scam but a Public Relations Goldmine.'"

Let me repeat that: "Partial-Birth Abortion is a Political Scam but a Public Relations Goldmine."

Mr. Terry says the bill before us is a "Political Scam." Specifically, he states:

> This bill, if it becomes law, may not save one child's life. The Federal courts are likely to strike it down. . . .The bill provides political cover in an election season to cowardly "pro-life" political leaders who have done little for the pro-life cause.

That is not me. I am quoting Randall Terry, the founder of Operation Rescue.

Let me repeat: "This bill, if it becomes law, may not save one child's life. The Federal courts are likely to strike it down. . . ."

And he is right.

Mr. Terry then goes on to say:

> If the President and Congress want to accomplish a small, but real, step they should outlaw all abortions after 20 weeks—the age when a baby can live outside the womb.

Interestingly enough, his suggestion is similar to an amendment I offered on the floor of the Senate and in the joint House-Senate conference on this bill. This amendment would have banned all postviability abortions except and unless a doctor determines such an abortion is necessary to protect the life and health of the woman.

This is the way to go. If someone truly believes these abortions, which are not medically defined in the bill, should not take place, and if one believes the child is capable of life, then ban postviability abortions. I was prepared to see that enacted into law. But it was voted down twice, on the floor and in the conference committee.

I would like to take a moment to explain in detail why I think this bill is poorly drafted and is virtually certain to be struck down by the courts.

The conference report bill is unconstitutional for two reasons.

First, it attempts to ban the specific medical procedure it calls "partial-birth abortion," but it fails to use the accepted medical definition of what surgical procedure constitutes partial-birth abortion. The refusal of the sponsors of the bill to accept the medical definition of intact D&E is revealing. It makes it clear they are not really intent or interested in banning intact D&E or D&X, but, rather, they seek to muddy the waters to make it harder for women to get legal abortion using other legal and acceptable techniques. That, in my view, is the underlying purpose of the bill.

The Supreme Court ruled in Stenberg v. Carhart that any ban must have a health exception. This bill clearly, despite many attempts by this senator and others to put one in, has no health exception. The other side has repeatedly opposed a health exception.

Here is what Justice O'Connor said in her deciding opinion in Stenberg v. Carhart:

> [B]ecause even a post-viability proscription of abortion would be invalid absent a health exception, Nebraska's ban on pre-viability partial birth abortions, under the circumstances presented here, must include a health exception as well. . . .The statute at issue here, however, only excepts those procedures necessary to save the life of the mother whose life is endangered by a physical disorder, physical illness or physical injury. This lack of a health exception necessarily renders the statute unconstitutional.

Now, I must ask you, why would anybody, after this case, with the swing judge making that statement, draft a bill that so clearly violates the Supreme Court's decision? Justice O'Connor has very clearly said the "lack of a health exception necessarily renders the statute unconstitutional."

The fact the sponsors are ignoring the clear words of the Supreme Court is suspect to me. It is even more suspect given the fact that just last year the U.S. Government took the position in court that any ban on D&X must include a health exception. The Santorum bill, then, not only contravenes the Supreme Court but also flies in the face of the position taken by the U.S. Department of Justice.

Let me read from a brief filed by the United States in February of 2002 in Women's Medical Professional Corporation v. Bob Taft, a case in the Sixth Circuit involving an Ohio statute prohibiting late-term abortion including D&X. According to this brief:

> The Court [in Carhart] stressed that the Nebraska statute prohibited the partial birth method of abortion except where that procedure was "necessary to save the life of the mother." . . . in violation of the Court's prior holdings in Roe v. Wade . . . and Planned Parenthood of Southeastern Pennsylvania v. Casey . . . that a State must permit abortions, "necessary in appropriate medical judgment, for the preservation of the life or health of the mother . . ."

The original brief even has the words "or health" underlined.

In other words, according to a brief filed by the United States Government last year, under Carhart, Roe, and Planned Parenthood, a State "must" provide a health exception for the woman. Yet we fly merrily in the face of that. It is ridiculous.

Supporters of the Santorum bill argue that they can ignore this language by throwing into the bill some questionable factual findings that a health exception is unnecessary. Baloney. They argue that these so-called findings make irrelevant the Supreme Court's constitutional determination in Carhart that a health exception is necessary.

The Framers of the Constitution did not intend that Congress be able to evade Supreme Court precedent and effectively amend the Constitution just by holding a hearing and generating questionable testimony from hand-picked witnesses. In fact, the Supreme Court has made crystal clear that Congress cannot simply ignore a constitutional ruling they dislike by adopting a contrary legislative finding and telling the Court that they have to defer to it. That is just what is being done here.

Let me quote Chief Justice Burger on this point:

> A legislature appropriately inquires into and may declare the reasons impelling legislative action but the judicial function commands analysis of whether the specific conduct charged falls within the reach of the statute and if so whether the legislation is consonant with the Constitution.

So make no mistake about it. You can say anything you want in the findings, and it isn't going to be dispositive as to whether the statute meets the test of the Constitution of the United States.

I also want to quote from U.S. v. Morrison, 529 U.S. 598 (2000), a decision that struck down part of the Violence

Against Women Act. I personally disagree with this decision, but it is controlling law. In that case, the Supreme Court held that "the existence of congressional findings is not sufficient, by itself, to sustain the constitutionality" of the challenged provision of the Violence Against Women Act. That is on page 614.

So why are these findings in the bill? I believe the other side is well aware of U.S. v. Morrison and other cases. Why are they doing it this way then? There has to be a reason.

Here the sponsors of S. 3 are trying to do exactly what the Supreme Court said the Congress cannot do: Use congressional findings to do something that is clearly unconstitutional. The sponsors of this bill are effectively trying to overturn binding Supreme Court precedent and rewrite the Constitution by enacting a bill that on its face violates Stenberg v. Carhart. They have clearly overstepped their bounds.

Mr. President, one of the most disappointing aspects of this debate is that a majority of the House-Senate conference on this bill decided to thwart the will of the Senate and strip out language recognizing the importance of Roe v. Wade. This decision clearly unmasked the sponsor's clear intention in introducing this bill: to strike at Roe. The provision stripped out of the bill was a simple sense-of-the-Senate resolution. Let me read its exact language:

One, the decision of the Supreme Court in Roe v. Wade, 410 U.S. 113, 1973, was appropriate and secures an important constitutional right.

Two, such decision should not be overturned.

They struck this language out. Why? Because they want Roe overturned. That is the reason.

I am pleased that the Roe v. Wade amendment was added to the bill last March on a bipartisan vote of 52 to 46. Unfortunately, the House-passed late-term abortion bill lacked the language. The House refused to agree to it.

While I oppose the criminalization of safe abortion techniques in S. 3, I strongly support the Roe v. Wade language we added to that legislation.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator has used 20 minutes.

Mrs. BOXER. Mr. President, I yield 4 additional minutes and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Senator from California.

In the past 30 years, since the Supreme Court upheld a woman's right to choose, a great deal has changed for women in America. But now, in 2003, we are about to push women back to where they were in the 1950s, a generation that I remember well, a generation of passing the plate to raise money for abortions in Mexico, a generation of back alley abortions, a generation of tremendous mortality and morbidity for women, a generation of fear. It makes no sense.

The fact that a majority of the House-Senate conference stripped out sense-of-the-Senate language that merely summarized Federal abortion law should be exhibit A for anyone who doubts that this bill is really a frontal political attack on choice in America.

I am also disappointed that the conference refused to accept a commonsense amendment I offered to the bill before us today. That amendment, as I said, would have banned all postviability abortions except if determined by the doctor that such an abortion was necessary to protect the life and health of the woman.

With that amendment, the sponsors of this bill could have gotten what they wanted legally. Why didn't they take it? The reason they didn't take it is because if you have an anti-choice bill with a nebulous, vague definition, you can chill all legal second trimester abortions.

Let me tell you one more thing about the amendment I offered. To ensure compliance with the amendment, we even provided that a doctor who would perform a postviability abortion on a woman whose health or life is not at risk could be fined up to $100,000. That amendment would have put medical decisions back into the hands of doctors but, at the same time, prevented abuses. In my view, if a doctor believes such a procedure is necessary to protect a woman's life or health, then he or she should be able to perform that procedure.

Why do some Senators believe that the Federal Government even needs to be involved in this issue?

Why is this legislation even necessary? Roe v. Wade clearly allows States to ban all postviability abortions unless it is necessary to protect a woman's life or health, and 41 States already have bans on the books. All States are free today to do so if their State legislatures so choose.

The fact is, abortions this late in the pregnancy are rare and usually performed under tragic circumstances, such as a brain outside of a child's skull or vital inner workings outside of the body that cannot be connected.

Mr. President, the whole focus of many in this Congress and in the conservative movement has been to give power and control back to the States and eliminate the Federal Government from people's lives. So anyone who believes in States' rights must now question the logic of imposing a new Federal regulation on States in a case such as this, where States already have the authority to ban postviability abortions and where a dominant majority of States—41—have already enacted such a law.

Is Federal legislation really necessary? No. I say to my colleagues that this clearly is a political bill designed to fan the flames and invade Roe v. Wade and weaken it substantially. It attempts to ban a medical procedure without properly identifying that procedure in medical terms.

Mr. President, I ask unanimous consent that a number of letters demonstrating that this legislation poses a serious threat to women's health be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF REPRODUCTIVE
HEALTH PROFESSIONALS,
Washington, DC, October 20, 2003.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: We are writing on behalf of thousands of health care providers to urge you and your colleagues to oppose federal legislation criminalizing safe abortion procedures (S. 3, the so-called "Partial Birth Abortion Ban Act of 2003").

This bill is deceptive, is based on a number of flawed assumptions, and is unnecessary. First, "partial-birth abortion" is not a medical term but a non-scientific and politically biased rhetorical expression invented by activists to convey misrepresentations about safe and medically necessary abortion procedures. The term "partial-birth abortion" is not used by any of the major national medical organizations, including the American College of Obstetricians and Gynecologists, the American Medical Women's Association, the American Public Health Association, and the Association of Reproductive Health Professionals (ARHP).

Second, the bill is deceptive because it does not specify any particular stage of pregnancy—contrary to assurances by its sponsors that the bill's intent is to focus only on third trimester abortions.

Finally, abortions during the third-term are already illegal in almost every state except to save the woman's life or health, and are rarely performed. This legislation is unnecessary and is an example of political ideology trumping science and appropriate medical decision-making.

Published literature attests to the fact that placing restrictions on abortion services is harmful to the health of women and that medical decisions should be left to health care providers. ARHP is concerned because S. 3 dictates health care methodology to the clinicians who must provide medical care under the most difficult of circumstances. Restrictions imposed by the government on abortion services will not reduce the need for abortion or the quantity of abortions performed, it will only make abortion less safe.

If you or members of your staff have any questions or would like additional information, please contact Wayne C. Shields at the ARHP office at (202) 466–3825 or wshields@arhp.org.

Sincerely,

FELICIA H. STEWART, MD,
Chair, ARHP Board of Directors.
WAYNE C. SHIELDS,
President and CEO.

OCTOBER 17, 2003.

U.S. SENATE,
Washington, DC.

DEAR SENATOR FEINSTEIN: The National Latina Institute for Reproductive Health

(NLIRH) strongly opposes S. 3, the "Partial-Birth Abortion Ban Act of 2003". As an organization that is dedicated to ensuring the fundamental human right to reproductive health care for Latinas, their families, and their communities, we cannot support the proposed legislation which would drastically inhibit a woman's right to choose, as well as prohibit medically safe procedures which are often necessary to protect and save the life of the woman.

NLIRH supports the right of every Latina to be in charge of her own life, to determine if and when to have children, and, to seek the full range of reproductive health options available. These health options include access to quality gynecological care, family planning and contraception, fertility treatment, and all abortion services. Contrary to popular belief, Latinas do access abortion services, and 51% of Latinas actively identify as pro-choice. While abortion may not be an option for every Latina, we support the right of every Latina to make her own personal and private decision about abortion and we also support efforts to restore public funding for abortion. For Latinas, accessing abortion services is often difficult already, due to cultural, linguistic, legal, and economic barriers, and banning safe abortion procedures would only further impede upon our rights to choose what is medically and personally appropriate for us.

Restricting and criminalizing any abortion procedure would undermine the fundamental human right to self-determination, and would endanger the lives of women for whom abortion may be medically necessary. Decisions regarding when to have children are often difficult, personal, and morally complicated, and should be made only by the woman.

We appreciate your attention to our concerns, and strongly urge you to vote against the so-called "Partial-Birth Abortion Ban of 2003."

Sincerely,

Medical Students for Choice,
Oakland, CA, October 19, 2003.

Hon. Dianne Feinstein,
U.S. Senate,
Washington, DC.

Dear Senator Feinstein: On behalf of Medical Students for Choice, a national organization representing more than 7,000 medical students and residents, I write to urge your opposition to H.R. 760/S. 3, the (so-called) Partial-Birth Abortion Ban Act of 2003.

Medical Students for Choice is dedicated to ensuring that woman's right to choose from a full range of reproductive health options is preserved. We believe that a physician, in consultation with the patient, should make the decision regarding what method should be used to terminate a pregnancy. Physicians need to have all medical options available in order to provide women with the best medical care possible.

We are opposed to H.R. 760/S. 3 because we believe this and other legislative and judicial restrictions to safe, medically accepted abortion procedures severely jeopardize women's health and well-being. We also oppose the bill because it fails to include adequate health exception language in instances where certain procedures may be determined by a physician to be the best or most appropriate to preserve the health of the woman. This bill ties the hands of physicians and endangers the health of women. Further, we believe that this bill is deceptive and represents a thinly veiled attempt to restrict women's access to all abortion procedures. "Partial birth" is a political term, not a medical term. Despite the anti-choice political rhetoric, this bill is neither designed nor written to ban only one procedure. The bill's prohibitions would apply well before viability and could ban more than one procedure. These so-called "partial birth" abortion bans are deliberately designed to erode the protections of Roe v. Wade.

Thank you for your attention to our concerns regarding the negative effect this legislation would have to a woman's right to a safe, legal abortion.

Sincerely,

Angel M. Foster, D.Phil.,
President.

Mexican American Legal
Defense and Educational Fund,
Washington, DC, October 14, 2003.

Re Conference Report H. Rept. 108–288—The Partial Birth Abortion Act of 2003.

Dear Senator: I am writing on behalf of the Mexican American Legal Defense and Educational Fund (MALDEF) to urge you to oppose Conference Report H. Rept. 108–228, the so-called Partial Birth Abortion Act of 2003 (the Act). MALDEF, a national non-profit organization whose mission is to protect and promote the civil rights of the over 35 million Latinos living in the United States, believes this legislation is unconstitutional and harmful to women's health.

The Act is unconstitutional for at least three reasons. First, the legislation does not include a health exception. The Supreme Court has held that laws regulating abortion must adequately safeguard a woman's health. This legislation does not include such an exception. Contrary to the legislative findings indicating that a health exception to the ban is never necessary, many physicians have stated that this legislation would prevent them from performing procedures that are necessary to protect a woman's health. Second, the legislation is unconstitutional because the language of the ban is overly broad. The ban is not limited to specific medical procedures and actually could prohibit the safest abortion techniques in certain cases, thereby unduly burdening a woman's right to choose. Finally, determining which procedure is medically necessary is a medical decision that should be made by a physician and his or her patient, not by the federal government. The Supreme Court has emphasized the need for physicians to have adequate discretion to make these types of medical decisions.

The Supreme Court directly addressed this type of ban in *Stenberg* v. *Carhart*, 530 U.S. 914 (2000). In *Stenberg*, the Court found Nebraska's ban on so-called partial birth abortion unconstitutional because the legislation's language was overly broad and it lacked a health exception. The federal version of the ban now pending before you contains the same flaws and is similarly unconstitutional.

This legislation is an unprecedented attempt by the federal government to restrict women's access to abortion that ultimately jeopardizes the health of women. MALDEF strongly opposes this legislation and urges you to do so as well. If you have any questions please contact Angéla Hooton at (202) 293–2828.

Sincerely,

Antonia Hernández,
President and General Counsel.

National Latina Institute
for Reproductive Health,
Brooklyn, NY, October 17, 2003.

U.S. Senate,
Washington, DC.

Dear Senator Feinstein: The National Latina Institute for Reproductive Health (NLIRH) strongly opposes S. 3, the "Partial-Birth Abortion Ban Act of 2003". As an organization that is dedicated to ensuring the fundamental human right to reproductive health care for Latinas, their families, and their communities, we cannot support the proposed legislation which would drastically inhibit a woman's right to choose, as well as prohibit medically safe procedures which are often necessary to protect and save the life of the woman.

NLIRH supports the right of every Latina to be in charge of her own life, to determine if and when to have children, and to seek the full range of reproductive health options available. These health options include access to quality gynecological care, family planning and contraception, fertility treatment, and all abortion services. Contrary to popular belief, Latinas do access abortion services, and 51% of Latinas actively identify as pro-choice. While abortion may not be an option for every Latina, we support the right of every Latina to make her own personal and private decision about abortion and we also support efforts to restore public funding for abortion. For Latinas, accessing abortion services is often difficult already, due to cultural, linguistic, legal, and economic barriers, and banning safe abortion procedures would only further impede upon our rights to choose what is medically and personally appropriate for us.

Restricting and criminalizing any abortion procedure would undermine the fundamental human right to self-determination, and would endanger the lives of women for whom abortion may be medically necessary. Decisions regarding when to have children are often difficult, personal, and morally complicated, and should be made only by the woman.

We appreciate your attention to our concerns, and strongly urge you to vote against the so-called "Partial-Birth Abortion Ban of 2003."

Sincerely,

Silvia Henriquez,
Executive Director.

National Black Women's
Health Project, Inc.,
October 20, 2003.

Hon. Dianne Feinstein,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

Dear Senator Feinstein: On behalf of the Black Women's Health Imperative (formerly National Black Women's health Project), I am writing to convey our opposition to H.R. 760, the Partial-Birth Abortion Ban Act of 2003.

As the only national organization that is solely dedicated to the health of the nation's 19 million Black women and girls, the Black Women's Health Imperative (the Imperative), has focused on issues that disproportionately affect Black women from access to healthcare, inclusive of reproductive health care. The Imperative has been in the forefront advocating for a comprehensive agenda that includes the full range of medical and socially available technologies and services for fertility management.

We believe that H.R. 760 would restrict safe, medically acceptable abortion procedures that would severely endanger women's health and well-being, disproportionately affecting low-income African American women. Moreover, we feel that this legislation fails to include adequate health exception language in instances where certain procedures may be determined by a physician to be the most appropriate to preserve the health of the woman.

For the past 20 years, the Black Women's Health Imperative has been instrumental in highlighting disparities in health and will continue to play an essential role in helping to shape policies that seek to improve African American women's overall health. On behalf of our constituency, we urge the United States Senate to oppose H.R. 760, the Partial-Birth Abortion Ban Act of 2003.

Sincerely,

Lorraine Cole, PhD.

[From Medscape General Medicine, June 25, 2003]

The Federal Ban on So-called "Partial-Birth Abortion" Is a Dangerous Intrusion Into Medical Practice

(By Paul D. Blumenthal, MD, MPH)

Congress has passed the "Partial-Birth Abortion Ban Act of 2003," the first federal legislation ever enacted that bans abortion procedures. This unprecedented intrusion by Congress into medical practice will reduce access to second-trimester abortions and defines the doctors who perform them as criminals. Moreover, by undermining a woman's right to select the reproductive healthcare most appropriate for her and interfering with a physician's ability to make medical decisions, Congress derogates the physician-patient relationship.

Proponents of this law claim that it bans only a particular procedure. However, the legislation does not define what is being banned in such a way that a physician can know exactly what is prohibited. There is no formally recognized medical procedure to which the term "partial-birth abortion" used in this legislation applies; it is therefore vague and medically incorrect. None of my colleagues know or could state whether the abortion procedures they now perform are covered under this law. Indeed, as I read the definition of the banned procedures, any of the safest, most common abortion methods used throughout the second trimester of pregnancy could proceed in such a manner as to be outlawed. One can only assume that by intimidating medical providers with the constant threat of criminal accusations, the intent of this law is to frighten the medical community—the same community that swears an ancient oath to use its knowledge and skills to serve and protect the lives of its patients—from performing pregnancy terminations at all.

The practice of high-quality medicine requires that physicians be knowledgeable about and able to perform variety of procedures to accomplish a given treatment or therapy. Planning any procedure is done in consultation with the patient, and it is based on the medical judgment, experience, and training of the provider, and the individual circumstances of the patient's condition. Sometimes, as a result of developments during a surgery or in a patient's condition, it becomes necessary to adapt and choose a different course or modify the procedure as it progresses. These decisions are often quite complex and mandate that physicians use their best professional and clinical judgment, most often right on the spot. These are decisions that should be made by physicians and their patients stone. Indeed, when performing surgery, there is not time for a call to Congress, the Supreme Court, or anyone else in order to obtain clarification of the statutory intent or to request a waiver. This law evokes a preposterous image of physicians with their attorneys present in the operating room advising and counseling them at each step, and perhaps even in the middle of surgery suggesting a physician alter a technique deemed best for the patient to avoid committing a federal crime. Physicians and surgeons should be allowed to practice their art in accordance with time-honored peer-reviewed standards and with only the interests of the patient at . . . .

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. I yield myself such time as I may consume.

Mr. President, I have listened to this debate on both sides, and I continue to hear a lot of the same things. I just think it is important to set the record straight with respect to what many have heard today.

First, the Senator from California, Mrs. Boxer, has objected to my using the term "killing" the child when describing the diagrams of the partial-birth abortion. So I wanted to make sure I was not using terms that were inflammatory or inaccurate. She said I was referring to the fetus as a child instead of the fetus. I looked up the definition of fetus: "An unborn child." So I don't think referring to a fetus as a child is incorrect when the definition of a fetus is "an unborn child, from the third month until birth." This child is obviously in excess of 3 months into gestation, so it is obvious I am using a correct term.

She objected to me using the term "killing." I will quote some people in the abortion movement to justify my using of this term. This is from Faye Wattleton, former president of Planned Parenthood:

> I think we have deluded ourselves into believing that people don't know that abortion is killing. So any pretense that abortion is not killing is a signal of our ambivalence, a signal that we cannot say, yes, it kills a fetus, but it is a woman's body and ultimately her choice.

So say even those in the abortion movement.

Judy Arcana, a pro-choice author and educator, said:

> Sometimes a woman has to decide to kill her baby. That is what abortion is.

I understand how people want to avoid talking about the baby, the child, the fetus, or whatever term you feel most comfortable using. It is what it is. It is a human being. I understand we like to use terms that don't refer to the human being. In fact, in all the debate we have heard today on the other side, we hear this concentration and talk about the woman and the right to choose. We hear very little discussion about what the choice is all about. I know most Americans like choices and they like the right to choose. But I think it is important that people know what the choice is all about, what we are choosing.

What we are choosing here is to kill a human being. Yet many on the other side just don't want to consider what is being chosen here. What many on that side like to think is that we are choosing a medical procedure. The Senator from New Jersey earlier referred to it being similar to the removal of a cancerous intestine. Maybe some people look at babies as this sort of cancer or this thing that they don't want anymore, that somehow affects them in some way. But I think it is important for us, if we are going to make decisions that impact millions of lives, to face up to what we are doing and we don't try to couch it in terms that sound nice, that sound American—words such as "freedom" and "choice" and words such as that.

What we are choosing is to take away a fundamental right of every person in America, and that is the right to life. So, yes, I will use the term "killing" because that is exactly what it is, the extinguishing of a life. It is a child, it is a baby, an infant, a fetus, a living human being.

Second, the Senator from California has suggested that this is not a medical term. Well, I had my staff run and look it up in Webster's Medical Dictionary. In Webster's, the term "partial-birth abortion" is in fact defined:

> Abortion in the second or third trimester in which the death of the fetus is induced after it is passed part way through the birth canal.

As to this idea that it is not a term used, it is in the dictionary. It is interesting that the Senator from California would say that this is not a medical term, that this doesn't exist. Yet she has repeated many times that this thing that doesn't exist is a great threat to women. If we abolish something that doesn't exist, somehow or another this is a horrible thing we are doing to women. That doesn't necessarily make sense to me. Then she goes on and says this thing that doesn't exist—she claims it doesn't exist—is medically necessary at times. I have a hard time grappling with this argument in the alternative. First you argue it doesn't exist, and then it does exist and it is medically necessary.

The Senator from California, last month, put in the Record statements from Physicians for Reproductive Choice and Health, and in this letter in the Congressional Record, they say:

> So-called partial-birth abortion does not exist. There is no mention of the term partial-birth abortion in any medical literature.

That is not true.

> Physicians are never taught a technique called partial-birth abortion; therefore, they are medically unable to define the procedure. We know that there is no such technique as partial-birth abortion.

She makes the argument that it doesn't exist, and then she argues that it is necessary. I don't know how you can have it both ways. It either does exist and it is necessary or it doesn't exist and it is not necessary. We find interesting arguments that don't seem to hold up upon closer examination.

Another thing that doesn't hold up under examination is the repeated attempts by those who oppose this legislation to misinform the public as to what it does. I am not only going to go through the most recent example of this, but the chronology of events around this legislation, which started with Charles Canady in the House of Representatives and Bob Smith in the Senate, who did an outstanding job.

I remember when Bob first came to the Senate floor. He was ridiculed as being this extreme person who would bring this medical procedure to the floor and it was an outrageous thing for a Senator to do. He had the courage to stand up for his convictions and follow through. But I remember at hearings, they were saying this procedure didn't exist, first, and, second, the anesthesia given to the mother would kill the baby, and that this was only done on mothers who were in a position where the baby was badly deformed or the mother's health was in danger, and it was only done a few dozen times a year.

Every one of those things I have mentioned has been debunked. They are simply not true. Yet here we are just days away from passing this bill again in the Senate for the third time, but the fourth time we have debated, and we see a statement by Planned Parenthood last month that says:

> S. 3 is a bill to outlaw the medical procedure used primarily in emergency abortions.

"Primarily in emergency abortions." Let me, again, without reading the comment below, state this is a 3-day procedure. This is a procedure where the woman presents herself to the abortionist, and I say abortionist because this procedure is only done in abortion clinics. It is not done in hospitals, as this organization that Senator BOXER submitted for the RECORD said. They don't teach this procedure in medical school. It was designed by an abortionist for the convenience of the abortionist.

She presents herself to an abortionist who gives her something to help dilate her cervix and tells her to return 2 days later.

Can you possibly imagine someone in an emergency situation presenting themselves to a health care professional who is in an emergency situation because of her pregnancy, who is given something to dilate her cervix and sent home for 2 days?

On the face of it, it makes no sense. But yet they persist in spite of the fact that Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers, is quoted in the New York Times on February 26, 1997—1997, not February 26, 2003, 2002—6½ years ago:

> Mr. Fitzsimmons recalled the night in November 1995, when he appeared on "Nightline" on ABC and "lied through my teeth" when he said the procedure was used rarely and only on women whose lives were in danger or whose fetuses were damaged.

"Lied through my teeth" in 1995, he said, on "Nightline." But in 1997, he came clean. He said:

> In the vast majority of cases, the procedure is performed on a healthy mother with a healthy fetus that is 20 weeks or more along, Mr. Fitzsimmons said. The abortion rights folks know it, the antiabortion folks know it, and so probably does everyone else, he said in the article in the Medical News, an American Medical Association publication.

They knew it. In 1997, they knew this. A month ago they were still saying it.

I don't mind having a good honest debate, and the Senator from California, Mrs. FEINSTEIN, brought up legitimate legal issues, a proper, good debate, but when the organization that is principally behind the stopping of this bill a month before this bill gets presented continues to try to misinform the American public, I think you have to ask yourself a question as to the credibility of that organization and the credibility of their case.

There are a couple other comments that were made on which I have to set the record straight. The Senator from California, Mrs. BOXER, said this abortion procedure needs to remain legal out of respect for women and "because it gives the fetus dignity."

Anyone who looks at this abortion procedure and suggests that pulling a child feet first through the birth canal at 20 weeks of gestation, who otherwise would have been born alive, and have a pair of scissors thrust in the base of their skull and have their brains suctioned out is an act of dignity I think has to rethink what the word "dignity" means. To treat any human being, to treat any living thing in that fashion is insulting to that life. It certainly is not an act that I would call a dignified act or an act that shows respect for that child.

A lot has been made by both Senators from California and others about the need for a health exception. This gets in to the meat of this debate with respect to its constitutionality. The Court did state that there were two reasons for the Nebraska law on partial-birth abortion to be overturned. One was that it did not have a health exception that was required by Roe v. Wade.

Step back and think about this debate in a larger context. I don't think most Americans, if I can put up the last chart of the diagram of the procedure—I don't think most Americans contemplate that Roe v. Wade covers abortions done late in pregnancy by healthy mothers with healthy babies who would otherwise be born alive being treated in such a brutal and barbaric fashion. I don't think most Americans see the scope of Roe v. Wade as including that type of abortion but it does.

That is really the wake-up call for America here: That Roe v. Wade is not what they claim it to be. If it is later in pregnancy, it is mothers who have health issues or the child has health issues. No, that is not what we are talking about here. We are talking about there needs to be a health exception, according to this court, for a procedure done late in pregnancy on healthy mothers with healthy babies treated in a brutal fashion such as this. I don't think most Americans would have said: Gee, we need a health exception here or Roe v. Wade covers this issue, but that is what they say: that based on the evidence they compiled in the Federal district court in Nebraska, the court examined the evidence and determined that a health exception was necessary, based on the evidence that was submitted at trial.

We believe strongly the evidence submitted at trial was incomplete: that there has been a lot of evidence submitted to the Congress and in publications that is counter to what the Nebraska district court found, and that the overwhelming weight, and I would argue the dispositive weight, of evidence presented to this Congress, which is a finder of fact just as the district court is, is that it is never medically necessary.

The Senator from California has said the American College of Obstetrics and Gynecology has written a letter saying that it may be medically—that is the term, "may be medically necessary." Yet in the letter she has entered into the RECORD, which she has entered many times before, they do not present one example of a case in which it would be medically necessary.

For 8 years I have stood on the floor of the Senate and have asked for such a case from the American College. To date, the American College has never replied to my request. They have not sent one case to be submitted into this RECORD as to where this may be medically necessary actually is medically necessary.

One has to wonder the validity of the statement that it may be medically necessary if they can't find a case in fact where it is. Cases have been submitted by both Senators from California where some obstetricians have said this was medically indicated in this case: For every 1 letter that has been submitted, we have had 6, 7, 8, 9, 10 letters from maternal fetal medicine specialists—they are specialists in high-risk pregnancies—perinatologists who say not only aren't those cases good cases but they are contraindicated.

It is bad medicine. So we do not really have any uncontrovertible case where it is medically necessary. I think that is important for the Court to consider. I think it is also important for the Court to consider that the Congress, which has had multiple hearings of fact, unlike the Court, was able to make a determination and have a vote overwhelmingly in both the House and Senate that these facts are as we say they are. I believe we have a right as a body to make that determination.

We hope, just as we listen to the Court in matters of law because that is their responsibility, that as finders of fact they would listen to what we come up with. I know many on the Court think it is a one-way street. They just tell us what they think and we have to do whatever they tell us and we have no input into what the Court decision is.

That is not the way our Framers envisioned it. I found it sort of humorous that the Senator from California said the Framers did not envision the Congress amending the Constitution by legislative findings. I will assure the Senator from California that our Framers did not envision the Supreme Court amending the Constitution by judicial fiat but they do. Roe v. Wade is a case in point.

So there are lots of things our Framers did not envision, I say the most grotesque of which is the Court activism that we have seen across the street.

With respect to this health exception, it is overwhelmingly clear that it is never medically necessary.

Why do we go to such length in saying that a health exception is not medically necessary? Well, because if we had a health exception to this bill—and many have suggested, just put in a health exception. I mean, are you not concerned about women's health?

Well, I do not think anyone is not concerned about women's health. In fact, the evidence presented is overwhelming that this procedure is a riskier procedure than other abortion procedures and is never medically indicated. So if one looks at the overwhelming body of evidence and they are concerned about women's health, they would be for banning this procedure because it is never medically indicated. It is done only for the convenience of abortionists and is, in fact, unhealthy. So if one's concern is women's health, then they would be for banning this procedure.

The interesting point is, why are they pushing so hard for this health exception and why are we resisting it so much? Well, what does the health exception mean? This is the little secret that to those who have not followed the abortion debate may say, what is the big deal? Why do you not put in a health exception? That sounds reasonable.

The problem with the health exception is that it is so broad an exception it swallows up the bill because a health exception—when Roe v. Wade was decided, there was a companion case decided called Doe v. Bolton, and in that case health was defined as: Medical judgment may be exercised in the light of all factors: physical, emotional, psychological, familial, and the woman's age relevant to the well-being of the patient. All of these factors may relate to health. This allows the attending physician the room he needs to make the best medical judgment.

So over time what this has been interpreted to mean is health means anything: emotional, physical, spiritual, psychological, whatever it is, stress, anxiety. Some have even brought it to economic concerns.

Health is an exception that swallows the rule. So as long as the doctor says the woman obviously exhibited anxiety, stress, discomfort, she had a headache or whatever, it does not matter. It does not say severe. It just says anything. So what this provision did, and that is what the Court wanted to do, was to give absolute latitude to the doctor to do whatever the doctor wanted to do in consultation with the patient. So the health exception is no exception at all. It is a barred anti-prohibition. So understand that the health exception bars the bill, stops the bill from having any effect. So that is why we resist.

In our case, we think we are outside this health exception because it is actually unhealthy for the woman and it is never medically necessary.

Before I move on to the next topic, I want to go through some of the health risks as outlined—we have a series of letters which I will submit for the RECORD—that partial-birth abortion poses serious health risks for women.

First, as I mentioned before, the physician has to dilate the cervix a couple of days before the abortion is performed, creating a risk, according to several physicians, to an incompetent cervix, a leading cause of future premature deliveries or infection, and is the main cause of subsequent infertility.

As we can see, the baby is brought in feet first through the birth canal. When they reach in to pull the baby out of the uterus—reaching into the uterus to pull the baby's feet through the cervix is a dangerous procedure, risking the tearing of the uterus. It poses an increased risk of uterine rupture, abruption, amniotic fluid embolus and trauma to the uterus as a result of converting the child into a footling breech position. Grabbing the baby's legs could perforate the uterus, which could result in severe hemorrhage and possibly a hysterectomy. Then the procedure that follows where the Metzenbaum scissors are placed in the base of the baby's skull to kill the baby and puncture the baby's skull, putting the scissors into the baby's brain is a partially blind procedure. As we can see, the physician has no way of seeing where those scissors are entering the baby or if they are even entering the baby.

This blind procedure with a sharp instrument may expose the uterus to sharp bone shards, bone shards from the baby's skull upon the puncture. They may lacerate different parts of the woman's body and cause hemorrhaging and could necessitate a hysterectomy to save the mother's life. This is not a riskless procedure. This is a risky procedure.

I reiterate, this is not taught in medical schools. There are no peer review journals published that suggest this is a superior way, much less an appropriate way, to deal with an abortion. There are no studies that have been done, that are controlled in nature, to show that this is a proper procedure. This is a rogue procedure. It is medically unhealthy and it is medically unnecessary.

Both Senators from California talked about their recollection of the pre-Roe v. Wade days. The Senator from California, Mrs. BOXER, suggested the debate we had a month ago with respect to the number of maternal deaths as a result of abortion prior to Roe v. Wade were women in all States—in some States, abortion was legal, not in all States—that women as a result of that had higher incidents of maternal death. The Senator from California continued to indicate that there were some 5,000 deaths per year as a result of abortion not being legal everywhere in the United States.

I entered information in the RECORD from the Bureau of Vital Statistics, including more recently the Centers for Disease Control, suggesting at the time of 1972, prior to the decision being made, there were 83 maternal deaths. The Senator from California suggested that is only because the only reported deaths were States in which abortion was legal.

That is not the case from the statistics. Had that been the case—it is not, according to the information we have gathered, but had it been the case, then why were there 1,231 reported deaths from abortion in 1942, where abortion was not legal in any State in the country?

So if her information was correct, if they were only reporting cases in States in which abortion was legal in 1942, there would have been no deaths because there were no States in which abortion was legal. But in fact they were reporting from States where abortion was legal and illegal.

What you saw from 1942 down to 1972 was a decrease, from 1,231, almost straight line down to 83 deaths in 1972. Why? Because medicine improved. Antibiotics, first and foremost, is probably the principal reason, because of infection, but there were a whole variety of reasons. The improvement of medical science is why those numbers continued to decrease. So the idea that somehow or another there were thousands of women dying prior to Roe v. Wade is just not backed up by the facts.

We have an obligation; as much as we would like to paint a picture for the eyes particularly of young people who didn't live then, as much as we would like to paint this picture to young people to convince them of the justice or righteousness of the right to abortion, that things were really bad, that women were dying in droves, there was a horrible situation prior to Roe v. Wade, we cannot. You have to deal with the fact that was not the case with respect to the amount of maternal deaths.

There may be other factors that you consider and you are welcome to make the arguments about how people felt at the time. That is fine. But you cannot play with the facts to present a case that is not true.

I want to quote Bernard Nathanson who was, at the time of 1972, an abortionist. He says:

> How many deaths were we talking about when abortion was illegal? In N.A.R.A.L.—

A group he helped found, the National Abortion Rights Action League—

> we generally emphasized the drama of the individual case, not the mass statistics, but when we spoke of the latter it was always "5,000 to 10,000 deaths a year." I confess that I knew the figures were totally false, and I suppose the others did too, if they stopped to think about it. But in the "morality" of our revolution, it was a useful figure, widely accepted, so why go out of our way to correct it with honest statistics?

This is a very serious issue. I would argue it is the greatest moral issue of our time. I think we have an obligation to use honest statistics, at least honest statistics—honest statistics, honest cases. The Senator from California brought up the case of Vicki Wilson, as she has repeatedly throughout this debate over the past several years. She said Vicki Wilson needed a partial-birth abortion because of a medical condition she and the baby had. Let me quote from Vicki Wilson's own testimony to Congress.

> My daughter died with dignity inside my womb, after which the baby's body was delivered head first.

Not feet first. Vicky Wilson did not have a partial-birth abortion. Yet it is a case that is continually used here to justify a partial-birth abortion being kept legal.

The case was also made she needed to have one done. Quoting Vicki Wilson:

> I knew I could go ahead and carry the baby until full term but knowing, you know, that this was futile, you know, that she was going to die, I felt like I needed to be a little bit more in control in terms of her life and my life.

Vicki Wilson did not have a medical emergency or a health need, from the standpoint of what most people would consider to be a health need, which is physical health.

I caution, when people listen to this debate, that they listen to the debate of what is real, what the facts are, and what the consequences are. There is no question in my mind that the consequences of this debate are the most profound consequences we face as a country and more specifically as a culture as to who we are. Because ultimately what this is about, banning this procedure, is about who we are going to accept in our human family. Do we accept this little baby? You can pull out the photo Senator BROWNBACK showed earlier. If we can accept this little baby at 20 weeks or 21 weeks into our human family, or do we say no, no, you may look like us, you may have hands and feet and you may have a heartbeat, you may be perfectly normal, you may have looked like us when we were that age, but we are not going to include you in the human family. We are not going to call you an American. We are not going to give you the rights provided to you under the Constitution.

It really is about who we accept. I would argue it is about who we are going to love, who we are going to nurture, who we are going to support.

Today in the Senate we have a chance to say in some very small way—and I admit, I will agree with the Senators from California and others that this will do very little to limit the number of abortions. I agree with that. But in some small way we are acknowledging this little child, this little child is a member of our family.

The Senator from Iowa, Senator HARKIN, as well as the Senator from California, Senator FEINSTEIN, talked at length about the striking of the Roe v. Wade language from this bill that passed the Senate. The language stated Roe v. Wade was the law of the land and should continue to be the law of the land. It passed by a couple of votes here in the Senate.

I think many of us found that to be somewhat in contrast with the underlying purpose of this bill, in the sense that this was a very small tip of the hat, recognition of the humanity of this child, we were not going to treat this child in this grotesque fashion. That is all.

It doesn't say that child couldn't be killed in some other fashion that was medically safer for the woman. But it says when it comes to delivering a child and having that child just inches away from being born, we were not going to go that far. This, really, was too close. So we gave a small nod, a small nod to the humanity of that child in the process of being born.

So many of us thought, sort of restating this sense of the Senate about the primacy of Roe v. Wade was an insult to even this little nod that I would argue is outside of Roe v. Wade. Unnecessary, is what it is. Roe v. Wade is, according to the Court, how they will decide abortion cases.

I vehemently disagree with them and I will continue to fight on this floor and anywhere else I can to make sure that law, that Court decision taking the decision away from the American public—which is where it was prior to Roe v. Wade—taking the decision of great moral import away from the American public, is returned to the people.

We just saw an election in California where the people rose up and said they wanted to take back control of their State. We don't have such a process here. The Court is insulated from the public rising up and saying no, we don't like your decision—or even from the Congress. It takes a huge amount of effort. It is a very difficult process to amend the Constitution, pass both Houses of Congress by a constitutional majority, 67 percent; plus get three-quarters of the States to ratify a constitutional amendment. Yet this Court by a whim can amend the Constitution with five votes, and did so. They amended the Constitution like that.

I don't think that is the way the Framers wanted it. I think they set forth a constitutional amendment process because that is the way they wanted to create new rights or change the Constitution, not to allow the Court to do it.

I have likened the Roe v. Wade decision—I was fortunate enough Sunday to be in St. Louis, MO and had the opportunity to walk by the courthouse, which is right in downtown St. Louis, where the Dred Scott case was initially decided. That is where the district court was.

You look back, and people in St. Louis have great pride in the fact that case was there, and many Missourians stood up and fought against what that case was all about. I would argue that Roe v. Wade is exact in kind as the Dred Scott decision. Like the Dred Scott decision, Roe v. Wade—unlike, if you think back, and think of any other major Supreme Court decision, where rights, individual rights were dealt with—almost every other Supreme Court decision in which individual constitutional rights were dealt with, over time the public grew to accept. That is because over time, the public grew to understand the justice of that decision.

The most recent one is civil rights decisions. But in Dred Scott the abolitionist and so many others knew of the injustice—yes, it was the law; that is what the court said. They decided the case. There were too many in this country who said, no, I don't believe that is right.

It is amazing if you see the polling of young people in America, there is actually a higher pro-life sentiment among young people than older people, but you would think people who grew up, knowing this was the law—because when people hear the law they think, if it is the law, it must be right; it must be just; it must be ethical; it must be moral; otherwise, it would not be the law. The law is a great teacher. It is the greatest teacher to young people as to what is right and what is wrong. Young people, knowing the law, still say there is something inside me that says this is not right. Just like young people in the 1850s and 1860s, who said there is something inside me that tells me this is not right.

Abraham Lincoln said a house divided against itself cannot stand. So here we are today, with the American public deeply divided on this issue, deeply divided because so many people for 30 years have only known the law and the popular culture. Does the popular culture depart at all from what the law is? Is there anything you see coming out of Hollywood or New York that at all disagrees with this, the Supreme Court notion of what the law should be? Of course not. Yet this feeling is out there, this sentiment, like the abolitionists of the 1860s who said it may be the law, but in this case that does not make it right. That does not make it just. So while we had a great debate on Roe v. Wade, this will have no impact. It is just a debate that will continue to go on.

The final point I make about this is one I have made before. Why are Dred Scott and Roe v. Wade alike? Because the Dred Scott decision put the rights, the property rights, the liberty rights of the slaveholder above the life rights of the slave. In our founding document, the Declaration of Independence, Thomas Jefferson wrote: We are endowed by our creator with certain inalienable rights. Then he listed them: The right to life, liberty, the pursuit of happiness. In that order—life, liberty, pursuit of happiness.

In Dred Scott, we took the fundamental right, life—for without life you cannot have liberty; without liberty you cannot pursue happiness. So they are put in order for a reason. What Dred Scott did was take the life rights of a slave and put them under the liberty rights of someone else.

And Roe v. Wade, the reason I compare it to Dred Scott, does the same thing. It puts the life right of this little human being that we have decided not to accept in our society as a person and subjugates them to the liberty rights, the choice of someone else, in this case the baby's mother.

The Senator from California says why don't we trust women more? I do. But you cannot ignore the fact that one-third of all pregnancies in America end in abortion. This is a very small piece of legislation, I will admit that. But it is important just for a brief moment, just for some rather small piece of legislation that affects, if you consider 1.3 million abortions, less than 1 percent of all abortions, far less, .1 of all abortions, but in some small way it begins to recognize the humanity that we have to display toward this child and not treat this child in such a brutal fashion.

I conclude by thanking my colleague from California and all those who have been involved in this debate over the years. We have had a vigorous debate. That is important in the Senate that we debate these very important issues. I thank all those on both sides of the aisle who have engaged in that. I thank Senator SMITH for his courage in bringing this bill up; Senator DEWINE, in particular, who has been a tremendous champion on this issue; along with Senator BROWNBACK, Senator ENSIGN, Senator VOINOVICH, and so many others who have come to the Senate and taken on this issue.

I thank my staff: Heather MacLean, for the tremendous work she has done in supporting me in every way possible in getting the information I need when I need it, to carry this debate forward; and Michelle Kitchen; prior to her, Wayne Palmer, my legislative director; and all the members of my staff.

Finally, I thank all who have been sending your prayers to Washington, DC, through this debate. They have made a difference.

Mr. DOMENICI. Madam President, I rise today to support adoption of the conference report to accompany the "Partial-Birth Abortion Ban Act of 2003." I compliment the distinguished Senator from Pennsylvania, Mr. SANTORUM. He has carried this bill and I offer him my congratulations for his efforts in this regard.

I have always been a supporter of the rights of the unborn. And, after many years of debate on this issue, I am very pleased that this body is going to pass this measure, and that the President has said he will sign it.

In March, I came to the floor and I discussed this very issue. At that time, I quoted one of our very distinguished former colleagues, Mr. Daniel Patrick Moynihan. Senator Moynihan described the Partial Birth Abortion procedure as follows:

> I think this is just too close to infanticide. A child has been born and it has exited the uterus. What on Earth is this procedure?

That is what the distinguished Senator from New York said.

And, the Senator was right. This debate is not about Roe v. Wade; this is not a pro-life or pro-choice vote. This debate is about humanity and necessity. The procedure of partial- birth abortion, to put it candidly, is cruel and inhumane. The issue here today is whether we should prohibit a form of abortion that borders on infanticide. As Senator Moynihan said, "what on Earth is this procedure?"

By now, many Americans are uncomfortably aware of the details of a partial-birth abortion. They have heard the testimony of doctors who perform this procedure and nurses who witness it. They have also most likely seen information ads or read descriptions of the procedure. Maybe they have even watched us debate the issue on prior occasions. I will not go through the details of the procedure. I will only say that at a minimum it is cruel and inhumane, and when this debate is completed, I hope that the Senate will take a stand and ban a procedure that diminishes the life of a child that has been born and has exited the uterus.

This debate today is about protecting a fetus, a baby, a life that is now destroyed in a cruel and inhumane way. It is about a life that is unnecessarily destroyed and it need not happen. We are not really talking about banning abortion here, we are talking about banning a form of infanticide and it is for this reason that I will gladly vote in favor of the "Partial Birth Abortion Act of 2003."

Mr. VOINOVICH. Madam President, today is a glorious day. Today is the day that we finally send the Partial-Birth Abortion Ban Act to the President for his signature, and we can now begin to save human lives. Today's vote is only marred by the fact that it took us so long to get here. Just imagine the number of lives we could have saved if we had sent this bill to the President 8 months ago, when we first passed it.

The subject of partial-birth abortion is not a new one for me. Eight years ago, when I was Governor of Ohio, we were the first State to pass a partial-birth abortion ban, which was unfortunately struck down by the courts. Subsequent to that, I watched the partial birth abortion ban make its way through the 104th and 105th Congresses, only to be vetoed by President Clinton. After I arrived in the Senate in the 106th Congress, I gave a speech in support of a partial birth abortion ban that passed both chambers but never made it to Conference. I am overjoyed that we finally got this done in the 108th Congress!

During debate on this bill, I listened to my colleagues quote statistics and spout off facts about medical necessity and the health of the mother. Well, we can all quote different statistics, but the bottom line is that there is no need for this procedure. Most of these partial birth abortions are elective. They take 3 days to complete and are never medically necessary.

The victims of the partial-birth abortions are human beings. I find it interesting that they are sometimes called living fetuses. Whether they are called babies or fetuses, no one seems to dispute the fact that they are living. In fact, they are human babies and they can feel pain.

I would like to thank all of my colleagues who voted for this very important legislation. We can certainly be proud of what we have accomplished today!

Mr. BUNNING. Madam President, today I come to the floor with joy in my heart knowing we will finally put an end to the death of unborn children through partial-birth abortions. I am joyful that our efforts will not go in vain this year because President Bush is eager to sign this bill.

But my heart is also heavy knowing that this procedure has gone on too long. Too many children have died in this horrific way. The vast majority of Congress has been trying for the better part of a decade to ban partial-birth abortions but has been stymied by President Clinton and the current minority party in the Senate. I am glad the days of obstruction and vetoes have come to an end and this bill will become law.

I can think of no more clear-cut case between right and wrong. All one needs to know is a description of the process to understand how wrong partial-birth abortions are. First, an abortionist induces dilation of the mother so the baby can be almost fully delivered. Next, the baby is delivered to the point that only its head remains inside the mother. Third, the child is stabbed in the back of the skull with scissors or some other sharp object. Finally, a tube is used to suck the child's brains out of the hole left by the stabbing.

There is no gray area or middle ground when it comes to this procedure and there are no justifications for it. The child is delivered to within inches of breathing its first breath. If the doctor lets the head of the baby slip just an inch or two, the child would be born and the doctor would be prosecuted for murder. Nevertheless, some abortion supporters cannot see through the fog of their fervor to realize just how wrong that is.

I do not mean to suggest that there is widespread support for partial-birth abortions. There is not. The vast majority of the American people want the procedure to end. Congress has voted overwhelmingly many times in the last few years to enact a ban like the one before the Senate today. Most doctors oppose the procedure including quite a few who perform other forms of abortion.

There is no evidence that this procedure is ever necessary to preserve the health of the mother. In fact, it is quite dangerous. Babies being killed in this manner can feel the pain of its skull being pierced and have been seen writhing in pain, flailing tiny arms and legs until its skull collapses after its brains have been vacuumed out. I do not understand how anyone can believe this should go on.

Doctors and medical researchers have made great progress in fetal health care. Babies can be operated on while still in the womb. Premature babies can survive outside their mother at younger and younger ages. With those and other advancements Americans are continually placing a greater value of life. By passing this law Congress will further advance the cause of life and send an unmistakable message that ours is a just society that values every human being and believes in the sanctity of life.

I look forward to President Bush signing this bill into law. I am proud of his support of this bill and for life.

Mr. NICKLES. Madam President, as I am sure all of my colleagues know by now, the procedure banned by this bill—the partial-birth abortion procedure—defies description. I am not going to go into the terrible details of this procedure which is performed on a living child late in pregnancy.

This is a truly shocking procedure—absolutely indefensible. The term "partial-birth" is perfectly accurate. Some prominent defenders of partial-birth abortions insist that anesthesia kills the babies before they are removed from the womb. This myth has been refuted by professional societies of anesthesiologists. In reality, the babies are alive and experience great pain when subjected to a partial-birth abortion.

It has been asserted that this procedure is the only way to prevent serious health damage. However, partial-birth abortions are performed thousands of times annually on healthy babies of healthy mothers.

Hundreds of ob-gyns and fetal/maternal specialists, along with former Surgeon General Koop have come forward to unequivocally state that "partial-birth abortion is never medically necessary to protect another's health or her future fertility." Thus, the first section of S. 3 contains Congress' factual findings that, based upon extensive medical evidence compiled during congressional hearings, a partial-birth abortion is never necessary to preserve the health of a woman.

In January 2003, even the Alan Guttmacher Institute—an affiliate of Planned Parenthood—published a survey of abortion providers that estimated that 2,200 abortions were performed by the method in the year 2000. While that figure is surely low, it is more than triple the number that AGI estimated in its most recent previous survey, for 1996.

The stark fact is that unless this bill becomes law, more innocent unborn children will have their lives brutally ended by the inhumane partial-birth procedure.

It is unbelievable to me that this unspeakable abortion procedure even exists in this country, much less that we are having to take legislative action to ban such a procedure. It is further unbelievable to me that anyone in good conscience can even defend the partial-birth abortion procedure. It is a fiction to believe that it is all right to end the life of a baby whose body, except the head, is fully delivered. In order to engage in such a fiction, one has to take the position that curling fingers and kicking legs have no life in them. Those who subscribe to such a fiction, are at best, terribly misguided.

As Former Surgeon General C. Everett Koop stated: ". . . in no way can I twist my mind to see that the late-term abortion as described—you know, partial birth and then destruction of the unborn child before the head is born—is a medical necessity for the mother. It certainly can't be a necessity for the baby." American Medical News, August 19, 1996.

Now it is time for the Senate to approve a ban on partial-birth abortions. It is time to end this injustice and the practice of this inhumane procedure. I urge my colleagues to join me in ending this atrocity.

Mr. BOND. Madam President, I rise today in support of the conference report to the Partial-Birth Abortion Ban Act. I am pleased to be a cosponsor of this legislation, and I look forward to the day when partial-birth abortion is banned once and for all.

Medical experts agree, partial-birth abortion is not good medicine. The Physicians Ad Hoc Coalition for Truth, PHACT, a group of over 500 doctors, mostly specialists in OB/GYN, maternal and fetal medicine, and pediatrics, have stated that partial-birth abortion is never medically necessary to protect a woman's health or her fertility. In fact, the exact opposite is true: the procedure can pose a significant threat to both the pregnant woman's health and her fertility.

Today we move one step closer to putting an end to this brutal procedure. One of life's greatest gifts is our children, and we cannot allow them to be victims of this heinous and cruel procedure.

I have cosponsored this legislation in the past three Congresses, and I am a cosponsor of the bill before us today. I am pleased to rise once again in support of protecting human life. I hope that Congress will deliver this bill to the President, who is eager to sign this bill into law.

Ms. MIKULSKI. Madam President, I rise today in support of the Roe v. Wade decision that was made by the Supreme Court over 30 years ago, and in opposition to the late term abortion conference report before the Senate.

The Supreme Court's acknowledgement of the fundamental "right to privacy" in our Constitution gave every woman the right to decide what to do with her own body. Since that historic day, women all across the country and the world have had improved access to reproductive health care and services. However, Congress is on the brink of turning back the clock.

Last month, my colleague from California, Senator BOXER, led a fight on the Senate floor to keep Senate passed language in support of Roe v. Wade in the late term abortion bill, S. 3. I was disheartened to hear that the conference committee stripped the Senate passed Roe v. Wade language. The Roe v. Wade decision is important to women's rights, women's health, and public health.

I believe that this bill is the first step in a plan by the leadership of this Congress to overturn Roe v. Wade. When President Bush signs this bill, he will become the first President since Roe V. Wade to recriminalize abortion procedures.

As I have stated previously on the Senate floor, the bill before us is unconstitutional. Just 3 years ago the Supreme Court ruled in Stenberg v. Carhart that a Nebraska State law that bans certain abortion procedures is unconstitutional. The Supreme Court ruled it was unconstitutional for two reasons. First, it did not include an exception for a woman's health. Second, it does not clearly define the procedure it aims to prohibit and would ban other procedures, sometimes used early in pregnancy.

S. 3 is nearly identical to the Nebraska law the Supreme Court struck down. The proponents of this legislation say they have made changes to the bill to address the Supreme Court's ruling. They have not. It still does not include an exception to protect the health of the woman. It still does not clearly define the procedure it claims to prohibit. Let me be clear about this. S. 3 is unconstitutional. That is why I supported the Durbin substitute when the Senate considered this legislation.

I supported the Durbin amendment because it was consistent with my four principles. These are my principles: It respects the constitutional underpinnings of Roe v. Wade. It prohibits all post-viability abortions, regardless of the procedure used. It provides an exception for the life and health of a woman, which is both intellectually rigorous and compassionate. And it leaves medical decisions in the hands of physicians—not politicians. The Durbin alternative addressed this difficult issue with the intellectual rigor and seriousness of purpose it deserves.

I strongly support a woman's right to choose and have fought to improve women's health during the more than two decades I have served in Congress. Whether it is establishing offices of women's health, fighting for coverage of contraceptives, or requiring federal quality standards for mammography, I will continue the fight to improve women's health.

Congress must protect a woman's freedom of choice that was handed down by the Supreme Court over 30 years ago. This Congress must not turn back the clock on reproductive choice for women. I urge my colleagues to vote against the conference report for the late term abortion bill.

Mr. NELSON of Florida. Madam President, today the Senate considers the conference report to accompany S. 3, the Partial-Birth Abortion Ban Act, and I want to take this opportunity to explain my vote. I am opposed to the procedure known as partial-birth abortion, except in cases where the life or physical health of the mother is in jeopardy. This legislation does not include an exception to provide for the physical health. That means that a physician could determine that a woman could be paralyzed for life, and it would not be considered an adequate exception under this legislation. Therefore, I must respectfully vote against this bill.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD)

● Mr. EDWARDS. Madam President, I rise today to express my opposition to the conference report to accompany S. 3, the late term abortion ban bill.

As we know, the Supreme Court has ruled on this issue. The Court said that a ban on later-term abortion procedures must protect a woman's health. In Stenberg V. Carhart, the Court ruled that an abortion ban must include a health exception when "necessary, in appropriate medical judgment, for the preservation of the life or health of the mother."

The bill before us today does not include an exception for a woman's health. If this bill becomes law, a woman would be refused this procedure even if other procedures would cause her grave harm. While late-term abortions should occur only in rare circumstances, this bill bans them in all circumstances. That is not constitutional and it is not fair to the women who are in the rare circumstances where this procedure is required. For this reason, I cannot support this bill.●

Mr. FEINGOLD. Madam President, earlier this year, the Senate passed S. 3, the Partial Birth Abortion Ban Act. I opposed that bill and instead supported a constitutionally sound alternative offered by my colleague, Senator DURBIN. The Durbin alternative would ban post viability abortions unless the woman's life is at risk or the procedure is necessary to protect the woman from grievous injury to her physical health.

I understand that people on all sides of this issue hold sincere views. I respect those who oppose abortion on principle. Like most Americans, I would prefer to live in a world where abortion is unnecessary. I support efforts to reduce the number of abortions through family planning and counseling to avoid unintended pregnancies. I have always believed that decisions in this area are best handled by the individuals involved, in consultation with their doctors and guided by their own beliefs and unique circumstances, rather than by government mandates.

I support Roe v. Wade, which means that I agree that the government can restrict abortions only when there is a compelling state interest at stake. I feel very strongly that Congress should seek to regulate abortions only within the constitutional parameters set forth by the U.S. Supreme Court.

Unfortunately, the conference report fails to cure the flaws in the bill that make it unconstitutional on its face. The conference report's description of the procedure that it would ban is so vague and overbroad that it could place an undue burden on a women's right to choose by encompassing safe and common abortion procedures used prior to viability.

I am also disappointed that the conference report failed to adopt the Senate's language in S. 3 reaffirming the Senate's commitment to Roe and its belief that Roe should not be overturned. The Senate had a straight up-or-down vote on this language, which was offered by my colleague Senator HARKIN. A majority of the Senate agreed to support the Harkin amendment. The House was wrong to remove this language during its consideration of the bill, and I am disappointed that the conference report failed to adopt the Senate's position on this issue.

The Senate should only legislate in this area in a way that is constitutionally sound. This conference report does not meet that test and I cannot support it.

Ms. CANTWELL. Madam. President, I rise today to express my opposition to the conference report to S. 3 the so-called Partial-Birth Abortion Ban Act of 2003. This is an unconstitutional piece of legislation that puts women's lives in jeopardy.

Supporters of this bill will argue that this legislation bans only one procedure but this is not the case. Make no mistake about it. This bill puts us on a path outlawing abortion. The language in this bill is vague, and this law could be used to ban other safe and legal procedures. Moreover, this legislation imposes an undue burden on a woman's ability to choose by banning abortion procedures at any stage in a woman's pregnancy. This bill does not only ban post-viability abortions, it unconstitutionally restricts women's rights regardless of where the woman is in her pregnancy.

In 1973, in Roe v. Wade, the Supreme Court found that women have a constitutional right to choose. However, after the point of viability—the point at which a baby can live outside its mother's body—States may ban abortions as long as they allow exceptions when a woman's life or health is in danger. The bill before us, however, restricts abortions before viability and it does not include a health exception. Let me repeat that. This bill is fundamentally flawed because it does not protect the women when her health is in danger.

In June 2000, the U.S. Supreme Court reinforced the importance of this health exception in Stenberg v.

Carhart, which determined that a Nebraska law banning the performance of so-called "partial birth" abortions was unconstitutional under Roe v. Wade.

The Supreme Court has stated unequivocally that every abortion restriction, including bans on so-called "partial-birth abortion," must contain a health exception. The Court emphasized that, by failing to provide a health exception, the Nebraska law would place a woman's life in danger. That is exactly what the legislation before us today does as well: it places a woman's life in danger.

Despite the Supreme Court's very clear mandate, this underlying legislation does not provide an exception for the health of the mother. For this reason, this legislation, like the measure that was struck down in Stenberg, is unconstitutional.

I am very disappointed that this conference report does not include language passed by the Senate that abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in Roe v. Wade; and that the 1973 Supreme Court decision in Roe v. Wade established constitutionally based limits on the power of states to restrict the right of a woman to choose to terminate a pregnancy.

Furthermore, the amendment firmly laid out the sense of the Senate that the decision of the Supreme Court in Roe v. Wade was appropriate and secures an important constitutional right and that the decision should not be overturned.

I fundamentally believe that private medical decisions should be made by women in consultation with their doctors—not politicians. These decisions include the methods by which a physician chooses to treat his or her patients. Why should we decide that here on the Senate floor? Congressional findings cannot possibly make up for medical consultation between a patient and her doctor. This bill, however, would undermine a physician's ability to determine the best course of treatment for a patient.

Physicians must be free to make clinical determinations, in accordance with medical standards of care, that best safeguard a woman's life and health. Women and their families, along with their doctors, are simply better than politicians at making decisions about their medical care. And I don't want to make those decisions for other women.

During the course of this debate we heard painful stories about women who were anxiously awaiting the birth of a child when something went horribly wrong. We heard true stories of women who were devastated when they discovered that their child had severe health problems and would not survive. We heard stories about women who wanted to complete their pregnancy and were told by their physicians that, should they do so, they would put their health at risk. The truth is that this is a heartbreaking, painful, personal decision that should be made by solely a woman with the advice of her doctor.

I trust the health care providers and organizations like the American College of Obstetricians and Gynecologists, and the American Medical Women's Association who oppose this ban. These physicians know their patients, they know their stories, and the painful choices that many make, and they know that this ban is wrong. Most importantly, I trust the women in my State and around this country to make the decision that is right for them. During such a difficult, private time, women should be surrounded by those who love and support them. Women should not have to listen to rhetoric that demonizes their heartbreak, but should be able to receive medically accurate information from a trusted health care professional.

Three States, including my home State of Washington, have considered similar bans by referendum. All three failed. We considered this debate in my home State in 1998. The referendum failed decisively—by a vote of 57 to 43 percent.

These so-called "partial-birth" abortion bans—whether the proposals that have been before the Senate in the past or the one before us today—are deliberately designed to erode the protections of Roe v. Wade, at the expense of women's health and at the expense of a woman's right to privacy.

The Supreme Court, during the 30 years since it recognized the right to choose, has consistently required that, when a State restricts access to abortion, a woman's health must be the absolute consideration. This legislation does not only disavow the Supreme Court's explicit directive, but the advice of the medical community, and the will of the American people. We must continue to ensure that the women of America have the right to privacy and receive the best medical attention available.

Ms. SNOWE. Mr. President, I rise in opposition to the conference report on S. 3, the Partial Birth Abortion Act.

In 1973—26 years ago now—the Supreme Court affirmed for the first time a woman's right to choose. This landmark decision was carefully crafted to be both balanced and responsible while holding the rights of women in America paramount in reproductive decisions. It is clear that the underlying Santorum bill does not hold the rights of women paramount—instead, it infringes on those rights in the most grievous of circumstances.

Indeed, S. 3 undermines basic tenets of Roe v. Wade, which maintained that women have a constitutional right to an abortion, but after viability—the time at which it first becomes realistically possible for fetal life to be maintained outside the women's body—States could ban abortions only if they also allowed exceptions for cases in which a woman's life or health is endangered. And the Supreme Court reaffirmed their support for exceptions for health of the mother just 3 years ago.

In Stenberg vs. Carhart, a case involving the constitutionality of Nebraska's partial birth abortion ban statute, the Supreme Court invalidated the Nebraska statute because it lacks an exception for the performance of the D & X dilation and extraction procedure when necessary to protect the health of the mother, and because it imposes an undue burden on a woman's ability to have an abortion. This case was representative of 21 cases throughout the Nation. Regrettably, however, Senator SANTORUM's legislation disregards both Supreme Court decisions by not providing an exception for the health of the mother and providing only a narrowly defined life exception.

And let there be no mistake I stand here today to reaffirm that no viable fetus should be aborted—by any method—unless it is absolutely necessary to protect the life or health of the mother. Period.

During the Senate consideration of this bill earlier this year, I once again cosponsored Senator DURBIN's amendment which specifies that postviability abortions would only be lawful if the physician performing the abortion and an independent physician certified in writing that continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health. It mirrors laws already on the books in 41 States, including my home State of Maine, which ban postviability abortions while at the same time including life and health exceptions mandated by the Supreme Court under Roe v. Wade.

This amendment, which was tabled during the Senate's debate, would have lowered the number of abortions because it bans all postviability abortions. S. 3, in contrast, will not prevent a single abortion. Sadly, it will force women to choose another potentially, more harmful procedure.

Is this what we really want? To put women's health and lives at risk? And shouldn't these most critical decisions be left to those with medical training—not politicians?

The findings in S. 3 would have you believe that this procedure is never necessary to preserve the life or health of the mother and that in fact it poses significant health risks to a woman. This is simply not true. Let me explain why there must be a health exception for "grievous physical injury" in two circumstances.

First, the language was to apply in those heart-wrenching cases where a wanted pregnancy seriously threatens the health of the mother. The language would allow a doctor in these tragic cases to perform an abortion because he or she believes it is critical to preserving the health of a woman facing: peripartal cardiomyopathy, a form of cardiac failure which is often caused by the pregnancy, which can result in death or untreatable heart disease; preeclampsia, or high blood pressure which is caused by a pregnancy, which can result in kidney failure, stroke or death; and uterine ruptures which could result in infertility.

Second, the language also applied when a woman has a life-threatening condition which requires life-saving treatment. It applies to those tragic cases, for example, when a woman needs chemotherapy when pregnant, so the families face the terrible choice of continuing the pregnancy or providing life-saving treatment. These conditions include: breast cancer; lymphoma, which has a 50 percent mortality rate if untreated; and primary pulmonary hypertension, which has a 50 percent maternal mortality rate.

Now, I ask my colleagues, who could seriously object under these circumstances?

I cosponsored this amendment because I believed that it was a commonsense approach to a serious problem for American women and a contentious issue for the United States Congress. Unfortunately, the omission of this or any other exemption from this ban in cases when the life of the mother is threatened poses a significant and likely a constitutional problem, and without such an exception, I cannot support this conference report.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I understand I have a minute, 51 seconds remaining.

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. I understand Senator FRIST will take some leader time and Senator DASCHLE has given me 4 minutes of his leadership time, so I will speak for about 6 minutes if that is all right.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, the Senator may use the leader's time.

Mrs. BOXER. Madam President, I, too, thank everyone involved in this debate on both sides because I think it has been a very enlightening debate. I have been on the Senate floor about this bill many times. This particular debate brought out so many issues.

I also thank the many women who experienced this procedure, who were able to come to Washington on many occasions to tell us what their world was like when they found out late in the pregnancy that something had gone horribly wrong and the doctor told them that their baby could never live outside of their womb and the doctor told them if they did not have the procedure that is being banned in this bill, they could suffer a stroke, they could suffer paralysis, they could lose their fertility. These women came out and put a face on this issue, a real, human face; many of them very religious, many anti-choice, who said this was an excruciatingly difficult choice, but they knew it was right for themselves and their baby.

What we are about to do today—and I have no illusions; I know this bill will pass—we are about to ban a procedure that doctors say is needed to save the life and health of a woman. If I went up to you on the street and I said, I know there is a medical procedure that is sometimes necessary to save the life and health of a woman, would you want to ban it or would you be willing to ban it except for those occasions when it is necessary. I think and I know most Americans would do the humane thing and say absolutely, we want to make an exception for life and health. That is not what is done in this bill.

The doctors tell us this is a dangerous piece of legislation. The doctors tell us this is an unconscionable piece of legislation. The doctors tell us that women's lives and health will be put at risk if we pass this. I happen to believe, on issues such as these, we have to turn to the women themselves who have faced this agonizing decision, and to the doctors, the OB/GYMs whose job it is to bring life into the world.

Well, when we have done that, they have told us not to go this route, that if we are going to ban the procedure, always to have an exception, always for the life and health of the woman. Yet this Senate is going to turn its back on the women of this country, turn its collective back on the doctors of this country, and basically outlaw a procedure they say is necessary.

When the President signs this bill—and he will do so—it will be the first time in history any President of either party has banned a medical procedure that is necessary to save the life and health of the people of this country. I think that is a historic moment, and I think the people of this country will understand all of the ramifications. There is no question about that.

To make it clear, I will reiterate what many of my colleagues who are pro-choice have said. We believe Roe v. Wade was rightly decided. We believe it balanced all the interests that were before the Court. We believe when the Court said, in the very early stages of a pregnancy, Senators, Congress people, stay out of this decision, they were right. When the Court said, in the late stages of a pregnancy, the State can control what occurs in an abortion, but always with an exception for the life and health of a woman, we believe that is right.

Now the other side tells us: Oh, well, this bill has nothing to do with Roe v. Wade. It does not in any way challenge Roe v. Wade. Well, that is just untrue on its face. The Court has already ruled in the Nebraska case that when you do not make an exception for health, when you have vague definitions, that is violative of Roe.

What we are doing is passing a piece of legislation that will be signed with great fanfare, and it will be declared unconstitutional across the street. Instead, we could have joined hands across party lines, we could have joined hands across ideological lines, we could have banned every single late-term abortion with an exception for life and health, but the other side refuses to do this—refuses to do this. I do not understand how you can stand here and say you are doing the right thing by the women in this country and not make an exception to protect the health of a mother.

I hope many of us will vote this down. I have no illusions in the final vote, but it has been an excellent debate. I hope America was listening.

I thank you very much.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I know I just have a few seconds, but I do want to recognize the tremendous effort and work the majority leader has made over the years on this issue. His presentation, when he first came to the Senate, as the only physician in the Senate, was compelling, persuasive, and I think one of the things that allowed us to get the 60-plus votes we needed to have this bill passed on previous occasions and now gives us the margin we have today. He is to share a significant amount of credit for today's victory.

Thank you, Madam President.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Madam President, on leader time, I will use just a remaining few minutes.

The partial-birth abortion ban is finally at the finishing line. I expect today the Senate will vote for the last time to end this morally reprehensible procedure. We will have a bill on the President's desk, and this President will sign the ban into law.

As a physician and as a board-certified surgeon, I can say without equivocation that partial-birth abortion is brutal, it is barbaric, it is morally offensive, and it is outside of the mainstream practice of medicine.

Contrary to the claims of its supporters, partial-birth abortion is a fringe procedure outside of the mainstream. It is not performed by people who are board-certified surgeons. It is not found in common medical textbooks. It is not taught in our surgical residency programs.

The sole purpose of this partial-birth abortion is to deliver a dead baby. It is not, as some insist, to protect the life of the mother. In fact, partial-birth abortion, as we have heard again and again, is dangerous to the health of the mother, more dangerous than other alternatives. We could go on and on with these undeniable medical facts in greater detail, but something larger is at stake, and we speak to that powerfully with this vote today.

Beyond even the ethical practice of medicine, our Nation's charter, the Declaration of Independence, asserts our Creator has blessed us with certain rights—rights from which we, as beings made in God's image and likeness, cannot be alienated.

In destroying the body of a mature, unborn child, we are alienating that child from his or her most essential right; and that is, the right to life.

In doing so, we are violating the very premise of our Republic—that our rights are enduring gifts of God, not privileges to be revoked by human whim.

In Evangelium vitae, Pope John Paul II tells us true human freedom is rooted in a "culture of life."

We will reaffirm in this Chamber that human personhood is precious, that doing no harm is still the bedrock of medical morality, and that we have the will to stop a practice we know is evil and morally reprehensible.

I yield back the remainder of the time.

Mrs. BOXER. Madam President, I ask unanimous consent that I be allowed to speak for 2 minutes from Senator Daschle's leader time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. Thank you.

Madam President, I want to reply to what the good Senator has said, with great respect, when he says this procedure is outside the mainstream. I want to point out, I respect his opinion, but I think doctors who have gone into OB/GYN, if that is their field—I do not believe the American College of OB/GYNs—45,000 doctors—are out of the mainstream. I do not believe the American Medical Women's Association—10,000 female doctors—are outside the mainstream. Nor do I believe the American Public Health Association—thousands of doctors—are outside the mainstream.

So although I totally respect the opinion of my colleague, and I would fight for his right to have it, and his right to believe what he does, I think it is a bit dismissive of the mainstream OB/GYN doctors in this country, all of whom have told us, please do not pass this ban that they have said is dangerous to women. They have said, to use their words, it is risky to women, and they are very upset about it.

I did not want the Senate to believe these organizations back this bill, because they do not. We have put those letters into the Record.

I thank you very much.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Madam President, obviously we have a strong disagreement in the statements that were just made. Let me finally close by saying this is a brutal procedure. It is a barbaric procedure. It offends the sensibilities of 90 percent or more of Americans. It is outside of mainstream medicine as practiced in the United States of America today.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Texas (Mrs. Hutchison) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. Edwards) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 402 Leg.]

YEAS—64

Alexander
Allard
Allen
Bayh
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Carper
Chambliss
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
Daschle
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Inhofe
Johnson
Kyl
Landrieu
Leahy
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Pryor
Reid
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—34

Akaka
Baucus
Bingaman
Boxer
Cantwell
Chafee
Clinton
Collins
Corzine
Dayton
Dodd
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Inouye
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Reed
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NOT VOTING—2

Edwards
Hutchison

The conference report was agreed to.

Mr. McCONNELL. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLASS ACTION FAIRNESS ACT OF 2003—MOTION TO PROCEED

The PRESIDING OFFICER. The Senate will resume consideration of the motion to proceed to S. 1751.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, parliamentary inquiry: Is it in order at this point in time for the Senator to speak as in morning business for about 10 minutes?

The PRESIDING OFFICER. The Senator should seek consent for that purpose.

Mr. REID. I could not hear the Senator's request. I am sorry.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. The Senator from Virginia simply asked the parliamentary situation, could I proceed as in morning business for 15 minutes?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

REMARKS BY SERVICE MEMBERS

Mr. WARNER. Madam President, the press have reported comments made by a general officer, General Boykin, and those remarks have been the subject of considerable concern. They are also regrettably a subject of great discussion in the Arab press.

I also am concerned, and I rise to advise my colleagues and others of a recommended course of action. I do so by first reading a letter signed by Senator Levin and myself dated last Friday. We wrote this letter jointly in the course of the debate on this floor in response to the request by the Commander in Chief, the President, for some $87 billion to support our military and to support our reconstruction efforts in Iraq and elsewhere. I was a strong supporter and was happy to vote for it. Fortunately, the measure has passed and is now subject to the conferees.

It is interesting, at the very time that we were passing this legislation, which are taxpayer funds in considerable amounts, the object was to provide freedom and quality of life for the people of Iraq. The people of Iraq largely follow the Muslim religion in teaching, in tenets, and it is dear to their hearts. At the same time, the coverage in the United States is about comments made by a distinguished officer, a man who has shown great personal courage in the profession as a soldier.

Nevertheless, there are allegations with regard to these remarks that have been reported in the press. Senator Levin and I felt it was our duty, as chairman and ranking member of the Armed Services Committee, to make a recommendation to the Secretary of Defense.

I am about to read that letter we sent on Friday, because I think it is a very responsible way to deal with a high-profile situation.

Dear Mr. Secretary:

Enclosed are copies of articles that have appeared in the press recently about public statements allegedly made in uniform by LTG William G. Boykin, U.S. Army, the Deputy Under Secretary of Defense for Intelligence. In matters pertaining to religious beliefs, the practice and expression, the Armed Forces have traditionally permitted as much latitude as possible, consistent with the requirement of good order and discipline in the military's ability to accomplish its mission. We recognize the right of every American to free speech. However, as is well established, in part—I add, part in law—there are limits on the right of expression for service members. Public statements by a senior military official of an inflammatory, offensive nature that would denigrate another religion and which could be construed as bigotry may easily be exploited by enemies of the United States and contribute to an erosion of support within the Arab world and perhaps—I underline perhaps—increased risk for members of the U.S. Armed Forces serving in Muslim nations. It is the responsibility of the United States Senate to render constitutional "advice and consent" with respect to the officer corps. Implicit in this confirmation process is our judgment that officers, especially those of flag and general rank, are persons possessing sound judgment and respect for the rights and beliefs of others. We recommend, therefore, that you refer this matter to the Department of Defense Inspector General for a thorough review of the facts and a determination as to whether or not there has been any inappropriate behavior by Lieutenant General Boykin. Please advise the committee of the results of this review.

I now read from a press account of today, which purportedly carries—and I have to rely on the authenticity of the press reports. I have no reason to disagree with them—an exchange between Secretary of Defense Rumsfeld and members of the press corps. The question: Mr. Secretary, last week here you were referring to Lieutenant General Boykin, you and General Myers said in effect he has the right to freedom of speech and the freedom of expression and yet, as we all know, we are responsible for what we say. How can you keep a man in a senior position on your staff whose views are so diametrically opposed to those of the President and to yours? End of question.

Response by Secretary Rumsfeld: Let me make several hopefully precisely put sentences on this subject. First of all, I appreciate your question because it correctly indicated that the President's views and my views, or the President's views are that this is not a war against a religion. And all I did, despite the columnists and the press reports to the contrary, all I did was precisely state what the President and what I think are—I am having some difficulty reading this but I just have to literally read it as printed. I have not seen General Boykin's comments. I have since seen one of the network tapes and it had a lot of very difficult to understand words and subtitles which I was not able to verify. So I remain inexpert on precisely what he said and I was told he used notes and not text. And so I will stop there.

General Boykin has requested an Inspector General review of this matter, and I have indicated if that is his request, I think it appropriate.

I know that General Pace, who was apparently with the Secretary, has talked to him more recently. You may want to comment as well.

General Pace: Yesterday, Jerry and I were just waiting for a meeting to begin and he just mentioned to me how sad he was that his comments have caused the furor that they have. There is no doubt in my mind, in talking to him, that if he could pick his words more carefully he would. There is also no doubt in my mind that he does not see this battle as a battle between religions. He sees it as a battle between good and evil. He sees it as the evil being the acts of individuals, not the acts of any religion or affiliation with religion. So clearly, in my very short conversation with Jerry, which he instigated, he is sad that this is the way that it is, but he is anxious to have the investigator do the investigator's job.

I commend the Secretary of Defense, and I commend General Boykin. I think Senator LEVIN and I took the proper step. We had the option to put this letter into the public domain on Friday, but purposely I said to my colleague and to others—by the way, there were a number of others, as Senator LEVIN and I just discussed, on his side of the aisle and on my side of the aisle who expressed concern and asked of us, as the chairman and the ranking member, what we intended to do. Well, we made this recommendation and we purposely withheld it from public delivery, public release, as a consideration to the Secretary, such that he might take it into consideration as he dealt with this matter. I just presume he saw it and that he did take it into consideration. But I think at this point in time, while we have young men and women patrolling the streets in Iraq, Afghanistan, and other areas of the world, it is best we try to take this matter, hopefully, off the front pages, with the representation to the American public and others that the proper authorities are reviewing it—the Inspector General of the Department of Defense, and I anticipate my committee and indeed perhaps others here in the Senate will review the matter. But in fairness to this distinguished officer, such that he can devote his full time and attention to dealing with this issue, I am recommending—not calling for, not demanding but recommending, having spent some time in the Department of Defense myself—that without any prejudice this officer be detailed from his present position, a position that deals with the war on terrorism throughout the world, that he be detailed elsewhere temporarily until such time as the Inspector General comes back with his report, at which time we can have further deliberations.

That is in fairness to so many people who are deeply concerned about this issue, and indeed the men and women of the Armed Forces, and indeed the integrity of the military itself. When an officer wears that uniform and he stands before the people of the United States, or wherever he may be, and he makes remarks, people see in that uniform that he has been appointed to that position by the President of the United States of America and confirmed by the Senate of the United States. In that confirmation process we look at the professional credentials, we examine all the material that comes before us, but implicit in our confirmation by this body, the Senate, pursuant to the Constitution, implicit therein is that we feel this individual should be promoted and given the rank to which the President has appointed him because we have confidence in him that he has good, sound judgment—I repeat that: good, sound judgment—in the exercise of his freedom to speak.

That is the question that remains to be answered. He is in a very high-profile position with global responsibilities on the war on terrorism. I think temporarily, without any prejudice whatsoever, asking him to take on another assignment until this matter is fully examined and studied and a report made to the Secretary of Defense and the Senate is in the interests of all concerned and indeed this officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I want to express my appreciation for the thoughtfulness of Senator WARNER. He has served his country for many years as a marine, a naval officer, as a Secretary of the Navy, and now the Senate chairman of the Armed Services Committee. I know he takes this issue very seriously.

I do believe this officer should be entitled to a hearing, have an inspector general look at these very delicate matters. When we talk about people's personal religious beliefs as to whether one theology is valid and another one is not, we wouldn't expect a person of the Islamic faith to ratify the Christian faith or other faiths to say they validate the faith of someone else. That is just the way we see things, as we deal with matters of personal faith.

But I think it is a delicate matter, particularly when a person is in uniform. I think going forward with a look at this and some thoughtful analysis as to what would be the right procedure would be appropriate. I thank our chairman of the Armed Services Committee for his comments.

Mr. WARNER. I thank my colleague because you formerly served as attorney general. You have full comprehension of the importance of being fair to everyone. This recommendation I have is in the sense of fairness. I think it is in the interest of all, and I thank the Senator for his remarks.

Mr. SESSIONS. I think it would be good for all of us to think a bit about the subject and what would be appropriate to ask of an officer in a church proceeding and whether uniforms make a difference and those kinds of things.

I was going to speak about the class action reform. Did the Senator from Illinois have some comments?

Mr. DURBIN. If the Senator from Alabama would yield for a moment, I would like to address the same issue and then yield back to him to discuss class action reform.

Mr. SESSIONS. Would 5 minutes be sufficient? I am pleased to yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I commend the Senator from Virginia. There are times when he and I have come together and I think good things have happened. I think this may be such a moment. I hope it is. I came to the floor to address this issue involving General Boykin, fully cognizant of the great contribution which he has made to this country in his military capacity over many years, risking his life and serving our Nation well, but feeling at this moment in time important questions need to be asked and answered about the things he said and did. I believe the Senator from Virginia—I do not want to mischaracterize his remarks—has suggested he be detailed to another position while these important questions are asked and considered and answers are brought forward. Am I correct in that conclusion?

Mr. WARNER. Madam President, the Senator is correct, to simply give full and complete opportunity and have him temporarily detailed elsewhere. I think until such time as this thing is resolved factually—what did happen, what didn't happen—as the Secretary of Defense said, he didn't fully have all the facts at his command at this point in time and was asked a question. Although I must say I have read press accounts where the general was trying to explain what he did say, you and I know from experience in public life, when you try to explain what you tried to say, you need time out to do a little study.

Mr. DURBIN. I thank the Senator from Virginia. I do say that is a very judicious and thoughtful approach. We want to be fair to this man who served his country well, but we also understand his remarks were viewed by many in a very negative light at a very critical moment in our history. I think what we should ask of everyone in the service of our country is what the President has asked, and that is to keep it very clear ours is a war against terrorism and not a war against the Islamic faith or people who adhere to it. We could no more expect General Boykin to embrace the Islamic faith and its principles than we would expect someone of the Islamic faith to accept Christian principles or Jewish principles and values. But we can expect every member of our Government to be tolerant and sensitive of other people's values and principles. I think that is a standard we should all live by in public life, whether appointed or elected.

I think what the Senator from Virginia has done today is an important step forward. I would say his extraordinary service to this country in the military and as Secretary of the Navy and in the Senate I think means his recommendation will be understood as a heartfelt recommendation and taken seriously by the administration. I hope they do. I hope they follow his counsel and follow it quickly. The sooner we can defuse this matter the better for all, including the general, and I think the sooner it will be that we can bring some stability and perhaps some coherence to our position so we can fight this war on terrorism in terms all Americans, including the President, agree with.

I thank the Senator from Virginia.

Mr. WARNER. I thank my colleague. Muslims and Christians and people of other faiths all over this world are united in this fight against terrorism. We must make it very clear of our mutual respect for one another's faith.

I yield the floor.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senators for their comments. I fail, but I attempt to take my faith seriously. I respect followers of the Islamic faith who take their faith seriously, who study the scriptures and act in accordance therewith. We may disagree, but we respect one another. That is the way I was raised as an American, to respect one another's faith. I think respect for one another's faith makes me somewhat sympathetic to General Boykin, who goes to a church and shares some of his insights and beliefs. But then again he is an officer of the United States and has a position in a time of conflict, in a sensitive period, and maybe at one point apparently he may have worn the uniform while he made those remarks.

I think it is appropriate for us to take some time out and look at this. I thank the chairman for that.

Madam President, we are now to undertake and begin debate on the motion to proceed to the Class Action Fairness bill, S. 1751.

Unfortunately, we are seeing a trend in which there are more and more pieces of legislation that deserve an up-or-down vote being subjected to a filibuster and 60-vote procedural hurdles. That is unfortunate. We should proceed with this legislation and discuss it and not be obstructive about going forward with it.

The Class Action Fairness Act represents modest reform. It is a restrained bill that will address a number of very serious problems with the current status of class action lawsuits such as the plaintiff receiving coupons while trial lawyers pocket millions of dollars in fees.

This body has a duty to address problems with the legal system. It is something we are required to do and should not have to overcome 60-vote hurdles. I am disappointed we may have to overcome another filibuster as we move forward.

Obstructionism is always available, but I don't believe there is strong opposition to this bill. There is bipartisan support. If we let the debate go forward and people honestly consider whether it ought to be law or not, we would be willing to accept an up-or-down vote. That is a concern I express.

The distinguished Senator from Delaware is here. He is very thoughtful on these matters. I know he would like to speak for approximately 15 minutes. I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Delaware.

Mr. CARPER. I express my thanks to the Senator from Alabama for his kind words. I appreciate the opportunity to work with him on these and other issues. Tomorrow morning around 11 o'clock, an important vote will occur in the Senate. At the heart of this vote, for me, is to determine whether or not we go forward, Democrats and Republicans, to actually take up and debate the way we allow people who are harmed, hurt, or injured—in many cases, by business—to be compensated.

Most would agree that if you or I, as individuals, are damaged by the actions of another or by the actions of a business, we should be made whole. I believe the same protection should inure to a group of people or a class of people who may be harmed or damaged in some way by the actions or products of some business.

Over time we seem to have lost our sense of balance in the way we litigate class actions. When our Founding Fathers came up with our Federal courts, we did not have class actions. We did not have mass actions. We did not have private attorneys general actions. We did not have any of that. We had a concern on the part of our Founding Fathers that if a group of people in one State were harmed by a business or person in another State, maybe we ought to have a Federal court system, to ensure that the case is not heard by the potentially biased judges in the injured party's home state.

The trial bar gets a bad rap in a lot of quarters, but I believe they play a very helpful and constructive role in this country. They sometimes do not get credit for that. One of the things they do is try to make sure, where people are harmed, they get compensated.

Our system has lost the right kind of balance. Too often today—not always but too often—we end up debating national class action not in a Federal court but in a local court—in some cases, in a court where the judges are locally elected and the defendant is placed at a real disadvantage. I will give an example because this does not make much sense to me.

Say I were poisoned by food we bought from a fast food restaurant. Say I decided to sue. If the amount in dispute were less than $75,000, my case could be heard in State court. If I sue for more than $75,000; it would be heard in a Federal court.

On the other hand, if thousands of people, or tens of thousands of people, bring a class action against that same restaurant for some alleged sin they have committed—and it may involve tens of millions of dollars—it may well end up in a State court, not in a Federal court. That does not seem right to me.

There has been an effort to try to establish or reestablish the sense of balance in these kinds of cases. It started about 5 years ago, in the 105th Congress. Over time, I believe a more thoughtful approach has evolved and has led to the introduction of a bill this year, S. 274, called the Class Action Fairness Act. That bill has gone through hearings, I think in the last Congress, and hearings in this Congress. It has been through regular order. The Senate Judiciary Committee has had an opportunity to hold hearings, to debate the bill, to vote on amendments to the bill and ultimately to report the bill out.

There are a number of aspects of the legislation that recommend it to me. I am a cosponsor of the legislation, and it enjoys bipartisan support. Among the original cosponsors are Senator GRASSLEY and Senator KOHL of Wisconsin. The bill was reported out on a bipartisan vote. More Republicans voted for it than Democrats, but it had some bipartisan support.

I will discuss how the class action system will work in our country if this legislation or something akin to it becomes law. First, it is not a perfect bill. I have an amendment or two that I want to offer to perfect the legislation. I noticed Senator LIEBERMAN does as well. I have talked to other colleagues, including Senator LANDRIEU, who have ideas for amendments they want to offer. It is a work in progress. It is one that can be improved and should be improved.

In order for us to be able to offer our amendments to the bill to perfect and improve it, we have to go through a vote tomorrow at 11 o'clock on the motion to proceed, which, understandably but unfortunately, is opposed by leadership on my side. The fear, the concern, is we will get on to the bill and the opportunity for those who would like to offer amendments may not end up to be realized; the opportunity for us to offer amendments, to be fairly heard and vote will not occur. Therefore, they are reluctant to go to the bill without some further assurance.

In the end, the only way we know for sure if our amendments are going to get a fair hearing, and have the opportunity to be debated and adopted, is to go to the bill, to take it up. I hope tomorrow, when we vote, that is what we will vote to do.

Let me talk briefly about how I understand our legal system would work a little differently if this were to become the law of the land.

First, the question is, Is this litigation going to be heard in State court or Federal court? Under the legislation, for a matter to be heard in Federal court or for the defendant in the case to be able to argue successfully that a case ought to be in Federal court as opposed to a State court, there would have to be a certain dollar amount at stake, and it would be $5 million. If it is under $5 million, it will be in State court.

Second is the number of people in the plaintiff class. If you have less than 100 people in your plaintiff class, this litigation is going to be heard in a State court.

Third, if a case is filed in a State court, and the defendant says, no, this ought to be in a Federal court, and they go to Federal court to try to get it removed to the Federal court, and the Federal court says, no, this remains in the State court, then it goes back to the State court. And unless the plaintiffs change the plaintiff class, or unless the plaintiffs somehow change their complaint, it is going to stay in State court.

There are no caps on pain and suffering, no caps on punitive damages, no caps on noneconomic damages, no caps on attorney fees. We leave joint and several alone.

In some States they apparently do not have class actions; they have mass actions—a few States such as West Virginia, Mississippi—where they aggregate a number of individual claims. The question is whether those are more properly heard in a Federal court or a State court.

I think Senator SPECTER has negotiated a pretty good compromise in those instances. In some cases, if it were a major incident, such as an explosion or a fire or a catastrophic incident that involves people in one State, then it would basically be handled in State court; if not, it would be in a Federal court.

Senator FEINSTEIN had an issue on these private attorneys general cases, which apparently you or I could stand up or any citizen can stand up and say they represent a group of people on a particular wrong that has been committed. In some cases that is the way they really go about class action. Her amendment was adopted as part of the final agreement. If the bill comes to the floor, the private attorneys general agreement would be within the purview of State courts, not the Federal court.

Senator FEINSTEIN also offered I think quite a thoughtful amendment and one that addresses a concern raised by the Judicial Conference that we heard discussed earlier. My colleagues will recall the Judicial Conference is actually headed up by the Chief Justice of the United States, Chief Justice Rehnquist. But they, from time to time, will opine on things that are before us and maybe share their opinions with us. They suggested, when asked back in March, that there were some real concerns that they had with S. 274, and that it would cause a lot of cases that are now heard in State courts to end up flooding the Federal courts. They suggested that we ought to do something about it, that the Judiciary Committee ought to do something about it.

Well, the Judiciary Committee did something about it. What they did is they adopted the Feinstein amendment in their markup back in April. The Feinstein amendment says basically this. It says: The plaintiff class, the people who are bringing the grievance, if two-thirds or more are from the same State of the defendant, automatically that case is heard in the State court. It says, if fewer than one-third of the plaintiff class are from the same State as the defendant, automatically it is heard in a Federal court. If the percentage of the plaintiff class is somewhere between one-third and two-thirds who are from the same State as the defendant, then it is up to a Federal judge in that area to make the final decision based on criteria. There are five pieces of criteria spelled out in the bill.

So, again, if there are more than two-thirds of the plaintiff class in the same State as the defendant, it is a State matter; if fewer than a third of the plaintiffs from the same State as the defendant, it is in the Federal court; and between one-third and two-thirds are from the same State as the defendant, it is kind of a jump ball. The Federal judge in the area is asked to make the decision based on the criteria spelled out in the bill.

Interestingly, the Judicial Conference came back after this amendment was adopted and the legislation was about to be reported out and they seemed to suggest, in a letter that they sent to the ranking Democrat on the Judiciary Committee, that their earlier concerns had been addressed. I think the Judicial Conference sent a similar letter to the folks in the House of Representatives suggesting the same thing in the month of May.

A concern has been raised, a legitimate concern, about what percentage of cases are now going to end up in Federal court as opposed to State court under this bill. Some pretty smart people actually took the data from the last 5 years in States where they collected this data to look to see—in States such as New York, Massachusetts, Maine, where data is available—what percentage of cases in those States over the last 5 years would have ended up in a Federal court as opposed to a State court. Sixty percent or more of the cases in those states in the last 5 years would still have ended up in a State court. I think that is a good point to be mindful of.

I do not know if any of us going forward could say what the future is going to be, but we should sure look back over the last 5 years and say if this were the law of the land, again, 60 percent or more of the cases would have stayed in State court.

Let me close with this thought, if I could. Senator LIEBERMAN is prepared to offer an amendment, I think a real good amendment, to the bill that addresses an issue for Connecticut. It is similar to an issued raised for Indiana, and similar to an issue I have heard raised, I think, for New Mexico.

This is the issue that was raised. Let's say in Connecticut you have a river that has been polluted by a plant that damages people in Connecticut under Connecticut law. The plant is in Connecticut but owned by a company in another State. Again, the people who are damaged, the plaintiff class, if you will, are in Connecticut. The damage was in Connecticut and there are two defendants, one in Connecticut—the plant that did the pollution—and the owner of the plant that is in another State.

What Senator LIEBERMAN has come forth with and said is, in a case such as that, it ought to really be in a Connecticut court. I think he is right.

Senator LIEBERMAN will offer an amendment that says in those cases State law should prevail. They should not be moved someplace else. State law should prevail. He will offer that amendment if we have the opportunity—if we have the opportunity—to actually go to the bill, take it up, and debate it. In order to do that, we have to vote tomorrow for the motion to proceed.

There is a real test that is going to take place here. If we actually vote for the motion to proceed and go to the bill, there is a burden of proof that rests on our colleagues on the other side of the aisle. They need to act in good faith. We need to actually have the opportunity to offer our amendments. We need to have the opportunity for a fair and open debate on reasonable perfecting amendments. If we do, then I think it may act as a confidence builder and maybe establish a measure of trust around here where, frankly, there is not too much. On the other hand, if our Republican colleagues take a different course and seek to cut off debate and reasonable amendments and not support reasonable amendments, perfecting amendments, then that sends a different message.

I think there is more at stake for this body than just whether or not we are going to take up a class action bill. There is a whole lot more at stake. My hope is tomorrow, when we vote, if we vote to proceed, that our colleagues on the other side will keep that in mind and that their actions in the days or week or so ahead will reflect as much.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise today to speak on behalf of the Class Action Fairness Act, a bill to stop unfair and abusive class action settlements that ignore the best interests of injured plaintiffs. It tickles the cockles of my heart that this is the first time I can recall that my colleague from the State of Delaware and I have spoken out on the same position on a bill before the Senate. Senator CARPER and I have worked together for many years in the National Governors Association. We have been looking for an opportunity to collaborate and support legislation on the floor of the Senate. It is a particular pleasure for me to follow the Senator from Delaware. We both believe this is good legislation for the people in our districts and for our country.

This legislation is sorely needed to help people understand their rights in class action lawsuits and protect them from unfair settlements. It is also needed to reform the class action process which has been so manipulated in recent years that U.S. companies are being driven into bankruptcy to escape a rising tide of frivolous lawsuits and has resulted in the loss of countless numbers of jobs, especially in the manufacturing sector.

I believe that for the system to work, we must strike a delicate balance between the rights of the aggrieved parties to bring lawsuits and the rights of society to be protected against frivolous lawsuits and outrageous judgments that are disproportionate to compensating the injured and made at the expense of society as a whole. I believe that is what this legislation does, and I am proud to be a cosponsor of it.

Since my days as Governor of Ohio, I have been very concerned with what I call the "litigation tornado" that has been sweeping through the economy of my State and throughout the United States. Ohio's civil justice system is in a state of crisis. Ohio doctors are leaving the State, and too many have stopped delivering babies because they cannot afford liability insurance. Ohio businesses are going bankrupt as a result of runaway asbestos litigation. Today, one of my fellow Ohioans can be a plaintiff in a class action lawsuit that she doesn't even know about that is taking place in a State she has never visited.

In 1996, as Governor of Ohio, I was proud to sign H.B. 350, strong tort reform legislation that became law in Ohio for a while. It might have helped today's liability crisis, but it never got a chance. In 1999, the Supreme Court of Ohio, in a politically motivated decision, struck down Ohio's civil justice reform law, even though the only plaintiff in the case was the Ohio Academy of Trial Lawyers, the personal injury bar's trade group. Their reason for challenging the law: They claimed their association would lose members and lose money due to the civil justice reform laws that were enacted. That is how they got standing in court. It was an incredible situation that I hope we never see again.

While we were frustrated at the State level, I am proud to have continued my fight for a fair, strong civil justice system in the U.S. Senate. To this end, I worked with the American Tort Reform Association to produce a study titled "Lawsuit Abuse in Ohio" that captured the impact of this rampant litigation on Ohio's economy with a goal of educating the public on the issue and sparking change. Can you imagine what this study found? In Ohio, the litigation crisis costs every Ohioan $636 per year, and every Ohio family of four $2,500 per year. These are alarming numbers. This study was released on August 8, 2002. Imagine how these numbers have risen in 1 year. In tough economic times, families cannot afford to pay over $2,500 to cover other people's litigation costs. Something needs to be done, and the passage of this bill will help.

This legislation is intended to amend the Federal judicial code to streamline and curb abuse of class action lawsuits, a procedural device through which people with identical claims are permitted to merge them and be heard at one time in court. In particular, this legislation contains safeguards that provide for judicial scrutiny of the terms of the class action settlements in order to eliminate unfair and discriminatory distribution of awards for damages and prevent class members from suffering a net loss as a result of a court victory.

This bill is designed to improve the handling of massive U.S. class action lawsuits while preserving the rights of citizens to bring such actions. Class action lawsuits have spiraled out of control with the threat of large overreaching verdicts holding corporations hostage for years and years. In fact, America's civil justice system had a direct cost in 2001 of $205.4 billion or almost 2.5 percent of GDP. That is a 14.3-percent jump from the year before, the largest percentage increase since 1986. Thousands of jobs have been impacted by that litigation.

I emphasize to my colleagues that this is not a bill to end all class action lawsuits. It is a bill to identify those lawsuits with merit and to ensure that plaintiffs in legitimate lawsuits are treated fairly through the litigation process. It is a bill to protect class members from settlements that give their lawyers millions while they only see pennies. It is a bill to rectify the fact that over the past decade, State court class action filings increased over 1,000 percent. It is a bill to fix a broken judicial system.

I am a strong supporter of this bill, and I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I understand the Senator from Illinois would like to speak on this subject. First, I ask unanimous consent that Senator VOINOVICH be added as a cosponsor to S. 1751, the Class Action Fairness Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I ask the Senator from Illinois how much time he thinks he might need?

Mr. DURBIN. Twenty minutes.

Mr. SESSIONS. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this is an important debate. The average person listening to it may wonder why. First you have to understand what a class action lawsuit is. I will try to define it in the simplest of terms. It is when not just one person but a group of people believe that they have been wronged, either financially or otherwise, and go to court and bring a lawsuit against a corporation, for example. So you have a large group of plaintiffs bringing the lawsuit, usually suing one defendant, a corporation. And oftentimes, this large group of people who have been harmed don't live in the same State. They may be from across the Nation. And so they have to decide where they are going to file the lawsuit. And that is what this comes down to.

You say to yourself: Why is it so important to understand where you are going to file a lawsuit? Well, when I explain it from my point of view, perhaps you will understand why so much time and so much lobbying is going on behind this whole question about where you can file your lawsuit.

First understand this: In my State of Illinois and virtually every other State in the Union, if you are a business and you want to do business in Tennessee or Illinois or Alabama or South Carolina, you can't just start up your business. The laws of your State will require you to register in that State that you are going to do business in. In my State of Illinois you register so they know you are there, who you are, what your home headquarters happens to be, and where it is located. Then you also have to do something in my State and most other States: You have to say where you can be served process. In other words, if you are sued by someone in the State of Illinois, and you are a registered corporation, you have already told the State of Illinois where they can find you.

Why is that? Because the understanding is, if you want to have the advantage of selling your product in Illinois to Illinois citizens, you also have to submit yourself to the jurisdiction of Illinois law. That law will govern your business in the State of Illinois.

It is very basic. If, in fact, someone believes that your product is defective, or you have done something wrong, they have to know where to find you. You don't want a situation where the corporation is unidentifiable, unapproachable. So every company—major companies in particular—understands the rules. If you want to do business in Illinois, you submit yourself to the jurisdiction of Illinois law.

Now let's go back to the earlier example. This group of plaintiffs, this class, decides they are going to sue XYZ Corporation for something wrong. Where will they sue them? The corporation has already said, by virtue of doing business in Illinois, that we are prepared to be served process. We are prepared to submit ourselves to Illinois laws. We are prepared to go before Illinois courts. That is a pretty simple outcome. If you do your business in Illinois, you submit to that jurisdiction. You submit to those courts. And if people want to sue you, they know exactly where to find you to bring you into an Illinois court and let the court decide whether the plaintiff recovers or doesn't recover.

Now, that is the simplest explanation of jurisdiction that I can remember from law school so many years ago and how it applies to States. In Federal courts it is a little different. If you have a defendant from one State and a plaintiff from another State, if you have a certain amount in controversy—I think it is $75,000—you have diversity of jurisdiction, so you can go into the Federal courts.

In this case, this whole bill is about in which court you can file a class action lawsuit. You say to yourself, why does it make any difference if you are going to go into a State court in Illinois or into the Federal court in Illinois for your class action lawsuit? Why would it make any difference? The substantive law is supposed to be the same Illinois law. Why do you want to go to Federal court?

Therein lies the reason for the bill. The people who are pushing this legislation understand that Federal courts are more conservative, less likely to let people have a lawsuit, to certify a class. When it comes to liability, Federal courts are more restrictive in liability than State courts.

Don't take my word for that. I will tell you about several cases. This one is Birchler v. Gehl. Federal law discourages Federal judges from providing remedies for violation of State law. The Seventh Circuit—where Illinois sits—stated:

> When we are faced with opposing plausible interpretations of State law, we generally choose the narrower interpretation which restricts liability, rather than the more expansive interpretation which creates substantially more liability.

That was a 1996 case. Go to Federal court and it is less likely your class will be certified and you will receive any damages.

Another case is Accord Werwinski v. Ford Motor Company, a 2002 case. A class action was brought by purchasers of Ford vehicles. The cars Ford sold had defective transmissions that cracked prematurely and inadequately lubricated gears that caused numerous car failures such as sudden acceleration or shifts into reverse. Plaintiffs who bought the cars presented evidence that Ford knew about this defect long before it was corrected but continued selling the cars. The case was originally filed in State court, but Ford Motor Company removed it to Federal court which dismissed the claims of the people who bought the Fords. In affirming the court's decision to dismiss the class action, the Third Circuit stated that when faced with two competing interpretations of State law, a Federal court "should opt for the interpretation that restricts liability, rather than expands it. . . ."

Those are two cases in the Federal law that explain why we are here today. The idea is to move the cases out of State court in the hopes that the defendant corporation that has been sued will have the case dismissed or, if there are damages, they will be reduced. It is not a question of whether they are liable or guilty; it is a question of where they are going to get the best deal.

So the bill before us is an effort on behalf of the corporation defendants across America to push these cases into the Federal court. So for all the good reasons given for this class action reform, the real reason is that defendant corporations don't want to be held responsible for their misconduct. If held responsible, they want to pay less money. That is what it comes down to. That is what this is all about. They want to protect themselves and limit their liability.

Under current law, Federal diversity jurisdiction for a class action doesn't exist unless every member of the class is a citizen of a different State from every defendant, and every member of the class is seeking damages in excess of $75,000.

This bill would create a "minimal diversity" standard in two ways. In other words, you can get into Federal court. First, the amount-in-controversy requirement is met if the total amount of the damages at stake exceeds $5 million, notwithstanding the amount of damage suffered by each individual plaintiff.

Second, diversity can be achieved one of three ways: any member of a class of plaintiffs is a citizen of a State different from any defendant; two, any member of a class of plaintiffs is a foreign state or a citizen or a subject of a foreign state and any defendant is a citizen of a State; three, any member of a class of plaintiffs is a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.

This is what it gets down to. We are trying to find, through this bill, ways to move more cases into Federal court. So what does the Federal court system think of this idea?

Well, the man who is at the top of the Federal court system, Chief Justice William Rehnquist, in a rare, rare occurrence, sent a letter to Congress saying: Don't do this; don't push these cases into Federal court. We don't have the expertise, the judges, or the time to consider the class action cases coming out of State courts into Federal court. It is understandable.

The Federal court's first responsibility is in criminal cases, such as on the war on terrorism, and all the concerns we have about criminal procedure and criminal prosecution. That is their first responsibility.

Then they have their own civil docket, where you have individuals suing one another, and companies suing one another. Chief Justice Rehnquist says: Do me no favors, U.S. Senate; don't push all these class action cases into the Federal courts; we cannot handle them.

You would think, would you not, that some of the Members of the Senate, when coaxed by the Chief Justice of the Supreme Court not to push all these cases into Federal court, might stop. But they will not. The reason they are pushing this bill is they have their eye on the prize. The prize is that the corporate defendants found guilty and liable want to be protected from liability or want their liability reduced. They don't care what the Chief Justice has to say. They certainly don't care what the consumers have to say.

I have some examples of class action cases so you can understand for a minute why these cases should be of concern to everybody. These are not cases that involve large corporations alone; they involve a lot of ordinary citizens.

To give you an example, do you remember the Jack-in-the-Box restaurant scandal a few years back? In that scandal, it was found that Jack-in-the-Box restaurants were selling products which had been undercooked and, because of this, they were adulterated, dangerous, and there were children dying as a result. So a class action lawsuit was brought against the company that owned Jack-in-the-Box, Foodmaker, Inc., on behalf of some 500 victims—mainly children who had been to Jack-in-the-Box and got sick. Those 500 victims came together to hold Jack-in-the-Box, a Washington State corporation, liable. The court decided, yes, it should be held liable to the tune of $14 million for 500 plaintiffs.

Now, what this bill tries to do is to move that case out of the State court in Washington and into a Federal court so the amount of the verdict—if there was one—would be considerably less. That is good for the bottom line of that corporation. Is it fair to the families who went to the Jack-in-the-Box restaurants in States across America and thought they were going to get a wholesome product, safe for their children to eat, and then the parents watched their children die from E. coli, and not have their day in State court, where Jack-in-the-Box said they were submitting to the jurisdiction? I don't think so.

There was a class action lawsuit in California against Beech-Nut Corporation and its parent company, Nestle. They were guilty of selling something they called apple juice which, after being examined, turned out to be nothing more than sugar water. Parents were buying what they thought was nutritious apple juice for their infants, and the company was selling them fraudulently a product marked apple juice but was literally sugar water and a little coloration. Blame went back and forth between companies and suppliers, and the court ultimately decided these two companies, Beech-Nut and Nestle, were liable to the tune of $3.5 million to be reimbursed to consumers across America.

What companies such as Nestle are trying to do with this bill is reduce their liability and make it even more difficult for parents, each of which may have been out only $10 or $20, but each had given a product to their children that was misrepresented and fraudulently labeled. This is designed to help those powerful special interest groups and corporations at the expense of consumers such as those parents whose children were receiving this adulterated product.

Ford Motor Company had a class action to replace defective ignition systems in millions of cars that stalled often on the highways.

Mobil Corporation entered into a $14 million settlement agreement in a class action suit because a fire at a refinery in New Orleans resulted in sending volatile and hazardous compounds into the air and it caused great health damage to the people living around them.

Blue Cross and Blue Shield paid a $14.6 million settlement in a class action suit because they fraudulently billed individuals and failed to pass on savings to consumers. They ended up paying for it.

American Airlines breached a contract with frequent fliers when it retroactively changed rules for redeeming mileage awards.

The point is that each and every one of these lawsuits, for each plaintiff, may seem small. But compounded, they represent a large amount of liability for the corporation and they represent, in fact, a large number of people, each with a small recovery.

Frankly, I think there are things we can and should do to make class action suits better in this country. JOHN BREAUX of Louisiana, who has been a friend of business and has worked with them over the years, has a good substitute bill. Many who have called me from the business community say I urge you, for goodness' sake, to take a look at the Breaux substitute. It is a sensible bill. It will clean up some of the worst abuses in class action lawsuits. But it is not going to get into this game-playing that is suggested in this bill that allows defendant corporations to literally pick the Federal court they want to go into in the hopes they will have reduced liability or no liability. That is what it comes down to.

I think this debate before us is a lot more important than some lead to believe. Some suggest we are merely modifying and reforming tort law in America. It is much more. It is a question of whether the courthouse door is open for the average citizen. It is a question of whether those people, wronged by giant corporations, have an opportunity for a day in court. Those who back this bill want to close that courthouse door and make it difficult to open. They want these plaintiffs to end up in a Federal court where they are less likely to succeed, and if they do succeed, they will have less in compensation. That to me is unjust and that is the reason we should oppose this legislation.

I hope my colleagues will think long and hard before they sign on to this bill thinking it has no impact. It has a great impact on a lot of innocent people who deserve a day in court. Justice is at stake here. I urge my colleagues not to accept the easy argument that this is a simple reform. It goes to the heart of justice in this country, and it does not affect the real abuses in the system which I believe the Breaux bill does.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I want to make one thing crystal clear: I am not here to provide any unfair benefit to any corporation or any defendant. We want fairness and justice in the legal system. But in a major class action case, under the current state of the law, a plaintiff lawyer who represents perhaps potential plaintiffs all over America—let's say it is a national case—can virtually choose any county in America to file the lawsuit He can choose some counties that have only one judge, and perhaps he knows precisely what that judge thinks about plaintiff lawsuits. Or maybe he thinks that county has a most favorable jury.

Let me state what the Constitution says about it. Sure, a corporation has to register to do business in a State, but the Constitution, in article III, section 2 of the courts' power says this:

> The judicial Power shall extend to all Cases, in Law and Equity . . . between Citizens of different States. . . .

And corporations are considered domiciled in that place of domicile. Fundamentally, what has happened over the years is we have eroded the constitutional protection of diversity by rulings that allow plaintiffs to sue not only the foreign corporation from another State, but to sue some entity also as a defendant in that State, and the courts have concluded you have to have total diversity before you can remove it to Federal court. That has been a problem, allowing the real payor, the real target to be subject to jurisdiction in virtually any county in the country.

I am not here for any injustice. I think we have a pattern of injustice going on in class action lawsuits. We can make them better. They would be better in a more objective tribunal of Federal court where judges have lifetime appointments. They are not so tied to the plaintiff lawyer who may go to church with them or have contributed to their campaign or the jurors might not be buddies with some of the folks, and you have a more objective court. That is just a fact. That is why the Founding Fathers said what they said.

In sports we talk about home cooking. I know the hometown the Presiding Officer is from in Tennessee. It is such a wonderful place. It would treat foreigners just as fairly as local people, but most communities tend to favor the local guy from somebody from out of town. That is why we have it set up so Federal judges hear these cases and give a little more objectivity, although the judge is from the local community, at least from the State, and the jurors are from the region. That is what we are about.

This bill would also fix some other situations. It would eliminate the coupon settlements. It would eliminate class notices that cannot be understood. The letter goes out to all the class members in language so complex nobody can understand. It eliminates negative awards. We have actually had cases in which the so-called plaintiffs, not even knowing they are plaintiffs, get a bill for attorneys fees and costs. It would protect against high awards for one group because they are from one area of the country, and it would eliminate the payment of bounties for lawsuits and help knock down some of the blackmail that has been going on: Filing these huge lawsuits costing so much money and embarrassing a defendant so they feel forced to pay rather than litigate for years at a very high cost.

Mr. President, those are the remarks I wish to make at this time. I will have some more later. I see the distinguished Senator from South Carolina is here, Senator GRAHAM, who is an experienced litigator in his own right. I know he wants to speak on this subject.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, I will be brief. I wish to speak about class actions and echo what my friend from Alabama said. I have tried very hard during my time being a legislator at the State and Federal level to make sure when legal reform is accomplished it is done so in a balanced way.

I am not a big fan—I think many of my colleagues know this—of the Federal Government taking over State legal systems. If you can do it at home, it is better to do it at home. I am not a big fan of deciding what is fair before the jury meets. We have honest differences on some of those issues.

Having said all that, there is a huge need for legal reform. I cannot tell you one system in America that really doesn't need to be reformed, the legal system included. My friend from Alabama is absolutely right. What we are trying to do today is correct an abuse. The Constitution, as he read to us, envisioned a dynamic where we would have two people from different States and we would not want to put one person in the other person's backyard. The Constitution has survived so long and so well, and it spoke to that and said: Let's take that into Federal court, a neutral side.

As the diversity clause of the Constitution has been interpreted, it requires complete diversity of all plaintiffs and all defendants. About 100 years later, maybe 200 years later—I don't know when class action lawsuits came into being—there is another way of suing people. It has its place in our society to bring a bunch of people affected by a similar event in different places to try as a unit rather than doing hundreds or thousands of individual cases. But this class action concept flies in the face of why the Constitution speaks about diversity.

My friend from Alabama is exactly right. It is being abused. We have a situation where you may have many plaintiffs throughout the country with a single defendant, and it allows people to go into an area that is equivalent to home cooking. It really destroys the purpose of the diversity provisions in the Constitution. What we are trying to do is correct that. There are no damage limitations. There are no limitations on anybody making a claim at all. If you buy the idea this is unfair, then you buy the idea that the Federal court is unfair; that you can't get a good hearing by a Federal judge. I think that is absolutely wrong.

Justice Rehnquist has a problem on his hands. He has a lot of cases. He has a lot of overworked judges, and I am going to get to that in a minute. I have a way to help Justice Rehnquist. There are a bunch of people who need to help him, and I will talk about that in a moment.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. GRAHAM of South Carolina. Yes.

Mr. SESSIONS. Is the Senator aware that the letter I believe the Senator from Illinois was referring to is actually a letter from the Judicial Conference, not from the Chief Justice and, in fact, they have written another letter on March 26 of this year in which they actually warm up to this idea, and that the legislation, as we are now proceeding, answers a number of the questions they had originally?

Frankly, I know they don't want any more work. Nobody does, I guess. But I think many of these problems may have been solved.

Mr. GRAHAM of South Carolina. Mr. President, I am more informed than when I began this debate. That is good for me and good for the public. I did not know that. It makes a lot of sense. I find it a little odd that people would be opposed to the level that was being portrayed.

The idea that we should not do this in Federal court, I think we can accommodate it. I am all for having more Federal judges, and we will talk about that in just a moment, but the bottom line, and the reason I am voting for this particular legislation is I think it corrects an abuse. It gets us back to the constitutional model that everyone envisioned where if you have a diversity—and this is what class action is all about, bringing a lot of people together from disparate places and groups to try it at one time, in a place that is convenient to everybody and in a logical way, that one would want a fair forum. I think Senator FEINSTEIN's amendment was perfect. If there are two-thirds of the plaintiffs in any one State, it stays in State court. If there are half the people in one State, the judge can decide whether to remove it. If less than a third are in a particular State, then it goes to Federal court. To me, that is a perfect compromise. It makes a lot of sense.

I have no problem voting for this because we are correcting abuses. This is one way to reform our State legal system.

Let me give a quick statement about home cooking. I am sure, as the Presiding Officer said, in Tennessee people will treat you fairly. I am sure that is true in Alabama, and in South Carolina I am sure that is true. But there are places that one does need to know who they are up in front of. I can remember very well one of the first cases I had as a young lawyer getting out of law school. It involved a speeding ticket of a friend of mine. We were going to go to magistrate's court. I was going to be Perry Mason, and we were going to make this great injustice right.

The highway patrolman was getting ready to testify and he said: Hello. And then he said: How are you doing, uncle?

So the judge was the uncle of the police officer. That struck me as not being quite right, and I said: Your Honor, nothing personal, but do you mind if we have a jury trial?

He said: Well, Lord, no.

He called his wife out, the aunt of the police officer, and she called up some of the cousins and we had a jury trial.

The point is, that was not a good experience. Part of it is true and part of it is embellished, but I do not want anybody to go into a situation, businesspeople or otherwise, where they believe they are being dragged to a place that is unfair, and that is what is going on.

There is a group of plaintiffs attorneys out there and they have a right to use the law to their benefit, and they are using it very cleverly to their benefit but in a way that is unfair and is hurting our economy. I am glad and proud to support this reform measure because I believe it does more good than harm, and that is what we in the Senate are all up here to do.

I ask unanimous consent to go into morning business or speak as if I was in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. GRAHAM of South Carolina. I am trying to change subjects. May I make an inquiry to the Presiding Officer? Can I speak about Mr. Pryor's nomination as a judge now? Is that appropriate?

The PRESIDING OFFICER. The Senator is free to speak on any subject he wishes.

Mr. GRAHAM of South Carolina. Mr. President, I am liking these rules.

NOMINATION OF WILLIAM PRYOR

When we are speaking about judges and whether or not we need judges, we really do. There is a backlog in this country in certain courts, and one of the people being nominated by President Bush is William Pryor from Alabama. He has been nominated to a seat that has been declared a judicial emergency by the Judicial Conference of the United States.

All I can say about this case is that my friend from Alabama should be very proud of the nominee who has been put forward by President Bush. Bill Pryor is the attorney general of Alabama. That is a political job, and ofttimes the hardest thing for lawyers to do is to be a good lawyer when politics are involved because the thing I love most about the law is that it is a place to go to where polling does not matter and where the popular cause does not always win out.

Sometimes the unpopular cause has its day and would win in a forum it could never win otherwise. Our Founding Fathers were brilliant in creating a system where popularity meant a lot in the area that we live, but a courtroom is a place where it should be quiet, and there are good men and women who are listening to the facts of one's case and no matter whether someone is rich, poor, regardless of their background, it is a place they can go to be listened to, where maybe the crowd would not listen to them. That is what I love so much about the law. It is a place where people who could not get a fair shake in the popularity world of politics could get a fair shake where people would actually listen to their individual claim, where the unpopular may have its day.

When one is attorney general, they get elected by their people, but they are also required to enforce the law, and the concept of the law is to give people who are not popular their day in court. What I am looking for in a judicial nominee is someone who can be very passionate about life's issues and questions but can also be very fair. President Bush has done us a great favor to send Bill Pryor forward. I have met him. I have talked to him. He is the kind of young man I think most of us would want our child to grow up to be, the son we would love to have. He is academically qualified, rated by the American Bar Association as extremely qualified. People from all walks of life who know him like him. If my colleagues met him, they would find he is a charming young man. He seems to be somebody who is sure of who he is and what he believes.

A lot of this filibustering that is going on now has behind it the issue of abortion. Special interest politics is very strong in America, and it has its place. Groups need to ban together and speak out about things they have in common. I think our job as Senators, when it comes time to look at judges, is not to judge somebody on whether they are just pro-choice or pro-life. I am a pro-life person, and I agree with Bill Pryor. He is a very passionate man. He is a very honest man about his pro-life beliefs.

There will come a day when there will be a Democratic President and maybe I will be in the Senate and that Democratic President may send up a pro-choice person. I think my job is to see whether or not they can take their beliefs on that issue and put them aside when it comes time to be a judge.

All I can say about Bill Pryor is that when he was attorney general he had the obligation to review a statute that the State of Alabama passed—the Senator may correct me if I am wrong—about partial-birth abortion, something we just did today. This is an emotional area. People are very emotional about partial-birth abortion. We are evenly divided on early-stage abortions, abortions in the early stages of pregnancy. It is about 50/50. But when it gets to the seventh, eighth, and ninth month, about 75 to 80 percent of Americans say we should not be having abortions on unborn children at that stage in pregnancy unless the mother's life is at stake.

We had about 60 Senators today vote for that. For 8 years now, we have been voting on that concept. So it is an extremely popular concept. A lot of people buy into it who are not strictly pro-life. There are some pro-choice people today who voted to ban partial-birth abortion. So that is an issue that has a lot of emotion and a lot of momentum behind it.

He read the statute and he issued an opinion that had to make him the skunk of the garden party. He issued an opinion that said: I read the statute and I do not think it will meet constitutional muster.

If anyone has talked to him at all, they know he is a very serious, pro-life person. So I argue to my colleagues, this is exactly the kind of young man or woman they would be looking for to promote, to be able to take the politically popular event, put a good legal analysis on the event, and make a decision that is not going to sell well. That is exactly what I am looking for in somebody to be a judge, and the Senators from Alabama should be very proud they have sent a very noble person forward.

There are other examples of doing things that just are tough. My State of South Carolina had in our constitution for the longest time a ban on interracial marriage. One does not have to be a rocket scientist to figure out how that all came about. Those of us in the South who have grown up in the South have had tremendous struggles to be fair to African-American citizens.

There is a legacy there that no one should be proud of, but things are getting better, thank God. When we look into the past—and it is in other parts of the country, but it is particularly true in the South—when that is put into a State constitution, one can only imagine the passion that went into placing something like that in the constitution.

Well, now, later on in life, all of us realize that is unfair, that should never happen, but who wants to be the person to step forward and get that argument started all over again because it really was never used?

Well, Bill Pryor, as attorney general, had the courage to tell everyone, whether they agreed with him or not, that there is no place in our constitution for this kind of prohibition, and he led a charge to get rid of it, something I think tells a lot about the young man.

The bottom line is, we are going to have a lot of time to talk about Bill Pryor because there is a movement to keep him from being on the Federal bench, a movement that is driven by politics, a movement that, if it continues, will change over 200 years of how the Senate and the executive branch work.

The worst thing we could do, in my opinion, is to take the political disagreements we have in the early part of the 21st century and change the constitutional process, probably forever, the consequence being that good young men and women such as Bill Pryor can't become judges because a few special interest groups don't like them.

If Bill Pryor can't be a Federal judge, given his academic background, the way he has lived his life, and the qualifications he brings to the job, then America is hurting because we have let politics get into the judicial process in an unhealthy way.

There will be many more days and many more hours to talk about this. I look forward to talking to anybody who will listen about why I believe so strongly that we should allow the nomination of this young man to be voted on on the Senate floor—he has come out of committee—and why he would make a fine Federal judge.

I, again, let the Senator from Alabama know I am sorry that he and his colleagues from Alabama have to go through this. I am sorry for Mr. Pryor's family, that they have to go through this. But there will be some fighting back going on. I urge my colleagues on the other side of the aisle, if you continue to do this, inevitably here is what will happen.

The next time there is a Democratic President there will be special interest pressure placed on our party over here on the Republican side to do exactly the same thing to some other nominee who may be equally qualified. The next thing you know, we are going to have a situation where good men and women will not put themselves through this. They are going to say it is not worth it.

One of the things that came up in the hearing about Bill Pryor was that he and his wife were going to take their daughters, I believe, to Disney World. Disney World had Gay Pride Day that day, and they made a decision not to go on that particular day.

It is uncomfortable for me to talk about that. I imagine it is very uncomfortable for Bill Pryor to have to talk about things like that. That has no place in the evaluation process, because what is the purpose of that? "Yes, we got you now. You must hate gay people because you and your wife decided not to go to Disney World on a particular day."

His answer was: It was a family decision that my wife and myself made. But I promise you that if anybody comes before me as a judge, that I will honestly and fairly deal with him.

We are getting into areas of people's personal beliefs and family decisions that are unhealthy, that will drive good men and women away if that is what you are going to have to put up with to try to serve your country.

The bottom line is, we are going to have some fussing and fighting about what is right for Bill Pryor and others, but if we don't wake up we are going to ruin 200 years of history that has worked and we are going to drive good men and women away from wanting to serve their country as a judge and all of us lose then.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from South Carolina. I, too, have some very strong feelings about Bill Pryor. He is one of the finest nominees ever to be submitted to this body. I have no doubt about that. He needs an up-or-down vote. If he receives one, he will be confirmed.

We started out the debate tonight talking about the class action reform bill that is before us. We are seeking to consider the bill, but we are still debating the motion to proceed to the class action bill. I see the distinguished chairman of the Finance Committee is here, Senator GRASSLEY, to speak on that legislation. I will be speaking on it further tonight, also.

I am pleased to yield to him.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I would like to address my colleagues, as I did last night, on a bill of which I am the sponsor. It came out of the Senate Judiciary Committee on which I serve with very broad bipartisan support. It is called the class action lawsuit reform legislation. There has been a lot said about that legislation today that I would like to address.

I did listen with great interest, yesterday and today, to speeches made by my colleagues across the aisle, and I fear they greatly misrepresent the bill and the problems facing the class action system, so I will spend a few minutes setting the record straight.

First, my colleagues are trying to characterize this bill as special interest legislation and are suggesting that the President is pushing this as part of some rightwing agenda.

Given that I introduced this bill with my Democratic colleague from Wisconsin 6 years ago, I am surprised that my colleagues think that this President Bush's idea is bad and part of some rightwing special interest agenda because Senator KOHL, a Democrat from Wisconsin, would not be interested in participating in any effort of a rightwing conspiracy.

Anyway, Senator KOHL and I put this bill together because there is unfairness in the current class action system. Lawyers are getting rich while consumers and plaintiffs are getting worthless certificates and coupons. The current system has select State county courts deciding policies and interpreting laws for people that ought to be decided on the Federal level, in the Federal court, when they affect all 50 States. Some county judge in Illinois should not be making a decision that is going to affect consumer law of 49 other States.

That flips, as you know, the Federal system on its head, and it needs to be fixed. Our legislation fixes it. I think that wanting to fix this problem makes sense. It is not part of some rightwing agenda. It is a very key economic issue in our country.

This term "special interest legislation" is amusing in several other ways. The real special interest here is the plaintiffs bar; they are fighting this bill with everything they have. Crafty class action lawyers who are making out like bandits by bringing frivolous class action lawsuits and settling cases where they get all the money are the ones with the big special interest in this legislation because, if this bill passes, judges will have to scrutinize settlements to make sure that lawyers are not unfairly getting more money for their professional services than they ought to get.

Also, if this legislation passes, these very same lawyers will not be able to do what we call forum shopping—finding the best county judge someplace in the country who is sympathetic to their cause, before whom they can go and win for sure.

Of course, we have the Judicial Conference. In this bill, it would be required to figure out a way to make attorney's fees more reasonable and settlements more fair. So it looks like the biggest special interest with a dog in this fight is the plaintiffs bar.

I heard a lot of talk on the floor about how critical class actions are.

and I would be the first to suggest that there is a place in our legal system for class action suits. They are a great, important tool to help injured people collectively recover for their injuries in cases where it might not be worthwhile for an individual to do that by himself or herself.

Somehow, my Democratic colleagues think this bill is the end of class action suits, and that is entirely wrong. Our bill leaves the important tool of class actions right where it is, in rule 23 of the Federal Rules of Procedure, and similar rules in most of the individual States. But the bill just allows more class actions, those that ought to be nationally viewed and obviously national in scope, to be heard in the Federal courts. In-state class actions will continue right along in State courts and large national class actions will continue right along in the Federal courts. Consumers will still have their day in court. That is very important. Our bill does not take away their ability to sue as an individual or to sue as a class.

Another claim I heard yesterday was that our bill allows defendants to remove a case to Federal court at any time, even on the eve of a trial. Senator BREAUX says he is worried about this problem and his alternative would fix it. The claim is just plain wrong. Our bill does not change the current removal rule. Under that rule, a defendant can remove a case within 30 days of receiving notice that a case is removable. That is a good rule and one we do not need to change. I do not appreciate people saying we are changing it when we are not changing it. Our bill will function under that rule so a defendant can move only a case within 30 days of receiving a complaint or an amended complaint. To say a defendant under our bill can willy-nilly remove a case at any time or even while a jury is deliberating a case is just not true. That is not the case under the current rule. It is not the case with this bill which does not change the current rule.

There are some other potential problems with the proposal by my friend Senator BREAUX that he talked about yesterday, but I will be happy to look at any amendments he has available. One thing he said sticks out in my mind. Senator BREAUX suggested if a class of plaintiffs is all from Louisiana and a class is injured by an out-of-state meatpacker—that was the example he used—they should be able to sue the meatpacker in the State court. He describes a pure diversity case which under the Constitution belongs in the Federal court. He is proposing to turn constitutional diversity jurisdiction on its very head. That does not sound like a very good idea to me. His approach would allow the same rampant forum shopping we currently see in the system. Senator BREAUX's alternative would not fix any of these abuses and, in fact, his alternative plan makes things much worse.

Another misstatement that concerned me is this claim that the bill before the Senate is not the same bill that came out of committee; that the mass action language materialized out of thin air; that we are trying to pull the wool over our colleagues' eyes. Not true, again.

First, the Class Action Fairness Act—the bill before the Senate, the bill I am sponsoring—included a provision dealing with mass actions when it was first introduced. If my colleagues look at the transcript of the committee markup, they would find, and I think they would probably remember this, that Chairman HATCH of the Judiciary Committee agreed to strip the mass action provision in committee on the condition that Senator SPECTER and Senator FEINSTEIN worked on compromise language to be included in the bill when it got to the Senate floor. It is in the RECORD. Nobody is pulling any wool over anybody's eyes.

Chairman HATCH, Senator SPECTER, and I collaboratively reworked the mass action language, had Senator FEINSTEIN look it over and sign off on it. In fact, we made modifications she requested and then we ran it by all of the original cosponsors of the Class Action Fairness Act. So the claim this bill is somehow unexpected and that we are hiding the ball is an unfair, untrue statement.

I also heard opponents of the bill claim this bill will hurt consumers, will hurt civil rights litigants, will hurt tobacco plaintiffs, and will hurt gun victims. The reality is these class actions will continue to be brought in both Federal and State court after this bill becomes law. I don't understand what the big fear is about the Federal courts deciding some of these cases. In fact, I remind my colleagues many of these cases against tobacco plaintiffs and gun manufacturers and civil rights violations have for years been routinely filed in the Federal courts of America. The claim that somehow taking a big national class action out of State court will hurt these folks just does not hold water.

Another claim we heard yesterday was Chief Justice Rehnquist opposes this bill. For months we have been hearing this claim, that the Chief Justice opposes the bill, and for months we have asked for proof of the claim. There is no proof. Why continue to quote him? Maybe this claim comes from a letter the Judicial Conference sent to the last Congress criticizing certain aspects of the older version of the bill. Justice Rehnquist is the de facto chair of the Judicial Conference. They must be making a gigantic leap to claim he had problems with parts of that old bill. The fact of the matter is, currently the Judicial Conference, which Chief Justice Rehnquist chairs, supports many things about this bill and has publicly thanked the Congress for taking up this issue. It offered a few ideas last spring for determining which cases should stay in the State courts and which ones should go to the Federal courts, and our Feinstein compromise addressed some of those very ideas suggested by the Judicial Conference Chief Justice Rehnquist chairs.

We are going to hear a lot about class actions during this debate. Many of them will be important cases. Two things I ask my colleagues to remember regarding a good, necessary class action: First, it is very possible our bill will not have any effect whatever on the case. Second, the only effect our bill might have is just to make the case eligible for Federal court where the case was filed. In fact, many of the cases discussed yesterday sounded to me as if they would either be unaffected by the bill or could be proceeded to in Federal court.

I know there are Members of this body who will not ever support this bill. They will never go up against the plaintiffs bar. They will never go up against those personal injury lawyers. They would say the present system, even though it gives lawyers millions of dollars and little old consumers a coupon for some product they will never want to buy, or for some part of an airplane ticket for some place they are never going to go, somehow is OK. I hope they will check their facts before they make statements against this bill even though they may never vote for it. They ought to be intellectually correct as they make their points.

I have taken this opportunity to set the record straight. That ought to give us the number of votes it takes to get beyond a Democrat filibuster and move forward on a bill that has passed the House three times in 6 years and ought to pass the Senate and ought to go to the President. We ought to have fairness in our court system. When consumers need to be protected, we ought to have consumers getting the benefit of winning the case, not their lawyer.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the distinguished chairman of the Finance Committee, a senior member of the Judiciary Committee, for his leadership on this legislation for quite a number of years. He is a champion of commonsense fairness in the legal system. That is all we are talking about.

I agree with Senator GRASSLEY. I cannot imagine why somebody thinks that Federal courts, which have been the champion of liberties for Americans for years and years, are somehow now not fit to handle complex interstate class action lawsuits. It just boggles the mind. It is not sound logic. That argument is driven by the objections being made by the plaintiff lawyers who are interested in these cases.

They want to be able to file them where they choose. They want no erosion of their ability to do so, and they are calling in their friends on the other side of the aisle, and some of them are responding.

It was referred to earlier that these are big corporations that need to be dealt with and we ought to be able to sue them, presumably, in any county in America you choose to sue them in. I do not believe that is what was contemplated by our Founding Fathers.

Let me tell you about another major industry in this country, the industry that is driving the objections to this bill; the plaintiff trial lawyer industry. A recent Tillinghast—I believe is the name of it—study showed their income last year was $37 billion. The income of the "Trial Lawyers, Inc." is larger than that of Microsoft, Coca-Cola, and other companies of that size. It is a huge industry. They contribute aggressively to political campaigns, and they promote their agenda aggressively. It is a free country, and they have every right to do so. But I would just suggest that those who would argue that the only wonderful people in this deal are the plaintiff lawsuits may not be so correct.

Another study has shown 2 percent of the gross domestic product of this country goes to litigation costs. That is double what the other countries in the industrialized world are paying for litigation costs, and it is an extraordinary figure. It is a figure that is paid for not by just big corporations, it is paid for by every single American when they take out insurance.

I wish it were not so. If someone makes an error in America today, and you sue them, and then you seek punitive damages to punish them, the unfortunate reality is, probably they have insurance or the case would not have even gone forward. The lawyer would not proceed, probably, if they did not have money to pay and did not have insurance. They have insurance, so the punitive damage verdict gets rendered, and the insurance company pays it. What does the insurance company do? They raise the rates on everybody who is paying premiums. Innocent people are paying the penalty imposed by the litigation.

So we really need to think about how this system is working. I want it to work better. This is a modest step. As I noted earlier, the Constitution contemplates that lawsuits between people from two different States would be in Federal court. That is the diversity clause in the Constitution which has been the way things work for a long time. But the way things are working now, if you can name one defendant to be an in-State defendant, then in many instances you can make the case stay in State court. This process is allows a plaintiff to essentially pick the forum they want to pick.

If you are suing McDonald's for a problem in their entire system that affects people all over America, then that case ought to be in Federal court, unless you are located in the State where McDonald's is headquartered. That is what I think clearly was contemplated by the Founders. But by using the device of naming in-State plaintiffs for suing a defendant in the state he does business in, plaintiff lawyers have been able to break the diversity and keep it in State court.

We want people who have been injured to be compensated, and we want to make sure they are adequately compensated and that their compensation is legitimate and fair, and that the attorneys get paid a legitimate fee, and not get a huge fee and little or no compensation to the victims. The ugly truth is, in a lot of these cases, the corporations really just want the lawsuit to go away and have to take the plaintiff lawyer's word for what the plaintiff class wants in a settlement agreement. If the plaintiffs' lawyer says his clients—many of whom, virtually all of whom, he may never have met—would accept a coupon for a Blockbuster video, as long as the defendant pays the plaintiff lawyer's fees totaling $10 million, the defendant may be willing to pay that to get rid of the lawsuit.

So the clients get paid little and the attorney gets paid a lot. There is a conflict of interest and a tension there for people who are sensitive to it. We are seeing that in these cases. That is what Senator GRASSLEY was talking about. We are seeing that as a pattern. This legislation will help deal with that problem, help bring more integrity to the system, allow the courts to monitor it more closely, and ensure more fairness for the victims of wrongdoing.

Don't misunderstand me, class actions can be an effective and legitimate tool. Some people are so frustrated by the abuses that they just want to attack all class actions. That is not what we are doing with this bill. Class actions are effective tools for a large number of people who may have been wronged by a single defendant or by defendants acting in concert. This can happen in a bank. Banks have been known to overcharge people. For example, a bank does not pay proper interest on an escrow account, and they owe each depositor $2 in interest. But there are 1 million depositors, and it has been going on for 5 years. The calculations get worked out. It is appropriate that those people get the interest they are entitled to and often a class action is the appropriate way to get this done. They ought to be paid fully what the law says you ought to be paid on the escrow account. The question is, however, are those plaintiffs always getting the money, and are these cases being handled in a way that is fair and just? How it works is what we are talking about. Certainly, 100,000 lawsuits—and they can be brought that way—each brought individually for a $2 misappropriation in an escrow account is not an efficient way for lawsuits to be settled. That is why we allow them all to be brought in one court. Then all plaintiffs are bound by the result as well as the defendant.

Too often, in recent years, however, these lawsuits have become a vehicle by which some trial lawyers are cashing in at the expense of the plaintiff class. The most troublesome aspect is that in many of these class actions the lawyer does not even know the clients, and in some cases does not even have a client. In these situations a lawyer first discovers a potential claim he or she thinks is a good one, and then runs around and finds a client to be the named client as a vehicle for the lawsuit. The end result is often not justice for the plaintiffs, and enrichment for the attorney. I know of a case in which the client—the named plaintiff—in the case died, and the lawsuit went on with no real party there for months before the attorney discovered his client had died. The attorneys were running the lawsuit, proceeding as they chose, with so little communication with their supposed client that they did not even know the person had died.

Not always. This is not always the case. A lot of these lawsuits are handled fairly and objectively, but we are seeing abuses there on a regular basis.

For some cases they have not even been able to show any damages, yet the lawyers have still received huge amounts of money. For example, the Toshiba case. In this case, a class action suit was filed in Texas. It complained of an entirely theoretical defect in the "floppy disk controllers" of Toshiba laptops. There were no allegations that the asserted defect had resulted in injury to any user, and not one customer had ever reported a problem attributable to the defect. Facing potential liability of $10 billion, Toshiba decided they needed to settle this claim. They were willing to pay. The class members received as their payment between $200 and $400 off any future purchases of Toshiba products. In other words, they got a settlement—a discount on future purchases of a Toshiba product—only if they bought products from the defendant again in the future. The two named plaintiffs, the ones who were working with the attorneys, presumably, got $25,000, and the plaintiffs' attorneys received $147 million. That is a lot of money. The fact that most class members only benefitted from the lawsuit if did business with the defendant in the future is not good. It seems to me the company was wanting the lawsuit to be over, they were willing to pay the lawyers whatever fee they asked for, and give some sort of token settlement to the class members, and get out of this thing, just to make the suit go away, even though no real damages had happened to the class members as of that date.

Lawyers are supposed to represent real clients who have been truly harmed. They are ethically bound to represent the clients' interests foremost, far above their own interests.

Class action lawsuits are designed to be available when lawyers realize that an entire class of people have been harmed in the same way that his client has been harmed. However, class actions should not become a feeding trough for attorneys. Class actions should not be a situation where good advocates figure out a way, by adding unrelated defendants, to file actions in friendly circuits or to use other methods to utterly maximize the benefit from their side of the litigation, while ignoring the fairness overall.

I respect lawyers. I believe in them. I have litigated, many cases. I believe lawyers should maximize the ability to protect their clients. In my comments about some of these lawyers that say they are protecting their client's interests but are really protecting their own pockets, I mean to be critical. Some of the lawyers, in fact, deserve no real criticism because they are simply choose to file the lawsuit in the forum most favorable to their client, and they are not supposed to look at whether that forum is fair to the defendant or not. You have to admire lawyers that are genuinely seeking to protect their client's best interests.

But we must, as a legislative body, monitor these cases. We must, as a legislative body, work to make sure that fairness is occurring in our courts.

Let me cite the Bank of Boston case filed in my State of Alabama. I was attorney general of Alabama during part of this time and I heard about some of these complaints. It is a good example of the class action system and how it is broken.

In this case a class action was filed by a Chicago attorney in the circuit court, the county court of Mobile, AL. A Chicago attorney looked all over the country, and decided to file the lawsuit in Mobile. The case alleged that the Bank of Boston, MA, did not promptly post interest to the escrow accounts of its members. The settlement that was agreed to limited the maximum recovery for each individual class member to $9 each. However the class action attorneys received over $8 million in legal fees, an amount approved by the State court. It is shocking that the legal fees the class action attorneys received, were debited from the plaintiff class' bank accounts, averaging 5.3 percent of the balance in each account. Many of the bank members did not even know they were members of the plaintiff class, did not even know that attorneys were representing them, and most of all, had no idea that money would come out of their accounts to pay those attorneys. Imagine not even knowing you were involved in a class action until you realize that money has been taken out of your bank account to pay their legal fees.

What is even worse is that for a number of the accounts, the debit to the account exceeded the credit they obtained from the settlement, meaning that after the settlement, more money came out of their account than went back in.

Dexter Kamowitz of Maine—a plaintiff in Maine that is being bound by a county judge in Alabama—was one of those plaintiffs. He did not initiate the class action against the Bank of Boston. However, he received a credit of $2.19 to his account after the settlement. At the same time, the class action attorney debited Mr. Kamowitz's account for $91.33 in legal fees, producing a net loss of $89.14. Such results, as might be expected, produced outrage from class members in other States.

Judge Frank Easterbrook, reviewing the case as a Federal judge on the Seventh Circuit Court of Appeals asked: What right does Alabama have to instruct financial institutions [headquartered] in Florida to debit the accounts of citizens in Maine and other States?

I do believe that we need to be careful about expanding Federal jurisdiction. We don't want to do this willy-nilly. But we also need to be careful to ensure that State courts cannot unfairly include class members from all over the country and bind them by the verdict they render.

Federal jurisdiction is currently allowed in cases where there is a de minimis interstate commerce nexus. We know that from civil rights cases and plaintiffs cases and civil cases. If there is a Federal nexus, you can file it in certain cases in Federal court. I believe it is certainly appropriate, when we are dealing with a national corporation, dealing with clients in every State in America.

The bill offered by Senators GRASSLEY and KOHL would help eliminate some of these class action abuses. We have talked about class action problems for a very long time. I believe it is time to stop talking and get moving and pass a bill that will help class action plaintiffs be treated fairly in this entire process. I hope we can have a healthy debate and move this legislation that reforms class action forward.

I am also pleased to see, as I conclude these remarks, the distinguished chairman of the Senate Judiciary Committee, Senator ORRIN HATCH. He has wrestled with the class actions issues from the beginning. As a skilled lawyer himself, he understands the issues ably. He is able to discuss them in a very intelligent way. He understands the history of this entire proceeding. It is a pleasure for me to serve with him on the Judiciary Committee. I know at this time he would like to share some remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am sorry to keep the body a little bit later, but I do think we need to make some points that really need to be made. We should be debating the Class Action Fairness Act of 2003 rather than squandering away the Senate's time debating a motion to proceed to the bill. That has become typical around here. Anything that can delay, anything that can make it miserable, anything that can make it difficult to pass legislation or even consider legislation, we are finding the other side is doing to us.

Yesterday, my colleague from Vermont, the ranking member of the Judiciary Committee, observed accurately that the days remaining in this session are numbered and that floor time is indeed precious. But what puzzles me is if there is such a premium for time, then why in the world are we faced with a Democrat filibuster on the motion to proceed to a bill? Usually, if you are going to filibuster, you filibuster the bill. So we all know what is going on here.

From what I know, based on the remarks yesterday from the ranking member and others, I understand that there is an objection to proceeding to S. 1751 because it has been characterized by some as "special interest legislation." What "special interest" are we talking about? Are we talking about the "special interest" of millions of consumers throughout the country who are affected every day by class action abuses, or are we talking about the "special interest" of the everyday American worker who stands to lose because his or her employer can't increase wages or offer better health benefits because of the commercial uncertainties created by uncontrolled class action litigation, or are we talking about the "special interest" of the general American public that is losing faith in the American civil justice system because of the outrageous class action coupon settlements that only benefit the attorneys?

On this whole special interest point, I would like to direct your attention to a recent poll showing that the overwhelming majority of Americans believe that class action lawsuits benefit lawyers at the expense of their clients.

Look at this chart. "Opinions on class action lawsuits: who benefits most from class action lawsuits." Lawyers for the plaintiffs, the public says—47 percent believe the lawyers benefit the most. They are right, especially in these frivolous suits we have been referring to. Buyers of products, 5 percent; companies being sued, 7 percent; 9 percent of the American people think the plaintiffs benefit the most from class action lawsuits—the ones they are bringing the suits for. Only 9 percent of the American public think the injured parties, the so-called victims, are the ones who benefit; 12 percent don't know; 20 percent say the lawyers for companies. So of the total opinion of the American people in a poll conducted, with an error margin of plus or minus 3.5 percentage points, a total 67 percent of the American people believe the lawyers are the ones who benefit from these class action suits; 67 percent believe class action lawsuits are a virtual bonanza for lawyers. The public is not too dumb; they are right.

In stark contrast, the poll shows only 9 percent of Americans believe the class action lawsuits benefit the victims or the plaintiffs themselves. When the public perception of class action lawsuits in our civil justice system is so negatively skewed, I find it difficult to say with a straight face this bill somehow advances "a special interest."

Perhaps the "special interest" we are really talking about is that belonging to one Hilda Bankston. Who is Hilda Bankston? This is Hilda in the photo. A beautiful woman, a decent person. I can tell you with certainty she is not a tobacco company. She is not a gun manufacturer or somebody who pollutes the environment. Hilda Bankston and her husband Mitch owned Bankston Drugstore in Fayette, MS, a small local pharmacy where Mitch worked as a pharmacist. The Bankstons were dragged into hundreds of lawsuits filed by class action attorneys in the State of Mississippi by virtue of owning the only drugstore in Jefferson County. Their small business became a prime target for forum-shopping class action attorneys in pharmaceutical cases.

The Bankstons' nightmare began in 1999 when Bankston Drugstore was named a defendant in the fen-phen diet drug class action lawsuit simply for filling a prescription written by a doctor—something they were supposed to do. Since then, plaintiffs lawyers have filed hundreds of pharmaceutical lawsuits against Bankston Drugstore. Every time a big drug maker was sued, even if the company was located in New York, or California, the plaintiffs' lawyers added Hilda Bankston and her husband as defendants—this hard-working owner of a single drugstore—just because she sold that drug from her neighborhood drugstore, which was her obligation to do.

Even though Mrs. Bankston no longer owns the drugstore, she continues to be named a defendant in these lawsuits today and is buried under a mountain of discovery requests because of the litigation. On a more personal level, Mrs. Bankston describes to us the toll this ordeal has taken on her both personally and professionally. She testified that, "no small business should have to endure the nightmares I have experienced. . . . I have spent many sleepless nights wondering if my business would survive the tidal wave of lawsuits cresting over it."

Mrs. Bankston also suffered the loss of her husband when, within three weeks of being named as a defendant in the fen-phen case, her husband died of a heart attack. It is stories like Mrs. Bankston's—an every-day citizen just trying to fulfill the American dream—that makes this bill so compelling. I think to characterize this bill as appeasing "special interests" is not only disingenuous but it ignores the extensive mountain of evidence showing otherwise. It is pure, unmitigated bunk and they know it.

I also understand the ranking member expressed surprise and concern over the lone difference between S. 274 as reported out of the committee and the rule XIV version of the bill, S. 1751, that we are now trying to move forward. To set the record straight, we are simply invoking Senate rule XIV, which is procedurally proper, to simply accommodate the revised mass actions provision the committee had removed from the bill during markup on the condition that it would be modified and replaced in the bill before floor consideration. That is what we agreed to do. That is all we did. The rule XIV version of the bill, which is numbered S. 1751, is the identical bill we voted favorably out of committee, except for the return of the revised mass actions provision the members on the Judiciary Committee knew or should have known would be restored into the bill before floor consideration.

Just on Friday, the majority leader asked unanimous consent to bring up S. 274, substituting with the text of what is now S. 1751. There was an objection from the other side of the aisle which forced the majority leader to bring up S. 1751 under rule XIV. To now hear we are somehow not acting in good faith is, at best, a misunderstanding and at worst a deliberate attempt to mislead. You make the decision, you make the judgment on that. I know what I think.

By way of background, I want to explain what happened with this provision. When the original bill, S. 274, was marked up during committee last April, the committee members agreed to an amendment offered by Senators FEINSTEIN and SPECTER striking two provisions from the bill only with the understanding that the language would be modified and replaced before floor consideration. The first provision defined private State attorneys general actions as class actions within the meaning of the bill. These are statutory actions a private citizen can bring on behalf of the general public. My colleague from California, Senator FEINSTEIN, expressed specific concern over this provision because she believed it would interfere with an existing California statute permitting such representative actions. This provision has remained out of the bill.

It is the second provision that necessitated the rule XIV alternative. This second provision is what we commonly refer to now as the mass actions provision. A mass action is a civil action seeking to try the claims en masse of all plaintiffs and defendants in a single trial, but pursued without the procedural due process prerequisites for litigating such a matter as a class action. Mass actions are used heavily in certain States such as West Virginia and have been used to unfairly consolidate for trial diverse claims of as many as 8,000 plaintiffs from over 35 States against over 250 defendants. These actions are especially problematic because they proceed without satisfying any of the standard class action prerequisites, such as commonality and typicality of claims.

Although the original bill contained a provision that defined mass actions to qualify as class actions, my colleague Senator SPECTER raised a specific concern over the scope of the provision and moved it be stricken. Because the committee didn't have a meaningful opportunity to evaluate the Senator's concerns before markup, I, as chairman, agreed to strike this provision, but only with the understanding that we would modify the provision and replace it before the bill reached the floor, which is exactly what we did.

After the extensive post-markup negotiations and other discussions among my staff and the staff of Senators SPECTER, FEINSTEIN, KOHL, and GRASSLEY, we were able to reach consensus on a revised mass actions provision in early September.

Let me stress there are no surprises here on what we were going to do with the mass actions provision. Everybody who appeared that day in the Judiciary Committee markup was aware the bill sponsors would work with the sponsors of the amendment, Senators SPECTER and FEINSTEIN, to develop compromise language. Indeed, we called specific attention to this understanding in our committee report on S. 274, which has been widely and publicly available since last July.

As for using rule XIV, which is an effective rule in the Senate, a rule that can be legitimately used, and has been used in this case, we gave advance notice to our Democratic counterparts, Senators FEINSTEIN and KOHL, over a month ago that there was a possibility we would have to use this procedural device to ensure the operative text reflected the understanding when the bill was reported out of committee.

I also understand from my staff that these offices then informed, among others, the ranking member on our committee about the potential use of the rule when we introduced S. 1751 last week. Simply put, we were open and above board. We didn't have to be, but we were. We didn't have to be because the rule is the rule. We are entitled to use it. The Democrats have used it time after time, as have Republicans. There are no surprises here. I was the most shocked to find claims that something somehow or another was askew and not properly handled. Again, that is pure bunk, and everybody knows it. But I suppose when we have television in the Senate, we are going to see that type of argument made from time to time, even though it doesn't hold water and can't stand the light of day.

We provided advance notice and opportunity to review the text to our Democratic sponsors and the sponsors of the amendment so they could all verify that no other changes were made. That is good faith, in my view. We gave advance notice of our intended use of this device for a provision we made clear to everyone we intended to modify. So I am particularly baffled as to why the ranking member of our committee is calling this a mystery. This is no mystery. We did exactly what we said we would do when we marked up this bill in committee, and the bill was voted out with a partisan vote of 12 to 7, but, of course, the distinguished Senator from Vermont didn't vote for the bill in committee. That may be what is behind these types of comments. He never has been for this bill.

I suspect all is fair in love and war. This being war, they can say whatever they want on the floor of the Senate, even though it is totally wrong.

I believe rule XIV is the most appropriate way of handling the unique set of circumstances leading to the revision of the class action provisions, especially in light of the limited number of days remaining in this session. Given the number of pressing appropriations issues facing the Senate in the coming months, I think it makes little sense to waste valuable floor time debating as a separate amendment a provision that the key Republican and Democratic members have already worked out in good faith. It is even more absurd to be forced to debate a motion to proceed to this bill.

There is only one reason for that. That is to delay, delay, delay, and hopefully bollix up everything at the end of this session so nothing good gets done. I ask my colleagues to support the motion to proceed to S. 1751, the rule XIV version, the Class Action Fairness Act of 2003.

A Senator got on the floor and made a number of what I thought were outrageous comments as well pertaining to this being a special interest piece of legislation. This is a people's bill. The biggest losers under the current system are the people. Lawyers sue companies and negotiate settlements in which they get all the money. So consumers get ripped off twice: Their lawyers rip them off by taking the settlement money that is supposed to go to them, and then they have to pay for the payoff to the lawyers at higher prices.

How about tax cuts for the wealthy? That was an argument made yesterday. The class action bill would not protect the wealthy. It is the opponents of the bill who are trying to protect the wealthy—the wealthy trial lawyers in this case. Although not all class action lawyers are to be criticized, some actually are good lawyers who actually do what is right within the law in fair class actions that really are brought to help people. We are talking about the ones who need to be reformed. Some of these wealthy lawyers who need reform amass their riches by ripping off consumers in bad settlements. We have shown that throughout this debate.

Senators raised the issue of defective products, protecting gun manufacturers. The only successful class action against gun manufacturers, the only case in which any relief was awarded was in Federal court. That is what we are trying to do here, and they act as if the Federal courts are not capable of handling these cases? This doesn't stop legitimate class actions. It just says there is no longer going to be these phony forum-shopped cases in corrupt jurisdictions where there are corrupt judges and where jurors don't realize they are saddling all of America with these outrageous verdicts that pay off the attorneys but do very little for consumers or for the plaintiffs who are supposedly the real victims.

We heard the argument yesterday that Justice Rehnquist is opposed to this bill. Opponents keep saying Chief Justice Rehnquist opposes the bill, but whenever we ask for a citation to that opposition, we get absolutely nothing. They talk about the Judicial Conference letters, but those letters do not express opposition to the bill that was reported out of committee.

How about forum shopping? Defendants cannot forum shop. The plaintiff always gets to choose where to file the lawsuit. If they file in State court, they can often choose precisely the judge who will hear the case. All the defendant can do is remove to Federal court where the case will be heard by a randomly selected judge, not a stacked, forum-shopped deal with a corrupt judge or maybe not even a corrupt judge, but one who just believes the plaintiffs should win no matter what the facts are. Again, I think that is corruption. It is nonsense to say defendants can forum shop or that forum shopping is the purpose of this bill. That is nonsense. Yet that is what one of our distinguished Senators was saying yesterday.

How about the scalpel argument? Any suggestion that this class action problem is concentrated in a handful of State courts is wrong. It is a problem in many places, and if you fix it in one place, the party moves to some other court in some other town.

How about Madison County, IL, by the way? We had the two Senators from Illinois speak: One just found Madison County to be the most circumspect county in the world. The other basically called the judges and the lawyers, many of whom never practiced law in Madison County, people who were abusing the system. He even implied some of them were corrupt.

The figures in Madison County do indicate a problem. Look at the dramatic increase in the number of class actions, virtually all of which were nationwide class actions over a short period, an increase from 2 in 1998 up to over 75 last year. Why are all these people, all these attorneys from other States flocking to the middle of nowhere to file lawsuits in which none of the claimants and none of the defendants are from the area? Do we really need to ask why? We know why. Because of corruption—corrupt judges, or should we say misconceived judges, to be nice about it, or judges who always find for the plaintiffs or steer everything in favor of the plaintiffs or always find class actions to exist when they really shouldn't. That is corruption.

We hear statistics indicating half of the class actions have been certified, but what the distinguished Senator from Illinois should have said was "certified so far."

What I find curious is that the distinguished Senator from Illinois didn't give the number of class actions that were denied. What happens in Madison County is that the case is filed, and when the lawyer decides he wants to put the squeeze on the defendant to settle, he starts moving toward getting a class certified, but sometimes it takes a while.

By the way, just moving to get a class certified in Madison County where it is almost granted at will is enough to scare any corporation because once that happens, that corporation is in real trouble, and so are that corporation's employees who are likely to lose their jobs, their income, their health care, and their pensions if the company gets thrown into bankruptcy.

We have heard allegations that under the class action bill, a defendant can remove a case at any time, even on the eve of trial. The current removal statute, 28 USC section 1446(b), provides that a case must be removed to Federal court "within 30 days after the defendant's receipt . . . of a copy of the [complaint] in the action."

This class action bill would not change that rule. The allegation that a class action bill would allow a case to be removed to Federal court at any time is ridiculous. But that is what we are getting used to from those who argue against this issue.

Now why do they do that? Why can they not see these simple, easy to see facts of life? Well, I hate to say it but I think it comes down to the fact these trial lawyers are the biggest hard money funders of many of these people who will vote against this bill. They get whatever they pay for. They can rely on their friends in the Congress to ignore what really should be ethical and good changes in the law and to stand in the way of those changes. That is what is happening here.

That is taking the sugar coat off, but that is what is happening. The fact is that we have people in this body who will vote for the trial lawyers no matter how wrong they may be.

Now, when I say trial lawyers, I am speaking about this select group of trial lawyers who really are giving the legal profession a bad name, who are in it for the money so they can support their own political candidates, live in high style, be influential in their respective communities, most all of which are outside of Madison County, by the way, and who can just about afford to do anything they want to do and are used to doing anything they want to do.

I happen to know a lot of good trial lawyers who are honest and decent, who really fight hard for their plaintiffs, for people who were wronged, for victims, and who are disgusted with these trial lawyers who are taking procedural advantage, monetary advantage, of forum shopping in this country. It is coming to the point where even the American Trial Lawyers Association is starting to get split on these types of issues because they realize that some of these people are giving trial lawyers who are good, honest, decent, hard-working trial lawyers a bad name, because they are getting lumped into the term "trial lawyers" all the time with these people who are bad actors, who are in it for the money.

Now, they paint a very big picture about how they are in it for the little consumers, but look at the coupon settlements. Look at the amount of money they are getting in fees. Look at the way the consumers have been ripped off. Look at the cost to society. Look at the companies that are in shambles and can no longer employ people. Look at the unfairness of forum shopping. Look at the unfairness of corruption.

I commend trial lawyers who are honest and decent and who bring decent class actions. They know they can win in Federal court just as much as they can win in State court, but they also know they cannot forum shop as well in Federal courts.

Now, one can still forum shop but not nearly like they can in a number of jurisdictions in this country in certain counties where, as I say, judges are owned lock, stock, and barrel by various political interests.

Well, I have kept us long enough, but this is an important bill and to filibuster even the motion to proceed to the bill, at this late date, leads only to one conclusion and that is unfairness, delay, win at any cost, fear to debate this bill straight up and down, fear to have votes straight up and down. The reason they are afraid is because they know if Senators were permitted to vote their consciences this bill would pass overwhelmingly, if it were not for the untold influence of big class action money.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. If the Senator will yield, based on his experience, it is indeed an unusual thing that we have a filibuster of a motion to proceed to a bill that has this kind of bipartisan support. Is it not?

Mr. HATCH. No question that we usually do not have a filibuster on a motion to proceed, because if any of my colleagues are going to filibuster, they should filibuster the bill. By filibustering the motion to proceed, they can delay a vote on that for 3 days. Then they can filibuster the bill and delay that for another 3 days, which eats up 6 days at a crucial time of the year when we are trying to do all of the appropriations bills, a prescription drug benefit and Medicare reform, asbestos reform, judges, a whole raft of other very important issues, including the Energy bill. So by eating up all this time it makes it difficult to pass any of these matters, and it makes one wonder what in the world is behind all of this.

Mr. SESSIONS. I think it is particularly telling, I say to the Senator, because this is not like the circumstances we had when the Democrats were in the majority and Senator DASCHLE called up the entire Agriculture bill, or the entire Energy bill, which were huge bills, under rule XIV, that had not been addressed in the committee. This bill had hearings in committee and we voted for it 12 to 7. There was only one basic change to the bill.

Mr. HATCH. It was a bipartisan supported bill. Democrats and Republicans support this bill. It will pass if Senators are permitted to vote their consciences and are permitted to vote up or down without the phony delays of a filibuster, especially a filibuster on the motion to proceed.

By the way, rule XIV is an effective rule of the Senate. Both sides have used that in order to expedite consideration of matters and everybody understands that, and everybody can then debate.

Mr. SESSIONS. I just recall when Senator DASCHLE was the majority leader, he brought up huge legislation outside of the committee that could not have been passed in the committee. We were forced to debate that legislation on the floor under rule XIV. To say there is some procedural problem here, when Senator HATCH has managed the bill through the committee process, when we have debated the bill, and when we have voted on the bill in committee, it came out 12 to 7, is baffling. As far as rule XIV is concerned, everybody was given notice of what would happen, this is just pure obstructionism. This is just an excuse to delay, delay, obstruct, obstruct.

We are coming to the end of this legislative session. We have a lot of things to do. One of the things we absolutely ought to do is to move this bipartisan bill to fix class action litigation in America. It is the right thing to do. It has the overwhelming majority support of the Members of this body. Yes, it has the opposition of a small but powerful little group of trial lawyers who put a lot of money in the political campaigns, but it is the right thing to do, and we ought to move forward with it.

I think there is every reason for those who believe in improving the legal system to be upset at the obstructionism that we are facing by a majority leader who has approved this. I think if we had some leadership on the other side by Senator DASCHLE, we could move this bill. To lay back is to allow the trial lawyers to control this matter.

There are a lot of reasons why we ought not have a single state judge in Madison County, as the Senator said, trying cases that have impact all over America. That is not good. A Federal court, with a Federal judge, with a quality group of law clerks, a fine staff, and by far a smaller caseload than most State judges have—I would say on the average, in my experience, that the State judges would carry maybe 10 times as many cases on their docket as a Federal judge has on the Federal court docket. The Federal judges give more attention to the cases and they have more ability to focus on a case. There is the ability to issue subpoenas nationwide and make things happen in ways that are more difficult in State court. So a major class action involving millions of dollars and thousands of plaintiffs from different states ought to be tried in Federal court when there is a majority of the people involved who are out of State.

This reform fixes some of the problems associated with class actions. It sets up legislation that gives special scrutiny for those abused coupon-related settlements, where the victims get coupons and lawyers get big fees.

It guarantees that notifications to class Members to be in plain English. It scrutinizes against a negative awards, where plaintiffs who may not have even known they were plaintiffs end up having to pay attorney's fees in a case they never authorized to go forward. It provides protection against unwarranted higher awards for certain class members, just because they are in a certain area of the country. And there are prohibitions on the payment of bounties.

It makes it more difficult, when you are facing a fair judge who you believe will rule on the law and give you a fair shake, not in a county that has a reputation of just hammering defendants in favor of the attorneys who file the cases. That allows defendants to litigate with integrity, and not feel they must just pay up, almost in the form of blackmail, to get the matter away so they can go on about their business. This is not a fair way to do business.

This bill has a lot of good things in it that will make this area of the law, class actions, better, more fair, and more objective.

I thank the chair and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO BRECK WALL

Mr. REID. Mr. President, I rise today to express my congratulations and best wishes to my longtime friend and fellow Nevadan, Mr. Breck Wall.

Born in Jacksonville, FL in 1934, Mr. Wall has lived an interesting and exciting life. As an entertainer, he has known many talented and famous people in the world of show business. He has also crossed paths with well-known people in other walks of life. In the early 60s, he performed in the Dallas nightclub owned by Jack Ruby, the man who shot Lee Harvey Oswald.

The Las Vegas Sun has called Breck "one of the most durable performers in Las Vegas," and that is no exaggeration. This year he is celebrating the 45th anniversary of a show called "Bottoms Up," which he created in 1959 at the old Adolphus Hotel in Dallas.

Breck based this show upon slapstick vaudeville comedy, which explains its long-running appeal. The show is very Las Vegas, therefore, is enjoyed all over America.

After producing "Bottoms Up" in Dallas and Houston for several years, Breck brought the show to Las Vegas in 1964 . . . and he has never left.

The show is now a Las Vegas institution. It has played at many of the finest hotels in town, including Ceasar's Palace and the old International Hotel where Elvis used to perform—now the Las Vegas Hilton. It is currently enjoying a run of several years at the Flamingo.

Breck has done more than 15,000 performances of this show, but he never gets tired of it . . . and neither do the audiences. The secrets of his longevity are a strong work ethic, and the kind of good nature that brings a smile and laughter to everyone who meets him.

I first met Breck in 1977 when I was chairman of the Nevada Gaming Commission. We were introduced by some mutual friends at an event, and we exchanged a few jokes. I could immediately sense Breck's warmth and his sharp wit.

We really became good friends a few years later, when I ran for Congress and Breck helped me with my campaign. Breck has produced shows for my campaign that have been exciting, entertaining and fun.

Helping other is typical of Breck Wall. Despite the demands of his travels and his work, he always finds time to contribute something to his community.

Most recently, he participated in the Golden Rainbow's 17th annual "Ribbon of Life" AIDS benefit at the Paris hotel in Las Vegas. This summer show helped raise more than a quarter of a million dollars for an organization dedicated to helping the men, women, and children living with HIV and AIDS.

I ask all my colleagues to join me in sending our good wishes to Mr. Breck Wall as he celebrates the 45th anniversary of "Bottoms Up," a Las Vegas entertainment tradition.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a horrific crime that occurred in West Hollywood, CA. After hugging a male friend outside of his home in September 2002, actor Treve Brody was beaten with a baseball bat. Mr. Brody was in a coma, and spent 10 weeks in the hospital after being struck in the back of his head. He suffered memory loss and impaired vision that prevents him from reading or driving.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

MISCARRIAGE OF JUSTICE IN MEXICO

Mr. LEAHY. Mr. President, as one Member of Congress who believes that we have a strong interest in broadcasting and strengthening our relations with Mexico, I was appalled to read a recent Washington Post article entitled "Three Americans Jailed in Bizarre Mexican Land Dispute."

Mexico is a country of 100 million people. We share a border. We share a wide range of cultural, economic, political, and other interests. Yet our history has been a troubled one, and the election of Vicente Fox offered an historic opportunity to begin to build a new relationship based on trust, mutual understanding, and shared goals.

Regrettably, President Bush, who shortly after his inauguration spoke convincingly of his intention to give a high priority to U.S.-Mexican relations, has failed to turn those words into action. Little has been accomplished. I am afraid that once again, the hopes and aspirations of both Mexicans and Americans will be for naught.

The President needs to recognize that as important as the Middle East and the Persian Gulf are to U.S. and global security, we have vital interests right here in our own hemisphere. I remember how during the 1980s we spent billions of dollars to wage proxy wars in Central America. Yet when those wars were over, we turned our back. Today, with the exception of our counter-drug programs in the Andes, which as we have seen recently in Bolivia are of dubious merit, we spend a pittance to support economic and political development in these countries the majority of whose people remain impoverished and without meaningful political or legal rights. Our policy is short sighted and it will cost us in the long run.

Of all countries in the hemisphere, none is more important to U.S. interests than Mexico, it would be difficult to think of any issue—immigration, tourism, trade, infectious disease, water security, environmental pollution, democracy and the rule of law, organized crime—that does not cry out for broader cooperation. I hope President Bush, and his capable new Assistant Secretary of State for Western Hemisphere Affairs, Roger Noriega, will give renewed attention to these issues during the remaining years of President Fox's term.

I mention this because earlier this year, I sponsored, with Senator REID, Senator DASCHLE and others, an amendment which authorized $100 million to be spent in Mexico to promote micro credit programs, small business entrepreneurship, private property ownership, and support for small farmers who have been affected by adverse economic conditions. I felt it was important to make a strong statement, through legislation, that we need to devote significant resources to help address these problems. Our amendment was adopted, and it is my hope that we can include a portion of those funds for Mexico in the fiscal year 2004 Foreign Operations Act.

But my support for providing those funds will depend on whether the case which is the subject of the Washington Post article I mentioned is satisfactorily resolved. The three Americans who have been arrested are the victims of an absurd miscarriage of justice. Fortunately, according to the article, the American Embassy in Mexico is following the case closely, and recognizes that these three people have done nothing wrong. To the contrary, they have generously cared for an ailing, elderly American, Russell Ames, who lost his wife Jean Ames three years ago. Jean Ames was a wonderful woman, and her death was a great blow to Russell Ames. Ames, already in his late eighties at the time of his wife's death, would never have been able to continue to live in his home in a small village near Oaxaca, Mexico, without the around-the-clock care of Mary Ellen Sanger and the other Americans who lived on the property.

My office has conveyed my concern about the unlawful arrests and detentions of these three Americans to the Mexican Embassy in Washington. These people should be immediately released and the cases against them dismissed. And, just as important, President Fox, who has repeatedly said that his presidency stands for the rule of law, should determine whether the Mexican official who is responsible for this travesty should be removed from his position.

I ask unanimous consent to print the aforementioned article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 18, 2003]

THREE AMERICANS JAILED IN BIZARRE MEXICAN LAND DISPUTE

CARETAKERS OF MAN, 91, HELD IN STANDOFF INVOLVING A MEMBER OF PRESIDENT FOX'S CABINET

(By Kevin Sullivan)

OAXACA, Mexico—Three U.S. citizens, including a man dying of cancer, have been jailed here and face up to 14 years in prison in a land dispute involving a member of President Vicente Fox's cabinet.

The Americans, two men and a woman, are long-term friends and caretakers for a former U.S. college professor, Russell Ames, 91, who has lived in Oaxaca since 1959. Ames and his late wife sold their land to the University of the Americas in Mexico City in 1988 in exchange for lifetime rights to remain on the property. But now the university, whose president, Alejandro Gertz Manero, is on leave serving as Fox's minister of public security, is trying to force Ames off the land.

A municipal judge and a squad of state police officers arrived at Ames's property on Friday in an attempt to evict him. Neighbors said about 60 people who live in a nearby village, including the mayor and police chief, came to support Ames, blocking his removal.

Ames said that arresting his three friends on charges of trying to take over the land for themselves was a "ridiculous" attempt to intimidate him into leaving.

"These three Americans are innocent bystanders and the embassy feels what has happened to them is an outrage," said Laura Clerici, consul general at the U.S. Embassy in Mexico City, which has sent officials to monitor the case.

U.S. Ambassador Tony Garza has complained about the case to Gertz, who is also a university trustee. Gertz said the arrests were legal and that he has not improperly used his influence in the case.

The case is one of a number of land disputes involving Americans who live or own property in Mexico. Earlier this year an American couple was forced off land they owned in the southern state of Chiapas by local residents wielding machetes. Three years ago scores of U.S. citizens lost millions of dollars in investments when they were evicted from oceanfront homes they bought in Ensenada in the western state of Baja, California. U.S. officials at the time blamed the losses on a lack of consistency and transparency in Mexican property laws. At least half a dozen more major disputes are pending over property owned by Americans along the Caribbean coast.

"We are being held hostage," Mary Ellen Sanger, one of the three jailed Americans, said in an interview in a state prison here. Sanger, 45, a native of Schenectady, N.Y., said she had been assigned latrine-cleaning duty in the prison and slept on a concrete floor with 44 other women in a communal cell.

Sanger has been a caretaker, feeding, dressing and walking with Ames for almost three years. Joseph Simpson, widower who is about 72 and suffering from late-stage terminal throat cancer, has been a caretaker on the property for more than a decade. He is now under police guard at a Oaxaca hospital, where U.S. Embassy officials who visited him said he was in grave condition. John Barbato, 58, from Nevada City, Calif., a poet and artist who has known Ames since 1985, rents a small house on the property and is in prison with Sanger.

Despite their longstanding ties to Ames and the property, the three were arrested on Oct. 6 and charged with violently taking possession of the land on May 1. U.S. officials said the arrest warrant claimed the three Americans moved onto the property that day in a conspiracy to take the land for themselves, charges that carry a penalty of three to 14 years in prison.

"That's the stupidest thing I've ever heard," said Ames, who was being fed dinner and ice cream by Sanger when a squad of police arrived at his house to make the arrests. "They took care of me for several years. I felt enormously lucky to be taken care of by them. Most people my age don't have anybody, or are just miserable."

The underlying issue behind the arrests is the dispute over the land where Ames lives, a parcel worth an estimated $250,000 in one of Mexico's most popular tourist destinations.

Ames said the sale of his land to the university was part of a charitable donation. Records show that the property was in the name of his wife, Jean Ames, who transferred ownership to the university for $60,000, half of its assessed value at the time. Ames said he and his wife never received that money; the listed purchase price was simply a legal formality for tax purposes. In return, Ames said the university agreed to allow him and his wife to live on the land for the rest of their lives, and to pay them up to $4,000 a year.

Gertz, who became president of the university in 1995, said in an interview that the land deal was made with Jean Ames only. The notarized sale agreement specifies that only she would have lifetime rights to the land. But numerous letters contained in Ames' files show that his wife intended that both of them be allowed to live out their lives there.

"If he's saying that I have no rights here at all, that's ridiculous," Ames said. "We were dealing with splendid people at the university back then. And they made a provision for me that I could live here for the rest of my life."

Ames and his wife lived together on the land until Jean Ames died in 2000 at age 92. Then, in May of this year, Ames was served with an eviction notice by the university, giving him nine days to vacate the property and ordering him to pay nearly $40,000 in back rent—$1,000 a month since the death of his wife. Ames said he was stunned and angry. He hired a lawyer and filed a civil suit against the university, saying he no longer wanted it to have his land. That case is pending.

Gertz said that following the death of Jean Ames, Russell Ames should have sent the university a letter asking permission to remain on the property. However, despite the eviction notice, Gertz said Ames would "of course" be allowed to stay on the property until he dies if he seeks university permission now.

Gertz said Sanger, Simpson and Barbato never asked the university's permission to live on the land, so they were trespassing and deserved to be arrested. But Ames said he believes the three Americans were jailed on trumped-up charges to intimidate him into leaving his property and dropping his civil suit.

"I hope this is a big bluff, but I'm scared," Barbato said.

MAKING AMERICA STRONGER

Mr. LIEBERMAN. Mr. President, in September I issued a major report on restoring U.S. manufacturing. I commend this report to my colleagues. It can be found at www.Lieberman.Senate.gov.

The collapse of our manufacturing sector is heart breaking. We have lost 144,000 manufacturing jobs in the last 3 months and 2.8 million since July of 2000. And this is during what is supposed to be an economic recovery. In terms of jobs, the U.S. manufacturing sector has slipped every month for the last 38 months. In my own State of Connecticut we have lost more than 14 out of every 100 manufacturing jobs in the past 3 years, and it is cold comfort that we are not the worst.

Our manufacturing sector is hemorrhaging jobs at a dismaying rate. And not just jobs but industries. Economists at the Federal Reserve Bank of New York recently published an analysis of the current "jobless recovery." Their conclusion is stark:

"Our inquiry into the reasons for the current labor market slump suggests that structural change has played an important role.

Industries that lost jobs during the recession have continued to shrink during the recovery, and permanent job losses have eclipsed temporary layoffs."—"Has Structural Change Contributed to a Jobless Recovery?" (Erica L. Groshen and Simon Potter)

As the report highlights, there are many reasons behind these closed plants, these lost jobs, these devastated families. Fierce competition from overseas competitors—some of them playing on fields tilted distinctly in their favor—has played a major role. So did the severe recessions we are only now climbing out of. The collapse of the telecom industry had severe consequences for manufacturers that served the electronics and information technology industries. This report discusses a number of challenges and problems facing American industry.

But the most imperative question remains, "What does the Bush administration intend to do about it?" Its recent acknowledgment of foreign country manipulation of their currencies is welcome, but the Administration is not utilizing its current authority to remedy this abuse; this is the key point of my legislation, S. 1592, the Fair Currency Enforcement Act of 2003, discussed in depth in this report. Creating an Assistant Secretary for Manufacturing and Office of Industry Analysis simply rearranges existing boxes, and submerges them deep in the Commerce Department. This report recommends making the Commerce and Defense Secretaries themselves responsible. Their plan remains lacking in content and vision. It is all about gestures, not actions.

Forgive me, but the time has come to be blunt. Every sector of the American economy plays a role in the strength and security of our nation, but the role played by manufacturing is unique, and uniquely important. To do nothing, to roll over and play dead, is not the American way. Sadly, it seems to be the approach favored by the current Administration.

The problems we face are complex, the response needs to be thorough, broad-based, and coordinated. That is what this report is really about. Here we present the broadest, most comprehensive and insightful plan to revitalize U.S. manufacturing yet proposed.

We need to understand that trade is not the problem, it is part of the solution. And we need to deal with the obstacles raised in some countries to a free and fair trade in American goods. We need to invest in the future of manufacturing, in the research and development of new, path-breaking manufacturing processes. We need to invest in our workforce, in the training and education needed to excel and prosper in a world labor market. We need to reinvigorate partnerships between state and Federal Government, and between government and industry.

Indeed, this is not a task for government alone. The proposals outlined in this report call upon industry and academia, upon labor and management, upon the private and public sectors to contribute to the solutions we need.

It will require all of us, pulling together.

I want to thank Michael Baum, along with William Bonvillian and Chuck Ludlam of my staff, for their efforts in preparing what I believe will be a useful and timely report.

AUDITOR INDEPENDENCE AND TAX SHELTERS ACT

Mr. BAUCUS. Mr. President, I rise today in support of Senator LEVIN's bill, S. 1767, the Auditor Independence and Tax Shelters Act. I am pleased to be an original cosponsor. The Auditor Independence and Tax Shelters Act compliments the legislation that I introduced last year, the Tax Shelter Transparency Act.

Just this year, the Tax Shelter Transparency Act has been passed by the Senate Finance Committee four times—in the Energy bill, the CARE Act, the Jobs and Growth bill, and most recently as part of the Jumpstart Our Business Strength Act. The same legislation has passed the full Senate three times—in the Energy bill, the CARE Act, and in the Jobs and Growth bill.

Senator LEVIN's legislation shuts down tax shelter promotion from the audit and financial statement side of the equation. Specifically, S. 1767 would strengthen auditor independence by prohibiting them from providing tax shelter services to their audit clients. The legislation would also reduce potential auditor conflicts of interest by codifying four auditor independence principles to guide the audit committees of the Board of Directors of a publicly traded company, when that committee is required by the Sarbanes-Oxley Act to decide whether the company may provide certain non-audit services to the corporation.

The proliferation of abusive tax shelters has been referred to as our nation's most significant tax compliance problem. The development, selling, and buying of tax shelters has also been characterized as a "race to the bottom." The New York State Bar Association said "the constant promotion of these frequently artificial transactions breeds significant disrespect for the tax system, encouraging responsible corporate taxpayers to expect this type of activity to be the norm, and to follow the lead of other taxpayers who have engaged in tax advantaged transactions."

Simply put, this is unacceptable. It has been 2 years since the collapse of Enron. The Sarbanes-Oxley Act took significant steps to restore confidence in corporate America. But, when it comes to ensuring auditor independence, Sarbanes-Oxley did not go far enough. The passage of the Auditor Independence and Tax Shelters Act will help ensure that last year's corporate reform efforts have their intended effect of restoring real independence to the "independent audit."

This morning, the Senate Finance Committee held a hearing on tax shelters. We learned that the tax shelter problem is widespread. Tax shelter schemes are not just an Enron and Arthur Andersen phenomenon. They are developed and promoted by accounting firms, law firms, and investment banks. Many corporations and individuals purchase tax shelters.

To give you an idea of the burden they are placing on these honest taxpayers—during the 1990s alone—actions taken to shut down the tax shelters that we knew about saved the American taxpayer $80 billion. More recently, a study commissioned by the IRS estimates the current cost to honest taxpayers ranges from $14 billion to $18 billion a year. That is up to $180 billion over ten years. I am simply unwilling to tell the schoolteacher in Montana that he needs to pony up a little more because Congress is unwilling to shut down a loophole that is costing tens of billions every year.

However, since the collapse of Enron, the Congress has failed to enact a single piece of tax legislation to curb tax shelter abuses. The time has come to shut down these abusive practices. I urge all of my congressional colleagues in the House and the Senate—to support the Auditor Independence and Tax Shelters Act and the Tax Shelter Transparency Act and send both of these pieces of tax shelter legislation to the President for his signature by the end of the year.

TRIBUTE TO LUIS FERRÉ

Mr. CORZINE. Mr. President, today, an icon of Puerto Rico has passed away. I want to express my sadness at the passing of Luis Ferré, former Governor of Puerto Rico, only 4 months shy of his 100th birthday.

Luis Ferré was a great leader, businessman, and a faithful believer in social justice. Born February 17, 1904, in the city of Ponce, Puerto Rico, Ferré was a member of the Assembly that produced Puerto Rico's 1952 Constitution. In 1969, he became the Island's third Governor under its new constitution. He established the Luis A. Ferré Foundation to support the development of the arts and the culture, and in 1991, received the Medal of Liberty from President George H.W. Bush.

I extend my condolences to the Ferré family and to all Puerto Ricans, on the Island and here on the mainland.

IN MEMORY OF GREG PALLAS

Mr. BREAUX. Mr. President, I rise today to pay tribute to an extraordinary man, a former senior staff member to this body and a good friend, Greg Pallas. Greg lost a long and courageous battle with a rare form of cancer, and passed away on October 17, 2003.

Greg was born on June 27, 1952, in Los Angeles. He graduated from the New York Military Academy and United States Naval Academy Class of 1973. After graduation, Greg served as a Naval Officer aboard the USS *Kitty Hawk*, U.S. Pacific Fleet, and then went to work at the Pentagon.

Following his distinguished career in the military, Greg continued to serve his country as an outstanding staff member of the United States Senate. For 18 years, Greg was Legislative Director and later Chief of Staff to our friend and colleague, Senator J. James Exon of Nebraska where Greg was instrumental in managing the work of the Senate Budget Committee.

When Senator Exon retired in 1996, Greg left the Senate and became the Director of Congressional Liaison and Business Development at ITT Industries, Defense in McLean, VA.

Greg was a member of Emanuel Lutheran Church, the American Legion Post 199, the Military Order of the Carabao, the U.S. Navy Public Affairs Alumni Association and the Navy League.

Greg is survived by his loving and devoted wife, Diane McRee, one of my own dear friends and herself a longtime staff member to the United States Congress, and his cousin, Connie Traver.

I admired Greg. He cared deeply about the Senate and about his country. I know the entire extended family of the United States Senate joins me in sorrow at the loss of our friend.

We were privileged to know and to work with him, and we offer our condolences and prayers to Diane and to all of Greg's friends.

ADDITIONAL STATEMENTS

TRIBUTE TO THE FERN CREEK QUILT LOVERS

• Mr. BUNNING. Mr. President, I pay tribute to the Fern Creek Quilt Lovers for the charity and goodwill they have demonstrated to ailing children in Kentucky.

The Fern Creek Quilt Lovers, which is a group of approximately a dozen members, has been meeting for several years at the home of one of the members for "quilt work day." The group sews in the morning, breaks for lunch, and then returns to the quilting work in the afternoon. This work has rendered over 500 quilts in the past several years, each of which has been donated to Kosair Children's Hospital.

Kosair Children's Hospital, a hospital in Louisville, KY, is home to many critically ill children. The most severely ill of these children in Kosair Children's Hospital each receive a quilt as a gift of love and compassion. Often, as the Fern Creek Quilt Lovers hope, these quilts provide more than just warmth and comfort to these children, but hope as well.

I am grateful to the Senate to allow me to honor and recognize the Fern Creek Quilt Lovers today. I appreciate their loyalty to Kentucky and their community. They have been a shining example of leadership, hard work, and compassion. They are an inspiration to all throughout the Commonwealth. Congratulations, Fern Creek Quilt Lovers. You are Kentucky at its finest.•

150TH ANNIVERSARY OF THE VERMONT STANDARD

• Mr. JEFFORDS. Mr. President, I congratulate The Vermont Standard on its sesquicentennial anniversary. The Vermont Standard is the hometown weekly newspaper of Woodstock, VT, which sits alongside the Ottauquechee River in Windsor County.

Every Thursday, residents of Windsor County can catch up on local sports scores, learn about their students' recent achievements, and read columns written by their neighbors about wildlife, the outdoors, and other community goings-on. Advertisements for area stores and businesses and photographs of neighbors at area events line the pages of the paper's sections. News from each town in the "Town News" section is written by people who live in each town and who understand each town. Everybody receives The Vermont Standard and everybody reads it.

The Vermont Standard traces its origins back to April 29, 1853, when owner Louis Pratt, Jr. and editor Dr. Thomas Powers began publishing The Vermont Temperance Standard with the goal of stopping the consumption of alcohol and spreading the ideals of temperance. In January 1857, Wilber P. Davis and Luther O. Greene bought the newspaper, removed the word "temperance" from the title, and rededicated its influence through its circulation to the abolition of American slavery. Following Greene's death, the newspaper enjoyed a long line of respected owners, including W. H. Brown, W. H. Moore, Robert H. Matteson, Benton Dryden, Edward J. Bennett, and its current publisher, Phillip Cabot Camp.

As The Vermont Standard and its community celebrate this milestone, a group of local historians have been assembled as advisors during its anniversary. I congratulate the members of this executive board, including Publisher Phillip Camp, General Manager Jon Estey, Editor Kevin Forrest, Howard Coffin, David Donath, Peter Jennison, Corwin Sharp, Kathy Wendling, and Don Wickman.•

MESSAGE FROM THE HOUSE

At 12:07 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed S. 1591, an act to redesignate the facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, as the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building" without amendment.

The message further announced that the House has agreed to S. Con. Res. 66, a concurrent resolution commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy, without amendment.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 542. An act to repeal the reservation of mineral rights made by the United States when certain lands in Livingston Parish, Louisiana, were conveyed by Public Law 102–562.

H.R. 1446. An act to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

H.R. 2048. An act to extend the period for reimbursement under the Fishermen's Protective Act of 1967, and to reauthorize the Yukon River Salmon Act of 2000.

H.R. 3068. An act to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the "Brigadier General (AUS–Ret.) John H. McLain Post Office".

H.R. 3288. An act to amend title XXI of the Social Security Act to make technical corrections with respect to the definition of qualifying State.

The message further announced that the Speaker of the House has signed the following enrolled bill:

H.R. 1900. An act to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of the Congress that there should be a national day in recognition of Jackie Robinson.

The enrolled bill, previously signed by the Speaker of the House, was signed by the President pro tempore (Mr. STEVENS).

At 5:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, and agreed to the request for conference asked by the Senate on the disagreeing votes of the two Houses;

and appoints the following members to be managers of the conference on the part of the House: Mr. YOUNG of Florida, Mr. LEWIS of California, Mr. ROGERS of Kentucky, Mr. WOLF, Mr. KOLBE, Mr. WALSH, Mr. KNOLLENBERG, Mr. OBEY, Mr. MURTHA, Mrs. LOWEY, Mr. SERRANO, and Mr. EDWARDS.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2535. An act to reauthorize and improve the program authorized by the Public Works and Economic Development Act of 1965.

H.R. 3076. An act to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education, and for other purposes.

H.R. 3077. An act to amend title VI of the Higher Education Act of 1965 to enhance international education programs.

H.J. Res. 73. Joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

The message further announced that pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 note), as amended by section 681(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2651 note), the order of the House of January 8, 2003, and upon the recommendation of the Minority Leader, the Speaker appoints the following member on the part of the House to the Commission on International Religious Freedom for a 1-year term ending May 14, 2004 to fill the existing vacancy thereon: Ms. Patricia W. Chang of California.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 542. An act to repeal the reservation of mineral rights made by the United States when certain lands in Livingston Parish, Louisiana, were conveyed by Public Law 102-562; to the Committee on Energy and Natural Resources.

H.R. 1821. An act to award a congressional gold medal to Dr. Dorothy Height in recognition of her many contributions to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2048. An act to extend the period for reimbursement under the Fishermen's Protective Act of 1967, and to reauthorize the Yukon River Salmon Act of 2000; to the Committee on Commerce, Science, and Transportation.

H.R. 2535. An act to reauthorize and improve the program authorized by the Public Works and Economic Development Act of 1965; to the Committee on Environment and Public Works.

H.R. 3068. An act to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the "Brigadier General (AUS-Ret.) John H. McLain Post Office"; to the Committee on Governmental Affairs.

H.R. 3076. An act to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3077. An act to amend title VI of the Higher Education Act of 1965 to enhance international education programs; to the Committee on Health, Education, Labor, and Pensions.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1446. An act to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

The following joint resolution was read the first time:

H.J. Res. 73. Joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4831. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cove, Arkansas and Robert Lee, Texas)" (MB Doc. No. 03-143, 03-146) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4832. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mason and Fredericksburg, Texas)" (MB Doc. No. 03-14) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4833. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Avoca, Freeland, and Wilkes-Barre, Pennsylvania)" (MB Doc. No. 03-140) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4834. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bangs, Texas and De Beque, Colorado)" (MB Doc. No. 03-153) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4835. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ridgecrest, California)" (MB Doc. No. 03-145) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4836. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ephraim, Wisconsin)" (MM Doc. No. 00-238) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4837. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Application of Generally Accepted Accounting Principles for Federal Agencies and Generally Accepted Government Auditing Standards to the Universal Service Fund; Application of Generally Accepted Accounting Principles for Federal Agencies and Generally Accepted Government Auditing Standards to the Telecommunications Relay Service Fund" (FCC03-232) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4838. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grants, Milan, and Shiprock, NM, Van Wert and Columbus Grove, Ohio; and Lebanon and Hamilton, Ohio, and Fort Thomas, Kentucky)" (MM Doc. No. 01-118, -119, -122) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4839. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Junction, Dilley, Goree, Leakey, Sweetwater, Texas; Arnett and Sayre, Oklahoma; Hebbronville and Bruni, Texas; Rison, Arkansas; Matador, Turkey, and Richland Springs, Texas)" (MM Doc. Nos. 01-198, -200, -2-2, -203, -204, -236, -237, -238, -239, -240, -270, -272, -274) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4840. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Arthur, North Dakota)" (MM Doc. No. 01-12) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4841. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dickson and Pegram, Tennessee)" (MB Doc. No. 03-51) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4842. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Longview, Texas)" (MB Doc. No. 03-121) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4843. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Alamo Community, New Mexico)" (MM Doc. No. 01–158) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4844. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Manning and Moncks Corner, South Carolina)" (MM Doc. No. 01–121) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

C–4845. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Houston and Anchorage, Alaska)" (MM Doc. No. 01–37) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4846. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wickenburg, Bagdad, and Aguila, Arizona)" (MM Doc. No. 00–166) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4847. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Rapid City, South Dakota and Gillette, Wyoming)" (MM Doc. No. 00–186) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4848. A communication from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 2 of the Commission's Rules to Allocate the Band 33–36 GHz to the Fixed-Satellite Service for the Federal Government Use" (FCC01–130) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4849. A communication from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Review of Part 15 and other Parts of the Commission's Rules" (FCC03–149) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4850. A communication from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 2 and 15 of the Commission's Rules to Further Ensure that Scanning Receivers Do No Receive Cellular Radio Signals" (FCC01–160) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4851. A communication from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile Satellite Service" (FCC02–221) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4852. A communication from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Streamlining the Equipment Authorization Process; Implementation of Mutual Recognition Agreements and Begin Implementation of the Global Mobile Personal Communications by Satellite (GMPCS) Arrangements" (FCC01–141) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4853. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Reallocation and Service Rules for the 698–746 Spectrum Band (Television Channels 52–59)" (FCC01–364) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4854. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems" (FCC03–16) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4855. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Review of Part 15 and Other Parts of the Commission's Rules" (FCC 02–211) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4856. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Communications Assistance for Law Enforcement" (FCC 02–108) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4857. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Telecommunications Services for Individuals with Hearing and Speech Disabilities; Recommended TRS Cost Recovery Guidelines; Request by Hamilton Telephone Company for Clarification and Temporary Waivers" (FCC01–371) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4858. A communication from the Chief, Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 1.80(b) of the Commission's Rules" (FCC97–2) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4859. A communication from the Chief, Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 1.80(b) of the Commission's Rules and Adjustment of Forfeiture Maxima to Reflect Inflation" (FCC00–347) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4860. A communication from the Assistant Chief, Pricing Policy Bureau, Wireline Competition Bureau, transmitting, pursuant to law, the report of a rule entitled "Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers" (FCC03–139) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4861. A communication from the Deputy Division Chief, Competitive Policy Division, Wireline Competition Bureau, transmitting, pursuant to law, the report of a rule entitled "In the Matter of the Pay Telephone Reclassification and Compensation Provision of the Telecommunications Act of 1996" (FCC01–109) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4862. A communication from the Associate Chief, Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Section 245(g) of the Communications Act of 1934 as Amended; Review of the CPE and Enhanced Services Unbundling Rules in Interexchange, Exchange Access and Local Exchange Markets" (FCC01–98) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4863. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Federal-State Joint Board on Universal Service" (FCC03–20) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4864. A communication from the Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Schools and Librarians Universal Service Support Mechanism" (FCC02–175) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4865. A communication from the Assistant Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Petition by the United States Department of Transportation for Assignment of an Abbreviated Dialing Code (N11) to Access Intelligent Transportation System (ITS) Services Nationwide" (FCC00–256) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4866. A communication from the Deputy Division Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 2 and 97 of the Commission's Rules to Create a Low Frequency Allocation for the Amateur Radio Service" (FCC03–105) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4867. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Imported Fire Ant; Approved Treatments" (Doc. No. 02-115–2) received on October 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4868. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of East Anglia with Regard to

Classical Swine Fever" (Doc. No. 00-080-3) received on October 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4869. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Emerald Ash Borer; Quarantine and Regulations" (Doc. No. 02-125-1) received on October 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4870. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sapote Fruit Fly" (Doc. No. 03-032-3) received on October 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4871. A communication from the Chief, Fee Section, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Schedule of Application Fees" (FCC02-202) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4872. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Telemarketing Sales Rule Fees" (RIN3084-AA86) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4873. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule and Technical Amendment to Amend Summer Flounder, Scup, and Black Sea Bass Quota Counting Procedures" (RIN0648-AP65) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4874. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Increased Assessment Rate" (Doc. No. FV03-945-1 FR) received on October 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4875. A communication from the Secretary of Defense, transmitting the report of a retirement; to the Committee on Armed Services.

EC-4876. A communication from the Director, Office of Federal Housing and Enterprise Oversight, transmitting the Office's Strategic Plan for Fiscal Years 2003-2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4877. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Reclassification of Lesquerella flilformis (Missouri Bladderpod) from Endangered to Threatened" (RIN1018-AH59) received on October 20, 2003; to the Committee on Environment and Public Works.

EC-4878. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue, transmitting, pursuant to law, the report of a rule entitled "Election of 4-year Ratable Spread of Income from Certain Partnerships or S Corporations" (Rev. Proc. 2003-79) received on October 20, 2003; to the Committee on Finance.

EC-4879. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue, transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Excise Taxes Collected by Return" (Rev. Proc. 2003-78) received on October 20, 2003; to the Committee on Finance.

EC-4880. A communication from the Independent Counsel, Office of Independent Counsel, transmitting, pursuant to law, the Office's 2001 Annual Report; to the Committee on Governmental Affairs.

EC-4881. A communication from the Chairman, National Endowment for the Humanities, transmitting the Endowment's multiyear strategic plan for the fiscal years 2004 through 2009; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 1132. A bill to amend title 38, United States Code, to improve and enhance certain benefits for survivors of veterans, and for other purposes (Rept. No. 108-169).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1763. A bill to designate the facility of the United States Postal Service located at 14 Chestnut Street, in Liberty, New York, as the "Ben R. Gerow Post Office Building"; to the Committee on Governmental Affairs.

By Mr. MILLER (for himself and Mr. CHAMBLISS):

S. 1764. A bill to designate the building located at 493 Auburn Avenue, N.E., in Atlanta, Georgia, as the "John Lewis Civil Rights Institute"; to the Committee on Environment and Public Works.

By Mr. LOTT (for himself and Mr. SESSIONS):

S. 1765. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Ms. SNOWE, Mr. BURNS, Mr. JEFFORDS, Mr. LAUTENBERG, and Mr. DODD):

S. 1766. A bill to amend the Food Security Act of 1985 to prohibit the use of certain conservation funding to provide technical assistance under the conservation reserve program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEVIN (for himself, Mr. MCCAIN, and Mr. BAUCUS):

S. 1767. A bill to prevent corporate auditors from providing tax shelter services to their audit clients; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BUNNING (for himself and Mr. SHELBY):

S. 1768. A bill to extend the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BREAUX:

S. 1769. A bill to provide for class action reform, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself, Mr. INOUYE, and Mr. DOMENICI):

S. 1770. A bill to establish a voluntary alternative claims resolution process to reach a settlement of pending class action litigation; to the Committee on Indian Affairs.

By Ms. SNOWE (for herself and Mr. CONRAD):

S. 1771. A bill to amend title XIX of the Social Security Act to permit States to obtain reimbursement under the medicaid program for care or services required under the Emergency Medical Treatment and Active Labor Act that are provided in a nonpublicly owned or operated institution for mental diseases; to the Committee on Finance.

By Mr. GRAHAM of South Carolina (for himself and Mr. DURBIN):

S. 1772. A bill to amend title 11 of the United States Code to establish a priority for the payment of claims for duties paid to the United States by licensed customs brokers on behalf of the debtor; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL (for himself, Mr. INOUYE, Mr. DOMENICI, and Ms. STABENOW):

S. Res. 248. A resolution expressing the sense of the Senate concerning the individual Indian money account trust fund lawsuit; to the Committee on Indian Affairs.

ADDITIONAL COSPONSORS

S. 269

At the request of Mr. JEFFORDS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 269, a bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 333

At the request of Mr. BREAUX, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 453, a bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 473

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 473, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 572

At the request of Mr. FRIST, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 572, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 982

At the request of Mr. SANTORUM, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S . 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 985

At the request of Mr. DODD, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1087

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1087, a bill to provide for uterine fibroid research and education , and for other purposes.

S. 1103

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1103, a bill to clarify the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services and to enforce the Hazard Analysis and Critical Control Point (HACCP) System requirements, sanitation requirements, and the performance standards.

S. 1222

At the request of Mr. NELSON of Nebraska, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1222, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services, in determining eligibility for payment under the prospective payment system for inpatient rehabilitation facilities, to apply criteria consistent with rehabilitation impairment categories established by the Secretary for purposes of such prospective payment system.

S. 1353

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1353, a bill to establish new special immigrant categories.

S. 1368

At the request of Mr. LEVIN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1414

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1558

At the request of Mr. ALLARD, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1558, a bill to restore religious freedoms.

S. 1567

At the request of Mr. FITZGERALD, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1567, a bill to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, and for other purposes.

S. 1568

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1568, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts.

S. 1595

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1595, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed individuals, and for other purposes.

S. 1612

At the request of Ms. COLLINS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1612, a bill to establish a technology, equipment, and information transfer within the Department of Homeland Security.

S. 1628

At the request of Mr. ALEXANDER, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1628, a bill to prescribe the oath of renunciation and allegiance for purposes of the Immigration and Nationality Act.

S. 1637

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

S. 1645

At the request of Mr. CRAIG, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Arkansas (Mr. PRYOR) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1666

At the request of Mr. COCHRAN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1666, a bill to amend the Public Health Service Act to establish comprehensive State diabetes control and prevention programs, and for other purposes.

S. 1741

At the request of Ms. COLLINS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1741, a bill to provide a site for the National Women's History Museum in the District of Columbia.

S. 1744

At the request of Mr. GRASSLEY, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 1744, a bill to prevent abuse of Government credit cards.

S. 1751

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1751, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

At the request of Mr. SESSIONS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1751, supra.

S. CON. RES. 21

At the request of Mr. BUNNING, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Con. Res. 21, a concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

S. CON. RES. 58

At the request of Mr. DEWINE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Con. Res. 58, a concurrent resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month.

S. CON. RES. 72

At the request of Mr. DASCHLE, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Con. Res. 72, a concurrent resolution commemorating the 60th anniversary of the establishment of the United States Cadet Nurse Corps and voicing the appreciation of Congress regarding the service of the members of the United States Cadet Nurse Corps during World War II.

S. CON. RES. 73

At the request of Mrs. FEINSTEIN, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Con. Res. 73, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Ms. SNOWE, Mr. BURNS, Mr. JEFFORDS, Mr. LAUTENBERG, and Mr. DODD):

S. 1766. A bill to amend the Food Security Act of 1985 to prohibit the use of certain conservation funding to provide technical assistance under the conservation reserve program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LEAHY. Mr. President, today I am pleased to introduce bipartisan legislation with Senators SNOWE, BURNS, JEFFORDS, LAUTENBERG and DODD to restore the conservation funding commitment Congress and the administration made to farmers and ranchers in the 2002 farm bill.

Despite the historic conservation funding levels in the 2002 farm bill, family farmers and ranchers offering to restore wetlands, or offering to change the way they farm to improve air and water quality, continue to be rejected when they seek U.S. Department of Agriculture (USDA) conservation assistance. Producers are being turned away due to USDA's decision earlier this year to divert $158.7 million from working lands conservation programs to pay for the cost of administering the Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP) despite a clear directive in the 2002 farm bill that the USDA use mandatory funds from the Commodity Credit Corporation (CCC) to pay for CRP and WRP technical assistance. In particular, USDA diverted $107.9 million from the Environmental Quality Incentives Program (EQIP), $27.6 from the Farmland and Ranchland Protection Program (FRPP), $14.6 million from the Grasslands Reserve Program, and $8.6 million from the Wildlife Habitat Incentives Program (WHIP) to pay for CRP and WRP technical assistance.

Although the 2002 farm bill clearly intended USDA to use CCC funds to pay for CRP and WRP technical assistance, USDA continues to ignore Congress's intent. The plain language of the statute and the legislative history, including a relevant colloquy, support this interpretation of the farm bill, and the General Accounting Office (GAO) concurred in a recent memo. I ask unanimous consent the GAO's memo and the text of the bill be printed in the RECORD following my remarks.

Our legislation would override USDA's decision and prevent funds from working lands incentive programs like EQIP and WHIP from being diverted to pay for the technical assistance costs of CRP. The House Agriculture Subcommittee on Conservation has already approved similar legislation, H.R. 1907, requiring each program to pay for its own technical assistance needs. Our legislation parallels that effort, by requiring CRP to pay for its own technical assistance needs. Simply put, our amendment would require the Administration to honor the 2002 Farm Bill and mandate that technical assistance for each program is derived from funds provided for that program.

By providing more than $6.5 billion for working lands programs like EQIP and WHIP in the 2002 farm bill, Congress dramatically increased funds to help farmers manage working lands to produce food and fiber and simultaneously enhance water quality and wildlife habitat. For example, EQIP helps share the cost of a broad range of land management practices that help the environment, include more efficient use of fertilizers and pesticides, and innovative technologies to store and reuse animal waste. In combination, these working lands programs will provide farmers the tools and incentives they need to help meet our major environmental challenges.

Full funding for working lands incentive programs like EQIP and WHIP is vital to helping farmers and ranchers improve their farm management and meeting America's most pressing environmental challenges. Because 70 percent of the American landscape is private land, farming dramatically affects the health of America's rivers, lakes and bays and the fate of America's rare species. Most rare species depend upon private lands for their survival, and many will become extinct without help from private landowners. When farmers and ranchers take steps to help improve air and water quality or assist rare species, they can face new costs, new risks, or loss of income. Conservation programs help share these costs, underwrite these risks, or offset these losses of income. Unless Congress provides adequate resources for these programs, there is little reason to hope that our farmers and ranchers will be able to help to meet these environmental challenges.

In addition, USDA conservation programs promote regional equity in farm spending. More than 90 percent of USDA spending flows to a handful of large farmers in 15 midwestern and southern States. As a result, many farmers and ranchers who are not eligible for traditional subsidies—including dairy farmers, ranchers, and fruit and vegetable farmers—rely upon conservation programs to boost farm and ranch income and to ease the cost of environmental compliance. Unlike commodity subsidies, conservation payments flow to all farmers and all regions. But the farmers and ranchers who depend upon these programs—farmers and ranchers who already receive a disproportionately small share of USDA funds—have faced a disproportionately large cut in spending this year.

It is time for Congress and the administration to honor the intent of the 2002 farm bill, by fully funding working lands conservation programs. The failure to adequately fund these working lands conservation programs is having a dramatic impact on both farmers and the farm economy and could become worse in future years if Congress does not address this matter. I urge my colleagues to support this important legislation.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

Funding for Technical Assistance for Conservation Programs Enumerated in Section 2701 of the 2002 Farm Bill, B-291241

October 8, 2002.

Hon. Herb Kohl,
Chairman.
Hon. Thad Cochran,
Ranking Minority Member, Subcommittee on Agriculture, Rural Development, & Related Agencies, Committee on Appropriations, U.S. Senate.
Hon. Henry Bonilla,
Chairman, Subcommittee on Agriculture, Rural Development, FDA & Related Agencies, Committee on Appropriations, House of Representatives.

Subject: Funding for Technical Assistance for Conservation Programs Enumerated in Section 2701 of the 2002 Farm Bill

This responds to your letters of August 30, 2002 (form Chairman Bonilla) and September 16, 2002 (from Chairman Kohl and Ranking Minority Member Cochran) requesting our opinion on several issues relating to funding technical assistance for the wetlands reserve program (WRP) and the farmland protection program (FPP). You asked for our views on the following issues:

(1) Does the annual limit on fund transfers imposed by 15 U.S.C. §714i (known as the section 11 cap) apply to Commodity Credit Corporation (CCC) funds used for technical assistance provided the WRP and FPP as authorized by the Farm Security and Rural Investment Act of 2002 (2002 Farm Bill)?

(2) Is the Department of Agriculture's Conservation Operations appropriation available for technical assistance for the WRP and the FPP? and

(3) Did the Office of Management and Budget's (OMB) July 18, 2002, decision not to apportion funds for technical assistance for the WRP and the FPP violate the Impoundment Control Act. [1]

For the reasons given below, we conclude that:

(1) the section 11 cap does not apply to funds for technical assistance provided for the conservation programs enumerated in section 3841, title 16, U.S.C., as amended by section 2701 of the 2002 Farm Bill;

(2) the Conservation Operations appropriations is not an available funding source for the WRP and the FPP operations and associated technical assistance; and

(3) OMB's failure to initially apportion WRP and FPP funds was a programmatic delay and did not constitute an impoundment under the Impoundment Control Act. Further, since OMB has approved recently submitted apportionments for these two programs, and since budget authority for both the WRP and the FPP was made available for obligation, there was no impoundment of funds in fiscal year 2002.

BACKGROUND

Section 2701 of the 2002 Farm Bill, Pub. L. No. 107–171, 116 Stat. 278, 279 (enacted on May 13, 2002) (codified at 16 U.S.C. §§3841 and 3842) amended section 1241 of the Food Security Act of 1985, 16 U.S.C. §3841, to provide that the Secretary of Agriculture (Secretary) shall use the funds of the CCC to carry out seven conservation programs, including the provision of technical assistance to, or on behalf of, producers. The WRP and the FPP are among the conservation programs named in the 2002 Farm Bill that are to be funded with CCC funds.

In its June 19, 2002, apportionment request, the Department of Agriculture (Agriculture) asked OMB to apportion a total of $587,905,000 in CCC funds to the Natural Resources Conservation Service (NRCS) for both financial and technical assistance related to section 3841 conservation programs. SF 132, Apportionment and Reapportionment Schedule for Farms Security and Rural Investment Programs, Account No. 1221004, July 18, 2002. Of the amount requested, Agriculture designated $68.7 million for technical assistance to be provided under the conservation programs. In its July 18, 2002, apportionment, OMB apportioned all of the funds for financial and technical assistance requested for the conservation programs, except $22.7 million designated for WRP and FPP technical assistance. *Id.* OMB reports that it did not apportion funds for WRP and FPP technical assistance at that time, because OMB believed that the section 11 cap, 15 U.S.C. §714i, limited the amount of funds that could be transferred from CCC to other government agencies for technical assistance associated with the section 3841 conservation programs, and that CCC funding of WRP and FPP technical assistance would exceed the section 11 cap. Letter from Philip J. Perry, General Counsel, OMB, to Susan A. Poling, Managing Associate General Counsel, GAO, September 16, 2002. In discussions with Agriculture regarding the use of CCC funds in excess of the section 11 cap for section 3841 technical assistance, OMB indicated to Agriculture that either CCC funds subject to the section 11 cap or Agriculture's Conservation Operations appropriation could be used to fund this technical assistance. *Id.*[2]

OMB reports that Agriculture recently submitted a new apportionment request for $5.95 million for WRP technical assistance (as well as the Conservation Reserve Program) which OMB approved on September 3, 2002. Id. OMB also reports that Agriculture submitted a new apportionment request for an additional $2 million in FPP financial assistance, which OMB approved on September 11, 2002, bringing the total apportionment for the FPP to the $50 million authorized by section 381. *Id.*

DISCUSSION

1. Section 11 Cap

The question whether the section 11 cap (15 U.S.C. §714i) applies to technical assistance provided through the conservation programs authorized by 16 U.S.C. §§3481, 3482, is one of statutory construction. It is a well-established rule of statutory construction that statutes should be construed harmoniously so as to give maximum effect to both whenever possible. B–259975, Sept. 18, 1995, 96–1 CPD ¶124; B–258163, Sept. 29, 1994. Based upon the language of the relevant statutes, we can read the statutes in a harmonious manner, and, in doing so, we conclude that the section 11 cap does not apply to technical assistance provided under the section 3841 conservation programs.

The section 11 cap is set forth in 15 U.S.C. §714i, which states, in pertinent part:

"The Corporation may, with the consent of the agency concerned, accept and utilize, on a compensated or uncompensated basis, the officers, employees, services, facilities, and information of any agency of the Federal Government, including any bureau, office, administration, or other agency of the Department of Agriculture . . . . The Corporation may allot to any bureau, office, administration, or other agency of the Department of Agriculture or transfer to such other agencies as it may request to assist it in the conduct of its business any of the funds available to it for administrative expenses. . . . After September 30, 1996, *the total amount of all allotments and fund transfers from the Corporation under this section* (including allotments and transfers for automated data processing or information resource management activities) for a fiscal year may not exceed the total amount of the allotments and transfers made under this section in fiscal year 1995."

(Emphasis added.) We note that the section 11 funding limitation applies only to funds transferred by the CCC to other agencies under the authority of section 11.

The 2002 Farm Bill, which amended subsection (a) of section 3841, directs the Secretary to use CCC funds to carry out the WRP and the FPP and five other conservation programs, including the provision of technical assistance as part of these programs. As amended, 16 U.S.C. §3841 provides, in pertinent part, as follows:

"For each of fiscal years 2002 through 2007, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out the following programs under subtitle D (*including the provision of technical assistance*):

* * * * *

(2) The wetlands reserve program under subchapter C of chapter 1.

* * * * *

(4) The farmland protection program under subchapter B of chapter 2, using, to the maximum extent practicable—(A) $50,000,000 in fiscal year 2002 * * * "

16 U.S.C. §3841(a) (emphasis added). Section 3841 provides independent authority for the provision of technical services to these programs.

The 2002 Farm Bill also added a new subsection (b) to section 3841. It is this provision that has generated the current dilemma: "Nothing in this section affects the limit on expenditures for technical assistance imposed by section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i)." 16 U.S.C. §3841(b). When read in the context of section 11, section 3841(b) makes clear that the section 11 cap applies only to funds transferred under section 11. Section 11 specifically imposes the cap on "fund transfers . . . under this section." Section 11 by its terms clearly does not apply to amounts transferred under other authority, such as section 3841(a). And we read section 3841(b) to make plain that, while the section 11 cap continues to apply to amounts transferred under section 11, it does not apply to amounts transferred by section 3841(a).

Accordingly, reading the above provisions harmoniously, we conclude that: (1) the section 11 cap by its own terms applies only to CCC funds transferred to other agencies under section 11; (2) 16 U.S.C. §3841(a) provides independent authority for the Secretary to fund the seven conservation programs named in that section out of CCC funds; and (3) 16 U.S.C. §3841(b) makes it clear that, while the section 11 cap still applies to funds transferred by the CCC to other government agencies for work performed pursuant to the authority of section 11, the section 11 cap does not apply to the seven conservation programs that are funded with CCC funds under the authority of 16 U.S.C. §3841(a).

Our conclusion that the section 11 cap does not apply to the seven conservation programs of section 384(a) is confirmed by a review of the legislative history of the 2002 Farm Bill, which shows that the Congress was attempting to make clear that section 3841 technical assistance was not affected by the section 11 cap. The legislative history to the 2002 Farm Bill unambiguously supports the view that the Congress did not intend the section 11 cap to limit the funding for technical assistance provided under the section 3841 conservation programs. In discussing the cap the Conference Committee stated: "The Managers understand the critical nature of providing adequate funding for technical assistance. For that reason, *technical assistance should come from individual program funds.*" H.R. Conf. Rep. No. 107-424 at 497 (May 1, 2002) (emphasis added). In discussing administration and funding of these conservation programs, the Conference Committee further explained that:

The Managers provide that *funds for technical assistance shall come directly from the mandatory money provided for conservation programs under Subtitle D. (Section 2701).*

In order to ensure implementation, the Managers believe that technical assistance must be an integral part of all conservation programs authorized for mandatory funding. Accordingly, the Managers have *provided for the payment of technical assistance from program accounts.* The Managers expect technical assistance for all conservation programs to follow the model currently used for the EQIP whereby the Secretary determines, on an annual basis, the amount of funding for technical assistance. Furthermore, the Managers intend that the funding will cover costs associated with technical assistance, such as administrative and overhead costs."

H.R. Conf. Rep. No. 107-424 at 48-499 (2002) (Emphasis added).

The "EQIP model" that the conferees referred to was established in the Federal Agriculture Improvement and Reform Act of 1996, Pub. L. No. 104-127, Subtitle E, §341, 110 Stat. 888, 1007 (1996) (1996 Farm Bill). For fiscal years 1996 through 2002, the Secretary was to use CCC funds to carry out the CRP, WRP and the Environmental Quality Incentives programs (EQIP). [3] Id. (Former 16 U.S.C. §3841(a)). More specifically, the 1996 Farm Bill authorized the Secretary to use CCC funds for technical assistance (as well as cost-share payments, incentive payments, and education) under the EQIP program. 16 U.S.C. §3841(b). Id. [4] While the 1996 Farm Bill authorized the use of CCC funds to carry out the CRP and WRP programs, it did not specifically authorize the funding of technical assistance out of program funds as it did for EQIP.

Importantly, five days before enactment of the 2002 Farm Bill when the Senate was considering the Conference Report on the Farm Bill, a colloquy among Senators Harkin, Chairman, Senate Agriculture, Nutrition and Forestry Committee, Lugar, its Ranking Republican Member, and Cochran, an Agriculture Committee member, [5] makes it unmistakably clear that the section 11 cap was not meant to apply to the provision of technical assistance with respect to any of the conservation programs named in 16 U.S.C. §3841(a):

"Mr. LUGAR. Mr. President, I wish to engage in a colloquy with the distinguished Senators from Iowa and Mississippi. Mr. President, the 1996 farm bill contained a provision which led to serious disruption in the delivery of conservation programs. Specifically, the 1996 act placed a cap on the transfers of Commodity Credit Corporation funds to other government entities. Is the distinguished Senator from Iowa aware of the so-called "section 11 cap?"

Mr. HARKIN. I thank the Senator from Indiana for raising this issue, because it is an important one. The Section 11 cap prohibited expenditures by the Commodity Credit Corporation beyond the Fiscal Year 1995 level to reimburse other government entities for services. Unfortunately, in the 1996 farm bill, many conservation programs were unintentionally caught under the section 11 cap. As a result, during the past 8 years, conservation programs have had serious shortfalls in technical assistance. There was at least one stoppage of work on the Conservation Reserve Program. The Appropriations Committees have had to respond to the problem ad hoc by redirecting resources and providing emergency spending to deal with the problem. This has been a problem not just in my state of Iowa or in your states of Indiana and Mississippi; it has been a nationwide constraint on conservation.

Mr. COCHRAN. I thank the Chairman for the clarification, and I would inquire whether the legislation under consideration here today will fix the problem of the section 11 cap for conservation programs.

Mr. HARKIN. I thank the Senator from Mississippi for his attention to this important issue. *Section 2701 [16 U.S.C. §3841] of the Farm Security and Rural Investment Act of 2002 recognizes that technical assistance is an integral part of each conservation program.* Therefore, technical assistance will be funded through the mandatory funding for each program provided by the bill. As a result, *for directly funded programs,* such as the Conservation Security Program (CSP) and the Environmental Quality Incentives Program (EQIP), *funding for technical assistance will come from the borrowing authority of the Commodity Credit Corporation, and will no longer be affected by section 11 of the CCC Charter Act.*

For those programs such as the CRP, WRP, and the Grasslands Reserve Program (GRP), which involve enrollment based on acreage, the technical assistance funding will come from the annual program outlays apportioned by OMB again, from the borrowing authority of the CCC. *These programs, too, will no longer be affected by section 11 of the CCC Charter Act.* This legislation will provide the level of funding necessary to cover all technical assistance costs, including training; equipment; travel; education, evaluation and assessment, and whatever else is necessary to get the programs implemented.

Mr. LUGAR. I thank the Chairman for that clarification. With the level of new resources and new workload that we are requiring from the Department, and specifically the Natural Resources Conservation Service, I hear concerns back in my state that program delivery should not be disrupted, and the gentleman has reassured me that it will not."

148 Cong. Rec. S3979, 4020 (daily ed. May 8, 2002) (emphasis added). In our view, the Congress intended all funding for the seven conservation programs authorized in section 3841 (§2701 of the 2002 Farm Bill), including funding for technical assistance, to be mandatory funding drawn from individual program funds, rather than from CCC's administrative funds that are subject to the section 11 cap. Accordingly, based on the language of 3841, we conclude that the section 11 cap does not apply to funds for technical assistance provided under the conservation programs enumerated in section 3841.

2. Availability of the Conservation Operations Appropriation. The next issue is whether the Department of Agriculture's Conservation Operations appropriation is available for technical assistance for the WRP and the FPP. As noted above, this issue arose when OMB advised Agriculture that its Conservation Operations appropriation could be used to fund this technical assistance. For the reasons that follow, we conclude that Agriculture may not use its Conservation Operations appropriation to fund the WRP and FPP.

The fiscal year 2002 Appropriation for the Conservation Operations account provides in pertinent part:

NATURAL RESOURCES CONSERVATION SERVICE
CONSERVATION OPERATIONS

"For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase. . . ."

Pub. L. No. 107-76, 115 Stat. 704 at 717, 718 (2001). In addition to its availability to carry out the provisions of the Act of April 27, 1935 (16 U.S.C. §590a-f), the fiscal year 2002 Conservation Operations appropriation is also available to carry out a variety of other specified programs such as those authorized by 7 U.S.C. §428a, 7 U.S.C. §2209b, 7 U.S.C. §2250a, §202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. §1592(c)); section 706(a) of the Organic Act of 1944 (7 U.S.C. §2225), for employment under 5 U.S.C. §3109 and 16 U.S.C. §590e-2.

OMB asserts that the language of the Conservation Operations appropriation and the Act of April 27, 1935 cited therein are broad enough to encompass the technical assistance that Agriculture will provide under the WRP, the FPP and the other section 3841 conservation programs. Since the technical services provided by Agriculture under the WRP and the FPP (and other section 3841 conservation programs) fall within the general purposes articulated in the fiscal year 2002 Conservation Operations appropriation, OMB considers the Conservation Operations appropriation as an additional available source of funding for technical assistance provided as part of the section 3841 conservation programs. In other words, the Conservation Operations appropriation is available to continue financing for the FPP and the WRP, when, in OMB's view, the section 11 cap limits the availability of CCC funds for those programs. We do not agree.

First, the Conservation Operations appropriation identifies specific programs that it is available to fund, including the authority to carry out the provisions of the Act of April 27, 1935 (16 U.S.C. §590a-f) cited by OMB above. However, none of the specific statutory programs identified in the Conservation Operations appropriation include the FPP or the WRP found in 16 U.S.C. §§3838h-3838i and 3837-3737f, respectively. The FPP and the WRP were authorized by Title XII of the Food Security Act of 1985, as amended, and the provisions of the Food Security Act of 1985 are not among the statutes listed in the Conservation Operations appropriation as an object of that appropriation. Thus, the Conservation Operations appropriation by its own terms does not finance Agriculture programs and activities under the Food Security Act. [6] [7]

Second, even if the language of the Conservation Operations appropriation could reasonably be read to include the WRP and the FPP, section 3841, as amended by the 2002 Farm Bill, very specifically requires that funding for technical assistance will come from the "funds, facilities, and authorities" of the CCC. Indeed, the statute is unequivocal—the Secretary "shall use the funds" of the CCC to carry out the seven conservation programs, including associated technical assistance. It is well settled that even an expenditure that may be reasonably related to a general appropriation may not be paid out of that appropriation where the expenditure falls specifically within the scope of another appropriation. 63 Comp. Gen. 422, 427–28, 432 (1984); B–290005, July 1, 2002.[8]

Third, this view is supported by the Senate colloquy on the 2002 Farm Bill Conference report:

"Mr. COCHRAN. It is then my understanding that, under the provisions of this bill, the technical assistance necessary to implement the conservation programs will not come at the expense of the good work already going on in the countryside in conservation planning, assistance to grazing lands, and other activities supported within the NRCS conservation operations account. And, further, this action will relieve the appropriators of an often reoccurring problem.

Mr. HARKIN. Both gentlemen are correct. The programs directly funded by the CCC–EQIP, FPP, WHIP, and the CSP—as well as the acreage programs—CRP, WRP, and the GRP—*include funding for technical assistance that comes out of the program funds. And this mandatory funding in no way affects the ongoing work of the NRCS Conservations Operations Program.*"

148 Cong. Rec. S3979, 4020 (daily ed. May 8, 2002) (emphasis added). This colloquy underscores the understanding that the 2002 Farm Bill specifically requires that funding for technical assistance will come from the borrowing authority of the CCC and will not interfere with other activities supported by the Conservation Operations appropriation.

Furthermore, before passage of the 1996 Farm Bill, which made a number of conservation programs, including the WRP, mandatory spending programs, the WRP received a separate appropriation for that purpose. In other words, before the 1996 farm bill provided CCC funding to run the program, the WRP was not funded out of the Conservation Operations appropriation. Pub. L. No. 103–330, 108 Stat. 2453 (1994); Pub. L. No. 102–142, 105 Stat. 897 (1991). Moreover, Agriculture has previously concluded that the Conservation Operations appropriation is not available to fund technical assistance with respect to programs authorized under provisions of the Food Security Act. Their reasoning tracks ours—the provisions of the Food Security Act are not among the statutes cited in the Conservation Operations appropriation. Memorandum from Stuart Shelton, Natural Resources Division to Larry E. Clark, Deputy Chief for Programs, Natural Resources Conservation Service and P. Dwight Holman, Deputy Chief for Management, Natural Resources Conservation Service, October 7, 1998 (Conservation Operations appropriation is not available to fund technical assistance for the Conservation Reserve Program); GAO/RCED-99–247R, Conservation Reserve Program Technical Assistance, at 9 (Aug. 5, 1999).

Thus, the Conservation Operations appropriation is not an available funding source for WRP and FPP operations and associated technical assistance. To the extent that Agriculture might have used the Conservation Operations appropriation for WRP, Agriculture would need to adjust its accounts accordingly, deobligating amounts it had charged to the Conservation Operations appropriation and charging those amounts to the CCC funds. We note that in this event OMB would need to apportion additional amounts from CCC funds to cover such obligations.

3. Impoundment Control Act

The last question is whether OMB's July 18, 2002, decision not to apportion funds for technical assistance for the WRP and the FPP constitutes an impoundment under the Impoundment Control Act of 1974. Based upon the most recent information provided by OMB, to the extent OMB did not initially apportion funds for the FPP or the WRP, the delay was programmatic and did not constitute an impoundment of funds. Also, based on information recently provided by OMB, no impoundment of funds is occurring with respect to the FPP or the WRP.

We generally define an impoundment as any action or inaction by the President, the Director of OMB or any federal agency that delays the obligation or expenditure of budget authority provided in law. Glossary or Terms Used in the Federal Budget Process, Exposure Draft, GAO/AFMD-2.1.1, Page 52 (1993).[9] However, our decisions distinguish between programmatic withholdings outside the reach of the Impoundment Control Act and withholdings of budget authority that qualify as impoundments subject to the Act's requirements. B–290659, July 24, 2002. Sometimes delays are due to legitimate program reasons. Programmatic delays typically occur when an agency is taking necessary steps to implement a program even if funds temporarily go unobligated. Id. Such delays do not constitute impoundments and do not require the sending of a special message to the House of Representatives and the Senate under 2 U.S.C. §684(a). *Id.*

Here, OMB initially did not apportion funds for WRP and FPP technical assistance because it believed the section 11 cap was applicable and would be exceeded. OMB's General Counsel states that OMB reserved apportioning budget authority to discuss its funding concerns with Agriculture. These funding concerns generated a "vigorous and healthy internal legal discussion" between the Department of Agriculture and OMB. Letter from Nancy Bryson, General Counsel, Department of Agriculture to the Honorable Tom Harkin, Chairman, Senate Committee on Agriculture, Nutrition and Forestry, September 24, 2002. Since OMB delayed apportionment of technical assistance funds because of uncertainty concerning the applicability of statutory restrictions and since OMB approved Agriculture's subsequent apportionment requests, we conclude that OMB did not impound funds under the Impoundment Control Act. *See* B–290659, July 24, 2002 (delay in obligating funds because of uncertainty whether statutory conditions were met did not constitute an impoundment).

As noted above, according to OMB, Agriculture recently submitted revised apportionment requests for technical assistance for both the FPP and the WRP, and OMB has approved the revised apportionments. For the FPP, Agriculture requested an additional apportionment for financial assistance of $2 million, bringing the total amount available for obligation to $50 million. Thus, the entire $50 million in FPP funds authorized by section 3841 have been apportioned. Since OMB advises that it has apportioned the full funding amount and that is available for obligation, these funds were not impounded for the FPP.

As for the WRP funding, as noted above, on June 19, 2002, Agriculture asked OMB to apportion a total of $20,655,000 for WRP technical assistance. OMB did not apportion this amount. SF 132, Apportionment and Reapportionment Schedule for Farms Security and Rural Investment Programs, Account No. 1221004, July 18, 2002. On August 30, 2002, Agriculture requested an apportionment of WRP (and CRP) technical assistance for totaling $5,950,000. SF 132, Apportionment and Reapportionment Schedule for Commodity Credit Corporation Reimbursable Agreements and Transfers to State and Federal Agencies, Account No. 12X4336. On September 3, 2002, OMB approved this request and apportioned $5,950,000. Id. Since OMB apportioned the budget authority for the WRP and it was made available for obligation, there was no impoundment of funds in fiscal year 2002.

While the present record does not establish an impoundment of the fiscal year 2002 funds appropriated for the WRP and the FPP, we will continue to monitor this situation to ensure that any impoundment that might occur in fiscal year 2003 for conservation programs is timely reported.

We hope you find this information useful. If you have any questions, please contact Susan Poling, Managing Associate General Counsel, or Thomas Armstrong, Assistant General Counsel, at 202–512–5644. We are sending copies of this letter to the Secretary of Agriculture, Director of the Office of Management and Budget, the Chairman and Ranking Minority Members of the House and Senate Agriculture Committees and other interested Congressional Committees. This letter will also be available on GAO's home page at http://www.gao.gov.

ANTHONY H. GAMBOA,
General Counsel.

B–291241 Digests

1. 15 U.S.C. §724i authorizes the Commercial Credit Corporation (CCC) to use employees from other agencies, and, subject to a maximum limitation set at the fiscal year 1995 level (the "section 11 cap"), CCC may make transfers from its funds available for administrative purposes to those agencies to reimburse them for their assistance to CCC in the conduct of its business. 16 U.S.C. §3841 (as amended by section 2701 of the 2002 Farm Bill, enacted May 13, 2002) specifically provides that the Secretary of Agriculture "shall use the funds" of the CCC to carry out seven conservation programs (including the wetlands reserve program and the farm protection program) named therein, including technical assistance. Based upon the language of the statutes, we conclude that the section 11 cap does not apply to technical assistance provided under the section 3841 conservation programs.

2. 16 U.S.C. §3841 specifically provides that the Secretary of Agriculture "shall use the funds" of the Commercial Credit Corporation (CCC) to carry out seven conservation programs (including the wetlands reserve program and the farm protection program) named therein, including technical assistance. Therefore, the Secretary is required to see CCC funds for the conservation programs named in section 3841, including for technical assistance, rather than funds from the Department of Agriculture's more general Conservation Operations appropriation.

3. Where the Office of Management and Budget (OMB) initially did not apportion funds for technical assistance for the wetlands reserve program (WRP) and the farm protection program (FPP) because of OMB's uncertainty concerning applicability of statutory funding restrictions, and where OMB subsequently approved the Department of Agriculture's revised apportionment requests for the WRP and the FPP, the delay

in apportioning funds was programmatic and did not constitute an impoundment of funds.

NOTES

[1] In addition to the WRP and the FPP, Chairman Kohl and Senator Cochran asked about the Conservation Reserve Program (CRP) as one of the programs for which OMB had failed to apportion funds. The letter arrived after we had already received a response to a detailed set of inquiries sent to OMB and Agriculture regarding the WRP and the FPP. In the interest of time, we did not send a second letter asking OMB to address the CRP program. However, the CRP is covered by the same general authorities applicable to the WRP and the FPP. The CRP is also a program authorized by the Food Security Act of 1985, as amended. Therefore, to the extent funds were not apportioned for the CRP under the same circumstances as the FPP and the WRP, the same legal principles outlined herein should apply.

[2] The Department of Agriculture concurred with OMB's responses to our substantive questions regarding these issues. Letter from Nancy Bryson, General Counsel, Department of Agriculture to Susan A. Poling, Managing Associate General Counsel, GAO, September 16, 2002.

[3] EQIP is a voluntary conservation program for farmers and ranchers that promotes agricultural production and environmental quality as compatible national goals. EQIP offers financial and technical help to assist eligible participants install or implement structural and management practices on eligible agricultural land. http://www.nrcs.usda.gov/programs/eqip.

[4] The 1996 Farm Bill required that for fiscal years 1996 through 2002, 50 percent of the funding available for technical assistance, cost-share payments, incentive payments, and education under EQIP be targeted at practices relating to livestock production.

[5] Chairman Harkin and Senator Cochran were Managers on the part of the Senate for the Conference Committee on the 2002 Farm Bill.

[7] For fiscal year 1999, the Natural Resources Conservation Service sought to add language to the Conservation Operations appropriation to provide authority to expand the use of Conservation Operations funds to support the technical assistance activities of other programs administered by NRCS such as EQIP, WRP and CRP. Hearings before the House Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations for Fiscal Year 1999, 105th Cong., 2nd Sess., Part 3 at 776 (1998). The language was not included in the final version of the Agriculture Appropriations Act for fiscal year 1999.

[8] OMB cites language in the legislative history of the Fiscal Year 2002 appropriations act that appears to support the use of the Conservation Operations appropriation for conservation technical assistance, and in particular WRP and CRP assistance. Our own review of the legislative history finds language that indicates a congressional intent that technical assistance for the conservation programs in question must be funded from CCC funds. However, in view of the subsequent enactment of the 2002 Farm Bill, which specifically and unequivocally requires that funding for technical assistance for conservation programs named in 16 U.S.C. §3841 shall come from CCC funds, we do not consider the legislative history controlling.

[9] There are two types of impoundment actions—deferrals and rescissions. A deferral is a temporary withholding or delay in obligating or any other type of executive action which effectively precludes the obligation or expenditure of budget authority. Glossary of Terms Used in the Federal Budget Process, Exposure Draft, GAO/AFMD–2.1.1, Page 38 (1993). Deferrals are authorized only to provide for contingencies, to achieve savings made possible by changes in requirements or greater efficiency of operations, or as otherwise specifically provided by law. *See* 2 U.S.C. §684. A rescission involves the cancellation of budget authority previously provided by Congress (before that authority would otherwise expire) and can be accomplished only through legislation enacted by Congress that cancels the availability of budgetary resources previously provided by law. *See* Glossary of Terms Used in the Federal Budget Process, Exposure Draft, GAO/AFMD–2.1.1, Page 70 (1993).

S. 1766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON USE OF CERTAIN CONSERVATION FUNDING FOR TECHNICAL ASSISTANCE FOR CONSERVATION RESERVE PROGRAM.

Section 1241(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3841(b)(1)) is amended by inserting before the period at the end the following: "(other than the conservation reserve program under subchapter B of chapter 1)".

Ms. SNOWE. Mr. President, I rise today to join my colleagues, Senator LEAHY and Senator BURNS, in cosponsoring the Conservation Technical Assistance Act to preserve funding for our Nation's working lands conservation programs. Through these valuable programs, farmers across the country are able to participate in voluntary farmland, grassland, environmental and wildlife conservation programs that balance stewardship goals with on-farm production. For many States that do not receive large crop subsidies, including Maine, conservation programs are the principal source of Federal assistance and are a valuable tool for helping small and specialty crop growers enhance their production while caring for the land.

This legislation does not set new policy, rather it reinforces the mandates Congress made in the 2002 farm bill. Congress recognized the importance of conservation in agriculture by significantly increasing funding for the working lands conservation programs in the 2002 farm bill. Under the new farm law, the U.S. Department of Agriculture (USDA) should have expanded the opportunity for farmers to practice environmental stewardship.

Unfortunately, the USDA has not followed through on congressional intent. Over the past year, the USDA has diverted $158 million from the Environmental Quality Incentives Program (EQIP), the Farm and Ranchland Protection Program (FRPP), the Wildlife Habitat Improvement Program (WHIP), and the Grassland Reserve Program (GRP) to pay for technical assistance of the Conservation Reserve Program (CRP). As a result of these actions, countless numbers of farmers were prevented from participating in working lands conservation programs.

Without corrective action, farmers' conservation options will be curtailed even more severely as the USDA transfers funding to other programs in the Department. I join my distinguished colleagues today because I believe it is high time that Congress intervene with a solution.

The northeast is home to an incredible array of agricultural products grown by producers both large and small, and, in some cases, sold locally or nationally. In northern Maine, fields of potatoes stretch for miles along the rolling hills of Aroostook County. Along the eastern coast, wild blueberry barrens dot the maritime horizon. Diary farms populate much of inland Maine, and nearly every other type of speciality crop is grown in farms across the State. Despite the unique needs of each grower, the one common thread between these farmers is their nearly unanimous support for the additional commitment Congress made to working lands conservation programs in the 2002 farm bill.

These programs are the State's most effective and substantial source of Federal agricultural support. EQIP, FRPP, WHIP, and GRP make up the lion's share of funding for many States that do not grow traditionally subsidized row crops. Maine, with its diverse agricultural sector, is a prime example of a State that relies on working lands conservation programs to both enhance production and conserve our natural resources. Funds from these programs can be used for projects such as irrigation assistance, water quality, soil erosion control, crop rotation, and other practices. Yet, we are finding these very programs and the benefit they provide being cut by the very department that is tasked with funding them, the U.S. Department of Agriculture.

In fiscal year 2003, the USDA diverted over $158 million from key working lands conservation programs to pay for technical assistance for CRP. The funding shortfall created by this diversion has dramatically reduced the available resources for EQIP, FRPP, WHIP, and GRP and led our States to have to deny assistance to countless willing farmers. As more acres become available to be enrolled in CRP in future years and the program's technical assistance costs rise, the impact on working lands conservation programs will become more severe.

It would have been unnecessary to raid working lands conservation programs to pay for CRP had the Department adhered to the specific language in the 2002 farm bill. In fact, Congress anticipated the need to fund technical assistance for CRP and provided specific language in the 2002 farm bill directing the Department to use mandatory funding to pay for CRP technical assistance.

Until we can reach a broader agreement on implementation of the 2002 farm bill provision on conservation technical assistance, it is imperative that we take steps to hold our working lands conservation programs harmless. This legislation does this by simply, but explicitly, stating that the USDA may not take funding from working lands conservation programs to pay for CRP technical assistance. This clarification will allow EQIP, FRPP, WHIP, and GRP to retain the funding that Congress provides. It does not add or subtract funding from an account, rather it makes sure that the funds are used by the program for which Congress intended.

Maine's farmers and our farm community cannot afford to be short changed for another year. In fiscal year 2003, my state received a little more than $8 million in conservation funding compared with the promise for $12 million as required by the regional equity provision of the 2002 farm bill. This short-fall in funding not only meant less direct assistance to farmers, but it led the USDA to propose cutting 20 Natural Resource Conservation Service staff positions throughout Maine. While I am pleased that the USDA decided against laying off these NRCS workers, the specter of further conservation shortfalls in the future does not bode well for my State. I cannot allow both farmers and the professionals who support them to suffer because of USDA's actions.

In closing, I would like to again thank the Senator from Vermont and the Senator from Montana for working to craft a temporary solution to the conservation technical assistance problem. I believe that this is the right step to take and I hope to continue working with my colleagues to address the problem down the road. I urge my colleagues to support this measure.

By Mr. LEVIN (for himself, Mr. McCAIN, and Mr. BAUCUS):

S. 1767. A bill to prevent corporate auditors from providing tax shelter services to their audit clients; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEVIN. Mr. President, today I am introducing with the cosponsorship of Senator McCAIN and Senator BAUCUS the Auditor Independence and Tax Shelters Act, a bill designed to strengthen auditor independence by prohibiting audit companies from selling tax shelter services to the publicly traded companies they audit and to the officers and directors of those companies.

Last year, Senators McCAIN, BAUCUS and I each participated in investigations conducted by our respective Committees, the Committees on Commerce, Finance, and Governmental Affairs, into corporate misconduct by Enron and other major U.S. companies, including participation in misleading accounting and tax practices. These investigations led each of us to focus on the role of accounting firms in, not only going along with publicly traded companies' using abusive tax shelters, but also selling them the very tax shelters they used to overstate their earnings on their financial statements.

In fact, the Permanent Subcommittee on Investigations, on which I am the Ranking Minority Member, has spent the last year investigating the roles played by accounting firms and other professional organizations such as banks, investment advisors and law firms, in developing, marketing and implementing abusive tax shelters. The Finance Committee held a hearing today on this same topic.

Tax shelters have become a huge business in this country. An 1998 article in Forbes magazine—five years ago—described how tax shelter use was growing even then:

> Pay attention. These letters are prime evidence of a thriving industry that has received scant public notice: the hustling of corporate tax shelters. These shelters are being peddled, sometimes in cold-call pitches, to thousands of companies. Will the shelters hold up in court? Maybe yes, maybe no, but many schemes capitalize on the fact that neither the tax code nor the IRS can keep up with the exotica of modern corporate finance. Hesitant at first to participate, respectable accounting firms, law offices and public corporations have lately succumbed to competitive pressures and joined the loophole frenzy.

A March 2003 article in BusinessWeek magazine states that U.S. corporations are some of the biggest players in the tax shelter game:

> The federal tax rate for corporations is 35%, but few pay that much. . . . Many have achieved the Holy Grail of corporate finance: steadily growing profits coupled with a dramatically shrinking tax burden. . . . [I]n the late 1990s, the hunt for tax breaks became a much bigger business. . . . Tax avoidance became a competitive sport, with even blue-chip companies aggressively benchmarking their effective tax rates against those of rivals. According to a recent Harvard University study, U.S. companies avoided paying tax on nearly $300 billion in income in 1998.

Recently, the New York Times reported that a consultant's report prepared for the IRS but not released to the public until now will show that "corporate tax cheating in 2000 cost the government $14 billion to $18 billion" in revenues during that one year alone.

Accounting firms are in the thick of the tax shelter activity, earning tens of millions of dollars in fees. According to Bowman's Accounting Report, the Big Four accounting firms, PricewaterhouseCoopers, Deloitte & Touche, KPMG, and Ernst & Young, brought in $5.6 billion of U.S. tax practice revenues in 2001, more than twice the tax-related revenues these companies posted in 1995. While some of these fees are the result of tax return preparation work, our Subcommittee investigation indicates that significant fees were generated by tax shelter services provided to wealthy individuals and corporations.

Increased tax shelter activity has not only led to substantial U.S. tax revenue loss, it has complicated U.S. tax enforcement efforts and undermined taxpayer confidence in the federal tax compliance system, leading the IRS to designate abusive tax shelters as an enforcement priority.

The IRS has accordingly begun a major effort to combat this form of tax avoidance. In 2002, for example, the IRS issued about 200 summonses seeking tax shelter related information from 30 accounting firms and other tax shelter promoters, and filed suit against two major accounting firms, KPMG and BDO Seidman, and two major law firms, Jenkens & Gilchrist and Sidley Austin Brown & Wood, to obtain information about their tax shelter activities. In addition, the Securities Exchange Commission and the new Public Company Accounting Oversight Board have expressed serious concerns about accounting firms that audit publicly traded companies while wearing two hats: those of the tax shelter promoter and those of the auditor auditing the same tax shelters it has promoted.

That issue is the focus of our legislation.

Auditors of publicly traded companies are supposed to be independent watchdogs charged with determining whether a company's financial statements are accurate and fairly report the company's finances. But multiple accounting scandals involving billions of dollars at companies like Enron, Tyco, Healthsouth, Aldelphia, and MCI-WorldCom have rocked investor confidence in auditors and severely damaged the reputation of the U.S. accounting profession. These accounting scandals showed again and again that our laws and financial systems were insufficient to ensure that U.S. auditors were doing their jobs.

In response, Congress passed the Sarbanes-Oxley Act of 2002. A primary purpose of that law was to strengthen auditor independence and restore investor confidence in U.S. financial statements. Among other measures, it established the new Public Company Accounting Oversight Board to strengthen auditing standards, investigate and discipline auditor wrongdoing, and oversee auditing practices to ensure adequate financial statement reviews. While the Sarbanes-Oxley Act is a landmark piece of legislation—replacing decades of self-policing in the accounting industry with independent oversight—a number of reform issues remain unresolved.

One key, longstanding issue that continues to compromise auditor independence is the role played by accounting firms in developing and selling tax shelters to public companies they audit.

As part of their review of public company financial statements, auditors are supposed to review the company's tax practices to ensure that the company is not understating its tax liability and overstating its earnings. But in some cases, the same accounting firm is also pitching tax shelters to that client, many of which rely on aggressive and novel interpretations of tax law. If a company buys one of these tax shelters from its accounting firm, the unacceptable result is that the accounting firm can then turn around and audit the company's financial statements and, in effect, audit its own work, a situation that strikes at the heart of auditor independence.

In some cases, the accounting firm may have even negotiated "success fees" which are contingent upon a tax shelter's success in reducing a client's tax burden. In such cases, accounting firms will audit tax transactions in which they have a direct financial interest, creating a conflict of interest between the firm's income and auditing responsibilities, and making it highly unlikely that questions will be raised about a tax shelter that the firm itself sold to its client.

Similar conflicts may arise when accounting firms offer tax shelter services to the officers and directors of the companies they audit. One case extensively discussed in the media involves a major accounting firm which not only audited Sprint Corporation, a publicly traded company, but also sold tax shelters to the Sprint CEO and other Sprint executives. These tax shelters supposedly eliminated taxes owed on millions of dollars in personal compensation from stock options given by Sprint to its executives. When the value of the stock options later fell, the accounting firm apparently analyzed strategies that could have lowered the individuals' taxes but increased the company's taxes, pitting the individual against the company, with the same accountant on both sides of the equation. Sprint eventually fired several of the executives and recently announced it was also changing auditors. In addition, Sprint has instituted a new policy barring its auditor from providing any financial services to its executives.

Investors, our markets, and the American public deserve better. The legislation we are introducing today would end these auditor conflicts by prohibiting auditors from providing tax shelter services to both the publicly traded companies they audit and to those companies' officers and directors. In addition, the bill would codify four common-sense principles of auditor independence that would assist public companies in analyzing what services may compromise auditor independence.

Our bill would build upon the Sarbanes-Oxley Act which took the first step last year to address the conflict of interest problems that arise when accounting firms provide tax services to the companies they audit. Seeking to limit a wide range of possible conflicts of interest, the Act broadly prohibited auditors from providing any tax service to an audit client without first obtaining the approval of the audit committee of the company's board of directors.

The SEC took the next step when it proposed regulations to implement the Sarbanes-Oxley Act. The SEC issued a draft proposal that essentially would have prohibited auditors from selling any tax shelters to their audit clients. The draft SEC proposal also contained the four principles that would have helped company audit committees evaluate whether other tax services proffered by auditors would impair auditor independence. Unfortunately, under heavy lobbying pressure from accounting firms in the tax shelter business, the SEC dropped both of these important provisions from the final regulation.

So we need to legislate. Our bill would, first, prohibit accounting firms that audit publicly held companies in the United States from providing tax shelter services either to the companies they audit or to the companies' officers and directors. The bill defines tax shelter services by referring to existing law, using language in an existing definition of tax shelters in section 6111(d) of the tax code. The bill would prohibit auditors from providing to their audit clients those services related to designing, promoting or executing tax transactions which have tax avoidance or evasion as a significant purpose and which generate fees for the auditing firm exceeding $100,000. It is intended that questions about whether particular tax-related services fall within this definition would be resolved by corporate audit committees when asked by their accounting firm to approve the company's paying for the particular services. The audit committee could consult with the IRS, SEC, or other experts in reaching its decision.

If an audit committee were to approve tax shelter services that should have been barred, the bill does not provide new penalties or enforcement authority, but makes use of the existing oversight authority of the SEC and Public Company Accounting Oversight Board to enforce compliance with federal law. That means, for example, if an audit committee were to allow its auditor to provide prohibited tax shelter services, the SEC or Public Company Accounting Oversight Board could use their existing oversight authority to require the company to "cease and desist" paying for the services or to prohibit the accounting firm from providing the services. If appropriate, the SEC could also order the public company, the accounting firm, or both, to pay a monetary penalty for violating the tax shelter services prohibition.

The legislation would further reduce potential conflicts by codifying four principles of auditor independence that public company audit committees would be required to apply when determining what non-audit services an auditor can provide. These principles have been repeatedly cited in SEC efforts to strengthen auditor independence and were also cited during debate on the Sarbanes-Oxley Act. They provide that auditor independence is compromised when auditors: 1. audit their own work; 2. perform management functions for their clients; 3. act as advocates on behalf of their clients; or 4. act as promoters of their clients' stock or other financial interests.

To better ensure auditor independence, our bill would require audit committees to apply these four principles when considering what services, not otherwise prohibited, an auditor may provide to their company. If an audit committee were to find that the proposed auditor service would reasonably result in a violation of one of the above principles, the audit committee would have to disallow the proffered service.

Experts in the financial and accounting industries agree that auditors should not be permitted to provide tax shelter services to their audit clients. In January of this year, The Conference Board's blue-ribbon Commission on Public Trust and Private Enterprise, co-chaired by John Snow before he became Secretary of the Treasury, concluded the following:

> [P]ublic accounting firms should limit their services to their clients to performing audits and to providing closely related services that do not put the auditor in an advocacy position, such as novel and debatable tax strategies and products that involve income tax shelters and extensive off-shore partnerships or affiliates. . . . The Commission believes that any work performed by the company's outside auditors [should] be closely related to the audit. Auditors' development and recommendations of new tax strategies for their clients is not closely related to the audit, and, in our opinion, removes focus from their audit work and poses a potential conflict of interest. Furthermore, the development and recommendations of these strategies have often been accompanied by "success fees." In turn these strategies, if implemented, were often then subject to an audit by the firm. This practice, in our opinion, is highly undesirable. The firm's need for impartiality in conduct of the audit is in direct conflict with the financial incentives to provide tax strategies which themselves must be audited.

William McDonough, Chairman of the Public Company Accounting Oversight Board, has indicated that the Board is also considering whether to ban auditors from providing tax shelter services to their audit clients and will be closely monitoring how accounting firms audit a company's tax liabilities and any company use of tax shelters. In testimony before the Finance Committee earlier today, Mr. McDonough stated:

> While the SEC made clear that it did not consider conventional tax compliance and planning to be a threat to auditor independence, it distinguished such traditional services from the marketing of novel, tax-driven, financial products, which the SEC noted raise some serious issues. . . . [T]he AICPA has also suggested that "advice on tax strategies having no business purpose other than tax avoidance is an appropriate dividing line for activities that should be prohibited to auditing firms registered under the Sarbanes-Oxley Act." Thus, there appears to be consensus that auditors ought not to be selling abusive tax shelters to audit clients.

In an unrelated Wall Street Journal interview, Mr. McDonough was described as saying that "[w]hat he finds problematic is 'very creative tax work' . . . . 'There is no way you can do that and claim to be independent,' he said."

The Sarbanes-Oxley Task Force formed by the American Bar Association's Section of Taxation, has also expressed support for barring auditors from providing tax shelter services to their audit clients. In a comment letter supporting the proposed ban in the SEC regulations on auditor independence, the Task Force wrote:

> We believe that tax shelter products raise particular auditor independence concerns. Companies purchasing tax shelter products are exposed to a variety of risks over and above the calculation of tax liability. An accounting firm that markets a tax shelter product to a registrant should be prohibited from conducting the audit of the registrant because it cannot be expected to fairly evaluate the risks inherent in the tax shelter product.

Our legislation has been endorsed by a number of public interest groups working to strengthen auditor integrity, renew investor and consumer confidence in the financial statements of U.S. publicly traded companies, and curb abusive tax shelters. The Consumer Federation of America, Consumers Union, Consumer Action, U.S. Public Interest Research Group, and Common Cause have stated in a letter of endorsement: "Passage of this bill is one of the most important steps Congress could take to ensure that last year's corporate reform efforts have their intended effect of restoring real independence to the 'independent' audit and, with it, a reasonable level of reliability to public companies' financial disclosures."

Our bill's reforms are straightforward. Auditors should not audit their own work, including evaluating a tax shelter that the auditor itself sold to its audit client. Auditors should not sell personal tax shelters to the officers and directors of its audit clients, due to the conflicts of interest that can arise. Publicly traded companies ought to have explicit guidance to help them avoid auditor conflicts of interest, and the best guidance we can give them is the four auditor independence principles that have long guided SEC and Congressional action in this area.

Together, a ban on auditors providing tax shelter services to their audit clients and a codification of the four auditor independence principles to guide public companies away from auditor conflicts of interest could go a long way to restoring the confidence of investors in the U.S. auditing profession, financial reporting system, and capital markets. I urge my colleagues to support this common-sense and much-needed legislation.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Auditor Independence and Tax Shelters Act".

SEC. 2. PROHIBITION ON AUDITORS PROVIDING TAX SHELTER SERVICES TO AUDIT CLIENTS.

Section 10A of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1) is amended—

(1) in subsection (f)—

(A) in the first sentence, by striking "section, the term" and inserting the following: "section—

"(1) the term";

(B) by striking "law. As used in this section, the term" and inserting the following: "law;

"(2) the term"; and

(C) by striking the period at the end and inserting the following: "; and

"(3) the term 'tax shelter services' means services provided by a registered public accounting firm (or by an associated person of that firm) to an issuer, or an officer or director of an issuer, to design, organize, promote, assist, or execute any investment, entity, plan, arrangement, or transaction for which a significant purpose is the avoidance or evasion of Federal income tax by such issuer, or an officer or director of such issuer, whether acting as a direct or indirect participant, and for which such firm may receive fees in excess of $100,000 in the aggregate.";

(2) in subsection (g)—

(A) in paragraph (8), by striking "and" at the end;

(B) by redesignating paragraph (9) as paragraph (10); and

(C) by inserting after paragraph (8) the following:

"(9) tax shelter services; and";

(3) in subsection (h)—

(A) by inserting "other than tax shelter services" after "tax services"; and

(B) by striking "(9)" and inserting "(10)"; and

(4) in subsection (i)(1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

"(B) ASSURANCE OF AUDITOR INDEPENDENCE.—Before preapproving a non-audit service that is not otherwise prohibited under this section, the audit committee of an issuer shall—

"(i) determine whether there is a reasonable likelihood that provision of the non-audit service would impair the independence of the registered public accounting firm by resulting in the firm—

"(I) auditing its own work for the issuer;

"(II) performing a management function for the issuer;

"(III) advocating in a public forum for the issuer; or

"(IV) promoting the stock or other financial interest of the issuer; and

"(ii) if the audit committee determines that such a reasonable likelihood exists, the audit committee shall not provide advance approval of such service under this section.".

SEC. 3. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the date of enactment of this Act, and shall apply to any tax shelter service, as defined in section 10A of the Securities Exchange Act of 1934, as amended by this Act, that is submitted for preapproval to the audit committee of an issuer or is provided by a registered public accounting firm to an issuer in accordance with that section 10A on or after the date of enactment of this Act.

Mr. MCCAIN. Mr. President, I am pleased to join my colleague from Michigan, Senator LEVIN, in sponsoring the Auditor Independence and Tax Shelters Act.

While the Sarbanes-Oxley Act and Securities and Exchange Commission rules rightly prohibit accounting firms from providing certain non-auditing services to the publicly traded companies they audit, auditors are not prohibited from providing tax shelter services to their audit clients.

The Auditor Independence and Tax Shelters Act is intended to address this gap in the law by prohibiting audit firms from providing such services to their audit clients. It would thereby significantly strengthen auditor independence and eliminate a fundamental conflict of interest that is adverse to the best interest of investors.

Although I believe that any firm that serves as an auditor of a company should generally be prohibited from providing any non-audit service to that company, I strongly support this bill because it is a significant step toward achieving true auditor independence.

I urge my colleagues to support this important bill to further protect investor confidence in our capital markets.

By Mr. CAMPBELL (for himself, Mr. INOUYE, and Mr. DOMENICI):

S. 1770. A bill to establish a voluntary alternative claims resolution process to reach a settlement of pending class action litigation, to the Committee of Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senators INOUYE, DOMENICI and STABENOW in submitting a Senate Resolution urging settlement of the 8-year old Indian trust funds lawsuit, and by Senators INOUYE and DOMENICI in introducing a bill that I hope and believe will accomplish that goal, the "Indian Money Claims Satisfaction Act of 2003".

The saga of Cobell v. Norton did not start in 1996 with the filing of the lawsuit, it began long before any of us were born. In 1887 Congress enacted the General Allotment Act to break up the tribal landmass and teach Indians to be "civilized".

The legacy of that failed policy is still with us in the form of horribly fractionated Indian lands and the class action case filed in 1996 that is still ongoing.

The remedy the plaintiffs in the Cobell case are seeking is an accounting by the United States of funds that are or should be in the hundreds of thousands of individual Indian money accounts (IIMs) managed and maintained by the Federal Government.

Eight long years have passed without an accounting, and without a single penny being paid to an account holder. Last month, Judge Lamberth issued a 400-page decision and order that guarantees at least 5 more years of litigation, hundreds of millions and maybe billions more spent, with no end in sight to the lawsuit.

Those who insist that a decision by the Judge would mean the beginning of the end of this case are wrong: with likely appeals, Congressional squabbling over money spent on this effort, and additional lawsuits aimed at securing money damages, this case is just beginning.

The U.S. claims that pennies on the dollar are owed the plaintiffs but, without billions more spent on accounting activity, it cannot say for sure how much is in the accounts or should be in the accounts.

Preliminary cost estimates from the Interior Department suggest that it will take $10 billion or more to comply with Judge Lamberth's order on historic accounting. This money will be spent year after year through Fiscal Year 2008 at least.

I believe this money is better spent on re-constituting the Indian land base and building a forward-looking, state-of-the-art trust management system, and providing more dollars to Indian health care and education, which we know are underfunded.

The plaintiffs claim more than $175 billion dollars should be in these accounts, a number the Department has vigorously contested.

Today I am introducing a bill that I believe will end this lawsuit in a way to provide justice to individual Indian account holders and restore some sense of normalcy to the Interior Department.

Just as the Indian Claims Commission, the Trust Resolution Corporation, and the Volcker Committee on Swiss Bank Accounts helped resolve cases of highly complex, historical-based litigation, the bill I am introducing will establish a 9-member, expert-filled "Indian Money Claims Satisfaction Task Force" to develop alternative methodologies to arrive at account balances.

The bill also establishes the "Indian Money Claims Tribunal" to provide binding arbitration for any IIM holder that contests the account balance provided by the Task Force.

I look forward to the swift enactment of this bill and with it, an honorable conclusion to this sad and destructive chapter of Federal-Indian relations.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Money Account Claim Satisfaction Act of 2003".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) since the 19th century, the United States has held Indian funds and resources in trust for the benefit of Indians;

(2) in 1996, a class action was brought against the United States seeking a historical accounting of balances of individual Indian money accounts;

(3) after 8 years of litigation and the expenditure of hundreds of millions of dollars of Federal funds, it is clear that the court-ordered historical accounting will require significant additional resources and years to accomplish and will not result in significant benefits to the members of the class; and

(4) resolving the litigation in a full, fair, and final manner will best serve the interests of the members of the class and the United States.

(b) PURPOSE.—The purpose of this Act is to provide a voluntary alternative claims process to reach settlement of the class action litigation in Cobell v. Norton (No. 96cv01285, D.D.C.).

SEC. 3. DEFINITIONS.

In this Act:

(1) ACCOUNTING.—The term "accounting"—

(A) with respect to funds in an individual Indian money account that were deposited or invested on or after the date of enactment of the Act of June 24, 1938 as provided in the first section of that Act (25 U.S.C. 162a), means a demonstration, to the maximum extent practicable, of the monthly and annual balances of funds in the individual Indian money account; and

(B) with respect to funds in an individual Indian money account that were deposited or invested between 1887 and the day before the date of enactment of the Act of June 24, 1938, means a demonstration of the probable balances of funds in an individual Indian money account that were deposited or invested.

(2) CLAIM.—

(A) IN GENERAL.—The term "claim" means a legal or equitable claim that has been brought or could be brought, asserting any duty claimed to be owed by the United States under any statute, common law, or any other source of law to an individual Indian money account holder that pertains in any way to the account holder's account, including the duty to—

(i) collect and deposit funds in the account;

(ii) invest funds in the account;

(iii) make disbursements from the account;

(iv) make and maintain records of activity in the account;

(v) provide an accounting; and

(vi) value, compromise, resolve, or otherwise dispose of claims relating to the account.

(B) INCLUSION.—The term "claim" includes a claim for damages or other relief for failure to perform, or for improper performance of, any duty described in subparagraph (A).

(3) CLASS ACTION.—The term "class action" means the civil action Cobell v. Norton (No. 96cv01285, D.D.C.).

(4) DE MINIMIS INDIVIDUAL INDIAN MONEY ACCOUNT.—The term "de minimis individual Indian money account" means an individual Indian money account that contains less than $100.

(5) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means—

(A) a living individual who is or has been an individual Indian money account holder, except any such individual whose account holds or held funds only from the distribution of a judgment fund or a per capita distribution; and

(B) the estate of a deceased individual who—

(i) was living on the date of enactment of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(ii) held an individual Indian money account on that date or at any time subsequent to that date, except any such individual whose account holds or held funds only from the distribution of a judgment fund or a per capita distribution.

(6) IMACS TASK FORCE.—The term "IMACS Task Force" means the Indian Money Account Claim Satisfaction Task Force established by section 4.

(7) INDIVIDUAL INDIAN MONEY ACCOUNT.—The term "individual Indian money account" means an account that contains funds held in trust by the United States, established and managed by the United States on behalf of an individual Indian.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(9) TRIBUNAL.—The term "Tribunal" means the Indian Money Claims Tribunal established by section 5.

SEC. 4. INDIAN MONEY ACCOUNT CLAIM SATISFACTION TASK FORCE.

(a) ESTABLISHMENT.—There is established the Indian Money Account Claim Satisfaction Task Force.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The IMACS Task Force shall be comprised of not fewer than 9 members, appointed jointly by the majority leader and minority leader of the Senate and the Speaker and minority leader of the House of Representatives.

(2) QUALIFICATIONS.—

(A) BACKGROUND.—Members of the IMACS Task Force shall be selected from private enterprise and academia and shall not be employees of the United States.

(B) EXPERTISE.—Of the members appointed to the IMACS Task Force—

(i) 2 shall have expertise in the field of forensic accounting;

(ii) 2 shall have expertise in the field of Federal Indian law;

(iii) 2 shall have expertise in the field of commercial trusts;

(iv) 1 shall have expertise in the field of mineral resources;

(v) 1 shall have expertise in the field of economic modeling and econometrics; and

(vi) 1 shall have expertise in the field of complex civil litigation.

(3) IMACS Task Force Leader.—An IMACS Task Force Leader shall be chosen by majority vote of the members of the IMACS Task Force.

(c) Compensation and Travel Expenses.—A member of the IMACS Task Force shall be entitled to—

(1) compensation, at a rate that does not exceed the daily equivalent of the annual rate of basic pay prescribed under level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day the member is engaged in the performance of duties the IMACS Task Force; and

(2) travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code.

(d) Information and Support.—The Secretary of the Interior shall provide the IMACS Task Force—

(1) access to all records and other information in the possession of or available to the Secretary relating to individual Indian money accounts; and

(2) such personnel, office space and other facilities, equipment, and other administrative support as the IMACS Task Force may reasonably request.

(e) Confidential Information.—Section 10(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the IMACS Task Force.

(f) Duties.—

(1) In general.—The IMACS Task Force shall—

(A) not later than 1 year after the date of enactment of this Act, complete an analysis of records, data, and other historical information with regard to the conduct of an historical accounting submitted by the parties in the class action to the district court in January 2003; and

(B) not later than 60 days after completing the analysis under subparagraph (A), hold meetings with representatives of—

(i) the plaintiffs in that civil action;

(ii) the Department of Justice and the Department of the Interior; and

(iii) any other parties that, in the discretion of the IMACS Task Force, are necessary to allow the IMACS Task Force to carry out its duties under this Act.

(2) Account balances.—

(A) Methodologies or models.—The IMACS Task Force shall develop 1 or more appropriate methodologies or models to conduct an accounting of the individual Indian money accounts.

(B) Determination.—Using methodologies or models developed under subparagraph (A), the IMACS Task Force shall conduct an accounting to determine in current dollars the balances of—

(i) first, all individual Indian money accounts opened in or after 1985;

(ii) second, all individual Indian money accounts opened on or after the date of enactment of the first section of the Act of June 24, 1938 (25 U.S.C. 162a), and before 1985; and

(iii) third, all individual Indian money accounts opened before the date of enactment of the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(C) Notice of determination.—On making a determination of the balance in the individual Indian money account of an eligible individual, the IMACS Task Force shall provide notice of the determination to the eligible individual and the Secretary.

(g) Acceptance or Nonacceptance by Eligible Individual.—

(1) Acceptance.—If an eligible individual accepts the determination by the IMACS Task Force of the balance in the individual Indian money account of the eligible individual—

(A) not later than 60 days after the date on which the eligible individual receives notice of the determination, the eligible individual shall submit to the Secretary a notice that the eligible individual accepts the determination of the balance;

(B) not later than 30 days after the Secretary receives the notice of acceptance under subparagraph (A), the Secretary shall make any adjustment in the records of the Secretary to reflect the determination;

(C) based on the adjustment made pursuant to paragraph (B), the Secretary shall make full payment to the eligible individual of the balance in the individual Indian money account of the eligible individual in satisfaction of any claim that the individual may have;

(D) the eligible individual shall provide the Secretary an accord and satisfaction of all claims of the eligible individual, which shall be binding on any heirs, transferees, or assigns of the eligible individual; and

(E) the eligible individual shall be dismissed from the class action.

(2) Nonacceptance.—If an eligible individual does not accept the determination by the IMACS Task Force of the balance in the individual Indian money account of the eligible individual, the eligible individual may—

(A) have the amount of the balance determined through arbitration by the Tribunal; or

(B) remain a member of the class in the class action.

SEC. 5. INDIAN MONEY CLAIMS TRIBUNAL.

(a) Establishment.—There is established the Indian Money Claims Tribunal.

(b) Membership.—The Tribunal shall be comprised of 5 arbitrators drawn from the list of arbitrators maintained by the Attorney General.

(c) Election to Arbitrate.—If an eligible individual elects to have the amount of the balance in the individual Indian money account determined through arbitration by the Tribunal—

(1) not later than 60 days after receiving the notice of determination under section 4(f)(2)(C), the eligible individual shall submit to the Tribunal, in such form as the Tribunal may require, all claims of the eligible individual, with an agreement to be bound by any determination made by the Tribunal; and

(2) the United States shall be bound by any determination made by the Tribunal.

(d) Representation.—

(1) In general.—An eligible individual may be represented by an attorney or other representative in proceedings before the Tribunal.

(2) Attorney's fee.—No legal representative retained by an eligible individual for purposes of proceedings before the Tribunal may collect any fee, charge, or assessment that is greater than 25 percent of the amount of the balance in the individual Indian money account of the eligible individual determined by the Tribunal.

(e) Timing.—To the extent practicable, the Tribunal shall—

(1) schedule any proceedings necessary to determine a claim to occur not later than 180 days after the date on which the eligible individual submits the claim; and

(2) make a determination of the claim, and provide the eligible individual and the Secretary notice of the determination, not later than 30 days after the conclusion of the proceedings.

(f) Action Following Determination.—Not later than 30 days after the Secretary receives the notice of determination under subsection (e)(2)—

(1) the Secretary shall make any adjustment in the records of the Secretary to reflect the determination;

(2) based on the adjustment made pursuant to paragraph (1), the Secretary shall make full payment to the eligible individual of the balance in the individual Indian money account of the eligible individual in satisfaction of any claim that the eligible individual may have;

(3) the individual Indian money account of the eligible individual shall be closed;

(4) the eligible individual shall provide the Secretary an accord and satisfaction of all claims of the eligible individual, which shall be binding on any heirs, transferees, or assigns of the eligible individual; and

(5) the eligible individual shall be dismissed from the class action.

SEC. 6. JUDGMENT FUND AVAILABILITY.

The funds for any payment made pursuant to section 4(g)(1)(C) or 5(f)(2) shall be derived from the permanent judgment appropriation under section 1304 of title 31, United States Code (commonly known as the "Judgment Fund"), without further appropriation.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) to carry out section 4, $10,000,000 for each of fiscal years 2004 and 2005; and

(2) to carry out section 5, $10,000,000 for each of fiscal years 2006 and 2007.

By Ms. SNOWE (for herself and Mr. Conrad):

S. 1771. A bill to amend title XIX of the Social Security Act to permit States to obtain reimbursement under the Medicaid program for care or services required under the Emergency Medical Treatment and Active Labor Act that are provided in a nonpublicly owned or operated institution for mental diseases; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Medicaid Psychiatric Fairness Act of 2003, which will serve to improve access to mental health treatment and remove an unfunded mandate on our private mental health treatment centers. I am particularly pleased to introduce this bill with my good friend and colleague, Senator Conrad, who like me believes we must improve access to treatment for many of the 18.5 million Americans who are afflicted with a mental health disorder.

Moving one step closer to achieving this laudable goal, our bill will require the Medicaid program to provide reimbursement to private mental health facilities that receive patients under the Emergency Medical Treatment and Labor Act, known as EMTALA. EMTALA requires hospitals to provide emergency care to patients, regardless of their ability to pay. However, this stands in conflict with Medicaid law, which in most cases prohibits payment for psychiatric treatment for people between the age of 21 to 65 years. Our bill takes the critically important step to provide Medicaid coverage for emergency treatment, which will expand access for acute care and will ensure that Americans receive the assistance they vitally need in a timely fashion.

Under current law, Medicaid payment for psychiatric treatment for patients between the age of 21 and 65 years is restricted to hospitals that have an in-house psychiatric ward. If a patient seeks care from a private psychiatric hospital or is transferred to a private facility from a community hospital that does not have a psychiatric treatment ward, Medicaid payment is not provided. In comparison, if that same patient seeks care under EMTALA from a hospital because of a physical ailment, Medicaid provides coverage regardless of the type of facility that provides the treatment. By introducing this bill, we are taking a vitally important step toward removing an unfunded mandate on private providers that has served to limit access to care for millions of Medicaid recipients.

It also is important to note that the current situation is jeopardizing Medicaid recipients' access to emergency treatment, and ultimately is overwhelming our emergency rooms and in many cases the criminal justice system. The U.S. Department of Justice estimates that on average 16 percent of inmates in local jails suffer from a mental illness and in Maine, NAMI, a state advocacy group for persons with mental illness, estimates that figure is as high as 50 percent. This is the result of a severe shortage of psychiatric beds in Maine, and as a result many people go without treatment. Action must be taken to provide access to care and we must start by ensuring that Medicaid reimburses facilities that provide treatment.

Senator CONRAD and I have joined together in introducing our legislation that will require Medicaid to pay for the cost of care associated with psychiatric treatment necessary to comply with EMTALA. No longer will private entities be required to shoulder the burden of this federal mandate, and no longer will Medicaid eligible beneficiaries go without access to necessary emergency treatments.

In my home State of Maine, 65,000 people have a severe mental illness and could benefit from this bill. Ensuring that our community treatment facilities are appropriately paid, we will be able to open access to vitally important treatment options.

This bill has been carefully crafted with input from both the provider and beneficiary communities to ensure assistance is directed to those who are most in need and to ensure that the coverage only extends to people who require emergency treatment. We have tied the legislation to the EMTALA statute to ensure that this new requirement cannot be exploited.

Demonstrating the importance of this legislation, we have received support from a number of leading national mental health and medical associations, including NAMI, the National Association of County Behavioral Health Directors, the American Psychiatric Association, the American Hospital Association and the National Association of Psychiatric Health Systems. I am especially pleased to have also received endorsements from a number of Maine organizations, including the Maine Hospital Association, Maine chapter of NAMI, the State Department of Behavioral and Development Services and the Spring Harbor Hospital.

This legislative change is vitally important to ensure Medicaid patients have access to emergency mental health treatment. I want to thank Senator CONRAD for his help in crafting this policy and urge my colleagues to join us as cosponsors.

I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ALLIANCE
FOR THE MENTALLY ILL,
Arlington, VA, September 8, 2003.

Hon. OLYMPIA SNOWE,
Hon. KENT CONRAD,
U.S. Senate,
Washington, DC.

DEAR SENATORS SNOWE & CONRAD: On behalf of the 210,000 members and 1,200 affiliates of the National Alliance for the Mentally Ill (NAMI), I am writing to express support for your legislation to addressing the growing crisis in access to acute care services for non-elderly adults living with severe mental illness. As the nation's largest organization representing individuals with severe mental illness and their families, NAMI is pleased to support this important measure.

As NAMI's consumer and family membership knows first-hand, the acute care crisis for inpatient psychiatric care is growing in this country. This disturbing trend was identified in the recently released Bush Administration New Freedom Initiative Mental Health Commission report. Over the past 15–20 years, states have closed inpatient units and drastically reduced the number of acute care beds. Also, general hospitals, due to severe budget constraints, have had to close psychiatric units or reduce the number of beds. This has resulted in a growing shortage of acute inpatient psychiatric beds in many communities.

Your proposed legislation would address an important conflict in federal policy that has contributed to restricted access to needed inpatient services—the Medicaid Institution for Mental Disease (IMD) Exclusion and the Emergency Medical and Labor Treatment Act (EMTALA). EMTALA requires hospitals to stabilize patients in an emergency medical condition, while the IMD exclusion prevents certain hospitals (psychiatric hospitals) from receiving Medicaid reimbursement for Medicaid beneficiaries between the ages of 21–64 in these circumstances.

Your legislation would allow Medicaid funding to be directed to non-publicly owned and operated psychiatric hospitals (IMDs) for Medicaid beneficiaries between the ages of 21–64 who require stabilization in these settings as required by EMTALA. Today, these hospitals are denied payment for care required under the EMTALA rules. The result is that psychiatric hospitals are forced to absorb these added costs of care to their already growing un-reimbursed care even though these patients have insurance through Medicaid.

This legislation will go a long way in addressing the growing psychiatric acute inpatient crisis, while creating fairness in the reimbursement structure for psychiatric hospitals under the limited circumstances required by the EMTALA law. Your leadership in carefully crafting and introducing this targeted legislation addressing a critical problem for persons with serious mental illnesses is much appreciated. NAMI looks forward to working with you and your Senate colleagues to ensure passage of this important legislation.

Sincerely,

RICHARD E. BIRKEL,
Executive Director.

THE NATIONAL ASSOCIATION OF
COUNTY BEHAVIORAL HEALTH DIRECTORS,
Washington, DC, September 5, 2003.

HON. OLYMPIA SNOWE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SNOWE: The National Association of County Behavioral Health Directors (NACBHD), which is the behavioral health affiliate of the National Association of Counties (NACo), is writing to strongly support the legislation you are introducing to alleviate the crisis in access to acute hospital inpatient psychiatric services. A lack of acute inpatient services was recently highlighted in President Bush's New Freedom Commission on Mental Health report and is a problem in many counties. In twenty of the most populous States, counties have the designated responsibility to plan and implement mental health services.

Over the past 20 years most states have closed many of their state hospitals and returned these patients to the community for care. General hospitals have over the past 10-15 years begun to close psychiatric inpatient units due to cost restraints and the fact that general medical/surgical beds are more profitable. Freestanding psychiatric hospitals have been significantly reduced due to the reduction in reimbursements brought about with the advent of managed care. Over all, the availability of acute psychiatric beds, in many states, has decreased dramatically in the last 10 years. Given the shortage of inpatient acute beds, many individuals with serious psychiatric disorders end up in county jails or homeless rather than receiving basic psychiatric services in hospital.

Your legislation specially addresses the conflict in Federal between the Medicaid Institution for Mental Disease Exclusion (IMD) and the Emergency Medical and Labor Treatment Act (EMTALA). EMTALA requires hospitals to stabilize patients with emergency medical conditions. However, if freestanding psychiatric hospitals receive direct admissions of Medicaid eligible patients or if receive transfers from general hospitals whose psychiatric units are full under EMTALA regulations, they can't receive reimbursement under Medicaid because of the IMD exclusion.

The Snowe-Conrad legislation would allow Medicaid funding to non-publicly owned and operated psychiatric hospitals (IMD's) for Medicaid beneficiaries between the ages of

21-64 who require medical stabilization in these settings as required by EMTALA. Currently, these hospitals are denied payment for care required under the EMTALA rules and clearly represents an unfunded mandate to these hospitals.

The IMD exclusion also prevents counties from contracting with psychiatric hospitals, which are considerably less expensive, for care for the seriously mentally ill. This legislation would assist in creating fairness in the reimbursement structure for psychiatric hospitals under the current EMTALA law.

The National Association of County Behavioral Health Directors appreciates your leadership in introducing this specific legislation that will address this inherent conflict in Federal requirements and will assist in promoting access to acute psychiatric inpatient services. We look forward to working with you and your colleagues in getting this legislation passed through this Congress.

Sincerely,

THOMAS E. BRYANT,
Executive Director.

AMERICAN PSYCHIATRIC ASSOCIATION,
Arlington, VA, October 17, 2003.

Hon. OLYMPIA SNOWE,
Russell Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR SNOWE: On behalf of the 38,000 physician members of the American Psychiatric Association (APA), and most particularly on behalf of the patients they treat, please accept my thanks for your Senate sponsorship of the Medicaid Psychiatric Hospital Fairness Act of 2003.

The Emergency Medical and Labor Treatment Act, which requires hospitals to stabilize patients in an emergency medical condition, directly conflicts with the Medicaid Institution for Mental Diseases (IMD) exclusion. The IMD exclusion prevents non-public psychiatric hospitals from receiving Medicaid reimbursement for Medicaid patients between the ages of 21-64 that have required stabilization as a result of EMTALA regulations.

Your legislation will allow non-public psychiatric hospitals to receive appropriate reimbursement for Medicaid beneficiaries between the ages of 21-64 who require emergency treatment and stabilization as required by EMTALA.

Thank you for your foresight and leadership in your sponsorship of the Medicaid Psychiatric Hospital Fairness Act of 2003. Thanks are also due to the outstanding work by Catherine Finley, who ably represents you. The APA looks forward to working with you to make your bill a reality this year.

Sincerely,

MARCIA GOIN,
President.

AMERICAN HOSPITAL ASSOCIATION,
Washington, DC, October 17, 2003.

Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR SNOWE: On behalf of the American Hospital Association's (AHA) nearly 5,000 member hospitals, health care systems, networks and other providers of care, I am writing to express our support for your bill, the Medicaid Psychiatric Hospital Fairness Act of 2003.

The Emergency Medical and Labor Treatment Act (EMTALA) requires hospitals to stabilize patients in an emergency medical condition including psychiatric hospitals. At the same time the Medicaid program, through the Institution for Mental Diseases (IMD) exclusion, prevents non-public psychiatric hospitals from receiving Medicaid reimbursement for Medicaid patients between the ages of 21-64 that require stabilization. These hospitals are burdened with an unfunded mandate in fulfilling their EMTALA obligations for this patient population.

Your legislation will allow non-public psychiatric hospitals to receive appropriate reimbursement for Medicaid beneficiaries between the ages of 21-64 who require emergency treatment and stabilization as required by EMTALA. This will relieve overcrowding in emergency departments and provide the appropriate care these patients deserve in a more timely manner.

Thank you for addressing this important issue. We support the Medicaid Psychiatric Fairness Act of 2003 and look forward to working with you and your colleagues to ensure swift passage of this legislation.

Sincerely,

RICK POLLACK,
Executive Vice President.

NATIONAL ASSOCIATION OF
PSYCHIATRIC HEALTH SYSTEMS
Washington, DC, September 10, 2003.

Hon. OLYMPIA SNOWE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SNOWE: The National Association of Psychiatric Health Systems (NAPHS) strongly supports your legislation to alleviate the crisis in acute hospital services for persons with mental illnesses. NAPHS represents provider systems that are committed to the delivery of responsive, accountable, and clinical effective prevention, treatment, and care for children, adolescents, adults, and older adults with mental and substance use disorders. Members are behavioral healthcare provider organizations, including 300 specialty hospitals, general hospital psychiatric and addiction treatment units, residential treatment centers, youth services organizations, partial hospital services, behavioral group practices, and other providers of a full continuum of care.

Mental illness ranks first among all illnesses that cause disability in the United States, with about 5% to 7% of adults suffering from a severe mental illness in any given year. For those who are acutely ill, short-term psychiatric care provides stabilization and is a critical component of community-based care.

After reviewing reports and listening to testimony over the past year, the President's New Freedom Commission on Mental Health identified the lack of acute care as a serious concern. The Commission noted that many communities are experiencing severe problems with access to short-term inpatient care—with some areas reporting that the shortage has risen to crisis proportions. the result is that many emergency rooms are overwhelmed with patients in extreme psychiatric distress who have nowhere to go. I am attaching a report prepared by NAPHS on acute care that provides additional details on this issue for your review.

Your legislation will resolve an unintended and unfair conflict in federal law that has negatively impacted access to acute care. Currently, the Emergency Medical Treatment and Labor Act (EMTALA) provides that hospitals stabilize patients in an emergency medical condition, while Medicaid's Institution for Mental Disease (IMD) provision prohibits psychiatric hospitals from seeking reimbursement for services for beneficiaries between the ages of 21 to 64. General hospitals with psychiatric beds are not subject to the IMD exclusion.

The Snowe-Conrad legislation would increase access to acute care by allowing psychiatric hospitals to bill Medicaid for reimbursement just as general hospitals do for EMTALA patients who are Medicaid-eligible. We look forward to working with you and your colleagues on this important and timely piece of legislation.

Sincerely,

MARK COVALL,
Executive Director.

MAINE HOSPITAL ASSOCIATION,
Augusta, ME, October 20, 2003.

Hon. OLYMPIA SNOWE,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SNOWE: On behalf of the Maine Hospital Association's 28 acute-care and specialty hospitals, I am writing in support of your bill, the Medicaid Psychiatric Hospital Fairness Act of 2003.

As you know, the Medicaid program, through the Institution for Mental Diseases (IMD) exclusion, prevents non-public psychiatric hospitals from receiving Medicaid reimbursement for Medicaid patients between the ages of 21-64 who require stabilization. When the Federal Government created Medicaid they prohibited Medicaid funding for services at IMDs because Washington viewed mental health services to be the responsibility of the State—particularly since at that time most psychiatric hospitals were State-owned hospitals. The Federal Government did provide funding through the DSH-IMD (Disproportionate Share Hospital Fund for Institutes for Mental Disease). Initially these funds were used solely by the private IMDs, however, in 1991, Maine, in response to a severe budget shortfall, began to shift costs associated with Augusta Mental Health Institute (AMHI) and Bangor Mental Health Institute (BMHI) into the Federal DSH-IMD pool rather than funding those costs with all general fund dollars.

In the mid-1990s the State passed a rule that entitled AMHI and BMHI to be paid first out of the DSH-IMD pool leaving the remainder for the two private hospitals. With a declining Federal cap on the DSH-IMD pool and increasing hospital expenses, there was less and less money with which to reimburse the two private psychiatric hospitals for services provided to this indigent population.

Maine has two private psychiatric hospitals: Spring Harbor Hospital in South Portland and The Acadia Hospital in Bangor. For fiscal year 2000, Acadia had inpatient admissions of 1,731 and Spring Harbor had 2,047. Both hospitals also provide a significant amount of outpatient services.

The two private hospitals play a pivotal role in the delivery of mental health services especially for low-income individuals. As the State has desired to encourage greater behavior services within communities, the Department of Behavioral and Developmental Services worked with both of these hospitals to increase the number of beds and services available to allow for certain patients to be placed in these hospitals rather than the State institutes. The inability of these two hospitals to effectively meet these patient needs would have a detrimental impact throughout the State especially because communities are already stressed attempting to develop needed community-based services.

Your legislation will allow non-public psychiatric hospitals to receive appropriate reimbursement for Medicaid beneficiaries between the ages of 21–64 who require emergency treatment and stabilization as required by EMTALA. This will relieve overcrowding in emergency departments and provide the appropriate care these patients deserve in a more timely manner.

Thank you for addressing this important issue. We support the Medicaid Psychiatric Hospital Fairness Act of 2003 and look forward to working with you and your colleagues to ensure swift passage of this legislation.

Sincerely,

STEVEN MICHAUD,
President, Maine Hospital Association.

NAMI MAINE,
August 29, 2003. Augusta, ME.

Senator OLYMPIA SNOWE,
U.S. Senate,
Portland, ME

DEAR SENATOR SNOWE: I am pleased to write this letter in support of legislation that would allow Spring Harbor Hospital to receive reimbursement for emergency psychiatric stabilization services to Medicaid-eligible patients between the ages of 21 and 64 under the Emergency Medical Treatment and Labor Act (EMTALA).

Chronic metal illness is a disease of impoverishment. Chronic mental health patients who need psychiatric stabilization within an acute-care setting usually are eligible for either charity care of Medicaid funding. Since Spring Harbor Hospital serves a population that by virtue of its illness is financially challenged, it strikes me as inequitable that they should also be denied reimbursement for acute stabilization services provided to Medicaid-eligible adults under EMTALA. Often during the last three years, I have trained Maine's jails to understand EMTALA laws and send suicide inmates to the hospital, rather than admit them to jail. With 30–50% of Maine's jail inmates having mental illness, this places an additional burden on hospitals like Spring Harbor Hospital.

I understand that care for this population in 2002 represented nearly 30% of Spring Harbor's adult psychiatric treatment at a cost of close to $7 million. I also know that Spring Harbor is increasingly viewed by the community as the place where Medicaid-eligible adults who cannot afford to pay for their acute psychiatric stabilization can referred—no question asked. And this is where the benefits of EMTALA turn problematic.

No business—and certainly not a nonprofit organization—can provide $7 million in non-reimbursable services without eventually jeopardizing its financial viability. And this is what concerns NAMI the most: that there will be an even greater lack of acute impatient stabilization services in Maine for the chronic and severely mentally ill individuals who most need-but can least afford—them.

I am hopeful that a legislative solution can be passed that will support Spring Harbor's ability to continue serving people with mental illness, both in keeping with EMTALA and yet without the inequitable financial burden that threatens the long term availability of these services in Maine. Please let me know what more I can do to support this legislation.

Sincerely,

CAROL CAROTHERS,
Executive Director.

STATE OF MAINE, DEPARTMENT OF BEHAVIORAL AND DEVELOPMENTAL SERVICES,
Augusta, ME, August 29, 2003.

Senator OLYMPIA J. SNOWE,
Russell Office Building,
Washington, DC.

DEAR SENATOR SNOWE: I would like to thank you for your insight and understanding of one of the problems confronting Maine's Mental Health System, reflected in your drafting legislation to amend Title XIX of the Social Security Act permitting Medicaid reimbursement to IMD's for services required under EMTALA.

Currently, as you know, non-public community hospitals, designated as Institutes for Mental Disease (IMD), cannot receive Medicaid reimbursement if a patient (age 22–64) is admitted under the EMTALA Laws. This prohibition is, I believe, inconsistent with the intent of the EMTALA regulations, places the IMD's in some financial jeopardy, and fails to recognize the critical role the non-public IMDs play in Maine's Mental Health System of care.

The State of Maine has 2 non-public designated IMD facilities; Spring Harbor Hospital located in South Portland; and Acadia Hospital, located in Bangor. These two facilities in partnership with the 2 State Psychiatric facilities, contain most of the high acuity psychiatric inpatient beds in Maine and as such, provide the safety net for Maine's Community mental health system. These 4 IMDs are constantly being called upon to take clients who can no longer be stabilized within the existing network of community hospitals. Yet those community hospitals, under current EMTALA law, get reimbursed (rightfully) for services under Medicaid. The IMD's however, cannot access Medicaid reimbursement for that same service and hence a financial inequity and burden is placed on these non-public IMD's. Your proposed draft legislation, which I have had the opportunity to review, alleviates that unfairness and will provide some financial support for Maine's 2 IMD hospitals.

I want to offer you my support in helping pass this bill. Please let me know if there is something I can do or information I can provide that would be helpful to get this bill passed.

Sincerely,

SABRA C. BURDICK,
Acting Commissioner.

SPRING HARBOR HOSPITAL, MAINE'S COMPREHENSIVE MENTAL HEALTH NETWORK,
South Portland, ME, August 26, 2003.

Hon. OLYMPIA J. SNOWE,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SNOWE: On behalf of both Spring Harbor Hospital in Maine and the National Association for Psychiatric Healthcare Systems, I would like to thank you for supporting legislation to enable freestanding private psychiatric hospitals in the US to receive payment for the emergency stabilization services they provide each year to thousands of Medicaid-eligible adult clients under the Emergency Medical Treatment and Labor Act (EMTALA).

As you know, it is becoming increasingly difficult for freestanding private psychiatric facilities to absorb the cost of treating Medicaid-eligible adults between the ages of 21 and 64 who are referred to them for emergency stabilization under EMTALA. At Spring Harbor alone, the cost of serving this population last year was close to $7 million.

Faced with both diminishing reimbursement streams and a concurrent rise in demand for inpatient stabilization services from overflowing emergency rooms across the country, private freestanding psychiatric facilities are quite literally caught between a rock and a hard place. In Maine and in many other places, freestanding private psychiatric hospitals are protecting their financial health by offering fewer and fewer adult psychiatric services in the inpatient setting. This tactic simply skirts the issue and creates a further void of services for individuals with acute mental illness, precisely at a time when it is widely accepted that the availability of mental health services in this country is substandard.

When all is said and done, these financial figures pale in comparison to the ultimate cost to our society when these adults fail to receive the treatment they deserve. It has been estimated that the lifetime cost of providing for an individual with an untreated serious mental illness is $10 million. Though this figure includes the financial impact of lost work days and the cost of providing Social Security disability benefits, it does not even begin to speak to the emotional toll of mental illness on friends or the scars mental illness can have on loved ones for generations to come. If we could quantify these numbers adequately, I am certain that I would not need to be writing to you today.

In closing, I would like to acknowledge the receptiveness of your office and that of Senator Collins to issues concerning the plight of the one in four adults and one in ten children in the US who will experience a mental illness this year. It is high time that the issues surrounding this illness were addressed with understanding, compassion, and a concern for our country's long-term mental health. I am both pleased and proud that the Maine congressional delegation is leading the way on these critical issues.

Best regards,

DENNIS P. KING,
Chief Executive Officer/President, Natl. Assoc. of Psychiatric Healthcare Systems.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 248—EXPRESSING THE SENSE OF THE SENATE CONCERNING THE INDIVIDUAL INDIAN MONEY ACCOUNT TRUST FUND LAWSUIT

Mr. CAMPBELL (for himself, Mr. INOUYE, Mr. DOMENICI, and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. RES. 248

Whereas, in exchange for ceding hundreds of millions of acres of land and other valuable consideration by Indian tribes, the United States was obligated to protect Indian funds and resources;

Whereas, since the 19th century, the United States has held Indian funds and resources in trust for the benefit of Indians;

Whereas the Senate reaffirms that in continuing to hold and manage Indian funds and resources for the benefit of the Indians, the United States should act in accordance with the highest fiduciary standards;

Whereas in 1996, a class action was brought against the United States seeking a historical accounting of balances of individual Indian money accounts;

Whereas after 8 years of litigation and the expenditure of hundreds of millions of dollars in Federal funds, the Senate believes that continued litigation will not provide significant benefits to, or serve the interests of, the members of the class; and

Whereas, subsequent to the filing of the class action, the Indians and the United States have tried without success to reach settlement of the Indian claims: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) the interests of Indians and the United States would best be served by a voluntary alternative claims resolution process that will lead to a full, fair, and final settlement of potential individual Indian money account claims; and

(2) legislation is necessary to establish a voluntary alternative claims resolution process and achieve a full, fair, and final settlement of potential individual Indian money account claims.

AMENDMENTS SUBMITTED & PROPOSED

SA 1890. Mr. CAMPBELL submitted an amendment intended to be proposed by him to the bill S. 521, to amend the Act of August 9, 1955, to extend the terms of leases of certain restricted Indian land, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1890. Mr. CAMPBELL submitted an amendment intended to be proposed by him to the bill S. 521, to amend the Act of August 9, 1955, to extend the terms of leases of certain restricted Indian land, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 6 and insert the following:

SEC. 6. AUTHORIZATION OF LEASES OF RESTRICTED LAND FOR TERMS OF 99 YEARS.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) (as amended by section 3), is amended by adding at the end the following:

"(h) AUTHORIZATION OF LEASES OF TRIBALLY OWNED RESTRICTED LAND FOR TERMS OF 99 YEARS.—

"(1) IN GENERAL.—Notwithstanding subsection (a), any restricted Indian land that is owned by an Indian tribe may be leased by the tribal owner, with the approval of the Secretary of the Interior, for a term of not longer than 99 years, for—

"(A) public, religious, educational, recreational, residential, or business purposes; and

"(B) any other purpose stated in subsection (a), unless the Secretary determines that the principal purpose of the lease is for—

"(i) exploration, development, or extraction of a mineral resource; or

"(ii) storage of materials listed as high level radioactive waste (as defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)).

"(2) APPROVAL BY THE SECRETARY.—

"(A) TIMING.—The Secretary shall approve or disapprove a lease described in subsection (a) or an amendment to such a lease not later than the date that is 180 days after the date on which an application for approval of the lease or lease amendment is submitted to the Secretary.

"(B) FAILURE TO ACT.—If the Secretary fails to take action on an application for approval of a lease or lease amendment by the date specified in subparagraph (A), the Secretary shall be deemed to have approved the lease.".

SEC. 7. BINDING ARBITRATION.

Section 2(c) of Public Law 89–715 (25 U.S.C. 416a(c)) is amended—

(1) in the first sentence—

(A) by inserting "(including a sublease, substitute lease, or master lease)" after "Any lease"; and

(B) by inserting ", or any contract affecting land within the Salt River Pima-Maricopa Indian Community," after "Reservation"; and

(2) in the second sentence, by striking "entered into pursuant to such Acts".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I announce that the Committee on Indian Affairs will meet on Wednesday, October 22, 2003, at 10 a.m. in Room 106 of the Dirksen Senate Office Building to conduct a hearing on the nomination of Mr. David W. Anderson to be the Assistant Secretary for Indian Affairs, U.S. Department of the Interior; to be followed immediately by a business meeting to consider pending committee business.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, October 21, 2003, at 9:30 a.m., in closed session to receive a classified operations/intelligence briefing regarding ongoing military operations and areas of key concern around the world.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, October 21, 2003, at 10 a.m., to hear testimony on "Tax Shelters: Who's Buying, Who's Selling, and What's the Government Doing About It?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 21, 2003, at the 9:30 a.m. to hold a hearing on U.N. Convention on the Law of the Sea.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 21, 2003, at 2:30 p.m. to hold a hearing on U.S. Energy Security: West Africa & Latin America.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, October 21, 2003, at 10 a.m., on "Protecting Our National Security From Terrorist Attacks: a Review of Criminal Terrorism Investigations and Prosecutions," in the Dirksen Senate Office Building, Room 226.

Witness List:

Panel I: The Honorable Christopher Wray, Chief of the Criminal Division, U.S. Department of Justice, Washington, DC; The Honorable Patrick Fitzgerald, United States Attorney, Northern District of Illinois, Chicago, IL; and The Honorable Paul McNulty United States Attorney, Eastern District of Virginia, Alexandria, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.J. RES. 73

Mr. SESSIONS. Mr. President, I understand that H. J. Res. 73 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 73) making further continuing appropriations in the fiscal year 2004, and for other purposes.

Mr. SESSIONS. I now ask for its second reading and object to further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard. The joint resolution will receive its next reading on the next legislative day.

MEASURE READ THE FIRST TIME—H.R. 1446

Mr. SESSIONS. Mr. President, I understand that H.R. 1446 which was just received from the House is at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 1446) to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

Mr. SESSIONS. I now ask for its second reading and object to my own request on behalf of my colleagues.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

ORDERS FOR WEDNESDAY, OCTOBER 22, 2003

Mr. SESSIONS. I ask unanimous concept that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, October 22. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11:30 a.m., with the time equally divided between the two leaders or their designees, with the first 30 minutes under the control of Senator HUTCHISON or her designee and the second 30 minutes under the control of the minority leader or his designee; provided further that at 11:30, following morning business, the Senate resume consideration of the motion to proceed to S. 1751, the Class Action Fairness bill, with the time until 12:30 p.m. equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I further ask unanimous consent that at 12:30 p.m., the Senate proceed to a cloture vote on the motion to proceed on S. 1751.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. For the information of all Senators, tomorrow, following morning business, the Senate will begin 1 hour of debate on the motion to proceed to S. 1751, the Class Action Fairness bill. At 12:30 p.m., the Senate will proceed to the vote on the motion to invoke cloture on the motion to proceed to S. 1751.

On behalf of the leader, I inform my colleagues that the cloture vote will be the first vote of tomorrow's session. If cloture is invoked on that motion, it is hoped that the Senate will be able to begin consideration of the Class Action Fairness legislation. Therefore, additional votes are possible during Wednesday's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:17 p.m, adjourned until Wednesday, October 22, 2003, at 9:30 a.m.

EXTENSIONS OF REMARKS

RECOGNIZING JOSEPH J. TARANTINO

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. GERLACH. Mr. Speaker. I rise today to recognize Joseph J. Tarantino, recipient of this year's Montgomery County Chamber of Commerce Outstanding Citizen of the Year Award, for his numerous years of service to our community.

Joseph J. Tarantino is the President of Continental Realty Company Incorporated, based in East Norriton, Pennsylvania. He oversees fifty employees and agents and all seven of Continental Realty's divisions, which include professional services in the areas of residential and commercial real estate, insurance, relocation, appraisals, new construction, property management and advertising & marketing.

In addition to his official capacity at Continental Realty, Mr. Tarantino has served as Chairman of the Pennsylvania State Real Estate Commission, President of the Board of Directors of the Montgomery County Board of Realtors, and Federal District Coordinator of the National Association of Realtors. He has also maintained several community affiliations such as Chairman of the Borough of Bridgeport Revitalization Committee, President of the National Italian Political Action Committee, Chairman of the Central Montgomery County Chamber of Commerce, Director of the American Heart Association and Director of the Pathaway Schools

Joseph Tarantino has been recognized on several occasions by his business peers as well as those in the community. He has been a recipient of the Realtors Active in Politics Award, the Central Montgomery County Board of Realtors Realtor of the Year Award and the Americans of Italian Heritage of Montgomery County Outstanding Citizen Award. All of the honors and awards he has received, as well as the positions of leadership Mr. Tarantino has held are a true testament to the hard work and dedication he has shown toward his profession and community. Joseph J. Tarantino is an exemplary citizen for which Montgomery County can be truly proud and I can not think of a more deserving individual to receive the Chamber of Commerce's Outstanding Citizen of the Year Award.

Mr. Speaker, I ask my colleagues join me today in recognizing and honoring Joseph J. Tarantino for all that he has done over the years to make Montgomery County, Pennsylvania a better place to live.

TRIBUTE TO JOHNNY J. BUTLER, ESQUIRE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the accomplishments of Mr. Johnny J. Butler, Esquire, recipient of the 2003 Laborers' Local Union 332 Outstanding Community Leader Award. It is a privilege to recognize a person whose commitment to community has enriched the lives of countless individuals.

Mr. Butler is an attorney with the law firm of Booth & Tucker, LLP of Philadelphia where he focuses on government relations, management consulting, and employment law. He is active in the many aspects of the community including the Prince Hall Masons & Shriners and the Omega Psi Phi Fraternity. Mr. Butler sits on the Board of Trustees for both the Mother Bethel Foundation and the Drexel University College of Medicine, and is cochairman of the Scotland School for Veterans Children capital campaign.

In the past, Mr. Butler was Secretary of the Pennsylvania Department of Labor and Industry. Under his leadership, there was a statewide enhancement of workforce development programs and policies, a reform of the state's workers compensation system, and establishment of PennSafe, a workforce safety initiative. Mr. Butler also served as the acting General Counsel of the U.S. Equal Employment Opportunity Commission, Assistant Counsel with the NAACP Legal Defense Fund, and has taught both law and management courses at Howard University and Temple University, respectively.

Mr. Speaker, Johnny Butler is a model citizen. I ask you and my other distinguished colleagues to join me in commending Mr. Butler for his lifetime of service and dedication to labor and the Commonwealth of Pennsylvania.

A TRIBUTE TO PATRICIA A. LEE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Patricia A. Lee for her achievement in expanding a local business, which has served the Brooklyn community for several years.

Patricia A. Lee was born in Magnolia, NC. She attended E.E. Smith High School in Keanansville, NC, and upon graduation, she continued her education at Norfolk State University. In 1970, she earned a B.S degree in business administration.

Soon afterward, Patricia was employed by Allstate Insurance Company as an injury claims adjuster. After working for Allstate for two years, she joined her family's business, the North Carolina Country Store, in Brooklyn, NY, as vice president of Marketing and Business Operations. Her hard work paid dividends, and in 1988, she expanded the business by opening a restaurant, The Carolina Country Kitchen, which has been in Brooklyn for 13 years. The restaurant is now located in the country store.

Patricia is an active member of New Jerusalem Baptist Church in Jamaica, NY. She has also been involved in numerous community efforts including her membership on the 73rd Community Council and the Bedford Stuyvesant Community Planning Board. Additionally, she is a contributor to several block associations and is very active in her community and neighborhood schools.

Mr. Speaker, Patricia A. Lee has made significant contributions to her community through her entrepreneurial and volunteer activities. As such, she is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

HONORING SUFFOLK COUNTY VOLUNTEER FIREMEN'S ASSOCIATION 2003 FIREFIGHTERS OF THE YEAR

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to honor the Suffolk County Volunteer Firemen's Association 2003 "Firefighters of the Year."

This year, the Association is honoring 1st Asst. Chief James M. Cummings, Ex-Captain Robert Souhrada and Firefighter Daniel Boucher of the Bay Shore, NY Fire Department. The testimonial of Chief Michael K. Cummings demonstrates the commitment of these three brave men.

On March 19, 2002, at 18:31 hours the Bay Shore Fire Department was alerted and toned out for a structure fire (signal 13) at 103 Second Avenue. Immediately after going on the air, the Bay Shore base was informed by Suffolk County FireCom there was a child hanging out a window. At 18:33 hours, Engine 3–1–2 and 1st Asst. Chief James Cummings, 3–1–31, went (signal 2) enroute to the scene.

While the crew of 3–1–2 began preparing to enter the building with an attack line, 1st Asst. Chief (3–1–31) James Cummings arrived at the scene and realizing due to heavy smoke and intense flame that time was running out for the trapped victims elected to effect a rescue through the second story front window. As he entered the room, directly in front of the window was 3-year-old John Thomas. Chief Cummings immediately pulled him to his arms and proceeded to the window.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

As Chief Cummings was affecting the first rescue, Firefighter Dan Boucher had completed his ascent of the stairs. Firefighter Boucher, unaware that anyone else was in the room, entered the front room. Both Cummings and Boucher arrived at the second victim simultaneously. Firefighter Boucher picked up the second child, 4-year-old Derek Wright and attempted to go back to the stairs.

He was immediately directed by Chief Cummings to take the victim to the window, where he passed the boy to Ex-Capt. Bob Souhrada with no protective gear waiting atop an aluminum ladder that was found on the side of the house.

As resuscitation, attempts were being made on the two youths on the front lawn, Chief Cummings continued to search on his hands and knees in the dense smoke for the third child. As Chief Cummings arrived at the base of a piece of furniture, he realized the piece of furniture was a crib, he felt around and located 8-month-old Starkeya Steeple.

He grabbed the infant and immediately passed her to Firefighter Souhrada on the ladder, where she was rushed to a waiting ambulance that was immediately put in route to Southside Hospital.

At 19:23 hours, the return to base (signal 5) was transmitted by the incident commander, Chief Michael K. Cummings. Thirteen pieces of apparatus and eighty-six firefighters responded to the scene.

Unfortunately, both John Thomas and Derek Wright had succumbed to their injuries on the day of the incident. Starkeya Steeple remained in critical condition after being airlifted to Nassau County Medical Center Burn Unit, where she remained until March 23, 2002, at which time she was pronounced dead, but not before her family was able to have her organs donated.

Without any regard for the grave risk to their personal safety, Asst. Chief James Cummings, Ex-Captain Robert Souhrada, and Firefighter Daniel Boucher displayed extraordinary bravery in rescuing these children without any protective streams or ventilation from the intense heat and consuming smoke of this alarm.

Therefore I respectfully request that these individuals be rewarded the appropriate grade of commendation of valor, for their actions above and beyond the call of duty.

AMERASIAN NATURALIZATION ACT OF 2003

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Ms. LOFGREN. Mr. Speaker, in the 106th Congress, we passed the Child Citizenship Act to automatically confer U.S. citizenship on foreign born children adopted by U.S. citizens. Our immigration law has also long recognized that children born outside our country to an American father and a foreign national mother are citizens as long as their fathers take the steps necessary to achieve their child's citizenship.

Unfortunately, there remains a group of forgotten sons and daughters who, despite being born to American fathers, cannot take advantage of the Child Citizenship Act or other existing provisions of law.

These are children born in Vietnam to American servicemen and Vietnamese women during the Vietnam War. They have lived through devastation during the Vietnam War, have been mistreated by the Vietnamese government because of their mixed race, and many now live in the United States, but only as legal permanent residents.

There is no doubt that they are the sons and daughters of American fathers. We already made that determination when we admitted them to the United States as legal permanent residents.

To correct this unfair inequality in our law, I have introduced the Amerasian Naturalization Act of 2003 to ensure that Amerasians are accorded U.S. citizenship just like the offspring of other American fathers are.

I hope this Congress will act swiftly and pass the Amerasian Naturalization Act. It is time for us to finally close a chapter in our history that has too long denied Amerasians the opportunity to become citizens and be recognized as the Americans that they are.

HONORING AND RECOGNIZING CHARLOTTE CITY COUNCILMAN JOHN TABOR

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mrs. MYRICK. Mr. Speaker, I would like to honor and recognize Charlotte City Councilman John Tabor. On October 28, 2003, John will be receiving the Leadership Charlotte Schley R. Lyons Circle of Excellence Award. This award recognizes a Leadership Charlotte graduate who demonstrates outstanding leadership qualities, and whose ideals are in line with that of Leadership Charlotte.

The award John is to receive is truly deserved. For over a decade he has served the Charlotte community as a long-standing member and Chairman of the Charlotte Mecklenburg Planning Commission, on the Leadership Charlotte and Chamber of Commerce Leadership board, and as a member of the American Institute of Architects. He also sits on different committees for the North Carolina and Charlotte American Institute(s), and he is involved in many regional and local architectural projects, most notably the Blumenthal Arts Center. Currently, he serves as a Charlotte City Councilman and represents District 6.

I commend John for his service to the Charlotte community, and congratulate him on receiving this prestigious award. His wife, Lee, and his children, Allie and John Paul, are also to be commended on their great sacrifices so that John can work to make Charlotte a better place to live and work.

HONORING THE NATIONAL TRAINING AND INFORMATION CENTER'S 30TH ANNIVERSARY OF ORGANIZING NEIGHBORHOODS AND THE 25TH ANNIVERSARY OF THE COMMUNITY REINVESTMENT ACT

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. DAVIS of Illinois. Mr. Speaker, Gale Cincotta 30 years ago had a vision that led to the founding of the National Training and Information Center (NTIC) for neighborhood residents to become experts on identifying and resolving the issues on mortgage and insurance redlining, HUD/FHA abuses and community-level drug problems in the inner city. President Carter appointed Ms. Cincotta to the National Commission on Neighborhoods where she chaired the Reinvestment Task Force. In 1990, NTIC's work, along with that of 9 local organizations, on community-based anti-drug initiatives was recognized by President Bush senior at a White House luncheon. Ms. Cincotta served on the National Commission on Regulatory Barriers to Affordable Housing, established by the Department of Housing and Urban Development, and she was a member of the Community Investment Advisory Council of the Federal Home Loan Bank of Chicago.

Ms. Cincotta and the National Training and Information Center established a multi-ethnic, multi-racial coalition of community organizations whose mission is to build grassroots leadership and strengthen neighborhoods through issue-based community organizing. NTIC helps build organizations with the resources and capacity to: (1) identify local issues that impact the urban areas, (2) develop effective strategies to address the root causes of issues, and (3) create opportunities for the organizational leadership to negotiate with business decision-makers. NTIC's primary focus is to provide training and technical assistance to a wide range of groups who are willing to promote and foster community organizing as goals for obtaining affordable housing for families, establishing drug prevention programs for the sick and assist in the fostering of neighborhood and community investments to improve better living conditions for people.

Mr. Speaker, I commend the efforts and achievements of Gale Cincotta and the National Training and Information Center for their 30th anniversary for empowering the people to organize to bring about change and progress in improving the lives of people from all walks of life.

EXPRESSING SENSE OF HOUSE REGARDING MAN-MADE FAMINE THAT OCCURRED IN UKRAINE IN 1932–1933

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. EMANUEL. Mr. Speaker, I rise in support of H. Res. 356, expressing the sense of the House of Representatives that millions of Ukrainians, who were deliberately and systematically starved in the early 1930's, should be remembered and honored today. To properly commemorate Ukrainians who starved at the hand of Joseph Stalin, we must first acknowledge that this genocide was not only ignored but was also concealed and perpetuated under Stalin's regime.

In its darkest hour, Ukraine was viewed by Stalin as a source of dissent against the Soviet Union. Its rich tradition of open political discourse and cultural splendor were threats to his tyrannical and oppressive regime. To preempt Ukrainian opposition, Stalin wielded a heavy hand in enforcing an ironclad policy of collectivization, in which peasant farmers were forced to turn over the grain they produced. Any man, woman or child caught with even a handful of grain from a collectivized farm would be swiftly executed or deported. Stalin's policy resulted in the one of the worst episodes of genocide in the history of the world as an estimated 7 to 10 millions Ukrainians perished in the course of just a single year.

Mr. Speaker, on behalf of 4,300 constituents of Ukrainian descent, I offer my solemn remembrance to the victims and people of Ukraine. In tribute to the millions who witnessed their family members perish before succumbing to their own starvation, we must always remember and honor the victims of genocide so that mankind never again turns an unseeing eye or an unfeeling heart. I join my colleagues in Congress in remembering this tragic chapter of human history.

TRIBUTE TO FIRST LIEUTENANT THOMAS FORSBERG

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to First Lieutenant Thomas A. Forsberg for his faithful service of 26 years to the Michigan State Police Department.

Thomas began his career in 1977 with the Michigan State Police Department after graduating from the 90th Recruit School. Throughout his career, First Lieutenant Forsberg served in uniform positions at the Bridgeport, Detroit, Flint, and Bay City posts, the Criminal Investigation Division—BAYANET Unit in Saginaw, and the Fire Marshal Division at the Third District Headquarters in Saginaw. He achieved the ranks of Trooper, Sergeant, Detective Sergeant, Lieutenant, Detective Lieutenant, and First Lieutenant. Today, First Lieutenant Forsberg retires as the commanding officer of the Uniform Services Division at the Bridgeport Post. He is greatly appreciated by his co-workers and community, and he will be dearly missed.

I am honored today to recognize First Lieutenant Thomas A. Forsberg for his auspicious dedication to serving the State of Michigan.

TRIBUTE TO TIM JENKINS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. FARR. Mr. Speaker, I rise today to honor Tim Jenkins, who passed away unexpectedly on October 2, 2003. He served as one of my campaign staffers when I originally ran for the California State Assembly many years ago, and will be sorely missed. He is survived by his mother, Doris Jenkins, and his son, Nolan Jenkins.

Tim Jenkins was born in Winthrop, Massachusetts, but had lived in California for much of his life, and made Santa Cruz his home for nearly thirty years. He transferred to UC Santa Cruz in 1974 as a psychology major, but he is best known on the Central Coast for his political activism. In addition to the effort he put in to my campaign for the State Assembly, he also worked as a campaign strategist for, among others, County Supervisor Mardi Wormhoudt and Santa Cruz City Council member Mike Rotkin and Emily Reilly, the current mayor. Without the hard work and dedication to progressive politics that Tim embodied, Santa Cruz would not be the way it is today.

His friends and family have established "The Tim Jenkins Scholarship Fund" in his memory, which will help support future UC Santa Cruz student activists. The annual scholarship will be awarded to a student who demonstrates a notable commitment to practical, progressive politics and academic excellence. For Tim, politics was about more than running for office; it was a lifelong commitment to changing society for the better. His passion for politics that people could believe in was an inspiration to everyone who knew him.

Mr. Speaker, I applaud Tim Jenkins' achievements and accomplishments. Throughout his life he demonstrated an outstanding commitment to our community through his political work. His character and dedication have made lasting impacts on our community and the people with whom he worked, myself included. I join the County of Santa Cruz, and friends and family in honoring this truly commendable man and all of his lifelong achievements.

TRIBUTE TO SAMUEL STATEN, JR.

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the accomplishments of Mr. Samuel Staten, Jr. Mr. Staten has been honored by our fellow Philadelphians by receiving the 2003 Laborers' Local Union 332 Outstanding Labor Leader Award.

Mr. Staten joined Laborers' Local 332 in 1972 and became a Field Representative seven years later. In 1986, he became the Local's Recording Secretary followed by Secretary-Treasurer in 1988. Mr. Staten currently holds the title of Assistant Business Manager and President of the Laborers' Local 332.

In the past, Mr. Staten has served as the Secretary of the Philadelphia Zoning Board of Adjustments, of which he is still a member, and was the President of the Happy Hollow Recreation Center Advisory Council, a non-profit organization which provides social services to youth and senior citizens.

Aside from his positions within the Laborers' Local 332, Mr. Staten is involved in other aspects of the community. Some of his commitments include serving as a Board Member of Camp William Penn, Chairman of the Philadelphia Housing Authority Legal Fund, Delegate to the AFL–CIO, and Executive Board Member of Community Assistance for Prisoners, a non-profit organization which assist ex-offenders through educational opportunities and job training.

It is a privilege to recognize a person whose leadership and commitment to his community has enriched the lives of countless individuals. I ask you and my other distinguished colleagues to join me in commending Mr. Staten for his lifetime of service and dedication to the Laborers' Local 332 and Pennsylvania's First Congressional District.

A TRIBUTE TO MICHAEL A. OLMEDA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Michael A. Olmeda for his commitment to serving his community through active civic participation.

Since 1990, Michael has been a social and policy advocate in the Brooklyn community, focusing on issues of substance abuse prevention, housing development, and senior citizen advocacy. As a member of prominent local and citywide organizations, he has taken an active role in raising community awareness about the problems facing our community as well as working to solve those problems.

For several years, Michael has worked as Chief of Staff for Assemblyman Darryl C. Towns. Serving as a key member of the Assemblyman's staff, he has played an integral role in implementing many of the Assemblyman's annual community service programs, such as the senior conference, the community service awards program, the turkey drive, and the annual toy drive.

As a child, Michael grew up around politics in the Bronx, with his mother's active involvement in Community Schools District 9 politics. As a teenager, he worked with a local group called the National Association for Puerto Rican Affairs (NAPRA), where he learned his way around campaigns, stuffing envelopes, working poll sites, and getting to know the political structure of the Bronx. After a brief tour of service with the U.S. Army, Mike came back to the Bronx to work as a butcher. Realizing this was not his professional calling, he moved to the Greenpoint section of Brooklyn, where he met Senator Ada L. Smith. Involved with politics again, Mike's first Brooklyn campaign was with Councilman Martin Malave Dilan.

Since then, he has continued to grow within the political community, managing campaigns for many prominent local and statewide officials. Most recently, he worked on the McCall for Governor and the Fernando Ferrer for Mayor campaign. A recent graduate of Long Island University, Mike hopes one day to work with local community based organizations, implementing programs that demonstrate the importance of computer literacy in our community. Michael has been married to his wife Cecelia for the past 20 years and they have four beautiful children Steven, Racquel, Travis, and Mikey.

Mr. Speaker, Michael A. Olmeda has served his community admirably through both his professional life and volunteer activities. As such, he is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

WARTIME LETTERS A LIFETIME BOND

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to share with my colleagues the touching story of Fred Amore, Commander of the Suffolk County Veterans of Foreign Wars and Dorothy Holland. Mrs. Holland and Commander Amore were pen-pals while he was serving in the Vietnam War. They remain close friends today.

WARTIME LETTERS A LIFETIME BOND

DETENTION OFFICER, VIETNAM SOLDIER HAVE FORGED LASTING RELATIONSHIP

(By Rob Morrison)

When Fred Amore, Commander of Suffolk County Veterans of Foreign Wars (VFW), looked into the crowd during the Cow Harbor Day Parade last weekend, he was searching for the face of a friend who has stood by him through years of war and peace.

As she does every year, Dorothy Holland, 75, of East Northport stood along the parade route waiting to catch a glimpse of Commander Amore, 55, also of East Northport, marching along. Seeing him brought back many memories of her years working for the Northport-East Northport School District and the year-long period she and Commander Amore were pen pals while he was serving in the Vietnam War.

The two met in 1965. Mrs. Holland had just begun her tenure at the old Northport High School building on Middleville Road as the detention officer. It was during the spring of that year when Commander Amore, then only a teenager, was given detention for cutting class with his high school sweetheart.

"From that day on Fred and I were friends," Mrs. Holland told The Observer during an interview in her home Tuesday.

While the two remained friends, Commander Amore graduated the next year, in 1966, and attended Suffolk Community College. But in the spring of 1967 Commander Amore received his draft notice. On June 13, 1967, he went into the United States Army as an Infantryman. Before he left, she went to all the boys "who were leaving," Mrs. Holland said. "I had tears in my eyes and I said "I will write to you but you have to write to me."

Commander Amore returned home from boot camp for Thanksgiving in 1967, then he left for Vietnam December 10 of that year. That Christmas, knowing he would not have a tree of his own, Mrs. Holland sent Commander Amore a photograph of herself in front of her Christmas tree. It was not until January 1968 that Commander Amore said he wrote his first letter to Mrs. Holland.

"I remember saying to Walter, my husband, 'Oh, he'll never write,'" Mrs. Holland said.

But Commander Amore said he became very homesick during his time in Vietnam, especially during the holidays. Commander Amore wrote as often as he could from his military post in Soc Trang on the Me Kong Delta.

"He only said 'I'm so lonely' and 'It is a horrible war,'" Mrs. Holland said. "That's when I started getting worried."

But her fears of the worst became stronger when she stopped getting letters from him. It was February 1968 and Commander Amore was in the thick of battle, attempting to hold off the North Vietnamese during the Tet Offensive. Commander Amore said the three-month ordeal mostly took place at night and forced him and his fellow servicemen and women to live in their foxholes.

"We knew it was coming," Commander Amore said. "It was all over the constantly being bombarded by mortar attacks. The South Vietnamese military was supposed to be protecting the base and the members of the 1st Aviation Battalion, of which he was a part. When the North Vietnamese attacked, however, the South Vietnamese dropped their weapons and fled, leaving Commander Amore and his colleagues stranded. He had been on base for 90 days and still did not have a weapon.

"I had to wait for someone to leave or die to get a weapon," Commander Amore said.

While many soldiers on base were killed during the offensive, Commander Amore said all of the 25 men in his unit survived.

Commander Amore spent several months hoping he would live to see his home again. In the meantime, Mrs. Holland waited to hear news from Commander Amore and the rest of the Northport High School graduates she knew were in Vietnam.

"My heart went out to all the boys," she said. "The stories were just horrible [in their letters]. They knew they weren't accepted back home. That was the worst for them."

After coming out of Vietnam unscathed, Commander Amore was disturbed to hear the negative public opinion of the Vietnam War.

"I knew the feeling of the people before I left and I knew the feeling when I came back," he said. "I didn't want to talk about it."

It was not until 1991 when Commander Amore decided to get involved in veterans activities and build up pride for his service during the war. He joined VFW Post 9263 in Elwood and Commack. In June, he was appointed commander of the Suffolk County VFW after serving as commander of his own post for five years.

"I had no intention of joining the VFW when I got out," he said. "I didn't want any part of it for a lot of reasons."

He always remembered, however, the letters of support that Mrs. Holland wrote him. Despite the nationwide disdain for the war, Mrs. Holland was a proud supporter of the boys who left high school to fight in Vietnam.

"The letters would pick you up," Commander Amore said. "That would get you to the next mail call. I really figured when I went into the service I wouldn't hear from her again. She knew how to keep your morale up and keep you going."

"While working at the high school I met the greatest students," Mrs. Holland said. "I haven't forgotten them and they haven't forgotten me. That school was the happiest part of my life."

THE UNACCOMPANIED ALIEN CHILD PROTECTION ACT OF 2003

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Ms. LOFGREN. Mr. Speaker, imagine being a 9-year-old girl trying to escape abusive parents that eventually abandon you. Imagine having no choice but to escape to America with relatives who eventually get angry and turn you over to the immigration authorities at the age of 14. Then imagine being detained for over 6 months in a juvenile jail as you are represented by an unscrupulous attorney who doesn't even care to show up to your immigration hearing, leaving you to defend yourself with no knowledge of the law or any adult guidance. Then imagine finding out that the immigration judge orders you to leave the country and you have nowhere to go, nobody to help you, and through it all, you're all alone. This was the plight of Esther—a Honduran victim of abuse, abandoned by her parents and relatives, and left to face a complex immigration system at the tender age of 14.

The sad reality is that Esther is not the only child that has suffered this terrible fate. This is the plight of many young girls and boys who travel hundreds and sometimes thousands of miles alone in seek of refuge in the United States. Some of these children are treated in a manner that our country usually reserves for criminals, not helpless victims, like fourteen-year-old Esther.

It is true that Congress last year transferred care, custody, and placement of unaccompanied alien children from the Department of Justice to the Department of Health and Human Services to improve the treatment children receive when encountered at our borders. This is certainly a big step in the right direction and I commend the Department of Health and Human Services for taking important steps to improve the care and custody of these vulnerable children. Unfortunately, Health and Human Services inherited a system that relied upon a variety of detention facilities to house children and was given little legislative direction to implement their new responsibilities. As a result, some children from repressive regimes or abusive families continue to fend for themselves in a complex legal and sometimes punitive system, without knowledge of the English language, with no adult guidance, and with no legal counsel.

Now is the time for new legislation to complete the positive steps we have already taken to ensure that unaccompanied alien minors are not locked up without any legal help or adult guidance. This is why I have introduced the Unaccompanied Alien Child Protection Act of 2003. It will ensure minimum standards for the care and custody of unaccompanied children and require a smooth transfer of minors from the Department of Homeland Security to the Department of Health and Human Services. It will also ensure that children receive adult and legal guidance as they navigate through our immigration system.

Mr. Speaker, no child should be left to fend for herself in a complex immigration system that even you and I would fear. We need to pass the Unaccompanied Alien Child Protection Act. I urge this body to swiftly consider this important legislation.

FAREWELL TO CHARLIE "CHOO-CHOO" JUSTICE

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mrs. MYRICK. Mr. Speaker, I would like to pay respect to one of the most distinguished athletes in North Carolina's history. Last Friday morning, October 17, 2003, North Carolina bid farewell to Charlie "Choo-Choo" Justice, who passed away at the age of 79.

The people of North Carolina remember Charlie from his days of playing football at University of North Carolina at Chapel Hill from 1946–1949. In his four seasons Charlie scored 234 points, accounted for 64 touchdowns, and rushed for 2,634 yards. In 1948, and 1949, Justice was runner up for the Heisman Trophy, which recognizes the best college football player in America. Many people who saw Charlie play say that he was the most exciting football player they have ever seen.

After college, Charlie went on to play professional football from 1950–1954 with the Washington Redskins. Although he only played for a short time, his retirement from football brought him many honors. In 2002, he was selected as one of the Redskins 70 greatest players of all time. He was also bestowed with the great honor of being the first athlete inducted into the North Carolina Sports Hall of Fame where greats such as Michael Jordan are now honored.

Charlie "Choo-Choo" Justice will be remembered long after his death for his talents and skills on the football field. However, the people who knew him in his hometown of Cherryville, NC will remember him for his commitment to improving the community, helping others, and his love for his family.

NATIONAL MAMMOGRAPHY DAY DURING NATIONAL BREAST CANCER AWARENESS MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to celebrate the National Mammography Day during this month of National Breast Cancer Awareness. In 1993 President Clinton proclaimed the 3rd Friday in October of every year as National Mammography Day. Our Celebration of this day and month is a step forward in finding a cure for Breast Cancer in the United States and the world as a whole.

National Mammography Day is a day for many people in the United States who have not had mammogram screenings or do not have the opportunity to get the screening, to get them free or at a discount price at different participating facilities in their areas. This day gives hope to people in the United States who may have or are at risk of getting breast cancer. Studies have shown that having mammogram screening helps with early detection and treatment, thereby saving the lives of many people. Between 1989 and 1995 there was a significant decline in the death rate from breast cancer, where it dropped by 1.4 percent each year, and between 1995 and 1998 the decrease accelerated to a decline of 3.2 percent annually. Studies have shown that these improvements are due to early detection and improved treatment, which would not have been possible without mammogram screening.

Many people are becoming aware of the importance of mammogram screening including Congress. In 1992, Congress established the Mammography Quality Standards Act, requiring all mammography facilities to meet quality criteria in order to operate. Federal funding for breast cancer research has grown 600 percent, from $92.7 million in 1991 to $660 million in 1999. States also understand the need for health insurance coverage for mammogram screening. In 1985, Illinois the state I represent and Virginia required that health insurers cover the cost of mammogram screenings. As of 2002, 46 other states have followed suit by requiring insurance coverage for mammogram screenings.

We need to continue to make people aware of the importance of early detection and that it helps to save and prolong life, and one way to do this is via mammogram screening. People need to be aware that breast cancer does not discriminate based on sex; both women and men are at risk of getting breast cancer. Breast cancer does not discriminate based on color or ethnicity, Caucasian-Americans, African-Americans, Asian-Americans, Hispanic-Americans, American Indians, Native Hawaiians and Alaska Natives are all susceptible to breast cancer. Breast cancer also does not discriminate based on age, people as young as 20 years old and as old as 80 years old are at risk for breast cancer.

Mr. Speaker, progress is being made in finding a cure for the disease and we should not give up hope. I have hope that we will find a cure soon for breast cancer. I want to commend those who have being doing research in finding a cure for the disease, providing emotional and financial support and treatment for people with the disease. Mr. Speaker, we should continue to recognize the importance of this day and month because the battle in finding a cure for breast cancer is not over, there is much work to be done.

HONORING THE 25TH ANNIVERSARY OF POPE JOHN PAUL II'S ASCENSION TO THE PAPACY

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. EMANUEL. Mr. Speaker, I rise in strong support of H. Res. 400 to honor the 25th anniversary of Pope John Paul II.

Karol Józef Wojtyla, known as John Paul II since his October 1978 election to the papacy, is one of the most famous and beloved people on Earth. Inspiring hundreds of millions of people including those beyond the Catholic faith to strive for world peace and prosperity, John Paul II has counseled religious and world leaders during 38 official visits and 700 audiences held with Heads of State.

The hallmark of John Paul II's leadership has been his message of hope, reconciliation and redemption. His indelible mark on the world is an unshakable faith in human goodness and benevolence, and the advancement of peace, forgiveness and human rights for people of all faiths.

In his book "Crossing the Threshold of Hope," John Paul II wrote that "Man affirms himself most completely by giving of himself. This is the fulfillment of the commandment of love." His constant and selfless commitment to peace and dedication to all mankind during his extraordinary 25 year papacy is why we should honor him as a living example of "the commandment of love."

Mr. Speaker, on behalf of my constituents, including 112,000 Polish Americans and 131,000 Catholics in the Fifth Congressional District of Illinois, I join my colleagues in paying tribute to Pope John Paul II.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. CAMP. Mr. Chairman, I rise in support of H.R. 3289. It has been 6 months since

American forces toppled Saddam Hussein's regime, but there are still traces in Iraq of what one author referred to as a "psychopathic crime family", a family that terrorized its own people and stood as a daily threat to the region and the world.

I supported President Bush's request because it is vital to our own national security; it is an exit strategy; and it will help establish a safe and secure Iraq and prevent the region from becoming an incubator for would-be terrorists.

This funding is an investment in our lasting security, and comparatively it is a fraction of what we spent in World War I, World War II and the Korean War. It will go where it is needed most: getting our troops the supplies they need and rebuilding the critical infrastructure depleted by 3 decades of a dictatorial regime.

Our troops have succeeded on every front. They have secured the air, the land and the surrounding water. They have served our Nation well, and once again stand as liberating heroes to an entire people.

Yet, with the cost of the wars in Iraq and against terrorism continuing to rise, many are now wondering: should we send additional support? Are we really safer today than yesterday? Is the price tag worth it? The answer on all fronts is "yes."

If you have doubts, just think for a moment about the cost of inaction, the cost of turning back now.

Chief weapons inspector Dr. David Kay recently delivered an update to Congress and stated that Iraq had a secret network of biological laboratories, live botulinum toxin, and an advanced program for prohibited long-range missiles. This is just what we have found at the halfway point of his investigation.

The positive difference for the United States is clear. No longer does the Iraqi government harbor, support or sponsor known terrorists. The country that once housed individuals like Palestine Liberation Front leader Abu Abbas, whose organization committed the 1985 hijacking of the cruise ship Achille Lauro, is now charting a new course—a course less threatening to the safety and stability of the world.

While the coalition has accomplished much in the last 6 months, we are still building upon that foundation. We must not falter in our response; we must not rest until our families are safe and secure. This funding is critical to our success in the war against terrorism and preserving our freedom here at home.

TRIBUTE TO TERRY BRICKLEY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. FARR. Mr. Speaker, I rise today to honor Terry Brickley, who passed away from pneumonia on October 6, 2003. Throughout his life, Terry was an exceptional community activist and a tireless crusader of rights for the disabled, himself a sufferer from multiple sclerosis. He is survived by his life partner of thirteen years, Sally Jorgensen, his daughter, Tori Bradford, and her husband and son.

A native Californian, Terry lived in Santa Cruz for the past thirty-seven years and has played an important role in this community during that time. He played a vital role in making public spaces handicap accessible, including making the transit district in Santa Cruz the first in the country to have fully accessible buses, long before the Americans with Disabilities Act was passed. In addition to his amazing work as an activist, Terry also founded, headed, and sat on the boards of several organizations dedicated to improving the lives of the disabled, including Adaptability Unlimited; a San Francisco chapter of the California Association for Physically Handicapped which is now the Californians for Disability Rights; and the Stroke Center at Cabrillo College.

I had personal contact with him while serving in the California Assembly, as we worked together to pass a bill that would allow people eager to return to work to remain on Disability Insurance until their new job insurance came into effect. With the passage of this bill, it made it possible for more people to return to work and once again participate in their community. He has shown it is possible for one person to make a difference in the lives of so many people, not only in his local community but across the state, in starting a movement that works to guarantee equal rights for all Americans. Terry was an inspiration to me and his legacy will not easily be forgotten. He was a true friend and will be missed by many.

Mr. Speaker, I applaud Terry Brickley's achievements and accomplishments. Throughout his life he demonstrated an outstanding commitment to this community and to equal rights nationwide that should serve as an inspiration to everyone. His service is admirable and his character and dedication have made lasting impacts on our community and the people with whom he worked, myself included. I join the County of Santa Cruz, and friends and family in honoring this truly commendable man and all of his lifelong achievements.

TRIBUTE TO DONALD FELDSCHER

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the lifelong service of Donald Feldscher. Mr. Feldscher has been a dedicated civil service employee who has worked with the City of Philadelphia for the past twenty-five years. His years of service are indicative of an unwavering commitment to his community and to the City of Philadelphia.

Mr. Feldscher has led an exemplary life of service. He maintained a position evaluating property for the City of Philadelphia until the age of seventy-five. His hard work throughout the years has been an inspiration to his coworkers and the community.

Mr. Feldscher will retire from the City of Philadelphia on October 31, 2003. In recognition of his years of service to the people of the Philadelphia community, I ask that you and my other distinguished colleagues rise to congratulate him on his retirement.

A TRIBUTE TO LEWIS A. WATKINS, SR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Lewis A. Watkins, Sr. for his dedication to serving his community and the City of New York.

For almost 30 years, Lewis has worked for the City of New York in a variety of administrative positions. During most of that time, he has also dedicated himself to serving Community Planning Board #3 in Bedford Stuyvesant, which represents the largest African-American community in New York City.

Educated, diligent and committed, he was promoted from Youth Coordinator for the district to District Manager of Community Board #3. Mr. Watkins' primary role is to coordinate the delivery of city services and to advise a Board of 50 members who are appointed by the Brooklyn Borough President and City Council Members. In this capacity, he works with residents, block associations, community-based and civic organizations, businesses, and churches in order to best serve the neighborhood. For issues in Bedford Stuyvesant relating to housing, seniors, health care, parks, child welfare, day care, education, transportation, police, fire, environmental protection and economic development, Lewis is the main source of information for the City and plays a key role in solving problems for the community related to these areas.

Lewis received his Master of Science Degree in Secondary Education with a Minor in Urban Policy Science from State University of New York at Stony Brook University. He taught high school for several years but realizes now that city government has been his true calling.

In retrospect, he also realizes that his inspiration for community services came from his role models, his mother, Bernice Watkins and his maternal grandmother.

Mr. Speaker, Lewis A. Watkins has been a dedicated public servant to his community. As such, he is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

TESTIMONY OF MICHELE DE JESU

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to share with my colleagues the testimony of Michele De Jesu from a hearing in regards to Long Island's statistical status, as designated by the Office of Management and Budget. This testimony was given at the Alfonse M. D'Amato United States Courthouse on June 20, 2003.

I am Michele De Jesu, and I am thankful to learn from this hearing.

I know that the Census Bureau has had a tremendous job in counting populations.

Now I am learning that the Bureau can make conclusive definitions as to what to call those populous areas.

We can all agree on one thing: Every individual is entitled to Life, Liberty and the Pursuit of Happiness under the Constitution.

If Nassau County is not counted as an entity; if Suffolk County is not counted as an entity;

If that be the case, where does it lead each and every impoverished homeless person, too numerous to count? I wonder if they are seen in the census books.

Please help the housing agencies that serve the homeless, poor and mentally challenged, agencies like HALI (Hands Across Long Island) and count us so that our government can represent us too.

Please redefine your definitions rather than depersonalize whole counties and thus each individual.

Please reevaluate and reconsider, and may the OMB not deny us of our unalienable rights.

VICTOR GARZA HONORED FOR HIS YEARS OF SERVICE TO THE PEOPLE OF SANTA CLARA COUNTY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Ms. LOFGREN. Mr. Speaker, I rise to recognize the achievements of Victor Garza and would like to recognize his extraordinary and tireless service to the people of Santa Clara County.

Victor, who has been called the "Latino Voice of San Jose," retired last month after 26 years as a Veteran Services Officer for the County of Santa Clara.

Victor has served on numerous boards of directors and community committees related to education, youth and health, including his current role as chairman of the La Raza Roundtable, boardmember for the Center for Training and Careers, and as a leader in the American G.I. Forum.

Victor is a former Navy mechanic who served in the Korean war, and has been an outspoken advocate for veterans throughout Santa Clara County, fighting for access to services and recognition for our veterans.

Originally from Eagle Pass, TX, Victor came to San Jose in 1971 when, after leaving the Navy and farm work, Garza enrolled at San Jose State University. At 34, the man who never graduated from high school worked full-time as a foreman at a bus manufacturing company in Hayward while taking a full load of classes at night. He graduated with a master's degree in public affairs.

Throughout his career, he has also organized Latino job fairs, boycotted against job discrimination and founded an organization to send Latinos to college.

Victor has devoted his life to enrich and advance his community, and his contributions deserve to be honored to serve as an inspiration for our youth, veterans and for the residents of Santa Clara County.

I wish to thank Victor Garza for his tireless service to the County and wish him the best in his future endeavors. Furthermore, he has my personal thanks for our years of friendship. Though we will all miss his compassion, expertise and commitment, his dedication has left its mark on Santa Clara County.

TRIBUTE TO MS. VIVIAN WILLIE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor a respected member of the Philadelphia community. Ms. Vivian Willie is turning 100 years young.

Ms. Willie will celebrate her 100th birthday this October 26, 2003. She selflessly helped the community working for many years at the Children's Hospital of Philadelphia. Ms. Willie continued to serve the people of Philadelphia outside of the hospital working for the anti-poverty program from which she retired.

Along with her son, 22 grandchildren, and over 40 great grandchildren, I ask that you and my other distinguished colleagues join me in congratulating Ms. Vivian Willie during her 100th birthday celebration.

A TRIBUTE TO DARLENE MEALY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Darlene Mealy for her commitment to public service and dedication to serving her community.

Darlene Mealy was one of eight children born to Edward and Louise Mealy, in Detroit, MI. She was raised in Brooklyn, NY, and would later attend school at Manhattan Borough Community College. While living on Herkimer St. in 1987, she formed a softball team named the "Bullets," which won three straight championships. Since then, Darlene decided she wanted to be in a position where she would be able to give back to the community that gave her so much.

She is the founder and president of FARR (Fulton St./Atlantic Ave./Ralph./Rochester Ave.) Community Association, Inc. FARR has helped forge tighter community bonds and a stronger voice. FARR's successes include removing drug dealers from street corners, beautifying the neighborhood, and saving eight members' homes from demolition, which was planned for by the Fulton Park Urban Renewal Plan. Under her leadership, FARR also has been credited with programs for our youth, such as boys' and girls' basketball and girls' step teams, which she has coached for three years.

Her community involvement also extends to her service on the executive board of the Bishop Henry B. Hucles Episcopal Nursing Home, providing an essential service to frail, elderly and physically challenged community residents. She is the corresponding secretary for the 81st Precinct Community Council and a member of the Christ Memorial Church in Brooklyn. She was the former secretary of Unity Democratic Club as well. She credits her mother as her role model in learning values that she lives by today.

Professionally, Darlene has worked for the New York City Transit for 13 years. She now works in the Department of Buses and Technical Services. She is on the executive board of Neighborhood Housing Services that gives homeowners low and moderate loans to improve their homes.

Mr. Speaker, Darlene Mealy's commitment, leadership, innovation, and motivation have brought about a positive change in the neighborhood and community she serves diligently. As such, she is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

ON THE YANKEES ALCS VICTORY OVER THE RED SOX

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise and congratulate the New York Yankees for their stirring come-from behind last night against the Boston Red Sox in the 7th and final game of the American League Championship Series—proving, once again, that the greatest rivalry in professional sports is between the Yankees and the Red Sox.

Roger Clemens pitching against Pedro Martinez—two of the greatest pitchers of all-time, one pitching what was potentially his final game against his former team, the other pitching what until the 8th inning was nothing less than a masterpiece. The first two Cy Young award winners ever to face each other in a Game 7.

Despite an early deficit, the Yankees refused to give up. Two home runs from a struggling Jason Giambi. 3 runs in the 8th. And of course, the winning homer by Aaron Boone in the bottom of the 11th. This is how baseball is supposed to be played: with emotion, honor, grit—and plenty of drama.

And that was only the 7th game. The six other games included so many gutsy performances by series MVP Mariano Rivera, two tough victories by knuckleballer Tim Wakefield and clutch hit after clutch hit by Jorge Posada and Hideki Matsui. It was in every respect a series for the ages.

I would be remiss if I did not say a word for the fans of the Boston Red Sox, especially my friends Congressman MICHAEL CAPUANO, Congressman JOHN LARSON and Senator CHRISTOPHER DODD, who once again saw victory snatched from the jaws of defeat. As heartbreaking as this game is for them, what makes these fans special is that every year, hope springs eternal for them and the rivalry begins anew. They are one big reason this match up is so extraordinary year after year.

So let me again congratulate Joe Torre and his New York Yankees, as they prepare to take on the Florida Marlins in the 2003 World Series. On behalf of tens of thousands of Connecticut Yankee fans, you have again made the entire Tri-State area so proud. Go Yankees!

PERSONAL EXPLANATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. ROGERS of Kentucky. Mr. Speaker, on Monday, October 20, I was in Somerset, Kentucky, tending to official business, and was not present for rollcall votes #563–565. The votes were on House Resolutions 356, 400, and on H.R. 3288. Had I been present, I would have voted "yea" on all measures.

PERSONAL EXPLANATION

HON. C. A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. RUPPERSBURGER. Mr. Speaker, on rollcall No. 565, I was unavoidably detained because of a meeting I had with the Mayor of Baltimore. Had I been present, I would have voted "yea."

CALIFORNIA MISSIONS PRESERVATION ACT

SPEECH OF

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker. I rise today in support of the California Missions Preservation Act of 2003, H.R. 1446.

This important bill would grant funding to restore and repair the twenty-one California missions and their artifacts by providing a grant program under the authority of the Secretary of the Interior with a matching fund requirement for the California Missions Foundation.

As a California native, I cherish these beautiful missions, which represent our past, our history and our founding. It is important to preserve these monuments and museums as they serve as part of our cultural heritage.

Near my district in California is one of these missions, San Juan Capistrano, which served as the birthplace of Orange County.

Founded more than 200 years ago on 10 acres of beautiful gardens and fountains, San Juan Capistrano served as a community for Spanish Padres and Indians. It was a thriving center for agriculture, education and religion.

Today, the mission's visitors can see Native American, Spanish, Mexican and European heritage in the mission's architecture and artifacts. Every year, millions of visitors and school children come to these missions to learn about California and our history. Indeed they are living classrooms of our past.

I ask my colleagues on both sides of the aisle to support this bill, not only for the sake of preserving California's history, but for our nation's history as well.

HONORING HERB ALSUP'S 25 YEARS OF SERVICE TO HIS CHURCH

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. GORDON. Mr. Speaker, I rise today to congratulate Herb Alsup for his 25 years of ministering the Woodbury Church of Christ. On Sunday, October 26, the church will celebrate Family Day, a day to celebrate Herb's service and for the church to open its new addition.

I've known Herb and his family most of my life. He is the type of person who would give you the shirt off his back if he thought you needed it. For example, Herb's brother, Lynn, was serving in Vietnam and had to send Herb and his wife, Ann, some money. But Herb didn't need the money for himself or his wife. He needed the money before payday to buy clothes for a family he knew was in need.

Herschel Mullins, Herb's uncle, remembers him as "an unusually good boy, always real sociable with people, even when he was a kid." Herb used to visit Herschel for Sunday dinners and family reunions. Herschel recalls, "It was always a joy to have him in my home. He's always been one of my favorite nephews." Herschel also notes that the Woodbury Church of Christ grew considerably during Herb's tenure.

Herb was born in Blackman, TN, just outside of my hometown of Murfreesboro. While we were growing up, Herb excelled in the classroom and on the playing field. While attending David Lipscomb University, he played baseball and was considered a fantastic tennis player. Herb's enthusiasm for life has been and continues to be a positive influence and an inspiration to his family and friends. Herb, thank you for your service to the Woodbury Church of Christ and to everyone in the community.

HONORING RUTHERFORD COUNTY'S BICENTENNIAL

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. GORDON. Mr. Speaker, I rise today to celebrate the 200th birthday of Rutherford County, Tennessee. Rutherford County is located in the heart of Middle Tennessee, and I am proud to call this beautiful county my home.

The people of Rutherford County are truly blessed to live in a region with such rich history and such a promising future. Murfreesboro, now the county seat, served as the capital of Tennessee from 1819 to 1826. Nearly 40 years later, Union and Confederate soldiers fought and died on the county's soil during the Civil War. Stones River National Battlefield is a solemn memorial to those who lost their lives during the battle.

Today, residents and visitors can catch a glimpse of the county's promising future by looking to the county's successful industrial areas, quality schools and beautiful parks.

It is easy to see why Rutherford County is the fastest growing county in the state and one of the fastest growing counties in the nation. The warmth of its residents and beauty of its landscapes will continue to attract new members to the community. And those new residents will have the opportunity to visit numerous historic sites, purchase a variety of quality goods manufactured in the county, and enjoy leisurely drives through the scenic countryside.

The residents of Rutherford County have much to be proud of. I congratulate the county on its success, and I am sure the next 200 years will be just as steeped in friendship and tradition as the first 200 years.

AMENDING TITLE XXI OF THE SOCIAL SECURITY ACT

SPEECH OF

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mrs. WILSON of New Mexico. Mr. Speaker, H.R. 3288 is a technical corrections bill that will allow New Mexico to use $14 million of its unused State Children's Health Insurance Program (SCHIP) funds for low-income children's health. Currently New Mexico has approximately $70 million in unused SCHIP funds which the state cannot access. This bill will allow New Mexico to use 20 percent of these funds, or $14 million, on low-income children in the Medicaid program. This bill keeps these vital health care dollars in New Mexico. It also assures that these dollars are used for children's health, for which they were originally intended.

Earlier this year we passed a similar bill signed into law that would allow states, like New Mexico, who had expanded their Medicaid programs for children before the passage of the SCHIP program to use some SCHIP dollars on low-income children eligible for Medicaid. The prior policy essentially penalized states that had done the right thing by expanding coverage for children under Medicaid.

Because of a miscalculation in the legislation passed earlier this year, New Mexico may be ineligible to use the SCHIP funds in the manner intended. This bill would correct that mistake and allow low-income children in New Mexico access to important health care dollars they deserve.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall votes and would like the RECORD to reflect that I would have voted as follows: Rollcall No. 562—"no"; rollcall No. 563—"yes"; rollcall No. 564—"yes"; rollcall No. 565—"yes."

DETROIT CATHOLIC CENTRAL MEN'S GOLF TEAM, 2003

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. McCOTTER. Mr. Speaker, I rise today to honor my alma mater Detroit Catholic Central Men's Golf Team, the 2003 Michigan High School Athletic Association Division I Champions.

In conditions unfavorable to competitive golf, Catholic Central fired a two-round total of 636, six shots ahead of their nearest competitor.

Led by seniors Chris Eliason, Mike King, and Jimmy Burns sophomores David Denyer and Adam Hogue, and Coach Bill Hayes, the Shamrocks easily captured the Catholic League Championship and State Regional Championship while posting an 11–1 dual meet record.

Mr. Speaker, I extend my warmest congratulations to the Shamrocks of Detroit Catholic Central for capturing the MHSAA Golf Championship.

FOUR OUTSTANDING SENIORS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. SAM JOHNSON of Texas. Mr. Speaker, you know, Texas is home to great schools, great teachers, and great students.

Today I would like to spotlight four outstanding seniors from Plano Independent School District who made perfect scores on their college entrance exams.

It is estimated that they are in the top one-tenth of the highest one percent of all of the students taking these exams.

Brent Flynn of the Plano Star Courier detailed these amazing students in the September 29, 2003 edition.

Greg Bussell of Plano East Senior High School, Jennifer Wu of Plano West Senior High School, and Brian Young of Plano Senior High School all scored 1600 on their S.A.T.'s, while Jeffrey Lin of Plano West Senior High School received a 36, the highest possible on the A.C.T.

In addition to smarts and savvy, they all shine outside the classroom. Both Jennifer and Jeffrey play the violin in the orchestra. Greg stars in a school play and Brian's on the school's academic decathlon team.

Each principal had wonderful words for these students.

Plano Senior High principal Dr. Doyle Dean said, "Brian Young is an outstanding student. We at Plano Senior High are very proud of his many academic and personal accomplishments, including his perfect score on the S.A.T."

"These are among some of the most extraordinary students in our State," said Dr. Michael McClellan, principal at Plano East Senior High.

Phil Saviano, principal for Plano West Senior High School stated, "It's an exceptional achievement. It's rewarding to see their hard work pay off after their amazing public school careers."

These students are shining examples of the best and brightest in Texas and America. They deserve a Lone Star size applause. Congratulations. We are proud of you.

COMMEMORATING THE INTRODUCTION OF "MEDAL OF HONOR"

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. SESSIONS. Mr. Speaker, today I rise to commemorate the upcoming introduction of the book, "Medal of Honor," at the National Boy Scout Museum in Irving, Texas. The book honors the more than 3,400 Medal of Honor recipients that have served our Nation so valiantly in time of war or crisis and will be introduced on November 8, 2003. Mr. Speaker, this event is being coordinated by the North Trail District of the Boy Scouts of America under the direction of Chairman Gary V. Hill and Mr. Rob Kyker, the Friends of Scouting Chairman and host of this event.

Mr. Speaker, during the introduction of the book, seven (7) of the living 138 Medal of Honor recipients will be presented and honored along with Mr. Michael E. Thorton, U.S. Navy—retired, who is the spokesman for all Medal of Honor recipients. These individuals embody the virtues of sacrifice, courage, and leadership, which the Boy Scouts work to instill. Since 1861, the Congressional Medal of Honor has been awarded to our Nation's bravest Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen. This book, by Mr. Peter Collier, honors them for their courage, character, and leadership and will serve as a wonderful example to future generations, especially the Boy Scouts of the future.

The introduction of this book, affords a new generation the opportunity to once again learn of the leadership and courage of those service men and women who have received the Congressional Medal of Honor. This presentation at the Boy Scout National Museum is a great moment to honor and remember all the Medal of Honor recipients and I count it an honor to be involved and to be present at this wonderful ceremony.

AMENDING TITLE XXI OF THE SOCIAL SECURITY ACT

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to voice my support for passage of H.R. 3288, but do so with disappointment that the House did not take up S. 1547, thereby failing to expedite the process of ensuring that New Mexico does not lose their unused SCHIP funds.

My New Mexico delegation colleagues in the other chamber were able to secure passage of S. 1547 on July 31, 2003 by unanimous consent. This legislation allows states, including New Mexico, to keep unused allotments under the SCHIP Program.

Prior to recessing for the August District Work Period, we in the House passed H.R. 2854—what was supposed to be a final compromise covering $2.7 billion in SCHIP funds, about half of which technically expired September 30, 2002, and the rest of which was scheduled to expire September 30, 2003. Without this action, the funds would have reverted back to the Federal treasury, consequently depriving New Mexico and other states of sorely needed health care funds.

However, because of a technical error in H.R. 2854 that excluded New Mexico from retaining their SCHIP funds, S. 1547 was passed to ensure that New Mexico was rightfully included. Now, with passage of this legislation today, New Mexico and other states will again be required to wait for their much-needed SCHIP funds since this bill will now have to be referred back to the Senate, passed once again, and then sent to the President for his signature.

While I by no means seek to diminish the importance of the other states now included under H.R. 3822 for a similar fix that was required for New Mexico, I am nevertheless disappointed that S. 1547 could not be passed as a lean technical fix to expedite New Mexico's funds. New Mexico is ranked second in the Nation for uninsured individuals, which makes the SCHIP program that much more important so that children can have health coverage.

I urge my colleagues to support H.R. 3288, but do so in the hope that this legislation can be expeditiously passed in the other chamber. The sooner we can get this legislation into law, the sooner the funding can go to its intended purpose—providing health insurance coverage for the children in our respective states.

FIVE TRUE HEROES IN AMERICAN LIFE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. SANDERS. Mr. Speaker, if we were to believe the television and radio and even the newspapers, we would think that the most important figures in America are professional athletes, movie stars, rock performers, and financial tycoons.

But we all know that this is not true. There are millions of Americans who do heroic work every day. Some are teachers, some nurses, some work in day care. Some prepare meals for the elderly; others take care of their elderly parents or of spouses or children who are ill or disabled. Men and women all over America go off to work each day, sometimes at two or even three jobs, to make sure that there is food on the table for their families, and money to send their children to college.

Today, I want to recognize five citizens of Vermont who are heroes: Mary Jean Inglee, Emma Katherine Ely, Bev Priest, Theresa Emmons, and Christina Crawford. They come from every corner of Vermont, and each has been tireless in advocating for the needs of the low-income citizens of our state.

Mary Jean Inglee was born in Whitehall, New York and raised in an Irish Catholic Democratic family. She graduated from Whitehall High School, Class of 1968, and married Harold Inglee in November of that same year. She and her husband now live in Rutland; they have two daughters and three granddaughters.

Mary Jean Inglee's interest in low-income issues started when she was a child, when a poor family lived in a shack on the rocky area above her house. To Mary Jean's own family, it was a natural thing to share what they had with that family. Her parents provided them with rides to doctors and food and clothing whenever they could.

Mary Jean at times got in trouble at school because she believed it was her duty to advocate for classmates that were being treated unfairly. She remembers those classmates as the kids who experienced the cruel realities of poverty.

Mary Jean worked in the public school system for 10 years in a special education classroom. She had a first-hand look at how state systems worked—and how they didn't work for kids that had the least going for them. Once again some saw her as a troublemaker, for she took advocacy for families who needed extra consideration, very seriously. She says this kind of work brought her to know BROC (the community action agency in southern Vermont), which was a worksite for some of the students she worked with. Going there on a weekly basis, she was able to observe the difficult situation facing clients and workers.

Mary Jean has worked for the Department of Vocational Rehabilitation for the past 15 years, an agency charged with removing barriers to employment for people with disabilities. Most of the people she works with have no income or the minimal benefits of Supplemental Security Income or Social Security Disability payments. This translates into poverty. She advocates every day for programs, training, and dollars to help people improve their lives.

A new opportunity to help came in 1992 when she was asked to join the BROC Board of Directors as a low-income representative. The timing was perfect for Mary Jean to be called into service. Her husband was ill and not able to work. This gave her an instant "reminder course" in what it was like to owe rent and wonder how it would be paid. In their 35 years together, they have been there a few times, but unlike many of the people BROC serves, there was usually someone in the family who could help out.

Mary Jean has worked tirelessly for others, but she has also pursued a path of learning for herself. She received a Bachelor of Science degree in Human Services from Springfield College in 2002. She is currently a Masters Candidate and expects to receive her Masters in Human Services with a concentration in Community Psychology in the spring of 2004.

Emma Katherine Ely is another outstanding advocate for low-income people. During the past 15 years (and probably longer than that!) Ms. Ely has served the low-income community of northeastern Vermont. While being a parent in the program—she is the mother of ten children—Ms. Ely served on the Champlain Valley OEO Head Start Policy Council. That interest in parent advocacy led to seats on the New England Regional Head Start Board and also on the Vermont State Head Start Parents Association. For the past 10 years, Ms. Ely has played a central role organizing the Vermont Early Childhood Conference. In addition to this work, Ms. Ely has been active in many roles at the King Street Youth Center in Burlington. She currently organizes the Holiday Program at that Center.

She represents the needs and interests of the whole community, not just of children. Ms. Ely has also been a member of the Chittenden Emergency Food Shelf Advisory Board for the past 14 years. She is currently a low-income representative on the Champlain Valley OEO Board of Directors, and is at the present moment serving in her second term. She does all of these things as a dedicated, spirited advocate.

Bev Priest is another dedicated advocate for low-income people. A resident of Jay, Vermont for over 25 years, she served as a low-income representative on the Northeast Kingdom Community Action Board of Directors for 10 years. During that time, she regularly attended the Low-Income Association meetings, Physically Disabled Association meetings, and other meetings in the state capital of Montpelier: at all of them she unstintingly shared with everyone her knowledge of what she learned.

Bev Priest opened a food shelf and clothing center in the Jay Town Clerk's building and provided many holiday baskets to the local families. During the Christmas season she often played Santa at the low-income children's Christmas parties; she herself acquired many of the gifts that were distributed. She has been a consistent advocate for people in crisis; she has assisted in any way she could in helping people in crisis locate the resources they needed. Bev would many times call the NEKCA office stating, "If I had transportation I would be on your desk right now." As one Vermonter in her community stated, "Bev promoted the continual awareness of others of the struggles that low-income families face by 'pointing out the squeaks in the wheel'."

Theresa Emmons has been involved with the Central Vermont Community Action Council for over 20 years. It is safe to say that without her influence, CVCAC would not have accomplished as much as it has. Theresa served on the Board of Directors as a representative of the town of Washington in Orange County. She also has the distinction of having the longest tenure on the CVCAC Board, which she has served in every possible way: as President, as Vice President, as Treasurer and as Secretary.

As if this weren't enough, she has also served on the Head Start Policy Council and has been a leader in the Vermont Head Start Parent's Association. She has been a long time volunteer for the USDA Commodity food distribution program and local food shelves; she was also involved in the conception and growth of the Vermont Food Bank. As far as Theresa is concerned, if people are in need they deserve to receive help. If there is a cause that will help someone in need, that cause deserves to be supported—and Theresa is always first in line to volunteer and to recruit others to volunteer.

Christina Crawford of Springfield, Vermont has been an outstanding example of persevering in the face of difficulties, and of triumphing over many of them.

It was seven years ago that Chris left an abusive relationship. She left with a broken foot, no transportation, four children and the clothes on her back. After three months of being homeless, she found a place to live. She studied for the GED and passed. She then began taking administrative classes at the local high school as well as taking on a part-time job at an agency where she was given the opportunity to use the skills she was learning, although the job at the agency was temporary.

At the age of 30 Chris took driving lessons and eventually got her driver's license and a vehicle for the first time in her life. She then went to the Employment & Training agency in search of part-time, entry level work in the clerical field. She was offered an opportunity to enroll in an on-the-job training program and was placed at Southeastern Vermont Community Action. Chris has worked at SEVCA for nearly four years now as receptionist.

Three years ago, one of Chris's children was diagnosed as having an autistic disorder. She has since spent much of her time researching her daughter's disability and working tirelessly to put the needed supports in place for her daughter to be able to attend school. Chris is now in the process of trying to form a local support group for parents of special needs children.

Chris currently represents SEVCA and the southeastern part of Vermont on the Vermont Low Income Advocacy Council. She attended her first meeting in September and looks forward to attending as many as she can to use the opportunity to speak out about the struggles she has overcome and the struggles she has yet to face. She hopes to inspire other low-income people to speak out and create change.

In spite of the heavy load Chris continues to carry, she hopes that one day she will be able to go to college and obtain a degree in Human Services.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Ms. ROYBAL-ALLARD. Mr. Speaker, due to an event in my district, I was unable to be present for rollcall votes 563–565 on Monday, October 20, 2003. Had I been present, I would have voted "yea" on rollcall votes 563, 564, and 565.

HONORING THE SERVICE AND LEADERSHIP OF THOMAS N. KUHN

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I wish to extend my respect and gratitude to Mr. Thomas N. Kuhn for 44 years of military and civilian service to his country.

Mr. Kuhn enlisted in the United States Army on July 22, 1959, and served on active duty for over 25 years, attaining the rank of Sergeant Major. While on active duty, he served overseas in Germany, Vietnam, Korea, and Italy, and in the United States at Fort Stewart, Georgia; Fort Monroe, Virginia; Fort Lee, Virginia; and Fort Sill, Oklahoma. Mr. Kuhn retired from active duty in October 1984.

Upon retiring, he was appointed Deputy Director of the Field Artillery Proponency Office at Fort Sill, Oklahoma, where he previously had served as Sergeant Major. In January 1986, Mr. Kuhn then joined the Department of the Army Personnel Command Task Force in Alexandria, Virginia. Next, he became Branch Chief of the Combat Service Support Branch of the Army Occupational Survey Division in the Soldier Support Center—National Capitol Region.

Mr. Kuhn continued civilian support for his country nearly 20 years, holding numerous leadership positions such as: Deputy Chief of Staff for Operation, U.S. Total Army Personnel Command; Deputy Director, Casualty and Memorial Affairs Operations Center; Adjutant General Directorate, U.S. Total Army Personnel Command; and Acting Director.

Throughout his distinguished career, Mr. Kuhn has been recognized with both military and civilian honors. For his military service, he was awarded the Legion of Merit, the Bronze Star Medal, the Meritorious Service Medal with Four Oak Leaf Clusters, the Army Commendation Medal with Three Oak Leaf Clusters, the Army Achievement Medal, and the Good Conduct Medal with Eight Awards. For his civilian service, he was awarded the Superior Civilian Service Award and the Commanders Award.

In closing, Mr. Speaker, I wish to honor Mr. Kuhn's exceptional dedication to his country. I ask that my colleagues join me in commending Mr. Kuhn on 44 years of military and civilian service to the United States.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. RAHALL. Mr. Chairman, when Mr. Bush told the American People he was against nation building, no one, including me, thought he was talking about America. Let me at the outset make clear my support for our valiant soldiers who are pursuing our enemies in Afghanistan, and who are securing the peace in Iraq. But the bill before us today, just as it ignites the Iraqi economy and keeps Iraqi kids out of more debt—it costs America's great great grandchildren more long term debt, while America herself crumbles.

Mr. Chairman, let us look at this bill's priorities and all of the unanswered questions it raises. There is plenty of money in here for Iraqi health care, but not one dime of the $1.8 billion American Veterans need for their health care, which the majorities in this Congress seem hell bent on ignoring. Why is that? The White House won't fund the No Child Left Behind education initiative, but we're supposed to pay Iraqi teachers' salaries. Why is that? President Bush says he needs more than $4 billion for water infrastructure when there are people throughout rural America who lack public water service. Why is that? The President wants $856 million to upgrade three Iraqi airports, a seaport and rail lines, while Amtrak is starved for funds and our ports remain vulnerable to attack. Why is that? The White House has a paltry underfunded proposal for road-building at home but wants to spend millions building roads and bridges elsewhere. Why is that? The President wiped out the COPS program at home, and now he wants to pay more than $3 billion for Iraqi law enforcement. Why is that? The President is seeking $5.7 billion to rebuild and expand Iraq's electric grid just as millions of Americans are regaining power lost to Hurricane Isabel, and Congress is grappling with the causes of August's blackout in the Northeast. Why is that?

The President needed the coalfields of West Virginia last election, but today his priorities lie in the oilfields of Iraq. If we can help Iraq pump oil, we sure ought to help America burn coal.

To those who would suggest we should rebuild Iraq at a time when we cannot rebuild America, I say that doing so costs our economy, costs us tax revenues in lost production, and costs American workers jobs as our infrastructure crumbles. The surest way to not be able to help Iraq, if that is the President's goal, is to further hurt America. To shortchange America's infrastructure. Meanwhile, by failing to win the support and aid of the world community, the task of rebuilding Iraq became America's responsibility alone.

And, who pays for these government contracts in Iraq? They are being paid for, by the working men and women in West Virginia, and throughout our Nation. Is that fair? President Bush's friends are getting a double-dip giveaway. First, they get huge tax giveaways, putting more of the tax burden on middle and low-income families like many of my constituents in West Virginia. Is that fair? Then, the President's friends and campaign supporters, such as Halliburton and Bechtel, strike it rich with no-bid contracts. Is that fair? There are, according to the Washington Post, currently more contractors in Iraq than there are soldiers from any force of our allies. Is that fair?

And where, oh where, have all our allies gone? Can this Administration not swallow its pride, can it not make a more conciliatory effort to enlist the World in the rebuilding of Iraq? Mr. Chairman, if we have to pay $87 billion for Iraq, why don't we do the wise thing and roll back the colossal tax giveaway to America's richest 1%, those making over $337,000? If we defer that giveaway to those making over $337,000, we could pay for the entire $87 billion. We have far too many unavoidable needs right here at home.

Several weeks ago, the American Society of Civil Engineers (ASCE) identified real shortcomings on a nationwide basis. The ASCE report said we are failing to maintain even the substandard conditions of our transportation infrastructure. It described our national roads system as "poor," and our national bridges and transit systems as "mediocre." The ASCE report also identified needs in my home state of West Virginia regarding roads, bridges, water infrastructure, schools, and education.

Right in my own district of Southern West Virginia, I can point to pressing infrastructure needs: Greenbrier Valley Airport in Lewisburg is 35 years old, and in need of a new terminal. The upgrade is expected to cost $15 million. Where is the federal grant for Greenbrier Valley Airport? Greenbrier Valley Airport's parking apron, used, for housing aircrafts, also needs a $10 million upgrade. Due to lack of funding availability, this project has already been broken into six phases in the hope of completing it. But where are the federal grants for these phases?

In Raleigh County, just one of our wastewater projects is going to cost $6.8 million to serve 3,300 citizens in Glen White and Lester. This is a matter of public health, of bringing in new jobs, of fueling the economy. Where is the federal grant for that program? In Nicholas County, $7.3 million is needed for a water project to serve 562 customers who presently have no water service at all. Where is the federal grant for them? West Virginians are told by this President and this Congress that we can't afford federal grants!

Nationwide unemployment levels remain unsteady. We have 42 million uninsured Americans and rising health costs for those individuals who actually are insured. State budgets in disarray. Attempts to buy homeland security on the cheap while we incur record level deficits. Meanwhile, the Bush administration tells us that we can't afford to pay for all of our needs at home. Not when we're investing in other countries, rather than our own. Well, Mr. President, this land is your land, but you should know this land is also our land.

We have an economic stimulus package that we could pass right now to provide much needed jobs and get us out of this so-called "jobless recovery," which is no recovery at all. I'm talking about reauthorizing the Transportation Equity Act of the 21st century, and fully funding it at the $375 billion that the Bush administration's Department of Transportation says is needed to maintain our economy. The Federal Highway Administration estimates that every billion dollars that we invest in our infrastructure provides 47,500 good-paying construction jobs. However, the Bush administration proposes that we spend almost $130 billion less over the next six years than what

President Bush's own Department of Transportation identified as infrastructure problems.

Mr. Chairman, we're fighting two wars at the moment. Like most Americans, I supported our effort in Afghanistan, and I voted in favor of it. I still support it. But, President Bush lost interest in our enemy in Afghanistan because he had this other war that he wanted to fight in Iraq. Now, we're faced with a resurgent Taliban in Afghanistan along with a bill for Iraq. And, mark my words, this will not be the last time the administration comes calling for cash for Iraq. Estimates are that it will cost us more than $400 billion.

With that amount of money we could afford to provide seniors with a meaningful prescription drug benefit under Medicare. But, Mr. Speaker, we won't be able to afford it because of the lack of priorities. Not when priorities are to finance Mr. Bush's war, and his rich friends' profit-making ventures. As I said at the outset, Mr. Chairman, I have total support for our troops. It is my hope that in the following hours and days we can fix this bill. Fix its priorities, putting the American soldier first, and getting the American taxpayer some relief. But, when we have so many great needs here at home that are being ignored, we need to focus on needs at home first. Then let us see how we can best serve America abroad.

BRIGADIER GENERAL (AUS-RET.) JOHN H. McLAIN POST OFFICE

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Ms. HARRIS. Mr. Speaker, I rise today to respectfully appeal to my colleagues for their support of H.R. 3068, which will designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida as the "Brigadier General (AUS-Ret.) John H. McLain Post Office".

Brigadier General John H. McLain, Army of the United States, Retired, was a soldier, teacher, father and friend. Born in Pittsburgh, Pennsylvania on January 21, 1919, he arrived in Sarasota, Florida in 1986.

General McLain's original enlistment in the Army's field artillery occurred in September 1940. He received his commission as a second lieutenant in this unit during December 1942. General McLain fought in the Second World War's European Theater, participating in the Battle of the Bulge and in the relief of Bastogne as a member of General George Pafton's Third Army. While he left active duty with the rank of captain in 1945, he volunteered for service in the Korean War as soon as that conflict began. General McLain served as a senior advisor to a Korean field artillery battalion until the 1953 armistice.

When he returned to the Reserves, General McLain became Chief of Staff of the Army Reserve Command (ARCOM) in Oakdale, Pennsylvania. He obtained his promotion to Brigadier General in 1972, while serving as Deputy Commander of ARCOM.

General McLain returned to active duty in 1974 with the Department of Defense Study Groups for Guard and Reserve. His induction into the Field Officer Candidate School Hall of Fame in 1976 capped a heavily decorated career that included the Legion of Merit, the Bronze Star medal, the European Theater of Operations Medal with three campaign stars, the World War 11 victory medal, the Korean Service Medal with three campaign stars, and the United Nations Service medal. In August 1977, General McLain retired after almost 37 years of active and reserve duty.

General McLain was also an accomplished scholar. He held a Bachelor of Arts and Master of Arts degrees from the University of Pittsburgh. He graduated from the U.S. Army Command and General Staff College, while he completed courses at the Army War College, National War College, Industrial College of the Armed Forces, as well as Yale, Michigan State, and Florida State Universities. He taught English grammar, composition, and literature at Admiral Farragut Academy (St. Petersburg, FL), St. Petersburg High School, Edgewood (PA) High School, Presbyterian Junior College, Florida State University, and the University of Pittsburgh, where he also taught the history of England.

General McLain was a member-in-perpetuity of The Military Order of the World Wars and as a member of The Sons of the American Revolution. He maintained a lifetime membership of the Reserve Officers Association, The Military Officers Association. In 1990, he served as President of the Military Officers Association of Sarasota. General McLain also received a listing in Who's Who in America. Moreover, he received Booker High School's Senior Volunteer of the year award for the 1999–2000 school year.

Mr. Speaker, while we lost General McLain on September 23, 2003, his greatest legacy lives on in the outstanding family he left behind. Patricia Ann, his loving and devoted wife of 50 years, and his four children will continue to honor their father through their exemplary contributions to our world.

The dedication of this postal facility is the least that we can do to memorialize the extraordinary gift this gentleman and hero gave our nation in dedicating his entire life to protecting freedom, promoting education, and touching lives.

CONGRATULATIONS ON LA GRANGE NOON LION'S CLUB'S 75TH ANNIVERSARY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. PAUL. Mr. Speaker, I rise to recognize the La Grange Noon Lion's Club on the occasion of their 75th anniversary. Since its founding, the La Grange Noon Lion's Club has been a cornerstone of charitable service to its community. I am therefore pleased to submit this proclamation honoring the La Grange Noon Lion's Club into the CONGRESSIONAL RECORD.

CONGRESSIONAL PROCLAMATION, LA GRANGE NOON LION'S CLUB 75TH ANNIVERSARY

Whereas, the La Grange Noon Lion's Club serves the citizens of La Grange, Fayette County, the great state of Texas and the United States of America, AND

Whereas, the La Grange Noon Lion's Club gives of their time freely for the betterment of mankind, having a membership of anonymous individual philanthropists, AND

Whereas, the International Association of Lion's Clubs all over the world offer charitable hope to the blind, provide services for youth, disabled and victims of disaster, of which the Noon Lion's Club is a subsidiary

Therefore, on behalf of the United States House of Representatives and the Constituents of District 14 in Texas, I, Representative Ron Paul, do hereby proclaim October 12–18, 2003 the 75th Anniversary Week of the La Grange Noon Lions Club.

FREEDOM FOR NELSON ALBERTO AGUIAR RAMÍREZ!

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I speak today about Nelson Alberto Aguiar Ramírez, a prisoner of conscience in totalitarian Cuba.

Employed as an electrician, literally turning the lights on, he was forced by Castro's tyrannical policies to pursue a different path. After years of incessant repression, Mr. Aguiar Ramírez decided to turn the lights on Castro's ruthless machinery of repression.

Mr. Aguiar Ramírez joined organizations that opposed Castro's dictatorship and supported basic human rights for the people of Cuba. Mr. Aguiar Ramírez is currently the President of the Cuban Orthodox Party, and a member of a more recent initiative, the Assembly to Promote Civil Society.

Mr. Speaker, Mr. Aguiar Ramírez chose to fight Castro's government even though he was acutely aware of the consequences of doing so. In December 1999, Mr. Aguiar Ramírez was detained by Castro's ruthless repressive apparatus in order to prevent him from commemorating the December 10th anniversary of the Universal Declaration of Human Rights. This document, enshrining the essential rights of all humans, is such a danger to Castro's repressive dictatorship that Castro prevented Mr. Aguiar Ramírez from commemorating the anniversary.

Mr. Speaker, it sadly came as no surprise to anyone who has watched the horrors that Castro inflicts on those who cry for freedom when Mr. Aguiar Ramírez was detained on March 20, 2003. He was subsequently sentenced to 13 years in Castro's inhumane dungeons.

Mr. Aguiar Ramírez is classified as a prisoner of conscience by Amnesty International. His wife, Dalia, is deeply concerned about his declining health and his constant malnourishment.

Mr. Speaker, Mr. Aguiar Ramírez must be released from Castro's gulag at once. My colleagues, we can not allow human beings such as Mr. Aguiar Ramirez, who rise up to claim their human rights from the clutches of tyrannical despots, to languish in the gulag for their beliefs. My colleagues, we must stand united and demand the immediate release of Nelson Alberto Aguiar Ramírez.

A SPECIAL TRIBUTE TO HAROLD A. McMASTER FOR HIS IMMEASURABLE CONTRIBUTIONS TO NORTHWEST OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding gentleman from Northwest Ohio, Mr. Harold A. McMaster.

As a youth growing up in Northwest Ohio, Harold McMaster's hero was another northern Ohio product, Thomas Alva Edison. From an early age Harold understood the importance of setting goals and seeing them through.

Mr. Speaker, Harold McMaster was a unique individual who combined the foresight and analytical nature of the scientist with the acumen and "street smarts" of the successful businessman. The former helped him "see" how to do things, while the latter enabled him to commercialize his innovations.

A physicist, he held more than 100 patents dealing with glass tempering, solar energy and rotary engines. Harold McMaster was known in many circles as the father of glass tempering.

He graduated in 1938 from The Ohio State University with a Bachelor of Arts Degree in Mathematics and in 1939 with a Master of Science Degree in Nuclear Physics, Mathematics and Astronomy.

In 1940, he went to work as a research physicist for Toledo, Ohio's Libbey-Owens-Ford Glass Company, a producer of flat glass for windows and automobile windshields. He received one of his first patents in the early days of World War II for a periscope used by fighter pilots to see behind them during combat. McMaster Motor is the fourth enterprise to be built from the germ of an idea by McMaster and his associates. Other companies founded and nurtured by Harold McMaster include: Permaglass, Inc., Glasstech, Inc. and Solar Cells, Inc.

Harold McMaster received the prestigious Phoenix Award as the national glass industry's Man of the Year in 1993. In 1987, Harold McMaster was awarded an honorary doctorate degree from the University of Toledo.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Harold A. McMaster. Northwest Ohio was served well by Harold McMaster's innovation and business skill. The legacy of his genius will continue to benefit future generations in engineering and technology.

PERSONAL EXPLANATION

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mrs. NORTHUP. Mr. Speaker, on rollcall Nos. 563, 564, and 565, I was unavoidably absent, due to a delay in my flight. Had I been present, I would have voted "aye."

DESIGNATING A BUILDING AS THE JOHN LEWIS CIVIL RIGHTS INSTITUTE

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. SCOTT of Georgia. Mr. Speaker, I am pleased to speak on the House floor today regarding legislation that I am introducing along with Representative Denise Majette to name a building in Atlanta, Georgia as the "John Lewis Civil Rights Institute."

The Martin Luther King, Jr. National Historic Site (MLKNHS) has purchased an apartment house located two doors west of Dr. King's Birth Home. The plan is to restore the building and convert it into an educational center—including four classrooms and an auditorium. The MLKNHS currently conducts educational programs in a house on Auburn Avenue, which accommodates 20 students. This new center would allow for expanded offerings of these educational programs. I am proud to introduce legislation that will name this educational center after U.S. Representative John Lewis who has spent his life promoting civil and human rights across the world.

John Lewis was born the son of sharecroppers on February 21, 1940 outside of Troy, Alabama. He grew up on his family's farm and attended segregated public schools in Pike County, Alabama. He holds a Bachelor of Arts Degree in Religion and Philosophy from Fisk University; and he is a graduate of the American Baptist Theological Seminary in Nashville, Tennessee. He has also been awarded numerous honorary degrees from colleges and universities throughout the United States, including Clark Atlanta University, Duke University, Howard University, Brandeis University, Columbia University, Fisk University, Morehouse College, Princeton University and Williams College. John Lewis is the recipient of numerous awards, including the prestigious Martin Luther King, Jr. Non-Violent Peace Prize and the NAACP Spingarn Medal. John Lewis is also the recipient of the John F. Kennedy "Profile in Courage Award" for lifetime achievement and the National Education Association Martin Luther King Jr. Memorial Award.

As a student, John Lewis organized sit-in demonstrations at segregated lunch counters in Nashville, Tennessee. In 1961, John Lewis volunteered to participate in the Freedom Rides, which were organized to challenge segregation at interstate bus terminals across the South. Lewis risked his life and was beaten severely by mobs for participating in the Rides. During the height of the Civil Rights Movement, from 1963 to 1966, Lewis was the Chairman of the Student Nonviolent Coordinating Committee (SNCC), which he helped form. SNCC was largely responsible for the sit-ins and other activities of students in the struggle for civil rights. Lewis, at the age of 23, was one of the planners and a keynote speaker at the historic "March on Washington" in August 1963. In 1964, John Lewis coordinated SNCC efforts to organize voters' registration drives and community action programs during the "Mississippi Freedom Summer." The following year, Lewis led one of the most dramatic nonviolent protests of the Movement. Along with fellow activist, Hosea Williams, John Lewis led over 600 marchers across the Edmund Pettus Bridge in Selma, Alabama on March 7, 1965. Alabama state troopers attacked the marchers in a confrontation that became known as "Bloody Sunday." That fateful march and a subsequent march between Selma and Montgomery, Alabama led to the Voting Rights Act of 1965.

This is an appropriate tribute to a man who has dedicated his life to promoting human rights and I encourage my colleagues to support this legislation. Thank you.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. TIERNEY. Mr. Chairman, today we are debating this Administration's request for an $87 billion bailout occasioned by its failed planning—or lack of planning for post-war Iraq. We are asked to pass this $87 billion despite the fact that the Bush Administration has not articulated a coherent and workable underlying strategy to accomplish our mission and bring our troops home safely and soon. It is either unwilling or incapable of doing so.

The only way Congress can ensure for the American people that such a strategy exists and that it has a reasonable chance of success if by using its power of the purse. We are dealing with an Administration that already has a nearly $400 billion Department of Defense budget and that has already received one supplemental appropriation for some $63 billion. Yet it fails to explain how or why our forces had tens of thousands of men and women without the proper Kevlar breast plates, Humvees without proper armor, and rancid water for 80 percent of the troops, or how those conditions continued, even after they knew in June that people were dying and being injured.

In addition, the Administration, in its zeal to get all the money now so it will not have to come back in 2004's election year to report to the American people, insinuates that a vote against this bailout is a vote against our troops and a vote to "cut and run." Nothing could be further from the truth. The Administration's own figures show that this is just another dissembling of the facts. According to the nonpartisan Congressional Research Service, the Pentagon can stay in Iraq another 6 months without an additional penny in funds. But we have been prevented from seeking accountability from this administration as it asserts a need for "emergency funds."

Mr. Chairman, this Congress has a moral and practical responsibility to modify and condition these funds, and it is time to reject this "rubber-stamped blank check" and insist on the alternative that the Democrats want to put forward, but the majority and the administration have prohibited it from seeing the light of day.

We must work to re-align the funds for necessary equipment and quality of life matters that the Administration failed to do; reform the Contract provisions to eliminate cronyism concerns-like no-bid, cost plus Halliburton deals; eliminate outrageous and unnecessary projects and over spending that comes at the expense of domestic needs; consider other funding options to lessen and leverage U.S. investments, entice foreign cooperation and have it share some costs through its oil reserves. We should do all this-and foremost, we should only approve this bailout if the Administration presents a coherent and workable underlying strategy to accomplish our mission and bring our troops home safely and soon.

PERSONAL EXPLANATION

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. HOEFFEL. Mr. Speaker, I was absent for votes on Monday, October 20, 2003, due to a scheduling conflict in my district. Had I been present, I would have cast my votes as follows:

Rollcall No. 563 (H. Res. 356): "aye"; rollcall No. 564 (H. Res. 400): "aye"; rollcall No. 565 (H.R. 3288): "aye."

THE PUBLIC SAFETY INTEROPERABILITY IMPLEMENTATION ACT

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. STUPAK. Mr. Speaker, public safety agencies all across our nation are charged with ensuring the security of our critical infrastructures and the safety of our citizens and their communities. September 11 served to highlight how critical it is that our public safety agencies have the funding, spectrum, and equipment that they need to communicate with each other if they are to fulfill their mission.

The Federal Government has called upon our states and localities to be ever more vigilant and prepared against possible acts of terrorism.

Yet, as hearings in Congress and numerous reports have shown, our public safety agencies continue to lack the ability to communicate with each other interagency and interjurisdictionally. Firefighters cannot talk to police, local police cannot talk to state police, and so on and so on.

We expect our public safety agencies to act with haste and urgency to meet all of our needs and homeland security goals. Therefore, we must provide them with the tools they need to assist us. It is critical to fund radio equipment and technology so that they can talk to each other and be effective responders.

It is for this reason, that along with my colleagues VITO FOSSELLA and ELIOT ENGEL, I am introducing today the Public Safety Interoperability Implementation Act to address this urgent need.

Our bill looks at both the short term and long term funding needs that face our public safety agencies. We set up a Public Safety Communications Trust Fund in the U.S. Treasury, to be administered by the National Telecommunications and Information Administration (NTIA). While the program will be administered with collaboration with the Department of Homeland Security, we believe NTIA should take the lead.

The Department of Homeland Security has shown itself to be still sluggish in responding to the needs of our nation. We cannot afford to waste more time, money, or red tape. NTIA, an agency well familiar with telecommunications and information technology issues, will be better able to address the communications problems that exist and expeditiously move our nation's public safety agencies into state-of-the-art communications.

In the short term, the Public Safety Communications Trust Fund it will be funded by a 3-year grant program funded through the traditional appropriations cycle, authorizing up to $500 million a year, so that grants may be provided to implement interoperability.

In the long run, the funding for the trust fund will come from the sales of spectrum conducted by the Federal Communications Commission. Our bill dedicates 50 percent of net revenue from future spectrum auctions to the trust fund.

Grants will be allocated to eligible entities to achieve interoperability, with multiyear grants available to ensure that agencies can develop long term plans without having to worry about funding from one year to the next. Preference will be given to those applicants that present regional or multijurisdiction plans, to encourage true across the board interoperability.

Our Nation's public safety agencies' communications should not be at the mercy of Congress' funding whims. This issue is too important to require public safety agencies, year after year, to wonder what the annual funding might be. By dedicating funds from the sale of spectrum, we will ensure that funding will be set aside, no matter what happens in the annual appropriations process.

I look forward to working with my fellow members of the Energy and Commerce Committee, Chairman TAUZIN and Ranking Member DINGELL in moving this legislation so that we can help our Nation's public safety agencies perform their important missions.

MAYOR KAY ANN E. ADAIR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the citizens of Davison, MI, to recognize an outstanding leader in the community. On November 10, 2003, the council members of Davison will honor Mayor Kay Ann E. Adair for 18 years of dedicated service to the people of Davison.

Kay Ann E. Adair was born in my hometown of Flint, MI, on October 16, 1943. She graduated from Swartz Creek high school. Her political career began in 1985, when she became the first female to serve on the Davison City council. During that time she also became a member of the Davison Planning Commission, where she served until 1987, and then subsequently became an active member on the Senior Citizens Authority as chairwoman. In 1993, Kay Ann E. Adair made her mark in history, she became the first elected female mayor of Davison, she has maintained the post every since. During her tenure she has sustained membership on several boards, including the Genesee County Growth Alliance. In 1999 she had the honor of chairing the Small Cities and Villages gathering. Mayor Adair can also be credited with founding the Davison Beautification Committee. As mayor, she has become a beacon of hope for Davison. Her exceptional enthusiasm, strength and leadership skills have helped to make this city a better place. Mayor Adair is a tremendously respected individual. She is always willing to lend a helping hand or advice whenever needed. Her love for the community shows through her countless efforts. Upon retiring Mayor Adair will continue to work with the community, but as a spiritual leader. She is the Lay Pastor for the Mundy Church, located in Mundy Township.

Aside from being an outstanding leader and role model, Mayor Adair is also a devoted wife to her husband, Gary and a supportive mother to her daughter Sarah.

Mr. Speaker, as a Member of Congress, I ask my colleagues in the 108th Congress to please join me in congratulating Mayor Adair for service well done. Mayor Adair has been a positive influence on the city of Davison for the past 18 years. She has served her community with zeal and compassion. I wish her all the best as she begins this new phase of her life.

50TH ANNIVERSARY OF TEMPLE EMANUEL OF GREAT NECK

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. ACKERMAN. Mr. Speaker, I rise to call the attention of the House to a wonderful event that will occur this Friday, October 24, in my district: the 50th anniversary and rededication of Temple Emanuel of Great Neck. This synagogue, since its founding, has been a vital force in my community, instilling hope, providing opportunities for prayer, education and fellowship, and acting as a vigorous agent of tzedaka, of righteousness, charity and social action.

Since 1969, this energetic congregation has been led by Dr. Robert Widom, an exemplary rabbi, a community icon, a wise, decent and kind man, and, I'm proud to say, my close friend and counselor. Under his leadership, Temple Emanuel has grown, thrived and fulfilled its mission of providing a home to a dynamic liberal Judaism that promises and delivers both continuity and change.

Mr. Speaker, this wonderful anniversary recalls the divine promise of redemption made by Isaiah who foresaw the restoration of the Beit HaMikdash, the holy temple in Jerusalem: "Behold I will set down gems as your flooring stones and lay your foundation with sapphires. I will set your window frames with ruby and make your gates of carbuncle stones and your entire boundary of precious stones. All your children will be students of the Lord, and your children's peace will be abundant."

This joyous 50th anniversary of Temple Emanuel will celebrate and amplify the echoes of the profound spirit of the Great Temple. This anniversary will rightfully celebrate the creation, half a century ago, of a place for Jews to join together to commune with God, to ask for atonement and to celebrate the holidays and mitzvot established in the Torah. For a generation, Temple Emanuel has been the place for hundreds of Jewish families to celebrate simchas, births, b'nei mitzvot, and weddings; the life events which connect individuals and families to our community and to their faith.

The structure of this synagogue is not mere mortar or brick; it is not wood, stone or steel. This house of prayer, this home for a community, is founded on centuries of faith and tradition, it is built up with love and dedication, and its roof is an abiding faith in the promise made to King Solomon so long ago. Even as this congregation has matured, this structure of spirit has not aged.

Those of us who know this congregation, who know the people who, for 50 years have made it hum with activity and life and spirit, we know it's not just a temple, it's not just a synagogue: It's a shul, a spiritual home, a place that reflects the highest aspirations of an ancient people living proud and free in this great Nation.

Mr. Speaker, in the Jewish tradition, when a book of study is completed, traditionally we celebrate the success by offering encouragement to immediately return to the work ahead. This anniversary, this celebration of 50 years of sustaining Jewish life in a profound and modem way, is a real and deeply satisfying achievement. But it is an anniversary which only promises greater things.

Mr. Speaker, the words we say are "Chazak! Chazak! v'Nitchazayk!" Be strong! Be strong! And may you be strengthened! Mr. Speaker, I ask all of the Members of the House to stand and join me in offering Temple Emanuel a hearty yasher koach, and best wishes for the next 50 years.

HONORING LUIS A. FERRÉ

HON. ANÍBAL ACEVEDO-VILÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. ACEVEDO-VILÁ. Mr. Speaker, I rise today to bring to your attention a great loss suffered by the people of Puerto Rico today. This morning the radios announced the passing of a great man, former Governor Luis A. Ferré. The people of Puerto Rico mourn this loss and celebrate his life. The former Governor embodied the finest Puerto Rico has to offer and he served Puerto Rico well. He was a true man of principles. With his death, Puerto Rico says good-bye to one of the latest Puerto Ricans of a generation that overcame great challenges to convert Puerto Rico to a prosperous, modem and developed Island.

Ferré governed from 1968 to 1972, an era of great economic development for the island. He was a very popular leader. One of his great contributions to the modem Puerto Rico was the creation of the Environmental Quality board, the Departments of Natural Resources and Housing, and the Tourism Company. He also created the Youth Affairs Office. He was a true visionary.

As a politician, musician, successful businessman and philanthropist, he demonstrated the characteristics of a great Puerto Rican. Unfortunately, he has left the Earth today, but I know he has a privileged place in the hearts of all Puerto Ricans and in Heaven. My thoughts and prayers and those of my family are with his wife, Tiody Ferré and his family. May God carry you in the trying time.

CALIFORNIA MISSIONS PRESERVATION ACT

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. SCHIFF. Mr. Speaker, I rise today in support of H.R. 1446, a bill that would allocate badly needed funds to the restoration of California's missions. California's 21 missions are an integral part of California's historical landscape and their preservation for future generations is imperative. They serve as a window into the settlement of the American West and are key aspects of California's history, education, and tourism.

Drawing over 5.5 million tourists a year, the California Missions are the most visited historic attractions in the state. They account for a sizable contribution to the state economy from millions of tourists, including a large number of international visitors.

The missions also play an essential role in educating fourth-grade school children under the statewide history curricula. California missions serve an important educational function in teaching young students about the role of the missions in the history of our nation.

Contrary to widespread belief, 19 of California's 21 missions are not funded by any governmental agency and instead rely on charitable donations to keep their doors open. They are in serious need of repair, restoration, and preservation for future generations.

Until recent efforts by the California Missions Foundation, little had been done to preserve the mission's structures and art. Because of this long-term neglect, many of the missions are now in dire need of structural attention and major rehabilitation.

The legislation would provide $10 million for the restoration effort in a Department of the Interior grants program to be administered over five years. By authorizing the Secretary of the Interior to make matching grants to the California Missions Foundation, we are preserving the missions while keeping in mind the current state of the budget.

This act enjoys nearly unanimous, bipartisan support among California's congressional delegation. It will support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California. I urge all my colleagues to ensure that the missions remain intact, as unshakable symbols of our nation's early discovery.

IN RECOGNITION OF B.E. McKINNEY ON THE OCCASION OF HIS 32ND ANNIVERSARY AS PASTOR OF GREATER EBENEZER MISSIONARY BAPTIST CHURCH, TALLADEGA, AL

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. ROGERS. Mr. Speaker, I rise today to pay tribute to Pastor B.E. McKinney on the occasion of his 32nd anniversary as Pastor of Greater Ebenezer Missionary Baptist Church, in Talladega, Alabama.

Pastor McKinney has led Greater Ebenezer Missionary Baptist Church since 1971 and has nurtured it into a caring, compassionate and charitable church home. Under his leadership, the church has produced many successful, mindful, God-fearing, community-oriented citizens. Pastor McKinney, through his generosity, leadership, guidance, mentoring and example has shaped the lives of a number of young people. For example, a church organization formed under his ministry, called the "Crusaders" has sponsored after-school activities, guidance, leadership and mentoring for young boys who come from socio-economically challenged, single-parent households.

Mr. Speaker, it is often said that the measure of a man's worth is the impact he has on others. In this measure, Pastor McKinney stands tall. I congratulate him and his devoted wife, Alma, for their faithful and dedicated service to their church and community.

HONORING THE RETIREMENT OF F/LT. JOSEPH P. ZANGARO, MICHIGAN STATE POLICE BRIDGMAN POST

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to F/Lt. Joseph P. Zangaro, who is approaching the end of a long and distinguished career in law enforcement. The Battle Creek native began his law enforcement career in 1976 with the Calhoun County Sheriff Department in Marshall, MI as a road patrol deputy. After a brief stint with the Battle Creek

Township Police Department, Zangaro entered the 94th Michigan State Police Recruit School. He has served the residents of southwest Michigan with great distinction ever since.

F/Lt. Zangaro's contributions to our community over the last 27 years have been tremendous. From post to post, he consistently received accolades and recognition along the way including. Among the highlights of his storied career include being named Benton Harbor Exchange Club Trooper of the Year in 1985 and in 1994 Zangaro earned a "Professional Excellence" award for his part in an armed robbery investigation.

He has been successful keeping drugs away from our children and keeping drunk drivers off the road. Just this year he was on the ground, restoring the peace after the uprising in Benton Harbor.

From overseeing one of biggest undercover drug operations in SWET history dismantling the Rainbow Farms drug operation in Cass County or keeping drunk drivers off the streets, F/Lt. Joseph P. Zangaro contributions to our community have been many, and we are all better off from his service.

Our community is in debt to F/Lt. Joseph P. Zangaro for his 27 years in law enforcement, 25 of which were with the Michigan State Police. I wish him and his family all the best in retirement. He will truly be missed by the folks in southwest Michigan.

TRIBUTE TO FATHER JOHN LEONARD O'SHEA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this Nation today to pay tribute to an outstanding citizen from Colorado. Father John Leonard O'Shea of Denver, Colorado recently passed away at the age of sixty-nine. John faithfully served his community throughout his life, first as a member of the Denver Police Department and later as a Catholic Priest. For his years of service and dedication, I am honored to pay tribute to the life and memory of Father O'Shea here today.

John joined the Denver Police Department in 1961 and served in many different positions including patrol, training, property crimes, and traffic investigations. While on the force, John developed a method to streamline the processing of drunk drivers. John retired as Deputy Police Chief in 1987 and, after earning his Ph.D. in Psychology, began studying for the priesthood at Boston Seminary. John was ordained at the Cathedral of the Immaculate Conception in Denver in June of this year and was named the Senior Vicar at the Cathedral.

Mr. Speaker, Father John O'Shea loved to serve his fellow Coloradans, and people were drawn to him because of his positive outlook and quiet dedication. John touched many throughout his life, and the Denver community has benefited greatly from his involvement. As his family and community mourn his loss, I am honored to join with my colleagues today in paying tribute to the life and memory of Father John Leonard O'Shea.

IN MEMORY OF EDDIE JAMES GIBSON

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. BISHOP of Georgia. Mr. Speaker, I was deeply saddened when I learned of the passing on October 12, of Eddie James Gibson, 57, of Edison, Georgia, one of the most highly committed, courageous and inspiring citizens I have ever known.

The son of sharecroppers, Mr. Gibson was horrifically injured at the age of 15 when the tractor he was operating overturned on the land farmed by his family. He spent years in hospitals, undergoing countless operations and receiving intense therapy. His life was saved, but he was left permanently paralyzed.

After he was finally able to return home to Calhoun County, he quickly demonstrated that he had no intention of giving up and sinking into despair. Even though severely handicapped, he decided to do something about the poverty and injustices that he saw around him. He became involved in the civil rights movement, organizing efforts to increase voter participation and bring down the racial barriers that then existed. Even though wheelchair bound, he never hesitated to put himself on the movement's front lines.

Later, he became president of the Calhoun County NAACP, a member of the Edison City Council, and a member of the Calhoun County School Board. He was active in voter registration, and was incredibly effective in motivating people to exercise their rights as citizens. Although a member of the Enon Missionary Baptist Church, he helped a number of churches in the area with their fund raising and enhancement programs. He was always involved in civic and charitable activities.

Many people came to him with problems. Armed with a telephone, he was effective in getting many of them resolved. We worked with him on many cases, and found it to be a highly productive relationship. I visited with him often, and was always uplifted by his good humor and positive outlook that he invariably reflected in spite of any pain and discomfort he may have been feeling.

With sharp intelligence and strength of character, he overcame all of the adversities of a hardscrabble upbringing, of the discrimination he encountered, of the lifelong injuries he sustained as a teenager—rising to become one of the most prominent citizens in Calhoun County's history as he worked tirelessly to raise the quality of life for people throughout his community and area.

If we're looking for true American heroes, I submit the name of Eddie James Gibson of Calhoun County. He meets all of the qualifications.

HONORING STEVE BELCHER ON HIS RETIREMENT AS THE CHIEF OF POLICE FOR SANTA CRUZ, CA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. FARR. Mr. Speaker, I rise today to honor Steve Belcher, retiring Chief of Police for the city of Santa Cruz. Serving for more than 32 years in the Santa Cruz Police Department, Chief Belcher will surely be missed by both his co-workers and the residents of Santa Cruz. His unyielding commitment to public service has, for the past three decades, won him the respect and admiration of the community as a whole.

A graduate of Santa Cruz High School, Steve has lived in Santa Cruz for almost all of his life. In front of his proud wife, Sisi, and two daughters, Erin and Amy, Steve will retire on November 5, 2003. After 32½ years of service, Steve, with his characteristic humility, will boast a lengthy list of accomplishments and achievements.

Chief Belcher was sworn in as Police Patrol Officer on May 26, 1971, and has been a steadfast leader in the department ever since. His poise and leadership have enabled him to rise up the ranks of the Santa Cruz Police Department, culminating in his appointment to the position as Chief of Police on September 30, 1994. Holding the positions of Sergeant, Lieutenant and Deputy Chief of Police, Steve has excelled in every facet of his job. His entire career, from police patrol officer to his current position as Chief of Police, has been with the Santa Cruz Police Department. Over the years, Steve has achieved an extremely long list of accolades and accomplishments, many of which will leave an indelible footprint on the entire community. Chief Belcher has improved training, staffing and community policing policies, and has overseen a steady decline in the overall crime rate.

Focusing on the problems facing the Beach Flats area of Santa Cruz, Chief Belcher has promoted a strong spirit of community development and civic participation. Steve has received an overwhelming amount of praise for this work, and humbly takes credit for helping the department create a Spanish Citizens Police Academy.

I am proud to call Steve a friend. A colleague in the realm of public service, Steve possesses the qualities that personify good police work. I would like to wish him well in his retirement, and thank him for the outstanding—above and beyond the call of duty—service that he has provided our community for the past three decades.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mrs. MALONEY. Mr. Chairman, I rise to address this proposed $87 billion appropriation for the reconstruction of Iraq and Afghanistan.

I have been gravely concerned over the problems surrounding the reconstruction, over the poor planning for the postwar period and our inability to work productively with the international community to rebuild Iraq. The supplemental appropriation before us raises many difficult questions.

With great reluctance, I will support this funding. I believe it will both support our soldiers and help increase their safety. Sixty-five billion dollars will directly aid our troops; I feel that the additional $18.6 billion in reconstruction aid will make them safer and get them home sooner.

While I am going to support this funding request it should not be interpreted that I am supporting all of the policies and actions to date in the war effort.

We need to do more.

We need to get more countries involved to help with the security.

We need to make the reconstruction effort more cost-effective. We need to follow the model set by Major General David Petraeus, whom I met with in Iraq. Advised by American engineers that rebuilding a cement factory to American standards would cost $15 million, General Petraeus took the initiative to identify Iraqi contractors, who were able to bring the factory back on line for a mere $80,000.

That example and others like it inspired me to introduce an amendment to increase competitive bidding in Iraq and to encourage the use of Iraqi contractors and subcontractors. I regret that this amendment was not accepted and urge the administration to embrace a more open bidding process in the reconstruction of Iraq and to avoid the use of sole-source contracts.

We need to be doing more to bring human rights to Iraq and Afghanistan. One measure of the success of our efforts will be the degree to which women are integrated into the political, economic, and educational life of these nations. I will offer amendments to ensure that women are fully included in the process of drafting Iraq's new constitution and to devote $65 million from a previous authorization to programs for Afghan women, amendments which I hope this body will support.

Hundreds of my neighbors and constituents lost their lives at the hands of terrorists, some of whom were trained in Afghanistan. Twenty-five firehouses in my district lost men trying to save others whose lives were imperiled by those terrorists. I remember all too vividly the awful consequences of our failure in Afghanistan.

History teaches us that, when America turned its industrial and economic might toward the cause of helping others around the world who sought to rebuild after bitter conflicts—for the reconstruction of a Europe ravaged by World War I; for the creation of democracies in Germany, Japan and Italy after the devastation of World War II; and for the political and economic rebirth of Central Europe after the Cold War—we truly succeeded in making our mark as the greatest nation on earth.

Before us stands that opportunity once again. But we need to do a better job of winning the peace then we have been doing. We must work more productively with the international community to secure Iraq's transition to a stable democracy.

I will support this budget request but with the understanding that we need to do better.

Let us remember the past. Let us not repeat its failures.

We do not have a choice to leave or to fail in Iraq. We must succeed.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. BECERRA. Mr. Speaker, on Monday, October 20, 2003, I was unable to cast my floor vote on rollcall Nos. 563, 564, and 565. The votes I missed include rollcall vote No. 563 on the Motion to Suspend the Rules and Agree to H. Res. 356, Expressing the Sense of the House Regarding the Man-Made Famine in the Ukraine; rollcall vote No. 564 on the Motion to Suspend the Rules and Agree, as Amended to H. Res. 400, Honoring the 25th Anniversary of Pope John Paul; and rollcall vote No. 565, on the Motion to Suspend the Rules and Pass H.R. 3288, Making Technical Corrections to Amend Title XXI of the Social Security Act.

Had I been present for the votes, I would have voted "aye" on rollcall vote Nos. 563, 564, and 565.

TRIBUTE TO GLEN YOUNGER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this Nation today to pay tribute to an exceptional athlete from my district. Glen Younger of Grand Junction, Colorado made a name for himself as a young man with skill and prowess as a wrestler and today passes on this athletic tradition by running a rodeo school. For his work and dedication, Glen's alma mater, Western State College, is honoring him by inducting him into the Community First National Bank and Insurance Mountaineer Sports Hall of Fame. Glen has accomplished much in his life, and I am honored to share his story here today.

Glen began wrestling as a high school student in Grand Junction, continuing to compete in the sport when he went to college at Western State College in Gunnison. Glen had great success while at Western State, including an NCAA championship, two Rocky Mountain Athletic Conference Championships, and a Mountain Intercollegiate Wrestling Association Title. After graduating from Western State, Glen joined the military and continued his winning tradition by winning several more awards, including the 1968 Interservice Freestyle Championship and the second place award in the 1969 Interservice Greco Roman Competition. Today, Glen has retired from wrestling but remains active in sports by running a rodeo school that teaches bull riding and bareback riding.

Mr. Speaker, Glen Younger is a talented athlete and a valued member of the Grand Junction community. As he prepares for induction into the Western State College Hall of Fame, I am honored to join with my colleagues in congratulating Glen Younger here today. Thank you for your service to the community, Glen. I wish you all the best in your future endeavors.

CONGRATULATIONS TO THE LA MIRADA GIRL'S ALL STARS

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, on August 3, 2003, the La Mirada Girl All Stars won the Girls 16-Under "Class B" Fast Pitch West Finals by defeating the Bullets from Idaho 7–2 for the title of 2003 Amateur Softball Association. National Champions.

The La Mirada Girl All Stars, also the California state champions, in their respective age bracket, started the four-term Western Pool Playoff with a 7–2 win over Blue Thunder from Florissant, Missouri and a 9–2 victory over the Waverly Heat from Lincoln, Nebraska.

Founded in 1933, the Amateur Softball Association is a nationwide, volunteer driven, non-profit organization that has evolved in the largest softball organization in the country. The Amateur Softball Association has grown from a few hundred teams to over 250,000 teams, representing a membership of more than four million athletes. The goal of the Amateur Softball Association's youth program is to help aspiring young softball athletes learn a sport they can enjoy for a lifetime in a positive, safe and supportive environment.

The Amateur Softball Association National Championships begin at the local level with league championships, state championships and eventually culminates with national qualifiers from around the country.

The La Mirada Girl All-Star Team was made up of players from eight teams from La Mirada's 16-under division, who played a three-week season prior to their selection.

The La Mirada Girl All-Star roster included: Andrea Belluz, Amanda Fernandez, Nikki Johansen, Tiffany Johnson, Keena Levert, Jaimee Montanez, Nicole Morales, Sara Randall, Jayme Smith and Meghan Thorpe with coaches Steve Randall and Randy Tyler, and manager Laurie Montanez.

La Mirada fought its way to the National Championship by defeating teams from Overland Park, Kansas; Kirksville, Missouri; Coachella, California; Omaha, Nebraska; Augusta, Kansas; and Parma, Idaho. La Mirada outscored its competition 60–11 and went undefeated at 7–0, during the course of the tournament.

La Mirada won the championship tournament with brilliant pitching, an explosive offense and an unmatched defense. The National Champion La Mirada Girl All-Star Team will be celebrated by the players, coaches and family members not only for the games played, but also for their shared memories of their time together.

RECOGNIZING THE HOMENETMEN ARARAT CHAPTER'S 25TH ANNIVERSARY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to honor the Glendale/Ararat Chapter of Homenetmen. Homenetmen is an organization that provides Armenian communities around the world with moral, physical, and social education. In the 25 years since its inception, the Glendale Chapter of Homenetmen has grown from a seven member volunteer group to a thriving community organization with over 1800 members. The Ararat Chapter is now the largest in the United States, and conservatively estimates that it has provided services to nearly 10,000 adults, children and seniors since 1978.

For the last quarter century, the Ararat Chapter has been a guiding light for the growth and success of Glendale's Armenian community, and the community as a whole. Ararat's efforts to form lasting bonds with community and government organizations, regardless of race or religious affiliation, have made a lasting positive impact on the community. They provide numerous supervised weekend and after school programs that afford a healthy and safe environment for children and young adults. The Ararat Chapter's volunteers also play a vital role in contributing to drug awareness education throughout the community. The Homenetmen-sponsored 5K/10K run/walk attracts over 1,000 participants annually, and includes pre-and-post race events tailored to drug and alcohol awareness. The Ararat Chapter also works closely with local hospitals, churches, and local governments on a variety of beneficial community events such as graffiti clean-ups, scouting events, holiday luncheons with the Salvation Army, and blood drives with the Red Cross.

Ararat volunteers blanket our community with goodwill and friendly hands. Schools, children, hospitals, and many other groups are buoyed by the charity of this outstanding community organization. They are a tribute to their Armenian heritage, and a jewel of their home city of Glendale. It is with great pleasure that I congratulate the Homenetmen Ararat Chapter for their 25 years of dedicated service to the Glendale community.

CONGRATULATING THE UNIVERSITY OF CALIFORNIA SANTA CRUZ'S LONG MARINE LAB ON CELEBRATING ITS 25TH ANNIVERSARY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. FARR. Mr. Speaker, I rise today to congratulate the University of California, Santa Cruz's Long Marine Lab on celebrating its twenty-fifth anniversary on October 25th, 2003. The Joseph M. Long Marine Laboratory is a research and education facility of Institute of Marine Sciences and is known throughout the world for innovative research on marine mammals, marine ecology, and issues relating to ocean health. The Long Marine Lab has grown from a few marine scientists into a research institute with more than 170 scientists and research associates, 130 graduate students, and $12 million in annual research funds.

With its collaborative interdisciplinary approach to programs and facilities, Long Marine Laboratory enables students from the University of California, Santa Cruz to engage in hands-on research, and to have the opportunity to work with professionals in their field of study. The site is also home to the California Department of Fish and Game Marine Wildlife Center, the National Marine Fisheries Service's Southwest Science Center, and plans are underway to bring coastal and marine scientists from the United States Geological Survey.

The Seymour Marine Discovery Center houses the lab's public education and visitor programs and brings marine research to life for 50,000 schoolchildren and other public visitors every year. Programs such as this are vital to teaching children about conservation and the marine environment, and ensuring that they will continue the struggle to save and preserve our oceans.

The President of the University of California has chosen this day to name one of the original Long Marine Laboratory buildings the William T. Doyle Research Building in honor of Bill Doyle, founding director of the Institute of Marine Sciences, for his great vision, wisdom, and persistence in the establishment and early development of the Long Marine Laboratory.

Mr. Speaker, I am proud to honor Bill Doyle's memory and the dedicated work of the many staff and researchers at the University of California, Santa Cruz's Long Marine Laboratory. Through their commitment to marine research they are able to offer new solutions and approaches to conservation and preservation of our oceans. The lab's twenty-fifth anniversary is a tribute to the role it plays in our community, and I wish the Long Marine Laboratory the best successes for the future.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mrs. MALONEY. Mr. Speaker, on October 15, 2003, I missed rollcall vote number 543. Rollcall vote 543 was on the motion to suspend the rules and agree to as amended H.R. 1848, the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003.

As I am a cosponsor of this important legislation and had I been present I would have voted "yea" on rollcall vote 543.

TRIBUTE TO PHYLLIS LUDWIG

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an outstanding civil servant from my district. After almost three decades of service, Phyllis Ludwig of Bayfield, Colorado recently announced her retirement from the Bayfield Post Office. As she prepares to begin a new phase in her life, I am honored to pay tribute to Phyllis and her many accomplishments.

Phyllis has been with the Bayfield Post Office for nearly twenty-eight years. She began as a part time flexible worker, steadily working her way up the ranks. In 1983, Phyllis was appointed Postmaster. To her credit, in the twenty years that she has served as Postmaster, not a single grievance has been filed against her.

While Phyllis may be retiring from her professional life, she plans to remain active in the community. Phyllis will remain President of the Upper Pine River Fire Department Auxiliary and will continue to organize Operation Merry Christmas, a program to assist underprivileged children and families.

Mr. Speaker, Phyllis Ludwig is an active member of her community and dedicated civil servant. She has devoted nearly twenty-eight years to serving her friends and neighbors, and I am honored to join with my colleagues in recognition of her service today. Thank you, Phyllis, for your tireless work. I wish you all the best in retirement.

HONORING JAMES H. "JIMMY" RAINWATER

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. BISHOP of Georgia. Mr. Speaker, if there has been a more dynamic or visionary leader in public service anywhere in the United States in recent years than James H. "Jimmy" Rainwater, who served as Mayor of Valdosta, Georgia for 16 years until his death from a heart attack on Sunday, October 12, I don't know who it would be. In the words of the Valdosta Daily Times, he was "Valdosta's voice, the city's representative, its administrator, ambassador, negotiator, cheerleader and leader."

Mayor Rainwater seemed to be everywhere at once. If there was a groundbreaking or ribbon cutting, he was there as a booster. If there was a new business or grant to secure, he was always in the thick of it. If a disaster struck, he was there to help and comfort those who suffered. As his city experienced an extraordinary acceleration of growth and development, he was there, leading the way.

Valdosta emerged under his leadership as an officially designated metropolitan community. He played a leading role in the successful effort to save Moody Air Force Base, the community's largest employer, when the base was threatened with closure. He promoted tourism, which generates $175 million annually for the Valdosta area thanks to such developments as the Wild Adventures Theme Park, the Valdosta-Lowndes County Conference Center, the new Valdosta Regional Airport, the new industrial park, and many new hotels and restaurants. His support helped Valdosta State College become Valdosta State University. He pushed hard to strengthen the city's infrastructure, and during his tenure the city built a water treatment plant, completed a citywide paving program, and organized a nationally accredited police department.

Mayor Rainwater was born and raised in another growing city within the Second Congressional District, Tifton, which I also have the privilege of representing. Citizens in Tifton remember him as one of the most outstanding students to ever come out of Tifton High, where he quarterbacked the football team, served as homeroom president, and was named to the Who's Who list. He more than fulfilled that early promise. In addition to serving as Mayor of one of Georgia's great cities longer than any other person in history, he was a successful businessman and was prominent in statewide municipal affairs as an active member and next year's President-to-be of the Georgia Municipal Association.

When I learned of Jimmy Rainwater's passing at the age of 62, my first thought was that I had lost a wonderful friend. So did everyone who lives in Valdosta and our area of Georgia. He will be missed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. CRENSHAW. Mr. Chairman, it's not always easy to do what is right. Doing what's right sometimes means going against expectations. In regards to Iraq, the United States is doing the right thing; the reconstruction, granting the money, and building a relationship with a new Iraq is all part of staying committed to winning the war on terror. The price is high, the undertaking is huge, but we cannot afford to fail.

Winning the war means more than capturing terrorists, it means capturing the hearts and minds of Iraqis. During the U.S.-led invasion, Iraqis saw that we didn't target their homes, we targeted an evil regime. After the major combat, Iraqis saw the United States take a stance for stability and security. In the wake of recent deadly attacks, Iraqis see it is the U.S. rebuilding their schools and hospitals, not terrorists from neighboring countries whose only aim is to rip apart the beginnings of a democracy.

In Iraq, citizens know we invaded their country in pursuit of Saddam Hussein. They know we did not invade for oil or other profit. Upon that premise, we are building a foundation of trust. That foundation will breed civility not hate, understanding not undermining, and prosperity instead of chaos.

What Iraqis didn't expect was a reassuring hand after the smoke cleared. What Iraqis won't respect is an invader who forces them to sign loan papers.

We are getting something for our investment—an historic beginning to Middle East stability. In exchange for rebuilding their infrastructure, we are asking Iraqis to reject thirty years of an evil regime. We are asking that they consider democracy instead of anti-American hate. We are asking Iraqi citizens to hold structure over chaos and not become a breeding ground for terrorist training camps. We are not handing Iraqis money and a simple request. We are asking them to reject everything Saddam Hussein stood for, and build anew.

The sole reason we entered Iraq was to protect national security. We must continue on that course. More than 30 countries are working with the United States to stabilize Iraq and enable the Iraqi people to achieve self-governance. And just this week, the Japanese government committed $1.5 billion to Iraqi reconstruction.

The cost of reconstructing Iraq is high but we would pay a higher cost if we burden Iraqis with a multibillion-dollar debt. After all, history shows us what a tyrant can do when a country is burdened by war debt. Repeating the mistakes of the past could open the door for another Saddam Hussein, or another Adolph Hitler.

REMEMBERING FAITH FANCHER

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Ms. LEE. Mr. Speaker, I rise today to honor the memory of an extraordinary woman, Faith Fancher. Faith passed away in her home in Oakland, CA, on October 19, 2003, at the age of 53 after a long battle with breast cancer.

Faith Fancher was a popular reporter with KTVU Television, Channel 2 and the recipient of numerous awards. Her plight was well-known to thousands of KTVU viewers after she disclosed that she was being treated for the disease. She hoped her story would teach others the benefits of early detection, so she allowed her friend, Elaine Corral Kendall and a camera crew to follow her treatment, which began in the Spring of 1997. "Faith's Story" aired for three nights and won an award at the American Medical Association International Health and Medical Film Competition in 1997.

Faith was born in 1950 in Franklin, TN. She is the wife of Mr. William Drummond, professor of Journalism at the University of California, Berkeley campus. They met in 1979, in Washington, DC, while both were working at National Public Radio. They were married on October 20, 1982. Faith leaves behind one stepson Sean Drummond and one stepdaughter Tamberline Drummond of New Jersey.

Faith graduated valedictorian of her class from St Francis de Salle Boarding School for Girls in Powatan, Virginia in 1967. She earned a Bachelor of Science degree in Education and English from the University of Tennessee at Knoxville summa cum laude in 1972 but her real education began with her broadcast career. Her first job was at WBR in Knoxville, TN. She was the first Black female journalist in Knoxville.

Faith Fancher was a remarkably strong human being. Her spirit-filled life inspired many to do good; to be humble, and to stay positive. Her smile, her diligent and dedicated work—in spite of the odds—kept hope alive for many. Faith's love for the human family transcended artificial barriers and truly united us. Faith touched the lives of many, and as we celebrate her life, let us rededicate ourselves to her values and her vision for a better world. Faith lived a life filled with "faith, hope, and love." For this, we are deeply grateful.

To Faith's family, friends and fans, I extend my deepest sympathy.

H. CON. RES. 305, "IF YOU BUILD IT THEY WILL COME" BASEBALL FRIENDSHIP ACT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. FILNER. Mr. Speaker, I rise today to introduce a resolution, H. Con. Res. 305, "If You Build It They Will Come" Baseball Friendship Act, expressing the sense of Congress that Major League Baseball should select Monterrey, Mexico, as a host for a quarter of the Montreal Expos games next season as a show of goodwill between the United States and Mexico.

In recent weeks, the United States Ambassador to Mexico Tony Garza has written to the Commissioner of Major League Baseball Bud Selig urging the League to play a quarter of their home games in Mexico.

The Montreal Expos were bought by the other 29 Major League Baseball franchises before the 2002 season, and to increase revenue, Major League Baseball relocated 22 Expos home games to San Juan, Puerto Rico, for the 2003 season. Under this proposal, the people of Puerto Rico can continue to enjoy Major League Baseball.

Major League Baseball officials have spent many months discussing a permanent move of the Montreal Expos franchise, despite baseball's intention to decide by the end of the regular season, it appears no long-term site will be selected for the 2004 season.

Monterrey, Mexico, is a metropolitan area of about 3 million people 130 miles south of Laredo, TX, and is one of the safest cities in Latin America. Monterrey has played host to a number of successful major league baseball games· over the last few years, and is the longtime home to the Sultans of the Mexican League, and the Sultans ballpark that could be expanded to more than 30,000 seats.

I believe a commitment from Major League Baseball to play a quarter of the Montreal Expos' home games in Mexico would be a strong statement of friendship and goodwill between our countries and cultures, as we have shared with our other neighbor, Canada, for nearly 30 years. It's time that we include Mexico and make baseball the North American pastime. For the good of baseball, for the good of the people of these two great nations, if we build it, they will come.

HONORING THE STRONG BOND BETWEEN THE MONTEREY INSTITUTE OF INTERNATIONAL STUDIES AND THE PEACE CORPS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. FARR. Mr. Speaker, I rise today to honor the strong bond between the Monterey Institute of International Studies and the Peace Corps. The Monterey Institute is strongly committed to preparing individuals for two years of dedicated service in the Peace Corps with a new Master's International Program. Students who successfully return after volunteering in the Peace Corps through the Master's International Program are eligible to receive scholarships, which can cover eight of the remaining credits for the final semester. This has become a great tool for students in fulfilling their educational requirements.

Since its inception in 1961, President John F. Kennedy challenged the youth of this country to experience and work to relieve the poverty in underdeveloped countries. After 42 years, the Peace Corps have grown to have over 170,000 volunteers in 136 different countries. These courageous and enthusiastic young people have helped change third world countries through education, business development, and most recently, volunteers are helping as a part of President Bush's HIV/AIDS Act of 2003.

I am proud to say that I share the honorable and memorable experience of volunteering my service for the Peace Corps in Colombia during 1964–66. Mr. Lawrence Horan, the Director of the Monterey Institute of International Studies, had the same experience with the Peace Corps and today is now helping hundreds of current volunteers through their experience. Mr. Horan, the Monterey Institute of International Studies, and the Peace Corps as well should be commended for helping shape the world into a better place.

TRIBUTE TO NICK AND ROSE MARIE NEKOLA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this Nation today to pay tribute to two outstanding citizens from my district. Nick and Rose Marie Nekola of Pueblo, Colorado own and operate a valued Pueblo institution, Ianne's Pizzeria. For years, they have worked to provide a quality product and diligent service to local residents. For their hard work and dedication, I am honored to pay tribute to Nick and Rose here today.

Ianne's Pizzeria was opened by Rose's parents in 1954, at a time when the word "pizza" was foreign to most Puebloans. Nick and Rose took control of the pizzeria 32 years ago and have operated it ever since. In addition to serving quality food, the Nekolas have created a friendly and welcoming environment at Ianne's. Many of their employees have been with the restaurant for over 20 years, and it is not unusual to meet a customer who has patronized the pizzeria for 30 years. Under the Nekolas' guidance, Ianne's has become a staple of downtown Pueblo.

Mr. Speaker, in today's climate of transition and change, it is truly refreshing to encounter an establishment dedicated to tradition and quality. Nick and Rose Marie Nekola have worked hard to make Ianne's Pizzeria an institution in the Pueblo community. For their hard work and integrity, I am honored to join with my colleagues in recognizing Nick and Rose Marie Nekola here today.

HONORING THE PRYOR FAMILY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. BISHOP of Georgia. Mr. Speaker, family reunions are one of America's great traditions. This is especially true in my area of southwest Georgia, where some of the country's oldest and biggest family reunions are held. One of these is the Pryor family reunion, which has convened in the community of Leslie every year for the past century, attracting hundreds of people from Georgia and other States. This year's reunion was held on October 4. I would like to share an article about this year's 100th anniversary reunion in the Cordele Dispatch written by Ms. Betsy Butler, a descendant and a writer and editor for the newspaper.

> The year was 1903. Only 14 percent of the homes in the United States had a bathtub. Only 8 percent had a telephone. There were only 8,000 cars in the U.S. and only 144 miles of paved roads. The American flag had 45 stars. Arizona, Oklahoma, New Mexico, Hawaii and Alaska hadn't been admitted to the Union yet. Today, 100 years later, we live in a world of airplanes and computers that connect people on opposite ends of the earth. Boy, how things change. But one thing has stayed the same—the Pryor family gathering.
>
> Since 1903 the family has been coming to the small town of Leslie. What started as a gathering to mark the 50th wedding anniversary of Shepherd Green Pryor and Penelope Eudora Tyson Pryor on October 4, 1903, has continued to bring the family together for 100 years.
>
> Shepherd and Penelope had seven living children, 32 grandchildren and four great-grandchildren. Most of these attended the celebration, which would become the first annual family reunion.
>
> According to Frank Wilson, a descendent, the menu has stayed the same for 100 years—barbecue. Over the years, each generation has assumed the responsibility for being sure the reunion goes on. "The family has stuck together and done what needs to be done," Wilson said. "We have never struggled to have a host."
>
> There is a lot of history to the family. With two published books about the family, one being a narrative and the other, "A Post of Honor," being a collection of letters written between Shepherd and Penelope during the Civil War. In June of 2001 over 140 descendants traveled to Virginia for the dedication of Civil War breastplates. Quotes from the letters . . . were used on the Confederate breast-works plaques.
>
> This year's reunion is no different from the 99 before it (as) hundreds of family members ascend on Leslie and spend the afternoon together over a barbeque lunch. In 100 years the world has evolved from a world of only one in 10 homes with a telephone to a world with an information highway. But one thing has stayed the same—the Pryor family gathering.

TRIBUTE TO DR. MOHAMMED ALI ODEEN ISHMAEL

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mrs. CHRISTENSEN. Mr. Speaker, I rise to pay tribute to my friend Dr. Mohammed Ali Odeen Ishmael, Ambassador of Guyana to the United States of America and Permanent Representative of Guyana to the Organization of American States.

Ambassador Odeen Ishmael, who was born in 1948, was appointed to his current post, more than 10 years ago, in June 1993 and is presently the Dean of the Caribbean Ambassador.

Before becoming an Ambassador, Dr. Ishmael previously worked as a teacher in Guyana, and served during the 1970s in the Ministry of Foreign Affairs of Guyana. He returned to teaching after his stint in Foreign Affairs. From 1985 to early 1993 he worked in The Bahamas in the areas of both secondary and adult education. He has represented Guyana at the OAS General Assemblies, and other specialized meetings of the hemispheric body in various countries of the hemisphere and has participated as a member of Guyana's delegation at the U.N. General Assembly since 1993. In addition, he has headed

Guyana's delegation to meetings of the Regional Negotiating Machinery (of CARICOM) from 1997. From 1997, he has headed Guyana's delegations to meetings Foreign Ministers of the Organization of Islamic Conference (OIC); and he also participated in the Summits of Heads of States of the OIC in Tehran (1997) and Qatar (2000).

Ambassador Ishmael was also Guyana's chief negotiator at the Summits of the Americas of 1994 (Miami), 1998 (Santiago de Chile) and 2001 (Quebec City), and also at the Summit of Sustainable Development in Bolivia (1996). At the OAS, he served as Chairman of the Permanent Council in late 1994, and oversaw the restoration of democratic government in Haiti. He is the only Guyanese to serve in this prestigious position in the hemispheric organization.

He had previously served as Vice-Chairman of the Permanent Council during July-September 1993, and as Vice-Chairman of the Environmental Committee of the Permanent Council from August 1993 to July 1994. In 1994 he was also elected Chairman of the General Committee to prepare the OAS draft convention on the situation of persons with disabilities. In 1996, he was elected Vice-Chairman of the OAS Working Group on Sustainable Development.

In May 1997, Ambassador Ishmael was awarded one of Guyana's highest honors, the Cacique Crown on Honor (CCH). Many years earlier, in 1974, he was awarded the Gandhi Centenary Medal at the University of Guyana. In political life, Ambassador Ishmael served in the Central Committees of the Progressive Youth Organization (PYO)—serving as Second Secretary—and the People's Progressive Party (PPP) of Guyana, and in the course of his political work, he participated in numerous international conferences and activities in many different countries. He also assisted in lobbying Guyana's case for electoral reforms in different countries in North and South America, Europe and the Caribbean.

He has written numerous articles on Education, Guyanese history and international political issues, which have been published in newspapers and journals in Guyana, the Caribbean and North America. His published books include Problems of the Transition of education in the Third World, Towards Education Reform in Guyana, and Amerindian Legends of Guyana. An Internet edition of a fourth book, The Trail of Diplomacy, was released in late 1998. He is currently in the process of compiling and editing a lengthy collection of original documents on the Guyana-Venezuela border issue under the title, Guyana's Western Border. He is married and has two children.

I met Ambassador Ishmael when I was first elected to the House of Representatives and served as the Honorary Co-Chair of the Institute for Caribbean Studies Annual Awards Dinner. In the flowing years, I had the pleasure of working with him and his other Caribbean Ambassador colleagues on the several issues, from Trade to Immigration, and economic development, which continue to impact our democratic neighbors to the south.

I want to thank Ambassador Ishmael and his family for his commitment and dedication, during his tenure here in Washington, not only to issues affecting his home country Guyana but also to the issues and concerns of all of the countries of the Caribbean. I want to wish him much success in his new assignment and to say that Washington, DC Caribbean community will greatly surely miss his insightful, quiet leadership as well as his earnest friendship.

TRIBUTE TO ROBERT AUSTIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and the Nation today to pay tribute to an outstanding citizen from my district. Robert Austin of Gunnison, Colorado recently announced he will leave the Gunnison Valley Hospital after 19 years of dedicated service. As Robert embarks on a new phase of his life, I am honored to take this opportunity to recognize his accomplishments here today.

President of the Gunnison Valley Hospital since 1984, Robert has led the hospital through many changes. He has overseen the hiring of numerous surgeons, four building expansions, the creation of a long-term business plan, and Gunnison Valley's designation as a Critical Access Hospital. Through it all, Robert has worked hard to run the hospital fairly and compassionately.

In addition to his work at the hospital, Robert is very active in his community. The Gunnison Rotary Club, the Gunnison Area Foundation, and the Western State College Advisory Council all benefit from Robert's participation. In addition, he is a member of the Colorado Hospital Association, where he served as the association's Chair in 1995, and the Governing Council for Small and Rural Hospitals for the American Hospital Association.

Mr. Speaker, Robert Austin has been an effective leader in the health care industry and an active member of his community for many years. His hard work and dedication have benefited an untold number of Coloradans. For his tireless efforts and years of service, I am honored to join with my colleagues in paying tribute to Robert here today.

IN HONOR OF MAYOR RICHARD CLAIRE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Ms. ESHOO. Mr. Speaker, I rise to honor Mayor Richard Claire, an extraordinary citizen of San Mateo County, California and a distinguished leader of Redwood City, who is retiring after serving on the City Council of Redwood City for twenty years.

Richard Claire is known to the people of Redwood City as Dick Claire. He has been a resident of Redwood City since his childhood and is a product of the resources the San Francisco Peninsula and South Bay have to offer. Dick Claire attended Sequoia High School in Redwood City, went on to study at the College of San Mateo, and received his Master's degree in Business Administration from Santa Clara University.

Dick Claire is exceedingly proud of his local education and he has continued to give back to his community as a full-time instructor in the San Mateo County Community College District. During the 2002–2003 school year, he served as Academic President for the District and the College of San Mateo, and he is currently serving as Academic President of Cañada College. In May of 2002, his outstanding work spanning twenty-five years of service with the Community College District was honored by the Board of Trustees.

Dick Claire's career has included positions as Corporate Controller at Raychem and Controller for Ferrex Corporation. He's been an accounting consultant and in his spare time returned to his alma mater to act as Sequoia High School's football coach and later as manager for Redwood City Little League Baseball Senior League.

Beyond his activities with the San Mateo County Community College District and youth athletic teams, Dick Claire has been a real leader in Redwood City for over a quarter of a century. He served on the City's Planning Commission from August 1978 though April 1982, and was Chairman of the Commission. In April 1982, he was elected to the City Council, where he has been reelected an astonishing four times by the people of Redwood City. He has twice been selected by his Council colleagues to serve as the Mayor. He's also served as Chairman of the San Mateo County Council of Mayors and the Co-Chairman of Redwood City's Aesthetics and Beautification Committee.

Mr. Speaker, I'm proud to have known Dick Claire for over thirty years and to call him my friend and my colleague in public service. He is a source of great pride to our entire community and I ask my colleagues to join me in honoring and thanking Mayor Claire for his extraordinary service to Redwood City, to California, and to our country. Because of him and his distinguished service, we are a stronger community and a better people.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. MOORE. Mr. Chairman, I will vote for this supplemental spending bill because I believe we have an obligation to support our troops. I am proud of our brave men and women in uniform, but I am disappointed that the President has not assembled a greater international coalition to share the cost of policing and rebuilding Iraq. American troops and taxpayers should not bear this heavy burden alone. We are spending nearly $1 billion each week and 2 to 3 American lives each day to continue this effort.

Mr. Chairman, our military personnel are putting their lives on the line to maintain order in Iraq. Nearly 200 soldiers have died in bombings, ambushes and other hostile incidents since the President declared an end to major combat operations. We owe our brave men and women a deep debt of gratitude. But we also owe them a sustained diplomatic effort to ensure that our allies will share the peacekeeping burden in Iraq.

I also believe it is wrong to ask the American taxpayers to bear the full financial burden of rebuilding Iraq. That is why I supported an amendment which would have converted half of the reconstruction aid to a loan. That is also the reason I have consistently urged the President to involve our allies in the reconstruction effort. We should help the Iraqi people rebuild their country. But we shouldn't do it alone.

Mr. Chairman, I am also concerned about the future costs of the Iraq effort. It is imperative that the Administration provide Congress with a realistic estimate of future reconstruction costs. Congress and the American people need this information in order to assess the impact our Iraq programs will have on our 2004 budget, which is projected to be more than a half trillion dollars in deficit.

Mr. Chairman, I support this legislation because I support our troops. These funds will help to ensure that our military personnel have the equipment they need to complete their mission in Iraq. But in the long run, the best thing we can do for our men and women in uniform is to more fairly share the peacekeeping burden with our allies.

TRIBUTE TO BOB KUUSINEN

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this Nation today to pay tribute to an outstanding citizen from my district. Bob Kuusinen of Steamboat Springs, Colorado recently announced his retirement from the Steamboat Ski and Resort Corporation. Bob has been a faithful and dedicated member of the Steamboat community, and I am honored to pay tribute to his accomplishments here today.

Bob began his career in Steamboat over thirty-one years ago as a cook at Thunderhead Lodge. Over the years, Bob's hard work has helped him to make his way up the ranks. Today, he retires as the Senior Vice President of Steamboat Ski Area Operations. In this role, Bob was responsible for overseeing the operations and functions of one of Colorado's best-loved ski resorts.

Mr. Speaker, Bob Kuusinen stands as an example of the American Dream: if you work hard and remain dedicated and steadfast, there is no limit to what you can accomplish. Bob has helped make Steamboat Springs one of the premiere ski resorts in the nation, and I am honored to join with my colleagues in wishing Bob the very best as he prepares to begin his retirement.

SENATE—*Wednesday, October 22, 2003*

The Senate met at 9:30 a.m. and was called to order by the Honorable SAMUEL D. BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, Great Lover of our souls, You are our glory, our hope, and our refuge in the day of trouble. Nothing is sweeter than Your love.

Lord, may we remember that Your love can cast out fear, and release us from chains of selfishness. Help us to live to please You.

May we remember that we are only pilgrims on Earth, made for eternity, not for time alone. Give the light of Your truth to our Senators so that they will remain ethically fit. May they not rest their trust in only what humans can accomplish, but in the power of Your Spirit. Let their mouths speak wisdom and make them forces for unity.

Teach us to depend on You so that our joy may be full. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAMUEL D. BROWNBACK led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 22, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAMUEL D. BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, under the order from last night, the Senate will conduct a period of morning business until 11:30 this morning. During morning business, the first 30 minutes will be under the control of Senator HUTCHISON, the second block of 30 minutes will be under the control of the Democratic leader or his designee, and the final 60 minutes will be equally divided for Senators to speak.

Following this time, at 11:30 the Senate will resume debate on the motion to proceed to S. 1751, the class action fairness bill. At 12:30 p.m., the Senate will proceed to the vote on the motion to invoke cloture on the motion to proceed to S. 1751. This cloture vote will be the first vote of today's session. I am hopeful that cloture will be invoked today and that we are able to proceed to the legislation for debate and amendments.

If we are to begin consideration of the class action measure, I also hope to reach an agreement on amendments to the bill which would allow us to finish the bill this week. I will be talking to the Democratic leadership about an agreement for later today, if the cloture vote is successful.

Again, I remind Members that we continue to work on time agreements for the consideration of a number of issues—the fair education credit reporting legislation, the anti-spam bill, the Internet tax moratorium measure, the Healthy Forests bill, the CARE Act, as well as nominations that are available on the Executive Calendar.

This is not an exclusive list, and we continue to process legislation each day as legislative items are cleared for floor action.

We have a lot of work to do in the few remaining weeks left in the session. It will require some give on both sides of the aisle. I hope Members will allow us to reach agreements to consider legislation so that we can use the remaining floor time in an efficient manner.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. Mr. President, as we discussed yesterday on the floor, there is a need to do appropriations bills. As the leader knows, he has spoken to the Democratic leader and there is an opportunity I believe in the next week or so to move a couple of appropriations bills. If there is anything we can do to narrow the size of the omnibus package, the country will be well served. I hope the distinguished Senator from Tennessee will continue to work to see if we can move some of these appropriations bills.

As has been indicated, I think we can do that with a reasonable number of amendments and in a reasonable period of time. It would surely be helpful to the country.

Mr. FRIST. Mr. President, in response, through the Chair, the appropriations bills are critical and we continue to work aggressively. I am in wholehearted agreement. Bringing these bills to the floor one by one is a much preferred route to take. We continue to work aggressively in that regard.

WOMEN'S RIGHTS CENTER IN IRAQ

Mr. FRIST. Mr. President, I wish to take 2 or 3 minutes to make a comment on another issue.

Earlier this month, the Fatima Zehran Center for Women's Rights opened in Hillah in the Babil Province in Iraq. This center is the first of its kind to be established since the liberation of Iraq. It is also one of the many such planned across the country in Iraq. It oversees classes and workshops on women's issues and even broader issues in nutrition, in health, democracy, empowerment and leadership, literacy, computer and Internet skills, and entrepreneurship in local markets.

As we all know, the last 35 years in Iraq have been a period of injustice for and oppression of Iraqi women. They were deprived of their civil and political rights.

This is just another example of tremendous progress being made in Iraq. New programs are being developed and implemented throughout the country to raise the educational standard of Iraqi women. A few employment opportunities are occurring throughout the country. The Baghdad City Council has begun a major project to establish women's institutes throughout the city.

It is clear that the time has come for Iraqi women to occupy their natural position in society and in leading their nation. Now they have the opportunity to play an active role in the decision-making processes of the political and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

economic development of a free Iraq. I am delighted that such progress is being made, and I look forward to the full participation of Iraqi women who have been oppressed for so long—for almost three decades now.

I yield the floor.

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 11:30 a.m., with the time equally divided between the two leaders or their designees. The first 30 minutes will be under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee, and the second 30 minutes will be under the control of the Democratic leader or his designee.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I have spoken to the Senator from Utah, the Senator from Pennsylvania, and the Senator from Alaska. They have been gracious enough to allow Senator KENNEDY to follow Senator SANTORUM out of order for 5 minutes. We understand that. Senator KENNEDY has no other time. I ask unanimous consent that the Senator from Pennsylvania be recognized for 5 minutes, followed by the Senator from Massachusetts for 5 minutes. I express my appreciation especially to the Senator from Alaska for allowing this to take place.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from the great State of Pennsylvania.

NOMINATION OF WILLIAM H. PRYOR, JR.

Mr. SANTORUM. Mr. President, thank you.

I rise today to voice my support for the nominee who is before this body. There was debate on this nomination last night by many Members on our side of the aisle who are concerned about the treatment of this qualified individual for the circuit court, Attorney General Bill Pryor of Alabama.

I wish to make three points with respect to Attorney General Pryor.

No. 1, his qualifications.

As we heard last night and have heard repeatedly both in the Judiciary Committee and here, there is no question as to the man's qualification, his skills, his experience, his record of accomplishment, his educational background. They are all exemplary, extraordinary. This man, without question, is qualified for this position. I daresay that most, even those who oppose him, have not questioned his innate qualifications for the job.

We set aside the issue of qualifications and take it as a given that he is surely qualified for this position.

The question that has been raised is whether General Pryor would follow the law. That is a question that Members on both sides of the aisle ask of judicial nominees from both parties: Will you follow the law? Will you exercise your own judgment and be creative on the bench?

I daresay if you look at the history—certainly recent history—of the courts, many who have come through this Chamber who said they would follow the law have not done so. I argue that the vast preponderance of those have been nominees of Democratic Presidents who have taken an activist approach on the bench, as well as, unfortunately, some Republican nominees who have taken an activist approach on the bench, an activist approach in the direction that would be contrary to where I would like to see the judiciary go. We have not seen that evidence as much by nominees taking a more conservative approach as opposed to the liberal court approach we have seen in the courts over the years.

Nevertheless, it is a legitimate question for Members on the other side of the aisle to ask if a conservative would adopt their own agenda—probably given the experience of so many liberals adopting their agenda, and they want to make sure, while they are comfortable with that, they would be uncomfortable with conservatives doing the same thing.

In the case of Attorney General Pryor, we have someone who has shown at least on two high profile occasions, most recently just a few months ago, that he would strictly adhere to the law even when he disagrees with the rulings of the court.

In the most famous case of the Ten Commandments in the courthouse in Alabama, Supreme Court Justice Moore wanted a display of the Ten Commandments in the middle of the courthouse, and Attorney General Pryor complied with the removal order even though it is fairly clear he had no problem with this display. Nevertheless, he showed his integrity and followed the law.

In previous cases, in an abortion-related partial-birth abortion decision—we just had a vote on the issue—he followed the law. The Alabama courts, the Supreme Court, issued a ruling and he followed that ruling. This is a man who has integrity and has a record of following the law.

What is the third issue? The third issue has to do with "deeply held beliefs." This was a question asked by several members on the Democratic side at the hearing about his deeply held beliefs. Attorney General Pryor happens to be Catholic. His deeply held religious beliefs dictate to him a position on issues which happen to be antithetical to some on the Democratic side on the Judiciary Committee. I frankly took offense to the question being asked about his deeply held religious beliefs as somehow a disqualifier; somehow if you hold beliefs deeply you are no longer eligible to hold a position of public trust in the judiciary.

I argue this country was founded on religious pluralism; that is, people with shallowly held religious beliefs, deeply held religious beliefs, no religious beliefs, all are eligible and welcome to serve in this country in positions of importance, whether it is in the judiciary, whether in the legislature, or in the Executive Office.

We are finding a litmus test that should be very disturbing to people of faith, to people of no faith. It has no place in the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from the great State of Massachusetts.

Mr. KENNEDY. I thank the Republican leader and Senator MURKOWSKI and Senator BENNETT as well for their courtesy this morning.

CLOTURE VOTE ON CLASS ACTION

Mr. KENNEDY. Mr. President, what we are being asked to do on this class action bill is a travesty. We are not only being asked to throw the baby out with the bathwater; we are being asked to throw out the bathtub and buy a new one that no sensible parents would even want to put the baby in.

We all know what is going on here. Corporate giants and giant insurance companies do not want to be held accountable in class action cases, and they want to make it as hard as possible for injured citizens to obtain relief. They are powerful special interests. They know that the heavier the burden they impose on the courts, on consumers, and on those with legitimate civil rights and environmental claims, the less likely they are to be held accountable.

All of us agree that class action procedures are far from satisfactory, especially in large nationwide cases, and reasonable reforms are long overdue.

If we vote for cloture today we are giving a blank check to those who would like class actions to disappear entirely, so that injured citizens do not have to be paid at all. If we vote against cloture, we will give new leverage and needed time to those who are serious about reforming class actions and just as serious about protecting citizens' rights.

Today we are presented, virtually on a take it or leave it basis, with what can only be called a radical shift in Federal law, a bill that calls itself the Class Action Reform Act. If we want truth in labeling, we should call it the Class Action Destruction and Federal Court Disruption Act.

In its present form, this bill is a shoddy patchwork of different ideas and different approaches grafted together with no concern for its overall impact, as long as it shields defendants. Key provisions have never been the subject of any hearings or any careful analysis by impartial experts in the field.

Yet the bill makes massive changes in the basic rules of the road on jurisdiction of the courts.

It suddenly abandons 200 years of evolutionary change in Federal jurisdiction and substitutes a totally new road that no one has traveled and no one can map. It does so in the interest of purported problems that, if they exist at all, are not emergencies and certainly are not so urgent that we need to move ahead so blindly.

If we enact this bill, we will have confusion and conflict in the Nation's courts for years, as they wrestle to untangle the mess which this law produces. Its most visible initial impact will be to add an entire new layer of legal jousting, litigation burden and higher costs to already complex cases.

If the hopes of its sponsors are realized at all, the law will force a very large number of complex and important cases off the dockets of tens of thousands of State judges and onto the dockets of less than 2,000 Federal judges, who already face massive backlogs.

We can also expect that the law as now proposed will do serious harm to the ability of citizens in civil rights cases to obtain the relief they are entitled to under State law.

There are no legitimate complaints about class actions on civil rights. Yet this bill would severely and adversely affect such cases.

The bill will make the most pressing and legitimate class action cases more burdensome and more expensive. It will reduce the ability of courts to improve the efficiency of justice by dealing with large numbers of small but similar cases in groups, instead of one at a time.

To the extent that plaintiffs need additional safeguards for the class plaintiffs in class actions, this legislation promises a "Bill of Rights," but it does not produce what it promises. It does not seriously address the problem of worthless and collusive settlements, which produce substantial benefits for attorneys and defendants, but little or nothing for injured plaintiffs.

The basic purpose of court actions in general, and class actions in particular, is to enable injured people to get relief—sometimes monetary relief and sometimes other relief such as injunctions against discrimination or restoration of employment.

If citizens know that reliable relief is possible at reasonable expense and within a reasonable time, they will initiate the court actions that our judicial system allows them to bring.

That kind of relief tells those who might discriminate: don't discriminate. It tells those who might bring hazardous products to markets: don't hurt consumers. It tells those who might harm the environment: even if no individual person is harmed enough to be able to sue, you will be brought to justice, so stop polluting.

The Chief Justice of the United States has told us not to pass this bill. The National Association of State Chief Justices has told us not to pass this bill. Dozens of organizations with no interest to protect except the right of people to obtain a remedy when they are wronged, have pleaded with us not to pass this bill.

A vote for cloture is a vote to deprive our constituents of an important and realistic remedy for the vindication of their rights. When we deprive the people of remedies, we deprive them of their rights.

That is not what they sent us here to do. That is not what the founders created the Senate to do. We offend our people and we offend our history if we fail them today.

The ACTING PRESIDENT pro tempore. The Senator from the great State of Utah.

IRAQ

Mr. BENNETT. Mr. President, we have a continual drumbeat going on in this Chamber. It came to a crescendo during the debate over the Iraq supplemental, but it goes on even when there is no legislation on the floor dealing with Iraq. There are several themes of this drumbeat that I would like to address this morning.

The first theme we hear over and over and over again is the theme of faulty intelligence. How could the President have been so stupid as to have acted on faulty intelligence? Occasionally, the enthusiasm for this theme gets carried away to levels that are inappropriate, as we have the accusation that the President was not just misled by faulty intelligence, he deliberately lied. We hear this again and again, particularly in the media: The President is a liar; he deliberately misled the country.

I would like to address that theme for a moment and then another theme we hear over and over which is that the President has made a terrible mistake when he has endorsed the concept of preemptive war. We have these two themes: No. 1, the President is either stupid or a liar because he mishandled the intelligence; and No. 2, he has embraced a historically repugnant doctrine, the doctrine of preemptive war.

On the issue of intelligence, let us understand something about intelligence. It is never hard and fast. It is always an estimate. It is also a guess. It is also the best view of the people who are making intelligence decisions and assessments. And it is often wrong.

Let me give you an example of a President who acted on intelligence that turned out to be wrong. No, let me back away from that, not necessarily a President who acted, a commander who acted on intelligence that turned out to be wrong that had significant international effect.

I was traveling in China with the then-senior Senator from Texas, Phil Gramm, and we met with the Prime Minister of China, not long after the Americans, under the command of GEN Wesley Clark, had bombed the Chinese Embassy in Serbia. The Chinese were understandably very concerned about that.

We said: It was a mistake. It was an error. And the Chinese Ambassador, with whom we were talking at the time, said: You have the best intelligence in the world. You must have known that was the Chinese Embassy. That was not a hidden fact. That was not a secret. You have the most accurate military in the world. You did that deliberately.

Then he pointed out to us that was not just the Chinese Embassy; that was, in fact, the headquarters of the Chinese intelligence operation throughout Central Europe. So we bombed an embassy and we took out their intelligence capability. They said: You did that deliberately. We said: No; it was a mistake.

I remember Senator SHELBY saying: The proof of the fact that it is a mistake is that nobody would have been stupid enough to do that deliberately. Then the Chinese Ambassador said: If it was a mistake, why hasn't somebody been fired? And for that, we had no particular answer.

Checking into it, we found the reason that happened is because GEN Wesley Clark, the commander of NATO, was demanding targets: I need more targets. I'm running out of targets. And under the pressure of those demands from that commanding general, the CIA came up with targets, and they came up with an old target with bad information, under the pressure from a commander who was anxious to keep bombing even though he had run out of legitimate targets. In that pressure, a tragic mistake was made, and America's relationship with China was seriously damaged in that situation.

So intelligence is not always perfect. But in the postmortem of 9/11, we have seen how people want to have it both ways. They look at the intelligence that was available pre-9/11, and they say: How can you have missed this clue? You should have taken action, Bush administration, on the basis of this clue.

Then, when we have information with respect to Iraq that turns out not to be exactly accurate, we are told: How could you have been so misled? How could you have interpreted this way?

One CIA official said: If we had not acted on the basis of the information that we had prior to the war in Iraq, if we had not warned the President in the way we did, we would have been held in violation of our duty, particularly if something had happened.

Then the naysayers, who are saying, "How could you be misled by this intelligence," would be saying, "How could you have missed this clue?" They attempt to put the President and this administration in a no-win situation. No matter what the President does, he is attacked by the people on the other side of the aisle.

Now, finally, this issue of preemptive war. I will not take the time to go into a full discussion, but I say, particularly to those Senators who pride themselves on their sense of history, let us look back in history and ask ourselves, what would have happened if Neville Chamberlain, Prime Minister of Great Britain, had adopted the attitude of preemptive war when he went to Munich? What would have happened if he had sat down with Adolph Hitler and done what Winston Churchill was urging him to do, which is the same doctrine that George W. Bush had put forward, and said to Hitler: If you attack Czechoslovakia, there will be war. If you move ahead, there will be war?

Neville Chamberlain and some of the people around him said: Hitler does not represent an imminent threat. Hitler is not talking about bombing London now. If we give him Czechoslovakia, he will feel nice towards us. We need to worry about international opinion. We need to see to it that everybody gets together in the international community. And Czechoslovakia does not affect us.

Chamberlain said: Those are people far away from us with whom we have nothing to do, a speech that could have been made on the floor of this Senate as people talk about Iraq: They are far away from us, people with whom we have nothing to do. And the threat is not imminent.

Churchill was long-headed enough to know that if Hitler got control of Czechoslovakia, he would get control of the finest machine shops in Europe, he would add to his military machine, and he would be prepared to wage world war. If Hitler were denied Czechoslovakia, we now know in history, his own generals would have deposed him for being too risky.

But Neville Chamberlain said: No. We can't wage any kind of preemptive war. We have to wait until he attacks us before we can justify it. And 6 million Jews went to the concentration camps and into the ovens, and countless millions were killed in the Second World War because we did not take preemptive action when we could have. I say "we"—the Western World did not.

Chamberlain was hailed as a hero when he came home, and the motion to support the action that he had taken went through the House of Commons by huge margins. When Winston Churchill stood up and said: We have suffered defeat of the first magnitude, he got only a handful of votes. But history has not been kind to Mr. Chamberlain. History has validated the position that Winston Churchill took, a position which George W. Bush is applying to modern conditions.

Those who value history should read all of history before they stand on the Senate floor and attack the President of the United States for a doctrine that they say is repugnant.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Alaska is recognized under a previous order of the body. There was a previous agreement that was entered into that grants her this slot of time.

The Senator from Alaska.

ENERGY FROM ALASKA: JOBS FOR AMERICA

Ms. MURKOWSKI. Mr. President, I rise this morning to speak about a topic of great importance to our Nation; that is, the subject of jobs.

I know this subject is on the minds of my colleagues, and certainly on the minds of my constituents back home in Alaska, but really Americans throughout the country.

Since 2000, the American economy has been in a slump. In 2000, we were headed toward a recession. The stock market declined and the technology bubble burst. Then came September 11.

When terrorists struck the World Trade Center and the Pentagon, our economy suffered. And as we, as a country, mourned the loss of 3,000 innocent Americans, we again watched that stock market tumble and, really, the economy grind to a halt.

This administration has been working very hard not only to protect American people from terrorism but to revive, to reinvigorate our economy.

The approach that has been taken to cut Federal taxes, as we have done in Congress, the move the Federal Reserve Board has taken in cutting interest rates, those were the right things to do. But we can do so much more. We can and we must take positive steps to create good paying jobs for Americans.

On the floor recently many of my colleagues have been talking about the loss of jobs we have sustained over the last few years. The truth is, we have lost a lot of jobs. But I do not want to talk this morning about those jobs that we have lost. I want to look forward. I want to talk about the many jobs we can and should create for Americans who are out of work.

Currently, we have a House-Senate conference committee crafting a comprehensive Energy bill. In late July, in a show of great bipartisanship, the Senate passed an Energy bill to conference. There were 83 of my colleagues who supported me in this measure. Fourteen Senators voted against the bill.

Attempts have been made by both Republicans and Democrats to enact a national energy policy to reduce our country's dependence on fossil fuels, much of which comes from foreign countries, and to improve the existing energy infrastructure in the U.S.

Most people would agree we need a national energy policy to address our concerns, but there is widespread division as to how we go about it. These divisions can be partisan, they can be ideological, or they can be regional. I encourage the conferees working on the Energy bill to put these differences aside and reach an agreement that meets the energy needs of Americans. Of course, as we know, that is easier said than done. Developing a national energy policy is, to say the very least, difficult. It means many things to different people. Therein lies the problem with passage of a national energy policy.

My colleagues in the House represent diverse opposing interests. We all have diverse interests. We come to it from a different perspective, as we approach a national energy policy. So while it may be easy to get Members interested in talking about a national energy policy, when it actually comes to putting the pen to paper, it is much more difficult to garner support.

As part of a national energy policy, I have been advocating opening the Arctic National Wildlife Refuge to oil and gas exploration, as well as enacting a fiscal package to build a natural gas pipeline from Alaska to the lower 48. My constituents are eager to offer our State's natural resources to the Nation to meet our shared energy needs.

I will continue to fight, as I have been, to get these provisions in an Energy bill. I do not apologize or make any excuses for what I have to do for my State. It is my job. But developing Alaska's energy resources not only benefits Alaskans but it benefits Americans.

I will explain how developing Alaska's resources will benefit all Americans. Before I do so, I will discuss what a comprehensive energy policy must contain, in my opinion. Some of my colleagues think the only thing I want in an Energy bill is ANWR and a natural gas pipeline. From my perspective, an energy policy that does not utilize the vast domestic energy reserves in Alaska is not comprehensive. We must provide for increased oil and gas production in order to meet the country's demand for energy. In my mind that is very clear. But there is more to an energy policy than that. The policy must address our renewable energy reserves.

At the same time we encourage domestic production of energy, we must promote energy efficiency and energy conservation. We cannot have a comprehensive policy by doing just one or the other. We have to have both.

I am not going to talk this morning about energy dependence, technically recoverable barrels of oil, known cubic feet of gas, or the minimal impact that energy development in Alaska would have on the environment. My colleagues have heard those arguments time and time again. This morning I want to talk about jobs. I want to talk about how we can create good paying jobs for all Americans. I don't want a single man or woman in America who is willing to work and looking for work to be locked out of finding a job. Americans can't enjoy the American dream without a job. It is as simple as that.

We have passed legislation to stimulate the economy. We have passed legislation to cut taxes. But our work is not done until Americans have work.

In my State, traditionally we have had the highest unemployment among the States. According to the September 2003 seasonally adjusted unemployment rates, Alaska's unemployment rate overall is 7.8 percent. In many parts of my State, it is in the double digits, something that is hard for many of my colleagues to imagine. In our neighboring State of Washington, the unemployment rate is 7.6 percent. When Americans can't find work, our job in Congress is not done. We have to get to work to get people to work.

I don't know how much more clear I can be on this point. I want the men and women of this country who are searching for a job to be able to find them—good paying jobs, jobs with benefits such as retirement and health care, and jobs that can sustain a family.

How do we create these jobs? It is through the Energy bill. We ought to call this legislation the national jobs bill because that is what the Energy bill can be. If we do it right, this Energy bill can be the jobs bill.

I have said before that developing the energy resources in Alaska will create jobs. No one can deny that. If we open ANWR, if we build a natural gas pipeline, we create jobs. They are good paying jobs for Alaskans.

I have heard the reasons from Democrats and Republicans in both the House and the Senate of why we should not open ANWR or why we cannot produce a fiscal package that would ensure construction of a natural gas pipeline. But I have to ask: Are they saying we can't create jobs or we should not create jobs? Are they saying we should not create good paying jobs for Americans? I don't think there is a Member of this body or the other body who would state that they oppose job creation.

So I say to my colleagues: Let's do the right thing. Let's protect our energy security, our economic security.

Let's create good paying jobs for Americans.

I direct my colleagues' attention to a report recently completed by the National Defense Council Foundation. This report is current. It is scheduled to go to print on October 30. The NDCF is a nonprofit think tank that studies defense and foreign affairs issues facing the United States. The experts at NDCF specialize in the study of low-intensity conflict, the drug war, and energy concerns. It is not affiliated with DOD or any part of the Federal Government. This report is entitled "Eliminating America's Achilles Heel, Our Addiction to Foreign Oil and How To Overcome It."

This report estimates the direct and indirect jobs that would be created by the development of the oil in ANWR and Alaska's natural gas reserves.

The NDCF estimates that opening ANWR would create 1,074,640 jobs throughout America. It is important to repeat that number: 1,074,640 jobs throughout America. That is opening ANWR. The NDCF also looked at how many jobs would be created by the construction of an Alaska natural gas pipeline.

They estimate that it would create 1,135,778 direct and indirect jobs throughout the Nation. Again, 1,135,778 direct and indirect jobs would be created through the construction of an Alaskan natural gas pipeline.

So if we do both, that is 2.2 million jobs—good paying jobs—throughout the country. The estimate, according to the NDCF, is 2,210,418. If you were to ask anybody, certainly in this body, if you could pass a bill to create 2.2 million jobs, would you do it? Of course you would.

The Energy bill is not just an answer to our energy problem; it is an answer to our economic problems. It is a jobs bill.

I need to talk numbers a little bit more because I am sure you are thinking, well, of course, Senator MURKOWSKI is advocating this because it means good jobs for her constituents in the State of Alaska. That is absolutely true; there are going to be good jobs in my State of Alaska. In Alaska, according to the NDCF, Alaska resource development would generate 202,464 direct jobs and 131,917 indirect jobs. That is about 330,000 out of 2.2 million jobs.

So where are the rest of these jobs? They are spread literally throughout the country, all throughout the lower 48 States, and Hawaii and the District of Columbia. So Alaska is not the only State that benefits. There will be 315,435 direct and indirect jobs generated in California.

Let's look at what we might have in South Carolina for the Presiding Officer's edification. If both ANWR and the gas line were opened, there would be 12,115 direct and indirect jobs in the State of South Carolina. New York would see 93,356 jobs. Washington State would see 139,089 jobs.

Now, I am sure somebody is going to ask me—or perhaps target this study in an attempt to poke holes in the methodology—but the interesting news here is that many of the people who approve of the methodology for this study represent some of the largest environmental groups in the country. So this means that the environmental groups have signed off on the methodology used for this study that shows that more than 2.2 million new jobs would be created from ANWR and the natural gas pipeline.

I conclude that by adding that through the opening of Alaska's natural resources, we not only provide the energy that this country needs but again we provide jobs throughout the country—good paying jobs. I ask my colleagues, as we move forward with the Energy bill, to keep this in mind for the good of the country.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I yield myself as much of our time as I require.

The PRESIDING OFFICER. The Senator may proceed.

THE USA PATRIOT ACT

Mr. FEINGOLD. October 26 will mark the second anniversary of the USA PATRIOT Act. I wish to speak today about the continuing and growing controversy surrounding that law, which was passed just 6 weeks after the September 11 terrorist attack.

I was the only Senator to vote against the PATRIOT Act. As I said during the debate in the fall of 2001, the act contained many provisions that were necessary and appropriate to help protect our Nation against terrorism. I still believe that. But I also argue that the PATRIOT Act went too far; that it threatened our citizens' constitutional rights and liberties. That is why I could not support it and why I insisted on offering amendments to the bill on the floor.

Today, 2 years later, I still believe that as well. An increasing number of Americans have agreed and have expressed their concerns that certain provisions of the PATRIOT Act threaten the rights and liberties guaranteed by our Constitution for over 200 years. The chorus of voices of doubt has grown so loud that the Bush administration has responded but not, I am sorry to say, by addressing these concerns in a constructive and open way. Rather, the administration has initiated what seems to be a public relations campaign in recent weeks to simply defend the PATRIOT Act in its entirety.

The Attorney General has gone on the road and on the Internet to extol the virtues of the law. Speaking before hand-picked audiences of law enforcement personnel, he has ridiculed and dismissed those who have raised concerns about the law. A few weeks ago he denounced "the charges of the hysterics" as "castles in the air, built on misrepresentation, supported by unfounded fear, held aloft by hysteria."

I think these words are unfortunate, and in its zeal to defend the act the administration appears unwilling to even acknowledge the legitimate concerns of many Americans; and it objects to commonsense proposals to protect privacy and civil liberties that would not in any way undermine the fight against terrorism—proposals such as my bill, the Library, Bookseller, and Personal Records Privacy Act, and Senator CRAIG's bill, the SAFE Act, which I also strongly support, which would protect the constitutional rights of innocent citizens, while still allowing the FBI to do its job to protect our Nation from another terrorist attack.

As Members of Congress, we have taken a solemn oath to uphold the Constitution of the United States. The President and the executive branch officials, of course, take this same oath. The burden is on the administration, which sought the powers included in the PATRIOT Act and which now seeks even more powers, to show that the current law and proposed new laws are consistent with the Constitution.

Let me take a moment to remind my colleagues how a commitment to individual rights became part of the founding principles of our Nation and enshrined as the Bill of Rights.

In 1787, in the halls of the State House of Pennsylvania in Philadelphia, GEN George Washington, who led our Nation to victory during the Revolution, convened the Constitutional Convention. A number of great political figures were delegates to that convention. Joining Washington were other distinguished Americans such as James Madison, Benjamin Franklin, Alexander Hamilton, and George Mason. Mason participated in the Convention, but he was concerned that the deliberations would result in a Constitution creating a central government with too much power over the States and individuals.

Mason, a patriotic American, who loved his newly found freedom from British rule, had reservations when he made the trip to Philadelphia. Prior to the Convention, he had written a bill of rights for the State Constitution of Virginia. He urged delegates to the Convention to include a bill of rights also in the national Constitution.

But a majority of delegates initially disagreed with Mason. When the draft of the Constitution was released, it failed to contain a bill of rights or any other explicit protection for the rights of individuals. Mason was bitterly disappointed.

Mason was concerned that, without any explicit protection for individual liberties, the Constitution would open the doors to tyranny by a central government. Why? Because our experience with British rule, in which the colonial power was able to infringe on individual rights, was still very much on his mind. So after the Constitutional Convention adjourned, Mason continued to push for a bill of rights.

During the next 2 years, as the Constitution made its way to the States for consideration and ratification, the American people came to agree with Mason, and he prevailed.

Thomas Jefferson wrote to Madison that a bill of rights was "what the people are entitled to against every government on earth."

Another statesman, Richard Henry Lee, who was one of the signers of the Declaration of Independence, said provisions were needed to protect "those essential rights of mankind without which liberty cannot exist."

Madison, who was initially opposed to including a bill of rights, was persuaded. An explicit protection for the rights of people or a bill of rights was needed in our Nation's governing document.

So, Mr. President, on September 25, 1789—almost exactly 214 years ago—the First Congress of the United States proposed 12 amendments to the Constitution. Ten of these amendments were ratified 2 years later by the legislatures of at least three-fourths of the States. The remaining two amendments relating to compensation for Members of Congress and the number of constituents per Representative were not ratified at that time.

The first 10 amendments to the Constitution, of course, are what Americans now know as the Bill of Rights. The first amendment guarantees freedom of speech, freedom of religion, and freedom of association.

The second amendment guarantees the right to bear arms.

The fourth amendment protects against unreasonable search and seizures.

The fifth amendment ensures that no person shall be deprived of life, liberty, or property without due process of law.

The sixth amendment guarantees a right to counsel and a right to trial by jury to those charged with crimes.

During the debate on our Constitution, our Nation was at a critical juncture: Do we follow a path toward a highly centralized government with the potential for tyranny or do we follow a path toward a government with checks and balances, respect for States in a Federal system, and protections of individual rights and liberties?

The decisions made in the first days of the Republic have stood the test of time. They, of course, created the greatest democracy on Earth and a governmental structure that is most protective of individual freedom and liberty in history.

Today we stand at another critical crossroads. As our Nation faces new terrorist threats, we must respond to those threats without compromising the civil liberties that are the bedrock of our country. We must balance the legitimate needs of law enforcement against the privacy and freedom of all Americans, and that is not an easy task.

One thing I know, the solution is not simply to grant the Federal Government more and more power to conduct surveillance, eavesdrop, and collect information on law-abiding Americans.

The debate about the PATRIOT Act echoes the debate over two centuries ago in the halls of the statehouse in Philadelphia. Today, as then, we must take from our experience as a nation. We must remember the critical role the Constitution and, in particular, the Bill of Rights, has had in guiding our country through national crises, war, and armed conflicts at home and abroad, including the War of 1812, the Civil War, the two World Wars, and the cold war.

The Constitution has survived and flourished throughout our history, and respect for individual freedom and privacy has steadily advanced.

In the immediate aftermath of the September 11, 2001, terrorist attacks, there was, understandably, a great desire to give the administration the tools it said it needed to fight terrorism and prevent another terrorist attack. But with time to study and reflect after enactment of the PATRIOT Act 2 years ago, many Americans have now paused and come to see a very real potential for abuse of power and infringement of privacy and civil liberties unleashed by this law.

There is strong and growing bipartisan support for changes to the act to protect our rights and liberties. I am confident that this right-left and moderate coalition of support will continue to grow and eventually occupy the center as more and more Americans learn what the law means.

The coalition includes Americans for Tax Reform, the American Conservative Union, and the Free Congress Foundation, as well as the ACLU and the Open Society Policy Center.

At the State and local level, 3 States and over 180 cities and counties have enacted provisions and resolutions expressing concern with the PATRIOT Act. These States and communities represent over 25 million residents, and these localities are not just left-leaning college towns, such as Madison and Berkeley, but also right-leaning, libertarian regions of the country such as

Flagstaff, AZ, Boise, ID, and the State of Alaska.

Here in Congress several legislative proposals have now been introduced proposing changes to the PATRIOT Act to protect privacy and civil liberties. During its consideration of the Commerce-State-Justice appropriations legislation, the House adopted an amendment by Representative OTTER to restrict the FBI's use of the "sneak and peak" power granted by the PATRIOT Act. The Otter amendment received overwhelming support, including 113 votes from Republican Members of the House.

In the Senate, Senator MURKOWSKI of Alaska and Senator WYDEN of Oregon have introduced a bill, S. 1552, proposing to modify a number of the provisions of the PATRIOT Act. As I mentioned earlier, I have introduced the Library, Bookseller, and Personal Records Privacy Act, S. 1507, and now there is the SAFE Act, S. 1709, which I also mentioned earlier. I am pleased to join my colleagues Senators CRAIG, DURBIN, CRAPO, SUNUNU, WYDEN, and BINGAMAN in supporting this bill.

The SAFE Act does not repeal the PATRIOT Act. It simply proposes reasonable modifications to four particularly troubling PATRIOT Act provisions. These modifications will help to protect civil liberties and privacy by strengthening the role of judges in approving certain kinds of search and surveillance authority expanded by the PATRIOT Act.

Specifically, the SAFE Act would strengthen the role of the courts in approving delayed notice searches, requests for access to library, medical, and other records containing sensitive personal information, and roving wiretaps in FISA cases.

These are the issues I first raised in the fall of 2001 as the main reasons why I believe the PATRIOT Act was flawed and threatened fundamental constitutional rights and protections. For me and those few of my colleagues who supported my business records and roving wiretap amendments to the PATRIOT Act, it sure was a lonely feeling in October 2001. I must say, I did not imagine at that time that reasonable minds would begin to prevail so soon. Now 2 years later, we have a strong bipartisan effort to change these provisions, and I am pleased to see that. I look forward to working with Senator CRAIG and my other colleagues on both sides of the aisle to get the bill passed.

I am still very troubled by the administration's response to legislative efforts, such as those I just mentioned, and to the public's outcry to repeal or modify the PATRIOT Act. The administration has launched an effort to defend the PATRIOT Act, but its defense only tells the American people half the story at best. Its PR campaign eagerly describes the new powers the PATRIOT Act gives to law enforcement, but it doesn't say anything about what the law potentially takes away from the American people: our liberty and our privacy.

Perhaps most disturbing, the administration's campaign fails to seriously address section 215, which I have long seen as the act's most troubling provision. Both my bill and the Craig bill contain the same proposal to modify this provision. Section 215 allows the FBI access to the private details of the lives of law-abiding Americans—which books we have checked out from the library, what our medical records reveal, and what charges we have made on our credit cards. Americans reasonably expect the details of their private lives, from what they read to what drugs they have been prescribed, to remain just that—private. The PATRIOT Act undermines that expectation.

Under section 215, all the FBI has to do is assert that the records are "sought for" an international terrorism or foreign intelligence investigation. As long as the FBI makes such an assertion—and it is just an assertion—the secret foreign intelligence court is required to issue an order allowing access to those records. The courts cannot review the merits of the subpoena request.

Both my bill and the Craig bill would simply require the FBI to set forth specific facts showing that the records sought relate to a suspected terrorist or spy. Thus, the Government could not ask, say, Amazon.com or e-Bay to turn over the records of law-abiding customers. It could, however, obtain records of those customers who are actually suspected terrorists. My bill would allow the FBI to follow up on legitimate leads by also respecting the privacy and civil liberties of law-abiding Americans.

The administration has recently asserted that the criticism of section 215 is baseless because this section has not yet been used since it was enacted. The administration says that librarians concerned about access to Americans' reading records are hysterics and have been duped by civil rights advocates and Members of Congress.

I am disappointed that the administration would use such rhetoric. No one has been duped, and the people concerned about their privacy are not in hysterics. They are simply worried, as I am, about the Government possessing a power that has the potential to intrude on their civil liberties, particularly since the statute itself prohibits a library, bookseller, or anyone else who has been served a subpoena from making that information public.

What I said before the PATRIOT Act was passed, and continue to maintain now, is that section 215 presents the potential for abuse.

I will say it again, because I cannot emphasize this enough, section 215 presents the potential for abuse. Regardless of whether the provision has not yet been used, that potential still exists, and the public has a reason to be concerned. No amount of ridicule or spin can change that.

The recent disclosure that section 215 has never been used does not address the concern that it could be used in a way that would violate the privacy of innocent Americans. But it does raise another question: If the section has never been used in the 2 years since the bill was passed, the 2 years immediately following the September 11 attacks, when concern over terrorism has been at its peak, including numerous periods of orange alert status, then whey is this provision even on the books? Or at the least, what possible objection could there be to modifying it so that the potential for abuse is eliminated?

Both my bill and the Craig bill would protect the rights of law-abiding citizens by limiting the FBI's access only to information that pertains to suspected terrorists or spies. Our legislation recognizes the legitimate uses of section 215 and would not interfere with the use of the provision to investigate and prevent terrorism.

I urge the administration to open an honest dialogue with Congress and the American people to address the PATRIOT Act's specific problems instead of continuing to try to sell it. We do not need a government that forces its authority on the people and rejects and ridicules legitimate, heartfelt, and principled criticism of its actions and its laws. That is what our Founding Fathers strived to ensure would never happen again. The Federal Government should be responsive and accountable to the people. But most importantly, the Federal Government should respect and uphold the Constitution.

Unfortunately, the administration has not only failed to engage in an honest dialogue about the PATRIOT Act, but it now proposes that Congress grant to it even more power. The American people have expressed very legitimate and sincerely-held concerns about the PATRIOT Act. The administration should answer those concerns honestly and forthrightly before seeking more power.

The administration has announced its support for three legislative proposals to expand executive branch power and diminish the role of judges, an essential part of our Nation's system of checks and balances. One proposal grants the Attorney General significant power to compel people to testify or the production of documents, all without prior court approval. A second proposal broadens the presumption of pretrial detention to cases that may not even involve terrorism. Finally, the third proposal expands the Federal death penalty.

Criticism of the PATRIOT Act appears to have had the effect of influencing the administration's strategy to secure this new power, but not the substance of its effort. Rather than proposing a single bill with various provisions to expand the PATRIOT Act, the administration instead appears to have given its blessing to many little "PATRIOT IIs."

The administration is apparently reluctant to allow these proposals to be linked to the PATRIOT Act. In fact, the Justice Department has even tried to suggest that they are unrelated. No one is fooled, however, least of all the American people. The fact is that these proposals did appear in the draft "Patriot II" leaked earlier this year and entitled the Domestic Security Enhancement Act.

"Patriot II," whether contained in one bill or a series of bills, is the wrong response at the wrong time. An increasing number of Americans want to know exactly how this administration is using the powers it already has and want the PATRIOT Act to be amended to protect privacy and civil liberties.

The burden is on the administration to show Congress and the American people why current law is inadequate, why it needs even more power, and how the powers it already has and the new powers it seeks are consistent with the Constitution and Bill of Rights.

That would be the patriotic thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Would the Chair announce, under the additional time we have until 11:30, how much time the minority has remaining?

The PRESIDING OFFICER. The minority has 7 minutes 17 seconds remaining.

Mr. REID. How about if we add in the time for the second hour? Is it 32 minutes or something like that?

The PRESIDING OFFICER. After this, there will be 50 minutes equally divided.

Mr. REID. So it would be about 32 minutes. I ask unanimous consent that during our time the Senator from Michigan, Ms. STABENOW, be recognized for 9 minutes; Senator HARKIN for 9 minutes; Senator CORZINE for 9 minutes; and Senator BINGAMAN for 4 minutes. That will basically use up all of our time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that we alternate back and forth if, in fact, there are people from the majority; otherwise, it would be in the order that I have mentioned.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized for 9 minutes.

MEDICARE AND PRESCRIPTION DRUGS

Ms. STABENOW. Mr. President, I rise today to speak about the issue of Medicare and prescription drugs and where we are as we have been working to develop a prescription drug benefit for seniors and put in place plans that would lower prices on prescription drugs for everyone: Businesses, individuals, workers, families.

We are at a crossroads. We have been working many hours in a bipartisan way in this body, trying to come to a positive conclusion on the question of Medicare and prescription drugs. There are wide differences in philosophy and approach, particularly with our colleagues on the Republican side of the aisle in the House of Representatives. I am deeply concerned about the direction that the conference committee appears to be going as it relates to the fundamental issue of whether we will continue to have Medicare as we know it in the future.

We all know that Medicare was put into place in 1965 because at least half of our seniors could not find or could not afford prescription drug coverage and health care in the private sector. They could not find or afford health care in the private sector. So this Congress and the President at that time came together and did something I think is one of the most significant actions of modern age for the people of the country, and that is to create health care for seniors, for those over age 65, and for the disabled of this country, a guarantee that we would make a commitment together and fund a system for older Americans and the disabled to have access to health care in this country. It has made all the difference in terms of quality of life for our citizens.

We now are at a juncture where we have seen a proposal passed as part of the House package that would essentially do away with Medicare as we know it. Instead of it being a defined benefit, meaning it does not matter where a person goes, whether they are going to New Jersey, Iowa, or Michigan, or what part of Michigan they live in, whether they live in the Upper Peninsula, Detroit, Benton Harbor, or Lansing, they could count on Medicare. They know what it will cost. Their provider knows what they will be paid for the service. It is a system that is universal, and it works.

What we are hearing now is that there is a great desire, unfortunately, among, again, predominately our colleagues in the House, in the majority, who are saying that system should be radically changed. Instead of having Medicare, which is dependable, affordable, reliable—we know what it is; seniors can choose their own doctors; providers know what the payment will be—they want to change it to what is called premium support.

Now, what does that mean? Essentially, it is like a voucher. They want Medicare to essentially say a person has X amount of dollars for their health care, and if it costs more than that, they pay that. If, in fact, they want to take that and go to an HMO or PPO, that is what would be encouraged. People would be pushed more and more into an HMO or a PPO in order to save dollars, but for most of our citizens that would not be available.

The House basically wants to say that Medicare, as we know it, will no longer be available, and it will be privatized. Folks will be given a lump sum of dollars, and then they are on their own. If they are sicker, if they need more help, they would not be covered for that additional health care they need. There would only be a set amount of dollars or essentially the equivalent of a voucher. This completely undermines what we have put in place for Medicare. The idea that we would say to our seniors, You have health care; you can rely on it; you can count on it; you don't have to worry about it, that would all be taken away with this proposal to undermine Medicare and to essentially turn it back to the private sector.

This is something I find absolutely unacceptable and I will do whatever I can to stop it, and I know on our side of the aisle there is overwhelming opposition to this notion of doing anything that would undermine and weaken Medicare for our seniors.

We know, according to a study that was just done, this proposal could increase the costs for the majority of our seniors who are in traditional Medicare by as much as 25 percent or more. I should mention the majority of seniors, when given the choice between a private plan—in this case Medicare+Choice—or staying in traditional Medicare, they have overwhelmingly chosen to stay in traditional Medicare. In fact, 89 percent of our seniors already voted. If we just want to look at who is covered and who we are trying to help for the future, we should look at what they are saying.

Mr. President, 89 percent of our seniors have chosen to stay in traditional Medicare. Only 11 percent have chosen to go into the private sector. Yet we are seeing an overwhelming push to force people to go into the private sector through a scheme that would privatize Medicare, even though it will cost them more money, even though it is not dependable.

We now know, according to the Medicare actuary in Health and Human Services, that in fact there could be sharp differences in cost among individual people or individual regions, depending on the private sector plans and how this would work. The study that was done by the Medicare actuary studied the proposals calling for private plans to compete against one another and against Medicare's traditional Government-run program. It shows that those in Medicare fee-for-service—traditional Medicare—in

States such as North Carolina or Oregon would pay as little as $58 a month, well below the projected national average of $107. So they would pay $58 instead of $107. But in high-cost States such as New York or Florida—my good friend from New Jersey is here, I would guess New Jersey would fall in that category as well—they would be paying more like $175 a month for the same benefit. So on one side of the country you would have people paying $58, on the other side you would have people paying $175, for the same coverage, for the same kind of care. That is not fair. That is certainly not what we have now.

They went on to indicate that we would even see parts of States where there would be one payment, one cost, versus other parts of the State. So if you live in Marquette, MI, or Ironwood, MI, in the Upper Peninsula, you could pay a very different price for your health care than if you lived in Detroit or Lansing or Grand Rapids. That is not fair. It does not make sense. Why in the world would we go back to that kind of system?

It is for these reasons I urge my colleagues not to agree to any plan that changes Medicare as we know it, that privatizes Medicare, that takes away what overwhelmingly seniors have told us they want. They want prescription drug coverage—yes. But don't take away their Medicare. That is not a good tradeoff. We need to strengthen Medicare, provide a real benefit for prescription drugs, and do it right.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 9 minutes.

INTELLIGENCE LEAK INVESTIGATION

Mr. HARKIN. Mr. President, more than 83 days have passed since the Central Intelligence Agency filed a report and inquiry to the FBI in July regarding a leak by senior administration officials of an undercover CIA agent. This investigation was originally stymied by foot-dragging and delay and has continued to be stymied by foot-dragging and delay.

It took at least 53 days for the Justice Department to officially launch an investigation. It took 4 days after that for Justice to officially notify the White House about the investigation and tell them to preserve any and all materials related to it.

More recently, the investigation has been stymied by kind of a "don't ask, don't tell" approach by the President and by the appearance of a conflict of interest by the Attorney General. Attorney General Ashcroft, a good friend of the Bush administration and its senior advisers, a very partisan Republican for most of his life, is still overseeing the investigation. In fact, one of his top aides said yesterday that Ashcroft has been regularly briefed on key details in the investigation, including the identities of those being questioned by the FBI.

Talk about a chilling effect. President Bush has joked and made light about it.

I would like to bring to the attention of Senators an article by Knight Ridder, published in the newspaper, the Milwaukee Journal Sentinel on Sunday. The headline was "CIA Leak May Have Caused More Damage. Work of Others Using Front Company Name May Be at Risk." This revealed why this leak is no laughing matter; it is a deadly serious matter of national security. This is what the article said:

> Training agents . . . costs millions of dollars and requires the time-consuming establishment of elaborate fictions, called "legends," including in this case the creation of a CIA front company that helped lend plausibility to her trips overseas. . . . Compounding the damage, the front company, Brewster-Jennings & Associates . . . apparently was also used by other CIA officers whose works could now be at risk, according to Vince Cannistraro, former CIA chief of counterterrorism operations and analysis. . . . Now, [Valerie] Plame's career as a covert operations officer in the CIA's Directorate of Operations is over. Those she dealt with—on business or not—may be in danger . . . and Plame's exposure may make it harder for American spies to persuade foreigners to share important secrets with them, U.S. intelligence officials said.

Other former CIA officials agree—including Larry Johnson, a former classmate of Plame's and former CIA and State Department official. He predicted that when the internal damage assessment is finished:

> . . . at the end of the day, the [harm] will be huge and some people potentially may have lost their lives.

Another former CIA officer, Jim Marcinkowski said:

> This is not just another leak. This is a unprecedented exposing of an agent's identity.

So, again, this is no laughing matter. The President should not treat it as such.

Here are some quotes from some in his own administration. Attorney General Ashcroft said:

> Leaks of classified information do substantial damage to the security interests of the nation.

Secretary of Defense Rumsfeld earlier this year, March—February of this year:

> I think leaks are disgraceful, they are unprofessional, they are dangerous. They put people's lives at risk.

Ari Fleischer, White House spokesman, in June:

> The President does have very deep concerns about anything that would be inappropriately leaked that could in any way endanger America's ability to gather intelligence information.

From his own administration, people say how bad it is to have these kinds of leaks to endanger national security.

Let me give a quick recap of the timeline. It started with the President's deception in his State of the Union Address in January. In his remarks, Mr. Bush stated Iraq tried to buy uranium from Niger. A few months later, in July, former Ambassador Joseph Wilson's op-ed appears in the New York Times, questioning the President's assertion.

Then in order to discredit Wilson and "seek revenge" on Wilson, senior administration officials leaked to the press the identity of Wilson's wife and the fact she was a CIA operative, thereby undercutting our national security and clearly violating Federal law.

This happened in early July. Let's see what happened since.

On July 24, Senator SCHUMER calls on the FBI Director to open a criminal investigation into the leak of a CIA operative based on that column.

In late July, the FBI notified Senator SCHUMER that they had done an inquiry into the CIA.

Then it appears nothing happened for 2 months.

On September 23, the Attorney General says he and CIA Director Tenet sent a memo to the FBI requesting an investigation.

On September 26, the Department of Justice officially launches its investigation.

Interestingly, it took 4 days after that "official" launch for the Justice Department to call White House Counsel Gonzales and notify him of the official investigation. Gonzalez then asked for an extra day before the Justice Department gave the White House the official notice, which means all documents and records must be preserved.

A recent letter was sent to the President from Senators DASCHLE, SCHUMER, LEVIN, and BIDEN which also expresses concern about this break from regular procedure.

They wrote:

> Every former prosecutor with whom we have spoken has said that the first step in such an investigation would be to ensure all potentially relevant evidence is preserved, yet the Justice Department waited four days before making a formal request for documents.

Interestingly, the letter goes on:

> When the Justice Department finally asked the White House to order employees to preserve documents, White House Counsel Alberto Gonzales asked for permission to delay transmitting the order to preserve evidence until morning. The request for a delay was granted. Again, every former prosecutor with whom we have spoken has said that such a delay is a significant departure from standard practice.

That is what has been happening—departure from standard practice.

I am also troubled that the White House Counsel's Office is serving as "gatekeeper" for all the documents the Justice Department has requested from the White House. Mr. Gonzales' office said he would not rule out seeking to withhold documents under a claim of executive privilege or national security.

What kind of a zoo is this outfit?

Mr. Gonzales says he can withhold these documents from this investigation on the basis of national security.

Wait a minute. It is our national security that has been breached by this leak. Now we are going to have an invocation of protecting national security to protect who leaked it, I guess.

I believe this matter could have been resolved very quickly. President Bush could have called his senior staff members into the Oval Office and asked them one by one if they were involved. He could have them sign a document stating they were not involved in this leak. He could have each of them sign a release to any reporter to release anything they have ever said to a reporter thereby exempting the reporters.

There has been coverup after coverup after coverup on this CIA leak, and it is not going to go away. People of America will demand that we get to the bottom of it.

The PRESIDING OFFICER. The Senator from Georgia.

UNDERCOVER AGENT INVESTIGATION

Mr. CHAMBLISS. Mr. President, as I sat here and listened to my friend from Iowa once again bring up an issue to which we are all very sensitive, I can't help but respond that I have an entirely different outlook and opinion about what is going on with respect to this issue. Those of us who have been involved in the intelligence community, and as a member of the Intelligence Committee, I, too, am somewhat outraged that we have the so-called "leak" or disclosure of a CIA individual that occurred not too long ago. We have a process whereby this is to be handled. That process is working the way the process is designed to work.

The White House was outraged about this, and the White House is moving very favorably and very aggressively towards resolving this issue. They are going to resolve the issue. The Justice Department is moving independent of the White House to get to the bottom of this. At some point in time a report is going to be made back to the Congress and to the American people, and we will find out what did happen.

Again, there is a process to be followed under law. That process is going to allow us to get to the bottom of this in the way it should be. We don't need to be here banging political heads against the wall when the legal heads are the ones that need to be banged against the wall, and that is taking place.

CLASS ACTION FAIRNESS ACT OF 2003

Mr. CHAMBLISS. Mr. President, I rise in support of the Class Action Fairness Act of 2003. Today we are going to have a cloture vote to determine whether or not we move forward with this bill. I hope we obtain the 60 votes to move forward.

To a great extent, the bulk of the tort reform—that is needed in this country needs to be handled at the State level. States have their own ideas about what kind of tort reform ought to take place. I hope that is where tort reform—that each State decides it needs in and of itself—does take place. However, as the tort system now stands, there are about a handful of State court jurisdictions in the United States where a tremendously disproportionate number of class action lawsuits are filed. That is just not right. People have referred to these jurisdictions as "magnet courts" because they draw in class action suits with their soft juries and pro-plaintiff judges.

Under the Class Action Fairness Act, businesses can break loose from these magnet State courts and get a fair trial in Federal court.

Over the last 2 days of debate on class action reform, my colleagues have been dispelling a lot of myths about the Class Action Fairness Act that have been spread around by the opponents of the bill. I would like to take some time to address one of these myths about which I feel very strongly; that is, that some critics of the Class Action Fairness Act have argued that the bill is an affront to federalism because it would move more cases involving State law claims to Federal court.

But when it comes to federalism, this bill is actually the solution and not the problem. Right now, magnet State courts are trampling over the laws of other States in their zeal to certify nationwide class actions and help enrich, frankly, the plaintiffs' trial bar. The Class Action Fairness Act actually promotes federalism concerns by helping ensure that magnet State court judges stop dictating national policies from their local courthouse steps. It will allow those cases that are truly justified class action lawsuits filed by trial lawyers who are filing them with the right intention to move forward and to obtain justice for their clients.

This is why, when it comes to federalism, critics of this bill have it backwards.

First, the bill does not change State substantive law. If an interstate class action based on violations of State law is removed to Federal court, the Federal court will simply apply the State law to resolve the case, just as the Federal courts do today in all "diversity" cases in the Federal court system. Critics attempting to argue that the bill is an affront to federalism are doing nothing more than attacking the fundamental concept of diversity jurisdiction, a concept enshrined in article II of the Constitution.

Second, the cases that would be affected by the legislation are truly interstate in nature. They have a real Federal implication. When the Framers of the Constitution created the Federal courts, they thought that large interstate cases should be heard in Federal court. Interstate class actions often involve thousands of plaintiffs nationwide and multiple defendants from many States. They require the application of the laws of several States and seek hundreds of millions or even billions of dollars. It is hard to imagine a better case for diversity jurisdiction.

Third, this legislation has a narrow scope. Smaller cases that are truly local and cases involving State government defendants will all remain in State court.

Fourth, the bill will stop magnet State courts from trampling on federalism principles by trying to dictate the substantive laws of other States in nationwide class actions. Too often magnet State courts take it upon themselves to decide important commercial issues for the entire country regardless of whether other States have reached different conclusions on the same issue. By allowing these cases to be heard in Federal court where the judges have been much more sensitive to differences in State laws and the need to balance various States' interests in a controversy, the Class Action Fairness Act will put an end to this troubling practice.

Is this a perfect bill? It certainly isn't. It is not perfect but it does deal with a very complex issue. That is why it is difficult to reach out and obtain a perfect bill.

However, by allowing this to move forward, the amendments that have now been filed, and other amendments that are being contemplated—and I have a couple of amendments myself that I may file to try to improve this bill—at the end of the day we need to make sure that lawyers representing individuals who have been damaged and are part of a class have the opportunity to seek justice; they have the opportunity to seek a fair result in their particular claim, whatever that claim may have arisen from.

By the same token, the business community should have the opportunity also to expect fairness and to expect that at the end of the day their particular defense to the cause that has been filed will be justly dealt with.

In sum, we have a bill with bipartisan support. Despite the misinformation being spread around, actually this bill will promote the proper assignment of class action cases between State court and Federal court dockets as was originally intended by the Framers.

There is one other issue that has been raised that needs to be addressed. That is the issue relative to the potential this bill has to clog the Federal judicial system. That may be the case in some jurisdictions. As a member of the Judiciary Committee, if we see that does happen, it is our obligation as legislators to remove that backlog and to make sure we have enough judges in place to handle any volume of cases that may be filed in respective jurisdictions. We have always done that. We will continue to do that.

I ask my colleagues to review this bill very carefully and to allow us to move forward today by voting in favor of the cloture motion, which will allow us to get the bill on the floor and have the debate, talk about the issues of fairness, and talk about the issues necessary to ensure that plaintiffs do get justice in cases where justice is deserved; but, by the same token, that there is some stability on the part of the business community where unjust cases are being filed against them.

I ask my colleagues to vote in favor of the cloture motion. Let's move forward, have the debate. I will be one who agrees with a lot that is in the act and will probably have some questions about the act. I look forward to the debate and look forward to moving forward and to coming out with a good, fair, and just class action reform bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, how much time is available?

The PRESIDING OFFICER. The Senator is recognized for 9 minutes.

Mr. CORZINE. If the Chair would notify me when I have used 8 minutes please.

The PRESIDING OFFICER. Yes, sir.

CHEMICAL PLANT SECURITY

Mr. CORZINE. Mr. President, the primary topic I will talk about today is the markup tomorrow with regard to chemical plant security. The Environmental and Public Works Committee will take up legislation dealing with one of the most serious security threats to our Nation. According to statistics by EPA, there are 123 facilities in 24 States where a chemical release could expose more than a million people to a toxic chemical, and nearly 3,000 facilities spread across 49 States where 10,000 people could be exposed.

This is a serious issue that can create real health and safety hazards to our community, particularly in a time when we know we are under potential terrorist attack at home.

This is an issue that has been identified by the Department of Homeland Security and by almost every security expert as one of the most serious exposures we have in our infrastructure. When we go from code yellow to code orange, chemical plants are identified as part of the infrastructure that needs to be hardened in those events.

It seems to me we need to be addressing this matter. I am pleased Chairman INHOFE, EPW, and others are taking up this challenge to address this issue. I have been pushing on this for the last 2 years, actually got a vote in EPW on a bill that had 100-percent support of everyone in the committee a year and a half ago. Until the lobbyists went to work, we thought we had a real response that would work on a bipartisan basis. We have adjusted that bill, made changes, offered economic incentives to the industry to move forward. We have a roadblock to dealing with one of the most important risks we have in our infrastructure.

I commend Senator INHOFE and other members of the committee for addressing the issue. Unfortunately, I do not think the bill meets the needs of what we are trying to accomplish. Constructively, the committee has moved to require chemical plants to develop security plans and submit them to the Department of Homeland Security. The administration had not asked them to submit the plans. Unfortunately, DHS will not have to review them according to the bill, as I understand it. They would not have to evaluate them. They would not have to approve them. They would not have to do anything to assure the public is protected. That is a problem. The Department could simply let the plans sit on a back shelf and let dust accumulate.

Furthermore, it would tighten all 15,000 chemical plants without any kind of prioritization in the country, which is also a big mistake. We need to make sure these plans are actually reviewed, that there is real accountability. That is my major concern with the mark that will be coming through tomorrow.

There are other problems also. It is not strong enough on one of the fundamental issues with regard to my original bill, inherently safer technologies. There are alternative approaches. We cannot build fences high enough and put enough guards to make sure that every possible terrorist attack or criminal attack on a chemical plant could actually be accomplished. We need to make sure if there is a successful attack, that it has minimal exposure. We ought to do everything we can to have inherently safer technologies within economic feasibility. That is practical.

While there is a step forward in recognizing this is immediate, and there is necessary evaluation that is being asked for from chemical producers, I don't think we are going far enough in requiring the use of inherently safer approaches if they are economically feasible and practical. That should be a requirement of the law. This is one of the major issues I have.

Finally, there is a gaping loophole in this legislation as I understand it, and I hope others will challenge it tomorrow in the committee mark. I certainly will if it gets to the floor; that is, if the chemical industry or any particular private sector approach has a substantially equivalent standard as opposed to what DHS puts out as a standard, that will be acceptable to the Department of Homeland Security. They have already embraced a private standard that they have suggested is very good. It does not include inherently safer technologies. It does not require accountability in that other standard being established by the chemical industry.

As a consequence, we are actually moving back to a completely voluntary approach. I don't get it. I don't understand it. I don't think it is the direction we should be taking. It is a loophole that erases all the good things that have been included in the mark if you go to a substantially equivalent standard.

There are serious shortfalls in the mark, at least as I understand them. I hope they will be debated seriously in the committee tomorrow. I want folks to know this is not an issue that will die down. We have eight of these plants in New Jersey. They are located right smack dab in the middle of some of the highest concentrations of population in our country. We have had accidents over the years in my community that have taken lives in the community and evacuated the surrounding citizens. This is a vulnerability that everyone acknowledges is real, it is present, and it needs to be addressed. That is why I feel so strongly about it.

This should be a bipartisan issue. I am glad Senator CHAFEE has been working to push the issue in committee this year. But we need to move it.

By the way, just finally, there is something I have a problem with also in the bill in the sense that if somebody turns loose one of the plans that is filed by an individual plant, that will be subject to criminal penalties. But if a chemical producer does not comply with the standards they set down in the plan, that is a civil liability. It sounds right to me there would be criminal penalties for people who leak information into the public that could be dangerous and used against the public. But it strikes me as unequal treatment; it sort of does not jibe with regard to parity that those people who are actually not complying with the law are going to be treated on a civil basis.

Where is the parity? It seems to me we are listening to industry more than we are listening to the needs of the American people. If September 11 taught us anything, it is that America can no longer avoid thinking about the unthinkable. We have to face up to the

Nation's most serious vulnerabilities. We have to focus on them. And we have to confront them head on.

That is why I have long advocated the adoption of legislation to create meaningful and enforceable security standards for chemical facilities. Under my proposal, the Federal Government would identify "high priority" chemical facilities—those that potentially put a larger number of people at risk. It then would require those facilities to assess their vulnerabilities and implement plans to improve security. These plans would have to be submitted for review. And changes could be required if deficiencies are identified.

In the last Congress, my legislation was approved on a unanimous vote by the Environment and Public Works Committee. But after the committee acted, the bill was killed after some in industry lobbied against it.

This year, the committee apparently is planning to take up a different bill. And let me say, first, that I commend the chairman, Senator INHOFE, and the other members of the committee for addressing this matter. Unfortunately, while I no longer serve on the committee and have not been privy to all of its discussions, it appears that the bill currently under discussion has at least one glaring weakness.

The committee is considering requiring chemical plants to develop security plans and submit them to the Department of Homeland Security. But—and here is the problem—the bill doesn't require the Department to do anything with them. DHS wouldn't have to review them. It wouldn't have to evaluate them. It wouldn't have to approve them. It wouldn't have to audit them. It wouldn't have to do a thing to ensure the public is protected. Instead, the Department could simply let these plans sit on a back room shelf, collecting dust.

Some might ask: Would the Bush administration really do that? Would it really just let security plans sit on the shelf, and not even review them? Well, for those who think that is unrealistic, consider this: The administration's own plan didn't require companies to submit their security plans to the Government at all. And that would certainly be the preference of many of their friends in industry. So, yes, there is every reason to be concerned that, unless forced to do so, the administration will take a hands-off approach and simply ignore these security plans. And the end result would be a lax security system with no real teeth.

Beyond the failure of the bill to require review of security plans, the legislation under development in the Environment and Public Works Committee has other problems, as well. First, it fails to require industry to adopt alternative technologies—such as the use of safer chemicals—if those alternative approaches are cost effective. I think that is a mistake. After all, no matter how many security personnel are hired, and no matter how high a security fence, no security scheme is impenetrable. And we need to prepare for the possibility that terrorists will be successful in attacking a chemical plant and releasing toxic materials. That is why it is important for facilities to implement inherently safer technologies, where practicable, to reduce the resulting death and destruction in the event of an attack.

Thanks largely to the involvement of Senator CHAFEE, the Inhofe mark has made real progress in this area. As I understand it, the chairman has agreed to require detailed consideration of safer technologies. And I think that's a step forward. In my view, though, it still falls short. Given the number of lives that are at stake, I think companies should be required to implement safer technologies if they are cost effective.

Unfortunately, the requirement that facility owners consider safer technologies could be undermined because of a huge loophole in the bill that may allow industry to sidestep many Federal security requirements. Under this provision, DHS's security standards could be waived for any facility that participates in an industry program that is, "substantially equivalent."

At first, that may sound like a reasonable approach. But the term "substantially equivalent" is so broad that it could well allow the Bush administration to simply rubberstamp an existing chemical industry program that is grossly inadequate. For example, the chemical industry's program has no requirement that industry evaluate safer technologies in any detail. Yet it seems very possible that the Bush administration would exploit the bill's loophole to rubberstamp this industry program, and exempt participating plants even from the bill's limited requirement for consideration of safer alternative approaches.

The last point I want to make about the bill apparently being discussed relates to enforcement. Under the legislation, as I understand it, if a Government employee wrongly discloses a chemical plant's security plan, that employee would be subject to criminal penalties. That sounds right. Yet, if the owner of a chemical plant knowingly violated Federal security standards, the only remedies prescribed in the legislation are civil. That sounds wrong.

That disparate treatment of Government employees and chemical industry officials doesn't seem fair. Nor does it seem appropriate, given the nature of the threats are now confronting. After all, criminal penalties are available for violations of certain anti-pollution laws. Surely violations of a new chemical plant security law—a law designed to save lives—should be punished with an equal degree of severity.

Before I conclude, let me step back for a moment and again remind my colleagues that should terrorists attack one of 123 chemical facilities around the country, at least a million American lives could be at risk. These are real people—mothers, fathers, sisters, and brothers—all innocent Americans who have no choice but to rely on their Government leaders to protect them.

We, in Congress, have an obligation to do everything we can to protect these Americans, and to prevent what really could be a tragedy of catastrophic proportions. We should not be satisfied with a largely toothless plan that leaves industry free to design security plans to their own choosing, with no requirement that those plans even be reviewed. That is just unacceptable.

I hope my colleagues on the Environment and Public Works Committee will reconsider this approach. And, if not, I intend to pursue this matter aggressively if, and when, the bill ever reaches the Senator floor.

We need to address chemical plant security. But we need to do so in an enforceable way that will really make Americans safer. The lives of many thousands of Americans may well hang in the balance.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. CORZINE. Thank you, Mr. President.

CLASS ACTION FAIRNESS ACT

Mr. CORZINE. Lastly, Mr. President, I want to say something about the bill that we are going to be debating in the next hour or so, class action fairness.

I am not a lawyer, so I am not as sharp on all of the terminology and all the other issues, but it is very clear to me that we are taking the small "d" democratic processes out of access to our courts with the legislation that is underlying the motion to proceed.

I think it is absolutely essential that we maintain the checks and balances in our present Federal constitutional system. That does not mean there are not abuses, and it does not mean we should not move to correct some of the things with regard to venue shopping, with regard to coupon procedures, which, by the way, are not even dealt with in this bill.

I think this is a radical move. I am very much in favor of Senator BREAUX's proposal, a modified approach, that will deal with some of the flaws. His bill would preserve state class actions while sending truly national class actions to Federal court. At the same time, it addresses the problem of abusive coupon settlements, which is something that the bill before us does not touch.

But instead, at a time when we are fighting a war in Iraq, when we are fighting a war on terrorism worldwide, and we are facing historic budget deficits and job losses, we are debating a radical bill that would legislate away the legal rights of American families. This legislation would dramatically alter the constitutional distribution of judicial power. It would: remove most State law class actions into Federal court; clog the Federal courts with State law cases and make it more difficult to have Federal civil rights cases heard; deter people from bringing class actions; and impose barriers and burdenson settlement of class actions.

I am not a lawyer, but I can appreciate that class actions are critical tools for ordinary citizens who want to hold wrongdoers accountable. For many people who can't afford lawyers, class actions are the only way to vindicate their rights. For consumers victimized by negligence, fraud and reckless misconduct, it is their opportunity to exercise their democratic rights.

Simply put, class actions promote efficiency and level the playing field, giving persons who are injured in the same manner by the same defendants the ability to hold the wrongdoers accountable. This sort of collective action gives ordinary citizens the ability to level the playing field with powerful defendants. For example, by allowing groups of citizens to band together and demand a safe and healthy environment, class actions often result in courts requiring companies to stop poisoning our neighborhoods and our water. Without the class action tool, it would often be impossible for ordinary citizens to take on powerful defendants when they damage the environment and cause illness.

Class actions are also essential to the enforcement of our Nation's civil rights law. They are, in fact, often the only means by which individuals can challenge and obtain relief from systemic discrimination. Class actions have on important occasions served as a primary vehicle for civil rights litigation seeking broad equitable relief.

In far too many cases, justice delayed is justice denied. No one recognizes this better than the manufacturers and the polluters, who would prefer these cases to be in the Federal court system, where there is a tremendous judicial backlog.

Overloading these courts will inevitably delay the resolution of all cases in Federal courts. Indeed, the Judicial Conference of the United States, headed by Chief Justice Rehnquist—not someone with whom I often agree, I might add—has told Congress that the Federal courts are not equipped to handle all these cases. That is why he opposes this bill.

The delays caused by clogged courts would be particularly damaging in cases where civil rights plaintiffs are seeking immediate injunctive relief to prohibit discriminatory practices—such as racial profiling or predatory lending.

In addition to the above concerns, I was very distressed to learn that the manager's amendment slips mass torts back into this bill, greatly expanding the scope of the bill. This change makes the bill even more extreme, and, by federalizing individual tort suits, will flood the Federal courts with cases involving questions of State tort law.

By sending a majority of mass tort actions—cases involving products liability and environmental damages—to Federal courts, the bill would completely jam the already overburdened Federal courts and delay justice to hundreds, perhaps thousands, of people injured by defective drugs and medical devices, like the Dalkon Shield, and environmental contamination.

Class actions are an important tool for ordinary citizens to level the playing field and vindicate their rights. They promote safety, protect our health and environment, and are essential to enforcement of our civil rights laws.

The legislation before us would impose new and substantial limitations on access to the courts for victims of discrimination, mass torts, consumer fraud, and other misconduct. This is not a balanced, fair approach. I urge my colleagues to reject it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORZINE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

HEALTHY FORESTS

Mr. BINGAMAN. Mr. President, I rise to speak for just a few minutes about the need for the so-called Healthy Forests initiative that was discussed earlier this week.

Earlier this week, there was a unanimous consent request made to proceed to H.R. 1904, the so-called Healthy Forests initiative. The unanimous consent request sought to limit debate on the bill to a specified list of amendments to be offered by particular Senators.

Included in that list were two amendments that were purported to be offered or suggested to be offered by me. I have never spoken to anybody about my intent with regard to offering amendments. And I certainly have not agreed to any particular amendments that I wanted to offer. Therefore, I have real concerns with that unanimous consent request because the proposed unanimous consent request would have limited me to offering certain amendments that I had not previously heard about. Obviously, I would have objected had not other Senators done so.

This is an important issue that the Senate needs to try to address this year. I do not favor delaying that consideration. There is always a threat that we have seen in the West, particularly in recent years, of unnatural, intense, catastrophic wildfire. That is a threat to many of our communities, to millions of acres of public land and forests in the West.

It was alleged early this week by some who were supporting moving ahead with that unanimous consent request that those who did not favor the unanimous consent request did not favor active management of the national forests. I want to be clear in my statement this morning that I certainly do not fall in that category.

I do not think we should just let nature take its course. I do think we should pursue active management. What I want to be sure of is that the bill we finally enact provides meaningful new authority to our land managers; that it is focused on the communities that are most threatened by wildfire; and that it does not unduly restrict the public's right to participate and have oversight in the management of these lands.

I am aware that a deal of some sort has been developed by certain of the Senators who are concerned on the issue. I was not involved in that set of negotiations that led to that deal. The provisions, as I understand them, that have come out of that are complicated, complex.

I have a number of questions about the ramifications of some of those provisions, especially the ones dealing with administrative appeals, judicial review, and such issues.

I think there should be a hearing. That would be the right way to proceed. We have new legislative language. The right way to proceed would be to have a hearing where we can get testimony on these provisions and better understand them. I have asked for such a hearing. I hope that will occur.

I believe having a clearer understanding of what the amendment means and encouraging constructive suggestions would be a preferable course for us to pursue.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be given an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, to conclude my statement, I do think there are serious questions regarding this new language. It differs substantially from the bill that was reported by the Agriculture Committee. Some of the major issues raised by the amendment include a lack of any new funding to reduce hazardous fuels; failure to eliminate the harmful agency policy of borrowing from proactive forest restoration accounts to pay for firefighting; the curtailment of public participation in the management and oversight of public lands, including the establishment of a new so-called predecisional review process, which I do not, frankly, understand; and also, of course, as I mentioned before, limitations on judicial review.

It also appears to create some new standards for injunctions that might be issued by the Federal court, both preliminary and permanent injunctions. There is no protection that I can see for national monuments and roadless areas and other environmentally sensitive areas in the bill.

I am not aware how some of these issues have been adequately addressed in the proposed amendment. For that reason I think we need to have an opportunity to offer amendments.

I hope the Senate can consider this forest health legislation this year. As do many Senators, especially those from Western States who have suffered in recent years from catastrophic wildfire, I very much want to see us resolve these issues as best we can. But we should do so under conditions that allow for amendments and allow for full debate. And that is my purpose at this stage.

So I hope we can proceed and do so in a way that all of us get to participate in the process.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGULATION BY LITIGATION

Mr. McCONNELL. Mr. President, I rise to speak in support of the class action bill that will be before the Senate later this morning.

A few years ago during the debate on lawsuits against tobacco companies, gun manufacturers, and lead paint companies, the satirical publication, the Onion, wrote a spoof piece entitled "Hershey's Ordered to Pay Obese Americans $135 billion." This was a tongue-in-cheek article which everyone found quite amusing at that time.

It began:

> In one of the largest product-liability rulings in U.S. history, the Hershey Foods Corporation was ordered by a Pennsylvania jury to pay $135 billion in restitution to 900,000 obese Americans who for years consumed the company's fattening snack foods.

The spoof went on:

> "Let this verdict send a clear message to 'Big Chocolate,'" said Pennsylvania['s] Attorney General . . . addressing reporters following the historic ruling. "If you knowingly sell products that cause obesity, you will pay."

The article continued:

> The five-state class action suit accused Hershey's of "knowingly and willfully marketing rich, fatty candy bars containing chocolate and other ingredients of negligible nutritional value." The company was also charged with publishing nutritional information only under pressure from the government, marketing products to children, and artificially "spiking" their products with such substances as peanuts, crisped rice, and caramel to increase consumer appeal.

The article went on to discuss the use of class action litigation to force chocolate manufacturers to adopt policies preferred by the plaintiffs.

It concluded by saying:

> Whatever the outcome of Hershey's appeal, the chocolate industry has been irrevocably changed as a result of [the] verdict.

When I read this piece in the Onion a few years ago, I thought it was quite creative. I thought it illustrated the disturbing misuse of class actions, using class actions to circumvent legislative decisions with respect to setting policy. I was not the only one who thought so. Former Secretary of Labor under President Clinton, Robert Reich, wrote that:

> The era of big government may be over, but the era of regulation through litigation has just begun.

It turns out that the Onion was not merely creative, it was, in fact, prescient. A few months ago, I read another article, this one a real news story, not a spoof, entitled "Ailing Man Sues Fast Food Firms." The article began:

> Want a class action lawsuit with that burger?

It reports that a lawyer "has filed suit against the four big fast-food corporations, saying their fatty foods are responsible for his client's obesity and health-related problems."

The lawyer filed his lawsuit in State court in the Bronx, "alleging that McDonald's, Burger King, Wendy's and [Louisville-based] KFC Corporation are irresponsible and deceptive in the posting of their nutritional information, that they need to offer other options on their menus, and that they created a de facto addiction in their consumers, particularly the poor and children."

The lawyer said:

> You don't need nicotine or an illegal drug to create an addiction, you're creating a craving.

The lead plaintiff, a 56-year-old maintenance supervisor, said he "traced it all back to high fat, grease and salt, all back to McDonald's, Wendy's, Burger King." He said:

> There was no fast food I didn't eat, and I ate it more often than not because I was single, it was quick, and I'm not a very good cook. It was a necessity, and I think it was killing me, my doctor said it was killing me, and I don't want to die.

The attorney "aimed to make his case into a class action lawsuit," with the ultimate goal "to force the fast-food industry 'to offer a larger variety to the consumers, including non-meat vegetarian, less grams of fat, and a reduction' " in meal size.

Mr. President, by the way, damages in the case were unspecified. Given the horror stories we have heard of plaintiffs getting the short end of the stick in class action cases, the plaintiffs better hope that class action reform gets enacted before their case is resolved, lest their lawyer bank all the cash while they are stuck with a coupon as a result of a "drive-by"—or should I say "drive-through"—settlement. The coupon could probably buy a large french fry. That would be about all it would purchase.

A disturbing thing about lawsuits against "big fast food" is that they promote a culture of victimhood and jettison the principle of personal responsibility. I have, in fact, introduced the Commonsense Consumption Act to try to restore sanity to our legal system with respect to these types of cases against the fast food industry.

But an equally disturbing aspect that this high profile case illustrates is the use of class action lawsuits to circumvent legislative decisions and subvert the democratic process. No branch of Government should mandate that Burger King and McDonald's carry veggie burgers for portly patrons. But even if that is something Government should do, it should not be the judicial branch that does it, particularly a State court setting national culinary policy.

Let me give another example with which people might not be as familiar. A national class action lawsuit certified in an Illinois county court has resulted in a determination that car insurance companies violated their contracts by refusing to provide original manufactured parts to policyholders who were involved in accidents. This determination resulted in a $1.8 billion verdict against State Farm.

This case is noteworthy because the county court which certified the class action let the case stand, even though several State insurance commissioners testified that a ruling in favor of the nationwide case would actually contravene the laws of other States. These laws either allowed, or in fact required, the use of generic car parts as a way to keep costs down for consumers.

As the New York Times reported, the result of this State class action was to "overturn insurance regulations or State laws in New York, Massachusetts, and Hawaii, among other places," and "to make what amounts to a national rule on insurance."

The concerns with this case were not due to the interests of "big insurance." Ralph Nader's group, Public Citizen, the attorneys general of New York, Massachusetts, Pennsylvania, and Nevada, and the National Association of Insurance Commissioners all filed briefs opposing the Illinois State court's determination because this county court's new national rule on insurance would be bad for consumers—

though I suspect the trial lawyers in that case have made out quite handsomely.

It is not only appropriate, but necessary, to use class actions to efficiently provide remedies to large numbers of plaintiffs. But it is inappropriate to use them to circumvent the decisions that belong to other branches of Government and to other States. Maybe Ralph Nader, New York, Massachusetts, Pennsylvania, and other States are wrong and the county judge in Illinois is right, and we should require that original manufacturer parts be used in auto repairs. But that is a decision for the people of the several States to make, not unelected judges.

Mr. President, class action reform will ensure that truly national cases are decided in a national forum, and I hope we can enact this important reform. The Democrat leadership has said their caucus recognizes the need for reform. I think the fact that they are filibustering the motion to proceed questions that notion.

But we will soon have a chance to see if our friends on the other side of the aisle are sincere about trying to solve the problem of class action litigation. If they are serious, then they should support cloture on the motion to proceed and give us a chance to go forward with this important legislation. If we get on the bill, then they can try to improve the flaws they see in it, or maybe even substitute an entirely new proposal, which I understand one of the Democratic Senators advocates. But if we cannot even get on the bill, we cannot attempt to solve whatever problems they think might be in the bill.

I am hopeful that we won't have the situation we had a few months ago, where folks on the other side claimed to want to do something about the problems with our medical liability system, but then, to a man, filibustered the motion to proceed on medical liability reform. We will soon see if our friends on the other side of the aisle are sincerely interested in moving forward on this legislation.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CLASS ACTION FAIRNESS ACT OF 2003—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 having arrived, the Senate will resume consideration of the motion to proceed to the consideration of S. 1751, with the time until 12:30 p.m. equally divided between the two leaders or their designees. The clerk will report.

The legislative clerk read as follows:

> Motion to proceed to the consideration of S. 1751, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I ask unanimous consent that the 5 additional minutes of morning business just consumed by the distinguished assistant majority leader be charged against the Republican time for debate on the motion to proceed to S. 1751.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, in a moment, I am going to ask that the Chair recognize the distinguished Senator from Nevada for comments that he may care to make on the motion to proceed and on the upcoming vote at 12:30 on cloture regarding that issue. I want to perhaps tee it up a little bit and talk about why I think this motion to proceed is so important. I am only going to do so for a few minutes, and I will talk some more after the Senator from Nevada has had a chance to speak, and perhaps someone on the other side who wishes to speak.

I worry that our system of litigation has simply become too expensive and too time-consuming to serve the needs of consumers and the public. Those of us who have represented people in court, whether they be a plaintiff or a defendant in a lawsuit, know that sometimes after the lawsuit is over, even though lawsuits invariably have winners and losers, sometimes it is hard to tell the difference between the two because the process, as I say, costs so much and takes so much time.

Unfortunately, because of that, a lot of people with valid claims, who have been dealt an injustice and should have access to our courts or some means to vindicate those claims, are simply frozen out. That is something we need to work on not just on this bill, on this day, but going forward. I hope we will.

This bill, I believe, is very important because, indeed, I think the purpose of a class action lawsuit is a good one. It does, as originally intended, serve the purpose of providing individuals with relatively small claims an opportunity to get access to the court to get justice, even though it may not be economically sustainable because, of course, they have to hire a lawyer, pay court costs, and all the like.

The purpose, I believe, is laudable, but as in a lot of areas, experience and scholarship by the Nation's leading thinkers and just plain common sense tell us that, with the circumstances that confront us today when it comes to class action lawsuits, the system is not just broken but that it is falling completely apart.

Mr. President, I reserve any remaining comments that I may have and, according to the time that has been split between the parties on this issue, recognize the Senator from Nevada for comments he may care to make at this time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I thank the Chair. Mr. President, I do not want to interfere with my friend from Nevada, but I understood we were going back and forth; is that correct?

Mr. CORNYN. That is certainly fine.

The PRESIDING OFFICER. There is no agreement to that effect.

Mr. LEAHY. Has there been time reserved under the order for the Senator from Vermont?

The PRESIDING OFFICER. There is time reserved.

Mr. CORNYN. Mr. President, if I may inquire of my colleague from Vermont, Senator ENSIGN was here when I started, and then Senator LEAHY came in after I started, so I apologize. May I inquire approximately how long the Senator from Vermont wishes to speak?

Mr. LEAHY. Mr. President, how much time is reserved under the order for the Senator from Vermont?

The PRESIDING OFFICER. About 30 minutes.

Mr. LEAHY. I will not use the 30 minutes. I am going to use approximately 5 minutes of my 30 minutes.

Mr. CORNYN: I certainly ask that the Senator from Vermont be recognized for that purpose.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair. Mr. President, I do take my time under the order.

As I stated before, I do oppose this bill, a bill that has not had hearings, has not had a vote in the committee, but when you review it, you realize—let me be parochial for a moment—this legislation would deprive Vermonters of the right to band together to protect themselves against violations of State civil rights, consumer, health, and environmental protection laws in their own State courts.

That is unacceptable to this Vermonter. The same could be said of all the other 49 States, and it ought to be unacceptable to the Senators from each of the other 49 States.

In fact, the country might ask what it says about our priorities that we are even having this debate. Of the many pressing issues already on the Senate's plate awaiting action and awaiting time on the floor, all the appropriations bills that we are required by law to pass by September 30 and have yet to even be taken up for a vote or debate should be among our highest priorities. If we are going to tell how the laws should be made and how the courts should be run, we ought to at least demonstrate to the American people that we, in the Senate, can follow the law and do our appropriations bills at the time we are supposed to.

Instead, we set aside those issues that by law we are required to do, those issues that are the priorities of the American people, to take up another priority. We ask: Whose priority is this bill? The bill is a top priority to special interests that include big polluters and big violators of the American people's consumer rights and civil rights past, present, and future.

Class actions are one remaining tool available to the average American in seeking justice, and some special interests want nothing more than to weaken the public's hand in class action proceedings.

While the Senate is spending several days debating this bill, think of those appropriations bills that by law we should have brought up weeks ago and what is in those bills: not special interests but American interests, such as funding for the Department of Justice to provide bulletproof vests for law enforcement officers, the same law enforcement officers who protect all of us, or how about the money to put more cops on the streets and to implement the prevention programs of the Violence Against Women Act? Those are not special interests; they are American interests.

Despite the fact the fiscal year began 3 weeks ago, we are dallying with this special interest legislation that benefits large corporate interests at the expense of individuals harmed by these corporations.

At its core, this bill deprives citizens of the right to sue on State law claims in their own State courts if the principal defendant is a citizen of another State, even if that defendant has a substantial presence in the plaintiffs' home State, and even if the harm done was in the plaintiffs' home State.

Less than a week ago, with no hearings before our committee, mass tort actions were included in the bill along with true class actions, despite the fact that when we actually did vote on it in the Judiciary Committee, both Republicans and Democrats voted to take that out. This simply amplifies the harm done to citizens' rights, and to the possibility of vindicating those rights in their own State courts.

It also shows how special interest legislation comes on the floor. Here is legislation bypassing the committee, legislation that is dumped on the floor and provisions added to it that had been voted down by a majority of the committee of jurisdiction, a majority requiring both Republicans and Democrats to vote for it.

Special interests groups are distorting the state of class action litigation by relying on a few anecdotes in an ends-oriented attempt to impede plaintiffs bringing class action cases. There are problems in class action litigation. There are ways of taking care of that. But simply shoving most suits into Federal court with new one-sided rules will not correct the real problems faced by plaintiffs and defendants.

After all, our State-based tort system remains one of the greatest and most powerful vehicles for justice anywhere in the world. I think of when the Soviet Union broke up, as I said before on the floor, and members of the new governing body came to the United States to study how we do things. I recall a group coming to my office and saying: We have heard that people in the United States in your States can sue the Government, sue the State.

I said: That's right.

They said: We have heard further that they actually could win, and the State could lose.

I said: It happens all the time.

They said: You mean, you don't fire the judges; you don't start over again?

I said: Absolutely not; this is our system. We set it up that way so people can go to their State courts and sue.

If this is passed, I would hate to have to explain to those people from the former Soviet Union that we have taken such a step backward.

One reason that our State-based tort systems are so great is that there is an availability of class action litigation that lets ordinary people band together to take on powerful corporations or even their own Government. Defrauded investors, deceived consumers, victims of defective products, and environmental torts, and thousands of other ordinary people have been able to rely on class action lawsuits in our State court systems to seek and receive justice.

If they cannot, that is what the cheaters count on. We are only cheating you $5 or $6 or $10 or $15. Why would you sue for that? But if there are millions being cheated, then you have a chance to do something. Class actions allow the little guys to band together. Whether it is to force manufacturers to recall and correct dangerous products, as we saw with the Bridgestone/Firestone tire recall, or to clean up after devastating environmental harms, as we saw with Monsanto in Alabama, or to vindicate the basic civil rights they are entitled to as citizens of our great country, they are using class actions, and they should continue to do so.

The so-called Class Action Fairness Act is something that appeared on the Senate desk with no hearings. It almost looks as if it has been drafted in the legal section of one of the major polluters of this country. It would leave injured parties who have valid claims with no effective way to seek relief.

Class action suits have helped win justice and exposed wrongdoing by corporate and Government wrongdoers. They have given average Americans at least a chance for justice. We should not take that away.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, first I inquire as to the remaining time on the Republican side.

The PRESIDING OFFICER. For the majority, there are 21½ minutes remaining.

Mr. CORNYN. I ask unanimous consent that of that time, the last 10 minutes before the vote be reserved for the Senator from Iowa, the sponsor of the bill, or his designee; that following this UC request we go to the Senator from Nevada for 5 minutes; thereafter, that the Senator from Delaware be recognized for 5 minutes for any comments he may make; and then that the remainder of the time be reserved for me or my designee.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Nevada.

Mr. ENSIGN. Mr. President, I thank the Senator from Texas for yielding.

We just heard that what class action lawsuits are really about is the little guys in our system. That may have been the way it was intended, but unfortunately trial lawyers have abused this system where now—I am from the State of Nevada where we have these megabucks jackpots—what this system has become is the megabucks jackpots for the trial lawyers. It is not about the little guys anymore.

I have several examples I will cite to show exactly how out of control this system is. Between 1997 and the year 2000, American corporations reported a 300-percent increase in Federal class actions, and a 1,000-percent increase in State class actions filed against them. Class action lawsuits were conceived as an expeditious way for people with the same grievances to join in a common suit and seek justice in instances where it would be difficult to do so individually. Unfortunately, what has evolved now is a means for a select set of trial attorneys to abuse the class action litigation system and to seek absurd financial rewards. Whether or not these lawsuits are successful, the cost of these lawsuits hurts the very people the lawyers claim to protect, the consumer.

Oftentimes, the so-called clients of these class action attorneys end up with token awards in the form of coupons or rebates, while the attorneys pocket millions of dollars.

Just a few examples: In 1997, lawyers got nearly $2 million in fees and settlement with Cheerios over a food additive where there was no evidence any consumer had been injured. There was nearly $2,000 an hour charged for this case for personal injury lawyers. Consumers received a coupon for a free box of Cheerios. That is really protecting the consumer.

Southwestern Bell customers were told they would benefit from a class action lawsuit. Instead, they ended up with three optional phone services for 3 months or a $15 credit if they already subscribed to those services. The trial lawyers received $4.5 million in fees.

In a class action lawsuit against Chase Manhattan Bank—and this one is really good—a State court awarded the plaintiffs a multimillion-dollar judgment. The trial lawyers walked away with over $4 million in attorney's fees. Each plaintiff was awarded, get this, a settlement check of 33 cents. Since the plaintiffs had to claim their check by mail at the then-cost of a 34-cent stamp, the class action "win" for the consumer was a net loss of one penny.

It is obvious there is a need to reform our class action system. We need to take it where we have the best jurists in the Federal system.

A couple of years ago, one of the best trial attorneys in Las Vegas came to me. He actually makes his living doing these things. He said: If you want to reform the system, take it out of the State courts where you can just select the cheapest State that there is to sue, and take it where you have the most talented jurists in the Federal system. That way the legitimate lawsuits will go forward. Those cases where the consumer really does need protection will go forward, but we will get rid of a lot of the frivolous, outrageous lawsuits that are happening at the State court level.

So I urge that this Senate would proceed to the debate. If there are amendments, let us have the amendments, but let us at least proceed to the debate on reforming our broken class action system.

I thank the Senator for yielding me the time. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Delaware is recognized for 5 minutes.

Mr. CARPER. Mr. President, I thank the Senator for yielding. This is an important vote. I think in some ways this may be the most important vote we have cast in the 2½ years I have been here. I want to speak to Democrats first and then to Republicans. I suggest to my colleagues, my Democrat friends, why it is important for us to vote for the motion to proceed to take up this bill and to improve this legislation before we end up voting for it and sending it to conference.

First, I say to my Democrat colleagues, the status quo is not acceptable. We cannot feel good about the system of justice which exists today. There are many who disparage the trial bar, but I will say a kind word toward the efforts of many members of the trial bar. They do important work. They make sure when the little people are damaged or hurt that there is a way for them to have their grievances addressed, and when people are harmed to be compensated. That is important. It is important we preserve that right.

The system that has evolved over the last 200 years with the class actions, and what I think everyone regards as venue shopping too often between different State courts and the Federal courts, is a system that is just out of balance today. We can do better than this. It is important that we do better than this.

I want to go back and talk about the evolution of the legislation. When this bill was first introduced and talked about in the 105th Congress, there were a lot of people who thought that class action reform ought to be tort reform; that we ought to put caps on attorney's fees, caps on pain and suffering, caps on punitive damages, dismember joint and several liability. That is what a lot of people thought we ought to do 6, 7, 8 years ago. This legislation does not look like that at all. This is a modest, measured approach to fixing what I believe is a real problem.

I am not going to get into the weeds and talk about one aspect of the bill or the other. Some concerns have been raised about it. Some are legitimate, some are not. I say to my colleagues, particularly Democrats, the bill is not perfect. This bill can be improved. If it is not perfect, make it better. We can make this bill better. In the end, in order for us to have the opportunity to make this bill better, we have to move to the bill. We have to vote affirmatively for the motion to proceed. If we do that, we will have the opportunity for me to offer amendments, as well as other colleagues to whom I have talked on our side. A number of our colleagues have very good ideas for amendments. And I invite not only Democrats to support them but our Republican friends as well.

Republican leadership has indicated in a number of these instances they will support the amendments that are being prepared to be offered.

Back to my Democrats, as the minority we have three bites out of this apple to protect our position as the minority. One, we can filibuster and not vote for the motion to proceed. That is one protection. The second protection comes when we reach cloture on the bill and the decision comes do we actually vote on the bill, do we go to cloture. That is a second bite out of the apple. The third bite out of the apple is if there is a conference report between the House and the Senate, and the conference report comes back, and the Republicans have not acted in good faith, the majority has not acted in good faith, we have a third bite out of the apple. I believe we have those protections down the road and especially the second, on the motion to proceed.

I say straight out to our Republican friends, if we approve the motion to proceed today, we actually get to the bill today, and have the opportunity in the next days and week to offer amendments, if my Republican friends do not act in good faith—and I believe they will—but if they do not act in good faith, not only will I oppose cloture on the bill, I will help lead a fight against cloture.

I want us to be able to offer our amendments. I want to see a lot of those amendments adopted. If that happens, we can improve this bill further and then go to conference further down the line.

The last thing I want to say, in my view, there is more at stake than the motion to proceed, and I have suggested this to Majority Leader FRIST. What is at stake is whether we are going to be able to work together on a difficult and contentious issue: whether or not in this instance we are going to be able to maybe take what could be a very good experience, very positive experience of walking together across party lines on a tough issue, and maybe apply that on other difficult issues we face.

So there is a responsibility on both sides: for us as Democrats to offer reasonable amendments, to join in good faith in the debate, but also for our Republican colleagues to support those good amendments and act in good faith on their own. If they and we act in good faith, we could end up with good policy, which is what makes good politics. That is the potential. It is important we all realize that.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I would like to pick up where the distinguished Senator from Delaware left off because I could not agree more. This is an issue that should not divide us politically or even philosophically. This is an opportunity for us to find common ground and work together. That is what many of us have sought to do from the very beginning, what we have tried to do with our colleagues on the other side and with others, because we believe there is ample opportunity to find common ground if we only seek it.

I don't know the number of times I have offered to sit down, along with many of our colleagues, with Senators on the other side in an effort to find the common ground we are looking for. For whatever reason, none of those offers have been accepted. So we find ourselves in a very difficult situation this morning. If I had the same confidence the Senator from Delaware had that we could offer amendments and they would truly be considered and perhaps some of them adopted, I would have no hesitation to support the motion to proceed. Unfortunately, on too many occasions now, especially involving tort, that has been an elusive goal, to say the least. We have not had the opportunity to have amendments offered in good faith. They have been rejected, one after the other, on a party line vote. As a result, we are left with no recourse but to simply say: Look, let's find a way to resolve this matter. Let's negotiate a bipartisan solution and let's resolve this issue.

I would even use the current circumstances as an illustration of what it is I am talking about. The Judiciary Committee passed a bill that enjoyed bipartisan support, signed by several of our colleagues on this side. They sent it to the floor. We fully expected the debate would be about that committee bill.

But that is not what the issue is this morning. The issue is whether we should support a motion to proceed to a bill that was "rule XIVed" onto the calendar in spite of what the Judiciary Committee did; I would say in direct conflict with what the Judiciary Committee did.

This bill is not just a class action bill. This bill is also a mass tort bill. The committee voiced its opinion on mass tort. They objected. On a unanimous vote, mass tort was excluded from the class action bill.

Lo and behold, it is right back in the legislation today. So we will be voting on the motion to proceed not only to class action but to mass tort, and mass tort for many of us is a woman's issue. It is the Dalkon shield, it is silicon breast implants, it is fen/phen. It is a lot of issues that would not have been addressed had this legislation been in law when those cases were taken up. It is that simple. Mass tort is something most of our colleagues did not bargain for, but it is in this bill.

The second issue has to do with the right of removal. Defendants now have an opportunity to remove a case from State court within a 30-day snapshot. They do that. Everyone understands that is their opportunity to move to a different venue. Under this legislation, they strip that legislation. At any time during the consideration of a case they can remove themselves from that particular court's jurisdiction. That is unprecedented. You talk about forum shopping. I can't think of a better invitation to forum shopping than the right of removal at any time up to the time the verdict is about to be announced. That is in this legislation.

This is bad legislating. It is bad legislating because it overrides the rules of the committee, because it overrides the voice, the opinion, the position of the committee on some of these key questions. Frankly, it overrides the consensus that I know we can establish together.

I have said as late as yesterday to the majority leader, I want to sit down with you. I want to negotiate some way to resolve these issues. Do we recognize there is abuse? Absolutely. But this legislation is killing a housefly with a shotgun. There is a lot of collateral damage that is going to be done if it passes.

I am very hopeful we all recognize the distinguished Senator from Louisiana has offered a viable alternative that recognizes there are times when class actions ought to be held in State court, but there are times when class actions ought to be held at the Federal court level. We can recognize that there are those times when there is a Federal jurisdictional question.

Whether it is his language or something like it, we can work with our colleagues on the other side. But the only way that is going to happen is if we sit down and do this together. That is what I am offering. That is why I opposed the motion to proceed, because that has not happened yet. I am hopeful it will.

Whether or not we can succeed in establishing that important priority with this vote remains to be seen. I am hoping my colleagues will join me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. How much time remains for the Republican side?

The PRESIDING OFFICER. Eleven minutes.

Mr. CORNYN. I ask unanimous consent to revise the previous unanimous consent agreement to provide for 7 minutes for Senator GRASSLEY or his designee, 3 minutes for Senator KOHL, the Senator from Wisconsin, and I reserve the remaining time for myself, such as remains.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise in support of the Class Action Fairness bill. What those of us who are supportive of this bill are trying to do is simply get it to the floor where it can be debated, amended, and even filibustered, so I do not understand the objections of those who want to prevent the bill from even reaching the floor. Those who do not support the final bill as it would emerge can vote against it and can even filibuster it, which would require 60 votes at that time.

My fear is those people who do not even want the bill to reach the floor in fact do not want—and I will bet we will not have—any class action reform. I believe many of those on the other side on this issue want to put this whole question of class action reform to bed and not address it at all. I would be willing to bet any of them we will not have any class action reform if in fact this bill we are proposing is prevented from even reaching the floor at this time.

The bill that is being voted upon at 12:30 is a bill that has gone through the committee process in the most fair and democratic of ways. It has been years in the making. It has been amended at the committee level by Democrats as well as Republicans, and finally voted out of the committee on a bipartisan basis. This is the way bills are supposed to reach the floor for debate and amendment and final approval or disapproval. I cannot understand legitimate motivations of those who are in opposition, as they have expressed themselves, except as it may be their motivations are to kill class action reform entirely in this session of the Congress and for as long as we can look ahead and foresee.

I urge my colleagues who want to see class action reform to allow this bill to reach the floor where it can be, as I said, fully debated and fully amended. I point out to them once again if in fact there is that kind of opposition to the bill that would finally emerge for final vote, they can require 60 votes. So all of their concerns as they have been expressed in this debate can still be addressed in that final vote, which could be, in fact, a filibuster vote.

I urge my colleagues to vote yes on the motion to proceed. I hope very much that we will have a chance to debate class action reform.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I yield myself 5 minutes under the time remaining.

Mr. President, my colleagues, I am for reforming the so-called class action litigation system we have in place. I think a strong majority of the Members of the Senate also favor a reform piece of legislation passing this body and ultimately being signed into law. But this is a two-way street, as everything we have to do in this body has to be. A 51-to-49 Senate means that neither side has the ability to do whatever they want without negotiating with the other half of the Senate. Either side has the potential to stop anything. That is what happens so many times in this body during this period of time we are in now where both sides can say, we are not going to do it this way, or, do it my way or don't do it at all. The clear result of that is nothing gets done. The end result is that both sides can blame the other side for failure in getting anything accomplished.

For those who truly want to get something done and worry less about who gets the credit, it is obvious that the way to do it is to sit down and negotiate and try to reach an agreement. I am absolutely convinced that an agreement that addresses the real problems dealing with class action could be reached in short order and allow us to get as many as 70 to 75 votes for a real class action reform bill. But that has not happened. It has not happened because my colleagues on the Republican side have generally said, we have what we want and we want to pass the bill that we wrote, even though they wrote much of it after it had already left the committee, as the distinguished Democratic leader talked about just a moment ago.

I have introduced a bill—S. 1769—which I think addresses all of the concerns people have raised about any potential abuses dealing with class action litigation. The idea would be for us to sit down with our colleagues and negotiate between their version and the version I have introduced to see if we can reach common ground and pass this in less than an hour with a substantial three-fourths of the Senate probably voting for it.

Many people have said the problem is forum shopping; many plaintiffs try to find the best forum they can possibly find and litigate in that forum for the best judgment they can get. My legislation says, no, we are going to follow principally the same rules the committee set out. If a third or fewer of the plaintiffs are from one single State, it belongs not in State court but in Federal court. That is the same situation that the committee has reported out. We are in agreement. If between one-third of the plaintiffs are from one State and two-thirds are from one State—if between one-third and two-thirds have been injured in Louisiana and filed suit—then Federal court decides whether it belongs in Federal court or State court.

That is principally the same finding that the committee bill has. We are in principle agreement in that regard. The Federal court makes the decision. For those who want it in Federal court, a Federal judge looking at all of the particulars of the litigation will decide whether it belongs in his or her court on the Federal level or whether the State has a greater interest in trying it on the State level. There is no disagreement.

But one area of disagreement I would like to point out is the situation of what happens if over two-thirds of the plaintiffs happen to be from one State, such as Louisiana. It is a big difference in what we do here. If two-thirds or more of the plaintiffs suffer injuries in my State, or any particular State, by the alleged defendant who is doing business in that State, who sells products in that State, and who must follow the law of that State passed by the State legislature, my proposal says that belongs in State court.

In the committee bill as drafted, they say even if every single person has been injured or has allegedly been injured in my State of Louisiana by a defendant allegedly in violation of the laws of Louisiana, passed by the State Legislature of Louisiana, if the defendant who caused the injury—even though they do business in my State and sell their products in my State, even if they have multiple stores in my State and are doing business and taking money out of my State for the things they sell, and if the defendant happens to have citizenship of Delaware, where many corporations are incorporated, or any other State, that doesn't belong in State court anymore; we are going to put that in Federal court, which is already overburdened. The Federal judiciary says they don't want that jurisdiction.

Justice Rehnquist says he is opposed to it for that reason, among others.

This legislation says: No, we are going to put it in Federal court, even if everybody who is hurt and who is residing in the State, and the injuries were caused in violation of State law passed by the State legislature, because the defendant happens to have citizenship and is incorporated in another State, we will send it to Federal court.

People much more articulate than I have talked about this. One of the distinguished writers who has looked at this, Professor Arthur Miller from Harvard Law School, said the following:

> S. 274 goes too far in broadening Federal diversity jurisdiction. S. 274 would place in Federal courts most class actions if the defendant is a citizen of a State that is different from any member of the plaintiff class. I can find no justification for denying State courts the right to hear cases primarily involving its own citizens who claim they have been harmed by a violation of their State's laws.

That is what the committee bill does. That is a principal reason their great expansion of Federal jurisdiction is so wrong.

I had a case in Louisiana. There are many crawfish farmers in Louisiana, probably the only State that has crawfish farmers—and maybe a few in the State of Texas. But they allege injuries because some chemical manufacturer had sold them pesticides and killed all of the crawfish in Louisiana. Every single plaintiff was from Louisiana. The injuries occurred in Louisiana. They sold the product in Louisiana. They were doing business in Louisiana selling the products. The State law of Louisiana said what they did was illegal and wrong and the plaintiffs deserved some compensation for the injuries they received. But no; under the committee bill, just because the defendant chemical manufacturer happens to be out of State the Federal court is going to be brought in to interpret State law that has been interpreted by the State supreme court and passed by the State legislature applying it to every State resident of my State.

That is not a legitimate way of handling cases that are uniquely a State concern, covered by State law and affecting only State injured plaintiffs in these cases. That is not what we want to do.

Our legislation also says that one of the abuses is these coupon sellers. We solved that problem in the past. Attorneys were filing on the number of coupons that may have been issued in settling a case for a defective product. You could go to the store and buy the product for a discount. The lawyers were being paid on the total number of coupons issued—not the ones actually redeemed. The attorney fees would be based only on those who exercised the right of buying the product with the use of their coupon.

As many people said, this is forum shopping, which the distinguished minority leader, Senator DASCHLE, talked about. They don't want forum shopping for plaintiffs, but they don't mind giving it to the defendant because the defendant, under this legislation, could ask that the case be removed out of State court at any time. Before the jury gets the case, if they think it may not go well, they will file a motion to move it to another court.

That is not right. How many times do they have a bite at the apple? Things aren't going very well anymore; we had better try another court. Let's go to the Federal court because we may lose in State court. If forum shopping is bad for plaintiffs—which we correct—it is no more justifiable for defendants to be able to do it, which is what this committee bill does.

I am only saying we need to say no to bringing this bill up until we have had a chance to talk about these issues in a serious form.

If I offer my amendment and the bill is brought up, they will move to table it, and, bingo, it is all over with, and we all go home. That is not the way to legislate on something as important as this. We need to negotiate. We need to talk about it.

What we are trying to say is, don't bring this bill up now. Vote against the motion to invoke cloture and let us see if we cannot sit down and talk about the differences that are not that great but hugely important—not that many but very important—between the two versions of the bill. I think we can put them together and get 75 votes, call it a day and everyone can be proud of the product we have produced.

I reserve the remaining time.

The PRESIDING OFFICER. There are 5 minutes remaining.

The Senator from Texas.

Mr. CORNYN. How much time is on the Republican side?

The PRESIDING OFFICER. Seven minutes.

Mr. CORNYN. I commend the Senator from Louisiana for his constructive efforts to get involved in class action reform. He has made a good contribution to the debate by offering some additional ideas for those that were considered in the Judiciary Committee when we voted this Class Action Fairness Act out of the committee.

It makes no sense to me to say vote against bringing the bill up in order to fix class action abuse. If people are serious about class action reform, then they would want us to bring up the bill. They would vote in favor of cloture and we would simply have a debate, as we do on all legislation on the merits of the bill, as voted out of committee or at least brought up for consideration here with whatever amendments may be offered.

The Senator from Louisiana has some constructive amendments, no doubt, and he has shown himself to be a master at bridging the gaps in this body and achieving consensus. He is to be commended for it. We need more people willing to look at the merits of legislation and vote on those merits. That is all we are asking.

I point out that, while there are a lot of different newspapers in the country, one that watches what happens in Washington, in particular, is the Washington Post which has observed that:

> . . . "clients" in class action lawsuits get token payments while the lawyers get enormous fees. This is not justice. It is an extortion racket that only Congress can fix.

Very strong words. Not mine but those of the editorial board of the Washington Post.

Others who should be in a position to know a lot about this subject—for example, the Judicial Conference of the United States, chaired by the Chief Justice of the U.S. Supreme Court—have acknowledged problems with the class action system. While they are not in the business of lobbying for specific language, certainly we want to pay attention to some of the suggestions they may have about ways we can correct some of those problems. That is what this is all about.

This is some of the language I was referring to, obviously, speaking of the Judicial Conference:

> . . . thanked Congress for "working to resolve the serious problems generated by overlapping and competing class actions."

Ultimately, I think we are all interested in the same thing; that is, that people who are hurt due to the wrongful conduct of others have a means to redress those injuries and make sure the wrongful actor pays. But we are not in the business of making sure that a few benefit at the expense of many. That is what happens now with an abusive class action system which enriches entrepreneurial class lawyers who find a so-called class representative and are then able to manufacture a huge lawsuit where they reap millions of dollars in fees and the consumer gets a coupon.

There is an old country and western song "she gets the gold mine and he gets the shaft." In this instance, it is the lawyers who get the gold mine and consumers get the shaft in modern class action litigation. We ought to be about fixing that. We cannot fix it until this matter comes up on the motion to proceed and at least 60 Senators vote on the motion to proceed.

I hope my colleagues will heed the eloquent words of the Senator from Delaware, Mr. CARPER, and Senator KOHL, my colleague on the Judiciary Committee, and vote to bring the matter up.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I yield myself the time I consume.

I echo the remarks of the distinguished Democratic leader which indicate another reason why we should not be voting for cloture on this bill; that is, the changes that were made to the bill after it got out of committee. I refer to it as being the "committee bill," but the bill before the Senate is not the committee bill. A funny thing happened on the way to the forum: the committee bill was changed. You report one thing out of committee, you expect that will be the thing that comes to the floor—maybe some technical changes, a period here, a paragraph there—but they changed the substance of the bill from the time it left the committee.

If we were dealing with a committee bill, you could make a legitimate argument that you should proceed to the bill that the committee reported. But what they are asking us to do is proceed to a bill that the committee did not report. In fact, it is substantially different from the committee bill. That is not normal procedure.

That is why the Democratic leader has suggested what we ought to do is say: Time out. Put together the heads of the people interested in this and see if we cannot produce a package where we could get three-fourths of all the Senators voting for it. It has substantial changes made by the committee managers. They certainly have a legal right to do it, but from the terms of policy and how we legislate, if you have a clear vote in the committee to do one thing and then come out and do something entirely different on a key part of the bill, that is a substantial change that did not come through the committee process.

What I am saying is we ought to be talking together, both sides talking together, in order to get a substantial vote to enact this legislation.

I support class action reform. I think our bill, S. 1769, has, in fact, clearly addressed the issues of forum shopping and the coupon settlements. We clearly spelled out when cases would be in State court and when cases would be in Federal court. We do not reach out and say that even if every single injured party was from one State and was injured in violation of the State laws passed by the State legislature and previously interpreted by the State supreme court, that just because a defendant happens to be incorporated in the State of Delaware, for instance, that somehow yanks that case out of State court which is best suited for interpreting State law and brought into Federal court which the Federal Judiciary Conference already says they do not want because they have more business than they can handle, resulting in further delays. That is not what this bill should be all about.

Therefore, I suggest we say no to the cloture vote and that we sit down and work out the minor differences but important differences between S. 1769 and the bill in the Senate which has never come through the committee process. That is unfortunate. That is the main reason we should say no to cloture at this time.

Mr. GRASSLEY. Mr. President, I rise to ask my colleagues to vote in support of the motion to proceed to S. 1751, the Class Action Fairness Act of 2003. This bill is a fair and balanced solution to the growing problem of class action abuses, and it has solid bipartisan support. The process that was used to get to the floor was open and fair. The bill deserves to be debated, and my colleagues should support cloture on the motion to proceed so that we can get on the bill and consider amendments.

This modest bill will preserve class action lawsuits as an important tool that brings representation to the unrepresented. But it will also go a long way toward ending class action lawsuit abuses where the plaintiffs receive coupons of little or no value, while their lawyers receive millions. It makes you wonder who benefits from these class actions: the consumers or their lawyers? Given the trial lawyers' opposition to this bill, I think we know the answer to that question.

Both forum-shopping plaintiffs' lawyers and corporate defense lawyers are abusing the system. Lawyers are choosing plaintiff-friendly county courts to hear national class action cases, and defendants are shopping around for the best settlement deal regardless of whether it is the right thing to do. The lawyers file competing class actions, and enter into collusive settlements.

Some class action lawyers manipulate pleadings to avoid the removal of cases to the Federal courts, even if it hurts their clients. Some even name an innocent local defendant just to beat Federal jurisdiction. In the end, it is the consumer that is the big loser. This just isn't right.

The Class Action Fairness Act of 2003 tries to fix the more egregious abuses. The bill includes a number of provisions to help protect class members. It requires that notice of proposed settlements in all class actions, as well as all class notices, must be in clear, easily understood English. It requires that State attorneys general be notified of any proposed class settlement that would affect residents of their States so that they can act as watchdogs for fairness.

The bill includes provisions to help ensure that there are fair settlements. For example, it disallows cash bounty payments to lead plaintiffs so lawyers looking for victims can't promise them unwarranted payoffs to be their excuses for filing suit. It requires that judges to carefully scrutinize settlements where the plaintiffs get only coupons or noncash awards, and the lawyers get money. The bill requires a court to make a written finding that the settlement is fair and reasonable for class members.

Finally, the bill injects some rationality in terms of where large, nationwide class actions can be heard. It allows more class action lawsuits to be removed from State court to Federal court, either by a defendant or an unnamed class member. A class action would qualify for Federal jurisdiction if the total damages exceed $5,000,000 and parties included citizens from multiple states. But if a case really belongs in State court because it is a local problem or the class members and defendants are in-State, the case won't be decided in Federal court.

This is a good bill. It is fair and balanced. We have been working with Senators on both sides of the aisle to try to get it right. There is no question that there are serious problems with the current class action system and we need to deal with these abuses. So I urge all my colleagues to join me in supporting cloture on the motion to proceed so that we can finally get to the bill and debate this legislation.

Ms. CANTWELL. Mr. President, as a former business person and technology executive who has direct experience with class action litigation, I agree with the proponents of this bill that class action cases that impact Americans in every State ought to be litigated in Federal court. American business should be focused on developing innovative technologies, growing and creating jobs, and securing our economic future. American businesses should not be forced to defend themselves simultaneously in the exact same case in as many as seven different States at the same time.

I believe the current consolidation mechanism in Federal court offers both consumers and businesses a fair and efficient means of having their claims heard, and I support allowing more cases to be tried in Federal courts.

Unfortunately, I cannot support the bill before us today. While some positive changes have been made to the bill, the bill would close the State courthouse doors to almost all class action cases and move those cases to Federal court. The bill could overwhelm our Federal court system and cause delay not just in the cases that are being removed, but in the important class action matters that are already in Federal court.

I come from a State that is ranked as having the third best civil justice system in the country, according to the Chamber of Commerce. I recognize the rights of my constituents to have their claims heard in our own State courts and according to our own State laws. In 1993, hundreds of people in my State became critically ill and several died as a result of eating Jack-in-the-Box hamburgers tainted with deadly E-coli bacteria. Five hundred of those victims and family members came together and filed a class action lawsuit in State court for damages as a result of the injuries they sustained. The case was settled for $12 million. This is not frivolous litigation.

In fact, not one of the hundreds of businesses I have talked to about this bill has ever suggested that any abusive or frivolous class action litigation had occurred in Washington State. However, even though most of the plaintiffs in this class action were from Washington, and the case was about personal injury, a claim traditionally heard by State courts, if this lawsuit were to be filed in the future, this bill would give defendants the right to remove the case to Federal court causing additional expense and grievances for the victims in this case.

I have three concerns about the bill. We need a better balance between cases being heard in State and Federal court. We need better protections for civil rights cases and a time deadline for moving cases to Federal courts.

First, we need to have the proper balance between addressing lawsuits in State and Federal courts. Currently, virtually all class actions are tried in State court. However, by moving virtually all of the lawsuits to Federal courts, this bill does not provide that balance. I support an approach that provides for keeping some cases in State courts and improving the flexibility to try more cases in Federal courts.

I have heard from many of the business leaders in my State who have expressed their concerns about the increasing challenges of defending themselves against the same claims in multiple states. I have heard their frustrations about seeing the claims dismissed in one State only to have them filed in another. I have heard from some of the oldest established businesses in my State to the newest. From Weyerhaeuser to Microsoft to AT&T Wireless, Intel, Amazon, the Madrona Group, Expedia, and Starbucks.

These employers have been forced to defend class action suits that are either dismissed or settled in a manner that provides little benefit to the class but great financial benefit to the lawyers. That isn't right, and that is why I have asked these companies in my State to analyze what the effects would be of removing any case to Federal court in which less than one third of the plaintiffs were from the State where the case was filed. I have committed to each of these businesses that I will continue to work with them to find a way to move more cases to Federal court while keeping cases that primarily affect a group of consumers in a State in that State's court.

While I believe that finding a better balance between class action lawsuits in State and Federal court is critical, I also cannot support this bill in the absence of protections that allow higher portions of settlement awards to be made to those individuals who agree to act as lead plaintiffs in class action cases. In addition, I believe that there needs to be a fixed date for defendants to seek to move a class action case to Federal court. As the bill is written now, a class action case can be proceeded all the way through trial and into jury deliberations—and defendants can still seek to remove it to Federal court even at this late date. I do not believe this serves the interests of justice. This provision should be fixed.

I have communicated my three concerns to supporters of the bill. I am disappointed that these straightforward changes, which are in the interests of both consumers and businesses, were not included in the bill. Absent these improvements to the bill, I cannot vote for the measure before us today.

Mr. FEINGOLD. Mr. President, I oppose the Class Action Fairness Act, and I will vote against the motion to proceed. The main reason for my opposition is that notwithstanding its title, I do not think this bill is fair. I do not think it is fair to citizens who are injured by corporate wrongdoers and are entitled to prompt and fair resolution of their claims in a court of law. I do not think it is fair to our State courts, which are treated by this bill as if they cannot be trusted to issue fair judgments in cases brought before them. I do not think it is fair to State legislatures, which are entitled to have the laws that they pass to protect their citizens interpreted and applied by their own courts. This bill is not only misnamed, it is bad policy. It should be defeated.

First, let me note that S. 1751 is a different bill than was reported by the Judiciary Committee. It includes a new and potentially very significant provision concerning mass torts. A provision on this topic was in the original bill, but was stricken in committee. Now it is back, but with some complicated exceptions. The ramifications of this provision are not apparent on first reading, and it certainly would have been preferable for this kind of fine tuning to have been considered by the Judiciary Committee.

Make no mistake, by loosening the requirements for Federal diversity jurisdiction over class actions, S. 1751 will result in nearly all class actions being removed to Federal court. This is a radical change in our Federal system of justice. We have 50 States in this country with their own laws and courts. State courts are an integral part of our system of justice. They have worked well for our entire history. It is hard to imagine why this Senate, which includes many ardent defenders of federalism and the prerogatives of State courts and State lawmakers, would support such a wholesale stripping of jurisdiction from the States over class actions. In my opinion, the need for such a radical step has not been demonstrated.

Yes, there are abuses in some class actions suits. Some of the most disturbing have to do with class action settlements that offer only discount coupons to the members of the class and a big payoff to the plaintiffs' lawyers. But those abuses have occurred in Federal as well as State class actions. This bill does nothing to address those problems; it just moves them all to Federal court.

I note that a substitute amendment being crafted by the senior Senator from Louisiana will include a provision to address discount coupons. It is puzzling to me that such a provision is not contained in the underlying bill. Could it be that these coupon settlements, so often held up as the poster child for what is wrong with class actions, are actually something that the defendants' bar that is promoting this bill wants to preserve? We will find out if the Senate does proceed to the bill and an amendment is offered on that issue.

Class actions are an extremely important tool in our justice system. They allow plaintiffs with very small claims to band together to seek redress. Lawsuits are expensive. Without the opportunity to pursue a class action, an individual plaintiff often simply cannot not afford his or her day in court. But through a class action, justice can be done and compensation can be obtained.

There are three possible outcomes of this bill being enacted. Either the State courts will be deluged with individual claims, since class actions can no longer be maintained there, or there will be a huge increase in the workload of the Federal courts, resulting in delays and lengthy litigation over procedural issues rather than the substance of the claims, or many injured people will never get redress for their injuries. I don't believe any of these three choices are acceptable.

Particularly troubling is the increase in the workload of the Federal courts. These courts are already overloaded. The Congress has led the way in bringing more and more litigation to the Federal courts, particularly criminal cases. Criminal cases, of course, take precedence in the Federal courts because of the Speedy Trial Act. So the net result of removing virtually all class actions to Federal court will be to delay those cases.

There is an old saying with which I am sure we are all familiar: justice delayed is justice denied. I hope my colleagues will think about that aphorism before voting for this bill. Think about the real world of Federal court litigation and the very real possibilities that long procedural delays in overloaded Federal courts will mean that legitimate claims may not ever be heard. At the very least, we should provide in this bill some priority to class certification motions brought in Federal class actions.

One little noticed provision of this bill illustrates the possibilities for delay that this bill provides, even to defendants who are not entitled to have a case removed to Federal court under the bill's relaxed diversity jurisdiction standards. Under current law, if a Federal court decides that a removed case should be remanded to State court, that decision is not appealable. The only exception is for civil rights cases removed under the special authority of 28 U.S.C. § 1443. But this bill allows defendants to immediately appeal a decision by a Federal district court that a case does not qualify for removal. That means that a plaintiff class that is entitled even under this bill to have a case heard by a State court may still have to endure years of delay while the appeal of a procedural ruling is heard. Where is the fairness in that?

Some in the business community have expressed concern about resolving nationwide class actions, like some of the tobacco litigation, in a single State court. I can understand why that might seem unfair to some. But this bill does not just address that situation. It also prevents a group of plaintiffs who are all from the same State from pursuing a class action in their own State courts if even one defendant is from another State. The proponents of this bill have chosen a remedy that goes far beyond the alleged problem. That raises questions about what the intent behind this bill really is.

It is important to remember that this debate is not about resolving questions of Federal law in the Federal courts. Federal question jurisdiction already exists for that. Any case involving a Federal statute can be removed to Federal court under current law. This bill takes cases that are brought in State court solely under State laws passed by State legislatures and throws them into Federal court. This bill is about making it more time consuming and more costly for citizens of a State to get the redress that their elected representatives have decided they are entitled to if the laws of their State are violated.

Diversity jurisdiction in cases between citizens of different States has been with us for our entire history. Article III, section 2 of the Constitution provides: "The judicial Power shall extend . . . to Controversies between Citizens of different States." This is the constitutional basis for giving the Federal courts diversity jurisdiction over cases that involved only questions of State law.

The very first Judiciary Act, passed in 1789, gave the Federal courts jurisdiction over civil suits between citizens of different States where over $500 was at issue. In 1806, in the case of Strawbridge v. Curtiss, the Supreme Court held that this act required complete diversity between the parties—in all other instances, the Court said, a case based on State law should be heard by the State courts. So this bill changes a nearly 200-year-old practice in this country of preserving the Federal courts for cases involving Federal law or where no defendant is from the State of any plaintiff in a case involving only State law.

Why is such a drastic step necessary? Why do we need to prevent State courts from interpreting and applying their own State laws in cases of any size or significance? One argument we hear is that the trial lawyers are extracting huge and unjustified settlements in State courts, which has become a drag on the economy. We also hear that plaintiffs' lawyers are taking the lion's share of judgments or settlements to the detriment of consumers. But a recent empirical study contradicts these arguments. Theodore Eisenberg of Cornell Law School and Geoffrey Miller of NYU Law School recently published the first empirical study of class action settlements. Their conclusions, which are based on data from 1993–2002, may surprise some of the supporters of this bill.

First, the study found that attorneys' fees in class action settlements are significantly below the standard 33 percent contingency fee charged in personal injury cases. The average class action attorney's fee is actually 21.9 percent. In addition, the attorneys' fees awarded in class action settlements in Federal court are actually higher than in State court settlements. Attorney fees as a percent of class recovery were found to be between 1 and 6 percentage points higher in Federal court class actions than in State court class actions.

A final finding of the study is that there has been no appreciable increase in either the amount of settlements or the amount of attorneys' fees awarded in class actions over the past 10 years. The study indicates that there is no crisis here. No explosion of huge judgments. No huge fleecing of consumers by their lawyers. This bill is a solution in search of a problem. It is a great piece of legislation for wrongdoers who would like to put off their day of reckoning by moving cases to courts that are less convenient, slower, and more expensive for those who have been wronged. It is a bad bill for consumers, for State legislatures, and for State courts.

Mr. President, if the motion to proceed is adopted, I expect there will be many amendments offered. In an area like this the details matter, and if we are going to have class action reform we need a full and fair debate on the details with the opportunity to offer amendments. But the best result is for the Senate not to consider this bill at this time. I do not believe this unfair Class Action Fairness Act is ready to be considered on the floor, and I will vote no on the motion to proceed.

Mr. KYL. Mr. President, I rise today to address the Class Action Fairness Act of 2003. This legislation first was introduced and reported by a Judiciary subcommittee 5 years ago, during the 105th Congress. It is time to enact this legislation into law.

There is no need to recount the parade of horribles that makes the need for this legislation manifest. Suffice to say that even the liberal Washington Post has noted that "national class actions can be filed just about anywhere and are disproportionately brought in a handful of State courts whose judges get elected with lawyers' money." And as one study has noted, "[v]irtually every sector of the United States economy is on trial in Madison County [Illinois], Palm Beach County [Florida], and Jefferson County [Texas]."

The problem has grown much worse in recent years. Over the course of the 1990s, class-action filings increased by over 1,300 percent. What this suggests is that class-action litigation has become unhinged from actual events. These lawsuits are not being filed because businesses are injuring consumers 13 times more frequently than they did at the beginning of the last decade. Rather, these numbers reflect a breakdown in the litigation system itself. That system no longer bars frivolous suits that are brought purely for attorneys' own gain.

I would like to address several points about this year's bill. First, there has been much argument from the opponents of this bill that its sponsors are doing something sneaky by employing rule XIV to bring a modified bill to the floor. The bill that we currently are considering includes a restored, modified version of the original bill's provision governing mass actions—which provision had been stripped out of the bill by a last-minute amendment in the Judiciary Committee. Bill opponents seem to suggest that whatever damage was done by that amendment they secured fair and square, and that bill supporters have no business undoing the damage on the Senate floor.

It is true that the committee amendment stripping the mass-action provision damaged the bill. The State of Mississippi, among others, entertains actions that are class actions in all but name—these suits technically are not class actions, but they function as their equivalent. And as any lawyer who has observed patterns of class-action litigation can tell you, a reform bill that did not apply in Mississippi would hardly be much of a reform at all.

If anything is improper about the way that the mass-action provision has been handled, it is the way that the original provision was stripped from the bill in the Judiciary Committee. I know, because I was there when it happened and saw it all. The stripping amendment was not circulated to Judiciary members in advance of the Committee's executive session—in contravention of the Committee's own self-imposed rules governing additional amendments to the bill. Most of us had not even had an opportunity to read the amendment. Chairman HATCH already had shown great indulgence toward bill opponents by allowing an additional day's markup of the bill, when he could have insisted on a final vote earlier. An additional amendment nevertheless was allowed, and was adopted once it was clear that it had the support of swing voters on the Committee—as well as the support of all Members who are hostile to the bill. The rest of us who support the underlying bill were forced to accept the amendment, without an opportunity to even learn what it would do.

By contrast to the way that the original amendment was handled, everyone has been afforded ample notice of the modified mass-action provision included in the current bill. This modified provision was negotiated among the bipartisan group of supporters of the original bill—including those whose support led to the adoption of the original amendment. When a compromise finally was reached, it was announced during an executive session of the Judiciary Committee and reported in the newspapers. And if that was not adequate notice, Chairman HATCH provided a detailed description of the modified provision in the committee report for this bill, which was published last July. Yet to hear bill opponents tell the story, you would think that the modified proposal had been hidden from all members until this bill was introduced. This is simply absurd—a stealth amendment is not one that is announced months beforehand in a committee report.

I would also note today—speaking about the bill more generally—that it is hardly a radical reform. As two Democratic cosponsors of the bill recently emphasized in a letter to all Senators, the current bill "does not contain any tort reform whatsoever. There are no caps on damages or attorney's fees, no limits on joint and several liability, and no new pleading requirements." These Senators also point out that as a result of a Democratic amendment added to the bill in the Judiciary Committee, "federal jurisdiction does not extend to cases in which the claims involved less than $5 million or in which two-thirds or more of the plaintiffs are from the same state as the defendant."

This last provision substantially dilutes the bill. The plaintiffs' lawyers who routinely file these class actions are among the wiliest members of the profession—I expect that they will have little difficulty structuring their plaintiff class such that more than two-thirds of plaintiffs are from the state in which the principal defendants are located and the action is filed. If this loophole is exploited to the extent that I fear that it will be, the principal effect of today's bill will be not to remove cases to federal court, but rather to keep them in the courts of the state where the defendants and most plaintiffs are located. Of course, such a reform would not be without its advantages. At the very least, those states that tolerate predatory class actions in their courts would be forced to bear the consequences of such litigation, because the suits would be directed at local businesses. This change might yet alleviate the collective-action problems and indulgence of regional prejudice that underlie much of the current class-action crisis.

Finally, in closing I would remark on the strange new federalism that this bill appears to have evoked in some of its opponents. In a statement of additional views in the committee report for this bill, all seven Judiciary Committee members who voted against the bill have denounced it as a violation of the high principle of States' rights. They describe the bill as raising "serious constitutional issues" by "undermin[ing] James Madison's vision of a Federal government 'limited to certain enumerated objects, which concern all the members of the republic.'" These opponents even invoke the U.S. Supreme Court's decision in United States v. Morrison (2000), which struck down as beyond Congress's power a Federal law regulating violent crime that is unrelated to commercial activity. As bill opponents remind us, Morrison requires Congress to respect the distinction between what is truly national and what is truly local.

What may strike the casual observer as unusual is that the very members who invoke Morrison against this bill recently have denounced that very decision—and any judicial nominee suspected of harboring views in line with the Supreme Court majority in that case—in the course of the judicial-confirmation process. On this very day, the Judiciary Committee will hold a hearing for one of the President's nominees to the U.S. Court of Appeals for the District of Columbia. I would not be surprised to learn that the same Judiciary Committee members denouncing this bill on the Senate floor today will then proceed down the Capitol elevators, take the shuttle to the large Judiciary hearing room, and denounce the President's nominee as a secret supporter of United States v. Morrison.

To conclude, I would simply note that it is beyond argument that the interstate commerce clause and Article III's authorization for diversity jurisdiction were included in the Constitution in order to empower Congress to protect both interstate commerce and out-of-State defendants from local prejudice. Nothing could be a more appropriate application of these congressional powers than the legislation that we are considering today. Yet to listen to this bill's opponents, one might come away with the impression that the interstate commerce clause was designed to allow Congress to regulate all violent crime, and any other subject that touches Congress's fancy and that happens to poll well—any subject, that is, except for interstate commerce. The opponents of this bill can play at either John Paul Stevens or John Calhoun. They cannot play at both—or at the very least, they ought not do so on the same day.

I look forward to Congress's enactment of the important legislation before us today.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Texas.

Mr. CORNYN. Mr. President, the Senator from Louisiana has made an eloquent plea for class action reform. Unless we have cloture, there will be no class action reform anytime in the near future. We know the Senate has a very busy calendar of conference committees working on an Energy bill, on Medicare, prescription drug reform, and many other issues. The time is ripe, and I suggest to my colleagues the time for reform is now.

Finally, this is not a matter of lawyer bashing. This is about jobs. This is about added cost to consumers. When frivolous litigation is filed which, in essence, once a class action is certified becomes legal blackmail because class action lawsuits are rarely, if ever, tried with a jury because the risks are so enormous, it literally becomes a "bet the ranch" or I should say "bet the company" lawsuit. So what happens is they are almost always settled but under unequal terms and really amount to, in too many instances, legal coercion. But what happens is, when that money is paid, that cost is not necessarily absorbed by that company, that job creator, but is passed on to consumers; and consumers pay and, ultimately, job loss occurs.

So, Mr. President, I urge my colleagues who believe we need to address this tremendous problem, we need to address job loss, we need to address consumer cost, we need to address this abuse, to vote for cloture.

The PRESIDING OFFICER. The Senator's time has expired.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1751, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

Bill Frist, Orrin G. Hatch, Charles Grassley, George Allen, Kay Bailey Hutchison, Rick Santorum, Susan M. Collins, Elizabeth Dole, Lindsey Graham of South Carolina, Wayne Allard, Pat Roberts, John Ensign, Thad Cochran, John Warner, Jon Kyl, John E. Sununu, Saxby Chambliss.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1751 shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER (Mr. HAGEL). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 59, nays 39, as follows:

[Rollcall Vote No. 403 Leg.]

YEAS—59

Alexander
Allard
Allen
Bayh
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Jeffords
Kohl
Kyl
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—39

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Graham (FL)
Harkin
Hollings
Inouye
Johnson
Kennedy
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Shelby
Stabenow
Wyden

NOT VOTING—2

Edwards
Kerry

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. FRIST. Mr. President, I am clearly disappointed we have been denied the opportunity to proceed to this very important legislation, a bill we very much want to discuss, to debate, and to appropriately amend. It is important to the American people. Thus, I believe we just witnessed a missed opportunity to address a critically and vitally important issue.

With that, for my colleagues, let me say we are making some progress on other issues in terms of how the afternoon will be spent. We are in discussion with regard to the antispam legislation, and I believe we will be able to proceed with that early this afternoon.

Again, let me state my disappointment. We are very committed to addressing this particular issue for the American people, and we will be trying, once again, to pull together and do what the American people deserve.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, the message in this vote is that now is the time for us to sit down and negotiate. I have said on several occasions, as late as this morning, that we are prepared to work with the majority. I will certainly work with the majority leader to bring to the floor a bill that will enjoy much broader support than 59 votes. We can do that. We recognize the need for reform, but we also recognize we have to do it right. I would like to start this afternoon. I will do it tomorrow. I will do it whenever the majority is prepared to do it, but we are prepared to do it, and I look forward to further discussions on this issue in the days ahead.

After that, I hope we can move to other issues that divide us. I think there is an opportunity on asbestos as well, but it takes real negotiation. I am prepared to enter into those negotiations anytime the majority is prepared to do so as well.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, you just heard a willingness to work together. There were 59 Members who spoke just a few moments ago who said, Let's proceed and do it right now on the floor of the Senate. We were one vote short. I accept that. I think we do need to proceed directly to address this issue, and we will work in good faith to do just that.

As I mentioned earlier, I think we are very close on the antispam legislation that we talked about yesterday and today.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that we go into morning business until 2, with the time equally divided. We should be ready to begin the spam legislation at 2.

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senate minority leader.

Mr. DASCHLE. I ask the Chair whether the motion to reconsider has been propounded on the last vote.

The PRESIDING OFFICER. It has not.

Mr. DASCHLE. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. Who seeks recognition?

Mr. SANTORUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON CLASS ACTION REFORM

Mr. DODD. Mr. President, I want to express my disappointment about the outcome of the last vote. I voted not to invoke cloture. I did so with great reluctance. A number of Members called me over the last several days about the class action reform bill that was before us. I appreciate very much the comments of both the majority leader and the minority leader, my good friend from Delaware, TOM CARPER, HERB KOHL, and others who have worked very hard on this legislation. I have great respect for what they have tried to do.

I hope the majority leader will take up the offer of the Democratic leader and so we come together and work out what the provisions of this bill ought to be, at least the main provisions of it, and move forward. I am deeply committed to class action reform, but I do not want to move forward under a process where I am being told merely that I have a right to bring up amendments. I have that right anyway.

It seems to me if we are going to try to put a bill like this together, it takes meaningful cooperation, it takes sitting down. It is hard work. We have done it in the past. As the author of the securities litigation reform bill, the uniform standards legislation, terrorism insurance, the Y2K bill—all matters that brought together the trial bar and the business community trying to sort it out—I know that this can be done. It took a lot of work and a lot of hours to do it in the past. I strongly recommend on class action reform, that we make the same sort of effort.

It is not that difficult to get a good bill, but it does take work. Again, it takes meaningful cooperation. We need to have that if we are going to succeed.

I am terribly disappointed, but I must say to those who argued for cloture that there is a way of achieving the right results and the process we just went through this is not the way to go, in my view.

I can say, without invoking the names of my colleagues, there are a number of us who voted no on cloture who believe as strongly as I do about the need for reform and who would like to see a bill passed. So the majority leader and his staff, the staff of the Judiciary Committee and other interested parties—and there are not that many—if they can put something together, we can move forward. We could have another cloture vote, if we need to have one, although I doubt we will need one, with a more cooperative process there would be no need for one. I believe we can and should go forward.

The challenge is whether or not they want to do that. If they just want to have a 59-to-39 vote and move on to another issue, then that may indicate to some of us what the real intentions were here. If they are interested in getting this bill done, then there is a way to do it.

There are those of us who are willing to roll up our sleeves and get it done. In fact, many of the same people have been involved for months now in the asbestos legislation. I have an uneasy feeling we are heading in the same direction with that bill. It takes hard work. Members from both sides have to sit down, bring people together, and put in the hours it takes to finish the job.

If we allow this to sort of wander along without dealing with the intricacies and the complicated questions involved, then one can almost predict with certainty what is going to happen at the end of the day. So the offer is there. I make it to my friends and colleagues on this side of the aisle and the other. I am prepared to be a part of those efforts, if they find it fruitful and worthwhile, or to sit on the sidelines and watch it happen and be supportive of whatever they are able to produce.

Let's move forward and get this done. The American people deserve better. We are not working together as often as we should on critical questions. If we do not do it, then we do a great disservice to the American public.

So I hope the leaders would take up the offers that have been made, sit down and see if we cannot pull this bill together. For those who are interested, we ought to be prepared to start that process today—this afternoon—if people are so willing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask for 2 minutes of personal privilege to add a few remarks to the RECORD. I, too, remain firmly committed to class action reform and have stated so publicly many times and will continue to state publicly that intention.

There are two or three reasons I could not vote to move to debate on this bill because there were not clear indications given that certain language in this underlying bill would be removed.

I understand the legislative process. I am clear about the legislative process, but I am also clear about the way that arrangements can be made in this Chamber, arrangements with this White House and the House so that we can come out with a bill that is fair to the American public, that helps us to increase jobs, to remove the forum shopping, and to eliminate the abuses that are in this system, without undermining people's rights to get their day in court.

So as one of the votes that obviously could have made a difference in the outcome today, I most certainly remain open. The language, however, regarding mass torts must be removed. The coupon settlement language must be addressed. The jurisdictional question somewhere between the Feinstein and Breaux language would be acceptable, and the bounty provisions, which are very important to civil rights legislation, must be addressed.

These are four issues that I am going to be discussing, and if the side that is for reform is really interested in real reform and not just a political issue, these discussions can be had with this Senator.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I will speak briefly about this issue as well. I think as we bring this up, it is important, if we can, to move this forward and get it resolved. One of the things we need to be constantly focusing on is what can we do to grow jobs and create jobs.

We have been pressing forward. The Federal Reserve has been pressing forward, keeping interest rates low. We have been pressing forward in cutting taxes to try to stimulate. The early medicine seems to be working. We are starting to get some economic growth. We are starting to get some job creation taking place.

Another clear area of importance and need is this area of litigation reform. This is sapping a great deal of strength out of the economy and sapping strength from job creation. This is one of the areas we need to reform. I think there are ways that we can do this and still protect the rights of the individual, rights of those who are harmed in the system, but we are going to have to start to address this problem if we are going to be serious about job creation in the country and serious about what all we can do as a legislative body in creating an atmosphere and situation in the United States that can be the most growth oriented, and in a way that still protects all the rights of individuals in this country.

Those are the efforts that are taking place. That is what we are trying to do with this.

NOBEL PEACE PRIZE TO SHIRIN EBADI OF IRAN

Mr. BROWNBACK. Mr. President, I rise to draw the attention of my colleagues to a topic that is of significant importance in the world.

On October 10, the Nobel Peace Prize, the peace prize that was granted to the Dalai Lama in the past, to Martin Luther King, Jr., and to Nelson Mandela, was granted to Shirin Ebadi, not a household name. This lady is a prominent human rights activist in Iran. She was awarded the 2003 Nobel Peace Prize.

I want to draw the attention of my colleagues to her because Iran is one of those countries that is a state sponsor of terrorism. They are as a country on the very low end of recognition of human rights. The ruling clerics do not let participation in the society take place.

She has been fighting for the rights of students and activists to peacefully meet and speak out. She has done it from inside Iran. For that, she has paid for it in jail time and in harassment. She should now receive a reward from us in recognition.

Naturally, the regime in Tehran did not kindly meet upon her recognition as a Nobel Peace Prize winner. The regime actually went on to say there are other Nobel Prizes that are more important, like literature. I looked at that and I thought how would one deny their own countryman the peace prize, the highest of these? They are saying there is something else that is higher. But it is because she has been going at this regime that is illegitimate and does not recognize the people.

I want to extend my heartfelt congratulations to Ms. Ebadi and to the Iranian people for their continued struggle for freedom, for democracy, and for human rights, against the clerics who have stripped them of every ounce of human dignity.

The Economist described Ms. Ebadi as this: Assertive, severe, and frighteningly well versed in Islamic and Western law, characteristics that challenge the status quo of Iran and the religious ruling clique.

Since being barred from serving as a judge, Ms. Ebadi has fought for the rights of homeless children under the repressive regime which treats the children like common criminals. In addition, she has spent the last 4 years investigating the attacks on student protestors by Iranian security forces during the massive July 9, 1999, protest. Ezzat Ebrahim-Nejad was one of those protesters killed during the 1999 protest. Ms. Ebadi represented his family in tracking down the thugs who attacked the students and their paymasters within the Ayatollah's regime. Her devotion to this case and many others landed her a 15-month jail sentence.

This year Ms. Ebadi established a nonprofit organization, a legal defense center for the families of Iranian dissidents and activists. This is challenging work that all Iranians can celebrate, and I am confident she will use the prestige that comes with the award of the Nobel Peace Prize to continue the struggle in Iran.

There are dissidents in Iran who I think deserve highlighting, who are being held without reason. Hassan Zarezadeh, a 25-year-old student, is one. He is being held because of participation in a July 9, 1999, protest. He has been in prison since July 6, 2003, in preparation of the anniversary recognition of that protest. There are reports he is enduring torture during his detention.

Dr. Farzad Hamidi disappeared on June 18, 2003, in Tehran, barely 1 year after being released from jail. His whereabouts is unknown, but friends and family believe his disappearance is connected to his role in the student protest.

Shirin Ebadi's struggles continue for these and many other individuals and activists inside Iran, and dissidents—and all they want to do is be able to peacefully meet and to be able to communicate their message to people within Iran. All they are getting for that is jail, harassment, and, unfortunately, death.

Systematic change is needed to take place. A number of people are calling for that inside Iran. The student protesters and others are calling for an internationally monitored referendum on the Government in Iran. That is, indeed, what should take place.

I wanted to draw Shirin Ebadi's name and her recognition and her award to the notice of my colleagues. This is an important step in the recognition and movement toward human rights in Iran. We need to celebrate it.

I yield the floor.

CLASS ACTION FAIRNESS ACT

Mr. DORGAN. Mr. President, I wanted to echo some comments made by my colleague from Connecticut, Senator DODD, on the issue of class action reform.

I believe that we need to do a class action reform bill. Some of us who voted against cloture this afternoon believe that there have been abuses in the area of class action litigation, and that reform is needed.

But class action reform has to be sensible and thoughtful, and it needs to be resolved through negotiation. I am hopeful that this will be accomplished. The minority leader indicated he is willing to negotiate. The majority leader indicated he is willing to negotiate on these issues. It is my hope that these negotiations will be fruitful.

There is no question that there have been instances of abusive forum shopping. There are cases being filed in state court in places like Madison County, Illinois, where there are thousands of plaintiffs, but only a handful are from that area. It's pretty clear to me that cases like that, when brought on behalf of nationwide classes, should be heard in federal court.

I have a long list of such cases here, which on their face involve abuses of the class action mechanism. I think I shall not go through them all today. Suffice it to say that forum shopping is a problem, and we need reforms in this area.

I also believe that there is a problem with coupon settlements. It makes no sense to have settlements where plaintiffs get meaningless coupons that are never redeemed. That, too, in my judgment, can and should be changed.

I have decided to cosponsor the class action reform proposal described by Senator JOHN BREAUX, because I think it takes care of the problems of forum shopping and also coupon settlements. I think it is superior to the bill that was the subject of today's cloture vote, because it will more effectively address the issues of coupon settlements and forum shopping.

With respect to coupon settlements, the Breaux bill is much tougher than the Grassley-Hatch bill, which was the subject of today's cloture vote. The Grassley-Hatch bill simply says that the courts should review coupon settlements for fairness. By contrast, the proposal that is offered by Senator BREAUX, that I am cosponsoring, actually ties legal fees to the rates at which coupons are actually redeemed. So in a case where plaintiffs get meaningless coupons, the lawyers get paid accordingly. That is a much preferable provision, in my judgment, in reforming the class action area.

With respect to forum shopping, let me again point out that the proposal offered by my colleague, Senator BREAUX, is preferable. It says if fewer than one-third of the plaintiffs are in a State, then it goes to Federal court. If more than two-thirds are in a State, it goes to State court. If it is in between the two, the Federal court shall make a judgment of where it is most appropriate.

The bill that was proposed to be brought to the floor today would have a very different mechanism. It would say that you could not bring a case in state court unless the defendant was a citizen of that state. So, for example, if 1,000 citizens of my State of North Dakota were cheated by a company in Houston, TX, they could not form a class and file an action in North Dakota under North Dakota law. They simply could not do that under the bill brought to the floor of the Senate.

That is not fair. That doesn't make any sense.

Now, I understand that forum shopping is a problem and we ought to deal with it. But there is a right way and a wrong way to deal with it. I think the Breaux approach is the right way. It is a thoughtful, balanced approach. It allows us to stop class action abuses, while at the same time preserving the rights of people to be able to access their own State courts in legitimate cases.

Again, I think it makes no sense to say to North Dakotans, it does not matter if there are two thousand of you who have been injured by an out-of-state company, you cannot access North Dakota State Courts and you cannot have the protection of North Dakota state law. Yet that is precisely what the bill that was the subject of today's vote would have said.

The proposal offered by my colleague, Senator BREAUX, strikes the right balance. It is the right approach. Cases that involve a lot of plaintiffs from around the country would go to federal court. But citizens of a particular state would still be able to band together if they were injured by an out-of-state defendant, and bring a lawsuit in their own state court.

I say to the majority leader, if you are interested in class action reform, then let's work out a solution to the very real problem of class action abuses—but let's do it without depriving the people of any one state of the right to access their state's court, in legitimate cases. I think we can strike that proper balance, and I hope we can do it soon. That is the reason I voted against the motion to proceed.

What we should avoid is a process in which the majority simply says: Here's where the wagon is heading. If you like it, jump on. If you don't like it, tough luck. Don't give us any advice along the way.

I am a conferee on the Energy bill, but I have not been invited to a conference. No Democrat in the Senate has been included in a conference on the Energy bill. In fact, we have been specifically excluded and prevented from being a part of the conference. If that is the way legislation will be handled in the Congress, it will pervert the legislative process. In the case of the Energy Conference, nearly one-half of the Senate, 49 Members of a body of 100 persons, are being given no voice at the conference. We are told that the majority will make all the decisions.

We are told by the majority: Just let us bring the Energy bill to the floor and we will be fair. Just take our word for it.

Well, I hope and trust that we will follow a different path on the issue of class action reform. The Breaux proposal is a good one. I suggest we begin now seriously negotiating a balanced, responsible solution, that takes care of the problem of class action abuses.

Let me also say parenthetically that there is another issue, in addition to class action reform, that requires meaningful negotiations. That is the issue of asbestos litigation. That, too, is a real problem and we ought to deal with it. It, too, in my judgment, will require negotiation. All sides are going to have to want to do this and be willing to negotiate aggressively. You have a series of stakeholders involved and those stakeholders, in my judgment, need to get together, because the system is broken. We have people who are sick and dying who are not getting help. And we have a huge cloud of uncertainty hanging over the business community.

A solution is going to require, in my judgment, that all the stakeholders be part of the negotiation. Yes, labor is a very significant part of that. So, too, is the business community and others.

I know this is a complex issue, but I hope in the concluding days of this first session of the Congress we will see a breakthrough in negotiations, and solve this asbestos issue in a way that works for everyone.

I think they have been close on a number of occasions. My hope is it finally is completed.

THE 9/11 COMMISSION

Mr. DORGAN. Mr. President, I wish to comment on the 9/11 Commission. That is the commission which has been put together by Federal law and asked to look into what happened on 9/11 and get all of the information from everybody to find out what happened leading up to the attack on this country. What did we know? What did the CIA know? What did the FBI know? What did the FAA do during the attack? What happened? Only by knowing what happened can we prevent it from happening again. Were there dots that should have been connected but weren't? Did we have information that could have perhaps prevented that attack had certain people known of it or had been told of it? Are there deficiencies in some of these agencies? Did people drop the ball?

I do not know. But we put together a panel headed by former Governor Keane of New Jersey. It is a distinguished panel. One of our former colleagues, Senator Cleland, is on that panel. It is called the 9/11 Commission.

I want to read a couple of statements. This statement was made October 10:

> In connection with the commission's second interim report issued on September 23, 2003, we discuss the commission's ongoing effort to get prompt access to some key executive branch and White House documents that the commission needs to complete its work on time. Although we can report substantial progress, the commission is continuing to press for necessary access to some key items.

I don't understand why there would be problems in getting information from the CIA, or the FBI, or the White House, or the FAA. What on Earth is happening?

This is the Federal inquiry into what happened on 9/11 and how we can prevent it from ever happening again. I would think every Federal agency would cooperate fully and immediately. But that, regrettably, has not been the case. October 15, a statement by the 9/11 Commission:

> Over the past two weeks, as a result of field interviews conducted by our staff, the commission learned of serious deficiencies in one agency's production of critical documents.

The agency in question happens to be the FAA. Now they indicate they are issuing subpoenas. In fact, they say this disturbing development at one agency has led the commission to reexamine its general policy of relying on document requests rather than subpoenas. They have voted to issue a subpoena to the FAA for documents which have already been requested.

I don't understand. We have a 9/11 Commission to investigate the tragedy that occurred as a result of the terrorist attack on this country. That commission has to issue subpoenas to Federal agencies to get cooperation. I would think every single Federal agency, starting with the White House, would open its records immediately to this commission so we can understand what happened.

I am not accusing anybody of anything, nor is the 9/11 Commission. We want to understand what happened. How did it happen? What clues might we have had? What kind of failing existed with respect to our intelligence that prevented us from knowing and, therefore, preventing these terrorist attacks? When I read this, I shake my head and think it is unbelievable that a commission created by this Congress, called the 9/11 Commission, to get to the bottom of what happened on 9/11, has to issue subpoenas to anybody, or has to send out progress reports to say, Well, we have made progress now in our efforts to gain access to key White House documents. The White House has agreed to brief all commissioners on another set of highly sensitive documents. We will seek prompt resolution of the remaining issues regarding access of these documents.

Why is there a problem? Why would not every agency in every part of this Government provide this information at will and upon the request of the 9/11 Commission?

I hope we don't see these kinds of reports again. I hope the next report from this commission would tell us the President has requested every single agency to turn over every single document requested by the 9/11 Commission immediately. Let this commission do its work and finish its work, make a report to the Congress and to the American people about what happened on 9/11, about what information existed leading up to 9/11, and how we can learn from that to protect this country against future terrorist attacks.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, we have just concluded what for many of us was a tough vote. I simply want to express my thanks to the 58 other Democrats and Republicans who joined me—59 in all—in voting for the motion to proceed and to take up for debate and amendment legislation that would reform the way we handle class action lawsuits in this country.

I am disappointed with the vote, that we fell one vote short, but I am encouraged by some of the conversation that took place immediately following the vote by the leaders of both sides and a number of my colleagues, including Senator DODD and Senator LANDRIEU.

I sense there is a genuine willingness on the part of Democrats and Republicans and that one Independent not to give up on this issue. It is one that we need to address and we can address satisfactorily. My own belief is it is one we can address this year.

I have talked to any number of Senators on our side of the aisle who are prepared to offer what I think are constructive perfecting amendments that would make a good bill much better.

I hope what we will do in the days ahead is to reach across the aisle—Republicans to Democrats and Democrats to Republicans—to find a common ground that I think will exist with respect to many of these amendments and to then move forward together and, hopefully, to get to the end of the day when we can vote on a bill and not have to worry about the kind of partisan divide that in some cases characterized this vote and, frankly, characterizes too many votes we cast here.

I was approached by one of my colleagues following the vote who asked if we lost the war. I said: No, no, maybe today the battle was lost but not the war. There is a realization that the way we handle class action litigation in this country is broken. It can be fixed.

As we like to say in Delaware, "If it isn't perfect, make it better." This bill that came out of committee is not perfect. It can be made better. That is what we are going to do.

I yield back my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. INHOFE. Madam President, as in executive session, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to executive session in consideration of Calendar No. 405, Michael Leavitt, to be Administrator of the EPA; further, that there be then 2 hours for debate equally divided in the usual form. I further ask unanimous consent that following that debate the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate; I further ask consent that following the vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. Madam President, on behalf of colleagues on this side of the aisle, I am compelled to object, and I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE. Madam President, I yield the floor.

Mr. McCAIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask unanimous consent that I be permitted to speak for up to 3 minutes to make an announcement with reference to committee work in the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY CONFERENCE COMMITTEE MEETING

Mr. DOMENICI. I have an announcement on behalf of myself and Chairman BILLY TAUZIN from the House of Representatives. We have scheduled a conference meeting for Tuesday morning. The tax writers should have completed their work on tax provisions in time to meet that schedule. We will provide conference language to all House and Senate conferees, Republican and Democrat, 48 hours in advance of the conference. We plan to make the language public 48 hours before the conference.

We see no reason that final passage of this bill cannot occur soon after the conference. Members of Congress have spent the past 3 years negotiating the resolution of a difficult regional issue and many national issues that pertain to energy and America's future. We are on the verge of completing work on a comprehensive Energy bill for the first time since 1992. This Senator believes this bill is even more significant than the 1992 bill.

To repeat, Chairman BILLY TAUZIN and myself, as chairman of our committee in the Senate, are announcing we will have a meeting of the conferees on the Energy bill on October 28, Tuesday, 10 a.m., in Dirksen 106. We have scheduled this conference for Tuesday morning, but implicit in my statement is that the tax writers have not completed their work on the tax provisions, but the two chairmen are suggesting in this announcement they should have their work completed in time for us to release that with the conference report, since it is part of it, without which there is not a conference, without which we do not know whether the rest of the work is valid or has to be changed.

Everyone who is interested at the leadership level is working to get this tax provision done. I want to repeat, it is not done. We do expect it to be done in time for this announcement to be effective.

CAN-SPAM ACT OF 2003

Mr. McCAIN. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 209, S. 877; provided further that the committee amendment be agreed to and be considered original text for the purpose of further amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 877) to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

The PRESIDING OFFICER. Is there objection to the Senator's request? Without objection, it is so ordered.

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after enacting clause and insert in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003", or the "CAN-SPAM Act of 2003".

[SEC. 2. CONGRESSIONAL FINDINGS AND POLICY.

[(a) FINDINGS.—The Congress finds the following:

(1) There is a right of free speech on the Internet.

[(2) The Internet has increasingly become a critical mode of global communication and now presents unprecedented opportunities for the development and growth of global commerce and an integrated worldwide economy.

[(3) In order for global commerce on the Internet to reach its full potential, individuals and entities using the Internet and other online services should be prevented from engaging in activities that prevent other users and Internet service providers from having a reasonably predictable, efficient, and economical online experience.

[(4) Unsolicited commercial electronic mail can be a mechanism through which businesses advertise and attract customers in the online environment.

[(5) The receipt of unsolicited commercial electronic mail may result in costs to recipients who cannot refuse to accept such mail and who incur costs for the storage of such mail, or for the time spent accessing, reviewing, and discarding such mail, or for both.

[(6) Unsolicited commercial electronic mail may impose significant monetary costs on providers of Internet access services, businesses, and educational and nonprofit institutions that carry and receive such mail, as there is a finite volume of mail that such providers, businesses, and institutions can handle without further investment in infrastructure.

[(7) Some unsolicited commercial electronic mail contains material that many recipients may consider vulgar or pornographic in nature.

[(8) While some senders of unsolicited commercial electronic mail messages provide simple and reliable ways for recipients to reject (or "opt-out" of) receipt of unsolicited commercial electronic mail from such senders in the future, other senders provide no such "opt-out" mechanism, or refuse to honor the requests of recipients not to receive electronic mail from such senders in the future, or both.

[(9) An increasing number of senders of unsolicited commercial electronic mail purposefully disguise the source of such mail so as to prevent recipients from responding to such mail quickly and easily.

[(10) An increasing number of senders of unsolicited commercial electronic mail purposefully include misleading information in the message's subject lines in order to induce the recipients to view the messages.

[(11) In legislating against certain abuses on the Internet, Congress should be very careful to avoid infringing in any way upon constitutionally protected rights, including the rights of assembly, free speech, and privacy.

[(b) CONGRESSIONAL DETERMINATION OF PUBLIC POLICY.—On the basis of the findings in subsection (a), the Congress determines that—

[(1) there is a substantial government interest in regulation of unsolicited commercial electronic mail;

[(2) senders of unsolicited commercial electronic mail should not mislead recipients as to the source or content of such mail; and

[(3) recipients of unsolicited commercial electronic mail have a right to decline to receive additional unsolicited commercial electronic mail from the same source.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) AFFIRMATIVE CONSENT.—The term "affirmative consent", when used with respect to a commercial electronic mail message, means that the recipient has expressly consented to receive the message, either in response to a clear and conspicuous request for such consent or at the recipient's own initiative.

[(2) COMMERCIAL ELECTRONIC MAIL MESSAGE.—

[(A) IN GENERAL.—The term "commercial electronic mail message" means any electronic mail message the primary purpose of which is the commercial advertisement or promotion of a commercial product or service (including content on an Internet website operated for a commercial purpose).

[(B) REFERENCE TO COMPANY OR WEBSITE.—The inclusion of a reference to a commercial entity or a link to the website of a commercial entity in an electronic mail message does not, by itself, cause such message to be treated as a commercial electronic mail message for purposes of this Act if the contents or circumstances of the message indicate a primary purpose other than commercial advertisement or promotion of a commercial product or service.

[(3) COMMISSION.—The term "Commission" means the Federal Trade Commission.

[(4) DOMAIN NAME.—The term "domain name" means any alphanumeric designation which is registered with or assigned by any domain name registrar, domain name registry, or other domain name registration authority as part of an electronic address on the Internet.

[(5) ELECTRONIC MAIL ADDRESS.—The term "electronic mail address" means a destination, commonly expressed as a string of characters, consisting of a unique user name or mailbox (commonly referred to as the "local part") and a reference to an Internet domain (commonly referred to as the "domain part"), to which an electronic mail message can be sent or delivered.

[(6) ELECTRONIC MAIL MESSAGE.—The term "electronic mail message" means a message sent to an electronic mail address.

[(7) FTC ACT.—The term "FTC Act" means the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

[(8) HEADER INFORMATION.—The term "header information" means the source, destination, and routing information attached to an electronic mail message, including the originating domain name and originating electronic mail address.

[(9) IMPLIED CONSENT.—The term "implied consent", when used with respect to a commercial electronic mail message, means that—

[(A) within the 3-year period ending upon receipt of such message, there has been a business transaction between the sender and the recipient (including a transaction involving the provision, free of charge, of information, goods, or services requested by the recipient); and

[(B) the recipient was, at the time of such transaction or thereafter in the first electronic mail message received from the sender after the effective date of this Act, provided a clear and conspicuous notice of an opportunity not to receive unsolicited commercial electronic mail messages from the sender and has not exercised such opportunity.

[If a sender operates through separate lines of business or divisions and holds itself out to the recipient, both at the time of the transaction described in subparagraph (A) and at the time the notice under subparagraph (B) was provided to the recipient, as that particular line of business or division rather than as the entity of which such line of business or division is a part, then the line of business or the division shall be treated as the sender for purposes of this paragraph.

[(10) INITIATE.—The term "initiate", when used with respect to a commercial electronic mail message, means to originate such message or to procure the origination of such message, but shall not include actions that constitute routine conveyance of such message.

[(11) INTERNET.—The term "Internet" has the meaning given that term in the Internet Tax Freedom Act (47 U.S.C. 151 nt).

[(12) INTERNET ACCESS SERVICE.—The term "Internet access service" has the meaning given that term in section 231(e)(4) of the Communications Act of 1934 (47 U.S.C. 231(e)(4)).

[(13) PROTECTED COMPUTER.—The term "protected computer" has the meaning given that term in section 1030(e)(2) of title 18, United States Code.

[(14) RECIPIENT.—The term "recipient", when used with respect to a commercial electronic mail message, means an authorized user of the electronic mail address to which the message was sent or delivered. If a recipient of a commercial electronic mail message has 1 or more electronic mail addresses in addition to the address to which the message was sent or delivered, the recipient shall be treated as a separate recipient with respect to each such address. If an electronic mail address is reassigned to a new user, the new user shall not be treated as a recipient of any commercial electronic mail message sent or delivered to that address before it was reassigned.

[(15) ROUTINE CONVEYANCE.—The term "routine conveyance" means the transmission, routing, relaying, handling, or storing, through an automatic technical process, of an electronic mail message for which another person has provided and selected the recipient addresses.

[(16) SENDER.—The term "sender", when used with respect to a commercial electronic mail message, means a person who initiates such a message and whose product, service, or Internet web site is advertised or promoted by the message.

[(17) TRANSACTIONAL OR RELATIONSHIP MESSAGES.—The term "transactional or relationship message" means an electronic mail message the primary purpose of which is to facilitate, complete, confirm, provide, or request information concerning—

[(A) a commercial transaction that the recipient has previously agreed to enter into with the sender;

[(B) an existing commercial relationship, formed with or without an exchange of consideration, involving the ongoing purchase or use by the recipient of products or services offered by the sender; or

[(C) an existing employment relationship or related benefit plan.

[(18) UNSOLICITED COMMERCIAL ELECTRONIC MAIL MESSAGE.—The term "unsolicited commercial electronic mail message" means any commercial electronic mail message that—

[(A) is not a transactional or relationship message; and

[(B) is sent to a recipient without the recipient's prior affirmative or implied consent.

[SEC. 4. CRIMINAL PENALTY FOR UNSOLICITED COMMERCIAL ELECTRONIC MAIL CONTAINING FRAUDULENT ROUTING INFORMATION.

[(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

["§ 1351. Unsolicited commercial electronic mail containing fraudulent transmission information

["(a) IN GENERAL.—Any person who initiates the transmission, to a protected computer in the United States, of an unsolicited commercial electronic mail message, with knowledge and intent that the message contains or is accompanied by header information that is materially false or materially misleading shall be fined or imprisoned for not more than 1 year, or both, under this title. For purposes of this subsection, header information that is technically accurate but includes an originating electronic mail address the access to which for purposes of initiating the message was obtained by means of false or fraudulent pretenses or representations shall be considered materially misleading.

["(b) DEFINITIONS.—Any term used in subsection (a) that is defined in section 3 of the CAN–SPAM Act of 2003 has the meaning given it in that section.".

[(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 63 of title 18, United States Code, is amended by adding at the end the following:

["1351. Unsolicited commercial electronic mail containing fraudulent routing information".

[SEC. 5. OTHER PROTECTIONS AGAINST UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

[(a) REQUIREMENTS FOR TRANSMISSION OF MESSAGES.—

[(1) PROHIBITION OF FALSE OR MISLEADING TRANSMISSION INFORMATION.—It is unlawful for any person to initiate the transmission, to a protected computer, of a commercial electronic mail message that contains, or is accompanied by, header information that is materially or intentionally false or materially or intentionally misleading. For purposes of this paragraph, header information that is technically accurate but includes an originating electronic mail address the access to which for purposes of initiating the message was obtained by means of false or fraudulent pretenses or representations shall be considered materially misleading.

[(2) PROHIBITION OF DECEPTIVE SUBJECT HEADINGS.—It is unlawful for any person to initiate the transmission to a protected computer of a commercial electronic mail message with a subject heading that such person knows would be likely to mislead a recipient, acting reasonably under the circumstances, about a material fact regarding the contents or subject matter of the message.

[(3) INCLUSION OF RETURN ADDRESS OR COMPARABLE MECHANISM IN UNSOLICITED COMMERCIAL ELECTRONIC MAIL.—

[(A) IN GENERAL.—It is unlawful for any person to initiate the transmission to a protected computer of an unsolicited commercial electronic mail message that does not contain a functioning return electronic mail address or other Internet-based mechanism, clearly and conspicuously displayed, that—

[(i) a recipient may use to submit, in a manner specified by the sender, a reply electronic mail message or other form of Internet-based communication requesting not to receive any future unsolicited commercial electronic mail messages from that sender at the electronic mail address where the message was received; and

[(ii) remains capable of receiving such messages or communications for no less than 30 days after the transmission of the original message.

[(B) MORE DETAILED OPTIONS POSSIBLE.—The sender of an unsolicited commercial electronic mail message may comply with subparagraph (A)(i) by providing the recipient a list or menu from which the recipient may choose the specific types of commercial electronic mail messages the recipient wants to receive or does not want to receive from the sender, if the list or menu includes an option under which the recipient may choose not to receive any unsolicited commercial electronic mail messages from the sender.

[(C) TEMPORARY INABILITY TO RECEIVE MESSAGES OR PROCESS REQUESTS.—A return electronic mail address or other mechanism does not fail to satisfy the requirements of subparagraph (A) if it is unexpectedly and temporarily unable to receive messages or process requests due to technical or capacity problems, if the problem with receiving messages or processing requests is corrected within a reasonable time period.

[(4) PROHIBITION OF TRANSMISSION OF UNSOLICITED COMMERCIAL ELECTRONIC MAIL AFTER OBJECTION.—If a recipient makes a request to a sender, using a mechanism provided pursuant to paragraph (3), not to receive some or any unsolicited commercial electronic mail messages from such sender, then it is unlawful—

[(A) for the sender to initiate the transmission to the recipient, more than 10 business days after the receipt of such request, of an unsolicited commercial electronic mail message that falls within the scope of the request;

[(B) for any person acting on behalf of the sender to initiate the transmission to the recipient, more than 10 business days after the receipt of such request, of an unsolicited commercial electronic mail message that such person knows or consciously avoids knowing falls within the scope of the request; or

[(C) for any person acting on behalf of the sender to assist in initiating the transmission to the recipient, through the provision or selection of addresses to which the message will be sent, of an unsolicited commercial electronic mail message that the person knows, or consciously avoids knowing, would violate subparagraph (A) or (B).

[(5) INCLUSION OF IDENTIFIER, OPT-OUT, AND PHYSICAL ADDRESS IN UNSOLICITED COMMERCIAL ELECTRONIC MAIL.—It is unlawful for any person to initiate the transmission of any unsolicited commercial electronic mail message to a protected computer unless the message provides—

[(A) clear and conspicuous identification that the message is an advertisement or solicitation;

[(B) clear and conspicuous notice of the opportunity under paragraph (3) to decline to receive further unsolicited commercial electronic mail messages from the sender; and

[(C) a valid physical postal address of the sender.

[(b) PROHIBITION OF TRANSMISSION OF UNLAWFUL UNSOLICITED COMMERCIAL ELECTRONIC MAIL TO CERTAIN HARVESTED ELECTRONIC MAIL ADDRESSES.—

[(1) IN GENERAL.—It is unlawful for any person to initiate the transmission, to a protected computer, of an unsolicited commercial electronic mail message that is unlawful under subsection (a), or to assist in the origination of such a message through the provision or selection of addresses to which the message will be sent, if such person knows that, or acts with reckless disregard as to whether—

[(A) the electronic mail address of the recipient was obtained, using an automated means, from an Internet website or proprietary online service operated by another person; or

[(B) the website or proprietary online service from which the address was obtained included, at the time the address was obtained, a notice stating that the operator of such a website or proprietary online service will not give, sell, or otherwise transfer addresses maintained by such site or service to any other party for the purpose of initiating, or enabling others to initiate, unsolicited electronic mail messages.

[(2) DISCLAIMER.—Nothing in this subsection creates an ownership or proprietary interest in such electronic mail addresses.

[(c) COMPLIANCE PROCEDURES.—An action for violation of paragraph (2), (3), (4), or (5) of subsection (a) may not proceed if the person against whom the action is brought demonstrates that—

[(1) the person has established and implemented, with due care, reasonable practices and procedures to effectively prevent violations of such paragraph; and

[(2) the violation occurred despite good faith efforts to maintain compliance with such practices and procedures.

[SEC. 6. ENFORCEMENT BY FEDERAL TRADE COMMISSION.

[(a) VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—Except as provided in subsection (b), this Act shall be enforced by the Commission as if the violation of this Act were an unfair or deceptive act or practice proscribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

[(b) ENFORCEMENT BY CERTAIN OTHER AGENCIES.—Compliance with this Act shall be enforced—

[(1) under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

[(A) national banks, and Federal branches and Federal agencies of foreign banks, and any subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies, and investment advisers), by the Office of the Comptroller of the Currency;

[(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, organizations operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601 and 611), and bank holding companies and their nonbank subsidiaries or affiliates (except brokers, dealers, persons providing insurance, investment companies, and investment advisers), by the Board;

[(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) insured State branches of foreign banks, and any subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies, and investment advisers), by the Board of Directors of the Federal Deposit Insurance Corporation; and

[(D) savings associations the deposits of which are insured by the Federal Deposit Insurance Corporation, and any subsidiaries of such savings associations (except brokers, dealers, persons providing insurance, investment companies, and investment advisers), by the Director of the Office of Thrift Supervision;

[(2) under the Federal Credit Union Act (12 U.S.C. 1751 et seq.) by the Board of the National Credit Union Administration with respect to any Federally insured credit union, and any subsidiaries of such a credit union;

[(3) under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) by the Securities and Exchange Commission with respect to any broker or dealer;

[(4) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) by the Securities and Exchange Commission with respect to investment companies;

[(5) under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) by the Securities and Exchange Commission with respect to investment advisers registered under that Act;

[(6) under State insurance law in the case of any person engaged in providing insurance, by the applicable State insurance authority of the State in which the person is domiciled, subject to section 104 of the Gramm-Bliley-Leach Act (15 U.S.C. 6701);

[(7) under part A of subtitle VII of title 49, United States Code, by the Secretary of Transportation with respect to any air carrier or foreign air carrier subject to that part;

[(8) under the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) (except as provided in section 406 of that Act (7 U.S.C. 226, 227)), by the Secretary of Agriculture with respect to any activities subject to that Act;

[(9) under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association; and

[(10) under the Communications Act of 1934 (47 U.S.C. 151 et seq.) by the Federal Communications Commission with respect to any person subject to the provisions of that Act.

[(c) EXERCISE OF CERTAIN POWERS.—For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of this Act is deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.

[(d) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any entity that violates any provision of that subtitle is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of that subtitle.

[(e) ENFORCEMENT BY STATES.—

[(1) CIVIL ACTION.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person engaging in a practice that violates section 5 of this Act, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction or in any other court of competent jurisdiction—

[(A) to enjoin further violation of section 5 of this Act by the defendant; or

[(B) to obtain damages on behalf of residents of the State, in an amount equal to the greater of—

[(i) the actual monetary loss suffered by such residents; or

[(ii) the amount determined under paragraph (2).

[(2) STATUTORY DAMAGES.—

[(A) IN GENERAL.—For purposes of paragraph (1)(B)(ii), the amount determined under this paragraph is the amount calculated by multiplying the number of willful, knowing, or negligent violations by an amount, in the discretion of the court, of up to $10 (with each separately addressed unlawful message received by such residents treated as a separate violation). In determining the per-violation penalty under this subparagraph, the court shall take into account the degree of culpability, any history of prior such conduct, ability to pay, the extent of economic gain resulting from the violation, and such other matters as justice may require.

[(B) LIMITATION.—For any violation of section 5 (other than section 5(a)(1)), the amount determined under subparagraph (A) may not exceed $500,000, except that if the court finds that the defendant committed the violation willfully and knowingly, the court may increase the limitation established by this paragraph from $500,000 to an amount not to exceed $1,500,000.

[(3) ATTORNEY FEES.—In the case of any successful action under paragraph (1), the State shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

[(4) RIGHTS OF FEDERAL REGULATORS.—The State shall serve prior written notice of any action under paragraph (1) upon the Federal Trade Commission or the appropriate Federal regulator determined under subsection (b) and provide the Commission or appropriate Federal regulator with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Federal Trade Commission or appropriate Federal regulator shall have the right—

[(A) to intervene in the action;

[(B) upon so intervening, to be heard on all matters arising therein;

[(C) to remove the action to the appropriate United States district court; and

[(D) to file petitions for appeal.

[(5) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

[(A) conduct investigations;

[(B) administer oaths or affirmations; or

[(C) compel the attendance of witnesses or the production of documentary and other evidence.

[(6) VENUE; SERVICE OF PROCESS.—

[(A) VENUE.—Any action brought under paragraph (1) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

[(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

[(i) is an inhabitant; or

[(ii) maintains a physical place of business.

[(7) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission or other appropriate Federal agency under subsection (b) has instituted a civil action or an administrative action for violation of this Act, no State attorney general may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this Act alleged in the complaint.

[(f) ACTION BY PROVIDER OF INTERNET ACCESS SERVICE.—

[(1) ACTION AUTHORIZED.—A provider of Internet access service adversely affected by a violation of section 5 may bring a civil action in any district court of the United States with jurisdiction over the defendant, or in any other court of competent jurisdiction, to—

[(A) enjoin further violation by the defendant; or

[(B) recover damages in an amount equal to the greater of—

[(i) actual monetary loss incurred by the provider of Internet access service as a result of such violation; or

[(ii) the amount determined under paragraph (2).

[(2) STATUTORY DAMAGES.—

[(A) IN GENERAL.—For purposes of paragraph (1)(B)(ii), the amount determined under this paragraph is the amount calculated by multiplying the number of willful, knowing, or negligent violations by an amount, in the discretion of the court, of up to $10 (with each separately addressed unlawful message carried over the facilities of the provider of Internet access service or sent to an electronic mail address obtained from the provider of Internet access service in violation of section 5(b) treated as a separate violation). In determining the per-violation penalty under this subparagraph, the court shall take into account the degree of culpability, any history of prior such conduct, ability to pay, the extent of economic gain resulting from the violation, and such other matters as justice may require.

[(B) LIMITATION.—For any violation of section 5 (other than section 5(a)(1)), the amount determined under subparagraph (A) may not exceed $500,000, except that if the court finds that the defendant committed the violation willfully and knowingly, the court may increase the limitation established by this paragraph from $500,000 to an amount not to exceed $1,500,000.

[(3) ATTORNEY FEES.—In any action brought pursuant to paragraph (1), the court may, in its discretion, require an undertaking for the payment of the costs of such action, and assess reasonable costs, including reasonable attorneys' fees, against any party.

[SEC. 7. EFFECT ON OTHER LAWS.

[(a) Federal Law.—

[(1) Nothing in this Act shall be construed to impair the enforcement of section 223 or 231 of the Communications Act of 1934 (47 U.S.C. 223 or 231, respectively), chapter 71 (relating to obscenity) or 110 (relating to sexual exploitation of children) of title 18, United States Code, or any other Federal criminal statute.

[(2) Nothing in this Act shall be construed to affect in any way the Commission's authority to bring enforcement actions under FTC Act for materially false or deceptive representations in commercial electronic mail messages.

[(b) State Law.—

[(1) In general.—This Act supersedes any State or local government statute, regulation, or rule regulating the use of electronic mail to send commercial messages.

[(2) Exceptions.—Except as provided in paragraph (3), this Act does not supersede or pre-empt—

[(A) State trespass, contract, or tort law or any civil action thereunder; or

[(B) any provision of Federal, State, or local criminal law or any civil remedy available under such law that relates to acts of fraud or theft perpetrated by means of the unauthorized transmission of commercial electronic mail messages.

[(3) Limitation on exceptions.—Paragraph (2) does not apply to a State or local government statute, regulation, or rule that directly regulates unsolicited commercial electronic mail and that treats the mere sending of unsolicited commercial electronic mail in a manner that complies with this Act as sufficient to constitute a violation of such statute, regulation, or rule or to create a cause of action thereunder.

[(c) No Effect on Policies of Providers of Internet Access Service.—Nothing in this Act shall be construed to have any effect on the lawfulness or unlawfulness, under any other provision of law, of the adoption, implementation, or enforcement by a provider of Internet access service of a policy of declining to transmit, route, relay, handle, or store certain types of electronic mail messages.

[SEC. 8. STUDY OF EFFECTS OF UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

[(a) In General.—Not later than 24 months after the date of the enactment of this Act, the Commission, in consultation with the Department of Justice and other appropriate agencies, shall submit a report to the Congress that provides a detailed analysis of the effectiveness and enforcement of the provisions of this Act and the need (if any) for the Congress to modify such provisions.

[(b) Required Analysis.—The Commission shall include in the report required by subsection (a) an analysis of the extent to which technological and marketplace developments, including changes in the nature of the devices through which consumers access their electronic mail messages, may affect the practicality and effectiveness of the provisions of this Act.

[SEC. 9. SEPARABILITY.

[If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

[SEC. 10. EFFECTIVE DATE.

[The provisions of this Act shall take effect 120 days after the date of the enactment of this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003", or the "CAN-SPAM Act of 2003".

SEC. 2. CONGRESSIONAL FINDINGS AND POLICY.

(a) Findings.—The Congress finds the following:

(1) Electronic mail has become an extremely important and popular means of communication, relied on by millions of Americans on a daily basis for personal and commercial purposes. Its low cost and global reach make it extremely convenient and efficient, and offer unique opportunities for the development and growth of frictionless commerce.

(2) The convenience and efficiency of electronic mail are threatened by the extremely rapid growth in the volume of unsolicited commercial electronic mail. Unsolicited commercial electronic mail is currently estimated to account for over 45 percent of all electronic mail traffic, up from an estimated 7 percent in 2001, and the volume continues to rise. Most of these unsolicited commercial electronic mail messages are fraudulent or deceptive in one or more respects.

(3) The receipt of unsolicited commercial electronic mail may result in costs to recipients who cannot refuse to accept such mail and who incur costs for the storage of such mail, or for the time spent accessing, reviewing, and discarding such mail, or for both.

(4) The receipt of a large number of unsolicited messages also decreases the convenience of electronic mail and creates a risk that wanted electronic mail messages, both commercial and noncommercial, will be lost, overlooked, or discarded amidst the larger volume of unwanted messages, thus reducing the reliability and usefulness of electronic mail to the recipient.

(5) Some unsolicited commercial electronic mail contains material that many recipients may consider vulgar or pornographic in nature.

(6) The growth in unsolicited commercial electronic mail imposes significant monetary costs on providers of Internet access services, businesses, and educational and nonprofit institutions that carry and receive such mail, as there is a finite volume of mail that such providers, businesses, and institutions can handle without further investment in infrastructure.

(7) Many senders of unsolicited commercial electronic mail purposefully disguise the source of such mail.

(8) Many senders of unsolicited commercial electronic mail purposefully include misleading information in the message's subject lines in order to induce the recipients to view the messages.

(9) While some senders of unsolicited commercial electronic mail messages provide simple and reliable ways for recipients to reject (or "opt-out" of) receipt of unsolicited commercial electronic mail from such senders in the future, other senders provide no such "opt-out" mechanism, or refuse to honor the requests of recipients not to receive electronic mail from such senders in the future, or both.

(10) Many senders of bulk unsolicited commercial electronic mail use computer programs to gather large numbers of electronic mail addresses on an automated basis from Internet websites or online services where users must post their addresses in order to make full use of the website or service.

(11) Many States have enacted legislation intended to regulate or reduce unsolicited commercial electronic mail, but these statutes impose different standards and requirements. As a result, they do not appear to have been successful in addressing the problems associated with unsolicited commercial electronic mail, in part because, since an electronic mail address does not specify a geographic location, it can be extremely difficult for law-abiding businesses to know with which of these disparate statutes they are required to comply.

(12) The problems associated with the rapid growth and abuse of unsolicited commercial electronic mail cannot be solved by Federal legislation alone. The development and adoption of technological approaches and the pursuit of cooperative efforts with other countries will be necessary as well.

(b) Congressional Determination of Public Policy.—On the basis of the findings in subsection (a), the Congress determines that—

(1) there is a substantial government interest in regulation of unsolicited commercial electronic mail on a nationwide basis;

(2) senders of unsolicited commercial electronic mail should not mislead recipients as to the source or content of such mail; and

(3) recipients of unsolicited commercial electronic mail have a right to decline to receive additional unsolicited commercial electronic mail from the same source.

SEC. 3. DEFINITIONS.

In this Act:

(1) Affirmative consent.—The term "affirmative consent", when used with respect to a commercial electronic mail message, means that—

(A) the recipient expressly consented to receive the message, either in response to a clear and conspicuous request for such consent or at the recipient's own initiative; and

(B) if the message is from a party other than the party to which the recipient communicated such consent, the recipient was given clear and conspicuous notice at the time the consent was communicated that the recipient's electronic mail address could be transferred to such other party for the purpose of initiating commercial electronic mail messages.

(2) Commercial electronic mail message.—

(A) In general.—The term "commercial electronic mail message" means any electronic mail message the primary purpose of which is the commercial advertisement or promotion of a commercial product or service (including content on an Internet website operated for a commercial purpose).

(B) Reference to company or website.—The inclusion of a reference to a commercial entity or a link to the website of a commercial entity in an electronic mail message does not, by itself, cause such message to be treated as a commercial electronic mail message for purposes of this Act if the contents or circumstances of the message indicate a primary purpose other than commercial advertisement or promotion of a commercial product or service.

(3) Commission.—The term "Commission" means the Federal Trade Commission.

(4) Domain name.—The term "domain name" means any alphanumeric designation which is registered with or assigned by any domain name registrar, domain name registry, or other domain name registration authority as part of an electronic address on the Internet.

(5) Electronic mail address.—The term "electronic mail address" means a destination, commonly expressed as a string of characters, consisting of a unique user name or mailbox (commonly referred to as the "local part") and a reference to an Internet domain (commonly referred to as the "domain part"), to which an electronic mail message can be sent or delivered.

(6) Electronic mail message.—The term "electronic mail message" means a message sent to a unique electronic mail address.

(7) FTC act.—The term "FTC Act" means the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(8) HEADER INFORMATION.—The term "header information" means the source, destination, and routing information attached to an electronic mail message, including the originating domain name and originating electronic mail address, and any other information that appears in the line identifying, or purporting to identify, a person initiating the message.

(9) IMPLIED CONSENT.—

(A) IN GENERAL.—The term "implied consent", when used with respect to a commercial electronic mail message, means that—

(i) within the 3-year period ending upon receipt of such message, there has been a business transaction between the sender and the recipient (including a transaction involving the provision, free of charge, of information, goods, or services requested by the recipient); and

(ii) the recipient was, at the time of such transaction or thereafter in the first electronic mail message received from the sender after the effective date of this Act, provided a clear and conspicuous notice of an opportunity not to receive unsolicited commercial electronic mail messages from the sender and has not exercised such opportunity.

(B) MERE VISITATION.—A visit by a recipient to a publicly available website shall not be treated as a transaction for purposes of subparagraph (A)(i) if the recipient did not knowingly submit the recipient's electronic mail address to the operator of the website.

(C) SEPARATE LINES OF BUSINESS OR DIVISIONS.—If a sender operates through separate lines of business or divisions and holds itself out to the recipient, both at the time of the transaction described in subparagraph (A)(i) and at the time the notice under subparagraph (A)(ii) was provided to the recipient, as that particular line of business or division rather than as the entity of which such line of business or division is a part, then the line of business or the division shall be treated as the sender for purposes of this paragraph.

(10) INITIATE.—The term "initiate", when used with respect to a commercial electronic mail message, means to originate or transmit such message or to procure the origination or transmission of such message, but shall not include actions that constitute routine conveyance of such message. For purposes of this paragraph, more than 1 person may be considered to have initiated a message.

(11) INTERNET.—The term "Internet" has the meaning given that term in the Internet Tax Freedom Act (47 U.S.C. 151 nt).

(12) INTERNET ACCESS SERVICE.—The term "Internet access service" has the meaning given that term in section 231(e)(4) of the Communications Act of 1934 (47 U.S.C. 231(e)(4)).

(13) PROCURE.—The term "procure", when used with respect to the initiation of a commercial electronic mail message, means intentionally to pay or provide other consideration to, or induce, another person to initiate such a message on one's behalf, knowing, or consciously avoiding knowing, the extent to which that person intends to comply with the requirements of this Act.

(14) PROTECTED COMPUTER.—The term "protected computer" has the meaning given that term in section 1030(e)(2)(B) of title 18, United States Code.

(15) RECIPIENT.—The term "recipient", when used with respect to a commercial electronic mail message, means an authorized user of the electronic mail address to which the message was sent or delivered. If a recipient of a commercial electronic mail message has 1 or more electronic mail addresses in addition to the address to which the message was sent or delivered, the recipient shall be treated as a separate recipient with respect to each such address. If an electronic mail address is reassigned to a new user, the new user shall not be treated as a recipient of any commercial electronic mail message sent or delivered to that address before it was reassigned.

(16) ROUTINE CONVEYANCE.—The term "routine conveyance" means the transmission, routing, relaying, handling, or storing, through an automatic technical process, of an electronic mail message for which another person has identified the recipients or provided the recipient addresses.

(17) SENDER.—The term "sender", when used with respect to a commercial electronic mail message, means a person who initiates such a message and whose product, service, or Internet web site is advertised or promoted by the message.

(18) TRANSACTIONAL OR RELATIONSHIP MESSAGE.—The term "transactional or relationship message" means an electronic mail message the primary purpose of which is—

(A) to facilitate, complete, or confirm a commercial transaction that the recipient has previously agreed to enter into with the sender;

(B) to provide warranty information, product recall information, or safety or security information with respect to a commercial product or service used or purchased by the recipient;

(C) to provide—

(i) notification concerning a change in the terms or features of;

(ii) notification of a change in the recipient's standing or status with respect to; or

(iii) at regular periodic intervals, account balance information or other type of account statement with respect to,

a subscription, membership, account, loan, or comparable ongoing commercial relationship involving the ongoing purchase or use by the recipient of products or services offered by the sender;

(D) to provide information directly related to an employment relationship or related benefit plan in which the recipient is currently involved, participating, or enrolled; or

(E) to deliver goods or services, including product updates or upgrades, that the recipient is entitled to receive under the terms of a transaction that the recipient has previously agreed to enter into with the sender.

(19) UNSOLICITED COMMERCIAL ELECTRONIC MAIL MESSAGE.—The term "unsolicited commercial electronic mail message" means any commercial electronic mail message that—

(A) is not a transactional or relationship message; and

(B) is sent to a recipient without the recipient's prior affirmative or implied consent.

SEC. 4. CRIMINAL PENALTY FOR COMMERCIAL ELECTRONIC MAIL CONTAINING FRAUDULENT ROUTING INFORMATION.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"§ 1351. Commercial electronic mail containing fraudulent transmission information.

"(a) IN GENERAL.—Any person who initiates the transmission, to a protected computer in the United States, of a commercial electronic mail message, with knowledge and intent that the message contains or is accompanied by header information that is materially false or materially misleading shall be fined or imprisoned for not more than 1 year, or both, under this title. For purposes of this subsection, header information that is technically accurate but includes an originating electronic mail address the access to which for purposes of initiating the message was obtained by means of false or fraudulent pretenses or representations shall be considered materially misleading.

"(b) DEFINITIONS.—Any term used in subsection (a) that is defined in section 3 of the CAN-SPAM Act of 2003 has the meaning given it in that section.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"1351. Commercial electronic mail containing fraudulent routing information.".

SEC. 5. OTHER PROTECTIONS FOR USERS OF COMMERCIAL ELECTRONIC MAIL.

(a) REQUIREMENTS FOR TRANSMISSION OF MESSAGES.—

(1) PROHIBITION OF FALSE OR MISLEADING TRANSMISSION INFORMATION.—It is unlawful for any person to initiate the transmission, to a protected computer, of a commercial electronic mail message that contains, or is accompanied by, header information that is false or misleading. For purposes of this paragraph—

(A) header information that is technically accurate but includes an originating electronic mail address the access to which for purposes of initiating the message was obtained by means of false or fraudulent pretenses or representations shall be considered misleading; and

(B) a "from" line that accurately identifies any person who initiated the message shall not be considered false or misleading.

(2) PROHIBITION OF DECEPTIVE SUBJECT HEADINGS.—It is unlawful for any person to initiate the transmission to a protected computer of a commercial electronic mail message with a subject heading that such person knows would be likely to mislead a recipient, acting reasonably under the circumstances, about a material fact regarding the contents or subject matter of the message.

(3) INCLUSION OF RETURN ADDRESS OR COMPARABLE MECHANISM IN COMMERCIAL ELECTRONIC MAIL.—

(A) IN GENERAL.—It is unlawful for any person to initiate the transmission to a protected computer of a commercial electronic mail message that does not contain a functioning return electronic mail address or other Internet-based mechanism, clearly and conspicuously displayed, that—

(i) a recipient may use to submit, in a manner specified in the message, a reply electronic mail message or other form of Internet-based communication requesting not to receive future commercial electronic mail messages from that sender at the electronic mail address where the message was received; and

(ii) remains capable of receiving such messages or communications for no less than 30 days after the transmission of the original message.

(B) MORE DETAILED OPTIONS POSSIBLE.—The person initiating a commercial electronic mail message may comply with subparagraph (A)(i) by providing the recipient a list or menu from which the recipient may choose the specific types of commercial electronic mail messages the recipient wants to receive or does not want to receive from the sender, if the list or menu includes an option under which the recipient may choose not to receive any unsolicited commercial electronic mail messages from the sender.

(C) TEMPORARY INABILITY TO RECEIVE MESSAGES OR PROCESS REQUESTS.—A return electronic mail address or other mechanism does not fail to satisfy the requirements of subparagraph (A) if it is unexpectedly and temporarily unable to receive messages or process requests due to technical or capacity problems, if the technical or capacity problems were not reasonably foreseeable in light of the potential volume of response messages or requests, and if the problem with receiving messages or processing requests is corrected within a reasonable time period.

(D) EXCEPTION.—The requirements of this paragraph shall not apply to a message that is a transactional or relationship message.

(4) Prohibition of transmission of unsolicited commercial electronic mail after objection.—If a recipient makes a request using a mechanism provided pursuant to paragraph (3) not to receive some or any unsolicited commercial electronic mail messages from such sender, then it is unlawful—

(A) for the sender to initiate the transmission to the recipient, more than 10 business days after the receipt of such request, of an unsolicited commercial electronic mail message that falls within the scope of the request;

(B) for any person acting on behalf of the sender to initiate the transmission to the recipient, more than 10 business days after the receipt of such request, of an unsolicited commercial electronic mail message that such person knows or consciously avoids knowing falls within the scope of the request;

(C) for any person acting on behalf of the sender to assist in initiating the transmission to the recipient, through the provision or selection of addresses to which the message will be sent, of an unsolicited commercial electronic mail message that the person knows, or consciously avoids knowing, would violate subparagraph (A) or (B); or

(D) for the sender, or any other person who knows that the recipient has made such a request, to sell, lease, exchange, or otherwise transfer or release the electronic mail address of the recipient (including through any transaction or other transfer involving mailing lists bearing the electronic mail address of the recipient) for any purpose other than compliance with this Act or other provision of law.

(5) Inclusion of identifier, opt-out, and physical address in unsolicited commercial electronic mail.—It is unlawful for any person to initiate the transmission of any unsolicited commercial electronic mail message to a protected computer unless the message provides—

(A) clear and conspicuous identification that the message is an advertisement or solicitation;

(B) clear and conspicuous notice of the opportunity under paragraph (3) to decline to receive further unsolicited commercial electronic mail messages from the sender; and

(C) a valid physical postal address of the sender.

(b) Aggravated Violations Relating to Unsolicited Commercial Electronic Mail.—

(1) Address harvesting and dictionary attacks.—

(A) In general.—It is unlawful for any person to initiate the transmission, to a protected computer, of an unsolicited commercial electronic mail message that is unlawful under subsection (a), or to assist in the origination of such message through the provision or selection of addresses to which the message will be transmitted, if such person knows, should have known, or consciously avoids knowing that—

(i) the electronic mail address of the recipient was obtained using an automated means from an Internet website or proprietary online service operated by another person, and such website or online service included, at the time the address was obtained, a notice stating that the operator of such website or online service will not give, sell, or otherwise transfer addresses maintained by such website or online service to any other party for the purposes of initiating, or enabling others to initiate, unsolicited electronic mail messages; or

(ii) the electronic mail address of the recipient was obtained using an automated means that generates possible electronic mail addresses by combining names, letters, or numbers into numerous permutations.

(B) Disclaimer.—Nothing in this paragraph creates an ownership or proprietary interest in such electronic mail addresses.

(2) Automated creation of multiple electronic mail accounts.—It is unlawful for any person to use scripts or other automated means to establish multiple electronic mail accounts or online user accounts from which to transmit to a protected computer, or enable another person to transmit to a protected computer, an unsolicited commercial electronic mail message that is unlawful under subsection (a).

(3) Relay or retransmission through unauthorized access.—It is unlawful for any person knowingly to relay or retransmit an unsolicited commercial electronic mail message that is unlawful under subsection (a) from a protected computer or computer network that such person has accessed without authorization.

(c) Compliance Procedures.—An action for violation of paragraph (2), (3), (4), or (5) of subsection (a) may not proceed if the person against whom the action is brought demonstrates that —

(1) the person has established and implemented, with due care, reasonable practices and procedures to effectively prevent violations of such paragraph; and

(2) the violation occurred despite good faith efforts to maintain compliance with such practices and procedures.

SEC. 6. BUSINESSES KNOWINGLY PROMOTED BY ELECTRONIC MAIL WITH FALSE OR MISLEADING TRANSMISSION INFORMATION.

(a) In General.—It is unlawful for a person to promote, or allow the promotion of, that person's trade or business, or goods, products, property, or services sold, offered for sale, leased or offered for lease, or otherwise made available through that trade or business, in a commercial electronic mail message the transmission of which is in violation of section 5(a)(1) if that person—

(1) knows, or should have known in ordinary course of that person's trade or business, that the goods, products, property, or services sold, offered for sale, leased or offered for lease, or otherwise made available through that trade or business were being promoted in such a message;

(2) received or expected to receive an economic benefit from such promotion; and

(3) took no reasonable action—

(A) to prevent the transmission; or

(B) to detect the transmission and report it to the Commission.

(b) Limited Enforcement Against Third Parties.—

(1) In general.—Except as provided in paragraph (2), a person (hereinafter referred to as the "third party") that provides goods, products, property, or services to another person that violates subsection (a) shall not be held liable for such violation.

(2) Exception.—Liability for a violation of subsection (a) shall be imputed to a third party that provides goods, products, property, or services to another person that violates subsection (a) if that third party—

(A) owns, or has a greater than 50 percent ownership or economic interest in, the trade or business of the person that violated subsection (a); or

(B)(i) has actual knowledge that goods, products, property, or services are promoted in a commercial electronic mail message the transmission of which is in violation of section 5(a)(1); and

(ii) receives, or expects to receive, an economic benefit from such promotion.

(c) Exclusive Enforcement by FTC.—Subsections (e) and (f) of section 7 do not apply to violations of this section.

SEC. 7. ENFORCEMENT BY FEDERAL TRADE COMMISSION.

(a) Violation Is Unfair or Deceptive Act or Practice.—Except as provided in subsection (b), this Act shall be enforced by the Commission as if the violation of this Act were an unfair or deceptive act or practice proscribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) Enforcement by Certain Other Agencies.—Compliance with this Act shall be enforced—

(1) under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks, and any subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies, and investment advisers), by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, organizations operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601 and 611), and bank holding companies and their nonbank subsidiaries or affiliates (except brokers, dealers, persons providing insurance, investment companies, and investment advisers), by the Board;

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) insured State branches of foreign banks, and any subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies, and investment advisers), by the Board of Directors of the Federal Deposit Insurance Corporation; and

(D) savings associations the deposits of which are insured by the Federal Deposit Insurance Corporation, and any subsidiaries of such savings associations (except brokers, dealers, persons providing insurance, investment companies, and investment advisers), by the Director of the Office of Thrift Supervision;

(2) under the Federal Credit Union Act (12 U.S.C. 1751 et seq.) by the Board of the National Credit Union Administration with respect to any Federally insured credit union, and any subsidiaries of such a credit union;

(3) under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) by the Securities and Exchange Commission with respect to any broker or dealer;

(4) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) by the Securities and Exchange Commission with respect to investment companies;

(5) under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) by the Securities and Exchange Commission with respect to investment advisers registered under that Act;

(6) under State insurance law in the case of any person engaged in providing insurance, by the applicable State insurance authority of the State in which the person is domiciled, subject to section 104 of the Gramm-Bliley-Leach Act (15 U.S.C. 6701);

(7) under part A of subtitle VII of title 49, United States Code, by the Secretary of Transportation with respect to any air carrier or foreign air carrier subject to that part;

(8) under the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) (except as provided in section 406 of that Act (7 U.S.C. 226, 227)), by the Secretary of Agriculture with respect to any activities subject to that Act;

(9) under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association; and

(10) under the Communications Act of 1934 (47 U.S.C. 151 et seq.) by the Federal Communications Commission with respect to any person subject to the provisions of that Act.

(c) EXERCISE OF CERTAIN POWERS.—For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of this Act is deemed to be a violation of a Federal Trade Commission trade regulation rule. In addition to its powers under any provision of law specifically referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.

(d) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any entity that violates any provision of that subtitle is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of that subtitle.

(e) ENFORCEMENT BY STATES.—

(1) CIVIL ACTION.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person engaging in a practice that violates section 5 of this Act, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction or in any other court of competent jurisdiction—

(A) to enjoin further violation of section 5 of this Act by the defendant; or

(B) to obtain damages on behalf of residents of the State, in an amount equal to the greater of—

(i) the actual monetary loss suffered by such residents; or

(ii) the amount determined under paragraph (2).

(2) STATUTORY DAMAGES.—

(A) IN GENERAL.—For purposes of paragraph (1)(B)(ii), the amount determined under this paragraph is the amount calculated by multiplying the number of violations (with each separately addressed unlawful message received by or addressed to such residents treated as a separate violation) by—

(i) up to $100, in the case of a violation of section 5(a)(1); or

(ii) $25, in the case of any other violation of section 5.

(B) LIMITATION.—For any violation of section 5 (other than section 5(a)(1)), the amount determined under subparagraph (A) may not exceed $1,000,000.

(C) AGGRAVATED DAMAGES.—The court may increase a damage award to an amount equal to not more than three times the amount otherwise available under this paragraph if—

(i) the court determines that the defendant committed the violation willfully and knowingly; or

(ii) the defendant's unlawful activity included one or more of the aggravating violations set forth in section 5(b).

(3) ATTORNEY FEES.—In the case of any successful action under paragraph (1), the State shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

(4) RIGHTS OF FEDERAL REGULATORS.—The State shall serve prior written notice of any action under paragraph (1) upon the Federal Trade Commission or the appropriate Federal regulator determined under subsection (b) and provide the Commission or appropriate Federal regulator with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Federal Trade Commission or appropriate Federal regulator shall have the right—

(A) to intervene in the action;

(B) upon so intervening, to be heard on all matters arising therein;

(C) to remove the action to the appropriate United States district court; and

(D) to file petitions for appeal.

(5) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths or affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(6) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) maintains a physical place of business.

(7) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission or other appropriate Federal agency under subsection (b) has instituted a civil action or an administrative action for violation of this Act, no State attorney general may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this Act alleged in the complaint.

(f) ACTION BY PROVIDER OF INTERNET ACCESS SERVICE.—

(1) ACTION AUTHORIZED.—A provider of Internet access service adversely affected by a violation of section 5 may bring a civil action in any district court of the United States with jurisdiction over the defendant, or in any other court of competent jurisdiction, to—

(A) enjoin further violation by the defendant; or

(B) recover damages in an amount equal to the greater of—

(i) actual monetary loss incurred by the provider of Internet access service as a result of such violation; or

(ii) the amount determined under paragraph (2).

(2) STATUTORY DAMAGES.—

(A) IN GENERAL.—For purposes of paragraph (1)(B)(ii), the amount determined under this paragraph is the amount calculated by multiplying the number of violations (with each separately addressed unlawful message that is transmitted or attempted to be transmitted over the facilities of the provider of Internet access service, or that is transmitted or attempted to be transmitted to an electronic mail address obtained from the provider of Internet access service in violation of section 5(b)(1)(A)(i), treated as a separate violation) by—

(i) up to $100, in the case of a violation of section 5(a)(1); or

(ii) $25, in the case of any other violation of section 5.

(B) LIMITATION.—For any violation of section 5 (other than section 5(a)(1)), the amount determined under subparagraph (A) may not exceed $1,000,000.

(C) AGGRAVATED DAMAGES.—The court may increase a damage award to an amount equal to not more than three times the amount otherwise available under this paragraph if—

(i) the court determines that the defendant committed the violation willfully and knowingly; or

(ii) the defendant's unlawful activity included one or more of the aggravated violations set forth in section 5(b).

(3) ATTORNEY FEES.—In any action brought pursuant to paragraph (1), the court may, in its discretion, require an undertaking for the payment of the costs of such action, and assess reasonable costs, including reasonable attorneys' fees, against any party.

SEC. 8. EFFECT ON OTHER LAWS.

(a) FEDERAL LAW.—

(1) Nothing in this Act shall be construed to impair the enforcement of section 223 or 231 of the Communications Act of 1934 (47 U.S.C. 223 or 231, respectively), chapter 71 (relating to obscenity) or 110 (relating to sexual exploitation of children) of title 18, United States Code, or any other Federal criminal statute.

(2) Nothing in this Act shall be construed to affect in any way the Commission's authority to bring enforcement actions under FTC Act for materially false or deceptive representations or unfair practices in commercial electronic mail messages.

(b) STATE LAW.—

(1) IN GENERAL.—This Act supersedes any statute, regulation, or rule of a State or political subdivision of a State that expressly regulates the use of electronic mail to send commercial messages, except for any such statute, regulation, or rule that prohibits falsity or deception in any portion of a commercial electronic mail message or information attached thereto.

(2) STATE LAW NOT SPECIFIC TO ELECTRONIC MAIL.—This Act shall not be construed to preempt the applicability of State laws that are not specific to electronic mail, including State trespass, contract, or tort law, and State laws relating to acts of fraud or computer crime.

(c) NO EFFECT ON POLICIES OF PROVIDERS OF INTERNET ACCESS SERVICE.—Nothing in this Act shall be construed to have any effect on the lawfulness or unlawfulness, under any other provision of law, of the adoption, implementation, or enforcement by a provider of Internet access service of a policy of declining to transmit, route, relay, handle, or store certain types of electronic mail messages.

SEC. 9. RECOMMENDATIONS CONCERNING DO-NOT-EMAIL REGISTRY.

Not later than 6 months after the Federal Trade Commission has completed implementation of its national telemarketing Do-Not-Call list, the Commission shall transmit to the Congress recommendations for a workable plan and timetable for creating a nationwide marketing Do-Not-Email list modeled on the Do-Not-Call list, or an explanation of any practical, technical, security, or privacy-related issues that cause the Commission to recommend against creating such a list.

SEC. 10. STUDY OF EFFECTS OF UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

(a) IN GENERAL.—Not later than 24 months after the date of the enactment of this Act, the Commission, in consultation with the Department of Justice and other appropriate agencies, shall submit a report to the Congress that provides a detailed analysis of the effectiveness and enforcement of the provisions of this Act and the need (if any) for the Congress to modify such provisions.

(b) REQUIRED ANALYSIS.—The Commission shall include in the report required by subsection (a)—

(1) an analysis of the extent to which technological and marketplace developments, including

changes in the nature of the devices through which consumers access their electronic mail messages, may affect the practicality and effectiveness of the provisions of this Act;

(2) analysis and recommendations concerning how to address unsolicited commercial electronic mail that originates in or is transmitted through or to facilities or computers in other nations, including initiatives or policy positions that the Federal government could pursue through international negotiations, fora, organizations, or institutions; and

(3) analysis and recommendations concerning options for protecting consumers, including children, from the receipt and viewing of unsolicited commercial electronic mail that is obscene or pornographic.

SEC. 11 SEPARABILITY.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

SEC. 12. EFFECTIVE DATE.

The provisions of this Act shall take effect 120 days after the date of the enactment of this Act.

The committee amendment in the nature of a substitute was agreed to.

Mr. McCAIN. Madam President, this bill was introduced in April by Senators BURNS and WYDEN, and the substitute version was approved by the Senate Commerce Committee on June 19.

Also, we have had intensive negotiations with the Senator from New York, Mr. SCHUMER, who is now on the floor, concerning a "do not spam" aspect of this legislation.

First of all, I wish to thank, of course, Senator HOLLINGS, the ranking member of the committee, for all of his effort, but I particularly acknowledge my two colleagues who are on the floor, Senators BURNS and WYDEN. Around here, we have a tendency to take credit for a lot of things that may not necessarily be true, although I am not sure that is true in my case, but the fact is, Senator BURNS and Senator WYDEN have worked for, I believe, 3 years on this issue. It is complex. It is difficult. It has a lot to do with technology. The issues are very technical in nature in some respects. They have responded to what I think is a major concern of every young American and every American who uses a computer, and that is this issue of unwanted spam.

I again tell my colleagues that without the efforts Senator BURNS and Senator WYDEN have made on this bill, we would not be here today, and I am very grateful for their participation.

I believe the ranking member, Senator HOLLINGS, wishes to make an opening comment, and then I would like to be recognized after Senator HOLLINGS.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I thank our distinguished chairman, Senator McCAIN, for getting this bill to the floor. Actually, we started 4 years ago under the leadership of Senator WYDEN. In the last Congress, we had a bill reported from the committee but we could not get it up. We have learned lessons now from the Do Not Call effort, where we had to forgo committee and floor procedures to finally get it up. In this sense, I thank Senator McCAIN for getting this bill to the floor for its consideration, as well as Senator WYDEN and Senator BURNS for their leadership, and particularly my colleague from New York, Senator SCHUMER. He has a very important amendment. He has been driving forward for the expedition of this particular procedure, where the Federal Trade Commission is given some 6 months, although I think it can be done in a much shorter period.

We will be riding herd on the Federal Trade Commission to see if we can congeal that time, get that list ready, and report it to the committee so we can act. Other than that, if there is a need for a Do Not Call list, there certainly is a need for a Do Not Spam list.

I again thank Senator BURNS, Senator DAYTON, and Senator SCHUMER for their particular amendment and efforts on this case, and particularly my colleague, Senator WYDEN, for his leadership over the past 4 years. It is under his drive that we have gotten it here.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I will mention Senator SCHUMER's amendment which we have agreed to, which as soon as opening statements are completed we will propose, and I believe it will be without objection. It does do several things. I will mention it now because Senator SCHUMER has worked so hard on this amendment.

This amendment says that not later than 6 months after the date of enactment of the act, the Commission will transmit to the Senate Committee on Commerce, Science, and Transportation, and to the House of Representatives Committee on Energy and Commerce a report that sets forth a plan and timetable for establishing a nationwide market Do Not E-mail Registry. It includes an explanation of any practical, technical, security, privacy, enforceability, or other concerns the Commission has regarding such a registry and includes an explanation of how the registry would be applied with respect to children with e-mail accounts.

Finally, it says the Commission may establish and implement the plan, but not earlier than 9 months after the date of enactment of this act.

I say to my friend, Senator SCHUMER, that I will do everything in my power to make sure that this is enacted and this plan, not earlier than 9 months, should be implemented. I hope that is satisfactory.

Again, I thank Senator SCHUMER. If we can implement a Do Not Spam provision which is clearly modeled after the Do Not Call list, I think it will have enormous benefit to all Americans.

I will make a few comments about the bill and then yield to my colleagues and to Senator SCHUMER for their remarks.

If passed into law by Congress and signed by the President, the CAN-SPAM Act would be the first Federal law to regulate senders of commercial e-mail.

The bill would prohibit senders of commercial e-mail from falsifying or disguising the following: their identity; the return address or routing information of an e-mail; and the subject matters of their messages. Violations of these provisions would result in both criminal and civil penalties.

The bill would also require senders of commercial e-mail to give their recipients an opportunity to opt out of receiving future messages and to honor those requests. Except for e-mail that is transactional in nature, such as purchase receipts or airlines ticket confirmations, every commercial e-mail sent over the Internet to American consumers would be required to provide this valid, working opt-out or unsubscribe mechanism. These rules represent current industry best practices regarding commercial e-mail messages.

For unsolicited commercial e-mail, however, the bill would require more disclosures from the sender of the message, such as providing recipients with instructions on how to operate the opt-out mechanism, a valid physical address of the sender, and a clear notice in the body of the message that it is an advertisement or solicitation.

In an amendment I offered in committee, this bill would also prohibit businesses from knowingly promoting or permitting the promotion of their business through e-mail transmitted with false or misleading identity or routing information. Those that benefit the most from sending fraudulent spam, the companies advertised in those messages, should be held accountable, and they will.

As my colleagues, Senators BURNS and WYDEN, will explain in more detail, the bill would also target many of the insidious mechanisms used by today's spammers, including e-mail harvesting, dictionary attacks, and the hijacking of consumer e-mail accounts in order to send spam.

In addition to setting strict rules of the road for senders of commercial e-mail, the CAN-SPAM Act would provide tough criminal and civil penalties for offenders, and a multilayered approach to enforcement. This bill provides for enforcement actions by the FTC, State attorneys general, Internet service providers, and if Senator HATCH's proposed criminal amendment is passed which I assume it will, the Department of Justice.

I strongly support this bill and I urge my colleagues to join me. Senators BURNS, WYDEN, HOLLINGS, HATCH, and others, in passing this bill as a first step toward giving consumers back some control of their e-mail in-boxes.

I would like to make a few general observations about this issue that I have come to learn over the years that the Commerce Committee has examined it.

According to the Pew Internet & American Life Project, approximately 140 million Americans, nearly half of all U.S. citizens and 63 percent of full-time or part-time workers regularly use e-mail. E-mail messaging has fundamentally changed the way we communicate with family, friends, coworkers and business partners; the way consumers communicate with businesses that provide goods and services; and the way that businesses may legitimately market products to consumers. The growing affliction of spam, however, may threaten all of this.

We must keep in mind the tremendous promise that the Internet and more specifically e-mail, holds for consumers and businesses alike. We must recognize that the word "spam" means different things to different people.

The Federal Trade Commission defines spam generally as "unsolicited commercial e-mail." and some Americans do not want any of it. Other consumers like to receive unsolicited offers by e-mail; to these consumers, spam means only the unwanted fraudulent or pornographic e-mail that also floods their inbox.

Many American businesses view e-mail over the Internet as a new medium through which to market or communicate more efficiently with consumers. To them, this type of communication is not spam, but commercial speech protected by the first amendment. The Direct Marketing Association reports that 37 percent of consumers it surveyed have bought something as a result of receiving unsolicited e-mail from marketers.

Internet service provider are the businesses caught in the middle, forced every day to draw distinctions between what they perceive as legitimate e-mail and what is spam. In this environment, the risk of ISPs blocking legitimate mail that consumers depend on, such as purchase receipts or healthcare communications, is as much a concern as the prospect of failing to block as much spam as possible in the face of consumer demand. Often, the filters used by ISPs fail to meet their subscribers' expectations on both accounts, failing to block the spam and sometimes blocking legitimate e-mail from coming through, leaving consumers, legitimate businesses and the ISPs themselves frustrated.

I think Senator BURNS and Senator WYDEN remember, as well as I do, a professional spammer who came and testified before our committee. I mentioned in passing that it took him approximately 4 hours to break through a filter that had recently been in place, and he immediately began his work again of spamming millions of people every day. He was a man who was proud of his work, by the way. He was a very interesting witness and, I might say in an otherwise dull hearing, a very entertaining one.

We must be mindful that in our quest to stop spam, we may impose e-mail restrictions that go too far and actually prohibit or effectively prevent e-mail that customers want to receive and that legitimate businesses depend on to service their customers.

I believe this bill strikes the proper balance, thanks to the efforts of Senator WYDEN, Senator BURNS, Senator SCHUMER, and others, by carefully targeting the spam that consumers reject while preserving the fundamental benefits of e-mail to all Americans.

Regardless of whether we call all solicited commercial e-mail spam, one fact is clear: Spam is rapidly on the rise. Its sheer volume is significantly affecting how consumers and businesses use e-mail. Less than 2 years ago, spam made up only 8 percent of all e-mail. In a hearing before the Commerce Committee in May, my colleagues and I learned that spam accounted for more than 45 percent of all global e-mail traffic and, worse, it would probably exceed the 50 percent mark by year's end.

In the committee's hearing, America Online—our Nation's largest Internet service provider with roughly 30 million subscribers—testified that it blocks 80 percent of all its inbound e-mail—nearly 2.4 billion out of 3 billion messages it receives each day. Not surprisingly, this number of blocked messages was nearly 2.5 times larger than the 1 billion messages AOL blocked per day only 2 months prior to that hearing, and nearly 5 times larger than the 500 million messages it blocked per day in December 2002.

It's not just AOL. Our Nation's second and third largest e-mail providers, Microsoft and Earthlink, have also reported a tremendous surge in spam. Microsoft, the provider of MSN mail and the free Hotmail service, reported in May that both services combined block up to 2.4 billion spam messages each day. Earthlink, the third largest ISP in the United States, also reported a 500 percent increase in its inbound spam over the past 18 months.

I realize that these numbers may not mean as much to those who do not follow e-commerce closely, so let me put it in perspective to what nearly all Americans are familiar with—junk mail. The USA Today recently reported that more than 2 trillion spam messages are expected to be sent over the Internet this year, or 100 times the amount of direct mail advertising pieces delivered by U.S. mail last year. Managing this influx adds real monetary costs to consumers and businesses.

A 2001 European Union study found that spam cost Internet subscribers wouldwide $9.4 billion each year, and USA Today reported in April that research organizations estimate fighting spam adds an average of $2 per month to an individual's Internet bill.

Costs to businesses are also on the rise. Ferris Research currently estimates that costs to U.S. businesses from spam in lost productivity, network system upgrades, unrecoverable data, and increased personnel costs, combined will top $10 billion in 2003. Of that total, Ferris estimates that employee productivity losses from sifting through and deleting spam account for nearly 40 percent of that—or $4 billion alone.

There are other costs to our society besides monetary costs. All of us are deeply concerned about the risks to our children who use e-mail and may be victimized by the nearly 20 percent of spam that contains pornographic material, including graphic sexual images.

Parents encourage their children to use the Internet to play and do schoolwork, and to use e-mail to reach distant relatives. Yet, parents today spend more and more of their time worrying that their children may open up an e-mail, disguised to look like it's from a friend or loved one, only to find pornography.

This greatly concerns me as a parent, as a legislator and as an American citizen. First and foremost, parents should not have to think twice before encouraging their children to use the computer at home.

In addition to pornography, the FTC also tells us that two-thirds of all spam contains deceptive information, much of it peddling get-rich-quick schemes, dubious financial or healthcare offers, and questionable products and services.

Spam is a serious and rapidly growing problem that the Senate must act on, but we must also be mindful of the complexity of the problem we face. While I agree with my colleagues in the Senate who believe that passing legislation is a necessary step, I also believe that legislation alone will not solve the problem of spam.

Spammers today disregard our laws and are winning the technological arms race with Internet service providers who try to block the spam they send. The New York Times recently reported just one example of how unscrupulous spammers were using technology to stay one step ahead of the law—in this instance, by highjacking a local Virginia school's computers to send out untraceable spam.

I repeat: A local Virginia schools computers. The same day, in the Commerce Committee's hearing, Mr. Ronald Scelson—who is popularly known by his moniker "The Cajun

Spammer"—testified that it took him only 12 hours to "crack" the latest technology filter supplied by the company of another witness at the table. Not only did he hack into their filter and figure out how to defeat it, the Cajun Spammer had distributed the keys to unlocking the filter to all of his fellow spammers so that they too could send spam past the filters to the ISP's subscribers.

Keeping up with resourceful spammers' latest technology is not the only challenge. Jurisdictional barriers also complicate enforcement, and as we heard in our hearing, nearly 90 percent of all spam is untraceable and may be passing through mail servers outside of the United States.

I mention these things only to emphasize the complexity of this problem and to remind my colleagues that the odds of us defeating spam by legislation alone are extremely low. The fact that there may be no silver bullet to the problem of spam, however, does not mean that we should stand idly by and do nothing at all about it.

The CAN-SPAM Act is a good first step, and one we should take today.

It is clear this Congress must act, but we should make no mistake—unless we can effectively enforce the laws we write, those laws will have little meaning or deterrent effect on any would-be purveyor of spam.

At the Commerce Committee's executive session where we considered this bill, I introduced an amendment that would empower the FTC to take action against businesses that financially benefit from the sending of spam with deliberately falisifed sender information. This amendment passed unanimously and I would like to take a moment here to briefly comment on it because it goes to the heart of this enforcement matter.

In two hearings before the Commerce Committee this past spring, the chairman and Commissioners of the FTC testified to the Commission's tremendous difficulty in tracking and finding spammers who send out spam with fraudulent and often untraceable transmission information.

The chairman advised us, however, that their investigations are usually most effective when "following the money" to track down spammers. By this, they mean following the Web link or phone number in the spam message that consumers follow with their money to purchase the product or service promoted in the spam. From there, the FTC attempts to prove a connection between the business and a spammer who sent it out on their behalf. In essence, they spend significant time and effort attempting to follow the money trail all the way back to the spammer—if they can find them.

As an alternative to the inefficient and often slow moving process, the amendment I proposed which is now section 6 of the bill was designed to help the FTC enforce the law against those businesses at the front end of the money trail that are promoted in the spam consumers receive. They need to go further, and here is why.

Many unremarkable businesses employ sophisticated spammers to send e-mail to consumers in large volumes with deliberately falsified identity and routing information in order to get past the ISP's spam filters. These businesses often escape liability because enforcement efforts are too often focused on catching the spammer rather than the unscrupulous businesses that hire them in the first place.

Section 6, however, would make it easier for the FTC to enforce the law against businesses knowingly complicit in the use of spam to promote their businesses with deliberately falsified routing information. I urge my colleagues to support this principle of holding businesses that benefit from spam messages accountable for the acts of those they knowingly hire to fraudulently send spam to consumers on their behalf.

I ask unanimous consent to have printed in the RECORD a number of letters I have received in support of this provision.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSUMERS UNION,
June 18, 2003.

Subject: McCain FTC Enforcement Amendment to Burns-Wyden Spam bill.

U.S. SENATE,
Washington, DC.

DEAR SENATOR:

Consumers Union urges you to support the McCain Amendment to the Burns-Wyden CAN-SPAM bill. This amendment is an important improvement on the underlying bill. The amendment would provide additional FTC enforcement authority to help consumers curb spam. With this amendment, the bill would hold businesses that use spam to advertise their products and services accountable for actions by spammers who falsify information regarding the origins of the e-mail in order to evade spam filters.

However, we still have significant reservations about the Burns-Wyden bill, because we believe that consumers will not see a significant reduction in spam without a guarantee that spam is disallowed unless the consumer opts to receive such materials (an "opt-in"), as well as an appropriate legal remedy for consumers who have been harmed by spammers that circumvent the anti-spam safeguards established in this legislation (a private right of action).

Consumers Union hopes the Committee will address these substantial consumer concerns before bringing this legislation to the Senate floor.

Sincerely,

CHRIS MURRAY,
Legislative Counsel.

BUSINESS SOFTWARE ALLIANCE,
Washington, DC, June 18, 2003.

Hon. JOHN MCCAIN,
Chairman, Senate Commerce Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN MCCAIN: On behalf of the member companies of the Business Software Alliance, I write in support of your efforts to amend and report favorably S. 877 to address the ability of the FTC to pursue those who use third parties to send unsolicited commercial email, spam, on their behalf. As the Committee is aware, spam continues to grow at an exponential rate, clogging inboxes, diverting network resources, damaging reputations and brands of responsible companies, and discouraging the use of email as a communications tool.

Those who deliberately engage third parties to send spam with false or misleading transmission information should be held as accountable as those who click on the send button. By taking away the financial incentive to send spam, the potential interest of a responsible company to utilize such a deceptive form of marketing to reach customers now or in the future would evaporate.

As you finalize the language of your amendment and proceed to consideration on the Senate floor prior to markup, we look forward to working with you and your staff on ways to further pursue spammers. BSA believes that a combination of legislation, technology, and enforcement is the right approach. A copy of our principles regarding spam is attached for your review.

Please contact me or Joe Keeley in BSA's office at (202) 872-5500 should you have any questions about the BSA position on spam.

Sincerely,

ROBERT HOLLEYMAN,
President and CEO.

DEAR SENATOR MCCAIN: We would like to thank you for scheduling this markup of S. 877, the Burns-Wyden CANSPAM Act. Senators Burns and Wyden have been true leaders in the effort to address the spam problem working with industry and public interest groups to refine their legislation over the last two sessions.

CDT is conducting a consultative study on the most effective ways to prevent spam while still protecting privacy and free expression. At this time, we have not endorsed any specific bill. We look forward to continue working with you and Senators Burns and Wyden on this important issue as the legislative process unfolds.

In this context, we have reviewed your amendment to extend FTC enforcement authority to businesses knowingly promoted through electronic mail with false or misleading transmission. We believe that this amendment will help the FTC take action against wrongdoers. CDT supports its inclusion in this bill and into the larger discussion on preventing unsolicited commercial email. We hope that this provision—in concert with effective baseline federal legislation, new anti-spam technologies and industry efforts—will help to begin to turn the rising tide of unwanted email.

Sincerely,

ARI SCHWARTZ,
Associate Director,
Center for Democracy and Technology.

JUNE 18, 2003.

Hon. JOHN MCCAIN,
Chairman, Commerce, Science and Transportation Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the U.S. Chamber of Commerce, the world's largest business federation, representing more than three million businesses of every size, sector and region, regarding S. 877, the CAN SPAM Act.

Spam has become more than a nuisance—it has become so overwhelming that all aspects of the business community, from ISPs who have to invest millions of dollars in bandwidth, to retailers who have seen their opt-in emails deleted along with the spam and pornography, and everyone in between, would like to see this problem eradicated. We believe that stopping spam is going to take a multi-pronged effort, including technology, increased FTC enforcement, and enhanced ability of ISPs to go after the bad actors.

Therefore, I would like to commend Senators Burns and Wyden for their relentless pursuit of legislation to fill in a key piece of the puzzle regarding this issue. The CAN SPAM Act has been improved significantly, although it still requires some modifications, mostly related to liability issues that could potentially subject even legitimate companies who communicate with their customers through opt-in communications to potential frivolous, but expensive, liability.

I would also like to specifically commend Chairman McCain, and to offer our strong support for his amendment. There are two principal issues that the Committee's educational hearing on spam helped to clarify: the extent to which businesses, whose products are promoted by the deluge of spam, are in realty responsible for the amount of spam that permeates the Internet; and the difficulty of finding actual "spammers." The Chairman's amendment addresses both of these concerns, and does so in a way that specifically targets those underlying problems. In particular, the amendment empowers the FTC, who has the expertise to find and stop the promoted businesses, to go after those who actually benefit from increased volume of spam—the "companies" that hire spammers to sell their products and attract consumers to their web sites.

Therefore, the Chamber urges the Committee to approve this important component of the fight against spam, including the McCain amendment, and we look forward to working with the Committee to further improve the legislation as it moves to the floor.

Sincerely,

R. BRUCE JOSTEN.

YAHOO!,
June 18, 2003.

Hon. JOHN MCCAIN,
Chairman, Senate Commerce, Science and Transportation Committee, Senate Russell Building, Washington, DC.

DEAR CHAIRMAN MCCAIN: Yahoo! supports your amendment to S. 877, the CAN Spam Act of 2003, to hold the owners of websites who knowingly employ spammers using fraudulent means to deliver their advertisements.

The hearing on spam held by your committee revealed significant changes in the marketplace. The volume of spam has grown in exponential terms, and it is extremely difficult to track down spammers who use fraud to conceal themselves. Your amendment takes a new approach to finding these spammers—getting at their revenue source. When a website owner know the person advertising its website is using fraud to get its message out, it must be held responsible. The FTC will be empowered to pursue those who allow such techniques to be used. This has the potential to put fraudulent spammers out of business, as their customers refuse to work with them. This, in turn, has potential to dramatically affect the volume of spam crossing the networks of email service providers. We are encouraged by this creative approach to get at spammers from a new direction.

We also commend you for being absolutely true to your word to bring before your committee legislation to address the problem of spam early in this session. We look forward to working with you and other members of the committee to bring anti-spam legislation to the floor of the Senate before the August recess.

Sincerely,

JOHN SCHEIBEL,
Vice President, Public Policy.

Mr. MCCAIN. Madam President, the House will adopt a similar provision in any House spam bill. I have received support for the provision from every sector involved in the spam debate—consumers' groups, e-mail providers, marketers, advertisers, online and offline retailers, technology companies and the U.S. Chamber of Commerce.

I urge my colleagues to join me in responding to the demands of millions of American consumers in doing all that we can to try to stop spam. I urge them to support passage of the CAN-SPAM Act.

My comments were a little lengthy, and I apologize. This is a very serious and important and complex issue, as I stated at the beginning of my remarks. That is why my two colleagues have spent 4 years working on this issue. I think they would be the first to agree that this may not stop spam.

There are some very smart people out there who will do everything they can for avoidance, including this issue I mention of organizations outside the United States. For us to do nothing would be a great disservice to millions of Americans, including the young ones, the majority of whom in America are regular users of computers.

I thank my colleagues, Senator WYDEN and Senator BURNS. For the benefit of my colleagues, we have three or four amendments. Maybe one or two might require a vote. I hope we can dispose of this legislation in a fairly short period of time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I thank Senator MCCAIN, the chairman of the full Committee on Commerce, for his diligence and insight on this, and the ranking member, Senator HOLLINGS. He laid out the facts. I will not rehash everything he said because his numbers are right.

Also I thank my good friend from Oregon, Senator WYDEN. We have worked on this bill for 4 years. It is not an easy piece of legislation to put together.

The simplest piece of legislation we ever put together, I say to Senator WYDEN, was the E 9-1-1 which is probably the best public safety piece of legislation we have ever passed. It sounded like a no-brainer, and it only took 2 years, so this must have been really complicated. I thank you for your efforts. It was a pleasure working with you.

Also, two Senators not on the floor who have not been mentioned are Senator HATCH and Senator LEAHY. We appreciate their cooperation incorporating a significantly expanded criminal package in this law.

The extent of bipartisan cooperation on this issue is no surprise, of course, given the deluge of spam to the consumers and what they face in their inbox each day. The cost of business, the cost to individuals, is escalating and wide ranging.

The chairman asked a valid question: Does this piece of legislation protect us from spam? It can have an effect on people thinking twice before they send it. That is the answer. I have contended all along, as my colleagues on the Commerce Committee have contended, that industry is going to have to come along and get together, talk about the technologies it takes to keep out unwanted mail or some organization or technology that ferrets out the bad people but allows some in the industry to be able to send some messages of what would be considered spam today.

This especially affects people in rural areas. In Montana we have people using the Internet who have to incur long-distance charges to their ISPs. Servers all over the country have difficulty in blocking spam. They are saying the systems are jammed up. The CAN-SPAM bill empowers consumers and grants additional enforcement authority to the Federal Trade Commission to take action against spammers and allows State attorneys general to take action if they see fit.

The bill also provides additional tools to end this online harassment, allowing users to remove themselves from mass email lists and imposing steep fines up to $3 million on spammers. In cases where outright deception is involved, penalties will be unlimited. That is a big point.

The chairman also brings up another point: unwanted and pornographic mail. In my State of Montana, something else is emerging regarding protection of our children: sexual predators. This has to do with how they work in our homes with our children. There are a couple of amendments we will deal with as they come up.

I have a constituent in Montana. If you do not think it does not cost companies money, Jeff Smith, who built a cutting-edge fiber hotel in Missoula, MT, says unwanted spam costs his business about $300,000 a year. His company is worth $2.5 million, so his costs are real.

Not only do we pass legislation, but I will participate in an I-SAFE conference in Billings on Friday at Castle Rock School on how to deal with this unwanted and pornographic mail that comes into our homes on the Internet.

I thank my chairman, Senator MCCAIN, for his patience. I have worn him out a couple of times. He yells back, though, pretty well.

I thank my friend from Oregon, too, who has worked very hard on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, kingpin spammers who send out emails by the millions are threatening to drown the Internet in a sea of trash. The American people want it stopped. Every single day the Senate delays, these big-time spammers, the ones who are trying to take advantage of the open and low-cost nature of the Internet, gives them another opportunity to crank up their operations to even more dizzying levels of volumes.

Every Member of the Senate is hearing from citizens. This is a consumer abuse that is visited on millions of people every day. It is now time to put in place strong enforcement tools to protect the public.

Many are asking, what is the role of Federal legislation? My colleagues have talked a bit about there not being a silver bullet. The key is to pass this bill and come down on the violators with hobnail boots. It is fair to say a lot of the big-time abusers are not exactly quaking today about the prospect of Senate action. They are not technological simpletons. They are very savvy and they figure any law that is passed by the Senate they can get out in front of.

What is going to be important is for those who are charged with enforcement—the Federal Trade Commission, the criminal authorities, we give a role to the State attorneys general, the Internet service providers—when this bill is signed into law, to bring a handful of actions very quickly to establish that for the first time there is a real deterrent, there will be real consequences when those big-time spammers try to exploit our citizens. When the bill takes effect, for the first time those violators are going to risk criminal prosecution, Federal Trade Commission enforcement, and million-dollar lawsuits by the State attorneys general and Internet service providers.

The reason that is the case is because big-time spammers have to violate this bill in order for their sleazy business to work. If they do not hide their identities, their messages end up getting filtered out by the Internet service providers. If they do not use misleading subject lines, people are going to click the messages straight into the trash, unread. It is costly to deal with thousands of demands for consumers to be removed from the lists. The day this bipartisan legislation becomes law, for the first time big-time spamming will become an outlaw business.

It is worth noting when Senator BURNS and I started this effort nearly 4 years ago, we had the strong support of Senator MCCAIN. Senator HOLLINGS has been tremendous to me. I got involved in this shortly after joining the Commerce Committee. A lot of people asked, why in the world would CONRAD BURNS and I be spending our time on something like this. They essentially intimated this was not the kind of issue important enough for the Senate. They said, Senators deal with key matters. They deal with war and peace and entitlement programs. Why in the world would the Senate get involved with something like spam. It was only 6 to 8 percent when we started in 2000. Why is the Senate spending its time on that kind of concern? Suffice it to say, nobody is saying any longer spam is just a minor annoyance. Nobody is saying the delete key is now going to be a sufficient solution to the problem.

This is now something that threatens this medium. Spam, in the view of experts, and in my view, stunts the growth of e-commerce. And if it continues at the rate of growth we have seen in the last few years, I think it will engulf the entire medium.

So something the American people use every day, something that is considered a vibrant, exciting tool, that has empowered millions of people to learn, to be part of cultural activities, to start small businesses—if nothing is done, if somehow this legislation goes by the board or the Senate and House cannot agree, I think what we are seeing in the days ahead is a genuine threat to the entire medium.

So with respect to the specifics of the bill, I think there are a number of key provisions. One I have stressed is the question of misleading identities because I think that goes right to the heart of how you set in place a strong enforcement regime.

But I also emphasize the role of the States here this afternoon. At this point, over half the States have enacted State-level spam legislation. It is pretty easy to see why the States have acted. They are frustrated that the Congress has not moved.

But I believe a State-by-State approach cannot work in this area. The numerous State laws to date certainly have not put in place a coordinated effort against spam. Neither the Internet nor the big-time spammers is sitting around saying: Let's tip our hat to State jurisdictions. And certainly an e-mail address, unlike a phone number, does not reveal the State in which the holder of the address is located. So compliance with a patchwork of inconsistent State laws is virtually impossible, and spammers do not even go through the motions of trying.

What is needed is a uniform, nationwide spam standard to put the spammers on notice and to empower the consumers to have an enforcement regime consistent with their reasonable expectations.

Having emphasized the importance of a nationwide, uniform standard in this area, the legislation does preserve an important role for the States.

First, the State laws that address deception in spam—deception in spam—would be preserved. Second, general consumer protection fraud and computer abuse laws would remain enforceable as well. And third, the bill authorizes States' attorneys general to use the Federal statute to prosecute spammers.

The bottom line is, our States, which have done so much important and innovative work in the area of consumer protection, are going to remain active and important partners in the battle against spam.

Shortly, we will be talking about the Do Not E-mail Registry. I commend Senators SCHUMER and DAYTON. Both of them have introduced legislation in this area. They deserve a great deal of credit with respect to their patience on this legislation. And we know it is a challenge. The telephone Do Not Call list is certainly facing a lot of battles.

But I think this is an important idea. I think it is an idea that makes a genuine contribution. It certainly is one that the American consumer wants. We are going to work with the sponsors, Senator SCHUMER and Senator DAYTON, and others who have been so interested in this to address the various questions that have been brought up with respect to feasibility.

I also commend Senator NELSON of Florida. These big-time spammers—there are only a few hundred of them. I think Senator MCCAIN and I were struck, as we listened to the debate, at the fact that we are talking about a few hundred big-time violators. They seem to have gravitated to a couple States, particularly Florida and Texas. Senator NELSON has been very interested in ensuring that there are tough enforcement provisions in this legislation. I share his view that we ought to use all of the enforcement tools, including measures such as the RICO statute, against these particularly reprehensible violators. I commend Senator NELSON for this effort as well.

Finally, as we put together a coordinated game plan against the spammers, I would also like to emphasize that we expect our trading partners, and the many countries that look to do business with the United States, to play a more activist role in this area. As sure as night follows day, some of these kingpin spammers are going to just move offshore and set up shop.

So as we look to the future, I have stressed enforcement. I think we need to see aggressive enforcement action the day this bill is signed into law. Then we have to push our trading partners around the world to work with us to ensure that, as part of a coordinated strategy, we are preventing the big-time violators from simply closing down in the United States and moving offshore.

I have tried to specialize in technology issues in my time in the Senate.

My State cares greatly about this issue. I have been fortunate to have a chairman in Senator MCCAIN who has always encouraged these efforts, to deal with Internet taxes, digital signatures, Y2K liability—and the list goes on and on. And Senator HOLLINGS, who is not in the Chamber, has been extraordinarily supportive of my involvement in these issues.

But I think it is fair to say that this spam question—of all the technology issues we have tackled in the last few years in the Commerce Committee, I cannot think of another one that has inflamed consumers more, has been emphasized more to me at townhall meetings.

I can tell the Senate, at the time when we were all concerned about the well-being of our troops and the conflict in Iraq, folks would also say, in addition to standing up for our troops: Make sure you do something about spam as well. I think it is indicative of how much concern there is in the country with respect to these kingpin spammers who really do put at risk—I do not say this lightly—an entire medium that has made such a difference and been so important for millions of Americans.

We are going to deal expeditiously with the amendments. A number of colleagues have already asked of the managers what we thought the timetable of this bill would be. My guess is, we can deal with this legislation certainly within the next couple of hours, at most.

We urge Senators who have an interest in this matter to come to the floor. This is an opportunity for the Senate to stand up for the consumer.

We are not going to overpromise. We are not going to say that the day this bill is signed, spam will magically vanish into the vapor. But this legislation, coupled with an enforcement strategy that has the Federal Trade Commission, criminal authorities, pushing spam as it relates to these big-time violators up the priority list of the tasks that they face—that kind of strategy can make a difference.

Madam President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I believe the Senator from Oregon has a technical amendment and maybe would like to propose that at this time. It is my understanding that the Senator from New York, Mr. SCHUMER, is on his way over to propose his Do Not Spam amendment.

It is also my understanding that Senator HATCH, Senator SANTORUM, and Senator CORZINE are the ones who have amendments. I would urge them to come forward when it is convenient so we can dispense with those amendments in a timely fashion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1891

Mr. WYDEN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself and Mr. BURNS, proposes an amendment numbered 1891.

The amendment is as follows:

(Purpose: To clarify the provision prohibiting false or misleading transmission information, and for other purposes)

On page 37, lines 12, after the comma, insert "whether or not not displayed,".

On page 44, line 20, strike "false or misleading." and insert "materially false or materially misleading.".

On page 45, line 2, strike "misleading; and" and insert "materially misleading;".

On page 45, line 5, strike "false or misleading." and insert "materially false or materially misleading; and".

On page 45, between 5 and 6, insert the following:

"(C) if header information attached to a message fails to identify a protected computer used to initiate the message because the person initiating the message knowingly uses another protected computer to relay or retransmit the message for purposes of disguising its origin, then such header information shall be considered materially misleading.".

On page 49, between lines 11 and 12, insert the following:

(6) MATERIALITY DEFINED.—For purposes of paragraph (1), an inaccuracy or omission in header information is material if it would materially impede the ability of a party seeking to allege a violation of this Act to locate the person who initiated the message or to investigate the alleged violation.

On page 50, beginning in line 24, strike "establish" and insert "register for".

On page 51, after line 22, insert the following:

"(d) SUPPLEMENTARY RULEMAKING AUTHORITY.—The Commission may be rule—

"(1) modify the 10-business-day period under subsection (a)(4)(A) or subsection (a)(4)(B), or both, if the Commission determines that a different period would be more reasonable after taking into account—

"(A) the purposes of subsection (a);

"(B) the interests of recipients of commercial electronic mail; and

"(C) the burdens imposed on senders of lawful commercial electronic mail; and

"(2) specify additional activities or practices to which subsection (b) applies if the Commission determines that those activities or practices are contributing substantially to the proliferation of commercial electronic mail messages that are unlawful under subsection (a).".

On page 58, beginning in line 16, strike "jurisdiction or in any other court of competent".

On page 62, beginning in line 14, strike "defendant, or in any other court of competent jurisdiction, to—" and insert "defendant—".

On page 65, beginning in line 7, strike "for any such statute, regulation, or rule that" and insert "to the extent that any such statute, regulation, or rule".

On page 65, line 16, strike "State laws" and insert "other State laws to the extent that those laws relate".

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I offer this amendment on behalf of myself and Senator BURNS. It is technical in nature. I know of no opposition.

It clarifies that header information that is technically false, but in such a minor way as to be nonmaterial, will not be actionable under the legislation.

It clarifies that spammers who knowingly route messages through what are called open relays in order to erase the message's originating information—which is a technique used by these big-time spammers—will be treated as having used false or misleading header information.

It permits the Federal Trade Commission to modify the bill's deadline for how quickly "opt-out requests" must be processed. Currently, the bill says that 10 business days after receiving a consumer's opt-out request, any further e-mails from the sender become punishable.

The amendment permits the Federal Trade Commission to modify that time period if it finds that a different period would be appropriate. It permits the Federal Trade Commission, if it identifies new and particularly nefarious techniques used by spammers, to add those techniques to the list of what are called aggravated violations so that spammers who use those techniques would be subject to higher penalties.

Finally, this amendment, which has the support of Chairman MCCAIN and Senator HOLLINGS, would clarify that any lawsuits for violations of Federal spam rules should be brought in Federal court. It is noncontroversial in nature. I urge its passage.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, we support the amendment. It is helpful to the legislation. I urge its adoption.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 1891.

The amendment was agreed to.

Mr. MCCAIN. Madam President, I move to reconsider the vote.

Mr. WYDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1892

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. GRAHAM of South Carolina, proposes an amendment numbered 1892.

Mr. SCHUMER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the Commission to implement a nationwide "Do Not E-mail" registry)

On page 66, strike lines 1 through 11 and insert the following:

SEC. 9. DO-NOT-E-MAIL REGISTRY.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Commission shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce a report that—

(1) sets forth a plan and timetable for establishing a nationwide marketing Do-Not-E-mail registry;

(2) includes an explanation of any practical, technical, security, privacy, enforceability, or other concerns that the Commission has regarding such a registry; and

(3) includes an explanation of how the registry would be applied with respect to children with e-mail accounts.

(b) AUTHORIZATION TO IMPLEMENT.—The Commission may establish and implement the plan, but not earlier than 9 months after the date of enactment of this Act.

Mr. SCHUMER. Madam President, I offer this amendment on behalf of myself, Senator GRAHAM of South Carolina, Senator MCCAIN, and Senator HOLLINGS. I thank my good friend, Senator LINDSEY GRAHAM, who worked long and hard on this issue with me. Senator GRAHAM and I have been working on quite a few pieces of legislation together. He is a good legislator and a fighter for the things in which he believes. We do not agree on everything, to say the least, but it is a pleasure to work with him.

I thank my colleagues, Senator BURNS and Senator WYDEN, both of whom have worked long and hard on this legislation for many years. They both were willing to work with me and accommodate some changes which I hope make the legislation better. I believe they do. But the foundation of this bill is their hard work. This is a good day for both of them because they have spent a long time and they deserve a great deal of accolades for their hard work on this important legislation which, hopefully, will pass today.

I thank my colleague, Senator HOLLINGS, ranking member of the Commerce Committee, who offers this amendment along with myself, Senator GRAHAM, and Senator MCCAIN. We are all going to miss FRITZ HOLLINGS. He is one of the true gems of the Senate. He is a forthright man and a direct man. He is a smart man. He is a principled man. I, for one, know that my amendment might not have happened, certainly wouldn't be in the form it is now, without his intervention. I thank him for that.

Finally, Senator MCCAIN and I have worked on a whole number of things together. It is a pleasure to work with him. Again, he is a man of his word. He is able to bring different people together to produce good legislation. He cares about the average person. He never lets any of the special interests get in his way. We wouldn't be here today without the Senator's leadership. I thank him very much.

Let me begin by saying how important this whole bill is to the continued vitality of e-mail and the Internet itself. Unsolicited e-mail has grown at astronomical rates over the past months. It is safe to say we are now under siege. Armies of online marketers have overrun e-mail inboxes across the country with advertisements for herbal remedies, get-rich-quick schemes, and, unfortunately, pornography. What was a simple annoyance last year has become a major concern this year and could cripple one of the greatest inventions of the 20th century next year if nothing is done.

Way back in 1999, the average e-mail user received just 40 pieces of unsolicited commercial e-mail, spam, each year. This year the number is expected to pass 2,500. I know that I am lucky if I don't get 40 pieces of spam every day. As a result, a revolution against spam is brewing as the epidemic against junk e-mail exacts an ever-increasing toll on families, businesses, and the economy.

Let me illustrate this point with a story. My wife and I have two wonderful daughters, one of whom is about to complete her first year at college; the other, a 14-year-old, is an absolute whiz on the Internet. She loves sending and receiving e-mails. As parents, we do our best to make sure she has good values and that the Internet is a positive experience for her, a device to help her with her school work or learn about events taking place around the world, and maybe even a way to order the latest In Sync CD, although I think she likes other groups better.

You can imagine my anger and dismay when I saw my daughter on e-mail. I would say: Great, she is not watching television. And then you can imagine my dismay when I discovered that not only was she a victim of spam like myself, but like all e-mail users, much of the junk mail she was receiving advertised pornographic Web sites. Some of the things that crossed her e-mail were things I would not want to see, let alone my 14-year-old daughter. I was and remain virtually powerless to prevent such garbage from reaching my daughter's inbox.

Recent surveys unambiguously show that the public shares my concern about spam infested with pornography and how it impacts their children. The bottom line is, if parents can control what their kids watch on TV, they should be able to control what their children are exposed to on the Internet. We have parental advisory notices on music, as well as ratings for TV shows and movies to ensure that parents are able to keep their children from being exposed to what they consider inappropriate. So it makes you scratch your head about why there is no safeguard in place to enable parents to protect their kids from vulgar e-mail. The e-mailing public has been at the mercy of spammers for long enough. They want to take back the Internet.

A recent survey conducted by UnSpam, one of the ardent foes of spam and backer of my legislation, and InSightExpress, a research group, backs that view. Here is a quick rundown of some of the highlights of the survey:

Almost 9 in 10 parents say they are seriously concerned about their children receiving inappropriate e-mail versus 5 percent who don't care. Ninety-six percent of parents want the ability to block pornography from their children's inboxes. A paltry 2 percent don't want that right. Ninety-five percent think children should be given extra protection under any anti-spam law, 3 percent undecided. And 93 percent think spammers should face enhanced penalties for sending inappropriate messages to children.

Our amendment is a solution that will give parents—the only solution—the ability to protect their children from offensive and obscene e-mail spam by registering their children's e-mail address. Parents across the country are increasingly worried about this problem, and we should do the right thing by giving them a registry. Parents and children are not the only ones who will benefit from a no e-mail registry. Business owners and ISPs across the Nation can identify with the frustration many of us feel in the battle against spam. With surveys showing that nearly 50 percent of e-mail traffic qualifies as spam, businesses spend millions of dollars each year on research-filtering software and new servers to deal with the ever expanding volume of junk e-mail being sent through the pipes.

According to Ferris Research, spam costs businesses in the United States $10 billion each year in lost productivity, consumption of information technology resources, and help desk time.

That is $10 billion that should be spent on growing American businesses and jobs instead of fighting spam.

The Do Not E-mail Registry created by the FTC would allow businesses to cut costs and improve productivity in the workplace by giving them the ability to register their entire domain names. Very important to businesses.

Some have expressed concern about creating a list of e-mail addresses that spammers could exploit. The FTC has already said it is technologically possible to create and secure the list. This is no longer a worry and one of the breakthroughs we made in the last few months that are allowing this legislation to come to the Senate floor.

In fact, we know that the database of addresses can be protected by military-caliber encryption so that its valuable contents will not fall into the wrong hands.

I want to take a few minutes to talk about the underlying bill and other amendments, and then I will get into mine.

First, I commend Senators BURNS and WYDEN for their long efforts on this bill. The bill will, for the first time, set minimum standards for all commercial e-mail. It will require all commercial mail to include valid return e-mail addresses and physical addresses of the sender. It must provide accurate header and router information. And most messages will be required to have an opt-out system.

It does not stop there. In addition to these provisions, it will take aim at the mass collection of e-mail addresses and the rampant fraud which, according to a report released by the FTC, is present in 66 percent of junk e-mail.

I am hopeful that we can add important criminal provisions to these civil measures. I know both my colleagues, including Senators MCCAIN and HOLLINGS, want to do that. I worked in the Judiciary Committee with Senators HATCH and LEAHY on a bill that makes it clear that fraud and deception in e-mail will not be tolerated. And those who do not heed the warnings in this bill will face stiff punishment. These criminal provisions will outlaw some of the spammers' favorite tricks.

About our legislation as well, let me just say it is really important that we put in the registry, which, in my judgment, is the best way to get at spam. No system is foolproof and, as Mr. Morris of the FTC has said, no bill will solve all of the problems. But the registry is the most complete, comprehensive way to do it, combined with the criminal penalties that we are adding in the Hatch-Leahy-Schumer amendment.

The minute somebody spams someone on the Do Not Call list, there will be an immediate cause of action and criminal prosecution.

The good news is that since we know that a large amount of spam comes from a small amount of people, we can get after these few people. This legislation, as you know, gives the FTC 6 months to come back with a comprehensive proposal. We then get 3 months here to examine it to see if we want to change it, and then the FTC may implement it. I have received—and they have both verbalized this on the Senate floor—assurances from Senators MCCAIN and HOLLINGS that if the FTC should decide they don't want to implement it, or come up with something that is unworkable, they will use their clout with the FTC to straighten things out and get this done. Otherwise, we in the Congress can respond.

I believe this amendment will allow, without any further action by Congress, as long as the House passes it and it stays in the bill—and I thank Senator MCCAIN for assuring me that he will not even sign a conference report that doesn't have this amendment in it, and I know all of my colleagues are for this legislation. But once it passes the House and is signed into law, we set the road for a no-call registry. It is all downhill after that.

Within a year, it is my belief we will have that registry and, just as the no-call registry was a great success, I believe the no-spam registry will be a great success. It will take a little longer, it will be a little more difficult, but the same basic popularity and support that the American people have given the no-call registry, they will give, for sure, to the no-spam registry, and the combination of a good proposal that the FTC will have to send to us in 6 months and vigilant enforcement, plus the no-spam registry, plus the underlying base of the bill, will put a crimp, a real dent in spam.

Are we ever going to eliminate all spam? For sure not. But is this legislation, along with the amendment I am adding, going to be the toughest, best approach, and greatly curtail spam? Indeed. It is my belief that when we enter these portals a year from now, spam will have greatly decreased.

One of the great inventions of the 20th century, which is now sick and ailing, will be healthy and going full steam ahead. The bottom line is that this is a very fine day for those who use computers and e-mail and for American technology in general. It shows that we can all work together and get something done—get something done that the American people want.

I ask my colleagues to support this amendment and the underlying legislation. Let's finally do something about one of the greatest technological problems that we face right now in this country, the proliferation of spam.

With that, I yield the floor.

Mr. WYDEN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I ask unanimous consent that we adopt the amendment and add it to the legislation.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1892) was agreed to.

AMENDMENT NO. 1891, AS MODIFIED

Mr. WYDEN. Madam President, at this time, I ask unanimous consent that the previously agreed-to Burns-Wyden technical amendment, No. 1891, be modified with the change I now send to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

The amendment (No. 1891), as modified is as follows:

On page 67, line 20, strike "act" and insert "act, other than section 9,".

Mr. WYDEN. Madam President, this is also a very modest technical amendment. This amendment simply ensures that the Do Not E-mail Registry proposed would be considered on the timetable that all of the parties who have worked on this had intended. It is very noncontroversial.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, I rise to commend the Senators who have brought this legislation forward and say how gracious they have been to me in working to address the seriousness of this issue of spam. Later on, when Senator LEAHY comes to the floor, I will have a colloquy with him about some of the provisions that are going to be submitted in the Hatch-Leahy-Nelson amendment.

In the meantime, I wanted to commend the Senator from Oregon for his leadership. I commend Senator CONRAD BURNS from Montana for his leadership. I commend the Senators for how they saw the problem. They saw it years ago, and they have been so persistent. Senator WYDEN and Senator BURNS kept after it. It is an idea whose time has come simply by virtue of the fact that people can hardly even use their e-mail now it is so cluttered up with unwanted messages.

Mr. WYDEN. Will the Senator yield?

Mr. NELSON of Florida. I will be happy to yield.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I will be very short.

Without turning this into a bouquet-tossing contest, let me thank my friend from Florida. Of course, many of the worst violators are people I call kingpin spammers who are located in his home State. The Senator from Florida brought it to the attention of Senator BURNS and I that to have an effective enforcement strategy, we had to have in place tools that would deal with the kind of shady operators who are present in his home State.

The Senator from Florida has hammered on that message. I think by the time we are done this afternoon and have Senator LEAHY on the floor as well, Senator NELSON's contribution will be especially helpful, not just in Florida but in terms of dealing with these kingpin spammers, the people who send out millions of e-mail now without consequences.

I thank my colleague for yielding, and I thank him for keeping this issue on the radar.

Mr. NELSON of Florida. Madam President, I thank Senator HATCH and Senator LEAHY for working with me in their capacity as leaders of the Judiciary Committee in attaching some strong penalties on the most egregious kinds of spam.

Spam is clearly a nuisance, and it impedes the course of commerce. When you can't even use your computer because it is so cluttered up, that is one thing; but when spam is used for illicit purposes, such as child pornography, then that is another thing. That needs to be dealt with swiftly and severely.

By Senator WYDEN and Senator BURNS working with Senator HATCH and Senator LEAHY, we have, as part of their amendment—and I think it is worth reading. This is a part of the amendment they will offer:

> It is the sense of Congress that spam has become the method of choice for those who distribute pornography and perpetrate fraudulent schemes and also offers fertile ground for deceptive trade practices;
>
> And it is the sense of Congress that the Department of Justice should use all existing law enforcement tools to investigate and prosecute those who send bulk commercial e-mail to facilitate the commission of Federal crimes, including the tools contained in—

And it lists several chapters of the United States Code, one relating to fraud and false statements; another relating to obscenity; another relating to the sexual exploitation of children; and another relating to racketeering.

By the adoption of this amendment, we will strengthen the penalties and also give a directive to the United States Sentencing Commission, which is the normal course of action, that they shall consider sentencing enhancements for those convicted of other offenses, including offenses involving fraud, identity theft, obscenity, child pornography, and sexual exploitation of children, if those offenses involve the sending of large quantities of unsolicited e-mail.

Why is this so egregious? We know what a nuisance it is. One day, I went in my Tampa office to check the e-mail. We had a list of single-spaced e-mail over the last evening filling up—single space, one sheet of paper, all unsolicited. That was bad enough. But to a Senate office, two of them were pornographic. If that is happening to my Tampa Senate office, we can imagine what is happening to the e-mail receipt of every consumer in America on their computer. It has to stop. This is an attempt to stop it.

Under the old laws, when we tried to protect against activities such as child pornography or taking advantage of senior citizens by some extortion or deceptive scheme to bilk them out of money, before we had e-mail, the criminal would send out 100, 150 letters to the unsuspecting victims on whom they were preying on child pornography or on fleecing senior citizens of their assets. That was 100, 150 letters. Now with the punch of a button, they can send out 150 million. So we see the insidious ability of a criminal mind to prey upon millions of people by the use of this very new and fantastic tool that we ought to be using for good, not for ill, and that is e-mail.

This Senator is very happy that this legislation is being considered, and we are now going to attach some tough penalties to it for these egregious types of activities.

I also commend the Senator from Arizona, the chairman of our committee, and the Senator from South Carolina, the ranking member of our committee, for being so vigilant in bringing this legislation to the floor.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, we would like to, obviously, finish the bill as expeditiously as possible and yet offer all Members the opportunity to propose amendments. As I understand it right now, we have pending amendments by Senators CORZINE, SANTORUM, and HATCH.

As Members know, there is a briefing at 4 p.m. by the Secretary of Defense for all Members in room 407. Shortly before 4, I would like to propose a unanimous consent agreement to lock in all amendments with no time agreements agreed to. I ask my colleagues who may have additional amendments to let us know between now and shortly before the hour of 4, which is over a half an hour.

I will also say we are asking Senators HATCH, SANTORUM, and CORZINE to come over to offer their amendments so we can dispose of those amendments.

AMENDMENT NO. 1892

Mr. MCCAIN. Madam President, I wish to make a few comments about Senator SCHUMER's amendment regarding the Do Not Spam list. As Senator SCHUMER pointed out, it authorizes the Federal Trade Commission to develop a Do Not Spam list similar to the Do Not Call list which has been widely supported by Americans across the country.

The Senator from New York and I remember when apparently perhaps, in the view of some, a misguided member of the judiciary stayed the Do Not Call list and the reaction that followed was certainly extraordinary. If we are able technologically to develop a Do Not Spam list, I think it would be of great assistance to many Americans. So I think the Senator from New York has a remarkable idea here.

As a first step, the FTC, which has testified they have some technological reservations about creating such a list, although I am sure the FTC would not object to it in principle, but they have some reservations, Senator SCHUMER has modified his amendment so that the FTC would be required to submit a report to the Congress within 6 months. It contains a plan for implementing the Do Not Spam list. The FTC would be authorized to implement the list 3 months later, and I would certainly urge them to do so.

As everyone is aware by now, there has been a tremendous amount of discussion about this issue. I believe it is a good one and one that provides the FTC with the authority to establish such a registry if they believe it is the proper mechanism to stop the onslaught of spam to consumers.

I think we have given them the flexibility to come back and show us if there are serious problems. If there are serious problems, we would be glad to look at them and help resolve those problems through any kind of legislative or other assistance we can provide.

The Schumer amendment also absolutely emphasizes this is an idea that has worked in the Do Not Call area and is a concept that should be pursued to the fullest extent of our capabilities. So I thank the Senator. I also thank Senator NELSON, a valued member of the committee, for his involvement in this issue.

Again, I hope Senators who have amendments will come to the floor and let us know about them.

Mr. SCHUMER. Will my colleague yield?

Mr. MCCAIN. I am glad to yield.

Mr. SCHUMER. I once again thank my colleague from Arizona for helping us with this list and his commitment in terms of keeping this in the conference and then making sure the FTC moves forward with this in every technological way possible. I very much appreciate it. As I mentioned before, the Senator is a true gentleman, a man of his word. We would not be here today without his good work.

Mr. WYDEN. Will the Senator yield?

Mr. SCHUMER. I think the Senator from Arizona has the floor.

Mr. MCCAIN. I am glad to yield, but first, to add to my remarks, I believe Senator ENZI may have an amendment as well.

I thank my friend from New York for his comments and I yield to the Senator from Oregon.

Mr. WYDEN. I say to the Senator from New York, I appreciate his patience on this. I think he knows from the outset my concern was not with the nature of this, because clearly empowering consumers to make these kinds of choices is essential. What is important is to try to figure out how to do this right.

The Senator from New York knows people change their e-mail addresses constantly. In that sense, this is different than a telephone. We all understand that if a bad spammer, for example, one of these kingpin operators, was to hack into this, what a gold mine for an evil person who wanted to exploit our citizens. The Senator from New York has been acutely aware of it and that is why he has worked with me, Senator BURNS, and all of those on the Commerce Committee. I commend him for his patience.

This is an important contribution. We have a lot of work to do, because we have seen with the Do Not Call list what the challenge is. I personally believe in the telecommunications area we ought to establish, as kind of a bedrock principle, that there is a First Amendment right to communicate, but there also is a right of the consumer to say, I have had it. In effect, that is what the Senator from New York is allowing us to do in the spam area, and to do it in a responsible way.

I thank my colleague from Arizona for giving me this time. With a little luck, we will be able to dispose of the additional spam amendments and send this bill on its way.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I again urge my colleagues, particularly Senators SANTORUM, HATCH, CORZINE, and ENZI, to come to the floor to give us their amendments so we can move expeditiously.

I also intend to propose a unanimous consent agreement in about 15 minutes that there be no further amendments in order at that time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1893

Mr. HATCH. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah (Mr. HATCH), for himself, Mr. LEAHY, Mr. NELSON of Florida, and Mr. SCHUMER proposes an amendment numbered 1893.

Mr. HATCH. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To revise the criminal penalty provisions of the bill as reported, and for other purposes)

On page 43, beginning with line 11, strike through the matter appearing between lines 10 and 11 on page 44 and insert the following:

SEC. 4. PROHIBITION AGAINST PREDATORY AND ABUSIVE COMMERCIAL E-MAIL.

(a) OFFENSE.—

(1) IN GENERAL.—Chapter 47 of title 18, Untied States Code, is amended by adding at the end the following new section:

"§1037. Fraud and related activity in connection with electronic mail

"(a) IN GENERAL.—Whoever, in or affecting interstate or foreign commerce, knowingly—

"(1) accesses a protected computer without authorization, and intentionally initiates the transmission of multiple commercial electronic mail messages from or through such computer,

"(2) uses a protected computer to relay or retransmit multiple commercial electronic mail messages, with the intent to deceive or mislead recipients, or any Internet access service, as to the origin of such messages,

"(3) falsifies header information in multiple commercial electronic mail messages and intentionally initiates the transmission of such messages,

"(4) registers, using information that falsifies the identity of the actual registrant, for 5 or more electronic mail accounts or online user accounts or 2 or more domain names, and intentionally initiates the transmission of multiple commercial electronic mail messages from any combination of such accounts or domain names, or

"(5) falsely represents the right to use 5 or more Internet protocol addresses, and intentionally initiates the transmission of multiple commercial electronic mail messages from such addresses,

or conspires to do so, shall be punished as provided in subsection (b).

"(b) PENALTIES.—The punishment for an offense under subsection (a) is—

"(1) a fine under this title, imprisonment for not more than 5 years, or both, if—

"(A) the offense is committed in furtherance of any felony under the laws of the Untied States or

"(B) the defendant has previously been convicted under this section or section 1030, or under the law of any State for conduct involving the transmission of multiple commercial electronic mail messages or unauthorized access to a computer system;

"(2) a fine under this title, imprisonment for not more than 3 years, or both, if—

"(A) the offense is an offense under subsection (a)(1);

"(B) the offense is an offense under subsection (a)(4) and involved 20 or more falsified electronic mail or online user account registrations, or 10 or more falsified domain name registrations;

"(C) the volume of electronic mail messages transmitted in furtherance of the offense exceeded 2,500 during any 24-hour period, 25,000 during any 30-day period, or 250,000 during any 1-year period;

"(D) the offense caused loss to 1 or more persons aggregating $5,000 or more in value during any 1-year period;

"(E) as a result of the offense any individual committing the offense obtained anything of value aggregating $5,000 or more during any 1-year period; or

"(F) the offense was undertaken by the defendant in concert with 3 or more other persons with respect to whom the defendant occupied a position of organizer or leader; and

"(3) a fine under this title or imprisonment for not more than 1 year, or both, in any other case.

"(c) FORFEITURE.—

"(1) IN GENERAL.—The court, in imposing sentence on a person who is convicted of an offense under this section, shall order that the defendant forfeit to the United States—

"(A) any property, real or personal, constituting or traceable to gross proceeds obtained from such offense; and

"(B) any equipment, software, or other technology used or intended to be used to commit or to facilitate the commission of such offense.

"(2) PROCEDURES.—The procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) of that section, and in Rule 32.2 of the Federal Rules of Criminal Procedure, shall apply to all stages of a criminal forfeiture proceeding under this section.

"(d) DEFINITIONS.—In this section:

"(1) LOSS.—The term 'loss' has the meaning given that term in section 1030(e) of this title.

"(2) MULTIPLE.—The term 'multiple' means more than 100 electronic mail messages during a 24-hour period, more than 1,000 electronic mail messages during a 30-day period, or more than 10,000 electronic mail messages during a 1-year period.

"(3) OTHER TERMS.—Any other term has the meaning given that term by section 3 of the CAN-SPAM Act of 2003.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"Sec.
"0137. Fraud and related activity in connection with electronic mail.".

(b) UNITED STATES SENTENCING COMMISSION.—

(1) DIRECTIVE.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the sentencing guidelines and policy statements to provide appropriate penalties for violations of section 1037 of title 18, United States Code, as added by this section, and other offenses that may be facilitated by the sending of large quantities of unsolicited electronic mail.

REQUIREMENTS.—In carrying out this subsection, the Sentencing Commission shall consider providing sentencing enhancements for—

(A) those convicted under section 1037 of title 18, United States Code, who—

(i) obtained electronic mail addresses through improper means, including—

(I) harvesting electronic mail addresses of the users of a Web site, proprietary service, or other online public forum operated by another person, without the authorization of such person; and

(II) randomly generating electronic mail addresses by computer; or

(ii) knew that the commercial electronic mail messages involved in the offense contained or advertised an Internet domain for which the registrant of the domain had provided false registration information; and

(B) those convicted of other offenses, including offenses involving fraud, identity theft, obscenity, child pornography, and the sexual exploitation of children, if such offenses involved the sending of large quantities of unsolicited electronic mail.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Spam has become the method of choice for those who distribute pornography, perpetrate fraudulent schemes, and introduce viruses, worms, and Trojan horses into personal and business computer systems; and

(2) the Department of Justice should use all existing law enforcement tools to investigate and prosecute those who send bulk commercial e-mail to facilitate the commission of Federal crimes, including the tools contained in chapters 47 and 63 of title 18, United States Code (relating to fraud and false statements); chapter 71 of title 18,

United States code (relating to obscenity); chapter 110 of title 18, United States Code (relating to the sexual exploitation of children); and chapter 95 of title 18, United States Code (relating to racketeering), as appropriate.

Mr. HATCH. Madam President, I rise today with Senator LEAHY, Senator NELSON of Florida, and Senator SCHUMER to offer an amendment to the CAN SPAM Act of 2003. This amendment strengthens the act's criminal provisions by incorporating key provisions of the Criminal Spam Act of 2003, which I worked closely with Senators LEAHY, GRASSLEY, SCHUMER, NELSON of Florida and others to draft earlier this year and which was favorably reported out of the Judiciary Committee. To send an effective and adequate message of deterrence to the most egregious spammers, stiff criminal penalties must be an element of any comprehensive anti-spam legislative package.

Over the course of the past several Congresses we have become more and more aware of the problems associated with unsolicited commercial e-mail, or spam. Rarely a minute passes that American consumers and their children are not bombarded with e-mail messages that promote pornographic web sites, illegally pirated software, bogus charities, pyramid schemes and other "get rich quick" or "make money fast" scams.

The rapid increase in the volume of spam has imposed enormous costs on our economy—potentially $10 billion in 2003 alone—as well as unprecedented risks on our children and other vulnerable components of our society. Spam has become the tool of choice for those who distribute pornography and indulge in fraud schemes. We all know of children who have opened unsolicited e-mail messages with benign subject lines only to be exposed to sexually explicit images. We have heard of seniors using their hard earned savings to buy fraudulent health care products advertised on-line or of being duped into sharing sensitive personal information to later find themselves victims of identity and credit card theft.

We cannot afford to stand idle and continue to allow sophisticated spammers to use abusive tactics to send millions of e-mail messages quickly, at an extremely low cost, with no repercussions. The sheer volume of spam, which is growing at an exponential rate, is overwhelming entire network systems, as well as consumers' in-boxes. By year end, it is estimated that 50 percent of all e-mail traffic will be spam. It is no exaggeration to say that spam is threatening the future viability of all e-commerce. The time has come to curb the growth of spam on all fronts—through aggressive civil and criminal enforcement actions, as well as innovative technological solutions.

The criminal provisions that make up this amendment are intended to target those who use fraudulent and deceptive means to send unwanted e-mail messages. A recent study conducted by the Federal Trade Commission demonstrates that this is no small number. According to the FTC, 66 percent of spam contains some kind of false, fraudulent, or misleading information, and one-third of all spam contains a fraudulent return e-mail address that is included in the routing information, or header, of the e-mail message. By concealing their identities, spammers succeed in evading Internet filters, luring consumers into opening messages, and preventing consumers, ISPs and investigators from tracking them down to stop their unwelcomed messages.

This amendment significantly strengthens the criminal penalties contained in the CAN SPAM Act by striking its misdemeanor false header offense and replacing it with five new felony offenses. The amendment makes it a crime to hack into a computer, or to use a computer system that the owner has made available for other purposes, as a conduit for bulk commercial e-mail. It prohibits sending bulk commercial e-mail that conceals the true source, destination, routing or authentication information of the e-mail, or is generated from multiple e-mail accounts or domain names that falsify the identity of the actual registrant. It also prohibits sending bulk commercial e-mail that is generated from multiple e-mail accounts or domain names that falsify the identity of the actual registrant, or from Internet Protocol, IP, addresses that have been hijacked from their true assignees.

The amendment includes stiff penalties intended to deter the most abusive spammers. Recidivists and those who send spam to commit another felony face a sentence of up to 5 years' imprisonment. Those who hack into another's computer system to send spam, those who send large numbers of spam, and spam kingpins who direct others in their spam operations, face up to 3 years' imprisonment. Other illegal spammers face up to a year in prison. The amendment provides additional deterrence with criminal forfeiture provisions and the potential for sentencing enhancements for those who generate e-mail addresses through harvesting and dictionary attacks.

I commend Senators BURNS, WYDEN, MCCAIN, and HOLLINGS for their hard work over the course of the past several Congresses on the CAN SPAM Act. They have worked diligently to enhance the privacy of consumers without unnecessarily burdening legitimate electronic commerce. The balance is a difficult one to strike. I compliment these fine Senators for being able to strike that balance and get it done.

I believe enactment of the CAN SPAM Act is an important first step toward curbing predatory and abusive commercial e-mail, but it is certainly not the end. We all recognize that there is no single solution to the spam problem. While we must critically and continually monitor the effectiveness of any legislative solution we enact, we must pursue other avenues as well. Technological fixes, education and international enforcement are integral components to any effective solution. To this end, we will need the assistance of private industry and our international partners.

I look forward to working with my colleagues in both Houses as we attempt to confront the spam problem on all fronts. I urge my colleagues to support this amendment which will strengthen the comprehensive legislative package that is before us today.

Mr. WYDEN. Madam President, will the Senator from Utah yield?

Mr. HATCH. I am happy to do that.

Mr. WYDEN. I commend the Senator from Utah for his efforts in this area. The contribution the Senator from Utah makes is not just useful but it is absolutely critical. We can write bills to fight spam until we run out of paper, but unless we have the kind of enforcement the Senator from Utah envisions, we are not going to get the job right.

I am particularly interested in working with the distinguished chairman of the Judiciary Committee in making sure we have some vigorous oversight after this bill is enacted into law. If after this bill is passed we have the prosecutors, the Federal Trade Commission, and others bring some tough enforcement actions, that will be a tremendously valuable deterrent.

I would like to work with the distinguished chairman of the committee to have some vigorous oversight hearings after this bill has gone into effect. That is what it is going to take to make sure we have the teeth in this legislation to make a difference. I thank my colleague.

Mr. HATCH. I thank my colleague for those kind remarks and thank him and Senator MCCAIN for their leadership in the Senate.

I ask unanimous consent to add Senator GRASSLEY as a cosponsor of this amendment, No. 1893. Senator GRASSLEY has worked with me and Senator LEAHY every step of the way and deserves a lot of credit.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. I thank Senator HATCH and Senator LEAHY for their work to improve the criminal provisions and strengthen the Burns-Wyden CAN-SPAM Act. The active participation of Senator HATCH and his committee on this issue has been extremely valuable.

I join my friend from Oregon in urging Senator HATCH to have oversight on how this law is enforced and that it is properly done. We face challenges in enforcement of this act, particularly in light of the changes in technology that will inevitably occur which will make this legislation even harder to enforce than it is today. I thank Senator HATCH, and I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. I encourage the adoption of this amendment. I am one of the cosponsors along with Senator HATCH and Senator LEAHY. Let me state for the RECORD the essence of part of a colloquy between myself and Senator LEAHY.

We have all been stunned by how pervasive spam has become in e-mail traffic. We have experienced the way the clogged inboxes, the unwanted solicitations, and the unwelcome pornographic material make a session on the computer less productive and less enjoyable.

I detailed earlier in my remarks the innumerable pornographic messages that come into my Senate office computer in my offices back in Florida. It is one of the top complaints I receive from my constituents. I am very pleased to be working with the Senators from Utah and Vermont to impose tough penalties on those who impose this garbage on others.

I am always concerned with the type of spam that goes beyond the mere nuisance variety. It is becoming clear with each passing month that many criminal enterprises have adopted spam as their method of choice for perpetrating criminal schemes. Spammers are now frequently perpetrating fraud to cheat people out of their savings, stealing people's identities, or trafficking in child pornography. What spam allows them to do is to conduct these criminal activities on a much broader scale at dramatically reduced costs. They can literally reach millions of people at the push of a button.

I have given the example in the old days that someone would use the mail to send out 100 or 150 letters. They would have nefarious schemes such as bilking senior citizens out of money or perpetrating child pornography. Now they do not send out 150 letters to do it. They punch a button and they are sending out 150 million e-mail messages perpetrating their schemes of fleecing senior citizens or perpetrating child pornography.

The colloquy I propose with Senator LEAHY at his convenience would be to reinforce a ban—which is why I had originally introduced S. 1052—in the Deceptive Unsolicited Bulk Electronic Mail Act. I introduced that with Senator PRYOR. That is why I have sought, with the help of the Senator from Vermont and the Senator from Utah, to include provisions in this legislation that make it clear our intent to treat the use of spam to commit large-scale criminal activity as the organized crime that it is.

We do it in two ways. First, by working with the United States Sentencing Commission in the amendment being offered by the Senators toward enhanced sentences for those who use spam or other unsolicited bulk e-mail to commit fraud, identity theft, obscenity, child pornography, or the sexual exploitation of children.

Second, we make the seriousness of our intentions clear in this amendment by urging prosecutors to use all the tools at their disposal, including RICO, to bring down the criminal enterprises that are facilitated by the use of spam.

Specifically, we are talking about the RICO statute which not only comes with some of the stiffest penalties in the Criminal Code but it allows for the seizure of assets of criminal organizations, it allows the prosecutors to go after the criminal enterprise, and it allows for civil suits brought by injured parties. It is tough enforcement like this that will help bring the worst of the spammers to their knees.

Mr. McCAIN. Madam President, I ask consent that the following amendments be the only first-degree amendments in order to the bill and that they be subject to second-degrees which would be relevant to the first degree to which they are offered: Corzine amendment, Santorum amendment, Enzi amendment, Landrieu amendment, and Boxer amendment.

Mr. LEAHY. Reserving the right to object.

Mr. WYDEN. I ask unanimous consent to add Senator HARKIN's name to that list and then I support the unanimous consent.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. LEAHY. Reserving the right to object.

The PRESIDING OFFICER. Does the Senator from Arizona so modify his request?

Mr. McCAIN. I do modify my request.

Mr. LEAHY. Where is the Hatch-Leahy amendment?

Mr. McCAIN. Pending and about to be adopted.

Mr. LEAHY. It is not precluded by the unanimous consent request.

The PRESIDING OFFICER (Mr. CHAMBLISS). It would not be precluded.

Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I thank Senator LEAHY for his work on this amendment, along with Senator HATCH, who lends and contributes a great deal of teeth to this bill. I know they have worked very hard.

As I mentioned to Senator HATCH, as did the Senator from Oregon, we know that the Senator and his committee will be involved in the oversight of the enforcement of this legislation. We thank you for his valuable contribution.

I urge the sponsors of those amendments, Senators CORZINE, SANTORUM, ENZI, LANDRIEU, BOXER, and HARKIN, to please come to the floor in courtesy to their colleagues so we can take up and dispose of these amendments. Please show some courtesy to your colleagues. If you have amendments pending, please come. We are ready for them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, when the Senator from Arizona asked to make his unanimous consent request, I was in the process of answering the question of the Senator from Florida, who has spoken to me many times about his interest in these areas.

I appreciate what he has done to strengthen this legislation.

We keep the authority to set sentences where it belongs, with the Sentencing Commission, while remaining deferential, to the discretion of prosecutors.

The provisions from the Senator from Florida make it unmistakably clear that Congress expects this legislation to be used not just to punish spammers but also to dismantle criminal operations that are carried out with spam and other unsolicited bulk e-mail.

I also would note that the Senator from Florida has spoken about spam evolving from being just a nuisance. He is absolutely right. Serious crimes are being committed using this medium, which reaches a large number of people. Senior citizens are more and more often targeted to being bilked out of millions of dollars, and with very little effort on the part of the spammers.

Mr. President, I will engage in a colloquy with Senator NELSON because I think it is important for the purposes of the RECORD. With all the work the Senator from Florida has done, I want the RECORD to be very clear.

Mr. NELSON of Florida. Mr. President, would the Senator from Vermont be willing to engage me in a colloquy?

Mr. LEAHY. I would be pleased to engage in a colloquy with the Senator from Florida.

Mr. NELSON of Florida. Mr. President, I have been stunned, as have so many of my colleagues, by how pervasive spam has become in email traffic. We have all experienced the way clogged in-boxes, unwanted solicitations, and unwelcome pornographic material make a session on the computer less productive and less enjoyable. It is one of the top complaints that I receive from my constituents, and I am very pleased to be working with the Senators from Vermont and Utah to impose tough penalties on those who impose this garbage on others.

But I am also concerned with a type of spam that goes beyond the mere nuisance variety. It is becoming clearer with each passing month that many criminal enterprises have adopted spam as their method of choice for perpetrating their criminal schemes. Spammers are now frequently perpetrating fraud to cheat people out of their savings, stealing people's identities, or trafficking in child pornography. What spam allows them to do is to conduct these criminal activities on a much broader scale at dramatically reduced costs—they can literally reach millions of people at the push of a button.

Mr. LEAHY. The Senator from Florida is correct. Nowadays, we see that spam has moved far beyond being just a nuisance to people trying to use email on their personal computers. Serious crimes are being committed using this medium, which can reach large numbers of people in a matter of seconds. For example, if a person or organization seeks to commit fraud to bilk senior citizens out of their money, with spam they can reach millions of potential victims at very low, even negligible costs. With such low costs, and such wide reach, even a small rate of success can make for a very profitable criminal enterprise.

Mr. NELSON of Florida. The Senator from Vermont has provided an excellent example of the problem that we are trying to address. And that is why I have sought, with the help of the Senator from Vermont and the Senator from Utah, to include provisions in this legislation that make clear our intent to treat the use of spam to commit large-scale criminal activity as the organized crime that it is.

We do this in two ways: First, by working with the U.S. Sentencing Commission toward enhanced sentences for those who use spam or other unsolicited bulk email to commit fraud, identity theft, obscenity, child pornography, or the sexual exploitation of children.

Second, we make the seriousness of our intentions clear by urging prosecutors to use all tools at their disposal to bring down the criminal enterprises that are facilitated by the use of spam. Among other things, we are talking about the RICO statute, which not only comes with some of the stiffest penalties in the criminal code, but also allows for the seizure of the assets of criminal organizations, and for civil suits brought by injured parties. It is tough enforcement like this that will help bring the worst of the spammers to their knees.

Mr. LEAHY. The Senator from Florida has made me aware of his interest in these provisions on several occasions, and I appreciate his contributions to this effort. They strengthen the legislation in important ways. While keeping the authority to set sentences where it belongs—with the Sentencing Commission—and while remaining deferential to the discretion of prosecutors, these provisions makes unmistakably clear that Congress expects this legislation to be used not just to punish spammers, but also to dismantle the criminal enterprises that are carried out with spam and other unsolicited bulk e-mail.

Mr. NELSON of Florida. I thank the Senator from Vermont for his outstanding leadership on this issue, and for his cooperation in including my amendments in the legislation.

Mr. LEAHY. Mr. President, it is increasingly obvious that unwanted commercial e-mail is more than just a nuisance. Businesses and individuals sometimes have to wade through hours of spam. It makes it impossible for them to do their work. It slows down whole enterprises.

In my home State of Vermont, one legislator logged on to his server and found that two-thirds of the e-mails in his inbox were spam. Our legislator is a citizen or legislature. He does not have staff or anything else. This was after the legislator had installed spam-blocking software. His computer stopped about 80 percent of it. But even after he blocked 80 percent, two-thirds of the e-mail he had was spam.

The e-mail users are having the online equivalent of the experience of the woman in the classic Monty Python skit. She wanted to order a Spam-free breakfast at a restaurant. Try as she might, she cannot get the waitress to bring her the meal she wants. Every dish in the restaurant comes with Spam; it is just a matter of how much. There is eggs, bacon, and Spam; eggs, bacon, sausage, and Spam; Spam, bacon, sausage, and Spam; Spam, egg, Spam, Spam, bacon, and Spam; Spam, sausage, Spam, Spam, Spam, bacon, Spam, tomato, and Spam, and so on. Finally, the customer said: I don't like Spam. I don't want Spam. I hate Spam.

Now, I repeat that with apologies to John Cleese and everybody else in the Monty Python skit.

Mr. President, anybody who goes on e-mail, including every member of my family down to my 5-year-old grandchild, knows how annoying spam can be.

A Harris poll taken last year found that 80 percent of the respondents viewed spam as "very annoying" and 74 percent wanted to make it illegal.

Some 30 States now have anti-spam laws but it is difficult to enforce them.

There are actually billions of unwanted e-mails that are blocked by ISPs every day. Hundreds of millions of spam e-mails get through just the same.

Now, we have to be very careful when we regulate in cyberspace. We must not forget that spam, like more traditional forms of commercial speech, is protected by the first amendment. We cannot allow spam to result in the "virtual death" of the Internet, as one Vermont newspaper put it.

So what Senator HATCH and I have offered and is being accepted—the Hatch-Leahy-Nelson-Schumer amendment—would, first, prohibit hacking into another person's computer system and sending bulk spam from or through that system.

Second, it would prohibit using a computer system that the owner makes available for other purposes as a conduit for bulk spam, with the intent to deceive the recipient as to where the spam came from.

The third prohibition targets another way that outlaw spammers evade ISP filters: falsifying the "header information" that accompanies every e-mail and sending bulk spam containing that fake header information. The amendment prohibits forging information regarding the origin of the e-mail message.

Fourth, the Hatch-Leahy-Nelson-Schumer amendment prohibits registering for multiple e-mail accounts or Internet domain names and sending bulk mail from those accounts or domains.

Fifth, and finally, our amendment addresses a major hacker spammer technique for hiding identity that is a common and pernicious alternative to domain name registration—that is, hijacking unused expanses of Internet address space and using them to launch junk mail.

Now, penalties under the amendment are tough, but they are measured. Recidivists and those who send spam in furtherance of another felon may be imprisoned for up to 5 years. The sound of a jail cell closing for 5 years should focus their attention.

Large-volume spammers, those who hack into another person's computer system to send bulk spam, and spam "kingpins" who use others to operate their spamming operations may be imprisoned for up to 3 years, and so on.

Then, of course, we direct the Sentencing Commission to look at other areas.

So, Mr. President, I see my colleagues on the floor, Senator BURNS and Senator WYDEN, who have done yeoman work on this legislation. I compliment all those who worked together. I certainly compliment the two of them, as well as Senator HATCH, Senator NELSON, and Senator SCHUMER. I think we are putting together something that is worth passing.

Mr. WYDEN. Will the Senator yield?

Mr. LEAHY. Sure.

Mr. WYDEN. Mr. President, just before he leaves the floor, I thank the distinguished Senator from Vermont for all his help. I have already told Senator HATCH how incredibly important the enforcement provision is. You can write bills forever, but without the enforcement to which the Senator from Vermont and the Senator from Utah are committed, those bills are not going to get the job done.

Suffice it to say, when there were a lot of people in public life who thought their computers were somehow a TV screen, the Senator from Vermont was already leading the Senate and those who work in the public policy arena to understand the implications of the medium.

There is nobody in public life whose counsel I value more on telecommunications and Internet policy than the distinguished Senator from Vermont. I appreciate his giving me this opportunity to work with him on the enforcement provisions. It will be the lifeblood of making this bill work.

Mr. LEAHY. Mr. President, I thank my dear friend from Oregon for his far too generous words. I have enjoyed working with him. He has carried over from his service in the other body. He has a strong interest in this. Just as important as his strong interest is the fact he has extraordinary expertise in this area. That is very helpful.

If you would allow me one quick personal story. This sort of humbles you. I like to think I am very knowledgeable on this. My 5-year-old grandson climbed in my lap and asked me to log on to a particular interactive site for children. It is something he could do himself, but we don't let him log on himself because of the problems with some sites that appear to be for children, and are anything but.

So I log on for him, and he climbs up on my lap, takes the mouse out of my hand and says: I better take over now because it gets very complicated.

In some ways we are protecting those 5-year-olds because they are the next generation using this technology. I thank my friend from Oregon and good friend from Montana for the enormous amount of work they have done here.

I yield the floor.

Mr. BURNS. Mr. President, I might add, Senator LEAHY and I serve as cochairs on the Internet caucus. We understand the ramifications of this new medium that has come upon us, its importance, and all it has to offer. Of course, getting rid of spam is one of those things that if we don't do it, then I am afraid it will be the one that chokes this very new way of communicating and brings us not only information but new services.

I appreciate the work of the Senator from Vermont and thank him for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have been watching. Everybody is pretty much congratulating everybody else. Let me add my congratulations. This is an important issue. There are some serious people who have done serious work on this matter.

I don't know where the word spam came from. I suspect someone has described that today. It is a luncheon meat in northern Minnesota in our region of the country. But spam is a term used to describe those unsolicited messages that are sent into your computer. It has become much more than just a nuisance. It was not too long ago, perhaps even a year or two, these unsolicited notices you receive through e-mail and other devices were a nuisance. Now it is a very serious problem. Log on to your computer and see what happens. You have intruders in that computer, and they are flagging for you gambling sites and dating sites and pornography, virtually everything. Go to your e-mail and find out how many unsolicited e-mails you have had. You have more friends than you thought you had. Dozens and dozens of people and groups are writing to you. Most of them, of course, are pornographic, and they are unsolicited kinds of messages you wouldn't want to explore, nor would you want your family to explore.

If this afternoon someone drove up in front of your house with a truck and knocked on the front door and said: I have some actors in the back of this truck of mine, and we want to come into your home because we know you have a 10-year-old and a 12-year-old child, we would like to put on a show for you, it is going to be a pornographic sex show, you would go to the phone and call the police. The police would come and arrest them, and they would be prosecuted. Yet there are people who come into our homes and put on these pornographic sex shows through the computer—yes, to unsuspecting children. Yes, it happens all the time. We know it. That is why we are trying to determine what can we do to stop it.

There is a right of free speech, but no stranger has a right to entertain 10-year-old kids in your home or our home with pornography. No stranger has that right. That does not exist as a right of free speech.

The question is, what kind of legislation can we craft that addresses this in a serious way. There is so much spam on the Internet. I am describing pornography, but there are so many commercial and other devices with unsolicited messages that it almost completely overwhelms the use of e-mail. It clogs the arteries of commerce for which the Internet and e-mail have been very valuable.

In the last couple of years, we have a circumstance where 46 percent of all e-mail traffic in the month of April this year was spam. It was only 18 percent in April of 2002, more than double in just a year. It does clog the arteries of commerce. It exposes children to things that are harmful and inappropriate. The question is, what can we do about it.

This legislation is an attempt to try to address it. We will best congratulate ourselves if and after the legislation is passed, in force, and we determine it works. If and when that is the case, then we all should say congratulations for having done something useful. We have, of course, tried this before. The Supreme Court struck down legislation that came from the Commerce Committee dealing with this issue. I think this is a better way to approach it. It is more serious, more thoughtful, and more likely to be able to meet the test of being constitutional.

We in the Commerce Committee have worked on other issues similar to this, not so much dealing with spam but especially protecting children.

Senator ENSIGN and I coauthored legislation dealing with a new domain name. We are creating a new domain in this country called dot U.S., just like there is a domain dot U.K. We will have a new one called dot U.S. We decided by legislation we would attach to that domain a condition that they must also create a domain within dot U.S. called dot kids dot U.S. That will be a domain in which parents know that when their children are in dot kids dot U.S., any site in dot kids dot U.S., they are going to be seeing things that are only appropriate for children. That is going to be a big help to parents.

If you restrict the child to dot kids dot U.S. and you know that child is not going to be exposed to things children should not be exposed to, that is legislation that is going to be very helpful.

Let me also say this piece of legislation dealing with spam is similarly helpful. We have a circumstance where what shows up on the computers of virtually every American is not only unsolicited messages but messages that come from anonymous sources all over the world, messages that contain things you don't have any interest in, that are grotesque, unwanted, and pornographic. You can't determine where they come from.

This legislation, along with the amendments being offered, moves exactly in the right direction to prohibit false and misleading transmission of information. It prohibits the knowing use of deceptive subject headings, requires a return address or comparable reply message so you can figure out who sent it, requires the UCE be self-identified as an advertisement or a solicitation. All of these things are very important. At the end of time, when we have passed this legislation, it is in force, and we determine it is workable, then we will know we have done something very significant.

Let me make one additional point. I think computers and the Internet are quite remarkable. It is difficult to find words to describe how wonderful it can be. To be in a town like my hometown of nearly 300 people and have access through the Internet to the biggest library in the world, have access on the Internet to the great museums of the world. I grew up in a small town, with a high school senior class of nine. We had a library the size of a coat closet. With the Internet, that school now has a library the size of the largest library in the world, the largest repository of human knowledge existing anywhere on Earth—the Library of Congress. Yes, that exists in my hometown by virtue of the Internet.

The Internet is remarkable, wonderful, and breathtaking. It opens vistas of new opportunities for all Americans. We are dealing with the other side of the Internet because there are two sides to this issue. The other side contains some very serious issues and problems. We can continue to ignore them at our peril, at the peril of our children, and at the peril of business and commerce, which relies on the Internet as an artery of commerce. We can ignore them or we can address them, as my colleagues, Senators WYDEN and BURNS, chose to do with their leadership in the Commerce Committee. I thank them and I also thank the Senator from Arizona, Mr. MCCAIN, and Senator HOLLINGS.

We have a great committee, one on which I am proud to serve. We do a lot of work and address a lot of issues. This is but one, but it is a very important one and it is a timely piece of legislation to bring to the floor. It appears that, based on the unanimous consent request, this will now move and, with some amendments being offered, I think we will get to final passage. I expect to have a very strong vote by the entire Senate because it is a good piece of legislation. The time to do this is now and this is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, I thank my friend from North Dakota for his kind words. I tell all Senators, both here and watching, that the Boxer amendment has been withdrawn. That gets us down to where we could get this bill passed tonight.

I believe the pending business is the Hatch-Leahy amendment No. 1893. I call for its adoption.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1893) was agreed to.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, we are very close to being able to pass this bill tonight. This is an extraordinarily important consumer measure, a measure that literally touches the lives of millions of people every single day. At this point, we have only three amendments left. The Senator from New Jersey, Mr. CORZINE, has an amendment; the Senator from Wyoming, Mr. ENZI, is to offer an amendment with Senator SANTORUM; and then Senator LANDRIEU has an amendment.

I am very hopeful we will be able to finish this bill fairly shortly. I urge those Senators who have their amendments in order to come to the floor at this point. This is legislation that has been worked on for more than 4 years. During that time, this problem has grown exponentially. A number of Senators have spoken about it, and the Senate ought to move ahead.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I ask unanimous consent that I be allowed to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INTERNET TAX FREEDOM ACT

Mr. ALEXANDER. Mr. President, in our political speeches, Senators, especially we Republicans, have a lot to say in defense of the Tenth Amendment, that all powers not expressly given to the central government are reserved to the States. We are big talkers about local control, about State responsibilities, and about State rights.

Somehow, when we get to Washington and away from home, a lot of that goes up in smoke. We start thinking of grand ideas and sending State and local governments the bill to pay for our grand ideas. Special education for children with disabilities, but we say to the State and local governments, you pay the bill. New construction to stop storm water runoff, but we say to the cities, you pay the bill. Higher standards for roads, we say to the States, you pay the bill. New standards for highly qualified teachers, you pay the bill. We call these unfunded mandates.

What I want to talk about today is the worst kind of unfunded mandate. Not only do we have grand ideas and are telling State and local governments that they have to pay for them, we now want to tell them how to pay for them. The latest such example is to tell State and local governments that a tax on Internet access or telephones is somehow a worse tax, a bad tax they should not be allowed to pursue, than a tax on medicine, food, or an income tax.

I supported a moratorium for 7 years on State and local access to the Internet so the Internet could get up and get going, but now it is up and going. It ought to be absolutely on its own with other commercial activity. Yet our friends in the House of Representatives and some in the Senate would not only extend the moratorium on State and local taxes on Internet access, they would broaden it.

This is none of the Congress's business. It is a State and local responsibility to decide how to pay the bill to fund State parks, local schools, roads, prisons, colleges, and universities. That is what Governors do. That is what legislators do. That is what mayors do. That is what county commissioners and city council men and women do.

The inevitable result of such unfunded mandates from Washington, DC, telling States what taxes they can and cannot use, is to transfer more government to Washington, DC, because here we can print money to pay for it. It sounds awfully good to say we are banning a tax, but what we are actually doing is favoring one tax over another tax with the decision made in Washington, DC.

For example, if Tennessee's ability to have a broad-based sales tax is limited, then the chances that Tennessee will have an income tax are higher, or a higher tax on medicine or food, or higher college tuition for families to pay. The same goes for Florida, Texas, Washington State, or any other State.

Some say this interference in State prerogatives and local prerogatives is justified by the interstate commerce clause of the Constitution, and that the Internet is too important to carry its fair share of the taxes. I ask: Is access to the Internet more important than food? If not, then why not limit the State sales tax on food, medicine, electricity, natural gas, water, corporations generally, car tags, telephones, cable TV? They are all in interstate commerce. Let us limit the tax on all of them from Washington, DC.

Unless we want to get rid of State and local governments and transfer all responsibilities for local schools, colleges, prisons, State parks, and roads to Washington, DC, and claim all wisdom resides here, then we have no business telling State and local governments how they pay the bill for legitimate services.

We should read the Tenth Amendment to the Constitution and get back to our basic job of funding war, welfare, Social Security, Medicare, and debt. And leave decisions about what services to provide and what taxes to impose to State and local governments and to State and locally elected officials.

Under the rules of the Senate, because this bill imposes costs on States without paying for them, it is an unfunded mandate and subject to a point of order to pass this bill that would extend the moratorium on State and local ability to tax access to the Internet.

In its cost estimate of September 9, 2003, the Congressional Budget Office determined that S. 150, as reported by the Commerce Committee, would impose direct costs on State and local governments of lost revenues of $80 million to $120 million per year beginning in 2007. Because the estimate exceeds the threshold of $64 million for

2007, this is an intergovernmental mandate, subject to a point of order. According to the Multi-state Tax Commission, the bill has the potential to exempt telephone and cable companies from a broad array of State and local taxes that could amount to an unfunded mandate on State and local governments of up to $9 billion a year. Every Senator who votes to overturn the point of order to this bill would be voting for an unfunded mandate, which most of us have promised not to do. Let the moratorium on access to the Internet die a well-deserved and natural death when it expires on November 1 and let us remember the Republican Congress 10 years ago promised to end unfunded mandates.

I ask unanimous consent that certain information from the Congressional Budget Act describing unfunded mandates and the point of order that is possible to be raised in opposition to such mandates be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Congressional Budget Office Cost Estimate]

S. 150—INTERNET TAX NONDISCRIMINATION ACT

AS ORDERED REPORTED BY THE SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION ON JULY 31, 2003.

SUMMARY

S. 150 would permanently extend a moratorium on certain state and local taxation of online services and electronic commerce, and after October 1, 2006, would eliminate an exception to that prohibition for certain states. Under current law, the moratorium is set to expire on November 1, 2003. CBO estimates that enacting S. 150 would have no impact on the federal budget, but beginning in 2007, it would impose significant annual costs on some state and local governments.

By extending and expanding the moratorium on certain types of state and local taxes, S. 150 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the mandate would cause state and local governments to lose revenue beginning in October 2006; those losses would exceed the threshold established in UMRA ($64 million in 2007, adjusted annually for inflation) by 2007. While there is some uncertainty about the number of states affected, CBO estimates that the direct costs to states and local governments would probably total between $80 million and $120 million annually, beginning in 2007. The bill contains no new private-sector mandates as defined in UMRA.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

CBO estimates that enacting S. 150 would have no impact on the federal budget.

INTERGOVERNMENTAL MANDATES CONTAINED IN THE BILL

The Internet Tax Freedom Act (ITFA) currently prohibits state and local governments from imposing taxes on Internet access until November 1, 2003. The ITFA, enacted as Public Law 105–277 on October 21, 1998, also contains an exception to this moratorium, sometimes referred to as the "grandfather clause," which allows certain state and local governments to tax Internet access if such tax was generally imposed and actually enforced prior to October 1, 1998.

S. 150 would make the moratorium permanent and, after October 1, 2006, would eliminate the grandfather clause. The bill also would state that the term "Internet access" or "Internet access services" as defined in ITFA would not include telecommunications services except to the extent that such services are used to provide Internet access (known as "aggregating" or "bundling" of services). These extensions and expansions of the moratorium constitute intergovernmental mandates as defined in UMRA because they would prohibit states from collecting taxes that they otherwise could collect.

ESTIMATED DIRECT COSTS OF MANDATES TO STATE AND LOCAL GOVERNMENTS

CBO estimates that repealing the grandfather clause would result in revenue losses for as many as 10 states for several local governments totaling between $80 million and $120 million annually, beginning in 2007. We also estimate that the change in the definition of Internet access could affect tax revenues for many states and local governments, but we cannot estimate the magnitude or the timing of any such additional impacts at this time.

UMRA includes in its definition of the direct costs of a mandate the amounts that state and local governments would be prohibited from raising in revenues to comply with the mandate. The direct costs of eliminating the grandfather clause would be the tax revenues that state and local governments are currently collecting but would be precluded from collecting under S. 150. States also could lose revenues that they currently collect on certain services, if those services are redefined as Internet access under the bill.

Over the next five years there will likely be changes in the technology and the market for Internet access. Such changes are likely to affect, at minimum, the price for access to the Internet as well as the demand for and the methods of such access. How these technological and market changes will ultimately affect state and local tax revenues is unclear, but for the purposes of this estimate, CBO assumes that over the next five years, these effects will largely offset each other, keeping revenues from taxes on Internet access within the current range.

THE GRANDFATHER CLAUSE

The primary budget impact of this bill would be the revenue losses—starting in October 2006—resulting from eliminating the grandfather clause that currently allows some state and local governments to collect taxes on Internet access. While there is some uncertainty about the number of jurisdictions currently collecting such taxes—and the precise amount of those collections—CBO believes that as many as 10 states (Hawaii, New Hampshire, New Mexico, North Dakota, Ohio, South Dakota, Tennessee, Texas, Washington, Wisconsin) and several local jurisdictions in Colorado, Ohio, South Dakota, Texas, Washington, and Wisconsin are currently collecting such taxes and that these taxes total between $80 million and $120 million annually. The estimate is based on information from the states involved, from industry sources, and from the Department of Commerce. In arriving at this estimate, CBO took into account the fact that some companies are challenging the applicability of the tax to the service they provide and thus may not be collecting or remitting the taxes even though the states feel they are obligated to do so. So potential liabilities are not included in the estimate.

It is possible that if the moratorium were allowed to expire as scheduled under current law, some state and local governments would enact new taxes or decide to apply existing taxes to Internet access during the next five years. It is also possible that some governments would repeal existing taxes or preclude their application to these services. Because such changes are difficult to predict, for the purposes of estimating the direct costs of the mandate, CBO considered only the revenues from taxes that are currently in place and actually being collected.

DEFINITION OF INTERNET ACCESS

Depending on how the language altering the definition of what telecommunications services are taxable is interpreted, that language also could result in substantial revenue losses for states and local governments. It is possible that states could lose revenue if services that are currently taxes are redefined as Internet "access" under the definition in S. 150. Revenues could also be lost if Internet access providers choose to bundle products and call the product Internet access. Such changes would reduce state and local revenues from telecommunications taxes and possibly revenues from content currently subject to sales and use taxes. However, CBO cannot estimate the magnitude of these losses.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

This bill would impose no new private-sector mandates as defined in UMRA.

PREVIOUS CBO ESTIMATE

On July 21, 2003, CBO transmitted a cost estimate for H.R. 49, the Internet Tax Nondiscrimination Act, as ordered reported by the House Committee on the Judiciary on July 16, 2003. Unlike H.R. 49, which would eliminate the grandfather clause upon passage, S. 150 would allow the grandfather clause to remain in effect until October 2006. Thus, while both bills contain an intergovernmental mandate with costs above the threshold, the enactment of S. 150 would not result in revenue losses to states until October 2006.

ESTIMATE PREPARED BY:

Impact on State, Local, and Tribal Governments: Sarah Puro
Federal Costs: Melissa Zimmerman
Impact on the Private Sector: Paige Piper/Bach

ESTIMATE APPROVED BY:

Peter H. Fontaine
Deputy Assistant Director for Budget Analysis

SEC. 424. [2 U.S.C. 658c] DUTIES OF THE DIRECTOR; STATEMENTS ON BILLS AND JOINT RESOLUTIONS OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS.

(a) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

(1) CONTENTS.—If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of

the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

(2) ESTIMATES.—Estimates required under paragraph (1) shall include estimates (and brief explanations of the basis of the estimates) of—

(A) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution;

(B) if the bill or resolution contains an authorization of appropriations under section 425(a)(2)(B), the amount of new budget authority for each fiscal year for a period not to exceed 10 years beyond the effective date necessary for the direct cost of the intergovernmental mandate; and

(C) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by State, local or tribal governments for activities subject of the Federal intergovernmental mandates.

(3) ADDITIONAL FLEXIBILITY INFORMATION.—The Director shall include in the statement submitted under this subsection, in the case of legislation that makes changes as described in section 421(5)(B)(i)(II)—

(A) if no additional flexibility is provided in the legislation, a description of whether and how the States can offset the reduction under existing law; or

(B) if additional flexibility is provided in the legislation, whether the resulting savings would offset the reductions in that program assuming the States fully implement that additional flexibility.

(4) ESTIMATE NOT FEASIBLE.—If the Director determines that it is not feasible to make a reasonable estimate that would be required under paragraphs (1) and (2), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement. If such determination is made by the Director, a point of order under this part shall lie only under section 425(a)(1) and as if the requirement of section 425(a)(1) had not been met.

(b) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

(1) CONTENTS.—If the Director estimates that the direct cost of all Federal private sector mandates in the bill or joint resolution will equal or exceed $100,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

(2) ESTIMATES.—Estimates required under paragraph (1) shall include estimates (and a brief explanation of the basis of the estimates) of—

(A) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

(B) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

(3) ESTIMATE NOT FEASIBLE.—If the Director determines that it is not feasible to make a reasonable estimate that would be required under paragraphs (1) and (2), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

(c) LEGISLATION FALLING BELOW THE DIRECT COSTS THRESHOLDS.—If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the thresholds specified in subsections (a) and (b), the Director shall so state and shall briefly explain the basis of the estimate.

(d) AMENDED BILLS AND JOINT RESOLUTIONS; CONFERENCE REPORTS.—If a bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in amended form, and the amended form contains a Federal mandate not previously considered by either House or which contains an increase in the direct cost of a previously considered Federal mandate, then the committee of conference shall ensure, to the greatest extent practicable, that the Director shall prepare a statement as provided in this subsection or a supplemental statement for the bill or joint resolution in that amended form.

SEC. 425. [2 U.S.C. 658d] LEGISLATION SUBJECT TO POINT OF ORDER

(a) IN GENERAL.—It shall not be in order in the Senate or the House of Representatives to consider—

(1) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with section 423(f) before such consideration, except this paragraph shall not apply to any supplemental statement prepared by the Director under section 424(d); and

(2) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in section 424(a)(1) to be exceeded, unless—

(A) the bill, joint resolution, amendment, motion, or conference report provides new budget authority or new entitlement authority in the House of Representatives or direct spending authority in the Senate for each fiscal year for such mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to or exceeding the direct costs of such mandate; or

(B) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to or exceeding the direct cost of such mandate, and—

(i) identifies a specific dollar amount of the direct costs of such mandate for each year up to 10 years during which such mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under subsection (e) for each fiscal year;

(ii) identifies any appropriations bill that is expected to provide for Federal funding of the direct cost referred to under clause (i); and

(iii)(I) provides that for any fiscal year the responsible Federal agency shall determine whether there are insufficient appropriation for that fiscal year to provide for the direct costs under clause (i) of such mandate, and shall (no later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit either—

(aa) a statement that the agency has determined, based on a re-estimate of the direct costs of such mandate, after consultation with State, local, and tribal governments, that the amount appropriated is sufficient to pay for the direct costs of such mandate; or

(bb) legislative recommendations for either implementing a less costly mandate or making such mandate ineffective for the fiscal year;

(II) provides for expedited procedures for the consideration of the statement or legislative recommendations referred to in subclause (I) by Congress no later than 30 days after the statement or recommendations are submitted to Congress; and

(III) provides that such mandate shall—

(aa) in the case of a statement referred to in subclause (I)(aa), cease to be effective 60 days after the statement is submitted unless Congress has approved the agency's determination by joint resolution during the 60-day period;

(bb) cease to be effective 60 days after the date the legislative recommendations of the responsible Federal agency are submitted to Congress under subclause (I)(bb) unless Congress provides otherwise by law; or

(cc) in the case that such mandate that has not yet taken effect, continue not to be effective unless Congress provides otherwise by law.

(b) RULE OF CONSTRUCTION.—The provisions of subsection (a)(2)(B)(iii) shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

(c) COMMITTEE ON APPROPRIATIONS.—

(1) APPLICATION.—The provisions of subsection (a)—

(A) shall not apply to any bill or resolution reported by the Committee on Appropriations of the Senate or the House of Representatives; except

(B) shall apply to—

(i) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives;

(ii) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any amendment offered to a bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives;

(iii) any legislative provision increasing direct costs of a Federal intergovernmental mandate in a conference report accompanying a bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives; and

* * *

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Before the Senator from Tennessee leaves the floor, I say to him

I have my hands full today with spam so I am not going to get into the substance of the Internet Tax Freedom Act that, as my friend knows, I have been a sponsor of in the Senate with Congressman COX in the other body. I am always anxious to work with my colleague from Tennessee.

Essentially, the arguments being made today against the Internet Tax Freedom Act are identical to the ones that were made 5 years ago. If we were to look at the transcript 5 years ago before the Senate Commerce Committee, we were told the States and localities would be stripped of the revenue they needed. We were pretty much told western civilization was going to end at that time.

Ever since then, as we have gone through 5 years of experience, we have not seen that to be the case. States and localities have not been stripped of the revenue they need. Internet sales are still perhaps only 2 percent of the economy. No jurisdiction has shown that they have been hurt by their inability to discriminate against the Internet, and that is all this law stands for is technological neutrality, treating the online world like the offline world is treated.

As I said to my good friend, I have my hands full today with spam so we will debate the Internet Tax Freedom Act another day. I am anxious to work with my colleague. I would only point out the reauthorization of the Internet Tax Freedom Act passed the Commerce Committee unanimously. It is the first time since we have been at this that it has been passed unanimously. I think it is going to be an important debate I will certainly be anxious to talk with my colleague about at that time.

Again, we are hoping those with the amendments that have been made in order to the spam bill will come to the floor. We could finish this legislation in perhaps half an hour, pass a very important proconsumer measure by pretty close to a unanimous vote in the Senate. Senator BURNS and I are certainly hoping that will be the case and hope in particular that Senator CORZINE, Senator ENZI, and Senator SANTORUM will come to the floor and we could be done very quickly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

AMENDMENT NO. 1894

Mr. McCAIN. Madam President, I send an amendment to the desk on behalf of Senators SANTORUM and ENZI, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. ENZI and Mr. SANTORUM, proposes an amendment numbered 1894.

Mr. McCAIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require warning labels on sexually explicit commercial e-mail)

On page 51, after line 22, insert the following:

(d) REQUIREMENT TO PLACE WARNING LABELS ON COMMERCIAL ELECTRONIC MAIL CONTAINING SEXUALLY ORIENTED MATERIAL.—

(1) IN GENERAL.—No person may initiate in or affecting interstate commerce the transmission, to a protected computer, of any unsolicited commercial electronic mail message that includes sexually oriented material and—

(A) fail to include in subject heading for the electronic mail message the marks or notices prescribed by the Commission under this subsection; or

(B) fail to provide that the matter in the message that is initially viewable to the recipient, when the message is opened by any recipient and absent any further actions by the recipient, includes only—

(i) to the extent required or authorized pursuant to paragraph (2), any such marks or notices;

(ii) the information required to be included in the message pursuant to subsection (a)(5); and

(iii) instructions on how to access, or a mechanism to access, the sexually oriented material.

(2) PRESCRIPTION OF MARKS AND NOTICES.—Not later than 120 days after the date of the enactment of this Act, the Commission in consultation with the Attorney General shall prescribe clearly identifiable marks or notices to be included in or associated with unsolicited commercial electronic mail that contains sexually oriented material, in order to inform the recipient of that fact and to facilitate filtering of such electronic mail. The Commission shall publish in the Federal Register and provide notice to the public of the marks or notices prescribed under this paragraph.

(3) DEFINITION.—In this subsection, the term "sexually oriented material" means any material that depicts sexually explicit conduct (as that term is defined in section 2256 of title 18, United States Code), unless the depiction constitutes a small and insignificant part of the whole, the remainder of which is not primarily devoted to sexual matters.

(4) PENALTY.—A violation of paragraph (1) is punishable as if it were a violation of section 1037(a) of title 18, United States Code.

Mr. ENZI. Madam President, today I introduce an amendment to the CAN-SPAM Act. As some of my colleagues have already expressed, unsolicited commercial e-mail, also known as spam, aggravates many computer users. Not only can it be a nuisance, but its cost may be passed on to consumers in the form of wasted time, energy and money spent to handle and filter out unwanted spam e-mails. Also, e-mail service providers incur substantial costs when they are forced to upgrade their equipment to process the millions of spam e-mails that they receive every day. Spam e-mail is a time and money vacuum. I support the CAN-SPAM Act because it empowers us to stop these unwanted and unwelcome emails.

A recent study conducted by the Federal Trade Commission found that 66 percent of spam contains false or misleading claims. Another 18 percent contains pornographic or adult content. My amendment mandates stronger restrictions that would prevent the increasing amount of spam e-mail containing explicit content from reaching unintended recipients. There is clearly a need to address this in the CAN-SPAM Act because it is potentially the most offensive type of spam on the Internet today. There are sorely misguided individuals—spamers—whose sole mission is to e-mail as many people as possible, regardless of age, indecent material. Internet users, especially minors, should not be involuntarily exposed to explicit content by simply checking their e-mail inbox. My amendment would protect these people in two ways:

First, it would place a notice, approved by the FTC, in the subject header of spam e-mail that contains explicit content. Usually, a subject header is a title line noting the content of the message that has arrived in your inbox. However, in a virtual world already saturated with millions of pieces of spam e-mail, spammers often title emails with catchy phrases and whatever they think will get the most people to open the message and read their advertisements. Now spam e-mail with explicit and offensive material is often camouflaged by an inviting and completely misleading subject heading. This is a common way that many email users end up being involuntarily exposed to offensive sexual content. Adding a notice in the subject heading would immediately alert the computer user that the message contained within has explicit and possibly offensive content and should not be viewed by minors. This notice would alert the email recipient and allow him or her to organize and filter their mail for any unwanted material.

Second, my amendment would require that all spam e-mail with explicit content add an opening page to all copies of their e-mail being sent to unknown recipients. This opening page would not contain any explicit images or text, but instead have a link that would link users to that content if they wished. This valuable provision would protect minors and other e-mail users by requiring that the recipient purposefully act and "click" in order to get to the explicit images or text. Adding this firewall allows users to opt out of spam e-mail lists and delete offensive e-mails from their inbox without ever being exposed to their content.

As a Senator from the rural State of Wyoming, I fully appreciate the value that the Internet holds for electronic communication and business across long distances. This amendment would allow both communication and business to continue and prosper. However, it also takes an important step in protecting Internet and e-mails users, especially minors, from receiving sexually explicit, offensive and unwanted content in their e-mails. Most people check their inboxes without an idea of what might have landed there or who might have sent it. This amendment makes that process more transparent and gives control back to the Internet user who doesn't want to be exposed to indecent, offensive or explicit content.

Mr. McCAIN. Madam President, this amendment by Senators SANTORUM and ENZI requires warning labels on sexually explicit commercial e-mail to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

Basically, this amendment says no person may initiate or affect interstate commerce the transmission, to a protected computer, of any unsolicited commercial electronic mail message that includes sexually oriented material and fail to include in the subject heading for the electronic mail message the marks or notices prescribed by the Commission, or fail to provide that the matter in the message that is initially viewable to the recipient, when the message is opened by any recipient, and absent any further actions by the recipient, includes only to the extent required or authorized pursuant to any such marks or notices; the information required to be included in the message is clear.

This amendment also prescribes that not later than 120 days after the date of the enactment of this act, the Commission, the Federal Trade Commission, in consultation with the Attorney General, shall prescribe clearly identifiable marks or notices to be included in or associated with unsolicited commercial electronic mail that contains sexually oriented material, in order to inform the recipient of this message, of the material, of that fact to facilitate filtering of such electronic mail.

As all of us have discussed in consideration of this bill, one of the great concerns all of us have is pornographic material that is transmitted in the form of spam. According to several experts, 20 percent of unsolicited spam is pornography. This is an effort on the part of Senators ENZI and SANTORUM to try to at least begin addressing this issue. It is a valuable and important contribution in the form of trying to identify it and to bring it under control. It would make it a crime to send unsolicited e-mail that contains sexually oriented material unless they labeled it as prescribed by the FTC. The criminal penalties for this section would be the same as those contained in the Hatch-Leahy amendment.

I strongly support the amendment and urge its adoption.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, let me associate myself with the remarks of the distinguished chairman of the committee. Every Member understands that pornography being transmitted through spam is a scourge. There is no question about it. What we have done, because we have just seen this, is we have asked the minority on the Judiciary Committee, under the leadership of Senator LEAHY, to take a look at this. We are very hopeful that we will be able to approve this language in just a few minutes. Again, we are hoping that this bill will be passed, certainly within 20, 25 minutes, and we will have a comment from the Democrats on the Judiciary Committee very shortly.

I share Chairman McCAIN's view that this is an extremely important issue. When you think about spam, the first thing parents all over this country think about is the flood that is being targeted at families from coast to coast. I am hopeful we will get this approved in a matter of minutes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Madam President, I request unanimous consent to add the Senator from Illinois, Mr. FITZGERALD, as a cosponsor of S. 877, the CAN SPAM Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Madam President, for the benefit of my colleagues, we have a Landrieu amendment which the Senator from Louisiana has been kind enough to withdraw, but we need to discuss what we need to do in the form of sending a letter to the Federal Trade Commission instructing them to take certain actions which I will discuss in a minute; a Corzine amendment which has two parts to it, which both sides have agreed to; and then I don't believe there will be any further amendments, although that is not completely clear. We could expect a vote on final passage relatively soon.

Senator LANDRIEU was going to offer an amendment that would have required the Consumer Product Safety Commission to undertake a rulemaking to have manufacturers create a database for consumers to be notified of certain product recalls. I have committed to Senator LANDRIEU to work with the CPSC to solicit these views on her legislation and ask how best to accomplish her worthy goals of better informing consumers about product recalls.

Senator LANDRIEU has hit on a very important issue. Unless you happen to see it by accident mentioned on television, the recalls are very seldom known by at least a majority of those who would be affected by it. I commit to Senator LANDRIEU to see how we can best accomplish that. I appreciate her forbearance at this time in withdrawing the amendment. I hope we can satisfy her concerns by asking for rapid action on the part of the Consumer Product Safety Commission.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, on behalf of the minority, Senator HOLLINGS believes that Senator LANDRIEU is raising a very important issue for consumers and kids. We do want to work closely with her and move ahead on her initiative. It is an important one for families.

Mr. McCAIN. Madam President, as we are nearing the end, I am waiting for the Corzine amendment that we will discuss and adopt. Then I believe we will be able to move to final passage. I am not positive, but I think we will be able to. I would like to again express my appreciation to the Senator from Montana, Mr. BURNS, and Senator WYDEN. Four years is a long time to work on a single issue. When these two Senators began work on this issue, spam was minuscule as compared to what it is today. I must admit, I didn't pay much attention to it then, nor did the members of the Commerce Committee, nor the oversight agencies. Both Senators had the foresight to see the incredible proportions that this spamming would reach and the effect that it would have not only on our ability to use e-commerce and e-communications but also on our ability to improve productivity.

The costs involved in the spamming issue are pretty incredible when you count it all up according to certain experts.

So I thank our staffs who have worked on this for so long. Without the leadership of the Senator from Montana, Mr. BURNS, and that of Senator WYDEN, we would not have been able to move this, after several hearings in the Commerce Committee, to the floor of the Senate. I have some confidence that our friends on the other side of the Capitol will act with some dispatch since they are as wary as we are of the gravity of this problem. As soon as we get the Corzine amendment, we will move forward.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Madam President, I associate myself with the words of the chairman of the committee. Four years ago we started on this, and it has blossomed. I think it was pretty obvious to a lot of us what the impact of the Internet would be on our everyday communications and the technologies and services and information it provides. But also starting then was this unwanted mail that would show up in your mailbox. It didn't mean much at first, but it was obvious to a lot of us, who have been working on this legislation for 4 years, that this was something that was going to be picked up by a lot of people—the good, the bad, and the ugly, so to speak.

So we went to work on it then and we have been working on it ever since. We thought we had a chance last year to pass it. I would say we had not really done all of our homework, and we didn't get it passed.

I appreciate the leadership of both the chairman and ranking member of the Commerce Committee and also my good friend from Oregon. We have worked hard on this legislation.

I really believe, with the debate going on in the House now, that the time has come. I don't go to a townhall meeting or meet a friend who doesn't say: Take care of that spam. I tell my friends also that this will not do it totally. The industry is going to have to come together using new technologies in order to get it done, and I think the industry will now because they know we are serious about criminal charges, fines, the result of violations of this law.

So I think we send a very strong message to those people who would use the Internet to do what is not acceptable to the American public.

I thank my friends and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I think we are about ready to actually move to final passage. We have the Corzine amendment and another one coming from the Senator from Iowa. I think we are very close to being able to move ahead.

I wish to express my thanks to the leadership of the committee and my partner for over 4 years, Senator BURNS, on this legislation.

The bottom line here is that when this bill becomes law, big-time spamming, in effect, becomes an outlaw business. For the first time, the kingpin spammers are going to be at risk of Federal prosecution, Federal Trade Commission enforcement, million-dollar lawsuits by State attorneys general and Internet service providers. The reason that is the case is that big-time spammers would have to violate this bill in order for their sleazy operations to continue. If they don't hide their identity, their messages will get filtered out. If they don't use misleading subject lines, people are going to go click and these garbage messages will go straight into the trash unread.

It seems to me there is a chance now, recognizing that we still need international cooperation and tough enforcement, to make a very significant step forward for consumers all across the country.

I will conclude by way of saying that, again, I think enforcement is going to be the key to making this legislation work. When this bill is signed into law, I have been saying that the enforcers—the Justice Department, State attorneys general, Internet service providers, and others—have to be prepared to come down on those 200 or 300 big-time spammers with hobnail boots. A lot of them are not exactly quaking tonight at the prospect of Senate action. They are not convinced that the Senate is really going to insist on strong oversight. We saw today, because of what was said by Senator HATCH and Senator LEAHY, that they are committed to strong enforcement and vigorous oversight.

I believe as a result of the attention the Senate has given to this issue, when this bill is signed into law, we are going to see very quickly a handful of very tough, significant enforcement actions with real penalties and the prospect of spammers going to jail and paying million-dollar fines. That is the kind of deterrence we need.

The text of this law is very important, but it is only as good a law as we see backed up by enforcement. We have a commitment today from Chairman HATCH and Senator LEAHY to follow up and ensure that that kind of enforcement takes place. With that, I think we take a very significant step forward in terms of protecting the rights of consumers who right now find a blizzard of spam every single time they turn on their computer.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I ask unanimous consent that we lay aside the pending amendment so Senator HARKIN may be recognized.

AMENDMENT NO. 1895

Mr. HARKIN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, and Mr. GRASSLEY, proposes an amendment numbered 1895.

Mr. HARKIN. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(To provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes)

At the appropriate place add the following:

SECTION 1. SHORT TITLE.

This title may be cited as the "Training for Realtime Writers Act of 2003".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) As directed by Congress in section 723 of the Communications Act of 1934 (47 U.S.C. 613), as added by section 305 of the Telecommunications Act of 1996 (Public Law 104–104; 110 Stat. 126), the Federal Communications Commission adopted rules requiring closed captioning of most television programming, which gradually require new video programming to be fully captioned beginning in 2006.

(2) More than 28,000,000 Americans, or 8 percent of the population, are considered deaf or hard of hearing, and many require captioning services to participate in mainstream activities.

(3) More than 24,000 children are born in the United States each year with some form of hearing loss.

(4) According to the Department of Health and Human Services and a study done by the National Council on Aging—

(A) 25 percent of Americans over 65 years old are hearing impaired;

(B) 33 percent of Americans over 70 years old are hearing impaired; and

(C) 41 percent of Americans over 75 years old are hearing impaired.

(5) The National Council on Aging study also found that depression in older adults may be directly related to hearing loss and disconnection with the spoken word.

(6) Empirical research demonstrates that captions improve the performance of individuals learning to read English and, according to numerous Federal agency statistics, could benefit—

(A) 3,700,000 remedial readers;

(B) 12,000,000 young children learning to read;

(C) 27,000,000 illiterate adults; and

(D) 30,000,000 people for whom English is a second language.

(7) Over the past 5 years, student enrollment in programs that train court reporters to become realtime writers has decreased significantly, causing such programs to close on many campuses.

SEC. 3. AUTHORIZATION OF GRANT PROGRAM TO PROMOTE TRAINING AND JOB PLACEMENT OF REALTIME WRITERS.

(a) IN GENERAL.—The National Telecommunications and Information Administration shall make competitive grants to eligible entities under subsection (b) to promote training and placement of individuals, including individuals who have completed a court reporting training program, as realtime writers in order to meet the requirements for closed captioning of video programming set forth in section 723 of the Communications Act of 1934 (47 U.S.C. 613) and the rules prescribed thereunder.

(b) ELIGIBLE ENTITIES.—For purposes of this Act, an eligible entity is a court reporting program that—

(1) can document and demonstrate to the Secretary of Commerce that it meets minimum standards of educational and financial accountability, with a curriculum capable of training realtime writers qualified to provide captioning services;

(2) is accredited by an accrediting agency recognized by the Department of Education; and

(3) is participating in student aid programs under title IV of the Higher Education Act of 1965.

(c) Priority in Grants.—In determining whether to make grants under this section, the Secretary of Commerce shall give a priority to eligible entities that, as determined by the Secretary of Commerce—

(1) possess the most substantial capability to increase their capacity to train realtime writers;

(2) demonstrate the most promising collaboration with local educational institutions, businesses, labor organizations, or other community groups having the potential to train or provide job placement assistance to realtime writers; or

(3) propose the most promising and innovative approaches for initiating or expanding training and job placement assistance efforts with respect to realtime writers.

(d) Duration of Grant.—A grant under this section shall be for a period of two years.

(e) Maximum Amount of Grant.—The amount of a grant provided under subsection (a) to an entity eligible may not exceed $1,500,000 for the two-year period of the grant under subsection (d).

SEC. 4. APPLICATION.

(a) In General.—To receive a grant under section 3, an eligible entity shall submit an application to the National Telecommunications and Information Administration at such time and in such manner as the Administration may require. The application shall contain the information set forth under subsection (b).

(b) Information.—Information in the application of an eligible entity under subsection (a) for a grant under section 3 shall include the following:

(1) A description of the training and assistance to be funded using the grant amount, including how such training and assistance will increase the number of realtime writers.

(2) A description of performance measures to be utilized to evaluate the progress of individuals receiving such training and assistance in matters relating to enrollment, completion of training, and job placement and retention.

(3) A description of the manner in which the eligible entity will ensure that recipients of scholarships, if any, funded by the grant will be employed and retained as realtime writers.

(4) A description of the manner in which the eligible entity intends to continue providing the training and assistance to be funded by the grant after the end of the grant period, including any partnerships or arrangements established for that purpose.

(5) A description of how the eligible entity will work with local workforce investment boards to ensure that training and assistance to be funded with the grant will further local workforce goals, including the creation of educational opportunities for individuals who are from economically disadvantaged backgrounds or are displaced workers.

(6) Additional information, if any, of the eligibility of the eligible entity for priority in the making of grants under section 3(c).

(7) Such other information as the Administration may require.

SEC. 5. USE OF FUNDS.

(a) In General.—An eligible entity receiving a grant under section 3 shall use the grant amount for purposes relating to the recruitment, training and assistance, and job placement of individuals, including individuals who have completed a court reporting training program, as realtime writers, including—

(1) recruitment;

(2) subject to subsection (b), the provision of scholarships;

(3) distance learning;

(4) development of curriculum to more effectively train realtime writing skills, and education in the knowledge necessary for the delivery of high-quality closed captioning services;

(5) assistance in job placement for upcoming and recent graduates with all types of captioning employers;

(6) encouragement of individuals with disabilities to pursue a career in realtime writing; and

(7) the employment and payment of personnel for such purposes.

(b) Scholarships.—

(1) Amount.—The amount of a scholarship under subsection (a)(2) shall be based on the amount of need of the recipient of the scholarship for financial assistance, as determined in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk).

(2) Agreement.—Each recipient of a scholarship under subsection (a)(2) shall enter into an agreement with the National Telecommunications and Information Administration to provide realtime writing services for a period of time (as determined by the Administration) that is appropriate (as so determined) for the amount of the scholarship received.

(3) Coursework and employment.—The Administration shall establish requirements for coursework and employment for recipients of scholarships under subsection (a)(2), including requirements for repayment of scholarship amounts in the event of failure to meet such requirements for coursework and employment. Requirements for repayment of scholarship amounts shall take into account the effect of economic conditions on the capacity of scholarship recipients to find work as realtime writers.

(c) Administrative Costs.—The recipient of a grant under section 3 may not use more than 5 percent of the grant amount to pay administrative costs associated with activities funded by the grant.

(d) Supplement Not Supplant.—Grants amounts under this Act shall supplement and not supplement other Federal or non-Federal funds of the grant recipient for purposes of promoting the training and placement of individuals as realtime writers.

SEC. 6. REPORTS.

(a) Annual Reports.—Each eligible entity receiving a grant under section 3 shall submit to the National Telecommunications and Information Administration, at the end of each year of the grant period, a report on the activities of such entity with respect to the use of grant amounts during such year.

(b) Report Information.—

(1) In general.—Each report of an entity for a year under subsection (a) shall include a description of the use of grant amounts by the entity during such year, including an assessment by the entity of the effectiveness of activities carried out using such funds in increasing the number of realtime writers. The assessment shall utilize the performance measures submitted by the entity in the application for the grant under section 4(b).

(2) Final report.—The final report of an entity on a grant under subsection (a) shall include a description of the best practices identified by the entity as a result of the grant for increasing the number of individuals who are trained, employed, and retained in employment as realtime writers.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act, amounts as follows:

(1) $20,000,000 for each of fiscal years 2004, 2005, and 2006.

(2) Such sums as may be necessary for fiscal year 2007.

Mr. HARKIN. Madam President, today I am offering an amendment, a bill I introduced earlier this year, S. 480, the Training for Realtime Writers Act of 2003, on behalf of myself and Senator Grassley. The 1996 Telecom Act requires that all television broadcasts were to be captioned by 2006. This was a much-needed reform that has helped millions of deaf and hard-of-hearing Americans to be able to take full advantage of television programming. As of today, it is estimated that 3,000 captioners will be needed to fulfill this requirement, and that number continues to increase as more and more broadband stations come online. Unfortunately, the United States only has 300 captioners. If our country expects to have media fully captioned by 2006, something must be done.

This is an issue that I feel very strongly about because my late brother Frank was deaf. I know personally that access to culture, news, and other media was important to him and to others in achieving a better quality of life. More than 28 million Americans, or 8 percent of the population, are considered deaf or hard of hearing and many require captioning services to participate in mainstream activities. In 1990, I authored legislation that required all television sets to be equipped with a computer chip to decode closed captioning. This bill completes the promise of that technology, affording deaf and hard of hearing Americans the same equality and access that captioning provides.

Though we do not necessarily think about it, the morning of September 11 was a perfect example of the need for captioners. Holli Miller of Ankeny, IA, was captioning for Fox News. She was supposed to do her three and a half hour shift ending at 8 a.m. but, as we all know, disaster struck. Despite the fact that she had already worked most of her shift and had two small children to care for, Holli Miller stayed right where she was and for nearly 5 more hours continued to caption. Without even the ability to take bathroom breaks, Holli Miller made sure that deaf and hard of hearing people got the same news the rest of us got on September 11. I want to personally say thank you to Holli Miller and all the many captioners and other people across the country that made sure all Americans were alert and informed on that tragic day.

But let me emphasize that the deaf and hard of hearing population is only one of a number of groups that will benefit from this legislation. The audience for captioning also includes individuals seeking to acquire or improve literacy skills, including approximately 27 million functionally illiterate adults, 3 to 4 million immigrants learning English as a second language, and 18 million children learning to read in grades kindergarten through 3. In addition, I see people using closed captioning to stay informed everywhere—from the gym to the airport. Captioning helps people educate themselves and helps all of us stay informed and entertained when audio isn't the most appropriate medium.

Madam President, although we have two years to go until the deadline given by the 1996 Telecom Act, our Nation is facing a serious shortage of captioners. Over the past five years, student enrollment in programs that train court reporters to become realtime writers has decreased significantly, causing such programs to close on many campuses. Yet, the need for these skills continues to rise. That is why I thank the chairman and ranking member for giving me this opportunity to present this vital amendment, and, hopefully, it can be accepted.

To reiterate, in 1990 I authored a bill, that became legislation, that required that all television sets that have a size 13-inch screen or larger have incorporated into that set a chip that would automatically decode for closed captioning. That went into effect in 1996, and all television sets now have a chip in them. If you have a remote, you can punch it and closed captions will come up.

Then in 1996, Congress passed legislation that said that, by the year 2006, we would have a policy that all television programming would be real-time captioned. Right now if you watch the Senate in debate, you will see real-time captioning coming across the screen. You see that on news programs and sports programs. So it is engaging.

But we wanted real-time captioners so that deaf and hard-of-hearing people around the country could watch television in a real-time setting and have real-time captioning. So again, we said that by 2006 we wanted to have this done. Real-time captioning is a highly trained skill that people have to have, and it is estimated that it is going to take about 3,000 captioners nationwide to do this.

Madam President, right now there are only about 300 captioners nationally. We only have 2 years to go before the congressionally mandated deadline of meeting this requirement. So, earlier this year, I introduced a bill, S. 480, along with 40 cosponsors on both sides of the aisle, providing for competitive grants. These grants would go to authorize entities, accredited by their State education agencies, that could then use these grants to fund programs to get scholarships for recruitment, training, and job placement to get this pipeline filled as soon as possible with these real-time captioners over the next couple of years.

That is the amendment I have sent to the desk. As I said, it has broad support. It is basically in the Commerce Committee jurisdiction. I know with the press of time, it wasn't acted on this year. I thought this might be an appropriate place to put it. I think it will be widely supported by everybody.

I thank the ranking member and others for their positive reception of this amendment on this bill.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent that Senator HATCH be added as a cosponsor to the Enzi-Santorum amendment No. 1894, and I ask unanimous consent that I be added as a cosponsor of S. 877.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I think the amendment of the Senator from Iowa is a worthy cause. We appreciate very much Senator HARKIN's continued commitment to those who are hearing impaired in America. He has been a consistent and longtime advocate of this group of Americans. I thank him for his other contributions.

I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, on behalf of Senator HOLLINGS, this is what we think Government ought to be about: going to bat for these people. I encourage the Senate to adopt the Harkin amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 1895) was agreed to.

Mr. HARKIN. Mr. President, I ask unanimous consent to print in the RECORD the cosponsors of the amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COSPONSORS

Senators Max Baucus [MT], Jeff Bingaman [NM], Jim Bunning [KY], Saxby Chambliss [GA], Thad Cochran [MS], Michael D. Crapo [ID], Christopher J. Dodd [CT], Russell D. Feingold [WI], Charles E. Grassley [IA], Tim Johnson [SD], John F. Kerry [MA], Mary L. Landrieu [LA], Patrick J. Leahy [VT], Blanche Lincoln [AR], Richard G. Lugar [IN], Bill Nelson [FL], Harry M. Reid [NV], Charles E. Schumer [NY], Gordon Smith [OR], Debbie Stabenow [MI], Evan Bayh [IN], John B. Breaux [LA], Conrad R. Burns [MT], Hillary Rodham Clinton [NY], Larry E. Craig [ID], Michael DeWine [OH], John Edwards [NC], Lindsey O. Graham [SC], James M. Jeffords [VT], Edward M. Kennedy [MA], Herb Kohl [WI], Frank R. Lautenberg [NJ], Joseph I. Lieberman [CT], Trent Lott [MS], Patty Murray [WA], Mark Lunsford Pryor [AR], Rick Santorum [PA], Jeff Sessions [AL], Olympia J. Snowe [ME], Ron Wyden [OR].

Mr. REID. I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, Senator SANTORUM would like to speak about the Santorum-Enzi amendment, and then we will have the Corzine amendment, which I will propose, and then we will be ready, I believe, for final passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 1894

Mr. SANTORUM. I thank the Chair. Mr. President, I say to the Senator from Arizona that I appreciate he and the ranking member accepting this amendment that Senator ENZI and I have proposed. As a father of six little children who spend some time—not a lot of time—but some time on the Internet, just viewing the amount of spam, the pornographic spam that comes into my 10-year-old's site, in some cases, is just absolutely frightening.

Senator ENZI and I had been working on separate tracks, and those tracks came together today in proposing an amendment which would provide a warning label on those kinds of materials that will be in the subject line of the e-mail so young people, as well as old, do not have to subject themselves to this rather disgusting attempt at advertising, if you want to call it that. This is an important piece of legislation.

I ask the Senator from Arizona, if I can get his attention for a moment.

Mr. WYDEN. Will the Senator yield?

Mr. SANTORUM. I am happy to yield to the Senator from Oregon.

Mr. WYDEN. Mr. President, very briefly, I think the Senator from Pennsylvania is trying to address a very important issue. We have asked for the Democrats on the Senate Judiciary Committee, under Senator LEAHY's leadership, to take a look at it. I think we will have that answer quickly.

As the Senator knows, some of the definitions in this area can get fairly technical. We also understand that pornography, which is conveyed through spam across the Internet, is a real public scourge. We are interested in getting the Senator's amendment adopted. I am hopeful we will be able to support it.

Mr. SANTORUM. Mr. President, I say to both the Senator from Oregon and the Senator from Arizona, I hear their words of encouragement. I encourage them and would like their assurance that this amendment, as it is adopted, will be held in conference. This is an important issue that we need to deal with, and I hope they will fight to make sure this amendment—the House has a similar amendment, but I would argue it is not as strong as this one, and I hope they will fight for the stronger language of the Senate amendment in conference.

Mr. MCCAIN. Mr. President, I assure the Senator from Pennsylvania that we will do everything we can to hold it. I have to tell my friend from Pennsylvania that probably the greatest single aspect of this spamming that is so disturbing to families all over America is the issue the Senator from Pennsylvania raises, and that is this graphic pornography that pops into view when children are trying to do their homework, much less other entertaining aspects of using the computer.

I want to work with the Senator from Pennsylvania in every way we can to see if we can enact whatever safeguards to prevent this pollution of young Americans' minds.

Mr. SANTORUM. I thank the Senator from Arizona. My 10-year-old John takes cyberclasses on the Internet. I am appalled by the filth he has to go through every day, whether it is e-mails or pop-ups, in trying to get his work done.

We have to do something about this. I am as much for free speech and free advertising as anybody else, but it reaches a point where it is intruding upon the American family and doing real damage to young people, and we have to take a stand.

I appreciate the support of the Senator from Oregon and the Senator from Arizona. I speak on behalf of Senator ENZI; we appreciate their consideration and adoption of this amendment.

Mr. MCCAIN. Mr. President, as we await the completion of the Corzine amendment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I believe the pending amendment is the Santorum-Enzi amendment.

The PRESIDING OFFICER. That is correct.

Mr. MCCAIN. Mr. President, we have discussed this amendment and we have now received clearance from both sides of the aisle and I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 1894.

The amendment (No. 1894) was agreed to.

Mr. MCCAIN. I am told by the staff that we will commence this vote at 6:30. I hope by that time we would have the final writing of the Corzine amendment, which I could propose at that time and have adopted since it is agreed to by both sides. We are waiting for that. Is that correct?

Mr. LOTT. Mr. President, will the Senator yield?

Mr. MCCAIN. I am glad to yield.

Mr. LOTT. Is the vote going to be at 6:30? Was the Senator asking consent that the final passage be at 6:30?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding the only amendment in order that has not been resolved is the Corzine amendment. Is that correct?

Mr. MCCAIN. It has been resolved. We are just waiting for the language to be done. We may have to fire some staff people, I am afraid. Senator WYDEN was writing them before.

Mr. REID. So it is my understanding the vote on this matter would occur at 6:30, is that what is being requested?

Mr. MCCAIN. Let me put it this way: I ask unanimous consent that after the adoption of the Corzine amendment, the bill be read a third time and a final vote be taken at 6:30, with the understanding that if the Corzine amendment is not adopted that would not happen.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MCCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1896

Mr. MCCAIN. On behalf of Senator CORZINE, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. CORZINE, for himself, and Mr. GRAHAM of South Carolina, proposes an amendment numbered 1896.

The amendment is as follows:

(Purpose: To direct the FTC to develop a system for rewarding those who supply information about violations of this Act and a system for requiring ADV labeling on unsolicited commercial electronic mail)

At the appropriate place, insert the following:

SEC. . IMPROVING ENFORCEMENT BY PROVIDING REWARDS FOR INFORMATION ABOUT VIOLATIONS; LABELING.

(a) IN GENERAL.—The Commission shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce—

(1) A report within 9 months after the date of enactment of this Act, that sets forth a system for rewarding those who supply information about violations of this Act, including—

(A) procedures for the Commission to grant a reward of not less than 20 percent of the total civil penalty collected for a violation of this Act to the first person that—

(i) identifies the person in violation of this Act; and

(ii) supplies information that leads to the successful collection of a civil penalty by the Commission; and

(B) procedures to minimize the burden of submitting a complaint to the Commission concerning violations of this Act, including procedures to allow the electronic submission of complaints to the Commission; and

(2) A report, within 18 months after the date of enactment of this Act, that sets forth a plan for requiring unsolicited commercial electronic mail to be identifiable from its subject line, by means of compliance with Internet Engineering Task Force standards, the use of the characters "ADV" in the subject line, or other comparable identifier, or an explanation of any concerns the Commission has that cause the Commission to recommend against the plan.

(b) IMPLEMENTATION OF REWARD SYSTEMS.—The Commission may establish and implement the plan under subsection (a)(1), but not earlier than 12 months after the date of enactment of this Act.

Mr. CORZINE. Mr. President, this amendment is based on legislation I introduced earlier this year, S. 1327, which proposed an innovative way to improve anti-spam laws. The amendment would move us toward a system that creates an incentive for individuals to assist the FTC in identifying spammers, by giving them a portion of any collections resulting from information provided to the Commission. It also calls for the FTC to set forth a plan for requiring all unsolicited commercial e-mail to be identifiable from its subject line by means of the use of the characters "ADV" or other comparable identifier. If the Commission recommends against such a plan, it will have to provide Congress with a full explanation.

The fundamental problem in dealing with spam is enforcement. It is one thing to propose rules governing e-mails. But it is often hard for Government officials to track down those who violate those standards. Spammers typically use multiple e-mail addresses or disguised routing information to avoid being identified. As a result, finding spammers can take not just real expertise, but persistence, time, energy and commitment.

The concept of requiring the FTC to pay a bounty to those who track down spammers actually isn't my idea. It was originally proposed by one of the leading thinkers about the Internet, Professor Lawrence Lessig of Stanford Law School, and introduced in the House of Representatives by Congresswoman ZOE LOFGREN. The proposal would invite anyone who uses the Internet to hunt down these law-violating spammers. These would include people who send fraudulent e-mail, e-mail with inaccurate routing information, and e-mail that fails to include the required opt-out. The FTC would then fine the spammer and pay a portion of that fine as a reward to the person who provided the information.

Creating incentives for private individuals to help track down spammers is likely to substantially strengthen the enforcement of anti-spam laws. It promises to create an army of computer geeks who seek out spammers for their and the public's—benefit. Those who share my belief in the efficiency of entrepreneurial capitalism should understand the potential value of this free market approach to enforcement.

At the request of the managers, I have modified the original proposal I introduced earlier this year. This amendment calls for the FTC to develop a plan to implement a bounty hunting system and issue a report to the Congress within 9 months of enactment. The Commission then could implement the plan, but not before 12 months after the date of enactment. While this doesn't go quite as far as I proposed originally, I think it is an important step forward. And I am pleased that the managers have committed to me that they will secure inclusion of the proposal in any related conference report.

I also am pleased that the amendment calls on the FTC to investigate another proposal that I actually believe is very important in the reduction of spam, and that also was included in legislation I introduced earlier this year: a requirement that the subject line of unsolicited commercial e-mails include a so-called "ADV" label. In my view, such an approach would give individuals and ISPs considerable power to keep spam out of their in boxes, and I am hopeful that we will return to this proposal before long. In fact, I understand that some members of the House of Representatives will be pursuing this on a related bill, and I hope there will be a way to include an enforceable labeling requirement in a conference report on anti-spam legislation.

Mr. McCAIN. Mr. President, I support the amendment by Senator CORZINE. I thank my colleagues for reaching a compromise at this time. I thank those who rapidly wrote this amendment on short notice so we could complete work on this legislation.

The amendment has two components. The first part addresses labeling of unsolicited commercial e-mail with the term ADV and also addresses the possibility of industry self-regulation. The Federal Trade Commission has raised serious concerns with both of these proposals with respect to ADV labeling. The FTC has written to me in opposition to labeling:

> First, consumer groups, ISPs, and emailers at the SPAM Forum roundly criticized the mandatory use of an "ADV" label. Labeling requirements could harm legitimate marketers, while illegitimate marketers are likely to ignore the requirement. Indeed, although several States require "ADV" labels on unsolicited commercial email, in its recent study on False Claims in SPAM, Commission staff found that only 2 percent of email messages analyzed contained such a label.

In lieu of Senator CORZINE's original proposal to make ADV labeling an industry self-regulation, the amendment has been modified to require the Federal Trade Commission to report to Congress on whether the ADV labeling and industry self-regulation should be implemented.

So I think this is a sensible solution in light of the Federal Trade Commission's concerns as I just read from their report to Congress.

The second part of the amendment would authorize the Federal Trade Commission to adopt a bounty hunter proposal to give people a portion of the fines collected from spammers that they hope to catch. As with the Do Not Spam Registry, the FTC would be authorized to act after first sending a report to Congress.

I support the amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I also support the amendment. This is a compromise. Both of these topics are topics about which we really have not heard a lot. We have not had a chance to discuss them in hearings. Senator CORZINE has been working constructively with us. I urge the passage of it.

The bounty issue essentially comes from Professor Lessig at Stanford, looking at innovative ways to create incentives to deal with the problem. It is certainly one the Federal Trade Commission should look at. The question about making sure every unsolicited e-mail has ADV has been contentious among a number of small business groups, ones that have really been burdened by these costs. But I think this is a fair compromise. It gives the Federal Trade Commission ample opportunity to study this and look at the feasibility of it. I urge our colleagues to support it.

As soon as we agree to the Corzine amendment, I believe Senator HARKIN has a unanimous consent request he needs to make, and then we are ready to go to final passage. I urge my colleagues now to support the Corzine amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1896) was agreed to.

Mr. PRYOR. Mr. President, last month, this body overwhelmingly voted to stop unwanted phone calls from telemarketers. We put our foot down and stopped these uninvited guests from barging into our home, interrupting our family time and invading our privacy. I would like to think that families can enjoy a peaceful dinner now that we have allowed the Do-Not-Call list to move forward.

Today we address a similar problem—America's e-mail inboxes have been invaded by unwanted and deceptive e-mail solicitations. Not only is this practice annoying and frustrating to our constituents, but the practice is costing consumers and businesses valuable time and resources.

In a report dated January 22. 2003, the Federal Trade Commission indicated that at least 40 percent of all e-mail is spam, with more than half considered to contain false and deceptive information. This has been a problem in my State of Arkansas. The FTC recorded 2,048 fraud and identity theft complaints from Arkansas consumers who reported having lost $1.3 million to these scams.

In addition, businesses are losing money as employees spend time wading through unsolicited e-mail messages and are forced to continuously update their servers and software in an attempt to avoid spam and prevent worms and viruses that are submitted through spam. .

One thing I have learned as Senator is that this body does not agree often on the root of a problem. But I know for sure that each of us can agree that we have better things to do with our time than delete dozens of emails about the latest diet craze or money scheme. Even more, I know none of the mothers and fathers in this body want their children to receive emails that contain inappropriate sexual material. Neither do the mothers and fathers in Arkansas.

Now is the time to crack down on deceptive and unsolicited spam once and for all.

This bill which I support has two strong elements:

First, it would require anyone sending unsolicited bulk e-mail directly, or through an intermediary, to provide each recipient with a valid "opt-out" process for declining any future spam.

Second, it would outlaw transmitting high-volume unsolicited e-mail sources if they contain false, misleading or deceptive routing information, or forged e-mail addresses.

I am pleased that this bill has been made even stronger with the inclusion of Senator BILL NELSON's RICO statute amendment. I am proud to be named as the provision's original cosponsor.

This amendment encourages the prosecution of those people who use spam to seek money illegally or who engage in other illegal acts by making use of the civil Federal Racketeer Influenced and Corrupt Organizations Act, commonly known as RICO.

RICO makes it illegal to acquire or maintain a business through a pattern of racketeering activity. This law lets authorities seize the assets of such an operation and allows victims grounds for recovery in civil court.

By adopting the amendment, this body has given the overall bill teeth, which will go along way toward punishing those scam artists who prey on the everyday trusting, law-abiding citizens of our land.

As Attorney General I fought to curtail mail fraud and I think some of the spam being sent to Arkansans online is in that same category. The only difference is that this type of fraud reaches many more victims in a shorter period of time.

I look forward to the completion of this bill, and I am pleased that we have again been able to work in a bipartisan matter to carry out the will of the populace.

Mr. LEAHY. Mr. President, it is increasingly apparent that unwanted commercial e-mail, commonly known as "spam," is more than just a nuisance. In the past few years, it has become a serious and growing problem that threatens to undermine the vast potential of the Internet.

Businesses and individuals currently wade through tremendous amounts of spam in order to access e-mail that is of relevance to them—and this is after ISPs, businesses, and individuals have spent time and money blocking a large percentage of spam from reaching its intended recipients.

In my home State of Vermont, one legislator recently found that two-thirds of the 96 e-mails in his inbox were spam. And this occurred after the legislature had installed new spam-blocking software on its computer system that seemed to be catching 80 percent of the spam. The assistant attorney general in Vermont was forced to suggest to computer users the following means to avoid these unsolicited commercial e-mails: "It's very bad to reply, even to say don't send anymore. It tells the spammer they have a live address . . . The best thing you can do is just keep deleting them. If it gets really bad, you may have to change your address." This experience is echoed nationwide.

E-mail users are having the online equivalent of the experience of the woman in the Monty Python skit, who seeks to order a Spam-free breakfast at a restaurant. Try as she might, she cannot get the waitress to bring her the meal she desires. Every dish in the restaurant comes with Spam; it's just a matter of how much. There's "egg, bacon and Spam"; "egg, bacon, sausage and Spam"; "Spam, bacon, sausage and Spam"; "Spam, egg, Spam, Spam, bacon and Spam"; "Spam, sausage, Spam, Spam, Spam, bacon, Spam, tomato and Spam"; and so on. Exasperated, the woman finally cries out: "I don't like Spam! . . . I don't want ANY Spam!"

Individuals and businesses are reacting similarly to electronic spam. A Harris poll taken late last year found that 80 percent of respondents view spam as "very annoying," and fully 74 percent of respondents favor making mass spamming illegal. Earlier this month, more than 3 out of 4 people surveyed by Yahoo! Mail said it was "less aggravating to clean a toilet" than to sort through spam. Americans are fed up.

Some 30 States now have antispam laws, but the globe-hopping nature of e-mail makes these laws difficult to enforce. Technology will undoubtedly play a key role in fighting spam, but a technological solution to the problem is not likely in the foreseeable future. ISPs block billions of unwanted e-mails each day, but spammers are winning the battle.

Millions of unwanted, unsolicited commercial e-mails are received by American businesses and individuals each day, despite their own, additional filtering efforts. A recent study by Ferris Research estimates that spam costs U.S. firms $8.9 billion annually in lost worker productivity, consumption of bandwidth, and the use of technical support to configure and run spam filters and provide helpdesk support for spam recipients.

The costs of spam are significant to individuals as well, including time spent identifying and deleting spam, inadvertently opening spam, installing and maintaining antispam filters, tracking down legitimate messages mistakenly deleted by spam filters, and paying for the ISP's blocking efforts.

And there are other prominent and equally important costs of spam. It may introduce viruses, worms, and Trojan horses into personal and business computer systems, including those that support our national infrastructure.

The public has recently witnessed the potentially staggering effects of a virus, not only through the Blaster case I discussed earlier, but with the appearance of the SoBigF virus just 8 days after Blaster began chewing its way through the Internet. This variant also infected Windows machines via e-mail, then sent out dozens of copies of itself. Antivirus experts say one of the main reasons virus writers continue to modify and re-release this particular piece of "malware" is that it downloads a Trojan horse to infected computers, which are then used to send spam.

Spammers are constantly in need of new machines through which to route their garbage e-mail, and a virus makes a perfect delivery mechanism for the engine they use for their mass mailings. Some analysts said the SoBigF virus may have been created with a more malicious intent than most viruses, and may even be linked to spam e-mail schemes that could be a source of cash for those involved in the scheme.

The interconnection between computer viruses and spam is readily apparent: Both flood the Internet in an attempt to force a message on people who would not otherwise choose to receive it. Criminal laws I wrote prohibiting the former have been invoked and enforced from the time they were passed it is the latter dilemma we must now confront headon.

Spam is also fertile ground for deceptive trade practices. The FTC has estimated that 96 percent of the spam involving investment and business opportunities, and nearly half of the spam advertising health services and products, and travel and leisure, contains false or misleading information.

This rampant deception has the potential to undermine Americans' trust of valid information on the Internet. Indeed, it has already caused some Americans to refrain from using the Internet to the extent they otherwise would. For example, some have chosen not to participate in public discussion forums, and are hesitant to provide their addresses in legitimate business transactions, for fear that their e-mail addresses will be harvested for junk e-mail lists. And they are right to be concerned. The FTC found spam arriving at its computer system just 9 minutes after posting an e-mail address in an online chat room.

I have often said that Congress must exercise great caution when regulating in cyberspace. Any legislative solution to spam must tread carefully to ensure that we do not impede or stifle the free flow of information on the Internet. The United States is the birthplace of the Internet, and the whole world watches whenever we decide to regulate it. Whenever we choose to intervene in the Internet with government action, we must act carefully, prudently, and knowledgeably, keeping in mind the implications of what we do and how we do it. And we must not forget that spam, like more traditional forms of commercial speech, is protected by the first amendment.

At the same time, we must not allow spam to result in the "virtual death" of the Internet, as one Vermont newspaper put it.

The Internet is a valuable asset to our Nation, to our economy, and to the lives of Americans, and we should act prudently to secure its continued viability and vitality.

On June 19 of this year, Senator HATCH and I introduced S.1293, the Criminal Spam Act, together with several of our colleagues on the Judiciary Committee. On September 25, the committee unanimously voted to report the bill to the floor. Today, Senators HATCH, NELSON, SCHUMER, GRASSLEY and I offered the criminal provisions of S. 1293 as an amendment to S. 877, the

CAN SPAM Act. The amendment was adopted by voice vote.

I thank the lead cosponsors of S. 877 for working with us on this amendment, and for their support and cosponsorship of the Criminal Spam Act. I also thank Senator BILL NELSON for his contribution to the amendment.

The Hatch-Leahy amendment prohibits five principal techniques that spammers use to evade filtering software and hide their trails.

First, our amendment prohibits hacking into another person's computer system and sending bulk spam from or through that system. This criminalizes the common spammer technique of obtaining access to other people's e-mail accounts on an ISP's e-mail network, whether by password theft or by inserting a "Trojan horse" program—that is, a program that unsuspecting users download onto their computers and that then takes control of those computers—to send bulk spam.

Second, our amendment prohibits using a computer system that the owner makes available for other purposes as a conduit for bulk spam, with the intent of deceiving recipients as to the spam's origins. This prohibition criminalizes another common spammer technique—the abuse of third parties' "open" servers, such as e-mail servers that have the capability to relay mail, or Web proxy servers that have the ability to generate "form" mail. Spammers commandeer these servers to send bulk commercial e-mail without the server owner's knowledge, either by "relaying" their e-mail through an "open" e-mail server, or by abusing an "open" Web proxy server's capability to generate form e-mails as a means to originate spam, thereby exceeding the owner's authorization for use of that e-mail or Web server. In some instances the hijacked servers are even completely shut down as a result of tens of thousands of undeliverable messages generated from the spammer's e-mail list.

The amendment's third prohibition targets another way that outlaw spammers evade ISP filters: falsifying the "header information" that accompanies every e-mail, and sending bulk spam containing that fake header information. More specifically, the amendment prohibits forging information regarding the origin of the e-mail message, and the route through which the message attempted to penetrate the ISP filters.

Fourth, the Hatch-Leahy amendment prohibits registering for multiple e-mail accounts or Internet domain names, and sending bulk e-mail from those accounts or domains. This provision targets deceptive "account churning," a common outlaw spammer technique that works as follows. The spammer registers—usually by means of an automatic computer program—for large numbers of e-mail accounts or domain names, using false registration information, then sends bulk spam from one account or domain after another. This technique stays ahead of ISP filters by hiding the source, size, and scope of the sender's mailings, and prevents the e-mail account provider or domain name registrar from identifying the registrant as a spammer and denying his registration request. Falsifying registration information for domain names also violates a basic contractual requirement for domain name registration falsification.

Fifth and finally, our amendment addresses a major hacker spammer technique for hiding identity that is a common and pernicious alternative to domain name registration—hijacking unused expanses of Internet address space and using them as launch pads for junk e-mail. Hijacking Internet Protocol—IP—addresses is not difficult: Spammers simply falsely assert that they have the right to use a block of IP addresses, and obtain an Internet connection for those addresses. Hiding behind those addresses, they can then send vast amounts of spam that is extremely difficult to trace.

Penalties for violations of these new criminal prohibitions are tough but measured. Recidivists and those who send spam in furtherance of another felony may be imprisoned for up to 5 years. Large-volume spammers, those who hack into another person's computer system to send bulk spam, and spam "kingpins" who use others to operate their spamming operations may be imprisoned for up to 3 years. Other offenders may be fined and imprisoned for no more than one year. Convicted offenders are also subject to forfeiture of proceeds and instrumentalities of the offense.

In addition to these penalties, the Hatch-Leahy amendment directs the Sentencing Commission to consider providing sentencing enhancements for those convicted of the new criminal provisions who obtained e-mail addresses through improper means, such as harvesting, and those who knowingly sent spam containing or advertising a falsely registered Internet domain name. We have also worked with Senator NELSON on language directing the Sentencing Commission to consider enhancements for those who commit other crimes that are facilitated by the sending of spam.

I should note that the Criminal Spam Act, from which the amendment is taken, enjoys broad support from ISPs, direct marketers, consumer groups, and civil liberties groups alike. It is also supported by the administration: In its September 11, 2003, views letter regarding the CAN SPAM Act, the administration advocated the addition to CAN SPAM of felony triggers similar to those proposed in the Criminal Spam Act. The administration further supported our proposal, advanced in the Hatch-Leahy amendment, to direct the Sentencing Commission to consider sentencing enhancements for convicted spammers that have additionally obtained e-mail addresses by harvesting.

Again, the purpose of the Hatch-Leahy amendment is to deter the most pernicious and unscrupulous types of spammers—those who use trickery and deception to induce others to relay and view their messages. Ridding America's inboxes of deceptively delivered spam will significantly advance our fight against junk e-mail. But it is not a cure-all for the spam pandemic.

The fundamental problem inherent to spam—its sheer volume—may well persist even in the absence of fraudulent routing information and false identities. In a recent survey, 82 percent of respondents considered unsolicited bulk e-mail, even from legitimate businesses, to be unwelcome spam. Given this public opinion, and in light of the fact that spam is, in essence, cost-shifted advertising, we need to take a more comprehensive approach to our fight against spam.

While I am generally supportive of the CAN SPAM Act, and will vote in favor of passage, it does raise some concerns. The bill takes an "opt out" approach to spam—that is, it requires all commercial e-mail to include an "opt out" mechanism, by which e-mail recipients may opt out of receiving further unwanted spam. My concern is that this approach permits spammers to send at least one piece of spam to each e-mail address in their database, while placing the burden on e-mail recipients to respond. People who receive dozens, even hundreds, of unwanted e-mails each day may have little time or energy for anything other than opting-out from unwanted spam.

According to one organization's calculations, if just one percent of the approximately 24 million small businesses in the U.S. sent every American just one spam a year, that would amount to over 600 pieces of spam for each person to sift through and opt out of each day. And this figure may be conservative, as it does not include the large businesses that also engage in online advertising.

I am also troubled by the labeling requirement in the CAN SPAM Act, which makes it unlawful to send an unsolicited commercial e-mail message unless it provides, among other things, " clear and conspicuous identification that the message is an advertisement or solicitation," and "a valid physical postal address of the sender". While we all want to curb spam, we must be mindful of its status as protected commercial speech, and ensure that any restrictions we impose on it are as narrowly tailored as possible.

Reducing the volume of junk commercial e-mail, and so protecting legitimate Internet communications, is not an easy matter. There are important First Amendment interests to consider, as well as the need to preserve the ability of legitimate marketers to use e-mail responsibly. We must be sure we get this right, so as not to exacerbate an already terribly vexing problem. This is especially important given the preemption provisions of the CAN SPAM Act, which will override many of the tough anti-spamming laws already enacted by the States.

My distinguished colleagues from Wyoming and Pennsylvania offered an amendment requiring "warning labels" on certain commercial electronic mail. While I appreciate my colleagues' efforts to protect our children from the on-line assault of internet pornography—an important goal that we all share—I fear the amendment has been drafted in haste and raises significant constitutional issues that require further analysis.

First, the amendment incorporates broad and vague phrases such as "devoted to sexual matters" that are not otherwise defined in the law. I expressed similar concerns during debate on the Communications Decency Act, CDA, which the Supreme Court struck down as unconstitutional in 1996. The CDA also punished as a felony anyone who transmitted "obscene" or "indecent" material over the Internet. The CDA was deemed too vague as to what was "indecent" or "obscene." Some of the terms and phrases used in the Enzi-Santorum amendment may be deemed equally vague when subjected to judicial scrutiny.

There are also first amendment concerns to regulating commercial electronic mail in ways that require specific labels on protected speech. Such requirements inhibit both the speaker's right to express and the listener's right to access constitutionally protected material.

More importantly, existing laws already ban obscenity, harassment, child pornography and enticing minors into sexual activity.

As a father and a grandfather, I well appreciate the challenge of limiting a child's exposure to sexually inappropriate material. Yet, no legislation we could pass would be an effective substitute for parental involvement. We must be vigilant about feel-good efforts to involve government, either directly or indirectly, in regulating the content of the Internet.

For these reasons, the Enzi-Santorum amendment raises serious legal issues that mandate further exploration before a determination can be made on the proposed law's constitutional viability.

I look forward to continuing to work with the sponsors of the CAN SPAM Act on these issues as the bill proceeds to conference.

Ms. CANTWELL. Mr. President, I rise today in support of the Burns-Wyden CAN-SPAM Act, which would impose limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

I would like to thank my colleagues, Senators WYDEN and BURNS, for their leadership in tackling this problem which affects so many consumers in my State of Washington. Unsolicited commercial email or "spam" is a major irritant to consumers and businesses alike. Spam exposes computer users—often young children—to pornography, sexual predators, fraudulent schemes, and other unwanted or harmful messages. In addition, spam costs American business close to $10 billion each year in lost productivity, additional infrastructure costs, and legal fees—costs that are ultimately borne by consumers. By clogging our computers, spam threatens to deprive us of the tremendous benefits provided by the Internet.

This bill represents a crucial first step in combating the exponential increase in the volume of spam, which today accounts for half of all email messages. Because of the global nature of this problem and the anonymity that the Internet affords spammers, it is impossible for states or individuals alone to take meaningful steps to reduce the impact of this nuisance, and self-regulation is simply not an option. The overwhelming volume of sleazy and fraudulent solicitations originating from criminal organizations demands a tough response that imposes both civil and criminal penalties.

That is precisely why this bill is so necessary. To protect computer users in my State and across the country, we must take immediate steps to stem the mountain of spam hitting email inboxes every day.

The Burns-Wyden bill is a long-awaited step in the right direction. The bill has been carefully negotiated and improved. By allowing enforcement by State attorneys general and by Internet service providers, we have increased the odds of successful enforcement against the worst spammers. By prohibiting harvesting of email addresses, the use of technology to send thousands of spammed messages, and by prohibiting false and misleading message headers, the bill will send a clear message to the most abusive spammers that their practices will no longer be tolerated.

But enforcement will remain a challenge. Spammers have every incentive to increase the volume of their messages because the marginal cost of sending another message is virtually nothing. And because of the anonymity and global nature of the internet, spammers can hide their identity and move their operations offshore.

While the bill before us will finally put in place a Federal approach to the global problem of spam, there is no single solution to this complex problem. I am pleased that the bill will require the Federal Trade Commission to develop legislation to establish a national Do Not Email registry modeled on the Do Not Call registry, but I believe there may come a point at which additional protections are necessary to protect consumers and to protect the growth of the information economy.

I think we all recognize that we have much more work to do to solve this problem, but the Burns-Wyden bill is an excellent first step in addressing the problem, and I am pleased to help pass this important legislation.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum. Under the previous order, I believe the vote will start at 6:30.

The PRESIDING OFFICER. That is correct. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill having been read the third time, the question is, Shall it pass?

Mr. BURNS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Hawaii (Mr. INOUYE), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER (Mr. TALENT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 404 Leg.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu

Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—3

Edwards
Inouye
Kerry

The bill (S. 877), as amended, was passed, as follows:

S. 877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—CONTROLLING THE ASSAULT OF NON-SOLICITED PORNOGRAPHY AND MARKETING ACT OF 2003

SEC. 101. SHORT TITLE.

This title may be cited as the "Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003", or the "CAN-SPAM Act of 2003".

SEC. 102. CONGRESSIONAL FINDINGS AND POLICY.

(a) Findings.—The Congress finds the following:

(1) Electronic mail has become an extremely important and popular means of communication, relied on by millions of Americans on a daily basis for personal and commercial purposes. Its low cost and global reach make it extremely convenient and efficient, and offer unique opportunities for the development and growth of frictionless commerce.

(2) The convenience and efficiency of electronic mail are threatened by the extremely rapid growth in the volume of unsolicited commercial electronic mail. Unsolicited commercial electronic mail is currently estimated to account for over 45 percent of all electronic mail traffic, up from an estimated 7 percent in 2001, and the volume continues to rise. Most of these unsolicited commercial electronic mail messages are fraudulent or deceptive in one or more respects.

(3) The receipt of unsolicited commercial electronic mail may result in costs to recipients who cannot refuse to accept such mail and who incur costs for the storage of such mail, or for the time spent accessing, reviewing, and discarding such mail, or for both.

(4) The receipt of a large number of unsolicited messages also decreases the convenience of electronic mail and creates a risk that wanted electronic mail messages, both commercial and noncommercial, will be lost, overlooked, or discarded amidst the larger volume of unwanted messages, thus reducing the reliability and usefulness of electronic mail to the recipient.

(5) Some unsolicited commercial electronic mail contains material that many recipients may consider vulgar or pornographic in nature.

(6) The growth in unsolicited commercial electronic mail imposes significant monetary costs on providers of Internet access services, businesses, and educational and nonprofit institutions that carry and receive such mail, as there is a finite volume of mail that such providers, businesses, and institutions can handle without further investment in infrastructure.

(7) Many senders of unsolicited commercial electronic mail purposefully disguise the source of such mail.

(8) Many senders of unsolicited commercial electronic mail purposefully include misleading information in the message's subject lines in order to induce the recipients to view the messages.

(9) While some senders of unsolicited commercial electronic mail messages provide simple and reliable ways for recipients to reject (or "opt-out" of) receipt of unsolicited commercial electronic mail from such senders in the future, other senders provide no such "opt-out" mechanism, or refuse to honor the requests of recipients not to receive electronic mail from such senders in the future, or both.

(10) Many senders of bulk unsolicited commercial electronic mail use computer programs to gather large numbers of electronic mail addresses on an automated basis from Internet websites or online services where users must post their addresses in order to make full use of the website or service.

(11) Many States have enacted legislation intended to regulate or reduce unsolicited commercial electronic mail, but these statutes impose different standards and requirements. As a result, they do not appear to have been successful in addressing the problems associated with unsolicited commercial electronic mail, in part because, since an electronic mail address does not specify a geographic location, it can be extremely difficult for law-abiding businesses to know with which of these disparate statutes they are required to comply.

(12) The problems associated with the rapid growth and abuse of unsolicited commercial electronic mail cannot be solved by Federal legislation alone. The development and adoption of technological approaches and the pursuit of cooperative efforts with other countries will be necessary as well.

(b) Congressional Determination of Public Policy.—On the basis of the findings in subsection (a), the Congress determines that—

(1) there is a substantial government interest in regulation of unsolicited commercial electronic mail on a nationwide basis;

(2) senders of unsolicited commercial electronic mail should not mislead recipients as to the source or content of such mail; and

(3) recipients of unsolicited commercial electronic mail have a right to decline to receive additional unsolicited commercial electronic mail from the same source.

SEC. 103. DEFINITIONS.

In this title:

(1) Affirmative consent.—The term "affirmative consent", when used with respect to a commercial electronic mail message, means that—

(A) the recipient expressly consented to receive the message, either in response to a clear and conspicuous request for such consent or at the recipient's own initiative; and

(B) if the message is from a party other than the party to which the recipient communicated such consent, the recipient was given clear and conspicuous notice at the time the consent was communicated that the recipient's electronic mail address could be transferred to such other party for the purpose of initiating commercial electronic mail messages.

(2) Commercial electronic mail message.—

(A) In general.—The term "commercial electronic mail message" means any electronic mail message the primary purpose of which is the commercial advertisement or promotion of a commercial product or service (including content on an Internet website operated for a commercial purpose).

(B) Reference to company or website.—The inclusion of a reference to a commercial entity or a link to the website of a commercial entity in an electronic mail message does not, by itself, cause such message to be treated as a commercial electronic mail message for purposes of this title if the contents or circumstances of the message indicate a primary purpose other than commercial advertisement or promotion of a commercial product or service.

(3) Commission.—The term "Commission" means the Federal Trade Commission.

(4) Domain name.—The term "domain name" means any alphanumeric designation which is registered with or assigned by any domain name registrar, domain name registry, or other domain name registration authority as part of an electronic address on the Internet.

(5) Electronic mail address.—The term "electronic mail address" means a destination, commonly expressed as a string of characters, consisting of a unique user name or mailbox (commonly referred to as the "local part") and a reference to an Internet domain (commonly referred to as the "domain part"), whether or not displayed, to which an electronic mail message can be sent or delivered.

(6) Electronic mail message.—The term "electronic mail message" means a message sent to a unique electronic mail address.

(7) FTC act.—The term "FTC Act" means the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(8) Header information.—The term "header information" means the source, destination, and routing information attached to an electronic mail message, including the originating domain name and originating electronic mail address, and any other information that appears in the line identifying, or purporting to identify, a person initiating the message.

(9) Implied consent.—

(A) In general.—The term "implied consent", when used with respect to a commercial electronic mail message, means that—

(i) within the 3-year period ending upon receipt of such message, there has been a business transaction between the sender and the recipient (including a transaction involving the provision, free of charge, of information, goods, or services requested by the recipient); and

(ii) the recipient was, at the time of such transaction or thereafter in the first electronic mail message received from the sender after the effective date of this title, provided a clear and conspicuous notice of an opportunity not to receive unsolicited commercial electronic mail messages from the sender and has not exercised such opportunity.

(B) Mere visitation.—A visit by a recipient to a publicly available website shall not be treated as a transaction for purposes of subparagraph (A)(i) if the recipient did not knowingly submit the recipient's electronic mail address to the operator of the website.

(C) Separate lines of business or divisions.—If a sender operates through separate lines of business or divisions and holds itself out to the recipient, both at the time of the transaction described in subparagraph (A)(i) and at the time the notice under subparagraph (A)(ii) was provided to the recipient, as that particular line of business or division rather than as the entity of which such line of business or division is a part, then the line of business or the division shall be treated as the sender for purposes of this paragraph.

(10) Initiate.—The term "initiate", when used with respect to a commercial electronic

mail message, means to originate or transmit such message or to procure the origination or transmission of such message, but shall not include actions that constitute routine conveyance of such message. For purposes of this paragraph, more than 1 person may be considered to have initiated a message.

(11) Internet.—The term "Internet" has the meaning given that term in the Internet Tax Freedom Act (47 U.S.C. 151 nt).

(12) Internet access service.—The term "Internet access service" has the meaning given that term in section 231(e)(4) of the Communications Act of 1934 (47 U.S.C. 231(e)(4)).

(13) Procure.—The term "procure", when used with respect to the initiation of a commercial electronic mail message, means intentionally to pay or provide other consideration to, or induce, another person to initiate such a message on one's behalf, knowing, or consciously avoiding knowing, the extent to which that person intends to comply with the requirements of this title.

(14) Protected computer.—The term "protected computer" has the meaning given that term in section 1030(e)(2)(B) of title 18, United States Code.

(15) Recipient.—The term "recipient", when used with respect to a commercial electronic mail message, means an authorized user of the electronic mail address to which the message was sent or delivered. If a recipient of a commercial electronic mail message has 1 or more electronic mail addresses in addition to the address to which the message was sent or delivered, the recipient shall be treated as a separate recipient with respect to each such address. If an electronic mail address is reassigned to a new user, the new user shall not be treated as a recipient of any commercial electronic mail message sent or delivered to that address before it was reassigned.

(16) Routine conveyance.—The term "routine conveyance" means the transmission, routing, relaying, handling, or storing, through an automatic technical process, of an electronic mail message for which another person has identified the recipients or provided the recipient addresses.

(17) Sender.—The term "sender", when used with respect to a commercial electronic mail message, means a person who initiates such a message and whose product, service, or Internet web site is advertised or promoted by the message.

(18) Transactional or relationship message.—The term "transactional or relationship message" means an electronic mail message the primary purpose of which is—

(A) to facilitate, complete, or confirm a commercial transaction that the recipient has previously agreed to enter into with the sender;

(B) to provide warranty information, product recall information, or safety or security information with respect to a commercial product or service used or purchased by the recipient;

(C) to provide—

(i) notification concerning a change in the terms or features of;

(ii) notification of a change in the recipient's standing or status with respect to; or

(iii) at regular periodic intervals, account balance information or other type of account statement with respect to,

a subscription, membership, account, loan, or comparable ongoing commercial relationship involving the ongoing purchase or use by the recipient of products or services offered by the sender;

(D) to provide information directly related to an employment relationship or related benefit plan in which the recipient is currently involved, participating, or enrolled; or

(E) to deliver goods or services, including product updates or upgrades, that the recipient is entitled to receive under the terms of a transaction that the recipient has previously agreed to enter into with the sender.

(19) Unsolicited commercial electronic mail message.—The term "unsolicited commercial electronic mail message" means any commercial electronic mail message that—

(A) is not a transactional or relationship message; and

(B) is sent to a recipient without the recipient's prior affirmative or implied consent.

SEC. 104. PROHIBITION AGAINST PREDATORY AND ABUSIVE COMMERCIAL E-MAIL.

(a) Offense.—

(1) In general.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1037. Fraud and related activity in connection with electronic mail

"(a) In General.—Whoever, in or affecting interstate or foreign commerce, knowingly—

"(1) accesses a protected computer without authorization, and intentionally initiates the transmission of multiple commercial electronic mail messages from or through such computer,

"(2) uses a protected computer to relay or retransmit multiple commercial electronic mail messages, with the intent to deceive or mislead recipients, or any Internet access service, as to the origin of such messages,

"(3) falsifies header information in multiple commercial electronic mail messages and intentionally initiates the transmission of such messages,

"(4) registers, using information that falsifies the identity of the actual registrant, for 5 or more electronic mail accounts or online user accounts or 2 or more domain names, and intentionally initiates the transmission of multiple commercial electronic mail messages from any combination of such accounts or domain names, or

"(5) falsely represents the right to use 5 or more Internet protocol addresses, and intentionally initiates the transmission of multiple commercial electronic mail messages from such addresses,

or conspires to do so, shall be punished as provided in subsection (b).

"(b) Penalties.—The punishment for an offense under subsection (a) is—

"(1) a fine under this title, imprisonment for not more than 5 years, or both, if—

"(A) the offense is committed in furtherance of any felony under the laws of the United States or of any State; or

"(B) the defendant has previously been convicted under this section or section 1030, or under the law of any State for conduct involving the transmission of multiple commercial electronic mail messages or unauthorized access to a computer system;

"(2) a fine under this title, imprisonment for not more than 3 years, or both, if—

"(A) the offense is an offense under subsection (a)(1);

"(B) the offense is an offense under subsection (a)(4) and involved 20 or more falsified electronic mail or online user account registrations, or 10 or more falsified domain name registrations;

"(C) the volume of electronic mail messages transmitted in furtherance of the offense exceeded 2,500 during any 24-hour period, 25,000 during any 30-day period, or 250,000 during any 1-year period;

"(D) the offense caused loss to 1 or more persons aggregating $5,000 or more in value during any 1-year period;

"(E) as a result of the offense any individual committing the offense obtained anything of value aggregating $5,000 or more during any 1-year period; or

"(F) the offense was undertaken by the defendant in concert with 3 or more other persons with respect to whom the defendant occupied a position of organizer or leader; and

"(3) a fine under this title or imprisonment for not more than 1 year, or both, in any other case.

"(c) Forfeiture.—

"(1) In general.—The court, in imposing sentence on a person who is convicted of an offense under this section, shall order that the defendant forfeit to the United States—

"(A) any property, real or personal, constituting or traceable to gross proceeds obtained from such offense; and

"(B) any equipment, software, or other technology used or intended to be used to commit or to facilitate the commission of such offense.

"(2) Procedures.—The procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) of that section, and in Rule 32.2 of the Federal Rules of Criminal Procedure, shall apply to all stages of a criminal forfeiture proceeding under this section.

"(d) Definitions.—In this section:

"(1) Loss.—The term 'loss' has the meaning given that term in section 1030(e) of this title.

"(2) Multiple.—The term 'multiple' means more than 100 electronic mail messages during a 24-hour period, more than 1,000 electronic mail messages during a 30-day period, or more than 10,000 electronic mail messages during a 1-year period.

"(3) Other terms.—Any other term has the meaning given that term by section 3 of the CAN-SPAM Act of 2003.".

(2) Conforming amendment.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"Sec.

"1037. Fraud and related activity in connection with electronic mail.".

(b) United States Sentencing Commission.—

(1) Directive.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the sentencing guidelines and policy statements to provide appropriate penalties for violations of section 1037 of title 18, United States Code, as added by this section, and other offenses that may be facilitated by the sending of large quantities of unsolicited electronic mail.

(2) Requirements.—In carrying out this subsection, the Sentencing Commission shall consider providing sentencing enhancements for—

(A) those convicted under section 1037 of title 18, United States Code, who—

(i) obtained electronic mail addresses through improper means, including—

(I) harvesting electronic mail addresses of the users of a website, proprietary service, or other online public forum operated by another person, without the authorization of such person; and

(II) randomly generating electronic mail addresses by computer; or

(ii) knew that the commercial electronic mail messages involved in the offense contained or advertised an Internet domain for which the registrant of the domain had provided false registration information; and

(B) those convicted of other offenses, including offenses involving fraud, identity theft, obscenity, child pornography, and the sexual exploitation of children, if such offenses involved the sending of large quantities of unsolicited electronic mail.

(c) Sense of Congress.—It is the sense of Congress that—

(1) Spam has become the method of choice for those who distribute pornography, perpetrate fraudulent schemes, and introduce viruses, worms, and Trojan horses into personal and business computer systems; and

(2) the Department of Justice should use all existing law enforcement tools to investigate and prosecute those who send bulk commercial e-mail to facilitate the commission of Federal crimes, including the tools contained in chapters 47 and 63 of title 18, United States Code (relating to fraud and false statements); chapter 71 of title 18, United States Code (relating to obscenity); chapter 110 of title 18, United States Code (relating to the sexual exploitation of children); and chapter 95 of title 18, United States Code (relating to racketeering), as appropriate.

SEC. 105. OTHER PROTECTIONS FOR USERS OF COMMERCIAL ELECTRONIC MAIL.

(a) Requirements for Transmission of Messages.—

(1) Prohibition of false or misleading transmission information.—It is unlawful for any person to initiate the transmission, to a protected computer, of a commercial electronic mail message that contains, or is accompanied by, header information that is materially false or materially misleading. For purposes of this paragraph—

(A) header information that is technically accurate but includes an originating electronic mail address the access to which for purposes of initiating the message was obtained by means of false or fraudulent pretenses or representations shall be considered materially misleading;

(B) a "from" line that accurately identifies any person who initiated the message shall not be considered materially false or materially misleading; and

(C) if header information attached to a message fails to identify a protected computer used to initiate the message because the person initiating the message knowingly uses another protected computer to relay or retransmit the message for purposes of disguising its origin, then such header information shall be considered materially misleading.

(2) Prohibition of deceptive subject headings.—It is unlawful for any person to initiate the transmission to a protected computer of a commercial electronic mail message with a subject heading that such person knows would be likely to mislead a recipient, acting reasonably under the circumstances, about a material fact regarding the contents or subject matter of the message.

(3) Inclusion of return address or comparable mechanism in commercial electronic mail.—

(A) In general.—It is unlawful for any person to initiate the transmission to a protected computer of a commercial electronic mail message that does not contain a functioning return electronic mail address or other Internet-based mechanism, clearly and conspicuously displayed, that—

(i) a recipient may use to submit, in a manner specified in the message, a reply electronic mail message or other form of Internet-based communication requesting not to receive future commercial electronic mail messages from that sender at the electronic mail address where the message was received; and

(ii) remains capable of receiving such messages or communications for no less than 30 days after the transmission of the original message.

(B) More detailed options possible.—The person initiating a commercial electronic mail message may comply with subparagraph (A)(i) by providing the recipient a list or menu from which the recipient may choose the specific types of commercial electronic mail messages the recipient wants to receive or does not want to receive from the sender, if the list or menu includes an option under which the recipient may choose not to receive any unsolicited commercial electronic mail messages from the sender.

(C) Temporary inability to receive messages or process requests.—A return electronic mail address or other mechanism does not fail to satisfy the requirements of subparagraph (A) if it is unexpectedly and temporarily unable to receive messages or process requests due to technical or capacity problems, if the technical or capacity problems were not reasonably foreseeable in light of the potential volume of response messages or requests, and if the problem with receiving messages or processing requests is corrected within a reasonable time period.

(D) Exception.—The requirements of this paragraph shall not apply to a message that is a transactional or relationship message.

(4) Prohibition of transmission of unsolicited commercial electronic mail after objection.—If a recipient makes a request using a mechanism provided pursuant to paragraph (3) not to receive some or any unsolicited commercial electronic mail messages from such sender, then it is unlawful—

(A) for the sender to initiate the transmission to the recipient, more than 10 business days after the receipt of such request, of an unsolicited commercial electronic mail message that falls within the scope of the request;

(B) for any person acting on behalf of the sender to initiate the transmission to the recipient, more than 10 business days after the receipt of such request, of an unsolicited commercial electronic mail message that such person knows or consciously avoids knowing falls within the scope of the request;

(C) for any person acting on behalf of the sender to assist in initiating the transmission to the recipient, through the provision or selection of addresses to which the message will be sent, of an unsolicited commercial electronic mail message that the person knows, or consciously avoids knowing, would violate subparagraph (A) or (B); or

(D) for the sender, or any other person who knows that the recipient has made such a request, to sell, lease, exchange, or otherwise transfer or release the electronic mail address of the recipient (including through any transaction or other transfer involving mailing lists bearing the electronic mail address of the recipient) for any purpose other than compliance with this title or other provision of law.

(5) Inclusion of identifier, opt-out, and physical address in unsolicited commercial electronic mail.—It is unlawful for any person to initiate the transmission of any unsolicited commercial electronic mail message to a protected computer unless the message provides—

(A) clear and conspicuous identification that the message is an advertisement or solicitation;

(B) clear and conspicuous notice of the opportunity under paragraph (3) to decline to receive further unsolicited commercial electronic mail messages from the sender; and

(C) a valid physical postal address of the sender.

(6) Materiality defined.—For purposes of paragraph (1), an inaccuracy or omission in header information is material if it would materially impede the ability of a party seeking to allege a violation of this title to locate the person who initiated the message or to investigate the alleged violation.

(b) Aggravated Violations Relating to Unsolicited Commercial Electronic Mail.—

(1) Address harvesting and dictionary attacks.—

(A) In general.—It is unlawful for any person to initiate the transmission, to a protected computer, of an unsolicited commercial electronic mail message that is unlawful under subsection (a), or to assist in the origination of such message through the provision or selection of addresses to which the message will be transmitted, if such person knows, should have known, or consciously avoids knowing that—

(i) the electronic mail address of the recipient was obtained using an automated means from an Internet website or proprietary online service operated by another person, and such website or online service included, at the time the address was obtained, a notice stating that the operator of such website or online service will not give, sell, or otherwise transfer addresses maintained by such website or online service to any other party for the purposes of initiating, or enabling others to initiate, unsolicited electronic mail messages; or

(ii) the electronic mail address of the recipient was obtained using an automated means that generates possible electronic mail addresses by combining names, letters, or numbers into numerous permutations.

(B) Disclaimer.—Nothing in this paragraph creates an ownership or proprietary interest in such electronic mail addresses.

(2) Automated creation of multiple electronic mail accounts.—It is unlawful for any person to use scripts or other automated means to register for multiple electronic mail accounts or online user accounts from which to transmit to a protected computer, or enable another person to transmit to a protected computer, an unsolicited commercial electronic mail message that is unlawful under subsection (a).

(3) Relay or retransmission through unauthorized access.—It is unlawful for any person knowingly to relay or retransmit an unsolicited commercial electronic mail message that is unlawful under subsection (a) from a protected computer or computer network that such person has accessed without authorization.

(c) Compliance Procedures.—An action for violation of paragraph (2), (3), (4), or (5) of subsection (a) may not proceed if the person against whom the action is brought demonstrates that —

(1) the person has established and implemented, with due care, reasonable practices and procedures to effectively prevent violations of such paragraph; and

(2) the violation occurred despite good faith efforts to maintain compliance with such practices and procedures.

(d) Supplementary Rulemaking Authority.—The Commission may by rule—

(1) modify the 10-business-day period under subsection (a)(4)(A) or subsection (a)(4)(B), or both, if the Commission determines that a different period would be more reasonable after taking into account—

(A) the purposes of subsection (a);

(B) the interests of recipients of commercial electronic mail; and

(C) the burdens imposed on senders of lawful commercial electronic mail; and

(2) specify additional activities or practices to which subsection (b) applies if the Commission determines that those activities or practices are contributing substantially to the proliferation of commercial electronic mail messages that are unlawful under subsection (a).

(e) Requirement To Place Warning Labels on Commercial Electronic Mail Containing Sexually Oriented Material.—

(1) In general.—No person may initiate in or affecting interstate commerce the transmission, to a protected computer, of any unsolicited commercial electronic mail message that includes sexually oriented material and—

(A) fail to include in subject heading for the electronic mail message the marks or notices prescribed by the Commission under this subsection; or

(B) fail to provide that the matter in the message that is initially viewable to the recipient, when the message is opened by any recipient and absent any further actions by the recipient, includes only—

(i) to the extent required or authorized pursuant to paragraph (2), any such marks or notices;

(ii) the information required to be included in the message pursuant to subsection (a)(5); and

(iii) instructions on how to access, or a mechanism to access, the sexually oriented material.

(2) Prescription of marks and notices.—Not later than 120 days after the date of the enactment of this title, the Commission in consultation with the Attorney General shall prescribe clearly identifiable marks or notices to be included in or associated with unsolicited commercial electronic mail that contains sexually oriented material, in order to inform the recipient of that fact and to facilitate filtering of such electronic mail. The Commission shall publish in the Federal Register and provide notice to the public of the marks or notices prescribed under this paragraph.

(3) Definition.—In this subsection, the term "sexually oriented material" means any material that depicts sexually explicit conduct (as that term is defined in section 2256 of title 18, United States Code), unless the depiction constitutes a small and insignificant part of the whole, the remainder of which is not primarily devoted to sexual matters.

(4) Penalty.—A violation of paragraph (1) is punishable as if it were a violation of section 1037(a) of title 18, United States Code.

SEC. 106. BUSINESSES KNOWINGLY PROMOTED BY ELECTRONIC MAIL WITH FALSE OR MISLEADING TRANSMISSION INFORMATION.

(a) In General.—It is unlawful for a person to promote, or allow the promotion of, that person's trade or business, or goods, products, property, or services sold, offered for sale, leased or offered for lease, or otherwise made available through that trade or business, in a commercial electronic mail message the transmission of which is in violation of section 105(a)(1) if that person—

(1) knows, or should have known in ordinary course of that person's trade or business, that the goods, products, property, or services sold, offered for sale, leased or offered for lease, or otherwise made available through that trade or business were being promoted in such a message;

(2) received or expected to receive an economic benefit from such promotion; and

(3) took no reasonable action—

(A) to prevent the transmission; or

(B) to detect the transmission and report it to the Commission.

(b) Limited Enforcement Against Third Parties.—

(1) In general.—Except as provided in paragraph (2), a person (hereinafter referred to as the "third party") that provides goods, products, property, or services to another person that violates subsection (a) shall not be held liable for such violation.

(2) Exception.—Liability for a violation of subsection (a) shall be imputed to a third party that provides goods, products, property, or services to another person that violates subsection (a) if that third party—

(A) owns, or has a greater than 50 percent ownership or economic interest in, the trade or business of the person that violated subsection (a); or

(B)(i) has actual knowledge that goods, products, property, or services are promoted in a commercial electronic mail message the transmission of which is in violation of section 105(a)(1); and

(ii) receives, or expects to receive, an economic benefit from such promotion.

(c) Exclusive Enforcement by FTC.—Subsections (e) and (f) of section 107 do not apply to violations of this section.

SEC. 107. ENFORCEMENT BY FEDERAL TRADE COMMISSION.

(a) Violation Is Unfair or Deceptive Act or Practice.—Except as provided in subsection (b), this title shall be enforced by the Commission as if the violation of this title were an unfair or deceptive act or practice proscribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) Enforcement by Certain Other Agencies.—Compliance with this title shall be enforced—

(1) under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks, and any subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies, and investment advisers), by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, organizations operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601 and 611), and bank holding companies and their nonbank subsidiaries or affiliates (except brokers, dealers, persons providing insurance, investment companies, and investment advisers), by the Board;

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) insured State branches of foreign banks, and any subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies, and investment advisers), by the Board of Directors of the Federal Deposit Insurance Corporation; and

(D) savings associations the deposits of which are insured by the Federal Deposit Insurance Corporation, and any subsidiaries of such savings associations (except brokers, dealers, persons providing insurance, investment companies, and investment advisers), by the Director of the Office of Thrift Supervision;

(2) under the Federal Credit Union Act (12 U.S.C. 1751 et seq.) by the Board of the National Credit Union Administration with respect to any Federally insured credit union, and any subsidiaries of such a credit union;

(3) under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) by the Securities and Exchange Commission with respect to any broker or dealer;

(4) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) by the Securities and Exchange Commission with respect to investment companies;

(5) under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) by the Securities and Exchange Commission with respect to investment advisers registered under that Act;

(6) under State insurance law in the case of any person engaged in providing insurance, by the applicable State insurance authority of the State in which the person is domiciled, subject to section 104 of the Gramm-Bliley-Leach Act (15 U.S.C. 6701);

(7) under part A of subtitle VII of title 49, United States Code, by the Secretary of Transportation with respect to any air carrier or foreign air carrier subject to that part;

(8) under the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) (except as provided in section 406 of that Act (7 U.S.C. 226, 227)), by the Secretary of Agriculture with respect to any activities subject to that Act;

(9) under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association; and

(10) under the Communications Act of 1934 (47 U.S.C. 151 et seq.) by the Federal Communications Commission with respect to any person subject to the provisions of that Act.

(c) Exercise of Certain Powers.—For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of this title is deemed to be a violation of a Federal Trade Commission trade regulation rule. In addition to its powers under any provision of law specifically referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this title, any other authority conferred on it by law.

(d) Actions by the Commission.—The Commission shall prevent any person from violating this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this title. Any entity that violates any provision of that subtitle is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade

Commission Act were incorporated into and made a part of that subtitle.

(e) ENFORCEMENT BY STATES.—

(1) CIVIL ACTION.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person engaging in a practice that violates section 105 of this title, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction—

(A) to enjoin further violation of section 105 of this title by the defendant; or

(B) to obtain damages on behalf of residents of the State, in an amount equal to the greater of—

(i) the actual monetary loss suffered by such residents; or

(ii) the amount determined under paragraph (2).

(2) STATUTORY DAMAGES.—

(A) IN GENERAL.—For purposes of paragraph (1)(B)(ii), the amount determined under this paragraph is the amount calculated by multiplying the number of violations (with each separately addressed unlawful message received by or addressed to such residents treated as a separate violation) by—

(i) up to $100, in the case of a violation of section 105(a)(1); or

(ii) $25, in the case of any other violation of section 105.

(B) LIMITATION.—For any violation of section 105 (other than section 105(a)(1)), the amount determined under subparagraph (A) may not exceed $1,000,000.

(C) AGGRAVATED DAMAGES.—The court may increase a damage award to an amount equal to not more than three times the amount otherwise available under this paragraph if—

(i) the court determines that the defendant committed the violation willfully and knowingly; or

(ii) the defendant's unlawful activity included one or more of the aggravating violations set forth in section 105(b).

(3) ATTORNEY FEES.—In the case of any successful action under paragraph (1), the State shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

(4) RIGHTS OF FEDERAL REGULATORS.—The State shall serve prior written notice of any action under paragraph (1) upon the Federal Trade Commission or the appropriate Federal regulator determined under subsection (b) and provide the Commission or appropriate Federal regulator with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Federal Trade Commission or appropriate Federal regulator shall have the right—

(A) to intervene in the action;

(B) upon so intervening, to be heard on all matters arising therein;

(C) to remove the action to the appropriate United States district court; and

(D) to file petitions for appeal.

(5) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths or affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(6) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) maintains a physical place of business.

(7) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission or other appropriate Federal agency under subsection (b) has instituted a civil action or an administrative action for violation of this title, no State attorney general may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this title alleged in the complaint.

(f) ACTION BY PROVIDER OF INTERNET ACCESS SERVICE.—

(1) ACTION AUTHORIZED.—A provider of Internet access service adversely affected by a violation of section 105 may bring a civil action in any district court of the United States with jurisdiction over the defendant—

(A) enjoin further violation by the defendant; or

(B) recover damages in an amount equal to the greater of—

(i) actual monetary loss incurred by the provider of Internet access service as a result of such violation; or

(ii) the amount determined under paragraph (2).

(2) STATUTORY DAMAGES.—

(A) IN GENERAL.—For purposes of paragraph (1)(B)(ii), the amount determined under this paragraph is the amount calculated by multiplying the number of violations (with each separately addressed unlawful message that is transmitted or attempted to be transmitted over the facilities of the provider of Internet access service, or that is transmitted or attempted to be transmitted to an electronic mail address obtained from the provider of Internet access service in violation of section 105(b)(1)(A)(i), treated as a separate violation) by—

(i) up to $100, in the case of a violation of section 105(a)(1); or

(ii) $25, in the case of any other violation of section 105.

(B) LIMITATION.—For any violation of section 105 (other than section 105(a)(1)), the amount determined under subparagraph (A) may not exceed $1,000,000.

(C) AGGRAVATED DAMAGES.—The court may increase a damage award to an amount equal to not more than three times the amount otherwise available under this paragraph if—

(i) the court determines that the defendant committed the violation willfully and knowingly; or

(ii) the defendant's unlawful activity included one or more of the aggravated violations set forth in section 105(b).

(3) ATTORNEY FEES.—In any action brought pursuant to paragraph (1), the court may, in its discretion, require an undertaking for the payment of the costs of such action, and assess reasonable costs, including reasonable attorneys' fees, against any party.

SEC. 108. EFFECT ON OTHER LAWS.

(a) FEDERAL LAW.—

(1) Nothing in this title shall be construed to impair the enforcement of section 223 or 231 of the Communications Act of 1934 (47 U.S.C. 223 or 231, respectively), chapter 71 (relating to obscenity) or 110 (relating to sexual exploitation of children) of title 18, United States Code, or any other Federal criminal statute.

(2) Nothing in this title shall be construed to affect in any way the Commission's authority to bring enforcement actions under FTC Act for materially false or deceptive representations or unfair practices in commercial electronic mail messages.

(b) STATE LAW.—

(1) IN GENERAL.—This title supersedes any statute, regulation, or rule of a State or political subdivision of a State that expressly regulates the use of electronic mail to send commercial messages, except to the extent that any such statute, regulation, or rule prohibits falsity or deception in any portion of a commercial electronic mail message or information attached thereto.

(2) STATE LAW NOT SPECIFIC TO ELECTRONIC MAIL.—This title shall not be construed to preempt the applicability of State laws that are not specific to electronic mail, including State trespass, contract, or tort law, and other State laws to the extent that those laws relate to acts of fraud or computer crime.

(c) NO EFFECT ON POLICIES OF PROVIDERS OF INTERNET ACCESS SERVICE.—Nothing in this title shall be construed to have any effect on the lawfulness or unlawfulness, under any other provision of law, of the adoption, implementation, or enforcement by a provider of Internet access service of a policy of declining to transmit, route, relay, handle, or store certain types of electronic mail messages.

SEC. 109. DO-NOT-E-MAIL REGISTRY.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this title, the Commission shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce a report that—

(1) sets forth a plan and timetable for establishing a nationwide marketing Do-Not-E-mail registry;

(2) includes an explanation of any practical, technical, security, privacy, enforceability, or other concerns that the Commission has regarding such a registry; and

(3) includes an explanation of how the registry would be applied with respect to children with e-mail accounts.

(b) AUTHORIZATION TO IMPLEMENT.—The Commission may establish and implement the plan, but not earlier than 9 months after the date of enactment of this title.

SEC. 110. STUDY OF EFFECTS OF UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

(a) IN GENERAL.—Not later than 24 months after the date of the enactment of this title, the Commission, in consultation with the Department of Justice and other appropriate agencies, shall submit a report to the Congress that provides a detailed analysis of the effectiveness and enforcement of the provisions of this title and the need (if any) for the Congress to modify such provisions.

(b) REQUIRED ANALYSIS.—The Commission shall include in the report required by subsection (a)—

(1) an analysis of the extent to which technological and marketplace developments, including changes in the nature of the devices through which consumers access their electronic mail messages, may affect the practicality and effectiveness of the provisions of this title;

(2) analysis and recommendations concerning how to address unsolicited commercial electronic mail that originates in or is transmitted through or to facilities or computers in other nations, including initiatives

or policy positions that the Federal government could pursue through international negotiations, fora, organizations, or institutions; and

(3) analysis and recommendations concerning options for protecting consumers, including children, from the receipt and viewing of unsolicited commercial electronic mail that is obscene or pornographic.

SEC. 111. IMPROVING ENFORCEMENT BY PROVIDING REWARDS FOR INFORMATION ABOUT VIOLATIONS; LABELING.

(a) In General.—The Commission shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce—

(1) a report, within 9 months after the date of enactment of this title, that sets forth a system for rewarding those who supply information about violations of this title, including—

(A) procedures for the Commission to grant a reward of not less than 20 percent of the total civil penalty collected for a violation of this title to the first person that—

(i) identifies the person in violation of this title; and

(ii) supplies information that leads to the successful collection of a civil penalty by the Commission; and

(B) procedures to minimize the burden of submitting a complaint to the Commission concerning violations of this title, including procedures to allow the electronic submission of complaints to the Commission; and

(2) a report, within 18 months after the date of enactment of this title, that sets forth a plan for requiring unsolicited commercial electronic mail to be identifiable from its subject line, by means of compliance with Internet Engineering Task Force Standards, the use of the characters "ADV" in the subject line, or other comparable identifier, or an explanation of any concerns the Commission has that cause the Commission to recommend against the plan.

(b) Implementation of Reward System.—The Commission may establish and implement the plan under subsection (a)(1), but not earlier than 12 months after the date of enactment of this title.

SEC. 112. SEPARABILITY.

If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of such provision to other persons or circumstances shall not be affected.

SEC. 113. EFFECTIVE DATE.

The provisions of this title other than section 109, shall take effect 120 days after the date of the enactment of this title.

TITLE II—REALTIME WRITERS ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Training for Realtime Writers Act of 2003".

SEC. 202. FINDINGS.

Congress makes the following findings:

(1) As directed by Congress in section 723 of the Communications Act of 1934 (47 U.S.C. 613), as added by section 305 of the Telecommunications Act of 1996 (Public Law 104-104; 110 Stat. 126), the Federal Communications Commission adopted rules requiring closed captioning of most television programming, which gradually require new video programming to be fully captioned beginning in 2006.

(2) More than 28,000,000 Americans, or 8 percent of the population, are considered deaf or hard of hearing, and many require captioning services to participate in mainstream activities.

(3) More than 24,000 children are born in the United States each year with some form of hearing loss.

(4) According to the Department of Health and Human Services and a study done by the National Council on Aging—

(A) 25 percent of Americans over 65 years old are hearing impaired;

(B) 33 percent of Americans over 70 years old are hearing impaired; and

(C) 41 percent of Americans over 75 years old are hearing impaired.

(5) The National Council on Aging study also found that depression in older adults may be directly related to hearing loss and disconnection with the spoken word.

(6) Empirical research demonstrates that captions improve the performance of individuals learning to read English and, according to numerous Federal agency statistics, could benefit—

(A) 3,700,000 remedial readers;

(B) 12,000,000 young children learning to read;

(C) 27,000,000 illiterate adults; and

(D) 30,000,000 people for whom English is a second language.

(7) Over the past 5 years, student enrollment in programs that train court reporters to become realtime writers has decreased significantly, causing such programs to close on many campuses.

SEC. 203. AUTHORIZATION OF GRANT PROGRAM TO PROMOTE TRAINING AND JOB PLACEMENT OF REALTIME WRITERS.

(a) In General.—The National Telecommunications and Information Administration shall make competitive grants to eligible entities under subsection (b) to promote training and placement of individuals, including individuals who have completed a court reporting training program, as realtime writers in order to meet the requirements for closed captioning of video programming set forth in section 723 of the Communications Act of 1934 (47 U.S.C. 613) and the rules prescribed thereunder.

(b) Eligible Entities.—For purposes of this title, an eligible entity is a court reporting program that—

(1) can document and demonstrate to the Secretary of Commerce that it meets minimum standards of educational and financial accountability, with a curriculum capable of training realtime writers qualified to provide captioning services;

(2) is accredited by an accrediting agency recognized by the Department of Education; and

(3) is participating in student aid programs under title IV of the Higher Education Act of 1965.

(c) Priority in Grants.—In determining whether to make grants under this section, the Secretary of Commerce shall give a priority to eligible entities that, as determined by the Secretary of Commerce—

(1) possess the most substantial capability to increase their capacity to train realtime writers;

(2) demonstrate the most promising collaboration with local educational institutions, businesses, labor organizations, or other community groups having the potential to train or provide job placement assistance to realtime writers; or

(3) propose the most promising and innovative approaches for initiating or expanding training and job placement assistance efforts with respect to realtime writers.

(d) Duration of Grant.—A grant under this section shall be for a period of two years.

(e) Maximum Amount of Grant.—The amount of a grant provided under subsection (a) to an entity eligible may not exceed $1,500,000 for the two-year period of the grant under subsection (d).

SEC. 204. APPLICATION.

(a) In General.—To receive a grant under section 203, an eligible entity shall submit an application to the National Telecommunications and Information Administration at such time and in such manner as the Administration may require. The application shall contain the information set forth under subsection (b).

(b) Information.—Information in the application of an eligible entity under subsection (a) for a grant under section 203 shall include the following:

(1) A description of the training and assistance to be funded using the grant amount, including how such training and assistance will increase the number of realtime writers.

(2) A description of performance measures to be utilized to evaluate the progress of individuals receiving such training and assistance in matters relating to enrollment, completion of training, and job placement and retention.

(3) A description of the manner in which the eligible entity will ensure that recipients of scholarships, if any, funded by the grant will be employed and retained as realtime writers.

(4) A description of the manner in which the eligible entity intends to continue providing the training and assistance to be funded by the grant after the end of the grant period, including any partnerships or arrangements established for that purpose.

(5) A description of how the eligible entity will work with local workforce investment boards to ensure that training and assistance to be funded with the grant will further local workforce goals, including the creation of educational opportunities for individuals who are from economically disadvantaged backgrounds or are displaced workers.

(6) Additional information, if any, of the eligibility of the eligible entity for priority in the making of grants under section 203(c).

(7) Such other information as the Administration may require.

SEC. 205. USE OF FUNDS.

(a) In General.—An eligible entity receiving a grant under section 203 shall use the grant amount for purposes relating to the recruitment, training and assistance, and job placement of individuals, including individuals who have completed a court reporting training program, as realtime writers, including—

(1) recruitment;

(2) subject to subsection (b), the provision of scholarships;

(3) distance learning;

(4) development of curriculum to more effectively train realtime writing skills, and education in the knowledge necessary for the delivery of high-quality closed captioning services;

(5) assistance in job placement for upcoming and recent graduates with all types of captioning employers;

(6) encouragement of individuals with disabilities to pursue a career in realtime writing; and

(7) the employment and payment of personnel for such purposes.

(b) Scholarships.—

(1) Amount.—The amount of a scholarship under subsection (a)(2) shall be based on the

amount of need of the recipient of the scholarship for financial assistance, as determined in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk).

(2) Agreement.—Each recipient of a scholarship under subsection (a)(2) shall enter into an agreement with the National Telecommunications and Information Administration to provide realtime writing services for a period of time (as determined by the Administration) that is appropriate (as so determined) for the amount of the scholarship received.

(3) Coursework and employment.—The Administration shall establish requirements for coursework and employment for recipients of scholarships under subsection (a)(2), including requirements for repayment of scholarship amounts in the event of failure to meet such requirements for coursework and employment. Requirements for repayment of scholarship amounts shall take into account the effect of economic conditions on the capacity of scholarship recipients to find work as realtime writers.

(c) Administrative Costs.—The recipient of a grant under section 203 may not use more than 5 percent of the grant amount to pay administrative costs associated with activities funded by the grant.

(d) Supplement Not Supplant.—Grants amounts under this title shall supplement and not supplant other Federal or non-Federal funds of the grant recipient for purposes of promoting the training and placement of individuals as realtime writers

SEC. 206. REPORTS.

(a) Annual Reports.—Each eligible entity receiving a grant under section 203 shall submit to the National Telecommunications and Information Administration, at the end of each year of the grant period, a report on the activities of such entity with respect to the use of grant amounts during such year.

(b) Report Information.—

(1) In general.—Each report of an entity for a year under subsection (a) shall include a description of the use of grant amounts by the entity during such year, including an assessment by the entity of the effectiveness of activities carried out using such funds in increasing the number of realtime writers. The assessment shall utilize the performance measures submitted by the entity in the application for the grant under section 204(b).

(2) Final report.—The final report of an entity on a grant under subsection (a) shall include a description of the best practices identified by the entity as a result of the grant for increasing the number of individuals who are trained, employed, and retained in employment as realtime writers.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title, amounts as follows:

(1) $20,000,000 for each of fiscal years 2004, 2005, and 2006.

(2) Such sums as may be necessary for fiscal year 2007.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask that there now be a period for morning business, with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF THOMAS M. HARDIMAN

Mr. SPECTER. Mr. President, it is my understanding that the Senate will soon take up in executive session the nomination of Thomas M. Hardiman to be a judge on the U.S. District Court for the Western District of Pennsylvania, and I recommend to my colleagues that he be confirmed. He has an outstanding academic record.

Mr. Hardiman received his bachelor's degree, cum laude, from the University of Notre Dame in 1987. He received his law degree, cum laude again, from Georgetown University Law Center. He was notes and comments editor of the Georgetown Law Journal, which is an indication of academic achievement and legal excellence in writing. He has been admitted to the bars of Massachusetts, the District of Columbia, and the Commonwealth of Pennsylvania. He has been in the active practice of law since 1990. He currently is a partner in the prestigious Pittsburgh firm of Reed Smith.

He has been very active with professional affiliations as a Pennsylvania Young Lawyers Division delegate to the American Bar Association's House of Delegates. He served as a hearing officer for the Pennsylvania Disciplinary Board. He has been active in community affairs, president of Big Brothers Big Sisters of Greater Pittsburgh, and he currently serves as director of that organization. He was formerly an adjunct faculty member of LaRoche College.

As suggested by the dates of graduation, Mr. Hardiman is a young man, in his late thirties. I think he brings an element of diversity to the court, tempering some of the judges who are older. But starting at the age of 38 affords an opportunity to develop skills and expertise on the district court as a trial judge.

From what I know about him, and I have observed him over the better part of the past decade, he has the capability perhaps to become an appellate judge. That will depend upon the development of his skills and his professional accomplishments as a judge.

He was recommended by the nonpartisan nominating panel which Senator SANTORUM and I have. He is a vigorous young man. He has a family, a wife and three children, residing in Fox Chapel. I think he will make an outstanding addition to the United States District Court for the Western District of Pennsylvania.

IN MEMORY OF IRA PAULL

Mr. DODD. Mr. President, I rise to speak in memory of Ira Paull, who passed away suddenly on September 28 at the age of 52.

I was very fortunate to work with Ira during the 7 years he spent on Capitol Hill as a staff member on the Senate Banking Committee. He worked on the staff of Senators John Heinz, Jake Garn, and Alfonse D'Amato. Ira was an integral part of virtually every critical piece of legislation that came out of the Banking Committee. His knowledge was vast and his counsel well-respected by Senators on both sides of the aisle. I personally had the privilege of working with Ira in my capacity as chairman of the Securities Subcommittee. In particular, I have fond memories of Ira as he accompanied me, Senator Heinz, and my staff on a congressional delegation to Europe in 1990 looking into European Community Financial Services issues.

Ira's reputation on the Hill was that of a bright and talented lawyer, and also of an individual with a quick wit and a tremendous sense of humor. He became well-known for writing opening statements for committee hearings that were not only well-informed and comprehensive, but would even, on occasion, incorporate rhyme or poetry that would bring a smile to everyone's face.

Though his job on the committee was to provide counsel to Republican Senators, he earned a great deal of respect from Democrats as well. He formed deep and lasting friendships with staff members from both sides of the aisle, including my own staff, who valued his advice and counsel and cherished his friendship.

Ira Paull was a hard worker, a dedicated public servant, and a wonderful person who was taken from us far too soon. He will be greatly missed by everyone who had the opportunity to know him.

I offer my deepest sympathies to his brother Gerson, to his sisters, Susan, Leah, and Linda, and to his entire family.

I ask unanimous consent to print in the RECORD statements on Ira's passing submitted by former Senators Garn and D'Amato.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

On the Passing of Ira Paull

Senator Jake Garn

I first met Ira Paull in 1988 when he joined the staff of Senator John Heinz as his legislative assistant specializing in securities issues. A year later he joined the Banking Committee staff and I saw first hand how Ira's expertise in banking, securities and accounting made an invaluable contribution to the work of the Committee. Ira played a key role in all of the key significant legislation addressed by the Committee during my tenure as ranking member. Many of these laws were of critical importance to the financial stability of the United States, such as the legislation that resolved the savings and loan crisis and the law that restored the financial strength of the Federal Deposit Insurance Corporation. Ira's knowledge of accounting was especially crucial to the Committee's work on these measures, and the legislation adopted by the Congress reflects much of the input and advice we received from him.

Ira's intellect and technical expertise alone would have made him a wonderful asset to the Banking Committee staff. But Ira's contribution went well beyond that. Ira took it upon himself to share his knowledge and become an adviser to senior staff and a mentor to younger staff. He was universally respected for his personal integrity and strength of convictions. Ira had strong beliefs about Aright and wrong—and to his credit, never feared to express his views. He also had a remarkable sense of humor, and members of the Committee on both sides of the aisle enjoyed the statements Ira prepared. His sense of humor also served to keep staff morale high during the periods of high stress when staff was required to work long hours due to the press of the legislative schedule.

The passing of Ira Paull is a loss for all of us. He was a bright light that shone on many people, including myself. He will be missed by many, but forgotten by no one.

IN MEMORY OF IRA PAULL

Senator Alfonse M. D'Amato

It is with deep sadness that I submit this statement about the passing of former Senate Banking Committee staff person, Ira Paull.

Ira was a strong presence on the Committee staff for a number of years, staffing first Senator Heinz, then Senator Garn and finally me when he became the Deputy Staff Director under my Chairmanship.

No matter who Ira worked for at the time, though, we all looked to him for his quick and concise explanations—Ira could always cut to the chase. If any of us wanted something more than that, Ira could also spend days on the details. He was one of the few staff people that could actually do both. Whether the explanation was a few minutes or a few hours though, he was always passionate about whatever the Committee was doing.

In fact, few could show such passion as Ira about the Public Utility Holding Company Act of 1935 or the minutiae of thrift regulation. Ira's passion for the law showed no mercy for lobbyists or staff representing members with contrary positions to Ira's successive bosses. He was a strong advocate for his member and very effective at getting what his boss needed.

I remember one particular situation back when Congress passed FDICIA in 1991. It was right around the time that a minority-owned New York bank, Freedom National Bank, had failed. They had all kinds of community funds commingled and when the bank failed, FDIC insurance would look at all of the accounts as one big, single account. My office had gotten dozens of calls from the Harlem community that stood to lose college scholarship funds and all kinds of community program money. During the conference, I explained the bank's predicament and got included in the bill an amendment to look at each account separately and basically cover all the deposits made by the community programs.

FDICIA had one of those conferences that finished at 3:00 am and when the bill was voted on by the House and Senate the next day, the Freedom National Bank amendment was nowhere to be found. Both Houses were set to adjourn right after the bill passed, but Ira worked Legislative Councils of both Houses, the Chairmen of the Committees, the staff people, and the Parliamentarians. With the usual Ira tenaciousness, he tracked down every person who could help—no matter where they were. Finally, Ira and I ran over to the House to do what couldn't be done over the telephone. We arrived on the floor, right as the House announced its adjournment sine die. Two minutes later, the House floor reopened, passed the Freedom National amendment, and readjourned.

That kind of dedication, that kind of passion and that kind of can do and do attitude is what I will always remember about Ira. The Freedom National Bank situation happened long before I was Chairman of Banking—at the time, I was third in seniority at the Committee. Ira was a pro and worked that issue as if it was his money at stake.

He was a wonderful person, with a great passion and a great way with words—drafting the most imaginative and creative statements which the Congressional Record will memorialize forever. And, of course, I will always remember Ira's laugh, the great guffaw.

I join my colleagues today to bid a fond farewell to Ira Paull and to thank him one last time for all he did during his time at the Senate.

POST-ELECTION VIOLENCE IN AZERBAIJAN

Mr. McCAIN. Mr. President, today Human Rights Watch released a statement condemning what it calls a "brutal political crackdown" in Azerbaijan following its flawed October 15 presidential elections. In the words of Peter Bouckaert of Human Rights Watch, "Azerbaijan is going through its most serious human rights crisis of the past decade. If this crackdown continues, there won't be an opposition left in Azerbaijan by the end of the month." I direct my colleagues' attention to Human Rights Watch's disturbing conclusions and ask unanimous consent that its report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AZERBAIJAN: GOVERNMENT LAUNCHES CRACKDOWN AFTER ELECTION, HUNDREDS OF OPPOSITION MEMBERS ARRESTED

NEW YORK, October 22, 2003.—Azerbaijani authorities have unleashed a massive and brutal political crackdown, arresting hundreds of opposition leaders and activists since the October 15 presidential election, Human Rights Watch said today. Ilham Aliev, the son of the outgoing leader, was elected president in a vote that international and local observers said was marred by widespread fraud.

"The Azerbaijani authorities are using the post-election violence, an affair in which they themselves played a major role, to justify a massive crackdown on the opposition," said Peter Bouckaert, Human Rights Watch's senior emergencies researcher. "Arbitrary arrests have to stop. Those arrested without cause must be released immediately, and those in custody should have access to an attorney."

Human Rights Watch called on the government to publish a full list of all those arrested in the aftermath of the election, their whereabouts and the charges against them. Human Rights Watch urged the international community to press the Azerbaijani government to launch an independent commission, with international participation, to investigate election fraud.

Almost immediately after the polls closed on October 15, violence erupted between opposition supporters and the police. Later that evening, Azerbaijani security forces attacked peaceful opposition supporters gathered outside the headquarters of the main opposition party, Musavat ("Equality"), injuring at least 50 protesters.

Most of the arrests have occurred since October 16, when attempts by the security forces to prevent a march organized by the opposition turned violent. For details, please see Human Rights Watch press release "Azerbaijan: Post-Election Clashes Turn Deadly."

Human Rights Watch has been able to confirm at least 190 arrests of opposition leaders and supporters, although the actual number of detainees is much higher. For example, the Minister of Interior stated on October 17 that 190 persons had been detained during the October 16 violence alone. Many of those arrested were beaten while being taken into custody.

The charges, if any, against those detained are unknown, as in many cases they have not had access to counsel.

Several national leaders of the opposition have been among those arrested, including Sardar Jalaloglu, secretary-general of the Azerbaijan Democratic Party (ADP), taken from his home on October 18 by armed masked men; Igbal Agazadeh, chair of the Umid ("Hope") Party, arrested on October 17; Panah Huseinov, chair of the Khalq ("Nation") Party, and a former prime minister of Azerbaijan, arrested on October 19; and Vagif Hajibeili, chair of the Ahrar party, arrested on October 17.

Most of the national leaders are being held at the Organized Crime Unit of the Ministry of Interior, a department that routinely uses torture and other physical abuse against detainees, according to Human Rights Watch research. For details, please see Human Rights Watch briefing paper "Azerbaijan: Presidential Elections 2003."

The main opposition leader and presidential contender Isa Gambar, chair of the Musavat party, is under house arrest, and his bodyguards have been detained. Several Musavat deputy chiefs have been arrested, including Sulheddin Akper, deputy chief for international affairs; Ibrahim Ibrahimli, deputy chief for humanitarian affairs; Arif Hajiev, deputy chief for organizational affairs; and Mirbaba Babaev, a member of the Musavat supreme council.

The campaign of arrest has also focused on members of the "Our Azerbaijan" bloc, including many civil society leaders, who supported the candidacy of Musavat leader Isa Gambar. Mehti Mehtiev, director of the Human Rights Resource Center, was arrested at his home on October 18. Itimar Asadov, chair of the Karabakh Invalids Association, was arrested on October 17. The security forces also attempted to arrest Ilgar Ibrahimoglu, a major religious leader and the head of the Center for the Protection of Conscience and Religious Freedom; he received refuge in the Norwegian Embassy after two of his associates, Azad Nazimanoglu and Najaf Allahverdiyev, were arrested on October 17.

The authorities have also detained local opposition activists in villages and towns throughout Azerbaijan. For example, on October 17, police in the town of Saatli arrested Agarza Miriev, the local Musavat chief; Beibala Akperov, his deputy; Mikhail Humbatov, chair of the local ADP branch; Chingiz Umudov, the local chief of the Liberal Party; and Fakhreddin Abdiev, the local chief of the Azerbaijan Popular Front Party (APFP).

Among other local leaders whose arrest Human Rights Watch has been able to confirm are: the chairs or deputy chairs of the Musavat party branches of Ali Bairamli, Gazakh, Gabala, Ismaili, and Jalilabad, Sumgait; the head of the ADP branches in Ali Bairamli, Imishli, and Zagatla; the chairs of the Azerbaijani National Independence Party (ANIP) branches in Ganja, Quba, and Shamkir; and the chairs of the APFP branches in Jalilabad and Siazan. Human Rights Watch also confirmed the arrest of the head of the Umid party in Ali Bairamli. All of their names are on file with Human Rights Watch.

In addition, the Azerbaijani authorities have arrested dozens of opposition members who served as observers and polling-station officials during the October 15 election because they refused to sign vote tallies from their polling stations that they believed were fraudulent. The tallies, known as protocols, require the signatures of polling-station officials. In the town of Ganja alone, Human Rights Watch has obtained the names of 32 opposition polling-station officials who are currently being detained for their refusal to sign fraudulent vote tallies.

International monitors from the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe and the National Institute for Democracy (NDI) have confirmed widespread fraud on election day. According to many reports, the families of opposition election officials who refused to sign forged protocols have also come under pressure and been victims of intimidation from government officials, and in some cases have themselves been arrested.

Human Rights Watch calls on the Azerbaijani authorities to immediately end the crackdown against members of the opposition. Human Rights Watch further urged the Azerbaijani government to carry out a prompt, independent and impartial investigation into the violence plaguing the country prior and subsequent to the election, and to investigate and prosecute security officials and others implicated in abuses. Urgent international action is needed to prevent a further decline in human rights conditions in Azerbaijan, Human Rights Watch stressed.

Human Rights Watch also urges the Council of Europe and the OSCE, together with the United States and the European Union, to press the Aerbaijani government to form an independent commission to investigate election fraud. Election experts from the Council of Europe and OSCE should be part of this commission.

"Azerbaijan is giong through its most serious human rights crisis of the past decade," said Bouckaert. "If this crackdown continues, there won't be an opposition left in Azerbaijan by the end of the month."

STATUS OF ENERGY BILL CONFERENCE COMMITTEE NEGOTIATIONS

Mr. JOHNSON. Mr. President, yesterday, in a joint statement, Senator DOMENICI and Representative TAUZIN indicated that because of continued disagreements over energy tax provisions that additional conference meetings on comprehensive energy legislation will not occur this week. At the same time, Representative TAUZIN and Senator DOMENICI announced that final agreements had been reached on ethanol and electricity. I learned about these developments, as did my other Democratic colleagues who serve on the conference committee to the energy bill, not from meeting with the chairman of the conference, but through third-hand news accounts.

The exclusion of Democrats from the conference committee process is well known. Yesterday, Senator BINGAMAN, the ranking democrat on the Senate Energy Committee and one of the Senate's foremost experts on energy matters, raised these same points on the Senate floor. By choosing not to release to the public Republican-bargained agreements on ethanol and electricity, the Congress runs a substantial risk of harming South Dakota farmers and consumers, while failing to produce the long-term energy policy our country requires.

Implementing an aggressive renewable fuels standard that grows demand for ethanol is vitally important to the ethanol industry, American farmers, and our long-term energy security. South Dakota is at the forefront of expanding ethanol production with 1 of every 3 rows of corn in South Dakota devoted to ethanol production. Nearly 8,000 South Dakota farm families are connected to my State's nine ethanol facilities. Implementing a Renewable Fuels Standard, RFS, that significantly benefits this growing industry is more important than slapping together an agreement cut by a few Senators in order to grease the wheels for passage of a broader energy bill.

As I look at the list of Republican conferees serving on the energy conference, I am very concerned that by excluding Democrats, such as Senators DORGAN, DASCHLE, and BAUCUS, that the ethanol agreement constructed will not produce the long-term benefits South Dakota's member-owned ethanol facilities and farmers expect from this bill. This concern is not only shared by Senate Democrats, but many Republican Senators who want to grow ethanol production. Last Friday, 29 Senators wrote to Senator DOMENICI and Representative TAUZIN reiterating that the conference accept the Senate's ethanol agreement that passed on a bipartisan vote of 68 to 28. Unfortunately, opponents of renewable fuels appear to be prevailing within the conference. Therefore, I have great concerns with the decision by Senator DOMENICI not to release the ethanol and electricity agreements to the public so that it could be reviewed by all conferees.

By refusing to release the ethanol and electricity agreements, South Dakotans are deprived of the opportunity to understand how this bill will impact their pocketbook and livelihood. Notwithstanding a vague agreement to allow conferees to review the language 24 hours before a final vote, this closed process could ultimately produce a bill that hurts my constituents. The electricity provisions in this bill have a significant impact on the thousands of customers in my State served by rural electric cooperatives, yet this complicated section that could easily comprise over 100 pages of text will be released only one day before a final vote. My concerns go far beyond procedural fairness but speak directly to what type of electricity market Congress envisions taking shape in the next decade, and how to ensure that markets do not disadvantage consumers. Will the authority over setting rates and ensuring the reliability of the power grid be handled primarily through individual States or the Federal Government? What incentives are contained in the bill to encourage utilities to serve less populated regions of the country and maintain the infrastructure needed for reliable and dependable service? The answers to these complicated questions lie within the closely guarded deals agreed to by a handful of Senators and Congressman.

It is very important that the conferees have access to these agreements as soon as possible so that conferees can share them with our constituents. The Senate has twice passed comprehensive energy legislation in the last 2 years because of an open and deliberative process that produced compromise and solutions on ethanol and electricity, as well as other contentious provisions. That same openness is needed at this time if we are to construct an energy policy that grows domestic energy sources and secures reliable and available supplies of energy.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Washington, D.C. On August 21, 2003, Aaryn Marshall, 25, was shot and killed. Mr. MARSHALL was a transgender individual, and dressed and lived as a woman. Police have classified the second-degree murder as a hate crime. Mr. MARSHALL was one of three transgendered residents shot in the city in a six-day period in August.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

TRIBUTE TO DANIEL W. McGINTY

• Mr. WARNER. Mr. President, I rise today to pay tribute to Daniel W. McGinty, upon his retirement from the Federal Government after 33 years of distinguished and dedicated service to our Nation and the Department of Defense.

Over the last 10 years, some of us in this Chamber have had dealings with Dan, as he carried out his responsibilities as the director of congressional and public affairs for the Defense Logistics Agency (DLA) and most recently with the Defense Contract Management Agency (DCMA). His frequent dealings with the staff of the Armed Services Committees of the Senate and House have been a paragon of professionalism, diplomacy, and conscientious service. With integrity and an engaging personal style, Dan consisently exercised a remarkable talent for reconciling divergent points of view, and doing so in a way that resulted in mutually acceptable outcome for all involved, be it in the arena of legislation or constituent services.

Dan's career journey began more than three decades ago. Upon his graduation from Eastern New Mexico University in 1970, he entered the Army as a counterintelligence agent at Ft. Ord, California. Following an honorable discharge in 1973, Dan began his Federal civilian career at Kirtland Air Force Base, NM, progressing through a variety of contract-management positions over the ensuing 10 years.

In the mid-1980s, Dan got his first taste of life in the Nation's Capital, serving as the strategic planning officer on the staff of the Commander, Air Force Systems Command. After 4 years in that position, he returned to Kirtland AFB to head up the resources-planning division. Then in 1989, upon the issuance of Defense Management Review Decision 916, which placed all Defense contract administration under DLA's Defense Contract Management Command, Dan returned to the Washington, DC, area to serve as the director of program and technical support for special programs at DCMC headquarters.

But all that was mere prelude to what Dan will best be remembered for—his proficiency, acumen, and credibility as the congressional affairs impresario for DLA and DCMA, two of the Defense Department's leading combat-support agencies. Since February 1994, he has been a highly effective ambassador to Capitol Hill, articulating agency programs and deftly conveying his agencies' perspective on emerging legislation.

Displaying an enviable blend of affability and sophistication, Dan established and enjoyed a marvelous rapport with Senate and House staff. Always responsive and informed, he consistently met the congressional and media demands placed on him while protecting and promoting the interests of the agencies he represented.

Whether he was contributing to the successful development of a classified weapons systems program, responding to pointed questions from reporters, or explaining contract-management initiatives to congressional staff, Dan McGinty carried out his pressure-packed responsibilities with unwavering diligence, integrity, and competence.

On the occasion of his retirement from Federal service, I offer my congratulations and thanks to this respected resident of northern Virginia, and wish him and his wife, Sue, well in their future pursuits.•

CELEBRATING WORLD CUP SPEEDSKATING IN MARQUETTE, MICHIGAN

• Ms. STABENOW. Mr. President, I call attention to a wonderful sporting event that will be held Friday, Saturday and Sunday in the city of Marquette in Michigan's Upper Peninsula.

On those days the United States Olympic Education Center will host World Cup speedskating at the Berry Events Center at Northern Michigan University.

I am sure you recall how short track speedskating suddenly became the sport of the hour during the 2002 Winter Olympics in Salt Lake City, as we all cheered on the American speedskating phenomenon Apolo Ohno. The excitement of this high-speed sport, where a slip and a fall always seems to be just a step away, became one of the most-talked about events of the games.

When the Olympic games were finished and Apolo left with his medals, I am afraid that for most viewers speedskating slipped back into the sports shadows. It was not likely to be a sport that would bump football, golf or NASCAR from the prime Sunday afternoon viewing slot.

Despite this media eclipse, however, speedskating remains as riveting as it was during the Olympics. Highly-trained athletes still challenge both gravity and centrifugal force on the razor edge of their skates. Strategists on the track still plot their pace, waiting for the right moment to begin a sprint or challenge for the lead. And 150 of the world's best speedskaters from more than 25 countries will thrill crowds of northern Michigan residents who know their winter sports, from dog-sledding to ski-jumping.

The event also promises an economic boost to an area that has been sustained many economic blows, and it will showcase Marquette, MI, an All-American community.

I have long supported the United States Olympic Education Center at Northern Michigan University, and I praise them for their successful effort in matching this world-class event to an area that I have always considered world-class in its natural beauty—Michigan's Upper Peninsula.•

IN RECOGNITION OF MONTGOMERY COUNTY HOUSING OPPORTUNITIES COMMISSION

• Mr. SARBANES. Mr. President, I wish to recognize the work of the Housing Opportunities Commission of Montgomery County, MD. Today, the Housing Opportunities Commission is celebrating the 10th anniversary of its Family Self Sufficiency, FSS, program, which helps low-income families with section 8 housing vouchers or living in public housing meet their educational and employment goals. The Housing Opportunities Commission has established a wonderful program that provides resources to low-income families to help them find and retain employment along with the opportunity for families to put away savings. These savings allow families to pay for educational opportunities, transportation or even the purchase of a home. While many housing authorities operate Family Self Sufficiency programs, I believe that the Housing Opportunities Commission has done an extraordinary job of helping its residents achieve economic independence.

In the 10 years that the Commission has operated the Family Self Sufficiency program, almost 350 people have graduated and are well on their way to financial independence. These families faced significant barriers to gaining employment—33 percent were on welfare or were unemployed, many had no high school degree and 95 percent are single parents. Despite these obstacles, all 347 graduates have been able to retain stable employment, and 25 percent of the FSS graduates have purchased their own homes, a remarkable achievement.

The Housing Opportunities Commission, HOC, has been committed to this important program for 10 years. By providing intensive case management, opportunities for education and job training and assistance in finding and paying for child care, HOC has ensured that the families enrolled in FSS can make the transition from welfare to work a successful one.

In addition to working to better the lives of Montgomery County residents, the Housing Opportunities Commission has been a strong advocate for the program, helping me and others in Congress fight to continue and even expand the FSS program. In 1998, my colleagues and I fought to keep this program and thankfully, we were able to strengthen it by requiring that certain increases in income were disregarded for purposes of determining the amount of rent a family pays. Families who take part in FSS and increase their incomes are able to save money in an escrow account instead of paying more in rent. This is a great encouragement for families to find better employment, and it ensures that funds are available when necessary for emergencies. In addition, last year, I introduced legislation which would expand the program so that families living in project-based section 8 developments could also benefit from a housing agency's self-sufficiency programs.

The Family Self Sufficiency program is one that changes lives for the better, and that is evident when looking at this year's participants in HOC's program. This year, 36 new families will graduate from the FSS program in Montgomery County, and I want to recognize the work that they have done to become self-sufficient. Ninety-two percent of these graduates have participated in education and/or job training courses and seven graduates have become homeowners.

These individuals are not only better positioned to participate in the job market, but they are providing stability for their families and models for their communities. The staff at HOC and the graduates of the FSS program, present, past, and future, are to be commended for their efforts.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill and joint resolution were read the second time, and placed on the calendar:

H.R. 1446. An act to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

H.J. Res. 73. Joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–304. A resolution adopted by the Senate of the Legislature of the State of Wisconsin relative to a tax on Internet access; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 18

Whereas, the emergence of the Internet as a means of communication has profoundly influenced our society and will pave the way for the global marketplace; and

Whereas, Wisconsin is one of only 8 states that imposes a sales tax on Internet access, thereby putting Wisconsin companies that conduct business over the Internet at a competitive disadvantage; and

Whereas, the U.S. Department of Commerce has estimated that wealthy Americans are 20 times more likely to have Internet access, while Hispanics and African Americans are far less likely to have Internet access; and

Whereas, there is a growing "digital divide" between those citizens able to access the technology of the new economy and those who cannot; and

Whereas, increased access to the Internet will create jobs and contribute to economic development; and

Whereas, taxing access to the Internet will make access to the Internet less affordable and therefore less available; and

Whereas, taxing Internet access contributes to this condition and unfairly burdens citizens who are least able to afford Internet access; and

Whereas, the Wisconsin legislature has previously voted to repeal the state's sales tax on Internet access thus demonstrating its commitment to making sure that Wisconsin is on the leading edge of this new technology and providing incentives for even more access and creative use of the Internet: Now, therefore, be it

Resolved by the Senate, That the members of the Wisconsin senate memorialize Congress to pass legislation that will immediately and permanently prohibit any state from imposing a tax on access to the Internet; and be it further

Resolved, That the Senate chief shall provide a copy of this resolution to the governor, to each member of the Wisconsin congressional delegation, to the president and vice president of the United States, to each member of the president's cabinet, and to the secretary of the U.S. Senate and clerk of the U.S. House of Representatives.

POM–305. A joint resolution adopted by the Legislature of the State of Maine relative to the Head Start Program; to the Committee on Health, Education, Labor, and Pensions.

POM–306. A concurrent resolution adopted by the House of Representatives of the General Assembly of the State of Ohio relative to the Human Cloning Prohibition Act of 2003; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 6

Whereas, the human embryo is a living organism of the species Homo sapiens at the earliest stages of development (including the single-celled stage), and human cloning a human being at the embryonic stage of life and grows this new human being solely to be exploited ("reproductive cloning) or destroyed (so-called "therapeutic" cloning) through nontherapeutic research and experimentation; and

Whereas, human cloning is a manufacturing process in which a human being is created in a laboratory; human cloning indicates a utilitarian view in which a human being is created merely for usefulness with no respect for the dignity of that human being; and human cloning creates a human being who is the twin of a parent, has no other biological parent, and is the child of the grandparents, thereby causing serious moral, social, and legal issues; and

Whereas, current human cloning attempts pose a substantial risk of producing human beings with unpredictable but potentially devastating health problems; and

Whereas, such human cloning attempts are grossly irresponsible and unethical; and

Whereas, the United States House of Representatives passed the Human Cloning Prohibition Act of 2001, a complete ban, and the President of the United States has called for a complete human cloning ban; and

Whereas, a complete human cloning ban is achieved by the passage of the Human Cloning Prohibition Act of 2003 as introduced in the United States Senate by Senator SAM BROWNBACK (S. 245) and in the United States House of Representatives by Representative DAVE WELDON (H.R. 234) and is not achieved by the passage of other human cloning prohibition acts that allow the creation of human embryos by cloning so long as they are killed for research: Now, therefore, be it

Resolved, That the General Assembly of the State of Ohio urges the 108th Congress of the United States to pass and the President to sign the Human Cloning Prohibition Act of 2003; and be it further

Resolved, That the Clerk of the House of Representatives transmit duly authenticated copies of the Resolution to the President of the United States, the President Pro Tempore and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, and each member of the Ohio Congressional delegation.

POM–307. A joint memorial adopted by the Legislature of the State of Washington relative to prescription drug prices; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT MEMORIAL 8001

Whereas, thanks to significant investments in research and development by pharmaceutical manufacturers, prescription medications offer ever more safe, effective, and economical means of managing and treating a widening range of illnesses and conditions; and

Whereas, prescription medications are the most rapidly expanding component of health care in the Northwest and the United States; and

Whereas, the prices of most prescription medications developed and marketed in the United States are relatively high compared to the prices of these same medications in other countries and other markets; and

Whereas, expenditures on prescription medications for Medicaid recipients in Washington has risen substantially in recent years, placing severe strains on the operating budget of the department of social and health services; and

Whereas, the federal government, unlike its counterparts in other countries, applies neither its regulatory authority nor its purchasing power to the prices of prescription medication which consequently are markedly higher in the United States than in other countries; and

Whereas, the United States stands virtually alone among the major countries of the world in recognizing and protecting the legitimate patent rights of companies that develop new prescription medications yet places no reciprocal obligations on these companies to provide reasonable and affordable access to these patent medications; and

Whereas, the federal government, by legislating to ensure relatively low prices for prescription medications purchased by federal agencies like the Veterans' Administration and for federal programs taking similar measures, has exacerbated the impact of prescription medication prices on the citizens of the state; and

Whereas, the high prices of prescription medications weigh most heavily on the least fortunate and most vulnerable citizens, the uninsured and underinsured, as well as those stricken by serious and chronic illnesses and conditions requiring intensive and extensive treatment; and

Whereas, managing prices of prescription medications and expanding access to necessary medication will decrease the overall cost of health care by reducing the demand for hospital visits and emergency services and the need for surgical and other expensive procedures;

Now, therefore, your Memorialists respectfully pray that in seeking to ensure reasonable prescription medication prices for the citizens of Washington, the state of Washington, through its duly elected and appointed officials, should explore the possibility of acting in concert with other Northwest states to pursue this goal; and be it further

Resolved, That the Northwest states should consider cooperative strategies to address the challenge of the high cost of prescription medications, including;

(1) Model legislation to ensure citizens access to prescription medications at reasonable and affordable prices;

(2) Joint pricing and purchasing agreements for prescription medications;

(3) Programs to provide and facilitate access of qualified citizens to supplies of free and discounted prescription medications offered by pharmaceutical manufacturers; and

(4) Initiatives to encourage and ensure medications are prescribed in the most effective manner; and be it further

Resolved, That copies of this Memorial be immediately transmitted to the Honorable Governors of the States of Washington, Oregon, Idaho, Alaska, and Montana, and to the Honorable George W. Bush, President of the United States of America, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM – 308. A joint memorial adopted by the Legislature of the State of Washington relative to developmentally delayed infants; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT MEMORIAL 4025

Whereas, infants and toddlers from birth to the age of three with developmental delays and special needs are our most vulnerable population; and

Whereas, research shows that early intervention to assess their needs and initiate intensive, effective therapy can change and improve such a child's ability to function throughout his or her life; and

Whereas, Washington State through research and demonstration at the University of Washington and the state's seventeen Neurodevelopmental Centers has been the leader in assessment and remediation for developmentally delayed infants and toddlers for more than forty years; and

Whereas, therapy before the age of three at one of Washington State's excellent Neurodevelopmental Centers results in a significant percentage of children who need no further intervention or special services provided at federal, state, local, and private expense; and

Whereas, basing early intervention services on an itinerant model will reduce the amount of specialized services for each child and family; and

Whereas, serving all developmentally delayed children outside of centers will more than double the cost to federal, state, local, and private sources; and

Whereas, inclusion for developmentally delayed children in their families, schools, and communities is now and has always been the goal of assessment and treatment for Washington State's seventeen Neurodevelopmental Centers; and

Whereas, support and education of parents, families, and caregivers has been a major component of treatment for children with developmental delays at Washington State's seventeen Neurodevelopmental Centers; and

Whereas, parent choice for the assessment and treatment of their children is an inalienable right; and

Whereas, wording for the original Education for All Act of 1975, now known as Individuals with Disabilities Education Act (IDEA), is taken directly from legislation enacted in Washington State in 1971 (HB 90); and

Whereas, wording in the amended IDEA takes away parent choice of assessment and treatment for their developmentally delayed children in Neurodevelopmental Centers such as the seventeen model Neurodevelopmental Centers in Washington State which have successfully served thousands of children for more than forty years with a constantly improving program;

Now, therefore, your Memorialists respectfully pray that Congress, through its process to reauthorize IDEA, modify the wording regarding "natural environments" to allow for parent choice for assessment and treatment of their developmentally delayed infants and toddlers at a Neurodevelopmental Center such as the seventeen outstanding Neurodevelopmental Centers serving children and families in Washington State.

Be it *Resolved*, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Secretary of the Department of Education, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–309. A resolution adopted by the House of Representatives of the Legislature of the Commonwealth of Massachusetts relative to the Government Pension Offset Rule; to the Committee on Health, Education, Labor, and Pensions.

RESOLUTION

Whereas, the Government Pension Offset Rule of Title II of the Social Security Act, originally enacted in 1977, went into effect in 1983; and

Whereas, the Government Pension Offset Rule unfairly reduces Social Security benefits that a person receives as a spouse if he or she also has a Government Pension Based on work that was not covered by Social Security; and

Whereas, since its inception, the Government Pension Offset Rule has negatively and unfairly affected over 340,000 Federal, State, and local retirees; and

Whereas, Massachusetts is one of 15 States in which the Government Pension Offset Provision financially impacts Federal and State retirees particularly hard; and

Whereas, the Government Pensions Offset Provision is complicated and difficult to understand for many individuals affected by it; and

Whereas, the Government Pension Offset Rule has uneven results, especially for surviving spouses of low-paid workers; and

Whereas, as of December 2001, 349,000 Government annuitants had their Social Security spousal benefits affected by the Government Pension Offset Rule; and

Whereas, in December 1999, the average offset caused by the Government Pensions Offset Rule was $276 a month for men and $391 a month for women; and

Whereas, Massachusetts State employees, including teachers, do not pay into the Federal Social Security system and therefore, are unfairly penalized once they reach retirement by the Government Pension Offset Rule; and

Whereas, it is unlikely that people will turn to teaching professions at the end of their careers due to the loss of Social Security benefits they will endure once they leave private sector professions; and

Whereas, individuals who worked all their lives as public servants in teaching professions or social service professions are not eligible to receive Social Security widow's benefits as a result of the Government Pension Offset Rule and are thus unjustly penalized for choosing public sector careers; and

Whereas, the reforms that led to the Government Pension Offset Rule are over 20 years old and outdated: and

Whereas, over the past several years, more than 300 members of Congress have supported or co-sponsored legislation to amend this provision in Title II of the Social Security Act: Therefore be it

Resolved, That the Massachusetts house of representatives respectfully requests the United States Congress to repeal the Government Pension Offset Rule of Title II of the Social Security Act; and be it further

Resolved, That a copy of these resolutions be forwarded by the clerk of the House of Representatives to the President of the United States, to the Presiding Officer of each branch of Congress and to the Members thereof from this commonwealth.

POM–310. A joint resolution adopted by the Assembly of the State of California relative to the Choinumni Tribe; to the Committee on Indian Affairs.

JOINT RESOLUTION NO. 8

Whereas, the Choinumni Tribe of Yokuts is a sovereign Indian Nation, located in Fresno County, California, consisting of 103 enrolled and documented members, with its tribal headquarters located approximately 15 miles from Choinumni State Park named in honor of and as recognition of, the Choinumni Tribe; and

Whereas, the leaders of the Choinumni Tribe met with representatives of the United States for treaty negotiations, and a treaty was signed by both the tribal leaders and the United States on April 29, 1851; and

Whereas, the Choinumni Tribe was thus recognized by the United States government as early as 1851; and

Whereas, the Choinumni Tribe signed the treaty, on April 29, 1851, with four other Indian tribes, Picaynue Rancheria, Table Mountain Rancheria, Santa Rosa Rancheria, and Big Sandy Rancheria, all of whom are currently fully federally recognized Indian tribes; and

Whereas, the Choinumni Tribe is the only tribe to have signed this treaty that has not yet been granted full federal recognition; and

Whereas, between 1851 and 1915, the United States government began an unwarranted, hostile relationship with the Choinumni Tribe that forced many of its members to flee into the hills; and

Whereas, around 1887, the United States government granted individual land allotments to some tribal members, but those allotments were devoid of any water or other vital natural resources, forcing surviving tribal members to move to the City of Fresno to seek economic sustainability; and

Whereas, the Congress of the United States has recognized the Choinumni Tribe pursuant to subchapter XXV (commencing with Section 651) of Chapter 14 of Title 25 of the United States Code, which recognition was judicially affirmed by the United States Court of Claims in the case of Indians of California v. United States (1942) 98 Ct.Cl. 583; and

Whereas, since the Choinumni Tribe is not listed as an Indian tribe eligible to receive federal programs set aside for Native American tribes, the Choinumni Tribe cannot participate in health, education, and social programs provided by the Bureau of Indian Affairs and the Indian Health Service; and

Whereas, the Choinumni Tribe has long been in a position of poverty that can be corrected by federal recognition; and

Whereas, the Choinumni Tribe has been working since 1959 for federal recognition, including a 1987 application that is still pending; Now, therefore, be it

Resolved by the Assembly and senate of the State of California, jointly, That the Legislature respectfully memorializes the President and the Congress, and the Assistant Secretary for Indian Affairs in the United States Department of the Interior to grant the Choinumni Tribe full federal recognition and all the rights and privileges that arise from that declaration, including listing the tribe in the Federal Register under the relevant provisions of the Federally Recognized Indian Tribe List Act of 1994 (Public Law 103–454), Title I; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to each Senator and Representative from California in the Congress of the United States, and to the Assistant Secretary for Indian Affairs in the United States Department of the Interior.

POM–311. A resolution adopted by the House of Representatives of the General Assembly of the State of Ohio relative to establishing a National Funeral Service Education Week; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 131

Whereas, the well-planned, thoughtful funeral service, which formally commemorates and celebrates the life of a deceased person, often helps to comfort the person's family and to foster the family's healing process; and

Whereas, in the midst of the emotional distress and upheaval that may accompany the death of a loved one, bereaved families seek reassurance and consolation from funeral directors and morticians and may rely heavily on them for guidance in planning and implementing a meaningful funeral ceremony; and

Whereas, funeral service directors provide invaluable assistance to grieving families by assisting the families in making informed funeral service choices, providing them with information necessary to make funeral service arrangements, and orchestrating meaningful funeral services to memorialize their loved ones; and

Whereas, national funeral organizations have designated the week of September 21 through September 27, 2003, as National Funeral Service Education Week to reflect the efforts by funeral service directors and morticians to help grieving families to commemorate and celebrate the lives of their loved ones; and

Whereas, during the week of September 21 through September 27, 2003, funeral directors and consumer advocates will intensify their efforts to provide consumers with necessary information regarding funeral planning, the arrangement of funeral ceremonies, and the selection of funeral goods and services: Now, therefore, be it

Resolved, That we, the members of the House of Representatives of the 125th General Assembly of the State of Ohio, strongly encourage the Congress of the United States to support efforts to establish National Funeral Service Education Week; and be it further

Resolved, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the President of the United States, to the Speaker and the Clerk of the United States House of Representatives, to the President Pro Tempore and the Secretary of the United States Senate, to the members of the Ohio Congressional Delegation, and to the news media of Ohio.

POM–312. A joint resolution adopted by the Legislature of the State of Maine relative to Maine victims of the September 11th tragedy; to the Committee on the Judiciary.

H.P. 1542

Whereas, on September 11, 2001 thousands of innocent people from Maine and across the United States lost their lives and their loved ones or were injured in a shocking assault on the World Trade Center and the Pentagon; and

Whereas, on the same day an airplane hijacked as a part of those cowardly acts crashed in the countryside outside Pittsburgh, Pennsylvania, killing all aboard; and

Whereas, these losses were suffered by ordinary people as they were traveling or were working in buildings that had become symbols of America's extraordinary strength; and

Whereas, millions more people in this nation, and across the world, were sickened as they witnessed walls collapsing into rubble and faces collapsing into horror: Now, therefore, be it

Resolved, That We, the Members of the One Hundred and Twentieth Legislature now assembled in the Second Regular Session, join the citizens throughout Maine in acknowledging and expressing our sorrow to all those who have suffered loss through the deaths of loved ones or injury to themselves; and be it further

Resolved, That We, the Members of the One Hundred and Twentieth Legislature, believe that all those who participated in or sponsored these terrible crimes against humanity should be brought to justice without regard to region or border; and be it further

Resolved, That We, the Members of the One Hundred and Twentieth Legislature, avow and affirm our love for and belief in this country and its people and principles and its confidence in our President and leaders as they guide us through these difficult days; and be it further

Resolved, That We, the Members of the One Hundred and Twentieth Legislature, express the collective grief and anguish of our friends and neighbors throughout the nation and our allies in other countries who suffered loss in the aftermath of the appalling airplane hijackings and attacks on September 11, 2001 and pledge our prayers and our purpose in sustaining the strength and solidarity of this nation, our President and our leaders as we respond to this unprecedented attack on America; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the governors of the states of Maine and New York and the commonwealths of Pennsylvania and Virginia.

POM–313. A resolution adopted by the House of Representatives of the Legislature of the State of Texas relative to a constitutional amendment to prohibit courts from mandating states or political subdivisions to levy or increase taxes; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 526

Whereas, in 1990, the United States Supreme Court, in the case of Missouri, et al. v. Jenkins, et al. (495 U.S. 33), chose to disregard Article I, Section 8, of the United States Constitution, which reserves exclusively to the legislative branch of government the authority to tax the citizenry; and

Whereas, in drafting that constitutional section and allocating the power of taxation, the Founding Fathers drew upon the Petition of Right, an English law initiated by Sir Edward Coke, then approved by the British House of Commons and accepted by King Charles I on June 7, 1628, which states in pertinent part that ". . . no man hereafter [may] be compelled to make or yield any . . . tax . . . without common consent by Act of Parliament . . ."; and

Whereas, in 1787, the framers of the United States Constitution reiterated that time-tested principle of limited taxation, specifically vesting with the legislative branch alone the ". . . Power To lay and collect Taxes, Duties, Imposts and Excises . . ."; and

Whereas, their intent is unambiguous, made clear by the analysis of James Madison, who observed in The Federalist No. 48 that ". . . the legislative department alone has access to the pockets of the people . . ."; and

Whereas, the same view is expressed by Alexander Hamilton, who asked rhetorically in The Federalist No. 33, "[w]hat is the power of laying and collecting taxes but a legislative power . . .?," and follows consistently in The Federalist No. 78, in which he argued that the judiciary should be the least dangerous branch of government inasmuch as judges would have ". . . no influence over either the sword or the purse . . ."; and

Whereas, yet today, Hamilton's argument no longer rings true; through legal orders and the exercise of judicial threat and intimidation, federal courts have usurped the role of the legislative branch and have gone so far as to apply it even to non-federal levels of government, mandating state and local requirements that have the direct, or indirect, effect of imposing judicial taxes upon the states and their political subdivisions; and

Whereas, in so vesting itself by fiat with control of the public purse strings, the federal judiciary has contravened and overridden the constitutional separation of powers between the different branches—and levels—of government, threatening creation of a fiscal oligarchy unbeholden to influence by the electorate; and

Whereas, the states and Congress have too long ignored this self-proclamation and seizure of taxation prerogatives, and it behooves all Americans to preserve their rights by the adoption of an amendment to the Constitution of the United States, re-establishing the fundamental link between taxation and representation; and

Whereas, seeking to reverse the aforementioned Jenkins decision of 1990, lawmakers in 23 other States—and in two territories of the United States—beginning in 1993, have already adopted and transmitted to Congress memorials requesting that Congress propose an amendment to the United States Constitution, and those memorials have been entered in the Congressional Record as follows:

the Missouri General Assembly in 1993 (Senate Concurrent Resolution No. 9) designated as POM–175 in Volume 139 of the Congressional Record at page 14565;

the Colorado General Assembly in 1994 (Senate Joint Memorial No. 94–2) designated as POM–569 in Volume 140 of the Congressional Record at page 15070;

the New York Senate in 1994 (Senate No. 3352) designated as POM–578 in Volume 140 of the Congressional Record at page 15073;

the Tennessee General Assembly in 1994 (Senate Joint Resolution No. 372) designated as POM–580 in Volume 140 of the Congressional Record at page 15074;

the Arizona Legislature in 1995 (Senate Concurrent Resolution No. 1014) designated as POM–523 in Volume 142 of the Congressional Record at pages 6586 and 6587;

the Louisiana Legislature in 1995 (Senate Concurrent Resolution No. 11) designated as POM–525 in Volume 142 of the Congressional Record at page 6587;

the Massachusetts Senate in 1995 (unnumbered resolution) designated as POM–625 in Volume 142 of the Congressional Record at pages 14940 and 14941 and designated as POM–638 at page 15486;

the Nevada Legislature in 1995 (Senate Joint Resolution No. 2) designated as POM–287 in Volume 141 of the Congressional Record at page 22422;

the Alaska Legislature in both 1996 and 1998 (House Joint Resolution No. 30 in 1996) designated as POM–622 in Volume 142 of the Congressional Record at pages 14939 and 14940; (House Joint Resolution No. 57 in 1998) designated as POM–515 in Volume 144 of the Congressional Record at page S9042;

the Michigan Legislature in 1996 (Senate Concurrent Resolution No. 278) designated as POM–444 in Volume 144 of the Congressional Record at page S5515;

the South Dakota Legislature in 1996 (House Concurrent Resolution No. 1010) designated as POM–526 in Volume 142 of the Congressional Record at page 6587;

the Delaware General Assembly in 1997 (House Concurrent Resolution No. 6) designated as POM–20 in Volume 143 of the Congressional Record at page S5252;

the Alabama Legislature in 1998 (House Joint Resolution No. 261) designated as POM–416 in Volume 144 of the Congressional Record at page S9405;

the Oklahoma Legislature in 1998 (Senate Concurrent Resolution No. 50) designated as POM–479 in Volume 144 of the Congressional Record at pages S6404 and S6405;

the Illinois Senate in 1999 (Senate Resolution No. 216) designated as POM–449 in Volume 146 of the Congressional Record at page S1814 and designated as POM–512 at page S3611;

the Utah Legislature in 1999 (House Joint Resolution No. 5) designated as POM–285 in Volume 145 of the Congressional Record at page S9945;

the Kansas Legislature in 2000 (House Concurrent Resolution No. 5059) designated as POM–527 in Volume 146 of the Congressional Record at page S4378;

the New Hampshire General Court in 2000 (House Concurrent Resolution No. 27) designated as POM–531 in Volume 146 of the Congressional Record at page S6469;

the Pennsylvania General Assembly in 2000 (Senate Resolution No. 47) designated as POM–642 in Volume 146 of the Congressional Record at pages S11788 and S11789;

the South Carolina General Assembly in 2000 (House Concurrent Resolution No. 4434) designated as POM–641 in Volume 146 of the Congressional Record at page S11575;

the West Virginia Legislature in 2000 (House Concurrent Resolution No. 5) designated as POM–442 in Volume 146 of the Congressional Record at page S1669;

the House of Representatives of the Commonwealth of the Northern Mariana Islands—a territory of the United States—in 2000 (House Resolution No. 12–109) designated as Memorial No. 1 in Volume 147 of the Congressional Record at page H111; as well as the Senate of the Commonwealth of the Northern Mariana Islands, likewise in 2000 (Senate Resolution No. 12–33) designated as POM–46 in Volume 147 of the Congressional Record at page S4244;

the North Dakota Legislative Assembly in 2001 (House Concurrent Resolution No. 3031) designated as POM–7 in Volume 147 of the Congressional Record at pages S3704 and S3705;

the Legislature of the United States Territory of Guam in 2001 (Resolution No. 6) designated as POM–357 in Volume 148 of the Congressional Record at page S10570; and

the Wyoming Legislature in 2002 (Senate Joint Resolution No. SJ003, later styled Enrolled Joint Resolution No. 2) designated as POM–250 in Volume 148 of the Congressional Record at pages S5630 and S5631: Now, therefore, be it

Resolved, That the House of Representatives of the 78th Legislature of the State of Texas, Regular Session, 2003, hereby memorialize the United States Congress to propose and submit to the states for ratification an amendment to the United States Constitution to prohibit all federal courts from ordering or instructing any state or political subdivision thereof, or an official of any state or political subdivision, to levy or increase taxes; and be it further

Resolved, That the Congress be respectfully requested to entertain the following suggested text for such an amendment:

"Article Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes"; and be it further

Resolved, That the chief clerk of the Texas House of Representatives forward official copies of this resolution to the vice president of the United States, to the speaker of the United States House of Representatives, and to all members of the Texas delegation to the Congress, with the request that this resolution be entered officially in the Congressional Record as a memorial to the Congress of the United States of America to propose for ratification a federal constitutional amendment to prohibit judicially imposed taxes.

POM–314. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to visas for temporary agricultural workers; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 314

Whereas, the tragic events of September 11, 2001, have caused us to reexamine a host of policies and practices to do all we can to increase the security of our state and nation. Because of the magnitude of the attacks and the fact that murderers plotted the attacks over a long period of time, we are now making greater efforts to address the issue of aliens who are here illegally; and

Whereas, as the issue of immigration is closely examined, it is imperative that our nation remember the vitally important role that law-abiding aliens play in our country. Temporary workers meet a necessary and productive need in many sectors of our economy. This is most apparent in the area of agriculture. Michigan, which benefits greatly from the efforts of seasonal agricultural workers, especially from Mexico, is keenly aware of how much these workers contribute to our state; and

Whereas, the country's policies toward temporary agricultural workers need to be assessed in the context of the importance of these people to our nation. The current number of visas for temporary agricultural workers may not be sufficient. If this number is too low, it may have the effect of increasing the number of aliens here without documentation, even though seasonal farm workers would rather be here by following all of the regulations. The current program used for temporary agricultural workers visa processing (H2A) should be reformed. Making the process of gaining the proper visa smoother and increasing the number of these workers who can be here lawfully may well benefit the economy as well as increase national security: Now, therefore, be it

Resolved by the house of representatives, That we memorialize the Congress of the United States and the Immigration and Naturalization Service to determine the appropriateness of increasing the number of visas for temporary agricultural workers, and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Immigration and Naturalization Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany S. 1293. A bill to criminalize the sending of predatory and abusive e-mail (Rept. No. 108–170).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Ms. COLLINS for the Committee on Governmental Affairs.

Joseph Michael Francis Ryan III, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Jerry Stewart Byrd, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Brian F. Holeman, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Craig S. Iscoe, of the District of Columbia, to be Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Dale Cabaniss, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 29, 2007.

By Mr. CAMPBELL for the Committee on Indian Affairs.

*David Wayne Anderson, of Minnesota, to be an Assistant Secretary of the Interior.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANTORUM (for himself and Mr. CARPER):

S. 1773. A bill to permit biomedical research corporations to engage in certain equity financings without incurring limitations on net operating loss carryforwards and certain built-in losses, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mrs. CLINTON, Mr. CORZINE, Mrs. FEINSTEIN, Mr. LAUTENBERG, Mr. LEVIN, Mr. REED, and Mr. SCHUMER):

S. 1774. A bill to repeal the sunset provisions in the Undetectable Firearms Act of 1988; to the Committee on the Judiciary.

By Mr. BOND (for himself, Mr. KENNEDY, Mr. BINGAMAN, Mr. GRAHAM of South Carolina, and Mr. TALENT):

S. 1775. A bill to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MILLER:

S. Res. 249. A resolution to strike paragraph 2 of rule XXII of the Standing Rules of the Senate, relating to cloture; to the Committee on Rules and Administration.

By Mrs. CLINTON (for herself, Mr. SHELBY, Mrs. LINCOLN, Mr. DEWINE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. HAGEL, and Mr. MILLER):

S. Con. Res. 74. A concurrent resolution expressing the sense of the Congress that a postage stamp should be issued as a testimonial to the Nation's tireless commitment to reuniting America's missing children with their families, and to honor the memories of those children who were victims of abduction and murder; to the Committee on Governmental Affairs.

ADDITIONAL COSPONSORS

S. 286

At the request of Mr. BOND, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 286, a bill to revise and extend the Birth Defects Prevention Act of 1998.

S. 392

At the request of Mr. REID, the names of the Senator from Connecticut (Mr. DODD) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 392, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 473

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 473, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 478

At the request of Mr. SARBANES, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 478, a bill to grant a Federal charter Korean War Veterans Association, Incorporated, and for other purposes.

S. 816

At the request of Mr. CONRAD, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 816, a bill to amend title XVIII of the Social Security Act to protect and preserve access of medicare beneficiaries to health care provided by hospitals in rural areas, and for other purposes.

S. 877

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 877, a bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

At the request of Mr. MCCAIN, his name and the name of the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 877, supra.

S. 976

At the request of Mr. WARNER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 985

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1098

At the request of Mr. CONRAD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1098, a bill to amend title XVIII of the Social Security Act to update the renal dialysis composite rate.

S. 1143

At the request of Mrs. HUTCHISON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1143, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1297

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1297, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance to the Flag.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1369

At the request of Mr. AKAKA, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1369, a bill to ensure that prescription drug benefits offered to medicare eligible enrollees in the Federal Employees Health Benefits Program are at least equal to the actuarial value of the prescription drug benefits offered to enrollees under the plan generally.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Michigan

(Mr. LEVIN) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1506

At the request of Mr. BUNNING, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1506, a bill to amend the Internal Revenue Code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax.

S. 1531

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1557

At the request of Mr. SARBANES, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1595

At the request of Mr. KERRY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1595, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed individuals, and for other purposes.

S. 1612

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1612, a bill to establish a technology, equipment, and information transfer within the Department of Homeland Security.

S. 1619

At the request of Mrs. MURRAY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1619, a bill to amend the Individuals with disabilities Education Act to ensure that children with disabilities who are homeless or are wards of the State have access to special education services, and for other purposes.

S. 1637

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

S. 1664

At the request of Mr. COCHRAN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1664, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees.

S. 1686

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1686, a bill to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes.

S. 1708

At the request of Mr. KENNEDY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1708, a bill to provide extended unemployment benefits to displaced workers, and to make other improvements in the unemployment insurance system.

S. 1717

At the request of Mr. HATCH, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1717, a bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells.

S. 1741

At the request of Ms. COLLINS, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Hawaii (Mr. AKAKA), the Senator from Ohio (Mr. VOINOVICH), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1741, a bill to provide a site for the National Women's History Museum in the District of Columbia.

S. 1751

At the request of Mr. GRASSLEY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1751, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

At the request of Mr. HATCH, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1751, supra.

S. 1756

At the request of Mr. CONRAD, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1756, a bill to amend the Internal Revenue Code of 1986 to protect the health benefits of retired miners and to restore stability and equity to the financing of the United Mine Workers of America Combined Benefit Fund by providing additional sources of revenue to the Fund, and for other purposes.

S. 1769

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 1769, a bill to provide for class action reform, and for other purposes.

At the request of Mr. BREAUX, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1769, supra.

S. CON. RES. 21

At the request of Mr. BUNNING, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Con. Res. 21, a concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

S. CON. RES. 58

At the request of Mr. DEWINE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Con. Res. 58, a concurrent resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month.

S. CON. RES. 73

At the request of Mrs. FEINSTEIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Con. Res. 73, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932-33.

AMENDMENT NO. 1828

At the request of Mr. COCHRAN, the names of the Senator from Utah (Mr. BENNETT), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 1828 intended to be proposed to H.R. 1904, a bill to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and

Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANTORUM (for himself and Mr. CARPER):

S. 1773. A bill to permit biomedical research corporations to engage in certain equity financings without incurring limitations on net operating loss carryforwards and certain built-in losses, and for other purposes; to the Committee on Finance.

Mr. SANTORUM. Mr. President, today, I am introducing the Biotechnology Future Investment Expansion Act of 2003. I am pleased that Senator CARPER is cosponsoring this important, bipartisan bill.

Biotechnology holds great promise for breakthroughs in health care, agriculture and defense against bioterrorism. However, recent years have seen promising biotech medical therapies endangered due to flawed tax treatment and a lack of willing capital. This legislation will level the playing field to encourage further investment and innovation in this vital sector of our economy.

The nearly 1,500 biotechnology companies in the U.S. have produced 130 FDA-approved products while another 350 biotech drug products and vaccines are currently in clinical trials. Most biotechnology researchers work in promising, but relatively narrow fields, and only a small number of their peers are qualified to evaluate the theoretical promise of any new idea. On average, it takes these researchers more than 10 years and $500 million to develop a new biotech therapy, and this highly capital-intensive research is more often done at small-to-medium-sized companies that are yet to market a saleable product.

These factors combine to create an industry structure that is unique in our economic history. Unfortunately, this unique structure prevents the biotechnology industry from utilizing research incentives intended to promote just the kind of research it engages in. Specifically, net operating loss carryforwards (NOLs), which are meant to allow research-intensive industries like biotechnology to apply current losses against future profits for tax purposes, are routinely made worthless to biotech companies due to an unintended consequence of the tax code. In fact, the current tax treatment of NOLs impairs, rather than fosters, biotechnology research. This is because rules designed to prevent abuse of NOLs through acquisition often inadvertently trigger restrictions on the use of a biotech firm's NOLs, rendering them useless in many cases, when all the company has done is raise more capital.

Section 382, which for the most part has proven to be an effective guard against tax abusive NOL trafficking, describes the many circumstances that can be classified as an ownership change. Unfortunately, those circumstances apply to and penalize the frequent biotech practice of raising equity in successive financing rounds. This practice is essential to successfully negotiating the long product development and Food and Drug Administration approval processes.

These limitations unintentionally discourage biotechnology research and leave the firms that would otherwise conduct that research in dire financial straits. Without these firms, the money that is being poured into research at the National Institutes of Health (NIH) and elsewhere to combat diseases such as cancer, AIDS, hepatitis, cardiovascular ailments, diabetes, and central nervous system disorders, as well as many rare diseases, will have a significantly reduced potential to lead to new cures. We may never know what cures will be lost without action.

Recognizing the unique structure of the biotech industry—a structure that the architects and stewards of the Tax Code likely never imagined—this legislation is narrowly drafted to exempt certain qualified investments in biotechnology from Section 382 restrictions. This change will spur investment in biotechnology, so we can continue the pursuit of innovative and life-saving therapies, all while continuing to prevent the fraudulent use of NOLs, as Section 382 intends.

I encourage all of my colleagues to join us in supporting this bill.

By Mr. KENNEDY (for himself, Mrs. CLINTON, Mr. CORZINE, Mrs. FEINSTEIN, Mr. LAUTENBERG, Mr. LEVIN, Mr. REED, and Mr. SCHUMER):

S. 1774. A bill to repeal the sunset provisions in the Undetectable Firearms Act of 1988; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, it's a privilege to join my colleagues in introducing the Terrorist Firearms Detection Act of 2003.

Since the atrocities of September 11, Congress has acted with strong bipartisan support to win the war on terrorism and protect the country from future attacks. We've improved the security of our airports and our borders, strengthened our defenses against bioterrorism, and given law enforcement new powers to investigate terrorist threats and prevent terrorism.

But Congress has not yet acted to renew one of the Nation's most essential protections against terrorism. The Undetectable Firearms Act—also known as the "plastic gun" law—makes it illegal to manufacture, import, possess, or transfer a firearm that is not detectable by walk-through metal detectors or airport x-ray machines. Only firearms necessary for certain military and intelligence uses are exempt.

This law was first enacted in 1988, long before the attacks on 9/11, and it is more important than ever now. It has been extended once since it was first enacted, but it is now scheduled to expire on December 10. The administration has made no public statements on the need to renew it, and neither has the Republican leadership of the House or Senate. Unless Congress and the President act soon, Americans will find themselves needlessly vulnerable to terrorist attacks and other gun violence in airlines, airports, schools, and office buildings.

The gun industry clearly has the technology to manufacture firearms that cannot be detected by metal detectors and x-ray machines.

As early as 1986, Congress's Office of Technology Assessment found that "technology does exist to manufacture certain firearms which would be completely or almost completely non-metallic," and that "plastic handguns may be available on the commercial market quite soon."

A 1985 report by the American Firearms Industry emphasized the profitability of plastic guns for the industry: "The American plastic gun will shortly make its appearance. Plastic is the 'common' word, but it's really liquid crystal polymer. . . . [I]n the long run, if a 100% plastic gun works, this would be great for sales. What this does is make everything that has been produced in this century obsolete. That is exactly what our industry desperately needs. This will give us a whole new, and real reason to resell every hunter and shooter in America."

In 1986, Libyan dictator Muammar Qaddafi tried to purchase more than 100 handguns produced in Austria and made almost entirely of hardened plastic.

The technology of gun manufacturers has clearly improved since the 1980's—and the desire of terrorists to attack Americans has soared. We know that terrorists are exploiting the weaknesses and loopholes in U.S. gun laws.

In 2000, a member of the Middle East terrorist group Hezbollah was convicted in Detroit on gun charges and conspiracy to ship guns and ammunition to Lebanon. He had bought many of those guns at gun shows in Michigan.

In 2001, American soldiers found a terrorist training manual entitled "How Can I Train Myself for Jihad" in a house in Afghanistan. It stated: "In other countries, *e.g.*, some states of

USA. . . . it is perfectly legal for members of the public to own certain types of firearms. If you live in such a country, obtain an assault rifle legally . . . learn how to use it properly and go and practice in the areas allowed for such training."

What could be clearer? We know what's coming. Terrorists are eager to exploit weaknesses in our gun laws, and there is no doubt that Americans will be at much greater risk if Congress fails to renew the Undetectable Firearms Act.

Just last week, Admiral James M. Loy of the Transportation Security Administration testified that, according to U.S. intelligence, terrorists are more likely to try to hijack a commercial airliner than attempt to shoot down an aircraft with shoulder-fired missiles. The December 2001 arrest of attempted "shoe bomber" Richard Reid showed just how committed terrorists are to smuggling undetectable plastic explosives onto airplanes. Reid was stopped at the last minute by alert passengers and crew, not by any detection machinery. The legalization of undetectable guns will clearly increase the danger to flight crews, passengers and other citizens exponentially.

The need for action is urgent. The Terrorist Firearms Detection Act will renew the Act and make it permanent. The danger to security from plastic firearms will not sunset, and the law that bans them shouldn't sunset either.

The Terrorist Firearms Detection Act is supported by Americans for Gun Safety, the Brady Campaign to Prevent Gun Violence United with the Million Mom March, the Coalition to Stop Gun Violence, and the Violence Policy Center. The only organization to have opposed the ban on plastic guns in the past is the National Rifle Association, and it's fair to ask, "Whose side are they on?" If they insist on another sunset, perhaps we can sunset the NRA instead.

The bill we are introducing today is only one of several steps that Congress should take to protect our people from gun violence. Senator LAUTENBERG's Homeland Security Gun Safety Act will close the loopholes in our gun laws that allow rogue gun dealers to evade the law and sell guns illegally to criminals and terrorists. That's how the D.C. snipers acquired their Bushmaster rifle.

Congress should also act to strengthen criminal background checks for gun purchases under the Brady Law, renew the assault weapons ban, and close the "gun show loophole" once and for all. Each of these gun-safety measures is needed to protect our people in communities across the country, and I urge my colleagues to support them.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 249—TO STRIKE PARAGRAPH 2 OF RULE XXII OF THE STANDING RULES OF THE SENATE, RELATING TO CLOTURE

Mr. MILLER submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 249

Resolved, That rule XXII of the Standing Rules of the Senate is amended by striking paragraph 2.

SENATE CONCURRENT RESOLUTION 74—EXPRESSING THE SENSE OF THE CONGRESS THAT A POSTAGE STAMP SHOULD BE ISSUED AS A TESTIMONIAL TO THE NATION'S TIRELESS COMMITMENT TO REUNITING AMERICA'S MISSING CHILDREN WITH THEIR FAMILIES, AND TO HONOR THE MEMORIES OF THOSE CHILDREN WHO WERE VICTIMS OF ABDUCTION AND MURDER

Mrs. CLINTON (for herself, Mr. SHELBY, Mrs. LINCOLN, Mr. DEWINE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. HAGEL, and Mr. MILLER) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 74

Whereas there are reported missing in the United States approximately 2,000 children each day and up to 800,000 children each year;

Whereas the National Center for Missing and Exploited Children was established 19 years ago as the Nation's resource center and clearinghouse for information on America's missing children, and issued a national call to action requesting the participation of every citizen to assist in the search for the country's missing youth;

Whereas it is the collective responsibility of all Americans to better protect the Nation's children, as well as to assist in the search for those who are missing;

Whereas the issuance of a stamp bearing the image of a missing child sends a powerful message, both at its unveiling and on each letter on which it is sent, that Americans will neither tolerate the victimization of their children nor rest until each missing child is reunited with his or her family; and

Whereas the Missing Children's Stamp Committee, headquartered in New York State, has collected more than 26,000 letters from around the world in support of such a stamp: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) a postage stamp should be issued by the United States Postal Service to honor all missing children; and

(2) the Citizens' Stamp Commission of the United States Postal Service should recommend to the Postmaster General that such a stamp be issued.

Mrs. CLINTON. Mr. President, I rise today with my colleague, Senator SHELBY, to submit a resolution to encourage the United States Postal Service Stamp Advisory Committee to issue the National Missing and Exploited Children's Postage Stamp. I am proud to join my colleague Congressman BOEHLERT, the champion of this legislation in the House, and am honored to be a part of this effort.

We introduce this resolution today on the 14th anniversary of the abduction of Jacob Wetterling. Jacob was only 11 years old when he was kidnapped at gunpoint while riding his bike on his way home from a convenience store in St. Joseph, MN. Though he was taken from his family and friends on this day his memory is still alive. With support from his community, Jacob's parents established the Jacob Wetterling Foundation, which has successfully advocated for local and national legislation to help prevent future abductions and to protect thousands of children from sexual predators.

There are 800,000 parents every year, like the Wetterlings, who endure the loss of a child and are struggling to come to terms with the helplessness, anger, and frustration that consume them during the ensuing weeks and months. Many of my colleagues know all too well the agony of losing a child. As parents, community members, legislators, we are all affected when a child goes missing.

I want to take this opportunity to recognize the important work of the National Center for Missing and Exploited Children (NCMEC). This organization was established by Congress in 1984 through the Missing Children's Assistance Act to carry out the mission of finding missing children, combating child sexual exploitation, and preventing child victimization. Through its partnership with 18,000 law enforcement agencies across the United States and abroad, NCMEC's is unparalleled in its commitment to this issue.

Last year, I was proud to submit the Code Adam Act, a resolution encouraging public places to employ a Code Adam protocol to thwart child abductions in commercial establishments. The Code Adam protocol was named in memory of 6-year-old Adam Walsh, the son of John Walsh, co-founder of the National Center for Missing and Exploited Children and host of "America's Most Wanted." Adam was murdered after being kidnapped from a Florida shopping mall in 1981. The Code Adam Protocol requires store employees to announce a "Code Adam" alert over the public-address system when a customer reports a missing child. All designated employees receive a brief description of the child, immediately stop their normal work to search for that child, and monitor all exists to help prevent the child from leaving the store. The Code Adam Act was approved by Congress in April of this year as part of the PROTECT Act and was signed into law on April 30. 2003 by the President. It will undoubtedly play an important role in finding missing children and returning them safely to their homes.

I was also a proud cosponsor of the National AMBER Alert Network Act of 2003. This Act brings critical financial assistance to States to help them implement AMBER plans. It also creates an AMBER coordinator within the Department of Justice. AMBER, which stands for America's Missing: Broadcast Emergency Response was created in 1996 after the abduction and murder of Amber Hagerman in Texas. It's an emergency alert plan like that used in storm warnings that alerts a community about the recent disappearance of a child. With the help of the National Center of Missing and Exploited Children, the broadcast community, and members of law enforcement, the AMBER Alert helped find 105 children across the country. Justice Department Statistics show that 74 percent of kidnapped children who are later found murdered are killed within the first 3 hours of their abduction. The National Amber Alert Network Act will help law enforcement, in those early critical hours, as they work hard to find a missing child. I am pleased that it was also approved by Congress and signed into law as part of the PROTECT Act.

Ten years ago, on August 18, 1993, Sara Ann Woods, a child of Herkimer County, NY, was abducted as she was riding home from her father's church in Litchfield, NY. After 3 years her kidnapper confessed to her murder; leaving the town devastated. Sara's death has been and continues to be the inspiration behind this legislation. I also want to mention Marc Klaas and John Walsh, the honorary co-chairmen of the Missing Children's Stamp Committee in Mohawk Valley, NY, and Herkimer County Legislator John Brezinski, who has worked tirelessly on this effort.

I am pleased to be joined in this effort with Senators SHELBY, DEWINE, LINCOLN, KENNEDY, LAUTENBERG, HAGEL and MILLER as original cosponsors.

According to a poll by Zogby, more than two out of every three Americans support a National Missing and Exploited Children's Postage Stamp. This commemorative stamp will help raise awareness and honor these missing children and their families. This stamp will reach individuals across geographic and socioeconomic spectrums, and we know that when it comes to combating these terrible crimes, awareness is crucial. I urge my colleagues to support this resolution. I believe that it will make a difference in protecting the lives of our children.

AMENDMENTS SUBMITTED & PROPOSED

SA 1891. Mr. WYDEN (for himself and Mr. BURNS) proposed an amendment to the bill S. 877, to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

SA 1892. Mr. SCHUMER (for himself, Mr. GRAHAM, of South Carolina, Mr. MCCAIN, and Mr. HOLLINGS) proposed an amendment to the bill S. 877, supra.

SA 1893. Mr. HATCH (for himself, Mr. LEAHY, Mr. NELSON, of Florida, and Mr. SCHUMER) proposed an amendment to the bill S. 877, supra.

SA 1894. Mr. MCCAIN (for Mr. ENZI (for himself, Mr. SANTORUM, and Mr. HATCH)) proposed an amendment to the bill S. 877, supra.

SA 1895. Mr. HARKIN proposed an amendment to the bill S. 877 , supra.

SA 1896. Mr. MCCAIN (for Mr. CORZINE (for himself and Mr. GRAHAM, of South Carolina)) proposed an amendment to the bill S. 877, supra.

SA 1897. Mr. FRIST (for Mr. BUNNING) proposed an amendment to the concurrent resolution S. Con. Res. 21, expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

SA 1898. Mr. FRIST (for Mr. BUNNING) proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

TEXT OF AMENDMENTS

SA 1891. Mr. WYDEN (for himself and Mr. BURNS) proposed an amendment to the bill S. 877, to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet; as follows:

On page 37, line 12, after the comma, insert "whether or not not displayed,".

On page 44, line 20, strike "false or misleading." and insert "materially false or materially misleading.".

On page 45, line 2, strike "misleading; and" and insert "materially misleading;".

On page 45, line 5, strike "false or misleading." and insert "materially false or materially misleading; and".

On page 45, between lines 5 and 6, insert the following:

"(C) if header information attached to a message fails to identify a protected computer used to initiate the message because the person initiating the message knowingly uses another protected computer to relay or retransmit the message for purposes of disguising its origin, then such header information shall be considered materially misleading.".

On page 49, between lines 11 and 12, insert the following:

(6) Materiality defined.—For purposes of paragraph (1), an inaccuracy or omission in header information is material if it would materially impede the ability of a party seeking to allege a violation of this Act to locate the person who initiated the message or to investigate the alleged violation.

On page 50, beginning in line 24, strike "establish" and insert "register for".

On page 51, after line 22, insert the following:

"(d) SUPPLEMENTARY RULEMAKING AUTHORITY.—

The Commission may by rule—

"(1) modify the 10-business-day period under subsection (a)(4)(A) or subsection (a)(4)(B), or both, if the Commission determines that a different period would be more reasonable after taking into account—

"(A) the purposes of subsection (a);

"(B) the interests of recipients of commercial electronic mail; and

"(C) the burdens imposed on senders of lawful commercial electronic mail; and

"(2) specify additional activities or practices to which subsection (b) applies if the Commission determines that those activities or practices are contributing substantially to the proliferation of commercial electronic mail messages that are unlawful under subsection (a)."

On page 58, beginning in line 16, strike "jurisdiction or in any other court of competent".

On page 62, beginning in line 14, strike "defendant, or in any other court of competent jurisdiction, to—" and insert "defendant—".

On page 65, beginning in line 7, strike "for any such statute, regulation, or rule that" and insert "to the extent that any such statute, regulation, or rule".

On page 65, line 16, strike "State laws" and insert "other State laws to the extent that those laws relate".

SA 1892. Mr. SCHUMER (for himself, Mr. GRAHAM of South Carolina, Mr. MCCAIN, and Mr. HOLLINGS) proposed an amendment to the bill S. 877, to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet; as follows:

On page 66, strike lines 1 through 11 and insert the following:

SEC. 9. DO-NOT-E-MAIL REGISTRY.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Commission shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce a report that—

(1) sets forth a plan and timetable for establishing a nationwide marketing Do-Not-E-mail registry;

(2) includes an explanation of any practical, technical, security, privacy, enforceability, or other concerns that the Commission has regarding such a registry; and

(3) includes an explanation of how the registry would be applied with respect to children with e-mail accounts.

(b) AUTHORIZATION TO IMPLEMENT.—The Commission may establish and implement the plan, but not earlier than 9 months after the date of enactment of this Act.

SA 1893. Mr. HATCH (for himself, Mr. LEAHY, Mr. NELSON of Florida, and Mr. SCHUMER) proposed an amendment to the bill S. 877, to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet; as follows:

On page 43, beginning with line 11, strike through the matter appearing between lines 10 and 11 on page 44 and insert the following:

SEC. 4. PROHIBITION AGAINST PREDATORY AND ABUSIVE COMMERCIAL E-MAIL.

(a) OFFENSE.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1037. Fraud and related activity in connection with electronic mail

"(a) IN GENERAL.—Whoever, in or affecting interstate or foreign commerce, knowingly—

"(1) accesses a protected computer without authorization, and intentionally initiates the transmission of multiple commercial electronic mail messages from or through such computer,

"(2) uses a protected computer to relay or retransmit multiple commercial electronic mail messages, with the intent to deceive or mislead recipients, or any Internet access service, as to the origin of such messages,

"(3) falsifies header information in multiple commercial electronic mail messages and intentionally initiates the transmission of such messages,

"(4) registers, using information that falsifies the identity of the actual registrant, for 5 or more electronic mail accounts or online user accounts or 2 or more domain names, and intentionally initiates the transmission of multiple commercial electronic mail messages from any combination of such accounts or domain names, or

"(5) falsely represents the right to use 5 or more Internet protocol addresses, and intentionally initiates the transmission of multiple commercial electronic mail messages from such addresses,

or conspires to do so, shall be punished as provided in subsection (b).

"(b) PENALTIES.—The punishment for an offense under subsection (a) is—

"(1) a fine under this title, imprisonment for more than 5 years, or both, if—

"(A) the offense is committed in furtherance of any felony under the laws of the United States or of any State; or

"(B) the defendant has previously been convicted under this section or section 1030, or under the law of any State for conduct involving the transmission of multiple commercial electronic mail messages or unauthorized access to a computer system;

"(2) a fine under this title, imprisonment for not more than 3 years, or both, if—

"(A) the offense is an offense under subsection (a)(1);

"(B) the offense is an offense under subsection (a)(4) and involved 20 or more falsified electronic mail or online user account registrations, or 10 or more falsified domain name registrations;

"(C) the volume of electronic mail messages transmitted in furtherance of the offense exceeded 2,500 during any 24-hour period, 25,000 during any 30-day period, or 250,000 during any 1-year period;

"(D) the offense caused loss to 1 or more persons aggregating $5,000 or more in value during any 1-year period;

"(E) as a result of the offense any individual committing the offense obtained anything of value aggregating $5,000 or more during any 1-year period; or

"(F) the offense was undertaken by the defendant in concert with 3 or more other persons with respect to whom the defendant occupied a position of organizer or leader; and

"(3) a fine under this title or imprisonment for not more than 1 year, or both, in any other case.

"(c) FORFEITURE.—

"(1) IN GENERAL.—The court, in imposing sentence on a person who is convicted of an offense under this section, shall order that the defendant forfeit to the United States—

"(A) any property, real or personal, constituting or traceable to gross proceeds obtained from such offense; and

"(B) any equipment, software, or other technology used or intended to be used to commit or to facilitate the commission of such offense.

"(2) PROCEDURES.—The procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) of that section, and in Rule 32.2 of the Federal Rules of Criminal Procedure, shall apply to all stages of a criminal forfeiture proceeding under this section.

"(d) DEFINITIONS.—In this section:

"(1) LOSS.—The term 'loss' has the meaning given that term in section 1030(e) of this title.

"(2) MULTIPLE.—The term 'multiple' means more than 100 electronic mail messages during a 24-hour period, more than 1,000 electronic mail messages during a 30-day period, or more than 10,000 electronic mail messages during a 1-year period.

"(3) OTHER TERMS.—Any other term has the meaning given that term by section 3 of the CAN-SPAM Act of 2003.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"Sec. 1037. Fraud and related activity in connection with electronic mail.".

(b) UNITED STATES SENTENCING COMMISSION.—

(1) DIRECTIVE.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the sentencing guidelines and policy statements to provide appropriate penalties for violations of section 1037 of title 18, United States Code, as added by this section, and other offenses that may be facilitated by the sending of large quantities of unsolicited electronic mail.

(2) REQUIREMENTS.—In carrying out this subsection, the Sentencing Commission shall consider providing sentencing enhancements for—

(A) those convicted under section 1037 of title 18, United States Code, who—

(i) obtained electronic mail addresses through improper means, including—

(I) harvesting electronic mail addresses of the users of a website, proprietary service, or other online public forum operated by another person, without the authorization of such person; and

(II) randomly generating electronic mail addresses by computer; or

(ii) knew that the commercial electronic mail messages involved in the offense contained or advertised an Internet domain for which the registrant of the domain had provided false registration information; and

(B) those convicted of other offenses, including offenses involving fraud, identity theft, obscenity, child pornography, and the sexual exploitation of children, if such offenses involved the sending of large quantities of unsolicited electronic mail.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Spam has become the method of choice for those who distribute pornography, perpetrate fraudulent schemes, and introduce viruses, worms, and Trojan horses into personal and business computer systems; and

(2) the Department of Justice should use all existing law enforcement tools to investigate and prosecute those who send bulk commercial e-mail to facilitate the commission of Federal crimes, including the tools contained in chapters 47 and 63 of title 18, United States Code (relating to fraud and false statements); chapter 71 of title 18, United States Code (relating to obscenity); chapter 110 of title 18, United States Code (relating to the sexual exploitation of children); and chapter 95 of title 18, United States Code (relating to racketeering), as appropriate.

SA 1894. Mr. MCCAIN (for Mr. ENZI (for himself, Mr. SANTORUM, and Mr. HATCH)) proposed an amendment to the bill S. 877, to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet; as follows:

On page 51, after line 22, insert the following:

(d) REQUIREMENT TO PLACE WARNING LABELS ON COMMERCIAL ELECTRONIC MAIL CONTAINING SEXUALLY ORIENTED MATERIAL.—

(1) IN GENERAL.—No person may initiate in or affecting interstate commerce the transmission, to a protected computer, of any unsolicited commercial electronic mail message that includes sexually oriented material and—

(A) fail to include in subject heading for the electronic mail message the marks or notices prescribed by the Commission under this subsection; or

(B) fail to provide that the matter in the message that is initially viewable to the recipient, when the message is opened by any recipient and absent any further actions by the recipient, includes only—

(i) to the extent required or authorized pursuant to paragraph (2), any such marks or notices;

(ii) the information required to be included in the message pursuant to subsection (a)(5); and

(iii) instructions on how to access, or a mechanism to access, the sexually oriented material.

(2) PRESCRIPTION OF MARKS AND NOTICES.—Not later than 120 days after the date of the enactment of this Act, the Commission in consultation with the Attorney General shall prescribe clearly identifiable marks or notices to be included in or associated with unsolicited commercial electronic mail that contains sexually oriented material, in order to inform the recipient of that fact and to facilitate filtering of such electronic mail. The Commission shall publish in the Federal Register and provide notice to the public of the marks or notices prescribed under this paragraph.

(3) DEFINITION.—In this subsection, the term "sexually oriented material" means any material that depicts sexually explicit conduct (as that term is defined in section 2256 of title 18, United States Code), unless the depiction constitutes a small and insignificant part of the whole, the remainder of which is not primarily devoted to sexual matters.

(4) PENALTY.—A violation of paragraph (1) is punishable as if it were a violation of section 1037(a) of title 18, United States Code.

SA 1895. Mr. HARKIN proposed an amendment to the bill S. 877, to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet; as follows:

At the appropriate place add the following:

SECTION 1. SHORT TITLE.

This title may be cited as the "Training for Realtime Writers Act of 2003".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) As directed by Congress in section 723 of the Communications Act of 1934 (47 U.S.C. 613), as added by section 305 of the Telecommunications Act of 1996 (Public Law 104–104; 110 Stat. 126), the Federal Communications Commission adopted rules requiring closed captioning of most television programming, which gradually require new video programming to be fully captioned beginning in 2006.

(2) More than 28,000,000 Americans, or 8 percent of the population, are considered deaf or hard of hearing, and many require captioning services to participate in mainstream activities.

(3) More than 24,000 children are born in the United States each year with some form of hearing loss.

(4) According to the Department of Health and Human Services and a study done by the National Council on Aging—

(A) 25 percent of Americans over 65 years old are hearing impaired;

(B) 33 percent of Americans over 70 years old are hearing impaired; and

(C) 41 percent of Americans over 75 years old are hearing impaired.

(5) The National Council on Aging study also found that depression in older adults may be directly related to hearing loss and disconnection with the spoken word.

(6) Empirical research demonstrates that captions improve the performance of individuals learning to read English and, according to numerous Federal agency statistics, could benefit—

(A) 3,700,000 remedial readers;

(B) 12,000,000 young children learning to read;

(C) 27,000,000 illiterate adults; and

(D) 30,000,000 people for whom English is a second language.

(7) Over the past 5 years, student enrollment in programs that train court reporters to become realtime writers has decreased significantly, causing such programs to close on many campuses.

SEC. 3. AUTHORIZATION OF GRANT PROGRAM TO PROMOTE TRAINING AND JOB PLACEMENT OF REALTIME WRITERS.

(a) IN GENERAL.—The National Telecommunications and Information Administration shall make competitive grants to eligible entities under subsection (b) to promote training and placement of individuals, including individuals who have completed a court reporting training program, as realtime writers in order to meet the requirements for closed captioning of video programming set forth in section 723 of the Communications Act of 1934 (47 U.S.C. 613) and the rules prescribed thereunder.

(b) ELIGIBLE ENTITIES.—For purposes of this Act, an eligible entity is a court reporting program that—

(1) can document and demonstrate to the Secretary of Commerce that it meets minimum standards of educational and financial accountability, with a curriculum capable of training realtime writers qualified to provide captioning services;

(2) is accredited by an accrediting agency recognized by the Department of Education; and

(3) is participating in student aid programs under title IV of the Higher Education Act of 1965.

(c) PRIORITY IN GRANTS.—In determining whether to make grants under this section, the Secretary of Commerce shall give a priority to eligible entities that, as determined by the Secretary of Commerce—

(1) possess the most substantial capability to increase their capacity to train realtime writers;

(2) demonstrate the most promising collaboration with local educational institutions, businesses, labor organizations, or other community groups having the potential to train or provide job placement assistance to realtime writers; or

(3) propose the most promising and innovative approaches for initiating or expanding training and job placement assistance efforts with respect to realtime writers.

(d) DURATION OF GRANT.—A grant under this section shall be for a period of two years.

(e) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided under subsection (a) to an entity eligible may not exceed $1,500,000 for the two-year period of the grant under subsection (d).

SEC. 4. APPLICATION.

(a) IN GENERAL.—To receive a grant under section 3, an eligible entity shall submit an application to the National Telecommunications and Information Administration at such time and in such manner as the Administration may require. The application shall contain the information set forth under subsection (b).

(b) INFORMATION.—Information in the application of an eligible entity under subsection (a) for a grant under section 3 shall include the following:

(1) A description of the training and assistance to be funded using the grant amount, including how such training and assistance will increase the number of realtime writers.

(2) A description of performance measures to be utilized to evaluate the progress of individuals receiving such training and assistance in matters relating to enrollment, completion of training, and job placement and retention.

(3) A description of the manner in which the eligible entity will ensure that recipients of scholarships, if any, funded by the grant will be employed and retained as realtime writers.

(4) A description of the manner in which the eligible entity intends to continue providing the training and assistance to be funded by the grant after the end of the grant period, including any partnerships or arrangements established for that purpose.

(5) A description of how the eligible entity will work with local workforce investment boards to ensure that training and assistance to be funded with the grant will further local workforce goals, including the creation of educational opportunities for individuals who are from economically disadvantaged backgrounds or are displaced workers.

(6) Additional information, if any, of the eligibility of the eligible entity for priority in the making of grants under section 3(c).

(7) Such other information as the Administration may require.

SEC. 5. USE OF FUNDS.

(a) IN GENERAL.—An eligible entity receiving a grant under section 3 shall use the grant amount for purposes relating to the recruitment, training and assistance, and job placement of individuals, including individuals who have completed a court reporting training program, as realtime writers, including—

(1) recruitment;

(2) subject to subsection (b), the provision of scholarships;

(3) distance learning;

(4) development of curriculum to more effectively train realtime writing skills, and education in the knowledge necessary for the delivery of high-quality closed captioning services;

(5) assistance in job placement for upcoming and recent graduates with all types of captioning employers;

(6) encouragement of individuals with disabilities to pursue a career in realtime writing; and

(7) the employment and payment of personnel for such purposes.

(b) SCHOLARSHIPS.—

(1) AMOUNT.—The amount of a scholarship under subsection (a)(2) shall be based on the amount of need of the recipient of the scholarship for financial assistance, and determined in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk).

(2) AGREEMENT.—Each recipient of a scholarship under subsection (a)(2) shall enter into an agreement with the National Telecommunications and Information Administration to provide realtime writing services for a period of time (as determined by the Administration) that is appropriate (as so determined) for the amount of the scholarship received.

(3) COURSEWORK AND EMPLOYMENT.—The Administration shall establish requirements for coursework and employment for recipients of scholarships under subsection (a)(2), including requirements for repayment of scholarship amounts in the event of failure to meet such requirements for coursework and employment. Requirements for repayment of scholarship amounts shall take into account the effect of economic conditions on the capacity of scholarship recipients to find work as realtime writers.

(c) ADMINSTRATIVE COSTS.—The recipient of a grant under section 3 may not use more than 5 percent of the grant amount to pay administrative costs associated with activities funded by the grant.

(d) SUPPLEMENT NOT SUPPLANT.—Grants amounts under this Act shall supplement and not supplant other Federal or non-Federal funds of the grant recipient for purposes of promoting the training and placement of individuals as realtime writers.

SEC. 6. REPORTS.

(a) ANNUAL REPORTS.—Each eligible entity receiving a grant under section 3 shall submit to the National Telecommunications and Information Administration, at the end of each year of the grant period, a report on the activities of such entity with respect to the use of grant amounts during such year.

(b) REPORT INFORMATION.—

(1) IN GENERAL.—Each report of an entity for a year under subsection (a) shall include a description of the use of grant amounts by the entity during such year, including an assessment by the entity of the effectiveness of activities carried out using such funds in increasing the number of realtime writers. The assessment shall utilize the performance measures submitted by the entity in the application for the grant under section 4(b).

(2) FINAL REPORT.—The final report of an entity on a grant under subsection (a) shall include a description of the best practices identified by the entity as a result of the grant for increasing the number of individuals who are trained, employed, and retained in employment as realtime writers.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act, amounts as follows:

(1) $20,000,000 for each of fiscal years 2004, 2005, and 2006.

(2) Such sums as may be necessary for fiscal year 2007.

SA 1896. Mr. MCCAIN (for Mr. CORZINE (for himself and Mr. GRAHAM of South Carolina)) proposed an amendment to the bill S. 877, to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet; as follows:

At the appropriate place, insert the following:

SEC. . IMPROVING ENFORCEMENT BY PROVIDING REWARDS FOR INFORMATION ABOUT VIOLATIONS; LABELING.

(a) IN GENERAL.—The Commission shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce—

(1) a report, within 9 months after the date of enactment of this Act, that sets forth a system for rewarding those who supply information about violations of this Act, including—

(A) procedures for the Commission to grant a reward of not less than 20 percent of the total civil penalty collected for a violation of this Act to the first person that—

(i) identifies the person in violation of this Act; and

(ii) supplies information that leads to the successful collection of a civil penalty by the Commission; and

(B) procedures to minimize the burden of submitting a complaint to the Commission concerning violations of this Act, including procedures to allow the electronic submission of complaints to the Commission; and

(1) a report, within 18 months after the date of enactment of this Act, that sets forth a plan for requiring unsolicited commercial electronic mail to be identifiable from its subject line, by means of compliance with Internet Engineering Task Force standards, the use of the characters "ADV" in the subject line, or other comparable identifier, or an explanation of any concerns the Commission has that cause the Commission to recommend against the plan.

(b) IMPLEMENTATION OF REWARD SYSTEM.—The Commission may establish and implement the plan under subsection (a)(1), but not earlier than 12 months after the date of enactment of this Act.

SA 1897. Mr. FRIST (for Mr. BUNNING) proposed an amendment to the concurrent resolution S. Con. Res. 21, expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce; as follows:

In section 2, strike "ensure" and insert "promote".

SA 1898. Mr. FRIST (for Mr. BUNNING) proposed an amendment to the concurrent resolution S. Con. Res. 21, expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other development disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce; as follows:

In the first whereas clause of the preamble, before the semicolon, insert ", including mental retardation, autism, cerebral palsy, Down syndrome, epilepsy, and other related conditions".

Strike the second whereas clause of the preamble.

Strike the eighth whereas clause of the preamble.

Strike the ninth whereas clause of the preamble.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, October 29, 2003 at 10 a.m. in Room "TBA" of the Senate Office Building to conduct a business meeting to consider pending committee business; to be followed immediately by a hearing on S. 1770, the Indian Money Account Claims Satisfaction Act of 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 22, 2003, at 10 a.m. to conduct a hearing on "Counterterror Initiatives in the Terror Finance Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. CORNYN. Mr. President: I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 22, 2003, at 9:30 am on the Federal Involvement in the Regulation of the Insurance Industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 22, 2003 at 2:30 p.m. to hold a hearing Anti-Semitism In Europe.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, October 22, 2003 at 10:30 a.m. to hold a business meeting to consider pending Committed business.

AGENDA

LEGISLATION

1. S. 129, Federal Workforce Flexibility Act of 2003.
2. S. 1741, National Women's History Museum Act of 2003.
3. S. 1267, District of Columbia Budget Autonomy Act of 2003.
4. S. 1522, GAO Human Capital Reform Act of 2003.
5. S. 1561, a bill to preserve existing judgeships on the Superior Court of the District of Columbia.
6. S. 1567, Department of Homeland Security Financial Accountability Act.
7. S. 1612, Homeland Security Technology Improvement Act of 2003.
8. S. 1683, Federal Law Enforcement Pay and Benefits Parity Act of 2003.
9. H.R. 1416, Homeland Security Technical Corrections Act of 2003.
10. H.R. 3159, Government Network Security Act of 2003.

POST OFFICE NAMING BILLS

1. S. 1405, a bill to designate the facility of the United States Postal Service, located at 514 17th Street in Moline, Illinois, as the "David Bybee Post Office Building."
2. S. 1415, a bill to designate the facility of the United States Postal Service, located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building."
3. S. 1590, a bill to designate the facility of the United States Postal Service, located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, as the "James E. Davis Post Office Building."
4. S. 1659, a bill to designate the facility of the United States Postal Service, located at 57 Old Tappan Road in Tappan, New York, as the "John G. Dow Post Office Building."
5. S. 1671, a bill to designate the facility of the United States Postal Service, located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis, Jr., Post Office Building."
6. S. 1692, a bill to designate the facility of the United States Postal Service, located at 38 Spring Street in Nashua, New Hampshire, as the "Hugh Gregg Post Office Building."
7. S. 1718, a bill to designate the facility of the United States Postal Service, located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the "Senator James B. Pearson Post Office Building."
8. S. 1746, a bill to designate the facility of the United States Postal Service, located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building."
9. H.R. 1610, to redesignate the facility of the United States Postal Service, located at 120 East Ritchie Avenue in Marceline, Missouri, as the "Walt Disney Office Building."
10. H.R. 1882, to designate the facility of the United States Postal Service, located at 440 South Orange Blossom Trail, in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office Building."
11. H.R. 1883, to designate the facility of the United States Postal Service, located at 1601–1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office Building."
12. H.R. 2075, to designate the facility of the United States Postal Service, located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building."
13. H.R. 2254, to designate the facility of the United States Postal Service, located at 1101 Colorado Street in Boulder City, Nevada, as the "Bruce Woodbury Post Office Building."
14. H.R. 2309, to designate the facility of the United States Postal Service, located at 2300 Redondo Avenue in Signal Hill, California, as the "J. Stephen Horn Post Office Building."

15. H.R. 2328, to designate the facility of the United States Postal Service, located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the "Robert A. Borski Post Office Building."

16. H.R. 2396, to designate the facility of the United States Postal Service, located at 1210 Highland Avenue in Duarte, California, as the "Francisco A. Martinez Flores Post Office Building."

17. H.R. 2452, to designate the facility of the United States Postal Service, located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building."

18. H.R. 2533, to designate the facility of the United States Postal Service, located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis, Jr., Post Office Building."

19. H.R. 2746, to designate the facility of the United States Postal Service, located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building."

20. H.R. 3011, to designate the facility of the United States Postal Service, located at 135 East Olive Avenue in Burbank, California, as the "Bob Hope Post Office Building."

NOMINATIONS

1. Jerry S. Byrd to be an Associate Judge of the Superior Court of the District of Columbia (Family Court).

2. Joseph Michael Ryan to be an Associate Judge of the Superior Court of the District of Columbia (Family Court).

3. Dale Cabaniss to be Chairman, Federal Labor Relations Authority.

4. Brian F. Holeman to be an Associate Judge of the Superior Court of the District of Columbia.

5. Craig S. Iscoe to be an Associate Judge of the Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mt. CORNYN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, October 22, 2003 at 10 a.m. in room 106 of the Dirksen Senate Office Building to conduct a hearing on the nomination of Mr. David W. Anderson to be the Assistant Secretary for Indian Affairs, U.S. Department of the Interior; to be followed immediately by a business meeting to consider pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, October 22, 2003, at 10 a.m., on "Judicial Nominations," in the Hart Senate Office Building room 216.

Witness List:

Panel I: Senators.

Panel II: Janice R. Brown to be United States Circuit Judge for the District of Columbia Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, October 22, 2003 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, FISHERIES, AND COAST GUARD

Mr. CORNYN. Mr. President: I ask unanimous consent that the Subcommittee on Oceans, Fisheries, and Coast Guard be authorized to meet on Wednesday, October 22, 2003, at 9:30 a.m., on Fisheries Oversight to be held in SR–428A.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HATCH. I ask unanimous consent that Sandra Wilkinson, a detailee to the Democratic staff and the Senate Judiciary Committee, be granted full floor privileges for the remainder of the debate on the CAN-SPAM Act of 2003.

UNANIMOUS CONSENT REQUEST—H.R. 7

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, the charitable choice bill. I further ask unanimous consent that all after the enacting clause be stricken, that the Snowe amendment and the Grassley-Baucus amendment, which are at the desk, be agreed to en bloc, that the substitute amendment, which is the text of S. 476, the Senate-passed version of the charitable choice bill as amended by the Snowe and Grassley-Baucus amendments be agreed to, that the bill, as amended, be read the third time and passed, that the motion to reconsider be laid upon the table; further, that the Senate insist upon its amendments and request a conference with the House, and last, that the Chair be authorized to appoint conferees with a ratio of 3 to 2, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, for the reasons previously stated in regard to this legislation at least on two or three separate occasions, I would reiterate those and object.

The PRESIDING OFFICER. Objection is heard. The majority leader.

WORK OF THE SENATE

Mr. FRIST. Mr. President, I wish to take a moment to congratulate Chairman McCAIN and Senator BURNS and others who have fought so hard for the anti-spam legislation that passed not too long ago tonight.

Although I am disappointed we have not been able to proceed to conference on the CARE Act, I am very hopeful that ultimately we will be able to do that and I am very hopeful we will at some point receive unanimous consent to do just that.

Today's vote, 97 to 0, on the anti-spam legislation, reflects a lot of the hard, bipartisan work—both sides of the aisle—that was put into the anti-spam bill. I do thank all of our colleagues who have worked so diligently on this legislation.

We started on this bill about 2 o'clock today and we had final passage 4½ hours later. I am very hopeful we can continue with this sort of efficient movement on the floor of the Senate for the remaining issues we have this year.

We do continue to work toward an agreement on a range of issues. They include Healthy Forests and the Internet tax moratorium, which is currently being worked on.

The CARE Act, as my colleagues can tell, continues to be a challenge, but I hold out the hope that we will be able to send that bill to conference. Senator RICK SANTORUM has done just a superb job in shepherding that bill through the Senate. The companion bill has passed the House of Representatives, and indeed it is time to address it in the conference.

We are also looking toward an agreement on fair credit reporting which does have strong bipartisan support in this body. There are very few objections. I hope we can take care of that in short order. We will continue to push very hard for that particular bill.

Also today, we addressed an issue on which we can't give up. We can't really accept as the final punctuation mark the outcome of the vote today where we had 59 Senators say it is time for us to solve the class action challenge before this body. We didn't have 60 Senators. We had 59—1 short. If we had just one other colleague come forward and say, yes, this is a problem for the American people, it is a problem for our economy, it is a problem for our families, we would have been able to proceed with class action reform.

I want to take a couple of minutes and comment, because I didn't have the opportunity earlier today, on the importance of class action reform. I should preface that by saying that just yesterday I came to the floor to talk about my upbeat optimism for really the first time in the last several months with regard to our economy.

That is in part for having traveled around the country this past weekend and talked to a lot of people in various occupations and various jobs. You can just see and sense and you can feel that increased consumer optimism that is around the country.

Indeed, we had some very good economic numbers, some of which I mentioned yesterday. The Department of Commerce reported that consumption is strong in this third quarter. Consumption grew by an annualized rate of over 12 percent. Many economists say this third-quarter consumption may be the strongest in almost 4 years.

New housing starts are annualized to be about 1.9 million based on the results from last month. That is probably the highest in terms of housing starts in the last 17 years. Production from our factories increased 3.5 percent in this quarter. It had been negative the quarter before that. The Department of Labor also delivered the report that initial jobless claims are at their lowest levels since February and that in August the nonfarm sector employment rose by 57,000 jobs.

All of that I think is very encouraging news. As these economic indices continue to improve, with some lag time, that is translated into increased jobs. But that is not enough. We have a lot we can do and we should be doing on the floor of Senate. We need to have smart progrowth fiscal policies because we know that helps create jobs. It gives job security for those who are currently working.

I am optimistic that we are going to see this continued improvement in the economy, but equally importantly in job creation.

The sort of structural problems we need to address: Taking action on class action reform. Class action lawsuits are a problem. What makes it even more important for us to address now is it is a problem that is getting worse with time. A recent survey found that State court class action filings skyrocketed by 1,315 percent in just 10 years. The result of this glut of claims—many unnecessary, many frivolous claims—is that it clogs the State courts, it wastes taxpayer dollars, and it inhibits innovative in entrepreneurship that we all know is so crucial to job growth. All the purported victims ever get in this sordid process is a little coupon—a measly little coupon. I say that not just figuratively but literally.

A couple of examples:

In a suit against Blockbuster, plaintiffs' lawyers alleged that their clients were being fleeced by excessive late fees. They sued the video rental chain for restitution. The result was that each of their clients received a $1 coupon offer for future rentals while the lawyers at the same time pocketed over $9 million. What is interesting is that, meanwhile, Blockbuster was allowed to continue that same late fee practice that the lawsuit was ostensibly launched to end—$9 million to the lawyers and a $1 coupon—but the practice continued.

You say that is outrageous and it couldn't be. It is a fact.

Another anecdote and equally outrageous had to do with Coca-Cola and apple juice. What happened a few years ago was the plaintiffs' lawyers charged that the Coca-Cola drink company was improperly adding sweeteners to its apple juice. These plaintiffs' lawyers, who were parading as vigilant deans of public health, managed to secure—yes, once again—a 50-cent coupon for the apple juice victims but the lawyers received $1.5 million.

If you think that is outrageous, in a class action suit against the Bank of Boston plaintiffs actually lost money when their accounts were drawn down to pay their lawyers $8.5 million in fees.

That is large business. Also, these large suits have a direct impact on small businesses. These small businesses get drawn into this feeding frenzy that is going on around the country. What happens is that in order to avoid going to Federal court, the class action legal team will rope in local small businesses in the area as codefendants in order to get that case decided in—it may be an adjacent county or an adjacent State—a favorable State. Once the window during which the real class action target can remove the case to the Federal court closes, that unlucky mom-and-pop shop that happened to be in the wrong county or the wrong town at the wrong time is dropped from the case, but not before they have had to invest considerable sums of money in this process of defending themselves.

Such lawsuits are frivolous. Such lawsuits are unnecessary. They are wasteful and they translate into a burden on our economy, a burden on our judicial system, a burden on taxpayers, and clearly a burden on the practice of law. Who can help but be cynical about a system which we have today that awards lawyers millions of dollars over an apple juice sweetener dispute?

So this can't go on. Too many of these lawsuits are little more than operations which shake down these small businesses or these large businesses.

Oftentimes the lawyers are counting on the company to pay a sizable settlement just to avoid that higher cost of going to court. Companies—whether big or small—should no longer be subjected to this blackmail, which is wrong and unfair. It needs to stop.

Today, we tried to take this issue to the floor of the Senate so it could, once and for all, be addressed. Indeed, a majority—it was a bipartisan majority—of Senators said, yes, it is a problem; yes, it deserves to be debated in the Senate; yes, several may have wanted to amend it; yes, it is time to address this issue which is a burden on the taxpayer. It is a burden on working men and women. It is a burden on small businesses. It is a burden on families.

That was a majority. But in this body it takes 60 votes, not just a majority, 60 of 100 Senators to say, yes, we are going to address that. We only had 59.

I hope my colleagues will come back to the table. As majority leader, I promise I will stay on this issue until we have it resolved. It may take constituents around the country saying, yes, it is important to call Senators, to talk to Senators and encourage Senators in town meetings, to say, yes, it is important to address this problem.

I hope my colleagues recognize the significance of this issue to our economy and to working families.

If one more person came forward, we would be able to address this once and for all. That would be good for the country. It would be good for the law. It would be good for the economy. And it is good for the legitimate claims that are out there and should be fairly and appropriately settled.

DIRECT SUPPORT PROFESSIONALS RECOGNITION

Mr. FRIST. I ask unanimous consent the HELP Committee be discharged from further action on S. Con. Res. 21 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 21) expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent the amendment at the desk be agreed to, the concurrent resolution, as amended, be agreed to, the amendment to the preamble, which is at the desk, be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1897) was agreed to, as follows:

AMENDMENT NO. 1897

In section 2, strike "ensure" and insert "promote".

The concurrent resolution (S. Con. Res. 21), as amended, was agreed to.

The amendment (No. 1898) was agreed to, as follows:

AMENDMENT NO. 1898

In the first whereas clause of the preamble, before the semicolon, insert ", including mental retardation, autism, cerebral palsy, Down syndrome, epilepsy, and other related conditions".

Strike the second whereas clause of the preamble.

Strike the eighth whereas clause of the preamble.

Strike the ninth whereas clause of the preamble.

The preamble, as amended, was agreed to.

The concurrent resolution, as amended, with its preamble, as amended, reads as follows:

S. CON. RES. 21

Whereas there are more than 8,000,000 Americans who have mental retardation or other developmental disabilities, including mental retardation, autism, cerebral palsy, Down syndrome, epilepsy, and other related conditions;

Whereas individuals with mental retardation or other developmental disabilities have substantial limitations on their functional capacities, including limitations in two or more of the areas of self-care, receptive and expressive language, learning, mobility, self-direction, independent living, and economic self-sufficiency, as well as the continuous need for individually planned and coordinated services;

Whereas for the past two decades individuals with mental retardation or other developmental disabilities and their families have increasingly expressed their desire to live and work in their communities, joining the mainstream of American life;

Whereas the Supreme Court, in its Olmstead decision, affirmed the right of individuals with mental retardation or other developmental disabilities to receive community-based services as an alternative to institutional care;

Whereas the demand for community supports and services is rapidly growing, as States comply with the Olmstead decision and continue to move more individuals from institutions into the community;

Whereas the demand will also continue to grow as family caregivers age, individuals with mental retardation or other developmental disabilities live longer, waiting lists grow, and services expand;

Whereas outside of families, private providers that employ direct support professionals deliver the majority of supports and services for individuals with mental retardation or other developmental disabilities in the community;

Whereas direct support professionals provide a wide range of supportive services to individuals with mental retardation or other developmental disabilities on a day-to-day basis, including habilitation, health needs, personal care and hygiene, employment, transportation, recreation, and housekeeping and other home management-related supports and services so that these individuals can live and work in their communities;

Whereas direct support professionals generally assist individuals with mental retardation or other developmental disabilities to lead a self-directed family, community, and social life;

Whereas private providers and the individuals for whom they provide supports and services are in jeopardy as a result of the growing crisis in recruiting and retaining a direct support workforce;

Whereas providers of supports and services to individuals with mental retardation or other developmental disabilities typically draw from a labor market that competes with other entry-level jobs that provide less physically and emotionally demanding work, and higher pay and other benefits, and therefore these direct support jobs are not currently competitive in today's labor market;

Whereas annual turnover rates of direct support workers range from 40 to 75 percent;

Whereas high rates of employee vacancies and turnover threaten the ability of providers to achieve their core mission, which is the provision of safe and high-quality supports to individuals with mental retardation or other developmental disabilities;

Whereas direct support staff turnover is emotionally difficult for the individuals being served;

Whereas many parents are becoming increasingly afraid that there will be no one available to take care of their sons and daughters with mental retardation or other developmental disabilities who are living in the community; and

Whereas this workforce shortage is the most significant barrier to implementing the Olmstead decision and undermines the expansion of community integration as called for by President Bush's New Freedom Initiative, placing the community support infrastructure at risk: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Direct Support Professional Recognition Resolution".

SEC. 2. SENSE OF CONGRESS REGARDING SERVICES OF DIRECT SUPPORT PROFESSIONALS TO INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

It is the sense of the Congress that the Federal Government and the States should make it a priority to promote a stable, quality direct support workforce for individuals with mental retardation or other developmental disabilities that advances our Nation's commitment to community integration for such individuals and to personal security for them and their families.

Mr. BUNNING. Mr. President, I am pleased the Senate has agreed to pass S. Con. Res. 21, the Direct Support Professional Recognition Resolution. Earlier this year, I introduced this bipartisan resolution with Senator LINCOLN. This resolution recognizes the importance of direct support professionals who are responsible for helping those with mental retardation and disabilities integrate into and excel in communities across the nation.

These professionals provide a wide range of supportive services to their clients on a daily basis, including habitation, health needs, personal care and hygiene, employment, transportation, recreation, housekeeping and other home management-related supports and services so that these individuals can live and work in their communities. These jobs are demanding both physically and emotionally, and these direct support professionals should be commended for the important work they do. This resolution and action by the Senate recognizes just how important they are to others in need.

The recruitment and retention of quality, trained direct support workers is critical to providing high-quality support and services to disabled individuals. Unfortunately, there is a crisis in the direct support field, particularly in finding and keeping quality direct support workers. In fact, the annual turnover rates of direct support workers range from 40 percent and 75 percent.

Several factors have contributed to this crisis, including a tightened labor market, growing demand for community-based care, and legal decisions supporting community integration. Unfortunately, many parents who rely on direct support professionals to help care for with disabled child in the community are becoming concerned that these professionals may not be available in the future. No parent should be faced with these types of worries.

This resolution draws much-needed attention to the problems surrounding the long-term care infrastructure for individuals with developmental disabilities who live in their communities. The resolution calls on the Federal and State governments to make it a priority to promote a quality, stable direct support workforce that advances this nation's commitment to community integration for individuals with mental retardation and other developmental disabilities.

Without well-trained and quality direct support professionals, many disabled individuals may find living in the community more difficult. We shouldn't let that happen, and I hope this resolution can help focus Congress's and the Nation's attention on this important matter.

I am grateful for the Senate's passage of this resolution and its concern for our direct support professionals and those individuals they care for.

MEASURES PLACED ON THE CALENDAR—H.J. RES. 73 AND H.R. 1446

Mr. FRIST. I understand there are two bills at the desk due for a second reading and I ask unanimous consent the bills be given a second reading en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 73) making further continuing appropriations for fiscal year 2004, and for other purposes;

A bill (H.R. 1446) to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

Mr. FRIST. I object to further proceedings to the measures en bloc at this time.

The PRESIDING OFFICER. The objection having been heard, the measures will be placed on the Calendar.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar, calendar No. 249. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

THE JUDICIARY

Thomas M. Hardiman, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Mr. LEAHY. Mr. President, the Senate recently voted to confirm an outstanding district court nominee to the Western District of Pennsylvania named Kim Gibson. Today, the leadership has decided to bring up the nomination of Thomas Hardiman who happens to be nominated to the very same court.

Unfortunately, this nominee's suitability for the Federal bench pales in comparison to Judge Gibson. Judge Gibson came to us with judicial experience, a unanimous "well qualified" rating from the ABA, and the highest rating from his local bar association.

In contrast, Mr. Hardiman has no judicial experience, a relatively small amount of litigation experience and has been given very low peer-review ratings by the ABA and the same local bar association that "highly recommended" Judge Gibson. The Allegheny County Bar Association recently released its opinions about the three pending judicial nominees from their community. After their extensive review, the Bar Association determined that they could simply "not recommend" Mr. Hardiman for a lifetime appointment to their Federal trial court.

Although neither Bar Association explained precisely why Mr. Hardiman received such bad reviews, his communications with the Judiciary Committee potentially shed some light on their concerns.

Mr. Hardiman showed a lack of candor in describing the extent of his litigation experience. After reporting that he had tried 54 cases to judgment, he subsequently revised the number downward to 19, and then upon further review he explained that several of these 19 cases were not actually trials that resulted in a judgment.

In addition, opposing counsel contacted the committee to raise concerns about Mr. Hardiman's exceedingly narrow view of fair housing statutes and his questionable litigation tactics. Counsel in a housing discrimination case entitled, Alexander v. Riga, criticized Mr. Hardiman's conduct when he represented landlords who repeatedly refused to show African-American couples an apartment that was for rent. Despite a jury finding of discrimination, Mr. Hardiman argued that there was no resulting damage and the district court adopted his reasoning.

On appeal to the Third Circuit, Mr. Hardiman analogized the harm resulting from the racial discrimination at issue to running a red light. The Third Circuit criticized his dismissive analogy and found that his argument and the district court's adoption of it would undermine the Federal housing statutes. The Third Circuit rejected Mr. Hardiman's argument and reversed the trial court.

I am also troubled by Mr. Hardiman's discovery tactics. In answers to written committee questions, he admitted that in the Riga case he repeatedly violated the Federal Rules of Civil Procedure by issuing a subpoena to a nonparty without noticing opposing counsel in this case. After answering two rounds of written questions, Mr. Hardiman subsequently admitted that he had not even reviewed his Riga files before submitting his answers to the committee.

Even the trial judge criticized Mr. Hardiman's associate about their litigation strategy and tactics in this case, including the improper subpoenas. Significantly less troubling matters stalled many judicial nominees of President Clinton.

If this were anytime between 1995 and 2000 and this were a Clinton nominee, the Republican majority would never have accorded this type of nomination a vote. Recall the fate of Clarence Sundrum, Dolly Gee, the 8 district court nominees to vacancies in Pennsylvania and so many others blocked by Republicans from ever being considered.

The Senate has already confirmed 165 of this President's judicial nominees. The current pace of confirmation stands in stark contrast to what occurred with judicial nominees during the Clinton administration. It was not until well into the fourth year of President Clinton's second term, when Republicans controlled the Senate, before this many judicial nominees were confirmed.

It took President Reagan his entire first term to get this many judicial nominees confirmed, and that was with a Senate that was controlled by the same party.

It also took President George H.W. Bush well into his fourth year to get this many of his judicial nominees confirmed.

In contrast, today, with the shifts in Senate control, it has effectively taken a little more than 2 years of rapid Senate action to confirm 165 judicial nominees for this President, including 100 during Democratic control. This year alone the Senate has confirmed 65 judicial nominees, including 12 circuit court nominees in 2003. This includes more judicial confirmations in just 10 months than Republicans allowed for President Clinton in 1995, 1996, 1997, 1999, or 2000. Overall, we have confirmed 29 circuit court nominees of President Bush since July of 2001, which is more than were confirmed at this time in the third year of President Reagan's first term, President George H.W. Bush's term, or either of President Clinton's terms.

The Senate has held hearings for 13 Pennsylvania nominees of President Bush's to the Federal courts in Pennsylvania. While I was chairman, the Senate held hearings for and confirmed 10 nominees to the district courts in Pennsylvania, plus Judge D. Brooks Smith to the Third Circuit Court of Appeals. In total, we have already confirmed 13 of this President's judicial nominees to the Federal courts in the State of Pennsylvania. Five of these new judges have already been confirmed to the Western District of Pennsylvania.

A look at the Federal judiciary in Pennsylvania indicates that President Bush's nominees have been treated far better than President Clinton's. This treatment is in sharp contrast to the way vacancies in Pennsylvania were kept vacant during Republican control of the Senate when President Clinton was in the White House, particularly regarding nominees in the western half of the State.

Just a few months ago, on May 16, 2003, Jon Delano wrote in the Pittsburgh Business Times, an article titled "Despite Bush Protests, Court Vacancies are Down," about how this President's nominees in the western part of Pennsylvania have been treated more fairly than President Clinton's nominees.

He wrote:

> Take the Western District of Pennsylvania, for example. During the years of the Santorum filibuster, that court of 10 judges had as many as five vacancies. Today, the Senate has confirmed four Bush appointees—Judges Joy Conti, David Cercone, Terry McVerry, and Art Schwab—and the fifth nomination, attorney Tom Hardiman, has just been sent to the Senate.
>
> With the elevation and confirmation of Judge Brooks Smith to the U.S. Court of Appeals, the president still needs to name one more judge to the local court, but once completed, Mr. Bush, with less than three years in office, will have named—and the Senate will have confirmed—six of the 10 judges on the local Federal court. That hardly sounds like obstructionism.

Despite the best efforts and diligence of the senior Senator from Pennsylvania, Senator SPECTER, to secure the confirmation of all of the judicial nominees from every part of his home State, there were 10 nominees by President Clinton to Pennsylvania vacancies who never got a vote: Patrick Toole, John Bingler, Robert Freedberg, Lynette Norton, Legrome Davis, David Fineman, David Cercone, Harry Litman, Stephen Lieberman, and Robert Cindrich to the Third Circuit.

Despite how well-qualified these nominees were, they were never considered by the Senate, many waited more than a year for action.

Unfortunately, Mr. Hardiman's record is similar to the record of far too many of President Bush's judicial nominees. Far too many of this President's judicial nominees have less courtroom experience than partisan experience.

In fact, 25 of this President's judicial nominees have earned partial or majority "Not Qualified" ratings from the ABA. In addition to the ABA's review, Mr. Hardiman was also "not recommended" by his county bar association.

Certainly, the citizens of Western Pennsylvania deserve a well-qualified judiciary to hear their important legal claims in Federal court.

I have great respect for the senior Senator from Pennsylvania. I appreciate his efforts to help shepherd the White House's nomination through the Senate.

After considering the negative impression Mr. Hardiman has made on his fellow Pennsylvanians regarding his suitability for this lifetime appointment and his conduct before the Judiciary Committee, I believe that this is among the weakest nominees we have considered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

UNANIMOUS CONSENT AGREEMENT—H.R. 2989

Mr. FRIST. Mr. President, I ask unanimous consent that on Thursday, October 23, following the period of morning business, the Senate proceed to the consideration of calendar No. 279, H.R. 2989, the Transportation appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, OCTOBER 23, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, October 23. I further ask consent that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for 60 minutes, with the first 30 minutes under the control of the minority leader or his designee and the second 30 minutes under the control of Senator HUTCHISON or her designee; provided further, that following morning business, the Senate begin consideration of calendar No. 279, H.R. 2989, the Transportation appropriations bill, as provided under the previous order

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, tomorrow, following morning business, the Senate will begin consideration of the Transportation appropriations bill. It is my hope we can complete action on this bill in an expedited manner, and the two managers will be here tomorrow morning to begin working through amendments to that bill. Senators should expect amendments to be offered and debated throughout the course of the day. Therefore, rollcall votes should be expected throughout the day as well. Senators will be notified when the first vote is scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:09 p.m., adjourned until Thursday, October 23, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 22, 2003:

THE JUDICIARY

NEIL VINCENT WAKE, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE PAUL G. ROSENBLATT, RETIRING.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT AS CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY, FOR AN ADDITIONAL TERM OF TWO YEARS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5033:

To be admiral

ADM. VERNON E. CLARK, 8489

CONFIRMATION

Executive nomination confirmed by the Senate October 22, 2003:

THE JUDICIARY

THOMAS M. HARDIMAN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 23, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 28

9 a.m.

Foreign Relations

To hold a closed briefing to examine security threats and U.S. policy in relation to Iran.

SH–219

9:30 a.m.

Rules and Administration

To hold hearings to examine the nominations of Paul S. DeGregorio, of Missouri, Gracia M. Hillman, of the District of Columbia, Raymundo Martinez III, of Texas, and Deforest B. Soaries, Jr., of New Jersey, each to be a Member of the Election Assistance Commission.

SR–301

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine certain health issues.

SD–430

Judiciary

To hold hearings to examine the nominations of Claude A. Allen, of Virginia, to be United States Circuit Judge for the Fourth Circuit, and Mark R. Filip, to be United States District Judge for the Northern District of Illinois.

SD–226

Conferees

Meeting of conferees on H.R. 6, to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people.

SD–106

10:15 a.m.

Foreign Relations

To hold hearings to examine security threats and U.S. policy in relation to Iran.

SH–216

2:15 p.m.

Veterans' Affairs

To hold hearings to examine the nominations of Cynthia R. Church, of Virginia, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs), and Robert N. McFarland, of Texas, to be an Assistant Secretary of Veterans Affairs (Information and Technology).

SR–418

OCTOBER 29

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 423, to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities, S. 1172, to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, proposed Head Start Improvement and School Readiness Act, proposed Human Services Reauthorization Act, proposed Pension Stability Act, proposed Health Care Safety Net Amendments Technical Corrections Act, and the nominations of Robert Lerner, of Maryland, to be Commissioner of Education Statistics, Leslie Silverman, of Virginia, to be a Member of the Equal Employment Opportunity Commission, and Stuart Ishimaru, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission.

SD–430

Indian Affairs

Business meeting to consider pending calendar business; to be immediately followed by a hearing on S. 1770, to establish a voluntary alternative claims resolution process to reach a settlement of pending class action litigation.

SR–485

Judiciary

To hold hearings to examine competitive and economic effects of the Bowl Championship series on and off the field.

SD–226

Health, Education, Labor, and Pensions

Substance Abuse and Mental Health Services Subcommittee

To hold hearings to examine the New Freedom Commission Report.

SD–430

2 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine intellectual diversity on America's college campuses.

SD–430

Judiciary

To hold hearings to examine the nomination of James B. Comey, of New York, to be Deputy Attorney General.

SD–226

2:30 p.m.

Foreign Relations

To hold hearings to examine challenges for U.S. policy toward Colombia.

SD–419

OCTOBER 30

10 a.m.

Health, Education, Labor, and Pensions

Aging Subcommittee

To hold hearings to examine financial abuse and exploitation.

SD–430

Banking, Housing, and Urban Affairs

To hold hearings to examine the Treasury Department's report to Congress on international economic and exchange rate policy.

SD–538

2:30 p.m.

Foreign Relations

European Affairs Subcommittee

To hold hearings to examine combating transnational crime and corruption in Europe.

SD–419

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 1097, to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program.

SD–366

3 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine Senator Frist's Report on Africa.

SH–902

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE—*Thursday, October 23, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, who is the strength of our lives, we call to You each day because You are sovereign. You have brought us safely through dangers, toils, and snares. Lord, rescue us from anything that would keep us from glorifying Your name.

Bless our Senators today that they will not grow weary in their challenging responsibilities. Give them civility and humility that a spirit of unity may characterize their work. Deliver each of us from evil passions so that Your image might be restored in our world. Sustain our military in its daunting tasks. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the majority leader.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will conduct an hour of morning business with the first 30 minutes under the control of the Democratic leader and the second 30 minutes under the control of Senator HUTCHISON or her designee. Following morning business, the Senate will then begin consideration of H.R. 2989, the Transportation, Treasury, and general government appropriations bill. I have had some discussions with the Democratic leadership regarding some of the possible amendments. I will be talking to Senator SHELBY, who will be managing that bill, regarding his expectations. We do anticipate amendments over the course of today's session. Rollcall votes will occur. We are willing to remain in session into the evening, if necessary, to complete the bill today or tonight.

The Transportation appropriations bill is one of the six remaining appropriations bills the Senate must consider before we adjourn this year. It will continue to take a great deal of cooperation on both sides of the aisle to complete action on these bills in a timely fashion. I hope we can work together. I am confident we will be able to work together in this fashion so that we can complete these bills in an expedited way.

On another matter, last week, by a large bipartisan vote, the Environment and Public Works Committee reported the nomination of Mike Leavitt to Administrator of the EPA. Chairman INHOFE came to the floor yesterday to try to reach an agreement to debate the nomination and then proceed to a vote. There was an objection from my Democratic colleagues. I have read that several Democratic Senators have placed a hold on the nomination, and I therefore want to put the Senate on notice: This nomination is for the Cabinet of the President of the United States. I believe it is irresponsible to allow a vacancy to continue in that position. That position clearly speaks to very important concerns that are before the American people.

Thus, we will move forward on this nomination. If it is necessary, I will file cloture to allow the Senate to work its will on this nominee. If Senators want to vote against the nomination, we will give them that opportunity. They will have that opportunity. Therefore, if we are unable to consider this nomination under some sort of reasonable time limitation, I will move to proceed to its consideration and file the necessary motion.

I thank my colleagues and I hope all Members will reconsider the objections they have put forward.

Each morning, I comment on a range of bills that we will address before we adjourn. We made real headway with the anti-spam legislation yesterday, coming back to appropriations shortly this morning. We still have fair credit reporting on which we are making progress, but we need to get that to the floor. I think we will be able to do that under a short time agreement. We have the issue surrounding the CARE Act which I mentioned when we closed last night. We have the Internet moratorium which we need to address this week or next week. I am confident we will be able to do so.

There is another bill at the desk I hope we can work on over the course of today or tomorrow, the Syria Accountability Act. Another issue we have been working on in a bipartisan way and I want to address before we adjourn is the issue of gun liability.

One final comment has to do with an entirely different issue, and that is the progress being made in Sudan. Secretary Powell has made statements, after a recent visit there, that real progress is being made in terms of peace in a country that has been in a civil war for the last 20 years. Over 2 million people have died in Sudan, and over 5 million people have been displaced from their homes as a product of this civil war.

I go to southern Sudan each year as part of medical mission works. I was just there about 5 or 6 weeks ago. I want to share my optimistic view, based on that recent visit working in hospitals and with patients and with civilians in southern Sudan, that this peace act is making real progress. I think the United States has played a major role in facilitating the process.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I appreciate the update of the majority leader this morning. I commend him for coming back to the appropriations bills. No one cares more about that than the President pro tempore. There is a lot of interest on both sides of the aisle in working diligently to try to finish the appropriations bills this week and next week.

I am a little concerned about the longer list of other items the majority leader mentioned, even though I recognize many of us share his desire to bring up these bills at some point soon. I hope we can reach agreement on the Fair Credit Reporting Act in the next day or so, so we can accommodate its consideration. The Internet tax bill is something I think we ought to be able to work through as well.

He didn't mention but there is still a possibility that we could reach some agreement on asbestos or on class action as we work over the next couple of weeks. I have indicated, in the most heartfelt way, that we would like to negotiate and work with him to find ways to address those issues. He didn't mention them, but I know they are priorities of his as well.

We have a lot of work to do in a very short period of time. But I think it is important, first and foremost, to try to finish these appropriations bills in a way that will allow us to conference each bill and then work to try to resolve our differences with the House.

I still have, unfortunately, grave reservations about the way we have conducted our conferences. I read more

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about what happens in conference as the Democratic leader than I get from even my Democratic Members who are supposed to be conferees. We can't conduct business that way. I am concerned about that. It will affect, of course, our ability to go to conference on future bills, even if we are able to pass them here.

We are off to a good start today on appropriations. I hope we can deal with Transportation, the District of Columbia, other bills that deserve our consideration.

I think we will receive a fairly expeditious review and debate so we can move these bills on. I thank the majority leader for his update. I look forward to working with him throughout the day.

Mr. FRIST. Mr. President, I am a little hesitant to add to my list of things to do after what we just heard. But as my colleague, Senator DASCHLE, mentioned, on the class action legislation I think we made headway yesterday. With that vote yesterday, a lot of people have come forward and said this is something we can do. Asbestos is something we are working on diligently as well.

I wish to add one other thing, and that is Healthy Forests. We are very close on that as well. It is an important issue to the American people. I think that, too, is one we can complete before we adjourn.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 60 minutes, with the first 30 minutes under the control of the minority leader or his designee and the second 30 minutes under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee.

Who yields time?

Mr. REID. Mr. President, I yield 10 minutes to the Senator from Nebraska, and I ask unanimous consent that both sides have their full 30 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nebraska is recognized for 10 minutes.

RETIREE HEALTH BENEFITS

Mr. NELSON of Nebraska. Mr. President, I am speaking today on what I think is an extremely important issue that is getting a considerable amount of attention today, and that is the prescription drug benefit as part of the Medicare Program, which is also being considered in conference at this very moment.

As the minority leader has said, very often it is possible to read more about what is going on in the conference on Medicare than it is to find out this kind of information here. I might point out, as a matter of personal interest, one of the major reasons Nebraska has a unicameral legislature is that they wanted to do away with the conference committee system. At times, that certainly appeals to me back here.

I come to the floor today to discuss this critically important issue that is now being considered in the prescription drug bill, and that is retaining retiree health benefits. If this problem is not addressed—and from some of the information I am receiving through various sources, it may be under consideration at this moment—but if it is not addressed and solved, my colleagues and I will be forced to choose between the impossible—the haves and the have-nots—those who have coverage as retirees, with benefits being provided by a former employer, and want to keep it, and those who don't have the coverage and need it.

It will be a war between seniors. It is an impossible decision that should not have to be made. Our first priority should be first to do no harm. Usually, we are faced with decisions between children and seniors, between this group and that group—a group typically seeking additional help. It is always a double-edged sword, but it is an impossible decision that this Senate and this Congress should not and must not make.

I know this issue is also important to the conferees. They have been grappling with trying to make sure that those who have coverage keep it while those who need coverage get it. News reports today suggest they are close to reaching some sort of deal on how to entice employers to continue to provide retiree benefits. I commend them for their work in trying to get that done and addressing that issue. I hope they are successful in being able to accomplish it.

Employer-sponsored retiree health benefits are the single greatest source of coverage for retirees, providing drug coverage for one in three Medicare beneficiaries. Retiree coverage is declining, though, and it is declining dramatically. Just 34 percent of all large firms—200 or more workers—offered retiree benefits in 2002. That is down from 68 percent of all large firms in 1988. In a little more than 10 years, the number has been cut in half. But there are still those who presently receive the benefits, and we cannot ignore the fact that they do have those benefits.

Drug costs continue to constitute 40 to 60 percent of employers' retiree health care costs, and steep price increases are prompting employers to eliminate drug benefits, cap their contributions, or drop retiree coverage altogether. The spiraling costs relating to prescription drugs continue to threaten the continued provision of those benefits.

Due to budget constraints, the Senate and House bills use the definition of out-of-pocket costs that would not allow employer contributions to count for meeting the catastrophic cap on beneficiary spending.

This means, in understandable terms, that retirees with employer-provided coverage will get less of a benefit than other seniors. In fact, under the Senate bill, retirees would need closer to $10,000 in drug costs before the stop-loss protection would apply, well after the $5,800 cap that applies to all other beneficiaries. And employers that choose to wrap around the Medicare benefit would be subject to a gap in coverage that doesn't end.

As a result, the Congressional Budget Office has estimated slightly more than one-third of retirees will lose their employer coverage, making more than 4 million Medicare beneficiaries worse off at a time when we are trying to make them better off.

Although Congress may claim this formula will save money for Medicare, any provision that encourages employers to drop their retiree benefits will only end up costing the Federal Government more and hurt millions of seniors in the process. Seniors who have retiree benefits have worked a lifetime and have made wage concessions over the years with the expectation that they would have retiree benefits in exchange. To change the rules of the game at this point and give them less than the other Medicare beneficiaries is, in a word, unfair.

Congress must now enact a drug benefit that recognizes employers that are doing the right thing, continuing to provide their retirees these very important benefits, because to do otherwise will further threaten retiree coverage and will drive millions more seniors to Medicare for the coverage they used to get from their employers. This is a choice that might be put before us, but this is not a choice we should make. We should not have to decide between Lee and George and Mary and John. These are not decisions that this Congress should be forced to make. There are solutions.

I am encouraged when I hear the conferees are looking at these solutions, but I encourage, in the most dramatic way possible, that they not only continue to work, but they find solutions that are workable, because without that the choice is an impossible one and I think threatens whether or not this body will pass a Medicare plan that provides prescription drugs for retirees.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

PRISONERS OF WAR PROTECTION

Mr. REID. Mr. President, a brave Nevadan by the name of LTC Jeffrey Tice was in the first Iraq war. He was flying an F–16 when it was hit by enemy fire. The plane went down. He was initially captured by Iraqi troops who were roaming the desert. He was, shortly thereafter, taken to the Iraqi authorities, which began 46 days of terror. He was held in captivity and tortured by the Iraqis for these 46 days.

During the time he was there, he endured brutalities that are difficult to describe. They intended to break his spirit and his body. For example, he was forced to play Russian roulette. You know that Russian roulette only is a valid game when the revolver has bullets in the chamber. And, of course, he was forced to play Russian roulette with a loaded weapon. With the same pistol, he was beaten about the head. Among other things, his jaw was dislocated, his eardrum was punctured, and on other occasions he was beaten on the head. His legs were beaten with a wooden plank until he could not walk. He had an electric wire tied around his head. The shocks received were so severe that his body curled up in a fetal position violently, with every muscle in his body contracting in pain.

These are only some of the things the Iraqi regime did to Colonel Tice. They did not break his spirit, but they did harm his body. Today, these many years later, he still suffers physical problems as a result of the torture. Not only does he have physical problems, he still suffers pain as a result of the torture.

In 1996, we passed the Foreign Sovereign Immunities Act, which allowed State Department-designated terrorist states, including Iraq, to be held liable for personal injuries suffered by torture victims, including American POWs. In November of 2002, President Bush signed the Terrorism Risk Insurance Act, which included a provision designed to ensure that Americans could collect court-ordered damages from the frozen assets of terrorist states. During this time, 17 gulf war POWs and their families sued the Republic of Iraq. Saddam Hussein was also sued, as well as the Iraqi Intelligence Service.

They filed these actions to seek justice for themselves—like Colonel Tice, those people who were brutalized—and to prevent future torture of others. In July, Judge Richard Roberts of the Federal district court ruled against Iraq, Saddam Hussein, and the Iraqi Intelligence Service, and found them liable for the torture of these POWs. In his opinion, Judge Roberts said, among other things, the importance of his decision was to deter the future torture of American POWs.

His judgment was correct. It was appropriate. But the State Department and Justice Department have refused to honor it. Earlier this year, the President confiscated the $1.7 billion in Iraqi assets that have been held in private banks since 1990. The money was sent back to Baghdad for use in the reconstruction, a move which effectively blocked the efforts of tortured POWs to collect judgments in their favor. The administration has continued to spend this money knowing full well this judgment is pending.

At the same time, the Department of Justice asked Judge Roberts to allow it to intervene in the case, stating its intention to have the judgment erased. Judge Roberts, in his wisdom, declined to allow this.

These brave POWs made great sacrifices to protect the freedoms we have, the ability we have to salute the flag and to do things we take for granted. They now need our help.

I am pleased to report the Senate took action last week to uphold the rights of the POWs and all Americans to be free from torture, hostage-taking, and acts of terrorism committed by foreign dictators and tyrants. My amendment, which was accepted as part of the supplemental Iraqi budget request, makes perfectly clear the longstanding intent of Congress that those who torture and abuse U.S. citizens can and should be held accountable.

Saddam Hussein was a tyrant who committed despicable acts. He committed atrocities against his own people and against Americans. In fact, as we speak, many believe he is behind the continuing attacks that are taking place in Iraq today.

Now, in a real irony—or, perhaps better stated, an unreal irony—our Justice Department is trying to shield Saddam and his former regime from the accountability American law demands. My amendment, which was accepted, would have protected the rights of private citizens, including three brave Nevadans who were captured, taken hostage, and used as human shields by Saddam Hussein during his first gulf war. All of these brave heroes who were tortured at the hands of Saddam Hussein are merely seeking to hold Iraq accountable for its crimes and deter the torture of any American citizen by a terrorist state in the future.

The civilized world cannot let such crimes go unpunished. The perpetrators must be held to account. I hope the conferees and the President will accept this amendment in the conference and not let the current system go forward.

Justice must prevail, and if these people are not allowed to go forward with the judgment they have obtained and the protection they demand, it would not be a good day for American justice.

The PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. I ask unanimous consent to speak out of order for 10 minutes. I know it is the minority's time.

Mr. REID. We have no one in the Chamber so that would work out fine. Certainly the request by the Senator from Kansas is one that is fair, and I ask unanimous consent that the Chair approve his request.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kansas is recognized.

PETE DORN'S RETIREMENT FROM SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBERTS. Mr. President, it is a personal privilege for me to rise today to recognize the contributions and many accomplishments of Mr. Peter Dorn, a valued and long time professional staff member of the Senate Select Committee on Intelligence. Pete will be leaving our staff this month after 33 years of dedicated service to our Nation.

Pete Dorn is the epitome of the professional staffer and he has served the Senate and the Intelligence Committee in an outstanding exemplary manner since he joined the committee's staff in 1991. From advising, if not educating Members, as their professional liaison to drafting legislation or conducting special investigations and projects to implementing and improving the intelligence budget, he and his work will be sorely missed.

Pete Dorn's service to our country is quite a pedigree. In 1971, following his graduation from the State University of New York, Pete began serving his country as an officer in the U.S. Marine Corps. He spent 6 years in the infantry and special operations arena before transferring to Marine Corps Intelligence. It was a perfect military occupational and operational fit. For the rest of his Marine career, he honed his skills as an intelligence analyst and staff officer serving the Pacific Joint Intelligence Center, the Overseas Military Air Groups, the Commander of the Pacific Fleet, Headquarters, Marine Corps and the Pentagon's Defense Intelligence Program staff.

He could not have been better prepared to continue his service in intelligence work and he did so as he continued his career in the White House as a budget and legislative analyst at the Office of National Drug Control Policy. He then served as program and budget analyst at the Director of Central Intelligence's Crime and Counter-narcotics Center.

In 1991, Pete's budgeting, intelligence and military experience made him a prime candidate for a professional staff position on the Senate Select Committee on Intelligence. He has served us as a budget monitor and as a staff liaison to Senator RICHARD SHELBY and to myself and currently, Senator SAXBY CHAMBLISS. Pete also serves the committee as staff director for research and analysis.

As in the case of many staff members and for that matter, Senators and Members of Congress as well, the laundry list of positions and titles does not tell the real story. The real story regarding Pete Dorn is that he is truly a patriot, has made a real difference in intelligence work, budgeting and legislation and as a consequence helped make our country a safer Nation. After 9/11, it was Pete Dorn who helped me to realize that although the Intelligence Community possessed great collection assets, we had a long way to go in terms of our analytical capability. It is our analytical product that is then turned over to the decision makers that contained mixed and delayed reporting. It has been my goal as chairman to see that this is changed. In this regard Pete Dorn has been my adviser. Personally, he has made a difference in my life and how I look at public service. He believes the role of intelligence is absolutely crucial to our national security, and when he sees things that should be corrected or a miscarriage of justice or something awry in his family—i.e., the intelligence community—he will not stop until he does everything possible to set things right.

The case of our "captured and whereabouts unknown" gulf war Navy pilot, CAPT Scott Speicher, is a classic example. We will not rest until the fate of this pilot is known. The person who did not rest and who pressed for better intelligence and honest answers was Pete Dorn—not only for Scott Speicher and his family but for every warfighter who wears the uniform.

We now have legislation that changes the way we handle our prisoners of war and those missing in action. The credit for that legislation goes to Pete Dorn.

There are many other examples I could outline, some classified and some not. Simply said, Pete Dorn's perseverance and commitment to our country and fellowman has been remarkable. Thank you, Pete, for putting up with and educating me, from a new member of the Senate Intelligence Committee to my current position as chairman. Thank you for your friendship and advice.

Vice Chairman ROCKEFELLER and the members of the Intelligence Committee, both past and present, who have enjoyed and benefited from their association with Pete extend their personal thanks for his exceptional dedication, his loyalty, his integrity, and his distinguished service. We wish all the best to Pete and his wife Kathleen, and to the entire Dorn family.

So, thanks again, Pete. And, from one marine to another, well done, and Semper Fi.

I yield the remainder of my time, Madam President.

The PRESIDING OFFICER (Ms. MURKOWSKI). Who yields time?

Mr. COLEMAN. Madam President, how much time do we have?

The PRESIDING OFFICER. There remain 23 minutes 47 seconds.

The Senator from Minnesota.

JOBS

Mr. COLEMAN. Madam President, I wish to talk about jobs. I am a former mayor. As mayor, I learned a long time ago that the best welfare program is a job; the best housing program is a job; access to health care comes through a job. With jobs and with work, there is a sense of dignity and a sense of worth.

People would often ask me as a mayor, What are you doing for kids? My response would be, One of the best things I could do for kids was to make sure that mom and dad had a job. Jobs are fundamentally important.

The reality is that the American economy over the last few years has taken some very big hits. A lot of people have found themselves out of work. When you are out of work, the anxiety level rises, the sense of security in your family is challenged. It hurts, and it hurts a lot. Certainly the recession that began before President Bush was elected—the recession began just as he took office—had an impact on jobs. America took that terrible blow of terrorism on September 11, which shook the foundations of the economy. You can't have economic security without national security; People are in fear. There was a great loss to the economic activity, certainly in New York and Washington and throughout this country. The impact of 9/11 cannot be underestimated.

On top of that, we faced corporate America acting in a way that upset a lot of us, as it should have. Scandals within Enron and WorldCom undermined the trust, undermined the confidence that the average American had in our economic system, in the market. The stock market, by the way, I don't think is a valuer of the economy; it is an indicator of confidence in the economy or lack thereof.

The fact is, Americans were not very confident when they looked at the corporate greed and the excess and the manipulation and a few folks at the top making money and folks at the bottom being hurt. That is a bad thing.

In this Congress, before I got here, we acted on that. I praise the folks who stepped forward. But the reality was a great undermining of confidence in the economy and the economy suffered and Americans suffered.

Then this President stepped forward and said the way to change what has happened in the economy is to cut taxes. Goodness gracious, there were a lot of folks—my colleagues on the other side, they were just outraged: Cutting taxes, how can you do that? How can you cut taxes at a time of economic need? How can you cut taxes at a time the economy is suffering? It will just plunge us further into debt.

The President's commonsense perspective, and one that I share, is that the things we do should put money in the pockets of moms and dads. Then they spend that money. If they spend that money on a good or on a service, the person who is producing that good or providing that service has a job. So by cutting taxes, having moms and dads spend money, is better than the Government spending money. It is better than creating another program.

This President thought we had to do those things to incur business investment. The last tax cut we passed—Madam President, I was sitting in that chair when the budget was passed, when we first got in office this year. We passed it by a 50-to-50 vote, and the Vice President had to come and step forward. We passed that tax cut and in that we provided things such as bonus depreciation, providing incentives for business to make expenditures. When they make expenditures and capital expenditures, they are going to grow jobs.

There were many who said, How can you cut taxes at a time when we are in economic distress? The reality is, we do it because that is the way you grow jobs, and we are seeing that. We are seeing it in the data that is coming out. I will talk a little bit about that. But I want to step back and say the reason I am so passionate about this is not because it is part of a political party's platform, not because it is an ideological statement; it is because I have seen it work.

I was mayor of a capital city. I got elected in 1993. When I was elected, the city was economically dying. It was not doing well. One of the ways to value that is the value of taxable property. In downtown St. Paul, it was over $700 million. When I got elected to office in 1993, took office in 1994, the value of taxable property was $300 million. It had lost half the value of property. I realized we had to do those things to grow jobs, so what did we do?

We kept the lid on taxes. I made a commitment, saying we were not going to raise taxes in the city of St. Paul. You know, we didn't raise taxes in the 8 years I was in office—zero increase in the tax levee. We also cut three-quarters of the licenses to do business.

There were those who were saying, You are giving these benefits to business. Why are you doing that? I did it because I believed if you did those things that keep a lid on taxes, you would encourage investment. I believed if you kept a lid on those things that were increasing the cost of doing business, you would grow investment.

By the time I left office there were 18,000 more jobs in my city. The fact is, by cutting taxes, by stimulating those things that generate investment, you grow jobs.

There may be folks who argue about that, but it is like the economist I described. Economists, sometimes, are those folks who see something working in reality and they tell you why it can't work in theory.

Cutting taxes works in reality. You cut taxes, it works. My colleague, the Senator from Idaho, quietly mouths: "You know, it works in theory, too." And it does. I have seen it work in reality. This is not about theory or ideology for me. This is not imagining what could be or should be or might be. This is about what is.

The reality is we are seeing it today. We are seeing us coming out of that long slide—not fast enough for me; We have to grow jobs at a faster rate. But we see us coming out of the slide. We see it in the data coming out. Consumption in the third quarter topped 12 percent at an annual rate, translating to 6 percent growth in gross domestic product in the last quarter. You have to contrast that with the first quarter of 2003. The growth was 1.4 percent. Tax cuts are making a difference. Tax cuts are taking hold. Jobs are growing. Jobless claims continue to fall to their lowest level since last February. Production in our plants and factories grew in the third quarter at a 3.5 percent annual rate. Contrast that to the negative growth in industrial production in the second quarter at 3.2 percent.

Homebuilders started building over 1.9 million new homes on an annual basis, according to the last report. Inflation is well under control at an annual rate of 2.3 percent. I believe that is about a 37-year low.

Finally, we are getting consumer confidence. That is what it is about. No one jumps a sinking ship. No one invests in something they think will fail. On the other hand, if they have a sense there is hope and optimism, people invest. It is about hope and optimism.

That is what tax cuts have done. They have generated a sense of hope and a sense of optimism. More importantly, they have put money in people's pockets. They have encouraged investment. Sixty-four percent of Americans, according to most recent surveys, predict the economy will be stronger a year from now. That is up from 55 percent last February. Sixty-nine percent of Americans say the economy is stronger than it was 3 years ago.

We have a way to go in order to move this economy forward. But the way you change the economy is not doing it like a racetrack and racing around the bends in fast turns. You grow an economy in many ways. But you see the results. It is kind of like turning an ocean liner around in the middle of the ocean; you have to get it moving in the right direction.

The President's tax cuts have the economy moving in the right direction. The economy is moving in the right direction. Americans know that. Americans understand that. Let us stay that course. Let us continue to do that which generates investment, generates hope, and that grows jobs. It is the path we are on. It is the path the President set forth, which I support. It is the right path not just in theory but in reality.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, the Senator from Texas is controlling the time on the majority side and has asked that the time be extended 10 minutes, equally divided. We have no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. REID. Madam President, I simply say to my friend from Minnesota, before he gets too excited about the economy doing so well, that that explanation should be given to the 3 million people who have lost jobs during this administration. This is the first President since Herbert Hoover who has had a net job loss during his tenure in office. I hope there is a turnaround. But before we come here and start giving speeches about how great the economy is, we need to explain that the economy is losing jobs on a monthly basis. We are not losing as many as we did, that is true, but we are still losing jobs. People need to work.

This is the worst job creation record of any modern President. It is the weakest economic growth under any President in 50 years. If there is a recovery, it is certainly jobless. Poverty is increasing. Real income is falling. We have a record deficit. No one seems to mention that.

There were cheers from the Department of Commerce this year that the deficit—when you add in the surplus of Social Security—is only about $500 billion. They were cheering about that. There is a record deficit. There is a record debt increase. We are going to have to increase it again before this next summer is out. It is the worst fiscal reversal in history.

Keep in mind that during the last years of the Clinton administration, we were actually spending less Government money than we were taking in. There has been about a $3 trillion loss in market value in the stock market.

I think the time is a little premature to start coming here and giving cheerleading speeches about the greatness of the economy.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, there is an additional 5 minutes on our side. How much time remains on our side with the additional 5 minutes?

The PRESIDING OFFICER. Nineteen minutes, nine seconds.

Mrs. HUTCHISON. Thank you, Madam President.

I would like to allocate up to 5 minutes to Senator CRAIG, up to 10 minutes to Senator COCHRAN, and the remaining time to Senator SANTORUM.

Mr. WYDEN. Madam President, parliamentary inquiry: How much time remains on this side of the aisle?

The PRESIDING OFFICER. Nineteen minutes, sixteen seconds.

Mr. WYDEN. Thank you, Madam President.

JOBS

Mrs. HUTCHISON. Madam President, I think it is very important that all of us look for ways to create jobs. We are very concerned about jobs not keeping up with the recovery. That is why we are trying to pass an energy bill. It is why we are trying to make sure we keep the tax cuts so that people will spend the money they have. That is why we have seen an increase in the value of the stock market. It is very important that we continue to focus on jobs. And I assure you, the President and the Congress are going to do that.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Washington.

HEALTHY FORESTS

Mr. WYDEN. Thank you, Madam President. I think we will have a discussion about forestry. I see my colleagues from Idaho and Mississippi.

I will take just a few minutes because I think in recent days there has really been the suggestion that in some ways Senate Democrats don't want to move ahead on this forestry issue. Senator DASCHLE, in particular, in my view, has been very constructive on this issue and wants to have the Senate vote on this legislation.

I wish to make it clear that I think it is urgent we vote on this bill before the Senate adjourns for this year. I happen to believe there are 60 votes for the Senate compromise that has been worked out. I think it is important to address the concerns of all the Members.

I really hope this isn't left to just the political season, which gets awfully silly sometimes in the course of a Presidential election season next year. I think the Senate must vote on it this year. Senators know that this issue sort of makes Middle East politics look noncontroversial. This is a very difficult and contentious subject. But I think the Senate has come together around an important compromise.

I wish to take a few minutes this morning to outline how the Senate bill would differ from what has been done in the House of Representatives.

First, the Senate compromise authorizes $760 million for hazardous fuel reduction projects. The House bill does not authorize any additional money for these projects.

The Senate compromise—I want to emphasize this to my Democratic colleagues—does not rely on commercial logging to get these projects done. The House bill does. I think this is unfortunate.

The Senate compromise protects our rural communities. The House bill does not.

The Senate compromise directs that 50 percent of the funding be spent inside what is known as the wildland-urban interface. The House bill is silent with respect to directing these funds.

The Senate compromise protects old growth and large trees and requires projects that thin—not clear-cut—our forests. Again, that is in contrast to the House bill. The House bill does not protect old growth and large trees, and it doesn't limit how the projects can be executed.

Fourth, the Senate compromise keeps the current standard of judicial review of these projects and rejects the House of Representatives standard which is not as balanced. The House bill would actually change the outcome of lawsuits, in my view, regrettably, by robbing the judiciary of an independent ability to weigh all of the evidence put before them with respect to forestry matters.

Finally, the Senate compromise keeps the public in the process. Regrettably, the House bill does not. The Senate compromise allows the public to actually propose what is known as a NEPA alternative.

The National Environmental Policy Act is an extraordinarily important statute. It has been of great importance to a lot of Members of the Senate. Look back to people such as the late Scoop Jackson who were so involved in this issue. The Senate compromise clearly allows the public, through a public process, to propose NEPA alternatives. In my view, the House bill pushes the public out of the process by, in effect, predetermining these alternatives in the NEPA area.

Talking for a few minutes about the compromise, in particular the value of having the first ever statutory protection of old growth, preserving the public's right to participate, while streamlining the appeals process to get at some of the abuses we have seen, strikes the right balance. With respect, for example, to this question of making sure citizens can be involved in appealing matters relating to a forest resale, it is critical those rights be protected.

I also do not think there ought to be a constitutional right to a 5-year delay on every timber sale. The Senate compromise which we put together strikes that appropriate balance.

As we get ready to vote, some very creative work has been done. Folks have asked, How do we know the old-growth protection is actually going to get put in place? We say, for example, for the old-forest plans that in effect the Forest Service would have to go back and revise those plans to make sure the old growth is protected before the overall projects with respect to thinning go forward. We create for the first time in these old-forest plans an actual incentive for the Forest Service to get busy, get going, and protect the old growth while allowing the thinning to go forward. The compromise makes it less likely that old growth will be harvested under current law because under the compromise we mandated the retention of the large trees and focused the hazardous fuels reduction programs authorized by the bill on thinning the small trees.

Several of my colleagues want to talk on this, but I make it clear, again, Senator DASCHLE has said publicly, privately, in every conceivable forum, he wants this legislation to move forward expeditiously. Let us address the concerns of all Senators. This is a matter Senators feel strongly about. Let us vote on this legislation this year. The fires we have seen in the west are not natural. They are infernos coming about as a result of years and years of neglect. The compromise we have crafted reflects a balanced approach. We are not stripping the American people of their rights to be heard with respect to forestry policy. Quite the contrary. We protect all of those avenues of public participation.

I know we are going to hear from our colleagues who have been involved in the compromise. I thank Senator CRAIG and Senator COCHRAN, in particular, for working with myself and Senator FEINSTEIN for many months. A number of Senators have already come out for this proposal, including, of course, the minority leader, Senator DASCHLE, but also Senator DAYTON and Senator JOHNSON. We have a host of Democratic Senators. We can get 60 votes on this legislation and see it passed from this body. We want to have it done this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 5 minutes.

Mr. CRAIG. I thank the Senator from Oregon for his explanation and his evaluation of the Healthy Forest Restoration Act, H.R. 1904, that we want to get before the Senate. He is so right in all of his comments. We have worked together in a very bipartisan way.

I come to the floor today as a frustrated Senator over the current situation. I chair the forestry subcommittee of Energy. My colleague from Oregon is the ranking member. Yet the ranking member of the full Energy Committee came to the floor and objected to proceeding on this legislation. I am frustrated as to why the Senator from New Mexico, Mr. BINGAMAN, would object now that we have crafted this bipartisan balance. I am perplexed, when you evaluate the record of full bipartisan participation, why we will not allow this to go forward under the normal course.

On June 26, the Agriculture Committee held a full hearing on H.R. 1904. Many of our colleagues attended. I am not a member of the Agriculture Committee, but I attended that hearing. Those Members critically in need of this legislation for our states and our forests attended that hearing. Then the Energy Committee the Senator from New Mexico is on, on July 22, held hearings on this issue and on the impact of fires, insects, and disease on our forests. The committee also considered S. 1314, the Collaborative Forest Health Act. Senator BINGAMAN's bill, H.R. 1904, the Healthy Forest Restoration Act, was also considered at that time. There has been full consideration in both the Agriculture Committee and the Energy and Natural Resources Committee of this legislation.

Two Senators who have engaged in the hearings full time, Senator WYDEN of Oregon and Senator FEINSTEIN of California, worked in a very bipartisan way with the chairman of the full Agriculture Committee, Senator COCHRAN, who I understand will speak in a few moments.

Why, therefore, is there an objection? More importantly, why are we now calling for hearings on an amendment? I don't know that has ever been done once a bill is marked up and left the full committee. Are we going to revert backward now, and every time an amendment is offered, some Senator is going to stand up and say: you cannot go further; you have to have a hearing on that amendment?

The Senator from New Mexico and others know exactly what is in this legislation. We have worked extremely hard to bring all parties into it. The staff of the Senator from New Mexico was involved in some of the negotiations and then decided not to attend the rest of them as they went forward. It has not been a private process. It has been most open and most public with the Senators from the Republican side and the Senators from the Democrat side and their staffs working collaboratively and cooperatively together to get where we are today. We heard a very clear explanation from the Senator from Oregon of the kind of process we went through and the product we have produced.

Is this now the handbook of the environmental community playing its card? I hope not. I hope that is not the process in the end. It is almost like the forest vernacular of the appeals process. You stay involved just long enough and just before the decision comes about, you ask for an appeal. No more appeals. The process has worked its will. All parties have been involved. All amendments have been worked. Now it is time to come to the Senate and debate it and if the Senator from New Mexico has amendments, offer them up. Let's debate them. Let's talk about them.

What is so critically important for the health of America's forests is that we move forward with a process that begins to allow an active management approach we think this legislation has very skillfully crafted. We still have to work out our differences between the House and the Senate. I am supportive of the Senate bill. I will work in a conference, if I am a part of that conference, to try to get the Senate's bill to work its will and to become part of our forest management law. That is what is critical. That is what is important.

Clearly, it is time we move forward. It is now not time to stall. There would be all kinds of reasons to argue if these bills had never had hearings, if these bills had never been allowed to be amended in committee, if these bills had never been allowed to do a full markup, but all of that has happened. Why are we in the fifth inning in an appeals approach suggesting we hold more hearings on an amendment that can be effectively debated on the floor of the Senate? It is a critical issue for my State and for the public forests of this country.

I hope in a bipartisan way we can bring this legislation to the floor, have a thorough debate and an amendment process, and move it on.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I believe we need to do something for healthy forests. I know how hard the Senator from Oregon has worked on this, along with others. I applaud and commend them for working.

Nevada, of course, is a State very large in area and we have had some devastating fires in the last several years. Something needs to be done about it.

In response to my friend from Idaho, who I have the greatest respect for, he did not mention by name the Senator from New Mexico, but he is talking about Senator BINGAMAN, speaking in not a favorable light about my friend, the junior Senator from New Mexico. I have served with JEFF BINGAMAN. We were elected to Congress the same year. He is a man of intellect. He is Harvard educated, and he has a fine legal mind. Certainly he is not anyone, by virtue of his record, which would be easily obtainable, to go whatever way the environmental community wants him to go.

I can speak from experience. I have issues where I believe the Senator from New Mexico should have followed what I felt was the right way, and the environmental community supported it, and he did not go that way.

All I am saying is Senator BINGAMAN is one of the finest Senators we have in this body. He has some problems with this legislation, some of which are based upon the fact he is the ranking member and former chairman of the committee which some believe should be the authorizing committee and not the Agriculture Committee. I do not take a position on that because I do not know which committee should be involved. But as the ranking member of that committee, Senator BINGAMAN has some concerns and there are some questions he has asked. I do not think that is out of line in any way.

So without belaboring the point—and I certainly know Senator BINGAMAN can defend himself, but he is not here—I want to simply say he is one of the fairest people, one of the people who understands Senate procedure and rules as much as anyone I know, who is also interested in doing something about the forest fires sweeping the west.

New Mexico has had them. We know one fire which got so much attention was a manmade fire when a Forest Service burn got out of control and nearly wiped out one of the defense installations there in Los Alamos.

I would hope everyone understands Senator BINGAMAN is trying to come forward with what he believes are some serious questions about the way this legislation has moved. If his questions are answered, there will be a number of us who will look to him for leadership on this bill.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I understand under the order a certain amount of time is allocated to me.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

UNANIMOUS CONSENT REQUEST—H.R. 1904

Mr. COCHRAN. Madam President, at the request of the majority leader, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the minority leader, the Senate proceed to the immediate consideration of H.R. 1904, the Healthy Forests Restoration Act, under the following limitations: That any amendments offered must be relevant to the underlying measure, and that any second-degree amendment be relevant to the first-degree amendment to which it is offered. I further ask unanimous consent that following the disposition of any amendments, the bill be read a third time and the Senate proceed to a vote on passage, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Madam President, reserving the right to object, I would ask that the distinguished Senator from Mississippi modify his request and just simply allow the bill to come to the floor at a time to be agreed upon by the majority leader after consultation with the Democratic leader, that the bill just come to the floor, period, with no restrictions on it.

The PRESIDING OFFICER. Does the Senator accept that modification?

Mr. COCHRAN. Madam President, I am not able to accept it on behalf of the majority leader. I made this request at the majority leader's request. This was written by the majority leader, so I am unable to make that modification.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COCHRAN. Madam President, the Healthy Forests Restoration Act, which is a bill that has been reported by the Agriculture Committee, is a comprehensive strategy to improve forest health on both public and private lands. The bill empowers Federal land managers to implement, in consultation with local communities, scientifically supported management practices on Federal forests. It establishes new conservation programs to improve water quality and regenerate privately owned forests.

This bill will reduce the amount of time and expense required to conduct hazardous fuel projects, but it also mandates rigorous environmental analysis before any such projects are undertaken.

Over the past few years, many lives have been lost and homes and communities destroyed by forest fires that could have been prevented. Instead of managing our national forests, the U.S. Forest Service has been forced to spend inordinate amounts of time and effort fighting lawsuits. This has caused months and sometimes years of delays in fuel reduction projects. Our forests have continued to suffer, and they have continued to burn.

I will offer an amendment to title I of the bill, if and when it is presented to the Senate, which contains several modifications to the committee bill. This amendment embodies recommendations made by a bipartisan group of Senators who are committed to getting this legislation passed and signed by the President.

The amendment establishes a predecisional administrative review process. It allows an additional analysis under the National Environmental Policy Act. It directs the Secretary of Agriculture to give priority to communities and watersheds in hazardous fuel reduction projects. It contains new language protecting old-growth stands. It encourages the courts to expedite the judicial review process.

The committee bill authorizes grant programs to encourage utilization of certain forest waste material. It provides financial and technical assistance to private forest land owners to encourage better management techniques to protect water quality.

It also authorizes funding for the U.S. Forest Service, land grant institutions, and 1890 institutions to plan, promote, and conduct the gathering of information about insects that have caused severe damage to forest ecosystems. Also included in the bill is the Healthy Forest Reserve Program, which is a private forest land conservation initiative to support the restoration of declining forest ecosystem types that are critical to the recovery of threatened, endangered, and other sensitive species.

Two titles were added to the House-passed bill by our committee. One would establish a public land corps to provide opportunities to young people for employment and, at the same time, provide a cost-effective and efficient means to implement rehabilitation and enhancement projects in local communities. The other title will promote investment in forest-resource-dependent communities.

In essence, this legislation will provide new legal authority to help us manage the Nation's forests in a safer and more effective manner.

I urge the Senate to support this bill.

Madam President, I yield the remainder of the time allocated to me under the order to the distinguished Senator from Pennsylvania, Mr. SANTORUM.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, parliamentary inquiry: I believe the minority has 9 minutes left. I would like to respond to the remarks of the distinguished chairman of the Agriculture Committee.

I ask the Senator from Pennsylvania, would that be acceptable?

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, parliamentary inquiry: How much time is left on both sides?

The PRESIDING OFFICER. There are 7 minutes remaining on the Republican side; 9 minutes remaining on the Democrat side.

Mr. SANTORUM. Fine. If there is time remaining, I am happy to let the Senator stay on this subject.

Mr. WYDEN. I thank my friend from Pennsylvania and, Madam President, ask to be recognized.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Thank you, Madam President.

First, I express my appreciation to the distinguished chairman of the committee. I think he knows I agree with so much of what he just previously said.

I want to emphasize, on this side of the aisle we believe there are 60 votes to move forward on this legislation. We want to work constructively to get this done. The minority leader, Senator DASCHLE, has emphasized again and again how important it is to move forward with this legislation. We do want to address the concerns of the Members. We know a lot of Senators feel strongly about this issue. But it is absolutely imperative—absolutely imperative—Madam President and colleagues, that this bill get out of the Senate this year. That is my goal. I am going to put every ounce of my energy and strength into it.

The reason I think the Senate ought to move forward with this legislation is the bipartisan compromise that has been discussed by the chairman of the committee steers, in my view, a narrow path through 20 million acres of highly vulnerable forest land that lies close to highly vulnerable communities and their drinking water sources.

I have already outlined this morning the five or six major ways in which this compromise differs from what has been considered in the House of Representatives.

For example, under this legislation that has been crafted in a bipartisan way by a group of nine Senators, we have authorized an increase of 80 percent in funding for thinning projects. There has been tremendous concern all across the country that without adequate funding for thinning projects, the only people who would have the resources to do the work would be the large commercial logging companies. In our discussions among Senators, we said: There is a better way to proceed.

That is why we came up with a funding proposal that sends a responsible message all across the country that this is not some sort of giveaway to big timber companies; this is something that represents responsible forestry. On provision after provision with respect to this compromise, we see those kinds of efforts to ensure that we strike a responsible balance.

We have to make sure we protect our rural communities. The House legislation doesn't do that. The Senate compromise directs 50 percent of the funding to be spent inside the wildland and urban interface; the House bill is silent with respect to those funds. Again, we see an effort on the part of Senator COCHRAN, chairman of the committee, and the nine Senators who worked together on this legislation, to strike a reasonable compromise.

The old-growth provisions are the first statutory protection ever for these trees that the American people feel so strongly about. There is a concrete incentive to get the old-growth protection in place. Under something for which I commend the chairman that is genuinely creative, we stipulate that the old forest plans actually have to be revised to protect the old growth in order for the thinning work to be done. So we have something which strikes a genuine balance, and it is done in a creative way.

I said earlier that forestry issues are about as contentious as Middle Eastern politics. It is very difficult to find the common ground. We have done that in this area. This compromise ensures that the public will be involved in every single aspect of the debate with respect to forestry. That is something on which Senator FEINSTEIN and I insisted. We have worked on this legislation for many months with Senator DOMENICI, chairman of the Energy and Natural Resources Committee. I hope we will move quickly and do it in a fashion that addresses the concerns of all Senators.

There have been a number who have come to Chairman COCHRAN and me with ideas and suggestions. We want to hear from them. But we want this bill passed this year by the Senate. Senator DASCHLE has communicated that again and again and has been extremely constructive. Nobody is interested in an obstructionist kind of approach. This has to get done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

JUDICIARY OBSTRUCTIONISM

Mr. SANTORUM. Madam President, I have taken the floor to talk about obstructionism of the other side of the aisle with respect to judges. That has been a main point of contention on my part, that it is something that is doing damage to our judiciary and to the Senate.

Today I want to talk about another aspect of that obstructionism. That is the tone and substance of the debate occurring on judges that are being put up, particularly for the circuit court.

Yesterday we experienced something in the Judiciary Committee that I find beneath the dignity of the Senate and raises serious concerns about how we are going to attract good people to put their names before the Senate for confirmation to judicial office. I have behind me a copy from a Web site that displayed this cartoon that was the topic of discussion at yesterday's Judiciary Committee hearing on the supreme court justice of California, Janice Rogers Brown.

She had a hearing yesterday before the committee and was greeted with this cartoon that was displayed on a Web site. The Web site of blackcommentator.com. The cartoon has President Bush and Justice Rogers Brown walking into a room and the President is saying:

> Welcome to the Federal bench, Ms. Clarence—I mean Ms. Rogers Brown, you'll fit right in.

And then in the background are Justice Thomas, Colin Powell, and Condoleeza Rice. The bottom says:

> News item: Bush nominates Clarence-like conservative to the bench.

On the Web site, it says:

> This cartoon can be found in the following commentary: A female Clarence Thomas for the DC Federal Court? A statement by People for the American Way and the NAACP.

I don't know from this Web site and I don't know from any other commentary I have seen what the relationship between this cartoon is and the People for the American Way and the NAACP, but I think it behooves both of those organizations to clarify their position on this cartoon which can be found in the following commentary by these two organizations.

The stereotyping that goes on in this cartoon and the blatant racism that is displayed is overwhelming. To look at the depiction of Justice Brown, the picture speaks for itself.

Let me show you a picture of what Justice Brown looks like. I would suggest the cartoon does not at all comport with what Justice Brown looks like. It is a purely slanderous depiction, stereotyping at its worst. That is the tone and substance of the debate we have now degraded ourselves into as a result of the obstructionism that is occurring for extreme political purposes in the Senate.

Justice Brown was asked about this at her hearing yesterday. I quote what she said:

> The first thing that happened was I talked to my judicial assistant yesterday. Her voice sounded very strange, and I said to her, "What's wrong? What's happening?"
>
> And I realized she sounded strange, because she was choking back tears. When I asked her what was wrong, she really started to cry. She's a very composed, very calm woman. And she started to cry.
>
> And she said, "Oh judge, these horrible things—you haven't seen what they've done."
>
> I, of course, was not there to comfort her. I've been here meeting with anybody who would meet with me.
>
> But while I've been having those meetings, people have said to me: "Well, you know, it's not personal, it's just politics, it's not personal."
>
> And I just want to say to you that it is personal, it's very personal—to the nominees, and to the people who care about them.

She speaks not only for herself but she speaks to the hatchet job being done on Attorney General Pryor, being done to Judge Pickering, that was done to Miguel Estrada, is in the process of being done to Carolyn Kuhl and God knows how many more nominees who are being slandered and dragged through the mud, people of stellar reputations, a supreme court justice in California, reelected with 76 percent of the vote, a stellar educational record, and she is being treated in such a demeaning and degrading fashion.

We had the attorney general of the State of Alabama who was questioned on his deeply held beliefs because he happens to be a conservative Catholic. Where are we going, folks? What are we turning this process into, that we will demean and degrade and tear down people for some extreme ideological agenda who have served this country, served their States, served their communities?

This is wrong. We should stop this.

If we don't stop it, it will go on and it will expand and grow like a cancer. That side is doing it now. If they keep it up, one day we may be doing it to them because, of course, we have to get them back for what they did to us. This is wrong. It has never been done before.

Stop this insanity of degrading people, of coarsening the debate, of creating a chilling effect on those who would like to be Federal judges. It is wrong and it must stop now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, my understanding is that on the Democratic side we have 4½ minutes remaining; is that right?

The PRESIDING OFFICER. That is right.

Mr. REID. Madam President, I say to my friend from Pennsylvania, I don't understand what he is talking about, "the degradation." That may be something I am not aware of relative to judicial nominees.

I don't know the exact count, but I do know that during this President's tenure of office we have approved 174 judges or thereabout. We have only had problems with three of them. It seems to me that is a pretty good record.

We have worked hard to approve the President's judges. They have not all been people we would have selected if we had a Democratic President. But we have a Republican President; we have recognized that he has the ability to choose those nominees he believes are appropriate. As a result of that, we have given him nearly carte blanche to send us judges. Three have not been approved.

So the record of 173 sounds like a pretty good record. I hope we will let the certainty of the process go forward. It seems to me it is a pretty good process that has worked for more than 200 years. President Bush is getting virtually every one of his nominees. I don't think it would be a good system if we simply said you can have whoever you want. We have a duty to advise and consent the President on his nominations.

I yield the time left under the Democrat control to the Senator from New Mexico, Mr. BINGAMAN.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

HEALTHY FORESTS

Mr. BINGAMAN. Madam President, in response to the comments the Senator from Idaho made earlier this morning on the Healthy Forests legislation, the history of that legislation is that the bill did get referred to the Agriculture Committee. I thought that was a mistake, since the Energy and Natural Resources Committee has always had primary jurisdiction over most of the issues dealt with in that bill. But a bill was reported out of that committee.

Following that, a group of Senators—the Senator from Idaho included—got together on a bipartisan basis to develop their own alternative, or their own proposal. That is what is intended to be brought to the Senate floor. My staff, the staff of the Democratic side of the Energy and Natural Resources Committee, was not included in those negotiations. I complained about that. They were told they could observe but not participate in a meaningful way. They did that to some extent.

I believe it is important that we have a full opportunity for amendment to this bill. I do not object to the bill coming up. I do not object to us proceeding with an agreement to limit what we do to the amendments related to that bill. I think that would be an appropriate way to proceed. It is an important issue. We ought to deal with it before Congress adjourns this fall.

I will have several amendments. I think there are problems with the bill as I understand it. I also have a great many questions I would like to have answers to about the meaning of some of the language in the bill. Those are legitimate issues. I believe we can have a full and fair debate and a full and fair opportunity for Senators to offer amendments.

I know the assistant Democratic leader, Senator REID, did suggest we proceed to bring the bill up. There would be no objection to that. Certainly, I think that would be an appropriate way to proceed. With that, I appreciate the chance to explain my own point of view and position.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, we yield back any time left on the minority side.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 2989, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2989) making appropriations for the Department of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, I send a substitute amendment to the desk at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 1899.

(The text of the amendment is printed in the RECORD under "Amendments Submitted.")

Mr. SHELBY. Madam President, I am pleased to present to the Senate the Transportation, Treasury, and general government appropriations bill for the fiscal year 2004.

The reorganization of the Appropriations Committee earlier this year substantially changed the jurisdiction of this subcommittee. While the jurisdiction of this subcommittee is not as wholly different as the new Appropriations Subcommittee on Homeland Security, the bill before the Senate is quite different from the bill the Senate has considered in the past.

For the first time, programs outside the Department of Transportation have to directly compete against certain Transportation programs. This bill is within the subcommittee's 302(b) allocation. Despite being $300 million below the President's request, I believe we have included adequate resources to meet our responsibilities in a balanced and responsible manner.

The goal of the subcommittee is to allocate scarce resources to the administration and our Members' highest priorities, to glean out savings where possible, and to apply those savings to programs that save lives, improve America's competitiveness, and programs that create jobs. I am pleased to report that the bill before the Senate does just that.

I wish to provide a brief overview of the highlights of the bill. The budget request proposes an 8-percent raise. I am proud to report that the bill rejects the proposal and has included a historically high $33.8 billion for highway infrastructure investment.

It will come as no surprise to anybody that my highest priority for the Transportation portion of this bill is to provide adequate investment in our highway system. Highway investment creates jobs through infrastructure development, fuels economic growth by reducing the transportation costs associated with American goods and services, and improves the quality of life of our citizens and enhances their ability to move around this country easily.

The bill before us also includes $20 million for AMBER Alert grants to expand and improve the Nation's ability to quickly recover missing children. We know the alert system has worked in Texas. This investment will provide additional infrastructure across the country to notify the public to immediately begin looking for missing children and suspects.

While many of Treasury's law enforcement functions were transferred to the Department of Homeland Security, Treasury continues its important responsibility for combating terrorist financing and other financial crimes both domestically and abroad. The bill includes funding to establish the Office of Terrorist and Financial Crimes.

We have also included additional resources to support Treasury's policy responsibilities pertaining to counterterrorist financing and financial crimes. I believe these are essential functions in our Nation's war against this fight on terrorism.

The bill includes an additional $20 million for the HIDA Program. Over the years, the HIDA Program has been effective in coordinating Federal, State, and local law enforcement to disrupt drug trafficking. We have also included language to, once again, make the National Youth Antidrug Media Campaign an effective investment for the Federal Government.

While a few of my colleagues may disagree with the direction the bill proposes to take in regard to the media campaign, there are many more who believe a more stringent approach is necessary. I believe this bill strikes the appropriate balance between responsible congressional oversight of the campaign and allowing it to move forward in an attempt to effect change among our Nation's youth. Further delay in the courthouse construction process would only hamper the effort to meet the growing caseload demands on the Federal judiciary.

The bill includes $500 million to fund the Help America Vote Act. This funding, in addition to the $830 million appropriated in fiscal year 2003, will allow more than $1.3 billion to be distributed to States in fiscal year 2004. I am pleased the administration has finally sent up its nominations for the commissioner of the Election Assistance Commission.

It is my understanding the Rules Committee plans to hold a hearing on these nominees next Tuesday. I believe it is important that the Senate expedite this process so the resources we appropriate can be distributed to the States in a reasonable manner.

The recommendation also includes funding to continue the student and parent mock elections. I know many of my colleagues are very interested in this important program and truly believe in the merits of this valuable hands-on civic lesson. That is precisely why we have included the money.

The bill retains the so-called pay parity provision for Federal employees and uniform personnel and sets the adjustment at 4.1 percent.

Finally, the bill includes $1.3 billion for Amtrak. I reiterate what I said during the committee consideration. I am deeply concerned about the offsets that have been included in this bill to pay for the additional $400 million above the budget request. We are barely keeping up with the demand for transit, highway, and airport infrastructure investment and maintenance. Amtrak, on the other hand, can hardly keep up passenger demand for its current routes. That is not just rhetoric. Amtrak provides roughly the same number of passenger trips as it did 20 years ago, while all other modes of transportation have more than tripled.

I hope we can move this legislation quickly through the Senate and into the conference with the House. I look forward to working with the Senator from Washington, the former chairman of the committee, and also the chairman and ranking member of the Committee on Appropriations, and with interested Members, to consider and pass this important legislation.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise in support of the Senate amendments to H.R. 2989, the Department of Transportation, Treasury and General Government Appropriations bill for fiscal year 2004. This is the first time that the Senate will debate an appropriations bill that combines these critically important Government functions.

As my colleagues know, at the beginning of this year, the Appropriations Committee combined the Transportation Subcommittee with the former Treasury, Postal and General Government Subcommittee. We were particularly fortunate to have Senator SHELBY as our chairman, especially since he is perhaps the only Senator who has chaired both the Transportation Subcommittee and Treasury Postal Subcommittee at different times.

Ever since the Senate adopted this year's final budget resolution, I have worried that the Appropriations Committee would not have sufficient resources to meet our needs and to make the investments we must make to improve our country. Today it is clear that my concerns were well-founded, not only with this appropriations bill, but with others the Senate has debated this year. However, despite the limited allocation that was granted to our subcommittee, I think this bill is well-balanced in meeting the needs of many of the competing Government functions that we are required to fund.

I would like to highlight a few elements of the bill, starting with funding for America's highways.

I am especially proud that this bill proposes a highway obligation ceiling of $33.84 billion. That is real progress. It is almost $4.6 billion more than the administration recommended, and it is $2.25 billion more than fiscal year 2003. Just in the area of highway funding, our subcommittee has over the past 3 years has funded the Federal-aid Highway Program at $13 billion more than the levels recommended by the Bush administration. I have always recognized the critical importance of highway funding, and that is why, when I chaired the subcommittee, the bill we reported out restored every penny of the $8.6 billion cut that was proposed in the Bush administration's budget for that year. This year, under Senator SHELBY's leadership, we are continuing our progress in addressing America's deteriorating highway infrastructure. Again this year, we propose a historically high level of highway funding of $33.84 billion. In addition, our bill increases funding for highway safety activities at the National Highway Traffic Safety Administration to try to reverse a disturbing increase in highway fatalities, especially deaths associated with drunk driving.

For the Federal Aviation Administration, the bill proposes appropriations and obligation ceilings of just under $14 billion. That is roughly a half a billion dollar increase over the level approved for fiscal year 2003. I also want to note that our half a billion dollar increase includes a $100 million increase in the airport grants program.

I want to take a moment to make some observations about Amtrak. The bill before us includes $1.346 billion for Amtrak. Let me put that number in context. It is $454 million below the level requested by Amtrak's board of directors and its president, David Gunn. It is $454 million below the level that the Amtrak board says it needed to make progress on the railroad's deferred capital needs while operating the entire national system. And it is $454 million below the level assumed in the Senate-passed budget resolution.

The Bush administration's budget for fiscal year 2004 singled out Amtrak for a 14 percent cut in funding down to the level of $900 million. Amtrak's president has made it quite clear in testimony before several committees that adoption of the administration's proposed level of $900 million will mean certain bankruptcy of the railroad. It will mean the end of service to the thousands of daily Amtrak riders and the ten of thousands of mass transit riders whose commuter rail systems depend on continued Amtrak service. The level of funding recommended by the Appropriations Committee of $1.346 billion will be barely enough to enable Amtrak to operate all of its services for fiscal year 2004. This fact has been confirmed in testimony by the Department of Transportation Inspector General before the Senate Commerce Committee. The increase above last year is directed to accommodate the nondiscretionary cost increases that will burden the railroad in fiscal year 2004, including cost increases associated with mandated pay raises for employees under contract: and, automatic increases in debt service payments associated with debt that the railroad has already taken on.

There is no question that the level of Amtrak funding in the bill is more than some Senators would like and less than other Senators would like. In my view, as the ranking member of this subcommittee, I do not believe that there are other areas in this bill where other Amtrak resources can be found. I believe the level of funding in this bill will allow the authorizing committees to continue to work on reform legislation and hopefully address the long-term financial needs of the railroad, including its sizable backlog of critical capital investments.

I would like to mention a few other funding highlights concerning the IRS and GSA. For the IRS, the bill before us includes $10.35 billion, including very sizable amounts to help the IRS move forward in modernizing its information technology infrastructure. For the General Services Administration, the bill includes appropriations as well funding limitations in excess of $6.4 billion. The subcommittee was able to make progress on the construction on a limited number of new courthouses. We followed the recommendations of the Judicial Conference, even though these courthouses were not funded in the President's budget and were largely unfunded in the House-passed bill.

So, in conclusion, I stand in strong support of this bill. While overall it does not have as many resources as I think are needed to address all of our transportation infrastructure, transportation safety, drug prevention, election reform, and other needs, I think it does an outstanding job addressing these competing needs in a balanced way, under the funded ceiling that was given to the subcommittee due to the budget resolution.

I want to thank Chairman SHELBY for the very cooperative and collegial approach that he always brings to this process. When it comes to allocating funds for Members' priority projects, whether it is for highways, mass transit or Federal building construction, Senator SHELBY and I work together to meet Senators' highest priority requests. The process was balanced and fair, without regard to political affiliation or geography, and I continue to be indebted to him for the fair-mindedness that he consistently brings to this process.

I urge my colleagues to pass this bill and help our country make important progress in transportation, safety and critical infrastructure.

Mrs. BOXER. Mr. President this bill includes many projects that are important for my State of California, and I wish to take a minute to highlight those projects.

For the Bay Area, $113.75 million in new funding is included for transportation improvements. The projects include $100 million for the BART extension to the San Francisco International Airport and $4 million for upgrades to the Muni System.

In addition, the bill includes: $3 million for AC Transit-CalWorks Job Center. This funding will continue successful Job Access programs and expand those services further for CalWorks recipients; $750,000 for the City of Palo Alto Intermodal Transit Center. These new funds will go toward the planning and design of a new regional intermodal transit center in Palo Alto.

There is $1 million for Oyster Point Ferry Vessel. Funding will be used to build a ferry vessel to serve a new ferry route between San Mateo County and downtown San Francisco. This route will serve over 2,000 passenger trips daily.

There is $1 million for the Zero Emissions Bus—ZEB—Program. The Santa Clara Valley Transportation Authority will use this funding to move away from using clean diesel technology to even cleaner Fuel Cell technology.

There is $4 million for the Silicon Valley Rapid Transit Corridor. These funds will be used to extend the BART system to Santa Clara County.

For the Sacramento region, $5.5 million in new funding is included to improve transportation. Most of these funds—$4 million—will be used for job access to help under-served communities get to work. The remaining funds will be used to improve the Intelligent Transportation System.

For the residents of Los Angeles, $12.1 million is included to improve a variety of transportation projects, including $5 million for LA Eastside Corridor Light Rail. The new funds will be used to develop a six-mile, nine-station light rail system running through Little Tokyo, Boyle Heights, and East Los Angeles.

There is $2 million for Alameda Corridor East. This funding will be used to help reduce traffic congestion for residents and businesses in the Alameda Corridor East and improve the shipment of goods from the ports of Los Angeles and Long Beach.

There is $3 million for the MTA Bus Program. These new funds will be used by MTA to make bus service in Los Angeles County more efficient. Improvements will be made to Metro Rapid Bus facilities and new technology will be utilized to upgrade traffic signals for more efficient bus service.

There is $2.1 million for LA Metrolink San Bernardino Line: Platform Addition and Extensions. These funds will be used to improve commuter access and safety. The project consists of constructing new platforms, extending current platforms, and improving pedestrian access.

For transportation projects in San Diego and the surrounding communities, $113 million is included. The new funding includes $65 million for the extension of the San Diego Trolley's Blue Line from the Mission San Diego Station to an Orange Line connection near Baltimore Drive in La Mesa. The approximately 5.9-mile line will run adjacent to Interstate 8 and add four new stations.

This extension will increase the efficiency of San Diego's public transportation, while reducing congestion and providing an environmentally-friendly alternative for commuters.

The new funds also provide $48 million for the North County Transit District's Oceanside-Escondido Rail Project. This project will convert 22 miles of freight rail corridor into a light rail system running east from Oceanside to Escondido.

During our current time of economic uncertainty, all of these projects will help strengthen California's economy by improving infrastructure and creating new jobs. These improvements will move products and people more efficiently, while also promoting a cleaner and healthier environment.

In addition to the various transportation projects, this bill includes $50 million for a new Federal courthouse in downtown Los Angeles. The Los Angeles area is experiencing an increase in cases that is stretching the existing courthouse beyond its limits.

Currently, the Los Angeles court complex operates out of two separate buildings located several blocks apart, which causes delays, security concerns and general confusion. The two buildings cannot accommodate expected growth and high security trials—making them inadequate to handle modern judicial needs.

The need for a new Los Angeles Courthouse is great. In order for the courts to effectively serve the public and provide adequate security, we need to provide them with the resources to get the job done. The construction of this courthouse is a step in the right direction.

I thank Chairman SHELBY and Ranking Member MURRAY for their support to help improve California's transportation system.

Mr. McCAIN. Mr. President, I have concerns regarding this bill, the Transportation, Treasury, and general government appropriations bill for fiscal year 2004, as reported by the Senate Appropriations Committee. While the bill appears to contain fewer earmarks than in previous years, it still contains far too many earmarks and provisions to change current policies.

The need for efficient and safe transportation in America has never been greater. Today, we as a Nation transport more people and goods than ever before. As our Nation's dependence on international trade grows, so does our Nation's dependence on a transportation system that can keep goods moving not only at our borders, but across the Nation. On top of our commercial needs, Americans in general are more mobile than ever before. Due to this reality, the safety and security of our highways, airways, railways, and waterways must be a national priority. And as legislators, it is our duty to ensure that important transportation programs are fully funded. The measure before the Senate takes important steps towards achieving that goal.

At the same time, however, I am troubled by many provisions in H.R. 2989, the fiscal year 2004 Transportation, Treasury, and general government appropriations bill as amended by Senate text in S. 1589. Once again, I find myself in familiar territory, rising in opposition to another appropriations bill that needlessly earmarks the hard-earned money of American taxpayers. While the bill in total is $300 million below the President's budget request, the transportation title of the bill alone contains over $7.5 billion in objectionable funding provisions that are either above the President's request for specific programs, locality-specific earmarks by appropriators, or both.

The bill earmarks all intelligent transportation funds ($125 million) for 54 specific projects, including an intelligent transportation system for the Philadelphia Chamber of Commerce and a Weather Research Institute in North Dakota. The administration did not request any of the projects earmarked.

The bill further would provide $1.3 billion for new fixed guideway systems. Under this funding, the bill alters the President's request by increasing or decreasing funding for 14 projects with full funding grant agreements already in place and earmarks funding for an additional 25 projects. The changes in funding levels for projects with grants agreements will have a significant impact on those projects, causing construction delays and cost overruns. The additional earmarks may very well affect the ability of other projects to receive full funding grant agreements in the future, because the earmarks are outside of the Federal Transit Administration's FTA review process and fund projects that are not ready or do not meet FTA's standards.

The bill provides $18.4 million for the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $7 million above the President's request. While there is no question that these federally owned obsolete vessels pose serious environmental risks to the waters in which they are now moored, I cannot support funding above the President's request. The ship disposal program developed by the administration has taken into account not only the need to expedite disposal of these vessels, but also the limitations of the disposal market and other conditions for disposal. I do not believe the same can be said for the appropriators.

Further, the bill as reported by the Senate Appropriations Committee, in what I have been told is a drafting error, increases the administrative "take-down" authorized in the Motor Carrier Safety Improvement Act to finance motor carrier safety programs and motor carrier safety research from .45 percent to 2.55 percent and decreases the administrative "take-down" authorized in TEA-21 to administer Federal highway programs from 2.65 to 1.05 percent. As I understand it, the Committee intended to increase both "take-downs" in order to make additional funds available for earmarks. Not only is this authorizing language in an appropriations bill, such a change was not requested by the administration.

The Senate bill also contains a provision to direct the Secretary of Transportation to enter into an agreement with the State of Nevada and the State of Arizona or both to provide a method of funding for construction of a Hoover Dam bypass bridge from funds allocated for the Federal Lands Highway Program. While this clearly is authorizing language in an appropriations bill, what is really odd, is the language is already law, as it was contained in the Consolidated Appropriations Resolution for fiscal year 2003.

The bill would appropriate over $1.3 billion for Amtrak, $446 million above the President's request and nearly $300 million above Amtrak's fiscal year 2003 appropriation. Repayment of Amtrak's $105 million loan from DOT, made in 2001 to avoid Amtrak's threatened shut-down, would be postponed for a second year. The appropriations bill also renews conditions on Amtrak's funding adopted last year, conditions I believe are the reason Amtrak has a $200 million carry-over from fiscal year 2003 for next year.

While I commend David Gunn, Amtrak's president, for his efforts to get Amtrak's costs under better control and exposing the costly mistakes made by his predecessor, I cannot support an appropriation for Amtrak above the President's request without real reform. Mr. Gunn refuses to make any changes to Amtrak's routes, many of which lose $200, $300, or even $400 for every passenger they carry. And while Amtrak is touting record ridership for fiscal year 2003, my colleagues need to realize that Amtrak still accounts for less than 1 percent of intercity travel. Amtrak's record ridership amounted to an increase of 276,632 passengers—about 15 percent of daily airline boardings. And the harsh reality is that to attract this small number of additional riders, Amtrak slashed fares; and through July 2003, revenues were down $85 million compared to 2002. If Amtrak thought it would make up price cuts with the fares received from additional riders, it seriously miscalculated.

The report that accompanies the bill earmarks $1 million for the city of

Crowley, LA's Historic Parkerson Avenue Redevelopment project. This is in addition to $500,000 given to the project 2 years ago. I'm sure that Crowley is a lovely community. But there are thousands of small towns just like Crowley that are equally deserving of redevelopment. What makes Crowley more deserving of a Federal grant than every other small town in America?

The report also contains a provision earmarking $250,000 for a towboat display in Oklahoma. A retired towboat will be sandblasted, cleaned, painted and refurbished with a classroom area. Do you really think taxpayers would want their hard-earned dollars spent on this display? Is next year's appropriations bill going to contain funding to promote tourism so taxpayers all across America will know that they can come see a new towboat display in Oklahoma? While I say that sarcastically, one has to wonder how taxpayers are going to know that they have paid for and should visit such a display in Oklahoma.

The report sets an all-time record for the amount of airport specific earmarks for the Airport Improvement Program by listing 241 airports. In the final appropriations bill for fiscal year 2003 there were 164, in fiscal year 2002 there were 101, and in fiscal year 2001 there were 158.

There is also an unauthorized transfer of $100 million from the FAA's modernization account to the Airport Improvement Program. This transfer of $100 million is then set aside for—surprise, surprise—discretionary grants that can be used to fund projects at the 241 airports that are listed. So we are taking money from the program that funds air traffic control modernization—such as newer and better radars—to fund the 241 airport earmarks.

The bill appropriates $52 million for the airport and airway trust fund for the essential air service program. This is not authorized and was not requested by the President. The trust fund was specifically established to fund the capital and operating expenses of the Federal Aviation Administration, FAA, not to subsidize airline service.

In addition to the Transportation funding, the bill contains appropriations for Treasury and general government. I do want to acknowledge that the appropriators seem to have kept parochial spending to a minimum in the Treasury and general government appropriations titles of the bill. However, I have identified approximately $283 million in locality-specific earmarks in these titles.

While the amounts associated with each individual earmark may not seem extravagant, taken together, they represent a serious diversion of taxpayers' hard-earned dollars at the expense of numerous programs that have undergone the appropriate merit-based selection process. It is my view that the officials who run these programs should be the ones who decide how best to spend the appropriated funds. After all, they know what their most pressing needs are.

For example, the Treasury and general government titles include the following earmarks or special treatment: Language urging the IRS to make no staffing reductions at the Martinsburg National Computing Center and the programmed level at the Administrative Services Center in Beckley, WV; $350,000 to continue the Upper Great Plains Native American Telehealth Program at the University of North Dakota; $2.025 million to acquire land in Anchorage, AK, to build a new regional archives and records facility for the National Archives and Records Administration; $500,000 for the Ruffner Mountain Educational Facility in Alabama; $500,000 for the Saenger Theatre Restoration Project in Alabama; $500,000 for the State of Alaska to assist in preparation for its statehood celebration; and $500,000 for the State of Hawaii to assist in preparation for its statehood celebration. There are more projects on the list that I have compiled, which will be available on my Senate Web site.

In closing, I am encouraged that the appropriators have begun to curb their appetite for earmarking in this bill, however there are still hundreds of millions of dollars in unnecessary earmarks that severely restrict the authority granted the agencies charged with carrying out the policy goals established by Congress. In addition, there are numerous statutory provisions that infringe on the jurisdiction of the authorizing committees, and circumvent the authorizing process. Both the authorizing committees and appropriations committee must renew their commitment to work through the long established legislative process of authorizing programs and then appropriating funds accordingly. We can and must do better in providing oversight and establishing policies that grant the administration the funding and flexibility it needs to move our nation forward.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that the substitute amendment be adopted and considered original text for the purpose of further amendment, with no points of order being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1899) was agreed to.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1900

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. ENZI, Mr. HAGEL, Mr. BAUCUS, Mr. CRAIG, and Mr. DODD, proposes an amendment numbered 1900.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the enforcment of the ban on travel to Cuba)

On page 155, between lines 21 and 22, insert the following:

SEC. 643. (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to the administration of general or specific licenses for travel or travel-related transactions, shall not apply to section 515.204, 515.206, 515.332, 515.536, 515.544, 515.547, 515.560(c)(3), 515.569, 515.571, or 515.803 of such part 515, and shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 1901 TO AMENDMENT NO. 1900

Mr. CRAIG. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself, Mr. DORGAN, Mr. ENZI, Mr. HAGEL, Mr. BAUCUS, and Mr. DODD proposes an amendment numbered 1901 to amendment No. 1900.

Mr. CRAIG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the enforcment of the ban on travel to Cuba)

In the amendment strike all after "Sec. 643." and insert the following:

(a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to the administration of general or specific licenses for travel or travel-related transactions, shall not apply to section 515.204, 515.206, 515.332, 515.536, 515.544, 515.547, 515.560(c)(3), 515.569, 515.571, or 515.803 of such part 515, and shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

(c) This section shall take effect one day after date of enactment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my colleague, Senator CRAIG, on behalf of other colleagues, including Senator ENZI from Wyoming—and I will send the list to the desk in a few moments—has offered an amendment this morning that deals with a recognized controversial subject but, nonetheless, a very important subject. It deals with the right of the American people to travel freely. It deals with the issue of travel to Cuba. I want to describe to you why this amendment, which is bipartisan—three Democrats and three Republicans are offering this amendment and the second-degree amendment—is important and exactly what the amendment does.

First, what does the amendment do? This amendment is identical to an amendment that was passed by the House of Representatives—identical. It is the same wording, and the House of Representatives very simply said the Office of Foreign Asset Control shall not use funds in this bill to enforce the travel ban with respect to Cuba. Let me explain why that is important.

The travel ban with respect to the country of Cuba is unique and different than other travel circumstances or restrictions that exist. We have over the years indicated that the best approach for dealing with Communist countries is engagement.

We have a great debate in the Congress about how do we deal with Communist China. We say: Engage them in trade and travel; engage them; engagement is constructive. The same is true with Vietnam, a Communist country. Engagement through travel and trade inevitably will lead them toward a more open society, democratic reforms, and market systems. So we have said engagement is constructive, and engagement with China and Vietnam is something that has been a part of the philosophy of this Congress and Presidents for some long while now. Frankly, it has been constructive. I think it has produced results.

The different issue here is with respect to Cuba. We have had an embargo on Cuba for 40 years, through Republican and Democratic Presidents. We slapped an embargo on trade and travel in Cuba. Now we have lifted the veil just a bit with respect to trade, and we are able to sell some food in the Cuban marketplace, and the Cubans are required to pay cash for that food. For the first time in 42 years, we are actually selling food in Cuba. Twenty-two train car loads of dried peas left North Dakota farms to go to Cuba, paid for with cash. That makes sense. It doesn't make sense to have an embargo on food. I never felt it made any sense for anybody to slap an embargo on food. Food should not be used as a weapon in foreign policy. So we have opened the restrictions just a bit.

The other issue is travel in Cuba. As the Presiding Officer and my colleagues know, we have a restriction on travel. We do not allow the American people, except by a specific license, to travel in Cuba. Currently, American citizens are banned from traveling in Cuba. That is different than virtually anywhere else in the world. It just applies to Cuba.

What is the result of that ban? The result is we don't have the kind of engagement with Cuba we have with China and with Vietnam, leading them toward democratic reforms, undermining their governments, undermining the Communist government with the movement and the flow of goods and communications and travelers from a great democracy such as this country.

Here is the result of what is now happening with the travel ban. I have described this previously. Let me say again, this is a policy that cannot be defended. It just does not make any sense.

This is a woman named Joan Slote. I have mentioned Joan Slote. She is a wonderful woman. She is retired, in her midseventies. As you can see by the photograph here, Joan Slote is wearing a bicycle helmet. She is wearing her bicycling outfit. She is a senior olympian. She bicycles around the world. She loves to do it and is apparently very good at it. She went bicycling in Cuba. She answered an advertisement by a Canadian cycling magazine and joined a group of people to bicycle in Cuba. She didn't know it was illegal for an American to travel in Cuba. She didn't know our policy to punish Fidel Castro is actually restricting the rights of the American citizen. So she went bicycling in Cuba and she came back from Cuba and got a letter from the Department of the Treasury, an organization called OFAC, Office of Foreign Assets Control.

By the way, that is the organization that is supposed to be tracking terrorists. This is the organization that is supposed to be taking apart all these streams of money moving back and forth across the world to track down terrorists, but they have some people down there at Treasury who were, in fact, tracking people such as Joan Slote who rode a bicycle in Cuba with a bicycle club.

So Joan was in Europe, bicycling in Europe, and she got notice that her son had brain cancer, had a brain tumor. She rushed back, apparently packed very quickly from her apartment, and went down to visit with her son, to spend time with her son, who was very ill. Her son subsequently died from this brain tumor.

In the middle of all of this, a letter had shown up at her place, although she was gone, saying: You are being fined by the Federal Government for traveling in Cuba. You are being fined $7,636. She didn't get that letter. It was sent to her but she didn't receive it because she was gone.

Then she got a notice from the Department of the Treasury, Office of Foreign Asset Control, the organization that is supposed to be tracking terrorists. She got a notice saying, you better pay up or you are in big trouble. She has gotten subsequent notices from a collection agency. She has gotten notices that they are going to attach her Social Security check and garnish her Social Security payments.

In fact, interestingly enough, she finally settled for a $1,900 fine. That is after I shamed OFAC, saying, How dare you go after these old ladies? She settled for $1,900.

After she sent them the check, a month and a half after she sent them the check, she got a letter from them saying they were going to attach her Social Security payments because they had no record of her payment. They couldn't even keep that straight.

The point is this: She represents a lot of people. She represents people from this country who have traveled in Cuba, not knowing it was illegal to do so. We have had the Office of Foreign Assets Control down at Treasury busy with their green eyeshades trying to track down persons who travel in Cuba to see if they can slap them around with a fine.

Kevin Allen, from Washington State, his dad had been a minister in Cuba who moved to this country and died and he asked that his ashes be deposited on the grounds of the church where he ministered in Cuba. So Kevin Allen left Washington State with his deceased father's ashes to take them to Cuba. He was a Pentecostal minister in prerevolutionary Cuba.

OFAC decided they should fine this fellow $20,000 for taking his deceased father's ashes to be buried on the grounds of his former church.

Marilyn Meister is a 72-year-old Wisconsin retired schoolteacher. She took a trip to Cuba. She took it with some Canadians. She said it was wonderful until she encountered a customs agent on the way home. She said he "flew into a rage . . . and made me feel like a horrible criminal" when he found out I had been in Cuba. They tried to fine her $7,500.

Donna Schutz, a 64-year-old retired social worker from Chicago, went to Cuba with a group from Toronto—a $7,650 fine from the Department of the Treasury.

I mentioned Joan Slote's case.

One of the more interesting cases for me is Tom Warner, a 77-year-old World War II veteran. He posted on his Web site the schedule for the February 2002 conference, the United States-Cuba Sister Cities Association in Havana. OFAC accused this 77-year-old World

War II veteran of "organizing, arranging, promoting and otherwise facilitating the attendance of persons at the conference" without a license. This veteran never even went to Cuba. He didn't attend the conference. The conference, incidentally, was licensed by OFAC but he didn't go. All he did was give the information on his Web site.

He was given 20 days to tell OFAC everything he knew about the conference and the organizations that participated in it and now he has to hire a lawyer.

Aside from this, what are they doing down in Treasury? We have organizations such as the American Farm Bureau. They want to sell agricultural products into Cuba because it is now legal, in a very narrow way, to do that. It is legal because we in the Senate made it legal. We passed legislation that made it legal to sell agricultural products into Cuba.

Last year they had an expo with farm groups going to Cuba. The result has been very beneficial and very positive for American farmers and ranchers.

This year they applied for a license to do the same thing, to go down to promote agricultural products grown in this country and raised in this country to be sold in Cuba. They are now denied a license to go to Cuba to promote those products.

There has been a new crackdown now on all of this just in the last couple of weeks. This is the Web site for the Department of Homeland Security. They have been asked by the President to crack down on this. They are going to use Department of Homeland Security intelligence and investigative resources. They are going to use Homeland Security intelligence and investigative resources to go track down people who travel to Cuba.

Look, we are trying desperately to prevent another terrorist act from occurring in this country. God forbid it should happen. We want to find those who are planning terrorist acts against this country and stop them. That is what homeland security is.

Mr. President, 5.6 million containers come into this country every year on container ships. Just 5 or 6 percent of them are now inspected; 95 percent are not. We have so much to do in homeland security. All of a sudden, now, the new mission on the Web site at Homeland Security is going to use intelligence and investigative resources to identify travelers or businesses engaged in activities in Cuba.

There is an amendment that has passed the House on exactly the same appropriations bill. This amendment is a reasonable approach to deal with this in the interim. It prohibits the use of funds by OFAC to enforce this travel ban with respect to this travel in Cuba. It will avert these problems. It will allow the Department of Homeland Security to use the scarce resources it has to focus on protecting and securing our homeland.

I hope my colleagues will agree with me that it is productive and constructive to allow our farmers to promote agricultural goods in Cuba. It is not constructive at all to decide to try to slap around Fidel Castro by imposing limits on the right of American people to travel.

I have no brief to offer, no positive brief, certainly, for the Castro regime in Cuba. The quicker it is gone the better. The quicker we bring Democratic reforms to Cuba the better.

I have been to Cuba. I have met with the dissidents in Cuba. Those dissidents, in almost all cases, say they believe there would be a hastening of the day when there are Democratic reforms in Cuba and a new government in Cuba, through trade and travel and engagement—just as our policies exist with respect to China, Vietnam, and other similar countries. I hope one day we will have a policy of that type.

The Senators who have joined me are Senator CRAIG, Senator ENZI, Senator BAUCUS, Senator HAGEL, and Senator DODD—and let me also ask unanimous consent to have Senator BINGAMAN to be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Let me again point out I offered a first-degree amendment. My colleague, Senator CRAIG, has offered a second-degree amendment.

I now yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I stand here as cosponsor of the first-degree amendment and offered the second-degree amendment to modify it slightly. But I certainly join with my colleague from North Dakota on this issue, as do many of our colleagues, in recognizing the critical need for change in our current policy. I, along with other Senators, including Senator DORGAN, have for about 4 years here in the Senate Chamber worked to change our trade relationship with Cuba, a trade relationship that is now bringing literally hundreds of millions of new dollars a year to our shores from Cuba for agricultural foodstuffs trade and medical supplies, all of it done largely in cash, and certainly no credit from the United States taxpayer because it is not allowed.

What we are offering today is a very clean amendment, which passed in the House, to significantly disallow OFAC, which is the Office on Foreign Assets Control, from utilizing resources for the purpose of enforcement of the Cuba travel ban.

What I think is important this morning is for my colleagues to understand what the mission of OFAC is. The Office of Foreign Assets Control of the U.S. Department of the Treasury administers and enforces economic and trade sanctions based on U.S. foreign policy and national security goals against targeted foreign countries, terrorists, international narcotics traffickers, and those engaged in activities related to the proliferation of weapons of mass destruction.

OFAC acts under Presidential wartime and national emergency powers as well as authority granted by specific legislation to impose controls on transactions and freezes foreign assets under U.S. jurisdiction. Many of the transactions are based on United Nations resolutions or United Nations or other international mandates which are multilateral in scope and involve close cooperation with allied governments. That is a very substantial mission during a very critical time in our country when we are seeking out not only on our shores but other shores around the world terrorists and those who traffic in narcotics.

Yet 10 percent of OFAC's budget is used to track down little old grandmas from the west coast who, through a Canadian travel agency, choose to bike in Cuba. Ten percent of their budget is on United States citizens who seek to travel in Cuba—probably 99.999 percent of them for recreational and vacation purposes only.

You talk about the wise expenditure of money. You talk about the appropriate allocation of public resources for the purpose of tracking down terrorists and narcotics traffickers. OFAC, get your mission straight. What are you doing? Why are you spending all of your money, or at least 10 percent of your money in that category? We suggest it is not a wise expenditure of money. And the amendment would disallow them spending their money for these purposes.

My colleague has talked about the reality we face with the island of Cuba off our shores. For over 40 years, the United States Government has placed an embargo on Cuba and prohibited Americans from traveling to the island. For about 35 of those years, I supported them aggressively and openly—at least in my years here in Congress—up until a few years ago when it was obvious that the embargo wasn't working anymore, or that it was working very poorly, or that it was penalizing our producers from access to an available cash market. I am talking about agricultural goods and medical supplies. I began to work to change that. That policy did change, and now in a very smooth way there is work and there are negotiations with Cuba on those issues.

I am from Idaho. Ernest Hemingway once made his home in Idaho as well as in Cuba. Ernest Hemingway died in Idaho. His legacy remains there. Our State is very proud of this citizen and his great literary legacy. Yet when professors from the University of Idaho chose to go Cuba for an exchange, to find out more about Ernest Hemingway and his works, OFAC said: No; well, maybe; well, possibly. Finally, after we intervened, they said OK. Upstanding citizens of the State of Idaho and professors at the university were denied the right to go there, to the home of Ernest Hemingway where many of his works still remain. In fact, I understand the home has been preserved and is kind of a time capsule of Ernest Hemingway and his work because when he left Cuba and came back to the States and began to reside in Ketchum, ID, he literally packed a bag and walked away, and much is still there, including a notebook lying open on his desk with a pen and some of his personal handwritings visible in the notebook. The Cuban Government didn't touch it; they left it alone.

None of us agrees with Fidel Castro. That is really not the issue here. The issue is, Is our policy working or are we suggesting that OFAC is not spending its money at a critical time in our Nation's history for the purpose of tracking down terrorism or for the purpose of the interdiction of narcotics traffickers?

In 40 years, you want to assess policy. We live in a dynamic world and times change. It is now time, in my opinion, to assess that policy with Cuba. I have worked very closely with Cuban Americans in this country. We have made sure that we have worked with them to get it right when it comes to agricultural foodstuffs and medical supplies. We have worked closely with them on this issue. The Cuban community is split. I don't disagree with their feelings and concerns as they relate to the issue of travel to Cuba. But many Cuban Americans who are United States citizens now want to go to Cuba to visit and see what their homeland was once like because Cuba itself, I am told, is a time capsule of the 1950s. Much of the Cuban attitude and certainly their fiscal policies have stopped that country from growing and expanding.

Exchange, opening the door, turning on the lights, and allowing our citizens the opportunity to travel there is the right way to change a country.

Historically, even during the coldest times of the cold war and except in the rarest of circumstances did we deny or totally embargo the ability of U.S. citizens to travel to Communist countries because we believed it critical that we engage and stay engaged and continue dialog. If Ronald Reagan were able to be involved in this debate today, my guess is that he might suggest it was that dialog and that openness and that recognition on the part of the Soviet Union that they could no longer continue in the direction they were going because we were simply overpowering them both militarily and economically, and the Soviet Union crumbled. The Wall came tumbling down, and the rest is history. Most of us on this floor have had the wonderful opportunity to witness that history. It was not isolation, it was engagement that changed and wrote that history.

I am suggesting that this simple move—this very clear move to allow travel—to disallow our Government's aggressive enforcement and to disallow this agency's spending of 10 percent of their resources for this purpose is a step in that direction.

I hope our colleagues will join the Senator from North Dakota, myself, others—and the Presiding Officer is a cosponsor—in this vote and that we begin to work with the administration to change that relationship as it relates to engagement with the Cuban Government and with the island of Cuba and, most importantly, its citizens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I strongly support the amendment that would suspend the absurd restrictions against travel by United States citizens in Cuba. When you stop and think about it, why should the U.S. Government restrict the freedom of U.S. citizens to travel? Particularly we should end the restriction on travel to Cuba.

Over 25 colleagues of mine have cosponsored legislation that says we should end the travel ban, something I very much agree with. When we have the vote, not too far from now, it is my expectation and certainly my hope the majority of my colleagues will agree it does not make sense for the U.S. Government to restrict the travel of United States citizens to Cuba.

Why do I say that? First, it limits one of our basic freedoms, the freedom of United States citizens to travel. How ironic it is that democracy in the United States of America, which purports to be a country that encourages democracy around the world, basically restricts American liberties. Why restrict American liberties in order to encourage democracies in other countries?

The administration's restriction of United States citizens' travel to Cuba affects our ability to fight the war on terrorism. Why do I say that? Because the Treasury Department must waste scarce and valuable resources to enforce these travel restrictions. It is maddening to me the administration is trying to administer resources for that effort instead of fighting terrorism, which is much more pernicious and where we must spend much more.

Another reason it makes no sense to restrict United States citizens' travel to Cuba is it makes it harder for Americans to establish business relationships, to sell products to Cuba, to get to know the Cuban people and put deals together. People in other countries can travel to Cuba—the French, Germans, Canadians. Their governments say sure, great, we want our citizens to travel to Cuba. But we are preventing our American farmers, our ranchers, our American citizens from selling products to Cuba and getting to know the Cuban people. It makes no sense. I believe we should lift the travel restrictions. It would increase sales of American products to Cuba, increase contact with Cuba, increase the ability of American citizens to develop relationships with people in Cuba which inure to the benefit certainly of the United States and to the Cuban people.

I also add parenthetically that earlier this year the Treasury Department, under the guidance of the State Department, went an extra step in pursuing their wrongheaded approach in restricting travel of United States citizens to Cuba by refusing to allow a license for a second United States agribusiness expedition in Cuba. The first expedition was very successful, resulting in $92 million in sales. That is $92 million of agriculture sales forfeited because our own Government would not allow United States citizens to travel as farmers and ranchers and businessmen particularly to organize the expedition.

Worst of all, restricting American citizens from going to Cuba also hurts Cubans. The travel ban shelters the Castro regime and protects them from American influence, limiting the opportunity for Cubans to interact with Americans. The infamous arrests of 75 dissidents last spring is a case in point. They were arrested because they got, allegedly, too close to Americans. In other words, the arrests indicate the Cuban Government fears increasing contacts between dissidents and American citizens. More evidence and more contact between Americans and Cuban citizens will help encourage democracy.

Our country has fallen into the mistaken belief that we should have carrots and sticks with Cuba; that is, reward Cuba for doing good things and punish Cuba for doing bad things. That gives Cuba veto power over United States foreign policy with respect to Cuba and puts the policy in the hands of Castro and lets him decide what we Americans do or do not do, lets him decide whether we can allow American citizens to travel to Cuba. It makes no sense whatever. Yet that is a policy this administration encourages.

The long and short of this is—and I am repeating arguments others are making—coolly and calmly stand back and ask what is right, what makes sense. Should the U.S. Government prevent American citizens from traveling to Cuba? What will be accomplished by maintaining that restriction? What is to be accomplished if we let American citizens travel? One thing we certainly know, over the last 40 years restricting the travel of American citizens to Cuba and the embargo we have against trade in Cuba has not worked. It has not changed the Castro regime. Fidel Castro is still president. It has not worked.

If something has not worked, why not try something else, try something that seems logical? What seems logical is to engage Cubans. Cuba is a country. The United States is a country. Cuba is not a threat to the United States of America. Certainly Fidel Castro is in many respects not anybody we look up to particularly when he has such a repressionist regime, but it makes sense to engage Cuba. That will probably accelerate the changes in Cuba if we want; that is, the changes toward a more democratic system.

I have traveled to Cuba a couple of times. I was there recently with good Montanans, farmers and ranchers. I was struck with the poverty that exists in Cuba. The Castro dictatorship has decimated the Cuban economy, which is all the more reason why if we were to let Americans visit Cuba certainly with respect to food and agricultural products and trade with Cuba, that would help the Cuban people as well as give the United States farmers and ranchers another business opportunity.

It is time for a change. I understand the politics of this issue. We all know the politics. We also know politics are probably wrong. The reasons why the U.S. Government still has this travel ban are for political reasons that are not right. It is an opportunity for the United States and Congress to go on the right course, the right direction, and put those political considerations aside and not be held hostage by the political interests but, rather, allow American citizens to travel to Cuba.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Wyoming.

Mr. ENZI. Mr. President, I am fortunate in that I represent the least populous State in the United States; the advantage allows me the opportunity to meet almost everybody in the State. It has given me an opportunity to talk to the entire Cuban community in my State. As a result, since I first got here, I have been working to try and make a difference in our Cuban policy.

The first difficulty I knew of this policy concerned a constituent who had been visiting his family in Cuba on the one trip allowed per year. While he and his family were on the plane returning to the States, his father died in Cuba. He was not allowed to go back for another year.

Now, we have made some changes and I hope we can keep making incremental changes. That is all we are talking about—small, incremental changes, ones that make some common sense.

I am appalled at how Cubans are being treated by their government. We have seen this kind of treatment in other countries at other times. It brings to mind some of the escapes we saw from East Germany before the wall came down.

I just finished reading a book called "The Secret Empire" by Mr. Taubman. It goes into how Eisenhower established the CIA, had the U2 program and then the satellite program. It brings back a lot of memories of events that happened during our life, part of which is Cuba, with the Cuban missile crisis and some of the other events that happened after that.

We have had a policy in place now for 40 years. For 40 years we have said: Sanctions. And for 40 years it has not worked.

When I was growing up, my dad often said, "If you keep on doing what you have already been doing, you will wind up with what you already got." That is kind of where we are on the Cuban situation. We keep on doing what we have always been doing and we wind up with exactly what we have always had.

Fidel Castro is not interested in helping the side I am working on. He does not really want United States participation there. He keeps throwing out little roadblocks to keep it from happening. Fidel Castro does not like the amendments we have offered even though he may appear sometimes to be on that same side.

For instance, with visas, he is now offering open visas. Of course, he knows we are not going to give visas, so that really does not allow any people into the country.

He keeps violating human rights. All of that is to keep his people in contact with a free democracy, the United States, to keep our people from talking to the people in Cuba.

The people in Cuba can already get everything they need. They get it from other countries. Unilateral actions have not worked. That is what we are talking about here, a unilateral action: The United States, standing by itself, saying, Don't do anything with Cuba. Meanwhile, all the other countries provide everything that is needed there. They are about to learn something about providing it on credit, which we are not doing. We are requiring cash on the few inroads we have made.

But we keep going in the wrong direction. The Transportation bill funds an organization that takes it in that wrong direction. We have had people-to-people trips to Cuba. There is a fellow in Wyoming who had conducted some of these people-to-people trips to Cuba. The word is, they are limited on where they can stay and who they can talk to, so they are getting a very biased view.

I visited with him. I asked: How limited are you? He said: We aren't limited; we cannot stay in the homes of individuals, but there is some selection on hotels. What we do during the daytime we have freedom to do. The only freedom we are lacking is that people are afraid to talk to us because of the regime. That does add a degree of difficulty.

I thank Senator LUGAR, the chairman of the Foreign Relations Committee, for holding a hearing on the Cuba situation. That is another one of those firsts that is allowing us to make a little bit of progress. I think incrementally we will keep making progress.

The amendment before us is just incremental progress. It is not a drastic change in policy. It is something the House has already approved. I hope my colleagues will join us in approving the second-degree amendment and the amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I support the amendment offered by my friend from North Dakota.

I am a cosponsor of bipartisan legislation that was introduced earlier this year that would allow travel between the United States and Cuba.

Current policy with regard to Cuba, as enforced by the Treasury Department's Office of Foreign Assets Control, permits travel to Cuba only with permission in the form of a license from the Treasury office for certain reasons such as to visits relatives, or for journalism, religious, or humanitarian purposes.

According to Treasury documents, between 1996 and 2003, about one-third of Cuba travel cases opened for investigation were referred for civil penalty enforcement action. Typical penalty assessments for unauthorized travel range from $3,000 to $7,500.

For 40 years, the United States has maintained an isolationist position toward Cuba, and the current regime has remained throughout that time. I believe that permitting travel to Cuba would help demonstrate to Cuban citizens what a democracy is all about.

Mr. President, it is time to lift the travel restrictions to Cuba.

I urge the adoption of this amendment.

Mr. LEAHY. Mr. President, I commend my friend from North Dakota and my friend from Idaho for their amendments to prohibit the Treasury Department's Office of Foreign Assets Control from wasting taxpayer funds to enforce the ban on travel by American citizens to Cuba.

Today, any American who wants to travel to Iran, North Korea, Syria, Vietnam, to just about anywhere, can do so as long as that country gives them a visa. As far as the U.S. Government is concerned, Americans can visit any of those countries.

Cuba, on the other hand, a country that poses about as much threat to the United States as a flea does to a buffalo, is off limits.

Of all the ridiculous, anachronistic, and self-defeating policies, this has got to be near the top of the list. OFAC is spending scarce funds to prosecute harmless, law-abiding, upstanding American citizens who want nothing more than to experience another culture, and in doing so, leave a bit of America behind.

For 40 years, administration after administration, and Congress after Congress, has stuck by this failed policy. Yet Fidel Castro is as firmly in control today as he was half a century ago.

The Dorgan and Craig amendments would inject some sense into our policy toward Cuba, and they would protect one of the most fundamental rights that most Americans take for granted—the right to travel freely.

A few years ago, I traveled to Cuba with Senator JACK REED. We were able to go there because we are Members of Congress.

I came face to face with the absurdity of the current policy because I wanted my wife Marcelle to accompany me. A few days before we were to leave, I got a call from the State Department saying that they were not sure they could approve her travel to Cuba.

I cannot speak for other Senators, but I suspect that like me, they would not react too kindly to a policy that gives the Government the authority to prevent their wife, or other members of their family, from traveling with them to a country with which we are not at war and which, according to the Defense Department and the vast majority of the American public, poses no threat to our security.

I wonder how many Senators realize that if they wanted to take a family member with them to Cuba, they would probably be prohibited from doing so.

Over a decade has passed since the collapse of the former Soviet Union. The Russians long ago cut their $3 billion subsidy to Cuba. We now give millions of dollars in aid to Russia.

Americans can travel to North Korea. There are no restrictions on the right of Americans to travel there. Which country poses a greater threat to the United States? The answer is obvious.

Americans can travel to Iran, and they can spend money there. The same goes for Syria.

Our policy is hypocritical, inconsistent, and contrary to our values as a nation that believes in the free flow of people and ideas. It is beneath us. It is impossible for anyone to make a rationale argument that an American should be able to travel freely to North Korea, or Iran, but not to Cuba. It can't be done.

We have been stuck with this misguided policy for years, even though virtually everyone knows, and says privately, that it makes absolutely no sense and is beneath the dignity of a great country.

It not only helps strengthen Fidel Castro's grip on Cuba, it hands a huge advantage to our European competitors who are building relationships and establishing future investments in a post-Castro Cuba.

When that will happen is anybody's guess. President Castro is no democrat, and he is not going to become one. Human rights are systematically denied in Cuba. That is beyond dispute. But it is time we pursued a policy that is in our national interest, that helps pave the way for the day when Castro is gone, and which stops punishing American citizens.

Those who want to prevent Americans from traveling to Cuba, who oppose this bill, will argue that spending U.S. dollars there helps prop up the Castro government.

To some extent that is true. The same can be said of spending dollars in Sudan, Syria, or any country. The Cuban Government does control the formal economy. It also runs schools and hospitals, maintains roads, and, like the U.S. Government, is responsible for a whole range of social services. Any money that goes into the Cuban economy also supports those programs, which benefit ordinary Cubans.

There is also an informal economy in Cuba, because few Cubans can survive on their meager salaries. So the income from tourism also fuels that informal sector, and it goes into the pockets of ordinary Cubans.

As much as we want to see a democratic Cuba, President Castro's grip on power is not going to be weakened by keeping Americans from traveling to Cuba. History has proven that.

Let's inject some maturity into our relations with Cuba. Let's have a little more faith in the power of our ideas. Let's have the courage to admit that the cold war is over. Let's get the Government out of the business of telling our wives, our children, and our constituents where they can travel and spend their own money in a country that poses no threat to us.

Mr. DURBIN. Mr. President, I strongly support the amendment of my colleague from North Dakota, Senator DORGAN, and I ask unanimous consent to be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Senator DORGAN's amendment prohibits the implementation of travel restrictions on Americans who wish to visit Cuba.

We all agree on the goal of peaceful change toward democracy and a free market economy in Cuba. I'd like to ask my colleagues how restricting the ability of Americans to travel to Cuba advances that goal?

My mother was an immigrant from Lithuania, and as a Member of Congress I traveled to Lithuania when it was still under Communist domination. The Communist government kept me out for days, but eventually even they let me into the country.

During the cold war, Americans were able to travel to Soviet bloc countries, and if they were kept out, it was by the Communists, not by their own Government.

I believe that interaction between Americans and ordinary Cubans can only advance change in Cuba.

The more Americans go to Cuba, the more ordinary Cubans will interact with them. I believe Castro has more to fear from American tourists transmitting American ideas to Cubans than from our sanctions regime. An army of tourists could be the most effective force for change we could muster.

In fact, our sanctions policy has done more to motivate ordinary Cubans to rally around their leader than it has to weaken the Castro regime. Restricting the rights of Americans to travel to Cuba undercuts our shared goal of bringing change to Cuba.

I support Senator DORGAN's amendment and urge my colleagues to support it as well.

Mr. DODD. Mr. President, I am proud to be a cosponsor of the amendment to lift restrictions on travel to Cuba. I and many of my colleagues have been trying for the last five years to restore American citizens' right to travel where they choose, including to the island of Cuba, if that is their desire.

The broad cross-section of bipartisan cosponsors of this amendment are in agreement that the time has come to lift the very archaic, counterproductive, and ill-conceived ban on Americans traveling to Cuba. Not only does this ban hinder rather than help our effort to spread democracy, it unnecessarily abridges the rights of ordinary Americans. The United States was founded on the principles of liberty and freedom. Yet when it comes to Cuba, our Government abridges these rights with no greater rationale than political and rhetorical gain.

Cuba lies just 90 miles from America's shore. Yet those 90 miles of water might as well be an entire ocean. We have made a land ripe for American influence, forbidden territory. Look, there is no doubt in my mind that Fidel Castro does not want the light of freedom shone on his island. He is a dictator and wants nothing more than to keep his people in the darkness. Sadly, U.S. policy has helped make his worker easier. We have enabled the Cuban regime to be a closed system, with the Cuban people having little contact with their closest neighbors.

Surely we do not ban travel to Cuba out of concern for the safety of Americans who might visit that island nation. Today Americans are free to travel to Iran, Sudan, Burma, Syria, and even to North Korea—but not to Cuba. You can fly to North Korea; you can fly to Iran; you can travel freely. It seems to me if you can go to those countries, you ought not be denied the right to go to Cuba. If the Cubans want to stop

Americans from visiting that country, that ought to be their business. But to say to an American citizen that you can travel to Iran, where they held American hostages for months on end, to North Korea, which has declared us to be an enemy of theirs completely, but that you cannot travel 90 miles off our shore to Cuba, is a mistake.

To this day, some Iranian politicians believe the United States to be "the Great Satan." We hear it all the time. A little more than two decades ago, Iran occupied our embassy and took innocent American diplomats hostage. To this day, protesters in Tehran burn the American flag with the encouragement of some officials in that government. Those few Americans who venture into such inhospitable surroundings often find themselves pelted by rocks and accosted by the public.

Similarly, we do not ban travel to Sudan, a nation we attacked with cruise missiles a few short years ago, for its alleged support of terrorism; to Burma, a nation with one of the most oppressive regimes in the world today; to North Korea, whose soldiers have peered at American servicemen through gun sights for decades; or Syria, which has one of the most egregious human rights records and is one of the foremost sponsors of terrorism.

I totally agree with my colleagues that it borders on negligence when 10 percent of the Treasury's Office on Foreign Assets Control budget is devoted to tracking down and punishing grandmothers and grandfathers because they have visited Cuba. Don't we have more important programs to spend resources on? How about tracking down the financial resources that continue to support terrorist groups like al-Qaida? We know that activities of that organization and others like it are a direct threat to U.S. national security. We know that more government resources are need to ensure that events like September 11, 2001 never again are repeated against our citizens. Chasing down bikers who have visited Cuba is doing nothing to ensure our citizens are protected against terrorist attacks.

It is time to get our priorities straight and end the inconsistency with respect to U.S. travel restrictions to Cuba. We ban travel to Cuba, a nation which is neither at war with the United States nor a sponsor of international terrorist activities.

Why do we ban travel? Ostensibly so that we can pressure Cuban authorities into making the transition to a democratic form of government.

I fail to see how isolating the Cuban people from democratic values and ideals will foster the transition to democracy in that country. I fail to see how isolating the Cuban people from democratic values and from the influence of Americans when they go to that country to help bring about the change we all seek, serves our own interests.

The Cuban people are not currently permitted the freedom to travel enjoyed by many peoples around the world. However, because Fidel Castro does not permit Cubans to leave Cuba and come to this country is not justification for adopting a similar principle in this country that says Americans cannot travel freely. We have the Bill of Rights. We need to treasure and respect the fundamental rights that we embrace as American citizens. Travel is one of them. If other countries want to prohibit us from going there, then that is their business. But for us to say that citizens of Connecticut or Alabama cannot go where they like is not the kind of restraint we ought to put on people.

If Americans can travel to North Korea, to the Sudan, to Iran, then I do not understand the justification for saying that they cannot travel to Cuba.

I happen to believe that by allowing Americans to travel to Cuba, we can begin to change the political climate and bring about the changes we all seek in that country.

Today, every single country in the Western Hemisphere is a democracy, with one exception: Cuba. American influence through person-to-person and cultural exchanges was a prime factor in this evolution from a hemisphere ruled predominantly by authoritarian or military regimes to one where democracy is the rule. Our current policy toward Cuba blocks these exchanges and prevents the United States from using our most potent weapon in our effort to combat totalitarian regimes, and that is our own people. They are the best ambassadors we have. Most totalitarian regimes bar Americans from coming into their countries for the very reasons I just mentioned. They are afraid the gospel of freedom will motivate their citizens to overthrow dictators, as they have done in dozens of nations over the last half century. Isn't it ironic that when it comes to Cuba we do the dictator's bidding for him in a sense? Cuba does not have to worry about America spreading democracy. Our own Government stops us from doing so.

Let me review for my colleagues who may travel to Cuba under current government regulations and under what circumstances.

The following categories of people may travel to Cuba without applying to the Treasury Department for a specific license to travel. They are deemed to be authorized to travel under so-called general license: Government officials, regularly employed journalists, professional researchers who are "full time professionals who travel to Cuba to conduct professional research in their professional areas," Cuban Americans who have relatives in Cuba who are ill—but only once a year.

There are other categories of individuals who theoretically are eligible to travel to Cuba as well, but they must apply for a license from the Department of the Treasury and prove they fit a category in which travel to Cuba is permissible. What are these categories? The first is so called freelance journalists, provided they can prove they are journalists; they must also submit their itinerary for the proposed research. The second is Cuban Americans who are unfortunate enough to have more than one humanitarian emergency in a 12-month period and therefore cannot travel under a general license. The third is students and faculty from U.S. academic institutions that are accredited by an appropriate national or regional educational accrediting association who are participating in a "structural education program." The fourth is members of U.S. religious organizations.

The fifth is individuals participating in public performances, clinics, workshops, athletic and other competitions and exhibitions. If that isn't complicated enough—just because you think you may fall into one of the above enumerated categories does not necessarily mean you will actually be licensed by the U.S. Government to travel to Cuba.

Under current regulations, who decides whether a researcher's work is legitimate? Who decides whether a freelance journalist is really conducting journalistic activities? Who decides whether or not a professor or student is participating in a "structured educational program"?

Who decides whether a religious person is really going to conduct religious activities? Government bureaucrats are making those decisions about what I believe should be personal rights of American citizens.

It is truly unsettling, to put it mildly, when you think about it, and probably unconstitutional at its core. It is a real intrusion on the fundamental rights of American citizens. It also says something about what we as a government think about our own people.

Do we really believe that a journalist, a government official, a Senator, a Congressman, a baseball player, a ballerina, a college professor or minister is somehow superior to other citizens who do not fall into those categories; that only these categories of people are "good examples" for the Cuban people to observe in order to understand American values?

I do not think so. I find such a notion insulting. There is no better way to communicate America's values and ideals than by unleashing average American men and women to demonstrate by daily living what our great country stands for and the contrasts between what we stand for and what exists in Cuba today.

I do not believe there was ever a sensible rationale for restricting Americans' right to travel to Cuba. With the collapse of the Soviet Union and an end to the cold war, I do not think any excuse remains today to ban this kind of travel. This argument that dollars and tourism will be used to prop up the regime is specious. The regime seems to have survived more than 40 years despite the Draconian U.S. embargo during that entire period. The notion that allowing Americans to spend a few dollars in Cuba is somehow going to give major aid and comfort to the Cuban regime is without basis, in my view.

Political rhetoric is not sufficient reason to abridge the freedoms of American citizens.

Nor is it sufficient reason to stand by a law which counteracts one of the basic premises of American foreign policy; namely, the spread of democracy. The time has come to allow Americans—average Americans—to travel freely to Cuba.

I urge my colleagues to support the pending amendment and restore American citizens' rights to travel wherever they choose, including to the island of Cuba.

Mr. BINGAMAN. Mr. President, I rise today in support of the amendment introduced by Senators DORGAN and CRAIG that will suspend enforcement of the travel ban on Cuba.

As many of my colleagues know, in March of this year the Office of Foreign Assets Control at the Department of Treasury published new regulations that would severely restrict licensed travel by United States citizens to Cuba for educational activities. I think I would not be incorrect to call this regulatory change another backward step in a Cuba policy that has proven to be wrongheaded and counterproductive. We have in place at this time a trade, investment, and travel ban with Cuba that has been in place since the early 1960s that has had no tangible effect on the policies that have been implemented in that country. We now have proposed by the Department of Treasury a further tightening of these restrictions with no logical policy justification of which I am aware. We are talking about continuing the exact same policy with Cuba that has been in place for over 40 years and then wondering why we have the exact same results—year after year after year. I am afraid it makes no sense to me.

As a response, Senators BAUCUS and ENZI introduced legislation—of which I was an original cosponsor, S. 950—that was specifically designed to reverse this travel ban. The Dorgan-Craig amendment is a shortened version of this legislation. Having recently passed in the House, I believe it reflects a visible trend on both sides of the aisle in both the Senate and the House toward a very simply proposition: the ongoing embargo with Cuba represents a significant foreign policy failure on the part of the U.S. Government in that it has only solidified the position of Castro and perpetuated the power of his brutal regime. What we have seen is a vicious circle where our unwillingness to engage Cuba has led to an inability on our part to influence the direction and speed of that country's political and economic development. Given the prominent issues in the country and the potential trajectories a post-Castro Cuba might take, this is not an exercise in theory. There are very real costs for the United States, in both the region and the world, if we do not work constructively and purposively toward a transition to a peaceful, democratic society and a free market economy in Cuba.

No one in Congress approves of the policies or the politics used by Castro. I personally deplore the regime's repressive tactics and support the movement in the country that has attempted to increase political participation. As it stands now, the lack of freedom and opportunity in Cuba stands in direct contrast to the rest of Latin America, and is a very real reflection of the inability of Castro to be in touch with the needs and desires of his people. Cuba now stands practically alone in Latin America in its ability to nurture the growth of democracy, establish the protection of individual human rights, and create a semblance of economic security.

But this is a question of how best to achieve the goals we all want. I am of the view that more, not less engagement will get us where we want to go. I am of the view that our strongest lever and possibility for change comes from intensive and ongoing interaction with the Cuban people. This amendment is a small but important step in that direction. I urge my colleagues to support it.

Mr. ENSIGN. Mr. President, I am in opposition to the Dorgan amendment to lift the Cuba travel ban.

Mr. President, a few months ago, Fidel Castro saw his opportunity to deal with his internal critics once and for all. Seventy-five dissidents and independent journalists were rounded up, tried in kangaroo courts, and given sentences as high as 28 years in prison—for a cumulative total of 1,454 years—simply for the crime of being independent journalists, or economists, or democracy advocates.

Castro's actions were so galling, so blatant, that even some of his most craven apologists expressed shock. The European Union which until then had been happy to make a tidy profit at the expense of Cubans, imposed travel restrictions and other sanctions on the Castro dictatorship. Newspapers changed their position on sanctions. For example, the Los Angeles Times wrote, "After years of calling for liberalized relations with Cuba, this editorial page must now urge American policymakers to hit the brakes. Before Congress even thinks about loosening restrictions, it should demand that Castro free those rounded up and demonstrate that his nation is moving toward democracy and away from totalitarianism."

Nothing has changed. Those dissidents are still rotting in Castro's jails.

Nonetheless, today, the majority of the United States could decide to ignore the pain and suffering of those 75 dissidents and turn the other way. They could decide to reward Castro by voting to lift the travel ban and let American dollars finance Castro's instruments of repression.

The appeasers keep saying that weakening the embargo by lifting the travel ban will hasten Castro's demise. Whenever they say this, I always ask: How?

The answer is always vague—something about how travel by Americans to Cuba will somehow transform Cuba and change Castro's ways. Well, I look at Cuba today and see a lot of European and Canadian tourists that have been going there for years—yet Cuba has not been transformed, and Castro has not changed one iota.

The fact is, American tourists cannot change Cuba any more than Europeans or Canadians or Latin Americans have—because in Cuba you cannot do business with individual Cubans—you have to do business with Castro.

Castro practices tourist apartheid. He sets aside hotels, beaches, stores, restaurants, and hospitals for foreigners. Cubans are not permitted in those places. Anyone who believes that Americans drinking mojitos while sunning themselves on the beaches of Varadero is going to liberate the Cuban people doesn't understand the nature of tyranny.

Tourists even fund Castro's security apparatus when they stay in hotels owned by foreign investors. In Cuba, when a foreign investor comes to town, they do not hire or pay Cuban workers directly—only the Castro regime can legally employ a Cuban citizen. They pay Castro in hard currency for each worker—often as much as $10,000 per employee. Castro then pays the workers in worthless Cuban pesos—the equivalent of $15 or $20 a month—and pockets the rest.

The result is that foreign businesses in Cuba are paying Castro hundreds of millions of dollars in direct cash subsidies—while the Cuban people get nothing. These foreign investors have effectively replaced the Soviet Union as the source of Castro's hard currency subsidies.

Under these circumstances, American travel to Cuba cannot liberate the Cuban people.

To the contrary, it would only help Castro prop up Cuba's teetering economy and perpetuate his dictatorship.

Under these conditions, American dollars would do nothing to promote democracy or entrepreneurship of independence from the state. All it would do is directly subsidize the oppression of the Cuban people.

Fortunately, we have a President who is not going to allow that to happen—who will veto this bill if presented to him with a lifting of the travel ban.

One of these days Cuba will be free—and I want to be able to look the Cuban people in the eye, and say to them that not one dime of the money used to repress, imprison and torture them came from legal American investors. I want to be able to look them in the eye, and say our tourists did not come and rape their wives and daughters, who had to sell their bodies to foreign tourists to feed their families under Castro's regime. I want to be able to say that we did not subsidize their oppression.

The Cuban people will remember who supported them and who supported Fidel Castro. Mr. President, this Senator chooses to stand with the Cuban people, and to oppose the Dorgan amendment.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Alaska.

Mr. STEVENS. Mr. President, this amendment would limit the funding of the Treasury's Office of Foreign Assets Control.

There are about 135,000 Americans who go to Cuba every year. Some Members of the Congress have been there. But why should we now open up travel to Cuba and give additional cashflow to the Castro regime?

There is no rule of law there. Tourists have been frequently detained, as in the case of American citizen Ron Shelton. I wish we had a poster to show that.

It is unconscionable that after the recent crackdown and arrest by Castro of nearly 80 dissident human rights activists and opposition leaders that this comes up now at this time to sort of reward him for that activity.

It is a cash-starved dictatorship, and no matter what anyone says, opening the doors for American tourism will feed that dictatorship and give him the ability to select his successor without any participation of the Cubans in a democratic way.

We have always said we would restore relations with Cuba when they had a change in their system and restored democracy to Cuba.

The Cuban regime is listed by the State Department as one of the seven nations responsible for sponsoring terrorism. The other six nations are Iran, Iraq, Libya, North Korea, Sudan, and Syria. The Cuban regime was added to the list in 1982, and remains there because of Castro's personal support of revolutionary and terrorist groups.

Now, Canadians and Europeans have been traveling to Cuba for the last 10 years, but those tourist dollars have not assisted the Cuban people, as my colleagues have reported. There still are great signs of problems for the average Cuban. But the Cuban regime continues to host numerous terrorist organizations as well as many fugitives from U.S. justice.

Castro provides safe haven and support to terrorists all over the world. State Department officials have asserted Castro's government "has at least a limited developmental offensive biological warfare research and development effort." I do not see that this is the time to authorize sending tourism dollars to support a proterrorism regime.

In May of 2001, Castro visited Iran and met with Mohammad Khatami. At Tehran University, Castro publicly praised Iran for its struggles against American imperialism and said his visit would strengthen the bonds between the two nations. Both of those countries are covered by the current U.S. sanctions.

Castro publicly stated:

> My visit to Iran for me and my nation is a great privilege. I truly believe that the relations of the two countries will be stronger after this trip.

He took Cuban tourism to Iran and thinks that is going to improve relations between the two proterrorist nations. I do not believe we should overlook the fact that he said:

> Iran and Cuba, in cooperation with each other, can bring America to its knees.

Let me repeat that. He said, in 2001:

> Iran and Cuba, in cooperation with each other, can bring America to its knees. The U.S. regime is very weak, and we are witnessing this weakness from close up.

That is speaking as a Cuban close off our shores.

The administration has indicated to us on the Appropriations Committee that it understood that "amendments may be offered that would weaken current sanctions against Cuba. The administration believes it is essential to maintain sanctions and travel restrictions to deny economic resources to the brutal Castro regime" particularly when he has already stated his goal is to weaken the United States and to bring this Nation to its knees.

I am told that if the final version of this bill contains such a provision, the President's senior advisers would recommend he veto the bill.

As the chairman of the Appropriations Committee, I bring to the floor the message of the President of the United States, and I move to table this amendment and ask for the yeas.

Mr. REID. Will the Senator withhold?

Mr. STEVENS. Yes.

Mr. REID. Mr. President, I advise all Members it is very likely that following this vote—10 or 15 minutes after the finalization of this vote—there will be another vote. Everyone should be advised of that.

Mr. STEVENS. Yes. I was going to say that. I emphasize, after we vote on this motion to table, we believe there will be another motion to table soon after 12:30.

Mr. President, I do move to table this amendment, the underlying amendment, and that will take the second-degree amendment along with it, I understand. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table amendment No. 1900.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Missouri (Mr. BOND) and the Senator from Montana (Mr. BURNS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting the Senator from California (Mrs. BOXER) and the Senator from Massachusetts (Mr. KERRY) would each vote "nay."

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 59, as follows:

[Rollcall Vote No. 405 Leg.]

YEAS—36

Alexander
Allen
Bunning
Chambliss
Cochran
Coleman
Cornyn
Corzine
Dole
Domenici
Ensign
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hatch
Kyl
Lautenberg
Lieberman
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (FL)
Nickles
Reid
Santorum
Sessions
Shelby
Smith
Snowe
Stevens
Thomas

NAYS—59

Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Breaux
Brownback
Byrd
Campbell
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Enzi
Feingold
Feinstein
Hagel
Harkin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Leahy
Levin
Lincoln
Mikulski
Miller
Murray
Nelson (NE)
Pryor
Reed
Roberts
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Sununu
Talent
Voinovich
Warner
Wyden

NOT VOTING—5

Bond
Boxer
Burns
Edwards
Kerry

The motion was rejected.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator ROBERTS be named as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask for the adoption of the second-degree amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1901.

The amendment (No. 1901) was agreed to.

Mr. STEVENS. Mr. President, I ask for the adoption of the basic underlying amendment.

The PRESIDING OFFICER. The question is on agreeing to the first-degree amendment, as amended.

The amendment (No. 1900), as amended, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. For the information of all Senators, I intend to make a motion on the soon-to-be-offered amendment of Senator FEINGOLD rather soon.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Wisconsin.

AMENDMENT NO. 1904

Mr. FEINGOLD. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 1904.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2003)
>
> At the appropriate place in the bill, insert the following:
>
> SEC.   . Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2004.

Mr. FEINGOLD. Mr. President, before I begin my remarks on this amendment to cancel the scheduled pay raise for Members, I want to note it is possible at some point the Senator may raise a point of order under rule XVI that this amendment constitutes legislating on appropriations. That is a nondebatable question so I would like to take this opportunity to make a parliamentary inquiry of the Chair.

The PRESIDING OFFICER. State your inquiry.

Mr. FEINGOLD. Is there a defense of germaneness available for this amendment?

The PRESIDING OFFICER. There is.

Mr. FEINGOLD. I thank the Chair.

There it is. This amendment is germane to the underlying measure. In fact, it is clearly germane. As some may know, the pay raise provisions for general scheduled Federal employees directly impact the automatic pay adjustment for Members. Without the provisions included in the underlying bill, Members' pay would be less than it would be otherwise.

I want to make sure there is no misunderstanding. There is no legitimate point of order that might be raised. This is the pay raise vote for the year. The amendment is germane to the underlying bill, and I wanted to make that crystal clear in the event some might try to portray this vote on this issue as a purely procedural vote.

My amendment is very straightforward. It would simply eliminate the roughly $3,400 pay raise for Members of Congress that is scheduled to go into effect next January. Put simply, this is the wrong time for Congress to give itself a pay hike. Our economy is still recovering from the recent slowdown. The financial markets have been rocked, wiping out a large portion of the life savings and retirement accounts of many families. Thousands of workers were laid off and have not returned to work, and families face increasing financial pressures. After finally balancing our budget, we are now facing record annual deficits. CBO reports our deficit for the fiscal year that just ended on September 30 was an all-time record $374 billion. If we do not count the Social Security surpluses, and I do not think we should count them, the deficit is nearly $530 billion.

For the current fiscal year, CBO projects a unified budget deficit of $480 billion. Without counting Social Security, the deficit is projected to be $636 billion. Those figures do not include, of course, the $87 billion in additional funding the President has requested for operations in Iraq and Afghanistan.

Over the next 5 years, CBO projects the budget deficits to total $1.4 trillion. Without using Social Security surpluses, the deficits are projected to total $2.4 trillion. The budget spends all of the Government's general revenues and goes well beyond that, running through all of the Social Security trust fund balances. That is something we should do only to meet the most critical national priorities.

I submit a $3,400 pay raise for Members is not a critical national priority. No one can argue this pay raise is justified because Members have not had a pay raise in a while. This is the fifth pay raise in as many years.

On January 1, 2000, Members received a $4,600 pay raise. On January 1, 2001, Members received a $3,800 pay raise. On January 1, 2002, Members received a $4,900 pay raise. On January 1, 2003, Members received a $5,000 pay raise, and unless we stop it, on January 1, 2004, Members will receive a $3,400 pay raise.

That will mean that as of next January, Members will have received five consecutive pay hikes totaling over $21,000. Members will be receiving an annual salary that is $21,000 higher than they did in 1999 because of automatic pay raises.

Now, $21,000 is more than the average annual Social Security benefit for a retired worker and spouse. It is more than the average annual Social Security benefit for a disabled worker, spouse, and child. It is more than someone working minimum wage could make in a year and a half.

While Congress is receiving all of these pay raises, the rest of the country has not been so fortunate. The most recent employment report we have from the Bureau of Labor Statistics says the number of unemployed is nearly 9 million people and the unemployment rate is 6.1 percent. The number of long-term unemployed is over 2 million, the highest levels in over a decade. I think that bears repeating. The number of long-term unemployed is 2 million people.

So I ask, How can Congress give itself a $3,400 pay raise while nearly 9 million people are unemployed and 2 million have been out of work for more than half of a year?

It was recently announced that Social Security recipients will be receiving only the most modest cost-of-living adjustment. The average retiree will be receiving a COLA of about $19 per month or $228 per year. I should add, half of the Social Security COLA will be eaten up by a hike in Medicare premiums. It will not be lost on the millions of retirees that while they are getting a COLA of $228 in 2004, Members of Congress will be giving themselves a pay hike of $3,400.

This automatic stealth pay raise system is just wrong. As I have noted before in discussing this matter, it is an unusual thing to have the power to raise our own pay. Few people have that ability. Most of our constituents do not have that power. That this power is so unusual is a good reason for the Congress to exercise that power openly and exercise it subject to regular procedures that include debate, amendment, and a vote in the RECORD. That is why this process of pay raises without accountability must end. I think it is wrong. I believe it may be unconstitutional.

The 27th amendment of the Constitution states:

> No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

I recognize some of my colleagues may want a pay raise, and I certainly understand that feeling. I do not suppose there is anyone who is working today who would not want a pay raise. Two years ago, a colleague said to me that Members deserved a pay increase because of all that we had been through. I strongly disagree with that assessment, but I understood the sentiment.

I mention all of this because I firmly believe even those who favor a pay hike should support an open and public vote on the increase. Certainly having a vote on the record for a pay hike is better than the stealth pay raise that takes place with no action. Standing up and making a case before the voters is far better than letting the pay raise take effect. I, for one, would be interested to hear someone explain just why Congress should get a $3,400 pay raise in the face of record budget deficits, an economic downturn, and record unemployment. Who knows. Maybe somebody can actually make the case, but we really should scrap the current stealth pay raise system, and I have introduced legislation to stop this process.

The amendment I offer today does not go that far. All it does is stop the pay raise that is scheduled to go into effect in January, the fifth pay raise in 5 years. Let's stop this backdoor pay raise and then let's enact legislation to end this practice once and for all.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. STEVENS. I am in opposition to this amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I will ask for the yeas and nays in a minute on my motion. I think we should be clear about the issue before the Senate. The issue really is whether the cost-of-living provision in this bill should apply to Members as it does to others who work for the Federal Government. We have provided COLAs to military personnel, civil servants, Social Security beneficiaries, a whole list of other categories of Federal service, Civil Service and Federal service. This is not a pay raise. It is an increase that is required by law.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Today, Senators regrettably voted to increase their pay for the fifth year in a row. Next year, as a result of today's action, most of our salaries will be $3,400 higher than they are this year.

While I have supported the congressional pay raise in the past, I cannot in good conscience support it this year. It simply sends the wrong signal to the millions of Americans who are unemployed, or who have taken jobs that pay far less than their previous jobs in order to make ends meet. There are millions of people out there who may not be unemployed, as the formal statistics count them, but they are surely underemployed working part-time instead of full-time, taking a low-paying hourly job just to have some money coming in, or taking a new job that pays them substantially less than their last job. According to the Labor Department, nearly 5 million people who want full-time jobs have settled for part-time work, an increase of 30 percent in 3 years. In September, despite the fact that the economy created 57,000 new jobs, the percentage of the population with full-time jobs actually declined, and the number of people unemployed for 27 weeks or more increased.

In fact, just today, on the very day that the pay increase passed the Senate, a cover story in the newspaper USA Today explained how millions of people across America are having to take what the paper called "survival jobs."

A recent report in the Wall Street Journal said that more than 50 percent of Americans who took new jobs last year took a pay cut. Some of my colleagues may call these "new jobs," arguing that it shows the President's three successive tax cuts are starting to work. I don't know what economy they are looking at, but where I come from, when a $50,000 a year worker finds a new job that pays her $30,000, the statistics may count this as a new job, but try telling this American that tax cuts have made her "better off." I don't think it's worth mortgaging our financial future by borrowing record amounts in order to create new jobs that pay Americans less than they made before. And I don't think that we should be getting a pay raise when so many hard-working Americans are getting pay cuts.

In conclusion, it's simply the wrong time for us to take this action, and I do not support it.•

Mr. STEVENS. I move to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI), the Senator from Nevada (Mr. ENSIGN), and the Senator from Alaska (Ms. MURKOWSKI) are necessarily absent.

I further announce that if present and voting the Senator from Nevada (Mr. ENSIGN) would vote "nay."

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. BOXER) would vote "yea."

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The result was announced—yeas 60, nays 34, as follows:

[Rollcall Vote No. 406 Leg.]

YEAS—60

Akaka
Alexander
Allen
Bennett
Biden
Bingaman
Bond
Breaux
Burns
Byrd
Cantwell
Carper
Chafee
Cochran
Coleman
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dodd
Dorgan
Durbin
Feinstein
Frist
Graham (FL)
Gregg
Hagel
Harkin
Hatch
Hollings
Inhofe
Inouye
Jeffords
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lott
Lugar
McConnell
Mikulski
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Santorum
Sarbanes
Shelby
Smith
Stevens
Sununu
Voinovich
Warner

NAYS—34

Allard
Baucus
Bayh
Brownback
Bunning
Campbell
Chambliss
Clinton
Collins
Dayton
DeWine
Dole
Enzi
Feingold
Fitzgerald
Graham (SC)
Grassley
Hutchison
Johnson
Leahy
Lincoln
McCain
Miller
Murray
Nelson (FL)
Rockefeller
Schumer
Sessions
Snowe
Specter
Stabenow
Talent
Thomas
Wyden

NOT VOTING—6

Boxer
Domenici
Edwards
Ensign
Kerry
Murkowski

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, Senator BOXER was unavoidably absent today. She has asked me to announce she would have voted to table.

AMENDMENT NO. 1905

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Iowa.

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Iowa [Mr. HARKIN], for himself, Mr. FEINGOLD, Mr. KENNEDY, and Mr. DURBIN, proposes an amendment numbered 1905.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the Internal Revenue Service from using funds to go forward with its proposed cash balance regulation)

At the appropriate place, insert the following:

SEC. . None of the funds made available in this Act may be used by the Secretary of the Treasury or his delegate to issue any rule or regulation which implements the proposed amendments to Internal Revenue Service regulations set forth in REG–209500–86 and REG–164464–02, filed December 10, 2002, or any amendments reaching results similar to such proposed amendments.

Mr. HARKIN. Mr. President, this amendment has some history in the Senate and the House. I will try to enlighten Senators as to the background and what it is about. Hopefully, we can have support for the amendment and adopt it.

Basically, it stops the Treasury Department from moving forward with a regulation that would allow companies to convert from a traditional defined benefit pension plan to a cash balance plan in a way that would hurt older workers. We are not saying they can't promulgate a rule that wouldn't allow a company to go from a defined benefit plan to a cash balance plan. We are just saying, they should not do it in a way that hurts older workers. Let me talk about that a little bit and what is behind it.

I am not totally opposed to cash balance plans. Some designs can be very good. Some can be a great deal better for younger workers, for example, than an uninsured defined contribution plan. Some are not. I am not saying we should prohibit any cash balance plans from existing. However, we need to make sure employers put in place a fair and equitable manner for treating these.

I have been following this issue closely for several years. In the mid-1990s, a groundswell of companies started converting from traditional defined benefit plans to hybrid plans, including cash balance plans. A couple of years later, some older workers who were nearing retirement started looking at the effect of this conversion on their account. They were shocked to find they hadn't been accruing any benefits for years. In other words, workers who were, say, in their forties or early fifties when the company converted from a defined benefit plan to a cash balance plan, didn't really know how the conversion would affect them. Then after several years, these older workers looked and found out they had been working for several years and their pension had not increased one penny, even though they had been working. Yet younger workers, age 20, 25, saw their pension plans increase.

A lot of workers nearing retirement, thinking they were going to get what they had assumed was going to be their retirement and their pension, all of a sudden found out their pension had been worn away over several years. It turned out that employers were freezing the accounts in the old plan, then they established a lower opening account balance in the new plan which meant, simply, that the longer you were in the plan, the longer you were working without earning any new benefits. That became a term called "wearaway." In other words, your pension benefits wore away.

Many people said: This is nothing less than age discrimination. In other words, I am working for the company. I have been there for 20 years. They switch their pension program. A younger person gets more in their pension program than I get in mine.

A new 25-year-old employee would be getting more money contributed to their pension account, while a 45-year-old who had been loyal to the company for 20 years would not get anything. I was shocked and appalled to learn about this practice, and so were thousands of loyal, hard-working Americans.

In 1999, I introduced a bill to make it illegal for corporations to wear away the benefits of older workers during these conversions. We raised the profile of this issue. We raised it with Treasury. In September of 1999, the Treasury Department issued a moratorium on conversions from defined benefit plans to cash balance plans. The momentum against these unfair conversions was building as more and more companies changed, as more and more workers found their pensions were worn away.

In April of 2000, we in the Senate passed a sense-of-the-Senate resolution without objection, stating that the wearing away of current benefits during cash balance conversions is unfair and wrong—a unanimous sense-of-the-Senate resolution in April of 2000.

Well, now we go to 2001 and 2002, and not much is happening. That moratorium stayed on, by the way, through 2000, 2001, and 2002. However, last December, Treasury issued a regulation that would turn the clock back, undo the moratorium, allow more businesses to go forward with conversions in this wrong manner—the manner that would wear away the pensions of older workers.

Very soon after that, 191 members of the House of Representatives, and 26 Senators signed a bipartisan letter to President Bush asking that we do not reopen the floodgates, that we withdraw this rule and promulgate a rule that is fair and equitable. Well, now, as you might imagine, during this period of time some of these workers who found that their pensions had been worn away went to court. In August, a district judge in East St. Louis, in the case of Cooper v. IBM—IBM was one of the larger, well-known companies that engaged in this practice—ruled in favor of the plaintiff on her age discrimination claim.

Now, on September 9—I am talking about last month, and this case was decided in August—the House of Representatives voted 258 to 160—again bipartisan, with 65 Republicans voting for the amendment—saying that the IRS should not issue a regulation that would overturn this ruling by the district judge in East St. Louis.

So now we are into October. I might just say that all of these have been positive steps. We had a sense-of-the-Senate resolution in 2000. We had the moratorium. Last December, the Treasury Department—I might add, if I am not mistaken, I don't think there was a Secretary of the Treasury at that time in place—issued this rule to turn the clock back, and 196 members of the House and 26 Senators signed a letter to President Bush saying withdraw this rule and have one that is fair and equitable.

In August, there was the district court ruling. On September 9, last month, the House voted 250 to 196 that the IRS should not issue a regulation that would overturn this ruling. There have been a lot of positive steps, but this regulation is still hanging out there.

One other thing happened. Last January, Senator DURBIN and I indicated that we might place a hold on the nomination of Mr. John Snow to be Secretary of the Treasury. Well, Mr. Snow was a very popular person and we didn't have anything personally against him; I want to make that clear. But we wanted to raise this issue. So Mr. Snow, a fine gentleman and outstanding business executive, someone who has gotten high accolades for his tenure in business as a business executive, met with Senator DURBIN and me in my office. He said on this critical issue he would let fairness guide the regulatory process.

Mr. Snow had talked about what they had done at CSX, the company he had been CEO of, and how they had, I believe, instituted a cash balance plan, and a choice between the old plan and the new plan, which sounded fair and reasonable to me—let the worker decide what they want, which means many younger workers would probably pick the cash balance plan, and older workers might stay with a defined benefit plan. Mr. Snow said he would let fairness guide this regulatory process. That is the way we ought to go.

The fairness ought to be in working with Congress to develop this new regulation. So I think the best way to ensure that we do this is to ensure, No. 1, that Congress speaks on this issue; that Congress is involved in working with Treasury to make sure we come up with a fair and equitable rule dealing with pensions.

Secondly, I think the best way to make sure this happens, and to make sure that Congress is able to work and have a seat at the table is to adopt this amendment.

This regulation must be withdrawn. We need to work together to find a reasonable, bipartisan legislative solution to this complex problem. This is an incredibly important issue to American workers. It is very important for them to know that we stand united behind them in this struggle for fairness.

Mr. President, I spoke about this many times on the Senate floor. In terms of what distinguishes the American workplace in so many ways from others around the world, we have always valued loyalty and productivity in the American workplace—loyalty and productivity. If you are hard working and you are productive and you are loyal, U.S. companies have always valued that—at least they used to. That is one of the reasons companies have offered defined benefit pension plans. The longer you work and the more loyal you are to the company, you get a bigger pension. It makes sense.

So the longer you work someplace, the better you do your job, the more you learn about it, the more productive you are, that is what we value. We value that productivity and loyalty.

Now if companies are able to just break these promises at random, what kind of a signal does that send to U.S. workers? It tells workers they are foolish to be loyal because their employer could just change the rules of the game at any time and leave them out in the cold. It destroys the kind of work ethic that we have come to value and that I believe built this country, which distinguishes us from other countries around the world. We value fairness when it comes to workers. A deal is a deal.

I offer this analogy. Let's say I am offered a job. The employer says to me: OK, Senator HARKIN, we are going to hire you and we are going to have a 5-year job here for you to do. If you stay with us for 5 years and you work for 5 years, we will give you a $50,000 bonus. I think that is a pretty good deal, so we shake hands, and I agree on that. So I worked at the company for 3 years, then my boss comes to me and says: HARKIN, you know that deal we made where we said if you would work here 5 years, you would get a $50,000 bonus? Well, you have been here for 3 years and, guess what, the deal is off. Just like that, the deal is off. But I went to work for that company depending upon that.

That is what happens to a lot of people. They depend upon the kind of pension program the company has. That is one of the things, when companies recruit workers out of college or vocational schools, people look at what kind of pension program they have. Well, if after a certain amount of time they say, sorry, it is off, you don't get any of this, what does that say about loyalty and productivity?

I don't think that is the way we want to treat workers in this country where the employer holds all the cards and can change the deal anytime they want.

Again, I didn't have any stake—but, HARKIN, you didn't contribute anything to that bonus. We said if you worked here 5 years, we would give you a $50,000 bonus, but we paid you the salary we agreed upon, did we not?

Yes.

You didn't put anything into that $50,000 bonus; that is something we were going to give you. Now we reneged on it. You don't have anything to gripe about.

Wait a minute. I have given 3 years to this company. I worked hard. I was productive because I wanted to get that bonus for 5 years, so it is not true to say I didn't put anything into the bonus.

This is like saying you didn't put anything into the pension plan. This is something the company offered you. Oh, yes, you did. You may have put in 20 or 25 years of loyal, hard work and diligence. If you had known 20 years ago they were going to pull the rug out from underneath you, would you have stayed with that company or would you maybe have gone someplace else?

Again, I hope people disabuse themselves of the idea that somehow a pension is just what the company offers you and you don't have any stake in it. You have a big stake in it. It is what they promised you when you went to work there, and you went to work there relying upon that promise.

I am not saying they can't change their pension programs. Times change, conditions change, the workforce changes. I understand all that. New kinds of pension programs come on the market dealing with existing circumstances or what the future might be. That is fine, just as long as, No. 1, they treat workers fairly, and No. 2, that a deal is a deal. It seems to me if you work for a company for 20 years and they want to switch their pension plan, but you made a deal on one and you want to stick with that one, they ought to at least let you continue to work and retire under that plan. If you want to switch, it ought to be up to the worker.

That is what this amendment is all about. It is simply about saying to the Treasury Department they can't issue this proposed rule they have come up with which, as I said, last month the House voted 258 to 160 to say no to and which earlier this year 191 Members of the House and 26 Senators signed a letter to President Bush saying withdraw the rule.

That is what this amendment does. It simply says: Withdraw this rule; work with Congress. Let's have something that is fair and equitable for our workers.

Again, I urge my colleagues to join in support of this amendment in fairness to American workers.

Mr. President, I ask unanimous consent that a letter from the AARP dated October 23, 2003, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION
OF RETIRED PERSONS,
Washington, DC, October 23, 2003.

Senator TOM HARKIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HARKIN: AARP supports your amendment to the Transportation, Treasury and Independent Agencies Appropriations Act for Fiscal Year 2004 that would prohibit the IRS from using funds to go forward with its proposed cash balance regulations. The House passed a similar amendment on September 9, 2003 by a strong bipartisan vote of 258–160.

This amendment would not change existing law. It is in keeping with the court decision in Kathi Cooper, et al. v. IBM Personal Pension Plan, et al. The court concluded that cash balance pension plans discriminate against older workers, cut older workers' benefits, and serve to lower the costs and contribute to the profits of companies sponsoring cash balance plans.

In September 1999, the IRS imposed a moratorium on corporate plans that convert traditional defined benefit plans to a cash balance formula in order to allow Congress and others to review cash balance plans to make sure that the conversions comply with current pension and age discrimination laws. The moratorium suspended consideration of approximately 300 pending applications submitted by corporations to convert an existing plan to a cash balance formula. The Treasury proposed regulations in December 2002 that would lift the moratorium and allow corporations to establish plans that the federal courts have ruled discriminate against older workers.

AARP believes that Treasury should not act on regulations that would encourage companies to change their pension plans in a manner that is contrary to age discrimination laws and the federal court ruling. Rather, Congress should review the ruling and enact the pension reform measures necessary to protect older workers.

AARP urges you to vote for this timely and important amendment. AARP hopes that this amendment will send a strong message that we value older workers and that we reaffirm those older workers should not be subject to age discrimination in their pension plans and their pension benefits should be calculated fairly as directed by Congress and the Federal courts.

Please let me know, or have your staff call Frank Toohey (202-434-3760) of our Federal Affairs office if we can be of further assistance.

Sincerely,

MICHAEL W. NAYLOR,
Director of Advocacy.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator HARKIN on this amendment to protect workers' retirement.

We know that for millions of American workers, their pension benefits are in danger. The continuing weak economy and rising health costs are pressuring thousands of employers to reduce or terminate their traditional defined benefit pension plans.

One way that companies are slashing costs is by converting traditional pension plans to cash balance plans. Older employees are the hardest hit by these conversions. According to the General Accounting Office, annual pension benefits of older employees can drop as much as 50 percent after a company converts to a cash balance plan.

Companies are doing it to save hundreds of millions of dollars in pension costs. But those savings are being taken out of the retirement security of American workers.

These proposed Treasury regulations would give companies legal protection against claims of age discrimination by older employees. Thousands of companies would have a strong incentive to convert to cash balance plans. Millions of workers could lose huge chunks of the pensions they have been promised.

Cash balance pension plans do have some advantages for some workers. Increased portability of pensions is important. So is providing pension benefits for parents, particularly women, who move in and out of the workforce. We support greater benefits for younger workers, who are more likely than ever to have several employers throughout their careers. But Treasury can and must do more to protect the workers who are hurt by these conversions.

The Harkin amendment would halt Treasury's proposed regulations. Workers should have choice about benefits under their pension plans, and they deserve protections when their company converts to a cash balance plan. It is wrong to let companies freeze the benefits for older workers, or reduce future benefits, when these workers have already contributed so many years of service to their companies.

I urge my colleagues to support this amendment, and do the right thing to protect the retirement of our Nation's workers.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, the managers have no objection to the amendment offered by the Senator from Iowa. I urge the amendment be adopted.

Mr. President, we need to check something. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I want to say again the managers have no objection to this amendment, and I urge the amendment be adopted.

The PRESIDING OFFICER. Is there further debate? If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1905) was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the managers of the bill for accepting this amendment. Again, this amendment is going to send a strong signal that both bodies want to work with the Treasury Department to establish a fair and equitable rule on pensions. I thank the managers.

Mr. SHELBY. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1917

Ms. MIKULSKI. Mr. President, I have an amendment that I send to the desk and ask its immediate consideration.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will report.

The legislative clerk read as follows:

> The Senator from Maryland [Ms. MIKULSKI], for herself, Ms. LANDRIEU, Mr. REID, Mr. SARBANES, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. KENNEDY, Mr. LEAHY, Mr. AKAKA, and Mr. BYRD, proposes an amendment numbered 1917.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To prohibit the use of funds for implementing the 2003 revision of Office of Management and Budget Circular A–76)
>
> On page 127, after line 23, insert the following:
>
> SEC. 537. None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A–76 made on May 29, 2003.

Ms. MIKULSKI. Mr. President, this amendment concerns procedures for contracting out. I ask that the cosponsors be Senators LANDRIEU, REID, SARBANES, LAUTENBERG, LIEBERMAN, KENNEDY, LEAHY, AKAKA, and BYRD.

I rise to offer an amendment that does several things. First, it protects the egregious abuses and unfair practices that are now into a new procedure for contracting out the work of Federal employees. That contracting out procedure is called an A–76, which is the circular that describes this methodology.

You need to know. I understand reform is necessary, but abuse is not necessary. I must say I am very concerned that the White House is pursuing a political agenda masquerading as management reform. In the administration's plan for privatization, the costs are too great. It costs money. It costs morale. It costs the integrity of the Civil Service system.

When I say it costs money, do you know that when we were foraging funds for veterans health care, the administration wanted to spend $75 million to figure out how to contract out the work being done at the VA? What jobs am I talking about? Radiologists, social workers, core essential medical personnel. The administration wants to spend $75 million, while we have veterans waiting in line to figure out how we can contract out the health care we promised them. It costs too much.

Then it costs morale. The minute you hear you might be contracted out, you have to write a job description. Then you have to wait around to see if you are contracted out. Then, even if you win it, you might be contracted out because you will again have to compete in 5 years. Morale in key agencies such as the National Institutes of Health is completely in disarray.

It also costs the integrity of the Civil Service system. Every democracy in the world has a civil service system that is absolutely independent and has absolute integrity to carry out the core functions of government, regardless of what political party is in charge. That is why democracies have civil service, to administer the core functions of government. That is why we always wanted to be sure that it wasn't patronage that determined who became an FBI agent, that it was not crony politics that decided who got a Social Security check. We would have an independent civil service that would administer these things.

That is not where we are going. We are heading to cronyism and political patronage. At the very time we are fighting a war against terrorism, I don't understand why the White House is spending its time figuring out how we can undermine our Civil Service.

Make no mistake, I am not opposed to privatization. In some instances, privatization works very well. In my own State of Maryland, in an agency called the Aeronautics and Space Agency, of which I am a ranking member for funding, we have privatization.

Let's look at Goddard Space Agency in my own home State. We have 3,000 Civil Service jobs and 9,000 private contractor jobs. Both are doing an outstanding job, and I am proud of them.

What I am opposed to is that this new A–76 is inherently unfair to Federal employees. The deck is stacked against them to pursue an ideology driven agenda, not a management reform agenda.

My amendment is simple. It throws out these new crony rules, these new unfair rules which stack the deck against Federal employees, and asks that the administration go back to the drawing board to come up with new guidelines for competition that are truly fair. Why is this important? OMB is pushing contracting out, even when it doesn't make sense, or even when it puts our Nation's security at risk, or the integrity of medical research on the line, or even when it costs more to conduct competitions than it saves in the long run.

Did you hear what I said? Even when it doesn't make sense, even when it puts national security at risk, and in some instances now they have some cockamamie scheme that could even put the integrity of medical research on the line. Hello. Where are we going? I think we need to go back to the drawing boards.

Let me say why this is unfair. Let me go through some very specific reasons. No. 1, it does not allow Federal employees to submit their own best bids. The new rules create something called streamlined competitions. That is just a code word for employees not having a chance to come up with their own cost-saving ideas. I don't know how you can call it competition if you don't even allow the employees to form a team and to come up with ideas on how to save money, as well as how to save jobs.

No. 2, guess what, in all of this contracting out it does not even require contractors to show they are saving money. The old A–76 required contractors to show they would save the Government significant money, at least $10 million or 10 percent, whichever is less. This new A–76 has gotten rid of this requirement. Guess what. The competitions themselves cost money. To do an evaluation on what should be contracted out by and large costs $8,000 an employee. So now Federal workers who might be losing their jobs to contractors do not even do it to save the taxpayer any money, let alone the integrity of the Civil Service.

It is also destabilizing. This is really a morale buster. Boy, you talk about a morale buster; it is just to say: You know, every couple of years we are going to put you up for grabs. This new A–76 forces Federal workers to recompete every 5 years for their jobs, but it does not require contractors to recompete every 5 years for the contract that is won.

How will the Government attract and keep bright young workers if their jobs are at risk every 5 years? And if the Federal employees should be up for bid every 5 years, why shouldn't the private sector bid every 5 years? If you want to destroy agencies such as NIH and VA, just do it this way.

Also, it provides an unfair advantage to contractors that provide lesser benefits. If a contractor saves money by shrinking wages and eliminating health care, that is not improving Government efficiency. But that gives them an unfair advantage when they bid. Their bids do not show efficiency; they win contracts because they either eliminate or shrink health care.

That is not the way we should go. It is bad 46 million Americans do not have health care, let alone now forcing Federal employees not to have it.

To be sure everybody understands this, I would like to give three examples. Let's take the National Institutes of Health. This is one of the most beloved agencies in our country. If anything would ever happen to the National Institutes of Health, it would be devastating to the American public. This is one of the agencies everyone loves. Why do we love NIH? Because out there every day there are people working to find cures to save lives. So guess what. OMB took a look at NIH. Guess what they wanted to contract out. OMB wants to contract out lots of things, but one of the things they want to end is the NIH fire department. Why do they have their own fire department? Because of all the research going on, we need not only brave first responders but those who are best at handling chemical, biological, and radiological events.

In fact, the entire Capital region relies on them for emergencies and also training others. We need our own fire department at NIH because they know every building, they know every rack where the research is going on, and they know every mouse and what they have taken in tests to keep us alive.

How do you bid on a fire department? I don't know how you contract out a fire department.

I am telling you this is terrible.

They not only go to the firefighters, but they go to scientists, scientific support, and other jobs at NIH which are slated for competition.

There is a group called Senior Scientists Category 2. These are postdoctoral research fellows. OMB wants to contract out the decisionmaking process in selecting these scientists. They want to contract it out. They want to provide a bid for outside contractors to select these key scientists. I cannot believe it.

I listened to Dr. Zerhouni testify. By the way, Dr. Zerhouni is a very eminent physician, an entrepreneur, formerly of Johns Hopkins, now the head of NIH, and an outstanding Bush appointee. He told me they had to spend $15 million at NIH to study how they could contract this out. That is $15 million that could have gone to find a cure for Alzheimer's and diabetes. Dr. Zerhouni and others said it took over 100,000 hours of staff time. Dr. Zerhouni protested. He went right to OMB and said don't contract out my fire department. It is a waste of time and a waste of money. Please let us select these postdoctoral fellows. He was overridden by OMB. We are grateful for this man who heads up NIH, and who because of his own research could be a candidate for the Nobel prize. But they overrode him under the guise of a political agenda masquerading as management reform that has absolutely left the morale at NIH in shambles.

Let us take VA. I couldn't believe it. Just when Senator BOND and I are trying to come up with more money for our veterans, we got a request from VA saying they want to spend $75 million to study contracting out. Whoa—$75 million? I am the appropriator along with Senator BOND. Seventy-five million could have put up 75 new outpatient clinics. It could have provided prescription drugs for 77,000 veterans. Just when our men and women are coming back from Iraq, we want to contract out VA health care and things such as radiology, pathology, and pharmaceutical care.

I am telling you: Boy, don't they feel good. We should be lucky to have these doctors and nurses and professionals. Guess what. They have tried this. The jobs they want to contract out are actually even held by veterans themselves. You are telling me we should take money from veterans health care to pay for studying how to contract out veterans' jobs to provide health to other veterans. By my calculation, one study they did didn't work out.

Let me tell you about the most heartbreaking example.

At the Medical Center in Bethesda—we all know about Naval-Bethesda. It is an outstanding facility. People here at the Senate have used it. Our own President goes there for his annual checkup, as has every President preceding him. It is great. At Naval-Bethesda down in the kitchen there are 21 custodial food service employees. They work in what they call the hospital scullery. They are a very unusual group of people. They are mentally challenged. There are 21 people who work there. They have worked there as a special unit. This Federal Government reached out using it as a model for hiring people with mental disabilities who could be self-sufficient and self-employed.

Boy, have they done a good job. They clean up the kitchen. They prep the food. Everybody at Naval-Bethesda loves them. Devorah Shapiro has worked there for 10 years. She is in a group home. James Eastridge is from Hagerstown. He started working there 22 years ago, and he hasn't missed a day of work. He gets all kinds of awards.

Guess what. At Naval-Bethesda working in the kitchen are people who are trying desperately to be self-sufficient. And we are going to contract out 21 jobs in the kitchen for people who wash the dishes and prep the food? I am telling you, shame on you, OMB. Shame on you, OMB, for what you are doing here. I think this is outrageous.

That is why I have the Mikulski amendment. It is for those people. It is for those veterans who have gotten their education from the GI bill and who are serving there—our scientists, our seafood inspectors, the people who are doing the mapping at the FAA for our flight plans for our military and commercial planes.

I could go on and on and on. Those are the kinds of people I am talking about. They aren't bureaucrats sitting there looking at their fingernails. They are not people just sitting around. They are people who work every day. They are people at NIH who win Nobel prizes. They are people out there in the Coast Guard who are protecting us from drug dealers and from terrorists. They are people like those who lost their lives in the Oklahoma bombing.

That is why I am offering this amendment. I have told you my opinion on contracting out. But to the naysayers and those people who are fussbudgets, let me reassure you this amendment doesn't prohibit contracting out. It does not. It simply changes the rules to make them more fair. All it does is throw out the unfair May 29 version to give the administration a chance to rethink its one-sided, overly aggressive policy.

Speaking of that, I know OMB has tasked every Federal agency to get rid of 400,000 jobs. You know my feeling about that. It is just outrageous. Instead, we should pass the Mikulski amendment and go back to the drawing boards. There are simple reasons why. This new process doesn't require appreciable cost savings. It allows contractors to make appeals but not Federal employees. It fails to track the cost and quality of contractors. It encourages it. It doesn't offer alternatives to progress. It is bad for diversity. The jobs being contracted out tend to be primarily service jobs and clerical jobs which are often women. It is also in the blue-collar jobs that have a very strong diversity group. It doesn't allow Federal workers to bid on contractor work. It doesn't give them an appeal process. I could go on and on.

It is a new A-76. It is a dangerous trend to replace our Civil Service employees with cronyism and political patronage contracts. I believe this A-76 system is inherently unfair. We should send it back to OMB. Let us work in a very constructive way to get the best value for the taxpayer and make sure we have the best people operating our missions—driven not by money but by agencies.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I would like to take a little time to discuss this issue. Let me say at the beginning it is my intention to offer a second-degree amendment.

We have been through this before. Actually it is the same thing. We are going back through it again. It is sort of interesting. You would think most people here as well as in the country would like to have an efficient government workforce. We would like to in instances which are potentially possible have the private sector involved in things. At the same time, we recognize there is a strong Federal employee group, and they will continue to be there. No one thinks that is all going to change. That is not the intention.

The idea that all of this is going to change—the example used of people in the food service at the Naval Hospital. As a matter of fact, I was just there this morning. That isn't going to happen. They are there for other reasons, and those reasons will be considered.

I think it is really too bad to take an issue like that—and there is a good basis for them being there—and attempt to use stories like that to make it sound unreasonable.

The idea of competition, of course, has been around for a good long time. A-76 is not a brand new idea. It was passed during the Clinton administration. In this Congress we passed it, and continues to endorse the idea, certainly of competitive sourcing, streamlining Federal agencies. What is wrong with that?

We hear all the time, we could do a better job with the energy, the ports we have, of course. Make Government more accountable to the taxpayers. That is a good idea, it seems to me. We use the Government's direct competition with the private sector, thereby ensuring competition. As a matter of fact, there is competition in these potential job changes. In most cases, there has been efficiency in the Government workforce, and the Government workforce continues to be there in a more efficient way. I have trouble finding a problem with that, unless it is totally political, which I suspect it perhaps is.

The competitive source initiative is designed to improve Government performance and efficiency. That is what it is all about. When the Government competes with the private sector, we erode the local tax base; we drive up prices; we decrease performance by Federal agencies. By doing what we are talking about doing, we have cost savings. Whether or not the Federal workers stay in place or whether we do it through contract, we save money. That has been the history. Competition does that. Competition causes whoever is there, whether they be Federal or private, to find more efficient ways to do the job they are seeking to do. What is new about that? For all who have been in the private sector, that is the way we do things. There is nothing wrong with that.

We are seeking to use the Center for Naval Analysis. Two independent groups, along with the General Accounting Office, have found through extensive research that competition sourcing reduces costs by about 30 percent regardless of who wins. The cost savings success stories include the printing of the fiscal year 2004 budget of the U.S. Government, the location in Washington, DC. Competition was completed in 2002, printing of four of the five volumes of the President's budget requested by Congress. Precompetition costs were $505,370; competition results, $387,000. It was retained in house. This reduction in costs by having outsourcing competition to do the same job ended up being done by Federal employees with a 23 percent savings. Those are the things we are talking about.

It seems to me, and a lot of people believe, we have two issues. One is a practical, efficiency, cost saving issue. It is pretty well proven. The other is the philosophy of competition and of the use of the private sector where appropriate.

I was chairman of the National Parks Subcommittee. The thought that we would replace rangers in the park has never been the idea. We are talking about the service jobs, the maintenance jobs. We are talking about those jobs, not park rangers. No one is talking about that.

It is interesting to note, as the competition has taken place, there have been great savings: 2,500 positions have been reviewed under the competitive sourcing since 2001, and not 1 full-time Federal employee has been involuntarily replaced.

These are the issues we are dealing with. We have been through this before. We went completely through this bill, and now we are back seeking to do it again.

The Mikulski-Landrieu amendment would prevent agencies from taking advantage of recent revisions of OMB Circular A-76 to improve program performance and lower cost through the application of public-private competition. This amendment denies taxpayers the process the General Accounting Office believes would result in better transparency, increased savings, improved performance, and greater accountability. That is not bad stuff.

Undue processes that have been shaped around the consensus of a supermajority of the public and private sector representatives: A commercial panel was convened by GAO to study the comprehensive sourcing. Why are some of the revisions to OMB Circular A-76 important? The rule makes important changes to level the playing field for public and private sector sources to offer the best services by eliminating the longstanding policy of prior revisions of the circular that discourage the Government from competing with the private sector even though the Government might be able to provide a better value. It discourages Government transportation as well. That is part of the problem we had.

The faulty premise of the Mikulski amendment is based on a series of misplaced concerns that inaccurately suggest that a new private-public competition process provided by Circular A-76 is unfair. In fact, the revised circular promotes reasoned decisionmaking and increases opportunity for fair consideration of both in-house and private sector providers.

The revised circular does not allow Federal employees to submit their best bid: It significantly expands Federal employees' opportunities and their capacity to serve the taxpayer by expressly requiring agencies to ensure their in-house providers have access to available resources, skilled manpower, funding, thereby ending the longstanding practice of direct conversions where agencies convert work from in house to private sector without considering the in-house capabilities, encouraging the in-house provider to offer more and more efficiently in house in order to compete with the bids. This is what it is all about.

The revised circular, it is alleged on the other side of the aisle, does not require appreciable cost savings. It seeks to ensure cost-effective performance from both the private and public sectors and has succeeded in doing that.

I cannot help but remember when we got this passed in the subcommittee in the Clinton administration, nothing happened. Now we are finally getting something in place to have competitive outsourcing and making it work and we have constant complaint about the opportunity to compete. It simply makes Government much more effective and much more efficient.

As I pointed out, there has not been a loss of Federal employees despite the talk we hear from the other side of the aisle. That is an interesting fact. We will be talking about this for some time, I am sure. As I mentioned, we will probably have a second-degree amendment to be offered later.

I hope we can continue to provide the opportunity for this Government to be more efficient, for this Government to be able to compete with the outside private sector—that is where most people are, in the private sector—to have an opportunity to participate in those jobs that are appropriate and noninherently governmental. That is the direction we are taking.

I hope we can continue to get some facts out and not get carried away by the kind of emotion of people being let out of their jobs without any opportunity because that is absolutely not the case.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I am a cosponsor of the Mikulski-Landrieu amendment, and I say to my colleague from Wyoming, before he leaves, the more I listened to him, the more committed I became to this amendment. In fact, with each passing minute as he spoke, I was increasingly strengthened in my view that it is the right and honorable thing to support this amendment and to urge my colleagues to support it. I will outline why that is the case.

Before I do that, I ask unanimous consent that Senator REID of Nevada be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. The Senator from Wyoming spoke as though the amendment is going to repeal public-private competition sourcing.

My colleague talked about what was done in 2001 and the competitions that have taken place since that date. So, as one listened to him, one was thinking: Well, is this whole competitive arrangement going to be stopped in its tracks? Nothing could be further from the truth.

What this amendment seeks to do is to stop an OMB revision, of last May 29, with respect to the terms on which these competitions are going to take place. That is all it does. When I was first listening to the Senator from Wyoming, I thought to myself: Well, surely we would meet what seems to be his concern if we just went back to the system that prevailed before the OMB revision. But then, at the end, he became clear and said, no, he wants those revisions as well. That is what I am very much opposed to.

This amendment seeks to ensure the Government work is allocated in a fair and equitable manner. I believe it would provide the American taxpayers with the best value for Government services and for their tax dollars.

Often—in fact, federal employees win most of these competitions. There seems to be a premise on the part of the Senator from Wyoming that savings is most often achieved when work goes to the private sector. That is not the case.

What has happened is the OMB is driving an ideological agenda. It has rewritten the rules governing competitive sourcing, which, I think, in effect, jeopardizes fair competition, jeopardizes getting the best value for Government services, and jeopardizes the taxpayers' dollars.

Earlier this year, the Office of Management and Budget, on May 29, issued a new circular, a new ruling that rewrote the rules by which this competition takes place. The concept of public-private competitions or competitive sourcing is not new, but the manner in which it is to be conducted is drastically altered by the rules of May 29 put forward by OMB.

The new process established by OMB unfairly favors private sector contractors over Federal employees, opens highly specialized Government jobs to the lowest bidder, imposes arbitrary quotas and deadlines on Government agencies, and, I think, lead, in fact, leads to a waste of Government money rather than saving Government money.

We all seek to make the Federal Government more cost effective and efficient. However, to achieve these goals, there are certain tests which should be met.

First, we need to demonstrate with certainty that cost savings are achieved through the outsourcing of work to the private sector. No effective method has been put in place for oversight of the private contractors doing work for the Federal Government. This is most apparent at the Department of Defense where competitive sourcing has been most prevalent. It is my understanding that DOD cannot fully account for how many contract workers they currently employ or the cost to the American taxpayers for the work they do.

Second, we must ensure that Federal employees are given the opportunity to compete on fair terms. Often, in these public-private competitions Government employees can be placed at a distinct disadvantage by making proprietary information about the Government bid available to their commercial competitors at a time when that information can be used to unfairly enhance the commercial offering. Government employees are not offered the same opportunity to enhance their bids.

There is a great temptation that with this access to proprietary information for the commercial bidder to lowball their bid to win the contract, and then increase prices once the competition is eliminated.

Unfortunately, because there is so little Government oversight of contractors, it is difficult to assess the costs of contractor work. When contract costs escalate, it is difficult to fix the problem.

Thirdly, I am concerned that many highly specialized Government jobs will be let out to the private sector without proper consideration of qualitative factors. I believe many of these positions are inherently governmental and should not be awarded to the lowest bidder.

The Senator from Wyoming, in effect, dismissed concrete examples offered by my colleague with respect to the problems. But how do we understand this issue if we do not focus on concrete examples?

At NIH, competitive sourcing, it has been asserted to us, threatens not only the critical scientific work conducted there but also the security of the installation itself.

NIH scientists have testified before a joint House-Senate hearing that they believe competitive sourcing has created a wave of unnecessary anxiety and bureaucratic duplication, and that the implementation of the initiative at NIH was not well thought out.

Additionally, the administration rejected a request by NIH officials to exempt the fire department from competitive sourcing. Because the nature of the work done at NIH often involves hazardous materials, the Federal firefighters assigned to NIH have specialized training in the handling of chemical, biological, and radiological events.

This kind of expertise cannot be matched in the private sector, and losing this asset would certainly be to the detriment of NIH's mission. Yet the administration refused to classify the firefighters as core public employees who would not be privatized.

I want to add another dimension to this consideration as one of the largest employers in the country, the Federal Government should serve as a model for other businesses.

In recent years, we have made great strides in extending employment to disadvantaged groups. I believe the Government must lead by example in this area. At Bethesda National Naval Medical Hospital, competitive sourcing threatens the jobs of mentally challenged workers who perform important services in the hospital's scullery.

My very able colleague from Maryland outlined this situation. To counter what I thought was a very powerful statement of this point, the Senator from Wyoming sort of dismissed it as, quote, an emotional argument.

Is it an emotional argument to register the fact that the National Naval Medical Hospital is seeking to provide some dignity and self-respect for mentally challenged workers to do these basic, virtually custodial, services in the hospital's scullery?

This employment enables these individuals to lead independent lives. There is no accounting for that in this OMB circular. These are real examples. These are real people. This problem ought not to be dismissed. It is one of the consequences of the revision of this OMB circular.

The House has passed its version of the Mikulski amendment by a vote of 220 to 198. Obviously, when it was considered by our colleagues on the other side, they saw merit in it.

Furthermore, this proposal from OMB artificially inflates the cost of the Federal employees' bid by arbitrarily assuming a 12-percent overhead as part of the bid. The Inspector General of the Department of Defense has said the 12-percent overcharge arbitrarily placed on all in-house bids is insupportable and that either a new overhead rate must be established or an alternative methodology must be devised to allow overhead to be calculated on a competition-specific basis.

If we are to have this competition—and we have had it, as the Senator from Wyoming pointed out when he went back in earlier references, for some period of time—it needs to be on a fair basis. You need to make sure the playing field has not been tilted. The regulations of May 29 tilted the playing field unfairly, not only to the disadvantage of the Federal worker but to the disadvantage of the Federal taxpayer.

It needs to be understood that if the rules of competition are not fair, the awarding of the work to the private contractor may cost the taxpayer more money with a less quality product. That is what is at issue here. This amendment doesn't stop the competitive sourcing process. It only stops the revised regulations, the radical revised regulations that were put into place on May 29 and which have tilted the playing field, have moved away from a fair process, and resulted in a bad deal for the American taxpayers. We need to have an even playing field. We need to make sure the rules of competition are fair. This amendment is designed to accomplish that, and I strongly urge my colleagues to support it.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, the Democratic leader has conferred with the majority leader. They believe this legislation should be finished today, whether it is at 5 o'clock or 8 or 12. That is the goal we have, finishing this bill today.

I say to all Members who have amendments to offer, they should notify the two managers of amendments they wish to offer.

On this amendment, I have been advised that there is going to be a second-degree amendment or we will work out some way to have two side-by-side votes at the appropriate time. If we could arrive at a point where we might be able to have a time agreement on the matter now before us, could the Chair advise how much time the two Senators from Maryland have taken on their speeches?

The PRESIDING OFFICER. We don't know. We would have to go back and check the CONGRESSIONAL RECORD.

Mr. REID. Well, we wouldn't want to go to all that trouble. We have a general idea how much time was taken. We want to make sure everyone has ample opportunity to speak on this amendment. If we can solicit from both sides who is interested in this amendment, maybe we can arrive at a time agreement so, if for no other reason, Members could have some idea when the next vote will occur. I can ask the two managers to see if they can work something out on a time agreement.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise to strongly oppose the Mikulski amendment to the Transportation, Treasury, general government appropriations bill. I have the highest regard for both Senators from Maryland but have a real difference of opinion in regard to the relevancy and the need for this amendment that would throw out the new OMB A-76 circular that was issued in May of this year. The A-76 rules were designed to fix a process which government managers, private sector contractors, and Federal employees unions agreed was broken. Congress recognized the problem as well. Therefore, Congress established the commercial activities panel as part of the 2001 national defense authorization bill. In other words, Congress recognized that there was a problem with the A-76 back in 2001.

The panel was convened specifically to consider A-76 revisions and other issues related to competition. It was led by Comptroller General David Walker, head of the General Accounting Office. The other members of that panel should be of interest to the Members of the Senate: David Walker was chairman; Pete Aldridge, Under Secretary of Defense for Acquisitions; Frank A. Camm, senior analyst from Rand; Mark C. Filteau, President, Johnson Controls; Steven Goldsmith, Senior Vice President, Affiliated Computer Services; Bobby Harnage, Sr., National President, American Federation of Government Employees, AFL-CIO; Kay Cole James, Director of the U.S. Office of Personnel Management; Colleen M. Kelley, National President, National Treasury Employees Union—this is the panel that considered changing A-76 and came back with a recommendation—David Pryor, Director, Institute of Politics, Harvard University; Stan Soloway, President, Professional Services Council; Angela B. Styles, Administrator of the Office of Federal Procurement Policy in the administration; and another very distinguished labor leader in this country, Robert M. Tobias, distinguished adjunct professor at American University who is the former President of the National Treasury Employees Union.

This was a very distinguished group that looked at the A-76 process and said it is broken and it needs to be fixed. What this amendment would do is take us back to that broken A-76 which was recognized for some time and deny us the opportunity to use this new A-76 that was agreed upon by this distinguished panel.

I could go on at length as to how the new rules are an overall improvement on the old. But this is not really what this amendment is about.

The real purpose of the amendment we are hearing from the other side of the aisle is to stop the Bush administration's competitive sourcing initiative by disrupting the administrative processes associated with it. While Senator MIKULSKI's amendment would not stop competitive sourcing, as I say, it would force the executive branch to continue to use a process that everybody agreed was broken and in need of repair.

When the administration first came out with their six management initiatives, one of the things I became very upset about, as someone who has a great appreciation for people who work in government, was that they had set some artificial percentages that Departments would have to follow in terms of outsourcing. So it would be 5 percent this year and then 10 percent.

We had a hearing on this, and we made it clear that we thought it was bad public policy, that what directors should be doing, and people who work for them, was to look at their manpower to see if those people who are in place can do the job better; and in many cases they could, but they were not given money for the training they needed to upgrade their skills. I say to colleagues on both sides of the aisle, we got the administration to back away from that. They publicly have backed away from it. Clay Johnson, the new management person at OMB, has said we are backing away from it. He gets it; he understands that that policy wasn't in the best interest of the people who work for the Government or in the best interest of the taxpayers of this country.

I urge colleagues to defeat this amendment. I want you to know that Senator THOMAS and I will offer an amendment later this afternoon to address what we have identified as some remaining issues of concern with the A-76 rules and the Bush administration's competitive sourcing agenda. I believe these amendments will indeed level the playing field. I believe they will give the fairness that my colleagues on the other side of the aisle would like to see in terms of the issue of competitive sourcing.

The amendment will apply to all competitive sourcing activities all across the Government. It will do the following:

It will require all agencies to provide Congress with detailed information on how it is implementing public-private competition. This includes a description of how the agency's competitive sourcing decisionmaking process is aligned with the Department's strategic workforce plan. That is the beginning—the strategic workforce plan: How are we going to get the job done and shape our workforce to achieve the goals we set for our Departments?

It also requires the agency to report the projected number of full-time equivalent employees covered by the competition scheduled to be announced during the next fiscal year. So right off the bat, we are going to require these people to identify what they are looking at in terms of outsourcing or putting up for competitive bid.

I believe having rigorous reporting requirements is the right approach. This would have to do it prospectively and retroactively. How much money are we saving? How much more efficient are we? Then they would have to come back and report after they did it to see how it was working.

Mr. SARBANES. Will the Senator yield for a question?

Mr. VOINOVICH. After I am finished with my presentation.

It has been the prerogative of every administration since the 1950s to decide when to conduct public-private competitions and the manner in which these competitions would be conducted. That is the prerogative of the executive administrative branch of Government. Congress, in its oversight role, has the right and responsibility to know what the executive branch is doing.

This amendment will require the Bush administration to provide exactly that information. This will create a uniform reporting requirement on competitive sourcing activities at all executive branch agencies of Government across the board—not just Treasury. This affects the entire operation across the board of the Federal Government. That information will guide congressional oversight and allow us to judge if further congressional action is necessary.

The amendment also gives appeal rights to a Federal organization when it loses a bid. Currently, when private contractors lose a competition with a Government entity, or another private sector contractor, they have a right to appeal the decision to the General Accounting Office. The Federal organization currently does not have that right. This provision levels the playing field and makes the competition process fair to Federal employees. We put them in the same position as we do the private contractors. We want them to be able to appeal it. This time, it says if our employees lose, they can appeal that, just as the private contractor can appeal.

Third, this amendment modifies the provision of the new Circular A-76, which requires that activities identified for competitive sourcing must be recompeted every 5 years if the Federal organization wins the competition. I am concerned about the effects this requirement may have on employee morale. This amendment removes the provision. In doing so, it sends a signal that as long as the MEO continues to perform well, it doesn't need to be subject to future competition. In other words, if the Federal workers win the competition, why should they, at the end of 5 years, have to have it recompeted? If you want to recompete it, the Department decides that; it means they are not getting the job done. But to have an automatic 5 years that says, hey, boys and girls, you are getting the job done, but after 5 years we are going to recompete it, that is not fair.

Fourth, this amendment requires the executive branch Departments and Agencies to spend such sums as are necessary to ensure that they have strong contract oversight capabilities. One of the problems we have in a lot of Federal agencies is we don't have the people who can properly oversee this competitive sourcing, nor do we have the people inside. There is a contract management office in the executive branch, and they don't have the necessary resources to properly do their job.

It is not enough to farm something out to a private company and then not find out whether or not they are doing the job. We should have that. When I was the tax assessor of Cuyahoga County, we had internal people who watched the appraisal company that we had do the annual job. When I became the auditor, we had nobody inside. So we would hire a company, and nobody would know whether they were doing a good or a bad job or who helped us draft a contract to make sure we got what we wanted. So we brought them in house. It is the same thing we need in the Federal Government.

If you are going to do competitive outsourcing, you had better have people in house who can do it right and, once it is done, make sure you are getting what you are supposed to get: We are saving money, and we are more efficient. If it is not happening, then you can throw the red flag.

This amendment demonstrates congressional awareness of this problem and directs the executive branch agencies to do what is necessary to correct any deficiencies. This is a lot of work. I have talked to Clay Johnson at OMB. He gets it. He knows we must do a better job in these agencies.

Fifth, the amendment prohibits private sector contractors who win competitions from relocating jobs overseas. Our reasoning is very simple. Jobs that were previously performed by U.S. citizens should not go to foreigners. We know today that more and more of that is happening with these private companies. Say it would be some company that competes for data processing and they get the job and then they would have people in Bangalore, India, do the work for them. This would require that if somebody won the competition in the private sector, those jobs had to be in the United States and not farmed out to India or some other country.

Overall, this amendment represents a very balanced approach to further addressing some lingering concerns Congress may have with the Bush administration's competitive sourcing initiative. I have spent a lot of time on this issue. I have been working on the Governmental Affairs Committee. I am chairman of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia. We were the ones who put together, with Senator AKAKA, amendments to the Homeland Security

Act that created more flexibility, and it was something we worked on, on a bipartisan basis.

I have several other pieces of legislation that just got voted out of the Governmental Affairs Committee on a bipartisan basis this week. I care about our Federal workers. I do. I believed that our Federal workers, when I was mayor, Governor, and now as a Senator, if given the right tools and are empowered and get the training they need, can beat anybody. We have to make sure they have an even playing field. But at the same time we do that, I don't think we should go back to an A-76 procedure that we, many years ago, said was broken.

So, Mr. President, I urge my colleagues to not support the amendment proposed by my good friends—people I respect—from Maryland, and that they support the amendment I have put together with Senator THOMAS.

I will say that we are trying to still, between now and then, work with people on the other side of the aisle, and they have other ideas on how we can do this better. This is a serious issue.

I will now yield for a question to my colleague from Maryland.

Mr. SARBANES. Mr. President, I will seek the floor on my own accord, if the Senator is finished.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. VOINOVICH. I yield for a question.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I listened very carefully to my distinguished colleague from Ohio. I don't gainsay his concern about the Federal workers. I accept his assertion in that regard, and it has been my own experience in dealing with him in the past. I was concerned about one thing when he listed the members of this Commission.

He talked about this very diverse Commission, but it is my understanding that Commission, when it made its recommendations, had unanimity with respect to some and differences of opinion with respect to others. In any event, the OMB circular issued on May 29, the matter that is at issue here with the Mikulski-Landrieu amendment, does not track the recommendations of the Commission. In other words, it departs from it in significant respects, and much of the problem we are talking about is a consequence of that departure.

What we have before us is not something that has been worked out and a consensus has developed, although we had a broad group that went into the deliberations and it doesn't reflect a consensus in the Congress. Witness, the vote in the House of Representatives where a majority of the House of Representatives supported the House version of the Mikulski amendment. So there is no consensus on that score.

All this amendment would do would be to say: No, we are not going to let the OMB hand down these revisions, this new circular, to rewrite the rules in this way. We will put that on hold, and we will go back and look again at this issue to see if we can't come up with a solution which commands a consensus.

I feel very strongly that is the way we should seek to deal with this matter. This isn't repealing competitive sourcing. All it is saying is that this OMB circular, which was put into place a few months ago and which many very strongly feel does not give you a level playing field or fair competition, that is going to be put on hold and provide us an opportunity then to revisit this issue in a more careful, balanced, and judicious way, and out of that process hopefully come up with a consensus.

I think that is a reasonable way to proceed in the circumstance. It doesn't nullify or vitiate the competitive sourcing approach. It only seeks to assure that it will be done in a fair, balanced, level playing field way. I think that is an important objective to achieve, and it is not reflected in the May 29 OMB circular.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Does the Senator yield?

Mr. SARBANES. I certainly yield to the Senator.

Mr. VOINOVICH. Mr. President, the 2001 National Defense Authorization Act required that panel be put together to look at a new A-76 rule, and the commercial activities panel worked on this issue for a significant amount of time and reflected a cross section of labor and management, the final regulation that was put out by the administration was looked at by several of the people who were on that panel with whom I personally spent some time.

In spite of whatever criticisms you may have with that A-76 process, it was the consensus that the new A-76 regulation is far better than the one we have on the books, which is not getting the job done or we wouldn't have asked that a commercial panel come up with a new A-76 recommendation in terms of a regulation.

My argument would be that the regulation proposed by the administration—by the way, I don't think they even got into the issue of the A-76 regulation over in the House. This was just a question of whether we were going to have competitive bidding. Some people were for it; some people were not.

With all due respect, I have talked with some of the people over on the other side and I don't think a lot understood what this was about. I am saying to the Senator, the new regulation, though he and others may have some problems with it, is far better than the one we decided wasn't getting the job done. I would argue that some of the concerns that have been raised about competitive bidding are being responded to with the amendment I am going to be offering with Senator THOMAS this afternoon.

Mr. SARBANES. Is my colleague asserting that the members of the panel supported or support the OMB circular of May 29?

Mr. VOINOVICH. Mr. President, I am saying there was some difference of opinion, and it didn't do everything they wanted, but the consensus was that the new A-76 regulation that was proposed by the administration was better than the old A-76 procedure that we have.

Mr. SARBANES. It is my understanding that a number of members of that panel disagree with the OMB circular of May 29, and if that is the case, I don't see how the Senator can be using this panel as supportive of the OMB circular.

The Senator mentioned this panel that was studying it and he went through the membership of the panel. He emphasized how diverse it was in terms of where it drew people from. But it is my understanding that the OMB circular does not reflect the position of a number of members of the panel. Is the Senator asserting to the contrary?

Mr. VOINOVICH. Mr. President, will the Senator yield? I am asserting that talking to individual members of the panel indicated to me that the circular that was put out by the administration was better than what they had before in terms of the A-76 process.

Now, if you are asking me did everyone agree with everything that was on there, I can't verify that fact, but I will say this: The consensus that we got, particularly from David Walker who was chairman of the panel, indicated that he thought that what they came back with was better than the old A-76 process.

Then, by the way, other issues were raised. Frankly speaking, that is one of the reasons why I am here with an amendment that deals with competitive sources. There was a concern about the fact that our employees would—if they won the competition—have to come back every 5 years. There was concern that there wasn't a right of appeal if our employees lost the competition. There was concern about the fact that the agencies have the individuals they need on board to put competition together, and that once they are put together, they have people who can monitor the private sector doing the work to make sure they are getting this cost savings and the efficiencies they expected they were going to get from the process.

Last but not least, as you know, I am making it very clear that the amendment makes it very clear that if they do win, it can't be farmed out to some foreign workers.

These amendments are a reflection of trying to deal with some of the concerns that employee unions and other people have with this A-76.

Mr. SARBANES. Mr. President, I have the floor, I believe. I am not going to press my colleague further because I think it is manifest by the comments he just made in terms of deficiencies in the OMB circular, that the members of this panel who studied this matter did not concur or support the OMB circular.

Obviously, by his own statement just now, a number of concerns and problems were raised with respect to the OMB circular. I, therefore, renew my very strong support for the amendment of my colleague in an effort to try to, in effect, hold things in place while we try to figure out what constitutes a fair and reasonable solution.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Democratic assistant leader.

Mr. REID. We are waiting to receive a copy of the amendment that would allow us to have the two votes in relation to the Mikulski amendment. That is forthcoming, I understand, from legislative counsel. The two managers have been visited, along with the proponent of this legislation. Senator KENNEDY wishes to speak on the amendment that is pending. I see the Senator from Wyoming. If he wishes to speak also on this amendment, my proposal would be that the managers—everyone thinks we should move forward on the Dodd-McConnell amendment, which would take just a short period of time while we are waiting to get legislation from the legislative counsel approved.

What I would propose in the form of a unanimous consent request is that the Senator from Massachusetts be recognized to speak on the pending amendment; following that, the pending amendment be set aside and Senator DODD and Senator MCCONNELL be allowed to offer their amendment.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I do not know where Senator MCCONNELL is, but I want to clear this with him before we set this amendment aside and move to that.

Mr. REID. I understand.

Mr. SHELBY. We will try to get in touch with him shortly.

Mr. REID. I will renew that request later.

Ms. MIKULSKI. Reserving the right to object, are we possibly setting my amendment aside so that the language of the Senator from Wyoming could arrive from legislative counsel? It would enable the debate to proceed without waiting for legislative counsel and then return to the debate with the Senator from Wyoming.

Mr. REID. Absolutely right.

Ms. MIKULSKI. The Senator from Wyoming would be protected and we would be expediting the process?

Mr. REID. Yes, and the Senator is also protected.

Ms. MIKULSKI. I think that is a reasonable solution. I want to cooperate in any way I can to ensure the Senator's right to offer a second degree and to expedite the debate.

I withdraw my objection.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I still reserve my right to object, and I would object until we clear this with Senator MCCONNELL that he is ready to proceed.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. I will withdraw my unanimous consent request.

The PRESIDING OFFICER. The unanimous consent request has been withdrawn.

Mr. REID. Mr. President, I will take a moment to speak in support of the Mikulski-Landrieu outsourcing amendment. This amendment would require the administration to revise the guidelines for conducting outsourcing studies, which it changed this spring. We have been hearing a lot about competition and I am all for competition. It makes our economy strong. But I have to wonder if competition is good in some cases, why isn't it good for companies like Halliburton, which receive huge contracts without submitting bids?

The administration seems to think that competition is good for the little guy, but not for big corporations that have connections to the White House. Competition should be fair. There should be an equal playing field. That means, when we are talking about the jobs of people who have given years of service to a public agency, we have to consider the value of their experience.

Experience matters. Experience is valuable. And having experienced workers in critical positions is in the public interest. The administration's changes to the rules for outsourcing studies put workers at a disadvantage, and favor contractors. For example, under the former rules, contractors were required to demonstrate a 10 percent cost savings before they could win a job competition. This ensured that we wouldn't sacrifice experience for a negligible savings. Under the administration's new rules, contractors are not even required to demonstrate a cost savings in order to receive a contract.

The administration claims that privatization is about saving money, but where is the supposed savings in that rule? In fact, it costs a lot of money just to conduct these studies—money that could be better spent on pressing needs. Recent estimates show that privatization studies at the Department of Interior cost over $5,000 for every position studied. At the National Institutes of Health, privatization studies this year cost $3,500 per position and next year NIH predicts they will cost $6,000 per position. This money is wasted because we are finding that public workers provide better service than private contractors.

In case after case, public workers have won competitions for their jobs. In Nevada, the Bureau of Land Management conducted six studies of 13 positions—at a cost of over $92,000—only to find that BLM workers are the most capable and efficient to do their jobs. That $92,000 could have been better spent on so many things. And that is the heart of the problem with these outsourcing studies.

I have heard estimates that the Interior Department could divert as much as $110 million in unauthorized funds to pay for outsourcing studies. We are finding that the supposed cost savings in privatization just aren't there and we are also finding that the experience and dedication of public workers has great value, which we simply can't afford to throw away.

The Mikulski-Landrieu amendment would require the administration to at least set fair rules for these competitions. The House of Representatives agrees with this amendment. It passed this language by a vote of 220 to 198. I hope my colleagues in the Senate also recognize the need to correct these unfair changes the administration has made to its rules for privatization studies.

Mr. KENNEDY. I thank the Senator from Alabama. In the time agreement that they have, I will be glad to yield and cooperate.

I rise to bring to the attention of my colleagues the result of the existing OMB outsourcing proposals which have really had a very adverse impact on one of the great institutions of our Government, which is the National Institutes of Health. I will relate to that in just a moment.

I commend Senator MIKULSKI, Senator LANDRIEU, Senator SARBANES, and others who have raised this issue. I am mindful at this time that one out of every four of those who serve in the Federal Government are veterans. More than 11,000 of our activated reservists are now on active duty over in Iraq.

I am very mindful, having watched the agencies over a period of time, that there is some opportunity to get greater efficiency and better productivity. Excellence is demanded by many of the agencies, as well as expertise which so many of our Federal employees bring to these agencies. We are a very gifted and fortunate Nation.

The case that comes to mind and pops right out is just a recent example of these current regulations and what it is doing at the National Institutes of Health. NIH is the premier, the gold watch, in terms of basic research all over the world. They are the envy of the world at the NIH. We constantly are facing different challenges of getting the youngest, most talented, most creative, most innovative, most committed, and most hard-working researchers in the world to go to the NIH.

We have had Dr. Zerhouni, who has appeared before our HELP Committee, with Dr. Varmus and others talking about the new paths and opportunities that are out there in terms of the NIH, which are enormously exciting and challenging.

Then, what happened later this last spring? Well, there was a challenge that involved some 677 employees who were grant managers. Grant managers are the ones who review the various research possibilities that are being collected. In many instances, they have the most sensitive kinds of jobs at the NIH because we know that only about 30 to 35 percent of all of the qualified applications actually get funded. We are actually going to see a reduction this year, at a time when we have the greatest opportunities in any time in the history of the world for breakthroughs in all kinds of drugs that affect families, whether talking about cancer, about heart, or Alzheimer's. We would empty the nursing homes in this country if we had a breakthrough as a result of trying to find a prescription drug for Alzheimer's.

The grant managers are the ones who help make the judgments and the decisions in terms of prioritizing these various grants which are really the heart of the NIH programs, and they were challenged.

We had some 677 employees working for a period of weeks because the estimate that was given by OMB was that this would result in significant savings. The employees got together, they made an application, and they won the contract. They won it hands down. And it cost them $7 million. Overall, competitions at NIH will exceed $15 million.

Not only that, but the signal that it sent on through this blue ribbon agency—sure, there may be important changes that ought to be made out at the NIH; sure there may be different changes in terms of direction and what they ought to be doing on clinical trials; sure there could be better utilization of different kinds of reviews, but the fact that we are going to fine the agency which has this degree of expertise and can make the difference in terms of people's lives, being subjected to this, what I think is effectively, harassment.

As I understand the amendment of the Senator from Maryland, it is to assure that we are going to find a common playing field, and the basic rules for competition will be the standards which have been reviewed and recommended and are not the ones which have been embraced by this administration.

I know others have pointed this out. But when we see that, we are going to have competition between some contractors who are not providing the kind of protections or benefits, health benefits, when we know the benefits that exist under the Federal contractors, so that they will be able to continue the slide, in terms of meaning that more and more people are going to lose their benefits, when we find out effectively there is no opportunity for appealing the decision, not for the Federal employees, although there are appeal decisions available to contractors, when we look at the no review and following the cost and the quality of the work performed by the contractors, we have seen time in and time out—and all of us have these examples in our own States—where people bid in and they bid in cheap, they try to add onto the costs of various proposals, which then results in the work not being done, and too often the Federal Government gets stuck holding the bag.

The kinds of unfair competitions which have been reviewed to date, in terms of current conditions, I find so compelling and so unfair. What the Mikulski amendment will ensure is that we are really going to have a system that will be respected, that will be supported by those in all agencies as well as the private sector, and as a result of which we will be able to ensure greater productivity and the savings of taxpayers' money. That is the way to go, not the skewed way which is currently, I think, working to the great disadvantage of hard-working, skilled, dedicated, and committed Americans who are doing a job. Whether they are trying to work out in the immigration process with all the implications that has in homeland security, whether they are border guards trying to guard our borders, whether they are in the Customs Service and dealing with all the challenges they are facing out there, day in and day out—people who join those services need to be highly skilled and highly competent.

Maybe there are better ways of doing it, but the current proposal is not the way to go. The Mikulski amendment will change and alter that. I hope it will be accepted.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the majority leader spoke to the Democratic leader on more than one occasion following a conference between Senator BYRD and Senator STEVENS, seeing if we could move some of these appropriations bills. The sprint is now on. We on this side believe we can move them quickly. It sounds a little unusual that the minority is pushing appropriations bills, but we are doing that because we want to do everything we can to avoid this omnibus bill. Anything we can accomplish that avoids the omnibus, we are better off.

There are just a very few issues that remain. One of them is the Dodd-McConnell or McConnell-Dodd amendment. That is an important amendment. It will take a little bit of time—not a lot. We also need to finish this matter here now before the Senate. I want the record to be spread with the fact that we are doing everything on this side to move the legislation. We have agreed to set amendments aside. We have done everything within our power to move it along.

We have sent a hotline to Senators on our side to find out what amendments they have to offer. We have gotten a response back. It is not complete, but certainly it is reasonable at this stage.

Again, what I want to say is we don't want someone coming later saying we are not moving the appropriations bills because of the minority. We are willing to move these bills as quickly as possible. We have two managers here who are experienced on the bills before us. I believe they are doing everything they can.

I hope the majority leader can find out what is slowing this bill up. It is taking far too much time, in my opinion.

I have also have been told—not by the majority leader but by his floor staff—that if we finish the bill tonight there will be no votes tomorrow. I hope, with all the things we have to do, that will be some incentive.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent Senator CORZINE and Senator EDWARDS be added as cosponsors to the Mikulski amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I am sponsor of the amendment that is currently pending on the Senate floor. I ask unanimous consent Senator AKAKA also be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I rise in support of the Mikulksi-Landrieu amendment to the Transportation/Treasury Appropriations bill.

I believe the Administration's revision to A–76 is unfair to Federal workers and threatens cost-effective and accountable Federal contracting.

The Commercial Activities Panel, which was mandated by Congress to find ways to improve A–76, was deeply divided on this issue. In fact, the Panel was so deeply divided that it issued two proposals to fix A–76: one supported by Federal employee unions and the other by Federal contractors, the Comptroller General, and certain Administration officials.

OMB's A–76 revision is controversial. The revision allows Federal jobs to be contracted out without appreciable cost-savings. Under the revision, Federal workers could lose their jobs before they have the chance to improve efficiencies. It does not allow Federal workers to compete for work already contracted out. Nor does the revision consider measures to improve government efficiencies outside eliminating Federal jobs. Moreover, it allows contractors to appeal decisions to contract out, but not Federal workers.

The revision does not reflect the idea of fair competition, and the revision is not in the public's interest.

The Mikulski-Landrieu amendment promotes fair competition by prohibiting the Administration from using what I believe is an unfair process for determining whether government work should be contracted out. The amendment does not stop privatization, nor would it force agencies to use the old A–76 rules or prevent OMB from making changes to A–76.

As the Ranking Member of both the Senate Governmental Affairs Financial Management Subcommittee and the Armed Services Readiness and Management Support Subcommittee, I believe we should develop contracting out policies that are fair to Federal workers and achieve the best return on the dollar. These goals are complementary.

I urge my colleagues to support this amendment.

Mr. LAUTENBERG. Mr. President, I rise to support the Mikulski-Landrieu amendment. This is a very important amendment. It overturns the newly revised guidelines—known as OMB A–76—for the "competitive outsourcing" of government jobs.

This A–76 process the administration has proposed isn't about saving money or promoting efficiency. It implements a rabid anti-government ideology by stacking the deck against Federal employees; there's nothing fair about it.

As a member of the Governmental Affairs Committee, which has had hearings on this issue, I have had an opportunity to hear OMB officials try to justify the new rules. To put it bluntly, they haven't succeeded.

This administration's desire to privatize vast swaths of the Federal workforce needs a lot more scrutiny from Congress.

Ultimately, the outsourcing of jobs is about people—the people who work for our Government and the people who pay taxes.

Civil servants are the backbone of our government and we should remember that the skills, talent, and professionalism of the men and women in the Federal workplace are the best in the world.

The overwhelming majority of civil servants are dedicated to their jobs. Many of them could make more money in the private sector but they work in the government because they see public service as a higher calling.

Many of us here in Congress strongly disagree with the administration's privatization agenda. For instance, it struck me as ludicrous that we would federalize baggage screening at airports and then turn air traffic control over to the lowest bidder. So I offered an amendment to the FAA reauthorization bill to prevent that. Eleven of my Republican colleagues voted for that amendment, which the Senate adopted, 56–41.

People correctly point out that taxpayers are the owners of the Federal Government and deserve the most effective and efficient government possible.

I agree, but I would also point out that Federal employees are taxpayers, too, and they have "invested" even more than their taxes—they have invested their working lives. They deserve to be treated fairly and with respect.

Mr. HARKIN. Mr. President, I rise today to support my friends from Maryland and Louisiana, who have offered an important amendment to get rid of unfair rules that disadvantage Federal Workers. I want to talk about one group of Federal Workers in particular—those with mental disabilities who are at risk of losing their jobs if these outsourcing rules are allowed to stand. I joined both of my colleagues from Maryland in sending a letter to Mr. Bolten, the Director of OMB, and to Defense Secretary Rumsfeld, expressing our outrage about workers at one workplace in Maryland, and urging them to adopt a government-wide policy protecting these workers and others like them from losing their jobs.

Senator MIKULSKI has spoken about employees with mental disabilities working at the Naval Medical Center in Bethesda, mentioned in a Washington Post article earlier this month. These 22 workers in the hospital kitchen are providing dependable and reliable service in very hard-to-fill positions. In return, the Navy provided them with a steady paycheck and the ability to lead independent, productive lives. This relationship is mutually beneficial, but it is being jeopardized by outsourcing. And these workers could lose much more than their jobs. They could lose their independence. That is what is at stake for these workers.

As the author of the ADA and longstanding advocate for the rights of people with disabilities, I am shocked that the administration would consider outsourcing these jobs and reversing decades of Federal policy protecting people with disabilities from discrimination and ensuring that the Federal Government serve as a model employer.

These workers have been hired under a longstanding program that encourages the employment of individuals with mental disabilities. The program has operated under presidents from both parties and has been well implemented. No one has ever thought to attack it, until now. In 2000, the government employed 1,734 workers with mental retardation, about $\frac{1}{10}$ of 1 percent of the 1.8 million Federal workers. If this outsourcing is allowed to continue, that number could shrink dramatically.

Our Senate report on committee-passage of the ADA in 1989 noted this sad truth "According to a recent Louis Harris poll not working is perhaps definition of what it means to be disabled in America." Thirty-two percent of people with disabilities are working full or part time compared to 81 percent of people who don't have a disability. The administration ought to be doing more to increase the number of workers with disabilities, not outsourcing the jobs of the few who are employed.

I am proud to support the amendment of the Senators from Maryland and Louisiana.

Ms. MIKULSKI. Mr. President, we are looking forward to moving this bill. I know the Senator from Wyoming wishes to offer a second degree. I note that he is on the floor.

I also note that the Senator from Ohio has done a great deal of work on the Civil Service. He has some very interesting ideas.

I wish we could continue the debate on these amendments. The Senator from Ohio will be offering an amendment. We are ready to debate and discuss it.

If we all work together, I think we can finish the bill in the interest of the American public, the integrity of the Civil Service, and the taxpayer.

I will save my rebuttal until the pertinent parties are on the floor.

I am ready to go. If we could have the second degree, we are ready to debate it.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent that Senator THOMAS be recognized to offer a first-degree amendment on the issue of competitive sourcing; I further ask consent that there be 40 minutes of total debate equally divided in the usual form relative to both the Thomas and Mikulski amendments; I further ask consent that following the use or yielding back of time, the Senate proceed to a vote in relation to the Thomas amendment, to be followed by a vote in relation to the Mikulski amendment, with no amendments in order to the amendments prior to the vote and 2 minutes equally divided prior to the second vote.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I ask the Senator's request be modified to have 10 minutes on the second vote rather than the usual 15 minutes.

The PRESIDING OFFICER. Is there an objection to the modification? Without objection, it is agreed to.

Is there an objection to the unanimous consent request?

Mr. BYRD. Reserving the right to object—I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. We are going to have a vote at approximately 4:25. Senator DODD has been here since 11 o'clock this morning to offer an amendment. He and Senator MCCONNELL are working on this now. I ask consent they come up next, but Senator SHELBY is not in a position to approve that. We are going to do everything we can so they come up after the next vote. It is probably the most important amendment to the whole bill. We hope we can dispose of that as soon as possible.

AMENDMENT NO. 1923

The PRESIDING OFFICER. The Senator from Wyoming is recognized for a first-degree amendment.

The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS], for himself and Mr. VOINOVICH, proposes an amendment numbered 1923.

Mr. THOMAS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 1923

(Purpose: To substitute a requirement for an annual report on competitive sourcing activities on lists required under the Federal Activities Inventory Reform Act of 1998 that are performed for executive agencies by Federal Government sources, and for other purposes)

At the appropriate place, insert the following:

SEC. . (a) Not later than December 31 of each year, the head of each executive agency shall submit to Congress (instead of the report required by section 642) a report on the competitive sourcing activities on the list required under the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note) that were performed for such executive agency during the previous fiscal year by Federal Government sources. The report shall include—

(1) the total number of competitions completed;

(2) the total number of competitions announced, together with a list of the activities covered by such competitions;

(3) the total number (expressed as a full-time employee equivalent number) of the Federal employees studied under completed competitions;

(4) the total number (expressed as a full-time employee equivalent number) of the Federal employees that are being studied under competitions announced but not completed;

(5) the incremental cost directly attributable to conducting the competitions identified under paragraphs (1) and (2), including costs attributable to paying outside consultants and contractors;

(6) an estimate of the total anticipated savings, or a quantifiable —description of improvements in service or performance, derived from completed competitions;

(7) actual savings, or a quantifiable description of improvements in —service or performance, derived from the implementation of competitions completed after May 29, 2003;

(8) the total projected number (expressed as a full-time employee equivalent number) of the Federal employees that are to be covered by competitions scheduled to be announced in the fiscal year covered by the next report required under this section; and

(9) a general description of how the competitive sourcing decisionmaking processes of the executive agency are aligned with the strategic workforce plan of that executive agency.

(b) The head of an executive agency may not be required, under Office of Management and Budget Circular A–76 or any other policy, directive, or regulation, to conduct a follow-on public-private competition to a prior public-private competition conducted under such circular within five years of the prior public-private competition if the activity or function covered by the prior public-private competition was performed by Federal Government employees as a result of the prior public-private competition.

(c) Hereafter, the head of an executive agency may expend funds appropriated or otherwise made available for any purpose to the executive agency under this or any other Act to monitor (in the administration of responsibilities under Office of Management and Budget Circular A–76 or any related policy, directive, or regulation) the performance of an activity or function of the executive agency that has previously been subjected to a public-private competition under such circular.

(d) For the purposes of subchapter V of chapter 35 of title 31, United States Code—

(1) the person designated to represent employees of the Federal Government in a public-private competition regarding the performance of an executive agency activity or function under Office of Management and Budget Circular A–76—

(A) shall be treated as an interested party on behalf of such employees; and

(B) may submit a protest with respect to such public-private competition on behalf of such employees; and

(2) the Comptroller General shall dispose of such a protest in accordance with the policies and procedures applicable to protests described in section 3551(1) of such title under the procurement protest system provided under such subchapter.

(e) An activity or function of an executive agency that is converted to contractor performance under Office of Management and Budget Circular A–76 may not be performed by the contractor at a location outside the United States except to the extent that such activity or function was previously been performed by Federal Government employees outside the United States.

(f) The process that applies to the selection of architects and engineers for meeting the requirements of an executive agency for architectural and engineering services under chapter 11 of title 40, United States Code, shall apply to a public-private competition for the performance of architectural and engineering services for an executive agency.

(g) In this section, the term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

Mr. THOMAS. This is a Thomas-Voinovich amendment. We worked on this together. I will cover a little bit about what it does.

This is a reporting requirement addressing a number of the concerns various Senators have had about competitive sourcing. The amendment does the following:

It requires the Secretary of Interior to annually report on its competitive sourcing efforts, including the list of the total number of competitions completed, the list of the total number of competitions announced, the activities covered, the total number of full-time equivalent Federal employees studied under the completed competition, the total number of full-time equivalent Federal employees being studied but not completed. It also asks for the incremental costs directly attributable to conducting the competitions, including the costs to paying outside consultants and estimated total anticipated savings or description of the improvements and service or performance derived from the competitions. Also, actual savings and improvements in our services or performance derived from the competition, the total projected number of full-time equivalent Federal employees covered by competitions scheduled to be announced for the next fiscal year.

It requires a general description of how the competitive sourcing decisionmaking process of the Department of Interior is aligned with the strategic workforce plan of the Department.

The amendment is a responsible measurement to allow additional accountability and transparency to public-private competitions. That is really what we have been concerned about.

Two weeks ago the House overwhelmingly adopted a similar reporting requirement during consideration of the Treasury-Transportation appropriations bill. This amendment will give Congress additional oversight of competitive sourcing, unlike the Reid amendment that stopped it altogether. Competitive sourcing allows for tax dollars to be used more efficiently and improves agency efficiency. The provision would apply to all Federal agencies and not simply Interior.

This is something we need. We talked a little bit about the changes brought about in the past. The fact is in the past there was nothing done to implement A-76. Now there is a plan. The plan will be reported. The plan will be transparent. I certainly urge all Senators to give it some consideration and hopefully to vote in favor of continuing to have competitive sourcing, continuing to strengthen the efficiency of the Government, continuing to give a chance for the private sector to participate.

I yield now to my friend from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I would like to save my remarks. I am waiting for something to come from my office that I can share with the Members of the Senate from the chairman of the Commercial Activities Panel I made reference to in my remarks earlier. I will let the other side continue with their remarks.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I feel at a bit of a disadvantage. I am all set to debate, but we keep waiting. We waited for the amendment. Now we have to wait for the Senator from Ohio to make his points in the argument and then he tells me to go ahead and make the argument. My argument is to rebut their amendment. So I am waiting for the Senator from Ohio to make his argument.

I have great admiration for the Senator from Ohio, particularly in the area of Civil Service. I know he has put in countless hours in terms of the Civil Service. Perhaps if he could explain his amendment. I listened carefully to Senator THOMAS, but I am not sure I grasped the full extent of the amendment. There are many elements about the amendment I find attractive and I would like to comment on those. Those I find deficient I would like to identify.

I do want the Senator from Ohio to know I think you are an expert on Civil Service. I have great admiration for you.

Mr. VOINOVICH. Mr. President, in my previous remarks in opposition to the Senator's amendment, I went into the details of the amendment we presented to the floor. So those five provisions I just mentioned—and they were reiterated by the Senator from Wyoming—basically constitute the amendment. I think that lays it out. I am more than happy to hear the Senator's thoughts in regard to that.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first, again I wish to make clear what I said about my two colleagues and my great respect for them. And I know of their work on civil service. I am particularly aware of the work of the Senator from Ohio. But I must say, the Thomas-Voinovich amendment proves my point that the May 29 A-76 circular on the new framework for contracting out is deficient. And it is deficient because it is unfair. It absolutely tilts the bidding process, to almost rig it to the fact that private contractors would win the bid. Their corrections of the A-76 that they offer in their amendment point out how deficient May 29 was. So they make my point.

No. 2, I note also that they call for more reporting and more accountability. I think that is great, but, guess what, we are going to contract out Federal employees like the fire department at NIH, like the people with mental disabilities in the kitchen at the Bethesda Naval Hospital, and then we are going to hire people to watch the contracts.

Why are we contracting people out and then hiring people to watch the contracts that we have contracted out? Where are we going? What is the point? Where is the management reform in that?

So I respect the need for greater accountability and oversight. In fact, I think it is called for. Know that I know that the old A-76 also had some potholes in it.

What my amendment does is it says: You cannot implement May 29. Go back to the drawing boards. Work with the Commission that the Senator from Ohio described. But let's implement all of the recommendations, not only the selective ones that tilt the playing field to the contracting out. So that is where my amendment is.

I ask my colleague from Ohio and my colleague from Wyoming, am I right in saying that your amendment would want more accountability; it would allow an appeals process, which now they do not have; that they would not bid every 5 years; and they cannot contract overseas?

I ask either the Senator from Wyoming or the Senator from Ohio, have I grasped your amendment? Have I? What are your five points? I will repeat it: Greater accountability; reporting requirements; the right for Federal employees to have an appeal, just like the private contractors; that they would not have to compete every 5 years; and this wonderful one that says they cannot contract out to move jobs overseas.

Is that what I understand your amendment to be?

Well, I salute you. I think those are excellent improvements, but they are not a substitute for my amendment because even if your amendment goes through, I identified 15 things that were wrong with A-76.

Now, you are willing to correct five. I was not as prescriptive. But you are willing to correct five. There are 10 others that need correcting. And I am just going to give a few, as I hear your arguments.

When I look at the ones that are not in there, the ones that are not included: One, it does not require appreciable cost savings. A contract out does not have to show that it is saving money. The other one is it does not end the unfair advantage given to contractors who provide their employees with inferior health benefits. So when there is a competition between the Federal employees and this so-called private contractor, the Federal employee's health benefits will count in the contract but not for the contractor.

Also, what it does is it does not consider alternatives to privatization; in other words, to give them the chance to reorganize and to streamline. That has been done at NIH. It has been done at other agencies.

It also encourages the privatization of inherently Government work. This is a big sticking point.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Ms. MIKULSKI. Mr. President, I yield 2 minutes of my time to my colleague from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I simply make the observation that the offering of this amendment by the Senators from Wyoming and Ohio clearly admits and sends the signal that the OMB circular issued on May 29 was grossly deficient.

Now, they are addressing it in certain limited respects. And to the extent that is the case, so be it. But it does not really solve the basic problem which we confront, and that is that OMB handed down this circular which grossly tilts the playing field and which structures an unfair competition.

It seems to me the best way to resolve this situation is to adopt the amendment offered by my colleague from Maryland, Senator MIKULSKI, which in effect would hold the May 29 OMB circular. We could then revisit this question and address the range of the deficiencies that are in that circular. My own view is, if people of good will undertake that enterprise, we will be able, I hope, to reach a consensus and have a better product as a consequence.

I think this is, in a sense, elemental fairness for the Federal employee and for the Federal taxpayer. This issue is always portrayed as though contracting out to the private sector is beneficial to the Federal taxpayer. That is clearly not the case. In fact, there has been instance after instance in which Federal employees win competitions, therefore validating the argument that they are better for the taxpayer than putting it out into the private sector.

Now, OMB, because it is not meeting its targets—these ideological targets that have been placed upon them, which they in turn are imposing upon the agencies because they cannot get the outcome they seek—has come in with a new circular, of May 29, which tilts the playing field in an unfair way. That really cries out for the passage of the very well considered amendment of my colleague from Maryland.

I strongly urge my colleagues to support the Mikulski amendment.

The PRESIDING OFFICER. The 2 minutes have expired.

Who yields time?

Mr. VOINOVICH addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Ohio?

Mr. THOMAS. Mr. President, I yield to the Senator.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, could the Chair inform me when I have used 5 minutes?

The PRESIDING OFFICER. The Senator will be notified.

Mr. VOINOVICH. Mr. President, I would just like to clarify something for my colleagues in the Senate. First of all, the A-76 old rule was considered to be broken. Congress recognized the problem, and they established a Commercial Activities Panel as part of the 2001 Defense Authorization Act. The panel was convened specifically to consider revisions to the A-76 competition. It was led by Comptroller David Walker, the head of the General Accounting Office.

Now, there have been some allegations here that the circular that was put out by the Bush administration was not reflective of the panel's decision.

First of all, the recommendations coming from the panel were either agreed to unanimously or by a supermajority of the public and private representatives.

I will say, in all candor, I correct my earlier statements. They were not supported by Bob Tobias. They were not supported by Colleen Kelley. And they were not supported by Bobby Harnage. So let's clarify that. The union representatives did not like it that much.

So the question is, Is the new A-76 better than the old one that the Senators from Maryland want us to adopt?

As I noted earlier, the A-76, the new regulation, quoting David Walker:

> . . . is generally consistent with the commercial activities panel's sourcing principles and recommendations and, as such, provides improved and foundation for competitive sourcing decisions in the Federal Government. In particular, the new circular permits . . .

Then he goes on to talk about the new circular.

He goes on to say:

> If effectively implemented, the new Circular should result in . . . [greater credibility] and greater accountability regardless of the service provider selected.

As part of an executive session at Harvard University that was convened by Dean Nye, in which I participated, I got to know several members of the Clinton administration. One of those members of the administration was Steve Kelman, administrator of the Office for Federal Procurement Policy at OMB. He had the job of Ms. Styles who has left the administration. I asked Steve what he thought about the new A-76 circular and he said that overall it was better than the old A-76 and that the only problem he had with it was this recompete after 5 years for those people in the public sector who won the competition.

What I am saying is that the A-76 circular that was submitted by the Bush administration is not perfect. There are differences of opinion about it, but it is a far cry better than the old A-76 circular.

What we are saying today is that we should not go back to that, that the new circular is better. Our amendment enhances the playing field for our Federal workforce in that it requires certain reporting requirements that say this competition is not going to be done willy-nilly, that it is going to be done as part of their workforce shaping.

By the way, I would like to correct one Senator from Maryland who said the administration has given the charge to go out and do this arbitrarily. They did that initially. I blew a gasket. I blew a fuse. Senator DURBIN and I had a hearing on that. We had a second hearing on it and the administration has backed off from the quotas. So there is not going to be a rush out there to do competitive bidding. We are going to require them to have reporting requirements, letting people know beforehand that they are going to go to competition.

Once they go to competition and if the private sector wins, they are going to have to report whether they are getting the money efficiencies and whether they are getting the other efficiencies they thought they were going to get.

The PRESIDING OFFICER (Mrs. DOLE). The Senator has used 5 minutes.

Mr. THOMAS. Madam President, I yield 2 more minutes.

Mr. VOINOVICH. It provides that if the Government employees lose the competition, they will have a right to appeal, just as the private sector has a right of appeal. So we are giving them that opportunity. We are eliminating the every 5-year competition if it is won in-house.

It also provides that if the private sector gets the work, it has to go to American people and not be farmed out overseas.

I believe this amendment, plus the revised A-76 regulation, is a far better system than going back to something that we acknowledged back in 2001 was not working. We fixed it. It may not be perfect. I am not saying it is. I am not saying that everybody agrees with it. But it is a far cry better than to go back to what we had before.

Fundamentally, I think the other side wants to go back there because there are many people who are opposed to competitive bidding. I want everyone to know, competitive bidding ought to be something that is available to the administrative branch of Government, but it ought to be something that is carefully considered before they go forward and do it.

My feeling always is, I would rather stay with the people who are working in the Federal Government and give them the training, the empowerment, and tools to get the job done. We have leveled the playing field. We slowed down the process.

I believe with Clay Johnson over there at OMB and with Kay James over at OPM, we have two outstanding people. That is what it is about, the integrity of the people. They are not going to go forward and do some of the things that the folks on the other side of the aisle think they are going to do.

I am staying on top of this issue. I am going to monitor this issue to make sure they continue to do what they have represented that they are going to do to me and so many other members of the Governmental Affairs Committee.

The PRESIDING OFFICER. Who yields time?

The Senator from Maryland.

Ms. MIKULSKI. Madam President, how much time remains on my side?

The PRESIDING OFFICER. Nine minutes thirty-five seconds.

Ms. MIKULSKI. I yield myself 5 minutes and withhold 4 to see if Senator KENNEDY or another Senator wishes to speak. Right now I would like to yield myself 5 minutes. I ask the Chair to confirm, as I get a little excited when I am talking about this.

The PRESIDING OFFICER. The Chair will notify the Senator when 5 minutes have expired.

Ms. MIKULSKI. Madam President, what I want to say in response to what my colleague has said is, No. 1, he says the May 29 circular is better. There is a fundamental difference between us on that. I don't believe it is better. I stand with the way the National Treasury Union Workers feel about it and the way the other Federal employees feel about it.

If you are on the side of the companies that are going to benefit from privatization, you like it. If you are the ones who are on the firing line or the chopping block, you don't like it.

What I do acknowledge is that the amendment offered by my two colleagues from the other side of the aisle does improve the A-76 process.

I also acknowledge that I know the Senator from Ohio did go ballistic. I am glad that he went ballistic. I thank him for standing sentry down in the Government Affairs Committee against bounty hunting, against quotas, and against sending jobs overseas. I salute him on that. But he is one man against a whole tide here. This is why I think his amendment has merit.

But I tell you, deep down to my toes, I believe they want to privatize most of the Federal Government, and I do believe that deep down inside they want quotas to privatize. I don't believe that about him.

When we look at this whole issue that he raised about private sector contractors moving jobs overseas, the Senator knows they have already done it. If the call center at the Census Bureau is now in India. Hello? The United States of America calling India to find out about census?

I could go on with other examples. The time is late. I appreciate the fact that the Senator gives Federal employees a right to appeal when they lose a competition which they now don't have. I also acknowledge that his amendment removes the 5-year recompete competition, and I salute him on that, and also ensures contract oversight.

In other words, you have some good ideas here. But in my comments, I say, you can vote for both. I want my colleagues to know they can vote for both. They can vote for Voinovich-Thomas and they can vote for Mikulski. Voinovich-Thomas has ideas of merit. Theirs is a modest improvement.

My amendment improves it all. They improve five things about this. I have identified 15. If you want 15, you vote for Mikulski. But you can vote for them and you can vote for me.

The other thing I want to say is that the Mikulski amendment does not stop contracting out. It simply stops the May 29 circular, which is harsh, punitive, and unfair to Federal employees.

I said to the administration, back to the drawing boards, work with VOINOVICH and THOMAS and COLLINS, and work with MIKULSKI, KENNEDY, and SARBANES, and make sure our Federal workforce keeps on working.

The PRESIDING OFFICER. Who yields time?

Mr. VOINOVICH. Madam President, I need 2 minutes.

I appreciate the kind words from the Senator of Maryland with regard to our amendment. But I think that to go back to the old A–76 circular after the commercial panels spent so much time on it would not be in the best interest of our Government.

I am going to quote from David Walker, who is chairman of that panel, to clarify the fact that the new circular is better than the old system, and that we would be better off having our amendment attached to the new circular rather than to the old rules and old circular. He says:

> As I noted previously, the new Circular A-76 is generally consistent with the Commercial Activities Panel's sourcing principles and recommendations and, as such, provides an improved foundation for competitive sourcing decisions in the Federal Government. In particular, the new Circular permits: greater reliance on procedures contained in the FAR, which should result in more transparent, simpler, and consistently applied competitive process, and source selection decisions based on tradeoffs between technical factors and cost.
>
> The new Circular also suggests the potential use of alternatives to the competitive sourcing process, such as public-private and public-public partnerships and high-performing organizations. It does not, however, specifically address how these alternatives might be used.

That is an improvement.

> If effectively implemented, the new Circular should result in increased savings, improved performance, and greater accountability, regardless of the service provider selected.

That is why the amendment is so important.

> However, this competitive sourcing initiative is a major change in the way Government agencies operate, and successful implementation of the Circular's provisions will require that adequate support be made available to Federal agencies and employees, especially if the timeframes called for in the new Circular are to be achieved.

The point I am making today—one of the reasons we have one of our amendments—is that we are requiring the Federal agencies to have the capacity to properly go through this competitive sourcing. That is what our amendment says. In addition, it says that once the competitive sourcing has been—if the outsiders win, we are going to monitor their performance to make sure we are going to get the savings and the efficiencies we are supposed to get. If we are not, that would mean our workers in the Federal Government would get another shot at what had been farmed out to the private sector.

I know there have been instances in the Defense Department where things have been farmed out and then they have been brought back into the Federal Government.

The PRESIDING OFFICER. Who yields time.

Mr. SHELBY. Madam President, I rise in support of the Thomas amendment. I believe competitive sourcing is an important process for the Federal Government. I believe it will help to improve the overall performance and efficiency of certain activities carried out by the Federal Government.

Allowing these competitions to move forward is important to improve the value of service provided by the Federal Government to all Americans. Whether the contract is won by the incumbent Federal workers or private sector bidders, the Federal Government wins by encouraging greater efficiency and a more focused workforce. That improves service.

I believe we must be careful to clarify that competitive sourcing, as proposed, doesn't apply to those activities considered inherently governmental. Those jobs will be reserved solely for the Federal workforce, and no one is proposing otherwise.

Our goal is clear. What we are trying to do is make the Federal workforce more efficient and competitive. At some point, the Federal Government is going to have to demand that it get a greater return on its investment. I believe that allowing public-private competitive sourcing is a step in that direction. At the proper time, I will urge adoption of the Thomas amendment.

The PRESIDING OFFICER. Who yields time?

Mr. THOMAS. Madam President, I have a couple of points I had intended to make. It was brought up before that this system, as it exists now, doesn't require savings. That is not the case. You don't grant a contract unless there are going to be savings.

They talked about no alternatives. That is what competition is all about, to take advantage of the alternatives.

Someone mentioned management of contracts. That is not a brand new idea. A lot of contracting goes on around the world, particularly in the private sector, and you always have to manage those.

So we have a real opportunity to strengthen competitive outsourcing here. That is what our amendment does. It doesn't go back to zero, but it strengthens it from where we are.

We had a similar one before that the Senate rejected. I urge the Senate to reject this one as well.

Whenever the other side is ready, we will yield back our time.

Ms. MIKULSKI. Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes 28 seconds remaining.

Ms. MIKULSKI. Madam President, I wish to notify the Chair that other Senators are on the way. I will speak for 2 minutes and then I hope they are here.

Again, I reiterate, the Thomas amendment has some good points. You can vote for both. My amendment does not stop privatization; it just makes it fair. I say something and they something back. But I am telling you, they don't mandate cost savings in this A-76.

Let me tell you a boondoggle. Defense Finance Accounting Service—this is finance accounting—contracted out 650 jobs to a private computer company. Guess what. The DOD inspector general found out that it cost the taxpayers $25 million more than it would cost under Federal employees. Take the call center. They won the competition, and they won it by sending it to

India. Lower wages, no health care. Let's ship those jobs overseas.

My gosh, what are we doing? This May 29 circular is despicable, it is unfair, it is harsh, it is punitive, and it will cost taxpayer dollars to do studies, and it is costing morale. If we want people to work for the Federal Government and be enthusiastic and put their best energies forth and put America first, we cannot keep Tinkertoying with them. I hope you can vote for their amendment, but, please, in the interest of the vitality and integrity of the Federal workforce, please vote for the Mikulski amendment.

I yield 1 minute to the Senator from Louisiana.

Ms. LANDRIEU. Madam President, I am pleased to join my colleagues from Maryland to oppose this rule change. Let me say quickly, because I know the time is short, we have tried this in Louisiana at Fort Polk, in Leesville, to be exact—1,500 Federal jobs, people not overly paid, but well paid with good health benefits, and others.

Needless to say, the base plays a vital role in the economy of central Louisiana and is by far the single largest employer in the area. The secondary employment impact on the State is even more significant with Fort Polk accounting for millions of dollars in payroll annually.

The workers at Fort Polk are patriots. They work hard, they stay longer, they get the job done. I heard that not from the unions, not from the workers, not from some local politician—I heard that from the military commanders at Fort Polk who just did not want to see their workforce contracted out.

They already had experience with contractors at Fort Polk, and, frankly, they didn't like it. Base operations were bogged down by the refusal of contractors to take the little steps that improve quality of life, improve the aesthetics at the base, and go that extra mile when troops were deploying or coming home.

It is not that the contractors were not willing to take the work, it is that they wanted to charge the Government more to do it. Despite these objections, the workforce at Fort Polk was subject to the A-76 process. It has been an embarrassment and totally unworthy of the way this Government should treat it workers.

To boil the controversy down to its bare essentials, contractors bidding on the Fort Polk work were made aware of what the DoD civilian bid would be. Now the OMB wants to take this process even further.

Now the OMB says contractors don't have to prove they would save any money. They only have to show they would provide some "financial benefit." Now the OMB says that workers can't include in their bids proposed reorganizations to make themselves more efficient. Now outside contractors will not have to figure in any health care benefits to their workers into these packages.

Good jobs are simply too hard to come by in Louisiana for me to allow this to go forward without a fight.

We know what A-76 really means in Louisiana. It means that workers that are paid a reasonable wage, including real health benefits and a pension, will be replaced. They will be replaced, frequently by the same people, but this time, they won't have health benefits or pensions. The difference will be the profit that corporations will pocket.

Our Armed Forces deserve better than to be supported by civilians who are underpaid, understaffed, and overstretched so that contractors can pocket a few extra dollars per hour. That is not a savings to the American people. It is pennywise and pound foolish.

With this experience, I simply cannot endorse broadening a system that I consider already broken.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. LANDRIEU. I thank the Senator from Maryland for her fight and strong advocacy on this issue.

Ms. MIKULSKI. Madam President, how much time remains?

The PRESIDING OFFICER. Two minutes.

Ms. MIKULSKI. I reserve 2 minutes, waiting for Senators BYRD and LAUTENBERG. Does the Senator from Wyoming wish to speak?

Mr. THOMAS. Pardon me, I did not hear the Senator.

Ms. MIKULSKI. I said I reserve 2 minutes to allow Senator BYRD and Senator LAUTENBERG to speak. Does the Senator wish to speak any longer?

Mr. THOMAS. No, we are ready to vote.

Ms. MIKULSKI. I am going to wrap up. Remember, there are 15 reasons why the new public-private competition is unfair.

It does not allow Federal employees to submit their best bids.

It fails to end the unfair advantage given to contractors who provide their employees with inferior health benefits.

It allows the use of quotes instead of actually soliciting bids from contractors.

It doesn't consider alternatives to privatization giving Federal employees the right to come up with streamlining.

It is very bad for diversity in the Federal workplace. Many of these jobs are clerical. I have already gotten feedback from constituents who refer to the clerical workers as "let's get rid of them; they will be low-hanging fruit." Is that the way we refer to the clerical people who are willing to work 24/7 in keeping the FBI or keeping the DOD going? And guess what. Once it goes, it does not allow the Federal workers to rebid to get it back.

All I am saying is, stop the implementation of the May 29 circular. Let's have a better process. Let's have a better plan. I am not opposed to privatization, but I am opposed to this May 29 circular.

I yield back such time as we may have remaining, and I am ready to vote.

The PRESIDING OFFICER. If all time is yielded back, there will now be a vote with respect to amendment No. 1923. The Senator from Wyoming.

Mr. THOMAS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1923. The clerk will call the roll.

Mr. McCONNELL. I announce that the Senator from Nevada (Mr. ENSIGN) is necessarily absent.

I further announce that if present and voting the Senator from Nevada (Mr. ENSIGN) would vote "yea."

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. BOXER) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 407 Leg.]

YEAS—95

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—1

Byrd

NOT VOTING—4

Boxer
Edwards
Ensign
Kerry

The amendment (No. 1923) was agreed to.

AMENDMENT NO. 1917

The PRESIDING OFFICER. The Senate will come to order.

There are now 2 minutes evenly divided before a vote with respect to the Mikulski amendment.

Ms. MIKULSKI. Madam President, we now come to the Mikulski amendment. Know that the amendment that just passed with the support of my side of the aisle corrects 5 and only 5 of 15 egregious problems with the May 29 circular. That amendment was a downpayment. But if you want to correct all the grievances, vote for the Mikulski amendment. It does not end privatization. It ends the harsh, punitive, and egregious problems with the May 29 circular.

Stand up for America, stand up for the Federal employees, stand up for the Mikulski amendment and vote aye.

Mr. THOMAS. Madam President, the Senate has just adopted an amendment which approves congressional oversight of public-private. It is a good thing for us to do.

We urge the Senate to oppose the Mikulski amendment because it attempts to amend the problem by going back to the old A-76 process that we all agree was broken.

I urge my colleagues to oppose the amendment that is before us.

The PRESIDING OFFICER. If all time is yielded, the question is on agreeing to the amendment.

Ms. MIKULSKI. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID (after having voted in the affirmative). Mr. President, I have a pair with the Senator from Nevada, Mr. ENSIGN. If he were present and voting, the Senator from Nevada, Mr. ENSIGN, would vote "no." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. President, I withdraw my pair.

The PRESIDING OFFICER. The pair is withdrawn.

Mr. REID. Mr. President, I ask that my pair be reinstated.

The PRESIDING OFFICER. The pair is reinstated.

Mr. McCONNELL. I announce that the Senator from Nevada (Mr. ENSIGN) is necessarily absent.

I further announce that if present and voting the Senator from Nevada (Mr. ENSIGN) would vote "nay."

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that if present and voting, the Senator from California (Mrs. BOXER) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea."

The PRESIDING OFFICER (Mr. SMITH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 48, as follows:

[Rollcall Vote No. 408 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Breaux
Byrd
Campbell
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NAYS—48

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Reid, for

NOT VOTING—4

Boxer
Edwards
Ensign
Kerry

The amendment (No. 1917) was rejected.

Mr. SHELBY. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, a mass liquidation of the Government is underway. U.S. corporations and industry entrepreneurs are salivating at this administration's effort to open at least 850,000 Federal jobs to private contractors.

If this administration has its way, the most basic services of the Federal Government—from national security to tax collection to air traffic control to the maintenance of our national parks—will be handed over to private contractors like birthday party favors.

And to expedite the process the administration has rewritten the Federal Government's A-76 contracting rules for the entire Federal Government, opening each agency and department to a host of potential abuses. The President's proposal has political disaster written all over it.

I voted in favor of the Mikulski amendment to block this egregious scheme from going into effect.

Also, the record should reflect the fact that the Thomas amendment would allow executive agencies to use funds appropriated for other purposes to monitor the performance of an activity or function that has been subjected to public-private competition. Such a provision is a preemption of the appropriations powers of Congress. The Congress should not be handing over such broad spending authority to executive agencies.

I voted to protect congressional prerogatives and against the Thomas amendment.

AMENDMENT NO. 1928

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. McCONNELL, Mr. DASCHLE, and Mr. REID, proposes an amendment numbered 1928.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To fund the Election Assistance Commission for fiscal year 2004)

On page 85, strike lines 20 through 25, and insert the following:

Commission, $1,500,000,000, for providing grants to assist State and local efforts to improve election technology and the administration of Federal elections, as authorized by the Help America Vote Act of 2002: *Provided*, That no more than 1/10 of 1 per-

Mr. DODD. Mr. President, I offer this amendment on behalf of myself, Senator DASCHLE, Senator REID, and, of course, on behalf of my colleague from Kentucky, Senator McCONNELL, as well, to address this matter. I do not want to take a lot of time on this amendment. There are other Members who have obligations they want to meet.

This amendment is pretty straightforward. Let me begin by thanking my colleague from Kentucky, my colleague from Missouri, and others with whom, over the last several years, we have worked to create and pass the Help America Vote Act, which was signed into law by the President 1 year ago next week.

This is a law, of course, to try to improve the conduct of Federal elections across the country. I need not remind my colleagues, of course, of the condition of the Federal election system based on the results we saw in the national elections in the year 2000.

The piece of legislation that authorized these funds was adopted 98 to 2 by this body, and almost by a similar percentage of votes in the other body.

Last week, Senator MCCONNELL and I came to the floor. I was going to suggest we offer an additional appropriation on the $87 billion package for Iraq. But, rightly, as my colleague from Kentucky pointed out, that was not the appropriate place to do this. We agreed in a colloquy that we would try to find an opportunity to provide the additional resources necessary so the State and local officials across this country could meet the obligations of doing these elections in a proper way.

I point out to my colleagues that the sense of timing is important. In the Federal elections in 2004, the first primary of which is in the District of Columbia on January 13—less than 3 months away—all States and localities must provide provisional ballots to any voter who is challenged. Those provisional ballots must be verified, according to State law, in 2004. Also, in 2004, all States and localities must be prepared to implement the anti-fraud provisions that the Senator from Missouri, Mr. BOND, fought so diligently and hard for as part of the Help America Vote Act which affect first-time voters who register by mail. There are other requirements, of course, by 2004, and a whole series of things that must be done by 2006.

Needless to say, as the State and local officials will tell you, getting mechanisms in place to get it done requires advanced timing. This cannot just happen in the last few months before the elections occur.

I also point out to my colleagues that, obviously, the States are facing tremendous budget constraints themselves. This is not the ideal way we would like to do this, but we have no other choice but to be part of this budgetary cycle and to include these dollars in this particular effort.

In a time when we are committing, obviously, billions in Federal resources to build democracies around the world—and I supported that; I had reservations about it but, nonetheless, that is critically important—we cannot ignore the needs of our own democracy. Obviously, I think we would all agree we need to do what we can as well, as a nation that prides itself on being the leader when it comes to the conduct of our elections, to try to get these systems working better than they have been.

Again, I thank my colleagues who have worked very hard on this matter. This was truly a bipartisan effort. It continues to be one. We have tried to work together on these matters over the last several years so as not to create any partisan feelings. I think that has been the case.

So today, in a bipartisan way, we are asking our colleagues to be supportive of this additional amount in the appropriations process so we can get the moneys back to our States.

I am sure every one of my colleagues has heard from their State and local officials. By the way, the States are doing a very good job. You may have read recent articles of how the States are getting up to speed, putting things in place, getting their implementation plans in order, and doing so with a great deal of expedition and care.

Several States have already utilized some of the newer approaches as a result of their own State efforts, which are proving to be very successful.

I think we are on the right track. I think we are doing the right thing. The National Governors Association, of course, reported the difficulties they are having with their budget problems, as I mentioned a moment ago.

I do not want to take a lot of time of my colleagues. I think they know what the issues are. I have talked to many of them.

Just last week, Senator MCCONNELL and I came to this floor to express our concerns that the Congress not leave here this session without providing sufficient resources to the States to implement the minimum requirements and other election priorities, for Federal elections enacted under the Help America Vote Act. Some of those requirements must be implemented in time for the Federal elections next year.

The States are living up to their end of the bargain—all States are well along in the development of their state plans and many are in the initial implementation stages of the effort. But we must live up to our side of the bargain.

In his budget request, the President recommended funding these programs in fiscal year 2004 at only one-half of the authorized amount, for a total of $500 million. To their credit, the Appropriations Subcommittee fully funded that request, and I thank the distinguished chairman, Senator SHELBY, and my friend and colleague, the ranking member, Senator MURRAY, for their efforts.

However, State and local budgets simply cannot absorb this $500 million shortfall. More importantly, any shortfall in fiscal year 2004 follows on a similar shortfall of over $600 million in the fiscal year 2003 appropriations. Unless we increase funding in this fiscal year, our commitment to the States to share in the funding of the new requirements for Federal elections will fall over $1 billion short.

In a time when we are committing billions of dollars in Federal resources to build democracies around the world, we simply cannot afford to shortchange our own. The basic premise of a democracy is that every citizen must have an equal voice in the determination of its government.

And in this Nation, that voice is expressed through the equal opportunity to cast a vote and have that vote counted. If America is to continue to be the leader and example for emerging democracies around the world, then our system of giving our citizens an equal voice—our system of elections—must meet this test.

Unfortunately, what we learned in the elections of 2000 was that not all Americans enjoy an equal voice. In fact, some citizens were denied a voice at all because of malfunctioning or outdated voting equipment, inaccurate and incomplete voter registration records, and allegations of voter intimidation and fraud.

The silver lining of the 2000 elections was that it created the opportunity to recognize the challenges confronting our system of Federal elections and the ability to respond with bipartisan determination to provide Federal leadership to overcome those challenges. And 98 members of the Senate responded to that opportunity by overwhelmingly passing the Help America Vote Act last year.

I once again want to thank my distinguished colleagues, and coauthors of the Help America Vote Act, Senator MCCONNELL and Senator BOND, for their bipartisan leadership in that effort and for their continuing commitment to see our promise for Federal funding fulfilled.

I especially want to recognize the leadership of my distinguished colleague, Senator MCCONNELL, whose unfailing leadership on this issue has help to bring us to this point. As then Chairman of the Rules Committee, he chaired the first hearings on election reform and introduced one of the first measures in Congress to offer assistance to the States.

And today we stand before you again, united by our desire to fulfil the commitment and promise of HAVA to the States, and to every American voter, to be a full partner in Federal elections. But rhetoric alone will not fulfill this commitment, nor will it fix the problems that came to light in the 2000 elections. It will take leadership and funds. And that is what the Help America Vote Act provides.

HAVA provides federal leadership in the form of new minimum requirements that all states must meet in the conduct of Federal elections. Those requirements will ensure that all voters can check their ballots and correct them before they are cast and counted. The requirements will ensure that no voter who believes he or she is registered and eligible to vote can be turned away from the polls—but must be given a provisional ballot to cast and then have verified pursuant to State law. And those requirements will ensure the accuracy of voter registration lists against fraud and mistakes through the creation of a single statewide registration list. In short, HAVA will strengthen our democracy by giving an equal voice to all citizens by making it easier to vote and harder to cheat.

Implementing these reforms will not be cheap and so for the first time in our history, Congress committed to being a full partner in the funding of these reforms by authorizing $3.8 billion to fund the implementation of these requirements.

Federal funding is critical to nationwide implementation of this Act and may well govern the success and effectiveness of the new law. To help pay for election reforms and avoid an unfunded mandate on the States, HAVA authorizes a total of nearly $4 billion over three fiscal years, including over $2 billion in fiscal year 2003; $1 billion in fiscal year 2004; and $645,000 in fiscal year 2005.

Of the $1.5 billion Congress appropriated last year to fund grants to the States, $650 million has been distributed to all 50 states, the District of Columbia, Guam, Puerto Rico, the U.S. Virgin Islands and American Samoa. I thank my colleagues for their support during the FY03 appropriations process, particularly Senator STEVENS, Chair of the Appropriations Committee and Senator BYRD, the Ranking Member, for providing this substantial down-payment on our commitment to the States.

But we now know that the FY03 appropriation will not provide sufficient funds for the States to fully implement their State plans and meet the new requirements of the law. And the shortfall in the first critical year of funding under HAVA is only compounded by the additional shortfall of $500 million in the bill before the Senate today.

Given the dire financial budget constraints faced by our states and counties, the total shortfall of over just over $1 billion in promised Federal support creates an unfunded mandate that is both unfair and unnecessary and threatens to undermine the very reforms that were adopted last year.

According to the National Governors Association, the current financial health of state and local governments was at its lowest point since World War II last year and has worsened in the past 10 months. According to the Center on Budget and Policy Priorities, States have struggled to close deficits that have totaled approximately $190 billion over the past three years and the best estimate at this time is that they will face deficits of more than $40 billion in fiscal year 2005.

And the counties are in no better economic situation than the States. According to the National Association of Counties, nearly 72 percent of counties are facing budget shortfalls and 56 percent of counties are facing reductions in State funding for State-mandated programs. While counties are struggling to deal with the revenue reductions, the demand for county-provided services continues to rise.

State and local governments are willing and anxious to implement the new requirements; they simply cannot go it alone. And that was the historic message of the Help America Vote Act: the Federal Government will step up to our responsibility to be a full partner in funding Federal election reforms.

Full Federal funding for HAVA is crucial to ensuring that the reforms that Congress overwhelmingly approved, on a broad bipartisan basis, and the President endorsed with his signature, are implemented. The very integrity of our elections, and consequently our democracy, hangs in the balance.

Full funding of HAVA is critical to our national credibility for fairness and accuracy in Federal elections. It is fundamental to the integrity of our democratic process. This amendment not only fulfils out commitment to date, it assures that the very reforms Congress enacted last year will actually be implemented.

This effort is overwhelming supported by a bipartisan and powerful coalition of State and local election officials, in conjunction with all the major civil rights, disability, language minority, and other voter interest groups in the United States. I thank each and every one of them for their strong support in passing HAVA and their continuing commitment to see that Congress makes good on its promise to be a full partner in Federal elections by fully funding the provisions of HAVA. I ask unanimous consent that a letter from the Coalition be included in the RECORD following my remarks.

No civil right is more fundamental to our democracy than the right to vote and no need for Federal funding is more essential to securing that democracy than is the commitment made by this body to ensure the integrity and accuracy of our Federal elections.

I thank my colleagues for their continuing support of this effort and urge my colleagues to fulfill our commitment of last year to ensure the integrity of our Federal elections and the very foundation of our democracy by supporting this bipartisan amendment to fully fund the Help America Vote Act.

Mr. President, I ask unanimous consent to print a letter supporting this amendment in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAKE ELECTION REFORM A REALITY—SUPPORT THE DODD-MCCONNELL AMENDMENT TO H.R. 2989

OCTOBER 23, 2003.

DEAR SENATOR: We, the undersigned organizations, strongly urge you to support an amendment to be offered by Senators Christopher Dodd (D–Conn.) and Mitch McConnell (R–Ky.) to increase funding for the Help America Vote Act (P.L. 107–252) ("HAVA") in H.R. 2989, the FY 2004 Treasury-Transportation Appropriations bill. The Dodd-McConnell amendment will increase the level of HAVA funding in that bill from $500 million to $1.5 billion. We ask that you vote in favor of the amendment and vote against any Budget Act point of order that may be raised.

The Help America Vote Act was enacted with overwhelming bipartisan support in order to prevent the many problems of the 2000 election from ever happening again. Among its many reforms, it places significant mandates upon states and localities to replace outdated voting equipment, create statewide voter registration lists and provide provisional ballots to ensure that eligible voters are not turned away, and make it easier for people with disabilities to cast private, independent ballots.

To help pay for these reforms, HAVA authorizes a total of $3.9 billion over three fiscal years, including $2.16 billion for FY03 and $1.045 billion for FY04. To date, however, the actual funding of HAVA has been woefully inadequate. So far, only $1.5 billion of FY03 funding has been appropriated, and $830 million of that amount has yet to reach the states because the President has nominated and the Senate has not confirmed the members of the new Election Assistance Commission. Additionally, only $500 million is currently included in pending FY04 appropriations; once again, this is a sum that falls well below what is needed for successful implementation of HAVA. States and localities were assured by Congress that this new law would not evolve into a set of unfunded federal mandates. It is now time for Congress to honor its commitment to the states and to the American public at large.

Given the difficult fiscal circumstances facing state and local governments, immediate and full funding of HAVA is now needed in order to make essential progress before Election Day in 2004. Without the strong leadership that HAVA promised at the federal level, states and local governments simply do not have the ability to complete implementation of the important reforms that they are now required to make.

No civil right is more fundamental to America's democracy than the right to vote. As our nation spends billions of dollars helping to promote democracies abroad, Congress simply should not allow doubts about the legitimacy of our electoral processes continue to linger here at home.

We thank you for your support of funding for the "Help America Vote Act," and we look forward to working with you on this critical issue. Should you have any questions, please contact Rob Randhava of the Leadership Conference on Civil Rights at (202) 466–6058, Leslie Reynolds of the National Association of Secretaries of State at (202) 624–3525, or any of the individual organizations listed below.

Sincerely,

Organizations Representing State and Local Officials

National Association of Secretaries of State
National Conference of State Legislatures
Council of State Governments
National Association of State Election Directors
National Association of Counties
National Association of Latino Elected and Appointed Officials Educational Fund
National League of Cities
International City/County Management Association
International Association of Clerks, Recorders, Election Officials and Treasurers
National Association of County Recorders, Election Officials and Clerks

Civil Rights Organizations

Alliance for Retired Americans

American Association of People with Disabilities
American Civil Liberties Union
American Federation of Labor—Congress of Industrial Organizations
Americans for Democratic Action
Asian American Legal Defense and Education Fund
Asian Law Alliance
Asian Law Caucus
Asian Pacific American Legal Center
Association of Community Organizations for Reform Now
Brennan Center for Justice at NYU School of Law
California Council for the Blind
Center for Governmental Studies
Center for Voting and Democracy
Common Cause
Demos: A Network for Ideas & Action
Disability Rights Education and Defense Fund
Leadership Conference on Civil Rights
League of Women Voters of the United States
Mexican American Legal Defense and Educational Fund
National Alliance of Postal and Federal Employees
National Asian Pacific American Legal Consortium
National Association for the Advancement of Colored People
National Association of Protection and Advocacy Systems
National Council of Churches
National Council of La Raza
Neighbor to Neighbor Action Fund
Organization of Chinese Americans
People For the American Way
Project Vote
Public Citizen
The Arc of the United States
United Auto Workers
United Cerebral Palsy
U.S. Action Education Fund
U.S. Public Interest Research Group

Mr. DODD. Again, my colleagues from Kentucky and Missouri and I would prefer to have some other way we could do this, but if we don't get it done now, it is going to be very difficult for us to meet these obligations at all. This additional amount in fiscal year 2004 will get us back on track and allow us to complete this process and to see the election cycle work in a way that all of us would be proud to see.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I rise today finding myself in a very unusual situation. As an ardent supporter of the budget resolution and enforcing the axiom of "live within your means," I am very much opposed to blowing the budget caps, except under the rarest of circumstances. This is just such a circumstance.

At a time in which the United States is the key to developing a democracy in Iraq, this amendment ensures our democracy at home. While the United States is leading the repair of a country mired in corruption and suppression, this amendment provides the support to ensure the franchise of all Americans, and to combat the dissolution of that franchise.

As all my colleagues heard me say many a time, everyone who is eligible to vote, should vote and have their vote count, but they should do so only once. This amendment provides an additional $1 billion to implement the Help America Vote Act of 2002. The Transportation-Treasury appropriations bill as drafted sets aside $500 million for election improvement grants. This amount, when added to the fiscal year 2003 appropriation, falls $1 billion short of our commitment. This amendment fills that gap.

In enacting election reform last year, we all knew it would come at a significant financial cost and we all have heard repeatedly from State and local officials about the importance of full funding. The additional funds provided in this amendment will be used by States and localities to meet requirements which have a 2004 implementation date and continue their work on those with a 2006 date.

As a refresher to all my colleagues, the election reform legislation we passed last year protects the sanctity and security of the votes of all Americans in the following ways: Provisional ballots for all voters which are later verified for eligibility so no one is turned away from the polls; statewide databases to include information from registrants to ensure accurate and up to date lists of legally registered and eligible voters; mail-in voter registration procedures to include positive identification of not only the eligibility of the registrant, but the existence of that registrant; update and improvement of voting systems to achieve ease, access and security; and increased poll worker training, voter information and overall modernization of the entire voting process.

One year ago next Wednesday marks the 1-year anniversary of the enactment of election reform legislation. Since that date, States and localities have been working tirelessly to meet the standards the Federal Government placed upon them. With the 2004 elections right around the corner, it is important we provide the necessary resources for full implementation of these important standards.

Once again, I commend both the Budget chairman and the Appropriations chairman who have been outstanding throughout the year, and I have been a stalwart supporter of their efforts. This, however, is that very rare instance which I believe warrants providing funding above that provided in the budget.

Win or lose on this amendment, we must honor our commitment to financially partner with the States to improve our elections process.

As I said, I find myself in an extremely awkward position. I support the chairman of the Budget Committee. I support the budget resolution. I support the great work that he has done in holding us to the budget resolution as we move along. And I wouldn't be in favor of waiving the budget but for an extraordinary circumstance.

The cold hard reality is this: When we passed the election reform bill a year ago this month, we promised the American people that in the fall of 2004, we would have the mechanisms in place to dramatically improve the election system, including having the antifraud provisions that the Senator from Missouri, Mr. BOND, and I fought so diligently for, that guarantees that every American has a right to vote but, as Senator BOND frequently put it, votes only once.

None of those provisions will go into place unless the amendment Senator DODD is offering is approved. I can tell you that everybody seems to be in favor of this, but nobody has been able to figure a way to get it done. I spent the afternoon talking to people in the administration who want to see it done, talking to the people in the House of Representatives right at the top who want to see it done, people on that side of the aisle who want to see it done, and people on this side of the aisle, but nobody is showing a clear path to how you get it done.

I think I am safe to say, on behalf of the Senator from Connecticut and the Senator from Missouri, we are here to offer this amendment to demonstrate, we hope, that a significant percentage of the Senate wants to see, at the end of the appropriations process, this money found to guarantee that we dramatically improve our election process, not sometime in the far distant future but next November.

I ask unanimous consent that Senator BOND, Senator HATCH, Senator ROBERTS, and Senator BURNS be added as cosponsors to the Dodd-McConnell amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I know Senator BOND would like to speak as well. We are anxious to move ahead, and I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, the Senator from Connecticut has introduced a very important amendment that deserves the support of this body.

Events of the 2000 election in my home State and elsewhere pointed out that there are serious flaws in our election system that invite mischief and confusion. But last year, in a near unanimous vote, this body passed important legislation that will make it easier for Americans to vote and harder for those who would do such a thing, to cheat. The legislation offers a tremendous opportunity to modernize our election system, improve election technology and help State and local officials manage elections better. Once this legislation is in full effect, we will see a dramatic improvement in the reliability and integrity of elections. But funding is essential to move forward on the key aspects of this bill. With the funding, we can take large steps forward before the upcoming election.

So far, we have funded a significant downpayment on implementation of this law. The chairman has included a generous sum in this bill, and I thank him for his attention to the issue. We are here today to ensure that we are on target with the funding level and funds are flowing in advance of the 2004 election; we can have an impact on this election, move rapidly towards complete implementation and put the problems we experienced behind us for future elections.

I will take a minute to remind my colleagues of some of the more important components of this bill. First, this funding will go toward ensuring that every State has a modern, computerized statewide voter registration system. This is perhaps one of the most important aspects of this bill and one provision that cannot be implemented without funding.

Surprisingly, much of voter registration has missed out on the rapid advances in technology. In many States and jurisdictions they are still paper records. Compounded by Motor Voter's overly broad restrictions on removing names from lists, too many voting lists around the country have become clogged with fake names or names that should simply no longer be there. The result is inaccurate, unreliable, and unmanageable voter registration lists. As my colleagues and I learned while working on this bill, voter registration lists are the most basic element of any well-run election, and their accuracy is essential if elections are to be honest and voters are to have confidence in the outcome.

How bad are these lists? When we looked into this issue while working on this bill, West Virginia's Mingo and Lincoln Counties both had more registered voters than living people. Allegheny County, PA, had 18 municipalities with more registered voters than voting-age adults. The State of Alaska had 502,968 on the voter rolls, though census figures show only 437,000 Alaskans of voting age.

In Missouri we have found individuals who are registered at three, four, and even five different locations across the State—not to mention those that are registered twice in the same jurisdiction. At one point in the city of St. Louis, we had 240,000 registered voters but only 200,000 people of voting age.

These are the problems that are a serious threat to the confidence people have that their vote will be counted and that the outcome of the election will be honest.

This bill also includes a requirement that voters using the "by mail" registration offered in Motor Voter will now have to identify themselves before casting a vote. How did all those names get on the lists? As some may remember from our discussions last fall, we even discovered the odd circumstances of voter rolls including the names of canines. How did this happen—because mail registration was available and could be used to anonymously put names on voter lists. Those same States that were required to accept registrations through the mail were also prohibited from authenticating those registrations. The election reform bill corrects that problem by requiring those who exercise their right to register by mail to provide some identification prior to voting. As previously stated, this contributed greatly to the troubled shape of voter rolls and the administration of elections. This bill fixes this, and we need to step up and ensure it is fully implemented.

This bill addresses a number of important issues, including dealing with judicial orders affecting polling place hours, providing provisional voting for those who have their names removed from voting rolls because of administrative error and ensuring that voting equipment have advanced audit trails to prevent manipulation of votes at the polling places. States will also be issuing identification numbers to registered voters to track voters and will be collecting information to ensure that voters are citizens and of proper eligibility status.

To summarize, the bill contains significant advances that will greatly enhance integrity and administration. It is important that these and all the provisions in this bill are fully implemented—the sooner the better. So thanks again to Senators DODD and MCCONNELL for their work and help pushing this bill and its funding forward. I urge my colleagues to support this amendment.

As has been stated by the Senator from Connecticut and the Senator from Kentucky, we had a very long and difficult process over better than 18 months to try to pull together a truly significant piece of legislation that would, in fact, make it easier to vote and tougher to cheat. A lot of people had lots of questions about the 2000 election. I happened to think that from my own personal experience, the fraudulent parts of that election were of extreme concern. And it is my view and understanding that in order for us to ensure, No. 1, that we have the voting equipment available for the 2004 Presidential election, and that we have the antifraud provisions in effect for the 2004 election, we need to appropriate this money.

We made the commitment. It is a question of "pay me now or pay me later." Frankly, I urge my colleagues on this side of the aisle to say: Let's pay now rather than pay later. You can ask questions about how quickly the money is spent but, frankly, in order to trigger the antifraud provisions, we have to get the money now.

In many States around the country, Motor Voter has led to an amazing electoral turnout. People send in a postcard and say "register me," or register whatever name is signed. There is no authentication required. States were even prevented from authenticating it. When you look at the list, West Virginia's Mingo and Lincoln Counties had more registered voters than living people, adults and children. Allegheny County, PA, had 18 municipalities with more registered voters than voting age adults. The State of Alaska had 503,000 on the voter rolls, though the census figures only show 437,000 Alaskans. In Missouri, we found some truly amazing things—three, four, even five different voter registrations by the same individual, some two or more times in the same jurisdiction; at one point the city of St. Louis, 240,000 registered voters but only 200,000 people of voting age. That is a heck of a trick. We found out when, fortunately, a very aggressive media went out and checked on it. We found vacant lots with people registered. We found 10, 15, 20 people registered from one location. In a subsequent election, a very popular alderman from the city of St. Louis re-registered to vote on the 10th anniversary of his death. That is a wonderful statement of theological implications, but it does not do much for political science.

Of course, many on this Senate floor were tired of seeing the picture of my favorite St. Louis voter, Ritzy Mekler, the 13-year-old cocker spaniel who was registered.

We have to stop that. The way we do it is to make all of the provisions of this bill effective for the very important 2004 elections.

I thank Senators DODD and MCCONNELL. I urge my colleagues to support the Dodd amendment.

Mrs. MURRAY. Mr. President, the events of the last Presidential election highlighted the importance of election reform and the need to replace antiquated and faulty voting machines. The Help America Vote Act, HAVA, was enacted last year to address these issues and to establish new minimum requirements that all States must meet in the conduct of Federal elections. My home State of Washington is struggling with implementing and paying for the requirements of HAVA due to our heavy reliance on vote-by-mail ballots.

Last year, the bill included $1.5 billion for election reform, but that funding was not part of the subcommittee's initial allocation. The full committee provided this funding in addition to our subcommittee allocation.

I am in agreement that the $1.5 billion is necessary and should be provided for election reform. But we do not have the available funding for that purpose in our bill, so it will be necessary to waive the Budget Act. During consideration of the budget resolution, I was not able to vote for election reform funding due to the competing needs of the agencies under the jurisdiction of this subcommittee. So I am comfortable with the amendment offered by Senator DODD, which waives the Budget Act for this important purpose.

Mr. HATCH. Mr. President, I truly wish that I did not have to address this body on this topic. Last February, I stood before this body and urged my colleagues to ensure the Help America Vote Act of 2002, HAVA, contained adequate funding, assuring the States that they will have the necessary resources to comply with the mandates contained in the new law.

In fact, the Senate adopted a Sense of the Senate amendment to reinforce our commitment to fund this act fully so that States and localities would not be hurt by yet another unfunded mandate. Our vote today should reflect that commitment.

As this body debated HAVA in February of 2002, I asked this pointed question: "What if a future Congress fails to provide adequate funding for this legislation?" Well, here we are just one Congress later and our States and localities—who were then experiencing budget shortfalls in early 2002 and are now facing budget crises—are now forced to make extremely difficult choices. We in Congress have fallen woefully short in delivering on our promise to fully fund the mandated portions of the bill.

Mr. President, I cannot tell you how many individuals in Utah have come up to me and expressed their great displeasure at the lack of funding for the HAVA law. The Congressional Budget Office has estimated the cost of HAVA at $3 billion. That is billion with a "B."

Let us look at the hard realities. Is it ethical for us, at a time when the majority of our States are facing serious financial difficulties, when some, such as my home State of Utah are cutting off health care benefits to children and closing prisons, to even suggest they foot the entire bill for these new mandates? I think not.

In this case, I'm sorry to have been correct. But, it is one Congress later and we are exactly where I warned that we would be. For the good of the States and the voters, we need to make available the resources necessary to fully implement HAVA.

I urge my colleagues to remember your commitment to your State and vote in favor of this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first I congratulate Senator SHELBY for his management of this bill. This is an appropriations bill. The budget authority of this bill is actually less than last year's level. And the outlays under this bill, as far as the outlays that are controlled, grew by 3.6 percent. So it is within the budget. It is within the budget that we have passed, and it is also within the budget agreement that the chairman of the Appropriations Committee made with the President.

This amendment is not. This amendment does bust the budget. This amendment does have a budget point of order that lies against it. But it also is not necessary. I heard my colleague say it is necessary. Let me state a different opinion than that.

In last year's appropriations bill, we appropriated $1.5 billion for election assistance. There is $833 million of that that has not been used. As a matter of fact, there is an election assistance commission that was formed under that legislation. The commissioners haven't even been appointed or confirmed. I understand they are going to be soon. I heard my colleague from Missouri say: We can't take the enforcement provisions unless we get this money. That is not correct. They need the commission. The commission hasn't been confirmed. I am not sure; maybe that is because the names weren't submitted. Maybe they were not confirmed because of a little disagreement between Democrats and Republicans. We have had trouble confirming some people this year. But I understand they are going to. I think that is good.

The facts are, there is $833 million of 2003 money that has not been spent. In the 2004 appropriations bill, there is $500 million that is in the bill. That is a total of $1.3 billion for this purpose that is available to be spent as soon as the appropriations bill is passed.

How much did the administration request? The administration requested $500 million. They requested $500 million which is in the bill. So by the time we pass this bill, there will be $1.3 billion to be spent. I would venture to say the States couldn't spend another billion if we tried. I wouldn't be surprised if they can't spend $1.3 billion in the next 12 months. They have only been able to spend less than $800 million this year. So now we want to increase that and make it $2.3 billion that they are going to spend in the next 12 months. I don't think they can do it. Certainly, it would be busting the budget.

Sometimes we have things we would like to do, but we can't do because we have fiscal constraints.

We have very large deficits and they are going to get larger if we come up and say, I am sorry, but, yes, there is a good cause here; and even though elections have always been basically administered and paid for by the States, we would love to have the Federal Government assume all the costs and throw out billions of dollars in the process. We have been very generous with $1.5 billion last year, $500 million this year, and $831 million yet to be spent. I think we have ample money and every reason to sustain the budget point of order that will soon be raised by the chairman of the Appropriations Committee.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SUNUNU. Mr. President, I join my colleague from Oklahoma in opposing this amendment. No one wants to see fraud or abuse in the democratic process. The Senator from Missouri talked about some pretty egregious examples, and it is not necessarily an easy amendment to oppose. But there is a lot of funding in the pipeline that is equally important, maybe more important.

This busts the budget, and this is subject to a point of order. I think we have to exercise restraint, discipline, and focus when we are dealing with budget issues. If the funds are a priority, we should find a way to provide the support and funding within the constraints of the budget resolution. But we cannot come to the floor with amendments for initiatives that sound very worthwhile but violate the budget resolution and take us over the budget limits and caps, which will continue to increase the deficit.

So I think we need to stay focused on that resolution and exercise some fiscal discipline. I appreciate the concerns in a place such as St. Louis, where cocker spaniels are voting, but I think we can address that with funding already in the pipeline. I hope the States are taking real action to address those kinds of situations of fraud and abuse. I will support my colleague from Oklahoma in opposing this amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I appreciate the comments of my colleague. Let me just say that this amendment is providing for the number of demands being made on the States. The Senator from Missouri points out what has to be done by the next calendar year, and, just a few weeks from now, on January 13, the Federal primary season, and State and locals are up against the requirements. We are going to get the nominees to the Election Assistance Commission confirmed, but this keeps us on track with the funding. We won't need to come back to this again for another year, but this has to be done now.

We authorized over $3.8 billion for this bill over three fiscal years. This will get us on track for FY03 and FY04 so the States can complete the job. As the Senators have said, this is not our preferred method for providing full funding. Everybody agrees we have to get it done. Contrary to what my friend from Oklahoma says, if we don't get it done now, it will make it that much more difficult to accomplish these goals and it will create huge problems. I will not go through the litany, but I hope my colleagues, when the point of order is made—and I will offer a waiver of that point of order—will support the States on this. I don't want to take much more time. The chairman has other obligations.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I have a couple of points. The chairman of the Budget Committee, Senator NICKLES, is certainly doing his job, and I understand his concern. But I have just a couple of observations.

The Commissioners of the new Election Administration Commission have their hearing next Tuesday. They will be confirmed before we leave this fall. This money can and will be spent. It all goes out by formula, all across America—directly out by formula. It doesn't require them to use some discretion on it. It goes out directly by formula, and it will be spent because this is a Federal mandate. We are mandating that this money be spent for the reasons specified in the bill.

If you are interested in having, to the maximum extent, an honest election next year, then we need to provide adequate funding early in the year because the election is 13 months away, so that these mandates can be carried out in time to guarantee that we have next fall, to the maximum number extent possible, an honest election.

It is because of these extraordinary circumstances I find myself in a position I would not normally be in, which is supporting waiving the Budget Act.

I yield the floor.

Mr. STEVENS. Mr. President, I am tempted to remark about my friend from Missouri saying there are only 477,000 Alaskans, but I will let that go.

Mr. BOND. If the Senator will yield, I offer my sincere apologies. Would he accept it if I said "of voting age" and correct that statement?

Mr. STEVENS. It comes closer. I thank the Senator.

Mr. President, up my way there is a saying: The promise made is the debt unpaid.

This year, when I went to the President to increase the moneys allowed for education and a series of other items in this total budget, after a serious discussion, he agreed. I told him if he would make those changes, I would promise him I would see to it that there would be no funds appropriated in the regular process in excess of the amounts he requested. He has not requested this additional amount.

Therefore, the pending amendment No. 1928 offered by the Senator from Connecticut, Mr. DODD, increases the spending by $1 billion. This additional spending would cause the underlying bill to exceed the subcommittee section 302(b) allocation. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

Parenthetically, I also say that, before we recess this year, we will have to provide this money and the Appropriations Committee will find some way to find it within the budget.

Mr. DODD. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID (after having voted in the affirmative). Mr. President, I have a pair with the Senator from Nevada, Mr. ENSIGN. If he were present and voting, the Senator from Nevada, Mr. ENSIGN, would vote "nay." If I were permitted to vote, I would vote "yea." I, therefore, withhold my vote.

Mr. MCCONNELL. I announce that the Senator from Nevada (Mr. ENSIGN) is necessarily absent.

I further announce that if present and voting the Senator from Nevada (Mr. ENSIGN) would vote "nay."

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. BOXER) and the Senator from Massachusetts (Mr. KERRY) would each vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 31, as follows:

[Rollcall Vote No. 409 Leg.]

YEAS—63

Akaka
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Bunning
Burns
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Cornyn
Corzine
Daschle
Dayton
DeWine
Dodd
Dole
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Graham (SC)
Grassley
Harkin
Hatch
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McConnell
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Roberts
Rockefeller
Sarbanes
Schumer
Smith
Stabenow
Talent
Wyden

NAYS—31

Alexander
Allard
Brownback
Campbell
Chambliss
Cochran
Craig
Crapo
Domenici
Enzi
Fitzgerald
Frist
Gregg
Hagel
Hutchison
Inhofe
Kyl
Lott
McCain
Murkowski
Nickles
Santorum
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Thomas
Voinovich
Warner

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED

Reid, for

NOT VOTING—5

Boxer
Edwards
Ensign
Hollings
Kerry

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1928) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I ask unanimous consent that Senators DURBIN, SCHUMER, LIEBERMAN, and EDWARDS be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, let me thank all Members. Let me particularly thank my colleague from Kentucky and my colleague from Missouri, as well as the chairman of the Appropriations Committee, Senator STEVENS, who graciously said we would try to work this out.

I appreciate my colleagues doing what they did, and I appreciate those who didn't even vote with us. It is a very important moment. I am very grateful to everyone who gave us consideration. I am particularly grateful to the Members who cast their votes with us. I know it was a difficult vote, but it will do a lot for the States.

PROCUREMENT OF TANKER AIRCRAFT

Mr. REID. Mr. President, two Members who are on the Armed Services Committee have been waiting all day to give statements.

I ask unanimous consent that the chairman and ranking member of the committee be recognized for 6 minutes each to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, does the Senator from Washington wish to join?

Mrs. MURRAY. Mr. President, if I could have an additional minute.

Mr. WARNER. I think we should reserve it for the other Senator from Washington, too.

Mrs. MURRAY. That is correct.

Mr. REID. Mr. President, I modify my request: 5 minutes to the Senator from Virginia, 5 minutes to the Senator from Michigan, 2 minutes to the Senator from Washington, and 2 minutes to Senator CANTWELL, if she wishes to speak.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank our distinguished minority leader for that.

I have a draft in the form of an amendment which I hope to introduce into the Armed Services conference for purposes of incorporation in that bill. I ask unanimous consent that it be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. Mr. President, I rise to describe this proposal concerning the administration's request to proceed with the lease of 100 aircraft.

Mr. MCCAIN. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will come to order.

The Senator from Virginia.

Mr. WARNER. Mr. President, for the past 2 years, this issue has had a rather contentious but serious debate—

Mr. MCCAIN. Mr. President, I apologize, but the Senate is still not in order.

The PRESIDING OFFICER. The Senate will please come to order.

The Senator from Virginia.

Mr. WARNER. Mr. President, for the past few years there has been a sort of contentious but serious and conscientious debate within the administration and the Congress as to how to resolve the problem for the Department of the Air Force.

What I regard as a compromise to the pending understanding would be the following: First, according to my sources, in many ways this has been corroborated by the various Departments which worked with us. It would provide up to perhaps $4 billion in savings. It would give prompt delivery of 100 new tanker aircraft. It would put this program back into the traditional procurement process, put this program back into the traditional budget process, put this program back into the traditional authorization process, and provide the Air Force with title—underline "title"—ownership of at least 80 of the aircraft under this contract.

Pursuant to section 133 of the National Defense Authorization Act for fiscal year 2003, which established guidelines for the congressional review of any tanker lease, the Air Force, on July 10, submitted to the Congressional Defense Committees a new start notification of at least 100 aircraft.

Under section 133 of the Defense Authorization Act of 2003, all four committees must act favorably on this notification for the lease to proceed. Our Senate Armed Services Committee has yet to act. We conducted extensive oversight of this tanker lease program, holding a hearing on September 4.

During this hearing, I first put out my thoughts for public comment on the idea of leasing at that time up to 25 aircraft and purchasing the remainder. I have now modified that to 20 and 80.

Subsequent to this hearing, the committee explored numerous options and requested additional studies from the Congressional Budget Office, the General Accounting Office and the Air Force.

I commend the members of my committee for their careful review of this matter and coming up with this proposal despite the enormous pressure from many sectors to simply adopt the new start reprogramming request.

The proposal amendment to be included in the National Defense Authorization Act for fiscal year 2004 would provide for the approval of a lease for 20 aircraft and authorize a multiyear procurement program for the remaining 80 aircraft. Thus, the Air Force would still obtain 100 tankers, in keeping with the goal of the Administration's tanker lease proposal.

This approach allows the tanker program to get started with no lease payments required until fiscal year 2006 and no purchase payments required until fiscal year 2008, while still permitting the same schedule of deliveries as in the currently negotiated lease contract.

This proposal would also authorize the use of incremental funding for the 80 aircraft purchase. Incremental funding is an approach that should not be taken lightly by Congress, but it is one that has been used for other weapon systems acquisitions where there was a critical need.

I plan to continue to consult with all interested parties and work to get an agreement to include this proposal in the national defense authorization conference report. That action would provide the Air Force the option to immediately execute the program and being production of these 100 aircraft.

I urge the support of my colleagues.

EXHIBIT I

SEC. . PROCUREMENT OF TANKER AIRCRAFT.

(a) LEASED AIRCRAFT.—The Secretary of the Air Force may lease up to a total of 20 aircraft under the multiyear aircraft lease pilot program referred to in subsection (d).

(b) MULTIYEAR PROCUREMENT AUTHORITY.—(1) Beginning with the fiscal year 2004 program year, the Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract for the purchase of aircraft necessary to meet the requirements of the Air Force for which leasing of aircraft is provided for under the multiyear aircraft lease pilot program but for which the number of aircraft leased under the authority of subsection (a) is insufficient.

(2) The total number of aircraft purchased through a multiyear contract under this subsection may not exceed 80.

(3) Notwithstanding subsection (k) of section 2306b of title 10, United States Code, a contract under this section may be for any period not in excess of 10 program years.

(4) A multiyear contract under this subsection may be initiated or continued for any fiscal year for which sufficient funds are available to pay the costs of such contract for that fiscal year, without regard to whether funds are available to pay the costs of such contract for any subsequent fiscal year. Such contract shall provide, however, that performance under the contract during the subsequent year or years of the contract is contingent upon the appropriation of funds and shall also provide for a cancellation payment to be made to the contractor if such appropriations are not made.

(c) STUDY OF LONG-TERM AIRCRAFT MAINTENANCE AND TRAINING REQUIREMENTS.—(1) The Secretary of Defense shall carry out a study to identify alternative means for meeting the long-term requirements of the Air Force for—

(A) the maintenance of aircraft leased under the multiyear aircraft lease pilot program or purchased under subsection (b); and

(B) training in the operation of aircraft leased under the multiyear aircraft lease pilot program or purchased under subsection (b).

(2) Not later than April 1, 2004, the Secretary shall submit a report on the results of the study to the congressional defense committees.

(d) MULTIYEAR AIRCRAFT LEASE PILOT PROGRAM DEFINED.—In this section, the term "multiyear aircraft lease pilot program" means the program authorized under section 8159 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 101–117; 115 Stat. 2284).

Mr. WARNER. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I thank the chairman of the Armed Services Committee for his extraordinary effort in putting together a proposal which I am pleased to support. For the reasons he gave, it is a much more honest approach to the acquisition of these tankers. There is no use pretending this is a lease when, in fact, it is intended to be a sale. It has been the intent of the Air Force they purchase it. It has been wrapped in the clothing of a lease but, in fact, the clear intention here and the only commonsense outcome is that it be a purchase, not a lease, because under the lease agreement, 80 percent of the cost of these planes would be laid out by the Air Force while only 20 percent of their useful life would have been actually used by the time the lease was over. It is obvious the intention and the commonsense approach was this is intended to be a purchase and it ought to be called what it is.

The proposal I am pleased to join in sponsoring is much more honest in terms of the intention. It also complies much more closely to what the normal budgeting procedures are around here. We do not want this to be a precedent for leasing. That distorts the entire budget process because it looks like it is free, in essence, for a couple years.

These are not free. There is a huge cost. If we can reduce the real cost, as this proposal does, by acknowledging that it is really a purchase, by authorizing a multiyear acquisition, which is what we do after the leasing of the first 20, it seems to me we will save taxpayer dollars, we will commit to actually acquiring these tankers, but we will force the Air Force to be straightforward in the use of this country's resources. They are not going to be able to have something which looks free for a couple years because there is a small lease payment and then have this huge obligation in the outyears.

At the same time presumably they will want to buy more and more tankers. We address the long-term need to acquire tankers. We do it in a more straightforward way. We save money for the taxpayers.

I commend the two Senators from Washington, Senators MURRAY and CANTWELL, for being so persistent in moving this program forward. This outcome would not have happened without them. I also acknowledge Senator McCAIN's role. He has insisted from the beginning this be reviewed in an honest way by the General Accounting Office, by the Congressional Budget Office, and by the Armed Services Committee. It has been his insistence we deal with this honestly. That has led to this proposal. I have not had a chance to speak with Senator McCAIN personally or directly so I don't know what his reaction is. I hope it meets his expectations and his needs. I do acknowledge the fact that Senator McCAIN is always playing it straight, looks at things straight, and wants an honest addressing of an issue. That is what we are now doing.

To the two Senators from Washington and the Senator from Arizona, I express my thanks, and particularly the chairman of the committee, who put together a proposal which I am pleased to join.

The members of the committee have spent considerable effort in reviewing the basic Air Force proposal to sign a long-term lease for 100 KC–767 tanker aircraft. Based on my review of the issues surrounding this proposal, I support Senator WARNER's intention to offer the proposal he outlined in the conference on the National Defense Authorization Act for fiscal year 2004.

Let me also recognize the strong and positive role that the two Senators from Washington, Senator PATTY MURRAY and Senator MARIA CANTWELL, have played in moving the leasing program forward. I know personally that they have spent many hours understanding the current Air Force tanker situation, and in working with other members of the Senate in moving this program forward.

The proposal to go forward with a lease of 20 aircraft now and providing, up-front, multiyear procurement authority for the Air Force to buy the remaining 80 tankers should help address several concerns.

First, it will help address our long-term need to replace the Air Force's existing fleet of tanker aircraft. We have spent many hours trying to understand the severity of the corrosion problem within the KC–135 tanker fleet. While the Air Force has not made a convincing case that there is an imminent risk to the fleet, the Air Force does have a long-term requirement for tankers that will ultimately require the fielding of replacement aircraft. For this reason, I believe that it is prudent to move forward now with an orderly replacement program.

Second, our approach would give the Air Force multiyear contracting authority now. This will reduce the acquisition cost for aircraft, significantly reducing the price to be paid by the taxpayers. I believe that providing such multiyear contracting authority is a responsible step to take in the case of a program like this, which involves very little new development and very little program risk.

Third, the proposal that Senator WARNER and I are putting forward would address very real concerns with the lease proposal presented by the Air Force. I believe that what the Congressional Budget Office said is correct: this is not a real lease, but a purchase. The Air Force, not Boeing, will control the special purpose entity that borrows funds for this program. There is no doubt in anyone's mind that the Air Force intends to buy these aircraft at the end of the lease. We simply cannot afford to pay 90 percent of the value of the aircraft for less than 20 percent of the useful life.

Finally, our proposal would take a far more responsible approach to federal budget issues than the proposal put forward by the Air Force. The Air Force proposal would have pushed the cost of the tanker aircraft off until the next decade, creating a huge funding program for the next generation of Air Force leaders. Our approach would move the costs forward, requiring the Department of Defense to provide almost $5 billion more in current Future Years Defense Program. The Air Force case that it is urgent to replace these tanker aircraft will be a lot more convincing, if the Department of Defense is willing to put money up for the problem earlier, rather than taking a free ride on the back of future taxpayers and defense needs.

I hope that we will get agreement from the House conferees on the defense authorization on including this provision in the final authorization act. I believe that it will help address a significant problem identified by the Air Force, while acting more responsibly in preventing postponing too much funding to later years.

I thank Chairman WARNER for his leadership on this issue.

Mr. WARNER. I commend my colleague from Michigan. We have been working together some 25 years on this committee now. Last night we studied the final language I crafted with the help of others and my colleague decided to join us.

Senator McCAIN wishes to follow the two distinguished colleagues from Washington. Again, I commend the Senator. We met last night on the floor. We talked about it. We worked into the evening with our staff. I very much appreciate the expressions the Senator is about to make.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, more than 2 years ago the Senate began a journey to help improve our military readiness by replacing the outdated Air Force asset with 100 new Boeing 767 air refueling tankers. In spite of the best efforts of the Air Force to maintain that tanker fleet, those planes are outdated and cost billions of dollar to maintain.

In the 2 years that have passed since we first began discussing replacing our Nation's tanker fleet, the KC–135s have grown older, more corroded, and less safe. It is a testament to the resourcefulness of the flying men and women of our Air Force that these planes are still flying as well as they are.

Over the past several days, Senator CANTWELL and I have engaged in a very productive series of meetings and discussions with Chairman STEVENS and Chairman WARNER, ranking Members Levin and Inouye. We were here late last night, as Senator WARNER indicated, and all day long working with our colleagues on a way to move this forward. I am really pleased we have worked our way through some very big issues. The leaders of our Senate Armed Services Committee agree we do need to provide the Air Force a way to begin to recapitalize its aging tanker fleet with new Boeing 767s. I am proud Senator WARNER and Senator LEVIN agree Boeing airframes will help our air men and women protect our Nation and advance our security around the world.

I had the honor of meeting with a number of people who fly these planes. I am proud we are finally working our way to bring some new planes to these brave young men and women.

These planes are critical. They are the backbone of America's air power capability. The importance of replacing them cannot be overstated. The Warner-Levin proposal is a great step in the right direction. It is finally going to allow Boeing to begin producing state-of-the-art KC–767 aircraft right away with delivery of the first four tankers in 2005.

There are outstanding issues remaining, but it is clear to me today that we have a commitment finally to move forward and the Air Force is going to get the tankers it so desperately needs.

I commend Senator WARNER, Senator STEVENS, Senator LEVIN, Senator INOUYE, and especially my colleague in Washington, Senator CANTWELL, who spent a tremendous amount of time trying to work this issue through with all of the details. I am proud to serve with her in the Senate. She is a testament to the people who are going to be building these planes and her advocacy for them, particularly over the last several days.

I yield to my colleague from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 2 minutes.

Ms. CANTWELL. Mr. President, I am sure there is no way I can convey in these minutes all of the important information that needs to be conveyed about this issue. I will highlight a few things.

This debate started in 2001 and still goes strong today. The testament of the many Members who were here on the floor is that we are trying to move ahead and move ahead with what is a very needed product.

I thank my colleague from Washington and my colleague from Illinois, Senator DURBIN, who is also interested in this issue.

The bottom line is we all know if we could buy these planes now and have the resources, we would do that. We all know buying the planes sooner makes them cheaper. The issue we have been struggling with is, where are the resources and how do we make this come together in a timely fashion to meet the need.

Senator MCCAIN has made all of us stop and think about this issue in ways we might not have thought. I don't think any Member wanted to or should have excluded the authorizing committee from playing its normal role and capacity of reviewing these projects. The fact of the matter is we now are 2 years into this process and we have to figure out a way to move forward. The Armed Services Committee is trying to do just that, trying to say 100 planes should be made through either a lease or procurement process as part of a contract and that we need to move forward soon on the start of that lease contract.

We are still a few days away from finally getting a product. I thank Senators WARNER and LEVIN for taking this step in the process outlined in 2001 of the authorizing committee giving its feedback on this original proposal by Congress to have a pilot lease program.

Mr. WARNER. How much time does this Senator have remaining?

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Virginia has 1 minute 42 seconds.

Mr. WARNER. Mr. President, first, I commend my two colleagues from Washington. While we only have 2 or 3 minutes to speak about this matter, I would hate to know the number of hours that each of them have expended.

Mr. President, I ask unanimous consent that we have 5 minutes allocated to the Senator from——

Mr. STEVENS. I object. We have to get back to the appropriations sometime.

Mr. WARNER. All right. Mr. President, I ask unanimous consent 3 minutes be given to the Senator from Arizona.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The Senator from Arizona has 3 minutes.

Mr. MCCAIN. Mr. President, I yield 1 of my 3 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 1 minute.

Mr. NICKLES. Mr. President, I thank my friend and colleague from Arizona for his generosity.

I compliment Senator WARNER and Senator MCCAIN and Senator LEVIN and others. I think a purchase is so much more fiscally responsible, and it is such more honest with the budget. We are going to save billions of dollars by doing the purchase. The lease, in my opinion, is, frankly, not the right way to do it if we are going to be honest with the taxpayers and honest in saving money for the system.

We need the airplanes. I am all in favor of moving forward with the airplanes. And certainly this is a much more logical deal.

I thank my colleague from Arizona.

The CBO, Congressional Budget Office, certainly concurs that a purchase is a much more fiscally responsible method of purchasing the airplanes.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 2 minutes.

Mr. MCCAIN. Mr. President, I thank my two leaders in the Armed Services Committee, Senator WARNER and Senator LEVIN, who have worked so hard on this issue. I appreciate everything they have done.

I also thank both Senators from Washington. I know this has been a very difficult process for them.

Mr. President, there are a number of lessons to be learned from this exercise. One of the lessons is—and I see the chairman of the Appropriations Committee here on the floor—we should not start this kind of process with a line on an appropriations bill. It should have gone through the authorizing committee. There should have been hearings and ventilation of a $20 to $30 billion acquisition. None of this problems would have arisen if we had gone through the proper authorizing committee rather than the Appropriations Committee assuming responsibilities which are not theirs.

I appreciate very much my two colleagues for asserting the authority of the authorizing committee where it belongs. I believe this is a good compromise. I would like to see better.

Obviously, I thank my colleagues again, especially the Senators from Washington, as well as the chairman and ranking member of the authorizing committee, for their hard work on this effort.

I yield the remainder of my time to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I simply conclude, we are here today because of the efforts of Senator MCCAIN to bring this matter to our attention, and I salute him for that purpose. And I thank all.

I yield back my time so the distinguished chairman can move ahead with the bill.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, since I have been mentioned personally, let me just say I will be happy to see the day when the Armed Services Committee brings the bill to the floor, goes through the normal process, and passes a bill and provides the budget authority and the outlays to do it. That has been the problem. This is air we are talking about now—air.

Does the Senator from Hawaii want time to speak on his amendment to this bill? How much time does the Senator want?

Two minutes? I yield the Senator up to 5 minutes. We are waiting for the balance of the papers.

I say to the Senator, we have tried to clear his amendment. We have not been able to clear his amendment because of a problem with jurisdiction on the House side. But I believe he would like to explain his amendment. We were willing to take it to conference, but we are told that it would not survive conference because of the jurisdictional problem on the House side.

I ask Senator AKAKA, does he wish to speak at this time?

I thank the Senator.

Does the Senator from New Mexico wish time?

Mr. BINGAMAN. Yes. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me take 2 minutes.

AMENDMENT NO. 1939

Mr. President, I have an amendment that I filed, No. 1939, which I understand is going to be acceptable to both the managers of the bill and will be included with other amendments that are approved in a few minutes.

I particularly compliment Senator SNOWE as the cosponsor of this legislation. She has been a long-time champion of commercial air service in rural areas, and I appreciate her leadership on the amendment.

The amendment is very simple. In fact, both the House and the Senate have passed the substance of this amendment previously in connection with the FAA reauthorization legislation.

The amendment that we are offering, that we appreciate people supporting, will preserve the Essential Air Service Program by preventing the Department of Transportation from implementing a new program that would require communities to pay in order to retain their commercial air service. I hope the Senate will again support it.

Congress established the Essential Air Service Program in 1978 to ensure that communities that had commercial air service before airline deregulation could continue to receive scheduled service. Without EAS, many rural communities would have no commercial air service at all.

All across America, small communities face ever-increasing hurdles to promoting their economic growth and development. Today, many rural areas lack access to interstate or even four-lane highways, railroads or broadband telecommunications. Business development in rural areas frequently hinges on the availability of scheduled air service. For small communities, commercial air service provides a critical link to the national and international transportation system.

The Essential Air Service Program currently ensures commercial air service to over 100 communities in 34 States. EAS supports an additional 33 communities in Alaska. Because of increasing costs and the current financial turndown in the aviation industry, particularly among commuter airlines, about 28 additional communities have been forced into the EAS program since the terrorist attacks in 2001.

In my State of New Mexico, five cities currently rely on EAS for their commercial air service. The communities are Clovis, Hobbs, Carlsbad, Alamogordo and my hometown of Silver City. In each case commercial service is provided to Albuquerque, the State's largest city and business center.

Back in June, during consideration of the FAA reauthorization bill, Senator INHOFE and I, with 13 bipartisan cosponsors, offered an amendment that struck out a provision in that bill that would for the first time require some communities to pay to retain their commercial air service. I believed that arbitrary proposal would have eliminated scheduled air service for many rural communities that participate in the Essential Air Service Program.

I was pleased the full Senate listened and adopted our amendment to the FAA reauthorization bill. In parallel, the full House of Representatives also voted to eliminate mandatory cost sharing language from the FAA reauthorization bill.

Most students of Government would tell you that when a majority of both Houses of Congress have voted against a particular measure, the conferees couldn't arbitrarily put it back in. Well they did. In another example of secret House-Senate back-room dealing, the Republican conferees excluded the minority members, flagrantly ignored the will of the majority in the House and the Senate, and restored the very cost-sharing language both Houses one month before had voted to reject.

I believe adding this extraneous and objectionable provision is an egregious violation of the conference process. A conference report on H.R. 2115 was filed 3 months ago and there has been no further action in either House of Congress. Clearly, this was flawed process and the result is an FAA conference report that can't pass either the House or the Senate.

It is not clear how the leaders will resolve the problems with the FAA conference report. Last month, 16 bipartisan Senators wrote to the House and Senate conferees opposing the mandatory cost sharing for EAS communities. Thirty-five bipartisan House Members signed a similar letter to conferees. I ask unanimous consent that both letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 29, 2003.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce Science and Transportation, Dirksen Office Building, Washington, DC.

Hon. ERNEST F. HOLLINGS,
Ranking Member, Committee on Commerce Science and Transportation, Dirksen Office Building, Washington, DC.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

Hon. JAMES OBERSTAR,
Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

GENTLEMEN: We write out of grave concern for a provision added to the Vision 100—Century of Aviation Reauthorization conference report regarding the adoption of a local cost share for certain Essential Air Service communities. This addition to the conference report not only goes against the will of both the House and the Senate, but may also have a disastrous effect on many of our small rural airports. Therefore, we urge the conference committee to remove this language before bringing the report to the respective floors for a vote.

The local cost share provision was removed from S. 824 by a bipartisan amendment offered by 15 senators, which passed on a voice vote. Likewise, a similar local cost share provision was removed from H.R. 2115 by an amendment offered by Representatives McHugh, Peterson (PA) and Shuster.

It is our understanding that negotiations are currently under way to remove language from the conference report regarding the privatization of air traffic controllers. This provides the conference committee an excellent opportunity to remove the EAS local match provision that was already stricken on both the House and Senate floors and not included in either bill brought to the conference committee.

Additionally, this provision will have untold effects on many small rural communities. It is unacceptable to force communities to pay up to $100,000 in a local cost share, in addition to the many costs they currently incur in running a small local airport.

We respectively request the removal of Section 408 from the Vision 100—Century of Aviation Reauthorization Act conference report before it is brought to the House and Senate floors for consideration, and we look forward to working with you in the future to ensure rural communities continue to receive essential air service.

Sincerely,

Jeff Bingaman; Hillary Rodham Clinton; Blanche L. Lincoln; Mark Pryor; Charles Schumer; Arlen Specter; Olympia Snowe; Patrick Leahy; Jim Jeffords; Tom Harkin; Tom Daschle; Benjamin Nelson; Susan M. Collins; Mark Dayton; Charles Grassley; Chuck Hagel.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 24, 2003.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation, Dirksen Office Building, Washington, DC.

Hon. FRITZ HOLLINGS,
Ranking Member, Committee on Commerce, Science, and Transportation, Dirksen Office Building, Washington, DC.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

Hon. JAMES OBERSTAR,
Ranking Member, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG, CHAIRMAN MCCAIN, RANKING MEMBER OBERSTAR, RANKING MEMBER HOLLINGS: We write out of grave concern for a provision added to the Vision 100-Century of Aviation Reauthorization Conference Report regarding the adoption of a local cost share for certain Essential Air Service communities. This addition to the conference report not only goes against the will of both the House and the Senate, but may also have a disastrous effect on many of our small rural airports. Therefore, we urge the conference committee to remove this language before bringing the report to the respective floors for a vote.

As you know, the local cost share provision was removed in H.R. 2115 by an amendment offered by Representatives McHugh, Peterson (PA) and Shuster, which passed by a voice vote. Likewise, a similar local cost share provision was removed from S. 824 by an amendment offered by Senator Bingaman.

It is our understanding that negotiations are currently under way to remove language from the conference report regarding the privatization of air traffic controllers. This provides the conference committee an excellent opportunity to remove the EAS local match provision that was already stricken on both the House and Senate floors and not included in either bill brought to the conference committee.

Additionally, this provision will have untold affects on many small rural communities. It is unacceptable to force communities to pay up to $100.000 in a local cost share, in addition to the many costs they currently incur in running a small local airport.

We respectfully request the removal of Section 408 from the Vision 100-Century of Aviation Reauthorization Act Conference Report before it is brought to the House and Senate floors for consideration and we look forward to working with you in the future to ensure rural communities continue to receive essential air service.

Sincerely,

John E. Peterson; John McHugh; Bill Shuster; John Shimkus; Barbara Cubin; Ron Paul; Frank D. Lucas; Kenny C. Hulshof; Rob Bishop; Jim Gibbons; Allen Boyd; Jerry Moran.

Chris Cannon; Marion Berry; Charles F. Bass; John Tanner; Scott McInnis; Rick Renzi; Dennis A. Cardoza; Jim Matheson; Ed Case; Mike Ross; Lane Evans.

Bernie Sanders; Tom Latham; Ron Lewis; Doug Bereuter; Collin C. Peterson; Aníbal Acevedo-Vilá; Tom Udall; Timothy Johnson; John Boozman; Heather Wilson; Jo Ann Emerson; Bart Stupak.

Mr. BINGAMAN. Mr. President, I would also like to point out that the President has not issued a veto threat on this issue.

All Senators know that a conference report is not amendable. I would have preferred not to pursue an amendment on an appropriations bill, but the conferees ignored the majority in the House and Senate once before. Put simply, this amendment is our only opportunity to undo what the conferees have done.

Mr. President, the choice here is clear: If we do not preserve the Essential Air Service Program today, we could well see the end of all commercial air service in rural areas. The EAS program provides vital resources that help link rural communities to the national and global aviation system. Our amendment will help ensure affordable, reliable, and safe air service remains available in rural America. I hope all Senators will join us in opposing this attack on rural America.

Again, I appreciate the support of all Senators and the support of the two managers.

I yield the floor.

Mr. SUNUNU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1936

Mr. SHELBY. Mr. President, I have a number of amendments I will be sending to the desk individually. They have been cleared on both sides by the managers. First is an amendment proposed for Senator DURBIN. I send it to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. DURBIN, proposes an amendment numbered 1936.

The amendment is as follows:

(Purpose: To insert a provision relating to notification information concerning pharmacy services)

On page 155, between lines 21 and 22, insert the following:

SEC. 6. MOTORIST INFORMATION CONCERNING PHARMACY SERVICES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall amend the Manual on Uniform Traffic Control Devices to include a provision requiring that information be provided to motorists to assist motorists in locating licensed 24-hour pharmacy services open to the public.

(b) LOGO PANEL.—The provision under subsection (a) shall require placement of a logo panel that displays information disclosing the names or logos of pharmacies described in subsection (a) that are located within 3 miles of an interchange on the Federal-aid system (as defined in section 101 of title 23, United States Code).

Mr. SHELBY. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1936) was agreed to.

AMENDMENT NO. 1937

Mr. SHELBY. Mr. President, I have an amendment on behalf of the Senator from Georgia, Mr. CHAMBLISS. I send it to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. CHAMBLISS, proposes an amendment numbered 1937.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . The Federal Aviation Administration shall give priority consideration to "Paulding County, GA Airport Improvements" for the Airport Improvement Program.

Mr. SHELBY. Mr. President, I urge adoption of amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1937) was agreed to.

AMENDMENT NO. 1938

Mr. SHELBY. Mr. President, I have an amendment on behalf of the Senator from California, Mrs. FEINSTEIN. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mrs. FEINSTEIN, proposes an amendment numbered 1938.

The amendment is as follows:

(Purpose: To modify section 130 to extend the prohibition under that section to the use of funds to provide maximum hours of service for certain drivers engaged for motion picture or television production)

On page 33, strike lines 5 through 10 and insert the following:

SEC. 130. No funds appropriated or otherwise made available by this Act may be used to implement or enforce any provisions of the Final Rule, issued on April 16, 2003 (Docket No. FMCSA-97-2350), with respect to either of the following:

(1) The operators of utility service vehicles, as that term is defined in section 395.2 of title 49, Code of Federal Regulations.

(2) Maximum daily hours of service for drivers engaged in the transportation of property or passengers to or from a motion picture or television production site located within a 100-air mile radius of the work reporting location of such drivers.

Mr. SHELBY. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1938) was agreed to.

AMENDMENT NO. 1939

Mr. SHELBY. Mr. President, I have another amendment that I send to the desk on behalf of Senator BINGAMAN and others.

It has been cleared on both sides by the managers.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. BINGAMAN, Ms. SNOWE, Mr. SPECTER, Mr. NELSON of Nebraska, Mr. SCHUMER, Mr. JEFFORDS, Mr. PRYOR, Mr. LEAHY, Mr. DASCHLE, Mr. BAUCUS, Ms. COLLINS, and Mr. GRASSLEY, proposes an amendment numbered 1939.

The amendment is as follows:

(Purpose: To prohibit the obligation of funds for the establishment or implementation of an EAS local participation pilot program)

On page 14, between lines 2 and 3, insert the following new section:

SEC. 105. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to establish or implement a pilot program under which not more than 10 designated essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air subsidy costs for a 4-year period, commonly referred to as the EAS local participation program.

Ms. SNOWE. Mr. President, I rise today in strong support of the Bingaman-Snowe amendment to protect the Essential Air Service, EAS, program.

Throughout my time in Congress, I have been a strong supporter of EAS, which provides subsidized air service to 125 small communities in the country, including four in Maine—Augusta, Rockland, Bar Harbor and Presque Isle—that would otherwise be cut off from the Nation's air transportation network. As approved in May by the Senate Commerce Committee, the Federal Aviation Administration, FAA, Reauthorization bill reauthorized and flat-funded the program for 3 years, and includes changes to the program, which are drastically scaled back from what the administration proposed earlier this year for EAS "reform." The administration had called for EAS towns to provide up to 25 percent matching contributions to keep their air service.

The Commerce Committee bill creates a number of new programs to help EAS communities grow their ridership, including a marketing incentive program that would financially reward EAS towns for achieving ridership goals. With regard to local cost-sharing—the centerpiece of the Administration's EAS proposal—the Commerce bill would create a pilot program to allow for a 10 percent annual community match at no more than 10 airports within a 100 miles of a large airport.

While the cost-sharing provisions in the Committee bill are much less strict than the administration proposal, and could only be applied to a EAS community under certain specific conditions, I remain concerned about the concept of requiring EAS towns—some of which are cash strapped and economically depressed—from kicking in hundreds of thousands of dollars annually to keep their air service. For example, if Augusta or Rockland, ME were to be chosen for the cost-sharing pilot program, they would have to come up with more than $120,000 annually to retain their air service.

As such, during floor consideration of the FAA bill, I supported Senator BINGAMAN's amendment to strike the cost-sharing section from the bill, and was pleased when it was approved unanimously by the full Senate. The House adopted an identical amendment offered by Representative PETERSON. And I felt so strongly about this issue that in late July I circulated a letter to the FAA conferees signed by 15 other Senators expressing strong opposition to having mandatory EAS cost-sharing language in the final legislative package. As such, I was extremely disappointed when that same language found itself into the FAA conference report issued on July 25.

That is why the amendment we have offered today is necessary. While the FAA bill has not been yet signed into law, I agree with my colleague that we need to take out an "insurance policy" and ensure that EAS local cost-sharing never gets off the ground.

The EAS program is not perfect, and Congress certainly needs to do all we can to keep the costs and subsidy levels associated with the program as low as possible. I look forward to working with members of the Commerce Committee and the Senate on the issue, but I continue to believe that requiring cost sharing in today's economy and today's aviation environment is clearly a wrong-headed approach. I urge my colleagues to support the Bingaman-Snowe amendment.

Mr. ROCKEFELLER. Mr. President, I rise to support the Bingaman-Snowe amendment, which would bar the Department of Transportation from using any funds to implement cost-sharing requirement for communities that receive subsidized air service through the Essential Air Service Program—EAS.

As ranking Democrat on the Aviation Subcommittee, I work very hard to improve air service for small and rural communities. Most recently, I worked with Senator LOTT on legislation to address this important issue. We introduced the Small Community and Rural Air Service Revitalization Act of 2003 to address the growing air services needs of small communities. The legislation became the basis for the small community air service provisions in Senate FAA reauthorization bill and ultimately the FAA Conference Report. The FAA Conference Report establishes a series of pilot programs to help communities improve their existing air service. I strongly believe that communities need new resources and tools to improve their air service options. The new initiatives established in the FAA Conference Report will allow communities the ability to improve their air service choices, and give a community a greater stake in the EAS program.

The Federal Aviation Administration—FAA—Conference Report includes a provision that allows the DOT to select up to 10 communities within 100 miles of a hub airport to pay 10 percent of the their Essential Air Service subsidy, even though both the Senate and the House voted against imposing a cost-sharing requirement.

Small Community and Rural Air Service Revitalization Act of 2003 also included a pilot program that would allow DOT to require a cost-share for up to 10 communities within 100 miles of a hub. As I expressed in my statement on the introduction of this bill, I have significant reservation about forcing communities to pay for a service the Federal Government promised them. I expressed my strong reservations throughout the development and Senate consideration of the FAA reauthorization bill in this matter.

During Senate consideration of the FAA bill, Senator BINGAMAN and Senator INHOFE offered an amendment to strip the cost-sharing provision. Senators MCCAIN and LOTT accepted the amendment without debate as it was clear that a large majority of Senators did not support this provision. The House bill as passed by their Transportation Committee had a local match provision. The House stripped their cost-sharing provision as well on the floor so neither bill had a cost-sharing provision. Clearly, the will of Congress was that the Federal Government should provide the entire subsidy. During the conference negotiations on the FAA bill in which I was invited to participate, I argued against reinstating cost-sharing provisions, but the majority conferees insisted on this provision.

The adoption of this provision will prohibit cost-sharing in the upcoming fiscal year. It is a short-term solution to a larger problem that I hope we can ultimately address by reopening the FAA conference report.

Mr. SHELBY. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1939) was agreed to.

AMENDMENT NO. 1940

Mr. SHELBY. Mr. President, I send to the desk an amendment on behalf of the Senator from Indiana, Mr. BAYH. It has been cleared on both sides by the managers.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. BAYH, proposes an amendment numbered 1940.

The amendment is as follows:

(Purpose: To expand aviation capacity and alleviate congestion in the greater Chicago metropolitan area)

On page 14, between lines 2 and 3, insert the following:

SEC. 105. The Administrator of the Federal Aviation Administration may, for purposes of chapter 471 of title 49, United States Code, give priority consideration to a letter of intent application for funding submitted by the City of Gary, Indiana, or the State of Indiana, for the extension of the main runway at the Gary/Chicago Airport. The letter of intent application shall be considered upon completion of the environmental impact statement and benefit cost analysis in accordance with Federal Aviation Administration requirements. The Administrator shall consider the letter of intent application not later than 90 days after receiving it from the applicant.

Mr. SHELBY. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1940) was agreed to.

AMENDMENT NO. 1941

Mr. SHELBY. Mr. President, I send to the desk another amendment on behalf of Mr. REID of Nevada. It has been cleared on both sides by the managers.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. REID, proposes an amendment numbered 1941.

The amendment is as follows:

AMENDMENT NO. 1941

(Purpose: To require notice of regulations relating to travel agent service fees)

On page 14, after line 2 insert the following:

SEC.   . None of the funds in this Act may be used to adopt rules or regulations concerning travel agent service fees unless the Department of Transportation publishes in the Federal Register revisions to the proposed rule and provides a period for additional public comment on such proposed rule for a period not less than 60 days.

Mr. SHELBY. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1941) was agreed to.

AMENDMENT NO. 1942

Mr. SHELBY. Mr. President, I have another amendment I send to the desk on behalf of Senator HOLLINGS of South Carolina. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. HOLLINGS, proposes an amendment numbered 1942.

The amendment is as follows:

(Purpose: Modify federal share for specific project under 49 U.S.C. 5307)

SEC. . Funds apportioned to the Charleston Area Regional Transportation Authority to carry out 49 U.S.C. 5307 may be used to lease land, equipment, or facilities used in public transportation from another governmental authority in the same geographic area: *Provided*, That the non-Federal share under section 5307 may include revenues from the sale of advertising and concessions: *Provided further*, That this provision shall remain in effect until September 30, 2004, or until the Federal interest in the land, equipment, or facilities leased reached 80 percent of its fair market value at disposition, whichever occurs first.

Mr. SHELBY. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1942) was agreed to.

AMENDMENT NO. 1943

Mr. SHELBY. Mr. President, I have another amendment I send to the desk on behalf of the Senator from Washington, Mrs. MURRAY. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mrs. MURRAY, proposes an amendment numbered 1943.

The amendment is as follows:

(Purpose: To clarify the use of GSA funds)

Under the heading Federal Buildings Fund, Limitations on Availability of Revenue:

Page 93, Line 21 and 22: Delete the word "(design)"

Page 95, Line 15, after the words "increases in prospectus projects", delete ";" and then insert,

":*Provided further*, That the funds available herein for repairs to the Bellingham, Washington, Federal Building, shall be available for transfer to the city of Bellingham, Washington, subject to disposal of the building to the city,"

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1943) was agreed to.

AMENDMENT NO. 1944

Mr. SHELBY. Mr. President, I send to the desk another amendment on behalf of Senator REED of Rhode Island. It has been cleared by the managers.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. REED, proposes an amendment numbered 1944.

The amendment is as follows:

(Purpose: To provide that no funds may be used to remove any area within a locality pay area established under section 5304 of title 5, United States Code, from coverage under that locality pay area)

On page 155, between lines 21 and 22, insert the following:

SEC. 643. (a) None of the funds appropriated or otherwise made available by this Act may be used to remove any area within a locality pay area established under section 5304 of title 5, United States Code, from coverage under that locality pay area.

(b) Subsection (a) shall not apply to the Rest of U. S. locality pay area.

Mr. SHELBY. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1944) was agreed to.

AMENDMENT NO. 1945

Mr. SHELBY. Mr. President, I send an amendment to the desk on behalf of the Senator from Michigan, Mr. LEVIN. It has been cleared by both managers.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. LEVIN, proposes an amendment numbered 1945.

The amendment is as follows:

(Purpose: Technical modifications to previous transportation acts)

SEC. . Section 1108 of the Intermodal Surface Transportation Efficiency Act of 1991, item number 8, is amended by striking "To relocate" and all that follows through "Street" and inserting the following, "For road improvements and non-motorized enhancements in the Detroit East Riverfront, Detroit, Michigan."

SEC. . The funds provided under the Heading "Transportation and Community and System Preservation Program" in Conference Report 106-940 for the Lodge Freeway pedestrian overpass, Detroit, Michigan, shall be transferred to, and made available for, enhancements in the East Riverfront, Detroit, Michigan.

SEC. . The funds provided under the Heading "Transportation and Community and System Preservation Program" in Conference Report 107-308 for the Eastern Market pedestrian overpass park, shall be transferred, to, and made available for, enhancements in the East Riverfront, Detroit, Michigan.

Mr. SHELBY. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1945) was agreed to.

AMENDMENT NO. 1946

Mr. SHELBY. Mr. President, I have another amendment I send to the desk on behalf of the Senator from Hawaii, Mr. AKAKA. It has been cleared by the managers.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. AKAKA, proposes an amendment numbered 1946.

The amendment is as follows:

(Purpose: To prohibit the use of funds for the Debt Indicator program)

On page 73, between lines 9 and 10, insert the following:

SEC. 218. None of the funds appropriated or otherwise made available by this Act may be used for the Debt Indicator program announced in Internal Revenue Service Notice 99-58.

Mr. AKAKA. Mr. President, certain tax preparers are lining their pockets with money that should be going toward the everyday needs of lower income families. These preparers are taking advantage of those that have sought assistance in claiming the Earned Income Tax Credit, EITC, by successfully marketing to them to obtain refunds through exorbitantly priced refund anticipation loans, RALs.

An estimated $1.75 billion intended to assist low-income families went to commercial tax preparers and affiliated national banks for tax assistance, electronic filing of returns, and high-cost refund loans in 1999, according to a report published by the Brookings Institution. In 2001, 40.7 percent of taxpayers who earned the EITC received their refund through RALs. The States that had the highest percentage of EITC returns with RALs included Mississippi, 61.5, South Carolina, 58.9, Georgia, 57.6, North Carolina, 57.5, and Louisiana, 56.8.

The Internal Revenue Service, IRS, reduces the risk that lenders take on RALs by providing them a Debt Indicator, DI, on all IRS e-file acknowledgements. The DI informs the lender whether or not an applicant owes Federal or State taxes, child support, student loans, or other government obligations, and this assists the tax preparer in ascertaining the applicant's ability to obtain their full refund so that the RAL is repaid. The vast majority of refunds are remitted to the preparer as prepared. Thus, interest rates for RALs that vary from 97 percent to more than 2000 percent are not justifiable when the IRS lowers the risk of the loans by providing the DI service.

In 1995, the use of the DI was suspended because of massive fraud in e-filed returns with RALs. After the program was discontinued, RAL participation declined. The use of the DI was reinstated in 1999, according to H&R Block, to "assist with screening for electronic filing fraud and is also expected to substantially reduce refund anticipation loan pricing." Although RAL prices were expected to go down as a result of the reinstatement of the DI, this has not occurred. The Debt Indicator should be stopped.

The Akaka amendment would prohibit the use of funds in H.R. 2989, the

Fiscal Year 2004 Transportation, Treasury, and Independent Agencies Appropriations Act, for the Debt Indicator program.

The Akaka amendment has been endorsed by the Consumer Federation of America and the National Consumer Law Center.

The DI is helping tax preparers make excessive profits of low- and moderate-income taxpayers who utilize the service. If the Debt Indicator is removed, then the loans become riskier and the tax preparers may not aggressively market them among EITC filers. The IRS should not be aiding efforts that take the earned benefits away from low-income families and allow unscrupulous preparers to take advantage of low-income taxpayers.

RALS are extremely short-term loans that unnecessarily diminish the EITC. There are alternatives to speeding up refunds such as filing electronically or having the refund directly deposited into a bank or credit union account. Using these methods, taxpayers can receive their returns in about 7 to 10 days without paying the high fees associated with RALs.

Mr. President, I ask unanimous consent that a letter and chart from the National Consumer Law Center be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CONSUMER LAW CENTER, INC.,
Boston, MA, September 26, 2003.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The National Consumer Law Center (on behalf of its low-income clients) and the Consumer Federation of America write to support your amendment to H.R. 2989, which would prohibit the Treasury Department from using its appropriation for the Internal Revenue Service's Debt Indicator program. As you know, the Debt Indicator program mostly benefits refund anticipation loan (RAL) programs by letting tax preparers and RAL lenders know when a tax refund offset exists. Thus, IRS is abetting the making of RALs through the Debt Indicator. We believe that the IRS should not use tax dollars to increase the bottom line of RAL lenders and major tax preparation chains, especially when RALs are draining nearly 2 billion dollars from the pockets of taxpayers, including EITC refunds paid out of the U.S. Treasury.

Thus, we support your amendment to prohibit the use of Treasury appropriations for the Debt Indicator program. Thank you for your support.

Sincerely,

JEAN ANN FOX,
Consumer Federation of America.
CHI CHI WU,
National Consumer Law Center.

State	Total returns	Returns with EITC	Percentage of returns with EITC (in percent)	EITC amount	EITC returns with RAL	Percentage of EITC returns with RAL (in percent)	Estimated amount spent on RALs[1]
MS	1,133,337	340,750	30.1	679,173,550	209,703	61.5	23,067,330
SC	1,744,255	374,946	21.5	667,379,853	220,800	58.9	24,288,001
GA	3,490,461	698,572	20.0	1,286,447,525	402,635	57.6	44,289,879
NC	3,445,671	629,610	18.3	1,093,206,529	361,765	57.5	39,794,136
LA	1,826,048	476,771	26.1	950,671,006	270,713	56.8	29,778,430
AL	1,828,781	432,850	23.7	828,377,878	243,878	56.3	26,826,622
TN	2,481,776	476,925	19.2	815,853,086	253,982	53.3	27,938,067
AR	1,082,709	245,283	22.7	445,930,973	129,663	52.9	14,262,959
TX	8,753,021	1,819,895	20.8	3,395,348,844	931,042	51.2	102,414,624
DC	268,826	48,674	18.1	80,730,037	24,571	50.5	2,702,810
DE	372,408	48,262	13.0	80,153,733	22,996	47.6	2,529,560
VA	3,264,028	420,098	12.9	691,687,320	198,037	47.1	21,784,043
IN	2,761,978	362,912	13.1	586,977,962	169,177	46.6	18,609,451
KY	1,712,016	296,287	17.3	486,814,970	132,745	44.8	14,601,929
OK	1,413,476	264,972	18.7	456,176,187	118,179	44.6	12,999,663
OH	5,352,924	668,993	12.5	1,090,740,478	297,147	44.4	32,686,183
NV	922,925	128,334	13.9	205,250,510	56,230	43.8	6,185,315
IL	5,560,236	737,269	13.3	1,234,565,348	320,046	43.4	35,205,022
FL	7,277,069	1,301,554	17.9	2,229,476,116	527,553	40.5	58,030,873
MD	2,503,253	301,455	12.0	487,028,288	121,342	40.3	13,347,566
MO	2,493,440	371,513	14.9	615,491,828	149,165	40.2	16,408,104
WV	742,821	131,768	17.7	211,166,719	52,512	39.9	5,776,320
MI	4,429,446	545,878	12.3	898,838,168	216,780	39.7	23,845,825
AZ	2,090,660	320,323	15.3	548,919,742	120,484	37.6	13,253,194
NJ	3,928,676	430,933	11.0	703,663,754	158,094	36.7	17,390,340
PA	5,680,698	671,093	11.8	1,054,110,400	243,127	36.2	25,744,025
RI	485,337	56,755	11.7	89,592,629	20,252	35.7	2,227,720
SD	348,936	46,868	13.4	73,494,901	15,923	34.0	1,751,530
KS	1,185,320	141,878	12.0	226,103,432	47,563	33.5	5,231,928
CT	1,616,341	141,892	8.8	216,802,671	47,387	33.4	5,212,570
NM	751,161	167,993	22.4	288,708,541	53,725	32.0	5,909,764
WA	2,701,201	296,317	11.0	462,643,179	94,051	31.7	10,345,591
CO	1,995,152	214,500	10.8	327,073,673	65,428	30.5	7,197,047
WY	234,857	29,540	12.6	46,132,862	8,959	30.3	985,490
NE	769,173	89,976	11.7	142,314,214	26,896	29.9	2,958,508
WI	2,542,632	243,829	9.6	374,475,943	71,356	29.3	7,849,165
NH	617,876	50,743	8.2	73,956,472	14,542	28.7	1,599,620
MT	414,636	63,090	15.2	99,707,920	17,951	28.5	1,974,610
NY	8,324,967	1,293,346	15.5	2,203,061,849	354,015	27.4	38,941,700
ID	549,785	82,072	14.9	134,423,144	21,393	26.1	2,353,230
ME	601,852	74,560	12.4	113,883,846	19,396	26.0	2,133,560
UT	929,225	107,776	11.6	173,583,013	27,980	26.0	3,077,758
CA	14,207,549	2,139,205	15.1	3,654,040,481	550,722	25.7	60,579,468
IA	1,312,239	143,757	11.0	217,451,268	36,538	25.4	4,019,180
HI	547,225	65,567	12.0	94,672,158	16,460	25.1	1,810,555
ND	288,949	33,741	11.7	51,495,960	7,918	23.5	870,980
OR	1,516,321	191,404	12.6	300,227,699	43,328	22.6	4,766,088
AK	323,125	30,042	9.3	41,327,189	6,750	22.5	742,500
MA	2,976,492	257,069	8.6	381,021,580	57,258	22.3	6,298,429
MN	2,322,004	209,558	9.0	311,354,319	45,252	21.6	4,977,724
VT	297,379	32,269	10.9	46,336,387	5,718	17.7	628,980
Total	124,420,670	18,749,666	15.1%	31,968,066,136	7,629,127	40.7%	839,203,965

[1] Based on information from National Consumer Law Center, the price for a RAL on an average EITC return is $110 at one of the major commercial preparers.

NOTE.—That these estimates do not account for potential state-by-state differences in RAL prices.

Source: Brookings Institution Center on Urban and Metropolitan Policy calculations of IRS tax year 2001 data.

Mr. SHELBY. Mr. President, I ask unanimous consent to set that amendment aside.

The PRESIDING OFFICER. Without objection, the amendment is set aside.

AMENDMENT NO. 1947

Mr. SHELBY. Mr. President, I send to the desk an amendment on behalf of the Senator from Pennsylvania, Mr. SPECTER. It has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. SPECTER, proposes an amendment numbered 1947.

The amendment is as follows:

(Purpose: To clarify that allocated funds may be used for the Corridor One Light Rail Project)

At the appropriate place in the bill, insert:

"SEC.   . Notwithstanding any other provision of law, funds designated to the Pennsylvania Cumberland/Dauphin County Corridor I project in committee reports accompanying this Act may be available to the recipient for any project activities authorized under 49 U.S.C. 5307 and 5309.

Mr. SHELBY. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1947) was agreed to.

AMENDMENT NO. 1948

Mr. SHELBY. Mr. President, I send to the desk an amendment on behalf of the Senator from Delaware, Mr. CARPER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama (Mr. SHELBY), for Mr. CARPER, proposes an amendment numbered 1948.

The amendment is as follows:

(Purpose: To express the sense of the Senate that the Secretary of Transportation must consider the impact on northern Delaware of aircraft noise related to the Philadelphia International Airport Capacity Enhancement Program)

At the appropriate place, insert the following:

SEC.   . It is the sense of the Senate that the Secretary of Transportation must, in connection with the Philadelphia International Airport Capacity Enhancement Program, consider the impact of aircraft noise on northern Delaware—

(1) within the scope of the environmental impact statement prepared in connection with the Program; and

(2) as part of any study of aircraft noise required under the National Environmental Protection Act of 1969 and conducted pursuant to part 150 of title 14, Code of Federal Regulations, or any successor regulations.

AMENDMENT NO. 1946, WITHDRAWN

Mr. SHELBY. Mr. President, I ask unanimous consent to withdraw amendment No. 1946 that was previously set aside on behalf of the Senator from Hawaii, Mr. AKAKA.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

AMENDMENT NO. 1948

The PRESIDING OFFICER. Does the Senator urge adoption of the previous amendment?

Mr. SHELBY. I do.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1948) was agreed to.

AMENDMENT NO. 1949

Mr. SHELBY. Mr. President, I send to the desk an amendment on behalf of Senator GRASSLEY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. GRASSLEY, proposes an amendment numbered 1949.

The amendment is as follows:

(Purpose: To provide that none of the funds appropriated or made available under this Act may be used to implement proposed regulations relating to the detail of executive branch employees to the legislative branch, and for other purposes)

At the appropriate place, insert the following:

SEC.   . None of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch). If such proposed regulations are final regulations on the date of enactment of this Act, none of the funds appropriated or made available under this Act may be used to implement, administer, or enforce such final regulations.

Mr. GRASSLEY. Mr. President, I rise to speak on the amendment Senator DOMENICI and I offered to address a regulation recently proposed by the Office of Personnel Management; a regulation that is wrong-headed.

Congress and the executive agencies have long enjoyed a mutually beneficial relationship where executive branch employees are detailed to congressional offices. These details typically exist for 1 to 2 years.

As a result, the executive branch has an opportunity to have its employees learn about the legislative process and oversight activities. Likewise, the legislative branch has an opportunity to utilize the expertise of executive branch employees. Everyone benefits.

The regulation proposed by the Office of Personnel Management will inevitably ruin the benefits of this long-term practice.

The regulation proposed by the Office of Personnel Management for example, seeks to reduce to 6 months the time that a detailee can spend in Congress. This is too short a time for even the most industrious of detailees to understand the intricacies of the legislative process and contribute to that process.

Moreover, this regulation attempts to limit the activities in which executive branch employees can engage while under the direct supervision of a Congressional office in an effort to micro-manage from afar. This is unacceptable.

Senator DOMENICI and I have offered an amendment to prohibit the use of any funds for the implementation of this regulation that will severely reduce the number, availability and benefit of executive branch detailees to the legislative branch to the detriment of all.

I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1949) was agreed to.

AMENDMENTS NOS. 1950 THROUGH 1962, EN BLOC

Mr. SHELBY. Mr. President, I now offer a package of amendments that have been cleared on both sides, and I ask unanimous consent that they be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes amendments numbered 1950 through 1962, en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments were agreed to as follows:

AMENDMENT NO. 1950

At the appropriate place in the bill add the following new section:

"SEC.   . Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each executive department and agency shall transfer to or reimburse the Federal Aviation Administration, with the approval of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the Federal Aviation Administration as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director to ensure the operation of the Midway Atoll Airfield by the Federal Aviation Administration pursuant to an operational agreement with the Department of the Interior. The total funds transferred or reimbursed shall not exceed $6,000,000 and shall not be available for activities other than the operation of the airfield. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act."

AMENDMENT NO. 1951

(Purpose: To set aside an amount for air traffic control facilities, John C. Stennis International Airport, Hancock County, Mississippi.)

On page 14, between lines 2 and 3, insert the following:

SEC. 105. Of the total amount appropriated under this title for the Federal Aviation Administration under the heading "FACILITIES AND EQUIPMENT", $2,000,000 shall be available for air traffic control facilities, John C. Stennis International Airport, Hancock County, Mississippi.

AMENDMENT NO. 1952

(Purpose: To provide that unexpended funds made available for improvements to Council Grove Lake, Kansas, may be used to make improvements to Richey Cove, Santa Fe Recreation Area, Canning Creek Recreation Area, and other areas in the State of Kansas)

At the appropriate place, add the following:

SEC.   . KANSAS RECREATION AREAS.

Any unexpended balances of the amounts made available by the Consolidated Appropriations Resolution, 2003 (Public Law 108–7) from the Federal-aid highway account for improvements to Council Grove Lake, Kansas, shall be available to make improvements to Richey Cove, Santa Fe Recreation

Area, Canning Creek Recreation Area, and other areas in the State of Kansas.

AMENDMENT NO. 1953

(Purpose: To require the Internal Revenue Service to conduct a study on the earned income tax credit pre-certification program)

On page 70, between lines 17 and 18, insert the following:

SEC. 205. STUDY ON EARNED INCOME TAX CREDIT CERTIFICATION PROGRAM.

(a) STUDY.—The Internal Revenue Service shall conduct a study, as a part of any program that requires certification (including pre-certification) in order to claim the earned income tax credit under section 32 of the Internal Revenue Code of 1986, on the following matters:

(1) The costs (in time and money) incurred by the participants in the program.

(2) The administrative costs incurred by the Internal Revenue Service in operating the program.

(3) The percentage of individuals included in the program who were not certified for the credit, including the percentage of individuals who were not certified due to—

(A) ineligibility for the credit; and

(B) failure to complete the requirements for certification.

(4) The percentage of individuals to whom paragraph (3)(B) applies who were—

(A) otherwise eligible for the credit; and

(B) otherwise ineligible for the credit.

(5) The percentage of individuals to whom paragraph (3)(B) applies who—

(A) did not respond to the request for certification; and

(B) responded to such request but otherwise failed to complete the requirements for certification.

(6) The reasons—

(A) for which individuals described in paragraph (5)(A) did not respond to requests for certification; and

(B) for which individuals described in paragraph (5)(B) had difficulty in completing the requirements for certification.

(7) The characteristics of those individuals who were denied the credit due to—

(A) failure to complete the requirements for certification; and

(B) ineligibility for the credit.

(8) The impact of the program on non-English speaking participants.

(9) The impact of the program on homeless and other highly transient individuals.

(b) REPORT.—

(1) PRELIMINARY REPORT.—Not later than July 30, 2004, the Commissioner of the Internal Revenue Service shall submit to Congress a preliminary report on the study conducted under subsection (a).

(2) FINAL REPORT.—Not later than June 30, 2005, the Commissioner of the Internal Revenue Service shall submit to Congress a final report detailing the findings of the study conducted under subsection (a).

AMENDMENT NO. 1954

(Purpose: To set aside funds made available for Texas Statewide ITS Deployment and Integration for the deployment and integration of Intelligent Transportation Systems at Port of Galveston, Texas, and City of Lubbock, Texas)

On page 31, between lines 13 and 14, insert the following:

SEC. 115. Of the amounts made available under this title under the heading "FEDERAL-AID HIGHWAYS" for Texas Statewide ITS Deployment and Integration—

(1) $500,000 shall be made available for the deployment and implementation of an Intelligent Transportation System project at Port of Galveston, Texas; and

(1) $500,000 shall be made available for the deployment and implementation of an Intelligent Transportation System project at City of Lubbock, Texas.

AMENDMENT NO. 1955

(Purpose: To provide clarifying language that instructs the Federal Highway Administration to extend through February 29, 2004, existing research contracts funded under the TEA–21)

At the appropriate place, insert the following:

SEC. . EXTENSION OF RESEARCH PROJECTS

(a) For Fiscal Year 2004 only, the Federal Highway Administration is instructed to extend and fund current research projects under Title V of TEA–21 through February 29, 2004.

AMENDMENT NO. 1956

(Purpose: To provide for the acquisition of an ASR–11 radar for the Jackson Hole, Wyoming Airport)

At the appropriate place, insert the following:

SEC. . JACKSON HOLE, WYOMING RADAR UNIT.

(a) Priority consideration shall be given to the Jackson Hole, Wyoming, Airport for an ASR–11 radar unit or provisions shall be made for the acquisition or transfer of a comparable radar unit.

AMENDMENT NO. 1957

(Purpose: To provide funds for the FAA Technical Center)

At the appropriate place, insert the following:

SEC. . Within the funds provided for the Federal Aviation Administration's Facilities and Equipment account, no less than $14,000,000 shall be available for the Technical Center Facilities in New Jersey.

AMENDMENT NO. 1958

At the appropriate place, insert the following:

SEC. . To the extent that funds provided by the Congress for the Memphis Medical Center light rail extension project through the Section 5309 "new fixed guideway systems" program remain available upon the closeout of the project, FTA is directed to permit the Memphis Area Transit Authority to use all of those funds for planning, engineering, design, construction or acquisition projects pertaining to the Memphis Regional Rail Plan. Such funds shall remain available until expended.

AMENDMENT NO. 1959

(Purpose: To make available from amounts available for the Federal Highway Administration for the Transportation and Community and System Pilot Preservation Program, $850,000 for interior air quality demonstration activities at the Bristol, Virginia, control facility to evaluate standard industrial fuel system performance and efficiency with drive-by-wire engine management and emissions systems)

Insert after section 114 the following:

SEC. 115. Of the amount appropriated or otherwise made available for Transportation, Planning, and Research, $850,000 shall be available for interior air quality demonstration activities at the Bristol, Virginia, control facility to evaluate standard industrial fuel system performance and efficiency with drive-by-wire engine management and emissions systems and $1,000,000 shall be available for the Market Street enhancement project in Burlington, VT.

AMENDMENT NO. 1960

(Purpose: To provide funding for Intelligent Transportation System Research)

On page 17, strike line 12 and insert the following:

GMU ITS, Virginia, $1,000,000

George Washington University, Virginia Campus, $1,000,000

AMENDMENT NO. 1961

At the appropriate place in the bill, insert:

SEC. . Of the funds made available or limited in this Act, $3,000,000 shall be available for improvements to Bowman Road and Johnnie Dodds Boulevard, Highway 17, Mt. Pleasant, SC; $1,000,000 shall be for the Arlewright Connector and no funds shall be available for the Northwest Bypass project.

AMENDMENT NO. 1962

At the appropriate place insert:

SEC. 361. Section 30303(d)(3) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by inserting at the end:

"(D) Memphis-Shelby International Airport intermodal facility."

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, while we are working through the last couple of amendments, let me say that I appreciate the work of Senator SHELBY, all of the staff on the majority and minority side who really have done tremendous work in putting this bill together. I thank all of them for the hard work they have done, as well as my colleague, Senator SHELBY, who has really done a good job today of moving this bill through. I thank him for that.

AMENDMENT NO. 1963

Mr. SHELBY. Mr. President, I have another amendment I send to the desk on behalf of the Senator from Georgia, Mr. CHAMBLISS. It has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], on behalf of Mr. CHAMBLISS, proposes an amendment numbered 1963.

The amendment is as follows:

(Purpose: To provide from amounts available for Lee Gilmer Memorial Airport, Gainesville, Georgia)

At the appropriate place in the bill, insert:

"G.P. . Within available funds provided for "Facilities and equipment," $1,500,000 shall be provided for a precision instrument approach landing system (ILS) at Lee Gilmer Memorial Airport, Gainesville, Georgia.".

Mr. SHELBY. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1963) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the votes by which the previous amendments were agreed to.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1946

Mr. AKAKA. Mr. President, I rise today to speak on an issue of great importance. I offered an amendment, but

I was advised that it would have been an obstruction to the bill. In the interest of not holding up the bill, I agreed to withdraw my amendment, but I intend to address this issue on another vehicle.

I thank Senators BINGAMAN, EDWARDS, and FITZGERALD for agreeing to be cosponsors of this amendment. My amendment is supported by the Consumer Federation of America and the National Consumer Law Center.

Mr. President, certain tax preparers are lining their pockets with money that should be going toward the everyday needs of lower-income families. These preparers are taking advantage of those who have sought assistance in claiming the Earned Income Tax Credit, EITC, by successfully marketing to them exorbitantly priced refund anticipation loans, RALs. Although these firms work to guide families through the sometimes complicated tax filing process, I am concerned about their aggressive marketing of RALs in low-income neighborhoods where EITC recipients often live. These loans take money away from the day-to-day, kitchen-table needs of lower-income families.

What is the extent of this problem? An estimated $839 million intended to assist low-income families went to commercial tax preparers and affiliated national banks for tax assistance, electronic filing of returns, and high-cost refund loans in 2001, according to a report published by the Brookings Institution. As you can see on the chart behind me, a total of 18.7 million returns were filed with EITC claims. Of these, 7.6 million or 41 percent of EITC taxpayers received their refund through RALs. I will ask to print in the RECORD a document compiled by Alan Berube from the Brookings Institution on usage of RALs among EITC recipients by State. If I may pick out some of the States where RALs are most prevalent. I would like to note that Mississippi tops the list, with 61.5 percent of EITC returns with RALs. South Carolina, Georgia, North Carolina, Louisiana, Alabama, Tennessee, Arkansas, Texas, and the District of Columbia round out the top 10, with slightly more than half of DC's EITC returns filed with RALs. Again, the point here is that RALs unfairly diminish the value of the EITC and take money away from working families, which is not justified by the service provided.

Mr. President, the EITC was created to support work and reduce poverty. According to the Center on Budget and Policy Priorities, the Federal credit lifts more children out of poverty than any other Government program. However, the EITC will not continue to boast this rate of success if it continues to be eroded by the artificially high cost of highly-marketed RALs. Rather than going to pay for household essentials like food, housing, clothing, and transportation, families are being convinced to spend this money unnecessarily on RALs, rather than waiting a few more days for a tax refund deposited at no cost to them.

Let me talk for a moment about the mechanics of how RALs work. A taxpayer approaches a company for tax preparation services, applies for the EITC, and is convinced to use the RAL, which provides families cash from their calculated refund within 1 to 2 days. In the RAL application process, the Internal Revenue Service, IRS, reduces the risk that lenders take on RALs by providing them with a Debt Indicator, DI, on all IRS e-file acknowledgments. The DI informs the lender whether or not an applicant owes Federal or State taxes, child support, student loans, or other government obligations, and this assists the tax preparer in ascertaining the applicant's ability to obtain their full refund so that the RAL is repaid. The vast majority of refunds are remitted to the preparer as prepared. Thus, interest rates for RALs that vary from 97 percent to more than 2,000 percent are not justifiable when the IRS lowers the risk of the loans by providing the DI service. My amendment terminates the use of the Debt Indicator service. For anyone who is wondering whether ending RALs pose a hardship on the very families I am working to help, there are alternatives to speeding up refunds, such as filing electronically or having the refund directly deposited into a bank or credit union account. Using these methods, taxpayers can receive their returns in about 7 to 10 days without paying the high fees associated with RALs. With economic and financial literacy awareness—which I am also pursuing for all age levels—we can help people have better access to sound money management skills and practices that can help them to plan in advance for the minimal delay of a few days for their refund. However, at this point, we must work to encourage the use of no-cost alternatives and eliminate the abusive practice of RALs.

Once again, my amendment would terminate the Debt Indicator program. If we look at the history of this program, the path taken in my amendment is a fix that must be reinstated. In 1995, the use of the Debt Indicator was suspended because of massive fraud in e-filed returns with RALs. After the program was discontinued, RAL participation declined. The use of the Debt Indicator was reinstated in 1999. Remarks from H & R Block Chief Executive Officer Frank L. Salizzoni upon the reinstatement of the program state that the Debt Indicator:

> . . . is good news for many of our clients who opt to receive the amount of their refund through Refund Anticipation Loans. The IRS program will likely result in substantially lower fees for this service.

However, according to a study conducted by the Consumer Federation of America and the National Consumer Law Center, that has not been the case for at least one of the major tax preparers. H & R Block and Household Bank's fees dropped for a year after the DI was reinstated. However, the trend reversed itself and the fees rose significantly from 2000 to 2001, which increased H & R Block's revenue from RALs by 49 percent. Per RAL revenue rose by 44 percent while RAL sales volume increased by only 2.7 percent. Therefore, the expected outcome that RAL prices would go down as a result of the reinstatement of the indicator has not occurred. Rather, it has gone in the opposite direction as the profit motive has presented itself.

It is important at this point to recall the ideal of actions by government agencies to "do no harm." However, the Debt Indicator conveniently provides information about an individual's credit history that is in many cases only known by the Federal Government and is helping tax preparers make excessive profits of low- and moderate-income taxpayers who utilize the service. If the Debt Indicator is removed, then the loans become riskier and the tax preparers may not aggressively market them among EITC filers. The IRS should not be aiding efforts that take the earned benefits away from low-income families and allow unscrupulous preparers to take advantage of low-income taxpayers.

Again, I agree to withdraw my amendment at this time, but I encourage all of my colleagues to support my efforts to address this issue in order to protect low-income working families from the predatory practice of RALs and eliminate the ability of the IRS to facilitate the processing of RALs by ending the DI.

SPEED RAIL STUDY

Mr. KOHL. Mr. President, I would like to engage in a colloquy with the ranking member of the subcommittee, the Senator from Washington, PATTY MURRAY. I would like to refer to the Midwest Regional Rail Initiative which appears in the "Next Generation High-Speed Rail Program" at $250,000. This project is a collaborative effort of nine States in the Mid-West, AMTRAK and Federal Railroad Administration. This is a 3,000 mile system plan and I am concerned that $250,000 will not enable us to fully address the environmental and engineering associated with such a large regional system. Due to the extreme budget constraints facing this subcommittee I understand that it may be difficult to find additional resources for this study. However, I have been told that it would be helpful to the Mid-West Rail Coalition if prior contributions made by member States for planning activities prior to January 1, 2001 can be counted as the required State-match under this account. I am hopeful that you will support this effort as we move to conference on this appropriations bill.

Mrs. MURRAY. The Senator from Wisconsin has highlighted an important nine-State effort regarding high-speed rail and I will do all I can in Conference to accommodate the Senator's concerns.

EASTSIDE LIGHT RAIL TRANSIT

Mrs. FEINSTEIN. Mr. President, I rise to discuss the Eastside Light Rail Transit, LRT project in Los Angeles, which would receive $5,000,000 in New Starts funds contained in this appropriations bill. This six-mile, dual track light rail system will originate at Union Station in downtown Los Angeles, where it connects with the newly opened Pasadena Gold Line, and will travel east to Atlantic Boulevard. It will bridge State Route 101 Freeway and traverse the existing 1st Street Bridge over the Los Angeles River, then under the communities of East LA and Boyle Heights and return to the surface near the intersection of 1st and Lorena Streets.

The Eastside LRT project is the top fiscal year 2004 appropriations priority of the Los Angeles County MTA.

I understand that the administration's fiscal year 2004 budget includes $55,000,000 for the Eastside LRT project and it also states that the project is pending receipt of a Full Funding Grant Agreement, FFGA.

Mrs. MURRAY. That is correct.

Mrs. BOXER. The Eastside LRT project will provide vital transit service for tens of thousands of people, many of whom do not have access to an automobile. Almost 20,000 people are expected to ride the line once it has opened, providing a much needed transportation alternative and congestion relief in one of the lowest income areas of Los Angeles.

I understand that the Eastside LRT project is expected to receive its FFGA in the coming months, which will enable construction to move ahead rapidly.

Senator FEINSTEIN and I urge you to give every consideration to fund this project according to the levels that will be recommended in its forthcoming FFGA.

Mrs. MURRAY. My distinguished colleagues from California have told me of the importance of this project to their constituents in East Los Angeles, as well as to the LACMTA's expanding rail transit system. I will work with Chairman Shelby to help the committee meet this project's funding needs.

The PRESIDING OFFICER. Is there further debate on the bill? If not, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. SHELBY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Nevada (Mr. ENSIGN) is necessarily absent.

I further announce that if present and voting the Senator from Nevada (Mr. ENSIGN) would vote "yea."

Mr. REID. I announce that the Senator from California (Ms. BOXER), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 3, as follows:

[Rollcall Vote No. 410 Leg.]

YEAS—91

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—3

Allard
McCain
Nickles

NOT VOTING—6

Boxer
Edwards
Ensign
Hollings
Kerry
Lincoln

So the bill (H.R. 2989), as amended, was passed.

(The bill will be printed in a future edition of the Record.)

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees at a ratio of 9 to 8, which is the subcommittee plus STEVENS and INOUYE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. CHAMBLISS) appointed Mr. SHELBY, Mr. SPECTER, Mr. BOND, Mr. BENNETT, Mr. CAMPBELL, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. STEVENS, Mrs. MURRAY, Mr. BYRD, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mr. DURBIN, Mr. DORGAN, Mr. INOUYE conferees on the part of the Senate.

VOTE EXPLANATIONS

Ms. MURKOWSKI. Mr. President, I announce that on vote No. 406, the Feingold amendment, amendment No. 1904, which occurred earlier today, I was necessarily absent from the Senate on business. Had I been present to vote, I would have voted "nay" on the tabling motion for that amendment.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the Record.)

● Mrs. BOXER. Mr. President, today, I have a long-standing commitment to a remarkable project in the ongoing downtown Los Angeles redevelopment effort. Therefore, I am unable to be present for the votes today in the Senate.

However, if I had been present, I would have voted "no" on the motion to table the Dorgan amendment.

I would have voted "yes" on the motion to table the Feingold amendment.

I would have voted "yes" on both the Thomas and Mikulski amendments.

I would have also voted "yes" on the motion to waive the Budget Act with regard to the Dodd-McConnell amendment.

Finally, I would have voted "yes" on final passage of the Transportation appropriations bill.●

AMENDMENT NO. 1964

Mr. McCONNELL. Mr. President, I ask unanimous consent that notwithstanding passage of H.R. 2989, the Transportation appropriations bill, the amendment at the desk by Senator COLLINS be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1964) was agreed to, as follows:

AMENDMENT NO. 1964

(Purpose: To limit the use of funds for converting to contractor performance of executive agency activities and functions)

At the appropriate place, insert the following:

Sec. . (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of an executive agency that, on or after the date of the enactment of this Act, is performed by executive agency employees unless the conversion is based on the results of a public-private competition process that requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the executive agency by an amount that equals or exceeds the lesser of (A) 10 percent of the cost of performing the activity with government personnel or, if a most efficient organization has been developed, 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) $10,000,000. With respect to the use of any funds appropriated by this Act for the Department of Defense—

(1) Subsections (a), (b), and (c) of section 2461 of title 10, United States Code) do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

(2) Nothing in this section shall effect depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(3) The conversion of any activity or function of an executive agency in accordance with this section shall be credited toward any competitive or outsourcing goal, target or measurement that may be established by statute, regulation or policy and shall be deemed to be awarded under the authority of and in compliance with section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or section 2304 of title 10, United States Code, as the case may be, for the competition or outsourcing of commercial activities.

(b) In this section, the term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(c) Nothing in this section shall be construed to effect, amend or repeal Section 8014 of the Defense Appropriations Act, 2004 (Public Law 108-87).

UNANIMOUS CONSENT AGREEMENT—S. 1753

Mr. McCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the minority leader, but not before Monday October 27, the Senate proceed to consideration of Calendar No. 312, S. 1753, the National Consumer Credit Reporting System Improvement Act of 2003.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NASA GLENN AWARDS

Mr. DEWINE. Mr. President, I honor the scientists, engineers, and other innovators working with the NASA Glenn Research Center in Cleveland. They are working tirelessly to develop technologies and products that improve the lives of Americans—both in missions to space and in everyday applications here on Earth. Through commercialization initiatives, these products are brought from the laboratory into the marketplace, driving the creation of new jobs and economic growth nationwide.

NASA Glenn recently received six of Research & Design Magazine's "R&D 100" awards, which are awarded annually to the 100 most technologically significant products introduced into the marketplace. This is a tremendous accomplishment for the Glenn Research Center, its employees, and the numerous organizations and individuals who work in partnership with the Center. I recognize each of the award recipients and thank them for the their outstanding work:

NASA Glenn's Structures and Acoustics division, in collaboration with the University of Toledo and the Army Office, developed new high-load bearings capable of operating at over 1,000 degrees Fahrenheit. This new bearings technology has opened the door to two new patent applications, and is the result of the hard work and dedication of Gerald Montague, Andrew Provenza, Albert Kascak, Mark Jansen, Ralph Jansen, Ben Ebihara, and Dr. Alan Palazzolo.

A combined airport data and radar device developed by NASA Glenn in collaboration with ViGYAN, Inc., will provide new opportunities for pilots to access weather information while in the sky via a portable device called the "Pilot Weather Advisor". It was made possible by NASA Glenn's Engineering Design and Analysis Center, as well as the personal assistance of Glenn Lindamood.

Thanks to a system developed through a partnership between Zin Technologies and NASA Glenn, real time data plots from the International Space Station are now available to end users through a system known as the "Microgravity Analysis Software System," MASS. NASA staff, including Kevin McPherson, Ted Wright, Ken Hrovat, Eric Kelly, Gene Lieberman, and Nissim Lugasy, teamed up with Zin Technologies' Tim Reckart to make the MASS project possible.

Drawing on NASA Glenn's renowned expertise with icing research, a New York-based company has recently brought the first new FAA approved deicing technology to market in 40 years. This new system will provide protection to sensitive aircraft materials, while also combining two long-recognized deicing techniques. NASA Glenn's Dean Miller and Andy Reehorst, as well as representatives from Cox & Company, developed this important innovation.

Advances in thermal protection technologies known as "DMBZ-15," jointly developed by NASA Glenn and an Ohio firm, will improve the temperatures and wear resistance of aircraft engines and other propulsion systems, extending flight capabilities and component life spans. Dr. Kathy Chuang of NASA Glenn joined representatives from the Maverick Corporation to accomplish this feat of engineering.

Last, but certainly not least, versatile new lubricant products pioneered by NASA Glenn are now being used to improve commercial steam valves and furnace conveyors. Dr. Christopher Dellacorte and Brian Edmonds, both NASA Glenn researchers, made these lubricants possible.

I extend my most sincere congratulations to everyone involved with each of NASA Glenn's award-winning projects and also thank NASA Glenn's AeroSpace Frontiers newsletter for bringing these wonderful accomplishments to my attention.

CAN-SPAM ACT

Mr. FEINGOLD. Mr. President, I want to add my congratulations to the authors of the CAN-SPAM Act. This is an important topic, and I am pleased that the Senate passed this bill.

The Internet is a medium that in under a decade has completely changed the way we live in this country. And it still has enormous untapped potential to enrich our lives and improve and expand communications and commerce for all of our citizens. E-mail has been called the "killer application" of the Internet, and it is truly ubiquitous in our daily lives in a way that no one could have predicted only a few short years ago. But over the past few years, the spam problem has come to threaten the utility of e-mail in very serious way. By passing this bill, the Senate has begun to address some of the worst abuses false and misleading headers and subject lines, fraudulent and pornographic solicitations, the harvesting of addresses and the hijacking of addresses to send unsolicited e-mail.

I am pleased also that the bill will allow legitimate commercial e-mail to continue to be sent as long as the sender provides a way for the recipients to indicate that they do not want to receive such e-mail in the future. Not all unsolicited commercial e-mail is bad. E-mail is an inexpensive way for businesses to advertise their products and we should not try to stamp out all such communications.

At the same time, some people don't want to receive such e-mails at all and they should be able to make that fact known and have their wishes respected. In addition to requiring that unsolicited commercial e-mail give consumers the ability to opt out of future such communications, I am pleased that portions of Senator SCHUMER's bill, which I have cosponsored, will be incorporated into this bill because I believe a Do-Not-Email List, modeled on the very popular Do-Not-Call List recently activated by the FTC, is something that should be created. Senator SCHUMER's proposal is a sensible and measured approach that I think will help get a Do-Not-Email List off the ground promptly.

It is time to stop spam from bogging down the great promise of the Internet and e-mail. I am pleased to have voted for this important bill, and I appreciate all the efforts of the Senators who have brought us to this point.

FRANCE, THE EU, AND ANTI-SEMITISM

Mr. BIDEN. Mr. President, yesterday in my opening statement at a hearing of the Committee on Foreign Relations on anti-Semitism in Europe, I criticized the European Union for not having included in its Brussels summit's so-called "Presidency Conclusions" a denunciation of the Malaysian Prime Minister's vile anti-Semitic remarks.

I also recognized that French President Chirac wrote a personal letter to the Malaysian Prime Minister, but I said that I doubted that many Muslims would have access to his criticisms.

This morning, however, I was informed by my friend the French Ambassador that President Chirac's letter had, in fact, been made public.

I am happy to learn this, and I applaud President Chirac for his personal condemnation of the Malaysian Prime Minister's disgusting speech.

This does not, however, change my opinion that the European Union should have included a condemnation in the catalog of external issues delineated in its "Presidency Conclusions."

Most importantly, as yesterday's hearing pointed out, it is imperative that both the European Union and the United States resolutely and publicly oppose the cancer of anti-Semitism wherever in the world it raises its ugly head.

HEALTHY FORESTS RESTORATION ACT

Mr. KYL. Mr. President, 73 million acres of national forests are at unnaturally high risk of catastrophic wildfires because of unhealthy forest conditions. Efforts by the Forest Service to restore forest health and prevent catastrophic wildfires have been frustrated by requirements for detailed documentation, administrative appeals of proposed forest treatment projects, lawsuits and injunctions.

The U.S. Forest Service recognizes that it must be able to move more quickly to achieve results on the ground. One of its reports, "The Process Predicament—How Statutory, Regulatory, and Administrative Factors Affect National Forest Management, dated, June, 2002, cited a study conducted by the National Academy of Public Administration where it was estimated that planning and assessment consume 40 percent of total direct work at the national forest level, representing an expenditure of more than $250 million per year.

We cannot continue to shuffle paper while our forests burn. Federal land management must address dangerous fuel loads and declining forest health before we can ever hope to stem the wildfires that have plagued Arizona and other parts of our country. H.R. 1904 allows the Federal land management agencies to take action in protecting forest health.

It would streamline the administrative process by allowing the Federal land management agencies, in their preparation of environmental assessments or environmental impact statements, to describe a proposed action, an alternative of no action, and one additional action alternative if the additional alternative is proposed during scoping or the collaborative process and meets the purpose and need of the project.

The legislation would direct the Secretary of Agriculture to issue interim final regulations which will serve as the sole means by which administrative review may be sought for authorized hazardous fuel reduction projects. It further directs that authorized hazardous fuel reduction projects be subject to judicial review only in U.S. District Court where the Federal land to be treated is located. It would encourage the court to expedite proceedings with the goal of rendering a decision as soon as practicable. It would further direct the court—in its consideration of injunctive relief—to balance the short and long-term effects to the ecosystem of undertaking the project versus the short and long-term effects to the ecosystem of not undertaking the project.

H.R. 1904 would authorize hazardous fuel reduction projects to protect wildland-urban interface areas, municipal watersheds or water supply systems, and areas where windthrow, blowdown, ice storm damage, or the existence of insects or disease poses a significant threat to ecosystems or forests or rangeland resources on Federal land or adjacent non-Federal land, or contain threatened and endangered species habitat.

It outlines a path to unlock the gridlock that has precluded our Federal land managers from moving forward to protect our forest health.

Unfortunately, it appears that even at this date, after the bill has been reported favorably from the Senate Committee on Agriculture, Nutrition, and Forestry, and following lengthy bipartisan discussions, some Members of this Senate remain unwilling to move this vital legislation forward. If we fail to act, our communities and our forests will continue to be at risk from insect damage and fire that threatens our citizens and their homes and property.

Mr. CHAMBLISS. Mr. President, I rise today to express my support for H.R. 1904, the Healthy Forests Restoration Act. I commend the chairman of the Senate Agriculture Committee, THAD COCHRAN, and his staff who have worked tirelessly since this legislation was reported out of Committee to reach a compromise with members on both sides of the aisle who have concerns about this legislation.

In the South forest fires pale in comparison to forest fires of the West. In my home State of Georgia, we don't have a significant threat from fire in our forests because we receive adequate moisture throughout the year. According to the Georgia Forestry Commission, my State experiences approximately 8 thousand fires each year damaging or destroying approximately 38,000 acres of forestland.

However with 24.6 million acres of forestland in the State of Georgia, which is nearly two-thirds of my home State, major outbreaks of disease caused by pathogens and insects such as the southern pine beetle pose a significant threat to forests in the South. In 2002 alone, damage caused by the southern pine beetle totaled over $150 million.

The forest community has waited long enough for comprehensive forest management legislation. It is time for the Senate to pass this legislation so that Americans have the tools to manage our Nation's forests—by putting out fires and by reducing disease and insect pressure. This act will help our Nation's forest to flourish for generations to come.

GIVE US A VOTE, PART II

Mr. CRAIG. Mr. President, as a Senator frustrated by this situation, I rise today to respond to comments made by my colleague from New Mexico, Mr. BINGAMAN, regarding the Healthy Forest Restoration Act, H.R. 1904. As he chose to address the entire Senate, I too am following his lead in addressing the entire Senate. I appreciate Mr. BINGAMAN's attention to this issue and look forward to future discussions with him on this issue.

However, I am perplexed and troubled by some of my colleague's statements and feel it is important to include some additional information for the RECORD.

First, on June 26, the Agriculture Committee held a hearing on H.R. 1904 and many of our colleagues, including myself, took the time to attend the hearing, listen to the testimony, and participate in the discussions. Mr. BINGAMAN could have done the same, but chose not to.

In the Energy and Natural Resources Committee, we then held a hearing on July 22. The purpose of this hearing was to examine the impacts of fires, insects and disease on forest lands. And we looked at processes for implementing hazardous fuels reduction projects more expeditiously.

The committee also considered S. 1314, the Collaborative Forest Health Act, Mr. BINGAMAN's bill; H.R. 1904 the Healthy Forest Restoration Act; as well as other related legislation that addresses these issues.

During that hearing, Senator BINGAMAN hardly even mentioned his bill and had very few questions about H.R. 1904.

In Mr. BINGAMAN's statement to the Senate, he brought up having concerns about many of the issues covered at the hearing. If he had so many questions, I have to wonder why he waited until now to ask them?

Two Senators who did engage at the hearing, Senator WYDEN and Senator FEINSTEIN, asked probing questions that helped the bipartisan group, hosted by Mr. COCHRAN, find a commonsense solution.

Second, Mr. BINGAMAN's staff was invited to the table, at the point discussions of the major issues began in earnest and were never excluded from being a part of the discussions that developed the compromise amendment. In fact, his staff attended several of the negotiations sessions, but chose to stop being a part of the discussions.

At that time in the discussions, all the major issues related to Title I—old growth, judicial review, large tree retention—were still in flux and any contributions they would have made could have been a fruitful part of the discussion. But, again, they chose not to participate.

In addition, his staff attended the all-staff briefing once the compromise amendment was agreed to by the bipartisan group of Senators participating in the discussions and Mr. BINGAMAN's staff was very active in that briefing. And it is my understanding that they asked many of the questions and received answers for the issues Mr. BINGAMAN now is questioning.

It is one thing to disagree about the approach we have taken and offer amendments to modify that approach and another to foster needless delay.

If any of my colleagues would like a personal briefing on the compromise amendment, and the process in which it was developed, I am certain that the cosponsors of this amendment would join me in sitting down with anyone who would like to be a part of this discussion.

While Senator BINGAMAN has supported active management and wants to be a part of the solution, it would appear that he is taking a play out of the environmentalist's handbook and is delaying the process through stalling, such as asking for a hearing on the amendment.

I believe the Senate should not get into the habit of holding hearings on amendments because a Senator chose not to participate in the process.

Again, this is a move the radical environmental community uses time and time again to prevent hazardous fuel reduction projects from going forward. In the vernacular of forest appeals, Mr. BINGAMAN has stayed involved just enough to meet the standing requirements, he has held his water till the appeal period is just about over and now he is launching his appeal.

The question now is, what now? The environmental community usually files a lawsuit when they don't see the results they wanted. Will Senator BINGAMAN try to filibuster this important legislation? Or will he step forward to offer amendments to make the modifications he believes need to be made.

There have been two unanimous consent requests offered that included the opportunity to offer amendments on the very issues that the Senator brought up today. Yet he has objected both times. A third unanimous consent request that is even more broad was offered this morning.

It is time to move on and proceed to a debate on the floor of the Senate. This is important legislation that needs to be signed into law so that we can start to address the hazardous fuels problems that are threatening our communities.

This legislation will result in a more public, expedited, process for moving hazardous fuels projects through the NEPA process.

It provides for the development of a new and improved predecisional protest process for projects authorized under this bill. The new process will replace the highly contentious, time consuming, appeals process that currently delays many forest health projects.

It directs that all preliminary injunctions be reviewed every 60 days, with the opportunity for the parties to update the judges on changes in conditions so the court may respond to those changes if needed, something that Senators WYDEN and FEINSTEIN desired.

Finally, it reminds the courts that when weighing the equities that they should balance the impact to the ecosystem of the short and long-term effects of undertaking the project against the short and long-term effects of not undertaking the project. I am sure there are communities in New Mexico that would welcome this balancing of the harms.

It is time for the Senate to take action on this issue. I ask my colleagues to join me in bringing this legislation up for consideration.

Mr. HARKIN. Mr. President, I am pleased to congratulate Catherine Bertini, former Executive Director of the United Nations World Food Program, for her selection as recipient of the 2003 World Food Prize, presented in a ceremony in Des Moines, IA on October 16.

Ms. Bertini has worked long and hard and with innovation and creativity to rid the world of the scourge of hunger. For her efforts this recognition is richly deserved. As the leader of the World Food Program between 1992 and 2002, Ms. Bertini directed programs responsible for addressing hunger around the world, providing assistance to an estimated 700 million people during that period. Because of her dedication and leadership, millions are alive today whose need for assistance would otherwise have been ignored.

Catherine Bertini is the twenty-first recipient of the World Food Prize, and the second civil servant so honored. During her tenure at the World Food Program, or WFP, Ms. Bertini reorganized the agency and improved its logistical capacity, while focusing attention on delivering food aid through women in the developing world, and thereby nourishing women and girls both in nutrition and education. As she wrote in the Des Moines Register, "The key to ending hunger may lie in a little girl's hands. In her left, she holds a bowl of rice; in her right, her school books." I strongly support these goals, and share Ms. Bertini's desire to fund fully for fiscal 2004 the McGovern-Dole Food for Education and Child Nutrition Program, which we included in the 2002 farm bill.

Even as we celebrate her achievements, Catherine Bertini is focused on the challenges that lie ahead. She may have left her position at the WFP, but her long-time work to defeat global hunger and poverty continues. Only a few months after her departure from the WFP, she was asked by UN Secretary General Kofi Annan to work for him in New York, as Under Secretary General for Management. Prior to her selection as WFP Executive Director, Ms. Bertini served as Assistant Secretary of Agriculture for Food and Consumer Services in the first Bush Administration.

Ms. Bertini exemplifies the best ideals of public service and reminds us that our fundamental work is not to leave the world as we found it, but as we know it should be—free of deprivation, devoid of want and with equal opportunity for all regardless of who they are or where they are. For her efforts, I salute Ms. Bertini and her dedication to the cause of helping the needy around the world.

The World Food Prize was established in 1986 to provide international recognition for individuals who have made vital contributions to "improving the quality, quantity, or availability of food throughout the world." The World Food Prize embodies the vision of Dr. Norman E. Borlaug, an Iowa native who received the 1970 Nobel Peace Prize for his development of dwarf wheat. Through the adoption of dwarf wheat varieties in the 1960's, developing countries doubled their wheat yields in what became known as the Green Revolution. Dr. Borlaug's achievements and devotion to eliminating world hunger exemplify the ideals honored by the World Food Prize.

Within a few years after the World Food Prize was created, it lost critical sponsorship and its future was in serious doubt. In short, the Prize badly needed a committed benefactor. Iowa businessman and philanthropist John Ruan stepped forward to provide critical funding and to establish a headquarters for the World Food Prize in Des Moines, IA. Under Mr. Ruan's stewardship, and with the leadership of its president, Ambassador Kenneth M. Quinn, the Prize now rests on a solid foundation. The annual awarding of the Prize serves as the anchor to a two-day international symposium and many other activities in support of defeating world famine and hunger.

It is a sobering reality that the world is still plagued with staggering levels of hunger and poverty. The World Food Prize heightens awareness of that reality, but it also inspires hope by recognizing that progress has been made and that much more can be done. Dr. Borlaug and Ms. Bertini, along with previous World Food Prize laureates, serve as examples to inspire and motivate us all to commit ourselves wholeheartedly to ending global hunger and poverty as rapidly as possible.

PARTIAL BIRTH ABORTION BAN ACT OF 2003

Mr. SANTORUM. Mr. President, I ask unanimous consent that these documents related to the Partial Birth Abortion Ban Act of 2003 be made a part of the permanent RECORD for October 21, 2003.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 12, 2003.

Senator RICK SANTORUM,
U.S. Senate Office Building,
Washington, DC.

DEAR SENATOR SANTORUM: I have read the letter from Dr. Philip Darney addressed to Senator Feinstein regarding the intact D&E (often referred to as "intact D&X" in medical terminology) procedure (partial-birth abortion) and its use in his experience.

As a board certified practicing Obstetrician/Gynecologist and Maternal-Fetal Medicine sub-specialist I have had much opportunity to deal with patients in similar situations to the patients in the anecdotes he has supplied.

In neither of the type of cases described by Dr. Darney, nor in any other that I can imagine, would an intact D&X procedure be medically necessary, nor is there any medical evidence that I am aware of to demonstrate, or even suggest, that an intact D&X is ever a safer mode of delivery for the mother than other available options.

In the first case discussed by Dr. Darney a standard D&E could have been performed without resorting to the techniques encompassed by the intact D&X procedure.

In the second case referred to it should be made clear that there is no evidence that terminating a pregnancy with placenta previa and suspected placenta accreta at 22 weeks of gestation will necessarily result in less significant blood loss or less risk to the mother than her carrying later in the pregnancy and delivering by cesarean section. There is a significant risk of maternal need for a blood transfusion, or even a hysterectomy, with either management. The good outcome described by Dr. Darney can be accomplished at a near term delivery in this kind of patient, and I have had similar cases that ended happily with a healthy mother and baby. Further a standard D&E procedure could have been performed in the manner described if termination of the pregnancy at 22 weeks was desired.

I again reiterate, and reinforce the statement made by the American Medical Association at an earlier date, that an intact D&X procedure is never medically necessary, that there always is another procedure available, and there is no data that an intact D&X provides any safety advantage whatsoever to the mother.

Sincerely,
NATHAN HOELDTKE, MD, FACOG,
Med. Dir., Maternal-Fetal Medicine,
Tripler Medical Center, Honolulu, HI.

REDMOND, WA,
March 12, 2003.

Hon. RICK SANTORUM,
U.S. Senate Office Building,
Washington, DC.

DEAR SENATOR SANTORUM: The purpose of this letter is to counter the letter of Dr. Philip Darney, M.D. to Senator Diane Feinstein and to refute claims of a need for an exemption based on the health of the mother in the bill to restrict "partial birth abortion."

I am board certified in Maternal-Fetal Medicine as well as Obstetrics and Gynecology and have over 20 years of experience, 17 of which have been in maternal-fetal medicine. Those of us in maternal-fetal medicine are asked to provide care for complicated, high-risk pregnancies and often take care of women with medical complications and/or fetal abnormalities.

The procedure under discussion (D&X, or intact dilation and extraction) is similar to a destructive vaginal delivery. Historically such were performed due to the risk of caesarean delivery (also called hysterotomy) prior to the availability of safe anesthetic, antiseptic and antibiotic measures and frequently on a presumably dead baby. Modern medicine has progressed and now provides better medical and surgical options for the obstetrical patient.

The presence of placenta previa (placenta covering the opening of the cervix) in the two cases cited by Dr. Darney placed those mothers at extremely high risk for catastrophic life-threatening hemorrhage with any attempt at vaginal delivery. Bleeding from placenta previa is primarily maternal, not fetal. The physicians are lucky that their interventions in both these cases resulted in living healthy women. I do not agree that D&X was a necessary option. In fact, a bad outcome would have been indefensible in court. A hysterotomy (cesarean delivery) under controlled non-emergent circumstances with modern anesthesia care would be more certain to avoid disaster when placenta previa occurs in the latter second trimester.

Lastly, but most importantly, there is no excuse for performing the D&X procedure on living fetal patients. Given the time that these physicians spent preparing for their procedures, there is no reason not to have performed a lethal fetal injection which is quickly and easily performed under ultrasound guidance, similar to amniocentesis, and carries minimal maternal risk.

I understand the desire of physicians to keep all therapeutic surgical options open, particularly in life-threatening emergencies. We prefer to discuss the alternatives with our patients and jointly with them develop a plan of care, individualizing techniques, and referring them as necessary to those who will serve the patient with the most skill. Nonetheless I know of no circumstance in my experience and know of no colleague who will state that it is necessary to perform a destructive procedure on a living second trimester fetus when the alternative of intrauterine feticide by injection is available.

Obviously none of this is pleasant. Senator Santorum, I encourage you strongly to work for passage of the bill limiting this barbaric medical procedure, performance of D&X on living fetuses.

Sincerely,
SUSAN E. RUTHERFORD, M.D.,
Fellow, American College of
Obstetricians and Gynecologists.

UNIVERSITY OF SOUTHERN CALIFORNIA, DEPARTMENT OF OBSTETRICS AND GYNECOLOGY,
Los Angeles, CA, March 12, 2003.

Hon. RICK SANTORUM,
U.S. Senate Office Building,
Washington, DC.

DEAR SENATOR SANTORUM: I am writing in support of the proposed restrictions on the procedure referred to as "partial birth abortion," which the Senate is now considering.

I am chief of the Division of Maternal-Fetal Medicine in the Department of Obstetrics and Gynecology at the University of Southern California in Los Angeles. I have published more than 100 scientific papers and book chapters regarding complications of pregnancy. I direct the obstetrics service at Los Angeles County Women's and Children's Hospital, the major referral center for complicated obstetric cases among indigent and under-served women in Los Angeles.

I have had occasion to review the cases described by Dr. Philip Darney, offered in support of the position that partial birth abortion, or intact D&E, was the best care for the patient in those situations. Mindful of Dr. Darney's broad experience with surgical abortion, I nevertheless disagree strongly that the approach he describes for these two cases was best under the circumstances. Such cases are infrequent, and there is not single standard for management. However, it would certainly be considered atypical, in my experience, to wait 12 hours to dilate the cervix with laminaria while the patient was actively hemorrhaging, as was described in his first case. Similarly, the approach to presumed placenta acreta, described in the second case, is highly unusual. Although the mother survived with significant morbidity, it is not clear that the novel approach to management of these difficult cases is the safest approach. It is my opinion that the vast majority of physicians confronting either of these cases would opt for careful hysterotomy as the safest means to evacuate the uterus.

Although I do not perform abortions, I have been involved in counseling many women who have considered abortion because of a medical complication of pregnancy. I have not encountered a case in which what has been described as partial birth abortion is the only choice, or even the better choice among alternatives, for managing a given complication of pregnancy.

Thank you for your consideration of this opinion.

Sincerely,

T. MURPHY GOODWIN, M.D.,
Chief, Div. of Maternal-Fetal Medicine.

MARCH 13, 2003.

Hon. RICK SANTORUM,
U.S. Senate Office Building,
Washington, DC.

DEAR SENATOR SANTORUM: I have reviewed the letter from Dr. Darney describing two examples of what he believes are high risk pregnancy cases that show the need for an additional "medical exemption" for partial birth abortion (also referred to as intact D&E). I am a specialist in maternal-fetal medicine with 23 years of experience in obstetrics. I teach and do research at the University of Minnesota. I am also co-chair of the Program in Human Rights in Medicine at the University. My opinion in this matter is my own.

In the rare circumstances when continuation of pregnancy is life-threatening to a mother I will end the pregnancy. If the fetus is viable (greater than 23 weeks) I will recommend a delivery method that will maximize the chance for survival of the infant, explaining all of the maternal implications of such a course. If an emergent life-threatening situation requires emptying the uterus before fetal viability then I will utilize a medically appropriate method of delivery, including intact D&E.

Though they are certainly complicated, the two cases described by Dr. Darney describe situations that were not initially emergent. This is demonstrated by the use of measures such as dilation of the cervix that required a significant period of time. In addition, the attempt to dilate the cervix with placenta previa and placenta accreta is itself risky and can lead to life-threatening hemorrhage. There may be extenuating circumstances in Dr. Darney's patients but most obstetrical physicians would not attempt dilation of the cervix in the presence of these complications. It is my understanding that the proposed partial birth abortion ban already has an exemption for situations that are a threat to the life of the mother. This would certainly allow all measures to be taken if heavy bleeding, infection, or severe preeclampsia required evacuation of the uterus.

The argument for an additional medical exemption is redundant; furthermore, its inclusions in the legislation would make the ban virtually meaningless. Most physicians and citizens recognize that in rare life-threatening situations this gruesome procedure might be necessary. But it is certainly not a procedure that should be used to accomplish abortion in any other situation.

Passage of a ban on partial birth abortion with an exemption only for life-threatening situations is reasonable and just. It is in keeping with long-standing codes of medical ethics and it is also in keeping with the provision of excellent medical care to pregnant women and their unborn children.

Sincerely,

STEVE CALVIN, MD.

SYNERGY MEDICAL EDUCATION ALLIANCE, DEPARTMENT OF MATERNAL-FETAL MEDICINE,
Saginaw, MI, March 13, 2003.

Hon. RICK SANTORUM,
U.S. Senate Office Building,
Washington, DC.

DEAR SENATOR SANTORUM: I am writing in response to the letter from Dr. Phillip Darney which was introduced by Senator Feinstein.

I have cared for pregnant patient patients for almost 29 years, and have worked exclusively in the field of Maternal-Fetal Medicine (high risk pregnancy) for over 15 years. I am board certified in Obstetrics & Gynecology, and also in the subspecialty of Maternal-Fetal Medicine. I am an assistant professor in Obstetrics & Gynecology for the Michigan State College of Human Medicine, and co-director of Maternal-Fetal Medicine in Saginaw Michigan.

I have never seen a situation in which a partial birth abortion was needed to save a mother's life. I have never had a maternal death, not ever.

I am familiar with Dr. Darney's letter describing two of his cases. My comments are not meant as a criticism of Dr. Darney as a person or as a physician. I have great respect for anyone in our field of medicine, which is a very rewarding specialty but which requires difficult decisions on a daily basis. We are all working to help mothers and their children make it through difficult pregnancies. Still, I do disagree with his stand that the legal freedom to do partial birth abortions is necessary for us to take good care of our patients. For example, in the second case he describes, I believe that patient could have carried the pregnancy much further, and eventually delivered a healthy child by repeat cesarean section followed by hysterectomy. Hemorrhage is always a concern with such patients, but we have many effective ways to handle this problem, which Dr. Darney knows as well as I. Blood vessels can be tied off at surgery, blood vessels can be occluded using small vascular catheters, cell-savers can be used to return the patients own blood to them, blood may be given from donors, pelvic pressure packs can be used for bleeding following hysterectomy, and other blood products (platelets, fresh frozen plasma, etc) can be given to treat coagulation abnormalities (DIC). His approach of placing laminaria to dilate the cervix in a patient with a placenta praevia is not without its own risk.

If Dr. Darney performed the partial birth abortion on this patient to keep from doing another c-section, or even to preserve her uterus, I'm hopeful he counseled the patient that if she becomes pregnant again, she will once again have a very high risk of having a placenta praevia and placenta accreta.

Lastly, I believe that for some abortionists, the real reason they wish to preserve their "right" to do partial birth abortions is that at the end of the procedure they have only a dead child to deal with. If they were to abort these women by either inducing their labor (when there is no placenta praevia present), or by doing a hysterotomy (c-section), they then need to deal with a small, living, struggling child—an uncomfortable situation for someone who's intent was to end the child's life.

Sincerely,

DANIEL J. WECHTER, M.D.,
Co-Director.

ROCKFORD HEALTH SYSTEM,
DIV. OF MATERNAL-FETAL MEDICINE,
Rockford, IL, March 12, 2003.

Hon. RICK SANTORUM,
U.S. Senate Office Building,
Washington, DC.

DEAR SENATOR SANTORUM: I am writing to contest the letter submitted to Senator Feinstein by Philip D. Darney, MD supporting the "medical exemption" to the proposed restriction of the partial birth abortion (or as abortionists call it "intact D&E").

I am a diplomate board certified by the American Board of Obstetrics and Gynecology in general Obstetrics and Gynecology and in the sub-specialty of Maternal-Fetal Medicine. I serve as a Visiting Clinical Professor in Obstetrics and Gynecology, University of Illinois at Chicago, Department of Obstetrics and Gynecology, College of Medicine at Rockford, Illinois; as an Adjunct Professor of Obstetrics and Gynecology at Midwestern University, Chicago College of Osteopathic Medicine, Department of Obstetrics and Gynecology; and as an Adjunct Associate Professor of Obstetrics and Gynecology, Uniformed Services University of Health Sciences, F. Edward Hebert School of Medicine, Washington, D.C. I have authored over 50 peer review articles in the obstetric and gynecologic literature, presented over 100 scientific papers, and have participated in over 40 research projects.

In my over 14 years as a Maternal-Fetal Medicine specialist I have never used or needed the partial birth abortion technique to care for any complicated or life threatening conditions that require the termination of a pregnancy. Babies may need to be delivered early and die from prematurity, but there is never a medical need to perform this heinous act.

I have reviewed both cases presented by Dr. Darney, and, quite frankly, do not understand why he was performing the abortions he indicates, yet alone the procedure he is using. If the young 25-year-old woman had a placenta previa with a clotting disorder, the safest thing to do would be to place her in the hospital, transfuse her to a reasonable hematocrit, adjust he clotting parameters, watch her closely at bed rest, and deliver a live baby. If the patient had a placenta previa, pushing laminaria (sterile sea weed) up into her cervix, and, potentially through the previa, is contraindicated. It is no surprise to anyone that the patient went, from stable without bleeding, to heavy bleeding as they forcibly dilated her cervix to 3 centimeters with laminaria. The use of the dangerous procedure of blindly pushing scissors into the baby's skull (as part of the partial birth abortion) with significant bleeding from a previa just appears reckless and totally unnecessary.

Regarding the second case of the 38-year-old woman with three caesarean sections with a possible accreta and the risk of massive hemorrhage and hysterectomy due to a placenta previa, it seems puzzling why the physician would recommend doing an abortion with a possible accreta as the indication. Many times, a placenta previa at 22 weeks will move away from the cervix so that there is no placenta privia present and no risk for accreta as the placenta moves away from the old cesarean scar. (virtually

99.5% of time this is the case with early previas) Why the physicians did not simply take the women to term, do a repeat cesarean section with preparations as noted for a possible hysterectomy, remains a conundrum. Dr. Darney actually increased the woman's risk for bleeding, with a horrible outcome, by tearing through a placenta previa, pulling the baby down, blindly instrumenting the baby's skull, placing the lower uterine segment at risk, and then scraping a metal instrument over an area of placenta accreta. No one I know would do such a foolish procedure in the mistaken belief they would prevent an accreta with a D&E.

Therefore, neither of these cases presented convincing arguments that the partial birth abortion procedure has any legitimate role in the practice of maternal-fetal medicine or obstetrics and gynecology. Rather, they demonstrate how cavalierly abortion practices are used to treat women instead of sound medical practices that result in a live baby and an unharmed mother.

Sincerely,

BYRON C. CALHOUN, MD, FACOG, FACS.

[From the Washington Post, Sept. 17, 1996]

VIABILITY AND THE LAW

(By David Brown, M.D.)

The normal length of human gestation is 266 days, or 38 weeks. This is roughly 40 weeks from a woman's last menstrual period. Pregnancy is often divided into three parts, or "trimesters." Both legally and medically, however, this division has little meaning. For one thing, there is little precise agreement about when one trimester ends and another begins. Some authorities describe the first trimester as going through the end of the 12th week of gestation. Others say the 13th week. Often the third trimester is defined as beginning after 24 weeks of fetal development.

Nevertheless, the trimester concept—and particularly the division between the second and third ones—commonly arises in discussion of late-stage abortion.

Contrary to a widely held public impression, third-trimester abortion is not outlawed in the United States. The landmark Supreme Court decisions *Roe* v. *Wade* and *Doe* v. *Bolton*, decided together in 1973, permit abortion on demand up until the time of fetal "viability." After that point, states can limit a woman's access to abortion. The court did not specify when viability begins.

In *Doe* v. *Bolton* the court ruled that abortion could be performed after fetal viability if the operating physician judged the procedure necessary to protect the life or health of the woman. "Health" was broadly defined.

"Medical judgment may be exercised in the light of all factors—physical, emotional, psychological, familial and the woman's age—relevant to the well-being of the patient," the court wrote. "All these factors may relate to health. This allows the attending physician the room he needs to make his best medical judgment."

Because of this definition, life-threatening conditions need not exist in order for a woman to get a third-trimester abortion.

For most of the century, however, viability was confined to the third trimester because neonatal intensive-care medicine was unable to keep fetuses younger than that alive. This is no longer the case.

In an article published in the journal Pediatrics in 1991, physicians reported the experience of 1,765 infants born with a very low birth weight at seven hospitals. About 20 percent of those babies were considered to be at 25 weeks' gestation or less. Of those that had completed 23 weeks' development, 23 percent survived. At 24 weeks, 34 percent survived. None of those infants was yet in the third trimester.

EUTHANASIA OF PARTLY BORN HUMAN BEINGS

The greatest number of partial-birth abortions are performed during the latter part of the second trimester, from 20 through 26 weeks—both before and after "viability." (A 1991 NIH survey of selected neo-natal units found that 23% of infants born at 23 weeks now survive.) However, partial-birth abortions have also often been performed in the third trimester, in a wide variety of circumstances, as documented elsewhere.

In a minority of cases involving partial-birth abortions, the baby suffers from genetic or other disorders. (Dr. Haskell estimated that "20%" of his 20–24 week abortions were "genetic" cases.) It appears that most of these involve non-lethal disabilities, such as Down Syndrome. (Down Syndrome was the most frequent "fetal indication' on Dr. McMahon's table.)

The sort of cases highlighted by President Clinton—third-trimester abortions of babies with disorders incompatible with sustained life outside the womb—surely account for a small fraction of all the partial-birth abortions. Confronted with identical cases, most specialists would never consider executing a breech extraction and puncturing the skull. Instead, most would deliver the baby alive, sometimes early, without jeopardy to the mother—usually vaginally—and make the baby as comfortable as possible for whatever time the child has allotted to her.

Dr. Pamela Smith, Director of Medical Education, Department of Obstetrics and Gynecology, Mt. Sinai Hospital, Chicago, testified, "There are absolutely no obstetrical situations encountered in this country which require a partially delivered human fetus to be destroyed to preserve the life or health of the mother." [Senate hearing record, p. 82]

Dr. Harlan Giles, a professor of "high-risk" obstetrics and pereinatology at the Medical College of Pennsylvania, performs abortions by a variety of procedures up until "viability." In sworn testimony in the U.S. Federal District Court for the Southern District of Ohio (Nov. 13, 1995), Prof. Giles said: "[After 23 weeks] I do not think there are any maternal conditions that I'm aware of that mandate ending the pregnancy that also require that the fetus be dead or that the fetal life be terminated. In my experience for 20 years, one can deliver these fetuses either vaginally, or by Cesarean section for that matter, depending on the choice of the parents with informed consent . . . But there's no reason these fetuses cannot be delivered intact vaginally after a miniature labor, if you will, and be at least assessed at birth and given the benefit of the doubt." [transcript, page 240]

When American Medical News asked Dr. Haskell why he could not simply dilate the woman a little more and remove the baby without killing him, Dr. Haskell responded: "The point here is you're attempting to do an abortion . . . not to see how do you manipulate the situation so that I get a live birth instead."

President Clinton and others have tried to center their arguments on cases in which the baby suffers from advanced hydrocephaly (head enlargement) that would make delivery risky or impossible. (Cases of hydrocephaly accounted for less than 4% of Dr. McMahon's "series" of more than 2,000 late-term abortions.) But an eminent authority on such matters, Dr. Watson A. Bowes, Jr., professor of ob/gyn (maternal and fetal medicine) at the University of North Carolina, who is co-editor of the Obstetrical and Gyneocological Survey, wrote to Congressman Canady; "Critics of your bill who say that this legislation will prevent doctors from performing certain procedures which are standard of care, such as cephalocentesis (removal of fluid from the enlarged head of a fetus with the most severe form of hydrocephalus) are mistaken. In such a procedure a needle is inserted with ultrasound guidance through the mother's abdomen into the uterus and then into the enlarged ventricle of the brain (the space containing cerebrospinal fluid). Fluid is then withdrawn which results in reduction of the size in the head so that delivery can occur. This procedure is not intended to kill the fetus, and, in fact, is usually associated with the birth of a live infant."

President Clinton said that the five women who appeared with him had "no choice," and two of the women suggested that their babies endangered their lives. However, Claudia Crown Ades and Mary-Dorothy Line have explained that the danger to their lives would have occurred if the baby had died in utero and not been removed. Prof. Watson Bowes says that if a baby dies in utero, it can sometimes cause problems for the mother—after about five weeks. Thus, there is plenty of time to deal with such a situation by removing the body if necessary. Such a procedure is not, legally, an abortion, has never been affected by any kind of abortion law, and raises no ethical questions.

Under closer examination, it becomes clear that in some cases, the primary reason for performing the procedure is not concern that the baby will die in utero, but rather, that he/she will be born alive with disorders incompatible with sustained life outside the womb, or with a non-lethal disability. (Again, in Dr. McMahon's table of "fetal indications," the single largest category was for Down Syndrome.)

In a letter opposing HR 1833, one of Dr. McMahon's colleagues at Cedar-Sinai Medical Center, Dr. Jeffrey S. Greenspoon, wrote: "As a volunteer speaker to the National Spina Bifida Association of America and the Canadian National Spina Bifida Organization, I am familiar with the burden of raising a significantly handicapped child. . . . The burden of raising one or two abnormal children is realistically unbearable." [Letter to Congressman Hyde, July 19, 1995]

Vicki Wilson, whose daughter Abigail died at the hands of Dr. McMahon at 38 weeks, said: "I knew that I could go ahead and carry the baby until full term, but knowing, you know, that this was futile, you know, that she was going to die . . . I felt like I need to be a little more in control in terms of her life and my life, instead of just sort of leaving it up to nature, because look where nature had gotten me up to this point." [NAF video transcript, p. 4]

Tammy Watts, whose baby was aborted by Dr. McMahon in the 7th month, said: "I had a choice. I could have carried this pregnancy to term, knowing everything that was wrong. [Testimony before Senate Judiciary Committee, Nov. 17, 1995]

"My husband and I were able to talk, and the best that we could, we put our emotions aside and said, 'We cannot let this go on; we cannot let this child suffer anymore than she has. We've got to put an end to this.'" [NAF video transcript, p. 4]

Claudia Crown Ades, who appeared with President Clinton at the April 10 veto, said:

"The purpose of this is so that my son would not be tortured anymore . . . knowing that my son was going to die, and was struggling and living a tortured life inside of me, I should have just waited for him to die—is this what you're saying?"

[material omitted]

"My procedure was elective. That is considered an elective procedure, as were the procedures of Coreen Costello and Tammy Watts and Mary Dorothy-Line and all the other women who were at the White House yesterday. All of our procedures were considered elective." [Quotes from transcript of taped appearance on WNTM radio, April 12, 1996]

QUOTE FROM "ABORTING AMERICA" BY BERNARD N. NATHANSON, M.D. WITH RICHARD N. OSTLING

How many deaths were we talking about when abortion was illegal? In N.A.R.A.L. we generally emphasized the drama of the individual case, not the mass statistics, but when we spoke of the latter it was always "5,000 to 10,000 deaths a year." I confess that I knew the figures were totally false, and I suppose the others did too if they stopped to think of it. But in the "morality" of our revolution, it was a useful figure, widely accepted, so why go out of our way to correct it with honest statistics?

HONORING THE LIFE OF SENATOR MIKE MANSFIELD

Mr. BAUCUS. Mr. President, on October 15, we honored the late Senator Mike Mansfield with the unveiling of the new book, "Senator Mansfield: The Extraordinary Life of a Great American Statesman and Diplomat," by author Don Oberdorfer.

To many, he was Senator Mansfield, Majority Leader Mansfield, or Ambassador Mansfield. To us in Montana, he was just Mike. He was our Mike. He was humble, self effacing, and didn't want people making a big fuss about him.

Although he wouldn't have wanted one, I'd like to thank the University of Montana and their alumni for hosting an event here in the Capitol to commemorate the life and times of Mike through this new book.

Mike had three great loves in his life: his wife Maureen, his State of Montana and serving in the United States Senate. Maureen was the love of his life. He always said that his successes were because of her. The last time I visited Mike in the hospital his face lit up when he talked about her. "What a gal," he said. "What a gal she was."

Mike was a good friend and a great inspiration to many people, including myself. Mike encouraged me to get into public service, he was my mentor when I was first elected to Congress, and he provided me sage counsel until his death.

Mike would think that tonight's event was too much. That is just the kind of man he was. But it's our job to keep his memory alive and educate others on what a great impact he had on Montana, the Nation, and the world. It's our responsibility to ensure others can learn from his example of working together to do what's right.

The University of Montana Alumni Association, the Maureen and Mike Mansfield Library, the Maureen and Mike Mansfield Center, and the Maureen and Mike Mansfield Foundation here in Washington, D.C. all put forth a great effort to make this event possible. I greatly appreciate their hard work and dedication to the legacy of Maureen and Mike Mansfield.

And finally, I wish to recognize Don Oberdorfer for his persistence and dedication in writing about Mike's life. I thank Don for honoring a great man, our Mike. Montana's Mike Mansfield. He had the hands of a miner, the mind of a scholar, and the heart of a hero. We pay tribute to him and his beloved Maureen.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a horrific double homicide that occurred in 1996. Two lesbian women hiking in Shenandoah National Park were assaulted and gagged. Their assailant slashed each woman's throat, leaving them for dead in the forest. Although still awaiting trial, the man accused of killing the women stated that they deserved to die because they were homosexuals.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

INTERNATIONAL COFFEE CRISIS

Mr. LEAHY. Mr. President, I rise today to speak about the international coffee crisis. With much of the world focused on Iraq and the Middle East, it is perhaps not surprising that a crisis affecting tens of millions people, on virtually every corner of the Earth, has received little attention.

The worldwide price of coffee has plummeted almost 70 percent over the last several years. This has devastated the economies of poor countries in Asia, Africa, and Latin America; it has ruined the livelihoods of millions of people; and it has damaged our foreign aid and counter-narcotics efforts in these countries.

For example, over the last few years, the United States has provided almost $3 billion to Colombia for counter-narcotics assistance. This has made Colombia the top recipient of U.S. assistance outside of the Middle East.

Even though this is an extremely generous amount of aid, the goals and objectives are being undermined by the collapse of coffee prices. Last year, Colombia's President Alvaro Uribe wrote a letter to me, in which he stated:

> [T]he impact of the international coffee crisis on Colombian coffee growers has been devastating. In Colombia, more than 800,000 people are directly employed on coffee farms and another three million are dependent on coffee for their livelihood. Colombian coffee farmers are struggling to cover their cost of production, and the problems of oversupply and a decline in coffee prices has brought poverty and uncertainty to Colombia's coffee-growing regions, which were previously free of violence and narcotrafficking activity. Additional support from the United States will help improve this dire situation in Colombia and other developing countries around the world which are also being impacted by oversupply and falling prices.

A range of humanitarian relief agencies, with operations around the world, further support President Uribe's views. For example, an Oxfam report on the topic found:

> The coffee crisis is becoming a development disaster whose impact will be felt for a long time. Famlies dependent on money generated by coffee are pulling their children, particularly girls, out of school, can no longer afford basic medicines, and are cutting back on food. Beyond farming families, national economies are suffering. Coffee traders are going out of business, some banks are in trouble, and governments that rely on the export revenues that coffee generates are faced with dramatically declining budgets for education and health programs and little money for debt repayment.

The United States is, by far, the biggest importer of coffee. At the same time, we provide billions of dollars of foreign aid to nations impacted by the coffee crisis. It is common sense. The United States has a strong interest in finding a solution to this international problem.

A couple of years ago, several of us in Congress started asking questions about what the administration is doing to address this issue. It is safe to say that we were disappointed with the answers.

There are some good programs being run by different agencies within the Government.. But, there are so many agencies involved—State, USAID, Agriculture, USTR, Treasury—and there are times when one hand does not seem to know what the other is doing. For example, USAID has programs in Latin America to help coffee farmers find alternative livelihoods, because of the overproduction that exists in the global market. At the same time, we found another program that was encouraging Bolivian farmers to get into coffee production. In other words, two steps forward, one step back.

What is worse, the administration does not seem to have a comprehensive strategy across agencies to effectively address the international coffee crisis. Nothing to get everyone on the same page and working towards the same goal. Nothing that outlines a plan on how to deal with the crisis.

This is not just my opinion, this is the bipartisan, bicameral view in Congress.

To address these shortcomings, a number of us have come together across party lines and from different sides of the Capitol. We have pushed hard to move forward on this issue.

During the final days of the 107th Congress, I along with Senators SPECTER, DODD, and FEINSTEIN, successfully sponsored S. Res. 368, which called attention to the coffee crisis and urged the administration to formulate a comprehensive, multilateral strategy to address the problem. Although this measure passed the Senate, the administration has been slow to respond, and, as a result, we were forced to include a provision in the Fiscal Year 2004 Foreign Operations bill that requires the Secretary of State to report to Congress on any progress made in formulating this strategy.

To this day, the administration has not come forward with this strategy. While we should take care to make sure this strategy is done right, it has taken the administration too long. This is not a situation that will just go away. We have to act, and that makes coming forward with a strategy all that more important. I urge the administration to finish the job.

Here in the Senate we are doing what we can to respond to the crisis. We were successful in getting the Senate to serve fair trade coffee. And, I am also pleased to report that we helped USAID and Green Mountain Coffee enter into a public-private partnership to implement development projects to address the crisis. These were smaller, but important accomplishments.

Other accomplishments include working with the private sector, and encouraging major companies such as Procter and Gamble and Dunkin' Doughnuts to serve fair trade coffee.

Much of the recent debate on the coffee crisis surrounds U.S. membership in the International Coffee Organization (ICO). As Chairman of the Foreign Operations Subcommittee, I included $500,000 in the Fiscal Year 2003 Foreign Operations bill for a U.S. contribution to the ICO, if the United States rejoined by June 1, 2003. This move was hailed by a diverse range of groups, including the National Coffee Association, Oxfam International, several Latin American governments, the Speciality Coffee Association of America, and the Colombian Coffee Federation.

Unfortunately, this deadline has come and gone with no decision. However, it triggered a debate within the administration on the issue of ICO membership. That debate continues to this day.

This is not an indictment on those working on this issue in the administration. To the contrary, those in the State Department, USAID, and other agencies working with Principal Deputy Assistant Secretary of State, Shaun Donnelly, are talented individuals. They have been responsive to concerns raised by Congress, and I know they are working hard to resolve this issue and find a solution to the coffee crisis.

To ensure that these funds were not lost, the Commerce-State-Justice Subcommittee, under the leadership of Senators GREGG and HOLLINGS, honored my request to include another $500,000 for a contribution to the ICO in the Fiscal Year 2004 CJS Appropriations bill. I applaud their leadership on this issue. Along with relentless pressure from Representatives CASS BALLENGER and SAM FARR, the help of the Commerce-State-Justice Subcommittee sent a clear signal to the administration: Congress is not going to go away on this issue.

We were recently informed that the State Department supports the U.S. membership in the ICO. This is a positive step, but the administration as a whole has yet to endorse this view.

What is the hold-up? This process has been dragging on for months. It should end, and the U.S. should rejoin the ICO. This is something that U.S. industry, humanitarian NGOs, key friends and allies, and a bipartisan group in Congress supports.

Some may recall the way the ICO used to operate in the past, working as a cartel to stabilize coffee prices. But, nobody is talking about rejoining the ICO to establish a cartel over the coffee market. The ICO is a reformed organization and its chartering agreement has been substantially rewritten, specifically to get the ICO out of the business of price-fixing. The idea of a coffee cartel is an idea on the ash heap of history. I would not support it. I suspect no one in this Chamber would.

I support U.S. membership in the ICO, but recognize that is by no means a silver bullet. Membership alone is not enough to solve the international coffee crisis. Rather, it is one arrow in the quiver, and it can be an effective tool, when used as an integral part of a comprehensive strategy that includes funding for alternative assistance for coffee farmers, working with friends and allies, and the deep involvement of other international organizations such as the World Bank. This is the appropriate role for the ICO.

There are some compelling reasons for rejoining that have been put forward by experts who follow this issue closely. I want to briefly summarize a few of them:

U.S. participation in the ICO would help strengthen the implementation of resolution 407, which establishes quality guidelines on coffee exports. Although not perfect, ICO resolution 407 is a serious, multilateral attempt to help address the international coffee crisis that a number of economists believe could have a meaningful impact. According to some industry leaders, it also enhances competition in the coffee industry.

U.S. participation would help the ICO become more effective in addressing the coffee crisis. Many European nations have said they would be more willing to invest and commit additional resources to resolving this crisis through the ICO, if the U.S. were participating. The European Community (EC) recently called on the U.S. to rejoin. Because the U.S. and EC are not producing nations, this momentum would help the ICO pursue goals to more effectively address development issues associated with the coffee crisis, while helping the ICO continue to move away from discredited policies of the past.

U.S. membership in the ICO would focus more senior level attention, and inter-agency cooperation, on this important foreign policy issue within the administration. This would go a long way in overcoming some the problems stemming from a lack of coordination between agencies that I mentioned earlier.

The ICO engages in projects to help address the crisis: price risk management for Africa, disease control, and market development projects. Moreover, the ICO is also promoting diversification in cooperation with multilateral agencies such as the FAO, UNCTAD and the World Bank. These strategies could all be enhanced through U.S. membership in the ICO.

ICO membership would send an important signal to the rest of the world that the United States is committed to working collaboratively on every possible solution to this problem. This would be an important diplomatic step on an issue that many of our friends and allies in the developing world care deeply about.

Again, the ICO is not a perfect solution. But, if a $500,000 contribution can help begin to solve a crisis that is undermining billions of dollars in U.S. foreign assistance, devastating the livelihood of millions of people around the word, and causing severe economic damage to key developing countries, I say its well worth the investment.

ADDITIONAL STATEMENTS

IN RECOGNITION OF SCOTT OBENSHAIN, M.D.

• Mr. BINGAMAN. Mr. President, today I wish to recognize Dr. Scott Obenshain, of the University of New Mexico School of Medicine, for his commitment and services to the University and to the people of his State.

In his 32 years at the University of New Mexico School of Medicine, Dr. Obenshain has provided the leadership for many innovative educational programs that have contributed to the school's reputation as a national and international leader in the field of medical education. His loyalty to generations of students, combined with his respect for them as adult learners, is truly commendable. In addition, Dr. Obenshain's commitment to education is evidenced in his pioneering work to improve learning by creating a curriculum that is student-centered and problem-based.

The leadership that Dr. Scott Obenshain has demonstrated at the University of New Mexico School of medicine has also had a wide impact on the quality of undergraduate medical education. Students are treated with the highest respect, and Dr. Obenshain has set a tone of excellence in the education of our students. His example has left a lasting impression on innumerable graduates of our medical school. The innovations he began at the University of New Mexico have served as models for other schools both in the United States and around the world, and many institutions have benefited from the leadership that Dr. Scott Obenshain has provided over the years.

Finally, Dr. Obenshain has demonstrated continuing dedication to meeting the needs of poor, rural, and underserved communities in New Mexico, and has steadfastly achieved this by including such populations in the primary care curriculum. For example, he implemented the rural clinical practice component for fourth year medical students in 1974, which became a requirement for all students soon thereafter.

Dr. Scott Obenshain is honored today in the Senate because he has served selflessly and widely, and because he has led with distinction.•

OREGON HEALTH CARE HERO

• Mr. SMITH. Mr. President, in every sense of the word, Dr. Allen Merritt is a true health care hero for the State of Oregon. Dr. Merritt is not only a caring and compassionate pediatrician, but also a tireless and dedicated volunteer. His work to serve the physical and mental health needs of children, as well as his work to help enact important state initiatives on behalf of children, serves as an inspiration to us all.

Dr. Merritt has practiced medicine at St. Charles Medical Center in Bend, OR, for the last 7 years. Although Dr. Merritt received his medical degree from the University of Kansas, his entry into the Oregon medical community began at Lewis and Clark University where he received a Certificate in Health Care Administration. Dr. Merritt later received a Masters of Public Administration in Health Care Administration at Portland State University.

In Bend, Dr. Merritt serves multiple organizations dedicated to the well-being of children in Deschutes County and throughout the State. Most notably, Dr. Merritt serves on the Oregon Commission for Children and Families and is a reviewer for the Oregon Board of Medical Examiners. Besides serving children as a pediatrician and respected state leader, Dr. Merritt has also dedicated his time and effort to numerous community charities including Project Stepping Stones, which promotes infant hearing screenings; The Boys and Girls Club; and, Deschutes County Children's Foundation.

As the 2003 recipient of the Oregon Medical Association's Doctor-Citizen of the Year Award, Dr. Merritt was recognized for his immeasurable contributions to health care in the state of Oregon. For dedicating his life's work to the improvement of health care I would like to again recognize Dr. Allen Merritt as an Oregon Health Care Hero.•

TRIBUTE TO STAFF OF THE DISABILITY DETERMINATION SERVICES

• Mr. BAUCUS. Mr. President, I rise today to highlight a small band of employees in my home State who deserve special recognition for the consistent high quality work they do. I am proud and pleased to honor Michelle Thibodeau, Chief of the Disability Determination Services office in Helena, MT, and her entire staff. Special recognition must also go to Cathy Surdock who works on youth claims and has been singled out for her excellence.

My constituents who face disabilities depend on those at the Disability Determination Services office to evaluate their claims and issue a fair and timely decision. Issuing these decisions quickly is of the utmost importance and makes a real difference to a lot of Montanans. The regional Social Security Administration Commissioner in Denver has recognized Montana's Disability Determination Services office for having the Nation's best processing time for claims. The Helena office averages 68 days processing time as compared to the national average of 110 days. This important honor is for work accomplished during Federal fiscal year 2002. This office won the same award for fiscal year 1999. Additionally, in 2001, they were awarded the Commissioner's Citation for Quality. Michelle's office reviews about 12,000 claims for benefits each year, 2000 of which involve children.

This award recognizes the staff "for exemplary performance in accuracy, timeliness and productivity in providing exceptional service to Montana's citizens with disabilities." Montanans that find themselves physically and mentally challenged are grateful for the heroic steps that Michelle's staff has taken to address their needs in a timely fashion. The professionalism, compassion and technical expertise exhibited by the dedicated staff at the Disability Determination Services office is an example for us all.

In closing, I would like to offer my congratulations to Michelle, Cathy and the entire crew at Disability Determination Services and also my thanks for the good work you do daily. This is just another example of neighbor helping neighbor in the great State of Montana.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 11:31 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 3. An act to prohibit the procedure commonly known as partial-birth abortion.

S. 1591. An act to redesignate the facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, as the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building".

The enrolled bills, previously signed by the Speaker of the House, were signed on today, October 23, 2003, by the President pro tempore (Mr. STEVENS).

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1781. A bill to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 23, 2003, she had presented to the President of the

United States the following enrolled bill:

S. 1591. An act to redesignate the facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, as the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4882. A communication from the Regulatory Contact, Grain Inspection, Packers, and Stockyards Administration, transmitting, pursuant to law, the report of a rule entitled "Official Performance Requirements for Grain Inspection Equipment" (RIN0580–AA57) received on October 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4883. A communication from the State Director, Forest Service, Department of Agriculture, and the Regional Forester, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the environmental impact statement for the Santa Rosa and San Jacinto Mountains National Monument in Riverside, California; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4884. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Anti Deficiency Act, case number 02–02; to the Committee on Armed Services.

EC–4885. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "31 CFR Part 575—Removal of Certain Provisions of the Iraqi Sanctions Regulations; Interpretive Guidance" received on October 23, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4886. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reporting, Procedures and Penalties Regulations; Iraqi Sanctions Regulations; Foreign Terrorist Organizations Sanctions Regulations; Foreign Narcotics Kingpin Sanctions Regulations" received on October 23, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4887. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: [COTP Prince William Sound 03–002], [CGD09–03–270], [COTP Western Alaska 03–003]" (RIN1625–AA00) received on October 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4888. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: [CGD05–02–108] Atlantic Intracoastal Waterway, South Branch of the Elizabeth River to the Albemarle and Chesapeake Canal, Chesapeake, VA" (RIN1625–AA09) received on October 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4889. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: [CGD05–03–153] Cove Point Liquefied Gas Terminal, Chesapeake Bay, Maryland" (RIN1625–AA00) received on October 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4890. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; [08–03–041] Lower Grand River (Alternate Route), Gross Tete, LA" (RIN1625–AA09) received on October 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4891. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, the Commission's monthly status report on licensing activities and regulatory duties; to the Committee on Environment and Public Works.

EC–4892. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Modifications to the Attainment Plans for the Baltimore Area and Cecil County Portion of the Philadelphia Area to Revise the Mobile Budgets Using MOBILE6" (FRL#7578–1) received on October 23, 2003; to the Committee on Environment and Public Works.

EC–4893. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Oregon; Grants Pass PM–10 Nonattainment Area Redesignation Area to Attainment and Designation of Areas for Air Quality Planning Purposes" (FRL#7572–7) received on October 23, 2003; to the Committee on Environment and Public Works.

EC–4894. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Oregon; Klamath Falls PM–10 Nonattainment Area Redesignation to Attainment and Designation of Area for Air Quality Planning Purposes" (FRL#7568–7) received on October 23, 2003; to the Committee on Environment and Public Works.

EC–4895. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ada County/Boise, Idaho Area" (FRL#7568–9) received on October 23, 2003; to the Committee on Environment and Public Works.

EC–4896. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion" (FRL#7575–9) received on October 23, 2003; to the Committee on Environment and Public Works.

EC–4897. A communication from the Secretary to the Council of the District of Columbia, transmitting, a copy of Council Resolution 15–249 relative to budget autonomy; to the Committee on Governmental Affairs.

EC–4898. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation dated October 22, 2003; to the Committee on Governmental Affairs.

EC–4899. A communication from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Electronic Signatures; Electronic Submission of Forms (200R–458P)" (RIN1513–AA61) received on October 23, 2003; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1400. A bill to develop a system that provides for ocean and coastal observations, to implement a research and development program to enhance security at United States ports, to implement a data and information system required by all components of an integrated ocean observing system and related research, and for other purposes (Rept. No. 108–171).

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 269. A bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species (Rept. No. 108–172).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 239. A resolution designating November 7, 2003, as "National Native American Veterans Day" to honor the service of Native Americans in the United States Armed Forces and the contribution of Native Americans to the defense of the United States.

S. Res. 240. A resolution designating November 2003 as "National American Indian Heritage Month".

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1194. A bill to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1743. A bill to permit reviews of criminal records of applicants for private security officer employment.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Army nomination of Maj. Gen. Robert T. Clark.

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*Paul S. Atkins, of Virginia, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2008.

*Ben S. Bernanke, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2004.

*Roger Walton Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of

Governors of the Federal Reserve System for a term of four years.

By Mr. McCAIN for the Committee on Commerce, Science, and Transportation.

Karen K. Bhatia, of Maryland, to be an Assistant Secretary of Transportation.

*Gwendolyn Brown, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration.

*Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for the remainder of the term expiring May 30, 2006.

Coast Guard nomination of Capt. John C. Acton.

Coast Guard nominations beginning Capt. Arthur E. Brooks and ending Capt. Timothy S. Sullivan, which nominations were received by the Senate and appeared in the Congressional Record on September 29, 2003.

Mr. McCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning Christina M. Schultz and ending Kurt M. Van Hauter, which nominations lists were received by the Senate and appeared in the Congressional Record on September 10, 2003.

Coast Guard nominations beginning Daniel B. Abel and ending Paul E. Wiedenhoeft, which nominations were received by the Senate and appeared in the Congressional Record on September 10, 2003.

Coast Guard nominations beginning Michael A. Alfultis and ending Kurt A. Sebastian, which nominations were received by the Senate and appeared in the Congressional Record on September 10, 2003.

Coast Guard nominations beginning Delano G. Adams and ending Russell H. Zullick, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

By Mr. HATCH for the Committee on the Judiciary.

Dale S. Fischer, of California, to be United States District Judge for the Central District of California.

Gary L. Sharpe, of New York, to be United States District Judge for the Northern District of New York.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CAMPBELL:

S. 1776. A bill to amend title 49, United States Code, relating to responsibility for intermodal equipment compliance with commercial motor vehicle safety requirements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU:

S. 1777. A bill for the relief of Marcela Silva do Nascimento; to the Committee on the Judiciary.

By Ms. MURKOWSKI:

S. 1778. A bill to authorize a land conveyance between the United States and the City of Craig, Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. INOUYE, Mr. DASCHLE, Mrs. MURRAY, Mr. DAYTON, Mr. JOHNSON, Ms. CANTWELL, and Ms. STABENOW):

S. 1779. A bill to amend title XVIII of the Social Security Act to provide for fairness in the provision of medicare services for Indians; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. HATCH, Mr. GRASSLEY, and Mr. HARKIN):

S. 1780. A bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Ms. SNOWE, Ms. STABENOW, Mr. JOHNSON, Mr. PRYOR, Mr. DAYTON, Mr. LEAHY, Mr. LEVIN, Mr. FEINGOLD, Mr. MCCAIN, and Mr. JEFFORDS):

S. 1781. A bill to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes; read the first time.

By Mr. DASCHLE (for Mr. KERRY):

S. 1782. A bill to provide duty-free treatment for certain tuna; to the Committee on Finance.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ALLEN):

S. 1783. A bill to provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. KOHL, Mr. BIDEN, Mr. KYL, and Mr. HARKIN):

S. 1784. A bill to eliminate the safe-harbor exception for certain packaged pseudoephedrine products used in the manufacture of methamphetamine; to the Committee on the Judiciary.

By Mr. KYL:

S.J. Res. 20. A joint resolution expressing the sense of Congress that the number of years during which the death tax under subtitle B of the Internal Revenue Code of 1986 is repealed should be extended, pending the permanent repeal of the death tax; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. BIDEN, Mr. HATCH, and Mr. MCCAIN):

S. Res. 250. A resolution commending the people and Government of Romania, on the occasion of the visit of Romanian President Ion Iliescu to the United States, for the important progress they have made with respect to economic reform and democratic development, as well as for the strong relationship between Romania and the United States; to the Committee on Foreign Relations.

By Mr. BROWNBACK (for himself, Mr. LIEBERMAN, Mr. DORGAN, Mr. BAYH, Mrs. CLINTON, Mr. COLEMAN, Mr. CRAIG, Mr. CRAPO, Mr. DASCHLE, Mr. DURBIN, Mr. ENSIGN, Mrs. DOLE, Mr. ENZI, Mrs. FEINSTEIN, Mr. GRAHAM of South Carolina, Mr. HATCH, Mr. INHOFE, Mr. LAUTENBERG, Mr. LOTT, Mr. KOHL, Ms. MURKOWSKI, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. SANTORUM, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Mr. SPECTER, and Mr. WYDEN):

S. Res. 251. A resolution designating October 27, 2003, as "International Religious Freedom Day"; considered and agreed to.

By Mr. HOLLINGS:

S. Res. 252. A resolution designating the month of February 2004 as "National Cancer Prevention Month"; considered and agreed to.

By Mr. DURBIN (for himself, Mr. CORNYN, Mr. BINGAMAN, Mr. BAYH, Mr. FEINGOLD, and Mr. INOUYE):

S. Con. Res. 75. A concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome; to the Committee on Governmental Affairs.

ADDITIONAL COSPONSORS

S. 533

At the request of Mr. SCHUMER, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from New Jersey (Mr. CORZINE), the Senator from Minnesota (Mr. DAYTON), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 533, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001.

S. 595

At the request of Mr. HATCH, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 664

At the request of Mr. HATCH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 756

At the request of Mr. THOMAS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 756, a bill to amend the Internal Revenue Code of 1986 to modify the qualified small issue bond provisions.

S. 875

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 976

At the request of Mr. WARNER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 1156

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1156, a bill to amend title 38, United States Code, to improve and enhance the provision of long-term health care for veterans by the Department of Veterans Affairs, to enhance and improve authorities relating to the administration of personnel of the Department of Veterans Affairs, and for other purposes.

S. 1200

At the request of Ms. CANTWELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1200, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1304

At the request of Ms. SNOWE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1304, a bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1548

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1548, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the production of renewable fuels and to simplify the administration of the Highway Trust Fund fuel excise taxes, and for other purposes.

S. 1567

At the request of Mr. FITZGERALD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1567, a bill to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, and for other purposes.

S. 1664

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1664, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees.

S. 1666

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1666, a bill to amend the Public Health Service Act to establish comprehensive State diabetes control and prevention programs, and for other purposes.

S. 1757

At the request of Mr. FRIST, his name was added as a cosponsor of S. 1757, a bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts.

S. RES. 239

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. Res. 239, a resolution designating November 7, 2003, as "National Native American Veterans Day" to honor the service of Native Americans in the United States Armed Forces and the contribution of Native Americans to the defense of the United States.

At the request of Mr. CAMPBELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 239, supra.

S. RES. 240

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. Res. 240, a resolution designating November 2003 as "National American Indian Heritage Month".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 1776. A bill to amend title 49, United States Code, relating to responsibility for intermodal equipment compliance with commercial motor vehicle safety requirements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. CAMPBELL. Mr. President, today I am introducing the Intermodal Equipment Safety and Responsibility Act of 2003. This bill is a companion bill to language originally brought to the floor of the House of Representatives by my good friend from South Carolina, Representative HENRY BROWN.

Every day, literally hundreds of unsafe intermodal chassis carrying containers leave U.S. ports and travel on our public roads and highways, endangering not only the drivers of these vehicles but also the general public which shares the road with them. This bill will go a long way to ensure that only safe, roadworthy chassis are released for use and remove this often deadly threat to highway safety.

This legislation places responsibility for equipment safety and compliance with Federal and State regulations squarely where it belongs—with those who own or control the equipment. Under current law, the brunt of responsibility for equipment safety and compliance is placed on port drivers. The trucking companies and commerical drivers that service the ports do not own chassis, but are obligated by terminal operators to use the chassis provided to transport intermodal containers to and from the ports. This bill would require equipment controllers to inspect and repair intermodal equipment to meet all safety regulations prior to offering it for interchange, and to certify and document that such inspections have been performed. In addition, it gives the Federal Motor Carrier Safety Administration the authority to enter a port facility to review the inspection process and assure compliance.

This Act also requires that citations issued for violations related to the defective condition of an intermodal chassis that is not owned by that motor carrier or driver, will not affect the motor carrier's overall safety rating or the motor carrier's driving record.

The objective of this legislation is simple: to ensure that equipment controllers perform regular maintenance on intermodal equipment and give truckers safe and roadworthy equipment in compliance with current

USDOT safety regulations. Professional truck drivers are not professional mechanics, nor should they be. Unfortunately, too many equipment controllers do not perform the required systematic inspection and maintenance, and truck drivers are expected to find not only visible defects, but also safety defects that are not visible.

I am joined by the Colorado Motor Carriers Association, the International Brotherhood of Teamsters, International Longshoreman's Association, the International Longshore and Warehouse Union, the American Trucking Association and the Truckload Carriers Association who all worked together diligently to reach a consensus of support for this legislation.

The traveling American public deserves to be confident that the roads they share with truckers are safe. I urge my colleagues to support this bill and ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intermodal Equipment Safety and Responsibility Act of 2003".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Promoting safety on United States highways is a national priority. The Secretary of Transportation has promulgated the Federal Motor Carrier Safety Regulations to further this purpose. The systematic maintenance, repair, and inspection of equipment traveling on public highways in interstate commerce are an integral part of this safety regime.

(2) Intermodal transportation plays a significant role in expanding the United States economy, which depends heavily upon the ability to transport goods by various modes of transportation.

(3) Although motor carriers and their drivers often receive trailers, chassis, containers, and other items of intermodal equipment to be transported in interstate commerce, they do not possess the requisite level of control or authority over this intermodal equipment to perform the systematic maintenance, repair, and inspection necessary to ensure compliance with the applicable Federal Motor Carrier Safety Regulations and to ensure the safety of United States highways.

(4) As a result of roadside inspections, motor carriers and their drivers are cited and fined for violations of the Federal Motor Carrier Safety Regulations attributable to intermodal equipment that they do not have the opportunity to systematically maintain. These violations negatively affect the safety records of motor carriers.

SEC. 3. PURPOSE.

The purpose of this Act is to ensure that only those parties that control intermodal equipment transported on public highways in the United States (and thus have the opportunity and authority to systematically maintain, repair, and inspect the intermodal equipment) have legal responsibility for the safety of that equipment as it travels in interstate commerce.

SEC. 4. DEFINITIONS.

Section 5901 of title 49, United States Code, is amended by adding at the end the following new paragraphs:

"(9) 'motor carrier' includes—

"(A) a motor private carrier, as defined in section 13102 of this title; and

"(B) an agent of a motor carrier.

"(10) 'intermodal equipment'—

"(A) means equipment that is commonly used in the intermodal transportation of freight over public highways as an instrumentality of foreign or interstate commerce; and

"(B) includes a trailer, chassis, container, and any device associated with a trailer, chassis, or container.

"(11) 'equipment interchange agreement', with respect to intermodal equipment, means a written document that—

"(A) is executed by a controller of the equipment, or its agent, and a motor carrier; and

"(B) establishes the responsibilities and liabilities of both parties as they relate to the interchange of the equipment.

"(12) 'controller', with respect to intermodal equipment, means any party that has any legal right, title, or interest in the equipment, except that a motor carrier—

"(A) is not a controller of the equipment solely because it provides or arranges for any part of the intermodal transportation of the equipment; and

"(B) may not be considered a controller of the equipment if authority for systematic maintenance and repairs of the equipment has not been delegated to the motor carrier.

"(13) 'interchange', with respect to intermodal equipment, means the act of providing the equipment to a motor carrier for the purpose of transporting the equipment for loading or unloading by any party or repositioning the equipment for the benefit of the equipment controller, except that such term does not mean the leasing of the equipment to a motor carrier for use in the motor carrier's over-the-road freight hauling operations.

"(14) 'applicable safety regulations' means the regulations applicable to controllers of intermodal equipment under section 5909 of this title.".

SEC. 5. JURISDICTION OVER EQUIPMENT CONTROLLERS.

Chapter 59 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 5909. Jurisdiction over equipment controller

"The authority of the Secretary of Transportation to prescribe regulations on commercial motor vehicle safety under section 31136 of this title shall apply to controllers of intermodal equipment that is interchanged or to be interchanged.".

SEC. 6. EQUIPMENT CONTROLLER RESPONSIBILITY.

(a) IN GENERAL.—Chapter 59 of title 49, United States Code, as amended by section 5, is further amended by adding at the end the following new section:

"§ 5910. Equipment inspection, repair, and maintenance

"(a) IN GENERAL.—Notwithstanding any provision of an equipment interchange agreement, a controller of intermodal equipment that is interchanged or to be interchanged—

"(1) shall be responsible and held liable for the systematic inspection, maintenance, and repair of the equipment;

"(2) shall, each time prior to offering a motor carrier the equipment for interchange, inspect the equipment and provide such maintenance on, and make such repairs to, the equipment to ensure that such equipment complies with all applicable safety regulations at all times; and

"(3) shall not offer intermodal equipment to a motor carrier unless such equipment has been inspected and repaired as necessary to comply with such regulations.

"(b) REIMBURSEMENT.—

"(1) IN GENERAL.—In the event that a repair of interchanged intermodal equipment is necessary while in a motor carrier's possession in order to comply with applicable safety regulations, the controller of the equipment shall promptly reimburse the motor carrier for the actual expenses that are incurred by the motor carrier for the necessary repair, together with compensation for any loss incurred by the motor carrier by reason of delay in the transportation of the equipment necessitated by the need for the repair.

"(2) EXCEPTION.—The controller of intermodal equipment shall not be liable to provide reimbursement or compensation for a repair to a motor carrier under paragraph (1) if the motor carrier's negligence or willful misconduct caused the condition requiring the repair.

"(c) FINES.—The Secretary may prescribe fines against controllers of intermodal equipment for violations of this section.".

SEC. 7. SAFETY COMPLIANCE.

(a) IN GENERAL.—Chapter 59 of title 49, United States Code, as amended by section 6, is further amended by adding at the end the following new section:

"§ 5911. Compliance with safety regulations

"(a) LIABILITY OF EQUIPMENT CONTROLLER.—Notwithstanding any provision of an equipment interchange agreement, the controller of intermodal equipment covered by such agreement shall be liable for each violation of applicable safety regulations that is attributable to such equipment and shall pay any fine, penalty, and damages resulting from such violation, except that the controller of such equipment shall not be liable for any such violations that is proximately caused by the negligence or willful misconduct of a motor carrier that is not the controller of such equipment.

"(b) LIMITATION ON LIABILITY OF MOTOR CARRIER.—A motor carrier who receives intermodal equipment through interchange may not be held liable for a violation of applicable safety regulations that is attributable to such equipment other than under the circumstances and to the extent provided in subsection (a).

"(c) LIMITATION ON EFFECT.—No record or report of a violation of applicable safety regulations attributable to interchanged intermodal equipment, whether issued by a Federal, State, or local law enforcement authority, shall have any effect on a motor carrier's overall safety rating or safety status measurement system score, as determined by the Federal Motor Carrier Safety Administration, or on a driving record of a driver for the motor carrier unless such violation was proximately caused by the negligence or willful misconduct of the motor carrier or driver, respectively.

"(d) PROCEDURE FOR RECORDS CORRECTIONS.—The Secretary of Transportation shall prescribe an expedited procedure to correct records or reports of violations that under subsection (c) should not have been adversely affected by a violation of applicable safety regulations.".

(b) TIME FOR PRESCRIBING RECORDS CORRECTION PROCEDURES.—The Secretary shall issue final regulations setting forth the expedited procedures required by section 5910(d) of title 49, United States Code, not later than 180 days after the date of enactment of this Act.

SEC. 8. AUTHORITY TO INSPECT.

Chapter 59 of title 49, United States Code, as amended by section 7, is further amended by adding at the end the following new section:

"§ 5912. Authority to inspect

"(a) AUTHORITY.—The Secretary of Transportation is authorized to enter any facility of a controller of intermodal equipment interchanged for use on a public highway in order to inspect the equipment to determine whether the equipment complies with the applicable regulations.

"(b) INSPECTION PROGRAM.—The Secretary shall establish and implement with appropriate staffing an inspection and audit program at facilities of controllers of intermodal equipment in order to make determinations under subsection (a). Inspection of equipment and maintenance records for such equipment at such facility shall take place not less frequently than once every 3 months.

"(c) NON-COMPLYING EQUIPMENT.—Any intermodal equipment that is determined under this section as failing to comply with applicable safety regulations shall be placed out of service and may not be used on a public highway until the repairs necessary to bring such equipment into compliance have been completed. Repairs of equipment placed out of service shall be documented in the maintenance records for such equipment.".

SEC. 9. PROHIBITION ON RETALIATION.

Chapter 59 of title 49, United States Code, as amended by section 8, is further amended by adding at the end the following new section:

"§ 5913. Penalties for retaliation

"(a) RETALIATION PROHIBITED.—A controller of intermodal equipment may not take any action to threaten, coerce, discipline, discriminate, or otherwise retaliate against a motor carrier in response to a request made by the motor carrier for maintenance or repair of equipment intended for interchange in order to comply with the applicable safety regulations.

"(b) FAILURE TO TIMELY PROVIDE SAFE EQUIPMENT DEEMED TO BE RETALIATION.—Upon receiving a motor carrier's request for maintenance or repair of intermodal equipment to be picked up by the motor carrier in an interchange of equipment, the controller of intermodal equipment shall be considered to have retaliated against the motor carrier for the purposes of this section if the controller of intermodal equipment fails to provide the motor carrier with the equipment in a condition compliant with the applicable safety regulations within 60 minutes after the motor carrier arrives to pick up the equipment at the place where the equipment is to be picked up.

"(c) PENALTY.—A controller of intermodal equipment that violates subsection (a) shall be liable to the United States Government for a civil penalty of up to $10,000 for each violation.".

SEC. 10. DELEGATION OF MAINTENANCE RESPONSIBILITY.

Chapter 59 of title 49, United States Code, as amended by section 9, is further amended by adding at the end the following new section:

"§ 5914. Maintenance responsibility

"A controller of intermodal equipment may not delegate its responsibility to systematically maintain and repair equipment intended for interchange to a motor carrier or motor carrier agent in an equipment interchange agreement.".

SEC. 11. COMPATIBILITY OF STATE LAWS.

(a) IN GENERAL.—Chapter 59 of title 49, United States Code, as amended by section 10, is further amended by adding at the end the following new section:

"§ 5915. Compatibility of State laws

"(a) PREEMPTION GENERALLY.—Except as provided in subsection (b) or as otherwise authorized by Federal law, a law, regulation, order, or other requirement of a State or political subdivision of a State, or of a tribal organization, is preempted if compliance with such law, regulation, order, or other requirement would preclude compliance with a requirement imposed under this chapter.

"(b) CERTAIN RULES NOT PREEMPTED.—A law, regulation, order, or other requirement of a State or political subdivision of a State, or of a tribal organization, shall not be preempted under subsection (a) if such law, regulation, order, or other requirement is more stringent than, but otherwise compatible with, a requirement under this chapter.

"(c) TRIBAL ORGANIZATION DEFINED.—In this section, the term 'tribal organization' has the meaning given such term in section (4)(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).".

SEC. 12. REPEAL OF OBSOLETE PROVISION.

Section 5907 of title 49, United States Code, is repealed.

SEC. 13, CLERICAL AMENDMENTS.

The table of sections at the beginning of such chapter is amended—

(1) by striking the item relating to section 5907; and

(2) by adding at the end the following:

"5909. Jurisdiction over equipment controller.
"5910. Equipment inspection, repair, and maintenance.
"5911. Compliance with safety regulations.
"5912. Authority to inspect.
"5913. Penalties for retaliation.
"5914. Maintenance responsibility.
"5915. Compatibility of State laws.".

SEC. 14. IMPLEMENTING REGULATIONS.

(a) REGULATIONS.—The Secretary of Transportation, after notice and opportunity for comment, shall issue regulations implementing the provisions of this Act. The regulations shall be issued as part of the Federal Motor Carrier Safety Regulations of the Department of Transportation. The implementing regulations shall include—

(1) a requirement to identify controllers of intermodal equipment that is interchanged or intended for interchange in intermodal transportation;

(2) a requirement to match such equipment readily to its controller through a unique identifying number;

(3) a requirement to ensure that each controller of intermodal equipment maintains a system of maintenance and repair records for such equipment;

(4) a requirement to evaluate the compliance of controllers of intermodal equipment with the applicable Federal Motor Carrier Safety Regulations;

(5) a provision that prohibits controllers of intermodal equipment that fail to attain satisfactory compliance with such regulations from authorizing the placement of equipment on public highways;

(6) a requirement for the Secretary to consider the effect that adequate maintenance facilities may have on safety condition of equipment;

(7) a process by which motor carriers and agents of motor carriers may anonymously petition the Federal Motor Carrier Safety Administration to undertake an investigation of a noncompliant controller of intermodal equipment;

(8) administrative procedures to resolve disputes arising under the regulations; and

(9) the inspection and audit program required under section 5912(b) of title 49, United States Code, as added by section 8.

(b) TIME FOR ISSUING REGULATIONS.—The regulations required under subsection (a) shall be developed pursuant to a rulemaking proceeding initiated not later than 120 days after the date of the enactment of this Act and shall be issued not later than one year after such date of enactment.

(c) DEFINITIONS.—For the purposes of this section, the definitions set forth in section 5901 of title 49, United States Code, as amended by section 4, shall apply.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Federal Motor Carrier Safety Administration such sums as may be necessary for the establishment and implementation of the inspection program required under section 5912 of title 49, United States Code, as added by section 8.

SEC. 16. EFFECTIVE DATE.

Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of this Act and the amendments made by such sections shall take effect 30 days after the date of the enactment of this Act.

By Ms. MURKOWSKI:

S. 1778. A bill to authorize a land conveyance between the United State and the City of Craig, Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, today I introduce along with my colleague, Senator STEVENS, an important bill that will facilitate Forest Service land management on Prince of Wales Island and help community expansion and development. The City of Craig is the economic center of Prince of Wales Island, the third largest island in the country. The town contains the major retail shopping and service outlets on the island and island residents drive up to a hundred miles round trip to come to town for medical services and shopping. Craig also has the most active and largest commercial fishing harbor and fleet on the island.

Due to land selection conflicts between the Forest Service and the State of Alaska in the 1960's, the city of Craig received no municipal entitlement land. This legislation will help alleviate some of the loss to the city from the lack of an entitlement.

One of the Forest Service's main administrative facilities, the Craig Ranger District Station is located in Craig. The Craig Ranger has management authority over approximately one million acres on Prince of Wales Island. It is critical that the Forest Service has the tools it needs to provide good management for that part of the island. One of these tools is the presence of some Federal land near the Craig Ranger Station. Right now, there is not any Forest Service land near the Ranger Station. In an unusual situation for Alaska, the Ranger Station is an in holding among private, state, and City owned land.

This legislation would provide for a three way conveyance process which would result in three parcels of land now owned by the City being conveyed into the National Forest and an in holding owned by a private entity being acquired by the City.

To use the vernacular, this is one of those situations people like to describe as "win-win." Providing a recreational opportunity in the Forest at Craig benefits the public and the city of Craig would obtain land vital to its future community development plan.

What our legislation does is authorize the Federal Government to accept conveyance of land from the City of Craig and authorize an appropriation for land acquisition. The funding would be used by the city of Craig to purchase the private land at Craig. In return the city would convey to the Federal Government up to 346 acres of land it now owns to the Tongass National Forest. This land is highly prized for local recreation and would provide the Craig Ranger District with a missing piece of its management scheme by providing a recreation site within short walking distance of the Ranger Station.

Right now, visitors to the Forest come to the Craig Ranger Station to orient themselves to the Forest. One of the things they look for is onsite recreation in the Forest from the Ranger Station. But there is none. Because of the land conveyance status directly around Craig, there is no Forest land in that area.

However, the city of Craig owns almost 350 acres of prime recreational land including a dedicated trail in the immediate vicinity from the Ranger Station. The Forest should own this land so that it can integrate the parcel into its land management plans.

The property to be acquired by the city of Craig is a cannery site dating from the early 1900's which has not been used since the early 1980's. It is prime land for the city to redevelop in order to improve its community management plan and to provide economic stimulus in Craig. The parcel includes both uplands and tidelands and could be used by Craig to develop a good port and harbor and to provide first class land for retail merchants and other community services.

Senator STEVENS and I strongly support the needs of Craig in developing its local economy.

The entire island is in transition. In the early 1980's, the city and Prince of Wales Island were the center of a vibrant timber based economy that provided thousands of direct and indirect jobs to the Island. Much of that is now gone as a result of unfortunate Federal policies which have devastated the timber based economy on Prince of Wales Island and much of Southeastern Alaska.

According to unemployment data published by the Alaska Department of Labor, unemployment rates in Craig's census area regularly exceed 20 percent. Their annual rate of unemployment is typically more than twice the national average.

We must help Craig in its transition to another economy. The city leaders are dynamic and visionary people who have provided real leadership on the island. They have worked hard to help maintain the remaining timber plant at Klawock to provide year round employment to city and Island residents. They have organized along with their neighbors, the Prince of Wales Community Advisory Council, an association of municipalities and Native and non Native communities to work as a team on island wide projects.

Passage of this legislation is critical to the future of the city of Craig. It will provide a great management tool to the Forest Service and increase recreational opportunities for the local and visiting public.

I urge my colleagues to join me in moving forward on this legislation. All of the conveyances in the legislation will be subject to appraisals as required by the Federal Government. The Federal Government will receive equal value in land from the city. The passage of this Act is good for the public and for the residents of Craig.

By Mr. BINGAMAN (for himself, Mr. INOUYE, Mr. DASCHLE, Mrs. MURRAY, Mr. DAYTON, Mr. JOHNSON, Ms. CANTWELL, and Ms. STABENOW):

S. 1779. A bill to amend title XVIII of the Social Security Act to provide for fairness in the provision of medicare services for Indians; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I am introducing today the Medicare Indian Health Fairness Act of 2003 with Senators INOUYE, DASCHLE, MURRAY, DAYTON, JOHNSON, CANTWELL, and STABENOW. This legislation would take a number of steps to improve the delivery of health care to Native Amerians through Medicare and the Indian Health Service, IHS, system.

First and foremost, Indian Health Service and tribal hospitals and clinics, which provide health care to American Indians on or near reservations and to Alaska Natives, are currently unable to bill for all Medicare Part B services. In effect, the Indian Health Service is subsidizing the Medicare program because those services, which would otherwise be paid for by Medicare, are instead paid for by IHS, which is horribly underfunded.

In 2000, IHS hospitals and clinics were made eligible to bill Medicare for certain Part B services for the first time, including services delivered by physicians and certain other practitioners, but those services were limited and denied payment for Part B items and services, such as the following: Durable medical equipment—this includes such items as wheelchairs, as well as blood testing strips and blood monitors for diabetes patients, which is a severe problem among Native Americans; home and some institutional dialysis supplies and equipment—since the prevalence of diabetes in American Indians—Alaska Natives is three times the rate in the general U.S. population, Indian people experience a high rate of renal disease, including end state renal disease; cancer screening; pap smears; glaucoma screening; clinic or hospital-based ambulance services; prosthetic devices; covered vaccines, including hepatitis B, pneumococcal and influenza chemotherapy drugs; and clinical laboratory services.

This legislation would simply make these Indian health facilities and providers eligible for payment for all Part B Medicare-covered items and services to the same extent that any other provider would be eligible for payment.

Furthermore, the bill assures that Native Americans should have the same access to Medicare services as any other American. If IHS providers are unable to bill for such Medicare services, IHS budget shortfalls may result in rationing and delays in treatment. For some, it means going out of the IHS system to get prompt service, as other providers are able to bill the Medicare program. Native Americans and IHS providers should not be subject to such barriers to care and payment. Nor should they be subject to such complexity, as they are only prohibited from billing and receiving payment for certain Part B services.

There is absolutely no policy rationale for limiting the payment to IHS, tribal hospitals and clinics to only certain Medicare Part B services. I urge the Senate to end this unfortunate disparity.

Fortunately, identical language has been included in S. 1, the Medicare prescription drug bull that passed the Senate earlier this month. I offered an amendment with Senator DASCHLE, amendment No. 973, on the Senate floor and was pleased that it was accepted by Chairman GRASSLEY and Ranking Member BAUCUS accepted it as part of the manager's amendment prior to final passage of the bill.

In addition to that important provision, the "Medicare Indian Health Fairness Act" includes another provision that was adopted as part of S. 1 as a Bingaman amendment during the Finance Committee mark-up. This provision requires Medicare providers to charge no more than Medicare rates for inpatient hospital services provided to Indians who are eligible for contract health services from the Indian Health Service, tribally operated health programs, and urban Indian organizations.

This allows IHS to maximize its purchase of contract health services, just as is done by the Department of Veterans Affairs and the Department of Defense. Since the contract health services, CHS, account is chronically underfunded, IHS and the tribes seriously ration and often exhaust those funds before the end of the fiscal year. In fiscal year 2001 alone, the Indian Health Service had insufficient funding to provide services for over 100,000 cases that met its medical priority criteria and denied 22,000 other cases of medically necessary care which did not meet IHS medical priorities. Therefore, this section of the bill would enable IHS and tribes to achieve greater economy for the provision of contract health services.

The Department of Health and Human Services Office of Inspector General's Cost-Saver Handbook has annually made this recommendation. As per its 2003 Red Book or cost-saver handbook reads:

> As a federal purchaser of inpatient health care from the private sector, IHS should receive rates commensurate with those received by other federal agencies that engage in similar purchases [such as the VA and DOD].

The Inspector General adds:

> If the favorable Medicare rates were legislatively required, the dollars saved could be applied to the backlog of patient services that cannot be accommodated in the Contract Health Services program.

And last, the legislation includes a section intended to bring a measure of consistency, rationality and efficiency to the Medicare payment rate for all clinics in the Indian Health Service-supported health care system. This language creates a uniform payment methodology that would be available to all IHS and tribal clinics and corrects the current situation where payment rates differ widely—based not on the nature of the services a clinic provides, but on whether the facility is operated by the IHS or operated by a tribe, and whether the clinic is considered provider-based or free-standing. Since all clinics provide primary patient care and arrange for secondary, tertiary and specialty care on a referral basis, there is no rational reason for the wide disparity in the Medicare payment methodologies for these facilities.

The legislation would give all Indian clinics the ability to collect reimbursement from the same IHS–CMS all-inclusive rate. Application of the same all-inclusive rate to all clinics would have the added value of being efficient and economical to use at the clinic level and would apply the same payment method in Medicare, by which IHS-funded clinics are reimbursed, as they receive in Medicaid.

This section of the bill was the only one not included in S. 1, but the rationale for it makes it an important component of this bill and something we hope to see passed into law as well.

Although these provisions address a diversity of problems IHS providers and clinics have with respect to the Medicare program, they are critical and we should pass all of these provisions either as part of a conference agreement on S. 1, as part of the "Indian Health Care Improvement Act," or on their merits through passage of this freestanding bill.

I would like to thank Senators INOUYE, DASCHLE, MURRAY, DAYTON, JOHNSON, CANTWELL, and STABENOW for being original cosponsors of this important legislation. I ask for unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Indian Health Fairness Act of 2003".

SEC. 2. AUTHORIZATION OF REIMBURSEMENT FOR ALL MEDICARE PART B SERVICES FURNISHED BY CERTAIN INDIAN HOSPITALS AND CLINICS.

(a) IN GENERAL.—Section 1880(e) of the Social Security Act (42 U.S.C. 1395qq(e)) is amended—

(1) in paragraph (1)(A), by striking "for services described in paragraph (2)" and inserting "for all items and services for which payment may be made under such part";

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after the first day of the sixth month beginning after the date of enactment of this Act.

SEC. 3. LIMITATION ON CHARGES FOR INPATIENT HOSPITAL CONTRACT HEALTH SERVICES PROVIDED TO INDIANS BY MEDICARE PARTICIPATING HOSPITALS.

(a) IN GENERAL.—Section 1866(a)(1) of the Social Security Act (42 U.S.C. 1395cc(a)(1)) is amended—

(1) in subparagraph (R), by striking "and" at the end;

(2) in subparagraph (S), by striking the period and inserting ", and"; and

(3) by adding at the end the following new subparagraph:

"(T) in the case of hospitals which furnish inpatient hospital services for which payment may be made under this title, to be a participating provider of medical care—

"(i) under the contract health services program funded by the Indian Health Service and operated by the Indian Health Service, an Indian tribe, or tribal organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act), with respect to items and services that are covered under such program and furnished to an individual eligible for such items and services under such program; and

"(ii) under a program funded by the Indian Health Service and operated by an urban Indian organization with respect to the purchase of items and services for an eligible urban Indian (as those terms are defined in such section 4), in accordance with regulations promulgated by the Secretary regarding admission practices, payment methodology, and rates of payment (including the acceptance of no more than such payment rate as payment in full for such items and services).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as of a date specified by the Secretary of Health and Human Services (but in no case later than 6 months after the date of enactment of this Act) to medicare participation agreements in effect (or entered into) on or after such date.

SEC. 4. EQUAL PAYMENTS FOR CLINICS IN THE INDIAN HEALTH SERVICE SUPPORTED HEALTH CARE SYSTEM.

(a) IN GENERAL.—Section 1880 of the Social Security Act (42 U.S.C. 1395qq) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) Notwithstanding any other provision of law, for purposes of determining the rate of reimbursement for items and services under this title, any outpatient or ambulatory care clinic (whether freestanding or provider-based) operated by the Indian Health Service, an Indian tribe, a tribal organization, or an urban Indian organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act), shall, upon the election of such clinic, be reimbursed on the same basis as if such clinic were a hospital outpatient department of the Indian Health Service.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after the first day of the sixth month beginning after the date of enactment of this Act.

By Mr. BIDEN (for himself, Mr. HATCH, Mr. GRASSLEY, and Mr. HARKIN):

S. 1780. A bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise tonight to introduce, along with my good friend from Utah, Senator HATCH, the distinguished Chairman of the Judiciary Committee, the "Anabolic Steroid Control Act of 2003." Over the last several weeks, we have read front-page articles on the dangerous mix of sports and steroids, including a new "designer" steroid tetrahydrogestrinone, known as "THG." Several premier athletes have allegedly tested positive for THG, and there is a Federal grand jury investigation into the alleged manufacture and distribution of this new substance. Our bill would make THG, and several other similar substances, subject to the Controlled Substances Act. Thus, these products would no longer be available over the counter. Absent a prescription from your doctor, you will not be able to buy them legally.

First, a bit of background on how we got here. Thirteen years ago I held a number of hearings on the dangers associated with steroid use and introduced legislation to make steroids Schedule III substances. After my bill became law, a number of steroid users continued to buy and use steroids only now they were buying them through a developing illicit market. Others relied on new products being developed or rediscovered by scientists, products which may not violate the letter of the law, but certainly violate the spirit of the law.

These substances, called steroid precursors or pro-steroids, are one step removed from the substances scheduled in the law: when ingested, they metabolize into testosterone or other illicit steroids. These are products which the United States Anti-Doping Agency, the group in charge of testing Olympic athletes for performance enhancing drugs, has called "the functional equivalent of steroids."

In writing about the lack of testing for steroid precursor use in professional baseball, Barry Rozner of the Chicago Daily Herald described the close relationship between steroids and steroid precursors. He wrote:

> There's still no testing for andro (androstenedione) because technically it's not a steroid. It's a steroid precursor. Technically a cake mix isn't a cake but as soon as you pour it in a bowl and stick it in the oven, it's a cake. You put andro in the body, mix it with the body's chemicals and let it bake, and it turns into a powerful steroid. If it walks like a duck and talks like a duck, baseball calls it a sparrow.

The most well known of the steroid precursors is androstenedione often called "andro." Most recently Hiram Cruz, a 2001 national judo champion, was suspended from competition for two years after testing positive for andro. And it is widely thought that some East German Olympic athletes used it in the 1970s and 1980s to improve their performance. But perhaps the substance gained the most notoriety when professional baseball player Mark McGuire admitted that he used it when he broke Roger Maris's single season record for home runs. After McGuire revealed that he had taken andro, sales of the product quadrupled.

Andro increases both testosterone and estrogen levels in the body. According to a study published in the Journal of the American Medical Association "orally administered adrostenedione increases serum testosterone and estrogen levels in healthy men, particularly at higher doses." The study further notes that "long-term administration could be hazardous, particularly in women or children." Another study showed that even a single 100 milligram dose of andro can yield unhealthy levels of testosterone in women and can increase estrogen levels by 80 percent. Andro has also been associated with a decrease in HDL the "good" cholesterol and elevated levels of estradiol which may increase women's risk of breast cancer.

As I will discuss in greater detail later, in addition to the grave health effects associated with using andro and other steroid precursors, the physical effects can also be quite serious: women can develop masculine sex characteristics including changing of the sexual organs; men can develop feminine sex characteristics including breast development; and adolescent users can stunt their growth.

The International Olympic Committee, the National Football League and the National Collegiate Athletics Association have banned andro and other steroid supplements. Other sports, particularly baseball, have been criticized for refusing to agree to test players for steroid precursors. I should note that Major League Baseball has endorsed the legislation I am introducing today. And at a hearing in the Senate Commerce Committee last year, Donald Fehr, the Executive Director of the Major League Baseball Players Association, said that "it may well be time for the Federal Government to revisit whether steroid precursors should also be covered by Schedule III." I agree with him. Interestingly enough, so do the 79 percent of major league baseball players and nearly 86 percent of baseball fans who, according to surveys conducted by USA Today last year, support testing for steroids and performance-enhancing drugs.

The USA Today survey also revealed that 80 percent of fans believe that steroid use is behind some of the major league records that have been broken recently. It is understandable, therefore, that some players may support testing to preserve the integrity of their records. As Yankees' shortstop Derek Jeter has been quoted as saying:

> I don't have a problem with getting tested because I have nothing to hide. Steroids are a big issue. If anything like a home run or any injury happens, people say it's steroids. That's not fair.

In my view, it is time for Congress to act so that we can put an end to the charade that androstenedione and similar products are any different from the anabolic steroids that are controlled under current law.

To be honest I would be less concerned about what professional athletes are doing to their bodies if their actions did not have such a profound effect on kids. A study by the Kaiser Family Foundation revealed that nearly three-quarters of kids say that they look up to and want to emulate professional athletes. Sadly, more than half of those kids believe that their sports heroes use steroids and other performance enhancing drugs to win. That may be why adolescent anabolic steroid use is at its highest level in the past decade, with 1 million teens having used them.

As Dr. Bernard Greisemer, a pediatrician and sports medicine specialist, testified before the Senate last year, many of these products are marketed to kids who want to be like their favorite sports hero. Dr. Greisemer said:

> [P]rofessional athletes are major role models for our young athletes: in the clothes they wear, the cars they drive, the food they eat, and the drugs and dietary supplements they take. The millions of dollars that are spent by major corporations in linking their products to a particular athlete, team, or sporting event, counter any argument that professional athletes are not affecting the lifestyles of our young athletes. Use of and media exposure of the use of, anabolic steroids in professional athletes also directly affects the interest in, the perception of benefits of, and the use of these substances.

There are plenty of children and adults who believe that supplements will make them faster and stronger. That they'll have bigger muscles and be more like their favorite athlete. That they'll have a competitive advantage or have what it takes to win. In reality, they are jeopardizing their health. The ignorance of the consequences of using these substances is astounding. A study by Blue Cross/Blue Shield found that 70 percent of kids and half of parents surveyed were unable to identify even one negative side effect associated with performance-enhancing drugs. And 80 percent of kids reported that their parents have never talked to them about the dangers of steroid use. Clearly there is quite a bit of education to be done about these very dangerous substances.

Let me go through just a few of the side effects of steroid use. In both males and females it can lead to increased blood pressure, increased risk of heart attack and stroke, liver and cardiac dysfunction, increased libido, aggressiveness and appetite, and acne. For males, steroid use can lead to breast development, premature balding, testicular atrophy, decreased sperm count and prostate enlargement. Females can develop masculine sex characteristics including increased body hair, facial hair, deepening of the voice, male pattern baldness and changes to the sex organs. And among adolescent users, steroid precursor use can lead to stunted growth due to hardening of cartilage. Many of these side-effects are irreversible.

Quite troubling to me is that some people are taking these substances unwittingly. It is not unusual for manufacturers of creatine or other performance enhancing substances to put andro or another precursor into their product to give them a competitive edge over a competitor's products.

Clearly these substances are dangerous and they should not be widely available over the counter. That is why I am joining with Senator HATCH and Senator GRASSLEY today to introduce the Anabolic Steroid Control Act of 2003.

My bill does four things. First, it amends the Anabolic Steroid Control Act of 1990 by adding THG, androstenedione and their chemical cousins to the list of anabolic steroids controlled under the Controlled Substances Act and makes it easier for the DEA to add similar substances to that list in the future. This would prohibit people from obtaining these substances over the counter without a prescription in either their pure form or as an additive to another product.

Second, it directs the U.S. Sentencing Commission to review the Federal sentencing guidelines for crimes involving anabolic steroids and consider increasing them. Currently, the maximum sentence for offenses involving anabolic steroids is only 33–41 months for first time offenders. And to receive the maximum sentence an offender would have to have between 40,000 and 60,000 units, which is defined as a 10 cc vial or 50 tablets. That means that someone trafficking 300,000 doses faces a maximum of three and a half year behind bars. That does not seem to be enough of a deterrent and I hope the Sentencing Commission will consider raising the guidelines for steroid trafficking.

Third, the bill authorizes $15 million for the Secretary of Health and Human Services to award grants to public and non-profit entities to carry out science-based education programs in elementary and secondary schools to highlight the harmful effects of anabolic steroids. Preference will be given to programs based on the Athletes Training and Learning to Avoid Steroids program (ATLAS), the Athletes Targeting Healthy Exercise and Nutrition Alternatives (ATHENA) program, and other programs which the National Institute on Drug Abuse has determined to be effective. ATLAS, which is aimed at male student athletes, has been named as one of the Department of Education's Exemplary Programs and is one of the Substance Abuse and Mental Health Services Administration's Model Programs. ATHENA is ATLAS's companion program designed for female athletes.

Finally, the bill directs the Secretary of Health and Human Services to include questions about steroid use in the National Survey on Drug Use and Health, an annual survey to measure the extent of alcohol, drug and tobacco use in the United States. The bill authorizes $1 million for this purpose.

I'm proud to say that the bill has been endorsed by a wide range of medical, athletic and drug policy organizations including: American Academy of Family Physicians; American Academy of Pediatrics; American College of Obstetricians and Gynecologists; American College for Sports Medicine; American Council on Exercise; American Medical Association; Association of Tennis Professionals; Blue Cross Blue Shield Association; Boys and Girls Clubs; Community Anti-Drug Coalitions of America; Consumer Healthcare Products Association; Council for Responsible Nutrition; The Endocrine Society; The Hormone Foundation; Little League; Major League Baseball; National Athletic Trainers Association; The National Center on Addiction and Substance Abuse at Columbia University; National Collegiate Athletic Association; National Federation of State High Schools Association; National Football League; National High School Athletic Coaches Association; National Junior College Athletic Association; National Nutritional Foods Association; Pharmacists Planning Services, Inc.; United States Anti-Doping Agency; U.S. Olympic Committee; U.S. Biathlon Association; U.S. Soccer Federation; USA Cycling; USA Luge; USA Swimming; USA Track and Field and Utah Natural Products Alliance.

I urge my colleagues to support this legislation and I hope that it will be enacted into law soon.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1780

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anabolic Steroid Control Act of 2003".

SEC. 2. AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT.

(a) DEFINITIONS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (41)—

(A) by realigning the margin so as to align with paragraph (40);

(B) by striking subparagraph (A) and inserting the following:

"(A) The term 'anabolic steroid' means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone), and includes—

"(i) androstanediol—

"(I) 3β,17β-dihydroxy-5α-androstane; and

"(II) 3α,17β-dihydroxy-5α-androstane;

"(ii) androstanedione (5α-androstan-3,17-dione);

"(iii) androstenediol—

"(I) 1-androstenediol (3β,17β-dihydroxy-5α-androst-1-ene);

"(II) 1-androstenediol (3α,17β-dihydroxy-5α-androst-1-ene);

"(III) 4-androstenediol (3β,17β-dihydroxy-androst-4-ene); and

"(IV) 5-androstenediol (3b,17β-dihydroxy-androst-5-ene);

"(iv) androstenedione—

"(I) 1-androstenedione ([5α]-androst-1-en-3,17-dione);

"(II) 4-androstenedione (androst-4-en-3,17-dione); and

"(III) 5-androstenedione (androst-5-en-3,17-dione);

"(v) bolasterone (7α,17α-dimethyl-17β-hydroxyandrost-4-en-3-one);

"(vi) boldenone (17β-hydroxyandrost-1,4,-diene-3-one);

"(vii) calusterone (7β,17α-dimethyl-17β-hydroxyandrost-4-en-3-one);

"(viii) clostebol (4-chloro-17β-hydroxyandrost-4-en-3-one);

"(ix) dehydrochlormethyltestosterone (4-chloro-17β-hydroxy-17α-methyl-androst-1,4-dien-3-one);

"(x) 4-dihydrotestosterone (17β-hydroxy-androstan-3-one);

"(xi) drostanolone (17β-hydroxy-2α-methyl-5α-androstan-3-one);

"(xii) ethylestrenol (17α-ethyl-17β-hydroxyestr-4-ene);

"(xiii) fluoxymesterone (9-fluoro-17α-methyl-11β,17β-dihydroxyandrost-4-en-3-one);

"(xiv) formebolone (2-formyl-17α-methyl-11α,17β-dihydroxyandrost-1,4-dien-3-one);

"(xv) furazabol (17α-methyl-17β-hydroxyandrostano[2,3-c]-furazan);

"(xvi) 18α-homo-17β-hydroxyestr-4-en-3-one (13β-ethyl-17β-hydroxygon-4-en-3-one);

"(xvii) 4-hydroxytestosterone (4,17β-dihydroxy-androst-4-en-3-one);

"(xviii) 4-hydroxy-19-nortestosterone (4,17β-dihydroxy-estr-4-en-3-one);

"(xix) mestanolone (17α-methyl-17β-hydroxy-5α-androstan-3-one);

"(xx) mesterolone (1α-methyl-17β-hydroxy-[5α]-androstan-3-one);

"(xxi) methandienone (17α-methyl-17β-hydroxyandrost-1,4-dien-3-one);

"(xxii) methandriol (17α-methyl-3β,17β-dihydroxyandrost-5-ene);

"(xxiii) methenolone (1-methyl-17β-hydroxy-5α-androst-1-en-3-one);

"(xxiv) methyltestosterone (17α-methyl-17β-hydroxyandrost-4-en-3-one);

"(xxv) mibolerone (7α,17α-dimethyl-17β-hydroxyestr-4-en-3-one);

"(xxvi) nandrolone (17β-hydroxyestr-4-en-3-one);

"(xxvii) norandrostenediol—

"(I) 19-nor-4-androstenediol (3β, 17β-dihydroxyestr-4-ene);

"(II) 19-nor-4-androstenediol (3α, 17β-dihydroxyestr-4-ene);

"(III) 19-nor-5-androstenediol (3β, 17β-dihydroxyestr-5-ene); and

"(IV) 19-nor-5-androstenediol (3α, 17β-dihydroxyestr-5-ene);

"(xxviii) norandrostenedione—

"(I) 19-nor-4-androstenedione (estr-4-en-3,17-dione); and

"(II) 19-nor-5-androstenedione (estr-5-en-3,17-dione;

"(xxix) norbolethone (18α-homo-17β-hydroxypregna-4-en-3-one);

"(xxx) norclostebol (4-chloro-17β-hydroxyestr-4-en-3-one);

"(xxxi) norethandrolone (17α-ethyl-17β-hydroxyestr-4-en-3-one);

"(xxxii) oxandrolone (17α-methyl-17β-hydroxy-2-oxa-[5α]-androstan-3-one);

"(xxxiii) oxymesterone (17α-methyl-4,17β-dihydroxyandrost-4-en-3-one);

"(xxxiv) oxymetholone (17α-methyl-2-hydroxymethylene-17β-hydroxy-[5α]-androstan-3-one);

"(xxxv) stanozolol (17α-methyl-17β-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);

"(xxxvi) stenbolone (17β-hydroxy-2-methyl-[5α]-androst-1-en-3-one);

"(xxxvii) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);

"(xxxviii) 1-testosterone (17β-Hydroxy-5α-androst-1-en-3-one);

"(xxxix) testosterone (17β-hydroxyandrost-4-en-3-one);

"(xl) tetrahydrogestrinone (13β,17α-diethyl-17β-hydroxygon-4,9,11-trien-3-one);

"(xli) trenbolone (17β-hydroxyestr-4,9,11-trien-3-one); and "(xlii) any salt, ester, or ether of a drug or substance described in this paragraph; and

(C) by adding at the end the following:

"(C) Notwithstanding subparagraph (A), the Attorney General may not schedule Androstenedione as a controlled substance in accordance with this Act until the Attorney General receives a finding from the Commissioner of Food and Drugs relating to whether Androstenedione is lawfully marketed under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.)."; and

(2) in paragraph (44), by inserting "anabolic steroids," after "marihuana,".

(b) AUTHORITY AND CRITERIA FOR CLASSIFICATION.—Section 201(g) of the Controlled Substances Act (21 U.S.C. 811(g)) is amended—

(1) in paragraph (1), by striking "substance from a schedule if such substance" and inserting "drug which contains a controlled substance from the application of titles II and III of the Comprehensive Drug Abuse Prevention and Control Act (21 U.S.C. 802 et seq.) if such drug"; and

(2) in paragraph (3), by adding at the end the following:

"(C) Upon the recommendation of the Secretary of Health and Human Services, a compound, mixture, or preparation which contains any anabolic steroid, which is intended for administration to a human being or an animal, and which, because of its concentration, preparation, formulation or delivery system, does not present any significant potential for abuse.".

(c) ANABOLIC STEROIDS CONTROL ACT.—Section 1903 of the Anabolic Steroids Control Act of 1990 (Public Law 101-647) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

SEC. 3. SENTENCING COMMISSION GUIDELINES.

The United States Sentencing Commission shall—

(1) review the Federal sentencing guidelines with respect to offenses involving anabolic steroids;

(2) consider amending the Federal sentencing guidelines to provide for increased penalties with respect to offenses involving anabolic steroids in a manner that reflects the seriousness of such offenses and the need to deter anabolic steroid use; and

(3) take such other action that the Commission considers necessary to carry out this section.

SEC. 4. PREVENTION AND EDUCATION PROGRAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the "Secretary") shall award grants to public and nonprofit private entities to enable such entities to carry out science-based education programs in elementary and secondary schools to highlight the harmful effects of anabolic steroids.

(b) ELIGIBILITY.—

(1) APPLICATION.—To be eligible for grants under subsection (a), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) PREFERENCE.—In awarding grants under subsection (a), the Secretary shall give preference to applicants that intend to use grant funds to carry out programs based on—

(A) the Athletes Training and Learning to Avoid Steroids program;

(B) the Athletes Targeting Healthy Exercise and Nutrition Alternatives program; and

(C) other programs determined to be effective by the National Institute on Drug Abuse.

(c) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used primarily for education programs that will directly communicate with teachers, principals, coaches, as well as elementary and secondary school children concerning the harmful effects of anabolic steroids.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2004 through 2009.

SEC. 5. NATIONAL SURVEY ON DRUG USE AND HEALTH.

(a) IN GENERAL.—The Secretary of Health and Human Services shall ensure that the National Survey on Drug Use and Health includes questions concerning the use of anabolic steroids.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $1,000,000 for each of fiscal years 2004 through 2009.

Mr. GRASSLEY. Mr. President, I am pleased to join Senator BIDEN and Senator HATCH as a co-sponsor of the Steroid Control Act of 2003. Our youth need to understand that while the short-term use of steroids may seem beneficial, the long-term effects on overall health can be extremely harmful or even fatal. Adults need to be more vigilant in ensuring young people are not able to obtain these dangerous substances. The Steroid Control Act is an important step in working toward that goal.

According to the latest Monitoring the Future Survey, 2.5 percent of eighth graders, 3.5 percent of tenth graders and 4.0 percent of twelfth graders used steroids at least once during their lifetime. Teens in particular seem to believe the myth that steroid abuse, typically at 10 to 100 times what might be prescribed by a doctor, is a quick way to gain muscle mass with little cost.

But steroid abuse is associated with a range of physical and emotional problems. According to the National Drug Intelligence Center, the dangers associated with steroid use include liver tumors and cancer, jaundice, high blood pressure and increases in cholesterol levels, kidney tumors, fluid retention, and severe acne. Adolescents in particular risk prematurely halting their growth because of early skeletal maturation and acceleration of puberty. The emotional problems associated with steroid use include dramatic mood swings, including manic symptoms that can lead to violence called "roid" rage, depression, paranoid jealousy, extreme irritability, delusions, and impaired judgment.

This Bill makes clarifications to the Steroid Control Act passed in 1990. It will make it easier to add steroid precursors such as androstenedione, THG, and other similar substances—many of which have been developed since the Steroid Control Act of 1990 passed in order to evade the law—to the list of Schedule III anabolic steroids. In addition, it adds a number of known steroid precursors to the anabolic steroid list, and removes the requirement that a substance be proven to promote muscle growth.

The Steroid Control Act also directs the United States Sentencing Commission to review the Federal sentencing guidelines for crimes involving anabolic steroids. It provides an opportunity to conduct prevention programs for young students to educate them on the dangers of using steroids.

I encourage my colleagues to join us in supporting these important reforms.

By Mr. DORGAN (for himself, Ms. SNOWE, Ms. STABENOW, Mr. JOHNSON, Mr. PRYOR, Mr. DAYTON, Mr. LEAHY, Mr. LEVIN, Mr. FEINGOLD, Mr. MCCAIN, and Mr. JEFFORDS):

S. 1781. A bill to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes; read the first time.

Mr. DORGAN. Mr. President, today I am introducing the Pharmaceutical Market Access Act of 2003 in the Senate, along with my colleagues, Senators SNOWE, STABENOW, JOHNSON, PRYOR, DAYTON, LEAHY, LEVIN, FEINGOLD, MCCAIN, and JEFFORDS. This legislation is the Senate companion to H.R. 2427, which passed the House of Representatives by a wide, bipartisan 243–186 vote earlier this year.

This bill would give Americans the benefit of the global market in purchasing FDA-approved medicines. Rather than paying the highest prices in the world for their prescription drugs, Americans, through their local pharmacist or drug wholesaler, should be able to access FDA-approved medicines from Canada and 24 other major industrialized countries. The Congressional Budget Office recently estimated that this legislation would save taxpayers $40.4 billion, including $4.5 billion in savings for the Federal Government.

As my colleagues know, the conference committee on Medicare currently has before it House and Senate bills that include pharmaceutical market access provisions. My hope is that the Medicare conferees will include strong drug importation language that will give American consumers immediate relief from high drug prices. If not, however, I will fight to have this bill called up separately in the Senate at the earliest available opportunity.

By Mr. DASCHLE (for Mr. KERRY):

S. 1782. A bill to provide duty-free treatment for certain tuna; to the Committee on Finance.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, I rise to introduce legislation that is designed to eliminate tariffs on certain tuna products imported into the United

States from member nations of the Association of Southeast Asian Nations (ASEAN).

ASEAN is a force for stability and development in Southeast Asia and pursuit of cooperative economic policies is critical to the relationship. The ASEAN nations include countries such as the Philippines, Thailand, Indonesia and Malaysia that are valuable trading partners and important friends and allies in the ongoing fight against world terrorism.

Several of the ASEAN nations import processed tuna imported into the United States. This includes pouch tuna, which is a relatively new product that uses an innovative process to vacuum pack tuna into easy to use and environmentally friendly airtight pouches for commercial and retail sale. A few creative companies, including Jana Brands, Inc. of Natick, Massachusetts, pioneered pouch tuna in the United States.

Tuna imported from the ASEAN nations is subject to higher tariffs upon entry into the United States. A provision was included in the Trade Act of 2002 that gives duty-free treatment to pouch but not canned tuna imported from the beneficiary countries of the Andean Trade Promotion and Drug Eradication Act. I understand that the Andean Pact preferences are intended to increase production and trade with the United States in certain products and wean their economies away from any dependence on the production of crops used to make illegal drugs. I support the rationale behind the Andean Pact but it is also true that duty free treatment for pouch tuna imported from Andean countries puts pouch tuna imported from ASEAN member nations at a competitive disadvantage.

To restore fair trade and to benefit U.S. consumers and workers, I am introducing the "Fair Trade in Pouch Tuna Act of 2003". This bill provides limited duty free treatment for tuna packed in airtight pouches imported from ASEAN nations that meet internationally recognized labor standards and environmental protections. The legislation requires that these imports come only from ASEAN nations that provide and enforce recognized worker rights and environmental protections.

This legislation is just the first step. I look forward to working with the many parties that may be interested in this issue to craft a successful proposal.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ALLEN):

S. 1783. A bill to provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities, and for other purposes; to the Committee on Governmental Affairs.

Mr. SARBANES. Mr. President, I am pleased to introduce the Federal Employee Commuter Benefits Act of 2003, which is cosponsored by my colleagues Senators MIKULSKI, WARNER, and ALLEN. This bill will guarantee transit benefits to all Federal employees in the National Capital Area and will remove a restriction that currently forbids Federal agencies from providing employee shuttles to and from transit stations. This measure is an important step forward in our efforts to encourage transit ridership and improve the quality of life for Federal employees in the Washington, D.C. region and throughout the nation.

All across the Nation, congestion and gridlock are taking their toll in terms of economic loss, environmental impact, and personal frustration. According to the Texas Transportation Institute, in 2001 Americans in 75 urban areas spent 3.6 billion hours stuck in traffic, with an estimated cost to the nation of $69.5 billion in lost time and wasted fuel. In response, Americans are turning to alternative transportation options in record numbers. The American Public Transportation Association estimates that Americans now take over 9 billion trips on transit per year, the highest level in more than 40 years.

Transit benefit programs are playing a vital role in increasing transit ridership, which benefits both transit users and drivers. In 1998, the Transportation Equity Act for the 21st Century amended the tax code to allow financial incentives related to commuting costs for employers and employees. These transit benefits allowed employers to offer a tax-free financial incentive toward the costs of transit commuting, starting at $65 per month and raised in 2002 to $100 per month.

Based upon the findings of the Environmental Protection Agency and the U.S. Department of Transportation, there are clear improvements to congestion, energy efficiency, and air quality from transit benefit programs. According to their findings, an employer with 1,000 employees that participates in a combination of transit benefits, carpool, and telecommuting programs can take credit for taking 175 cars off the road, saving 44,000 gallons of gasoline per year, and cutting global warming pollution by 420 tons per year on average.

In April 2000, an Executive Order was signed requiring all executive branch agencies in the National Capital Region to offer transit benefits to their employees. As a result, Federal employees commuting to Washington, D.C. from Montgomery, Prince George's, and Frederick Counties, Maryland, several counties in Northern Virginia, and as far away as West Virginia, are encouraged to choose transit as their means to get to work.

According to the Washington Metropolitan Area Transit Authority and the U.S. Department of Transportation, by 2001 more than 110,000 employees—approximately one-third of all Federal employees in the National Capital Region—joined the Federal transit benefit program created by the Executive Order. These program participants alone have eliminated an estimated 12,500 single-occupancy vehicles from Washington, D.C. area roads, helping to reduce congestion and improve air quality for our region.

The Executive Order, however, is limited. It does not cover the more than 100,000 Federal employees in the legislative and judicial branches, and the dozens of independent Federal agencies located in the Washington, D.C. region. While many of these organizations provide transit benefits to their employees, the implementation and level of benefit is up to the discretion of individual offices. As such, many of these organizations provide limited benefits or do not provide any benefits at all. Guaranteed transit benefits would give these employees more choice in their commuting options and provide an additional incentive to move off our congested roadways and onto public transit.

Of course, such incentives will be ineffective if employees lack access to transit services. In my own state of Maryland, the United States Food and Drug Administration planned to use its own resources to provide a shuttle service for its employees from its new White Oak facility to an area Metro station. When they investigated providing this service, FDA officials found that the current law does not allow Federal agencies to use their own vehicles to shuttle employees to mass transit stations.

The potential impact of this restriction on regional congestion is not insignificant. By 2005, FDA estimates 1,700 employees will work at the new White Oak facility, and plans have been made to eventually house more than 7,000 FDA researchers and administrators at the new facility. The lack of access from FDA's new campus to a transit station represents a lost opportunity for reducing congestion, improving our environment and elevating the quality of life for employees.

This type of lost opportunity occurs across the nation. Nationally, the Federal Government employs more than 2.6 million civilian workers at more than 3,000 Federal government office buildings. At Federal offices throughout the country, transit use is often limited as a commuting option due to lack of employee access to a transit station or a bus stop.

The Federal Employee Commuter Benefits Act would address both of these issues faced by Federal employees. First, the bill would put into law the Executive Order's requirement that transit pass benefits be made available to all qualified Federal employees in the National Capital Region. The bill also extends the requirement beyond executive branch agencies to include the legislative and judicial branches and independent agencies, providing guaranteed transit benefits to an additional 100,000 employees in the Washington, DC region.

Second, the Federal Employee Commuter Benefits Act would remove the restriction that prohibits a Federal agency from operating a shuttle service to a public transit facility. With this legislation, any Federal agency, anywhere in the United States, can choose to provide a transit shuttle service for their employees. By providing access to commuting alternatives, Federal agencies will be able to provide a benefit to their employees that can make getting to work easier, more affordable, and more employee-friendly. It will also provide an opportunity to help reduce congestion and improve air quality across the Nation.

Since 1982, the U.S. population has grown 20 percent, but the time spent by commuters in traffic has grown 236 percent. Each year, traffic congestion wastes nine billion gallons of fuel. By encouraging Federal employees to look to transit and by providing access to transit stations, we can help reduce congestion, improve the environment, and promote an improved quality of life.

I am introducing the Federal Employee Commuter Benefits Act because of the opportunities it will give Federal agencies to support public transportation, both by providing employee access to transit facilities across the nation, and by providing transit benefits to Federal employees in the Washington, D.C. region. Both of these improvements will aid our efforts to fight congestion and pollution by encouraging the use of transportation alternatives. This legislation is strongly supported by Federal employees, transit providers, and local elected officials, and I ask unanimous consent that the text of the bill, along with their letters of support, be printed in the RECORD. I encourage my colleagues to join me in supporting the Federal Employee Commuter Benefits Act.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL NO. 12,
AFL-CIO,
Washington, DC, September 25, 2003.

Hon. PAUL SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: The American Federation of Government Employees (AFGE) Local 12 represents 4,000 employees at the U.S. Department of Labor in the Washington D.C. metropolitan area.

We appreciate very much all the work you have done on behalf of Federal employees, in particular your work to assist our local to have the monthly transit subsidy raised to $100. Unfortunately, Secretary of Labor Elaine Chao continues to deny the $100 transit subsidy to the employees represented by AFGE Local 12. This is why I am writing to you today.

We respectfully request that you sponsor and introduce in the Senate a companion bill to H.R. 1151. The purpose of H.R. 1151 is "To provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities, and for other purposes."

H.R. 1151 was introduced by Congressman Jim Moran and is co-sponsored by Representatives Eleanor Holmes Norton, Albert Wynn, Chris Van Hollen, Tom Davis, Steny Hoyer, and Frank Wolf. It has been marked up in the Subcommittee on Civil Service and Agency Organization of the Government Reform Committee.

Passage into law of this legislation would not only help employees at the Department of Labor and employees at any other Federal agency in this area where management has decided, for whatever reason, not to offer the tax-free maximum transit subsidy. It would also benefit the region generally by giving more Federal employees the incentive to use mass transit, thus helping to lesson traffic congestion and air pollution.

If you would like to discuss this further, please call me. Thank you very much for your consideration of this serious matter.

Respectfully yours,
LAWRENCE C. DRAKE, Jr.,
President.

WASHINGTON METROPOLITAN AREA
TRANSIT AUTHORITY,
Washington, DC, October 10, 2003.

Hon. PAUL SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: I am pleased to offer the Washington Metropolitan Area Transit Authority's (WMATA) endorsement of the legislation you are proposing concerning federal employee commuter benefits. This legislation is very important in supporting regional efforts to use every feasible technique to reduce the severe traffic congestion in the National Capital Region.

The recently released Texas Transportation Institute (TTI) report on congestion cites the metropolitan Washington region as the third most congested in the nation, despite intense transit use by commuters in this area. The TTI report cites a number of strategies that help to reduce congestion and the cost of delay to the residents of the region. For the Washington metropolitan area, the TTI report indicates that transit services currently save the metropolitan area more than $1 billion annually in delay costs and almost 42 percent of current delay time. A report issued by the Surface Transportation Policy Project (STPP) in 2002 noted that if TTI calculated person trip delay rather than vehicle delay and incorporated transit ridership into the equation, then the Washington metropolitan area congestion ranking would fall from 4th to 31st.

The TTI report and the STPP analysis demonstrate the positive affects of transit services on reducing traffic congestion in the Washington metropolitan area. With our assault on traffic congestion, it is essential that we continue to grow transit ridership. It is essential that the federal government as the region's largest employer, employing more than 374,000 people in this area, give employees every incentive to take transit. The tremendously successful transit benefits program, known in this area as Metrochek, is currently required to be offered to civilian and military employees of the Executive Branch and voluntarily provided by the U.S. House and Senate and several independent agencies. Since the imposition of Executive Order 13150 on October 1, 2000, the number of federal employees receiving transit benefits has increased 147 percent, from 57,000 to 141,000 and 47 percent of Metrorail's peak period riders are federal employees—up from 35 percent in the mid 1980s.

Your proposal will codify the federal employees transit benefit and expand its eligibility to judicial, legislative and independent agency employees in the National Capital Region. While some of these agencies already participate in the Metrochek program, this legislation ensures that participation will be uniform across all three branches of the federal government.

WMATA also supports the proposal to authorize the establishment of federal agency shuttles to and from mass transit facilities. While many federal agencies throughout the region are within walking distance of Metrorail stations, and other transit facilities, some are not. This legislation will make transit accessible to many federal workers for whom transit is not currently a viable alternative because their work site is not convenient to a Metro station.

Many thanks for your leadership in proposing this legislation. It is another example in a long list of initiatives you have sponsored to promote public transportation in the National Capital Region and the nation.

Sincerely,
RICHARD A. WHITE,
Chief Executive Officer.

MARYLAND DEPARTMENT OF TRANSPORTATION, THE SECRETARY'S OFFICE,
Hanover, MD, October 10, 2003.

Hon. PAUL S. SARBANES,
U.S. Senate, 309 Hart Senate Office Building,
Washington, DC.

DEAR SENATOR SARBANES: It has recently been brought to my attention that you intend to introduce legislation to expand and strengthen existing transit benefits available to federal employees. My understanding is that the proposed bill would accomplish the following: Codify the existing employee transit benefit which is currently an Executive Order; extend the eligibility of transit pass benefits to legislative, judicial branch and independent agency employees in the National Capital Region (estimated to be over 100,000 employees); and allow government vehicles to be used to provide shuttle services between federal agency locations and mass transit facilities.

In the past Governor Ehrlich supported providing transit benefits to federal employees. The Ehrlich Administration continues its dedication to reducing congestion and aiding the environment. According to the recently released Texas Transportation Institute Study, the Washington area was ranked third in congestion nationwide, this situation will worsen unless serious measures are taken. Providing additional access and an improved ability to utilize public transportation is the type of sound policy that constitutes the balanced and comprehensive transportation strategy that is critically needed in the fight to relieve traffic congestion.

In our view, your proposed bill deserves and receives our support as it would expand coverage of a program that has served the many Maryland citizens residing in the Washington area who are employed by federal departments to those who work for the remaining federal governmental entities. If I may be of additional assistance, please do not hesitate to contact me.

Sincerely,

ROBERT L. FLANAGAN,
Secretary.

VIRGINIA RAILWAY EXPRESS,
Alexandria, VA, October 22, 2003.

Hon.PAUL SARBANES,
Ranking Member Senate Committee on Banking, Housing and Urban Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: I am writing to you to express my support for your efforts to offer legislation that would provide transit pass transportation fringe benefits to all qualified Federal employees in the National Capital region. As someone who has always been an advocate for the promotion of public transportation and the mobility it affords the citizenry, we are fortunate to have you as the Ranking Member of the Senate Committee on Banking, Housing and Urban Affairs, which oversees mass transit programs.

As you have witnessed, increased federal investment in transit under TEA 21 has led to dramatic growth in public transportation ridership, particularly in the National Capital Region. The Virginia Railway Express is a prime example of that growth, with ridership increasing by 18% each year for the past three years, making us one of the fastest growing commuter railroads in America. Nearly 69% of our ridership is comprised of federal and/or military employees working in the region.

Currently, transit benefits are offered to a select core of federal employees under Executive Order 13150. The benefit is limited to the executive branch agencies with no requirement for participation by the legislative and judicial branches. Such legislation would codify transit benefits to all eligible federal employees by broadening the scope of participation to another 100,000 workers, thus providing greater flexibility and mobility for the federal work force in the region.

Your legislation is significant not only because it affords greater options to our federal workforce, but also because the use of public transit is the only recourse to help relieve the growing problem of traffic congestion in the region. For instance, today VRE transports enough people to remove one lane of traffic off of I–95 and I–66 during peak rush hours in the morning and evening. Not only does it reduce car emissions; thus improving air quality, but also ensures that the federal and private workforce can get to work in a timely fashion; thus saving millions of dollars for employers. The passage of this legislation would only increase these benefits to our region.

In conclusion, let me again thank you for all the support that you have given to public transportation over the years and for authoring this much needed legislation. I hope that with your direct involvement that we will be successful in seeing this measure signed into law.

Sincerely,

DALE ZEHNER,
Acting Chief Operating Officer.

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION,
Washington, DC, October 20, 2003.

Hon. PAUL S. SARBANES,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the 1,500 member organizations of the American Public Transportation Association (APTA), I write to express strong support for legislation you are proposing that would expand the use of transit-related commuter tax benefits in the Washington, D.C. region. This legislation will help promote the use of public transportation and thereby support regional efforts to reduce traffic congestion in the National Capital area. We note that a recent report by the Texas Transportation Institute (TTI) cited the Washington, D.C. metropolitan area as the third most congested in the nation.

As we understand it, your legislation would codify language currently in an executive order that requires federal executive branch agencies to offer to their employees transit benefits equal to employee commuting costs, up to $100 per month. The legislation would also expand the eligibility of these benefits to legislative and judicial branch employees in the National Capital area.

We believe that it is important that the federal government support the use of public transportation in its efforts to reduce congestion, minimize auto pollution, and make the best use of existing public transportation facilities that are built with a substantial federal investment. APTA has been a long-time proponent of providing federal tax incentives that promote public transportation at no less a level than those provided for parking.

We thank you for your leadership on this issue. If you have questions, please have your staff contact Rob Healy of APTA's Government Affairs staff at (202) 496–4811 or e-mail rhealy@apta.com. We look forward to working with you to see this important legislation enacted into law.

Sincerely yours,

WILLIAM W. MILLAR,
President.

OFFICE OF THE COUNTY EXECUTIVE,
Rockville, Maryland, October 13, 2003.

Hon. PAUL S. SARBANES,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: Thank you for introducing companion legislation to H.R. 1151, a bill to address federal employee commuter benefits, including a critical transit provision for a growing number of federal employees working for the Food and Drug Administration (FDA) at White Oak. This measure will directly benefit thousands of federal employees in the region, and indirectly help Montgomery County at reducing traffic congestion.

It is both timely and critical that this legislation be adopted now, given the increased challenges the Washington metropolitan area faces as a result of its recent designation as a severe air quality non-attainment area. As the region struggles to find the appropriate combination of actions necessary to bring air quality into conformity with healthier standards, this legislation can play a pivotal role.

Montgomery County has been a leader in encouraging employers to provide transit benefits to their employees. Through an intensive outreach program coupled with cost-sharing incentives, the County raises awareness among employers of the value of such benefits to both employees and the community. For employers considering these options for inclusion in their benefits packages, the context in which they operate is a critical factor in their decision.

The federal government, as the largest single employer in the region, plays a crucial role in setting that employment benefits context. It is critical that the federal government continue to provide transit benefits, and expand application of these key benefits to the maximum number of employees possible. By so doing, the federal government establishes the standard against which many other employers in the region measure their own benefits—a standard which has benefits for the people of the Washington region which extend far beyond those provided to the direct recipients.

By encouraging ridership to support a robust transit system throughout the region, federal transit benefits help provide accessibility in our transportation system. This is particularly true for the FDA consolidation at White Oak. It is critical that federal employees at FDA-White Oak not only be encouraged to use transit by providing extended transit benefits, but be permitted to travel on federal vehicles from their agency to our local system. Daily shuttle operations between White Oak and the New Carrollton or Silver Spring Metro stations will be a positive contribution toward increasing the security and accessibility of this federal facility, while also promoting transit ridership, and addressing air quality objectives in the region.

Again, thank you for your continued efforts to improve the lives of thousands of Montgomery County residents. Please let me know if I can do anything to help you in advancing this important legislation.

Sincerely,

DOUGLAS M. DUNCAN,
County Executive.

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS,
Washington, DC, October 21, 2003.

Hon. PAUL S. SARBANES,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the National Capital Region Transportation Planning Board (TPB) at the Metropolitan Washington Council of Governments, I would like to applaud your introduction of new legislation to codify and expand the existing federal executive branch employee transit benefit in the National Capital Region and allow government vehicles to be used to provide shuttle services between federal agency locations and transit stations.

It is TPB policy to support regional, state, and federal programs which promote cost-effective strategies to reduce traffic congestion and improve air quality, including promoting the use of transit options and financial incentives. One of the most pressing issues facing the TPB is the contribution of vehicle emissions to the region's air quality problems. Expanding the transit benefits to more federal workers and providing shuttle links will encourage more transit use, which will help reduce automobile vehicle-miles traveled and reduce vehicle emissions.

In June of 2000, the Board of Directors of the Metropolitan Washington Council of Governments (COG) adopted a resolution to provide COG employees the same transit benefits that federal executive branch employees receive as a result of President Clinton's Executive Order of April 2000. It also strongly urged local governments and public agencies to adopt or expand similar transit benefit programs. We have estimated that 50,000 executive branch employees will use transit by 2005 as a result of the current transit benefits. Passage of this legislation will encourage even more federal workers to use transit and provide additional support to the region's efforts to reduce traffic congestion and improve air quality.

We greatly appreciate your introduction of this legislation. Your ongoing dedication to improving public transit in the Washington region continues to benefit families and organizations in our region.

Sincerely,

PETER SHAPIRO,
Chair, National Capital Region,
Transportation Planning Board.

S. 1783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employee Commuter Benefits Act of 2003".

SEC. 2. TRANSIT PASS TRANSPORTATION FRINGE BENEFITS.

(a) IN GENERAL.—Effective as of the first day of the next fiscal year beginning after the date of the enactment of this Act, each covered agency shall implement a program under which all qualified Federal employees serving in or under such agency shall be offered transit pass transportation fringe benefits, as described in subsection (b).

(b) BENEFITS DESCRIBED.—The benefits described in this subsection are, as of any given date, the transit pass transportation fringe benefits which, under section 2 of Executive Order 13150, are then currently required to be offered by Federal agencies in the National Capital Region.

(c) DEFINITIONS.—In this section—

(1) the term "covered agency" means any agency, to the extent of its facilities in the National Capital Region;

(2) the term "agency" means any agency (as defined by 7905(a)(2) of title 5, United States Code) not otherwise covered by section 2 of Executive Order 13150, the United States Postal Service, the Postal Rate Commission, and the Smithsonian Institution;

(3) the term "National Capital Region" includes the District of Columbia and every county or other geographic area covered by section 2 of Executive Order 13150;

(4) the term "Executive Order 13150" refers to Executive Order 13150 (5 U.S.C. 7905 note);

(5) the term "Federal agency" is used in the same way as under section 2 of Executive Order 13150; and

(6) any determination as to whether or not one is a "qualified Federal employee" shall be made applying the same criteria as would apply under section 2 of Executive Order 13150.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to require that a covered agency—

(1) terminate any program or benefits in existence on the date of the enactment of this Act, or postpone any plans to implement (before the effective date referred to in subsection (a)) any program or benefits permitted or required under any other provision of law; or

(2) discontinue (on or after the effective date referred to in subsection (a)) any program or benefits referred to in paragraph (1), so long as such program or benefits satisfy the requirements of subsections (a) through (c).

SEC. 3. AUTHORITY TO USE GOVERNMENT VEHICLES TO TRANSPORT FEDERAL EMPLOYEES BETWEEN THEIR PLACE OF EMPLOYMENT AND MASS TRANSIT FACILITIES.

(a) IN GENERAL.—Section 1344 of title 31, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

"(g)(1) A passenger carrier may be used to transport an officer or employee of a Federal agency between the officer's or employee's place of employment and a mass transit facility (whether or not publicly owned) in accordance with succeeding provisions of this subsection.

"(2) Notwithstanding section 1343, a Federal agency that provides transportation services under this subsection (including by passenger carrier) shall absorb the costs of such services using any funds available to such agency, whether by appropriation or otherwise.

"(3) In carrying out this subsection, a Federal agency shall—

"(A) to the maximum extent practicable, use alternative fuel vehicles to provide transportation services;

"(B) to the extent consistent with the purposes of this subsection, provide transportation services in a manner that does not result in additional gross income for Federal income tax purposes; and

"(C) coordinate with other Federal agencies to share, and otherwise avoid duplication of, transportation services provided under this subsection.

"(4) For purposes of any determination under chapter 81 of title 5, an individual shall not be considered to be in the 'performance of duty' by virtue of the fact that such individual is receiving transportation services under this subsection.

"(5)(A) The Administrator of General Services, after consultation with the National Capital Planning Commission and other appropriate agencies, shall prescribe any regulations necessary to carry out this subsection.

"(B) Transportation services under this subsection shall be subject neither to the last sentence of subsection (d)(3) nor to any regulations under the last sentence of subsection (e)(1).

"(6) In this subsection, the term 'passenger carrier' means a passenger motor vehicle, aircraft, boat, ship, or other similar means of transportation that is owned or leased by the United States Government or the government of the District of Columbia.".

(b) FUNDS FOR MAINTENANCE, REPAIR, ETC.—Subsection (a) of section 1344 of title 31, United States Code, is amended by adding at the end the following:

"(3) For purposes of paragraph (1), the transportation of an individual between such individual's place of employment and a mass transit facility pursuant to subsection (g) is transportation for an official purpose.

(c) COORDINATION.—The authority to provide transportation services under section 1344(g) of title 31, United States Code (as amended by subsection (a)) shall be in addition to any authority otherwise available to the agency involved.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. KOHL, Mr. BIDEN, Mr. KYL, and Mr. HARKIN):

S. 1784. A bill to eliminate the safe-harbor exception for certain packaged pseudoephedrine products used in the manufacture of methamphetamine; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the "Methamphetamine Blister Pack Loophole Elimination Act of 2003," along with my colleagues Senators GRASSLEY, KOHL, BIDEN, KYL and HARKIN.

This is a simple bill, and directly follows recommendations made by the United States Drug Enforcement Administration in a 2002 study requested by Congress.

All this legislation does is make it harder for meth dealers to get the precursor pseudoephedrine products necessary to make this illegal drug.

Making it harder for meth dealers to make and obtain their drugs is something beneficial not just to California, but to the entire Nation.

Once predominantly found in the American Southwest, methamphetamine's presence now stretches from coast to coast.

I'm sorry to say that my home State of California has been referred to as the "Colombia of meth production." In fact, our State is known as the "source country" for the drug, producing roughly 80 percent of the Nation's methamphetamine supply.

According to the DEA, 1,847 clandestine meth labs were found in California in 2001 alone.

In each of these meth labs across the country, those who make methamphetamine combine a number of precursor drugs, from red phosphorus, which is difficult to obtain, highly flammable and toxic, to pseudoephedrine, which can be found in common cold medicine in every supermarket, pharmacy, and convenience store in America.

Recognizing the easy availability of pseudoephedrine, Congress has acted several times to make it more difficult for meth dealers to purchase it in bulk.

First, we placed a 24-gram limit, which represented almost 1000 pills. Then, just a few years ago, we reduced this threshold to just 9 grams—still some 366 30-milligram pills. Anyone buying more than this amount of pseudoephedrine at one time would be required to give his or her name and address.

As it turns out, this reporting requirement is considered too burdensome by most retail stores, so instead of keeping track of purchasers, most retailers simply limit single transaction sales of pseudoephedrine pills to less than 9 grams. This is an even more beneficial result than the reporting requirements. Such limits, which now often go as low as three or even two packages of cold medicine, make it much harder for meth manufacturers to get this precursor drug. Instead of simply going to the local WalMart or Costco and clearing the shelves of thousands of packages at once, they must now buy just a few packages at a time.

But through all of this, there is one gaping loophole in the law, that allows any of this product packaged in so-called "blister-packs" to avoid these reporting requirements. Only loose pills in bottles face the 9-gram restrictions in the law.

Blister packs are the most common form of packaging for cold medicine, as anyone who goes grocery shopping knows. Most people who buy pseudoephedrine will find it in blister packs, as will most meth dealers. As a result, the 9-gram limit in the law has become fairly useless—we limited the sales of pills, so meth dealers simply migrated to blister packs.

This loophole in the law exists because of previous doubts, by some, that meth dealers would bother to use blister-packed products. These foil and plastic containers hold each pill individually, and as a result it is harder to gather the thousands of pills necessary to manufacture methamphetamine in bulk.

Those of us from California have known for some time that blister packs are a problem, because California's Bureau of Narcotic Enforcement has been finding blister packs at meth lab sites for years.

But to answer the doubts of those not lucky enough to come from my home state, we authorized DEA to do a study into this issue in 1999.

Well, that study is back, and guess what—DEA has given us clear, incontrovertible evidence that these blister packs are making up an increasing percentage of the pseudoephedrine found at lab sites.

In some instances, meth manufacturers use sophisticated, industrial "deblistering" machines to quickly extract pills from blister packs.

In others, I have been told, children are employed to sit in the meth lab and pop out thousands of pills, by hand, into nearby buckets.

According to the report we requested from the DEA, which was released in March of 2002, blister packaged pseudoephedrine products seized at clandestine methamphetamine laboratories and other locations, such as dumpsites, have involved seizures of over a million tablets.

The seizure of so many blister packaged pseudoephedrine products shows convincingly that blister packaging is not a deterrent to ordinary, over-the-counter pseudoephedrine use in clandestine methamphetamine laboratories.

So clearly, what we argued in 1999, and in 1996, is true. Meth manufacturers are using blister packs, and something must be done to stop them as best we can.

In order to address this problem, DEA recommended in its report that the blister pack loophole be closed, and that the current retail sales limit of 9 grams for bottled pseudoephedrine be extended to blister packed products as well.

And that, is all that this bill would do.

According to DEA, this is the single best thing we can do to help them in the fight against methamphetamine.

This legislation will clear up confusion among retailers who may find it hard to train employees to limit the sales of certain cold medicine if sold in bottles, but not the same medicine in other packaging.

This legislation will help DEA enforce the retail sales thresholds by making it harder for sellers to claim ignorance or confusion about the law.

This legislation might make it less likely that meth dealers will employ young children to pop pills out of the blister packs, all within harms reach in meth labs around the country.

This legislation will not negatively impact the ability of pharmaceutical manufacturers to make legitimate profits.

This legislation will not be a burden on consumers, because the 9 gram limit still represents 366 pills—30 packages of 12 pills, or 15 packages of 24 pills, two of the most common amounts.

It is hard for me to imagine that an average person—or even a large family—needs to buy more than 366 cold pills at one time. In fact, many stores throughout the country have already voluntarily limited pseudoephedrine sales to just a few packages at a time, and there has been little outcry from consumers unable to purchase more.

This bill is not a panacea for the meth problem in the United States—far from it. I have been working on various parts of the meth problem for many years, and I know that this must be a multi-faceted approach—tougher penalties, money for training, enforcement and clean-up, restrictions on precursor chemicals, tools for prosecutors, and so on.

But to fail to enact this legislation is to make it far easier for meth dealers to continue to easily ply their trade.

I urge my colleagues to look at this bill, join us in supporting it, and help us to pass it as soon as possible to assist the DEA in the very uphill battle against the illegal and pervasive manufacture and sale of methamphetamine.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Methamphetamine Blister Pack Loophole Elimination Act of 2003".

SEC. 2. FINDINGS.

Congress finds that—

(1) methamphetamine is a dangerous drug distributed throughout the United States;

(2) the manufacture, distribution, and use of methamphetamine results in increased crime, damage to the environment, hazardous waste that endangers the public, expensive cleanup costs often borne by Federal, State, and local government agencies, and broken families;

(3) Congress has acted many times to limit the availability of chemicals and equipment used in the manufacturing of methamphetamine;

(4) pseudoephedrine is 1 of the basic precursor chemicals used in the manufacture of methamphetamine;

(5) the United States Drug Enforcement Administration has indicated that methamphetamine manufacturers often obtain pseudoephedrine from retail and wholesale distributors, in both bottles and "blister packs", and that the use of pseudoephedrine tablets in blister packs is pervasive in the illicit production of methamphetamine in both small and large clandestine methamphetamine laboratories;

(6) while current law establishes a retail sales limit of 9 grams for most pseudoephedrine products, including common cold medicine, there is no such limit on the sale of blister-packed pseudoephedrine products;

(7) the 9 gram limit on bottled pseudoephedrine allows an individual to purchase approximately 366 thirty-milligram tablets at 1 time, which is more than enough for a typical consumer in 1 transaction;

(8) the United States Drug Enforcement Administration recommended in March 2002 that retail distribution of pseudoephedrine tablets in blister packages should not be exempt from the 9 gram retail sales limit; and

(9) in recommending legislation to correct the current disparity in the law between bottled and blister-packed pseudoephedrine tablets, the United States Drug Enforcement Administration stated that "The removal of this difference would significantly prevent illicit access to this methamphetamine precursor and would be easier for both the government and the industry to monitor and would increase compliance by retailers".

SEC. 3. ELIMINATION OF BLISTER PACK EXEMPTION.

(a) REGULATED TRANSACTION.—Section 102(39)(A)(iv)(I)(aa) of the Controlled Substances Act (21 U.S.C. 802(39)(A)(iv)(I)(aa)) is amended by striking "(except that" and all that follows through "1996)".

(b) RULE OF LAW.—To the extent that there exists a conflict between the amendment made by subsection (a) and section 401(d) of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 802 note), the amendment shall control.

Mr. GRASSLEY. Mr. President, I am pleased to join Senator FEINSTEIN as a cosponsor of the Methamphetamine Blister Pack Loophool Elimination Act of 2003. This legislation will make it harder for meth cooks to get an essential ingredient needed to manufacture methamphetamine. Methamphetamine is a dangerous narcotic and is a serious challenge facing our country. The manufacture, distribution, and use of methamphetamine has a lasting and devastating personal effect on our Nation's families, communities, and our environment.

According to the National Institute on Drug Abuse, methamphetamine is a highly addictive stimulant drug that strongly activates certain systems in the brain by releasing high levels of the neurotransmitter dopamine. Some of the short-term effects of using methamphetamine include: an accelerated heartbeat, elevated blood pressure, irritability, extreme nervousness, confusion, insomnia, aggression, tremors, convulsions, and hyperthermia, which can potentially result in death.

In addition to the effects on the central nervous system and the cardiovascular system, the prolonged use of methamphetamine also has many psychological effects. Some of the symptoms resemble those of schizophrenia and are characterized by anger, panic, paranoia, auditory and visual hallucinations, and repetitive behavior patterns.

Other long-term effects can result in kidney and lung disorders, brain damage, liver damage, blood clots, a deficient immune system and chronic depression.

The threat of methamphetamine is different than that of most other illegal drugs as it can be easily manufactured from readily available chemicals and substances. The relative ease of manufacturing and its highly addictive potential has caused methamphetamine use to drastically increase throughout the nation. According to the 2002 National Survey on Drug Abuse and Health 5.3 percent of the U.S. population—over 12 million people—reported trying methamphetamine at least once in their lifetime.

This is an alarming figure. Given the serious ramifications surrounding the use of methamphetamine, we need to be vigilant, making sure that we are doing all that we can to curb this dangerous statistic.

This bill makes specific clarifications to the Comprehensive Methamphetamine Act of 1996. While current law establishes a retail sales limit of 9 grams for most pseudoephedrine products, which is one of the basic precursor chemicals used in the manufacturing of methamphetamine, there is no such limit on the sale of "blister-packed" pseudoephedrine products.

The bill we are introducing today follows the recommendation of the U.S. Drug Enforcement Administration that retail distribution of pseudoephedrine tablets in blister packages should not be exempt from the 9-gram retail sales limit. This will make it more difficult for methamphetamine producers to obtain large quantities of the precursor chemical pseudoephedrine.

As Senator FEINSTEIN well knows, the two largest means of acquiring precursor chemicals for methamphetamine in California are by mail order and retail sales. This acquisition is made easier because the meth cooks are able to exploit the blister pack exemption provision in the current law. Removing this exemption will not halt meth production but it will make it more difficult for meth cooks to collect the key ingredients they need.

This is not the only answer to this problem, but it is an important step. Law enforcement cannot fix the problem alone. Schools can't do it alone. The Federal Government can't do it alone. It is important that we each unite and lead local anti-drug initiatives in our respective neighborhoods and communities. I encourage my colleagues to join us in supporting these important reforms. We cannot let this attack on our Nation's citizens go unchecked.

By Mr. KYL:

S.J. Res. 20. A joint resolution expressing the sense of Congress that the number of years during which the death tax under subtitle B of the Internal revenue Code of 1986 is repealed should be extended, pending the permanent repeal of the death tax; to the Committee on Finance.

Mr. KYL. Mr. President, today I am introducing a Sense of the Senate resolution that states that Congress should add to the number of years that repeal of the death tax will last until we archive its permanent repeal.

The death tax is an unfair, inefficient, economically unsound and, frankly, immoral tax that should not come back. I have introduced legislation, S. 13, to repeal it permanently in 2005. Unfortunately, under current law, it will only be repealed for 1 year, in 2010. The House of Representatives voted four times in the last 2 years to make repeal permanent, but because of Senate rules, we need 60 votes to do this.

And so, I propose a resolution that expresses the sense of the Senate that we should add 1 or more years to the 1-year repeal that is on the books. We could do this by moving the repeal date forward, for example, to 2009 or 2008; or we could extend the repeal through 2011 or 2012. This would signal to the American people that we will not let this tax come back.

I plan to follow up this resolution with a concerted effort next year to in fact add 1 or more years of repeal. We must end this tax on virtue, work, savings, job creation and the American dream, and we must end if forever. I urge all of my colleagues to join me in this effort.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 250—COMMENDING THE PEOPLE AND GOVERNMENT OF ROMANIA, ON THE OCCASION OF THE VISIT OF ROMANIAN PRESIDENT ION ILIESCU TO THE UNITED STATES, FOR THE IMPORTANT PROGRESS THEY HAVE MADE WITH RESPECT TO ECONOMIC REFORM AND DEMOCRATIC DEVELOPMENT, AS WELL AS FOR THE STRONG RELATIONSHIP BETWEEN ROMANIA AND THE UNITED STATES

Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. BIDEN, Mr. HATCH, and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 250

Whereas, in 1995, Romania joined with the United States and the North Atlantic Treaty Organization (NATO) to provide assistance to the Stabilization Force (SFOR) deployed to Bosnia and Herzegovina to support peace, security, and freedom in the western Balkans;

Whereas, in 1999, Romania joined with the United States and NATO member countries to provide assistance for Operation Allied Force to use military force in order to halt the genocide, known as ethnic cleansing, that was taking place in Kosovo;

Whereas, after the conclusion of Operation Allied Force, Romania provided support to democracy activists from the Federal Republic of Yugoslavia in their successful efforts to end the rule of Yugoslav dictator Slobodan Milosevic, and also provided support to NATO stabilization forces deployed in Kosovo Force (KFOR);

Whereas, following the terrorist attacks upon the United States in September 2001, the Government of Romania immediately expressed its sympathy for Americans and others killed in the attacks and pledged its full support in fighting the war on terror;

Whereas, on September 19, 2001, the Romanian Parliament voted to open Romanian territory and airspace to United States Armed Forces involved in Operation Enduring Freedom in Afghanistan;

Whereas thousands of American aircraft flew through Romanian airspace during the combat phase of Operation Enduring Freedom, and continue to do so as part of peacebuilding efforts;

Whereas, beginning on June 2002, Romanian aircraft flew Romanian soldiers to serve in Afghanistan as part of the forces involved in Operation Enduring Freedom and the International Security Assistance Force, and over 500 elite Romanian soldiers are currently stationed in Afghanistan;

Whereas Romania stood with the United States as a vital member of the international coalition in Operation Iraqi Freedom by offering diplomatic, political, and military support;

Whereas, in a January 31, 2003, letter to President George W. Bush, President Ion Iliescu of Romania stated that "Romania can understand that aggressive dictators cannot be appeased or ignored, but always be opposed. Romanians indeed know the value of freedom and living in peace. They have seen the face of evil embodied in communism and deeply share your conviction, expressed in the State of the Union address, that 'free people will set the course of history'";

Whereas, on February 12, 2003, the Romanian Parliament voted to open Romanian territory and airspace to United States Armed Forces carrying out Operation Iraqi Freedom;

Whereas hundreds of American aircraft flew through Romanian airspace and landed at Romanian airfields during the combat phase of Operation Iraqi Freedom from May to July 2003;

Whereas thousands of United States soldiers were stationed and transported into the Iraq theatre of operations from Mihail Kogalniceanu Air Base, and the neighboring Black Sea port of Constantza was also used in the fall of 2002 and spring of 2003 for rotating United States Armed Forces and equipment in and out of the Balkans;

Whereas, beginning on March 12, 2003, Romania began deploying military forces to Iraq to assist in building security, peace, and democracy, and over 750 Romanian soldiers are currently stationed in Iraq;

Whereas the Government of Romania has spent more than $160,000,000 during the past two years to fund its participation in SFOR, KFOR, Operation Enduring Freedom, the International Security Assistance Force, and Operation Iraqi Freedom;

Whereas, together with Bulgaria, Estonia, Latvia, Lithuania, Slovakia, and Slovenia, Romania successfully achieved the military, economic, and political reforms necessary to be invited, at the November 2002 summit meeting in Prague of the North Atlantic Council, to join the NATO alliance;

Whereas, in his historic address at Piata Revolutiei on November 23, 2002, President Bush told the Romanian people that "Romania has made a historic journey. Instead of hatred, you have chosen tolerance. Instead of destructive rivalry with your neighbors, you have chosen reconciliation. Instead of state control, you have chosen free markets and the rule of law. And instead of dictatorship, you have built a proud and working democracy."; and

Whereas, on May 8, 2003, the Senate voted 96 to 0 to approve the resolution of advice and consent to the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia: Now, therefore, be it

Resolved, That the Senate—

(1) appreciates the support expressed by the people of Romania for strong and vibrant relations between the United States and Romania;

(2) recognizes the steps the Government of Romania has taken and continues to take in economic, political, and social reforms, including reforms to improve protections of the rights of minorities and to promote awareness and understanding of the Holocaust;

(3) commends Romania for its leadership and commitment in promoting regional peace and security in the Balkan and Black Sea regions;

(4) values the participation of a significant number of Romanian troops and civilian experts in Operation Enduring Freedom and Operation Iraqi Freedom, the permission granted by the Government of Romania for the United States to use Romanian airspace and territory, and the deployment of Romanian military forces in support of Operation Enduring Freedom and Operation Iraqi Freedom, all of which have been important contributions to the global war on terror and serve as a tangible and ongoing demonstration of Romania's commitment as an ally of the United States;

(5) supports further cooperation between the United States and Romania in the process of stabilizing and reconstructing Iraq, including the utilization of Romania's experience emerging from a Communist dictatorship and creating a functioning democracy and free market economy; and

(6) welcomes Romanian President Ion Iliescu to the United States and looks forward to expanded political, diplomatic, economic, and military cooperation between Romania and the United States.

SENATE RESOLUTION 251—DESIGNATING OCTOBER 27, 2003, AS "INTERNATIONAL RELIGIOUS FREEDOM DAY"

Mr. BROWNBACK (for himself, Mr. Lieberman, Mr. Dorgan, Mr. Bayh, Mrs. Clinton, Mr. Coleman, Mr. Craig, Mr. Crapo, Mr. Daschle, Mr. Durbin, Mr. Ensign, Mrs. Dole, Mr. Enzi, Mrs. Feinstein, Mr. Graham of South Carolina, Mr. Hatch, Mr. Inhofe, Mr. Lautenberg, Mr. Lott, Mr. Kohl, Ms. Murkowski, Mr. Nelson of Nebraska, Mr. Nickles, Mr. Santorum, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith, Mr. Specter, and Mr. Wyden) submitted the following resolution; which was considered and agreed to:

Whereas the people of the United States enjoy and respect the freedom of religion and believe that the fundamental rights of all individuals shall be recognized;

Whereas fundamental human rights, including the right to freedom of thought, conscience, and religion, are protected in numerous international agreements and declarations;

Whereas religious freedom is an absolute human right and all people are entitled to do with their own souls as they choose;

Whereas the right to freedom of religion is expressed in the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, adopted and proclaimed by the United Nations General Assembly Resolution 36/55 of November 22, 1981; the Helsinki Accords; the International Covenant on Civil and Political Rights, done at New York on December 16, 1966, and entered into force March 23, 1976; the United Nations Charter; and the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984;

Whereas the freedom for all individuals to adopt, believe, worship, observe, teach, and practice a religion individually or collectively has been explicitly articulated in Article 18 of the Universal Declaration of Human Rights and Article 18(1) of the International Covenant on Civil and Political Rights;

Whereas religious persecution is not confined to a country, a region, or a regime; but whereas all governments should provide and protect religious liberty;

Whereas nearly half of the people in the world are continually denied or restricted in the right to believe or practice their faith;

Whereas religious persecution often includes confinement, separation, humiliation, rape, enslavement, forced conversion, imprisonment, torture, and death;

Whereas October 27, 2003, marks the 5th anniversary of the signing of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.), creating the Office of International Religious Freedom in the Department of State and the United States Commission on International Religious Freedom and resulting in a greater awareness of religious persecution both in the United States and abroad; and

Whereas the United States recognizes the need for additional domestic and international attention and action to promote religious liberty: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 27, 2003, as "International Religious Freedom Day"; and

(2) requests that the President issue a proclamation—

(A) calling for a renewed commitment to eliminating violations of the internationally recognized right to freedom of religion and protecting fundamental human rights; and

(B) calling upon the people of the United States and interested groups and organizations to observe International Religious Freedom Day with appropriate ceremonies and activities.

SENATE RESOLUTION 252—DESIGNATING THE MONTH OF FEBRUARY 2004 AS "NATIONAL CANCER PREVENTION MONTH"

Mr. HOLLINGS submitted the following resolution; which was considered and agreed to:

S. Res. 252

Whereas cancer is one of the most prevalent and devastating diseases to face society in the United States, taking over 550,000 lives in the United States every year;

Whereas early detection of some cancers can prevent the disease from reaching an advanced, potentially fatal stage;

Whereas recent advances in molecular biology have begun to explain the basic origins of cancer;

Whereas these research advances have opened new opportunities for cancer prevention research, giving increased optimism for effective cancer control;

Whereas the people of the United States need to be aware of these research advances and early detection opportunities so that they can better understand how to prevent cancer in themselves and their families; and

Whereas the people of the United States also need to recognize and be reminded that they can help prevent cancer through lifestyle changes, including modification of diet, cessation of smoking, and regular exercise: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 2004 as "National Cancer Prevention Month"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 75—EXPRESSING THE SENSE OF THE CONGRESS THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED TO PROMOTE PUBLIC AWARENESS OF DOWN SYNDROME

Mr. DURBIN (for himself, Mr. Cornyn, Mr. Bingaman, Mr. Bayh, Mr. Feingold, and Mr. Inouye) submitted the following concurrent resolution;

which was referred to the Committee on Governmental Affairs:

S. Con. Res. 75

Whereas Down syndrome affects people of all races and economic levels;

Whereas Down syndrome is the most frequently occurring chromosomal abnormality;

Whereas 1 in every 800 to 1,000 children is born with Down syndrome;

Whereas more than 350,000 people in the United States have Down syndrome;

Whereas 5,000 children with Down syndrome are born each year;

Whereas as the mortality rate associated with Down syndrome in the United States decreases, the prevalence of individuals with Down syndrome in the United States will increase;

Whereas some experts project that the number of people with Down syndrome will double by 2013;

Whereas individuals with Down syndrome are becoming increasingly integrated into society and community organizations, such as school, health care systems, work forces, and social and recreational activities;

Whereas more and more people in the United States interact with individuals with Down syndrome, increasing the need for widespread public acceptance and education; and

Whereas a greater understanding of Down syndrome and advancements in treatment of Down syndrome-related health problems have allowed people with Down syndrome to enjoy fuller and more active lives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States Postal Service should issue a commemorative postage stamp to promote public awareness of Down syndrome; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

Mr. DURBIN. Mr. President, today I am pleased to submit a resolution expressing the sense of the Congress that a commemorative United States postage stamp should be issued to promote public awareness of Down syndrome and the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued. I am honored to be joined by Senator Cornyn, Senator Bayh, Senator Bingaman, Senator Feingold, and Senator Inouye in this effort.

Down syndrome is a genetic condition usually caused by an error in cell division called non-disjunction. Regardless of the type of Down syndrome a person may have, all people with Down syndrome have an extra, critical portion of the number 21 chromosome present in all, or some, of their cells. This additional genetic material alters the course of development and causes the characteristics associated with the syndrome.

Down syndrome affects people of all races and economic levels. It is the most frequently occurring chromosomal abnormality, occurring once out of every 800 to 1,000 births. In the United States, more than 350,000 people have Down syndrome. Nearly 5,000 children with Down syndrome are born each year. Because the mortality rate connected with Down syndrome is decreasing, the number of individuals with Down syndrome in our society is increasing. Some experts predict that the prevalence of individuals with Down syndrome will double in the next 10 years, further increasing the need for public acceptance and education about this genetic condition.

October is designated as Down Syndrome Awareness Month, so this is an appropriate time to demonstrate support for people with Down syndrome and encourage greater inclusion and acceptance in our society. I encourage my colleagues to co-sponsor this meaningful resolution and assist our efforts to convince the Citizens' Stamp Advisory Committee to recommend the issuance of a postage stamp promoting public awareness of Down syndrome.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1899. Mr. SHELBY (for himself and Mrs. Murray) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

SA 1900. Mr. DORGAN (for himself, Mr. Enzi, Mr. Hagel, Mr. Baucus, Mr. Craig, Mr. Dodd, Mr. Bingaman, Mr. Leahy, and Mr. Durbin) proposed an amendment to the bill H.R. 2989, supra.

SA 1901. Mr. CRAIG (for himself, Mr. Dorgan, Mr. Enzi, Mr. Hagel, Mr. Baucus, Mr. Dodd, and Mr. Roberts) proposed an amendment to amendment SA 1900 proposed by Mr. Dorgan (for himself, Mr. Enzi, Mr. Hagel, Mr. Baucus, Mr. Craig, Mr. Dodd, Mr. Bingaman, Mr. Leahy, and Mr. Durbin) to the bill H.R. 2989, supra.

SA 1902. Mr. BAYH (for himself and Mr. Lugar) submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1903. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1904. Mr. FEINGOLD proposed an amendment to the bill H.R. 2989, supra.

SA 1905. Mr. HARKIN (for himself, Mr. Feingold, Mr. Kennedy, and Mr. Durbin) proposed an amendment to the bill H.R. 2989, supra.

SA 1906. Mr. DeWINE submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1907. Mr. BINGAMAN (for himself, Mr. Inhofe, Mr. Inouye, Mr. Johnson, and Mr. Daschle) submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1908. Mr. BINGAMAN (for himself, Ms. Snowe, Mr. Specter, Mr. Nelson, of Nebraska, Mr. Schumer, Mr. Jeffords, Mr. Pryor, Mr. Leahy, Mr. Daschle, Mr. Baucus, Ms. Collins, Mr. Grassley, Mr. Domenici, Mr. Harkin, Mrs. Lincoln, Mr. Hagel, and Mr. Bunning) submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1909. Mr. HOLLINGS (for himself, Mr. Lautenberg, and Mr. Carper) submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1910. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1911. Mr. CARPER (for himself and Mr. Biden) submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1912. Mr. CARPER (for himself and Mr. Biden) submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1913. Mr. CARPER (for himself and Mr. Biden) submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1914. Mr. GRASSLEY (for himself and Mr. Domenici) submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1915. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1916. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1917. Ms. MIKULSKI (for herself, Ms. Landrieu, Mr. Reid, Mr. Sarbanes, Mr. Lautenberg, Mr. Lieberman, Mr. Kennedy, Mr. Leahy, Mr. Akaka, Mr. Byrd, Mr. Edwards, and Mr. Corzine) proposed an amendment to the bill H.R. 2989, supra .

SA 1918. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1919. Mr. CHAMBLISS (for himself and Mr. Miller) submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1920. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1921. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1922. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1923. Mr. THOMAS (for himself and Mr. Voinovich) proposed an amendment to the bill H.R. 2989, supra.

SA 1924. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1925. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1926. Mr. AKAKA (for himself, Mr. Edwards, and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1927. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1928. Mr. DODD (for himself, Mr. McConnell, Mr. Daschle, Mr. Reid, Mr. Durbin, Mr. Schumer, Mr. Lieberman, Mr. Edwards, Mr. Bond, Mr. Hatch, Mr. Roberts, and Mr. Burns) proposed an amendment to the bill H.R. 2989, supra.

SA 1929. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1930. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1931. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1932. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1933. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1934. Mrs. HUTCHISON (for herself and Mr. Cornyn) submitted an amendment intended to be proposed by her to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1935. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2989, supra; which was ordered to lie on the table.

SA 1936. Mr. SHELBY (for Mr. Durbin) proposed an amendment to the bill H.R. 2989, supra.

SA 1937. Mr. SHELBY (for Mr. Chambliss) proposed an amendment to the bill H.R. 2989, supra.

SA 1938. Mr. SHELBY (for Mrs. Feinstein) proposed an amendment to the bill H.R. 2989, supra.

SA 1939. Mr. SHELBY (for Mr. Bingaman (for himself, Ms. Snowe, Mr. Specter, Mr. Nelson, of Nebraska, Mr. Schumer, Mr. Jeffords, Mr. Pryor, Mr. Leahy, Mr. Daschle, Mr. Baucus, Ms. Collins, Mr. Grassley, Mrs. Lincoln, Mr. Hagel, Mrs. Clinton, and Mr. Bunning)) proposed an amendment to the bill H.R. 2989, supra.

SA 1940. Mr. SHELBY (for Mr. Bayh) proposed an amendment to the bill H.R. 2989, supra.

SA 1941. Mr. SHELBY (for Mr. Reid (for himself and Mrs. Murray)) proposed an amendment to the bill H.R. 2989, supra.

SA 1942. Mr. SHELBY (for Mr. Hollings) proposed an amendment to the bill H.R. 2989, supra.

SA 1943. Mr. SHELBY (for Mrs. Murray) proposed an amendment to the bill H.R. 2989, supra.

SA 1944. Mr. SHELBY (for Mr. Reed) proposed an amendment to the bill H.R. 2989, supra.

SA 1945. Mr. SHELBY (for Mr. Levin) proposed an amendment to the bill H.R. 2989, supra.

SA 1946. Mr. SHELBY (for Mr. Akaka) proposed an amendment to the bill H.R. 2989, supra.

SA 1947. Mr. SHELBY (for Mr. Specter) proposed an amendment to the bill H.R. 2989, supra.

SA 1948. Mr. SHELBY (for Mr. Carper (for himself and Mr. Biden)) proposed an amendment to the bill H.R. 2989, supra.

SA 1949. Mr. SHELBY (for Mr. Grassley (for himself, Mrs. Hutchison, and Mr. Domenici)) proposed an amendment to the bill H.R. 2989, supra.

SA 1950. Mr. SHELBY (for Mr. Stevens) proposed an amendment to the bill H.R. 2989, supra.

SA 1951. Mr. SHELBY (for Mr. Lott) proposed an amendment to the bill H.R. 2989, supra.

SA 1952. Mr. SHELBY (for Mr. Roberts) proposed an amendment to the bill H.R. 2989, supra.

SA 1953. Mr. SHELBY (for Ms. Landrieu) proposed an amendment to the bill H.R. 2989, supra.

SA 1954. Mr. SHELBY (for Mrs. Hutchison (for herself and Mr. Cornyn)) proposed an amendment to the bill H.R. 2989, supra.

SA 1955. Mr. SHELBY (for Mr. Thomas) proposed an amendment to the bill H.R. 2989, supra.

SA 1956. Mr. SHELBY (for Mr. Thomas) proposed an amendment to the bill H.R. 2989, supra.

SA 1957. Mr. SHELBY (for Mr. Lautenberg) proposed an amendment to the bill H.R. 2989, supra.

SA 1958. Mr. SHELBY (for Mr. Frist) proposed an amendment to the bill H.R. 2989, supra.

SA 1959. Mr. SHELBY (for Mr. Warner (for himself and Mr. Jeffords)) proposed an amendment to the bill H.R. 2989, supra.

SA 1960. Mr. SHELBY (for Mr. Warner) proposed an amendment to the bill H.R. 2989, supra.

SA 1961. Mr. SHELBY (for Mrs. Murray) proposed an amendment to the bill H.R. 2989, supra.

SA 1962. Mr. SHELBY (for Mr. Frist) proposed an amendment to the bill H.R. 2989, supra.

SA 1963. Mr. SHELBY (for Mr. Chambliss (for himself and Mr. Miller)) proposed an amendment to the bill H.R. 2989, supra.

SA 1964. Mr. McCONNELL (for Ms. Collins (for herself, Mr. Kennedy, Ms. Mikulski, and Mr. Carper)) proposed an amendment to the bill H.R. 2989, supra.

TEXT OF AMENDMENTS

SA 1899. Mr. SHELBY (for himself and Mrs. Murray) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation and Treasury, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $91,276,000, of which not to exceed $2,500,000 shall be available for the immediate Office of the Secretary; not to exceed $706,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,403,000 shall be available for the Office of the General Counsel; not to exceed $12,312,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $8,536,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,477,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $28,882,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,915,000 shall be available for the Office of Public Affairs; not to exceed $1,458,000 shall be available for the Office of the Executive Secretariat; not to exceed $700,000 shall be available for the Board of Contract Appeals; not to exceed $1,268,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $1,792,000 for the Office of Intelligence and Security; and not to exceed $13,327,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,569,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $15,836,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $116,715,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities,

$3,000,000, to remain available until September 30, 2005: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $52,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $7,535,648,000, of which $6,000,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,047,300,000 shall be available for air traffic services program activities; not to exceed $873,374,000 shall be available for aviation regulation and certification program activities; not to exceed $218,481,000 shall be available for research and acquisition program activities; not to exceed $12,601,000 shall be available for commercial space transportation program activities; not to exceed $49,783,000 shall be available for financial services program activities; not to exceed $77,029,000 shall be available for human resources program activities; not to exceed $84,749,000 shall be available for regional coordination program activities; not to exceed $142,650,000 shall be available for staff offices; and not to exceed $29,681,000 shall be available for information services: *Provided*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $6,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That of the amount appropriated under this heading, not to exceed $50,000 may be transferred to the Aircraft Loan Purchase Gurantee Program.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, hire of air navigation and experimental facilities and equipment and other capital facilities and equipment in direct support of the National Airspace System, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,916,000,000, of which $2,480,520,000 shall remain available until September 30, 2006, and of which $435,480,000 shall remain available until September 30, 2004: *Provided*, That of the total amount made available under this heading, $100,000,000 shall be transferred to the heading "Grants-in-Aid for Airports" and shall not be subject to the obligation limitation stated therein and shall remain available until expended: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2005 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2005 through 2009, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $118,939,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2006: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,400,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,400,000,000 in fiscal year 2004, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, not more than $66,638,000 of funds limited under this heading shall be obligated for administration and not less than $20,000,000 shall be for the Small Community Air Service Development Pilot Program.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

GENERAL PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 101. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: *Provided*, That, the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 102. None of the funds in this Act may be used to compensate in excess of 350 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2004.

SEC. 103. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control.

SEC. 104. For an airport project that the Administrator of the Federal Aviation Administration (FAA) determines will add critical airport capacity to the national air transportation system, the Administrator is authorized to accept funds from an airport sponsor, including entitlement funds provided under the "Grants-in-Aid for Airports" program, for the FAA to hire additional staff or obtain the services of consultants: *Provided*, That the Administrator is authorized to accept and utilize such funds only for the purpose of facilitating the timely processing, review, and completion of environmental activities associated with such project.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $337,834,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That of the funds available under section 104(a)(1)(A) of title 23, United States Code: $20,000,000 shall be available to provide grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children under section 303 of Public Law 108–21; $175,000,000 shall be available to enable the Secretary of Transportation to make grants for surface transportation projects, and shall remain available until expended; $7,000,000 shall be available for environmental streamlining activities, which may include making grants to, or entering into contracts, cooperative agreements, and other transactions, with a Federal agency, State agency, local agency, authority, association, nonprofit or for-profit corporation, or institution of higher education.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $33,843,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2004: *Provided*, That within the $33,843,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $462,500,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, Unites States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2003: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That within the $232,000,000 obligation limitation on Intelligent Transportation Systems, the following sums shall be made available for Intelligent Transportation System projects that are designed to achieve the goals and purposes set forth in section 5203 of the Intelligent Transportation Systems Act of 1998 (subtitle C of title V of Public Law 105–178; 112 Stat. 453; 23 U.S.C. 502 note) in the following specified areas:

511 Traveler Information Program, North Carolina, $400,000;

Advanced Ticket Collection and Passenger Information Systems, New Jersey, $1,500,000;

Advanced Traffic Analysis Center, North Dakota, $500,000;

Advanced Transportation Management Systems (AMTS), Montgomery County, Maryland, $1,000,000;

ATR Transportation Technology/CVISN, New Mexico, $1,000,000;

Auburn, Auburn Way South ITS, Washington, $1,600,000;

Cargo Watch Logistics Information System, New York, $4,000,000;

CCTA Intelligent Transportation Systems, Vermont, $1,000,000;

Central Florida Regional Transportation Authority: North Orange/South Seminole ITS Enhanced Circulator, $2,500,000;

City of Boston Intelligent Transportation Systems, Massachusetts, $1,750,000;

City of Huntsville, Alabama ITS, $5,000,000;

City of Shreveport Intelligent Transportation System Deployment, Louisiana, $1,000,000;

Clark County Transit, VAST ITS, Washington, $1,600,000;

Dynamic Changeable Message Signs—Urban Interstate System, Iowa, $1,000,000;

Fiber Optic Signal Interconnect System, Arizona, $4,000,000;

Germantown Parkway ITS Project, Tennessee, $3,000,000;

GMU ITS, Virginia, $2,000,000;

Great Lakes ITS, Michigan, $2,000,000;

Greater Philadelphia Chamber of Commerce ITS System, Pennsylvania, $2,000,000;

Hillsborough Area Regional Transit Bus Tracking, Communication and Security, Florida, $1,000,000;

Hoosier SAFE–T, Indiana, $3,500,000;

I–70 Incident Management Plan, Colorado, $3,000,000;

Intelligent Transportation Systems—Phases II and III, Ohio, $1,250,000;

Intelligent Transportation Systems [ITS] Statewide and Commercial Vehicle Information Systems Network [CVISN], Maryland, $1,000,000;

Intelligent Transportation Systems, Illinois, $4,000,000;

Iowa Transit Communications, $1,500,000;

ITS Expansion in Davis and Utah Counties, Utah, $1,250,000;

ITS, Cache Valley, Utah, $1,000,000;

Jacksonville Transportation Authority: Intelligent Transportation Systems Regional Planning, Florida, $1,000,000;

King County, Countywide Signaling Program, Washington, $1,500,000;

Lewis & Clark 511 Coalition, Montana, $1,000,000;

Lincoln, Nebraska StarTran Automatic Vehicle Location System, $1,000,000;

Maine Statewide ITS, $1,000,000;

MARTA Automated Fare Collection/Smart Card System, Georgia, $1,500,000;

Mid-America Surface Transportation Weather Research Institute, North Dakota, $1,000,000;

Missouri Statewide Rural ITS, $5,000,000;

Nebraska Statewide Intelligent Transportation System Deployment, $2,000,000;

Oklahoma Statewide ITS, $5,000,000;

Port of Anchorage Intermodal Facility, Alaska, $1,500,000;

Program of Projects, Washington, $5,400,000;

RIPTA ITS Program Phase II, Rhode Island, $1,500,000;

Real Time Transit Passenger Information System for the Prince George's County Department of Public Works, Maryland, $1,000,000;

Sacramento Area Council of Governments—ITS Projects, California, $4,000,000;

SCDOT InRoads, South Carolina, $3,000,000;

Seattle City Center ITS, Washington, $2,500,000;

Springfield, Missouri Regional ITS, $2,000,000;

State of Vermont Interstate Variable Message Signs and Weather Information Stations, $1,000,000;

Statewide AVL Initiative, Nebraska, $750,000;

TalTran: ITS Smart Bus Implementation, Florida, $1,500,000;

Texas Medical Center Early Warning Transportation System, $2,000,000;

Texas Statewide ITS Deployment and Integration, $1,000,000;

Town of Cary: Computerized Traffic Signal System Project, North Carolina, $1,600,000;

Transportation Research Center [TRC] for Freight, Trade, Security, and Economic Strength, Georgia, $1,000,000;

Tri-County Automated System Project, University of Southern Mississippi, $1,000,000;

Tukwila, Signalization Interconnect and Intelligent Transportation, Washington, $1,400,000;

Twin Cities,' Minnesota Redundant Communications Pilot, $2,000,000;

UAB Center for Injury Sciences, Birmingham, Alabama, $2,000,000;

University of Alaska Transportation Research Center, $2,000,000;

University of Kentucky Transportation Center, $1,500,000;

University of Oklahoma Intelligent Bridge System Research, $3,000,000;

Wisconsin State Patrol Mobile Data Computer Network Phase II, $3,000,000;

Wyoming Statewide ITS Initiative, $5,000,000.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $34,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

(RESCISSION)

Of the unobligated balances of funds apportioned to each state under the program authorized under sections 1101(a)(1), 1101(a)(2), 1101(a)(3), 1101(a)(4), and 1101(a)(5) of Public Law 105–178, as amended, $156,000,000 are rescinded.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240, as amended, $150,000,000, to remain available until expended.

GENERAL PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 110. (a) For fiscal year 2004, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a)(1)(A) of title 23, United States Code, for the highway use tax evasion program, and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 201 of the Appalachian Regional Development Act of 1965 and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year); and for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that such obligation authority has not lapsed or been used.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1943–1945).

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) Of the obligation limitation transferred to the National Highway Traffic Safety Administration for expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $94,543,500 shall remain available until September 30, 2006.

SEC. 111. Notwithstanding any other provision of law, whenever an allocation is made of the sums authorized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system, and the minimum guarantee program, the Secretary of Transportation shall—

(1) deduct a sum in such amount not to exceed 2.55 percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research: *Provided*, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(B) of title 23, United States Code, and the sum so deducted shall remain available until expended; and

(2) deduct a sum in such amount not to exceed 1.05 percent of all sums so made available, as the Secretary determines necessary to administer the provisions of law to be financed from appropriations for the programs authorized under chapters 1 and 2 of title 23, United States Code, and to make transfers in accordance with section 104(a)(1)(A)(ii) of title 23, United States Code: *Provided*, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(A) of title 23, United States Code, and the sum so deducted shall remain available until expended.

SEC. 112. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 113. For fiscal year 2004, notwithstanding any other provision of law, historic covered bridges eligible for Federal assistance under section 1224 of the Transportation Equity Act for the 21st Century, as amended, may be funded from amounts set aside for the discretionary bridge program.

SEC. 114. (a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the State of Nevada, the State of Arizona, or both, to provide a method of funding for construction of a Hoover Dam Bypass Bridge from funds allocated for the Federal Lands Highway Program under section 202(b) of title 23, United States Code.

(b) METHODS OF FUNDING.—

(1) The agreement entered into under subsection (a) shall provide for funding in a

manner consistent with the advance construction and debt instrument financing procedures for Federal-aid highways set forth in section 115 and 122 of title 23, except that the funding source may include funds made available under the Federal Lands Highway Program.

(2) Eligibility for funding under this subsection shall not be construed as a commitment, guarantee, or obligation on the part of the United States to provide for payment of principal or interest of an eligible debt financing instrument as so defined in section 122, nor create a right of a third party against the United States for payment under an eligible debt financing instrument. The agreement entered into pursuant to subsection (a) shall make specific reference to this provision of law.

(3) The provisions of this section do not limit the use of other available funds for which the project referenced in subsection (a) is eligible.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for administration of motor carrier safety programs and motor carrier safety research, pursuant to section 104(a)(1)(B) of title 23, United States Code, not to exceed $292,972,233 shall be paid in accordance with law from appropriations made available by this Act and from any available take-down balances to the Federal Motor Carrier Safety Administration, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: *Provided*, That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration: *Provided further*, That notwithstanding any other provision of law, $11,744,000 of the funds made available under this heading shall be transferred to and merged with funding provided for grants to the States for implementation of section 210 of Public Law 106–159 under "Federal Motor Carrier Safety Administration, Motor Carrier Safety Assistance Program": *Provided further*, That of the funds made available under this heading, $47,000,000 shall be available for the border enforcement program as authorized under section 350 of the Department of Transportation and Related Agencies Appropriations Act, 2002.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 31102, 31106 and 31309, $190,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $190,000,000 for "Motor Carrier Safety Grants", and "Information Systems".

GENERAL PROVISION—MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 130. None of the funds appropriated or made available by this Act shall be used to implement or enforce any provision of the Final Rule issued on April 16, 2003 (Docket No. FMCSA–97–2350) as it may apply to operators of utility service vehicles as defined in 49 C.F.R. 395.2.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $148,102,000, to be derived from funds available under 104(a)(1)(A) of title 23, United States Code: *Provided*, That such funds shall be transferred to and administered by the National Highway Traffic Safety Administration: *Provided further*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2004, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $3,600,000, to be derived from the Highway Trust Fund, and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, and 410, to remain available until expended, $225,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2004, are in excess of $225,000,000 for programs authorized under 23 U.S.C. 402, 405, and 410, of which $165,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, $20,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, and $40,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed $8,150,000 of the funds made available for section 402, not to exceed $1,000,000 of the funds made available for section 405, and not to exceed $2,000,000 of the funds made available for section 410 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

GENERAL PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law, States may use funds provided in this Act under section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: *Provided*, That any State that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages: *Provided further*, That $10,000,000 of the funds allocated under section 157 of title 23, United States Code, shall be used as directed by the National Highway Traffic Safety Administrator to purchase national paid advertising (including production and placement) to support national safety belt mobilizations: *Provided further*, That, of the funds allocated under section 163 of title 23, United States Code, $2,750,000 shall be used as directed by the Administrator to support national impaired driving mobilizations and enforcement efforts, $14,000,000 shall be used as directed by the Administrator to purchase national paid advertising (including production and placement) to support such national impaired driving mobilizations and enforcement efforts, $250,000 shall be used as directed by the Administrator to conduct an evaluation of alcohol-impaired driving messages, and $3,000,000 shall be used as directed by the Administrator to conduct an impaired driving demonstration program.

SEC. 141. Notwithstanding any other provision of law, funds appropriated or limited in the Act to educate the motoring public on how to share the road safely with commercial motor vehicles shall be administered by the National Highway Traffic Safety Administration.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $130,825,000, of which $11,712,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $34,225,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2004: *Provided further*, That no payments of principal or interest shall be collected during fiscal year 2004 for the direct loan made to the National Railroad Passenger Corporation under section 502 of such Act.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $29,350,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $25,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation, $1,346,000,000, to remain available until September 30, 2004: *Provided*, That the Secretary of Transportation shall approve funding to cover operating losses and capital expenditures for a train of the National Railroad Passenger Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That the Secretary of Transportation and the Amtrak Board of Directors shall ensure that, of the amount made available under this heading, sufficient sums are reserved to satisfy the contractual obligations of the National Railroad Passenger Corporation for commuter and intercity passenger rail service: *Provided further*, That within 60 days of enactment of this Act, Amtrak shall transmit to the Secretary of Transportation and the House and Senate Committees on Appropriations a business plan for operating and capital improvements to be funded in fiscal year 2004 under section 24104(a) of title 49, United States Code: *Provided further*, That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: *Provided further*, That not later than June 1, 2003 and each month thereafter, Amtrak shall submit to the Secretary of Transportation and the House and Senate Committees on Appropriations a supplemental report regarding the business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes: *Provided further*, That none of the funds in this Act may be used for operating expenses and capital projects not approved by the Secretary of Transportation nor on the National Railroad Passenger Corporation's fiscal year 2004 business plan: *Provided further*, That none of the funds under this heading may be obligated or expended until the National Railroad Passenger Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 3, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $14,600,000: *Provided*, That no more than $73,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds available not to exceed $980,000 shall be available for the Office of the Administrator; not to exceed $6,133,000 shall be available for the Office of Administration; not to exceed $3,750,000 shall be available for the Office of the Chief Counsel; not to exceed $1,160,000 shall be available for the Office of Communication and Congressional Affairs; not to exceed $7,250,000 shall be available for the Office of Program Management; not to exceed $6,200,000 shall be available for the Office of Budget and Policy; not to exceed $4,600,000 shall be available for the Office of Demonstration and Innovation; not to exceed $2,700,000 shall be available for the Office of Civil Rights; not to exceed $3,450,000 shall be available for the Office of Planning; not to exceed $17,777,000 shall be available for regional offices; and not to exceed $16,800,000 shall be available for the central account: *Provided further*, That the Administrator is authorized to transfer funds appropriated for an office of the Federal Transit Administration: *Provided further*, That no appropriation for an office shall be increased or decreased by more than 3 percent by all such transfers: *Provided further*, That any change in funding greater than 3 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: *Provided further*, That not to exceed $2,200,000 for the National transit database shall remain available until expended.

FORMULA GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $767,800,000, to remain available until expended: *Provided*, That no more than $3,839,000,000 of budget authority shall be available for these purposes: *Provided further*, That notwithstanding section 3008 of Public Law 105–178, $50,000,000 of the funds to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under "Federal Transit Administration, Capital investment grants".

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: *Provided*, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $24,400,000, to remain available until expended: *Provided*, That no more than $122,000,000 of budget authority shall be available for these purposes: *Provided further*, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), $60,385,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); $12,614,400 is available for State planning (49 U.S.C. 5313(b)); and $31,500,000 is available for the national planning and research program (49 U.S.C. 5314).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $5,844,000,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That $3,071,200,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That $97,600,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That $58,400,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That $100,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further*, That $2,512,000,000 shall be paid to the Federal Transit Administration's capital investment grants account.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $628,000,000, to remain available until expended: *Provided*, That no more than $3,140,000,000 of budget authority shall be available for these purposes: *Provided further*, That there shall be available for fixed guideway modernization, $1,214,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $607,200,000, which shall include $50,000,000 made available under 5309(m)(3)(C) of this title, plus $50,000,000 transferred from "Federal Transit Administration, Formula Grants"; and there shall be available for new fixed guideway systems $1,318,400,000, to be available as follows:

Alaska and Hawaii Ferry Projects, $10,296,000;

Baltimore—Central LRT Double Tracking, Maryland, $40,000,000;

Birmingham—Transit Corridor, Alabama, $6,000,000;

Boston—Silver Line Phase III, Massachusetts, $1,000,000;

Charlotte—South Corridor Light Rail Project, North Carolina, $18,000,000;

Chicago—Douglas Branch Reconstruction, Illinois, $85,000,000;

Chicago—North Central, Illinois, $20,000,000;

Chicago—UP West Line Extension, Illinois, $12,000,000;

Chicago—Metra Southwest Corridor Commuter Rail, Illinois, $20,000,000;

Chicago—Ravenswood Line Extension, Illinois, $10,000,000;

Commuter Rail Improvements, Delaware, $3,000,000;

Dallas—North Central LRT Extension, Texas, $30,161,283;

Denver—Southeast Corridor LRT, Colorado, $80,000,000;

Dulles Corridor Rapid Transit Project, Virginia, $25,000,000;

Euclid Corridor Transportation Project, Ohio, $15,000,000;

Ft. Lauderdale—Tri-Rail Commuter Rail Upgrade, Florida, $18,410,000;

Houston Advanced Metro Transit Plan, Texas, $10,000,000;

Integrated Intermodal project, Rhode Island, $6,000,000;

Kenosha-Racine-Milwaukee Commuter Rail Extension, Wisconsin, $4,000,000;

Las Vegas—Resort Corridor Fixed Guideway, Nevada, $25,000,000;

Little Rock—River Rail Project, Arkansas, $5,000,000;

Los Angeles—Eastside LRT, California, $5,000,000;

Maine Marine Highway, $2,000,000;

Memphis—Medical Center Extension, Tennessee, $9,247,588;

Minneapolis—Hiawatha Corridor LRT, Minnesota, $74,980,000;

Minneapolis—Northstar Commuter Rail Project, Minnesota, $10,000,000;

New Orleans—Canal Street Streetcar Project, Louisiana, $36,020,000;

New York—East Side Access Project, New York, $10,000,000;

Newark Rail Link (MOS–1), New Jersey, $22,566,022;

Northern New Jersey-Hudson-Bergen LRT–MOS–2, $100,000,000;

Northwest Corridor BRT, Atlanta, $4,000,000;

Philadelphia—Schuylkill Valley Metro, Pennsylvania, $16,000,000;

Pittsburgh—North Shore Connector LRT, Pennsylvania, $13,812,304;

Pittsburgh—Stage II LRT Reconstruction, Pennsylvania, $32,243,442;

Portland—Interstate MAX LRT Extension, Oregon, $77,500,000;

Regional Commuter Rail (Weber County to Salt Lake City), Utah, $12,000,000;

Salt Lake City—Medical Center, Utah, $30,663,361;

San Diego—Mission Valley East LRT Extension, California, $65,000,000;

San Diego—Oceanside Escondido Rail Project, California, $48,000,000;

San Juan—Tren Urbano Rapid Transit System, Puerto Rico, $20,000,000;

Scranton—NY City Rail Service, Pennsylvania, $5,000,000;

Seattle—Central Link LRT MOS–1, Washington, $75,000,000;

SF Area—BART Airport Extension, California, $100,000,000;

Silicon Valley Rapid Transit Corridor, California, $4,000,000;

Stamford Urban Transitway Phase II, Connecticut, $7,000,000;

Trans-Hudson Midtown Corridor, New Jersey, $5,000,000;

Triangle Transit Authority Regional Rail Phase I Project, North Carolina, $9,000,000;

VRE Parking Improvements, Virginia, $4,000,000;

Washington, DC/Maryland—Largo Extension, $65,000,000;

Wilmington Train Station Improvements, Delaware, $2,500,000;

Wilsonville-Beaverton Commuter Rail, Oregon, $6,000,000;

Yarmouth to Auburn Line, Maine, $3,000,000.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $25,000,000, to remain available until expended: *Provided*, That no more than $125,000,000 of budget authority shall be available for these purposes: *Provided further*, That up to $300,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program.

GENERAL PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 150. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 151. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2006, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 152. Notwithstanding any other provision of law, any funds appropriated before October 1, 2003, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 153. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: *Provided*, That not more than $3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry boat routes and technology: *Provided further*, That notwithstanding 49 U.S.C. 5302(a)(7), funds made available for Alaska or Hawaii ferry boats may be used to acquire passenger ferry boats and to provide passenger ferry transportation services within areas of the State of Hawaii under the control or use of the National Park Service.

SEC. 154. Notwithstanding any other provision of law, funds made available to the Colorado Roaring Fork Transportation Authority under "Federal Transit Administration, Capital investment grants" in Public Laws 106–69 and 106–346 shall be available for expenditure on park and ride lots in Carbondale and Glenwood Springs, Colorado as part of the Roaring Fork Valley Bus Rapid Transit project.

SEC. 155. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems projects under the heading "Federal Transit Administration, Capital Investment Grants" in any appropriations act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 156. (a) IN GENERAL.—The Secretary shall establish a pilot program to determine the benefits of encouraging cooperative procurement of major capital equipment under sections 5307, 5309, and 5311. The program shall consist of three pilot projects. Cooperative procurements in these projects may be carried out by grantees, consortiums of grantees, or members of the private sector acting as agents of grantees.

(b) FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share for a grant under this pilot program shall be 90 percent of the net project cost.

(c) PERMISSIBLE ACTIVITIES.—

(1) DEVELOPING SPECIFICATIONS.—Cooperative specifications may be developed either by the grantees or their agents.

(2) REQUESTS FOR PROPOSALS.—To the extent permissible under state and local law, cooperative procurements under this section may be carried out, either by the grantees or their agents, by issuing one request for proposal for each cooperative procurement, covering all agencies that are participating in the procurement.

(3) BEST AND FINAL OFFERS.—The cost of evaluating best and final offers either by the grantees or their agents, is an eligible expense under this program.

(d) TECHNOLOGY.—To the extent feasible, cooperative procurements under this section shall maximize use of Internet-based software technology designed specifically for transit buses and other major capital equipment to develop specifications; aggregate equipment requirements with other transit agencies; generate cooperative request for proposal packages; create cooperative specifications; and automate the request for approved equals process.

(e) ELIGIBLE EXPENSES.—The cost of the permissible activities under (c) and procurement under (d) are eligible expenses under the pilot program.

(f) PROPORTIONATE CONTRIBUTIONS.—Cooperating agencies may contribute proportionately to the non-Federal share of any of the eligible expenses under (e).

(g) OUTREACH.—The Secretary shall conduct outreach on cooperative procurement. Under this program the Secretary shall: (1) offer technical assistance to transit agencies to facilitate the use of cooperative procurement of major capital equipment and (2) conduct seminars and conferences for grantees, nationwide, on the concept of cooperative procurement of major capital equipment.

(h) REPORT.—Not later than 30 days after delivery of the base order under each of the pilot projects, the Secretary shall submit to the House and Senate Committees on Appropriations a report on the results of that pilot project. Each report shall evaluate any savings realized through the cooperative procurement and the benefits of incorporating cooperative procurement, as shown by that project, into the mass transit program as a whole.

SEC. 157. Notwithstanding any other provision of law, new fixed guideway system funds available for the Yosemite, California, area regional transportation system project, in the Department of Transportation and Related Agencies Appropriations Act, 2002, Public Law 107–87, under "Capital Investment Grants", in the amount of $400,000 shall be available for obligation for the replacement, rehabilitation, or purchase of buses or related equipment, or the construction of bus related facilities: *Provided*, That this amount shall be in addition to the amount available in fiscal year 2002 for these purposes.

SEC. 158. Notwithstanding any other provision of law, for the purpose of calculating the non-New Starts share of the total project cost of both phases of San Francisco Muni's Third Street Light Rail Transit project for fiscal year 2004, the Secretary of Transportation shall include all non-New Starts contributions made towards Phase 1 of the two-phase project for engineering, final design and construction, and also shall allow non-New Starts funds expended on one element or phase of the project to be used to meet the non-New Starts share requirement of any element or phase of the project.

SEC. 159. Notwithstanding any other provision of law, funds made available under "Federal Transit Administration, Capital Investment Grants" in Public Law 105–277 for the Cleveland Berea Red Line Extension to the Hopkins International Airport project may be used for the Euclid Corridor Transportation Project.

Saint Lawrence Seaway Development Corporation

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $14,400,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

Maritime Administration

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $106,000,000, of which $13,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and $7,063,000 shall remain available until September 30, 2005 for state maritime schoolship maintenance and repair.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $18,422,000, to remain available until expended.

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For administrative expenses to carry out the guaranteed loan program, not to exceed $4,498,000, which shall be transferred to and merged with the appropriation for Operations and Training.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

SEC. 160. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 161. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

Research and Special Programs Administration

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $42,516,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $3,473,000 shall remain available until September 30, 2006: *Provided*, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $67,612,000, of which $17,183,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2006; of which $50,429,000 shall be derived from the Pipeline Safety Fund, of which $22,710,000 shall remain available until September 30, 2006.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2006: *Provided*, That not more than $14,300,000 shall be made available for obligation in fiscal year 2004 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

Office of Inspector General

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $56,000,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

Surface Transportation Board

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $19,521,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,050,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2004, to result in a final appropriation from the general fund estimated at no more than $18,471,000.

TITLE II—DEPARTMENT OF THE TREASURY

Departmental Offices

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $3,000,000, to remain available until September 30, 2005 for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $174,809,000: *Provided*, That the Office of Foreign Assets Control shall be funded at no less than $21,855,000 and 120 full time equivalent positions: *Provided further*, That of these amounts, $2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering: *Provided further*, That of these amounts, $3,393,000, to remain available until September 30, 2005, shall be for the Treasury-wide Financial Statement Audit Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $36,928,000, to remain available until September 30, 2006: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems or Business Systems Modernization.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $12,687,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $128,034,000.

AIR TRANSPORTATION STABILIZATION PROGRAM

For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42), $2,538,000, to remain available until expended.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $25,000,000, to remain available until September 30, 2006.

Financial Crimes Enforcement Network

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $57,571,000, of which not to exceed $4,500,000 shall remain available until September 30, 2006; and of which $8,152,000 shall remain available until September 30, 2005: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

Financial Management Service

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $228,558,000, of which not to exceed $9,220,000 shall remain available until September 30, 2006, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

Alcohol and Tobacco Tax and Trade Bureau

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $80,000,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for Laboratory Services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

United States Mint

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2004 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $40,652,000.

Bureau of the Public Debt

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $178,052,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: *Provided*, That the sum appropriated herein from the General Fund for fiscal year 2004 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2004 appropriation from the general fund estimated at $173,652,000. In addition, $40,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

Internal Revenue Service

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,048,238,000, of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, of which $7,000,000 shall be available for low-income taxpayer clinic grants, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; resolving essential earned income tax credit compliance and error problems; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,172,808,000, of which not to exceed $1,000,000 shall remain available until September 30, 2006, for research: *Provided*, That such sums may be transferred as necessary from this account to the IRS Processing, Assistance, and Management appropriation or the IRS Information Systems appropriation solely for the purposes of management of the Earned Income Tax Compliance program and to reimburse the Social Security Administration for the cost of implementing section 1090 of the Taxpayer Relief Act of 1997 (Public Law 105–33): *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,590,962,000, of which $200,000,000 shall remain available until September 30, 2005.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $429,000,000, to remain available until September 30, 2006, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $35,000,000, to remain available until September 30, 2005.

GENERAL PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 201. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 202. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 203. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 204. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

General Provisions—Department of the Treasury

SEC. 210. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 211. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crime Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 212. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 213. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 214. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 215. The Secretary of the Treasury may transfer funds from "Salaries and Expenses", Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 216. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking "5 years" and inserting "6 years".

SEC. 217. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 218. Beginning in fiscal year 2004 and thereafter, there are appropriated to the Secretary of the Treasury such sums as may be necessary to reimburse financial institutions in their capacity as depositaries and financial agents of the United States for all services required or directed by the Secretary of the Treasury, or his designee, to be performed by such financial institutions on behalf of the Treasury or other Federal agencies, including services rendered prior to fiscal year 2004.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $61,937,000: *Provided*, That $8,650,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,501,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $4,225,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,461,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $331,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisors in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,502,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,109,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $10,551,000.

HOMELAND SECURITY COUNCIL

For necessary expenses of the Homeland Security Council, including services authorized by 5 U.S.C. 3109, $8,331,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $77,164,000, of which $20,578,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President: *Provided*, That the Executive Office of the President shall submit a report to the Committees on Appropriations that includes a current description of: (1) the Enterprise Architecture, as defined in OMB Circular A–130 and the Federal Chief Information Officers Council guidance; (2) the Information Technology (IT) Human Capital Plan; (3) the capital investment plan for implementing the Enterprise Architecture; and (4) the IT capital planning and investment control process: *Provided further*, That this report shall be reviewed and approved by the Office of Management and Budget, and reviewed by the General Accounting Office.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $75,417,000, of which not to exceed $3,000 shall be available for official representation expenses: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: *Provided further*, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs: *Provided further*, That none of the funds appropriated in this Act may be available to pay the salary or expenses of any employee of the Office of Management and Budget who calculates, prepares, or approves any tabular or other material that proposes the sub-allocation of budget authority or outlays by the Committees on Appropriations among their subcommittees.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $27,996,500; of which $1,350,000 shall remain available until expended for policy research and evaluation; and $1,500,000 for the National Alliance for Model State Drug Laws: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $42,000,000, which shall remain available until expended, consisting of $18,000,000 for counternarcotics research and development projects, and $24,000,000 for the continued operation of the technology transfer program: *Provided*, That the $18,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $226,350,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: *Provided*, That up to 49 percent, to remain available until September 30, 2005, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,100,000 shall be used for auditing services and associated activities: *Provided further*, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2002, shall be funded at no less than the fiscal year 2002 initial allocation levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of funds of an amount in excess of the fiscal year 2004 budget request: *Provided further*, That such request shall be made in compliance with the reprogramming guidelines: *Provided further*, That no funds shall be used for any further or additional consolidation of the Southwest Border High Intensity Drug Trafficking Area, except for the operation of an office with a coordinating role, until the Office submits a report on the structure of the Southwest Border High Intensity Drug Trafficking Area.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $174,000,000, to remain available until expended, of which the following amounts are available as follows: $100,000,000 to support a national media campaign, as authorized by the Drug-Free Media Campaign Act of 1998; $60,000,000 to continue a program of matching grants to drug-free communities, of which $1,000,000 shall be a directed grant to the Community Anti-Drug Coalitions of America for the National Community Anti-Drug Coalition Institute, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; $1,500,000 for the Counterdrug Intelligence Executive Secretariat; $2,000,000 for evaluations and research related to National Drug Control Program performance measures; $1,000,000 for the National Drug Court Institute; $7,200,000 for the United States Anti-Doping Agency for anti-doping activities; and $800,000 for the United States membership dues to the World Anti-Doping Agency: *Provided*, That such funds may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

TITLE IV—INDEPENDENT AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended $5,401,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,725,000.

ELECTION ASSISTANCE COMMISSION

For necessary expenses of the Election Assistance Commission, $500,000,000, for providing grants to assist State and local efforts to improve election technology and the administration of Federal elections, as authorized by the Help America Vote Act of 2002; of which not to exceed $1,000,000 shall be available for commission administrative expenses: *Provided*, That no more than $\frac{1}{10}$ of 1 percent of funds available for requirements payments under Section 257 of the Help America Vote Act of 2002 shall be allocated to any territory.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $50,440,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $29,611,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $18,471,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in, and to be used for the purposes of, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592), $407,000,000. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $6,717,247,000, of which: (1) $659,668,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Alabama:

Anniston, United States Courthouse, $4,400,000

Tuscaloosa, Federal Building, $7,500,000

California:

Los Angeles, United States Courthouse, $50,000,000

San Diego, Border Station, $34,211,000

Colorado:

Denver Federal Center, site remediation, $6,000,000

Florida:

Orlando, United States Courthouse, $7,200,000

Maine:

Jackman, Border Station, $7,712,000

Maryland:

Montgomery County, Food and Drug Administration Consolidation, $45,000,000

Suitland, United States Census Bureau, $146,451,000

Michigan:

Detroit, Ambassador Bridge Border Station, $25,387,000

New York:

Champlain, Border Station, $31,031,000

North Carolina:

Charlotte, United States Courthouse, $8,500,000

Ohio:

Toledo, United States Courthouse, $6,500,000

Pennsylvania:

Harrisburg, PA, United States Courthouse, $26,000,000

South Carolina:

Greenville, United States Courthouse, $11,000,000

Texas:

Del Rio, Border Station, $23,966,000

Eagle Pass, Border Station, $31,980,000

Houston, Federal Bureau of Investigation, $58,080,000

McAllen, Border Station, $17,938,000

San Antonio, United States Courthouse, $8,000,000

Virginia:

Richmond, United States Courthouse, $83,000,000

Washington:

Blaine, Border Station, $9,812,000

Nonprospectus Construction, $10,000,000: *Provided*, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2005, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $1,000,939,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project, as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount:

Repairs and Alterations:

Colorado:

Denver, Byron G. Rogers Federal Building—Courthouse, $39,436,000

District of Columbia:

320 First Street, $7,485,000

Eisenhower Executive Office Building, $65,757,000

Federal Office Building 8, $134,872,000

Main Interior Building, $15,603,000

Fire & Life Safety, $68,188,000

Georgia:

Atlanta, Richard B. Russell Federal Building, $32,173,000

Illinois:

Chicago, Dirksen Courthouse & Kluczynski Federal Building, $24,056,000

Springfield, Paul H. Findley Federal Building—Courthouse, $6,183,000

Indiana:

Terra Haute Federal Building—Post Office, $4,600,000

Massachusetts:

Boston, John W. McCormack Post Office and Courthouse, $73,037,000

New York:

Brooklyn, Emanuel Celler Courthouse, $65,511,000

North Dakota:

Fargo, Federal Building—Post Office, $5,801,000

Ohio:

Columbus, John W. Bricker Federal Building, $10,707,000

Washington:

Auburn, Building 7, Auburn Federal Building, $18,315,000

Bellingham, Federal Building (design), $2,610,000

Seattle, Henry M. Jackson Federal Building, $6,868,000

Special Emphasis Programs:

Chlorofluorocarbons Program, $5,000,000

Energy Program, $5,000,000

Glass Fragmentation Program, $20,000,000

Design Program, $34,737,000

Basic Repairs and Alterations, $355,000,000: *Provided further*, That funds made available in any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2005 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) $169,745,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $3,278,187,000 for rental of space which shall remain available until expended; and (5)

$1,608,708,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592(b)(2)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2004, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess of $6,717,247,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109, $61,781,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; telecommunications, information technology management, and related technology activities; providing citizens with Internet access to Federal information and services; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $85,083,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $39,169,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT (E-GOV) FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $5,000,000, to remain available until expended: *Provided*, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $3,393,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2004 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2005 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided*, That the fiscal year 2005 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757) and sections 5124(b) and 5128 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1424(b) and 1428), for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. (a) Notwithstanding any other provision of law, the Administrator of General Services is authorized to acquire, under such terms and conditions as he deems to be in the interests of the United States, approximately 27 acres of land, identified as Site 7 and located at 234 Corporate Drive, Pease International Tradeport, Portsmouth, NH 03801, as a site for the public building needs of the Federal Government, and to design and construct upon the site a new Federal Office Building of approximately 98,000 gross square feet: *Provided*, That the Administrator shall not acquire any property under this subsection until the Administrator determines that the property is in compliance with applicable environmental laws, and that the property is suitable and available for use as a site to house the Federal agencies presently located in the Thomas J. McIntyre Federal Building.

(b) For the site acquisition, design, construction, and relocation, $11,149,000 shall be available from funds previously provided under the heading "General Services Administration, Real Property Activities, Federal Buildings Fund" in Public Law 108–7 for repairs and alterations to the Thomas J. McIntyre Federal Building in Portsmouth, New Hampshire, which was included in the plan for expenditure of repairs and alterations funds as required by accompanying House Report 108–10.

(c) For any additional costs of construction, management and inspection of the new facility to house the Federal agencies relocated from the McIntyre Federal Office Building, and for the costs of relocating the Federal agencies occupying the McIntyre Federal Office Building, $13,669,000 shall be deposited into the Federal Buildings Fund (40 U.S.C. 592) from the General Fund; which amount, together with the amount set forth in subsection (b) of this section shall remain available until expended and shall be subject to such escalation and reprogramming authorities available to the Administrator for any other new construction projects under the heading "Federal Building Fund Limitations on Availability of Revenue".

(d) The Administrator is authorized and directed to convey, without consideration, the Thomas J. McIntyre Federal Office Building to the City of Portsmouth, New Hampshire for economic development purposes subject to the following conditions: (i) that all Federal agencies currently occupying the McIntyre Building except the United States Postal Service are completely relocated to the new Federal Building for so long as those agencies have continuing mission needs for that new location, (ii) that the requirements of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411 et seq.) shall not apply to this conveyance; and (iii) that the Administrator may include in the conveyance documents such terms and conditions as the Administrator determines in the best interest of the United States.

Merit Systems Protection Board

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $32,877,000 together with not to exceed $2,626,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $1,996,000, to remain available until expended: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,309,000, to remain available until expended.

National Archives and Records Administration

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $258,191,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $13,483,000, to remain available until expended, of which $2,025,000 is for land acquisition for a site in Anchorage, Alaska to construct a new regional archives and records facility and of which $5,000,000 is for the repair and restoration of the plaza that surrounds the Lyndon Baines Johnson Presidential Library and that is under the joint control and custody of the University of Texas: *Provided*, That such funds may be transferred directly to the University and used, together with University funds, for repair and restoration of the plaza and remain available until expended for this purpose: *Provided further*, That the same transfer authority shall extend to funds previously appropriated in Public Law 108–7 for this purpose.

National Historical Publications and Records Commission

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $5,000,000, to remain available until expended.

National Transportation Safety Board

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $72,170,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

EMERGENCY FUND

For necessary expenses of the National Transportation Safety Board for accident investigations, $600,000, to remain available until expended: *Provided*, That these funds shall be available only to the extent necessary to restore the balance of the emergency fund to $2,000,000 (29 U.S.C. 1118 (b)).

Office of Government Ethics

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $10,738,000.

Office of Personnel Management

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $118,748,000, of which $2,000,000 shall remain available until expended for the cost of the enterprise human resources integration project, and $2,500,000 shall remain available until expended for the cost of leading the government-wide initiative to modernize the Federal payroll systems and service delivery and $2,500,000 shall remain available through September 30, 2005 to coordinate and conduct program evaluation and performance measurement; and in addition $135,914,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $36,700,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8909(g), and 9004(f)(1)(A) and (2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2004, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,498,000, and in addition, not to exceed $14,427,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

Office of Special Counsel

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), as amended, the Whistleblower Protection Act of 1989 (Public Law

101-12), as amended, Public Law 103-424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103-353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $13,504,000.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $65,521,000, of which $36,521,000 shall not be available for obligation until October 1, 2004: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2004.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $40,187,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

For necessary expenses of the White House Commission on the National Moment of Remembrance, $250,000.

TITLE V—GENERAL PROVISIONS

THIS ACT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 501. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 502. Such sums as may be necessary for fiscal year 2004 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 503. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 504. None of the funds in this Act shall be available for salaries and expenses of more than 106 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision or political and Presidential appointees in an independent agency funded in this Act may be assigned on temporary detail outside the Department of Transportation or such independent agency.

SEC. 505. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 506. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 507. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 508. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 509. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 510. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 511. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 512. None of the funds in title I of this Act may be used to make a grant unless the Secretary of Transportation, or the Secretary of the department in which the Transportation Security Administration is operating, notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That no notification shall involve funds that are not available for obligation.

SEC. 513. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 514. None of the funds in this Act may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 515. Funds appropriated or limited in title I of this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107-87, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

SEC. 516. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 517. Funds provided in this Act for the Working Capital Fund shall be reduced by $17,816,000, which limits fiscal year 2004 Working Capital Fund obligational authority for elements of the Department of Transportation funded in this Act to no more than $98,899,000: *Provided*, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Working Capital Fund.

SEC. 518. AMENDMENTS TO PRIOR SURFACE TRANSPORTATION LAWS. (a) ISTEA HIGH PRIORITY CORRIDORS.—

(1) Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032-2033) as amended, is further amended by inserting after paragraph (44) the following:

"(45) U.S. 78 from Tupelo, Mississippi, to Memphis, Tennessee.".

(2) Section 1105(e)(5)(A) of such Act as amended is further amended by striking "and subsection (c)(42)" and inserting after "(c)(40)," the following: "in subsection (c)(42), and in subsection (c)(45)".

(3) Section 1105(e)(5)(B)(i) of such Act is amended by adding at the end the following: "The portion of the route referred to in subsection (c)(45) and the portion of the route referred to in subsection (c)(42) between Tupelo, Mississippi, and Birmingham, Alabama, are designated as Interstate Route I-22.".

SEC. 519. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107-300.

Sec. 520. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach".

Sec. 521. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 522. In conducting the rulemaking mandated by Section 352 of Public Law 108-7, the Department of Transportation and any other agencies involved in the rulemaking shall ensure that the proposed rules fully and accurately reflect the findings in the General Accounting Office. The study concerns the adequacy of the Department's procedures used prior to the passage of Public Law 108-7 in order to ensure the security of facilities and activities described in Section 352.

Sec. 523. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

Sec. 524. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy America Act").

Sec. 525. (a) Purchase of American-Made Equipment and Products.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) Notice to Recipients of Assistance.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

Sec. 526. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Sec. 527. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2004 from appropriations made available for salaries and expenses for fiscal year 2004 in this Act, shall remain available through September 30, 2005, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

Sec. 528. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

Sec. 529. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93-400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

Sec. 530. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

Sec. 531. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

Sec. 532. Notwithstanding any other provision of law, any bridge that is owned and operated by a state agency (1) whose toll revenues are administered by a Metropolitan Planning Organization (MPO), and (2) whose toll revenues provide for subsidizing of non-capital transportation costs, shall be eligible for assistance under this section but the amount of toll revenues expended for non-capital transportation costs shall in no event exceed the cumulative amount of local toll revenues used for federal interstate and federal-aid highway construction and improvement projects in the toll bridge corridors. Before authorizing an expenditure of funds under this subsection, the Secretary shall determine that the cumulative amount of toll revenues used for construction and improvement to the federal interstate and federal-aid highway system is greater than the cumulative amount of toll revenue used for non-capital transportation projects not directly related to the on-going operation and maintenance of the toll bridges.

Sec. 533. Notwithstanding any other provision of this Act, amounts appropriated or limited in this Act are hereby reduced by $128,076,000. Such reductions shall—

(1) be administered by the Director, Office of Management and Budget;

(2) be assessed by the Director within 30 days of enactment of this Act;

(3) be derived solely from funds appropriated or limited for activities under:

(A) Object Class 21.0—Travel and Transportation of Persons, with the exception of funds provided for the travel of safety inspectors within the Department of Transportation and enforcement personnel within the Department of the Treasury;

(B) Object Class 22.0—Transportation of Things;

(C) Object Class 23.3—Communications, Utilities, and Miscellaneous Charges, with the exception of the telecommunication costs associated with the FAA air traffic control system and the Internal Revenue Service;

(D) Object Class 24.0—Printing and Reproduction, with the exception of such expenses within the Internal Revenue Service;

(E) Object Class 25.1—Advisory and Assistance Services;

(F) Object Class 26.0—Supplies and Materials, with the exception of such expenses in the United States Mint;

(G) Object Class 31.0—Equipment, with the exception of such expenses under the Internal Revenue Service and the FAA Facilities and Equipment account.

(4) be assessed by the Director on a pro-rata basis against all agencies funded in this Act with adjustments necessitated by the exceptions cited under subsection (3); and

(5) not be assessed against the Department of Transportation's Working Capital Fund.

Sec. 534. None of the funds appropriated or limited in title I of this Act may be used to change weight restrictions or prior permission rules at Teterboro Airport.

Sec. 535. Section 414(h) of title 39, United States Code, is amended by striking "2003" and inserting "2005".

Sec. 536. After the last section of the Federal Transit Act, 49 U.S.C. Chapter 53, add the following section:

"SEC. . UTAH TRANSPORTATION PROJECTS.

"(a) Coordination.—FTA and FHWA are directed to work with the Utah Transit Authority and the Utah Department of Transportation to coordinate the development regional commuter rail and the northern segment of I-15 reconstruction located in the Wasatch Front corridor extending from Brigham City to Payson, Utah. Coordination includes integration of preliminary engineering and design, a simplified method for allocating project costs among eligible FTA and FHWA funding sources, and a unified accounting and audit process.

"(b) Governmental Funding.—For purposes of determining and allocating the non-governmental and governmental share of costs, the following projects comprise a related program of projects: regional commuter rail, the TRAX light rail system, TRAX extensions to the Medical Center and to the Gateway Intermodal Center, and the northern segment of I-15 reconstruction. The governmental share of project costs appropriated from the Section 5309 New Start program shall conform to the share specified in the extension or reauthorization of TEA21.".

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

Sec. 601. Funds appropriated in this or any other Act may be used to pay travel to the

United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2004 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2004, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2004, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2004, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2004 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2004 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2003, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2003, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2003.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 616. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 617. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 618. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 619. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 620. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 621. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 622. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 623. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 624. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 625. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 626. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 627. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse the "Policy and Citizen Services" account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed $12,250,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 628. None of the funds made available in this or any other Act may be used by the Office of Personnel Management or any other department or agency of the Federal Government to (a) operate an online employment information service for the Federal Government under any contract awarded under the request for quotations number SOLO30000003 issued by the Office of Personnel Management unless the Office of Personnel Management complies with the recommendations of the Comptroller General in the General Accounting Office decision of April 29, 2003, referred to as Symplicity Corporation, B–291902; or (b) prohibit any agency from using appropriated funds as they see fit to independently contract with private companies to provide online employment applications and processing services.

SEC. 629. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 630. Nothwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 631. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 632. Subsection (f) of section 403 of Public Law 103–356 (31 U.S.C. 501 note) is amended by striking "October 1, 2003" and inserting "October 1, 2004".

SEC. 633. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 634. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 635. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 636. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2004 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.1 percent, and this adjustment shall apply to civilian employees in the Department of Defense and the Department of Homeland Security and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2004.

(b) Notwithstanding section 713 of this Act, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2004 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in paragraph (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5 and prevailing rate employees described in section 5343(a)(5) of title 5 shall be considered to be located in the pay locality designated as "Rest of US" pursuant to section 5304 of title 5 for purposes of this paragraph.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2004.

SEC. 637. Not later than 6 months after the date of enactment of this Act, the Inspector General of each applicable department or agency shall submit to the Committee on Appropriations a report detailing what policies and procedures are in place for each department or agency to give first priority to the location of new offices and other facilities in rural areas, as directed by the Rural Development Act of 1972.

Sec. 638. None of the funds made available under this or any other Act for fiscal year 2004 shall be expended for the purchase of a product or service offered by Federal Prison Industries, Inc. unless the agency making such purchase determines that such offered product or service provides the best value to the buying agency pursuant to governmentwide procurement regulations, issued pursuant to section 25(c)(1) of the Office of Federal Procurement Act (41 U.S.C. 421(c)(1)) that impose procedures, standards, and limitations of section 2410n of title 10, United States Code.

Sec. 639. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A-126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

Sec. 640. Each Executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government purchase charge card or government travel charge card. The department or agency may not issue a government purchase charge card or government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to (a) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card, or (b) an individual who lacks a credit history. Each Executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct. Disciplinary actions may include, but are not limited to, the review of the security clearance of the individual involved and the modification or revocation of such security clearance in light of the review.

Sec. 641. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

Sec. 642. Not later than December 31 of each year, the head of each agency shall submit to Congress a report on the competitive sourcing activities performed during the previous fiscal year by Federal Government sources that are on the list required under the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note). The report shall include—

(1) the number of full time equivalent Federal employees studied for competitive sourcing;

(2) the total agency cost required to carry out its competitive sourcing program;

(3) the costs attributable to paying outside consultants and contractors to carry out the agency's competitive sourcing program;

(4) the costs attributable to paying agency personnel to carry out its competitive sourcing program; and

(5) an estimate of the savings attributed as a result of the agency competitive sourcing program.

This Act may be cited as the "Transportation, Treasury, and General Government Appropriations Act, 2004".

SA 1900. Mr. DORGAN (for himself, Mr. Enzi, Mr. Hagel, Mr. Baucus, Mr. Craig, Mr. Dodd, Mr. Bingaman, Mr. Leahy, and Mr. Durbin) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 155, between lines 21 and 22, insert the following:

Sec. 643. (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to the administration of general or specific licenses for travel or travel-related transactions, shall not apply to section 515.204, 515.206, 515.332, 515.536, 515.544, 515.547, 515.560(c)(3), 515.569, 515.571, or 515.803 of such part 515, and shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

SA 1901. Mr. CRAIG (for himself, Mr. Dorgan, Mr. Enzi, Mr. Hagel, Mr. Baucus, Mr. Dodd, and Mr. Roberts) proposed an amendment to amendment SA 1900 proposed by Mr. Dorgan (for himself, Mr. Enzi, Mr. Hagel, Mr. Baucus, Mr. Craig, Mr. Dodd, Mr. Bingaman, Mr. Leahy, and Mr. Durbin) to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

In the amendment strike all after "Sec. 643." and insert the following:

(a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to the administration of general or specific licenses for travel or travel-related transactions, shall not apply to section 515.204, 515.206, 515.332, 515.536, 515.544, 515.547, 515.560(c)(3), 515.569, 515.571, or 515.803 of such part 515, and shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

(c) This section shall take effect one day after date of enactment.

SA 1902. Mr. BAYH (for himself and Mr. Lugar) submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, between lines 2 and 3, insert the following:

Sec. 105. The Administrator of the Federal Aviation Administration shall, for purposes of chapter 471 of title 49, United States Code, give priority consideration to a letter of intent application for funding submitted by the City of Gary, Indiana, or the State of Indiana, for the extension of the main runway at the Gary/Chicago Airport. The letter of intent application shall be considered upon completion of the environmental impact statement and benefit cost analysis in accordance with Federal Aviation Administration requirements. The Administrator shall consider the letter of intent application not later than 90 days after receiving it from the applicant.

SA 1903. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, line 22, strike the period and insert ", of which $1,000,000 shall be available without fiscal year limitation for the continuation of bimonthly audits of the Internal Revenue Service taxpayer assistance centers for calendar years 2004 and 2005."

SA 1904. Mr. FEINGOLD proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

Sec.   . Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2004.

SA 1905. Mr. HARKIN (for himself, Mr. Feingold, Mr. Kennedy, and Mr. Durbin) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

Sec.   . None of the funds made available in this Act may be used by the Secretary of the Treasury or his delegate to issue any rule or regulation which implements the proposed amendments to Internal Revenue Service regulations set forth in REG-209500-86 and REG-164464-02, filed December 10, 2002, or any amendments reaching results similar to such proposed amendments.

SA 1906. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . (a) Section 802(b)(1) of the Japanese Imperial Government Disclosure Act of 2000 (Public Law 106-567; 114 Stat. 2865) is amended by striking "3 years" and inserting "4 years".

(b) An additional amount of $500,000 is provided to the National Archives to carry out the Japanese Imperial Government Disclosure Act of 2000 (Public Law 106-567; 114 Stat. 2865).

SA 1907. Mr. BINGAMAN (for himself, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, and Mr. DASCHLE) submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, between lines 13 and 14, insert the following:

SEC. 1   . INDIAN RESERVATION ROADS PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, in addition to funds limited in this Act for the Indian reservation roads program under section 204 of title 23, United States Code, an additional amount to be derived from the Highway Trust Fund (other than the Mass Transit Account) shall be available, such that a total of $333,000,000 shall be available in fiscal year 2004 to carry out the Indian reservation roads program.

(b) AVAILABILITY.—The additional amount under subsection (a)—

(1) shall be available in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; and

(2) shall be subject to any obligation limitation for Federal-aid highways established by this Act or any other Act.

(c) AMOUNT OF OBLIGATION LIMITATION.—The amount of any obligation limitation for the Indian reservation roads program shall be equal to the total amount of contract authority made available for the Indian reservation roads program for fiscal year 2004.

SA 1908. Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. SPECTER, Mr. NELSON of Nebraska, Mr. SCHUMER, Mr. JEFFORDS, Mr. PRYOR, Mr. LEAHY, Mr. DASCHLE, Mr. BAUCUS, Ms. COLLINS, Mr. GRASSLEY, Mr. DOMENICI, Mr. HARKIN, Mrs. LINCOLN, Mr. HAGEL, and Mr. BUNNING) submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, between lines 2 and 3, insert the following new section:

SEC. 105. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to establish or implement a pilot program under which not more than 10 designated essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air subsidy costs for a 4-year period, commonly referred to as the EAS local participation program.

SA 1909. Mr. HOLLINGS (for himself, Mr. LAUTENBERG, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, line 10, strike "$1,346,000,000," and insert "$1,700,000,000,".

SA 1910. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, between lines 13 and 14, insert the following:

SEC. 115. Section 345(6) of the Department of Transportation and Related Agencies Appropriations Act, 2003 (division I of Public Law 108-7; 117 Stat. 418) is amended in the fourth proviso—

(1) by striking "except for" and inserting "including"; and

(2) by inserting before the period at the end the following: "*Provided further*, That the Secretary may also modify the permitted uses of draws on the lines of credit to include repair and replacement costs".

SA 1911. Mr. CARPER (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . The Secretary of Transportation shall, in connection with the Philadelphia International Airport Capacity Enhancement Program, consider the impact of aircraft noise on northern Delaware—

(1) within the scope of the environmental impact statement prepared in connection with the Program; and

(2) as part of any study of aircraft noise required under the National Environmental Protection Act of 1969 and conducted pursuant to part 150 of title 14, Code of Federal Regulations, or any successor regulations.

SA 1912. Mr. CARPER (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . No funds appropriated or otherwise made available by this Act may be obligated or expended to undertake the environmental impact statement for the Philadelphia International Airport Capacity Enhancement Program unless the Secretary of Transportation considers the impact of aircraft noise on northern Delaware—

(1) within the scope of the environmental impact statement prepared in connection with the Program; and

(2) as part of any study of aircraft noise required under the National Environmental Protection Act of 1969 and conducted pursuant to part 150 of title 14, Code of Federal Regulations, or any successor regulations.

SA 1913. Mr. CARPER (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . It is the sense of the Senate that the Secretary of Transportation must, in connection with the Philadelphia International Airport Capacity Enhancement Program, consider the impact of aircraft noise on northern Delaware—

(1) within the scope of the environmental impact statement prepared in connection with the Program; and

(2) as part of any study of aircraft noise required under the National Environmental Protection Act of 1969 and conducted pursuant to part 150 of title 14, Code of Federal Regulations, or any successor regulations.

SA 1914. Mr. GRASSLEY (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . None of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch). If such proposed regulations are final regulations on the date of enactment of this Act, none of the funds appropriated or made available under this Act may be used to implement, administer, or enforce such final regulations.

SA 1915. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 2989, making appropriations for the Departments of

Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, after line 23, insert the following:

Sec. 537. (a) None of the funds appropriated or otherwise made available by this or any other Act may be used by an executive agency to initiate, complete, or implement, under the provisions of Office of Management and Budget Circular A–76 or under any similar provisions of any other order or directive, any competitive sourcing study regarding .the performance of any activity of an executive agency that relates to agency security, biodefense, or homeland security, including—

(1) any research relating to infectious diseases and biomedical terrorism;

(2) any activity requiring—

(A) physical, electronic, or other access to biological, pathological, chemical, genetic, or radioactive substances; and

(B) the development or documentation of such substances; and

(3) the safeguarding and maintenance of biological, pathological, chemical, genetic, or radioactive substances and the facilities housing such substances.

(b) Nothing in this section shall be construed to prohibit the use of funds for solicitation, review, or awarding of grants for support of research relating to biodefense or homeland security, including any such research that relates to infectious diseases or biomedical terrorism.

(c) In this section, the term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SA 1916. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, between lines 2 and 3, insert the following:

Sec. 105. None of the funds appropriated by this Act or any other Act may be used to carry out a public-private competition or take any other action to convert to contractor performance of any activity or function that, on or after January 1, 2003, is performed by employees of the National Aeronautical Charting Office of the Federal Aviation Administration.

SA 1917. Ms. MIKULSKI (for herself, Ms. LANDRIEU, Mr. REID, Mr. SARBANES, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. KENNEDY, Mr. LEAHY, Mr. AKAKA, Mr. BYRD, Mr. EDWARDS, and Mr. CORZINE) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 127, after line 23, insert the following:

Sec. 537. None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A–76 made on May 29, 2003.

SA 1918. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert:

"Sec. . Notwithstanding any other provision of law, funds made available in this Act or identified in committee reports accompanying this Act for capital investment grants in the area of Harrisburg, Pennsylvania, may be used for costs associated with the Corridor One Regional Rail Project which are eligible to be financed under 49 U.S.C. 5309.".

SA 1919. Mr. CHAMBLISS (for himself and Mr. MILLER) submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert:

"G.P. . Within available funds provided for "Facilities and equipment," $1,500,000 shall be provided for a precision instrument approach landing system (ILS) at Lee Gilmer Memorial Airport, Gainesville, Georgia.".

SA 1920. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert: "Paulding County, GA Airport Improvements.".

SA 1921. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 155, between lines 21 and 22, insert the following:

Sec. 643. (a) None of the funds appropriated or otherwise made available by this Act may be used to remove any area within a locality pay area established under section 5304 of title 5, United States Code, from coverage under that locality pay area.

(b) Subsection (a) shall not apply to the Rest of U.S. locality pay area.

SA 1922. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Sec. . None of the Funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of the Public Debt may be used for the implementation of any program or action that eliminates the issuance of government printed United States Savings Bonds.

SA 1923. Mr. THOMAS (for himself and Mr. VOINOVICH) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert the following:

Sec. . (a) Not later than December 31 of each year, the head of each executive agency shall submit to Congress (instead of the report required by section 642) a report on the competitive sourcing activities on the list required under the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note) that were performed for such executive agency during the previous fiscal year by Federal Government sources. The report shall include—

(1) the total number of competitions completed;

(2) the total number of competitions announced, together with a list of the activities covered by such competitions;

(3) the total number (expressed as a full-time employee equivalent number) of the Federal employees studied under completed competitions;

(4) the total number (expressed as a full-time employee equivalent number) of the Federal employees that are being studied under competitions announced but not completed;

(5) the incremental cost directly attributable to conducting the competitions identified under paragraphs (1) and (2), including costs attributable to paying outside consultants and contractors;

(6) an estimate of the total anticipated savings, or a quantifiable —description of improvements in service or performance, derived from completed competitions;

(7) actual savings, or a quantifiable description of improvements in —service or performance, derived from the implementation of competitions completed after May 29, 2003;

(8) the total projected number (expressed as a full-time employee equivalent number) of the Federal employees that are to be covered by competitions scheduled to be announced in the fiscal year covered by the next report required under this section; and

(9) a general description of how the competitive sourcing decisionmaking processes of the executive agency are aligned with the strategic workforce plan of that executive agency.

(b) The head of an executive agency may not be required, under Office of Management and Budget Circular A–76 or any other policy, directive, or regulation, to conduct a follow-on public-private competition to a prior public-private competition conducted under such circular within five years of the prior public-private competition if the activity or function covered by the prior public-private competition was performed by Federal Government employees as a result of the prior public-private competition.

(c) Hereafter, the head of an executive agency may expend funds appropriated or otherwise made available for any purpose to the executive agency under this or any other Act to monitor (in the administration of responsibilities under Office of Management and Budget Circular A–76 or any related policy, directive, or regulation) the performance of an activity or function of the executive agency that has previously been subjected to a public-private competition under such circular.

(d) For the purposes of subchapter V of chapter 35 of title 31, United States Code—

(1) the person designated to represent employees of the Federal Government in a public-private competition regarding the performance of an executive agency activity or function under Office of Management and Budget Circular A–76—

(A) shall be treated as an interested party on behalf of such employees; and

(B) may submit a protest with respect to such public-private competition on behalf of such employees; and

(2) the Comptroller General shall dispose of such a protest in accordance with the policies and procedures applicable to protests described in section 3551(1) of such title under the procurement protest system provided under such subchapter.

(e) An activity or function of an executive agency that is converted to contractor performance under Office of Management and Budget Circular A–76 may not be performed by the contractor at a location outside the United States except to the extent that such activity or function was previously been performed by Federal Government employees outside the United States.

(f) The process that applies to the selection of architects and engineers for meeting the requirements of an executive agency for architectural and engineering services under chapter 11 of title 40, United States Code, shall apply to a public-private competition for the performance of architectural and engineering services for an executive agency.

(g) In this section, the term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SA 1924. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I, insert the following:

SEC. . (a) FACILITATION OF ADDITIONAL IMPROVEMENTS TO ALAMEDA CORRIDOR, CALIFORNIA.—Notwithstanding any other provision of law, for the purpose of assisting in the development, construction, and financing of additional improvements to the Alameda Corridor, California, including construction of a truck expressway or other enhancements, the Secretary of Transportation shall modify the loan agreement entered into with the Alameda Corridor Transportation Authority pursuant to the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208) to revise the interest rate to an interest rate equal to the average yield, as of the date of the modification of the loan agreement, on marketable Treasury securities of similar maturity to the expected remaining average life of the loan.

(b) TREATMENT.—Notwithstanding any other provision of law, the modification under subsection (a) shall be eligible under section 184 of title 23, United States Code, and shall be funded under section 188 of such title.

(c) ADDITIONAL MODIFICATIONS.—The Secretary may further revise the interest rate under the loan agreement referred to in subsection (a), or any other term of the loan agreement, if the marginal budgetary cost, if any, of such modification does not exceed $80,000,000 and is funded under section 188 of title 23, United States Code.

SA 1925. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, strike lines 5 through 10 and insert the following:

SEC. 130. No funds appropriated or otherwise made available by this Act may be used to implement or enforce any provisions of the Final Rule, issued on April 16, 2003 (Docket No. FMCSA–97–2350), with respect to either of the following:

(1) The operators of utility service vehicles, as that term is defined in section 395.2 of title 49, Code of Federal Regulations.

(2) Maximum daily hours of service for drivers engaged in the transportation of property or passengers to or from a motion picture or television production site located within a 100-air mile radius of the work reporting location of such drivers.

SA 1926. Mr. AKAKA (for himself, Mr. EDWARDS, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, between lines 9 and 10, insert the following:

SEC. 218. None of the funds appropriated or otherwise made available by this Act may be used for the Debt Indicator program announced in Internal Revenue Service Notice 99–58.

SA 1927. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert:

SEC. . Notwithstanding any other provision of law, funds designated to the Pennsylvania Cumberland/Dauphin County Corridor I project in committee reports accompanying this Act may be available to the recipient for any project activities authorized under 49 U.S.C. 5307 and 5309.

SA 1928. Mr. DODD (for himself, Mr. MCCONNELL, Mr. DASCHLE, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Mr. LIEBERMAN, Mr. EDWARDS, Mr. BOND, Mr. HATCH, Mr. ROBERTS, and Mr. BURNS) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 85, strike lines 20 through 25, and insert the following:

Commission, $1,500,000,000, for providing grants to assist State and local efforts to improve election technology and the administration of Federal elections, as authorized by the Help America Vote Act of 2002: *Provided*, That no more than 1/10 of 1 per-

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SA 1929. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 22, strike the period at the end and insert ": *Provided further*, That of such amount, sufficient funds shall be available for the Secretary of Transportation, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Transportation during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Transportation that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Transportation shall make the report publicly available by posting the report on an Internet website.".

On page 62, line 5, strike the period at the end and insert ": *Provided further*, That of such amount, sufficient funds shall be available for the Secretary of the Treasury, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of the Treasury during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of the Treasury that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of the Treasury shall make the report publicly available by posting the report on an Internet website.".

SA 1930. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of

Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, between lines 2 and 3, insert the following:

SEC. 105. The Administrator of the Federal Aviation Administration shall ensure that the temporary flight restriction applicable to the Newport Chemical Depot, Newport, Indiana, stays in effect until the completion of the accelerated neutralization process employed to destroy the chemical agent stored at such facility.

SA 1931. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, between lines 2 and 3, insert the following:

SEC. 105. There are authorized to be appropriated such sums as may be necessary for fiscal years 2004 through 2007 for the Secretary of Transportation to carry out and expand the Air Traffic Control Collegiate Training Initiative.

SA 1932. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, strike line 12 and insert the following:

GMU ITS, Virginia, $1,000,000

George Washington University, Virginia Campus, $1,000,000

SA 1933. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 114 the following:

SEC. 115. Of the amount appropriated or otherwise made available by this Act for the Federal Highway Administration for the Transportation and Community and System Pilot Preservation Program, $850,000 shall be available for interior air quality demonstration activities at the Bristol, Virginia, control facility to evaluate standard industrial fuel system performance and efficiency with drive-by-wire engine management and emissions systems.

SA 1934. Mrs. HUTCHISON (for herself, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, between lines 13 and 14, insert the following:

SEC. 115. Of the amounts made available under this title under the heading "FEDERAL-AID HIGHWAYS" for Texas Statewide ITS Deployment and Integration—

(1) $500,000 shall be made available for the deployment and implementation of an Intelligent Transportation System project at Port of Galveston, Texas; and

(1) $500,000 shall be made available for the deployment and implementation of an Intelligent Transportation System project at City of Lubbock, Texas.

SA 1935. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill add the following new section:

"SEC. . Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each executive department and agency shall transfer to or reimburse the Federal Aviation Administration, with the approval of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the Federal Aviation Administration as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director to ensure the operation of the Midway Atoll Airfield by the Federal Aviation Administration pursuant to an operational agreement with the Department of the Interior. The total funds transferred or reimbursed shall not exceed $6,000,000 and shall not be available for activities other than the operation of the airfield. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act."

SA 1936. Mr. SHELBY (for Mr. DURBIN) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 155, between lines 21 and 22, insert the following:

SEC. 6. MOTORIST INFORMATION CONCERNING PHARMACY SERVICES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall amend the Manual on Uniform Traffic Control Devices to include a provision requiring that information be provided to motorists to assist motorists in locating licensed 24-hour pharmacy services open to the public.

(b) LOGO PANEL.—The provision under subsection (a) shall require placement of a logo panel that displays information disclosing the names or logos of pharmacies described in subsection (a) that are located within 3 miles of an interchange on the Federal-aid system (as defined in section 101 of title 23, United States Code).

SA 1937. Mr. SHELBY (for Mr. CHAMBLISS) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. . The Federal Aviation Administration shall give priority consideration to "Paulding County, GA Airport Improvements" for the Airport Improvement Program.

SA 1938. Mr. SHELBY (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 33, strike lines 5 through 10 and insert the following:

SEC. 130. No funds appropriated or otherwise made available by this Act may be used to implement or enforce any provisions of the Final Rule, issued on April 16, 2003 (Docket No. FMCSA–97–2350), with respect to either of the following:

(1) The operators of utility service vehicles, as that term is defined in section 395.2 of title 49, Code of Federal Regulations.

(2) Maximum daily hours of service for drivers engaged in the transportation of property or passengers to or from a motion picture or television production site located within a 100-air mile radius of the work reporting location of such drivers.

SA 1939. Mr. SHELBY (for Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. SPECTER, Mr. NELSON of Nebraska, Mr. SCHUMER, Mr. JEFFORDS, Mr. PRYOR, Mr. LEAHY, Mr. DASCHLE, Mr. BAUCUS, Ms. COLLINS, Mr. GRASSLEY, Mrs. LINCOLN, Mr. HAGEL, Mrs. CLINTON, and Mr. BUNNING)) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury. and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 14, between lines 2 and 3, insert the following new section:

SEC. 105. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to establish or implement a pilot program under which not more than 10 designated essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air subsidy costs for a 4-year period, commonly referred to as the EAS local participation program.

SA 1940. Mr. SHELBY (for Mr. BAYH) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 14, between lines 2 and 3, insert the following:

SEC. 105. The Administrator of the Federal Aviation Administration may, for purposes of chapter 471 of title 49, United States Code, give priority consideration to a letter of intent application for funding submitted by the City of Gary, Indiana, or the State of Indiana, for the extension of the main runway at the Gary/Chicago Airport. The letter of intent application shall be considered upon completion of the environmental impact statement and benefit cost analysis in accordance with Federal Aviation Administration requirements. The Administrator shall consider the letter of intent application not later than 90 days after receiving it from the applicant.

SA 1941. Mr. SHELBY (for Mr. REID (for himself and Mrs. MURRAY)) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 14, after line 2 insert the following:

SEC. ___. None of the funds in this Act may be used to adopt rules or regulations concerning travel agent service fees unless the Department of Transportation publishes in the Federal Register revisions to the proposed rule and provides a period for additional public comment on such proposed rule for a period not less than 60 days.

SA 1942. Mr. SHELBY (for Mr. HOLLINGS) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

SEC. . Funds apportioned to the Charleston Area Regional Transportation Authority to carry out 49 U.S.C. 5307 may be used to lease land, equipment, or facilities used in public transportation from another governmental authority in the same geographic area: *Provided*, That the non-Federal share under section 5307 may include revenues from the sale of advertising and concessions: *Provided further*, That this provision shall remain in effect until September 30, 2004, or until the Federal interest in the land, equipment or facilities leased reaches 80 percent of its fair market value at disposition, whichever occurs first.

SA 1943. Mr. SHELBY (for Mrs. MURRAY) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Under the heading Federal Buildings Fund, Limitations on Availability of Revenue Page 93, Lines 21 and 22: Delete the word "(design)"

Page 95, Line 15, after the words "increases in prospectus projects", delete ";" and then insert, ":*Provided further*, That the funds available herein for repairs to the Bellingham, Washington, Federal Building, shall be available for transfer to the city of Bellingham, Washington, subject to disposal of the building to the city;"

SA 1944. Mr. SHELBY (for Mr. REED) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 155, between lines 21 and 22, insert the following:

SEC. 643. (a) None of the funds appropriated or otherwise made available by this Act may be used to remove any area within a locality pay area established under section 5304 of title 5, United States Code, from coverage under that locality pay area.

(b) Subsection (a) shall not apply to the Rest of U.S. locality pay area.

SA 1945. Mr. SHELBY (for Mr. LEVIN) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

SEC. . Section 1108 of the Intermodal Surface Transportation Efficiency Act of 1991, item number 8, is amended by striking "To relocate" and all that follows through "Street" and inserting the following, "For road improvements and non-motorized enhancements in the Detroit East Riverfront, Detroit, Michigan."

SEC. . The funds provided under the Heading "Transportation and Community and System Preservation Program" in Conference Report 106-940 for the Lodge Freeway pedestrian overpass, Detroit, Michigan, shall be transferred to, and made available for, enhancements in the East Riverfront, Detroit, Michigan.

SEC. . The funds provided under the Heading "Transportation and Community and System Preservation Program" in Conference Report 107-308 for the Eastern Market pedestrian overpass park, shall be transferred to, and made available for, enhancements in the East Riverfront, Detroit, Michigan.

SA 1946. Mr. SHELBY (for Mr. AKAKA) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 73, between lines 9 and 10, insert the following:

SEC. 218. None of the funds appropriated or otherwise made available by this Act may be used for the Debt Indicator program announced in Internal Revenue Service Notice 99-58.

SA 1947. Mr. SHELBY (for Mr. SPECTER) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place in the bill, insert:

"SEC. . Notwithstanding any other provision of law, funds designated to the Pennsylvania Cumberland/Dauphin County Corridor I project in committee reports accompanying this Act may be available to the recipient for any project activities authorized under 49 U.S.C. 5307 and 5309.

SA 1948. Mr. SHELBY (for Mr. CARPER (for himself and Mr. BIDEN)) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. It is the sense of the Senate that the Secretary of Transportation must, in connection with the Philadelphia International Airport Capacity Enhancement Program, consider the impact of aircraft noise on northern Delaware—

(1) within the scope of the environmental impact statement prepared in connection with the Program; and

(2) as part of any study of aircraft noise required under the National Environmental Protection Act of 1969 and conducted pursuant to part 150 of title 14, Code of Federal Regulations, or any successor regulations.

SA 1949. Mr. SHELBY (for Mr. GRASSLEY (for himself, Mrs. HUTCHISON, and Mr. DOMENICI)) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. None of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch). If such proposed regulations are final regulations on the date of enactment of this Act, none of the funds appropriated or made available under this Act may be used to implement, administer, or enforce such final regulations.

SA 1950. Mr. SHELBY (for Mr. STEVENS) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place in the bill add the following new section:

"SEC. . Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Administration, with the approval of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the Federal Aviation Administration as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director to ensure the operation of the Midway Atoll Airfield by the Federal Aviation Administration pursuant to an operational agreement with the Department of the Interior. The total funds transferred or reimbursed shall not exceed $6,000,000 and shall not be available for activities other than the operation of the airfield. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.''

SA 1951. Mr. SHELBY (for Mr. LOTT) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 14, between lines 2 and 3, insert the following:

SEC. 105. Of the total amount appropriated under this title for the Federal Aviation Administration under the heading ''FACILITIES AND EQUIPMENT'', $2,000,000 shall be available for air traffic control facilities, John C. Stennis International Airport, Hancock County, Mississippi.

SA 1952. Mr. SHELBY (for Mr. ROBERTS) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . KANSAS RECREATION AREAS.

Any unexpended balances of the amounts made available by the Consolidated Appropriations Resolution, 2003 (Public Law 108-7) from the Federal-aid highway account for improvements to Council Grove Lake, Kansas, shall be available to make improvements to Richey Cove, Santa Fe Recreation Area, Canning Creek Recreation Area, and other areas in the State of Kansas.

SA 1953. Mr. SHELBY (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 70, between lines 17 and 18, insert the following:

SEC. 205. STUDY ON EARNED INCOME TAX CREDIT CERTIFICATION PROGRAM.

(a) STUDY.—The Internal Revenue Service shall conduct a study, as a part of any program that requires certification (including pre-certification) in order to claim the earned income tax credit under section 32 of the Internal Revenue Code of 1986, on the following matters:

(1) The costs (in time and money) incurred by the participants in the program.

(2) The administrative costs incurred by the Internal Revenue Service in operating the program.

(3) The percentage of individuals included in the program who were not certified for the credit, including the percentage of individuals who were not certified due to—

(A) ineligibility for the credit; and

(B) failure to complete the requirements for certification.

(4) The percentage of individuals to whom paragraph (3)(B) applies who were—

(A) otherwise eligible for the credit; and

(B) otherwise ineligible for the credit.

(5) The percentage of individuals to whom paragraph (3)(B) applies who—

(A) did not respond to the request for certification; and

(B) responded to such request but otherwise failed to complete the requirements for certification.

(6) The reasons—

(A) for which individuals described in paragraph (5)(A) did not respond to requests for certification; and

(B) for which individuals described in paragraph (5)(B) had difficulty in completing the requirements for certification.

(7) The characteristics of those individuals who were denied the credit due to—

(A) failure to complete the requirements for certification; and

(B) ineligibility for the credit.

(8) The impact of the program on non-English speaking participants.

(9) The impact of the program on homeless and other highly transient individuals.

(b) REPORT.—

(1) PRELIMINARY REPORT.—Not later than July 30, 2004, the Commissioner of the Internal Revenue Service shall submit to Congress a preliminary report on the study conducted under subsection (a).

(2) FINAL REPORT.—Not later than June 30, 2005, the Commissioner of the Internal Revenue Service shall submit to Congress a final report detailing the findings of the study conducted under subsection (a).

SA 1954. Mr. SHELBY (for Mrs. HUTCHISON (for herself and Mr. CORNYN)) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 31, between lines 13 and 14, insert the following:

SEC. 115. Of the amounts made available under this title under the heading ''FEDERAL-AID HIGHWAYS'' for Texas Statewide ITS Deployment and Integration—

(1) $500,000 shall be made available for the deployment and implementation of an Intelligent Transportation System project at Port of Galveston, Texas; and

(1) $500,000 shall be made available for the deployment and implementation of an Intelligent Transportation System project at City of Lubbock, Texas.

SA 1955. Mr. SHELBY (for Mr. THOMAS) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriation place, insert the following:

SEC. . EXTENSION OF RESEARCH PROJECTS UNDER TEA-21.

(a) For Fiscal Year 2004 only, the Federal Highway Administration is instructed to extend and fund current research projects under Title V of TEA-21 through February 29, 2004.

SA 1956. Mr. SHELBY (for Mr. THOMAS) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . JACKSON HOLE, WYOMING RADAR UNIT.

(a) Priority consideration shall be given to the Jackson Hole, Wyoming, Airport for an ASR-11 radar unit or provisions shall be made for the acquisition or transfer of a comparable radar unit.

SA 1957. Mr. SHELBY (for Mr. LAUTENBERG) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . Within the funds provided for the Federal Aviation Administration's Facilities and Equipment account, no less than $14,000,000 shall be available for the Technical Center Facilities in New Jersey.

SA 1958. Mr. SHELBY (for Mr. FRIST) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

To insert at the appropriate place.

SEC. . To the extent that funds provided by the Congress for the Memphis Medical Center light rail extension project through the Section 5309 ''new fixed guideway systems'' program remain available upon the close-out of the project, FTA is directed to permit the Memphis Area Transit Authority to use all of those funds for planning, engineering, design, construction or acquisition projects pertaining to the Memphis Regional Rail Plan. Such funds shall remain available until expended.

SA 1959. Mr. SHELBY (for Mr. WARNER (for himself and Mr. JEFFORDS) proposed and amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 114 the following:

SEC. 115. Of the amount appropriated or otherwise made available for Transportation, Planning, and Research, $850,000 shall be available for interior air quality demonstration activities at the Bristol, Virginia, control facility to evaluate standard industrial fuel system performance and efficiency with drive-by-wire engine management and emissions systems and $1,000,000 shall be available for the Market Street enhancement project in Burlington, VT.

SA 1960. Mr. SHELBY (for Mr. WARNER) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 17, strike line 12 and insert the following:

GMU ITS, Virginia, $1,000,000

George Washington University, Virginia Campus, $1,000,000

SA 1961. Mr. SHELBY (for Mrs. MURRAY) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place in the bill, insert:

SEC. . Of the funds made available or limited in this Act, $3,000,000 shall be available for improvements to Bowman Road and Johnnie Dodds Boulevard, Highway 17, Mt. Pleasant, SC; $1,000,000 shall be for the Arkwright connector and no funds shall be available for the Northwest Bypass project.

SA 1962. Mr. SHELBY (for Mr. FRIST) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert:

SEC. 361. Section 30303(d)(3) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by inserting at the end:

"(D) Memphis-Shelby International Airport intermodal facility.".

SA 1963. Mr. SHELBY (for Mr. CHAMBLISS (for himself and Mr. MILLER)) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place in the bill, insert:

"G.P. . Within available funds provided for "Facilities and equipment," $1,500,000 shall be provided for a precision instrument approach landing system (ILS) at Lee Gilmer Memorial Airport, Gainesville, Georgia".

SA 1964. Mr. MCCONNELL (for Ms. COLLINS, (for herself, Mr. KENNEDY, Ms. MIKULSKI, and Mr. CARPER)) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. . (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of an executive agency that, on or after the date of the enactment of this Act, is performed by executive agency employees unless the conversion is based on the results of a public-private competition process that (1) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the executive agency by an amount that equals or exceeds the lesser of (A) 10 percent of the cost of performing the activity with government personnel or, if a most efficient organization has been developed, 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) $10,000,000. (2) With respect to the use of any funds appropriated by this Act for the Department of Defense—

(1) Subsections (a), (b), and (c) of section 2461 of title 10, United States Code) do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

(2) Nothing in this section shall effect depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(3) The conversion of any activity or function of an executive agency in accordance with this section shall be credited toward any competitive or outsourcing goal, target or measurement that may be established by statute, regulation or policy and shall be deemed to be awarded under the authority of and in compliance with section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or section 2304 of title 10, United States Code, as the case may be, for the competition or outsourcing of commercial activities.

(b) In this section, the term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(c) Nothing in this section shall be construed to effect, amend or repeal Section 8014 of the Defense Appropriations Act, 2004 (Public Law 108–87).

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I announce for the information of the Senate and the public that the following hearing has been scheduled before the subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, October 30, 2003 at 10 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 1241, to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes; S. 1364, to amend the Alaska National Interest Lands Conservation Act to authorize the payment of expenses after the death of certain Federal employees in the State of Alaska; S. 1433, to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the State of New Hampshire and Vermont; S. 1462, to adjust the boundary of the Cumberland Island Wilderness, to authorize tours of the Cumberland Island National Seashore, and for other purposes.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Tom Lillie at (202) 224-5161 or Pete Lucero at (202) 224-6293.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, October 23, 2003, at 10:30 a.m., in executive session to discuss pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 23, 2003, at 10 a.m. to conduct a hearing on Proposals for Improving the Regulation of the Housing GSEs.

The Committee will also vote on the nominations of the Hon. Roger W. Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of Governors of the Federal Reserve System; the Hon. Ben. S. Bernanke, of New Jersey, to be a member of the Board of Governors of the Federal Reserve System; and the Hon. Paul S. Atkins, of Virginia, to be a member of the Securities and Exchange Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 23, 2003, on pending Committee business off the floor in the President's room, immediately after the first vote of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, October 23 at 9:30 a.m. to consider S. 994, the Chemical Security Act of 2003, and S. 1757, the John F. Kennedy Center Act.

The business meeting will be held in SD 406.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FINANCE

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, October 23, 2003, at 2 p.m., to hear testimony on Company Owned Life Insurance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 23, 2003, at 9:30 a.m., to hold a hearing on Post 9/11 Visa Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Federal and State Role in Pharmacy Compounding and Reconstitution: Exploring the Right Mix to Protect Patients during the session of the Senate on Thursday, October 23, 2003, at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, October 23, 2003, at 9:30 a.m. in Dirksen Room 226.

Agenda:

I. Nominations: Henry W. Saad to be United States Circuit Judge for the Sixth Circuit; Dora L. Irazarry to be United States District Judge for the Eastern District of New York; Dale S. Fischer to be United States District Judge for the Central District of California; Gary L. Sharpe to be United States District Judge for the Northern District of New York; and William K. Sessions III to be a Member of the U.S. Sentencing Commission.

II. Bills: S. 1545, Development, Relief, and Education for Alien Minors Act of 2003 (the DREAM Act) [Hatch, Durbin, Craig, DeWine, Feingold, Feinstein, Grassley, Kennedy, Leahy, Schumer]; S. 1720, A bill to provide for Federal court proceedings in Plano, Texas [Cornyn]; S. 1743, Private Security Officer Employment Authorization Act of 2003 [Levin, Schumer]; S. 1194, Mentally Ill Offender Treatment and Crime Reduction Act of 2003 [DeWine, Durbin, Grassley, Hatch, Leahy]; S. Res. 239, Designating November 7, 2003, as "National Native American Veterans Day" to honor the service of Native Americans in the United States Armed Forces and the contribution of Native Americans to the defense of the United States [Campbell]; and S. Res. 240, A resolution designating November 2003 as "National American Indian Heritage Month" [Campbell, Hatch].

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SHELBY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 23, 2003, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. SHELBY. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine be authorized to meet on Thursday, October 23, 2003, at 2:30 p.m. Railroad Shipper Issues and S. 919, Railroad Competition Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that privilege of the floor be granted to Peter Winokur, a fellow on my staff, during consideration of this Transportation appropriations bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MICHAEL O. LEAVITT TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider Executive Calendar No. 405, the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion on the pending nomination to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 405, the nomination of Michael O. Leavitt, to be administrator of the Environmental Protection Agency.

Bill Frist, James M. Inhofe, Orrin G. Hatch, Conrad Burns, Judd Gregg, Ben Nighthorse Campbell, Michael B. Enzi, Wayne Allard, George Allen, Don Nickles, John Sununu, Lamar Alexander, John Warner, Robert F. Bennett, Mitch McConnell, Jeff Sessions, and Lindsey Graham.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the cloture vote occur at 5:30 p.m., Monday, October 27; further, that the live quorum, as required under rule XXII, be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATING OCTOBER 27, 2003, AS "INTERNATIONAL RELIGIOUS FREEDOM DAY"

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 251, which was introduced by Senator BROWNBACK earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 251) designating October 27, 2003, as "International Religious Freedom Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWNBACK. Mr. President, I rise to urge my colleagues and the American people to seriously consider the state of religious freedom around the globe.

Exactly 5 years ago we passed groundbreaking legislation aimed at combating international religious persecution. The International Religious Freedom Act of 1998 only established the U.S. Commission on Religious Freedom and the International Religious Freedom Office at the Department of State, but it brought the issue of the religious persecution to the forefront of foreign policy initiatives. Religious persecution remains one of the leading violations of human rights in our world today. It is particularly important that on the 5 year anniversary of the passage of this bill, we remind the world of our commitment to promote religious liberty for all people.

This Nation, founded by those seeking to adopt, believe, worship, observe, teach, and practice their religion, has declared in the first amendment that, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ." And over time, the United States was joined by other countries in signing numerous declaration and international agreements specifically acknowledging the universal human right to freedom of religion.

Despite the great achievements we have made concerning religious liberty, we can not close the book on the millions that still suffer persecution. I remind my colleagues that persecution often includes imprisonment, torture, forced conversion, rape and even death. In Vietnam, Christians are forced to drink the blood of animals and denounce their faith. In Uzbekistan, Muslims who do not conform to the government-prescribed ideas are imprisoned and often tortured. Thousands of religious minorities in India have been killed by extremist majority groups because of their faith. We continue to hear stories from China, North Korea, Sudan, Indonesia, Laos, Pakistan, Turkmenistan, Egypt, Saudi Arabia, Burma, Tibet, and the list goes on.

The people of Afghanistan and Iraq are currently faced with the challenge of incorporating religious freedom into the drafting of their new constitutions. As I have said before, religious freedom is the bedrock upon which democracy, hope and progress rest. Additionally, religious freedom is more than just the ability to practice one's faith, but it is central to other rights and freedoms, including a free press, public assembly, freedom of speech or the right to petition the government. All of these freedoms will be circumscribed if religious freedom is not part of the new constitutions being drafted in Afghanistan and Iraq. The time is ripe to unite and continue our work on behalf of the millions that have endured their own plight from religious persecution.

As we remember our victory 5 years ago, let us not forget the crucial work on religious liberty that remains at the forefront of foreign policy today. I hope that this resolution calling for the designation of "International Religious Freedom Day" on October 27, 2003 can be quickly considered and approved by my colleagues.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 251) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 251

Whereas the people of the United States enjoy and respect the freedom of religion and believe that the fundamental rights of all individuals shall be recognized;

Whereas fundamental human rights, including the right to freedom of thought, conscience, and religion, are protected in numerous international agreements and declarations;

Whereas religious freedom is an absolute human right and all people are entitled to do with their own souls as they choose;

Whereas the right to freedom of religion is expressed in the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, adopted and proclaimed by the United Nations General Assembly Resolution 36/55 of November 22, 1981; the Helsinki Accords; the International Covenant on Civil and Political Rights, done at New York on December 16, 1966, and entered into force March 23, 1976; the United Nations Charter; and the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984;

Whereas the freedom for all individuals to adopt, believe, worship, observe, teach, and practice a religion individually or collectively has been explicitly articulated in Article 18 of the Universal Declaration of Human Rights and Article 18(1) of the International Covenant on Civil and Political Rights;

Whereas religious persecution is not confined to a country, a region, or a regime; but whereas all governments should provide and protect religious liberty;

Whereas nearly half of the people in the world are continually denied or restricted in the right to believe or practice their faith;

Whereas religious persecution often includes confinement, separation, humiliation, rape, enslavement, forced conversion, imprisonment, torture, and death;

Whereas October 27, 2003, marks the 5th anniversary of the signing of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.), creating the Office of International Religious Freedom in the Department of State and the United States Commission on International Religious Freedom and resulting in a greater awareness of religious persecution both in the United States and abroad; and

Whereas the United States recognizes the need for additional domestic and international attention and action to promote religious liberty: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 27, 2003, as "International Religious Freedom Day"; and

(2) requests that the President issue a proclamation—

(A) calling for a renewed commitment to eliminating violations of the internationally recognized right to freedom of religion and protecting fundamental human rights; and

(B) calling upon the people of the United States and interested groups and organizations to observe International Religious Freedom Day with appropriate ceremonies and activities.

RECOGNIZING THE DR. SAMUEL D. HARRIS NATIONAL MUSEUM OF DENTISTRY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 52, which is at the desk.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 52) recognizing the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution in Baltimore, Maryland, as the official national museum of dentistry in the United States.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SARBANES. Mr. President, H.J. Res. 52 recognizes the Dr. Samuel D. Harris National Museum of Dentistry in Baltimore as the official national museum of dentistry in the United States. It passed the House unanimously and is a companion measure to legislation I introduced in the Senate, together with Senator MIKULSKI, S.J. Res. 12.

The principal purpose of this legislation is to help educate the public about the critical importance of oral health to the overall health of all Americans. Three years ago, U.S. Surgeon General David Satcher issued a comprehensive report entitled "Oral Health in America," which identified the problem of dental and oral disease as a "silent epidemic" facing the country. The report called for the development of a National Oral Health Plan, and recommended that actions be taken to "change perceptions regarding oral health and disease so that oral health becomes an accepted component of general health." By designating an official national museum and learning center dedicated to dentistry, this legislation takes an important step toward the achievement of this goal.

The Dr. Samuel D. Harris National Museum of Dentistry is the largest and most comprehensive museum of dentistry in this country, and, indeed, the world. An affiliate of the Smithsonian Institution, the Museum sits on the grounds of the Baltimore College of Dental Surgery, founded in 1840 as the world's first dental college. With over 7,000 square feet of exhibit space, the Museum showcases the people, objects, and events that created and defined the dental profession, including one of George Washington's famed ivory dentures. The Museum's vast archives also act as an important resource for research and serious academic study of dentistry's past, with a unique collection of historical dental journals and other one-of-a-kind documents.

By designating the Samuel D. Harris National Museum of Dentistry as the official national museum of dentistry, we will not only recognize the critical role that dentists and oral health professionals have played in the history of our Nation's health care system, but enhance awareness and understanding of the importance of dentistry to public health.

I urge adoption of the legislation.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be read three times and passed; that the preamble be agreed to; that the motion to reconsider be laid upon the table, all with no intervening action or debate; and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 52) was read three times and passed.

The preamble was agreed to.

NATIONAL CANCER PREVENTION MONTH

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 252, submitted earlier today by Senator HOLLINGS.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 252) designating the month of February 2004 as "National Cancer Prevention Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. HOLLINGS. Mr. President, cancer is a disease that affects families of all backgrounds in all parts of the country. This year over 550,000 individuals will lose their life due to this terrible illness. While we must continue to pursue promising avenues of research that will hopefully lead to a cure, individuals can take a number steps to reduce their risk of acquiring cancer.

Research shows that proper nutrition, adequate physical activity, smoking cessation, and receiving timely screening procedures can all reduce cancer occurrences. Unfortunately, many Americans do not take this advice and many others are unaware of the steps they can to help prevent cancer. The American Cancer Society estimates that nutritional factors and tobacco use contribute to approximately two-thirds of cancer deaths. In addition many individuals neglect early detection procedures. Only 50 percent of individuals receive the recommended screening for colon cancer, only 60 percent of men receive a timely prostate-specific antigen test, and 70 percent of women receive recommended mammographies.

Today I submitted a resolution to declare February 2004 as National Cancer Prevention Month. It is my hope that communities across the country will take this opportunity to educate one another on the steps they can take to prevent cancer.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc; that the motions to reconsider be laid upon the table, without any intervening action or debate; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 252) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 252

Whereas cancer is one of the most prevalent and devastating diseases to face society in the United States, taking over 550,000 lives in the United States every year;

Whereas early detection of some cancers can prevent the disease from reaching an advanced, potentially fatal stage;

Whereas recent advances in molecular biology have begun to explain the basic origins of cancer;

Whereas these research advances have opened new opportunities for cancer prevention research, giving increased optimism for effective cancer control;

Whereas the people of the United States need to be aware of these research advances and early detection opportunities so that they can better understand how to prevent cancer in themselves and their families; and

Whereas the people of the United States also need to recognize and be reminded that they can help prevent cancer through lifestyle changes, including modification of diet, cessation of smoking, and regular exercise: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 2004 as "National Cancer Prevention Month"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

MEASURE READ THE FIRST TIME—S. 1781

Mr. McCONNELL. Mr. President, I understand that S. 1781, introduced earlier today by Senators Dorgan, Snowe, and others, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1781) to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes.

Mr. McCONNELL. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

ORDERS FOR FRIDAY, OCTOBER 24, 2003

Mr. McCONNELL. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 tomorrow morning on Friday, October 24. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 10 a.m., with the time equally divided between Senator HUTCHISON or her designee and the minority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. For the information of all Senators, following morning business, it is the hope of the majority leader to proceed to the consideration of Calendar No. 227, H.R. 2800, the foreign operations appropriations bill. There will be no rollcall votes during tomorrow's session. As a reminder, a cloture motion was filed today on the Leavitt nomination to be Administrator of EPA. That vote will be the first vote on Monday and will occur at 5:30 p.m.

Mr. REID. Mr. President, if I could briefly respond to my dear friend from Kentucky, I think today is an example of a very productive day in the Senate. Not only were we able to complete an important appropriations bill but we were also able to get to some other matters that have been in the works for some time, such as fair credit reporting. It was very difficult to get it in its present position. I think we are in a position now where that bill can be completed. It will not be easy, but I think with a lot of very heavy lifting, we can complete that most important legislation. The vast majority of Senators on this side certainly want to move forward.

On behalf of the Democratic leader, I say we should use this as a guide to having a smaller omnibus bill. There are appropriations bills that we can complete. We have done some very good work. There are five remaining appropriations bills. The leader is moving to one of them tomorrow. I think we can complete that in a relatively short period of time.

Usually we are moaning about how little we have gotten done, how slow things have gone, but when one comes to the Senate, they do not enter a drag race. It is more of a long race every day. I think we were able to accomplish a great deal in the race we had today.

As I said before, it is an example of how we can have a smaller omnibus bill and complete some other important issues in the few remaining days of this year.

Mr. McCONNELL. I certainly agree with my friend from Nevada. We had a productive day. Let's hope we can do that again each day next week and make further progress for completing our work for the year.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:22 p.m., adjourned until Friday, October 24, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 23, 2003:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

CAROL KINSLEY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2006, VICE TONI G. FAY.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1211:

To be lieutenant colonel

GARY H. SHARP, 5348

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1552:

To be lieutenant colonel

JEFFREY N. LEKNES, 4541

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1552:

To be colonel

SAMUEL B. ECHAURE, 5757

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

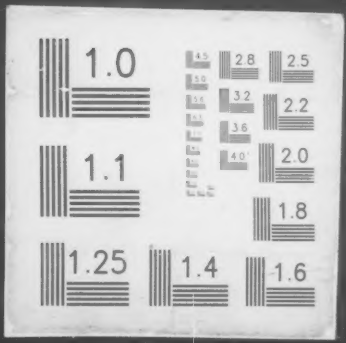
To be major

THOMAS E. JAHN, 2196
RODNEY D. LEWIS, 5860

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

SAMUEL C. FIELDS, 4224
ANTHONY A. GUSSMAN, 8587
ERIC C. JESSEN, 1791
JEFFREY J. MOYER, 8257
KEVIN C. ZEECK, 9911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